

NEIGHBORHOOD BOARD HANDBOOK FOR PLANNING AND ZONING



*An Overview of the
Department of Planning and Permitting
Planning and Zoning Programs*

CITY AND COUNTY OF HONOLULU
September 2015



www.honoluludpp.org

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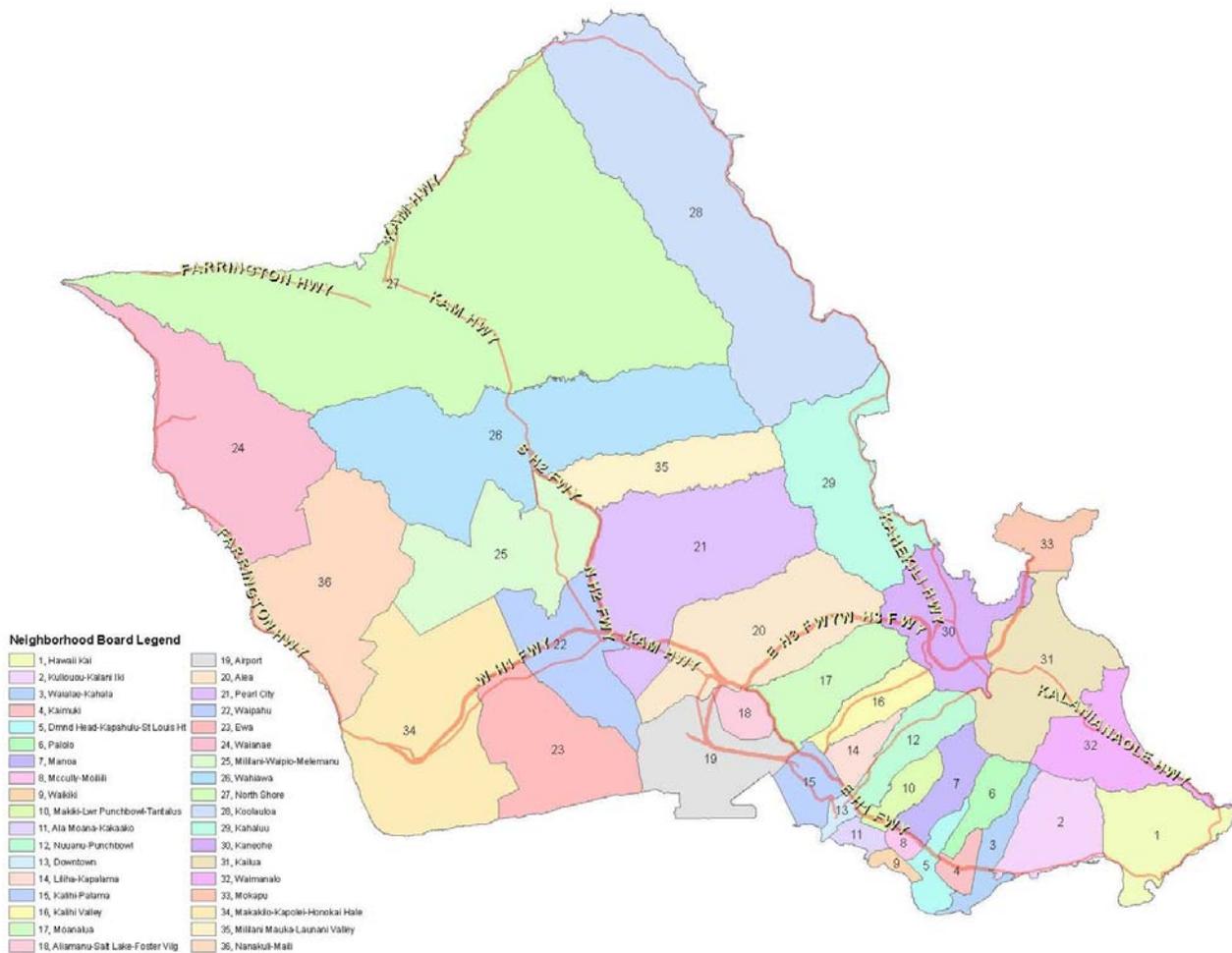
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Introduction

This publication has been prepared to assist the Neighborhood Boards in effectively participating in the land development process, with respect to programs under the administration of the City and County of Honolulu’s Department of Planning and Permitting (DPP).

The DPP is tasked with the administration of a large number of land development permit applications; however, there are some land use decisions that involve other government agencies. This publication pertains only to DPP procedures and permit requirements for long-range planning and zoning—items that are likely to come before the Neighborhood Board. The City’s long-range planning envisions a desirable future for the people of Oahu, while zoning provides regulations for the appropriate use of the land and development standards for buildings and open space. For more information about DPP functions and contacts, please refer to Section 7.3.



Neighborhood Board District Map

Section 1 – Role of the Neighborhood Board in Land Use Planning and Zoning

1.1 – Role of the Neighborhood Board

The neighborhood board consists of the following roles with regards to land use planning and zoning:

- Review and comment on:
 - proposed long-range plans, community plans, and neighborhood plans
 - certain zoning permit applications
 - proposed changes to various land development codes, ordinances, and rules
- Identify issues and problems that can be addressed through existing or new programs and procedures
- Act as a liaison body between the DPP and community with respect to land use issues
- Advisory only



2013 neighborhood board member installation ceremony

Section 2 – Land Use Planning

2.1 - Planning and Implementation Structure

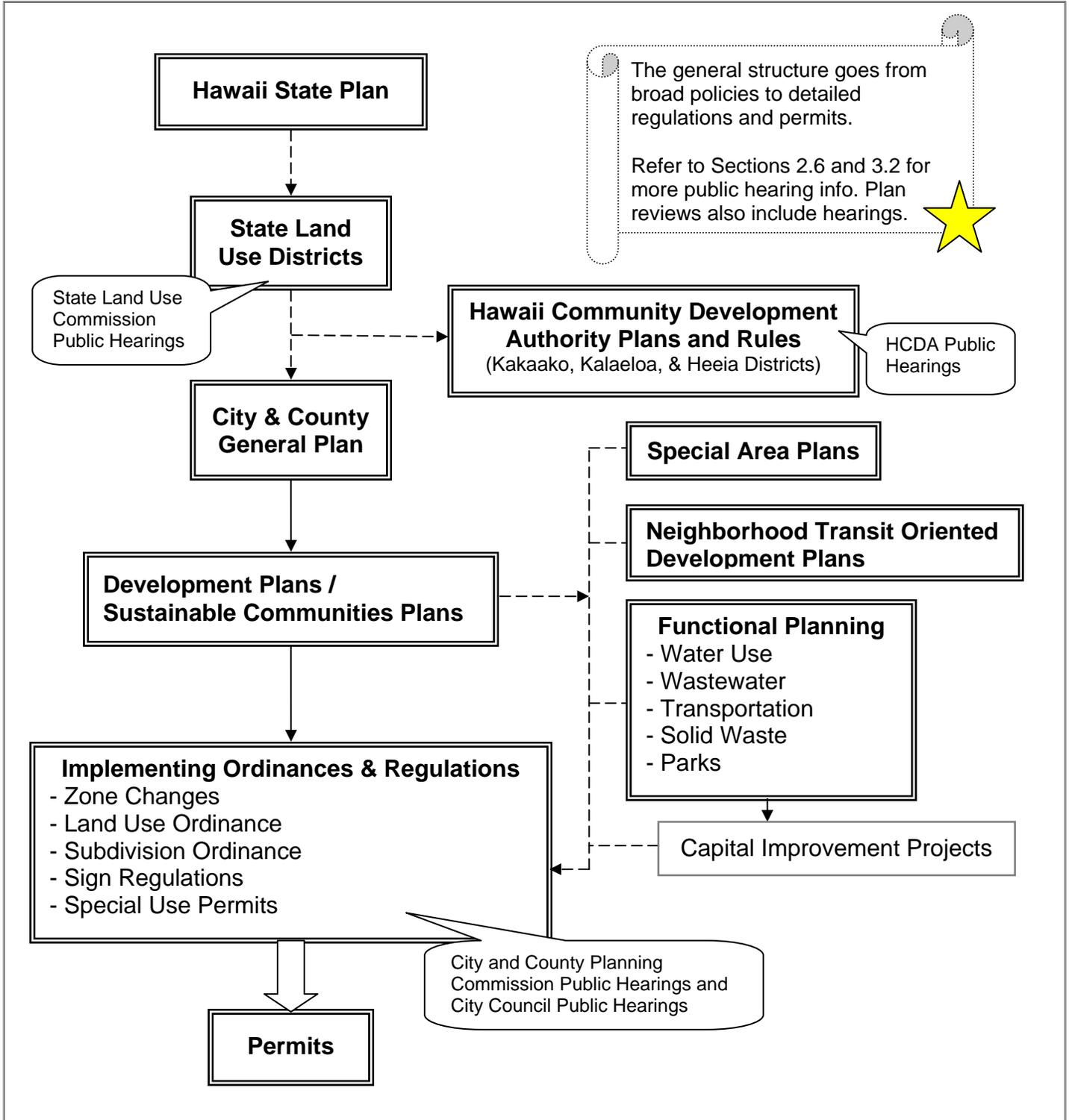


Figure 1 – Basic Components of Planning in Oahu

2.2 – The Honolulu Land Use Planning and Management System

The City and County of Honolulu¹ guides and directs Oahu land use and development through a three-tier system:

<p>1st TIER: General Plan</p>	<p>This consists primarily of brief objective and policy statements that set forth the long-range aspirations of Oahu’s residents and the strategies of actions to achieve them.</p>
<p>2nd TIER: Development Plans (DP) and Sustainable Communities Plans (SCP)</p>	<p>These plans respond to specific conditions and community values in each of the eight geographic regions of the island:</p> <ul style="list-style-type: none"> ○ Central Oahu SCP ○ East Honolulu SCP ○ Ewa DP ○ Koolau Loa SCP ○ Koolau Poko SCP ○ North Shore SCP ○ Primary Urban Center DP ○ Waianae SCP <p>The City and County is also responsible for a DP with special provisions for the Northwestern Hawaiian Islands. This land is effectively under Federal and State jurisdictions.</p>
<p>3rd TIER: Implementing ordinances and regulations</p>	<p>These include the <u>Land Use Ordinance</u> (Honolulu's zoning code), the <u>Subdivision Rules and Regulations</u>, and the City's <u>Capital Improvement Program</u>. Mandated by City Charter, these ordinances and regulations constitute the principal means for implementing the City's plans—they are required to be consistent with the General Plan, Development Plans, and each other.</p>

The following planning mechanisms are not specifically mentioned in the City Charter but serve to supplement the DPs and SCPs:

- Functional plans provide long-range guidance for the development of public facilities and infrastructure, such as water and transportation. Some of these plans are mandated by state or federal regulations.
- Special Area Plans give specific guidance concerning the identity, function, organization, and/or character of neighborhoods, communities, or specialized resource areas. These plans are developed in accordance with the area’s DP/SCP.
- Neighborhood Transit-Oriented (TOD) Development Plans typically address land use, transportation circulation, urban design, housing, historic and cultural amenities, and needed public improvements. These plans will help guide the adoption of new zoning regulations around rail transit stations under City jurisdiction.



¹ Hawaii is different than other U.S. regions because it only has two tiers of government: State and County (i.e. there are no incorporated cities). Furthermore, land use is regulated by both the State and counties, whereas other states leave it entirely to cities and counties.

2.3 – Oahu General Plan

The General Plan is required by City Charter and represents the beginning of the comprehensive planning process for Oahu. The Plan is a comprehensive expression of the long-term objectives and policies for the City and County of Honolulu. It is intended to guide all actions of City government as well as the private sector.

Population is perhaps the most scrutinized section of the General Plan. This section sets the stage for how population growth over the next 20 years and beyond will be directed across the island.

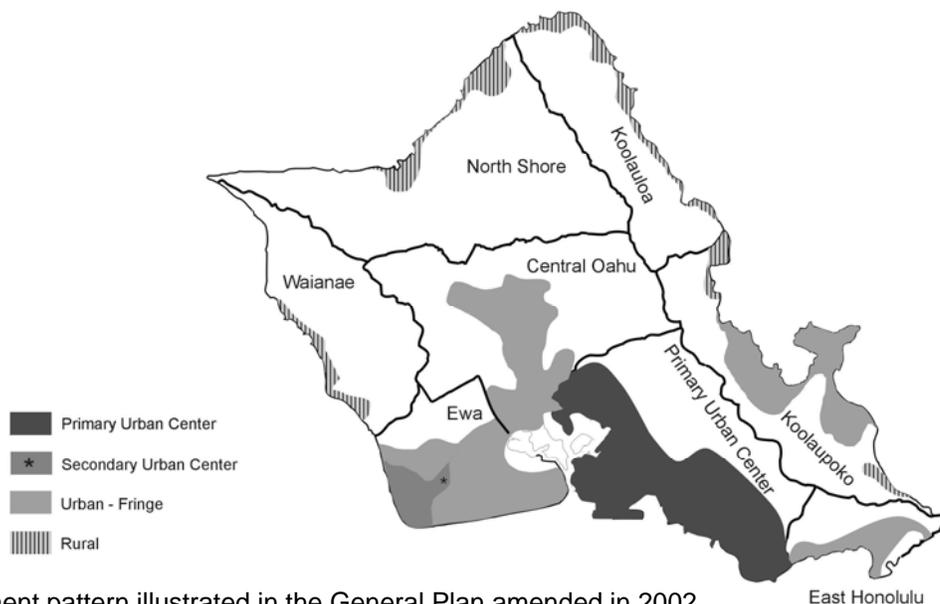
The General Plan was first adopted by the City Council in 1977. Several amendments have been made since the initial adoption, but the basic objectives and polices have remained intact. The latest revision is currently in progress. The Plan is amended by City Council resolution.

The objectives and policies of the General Plan are grouped under the following elements:

- Population
- Economic Activity
- Natural Environment
- Housing
- Physical Development and Urban Design
- Transportation and Utilities
- Energy
- Public Safety
- Health and Education
- Culture and Recreation
- Government Operations and Fiscal Management

The General Plan is available on the Department’s website at:

<http://www.honoluluodpp.org/Planning/GeneralPlan.aspx>



Development pattern illustrated in the General Plan amended in 2002

2.4 - Development Plans and Sustainable Communities Plans

DPs are required by City Charter. Together with the General Plan, they guide public policy, infrastructure investment, and land use decision making over a 20-year-plus time span. As part of the annual City budget process, all capital improvement projects are reviewed to determine if they are consistent with the respective DP. DPs are also intended to guide City land use approvals and permits and influence private sector investment decisions.

Oahu is divided into eight planning areas. Each area has a DP, which is adopted by City Council ordinance and administered by the DPP.

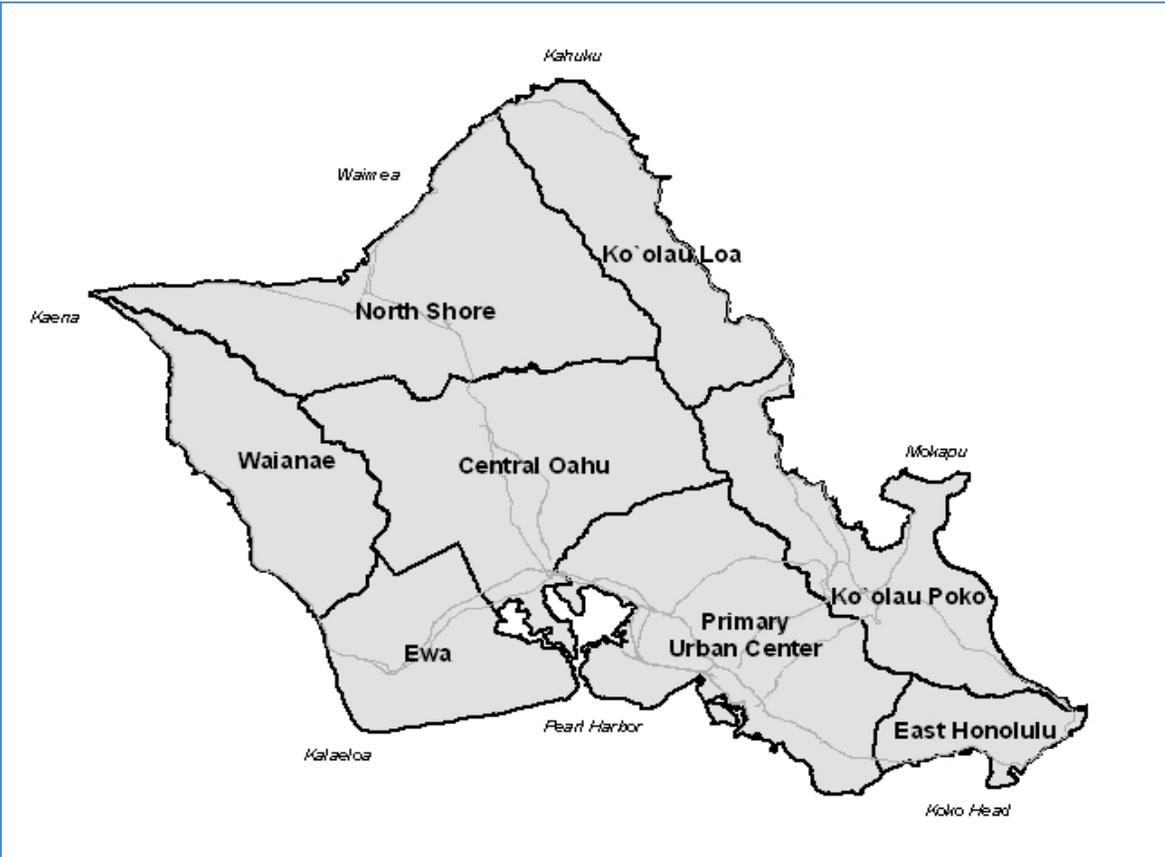


Figure 2 – The eight administrative districts of Honolulu County

Six of the Plans (Central Oahu, East Honolulu, Koolau Loa, Koolau Poko, North Shore, and Waianae) are designated as “Sustainable Communities Plans” to highlight the intent that these areas are not to be heavily developed, and the focus is on the special qualities of each region that should be sustained and improved.

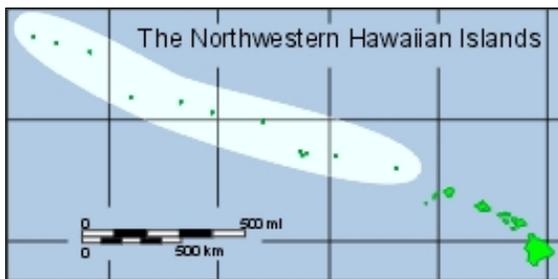
Based on a 1992 City Charter change, a major revision to the Plans changed their nature from relatively detailed, parcel-specific plans to conceptual, visionary plans. Eight new plans have since been adopted: Central Oahu (2002), East Honolulu (1999), Ewa

(2013), Koolau Loa (1999), Koolau Poko (2000), North Shore (2011), Primary Urban Center (2004), and Waianae (2012).

The DPs and SCPs are organized into five chapters and an appendix, as follows:

- Chapter 1 defines the area’s role and identity within the overall framework of island-wide planning and development.
- Chapter 2 summarizes the community-based vision for the area’s future, discusses key elements of that vision, and presents illustrative maps and tables.
- Chapter 3 provides the land use policies needed to implement the vision for the area described in Chapter 2.
- Chapter 4 provides the infrastructure policies needed to implement the vision for the area.
- Chapter 5 identifies the means through which the policies will be applied, including zone changes, and infrastructure budgeting and development.
- Appendix A includes three or four conceptual maps (Open Space, Urban Land Use, Public Facilities, and in Central Oahu and Ewa, Phasing), which illustrate the vision and policies of the Plan and a glossary of terms used on those maps.

The revised Plans are reviewed approximately every five years to revalidate the Plan vision and make appropriate adjustments to policies, principles, and guidelines.



The Northwestern Hawaiian Islands DP has special provisions because the land is under Federal and State jurisdictions.

Figure 3 – The Northwestern Hawaiian Islands

Public Infrastructure Maps (PIM)

A PIM is not considered part of a DP; however, there is one map for each DP area, each of which is adopted by City Council resolution. PIMs show the general location of the proposed major capital improvements. Any eligible major public infrastructure project (e.g. parks or transit stations) needs to be shown on these maps, while being consistent with the DP area, before City Council can budget land acquisition or construction funds. See Section 4-8.3, Revised Ordinances of Honolulu (ROH), for more information.

2.5 – Development Plan Highlights

General highlights of each DP are listed below. For the most current version of each plan and its revision status, please refer to the Development and Sustainable Communities Plans page of the DPP website at www.honolulu.gov/Planning/DevelopmentSustainableCommunitiesPlans.

DP/SCP Area	Highlights
Central Oahu	<ul style="list-style-type: none"> • Long-term protection of agricultural and preservation areas. • Revitalization of Waipahu and Wahiawa. • Master-planned new communities in Royal Kunia, Koa Ridge Makai, and Waiawa Ridge.
East Honolulu	<ul style="list-style-type: none"> • Population decline and no commercial employment growth expected. • Focus is on enhancing natural resources, adjusting to aging population, and strengthening neighborhood-oriented services.
Ewa	<ul style="list-style-type: none"> • Expected to absorb a significant portion of future Oahu population and offer almost 87,000 jobs by year 2035. • Reflects a directed growth policy (develop City of Kapolei and create jobs in Ewa at university, resort, and industrial areas). • Continues commitment to master-planned, transit-friendly new communities.
Koolau Loa	<ul style="list-style-type: none"> • Maintain the distinctive character of its rural neighborhoods. • Protect scenic views, open spaces, and other natural resources. • Represents a haven for residents and a place of special interest for visitors.
Koolau Poko	<ul style="list-style-type: none"> • Adapt the concept of “ahupuaa” as a basis for land use and natural resource management; protecting agricultural and open space areas. • Direct growth within the Urban Community Boundary. • Enhance existing commercial and civic districts.
North Shore	<ul style="list-style-type: none"> • Retain and enhance the rural character. • Focus on unique open space, coastal resources, and historical heritage. • Growth to be limited to Haleiwa and Waialua.
Primary Urban Center	<ul style="list-style-type: none"> • The premier Pacific city and travel destination in a beautiful natural setting, offering a unique quality of life, a wide range of housing choices, and economic opportunities. • Between 2000 and 2035, increases of 18 percent in non-construction jobs and 20 percent in housing units are anticipated.
Waianae	<ul style="list-style-type: none"> • To reflect communities embedded in a rural landscape, with a diversity of cultures and small town values. • The “ahupuaa”/ecosystem concept is suggested as a tool for physical and resource planning.

2.6 - Neighborhood Board Participation Opportunities in Planning

Program	Provide Written Comments	Testify at Planning Commission Hearing	Testify at State Land Use Commission Hearing	Testify at City Council Hearing
Chapter 343, Hawaii Revised Statutes (HRS) <ul style="list-style-type: none"> • Draft environmental assessment • Prep Notice (in preparation for an environmental impact statement) • Draft environmental impact statement • Supplemental environmental impact statement 	<ul style="list-style-type: none"> ✓ a ✓ a ✓ a ✓ a 			
State Land Use District Boundary amendment <ul style="list-style-type: none"> • If subject property is greater than 15 acres, in Conservation District, or designated Important Agricultural Lands • If subject property is 15 acres or less 	<ul style="list-style-type: none"> ✓ b ✓ cd 	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> ✓
Oahu General Plan amendment	✓ d	✓		✓
Development Plan reviews and revision (every five years) <ul style="list-style-type: none"> • Text, map exhibits, corresponding Public Infrastructure Map • Amendment initiated by Director or City Council 	<ul style="list-style-type: none"> ✓ d ✓ d 	<ul style="list-style-type: none"> ✓ ✓ 		<ul style="list-style-type: none"> ✓ ✓
Special Area Plan or TOD Plan recognition or amendment	✓ d	✓		✓

- a – Written comments directed to preparing agency
- b – Written comments directed to State Land Use Commission
- c – Written comments directed to City Planning Commission
- d – Written comments directed to DPP



2014 Airport Area TOD Plan Community workshop

Section 3 – Land Use Zoning

3.1 – Review of Permit Applications



The DPP reviews and administers about 40 different types of permits and approvals. Each type of permit is established by law, usually by ordinance. The law sets out the notification requirements, often establishes processing deadlines, and determines which agency or body will act upon the permit request. See Section 7 for permit resources.

The role of the Neighborhood Board in land use permit processing is advisory. Neighborhood Board comments are considered along with other factors in formulating the DPP's recommendation or decision. The factors which influence the DPP's recommendation or decision relate to the intent of the permit as stated in the applicable ordinance or rule. Therefore, these factors will vary depending on the type of permit application being considered.

Generally, Neighborhood Boards are given 45 days to respond to the DPP's request for comments. Extensions to this deadline are not usually available because there are succeeding deadlines that must be met. For instance, within 60 days of receiving a major Special Management Area Use Permit (SMP) application, the Director must request and receive comments from various agencies as well as the Neighborhood Board, hold a public hearing, and then 20 days after the hearing, transmit the DPP's report to the City Council.

It is important for the DPP to know why a particular development proposal is supported or opposed by the Neighborhood Board. Remember, the DPP is primarily interested in land use impacts. For example, due to community feedback, the DPP might seek a response from an applicant about questions that come up regarding the project's traffic study results or its potential noise impacts. However, the DPP would not deal with comments regarding the integrity of the applicant or similar characteristics, such as whether the curriculum of a proposed pre-school is sufficiently nurturing.



One Stop Permit Center

3.2 - Neighborhood Board Participation Opportunities in Zoning

Type of DPP Permit	Neighborhood Board Notification and Opportunity For Review				Decision By
	Pre-Application Presentation	Application Notice	Notice of DPP Public Hearing	Notice of PC Public Hearing	
Conditional Use Permit-Major	✓	✓	✓		DPP
Conditional Use Permit-Minor for transmitting antenna ¹ or free-standing antennas	✓				DPP
Conditional Use Permit-Minor for schools, day-care or meeting facilities	✓	✓	✓, if there is one		DPP
Cluster (housing, agricultural, or county clusters)		✓			DPP
Downtown heights over 350 feet ²	✓	✓	✓		DPP
Interim Planned Development Transit	✓	✓	✓		CC
Planned Development Resort / Apartment (Waikiki Only) ³	✓	✓	✓		CC
Planned Development Housing	✓	✓	✓		DPP
Plan Review Use	✓	✓			CC
Shoreline Setback Variance		✓	✓		DPP
Special District- Major	✓	✓	✓		DPP
Special Management Area Use Permit		✓	✓		CC
State Special Use Permit ⁴ <ul style="list-style-type: none"> • If more than 15 acres or designated Important Agricultural Lands • If 15 acres or less 		✓		✓	PC & SLUC PC
Zone Change	✓	✓		✓	CC
Zoning Variance		✓	✓		DPP

DPP = Department of Planning and Permitting; PC = Planning Commission; SLUC = State Land Use Commission; CC = City Council (Council also provides notices of its public hearings)

1 - Transmitting antenna in Country, Residential, A-1, or AMX-1 zoning districts only.

2 - Pertains only to Downtown, regarding projects with heights in excess of 350 feet, where permitted, which are processed under the requirements of a Special District - Major permit.

3 - Pertains only to Waikiki and allows for creative development not possible under strict adherence of the Waikiki Special District. Contact the DPP for specific permit information.

4 - For Agricultural and Rural State land use districts only.

3.3 - Tips for Effective Participation in the Permit Review Process



- Be aware that some projects need to post a sign on the proposed site alerting the community to the project and public hearing details. This is intended to promote more community awareness of pending proposals.
- Establish good lines of communication within the Neighborhood Board:
 - Especially between the Planning/Zoning Committee Chair (if there is one) and the Board Chair.
 - How will mail and "rush" responses be handled?
- Pay attention to deadlines. If a response will be late, let the DPP know by telephone or email.
- Know who to contact in the DPP for more information about a particular project. Generally, any request for Board comments will include a department contact name and phone number. In addition, the DPP Organizational Chart (Section 7.3) provides information about departmental roles.
- Inform the DPP immediately if there is interest in having a public hearing on a type of permit application for which a public hearing is discretionary, such as for a Conditional Use Permit-Minor (day-cares; schools; or meeting facilities, such as churches and community centers).
- If the Board cannot reach a decision or a majority vote on a proposal, it would still be helpful to inform the DPP about the differences of opinion and other points of concern raised during the Board's discussions.

Section 4 – Profiles of Major Permits

4.1 – Cluster and Planned Development Housing (PD-H)

PURPOSE

- To allow development of housing sites, which would otherwise be difficult to develop under conventional subdivision standards.
- To encourage innovative site design, retention of natural features, and efficient open space.

APPLICABILITY

- Cluster housing developments are an option in Agriculture, Country, Residential, and Apartment Districts.
- Planned Development-Housing developments in Residential and Apartment Districts.

HIGHLIGHTS

- Based on underlying zoning district, may allow greater density than conventional subdivision.
- Allows flexibility in housing types and site design, and minimizes grading.
- Compatibility with surrounding uses and impacts on neighborhood.
- Provision of a variety of housing designs and common amenities.
- Provision of adequate support infrastructure.

APPLICATION PROCESSING

- **Planned Development-Housing (PD-H)**
 - DPP pre-application meeting and Neighborhood Board presentation required before application is submitted to the DPP.
 - Total of about 90 days from acceptance of application to the Director's decision; includes agency comments, public hearing, and staff review.
- **Cluster Housing**
 - There is no Neighborhood Board consultation.
 - Applicant may submit preliminary plans for a 21-day conceptual review prior to application submittal.
 - Total of about 60 days from acceptance of application to the Director's decision; includes agency comments, and staff review.

Reference: Sections 21-2.40 and 21-8.50 through 21-8.50-11, ROH, and Cluster/PD-H Guidebook

4.2 – Conditional Use Permit (CUP)

PURPOSE

- To allow uses considered appropriate in certain zoning districts if minimum standards and conditions are met; reviewed on a case-by-case basis.

APPLICABILITY

- Examples of uses permitted under certain conditions in specified zoning districts:

Use	Permit Type	Zoning District
Group Living Facility	CUP-Major	Ag., Country, Res., Apt., BMX-3
Meeting Facility	CUP-Minor	AG-2, Country, Res., Apt.
Utility Installations, Type B	CUP-Minor	All Districts

HIGHLIGHTS

- Site must be suitable and the proposed use will not substantially impair the use of surrounding properties.
- The use will contribute to the general welfare of the community-at-large or surrounding neighborhood.
- Meets minimum standards and special conditions may be imposed
- Approved by the Director of the DPP.

APPLICATION PROCESSING

- **CUP-Minor**
 - There is no Neighborhood Board consultation, except for antennas, meeting facilities, day-care facilities, or private schools, which must be presented to Neighborhood Board before application is submitted to the DPP.
 - Total of about 45 days from acceptance of application to Director's decision, unless it is decided a public hearing is required, then 90 days.
- **CUP-Major**
 - DPP pre-application meeting and neighborhood board presentation required before application is submitted to the DPP.
 - Total of about 90 days from acceptance of application to the Director's decision, includes agency comments, public hearing, and staff review.
 - Processing time may be extended if project is in Special Management Area (SMA).

Reference: Sections 21-2.40 and 21-2.90, ROH

4.3 – Interim Planned Development Transit (IPD-T)

PURPOSE

- Provide opportunities for creative, catalytic redevelopment projects within the rail corridor that would not be possible under strict adherence to the LUO prior to adoption of TOD neighborhood plans, LUO amendments relating to a TOD special district, or amendments to the zoning maps.

APPLICABILITY

- Project site is within 1/2 mile of a planned rail station.
- Minimum project site size of 20,000 square feet.
- Project site is in the City apartment, Apartment Mixed Use, Business, Business Mixed Use, Resort, Industrial, or Industrial-Commercial Mixed Use Districts.

HIGHLIGHTS

- Can establish unique controls with respect to land uses, density, height limits, setbacks, open space, signage, parking, landscaping, and streetscape improvements.
- Must demonstrate qualities of a highly effective transit-enhanced neighborhood, including diverse employment opportunities, mix of housing types, multi-modal support, and public spaces.
- Requires conceptual approval by City Council prior to final approval by Director of DPP.

APPLICATION PROCESSING

- DPP pre-application meeting and Neighborhood Board presentation required before application is submitted to the DPP.
- Total of about 185 days from acceptance of application to decision:
 - 80 days for staff review, agency comments, and report to City Council;
 - City Council reviews and takes action, as resolution, on project’s conceptual plan (public hearing held); and then
 - DPP Director conducts further review and takes final action on detailed plan.

Reference: Sections 21-2.110-2 and 21-9.100, ROH

4.4 – Plan Review Use (PRU)

PURPOSE

- Review and approval of uses of an institutional nature that provide essential community services, but could have a major impact on surrounding land uses.

APPLICABILITY

- Hospitals, prisons, airports, colleges, universities (except business schools and business colleges), trade or convention centers, and under certain circumstances, golf courses.
- PRUs are permitted in all zoning districts, except:
 - Convention centers (not in Residential Districts)
 - Golf courses (P-2 General Preservation District only)

HIGHLIGHTS

- Minimum 5-year Master Plan required.
- Comments from applicable city, state and federal agencies, and confirmation that public facilities are or will be available.
- Can establish unique controls with respect to density, height limits, yards, signage, parking, and landscaping.
- Must demonstrate community-wide need for the facility.
- Reviewed for impacts: beneficial, and adverse.

APPLICATION PROCESSING

- DPP pre-application meeting and Neighborhood Board presentation required before application is submitted to the DPP.
- Total of about 150 days from acceptance of application to decision:
 - 90 days for staff review, agency comments, and report to City Council;
 - City Council reviews and takes action as resolution (public hearing held).

Reference: Sections 21-2.40-2 and 21-2.120, ROH

4.5 – Shoreline Setback Variance (SV)

PURPOSE

- To protect against encroachment of structures which cause shore erosion and block lateral access to public beaches.
- To limit construction within setback areas, thereby decreasing the risk of residential and other structures being damaged by tsunamis, high waves, or coastal erosion.

APPLICABILITY

- Applies to structures and activities in the shoreline area, as defined in Chapter 23, ROH.

HIGHLIGHTS

- Standard shoreline setback line is generally 40 feet, except for new subdivisions fronting sandy beaches that result in increased density or structures (60 feet) and as may be allowed for nonconforming lots.
- Certified shoreline survey is required.

APPLICATION PROCESSING

- EA/EIS is required and a FONSI issued or EIS accepted prior to acceptance of SV application.
- Total of about 90 days from acceptance of application to the Director's decision:
 - Public hearing is held, unless waived by the Director;
 - If processed concurrently with a SMP, then the City Council makes the decision on both the SV and SMP by resolution.

Reference: Chapter 23, ROH, and DPP Rules Part 2, Rules Relating to Shoreline Setbacks, and the Special Management Area

4.6 – Special District Permit (SDP)

PURPOSE

- To protect and/or enhance the distinctive physical and visual aspects of an area for the benefit of the community as a whole.

APPLICABILITY

Development in the identified areas:

- Chinatown
- Hawaii Capital
- Diamond Head
- Haleiwa
- Waikiki
- Thomas Square/Honolulu Academy of Arts
- Punchbowl

HIGHLIGHTS

- Development proposals are classified into one of three permit categories depending on their degree of impact on the Special District: major, minor, and exempt.
- Significant impacts require a major permit, limited impacts require a minor permit, and negligible impacts are exempt from any SDP.
- Controls in Special Districts often address:
 - Increased landscaping and open space
 - Specific types of building materials, finishes, and colors
 - Lower height limits to protect public views
 - Design criteria for signs (Chinatown and Haleiwa)

APPLICATION PROCESSING

- **SDP-Minor**
 - There is no Neighborhood Board consultation.
 - Total of about 45 days from acceptance of application to Director's decision.
- **SDP-Major**
 - DPP pre-application meeting and Neighborhood Board presentation required before application is submitted to the DPP.
 - DPP Design Advisory Committee to review project and provide design input to the Director.
 - Total of about 90 days from acceptance of application to the Director's decision; includes agency comments, public hearing, and staff review.
 - Processing time may be extended if project is in SMA.
- **Downtown heights over 350 feet** are processed like a SDP-Major.

Reference: Sections 21-2.40 and 21-9.20 through 21-9.90, ROH, and individual special district guidebooks

4.7 – Special Management Area Use Permit (SMP)

PURPOSE

- Preserve, protect and, where possible, restore the natural, cultural, and recreational resources of the Coastal Zone of Oahu.

APPLICABILITY

- Any “development” within the SMA, as defined by Chapter 25, ROH.
- Exclusions from the SMA requirements are also defined in Chapter 25, ROH.

HIGHLIGHTS

- Development of \$500,000 or less can be processed as a minor permit if there are no significant environmental or ecological impacts (Director makes the decision).
- Development not meeting the above criterion is processed as major permit and requires an Environmental Assessment (EA)/Environmental Impact Statement (EIS) and public hearing (City Council makes the decision).
 - Consistency with SMA objectives and policies.
 - Consistency with Oahu General Plan, DPs, and zoning.
 - Development must not have adverse environmental or ecological effect unless such impacts can be adequately mitigated.

APPLICATION PROCESSING (Major permit)

- EA/EIS is required and a “finding of no significant impact” (FONSI) issued or EIS accepted prior to acceptance of SMP application.
- Total of about 120 days from acceptance of SMA application to decision:
 - DPP review, public hearing, and report to City Council;
 - City Council reviews and take action as resolution (public hearing held).

Reference: Chapter 25, ROH, and DPP Rules Part 2, Rules Relating to Shoreline Setbacks, and the Special Management Area

4.8 – State Special Use Permit (SUP)

PURPOSE

- To allow uses within the State Agricultural and Rural Land Use Districts other than those specifically permitted (note that no Rural District exists on Oahu).

APPLICABILITY

- Unusual and reasonable uses within the State Agricultural and Rural Land Use Districts, other than those for which are permitted, as described under Sections 205-2 and 205-4.5, HRS.

HIGHLIGHTS

- Conformance to State Land Use Commission guidelines.
- Conformance to Oahu General Plan and Development Plan Objectives and Policies.
- Confirmation that adequate public facilities and services will be available (sewer, drainage, water supply, and roadways).
- Impacts on the community as a whole in terms of environmental, physical, demographic, economic, and social.

APPLICATION PROCESSING

- Neighborhood Board presentation encouraged.
- Planning Commission hearing within 90 days from acceptance of request.
- Within 60 days after close of the public hearing:
 - If SUP is for land area of 15 acres or less, the Planning Commission issues Decision and Order;
 - If SUP is for land area of more than 15 acres, Planning Commission forwards request with findings to the State Land Use Commission and then 45 days for the State Land Use Commission review and action.

Reference: Section 205-6, HRS

4.9 – Zone Change

PURPOSE

- Implement the land use policy of the City and County of Honolulu, as established by the Oahu General Plan and Development Plans.
- Regulate the use of the land through the establishment and application of several zoning districts (see Section 21-3.10, ROH), each with its own set of permitted uses and detailed development standards for the height, bulk, and location of buildings.

APPLICABILITY

- When a use is proposed in a zoning district where that use is not permitted or for development under a different set of development standards.

HIGHLIGHTS

- Conformance to Oahu General Plan objectives and policies.
- Conformance to the DP/SCP.
- Compliance with City/County land use laws.
- Compliance with environmental laws.
- Adequacy of infrastructure.
- Appropriateness of timing of the zone change.

APPLICATION PROCESSING

- DPP pre-application meeting and neighborhood board presentation required before application is submitted to the DPP to encourage communication.
- Total of about 255 days from acceptance of application to decision:
 - 90 days for staff review, agency comments, and report to the Planning Commission;
 - Planning Commission (public hearing held) reviews and makes recommendation;
 - City Council reviews and takes action as ordinance (public hearing held).

Reference: Sections 21-2.40-2 and 21-2.80, ROH

4.10 – Zoning Variance

PURPOSE

- To allow for a deviation from the strict application of the LUO under unique circumstances. A basic planning principle is that variances setting aside the standard required by law should be difficult to obtain.

APPLICABILITY

- Must show an unnecessary hardship exists on a specific parcel of land, according to the following:
 1. The Applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable;
 2. The request of the Applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and
 3. The request, if approved, will not alter the essential character of the neighborhood nor be contrary to the intent and purpose of the LUO.

HIGHLIGHTS

- A variance must meet all three criteria above.
- Two general types of requests: use variance and area variance.

APPLICATION PROCESSING

- Processing time varies according to the complexity of the case, but it is generally 90 to 150 days from acceptance of application to the Director's decision; includes public hearing and staff review.

Reference: Section 6-1517, Revised Charter of Honolulu

Section 5 – Permits *Not* Requiring Neighborhood Board Input

5.1 –Ohana Dwellings and Accessory Dwelling Units

Ohana dwellings and Accessory Dwelling Units (ADUs) are second dwelling units permitted on a lot. Honolulu's Ohana provisions were first adopted in 1982 and have been amended several times. Ordinance 15.-41, signed into law on September 2, 2015, creates a new designation for secondary residences. This summary reflects the current provisions.

ELIGIBLE AREAS

1. Ohana dwellings are permitted in Agricultural, Country, and Residential zoning districts, except R-3.5 Residential. ADUs are permitted in Agricultural and Residential zoning districts (including R-3.5). Neither Ohana dwellings or ADUs are allowed in cluster, planned development-housing, zero lot line, and duplex unit projects.
2. Infrastructure (water, sewer, roads) must be able to support additional density, as determined by the appropriate City agencies. Where sewers are not available, the State Department of Health approval is required for individual wastewater facilities (septic tank or other approved system).

The lot must have direct access to a street with minimum paved width of 18 feet, if the street serves six lots; or 20 feet, if it serves more than six lots.

3. Ohana Exclusion Provision: An area with adequate public facilities can petition to be excluded from Ohana eligibility. Owners/lessees of 60 percent of the lots in a census tract must sign a petition asking to be excluded from Ohana eligibility.
4. Ohana dwellings and nonconforming structures can be converted to ADUs but it has to conform to the ADU regulations and all the development standards of the underlying zoning district as well as other pertinent regulations.
5. An ADU is an accessory, or second, dwelling unit including its own kitchen, bedroom, and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot. ADUs are intended to be “accessory” to the main house, and are typically much smaller and sited to the rear or side of the house.

To find out if your property is in an Ohana-eligible or ADU-eligible area, call the DPP at (808) 768-8252 or click on the Zoning & Regulatory, Ohana map layer to view eligible Ohana areas at: <http://gis.hicentral.com/pubwebsite/>.

RESTRICTIONS

1. Ohana dwellings may be occupied only by relatives of the family living in the main house. ADUs do not restrict occupancy to family members.

2. Ohana dwellings and ADUs are permitted only on conforming lots (lots which meet minimum size and dimensions for that zoning district). Ohana dwellings must be attached to the main house. ADUs can be attached or detached from the main house.
3. ADUs are limited in size to be a maximum of 400 SF for lots ranging between 3,500 SF and 4,999 SF and 800 SF for lots greater than 5,000 SF to minimize the visual impact to the character of the neighborhood. Ohana dwellings have no size limitations.
4. For ADUs, either the primary dwelling unit or ADU must be occupied by the property owner(s), or persons who are related by blood, marriage, or adoption to the property owner(s), or designated authorized representative(s), except in unforeseen hardship circumstances (i.e., active military deployment, serious illness).
5. Ohana dwellings require two off-street parking stalls. ADUs require one parking to be located on the lot per ADU, in addition to the required parking for the primary dwelling unit. Tandem parking and compact stalls are permitted. ADUs within one-half mile of a rail transit station do not require parking.
6. ADUs are intended to provide rental housing and are not allowed to be sold separately.
7. ADUs are required to be leased for a minimum of six months (180 days). This requirement will be recorded in a covenant running with the land with the Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as is appropriate. This requirement facilitates enforcement and deters the ADU from being used as a transient vacation unit.
8. While the Ordinance allows for the construction of Ohana dwellings and ADUs, if a private covenant prohibits the construction of an Ohana dwelling or an ADU, the latter takes precedence.

HOW TO APPLY

Applying for an Ohana dwelling or ADU permit is a two-step process, involving a pre-check procedure, and the filing of a standard restrictive covenant prior to issuance of the building permit. Forms and instructions may be obtained from the DPP.

Reference: Section 21-8.20-1 and 21-2.140-1, ROH

5.2 – Ministerial Permits

In addition to planning and zoning reviews, the DPP issues permits, clearance forms, and other types of approvals directly related to the construction of a building or development of land. Most of these reviews and approvals are ministerial because no discretion is involved: the requirements are quantitative, specific, and measurable. Examples of ministerial permits include building permits, land subdivision approvals, sign permits, and grading permits; whereas discretionary permits include existing use permits, temporary use approvals, zoning adjustments, and special management area permits.

Neighborhood Boards and the general public are not involved in project reviews at this stage of permitting (i.e. no public hearings are held); however, the community can participate through standard public hearing procedures for proposed changes to the ordinances and rules used to issue these approvals.

* * * * *

Building Permits are *NOT* required for:

- Retaining walls, fences, and planter boxes which are not more than 30 inches in height; walkways, riprap walls, and outside paving within private property.
- Individual residential television and radio antennas, excluding dish-type antennas.
- Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$1,000 in valuation in any 12-month period, and do not affect any electrical, plumbing, or mechanical installations.
- Painting, installation of floor covering and cabinet work without limit as to valuation, provided however, that the values thereof shall be included as part of the value of any new construction for which a permit is required by this code, in order to determine the amount of the fee to be paid for such permit.
- One-story detached buildings for use as tool and storage sheds, playhouses, and similar uses, provided the aggregate floor area does not exceed 120 square feet.
- Repair work performed by a licensed electrical contractor which does not aggregate over \$500 in valuation in any 12-month period and does not involve service entrance equipment.
- Repair work performed by a licensed plumbing contractor which does not aggregate over \$1,000 in valuation in any 12-month period and which involves or requires only the replacement of valves, pipes, or fixtures.

See Section 18-3.1(b), ROH, for detailed exceptions to building permits

Section 6 – Enforcement



Land use regulations are enforced in three ways:

1. Before use or structure is established. Most types of construction or renovation require at least a building permit. Compliance with zoning requirements, including conditions of approval attached to zone changes or other discretionary permits are reviewed as part of the building permit review process. If any applicable condition has not been met, the building permit will not be approved.

As an example, suppose a new day-care facility was granted a conditional use permit. One of the conditions of approval is a requirement to plant and maintain a landscaping buffer between the use and the adjacent residences. When the building permit application with drawings for the new day-care building is received, the drawings will be checked to see if the landscaped buffer is included. The drawings will be rejected until the landscaping buffer is included.

2. During construction. Once a building or use receives a building permit and begins construction, DPP inspectors visit the site to assure that the building is being built according to the approved drawings and codes. If there are deficiencies, the project can be stopped, and/or a Notice of Violation (NOV) issued. When projects are completed, they are usually issued a Certificate of Occupancy, which means all code requirements, including any applicable conditions of approval, are met.
3. After use or structure is established. Once a project is completed and occupied, complaints from the general public could be received about the project. Each complaint is investigated, and if the project is violating a code or a condition of approval, the project is so informed. A NOV can be issued. If within a reasonable amount of time after an NOV is issued, there is no progress in curing the violation, a Notice of Order (NOO) may be issued by the DPP. Generally, if the violation is not corrected within 30 days after the NOO was issued, daily fines will be assessed. The amount of the fine is normally based on the severity of the violation, and whether it is a recurring violation. In extreme cases, the ultimate enforcement can be a lien on the property, and foreclosure.

Using the previous day-care example, a neighbor could call the DPP to say that the landscaping buffer is not being maintained. An inspector would verify this with a site visit, and may either warn the day-care center or issue a NOV.

Section 7 – Resources

7.1 – Planning and Permitting Resources

- Municipal Reference Center – houses publications issued by and for the City & County of Honolulu agencies (by appointment)
(www.honolulu.gov/cms-csd-menu/site-csd-sitearticles/619-municipal-reference-center)
- Hawaii State Public Library System – local libraries can house publications issued by government agencies and which are relevant to the area (www.librarieshawaii.org)
- Satellite City Halls – house certain applications being processed and publications issued by and for the City & County of Honolulu agencies, and which are relevant to the area (www1.honolulu.gov/csd/satellite/index.htm)
- DPP Online Services, including ePlans, Honolulu Internet Permit System, GIS maps, and customer service (www.honoluludpp.org/OnlineServices)
- Oahu General Plan - available online at: www.honoluludpp.org/Planning/GeneralPlan
- The DPs and SCPs listed below are available online at:
www.honoluludpp.org/Planning/DevelopmentSustainableCommunitiesPlans
 - Central Oahu SCP
 - East Honolulu SCP
 - Ewa DP
 - Koolau Loa SCP
 - Koolau Poko SCP
 - North Shore SCP
 - Primary Urban Center DP
 - Waianae SCP
- Land Use Ordinance - available online at:
www.honolulu.gov/ocs/roh/rohhome/193-site-ocs-cat/975-roh-chapter-21
- Permit Register - available online at:
www.honoluludpp.org/Portals/o/pdfs/zoning/2008%20Permit%20Register.pdf
- Special District Permit Design Guidelines - available online at:
www.honoluludpp.org/ApplicationsForms/ZoningandLandUsePermits

Hard copies are available upon request from the DPP for the following prices: Haleiwa (\$1), Chinatown (\$1), Hawaii Capital (\$1), Thomas Square (\$1), Punchbowl (\$1), Diamond Head (\$1) and Waikiki (\$3).

7.2 – DPP’s Self-Service Research Centers

The DPP main office is located at 650 South King Street in the Frank F. Fasi Municipal Building. The DPP staff are located on the following floors: Ground, 7th, 8th, 12th, and 15th floors. While help is generally available during business hours, it is suggested to call before coming to assure appropriate staff members are present, especially if the topic is about a specific project.



Frank F. Fasi Municipal Building

Normal business hours are 7:45 a.m. to 4:30 p.m.

Resource materials are available for public review during normal business hours as follows:

Ground Floor

One Stop Permit Center:

Informational brochures, permit instruction sheets, permit submittal/pickup, zoning information.

Data Access & Imaging Branch:

Self-service counter with general land use information, general mail intake center, building permit records, zoning, and Subdivision permit files, as-built drawings of improvements within City streets.

* * * * *

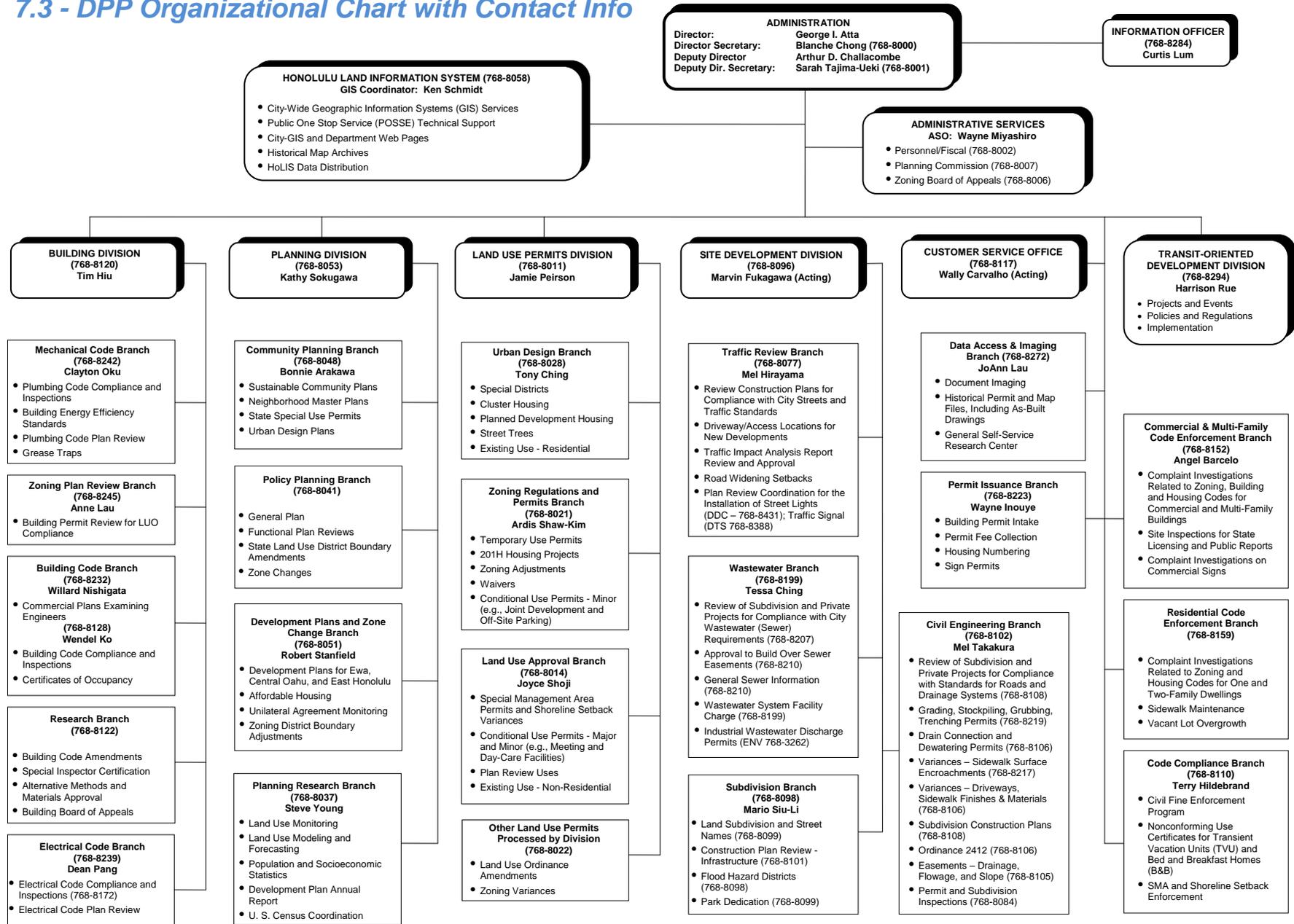


Information numbers

Zoning: 768-8252

Building Permits:

7.3 - DPP Organizational Chart with Contact Info



Dictionary of Acronyms and Other Related Terms Associated with the DPP

- Civil Fines** The major enforcement program used by the DPP to achieve compliance with zoning and building code laws and rules. When Notices of Violation are issued, but violation remains uncorrected, fines—including daily fines—can be assessed, up to \$1,000 for each day the violation remains uncorrected. The DPP may attach unpaid fines to other types of City permits and license fees, including real property taxes. Refer to LUO Section 2.150-2 and Ordinance 93-109.
- ADU** Accessory Dwelling Unit. Signed into law on September 2, 2015, Ordinance 15.-41 allows for the construction of a second dwelling unit including its own kitchen, bedroom, and bathroom facilities, attached or detached from the primary dwelling unit on the zoning lot. ADUs are intended to be “accessory” to the main house, and are typically much smaller and sited to the rear or side of the house.
- CIP** Capital Improvement Program. Program projects are generally planning, infrastructure, or equipment oriented. A CIP for the upcoming fiscal year is approved through the annual budget approval process. The annual budget can be amended through a supplemental budget amendment. There is also a CIP with a six-year scope, identifying capital projects and providing a schedule for funding and implementation.
- CUP** Conditional Use Permit. A type of permit approved by the Director of the DPP, usually subject to conditions. There are two types: Minor and Major. A CUP-Minor has no public hearing, except for meeting facility, day-care and school proposals when the community requests one. They are issued within 45 days, unless a public hearing is held. A CUP-Major involves a public hearing and is issued within 90 days. Refer to LUO Articles 2 and 5.
- DA** Development Agreement. An open-ended, negotiated agreement involving several parties that applies to a variety of permits. DAs are adopted by City Council resolution for up to 10 years with the possibility of extension. Refer to Chapter 33, ROH.
- DPP** Department of Planning and Permitting, City and County of Honolulu. Established as of July 1998, reflecting responsibilities formerly housed under Department of Land Utilization, Building Department, and staff from transportation, sewer, and engineering programs. As of January, 1999, the former Department of Planning merged into the DPP (see Section 7.3 organizational chart).

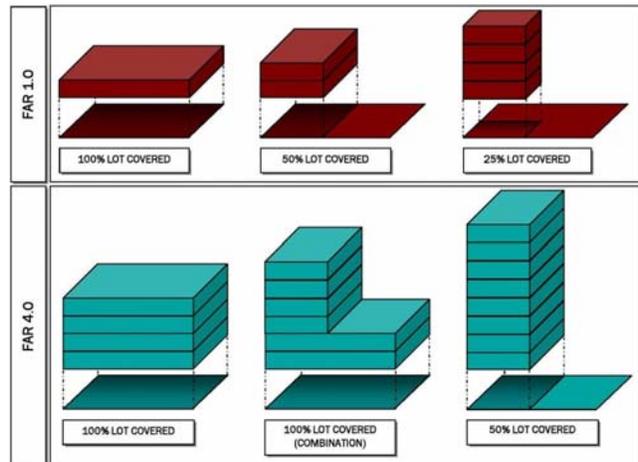
DP Development Plan. These are regional long-range plans for Oahu required by City Charter. Each identifies the direction of population and land use growth for its respective geographic area, over the next 20 or so years. There are eight DP areas: Primary Urban Center, Ewa, Central Oahu, Waianae, North Shore, Koolau Loa, Koolau Poko, and East Honolulu. Some plans are called Sustainable Communities Plans to underscore that relatively little growth is anticipated in these areas. Refer to Chapter 24, ROH.

EA Environmental Assessment. A written evaluation to determine whether an action may have a significant environmental effect. It is the first step in the environmental review process. The process is designed to allow all interested parties to comment on a proposed action (development). Not all projects are required to have an assessment; affected types of projects are stipulated by law. Refer to Chapter 343, HRS.

EIS Environmental Impact Statement. A fairly detailed informational document which discloses the environmental, social, and economic effects of a proposed action deemed to have significant effects. Not all projects are required to prepare an assessment, and projects that have an assessment are not always required to prepare an EIS. Refer to Chapter 343, HRS.

FAR Floor Area Ratio. FAR is defined in the LUO as the ratio of total floor area to total zoning lot area. A larger FAR indicates higher density. Multiplying the permissible FAR by the zoning lot area determines maximum floor area permitted.

$$\text{FAR} = \frac{\text{total floor area of building(s)}}{\text{zoning lot area}}$$



Source: DC Office of Zoning

As depicted in the accompanying graph, the same FAR can be accomplished by different methods of “stacking” buildings, up to the allowable height limit, affecting the percent of lot coverage and building height.

FONSI Finding of No Significant Impact. This is a determination made by a state or city agency upon receipt of a final EA. It means that further permitting can proceed for a project; an EIS will not be required.

- GP** Oahu General Plan. The long-range policy plan for Oahu. It is required by City Charter, and is an expression of the ideals and aspirations of Oahu residents, particularly as we deal with the future. It broadly outlines the direction where growth will occur.
- HCDA** Hawaii Community Development Authority. A State agency with jurisdiction over Kakaako and Kalaehoa for redevelopment purposes. HCDA also received responsibility for over 400 acres of wetlands in Heeia in Windward Oahu.
- HRS** Hawaii Revised Statutes. Refers to all laws adopted by the State Legislature.
- LUO** Land Use Ordinance. The zoning code for the City and County of Honolulu. Refer to Chapter 21, ROH.
- NOO** Notice of Order. If within a reasonable amount of time after a Notice of Violation is issued, there is no progress in curing the violation, a NOO may be issued by the DPP. Generally, if the violation is not corrected within 30 days after the NOO was issued, daily fines will be assessed. The amount of the fine is normally based on the severity of the violation, and whether it is a recurring violation. In extreme cases, the ultimate enforcement can be a lien on the property, and foreclosure.
- NOV** Notice of Violation. Once a project is completed and occupied, complaints from the general public could be received about the project. Each complaint is investigated, and if the project is violating a code or a condition of approval, the project is so informed and a NOV can be issued.
- PC** Planning Commission. A lay group of persons appointed by the Mayor and confirmed by the City Council. They review various City/County permit applications, including DP changes and zone changes. They have decision-making responsibility on certain types of developments within the State Agricultural Land Use District, involving 15 or fewer acres.
- PD-H** Planned Development-Housing. This is a zoning district which allows for a variety of single and multifamily housing types in neighborhood settings with supporting non-residential uses in a planned environment fostering a strong sense of community.
- PIM** Public Infrastructure Map. Although not a part of the DPs, they are similar to the Development Plan Public Facilities Maps, and are adopted and amended by resolution. PIMs complement the DPs by delineating the general locations of major proposed city improvements.
- PRU** Plan Review Use. A type of permit established under the LUO. Applies to major institutional uses such as hospitals and airports. These proposals are approved by the City Council. Refer to LUO Section 2.120.

- ROH** Revised Ordinances of Honolulu. Refers to all laws adopted by the Honolulu City Council.
- SCP** Sustainable Communities Plans are Development Plans required by City Charter as regional long-range plans for Oahu. Each plan identifies the direction of population and land use growth for its respective geographic area over the next 20 or so years. Of the eight DP areas, Central Oahu, Waianae, North Shore, Koolau Loa, Koolau Poko, and East Honolulu are designated as SCPs to underscore that relatively little growth is anticipated in these areas. The other two plans are called DPs to underscore that future population growth is anticipated in these areas. Refer to Chapter 24, ROH.
- SMA** Special Management Area. The land extending inland from the shoreline, delineated on maps adopted by the City Council. Development in this area is subject to special requirements. Refer to Chapter 25, ROH.
- SMP** Special Management Area Use Permit. A permit required for any development proposed to be located within the SMA, and which exceeds a value of \$500,000 or which may have a significant adverse environmental effect. Approved by the City Council. Refer to Chapter 25, ROH.
- SPR** Site Plan Review. A type of permit that was dropped from the LUO, as of May, 1999. Most of the uses previously regulated under this permit are now regulated under CUPs.
- SV** Shoreline Setback Variance. A permit required for improvements within the shoreline setback on parcels with shoreline frontage. Approved by the Director of the DPP. Refer to Chapter 23, ROH.
- SUP** State Special Use Permit. Allows unusual and reasonable uses within the State Agricultural Land Use District other than those for which the district is classified.
- TOD** Transit-Oriented Development. This is a pattern of development with higher densities, mixed uses, and pedestrian friendly streets surrounding transit stations. The purpose of TOD is to create neighborhoods that are conducive to transit ridership and lifestyles which are less dependent on the automobile.
- TVU** Transient Vacation Unit. TVUs are dwelling units or lodging units which are provided for compensation to transient occupants for less than 30 days, other than a bed and breakfast home. The construction, conversion, or operation of TVUs outside of areas zoned for resort uses is prohibited under the LUO.

UA Unilateral Agreement. An attachment to an ordinance which changes the zoning for a particular property. It formalizes the applicant's commitment to comply with certain specified conditions attached to the zone change action. Refer to LUO Sec. 2.80.

Variance An administrative exception to the LUO. A variance may be granted when the strict application of the law would create unnecessary hardship, as provided in Section 6-1517 of the City Charter. An applicant, for example, may request a variance to parking, height, FAR, or yard (setback) requirements due to unique factors.

ZBA Zoning Board of Appeals. A group of lay persons appointed by the Mayor and confirmed by the City Council. The ZBA hears appeals on the decisions of the Director of the DPP. A common appeal is one disagreeing with the Director's decision to deny a permit, such as a variance.