

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

January 10, 2020

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

Land Board Members:

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO DIAMOND PARKING SERVICES, LLC, FOR MANAGEMENT OF PARKING CONCESSION PURPOSES, AT ALA WAI SMALL BOAT HARBOR HONOLULU, ISLAND OF OAHU, HAWAII, IDENTIFIED BY TAX MAP KEY: (1) 2-6-010-:003 (POR), (1) 2-3-037:012 (POR), :37 (POR), :024, :030 AND :0031

AND

APPROVE AMENDMENT OF EXISTING PARKING PLAN FOR THE ALA WAI SMALL BOAT HARBOR, HONOLULU, ISLAND OF OAHU, HAWAII IDENTIFIED BY TAX MAP KEY: (1) 2-6-010-:003 (POR), (1) 2-3-037:012 (POR), :37 (POR), :024, :030 AND :0031

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND TITLE 11, CHAPTER 200.1, HAWAII ADMINISTRATIVE RULES.

APPLICANT:

Diamond Parking Services LLC.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government fast lands at Ala Wai Small Boat Harbor (“AWSBH”), situated at 1651 Ala Moana Boulevard, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1(1) 2-6-010-:003 (por), (1) 2-3-037:012 (por), :37 (por), :024, :030 AND :0031, as shown on the attached map labeled Exhibit A-2.

AREA:

Approximate area of 8.5 acres, including 966 parking stalls,

ZONING:

State Land Use District: Urban
County of Honolulu CZO: Public Precinct (Waikiki Special District)

TRUST LAND STATUS:

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

CURRENT USE STATUS:

The Premises is presently encumbered by Concession Contract IFB No. AWSBH-200901 until January 31, 2020.

CHARACTER OF USE:

Vehicle Parking Concession

MONTHLY RENTAL:

The greater of \$45,869.52 per month or 70.369% of Gross Receipts, whichever is greater. The proposed RP rent is based upon the rent charged in Concession Contract IFB No. AWSBH-200901.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

COMMENCEMENT DATE:

February 1, 2020, and ending prior to the commencement date of a new parking services concession contract or no later than January 31, 2021.

DCCA VERIFICATION FOR PROPOSED REVOCABLE PERMITEE:

Place of business registration confirmed: YES X NO __
Registered business name confirmed: YES X NO __
Applicant in good standing confirmed: YES X NO __

JUSTIFICATION FOR REVOCABLE PERMIT:

The revocable permit is truly temporary in nature. Staff will request the Board’s authorization to issue a parking concession contract at the AWSBH.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the “Exemption List for the, Department of Land and Natural Resources, reviewed and concurred in by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, Item No. 51. “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”

BACKGROUND:

At its on May 23, 2008, under agenda Item J-1, the Board approved a parking plan for the AWSBH. Under the plan that was ultimately approved, staff set aside not less than 300 free parking stalls at the AWSBH.

At its meeting on August 7, 2008, under agenda Item J-1, the Board approved the issuance of a revocable permit to Diamond for parking concession purposes, effective November 1, 2008. On December 27, 2009, Diamond was awarded Parking Concession Contract IFB No. AWSBH-200901, which commenced February 1, 2010, and ended on January 31, 2015, with an option to extend for an additional five (5) years. Diamond exercised the option to extend, and the concession will now end on January 31, 2020. Staff is therefore requesting the Board’s authorization to issue a revocable permit to Diamond while staff moves forward with the Invitation for Bids for the new concession contract.

The current breakdown of parking stalls is as follows (see Exhibit A-1):

Type of Stall	No. of Stalls
Permit	312
Recreational (free)	298 ¹
Paid (metered)	331

¹ Figure does not include the nineteen Handicapped parking stalls located within the Ala Wai Small Boat Harbor

Staff’s proposed breakdown of parking stalls is as follows (see Exhibit A-2):

Type of Stall	No. of Stalls
Permit	312
Recreational (free)	173
Paid (metered)	434

Diamond has held the parking concession at the AWSBH since November 1, 2008 and is currently in good standing. It has not had a lease, permit, easement or other disposition of State lands terminated within the last five-years due to non-compliance with such terms and conditions.

COMMENTS:

In addition to the issuance of the revocable permit to Diamond, staff is requesting the Board amend the existing parking plan, which it approved at its meeting on May 23, 2008, under agenda item J-1. Specifically, staff wishes to convert 125 parking stalls from free to paid parking.

Staff consulted with and received concurrence from the Oahu District Land Office regarding HRS Chapter 343 exemption.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 Diamond covering the Parking Lot 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. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

3. Approve the amended Parking Plan for the AWSBH to reduce the number of recreational stall from 298 to 173, and increase the number of paid stalls from 309 to 434.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit A-1 AWSBH Current Parking Plan
- Exhibit A-2 AWSBH Proposed Parking Plan

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, Hawaii 96819

January 10, 2020

EXEMPTION NOTICE

TO: DLNR Public Files for HRS Chapter 343 Exemptions
FROM: BLNR via Chairperson for the Division of Boating & Ocean Recreation (DOBOR)
RE: Preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance of a Revocable Permit (RP) to Diamond Parking Services, LLC for Management of Parking Concession at Ala Wai Small Boat Harbor (AWSBH)
Project / Reference No.:	TBD
Project Location:	TMK: (1) 2-3-037:012 (Por.) :37 (Por.) :024, :030 and:0031, AWSBH, Island of Oahu, Hawaii
Project Description:	Revocable Permit Management of Parking Concession consisting of approximately 8.5 acres, including 966 parking stalls.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s): (see general Exemption Types in HAR § 11-200.1-15; or if from an approved DLNR Exemption List, cite the class and item)	<p>This Exemption Notice for the above action is based on general exemption types enumerated in HAR § 11-200.1, under Exemption Type(s):</p> <p>1. Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.</p> <p>Also, under DLNR Exemption List reviewed and concurred to by the Environmental Council on June 5, 2015: Exemption List Class 1:</p> <p>Item 12, "Operations, repair, and maintenance of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures".</p> <p>Item 51, "Permits, licenses, registrations and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".</p>
Analysis re: Application of Exemption(s) to the Proposed Action:	At its meeting on May 23, 2008, under agenda Item J-1, the Board approved a parking plan for the AWSBH. The applicant was issued Concession Contract IFB No. AWSBH-200901,

(see HAR §11-200.1-17)	which commenced February 1, 2010, and on January 31, 2020. The applicant has been a responsible permittee since February 1, 2010. There has not been any adverse impact on the environment during the concession contract period.
Previous Determinations and Exemption Notices? (see HAR §11-200.1-11 and -12)	At its meeting on May 23, 2008, under agenda Item J-1, the Board approved a parking plan for the AWSBH and the project was determined to be exempt from the preparation of an Environmental Assessment pursuant to chapter 343, HRS.
Adverse Cumulative Impact to Receiving Environment? (Particularly sensitive environment?)	No, the applicant has operated the parking concession at Ala Wai Small Boat Harbor from February 1, 2010, without adverse impact to the land. Therefore, staff believes the use of the proposed lands for this revocable permit will have no significant effect on the environment. The area is developed and is not a particularly sensitive environment.
Other Considerations?	In DOBOR's experience issuance of an RP for use of a small boat harbor facility for a parking concession is unlikely to raise environmental concerns and is likely to enhance public safety for the boating public.
Analysis:	The applicant has been a responsible concessionaire of this Parking Concession since February 1, 2010. The requests would involve no expansion or change in use of the subject locations beyond that previously existing.
Consulted Parties:	The Oahu District Land Office was consulted and they concur that the proposed use is exempt from the preparation of an environmental assessment and will probably have minimal or no significant effect on the environment and should be considered exempt from the preparation of an environmental assessment.
Declaration:	The Board finds that these projects will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.

Current Parking Plan



Proposed Parking Plan

