

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

May 8, 2020

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

OAHU

Issuance of Construction and Management Right-of-Entry Permit to Honolulu Authority for Rapid Transportation for Park and Ride Facility Purposes, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-017:097 (por.).

APPLICANT:

Honolulu Authority for Rapid Transportation (HART)

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of East Kapolei situated at Honouliuli, Ewa, Oahu, identified by Tax Map Key: (1) 9-1-017:097 (por.), as shown on the attached map labeled **Exhibit A**.

AREA:

36.365 acres, with 11.04 acres used for park and ride facility.

ZONING:

State Land Use District: Urban
City and County of Honolulu CZO: AG-1 Restricted Agriculture District

TRUST LAND STATUS:

Acquired after 8/59

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by right of entry to HART for construction of overhead rail guideway.

CHARACTER OF USE:

Park and Ride facility purposes, including entry building and bus attendant facility.

TERM OF RIGHT-OF-ENTRY:

Expiration upon execution of the long-term disposition.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the subject project was published in the Office of Environmental Quality Control's The Environmental Notice on January 8, 2011.

DCCA VERIFICATION:

Not applicable, Applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

Subject parcel Tax Map Key (1) 9-1-017:097 is located adjacent to the University of Hawaii West Oahu (UHWO) Keone`ae rail station. Due to its location, the parcel is a key component in the Department's planned transit-oriented development (TOD) project for four of its parcels located in the vicinity of UHWO. The subject parcel is intended to be a mixed-use development to generate income to support the Department's programs. However, due to its proximity to the rail station, HART has requested to use portions of the subject parcel for rail purposes, including the overhead rail guideway and a 1000-stall park and ride facility including a bus transit center, impacting the subject parcel's development potential.

Initially, the park and ride facility would occupy approximately 5 acres of the subject parcel, with the remainder located on private land located in DR Horton Hawaii's (DRH) Ho'opili development situated across a planned Road E from the subject parcel, for a total site area of approximately 10 acres. At its meeting on September 13, 2013, under agenda item D-8, the Board initially approved as amended a 5-year lease, with an option to extend an additional 5 years, for an area not to exceed 5 acres for the park and ride facility. However, no lease was executed with HART. Subsequent to the Board's approval, the Department of Planning and Permitting (DPP) determined that it would be more appropriate to consolidate the entire park and ride facility on the State's subject parcel. DPP had concerns about riders having to cross Road E to access the remainder of the park and ride facility. In lieu of monetary consideration for the rail related dispositions, the DPP has agreed to include all four of the State's parcels in the East Kapolei TOD plan, allowing for more intensive uses for all the parcels regardless of proximity to the rail station. However, pursuant to the Board's prior approval, compensation at fair market value will be due in the event re-zoning is not successful.

By letter dated January 8, 2020, HART requested that the Board reconsider the terms and conditions of its prior approval of the park and ride facility lease. HART has updated the design of the park and ride facility which now encompasses 11.04 acres of the subject State parcel. HART is also requesting that the Board approve the larger area as well as a longer term for the lease, between 40 to 55 years, in order to ensure site control. HART notes that these amendments are necessary to comply with Federal Transit Administration (FTA) funding and management requirements. A copy of the letter is attached as **Exhibit B**, and an updated map providing the layout of the park and ride facility area is attached as **Exhibit C**. The section of the map colored in blue represents the portion of the subject State parcel used for the park and ride facility. The park and ride facility will also utilize a 1.94-acre portion of the adjacent parcel currently owned by DRH, identified as the orange cross-hatched area of map. In order to simplify management of the park and ride facility area, DRH has indicated its desire to donate its parcel to the State.

After discussions with HART, staff recommends that, rather than amending its prior approval of the park and ride facility lease, the Board approve a construction and management right of entry as an interim measure to allow HART to begin planning, design and construction of the park and ride facility. Staff believes that it would be more appropriate to continue to 1) work with DRH to complete the land donation and 2) negotiate with HART for a single disposition for the entire park and ride site. Staff will then bring the land donation and the long-term disposition for the park and ride site back to the Board for review and approval when appropriate.

Although the park and ride facility will use a significantly larger area than originally contemplated (a total of 12.98 acres), "development pad" areas along the roads will be excluded from the park and ride area, allowing for future development. The parcel to be donated by DRH also reserves development pad areas for use by the Department upon transfer to the State. The development pads are identified as the areas colored purple and

yellow on the map. Additionally, any disposition for the park and ride site will provide the Department with the ability to withdraw areas for redevelopment. In such event, the Department would work with HART to ensure that the proposed redevelopment is consistent with FTA requirements.

RECOMMENDATION: That the Board

1. Authorize the issuance of a right-of-entry permit to the Honolulu Authority for Rapid Transportation covering the subject area 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 right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 - C. Authorize the Chairperson to issue future right-of-entries to the Applicant for park and ride purposes.

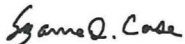
Respectfully Submitted,



Ian Hirokawa
Special Projects Coordinator

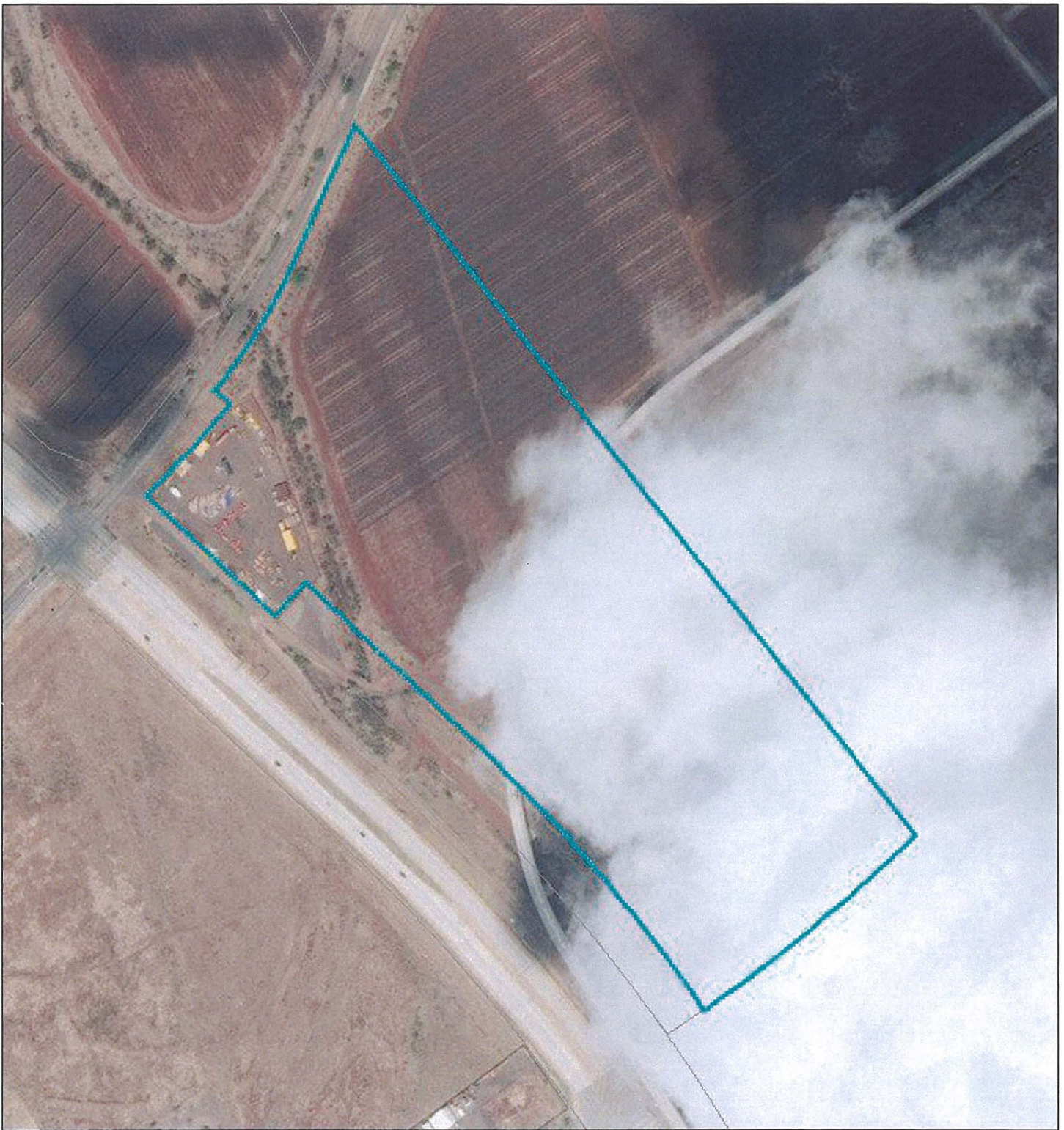
RT

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

Public Land Trust Information System



April 5, 2020

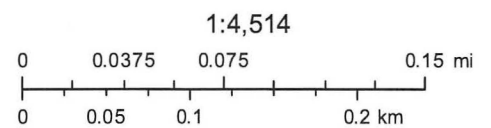


EXHIBIT A

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



HONOLULU AUTHORITY for RAPID TRANSPORTATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
7014 3490 0001 5635 4301

January 8, 2020

Ms. Suzanne D. Case, Chairperson
Board of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Case:

Subject: Honolulu Rail Transit Project Park and Ride Facility at Keone'ae Station
(University of Hawaii at West Oahu) on State of Hawaii Land
Tax Map Key No. (1) 9-1-017-097 (Portion)

IN REPLY REFER TO:

CMS-APOOROW-01715

Andrew S. Robbins
EXECUTIVE DIRECTOR AND CEO

David H. Uchiyama
DEPUTY EXECUTIVE DIRECTOR AND COO

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This is a follow-up letter to a meeting held with Mr. Ian Hirokawa of the Department of Land and Natural Resources (DLNR) regarding the 1000-stall park and ride facility and transit center which is planned to be constructed on state land adjacent to the Keone'ae Station for the Honolulu Rail Transit Project (H RTP). The Honolulu Authority for Rapid Transportation (HART) is committed to opening this facility prior to or concurrent with the commencement of operations in 2025. To this end, there are a number of topics that DLNR and HART have discussed on a conceptual basis that need to be firmed up prior to moving forward. This letter will provide further discussion on some of those topics.

The current conceptual site plan for the park and ride facility is enclosed for your review. This layout is the result of numerous coordination meetings between HART, the City and County of Honolulu (City) Department of Planning and Permitting (DPP), the Department of Transportation Services (DTS), and D.R. Horton. HART has shared earlier iterations of the proposed site plan with DLNR and believes it to be in final concept form and ready to advance to the design stage. Please review the enclosed site plan. If there are still some areas that require additional comment/discussion, please communicate them to Mr. Ryan Tam, Director of Planning, Environmental Compliance and Sustainable Mobility, at 768-6189 or rtam1@honolulu.gov as soon as possible.

On September 13, 2013, the Board of Land and Natural Resources (BLNR) authorized a lease with the City for operation of the park and ride facility. There are several provisions stated in the 2013 BLNR findings that should to be revisited for additional discussion and revision. For instance, BLNR findings limit the permanent parking area to 5 acres with any requests for additional acreage to be approved by BLNR. The total square footage of the proposed park and ride facility is now approximately 11.23 acres, excluding the approximately 3.33 acres to be

EXHIBIT B

dedicated by D.R. Horton for purposes of parking and future commercial development. Note that this acreage does not include approximately 2.4 acres for future expansion of parking capacity. The future expansion may only be required if and when DLNR redevelops a portion of the proposed parking lot site for transit-oriented development and the Federal Transit Administration (FTA) determines that this parking needs to be replaced.

In order to ensure compliance with FTA requirements of the H RTP Full Funding Grant Agreement (FFGA) as well as federal grant award requirements under 2 CFR Part 200 and FTA Circular 5010.1E, with regard to the total number of parking spaces to be provided at this park and ride location, HART is requesting that BLNR consider this letter as a formal, written request to increase the amount of land dedicated to this park and ride facility to approximately 11.23 acres.

In addition to reconsidering the total acreage dedicated to the park and ride facility, HART is also requesting that the lease terms in the 2013 BLNR findings be revisited to bring them into conformity with federal requirements. The 2013 BLNR authorization allows for a 5-year lease with a 5-year option. This is not consistent with the FTA requirements that HART maintain satisfactory continuing control of project property (FTA Circular 5010.1E, Chapter II, Section 3). Typically, this period of continuing control is established to be equivalent to the useful life of the physical asset. As such, HART requests that the term of the ground lease be set at somewhere between 40 to 55 years.

Note that such a term would not preclude DLNR from re-developing the site into another use. The FTA encourages the coordinated integration and co-location of public transportation facilities with non-transit development, including commercial and residential development. The FTA also notes that strategic, coordinated joint development can enhance the value of both the transit and non-transit, public and private, activities taking place on real property. FTA Circular 7050.1A describes how surface automobile parking facilities can be converted to a joint development use (Chapter IV, Section 5a and 5b). HART and/or DTS would work with DLNR to address any site integration issues when specific development proposals are put forward for consideration.

HART understands that the Transit Oriented Development upzoning provided by the City is one of the factors motivating DLNR to enter into the ground lease arrangement. HART has requested that a map depicting the upzoning under consideration be made available for DLNR review. In the future, commercial development made possible by this upzoning may necessitate the need to relocate parking spaces dedicated for park and ride purposes. Any ground lease entered into for the park and ride facility should address this contingency and the conditions under which parking relocation may take place, while still ensuring compliance with the FFGA and rules governing federally-assisted parking facilities.

Ms. Susanne D. Case, Chairperson

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January 8, 2020

HART requests your consideration and feedback on the enclosed concept site plan and proposed terms for a ground lease agreement. If you have any questions, please contact Mr. Dylan Jones, Director of Transit Property Acquisition and Relocation, at 768-6250 or dylan.jones@honolulu.gov. Thank you very much for your assistance.

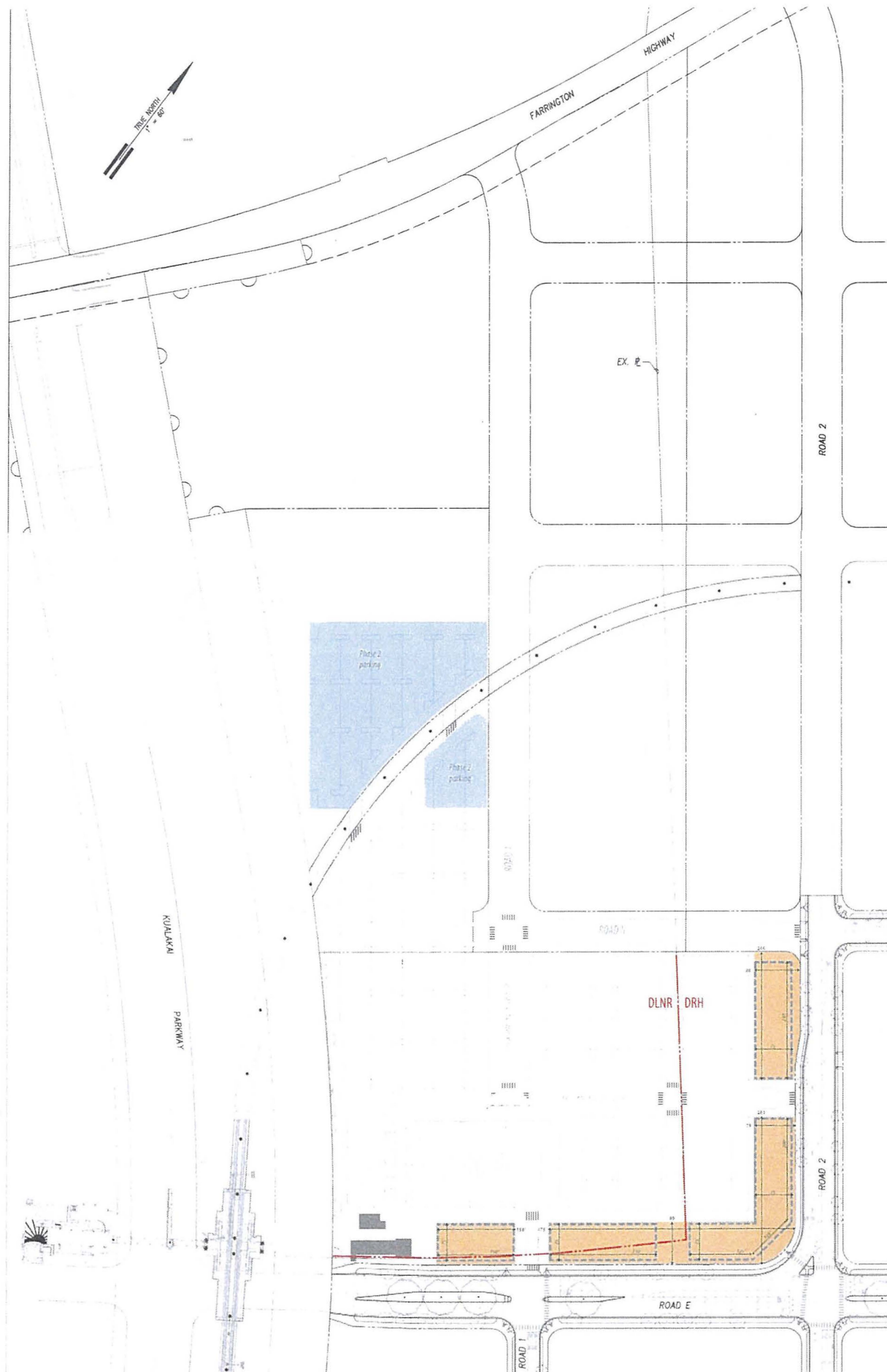
Very truly yours,

A handwritten signature in black ink, appearing to read "A. Robbins", with a long horizontal flourish extending to the right.

Andrew S. Robbins
Executive Director and CEO

Enclosures

cc: Russell Y. Tsuji, DLNR
Ian Hirokawa, DLNR
Kathy Sokugawa, DPP
Dylan R.K. Jones, HART
In Tae Lee, HART
Ryan Tam, HART



Keone'ae Station Park-and-Ride Site Plan

Parking

Phase 1: 1,000 spaces for transit
 11 ADA spaces
 11 shared mobility spaces
 54 spaces on internal drive aisles
 924 spaces in parking lots

Phase 2: 262 spaces for future development

TOTAL: 1,262 parking spaces

Land

Phase 1:







□ transit and parking = 12.65 acres

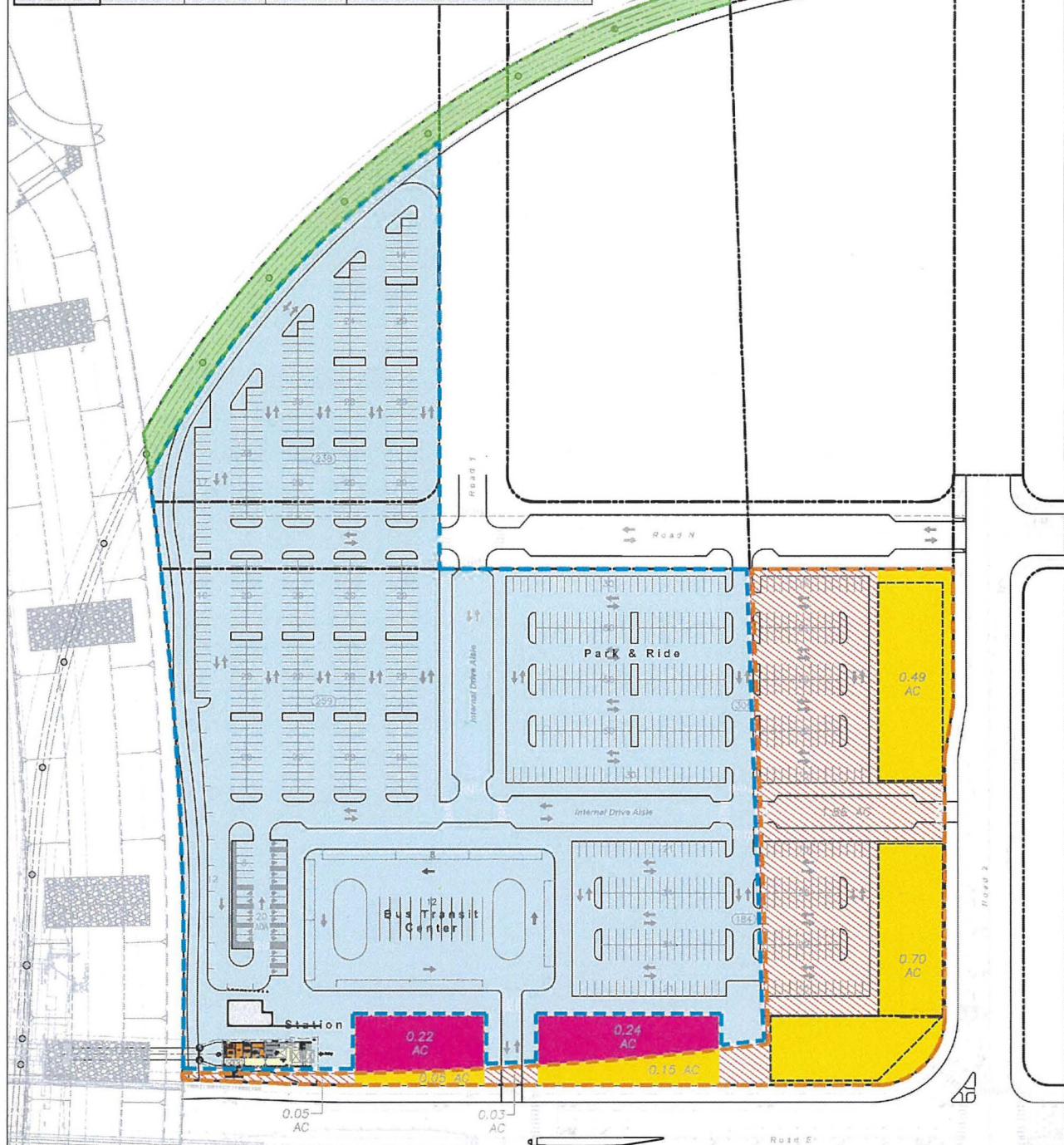
Phase 2:

■ building sites = 1.92 acres

■ future parking = 2.39 acres

TOTAL: 16.96 acres

	OWNER	AREA (AC)	TOTAL (AC)	PURPOSE
	State of HI	0.46	1.85	Building Pads
	DR Horton	1.39		Building Pads
	State of HI	11.04	10.28	Parking, Bus Transit, Entry Building (Excludes Building Pads)
	DR Horton	1.94		Parking, Bus Transit, Entry Building (Excludes Building Pads)
	State of HI	0.63		Guideway
	DR Horton	-3.33		FEIS Donation



DRAFT

EXHIBIT C

KEONE'AE STATION

Station / Park & Ride / Bus Transit Center

Site Plan

1 = 120

PARK & RIDE

Standard Parking Stalls	993	2% or 20 ADA Parking Stalls Required
ADA Parking Stalls	20	
Kiss & Ride Stalls	12	
Bus Stops	8	
Bus Layover Stalls	12	

Feb 26, 2020