

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

February 12, 2016

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

Ref: 15OD-188

OAHU

Amend Prior Board Action of November 13, 2015, Item D-11, Authorize the Issuance of Right-of-Entry for Due Diligence Purpose Regarding Proposed Shelter Facility for Homeless Population; Aio Foundation, Applicant; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212.

The Amendment is to Authorize the Placement of a Temporary Portable Structure.

BACKGROUND:

At its meeting of November 13, 2015, under agenda item D-11, the Board authorized the issuance of a right-of-entry permit for due diligence purposes regarding a future homeless shelter facility proposed by the applicant. Pursuant to the Board approval, the permit was issued commencing on December 9, 2015 for a period of nine (9) months. A copy of the approved submittal is attached as **Exhibit 1**.¹

REMARKS:

Recently, the applicant inquired if it could place a portable temporary prefabricated structure on the property pursuant to the right-of-entry permit. Similar structures were used for temporary housing of the victims of the 2011 tsunami in Japan. Applicant plans to seek comments on the structure from appropriate government agencies and other social service providers relating to the potential of using it for the proposed shelter facility. Staff understands the structure measures approximately 18 by 48 feet, and a typical layout is shown on the plan attached as **Exhibit 2**.

Pursuant to the Governor's Proclamation dated October 16, 2015, several statutes and regulations, including Chapter 343, have been suspended to the extent necessary for the purpose of establishing "... a temporary transitional shelter ...". The proclamation is extended up to February 23, 2016.

The Division has no objection to the request.

¹ Exhibits after Exhibit B of the 2015 submittal are not attached.

RECOMMENDATION: That the Board:

1. Amend its prior Board action of November 13, 2015, under agenda item D-11 by allowing the applicant to place one (1) portable temporary prefabricated structure as described above on the subject property, provided that the applicant shall remove the structure from the property before the termination or expiration of the right-of-entry permit, whichever is the earlier.
2. All terms and conditions listed in its November 13, 2015 approval to remain the same.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

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

November 13, 2015

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

Ref: 15OD-188

OAHU

Authorize the Issuance of Right-of-Entry for Due Diligence Purpose Regarding Proposed Shelter Facility for Homeless Population; Aio Foundation,¹ Applicant; Moanalua, Honolulu, Oahu, TMK (1) 1-1-003:003, 204 to 207, and 212.

APPLICANT:

Aio Foundation, a domestic non-profit corporation ("Applicant").

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Moanalua, Honolulu, Oahu, identified by Tax Map Key: (1) 1-1-003:003, 204 to 207, and 212, as shown on the maps as **Exhibit A1** and **A2**.

AREA:

13.090 acres, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: P-2

¹ On the form amending the corporation name dated May 11, 2011, the Applicant's name is noted as "aio Foundation" [first word all lower case].

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

November 13, 2015 Go.

EXHIBIT " 1 "

D-11

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:

Encumbered by Revocable Permit No. 7843, Tactical Airgun Fumes Hawaii LLP,
Permittee, for Commercial Recreational Use purposes.

PURPOSE:

Due diligence purposes.

EASEMENT TERM:

Nine (9) months.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, item 1. See **Exhibit B**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	___
Registered business name confirmed:	YES	<u>X</u>	NO	___
Good standing confirmed:	YES	<u>X</u>	NO	___

APPLICANT REQUIREMENTS:

None. Staff understands the Applicant is in the process of getting the concurrence of the permittee regarding the proposed project.

REMARKS:

Applicant is a domestic nonprofit corporation organized 1997 under the name of HWB Foundation. In 2011 the name of the organization was changed to aio Foundation. According to the information posted on the State Department of Commerce and Consumer Affairs website, there are five (5) purposes for the Applicant listed below:

1. To celebrate and showcase great Hawaii students as role models for their academic and athletic efforts, accomplishments, study and success;
2. To turn the national pastime of baseball into "a child's lesson for all time" through programs which build health, education and welfare amongst Hawaii's children;
3. To sponsor academic competitions including, but not limited to, the Hawaii state spelling bee, that enhance the educational experience of Hawaii's children;
4. To provide inspiration for adults and children to become responsible for themselves; and
5. To bring together like-minded companies and community organizations who are committed to the future of Hawaii's youth and education.

Applicant intends to help provide a long-term solution for the homelessness problem in the State. It plans to develop on the subject area a plantation style village for those in need of a shelter. The village will comprise of permanent cluster of buildings, gardens, community kitchen and restroom facilities, and playground too. Upon the completion of the improvements, the Applicant will either partner or turn it over to another nonprofit entity for ongoing operation. Applicant describes its plan and proposed layout of the village in its application package enclosed as **Exhibit C**.

Applicant acknowledges that it has no prior experience in developing similar housing for people in need. Nevertheless, one of its founders, Mr. Duane Kurisu, has over 30 years in local commercial real estate development, and he has committed his time and resources to carry out this project.

On September 11, 2015, the Board authorized the issuance of another right-of-entry for due diligence purpose on the same area. Other agencies were solicited for comments for the said right-of-entry which was intended for a future broadcast antenna tower site, to be developed by Mr. Kurisu, in his capacity of a for profit entity.

Staff does not anticipate agency responses to the subject request would differ materially from the response to the right-of-entry request that was previously approved. Therefore, staff did not solicit comments from other agencies on the subject request.

Subsequent to the conclusion of the due diligence, any request for State land will come before the Board for consideration and approval, if appropriate.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns.

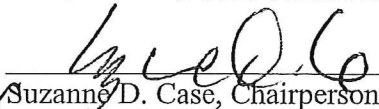
RECOMMENDATION: That the Board:

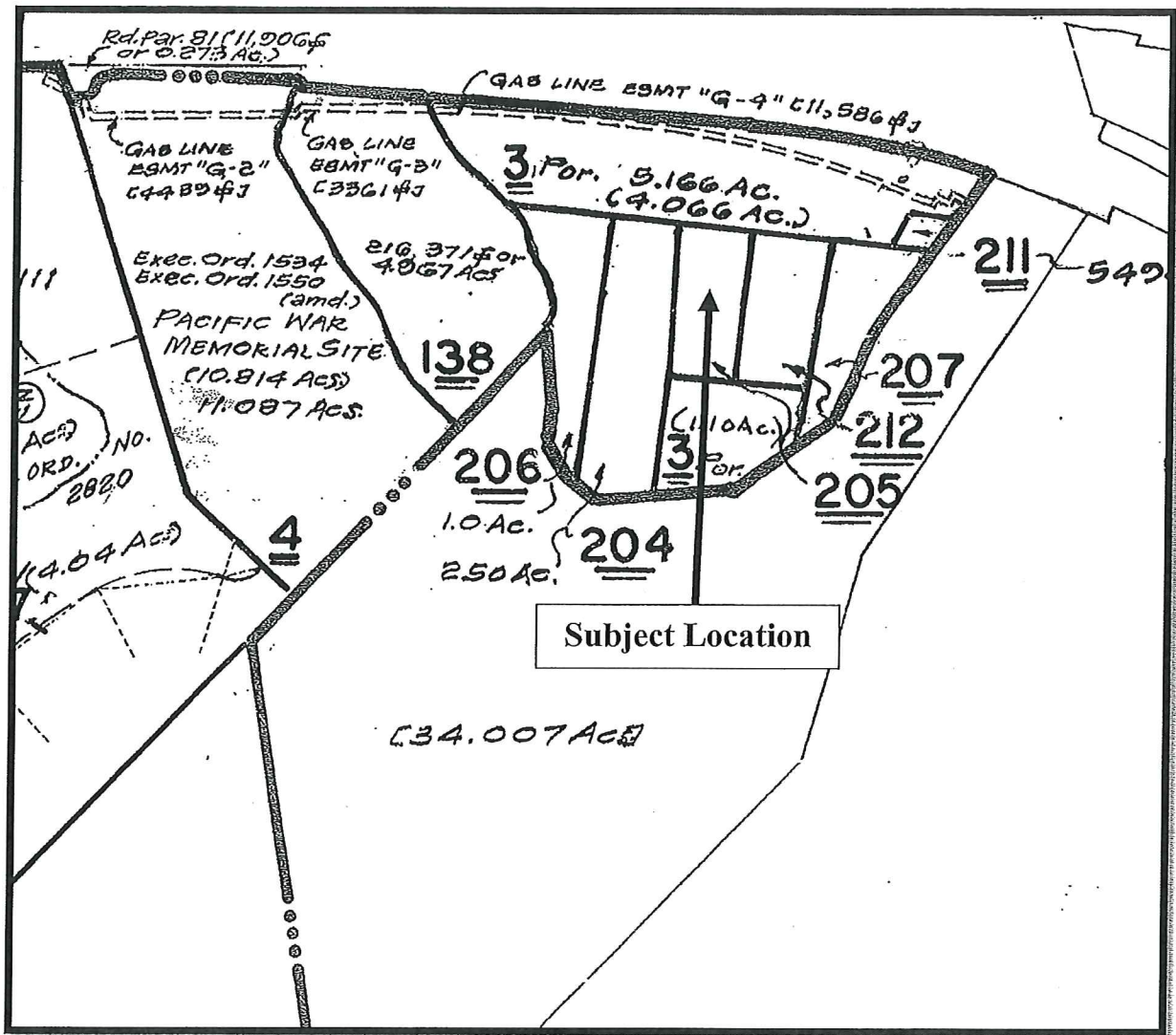
1. Declare that, after considering the potential effects of the requested right-of-entry as provided by Chapter 343, HRS, and Chapter 11-200, HAR, the request will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of an immediate right-of-entry permit to the aio Foundation for conducting due diligence pertaining to environmental assessment compliance for the requested shelter for homeless population 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. Written concurrence from the Permittee of RP 7843;
 - C. Authorize the Chairperson to extend the term of the right-of-entry for good cause; and
 - D. 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

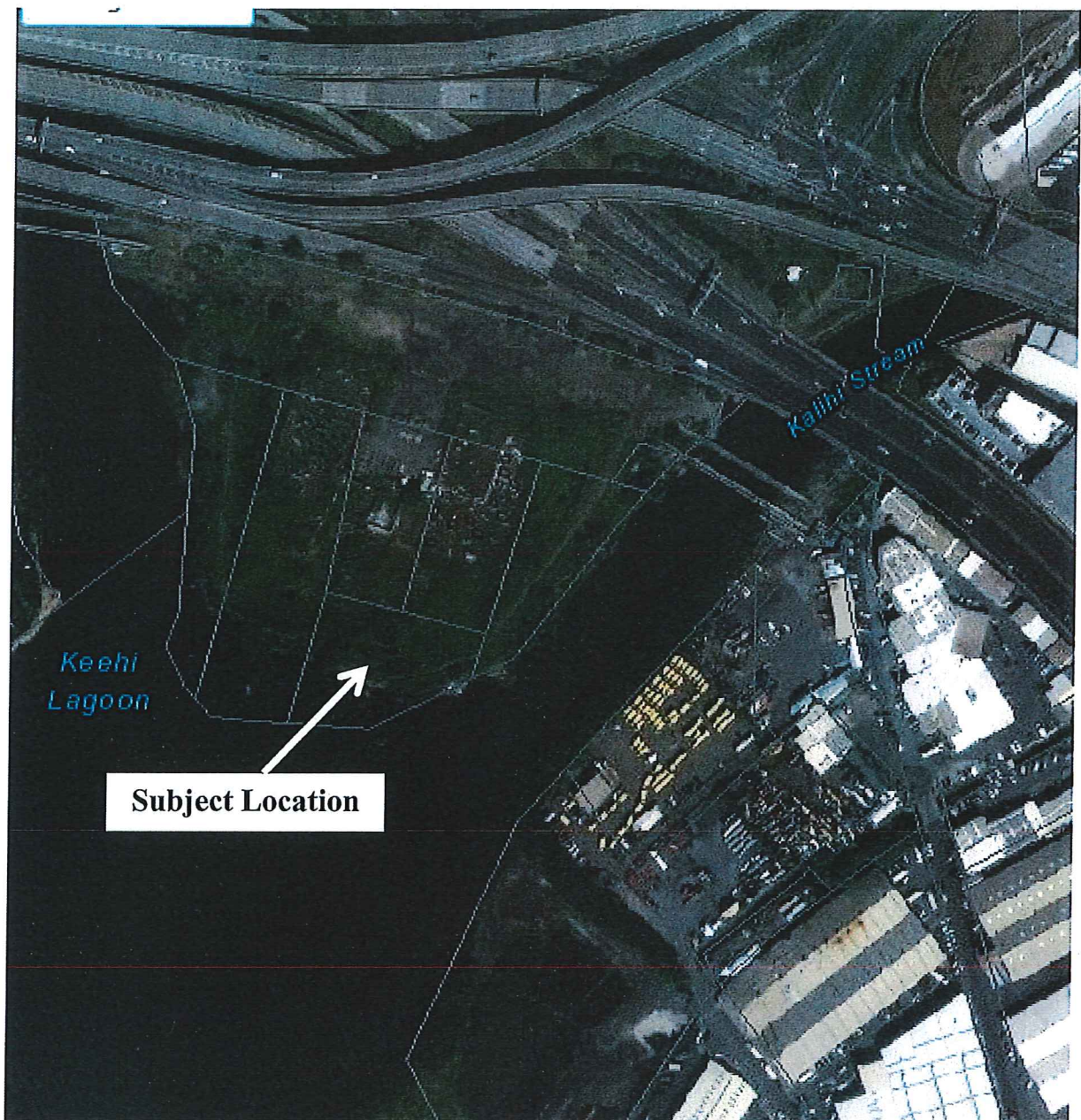
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 1-1-003:003, 204 to 207, and 212

EXHIBIT A1



TMK (1) 1-1-003:003, 204 to 207, and 212

EXHIBIT A2

