

File

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR



DAWN TAKEUCHI APUNA  
DIRECTOR DESIGNATE

JIRO A. SUMADA  
DEPUTY DIRECTOR

January 19, 2023

2022/ELOG-2264 (LP)

Mr. Rob Johnson  
Ilikai Hotel  
1777 Ala Moana Boulevard, Suite 226  
Honolulu, Hawaii 96815

Dear Mr. Johnson:

SUBJECT: Zoning Verification  
Ilikai Hotel  
1777 Ala Moana Boulevard - Waikiki  
Tax Map Key 2-6-010: 007

This letter responds to your request, received on October 28, 2022, seeking confirmation that units in the Ilikai Hotel on the subject property, which is in the Resort Mixed Use Precinct of the Waikiki Special District, may provide transient accommodation to transient occupants without a Short Term Rental (STR) Registration. Based on our research of available information, the Department of Planning and Permitting (DPP) opines that the Ilikai Hotel is a hotel use. Therefore, the units within the structure may provide transient accommodation for transient occupants without STR Registration, as detailed below.

In 2000, the DPP wrote a letter (File No. 2000/ELOG-66) that stated the Ilikai was a nonconforming hotel based on the definition of hotel at that point of time. The Ilikai complex was considered nonconforming in respect to the mix of dwelling and lodging units. A hotel was previously defined as *"a building or group of buildings containing lodging and or dwelling units in which 50 percent or more of the units are lodging units. A hotel includes a lobby, clerk's desk or counter with 24-hour clerk service and facilities for registration and keeping records relating to hotel guests."* Lodging units do not have kitchens, but at the time, our records indicated that more than 50 percent of the units in the Ilikai hotel had kitchens, so it was considered nonconforming.

Since our 2000 letter, the hotel definition has changed and eliminated the 50 percent lodging unit requirement, meaning all units within a hotel may contain a kitchen. Therefore, the Ilikai Hotel is no longer nonconforming based on the current definition of hotel, which is *"a building or group of buildings containing lodging and/or dwelling units offering transient*

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January 19, 2023  
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*accommodations, and a lobby, clerk's desk or counter with 24 hour clerk service, and facilities for registration and keeping records relating to hotel guests."* As long as the structure meets the current hotel definition, the DPP opines that the Ilikai Hotel is a hotel use for purposes of the Land Use Ordinance (LUO), Chapter 21, Revised Ordinances of Honolulu. Hotels are a permitted principal use in the Resort Mixed Use Precinct.

Pursuant to LUO Section 21-5.730, the owner or operator of a bed and breakfast home or transient vacation unit must register with the DPP (i.e., obtain STR Registration). This section of the LUO does not apply to hotels, so units within the Ilikai Hotel may provide transient accommodations to transient occupants without STR Registration.

The DPP issues advisory opinions in response to zoning verification requests because such responses serve an important public purpose. Advisory opinions do not establish or confirm any legal rights or obligations. Advisory opinions may not be appealed because they are not "actions of the Director" under the LUO or the Rules of the Zoning Board of Appeals (ZBA). The DPP may issue declaratory rulings applying specific provisions of the LUO to specific facts. A declaratory ruling is an "action of the Director" that may be appealed to the ZBA (ZBA Rules Sections 21-1 and 22-1). Declaratory rulings are governed by Chapter 3 of Part I of DPP's Rules of Practice and Procedure.

This letter is not a disclosure statement, nor is it intended to substitute for mandatory seller 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 or the seller's 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 questions, please contact Lena Phomsouvanh, of our Zoning Regulations and Permits Branch, at (808) 768-8052 or via email at [lena.phomsouvanh@honolulu.gov](mailto:lena.phomsouvanh@honolulu.gov).

Very truly yours,



FOR Dawn Takeuchi Apuna  
Director Designate

Enclosures: Receipt No. 139204

DATE: 10/25/2022 CK#: 2571 TOTAL: \$300.00 \*\*\*\*\* BANK: Ilikai Apartment Building (1804bhop)  
PAYEE: City & County Of Honolulu (V0000919)

Property Account	Invoice - Date	Description	Amount
1804 6680	1804-102422 - 10/24/202	HOTEL NON-CONFORMING USE VERIFICATIO	300.00
			<u>300.00</u>

OFFICIAL RECEIPT  
**DEPARTMENT OF PLANNING AND PERMITTING**  
CITY AND COUNTY OF HONOLULU

139204

Date: Dec. 3, 2022

Received From: Ilikai Apartment Building  
Three hundred and no/100 DOLLARS

For: 2022 / EL06-2264 zoning clearance fee

Tax Map Key: 2-6 010 : 007

\$ 300.00

Taha  
DEPARTMENT OF PLANNING AND PERMITTING

004- ✓ # 2571