

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

March 25, 2021

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

PSF No.: 04OD-327

OAHU

Set Aside to the City and County of Honolulu for Road Purposes, Kapalama,
Honolulu, Oahu, Tax Map Key: (1) 1-6-009: portions of 001.

APPLICANT:

City and County of Honolulu.

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Kapalama, Honolulu, Oahu, identified by Tax Map
Key: (1) 1-6-009: portions of 001, as shown on the maps attached as **Exhibit A1** and **A2**.

AREA:

Lot 1-A 1.249 acres; and
Lot 2-B 0.079 acre, more or less.

ZONING:

State Land Use District: Urban

City and County of Honolulu LUO: R-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:

Vacant and unencumbered.

PURPOSE:

Construction, maintenance, repair, operation, and management of public roadway improvements and for ancillary purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", Item 36 that states, "Transfer of management authority over state-owned land, such as setting aside of state lands." See **Exhibit B**.

APPLICANT REQUIREMENTS:

Maps and legal descriptions are available.

REMARKS:

The subject request pertains to the Kuakini Street Extension project in Kapalama which was completed in 2016. At its meeting of October 26, 2007, under agenda item D-8, the Board approved the issuance of a quitclaim deed to Hawaii Health System Corporation (HHSC) over portions of the subject parcel for employee parking purposes (Lot 2-A). The Board also authorized the issuance of quitclaim to the City and County of Honolulu (City) for the anticipated new road.

At the Board meeting of July 28, 2017, under agenda item D-9,¹ staff recommended the rescission of the 2007 approval regarding the quitclaim deed to the City. The law on conveyances of public lands changed in 2009, requiring supermajority legislative approval under Section 171-64.7, HRS. State law does allow the fee conveyance of roads to the City if there is an intent on the City's part to, in turn, convey the improved roadways to a third party, such as a developer. See Act 288 Session Laws of Hawaii 1993 (Act 288). If the proposed fee conveyance is not compliant with Act 288, then it must meet the statutory requirements for sales of public land under Section 171-64.7, HRS, or another form of disposition short of a fee conveyance must be used.

¹2017 submittal can be downloaded from this link <https://dlnr.hawaii.gov/wp-content/uploads/2017/07/D-9.pdf>

Since 2017, the Department has been working with HHSC in processing its subdivision approval to facilitate HHSC's subsequent application for building permit for improvements on its area.

Around October 2020, the Department of Planning and Permitting (DPP) issued a tentative approval (**Exhibit C**) on HHSC's subdivision application which requires confirmation from the Department of Design and Construction regarding the conveyance of Lots 1-A and 2-B to the City.

Land Division believes the transfer of Lots 1-A and 2-B to the City is in the State's best interest for two reasons. First, the transfer is necessary for a sister agency (HHSC) to obtain subdivision approval and the ensuing building permit(s) for its project. Second, the transfer will resolve any potential dispute about jurisdiction over Lots 1-A and 2-B – the road lots will be under the City's jurisdiction.

Considering the inherent difficulties in having any concurrent resolution passed by at least a two-thirds majority vote in each house pursuant to Section 171-64.7, HRS, Land Division now recommends the Land Board approve and recommend to the Governor the issuance of an executive order setting aside the subject lands to the City for the purposes stated above.

Staff did not solicit comments from other agencies on the subject request, as similar consultation was done in 2007. Multiple meetings on the road project and HHSC's project were held among relevant State and City's agencies, the community, as well as the district legislators. There are no pertinent issues or concerns and staff recommend the Board approve the subject request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the City and County of Honolulu for the construction, maintenance, repair, operation, and management of public roadway improvements and for ancillary purposes, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

- 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.

Respectfully Submitted,

Barry Cheung

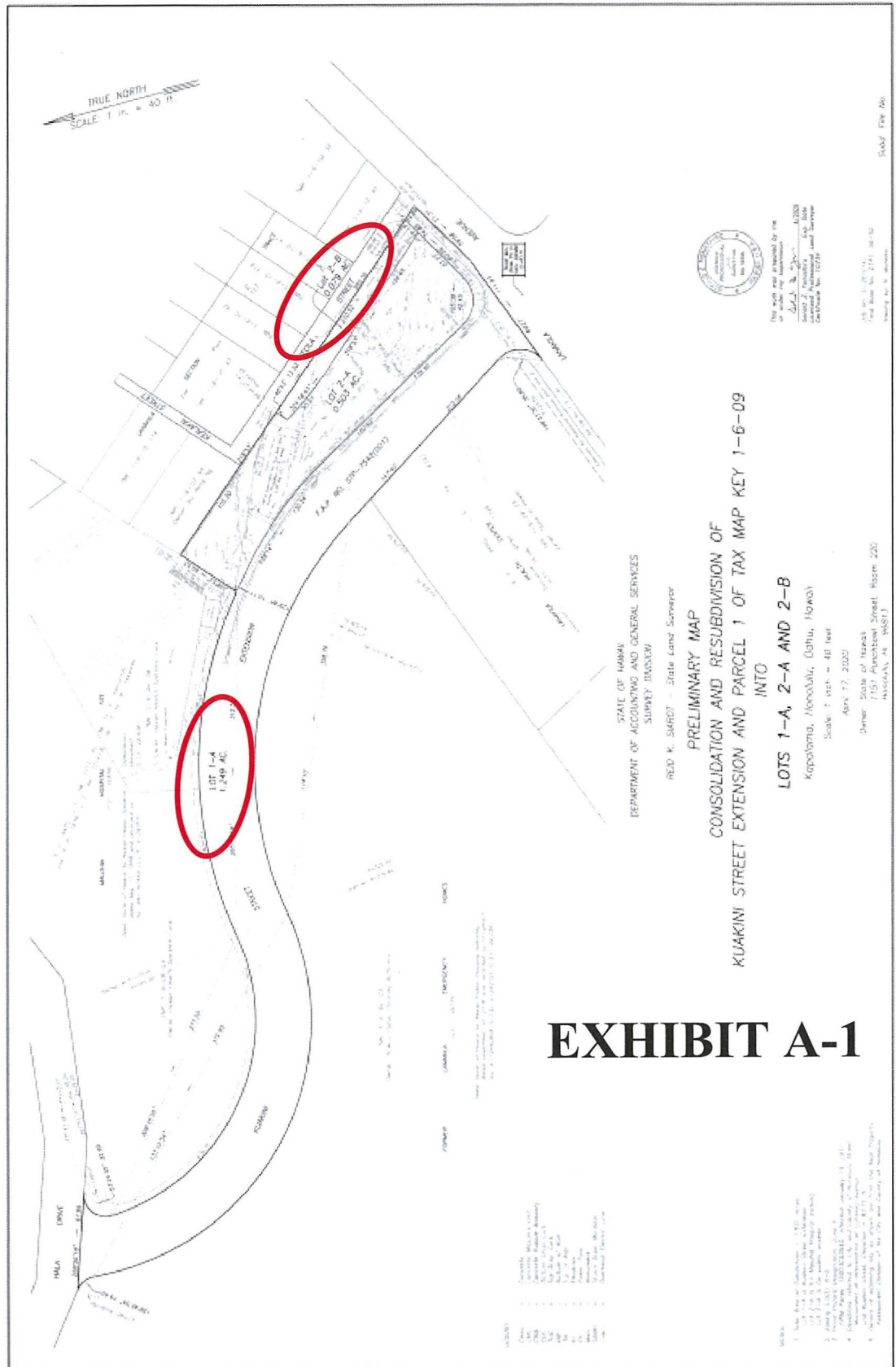
Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

RT

Suzanne D. Case, Chairperson



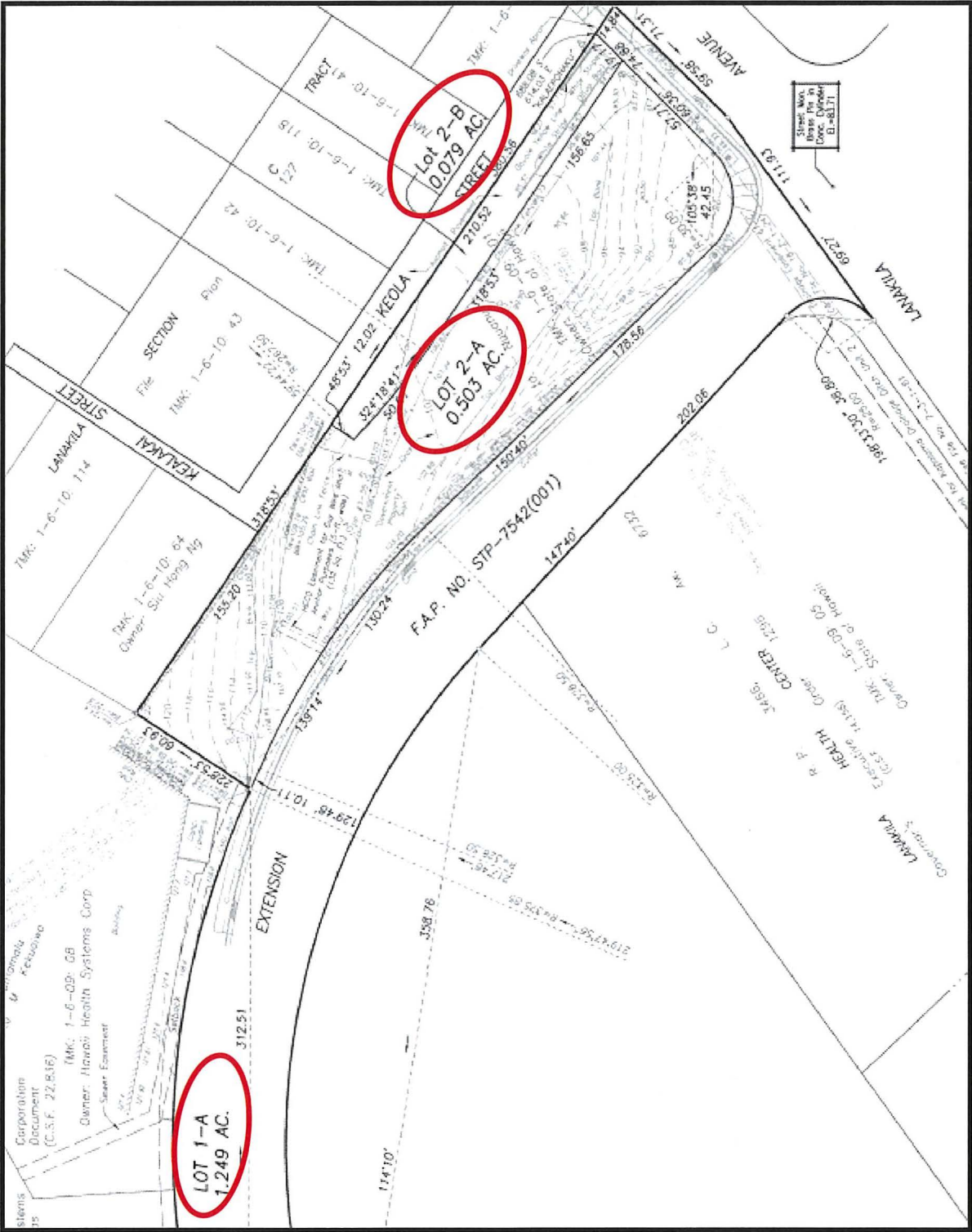


EXHIBIT A-2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title:	Set aside public lands to City and County of Honolulu.
Reference No.:	04OD-327
Project Location:	Kapalama, Honolulu, Oahu, Tax Map Key: (1) 1-6-009: portions of 001.
Project Description:	Set aside public lands for construction, maintenance, repair, operation, and management of public roadway improvements and for ancillary purposes.
Chap. 343 Trigger(s):	Use of State Land.
Exemption Class No.:	<p>In accordance with Hawaii Administrative Rules (HAR) §11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Type 1 that states, “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing”, Item 36 that states, “Transfer of management authority over state-owned land, such as setting aside of state lands.”</p> <p>The Applicant’s proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No. Staff believes the request would involve negligible impact to the subject area.
Action May Have Significant Impact on Particularly Sensitive Environment?	Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible impact.
Consulted Parties:	See submittal.

EXHIBIT B

Analysis:

Based on the above mentioned, Staff believes there would be no significant impact to sensitive environmental or ecological receptors.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET * HONOLULU, HAWAII 96813
Phone: (808) 768-8000 * Fax: (808) 768-4950

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR
TIMOTHY F. T. HIU
DEPUTY DIRECTOR
EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

SUBDIVISION		
File Number	:	2019/SUB-228
Project	:	SUB / Kapalama - Kuakini St. Extension & Lanakila Ave. / TMK: 1-6-009: 00
Location	:	
Tax Map Key	:	1-6-009:001
Owner	:	Department of Land and Natural Resources
Surveyor	:	Department of Accounting & General Services, State of Hawaii
Agent	:	HAWAII HEALTH SYSTEMS CORPORATION

Description of the Proposal: Consolidation and resubdivision of Kuakini Street Extension and Tax Map Key 1-6-009: 001 into Lot 1-A of 1.249 acres (revised Kuakini Street Extension), Lot 2-A of 0.503 acre (for Maluhia Hospital parking), and Lot 2-B of 0.079 acre (for addition to Keola Street right-of-way).

Construction of improvements for the Kuakini Street Extension was performed under Department of Transportation Services - DTS Federal Aid Project No. STP-7542(001).

Tentative Approval was granted to the proposal. Final action will be subject to the following:


1. Receipt of confirmation from the Department of Transportation Services that Lot 1-A (Kuakini Street Extension) conforms to the approved construction plans, and the improvements for the project have been completed.
2. Receipt of confirmation from the Department of Design and Construction regarding the conveyance of Lot 1-A and Lot 2-B from the State to the City.
3. Submission of 15 copies of the final survey map which shows: a) Revised Notes indicating the intended ownership, in addition to the use, of each lot (Lot 1-A is Kuakini Street Extension and for City Right-of-Way, Lot 2-A is for Maluhia Hospital parking and will be conveyed to the Hawaii Health Systems Corp., and Lot 2-B is for public access and will be conveyed to the City); b) Current expiration date on the surveyor's stamp; and c) Deletion of all site improvements.

The final maps shall only be submitted when all of the other conditions have been met.

EXHIBIT "C"

Section 3-302(a) of the Subdivision Rules and Regulations states that the tentative approval shall be for a period of one year from the date of this action, unless a written request for an extension of time is submitted to the Director of Planning and Permitting prior to the expiration of the one-year period. The subdivision application will automatically expire and become null and void if the one-year period passes without a request for an extension of time. Any further action will require the submission of a new application including 20 prints of the map, a new filing fee and necessary documents.

THIS COPY IS NOTIFICATION OF THE ACTION TAKEN AND THE DATE IT WAS SIGNED.

	<i>for</i> ACTING DIRECTOR	October 30, 2020
SIGNATURE	TITLE	DATE

This action does not constitute approval of any other required permits, such as building or sign permits. Should you have any questions, please call the Subdivision Branch at 768-8100 or 768-8101.