

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

March 12, 2021

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

PSF No.: 200D-108  
  
OAHU

Termination of Revocable Permit No. S-7855 issued to Jonathan K. Kamaka, Sr. and Issuance of Revocable Permit to Jonathan K. Kamaka, Jr., Waipahu, Oahu, Tax Map Key: (1) 9-4-049:062 (Portion).

APPLICANT:

Jonathan K. Kamaka, Jr., married, as tenant in severalty.

LEGAL REFERENCE:

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

LOCATION:

94-143 Leokane Street, Unit 204, situated at Waipahu, Oahu, identified by Tax Map Key: (1) 9-4-049:062 (Portion), as shown on the attached map labeled **Exhibit A1 & A2**

AREA:

1,350 square feet, more or less.

ZONING:

State Land Use District: Urban  
City and County of County CZO: I-2, Intensive Industrial

TRUST LAND STATUS:

Section 5(a) 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. S-7855, Jonathan K. Kamaka, Sr., Permittee for Industrial and/or commercial uses permitted by C&C of Honolulu and Use Ordinances purposes.

CHARACTER OF USE:

Industrial and/or commercial uses permitted by C&C of Honolulu and Use Ordinances, provided that residential uses shall not be permitted.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$1,459.00 per month, which is the rent currently being paid for Revocable Permit No. S-7855.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that 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 Part 1, Item 40 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing." See **Exhibit B**

DCCA VERIFICATION:

Not applicable.

JUSTIFICATION FOR REVOCABLE PERMIT:

The requested space is a unit within an existing structure and together with the land has been authorized for a master lease to be sold at public auction. Staff is in the process of preparing for the public auction.

REMARKS:

The subject parcel was acquired by the State through a land exchange with Hawaii Baptist Academy in February 2014, together with existing tenants. These tenants were issued replacement revocable permits including Jonathan Kamaka, Sr., father of the applicant who has recently informed staff that he wishes to terminate his occupancy and that his son, Jonathan Kamaka, Jr. ("Applicant") is interested in taking over the space.

Previously the Applicant had used a portion of the space with his father for his t-shirt business and has indicated that he will use the space for his t-shirt operation in addition to his beauty salon supply business. Mr. Kamaka, Sr. has indicated that he has removed all his property from the space and that only the Applicant's items remain.

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.

Staff consulted with the Division of State Parks and Division of Boating and Ocean Recreation and both agencies have no comments to the board submittal, but concur with the exemption for Chapter 343, HRS.

In addition to the industrial and/or commercial use RP S-7855 also provided that residential uses shall not be permitted, which staff is requesting to be included as an additional condition to the new revocable permit.

The proposed use has existed since 2014 and will continue. 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.

In addition to the Applicant's request for use of the unit previously used by his father, staff has been contacted by two additional parties that have expressed interest in other vacant units in the building, but due to various issues including the COVID situation are unable to commit at this time. In the meantime, staff will continue with the preparation for a public auction of a master lease of the entire building together with the land it occupies.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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. Terminate Revocable Permit No. S-7855 to Jonathan K. Kamaka, Sr.
3. Authorize the issuance of a revocable permit to Jonathan K. Kamaka, Jr. covering the subject area for industrial/commercial use as permitted by City and County of Honolulu and Use Ordinances 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. No residential uses shall not be permitted;
  - c. Review and approval by the Department of the Attorney General; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

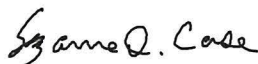
Respectfully Submitted,



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Patti E. Miyashiro  
Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson



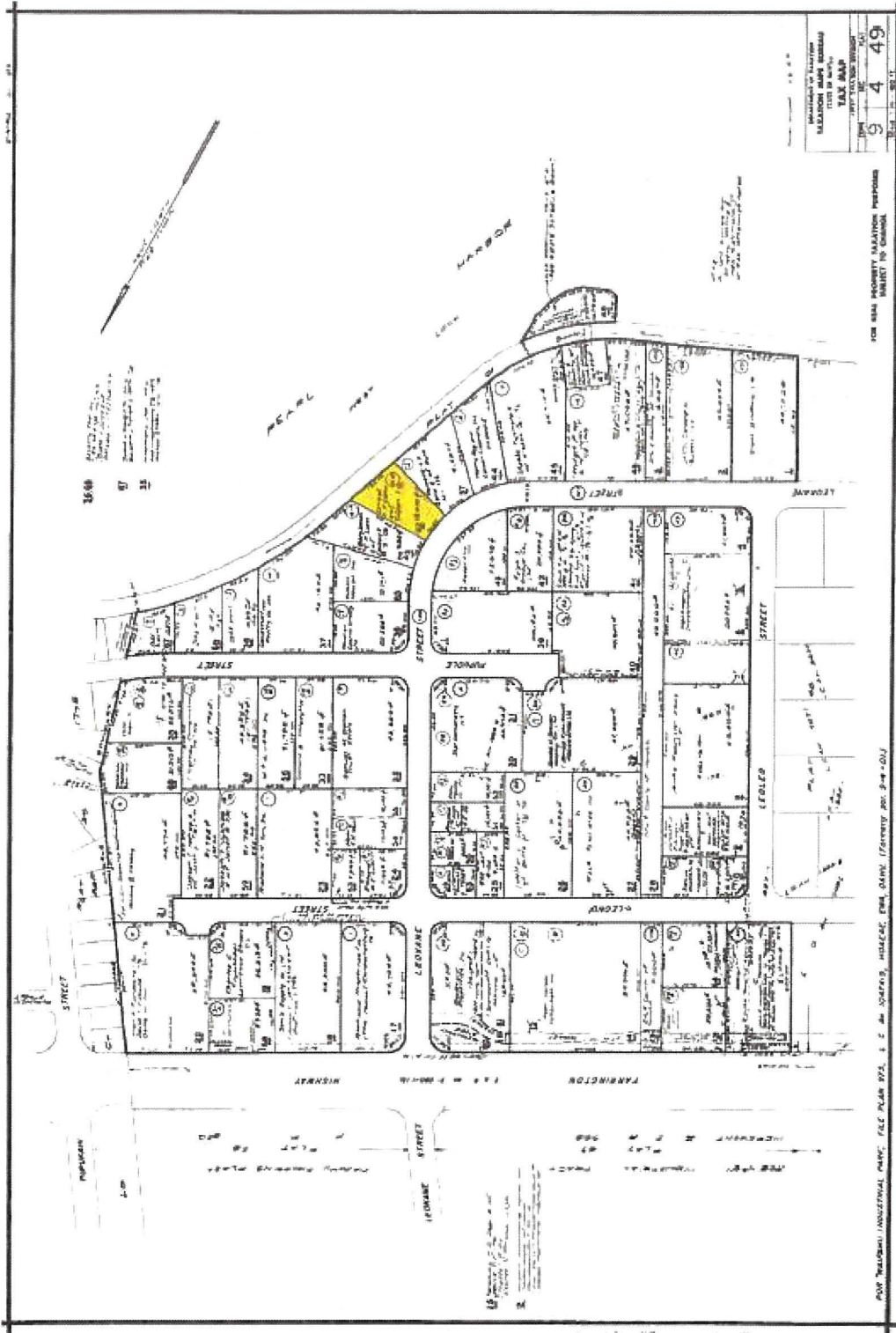


Exhibit A1

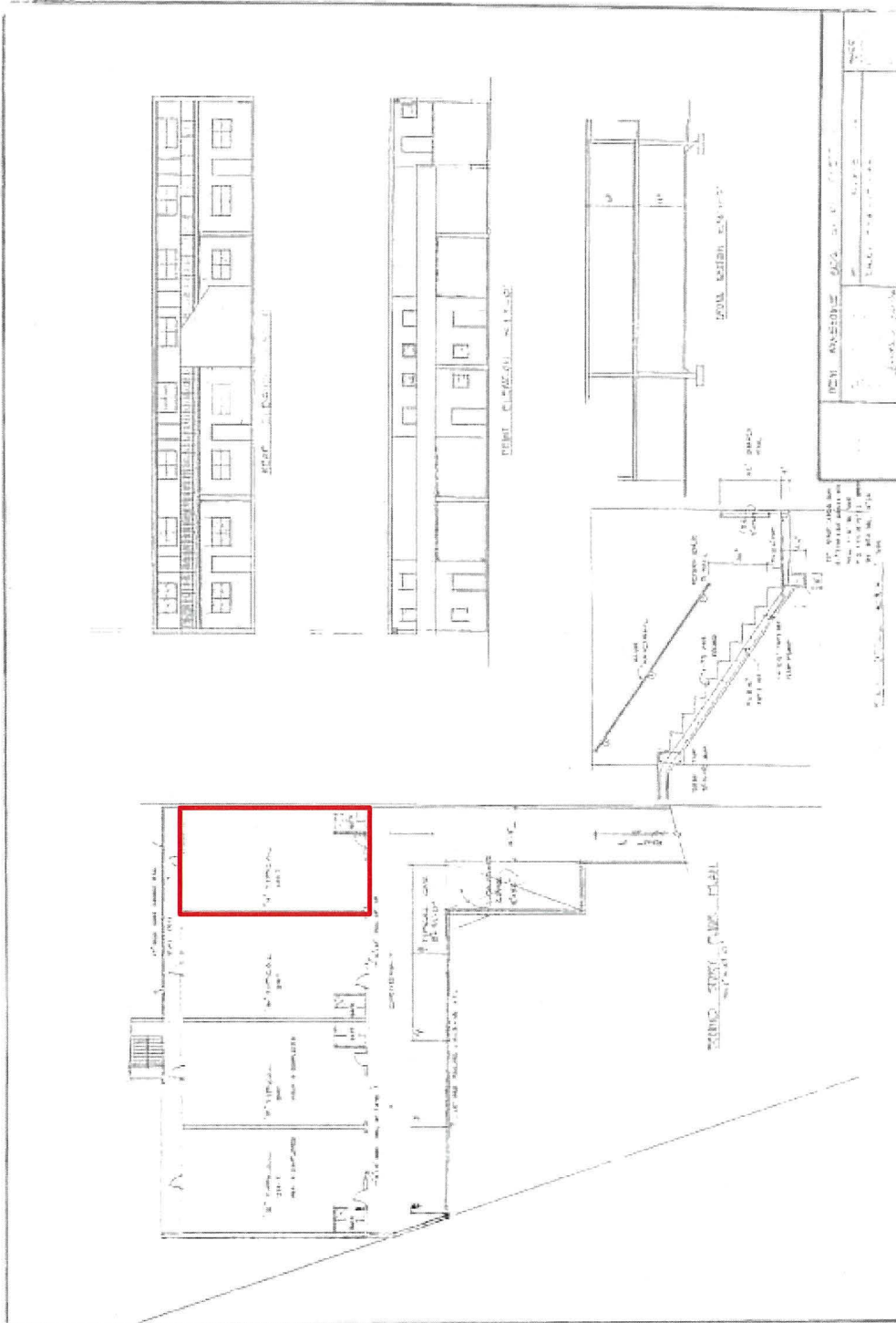


Exhibit A2

### EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title: Termination of Revocable Permit No. 7855 issued to Jonathan K. Kamaka, Sr. and Issuance of Revocable Permit to Jonathan K. Kamaka, Jr.

Reference No.: PSF 200D-108.

Project Location: 94-143 Leokane Street, Unit 204, situated at Waipahu, Oahu, identified by Tax Map Key: (1) 9-4-049:062 (Portion).

Project Description: Industrial and/or commercial uses permitted by C&C of Honolulu and Use Ordinances, provided that residential uses shall not be permitted.

Chap. 343 Trigger(s): Use of State Land.

Exemption Class No.: In accordance with Section 11-200.1-15, HAR, and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "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 Part 1, Item 40 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing."

The Applicant is continuing the use as the previous Permittee, as such, staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Cumulative Impact of Planned Successive Actions in Same Place No, the request is for continued use of the property, therefore, Staff believes the request would involve negligible impact to the subject area.

**Exhibit B**

Significant?

Action May Have  
Significant Impact  
on Particularly  
Sensitive  
Environment?

Staff is not aware of any particularly sensitive environmental issues and use of the area would involve negligible impact.

Consulted Parties:

Division of State Parks and Division of Boating and Ocean Recreation

Analysis:

Based on the above mentioned, Staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Recommendation:

That the Board find 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.