

City and County of Honolulu
Department of Planning and Permitting

Instructions for Filing a
FLOOD HAZARD VARIANCE

(Land Use Ordinance Section 21-9.10)

Application

With your completed application form, please submit documents signed and stamped by a registered professional architect or engineer and include three (3) sets with the following information as may be applicable:

1. Plans and specifications showing 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 structures and the proposed 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 regulatory flood elevations and profile based on elevation reference marks on federal flood maps.
3. Flood study and drainage report in areas where study and report have not been reviewed and accepted by the City.
4. Description of surrounding properties and existing structures and uses and effects of the regulatory flood on them that may be caused by the variance.
5. Justification and reasons for the variance and information as may be applicable on the following:
 - a. The danger to life and property including surrounding properties due to increased flood elevations or velocities that may be caused by the variance.
 - b. The danger that materials may be swept onto other lands or downstream to injure others.
 - c. The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The availability of alternate locations not subject to flooding for the proposed use.
 - g. The compatibility of the proposed use with existing development anticipated in the foreseeable future.

- h. The relationship of the proposed use to the floodplain management program for the area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected elevations and velocity of the regulatory flood expected at the site due to the variance.
 - k. That failure to grant the variance would result in exceptional hardship to the applicant.
 - l. That the variance will not result in increase to the regulatory flood elevations, additional threat to surrounding properties and to public safety, extraordinary public expense or conflict with other laws or regulations.
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 that the property is located in a flood hazard area and is subject to flooding and flood damage. The covenant shall contain a statement that a flood hazard variance to construct a structure below the regulatory flood elevations will result in increased premium rates for flood insurance and that such construction below the regulatory flood elevation would increase risks to life and property. The covenant shall also state that the property owner or owners will not file any lawsuit or action against the City for costs or damages or any claim and shall indemnify and save harmless the City from any liability when such loss, damage, injury or death results due to the flood hazard variance and the flooding of the property. Upon approval of the flood hazard variance, such covenants shall be filed and proof of filing with the Bureau of Conveyances shall be submitted to the Director prior to issuance of any building permits.
7. Certification of a registered professional engineer and/or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the Flood Hazard District Regulations of the Land Use Ordinance (certification statements are available at the Department of Planning and Permitting).
8. Flood Conveyance Calculations and Certification of "No-Rise" determination performed by a registered professional engineer and proposed mitigating measures. Calculations shall show that there is no increase in the base flood elevation and no loss of conveyance of floodwater due to encroachment in the floodway. Mitigating measures may be used to compensate for the loss of conveyance (certification statements are available at the Department of Planning and Permitting).

Fees: \$300.00, checks are made payable to the City and County of Honolulu.

Additional Notes:

- a. RECORDED FEE OWNER is the person or corporate entity that owns the land in fee simple.

APPLICANT is the person or entity proposing the action. It may be the recorded fee owner or a lessee.

AUTHORIZED AGENT is the person who is processing the permit(s). This is the person that the Department will contact for additional information. Again, it may be the same person as the recorded fee owner, or the applicant. The authorized agent may also be the project architect or contractor. For government agencies, the authorized agent is the contact person for the project.

- b. To avoid errors or delays, supply all required information. Fill out all blanks on the application form clearly, concisely, and completely, and sign the application.
- c. For information on how to complete your application, please call the Subdivision Branch at 523-4247.

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8/93
rev. 6/8/00, 06/30/03, 8/4/04, 8/30/06

After Recordation Return By: Mail () Pickup () To:

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _____, hereinafter referred to as "DECLARANTS," are the owners of that certain real property more fully described in Exhibit "A" attached hereto, and by reference made a part hereof;

WHEREAS, the said real property is located within a "Flood Hazard District" as said term is defined in the Land Use Ordinance (LUO) of the City and County of Honolulu and said property is subject to "flooding" as said term is defined therein and is subject to flood damage.

WHEREAS, Declarants are filing an Application with the Director of Planning and Permitting of the City and County of Honolulu for a Flood Hazard Variance to construct a structure _____
(below the regulatory flood elevation or within the Floodway District) and that this Flood Hazard Variance may result in an increase in premium rates for flood insurance and that such construction increases risks to life and property.

NOW, THEREFORE, in consideration of the issuance of the Flood Hazard Variance pursuant to the application filed by Declarants with the Director of Planning and Permitting, said Declarants covenant and agree as follows:

1. That the said Declarants, future owners, lessees, or tenants shall not file any claim, action or lawsuit against the City and County of Honolulu for costs or damages arising from the issuance of a Flood Hazard Variance and arising from any flooding of the aforesaid property described in Exhibit "A";

2. That Declarants, future owners, lessees or tenants shall defend, indemnify and save harmless the City and County of Honolulu from any and all liability, loss, damage, injury or death resulting from the granting of the application for the Flood Hazard Variance and from the flooding of the aforesaid property;

3. That these covenants shall take effect upon the issuance of the aforesaid Flood Hazard Variance by the Director of Planning and Permitting and that these covenants shall be deemed as covenants running with the land.

DATED: Honolulu, Hawaii, _____.

Declarants

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

STATE OF HAWAII)

: SS.

CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 20 _____, before me personally appeared _____, known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that _____ executed the same as _____ free act and deed.

Notary Public, State of Hawaii

My commission expires: _____