

MAR 11 2022

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## SENATE CONCURRENT RESOLUTION

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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  
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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  
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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  
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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  
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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  
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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*  
32 *County of Honolulu*, 114 Haw. 184, 159 P.3d 143 (2007) and *Unite*



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

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

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

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21 BE IT FURTHER RESOLVED that certified copies of this  
22 Concurrent Resolution be transmitted to Mayor of the City and  
23 County of Honolulu and Director of Planning and Permitting of  
24 the City and County of Honolulu.

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27 OFFERED BY:

