CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET HONOLULU, HAWAII 96813 • (808) 523-4432

**'93 SEP 23** A7 45 OFC. OF END CON



DONALD A. CLEGG DIRECTOR LORETTA K.C. CHEE

152

DEPUTY DIRECTOR 93-03918 (JT)

September 21, 1993

Mr. Brian J. J. Choy, Director Office of Environmental Quality Control (OEQC) 220 S. King Street, 4th Floor Honolulu, Hawaii 96813

Dear Mr. Choy:

17- .....

FRANK F. FASI

HAYOR

CHAPTER 343, HRS Environmental Assessment/Determination <u>Negative Declaration</u>

Recorded Owner : Applicant : Location : Tax Map Key : Proposed Action:	Big Surf Association of Apartment Owners Lily Lim 1690 Ala Moana - Waikiki 2-6-11: 21 To allow transient vacation rentals and moped rentals which are not permitted uses within the Waikiki Special District Apartment Precinct
Request :	Use Variance
Determination :	A Negative Declaration Is Issued

Attached and incorporated by reference is the environmental assessment prepared by the applicant for the project. Based on the significance criteria outlined in Chapter 200, State Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

Very truly yours,

ONALD A. CLEGG Director of Land Utilization

DAC:ak g:bsurfoeq.jht

1993-10-04- 0A- FEA- Big Surf Crommun

OCT - 8 1993

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## CITY AND COUNTY OF HONOLULU '93 JUN 24 PM 3 49

DEPARTMENT OF LAND UTILIZATION LAND UTILIZATION CITY & COUNTY OF HONOLULU ENVIRONMENTAL ASSESSMENT

- 1. GENERAL INFORMATION
  - A. <u>APPLICANT:</u> Lily Lim, Pres. Big Surf Association of Apartment Owners 1525 Wilder 1008, Hon. Hi 95822. Phone: 949-1142
  - B. <u>RECORDED FEE OWNER:</u> Various owners of Big Surf Association of Apt. Owners. The Lims owned all units from 1971 to 1984 and 1985 at which time 13 were sold and now control 19, including commercial areas.
  - C. AGENT: None
  - D. TAX MAP KEY: 2-6-11-21
  - E. LOT AREA: 6,839 sq. ft.
- II. <u>DESCRIPTION OF THE PROPOSED ACTION</u>. This request is to continue vacation rentals and moped rentals.
  - A. <u>GENERAL DESCRIPTION</u>: The requested action would not change anything as the Big Surf has been operating as a vacation rental since it was built 22 years ago, which was allowed by the zoning at that time.
    - 1. 12/5/68 Bldg. Permit #63897 was issued when zoning was <u>Hotel/Apt.</u> See Exhibit "A"
    - 2. 5/12/71 Certificate of Occupancy was issued when zoning was <u>B-5 Resort Commercial District</u>. See Exhibit "E"
    - 3. 4/3/86 Ltr. from Herbert Muraoka, Director, City and County of Honolulu, Bldg. Dept. stating that Big Surf was not a hotel but allowed to rent each unit to 5 unrelated persons. See Exhibit "C"
    - 4. 11/1/89 Ltr. from John Whalen, then Director of DLU recognizing transient vacation rental as "an accepted nonconforming use for the Big Surf Apartments, for 30 units as approved by the original Building Permit." See Exhibit "D"
    - 5. 5/7/93 Ltr. from Donald Clegg, Director of DLU stating that Big Surf did not file for NUC. That proposed changes to WSDD in the near future would allow transient vacation rentals wihtout NUCs and I presume, since it will be mixed use, will also allow moped rentals. See Exhibit "E"

#### 6. LOCATION MAP. See Exhibit "F"

-1-

#### B. TECHNICAL CHARACTERISTICS:

- 1. Copy of Tax Map Key: 2-6-11-21. See Exhibit "G"
- 2. As built plans for Big Surf. See Exhibit "H"
- 3. Park Engineering Survey of Property as built. See Exhibit "I"
- 4. CivilDefense Tsunami Evacuation Map of Area. See Exhibit "J"

### III AFFECTED ENVIRONMENT

- 1. The environment will not be affected since the building has been up and in use as vacation rental since 1971. Also, the whole block has been designated Mixed Use by the City Council and it is expected that the provisions will be passed in the near future. See Donald Clegg's letter, Exhibit "E".
- 2. Presently, subject property is surrounded by hotel and transient vacation rental properties. See Exhibit "E" tax map and attached picture showing the property to the right, left and back, all hotel or vacation rental. There is also an ABC store at the corner, movie theater across the street and numerous businesses in the Discovery Bay condo at the corner, not to mention Ala Moana Shopping Ctr.
- 3. Map of Waikiki by Manoa Mapworks Inc. which shows subject property and the pink colored areas across the street where the Hawaiian Prince Hotel, the Ilikai Hotel, the Waikikian and the Hilton Hawaiian Village are located. See Exhibit "L"
- 4. Exhibit "L" also shows the proximity to the Ala Moana Beach Park and the Kahanamoku Beach.

## IV. IMPACTS AND ALTERNATIVES CONSIDERED

- 1. It is my opinion that nothing will be added or subtracted by allowing the Big Surf to continue operating vacation rentals. As I had attended most of the public hearings at the City Council on transient rentals and B&Bs, the impression was that they were not trying to legalize älready legally grandfathered in vacation rentals but were attempting to consider those vacation rentals and B&Bs who were not suppose to be operating in residential and apartment zoned areas. So when I received the letter from John Whalen, Director of DLU in 11/1/89, (E-D) it was relied on and I did not think we would be required to file for a NUC by 12/89, the next month.
- V. MITIGATING MEASURES.
  - 1. The Moped Rental occupies a 90 sq. ft. office that is barely seen from the street. It also used parking space 17 (see Exhibit "H") which is about 4-1/2 feet above streetwalk level and is not as obstrusive as if it were on ground level.

-2-

#### MEETING OF THE BOARD OF DIRECTORS OF THE BIG SURF AOAO

The Board of Directors of the Big Surf AOAO held a meeting on December 16, 1992 at 1690 Ala Moana Blvd. at 5:45 p.m.

Lily Lim, acting chairman, called the meeting to order.

Present were, Ed Kemper, Max Lim, Lily Lim and Susan Liang.

On Motion duly made, seconded and passed, it was:

RESOLVED that the officers for 1993 be as follows:

President: Lily Lim Vice-President: Edward Kemper Secretary: Diane Hanna Treasurer: Susan Liang

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Discussion of future reserves was held. It was informally decided that if money is needed for 1993 for reserves, we could either draw some from our cash available of change the maintenance fees in the future.

There being no further business, the meeting was adjourned.

Susan Liang, Acting Segretary 6.

APARIMENTS		APARIMENTS		
	201	Monthly	1101	Monthly
*	205	Monthly	1105	Monthly
	301	Monthly	1201	TVR
	305	TVR	1205	TVR
	401	TVR	1501	TVR
	405	TVR	1505	Monthly
	501	TVR	1601 -	TVR
	505	Monthly	1605	Monthly
	601	TVR	1701	TVR
	605	Monthly	1705	TVR
	701	TVR	Busines	s Office - Moped Rental Monthly
	705	TVR -	Bar Are	a - Office for TVR'S
	801	TVR		
	805	TVR		
	901	TVR		
	905	TVR		
	1001	TVR		
	1005	TVR		

## SCHEDULE OF TRANSIENT VACATION RENTAL UNITS

\* NOTE: All floors are identical except Apt. 205 has a larger front Lanai

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BUILDING DEPARTMENT CITY AND COUNTY OF HONOLULU PERMIT NO. **BUILDING PERMIT APPLICATION** 63 LOT ARE ZONE SEC PARCEL LOT NO. PLAT APPLICANT FILL INSIDE HEAVY LINES ONLY li ow DISTRICT I M 4 3 DA Biun JA 000 68 Έ.С PLAN / Bri IFR BER FIRE ZONE TYPE OF CONSTRUCTION STORIES 10. hau MINIMUM 345 ACTUAL TEL NO. PROF. Reg. No. っずれ -23/ OCCUPANCY GROL ł. JER LOOR AREA EXISTING STATE LIC. NO REMARKS TEL 13087 MOAN ADDRESS 1630 P4 Δ ມຄ WORK TO BE DONE APPROVAL OF OTHER AGENCIES (ROUTE AS INDICATED ٧ AGENCY SIGNATURE DATE FI CITY AND COUNTY n PLANNING DEPT. ZONE (USE DIST.) SET BACK 2 10 DIV. OF ENGINEERING DRIVEWAY'& LOT GRADING 31.2 ZQ ESTIMATED ' HIGHWAY  $\boldsymbol{\wedge}$ ХAШ DRAINAGE X NEW BLDG DIVISION OF SEWERS FOUNDATION ONLY ALTER FIRE DEPT. SHELL ONLY HON. REDEV. AGENCY Lao Ion FENCE WALL DEMOLISH . -CI OTHER STATE OF HAWAII HEALTH DEPT. FIRE MARSHAL METHOD OF SEVERAGE DISPOSAL SEWER CONVECTION LAND & NATURAL RESOURCES CESSPOOL HIGHWAYS DIVISION / > п. DIV. OF INDUSTRIAL SAFETY PROPOSED USE ٦, ÷.--Permission is hereby given to do above work according to I hereby acknowledge that I have read this applicaconditions hereon and according to approved plansmand. tion and state that the above is' correct and agree to specifications pertaining thereto, subject to compliance with, comply with all City and County ordinances and State laws regulating building construction. ordinances and laws of City and County of Honolulu and State of Hawaii. ć 13 I WNER OR AGENT DATE SIGNATURE FOR BUILDING SUPERINTENDEN DATE 12-1-67 LI. L'LL U.S.c. NOTES TO APPLICANT Separate permits must be obtained for signs, electrical, Post permit placard on site of work. plumbing, and gas. This permit expires if work is not started within 90 days of date of issuance or if work is suspended or abandoned for 90 days. Violating any of the provisions of 12 building code is punishable by fine of \$300.00 and/or This building shall not be occupied until a certificate of 90 day imprisonment. occupancy has been issued. Exhibit

OFFICE INDEX COPY

DOCUMENT CAPTURED AS RECEIVED

EDWARD Y. HIRATA Director & Building Superintendent HERBERT K, MURAOKA Chief of Building Safety JINJI HIGA Assistant Chief of Building Safety



71-5146 No,

BUILDING DEPARTMENT City and County of Honolulu

## CERTIFICATE OF OCCUPANCY

ALA	MO	NA	8H0	RES	\$
		110			-

Owner SUNG HI LIM	Address 1690 Ala Moana Blvd.
Building Address 1690 Ala Moaria Blvd.	
Pax Map Kay 2-6-11: 21	Major Occupancy Group H
Use Zone B-5 Resort Counsercial Dist.	_ Type of ConstructionI
Fire Zone	Ext. Wall Const. Reinforced concrete
Permit No. 63897 Date 12-5-68	Roof Construction Reinforced concrete slab With built-up roof covering
REMARKS:	Allowance for:
·	( ) Automatic Sprinkler System

) Separation on \_\_\_\_\_ ) Bldg. Separation Wall Sides {

(

This is to certify that the above described structure has been inspected and the following occupancy thereof is hereby authorized:

OCCUPANCY	Floor Area (Sq. Ft.)	Max. allowable occupant load (persons)
Basement F-1 Parking (16)	6,839	
Ist floor F-3 Parking (14)	1,747	
F-2 Office (1)		
2nd floor H-Apartments (2)	1,747	
rd floor H-Apartments (2)	1,747	
th floor H-Apartments (2)	1,747	
th floor H-Apartments (2)	1,747	
th floor H-Apertments (2)	1,747	
th floor H-Apartments (2)	1,747	
dditional floors as necessary th - 16th H-Apartments (2 units per floor)	1,747 per	floor
		<u> </u>

ward 111 Anne Approved: Occupancy Examiner For Director & Building Superintendent Data

This certificate must be posted and perma building or structure referred to above. a conspicuous place at or clase to the entrance of the " 4,6,7

TAY MAP Lat , 2-6-11:21 63897 - 12/5/65 - 162000 - 16 STORY 30 MITAN. 89959 - 8/12/10 - 1000 - SELVER 103438 - 6115/11 - 2500 - Girea. 105886 - 7/ 8/71 - 1500 - Auvense 110730 - 11/2/71 - 350 - Sul SHADE 2183 - 2/26/73 - 5000 - ALTER (ECRED 5/21/73) 37247 - 9/11/74 - 5000 - ALTER Ale963 - 4/4/75 - 150 - Elsa 60358 - 1/12/76 - 1000 - Elea 97970 - 3/20/78 - 8500 - ALTER 148676 - 1/5/81 - 95100 - Acosil (Revares 7/9/81) 199686 - 10 Jose 184 - 30000 - WALLS ( 20000 ) 3474 - 127/71 - 500 - MARQUES FAUR SIN MARANES APR. 3720 - 9/1/71 - 500 . 2-WALL SIENS (BIL SING HOTEL - 1690 MAHORAS) 2983 2/20173 5000 ALTER - PARTITIONS, STAINWAY-EXPIRE 37247 9/11/74 5,000 ALTER-PARTITIONS, TOILET, CABINETS 46963 4475 150 ELEC 60358 1/12/76 1,000 ELEC 97970 3/20178 8,500 ALTER- RELO. OF MAINTENANCE TRANSF. 148676 ISI81 95,000 ADD - STAIRWAY & RAILINGS DELETE I PARKING ON IST FLR. ADD 2 PARKING IN BASEMONT REVOKED 7/9/81. .199686 10/26/84 30,000 ALTER/FENCE • • • • • • • • 253218 4128188 750 ALTER-14TH FLR-LANAI

FRANK F. FASI

BUILDING DEPARTMENT

### CITY AND COUNTY OF HONOLULU

HONOLULU MUNICIPAL BUILDING - 652 SQUTH KING STREET HONOLULU, HAWAN 96813



HERBERT K. MURAOKA DIRECTOR AND BUILDING SUPERINTENDENT

Ex86-47

April 3, 1986

Mrs. Lily S. M. Lim 2114 Manoa Road Honolulu, Hawaii 96822

Dear Mrs. Lim:

Subject: Big Surf Condominium 1690 Ala Moana Boulevard Tax Map Key: 2-6-11: 21

This is in reference to your letter dated March 19, 1986 regarding the complaint made to the State Department of Commerce and Consumer Affairs about the Big Surf Condominium.

Random inspections of the units on March 13, and 20, 1986 showed there were two dwelling units on each floor. No lobby or registration counter or desk was found.

The Comprehensive Zoning Code defines a hotel as "a building or group of attached or detached buildings containing dwelling or lodging units in which 50% or more of the units are lodging units. A hotel shall include a lobby, clerk's desk or counter with 24-hour clerk service and facilities for registration and keeping of records relating to hotel guests."

In lieu of a family related by blood, adoption or marriage, the code allows up to five unrelated people to occupy a dwelling unit.

Duration of tenancy and provision for maid's services are not regulated by the zoning code.

Based on the above information, the above building is not considered to be a hotel.

Exhibit "C"

April 3, 1986

If there is any question on this matter, please contact Mr. Noboru Taketa of this office at telephone 527-6341.

Very truly yours, VILLENTI mari P

HERBERT K. MURAOKA Director and Building Superintendent DEPARTMENT OF LAND UTILIZATION CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET HONOLULU, HAWAII 96813 + (808) 523-4432

FRANK F. FASI



JOHN P. WHALEN

BENJAMIN D. LEE DEPUTY DIRECTOR LU10/89-6415(SE)

November 1, 1989

Ms. Lily Lim 1525 Wilder Avenue Apt. 1008 Honolulu, Hawaii 96822

Dear Ms. Lim:

This in response to your letter of October 5, which requested a clarification of the status of the Big Surf Apartments, located at 1690 Ala Moana Boulevard. Specifically, you wanted to know whether we would recognize transient vacation rental as a nonconforming use at the location in question.

The Big Surf Apartments has a long history of permit requests both with the Building Department and the Department of Land Utilization. Presently, the site, identified by TMK 2-6-11:21, is zoned Apartment Precinct, located within the Waikiki Special District. At the time the original Building Permit (No. 63897) was issued in 1968, the zoning for the property was Hotel-Apartment, which allowed both hotel and apartment use.

In your letter, you correctly reference Ordinance No. 80-107, which regulated transient vacation rentals in Waikiki for the first time. As such any transient vacation rental which was initiated prior to December 29, 1980, and which is on-going, would be allowed to continue as a nonconforming use.

Over the years, there has been considerable confusion about the precise nature of the use conducted on your property, for many reasons. One of these being that the zoning designation for the property has changed many times over the years. In fact, this department has, on occasion, recognized the Big Surf Apartments as a nonconforming hotel use. However, as you know, this was incorrect because the facility does not have a 24-hour desk to handle guests.

There has also been confusion over the exact number of units contained in the building. At the time of issuance of the Building Permit, there were 30 units. On more than one occasion, it appears, the existing units have been

Exhibit "O"

Ms. Lily Lim Page 2

further broken into additional units illegally. This was reflected in the issuance of Notices of Violation acknowledging the increase in units (at one point there were 73 units in the building). The major reason for the rejection of the creation of additional units was not based on inappropriate use. Rather, the Building Code required two exit stairwells when the number of units exceeded two per floor. For one reason or another, an acceptable second stairwell could not be built.

This now brings us to your present request. It appears unquestionable that transient vacation rental has occurred on the property, probably since the building first opened. Building Department research in 1977 on the exact date of establishment of this use proved inconclusive. Therefore, we will recognize that transient vacation rental is an accepted nonconforming use for the Big Surf Apartments, for 30 units, as approved by the original Building Permit. This recognition should not be considered as approval for any other request for a permit issued by this department. Nor should it be considered as a recognition of nonconforming hotel use or the addition of additional units to the building. Such actions will required additional review by this department.

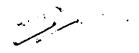
I hope this answers your immediate questions. If you need additional information, you may call Scott Ezer of our staff at 527-5387.

Sincerely,

din Migen JOHN P. WHALEN

Director of Land Utilization

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# CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET HONOLULU. HAWAII 96813 + (808) 523-4432

FRANK F. FASI MAYOR



DONALD A. CLEGG DIRECTOR

LORETTA K.C. CHEE DEPUTY DIRECTOR

93-02899 (cw)

May 7, 1993

Mrs. Lily Lim 1525 Wilder Avenue #1008 Honolulu, Hawaii 96822

Dear Mrs. Lim:

#### Big Surf Apartments Tax Map Key 2-6-11: 021

This is in response to your letter of April 23, 1993, enclosing a copy of our letter to you dated November 1, 1989. Our letter recognized 30 units in the Big Surf Apartments as nonconforming transient vacation rentals.

Subsequently, on December 28, 1989, the City Council passed Ordinance No. 89-154 which required owners/operators of all nonconforming transient vacation rentals to obtain Nonconforming Use Certificates (NUCs) or to discontinue transient vacation rental use. The ordinance gave owners until September 28, 1990 to apply for the certificates.

Although we recognized the existence of nonconforming transient vacation rentals at Big Surf in November 1989, this did not relieve you of the responsibility to comply with new requirements adopted after that time. Because you did not file a NUC application for the units in the Big Surf Apartments, they no longer qualify as nonconforming transient vacation rentals and cannot be rented for periods of less than 30 days.

Proposed changes to the Waikiki Special District provisions, if they are adopted, will allow you to operate transient vacation units without NUCS. In December 1992, the City Council changed the Development Plan designation for the area which includes the Big Surf from High Density Apartment to Resort Mixed Use. Consequently, we are proposing to change the zoning designation for the area from Apartment Precinct to Resort Mixed Use Precinct. Transient vacation units will be a permitted principal use in the Resort Mixed Use Precinct. The proposed Waikiki

Exhibit "E

Mrs. Lily Lim Page 2

Special District revisions are expected to be transmitted to the Planning Commission within the next few months.

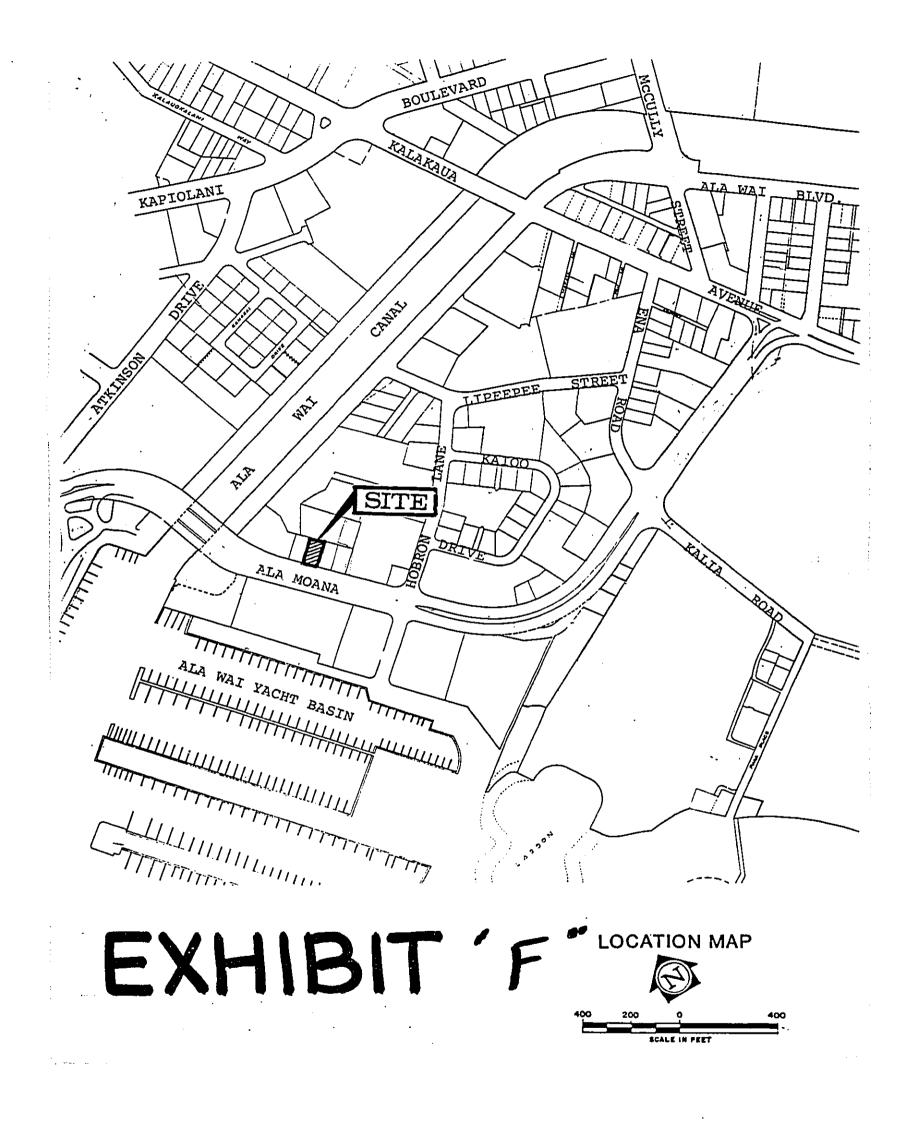
Should you have any questions, please contact Carol Whitesell of our staff at 523-4256.

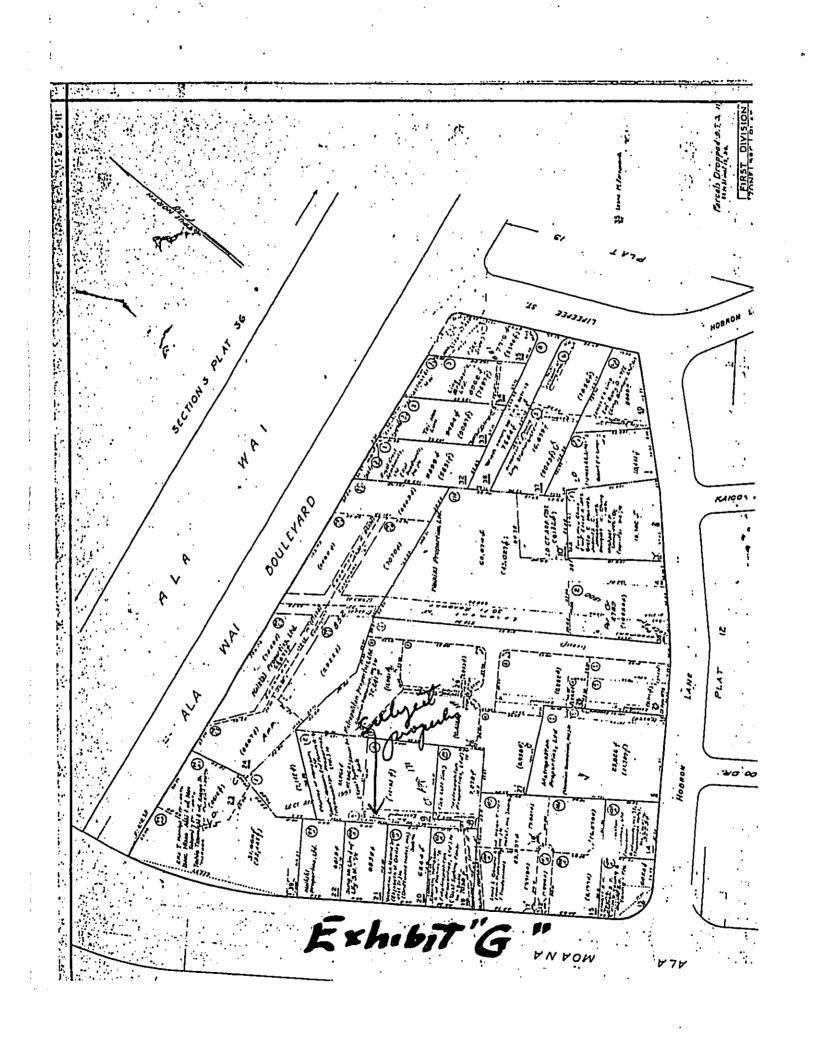
Very truly yours,

Donald A. CLEGG Director of Land Utilization

DAC:smc BigSurf.cbw

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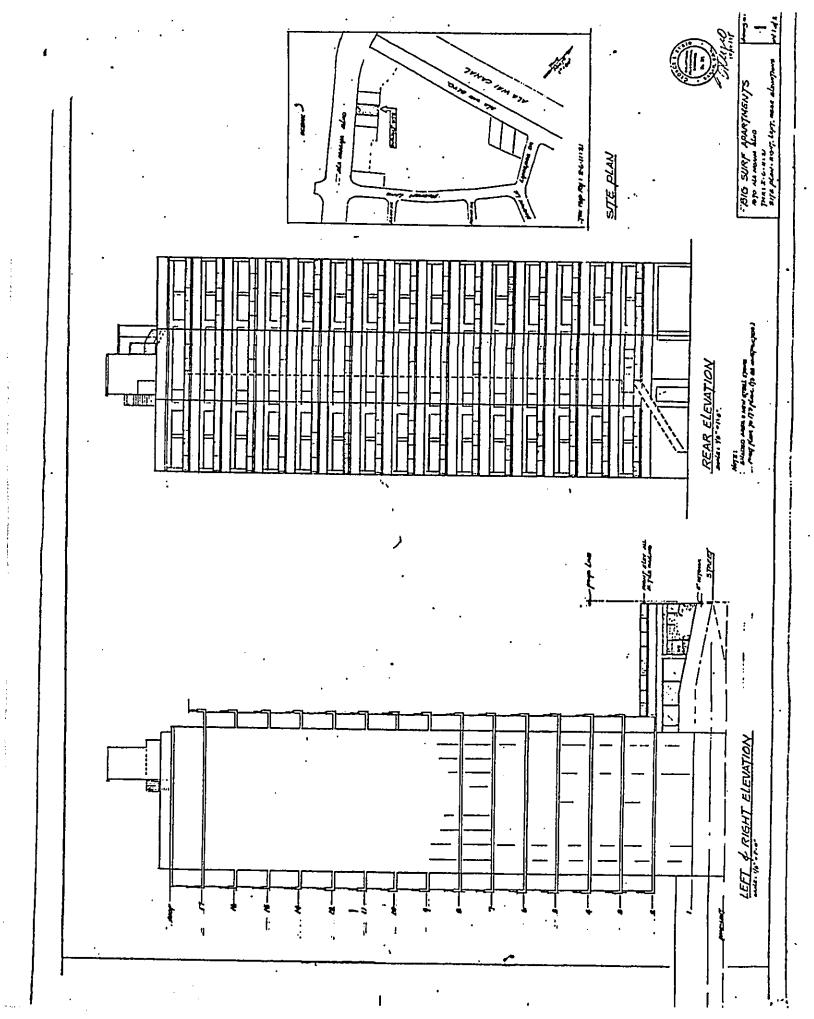
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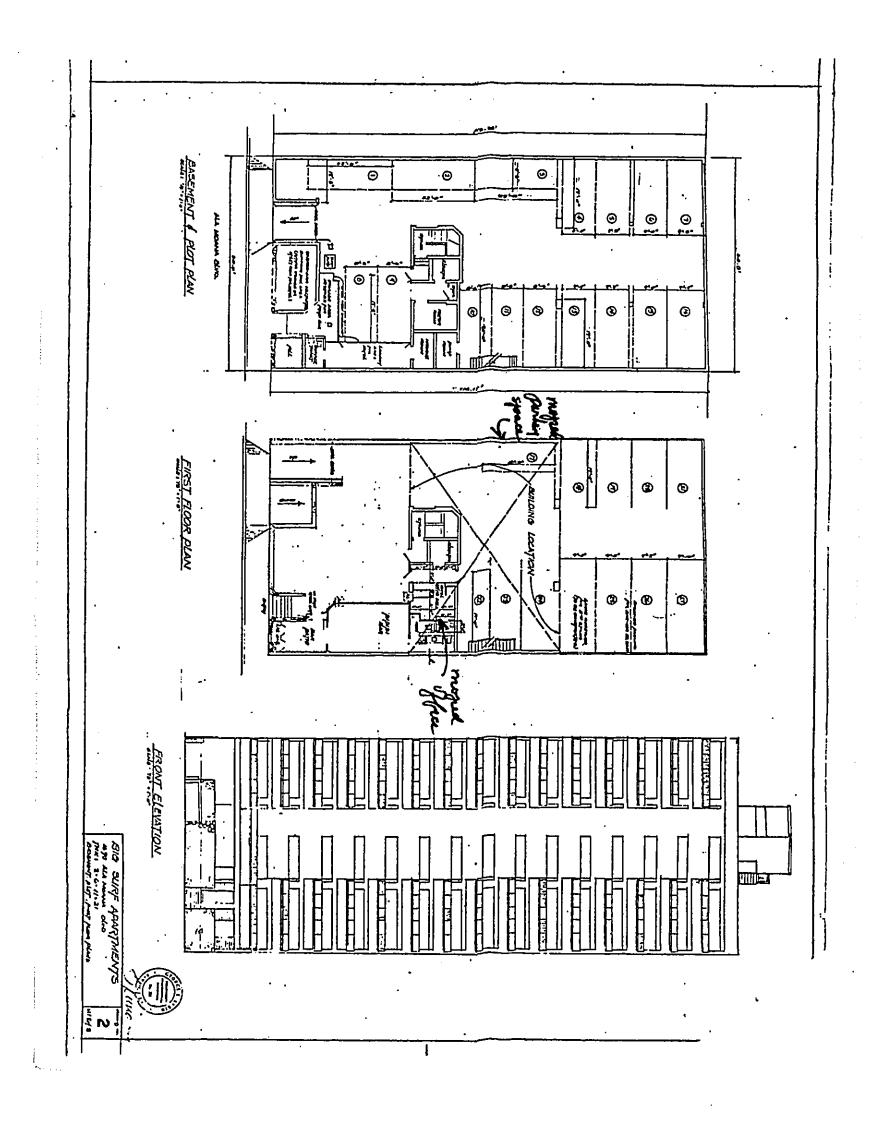
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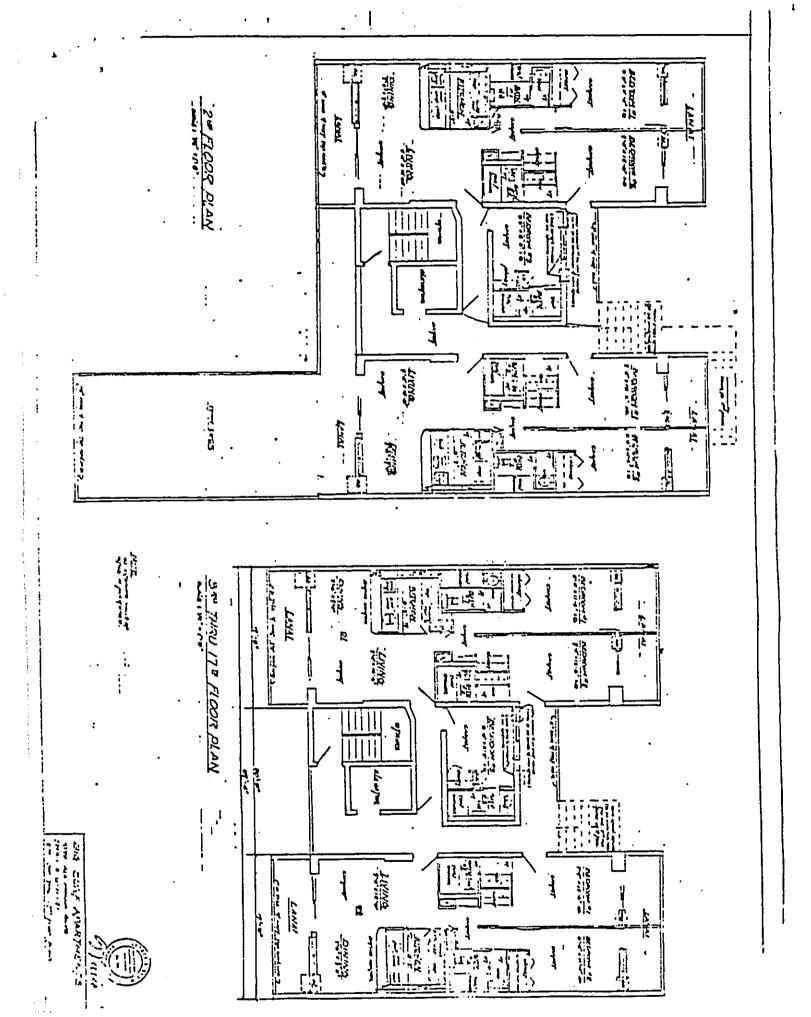
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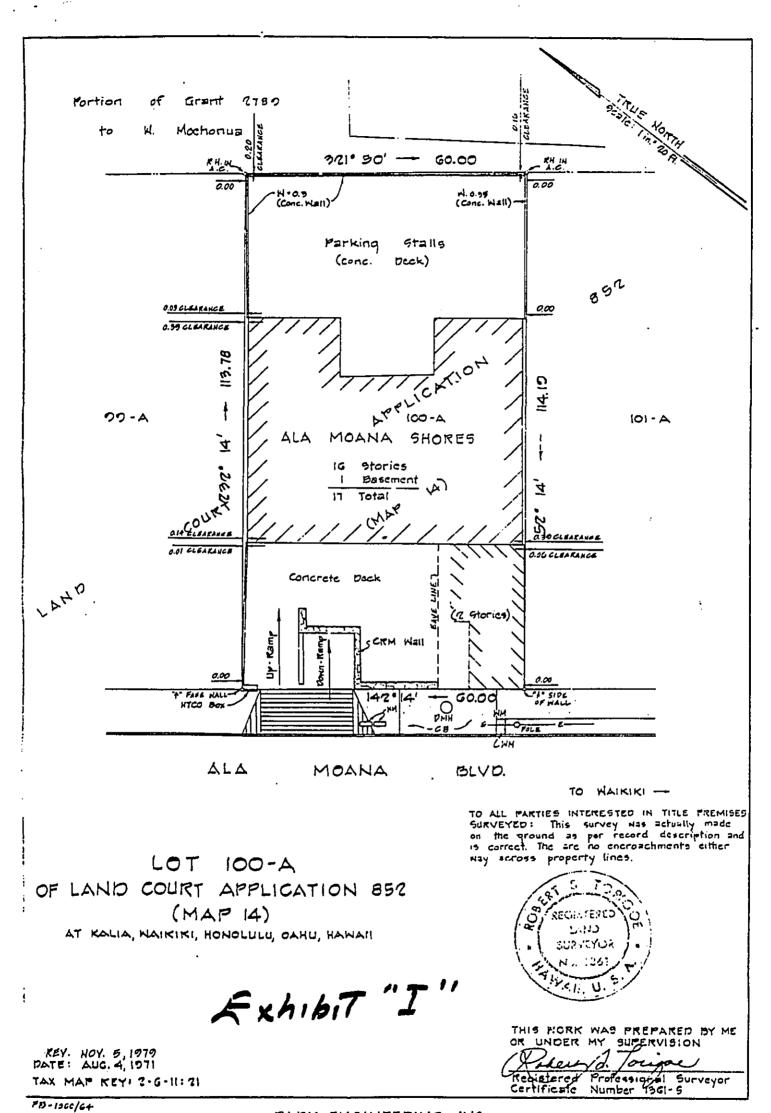


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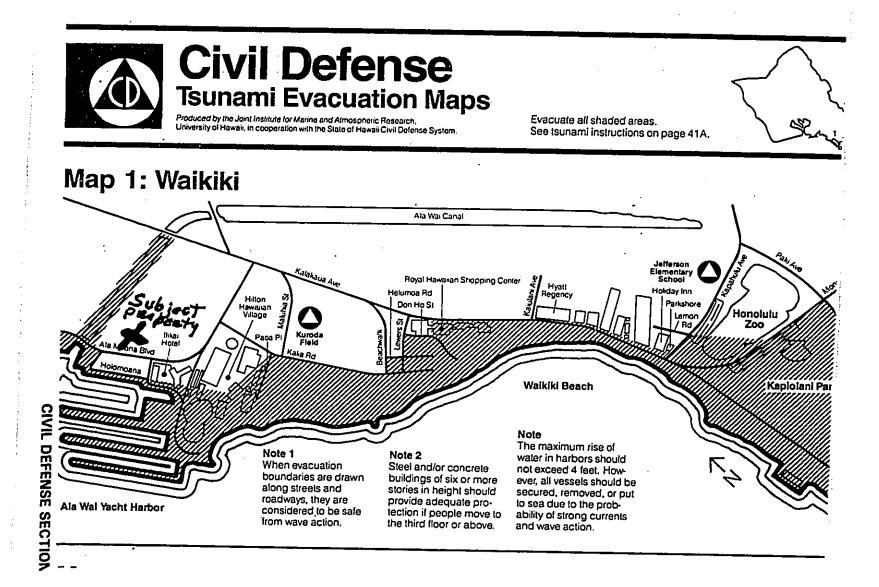
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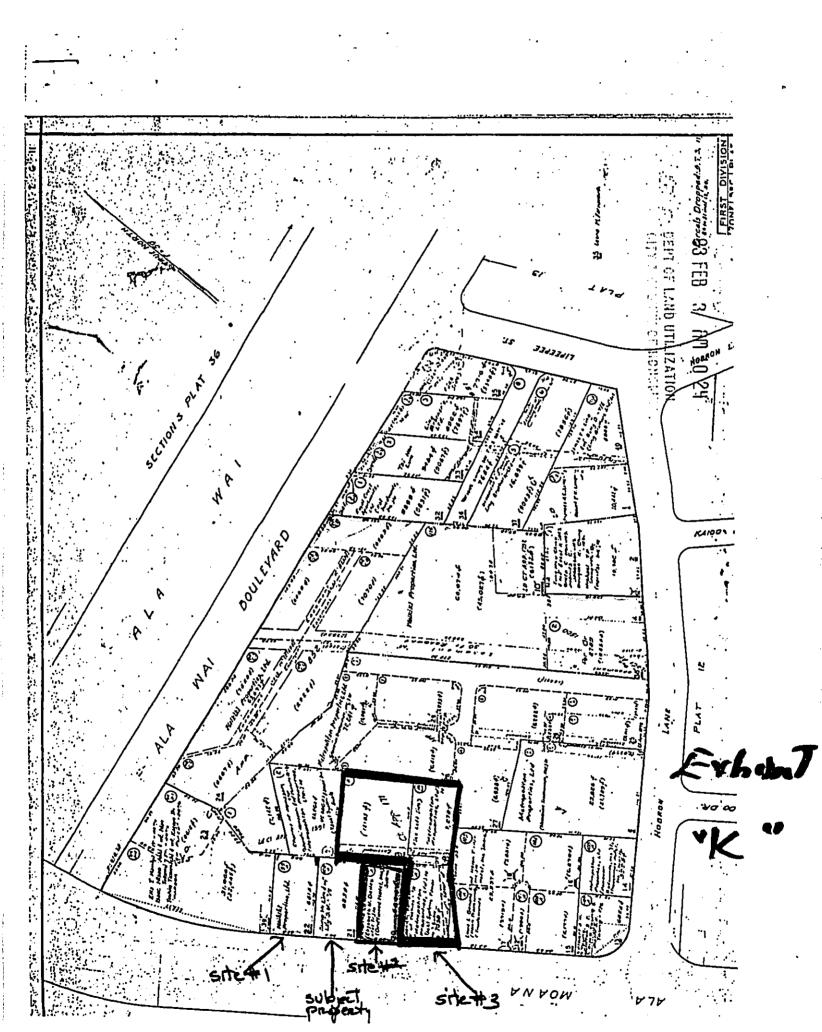


PARK ENGINEERING, INC. PACIFIC TRADE CENTER SUITE 2085

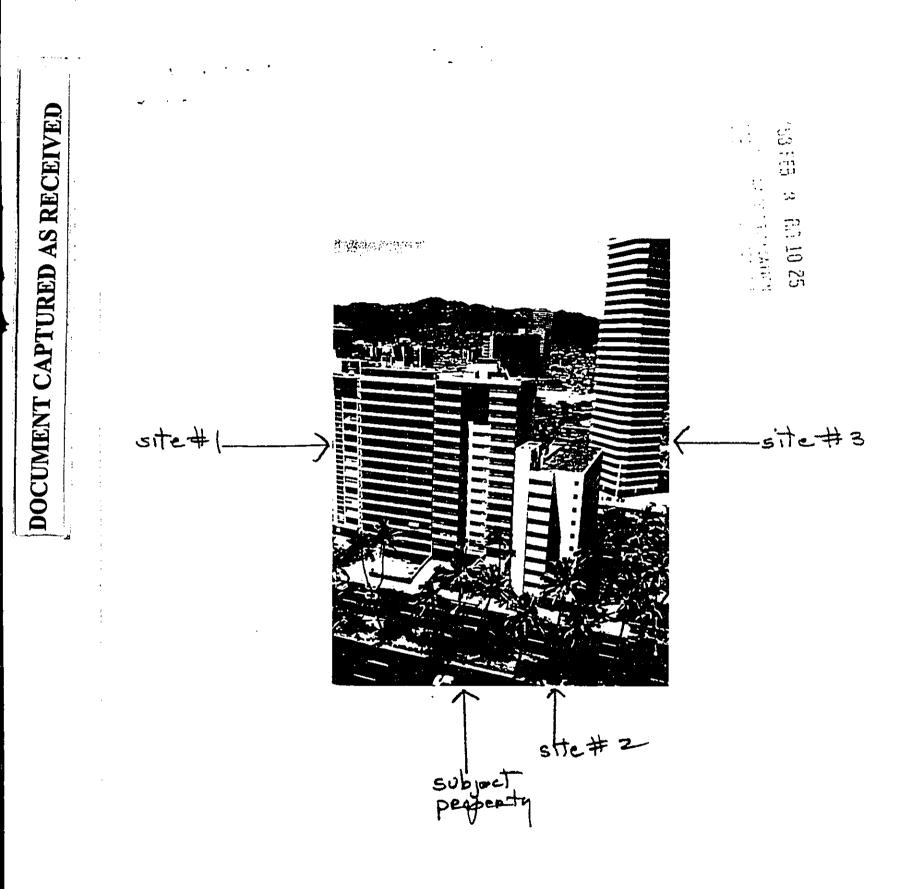


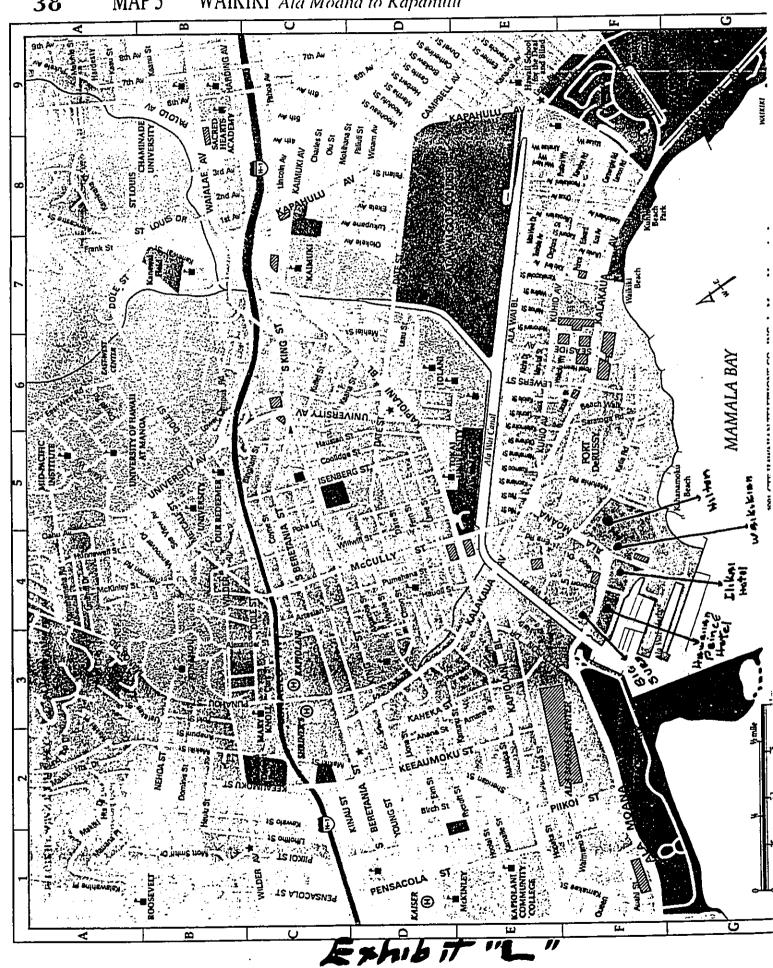
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Exh.b.T "



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