

Department of Planning and Permitting
City & County of Honolulu

Lot Determinations and Applicable Situations (With Real Life Examples)

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What is it?

- A lot determination is a letter from the City indicating whether a piece of land is considered a zoning lot for development purposes.
- Recognition of a lot for development purposes means for the purpose of administering building permits and zoning regulations.
- It is not for title search, real estate transaction or disclosure purposes.

Why needed?

- A Tax Map Parcel may consist of more than one lot. Real Property Tax Office may require a lot determination before issuing additional parcel numbers.
- Title company flags a property not found in the City's subdivision record, and may withhold title insurance until the City recognizes through a lot determination that lot can be developed.

Why needed?

- To update or correct lot description which cannot be otherwise corrected through a subdivision application.
- To allow for recognition of lots subdivided by the Federal Government that were not submitted for City approval.
- To determine whether a use, structure or project meets zoning standards.

Different Land Terms

- Zoning Lot. Land unit for regulatory and development purposes. It serves as basis for applicability of the building and zoning codes.
- Lot of Record. Land unit of ownership resulting from system of land registration. It is always recorded in some form (map, deed, etc.)
- Tax Map Parcel. Land unit for real property taxation whose ownership is held entirely by one or more parties.

Different Land Terms

- Subdivided Lot . A land unit intended for transfer of ownership or interest therein or for development purpose, and created pursuant to the Subdivision Ordinance and Rules and Regulations of the City and County of Honolulu.
- The listed terms have different meanings, but sometimes are erroneously used as if they were the same.

Different Land Terms

Generally:

- Zoning Lot = Subdivided Lot, or Lot of Record
(Except if subdivided lot is part of CUP for joint development including multiple subdivided lots or lots of record)

- Lot of Record = Subdivided Lot
(Except when it predates subdivision laws, or if subdivision map is not recorded, or if subdivided lot is part of two different land registration systems)

Different Land Terms

Generally:

- Tax Map Parcel = Subdivided Lot, or Lot of Record, or Something Else
(The something else has included condominium parcels, leases, etc.)

Authority to Process Subdivisions

- Act 242 of the 1939 Territorial Legislature, which became part of the Revised Laws of Hawaii 1945, charged the City Planning Commission with the preparation of a master plan for the City of Honolulu, and gave it the authority to approve subdivisions within master planned areas.
- No master plans were in place until the first eight areas within the master plan were adopted in 1942-43 and ratified by the Legislature in 1943.

Authority to Process Subdivisions

- Act 242 of the 1939 Legislature, also stated that after adoption of master plan or portion thereof, no map of subdivision of residential land within any area covered by the master plan shall be received for recordation in the office of the registrar of conveyances or assistant registrar of the land court unless the map has been approved by the Planning Commission.

Authority to Process Subdivisions

- Act 222 of the 1949 Legislature made all Oahu subdivisions, regardless of use or location subject to approval by the City Planning Commission.

City Subdivision Laws

- Until the Planning Commission first adopted Subdivision Rules and Regulations for residential subdivisions on December 28, 1939, very few subdivisions had been submitted to the City.
- Subsequently, Ordinance No. 865 was adopted regulating the subdivision of land within the City and County of Honolulu, on November 27, 1940. This ordinance provided for approval of all subdivisions except for those for agricultural purposes.

City Subdivision Laws

- Subdivision Rules and Regulations adopted by the Planning Commission on September 15, 1949, incorporated the provisions of Act 222, and provided authority for approval of all subdivisions, including those for agricultural purposes.

Effect on Lot Determinations

- For the period prior to 1940, before the City Planning Commission was charged with approving subdivisions, the City lacks complete, reliable subdivision records.
- During 1940, the City only had authority to approve residential subdivisions.
- After 1940, the City could approve subdivisions for all purposes except agricultural use.
- After 1949, all subdivisions, including agricultural ones, required City approval.

Effect on Lot Determinations

- Per Court decisions in the early 1940's, a subdivision could be recorded in the Land Court without approval from the Planning Commission unless it was within an area covered by an adopted master plan.
- It was not until 1949 that the Land Court was statutorily prohibited from accepting a subdivision map for recordation without the approval of the City Planning Commission.

Effect on Lot Determinations

- Lots of record created prior to 1940 are definite candidates for lot determination.
- Some lots of record created between 1940 and 1949 are candidates for lot determination if they were not within a master plan area, or were set aside for agricultural purposes.
- Lots subsequent to 1949 should have been created through the City's subdivision process, and do not qualify for lot determination (except for lots subdivided by the Federal Government).

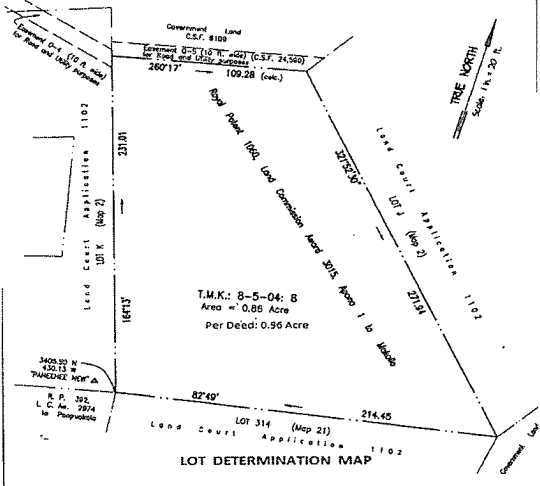
What to Submit

- Application Requirements.
 - General Information including property location, address, Tax Map Key, and contact person for the request.
 - A signed and stamped statement from a licensed surveyor.
 - Filing fee of \$400. Check shall be made payable to the City and County of Honolulu.

What to Submit

- Two copies of deeds, maps, and other documents that are the basis for the surveyor's determination.
- Five prints of a map stamped by the licensed surveyor showing the metes and bounds dimensions and lot areas.

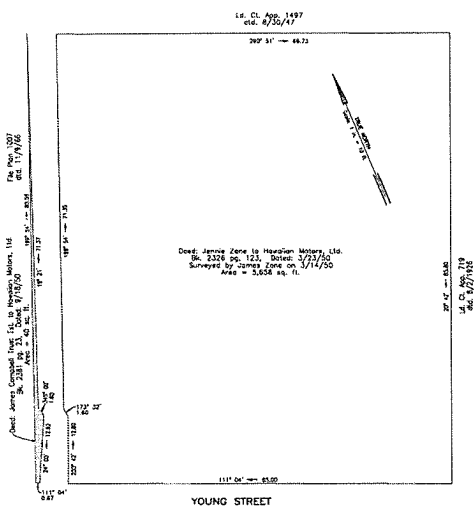
Example 1



-Old deed description shows 0.96 acre.
-New survey shows area is 0.86 acre.
Lot predates 1940 and a Lot Determination is acceptable.

Correcting Lot Area

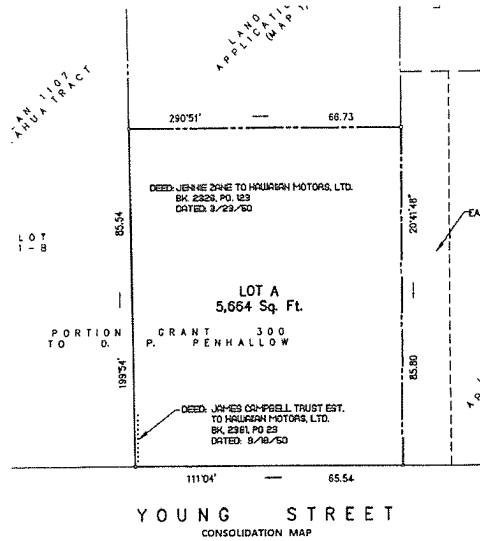
Example 2



Deed description shows parcel consists of two lots, one of which is just a sliver of land.

Two lots

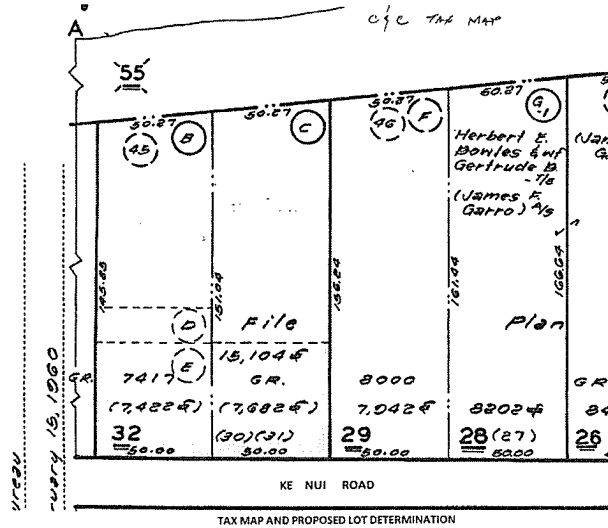
Example 2



Deed indicates parcel is subsequent to 1940. Instead of Lot Determination, a consolidation is required.

One consolidated lot

Example 3

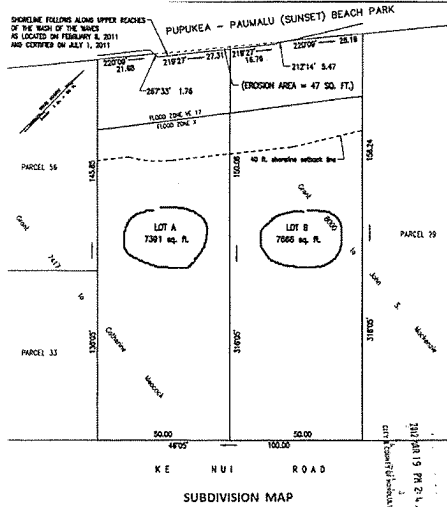


Tax Map shows possible multiple lots within Parcel 32 of 15,104 square feet.

Deed description only has metes and bounds for one lot of 15,104 square feet.

Tax Map Information

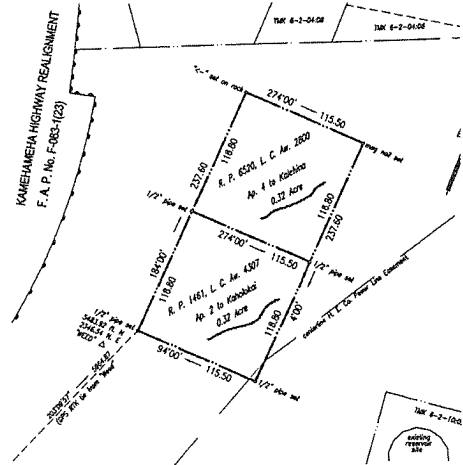
Example 3



Lot Determination for more than one lot not acceptable. Subdivision application required and processed.

SUBDIVISION MAP
SUBDIVISION OF PARCEL 32 LESS EROSION INTO LOTS A AND B
Subdivision into Two Lots

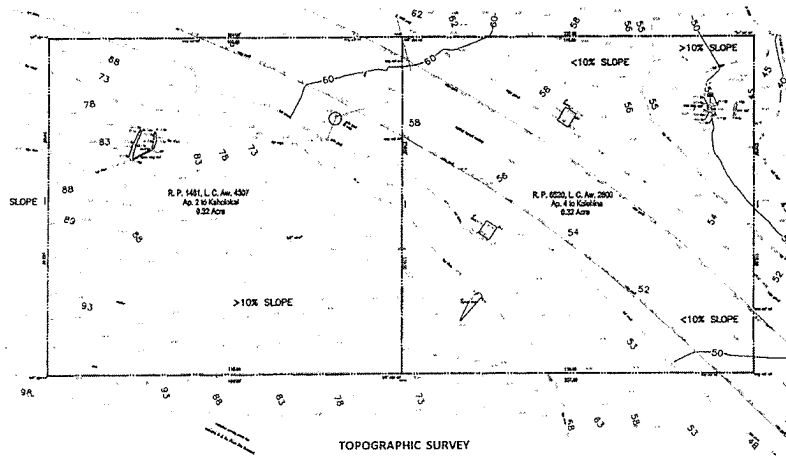
Example 4



Lot Determination for two separate lots predating 1940.

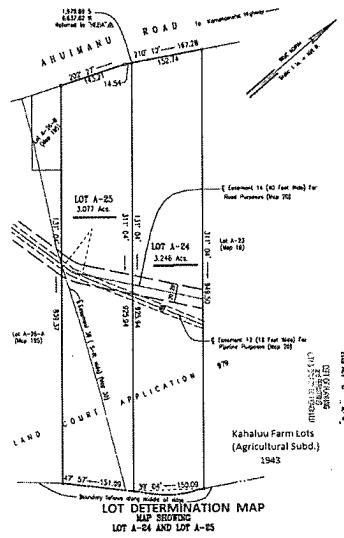
LOT DETERMINATION
R. P. 6520, L. C. Aw. 2800, Ap. 4 to Kalehina & R. P. 1461, L. C. Aw. 4307, Ap. 2 to Kaholokai
At Kawailoa, Waialua, Oahu, Hawaii
Two Lots

Example 4



Additional information to locate existing roadway from which future structures will have to be set back.

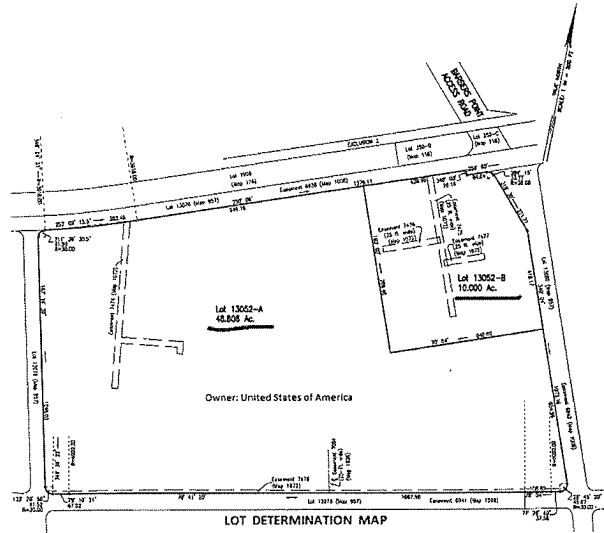
Example 5



Lot Determination for two agricultural lots predating 1949 (subdivided in 1943)

Two Agricultural Lots

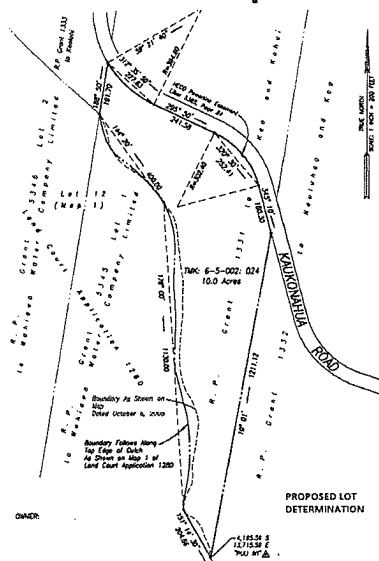
Example 6



Subdivision recorded by the Federal Government without City approval. Processed as Lot Determination

LOT DETERMINATION MAP
Federal Land Subdivision

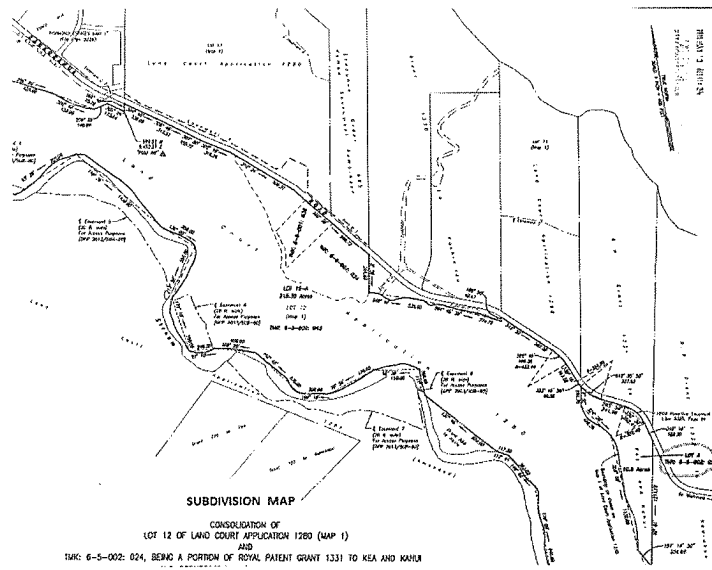
Example 7



Lot Determination request to redefine west boundary of lot along gulch increases the area of the lot

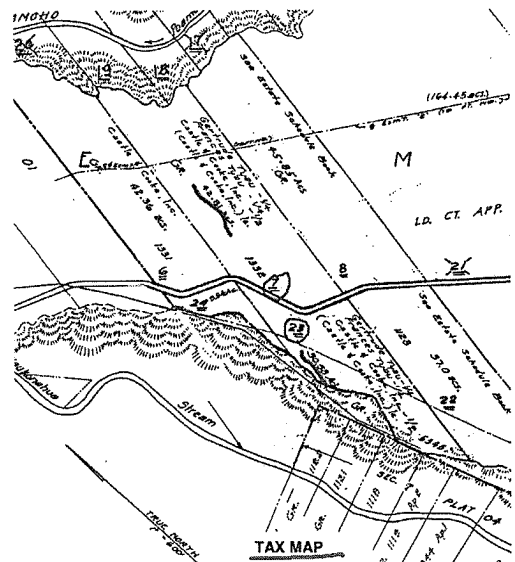
Lot Boundary Correction

Example 7



Subdivision application required to define lot boundary

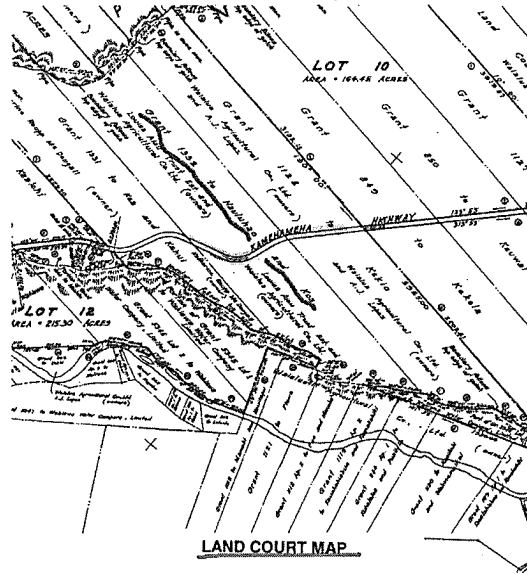
Example 8



According to Tax Map a single grant is split by roadway into two tax map key parcels

Tax Map shows Two Parcels

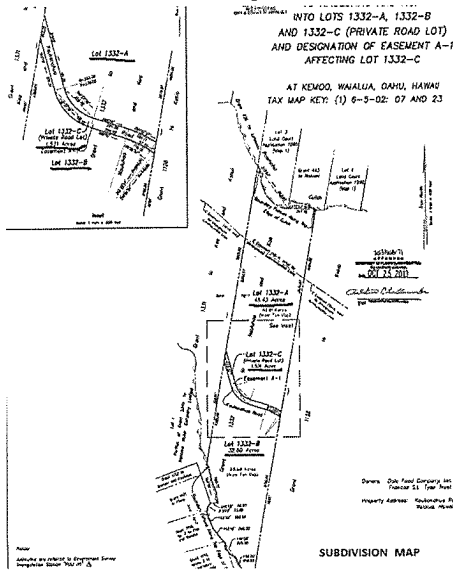
Example 8



Land Court Map

However, neither deed nor recorded map provides metes and bounds for each lot. Lot determination request cannot be processed.

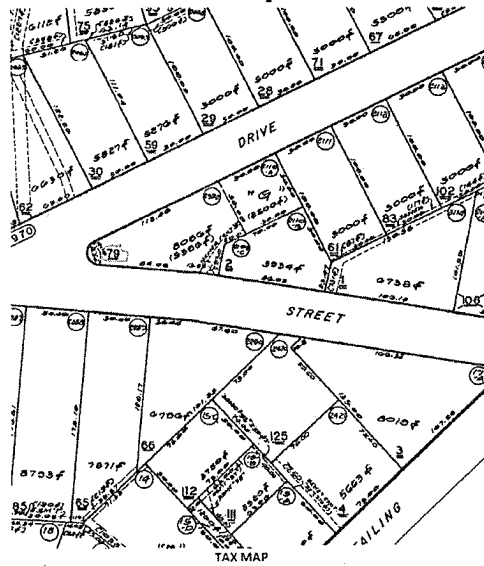
Example 8



Subdivision Map

Applicant is required to process a subdivision application

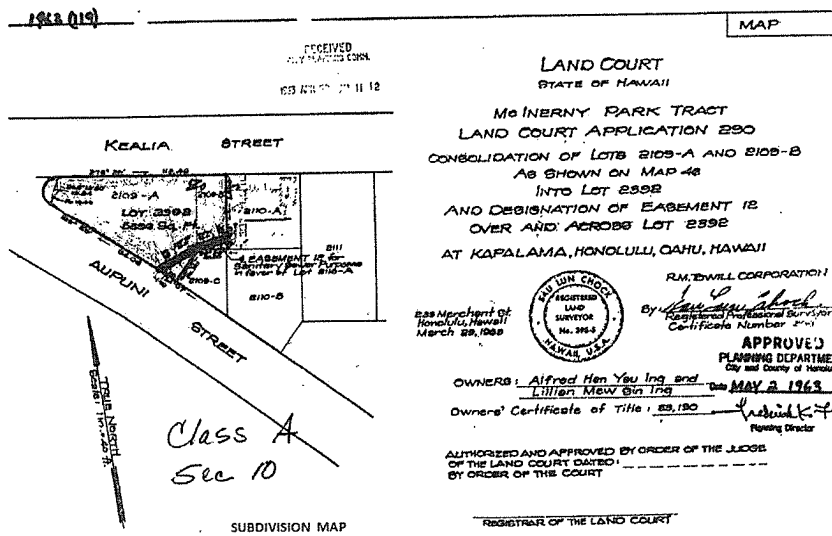
Example 9



Tax Map appears to show that Parcel 79 consists of two lots.

Tax Map

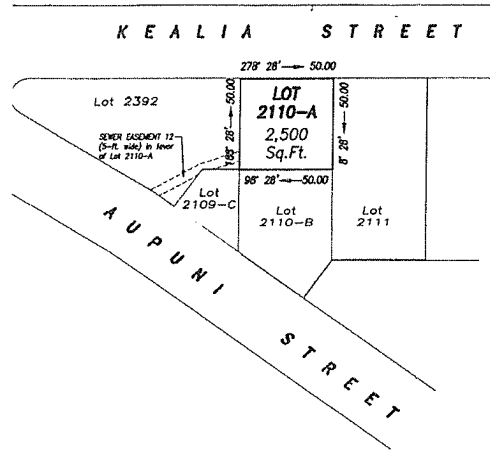
Example 9



Class A
Sec 10

1963 Subdivision Record indicates approval for one of the lots

Example 9



Lot Determination applies to the other lot

LOT DETERMINATION MAP
LOT 2110-A
OF LAND COURT APPLICATION 290
As shown on Maps 46 and 218
Lot Determination Map

Questions?

Mahalo!

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