

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

May 24, 2013

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

Ref: LOD 28708

OAHU

Issuance of Right-of-Entry Permit to Paradigm Construction LLC on Unencumbered Lands for Realigning a Swale for Drainage Purpose, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-166:026

APPLICANT:

Paradigm Construction LLC, a domestic limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waipahu, Ewa, Oahu, identified by Tax Map Key: (1) 9-4-166:026, as shown on the attached map labeled **Exhibit A**.

AREA:

An 8-foot wide strip along the eastern side boundary of the subject land, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: I-1

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

CHARACTER OF USE:

Realigning the swale for drainage purposes.

TERM OF RIGHT-OF-ENTRY:

Six (6) months

ADMINISTRATIVE FEE:

\$200.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 5, No. 1, that states " Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes." See Exemption Notification prepared at **Exhibit B**.

DCCA VERIFICATION:

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>

APPLICANT REQUIREMENTS:

None

REMARKS:

The State acquired the subject parcel ("Lot 26") pursuant to a land exchange with the Boy Scouts of America for the camp site situated on the State land in Pupukea. Land Division had tried to lease Lot 26 and other lots in the same industrial subdivision at public auctions, but the attempts were not successful. Meanwhile, the Applicant intends to construct improvements including an office building and parking stalls on the adjacent Lot 27 ("Lot 27").<sup>1</sup>

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<sup>1</sup> Mr. Alex Kwon is the owner of both Paradigm Construction, LLC as appeared on the request and Kwon Investment LLC which is the recorded owner of Lot 27.

Both Lots 26 and 27 are portions of File Plan 2317, which comprise 37 lots planned for industrial purposes. During the development stage, the developer had obtained approval from the City and County of Honolulu (“City”) regarding the grading plan of the entire subdivision. Such grading plan includes a swale along the common boundary of adjacent lots, in this case, Lots 26 & 27.

The swale was planned to address the surface runoff of the lots when they are vacant. When an individual lot is ready for development, the respective owner will apply for individual grading permit to direct any surface runoff going into the storm drains along Aoki Street maintained by the City.

To maximize the utilization of Lot 27, Applicant will construct the improvement up to the boundary, which means a portion of the proposed improvement will be built over the existing swale along the common boundary of Lots 26 and 27. Copy of the Applicant’s letter and proposed layout plan for Lot 27 is attached as **Exhibits C and D**. Applicant requests the Board authorize the issuance of a right-of-entry permit allowing the realignment of the swale onto Lot 26, which will continue to address any surface runoff until the construction of any improvements on Lot 26.

Staff cannot locate any provision pertaining to the swale or its realignment, if necessary, under the declarations of covenants, conditions and restrictions governing the development of the subdivision. Applicant’s architect advised staff that the proposal is the engineering practice designed by a licensed engineer to address the drainage, which will eventually be reviewed and approved, if appropriate, by the City.

Staff discussed the request with the Engineering Division, which indicated no objection to the request and agreed to the design proposed by the Applicant. Applicant will grow grass within the swale and continue to maintain the improvement until the completion of the grading work over Lot 27. It is anticipated the requested period for the right of entry is about six (6) months. Upon the expiration of the six month period, the maintenance crew of the Land Division will resume taking up the maintenance work of the swale, which mainly consists of cutting the grass.

Staff recommends the Board assess an administrative fee of \$200 for processing this request. In addition, the right-of-entry permit shall contain the standard indemnification language and insurance requirement. Staff does not have any objection to the 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, 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 right-of-entry permit to Paradigm Construction LLC

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. Assess an administrative fee of \$200; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
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William J. Aila, Jr., Chairperson



**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Right-of-Entry for Realigning a Swale for Drainage Purpose

Project / Reference No.: Not applicable

Project Location: Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-166:026

Project Description: Realigning an existing swale onto State land

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 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" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The Applicant is planning to construct improvement on its property which is adjacent to the subject State lands. It proposes to relocate the swale on the State lands. The proposal would not create additional obligation/requirement for the future lessee on state lands. Meanwhile, the proposed work would involve negligible or no expansion or change in use of the subject area beyond that previously existing, and it will not alter the conditions of land, water and vegetation.

Consulted Parties: Engineering Division

Recommendation: That the Chairperson find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
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William J. Aila Jr., Chairperson  
Date: MAY - 8 2013

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**EXHIBIT B**



RECEIVED  
LAND DIVISION  
*Paradigm*  
2013 MAR 07 AM 10:57  
CONSTRUCTION LLC

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

March 4, 2013

State of Hawaii  
Mr. William Aila Jr., Chairperson  
Department of Natural Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

Subject: Grading Authorization  
DLNR Parcel at Waipio Business/Industrial Subdivision  
94-473 Akoki Street  
TMK: 9-4-166:026

Dear Mr. Aila,

Paradigm Construction LLC is currently designing phase its new office building at 94-481 Akoki Street which is located directly northeast of DLNR's property. In order to construct our building on the southwest side of our property line, we propose to construct a new swale in your property prior to removal of the existing common swale previously constructed by the developer. We will be responsible for all costs associated with this work. Our civil engineer, Park Engineering, has designed a swale to collect and control storm water runoff from your property to safely discharge it to Akoki Street in essentially the same manner as the original common swale. There will be no changes to the drainage patterns. This swale can remain until your property is improved in the future at which time you may elect to modify the swale to fit your site plan. We respectfully request your authorization to perform this grading work within the DLNR parcel so that we may continue with the design and construction of our new office building.

As you may be aware, there are significant benefits of having buildings or property improvements back to back. Some of these are 1) mutually maximize the size of our properties, 2) prevent vandalism and thefts, and 3) minimize maintenance costs.

Please find attached grading plans which depict the existing grading conditions and proposed grading plan. If you prefer, we can arrange a meeting to discuss any other related issues regarding this matter in detail. Thank you very much for your kind consideration and we look forward to hearing from you shortly. If you have any questions or concerns, please do not hesitate to contact me at 847-1646 or via email at [alexk@paradigmhi.com](mailto:alexk@paradigmhi.com).

Sincerely,



Alex M. Kwon  
General Manager

Attachment: Grading Plans

**PARADIGM CONSTRUCTION LLC**  
197 Sand Island Access Road #204 Honolulu, Hawaii 96819 Tel. 847-1646 Fax 847-1647  
[www.PARADIGMHI.com](http://www.PARADIGMHI.com)

**EXHIBIT "C"**

