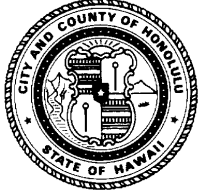


**SUMMARY OF PROPOSED FLOOR DRAFT:**

**BILL 43 (2026), CD1  
TO REZONE LAND SITUATED AT PA‘ALA‘A KAI, WAIALUA, O‘AHU, HAWAI‘I.**

**The PROPOSED FD1** makes the following amendments to the proposed CD1:

- A. Amends the CD1 by replacing the placeholder for EXHIBIT B with a copy of the Unilateral Agreement and Declaration for Conditional Zoning, executed and recorded with the Bureau of Conveyances on September 28, 2026, marked as Exhibit B.
- B. Makes miscellaneous technical and nonsubstantive amendments.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **43 (2026), CD1, FD1**  
PROPOSED

---

**A BILL FOR AN ORDINANCE**

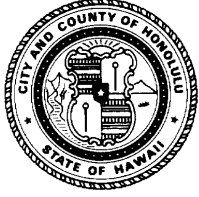
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TO REZONE LAND SITUATED AT PA'ALA'A KAI, WAIALUA, O'AHU, HAWAII'.

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 as Exhibit A and made a part hereof, and further identified as Tax Map Key 6-6-018:024 (portion).

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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 43 (2026), CD1, FD1

---

**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:

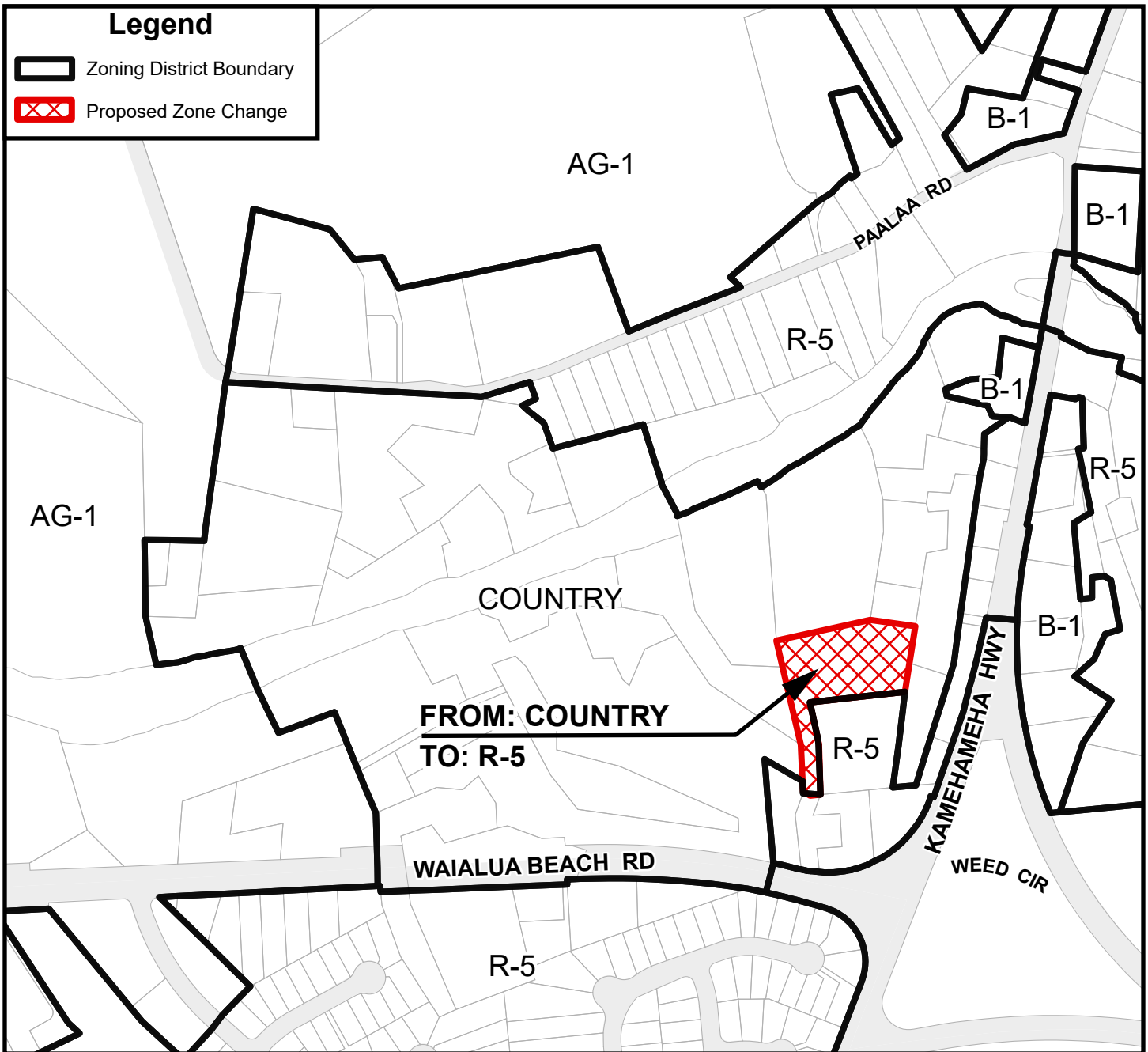
\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu

## Legend

-  Zoning District Boundary
-  Proposed Zone Change



## PORTION OF ZONING MAP NO. 17

(MOKULEIA - WAIALUA - HALEIWA)

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

APPLICANT: Jason C. Hagan and Elisa A. Hagan

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

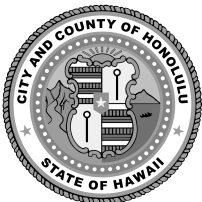
FOLDER NO.: 2025-ZCH-1

LAND AREA: 1.429 acres

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



0 200 400  
Distance in Feet



ORD NO.

EFF. DATE:

PUBLIC HEARING: PLANNING COMMISSION

CITY COUNCIL

2025-ZCH-1

EXHIBIT A

THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII

BUREAU OF CONVEYANCES

DOC NO. \_\_\_\_\_ Doc A 9767000476

DATE - TIME 9/28/2026 11:26 AM

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL ( X ) PICK-UP ( )

Jason C. Hagan and Elisa A. Hagan  
66-9A Waialua Beach Road  
Haleiwa, Hawaii 96712

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL  
ZONING

PARTIES TO DOCUMENT:

Jason C. and Elisa A. Hagan  
66-9A Waialua Beach Road, Unit A  
Haleiwa, Hawaii 96712

Tax Map Key No. (1) 6-6-018:024

## UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE (hereinafter referred to as this "Unilateral Agreement" or this "Declaration"), made this SEP 28 2026, 2026, by JASON C. AND ELISA A. HAGAN, husband and wife, whose mailing address is 66-9A Waialua Beach Road, Hale'iwa, Hawai'i 96712, (hereinafter referred to as the "Declarants").

### WITNESSETH:

WHEREAS, the Declarants are co-owners holding fee simple title in and to that certain real property located at 66-9A Waialua Beach Road, Hale'iwa, Hawai'i 96712, Tax Map Key No. (1) 6-6-018:024, consisting of approximately 1.431 acres, and more particularly described in Exhibit A attached hereto and incorporated by reference herein (the "Land"), and desire to make the Land subject to this Unilateral Agreement; and

**EXHIBIT B**

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"), § 21-2.80, Revised Ordinances of Honolulu 2021 ("ROH"), relating to conditional zoning, is considering a change in zoning under the LUO of an approximately 1.429-acre portion of the Land, more particularly described in Exhibit B attached hereto and incorporated by reference herein, from the Country District to the R-5 Residential District (the "zone change"); and

WHEREAS, the portion of the Land subject to the zone change, consisting of approximately 1.429 acres, is depicted as the cross-hatched area designated as the proposed zone change area on a portion of Zoning Map No. 17 (Mokulē'ia – Waialua – Hale'iwa), attached hereto as Exhibit C, and incorporated by reference herein (the "zone change area"); and

WHEREAS, the remaining approximately 80-square-foot portion of the Land that is not within the zone change area is already zoned R-5 Residential District; and

WHEREAS, the Declarants seek rezoning of the zone change area to remove the nonconforming status of eight existing dwelling units located on the Land (six single-unit dwellings and one two-unit dwelling); the Declarants are not proposing any new development or change of use as a part of the requested zone change; and

WHEREAS, public hearing regarding the zone change, Bill 43 (2026), was held by the Council on September 9, 2026; and

WHEREAS, the Council recommended by its Zoning and Planning Committee Report No. 266 (2026) that the zone change be approved, subject to the following conditions contained in this Declaration, to be made pursuant to the provisions of ROH § 21-2.80, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the zone change (the "Rezoning Ordinance");

NOW THEREFORE, Declarants hereby covenant and declare as follows:

1. Subdivision. The Land may not be further subdivided, except for the creation of necessary easements for access or utility purposes.
2. Compliance With Other Governmental Requirements. The Declarants acknowledge that approval of the zone change does not constitute compliance with the LUO or other governmental requirements. They are subject to separate review and approval. The Declarants shall be responsible for ensuring that future development on or uses of the Land comply with all applicable LUO and other governmental provisions and requirements.

3. Noncompliance With Conditions. In the event of noncompliance with any of the conditions set forth herein, the DPP Director shall inform the Council and may seek civil enforcement or take appropriate action to terminate or stop any future development of the Land until applicable conditions are met, including but not limited to withholding the issuance of any permits related to the 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 Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended.

NOW, THEREFORE, the Declarants hereby make the following additional Declarations:

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

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

That any development of the zone change area must conform to the aforesaid conditions with the understanding that, at the request of the Declarants and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the DPP may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreements applicable to the zone change area, 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 Declarants or their successors and assigns may file a petition with the DPP 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.

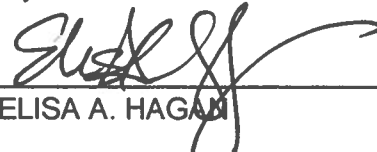
This Agreement may be signed in two or more counterparts and each counterpart, when executed, shall be deemed an original, and all such counterparts shall be construed as one agreement binding on all of the parties.

*[REMAINDER OF THIS PAGE LEFT BLANK; SIGNATURE PAGES TO FOLLOW]*

IN WITNESS WHEREOF, the parties hereto have executed this Unilateral Agreement and Declaration for Conditional Zoning on the day and year first above written.

DECLARANTS

  
\_\_\_\_\_  
JASON C. HAGAN

  
\_\_\_\_\_  
ELISA A. HAGAN

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On SEP 28 2026, 2026, before me personally appeared  
**JASON C. HAGAN**, personally known/proved to me on the basis of satisfactory evidence, who,  
being by me duly sworn or affirmed, did say that such person executed the foregoing instrument  
as the free act and deed of such person in the capacity shown, having been duly authorized to  
execute such instrument in such capacity.



(Official Stamp or Seal)

Signature: [Signature]

Print name: Nicolas Vargas Calvo

Notary Public, State of Hawaii  
My Commission Expires:  
April 10, 2028

My commission expires: \_\_\_\_\_

NOTARY CERTIFICATION

Document Date: SEP 28 2026

No. of Pages: 11

Notary Name: Nicolas Vargas Calvo

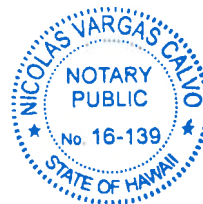
Jurisdiction: First Circuit, State of Hawaii

Document Description: Unilateral Agreement  
and Declaration for Conditional Zoning

(Official Stamp or Seal)

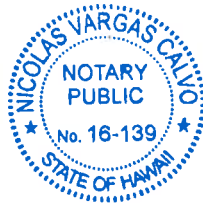
[Signature] SEP 28 2026  
Notary Signature Date

Printed Name of Notary: Nicolas Vargas Calvo



STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On SEP 28 2026, 2026, before me personally appeared **ELISA A. HAGAN**, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Official Stamp or Seal)

Signature: [Signature]

Print name: Nicolas Vargas Calvo

Notary Public, State of Hawaii

My Commission Expires;  
April 10, 2028

My commission expires: \_\_\_\_\_

NOTARY CERTIFICATION

Document Date: SEP 28 2026

No. of Pages: 11

Notary Name: Nicolas Vargas Calvo

Jurisdiction: First Circuit, State of Hawaii

Document Description: Unilateral Agreement  
and Declaration for Conditional Zoning

(Official Stamp or Seal)

[Signature] SEP 28 2026  
Notary Signature Date

Printed Name of Notary: Nicolas Vargas Calvo



# EXHIBIT A

## Property Description

### -PARCEL FIRST:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 909, Land Commission Award Number 2793, Apana 2 to Keawemuku and Kihewa and Royal Patent Number 899, Land Commission Award Number 2910, Apana 1 to Kahakualoa) situate, lying and being at Paalaa, District of Waialua, City and County of Honolulu, State of Hawaii, being PARCEL 19, now known as LOT B, and thus bounded and described:

Beginning at a pipe at the northwest corner of this parcel of land, being also the northeast corner of Parcel 19-A. the Coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU IKI" being 14,196.37 feet north and 5,303.11 feet east and thence running by azimuths measured clockwise from true South:

- |    |      |     |     |        |                                                                                                                                                                                                        |
|----|------|-----|-----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 257° | 19' | 30" | 186.95 | feet along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                                                                        |
| 2. | 277° | 21' |     | 109.98 | feet along the remainder of R. P. 899, L. C. Aw. 2910, Ap. 1 to Kahakualoa to a pipe;                                                                                                                  |
| 3. | 7°   | 27' |     | 163.26 | feet along R. P. 906, L. C. Aw. 2939, Ap. 3 to Kahookalahala to a pipe;                                                                                                                                |
| 4. | 84°  | 30" |     | 234.60 | feet along Hawaiian Electric Company's Sub-Station Lot, along the remainders of R. P. 899, L. C. Aw. 2910, Ap. 1 to Kahakualoa and R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe; |
| 5. | 166° | 50' | 50" | 161.66 | feet along Parcel 19-A, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to the point of beginning and containing an area of 45,624 square feet, more or less.          |

### -PARCEL SECOND:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 2887, Land Commission Award No. 2746 to Namakaohao and Royal Patent Number 909, Land Commission Award Number 2793, Ap. 2 to Keawemuku and Kihewa) situate, lying and being at Paalaa, District of Waialua, City and County of Honolulu, State of Hawaii, being PARCEL 19-A. now known as LOT D, and thus bounded and described:

Beginning at a 2-inch pipe (found and adopted) at the northwest corner of this parcel of land, easterly of R. P. 4475, L. C. Aw. 7713, Ap. 34 to V. Kamamalu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU IKI" being 14,186.25 feet north and 5,260.29 feet east and thence running by azimuths measured clockwise from true South:

- |    |      |         |        |                                                                                                                                                                    |
|----|------|---------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 256° | 42'     | 44.00  | feet along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                                    |
| 2. | 346° | 50' 50" | 161.66 | feet along Parcel 19, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                   |
| 3. | 346° | 42'     | 104.07 | feet along Hawaiian Electric Company's Sub-station Lot, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                 |
| 4. | 357° | 32' 30" | 121.00 | feet along Hawaiian Electric Company's Sub-Station Lot, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                 |
| 5. | 84°  | 30'     | 21.44  | feet along Parcel 20, along R. P. 4475, L. C. Aw. 7713, Ap. 34 to V. Kamamalu to a pipe;                                                                           |
| 6. | 119° | 45'     | 26.70  | feet along Parcel 20, along R. P. 891, L. C. Aw. 8432, Ap. 2 to Kaiama to a pipe;                                                                                  |
| 7. | 177° | 32' 30" | 103.72 | feet along Lot 1 and Parcel 16, along the remainder of R. P. 2887, L. C. Aw. 2746 to Namakaohao to a pipe;                                                         |
| 8. | 166° | 41'     | 195.43 | feet along R. P. 893, L. C. Aw. 7375 to Hua to a 2-inch pipe in concrete;                                                                                          |
| 9. | 167° | 06'     | 66.11  | feet along R. P. 4475, L. C. Aw. 7713, Ap. 34 to V. Kamamalu to the point of beginning and containing an area of 16, 735 square feet, or 0.394 acre, more or less. |

Together with a right and easement for all road and utility purposes, appurtenant to said PARCELS 19 (now known as LOT B) and 19-A (now known as LOT D), to be used in common with others thereunto entitled over, across, along, upon and under, etc. being Lots 2 and 3, same being PARCEL 20 (easement for road and utility purposes) and containing an area of 8,170 square feet, more or less, being more particularly described therein, as granted by instrument dated December 21, 1964, recorded in the Bureau of Conveyances of the State of Hawaii (the "Bureau") in Liber 4913 at Page 442.

Being the premises conveyed to First Title Holding HAR000004, LLC, a Hawaii limited liability company, as tenant in severalty, by Trustee's Deed dated May 28, 2020, recorded in the Bureau as Document No. A-74610072.

SUBJECT, HOWEVER, to:

1. Mineral and water rights of any nature.
2. -AS TO PARCEL SECOND ONLY:-
  - (A) Reserving unto CASTLE & COOKE, INC., a Hawaiian corporation, its successors and assigns, a right and easement for all road and utility purposes, as set forth in DEED dated December 21, 1964, recorded in the Bureau in Liber 4913 at Page 442.

- (B) A right and easement for road and utility purposes, as set forth in DEED dated October 11, 1955, recorded in the Bureau in Liber 3026 at Page 266 from Victor S. K. Houston, et al., Trustees of the Liliuokalani Trust to the Hawaiian Electric Company, Inc.
  - (C) An easement for road and utility purposes, as set forth in EXCHANGE DEED dated July 7, 1961, recorded in the Bureau in Liber 4093 at Page 302 between CASTLE & COOKE INC. and ABRAHAM AIAU, et al. forth in DEED dated October 11, 1955, recorded in the Bureau in Liber 3026 at Page 266;
  - (D) An easement for road and utility purposes reserved unto the Trustees under the Liliuokalani Trust, as set forth in EXCHANGE DEED dated July 21, 1955, recorded in the Bureau in Liber 2994 at Page 352.
- 3. Structure position discrepancies and encroachment(s) as referenced on the survey map prepared by Jaime F. Alimboyoguen, Land Surveyor, Jaime F. Alimboyoguen, LLC, dated December 17, 2019.
  - 4. Encroachment(s) as referenced on the survey map prepared by Jaime F. Alimboyoguen, Land Surveyor, with Jaime F. Alimboyoguen, LLC, dated December 17, 2019.
  - 5. Real Property Mortgage; Security Agreement; Assignment of Leases and Rents; Fixture Filing; and Financing Statement. dated May 27, 2020, made by First Title Holding HAR000004, LLC, a Hawaii limited liability company, as Mortgagor, and James T. Harper and Shirley M. Harper, Co-Trustees of the James Harper Family Trust, dated June 29, 2000, with powers to sell, lease, mortgage or otherwise deal with and dispose of property of the trust estate, as Mortgagee, recorded in the Bureau as Document No. A-74610073.

# EXHIBIT B

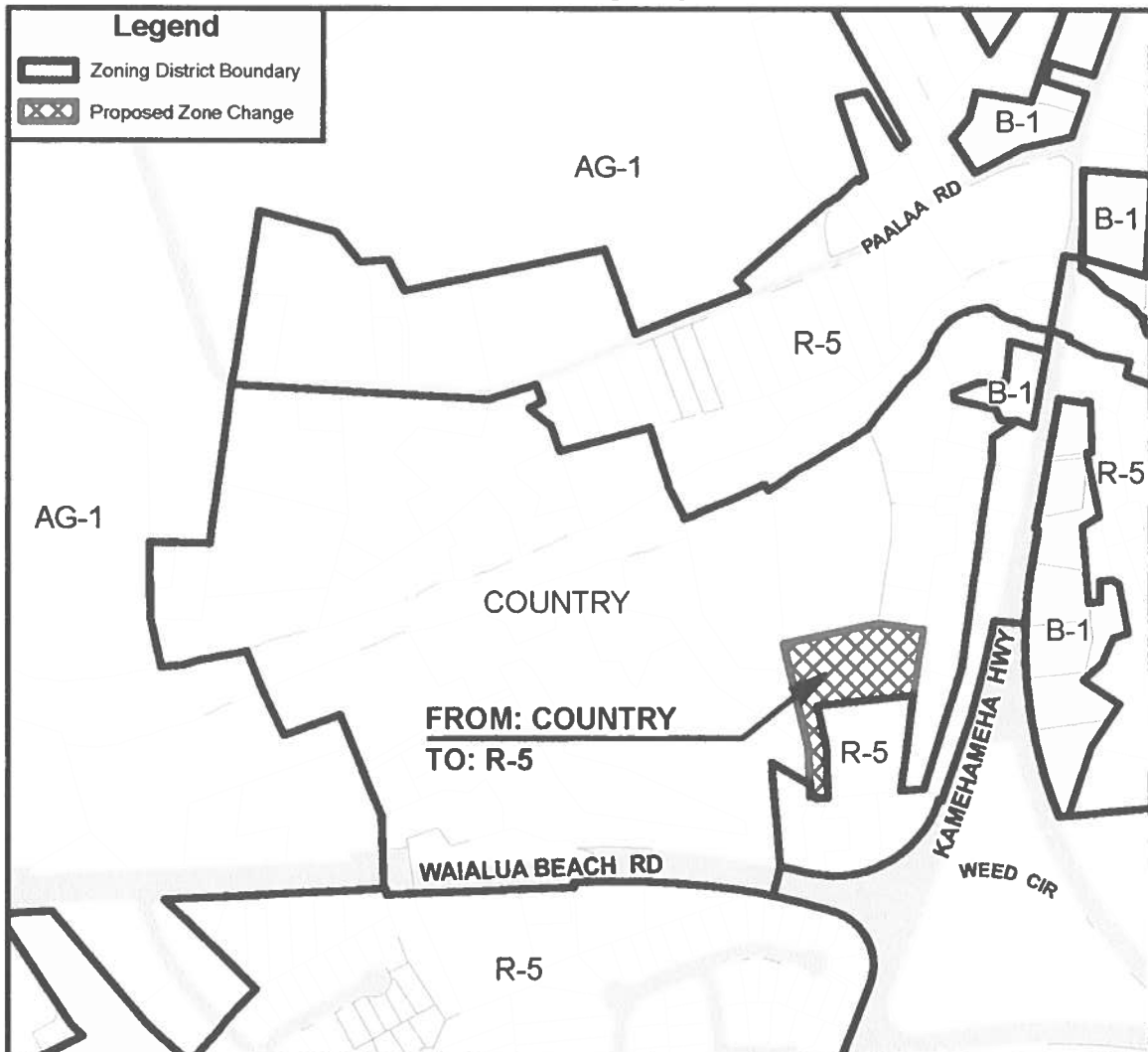
## Zone Change Area Description

All of that certain land beginning at a point being 14,196.37 feet north and 5,303.11 feet east of Government Survey Triangulation Station "PUU IKI" and thence running by azimuths measured clockwise from true South:

- |     |      |     |     |        |                                                                                                                                                                                                       |
|-----|------|-----|-----|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | 257° | 19' | 30" | 186.95 | feet along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                                                                       |
| 2.  | 277° | 21' |     | 109.98 | feet along the remainder of R. P. 899, L. C. Aw. 2910, Ap. 1 to Kahakualoa to a pipe;                                                                                                                 |
| 3.  | 7°   | 27' |     | 163.26 | feet along R. P. 906, L. C. Aw. 2939, Ap. 3 to Kahoohalahala to a pipe;                                                                                                                               |
| 4.  | 84°  | 30" |     | 234.60 | feet along Hawaiian Electric Company's Sub-Station Lot, along the remainders of R. P.899, L. C. Aw. 2910, Ap. 1 to Kahakualoa and R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe; |
| 5.  | 346° | 42' |     | 104.07 | feet along Hawaiian Electric Company's Sub-station Lot, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                    |
| 6.  | 357° | 32' | 30" | 121.00 | feet along Hawaiian Electric Company's Sub-Station Lot, along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                    |
| 7.  | 97°  | 39' | 40" | 32.91  | feet;                                                                                                                                                                                                 |
| 8.  | 119° | 45' |     | 13.72  | feet along Parcel 20, along R. P. 891, L. C. Aw. 8432, Ap. 2 to Kaiama to a pipe;                                                                                                                     |
| 9.  | 177° | 32' | 30" | 103.72 | feet along Lot 1 and Parcel 16, along the remainder of R. P. 2887, L. C. Aw. 2746 to Namakaohao to a pipe;                                                                                            |
| 10. | 166° | 41' |     | 195.43 | feet along R. P. 893, L. C. Aw. 7375 to Hua to a 2-inch pipe in concrete;                                                                                                                             |
| 11. | 167° | 06' |     | 66.11  | feet along R. P. 4475, L. C. Aw. 7713, Ap. 34 to V. Kamamalu to the point of beginning and containing an area of 16, 735 square feet, or 0.394 acre, more or less.                                    |
| 12. | 256° | 42' |     | 44.00  | feet along the remainder of R. P. 909, L. C. Aw. 2793, Ap. 2 to Keawemuku and Kihewa to a pipe;                                                                                                       |

# EXHIBIT C

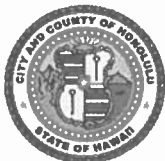
## Portion of Zoning Map No. 17



### PORTION OF ZONING MAP NO. 17

(MOKULEIA - WAIALUA - HALEIWA)

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



**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

ORD NO.

**PUBLIC HEARING:** PLANNING COMMISSION

CITY COUNCIL

2025-ZCH-1

**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 Country 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.*