

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

August 23, 2019

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

Land Board Members:

SUBJECT: CONTINUATION OF REVOCABLE PERMIT NO. 52 TO JOHN'S WORLD FAMOUS HAWAII HOT DOGS, LLC., FOR A MOBILE FOOD CONCESSION, LOCATED AT THE ALA WAI SMALL BOAT HARBOR, HONOLULU, OAHU, TAX MAP KEY: (1) 2-3-037:012 (POR.)

AND

DECLARE THE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES.

REQUEST:

Continuation of Revocable Permit 52 from September 1, 2019, through August 31, 2020.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Ala Wai Small Boat Harbor, Island of Oahu, Tax Map Key: (1) 2-3-037:012 (por.) hereinafter referred to as the "Premises" as shown on the map labeled **Exhibit A** and attached hereto.

AREA:

Approximately 160 square feet more or less.

ZONING:

State Land Use District: Urban

County of Honolulu CZO: Public Precinct (Waikiki Special District)

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. 52, to John’s World Famous Hawaii Hot Dogs, LLC.

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 revocable permits will commence on September 1, 2019, and end on June 30, 2020.

MONTHLY RENTAL:

The monthly rental is included in the commercial permit fee of five hundred fifteen and no/100 dollars (\$515.00) per month or ten percent (10%) gross receipts, whichever is greater, payable in advance by the first of each and every month for the period beginning September 1, 2019, and end on June 30, 2020.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental, \$1,030.00.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the “Comprehensive Exemption List for the Division of Boating and Ocean Recreation (DOBOR), Department of Land and Natural Resources, 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 EA pursuant to the following exemption:

Item No. 47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing;

Item No. 51. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

Item No. 53. Granting to a person the privilege to conduct operations involving the provisions 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 the Land Division (LD), regarding HRS Chapter 343, they concurred that this RP met the requirements of Chapter 343, HRS, and chapter 11-200, HAR and this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

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

JUSTIFICATION FOR REVOCABLE PERMIT:

DOBOR is in the process of evaluating proposals for the redevelopment of AWSBH and a long-term disposition may encumber the use of this area. A month-to-month RP is an appropriate disposition. The permittee is currently in good standing with the Division of Boating and Ocean Recreation since September 1, 2018.

REMARKS:

DOBOR issued an RP for up to one year to determine whether this type of operation is feasible at AWSBH. Due to pending development plans for AWSBH, DOBOR would like to keep this applicant on an RP before putting this type of operation out for bid. In the future, the vendor may have the choice to enter into an agreement directly with the successful developer for the AWSBH once the development process has been completed.

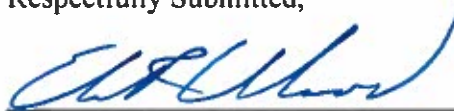
RECOMMENDATION:

That the Board of Land and Natural Resources:

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. Authorize the continuation of the Revocable Permit 52 with John's World Famous Hawaii Hot Dogs, LLC, at Ala Wai Small Boat Harbor, 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.

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. AWSBH Island Map
- A1. Aerial Map of JWFHHD location at AWSBH
- A2. Street View JWFHHD location

EXEMPTION NOTIFICATION

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

Project Title:	Continuation of Revocable Permit (RP) No. 52 with John's World Famous Hawaii Hot Dogs, LLC (JWFHHD)
Project / Reference No.:	As shown on Exhibit A
Project Location:	Ala Wai Small Boat Harbor (AWSBH), Honolulu, Island of Oahu
Project Description:	Continuation of RP No. 52 with JWFHHD
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	<p>Exemption Class 1: Operations, repairs and maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing:</p> <p>47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing;</p> <p>51. Permit, licenses, registrations, and rights-of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing;</p> <p>53. Granting to a person the privilege to conduct operations involving the provisions 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.</p>
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the applicant has been using this location since 2018 with no known significant impact to the environment. Therefore, staff believes the continuation of an RP No. 52 with JWFHHD will have no significant effect on the environment.
Action May have Significant Impact on Particularly Sensitive Environment?	No. staff does not believe the continuation of an RP No. 52 with JWFHHD will have significant impact on particularly sensitive environment. The AWSBH is a recreational boat harbor containing comfort stations, as well as numerous structures. To date JWFHHD operations at the AWSBH have not had a significant impact on the environment.
Analysis:	JWFHHD has been in operation at AWSBH since 2018 with no known significant impact to the environment. Staff believes that the continuation of RP No. 52 to JWFHHD would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	Land Division – Oahu District
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.

Exhibit A

John's World Famous Hawaii Hot Dogs, LLC RP 52 at Ala Wai Small Boat Harbor



Exhibit A

Exhibit A-1

Ala Wai Small Boat Harbor

**John's World Famous
Hawaii Hot Dogs**
RP 52 - 160 Sq. Ft.



Exhibit A-1

Ala Wai Small Boat Harbor

Exhibit A-2



**John's World Famous
Hawaii Hot Dogs
RP 52 - 160 Sq. Ft.**

Exhibit A-2