

Charter Commission

CITY AND COUNTY OF HONOLULU

Honolulu Hale • 530 South King Street • Honolulu, Hawaii 96813



SEPTEMBER 10, 2015
COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

Jesse K. Souki, Chair
Judge Michael F. Broderick
Guy K. Fujimura
Donna Ikeda
Nathan T. Okubo
Paul T. Oshiro

Cheryl D. Soon
Edlyn S. Taniguchi
R. Brian Tsujimura
John D. Waihee III, Governor

Charter Commission Members Absent/Excused:

Reginald V. Castanares, Jr.
Kevin Mulligan

David W. Rae, Vice Chair

Others Present:

- Kimi Yuen, President of the Hawaii Chapter of the American Planning Association
- Kathy Sokugawa, Chief Planner at the City and County of Honolulu Department of Planning and Permitting
- Randall Fujiki, Executive Vice President at the Resort Group, Inc.
- Eric Crispin, Vice President at Ohana Real Estate Investors, LLC
- David Tanoue, Manager, Surveying & Mapping and Planning & Permitting Departments, R.M. Towill
- Maxine Burkett, Associate Professor of Law, University of Hawaii at Manoa, Richardson School of Law.
- Dana Viola, Deputy Corporation Counsel
- Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
- Mary James, Research Analyst, Honolulu Charter Commission
- Norma Reyes, Secretary Honolulu Charter Commission

I. CALL TO ORDER

Roll Call

With a quorum present, Chair Souki called the meeting to order at 4:02 p.m.

II. EXECUTIVE ADMINISTRATOR'S REPORT

The focus of the Executive Administrator's (EA) report was the scheduling of meetings for the rest of the month and October. She pointed to the handouts provided to the Commissioners, noting that one was the "Proposed 2015-2016 Charter Commission Tentative 2015 Meeting Schedule," trying to schedule September 17 or 18 for further discussion of city planning, as well as for other topics. She also referred to the handout containing a table of all the Honolulu Boards and Commissions, entitled "Boards and Commissions – 2015, City and County of Honolulu, Legislative Branch," which indicated whether the boards were established in the Revised Charter of the City and County of Honolulu or in the Revised Ordinances of Honolulu. This table on Boards and Commissions was approved by Justin Gruenstein at the Managing Director's office. In addition, the EA pointed out a short research paper on climate change by Dan Rempala who is a third year law student at the University of Hawaii, Richardson School of Law. The EA noted that climate change is one of the topics for that day's meeting and that she had emailed copies of the research paper for the Commissioners' perusal.

III. INFORMATIONAL BRIEFINGS

Chair Souki announced that the Commission had two panels for the day's informational briefings. He noted they are holding these briefings before the October 31st deadline for submission of proposals. The informational briefings will give the Commissioners an opportunity to build a baseline of information as they study how government functions under the current Charter and allow them to evaluate proposals as they are received or to make their own.

Chair Souki said the first panel on the agenda is on City Planning which the American Planning Association, Hawaii (APA) helped put together. He also said he worked with Professor Burkett from the University of Hawaii Richardson School of Law to put together the second panel on Climate Change and Resiliency. He then introduced the City Planning panel.

Kimi Yuen, President of the Hawaii Chapter of the APA, introduced herself and the panelists. She noted that APA currently has a working group in their Public Issues Committee that is organizing comments to be submitted to the Commission for consideration.

Ms. Yuen introduced Kathy Sokugawa, the Chief Planner at the City's Department of Planning and Permitting (DPP) where she has been for over 35 years, has been an active

member of APA for around 15 years, and most recently served as Director at Large on the APA Executive Committee.

Ms. Yuen next introduced three former DPP Directors.

Randall Fujiki, DPP Director from 2000-2002, currently manages all planning, development, and permitting for the Resort Group projects in Hawaii and abroad. He has practiced architecture and planning for more than 30 years in New York, New Jersey, Washington, and Hawaii. His planning and developing expertise is derived from years of service as Director of three city departments: DPP, the Department of Design and Construction (DDC), and the department formerly known as the Building Department. He has also served as the Chief Planning Officer and Chief Building Official for the City. Additionally, he was Managing Director in Hawaii for Construction Management and Development, Inc. where he oversaw design and construction projects. Mr. Fujiki holds a Masters of Architecture from the University of Washington and a Masters of Planning from the City College of New York. He is a registered architect and fellow of the American Planning Institute of Architects.

Eric Crispin, DPP Director from 2002 to 2004, is currently Vice President of Ohana Real Estate Investors, LLC., a private capital resort hotel development company where he is in charge of Hawaii operations. Over his numerous years of experience, he has served as Assistant Vice Chancellor for financial and physical management at the University of Hawaii at Manoa; as Vice President of Acquisitions and Development at Starwood Hotels and Resorts; and as Director of DPP. Additionally, he has worked in real estate and development and spent about 14 years in architecture firms working on several major resort and large commercial projects in Hawaii and oversees. Mr. Crispin holds a degree in architecture and urban planning from Sao Paulo, Brazil. He is a licensed architect, in both Hawaii and Brazil, and has served as Honorary Consul for Brazil in Hawaii since 2001.

David Tanoue, DPP Director from 2009-2012, is the Manager of the Surveying and Mapping, and Planning and Permitting Departments at R.M. Towill Corporation, while serving as an advisor to all departments on planning and permitting issues. He has over 22 years of professional experience with an emphasis on land use and development planning. He also served in the City's Department of Corporation Counsel as the senior deputy providing legal counsel on land use issues to DPP, the City Council Zoning and Planning Committee, the Honolulu Planning Commission, and the Board of Water Supply. Mr. Tanoue holds a Juris Doctorate degree from the University of Hawaii at Manoa, Richardson School of Law, and he is also an active member of the Hawaii State Bar Association.

Commissioner Soon, noted that Ms. Yuen is the current President of the APA, and asked Ms. Yuen who she considers to be among the constituencies represented or impacted by the planning function, not the permitting function, at the City, if there is any group in particular, such as neighborhood boards or other particular groups, any group that has an

obvious stake or interest in the planning outputs, either internal or external, that Ms. Yuen considers “constituencies.” Commissioner Soon clarified “constituencies” as whoever has an interest in the city’s planning function. Ms. Yuen said she thought that would include a pretty broad community and could include the entire population of City and County of Honolulu as that is the group impacted by the City Charter.

Ms. Yuen said she thinks planning impacts the City’s entire population, and even within the assembled working group for the meeting that day, their comments and concerns, even though they deal with a wide range of topics from neighborhood boards to housing, all relate back to the Charter and could be impacted by changes to the Charter. She added that any such changes to the Charter could impact all members of the public.

Next, Ms. Sokugawa stated that she would talk about the overall planning process and how planning for the City is done. She began by explaining that the graphic on the first page of her handout represents the generalized way of doing planning in the City. It is very similar to planning departments across the nation and other cities, large and small. It is very much land use based, and DPP is primarily a land use based department, so they get most of their direction at the beginning of each project, from broad policies at the State level, which is the blue box at the top of the graphic, including policies, data, and maps from the State. And on these directions, they base the City’s long range policies, statements, and maps in the green box in the middle of the graphic. From these long range policies, maps, and statements, they get to more detailed systems plans, and neighborhood plans (NP) that ultimately all feed into, and are consistent with, the State Plan and long range City plans at the regulatory permitting level, which result in projects on the ground. She explained that’s the broad overall way planning is done on Oahu, including the connections to implementation. The second page of the handout provides the specific brand name titles. Noting the key on the right, she pointed out that asterisked items in the chart are mentioned in the City Charter. DPP has the lead on development plans (DP) and sustainable communities plans (SCP) as provided in the green box of the graphic. For functions in the yellow boxes of the graphic, DPP has shared the lead with other departments. The light blue boxes on the left show that specific mandates from the State level include the Hawaii State Plan, the State Land Use Districts (as managed by the State Land Use Commission, and which are comprised of a set of maps for the whole state), and the State Department of Business, Economic Development & Tourism (DBEDT) Numbers. Ms. Sokugawa explained that “Numbers” refer to population and job numbers that DBEDT provides to DPP, as well as numbers from functional plans and master plans for the State infrastructure systems for at least 20 to 35 years into the future. She explained that DPP takes that information and puts it in the General Plan (GP) as mentioned in the City Charter; and the GP helps DPP decide the growth pattern for Oahu, such as where the City decided it is going to “keep the country country,” or where DPP decided to build a second city in Ewa. Those big brush growth management objectives are contained in the GP. Ms. Sokugawa also noted that the blue box on the left of the graphic includes certain State agencies and

programs that are exempt from this planning process—most notably Hawaii Community Development Authority (HCDA), Kakaako, Kalaeloa, Heeia, as well as Hawaiian Homelands programs and properties. So the GP gives DPP a broad brush idea of what the City's future is, in particular, its growth patterns, including all the subject matters itemized in the Charter. And on the basis of an island wide distribution for population, there are some statements about development, as well as natural resources, public safety, etc., with which DPP develops regional plans (RP).

Ms. Sokugawa stated that there are eight RPs for Oahu. She explained that some of the RPs are called development plans (DP), some of them are called sustainable community plans (SCP). They are mentioned in the City Charter including their role, how they get adopted, and how they get reviewed. She stressed that these are long range plans. They take DPP planning out to 2035, 2040 and talk about land use distribution, population, and housing distribution within the region. All eight are grouped under the General Plan Policies section in the graphic. There are more detailed plans noted in the yellow box in the graphic under Functional Plans (FP), including Water Use Master Plan by the Board of Water Supply (BWS), Wastewater Plans by the Department of Environmental Services (ENV) or Department of Transportation Services (DTS) (noting that some of the Commissioners may be members of, or were members of the Association of Metropolitan Planning Organizations (AMPO) Policy Committee), and the Integrated Solid Waste Management Plan, etc. All of these FPs take the population and job numbers from DPP and use them to formulate their future plans for their particular infrastructure system. At the same time, DPP also develops Special Area Plans such as Transit-Oriented Development (TOD) Plans. DPP has developed project policy plans for Waipahu, Kahaluu, and in various neighborhoods where additional attention is needed. Again all are consistent with the RP and the GP. From these FPs, even more specific plans arise, including capital improvement projects (CIP), and specific plans for how City moneys are to be spent. Every year, the City budget is reviewed by the DPP for consistency with the DPs and GP. Ms. Sokugawa again noted the relationship between long range policy planning and how City money is supposed to be spent, with attention to more detailed neighborhood plans and systems planning. The rest of the planning functions are not really covered by the Charter except that they are mentioned as implementing regulations such as zoning, park dedications, subdivisions, and building codes. She explained that all of these functions are administered by DPP, which approves and enforces permits.

Chair Souki asked Ms. Sokugawa to remain for questions following the presentations.

Chair Souki said that the Commission wanted to understand how the planning function changed since the 1998 Reorganization. The Commission is interested in their thoughts on how planning is working in the City and would like to know if there are any changes that they would suggest putting into the Charter. He asked that they not limit themselves to evaluating DPP, noting it is the planning function at large that is of interest to the

Commission. So, if there is something missing from the Charter that the City should be doing, it would be helpful to know.

Mr. Fujiki noted that Jan Sullivan was director, and Commissioner Soon was also a director at the time the City was reorganizing. He noted that he was the Building Director at that time. He said there were three primary divisions, one was Permitting which handled building permits and one was Maintenance which ran the maintenance for all City facilities. He said the most impactful thing he was in charge of as the Building Director was parking. He said the third division was responsible for the planning and construction of City facilities. This division was responsible for building fire stations, police stations, and civic centers. He explained he thought it quite a “weird” department because the three primary functions were very different and involved very different programs. He continued that in Mayor Harris’ second term, the administration basically threw everything on the table to evaluate how City government really functioned, and decided to try to reorganize it based on function. He explained that he worked with Commissioner Soon, Jan Sullivan, and the Department of Public Works on the Reorganization and he went from being Building Director to Director of the Department of Design and Construction (DDC). He explained that his construction development arm went with him to DDC but DDC also included all the planning and construction functions of the various line agencies. As planning and construction “czar” of all the City, he worked on projects as varied as parks, wastewater treatment plants, and roads. He noted that the Reorganization focused on planning and construction for all City facilities. He told the Commissioners that it wasn’t perfect but it was much better than the previous format. He added that in Jan Sullivan’s department, they had to move staff around, including replacing senior staff. Ms. Sullivan then became head of all planning, and permitting, taking over what had previously been the building department, which included the building division staff who worked specifically on vertical construction. All permitting came under one purview, except for some small parts that were more closely related to the line agencies. He said he thought an example of this was that DTS retained their traffic control and traffic maintenance functions because they were more related to the operations of traffic. But in essence, most permits came under one department, DPP. When Ms. Sullivan left, Mr. Fujiki took over DPP. He thought it was a successful transition reorganizing and creating DPP, as well as DDC and the different other line agencies that now are more focused on what they really do. He said that over many different administrations, some things have been refined and changed.

Mr. Tanoue said he wasn’t involved in the Reorganization in 1998, as he started with the City in 2001, in the Department of Corporation Counsel. He worked with DPP as their deputy corporation counsel from the beginning, and was able to see the growing pains over the years. He said that the 2000 Edition of the 1973 Revised Charter of the City & County of Honolulu showed that most departments had one or two pages of listed responsibilities, but DPP’s list of responsibilities was exceptionally long, partly because the 1998 Reorganization put three major departments together: the Department of General Planning,

the Department of Land Utilization, and the Building Department. He thought part of the purpose of the Reorganization was to eliminate the siloes, especially on the implementation side of the permitting process so that everything relating to permitting approvals was under one roof. He noted that the Department of General Planning was under the Mayor's Office at one time, giving the administration at that time the opportunity to put the mayor's thumbprint on projects. But with planning now contained in DPP, the City seemed more tuned into implementation. However, he explained that implementation needs balance and that there needs to be confidence and predictability in the long process for needed public and private investment. Mr. Tanoue noted that the long process is challenged by the Ordinance mandate for updates every 5 years.

Mr. Tanoue affirmed that even though it was a challenge and one doesn't want these things to change too quickly because people use this for long range planning. The GP is the picture of the City's destination. How long it takes is another consideration, but there is also a need to get that information to the people. He cited Hoopili and central Oahu as examples where people didn't understand that they were envisioned since 1976. He explained that he thought that it was fortunate that it's taking a long time for these developments to be completed and that some projects have taken as long as forty years to even get started. But, he explained that this delay in construction might be the reason why Oahu is short on housing - it takes so long to get there. He continued that planners play an important role but noted that there was an opportunity when planning was under the Mayor's Office, that the Mayors could put their Administration's thumbprint on projects at that time. He said that they probably could still do it now but it was closer to the Mayor's office back then. Now, he concluded, a lot of it seems to be just implementing the GP, implementing the SCPs and DP s, and reviewing zone changes, which are all part of the big picture but he said he thought they might have missed some ability to be creative.

IV. DISCUSSION

Chair Souki said that the "talk story" segment of the meeting would begin, and asked the first question about the 1998 Reorganization, "Did it work?" He noted that when Malcolm Tom and Ben Lee were asked that question at a previous meeting, they looked at each other and said "yes," and that today's speakers appear to also agree that the Reorganization works. He continued that there are perennial questions for anybody who was involved in or knows about the reorganization process, specifically: Do we need to change it? Do we need to go back to the City organization prior to the Reorganization? Do we need to separate the various functions? Do you think it's working well? And why do you think it's working well?

Mr. Fujiki said now that he is no longer working with the City but for a development company and even before that, he thinks it is working well, in principle. He said he thought combining all the different functions within DPP was very helpful for a developer and for an architect because it's one group of people under one umbrella. When these

functions are all contained in one department, the director, or the senior staff can actually make decisions rather than having to shuffle between different departments, which was a problem in the old days.

Mr. Fujiki continued that one of the problems has always been understaffing. He continued that he thought third party reviews have been helpful for developers and for the staff. He said he thinks that in general the developers are finding that DPP is working well for them and it's predictable for them. He referred to an article by current DPP Director George Atta and realized that they all had the same problems including complaints from the public, which half the time were not justified. He concluded that he thought in general DPP does well and is predictable although there's always plenty of room for refinement, as with anything.

Mr. Fujiki then pointed out that, as a department, he felt DPP's hands were tied by the civil service system, by staffing, and by the budget which was always a challenge. As an example he cited the intake clerks who are the lowest paid and governed by civil service. They are often trained for a year, advance one step in the civil service system, and then leave to do something else because there's no future as an intake clerk. He said that he and Mayor Harris tried to change that but the civil service system is a state system which the City didn't and still doesn't have the power to alter. Mr. Fujiki believes that certain changes impacting intake clerks would have made a huge difference because although the intake clerks serve vital roles as the first line of people dealing with the public, they are not rewarded accordingly. Chair Souki said that it doesn't seem to be a Charter or framework issue, but rather a resource implementation issue.

Mr. Crispin said he understood the issue to be how DPP works today under the 1998 Reorganization as opposed to when it was divided into separate departments. He said that he believes that DPP works better now and that it does an admirable job under the circumstances. He said he thinks that both the intent of the Reorganization and the actual execution of that intent are successful. He said that he understands that the intent was to have under one roof the continuum of the whole spectrum that runs from the GP, which is the long term goals of the City and the island, all the way to the development plans and into the zoning plans, and eventually into subdivision rules and regulations, including actual implementation through issuing building permits and conducting inspections. He noted there are some severe shortcomings primarily in staffing and he thought that of all the divisions within DPP, Planning is probably the one that has been kind of a stepchild and suffered the most because of all of the fires that have to be put out in terms of issuing permits and conducting inspections for which there is a backlog. So the permitting side tends to get the most attention and therefore, most likely the most funding. He said his short answer would be to ask if there is a problem, then what is the solution. He then brought up the idea of creating a Planning Department separate from a Permitting Department, which he discussed with Ms. Sokugawa. He proposed creating a second DPP deputy who would lead the planning function and the other deputy would lead the

permitting function. Both would answer to the Director who would have the broader perspective. He continued that he heard Mr. Fujiki talking about the issue of retirement and the fact that a lot of the institutional knowledge that's been gained over the past thirty years is rapidly being lost at DPP as people retire and he agrees. But those are not so much Charter issues but what he would view as organizational or administrative issues which are really at the executive branch level, in addition to the legislative issues such as City Council funding levels and other issues.

Governor Waihee addressed the panel saying that it seemed like when the Commission had the conversation with some of the departments, planning was one of the areas that might not have fared as well in the Reorganization. This was not so much from the private sector's involvement with planning, but rather with permitting since the Reorganization was very heavily process-oriented. But, he said, some of the problems may have occurred with the functional planning, or functional parts of City government. He said an example that immediately comes to his mind is the Department of Parks and Recreation (DPR) – where the department itself did the planning for parks, but that the planning function was transferred. Those kinds of functional governmental related planning activities were transferred as well as the processing, apparently. So that in the implementation of the agency's responsibility, there was a lack of the planning ability. He asked if that is a valid conclusion, and, if so, would there be any way to fix it.

Mr. Crispin noted that he and Mr. Fujiki were thinking the same thing, and maybe that's where Mr. Tanoue was also going. He said his understanding was that before Reorganization, as Governor Waihee described, the internal servicing or internal planning and design of facilities for the City itself was by department. For example, he said that his understanding was that DTS would plan and design its own facilities. DPR would also do its own, as would the Fire Department, and so forth. All of that was reorganized under DDC in which both he and Mr. Fujiki had considerable experience and which Mr. Tanoue also helped advise. But that the idea then was that there was one internal consulting agency, perhaps with DDC.

Governor Waihee asked how that has worked. Mr. Crispin answered that DDC's work load is huge and in his experience with DDC at one point they had 1,100 active projects which would be a huge consulting firm by any standards, even by international standards. Being short staffed, the response was to hire out consultants and manage those consulting contracts in-house. And looking at the track record of the facilities that have been built, he said that in his view he thought DDC has done an admirable job of fulfilling the needs of the various line agencies.

Mr. Tanoue said that he thought if one looked at DPP, having put together these three departments, there's a single point of accountability, when it comes to development. There have been examples of what the Governor mentioned, and said he has seen a little bit of that in the past where there is no public works department. Governor Waihee agreed.

Mr. Tanoue continued saying that the work they were doing was to put the functions in the right areas. But in the simple, typical model, there was Public Works and everybody knew to go to Public Works if there were complaints. However, when it was broken up, one had to look at the specific areas, and realize that parks planning was under DDC, while parks maintenance was in DPR, and one can see where maybe, at one point, that there may have been concerns that things might be falling through the cracks.

Commissioner Soon expressed her concerns regarding system-wide planning and priorities. She explained that there is a gap taking place in City government and its functions which is to look at the big picture and say what needs to be done. The Commission would like to know if the City is properly constructed. She also expressed concern about housing which is a huge problem that everybody knows about, that the newspaper writes about daily. She said the Commissioners are looking at addressing the big picture in a more comprehensive way, and looking for any ideas because the Commissioners consider their job is to look at the long-term before the next Charter Commission convenes to get this City in a place so that it can handle these issues.

Commissioner Soon said that when the current process came before the Commission, Art Challacombe specifically said he used to be the parks planner, and he was one of the ones who told the Commission there is currently no park planning taking place, and the Parks Director said the same thing. He said that was just one area but it's one that comes to us from multiple sources so if there is a Parks Master Plan, neither Mr. Challacombe nor the current Park Director knows of it. Ms. Sokugawa said that when the Reorganization happened, the DPR Planning Branch went intact to DDC, saying that was a robust move, but that she is uncertain what the current situation is for that branch.

Chair Souki addressed Ms. Sokugawa saying that it did not make sense to him, though he did not necessarily understand the Reorganization as he wasn't around at the time. He asked if it made sense to segregate parks planning from City planning or if it would make more sense to integrate them. Ms. Sokugawa explained that one of the things that middle management had a lot of angst about in relation to Reorganization was that some of the functions of planning were not adequately addressed. Whether it was parks planning, public works planning, or other planning, it was not well-established where the responsibility was.

Mr. Crispin explained that one of the things they do in the private sector is cross-functional training where people sit in the other guy's shoes and learn the function, learn what it feels like to be one of those that the person is demanding services from, or providing services to, in somewhat parallel or similar kinds of disciplines. He explained that he realizes it is very difficult to achieve under the auspices of a union environment but, if they want to solve a lot of problems in the private sector, in private industry, it is an important discussion, and he felt that many issues can be ameliorated by this kind of cross-functional training. He

said he thought that it is a City Charter level discussion, because it concerns the union environment which makes it very difficult to even move somebody's desk.

Mr. Fujiki reviewed his time as the original DDC Director and explained how whether or not the Reorganization worked depended on the individuals in key positions, and how he felt it was a good blend of teamwork. However, Mr. Fujiki agreed with Mr. Crispin that priorities were questionable and that a lot of institutional knowledge was lost through retirement of those key people.

Chair Souki explained that when one looks at the Charter it should be considered the framework or the basic skeleton of what government is. In his opinion, if there is a good structure, a good framework, the loss of institutional knowledge can be counteracted with a framework and system that ensures that the continued operation goes on despite who is in that place. One thing he noted that he found confusing in DDC's presentation, under the Powers and Duties in the Charter, section 6-503 states that DDC has the authority for, among other things, planning. He questioned whether DDC should be planning things or DPP, which is supposed to have comprehensive planning responsibilities, and if there was a distinction that should be made, or should planning be taken out of DDC's functions and just have them be the engineers in design and construction. Ms. Sokugawa noted that to most people, there are two different definitions already. She explained there is the master planning for a region, infrastructure, for the whole island, or for a neighborhood; and then there is planning for a new school on a specific property. She agreed that they are being used interchangeably, using the same word for both ideas. She thought DDC's strengths would be planning for a particular facility such as building a police station in Kapolei. But she questioned how to address the need for projects such as fire stations in the region, or what the long term need for wastewater improvements and capacity building for Waianae or the Leeward Coast would be. She said she did not know if that has a nice little cubbyhole.

Chair Souki asked if there was a better way to define those terms, because there seems to be real tension. When he was at the City for two years, at Corporation Counsel, he actually saw that tension surface with DDC, which asserted jurisdiction over planning. He thought that the planning function might be better in another agency. Ms. Sokugawa said that was a great idea.

Mr. Crispin said that in his view, looking at it as an architect urban planner, it's an issue of scale. He thought the term is correct for both. There is planning at a regional level and planning at an island wide level, where the population growth will occur. So Kapolei as the "Second City" is where they will put resources. That means that each of the departments will be involved. There will have to be a certain number of police stations, and sewer systems will have to be planned, etc. Those projects are very much a planning function in the larger scale and most probably belongs in the DPP arena. Planning of the actual facility is also an issue of scale which involves planning within the property lines

that have been designated already in the larger, regional planning effort. Such planning becomes a design issue, and again, there are overlaps similar to overlaps in the roles of planner versus architect. Both are land use professionals, but it's just an issue of scale.

Commissioner Tsujimura asked the four presenters if they could come up with a definition that includes specific segregation between the regional and project specific. And, he asked if it were just a matter of inserting language clarifying what DDC is supposed to do versus what DPP is supposed to do. He said he thought that once they made that clear, it will be easier to identify what is their responsibility. So if the Commission can define these responsibilities in the Charter, it will become really clear what DDC's and DPP's responsibilities are on a going-forward basis.

Governor Waihee said that he thought in discussing planning there's always an attempt to define various levels of planning. In this case, they are discussing FPs, GP, and RPs, which indicate to him some level of distinction. He related that when he worked as a planner for the City a long time ago, there seemed to be strength in the area of what is now called FPs, and one of the weaknesses was the idea of general planning. In fact, he said that the reason why the general planning ordinances were all put into the Charter was to provide a way of forcing a broader view. But now, he explained, there seems to be a stronger vision of the broader view, but the connection between the two, the GP and the detailed project plans seems to be lacking. He inquired whether or not there was a disconnect between the general broad plans and the actual detailed implementation, or whether that was just something that one department was suffering. Ms. Sokugawa responded that the Commissioners may have used DPR as a poster child. She said she cannot say she knew all of them but there are different levels of strong connections with the GP and DPs and she noted that the Oahu Regional Transportation Plan (ORTP), is a strong connection between the big policies, the Federal government, the State government as well as the City, and there is big City Council involvement in ORTP, including staffing. She said those were strong examples where the connected relationship is happening without a Charter amendment. She also noted that, in relation to Water Master Plans, DPP is working very closely with BWS, in developing those RPs, and in fact, BWS is using regional plan boundaries for their regional plans. She also noted that it is going to the City Council for adoption, providing Council participation in the Water Master Plans. She added that the Fire Department took the initiative and did an island-wide survey of where fire stations or new fire stations are needed, based on growth information, population projections, housing plans, etc. The Fire Department decided, based on their federal response time requirements, where they needed fire stations. They worked closely with DPP, indicating where they felt they needed fire stations on what is called the public infrastructure map (PIM), for planning purposes, and they went to the City Council. Therefore, she said it's a checkered range of FP connections with the RPs, with some systems very closely tied to them.

Commissioner Soon said she thought Ms. Sokugawa's three examples make Governor Waihee's point which is that none of the FPs she described were done by DDC. Commissioner Soon stated that all the plans are in DPP and they have to tie to the GP which is good so the Commission may be looking at a solution in the Roles and Responsibilities, for the individual departments that will allow them to plan for their functional areas, which was stripped from them at one time. Ms. Sokugawa said she did not disagree, but noted that there's a checkered pattern right now.

Governor Waihee said that he assumed that the GPs or RPs have to be adopted by the City Council, and that process is very time consuming. He also noted that the FPs have to be adopted by ordinance, and asked at what level planning no longer needs to be done by ordinance or if that is ever possible. Ms. Sokugawa said that they don't know which functions should have a master plan, mentioning the traditional ones such as water, wastewater, and roads. Governor Waihee interjected that climate change should be added to the list of FPs. Ms. Sokugawa wondered if there should be a planning function for fire or police, or not, noting that any list is not comfortably, easily, or conveniently determined. And, she noted, if there are official plans, DPP would probably recommend that they be adopted, at least by resolution, as neighborhood plans (NP) are. In comparison, RPs and the GP are adopted by ordinance.

Chair Souki said there should be, as they develop a RP or SCP or any DP, at least require these agencies to respond and provide feedback and to incorporate such information as where the police station should be if there is projected growth in the area, or where should the parks be if growth in the area is expected because what the Commission is hearing from the community at large is that people, especially in this big growth period, want more foresight into what the future looks like.

Mr. Tanoue said not to forget the second half of the planning process which is the implementation, as Mr. Fujiki touched upon. He pointed out that in looking at priorities, there are plans in place that haven't been implemented. Using parks as an example, he said that staff can barely maintain what is in their inventory at this point. He thought maybe that's why the planning part is not a priority because of the struggle to maintain what is already in inventory. There are already parks on the books whose construction hasn't even begun. He questioned what the purpose of planning new parks is when DPR can't even keep up with what it already has.

Chair Souki said that any good plan has some kind of financial analysis in it. The city shouldn't say there should be a park in a certain place just because that's a good idea. There must be some kind of financing mechanism for implementing and maintaining it.

Commissioner Soon said she was aware that the Commission has spent a lot of time on planning, and that they have another panel today, but said she felt duty bound to ask each of the three former directors if the Planning Commission (PC) is still needed, or is it an antiquated notion. Mr. Tanoue said he thought it was still needed. He said it provides one

more opportunity for public vetting of a project that is going through the system. Maybe the PC could include some finer details, such as special use permits that need to go through the PC. He said it seems that things have been moving forward pretty fast, and the last thing that he saw that was really dragging was the issue with the landfill.

Commissioner Soon asked if the PC does anything more than either the Department or the City Council do, and if any provisions are added in between. Mr. Tanoue said that the PC adds another layer of advisory recommendations. Mr. Crispin said that he would echo Mr. Tanoue's comments, saying that he thought the PC serves to add "soft" vetting prior to going to a definitive vote by the City Council as compared to the neighbor islands where there is only one shot for approval, which puts a lot of political pressure on the PC because they are the deciding authority. He felt that, if the Charter Commission were to eliminate the PC and transfer the PC's functions to the Council, something would be lost. He explained that as a developer he would want to have as lean a process as possible, but the Oahu system tends to flow more smoothly than the Neighbor Islands' systems. The Neighbor Island meetings tend to be very contentious and emotional, probably because the PC is the final deciding authority, as opposed to being just advisory.

He noted one additional quick point relative to Commissioner Tsujimura's earlier comment regarding planning and further definition of the term as it applies to different scales which is that he would caution against the tendency or desire to put too much clarity into a definition, or to put things clearly into a box. He cited the example of Maui, noting that Maui's GP is not a general plan, but a document that's six inches thick with incredible detail that actually overlaps or conflicts with zoning laws due to an overreaction to a comment that more planning is needed, resulting in the wrong level of detail for a general plan rather than a broad vision. He suggested that the issue of scale should be kept as a broad vision, then narrowed down but relative to PC, the Oahu model is a good one.

Commissioner Tsujimura felt that there is not enough money for all the staff that's needed so if the PC were to be eliminated, it would free up monies for staff for something else. He said that just because it's purely advisory, he didn't see the reason to have two shots and he is not concerned about the politics. He explained that, if it were a final authority and it didn't go to the Council, he would consider that the PC serves a useful function. However, if all it does is provide an advisory opinion and the Council is free to disregard it, then the whole question is why the PC would be needed. Mr. Crispin pointed out that it requires a supermajority vote so there is a "check and balance."

Commissioner Tsujimura noted that there are four boards and commissions under DPP and asked whether any of them are useful. He has had a history with all three of the presenters on the Zoning Board of Appeals (ZBA), which he felt is a total waste of time. He inquired again whether, with a limited amount of resources, if all of these commissions and boards in DPP are really needed. He then asked how much staff time DPP provides to the PC. Mr. Fujiki said staff prepares the report that eventually goes to the Council, with the

refinements they make from the comments that the PC makes, so he didn't think that was a big resource issue. Mr. Fujiki felt that the PC was a good idea because it provided a nonpolitical venue.

Mr. Fujiki said the Building Board of Appeals (BBA) gave the applicant another shot at getting DPP approval when the Director denies a permit because his "hands are tied". Ms. Sokugawa pointed out that BBA met only once or twice a year. Commissioner Tsujimura questioned its necessity under those circumstances and suggested that an applicant could go directly to the Circuit Court, which Ms. Sokugawa pointed out would be costly for DPP and for the appellant.

Professor Maxine Burkett gave a presentation on climate change and its impacts on Honolulu and the State at large. She introduced two colleagues who have both had an impact in the area of climate. Dr. Chip Fletcher, Associate Dean of the School of Ocean and Earth Science and Technology at the University of Hawaii at Manoa, would provide a quick synopsis of climate impacts for the State, and for Oahu in particular. Dr. Makena Coffman, a professor at the Department of Urban and Regional Planning at the University of Hawaii at Manoa, will speak about some of the economic impacts and the overview of some of the solutions that could be provided with respect to planning for climate change. Dr. Burkett said she would conclude with a discussion from a legal perspective, and about what other municipalities have done, and how we might make ourselves more resilient, with better policy planning.

Dr. Fletcher provided a quick list and a quick review of climate impacts in Hawaii, climate change impacts in Hawaii, and covered sea level rise, heat waves, change in precipitation patterns, change in storminess, ocean acidification and warming, and ecosystem threats as a result of these other environmental factors.

Last month, he said that the National Aeronautics and Space Administration held a special media event to announce to the world that given what we know now about how the ocean expands as it warms and how ice sheets and glaciers are adding water to the seas, it's pretty certain that we are locked into at least three feet of sea level rise and probably more. In Hawaii, this will result, in coastal erosion, wave flooding, ground water inundation, drainage failure, hurricane and tsunami vulnerability. He showed a PowerPoint slide of the Ewa region under three feet of sea level rise at high tide and the areas projected to be flooded by the water table because the water table will rise as sea level rises. It also showed areas that will be flooded by sea water coming out of the drainage system.

Chair Souki asked what year that represented. Dr. Fletcher said it represented the end of the century, showing water coming out of the drainage system where rain water was supposed to go in. Commissioner Soon noted that that was what happened last week in Iwilei. Dr. Fletcher said that was a good example of a drainage system that was under-fitted, not only for the intensity of the rain but also high tide, and eventually sea level rise will make it nonfunctional.

Dr. Fletcher showed a model of the result of simple wave inundation, waves associated with a summer swell event coming out of the southern hemisphere. At the end of the century, under three feet of sea level rise, one can see over a hundred homes subjected to waves moving across the shore line with some velocity. He then showed the sea level projection for Honolulu's urban corridor at the end of the century, noting that again much of this will be sea water coming out of the drainage system, and showing the water table rising and forming wetlands. He explained that at two feet of sea level rise, a lot of wetlands will develop in areas where the water table is close to the surface.

Dr. Fletcher told the Commission that heatwaves are the most lethal type of climate impact. Nine of the ten deadliest heatwaves in history have occurred since the year 2000. 130,000 deaths have been attributed to heatwaves in the world since the year 2000. Extremely high temperatures observed today once in twenty years, by mid-century, in 35-40 years from now, are predicted to occur every two to four years. Record highs are now more than twice as likely as record lows. If the climate was not changing, one would expect record low temperatures and record high temperatures to occur at about the same time; but now there is a 2-to-1 ratio of high to low temperatures. And just today, an article came out about Australia saying that their ratio is 12-to-1, that is 12 record-setting hot days to every one record setting cold day. And there are strange weather anomalies, as in India, where most of the subcontinent of India was subjected to temperatures as high as 120 degrees this past summer. And Iran experienced a combination of heat and humidity equivalent to 168 degrees outside. The human body simply cannot offload the heat that it produces at those sorts of temperatures.

Dr. Fletcher then discussed precipitation, saying that global drought has increased by 10 percent, and extreme rainfall has also increased because there's more water vapor in the air, meaning less soil moisture, less water on the ground, and when it does rain, it's more "cats and dogs," it's more intense. He explained that this has food impacts among many other impacts. Currently wheat provides 20% of the protein for the world. Under rising carbon dioxide (CO₂) amounts in the atmosphere, wheat takes up less nutrients and less protein making it less nutritious. Therefore, it is predicted that by 2050, with rising population, there's going to be a 60% increase in demand for wheat, yet wheat yields will be declining by 15%. In Hawaii, future rainfall is still unclear. Hawaii has different types of computer modeling taking place, leading to somewhat confusing results. But a couple of results have come out, showing that there will be decreased winter rain in dry areas, longer and drier dry seasons, resulting in greater demand on irrigation. This is from the results of the physics-based model, which shows that a large area of central Oahu is going to be subjected to decreasing precipitation on the order of 10-20%. Central Oahu is where a lot of our local food is grown.

Changing storminess has already been shown to have caused a localized increase in rain intensity on the Big Island and on certain places on Maui, and that may further increase. That increase in rain intensity means that all the rain comes down and runs off right away.

There's no long soak involved and instead there is a major run-off event. And tropical cyclone paths are shifting toward the poles throughout the planet. With warmer air and warmer sea surface temperatures, there will be increased rainfall and increased wind speeds associated with tropical cyclones so they will become more damaging; and this year a greater frequency of tropical cyclones has been observed in El Nino years. This year there have been nine tropical cyclones so far, and the average for any year is four to five in the Central Pacific. The record high was 11 tropical cyclones. We still have two months left in the season to see where it ends up. He showed a slide with the plot of tropical cyclones in the Eastern and Central Pacific pointing out Hawaii. And as these tracks migrate to the North, they aim more at Hawaii, and they aim more at our windward sides.

Ocean acidification and warming leads to increased coral bleaching, and there has been a coral bleaching event taking place for over two years around Hawaii. Decreased calcification among the entire marine ecosystem means that marine ecologies are more challenged to secrete the exoskeleton and the internal skeletons that they have. In addition, reefs around Hawaii are already over-fished and polluted, so these reefs are already stressed. He showed a slide of a bleached reef.

Finally, Dr. Fletcher discussed ecosystem threats saying that a new climate envelope is developing. He explained that through time, there will be cold years and warm years but as the climate warms, future cold snaps, or cold years, will be hotter than previous hot years. And so as our ecosystems evolve, there will be a whole new climate envelope for our ecosystem both in the ocean and up in our water sheds. Add that to changing rainfall, and these factors provide inviting conditions for invasive species. He showed a slide of invasive species and noted that basically the vines shown in the slide can bring down entire water sheds.

He concluded by explaining that CO₂ is unlike other types of pollution. To clean up a river polluted by a factory, all that has to be done is to remove the factory, and in a little while, the river will clean up. But once CO₂ is in the air, it stays there for centuries to millennia, warming the earth the entire time. So we already cannot avoid certain severe aspects of climate change. Therefore, in addition to mitigating climate change by reducing greenhouse gases, we need to adapt to the types of impacts that have been discussed.

Dr. Coffman said she was asked to provide a very broad talk about some of the planning policy responses and how we think about this, and then Dr. Burkett will talk about more specific solutions. She began by saying it is very easy to just ignore climate change because it's overwhelming. She provided some quotes out of the latest inter-governmental panel on climate change report, noting that Dr. Fletcher defined the physical impacts very well so she needn't go into that further but would provide policy responses. She also provided a quote from "The Summary for Policy Makers," because it emphasizes the importance of multi-level governance and cooperation on this topic which isn't something that requires just global cooperation or national action. It requires regional action, and

action must be taken at every level of governance. She said she thinks that how we respond is a very important concept. And, she said, the last quote relates to issues of risk and vulnerability, “Climate change will amplify existing risks and create new risks for natural and human systems. Risks are unevenly distributed and are generally greater for disadvantaged people and communities in countries at all levels of development.” She explained that this means the most vulnerable will become worse off in this rapidly changing environment. And this is not just between countries but also within regions, and this should also always color our planning responses, to consider the impact on the most vulnerable, particularly by climate change.

She explained that a broad starting point is a vulnerability assessment. This is a measure of risk and resiliency, of how we think about three elements: exposure, sensitivity, and adaptive capacity. *Exposure* is the incidence of the physical impacts, and thanks to the work of Dr. Fletcher and others, we are getting a good handle on the physical impacts. Much of the emphasis has been on sea level rise because this is where the science has most certainty in terms of projections, but clearly other impacts should also be included. For example, she suggested that things around ocean acidification are also going to have tremendous impacts yet we don’t have a very good handle in terms of the inter-action with social systems.

If there is an enormous storm surge but there are no people or buildings to be effected, one might have tremendous exposure but the *sensitivity* is low. If there are people and infrastructure affected, our sensitivity becomes quite high. So it really depends on this interaction between exposure and sensitivity, in terms of impact on the human and natural systems. The element of adaptive capacity determines how people can actually respond to this, how resilient the system is. And this goes not just to resources but also to the strengths of social networks and to the strengths of institutions. She posed the question, “Are there social safety nets?” For those that are risk-vulnerable, how can we operationalize those.

When one thinks about *adaptive capacity*, it should be done at a larger scale, a broader community scale. The question should be, “How does this community have the ability to respond?” She explained, “But also down to the individual level, it really needs to be thought of by sectors, as well as by groups within communities.” In terms of general planning responses, she said she thinks they could be bucketed into the ideas of accommodate, retreat, abandon, and protect. *Accommodate* really is the idea of mitigating in place, so one doesn’t necessarily need dramatically change day to day life, but rather one can find ways to live with the new environmental impacts. An example might be raising houses so that storm surge can wash underneath them. Or in terms of dealing with flooding, accommodation might also include things like green infrastructure where water is diverted into parks or other areas that can handle extra water. We need to be more creative in the way that we plan and design cities.

Retreat is the exact opposite of accommodation. Retreat is abandonment of the area, moving someplace else. Retreat options are generally thought of after disaster occurs. Rather than rebuilding in place, it means moving to higher ground, or different areas. That's usually when we see retreat as an attractive option.

Avoidance is kind of a slow retreat. Avoidance has to do with the distinction between existing development and new development. It can mean creation or laws that prevent development in vulnerable areas and instead slowly phase new development into other areas and the existing development, over time ages, and kind of goes away, to some extent. That's a very slow retreat, a kind of manager retreat option. An example of this could be aggressive setback laws which fall under this avoidance category.

And lastly, *protect*, which is really a concept of engineering solutions. Are there ways to harden our shores, to build higher sea walls, to build levies or revetments, or anything that can engineer the solution? Things like addressing sewage systems are also under this protect category. Really none of these solutions are entirely mutually exclusive so they can be pursued together. And they also depend on timing, cost, and land availability.

Dr. Coffman discussed how we should think about going forward with any of these options. She said that cost benefit analyses have to be done with a climate lens and long-term thinking. Therefore, all these expected future climate impacts have to be incorporated into decisions today so that we are making smart decisions about infrastructure investments, smart decisions about institutional arrangements for our people. She concluded that examples of this might be the concept that urbanized areas benefit most from protective measures which is what planners have talked about in terms of urban areas. It makes a lot of economic sense, to pursue hardening techniques in urban areas. She continued that when people have looked into specific studies of a region, they've found things that are quite different. There are some urban areas that might not actually benefit from this hardening because of their topography, because of specific land use characteristics, etc.

And there's also a line of thought around the issue of risk and storms, which is that, if you pursue this sort of engineering-based approach, you don't really forecast properly. You don't have the right gauge on the level of uncertainty to allow a decision on how high a sea wall needs to be. In the case of storms, a false sense of security can put people at risk. Therefore, there is that issue no one knows entirely.

Dr. Coffman concluded that new developments should be addressed differently than existing developments, which gets to the issue of setback laws and other critical development questions that we are going to face in the very near future.

Dr. Burkett concluded this portion with a discussion of how other communities have dealt with this issue. She noted the importance of how the law and policy can generally deal with it at the local level.

Unsurprisingly, the four examples Dr. Burkett offered are also coastal cities which are areas under stress in multiple ways, in the way that Dr. Fletcher mentioned but obviously also with respect to our coastal vulnerability and sea level rise. Broward County was one of the first, in terms of a Charter amendment which was adopted in 2008. The community was asked if there should be essentially a right to sustainable development, one that's protected under the Charter. That included clear air and clear water, and encouraged stewardship of natural resources. When introducing this amendment, it was important to acknowledge the County's great vulnerability to the impacts of climate change, particularly sea level rise. This is one of the broadest provisions, which actually looks more to a lens through which we make decisions, and added to the Charter a Right to a Sustainable Environment.

Broward County Commissioners later recommended the creation of an Office of Sustainability, which is usually the preferred route. They also recommended a program on energy and sustainability which they now have. The other sustainability offices that best address the issue of sustainability and specifically climate change are in New York, San Francisco, and Philadelphia. The New York City Charter established the Office of Long Term Planning and Sustainability, charged with developing and coordinating the implementation of policies, programs, and actions to meet the long-term needs of the city. It specifically mentions climate change as one of the overall concerns of sustainability citywide. They also have as their charge, raising public awareness, developing measurable sustainability indicators, and looking at resiliency of critical infrastructure and protection of coastal communities. Dr. Burkett stated that she the amendment was put into effect in 2000 which was pre-Sandy.

She continued that the San Francisco Charter amendment established the Commission on Environment. This Commission is very similar to the Philadelphia Charter amendment, in that it charges the Commission with setting guidelines for sustainability.

Philadelphia's Charter provision created the Office of Sustainability in a 2014 provision. The office is charged with overseeing and setting guidelines for sustainability. She noted that the charter amendment specifically identified energy use, greenhouse gas emissions tracking, and climate change preparedness planning as key parts of the charge for this office.

One other important overarching analysis that was done in 2010 by the National Association of Counties was the sustainability survey. They looked at the counties that have introduced some form of sustainability planning, asking them a series of questions, both about the impacts and outcomes of having these kinds of positions and offices and asking how they were situated, where they were organized, etc. According to the report that accompanied the survey, the most important benefit counties realized from coordinated sustainability efforts was cost savings. That was a big part of the benefit of organizing around sustainability because it provides greater efficiencies and less waste. It also showed

where the sustainability coordinators are usually housed or situated. The highest concentration is usually in operations or planning, and development departments, for the sake of consistency.

Around the same time here in Hawaii, the Center for Island Climate Adaptation and Policy was looking at how to respond to sea level rise, specifically using existing policy tools. Some solutions would be proposed, but the ones that are most relevant for this conversation demonstrate that there is a lot that can be done at the City and County level. In fact, most of the work would be done here. The initial steps that might be taken would be organized using policy tool rankings, determining who the lead agencies would be, and the time frame in which we would want to see this kind of effort undertaken. As can be seen with respect to accommodation, which is what Dr. Coffman referenced, there are a number of instances in which City and County work would be important.

Similarly with respect to the concept of Retreat, there are a number of roles for the City Council, City offices and agencies. The same level of involvement is true for the concept of Protection, where there is significant work that can be done at the City and County level. So one question that might be asked, is, "What's the benefit of a Charter amendment?" She said the biggest thing they've seen first is how other thoughtful leaders responding to climate and resilience have done it. And they seem to be doing it well so far. The statement of using a climate lens for policy purposes was demonstrated by Broward County. This acknowledgement of rights must be done by an office, through a well-situated, coordinated sustainability effort. They have also been able to leverage additional federal funds and private philanthropy that often requires that there be a designated staff to access the sustainability and climate preparedness funds. She said it's also important to weave into the fabric of governance. Climate change as an issue that will increasingly define our ability to manage our communities over time. She said it is critical that resilience in the face of climate change becomes an integrated part of the way we do business. And for this reason, and as demonstrated by other leaders in sustainability in governance, it merits a specific policy in our City's foundational document.

Commissioner Broderick said he was struck that there wasn't any prefatory language that seems to acknowledge the severe consequences discussed by Dr. Fletcher. He said his concern was that if they proposed an amendment similar to the other municipalities, the voting public wouldn't have any context in which to vote. Dr. Burkett agreed, and Commissioner Broderick asked how that issue could be addressed.

Dr. Burkett said she thought what would have to happen would be a pretty sustained and purposeful public education outreach effort leading up to any sort of vote on it. A lot of the jurisdictions they looked at had a fair amount of familiarity with climate change. The conversation with climate change was much more infused in their City government discourse and again with the public voters. She said that would absolutely have to happen and it wouldn't happen in a vacuum. It would only happen with a lot of public education.

Chair Souki emphasized that one of the things that the outreach committee would need to do after they select which proposals will move forward to the ballot is conduct an education campaign. Commissioner Broderick agreed.

Dr. Fletcher noted that there is also a document entitled, Climate Change Impacts in Hawaii, 2014, published by Sea Grant that is publicly available and is written for a layperson.

Commissioner Tsujimura asked all three of the presenters that, if we assume that the sea level rise is inevitable, isn't it urgent to have some kind of statement in the Charter that deals with the loss of coastal properties, and that "Retreat" is necessary. He asked if we need to start embodying the whole notion that if somebody loses a property between now and 2050 because of sea level rise, that they should not be allowed to rebuild. He said he was referring to the North Carolina cases, and the coastal problems that were happening there. He explained that essentially people were being allowed to rebuild and rebuild, making the stilts higher and higher to accommodate the higher waters. He asked if the Commission should put that question to the community, noting that certain people along the coast are going to lose their property. He said that it's important to consider the fact that Hawaiian law basically says that the State owns the land up to the high wash of the waves.

Dr. Fletcher explained that climate change is and always will be to blame for damage by the sea, or damage due to sea level rise because the waves are constantly changing. One year, there may be big waves because of El Nino which affect Hawaii. And there are always changes in precipitation. When a house gets destroyed, or land gets eroded, it takes place very rapidly and it's almost impossible to say that it is due to climate change, even though it's obvious that the entire physical system is now on steroids because of climate change. Commissioner Tsujimura agreed.

Commissioner Tsujimura said he looked back on a conversation with President Anote Tong of Kiribati which has seen the effects of sea rise. In looking at that, and if the projections on the maps are right, and Hawaii is faced with not just storm waves, or ocean waves coming up, but also the ground water level coming up he said he felt that was a major problem and the sooner the state begins to discuss it and address it, the sooner it can deal with compensation, both private and public. Dr. Fletcher said that land owners need an exit strategy but wondered what that would be. He said that the state or county would not be able to get landowners to leave voluntarily. In his opinion, landowners think they can armor through such a situation. He suggested that maybe there could be some relief for homeowners who left their property, something like the Legacy Land Commission. If the State's Legacy Land Commission's budget were given another zero then instead of \$6 million they would have \$60 million, and the city and state could start picking up properties - maybe those that are next to city and county beach parks, or state beach parks. Commissioner Tsujimura pointed out that even that much money would buy few

properties. Dr. Fletcher suggested that year by year, the problem could be chipped away at in the most critical locations.

Commissioner Tsujimura agreed, noting that much of our infrastructure, including most of our major electrical trunk lines, a lot of our sewer trunk lines are all along the ocean. And if in fact there is a ground water rise and a sea level rise, and these infrastructures get infiltrated, it will be problematic as it will no longer be just the people whose properties are flooded, but be everybody who has to use that line to get their sewage from point A to point B and to the pump stations. Dr. Fletcher added that the infrastructure that is currently buried will become exposed and groundwater will become saltier.

Dr. Coffman agreed that this is a major consideration and agreed with Dr. Fletcher that we must think about a proactive exit strategy, which is a very thorny question. She also noted that there is an educational component that goes to the entire issue that new home buyers really need to be educated on the risks, especially since right now there's a problem of asymmetric information where the developer or the current land owner might have more information than the purchaser. She felt that it's imperative to ensure that education gets out to people so that we don't have that asymmetry, because that's really going to drive market issues.

Dr. Burkett explained that the earlier discussion shows exactly why a coordinated effort is needed at the City and County level. She said she enjoys big, thorny, complex problems but no one wants any one person making these decisions. In fact, it has to be a well-coordinated series of conversations of how best to make these decisions because their impacts are community wide, even if it seems that it is property owner by property owner. So there are opportunities to ask that question and there are best practices that are occurring in some other parts of the world where they're trying to tackle these issues, especially when there are property rights concerns, and various serious legal issues are going to be at play.

Commissioner Tsujimura said he thought his concerns for Hawaii are based on our unique land use laws with regard to where property lines are which complicates the issue in a little different light than if we were in some other jurisdiction.

Governor Waihee noted that Commissioner Fujimura mentioned in passing the matrix on the impact of climate change and asked if the factor of migration has been studied. He said it seemed to him that every time climate changes, human migration gets tremendously skewed, and it would seem that this will be a very important issue for Hawaii, vis a vis the Pacific Islands. He explained that if the water raises the ocean three feet, there will be no Majuro so he wondered how it should be dealt with.

Dr. Burkett agreed that migration is a major consideration. She said that she has done research on climate and induced migration and they are looking at that very issue. She said there have been early reports that some of the migration they have seen from the affiliated Pacific Islands is due to stresses that are environmental, even though they may look like

economic issues of not having a livelihood on a particular island and then needing to move here. She said they are trying to untangle what is the climate finger print in all of that, and they certainly see in the research, and suspect and expect that there will be even more migration especially throughout the Pacific. She pointed out that this is another area where they need great coordination in the way that Dr. Coffman was referring to from all sides. She said that as we deal with movement between island nations and nation states, and our affiliation with those islands, we also need to deal with the local impacts on the host communities. She pointed out that Honolulu knows about that in terms of the services that are stressed as a result of uncoordinated migration. She said she suspects that this issue, as they get better information on it, will be part of the decision making of a body that would be specifically looking at how we shore up our resources to host potentially many more people as a result. She explained that she's the lawyer that is currently working on that study.

Governor Waihee asked whether the first proposal for the Charter amendment in Florida which talks about the right to a sustainable environment creates some kind of a citizen's right to sue. Dr. Burkett said she didn't see any citizen's action in there, explaining that there needs to be consideration in all of the ordinances that are passed that affirmatively advance that right but is not concerned about a cause of action attached to it. Governor Waihee pointed to a specific provision in the Hawaii Constitution that provides for a right to sue for something about the environment and wondered whether or not that would create the same thing. Dr. Burkett said that was not her understanding based on this Charter amendment, pointing out that it was a 2008 amendment, inspired by the stresses that Broward County was feeling as a result of climate impacts. In addition, she explained that the migration studies, specifically at the University's East-West Center, include a number of partners who are in a research project to look specifically at predicting or attempting to predict how many people might move to Hawaii as a result of climate change. She said she would keep the Commission posted on that research.

Dr. Fletcher noted that there's an example of the migration problem that happened today on the Island of Ponapee in the Federated States of Micronesia. There's a community of 10 blocks by 10 blocks. They left during the 1974 El Niño when there was a tremendous drop. They are still in plywood huts without any plumbing, and they are squatters going on two generations now. Governor Waihee said that he's actually seen that.

Chair Souki noted that the concept of setting up an office through the Charter to tackle the issue might make sense because it's integrating different issues and impacts like the immigration issue. He cited Seattle as an example where the mayor set up an immigration office because the city of Seattle deals with so many immigrants. Even though it's a federal issue, the city set up an office to deal with people who are immigrating and to help integrate them into society and determine what kind of services the city should provide. He asked if that was the kind of thing an office like that might do as well. Dr. Burkett responded, absolutely. A coordinated function would make absolute sense. Also, and she

deferred to Dr. Fletcher about it, she said that we now have at the state level an interagency climate adaptation committee which would work and sync well with what the City and County might do with the standing office, in terms of coordinating efforts. She questioned if that would be relevant. Dr. Fletcher said it's called ICAC, Interagency Climate Adaptation Committee, and is being hosted by the Office of Planning as well as the State Department of Land and Natural Resources (DLNR). They are having their second meeting on September 22nd in the DLNR boardroom where they will present some of their climate modeling, some of which the Commissioners have just seen. In addition, a consulting firm, Petro Tech, is going to do a socioeconomic analysis of the Ewa region based on that. And they are going to be dealing with sea level rise over the next three years and hope to come out with a report, not a plan, on this issue and that ICAC will hopefully move on to the next climate change issue which might be heat waves, or rainfall, etc.

Dr. Burkett continued that the notion of what was mentioned with respect to Seattle and other places, climate stresses will be diverse. And where this kind of entity is placed will say something about its potential. While it's often found in planning departments, it can also be found right in the administration and be a sort of standalone coordinating effort that would tie together some of the major threats with respect to the City's vulnerabilities.

Commissioner Soon asked if it's going to be an office and noted that the presentation was on climate change but they seem to be making these offices much more generic and calling them offices of sustainability, and wondered if something was lost that way.

Dr. Burkett said that was a good question. She explained that when she did her initial research on climate, it was interesting to see how it was framed and buried. She thinks the Charter Commission could consider something that looked more specifically at climate change preparedness and create an office of climate resilience or something similar. That office would then have access to greater definitions of vulnerability when looking at sustainability and it could also look for opportunities to access additional partnerships and funding around energy. There are different ways that one can structure this to access various other partners. What it does to the mission is really up to what is thought to be most effective. Sustainability has its strengths in that it can capture a number of areas but perhaps they should consider something a little bit more directed given the numerous vulnerabilities.

Commissioner Soon said that there are some who feel that it's lost its meaning because it's used so widely and they could form an office of sustainability which could provide information about all the trash pickups on the beach. She suggested it be named the Office of Climate Change and go from there.

Dr. Coffman agreed with that, saying that she thought the concept of sustainability would be very broad with climate change an element of that. But she said she thinks it depends on other factors. She used New York City as an example, noting that it also has made tremendous, very specific efforts around climate change adaptation. In 2008 they set up a

task force specifically looking at the challenges New York City was facing. From that they formed another action group that's focused on assessing risks and vulnerabilities and, since Hurricane Sandy in 2012, the city has taken far more action. Therefore, even if it's broader in one area, it doesn't preclude taking more specific actions.

Commissioner Soon expressed her concern regarding efforts to get administrative leaders to look at the bigger picture, and what would be required to include climate change. She felt that the Commission has a small role and that they are looking for that place in the structure that gives it the greatest chance of success, assuming the Commissioners know what subjects they want to be successful. Dr. Fletcher said that regarding the name, climate change is an urgent crisis that happens to be slow moving but it is a crisis nonetheless. Sustainability doesn't have any of those characteristics so he thought the name should be Climate Change.

Commissioner Tsujimura added that whether a Charter amendment like this passes or not, if it gets people talking about climate change and what the threats are, they can at least put a marker in there, because ten years from now when the next Charter Commission comes up, climate change issues are not going to be quite as ephemeral. Climate change is going to be much more real by then. He thinks it's right around the corner and people need to become aware that there are consequences coming and they need to start thinking about them.

Commissioner Soon expressed concern that if the office is placed in the Mayor's Office and it takes ten years to get started which is 2 ½ terms for the Mayor. She wondered how anything would be accomplished.

Commissioner Fujimori said he thinks it's basically, obviously a step-by-step process and there's not going to be a final solution that the Charter Commission can come up with. But it does seem the one key point is that an office would seem to be the way to go, rather than a policy statement. He said he thinks that an office title of "Office of Sustainability" sounds too benign. Climate change is a slow-moving crisis, but it is a crisis and just by having the right terminology for the name of the office will make a difference. He cited an ILWU/DOE program concerning electricity in schools which has now become a crisis. At the same time, the Governor has just declared that one hundred percent renewable is the way to go. So if the Commission is going to establish an office, somebody has to come up with some terminology that would keep it on people's minds. He said he believes that people accept that climate change is real, even though they joke about it and he doesn't think that simply making people conscious of climate change will be enough for people to accept the costs necessary to ameliorate it the best we can. Yet he said that the cost of kicking the can down the road is higher than the high cost of doing something now. He cited the example of the 100 miles of main water lines, which are around 100 years old. BWS knows the conditions and ramifications. The office dealing with these changes will

not only have to deal with such current issues but will have to incorporate what is predicted to happen in the future.

Commissioner Fujimura said that the community has to realize that even current projects may need to be changed to accommodate anticipated changes due to climate change and pointed out that we must also consider that we have a finite amount of land to work with. And there will always be competing uses for that land. He said he sees the issue as how far into the future can the effects of climate change be incorporated into planning matrices.

Governor Waihee wondered whether or not creating offices has really been effective or is that another way of kicking the can down the road. Dr. Burkett said she completely understands the concern because it would be ineffective to create an extra office or infrastructure that is just sitting and accomplishing nothing. One wants to find the maximum effective approach and if there are alternatives that would be a good thing. She continued that the right to sue is opportunity and could be part of a basket of approaches. That doesn't necessarily mean to ignore long-term planning and coordination. She explained that the question then is recognizing that the right to sue is often reactive, but they have to act proactively on climate change. Some of this will be dealt with in tort common law. There are going to be claims that may not be identified as climate claims but when property damage or personal injury is the result of a severe storm and infrastructure failure that shows an absence of adaptation in a climate issue in and of itself. She thinks that will happen anyway. She said she would be open to and welcome suggestions on how to establish an office, how to have an office that will be maximally effective because the alternative is that there could be planners who want to make sound climate decisions but simply don't have access to the resources to know how to translate three feet of sea level rise into whether or not to grant a variance. That's the kind of coordinated work that an entity could presumably take care of in partnership with other entities.

Commissioner Tsujimura suggested as a model the state Council on Revenues which essentially forecasts what the revenue stream will be. If you had a similar kind of forecasting agency on climate change, which could be the governing issue for planning, then it accomplishes that purpose without having to get into litigation. He thinks that the Commission needs to draw a line in the sand about taking climate change into account when making governmental decisions. He's not so certain that they need an office to do that but if they make it part of the underpinnings for DPP, just like a functional plan, requiring DPP to include climate change considerations, then he thinks they've accomplished what they have to do to highlight this issue.

Chair Souki said his only hesitancy to that is that climate change presents multijurisdictional, multi-agency problems. It doesn't address the immigration impact or the impact of droughts or public health. Commissioner Tsujimura and Chair Souki discussed which climate related issues are within the city's purview.

Dr. Burkett said that she thought that even if the city doesn't deal explicitly with public health concerns, this is something they are going to have to plan around, whether they can legislate around it or pass ordinances around it. So it is definitely a multi-departmental concern.

Commissioner Tsujimura suggested that air-conditioners should be prohibited completely which will force people to deal with the heat, they would be forced to address the real issues that are happening and further suggested that they start with the University. Dr. Burkett countered that social science studies on heat suggest that's not a good idea. Violence increases, and it would be mayhem. It would become very much a City and County issue of policing. Dr. Fletcher commented that for the first time the UH asked employees to turn off air-conditioners at night last year and this year which people are now relating it to climate change.

When Chair Souki mentioned that when he was director of the Office of Planning, he put into state planning a law requiring that all planning must consider the effects of climate change which means general and community plans at the county level must include it.

Governor Waihee said that the reason he raised the issue is because sometimes you need a policy but sometimes enforcement is most important. Commissioner Tsujimura and Governor Waihee both felt that the City is way behind in addressing the issue.

Governor Waihee requested a copy of Dr. Burkett's presentation. She said she will send that and another document written by one of her former law students that supports the majority of what the Charter says.

Dr. Burkett would be happy to work with all of them to find the best resolution, and clarified that there is a document from the Center for Island Climate Policies which discusses what is relevant to freshwater resources. Dr. Burkett also pointed out that Columbia Law School is a good resource for climate change law with a well-researched article on the potential liability of government's failure to adapt to climate change.

Public Testimony:

Scott Glenn testified in support of the Commission considering climate change. He cited the example of Harrison Rue to show why an office is needed. He explained that because there was no office for TOD, the Mayor hired a TOD administrator, who was placed in DPP, and empowered him to work with all the agencies, and he's been extremely effective. He felt that the reason he was effective is because he had the political backing of the Mayor, and the Mayor made it a high priority to address Complete Streets and TOD. He also felt that it's the Mayor's responsibility to consider what the office will look like, and agreed that it shouldn't be a sustainability office.

Commissioner Soon did not have an opinion on the previous discussion, but thought that the Commissioners should discuss how much policy should be in the Charter because there is almost none currently, and she cited the bike policy.

Commissioner Soon again expressed concern that the Commission is not getting testimony on the big picture and what will happen in the future, and how HART and the rail project fit into the picture.

Chair Souki announced that Kem Lowry and John Whalen will be at the next meeting. If the Commissioners have questions they should send them to EA before the meeting.

Commissioner Ikeda suggested that the author of the article in Hawaii Business be asked to address the Commission. She noted that all the different hoops that an applicant has to jump through is ridiculous and that there should be some way to consolidate the six steps into fewer steps. However it was noted that it would require change which she understands is difficult.

Commissioner Tsujimura said that's the whole point and noted that none of the current employees or anyone who has to deal with DPP will ask for change. Commissioners generally agreed that it mostly depends on political will and, therefore, the Commission needs to create something with clout so that people have to pay attention to it.

Commissioner Tsujimura again suggested that it be modeled after the Council on Revenues, so it couldn't be ignored, although Commissioner Ikeda cautioned that the Council on Revenues is directly tied to appropriation money so it can't be ignored.

Chair Souki said he doesn't think that rational decision-making and political decision-making are mutually exclusive, and that the politics come in when prioritizing spending. Governor Waihee's concern was planning because he thinks the city shortchanges planning. He thinks the GP should be based on climate change, but the urgency of climate change is not immediate – it is not happening tomorrow.

Commissioner Ikeda pointed out they don't do it because there's no consequence for not doing it. She cited the building in Hawaii Kai as an example because the residents voiced their strong concerns about the traffic problems, but the Transportation Department still signed off.

Commissioner Ikeda cited her experience on the Board of Education, which had a timetable to provide air conditioning, but there was no urgency to meet that timetable. She stressed that when talking about something like climate change, it is extremely important to talk about the future, at least ten years out and the Commission needs to give the issue some teeth, otherwise there's no reason to bother.

V. ANNOUNCEMENTS

Chair Souki noted that the next meeting will be next week Friday Commissioner Tsujimura apologized that he would not be able to attend. Chair Souki announced that the meeting will be at 4 p.m.

Commissioner Soon asked about the agenda for the next meeting and requested that the HART discussion be kept as a single matter meeting. Chair Souki said the EA is working on it to include as many people in one meeting as possible. He also said the Liquor Commission may be added to the meeting on September 18th.

VI. ADJOURNMENT

Seeing no further discussion, Chair Souki adjourned the meeting at 6:52 p.m.