Zoning Adjustment: Ohana (Accessory) Dwelling
Rebuilding
Application Instructions

This document is intended to assist you in preparing a complete application, and should be read in conjunction with the Land Use Ordinance (LUO).

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(i)(1) for details.

B. Standard of Review. Any ohana dwelling that is destroyed by any means to the extent of more than 50 percent of the unit's current replacement value may be rebuilt in accordance with its previously existing dwelling type, i.e., as two physically separate single-family detached dwelling units, provided certain standards and conditions are met, including:

1. The ohana dwelling was lawfully constructed with an approved (“ohana”) building permit; and

2. The replacement ohana dwelling meets all current underlying district standards, including but not limited to height limits, required yards and setbacks, maximum building area, and off-street parking.

B. 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.

I. 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.**

1. A copy of the approved ohana building permit and plans.

2. If only partial demolition of the existing ohana dwelling is proposed, provide cost estimates prepared and signed by an impartial, third-party licensed contractor or professional estimator, which must be itemized and detailed and include the square-footage basis, if any, that is utilized.

3. Building area calculations of the principal and replacement ohana dwellings and any accessory structures.

4. Copies of other permits (e.g., Special Management Area or Special District permits), variances, zoning adjustments and violation notices if they are relevant to replacing the ohana unit.

D. **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, land surveyor, or similar professional. For document imaging purposes, one 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.** Two sets drawn to practical scale, showing:
a. Property lines, lot dimensions and area; condominium property lines; easements, and stream, road-widening, and other setback lines, including shoreline and shoreline setback lines;

b. Location, size, and dimensions of all existing and proposed structures (including all accessory uses and structures), building setbacks from property lines; and, location of all off-street parking spaces, maneuvering areas, streets and driveways.

2. **Floor Plans.** Floor plans must show the existing and proposed dwelling layout (rooms and use), and the exact size of the building area (lot coverage). If only partial demolition of the existing ohana dwelling is proposed, show the portion of the dwelling that will be demolished.

3. **Exterior Building Elevation Drawings.** Elevation drawings showing all existing and proposed structures (including all accessory uses and structures), permitted maximum height plane(s), setbacks from the property lines, and height setbacks.

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

E. **Photos.** Submit photographs of the site showing existing site conditions and dwelling units, including parking areas.

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

F. **Supplemental Information.** Additional information which may be required to successfully process the application by the DPP.

G. **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. 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

Revised 8/27/2014