

**CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF PLANNING AND PERMITTING (DPP)**

**Shoreline Setback Variance (SSV)**

Application Instructions

*This document is intended as a guide to preparing an application.*

*Please refer to Chapter 23, Revised Ordinances of Honolulu (ROH), and the DPP Part 2 Rules Relating to Shoreline Setbacks and the Special Management Area (“Rules”) for more information*

I. Overview.

- A. Applicability. This permit covers structures and activities in the Shoreline Area as defined in ROH Chapter 23.
  
- B. Application Processing. Development within the shoreline area is a trigger for Chapter 343, HRS, the Environmental Impact Statement (EIS) law. Therefore, processing an SSV application by the DPP is a two-phase procedure. The first phase involves the preparation and acceptance of an Environmental Assessment (EA) or EIS for the project, as determined by the DPP. The second phase involves the acceptance and processing of the actual SSV application, which normally includes a public hearing. After the close of the public hearing, the DPP will have up to 45 days to act on the application.

At the discretion of the Director of the DPP, the applicant may be allowed to process its EA or EIS concurrently with the SSV application; however, this is not commonly done; and, no action can be taken on the SSV application until the EA/EIS process has been completed.

- C. City Council. When simultaneously processing an SSV application and a Special Management Area (SMA) Use Permit application, the Director shall hold a public hearing on both applications, and transmit the DPP report and recommendation to the City Council for its consideration and decision making on both requests; approval will be by a single resolution. See ROH Section 25-3.2(a), (b), and (c), and Rules Section 17-4(c) for further details.
  
- D. Public Hearing. The processing procedure for an SSV includes a public hearing; although, this may be waived by the DPP under certain circumstances, and when specifically requested by the applicant. See Rules Section 17-5 for details.

- E. ROH Provisions. Please refer to ROH Chapter 23, and Rules Chapter 17 for specific information concerning the applicability, criteria, and procedures for obtaining an SSV. The specific criteria for the granting of an SSV are enumerated in ROH Section 23-1.8.
- II. Pre-Application Meeting. You are encouraged to schedule a pre-application meeting with DPP staff to discuss the application and processing requirements. Please call 768-8014 to schedule a meeting if you feel it would be beneficial.
- III. Application Requirements
- A. Assessment. In the first phase of the application procedure, the DPP will assess the environmental and ecological impacts of the project through the applicant's preparation of an EA or EIS. This step may be waived by the DPP if the applicant presents an acceptable Finding of No Significant Impact (FONSI) or an EIS for the project prepared under the National Environmental Protection Act (NEPA) or HRS Chapter 343 regulations. In the event of such a waiver, the applicant should proceed to step III.B; otherwise, submit the following:
1. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information.
  2. Environmental Assessment (EA). Two (2) copies of a Draft EA for the project, including all necessary exhibits, drawings, and a description of the technical, economic, social and environmental characteristics of the project. The EA must be prepared in accordance with the Rules and guidelines published by the Office of Environmental Quality Control (OEQC). See the attached Content Guide.  
  
*Note: Additional copies of the Draft EA will be required for distribution to various agencies for their information, review, and comment. The specific number of additional copies will be determined at the time the assessment is accepted for processing; the applicant will then be contacted to provide the additional copies.*
  3. Drawings/Plans. Submit two (2) complete fully dimensioned sets of the following:
    - a. An accurate site plan showing the lot(s) and adjacent land affected by the proposal, showing, when pertinent, easements, slope, streets, property lines, uses, off-street parking areas, yards (setbacks from the front, side and rear

zoning lot lines), all existing and proposed locations of structures, and landscaped areas. If applicable, show Flood Hazard District boundaries.<sup>1</sup>

- b. Building elevations and sections, including the regulatory height envelope based on zoning district requirements.
- c. A current shoreline survey of the shoreline and shoreline setback lines, prepared and certified by a registered land surveyor, and certified by the Board of Land and Natural Resources (within one year of the application date).

*Note: In order that the certification not expire while the SSV application is still being processed, the certified shoreline survey need not be included in the Draft EA, but must be included in the Final EA. In such cases, however, a copy of the current, albeit not-yet-certified, survey should be included in the Draft EA.*

- d. When applicable, grading plans showing existing and finish grade conditions by contours, spot elevations, or other appropriate means. Elevations should be marked on the site plan.

*Note: All scaled plans and drawings **must** include a graphic (“bar”) scale in addition to or in lieu of a numerical scale.*

*Note: Plans for proposed shore protection structures (e.g., groins, seawalls, revetments) **must** be prepared and stamped by a professional engineer licensed in the State of Hawaii. Further, an evaluation of the design of the structure(s), by a registered professional structural engineer, including a discussion of practicable alternatives to the proposed structures and related activities, **must** be provided.*

- 4. Additional Information. Additional information as may be required by the DPP.

*Note: The Draft EA will be processed in accordance with the procedures enumerated in Subchapter 6 of Chapter 200, Title 11, Hawaii Administrative Rules (HAR).*

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<sup>1</sup> Any structure proposed to be built in a Flood Hazard area, as delineated on Federal Flood Insurance Rate Maps, must comply with the requirements of LUO Section 21-9.10-10.

Upon acceptance of the applicant's Final EA, the DPP will assess the project's potential environmental and ecological impacts, particularly with regard to its effect on the shoreline area, and determine whether an Environmental Impact Statement (EIS) is required or to issue a Finding of No Significant Impact (FONSI). The assessment is made using significance criteria relevant to the objectives, policies, and guidelines enumerated in HRS Chapter 205A, relating to Coastal Zone Management (CZM) and the shoreline area. The applicant will be notified in writing when the environmental assessment phase has been completed and a determination made.

If an EIS is required, processing of the SSV will not begin until acceptance of the EIS has been made.

5. Supplemental Assessment. If the project has substantially changed in size, scope, intensity, use, location, timing, or other means since the time the FONSI was issued or the EIS was accepted, and the project will involve significant effects, then the applicant must prepare a supplemental assessment prior to submitting the application for the SSV. The supplemental assessment will be processed in the same manner as the EA or EIS (see Subchapter 10 of Chapter 200, Title 11, HAR, for details).

*Note: Applicants intending to use the Final EA or EIS for the project as the SSV application document **must** include a separate section(s) specifically addressing the various SSV criteria. Otherwise, a supplemental application document specifically addressing SSV criteria will be necessary at the time the SSV application is submitted for processing.*

- B. Permit. The second phase of the SSV application procedure involves the actual processing of the application by the DPP.
  1. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information.
  2. Fees. Submit the appropriate fee. The fee is \$600 for a non-seawall and \$1,000 for a seawall variance. When a variance application is submitted after the applicant has completed the activity or structure for which the variance is sought, or after the applicant has been cited for the activity or construction without the necessary variance, in which case the application fee is \$1,200 for a non-seawall structure and \$2,000 for a seawall respectively.

Fees should be made payable to the City and County of Honolulu, and are not refundable.

*Note: Fees are waived for public agency projects.*

*Note: When an applicant applies for an SSV after being cited for taking action without having obtained necessary approvals, the application fee set forth above **shall be doubled**. The payment of the fee required by this section shall not relieve the applicant from compliance with the Shoreline Setback Ordinance or from penalties imposed there under.*

3. Environmental Assessment. Submit the following information, as applicable:
  - a. Two (2) copies of the FONSI or EIS, upon which a waiver of the assessment procedure is based; or
  - b. Two (2) copies of the FONSI or EIS required by the DPP; and
  - c. Two (2) copies of the supplemental assessment, if one was required.

*Note: If the project involves a prior assessment upon which a waiver of the assessment procedure was based, and the applicant does not anticipate that a supplemental assessment is necessary, then the applicant **must** provide its written justifications explaining how the project has not substantially changed in size, scope, intensity, use, location, timing, or other means; or, if it has substantially changed, then how the change(s) do not involve significant effects.*

4. Written Statement. Submit a written statement addressing the following issues:
  - a. ROH Sections. Indicate the section(s) of Chapter 23, ROH, from which a variance(s) is sought.
  - b. Criteria for Granting Variance. Describe how the application meets the criteria for granting a variance specified in Section 23-1.8, ROH.

- c. Public Agencies Only. For public agencies only, substantiate that the structure, activity or facility proposed for the shoreline area is in the public interest.
  - d. Flood Hazard District. Discuss whether the project complies with LUO Section 21-9.10 et seq., relating to "Flood Hazard Districts." Provide copies of documentation confirming compliance, if appropriate.
5. Drawings/Plans. Submit two sets of fully dimensioned drawings and plans, drawn to practical scale. All drawings/plans must be black line prints, drawn to scale and prepared by a draftsman, architect, engineer or similar professional. 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". Plans should show the following:
- a. Shoreline and Shoreline Setback Line. A **current certified shoreline survey**, including the shoreline and shoreline setback line, prepared by a registered land surveyor, and certified by the Board of Land and Natural Resources within one year of the application date.
  - b. Site Plan. A site plan, prepared by a draftsman, architect, engineer, or similar professional, showing the land parcel(s), and any adjacent land affected by the proposal. The site plan should also show, when pertinent, easements, slope, and all existing and proposed locations of structures, streets, property lines, uses, driveways, pedestrian walks, off-street parking and loading spaces, yards (front, side and rear) and landscaped areas.
  - d. Shoreline Protection Structures. Plans for proposed shoreline protection structures prepared and stamped by a professional engineer licensed in the State of Hawaii.

*Note: All scaled plans and drawings **must** include a graphic ("bar") scale in addition to or in lieu of a numerical scale.*

- IV. Electronic Document Submittals. The submittal of electronic documents, either in whole or in part of this application, is encouraged; and, shall be at the sole discretion of the Applicant. Electronic document submittals shall adhere to the following specified formats: PDF (Adobe Reader 9 or earlier), JPEG, or Word (2003 or earlier). Electronic documents **must** be submitted on either CD or DVD. No individual electronic document shall exceed 15 megabytes in size; any

electronic document involving a larger size **must** be broken down into smaller size files. ALL maps, drawings and /or plans **must** be drawn to an appropriate scale, and **must** include a graphic ("bar") scale accurately representing the applicable scale of the document.

*For further assistance or information on how to complete the application,  
please call the DPP at 768-8014.*

**CONTENT GUIDE for Preparing an ENVIRONMENTAL ASSESSMENT  
Required  
with an Application for a Shoreline Setback Variance (SSV)  
Chapter 23, Revised Ordinances of Honolulu, and  
the DPP Part 2 Rules, Chapter 17, Relating to Shoreline Setback Variances**

This document is provided only as a guide for the preparation of an Environmental Assessment (EA). For procedural requirements, see Hawaii Administrative Rules Chapter 200, Title 11, "Environmental Impact Statement Rules."

1. GENERAL INFORMATION

- A. Applicant: Name; Mailing Address; Phone Number.
- B. Recorded Fee Owner: Name; Mailing Address; Phone Number.
- C. Agent (if any): Name; Mailing Address; Phone Number.
- D. Tax Map Key: Zone, Section, Plat, and Parcel(s).
- E. Lot Area: Acreage or square footage.
- F. Agencies Consulted in Making Assessment: Indicate Federal, State, and/or County agencies consulted. Attach a copy of correspondence(s).

2. DESCRIPTION OF THE PROPOSED ACTION

A. **General Description:**

- 1. Brief narrative description of proposed project;
- 2. Relation of parcel to the shoreline setback (i.e., entirely within, partially);
- 3. Location map (1" = 1000' scale preferred); and
- 4. Land use approvals granted and/or approvals required.

B. **Technical Characteristics:**

- 1. Use characteristics;
- 2. Physical characteristics - layout drawing showing property lines, lot size, certified shoreline, shoreline setback line, reference datum, ground elevations, existing structures;
- 3. Construction characteristics including demolition, removal, or modification of existing structures, clearing, grubbing, grading, filling, new structure height and design; and
- 4. Other pertinent information.
- 5. **For shore protection structures** (e.g. groin, seawall, revetment), a coastal engineer's report must be prepared addressing:
  - a. The affected shoreline, including beach profile, offshore depths, foreshore and backshore areas littoral transport,

cyclical and abnormal changes of beach form, changes for water level, wave run-up and changes in sources of sand; and

- b. Structure description, including functional and structural stability, structural life expectancy, toe protection, foundation, flank protection, stone underlayment and filters, relation to wave run-up, and potential effects of the design on the shoreline.

### III. AFFECTED ENVIRONMENT

- A. A brief description of subject site and surrounding area. (Include information on existing land uses; General Plan and Development Plan land use designations; zoning; population; unique features; etc.)
- B. Federal FIRM Zone, LUO Flood Hazard District and other geologically hazardous land conditions.
- C. Where applicable, coastal views from surrounding areas, especially from the adjacent beach.
- D. Project site in relation to publicly owned or used beach access points, beach parks and recreation areas; rare, threatened, or endangered species and their habitats; wildlife and wildlife preserves; wetlands, lagoons, tidal lands and submerged lands; fisheries and fishing grounds; other coastal/natural resources.
- E. Include suitable and adequate location and site maps. (Dated aerial, low-oblique, or ground-level photographs should be used whenever location and site maps are not sufficient to adequately describe the project).

### IV. PROJECT IMPACTS

Identify and summarize major impacts of the proposed action on the affected environment. Discuss alternative uses and/or designs, including the "no project" alternative. For shore protection structures, describe the effects of the proposal and alternative designs on natural shoreline processes.

### V. MITIGATION MEASURES

Indicate proposed mitigation measures, if any.

## SHORELINE SETBACK VARIANCE

### APPLICATION CHECK LIST

1.	Pre-Application meeting w/DPP (optional)	
2.	Written information (see content guide)	
3.	Master Application Form	
4.	Written Statement of Hardship and Section of Chapter 23, ROH from which variance is proposed	
5.	Written Statement that the structure, activity, or facility proposed is in the public interest <b>(for public agencies only)</b>	
6.	Drawings/Plans	
	Property lines	
	Easements	
	Location of existing structures and uses	
	Location of proposed structures and uses	
	Driveways and pedestrian walks	
	Off-street parking and loading spaces	
	Plans for proposed shoreline protection structures prepared and stamped by a professional engineer licensed in the State of Hawaii	
	Current Certified Shoreline Survey	
	Fees	

\*Note: This list is intended as a general reference for applicants. Please refer to the attached permit instruction sheets for complete application requirements.

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