



---

**A BILL FOR AN ORDINANCE**

---

TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

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

SECTION 1. Zoning Map No. 6 (Red Hill-Fort Shafter), Ordinance No. 86-109, is hereby amended as follows: Land situated at 511 Main Street, Honolulu, Oahu, Hawaii, hereinafter described, is hereby rezoned from the F-1 Military and Federal Preservation District to the R-5 Residential District. The boundaries of said District shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key: 1-1-002: 051.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.

DPP18Z-1.B18



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*[Handwritten signature]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(br)

DATE OF INTRODUCTION:

**DEC 17 2018**

\_\_\_\_\_  
Honolulu, Hawaii

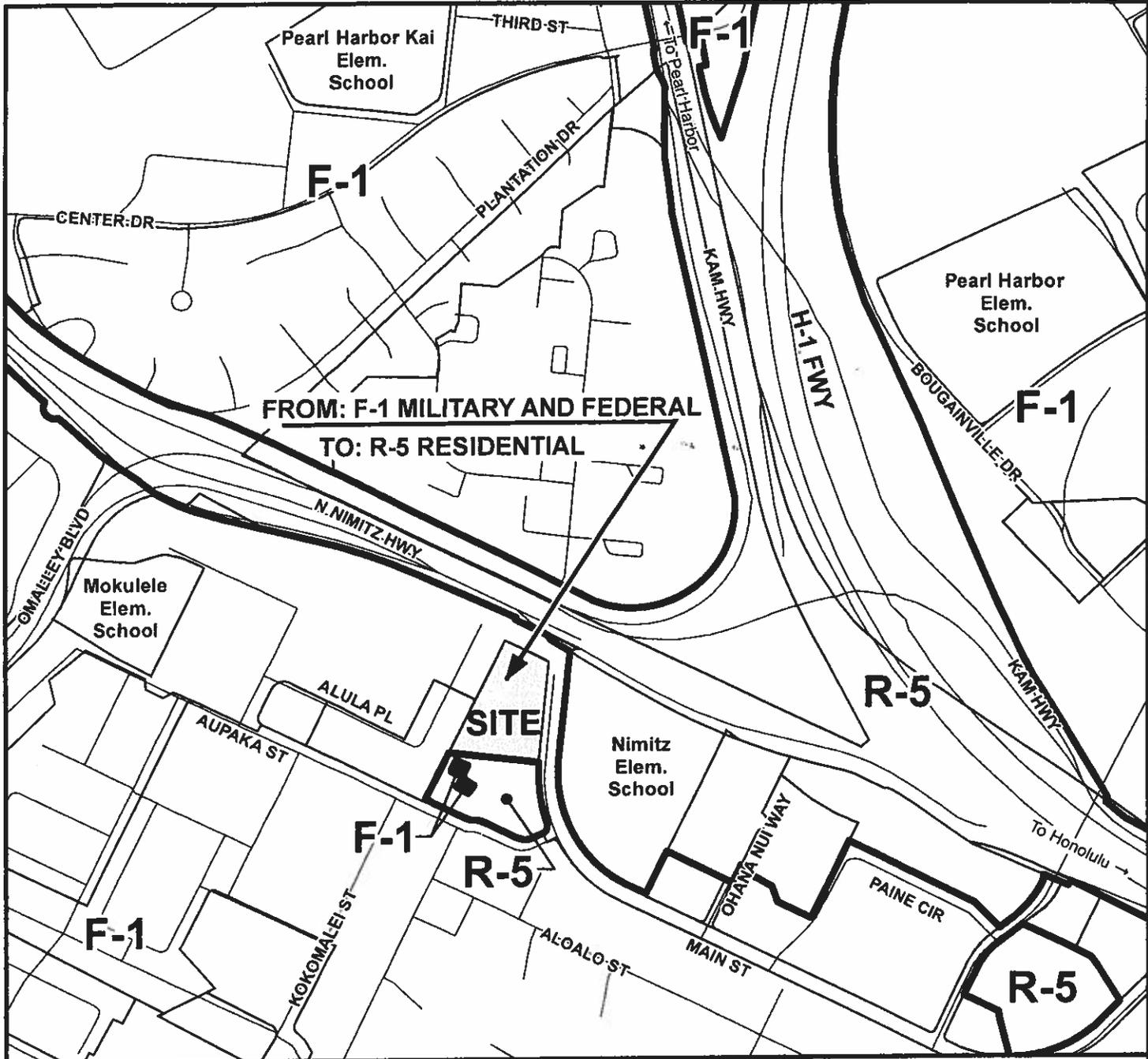
\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*[Handwritten signature]*  
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this 22nd day of March, 20 19.

*[Handwritten signature]*  
\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu



PORTION OF  
**EXISTING ZONING MAP NO. 6**  
 (RED HILL - FORT SHAFTER)

Land situated within the proximity of Joint Base Pearl Harbor-Hickam (JBPHH) military installation, approximately 343 feet from the intersection of Main Street and Aupaka Street and approximately 0.5 miles west of Honolulu International Airport.

APPLICANT: Holy Family Catholic Church

TAX MAP KEY(S): 1-1-002: 051

FOLDER NO.: 2018/Z-1

LAND AREA: 2.769 ACRES (APPROX)

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING  
 CITY AND COUNTY OF HONOLULU



PUBLIC HEARING

PLANNING COMMISSION

CITY COUNCIL

19 - 2

NOV 14 2018

FEB 13 2019

ORD. NO.

EFF. DATE: MAR 22 2019

EXHIBIT A

BILL 95 (2018)

OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)

The original of this document was  
recorded as follows:

Doc T - 10654136  
CT 1118266  
March 04, 2019 10:45 AM

LAND COURT

REGULAR SYSTEM

**AFTER RECORDATION, RETURN BY MAIL (X) PICKUP ( ) TO:**

Robert Bruce Graham, Jr.  
Ashford & Wriston, LLLP  
First Hawaiian Center, Suite 1400  
Honolulu, Hawaii 96813

Tele: (808) 539-0440

**TITLE OF DOCUMENT:**

**UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING**

**PARTY(IES) TO DOCUMENT:**

- Roman Catholic Church In The State of Hawaii  
1184 Bishop Street, Honolulu, Hawaii 96813

**TAX MAP KEY NO. (1) 1-1-002:051**

Affects Transfer Certificate of Title No. 1118266

(This document consists of 5 pages.)

**UNILATERAL AGREEMENT AND  
DECLARATION FOR CONDITIONAL ZONING**

THIS INDENTURE (hereinafter referred to as this "**Unilateral Agreement**" or this "**Declaration**"), made this 4<sup>th</sup> day of March, 2019, by **ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII**, a Hawaii nonprofit corporation, the address of which is 1184 Bishop Street, Honolulu, Hawaii 96813 (hereinafter referred to as the "**Declarant**"),

**WITNESSETH:**

WHEREAS, the Declarant is the owner in fee simple of that certain parcel of land situated in Moanalua, City and County of Honolulu, State of Hawaii, consisting of approximately 2.769 acres, described as Tax Map Key No. (1) 1-1-002:051, and more particularly described in Exhibit A attached hereto and made a part hereof (the "**Land**"), and desires to make the Land subject to this Unilateral Agreement; and

WHEREAS, the Declarant plans to continue to operate a church and a rectory on the Land (the "**Project**"); and

WHEREAS, the City Council (the "**Council**") of the City and County of Honolulu (the "**City**"), pursuant to the provisions of the Land Use Ordinance ("**LUO**"), Revised Ordinances of Honolulu 1990 ("**ROH**") Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of the Land from the F-1 Military and Federal Preservation District to R-5 Residential District (the "**zone change**"); and

WHEREAS, a public hearing regarding the change in zoning, Bill 95 (2018), was held by the Council on February 13, 2019; and

WHEREAS, the Council recommended by its Zoning Committee Report No. 60 (2019) that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH Section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the change of zoning (the "**Rezoning Ordinance**");

NOW THEREFORE, the Declarant hereby covenants and declares as follows:

1. Affordable Housing. Should the property deed's covenant restricting the Project site "solely for community-service purpose" be removed, and residential development or subdivision is proposed, it shall be subject to the affordable housing requirement pursuant to Ordinance 18-10, as may be amended or superseded.

2. Flight Operations Disclosure. The Declarant shall inform all prospective purchasers, lessees, renters, or residential occupants of the Land of potential aircraft flight and airport activity and related impacts, including, but not limited to, noise, fumes, smokes, vibrations, and odors. The Declarant shall record the disclosure statement with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court, or both, as appropriate, within 60 days from the effective date of the Rezoning Ordinance and provide a copy of the recorded document to the City Department of Planning and Permitting ("DPP") for its records.

3. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the Project and any future development of the Land complies with all applicable LUO and other governmental provisions and requirements, including but not limited to all rules and regulations relating to flight operations in airspace above properties located within airport areas.

4. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of and/or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.

5. Noncompliance with Conditions. In the event of noncompliance with any of the conditions set forth herein, the Director of the DPP shall inform the City Council and may seek civil enforcement or take appropriate action to terminate or stop the Project or any future development of the Land until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the Project or any future development of the Land. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW, THEREFORE, the Declarant hereby makes the following additional Declarations:

A. As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

B. That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety, and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

C. That the development of the Land shall conform to the aforesaid conditions with the understanding that, at the request of the Declarant and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the Department of Planning and Permitting may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

D. That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the Land, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the Land and shall bind and constitute notice to all the parties hereto and subsequent lessees, grantees, assignees, mortgagees, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may file a petition with the Department of Planning and Permitting for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.



**EXHIBIT A**

Property Description

All of that certain parcel of Land situate at Moanalua, City and County of Honolulu, State of Hawaii, described as follows:

Lot C-4-B-1-D, consisting of approximately 2.769 acres, more or less, as shown on Map 163, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application 1074, being the property covered by Certificate of Title No. 1118266 issued to the Roman Catholic Church in the State of Hawaii.

BEING the land conveyed to the Roman Catholic Church In The State Of Hawaii by instrument dated June 8, 2016 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. T9660073.

TMK Oahu 1-1-002-051

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 19-2

BILL 95 (2018)

Introduced: 12/17/18 By: ERNEST MARTIN – BY REQUEST Committee: ZONING AND HOUSING

Title: A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

Voting Legend: \* = Aye w/Reservations

01/30/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI.
02/02/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/07/19	ZONING AND HOUSING	CR-41(19) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
02/13/19	COUNCIL/PUBLIC HEARING	CR-41(19) ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI.
02/20/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
02/28/19	ZONING AND HOUSING	CR-60(19) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
03/08/19	COUNCIL	CR-60(19) ADOPTED AND BILL 95 (2018) PASSED THIRD READING. 7 AYES: ELEFANTE, FORMBY, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI. 2 ABSENT: ANDERSON, MENOR.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK

  
\_\_\_\_\_  
ANN H. KOBAYASHI, INTERIM CHAIR AND PRESIDING OFFICER