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:

CHAPTER 343, HRS
Environmental Assessment/Determination
Negative Declaration

Recorded Owner: Big Surf Association of Apartment Owners
Applicant: Lily Lim
Location: 1690 Ala Moana - Waikiki
Tax Map Key: 2-6-11: 21
Proposed Action: 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,

[Signature]
Donald A. Clegg
Director of Land Utilization

DAC:ak
gr:bsurfreq.jht
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF LAND UTILIZATION
LAND UTILIZATION
ENVIRONMENTAL ASSESSMENT
CITY & COUNTY OF HONOLULU

1. GENERAL INFORMATION

A. APPLICANT: Lily Lin, Pres. Big Surf Association of Apartment Owners
1525 Wilder 1008, Hnl. HI 96822. Phone: 949-1142

The first owners sold 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. DESCRIPTION OF THE PROPOSED ACTION. This request is to continue vacation rentals
and moped rentals.

A. GENERAL DESCRIPTION: 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 Hotel/Apt.
See Exhibit "A"

2. 5/12/71 Certificate of Occupancy was issued when zoning was
B-5 Resort Commercial District. 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 WSSDD
in the near future would allow transient vacation rentals
without NUCs and I presume, since it will be mixed use,
will also allow moped rentals. See Exhibit "E"

6. LOCATION MAP. See Exhibit "P"
B. TECHNICAL CHARACTERISTICS:

1. Copy of Tax Map Key: 2-5-11-21. 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. Civil Defense 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 "F".

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 Waikiki 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 Kahala 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 already 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 DLH in 11/1/89, (E-D) it was relied on and I did not think we would be required to file for a NIC 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.
MEETING OF THE BOARD OF DIRECTORS
OF THE BIG SURF AAO

The Board of Directors of the Big Surf AAO 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

Discussion of future reserves was held. It was informally decided that if money is needed for reserves for 1993, 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 Secretary
### SCHEDULE OF TRANSIENT VACATION RENTAL UNITS

<table>
<thead>
<tr>
<th>APARTMENTS</th>
<th>APARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>201 Monthly</td>
<td>1101 Monthly</td>
</tr>
<tr>
<td>* 205 Monthly</td>
<td>1105 Monthly</td>
</tr>
<tr>
<td>301 Monthly</td>
<td>1201 TVR</td>
</tr>
<tr>
<td>305 TVR</td>
<td>1205 TVR</td>
</tr>
<tr>
<td>401 TVR</td>
<td>1501 TVR</td>
</tr>
<tr>
<td>405 TVR</td>
<td>1505 Monthly</td>
</tr>
<tr>
<td>501 TVR</td>
<td>1601 TVR</td>
</tr>
<tr>
<td>505 Monthly</td>
<td>1605 Monthly</td>
</tr>
<tr>
<td>601 TVR</td>
<td>1701 TVR</td>
</tr>
<tr>
<td>605 Monthly</td>
<td>1705 TVR</td>
</tr>
<tr>
<td>701 TVR</td>
<td>Business Office - Moped Rental Monthly</td>
</tr>
<tr>
<td>705 TVR</td>
<td>Bar Area - Office for TVR'S</td>
</tr>
<tr>
<td>801 TVR</td>
<td></td>
</tr>
<tr>
<td>805 TVR</td>
<td></td>
</tr>
<tr>
<td>901 TVR</td>
<td></td>
</tr>
<tr>
<td>905 TVR</td>
<td></td>
</tr>
<tr>
<td>1001 TVR</td>
<td></td>
</tr>
<tr>
<td>1005 TVR</td>
<td></td>
</tr>
</tbody>
</table>

* NOTE: All floors are identical except Apt. 205 has a larger front Lanai
# Building Permit Application

**Permit No. 63897**

**City and County of Honolulu**

**Building Department**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address</th>
<th>PLAN MAKER</th>
<th>Address</th>
<th>PROJ. NO.</th>
<th>CONTRACTOR</th>
<th>Address</th>
<th>STATE LIC. NO.</th>
<th>Tel. No.</th>
<th>WORK TO BE DONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. &amp; Mrs. Sing H Lim</td>
<td>1130 Ala Moana Blvd</td>
<td>HERBERT P. BEUER</td>
<td>345 Ilikai St</td>
<td>575</td>
<td>WINNER</td>
<td></td>
<td></td>
<td></td>
<td>NEW 16 STORY APT. (30 UNITS)</td>
</tr>
</tbody>
</table>

**Zone:** SEC: 2 | PARCEL: 11 | LOT NO.: 39 | LOT AREA: 29 | DISTRICT: 82 | 60 FT. |

**Accepted Value:** $60,000 PERMIT FEES: $80

**Type of Construction:** MINIMUM | MAXIMUM | NO. OF STORIES | FIRE ZONE |
| | | | |

**Occupancy Group:** H-APARTMENT | B-2839 | FLOOR AREA (SQ. FT.): |

**Existing:** NEW | REMARKS: | TOTAL: |

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY AND COUNTY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING DEPT.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZONE (SEE SIGN)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIT BACK</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIV. OF ENGINEERING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRIVEWAY &amp; LOT GRADING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIGHWAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DRAINAGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIVISION OF SEWERS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE DEPT.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MON. SDEV. AGENCY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>STATE OF HAWAII</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEALTH DEPT.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE MARSHAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LAND &amp; NATURAL RESOURCES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIGHWAYS DIVISION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIV. OF INDUSTRIAL SAFETY</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all City and County ordinances and State laws regulating building construction.

**Signature (Owner or Agent):**

**Date:** 12-1-67

**NOTES TO APPLICANT:**

Post permit placard on site of work.

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 building code is punishable by fine of $300.00 and/or 90 day imprisonment.

Separate permits must be obtained for signs, electrical, plumbing, and gas.

☐ This building shall not be occupied until a certificate of occupancy has been issued.

OFFICE INDEX COPY

**Exhibit "A"**
# Certificate of Occupancy

**Owner**: SUNG HI LIM  
**Address**: 1690 Ala Moana Blvd.

**Building Address**: 1690 Ala Moana Blvd.

**Use Zone**: B-5 Resort Commercial Dist.

**Permit No.**: 63897  
**Date**: 12-5-68

**Remarks**:  
- Major Occupancy Group: H
- Type of Construction: I
- Roof Construction: Reinforced concrete slab with built-up roof covering

Allowances for:  
- Automatic Sprinkler System
- Separation on Sides
- Bldg. Separation Wall

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

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>Floor Area (sq. ft.)</th>
<th>Max. allowable occupant load (persons)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basement</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-1 Parking (16)</td>
<td>6,839</td>
<td></td>
</tr>
<tr>
<td><strong>1st floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P-2 Office (1)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>2nd floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>3rd floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>4th floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>5th floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>6th floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>7th floor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H-Apartments (2)</td>
<td>1,747</td>
<td></td>
</tr>
<tr>
<td><strong>Additional floors as necessary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8th - 16th H-Apartments (2 units per floor)</td>
<td>1,747 per floor</td>
<td></td>
</tr>
</tbody>
</table>

This certificate must be posted and permanently maintained in a conspicuous place at or close to the entrance of the building or structure referred to above.

Exhibit "B"
10/11/71  2-6-11 21
63877  12/15/60  462,000  16,500  0  SWAY SHOWN.
19959  11/12/71  1000  0  SAWN.
103458  6/15/71  2000  0  OLD.
205806  7/12/71  1500  0  MORTAR.
110760  11/18/71  3500  0  SWAY SHEAR.
2914  2/26/72  5000  ALTER  (Scaled 5/24/73)
39947  9/1/71  5000  ALTER.
4642  4/1/75  1500  0  OLD.
60586  1/12/76  1000  0  OLD.
97730  3/20/78  8200  ALTER.
141616  1/5/81  9500  OLD 1  (Graded 7/19/81)
199686  10/26/84  35000  0  WALLS.

31247  1/27/71  150  0  MORTAR, TONGUE & GROOVE (Remove 1972).
37250  9/1/71  1500  0  SWAY SHEAR (Bio Sway Area 1690 lbs. Mortar) 19/73.
8983  2/26/73  5000  ALTER - PARTITIONS, STAIRWAY - EXPIRED 4/27/73.
31247  9/11/74  5000  ALTER - PARTITIONS, TOILET, CABINETS.
44923  4/1/75  150  0  ELEC.
605358  1/12/76  1000  0  ELEC.
97730  3/20/78  8500  ALTER  - R E L O. OF MAINTENANCE TRANSF.
148676  1/5/81  95000  0  ADD  - STAIRWAY & RAILINGS.
DELETE 1 PARKING ON 1ST FLO.
ADD 2 PARKING IN BASEMENT.
REVOKED 7/19/81.
199686  10/26/84  35000  ALTER/FENCE.
253218  9/29/88  750  0  ALTER  - 4TH FLO. - LAVA.

------------------------

April 3, 1986

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

Dear Mrs. Lim:

Subject: Big Surf Condominium
1680 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"
If there is any question on this matter, please contact Mr. Noboru Taketa of this office at telephone 527-6341.

Very truly yours,

HERBERT K. MURAOKA
Director and
Building Superintendent
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 "D"
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,

[Signature]

JOHN P. WHALEN  
Director of Land Utilization
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"
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
AS BUILT PLANS OF THE BIG SURF

Exhibit "H"
LOT 100-A
OF LAND COURT APPLICATION 852
(MAP 14)
AT KALIA, WAIKIKI, HONOLULU, OAHU, HAWAI'I

Exhibit "I"

PARK ENGINEERING, INC.

REGISTERED PROFESSIONAL SURVEYOR
Certificate Number 1951-5
Map 1: Waikiki

Note 1
When evacuation boundaries are drawn along streets and roadways, they are considered to be safe from wave action.

Note 2
Steel and/or concrete buildings of six or more stories in height should provide adequate protection if people move to the third floor or above.

Note
The maximum rise of water in harbors should not exceed 4 feet. However, all vessels should be secured, removed, or put to sea due to the probability of strong currents and wave action.

Exhibit "J"