

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

February 25, 2022

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

Land Board Members:

SUBJECT: Issuance of a Revocable Permit to Secure Parking LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Maalaea Small Boat Harbor, Wailuku, Maui, Hawaii, Identified by Tax Map Keys: (2) 3-6-001:002 (por) and (2) 3-8-014:028

And

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules

APPLICANT:

Secure Parking LLC

LEGAL REFERENCE:

Sections Chapter 171-55 and 102-1, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of Government lands situated at Maalaea Small Boat Harbor ("Maalaea"), Wailuku, Maui, Hawaii, identified by Tax Map Keys: ((2) 3-6-001:002 (por) and (2) 3-8-014:028), as shown on the attached map labeled **Exhibit A-1 & A-2**.

AREA:

Maalaea Small Boat Harbor vehicle parking areas.

ZONING:

State Land Use District: Urban

County of Maui: Business – Resort, M1 – Light Industrial

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 Parking Concession Agreement.

CHARACTER OF USE:

Vehicle parking management, including, but not limited to, managing DOBOR's parking plan, issuing parking permits, parking violation enforcement, towing vehicles when necessary and participating in the required post-tow hearings.

MONTHLY RENTAL:

All gross receipts generated by the parking operation shall be collected by the permittee. The permittee shall pay the Division of Boating and Ocean Recreation ("DOBOR") an amount equal to Five Thousand and 00/100 Dollars (\$5,000) or Sixty Percent (60%) of gross receipts monthly, whichever is greater.

SECURITY DEPOSIT:

\$10,000.00

COMMENCEMENT DATE:

March 1, 2022, through February 28, 2023

DCCA VERIFICATION FOR PROPOSED REVOCABLE PERMITEE:

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

JUSTIFICATION FOR A REVOCABLE PERMIT:

Staff requires time to complete an Invitation for Bids for a parking concession contract under HRS 102.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred in by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, Item No. 44 states that, "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 meeting on April 22, 2016, under agenda Item J-1, the Board approved the issuance of a five-year concession contract with one additional five-year term for the purpose of operating a parking concession at the Maalaea Small Boat Harbor.

Diamond Parking, Inc. ("Diamond") was awarded the parking concession contract for the period beginning February 1, 2017 and ending January 31, 2022, with the option of extending the contract for an additional period of five years (2/1/2022 through 1/31/2027).

Due to disruptions to the economy caused by COVID-19, Diamond notified staff that it would not be exercising its option to extend the agreement, requiring staff to request the issuance of a revocable permit. Diamond has agreed to manage the parking operation at Maalaea through February 28, 2022.

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 Secure Parking LLC covering the subject area for management of vehicular parking under the following terms and conditions: i) the term of the revocable permit will be one (1) year beginning March 1, 2022 through February 28, 2023; ii) the monthly rental shall be five thousand dollars (\$5,000.00) or sixty percent (60%) of monthly gross receipts, whichever is greater; iii) manage DOBOR's parking plan; iv) issue parking permits; v) parking violation enforcement; vi) tow vehicles when necessary; vii) participate in post-tow hearings; and viii) other responsibilities related to the management of the parking area, 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;

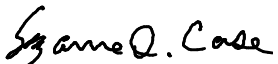
- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



EDWARD R. UNDERWOOD Administrator
Division of Boating and Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachments:
A-1 Maalaea SBH Location on Maui
A-2 Maalaea Parking Plan



Exhibit A-1

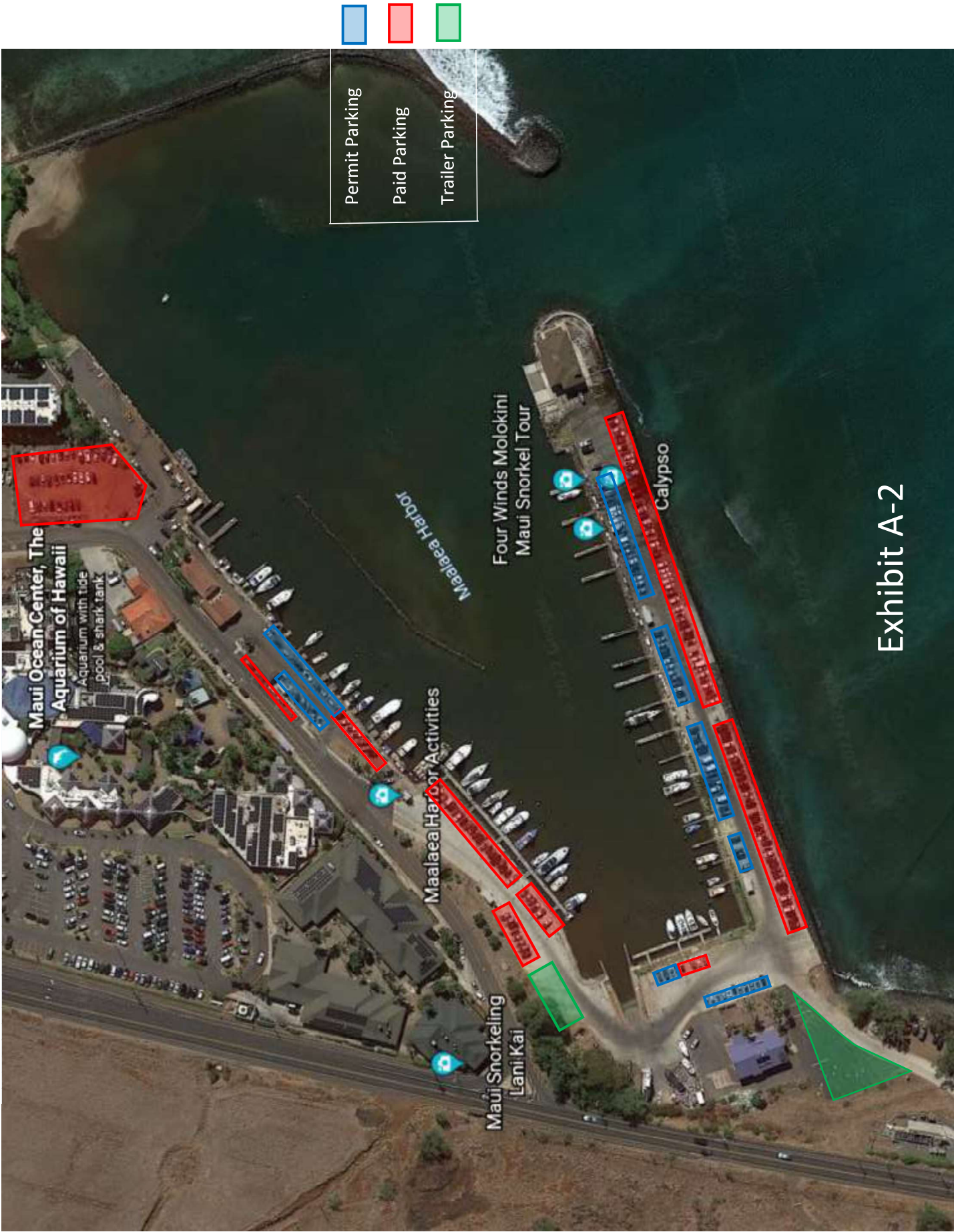


Exhibit A-2