

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

August 26, 2011

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

PSF No.: 10HD-203

Hawai'i

Issuance of Month-to-month Revocable Permit to Giampaolo Boschetti for Storage Area and Parking Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-1-06:84.

APPLICANT:

Giampaolo Boschetti, single, Tenant in Severalty.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waiakea, South Hilo, Hawaii, identified by Tax Map Key: 3rd/2-1-06:84, as shown on the attached map labeled Exhibit A.

AREA:

0.797 acres, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Open

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:

Storage area and parking purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$752.00 per month, based on staff appraisal dated December 7, 2010, attached as Exhibit B.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit C.

DCCA VERIFICATION:

Applicant is an individual and, as such, is not required to register with DCCA.

REMARKS:

Since the mid 1950's, the subject parcel has been utilized for storage and/or parking purposes by the owners of the adjacent property (TMK: 3rd/2-1-06:05). Most recently the subject property has been encumbered under Revocable Permit No. S-5498 to Alexander and Baldwin Company. The revocable permit was cancelled effective October 31, 2010.

The Permittee recently sold their interest in the property adjacent to the State land to the Applicant who now wishes to lease the State parcel on a month-to-month permit for the same purpose.

The 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 have been no other requests or application for the use of the subject State parcel. The State parcel is unsuitable for lease at public auction as it is landlocked and accessible only through the Applicant's property.

Request for comments were sent to various government agencies and were returned with no objection. The County of Hawaii Planning Department did comment that the parcel is zoned Open and located within the Special Management Area. It also noted that the subject parcel has been leased from the State and utilized for storage and/or parking purposes since the mid 1950's and that the existing use of land is nonconforming and may be continued. The Fire Department recommended that the fire apparatus access roads shall be in accordance with UFC Section 10.207.

County of Hawaii Agencies	Comments
Environmental Management	No Objection
Fire Department	Compliance with UFC Section 10.207
Planning	Zoned open SMA
Police Department	No Objection
Public Works	No Comments
Department of Water Supply	No Comments
State of Hawaii Agencies	Comments
DOH-Environmental Management	Recommend applicant follow HAR, Chapters 11-54, 11-55
DHHL	No Response
DLNR-Historic Preservation	No Response
DOT-Highways Division	No Objections
Other Agencies	Comments
Office of Hawaiian Affairs	No Response

A portion of the State property abuts a private golf course. There is a chain link fence and vegetation separating the property from the golf course. The applicant is aware that the subject property is adjacent to and acknowledges the risks associated with the golf course.

The HDLO staff believes this request and the intended use of these State lands should be exempted from the preparation of an environmental assessment because the intended use is consistent with past use of the property. The former owners of the adjacent property utilized the State land for the same purpose for which the applicant is applying for. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. 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.

RECOMMENDATION: That the Board:

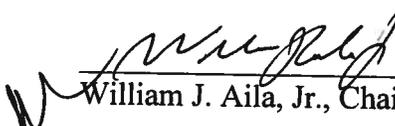
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. The Permittee is aware that the subject property is adjacent to a private golf course and acknowledges the risks associated with the golf course and its use.
3. Authorize the issuance of a revocable permit to Giampaolo Boschetti covering the subject area for storage area and parking purposes 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 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,



Gordon C. Heit
Land Agent 

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 7, 2010

MEMORANDUM

TO: William J. Aila, Jr., Interim Chairperson

THROUGH: ~~Russell Y. Tsuji~~, Land Division Administrator

FROM: Cyrus C. Chen, Real Estate Appraisal Manager *Cyrus Chen*

SUBJECT: In-House Valuation Recommendation – Revocable Permit for Storage Area and Parking Purposes

PSF No.: 10HD-203
Applicant: Giampaolo Boschetti
Location: Waiakea, S. Hilo, Hawaii
Land Area: 0.797 acres approximately
Tax Map Key: (3) 2-1-06: 84
Char. of Use: Storage area and parking

We have been requested to provide a monthly rent amount for the issuance of a revocable permit for storage area and parking purposes on the above-referenced property. This rent amount will be included in staff's submittal to the Board for approval of this permit and will not be effective unless such approval is received.

A search was conducted of comparable permits in the subject area. No quality comparables were found. A&B Company formerly occupied the subject under RP 5498 for open storage purposes. A&B Company requested cancellation of the permit and vacated the premises effective October 31, 2010. A&B Company recently sold the adjacent property to the applicant and the applicant is applying for a permit to utilize the subject in a similar fashion.

All commercial, industrial and baseyard/storage permit rents are reviewed annually and the permit held by A&B Company was in the category of permits, which are reviewed annually. This permit was adjusted effective January 1, 2008. After 2008, staff concluded no rent adjustments for permits with the above mentioned character of use were warranted. Since the subject permit rent was recently reviewed and adjusted, staff believes the effective rent for the recently cancelled permit encumbering the subject is considered reasonable.

DEC 14 2010

Therefore, as of the date of this document, the monthly market rent for the revocable permit to the applicant is recommended to be \$752 per month.

Special Assumptions and Limiting Conditions

- 1) This document does not take the place of an appraisal and does not constitute an appraisal, which adheres to the Uniform Standards of Professional Appraisal Practice.
- 2) The subject property was not inspected by the staff appraiser.

Approved / Disapproved:



William J. Aila, Jr., Interim Chairperson



Date

cc: District Branch Files
Central Files

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
INTERIM FIRST DEPUTY

WILLIAM M. TAM
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Request for Revocable Permit to Giampaolo Boschetti, for Storage area/Parking Purposes.

Project Number: PSF No. 10HD-203

Project Location: Waiakea, South Hilo, Hawaii, Tax Map Key:3rd/2-1-06:84.

Project Description: The requested parcel was previously encumbered under RP S-5498 for open storage purposes. The permit was cancelled at the request of the Permittee when they sold the adjacent property. The applicant is the new owner of the property adjacent to the State land. They wish to continue utilizing the land for the same purpose. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental, and or cultural resources in the area.

Consulted Parties: None

EXHIBIT "C"

Exemption Class No.: 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 under the following:

Exemption Class No. 1, which 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 Exemption Class no. 4 which states, "Minor alteration in the conditions of land, water, or vegetation."

Recommendation: The Board is recommended to find that it is anticipated 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

8/11/11

Date