

**CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PLANNING AND PERMITTING**

State Special Use Permit (SUP)

Application Instructions

This document is intended only as a guide to preparing an application. Please refer to the State Land Use Law, Chapter 205 HRS, and the Rules of the Planning Commission of the City and County of Honolulu for more information.

I. Overview

- A. Pre-Application Meeting. You are encouraged to review this guide and schedule a preliminary meeting with the Department of Planning and Permitting (DPP) staff to discuss the application and processing requirements. Please call 768-8049 to schedule a meeting.
- B. Neighborhood Board. You are encouraged to make an informational presentation to the neighborhood board in whose district the proposed project is to be located. For information regarding the appropriate neighborhood board to contact, please call the Neighborhood Commission at 768-3710.
- C. HRS Provisions/Planning Commission Rules. Please refer to Chapter 205, Hawaii Revised Statutes (HRS), and the Rules of the Planning Commission of the City and County of Honolulu for additional information. Chapter 205, HRS, may be viewed online at:
www.capitol.hawaii.gov/hrscurrent/vol04_Ch0201-0257/HRS0205/.

With respect to the Rules of the Planning Commission, please call 768-8007.

- D. Process. If the subject area for which the SUP is requested is 15 acres or less, the City Planning Commission will be the final authority for approval or denial.

If the subject area is greater than 15 acres, favorable action by the Planning Commission will require State Land Use Commission review and decision-making. Denial of an SUP application by the Planning Commission is final and no Land Use Commission review is required.

- E. EIS Requirements. If an EIS for project was previously accepted, the applicant must submit to the department prior to submittal of an SUP application, justification as to why a supplemental EA/EIS is not required. In accordance with the State Supreme Court Decision of April, 2010, the DPP must determine whether or not conditions on which the EIS were based are still timely. An SUP application cannot be accepted for processing until requirements of Chapter 343, HRS, are met. Please consult with Chapter 343, HRS, regarding compliance with environmental disclosure requirements before submitting your SUP application.

II. Minimum Application Requirements

- A. DPP Master Application. Complete and submit the DPP Planning Division Master Application Form. Provide all requested information.
- B. Fee. Submit the appropriate fee calculated as follows: \$600 base fee, plus an additional \$225 per acre, or major fraction thereof, of the project site, up to a maximum of \$6,000. Fee should be made payable to the City and County of Honolulu and is non-refundable.
- C. Written Statement. Your application package must include two copies of the following material. (The written statement and supporting materials should be bound or stapled together to insure that all the submittal materials are kept together when transmitted to the public and agencies for review.)

Upon completion of the DPP's initial review of your submittal, you will be notified of the number of ADDITIONAL copies required for agency and community review and comment. Electronic files of the application material on CD may be substituted for hardcopies. The number of hardcopies and CD's will be determined by DPP.

The written statement must address the following issues:

1. Land Use Commission Guidelines. Describe how the proposed use will meet the following State Land Use Commission "guidelines" for granting an SUP:
 - a. Such use shall not be contrary to the objectives sought to be accomplished by the (State) Land Use Law and Regulations.
 - b. That the desired use would not adversely affect surrounding property.
 - c. Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.
 - d. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.
 - e. That the land upon which the proposed use is sought is unsuited for the uses permitted within the District.
2. Consistency with State and County Plans and Programs. Indicate how the proposal is consistent with the State's Coastal Zone Management policies and objective, Chapter 205A, HRS, and the Hawaii State Plan, Chapter 226, HRS. Describe how the proposal is consistent with the City's General Plan and the applicable Development Plan or Sustainable Communities Plan.
3. Compliance with LUO. Indicate how the proposed use complies with the purpose and intent, uses, and development standards of the applicable zoning district, as set forth in Article 3 of the Land Use Ordinance.

4. Site Description.

- a. Soil type(s) and classifications under current ratings systems, including:
 - (1) Land Capability Groupings by the Soil Conservation Service (SCS) of the U.S. Department of Agriculture.
 - (2) Agricultural Lands of Importance in the State of Hawaii (ALISH) by SCS, University of Hawaii (UH) College of Tropical Agricultural and Human Resources, and the State of Hawaii Department of Agriculture.
 - (3) Overall Productivity Rating by the UH Land Study Bureau.
- b. Topography, abutting uses and chronological history of the use of the land including the present use of the property.

5. Project Description.

- a. Details on existing and proposed uses and activities, such as hours of operation, number of persons (clients and staff) on the site, and use and number of structures.
- b. Site plan showing all structures (proposed and existing), easements and driveways, uses (proposed and existing), and setbacks.
- c. Landscape plan showing disposition of and existing landscaping and proposed landscaping.
- d. Details on existing and proposed structures, building heights, building and site alterations, including parking areas, grading, setbacks, and buffering from adjoining parcels.

6. Infrastructure Requirements. Describe infrastructure requirements for the project, including the following if applicable (preliminary checks with the appropriate agency are encouraged):

- a. Wastewater system.

Contact DPP, Wastewater Branch (768-8197) and/or State Department of Health (586-4294).

- b. Water.

Contact Board of Water Supply (748-5440).

- c. Drainage and flooding. Check flood hazard maps.

Contact DPP, Civil Engineering Branch (768-8102).

d. Streets and Transportation.

- (1) A traffic impact analysis may be required.
- (2) Contact DPP, Traffic Review Branch (768-8077) and/or the State Department of Transportation (587-1831) for details.
- (3) Address transportation issues; i.e. road improvements, park and ride facilities.

7. Mitigative Measures. Identify major concerns raised during preliminary agency review and community input, and indicate proposed mitigative measures to address these concerns.

D. Photos. Submit photos of the project site showing the following:

1. Street access (ingress and egress) to the project site;
2. Uses on adjoining properties; and
3. Existing building setbacks from property lines, existing building structures and improvements, distances to neighboring buildings, parking areas, and other uses, on the site.

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

- E. Additional Information. Additional information may be required to evaluate and process your application.

For further assistance or information on how to complete the application, please call the DPP at 768-8049.

STATE SPECIAL USE PERMIT (SUP)

APPLICATION CHECK LIST

No.	ITEMS	COPIES
1.	Master Application Form with applicable signatures	1+ original
2.	Fee (check written to City & County of Honolulu)	1
3.	Written Statement	2
4.	Site Plans	2
5.	Landscape Plans	2
6.	Photos (labeled and keyed to a general site map)	2

Note: This list is intended as a general reference for applicants. Please refer to the Application Instructions for complete application requirements.

If the SUP involves a portion of a lot, a metes and bounds map and description of the SUP area should be provided. In addition, if the SUP area abuts the State Land Use Urban District Boundary, the Applicant should submit verification such as a boundary interpretation from the State Land Use Commission that the area of the SUP does not involve lands within the Urban District.

The adequacy/completeness of application submittals for acceptance will be determined by the Department of Planning and Permitting.

WHAT TO EXPECT AFTER A SPECIAL USE PERMIT APPLICATION HAS BEEN SUBMITTED

The Department of Planning and Permitting (DPP) will review the application to determine whether it is complete as described above in Section II: Minimum Application Requirements. Upon DPP's determination that the application is complete, DPP will accept the application for processing and notify the Planning Commission, interested persons, community organizations, and the applicant of the SUP application and comment deadline.

Thirty to forty-five days after acceptance, the period of agency/public review and comment will close, and DPP will prepare the Director's Report and Recommendation concerning the proposed Special Use Permit for transmittal to the Planning Commission along with a summary of the application.

Within 60 days after acceptance, a notice of a public hearing before the Planning Commission will be published.

Within 14 days after the public hearing notice is published, any party seeking to require that the permit be decided through a contested case hearing must file a petition to intervene.

Within 21 days after the public hearing notice is published, anyone opposing a proposed intervention must file written objections to the intervention.
(See Subchapter 5 of the Rules of the Planning Commission for more information regarding contested case hearings.)

Within 90 days after acceptance, the Planning Commission will conduct a public hearing on the permit, unless an extension has been agreed to by all parties.

If one or more petitions to intervene have been received, the Planning Commission will first decide if the petitions will be granted. The Planning Commission shall grant or deny the petition to intervene within a reasonable time. The public hearing on the Special Use Permit shall remain open until after the Planning Commission acts on the petition to intervene.

If the project requiring the Special Use Permit also requires other permits or approvals that require a public hearing before the Planning Commission, the Planning Commission may consolidate the required hearings into a single hearing.

Within 60 days after the close of the public hearing,

- If the SUP is for an area of 15 acres or less, the Planning Commission will issue a written Decision and Order, including Findings of Fact and Conclusions of Law. Deliberations may extend to a longer period of time if agreed upon by all parties.
- If the SUP is for an area of more than 15 acres, and the Planning Commission approves the application, the complete record of the proceedings before the Planning Commission, and the written Decision and Order, including the application, Findings of Fact and Conclusions of Law, will be transmitted to the State Land Use Commission (LUC).

Within 45 days after the LUC receives the complete record from the Planning Commission for an SUP for more than 15 acres, the LUC will act to approve, approve with modification, or deny the SUP.