

**A VIEW INTO THE
DEPARTMENT OF PLANNING
AND PERMITTING**
PLANNING AND ZONING ACTIVITIES



**NEIGHBORHOOD BOARD
INFORMATION HANDBOOK**

CITY AND COUNTY OF HONOLULU
April 2010



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Introduction

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

Although the DPP is tasked with the administration of a large number of land development permit applications, there are other land use decisions which involve other government agencies. This publication pertains only to DPP procedures and permit requirements.

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

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

Section 2 – Long Range Plans

2.1 - City Planning System

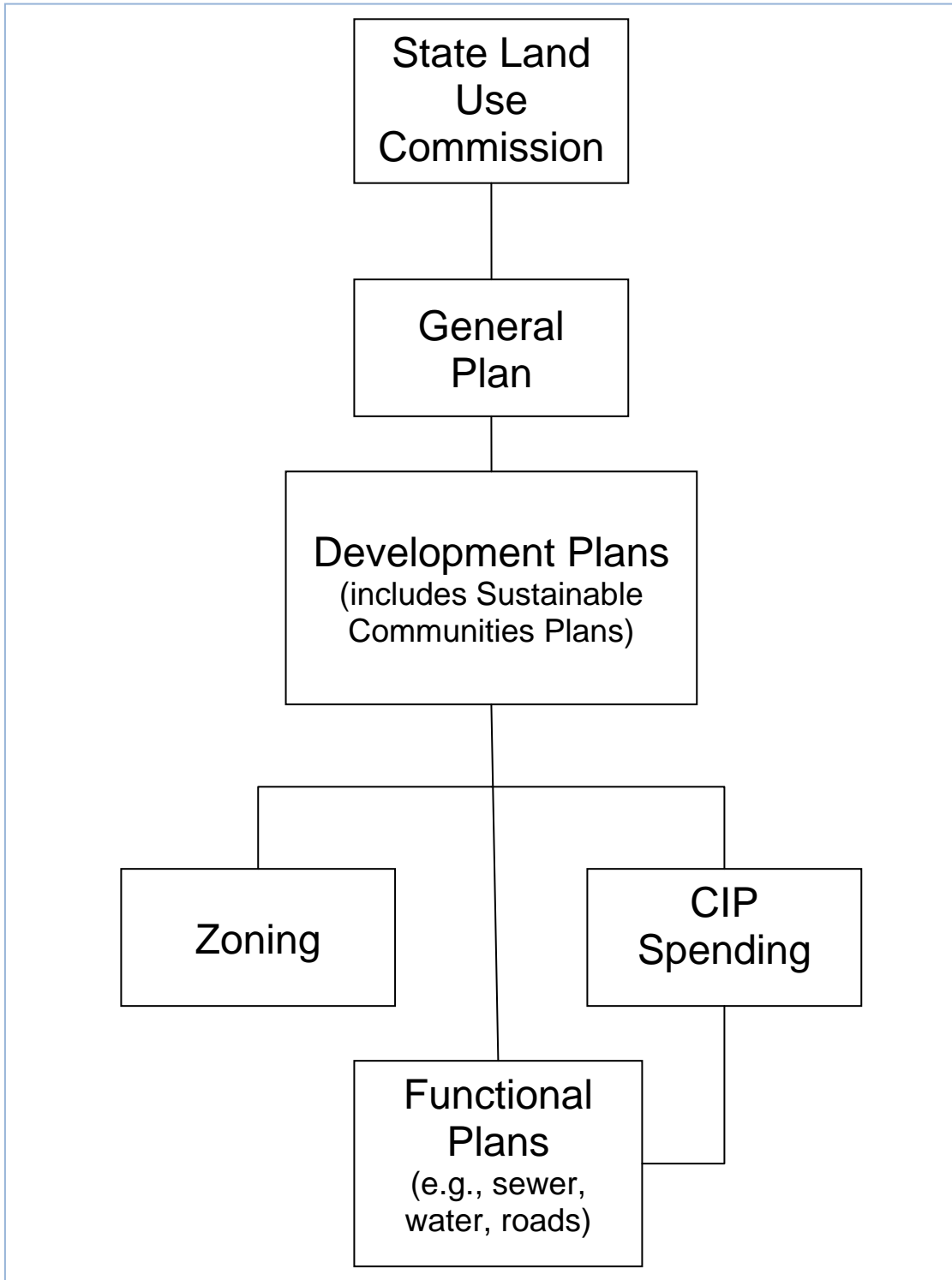


Figure 1 – The City Planning System

2.2 – The Honolulu Land Use Planning and Management System

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

- The General Plan forms the first tier of this system. First adopted by resolution in 1977, the General Plan is a relatively brief document, consisting primarily of one-sentence statements of objectives and policies. It has been amended several times, but the basic objectives and policies set forth in the 1977 Plan remain intact.
- The second tier of the system is formed by the Development Plans and Sustainable Communities Plans, which are adopted and revised by ordinance. These plans address the following eight geographic regions of the island:
 - The Primary Urban Center (PUC)
 - East Honolulu (EH)
 - Ewa
 - Central Oahu (CO)
 - Wai`anae (WAI)
 - North Shore (NS)
 - Ko`olau Loa, (KL) and
 - Ko`olau Poko (KP)
- In addition to the eight geographic regions on Oahu, a development plan with special provisions exists for the Northwestern Hawaiian Islands, although the land is effectively under the jurisdiction of the federal government.
- The third tier of the system is composed of implementing ordinances and regulations, including the Land Use Ordinance (Honolulu's zoning code), the Subdivision Rules and Regulations, and the City's Capital Improvement Program. Mandated by the City Charter, these ordinances and regulations constitute the principal means for implementing the City's plans. These ordinances and regulations are required to be consistent with the General Plan, the Development Plans, and each other.

In addition, the Development Plans and Sustainable Communities Plans are supplemented by two planning mechanisms that are not mentioned in the Charter:

- Functional plans (such as the Oahu Regional Transportation Plan and the Oahu Water Management Plan), some of which are mandated by state or federal regulations, provide long-range guidance for the development of public facilities and infrastructure; and
- Special Area Plans such as the Waipahu Town Plan (1995) or the Kalaeloa Redevelopment Plan (2000) give specific guidance for neighborhoods, communities, or specialized resource areas.

2.3 – Oahu General Plan

The Oahu General Plan is a comprehensive expression of the long-term goals and policies for the City and County of Honolulu. The Plan addresses physical, social, economic, and environmental concerns. It is intended to guide all actions of City government, as well as the private sector. It represents the beginning of the comprehensive planning process for Oahu.

Perhaps the most scrutinized section of the Oahu General Plan is the first section which addresses population. It is this section that sets the stage for how population growth over the next 20 years and beyond will be directed across the island.

The Oahu General Plan, in its present form, was first adopted by the City Council in 1977. Several amendments have been made with the last revision coming in 2002. It is amended by City Council resolution.

The Objectives and Policies of the Oahu General Plan are grouped under the following elements:

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

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

<http://honoluludpp.org/planning/OahuGenPlan.asp>

2.4 - Development Plan and Sustainable Communities Plan Revision Program

The Development Plans are required by City Charter. Together with the General Plan, they guide population and land use growth over a 20-year+ time span. As part of the annual City budget process, all capital improvement projects are reviewed to determine if they are consistent with the respective Development Plan. Development Plans are also intended to guide City land use approvals and permits and influence private sector investment decisions.

Oahu is divided into eight planning areas (see the map on the following page). Each area has a Development Plan (DP) which is adopted by City Council ordinance and administered by the Department of Planning and Permitting.

A major revision of the Development Plans, based on a 1992 City Charter change, was completed in 2004. The revised plans are visionary, conceptual plans without the parcel-specific detail of the first DPs which were adopted in the early 1980s. Eight new Plans have been adopted: Ewa (in 1997), East Honolulu (in 1999), Ko`olau Loa (in 1999), North Shore (in 2000), Wai`anae (in 2000), Ko`olau Poko (in 2000), Central Oahu (in 2002), and the Primary Urban Center (in 2004).

Six of the Plans (East Honolulu, Ko`olau Loa, North Shore, Wai`anae , Ko`olau Poko, and Central Oahu) are designated as “Sustainable Communities Plans” to highlight the intent that these areas are not to be heavily developed, and that existing communities and special qualities of each region should be sustained and improved. The revised Plans are reviewed every five years to revalidate the Plan vision and make appropriate adjustments to policies, principles, and guidelines.

The Development Plans and Sustainable Communities Plans are organized into five chapters and an appendix, as follows:

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

2.5 – Development Plan Areas on Oahu



Figure 2 – The eight administrative districts of Honolulu County

2.6 – Development Plan Revision Status and Highlights

DP/SCP Area	Status	Highlights	DPP Contact
Ewa	Adopted Ord. 97-49, (effective 10/21/97) 5-Year Review underway as of April 2010	<ul style="list-style-type: none"> Expected to absorb a significant portion of future Oahu population, and offer almost 62,000 jobs by year 2030 Reflects a directed growth policy (develop City of Kapolei and create jobs in Ewa at Industrial areas, resorts, and University) Continues commitment to master planned transit-friendly new communities 	Bob Stanfield 768-8051

Section 2 – Long Range Plans

East Honolulu	Adopted Ord. 99-19, (effective 7/27/99) 5-Year Review Underway as of April 2010	<ul style="list-style-type: none"> • Very little population and commercial growth expected • Focus is on enhancing natural resources, adjusting to aging population, and strengthening neighborhood-oriented services 	Bob Stanfield 768-8051
Ko'olau Loa	Adopted Ord. 99-72, (effective 2/14/00) 5-Year Review Underway as of April 2010	<ul style="list-style-type: none"> • Maintain the distinctive character of its rural neighborhoods • Protect scenic views, open spaces and other natural resources 	Ray Young 768-8049
North Shore	Adopted Ord. 00-15, (effective 7/9/00) 5-Year Review Underway as of April 2010	<ul style="list-style-type: none"> • Retain and enhance the rural character • Focus on unique open space, coastal resources, and historical heritage • Growth to be limited to Haleiwa and Waialua 	Ray Young 768-8049
Wai`anae	Adopted Ord. 00-14, (effective 7/9/00) 5-Year Review Underway as of April 2010	<ul style="list-style-type: none"> • To reflect communities embedded in a rural landscape, with a diversity of cultures and small town values • The ahupua'a/ecosystem concept is suggested as a tool for physical and resource planning 	Randolph Hara 768-8041
Ko'olau Poko	Adopted Ord. 00-47, (effective 8/25/00) 5-Year Review Planned for Fall 2010	<ul style="list-style-type: none"> • Adapt the concept of "ahupua'a" as a basis for land use and natural resource management; protecting agricultural and open space areas • Emphasize alternatives to private passenger vehicles for travel • Enhance existing commercial and civic districts 	Dennis Silva, Jr. 768-8284
Central Oahu	Adopted Ord. 02-62, (effective 2/18/03) 5-Year Review Underway as of April 2010	<ul style="list-style-type: none"> • Long-term protection of agricultural and preservation areas • Revitalization of Waipahu and Wahiawa • Master planned new communities in Mililani Mauka, Royal Kunia, Koa Ridge Makai, and Waiawa 	Harold Senter 768-8055

Primary Urban Center	Adopted Ord. 04-14, (effective 6/21/04)	<ul style="list-style-type: none"> The premier Pacific city and travel destination in a beautiful natural setting, offering a unique quality of life, and a wide range of housing choices, and economic opportunities. Between 2000 and 2025, increases of 22% in jobs and 25% in housing units are anticipated 	Bob Stanfield 768-8051
Public Infrastructure Maps	Adopted, Ord. 99-69, (effective 11/26/99)	<ul style="list-style-type: none"> Not considered part of development plans Show general location of major proposed city capital improvements One map for each development plan area, adopted by resolution 	Randolph Hara 768-8041

2.7 - Neighborhood Board Participation Opportunities - Planning

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

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

Section 3 – Zoning

3.1 – Review of Permit Applications

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

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

Generally, Neighborhood Boards are given 30 days to respond to the Department's request for comments. Extensions to this deadline are not usually available because there are succeeding deadlines that must be met. For example, within 60 days of receiving a major Shoreline Management Area Use Permit (SMP) application, the Director must request and receive comments from various agencies as well as the Neighborhood Board, and hold a public hearing; and 10 days after the hearing, transmit the Department's report to the City Council.

It is important for the Department to know why a particular development proposal is supported or opposed by the Neighborhood Board. Remember, the Department is primarily interested in land use impacts. The Department will ask for a response from a project applicant to questions regarding the findings of a traffic study or potential noise impacts, but will not address comments on the integrity of the applicant or whether a pre-school's curriculum is sufficiently nurturing.

3.2 - Tips for Effective Participation in the Permit Review Process

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

3.3 - Neighborhood Board Participation Opportunities in Zoning

Type of DPP Permit	Neighborhood Board Notification and Opportunity For Review				Decision By
	Pre-Application Presentation	Application Notice	Notice of DPP Public Hearing	Notice of PC Public Hearing	
Zone Change	✓	✓		✓	CC
Plan Review Use	✓	✓			CC
Conditional Use Permit, Minor for transmitting antenna, free-standing antennas	✓				DPP
Conditional Use Permit, Minor for schools, day-care or meeting facilities	✓	✓	✓, if there is one		DPP
Conditional Use Permit, Major	✓	✓	✓		DPP
Zoning Variance		✓	✓		DPP
Major Special District,	✓	✓	✓		DPP
Downtown heights over 350 feet	✓	✓	✓		DPP
Planned Development Commercial/Resort (Waikiki Only)	✓	✓	✓		CC
Planned Development Housing	✓	✓	✓		DPP
Clusters- (Agricultural, County, Housing)		✓			DPP
Major Special Management Area Use Permit		✓	✓		CC
Shoreline Setback Variance -Exempted from SMP or issued minor SMP -All others		✓ ✓	✓ ✓		DPP CC
State Special Use Permit -more than 15 acres -less than 15 acres		✓		✓ ✓	SLUC PC

DPP- Department of Planning and Permitting
 PC- Planning Commission
 SLUC - State Land Use Commission
 CC- City Council (The City Council will hold hearings also)

*Transmitting antenna in country, residential, A-1 or AMX-1 zoning districts only

Section 4 – Profiles of Major Permits

4.1 – Zone Change

PURPOSE

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

APPLICABILITY

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

HIGHLIGHTS

- Conformance to Oahu General Plan Objectives and Policies
- Conformance to the Development/Sustainable Communities Plan
- Compliance with county land use laws
- Compliance with environmental laws
- Adequacy of infrastructure
- Appropriateness of timing of zone change

APPLICATION PROCESSING

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

Reference: *LUO Section 2.40-2 and 2.80*

4.2 – Plan Review Use (PRU)

PURPOSE

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

APPLICABILITY

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

HIGHLIGHTS

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

APPLICATION PROCESSING

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

Reference: *LUO Section 2.40-2 and 2.120*

4.3 – Conditional Use Permit (CUP)

Minor and Major

PURPOSE

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

APPLICABILITY

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

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

HIGHLIGHTS

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

APPLICATION PROCESSING

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

Reference: *LUO Section 2.40 and 2.90*

4.4 – Special District Permit

Minor and Major

PURPOSE

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

APPLICABILITY

Development in the identified areas:

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

HIGHLIGHTS

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

APPLICATION PROCESSING

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

Reference: *LUO Section 2.40 and 9.20 through 9.90, and individual special district guidebooks*

4.5 – Cluster and Planned Development Housing

PURPOSE

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

APPLICABILITY

- Cluster housing developments are an option in Agriculture, Country, Residential, and Apartment Districts
- Planned Development-Housing (PD-H) developments in Residential and Apartment Districts

HIGHLIGHTS

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

APPLICATION PROCESSING

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

Reference: *LUO Sections 2.40 and 8.50 through 8.50-11, and Cluster/PD-H Guidebook*

4.6 – Special Management Area Use Permit (SMP)

PURPOSE

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

APPLICABILITY

- Any development, structure, or activity within the SMA, as defined by Chapter 25, Revised Ordinances of Honolulu (ROH)
- Exemptions from the SMA requirements are also defined in Chapter 25, ROH

HIGHLIGHTS

- Development of \$125,000 or less can be processed as minor permit if there are no significant environmental or ecological impacts (Director makes the decision)
- Development not meeting above is processed as major permit and requires EA/EIS and public hearing (City Council makes the decision)
 - Consistency with SMA objectives and policies
 - Consistency with Oahu General Plan, Development Plans, and zoning
 - Development must not have adverse environmental or ecological effect unless such impacts can be adequately mitigated

APPLICATION PROCESSING (Major permit)

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

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

4.7 – Shoreline Setback Variance (SV)

PURPOSE

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

APPLICABILITY

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

HIGHLIGHTS

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

APPLICATION PROCESSING

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

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

4.8 – State Special Use Permit (SUP)

PURPOSE

- To allow uses within the State Agricultural District other than those specifically permitted

APPLICABILITY

- Unusual and reasonable uses within the State Agricultural District other than those for which the district is classified

HIGHLIGHTS

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

APPLICATION PROCESSING

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

Reference: *Section 205-6, Hawaii Revised Statutes (HRS)*

Section 5 – Permits that *Do Not* Require Neighborhood Board Input

5.1 – Ohana Dwellings

An Ohana dwelling is a second dwelling unit permitted on a lot where the underlying zoning allows only one dwelling. Honolulu's Ohana provisions were first adopted in 1982, and have been amended several times, most recently in March 2006. This summary reflects the current provisions.

ELIGIBLE AREAS

1. Ohana dwellings are permitted in agricultural, country, and residential zoning districts, except R-3.5 Residential. They are not allowed in cluster, planned development-housing, zero lot line, and duplex unit projects.
2. Infrastructure (water, sewer, roads) must be able to support additional density, as determined by the appropriate City agencies. Where sewers are not available, State Department of Health approval is required for individual wastewater facilities (septic tank or other approved system).

The lot must have direct access to a street with minimum paved width of 18 feet, if the street serves 6 lots; or 20 feet, if it serves more than 6 lots.

3. Exclusion Provision: An area with adequate public facilities can petition to be excluded from Ohana-eligibility. Owners/lessees of 60 percent of the lots in a census tract must sign a petition asking to be excluded.

To find out if your property is in an Ohana-eligible area, call the DEPARTMENT OF PLANNING & PERMITTING AT (808) 768-8252 or view maps of Ohana eligible areas at:

<http://gis.hicentral.com/pubwebsite/>

RESTRICTIONS

1. Ohana dwellings may be occupied only by relatives of the family living in the main house.
2. Ohana dwellings are permitted only on conforming lots (lots which meet minimum size and dimensions for that zoning district), and must be attached to the main house.

HOW TO APPLY

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

Reference: *LUO Section 8.20-1*

5.2 – Discretionary and Ministerial Permits

In addition to planning and zoning reviews, the Department of Planning and Permitting issues permits, clearance forms, and other types of approvals directly related to the construction of a building or development of land. Most of these reviews and approvals are ministerial because no discretion is involved; the requirements are quantitative, specific, and measurable. Therefore, Neighborhood Boards and the general public are not involved in project reviews at this stage of permitting, i.e. no public hearings are held. However, the community can participate through standard public hearing procedures, in proposed changes to the ordinances and rules that are used to issue these approvals. Examples of discretionary and ministerial permits include: zoning adjustments, minor site development, minor special management area permit, building permit, land subdivision approval, sign permit, and grading permits.

* * * * *

Building Permits Are Not Required for:

- Retaining walls, fences, and planter boxes which are not more than 30 inches in height; walkways, riprap walls, and outside paving within private property.
- Individual residential television and radio antennas, excluding dish-type antennas.
- Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$1,000.00 in valuation in any 12-month period, and do not affect any electrical, plumbing, or mechanical installations.
- Painting, installation of floor covering and cabinet work without limit as to valuation, provided, however, that the values thereof shall be included as part of the value of any new construction for which a permit is required by this code, for the purpose of determining the amount of the fee to be paid for such permit.
- One-story detached buildings for use as tool and storage sheds, playhouses, and similar uses, provided the aggregate floor area does not exceed 120 square feet.
- Repair work performed by a licensed electrical contractor which does not aggregate over \$500.00 in valuation in any 12-month period and does not involve service entrance equipment.
- Repair work performed by a licensed plumbing contractor which does not aggregate over \$1,000.00 in valuation in any 12-month period and which involves or requires only the replacement of valves, pipes, or fixtures.

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

Section 6 – Zoning Enforcement

Zoning regulations are enforced in three ways:

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

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

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

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

Section 7 – Helpful Resources*

7.1 – List of Must Have Resources

- Oahu General Plan - available online at:
<http://honoluluodpp.org/Planning/OahuGenPlan.asp>
- Development Plan Ordinance - available at the City Clerk Office at Honolulu Hale and online at: <http://honoluluodpp.org/Planning/>
- The following DPs and SCPs are available at the Municipal Bookstore and online at:
<http://honoluluodpp.org/Planning/>

Ewa Development Plan	- Municipal Bookstore for \$10.00
Central Oahu Sustainable Communities Plan	- Municipal Bookstore for \$10.00
East Honolulu Sustainable Communities Plan	- Municipal Bookstore for \$10.00
Koʻolau Poko Sustainable Communities Plan	- Municipal Bookstore for \$10.00
Koʻolau Loa Sustainable Communities Plan	- Municipal Bookstore for \$10.00
North Shore Sustainable Communities Plan	- Municipal Bookstore for \$10.00
Primary Urban Center Development Plan	- Municipal Bookstore for \$10.00
Waiʻanae Sustainable Communities Plan	- Municipal Bookstore for \$10.00

- Land Use Ordinance - available at the Municipal Bookstore for \$11.50 and online at:
<http://www.honoluluodpp.org/PermitInfo/>
- Permit Register - available at the Municipal Bookstore for \$7.00.
- The Special District Guidebooks are available to the public online at:
<http://honoluluodpp.org/PermitInfo/Special.pdf>

Hard copies are available upon request from DPP for the following prices: Haleiwa (\$1.00), Chinatown (\$1.00), Hawaii Capital (\$1.00), Thomas Square (\$1.00), Punchbowl (\$1.00), Diamond Head (\$1.00) and Waikiki (\$3.00).

7.2 – Other Helpful Resources

- From the Ground Up, A Handbook for Community-Based Land Use Planning by American Planning Association, Hawaii Chapter, 1999
- Cluster/PD-H Guidebook, by Department of Land Utilization, 1993
- Coastal View Study by Department of Land Utilization, 1987
- Revised Charter of the City and County of Honolulu latest published amendment is 2000; update pending

* Information on availability is as of April, 2010.

7.3 – Self-Service Research Centers

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

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

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



Figure 3 – The Frank F. Fasi Municipal Building

Ground Floor

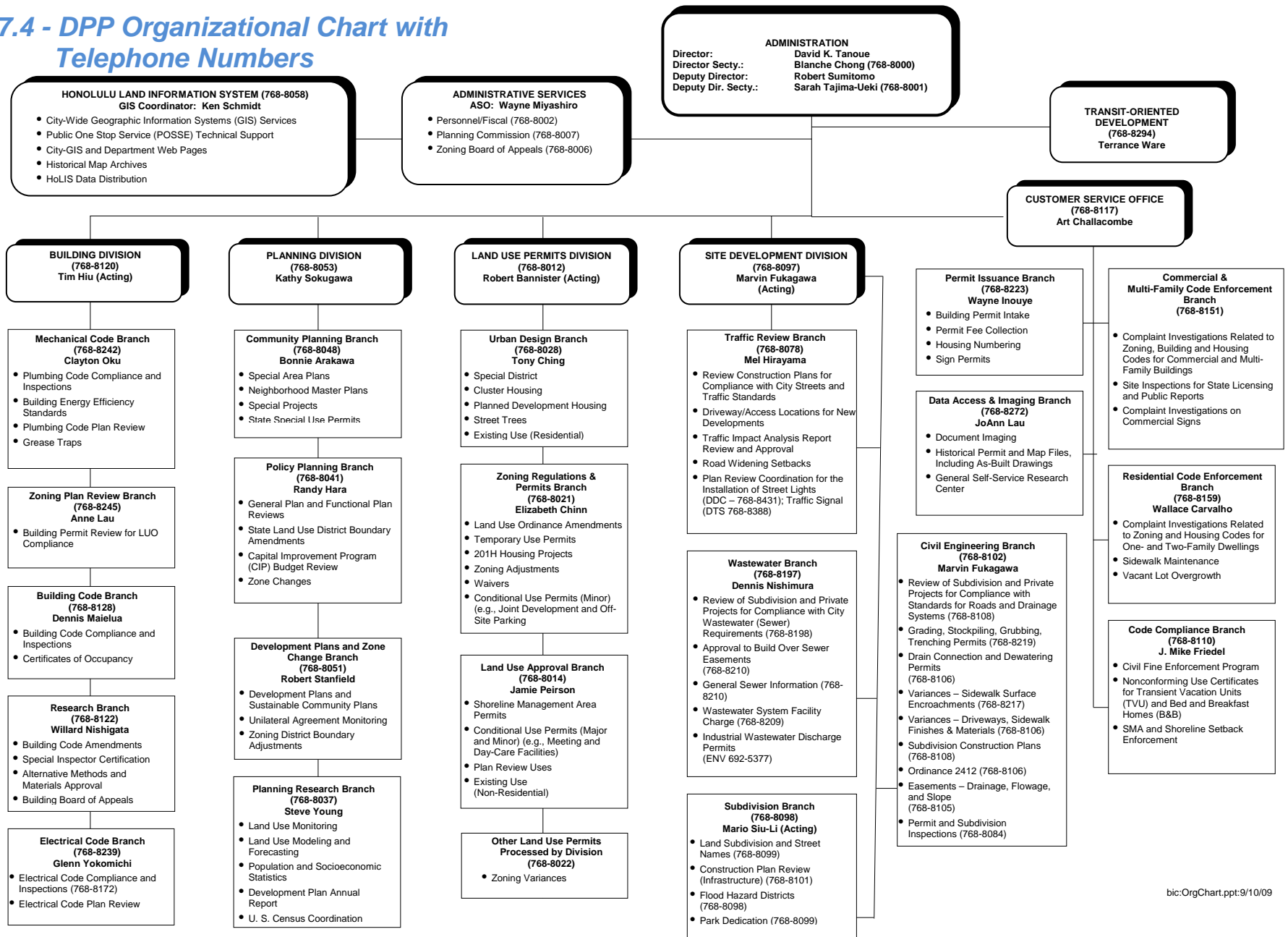
One Stop Permit Center:	Informational brochures, permit instruction sheets, permit submittal/ pickup, zoning information
Data Access & Imaging Branch:	Self-service counter with general land use information, general mail intake center, building permit records, zoning, and Subdivision permit files, as-built drawings of improvements within City streets

* * * * *

The zoning information number is 768-8252.

The building permit information number is 768-8220.

7.4 - DPP Organizational Chart with Telephone Numbers



bc:OrgChart.ppt:9/10/09

Dictionary of Acronyms and Other Related Terms Associated with DPP

- Civil Fines** The major enforcement program used by DPP to achieve compliance with zoning and building code laws and rules. When Notices of Violation are issued, but violation remains uncorrected, fines – including daily fines – can be assessed, up to \$1,000 for each day the violation remains uncorrected. The Department may attach unpaid fines to other types of city permits and license fees, including real property taxes. Refer to LUO Section 2.150-2 and Ordinance 93-109.
- CIP** Capital Improvement Project. A city- or state-funded project funded by bonds and/or grant monies. CIPs are usually approved annually through the budget approval process by ordinance, or can be approved as a supplemental budget amendment.
- CUP** Conditional Use Permit. A type of permit approved by the Director of DPP, usually subject to conditions. There are 2 types: Minor and Major. Minor CUPs have no public hearing, except for meeting facility, day-care and school proposals when the community requests one. They are issued within 45 days, unless a public hearing is held. Major CUPs involve a public hearing, and are issued within 90 days. Refer to LUO Articles 2 and 5.
- DPP** Department of Planning and Permitting, City and County of Honolulu. Established as of July 1998, reflecting responsibilities formerly housed under Department of Land Utilization, Building Department, and staff from transportation, sewer and engineering programs. As of January, 1999, the former Department of Planning merged into DPP.
- DPs** Development Plans. These are regional long-range plans for Oahu required by City Charter. Each identifies the direction of population and land use growth for its respective geographic area, over the next 20 or so years. There are eight Development Plan areas: Primary Urban Center, Ewa, Central Oahu, Wai`anae , North Shore, Ko`olau Loa, Ko`olau Poko, and East Honolulu. Some plans are called Sustainable Communities Plans to underscore that relatively little growth is anticipated in these areas. Refer to Chapter 24, ROH.
- EA** Environmental Assessment. A written evaluation to determine whether an action may have a significant environmental effect. It is the first step in the environmental review process. The process is designed to allow all interested parties to comment on a proposed action (development). Not all projects are required to have an assessment; affected types of projects are stipulated by law. Refer to Chapter 343, HRS.

- EIS** Environmental Impact Statement. A fairly detailed informational document which discloses the environmental, social, and economic effects of a proposed action deemed to have significant effects. Not all projects are required to prepare an assessment, and projects that have an assessment are not always required to prepare an EIS. Refer to Chapter 343, HRS.
- FONSI** Finding of No Significant Impact. This is a determination made by a state or city agency upon receipt of a final environmental assessment. It means that further permitting can proceed for a project; an environmental impact statement will not be required.
- GP** The Oahu General Plan. The long-range policy plan for Oahu. It is required by City Charter, and is an expression of the ideals and aspirations of Oahu residents, particularly as we deal with the future. It broadly outlines the direction where growth will occur.
- HRS** Hawaii Revised Statutes. Refers to all laws adopted by the State Legislature.
- LUO** Land Use Ordinance. The zoning code for the City and County of Honolulu. Refer to Chapter 21, ROH.
- NOO** Notice of Order. If within a reasonable amount of time after a Notice of Violation is issued, there is no progress in curing the violation, a Notice of Order may be issued by DPP. Generally, if the violation is not corrected within 30 days after the NOO was issued, daily fines will be assessed. The amount of the fine is normally based on the severity of the violation, and whether it is a recurring violation. In extreme cases, the ultimate enforcement can be a lien on the property, and foreclosure.
- NOV** Notice of Violation. Once a project is completed and occupied, complaints from the general public could be received about the project. Each complaint is investigated, and if the project is violating a code or a condition of approval, the project is so informed. A Notice of Violation can be issued.
- PC** City Planning Commission. A lay group of persons appointed by the Mayor and confirmed by the City Council. They review various permit applications, including DP changes and zone changes. They have decision-making responsibility on certain types of developments within the State Agriculture District involving 15 or fewer acres.
- PD-H** Planned Development-Housing. This is a zoning district which allows for a variety of single and multifamily housing types in neighborhood settings

with supporting non-residential uses in a planned environment fostering a strong sense of community.

- PIM** Public Infrastructure Map. Although not a part of the Development Plans, they are similar to the Development Plan Public Facilities (DPPF) Maps, and are adopted and amended by resolution. PIMs complement the DPs by delineating the general locations of major proposed city improvements.
- PRU** Plan Review Use. A type of permit established under the LUO. Applies to major institutional uses such as hospitals and airports. These proposals are approved by City Council. Refer to LUO Section 2.120.
- ROH** Revised Ordinances of Honolulu. Refers to all laws adopted by the Honolulu City Council.
- SCP** Sustainable Communities Plans. Six of the eight Development Plans required by City Charter as regional long-range plans for Oahu. Each identifies the direction of population and land use growth for its respective geographic area, over the next 20 or so years. Of the eight Development Plan areas: Central Oahu, Wai`anae, North Shore, Ko`olau Loa, Ko`olau Poko, and East Honolulu are designated as Sustainable Communities Plans to underscore that relatively little growth is anticipated in these areas. The first two of the plans listed above are called Development Plans to underscore that future population growth is anticipated in these areas. Refer to Chapter 24, ROH.
- SMA** Special Management Area. The land extending inland from the shoreline, delineated on maps adopted by the City Council. Development in this area is subject to special requirements. Refer to Chapter 25, ROH.
- SMP** Special Management Area Use Permit. A permit required for any development proposed to be located within the SMA, and which exceeds a value of \$125,000 or which may have a significant adverse environmental effect. Approved by City Council. Refer to Chapter 25, ROH.
- SPR** Site Plan Review. A type of permit that was dropped from the LUO, as of May, 1999. Most of the uses previously regulated under this permit are now regulated under Conditional Use Permits.
- SV** Shoreline Setback Variance. A permit required for improvements within the shoreline setback on parcels with shoreline frontage. Approved by the Director of Planning and Permitting. Refer to Chapter 23, ROH.

- SUP** State Special Use Permit. Allows unusual and reasonable uses within the State Agricultural District other than those for which the district is classified.
- TOD** Transit-Oriented Development. This is a pattern of development with higher densities, mixed uses, and pedestrian friendly streets surrounding transit stations. The purpose of TOD is to create neighborhoods that are conducive to transit ridership and lifestyles which are less dependent on the automobile.
- UA** Unilateral Agreement. An attachment to an ordinance which changes the zoning for a particular property. It formalizes the applicant's commitment to comply with certain specified conditions attached to the zone change action. Refer to LUO Sec. 2.80.
- ZBA** Zoning Board of Appeals. A group of lay persons appointed by the Mayor and confirmed by City Council. The ZBA hears appeals on the decisions of the Director of DPP. A common appeal is one disagreeing with the Director's decision to deny a permit, such as a variance.

