PERMIT REGISTER

Department of Planning and Permitting
City and County of Honolulu
September 2008
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Land use * Real estate development * Law and legislation * Hawaii
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INTRODUCTION

The purpose of this publication is to provide a guide to the general requirements and procedures involved in the processing of land development projects in the City and County of Honolulu.

Whenever necessary, the Department of Planning and Permitting contacts the responsible agencies and requests information on changes or additions to any permits or approval processes within their jurisdiction. Each government agency that has authority to enforce these controls or powers is responsible for providing up-to-date information and notifying the Department of Planning and Permitting of any new permit and approval requirements.

The responsibility of establishing and maintaining a repository of all laws, rules and regulations, procedures, permit requirements and review criteria of all federal, state, and city agencies having any control or regulatory powers over land development projects within the city and county was designated by City Council's Ordinance No. 77-73 and State Act 74(77). State Act 74(77) requires each county to designate a Central Coordinating Agency (CCA) for land development projects. The Department of Planning and Permitting was designated the CCA for the City and County of Honolulu by Ordinance No. 77-73.

Pursuant to State Act 164 (98), all county and state development-related permits, licenses, or approvals are now subject to automatic approval if action is not taken within the timeframe established by rules or law. Those approvals that require legislative actions are exempt from Act 164.

All information in the synopsis is presumed current and accurate as of May 2008. Fees for permits administered by the City Department of Planning and Permitting are current as of May 2008. It is the responsibility of the user of this publication to be familiar with changes to permit and approval requirements that may occur from time to time.
AGRICULTURAL CLUSTER

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8028

D. Applicability

An agricultural cluster is an alternative to a standard agricultural subdivision in the AG-1 and AG-2 Agricultural Districts. Cluster development promotes economy of services and utilities and efficient use of the remaining area for agricultural pursuits.

AG-1 agricultural cluster developments are subject to the following requirements:

1. The minimum land area required is 15 contiguous acres.
2. The maximum number of farm dwellings cannot exceed one unit per five acres.

AG-2 agricultural cluster developments are subject to the following requirements:

1. The minimum land area required is six contiguous acres.
2. The maximum number of farm dwellings cannot exceed one unit per two acres.

Within agricultural clusters, detached, duplex, and multi-family dwellings are permitted. Multi-family dwellings cannot exceed four dwelling units in any structure.
Within agricultural clusters, all principal, accessory, and conditional uses and structures permitted within the AG-1 Restricted Agricultural District and AG-2 General Agricultural District are permitted. Each dwelling must be sited within an area not to exceed 5,000 square feet. For structures with more than one dwelling unit, the maximum area devoted to farm dwellings is a multiple of 5,000 square feet per dwelling.

Height and yards are the same as permitted in AG-1 and AG-2 districts.

E. Requirements

A completed application form must be submitted to the Department of Planning and Permitting (DPP) accompanied by the following:

1. Project name and prose description.
2. Location map.
3. Analysis of agricultural use of the proposed cluster demonstrating that agricultural use will constitute the primary activity undertaken on the land. Review and comment of this analysis will be sought from the State Department of Agriculture or appropriate Soil and Water Conservation District.
4. Site plan showing details as specified in the Land Use Ordinance, Section 21-3.50-3 and the filing instruction.
5. Verification by Board of Water Supply of availability of water.
6. Draft covenants, lease, agreement of sale, mortgage, and other instruments of conveyance requiring maintenance of land in agricultural use. The draft restrictive covenants must demonstrate assurances that the principal purpose of the project is to develop agricultural use. There should be provisions requiring State Department of Agriculture approval of the agricultural plan and when it must be implemented. It is recommended that the State Department of Agriculture review the draft restrictive covenants for their review and comment prior to submitting the application to the Department of Planning and Permitting.

There is a filing fee of $600, plus $300 per acre or major fraction thereof, up to a maximum of $10,000.

F. Process and Procedures
The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

The application is processed in accordance with Section 21-2.110-1, Land Use Ordinance. Before the submission of an agricultural cluster housing application, the applicant may undergo a 21-day conceptual review of the project by submitting a preliminary site plan drawn to scale showing the approximate location and dimensions of all proposed structures, roadways, common open areas, and recreational facilities.

Either after the 21-day conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements listed in Section 21-8.50-10.

Within 60 days of acceptance of a completed application, the director must approve the application as submitted, approve with modifications and/or reasonable conditions, or deny with reasons for denial sent in writing to the applicant. During this 60-day period, the director will solicit comments on the project from appropriate agencies and neighborhood boards.

If the development requires a Special Management Area Use Permit (SMP), the time limit may be extended by the director, for a period not to exceed ten (10) days after action has been taken on the SMP by the City Council.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
NONCOVERED SOURCE PERMIT AND COVERED SOURCE PERMIT
(AIR QUALITY)

A. Law(s)

Clean Air Act Amendments of 1990, Hawaii Revised Statutes, Chapter 342B, Air Pollution Control

B. Rules and Regulations

Federal Regulations for Prevention of Significant Deterioration of Air Quality (40 CFR \textsuperscript{1} 52.21)
Federal Regulations for Standards of Performance for New Stationary Sources (40 CFR 60)
Federal Regulations for National Emission Standards for Hazardous Air Pollutants (40 CFR 61)
Federal Regulations for National Emission Standards for Hazardous Air Pollutants Source Category (40 CFR 63)
Federal Regulations for State Operating Permit Program (40 CFR 70)
Hawaii Administrative Rules, Title 11, Chapter 59, Ambient Air Quality Standards, and Chapter 60.1, Air Pollution Control

C. Responsible Agencies

Issues: State Department of Health
Environmental Management Division
Clean Air Branch
919 Ala Moana Boulevard
Honolulu, Hawaii 96814

Tel. No. 586-4200

Other: Air Division
U.S. Environmental Protection Agency (EPA)
Region IX
75 Hawthorne Street
San Francisco, California 94105

D. Applicability

\textsuperscript{1} Code of Federal Regulations
Except for certain exempted sources and activities, no person shall burn used or waste oil or begin construction, reconstruction, modification, relocation, or operation of an emission unit or air pollution control equipment of any noncovered or covered source without obtaining a noncovered source permit or covered source permit, respectively, from the Director of Health (Director). The construction, reconstruction, modification, relocation, or operation shall continue only if the owner or operator of a noncovered or covered source holds a valid permit.

Issuance of a noncovered source or covered source permit does not relieve the owner or operator of the responsibility to comply fully with applicable provisions of Chapter 11-60.1, and any other requirements under county, state, or federal law.

If applicable, sources must also comply with federal regulations/requirements, including the Prevention of Significant Deterioration (PSD) review requirements, New Source Performance Standards (NSPS), Maximum Achievable Control Technology (MACT) requirements, and National Emission Standards for Hazardous Air Pollutants (NESHAPS). The Department of Health has been delegated the authority to administer and implement specific provisions of these federal programs.

E. Permit Requirements

Applications are to be submitted to the director on forms furnished by the Department of Health.

Application requirements for the following are incorporated in Chapter 11-60.1:

1. Initial noncovered source permits;
2. Temporary noncovered source permits;
3. Noncovered source general permits;
4. Noncovered source permit renewals;
5. Administrative noncovered source permit amendments;
6. Modification to a noncovered source;
7. Initial covered source permits;
8. Temporary covered source permits;
9. Covered source general permits;
10. Covered source permit renewals;
11. Administrative covered source permit amendments;
12. Minor modification to a covered source; and
13. Significant modification to a covered source.

As part of an application, information such as project description, site information, equipment specification, process description, emissions data, description on control equipment and operational practices, and other detailed applicable requirements and regulations are required to be submitted. An application fee in accordance with the fee schedule specified in Chapter 11-60.1, is required to be submitted with each permit application.

In addition to application fees, all noncovered and covered sources are required to pay annual fees in accordance with Chapter 11-60.1.

F. Procedure and Review Criteria

An applicant for a noncovered or covered source permit must show to the satisfaction of the director that:

1. The Best Available Control Technology is provided to control regulated air pollutants that the new source or modification would have the potential to emit or increase emissions above significant amounts considering any limitations, enforceable by the director, on the source to emit a pollutant.

2. The applicable rules or requirements of Hawaii Administrative Rules, Chapter 11-60.1 and 11-59, Hawaii Revised Statutes, Chapter 342B will be met.

3. The maintenance or attainment of any National Ambient Air Quality Standards and any State Ambient Air Quality Standards will not be violated or endangered.

In addition, an applicant for a covered source permit must show to the satisfaction of the director that:

1. For major stationary sources or major modifications, the Prevention of Significant Deterioration review requirements of Chapter 11-60.1, Subchapter 7 are met.
2. All applicable federal standards (e.g., Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, etc.) or other requirements as specified in Chapter 11-60.1, Subchapter 5 are met.

Except for administrative permit amendments, the procedures for application processing and permit issuance include performing an application completeness determination within sixty (60) days of receipt of an application for covered and noncovered sources; and within thirty (30) days for covered sources subject to PSD requirements. Time frames for approving, conditionally approving, or denying an application will generally range as follows from receipt of a complete application:

1. Within ninety (90) days for a covered source minor modification application (may extend longer as provided in Chapter 11-60.1);
2. Within six (6) months for noncovered source permit applications (includes modifications and renewals);
3. Within six (6) months for a covered source general permit application;
4. Within twelve (12) months for a covered source renewal application;
5. Within twelve (12) months for a covered source submitting an application to meet PSD requirements; and
6. Within eighteen (18) months for a covered source initial and significant modification application.

For all draft covered source permits, except administrative permit amendments and permit amendments reflecting minor modifications, the director shall provide for public notice, including the method by which a public hearing can be requested, and an opportunity for public comment. Permit amendments reflecting minor modifications and all draft covered source permits will be subject to a forty-five (45) day review period by EPA prior to permit issuance.

The director may deny an application if the information submitted shows that the source cannot conditionally or otherwise meet the review criteria for a noncovered or covered source permit as stated above.

The director may conditionally approve a noncovered or covered source permit and in such cases may:

1. Impose conditions in the noncovered or covered source permit that the director deems reasonably necessary to ensure compliance with
Chapter 11-60.1, any National Ambient Air Quality Standards, and any State Ambient Air Quality Standards, including conditions regarding equipment, work practice, or operation;

2. Require the installation of devices or the performance of a source test for measurement or analysis of source emissions or ambient concentrations of air pollutants at the expense of the applicant; and

3. Place conditions in the noncovered or covered source permit to allow the temporary use or operation of the source.
PERMIT TO CHANGE THE LAND USE OR CONSTRUCT OR ALTER A STRUCTURE LOCATED WITHIN THE AIRPORT HAZARD AREA ZONES OF ANY PUBLIC, QUASI-PUBLIC OR MILITARY AIRPORT WITHIN THE STATE

A. Law(s)

Hawaii Revised Statutes, Chapter 262

B. Rules and Regulations

Hawaii Administrative Rules, Title 19, Chapter 12, Airport Zoning

C. Responsible Agency

State Department of Transportation
Airports Division
Honolulu International Airport
Honolulu, Hawaii 96819

Tel. No. 838-8600

D. Applicability

A permit is required to change the land use or construct or alter a structure of more than 35 feet in height located within an established airport hazard area.

E. Requirements

Any such construction must conform to the height limitations established by the regulation.

F. Procedure and Review Criteria

A public hearing is not required. Findings are made solely on the criteria established in the regulation.
PERMIT TO CONSTRUCT AND/OR OPERATE A QUASI-PUBLIC AIRPORT

A. **Law(s)**

Hawaii Revised Statutes, Chapter 261

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 19, Chapter 11, Airport Site Approval, Airport Licensing, and Airport License Renewal

C. **Responsible Agency**

State Department of Transportation
Airports Division
Honolulu International Airport
Honolulu, Hawaii 96819

Tel. No. 838-8600

D. **Applicability**

This permit and/or license requirement applies to any airport or heliport open to the general public either as an aircraft operator or as a passenger being transported for hire.

E. **Requirements**

Letter of application must indicate the adequacy of the site, the land use, runway standards, traffic patterns, and other information pertinent to the proposal.

F. **Procedure and Review Criteria**

A public hearing is not required. Findings are made solely on the adequacy and safety of the site/airport for the proposed operations. Refer also to Hawaii Administrative Rules, Title 19, Chapter 12, Airport Zoning.
NOTICE OF CONSTRUCTION, ALTERATIONS, ACTIVATION AND DEACTIVATION OF AIRPORTS

A. Law(s)

Part 157 is codified under Subpart I, Airports, of Title 14 of the Code of Federal Regulations

B. Rules and Regulations

Federal Aviation Regulations, Part 157, as published, January 1975
Advisory Circular No. 70-2D, dated August 1, 1979

C. Responsible Agency

Department of Transportation -- Federal Aviation Administration
Western-Pacific Region
Honolulu Airports District Office
P.O. Box 50244
Honolulu, Hawaii 96850
Tel. No. 541-1232

D. Applicability

Any person proposing to construct, alter, activate, or deactivate a civil or joint use (civilian/military) airport must notify the Administrator, Federal Aviation Administration (FAA). This does not apply to any project for which federal aid has been requested under the Airport and Airway Development Act of 1970, as amended, or to any project involving a temporary airport which is intended to be used solely in VFR weather conditions for a period of less than 30 consecutive days with no more than ten operations a day.

Notice is required to:

1. Construct or otherwise establish a new airport or activate an airport.
2. Construct, realign, alter, or activate any runway, landing strip, or associated taxiway.
3. Deactivate, discontinue using, or abandon an airport, runway, landing strip, or associated taxiway for a period of one year or more.
4. Change the status of an airport from personal use (exclusive use by the owner) or private use (use by the owner or other persons authorized by the owner) to an airport open to the public.

E. Requirements

Except as provided in paragraphs 1, 2, 3, and 4 of this Section, the notice must be submitted, in triplicate, on FAA Form 7480-1 to the FAA Honolulu Airport District Office at least 90 days before work is to begin. However, in an emergency involving essential public service, public health, or public safety, or when delay would result in an unreasonable hardship, a proponent may notify the FAA by telephone or any other expeditious means, and send FAA Form 7480-1 within five days thereafter.

1. Information concerning a personal or private use airport for fixed wing aircraft used solely in VFR weather conditions and located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized, and more than 5 nautical miles from any airport open to the public, must be submitted on FAA Form 7480-1 at least 30 days before work is to begin. After stating whether the project is one of alteration or establishment, only items A, B, D, and I of the form need be filled out.

2. Information concerning a personal or private use heliport for use solely in VFR weather conditions must be submitted on FAA Form 7480-1 at least 30 days before work is to begin if the project is located:
   
   a. Outside of a control zone, or outside of a residential, a business, or an industrial area.
   
   b. More than 10 nautical miles from any airport for which an instrument approach procedure has been authorized.
   
   c. More than 3 nautical miles from any other airport, other than a heliport.
   
   d. More than 1 nautical mile from any other heliport.

   After stating whether the project is one of alteration or establishment, only Items A, B, O, and I of the form need to be filled out.

3. Information received under paragraphs 1 and 2 of this section is normally used only for record purposes unless the FAA determines that an aeronautical study is required.
4. Except as provided in paragraph 5, information concerning the deactivation, discontinued use, or abandonment of an airport, runway, landing strip, or associated taxiway must be submitted either by letter or on FAA Form 7480-I and prior notice is not required. Any information received under this section will be used for record purposes only unless the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public airport.

5. Information concerning the deactivation, discontinued use or abandonment of an airport, runway, or landing strip with an established instrument approach procedure must be submitted at least 30 days prior to such deactivation, discontinued use, or abandonment on FAA Form 7480-1. Copies of FAA Form 7480-1 may be obtained from the FAA Honolulu Airport District Office.

F. Procedure and Review Criteria

The FAA will conduct an aeronautical study to determine the effect of the proposal on the safe and efficient use of the navigable airspace by aircraft. An airspace determination can be expected to be made in approximately 90 days, if coordination reveals there are no aeronautical objections. If the proposal is controversial or might conflict with other airport considerations; it is subject to circulation to interested airspace users and groups, and thus may require a longer period.

An expiration date of 18 months after the airspace determination will be established to permit orderly planning. Should the landing facility not be established by that date, the sponsor may request an extension by petitioning the FAA 15 days prior to the determination expiration date.

The FAA will enclose a Form 5010-5 "Airport Master Record" with the airspace determination. When the landing facility becomes operational, the proponent is requested to complete the form and mail it to the postage-paid address in Washington, D.C., for inclusion in the FAA Airport Data System. If the facility is not activated, or if it is activated and Form 5010-5 was not sent in, the airspace determination becomes void.
PROPOSED CONSTRUCTION OR ALTERATION OF OBJECTS
THAT MAY AFFECT THE NAVIGABLE AIRSPACE

A. Law(s)
Federal Aviation Act of 1958, Section 307

B. Rules and Regulations
Federal Aviation Regulations, Part 77, as published, January 1975
Advisory Circular No. 70/7460-2H, dated November 15, 1985

C. Responsible Agency
Department of Transportation -- Federal Aviation Administration
Western-Pacific Region, AWP-530
Worldway Postal Center
Los Angeles, California 90009
Tel. No. (310) 725-6559

D. Applicability
Any person who proposes to erect or alter an object that may affect the navigable
airspace must submit a notice to the Administrator of the Federal Aviation
Administration (FAA) if that object would be:

1. Of a height more than 200 feet above ground level (AGL) at its location.

2. Within 20,000 feet of an airport with at least one runway more than 3,200
feet in length and would exceed one foot in height for each 100 feet
(100:1) horizontally from the nearest point of the nearest runway.

3. Within 5,000 feet of a heliport listed in the "Airport Directory" or operated
by a federal military agency and would exceed one foot in height for each
25 feet (25:1), horizontally from the nearest landing and takeoff area of
that heliport.
4. A traverse way which would exceed at least one of the standards listed in items 1 to 3 above, after its height is adjusted upward 17 feet for an interstate highway, 15 feet for any other public roadway, 10 feet (or the height of the highest mobile object that would normally traverse the road if higher) for a private road, or an amount equal to the height of the highest mobile objects that would traverse a waterway or any other thoroughfare not previously mentioned.

5. On an airport.

6. When requested by the Federal Aviation Administration.

Notice requirement applies to the proposed construction or alteration of any structure (building, tower, roadway, overhead wires and their supporting structures, etc.), including any construction equipment employed.

E. Requirements

Notification must be filed with the manager, System Management Branch, AWP-530, FAA Western-Pacific Regional Office. Forms for this purpose and other information are available locally at any FAA office or facility, or from the Regional Office in Los Angeles, California.

The notice must be submitted at least 30 days before the earlier of the following dates:

1. The date the proposed construction or alteration is to begin.

2. The date an application for a building permit is to be filed.

Special provisions pertain to objects subject to licensing requirements of the Federal Communications Commission and emergencies involving public services, public health, or public safety.

F. Procedure and Review Criteria

The FAA acknowledges in writing the receipt of each notice. If the proposed construction or alteration is one requiring marking or lighting, information on how the structure should be marked and lighted will be provided. The acknowledgment states whether the proposed construction or alteration would exceed any FAA standard, would be a hazard to air navigation, and if further aeronautical study is necessary to determine whether it would be a hazard to air navigation.
STATE LAND USE DISTRICT BOUNDARY AMENDMENT  
(More than 15 Acres)

A. Law(s)

Hawaii Revised Statutes, Chapter 205

B. Rules and Regulations

Hawaii Administrative Rules, Title 15, Chapter 15, Land Use Commission Rules

C. Responsible Agency

State Land Use Commission  
Leiopapa A. Kamehameha Building  
State Office Tower, 4th Floor  
235 South Beretania Street  
Honolulu, Hawaii 96813

Tel. No. 587-3822

D. Applicability

The State Land Use Commission acts on petitions to change the state land use district classification of land involving more than 15 acres and on all petitions to reclassify conservation district lands.

There are three groups of persons eligible to initiate district boundary amendment proceedings. These include:

1. State departments or agencies.

2. County departments or agencies in which the land is situated.

3. Any person with a property interest in the land sought to be reclassified.
E. Requirements

Generally, the required information includes, but is not limited to the following: the name of the petitioner and the location of his principal place of business; the name, title, address of the person to whom the correspondence in regard to the application is to be addressed; a description of the subject property, including acreage, tax map key number and accompanying maps to sufficiently identify the land area under petition; the reclassification sought and the present use of the property; and the petitioner’s property interest in the subject property. The special requirements for each type of request are contained in Section 15-15-50 of the Hawaii Land Use Commission Rules.

There is a $500 processing fee.

F. Procedure and Review Criteria

The commission conducts a hearing in the county in which the subject property is situated within 60 to 180 days after proper filing of the petition. Groups or individuals may apply with the Land Use Commission to become parties or witnesses to the district boundary amendment proceeding.

Boundary amendment hearings are conducted in a quasi-judicial manner for the purpose of compiling information to provide a complete and factual representation of the issues involved. Each party may call upon witnesses or introduce written, graphic, or pictorial evidence in support of their case.

In accordance with Act 235, SLH 1995, the commission is required to approve the petition, deny the petition, or modify the petition by imposing conditions by filing findings of fact and conclusions of law within a period of not more than 365 days after the proper filing of a petition, unless otherwise ordered by a court, or unless a time extension, which cannot exceed 90 days, is established by a two-thirds vote of the members of the commission.

The commission must consider certain criteria before amending land use district boundaries. These are delineated in Subchapter 8 of the Hawaii Land Use Commission Rules.
STATE LAND USE DISTRICT BOUNDARY AMENDMENT
(15 Acres or Less)

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 26, State Land Use Classification
Hawaii Revised Statutes, Chapters 46, 91 and 205

B. Rules and Regulations

Rules for Processing Petitions to Amend State Land Use District Boundaries

C. Responsible Agencies

Approves: Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Processes: City Department of Planning and Permitting
Interim Planning Division
Policy Planning Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8041

Web site: http://www.honoluludpp.org/

Reviews: Planning Commission
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
D. Applicability

Any department or agency of the state or county, or any person with a property interest in the land sought to be reclassified may petition the county for a change in the state land use district classification of parcels of land of fifteen (15) acres or less which are in the state land use agricultural or rural district. Petitions may be initiated by the City Council by resolution. (If more than 15 acres or in the State Conservation district see STATE LAND USE DISTRICT BOUNDARY AMENDMENT.)

All petitions for boundary amendments are 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 the General Plan of the City and County of Honolulu; (d) suitability of the subject property for the need or problem being addressed; and (e) conformance to the rules.

E. Requirements

Requests for amendments are initiated with a petition submitted to the Director of Planning and Permitting. The petition should contain information based upon a general outline available from the department.

Nongovernmental petitioners must pay a fee of $600 plus $225 per acre, or any major fraction thereof, up to a maximum fee of $6,000. Fees are submitted by the petitioner to the Director of Planning and Permitting upon acceptance of the petition. Fees are not refundable.

A petition for a boundary amendment and a development plan amendment (see page 52 of this Register) may be submitted concurrently.

F. Procedures and Review Criteria

Upon receipt of a petition, the department makes a preliminary review of its acceptability. If the petition is accepted or rejected, the Director of Planning and Permitting notifies the petitioner within 45 days of the date of receipt of the petition. If the petition is accepted, copies of the petition are forwarded to appropriate individuals and public and private agencies for review and comment.

Upon timely receipt of comments from the individuals and agencies, the Director prepares a report evaluating the proposed amendment and provides findings and recommendations. The report is forwarded to the Planning Commission within
120 days of the date of acceptance of the petition for processing. The petitioner may extend the time upon request.

A copy of the Director’s report along with notification of the time, date, and place of the Planning Commission public hearing is provided to the State Land Use Commission and the Office of Planning.

The Planning Commission, upon receipt of the Director's report on a proposed amendment, holds a public hearing. Within 60 days after receipt of the petition, the Planning Commission transmits its written findings and recommendations through the mayor, to the City Council for its consideration and action.

Where a proposed amendment is considered concurrently with a Development Plan amendment, the Planning Commission follows the procedures applicable to Development Plan amendments.

A change in state land use district boundaries pursuant to this chapter becomes effective on the day designated by the City Council in the ordinance enacting the boundary amendment. Within 60 days of the effective date of the ordinance, a description and a map of the affected land are transmitted to the State Land Use Commission and the Office of Planning by the Director of Planning and Permitting.
BRIDGE AND CAUSEWAY PERMITS

A. Law(s)

Rivers and Harbors Act of 1899, Section 9
The General Bridge Act of 1946

B. Rules and Regulations

Title 33 Code of Federal Regulations (CFR), Parts 114 and 115

C. Responsible Agency

Commander (dpw)
Fourteenth Coast Guard District
PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850-4982

Tel. No. 535-3412

D. Applicability

Anyone desiring to construct a new bridge or causeway or reconstruct or modify an existing bridge or causeway across navigable waters of the United States is required to secure a Coast Guard Permit. For bridges constructed by the state or municipal agencies, primary authority to apply for construction of a bridge project will be presumed without proof. Certain bridges that are not susceptible to foreign commerce and those built with assistance from the Federal Highway Administration under Title 23 United States Code may not need a Coast Guard permit. Any proposed temporary bridge(s) requires a bridge permit.

E. Requirements

Application is made to the Coast Guard District Office.

The application may be in letter format and should cite or include the following:

1. Name, address, and telephone number of the applicant.
2. If a consultant is employed, state their name, address and telephone number. In such a case, the application must be accompanied with written authorization for the consultant to act on the applicant’s behalf.

3. The location, description, and purpose of the project. Include the name of the waterway which the bridge is to cross, how many miles above the mouth of the waterway the bridge is to be located and the city(ies) or town(s) and the state(s) that it is to be located at, near, or between.

4. The primary authority for the construction of the bridge and under what legislative authority the bridge is being built. This would either be a state permit, charter, or statement of ownership of land. State the legislative authority for the existing bridge if it is to be replaced. If you do not own an existing bridge that is being replaced or modified, include a signed statement from the bridge owner authorizing the removal or modification work.

5. For international bridges, the International Bridge Act of 1972, or a copy of the Special Act of Congress if constructed prior to 1972, should be cited as the legislative authority for bridge construction. In addition, presidential approval must be obtained from the State Department prior to issuance of a Coast Guard bridge permit under the International Bridge Act of 1972. A copy of this approval must be included in your application package for a Coast Guard permit.

6. The proposed horizontal and vertical clearance in the navigation span(s) measured at mean high water, 2% flowline, or other appropriate datum. Include the elevation of mean high water, the 2% flowline, or other appropriate datum, and the depth and width of the waterway at the appropriate elevation.

7. Any existing bridge structure at the bridge site. Identify the owner of the bridge and type of bridge, i.e., Drawbridge, Fixed, etc.; mile point and navigational clearances.

8. When a bridge permit application includes the removal of a bridge(s), it should include the extent of removal and the time needed for such a removal. Note that the safety of navigation is of paramount importance, and that the final decision concerning the extent of removal remains with the Coast Guard.

9. The date when the construction activity is scheduled to commence and the anticipated completion date. Also identify type and source of project funding.
10. State whether or not the project is believed to have significant effect on the environment. You must provide all information requested in the environmental documentation you submit with an application. Also, consider the construction phase of the bridge project.

11. State the other state and local authorizations that are required for the proposed bridge construction activity. The district staff will provide the applicant with information on local and state regulatory programs, if available. Although it is preferable to obtain local and state approvals before applying to the Coast Guard, bridge permit applications will be accepted and processing commenced without delay. (Although, you must obtain water quality certification and coastal zone management consistency certification, if applicable, before a bridge permit may be issued.)

12. Identify any other federal agencies with jurisdiction over the proposed project and their permits or type of approvals required for the project.

13. State the general composition and amount of fill above and below Mean High Water (MHW) or Ordinary High Water (OHW) in cubic yards, if any is required. For proposed bridge construction which may require dredging of filling in the navigable waters of the United States, the U.S. Army Corps of Engineers may require the applicant to obtain a Section 404 permit. It is the responsibility of the applicant to obtain such a permit.

14. Identify the names and addresses of adjacent property owners.

15. Indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in the submission.

16. One reproducible original and three copies of the location and plan sheets should be submitted. They should be drawn to scale with the scale(s) of the drawing(s) indicated by a bar graphic(s) and include an arrow indicating North. The lower right corner of the sheet submitted for approval should contain a title block identifying the applicant, waterway, bridge location milepoint on the waterway, city, state, date of plans and sheet number of the total number of the set submitted for Coast Guard approval. Plans should show navigational clearance above the appropriate water surface elevations, and the 100 year flood elevation. (Sheet size should be no larger than 8-1/2" x 11"). The bridge navigational clearances and waterway milepoint location should be specified in both the U.S. unit of measure and metric equivalent. (See "Bridge Permit Application Guide" for more details.)
F. Procedure and Review Criteria

The request for a bridge permit is investigated by the district bridge administration staff to make sure that:

"the proposed bridge is under Coast Guard jurisdiction (i.e., across navigable waters of the United States),

the application includes all necessary information, including four sets of plans and adequate environmental and other supporting documentation (as part of an initial review, a preliminary decision is made as to which type of environmental document is required), and,

the proposed bridge provides for the reasonable needs of navigation."

After the application is determined to be complete, the Coast Guard District Commander undertakes a rigorous independent investigation to determine the possible impacts of the proposed project on navigation and on the human environment. As part of the District Commander's independent investigation, a notice requesting public comment is issued to all known interested individuals, adjacent property owners, expertise groups, and governmental agencies. Responses to the public notice are received, evaluated and acted upon by the district bridge administration staff. Substantive comments received in response to the public notice are normally furnished to the applicant to afford him an opportunity to resolve or rebut the issues that are raised. Normally the comment period is 30 days.

Public hearings will be held when there are substantial issues concerning the effect that the proposed bridge will have on the reasonable needs of navigation. They will also be held whenever appropriate in accordance with the statutory requirements of the National Environmental Policy Act of 1969 (NEPA). The purpose of a public hearing is to afford interested parties full opportunity to express their views and to develop pertinent data for evaluating the permit application.

Subsequent to the District Commander's investigation, the request for the permit is forwarded to Coast Guard Headquarters with the case record, including the State Water Quality and Coastal Zone Management Certifications, appropriate environmental document, Findings of Fact, and the District Commander's recommendation for issuance or denial of the permit. The Findings of Fact discusses various aspects of the documents in the case file, commensurate with
the scope and complexity of the project. In certain cases, the District Commander may issue or deny the permit.

G. Headquarters’ Review

A proposed bridge must provide for the reasonable needs of navigation with due consideration for the effects on the quality of the human environment (such as impacts on historical sites, fish and wildlife refuges, floodplain development, recreation, water quality). When Headquarters final agency action is required, the staff of the Permit Branch, Bridge Administration Division, Office of Navigation Safety and Waterway services, U.S. Coast Guard Headquarters in Washington, D.C., reviews and evaluates the case file submitted by the District Commander. Based on this evaluation, the District Commander's recommendation may be accepted or rejected and a bridge permit may be issued or denied.

NOTE: This information was acquired from the "Bridge Permit Application Guide." For more detailed information and a copy of the guide, contact the U.S. Coast Guard.
BUILDING PERMIT FOR BUILDING, ELECTRICAL, PLUMBING, SIDEWALK/DRIVEWAY, AND DEMOLITION WORK

A. Law(s)

Hawaii Revised Statutes, Chapters 444 and 464
Revised City Charter 1973 (1994 Edition), Chapter 14
Revised Ordinances of Honolulu, 1990
    Chapter 14, Sidewalk/Driveway Code
    Chapter 16, Building Code
    Chapter 17, Electrical Code
    Chapter 18, Fees and Permits for Building, Electrical, Plumbing, and Sidewalk Codes
    Chapter 19, Plumbing Code
    Chapter 21, Land Use Ordinance
    Chapter 27, Housing Code

B. Rules and Regulations

C. Responsible Agencies

Issues: City Department of Planning and Permitting Customer Services Office
        650 South King Street, 1st Floor
        Honolulu, Hawaii 96813

        Tel. No. 523-4505

Reviews: Various other agencies

D. Applicability

Permits are required:

1. To erect, construct, enlarge, repair, move, improve, convert, alter, remove, or demolish any building or structure (including fences, retaining walls and swimming pools).

2. For electrical or plumbing work.
3. To construct or alter any sidewalk, curb, or driveway in public street right-of-way.

For specific exemptions, refer to Chapter 18, Revised Ordinances of Honolulu (ROH).

E. Permit Requirements

An application must be submitted to the Customer Services Office. A form for this purpose is available at the office.

In addition to the application form, four sets of plans are required. They should be drawn to scale with sufficient information and details to clearly show the nature and extent of the work.

Certain information must be shown on the plans:

1. Plot plans must show lot dimensions, location of driveway, location of proposed work, distance from property lines and other buildings, easements and other pertinent information.

2. Floor plans must indicate the use of rooms, room dimensions, location and sizes of windows, exits, etc.

3. Framing plans or typical section view must show sizes and spacing of beams, floor joists, studs, siding, foundations, rafters, etc., and ceiling heights.

4. Outside or exterior elevation views must show building envelope to determine maximum height of structure.

5. Address and/or tax map key of where the work is to be done and the name and address of owner must be provided.

6. Name and address of person who prepared the plans (if other than owner) must be provided.

There is a minimum fee of $18 for work up to $500 in value. This increases as the value of work being done increases.
F. Requirements of State Law Regarding Contractors and City Ordinances Relating to Identification of Electrical and Plumbing Contractors

1. Contractor's Statement: Every building permit application must be accompanied by a statement furnished by the Customer Services Office (Form No. BD-200.19) as required by Chapter 444, Hawaii Revised Statutes (HRS) and Chapter 18, ROH.

2. Under state law, plans and specifications must bear the seal and signature of an architect or structural engineer licensed in Hawaii whenever required by Chapter 464, HRS.

   In addition, plans for swimming pools and retaining walls five feet or more in height must be stamped and signed by a duly registered architect, structural, or civil engineer.

G. Procedure and Review Criteria

   The Customer Services Office reviews the application and plans for compliance with the Land Use Ordinance, Building, Housing, Electrical, and Plumbing codes.

   The application and plans are referred to a number of city and state agencies with jurisdiction over specific aspects of the proposed work to be done. Each of these agencies must sign the application form, indicating compliance with applicable laws.

   The Customer Services Office issues the permit on the basis of this compliance.

NOTE: Refer to guidelines "Do You Need A Building Permit?" available at the Customer Services Office. Building permits for residential work can also be obtained at Kapolei Hale.

   Chapter 16, ROH, establishes a Building Board of Appeals to hear and adjudge appeals on action by the building official or fire official in administering the codes.
CERTIFICATE OF OCCUPANCY

A. **Law(s)**


B. **Rules and Regulations**

C. **Responsible Agencies**

   Issues: City Department of Planning and Permitting
   Building Division
   650 South King Street, 12th Floor
   Honolulu, Hawaii 96813
   Tel. No. 768-8127

   Reviews: Various other agencies

D. **Applicability**

   A Certificate of Occupancy is required for the use or occupancy of all buildings or structures as specified in the International Building Code and International Residential Code for One- and Two-Family Dwellings, Chapter 16, Revised Ordinances of Honolulu (ROH) and for a change in the existing occupancy classification of a building or structure.

E. **Procedure and Review Criteria**

   A Certificate of Occupancy is issued to the building owner by the Building Division:

   1. After final inspection when it is found that the building or structure complies with the provisions of the Building, Electrical, Plumbing, and Zoning Codes.

   2. When approved by various city and state agencies with jurisdiction over specific aspects of the building.
F. **Temporary Certificate of Occupancy**

A temporary Certificate of Occupancy may be issued for the use of a portion of a building prior to the completion of the entire building if the Building Division finds that no substantial hazard will result from such occupancy.

A supplement to the temporary Certificate of Occupancy may be issued to authorize additional occupancy of the building.
CLUSTER HOUSING

A. **Law(s)**

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8028

D. **Applicability**

Cluster development allows development of housing sites which would otherwise be difficult to develop under subdivision standards; allows flexibility in housing types; encourages innovative site design and efficient open space; minimizes grading by allowing private roadways, narrower roadway widths and steeper grades than otherwise permitted; and allows common amenities.

Cluster developments are permitted within existing residential and apartment districts, subject to the following:

1. The minimum land area and maximum number of permitted dwelling units is as set forth under Section 21-8.50-2, Land Use Ordinance, and is determined by project land area.

2. The number of units in one building cannot exceed eight.

3. All other requirements of the underlying zoning district apply, except there is no minimum lot size for any lot of record.
E. **Requirements**

A completed application form must be submitted to the Department of Planning and Permitting (DPP), accompanied by the following:

1. Project name and prose description.
2. Location map.
3. Site plan.
4. Architectural plans.
5. Landscape plans.
6. Proposals for maintenance and conservation of all common elements.
7. Conceptual landscaping plan. Any areas designated for grading should be indicated and approximate amounts of cut or fill shown.

There is a filing fee of $600, plus $300 per acre or major fraction thereof, up to a maximum of $10,000.

F. **Procedure and Review Criteria**

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

The application is processed in accordance with Section 21-2.110-1, Land Use Ordinance.

Before the submission of a cluster housing application, the applicant may undergo a 21-day conceptual review of the project by submitting a preliminary site plan drawn to scale showing the approximate location and dimensions of all proposed structures, roadways, common open areas, and recreational facilities.

Either after the 21-day conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements listed in Section 21-8.50-10.
Within 60 days of acceptance of a completed application, the director must approve the application as submitted, approve with modifications and/or reasonable conditions, or deny with reasons for denial sent in writing to the applicant. During this 60-day period, the director will solicit comments on the project from appropriate agencies and neighborhood boards.

If the development requires a Special Management Area Use Permit (SMP), the time limit may be extended by the director, not to exceed ten (10) days after action has been taken on the SMP by the City Council.

Cluster/PD-H Guidebook of the Department of Planning and Permitting must be used with the planning and design of the cluster housing project.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
HAWAII COASTAL ZONE MANAGEMENT PROGRAM
FEDERAL CONSISTENCY

A. Law(s)

National Coastal Zone Management Act of 1972, Section 307, as amended
(16 U.S.C. 1451, et. seq.)
Hawaii Revised Statutes, Section 205A-3(3)

B. Rules and Regulations

Title 15 Code of Federal Regulations, Part 930, "Federal Consistency
with Approved Coastal Management Programs," NOAA,
U.S. Department of Commerce

C. Responsible Agency

Department of Business, Economic Development and Tourism
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804

Attention: Coastal Zone Management

Tel. No. 587-2878

D. Applicability

Projects needing a federal permit or license may require review for consistency
with Hawaii's Coastal Zone Management (CZM) Program. For example, a
consistency review is required for permit applications to the U.S. Army Corps of
Engineers. Also, federal activities directly affecting Hawaii's coastal zone
including financially assisted projects, are reviewed for consistency. The state's
coastal zone includes all land, waters, and marine waters.

E. Requirements

1. An assessment of the proposed activity's consistency with the CZM
program's enforceable policies is required. A format listing the program's
major objectives and policies is available in the "Hawaii Coastal Zone
2. A signed statement to the effect that the proposed activity is consistent with the Hawaii CZM program and a detailed project description are submitted along with the CZM assessment to the Office of Planning (OP). For federally permitted and licensed activities, a copy of the permit application should be included.

3. Information should be submitted to the OP, with a copy sent to the city's Department of Planning and Permitting at the time of application to the federal agency for a permit or license. For a direct federal agency activity, information should be submitted at least 90 days before a final decision on the project is made by the proposing agency.

F. Procedure and Review Criteria

1. The Office of Planning reviews the submitted information and may request clarification or additional information concerning the proposed activity's effects on the coastal zone.

2. Conferences may be arranged to resolve potential issues or to discuss possible alternatives that would assure consistency with the CZM program. State and county agencies may participate in these conferences and may also provide formal review comments, as appropriate.

3. The Office of Planning formally agrees or disagrees with the applicant's consistency statement. If there is disagreement, the OP recommends alternative measures which, if implemented, would assure consistency with the CZM program. Federal permitting agencies may not issue a permit for an activity that the OP has found to be inconsistent with Hawaii's program.
CONDITIONAL USE PERMIT (MINOR)

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

Conditional Use Permit (minor) covers uses (including broadcasting antenna and transmitting antenna, which is an utility installation, Type B) that are considered appropriate in some zoning districts, if certain standards and conditions are met.

The conditional uses (minor) are listed in Table 21-3 of the Land Use Ordinance.

E. Requirements

Presentation to the neighborhood board (for certain antenna, meeting facility, day-care facility and schools only). Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the site is located, or if no such neighborhood board exists, then to an appropriate community association. The applicant must provide written notice of the presentation to all adjoining property owners.
A completed application form must be submitted to the Department of Planning and Permitting (DPP) accompanied by the following:

1. A description of the existing and proposed uses, including schedule of activities, hours of operation and estimated attendance at activities.

   For uses requiring neighborhood board presentation only. Include description of all issues or causes of concern relating to the project raised at the presentation to the neighborhood board or community association. Describe the measures, if any, taken to mitigate such issues or concerns.

2. For uses requiring neighborhood board presentation only. Affidavit confirming that adjoining property owners were sent written notification of the required neighborhood board presentation. (See Section 21-2.40-1, LUO)

3. Description of infrastructure requirements.

4. A site plan drawn to practical scale, showing:
   a. Lot lines and dimensions;
   b. Exact size and location of existing and proposed structures;
   c. Existing and proposed uses of structures and open areas;
   d. Existing and proposed off-street parking layout;
   e. Topography, access, surrounding land uses, and other matters which may be required; and
   f. Existing and proposed landscaping.

5. Photos of the site and adjacent lands affected by the proposal.

6. Exterior building elevation drawings, sections and floor plans.

7. Written information explaining how the proposed use complies with the general requirements for conditional uses (refer to Sections 21-2.90-1 and 21-2.90-2, Land Use Ordinance) and minimum development standards for the applicable zoning district and conditional use category (refer to Article 5, Land Use Ordinance).

There is a filing fee of $300. The filing fee is doubled if a citation is issued for action taken prior to receiving necessary approvals.
F. Procedure and Review Criteria

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing. Within 45 days of acceptance of a completed application, the director will notify the applicant that the CUP is approved as submitted, approved with modifications and/or conditions, or denied, specifying reasons for denial.

No public hearing is required unless the director determines that it is necessary for the proposed meeting facility, day-care facility or school. In such cases, the processing time shall be 90 days from the date of acceptance of a completed application.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.

See LUO Section 21-2.40-1 for additional procedures for those uses which are subject to neighborhood board presentation and public hearing.
CONDITIONAL USE PERMIT (MAJOR)

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

Conditional use permit (major) covers uses that are considered appropriate in some zoning districts if certain standards and conditions are met.

The conditional uses (major) are listed in Table 21-3 of the Land Use Ordinance.

E. Requirements

Pre-application Meeting. Prior to submitting the application, the applicant must meet with the Department of Planning and Permitting (DPP) for an informal review of the project, unless such a meeting is determined to be unnecessary by the DPP.

Presentation to Neighborhood Board. Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the project will be located, or if no such neighborhood board exists, then to an appropriate community association. The applicant must provide written notice of the presentation to all adjoining property owners.
A completed application form must be submitted to DPP accompanied by the following:

1. A description of the existing and proposed uses, including schedule of activities, hours of operation and estimated attendance at activities.

2. Description of infrastructure requirements for the project.

3. A reproducible site plan, drawn to scale, showing:
   a. Lot lines and dimensions;
   b. Sizes and locations of existing and proposed structures;
   c. Existing and proposed uses of structures and open areas;
   d. Existing and proposed off-street parking layout;
   e. Topography, access, surrounding land uses and other matters which may be required; and
   f. Existing and proposed landscaping.

4. Photos of the site and adjacent lands affected by the proposal.

5. Building elevations, sections and floor plans.

6. Written information explaining how the proposed use complies with the general requirements for conditional uses (refer to Sections 21-2.90-1 and 21-2.90-2, Land Use Ordinance) minimum development standards for the applicable zoning district and conditional use category (refer to Article 5, Land Use Ordinance).

7. Affidavit confirming that adjoining property owners were sent written notification of the required neighborhood board presentation.

8. Neighborhood board. Describe all issues or concerns relating to the project raised at the presentation to the neighborhood board or community association. Describe the measures, if any, taken to mitigate such issues or concerns.

There is a filing fee of $600 plus $300 per acre or major fraction, up to $10,000, which must be submitted with the application.
F. **Procedure and Review Criteria**

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Upon acceptance of a completed application, the director will request written comments and recommendations from appropriate agencies and neighborhood boards. The application will be reviewed by government agencies to ensure adequacy of water, sewer, and other public facilities to support the proposed use. Compatibility of the proposed use with the surrounding neighborhood is also reviewed. The applicant must also make a good faith effort to notify all owners of property within 300 feet of the affected property’s boundaries of the applicant’s proposed use of the property.

A mandatory public hearing is held no sooner than 45 days after acceptance of an application. The applicant may be required to erect a "notice of pending permit" sign on the affected lots(s) no less than 14 days before the public hearing date.

Within 90 days of acceptance of a completed application, the director must approve the application as submitted, approve with modifications and/or conditions, or deny with reasons for denial sent in writing to the applicant. Final action must be taken within 90 days of the date of the application unless the development requires a Special Management Area Use Permit (SMP), in which case, the time limit may be extended, not to exceed ten (10) working days after action on the SMP has been taken.

Refer to Section 21-2.40-2(c)(2), Land Use Ordinance for additional public notification requirements.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
CONSERVATION DISTRICT USE APPLICATION

A. **Law(s)**

Hawaii Revised Statutes, Chapter 183C

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 13, Chapter 5, Conservation Districts

C. **Responsible Agencies**

Approves: Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Reviews: State Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, Hawaii 96813

Tel. No. 587-0377

D. **Applicability**

Anyone proposing to make any use of lands within the Conservation District, as established by the State Land Use Commission, must apply. The Conservation District includes large areas of mountain and shoreline lands, virtually all traditional Hawaiian fishponds, and most submerged offshore lands and outlying small islands. (See NOTE) Maps showing the boundaries of the Conservation District are available at the Department of Land and Natural Resources (DLNR).

E. **Requirements**

Generally, land uses requiring comprehensive review by the board are processed as board permits, management plans and temporary variances. Land uses requiring review by the department and approved by the chairperson are processed as departmental permits, emergency permits and site plans.
A complete application form (available at DLNR) must be submitted, identifying the site of the proposed action and describing the action in sufficient detail to permit a thorough evaluation by the department. The department makes recommendations on the proposed uses to the board.

Site and construction plans, and an environmental assessment are required. Based on project impacts, an environmental impact statement may be required. Twenty (20) copies of the application form and all attachments must be submitted to the department.

Application fees vary with the type of permits.

<table>
<thead>
<tr>
<th>PERMITS</th>
<th>FILING FEE</th>
<th>PUBLIC HEARING FEE (If applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental</td>
<td>$50</td>
<td>$250</td>
</tr>
<tr>
<td>Board</td>
<td>$100, plus additional $100, per potential developed acre, or major fraction thereof, up to a maximum of $2,000</td>
<td>$250</td>
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<tr>
<td>Emergency</td>
<td>Waived</td>
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<tr>
<td>Temporary variance</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>Site plan approvals</td>
<td>$50</td>
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Fees must be made payable to the State of Hawaii.
*Fees subject to change.

F. Procedure and Review Criteria

Applications submitted to the department are reviewed by the department for completeness within 30 days from the date the application was filed. If an application is incomplete, the applicant will be notified by letter as such. If an application is accepted for processing, the applicant will be notified by letter stating the commencement and completion dates for the processing of application. If the department, the chairperson, or the board fails to act within 180 days after accepting an application, the applicant may automatically put his land to the use or uses requested. Only applications with the consent of the landowner(s) are
considered. If the requested use(s) is/are located on state lands, consent from the chairperson of the Board of Land and Natural Resources, who will represent the state as landowner, is needed. If the application incorporates an Environmental Impact Statement or a contested case hearing, the 180-day may be extended according to Section 183C-6, Hawaii Revised Statutes (HRS).

Public hearings are required for: 1) applications for proposed use on land for commercial purposes; 2) changes of subzone or boundary, establishment of new subzone, or changes in identified land use; 3) applications requiring a board permit in the protective subzones; and 4) on applications determined by the chairperson that the scope of proposed use or public interest requires a public hearing on the application. All public hearings must be conducted in the county in which the land is located. Notice of the hearing must be given not less than 20 days prior to the date of hearing.

NOTE: An EIS may also be required under Chapter 343, HRS. (See EIS--STATE.)

For shoreline conservation areas, a number of other permit requirements may apply: See SPECIAL MANAGEMENT AREA USE PERMIT, SHORELINE SETBACK VARIANCE, and PERMIT FOR ACTIVITIES IN WATERWAYS.

The board may also grant temporary variances from zoned uses for "good cause" and where the board determines the use to be in accordance with good conservation practices. No variance will be approved for more than one year.
CONSTRUCTION DEWATERING PERMIT (TEMPORARY)

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Article 12, Drainage, Flood, and Pollution Control

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Site Development Division
Civil Engineering Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. Nos. 768-8106
768-8104

D. Applicability

Any person wishing to discharge waters resulting from construction operations onto a public right-of-way and/or into the municipal storm sewer systems must obtain this permit. If the dewatering discharge is directly into state waters, a National Pollutant Discharge Elimination System (NPDES) permit will be required by the Department of Health (DOH).

E. Permit Requirements

Permits to allow other than storm water runoff onto a public right-of-way and/or into storm sewer systems are granted only if it can be shown that the discharge will not create a drainage or pollution problem, or cause a violation of any provisions of the city NPDES permit.

Three sets of construction drawings of the proposal must be submitted to the department. Method of treatment or Best Management Practices (BMP) will be given to meet state water quality standards as identified in Section 11-54-4, Hawaii Administrative Rules.
There is a filing fee of $100 with each permit application. The filing fee is waived for city, state and federal government projects.

F. Procedure and Review Criteria

A special agreement form is required for construction dewatering discharge into the storm sewer system (available at DPP). The applicant must agree to the following:

1. That the city would not be held liable for any suits or actions resulting from the operations.

2. An adequate sump for desilting and discharge will be constructed, including but not limited to a method of treatment, if required, or BMP.

3. That the temporary line will be removed, and the area restored upon completion of the dewatering operations.

4. That all silt deposits and/or debris in the storm sewer systems caused by the dewatering operations will be removed upon completion of the dewatering operations.

5. That dewatering operations will cease if DOH determines that the operations are detrimental to the general public or there is a violation of water quality standards in Section 11-54-4, Hawaii Administrative Rules.

6. The city must be notified at least 72 hours before commencing work to arrange necessary inspection. (An agreement form is available at DPP.)

7. An NPDES permit will be required in most cases by DOH for erosion control and dewatering at construction sites.
COUNTRY CLUSTER

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8028

D. Applicability

The purpose of the country cluster is to promote economy of services and utilities and to encourage the retention of large tracts of open space or agricultural lands which contribute to rural character. Within country clusters, detached, duplex, and multi-family dwellings are permitted. The multi-family dwellings, however, may not exceed four dwelling units in any structure. All principal, accessory and conditional uses and structures permitted within the Country District and all Country District development standards apply except those relating to yards and lot dimensions.

Country cluster developments are subject to the following requirements:

1. The minimum land area is three contiguous acres.

2. The maximum number of dwelling units in a country cluster cannot exceed one per one acre.

3. The minimum size of a lot of record for dwellings is 5,000 square feet. The following development standards apply to dwelling lots:

   a. Front yards must be a minimum of ten feet.

   b. Side and rear yards must be a minimum of five feet.
4. Parking, loading, and sign requirements must be specified in the approval of the country cluster plan. All other underlying district development standards apply.

E. Requirements

A completed application form must be submitted to the Department of Planning and Permitting accompanied by the following:

1. Project name.
2. Location map.
3. Prose description of the project.
4. Site plan showing all information as required in Section 21-3.60-3, Land Use Ordinance and the filing instructions.
5. Other information and documentation as required.

There is a filing fee of $600, plus $300 per acre or major fraction thereof, up to a maximum of $10,000.

F. Process and Procedures

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

The application is processed in accordance with Section 21-2.110-1, Land Use Ordinance.

Before submission of a country cluster application, the applicant may undergo a 21-day conceptual review of the project by submitting a preliminary plan drawn to scale showing the approximate location and dimensions of all proposed structures, roadways, common open areas, and recreational facilities. Included on the preliminary site plan must be a conceptual landscaping plan.

Either after the 21-day conceptual review or as a first action, the applicant may proceed with detailed plans and drawings for the project in compliance with the application requirements listed in Section 21-3.60-3.
Within 60 days of acceptance of a completed application, the director must approve the application as submitted, approve with modification and/or conditions, or deny with reasons for denial sent in writing to the applicant. During this 60-day period, the director will solicit comments on the project from appropriate agencies and neighborhood boards.

If the development requires a Special Management Area Use Permit (SMP), the time limit may be extended ten (10) days after action has been taken on the SMP by the City Council.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
DAM / RESERVOIR CONSTRUCTION, REPAIR, ALTERATION, OR REMOVAL PERMIT (DAM CONSTRUCTION/ALTERATION PERMIT)

A. Law(s)

Hawaii Revised Statutes, Chapter 179D (Dams and Reservoirs)

B. Rules and Regulations

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 190 (Dams and Reservoirs)

C. Responsible Agencies

Approves: Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Reviews: State Department of Land and Natural Resources
Engineering Division
Design, Inspection and Safety Branch
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

Tel. No. 587-0230

D. Applicability

With the passage of the Hawaii Dam Safety Act of 1987, the legislature declared that the inspection and regulation of construction, operations, and removal of certain dams are properly a matter of regulation under the police powers of the State.

This law specified that all new construction, as well as alterations including repairs and removal of dam structures and their major appurtenant features, be required to be reviewed by the State. The State would authorize such work through the issuance of a Dam Construction/Alteration Permit.

E. Permit Requirements

Applicants should submit a completed Dam Construction/Alteration Permit application form and appurtenant backup data (construction plans, specifications, cost estimate, construction schedule, and design reports). A $25.00 non-refundable application fee is also required. Supplemental information and
support data may be required by the Department upon review of the application set.

Applications should be sent to:

Chairperson, Board of Land and Natural Resources  
Department of Land and Natural Resources  
Engineering Division  
P. O. Box 373  
Honolulu, Hawaii 96809

Tel. No. 587-0230

F. Procedure and Review Criteria

The application is filed with the Board of Land and Natural Resources. All applications are subject to the approval of and the terms and conditions set by the Board. Scheduled and unscheduled inspections and investigations of the construction may be conducted. A supplementary application is required for any contemplated changes to the work authorized in the original permit.

The construction work shall commence within five years of the date of the approved application.

Upon completion of the work, written notification shall be given to the Department, signed by the owner's engineer supervising the construction. The notification shall certify that the project was constructed in conformance with the approved plans and specifications and be accompanied by supplementary drawings or descriptive matter describing the dam as actually constructed (as-built drawings). The applicant shall also submit one copy each of the Operations Manual and the Emergency Action Plan for the facility.

The applicant shall utilize appropriate erosion control measures during construction to minimize turbidity (such as scheduling of work during periods of low stream flow) and prevent debris and construction materials, including cement, petroleum products, and other pollutants from entering the waters of the State. Construction related water should be properly disposed of in a legal and environmentally safe manner. Applicants may also be required to obtain a Stream Channel Alteration Permit from the State Commission on Water Resource Management, NPDES permit from the State Department of Health, and U.S. Army Corps of Engineers 404 permit.
DEVELOPMENT PLAN AMENDMENT

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 24
Hawaii Revised Statutes, Chapters 46 and 91

B. Rules and Regulations

Rules for Processing Amendments to the Development Plans and Sustainable Communities Plans of the City and County of Honolulu

C. Responsible Agencies

Approves: City Council
         City and County of Honolulu
         City Hall
         Honolulu, Hawaii 96813

Processes: City Department of Planning and Permitting
           Interim Planning Division
           Development Plans & Zone Change Branch
           650 South King Street, 7th Floor
           Honolulu, Hawaii 96813
           
           Tel. No. 768-8051
           
           Website:
           http://www.honoluludpp.org/planning/DevSustCommPlans.asp
           http://www.honoluludpp.org/downloadpdf/planning/DPSCPapp.pdf

Reviews: Planning Commission
         City and County of Honolulu
         650 South King Street, 7th Floor
         Honolulu, Hawaii 96813

D. Applicability

Development Plans and Sustainable Communities Plans consist of conceptual schemes for implementing and accomplishing the development objectives and
policies of the general plan within the city. The Development Plan or Sustainable Communities Plan includes maps, statements of standards and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate coordination of major development activities.

The Development Plans (DPs) and Sustainable Communities Plans (SCPs) and their associated maps (which the Charter requires to not be detailed in the manner of zoning maps) describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed zoning maps and regulations and public and private sector investment decisions.

All maps in the DPs and SCPs are conceptual and are intended to illustrate the vision, policies, principles and guidelines of the plans. In the case of a conflict between the maps and the text, the text of the Plan shall prevail.

Any person may formally request the Director of Planning and Permitting to process a proposal to amend the DPs or SCPs. The City Council and the Director may also propose amendments to the DPs or SCPs.

E. Requirements

A signed DPP Planning Division Master Application Form and two copies of the written statement and any associated maps must be submitted for DP and SCP amendment applications.

The written statement must address:
1. How the proposed amendment contributes to the general welfare and prosperity of the people of Oahu,
2. How the proposed amendment is consistent with the General Plan.
3. Whether the public issue, need or problem addressed by the amendment is so urgent it cannot wait for the 5-Year Review of the DP or SCP,

To the extent possible, the written statement must include analysis and supporting documentation to address the following:
1. Background. Identify the applicable DP or SCP area affected by the proposed amendment, the role of the DP/SCP area in Oahu’s development, and the key elements of the vision of the DP or SCP. Where applicable, the following should be described:
   a. Location of property affected by the amendment.
   b. Surrounding land uses and structures.
   c. Proximity to significant public facilities and utilities.
d. Proximity to Urban Growth/Urban Community/Rural Community/Agriculture/Open Space/Preservation/Special Area Plan/Special District or any other similar boundary.

e. Chronological history of the area affected by the amendment, including a discussion of any previous land use approvals.

2. **Amendment Proposal.** A detailed description of the proposed amendment, including the following, should be provided:
   
   a. A Ramseyer version of the text to be amended;
   
   b. Revisions of any affected DP/SCP Exhibit or Map;

3. **Basis for Proposed Amendment.**
   
   a. Contribution to the general welfare and prosperity of the people of Oahu;
   
   b. Public issue, need or problem addressed by the amendment;
   
   c. Consistency with the General Plan;
   
   d. Consistency with existing DP/SCP vision;
   
   e. Impact on the DP/SCP vision, policies, principles, guidelines, and implementing actions (implement, clarify, or change?); and
   
   f. Other reasons in support of the proposed amendment.

4. **Project Specific Information.** If the amendment is required for a specific project to proceed, the following should be provided:
   
   a. A brief project description;
   
   b. A development timetable; and
   
   c. Estimated project cost.

**Maps.** For amendments affecting the long range land use patterns or the urban growth, urban community, or rural community boundaries, the application must use the applicable DP or SCP Land Use Map as a base.

Maps included with the application should be no larger than 11 x 17” in size showing the proposed change(s) in relation to the existing land use patterns, boundaries and other features shown on the base map. Other maps may be included as supporting documentation.

For amendments specific to an area, the following should be provided:

1. Location Map (8 ½”x 11”).
2. Appropriate DP/SCP Map (with amendment area identified)
3. Public Infrastructure Map (8 ½” x 11”)
4. Zoning Map

**Application Submitted Directly to DPP.** Private applicants submitting an amendment to DPP shall meet with DPP for an informal review of the proposed
DP or SCP amendment prior to acceptance of the application for processing. Discussion of the application should address:

1. How the proposed amendment contributes to the general welfare and prosperity of the people of Oahu,
2. How the proposed amendment is consistent with the General Plan.
3. Whether the public issue, need or problem addressed by the amendment is so urgent it cannot wait for the 5-Year Review of the DP or SCP,

Council-initiated amendment applications. For an application initiated by the City Council at the request of a private applicant, it is recommended but not required that the private applicant meet with DPP to review the Applicant’s proposed amendment prior to submission to the City Council.

Upon approval of the resolution, the private applicant who requested the amendment initiated by the City Council shall meet with DPP prior to the submission of the amendment application to DPP for processing.

There is a filing fee of $600 per application for text and/or map amendments to the DPs and SCPs. Public agencies are exempt from the filing fee. Amendment applications initiated by the City Council on behalf of an applicant, are subject to a filing fee, which shall be paid by the Applicant.

F. Procedure and Review Criteria

The DPP has 30 days calendar days to review a private application package submitted to DPP for processing. By the end of the 30-day period, the DPP shall inform the private applicant in writing whether the application is complete, and if complete, whether the amendment request will be processed immediately or processed in the next scheduled five-year DP or SCP review. Incomplete applications will not be accepted for processing.

If the application is accepted as complete, the following steps will be followed:

Review Copies. The applicant will be asked to provide sufficient copies of the written statement and associated maps for distribution to Federal, State, and City agencies, the Neighborhood Boards of the affected DP/SCP area, and community organizations and for placement at libraries and the closest satellite City Hall.

Fees Payment. If the amendment was initiated by the Council at the request of the applicant, the applicant will be asked to pay the required fee.

Notification and Distribution of Review Copies. Notification and requests for comments will be sent out by DPP to the applicant, public agencies, neighborhood boards, community organizations, and other interested parties. Copies of the application package will be sent to public agencies, the
neighborhood boards in the affected DP/SCP area, and community organizations and made available at libraries and satellite City Halls for use in review.

Orientation Public Information Meeting. Notice of a public information meeting on the proposed amendment will be sent out to the applicant, public agencies, neighborhood boards, community organizations, and other interested parties. The public information meeting will provide an opportunity by the applicant to present the proposed amendment to the public and answer questions and concerns, and for DPP to collect comments and suggestions regarding the amendment.

Analysis of the Amendment and Preparation of the Draft Director's Report. Based on the questions, concerns, and suggestions received from the public review and on DPP's analysis of the amendment, DPP will prepare a draft report and recommendation regarding the amendment.

Distribution of the Draft Director's Report. Notification of the completion of the Draft Director's Report and requests for comments will be sent out to the applicant, public agencies, neighborhood boards, community organizations, and other interested parties. Copies of the draft Director's Report will be sent to the applicant, public agencies, the neighborhood boards in the affected DP/SCP area, and community organizations and made available at libraries and satellite City Halls.

Public Review Draft Information Meeting. Notice of a public information meeting on the Director's Report on the proposed amendment will be sent out to public agencies, neighborhood boards, community organizations, and other interested parties. The meeting will provide an opportunity for DPP to present the results of its analysis of the amendment and the Director's recommendation, and to collect comments and suggestions regarding the review and the recommendation.

Preparation and Transmittal of the Final Director's Report and Recommendation. Based on the comments and suggestions, the final Director's Report and Recommendation will be prepared and transmitted to the Planning Commission and City Council for their formal review and decision-making. Copies of the final Director's Report and Recommendation will be sent to the applicant, and the Neighborhood Boards of the affected DP/SCP area for their use in preparing comments for testimony to the Planning Commission and City Council.

If the DP or SCP amendment was initiated by the Council, the Director's Report along with a proposed ordinance implementing the amendment must be transmitted to the Planning Commission within 270 days of the adoption of the Council resolution initiating the DP or SCP amendment.

Planning Commission Public Hearing Notice. Notice of a Planning Commission Hearing will be published in the Star Bulletin 10 calendar days prior to the hearing. The Notice will also be sent to the applicant and to the Neighborhood Boards for the affected DP/SCP area.
Planning Commission Action. Within 45 days of receiving the Director's Report, the Planning Commission will hold at least one public hearing on the amendment. After the hearing is closed, the Commission will decide on their recommendation on the amendment. (If the Commission recommends against the amendment, it requires a 2/3 vote of the Council to approve the amendment.) Thirty days after the Commission has closed the hearing, the amendment package with the Planning Commission recommendation will be transmitted to the City Council for final decision making via the ordinance adoption process.

City Council Action. The Council must take final action on the ordinance within 90 days of receipt or the ordinance fails. (The amount of time for final action can be extended by vote of the Council.) The ordinance process involves three votes of the full Council (called first, second, and third reading) a public hearing, and at least two Planning Committee meetings.

Mayoral Action. If the Council adopts the ordinance, it is sent to the Mayor for approval. If the Mayor vetoes the ordinance, it goes back to the Council which can override the veto if six of the nine Council members vote to approve the ordinance.
PERMIT TO DISCHARGE EFFLUENT

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Article 12, Drainage, Flood, and Pollution Control

B. Rules and Regulations

C. Responsible Agency

City Department of Environmental Services
Division of Environmental Quality
Storm Water Quality Branch
1000 Uluohia Street, Suite 303
Kapolei, Hawaii 96707

Tel. No. 692-5207

D. Applicability

Any person wishing to discharge effluent other than storm water runoff and construction dewatering, such as de-chlorinated swimming pool water, unpolluted ground water, etc., onto public rights-of-way and/or into the municipal storm sewer systems must obtain this permit.

E. Permit Requirements

Permits to allow other than storm water runoff onto public rights-of-way and/or into storm sewer systems are granted only if it can be shown that the discharge will not create a drainage or pollution problem, or cause a violation of any provisions of the city National Pollutant Discharge Elimination System (NPDES) permit.

An application form is available at the Department of Environmental Services (Env), Division of Environmental Quality, Storm Water Quality Branch.

There is a filing fee of $100. When the discharge is performed by or on behalf of the city, state or federal government, the director shall waive the collection of the filing fee.
F. Procedure and Review Criteria

The applications are reviewed by Env for approval. If the effluent is a source of any pollutant, a National Pollutant Discharge Elimination System (NPDES) permit is required from the State Department of Health for the discharge of the effluent into waters of the state through a separate municipal storm sewer system. A copy of the NPDES permit or Notice of General Permit Coverage (NGPC), including effluent limitation, if any, shall be posted at the location of the site. The applicant is required to agree to the condition of the permit.
EFLLUENT DISCHARGE - ZONE OF MIXING APPROVAL

A. Law(s)

Hawaii Revised Statutes, Chapter 342D

B. Rules and Regulations

Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards

C. Responsible Agencies

Approves: State Department of Health
Environmental Management Division
Clean Water Branch
919 Ala Moana Boulevard, Suite 301
Honolulu, Hawaii 96814-4920

Tel. No. 586-4309
Fax No. 586-4352
Email: CleanWaterBranch@doh.hawaii.gov
Website: http://hawaii.gov/health/environmental/water/cleanwater/index.html

Reviews: Water Management Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

D. Applicability

A zone of mixing application must be filed by anyone wishing to discharge effluent into a location where water quality standards for that area would be violated and is not considered to be impaired. Refer also to NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.

Water quality standards are established by geographical area in Chapter 54.
E. Requirements

Application is made to the Department of Health. Forms are available at the department and online at: http://hawaii.gov/health/environment/water/cleanwater/forms/indiv-index.html. The application form must be accompanied by a complete and detailed description of present conditions, an explanation of how these conditions do not conform to standards and other pertinent information.

F. Procedure and Review Criteria

Applications are reviewed for the effect or probable effect on water quality standards (as specified in Chapter 54).

Approval can be granted only after a public hearing is held by the Director of Health in the county where the source of effluent is situated.

No zone of mixing can be granted unless the application and the supporting information clearly show that:

1. The continuation of the function or operation involved in the discharge is in the public interest.

2. The discharge occurring or proposed to occur does not substantially endanger human health or safety.

3. Compliance with existing water quality standards would produce serious hardships without equal or greater benefits to the public.

4. The discharge occurring or proposed to occur does not violate basic standards applicable to all waters, will not unreasonably interfere with any actual or probable use of the water areas for which it is classified, and has received the best degree of treatment or control practicable under existing technology or, in the case of the proposed discharge, will receive the best available demonstrated pollution control technology, processes, and operating methods.

The director may issue a zone of mixing approval for a period not exceeding five years.

The grantee may be required to monitor effluent and receiving waters and report the results to the director. A program of research to develop practicable alternatives to the conventional methods of treatment or control in use by the grantee may also be required.
NOTE: The establishment of any zone of mixing is subject to the concurrence of the Environmental Protection Agency.
PERMIT FOR CONSTRUCTION TO CROSS OR ENTER THE STATE ENERGY CORRIDOR

A. Law(s)

Hawaii Revised Statutes, Chapter 277

B. Rules and Regulations

Procedure for Processing Requests to Cross, Encroach, or Conduct Any Construction Near, Over or Under the Energy Corridor

C. Responsible Agencies

Issues: State Department of Transportation (DOT)
Harbors Division
79 South Nimitz Highway
Honolulu, Hawaii 96813

Tel. No. 587-1940

Reviews: DOT Harbors Division
Energy Corridor tenants:
    Tesoro Hawaii Corporation
    The Gas Company Citizens Energy Services
    Hawaiian Electric Company

D. Applicability

This permit is required for any construction within or crossing the established Energy Corridor. Maps showing the location of the Energy Corridor are available for review at the Harbors Division.

E. Requirements

Applicants requesting permission to perform construction within or crossing the Energy Corridor must submit plans of the proposed work showing the location of the Energy Corridor and notes indicating who to notify at Tesoro Hawaii Corporation, the Gas Company Citizens Energy Services, and Hawaiian Electric Company before work is to begin.
Submittals must be sent to the Harbors Division and may be sent to each tenant of the Energy Corridor.

F. Procedure and Review Criteria

The Harbors Division and each tenant reviews the submittals. The applicant is responsible for satisfying the tenants' and the Harbors Division's requirements. When the requirements have been satisfied, the Harbors Division will notify the party in writing of its approval. If applicable, the Harbors Division will prepare an easement document and a rental fee will be assessed upon issuance of a permit.
ENVIRONMENTAL IMPACT STATEMENT (EIS)--NEPA

A. Law(s)
   National Environmental Policy Act of 1969 (NEPA), Public Law 91-190

B. Rules and Regulations
   Council on Environmental Quality Regulations (40 CFR\textsuperscript{1} Parts 1500-1508). Environmental Protection Agency reviews and comments on environmental impact statements pursuant to Section 309 of the Clean Air Act.

C. Responsible Agencies
   Information: U.S. Environmental Protection Agency
               P. O. Box 50003
               Honolulu, Hawaii 96850
               Tel. No. 541-2710

   Reviews & Approves: The Federal agency that funds or under whose jurisdiction the proposed project falls is responsible for determining the need for an environmental impact statement.

D. Applicability
   A federal EIS or Environmental Assessment (EA) is required if the following criteria apply:
   
   1. The project requires federal approval, issuance of a federal permit, or involves federal funding or assistance.
   
   2. The project constitutes a major federal action significantly affecting the environment.

\textsuperscript{1} Code of Federal Regulations
\textsuperscript{2} National Pollutant Discharge Elimination System by the Department of Health.

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E. Requirements

The EIS is to be a thorough, detailed evaluation of the environmental impacts of the proposed action. The document is to include sufficient detail so that responsible decision-makers and the public have an accurate picture of its possible consequences. Contract and format requirements are quite specific and are detailed in the Council on Environmental Quality regulations (40 CFR 1500-1508). It should be noted that most federal agencies have their own specific NEPA regulations.

The EIS may be prepared by the funding agency or the grantee.

There is no filing fee. EIS’s must be filed with EPA Headquarters and Regional Office (40 CFR 1506.9).

F. Procedure and Review Criteria

Opportunity is provided for public comment through the EIS review process.

CEQ regulations require that public hearings be held in cases of "major" actions (40 CFR 1506.6). Public hearings or public meetings are held or sponsored whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria include whether there is:

1. Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

2. A request for a hearing by another agency with jurisdiction over the action, supported by reasons why a hearing would be helpful. If a draft EIS is to be considered at a public hearing, the agency should make statements available to the public at least 15 days in advance (unless purpose of the meeting is to provide information for the draft EIS).

NOTE: The federal permit will not be issued until the environmental review process is complete. The project may also be subject to the state’s EIS requirement under Chapter 343, HRS. (See EIS--STATE.)
ENVIRONMENTAL IMPACT STATEMENT (EIS) -- STATE

A. Law(s)

Hawaii Revised Statutes, Chapter 343

B. Rules and Regulations

Hawaii Administrative Rules, Title 11, Chapter 200, Environmental Impact Statement Rules

C. Responsible Agencies

Environmental Impact Statement (EIS) and Environmental Assessment (EA) Determinations and Acceptances.

Applicant Action: The state or county agency from whom the applicant seeks an approval required for a project that falls under any one of the applicable EIS categories is responsible for determining the need for an EIS and its subsequent acceptability.

Agency Action: "Public projects," such as those involving the use of state or county lands or funds, are assessed by the agency proposing the project. If it is determined that there may be significant environmental effects, the agency prepares the required EIS. Acceptance of the document is either by the governor or mayor, depending on whether state or county funds/lands are involved. (See Hawaii Revised Statutes, Chapter 343, for further elaboration on this.) If the agency anticipates that a project will have no significant impact on the environment, then a shorter document, an Environmental Assessment, must be prepared.

Rulemaking:

Environmental Council

Public Notification and Review Process:

Office of Environmental Quality Control (OEQC)
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813

Tel. No. 586-4185
586-4186 (fax)
D. **Applicability**

Unless exempted, an environmental assessment is required for actions involving:

1. The use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency must consider environmental factors and available alternatives in its feasibility or planning studies. Generally, the initiating City department is the accepting agency, and the Board of Water Supply is the accepting agency for Board-related matters. (See EIS--COUNTY.)

2. Use of lands within state Conservation District. (See CONSERVATION DISTRICT USE APPLICATION.)

3. Lands within the shoreline area as defined by Section 205A-41, HRS. (See SHORELINE SETBACK VARIANCE.)

4. Lands within any historic site as designated in either the State or National Registers of Historic Places. (See EIS--COUNTY.)

5. Lands in the city's Waikiki area of Oahu, the boundaries of which are delineated in the Land Use Ordinance as amended, establishing the "Waikiki Special District." (See SPECIAL DISTRICTS.)

6. An amendment to the city's General Plan or Development Plan where such amendment would result in a designation other than agriculture, conservation, or preservation. (See GENERAL PLAN AMENDMENT, DEVELOPMENT PLAN AMENDMENT.)

7. The reclassification of land classified as Conservation District by the State Land Use Commission under Chapter 205. (SEE STATE LAND USE DISTRICT BOUNDARY AMENDMENT--MORE THAN 15 ACRES.)
8. The construction of new or the expansion or modification of existing helicopter facilities within the state which by way of their activities may affect any land classified as Conservation District by the State Land Use Commission under Chapter 205; the shoreline area as defined in Section 205A-41; or, any historic site as designated in the National Register or Hawaii Register as provided for in the Historic Preservation Act of 1966, Public law 89-665, or Chapter 6E; or, until the statewide historic places inventory is completed, any historic site found by a field reconnaissance of the area affected by the helicopter facility and which is under consideration for placement on the National Register or the Hawaii Register of Historic Places.

For environmental assessments for which a Finding of No Significant Impact (FONSI) is anticipated, a draft environmental assessment must be made available for public review and comment for a period of 30 days. Subsequently, a final environmental assessment must be prepared to determine whether an EIS is required.

An EIS is required for projects that take place within the above-described categories only when the responsible agency determines that the project may have a significant effect on the environment.

E. Requirements

The Environmental Council was directed by law to establish rules to guide EIS preparation. These rules lay out a general EIS format through which the applicant must respond to a number of specific topic areas in sufficient detail to permit decision-makers to fully anticipate the environmental consequences of the proposed action. The major categories of information called for by the regulations are as follows:

1. Summary sheet.
2. Table of contents.
3. Statement of purpose and need for action.
4. Project description.
5. Alternatives to the proposed action.
6. Description of environmental setting.
7. The relationship of the proposed action to land use plans, policies, and controls for the affected area; list of necessary approvals and the status of these approvals.

8. Probable impact of the proposed action on the environment.


10. Any irreversible and irretrievable commitments of resources.

11. Any probable adverse environmental effects that cannot be avoided: an indication of what other interests and considerations of government policies are thought to offset the adverse environmental effects of the proposed action.

12. Mitigation measures proposed to minimize impact.


14. Organizations and persons consulted.

15. Reproduction of comments and responses made during the consultation process.

No time limits are set on the preparation of the documents.

There is no filing fee and no public hearing requirement.

F. Procedure and Review Criteria

After it is determined that an EIS is required, a notice is published in the OEQC Environmental Notice advising the public that an EIS will be prepared. The Environmental Impact Statement Preparation Notice, prepared by the agency requiring the EIS, summarizes the proposed action and lists the reasons supporting the determination. The notice includes the name and address of a person who may be contacted for further information about the project.

Following the publication of the notice, the public has 30 days to request to be a consulted party during EIS preparation. After the draft EIS is prepared and circulated, the public has an additional 45 days to comment in writing. The applicant must respond in writing to any public comments. Both the comments
and the applicant's response must be included in the final EIS submitted to the approving agency.

An EIS is accepted or not accepted by the agency requiring it. Acceptance of an applicant EIS must be within 30 days of filing the final EIS with the approving agency. The 30-day period may be extended at the request of the applicant for a period not to exceed 15 days. Agency acceptance of an EIS means that all identifiable environmental impacts have been adequately described, and questions raised during the review phase of the document have been satisfactorily answered by the applicant. **Acceptance does not mean that a project is approved.** It is merely a condition preceding requests for permit approval.

The mechanics of filing the statement, public notification of agency decisions, and distribution of the statement for review are handled through the state Office of Environmental Quality Control, 235 S. Beretania Street, Suite 702, Honolulu, Hawaii 96813.

The appeal of nonacceptance of an applicant EIS should be directed to the Environmental Council. All correspondence to the council should be sent to the same address as the Office of Environmental Quality Control.

G. **State-Federal EIS Coordination**

Whenever an action is subject to both the National Environmental Policy Act 1969 (Public Law 91-190) and the requirements of Chapter 343, HRS, the OEQC and agencies must cooperate with federal agencies to the fullest extent possible to reduce duplication between federal and state requirements. Such cooperation includes joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal law has environmental impact statement requirements in addition to, but not in conflict with Chapter 343, the OEQC and agencies must cooperate in fulfilling these requirements so that one document complies with all applicable laws. (Section 343-5(f), HRS.)

Projects involving wetlands, streams, and coastal waters could be subject to both state and federal EIS requirements. (See ENVIRONMENTAL IMPACT STATEMENTS--NEPA.)
EXISTING USE PERMIT
(For Residential)

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8028

D. Applicability

Any housing project that was legally established and is now nonconforming because it is now subject to cluster housing approval, may apply for an existing use permit. Projects must comply with the minimum land area and maximum number of units of Sections 21-3.50-2, 21-3.60-2 and 21-8.50-2, Land Use Ordinance. Approval of an existing use permit removes the project from nonconforming status.

E. Requirements

The applicant must submit a completed application form with two (2) sets of drawings/plans (one set of drawings shall be a maximum size of 11” x 17” and the second should not exceed 24” x 36”), photo documentation, documents, and information showing the following:

1. Plans must show property lines with dimensions and adjacent streets; locations and layout of all existing structures and improvements; parking and vehicular circulation, including drives and driveways; floor plans of each dwelling unit showing kitchens and bathrooms; and proposed improvements and additions.
2. Photo documentation must include elevation photos of all dwelling units and structures and, if possible, panoramic spliced photos showing existing conditions and structures on site.

3. Additional documents and information should be provided as follows:

   a. If available, approved building permits, land court or Bureau of Conveyance documents showing that the existing buildings or structures were lawfully built.

   b. Description of development and type of existing and proposed ownership such as fee, rental, condominium, etc.

   c. Reasons for the request and further proposals for the property.

   d. Density calculations, and existing and permitted number of dwelling units under cluster housing provisions.

   e. Statement as to how the request meets the purpose and intent of the zoning district with respect to density, setback, height, parking, and building area.

There is a filing fee of $300, plus $150 per acre or major fraction, up to a maximum of $10,000.

F. Procedure and Review Criteria

The applicant is notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Developments existing on the site will be considered an approved plan based on the density requirements of cluster housing. Within 45 days of acceptance of the completed application, the director may approve minor reconstruction, alterations, additions, or modifications. Any previous variance, conditional use permit, or similar actions granted for the particular use will continue in effect until superseded.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
EXISTING USE PERMIT
(For Conditional Use Permits)

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

The purpose of the existing use (EU) permit is to recognize the hardship imposed upon uses that were legally established, but may not comply with current zoning standards. EU permits apply to uses that are now subject to Conditional Use Permits, major and minor (CUP major and CUP minor) provisions. EU status is an alternative to nonconforming status and is subject to the Director of Planning and Permitting (DPP) approval.

In addition to demonstrating that buildings and uses were legally established, applicants must show that existing uses and structures do not substantially limit, impair or preclude the use of surrounding properties. The Director of DPP may impose additional conditions to minimize impacts on surrounding land uses and ensure the health, safety, and welfare of the community.

E. Requirements

The application form and instruction sheet are available at the Department of Planning and Permitting (DPP). The application must be accompanied by:
1. A description of the existing and proposed uses, including expected schedule of activities, hours of operation and estimated attendance of activities.

2. A reproducible site plan, drawn to scale, showing:
   a. Lot lines and dimensions;
   b. Sizes and locations of existing and proposed structures;
   c. Existing and proposed uses of structures and open areas;
   d. Existing and proposed off-street parking layout;
   e. Topography, access, surrounding land uses and other matters which may be required; and
   f. Existing and proposed landscaping.

3. Documents and additional information, if available, showing that the existing uses were established legally and that the existing buildings or structures were lawfully constructed. Appropriate documentation includes approved building permits, land court or bureau of conveyance documents.

4. Description of any proposed additions or alterations to structures and/or uses at this facility. Provide existing and proposed building elevations, sections and floor plans.

5. Photos of the land involved and adjacent lands affected by the proposal.

6. Written information explaining how the existing use and any proposed modifications to the existing use complies with the minimum development standards for the applicable zoning district and conditional use category (refer to Article 5, Land Use Ordinance).

There is a filing fee of $300 plus $150 per acre or major fraction, up to a maximum of $10,000.
F. Procedure and Review Criteria

The applicant is notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Within 45 days of acceptance, the director must notify the applicant that the Existing Use is approved as submitted, approved with modifications and/or conditions, or denied, specifying reasons for denial. No public hearing is required.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
FLAMMABLE AND COMBUSTIBLE LIQUID TANK INSTALLATION

A. Law(s)

Hawaii Revised Statutes, Chapter 132
Revised Ordinances of Honolulu, 1990, Chapter 20, Fire Code of the
City and County of Honolulu

B. Rules and Regulations

The 1997 Uniform Fire Code (UFC) and the 1999 Accumulative Supplement to
the UFC with amendments were adopted as the Fire Code of the City and
County of Honolulu on October 10, 2002.

C. Responsible Agency

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007

Tel. No: 723-7161 or 723-7162

D. Applicability

A permit or license shall be obtained from the Fire Prevention Bureau, or
designated agency, prior to engaging in the following activities, operations,
practices, or functions:

To install or operate equipment in connection with the storage, handling, use, or
sale of flammable or combustible liquids regulated under Article 79.

E. Permit Requirement

At the time of application for a permit, the applicant shall submit to the Fire Chief
three copies of the plot and cross-sectional plans indicating the distances from
property lines, buildings, other fuel tanks or liquefied petroleum gas tanks located
on the premises, dispensers, emergency electrical shut off, vent lines and
diameter, piping, location of fire extinguisher, and necessary signage and
placards.
One time permit fee: $75 for a tank capacity of 61 gallons to 4,999 gallons  
$100 for a tank capacity of 5,000 gallons or greater

Permits shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

Applications for these purposes are available at the:

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007
Tel. Nos. 723-7161
723-7162

Honolulu Fire Department
Plans Review Section
Frank F. Fasi Municipal Building
650 South King Street, First Floor
Honolulu, Hawaii 96813
Tel. No. 523-4186

F. **Procedure and Review Criteria**

1. In instances where laws or regulations are enforceable by departments other than the HFD, approval must be obtained from all departments concerned.

2. After receipt of the application, a review and subsequent inspections by the HFD will be made to ensure compliance to applicable portions of the fire code.
APPLICATION OF FLAMMABLE FINISHES

A. Law(s)

Hawaii Revised Statutes, Chapter 132
Revised Ordinances of Honolulu, 1990, Chapter 20, Fire Code of the City and County of Honolulu

B. Rules and Regulations

The 1997 Uniform Fire Code (UFC) and the 1999 Accumulative Supplement to the UFC with amendments were adopted as the Fire Code of the City and County of Honolulu on October 10, 2002.

C. Responsible Agency

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007

Tel. No: 723-7161 or 723-7162

D. Applicability

A permit or license shall be obtained from the Fire Prevention Bureau, or designated agency, prior to engaging in the following activities, operations, practices, or functions:

For spraying or dipping operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Article 45.

E. Permit Requirement

At the time of application for a permit, the applicant shall submit to the Fire Chief two copies of the plan of the spraying or dipping installation, with distances from the storage of flammable or combustible liquids. The plan shall indicate the location of exits from the spraying or dipping area; an approved, fixed extinguishing system installed in the permitted area; and other fire code requirements in accordance with Article 45.
Annual permit fee: $100

Permits shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

Applications for these purposes are available at the:

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007

Tel. No: 723-7161 or 723-7162

F. Procedure and Review Criteria

1. When all applicable portions of the fire code are met and after a satisfactory inspection by the HFD of the applicant’s premises, a permit will be issued to the applicant.

2. The permit must be posted in a conspicuous place.

3. The permit expires one year after date of issuance and must be renewed annually.
FLOOD DETERMINATION IN GENERAL
FLOOD PLAIN DISTRICT

A. Law(s)

U.S. National Flood Insurance Act of 1968 (Public Laws 90-448 and 91-152), as amended
U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agencies

Determines: City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

Reviews: Civil Engineering Branch of Department of Planning and Permitting

D. Applicability

All proposed developments within the General Flood Plain District are subject to review and approval by the Director of Planning and Permitting. Maps delineating the approximate flood plain are available at the Department of Planning and Permitting (DPP).

E. Requirements

A request for determination prepared by a registered professional engineer is submitted to DPP. A request form is available at the department.

Specific technical information must also be submitted. Information requirements are detailed in Section 21-9.10-2, Land Use Ordinance.
F. Procedure and Review Criteria

The director, with the recommendation of other appropriate agencies, if applicable, evaluates and determines whether the proposed project is located within a floodway or flood fringe area, and reviews related flood data such as flood elevation, riverine flood velocities, boundaries, etc.

NOTE: Until floodway or flood fringe districts are designated, no development will be allowed.

For developments in areas where a flood study and report have been previously reviewed and accepted by the city, the flood study and drainage report information may be waived by the director.
DEVELOPMENT APPLICATIONS IN FLOOD HAZARD DISTRICTS

A. Law(s)

U.S. National Flood Insurance Act of 1968 (Public Laws 90-448 and 91-152), as amended
U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

D. Applicability

Development applications (planned development; cluster development; special district; subdivision; conditional use permits; change in zoning; and other projects), within the Flood Hazard Districts must include the stamp, signature, and required statements of a professional engineer and/or architect.

Whenever applicable, the Flood Hazard District requirements of a development project must be determined prior to processing for other approvals mandated by other laws or regulations.

Maps showing the boundaries of the Flood Hazard Districts are available at the Department of Planning and Permitting (DPP).

E. Requirements

A registered professional engineer or architect must certify that the plans, specifications, and methods of construction for a proposed project are in accordance with accepted standards of practice for meeting the provisions of the Flood Hazard Districts, and:

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1. Comply with the standards and requirements of the Flood Hazard District Regulations of the Land Use Ordinance;

2. Conform to the flood elevations of the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM); and

3. Are adequate to resist the regulatory flood forces; do not adversely increase flood elevations; and do not adversely affect flooding on surrounding properties;

In addition, structures in the Coastal High Hazard District must have:

4. The bottom of the lowest horizontal structural member of the lowest flood (excluding the pilings or columns) elevated to or above the regulatory flood elevation; and

5. The pile or column foundations and structure attached thereto must be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

Information must also include the location of the flood hazard boundaries; location, dimensions and elevations of the property in relation to elevation reference marks on flood maps; regulatory flood elevations, velocity and data; location and elevations of existing and proposed structures, utilities, streets and improvements; and the existing and proposed flood-proofing measures and improvements.

A Flood Hazard District Certification form is available at DPP.

F. Procedure and Review Criteria

Flood documents are filed with the department. The director reviews and accepts the documents.

In addition, development applications within the General Flood Plain District are filed with the DPP and must include the flood documents which were reviewed and accepted by the director.

NOTE: Refer to FLOOD HAZARD VARIANCE and FLOOD DETERMINATION IN GENERAL FLOOD PLAIN DISTRICT.
FLOOD HAZARD VARIANCE

A. Law(s)

U.S. National Flood Insurance Act of 1968 (Public Laws 90-448 and 91-152), as amended
U.S. Flood Disaster Protection Act of 1973 (Public Law 93-234), as amended
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agencies

Approves: City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

Reviews: Civil Engineering Branch of Department of Planning and Permitting
Building Division of Department of Planning and Permitting
and other appropriate agencies

D. Applicability

A flood hazard variance may be permitted when a person wishes to deviate from the flood district requirements of the Land Use Ordinance (LUO), for the following:

1. New structures, except in the Floodway District, which are to be erected on a lot of one-half acre or less, contiguous to and surrounded by lots with existing structures constructed below the regulatory flood elevation.

2. Uses, structures, and standards in the Floodway District permitted by the underlying zoning district, which do not adversely increase the regulatory flood elevation.

E. Requirements

A flood hazard variance application is submitted to the Department of Planning and Permitting (DPP). A form is available for this purpose at the department. The applicant is also required to provide the following documents signed by a licensed architect or engineer as may be applicable:

1. Plans and specifications showing the site and location; dimensions of all property lines and topographic elevation of the lot; existing and proposed structures and improvements, fill, storage areas; location and elevations of existing and proposed streets and utilities; elevation views of the proposed streamway; flood-proofing measures; relationship of the site to the location of the flood boundary; and the existing and proposed flood control measures and improvements.

2. Cross-sections and profile of the area showing the existing and finished grades and the proposed improvements and the regulatory flood elevations and profile based on elevation reference marks on federal flood maps.

3. Flood study and drainage report in areas where a study and report have not been reviewed and accepted by the city.

4. Description of surrounding properties and existing structures and uses and the effect of the regulatory flood on them which may be caused by the variance.

5. Justification and reasons for the variance and other information as may be applicable. See Section 21-9.10-11, LUO for required information.

6. A copy of an executed covenant which will be inserted in the deeds and other conveyance documents of the property and filed with the Bureau of Conveyances of the State of Hawaii stating that the property is located in a flood hazard area and is subject to flooding and flood damage. See Section 21-9.10-11, LUO for additional requirements. Upon approval of the flood hazard variance, such covenants must be filed and proof of filing with the Bureau of Conveyances must be submitted to the director prior to issuance of any building permits.

7. Flood conveyance calculations and certification of "no-rise" determination (available at the department).

There is a filing fee of $300.
F. **Procedure and Review Criteria**

The application is referred to the Civil Engineering Branch and the Building Division of the Department of Planning and Permitting, or other appropriate agencies for comments and recommendations. A flood hazard variance may be granted by the director upon showing of:

1. Good and sufficient cause and determination that failure to grant a variance would result in exceptional hardship to the applicant.

2. That the variance will not result in increase to flood elevations, additional threat to public safety, extraordinary public expense, or conflict with other laws or regulations.

3. A variance granted within a floodway district would not result in increase of the regulatory flood elevation.

The director may approve, approve with conditions, or deny the application.
GENERAL PLAN AMENDMENT

A. **Law(s)**

Hawaii Revised Statutes, Chapters 46 and 91

B. **Rules and Regulations**

Rules for Processing Amendments to the General Plan of the City and County of Honolulu

C. **Responsible Agencies**

Approves: Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Processes: City Department of Planning and Permitting
Interim Planning Division
Policy Planning Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8041

Web site: http://www.honoluludpp.org/

Reviews: Planning Commission
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

D. **Applicability**

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

Name, address, and telephone number of applicant, statement in the General Plan to be amended or the new statement to be inserted, and an explanation of the basis for the proposed amendment.

F. Procedure and Review Criteria

1. Submittal of application. General Plan amendment applications must be accompanied by a $600 application fee. Public agencies are exempt from the payment of fees.

2. Acceptance (or rejection) within 45 days. All applications for amendments are 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 the rules.

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

3. Accepted applications are forwarded by the Director to appropriate individuals and public and private agencies for review and comment.

4. The Director submits amendments which are being proposed for adoption together with a written basis for adoption to the Planning Commission within 180 days of accepting the application. Amendments which are not being proposed for adoption are returned to the applicant together with a written basis for the rejection.

5. Planning Commission holds a public hearing within 30 days.

6. Planning Commission transmits findings and recommendations to City Council within 30 days after close of hearing.

7. City Council holds a public hearing on the proposed General Plan amendment upon receipt of the Planning Commission's findings and recommendations. City Council may adopt, adopt with changes, or reject.

8. If adopted, a resolution amending the General Plan is presented to the mayor, who may approve or disapprove it pursuant to City Charter provisions governing the approval or disapproval of bills.
CONSOLIDATED PERMITTING FOR GEOTHERMAL/CABLE
SYSTEM DEVELOPMENT PROJECTS

A. Law(s)

Hawaii Revised Statutes, Chapter 196D

B. Rules and Regulations

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 185, Rules of Practice and Procedure for Geothermal and Cable System Development Permitting

C. Responsible Agencies

Approves: Interagency Group, comprising (but not limited to) 16 federal, state and county agencies, after each agency has issued its own permit or approval based on its own jurisdiction

Reviews: State Department of Land and Natural Resources
Engineering Division
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

Tel. No. 587-0230

D. Applicability

Consolidated permitting procedures intended to coordinate and streamline permitting requirements of the diverse array of federal, state and county land use, planning, environmental and other related laws and regulations that affect geothermal and cable system development.

E. Permit Requirements

1. Filing fee, amount depending upon size of project.

2. Completed consolidated permit application form.
F. Procedure and Review Criteria

The Department of Land and Natural Resources (DLNR) provides the applicant with a consolidated permit application form. The form is completed, the filing fee is attached, and the package turned in to the department. Once the department has reviewed the application and found it complete, the department sends copies to the agencies comprising the interagency group, and convenes a meeting of the interagency group. The department selects a consolidated permit application and review team that works to consolidate the various permitting requirements for each project. The team prepares a joint agreement listing all permits required for the proposed project, specifying the regulatory and review responsibilities of the department and of each applicable agency, and of the applicant, provides a timetable for review, coordinates hearing, prepares alternatives for resolving conflicts, approves a monitoring program and schedule and provides for enforcement of each agency’s respective permits.
DESIGNATION AND REGULATION OF
GEOTHERMAL RESOURCE SUBZONES

A. Law(s)

Hawaii Revised Statutes, Chapter 205

B. Rules and Regulations

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 184,
Designation and Regulation of Geothermal Resource Subzones

C. Responsible Agencies

Approves: Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Reviews: State Department of Land and Natural Resources
Engineering Division
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

Tel. No. 587-0230

D. Applicability

Beginning in 1983, the Board of Land and Natural Resources (BLNR) was required to conduct a county-by-county assessment of areas with geothermal potential for the purpose of designating Geothermal Resource Subzones (GRS).

All geothermal activities including exploration, development, and production of electrical energy, may be conducted only in designated GRS. Direct use applications of geothermal resources are permitted both within and outside of areas designated as GRS.

Geothermal Resource Subzones can be established in each of the four state land use districts: Conservation, agriculture, urban, and rural.

Existing geothermal resource mining leases within an agricultural district which were issued a special use permit by the county on or before May 25, 1984 for
geothermal development activities are declared a GRS for the duration of the lease.

E. Subzone Requirements

1. Designation of Geothermal Resource Subzones are based upon a preliminary finding, utilizing currently available public information, of those sites which best demonstrate an acceptable balance between the factors set forth as follows:

   The board must examine factors to include, but not be limited to:

   a. The area’s potential for the production of geothermal energy.
   b. Prospects for the utilization of geothermal energy.
   c. Potential geologic hazards.
   d. Social and environmental impacts.
   e. Compatibility with present land uses.
   f. Potential economic benefits.
   g. Compatibility of geothermal development within a conservation district.

   In addition, the board will consider, if applicable, objectives, policies, and guidelines set forth in Part I of Chapter 205A, Hawaii Revised Statutes (HRS), and the provisions of Chapter 226, HRS.

2. Applicable permits

   a. Conservation District Use Permit (CDUP) issued by the board.
   b. Geothermal resource permit issued by the county planning commission or other appropriate county authority.

F. Procedure and Review Criteria

   The administration of subzones for geothermal development are governed as follows: The Board of Land and Natural Resources for conservation districts and the county planning commission for agricultural, urban, and rural districts.

   Any property owner may petition the board to have an area designated as a GRS.
Land Use Commission approval and special use permit procedures under Section 205-6 are required for the use of such subzones. The appropriate county agency may issue a geothermal resource permit to allow geothermal development activities.

An Environmental Impact Statement (EIS) as defined under Chapter 343, Hawaii Revised Statutes, is not required for the assessment of areas proposed for subzone designation by the Board.

Notice and public hearings are required when the board or qualified applicant proposes an area for designation as a Geothermal Resource Subzone. The public hearing is conducted in close proximity to the proposed area and is held before the Board. Conduct of the public hearing is not delegated to any agent or representative of the board.

At the close of the public hearing, the board will consider all testimony and render a decision to designate any portion, all or none of the proposed area, or announce the date on which it will render its decision.

Modification of the boundaries or the withdrawal of an existing designated GRS may be initiated by the board or by any property owner, state mining lease applicant, geothermal mining lessee, or person with an interest in real property that is within the designated subzone. The board will withdraw a designation only upon finding by a preponderance of the evidence that the area is no longer suited for designation; provided, however, that within an existing subzone with active geothermal development activities, the area may not be modified or withdrawn.

This assessment will be revised or updated at the discretion of the board, but at least once each five years beginning in 1988.

Mediation may be requested by any party to a hearing on geothermal development activities. If there is no mediation agreement, a second hearing will be conducted by the Board of Land and Natural Resources or county agency prior to the issuance of a conservation district use permit or geothermal resource permit.
EXPLORATION AND DRILLING PERMITS
FOR GEOTHERMAL RESOURCES

A. Law(s)

Hawaii Revised Statutes, Chapter 182

B. Rules and Regulations

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 183, Rules on Leasing and Drilling of Geothermal Resources

C. Responsible Agencies

Approves: Board of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Reviews: State Department of Land and Natural Resources
Engineering Division
1151 Punchbowl Street, Room 221
Honolulu, Hawaii 96813

Tel. No. 587-0230

D. Applicability

Anyone proposing to lease, explore, or drill for geothermal resources is subject to these regulations and such activity will be conducted only in designated Geothermal Resource Subzones (GRS).

A permit is required to conduct any surface-type exploration activity on state lands, reserved lands or privately owned lands in which the state has reserved mineral rights. Surface-type exploration activity includes, but is not limited to geological or geophysical operations, and drilling shallow temperature test holes less than 50 feet in depth.

Separate permits are required to drill, modify, modify use of, or abandon a geothermal well for all land, public and private, within the state.
All state and reserved lands are available for geothermal mining leases. Specific procedures for the leasing of state and reserved lands are contained in Subchapters 3 through 7b of the Administrative Rules.

E. Permit Requirements

1. Exploration permits

Applications should be addressed to the chairperson of the Board of Land and Natural Resources in letter form. A written request should include at the minimum the following information:

a. Name and address of person, association, or corporation for whom the operations will be conducted and of the person in charge of the actual operations.

b. A description of the type of exploration activity proposed.

c. A description of the lands to be explored.

d. A map showing the lands to be entered and disturbed.

e. Approximate dates of commencement and termination of exploration activities.

f. A statement agreeing to submit to the board a $10,000 surety company bond payable to the State of Hawaii conditioned upon compliance with all conditions of the Exploration Permit. A blanket $50,000 bond in lieu of separate bonds for each permit is acceptable.

g. Name and address of the surface owner of the land.

h. Evidence that the owner and surface lessee, if any, has or has not consented to the entry upon the land and the reasons for not securing consent if that is the case.

There is a nonrefundable filing fee of $100.

2. Permits to Drill, Modify, Modify Use, or Abandon Wells

Application should be addressed to the chairperson of the Board of Land and Natural Resources in letter form. A written request should at the minimum include the following:
a. Name, signature, and address of the applicant, the owner of mining rights and the landowner if the applicant is not the landowner.

b. The number or other designation the well will be known by. Such designation is subject to the chairperson's approval.

c. A plot plan showing the tax map key, site elevation, and well location referenced to established property owners. A survey by a Hawaii licensed surveyor may be required.

d. A statement of the purpose and extent of the proposed work and estimate of depths between which discovery, production, injection, or plugging will be attempted.

e. A description of the drilling and casing program and a plan showing the work and vertical section of the well.

f. Agreement to file the $50,000 individual well bond or $250,000 blanket bond for any number of wells as required by Subchapter 8 of the Administrative Rules with the chairperson within ten days.

g. Agreement to operate and maintain the well in accordance with Title 13, Chapter 183 of the Administrative Rules, and all other applicable governmental requirements.

There is a nonrefundable $100 filing fee for each application to drill, modify, modify use, or abandon a well.

F. Procedure and Review Criteria

1. Exploration Permits

The application is filed with the Board of Land and Natural Resources. All applications are subject to the approval of and the terms and conditions set by the board. If the application is not approved within 60 calendar days, the application must be resubmitted, unless an extension is granted by the board.

Exploration permits are issued for one year, but may be renewed for an additional time at the discretion of the board. Results of exploration permits are kept confidential by the board until a lease for geothermal mining is executed or three years from the date of the submission of the data, whichever is sooner.
Scheduled and unscheduled inspections and investigations of operations may be conducted. The chairperson may issue an order to suspend operations in the event of any violations or if the operations jeopardize the public health, safety, and welfare.

2. **Permits to Drill, Modify, Modify Use, or Abandon Wells**

Permits must be reviewed and acted upon by the board chairman within 60 days. Permits are issued for a 365-day period. A 180-day renewal may be granted by the chairperson.

The chairperson may also suspend or revoke a permit, if work is not being done in accordance with conditions of the permit or Title 13, Chapter 183 of the Administrative Rules.

A supplementary application is required for any contemplated changes to the work approved in the original permit.

A more detailed description of bonding procedures, setback, well spacing, directional drilling, etc., is contained in the Administrative Rules. There are specific requirements for well modification, operation, maintenance, abandonment and well records and reports.

**NOTE:** An Environmental Impact Statement may also be required under Chapter 343, Hawaii Revised Statutes. (See EIS--STATE.)
GRUBBING, GRADING, AND STOCKPILING PERMIT

A. **Law(s)**

Hawaii Revised Statutes, Chapter 180C
Revised Ordinances of Honolulu, 1990, Chapter 14, Articles 13 to 16,
Grading, Soil Erosion and Sediment Control, Grubbing, and Stockpiling

B. **Rules and Regulations**

Rules Relating to Soil Erosion Standards and Guidelines

C. **Responsible Agencies**

City Department of Planning and Permitting
Site Development Division
Civil Engineering Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8219

D. **Applicability**

A permit is required for grading, grubbing, or stockpiling operations. Operations under certain conditions are excluded.

E. **Permit Requirements**

The applicant is to prepare a plan showing:

1. All pertinent terrain features.
2. Layout and arrangement of the proposed works on a plan view.
3. Representation, to scale, of typical cross-sections of cut and fill areas.
4. Details of topography both before and after the proposed work.
5. Indication of means to be employed to assure erosion and sediment control.
6. Estimates (in cubic yards) of the amount of excavation and embankment and the area (in square feet) of the land to be graded.

7. Location and source of imported fill material and location where excess excavation material is to be disposed of. A grading permit is also required for any such off-site locations as well.

The information is normally presented in the form of a scaled drawing with explanatory and/or supplementary data annotated.

Where the area of the zoning lot or portion thereof subject to the permit is 15,000 square feet or more for a single-family or two-family dwelling uses, or 7,500 square feet or more for other uses, or where a proposed cut or fill is greater than 15 ft. in height for single-family or two-family uses or 7.5 ft. in height for other uses, the plan must be prepared by a civil engineer licensed in the State of Hawaii. Five sets of the plans should be submitted for review. When the plans are acceptable, the original copy should be submitted for approval.

Depending on the size of the project, the applicant must also submit either a listing of minimum best management practices to be implemented for soil erosion and sedimentation control or a drainage and erosion control plan for review and approval by the division chief and the director.

A soils report, drainage report, and/or a slope hazard report prepared by a licensed civil engineer maybe required in some cases.

The amount of the permit fee is based on the volume of earth moved or square feet of area denuded.

F. Procedure and Review Criteria

After approval of the plan, two copies must be submitted to the Permit Section located on the ground floor of the Fasi Municipal Building.

At this point, a performance bond may be required in an amount equal to the cost of all work and services required to complete all of the work under the permit as approved by the director. This bond is required for all projects involving movement of more than 500 cubic yards of earth or for excavations or fills of over 15 feet in vertical height. The bond must be obtained from a surety firm operating in Hawaii.

There is no public hearing requirement.

NOTE: A permit will not be issued until all other environmental and regulatory requirements have been met.
NEW, RELOCATION AND MODIFICATION OF ACCESS RIGHTS INTO OR RIGHTS TO USE STATE HIGHWAY PROPERTY

A. Law(s)

Hawaii Revised Statutes, Chapter 264

B. Rules and Regulations

Department of Transportation, Highways Division Procedures Manual, Volume 8, Chapter 5, Section 4
Federal-Aid Policy Guide,* December 9, 1991

C. Responsible Agencies

State Department of Transportation
Highways Division
869 Punchbowl Street
Honolulu, Hawaii 96813

Tel. No. 692-7331

U.S. Department of Transportation
Federal Highway Administration
Prince Kuhio Federal Building, Room 3202
Honolulu, Hawaii 96813

D. Applicability

Anyone proposing new access, relocation, or widening of access into state highways must apply.

*Applicable when facility is a federal-aid highway.
E. **Application Requirements**

A written request by the owner for the access change must be submitted to the State Department of Transportation, identifying the site and describing the need in sufficient detail to permit a thorough evaluation.

Site and construction plans are required for the evaluation process.

F. **Procedure and Review Criteria**

The owner's request and the site and construction plans are reviewed by the Highways Division.

The review considers engineering and operational criteria, physical condition of the highway and surrounding area, safety considerations, present and future, and the public interest.

If the facility is a federal-aid highway, the request is also reviewed by the Federal Highway Administration.
PERMIT TO PERFORM WORK
WITHIN A STATE HIGHWAY RIGHT-OF-WAY

A. Law(s)
   Hawaii Revised Statutes, Chapter 264

B. Rules and Regulations
   Department of Transportation Administrative Rules, Chapter 102

C. Responsible Agency
   State Department of Transportation
   Highways Division
   869 Punchbowl Street
   Honolulu, Hawaii 96813

   Tel. No. 692-7331

D. Applicability
   This permit is required by anyone desiring to perform work within a state highway
   right-of-way. (Refer to Section 264-6, Hawaii Revised Statutes, HRS.)

E. Permit Requirements
   A permit form is available at the State Department of Transportation (DOT). A
   fee schedule is also established by the Department; however, fees may be
   waived in certain cases. (Refer to Section 264-7, HRS.)

   The issuance of the permit is contingent on the submission of and approval of the
   permit construction plans.

   All specifications, standards, and procedures for any type of work within a state
   highway right-of-way are prescribed by the DOT. On request by the applicant, a
   copy of these will be provided by the department. (Refer to Section 264-8, HRS.)
Excavated materials cannot be placed within any right-of-way without the prior approval of the department and must be removed from the work site at the expense of the applicant.

Backfill or any other repairs necessary to restore the highway to a condition similar to that existing before work was begun must be done by the applicant at his own expense. Refer to Sections 264-9 and 264-33 for information concerning costs.

Issuance of the permit is conditioned on adherence of the applicant to all requirements of Chapter 264, HRS.
HISTORIC SITE REVIEW

A. Law(s)

Hawaii Revised Statutes, Chapter 6E

B. Rules and Regulations

HAR 13-300, 17-275-284

C. Responsible Agency

State Department of Land and Natural Resources
Historic Preservation Division
601 Kamokila Boulevard, Suite 555
Kapolei, Hawaii 96707

Tel. No. 692-8015
Fax. No. 692-8020

D. Applicability

This law applies to anyone proposing construction, alteration, or improvement of any nature that will affect a historic site that is eligible for listing or is listed on the Hawaii Register of Historic Places. Such projects which are funded or undertaken by state or county agencies must obtain approval from the Historic Preservation Division within the Department of Land and Natural Resources (DLNR). Such projects which require state and county permits, licenses, certificates, land use changes, subdivisions, or other entitlements for use which may affect such sites, must be submitted to the State Historic Preservation Division so that it may have an opportunity to comment to the regulatory agency on the effects. (Any project which has federal involvement -- funding, licensing, etc.-- must comply with the National Historic Preservation Act, which has similar requirements.)

Historic Preservation Division (SHPD) has a regulatory and support function in addressing management of the focus area. SHPD must be given the opportunity to review all proposed actions that may affect historic properties in the area and give its written concurrence before these actions can proceed (§6E-8, HRS, and chapter 13-275, HAR). It is also the official repository of the State’s inventory of historic properties and of archaeological and historical documents prepared to fulfill the requirements of the State’s historic preservation law. As such, SHPD’s records can provide valuable background information on the known and probable distribution of historic sites and culturally important places within or near the
focus area. SHPD needs to be notified immediately if any burial sites or human remains are uncovered by natural forces or during improvement or restoration projects and will determine the disposition and long-term treatment of any that are over 50 years old.

E. Requirements

The applicant is responsible for determining whether eligible historic sites are present, and this determination must be verified by the Historic Preservation Division. This step might require an inventory survey by a qualified archaeologist, since less than 10% of historic sites have been recorded.

If historic sites are present which are eligible for listing on the Hawaii Register of Historic Places, the applicant should develop mitigation commitments to properly treat any impacts to the sites. Projects which are funded or undertaken by state or county agencies must have mitigation commitments, develop scopes of work for these commitments, and have it verified that the commitments are fulfilled -- all approved by the Historic Preservation Division. Projects which require state and county permits, licenses, certificates, land use changes, subdivisions, or other entitlements for use which may affect such sites, should get mitigation commitments approved by the Historic Preservation Division. The division then recommends to the regulatory agency that a condition be attached to any approved permit which requires the mitigation with approved scopes of work and verification of the execution of the mitigation. Such conditions ensure a "no adverse effect" determination.

F. Procedure and Review Criteria

1. The action may proceed unimpeded whenever the Historic Preservation Division documents in writing that no eligible historic sites are present or that there will be "no effect" on such sites.

2. If eligible historic sites will be affected, then in projects where the Historic Preservation Division has regulatory authority, a mitigation commitment must be agreed to in writing, a scope of work for the mitigation must be approved in writing, and a verification of the execution of the mitigation must be given in writing, prior to the project's land altering construction proceeding.

3. If eligible historic sites will be affected, then in projects where a state or county agency has regulatory authority, a mitigation commitment should be worked out with the Historic Preservation Division, which will notify the agency by letter. The division will then recommend a condition for any regulatory action that might be approved. The condition will include the
requirement for an approved scope of work and verification that the mitigation has been successfully executed. The condition must be met prior to the project's land altering construction elements.
HOUSE NUMBERING CERTIFICATE

A. **Law**

Revised Ordinances of Honolulu, 1990, Section 2-9.2, House Numbering

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting  
Customer Services Office  
650 South King Street, 1st Floor  
Honolulu, Hawaii 96813  
Tel. No. 768-8220

D. **Applicability**

Property owners are required to number all buildings with numbers at least two inches in height and placed in such a manner as to be readily seen from the street.

E. **Requirements**

1. House numbering requests for a development must be accompanied by a set of plans.

2. Plans must be drawn to scale and include:

   a. Tax map key(s).

   b. The name of owner or owner's representative, company, and telephone number.

   c. All streets within and surrounding the development.

   d. All buildings and their designated function.
e. All entranceways to the individual units on the ground level.

f. All driveways leading to the designated area of service.
IMPROVEMENT AND DEDICATION OF PLANNED STREET SETBACK AREA
(Ordinance No. 2412, as amended)

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Article 21, Construction of Improvements by Certain Property Owners (Ordinance No. 2412, as amended)

B. Rules and Regulations

Standard Details for Public Works Construction, 1984
Standard Specifications for Public Works Construction, 1986

C. Responsible Agency

City Department of Planning and Permitting
Site Development Division
Civil Engineering Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8106

D. Applicability

The owner of real property abutting any public street, who or whose lessee, with the approval in writing of the owner, is issued a building permit to construct, reconstruct, or in some cases alter a building on such property, where such property is situated in an area zoned for any use other than residential or agricultural uses, must, upon the granting of such building permit, construct the necessary street improvements and dedicate any general plan or development plan street setback area abutting the property.

E. Requirements

Construction plans for the street setback improvements must be submitted to the Department of Planning and Permitting for review and approval. If a street setback is involved, documents conveying the setback to the city, maps showing the area of dedication and a search of title must be submitted. Submittal of a
letter by the owner/lessee agreeing to the provisions of Ordinance No. 2412, as amended, is also required.

F. Procedure and Review Criteria

1. A building permit may be obtained prior to the submittal of the plans for the necessary street improvements and the dedication of the setback area, provided that the building plans are properly stamped and signed and a letter agreeing to the provisions of Ordinance No. 2412 and other conditions is submitted.

2. The construction of the necessary street improvements and dedication of any general plan or development plan street setback area must be substantially completed prior to the issuance of the Certificate of Occupancy.

3. Any general plan or development plan street setback area dedicated under the provisions of Ordinance No. 2412, as amended, may be included for computing density for that parcel.

4. The cost of relocating the private utility lines due to the construction of the necessary street improvements under the provisions of Ordinance No. 2412, as amended, must be borne by the respective privately-owned utilities.
INDIVIDUAL WASTEWATER SYSTEMS (TREATMENT) AND PRIVATE SEWAGE TREATMENT WORKS

A. **Law(s)**

Hawaii Revised Statutes, Chapter 342D

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 11, Chapter 62, Wastewater Systems

C. **Responsible Agency**

State Department of Health
Environmental Management Division
Wastewater Branch
919 Ala Moana Boulevard, Suite 309
Honolulu, Hawaii 96814

Tel. No. 586-4294

D. **Applicability**

No person can occupy or use a new building unless the building is connected to a public, private, or individual wastewater system.

E. **Requirements**

1. Preconstruction clearance is required from the director for the installation of a wastewater system. Construction plans, design calculations, clearances from the county agencies, operation and maintenance manual and statements from the owner and engineers stating their responsibilities must be submitted as the minimum requirements for review.

2. No person can operate a new or existing wastewater system unless authorized by the director.

3. No person can construct or use any wastewater system involving the subsurface disposal of wastewater in areas where such disposal methods may contaminate an existing or potential potable water source.
4. The director’s approval to construct a wastewater system is automatically rescinded if the appropriate county does not issue a building permit within 12 months after the director approves construction of the wastewater system or if the appropriate county revokes or rescinds a building permit.

F. Procedure and Review Criteria

The applicant must submit plans for review and approval by the Wastewater Branch of the Environmental Management Division.
INDUSTRIAL WASTEWATER DISCHARGE PERMIT

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 14, Public Works Infrastructure Requirements, Including Fees and Services

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Environmental Services
Division of Environmental Quality
Regulatory Control Branch
1000 Uluohia Street, Suite 303
Kapolei, Hawaii 96707

Tel. No. 692-5156

D. **Applicability**

Any person wishing to discharge industrial wastewater into the city sewer system must obtain an Industrial Wastewater Discharge Permit (IWDP) from the Department of Environmental Services. Industrial wastewater is defined as:

"All water-carried wastes and wastewater, excluding sanitary wastewater and uncontaminated water."

E. **Permit Requirements**

There is no application fee for processing of an IWDP. The application and detailed instructions for filling out the application may be obtained at the responsible agency or:

City Department of Planning and Permitting
Site Development Division
Wastewater Branch, Permitting Section
650 South King Street, 1st Floor
Honolulu, Hawaii 96813
F. Procedure and Review Criteria

The information submitted by the applicant is reviewed for sewer adequacy and quality compliance with discharge standards set forth by Revised Ordinances of Honolulu, Chapter 14, as amended.

Issuance of the IWDP may require pretreatment of industrial wastewater prior to discharge into the city sewer, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, and specific monitoring requirements.

The IWDP is not transferable and must be posted at the place of business. If any change in the wastewater quality, discharge, or use of the facilities is anticipated, an amended permit application must be submitted for re-evaluation. No change in the wastewater discharge is allowed without approval.

Applicants for an IWDP should allow at least one month from the date of submittal to the city for review and processing of their application.

All completed IWDP applications should be submitted to the following address for processing. Only original applications (not copies) will be accepted.

Department of Environmental Services
Division of Environmental Quality
1000 Uluohia Street, Suite 303
Kapolei, Hawaii 96707

An official IWDP for the discharge location (Section A.4.a. of the application form) will be mailed to the address indicated by the applicant for mailing of permit (Section A.5.a. of the application form).

In order to obtain clearance for a building permit, the applicant should have a copy of the IWDP at the time of building permit application.

All sections of the IWDP application should be completed except where noted. Any incomplete or inadequate information or descriptions in the application may result in delay in the processing of the application. The name, business hour(s), and telephone number(s) of the responsible person(s) should be provided in case the city requires further information.

Should the description provided in the application prove false or pretreatment devices are not provided or maintained, the permit may be revoked and/or a fine of $1,000 per day or imprisonment or both may result.
For further technical information, consult the Industrial Wastewater Discharge Provisions available at the Division of Environmental Quality or call 692-5593 or 692-5156.
INSTREAM USES OF WATER: PETITION TO AMEND INTERIM INSTREAM FLOW STANDARD, PERMITS FOR STREAM CHANNEL ALTERATIONS AND DIVERSION WORKS

A. Law(s)

Hawaii Revised Statutes, Chapter 174C, State Water Code

B. Rules and Regulation

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 168, Water Use, Wells, and Stream Diversion Works; and Title 13, Subtitle 7, Chapter 169, Protection of Instream Uses of Water

C. Responsible Agency

Instream Flow Standards and Interim Instream Flow Standards established and permits issued by:

State Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Tel. No. 587-0214
Website: http://www.hawaii.gov/dlnr/cwrm
E mail: dlnr.cwrm@hawaii.gov

D. Applicability

The statute and the administrative rule apply to all streams throughout the state. A stream is defined as any river, creek, or natural water course in which water usually flows in a defined bed or channel. The primary objective of the rule is to protect beneficial instream uses, such as fish and wildlife habitats, stream ecosystems, water-based recreational activities, aesthetics, scenic waterways and stream systems, navigation, instream hydropower generation, maintenance of water quality and conveyance of irrigation and domestic water to downstream users. Protection is provided by maintaining a sufficient flow of water to preserve these uses. This is accomplished by (1) setting instream flow standards and (2) by regulation stream channel alterations.
1. **Interim Instream Flow Standard**

An instream flow standard means a quantity, flow, depth, or other quantitative and qualitative measure of stream water required to be present at a specific location or between two points in a stream system at a specific time to ensure the protection of beneficial instream uses. Instream flow standards are established by the State Commission on Water Resource Management (Commission).

Pending the establishment of a permanent instream flow standard, any person with proper standing may petition the Commission to adopt an interim instream flow standard. An interim standard is a temporary instream flow standard for immediate applicability, adopted by the Commission without a public hearing and terminating upon the establishment of a revised interim instream flow standard or a permanent instream flow standard.

Petitions for interim instream flow standards must be submitted to the Commission and should provide data and information supporting the instream or non-instream use that is the reason for the petition.

The Commission has established interim instream flow standards for all streams, including intermittent streams, throughout the state. The standard can be stated as follows:

The interim instream flow standard for all streams shall be that amount of water flowing in each stream on the effective date of this standard and as that flow may naturally vary throughout the year and from year to year without further amounts of water being diverted offstream through new or expanded diversions, and under the stream conditions existing on the effective date of the standard, except as may be modified by the following conditions:

a. Based upon additional information or a compelling public need, a person may petition the Commission to amend the standard to allow future diversion, restoration, or other utilization of any streamflow.

b. The Commission reserves its authority to modify the standard or establish new standards including area-wide or stream-by-stream standards, based upon supplemental or additional information.
c. In any proceeding to enforce the instream flow standard, the Commission, its delegated hearing officer, or a judicial officer may abate the enforcement proceeding if, under the circumstances and weighing the importance of the present or potential instream values with the importance of the present or potential uses of the stream's water for non-instream purposes (including the economic impact of restricting such uses), the enforcement of the instream standard would: (1) create a substantial hardship on a use existing on the effective date of this standard; or (2) impermissibly burden a right, title, or interest arising under law.

d. Petitions to amend the interim instream flow standard allowed under item "a" above may be submitted to the Commission on forms it provides. The Commission has a period of 180 days to consider the petition. The applicant may request an extension of 180 days, subject to Commission approval.

2. **Stream Channel Alteration Permit**

Anyone proposing to alter a stream channel is required to obtain a Stream Channel Alteration Permit from the Commission prior to any work being undertaken. This includes any temporary or permanent activity within the stream bank or stream bed that may
- obstruct, diminish, destroy, modify, or relocate a stream channel;
- change the direction of the flow of water in a stream channel; or
- remove any material or structure from a stream channel.

A "stream channel" means a natural or artificial watercourse with a definite bed and banks which periodically or continuously contains flowing water.

An application for the permit, completed on forms available from the Commission, must be submitted identifying the stream and the location, description, and purpose of the proposed channel alteration.

Provisions are available when emergency channel alteration is necessary to prevent or minimize loss of life or damage to property, including the repair or restoration of structures damaged by a sudden and unforeseen event.

3. **Stream Diversion Works Permit**

Anyone proposing to construct or alter a stream diversion works, other than in the course of normal maintenance, is required to obtain a Stream Diversion Works Permit from the Commission on Water Resource
Management prior to any work being undertaken. A “stream diversion works” means any artificial structure, excavation, pipeline, or other conduit constructed singly or in combination, for the purpose of diverting or otherwise removing water from a stream into a channel, ditch, tunnel, pipeline, etc.

An application for the permit, completed on forms available from the Commission, must be submitted identifying the applicant, landowner, project location and general purpose of the work, and providing engineering drawings and specifications for construction.

E. Requirements

Activities involving stream diversions usually require a petition to amend the interim instream flow standard, an application for a stream channel alteration permit, and an application for a stream diversion works permit.

A stream channel alteration permit is required for any activity that will permanently or temporarily obstruct, diminish, destroy, modify, or relocate a stream channel, or remove any material or structure from a stream channel. Routine streambed and drainageway maintenance activities and the repair of existing facilities are exempt from stream channel alteration permit requirements.

F. Procedure and Review Criteria

Following agency review of a petition and/or an application, a recommendation is made to the Commission. Based upon the findings of fact, the Commission may approve in whole, approve in part, approve with modifications, or reject the petition or the application.

1. Petition to Amend Interim Instream Flow Standard

With respect to a petition to amend the interim instream flow standard, the Commission is guided by the following consideration:

Present or potential instream values should be weighed against the importance of present or potential uses of water for non-instream purposes, including the economic impact of restricting such uses.

2. Stream Channel Alteration Permit

With respect to an application for a stream channel alteration permit, the Commission is guided by the following considerations:
a. Channel alterations that would adversely affect the quantity and quality of the stream water or the stream ecology should be minimized or not be allowed.

b. Where instream flow standards or interim instream flow standards have been established, no permit should be granted for any channel alteration which diminishes the quantity or quality of stream water below the minimum levels established to support identified instream uses, as expressed in the standards.

c. The proposed channel alteration should not interfere substantially and materially with existing instream or non-instream uses or with channel alterations previously permitted.

The Commission may approve a permit in any situation in which it is clear that the best interest of the public will be served.
A. **Law(s)**

Hawaii Revised Statutes, Chapter 206E

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 15, Chapter 22 (Mauka Area) and Chapter 23 (Makai Area), Kakaako Community Development District Rules

C. **Responsible Agency**

Hawaii Community Development Authority
677 Ala Moana Boulevard, Suite 1001
Honolulu, Hawaii 96813

Tel. No. 587-2870

D. **Applicability**

In 1976, Hawaii Community Development Authority (HCDA) was created to supplement traditional methods of community redevelopment. Given broad powers, HCDA was intended to join the strengths of private enterprise, public development and regulation into a new form capable of long-range planning and implementation of improved community development.

Kakaako was chosen as HCDA’s first district because it is centrally located and was considered underutilized with the potential for deterioration. The original district (now called the "Mauka Area," bounded by Punchbowl, King, Piikoi Streets and Ala Moana Boulevard) encompassed 450 acres. The development objective is to transform the low-rise areas into a mixed-use community with residential, commercial, industrial and other uses. Provisions for affordable housing, parks and community facilities are also included.

Between 1982 and 1990, the Legislature expanded the Kakaako district to include the Makai Area. In 2006, the Hawaii State Legislature passed Act 165 (H.B. 1880, H. D. 2, S. D. 2, C. D. 1) which transfers Piers 1 and 2 and the contiguous backup fast lands from the Kakaako District and gave the Department of Transportation, Harbors Division, and the Department of Business, Economic Development and Tourism, Foreign-Trade Zone Division, jurisdiction and administrative authority over the area. The Makai Area encompasses 151 acres,
bounded by Ala Moana Boulevard and Kewalo Basin. HCDA’s redevelopment objective for the Makai Area is to recapture the waterfront for public use, achieve maximum public benefits and create an active and attractive people-oriented place.

In support of the redevelopment objectives, HCDA administers an improvement program to upgrade substandard infrastructure and a public facilities program to provide parks, community facilities, public parking, schools, etc. HCDA has been the lead agency in the development of public affordable housing in Kakaako and, with the assistance of other state agencies, manages and develops state lands in support of the redevelopment objectives for Kakaako.

HCDA can assemble parcels of land and enter into agreements with private parties for development of such lands. HCDA can facilitate construction of public improvements such as parks, schools, housing and infrastructure to complement and enable private development. To accomplish such tasks, HCDA can acquire land by eminent domain, issue bonds to finance construction projects, and lease and manage real property. In effect, HCDA is a public corporation that can plan and implement programs and projects to execute its responsibilities for the redevelopment of Kakaako or other community development districts designated by the legislature.

HCDA has the planning and zoning jurisdiction for the Kakaako district. This means that HCDA must adopt development plans for the district pursuant to the objectives specified in Chapter 206E. HCDA also adopts and enforces administrative rules similar to zoning regulations to guide development.

E. Requirements

The Mauka and Makai Area Rules apply to land use and development, including improvements to nonconforming properties and redevelopment projects. The rules include mixed-use zones, permitted land uses, maximum height and density, urban design, and other development requirements.

With respect to Mauka Area redevelopment, low-rise projects up to a height of 45 feet are allowed. High-rise projects up to 400 feet in height are allowed subject to additional requirements that include tradeoffs of additional height and density in return for the provision of residential use and affordable housing. Proposed projects may also be required to conduct a project eligibility review to assess the adequacy of infrastructure prior to the submission of a development permit application. Also, redevelopment on lands with at least ten acres may be constructed in phases under master plan rules.
F. Procedure and Review Criteria

Zoning clearances, waivers and adjustments, renovations, and low-rise projects are approved administratively. Rule variances and modifications, high-rise projects, and master plans require public hearings and are approved by the HCDA Board.

The rules, development permit applications, and filing procedures can be obtained at the HCDA Planning Office. Information may also be obtained on HCDA’s Internet web site (http://www.hcdaweb.org). Contact the HCDA Planning Office for document prices and mailing charges.
LIQUEFIED PETROLEUM GAS (LP-GAS) CONTAINER (TANK) INSTALLATION

A. Law(s)

Hawaii Revised Statutes, Chapter 132
Revised Ordinances of Honolulu, 1990, Chapter 20, Fire Code of the
City and County of Honolulu

B. Rules and Regulations

The 1997 Uniform Fire Code (UFC) and the 1999 Accumulative Supplement to
the UFC with amendments were adopted as the Fire Code of the City and
County of Honolulu on October 10, 2002.

C. Responsible Agency

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007

Tel. No: 768-8106

D. Applicability

A permit or license shall be obtained from the Fire Prevention Bureau, or
designated agency, prior to engaging in the following activities, operations,
practices, or functions:

To install or dispense LP-gas or to maintain an LP-gas container (tank).

E. Permit Requirement

At the time of application for a permit, the installer shall submit to the Fire Chief
three copies of the plot and cross-sectional plans indicating the distances from
property lines, buildings, other fuel tanks or liquefied petroleum gas tanks located
on the premises, dispensers, emergency electrical shut off, vent lines and
diameter, piping, location of fire extinguisher, and necessary signage and
placards.
One time permit fee: $100 for a single container or the aggregate of interconnected containers of 125 gallons water capacity or more

A permit is not required to install or maintain a portable container or the aggregate of interconnected containers of less than 125 gallons water capacity.

Permits shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

Applications for these purposes are available at the:

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007
Tel. No. 723-7161
723-7162

Honolulu Fire Department
Plans Review Section
Frank F. Fasi Municipal Building
650 South King Street, First Floor
Honolulu, Hawaii 96813
Tel. No. 523-4186

G. Procedure and Review Criteria

1. In instances where laws or regulations are enforceable by departments other than the HFD, approval must be obtained from all departments concerned.

2. After receipt of the application, a review and subsequent inspections by the HFD will be made to ensure compliance with applicable portions of the fire code.
A. **Law(s)**

Hawaii Revised Statutes, Chapter 342D

B. **Rules and Regulations**

40 Code of Federal Regulations Parts 122 to 125
Hawaii Administrative Rules, Title 11, Chapter 55, Water Pollution Control

C. **Responsible Agencies**

**Issues:**
State Department of Health
Environmental Management Division
Clean Water Branch
919 Ala Moana Boulevard, Suite 301
Honolulu, Hawaii 96814

Tel. No. 586-4309
Fax No. 586-4352
Email: CleanWaterBranch@doh.hawaii.gov
Website: http://hawaii.gov/health/environment/water/cleanwater/index.html

**Reviews:**
U.S. Environmental Protection Agency
CWA Standards and Permits Office (WTR-5)
75 Hawthorne Street
San Francisco, California 94105

D. **Applicability**

1. Any facility or activity that involves discharge of wastewater or stormwater runoff into State surface waters (ditches, streams, the ocean), either directly or via the stormwater drainage system, requires an NPDES Individual Permit or General Permit coverage.

2. Types of discharge eligible for coverage under the NPDES General Permit include: Stormwater runoff associated with most industrial activities, stormwater runoff from construction sites one acre and greater (effective
March 10, 2003), effluent from remediation of leaking underground storage tanks, non-contact cooling water, hydrotesting water, construction dewatering effluent, treated effluent from petroleum bulk stations and terminals, treated effluent from well-drilling activities, occasional or unintentional discharges from recycled water systems, stormwater from small municipal separate storm sewer systems, and circulation water from decorative ponds or tanks.

3. Facilities or activities not eligible for coverage under the NPDES General Permit must obtain an NPDES Individual Permit. It is important to consult directly with the Department of Health to determine which permit is required.

E. Requirements

1. NPDES Individual Permit


   b. Applications for an NPDES Individual Permit should be filed at least 180 days before the start of discharge.

   c. Required data includes physical and/or chemical characterization of the proposed discharge, specifically total nitrogen, nitrate+nitrite nitrogen, total phosphorus, pH, temperature, and any other parameters that may be different from the quality of the receiving water.

   d. Non-refundable filing fee: $1,000.

2. General Permit Coverage

   a. State NPDES Notice of Intent (NOI) Forms for General Permit Coverage are available at the Department of Health or the Clean Water Branch website at http://hawaii.gov/health/environmental/water/cleanwater/forms/general.html.

   b. An NOI for General Permit Coverage should be submitted at least 30 days before the start of discharge or construction activity.
c. Required data varies for each type of General Permit Coverage. See the NOI Forms for specific requirements.

d. Non-Refundable Filing Fee: $500 per General Permit Coverage.

F. Procedure and Review Criteria

Requirements vary with the type of discharge. It may include results from tests or estimates for types and quantities of pollutants to be discharged, description of planned treatment, and mitigation measures.

1. NPDES Individual Permit
   a. There is a requirement for public notification of the Department’s intent to issue a permit. A public hearing may be required if it is requested by the public.
   b. This permit is issued for a limited period of time, maximum five years with no guarantee of renewal.
   c. A monitoring program involving quarterly (or more frequent) sampling of the discharge and its constituents is usually required.

2. NPDES General Permit Coverage
   a. There is no requirement for a public notice.
   b. This permit coverage is issued for a limited period of time, usually until the general permit expires with no guarantee of renewal.
   c. A monitoring program involving annual, quarterly, or more frequent sampling of the discharge and its constituents is required for some facilities or projects.
NATURAL AREA RESERVES SYSTEM

A. **Law(s)**

Hawaii Revised Statutes, Chapter 195

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 13, Chapter 209, Rules Regulating Activities within Natural Area Reserves

C. **Responsible Agencies**

Natural Area Reserves System Commission  
Division of Forestry and Wildlife  
Department of Land and Natural Resources  
1151 Punchbowl Street, Room 325  
Honolulu, Hawaii 96813

Tel. No. 587-0063  
Fax No. 587-0064  
E-mail: betsy.h.gagne@hawaii.gov

Board of Land and Natural Resources  
1151 Punchbowl Street, Room 130  
Honolulu, Hawaii 96813

Tel. No. 587-0401  
Fax No. 587-0390

D. **Applicability**

Chapter 209 of Title 13 regulates activities within Natural Area Reserves. It provides for a special use permit (SUP) that would allow the conduct of activities otherwise prohibited.
E. **Requirements**

An application for an SUP should sufficiently describe the proposed activity as to the purpose, materials, and methods to be used. It should also state the duration of the proposed activity and, when applicable, the personnel to be involved. Depending on the nature of the project, it may require an environmental assessment to adequately determine its potential impact.

F. **Procedure and Review Criteria**

The application should be submitted to the Department of Land and Natural Resources (DLNR). As mandated by statute, the issuance of an SUP must be approved by the Commission, as well as by the Board of Land and Natural Resources.
NONCONFORMING USE CERTIFICATE

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Customer Services Office
Code Compliance Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8110

D. Applicability

A nonconforming use certificate (NUC) is required for transient vacation units (TVU) which have been in use since before October 22, 1986, and which are located outside of areas zoned for resort, and for bed and breakfast homes (B&B) operating on or before December 28, 1989. (A current NUC is required to continue these operations.) The TVU and B&B uses which began operation after these dates are not permitted. Nonconforming use certificates are not required for units in nonconforming hotels.

E. Requirements

The NUC applications had to be filed by September 28, 1990. Transient vacation units and bed and breakfast homes operating without approved NUCs are treated as illegal uses.

The NUC must be renewed every two years by the renewal date shown on the current NUC. Applicants must submit their application before September 1 and not later than October 15 of the renewal year. The following information needs to be provided for the renewal:

2. General Excise Tax (GET) and Transient Accommodations Tax (TAT) information for the previous year.

3. Occupancy records showing that the use was continued during the previous two years with a minimum of 35 days of occupancy for TVU and 28 days of occupancy for B&B operations during each calendar year.

4. Two-year, non-refundable NUC renewal fee of $400 per TVU unit or B&B home.

F. Procedure and Review Criteria

The Department of Planning and Permitting mails the annual renewal form to each applicant and/or agent at least two months before the renewal date. The renewal form, when signed and dated by the director or his/her designated representative, indicates approval and constitutes a new certificate, valid for one year.
OHANA ACCESSORY DWELLING

A. **Laws**

Chapter 46, Hawaii Revised Statutes
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

C. **Responsible Agencies**

Coordinates: City Department of Planning and Permitting
Land Use Permits Division
Zoning Regulations and Permits Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Reviews: City Department of Planning and Permitting
Customer Services Office
Permits Issuance Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8220

City Department of Planning and Permitting
Site Development Division
Wastewater Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Honolulu Fire Department
Frank F. Fasi Municipal Building
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No: 523-4186

Board of Water Supply
Service Engineering Section
630 South Beretania Street, 1st Floor
Honolulu, Hawaii 96813
D. **Applicability**

An ohana dwelling is a second dwelling unit permitted on a lot, where the underlying zoning would permit only one dwelling. The intent is to encourage and accommodate extended family living.

E. **Requirements**

1. Ohana units are allowed in residential zoning districts except on lots zoned R-3.5 residential and on lots within cluster, planned development, zero lot line and in duplex unit housing projects. The opportunity to have an ohana unit was extended to agricultural and country-zoned areas in September, 1992.

2. Ohana units are allowed only in areas where water, wastewater, and roadway facilities are adequate to support increased density, as determined by the appropriate city and state agencies. Maps showing areas which have been determined to have adequate public facilities may be inspected at the Department of Planning and Permitting.

3. An area with adequate public facilities may be excluded from ohana-eligibility if 60% of the owners/lessees in the applicable census tract sign a petition to the Department of Planning and Permitting asking to be excluded.

4. Ohana dwellings must meet all provisions of the applicable zoning district, except the provisions regarding number of dwelling units on the lot.

5. The following additional restrictions apply:

   a. The lot must meet the minimum size and dimension standards for the zoning district.

   b. The ohana unit must be attached to the main house; that is, it must be one of the two units in a two-family house. It must not exceed 50% lot coverage.

   c. The maximum size of an ohana unit is subject to the maximum building area development standard in the applicable zoning district and other regulations in the Land Use Ordinance.

   d. The ohana unit can be occupied only by relatives of the family living in the main house.
e. The lot owner must file a restrictive covenant agreeing not to submit the property to a condominium property regime.

F. Procedure and Review Criteria

Application for an ohana permit is two-step process. The first step is to complete the Public Facilities Pre-check Form, available at the Customer Services Office. The form verifies the adequacy of water, waste disposal and roadways serving the area and the lot. It must be approved and signed by the responsible public agencies, and submitted with the building permit application.

The second step is the building permit application. For information about building permit requirements refer to BUILDING PERMIT FOR BUILDING, ELECTRICAL, PLUMBING AND SIDEWALK/DRIVEWAY WORK.

A building permit application must be filed to have an existing second unit recognized as an ohana dwelling, even if no construction is proposed.
PARK DEDICATION REQUIREMENT

A. **Law(s)**

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 22, Article 7,
   Parks and Playgrounds

B. **Rules and Regulations**

Park Dedication Rules and Regulations, City and County of Honolulu

C. **Responsible Agency**

Approves:  City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

D. **Applicability**

This law, which requires dedication of land for parks and playgrounds, applies to anyone wishing to subdivide land into three or more lots. The subdivision into two lots, provided neither of the lots are further subdividable, is exempt. The law applies to multiple-family development as well as conventional subdivisions. Exceptions are found under Section 22-7.4, Revised Ordinances of Honolulu (ROH). "Subdivision" is defined in both the state and city laws and in the rules and regulations.

E. **Requirements**

Before approval of a subdivision or issuance of a building permit for a multi-family development, an applicant must submit data describing the proposed site (size and location) and project (number of dwelling units, maximum permitted floor area, etc.). The applicant must also indicate the proposed method of compliance with the dedication requirement. A form is available at the Department of Planning and Permitting (DPP) for this purpose.
F. Procedure and Review Criteria

The proposal is reviewed by the DPP. Compliance with the park dedication requirement is a condition for approval of a subdivision or issuance of a building permit for multi-family development. The Director of Planning and Permitting may permit the requirement to be satisfied as follows:

1. Park land to be provided in perpetuity or dedicated to the city; or

2. Payment of fee equal to fair market value of the area of land required to be dedicated; or

3. Private parks and playgrounds provided and maintained in private ownership in perpetuity; and

4. Combination of the above equal to the area of land required to be provided in perpetuity or dedicated for park and playground.

Minimum land area requirements are specified in Section 22-7.5, ROH dependent on the zoning district (e.g., residential, apartment, or other). The land set aside for park and playground purposes must also meet certain minimum standards which are specified in Rules 9 and 10 of the Park Dedication Rules and Regulations.
PLACES OF ASSEMBLY

A. Law(s)

Hawaii Revised Statutes, Chapter 132
Revised Ordinances of Honolulu, 1990, Chapter 20, Fire Code of the City and County of Honolulu

B. Rules and Regulations

The 1997 Uniform Fire Code (UFC) and the 1999 Accumulative Supplement to the UFC with amendments were adopted as the Fire Code of the City and County of Honolulu on October 10, 2002.

C. Responsible Agency

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007

Tel. No’s: 723-7161 or 723-7162

D. Applicability

A permit or license shall be obtained from the Fire Prevention Bureau, or designated agency, prior to engaging in the following activities, operations, practices, or functions:

For places of assembly with an occupant load capacity of 300 or more persons, such as restaurants, nightclubs, and dancing and drinking establishments.

E. Permit Requirement

At the time of application for a permit, the applicant shall submit to the Fire Chief two copies of the floor plan of the establishment indicating square footage (gross), seating arrangements (if more than one seating configuration is used by the establishment), occupancy load, aisle widths, exits and access ways to exits, and compliance with other fire code requirements in accordance with Article 25.

Annual permit fee: $100
Permits shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

Applications for these purposes are available at the:

Honolulu Fire Department
Plans Review Section
Frank F. Fasi Municipal Building
Honolulu, Hawaii 96813

Tel. No. 523-4186

H. Procedure and Review Criteria

1. When all applicable portions of the fire code are met and after a satisfactory inspection by the HFD of the applicant’s premises, a permit will be issued to the applicant.

2. The occupant load capacity of the assembly must be posted as required by the Department of Planning and Permitting.

3. The permit must be posted in a conspicuous place.

4. The permit expires one year after date of issuance and must be renewed annually.
PLAN REVIEW USES
(Hospitals, Prisons, Airports, Colleges and Universities, Trade or Convention Centers)

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agencies

Approves: Honolulu City Council
City Hall
Honolulu, Hawaii 96813

Reviews: City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

A plan review use (PRU) approval is required for the following public and private uses: Hospitals, prisons, airports, colleges and universities (except business schools and business colleges), trade or convention centers, and golf courses as described below.

A PRU approval is also required for a golf course under certain conditions. Refer to Section 21-2.120-1(d), Land Use Ordinance.

E. Requirements

Pre-application meeting. Prior to submitting the application, the applicant must meet with the DPP for an informal review of the project, unless such a meeting is determined to be unnecessary by the department.
Presentation to Neighborhood Board. Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the property will be located, or if no such neighborhood board exists, then to an appropriate community association. The applicant must provide written notice of the presentation to all adjoining property owners.

A completed application form must be submitted to the DPP accompanied by the following:

1. A master plan of a minimum of five years.

2. A description of the existing and proposed operations and activities, including hours of operation, number of persons on the site, number of hospital beds and occupancy of structures. If applicable, numbers of employees and work hours, by shift.

3. A location map.

4. Reproducible plans drawn to scale, showing:
   a. The building elevations, sections, and floor plan and site sections;
   b. Topographic information;
   c. Landscaping plans;
   d. Existing streets showing access, proposed roads and parking layout with dimensions;
   e. Location, size, spacing, setbacks and dimensions of existing and proposed structures, improvements and utilities; and
   f. Lot lines and dimensions.

5. Information on land use designations, surrounding land uses, and the development schedule.

6. Written information explaining how the proposed use complies with the minimum development standards for the applicable zoning district (refer to Article 3, Land Use Ordinance).

7. Photos of the land involved and adjacent land affected by the proposal.

8. An affidavit confirming that adjoining property owners were sent written notification of the required neighborhood board presentation must be submitted to the department.
9. Description of infrastructure requirements for the project.

10. Description of issues or concerns relating to the project raised at the presentation to the neighborhood board or community association. Description of other expected project impacts, including those on public services and the physical environment. Describe the measures, if any, taken to mitigate such concerns and impacts.

An application fee of $600 plus $300 per acre or major fraction thereof, up to a maximum of $10,000, payable to the City and County of Honolulu, must be submitted with the application.

F. Procedure and Review Criteria

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Upon acceptance of a completed application, the director will request written comments and recommendations from appropriate agencies and neighborhood boards. Also, the applicant must make a good faith effort to notify all owners of property within 300 feet of the affected property’s boundaries of the applicant’s proposed use of the property. (See Section 21-21-2.40-2(c)(3).)

Within 90 days of acceptance of a completed application, the DPP must submit a report to the City Council.

After holding a public hearing, the council will either approve the application by resolution or deny the application. If council does not take action within 60 days after receipt of the application, it is deemed denied. This time limit may be extended upon written request by the applicant to the council, prior to the requested effective date of the extension.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
PLANNED DEVELOPMENT-HOUSING

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agencies

Approves: City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8028

Reviews: Various Agencies

D. Applicability

Planned development-housing (PD-H) is an option intended for higher density residential development on large parcels of vacant land or large parcels being redeveloped, while complementing the surrounding neighborhood. The intent of the PD-H development is to allow flexibility in site design, cost-effective infrastructure improvements, more efficient provision of open space and greater amenities, and a variety of housing types with some increase in density.

Planned Development-Housing projects may be established in residential and apartment districts. The minimum land area required for a PD-H depends on the zoning district and ranges from .5 acre in apartment districts to four (4) acres in R-20 residential districts. Maximum floor area for the project is based on the land area.

In addition to dwelling units, PD-H projects may include meeting facilities and day-care centers, schools, outdoor recreation facilities, and utility installations.
The Cluster/PD-H Guidebook, available at the Department of Planning and Permitting (DPP) provides further guidance in the planning and design of PD-H projects.

E. **Requirements**

Pre-application meeting. Prior to submitting the application, the applicant must meet with the DPP for an informal review of the project, unless such a meeting is determined to be unnecessary by the department.

Presentation to Neighborhood Board. Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the site is located, or if no such neighborhood board exists, then to an appropriate community association. The applicant must provide notice of the presentation to all adjoining owners.

A completed application form must be submitted to the DPP accompanied by the following:

1. Description of existing and proposed use(s).
2. Description of existing and proposed infrastructure.
3. Submission of the following plans which are applicable to the project:
   a. Existing conditions site plan.
   b. Preliminary site plan.
   c. Preliminary utility plans.
   d. Preliminary floor plans and area calculations.
   e. Exterior elevations and sections.
   f. Outline specifications or samples of exterior finish, texture, material and color for all exterior finishes.
   g. Open space/recreational plans and area calculations.
   h. Parking and loading plans and calculations.
   i. Preliminary landscape plans.
   j. Preliminary subdivision map.
4. Written information explaining how the proposed use complies with the general requirements for PD-H project (refer to Section 21-8.50-10).

5. Photos of the site.

6. Affidavit confirming that adjoining property owners were sent written notification of the required neighborhood board presentation.

7. Neighborhood board. Describe all issues or concerns relating to the project raised at the presentation to the neighborhood board or community association. Describe the measures, if any, taken to mitigate such issues or concerns.

There is a $600 filing fee plus $300 per acre or major fraction thereof, not to exceed $10,000 per application.

F. Procedure and Review Criteria

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Upon acceptance of a completed application, the director will request written comments and recommendations from appropriate agencies and neighborhood boards. The application will be reviewed by government agencies to ensure adequacy of water, sewer, and other public facilities to support the proposed use. Compatibility of the proposed use with the surrounding neighborhood is also reviewed. The applicant must also make a good faith effort to notify all owners of property within 300 feet of the affected property’s boundaries of the applicant’s proposed use of the property.

A mandatory public hearing is held no sooner than 45 days after acceptance of a completed application. The applicant may be required to erect a notice of pending permit sign on the affected lot(s) no less than 14 days before the public hearing date.

Within 90 days of acceptance of a completed application, the director must approve the application as submitted, approve with modifications and/or conditions, or deny with reasons for denial sent in writing to the applicant. Final action must be taken within 90 days of the date of the application unless the development requires a Special Management Area Use Permit (SMP), in which case, the time limit may be extended, not to exceed ten (10) days after action on the SMP has been taken.
In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.
PLANNED DEVELOPMENT-RESORT (PD-R) AND
PLANNED DEVELOPMENT-COMMERCIAL (PD-C)

G. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

H. Rules and Regulations

I. Responsible Agencies

Approves: City Department of Planning and Permitting
Land Use Permits Division
Urban Design Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-80128

Reviews: Various Agencies

J. Applicability

The purpose of the PD-R and PD-C options is to provide opportunities for
creative redevelopment not possible under strict adherence to the development
standards of the Waikiki Special District. Flexibility may be provided for project
density, height, precinct transitional height setbacks, yards, open space and
landscaping when timely, demonstrable contributions benefitting the community
and the stability, function, and overall ambiance and appearance of Waikiki are
produced.

PD-R projects are only permitted in the resort mixed use precinct, while PD-C
projects are only permitted in the resort-commercial precinct. The minimum
project size is one acre. Multiple lots may be part of a single PD-R or PD-C
project, including lots that may not be adjoining lots.

PD-R and PD-C projects may include those uses and structures permitted under
the respective precincts of the Waikiki Special District.
Project floor area, height, transitional height setbacks, yards, open space and landscaping requirements may be modified, while all other development and design standards applicable to the respective precincts applies.

K. Requirements

Projects are only eligible for PD-R or PD-C status when council approves a conceptual plan for the project.

Presentation to Neighborhood Board. Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the property will be located. Notice of the presentation, or the applicant’s good faith efforts to make such a presentation, shall be given to all owners of properties adjoining the proposed project.

A completed application form must be submitted to the DPP accompanied by the following:

3. A project name.

4. A location map showing the project in relation to the surrounding area.

5. A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. It shall also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, if applicable.

6. A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities. The narrative should also include an explanation of the project’s architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki Special District.

7. An open space plan and integrated pedestrian circulation system.

8. A parking and loading management plan

There is a $15,000 filing fee per application.
I. **Procedure and Review Criteria**

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Upon acceptance of a completed application, the director shall notify the council of the acceptance, providing the council with the date of the director’s acceptance of the application and a brief description of the proposal contained in the application.

The conceptual plan for the project shall also be presented to the design advisory committee for its appropriate recommendations prior to transmittal of the application to council for a conceptual plan review and approval.

A mandatory public hearing is held no sooner than 21 nor no later than 60 calendar days after acceptance of a completed application. Upon conclusion of the public hearing and design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.

The council shall approve the application in whole or in part, with or without conditions or modifications, by resolution, or shall deny the application. The council may deny the application by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing, prior to the requested effective date of the extension.

Upon approval of a conceptual plan for the project by the council, the application shall continue to be processed for further detailed review and final approval by the director. Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant. The applicant may request in writing to the director an extension of time as may be necessary for good cause.

The sunset date for the acceptance of PD-R or PD-C applications has been extended to December 31, 2006 (from December 31, 2001).
PUBLIC ACCESS REQUIREMENT

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 22, Article 6, Public Access to Shoreline and Mountain Areas

B. Rules and Regulations

Subdivision Rules and Regulations, City and County of Honolulu

C. Responsible Agencies

Approves & Reviews: City Department of Planning and Permitting
Land Use Permits Division
Land Use Approvals Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

This law affects anyone wishing to subdivide land into six (6) or more lots or units (including multiple-family development) adjacent to or near recreational areas; e.g., beaches and mountain areas where there are existing public recreation facilities.

E. Permit Requirements

The Director of the Department of Planning and Permitting (DPP) determines the location and alignment of the access, after consultation with the Director of Parks and Recreation (DPR) and other affected governmental agencies at the time subdivision application or multiple-family building permit application is made. The applicant is required to dedicate access by right-of-way in fee or easement as a condition for subdivision and building permit approval.

Minimum width of the access must be 12 feet unless otherwise approved by the Director of DPP. This access must be shown on the required subdivision maps.
The applicant must file the necessary deeds or conveyance with DPR or any other governmental agency responsible for the maintenance and improvement of the public access.
PUBLIC INFRASTRUCTURE MAP REVISIONS

A. Law(s)

Revised Ordinances of Honolulu, Chapter 4, Article 8, Public Infrastructure Maps
Hawaii Revised Statutes, Chapters 46 and 91

B. Rules and Regulations

Rules for Processing of Revisions to the Public Infrastructure Maps (1998)

C. Responsible Agencies

Approves: Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Processes: City Department of Planning and Permitting
Interim Planning Division
Policy Planning Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8041

Web site: http://www.honoluludpp.org/

D. Applicability

Revisions of the PIMs are initiated either by the Director of Planning and Permitting or by the City Council, and are adopted by resolution of the City Council. Any department or agency of the state or city, or any person with a property interest in the land affected by the proposed revision, may request that an application for such revision be initiated on their behalf. For any Council-initiated revision, there shall be a 75-day review period while the Department of Planning and Permitting reviews the proposal, consults with affected parties, and prepares its recommendation.

Each application for revision of a PIM is reviewed from the perspective of its contribution to the well-being of the people of Oahu and how it will support implementation of the applicable Development Plan or Sustainable Communities Plan.
E. Requirements

The PIMs show general locations of the proposed major municipal facilities listed below. Symbols for proposed major municipal facilities on this list must be placed on a PIM prior to the appropriation and expenditure of city funds for land acquisition or construction.

The following types of projects must be shown on the PIM:

1. Corporation yards;
2. Desalination plants;
3. Open channel drainage ways;
4. Fire stations;
5. Government buildings;
6. Municipal golf courses;
7. Parks (includes neighborhood, urban, community, district, and regional parks, beach/shoreline parks, dog parks, nature parks and preserves, zoos and botanical gardens, and stream greenbelts);
8. Police stations;
9. Parking facilities;
10. Water reservoirs;
11. Sewage treatment plants;
12. Solid waste facilities;
13. Rapid transit corridors;
14. Transit stations, including park-and-rides and transit centers;
15. Major collector or arterial roadways;
16. Sewage pump stations; and
17. Potable water wells.
The alignment of linear facilities and the location of project boundaries shall be considered approximate and conceptual.

Public infrastructure means any proposed facility of a type listed above which meets any of the following criteria:

1. It has a significant impact on surrounding land uses or the natural environment;
2. It establishes a new facility;
3. It substantially changes the function of an existing facility; or
4. It involves modification (replacement or renovation) of existing facilities which would permit significant new development or redevelopment.

F. Procedures and Review Criteria

Any request to initiate a revision of the PIM should include a completed application form. The application must describe the project, its size and function, its general location, how the project implements and/or supports the applicable Development Plan or Sustainable Communities Plan, anticipated community and/or environmental impacts, and the public issue, need or problem addressed by the proposed project. Application forms are available from the Department of Planning and Permitting, Interim Planning Division.

For private applicants only, there is a filing fee of $600. Public agencies are exempt from the payment of fees.

Upon acceptance of a completed application, the Director of Planning and Permitting submits the proposed revision to appropriate governmental and community organizations for review and comment. The applicant is required to notify community organizations, the affected neighborhood board(s), and all owners, lessees, sub-lessees, and residents of the affected property and each abutting parcel and to make presentations as requested.

Upon timely receipt of responses from governmental and community organizations, the Director of Planning and Permitting prepares a report to be forwarded to the City Council. For PIM requests initiated by the Department, this report is due within 90 days of acceptance of the application. For requests initiated by the City Council, the report is due within 75 days of the introduction of the resolution. In either case, the report must include a draft resolution which provides a description of the general location, size and function of the proposal.
Any PIM symbol for a completed project may be administratively deleted by the Department of Planning and Permitting after receiving written notice of completion of land acquisition and/or improvements from the applicant. The Director of Planning and Permitting notifies the City Council of any completed projects the symbols for which are to be administratively deleted from the PIM.
PERMIT TO EXCAVATE PUBLIC RIGHT-OF-WAY (TRENCHING)

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Article 17,
Excavation and Repairs of Streets and Sidewalks

B. Rules and Regulations

Standard Specifications for Public Works Construction, City and County of Honolulu

C. Responsible Agencies

Issues: City Department of Planning and Permitting
Site Development Division
Civil Engineering Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813
Tel. No. 768-8219

Reviews: All appropriate utility companies and city agencies

D. Applicability

A permit is required to break up, dig up, disturb, undermine, or dig under any public highway, street, thoroughfare, alley or sidewalk, or any other similar public place which is under city jurisdiction. Work under certain conditions is excluded.

E. Permit Requirements

The applicant is to provide the following:

1. A permit application that contains clearances from all of the appropriate utility companies and city agencies.

2. A plan drawn to scale that shows, among other information, the location of each proposed excavation and the dimensions thereof, the nature, size, length, depth, and purpose of the structure to be installed therein, and the
details on the backfill and restoration of the excavation. Departmental approval of permit plans is required in certain cases.

3. A permit fee, a certificate of insurance that names the city as an additional assured, and a permit bond for amounts regulated by ordinance. These requirements are waived in certain cases.

F. Procedure and Review Criteria

All of the required documents must be submitted to the Permitting and Inspection Section on the ground floor of the Fasi Municipal Building at least three working days prior to the start of work (except for emergency repair work to utilities which must comply with other permit requirements).

Every permit will expire and become null and void one year after the date of issuance of the permit. The submittal of as-built plans is required under certain conditions.

NOTE: A street usage permit must also be obtained from the City's Department of Transportation Services before any work on any portion of a public street may begin.
PUMP INSTALLATION PERMIT

A. **Law**

Hawaii Revised Statutes, Chapter 174C, State Water Code

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 168, Water Use, Wells and Stream Diversion Works, Well Construction and Pump Installation Standards

C. **Responsible Agency**

State Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Tel. No. 587-0214

D. **Applicability**

Licensed contractors (C-57, C-57a, or A) wishing to install a new or replace an existing pump with a greater capacity, well pump or pumping equipment in any area of the state must apply for this permit.

E. **Permit Requirements**

The application must be made on forms furnished by the Commission. Each application must be accompanied by a nonrefundable filing fee of $25.

F. **Procedure and Review Criteria**

The application is submitted to the Commission for review to ensure the safe and sanitary maintenance and operation of wells, protection of surface waters, protection of other wells, the prevention of waste, the prevention of contamination of ground water aquifers, and to provide for the installation of devices to measure the amount of ground water being withdrawn from all wells, in accordance with
the Hawaii Well Construction and Pump Installation Standards (HWCPIS), as amended in February 2004.

The Commission or chairperson will approve or disapprove an acceptably completed application, subject to any special conditions, within 90 calendar days of receipt by the Commission.

An applicant for a pump installation permit whose application is disapproved may obtain a hearing before the Commission by filing within 30 days of the mailing of the notice of rejection, a written petition requesting such a hearing.
RELOCATION PERMIT

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 16, Building Code

B. Rules and Regulations

C. Responsible Agencies

Issues: City Department of Planning and Permitting
       Customer Services Office
       650 South King Street, 1st Floor
       Honolulu, Hawaii 96813

       Tel. No.  768-8220

Reviews: Department of Budget and Fiscal Services  (for deposit)
         Department of Transportation Services  (for traffic code)
         Honolulu Police Department  (for escorts)

D. Applicability

This permit must be secured by anyone moving any building or structure into or within the City and County of Honolulu.

E. Permit Requirements

Request for Relocation Inspection form must be completed first.

Application is made to the Customer Services Office (forms available at the office).

The application must also be accompanied by four sets of plans and specifications showing all work to be performed on the building or structure after relocation.
An applicant must also file with the Director of Budget and Fiscal Services a deposit of $500 (refundable if there is no property damage during the relocation).

There is a minimum permit fee of $18 for work up to $500 in value which increases as the value of work increases.

The applicant must apply to the Honolulu Police Department for escort services (cost borne by applicant) if required as a condition for permit approval.

F. Procedure and Review Criteria

The application, plans and specifications are reviewed by the Customer Services Office and any other appropriate department of the city and state and, provided all deposits and fees are paid, the Customer Services Office will issue a permit.

Section 15-21.12 of the Traffic Code requires that the traffic route to be followed during relocation be designated.

All buildings or structures which are to be relocated must be identified with appropriate designations by the Customer Services Office after it has been determined by the building official that such buildings or structures may be relocated, and none can be moved without such identification.

All work for which a permit is issued must be completed within 120 days of the date of issuance, unless an extension is granted by the department. A request for an extension must be made at least 15 days before the expiration of the permit.

NOTE: No building or structure may be relocated to a zoning lot, unless permitted by the Land Use Ordinance.
ROAD WIDENING SETBACKS

A. Law(s)
   Revised City Charter, 1973 (2000 Edition), Sections 6-1503(k) (2) and 6-1703 (a) and (e)
   Revised Ordinances of Honolulu, 1990, Chapter 24, Development Plans

B. Rules and Regulations
   Rules and Regulations of the Department of Planning and Permitting and the Department of Transportation Services for the Establishment and Administration of Right-of-Way Widths and Setback Lines for Planned Street and Transit Improvements.

C. Responsible Agencies
   Administers: City Department of Planning and Permitting
                Site Development Division
                Traffic Review Branch
                650 South King Street, 8th Floor
                Honolulu, Hawaii 96813
                Tel. No. 768-8083

   City Department of Transportation Services
   650 South King Street, 3rd Floor
   Honolulu, Hawaii 96813

   Assists & Reviews: Department of Planning and Permitting
                      Site Development Division - Civil Engineering Branch
                      Building Division
                      Land Use Permits Division
                      Planning Division

D. Applicability
   The setback requirements established by the rules are applicable to all planned improvements on real property abutting or having access to public streets which have been designated for future improvement on the Development Plan Public
Facilities Map and/or the Department of Planning and Permitting (DPP) and the Department of Transportation Services (DTS) Planning Area Maps.

E. **Setback Requirements**

The rights-of-way and setback requirements established by the rules are based upon Development Plan (DP) land uses and standards set forth in the Subdivision Rules and Regulations. Additionally, the requirements for corner roundings at intersections are based on the appropriate design standards set forth in the Department of Transportation Service’s Traffic Standards Manual, July 1976, as revised in April 1979.

The setback requirements for all planned street improvements are shown in a set of plans referred to as planning area maps.

These maps are available for public inspection at the Department of Planning and Permitting.

F. **Procedure and Review**

1. **Clarification of Setbacks**

   As necessary or upon the written request of any interested person, the rules authorize the Director of Planning and Permitting and/or Transportation Services to do the following: (a) clarify the width of a proposed right-of-way or location of a street setback line when the proposed right-of-way width or street setback line cannot be determined accurately from the planning area maps; or (b) initiate an evaluation to reduce and/or modify a proposed right-of-way width shown on the planning area map when it is impracticable to require the entire proposed right-of-way width.

   Requests by interested persons must conform to the procedures set forth in Section 8 of the rules for declaratory rulings. The determination of the director will be in writing and will have the same status as other orders of the department. A copy of the director’s decision will be mailed to the petitioner and interested agencies.

2. **Rules Amendment**

   Pursuant to the amendment procedures established in Section 7 of the rules, the director of DPP, in consultation with DTS, will have the authority to make modifications to the street right-of-way and setback requirements, and to make the appropriate revisions to the planning area maps established by the rules as authorized by law, including, but not limited to:
a. Major Streets.

(1) Modify street right-of-way and setback requirements provided that the change does not conflict with the improvements as reflected on the public facilities maps.

(2) Establish new or delete existing street right-of-way and setback requirements following the enactment of an amendment which deletes or adds such a street or planned improvement on the DP with respect to the street.

(3) Close or abandon an existing street in accordance with the provisions of Sections 264-1 and 264-3, Hawaii Revised Statutes (HRS), pursuant to the enactment of an agreement to the DP with respect to the street.

(4) Modify street right-of-way width as required to provide for a bikeway.

b. Minor Streets.

(1) Reduce, increase, establish new, or delete existing street right-of-way and setback requirements.

(2) Adjust the location or alignment of a planned street improvement.

(3) Close or abandon an existing street in accordance with the provisions of Sections 264-1 and 264-3, HRS, pursuant to the enactment of an amendment to the DP with respect to the street.

(4) Modify street right-of-way width as required to provide for a bikeway.

3. Development Plan Amendments

All amendments to planned street improvements shown on the public facilities maps (major streets), and all major or minor street deletions will be processed in accordance with the applicable provisions of the Development Plan ordinances, and the Rules of the DPP - Planning Division for Processing Amendments to the Development Plans of the City and County of Honolulu. Appropriate right-of-way widths and setbacks will be established by the director within 120 days of the enactment of such amendment.
SEWER CONNECTION PERMITS

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 14, Public Works Infrastructure Requirements, Including Fees and Services

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting
Site Development Division
Wastewater Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8212

D. **Applicability**

A permit to connect must be obtained from the Department of Planning and Permitting before any connection or reconnection may be made to any municipal sewer.

E. **Permit Requirements**

Sewer connection permits are issued at the Department of Planning and Permitting, Wastewater Branch, on the first floor of the Honolulu Municipal Building, 650 South King Street.

An "Application for Sewer Connection" form which is available at the above address must be completed and submitted by the applicant at least two weeks prior to applying for a building permit. The applicant is required to provide data about the proposed development (location, type of development, number of units, etc.).

Costs for connection are specified in Sections 14-3.2 and 14-10, Revised Ordinances of Honolulu (ROH). The full amount must be paid before the permit will be issued.
F. **Procedure and Review Criteria**

1. Connection will not be permitted if the municipal sewer is inadequate to accommodate the flow anticipated by the new connection.

2. The permit is issued only for the facility or improvement shown on the plans and specifications or application.

3. The permit will be issued only after an application for a building permit has been filed.

4. All connections for industrial wastewaters will require an Industrial Wastewater Discharge Permit before a permit to connect is issued.

5. Applicants are advised to consult Section 14-1.6, ROH for "Use of Public Sewers," and Section 14-1.9, ROH for "Restrictions Relating to Use of Public Sewers."

**NOTE:** Where municipal or private sewers are inadequate, connection will not be permitted until the adequacy is relieved either by the city and county or the applicant at his expense.

All conditions for industrial wastewaters require an INDUSTRIAL WASTEWATER DISCHARGE PERMIT before a Permit to Connect is issued.
SEWER EXTENSION, OVERSIZING, AND RELIEF SEWER REQUIREMENTS

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Public Works Infrastructure Requirements, Including Fees and Services

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Site Development Division
Wastewater Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8199

D. Applicability

1. Extension

This applies to unsewered areas only. A property owner or subdivider may apply for an extension of an existing public sewer.

2. Oversizing

This applies to sewer facilities to be constructed for a subdivision. Whenever the Department of Planning and Permitting (DPP) finds that good planning and engineering practice require sewer system works of greater capacity or greater depth than required to serve a subdivision, it will require the provision thereof.

3. Relief Sewer

Where public or private sewers are inadequate to accommodate additional sewage, connection will not be permitted until the inadequacy is relieved either by the city or the applicant at his expense.
E. Requirements

1. Extension

Application must be made in writing to the department. The owner or subdivider must pay 50 percent of the cost of any portion which passes through property not owned or controlled by him, and 100 percent of the cost of any portion which passes through property owned or controlled by him. The extension will extend to the approximate boundary of the land specified in the application or of land owned by the owner or subdivider and contiguous to the land specified, whichever is closer.

2. Oversizing

The department will install or provide for the installation of the facilities to be oversized in accordance with the provisions of Chapter 103, HRS. Before any contract is let, the subdivider must pay the department an amount equivalent to the cost of construction of the facilities adequate to serve the subdivider's area as determined by the director.

3. Relief Sewer

The relief sewer must be constructed to the city's ultimate master plan size and location and in accordance with current standards and specifications of DPP. Before any construction is commenced, the construction plan must be approved by the director of DPP.

F. Procedure and Review Criteria

1. Extension

The department constructs the extension, including any laterals to serve the applicant's area, after determining the type, size, and location of the extension. Before any contract is let, the applicant must deposit with the department a sum equal to his share of the estimated cost. In the event the sewer extension costs less than the estimate, a refund will be made to the applicant. If it costs more than the estimate, the applicant must pay his share of the difference to the department. The applicant, property owner, or subdivider cannot have any title to the extension. Detailed specifications for extensions and information on refunds and extra charges are contained in Revised Ordinances of Honolulu (ROH), Chapter 14, as amended.

The department will participate in the extension only if funds are available.
2. **Oversizing**

The department will notify the subdivider when oversizing of facilities is required. Determination by DPP will be made after the subdivider submits a complete plan and profile of the facilities required to serve the subdivision or other land owned by the subdivider. Oversizing will not be applicable for any portion of sewer lines unless the inside diameter is greater than eight inches.

The department will participate in the oversizing only if funds are available.

3. **Relief Sewer**

The city will relieve the sewer line under its Capital Improvement Program.

If the applicant for a development cannot wait for the relief sewer, he may relieve the sewer at his expense. In this case, plans for the relief sewer must be prepared by the applicant's engineer and approved by the DPP. The department will provide the applicant information as to the city's ultimate master plan size and location.

Approval of development will not be given until the plans are approved and made a part of the development plans.
SEWER SYSTEM FOR NEW SUBDIVISIONS

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 14, Public Works Infrastructure Requirements, Including Fees and Services

B. Rules and Regulations

C. Responsible Agencies

City Department of Planning and Permitting
Site Development Division
Wastewater Branch
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8198

Department of Health
State of Hawaii
1250 Punchbowl Street
Honolulu, Hawaii 96813

D. Applicability

In every subdivision where connection to a public sewer system is practicable and reasonable, or where temporary sewage treatment and disposal facilities have been approved by all authorities having jurisdiction, the subdivider must install a complete sewer system connected to a public sewer or temporary sewage treatment and disposal facility unless such subdivision is for agriculture purposes where the lots are two acres or larger in size and the soil is deemed suitable and adequate for an accepted private disposal system.

E. Requirements

1. The sewer system must be of the type and size and location approved by the Department of Planning and Permitting (DPP).
2. The sewer system must be constructed in accordance with the current standards and specifications of the department. A sewer lateral must be provided to service each lot.

3. Except as otherwise provided by the ordinance or by statute, the entire cost of installation of sewer system works within the subdivision and for new construction required for connection to the public sewers must be borne by the subdivider or developer.

4. The subdivision sewer system and any other related new construction must be dedicated to the city as part of the public sewer system if required by DPP. Before acceptance of the sewer system by the department, the subdivider must convey easements covering those portions of the sewer system installed in privately owned areas and must convey to the city, for the use of the department, fee simple title to all sites on which are located pump stations or treatment plants constructed by the subdivider or developer as part of the public sewer system.

5. Other requirements are covered under Revised Ordinances of Honolulu, Chapter 14, the Design Standards of the Department of Planning and Permitting, and the Standard Details for Public Works Construction.

F. Procedure and Review Criteria

1. Plans of the sewer system must be approved by DPP and other authorities having jurisdiction.

2. Construction of the system must be inspected by the department and the cost of the inspection borne by the subdivider or developer.

3. Where connection to a public sewer is not available, the subdivider may construct temporary treatment and disposal facilities; or where gravity sewer service to the public sewers is not possible, he may construct a temporary pump station (provided that the sewer system including temporary treatment plant with pertinent structures or pump station is to be constructed in accordance with the standards and specifications of the department and requirements of other agencies having jurisdiction or other standards or requirements as may be established by the department; and provided further, that prior written approval of the department has been obtained as to the necessity for such plant or station).
NOTE: Where public or private sewers are not available or accessible, a cesspool, septic tanks, or other aerobic treatment works may be constructed provided the use of such a unit meets the public health requirements of all governmental agencies having jurisdiction over the use of said facilities.

During construction of all sewer system works, including private sewers which directly or indirectly connect to the public system, DPP may require an inspection on the job continuously. At no time are sewers to be backfilled or covered until the department or the agency having jurisdiction has been notified and has given proper inspection and approval. If the work is not approved, it must be repaired, or removed and reconstructed, whichever is directed by the department or the agency having jurisdiction over the work.
SHORELINE SETBACK VARIANCE

A. Law(s)

Hawaii Revised Statutes, Chapters 205A and 343
Revised Ordinances of Honolulu, 1990, Chapter 23, Shoreline Setbacks

B. Rules

Part II
Rules Relating to Shoreline Setbacks and the Special Management Area,
City and County of Honolulu

C. Responsible Agencies

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8014

Refer also to NOTE below

D. Applicability

A variance is required for all structures and activities in the shoreline setback area. The shoreline setback is generally 40 feet inland from the upper reaches of the wash of waves, often, but not exclusively evidenced by the edge of vegetation growth, or the upper line of debris left by the wash of waves.

E. Requirements

Processing of an application is a two-phase procedure. The first phase involves compliance with the environmental review requirements of Chapter 343, Hawaii Revised Statutes (HRS). The second phase involves acceptance and processing of the permit application. The forms and instructions for the two phases are available at the department.
In addition to written explanations and plans, an application must also include a certified shoreline survey map. The map of the shoreline and shoreline setback line must be prepared and certified by a registered land surveyor and certified by the State Surveyor and Director of Land and Natural Resources within one year of the application date.

The filing fee is $600 for a non-seawall and $1,000 for a seawall variance, and is not refundable. The fee is doubled ($1,200 for a non-seawall structure and $2,000 for a seawall structure respectively) if the application is submitted after the applicant has completed the activity or structure for which the variance is sought, or after the applicant has been cited for the activity or construction without the necessary variance.

F. Procedure and Review Criteria

In reviewing the proposed development, the department is guided by the Part II Rules Relating to Shoreline Setbacks and the Special Management Area of the City and County of Honolulu and Chapter 23, ROH.

Upon satisfaction of Chapter 343, HRS requirements and the submittal of any additional material to complete the application, the applicant will be notified in writing that the application has been accepted for processing. The department will notify the public of the pending application.

A public hearing will be scheduled within 45 days of accepting the application, unless it is waived by the director. Within 45 days of either the close of the public hearing or public notification of the pending application if no hearing is held, the director must approve, approve with conditions or deny the application.

The variance procedure may sometimes be combined with the Special Management Area (SMA) permit process. Since the SMA overlaps the shoreline setback area, both sets of regulations apply. Refer to NOTE below.

NOTE: The Department of Planning and Permitting is delegated the authority to act on shoreline setback variances only for projects either exempted from the SPECIAL MANAGEMENT AREA USE PERMIT or those which also requires an SMA "Minor Permit." All others must be approved by the City Council in conjunction with approval of the SMA major permit. In reviewing the proposed development, the City Council is also guided by Chapter 17 of the Part II Rules Relating to Shoreline Setbacks and the Special Management Area of the City and County of Honolulu. (See SPECIAL MANAGEMENT AREA PERMIT.)
SIGN PERMIT

A. **Law(s)**

Hawaii Revised Statutes, Chapter 445
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

C. **Responsible Agencies**

**Issues:**
City Department of Planning and Permitting
Customer Services Office
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 768-8220

**Reviews:**
City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
(Some signs as noted below)

D. **Applicability**

This permit is required to install, construct, erect, alter, relocate, or reconstruct any sign.

The Customer Services Office checks, approves and issues all sign permits, except that signs proposed within special districts and those proposed for planned development and cluster projects are reviewed and approved by the Land Use Permits Division.

E. **Permit Requirements**

The application must be submitted to the Customer Services Office. A form for this purpose is available at the office.
In addition to the application, two copies of a scaled plan are required showing:

1. Plot plan.
2. Detailed sign design.
3. Exact location of the sign on the building or lot.
4. Existing signs on the building or lot.
5. Other information as may be required by individual circumstances.

There is a minimum fee of $18 for work up to $500 in value. This increases as the value of work being done increases.

When electrical work is involved, a permit for the electrical work must be obtained. (See BUILDING PERMIT FOR BUILDING, ELECTRICAL, PLUMBING, SIDEWALK/DRIVEWAY AND DEMOLITION WORK.)

F. Procedure and Review Criteria

The Customer Services Office reviews the application and plans for compliance with Land Use Ordinance requirements and, if necessary, the Building Division reviews for compliance with the Electrical Code.

For those special districts outlined above, the plans are sent to the Land Use Permits Division for review.

NOTE: Refer also to guidelines, “Do You Need a Building Permit?” available at the Customer Services Office.
SITE DEVELOPMENT PLAN

A. **Law(s)**
   Hawaii Revised Statutes, Chapter 46
   Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**
   Subdivision Rules and Regulations, City and County of Honolulu

C. **Responsible Agencies**
   Approves: City Department of Planning and Permitting
   Site Development Division
   Subdivision Branch
   650 South King Street, 8th Floor
   Honolulu, Hawaii 96813
   Tel. No. 768-8100
   Reviews: Various other government agencies

D. **Applicability**
   A site development plan may be submitted by a property owner proposing to place three to six dwelling units on a single zoning lot within an Agricultural, Country, or Residential District without the actual subdivision of the land.

E. **Requirements**
   Application is made to the Department of Planning and Permitting. Twenty (20) copies of the plan must accompany the application form.

   The site development plan must be prepared and submitted in accordance with the requirements of a "Preliminary" map for subdivision. (See SUBDIVISION.)

   There is a filing fee of $300.
F. Procedure and Review Criteria

No public hearing is required. The application form and plan are reviewed by the department and processing is similar to that of a subdivision.

The Director of Planning and Permitting grants Favorable Consideration to the application if it is determined that:

1. The site development plan would qualify for approval under the Subdivision Rules and Regulations if submitted as a subdivision application (including roadways, utilities, and other improvements, unless modified by the director).

2. The number of dwelling units contained in each proposed lot is not greater than permitted in the zoning district.

3. Each existing and future dwelling is located as if the lot were actually subdivided.

NOTE: Applications for more than six dwelling units on a zoning lot must be processed as a CLUSTER HOUSING, PLANNED DEVELOPMENT-HOUSING or SUBDIVISION. (Refer to applicable procedures.)
SOLID WASTE MANAGEMENT PERMIT

A. Law(s)

Hawaii Revised Statutes, Chapter 342H

B. Rules and Regulations

Hawaii Administrative Rules (HAR) Title 11, Chapter 58.1, Solid Waste Management Control

C. Responsible Agency

State Department of Health
Environmental Management Division
Solid and Hazardous Waste Branch
919 Ala Moana Boulevard, Suite 212
Honolulu, Hawaii 96814

Tel. No. 586-4226

D. Applicability

This permit must be obtained by anyone who operates a solid waste management facility, as defined in Hawaii Administrative Rules, Chapter 11-58.1. Refer to HAR Chapter 11-58.1-04(b) for exemptions.

E. Permit Requirements

The application for a permit must be filed with the Director of the Department of Health and must be accompanied by:

1. Detailed plans and specifications for the facility;
2. Certification of compliance with city ordinances and zoning requirements;
3. An operations plan detailing the proposed method of operation, population and area to be served, characteristics, quantity and sources of material to be processed, the use and distribution of processed materials, methods of processed residue disposal, emergency operating procedures, environmental controls and monitoring, equipment descriptions (including type and quantity) and the proposed ultimate use of the land;

4. A filing fee which varies depending upon the type of facility (HAR 11-58.1-04(h)); and

5. Other specific requirements as stated in the permit application.

Application forms are available at the Solid and Hazardous Waste Branch (SHWB).

F. **Procedure and Review Criteria**

The application and supporting information must clearly show that:

1. The issuance of the permit is in the public interest; and

2. The solid waste management facility is designed, built, and equipped in accordance with the best practicable technology so as to operate without causing a violation of applicable administrative rules and regulations.

The Director of the Department of Health must act on a completed application within 180 calendar days of its receipt. The applicant will be notified in writing of its final approval, or the intent to deny the approval. If the Director fails to act within the 180-calendar-day period, the application will be deemed to have been approved. Approved permits issued by the Director may be granted for any term, not to exceed five years if such is in the public interest. This 180-day period for review and approval does not apply to federal delegated programs, such as municipal solid waste landfills.

The Director may issue a permit conditioned upon compliance with established requirements.

1. Commencement of work under such an authority by the applicant shall be deemed as acceptance of all conditions as specified.

2. The Director may require the applicant to provide such facilities as are necessary for sampling and testing to determine the degree of pollution from the solid waste facility.
SPECIAL DISTRICT PERMIT

A. **Law(s)**

Hawaii Revised Statutes, Chapter 46  
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting  
Land Use Permits Division  
Urban Design Branch  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813  
Tel. No. 768-8028

D. **Applicability**

The special districts are: The Hawaii Capital, Diamond Head, Punchbowl, Chinatown, Thomas Square/Honolulu Academy of Arts, Waikiki, and Haleiwa. Maps showing the boundaries of these districts are in the Land Use Ordinance (LUO) and are available at the Department of Planning and Permitting (DPP).

Every development in a special district is classified into one of three categories: major, minor, or exempt. Major and minor projects require a special district permit.

Major permits are required for projects that may significantly change the intended character of the special district. Major permits require review by the neighborhood board before submission of the application, a public hearing by the director of DPP, and review by the Design Advisory Committee.

Minor permits are required for projects which will have limited impact. The director of DPP has the right to review and modify such projects.

Exempt projects have negligible or no impact. They include projects which require emergency repairs, interior work and in some cases, do not change the exterior appearance of a structure.
Both minor and exempt projects are listed in Tables 21-9.1 to 9.7 of the LUO.

Unless stated in the special district regulations, the underlying zoning regulations of the zoning districts remain in effect. In case of a conflict, the more restrictive provision applies.

E. Requirements

For major permits only:

1. Pre-application meeting. Prior to submitting the application, the applicant must meet with the DPP for an informal review of the project, unless such a meeting is determined to be unnecessary by the department.

2. Presentation to Neighborhood Board. Prior to submitting the application, the applicant must also present the project to the neighborhood board of the district where the property will be located, or if no such neighborhood board exists, then to an appropriate community association. The applicant must provide written notice of the presentation to all adjoining property owners.

A completed application form must be submitted to the DPP accompanied by the following:

1. Background of site and a description of existing and proposed use and/or structure.

2. For major special district:
   a. Description of infrastructure requirements for the project.
   b. Documentation that adjoining property owners were sent written notification of the required neighborhood board presentation.
   c. Neighborhood board. Describe all issues or concerns relating to the project raised at the presentation to the neighborhood board or community association. Describe the measures, if any, taken to mitigate such issues or concerns.
   d. Description of any other expected project impacts and proposed mitigative measures to address such impacts.

3. Explanation of how proposed project will satisfy the affected special district’s objectives and standards.
4. Plans and data of sufficient detail to determine if the proposed project meets district requirements.

5. Photos of property.

6. Compliance with Chapter 343, Hawaii Revised Statutes as may be applicable. (See EIS--STATE.) If the project lies within the Special Management Area, a written description of the affected environment which addresses the development’s technical, economic, social, and environmental characteristics. (See SPECIAL MANAGEMENT AREA USE PERMIT.)

Applicants with projects which meet district regulations and which do not require the presentation of an EIS may file an application for a special district permit.

For major permits there is an application fee of $600, plus $300 per acre or major fraction thereof, but not to exceed $10,000 per application. (Government agencies are exempt.) For minor permits there is an application fee of $100. For exempt projects there is no permit fee.

F. Procedure and Review Criteria

The applicant will be notified in writing of the completeness or incompleteness of the application no later than 10 working days after the application is received. Only those applications deemed to be complete are accepted for processing.

Upon acceptance of a completed application, the director will request written comments and recommendations from appropriate agencies and neighborhood boards. The application will be reviewed by government agencies to ensure adequacy of water, sewer, and other public facilities to support the proposed use. Compatibility of the proposed use with the surrounding neighborhood is also reviewed. The Design Advisory Committee must also submit its comments and recommendations to the director within 45 days of its receipt of the application.

The applicant must also make a good faith effort to notify all owners of property within 300 feet of the affected property’s boundaries of the applicant’s proposed use of the property.

A mandatory public hearing is held no sooner than 45 days after acceptance of a completed application. The applicant may be required to erect a notice of pending permit sign on the affected lot(s) no less than 14 days before the public hearing date.
Within 90 days of acceptance of a completed application, the director must approve the application as submitted, approve with modifications and/or conditions, or deny with reasons for denial sent in writing to the applicant. Final action must be taken within 90 days of the date of the application unless the development requires a Special Management Area Use Permit (SMP), in which case, the time limit may be extended, not to exceed ten (10) days after action on the SMP has been taken.

In the event of a withdrawal by the applicant or in the event the permit is denied, the application cannot be resubmitted in the same or substantially the same form until one year has elapsed. The exception to this rule is when the denial or withdrawal was the result of infrastructure inadequacies and the inadequacies were subsequently corrected.

A special district permit for a minor project must be issued by the department within 45 days after acceptance of the application. There is no public hearing for the projects.
SPECIAL MANAGEMENT AREA PERMIT

A. Law(s)

Hawaii Revised Statutes, Chapters 205A and 343
Revised Ordinances of Honolulu, 1990, Chapter 25, Special Management Area

B. Rules and Regulations

Rules Relating to Shoreline Setbacks and the Special Management Area,
City and County of Honolulu, Department of Planning and Permitting

C. Responsible Agencies

Approves: Honolulu City Council
(Major City Hall
SMP) Honolulu, Hawaii 96813

Approves: City Department of Planning and Permitting
(Minor
SMP)

Reviews: City Department of Planning and Permitting
(Major Land Use Permits Division
& Minor 650 South King Street, 7th Floor
SMP) Honolulu, Hawaii 96813

Tel. No. 768-8014

D. Applicability

The Special Management Area (SMA) is the land extending inland from the
shoreline, as established in Chapter 25, Revised Ordinances of Honolulu (ROH),
and delineated on the maps adopted by the City Council. These maps are
located at City Council and the Department of Planning and Permitting (DPP)
offices.

Any uses, activities or operations that are defined as development within the
SMA require either an SMA Minor Permit or an SMA Major Use Permit (SMP).
Those that are not considered development are exempt from SMA requirements.
The definition of development and exemptions are contained in Chapter 25,
ROH.
Generally, an SMA Minor Permit may be processed if the total cost of the proposed development is less than $125,000 and the development has no substantial adverse environmental or ecological impacts. If the project has a total value which exceeds $125,000 or results in substantial adverse impacts, including potential cumulative impacts, an SMP will be required.

E. Requirements

The application form and instruction sheet are available at the DPP.

For SMA Minor Permits, the application must be accompanied by:

1. Written explanation detailing the extent of development and estimated cost of the project.

2. Plans, drawn to scale, including a location plan, site plan and building plans.

For SMPs, processing of an application is a two-phase procedure. The first phase involves compliance with the environmental review requirements of Chapter 25, Revised Ordinances of Honolulu (ROH). The second phase involves acceptance and processing of the permit application. The forms and instructions for the two phases are available at the department. The applicant is required to submit sufficient detailed data on the project and its environmental setting. The applicant is required to submit sufficient detailed data on the project and its environmental setting in the environmental assessment to allow the department to evaluate the environmental effects of the proposal accurately. The applicant must also disclose the valuation of the project.

The filing fee for an SMA Minor Permit is $100. The filing fee for an SMP for agriculture, aquaculture, or outdoor recreation developments is $300. All other developments require a $600 application fee, plus an additional $300 per acre or major fraction thereof, up to a maximum of $10,000. When an SMP is submitted subsequent to the applicant’s being cited for undertaking development without having obtained the necessary permit, the application fee set forth is doubled.

F. Procedure and Review Criteria

In reviewing the proposed development, DPP is guided by the policies and objectives of Chapter 205A, HRS and the guidelines of Chapter 25, ROH.
For an SMP application, upon compliance with the permit procedures specified in Chapter 25, ROH, the applicant will be notified in writing that the application has been accepted for processing.

A public hearing is held by the department between 21 and 60 days after acceptance of an application. The department must transmit its findings to the City Council within ten working days after the conclusion of the public hearing. The City Council must grant or deny the application within 60 days after the receipt of the agency’s findings and recommendation.

For an SMA Minor Permit, no public hearing is required.

NOTE: Issuance of an SMP must, by statute, precede any other permit approvals. If, however, a shoreline setback variance is required in addition to an SMP, they will be processed concurrently. (See SHORELINE SETBACK VARIANCE.)

For projects within the SMA in the Kakaako and Kalaeloa Community Development Districts, contact the State Office of Planning at 587-2846.
SPECIAL PERMIT IN THE
STATE LAND USE AGRICULTURAL AND RURAL DISTRICTS

A. Law(s)

Hawaii Revised Statutes, Chapter 205

B. Rules and Regulations

Hawaii Administrative Rules, Title 15, Chapter 15, Land Use Commission Rules
Planning Commission's Rules and Regulations Relating to Administrative Procedure

C. Responsible Agencies

Issues: State Land Use Commission
Leiopapa A. Kamehameha Building
State Office Tower, 4th Floor
235 South Beretania Street
Honolulu, Hawaii 96813

Tel. No. 587-3822

Planning Commission
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813
(15 acres or less)

Reviews: City Department of Planning and Permitting
Interim Planning Division
Development Plan and Zone Change Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 527-6094

Planning Commission
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813
D. Applicability

Persons who desire to use their land within the Agricultural and Rural Districts for uses other than those specifically permitted, may petition for a Special Permit to use the land in the manner desired. Maps identifying lands within the state Agricultural and Rural Districts are available at the offices of the State Land Use Commission (SLUC) and the Department of Planning and Permitting (DPP).

E. Requirements

Pre-Application Meeting. The applicant is encouraged to meet with DPP staff to discuss the application and processing requirements.

Neighborhood Board. The applicant is encouraged to make an informational presentation to the neighborhood board in whose district the proposed project is to be located.

A completed application form must be submitted to the DPP accompanied by the following:

1. Written statement which addresses the following issues:
   a. Land Use Commission Guidelines. The following guidelines determine "unusual and reasonable use" in Special Permit considerations:
      (1) The use must not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, Hawaii Revised Statutes, and the Rules of the Commission.
      (2) The desired use would not adversely affect surrounding property.
      (3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection.
      (4) Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
      (5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.
b. Compliance with the Land Use Ordinance. The statement must indicate how the proposed use complies with the purpose and intent, uses and development standards of the applicable zoning district.

c. Description of the project site.

d. Description of existing and proposed use.

e. Description of infrastructure requirements.

f. Photos of the site.

The processing fee is $100 plus $50 per acre or major fraction thereof up to a maximum of $1,000.

F. Procedure and Review Criteria

The Planning Commission conducts a hearing within 90 days from the acceptance of a complete petition for a Special Permit by DPP. Before the hearing, the request is reviewed by DPP. A staff report is prepared with recommendations for approval, denial, or modification. The Planning Commission may approve the permit or deny it. It may also impose such protective conditions as it deems necessary. The Planning Commission acts on the petition no later than 60 days after the close of the public hearing.

For all Special Permit requests involving land area greater than 15 acres, the Planning Commission (within 60 days following its decision) must forward the request with findings and the entire record of hearing proceedings including maps, charts, exhibits, etc., to the State Land Use Commission. Unless otherwise required by the commission, the Planning Commission must file with the commission an original and 15 copies of the complete record.

Within 45 days after receipt of the Planning Commission's decision, together with the complete record of the proceeding before the Planning Commission, the SLUC must act to approve, approve with modification, or deny the permit. It may also impose additional restrictions.
CONNECTION TO THE CITY’S STORM SEWER SYSTEM

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 14, Article 12, Drainage, Flood, and Pollution Control

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting
Site Development Division
Civil Engineering Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. Nos. 768-8106
768-8104

D. **Applicability**

A property owner is required to obtain a permit from the city to allow him to connect his private storm sewer system. Industrial facilities should have a National Pollutant Discharge Elimination System (NPDES) permit from the Department of Health (DOH) before connection will be allowed. (See 40 CFR Part 122, Subpart B, Section 122.26(a)(1)(ii)).

E. **Requirements**

The property owner must reveal principal activities of the facility and Standard Industrial Classification (SIC) Code, and description of the discharge as provided for on the application form provided by the Department of Planning and Permitting (DPP).

Three sets of construction plans of the private system and subsequent connection to the city’s storm sewer system must be submitted to DPP for review and approval. A State DOH NPDES permit is required for certain non-storm water discharge including but not limited to non-contact cooling water and any process water.
There is a filing fee of $100 with each permit application. The filing fee is waived for city, state and federal government projects.

F. Procedure and Review Criteria

An application form and a special agreement form are required for connection to storm sewer systems (available at DPP). Industrial facilities must have a State DOH NPDES permit or a letter from the Department of Health stating that no NPDES permit is required.

Before approval is granted, the applicant must agree to the following:

1. All costs of the private storm sewer system must be borne by the applicant.

2. The city will not be held liable for any suits or actions caused by the city's act or failure to act in connection with the private storm sewer system and its connection to the city system.

3. Construction plans must be approved by the department.

4. A permit to excavate within a public right-of-way must be obtained.

5. Addition or alteration of the private storm sewer system must be subject to written consent and review by the department.

6. The private storm sewer system must remain private.

7. Should a private storm sewer system within a public right-of-way interfere with any public use, the system will be relocated at the applicant's expense.

8. At no time can pollutants or other objectionable material be discharged into the city storm sewer system, which exceed applicable water quality standards in Section 11-54-4, Hawaii Administrative Rules. The city may, by written notice, terminate approval if it is found that the system is being misused, or causes a violation of any provisions of the City NPDES permit.

9. The city must be notified at least 72 hours before commencing work to arrange necessary inspection. (An agreement form is available at the department.)

10. If any of the city storm sewer system is damaged or destroyed during the construction of the private drain connection, the property owner must bear the entire cost of replacing the damaged facility.
11. Effluent quality from industrial facility must be provided within one (1) year after the date of connection and annually thereafter or as the need may arise as determined by the Department of Environmental Services.

NOTE: Refer to GRUBBING, GRADING AND STOCKPILING PERMIT and PERMIT TO DISCHARGE OF EFFLUENT.
STREET LIGHTING FOR SUBDIVISIONS

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 22, Article 2, Street Lights

B. **Rules and Regulations**

Illuminating Engineering Society of North America

C. **Responsible Agency**

City Department of Design and Construction
Mechanical/Electrical Division
Honolulu Municipal Building, 9th Floor
650 South King Street
Honolulu, Hawaii 96813

Tel. No. 768-8431

D. **Applicability**

Street lights, together with the related apparatus and appliances, must be installed by the subdivider in all subdivisions, including agricultural subdivisions, hereafter laid out within the city.

E. **Requirements**

Street lighting plans for the proposed subdivision must be submitted to the department for review and approval.

F. **Procedure and Review Criteria**

Street lighting plans for the proposed subdivision must be reviewed and approved by the department for conformance to the street lighting standards of the City and County of Honolulu.
If it is in conformance to city standards, the plans are signed by the director. Four sets of approved plans are submitted to the city for its use during the construction of the project. Shop drawings and material brochures must be submitted to the city for review and approval. The project will be inspected and final inspection with the electrical contractor is held upon completion of electrical work.

The street lights are certified by the Department of Design and Construction (DDC) upon receiving the "as-built" tracings and upon confirmation of all DDC requirements.
STREET NAME APPLICATION

A. Law(s)

Hawaii Revised Statutes, Section 265A-1
Revised Ordinances of Honolulu, 1990, Chapter 22, Article 8, Street Names

B. Rules and Regulations

C. Responsible Agency

Approves: City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

Reviews: Same as above

D. Applicability

Any property owner of a street or lot fronting a street, including public agencies, may request a new street name or a change of an existing street name by submitting a street name application to the Department of Planning and Permitting (DPP).

E. Permit Requirements

A request is made to the Director of DPP. The request must be in writing and submitted to the department along with the following information:

1. A plan or drawing of the street layout identifying the names of the existing streets surrounding the proposed street to be named.

2. The proposed street name(s) and their meaning in English or the applicant may request that the director select the name(s).
In times of conflict or dispute, at the request of the applicant, an advisory Kupuna Council will assist the Director of Planning and Permitting in naming city streets using Hawaiian names, words or phrases.

3. In the case of a request to name a street, other than as part of the subdivision process, or to change an existing street name, the applicant must provide:

a. The reasons for the proposed name or name change.

b. The names and addresses of all property owners and residents fronting the street.

c. Documentation that notices of the proposed name change have been circulated to all property owners and residents or to the homeowner's association.

d. A poll must be taken to determine agreement to the proposal.

e. Signatures from a majority of the property owners and residents as well as the Fire and Police Departments and Post Office approving the name change.

F. Procedure and Review Criteria

Street names within the city must comply with the following:

1. Must consist of Hawaiian names, words, or phrases with appropriate diacritical marks and selected with a view to the appropriateness of the name to historic, cultural, scenic, or topographic features of the area.

2. Must not duplicate existing street names in sound or spelling.

3. Must bear the same name throughout, when a continuous street.

4. Must be entitled to a street name only if it is a legally defined right-of-way by lot or easement; except, street names may be considered for subdivisions receiving tentative approval and construction plans approved.

5. Must have an 18-foot minimum right-of-way and be paved.

6. Must serve two or more lots or units.

7. Must not exceed the 18-space limitation of a standard street name sign of the Department of Transportation Services.
STREET USAGE PERMIT

A. Law(s)

Hawaii Revised Statutes, Chapter 286
Revised Ordinances of Honolulu, 1990, Chapter 15, Traffic Code

B. Rules and Regulations

Hawaii Administrative Rules, Title 19, Chapter 129, Use of Traffic Control Devices at Work Sites on or Adjacent to Public Streets and Highways

C. Responsible Agency

City Department of Transportation Services
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813

Tel. No. 523-4022
523-4169

D. Applicability

A street usage permit is required for:

1. All work performed on city and county streets, highways, roads, lanes, paths, alleyways, driveways, and/or sidewalks.

2. Parking on city and county roads (in conjunction with construction).
   a. Unloading and loading at job sites.
   b. Use or prohibition of use of metered stalls in the area of construction.

3. Street closure (in conjunction with construction).
   a. During excavation on a roadway.*
   b. During road construction or reconstruction.
   c. During demolition of a building.*
E. Permit Requirements

An application must be submitted to the Department of Transportation Services (DTS). A form for this purpose is available at the department.

Depending upon the scope of work proposed, construction drawings may be requested. (An example of major work requiring construction drawings would be the installation of drainage and sewer lines.)

F. Procedure and Review Criteria

The department reviews the application in accordance with the rules and regulations. These require the use of traffic control devices such as signs, markers, barricades, cones, lights, etc., to alert the motorist or pedestrian of construction adjacent to, above, below or near any public street or highway.

A street usage permit must be obtained at least five days (except in emergency repair work) before starting work.

The permittee is also responsible for notifying the fire, police, and health and ambulance departments and any public transit or public utility company that may be affected by the work.

NOTE: Refer to rules for specific requirements for posting of signs, barricades, lighting devices and control of traffic through work areas.

* Five day advance notice required. Information required includes the location of the work (by street), effective date, termination date of the work, and a brief description of the work proposed.
SUBDIVISION

A. **Law(s)**

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 22, Subdivision of Land

B. **Rules and Regulations**

Subdivision Rules and Regulations, City and County of Honolulu

C. **Responsible Agencies**

Approves: City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

Reviews: Various other government agencies

D. **Applicability**

A subdivision application is required:

1. For land to be divided into two or more lots, parcels or other division of land, including designation of easements, for the purpose, whether immediate or future, of sale, lease, rental, transfer of title to or interest in any or all such lots or other division, and includes resubdivision.

2. For the consolidation of two or more lots into one lot.

3. For any combination of the above.

4. For the designation or cancellation of an easement for any purpose.
E. **Requirements**

The application is submitted to the Department of Planning and Permitting (DPP) and is to include the following as a minimum:

1. Twenty copies of the preliminary map, prepared in accordance with the Subdivision Rules and Regulations.

2. A completed application form (available at DPP) and an original letter of authorization or other original signed authorization from the landowner or landowners.

3. A filing fee of $250 plus $50 per lot (excluding roadways, easements, or cemetery lots). Checks are to be made payable to the "City and County of Honolulu." (Fee is waived for government agencies.)

Additional information may be required depending on the proposal.

F. **Procedure and Review Criteria**

No public hearing is required. Each subdivision application is reviewed by the department for completeness and conformance to the Subdivision Rules and Regulations. If it is complete and conforms to the rules, it is placed on the agenda of the subdivision committee that meets regularly in the department. This committee is composed of representatives from various government agencies. It makes recommendations to the director of DPP on all subdivision applications.

The director must act on the preliminary map within 30 days after filing.

On review and report by the subdivision committee and other governmental agencies as appropriate, the director acts on the preliminary map by disapproving it, deferring action until certain items are submitted, granting tentative approval, or granting approval.

Tentative approval means that the preliminary map conforms to the Subdivision Rules and Regulations, and it authorizes the applicant to proceed with preparation of construction plans for streets, utilities and other improvements and requirements as may be imposed by the director. After tentative approval, the applicant may also proceed with the preparation of the final map.

Within one year after tentative approval, the applicant must meet all the conditions of the tentative approval and must file the final map with the director. If necessary, the applicant may request an extension of time to complete the subdivision.
The final map must conform substantially with the preliminary map given tentative approval. At any stage of the subdivision application, any proposed revision to the preliminary map must be submitted to the director for review and possible resubmission to the subdivision committee.

On review and report by the subdivision committee and other agencies as required, the director must act on the final map within 45 days after filing and meeting all of the requirements of the tentative approval.

Approval of the final map means the subdivision has met all requirements of the rules and regulations.

If the subdivision does not conform to all or part of the Subdivision Rules and Regulations, the director must disapprove it.

The actions of the director in the administration of the subdivision ordinance or rules and regulations can be appealed to the Zoning Board of Appeals. The board can sustain an appeal only if it finds that the director’s action was based on "erroneous finding of a material fact, or that the director has acted in an arbitrary or capricious manner or had manifestly abused his discretion."

NOTE: A subdivision must comply with the Land Use Ordinance and conform to and implement the intent and purpose of the General Plan and the Development Plan.

The rules and regulations of the Board of Water Supply govern the extent to which water systems and all necessary appurtenances are to be installed to and within subdivisions.

Detailed instructions for filing are contained in the department's "Guidelines on Processing a Subdivision Application," including an example of a preliminary map and final map. (See also PUBLIC ACCESS and PARK DEDICATION requirements.)

The subdivision of agricultural lands is subject to additional requirements imposed by Chapter 205, Hawaii Revised Statutes.
A. **Law(s)**

Revised City Charter, 1973 (1994 Edition), Chapter 14
Revised Ordinances of Honolulu, 1990, Chapter 18, Fees and Permits for Building, Electrical, Plumbing, and Sidewalk Codes

B. **Rules and Regulations**

C. **Responsible Agencies**

Issues: City Department of Planning and Permitting
Customer Services Office
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No.  768-8220

Reviews: Various government agencies

D. **Applicability**

A temporary permit is required to erect any tent or similar structure for religious or commercial purposes; e.g., rallies, festivals, amusements, and sideshows.

Permit approval is limited to no more than 30 consecutive days. It may be canceled by the Department of Planning and Permitting or the Fire Department at any time before expiration.

E. **Permit Requirements**

Application is made on a Building Permit application form which is available at the Customer Services Office.

Four copies of a plot plan are required.
Other requirements include:

1. Detailed information as specified in the "Tent Regulations" of the city's Fire Department. This includes structural details, location, flameproofing, occupant load, exits, exit signs, fire hazards, fire protection, etc. (Refer to "Guidelines for Installation and Use of Tents and Temporary Structures," available at the Building Division.) Fire safety considerations should be noted on the plot plan (e.g., fire extinguishers, aisles, exits, signs).

2. The plot plan should also identify the area by tax map key. It should show the configuration and dimensions of the area to be used and spacing between buildings and from property lines. The location of mechanical ride equipment, tents, temporary structures, and existing buildings should be shown, marked with their intended use.

3. Sanitary requirements to comply with the state Department of Health's regulations should be shown; e.g., provisions for restrooms and waterline hookups.

4. If lights are to be used, electrical work can be shown on the plans.

5. Information showing compliance with Land Use Ordinance requirements; e.g., yard setbacks, should also be submitted.

The minimum fee is $18 for work up to $500 in value. The fee increases as the value of the work being done increases.

Refer also to TENTS, CANOPIES AND TEMPORARY STRUCTURES.

F. Procedure and Review Criteria

The application is reviewed by various agencies to ensure that sewer lines are not broken during the erection of temporary structures, that these structures will be safe, that the plans meet all public health standards, and that they include adequate fire safety provisions.

The permit is issued with remarks stating the temporary nature of the use, expiration date, and confirmation of removal of the structure.
NOTE: If a carnival or similar activity is to be located within a public park under county jurisdiction, plans must be reviewed by the city's Department of Parks and Recreation. (Refer to "Applicant's Checklist for Carnival and Similar Activities Permit" available at the Customer Services Office.) There is an additional fee/deposit for the use of park facilities, as determined by that department. Comprehensive general liability insurance is also required. Information on this requirement is available from the city's Department of Budget and Fiscal Services, Risk Management Section.
TEMPORARY USE APPROVAL

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

C. **Responsible Agency**

City Department of Planning and Permitting
Land Use Permits Division
Zoning Regulations and Permits Branch
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8021

D. **Applicability**

A temporary use approval is required for uses and structures of a temporary nature that will have significant impacts upon the surrounding area, as determined by the Director of Planning and Permitting. Examples are real estate offices, temporary construction yards, and motion picture filming.

E. **Requirements**

A written request must be submitted to the Department of Planning and Permitting that must include the following information:

1. Applicant's and agent's name, address and phone number.

2. Property owner's name and address.

3. Project description: a) name of project; b) site address and tax map key number; and c) days and hours of operation.

4. Description of temporary use (i.e., real estate office, employee parking, off-site construction storage yard, etc.)
5. Duration of project.

6. Acknowledgment that property owner(s) has been contacted and informed of applicant’s request for temporary use approval, and has given approval for the applicant's intended use (and structure) upon the property.

7. Site plan with locations of any proposed structure(s) and/or parking.

There is a filing fee of $100.

F. Procedure and Review Criteria

After reviewing the information provided, the director notifies the applicant in writing, whether the temporary use is approved, approved with conditions, or denied. Conditions are based on impacts upon the surrounding area, and may cover hours of operation, duration of the activity, noise and dust control, screening, and general manner of operation.

The director has 45 days from the date of acceptance of a completed application in which to take action.
A. **Law(s)**

Hawaii Revised Statutes, Chapter 132  
Revised Ordinances of Honolulu, 1990, Chapter 20, Fire Code of the City and County of Honolulu

B. **Rules and Regulations**

The 1997 Uniform Fire Code (UFC) and the 1999 Accumulative Supplement to the UFC with amendments were adopted as the Fire Code of the City and County of Honolulu on October 10, 2002.

C. **Responsible Agency**

Honolulu Fire Department  
Fire Prevention Bureau  
636 South St.  
Honolulu, Hawaii 96813-5007

Tel. No’s: 723-7161 or 723-7162

D. **Applicability**

A permit or license shall be obtained from the Fire Prevention Bureau, or designated agency, prior to engaging in the following activities, operations, practices, or functions:

To erect or operate a tent or canopy having an area in excess of 2,100 square feet.

E. **Permit Requirement**

At the time of application for a permit, two copies of the plot plan shall be submitted to the Fire Chief indicating distances to property lines, buildings, other tents and canopies, parked vehicles, and internal combustion engines.

Permit fee: $100
Tents and canopies shall be used for a period of not more than 180 days within a 12-month period.

Permits shall continue until revoked or for such a period of time as designated therein at the time of issuance. Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit.

Applications for these purposes are available at the:

Honolulu Fire Department
Plans Review Section
Frank F. Fasi Municipal Building
650 South King Street, 1st Floor
Honolulu, Hawaii 96813

Tel. No. 523-4186

J. Procedure and Review Criteria

9. When all applicable portions of the fire code are met and after a satisfactory inspection by the HFD, a permit will be issued to the applicant.

10. The permit must be kept on the premises.
VARIANCE FROM BUILDING, ELECTRICAL, HOUSING, PLUMBING AND FIRE CODES

A. Law(s)

Hawaii Revised Statutes, Chapter 91
Revised Ordinances of Honolulu, 1990:
   Chapter 16, Building Code
   Chapter 17, Electrical Code
   Chapter 18, Fees and Permits for Building, Electrical, Plumbing, and Sidewalk Codes
   Chapter 19, Plumbing Code
   Chapter 20, Fire Code
   Chapter 27, Housing Code

B. Rules and Regulations

Rules of the Building Board of Appeals

C. Responsible Agencies

Reviews: City Department of Planning and Permitting
          Building Division
          650 South King Street, 6th Floor
          Honolulu, Hawaii 96813
          (For matters relating to the Building, Electrical, Housing, or Plumbing Codes and Chapter 18)

          Tel. No.  768-8120

Honolulu Fire Department
Fire Prevention Bureau
636 South St.
Honolulu, Hawaii 96813-5007
(For matters relating to the Fire Code)

          Tel. No’s: 723-7161 or 723-7162
D. **Applicability**

A variance is required when a person wishes to vary from the requirements of the Building, Electrical, Plumbing, Fire Codes, or Housing Code.

E. **Application Requirements**

An application must be submitted in duplicate to the Building Division for a variance from the Building Code, Electrical Code, Plumbing Code, or Housing Code, and to the Fire Department for a variance from the Fire Code. A form for this purpose is available at the Building Department and Fire Department. In addition to the application form, two copies of a plot plan, drawings, computations, and other pertinent data are required.

Supporting data should include:

1. An explanation as to why strict application, operation or enforcement would result in practical difficulty or unnecessary hardship.
2. Assurance that safety to life, limb, and property will not be jeopardized.
3. Assurance that granting the variance would not be injurious to adjoining buildings, would not create additional fire hazards, and would not be contrary to the purpose of the codes and the public interest.

There is a basic filing fee of $100. If the application involves more than one building or more than one item for variance, additional fees of $4 for each additional building and $40 for each additional item are charged. Checks should be made payable to the "City and County of Honolulu."

F. **Procedure and Review Criteria**

The Building Division or the Fire Department reviews the applications and prepares a report for the Building Board of Appeals. Hearings are usually held the first Friday of each month. The decision to approve or deny takes into consideration such factors as character, use and type of occupancy, and construction of adjoining buildings or buildings on adjoining lots and the building involved in the appeal.

In cases where the request for variance is denied, a Decision and Order, Findings of Fact and Conclusions of Law are prepared by the Building Division or Fire Department for the board and sent to each party or appointed representative.
VARIANCE FROM POLLUTION CONTROLS

A. **Law(s)**

Hawaii Revised Statutes, Chapters 342B, D, F, H, J, L, and N

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 11, Chapters 42, 43, 54, 58, 59, 60 and 62

C. **Responsible Agency**

State Department of Health  
Environmental Management Division  
Wastewater Branch  
1250 Punchbowl Street  
Honolulu, Hawaii 96813

Tel. No. 586-4294

D. **Applicability**

A variance must be obtained for any emission or discharge of a pollutant or noise which exceeds applicable standards or rules. Refer to Chapters 54 and 59 of the Administrative Rules for water quality and air quality standards, respectively, and Chapters 42, 43, 58, 60, and 62 for other pollution rules.

E. **Requirements**

An application form is available at Department of Health (DOH).

The application must be accompanied by a complete and detailed description of present conditions and how present conditions do not conform to standards or rules.
F. Procedure and Review Criteria

Procedure Criteria:

1. The application is received by DOH.
2. A public notice is published in the newspaper.
3. After publication, comments are received for 30 days.
4. The comments are reviewed (a public hearing may be requested).
5. A recommendation is made to the Director of Health.
6. A decision is made by the Director of Health.
7. The minimum processing time is 12 weeks.

Review Criteria:

1. No variance can be granted unless the application and the supporting information clearly show that:
   a. The continuation of the function or operation is in the public interest.
   b. The emission or discharge occurring or proposed to occur does not substantially endanger human health or safety.
   c. Compliance with the Administrative Rules or standards from which a variance is sought would produce serious hardship to the applicant without equal or greater benefits to the public.

2. No renewal can be allowed without a thorough review of known and available means of preventing, controlling, or abating the pollution or excessive noise involved.

3. The department may issue a variance for a period not exceeding five years.

4. Every variance granted must include conditions requiring the applicant to perform air, discharge, effluent, or noise sampling and report the results of such sampling to the department.
5. Any application for renewal must be made at least 180 days before expiration of the variance.

NOTE: No variance can be issued or renewed for any discharge of pollutants or wastes that is in violation of the requirements of the Federal Water Pollution Control Act, as amended through 1987.
SECTION 401 WATER QUALITY CERTIFICATION (WQC)

A. Laws(s)

Hawaii Revised Statutes, Chapter 342D

B. Rules and Regulations

Hawaii Administrative Rules, Title 11, Chapter 54, Water Quality Standards

C. Responsible Agency

State Department of Health
Environmental Management Division
Clean Water Branch
919 Ala Moana Boulevard, Suite 301
Honolulu, Hawaii 96814-4920

Tel. No. 586-4309
Fax No. 586-4352
Email: CleanWaterBranch@doh.hawaii.gov
Website: http://hawaii.gov/health/environmental/water/cleanwater/index.html

D. Applicability

A State Water Quality Certification pursuant to Section 401 of the Clean Water Act is required by any applicant for a federal license or permit to conduct an activity in state waters that includes, but is not limited to, the construction and/or operation of facilities that may result in any discharge.

The following more common federal permits may require a 401 WQC prior to issuance (it is recommended that the applicant check with the issuing and permitting federal agency):

1. Section 404 Permit of the Clean Water Act of 1977. Section 404 of this act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers (COE). Discharge refers to the fill (placement) construction activities. Dredged or fill material in this case is heterogeneous in nature. The issuing authority is the U.S. Army COE.
2. **Section 402 Permit of the Clean Water Act of 1977.** Section 402 prohibits the discharge of dredged or fill material without a permit from the U.S. Environmental Protection Agency (EPA). Dredge or fill material in this case is homogeneous in nature. The issuing authority is the U.S. EPA.

3. **Section 9 Permit of the Rivers and Harbors Act of 1899.** Section 9 prohibits the construction of bridges or dams across navigable waters of the United States without congressional consent and U.S. COE approval. The issuing authority is the U.S. Coast Guard.

4. **Section 102 Permit of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972, as amended.** The MPRSA controls dumping of materials into the ocean. Section 102 permits apply to the transport and disposal of non-dredged material. The issuing authority is the U.S. EPA.

5. **Section 103 Permit of the MPRSA of 1972, as amended.** Section 103 permits apply to the transport and disposal of dredged material. The issuing authority is the U.S. Army COE.

6. **Discretionary authority of the director as to applicability to any federal activity not conforming to Section 404(r) of the Clean Water Act of 1977, which applies to federal exemption (e.g., Civil Works Project).** There is no issuing authority as congress authorizes the federal project and the responsible federal agency would not issue a permit to itself.

E. **Requirements**

1. Individual Section 401 WQC applications should be filed at least 180 days prior to the date the 401 WQC is needed.

   There is a $1,000 filing fee for the 401 WQC.

2. For individual and conditional Section 401 WQCs, an applicant must submit to the director a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Each application must include the following:

   a. A description of the facility or activity including any discharge into state waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which the discharge may enter state waters.
b. A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained (i.e., Best Management Practices Plan).

c. The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place.

d. A description of the methods and means being used or proposed to monitor the water quality and characteristics of the discharge and the operation of equipment or facilities employed in the treatment or control of wastes or other effluents (i.e., water quality monitoring plan).

e. Describe the existing uses of the state water at the discharge and state whether the basic water quality criteria and the applicable water quality standards will be met.

f. Submit applicable plans, specifications, and copies or citation of an Environment Assessment or Environmental Impact Statement as it may apply.

3. As a matter of information, the following will be contained in the 401 WQC statement issued by the Department of Health:

a. The name and address of the applicant.

b. A statement that the director has either (a) examined the application made by the applicant to the director and based its certification upon an evaluation of the information contained in such application which is relevant to water quality considerations, or (b) examined other information furnished by the applicant sufficient to permit the director to make the statement.

c. A statement that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards.

d. A statement of any conditions which the director deems necessary or desirable with respect to the discharge or the activity.

e. Any other conditions as the director may deem to be appropriate.

4. Any conditions specified in the 401 WQC must be included as part of the issued federal license or permit conditions.
F. Procedure and Review Criteria

The applicant shall submit the information required in the "Section 401 Water Quality Certification Application" and as described in the "Section 401 Water Quality Certification Guidelines." The applicant shall also indicate to the Department of Health their choice of publication (i.e., public notice of proposed action or public notice of public hearing.)

After reviewing the application for completeness, the director will review and assess the application and make an initial determination that the construction activity will or will not meet the applicable water quality standards. After the initial determination, the director may prepare the public notice of the application for publication in the newspaper(s) of general circulation, as provided in Hawaii Administrative Rules (HAR) Section 11-54-9.1.03. In addition, the public notice will be mailed to interested parties listed on the notification mailing list established in conjunction with the State of Hawaii, Department of Health, Administrative Rules Chapter 11-54, Water Quality Standards.

In the event a request is made for a public hearing that is supported by justifiable evidence, the director will provide a public hearing, as provided in Chapters 342D, 91, and 92, HRS. Public hearings will be held on the island where the project is located.

After the public notice and/or public hearing, as the case may be, the director will consider all evidence and testimonies presented and make a final determination on the 401 WQC application.

The director may, on his own motion or the application of any person, modify, suspend or revoke the 401 WQC if, after a hearing in accordance with Chapter 91, the director determines that:

1. There is a violation of any condition of the 401 WQC; or

2. The 401 WQC was obtained by misrepresentation or failure to disclose fully all relevant facts; or

3. There is an unreasonable change in the scope of the project and activity; or

4. Such is the public interest.

The director will issue a 401 WQC for a term not to exceed two (2) years.
G. **Public Notices**

All costs for public notices of intent to issue, to modify 401 WQC or for public hearings for 401 WQC must be borne by the applicant.

For public notices of intent to issue or modify 401 WQC, publication must be once in a newspaper of general circulation on the date specified by the director.

For public notices of public hearing, publication must be as specified in Chapter 92. In the case of projects located on the neighbor islands, a public notice will also be published in the specified local newspaper of general circulation as directed by the director.
WATER USE PERMIT IN WATER MANAGEMENT AREAS

A. **Law(s)**

Hawaii Revised Statutes, Chapter 174C, State Water Code

B. **Rules and Regulations**

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 171, Designation and Regulation of Water Management Areas

C. **Responsible Agency**

State Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street
Honolulu, Hawaii 96813

Tel. No. 587-0214

D. **Applicability**

Anyone wishing to use ground water from a water management area established by the Commission on Water Resource Management must apply for this permit. Only individual domestic and/or water catchment uses are exempted from this requirement.

Thirty-eight aquifer systems within eleven aquifer sectors in the State have been designated as individual ground water management areas -- on Oahu, the 3 systems of the Pearl Harbor Sector, the 6 systems of the Honolulu Sector, the 3 systems of the North Sector, the 4 systems of the Windward Sector, the single system of the Central Sector, and the 3 systems of the Ewa Caprock Sector; on Molokai, all 16 systems of the 4 sectors; on Maui, the Iao Aquifer System Area of the Wailuku Sector.

E. **Permit Requirements**

The application must be made on forms furnished by the Commission. Each application for a water use permit must be accompanied by a nonrefundable filing
fee of $25. Applicants are also responsible for the cost of all public notice requirements associated with their particular application.

F. Procedure and Review Criteria

Permits may be granted if the proposed use of water:

1. Can be accommodated with the available water source;

2. Is a reasonable-beneficial use as defined in Section 174C-3, Hawaii Revised Statutes;

3. Will not interfere with any existing legal use of water;

4. Is consistent with the public interest;

5. Is consistent with state and county general plans and land use designations;

6. Is consistent with county land use plans and policies; and

7. Will not interfere with the rights of the Department of Hawaiian Home Lands as provided in Section 221 of the Hawaiian Homes Commission Act.

The Commission gives notice of the application by publication in a newspaper of general circulation once a week for two consecutive weeks. The notice is also sent to any person who has filed a written request for notification and to the mayor and the water board of the affected county. A separate public hearing will be held if any person with proper standing who is or may be adversely affected by the granting or denial of the permit objects to the application within ten days of the last published notice.

Permits may be conditioned as the Commission deems appropriate.

Each permit is valid until designation of the water management area is rescinded, unless otherwise specified.
WATER AND WATER SYSTEM
REQUIREMENTS FOR DEVELOPMENTS

A. **Law(s)**

Hawaii Revised Statutes, Chapter 54

B. **Rules and Regulations**

Rules and Regulations of the Board of Water Supply, Chapter 1, Water and Water System Requirements for Developments

C. **Responsible Agency**

Board of Water Supply
630 South Beretania Street
Honolulu, Hawaii 96813

Tel. No. 748-5440

D. **Applicability**

1. Any extension from and any connections to the public water system.
2. New water systems to areas where no public water supply exists.
3. Availability of water for proposed developments.
4. Availability of water for large landscaped areas.

E. **Requirements**

1. Water Master Plan.
2. Construction Plan.
   a. Proposed water system, complete in both plan and profile, showing location to street lines, lot lines, curb grades, sewers, drains, and any other features.
b. The designation (including alignment and width) of all easements to be dedicated to the public.

c. Future streets, lot patterns, and water system for contiguous areas owned.


F. Procedure and Review Criteria

Approval will be given when all requirements specified in the "Rules and Regulations" and "Water System Standards" are met.
UNDERGROUND INJECTION CONTROL (UIC) PERMIT

A. **Law(s)**

   Federal Safe Drinking Water Act, PL 93-523  
   Hawaii Revised Statutes, Chapter 340E

B. **Rules and Regulations**

   Hawaii Administrative Rules, Title 11, Chapter 23, Underground Injection Control, as amended

C. **Responsible Agency**

   State Department of Health  
   Environmental Management Division  
   Safe Drinking Water Branch  
   919 Ala Moana Boulevard, Room 308  
   Honolulu, Hawaii 96814

   Tel. No.  586-4258  
   Website: [www.hawaii.gov/health/environmental/water/sdwb/uic/uioprogrm.html](http://www.hawaii.gov/health/environmental/water/sdwb/uic/uioprogrm.html)

D. **Applicability**

   Underground Injection Control permits or related approvals are required to construct, operate, modify, abandon, or otherwise utilize an injection well. Refer to Chapter 23 for exemptions.

E. **Permit Requirements**

   Application forms are available at the responsible agency. Required data includes, but is not limited to:

   1. Facility name.  
   2. Facility location.  
   3. Owner of well facility and authorized representative.
4. Operator of well facility.
6. Design capacity and operating volume.
7. Number of wells at facility.
8. Groundwater quality data, if required.
9. Operating plans.

There is a filing fee of $100. For certain cases, public notice of the injection activity may be required. In these cases, the applicant is responsible for the costs of publication of all public notices.

F. Procedure and Review Criteria

There is no mandatory public hearing. However, there is a requirement for public notification of wells constructed after July 6, 1984, which will be situated in areas considered to be overlying underground sources of drinking water (mauka of the UIC line). A hearing may be required if requested by the public.

For proposed new wells constructed after July 6, 1984, construction and testing data must be submitted prior to completion of permit processing and permit issuance. A permit may be denied on the basis of the nature of the data submitted.

This permit is issued for a limited period of time, usually three to five years, with no guarantee of renewal.
A. Authority and Law(s)

The U.S. Army Corps of Engineers has been regulating activities in the nation's waters since 1890. Until the 1960's the primary purpose of the regulatory program was to protect navigation. Since then, as a result of laws and court decisions, the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources.

The regulatory authorities and responsibilities of the Corps of Engineers are based on the following laws:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. \(^1\) 403) prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps of Engineers.

Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.

Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413) authorizes the Corps of Engineers to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Other laws may also affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

B. Rules and Regulations

The Federal Register, Regulatory Programs of the Corps of Engineers; Final Rule, November 13, 1986 (33 CFR\(^2\) Parts 320 through 330)

The Federal Register, Issuance of Nationwide Permits; Notice, January 15, 2002

\(^1\) United States Code
C. **Responsible Agency**

U.S. Army Corps of Engineers  
Honolulu District  
Building 230 (Attn: CEPOH-EC-R)  
Fort Shafter, Hawaii 96858-5440

Tel. No. 438-9258  
Fax No. 438-4060

D. **Applicability**

Any person, firm or agency (including federal, state and local governmental agencies) that plans to do work in the waters of the United States must obtain a permit from the U.S. Army Corps of Engineers.

1. **Waters of the United States**

Waters of the United States include essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters.

"Wetlands" are areas characterized by growth of wetland vegetation where the soil is saturated during a portion of the growing season or the surface is flooded during some part of most years. Wetlands generally include swamps, marshes, bogs, and similar areas.

The landward regulatory limit for non-tidal waters (in the absence of adjacent wetlands) is the ordinary high water mark. The ordinary high water mark is the line on the shores established by the fluctuations of water and indicated by physical characteristics such as:

- a clear natural line impressed on the bank;
- shelving;
- changes in the character of the soil;
- destruction of terrestrial vegetation;
- the presence of litter and debris;
- or other appropriate means that consider the characteristics of the surrounding areas.

\(^2\) Code of Federal Regulations
2. **Navigable Waters**

Navigable waters are defined as waters subject to the ebb and flow of the tide shoreward to the mean high water mark and/or have been used in the past, are now used, or are susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Section 10 and/or Section 404 permits are required for construction activities in these waters.

The following types of activities in waters of the U.S. (including wetlands) may require a permit: Construction of piers, wharves, bulkheads, pilings, marinas, docks, ramps, floats, mooring and like structures; construction of wires and cables over the water and pipes, cables or tunnels under the water; dredging and excavation; any obstruction or alteration of navigable waters; depositing fill and dredged material; filling of wetlands adjacent or contiguous to waters of the U.S.; construction of riprap, revetments, groins, breakwaters and levees and transportation of dredged material for dumping into ocean waters.

F. **Procedures and Review Criteria**

1. **Pre-Application Consultation**

Applicants are encouraged to contact the Honolulu District Regulatory Branch for proposed work in waters in the State of Hawaii, Territories of Guam and American Samoa, and Commonwealth of the Northern Mariana Islands. Information concerning exemptions, nationwide, regional and individual permit requirements can be reviewed. By discussing all information prior to application submittal, the application can be processed more efficiently. An official determination as to the need for a Department of the Army permit will be provided on request.

2. **Individual Permits**

Individual permits are issued following a full public interest review of an individual application for a Department of the Army permit. A public notice is distributed to all known interested persons. After evaluating all comments and information received, final decision on the application is made.

The permit decision is generally based on the outcome of a public interest balancing process where the benefits of the project are balanced against the detriments. No permit will be granted if its issuance is found to be contrary to the public interest. The issuance of a Department of the Army
permit does not relieve the applicant of any responsibility to obtain any other permits that may be required under federal, state, or county law or ordinance.

Processing time usually takes 60 to 120 days from the time an application is deemed complete unless a public hearing is required or an environmental impact statement must be prepared. In addition, the resolution of complex issues or completion of other processing actions required by law may extend the processing time for a permit.

3. **Nationwide and Regional General Permits**

General Information. Nationwide general permits are a form of general permit authorizing a category of activities throughout the nation. Regional general permits are issued by the Honolulu District Engineer for specific categories of activities in Hawaii, Guam, or the Commonwealth of the Northern Mariana Islands. Both types of general permits are issued for general categories activities that are similar in nature and cause minimal environmental impact (both individually and cumulatively). These categories of permits are generally eligible for accelerated processing in comparison with individual permits. These permits are valid only if their terms and conditions are met. If the conditions cannot be met, an individual permit will be required. Summaries of the nationwide permits are available from the Honolulu District Regulatory Branch.

Restrictions. The Corps is authorized to determine if an activity complies with the terms and conditions of a nationwide permit. Use of a nationwide permit does not exempt any party of the need to obtain other federal, state or local authorizations required by law. Nationwide permits do not grant any property rights or exclusive privileges and do not authorize any injury to the property or rights of others. In addition, nationwide permits do not authorize interference with any existing or proposed federal project.

4. **Permit Application**

General Requirements

A permit application must be filed with the U.S. Army Corps of Engineers. Application forms and other information are available at the Honolulu District Regulatory Branch, (808) 438-9258.

Three types of drawings (vicinity, plan, and elevation) are required with the application to accurately depict activities. Drawings are required to be submitted on 8-1/2 x 11-inch white paper.
Environmental information to evaluate environmental impacts of the proposed project must be submitted with the application.

A completed Department of the Army Permit application consists of an application form (ENG Form 4345), drawings and environmental information. It is important that the required information be provided and in the requested format. This information will be used to determine the appropriate form of authorization, and to evaluate the proposed project. A complete application is required before permit processing can be initiated.

Typical Processing Procedure for a Standard Individual Permit

a. Pre-application consultation (optional)

b. Applicant submits ENG Form 4345 to district regulatory office

c. Application received and assigned identification number

d. Public notice issued (within 15 days of receiving all information)

e. 15 to 30 day comment period depending upon nature of activity

f. Proposal is reviewed** by Corps and:
   X Public
   X Special interest groups
   X Local agencies
   X State agencies
   X Federal agencies

g. Corps considers all comments

h. Other Federal agencies consulted, if appropriate

i. District Engineer may ask applicant to provide additional information

j. Public hearing held, if needed

k. District Engineer makes decision

l. Permit issued or Permit denied and applicant advised of reason

** Review period may be extended if applicant fails to submit information or due to requirements of certain laws.
5. **Evaluation Factors**

The decision whether to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on items such as:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

6. **Fees**

Fees are required for individual permits. $10 will be charged for a permit for a non-commercial activity; $100 will be charged for a permit for a commercial or industrial activity. The District Engineer will make the final decision as to the amount of the fee. Payment of the fee is not at the time
of submission of a permit application. When the Corps issues a permit, the permittee will be notified and asked to submit the required fee payable to the Treasurer of the United States. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, or for any activities authorized by a general permit.
WELL CONSTRUCTION PERMIT

A. Law

Hawaii Revised Statutes, Chapter 174C, State Water Code

B. Rules and Regulations

Hawaii Administrative Rules, Title 13, Subtitle 7, Chapter 168, Water Use, Wells, and Stream Diversion Works

C. Responsible Agency

State Department of Land and Natural Resources
Commission on Water Resource Management
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

Tel. No. 587-0214

D. Applicability

Anyone with a C-57 wishing to construct, alter, repair, or abandon a well in any area of the State must apply for this permit.

E. Permit Requirements

The application must be made on forms furnished by the Commission. Each application must be accompanied by a nonrefundable filing fee of $25.

F. Procedure and Review Criteria

The application is submitted to the Commission for review to ensure the safe and sanitary maintenance and operation of wells, protection of surface waters, protection of other wells, the prevention of waste, and the prevention of contamination of ground water aquifers, and to provide for the installation of devices to measure the amount of ground water being withdrawn from all wells, in accordance with the Hawaii Well Construction and Pump Installation Standards (HWCPIS), amended in February 2004.
The Commission will approve or disapprove an acceptable completed application, subject to any special conditions, within 90 calendar days of receipt by the Commission.

An applicant for a well construction permit whose application is disapproved may obtain a hearing before the Commission by filing within 30 days of the mailing of the notice of rejection a written petition requesting such a hearing.
ZERO LOT LINE SITE PLAN APPROVAL

A. **Law(s)**

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. **Rules and Regulations**

Subdivision Rules and Regulations, City and County of Honolulu

C. **Responsible Agency**

City Department of Planning and Permitting
Site Development Division
Subdivision Branch
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8100

D. **Applicability**

A zero lot line housing development allows housing which has the attributes of detached dwellings, but with cost savings due to less street frontage per zoning lot and smaller lot sizes, without changing the underlying district density controls. It also offers more usable yard space and allows more efficient use of land. A zero lot line housing may be constructed in the R-7.5, R-5, and R-3.5 Residential Districts.

E. **Requirements**

The minimum lot and yard dimensions are the underlying district requirements for duplex units, except that a side and/or a rear yard need not be provided, and corner lots in a zero lot line project must have a minimum lot width of ten feet more than the underlying district minimum lot width for duplex units.

The maximum building area is 50 percent of the zoning lot and the maximum building height is the underlying district requirement. Height setbacks on the zero lot line are measured from five feet on the other side of the property line.
The following siting standards must be applied to all zero lot line housing projects:

1. To create useful outdoor areas, dwelling units may be sited on any side and/or rear lot line.

2. Dwelling units cannot be sited on a lot line between a zero lot line dwelling and a lot not included in the project.

3. A minimum distance equivalent to double the yard requirement in the underlying zoning district must be maintained between any two dwelling units. This requirement can be met entirely on one zoning lot or shared between the lots. This control must be made a part of deed restrictions as a use easement.

4. Siting of dwelling units along the front yard setback must be staggered a minimum of two feet on adjacent zoning lots. Setbacks must be varied in a random manner to avoid repetition.

Walls of structures built along the lot line must not contain windows, doors or other openings, except that windows may be allowed for light and ventilation purposes if height from window sill to finished floor is at least six feet.

For the purposes of construction, upkeep and repair of structures located on a lot line, a minimum five-foot maintenance easement must be recorded between the owner of the property containing the structure and the owner of the property upon which entry must take place.

All zoning lots within a zero lot line housing project must carry a record of agreement or deed restriction limiting the use of the lots to zero lot line housing, including all restrictions on yards.

F. Procedure and Review Criteria

All zero lot line housing projects are processed in accordance with the Subdivision Rules and Regulations, including application requirements, provided that a site plan is submitted with other application materials that meet the criteria of the site design standards described above. Application and instructions may be obtained from the Department of Planning and Permitting. (See SUBDIVISION.)
ZONE CHANGE

A. Law(s)

Revised City Charter, 1973 (2000 Edition), Sections 6-1503 to 6-1505 and 6-1513 to 6-1516
Revised Ordinances of Honolulu, 1990, Chapter 21, Articles 2 and 3, Land Use Ordinance
Hawaii Revised Statutes, Chapter 46

B. Rules and Regulations

C. Responsible Agencies

Approves: Honolulu City Council
           City Hall
           Honolulu, Hawaii 96813

Processes: City Department of Planning and Permitting
           Interim Planning Division
           Policy Planning Branch
           650 South King Street, 7th Floor
           Honolulu, Hawaii 96813

           Tel. No. 768-8041

           Web site: http://www.honoluludpp.org/

Reviews: Planning Commission
         City and County of Honolulu
         650 South King Street, 7th Floor
         Honolulu, Hawaii 96813

D. Applicability

A zone change is required whenever any use is proposed for land within a zoning district where that use is not permitted.

A zone change is an amendment, adopted by ordinance, to the original ordinance which established the affected zoning map.
Maps showing zoning districts are available at the Department of Planning and Permitting (DPP), and on-line at http://gis.hicentral.com/website/parcelzoning/viewer.htm.

Zone changes can be initiated by an applicant, the administration or the City Council.

E. **Requirements**

The application and instruction sheet are available at DPP, and on-line at http://www.honoluludpp.org/download/permits/permitlistings.asp?p-TypeID=1. Prior to submitting a zone change application, a pre-application meeting between the applicant or agent and the department is required, unless such a meeting is determined by the department to be unnecessary.

In addition, before submitting a zone change application, the applicant or authorized agent is required to first present the proposed zone change to the appropriate neighborhood board or community association, if no neighborhood board exists for the area. The applicant or authorized agent must also provide written notice of this presentation to owners of all properties adjoining the site affected by the zone change.

The zone change application package must include a completed master application form plus two copies of a bound report covering the following topics:

1. **Basic information on the property to be rezoned including:**
   a. Acreage.
   b. Description of topography and soil type(s), including source(s) or information.
   c. Description of surrounding land uses and structures.
   d. Chronological land use history, including any previous land use approvals.
   e. Legal description.
   f. Confirmation of ownership.

2. **Description of the proposed development for which the zone change is being requested.**
3. Explanation of how the proposed zone change is consistent with and implements applicable public plans and land use policies.

4. Assessment of the adequacy of existing public facilities and services to support the proposed zone change, including:
   a. Wastewater disposal, methods and adequacy of the system to accommodate the proposal.
   b. Water availability, including water for fire protection.
   c. Solid waste management and disposal.
   d. Drainage.
   e. Streets and transportation. A traffic impact analysis is required. If an applicant feels that a traffic impact analysis is not necessary, then the appropriate agency should be consulted and a signed letter from that agency stating that one is not necessary must be submitted with the application.
   f. Parks and playgrounds (for housing projects).
   g. Schools (for housing projects).

5. Documentation of compliance with applicable environmental regulations, including but not necessarily limited to:
   a. Chapter 343, Hawaii Revised Statutes (HRS), State Environmental Impact Statement Law.
   b. Chapter 6E, HRS, State Historic Preservation Law.
   c. Chapter 23, Revised Ordinances of Honolulu (ROH), Shoreline Setback Ordinance and Chapter 25, ROH, Shoreline Management Ordinance.
   d. Section 21-9.10, LUO, Flood Hazard District requirements.

6. Identification of community concerns and responses to their concerns.

7. Drawings/Plans:
   a. Location map, showing the proposed development in relation to surrounding properties, adjacent uses and adjoining streets.
b. Topographic map, prepared by a licensed surveyor, showing five-foot elevation contour lines if the site has slopes greater than 10 percent.

c. Conceptual site plan, drawn to scale, showing existing and proposed structures, parking facilities, landscape features, fences and walls, driveways, pedestrian features, etc.

d. If available, elevation and perspective drawings of proposed project, drawn to scale.

e. Proposed zoning map for large-scale projects involving a mixture of different zoning districts.

f. Phasing of development for large-scale projects.

8. Photos

The filing fee is $600 plus $225 per acre or major fraction thereof up to a maximum of $12,000.

Before the enactment of an ordinance for a zone change, the City Council may impose conditions on the applicant’s use of the property. These conditions must be limited to preventing the proposed land use from having adverse effects on public health, safety, and welfare. For example, any potentially deleterious effects of the proposed use on its neighbors may be mitigated via setbacks, height restrictions, and/or hours of operation. Also, any major new burden on public services that directly results from the proposed use may require the applicant to finance and install needed infrastructure improvements and to obtain certificates from appropriate agencies that the local area is not deficient in public schools or transportation infrastructure. Any such conditions imposed by the City Council shall be set forth in a Unilateral Agreement running in favor of the council and running with the land.

F. Procedure and Review Criteria

Within 10 working days of the receipt of the request, the applicant is informed in writing whether a zone change application is accepted for processing or denied as incomplete.

Upon acceptance of a complete application, request for comments are sent out by the department to public agencies, neighborhood boards and community associations, and other interested parties.
After a 45-day period for agency and public review and comment, the department will prepare its final report and recommendation on the proposed zone change. Within 90 days of the acceptance of a complete application, the DPP transmit its report and recommendation to the Planning Commission. If the recommendation is to approve the zone change, the transmittal will include a draft bill for an ordinance for the zone change. The recommendation can be to approve, approve with conditions or deny the zone change.

The Planning Commission must then hold a public hearing within 45 days after receiving the director's report and draft bill. Their recommendation and the director's report and draft bill are then transmitted to the City Council within 30 days of the close of the public hearing.

The City Council must hold a public hearing and must approve, approve with modification, or deny the request within 90 days after receiving the proposed ordinance. If the City Council does not take any action within the 90-day period, the request to initiate a zone change is deemed denied. Requests for an extension of time must be made by the applicant to the City Council at least two weeks in advance.

If the council approves, the bill then goes to the mayor for approval or disapproval. The mayor has ten (10) days to make a decision. The mayor can sign, return unsigned, or veto the bill. If the bill is signed or returned unsigned, it takes effect on the specified date. If the bill is vetoed, a vote of approval by six (6) of the council members overrides the veto and the bill takes effect.
ZONING ADJUSTMENT

A. Law(s)

Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8022

D. Applicability

An applicant may request a zoning adjustment to certain development standards identified in the Land Use Ordinance (LUO). The LUO lists specific circumstances in which modification of a standard could be appropriate. The LUO provides a zoning adjustment for carports/garages, energy saving rooftop designs, flag lot access width, grade irregularities, lanai enclosures, loading requirements, off-street parking and loading requirements upon change in use, ohana dwellings, antenna height, residential height, retaining walls, rooftop equipment height, and sign master plan.

E. Requirements

A completed application form must be submitted to the Department of Planning and Permitting (DPP) accompanied by the following:

1. Specification of the standard to be adjusted.

2. Written information showing how the proposal qualifies for the zoning adjustment.
3. Plans, drawings, and other documents required to demonstrate that the application qualifies for the zoning adjustment that is requested. These may include a site plan, floor plans, elevation drawings, cross sections, topographical maps showing slope and contours of the site, current photographs and building permits.

There is a filing fee of $300.

F. Procedure and Review Criteria

The zoning adjustment must be within the range of adjustments prescribed in the LUO and must meet the following criteria for the specific zoning adjustment required:

Carports/Garages: In residential zoning districts, a one- or two-car garage or carport may be permitted to encroach into the required front and/or side yards (including those in special districts) only if:

1. There is no other viable alternative site relative to the location of existing structures legally constructed prior to October 22, 1986, and/or to the topography of the zoning lot.

2. The landowner authenticates the nonconformity of the existing structures.

3. The carport/garage is not converted to a use other than a carport or garage.

Energy-saving Rooftop Designs: Rooftop designs which incorporate energy-saving features may extend above the governing district height limit or height setback by not more than five feet provided:

1. The building is not a detached dwelling unit or duplex.

2. The proposal is subject to design review.

Flag Lot Access Width: If an unusual terrain or existing development does not allow the required access drive, the director may adjust the minimum access width to no less than 10 feet, and allow more than dual access to an access drive, provided the following are met:

1. The appropriate government agencies do not object to the proposal;

2. No more than 3 flag stems or access drives are located adjacent to one another, the access drive(s) do not serve more than 5 dwelling units, and the combined access drive width does not exceed 32 feet; and
3. When more than dual access to a flag stem(s) or access drive(s) is proposed, the design results in one common driveway and one curb cut to serve all lots adjoining the flag stem(s).

*Grade Irregularities:* Because building height limits run parallel to grade, unusual dips and humps in the topography may create hardships. On sites with irregular topography, the maximum building height may be adjusted to permit reasonable building design. The adjustment must be in accordance with the intent of the zoning district.

*Lanai Enclosures:* Lanais, which are part of buildings which have reached maximum floor area may be enclosed, if they meet all of the following conditions:

1. The enclosure meets a unified design scheme approved by either the condominium association or the building owner, whichever is applicable;
2. Other lanais in the building have been similarly enclosed; and
3. At least one lanai, which has already been enclosed, was done so legally.

*Loading Requirements:* For joint use, the director may adjust the number of loading spaces to 50 percent of the required number when such spaces are to be jointly used by two or more uses on the same zoning lot, provided that:

1. Each use has access to the loading zone without crossing driveways, public streets or sidewalks;
2. All joint loading spaces are in reasonable proximity to the uses they serve, and can be jointly used without disrupting other activities on the lot; and
3. The adjustment will not be used to reduce the loading available for any single use below the minimum required for that use.

For low-rise multi-family dwellings, the director may adjust or waive the loading requirement for low-rise multi-family dwellings, provided that:

1. The project consists of more than one building;
2. Buildings do not exceed three stories; and
3. There is sufficient uncovered parking and aisle or turnaround space to accommodate occasional use for loading.
Off-street Parking and Loading Requirements Upon Change in Use.

1. Change in Use on Zoning Lot With Conforming Parking and Loading. If there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces and/or no more than one loading space, then the director may adjust the number of additional parking or loading spaces required, on the following conditions:

   a. There are no reasonable means of providing the additional parking and/or loading spaces which would otherwise be required, including but not limited to joint use of parking facilities and off-site parking facilities;

   b. There was no previous change in use on the zoning lot to a use with higher parking or loading standard during the five-year period immediately preceding the change in use;

   c. There was no previous grant of an adjustment from parking and loading requirements on the zoning lot; and

   d. The parking and loading will be deemed to be nonconforming.

2. Change in Use on Zoning Lot With Nonconforming Parking and Loading. If there is a change in use on a zoning lot, with no increase in floor area, which would otherwise require the addition of no more than three parking spaces and/or no more than one loading space, nonconforming parking and loading may be continued, with no additional parking or loading spaces being required, on the following conditions:

   a. There are no reasonable means of providing the additional parking and/or loading spaces which would otherwise be required, including but not limited to joint use of parking facilities and off-site parking facilities;

   b. There was no previous change in use on the zoning lot to a use with a higher parking or loading standard during the five-year period immediately preceding the change in use; and

   c. There was no previous grant of an adjustment from parking and loading requirements on the zoning lot.
Rebuilding of Ohana Dwellings: Ohana dwellings which are destroyed by any means may be rebuilt to their original size and type. The applicant must show that the unit was legally built, that the replacement unit meets all current district standards, and the rebuilt unit is not expanded beyond the larger of the floor area prior to destruction, or the maximum floor area permitted at the time the permit was issued.

Expansion of Ohana Dwellings: Most ohana dwellings already meet or exceed the applicable size limits and cannot be expanded. However, certain ohana dwellings for which a building permit was issued prior to April 28, 1988, and which were registered as condominiums by December 31, 1988, may be expanded up to the permitted maximum building area, provided it meets all district standards, and does not exceed its proportionate share of common interest.

Receive-only Antenna Height: Receive-only antennas may exceed the governing district height limit under the following conditions:

1. The zoning lot is not located in a residential district where utility lines are predominantly located underground.

2. Either:
   a. Both
      (1) The applicant must provide evidence to the director that adequate reception by the antenna, for the purposes for which the antenna is designed, cannot be provided anywhere on the zoning lot at or below the zoning district height limit; and
      (2) The antenna must not extend above a height greater than is shown by evidence provided to the director to be necessary to provide adequate reception, and in no case can extend more than 10 feet above the governing height limit; or
   b. Or
      A receive-only antenna may be placed on top of an existing structure where the height of the structure is nonconforming, provided the antenna must not extend above the height of the structure by more than 10 feet.

Residential Height: In residential zoning districts, the building height envelope may be adjusted up to a maximum of 35 feet under the following conditions:
1. The building "footprint" has a slope greater than 40%.
2. There is no other development alternative without an increase in the height envelope.
3. The lot is limited to dwelling use.

*Retaining Wall:* The height of a retaining wall may be adjusted if additional height is necessary because of safety, topography, subdivision design, or lot arrangement, and the wall does not have an adverse visual impact on the community.

*Rooftop Equipment Height:* Roofing treatments which house elevator machinery and air conditioning equipment may extend above the governing district height limit for structures or portions of structures, provided:

1. The machinery may not be placed above the elevator housing if the elevator cab opens on the roof.
2. The highest point of the roofing treatment must not exceed five feet above the highest point of the equipment structures.
3. The building is not located in a special district.
4. The proposal is subject to design review.
5. Areas proposed to be covered by the roofing treatment will not be counted as floor area, provided they are not used for any other purposes.

*Sign Master Plan:* A sign master plan is a voluntary alternative to the strict sign regulations to the LUO, intended to encourage some flexibility in order to achieve good design, consistency, continuity and administrative efficiency in the utilization of signs within eligible areas.

Developments with three or more principal uses on a zoning lot, other than one-family or two-family detached dwellings or duplex units, are eligible for the sign master plan.

For all types of zoning adjustments, the director has 45 days after acceptance of the completed application to approve or deny the application. There is no public hearing requirement for zoning adjustments.
ZONING VARIANCE

A. Law(s)


B. Rules and Regulations

Rules relating to Administrative Procedure, Zoning Board of Appeals

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8012

D. Applicability

Zoning variance is required when a person needs to vary requirements of the Land Use Ordinance (LUO). For example, a variance would be required to allow an addition to a single-family dwelling to encroach into a required side yard.

E. Requirements

Variance application and instruction sheets are available at the Department of Planning and Permitting (DPP), or at the DPP website. A complete application should include the following:

1. Name and signature of the fee landowner, the applicant, and the authorized agent (if any).

2. The address and tax map key of the property.

3. A brief explanation of the proposal and why the variance is necessary.
4. Justification statements showing how the proposal meets all three conditions of hardship (Charter Sec. 6-1517 Zoning Variances) described in paragraph F below.

5. Variance plans must be prepared by an architect, engineer, surveyor, or similar professional (in some cases the plans may need to be certified by a licensed professional). They must be drawn to scale and show the location, size, dimensions, and setback of all existing and proposed structures; and include other information such as parking layout, property lines, roads, access, and easements (with dimensions and areas) as relevant to the request. All separate uses on the property must be identified on the site plans and/or floor plans. Exterior building elevation drawings are generally required for all lots, but are especially important on sloping lots. In some cases, topographic maps showing proposed grading, existing lot conditions and shoreline, stream, and other setback lines may be necessary.

There is a filing fee of $600. If the applicant has been cited for taking action without the necessary approvals, the fee is doubled.

F. Procedure and Review Criteria

After the application is accepted by the DPP for processing, the staff notifies the neighborhood board or community association, and other interested parties. A public hearing notice is published in a newspaper of general circulation at least 10 days before the required public hearing is held. In addition, the DPP provides direct notice to landowners of properties that are adjacent to the variance site, to the extent reasonably possible. (Direct notice to neighbors is done as a courtesy, but it is not required by law.)

The director may grant a variance only if he finds that strict observance of the zoning code would result in unnecessary hardship, and only if the record shows that the applicant meets all three conditions of hardship stipulated by the City Charter. The tests of hardship are:

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 zoning ordinance.

The director may approve a variance application, grant a partial approval, or deny it. The Findings of Fact and Decision and Order which support the director's action are issued within 60 days of the close of the public hearing.

The director's decision may be appealed to the Zoning Board of Appeals (ZBA) within 30 days following the mailing or personal service of the written Decision and Order. The filing fee for appeals to the ZBA is $200. A party may appeal the director's decision to the Circuit Court but usually only after an appeal to the ZBA.
ZONING WAIVER

A. Law(s)

Hawaii Revised Statutes, Chapter 46
Revised Ordinances of Honolulu, 1990, Chapter 21, Land Use Ordinance

B. Rules and Regulations

C. Responsible Agency

City Department of Planning and Permitting
Land Use Permits Division
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Tel. No. 768-8022

D. Applicability

Requirements of the Land Use Ordinance (L.U.O.) may be waived by the Director of Planning and Permitting (DPP) for the following purposes and/or reasons:

1. Public uses or utility installations;

2. To permit creation of lots designated for landscaping and open space purposes which do not meet minimum lot area and/or dimensions;

3. To permit replacement of improvements on private property, rendered nonconforming through exercise of government's power of eminent domain;

4. To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates such as the Americans with Disabilities Act or the National Environmental Protection Act, provided such improvements cannot be made without conflicting with the L.U.O.

"Public uses" are uses conducted by the federal, state or city governments to fulfill governmental function, activity or service for public benefit and in accordance with public policy.
"Utility installations" are uses or structures used directly in distribution of utility services, and may be publicly or privately owned.

Example: A request by the Department of Education to build a three-story classroom building (30 feet high) within a residential district where the height limit is 25 feet. The director may waive the height restriction based on reasons similar to those required for granting variances.

E. Requirements

A completed application form must be submitted to the DPP accompanied by the following:

1. A written statement indicating what specific zoning requirement is to be waived. Justification statements must be provided describing the reasonableness of the request, and the alternatives considered. Requests by governmental agencies must indicate the means of compliance with Chapter 343, Hawaii Revised Statutes.

2. Site plan showing property lines, required setbacks, and easements with dimensions of the lot.

3. Location, dimensions, and spacing of existing and proposed structures or retaining walls.

4. Existing and proposed uses, including floor area, parking, and loading calculations, if appropriate to the request.

5. Building elevations, sections and floor plans of structures, if appropriate, to clearly define the proposal.

6. For retaining walls, cross-sections, with spot elevations or contours.

7. Photos of the site.

There is a filing fee of $300.

F. Procedure and Review Criteria

The application and plans are reviewed by DPP. The director may waive zoning requirements upon finding that the proposal is in the best interest of the public, that it
would not have an adverse impact on the surrounding neighborhood, and that it meets other applicable code requirements.

The director has 45 days from the date of acceptance of a completed application in which to take action.
APPENDIX A
Agency Liaison

CITY AGENCIES

Design and Construction, Department of
Street Lighting for Subdivisions 768-8413

Environmental Services, Department of
Environmental Quality Division 847-8310
  Storm Water Quality Branch 692-5207
  Regulatory Control Branch 692-5593 or 692-5156

Fire Department
Battalion Chief 723-7139

  Flammable and Combustible Liquid
  Tank Installation 723-7161 or 723-7162
  Application of Flammable
  Finishes (Spray Booth) 723-7161 or 723-7162
  Liquefied Petroleum Gas (LP-Gas)
  Container (Tank) Installation 768-8106
  Places of Assembly 723-7161 or 723-7162
  Tents and Canopies 723-7161 or 723-7162

Planning and Permitting, Department of

Building Division
  Building Code 768-8220
  Electrical Code 768-8239

Customer Services Office
  Building Permit 768-8223
  Certificate of Occupancy 768-8127
  House Number Certificate 768-8220
  Nonconforming Use Certificate 768-8110
  Ohana Accessory Dwelling 768-8220
  Relocation Permit 768-8220
Sign Permit 768-8220
Temporary Permit 768-8220
Variance from Building, Electrical, 768-8120
Housing, Plumbing and Fire Codes

Planning Division
Community Action Plans Branch 768-8048
Development Plans & Zone Change Branch 768-8051
Planning Research Branch 768-8037
Policy Planning Branch 768-8041

Land Use Permits Division
Land Use Approval Branch 768-8014
Urban Design Branch 768-8028
Zoning Regulations & Permits Branch 768-8021

Site Development Division
Civil Engineering Branch 768-8106
Permitting and Inspection Section:
Grubbing, Grading and Stockpiling Permit 768-8219
Public Right-of-Way Excavation (Trenching) Permit 768-8219

Subdivision Branch 768-8100

Project Review Section:
Connection to the City’s Storm Sewer System 768-8106 or 768-8104
Construction Dewatering Permit 768-8106 or 768-8104
Improvement and Dedication of Planned Street Setback Area 768-8106

Traffic Review Branch
Road Widening Setbacks 768-8083

Wastewater Branch
Sewer Connection Permits 768-8212
Sewer Extension, Oversizing and Relief Sewer Requirements 768-8199
Sewer System for New Subdivisions 768-8198
Transportation Services, Department of
Street Usage Permit 523-4169 or 523-4022

Water Supply, Board of
Environmental Engineering Section 527-5221
Project Review Section 748-5440

STATE AGENCIES

Hawaii Community Development Authority
Planning Office 587-2870

Health, Department of
Clean Air Branch 586-4200
Clean Water Branch 586-4309
Environmental Planning Office 586-4337
Safe Drinking Water Branch 586-4258
Solid and Hazardous Waste Branch 586-4226
Wastewater Branch 586-4294

Land and Natural Resources, Department of
Commission on Water Resource Management 587-0214
Historic Preservation Division 692-8015
Engineering Division 587-0236
Land Division
Land Management 587-0446
Natural Area Reserves System Commission 587-0063
### Office of Conservation and Coastal Lands
Office of Conservation and Coastal Lands 587-0377

### Land Use Commission
Land Use Commission 587-3822

### Office of Environmental Quality Control
Office of Environmental Quality Control 586-4185

### Office of Planning
Office of Planning 587-2423
  - Coastal Zone Management Program 587-2423

### Transportation, Department of
Transportation, Department of 586-4185
  - Airports Division 838-8600
  - Harbors Division 587-1940
  - Highways Division 587-2220
    - Right-of-Way Branch, Property Management Section 692-7331
    - Oahu District, Permit Section 831-6712
    - Traffic Branch, Plan Review 692-7693

### FEDERAL AGENCIES

#### Army Corps of Engineers (U.S.)
Army Corps of Engineers (U.S.) 587-2423
  - Operations Branch 438-9258

#### Coast Guard (U.S.)
Coast Guard (U.S.) 535-3412

#### Environmental Protection Agency
Environmental Protection Agency 541-2710
  (for information about NEPA or EPA'S EIS regulations and process)
Environmental Protection Agency, Region 9
(for EPA's review of any documents
filed for NEPA purposes)

Federal Activities Program
(CMD-2)
US EPA, Region 9
75 Hawthorne St.
San Francisco, CA
94105
(415) 744-1584

Federal Aviation Administration

Air Traffic Tech. Spec.
(310) 725-3550

Honolulu Airports
District Office
541-1232
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