

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

Zone Change

Application Instructions

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

I. Overview

- A. Planning Commission and City Council. Processing of this application by the Department of Planning and Permitting (DPP) and preparation of the Director's Report and proposed ordinance is only the first step in obtaining a zone change. The Director's Report and proposed ordinance must be considered by the Planning Commission and approved by the City Council. See Sec. 21-2.70(b) of the LUO for details.
- B. Time frame. The time frame for processing an application for a zone change by the DPP is 90 days from acceptance of the completed application. This time frame may be extended under certain circumstances.

II. Pre-Application Procedures

- A. Pre-Application Meeting. Prior to submitting the application, the applicant must meet with the DPP for an informal review of the proposed rezoning and to discuss development plan consistency, unless such a meeting is determined to be unnecessary by the DPP. Please call 768-8051, 768-8041 or 768-8054 to schedule a meeting.
- B. 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 written notice of the presentation to all adjoining property owners.

This requirement will be deemed to have been satisfied if either:

- The neighborhood board (or community association if applicable) fails to provide an opportunity to present the proposed project at a

meeting held within 60 days of the date of the written request to make a presentation; **or**

- The neighborhood board (or community association if applicable) submits a letter confirming that a presentation was made and describing the position of the Board, or stating that such a presentation is not necessary.

In the event that the neighborhood board does not submit a letter, the applicant may submit a copy of the board's minutes which documents that the presentation was made.

Please contact the Neighborhood Commission at 527-5749 for information concerning the appropriate neighborhood board and contact person for the project.

III. Application Requirements. *(NOTE: Zone change applications for projects which are subject to Chapter 343, State Environmental Impact Statement Law will NOT be accepted for processing without documentation confirming full compliance with this law.)*

A. DPP Master Application. Complete and submit the DPP Planning Division Master Application Form. Provide all requested information.

B. Fees. Submit the appropriate fee calculated as follows:

\$600 base fee, plus an additional \$225 per acre or major fraction (.5 or greater) of the project site, up to a maximum of \$12,000.

Make checks payable to the City and County of Honolulu. Fees are not refundable.

C. Affidavit. Submit an affidavit confirming that adjoining property owners were sent written notification of the required neighborhood board presentation.

D. Legal Description. Submit an accurate legal description of the property to be rezoned. A metes and bounds description is required unless the property is Land Court property. Identify the recordation system under which ownership is recorded (i.e., Land Court or Regular System).

E. Title Report or Deed. Submit a current title report or certified copy of the recorded deed.

- F. Written Statement. Your application package must include two **bound** copies of the following material. If you are submitting a multi-permit application, please submit two **bound** copies for each permit.

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.

The written statement must address the following issues:

1. Background. Provide the following information for the property to be rezoned:
 - a. Specify the acreage of the property to be rezoned. If the proposal is to rezone the property to more than one zoning district, specify the approximate acreage for each proposed zoning district.
 - b. Describe the topography and soil type(s). Provide the source(s) for such information.
 - c. Describe the surrounding land uses and structures.
 - d. Provide a chronological history of the land use for the property, including a discussion of any previous land use approvals.
2. Project Description. Describe the proposed project for which the zone change is being requested:
 - a. For housing developments: Density of development - units per acre for detached dwelling units or duplexes, or floor area ratio (FAR) for multi-family dwelling units; type(s) and number of units; number of structures; lot coverage; floor areas; number of parking spaces; recreational amenities; heights of structures; surrounding uses.
 - b. For commercial, industrial, recreational and institutional developments: Types of activities; number of structures; number of occupants; floor area; number of parking spaces; heights of structures; surrounding uses.
3. Public plans and land use policies. Explain how the proposed zone change is consistent with and implements applicable public plans and land use policies. Address the following issues:

- a. State Land Use Law (Chapter 205, HRS). What is the current State Land Use District designation for the property, and is the proposed development consistent with this designation?

(Note: If a State Land Use Boundary amendment was previously granted for the property, a copy of that portion of the Land Use Commission's "Decision and Order" pertaining to any conditions imposed MUST be submitted as part of the zone change application.)

- b. (1) City General Plan. Describe how the project meets the intent of the General Plan Objectives and Policies. For housing developments, an explanation of how the proposed zone change implements Population Objective C IS REQUIRED.
- (2) Plan Vision and Policies. Describe how the proposed development is consistent with the vision, policies, principles and guidelines of the area development plan or sustainable communities plan, as applicable, and special area plan provisions, if any.
- (3) Significant zone changes.¹ If the project meets the criteria for a significant zone change, an environmental assessment or environmental impacts statement must be accepted before the zone change application can be accepted for processing. However, any development or phase of a development may be exempt from this requirement if the project has already been assessed by the City under the National Environmental Policy Act, Chapter 343, HRS or Chapter 25, ROH; and for which a Finding of No Significant Impact (formerly called "Negative Declaration) has been filed, or a required Environmental Impact Statement (EIS) has been accepted.

For technical assistance concerning the preparation of an Environmental Assessment or EIS, please CONTACT THE OFFICE OF ENVIRONMENTAL

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See Attachment 4: Significant zone change criteria by DP or SCP Area.

QUALITY CONTROL (OEQC); phone number 586-4185.

- (4) Project Master Plans. The EA or EIS for significant zone changes which are greater than a specified size MUST include a Project Master Plan. See Attachment 5: Project Master Plans in EAs and EIS for specific project size triggers for each DP or SCP area.

A Project Master Plan is NOT REQUIRED under the following circumstances:

- i. The application does not involve a "significant zone change", or will not otherwise require that an environmental assessment or EIS be submitted;
- ii. The "significant" zone change involves less than the project trigger size; or
- iii. The "significant" zone change involves development already covered by a Project Master Plan which has been fully reviewed under applicable development plan provisions, provided the Director determines that the requested zone change will be consistent with the existing Project Master Plan for the affected area. Under these circumstances, a letter from the Director certifying consistency with the Project Master Plan IS REQUIRED and must be submitted with the zone change application.

d. LUO

- (1) Describe how the proposed development complements the stated purpose and intent of the zoning district to which the property will be rezoned (refer to Article 3 of the LUO). Explain how proposed activities will comply with the applicable zoning district permitted use and development standards.
- (2) If the property is located within a Special District, explain how the proposed development will comply

with applicable Special District regulations (refer to Article 9 of the LUO).

- (3) Identify other land use permits and/or approvals required to implement the proposed development (e.g., an LUO permit, a subdivision approval, etc.)

4. Streets and Transportation.

a. Discuss the impact of the proposed zone change upon surrounding streets, traffic and transportation concerns, including but not limited to necessary road improvements and park-and-ride facilities.

b. Submit a traffic impact analysis or a letter from the appropriate agency listed below stating that one is not necessary.

(1) DPP, Traffic Review Branch at 768-8077.

(2) State of Hawaii, Department of Transportation, Highways Division, Planning Branch at 587-1830.

5. Infrastructure. Discuss the adequacy of other, existing public facilities and services, and the necessity for new public facilities and services, to support the proposed zone change. Preliminary checks with the appropriate agencies are encouraged. Identify major concerns raised through preliminary agency review and community input, and identify proposed mitigative measures to address these issues. Include copies of agency comments received, if any. Appropriate agencies may include the following:

a. Wastewater disposal, methods and adequacy of the system(s) to accommodate the proposal.

Contact DPP, Wastewater Branch at 768-8197 (for projects connected to the municipal sewer system).

Contact State of Hawaii, Department of Health, Wastewater Branch at 586-4294 (for projects using a private wastewater treatment system).

- b. Water availability, including water for fire protection.

Contact Board of Water Supply, Long-Range Planning Section at 748-5941.

Contact Honolulu Fire Department, Fire Plans Section at 527-4186.

- c. Solid waste management and disposal.

Contact Department of Environmental Services, Refuse Division at 692-5358, and Recycling Coordinator at 692-5409.

- d. Drainage.

Contact DPP, Civil Engineering Branch at 768-8102.

- e. Parks and playgrounds (for housing projects).

Contact Department of Design and Construction, Parks Facilities Planning Branch at 768-8478.

- f. Schools (for housing projects).

Contact Department of Education at 733-4862.

- 6. Environmental Laws. Discuss whether the proposed development complies with applicable environmental laws and regulations, including but not limited to the following:

- a. Chapter 343, Hawaii Revised Statutes (HRS), State Environmental Impact Statement Law.

Contact Office of Environmental Quality Control at 586-4185 for further information.

- b. Chapter 6E, HRS, State Historic Preservation Law.

Contact Department of Land and Natural Resources, State Historic Preservation Division at 586-4185 for further information.

- c. Chapter 23, Revised Ordinances of Honolulu (ROH), Shoreline Setback Ordinance, and Chapter 25, ROH, Shoreline Management Ordinance.

Contact DPP at 768-8014, for further information.

- d. Article 9 of the LUO, Flood Hazard District requirements.

(NOTE: Zone change applications for projects which are subject to LUO Section 21-9.10 et seq. will NOT be accepted for processing without documentation confirming full compliance with this law.)

Contact DPP at 768-8098, for further information.

- 7. Neighborhood Board. Describe 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.

- G. Drawings/Plans. Submit two (2) sets of the following drawings or plans, which must be drawn to scale. For document imaging purposes, one (1) set of drawings shall be a maximum size of 11" x 17" and the second should not exceed 24" x 36". DPP staff may request additional copies after acceptance of the application.

- 1. Location Map. Location map showing proposed development in relation to surrounding properties, adjacent uses and adjoining streets.
- 2. Topographic Map. **Required only for sites with slopes of more than 10 percent.** Contours and acreage for every 10 percent increase in slope should be provided and shaded or colored. This map must be prepared and certified by a registered engineer or surveyor.
- 3. Preliminary Site Plan. A preliminary site plan, drawn to scale, showing existing and proposed structures, parking facilities, landscape features, fences and walls, driveways, pedestrian features, etc. If applicable, show Flood Hazard District, Special Management Area and Shoreline Setback boundaries.
- 4. Other Drawings. If available, elevation and perspective drawings of the proposed project, drawn to scale.

5. Proposed Zoning Map. For large-scale projects involving a mixture of different zoning districts, a proposed zoning map.
 6. Project Phasing. For large-scale projects, a map showing the phasing of development.
- H. Photos. Submit one (1) set of photographs of the project site showing the following:
1. The general characteristics of the property, including existing structures and natural features.
 2. Street access to (ingress and egress) the project site; and
 3. Uses on adjoining properties.

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

PUBLIC NOTIFICATION. Within ten (10) working days of the DPP's acceptance of the application, the applicant must comply with the notification requirements of Sec. 21-2.40-2(c)(3) of the LUO (Notification of owners of property within 300 feet).

*For further assistance or information on how to complete the application,
Please call the DPP at 768-8051 or 768-8041 .*

ATTACHMENT 1

WHAT TO EXPECT AFTER A ZONE CHANGE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING

Upon acceptance of a complete application (as described by these "Application Instructions"), requests for comments will be sent out by the DPP to public agencies, neighborhood boards and community associations, and other interested parties.

After a 45-day period for agency/public review and comment, the DPP will prepare its final report and recommendation concerning the proposed zone change.

Within 90 days of the acceptance of a complete application, the DPP will transmit the Director's report and recommendation and a draft bill for an ordinance for the zone change to the Planning Commission. The Director's recommendation may be for approval, approval with conditions, or denial.

Within 45 days of receiving the Director's report, the Planning Commission will hold at least one public hearing and decide on the Commission's own recommendation.

By thirty days after the Commission's decision, the Planning Commission will transmit the bill for an ordinance for the requested zone change and their Findings of Facts and Recommendation to the City Council for final decision-making via the ordinance adoption process.

The Council must take final action on the ordinance within 90 days of receipt of the zone change from the Planning Commission or the zone change is denied. (The amount of time for final action can be extended by vote of the Council.)

The ordinance process involves three formal readings before the full City Council, a public hearing and at least two Zoning Committee meetings.

For more information concerning Planning Commission proceedings and requirements, please call 768-8007. For more information concerning the ordinance adoption process, please contact the City Clerk at 523-4480.

ATTACHMENT 2

SPECIAL NOTES

Conditional Zoning (Unilateral Agreements)
Refer to LUO Section 21-2.80

Before the enactment of an ordinance for a zone change, the City Council may impose conditions to protect the public from potentially deleterious effects of the proposed use(s) and/or to fulfill needs for public services created by the proposed zone change. Limitations on the applicant's use of the property may be imposed, and applicants may be required to finance and install road, water, sewer, drainage or other types of infrastructure improvements as a condition of zone change approval. If conditions are imposed by the City Council, they are set forth in a Unilateral Agreement, which runs with the land. A zone change ordinance will not be approved by the City Council until the Unilateral Agreement is executed and recorded with the Land Court or Bureau of Conveyances, as applicable.

ATTACHMENT 3

SIGNIFICANT ZONE CHANGE CRITERIA BY DP/SCP AREA

DP/SCP Area	"Significant" zone change criteria
Central Oahu East Honolulu Ewa	<ul style="list-style-type: none"> • Any change in zoning of 25 or more acres of land to any zoning district or combination of districts (except preservation or agricultural districts); or • Any change in zoning of more than 10 acres to a residential or country zoning district; or • Any change in zoning of more than five acres to an apartment, resort, commercial, industrial or mixed use zoning district; or • Any development which could have a major social, environmental, or policy impact or major cumulative impacts due to a series of applications in the same area.
Koolauloa Koolaupoko North Shore Waianae	<ul style="list-style-type: none"> • Any change in zoning of 10 or more acres of land to any zoning district or combination of districts (except preservation or agricultural districts); or • Any change in zoning of more than five acres to an apartment, resort, commercial, industrial or mixed use zoning district; or • Any development which could have a major social, environmental, or policy impact or major cumulative impacts due to a series of applications in the same area.

<p>Primary Urban Center</p>	<ul style="list-style-type: none">• Any change in zoning of 10 or more acres to a low-density residential district from a less-intensive zoning district;• Any change in zoning of two or more acres to a medium-or high-density residential (multi-family or apartment) district from a less-intensive zoning district;• Any change in zoning of five or more acres to a resort, commercial, industrial or mixed use zoning from a less-intensive zoning district; or• Any development which would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.
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ATTACHMENT 4

PROJECT MASTER PLANS IN EAs AND EIS

An Environmental Assessment (EA) or Environmental Impact Statement (EIS) must be prepared for projects which meet the criteria for a "significant" zone change. The definition for what is a significant zone change is provided in the adopting ordinances for the eight Development Plan (DP) or Sustainable Communities Plan (SCP) areas on Oahu.

The accepting agency for the EA or EIS is the Department of Planning and Permitting. In the event a Final EA or EIS has already been accepted by the City for a particular project, then a subsequent EA or EIS will not be required although supplemental information may be requested.

When is a Project Master Plan Required? A Project Master Plan must be included as part of the EA or EIS for significant zone changes which are larger than a specified project size.

What is the Project Size Trigger? The project size trigger for requiring a Project Master Plan for a "significant" zone change in each of the DP and SCP areas is:

DP/SCP Area	Project Size Trigger
Central Oahu East Honolulu Ewa	Any significant zone change involving 25 acres or more of land
Koolauloa Koolaupoko North Shore	Any significant zone change involving 10 acres or more of land
Primary Urban Center	Any significant zone change
Waianae	Any significant zone change involving 10 acres or more of land

PROJECT MASTER PLAN DETAILED REQUIREMENTS

The Project Master Plan is intended solely as a guide to help describe in words and illustrations how a project promotes the vision, policies, principles and guidelines for the Development Plan (DP) or Sustainable Communities Plan (SCP) area.

Coverage and Scope

The Project Master Plan should cover all phases of the project. It shall be reviewed by the Department of Planning and Permitting to determine whether the project supports the vision, policies, principles, and guidelines of the Development Plan or Sustainable Communities Plan for the area.

The Project Master Plan should be based on the best information available to the applicant at the time the Environmental Assessment or Environmental Impact Statement is submitted to the City.

Key Elements

While the scope and detail will vary according to the scope and complexity of the project, the Project Master Plan should contain the following elements. When a key element enumerated below is adequately addressed elsewhere in an EA/EIS, the Master Plan can just reference where the discussion can be found in the EA/EIS.

- **Statement of Consistency with the Development Plan or Sustainable Communities Plan Vision.** The Master Plan should indicate how the project supports the vision, policies, principles, and guidelines of the DP or SCP.
- **Site Analysis.** The Master Plan should identify how the proposed development physically relates to prominent existing site features, to views identified in the DP or SCP and on the Maps in Appendix A, and to surrounding urban or urbanizing areas and should describe any related opportunities and constraints.
 - **Site features** include topography, soil conditions and existing drainage patterns, as well as the relation of the proposed drainage plan to the regional drainage system.
 - The **view analysis** should consider the project's relationship to the views identified in the DP or SCP, including effects on distant views across the site and views of scenic features within the site itself.
 - The **analysis of surrounding urban areas** should describe the opportunities for integrating the project with the regional urban pattern and circulation system.

- **Land Use.** The Master Plan should indicate the proposed pattern of land uses by general zoning district category, with some additional description of the intended use of specific development parcels and the interrelationship of use areas.
 - Land uses proposed for lands in any future development phases which are not included in the current Zone Change Application will be considered only conceptual and intended to serve only as a working guide for future development.
 - In larger projects, residential neighborhoods should be designated, and concepts intended to create a sense of neighborhood should be described.
 - For projects which involve multiple uses, the intended relationship between zoning districts should be described.
- **Open Space.** The Master Plan should discuss open space as a component of the overall land use element, and should indicate how the proposed development promotes the DP or SCP open space principles and guidelines and the vision of an integrated regional open space system.
- **Circulation.** The Master Plan should indicate general street patterns and intended connections to the regional roadway network, and intended transit routes and pedestrian and bicycle routes.
- **Design Theme or Character.** The Master Plan should depict, with sketches, photos or descriptions, the intended general urban design of the area. These vignettes should be represented and understood to be conceptual depictions of the intended general design theme of the project.
- **Telecommunications.** The Master Plan should indicate the sites and network conduit facilities that would be provided to meet expected telecommunications infrastructure needs, if applicable.

Project Master Plan Review Procedures

The Department of Planning and Permitting shall review the Project Master Plan concurrently with the Environmental Assessment/Environmental Impact Statement as shown in Exhibit 1, and shall determine whether the Project Master Plan supports the DP or SCP vision. As a result of the review, the Director of Planning and Permitting may request changes to the Master Plan or suggest conditions that should be adopted as part of the zone change to insure implementation of the DP or SCP vision, policies, principles, and guidelines.

ATTACHMENT 5
ZONE CHANGE
APPLICATION CHECK LIST

1) Pre-Application meeting w/DPP	
2) Neighborhood Board (NB) Presentation (letter or meeting minutes attached; or copy of applicant's request to NB if no presentation opportunity provided)	
3) Master Application Form	
4) Fees	
5) Affidavit (Confirming Notification of Adjoining Property Owners of NB Presentation, and list of those notified)	
6) Legal Description (metes & bounds unless Land Court property)	
7) Current Title Report or Certified copy of Recorded Deed	
8) Written Statement (2 copies)	
9) Drawings/Plans - 2 sets drawn to scale, 1 set max. 11" x 17" and 2nd set max. 24" x 36"	
10) Photos - 1 set (labeled and keyed to general site map)	

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

The adequacy/completeness of application submittals for acceptance will be determined by the DPP within 10 working days of submittal.