

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

November 8, 2013

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

OAHU

Consent to Sublease General Lease No. S-5805, Waikiki Community Center, Lessee, to Hawai'i LGBT Legacy Foundation, Sublessees, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-6-025:008.

APPLICANT:

Waikiki Community Center, as Sublessor, to Hawai'i LGBT Legacy Foundation, as Sublessees, both entities are domestic non-profit organization.

LEGAL REFERENCE:

Section 171-36(a)(6), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 2-6-025:008, as shown on the map attached as **Exhibit A**.

AREA:

1.56 acres, more or less.

SUBLEASE AREA:

763 square feet.

TRUST LAND STATUS:

Non-ceded; acquired after Statehood.  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

LEASE CHARACTER OF USE:

Youth, education and multi-service community center to house human services and community activities purposes.

SUBLEASE CHARACTER OF USE:

Office, meeting, and reference center purposes.

TERM OF LEASE:

30 years, commencing on April 1, 2007 and expiring on March 31, 2037. Next rental reopening is scheduled for April 1, 2017.

TERM OF SUBLEASE:

November 1, 2013 to October 31, 2016.

ANNUAL RENTAL:

\$156.00.

SUBLEASE RENTAL:

\$1,007.15 per month.

RECOMMENDED ADJUSTMENT TO LEASE RENTAL:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, 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". See Exemption Notification attached as **EXHIBIT B**.

DCCA VERIFICATION:

SUBLESSOR:

Place of business registration confirmed: YES  x  NO

Registered business name confirmed: YES  x  NO

Good standing confirmed: YES x NO   

SUBLESSEE:

Place of business registration confirmed: YES x NO   

Registered business name confirmed: YES x NO   

Good standing confirmed: YES x NO   

REMARKS:

Since 1982, Waikiki Community Center (WCC) is the lessee of the subject property for community service purposes. In 2007, the Board authorized the issuance of a new 30-year lease to WCC for the purposes cited above.

On October 28, 2010, agenda item D-7, the Board gave its consent to five (5) subleases under the subject lease. Staff Appraiser reviewed the subleases and opined there was no sandwich rent involved. Staff understands the subject request is similar to the 2010 cases that the rent for the subleases was to cover the expenses on the subleased premises. Therefore, staff does not believe there is any sandwich rent component in the subject request.

WCC is in compliance with the terms and conditions of the subject master lease. The proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing. A copy of the environment assessment exemption notification is attached as Exhibit B.

There are no issues regarding any rental reopening, as the next reopening will not occur until 2017. Staff did not solicit comments on the subject request as it is for housekeeping purposes only. Staff has no objection to the request.

RECOMMENDATION: That the Board

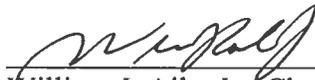
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Consent to the sublease under General Lease No. S-5805 between Waikiki Community Center, as Sublessor, to Hawai'i LGBT Legacy Foundation, as Sublessee, subject to any applicable conditions cited above which are by this reference incorporated herein and further subject to the following terms and conditions:
  - A. The standard terms and conditions of the most current consent to sublease 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.

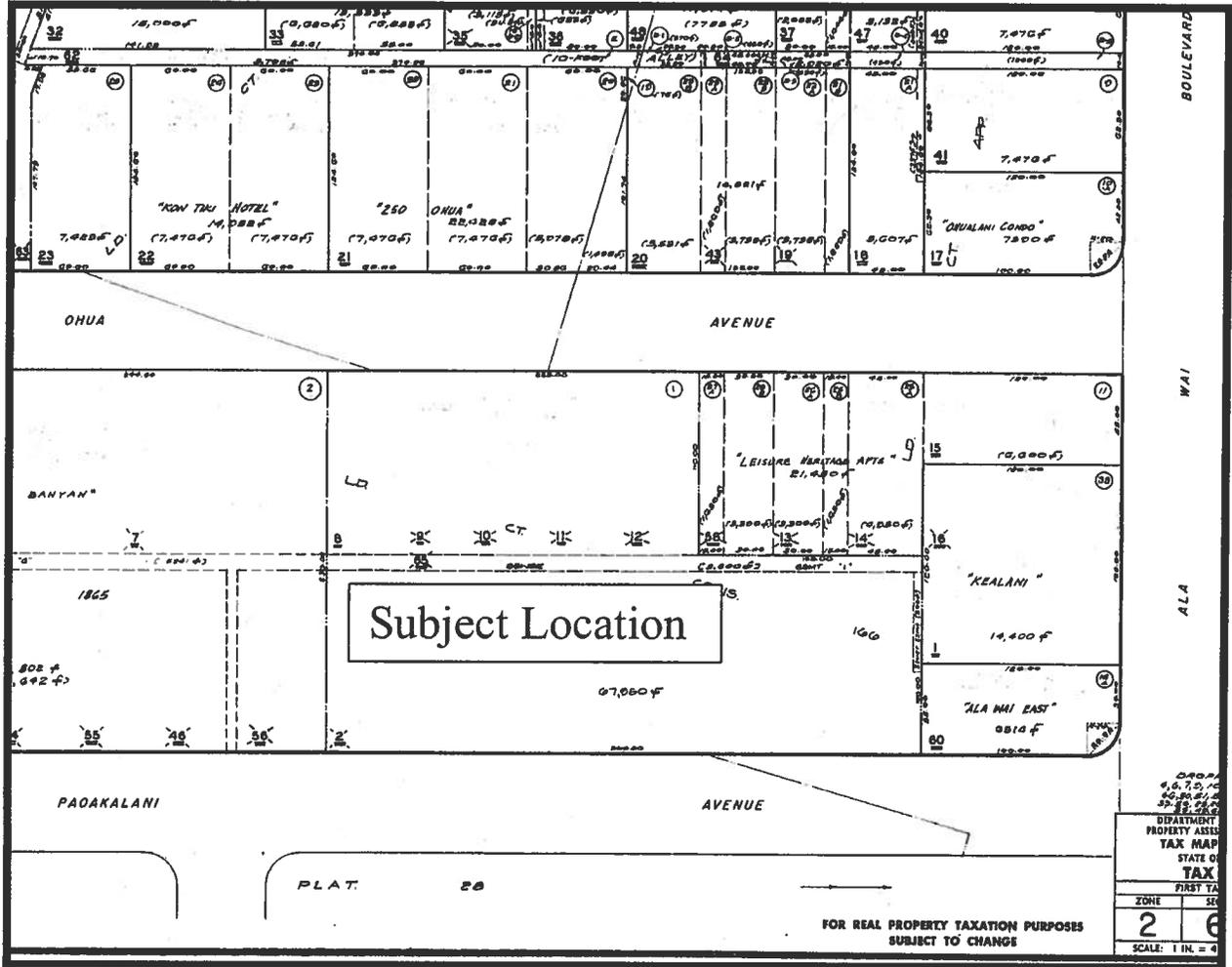
Respectfully Submitted,

  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila, Jr., Chairperson





TMK (1) 2-6-025:008

EXHIBIT A

**EXEMPTION NOTIFICATION**

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

Project Title: Consent to Sublease for Hawai'i LGBT Legacy Foundation

Project / Reference No.: GL 5805

Project Location: Honolulu, Oahu, TMK (1) 2-6-025:008

Project Description: Consent to sublease for Hawai'i LGBT Legacy Foundation

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1), 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".

The subject request pertains to the use of the existing leased premises to Waikiki Community Center for community services purposes. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Not applicable.

Recommendation: It is recommended that the Board 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.

  
\_\_\_\_\_  
William J. Aila Jr., Chairperson  
  
10/21/13  
\_\_\_\_\_  
Date

**EXHIBIT B**