

**COUNTY OF HAWAI'I PLANNING DEPARTMENT
BACKGROUND REPORT**

**COUNTY COUNCIL INITIATED BILL NO. 154
AMENDMENT TO CHAPTER 25 OF THE HAWAI'I COUNTY CODE 1983 (2016
EDITION, AS AMENDED), RELATING TO COMMERCIAL PARKING LOTS AND
GARAGES (PL-CCI-2026-000017)**

The County Council has referred Bill 154, an ordinance amending Chapter 25 (Zoning), Articles 1, 5, and 7 of the Hawai'i County Code 1983 (2016 Edition, as amended), relating to commercial parking lots and garages by revising the definition of commercial parking lots and garages, removing such uses from permitted uses within the zoning code, and establishing nonconforming use provisions for existing commercial parking lots and garages.

PURPOSE OF BILL NO. 154

Bill 154 proposes to amend Chapter 25 (Zoning) of the Hawai'i County Code 1983 (2016 Edition, as amended) by revising the definition of "commercial parking lot and garage," removing commercial parking lots and garages as a permitted use within the County's zoning districts, and establishing nonconforming use provisions for existing lawful commercial parking lots and garages (**Planning Department Exhibit 1**). The bill would define a commercial parking lot and garage as "any privately owned building or parking area designed or used for temporary paid parking of automotive vehicles". Currently, the zoning code defines commercial parking lots and garages as "any building or parking area designed or used for temporary parking of automotive vehicles, which is not accessory to another use on the same building site and within which no vehicles are repaired".

Existing lawful commercial parking lots and garages would be permitted to continue as legal nonconforming uses pursuant to the provisions of Chapter 25.

The Bill's findings and purpose section states that privately operated commercial parking lots and garages may contribute to increased vehicle circulation, traffic congestion, and land use patterns that are inconsistent with County planning objectives. The findings further distinguish publicly owned paid parking facilities, which serve

governmental and public transportation purposes, from privately operated commercial parking facilities. Accordingly, Bill 154 seeks to prohibit the establishment of new privately operated commercial parking lots and garages while allowing existing lawful facilities to continue pursuant to the County's nonconforming use regulations.

PROPOSED AMENDMENT TO HCC CHAPTER 25

Bill 154 proposes the following amendments to Chapter 25 of the Hawai'i County Code:

1. Section 25-1-5 is amended by revising the definition of "commercial parking lot and garage" as follows:

""Commercial parking lot and garage" means any privately-owned building or parking area designed or used for temporary paid parking of automotive vehicles [~~which is not accessory to another use on the same building site and within which no vehicles are repaired~~]."

2. Removes "commercial parking lots and garages" as a permitted use from the following zoning districts:

- CG (General Commercial)
- CV (Village Commercial)
- MCX (Industrial-Commercial Mixed)
- ML (Limited Industrial)
- MG (General Industrial)

With this amendment, "commercial parking lots and garages" would only be permitted in the Resort-Hotel (V) zoning district.

3. Establishes that any privately owned commercial parking lot or garage lawfully existing prior to the effective date of the ordinance may continue as a lawful nonconforming use pursuant to Chapter 25.

AGENCY COMMENTS

4. Kailua Village Business Improvement District (**P.D. Exhibit 2 - Email to Planning Department dated May 28, 2026**)

AGENCIES – NO COMMENT OR CONCERN

5. County Department of Water Supply; Department of Parks and Recreation; Police Department; Waimea Community Association; State Department of Health.

AGENCIES – NO RESPONSE

6. DPW-Engineering; DPW-Traffic; Department of Environmental Management; Civil Defense; Fire Department; County Department of Research and Development; Downtown Hilo Improvement Association; State Land Use Commission; State Department of Agriculture.

PUBLIC COMMENTS

7. As of the time of this writing, the Planning Department has received no public comments regarding this request.

Ashley L. Kierkiewicz
County Council District IV

*Policy Committee on Planning
Land Use and Economic Development – Chair*



(808) 961-8265
ashley.kierkiewicz@hawaiicounty.gov

*Policy Committee on Infrastructure
and Assets – Vice Chair*

COH PLANNING DEPT
MAY 8 2026 AM 8:02

HAWAI'I COUNTY COUNCIL

Hawai'i County Building
25 Aupuni Street • Hilo, Hawai'i 96720

REC'D HAND DELIVERED

TO: Jeff Darrow, Director
Planning Department

FROM: *KJ for* Ashley L. Kierkiewicz, Council Member

DATE: May 7, 2026

SUBJECT: Referral of Bill 154; an Ordinance amending Chapter 25, Articles 1, 5, and 7, of the Hawai'i County Code 1983 (2016 Edition, As Amended), relating to commercial parking lots and garages.

Pursuant to Section 25-2-43(b) of the Hawai'i County Code, I am submitting Bill 154, enclosed for your comment and recommendation. I also request that you forward the same to the Windward and Leeward Planning Commissions for their comment and recommendation.

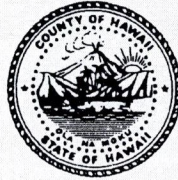
Bill 154 was referred for comment and recommendation to the Planning Director and the Windward and Leeward Planning Commissions by the Hawai'i County Council's Committee on Planning on May 4, 2026.

After your and the Commissions review, please forward your comments and recommendations to Council Chairperson Dr. Holeka Goro Inaba.

Thank you for your attention to this matter.

Enc.
AK/kj

COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 154

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 5, AND 7, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO COMMERCIAL PARKING LOTS AND GARAGES.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Findings and purpose. The Council finds that privately operated commercial parking lots and garages, including situations where parking is offered for compensation, may contribute to additional vehicle circulation, traffic congestion, and land use patterns that are inconsistent with the County's planning objectives, including the efficient use of land for housing, agriculture, and community benefit.

The Council further finds that the practice of charging compensation for parking may encourage increased parking demand and turnover, which may incrementally add to traffic and circulation in surrounding areas.

Additionally, publicly owned paid parking facilities are distinguishable from privately-owned parking facilities as they are operated for public purposes, including providing access to government services and supporting broader transportation objectives, and are subject to public planning, oversight, and policy controls.

Therefore, regulating privately operated commercial parking activities, including the practice of charging compensation for parking, is appropriate to support orderly development consistent with the Hawai'i County General Plan.

This ordinance is adopted pursuant to the County's zoning authority under Hawai'i Revised Statutes, Section 46-4. The Council finds that this ordinance does not deprive property owners of all economically beneficial use of their property, as other permitted uses remain available.

Accordingly, the purpose of this ordinance is to prohibit the establishment of new privately operated commercial parking lots and garages as well as the practice of charging compensation for parking while allowing existing lawful uses to continue, subject to applicable nonconforming use provisions.

SECTION 2. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended), is amended by amending the definition of "commercial parking lot and garage" in subsection (b) to read as follows:

““Commercial parking lot and garage” means any privately-owned building or parking area designed or used for temporary paid parking of automotive vehicles[~~which is not accessory to another use on the same building site and within which no vehicles are repaired~~].”

SECTION 3. Chapter 25, article 5, division 11, section 25-5-112, division 12, section 25-5-122, division 13, section 25-5-132, division 14, section 25-5-142, division 15, section 25-5-152, and article 7, division 2, section 25-7-22, of the Hawai'i County Code 1983 (2016 Edition, as amended), are amended by deleting each paragraph reading "Commercial parking lots and garages." in the respective subsections (a) thereof and appropriately renumbering all subsequent paragraphs.

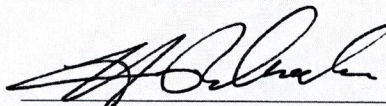
SECTION 4. Any privately-owned commercial parking use lawfully existing prior to the effective date of this ordinance that does not conform to the provisions of chapter 25 of the Hawai'i County Code (2016 Edition, as amended), as amended herein, shall be deemed a lawful nonconforming use and may continue in accordance with the provisions applicable to nonconforming uses.

SECTION 5. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

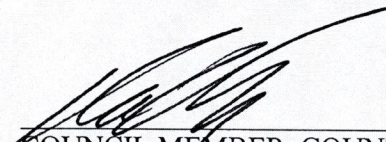
SECTION 6. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I



COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 866



Camero, Tracie-Lee

From: Dacayanan, Melissa
Sent: Thursday, May 28, 2026 11:58 AM
To: Ross Wilson
Cc: Camero, Tracie-Lee
Subject: RE: Request for Comments | County Council Initiated | PL-CCI-2026-000017 | Bill No. 154 Relating to Commercial Parking Lots and Garages

Good afternoon Ross Wilson,

Thank you very much for your comments. I've included Planner Tracie-Lee Camero on this email so she may incorporate your comments into this plan case.

Should you have any questions, please feel free to contact Tracie-Lee Camero at (808) 961-8166.

Thank you.

Melissa Dacayanan-Salvador

From: Ross Wilson <ross@current-events.com>
Sent: Thursday, May 28, 2026 9:53 AM
To: Dacayanan, Melissa <Melissa.Dacayanan@hawaiicounty.gov>
Subject: Request for Comments | County Council Initiated | PL-CCI-2026-000017 | Bill No. 154 Relating to Commercial Parking Lots and Garages

Aloha Melissa,

Mahalo for the opportunity to participate in the comments on Bill 154.

As an introduction, I'm the Executive Director for the Kailua Village Business Improvement District.

I've asked my Board of Directors for their comments on Bill 154.

This response is from one of my board members:

I'm opposed to it for the following reasons:

- 1. It creates a protected class of property owners (existing paid parking lots which will be allowed to stay as non-conforming uses) while restricting future competition from other paid parking lots. Any time you restrict supply but demand stays the same or increases, prices go up because the existing paid lots would then have greater control over limited parking resources. This would hurt the County's effort to lower paid parking prices in Kona.***
- 2. Restricting the possibility of additional parking lots in the future hurts businesses who need more parking around them, not less. If the County provides more parking that would be great, but they don't intend on doing that - they only plan to restrict the creation of new privately owned lots thereby forever limiting the creation of additional parking where it's needed***
- 3. Private parking operators do not create demand, as the Bill asserts in Section 1. Private parking came into existence because of the demand for parking that the County has not met. Restricting private-sector solutions addresses a symptom rather than the underlying challenge.***
- 4. Prohibiting commercial parking does not automatically create housing, agriculture, or redevelopment as Section 1 infers. Removing economically viable interim uses may create vacant or underutilized property rather than redevelopment.***
- 5. Parking availability is not merely a convenience issue—it is an economic vitality issue. Private parking infrastructure supports commerce in the absence of County supplied parking.***
- 6. Smaller property owners may not be able to afford vertical, major construction projects in order to monetize their commercial property. Bill 154 would disproportionately impact these small owners from economically viable land use.***

As I receive other comments, I will forward them as well.

Mahalo,

Ross Wilson Jr.

Kailua Village Business Improvement District

808-326-7820

----- Forwarded message -----

From: **Dacayanan, Melissa** <Melissa.Dacayanan@hawaiicounty.gov>

Date: Tue, May 26, 2026 at 6:41 AM

Subject: Request for Comments | County Council Initiated | PL-CCI-2026-000017 | Bill No. 154 Relating to Commercial Parking Lots and Garages

To: DPW Eng <dpweng@hawaiicounty.gov>, DPW Traffic <dpwtrf@hawaiicounty.gov>, HCPDOne <hcpdone@hawaiipolice.gov>, State Office of Planning <dbedt.stateplanning@hawaii.gov>, Waimea Community Association <waimeacommunityassociation@gmail.com>, Downtown Hilo Improvement Association <admin@downtownhilo.org>, Kailua Village Business Improvement District <kailuavillage@gmail.com>, Building Division Internet Email <cohbuild@hawaiicounty.gov>, Spielman, Aaron <Aaron.Spielman@hawaiicounty.gov>, Baybayan, Clinton <Clinton.Baybayan@hawaiicounty.gov>, Henderson, Royd <Royd.Henderson@hawaiicounty.gov>, Kawasaki, Edward <Edward.Kawasaki@hawaiicounty.gov>, Kato, Norren <Norren.Kato@hawaiicounty.gov>, Santiago, Hans <Hans.Santiago@hawaiicounty.gov>, Morrison, Bethany J <Bethany.J.Morrison@hawaiicounty.gov>, Palma, Maryam <Maryam.Palma@hawaiicounty.gov>, Buehler, Tion <Tion.Buehler@hawaiicounty.gov>, Rathje, Joel T. <Joel.Rathje@hawaiicounty.gov>, Uribe, Amelia <Amelia.Uribe@hawaiicounty.gov>
Cc: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>

Good morning,

Please see the attached memo requesting your review and comments on the subject matter.

We kindly ask that you submit your comments to planning@hawaiicounty.gov no later than June 16, 2026.

If you have any questions, please feel free to contact Planner Tracie-Lee Camero (cc'd herein) at (808) 961-8166.

Thank you.

Melissa Dacayanan-Salvador

Windward Planning Commission | County of Hawai'i | Planning Department

101 Pauahi Street, Suite 3 | Hilo, Hawai'i 96720

Tel: (808) 961-8156 | melissa.dacayanan@hawaiicounty.gov

<2026-05-26 Memo to Agencies for Comments PL-CCI-2026-017[1].pdf>