



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

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

Oahu

AMENDMENT - Issuance of a Right-of-Entry Permit to Hawaii Pacific University, Hawaii Lifestyle Retail Properties LLC and Swinerton Builders to Provide Ingress and Egress for Forklifts, Roll-off Trucks and Other Equipment for the Performance of Additional Demolition and Construction Work at the Aloha Tower Marketplace and to Provide Pedestrian Access to Customers of the Aloha Tower Marketplace during the Period of Demolition and Construction, situated at Piers 8, 9, 10, and Pedestrian Access Easement "A", Honolulu Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-1-001:001 and 063 (Portion).

At its meeting held July 11, 2014, Agenda Item M-9 (see copy labeled Exhibit A), the Board of Land and Natural Resources approved the issuance of a Right-of-Entry over Piers 8 and 9 to provide ingress and egress for forklifts, roll-off trucks and other equipment for the performance of additional demolition and construction work at the Aloha Tower Marketplace and to provide pedestrian access to customers of the Aloha Tower Marketplace during the period of demolition and construction.

Staff has been informed that the Applicants have requested that Pier 10 and Pedestrian Access Easement "A" be included in the subject right-of-entry area for ingress and egress for forklifts, roll-off trucks and other equipment for their performance of additional demolition and construction work only. (Added access routes described herein are indicated in red on attached map labeled Exhibit B).

RECOMMENDATION:

That the Board:

1. Amend its previous action at its meeting held July 11, 2014, Item M-9 by adding Pier 10 and Pedestrian Access Easement "A" to the right-of-entry area;
2. Include as a term of the right-of-entry that upon written notification by the Department of Transportation, Harbors Division, access to the right-of-entry premises by Applicants will be restricted and/or otherwise limited as to access times and/or portions of the premises; and
2. Confirm that all other terms and conditions listed in its July 11, 2014, Item M-9 approval remain the same.

Respectfully Submitted,



FORD N. FUCHIGAMI
Interim Director of Transportation

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO
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JADE T. BUTAY
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IN REPLY REFER TO:

July 11, 2014

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

Oahu

Issuance of Right-of-Entry Permit to Hawaii Pacific University, Hawaii Lifestyle Retail Properties LLC and Swinerton Builders to Provide Ingress and Egress for Forklifts, Roll-off Trucks and Other Equipment for the Performance of Additional Demolition and Construction Work at the Aloha Tower Marketplace and to Provide Pedestrian Access to Customers of the Aloha Tower Marketplace during the Period of Demolition and Construction, situated at Piers 8 and 9, Honolulu Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-1-001:001 and 063 (Portion).

APPLICANT (COLLECTIVELY):

Hawaii Pacific University (HPU), a Domestic Nonprofit Corporation, whose mailing address is 1164 Bishop Street, Suite 800, Honolulu, Hawaii 96813

Hawaii Lifestyle Retail Properties LLC (HLRP), a Domestic Limited Liability Company, whose mailing address is 1164 Bishop Street, 8th Floor, Honolulu, Hawaii 96813

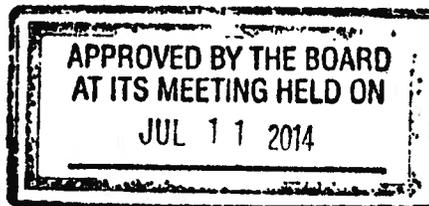
Swinerton Builders, a Foreign Profit Corporation, whose mailing address is 1003 Bishop, #1340, Honolulu, Hawaii 96813

LEGAL REFERENCE:

Sections 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Honolulu Harbor situated at Piers 8 and 9, Honolulu, Oahu, identified as Aloha Tower Marketplace by Tax Map Key: (1) 2-1-001:001 (Portion), as outlined shown on the attached map labeled Exhibit A.



ITEM M-9
EXHIBIT A

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to Hawaii Pacific University, Hawaii Lifestyle
Retail Properties, LLC & Swinerton Builders
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AREA:

4.250 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu: Aloha Tower Project

LAND STATUS:

Section 5(A) lands of the Hawaii Admission Act

CURRENT USE STATUS:

Encumbered by Governor's Executive Order No. 3542 to Department of Transportation, Harbors Division for Harbor and Wharfage Operations purposes.

Encumbered by Revocable Permit No. H-98-2121 Issued to Paradise Cruises for Office and Training Facility

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the Hawaii Pacific University – Aloha Tower Marketplace Project was published in OEQC's Environmental Notice on May 23, 2014, with a finding of no significant impact (FONSI).

CHARACTER OF USE:

Right of Entry to Provide Ingress and Egress for Forklifts, Roll-off Trucks and Other Equipment for the Performance of Additional Demolition and Construction Work at the Aloha Tower Marketplace and to Provide Pedestrian Access to Customers of the Aloha Tower Marketplace during the Period of Demolition and Construction.

TERM OF RIGHT-OF-ENTRY:

Not to Exceed September 30, 2015

CONSIDERATION:

Gratis.

REMARKS:

At its meeting held March 28, 2014, Agenda Item M-1, the Board of Land and Natural Resources approved the issuance of a ninety (90) day Right-of-Entry to Install Construction Barricades, Provide Access Routes for Forklifts, Roll-off Trucks and Other Equipment for Debris Removal and Hauling and Pedestrian Access to the Aloha Tower Market Place Related to the Demolition of the 2nd Floor. Only the demolition phase was approved pending the completion of the Environmental Assessment,

As noted above, the Final Environmental Assessment for the Hawaii Pacific University – Aloha Tower Marketplace Project was published in OEQC's Environmental Notice on May 23, 2014, with a finding of no significant impact (FONSI). Therefore, this request is for issuance of a new Right-of-Entry to the Applicants for Additional Demolition and the Construction of the Improvements at the Aloha Tower Marketplace.

During this phase of their project, at least four (4) tenants (Gordon Biersch, Hooters, Star of Honolulu, and HPU Staff Offices) will remain in operation in the Aloha Tower Marketplace. Barricades have been erected around the Aloha Tower Marketplace so that all pedestrians can access the open businesses only by traversing along Pier 8.

RECOMMENDATION:

That the Board, authorize the issuance of a right-of-entry permit to HPU, HLRP and Swinerton Builders covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Applicant shall obtain the prior approval of the Aloha Tower Development Corporation for any construction and additional demolition plans on the premises comprising the Aloha Tower Marketplace;
3. Applicant shall obtain the review and approval of the Department of Transportation, Harbors Division, prior to the commencement of any additional demolition and construction work, on HPU's ingress and egress plans for vehicles and equipment to ensure that such movements are conducted on harbor piers in a safe manner and will not damage state piers; that construction of improvements will not impact utilities serving the harbor and/or harbor operational activities and that HPU's demolition and construction activities comply with MS4 (municipal separate storm sewer system) requirements.

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4. Review and approval by the Department of the Attorney General; and
5. Such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully Submitted,



FORD N. FUCHIGAMI
Interim Director of Transportation

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR.
Chairperson and Member

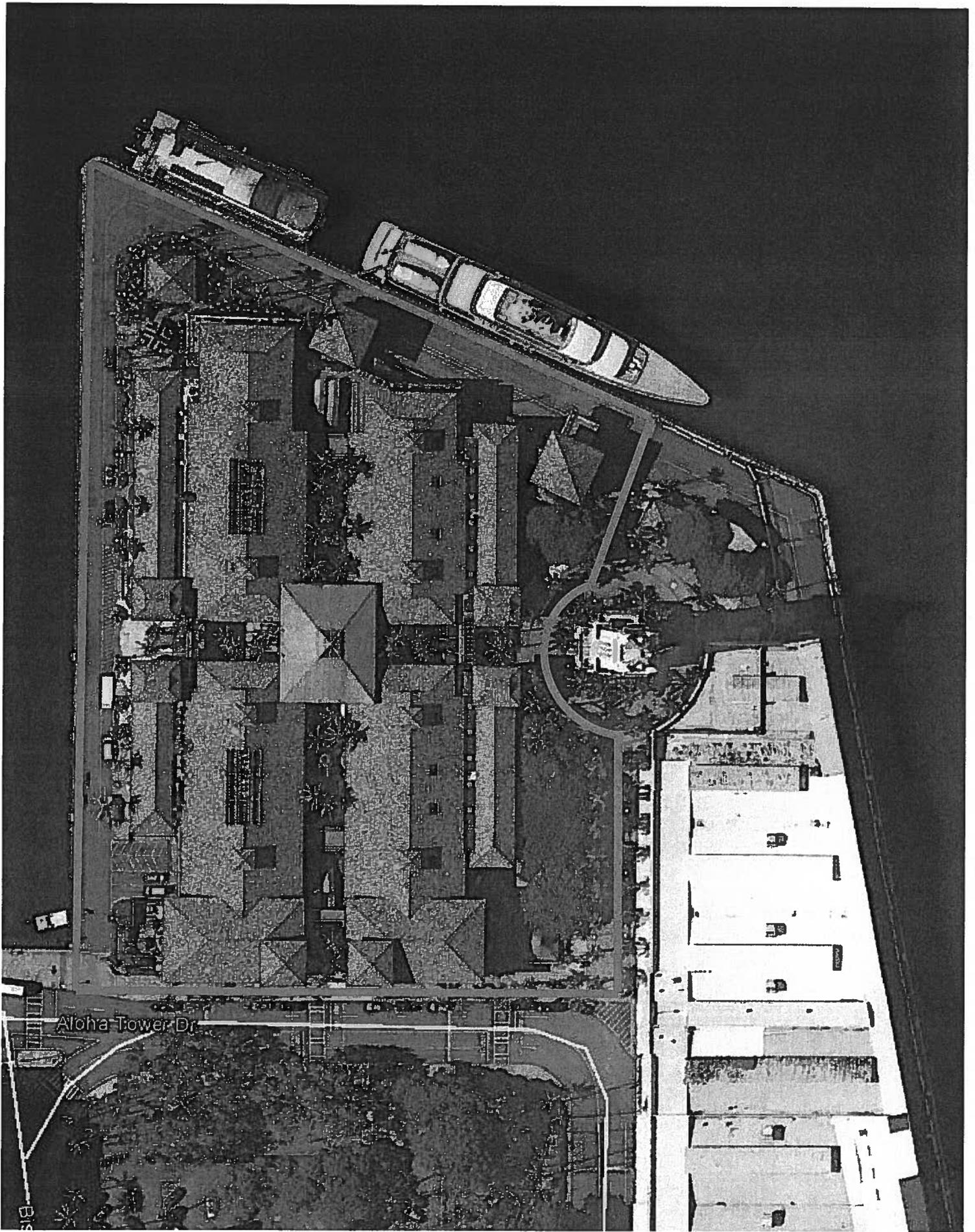


EXHIBIT A

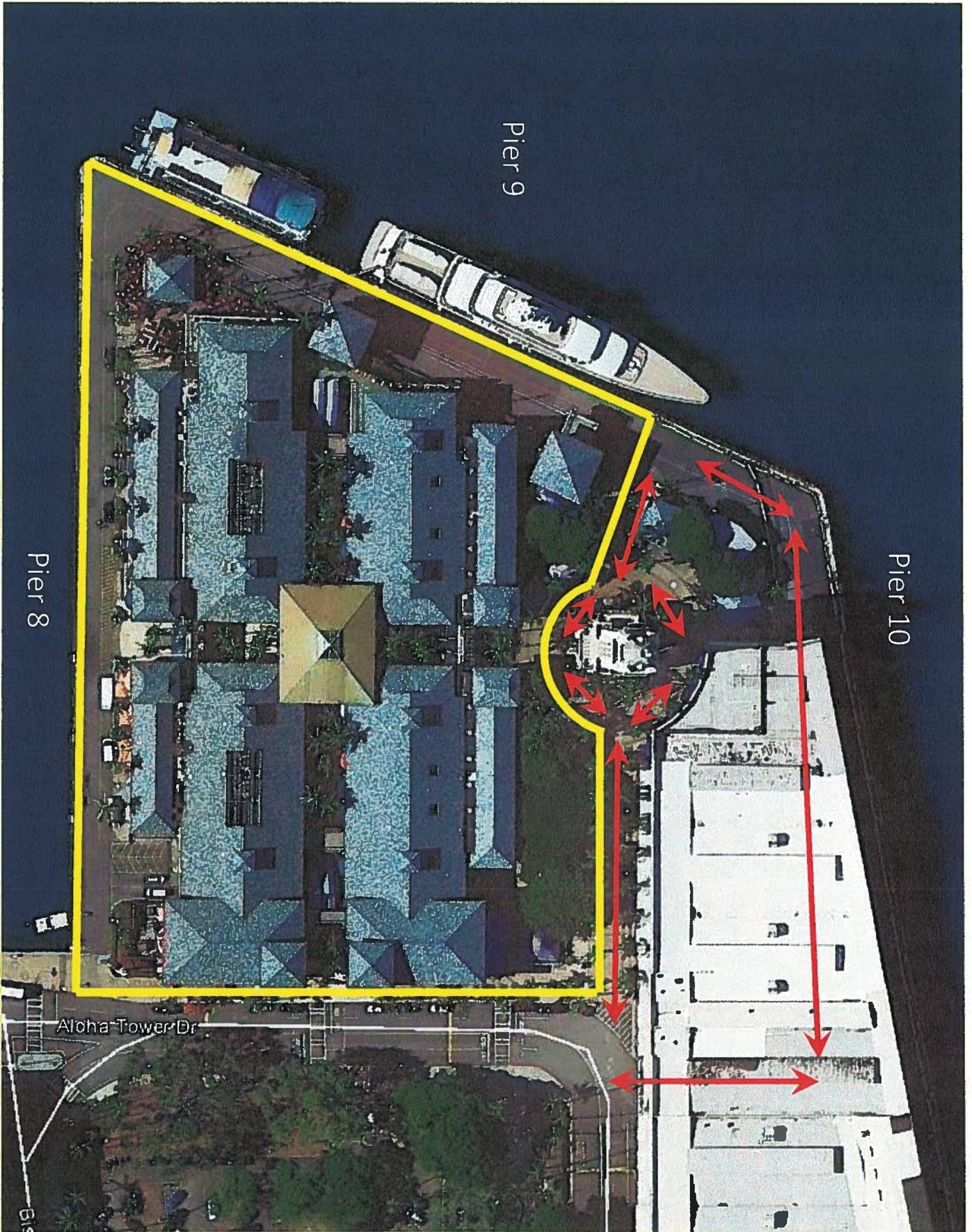


EXHIBIT B