

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 28, 2016

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 15OD-093

OAHU

Issuance of Revocable Permit to AOA 1942-1946 Pauoa Rd Inc. for Parking Purposes; Termination of Revocable Permit No. 7722 issued to 1942/1946 Pauoa Road Owners Association; Nuuanu, Honolulu, Oahu, Tax Map Key: (1) 2-2-010:portion of 021.

APPLICANT:

AOAO 1942-1946 Pauoa Rd Inc., (Applicant), a domestic profit corporation

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Nuuanu, Honolulu, Oahu, identified by Tax Map Key: (1) 2-2-010:portion of 021, as shown on the maps attached as **Exhibits A1 to A3**.

AREA:

2,312 square feet, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: R-3.5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 7722 issued to 1942/1946 Pauoa Road Owners Association, Permittee, for parking purposes.

CHARACTER OF USE

Parking Purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

On August 26, 2016, item D-11, the Board approved a 1.5% per year for each year since the rent of a revocable permit was last assessed. Staff reports that the current monthly rent of \$76.00 for RP 7722 was assessed at 1997. Subject to today's approval, it is anticipated the requested revocable permit can be issued in 2017. Therefore, staff recommends the monthly rent for the requested revocable permit as follow:

$\$76 \times 130\%$ [increase for 20 years from 1997 to 2017] = \$98.8, say \$99.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 47, that states "lease of State land involving negligible or no expansion or change of use beyond that previously existing." See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO
Registered business name confirmed:	YES <u>X</u>	NO
Applicant in good standing confirmed:	YES <u>X</u>	NO

REMARKS:

The subject location has been used by the residents of the abutting private property, identified as tax map key (1) 2-2-010:014 (Parcel 14) currently owned by the Applicant,

1942-1946 Pauoa Rd Inc

for parking since 1968. Various revocable permits were issued previously to accommodate the ownership changes of Parcel 14. Latest one, RP 7722 was issued in 2011 to 1942/1946 Pauoa Road Owners Association.

During the recent review on Oahu revocable permits, staff noted that the permittee's name used in the document was not the proper entity. The proper name should be "AOAO 1942-1946 Pauoa Rd Inc."

In addition, the permit area [2,312 square feet] was incorrectly converted to 0.53 acre, instead of the proper figure of 0.053 acre, in the permit document. The map attached to the permit document overlaps with the area of an adjoining revocable permit. For housekeeping purposes, staff requests the Board issue a new revocable permit to correct the above mentioned discrepancies, subject to the terms and conditions discussed in this submittal.

Land Division is in the procurement process of retaining the service of an independent appraiser to determine the rent for the Statewide revocable permits. The recommended rent mentioned above will be re-visited during the appraisal period.

Department of Parks and Recreation and Department of Facility Maintenance have no objections/comments to the subject request. Department of Planning and Permitting, Department of Health, Division of Aquatic Resources, State Historic Preservation Division, Commission on Water Resource Management, and Office of Hawaiian Affairs have not responded to solicitation for comments before the deadline.

Board of Water Supply requests a condition in the permit to restrict erection of buildings, structures and/or building foundations, other than roads, curbs or appurtenances, and the stockpiling of any materials over the water pipeline in the area. See map attached as Exhibit A3 provided by the Board of Water Supply.

Justification for Revocable Permit

At its meeting on June 24, 2016, item D-7, the Board adopted the Revocable Permit Task Force's recommendation, including a standardized checklist to be provided to the Board with reasons justifying the issuance of a revocable permit.

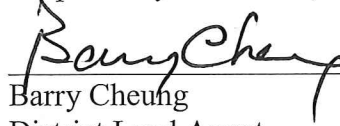
1. Site issues – the subject area is actually a portion bank of Nuuanu Stream, with no access other than through the abutting private property. Photos taken at recent inspection are attached as **Exhibit C**.
2. Truly short term use – See comments at 7 below.
3. Testing market and operational issues, plan to go to lease later – see comments at 7 below.
4. Government uses – not applicable.
5. Non-profits – not applicable.
6. Staff is unaware of interest in long-term disposition – not applicable, as the Subject Location is not a legally subdivided lot.
7. Other unusual circumstances – The State parcel identified in this submittal comprises

- mainly the portion of Nuuanu Stream. In the past, Land Division received multiple referrals or complaints of homeless population, tent site, rubbish over the State parcel, which caused major concern about public health and safety. The subject location is one of the few spots along the stream which is relatively level and vulnerable to be used as homeless tent site. Staff believes the presence of the permittee on the subject premises will help to discourage possible setting up of homeless tent sites.
8. Staff is not aware of any litigation involved in the subject parcel.
 9. Applicant is in compliance with the terms and conditions of the current RP.

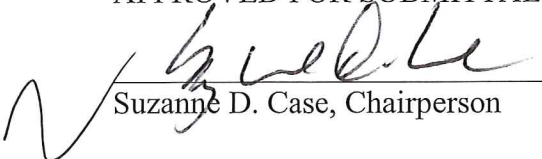
RECOMMENDATION: That the Board:

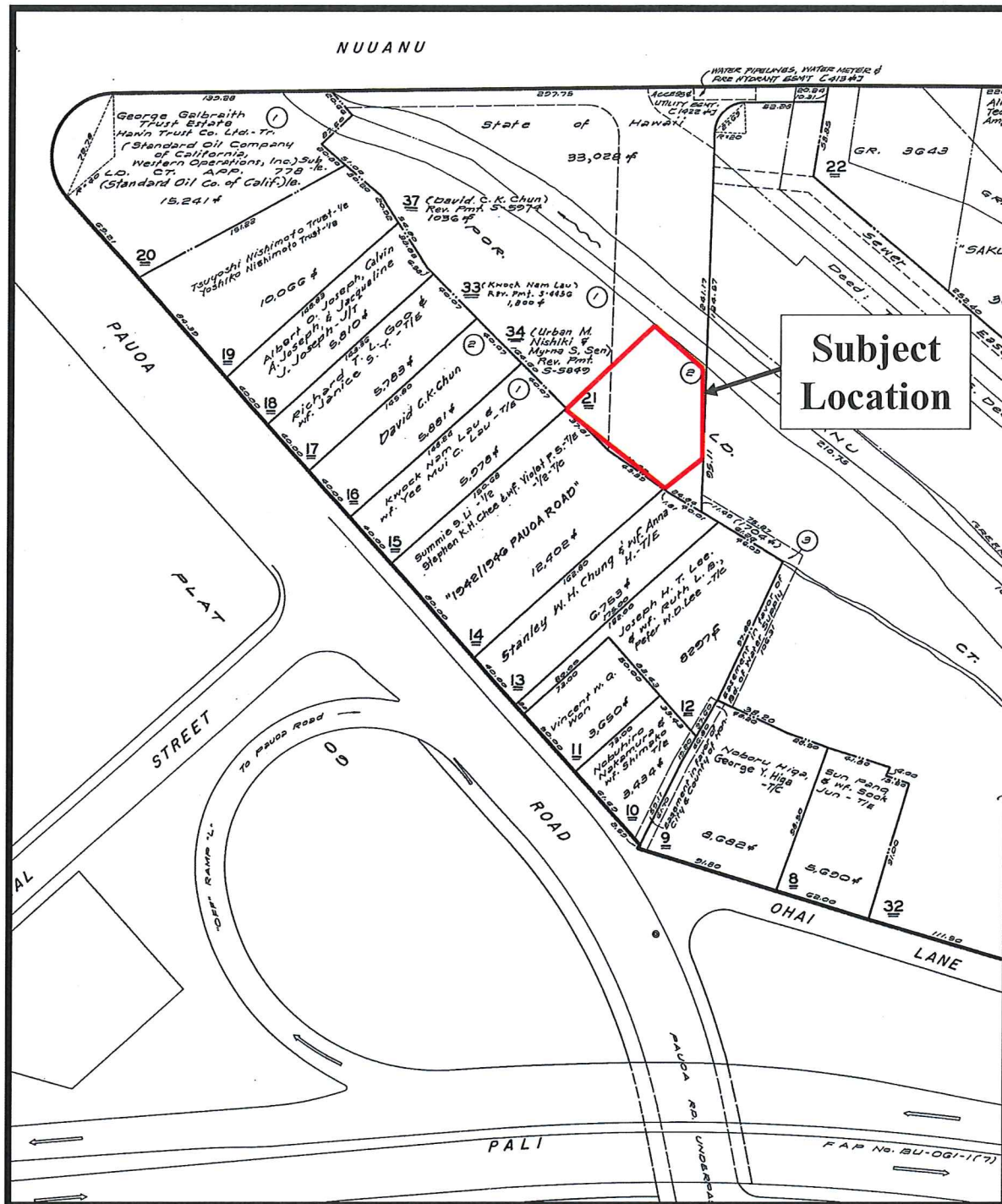
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to AOA 1942-1946 Pauoa Rd Inc. covering the subject area for parking purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. No buildings, structures and/or building foundations, or stockpiling of any materials, or portions thereof, other than roads, curbs or appurtenances, shall be placed on the waterline shown on Exhibit A3;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Termination of RP 7722 upon issuance of the subject revocable permit.

Respectfully Submitted,


Barry Cheung
District Land Agent

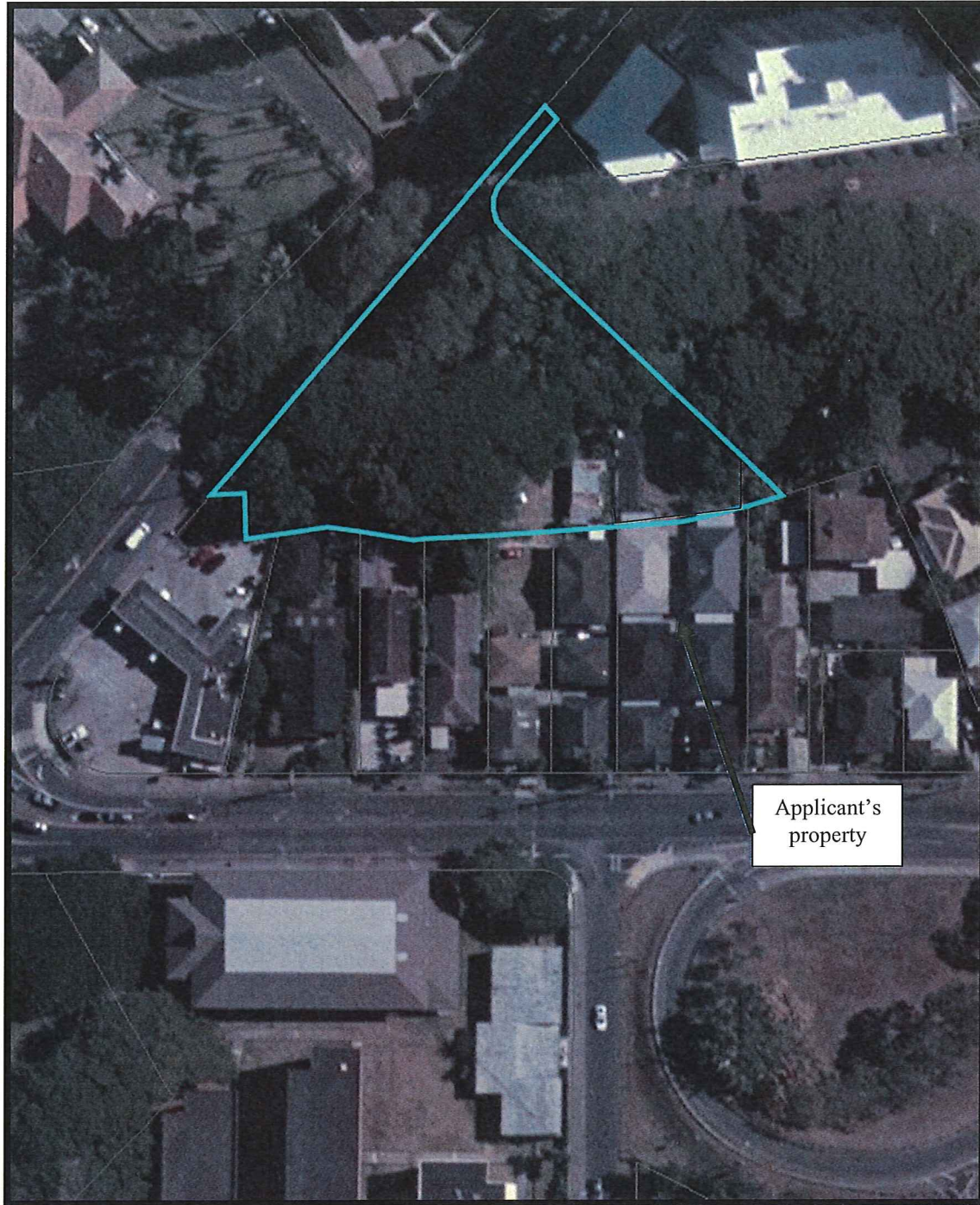
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



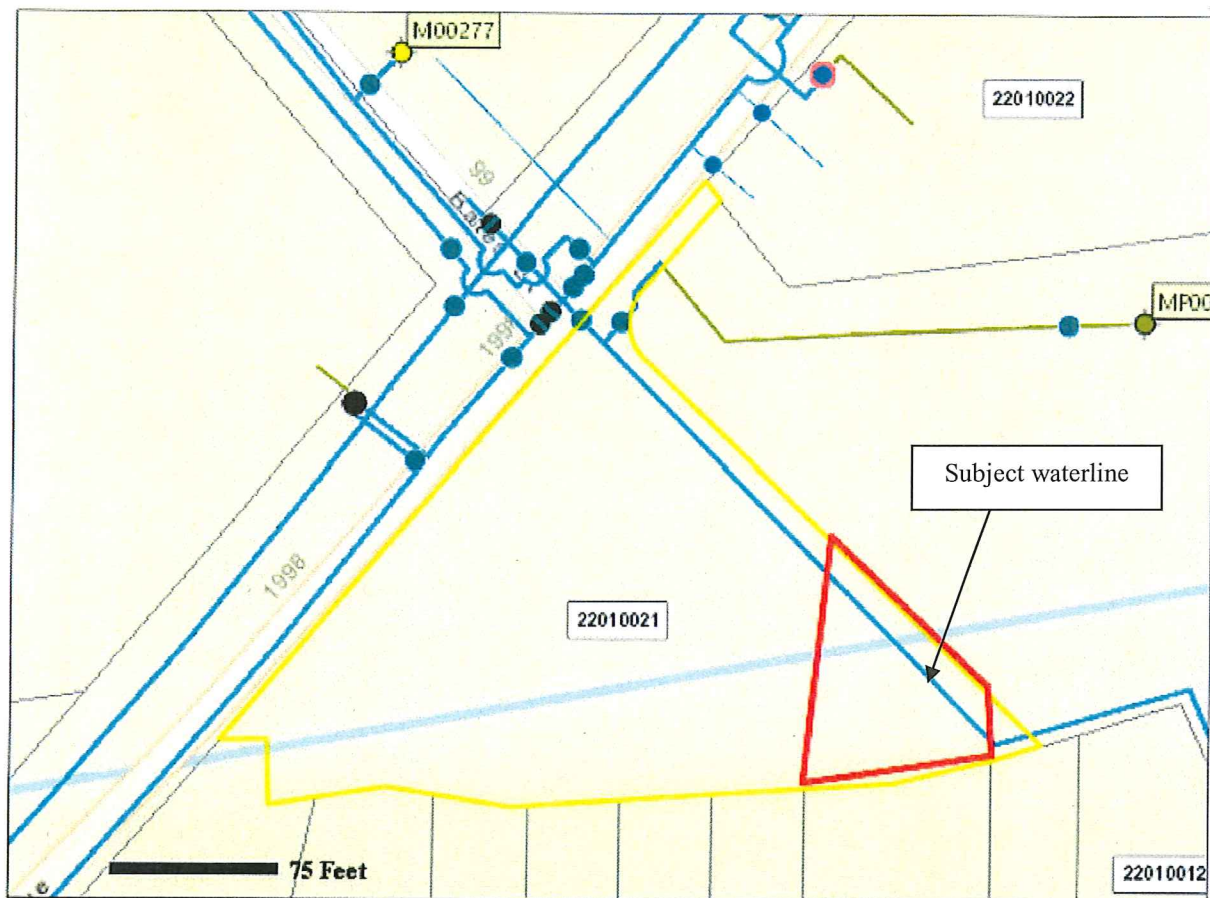
TMK (1) 2-2-010:portion of 021

EXHIBIT A1



TMK (1) 2-2-010:021 portion

EXHIBIT A2



TMK (1) 2-2-010:021 portion

EXHIBIT A3

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title: Revocable Permit for Parking Purposes.

Project / Reference No.: 16OD-093

Project Location: Nuuanu, Honolulu, Oahu, Tax Map Key: (1) 2-2-010:021 portion.

Project Description: For parking by the residents of the adjacent private properties.

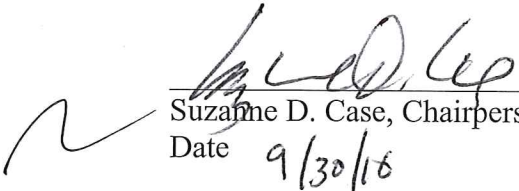
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rules Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 47, that states "lease of State land involving negligible or no expansion or change of use beyond that previously existing."

The requested location has been using for parking purposes since 1968 under various revocable permits. The subject request is for housekeeping purposes to correct the name and area of the permit. Therefore, staff believes the issuance of a new revocable permit has no significant effect on the environment.

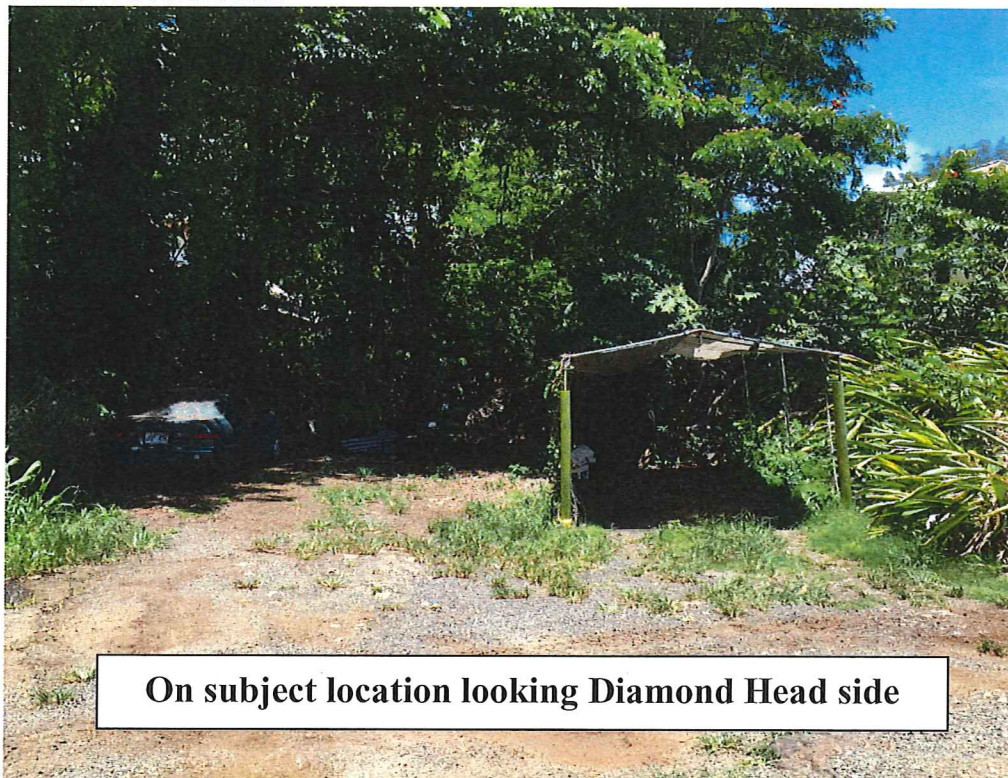
Consulted Parties: Agencies as noted in the submittal.

Recommendation: That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


Suzanne D. Case, Chairperson

Date 9/30/16

EXHIBIT B



On subject location looking Diamond Head side



On subject location looking Ewa side

EXHIBIT C