

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

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 the development or design 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; and
 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.

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 applicants seeking it.

- B. 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.

This provision shall not be applicable to uses which fall under Section 21-2.120, Plan Review Uses.

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.
- C. Written Statement.
1. Indicate the section(s) of the LUO 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 waivers, and violation notices if they are relevant to the request.
 4. If applicable, documentation to show that the requirements of Chapter 343, HRS (Environmental Impact Statements), and Chapter 33, ROH (Special Management Area permits) have been met.
 5. If applicable, documentation (e.g., copies of approved building permits and plans) to authenticate the nonconformity of existing structures/buildings.
 6. 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 one (1) set of the following drawings and/or plans applicable to the project. 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, it is preferred that the drawings be 11" x 17", but in no case exceed 24" x 36". DPP staff may request additional copies after acceptance of the application.

1. Site plan, showing:
 - (a) Property lines, lot dimensions and area, easements, and stream, road-widening, and other setback lines, including shoreline and shoreline setback lines; and
 - (b) 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), permitted maximum height plane(s), and required yard and height setbacks.
3. Floor plans (if applicable). Floor plans showing the location and dimensions of all existing and proposed uses.
4. Landscape plans. 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 irrigation system.

All plans submitted with the application must be prepared by or under the supervision of a LICENSED ARCHITECT OR LAND SURVEYOR, and certified (stamped, signed and dated) by the licensed professional.

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" (copies available from the DPP).

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

Note: ELECTRONIC DOCUMENT SUBMITTALS: Electronic document submittals shall adhere to the following specified formats: PDF, JPEG, Word (preferred for text documents) or Wordperfect 8. Electronic documents **must** be submitted on either CD (preferred) or 3.5-inch floppy disk. 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.*