I. Overview.

A. Applicability. Where practical difficulties or results inconsistent with the general purpose of the LUO would occur from its strict literal interpretation, the adjustment review process provides a mechanism by which specified regulations may be modified to provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the LUO, while continuing to provide certainty and efficient processing. See LUO Section 21-2.140-1(m) for details.

B. Standard of Review. Rooftop structures which principally house elevator machinery and air conditioning equipment may extend above the governing district height limit for structures or portions of structures, provided they meet the following conditions:

1. If the elevator cab opens on the roof, machinery may not be placed above the elevator housing;

2. The highest point of the rooftop structures shall not exceed 5 feet above the highest point of the equipment structures. Rooftop structures principally housing elevator machinery or air conditioning equipment which was installed under a building permit issued before February 9, 1993, shall be permitted even if they exceed the 18-foot limit of LUO Section 21-4.60(c)(1), so long as they do not exceed 5 feet above the highest point of the equipment structure;

3. The building is not located in a special district. If the building is located in a special district, the special district requirements shall prevail;

4. The proposed rooftop structures shall be subject to design review. The design shall be attractive, give deference to surrounding design, and be an integral part of the design scheme of the building; and
5. Areas proposed to be covered by the rooftop structure will not be counted as floor area, provided they are not used for any purpose except covering rooftop machinery. Areas used for purposes other than reasonable aesthetic treatment shall be counted as floor area.

C. Time Frame. The time frame for processing this permit is 45 days from acceptance of a completed application. However, the time limit may be extended under certain circumstances. If the DPP fails to process this permit within the required time frame, the permit shall be deemed approved.

II. Application Requirements.

A. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information.

B. Fee. The application processing fee is $600. There is an application review fee of $200 (non-refundable) which shall be applied to the $600 processing fee upon acceptance. Please submit two separate checks (and/or money orders), one in the amount of $200 for the application review fee and another check for the remaining portion of $400 (which will be returned if the application is not accepted). All fees should be payable to the City and County of Honolulu. Checks or money orders which are not properly authorized or that are more than 3 months (90 days) old will not be accepted; and, applications submitted without the proper fees will not be further processed.

Note: When an Applicant applies for a zoning adjustment after being cited for taking action without having obtained necessary approvals, the application fee set forth above shall be doubled and the application review fee is based on the total application fee after it is doubled. The payment of the fee required by this section shall not relieve the Applicant from compliance with the LUO or from penalties imposed there under.

C. Written Statement. Submit a written statement explaining how the proposal is consistent with the standards for the adjustment, including:

1. Identifies any elevator cabs which open onto the roof of the structure;

2. Any relevant building permit(s);

3. The proposed design scheme for the rooftop equipment.

D. Other Information. Provide any other information which supports the request for a zoning adjustment, such as any technical requirements for the placement and/or screening of the proposed rooftop equipment.
E. **Drawings/Plans.** Submit two (2) copies of the following fully dimensioned drawings and/or plans applicable to the project. All drawings/plans must be black line prints, drawn to scale and prepared by a draftsman, architect, engineer or similar professional. For document imaging purposes, one (1) set of drawings shall be a maximum size of 11" x 17" and the second should not exceed 24" x 36". DPP staff may request additional copies after acceptance of the application.

1. Site plan drawn to practical scale, showing:
   a. Property and easement lines, including lot dimensions and area;
   b. Location, size, spacing, and dimensions of all existing and proposed buildings, structures and improvements, and building setbacks from property lines;
   c. Topographic information showing existing features and conditions and proposed grading;
   d. Existing and proposed streets showing access to the project, and parking layout with dimensions; and
   e. Shoreline, shoreline setback line, stream, road widening, and any other setback lines.

2. Exterior building elevations and sections with dimensions and existing/proposed finish grades, including all building heights and regulatory height envelopes measured from these grades, all setbacks from property lines, as well as any dimensions between structures.

3. Detailed rooftop and equipment plans, including any proposed screening which can help mitigate the additional height.

*Note: All scaled plans and drawings must include a graphic ("bar") scale in addition to or in lieu of a numerical scale.*

F. **Photos.** Submit photographic documentation of the property taken from the adjoining streets (If possible, panoramic spliced photos of site).

*Note: All photos should be labeled and keyed to a general site map.*

G. **Supplemental Information.** Additional information which may be required to successfully process the application by the DPP.
H. **Environmental Assessment.** If the project is subject to the requirements of Chapter 343, Hawaii Revised Statutes (HRS), the Environmental Impact Statement (EIS) law, then provide documentation of compliance.

1. If the project involves an exempt class of action, pursuant to Section 11-200-8, Hawaii Administrative Rules (HAR), then provide written documentation of such exemption from the appropriate proposing and/or approving agency (for projects subject to HRS Chapter 343, only); or

2. Submit two (2) copies of the Finding of No Significant Impact (FONSI) or EIS for the project.

Note: If the project requires an Environmental Assessment (EA) or EIS, then this must be processed before the Zoning Adjustment application will normally be accepted for processing. If the DPP is going to be the accepting agency for the EA or EIS, please note that there is now a $600 and $1,200 **processing fee**, respectively. Additionally, there is a non-refundable **application review fee** of $200 and $400, respectively, which shall be applied to the processing fee upon acceptance. **Submit two separate checks** (and/or money orders) for the two fees ($400 processing fee and $200 review fee for the EA; $800 processing fee and $400 review fee for the EIS). All fees should be made payable to the City and County of Honolulu and are non-refundable. Checks or money orders which are not properly authorized or that are more than 3 months (90 days) old will not be accepted; and, applications submitted without the proper fees will not be further processed.

3. If the project is not an exempt class of action, but is associated with a prior FONSI or EIS, then a determination must be made that a Supplemental EA or EIS is not necessary before the zoning adjustment application will be accepted for processing. Therefore, provide detailed written justifications why the proposal does not require the preparation of a Supplemental EA or EIS.

Note: If the project has substantially changed in size, scope, intensity, use, location, timing, or other means since the time the FONSI was issued or the EIS was accepted, and the project will involve significant effects, then the Applicant must prepare a supplemental assessment prior to submitting the application for the zoning adjustment. The supplemental assessment will be processed in the same manner as the EA or EIS (see Subchapter 10 of Chapter 200, Title 11, HAR, for details).
III. Electronic Document Submittals. The submittal of electronic documents, either in whole or in part of this application, is encouraged; and, shall be at the sole discretion of the Applicant. Electronic document submittals shall adhere to the following specified formats: PDF (Adobe Reader 9 or earlier), JPEG, or Word (2003 or earlier). Electronic documents must be submitted on either CD or DVD. No individual electronic document shall exceed 15 megabytes in size; any electronic document involving a larger size must be broken down into smaller size files. ALL maps, drawings and/or plans must be drawn to an appropriate scale, and must include a graphic (“bar”) scale accurately representing the applicable scale of the document.

For further assistance or information on how to complete the application, please call the DPP at 768-8021.

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