

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i

July 9, 2021

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

O'ahu

Authorize Rent Adjustment of Revocable Permit No. SP-0544 to Diamond Parking Services, LLC, Permittee, at Nu'uuanu Pali State Wayside, Nu'uuanu, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 1-9-007:002 (portion).

APPLICANT:

Diamond Parking Services, LLC, a Washington Foreign Limited Liability Company

LEGAL REFERENCE:

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

LOCATION:

Portion of Government land of Nu'uuanu, Honolulu, O'ahu, identified by Tax Map Key: (1)1-9-007:002 (portion), as shown on the map attached as Exhibit A.

AREA:

3 acres of the 73 acres, more or less

ZONING:

State Land Use District:	Conservation
County of Honolulu CZO:	P-1 Restricted Preservation District, R-10 Residential District

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Encumbered by that certain Use and Occupancy Agreement between the State of Hawai'i, Department of Transportation and the Department of Land and Natural Resources, Division of State Parks for maintenance, use and repair for an area designated as the Nu'uaniu Pali State Wayside dated April 17, 1995.

CHARACTER OF USE:

Collection of parking fees at Nu'uaniu Pali State Wayside.

TERM:

Month-to-Month

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

Ninety-nine percent (99%) of net operating income (NOI)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rule §11-200.1-16 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 General Exemption Type 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 44. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts 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 adoption of H.A.R. 13-146 Increase Fees supported an adjustment to the rent however, an adjustment is needed for the permit holder. Parks has worked with the permittee on a new monthly rent and feels the Board can authorized the change.

The subject RP was issued pursuant to Section 171-55, H.R.S. The statutory language allows the Board to issue a permit, "...by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State..." Under the current circumstances, Parks believes the statute provides grounds for the Board to modify the rent as warranted.

RECOMMENDATION: That the Board:

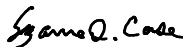
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize an adjustment to monthly rent to ninety percent (90%) of net operating income (NOI) for Revocable Permit No. SP0544, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The new rent will be effective thirty (30) days from the approval by the Board.
 - b. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - 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 interest of the State.

Respectfully submitted,



Curt A. Cottrell, Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



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

Attachments: Exhibit A – Location
 Exhibit B – Chapter 343 Exemption

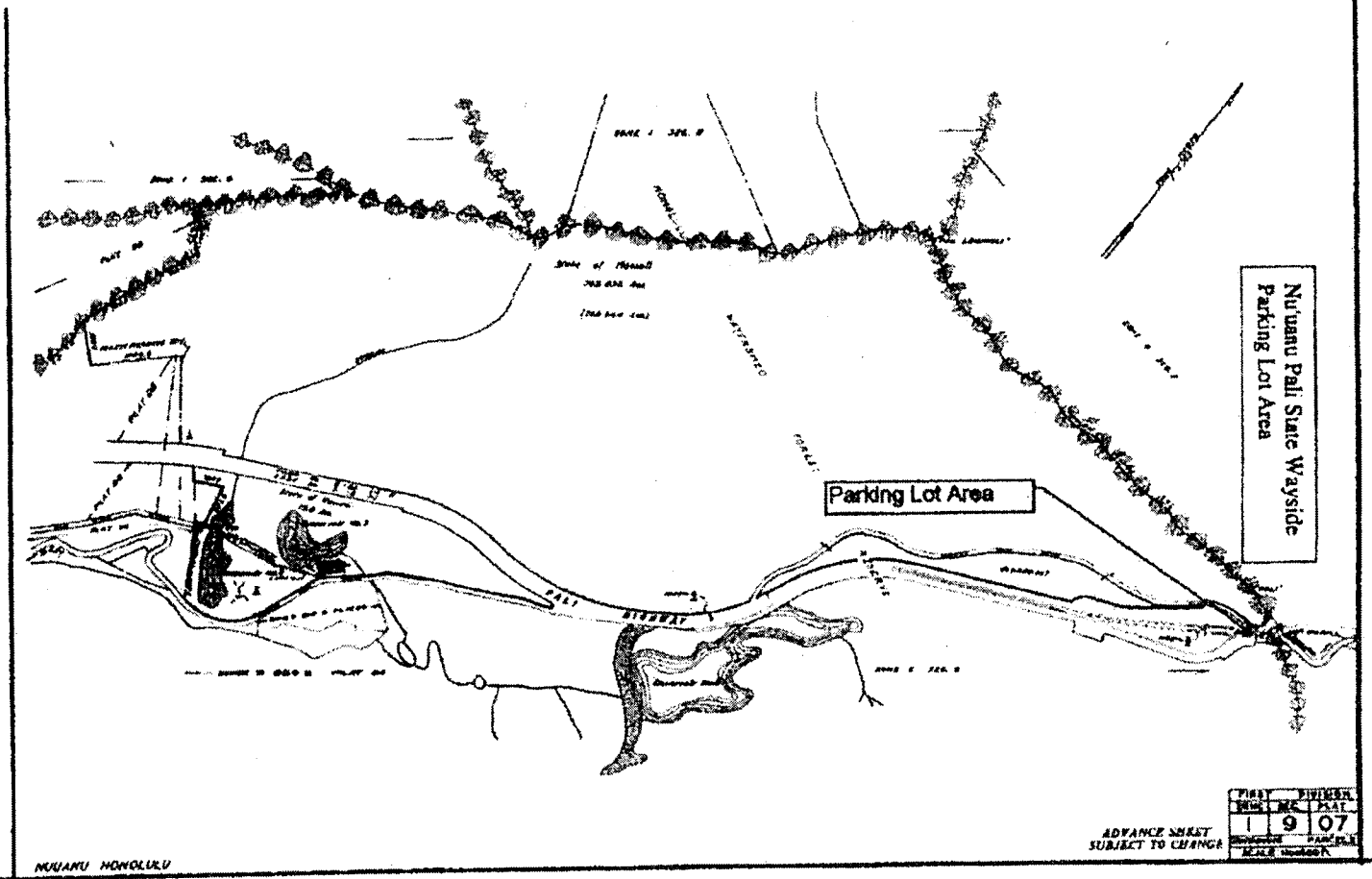
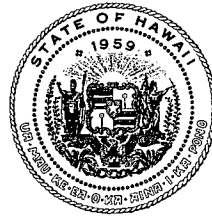
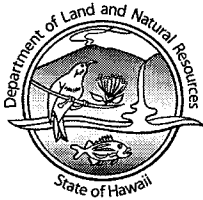


Exhibit A

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-16, HAR.

Project Title:	Authorize Rent Adjustment of Revocable Permit No. SP0544 to Diamond Parking Services, LLC at Nu'uuanu Pali State Wayside
Project Number:	SP0544
Project Location:	Portion of Government land of Nu'uuanu, Honolulu, O'ahu, identified by Tax Map Key: (1)1-9-007:002 (portion)
Project Description:	Authorize Rent Adjustment
Chap. 343 Trigger(s):	Use of State Land In accordance with Hawai'i Administrative Rule §11-200.1-16 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 General Exemption Type 1, which states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, Part I, 44. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the requested location has been used for same use.
Analysis:	The request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	A copy of the memo to the chair, including this attachment, in draft form was transmitted to Department of Transportation and DOCARE for comments.
Recommendation:	That the Board find this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

