

From: [Lei Akona](#)
To: [Planning WPC Testimony](#)
Subject: Opposition Bill 154
Date: Thursday, July 2, 2026 9:01:08 AM
Attachments: [Bill 154 Opposition.pdf](#)

Aloha,

Please see attached Opposition to Bill 154.

Mahalo,
Leilani Akona

RE: Bill 154 – Testimony in Opposition

Aloha Chair, Vice Chair, and Members of the Hawai'i County Council:

Thank you for the opportunity to submit this testimony in opposition to Bill 154 and for your consideration of my comments.

I respectfully urge the Council to vote **NO** on Bill 154, or, at a minimum, defer action until a comprehensive legal, transportation, economic, and cultural impact analysis has been completed.

At its core, Bill 154 does far more than regulate land use. It imposes a countywide prohibition on the future establishment of privately operated commercial parking facilities and prohibits private property owners from charging compensation for parking on their own land. This is an extraordinary exercise of governmental authority that reaches beyond traditional zoning principles and directly affects the economic use of private property. Such a significant policy change should be supported by a substantial evidentiary record demonstrating both its necessity and its effectiveness. Bill 154 does not provide that record.

The Council relies on Hawai'i Revised Statutes § 46-4 as its authority for this ordinance. That statute grants counties broad authority to regulate land use through zoning, including the location, intensity, and compatibility of uses. However, Bill 154 is not merely regulating where parking facilities may be located or how they may operate. Instead, it prohibits an otherwise lawful business activity solely because compensation is exchanged for the temporary use of private property. The ordinance offers no explanation as to why the County's existing regulatory tools, including conditional use permits, special permits, operational standards, traffic impact analyses, performance standards, landscaping, buffering, nuisance enforcement, and site-specific permit conditions, are insufficient to address the concerns identified in the bill. Before eliminating an entire category of lawful commercial activity, the Council should demonstrate why less restrictive alternatives cannot accomplish the same public objectives.

Equally concerning are the legislative findings upon which Bill 154 is based. The ordinance repeatedly states only that privately operated paid parking "may contribute" to traffic congestion and "may encourage" increased parking demand. These are speculative assertions. The bill cites no traffic engineering studies, transportation analyses, environmental review, economic impact assessment, Planning Commission findings, or empirical evidence establishing that privately operated paid parking, as a class of land use, creates countywide impacts warranting a categorical prohibition. Legislative discretion is broad, but it is not without limits. Regulations affecting fundamental property interests should be supported by competent evidence demonstrating a real and substantial relationship to the public health, safety, and welfare.

The County's own Planning Department Recommendation Report further undermines the premise of a blanket ban. The report expressly acknowledges that unique site conditions may

exist where commercial parking facilities serve a demonstrated public need, support established development patterns, or accommodate circumstances not anticipated by generally applicable zoning regulations. It further concludes that such situations warrant discretionary review to evaluate site-specific land use, transportation, operational, and community impacts. These findings recognize that commercial parking facilities are not categorically incompatible with every zoning district or location. Rather, they support individualized review based upon the characteristics of each property. Bill 154 nevertheless abandons that approach in favor of a countywide prohibition.

Bill 154 also creates uncertainty through its treatment of existing law. While it contains language similar to Bill 132 regarding hotels and resorts, the exemption discussed during committee proceedings does not appear in the ordinance itself. Statements made during legislative discussion do not carry the same legal force as the text ultimately enacted into law. If the Council intends to exempt hotels, resorts, or other uses, those exemptions should be expressly stated in the ordinance rather than left to future interpretation. The bill also substantially revises the definitions of "commercial parking lot and garage" and "parking lot and garage," expanding the scope of regulated activity without adequately explaining the legal or policy basis for those changes. These are precisely the types of concerns the Sunshine Law was enacted to address and protect against.

The ordinance further distinguishes between publicly owned and privately owned paid parking facilities, allowing public entities to continue charging for parking while prohibiting the identical activity on private property. The Council asserts that public facilities serve governmental purposes, yet the ordinance does not explain why the same activity allegedly contributes to congestion when conducted by a private property owner but not when conducted by a governmental entity. If the concern is traffic generation, vehicle circulation, or parking demand, those impacts arise from the use itself, not from the identity of the property owner. The record should more fully explain the basis for this distinction.

An **immediate and practical solution** to the current parking challenges would be to **restore public access to parking at the Pier and Hale Hālāwai**, as has historically been done and remains well within the County's authority. Rather than expanding access to these existing public parking resources, the County has installed gates that restrict parking, further reducing an already limited supply of available parking. Before prohibiting lawful private parking options, the County should first consider restoring public parking resources that have successfully served the community in the past.

Bill 154 should also be evaluated for its broader impacts on local businesses, family-owned properties, and Native Hawaiian communities. Many local landowners rely upon flexible, lawful uses of their property to maintain generational ownership, preserve ancestral lands, and create supplemental income that supports long-term stewardship. Hawai'i law recognizes the importance of considering Native Hawaiian rights and interests in governmental decision-making where those interests are implicated. The Council should carefully evaluate whether this ordinance could disproportionately affect Native Hawaiian landowners,

beneficiaries, or small local property owners before adopting a categorical prohibition that may limit economic opportunities on privately owned lands.

Finally, Bill 154 appears difficult to reconcile with the County's own General Plan, which encourages balanced land-use regulation, support for locally owned businesses, economic resilience, and efficient use of land. Those objectives are not advanced by eliminating an entire category of lawful commercial activity without demonstrating why targeted regulation cannot achieve the same result. The Planning Department itself acknowledges that site-specific review is appropriate in certain circumstances. The ordinance, however, removes that flexibility and replaces it with a blanket prohibition.

Private property rights have long been recognized as a foundational principle of Hawai'i law, while local governments retain important authority to regulate land use in the public interest. Those principles are not incompatible. The question before the Council is not whether traffic management is a legitimate governmental objective—it unquestionably is. The question is whether Bill 154 establishes, through substantial evidence, that a countywide prohibition on future privately operated paid parking is necessary, reasonable, and more effective than the many regulatory tools the County already possesses. Based on the record before the Council, that showing has not been made.

For these reasons, I respectfully urge the Council to reject Bill 154 or defer further consideration until the County has completed a comprehensive legal, transportation, economic, and cultural analysis supported by substantial evidence and has fully evaluated less restrictive alternatives that would protect both the public interest and the rights of Hawai'i's property owners.

Mahalo,

Leilani Akona