

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

Waiver Permit

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. Applicability. This permit covers waivers from the strict application of development or design standards of the LUO for the following purposes and/or reasons:
1. Public uses and utility installations;
 2. To permit the creation of lots designated for landscaping and open space purposes which do not meet minimum lot area and/or dimensions;
 3. To permit replacement of improvements on private property when the improvements are rendered nonconforming through the exercise of government's power of eminent domain;
 4. To permit the retrofitting of improvements when the retrofitting is required to comply with federal mandates such as, but not limited to, the Americans with Disabilities Act (ADA) or the National Environmental Protection Act (NEPA); provided such improvements cannot otherwise be made without conflicting with the provisions of the LUO; and
 5. In the residential, apartment, and apartment mixed use zoning districts, when a zoning lot is subject to a street setback line, to permit the reduction of the front and/or rear yard requirement(s) by up to 30 percent if:
 - a. The zoning lot does not meet applicable minimum development standards for the lot area, lot width, or lot depth, either in its current configuration or after the street setback is taken; and
 - b. The appropriate agency or agencies concur in the reduction.

Note: Waivers are not applicable to uses which fall under LUO Section 21-2.120, Plan Review Uses.

- B. Standard of Review. The granting of the waiver shall not, under the circumstances and conditions applied to the particular case, adversely affect the health or safety of persons, and shall not be materially detrimental to the public welfare or injurious to nearby property improvements. The burden of proof in showing the reasonableness of the proposed waiver shall be on the applicant seeking it.
- C. Time Frame. The time frame for processing this permit is 45 days from acceptance of a completed application. However, the time limit may be extended under certain circumstances. If the DPP fails to process this permit within the required time frame, the permit shall be deemed approved.

II. Application Requirements

- A. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information.
- B. Fee. Submit a non-refundable fee of \$300 payable to the City and County of Honolulu.

Note: There is no fee for government agencies.

*Note: When an applicant applies for waiver 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 LUO or from penalties imposed there under.*

- C. Written Statement.
 1. Indicate the LUO section(s) to be waived.
 2. Justification statements explaining why the proposal cannot comply with the zoning code requirements. Include alternatives considered, and why they are not feasible.
 3. Copies of other permits (e.g., Special Management Area or Special District permits, etc.), variances and/or other waivers, and violation notices if they are relevant to the request.

4. If applicable, documentation (e.g., copies of approved building permits and plans) to authenticate the nonconformity of existing structures/buildings.
 5. Any other information which supports the request, such as, letter(s) from abutting neighbors, and neighborhood and/or design advisory boards and commissions, indicating that they have reviewed the plans for the project, and have no objections to the proposal.
- D. Drawings/Plans. Submit two (2) sets of the following fully dimensioned drawings and/or plans applicable to the project. All drawings/plans must be black line prints, fully dimensioned, 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". DPP staff may request additional copies after acceptance of the application.
1. Site plan. An appropriately scaled site plan must show:
 - a. All property lines, lot dimensions and area, easements, and stream, road-widening, and other setback lines, including shoreline and shoreline setback lines; and
 - b. The location and dimensions of all existing and proposed structures (including all accessory uses and structures), landscaped areas, roadways, parking and loading/service areas, and building setbacks from property lines.
 2. Exterior building elevations. Building elevation drawings showing all existing and proposed structures (including all accessory uses and structures) and the regulatory height envelope, consisting of the permitted maximum height plane(s), required yard(s) and height setbacks.
 3. Floor plans. If applicable, provide detailed floor plans showing the location and dimensions of all existing and proposed uses.
 4. Landscape plans. If applicable, provide landscape plans indicating the following:
 - a. Size, location, and quantity of existing and proposed landscaping, including plantings to be removed.
 - b. Type or kind of plant material by typical name.
 - c. Details of the proposed permanent irrigation system.

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

E. Photos.

1. Exterior elevations of the existing buildings/structures.
2. Photographs showing the physical characteristics of the site and adjacent lots.

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

F. For Transmitting Antennas. All applications involving transmitting antennas must include a completed "Certification of Categorical Exclusion for Antenna Installations" and "Telecommunications Certificate" (copies available from the DPP).

G. Environmental Assessment. If the project is subject to the requirements of Chapter 343, Hawaii Revised Statutes (HRS), the Environmental Impact Statement (EIS) law, then provide documentation of compliance.

1. If the project involves an exempt class of action, pursuant to Section 11-200-8, Hawaii Administrative Rules (HAR), then provide written documentation of such exemption from the appropriate proposing and/or approving agency (for projects subject to HRS Chapter 343, only); or
2. Submit two (2) copies of the Finding of No Significant Impact (FONSI) or EIS for the project.

Note: If the project requires an Environmental Assessment (EA) or EIS, then this must be processed before the Waiver application will normally be accepted for processing.

3. If the project is not an exempt class of action, but is associated with a prior FONSI or EIS, then a determination must be made that a Supplemental EA or EIS is not necessary before the waiver application will be accepted for processing. Therefore, provide detailed written justifications why the proposal does not require the preparation of a Supplemental EA or EIS.

Note: 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 waiver. 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).

- III. 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 768-8021.