

City and County of Honolulu
Department of Planning and Permitting

Instructions for Filing a
JOINT DEVELOPMENT
Conditional Use Permit (minor) Application
Land Use Ordinance Section 21-5.380

With your completed application form, please submit:

1. Written Information

Two copies of the joint development agreement as required by Section 21-5.380 of the Land Use Ordinance (LUO). (A Sample Copy is attached.) **DO NOT RECORD THE AGREEMENT PRIOR TO REVIEW AND APPROVAL BY THE DIRECTOR OF PLANNING AND PERMITTING.**

NOTE: The joint development agreement **document does not have to be signed or notarized until approved by the Director of Planning and Permitting.**

The exhibits referred to in the joint development agreement are the legal lot descriptions, e.g., metes and bounds, of each lot to be jointly developed. Each exhibit should be clearly labeled and specify which lot or parcel it describes. If the exhibit refers to a Land Court or File Plan Map, submit one full-size copy of the referenced map.

2. Fee: \$300. The fee is payable to the City and County of Honolulu, and is not refundable.

3. Additional Notes

- a. **RECORDED FEE OWNER** is the person or corporate entity that owns the land in fee simple. **The Recorded Fee Owner must sign the application or a letter authorizing the application.**
- b. **APPLICANT/DECLARANT** is the person or corporate entity proposing the action. It may be the Recorded Fee Owner or a lessee.

(NOTE: If the Applicant/Declarant is a lessee, the lease for the lot must have a minimum unexpired term of 30 years (from the date of filing of the joint development application). The Applicant must submit a copy of the lease to verify the remaining term.)

- c. AUTHORIZED AGENT is the person who is processing the application. This is the person the Department will contact for additional information. It may be the same person as the Recorded Fee Owner, or the Applicant. The Authorized Agent may also be the project architect or contractor. For government agencies, the Authorized Agent is the contact person for the project.
- d. To avoid errors or delays, supply all the required information. Fill out all blanks on the application form clearly, concisely, and completely.
- e. If your project/proposal requires other Department of Planning and Permitting (DPP) permits, indicate which additional permits are being applied for on the Master Application Form, and submit separate plans or other application materials, including filing fees, as necessary.
- f. If you have any questions on how to complete your application, please contact the DPP at 527-5025.

Checklist:

- Master Application Form
- Joint Development Agreement (2 copies)
- Filing Fee
- Letter of authorization (if necessary)
- Lease (if necessary)

RECORDING INFORMATION: In accordance with Hawaii Administrative Rules Title 13, Chapter 16, Section 4(c) (d) (e)

The Registrar may refuse to record any instrument, paper, or notice if:

- It is not 8.5" X 11"; or, which contains a schedule, inventory, or exhibit not 8.5" X 11".
- It will not reproduce legibly under photographic or electrostatic methods.
- An instrument consists of more than one page, and is not single-sided, numbered consecutively, (beginning with number one); or, the total number of pages contained in the document is not referenced on the first page thereof; or, has any papers or materials secured or attached in any manner that may conceal any written text; or, is not stapled once or fastened in the upper left corner; or, has a cover or backer attached. The Registrar may remove any rivets affixed to an instrument.
- A self-addressed, correctly-stamped envelope (of appropriate size) does not accompany the instrument.

On the first page:

- The top three and one-half inches (3-1/2") shall be reserved for recording information.
- The following one inch (1") shall be reserved for information showing to whom the recorded document should be returned with complete mailing address beginning one and one-half inches (1-1/2") from the left margin and not exceeding three and one-half inches (3-1/2") per line. (Nonconforming documents may have a conforming cover sheet attached.)
- Shall identify and include, if possible, the names and addresses of all parties, the type of document, and the tax map key number. (The provision of this paragraph shall not apply to any instrument executed prior to January 1, 1990.)

OFFICE HOURS: (Mon.-Fri., except holidays) 7:45 a.m. to 4:30 p.m.

- Recordation (Rooms #120 and #122): 8:01 a.m. to 3:29 p.m.
- Public Research/Reference Room (Room #123) 8:15 a.m. to 4:15 p.m.

LOCATION: Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

MAILING: Post Office Box 2867
Honolulu, Hawaii 96803

TELEPHONE LISTINGS:

- Administration : (808) 587-0148
- Research : (808) 587-0152
- Microfilm : (808) 587-0157
- UCC : (808) 587-0154
- Receiving/Recordation : (808) 587-0134
- Will Call : (808) 587-0140

[Note: The information on this page is provided as a courtesy, and is from the State of Hawaii Bureau of Conveyances. The City is not liable for the accuracy of this information.]

**AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT UNDER
SECTION 21-5.380 OF THE LAND USE ORDINANCE (LUO)**

THIS INDENTURE, made this ___ day of _____, 20
, by _____, (fee simple/leasehold) Owner of those
certain parcels of land described in Exhibit "A-1", attached
hereto and made a part hereof, and _____, (fee
simple/leasehold) Owner of those certain parcels of land
described in Exhibit "A-2", attached hereto and made a part
hereof, being hereinafter collectively referred to as
"Declarant(s)".

W I T N E S S E T H :

WHEREAS, Section 21-5.380 of the Land Use Ordinance (LUO)
provides that if an owner or owners of adjacent lots believe that
joint development of their property would result in more
efficient use of their land, they may apply for a Conditional Use
Permit to allow such development and to treat said lots as one
(1) for zoning purposes; and

WHEREAS, LUO Section 21-5.380 requires an applicant for a
Conditional Use Permit to submit to the City and County of
Honolulu ("**City**") an agreement binding himself and his successors
in title to maintain a proposed development so that conformity
with the applicable zoning regulations will be assured; and

WHEREAS, Declarant(s) propose(s) to develop all of those parcels of land described in Exhibits "___-___" and "___-___", attached hereto, in accordance with the zoning regulations, in the belief that said proposed development would result in a more efficient use of said parcels; and

WHEREAS, Declarant(s) desire(s) to avail (itself/themselves) of the benefits of LUO Section 21-5.380, and hereby make(s) application for the issuance of a Conditional Use Permit pursuant thereto.

NOW, THEREFORE, Declarant(s) hereby covenant(s) and make(s) the following Declaration:

1. This Agreement is made pursuant to and in compliance with the provisions of LUO Section 21-5.380, relating to joint development of two (2) or more adjacent lots, the terms of which Section shall be effective when the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii, approves development of those parcels of land described in Exhibits "___-___" and "___-___", and issues a Conditional Use Permit therefor.
2. Declarant(s) agree(s) to develop in accord with all other provisions of the zoning regulations.
3. Declarant(s) agree(s) to file copies of this Agreement and the attachments referred to herein each time the Declarant(s) or (its/their) successors, or permitted assigns or agents, files an application for a building permit for any structure within the real property which is the subject of this Agreement.
4. Declarant(s) agree(s) that all of said parcels of land described in Exhibits "___-___" and "___-___" shall at all times remain an integral part of said development.
5. Failure to develop substantially in accordance with said Agreement and the zoning regulations shall constitute grounds for the City to revoke or suspend any building permits issued hereunder.
6. Failure to maintain the development in accordance with this Agreement shall constitute grounds for the City to revoke or suspend the Conditional Use Permit issued pursuant to this Agreement.
7. This Agreement shall not be terminated, extinguished, amended, or canceled without the express written approval of the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii.

(Note: All individual names in instruments presented for recordation shall be typewritten, stamped or printed beneath all signatures. No discrepancy in any name shall exist between the printed name, as it appears in the body of the instrument and in the notary's certificate of acknowledgment.)

[Attach notary certificate(s) of acknowledgment for Declarants; and exhibits (lot descriptions).]

