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SENATE 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
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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*
33 *Here! Local 5 v. Department of Planning and Permitting/Zoning*



1 *Board of Appeals, City and County of Honolulu*, 145 Haw. 453, 454
2 P.3d 394 (2019); and

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

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

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

