

SD 1

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING OF THE CITY
AND COUNTY OF HONOLULU TO PUBLISH ON ITS WEBSITE ALL
DECISIONS REGARDING WAIVERS AND VARIANCES.

1 WHEREAS, the Director of Planning and Permitting of the
2 City and County of Honolulu has the authority to provide
3 exceptions to building and land use requirements; and
4

5 WHEREAS, section 21-2.130, Revised Ordinances of Honolulu,
6 authorizes the Director of Planning and Permitting of the City
7 and County of Honolulu to waive strict application of the
8 development or design standards of the county land use ordinance
9 chapter under specified circumstances; and
10

11 WHEREAS, section 6-1517, Revised Charter of the City and
12 County of Honolulu, authorizes the Director of Planning and
13 Permitting of the City and County of Honolulu to grant a
14 variance if application of the zoning code would create an
15 unnecessary hardship; and
16

17 WHEREAS, the granting or denial of waivers and variances
18 lacks transparency if documents pertaining to those decisions
19 are not easily accessible to members of the public; and
20

21 WHEREAS, the Office of Planning and Sustainable Development
22 of the Department of Business, Economic Development, and Tourism
23 produces a semi-monthly publication pursuant to section 343-3,
24 Hawaii Revised Statutes, known as "The Environmental Notice,"
25 which informs the public of projects undergoing environmental
26 review in Hawaii along with shoreline, coastal zone management,
27 and federal notices; and
28

29 WHEREAS, the procedures of the Department of Planning and
30 Permitting have led to litigation in the cases of *Citizens Against*
31 *Reckless Development v. Zoning Board of Appeals of the City and*



1 *County of Honolulu*, 114 Haw. 184, 159 P.3d 143 (2007) and *Unite*
2 *Here! Local 5 v. Department of Planning and Permitting/Zoning*
3 *Board of Appeals, City and County of Honolulu*, 145 Haw. 453, 454
4 P.3d 394 (2019); and
5

6 WHEREAS, in light of the March 2021 indictment of five
7 current or former Honolulu Department of Planning and Permitting
8 employees for allegedly accepting bribes to fast track permits
9 and provide other special treatment, public perception of the
10 Department of Planning and Permitting would improve if the
11 public could easily verify that applications for a waiver or
12 variance were granted or denied in a fair and consistent manner;
13 now, therefore,
14

15 BE IT RESOLVED by the Senate of the Thirty-first
16 Legislature of the State of Hawaii, Regular Session of 2022, the
17 House of Representatives concurring, that the Department of
18 Planning and Permitting of the City and County of Honolulu is
19 requested to publish on its website all decisions regarding
20 waivers and variances; and
21

22 BE IT FURTHER RESOLVED that certified copies of this
23 Concurrent Resolution be transmitted to the Executive Officer of
24 the Public Utilities Commission, Mayor of the City and County of
25 Honolulu, and Director of Planning and Permitting of the City
26 and County of Honolulu.

