

PART 1

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

RULES OF THE DEPARTMENT OF PLANNING AND PERMITTING
FOR PROCESSING AMENDMENTS TO
THE GENERAL PLAN OF THE
CITY AND COUNTY OF HONOLULU

RULE 1. AUTHORITY

Pursuant to the authority of Section 6-1503 (a) and (b) of the Revised Charter of the City and County of Honolulu 1973, and Chapter 91, Hawaii Revised Statutes, the Rules hereinafter contained are hereby established.

RULE 2. PURPOSE AND OBJECTIVE

These Rules govern procedures for processing amendments to the General Plan of the City and County of Honolulu.

RULE 3. DEFINITIONS

For the purpose of these Rules, unless it is plainly evident from the context that a different meaning is intended, words and phrases used herein are defined as follows:

- a. "City" means the body politic and corporate by the name of "City and County of Honolulu."
- b. "City Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.
- c. "City Council" means the City Council of the City and County of Honolulu.
- d. "Department" means the Department of Planning and Permitting of the City and County of Honolulu.
- e. "General Plan" means the General Plan currently in effect and defined by Section 6-1508 of the City Charter as follows:

The general plan shall set forth the city's broad policies for the long range development of the city. It shall contain statements of the general social, economic, environmental and design objectives to be achieved for the general welfare and prosperity of the people of the city through government action, city, State or federal. The statements shall include, but not be limited to, policy and

development objectives to be achieved with respect to the distribution of social benefits, the most desirable uses of land within the city, the overall circulation pattern and the most desirable population densities within the several areas of the city.

- f. "Person" includes individuals, partnerships, corporations and associations.

RULE 4. WHERE INFORMATION MAY BE OBTAINED BY THE PUBLIC

4.1 Where obtained

The public may obtain information as to matters within the jurisdiction of the Department of Planning and Permitting, City and County of Honolulu, which are classified as matters of public information pursuant to Section 91-2, Hawaii Revised Statutes, or public records under Section 92 F-12, Hawaii Revised Statutes, and Section 13-105, City Charter, by inquiring at:

- a. The Office of the City Clerk, City Hall, where there are on file all rules of the Department; or
- b. The Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, Hawaii 96813. Copies of compilations of rules and supplements thereto will be made available to the public at a price to be fixed by the Department to cover mailing and publication costs.

4.2 Submittals or Requests for Information

Such inquiry may be made in person at the Department during business hours or by submitting a request for information in writing to the Director of Planning and Permitting, Department of Planning and Permitting.

RULE 5. PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES

5.1 Petition

Any interested person may petition the Department requesting the adoption, amendment, or repeal of any rule of the Department.

5.2 Submission

The petition shall be submitted in ten (10) copies to the Director of Planning and Permitting, Department of Planning and Permitting, City and County of Honolulu, 650 South King Street, Honolulu, Hawaii 96813. It shall include:

- a. A statement of the nature of the petitioner's interest.

- b. A draft of the proposed rule or amendment or a designation of the provision sought to be repealed.
- c. An explicit statement of the reasons in support of the proposed rule, amendment, or repeal.

5.3 Disposition of Petition

The Department shall within thirty (30) days after the submission of the petition either reject the petition in writing, stating its reasons for such rejection or initiate proceedings in accordance with Section 91-3, Hawaii Revised Statutes, for the adoption, amendment, or repeal of the Rules, as the case may be.

RULE 6. RULES OF PROCEDURE - WHO MAY SUBMIT REQUEST FOR AMENDMENTS

Any person may formally request the Director of Planning and Permitting to process a proposal to amend the General Plan.

The City Council may propose any revision of or amendment to the General Plan pursuant to Section 6-1511.2 of the City Charter.

All public agencies seeking an amendment to the General Plan relating to their area of responsibilities shall submit a request to the Director of Planning and Permitting in accordance with these Rules.

RULE 7. RULES OF PROCEDURE - PROCEDURES FOR AMENDING THE GENERAL PLAN

7.1 General Statement of Policy

Applications for amendments which do not meet these requirements, or which are solely based upon benefit to individuals or special interests, shall not be proposed by the Director of Planning and Permitting.

All applications for amendments shall be reviewed from the perspective of:

- (a) contribution to the general welfare and prosperity of the people of Oahu,
- (b) whether or not a public issue, need or problem presently exists to serve as a basis for the proposed amendment,
- (c) consistency with the Hawaii State Plan, and
- (d) conformance to these Rules.

7.2 Basis for Amendment

The Director of Planning and Permitting's action on each application shall be the result of an evaluation of the adequacy and appropriateness of the basis for the amendment. This basis may include:

- a. Identification of specific public issue, need, or problem which should be addressed by the objectives and policies of the General Plan but is either not addressed or is inappropriately addressed in the existing plan; or
- b. Need to clarify the wording of existing statements in the General Plan; or
- c. Timeliness in terms of the immediacy of the identified issue, problem, or need, and the appropriateness of coordination with other potential amendments to the General Plan.

7.3 Application

Requests for amendments are initiated with an Application submitted to the Director of Planning and Permitting. The format and contents of the Application are shown in Attachment "A." This Application is intended to demonstrate the merits of a proposed amendment. However, acceptance of an Application for processing does not, in any way, obligate the Director of Planning and Permitting to propose such an amendment.

7.4 Procedures for Processing Applications

- a. Upon receipt of an Application, the Department shall make a preliminary review of its acceptability.

If the Application is deemed acceptable based on Sections 7.1 and 7.2, the Director of Planning and Permitting shall so notify the applicant within 45 days of the date of receipt of the Application, and copies of the Application shall be forwarded to appropriate individuals and public and private agencies for review and comment.

The applicant shall pay an application fee in accordance with Section 6-40.2 of the Revised Ordinances of Honolulu. Public agencies shall be exempt from the payment of fees.

- b. Within 180 days of the date of acceptance of the Application for processing, the Director of Planning and Permitting, having duly considered the responses of those individuals and public or private agencies requested to review the Application, shall submit those amendments which are being proposed together with a written basis for proposing the amendments to the Planning Commission. The 180 days may be extended with the consent of the applicant.

7.5 Council Initiation

- a. As provided in Section 6-1511.2 of the City Charter, any amendment to the General Plan may be proposed by the City Council. All such proposals shall be processed in the same manner as if proposed by the Director of Planning and Permitting.
- b. Processing of Council-initiated amendments through the Planning Commission, City Council and Mayor shall follow the same procedures as outlined in Sections 7.7, 7.8 and 7.9, except that where the Planning Commission disapproves the proposed amendment or recommendations and modification thereof, the Council may nevertheless adopt the amendment but only by the affirmative vote of at least two-thirds of its entire membership.

7.6 General Plan Review

From time to time, the Director of Planning and Permitting may review and propose amendments to the Preamble and/or selected objectives and policies of the General Plan in response to problems and issues which may arise, new approaches and opportunities for addressing community concerns, and/or changes in the basic assumptions underlying the objectives and policies. The processing of such amendments through the Planning Commission, City Council and Mayor shall follow the same procedures as outlined in Sections 7.7, 7.8 and 7.9.

7.7 Action by Planning Commission

The Planning Commission, upon receipt of the Director of Planning and Permitting's report on a proposed amendment either accepted for processing by the Director of Planning and Permitting or initiated by the City Council, shall within 30 days hold a public hearing on the proposed amendment, and shall within 30 days after the close of the public hearing transmit its findings and recommendations thereon through the Mayor to the City Council for its consideration and action.

7.8 Council Action

Upon receipt of the Planning Commission's findings and recommendations, the City Council shall hold a public hearing on the proposed General Plan amendment resolution. The City Council shall set forth its written findings of fact on all amendments which are adopted.

7.9 Action by the Mayor

Upon adoption, each resolution amending the General Plan shall be presented to the Mayor, who may approve or disapprove it pursuant to City Charter provisions governing the approval or disapproval of bills.

RULE 8. SEVERABILITY

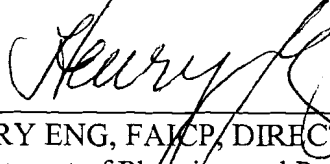
If any section or provision of these Rules is held to be invalid for any reason whatsoever, such invalidity shall not affect the remaining sections or provisions of these Rules which can be given effect without the invalid section or provision.

RULE 9. EFFECTIVE DATE OF THESE RULES

These Rules shall become effective upon their approval by the Mayor of the City and County of Honolulu and ten (10) days after filing with the City Clerk.

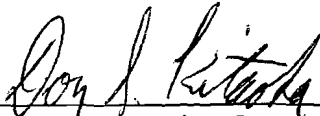
The Director of the Department of Planning and Permitting of the City and County of Honolulu, State of Hawaii, pursuant to Section 6-1503 (b) of the City Charter, approved and adopted these Rules of procedure on the 5th day of April, 2007.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU



HENRY ENG, FAICP, DIRECTOR
Department of Planning and Permitting
City and County of Honolulu

APPROVED AS TO FORM:

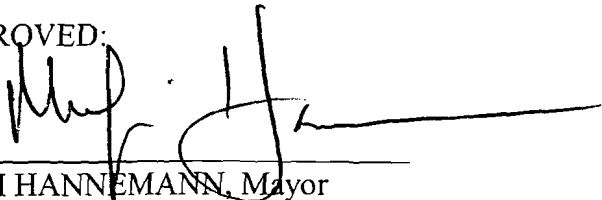


Deputy Corporation Counsel

APPROVED this 11TH day of

APRIL, 2007.

APPROVED:



MUFI HANNEMANN, Mayor
City and County of Honolulu

Date: APR 11 2007

ATTACHMENT "A"

APPLICATION

To Propose an
Amendment to the General Plan of the
City and County of Honolulu

Person or Organization Submitting Application

Name:

Mailing Address:

Telephone:

If an organization is submitting the Application, also list the name, mailing address, and telephone number of the responsible individual.

Proposed Amendment

Cite the existing statement in the General Plan to be amended and/or the new statement to be inserted.

Basis for Amendment

Explain the basis for the proposed amendment, as specified in Sections 7.1 and 7.2 and summarized as follows:

- a. Contribution of the proposed amendment to the general welfare and prosperity of the people of Oahu.
- b. Consistency with the Hawaii State Plan.
- c. The existence of a specific public issue, problem or need which should be addressed through the objectives and policies of the General Plan but is either not addressed or is inappropriately addressed in the existing plan.
- d. Need to clarify the wording of existing statements in the General Plan.
- e. Timeliness in terms of the immediacy of the identified problem or need, and the appropriateness of coordination with other potential amendments to the General Plan.