

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

March 27, 2026

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

PSF No.:25OD-107

OAHU

Rescind the prior Board action of March 24, 2022, under agenda item D-3, *Issuance of Revocable Permit to Gregory Fonseca, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062 por., Unit 202.*

Issuance of Revocable Permit to Tachibana Painting LLC, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062 por., Unit 202.

APPLICANT:

Tachibana Painting LLC, a Domestic Limited Liability Company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at 94-143 Leokane Street, Waipahu, Hawaii 96797, further identified by Tax Map Key: (1) 9-4-049:062 por. Unit 202. Industrial building lot is located along a corner of Leokane Street with the back of the lot facing the West Loch of Pearl Harbor.

AREA:

1,350 sq. ft., more or less and the use of two (2) parking stalls as designated by the Administrator of the DLNR Land Division.¹

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: I-2 (Intensive Industrial)

¹ Currently, there are sufficient parking stalls to accommodate all revocable permit holders on the premises. No formal designation of such parking stalls has been made yet.

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 requested unit is currently unencumbered.

Please see discussion on page 4.

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 current monthly rent for a unit of similar size (unit #201) is \$1902.11.
Therefore, staff is recommending the same monthly rent of \$1902.11 for the
subject unit.

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, staff believes
the subject request is exempt from the preparation of an environmental
assessment pursuant to the following:

General Exemption Type 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,”

Part 1, item 44: Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

The request pertains to the issuance of new revocable permit (RP) to utilize the subject unit for any industrial uses allowed under the current Land Use Zoning Ordinance, noting that there are other RPs for similar character of uses in this 2-story building. Therefore, staff believes that it is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

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 THE PERMIT:

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. Revocable permits are a short-term measure until staff is able to obtain 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. There are currently two (2) other units that are vacant in the building.

REMARKS:

The requested site, Unit #202, 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, under agenda item D-32, the Board granted final approval of the exchange and authorized the issuance of revocable permits for the property's existing tenants.

As of December 2018, Unit #202 has been vacant. At its meeting of March 24, 2022, under agenda item D-3, the Board approved the issuance of a revocable permit to Gregory Fonseca, in his individual capacity, for office and classroom space for occupational safety training classes. Mr. Fonseca had proposed teaching up to ten (10) students per class, with classes two to three days per week. The RP documents were mailed to Mr. Fonseca on May 20, 2022 for signature and payment. As of the writing of this submittal, staff has yet to receive any documents or payment and hence no formal disposition has yet been issued.

Staff notes that since November 2022, Mr. Fonseca has changed his proposed use numerous times, ranging from storing motorcycles and repairing them on property, but outside of the RP area, to storing solar panels which also involved using a forklift within the unit, creating a potentially unsafe environment. Further, Mr. Fonseca also proposed working with business partners who were not in good standing with the Department of Commerce and Consumer Affairs.

In August 2023, staff attempted to contact Mr. Fonseca, giving him a final remittance date of August 25, 2023, before closing his application. Staff received an email a day after the deadline, requesting to re-negotiate yet again, but to date, no further communication has been received.

Staff attempted to notify Mr. Fonseca on February 27, 2026, regarding our intention to request that the Board rescind its prior approval. As of the writing of this submittal, staff has not received any communication from Mr. Fonseca.

On December 2, 2025, staff received an inquiry from the current applicant, who is also the current tenant of the adjacent Unit 201. There are no issues with the current applicant regarding their compliance with the terms and conditions of its revocable permit (RP S-7858). In short, the current applicant has a good track record and is considered to be a good tenant.

The applicant has been using the adjacent unit #201 for their business for the last 12 years and would like to expand their business area. They propose to utilize the 1350 sq. ft. unit as an extension of their existing business for storage of supplies, equipment, and partial office space.

Therefore, staff recommends the Board, (1) rescind its approval dated March 24, 2022, agenda item D-3 regarding Mr. Gregory Fonseca application, and (2) upon approval of rescission, authorize the issuance of a revocable permit to the current applicant in accordance with the Recommendation section below.

Comments from other agencies are as follows:

The Department of Planning and Permitting has no objections or comments and concurs with the environmental assessment exemption;

Board of Water Supply has no objections or comments and concurs with the environmental assessment exemption; and

The Office of Hawaiian Affairs has not responded to a request for comment before the deadline.

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 as a de minimis activity.
2. Rescind the prior Board action of March 24, 2022, under agenda item D-3, Issuance of Revocable Permit to Gregory Fonseca, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062 por., Unit 202.
3. Authorize the issuance of a revocable permit to Tachibana Painting 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 revocable permit 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,

Barry Cheung

for

Darlene Bryant-Takamatsu
Land Agent

APPROVED FOR SUBMITTAL:

R.K.P.

Ryan K.P. Kanaka'ole, Acting Chairperson