

DEPARTMENT OF PARKS AND RECREATION

Adoption of Title 19, Chapter 19
City and County of Honolulu Administrative Rules

August 5, 2020

SUMMARY

Title 19, Chapter 19, City and County of Honolulu Administrative Rules, entitled "Cultural Sites Program," is adopted.

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 19

CULTURAL SITES PROGRAM

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SUBCHAPTER 1

GENERAL PROVISIONS

§19-19-1 Purpose. (a) The purpose of the cultural sites program is to identify and designate cultural sites in public parks, and to encourage the long range preservation of significant cultural sites that illustrate or commemorate the cultural history of the city and county of Honolulu. This chapter establishes procedures for the identification and management of cultural sites and the procedures used by the department of parks and recreation for conducting the cultural sites program.

- (b) These rules are for the purposes of:
- (1) Acknowledging community practices or beliefs while balancing the needs of the public's use of recreational areas;
 - (2) Preserving and perpetuating the integrity, conditions, naturalness and beauty of public parks; and
 - (3) Protecting cultural and environmental resources. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-2 Application. These rules shall govern cultural sites designated in public parks under the jurisdiction, management, and operation of the department of parks and recreation. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-3 Definitions. As used in this chapter, the following words and terms shall have the following

meaning unless the context clearly indicates otherwise:

"Affected neighborhood board" means the neighborhood board that has within its neighborhood board boundary the proposed cultural site.

"Cultural site" means any building, structure, object, area, or site that, because of its association with cultural practices or beliefs of a living community, is rooted in the community's history or importance in maintaining the continuing cultural identity of the community; provided that the cultural site is also included in a city development plan or recommended by the affected neighborhood board.

"City" means the city and county of Honolulu.

"City development plan" means a plan document for a given geographic area which consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the city and county of Honolulu.

"Department" means the department of parks and recreation, city and county of Honolulu.

"Director" means the director of the department of parks and recreation, or duly authorized representative.

"General plan" means the general plan of the city and county of Honolulu as defined by Section 6-1508 of the revised charter, as amended

"Marker" means a sign or object that does not exceed a maximum size of 24" x 24" and may include a picture, text and/or qr code.

"Person" means a human being, a corporation, an unincorporated association, or other entity.

"QR code" or "quick response code" means a two-dimensional machine-readable code consisting of an array of black and white squares, typically used for storing URLs or other information for reading by the camera on a smartphone.

"State historic preservation division" means the state historic preservation division within the state department of land and natural resources.

"State" means the State of Hawaii. [Eff AUG 30 2020
] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-4 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

SUBCHAPTER 2

CULTURAL SITES APPLICATION PROCESS

§19-19-5 General purpose and scope. (a) The cultural sites program shall be responsible for the selection, maintenance and management of cultural sites designated in public parks. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-6 Application process. (a) Any person desiring to designate a cultural site in a public park shall submit its request to the department, using the forms and instructions provided by the department as may be revised from time to time.

(b) The application shall include, but not be limited to, the following:

- (1) Name of the public park where the proposed cultural site is located.
- (2) Address of the public park where the proposed cultural site is located.
- (3) A name and brief description of the proposed cultural site, including a concise statement

as to what facilities and portions of park land that are to be included in the designation.

- (4) A clear summary statement of the cultural site significance and cultural impact of the site on the city or surrounding communities.
- (5) A narrative of the cultural site history that focuses on the points relevant to the significance and how the cultural site is associated with the cultural practices or beliefs of a living community, is rooted in the community's history or importance in maintaining the continuing cultural identity of the community.
- (6) Detailed information, such as the size, shape, types of materials to be used, any maintenance costs, and the total cost, including the labor required, of installing the marker at the designated cultural site.
- (7) A copy of the city development plan that includes the cultural site; or a certified copy of a resolution from the affected neighborhood board indicating support of the proposed cultural site designation.

(c) The department may require an applicant to provide additional information in support of the proposed cultural site designation.

(d) Following the receipt of the application, the department shall review the application for completeness according to the requirements in subparagraph (b).

(e) If the application is complete, the department shall forward the application to the cultural sites program committee for report and recommendation.

(f) If the application is incomplete, the department may return the incomplete application to the applicant or request additional information from the applicant as the department deems necessary for a complete application.

(g) An application requesting the designation of a cultural site that includes a burial, heiau,

archeological site, fishpond, architecture or aviation parts that is subject to oversight of the state historic preservation division shall be referred to the state historic preservation division for review and consideration.

(h) An application that is submitted to the state historic preservation division shall not be considered by the department until after the state historic preservation division has completed its review of the application and the department has received a report from the state historic preservation division concerning the application.

(i) The applicant is responsible for the payment of all state and city fees incurred in connection with the designation of the cultural site. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

SUBCHAPTER 3

CULTURAL SITES PROGRAM COMMITTEE AND DESIGNATION PROCESS

§19-19-7 Committee membership. (a) The cultural sites program committee shall consist of a representative from the culture and arts section in the recreation support services branch, one representative from the park maintenance and recreation services division, one representative from the maintenance support services branch, one representative from the division of urban forestry, and one representative from the executive services division.

(b) If possible, committee members should have culturally based interest or cultural knowledge concerning the parks within their respective branch or district. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-8 Designation process. (a) After a complete application is received, as determined by the director, the application shall be assigned to a committee member who shall confer with the executive services division, the park staff who received the application and the applicant in preparation for presentation of the request to the cultural sites program committee.

(b) The assigned committee member shall present the request to the cultural sites program committee for consideration.

(c) The cultural sites program committee shall consider the following criteria when evaluating the application and proposed site:

- (1) Public significance to include:
 - (A) Current use of the site and whether the site is used for educational or recreational purposes;
 - (B) Proposed future plans, if any, for the site;
 - (C) Accessibility of the site to the public;
 - (D) Opportunities for protection against vandalism;
 - (E) Proximity to established recreation areas; and
 - (F) Visibility of cultural features and their ability to be easily interpreted;
- (2) Cultural significance to include:
 - (A) Local community recognition of the site;
 - (B) Local community concern for the site; and
 - (C) How the site bears a unique or at least exceptional testimony to a cultural tradition;
- (3) Public benefits;
- (4) Resources required for present and future maintenance of the proposed site by the department;
- (5) Personnel, facility, and equipment requirements;

- (6) Recommendations from the affected neighborhood board; and
- (7) Recommendations from the parks staff employed within the district where the cultural site is proposed.
- (d) The cultural sites program committee may seek comments from cultural representatives or practitioners and the state historic preservation division.
- (e) The cultural sites program committee may recommend approval or disapproval of the proposed designation.
- (f) The cultural site program committee shall provide its recommendation to the director who shall approve or deny the application for the designation of a cultural site.
- (g) The department shall notify the applicant of the director's decision by delivering or mailing a certified copy of the decision to the applicant.
- (h) Upon the approval of the designation by the director and receipt of payment by the applicant, the department shall erect, install, or place a marker at the location that is agreed upon by the applicant and the department. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

SUBCHAPTER 4

PROGRAM REQUIREMENTS

§19-19-9 Program goals. The cultural sites program is designed and conducted with the goal to install a marker to provide identification for an approved department designated cultural site. The intent of the program is to acknowledge community practice or beliefs while balancing the needs of the community's public use of recreation areas. [Eff AUG 30 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-10 Marker requirements. (a) The department and the applicant must mutually agree upon the location for installation of the marker identifying the designated cultural site.

(b) The marker shall be installed within the boundaries of the park or site and located so as not to obstruct or present a hazard to persons, vehicles or equipment.

(c) The marker shall be installed as close as practical to where the cultural site is located in relation to the surrounding landscape, structures and cultural site.

(d) When placing markers, light from existing sources shall be considered for night visibility purposes. [Eff **AUG 30 2020**] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-11 Records and inventory. (a) Cultural site approved application forms are to be kept on file at the executive services division of the department.

(b) The department shall maintain an updated inventory of the designated cultural sites on park property. [Eff **AUG 30 2020**] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

SUBCHAPTER 5

COSTS, PAYMENT AND REFUNDS

§19-19-12 Costs. (a) An applicant whose application has been approved shall pay for the cost of the marker and all costs related to the installation and maintenance of the marker as determined by the director.

(b) The department shall provide the applicant with an estimate of the cost for the marker and for installation and maintenance of the marker.

(c) The department shall proceed with the marker installation after the department receives approval of the application by the director and payment for the cost of the marker and for all costs related to the installation and maintenance of the marker from the applicant. [Eff AUG 3 0 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-13 Payment. (a) Payment for all costs shall be due and payable upon approval of the application by the director.

(b) Payment for costs shall be in cash or by check or money order made payable to the city and county of Honolulu.

(c) A \$25.00 service charge shall be assessed for all returned checks.

(d) An applicant's failure to pay for all costs within thirty days after receipt of the payment request from the department shall result in the automatic denial of the application requesting the designation of a cultural site. [Eff AUG 3 0 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

§19-19-14 Refunds. (a) The department shall not refund any monies paid by the applicant for the cost of the marker if the department receives the refund request after the start of construction of the marker.

(b) Refund requests shall be submitted to the department in writing and accompanied by a receipt, cancelled check, or appropriate form indicating payment. [Eff AUG 3 0 2020] (Auth: RCH §6-1403, ROH §10-6.2) (Imp: ROH §10-6.2)

DEPARTMENT OF PARKS AND RECREATION

The Department of Parks and Recreation Rules adoption of Title 19, Chapter 19, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Cultural Sites Program, was adopted on August 5, 2020, following a public hearing held on July 15, 2020, after public notice was given on June 12, 2020, in the Honolulu Star-Advertiser.

This chapter shall take effect ten (10) days after filing with the Office of the City Clerk


Michele K. Nekota, Director

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 18th day of
August, 2020.



KIRK CALDWELL, Mayor
City and County of Honolulu

CERTIFICATION

I, MICHELE K. NEKOTA, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of Title 19, Chapter 19, City and County of Honolulu Administrative Rules, entitled "Cultural Sites Program" that was adopted on August 5, 2020, following a public hearing held on July 15, 2020, after public notice was given on June 12, 2020, in the Honolulu Star-Advertiser.



MICHELE K. NEKOTA, Director

Received this 20th day of
August, 2020



City Clerk
GLEN I. TAKAHASHI