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City & County of Honolulu

Revisions to the Special Management & Shoreline Setback Regulations

AUGUST 25, 2022

Intended to:

address Act 16 (2020),

*implement an erosion-based setback formula,
provide flexibility for those with shallow lots, and
make housekeeping revisions*

D-0613(22)

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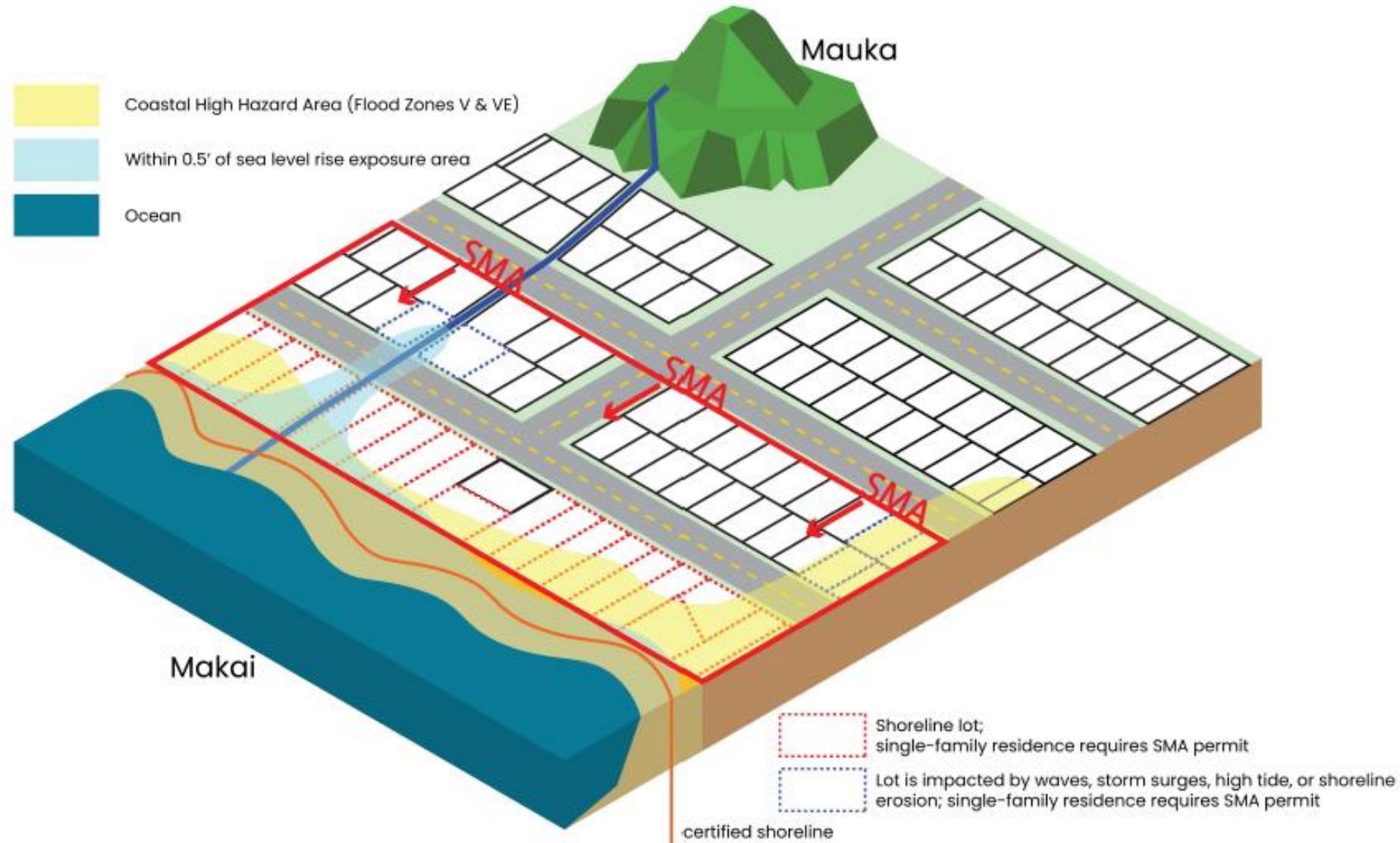
State Coastal Zone Management Law

Revisions per Act 16 (2020)

- ❖ Coastal hazards, to include hurricanes, wind, storm surge, high tide, and sea level rise
- ❖ Protected beach areas to include beaches, coastal dunes, and coral reefs
- ❖ Stronger prohibitions against shoreline hardening, requiring proof of public benefit
- ❖ New minimum shoreline setback of 40 ft from the certified shoreline; the previous minimum setback was 20 ft in State law
- ❖ All dwellings on shoreline lots or lots impacted by sea level rise, waves, storm surge, high tide or shoreline erosion require SMA permits; previously, only dwellings greater than 7,500 sf needed permits

Chapter 25: Special Management Area (SMA)

Impacts of Act 16 (2020) on Residential Permitting



Proposed Revisions to the Shoreline Setback

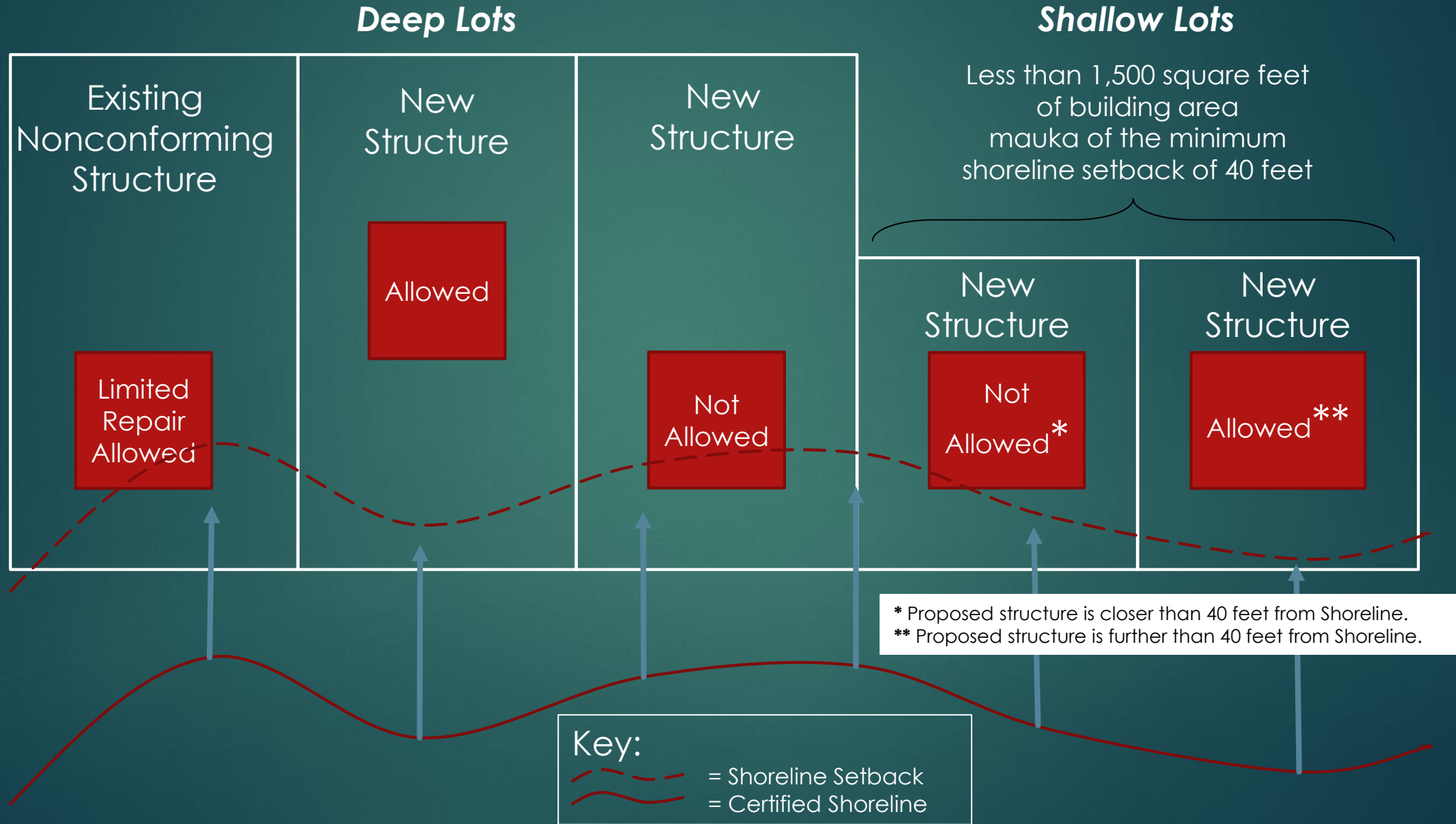
Current shoreline setback:

- ❖ 40 ft from the regulatory shoreline
- ❖ 60 ft after a subdivision action

Proposed shoreline setback:

- ❖ 60 ft for properties in the Primary Urban Center (PUC)
- ❖ 60 ft plus $70 \times$ the annual coastal erosion rate, up to a maximum setback of 130 ft outside of the PUC
- ❖ 60 ft for those properties outside of the PUC that do not have erosion data or for lots that show zero erosion or accretion

Proposed Accommodations for Shallow Lots



Structures / Activities Allowed within the Shoreline Setback

- ❖ Clearing of existing drainage pipes, canals, and the mouths of streams
- ❖ Beach and sand dune restoration
- ❖ Traditional cultural practices
- ❖ Responses to public emergencies/disasters and public signal devices
- ❖ Minor structures, like fences
- ❖ Public shoreline-dependent facilities – e.g., lifeguard station

Opportunities for Variances Remain

- ❖ Cultivation of crops, aquaculture, landscaping, beach nourishment
- ❖ Shoreline-dependent Facility (infrastructure/recreation that rely on the ocean)
- ❖ Public Interest (public facilities and utilities)
- ❖ Other Hardships that:
 - Do not affect beach processes or artificially fix the shoreline
 - Are due to unique circumstances
 - Are consistent and compatible with surrounding land uses
 - Are unlikely to adversely impact neighboring properties

Assistance to Homeowners

- ❖ An effective date of January 1, 2024 for the new setback formula
- ❖ Public outreach & education – for individuals, Neighborhood Boards, and land use consultants
- ❖ Updated rules, improved permit instructions, draft templates to streamline applications and permitting
- ❖ A proposed Transfer of Development Rights incentive in the Land Use Ordinance
- ❖ Mandatory Seller Disclosure of SLR-XA

Mahalo!

Follow-up Questions?