



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
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**ROD TAM**  
COUNCILMEMBER DISTRICT VI  
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MEMORANDUM

DATE: January 11, 2008  
TO: BARBARA MARSHALL, COUNCIL CHAIR  
FROM: COUNCILMEMBER ROD TAM *RT*  
SUBJECT: ITEMS FOR FEBRUARY 20, 2008 COUNCIL AGENDA

Your approval is requested to place the following Bill on the February 20, 2008, Council agenda (under New Business) for the granting of a 90-day extension of time, subject to receipt of a written request by the Applicant:

Bill 102 (2007) - Transmission of Planning Commission Recommendations to the Council

(Deadline for Council action: 3/11/08)

The Committee will not be able to consider the above-mentioned Bill in time to report it out for an extension of time prior to the Bill's deadline.

If you have any question, please contact me at extension 5006.

RT:cu

APPROVED:

*Barbara Marshall*  
BARBARA MARSHALL, Chair  
City Council



A BILL FOR AN ORDINANCE

RELATING TO THE TRANSMISSION OF PLANNING COMMISSION  
RECOMMENDATIONS TO THE COUNCIL.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose. The Council finds that pursuant to Section 6-1506(b) of the Revised Charter, the planning commission holds public hearings and makes recommendations on all proposals to adopt or amend the general plan, development plans, and zoning ordinances, and transmits its recommendations through the mayor to the council for consideration and action.

In order to implement a procedure to carry out the provision of the charter, the council enacted section 21-2.70(b) of the Land Use Ordinance ("LUO"), ROH Chapter 21, which requires the planning commission to transmit its recommendations on proposals to establish or amend special districts, or zone changes, within 30 days of the close of the planning commission's public hearing on the matter.

However, the LUO procedure imposes no deadline on the mayor to transmit the planning commission recommendations to the council. As a result, there may be substantial delays between the time the planning commission transmits the proposed ordinance and the commission's recommendations thereon to the mayor and the time the mayor actually transmits the proposed ordinance and recommendations to the council for consideration and action.

These delays may cause hardship not only to the zone change applicant but other persons who desire to obtain permits required by the LUO, because LUO Section 21-2.20(a) provides that no LUO permit shall be granted or application accepted for any use, structure or project on any zoning lot that would be in conflict with the proposed special district or zoning ordinance, between the time the proposal is initiated and the time the proposal is withdrawn, or approved or denied by the council, up to a period of one year.

Accordingly, the purpose of this ordinance is to further implement the charter provision for the processing of proposals to establish or amend special districts, or zone changes, by establishing a reasonable deadline for the mayor to transmit the recommendations of the planning commission to the council, and establishing provisions for the failure to meet the stated deadlines.

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A BILL FOR AN ORDINANCE

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SECTION 2. Section 21-2.70, Revised Ordinances of Honolulu 1990, as amended ("Review of planning commission and/or council"), is amended by amending subsection (b) to read as follows:

- "(b) Special Districts and Zone Changes. When the application is for (i) the establishment of or amendment to a special district, or (ii) a zone change:
- (1) The planning commission shall hold a public hearing within 45 days of receipt of the director's report and proposed ordinance. Within 30 days of the close of the public hearing, the planning commission shall transmit through the mayor to the council the director's report and proposed ordinance with its recommendations. The mayor shall transmit the director's report, proposed ordinance, and planning commission recommendations to the council within 30 days of receipt of the same from the planning commission.
  - ~~(2) Any person may bring a civil action to enforce any time limit established by subsection (1). The failure to meet any time limit established by subsection (1) shall not render the affected proposal null and void, and the council may act on the proposed ordinance after receipt thereof.~~
  - [(2)] (3) The council shall hold a public hearing and may act by approving the ordinance as submitted or with modifications, or by denying it. If the council does not take final action within 90 days after receipt of the proposed ordinance from the planning commission, it shall be deemed denied, provided that this time limit shall not apply to zoning ordinance amendments initiated by the council pursuant to Revised Charter Section 6-1513. The applicant may request, and the council may approve, an extension of time if the request is made in writing and approved prior to the requested effective date of the extension."

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval and shall apply to proposals received by the planning commission after its effective date; provided, however, that this ordinance shall also apply to (1) any proposal held by the planning commission on the effective date if, after receiving the proposal from the planning



A BILL FOR AN ORDINANCE

commission, the mayor fails to transmit the proposal to the council within 30 days of receipt; and (2) any proposal held by the mayor on the effective date, if the mayor fails to transmit the proposal to the council within 30 days of the effective date.

INTRODUCED BY:

*Burton Marshall*

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DATE OF INTRODUCTION:

DEC 18 2007  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
MUFU HANNEMANN, Mayor  
City and County of Honolulu