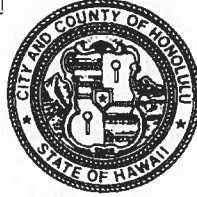


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov WEB SITE: www.honolulu.gov



KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

2017/ELOG-2206(SA)

November 9, 2017

Mr. Christopher Shea Goodwin
Christopher Shea Goodwin,
Attorney at Law LLLC
Mauka Tower
737 Bishop Street, Suite 164
Honolulu, Hawaii 96813

Dear Mr. Goodwin:

SUBJECT: Zoning Verification Request
2452 Tusitala Street - Waikiki
TMK: 2-6-024: 069

This is in response to your letter, received by our Department on October 26, 2017, requesting zoning confirmation on the subject property and information regarding short term rentals and nonconforming use certificates (NUCs). Our records indicate the site was developed as a multifamily dwelling, and based on its location in the Apartment Precinct, no transient vacation units (TVUs) are allowed to operate on the site without an active NUC.

The 30,235-square-foot property is located within the Apartment Precinct of the Waikiki Special District. Building Permit No. 29957, issued on September 22, 1965, allowed an 11-story multi-family dwelling unit (apartment building). At that time, the subject lot was in the Hotel and Apartment District. Our records indicate that the property has historically been used as a multi-family dwelling unit.

For purposes of the Land Use Ordinance (LUO), Chapter 21, Revised Ordinances of Honolulu, short term rentals are TVUs. Pursuant to LUO Section 21-9.80-5 and Table 21-9.6(A), TVUs are not a permitted use in the Apartment Precinct. Although certain units within the multi-family dwelling appear to have previously held NUCs, there are no active NUCs on the site at this time. We emphasize that classifications for purposes of real property taxation are different than zoning

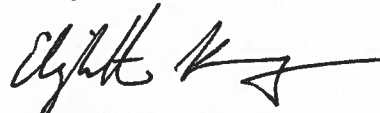
Mr. Christopher Shea Goodwin
November 9, 2017
Page 2

designations and allowances. As such, despite the designation of the building as "Hotel and Resort" by the Real Property Division, the allowable uses on the site are regulated by the LUO, which specifies that short term rentals are not allowed in the Apartment Precinct without an active NUC.

This letter is not a disclosure statement nor is it intended to substitute for mandatory disclosures in real estate transactions regarding the subject parcel. The City is under no obligation to investigate, research, or participate in the preparation of disclosure statements other than providing available public records. This letter does not create liability on the part of the City, or any officer or employee thereof, if used in or as a disclosure statement. The seller, buyer, lender, or their agent, not the City, is solely responsible for the use of any public record information in the preparation of a disclosure statement.

Should you have any further questions, please contact Sarah Afong of our staff, at 768-8026.

Very truly yours,



FOR: Kathy K. Sokugawa
Acting Director

Enclosure: Receipt No. 115264

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CITY AND COUNTY OF HONOLULU

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KATHY K. SOKUGAWA
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TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

KIRK CALDWELL
MAYOR

2017/ELOG-2206(SA)

April 26, 2018

Mr. Christopher Shea Goodwin
Christopher Shea Goodwin,
Attorney at Law LLC
Mauka Tower
737 Bishop Street, Suite 164
Honolulu, Hawaii 96813

Dear Mr. Goodwin:

SUBJECT: Zoning Verification Clarification
2452 Tusitala Street - Waikiki
TMK 2-6-024: 069

This is a follow up letter to our previous letter, dated November 9, 2017, regarding transient vacation units (TVUs) on the subject property. We reiterate that TVUs may not operate on the site without an active Nonconforming Use Certificate (NUC), and, based on our records, there are currently no active NUCs on the site. The following list summarizes our findings on the site:

- 1) The permitting history reveals a Building Permit (BP) No. 014657, issued on August 14, 1973, allowing the 21-story structure as an apartment building, or multi-family dwelling (MFD). Prior to this date, Variance No. 65/Z-91, issued on August 5, 1965, allowed a new 11-story apartment building to encroach into the side yards. In 1968, a report associated with Zoning Variance No. 68/Z-62 (to allow off-street parking on the subject lot) indicated that the construction of the 11-story apartment building was delayed due to financial negotiations.
- 2) The zoning history for the site indicates there was a time when a hotel could have been permitted, but no permits to allow a hotel were issued during this period.
- 3) The BPs for the structure reference the occupancy code used to determine the appropriate structural and building standards. At the time, the occupancy code for hotels and MFDs was called H-Apt. There was also a time when the underlying zoning district was Hotel and Apartment, but this shouldn't be confused with the occupancy codes. A variety of structures with different uses could have been developed in the Hotel and Apartment District. Our records indicate that that

structure on the subject site was considered an MFD; at no point in time was the structure considered a hotel.

- 4) Our records indicate the structure on the site does not now, and did not formerly, meet the definition of a hotel. The Land Use Ordinance definition of hotel is "a building or group of buildings containing lodging and/or dwelling units offering transient accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping of records relating to hotel guests." Also, at the time the structure was permitted, kitchens were only allowed in 50 percent of the units in hotels. Our records do not indicate that there is or was a 24-hour lobby or that the site was developed with lodging units lacking kitchens. As such, the MFD did not meet the definition of a hotel.
- 5) Some of the units may have previously been operating as lawful TVUs. In 1989, the City Council adopted legislation that allowed people operating TVUs to obtain NUCs until September 28, 1990. Those renting out individually-owned units in hotels or nonconforming hotels were not required to obtain NUCs. Several units on the subject site obtained NUCs, confirming that in 1990, the structure was recognized as an MFD, not a nonconforming hotel. With active NUCs, the owners of those units would have been able to lawfully rent the units for transient visitors. However, NUCs must be renewed at regular intervals, and over the last 28 years, all of the NUCs issued to owners of the MFD expired. At this time, there are no active NUCs for the site.

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We hope this helps clarify the matter. Should you have any further questions, please contact Sarah Afong of our staff, at 768-8026.

Very truly yours,



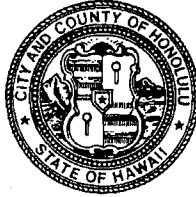
FR: Kathy K. Sokugawa
Acting Director

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KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

April 25, 2019

2019/ELOG-493(SA)

Mr. John Brewer
Touchstone Properties, Ltd.
Dole Office Building
680 Iwilei Road, Suite 777
Honolulu, Hawaii 96817

Dear Mr. Brewer:

SUBJECT: Zoning Inquiry
2452 Tusitala Street - Waikiki
Tax Map Key 2-6-024: 069

This is in response to your letter, received on March 18, 2019, requesting zoning verification for the above-mentioned property, located in the Waikiki Special District (WSD) Apartment Precinct. You would like to know the answers to the following questions:

- What is the minimum rental period in the Apartment Precinct?

A dwelling unit must be occupied for 30 days or more. Therefore, the minimum rental period is 30 consecutive days, evidenced by a 30 day rental contract.

- If there is a minimum rental period, must the minimum number of days be consecutively rented for the entire minimum period or could a landlord book for fewer days than the minimum while charging for the entire minimum period?

Stays of less than 30 days can only be accommodated in transient vacation units, bed and breakfast homes, time share units, and hotels. The Land Use Ordinance (LUO) definition of dwelling unit specifies that a dwelling unit does not include a unit used for time sharing or transient accommodations (see answer above).

- Must the same persons be the only tenants for each day during the minimum period or can multiple persons or groups unknown to each other be on the same minimum period rental contract even if they do not all occupy the unit at the same time?


Mr. John Brewer
April 25, 2019
Page 2

Dwelling units must be occupied by a "family" for a period of 30 days or more. The LUO defines family as, "one or more persons, all related by blood, adoption or marriage, occupying a dwelling unit or lodging unit. A family may also be defined as no more than five unrelated persons. In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility or other similar facility monitored registered, certified, or licensed by the State of Hawaii will be considered a family." Please note that if there is a 30 day rental contract, the dwelling may not be occupied by any other occupants, including the owner. Additionally, proof of payment for the 30-day period is required.

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Should you have any questions, please contact Sarah Afong, of our staff, at 768-8026.

Very truly yours,


Kathy K. Sokugawa
Acting Director