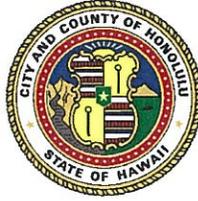


PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8007 • FAX: (808) 768-6743
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honoluludpp.org

KIRK CALDWELL
MAYOR



DEAN I. HAZAMA, Chair
CORD D. ANDERSON, Vice-Chair
KA'IULANI K. SODARO
ARTHUR B. TOLENTINO
DANIEL S. M. YOUNG
STEVEN S. C. LIM
WILFRED A. CHANG, JR.
KEN K. HAYASHIDA
THERESIA C. MCMURDO

June 20, 2016

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Councilmembers
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2016 JUN 22 AM 8:49

Dear Chair Martin and Councilmembers:

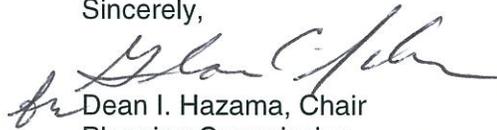
SUBJECT: Request for Amendments to the Revised Ordinances of Honolulu 1990,
as Amended, Relating to Chapter 21A, Flood Hazard Areas

The Planning Commission held a public hearing on June 8, 2016, on the above subject matter. No public or written testimonies were received. The public hearing was closed on June 8, 2016.

The Planning Commission voted on June 8, 2016, to recommend approval of the request as recommended by the Director of the Department of Planning and Permitting.

Attached is the report from the Director of the Department of Planning and Permitting and the original copy of the draft Bill.

Sincerely,


Dean I. Hazama, Chair
Planning Commission

Attachments

APPROVED:


Kirk Caldwell
Mayor

APPROVED:


George I. Atta, FAICP, Director
Department of Planning and Permitting


Roy K. Amemiya, Jr.
Managing Director

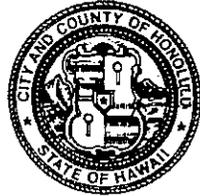
CITY AND COUNTY OF HONOLULU

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Authorization George I. Atta
Advertisement May 27, 2016
Public Hearing June 8, 2016

2016 MAY 23 AM 9 25

KIRK CALDWELL
MAYOR



DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

GEORGE I. ATTA, FAICP
DIRECTOR
ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

May 23, 2016

MEMORANDUM

TO: Dean I. Hazama, Chair
and Members of the Planning Commission

FROM: George I. Atta, FAICP, Director *George I. Atta*
Department of Planning and Permitting

SUBJECT: Request for Amendments to the Revised Ordinances of Honolulu 1990, as Amended, Relating to Chapter 21A, Flood Hazard Areas

Transmitted for appropriate action is my report and recommendation of approval for proposed amendments to Chapter 21A, Revised Ordinances of Honolulu 1990, as amended, relating to flood hazard areas. The proposed amendments involve establishing fees for processing various flood hazard related permits, adopting the Federal Emergency Management Agency's (FEMA) regulations and standards relating to below-grade crawlspaces, accessory structures such as detached enclosed garages, language adjustments to clarify procedural requirements, and renumbering of subsections of the certification standards. Adoption of the amendments will improve the City's compliance with FEMA and National Flood Insurance Program regulations.

The Department initiated this amendment to address concerns raised by the FEMA about the City's existing flood hazard regulations. We would be pleased to answer any questions you may have regarding this issue.

Attachments

cc: Roy K. Amemiya, Jr., Managing Director

A PROPOSAL TO AMEND CHAPTER 21A, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO FLOOD HAZARD AREAS

Rationale for Proposed Amendments

Purpose

The purpose of the proposed amendments is to improve the conformance of the City and County of Honolulu's (City) flood hazard regulations with the federally established National Flood Insurance Program (NFIP) regulations. The proposed amendments involve establishing fees for processing various flood hazard related permits and services, adoption of provisions of the Federal Emergency Management Agency (FEMA) Technical Bulletin 7 pertaining to accessory structures such as detached enclosed garages, adoption of FEMA Technical Bulletin 11 relating to below-grade crawlspaces, language adjustments to clarify procedural requirements, and renumbering of subsections of the certification standards.

Rationale

On March 24, 2014, the City adopted Ordinance No. 14-4 which increased permit fees to recover a greater share of the Department's costs related to processing and administering of various permits, including those in the Land Use Ordinance, Chapter 21, Revised Ordinances of Honolulu (ROH). At the time, the Land Use Ordinance contained the provisions of the City's flood hazard ordinance, and the fees for flood hazard related permits and services were increased accordingly. Subsequently, the City adopted new flood hazard regulations (Ordinance No. 14-9) to conform with current language in the NFIP regulations. The new flood regulations became Chapter 21A, ROH, and added new permit requirements to satisfy the NFIP.

Of the five fees proposed in this amendment, the Flood Variance and the Flood Hazard Area Interpretation fees have already been adopted by Ordinance No. 14-4. This amendment places the Flood Variance and Flood Hazard Interpretation fees in Chapter 21A, where they rightfully belong. The new fees proposed are for a Floodway Permit, processing of a Letter of Map Revision (LOMR) and a Physical Map Revision (PMR), and request for Letter of Map Amendment (LOMA) and Letter of Map Revision based on Fill (LOMR-F).

Pursuant to Chapter 21A, a Floodway Permit is now required in lieu of a Flood Variance to build a new structure within the floodway. Accordingly, the fee for a Floodway Permit is proposed to be the same as for a Flood Variance at \$600.00.

The LOMR and PMR are applications to FEMA which update the regulatory flood hazard data used to create revised Flood Insurance Rate Maps. FEMA requires these remapping applications to be reviewed and vetted by the City before accepting them for

process. The review is similar to the Floodway Permit and Flood Variance. Therefore, a \$600.00 fee is proposed.

The LOMA and LOMR-F are also applications to FEMA which affect single properties or structures, and do not result in a revision to the Flood Insurance Rate Maps. These requests are also reviewed by the City, but the data and technical requirements are less complex than a LOMR and PMR. Accordingly, a fee of \$300.00 is being proposed.

Every two to three years, FEMA and the Department of Land and Natural Resources (DLNR) conduct a joint assessment of the City's enforcement of its flood ordinance and compliance with the NFIP. During the most recent assessment, violations were identified regarding the construction of detached enclosed garages, and dwellings with below-grade crawlspaces. To resolve the violations and ensure compliance with the NFIP, FEMA recommended the City adopt the language and standards in Technical Bulletins 7 and 11, to allow in flood fringe hazard areas certain accessory structures and below-grade crawlspaces.

Summary of Specific Amendments to Chapter 21A of the ROH

1. Amend Section 21A-1.3 to include processing fees for flood hazard related permits and services.
2. Amend Section 21A-1.8 to adopt language and standards of FEMA Technical Bulletins 7 and 11 to allow accessory residential structures and below-grade crawlspaces within the flood fringe area.
3. Language amendments to clarify requirements for cost estimates and floodway permit, and renumbering of subsections of the certification standards.

Recommendation

The Department of Planning and Permitting recommends adoption of these amendments to Chapter 21A to improve the City's administration and conformance with federal flood regulations, and to maintain the City's eligibility in the NFIP.



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21A, REVISED ORDINANCES OF HONOLULU 1990, (FLOOD HAZARD AREA ORDINANCE), RELATING TO FLOOD HAZARD AREAS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this ordinance is to amend the Flood Hazard Area Ordinance, Chapter 21A, Revised Ordinances of Honolulu 1990, to adopt language and construction standards required by the Federal Emergency Management Agency, establish fees for the processing and administering of Flood Hazard Area related permits, and for housekeeping purposes.

SECTION 2. Section 21A-1.3 (“Administration”) Revised Ordinances of Honolulu 1990, is amended to read as follows:

“Sec. 21A-1.3 Administration

(i) Fees:

	<u>Type of Permit</u>	<u>Fee</u>
(1)	<u>Floodway Permit</u>	<u>\$600.00</u>
(2)	<u>Flood Variance</u>	<u>\$600.00</u>
(3)	<u>Letter of Map Amendment (LOMA), and Revision Based on Fill (LOMR-F)</u>	<u>\$300.00</u>
(4)	<u>Letter of Map Revision (LOMR), and Physical Map Revision (PMR)</u>	<u>\$600.00</u>
(5)	<u>Flood Hazard Area Interpretation</u>	<u>\$150.00”</u>

SECTION 3. Section 21A-1.7 (“Floodway area”) Revised Ordinances of Honolulu 1990, is amended to read as follows:



A BILL FOR AN ORDINANCE

“Sec. 21A-1.7 Floodway area.

- (a) A floodway permit shall be obtained from the director before approval or issuance of any other permits for all new construction or substantial improvements of structures within the floodway area.”

SECTION 4. Section 21A-1.8 (“Flood fringe area”) Revised Ordinances of Honolulu 1990, is amended to read as follows:

“Sec. 21A-1.8 Flood fringe area.

- (e) New construction and substantial improvements of below-grade crawlspaces shall be constructed in accordance with the requirements of FEMA Technical Bulletin 11-01 and amendments thereto. Designs for meeting this requirement shall be certified by a licensed engineer or architect.
- (f) Accessory residential structures of less than 600 square feet which are used solely for parking and/or limited storage, and are constructed with the lowest floor below the base flood elevation must be designed to meet the following minimum criteria:
- (1) The structure must be anchored to resist flotation, collapse, and lateral movement;
 - (2) Any portion of the structure located below the base flood elevation must be constructed of flood-resistant materials;
 - (3) The structure must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with the provisions of preceding subsection (c);
 - (4) All mechanical and utility equipment housed inside the structure must be elevated to or above the base flood elevation;
 - (5) The use of the structure must be limited to parking and/or limited storage.

Designs for meeting this requirement shall be certified by a licensed engineer or architect.”



A BILL FOR AN ORDINANCE

SECTION 5. Section 21A-1.13 ("Substantial Improvements") Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec.21A-1.13 Substantial improvements.

All structures proposed to be substantially improved must be brought into compliance with the standards and provisions of this chapter. For the purpose of determining substantial improvement, the market value of a structure and the cost of the proposed improvements to the structure shall be provided by the applicant from the following sources:

- (a) Itemized estimates made by an independent professional construction estimator;
- (b) Appraisals prepared by an independent licensed appraiser, including appraisals of market value;
- (c) Calculations based on square foot cost factors published in building cost estimating guides recognized by the building construction industry, and signed and stamped by an independent licensed engineer or architect.

The director may require additional or revised documentation should the estimated market value or cost of improvements appear to be inconsistent with the specific characteristics of the building."

SECTION 6. Section 21A-1.14 ("Certification Standards") Revised Ordinances of Honolulu of Honolulu 1990, is amended to read as follows:

"Sec. 21A-1.14 Certification standards.

[(a)] Pre-construction, during-construction, and post-construction certification of elevation and floodproofing of new construction, development and improvements within the special flood hazard areas shall be submitted to the director and shall be maintained as a matter of public record.

[(b)] (a) Pre-construction certification.

Requirements for approval of the building permit shall include the following items, as applicable, and any additional items as required by the director to promote public welfare and safety:



A BILL FOR AN ORDINANCE

(1) Certification of building plans.

Each set of building plans shall include a current topographic survey map prepared by a licensed surveyor, and shall be signed and stamped by a licensed engineer or architect certifying the accuracy of the flood boundary and elevation information.

(2) Flood Hazard Certification.

The City and County of Honolulu applicable flood hazard certification form, as amended, shall be completed and signed and stamped by a licensed engineer or architect.

(3) Floodproofing Certification.

The Federal Emergency Management Agency "Floodproofing Certificate" form, as amended, shall be completed and signed and stamped by a licensed engineer or architect.

(4) Certification of No-rise Determination.

For all construction and improvements in the floodway, the Federal Emergency Management Agency "No-rise Certification" form, as amended, shall be completed and signed and stamped by a licensed engineer.

[(c)] (b) During-construction certification.

Upon placement of the lowest floor, including the basement, and prior to further vertical construction of a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate", as amended, shall be completed and signed and stamped by a licensed surveyor.

[(d)] (c) Post-construction certification.

As a condition for the closing of the building permit or issuance of a certificate of occupancy for a new or substantially improved structure in the special flood hazard area, the Federal Emergency Management Agency "Elevation Certificate", as amended, shall be completed and signed and stamped by a licensed surveyor, engineer or architect."



A BILL FOR AN ORDINANCE

SECTION 7. Ordinance material to be repealed is bracketed and new material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 8. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2016.

KIRK CALDWELL, Mayor
City and County of Honolulu