

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

May 14, 2021

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

PSF No.:21OD-014

OAHU

Issuance of Revocable Permit to Yamas Automotive Repair LLC, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062por.

APPLICANT:

Yamas Automotive Repair LLC, Domestic Limited Liability Company

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waipahu Industrial Park, Hoaeae, Ewa, Oahu, identified by Tax Map Key: (1) 9-4-049:062por., as shown on the attached map labeled Exhibit A-1 and A-2.

AREA:

1,222 sq. ft., more or less and the use of two (2) parking stalls as designated by the Administrator of the DLNR Land Division.

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: 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:

The subject premises, Unit #104, is currently vacant and unencumbered.

CHARACTER OF USE:

Industrial and/or commercial uses permitted under the City and County of Honolulu Land Use Ordinance, provided that residential uses shall not be permitted.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

The monthly rent for the RP 7854¹ for the same unit was paying a monthly rent of \$1,305.66 for 2020. During the annual renewal of all revocable permits on Oahu at the Board meeting of October 23, 2020, under agenda item D-10, the Board approved no rent increased for 2021 for the revocable permits due to the economic downturn associated with the COVID-19 pandemic. Therefore, staff recommends the same monthly rent, i.e. \$1,305.66, for the subject request.

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 General Exemption Type 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 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 <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

¹ RP 7854, which encumbered the subject unit, was cancelled effective on February 28, 2020 due to the passing of the former permittee, as informed by his family.

JUSTIFICATION FOR THE PERMIT:

1. Site issues – Land Division’s previous long-term leases have been ground leases. The division does not have forms or procedures established for issuing long-term space leases by public auction and would need to create forms and procedures for such dispositions.
2. Truly short term use - The revocable permit is a short-term measure until staff is able to sell a long-term master lease for the property. Staff intends to fully tenant the property, thereby making a sandwich lease more attractive for a potential master lessee.
3. Testing market and operational issues, plan to go to lease later - see comments at 2 above.
4. Government uses - not applicable.
5. Non-profits - not applicable.
6. Staff is unaware of interest in long-term disposition – see comments at 2 above.
7. Other unusual circumstances – not applicable
8. Staff is not aware of any litigation involved in the subject parcel.

REMARKS:

The requested area, Unit #104 is a commercial/industrial unit in a two-story, nine-unit structure that has approximately 12,800 square feet gross leasable area. The property was obtained by the State through an exchange deed. On December 13, 2013, item D-32 the Board granted its final approval of the exchange and authorized the issuance of revocable permits for the property’s existing tenants.

Unit #104 was previously encumbered by Revocable Permit 7854 (“RP7854”) until February 28, 2020 when RP7854 was mutually terminated. The revocable permit requested by the applicant is a short-term measure until Land Division can go through the Public Auction Lease process to find a suitable Master Lessee for the commercial property. Staff believes having 100% occupancy for the building would make a sandwich lease more attractive for a potential Master Lessee.

The applicant proposes to utilize ground floor unit #104 for general auto repair. The owner and operator of Yamas Automotive Repair LLC is Chris Yamashita who started the business in 2013. Mr. Yamashita has an Associate in Applied Science for Automotive Technology and has a State of Hawaii Mechanic license. His business plan includes obtaining a Repair Dealer License for his business in the Leokane St. building. He also intends to apply for a Motor Vehicle Inspection License to conduct safety checks and

issue safety inspection certificates. He aims to run this auto repair business for the next 10 to 15 years. The Applicant's proposed use for the unit is allowed under City and County of Honolulu zoning rules.

In response for comments from other Government agencies, the Board of Water Supply, the Department of Environmental Services had no objections/comments and concurs to the proposed EA exemption. The Department of Planning and Permitting, and the Office of Hawaiian Affairs have not responded to solicitation for comment as of this writing.

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.

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. Authorize the issuance of a revocable permit to Yamas Automotive Repair LLC covering the subject area for commercial/industrial 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 amendment document 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,

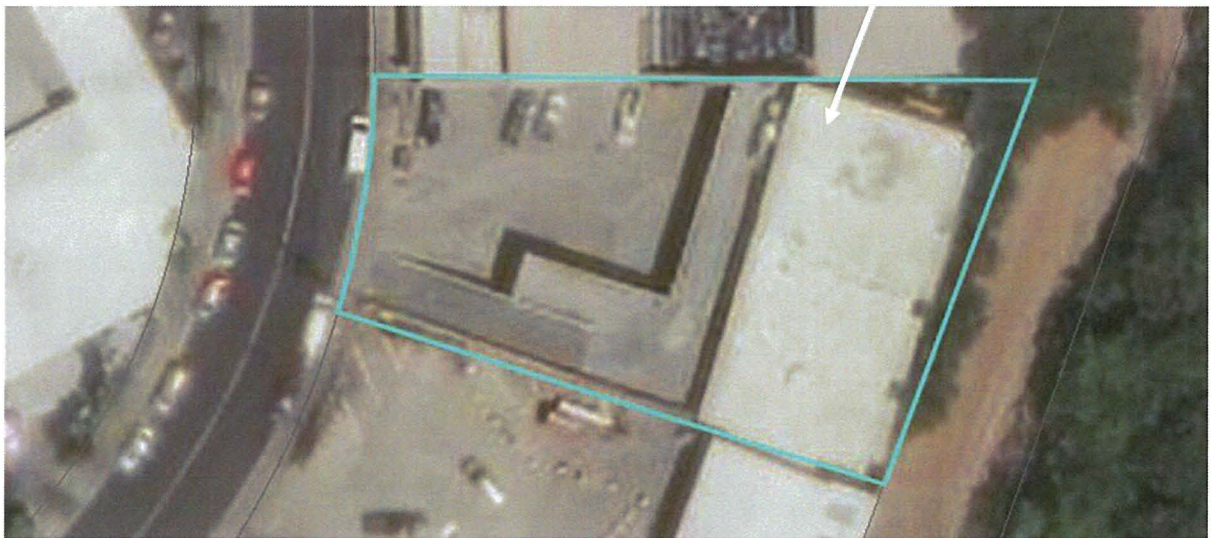
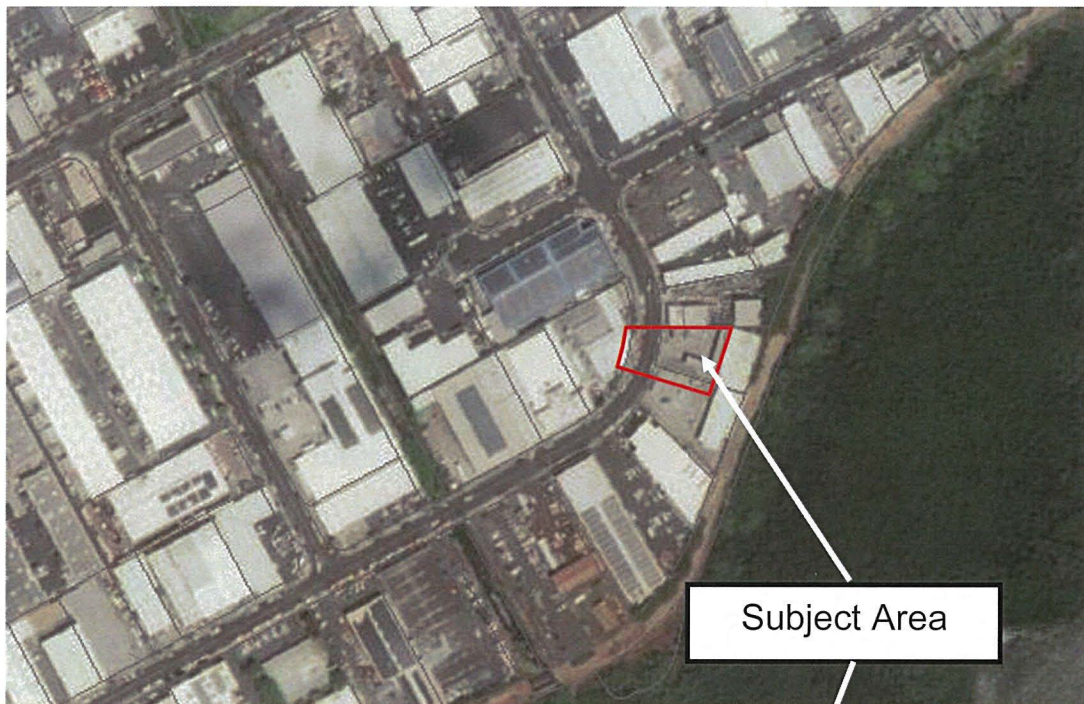
Darlene Bryant-Takamatsu

Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

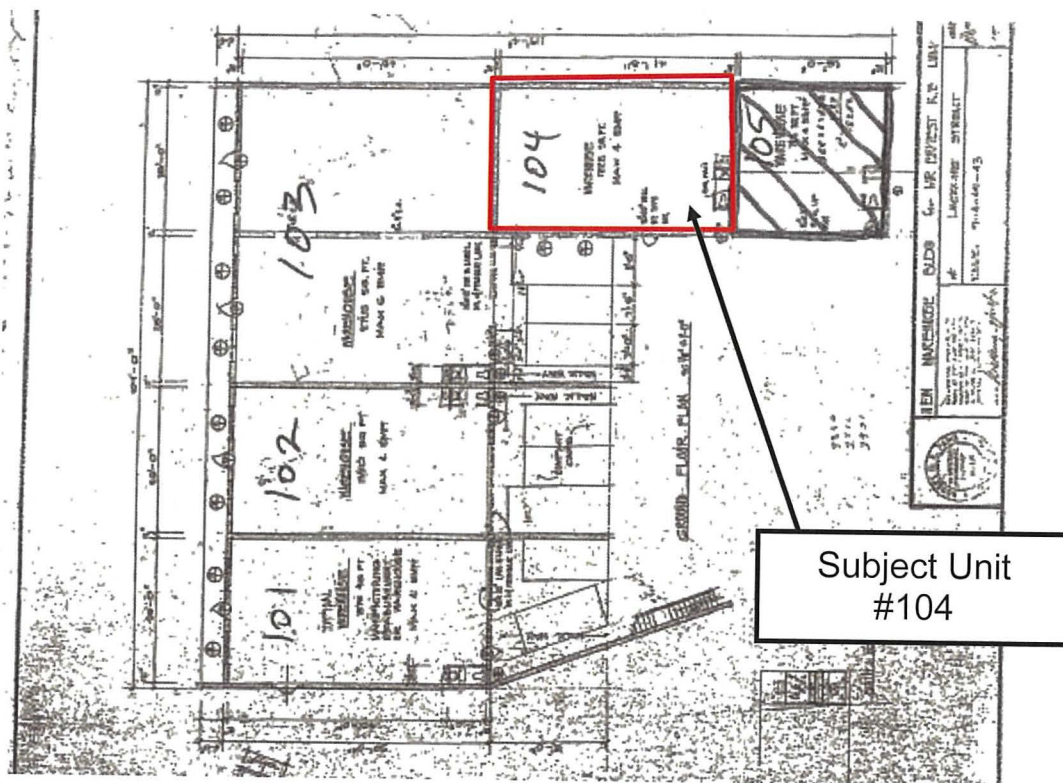
Suzanne D. Case

Suzanne D. Case, Chairperson *ST*



(1) 9-4-049:062por

Exhibit A-1



(1) 9-4-049:062por

Exhibit A-2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, Hawaii Administrative Rules.

Project Title:	Issuance of Revocable Permit to Yamas Automotive Repair LLC
Project / Reference No.:	PSF 21OD-014
Project Location:	Waipahu Industrial Park, Hoaeae, Ewa, Oahu; Tax Map Key: (1) 9-4-049:062por.
Project Description:	Issuance of Revocable Permit to Yamas Automotive Repair LLC
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	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 General Exemption Type 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 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.”
Cumulative Impact of Planned Successive Actions in Same Place Significant?	None. The actions will not be significantly different from what is already existing.
Action May Have Significant Impact on Particularly Sensitive Environment:	Area is zoned as intensive industrial. Staff is unaware of any particularly sensitive environmental issues.
Consulted Parties:	Agencies as noted in the submittal.

Exhibit B

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 request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.