

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

July 10, 2020

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

Land Board Members:

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

AND

ISSUANCE OF A NEW REVOCABLE PERMIT 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 200.1, HAWAII ADMINISTRATIVE RULES.

REQUEST:

Revocable Permit from July 11, 2020, to June 30, 2021.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Ala Wai Small Boat Harbor, Oahu, identified by Tax Map Key: (1) 2-3-037:012 (por.) hereinafter referred to as the "Premises" as shown on the map labeled Exhibit A-1 thru A-4 and attached hereto.

ITEM J-3

AREA:

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:

Vacant and unencumbered.

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 July 1, 2020, and end on June 30, 2021.

MONTHLY RENTAL:

Five hundred fifteen and no/100 dollars (\$515.00) per month or ten percent (10%) gross receipts, whichever is greater.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental, \$1,030.00.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR) and the Exemption List for the, Department of Land and Natural Resources, reviewed and concurred in by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, Item No. 44,

that states, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”

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 prospects 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:

At its June 22, 2018, meeting under agenda item J-1, the Board approved the issuance of a revocable permit to John’s World Famous Hawaii Hot Dogs, LLC for a mobile food concession at AWSBH, as shown on Exhibit A-2, in pink. The RP was issued to determine whether this type of operation is feasible at AWSBH.

At its August 23, 2019, meeting under agenda item J-5, the Board approved the continuation of RP No. 52 from September 1, 2019, to August 31, 2020.

The applicant indicated that its current location (Ewa of the Hilton Lagoon) is dependent on visitor foot traffic. The Covid-19 pandemic has had a severe impact on the viability of this location. The applicant requested that the location be changed to be closer to the surfers. Staff is recommending the proposed location (shown on Exhibits A-2, A-3 and A-4) as it does not impede access to the shorefront or parking, does not compete with the food truck concession’s sales and would give the applicant access to a local clientele, which it feels is necessary in order to make this operation viable. The proposed grass area is currently not being used for any other purposes.

In light of the pending development plans for AWSBH, staff believes that a short-term disposition is appropriate.

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 11-200.1, 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.

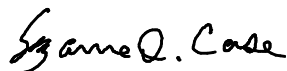
2. Cancel Revocable Permit No. 52 issued to John’s World Famous Hawaii Hot Dogs, LLC.
3. Authorize the issuing of a new Revocable Permit to John’s World Famous Hawaii Hot Dogs, LLC, at Ala Wai Small Boat Harbor, in the new location shown in Exhibits A-1 thru A-4, under the terms and conditions cited 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

Attachments:

- A-1 AWSBH on Island of Oahu Map
- A-2 Aerial Map of JWFHHD location at AWSBH
- A-3 Closer Aerial Map of JWFHHD
- A-4 Street View JWFHHD location

Exhibit A-1

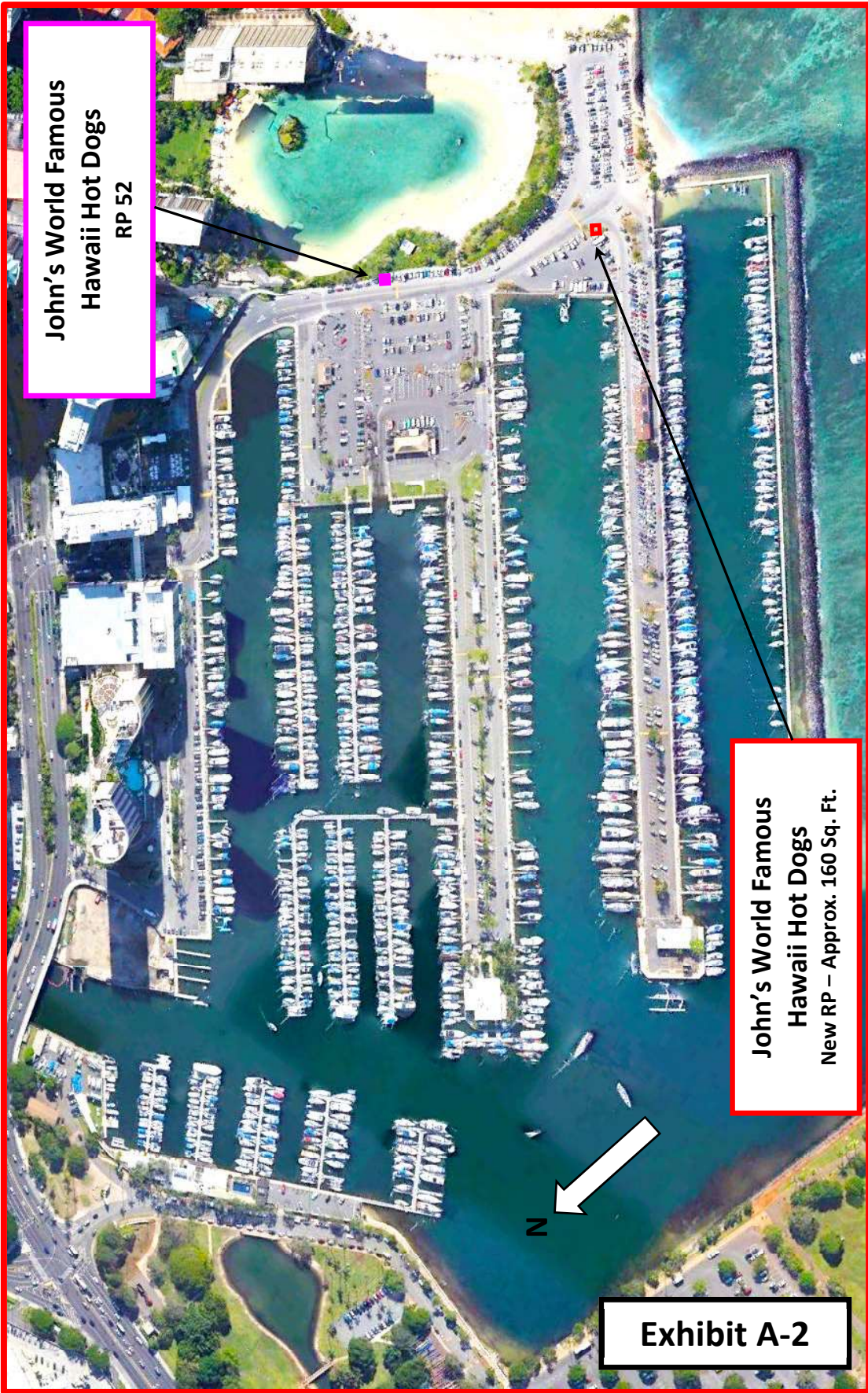
John's World Famous Hawaii Hot Dogs, LLC RP at Ala Wai Small Boat Harbor



Exhibit A-1

Exhibit A-2

Ala Wai Small Boat Harbor

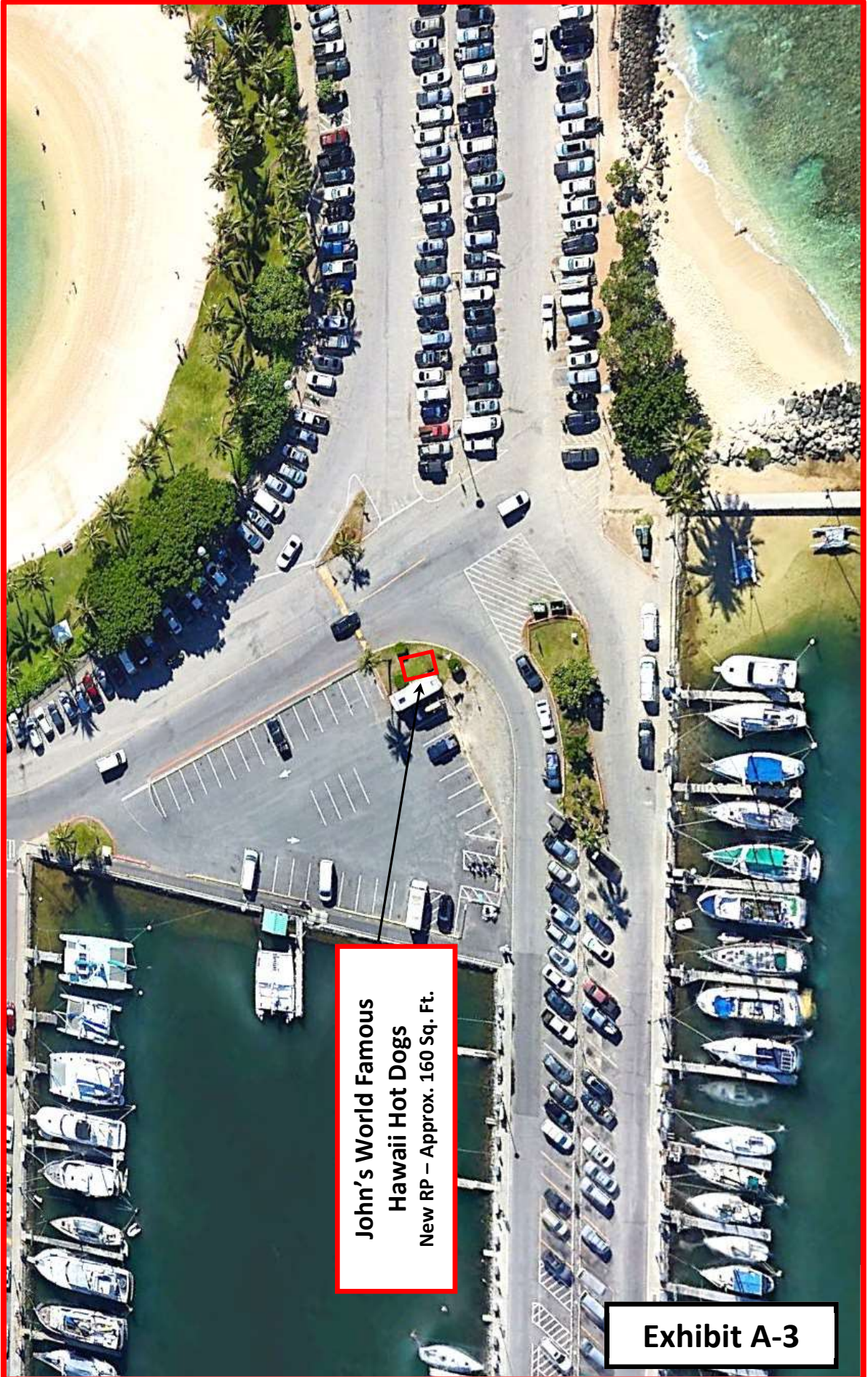


**John's World Famous
Hawaii Hot Dogs
RP 52**

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

Exhibit A-2

Ala Wai Small Boat Harbor



John's World Famous
Hawaii Hot Dogs
New RP - Approx. 160 Sq. Ft.

Ala Wai Small Boat Harbor

Exhibit A-4

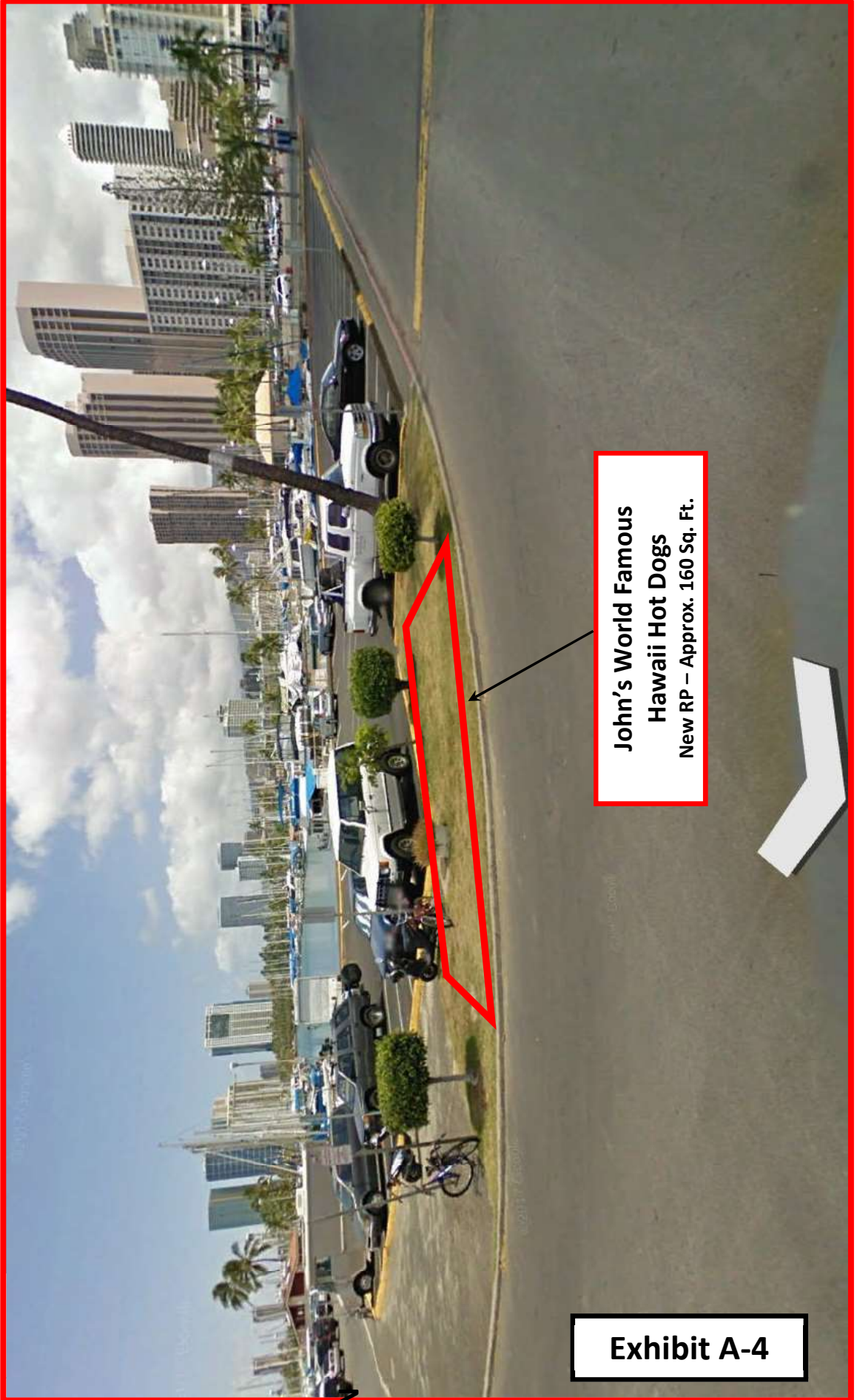


Exhibit A-4