

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

June 22, 2018

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

Land Board Members:

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO JOHN'S WORLD FAMOUS HOT DOGS, LLC., FOR A MOBILE FOOD CONCESSION, LOCATED AT THE ALA WAI SMALL BOAT HARBOR, HONOLULU, OAHU, TAX MAP KEY: (1) 6-2-003:012 (POR.)

APPLICANT:

John's World Famous Hot Dogs, LLC., whose mailing address is 45-681 Apuakea Street, Kaneohe, Hawaii 96744

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at the Ala Wai Small Boat Harbor (HSBH), Honolulu, Oahu, Tax Map Key: (1) 6-2-003:012 (por.) as delineated and as shown on the map labeled EXHIBIT A

AREA:

Approximately 160 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: P-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Parking stall at the Ala Wai Small Boat Harbor

CHARACTER OF USE:

Occupy and use the Premises for the following specified purposes only: Mobile food concession offering hot dogs, cold drinks, chips, and packaged ice cream.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

Five hundred dollars (\$500.00) per month or ten percent (10%) of gross receipts, whichever is greater.

SECURITY DEPOSIT:

Twice the monthly rental.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO
Registered business name confirmed:	YES	<u>X</u>	NO
Applicant in good standing confirmed:	YES	<u>X</u>	NO

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the “Comprehensive Exemption List for the Division of Boating and Ocean Recreation (Division), Department of Land and Natural Resources (Department), State of Hawaii, as concurred in by the Environmental Council, State of Hawaii”, dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, “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.” This project is exempt from the preparation of an Environmental Assessment pursuant to the following exemption:

Item No. 53. Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area.

In consultation with Land Division and the Division of State Parks, regarding HRS Chapter 343, they concurred the proposed use is exempt from the preparation of an environmental assessment according to the Department’s comprehensive exemption list and will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment. See EXHIBIT B.

REMARKS:

The Ala Wai small boat harbor has had up to two food concessions operating within the facility at any given time. Currently, Galley Foods is under a concession agreement within the facility and is located at the makai end of the Hilton lagoon on the Diamond Head side of the beach. John’s World Famous Hot Dogs, LLC. will be located on the opposite side of the Hilton Lagoon in the first parking stall adjacent to the walkway used to access the Ilikai apartments.

The Division is proposing to issue a Revocable Permit for up to one year to determine whether this type of operation is feasible in the facility. After one year, the Division will either offer a concession agreement for bid or the vendor may have the ability to enter into an agreement with the successful Developer for the facility if that process has been completed.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize the issuance of Revocable Permit to John’s World Famous Hot Dogs, LLC. covering the subject area for a mobile food concession 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; and
 - b. Review and approval by the Department of the Attorney General.
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Declare that, after considering the potential effects of the proposed project 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.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:

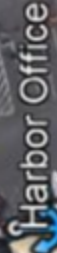


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment:

- A. Aerial Map of Ala Wai Small Boat Harbor
- B. Declaration of Exemption, Chapter 343
- C. Pictures of Food Cart

John's World Famous Hot
Dogs
Hawaii, LLC

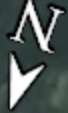


Honolulu Transpac

Hawaiian Parasail

Hawaiian Parasail

Galley Foods/Gilligan's



EXEMPTION NOTIFICATION

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

Project Title:	Johns World Famous Hot Dogs, LLC.
Project / Reference No.:	To be Determined
Project Location:	Ala Wai small boat harbor, Honolulu, Hawaii
Project Description:	Mobile food concession
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	Exemption Class 1, #53, Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area.
Cumulative Impact of Planned Successive Actions in Same Place Significant?:	No. This is a small mobile food concession that will use an existing parking stall located in the facility. The concession trailer will be removed from the facility each day.
Action May Have Significant Impact on Particularly Sensitive Environment?:	No. The activity will take place in in the harbor and there is no sensitive environment located within the vicinity of the operation.
Analysis:	The mobile food concession will be operated within the facility in a designated parking stall. The concession trailer will be removed from the facility each day and the parking stall will be available to the general public once it is vacated by the concessionaire. This activity is no different than a person parking a vehicle in the facility other than people will be purchasing food and drinks to go.
Consulted Parties:	The Division consulted with Land Division and the Division of State Parks and both concurred that this activity meets the definition of Exemption Class 1, #53.
Declaration:	The Board finds that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.

