REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kia'āina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Committee Meeting Held
August 27, 2026

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning & Planning, which considered Bill 43 (2026) entitled:

"A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT PA'ALA'A KAI, WAIALUA, O'AHU, HAWAI'I,"

transmitted by Departmental Communication 388 (2026), dated June 2, 2026, from the Planning Commission, and which passed First Reading at the Council meeting on July 8, 2026, reports as follows:

The purpose of Bill 43 (2026) is to rezone an approximately 1.429-acre portion (the "Zone Change Area") of a 1.431-acre zoning lot located at 66-9A Waialua Beach Road in Waialua, O'ahu, and identified as Tax Map Key 6-6-018:024 (the "Property"), from the Country District to the R-5 Residential District, at the request of Jason C. and Elisa A. Hagan (the "Applicant"). The remaining 80-square-foot portion of the property is already zoned R-5 Residential District.

The zone change would bring the zoning lot into conformance with its longstanding use as a site for six single-unit dwellings and one two-unit dwelling. The Zone Change Area's current Country District zoning allows a maximum of one dwelling unit per acre, so seven of the eight dwelling units existing on the Property are non-conforming structures. Under § 21-4.110(d)(2), Revised Ordinances of Honolulu 2021 ("ROH"), if a nonconforming structure is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it may not be reconstructed unless in compliance with Land Use Ordinance ("LUO") requirements.

ADOPTED ON SEP 9 2026

COMMITTEE REPORT NO. 251(26)

A rezone of the Zone Change Area to the R-5 Residential District would remove the non-conforming status of the dwelling units because the R-5 Residential District allows for up to eight dwelling units per zoning lot as of right, so long as the density does not exceed the required maximum floor area ratio ("FAR") of 0.6. The FAR for the eight existing dwelling units is 0.115.

Removing the non-conforming status of the dwelling units would allow the Applicant to rebuild if the dwelling units were to be catastrophically damaged from fire, natural disaster, or other causes. It would also reduce the likelihood that existing residents on the Property would be permanently displaced if any of the existing dwellings were destroyed.

The Applicant is not proposing any new development, nor does the Applicant propose to change the use of the Property, or to displace any of the existing Property residents.

The Property is shaped like a flag lot, but is considered landlocked because the Property's driveway stops approximately 200 feet short of Waialua Beach Road, so the Property is accessed from Waialua Beach Road via an access easement across an adjacent zoning lot to the south of the Property. The seven existing dwellings have no fences or walls separating them, creating a cohesive residential complex. Since the Property is not connected to the City's wastewater system, each of the seven dwellings is served by its own septic system, which is under the jurisdiction of the State Department of Health.

All existing dwellings were built 50 to 60 years ago, and the Property is within the Hale'iwa Special District. Single-unit and two-unit dwellings constructed prior to December 21, 2018, are exempt from the design requirements of the Hale'iwa Special District, except for requirements relating to landscaping; general architectural appearance and character; roofs; colors; and railings, fences, and walls. While the Applicant does not propose any improvements at this time, if improvements are proposed later, the portions of the dwellings that are improved will be subject to all Hale'iwa Special District requirements.

By letter dated October 1, 2025, the Department of Planning and Permitting ("DPP") determined that the proposed rezone is not a significant zone change and therefore does not trigger the requirements for an Environmental Assessment.

A small portion of the Property along the west and north boundaries are within the Special Management Area, but since no new development is being proposed, a Special Management Area permit is not required.

The DPP found that the proposed zone change is consistent with State and City land use plans and policies, including the O'ahu General Plan and the North Shore Sustainable Communities Plan. Since the Applicant does not propose to change the use of the Property, the DPP found that existing services and infrastructure systems are adequate for the current uses, and the proposed rezone is not anticipated to have any significant or adverse social, economic, or environmental impacts on surrounding land uses.

The North Shore Neighborhood Board No. 27 supported the zone change but was concerned about the potential for additional structures to be developed on the Property. To address these concerns, and to ensure continued consistency with the North Shore Sustainable Communities Plan, the Project's draft Unilateral Agreement includes a condition of approval that prohibits the Applicant from subdividing the Property to create additional residential zoning lots.

Your Committee finds that the Planning Commission, after a public hearing held on May 27, 2026, at which no testimony was received, voted to approve the recommendations and conditions of the DPP Director in the attachment to Departmental Communication 388 (2026).

Your Committee has reviewed the conditions recommended by the DPP to be included in a Unilateral Agreement for this rezoning, as set forth in the attachment to Departmental Communication 388 (2026), and finds that they appear to conform to the criteria specified in ROH § 21-2.80 (b) and (c). Your Committee finds that the conditions appear necessary to prevent circumstances that may be adverse to public health, safety, and welfare, and address direct impacts of the proposed zone change.

Attached hereto is a proposed Unilateral Agreement (draft dated August 18, 2026), submitted by the Applicant. The proposed Unilateral Agreement reflects the foregoing.

At your Committee's meeting on August 27, 2026, the Applicant's agent provided a brief presentation of the proposed zone change.

The DPP Planning Division Chief testified in support of the CD1 version of the Bill and responded to questions from Councilmembers. The DPP Planning Division Chief clarified that while the Applicant could submit the Property to a condominium property regime ("CPR"), which is a form of ownership, and sell individual CPR units, for development purposes, the property would still be considered as one zoning lot, so submitting the Property to a CPR would not change the development potential for the zoning lot. Under the Country District zoning, seven of the eight dwelling units would be nonconforming, and under the R-5 Residential District zoning, a maximum of eight dwelling units would be permitted.

The Applicant's agent indicated that the Applicant is not interested in submitting the Property to a CPR to sell off individual dwellings, but may do so in the future to allow his three children to own their own dwellings. While an upzone of property generally increases property values, that would be true in all cases, whether the property is submitted to a CPR or not.

Your Committee received no verbal or written public testimony on the Bill.

Your Committee considered and approved a proposed posted CD1 version of the Bill that makes the following amendments:

A. Amends SECTION 1 of the Bill to provide that:

1. The correct address of the land is 66-9A Waialua Beach Road (instead of 66-009 Wailua Beach Road); and

2. The land area subject to the zone change is a portion of Tax Map Key 6-6-018:024.

B. Amends SECTION 2 of the Bill to provide that the unilateral agreement attached to the bill relates to a portion of Tax Map Key 6-6-018:024.

C. Amends the Exhibit A map to provide that the land area subject to the zone change is:

1. A portion of Tax Map Key 6-6-018:024; and

2. 1.429 acres (instead of 1.431 acres).

D. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds that the rezoning proposed in this Bill appears to be consistent with the General Plan and Development Plans of the City and in the best interests of the people of the City and County of Honolulu. Your Committee plans to consider this matter further following the receipt of public testimony at the public hearing thereon to be held as required by law.

REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kia'āina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Your Committee on Zoning & Planning is in accord with the intent and purpose of Bill 43 (2026), as amended herein, and recommends that it pass Second Reading be scheduled for public hearing, and thereafter be referred back to Committee in the form attached hereto as Bill 43 (2026), CD1. (Ayes: Cordero, Kia'āina, Okimoto, Tupola, Waters – 5; Noes: None.)

Respectfully submitted,

Esther Kia'āina

Committee Chair

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON SEP 9 2026

COMMITTEE REPORT NO. 251(26)

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **43 (2026), CD1**

A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT PA'ALA'A KAI, WAIALUA, O'AHU, HAWAI'I.

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

SECTION 1. Zoning Map No. 17 (Mokulē'ia – Waialua – Hale'iwa), Ordinance No. 86-134, is hereby amended as follows: Land situated at 66-9A Waialua Beach Road, Waialua, O'ahu, Hawai'i, hereinafter described, is hereby rezoned from the Country 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 6-6-018:024 (portion).

SECTION 2. A Unilateral Agreement marked Exhibit B is by reference incorporated herein and made a part hereof, with regard to Tax Map Key 6-6-018:024 (portion).

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 9, 2026
Honolulu, Hawai'i

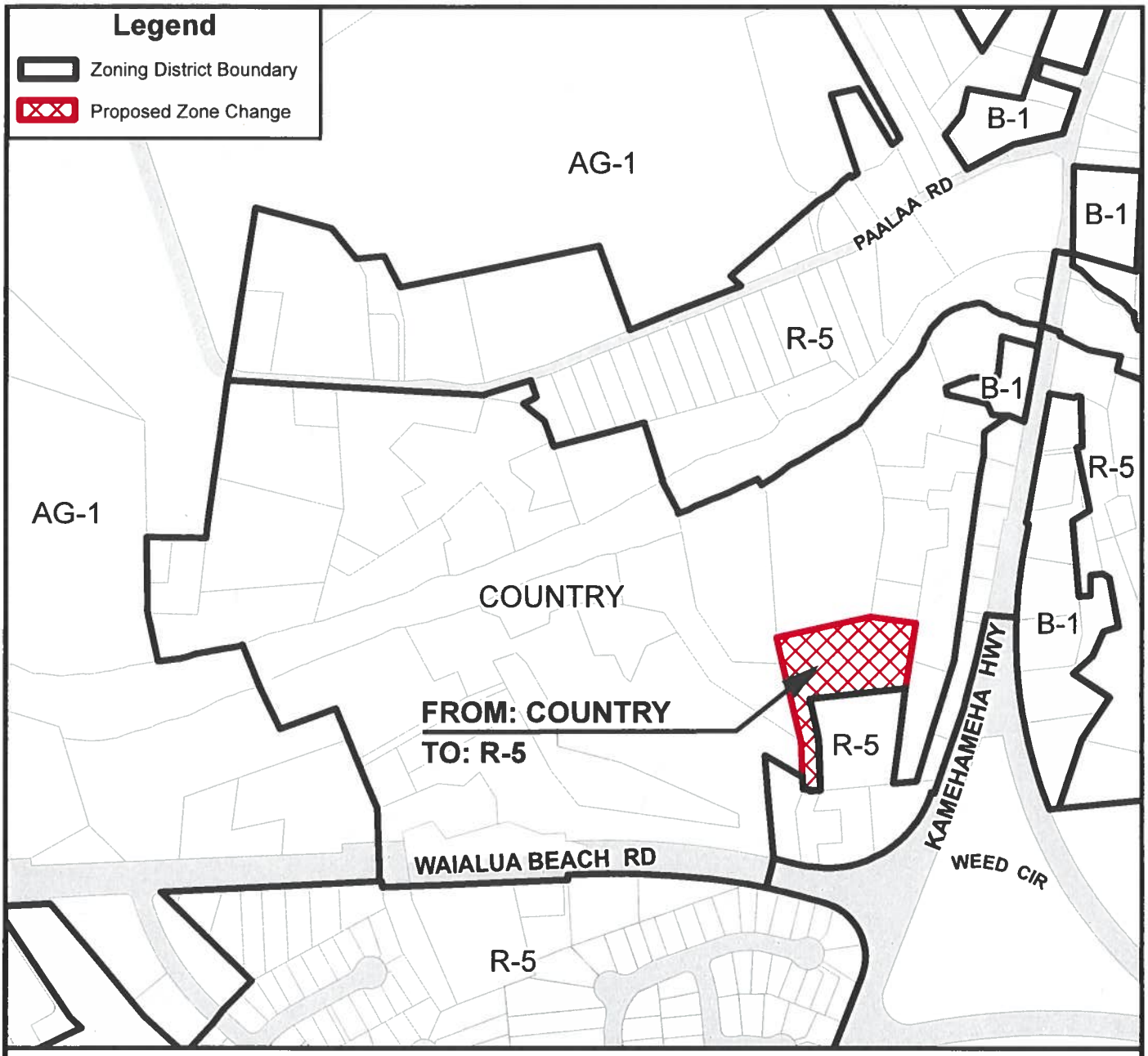
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ____.

RICK BLANGIARDI, Mayor
City and County of Honolulu



PORTION OF

ZONING MAP NO. 17

(MOKULEIA - WAIALUA - HALEIWA)

Land situated in the proximity of Waialua Beach Road and Kamehameha Highway in Waialua

0 200 400

Distance in Feet

APPLICANT: Jason C. Hagan and Elisa A. Hagan

TAX MAP KEY: 6-6-018:024 (portion)

FOLDER NO.: 2025-ZCH-1

LAND AREA: 1.429 acres

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

PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

ORD NO.

EFF. DATE:

2025-ZCH-1

EXHIBIT A

EXHIBIT B

DRAFT UNILATERAL AGREEMENT INCORPORATING THE CONDITIONS RECOMMENDED BY THE DPP IN THE DIRECTOR'S REPORT

To be prepared by the Applicant and submitted to the City Council

Report Title:
Zone Change; Department of Planning and Permitting ("DPP"); Pa'ala'a Kai, Waialua, O'ahu; Paalaa Kai, Waialua, Oahu

Description:
Rezones land situated at 66-9A Waialua Beach Road, Waialua, identified as Tax Map Key 6-6-018:024 (portion) from the County District to the R-5 Residential District.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.