

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>9-36</u>	
Acceptance Date:	<u>3.1.19</u>
Website Posting Date:	<u>3.5.19</u>
Determination Date:	<u>3.11.19</u>
Planning Commission Date:	<u>3.12.19</u>
Expiration Date:	<u>3.12.20</u>
Planner Assigned:	<u>JL</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>6610 Kuono Road, LLC</u>
Mailing Address:	<u>2443 FILMORE STREET #368</u> Phone: _____ <u>SAN FRANCISCO, CA 94115</u> Email: _____
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>Open</u> Tax Map Key(s): <u>(4) 4-9-014:007</u>
	Land Area: <u>.82 acres</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>construction of 4' high rock wall</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

1. Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): 152.9 ft.
2. Property is Not Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: .8 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

There is a single family dwelling between the shoreline and the proposed rock wall



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

flat

Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

beach, dunes

Artificially armored Shoreline

If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

Is the armoring permitted/authorized? _____

Date of authorization (attach copy of authorization letter): _____

Is property in coastal floodplain (if checked, what zone)? VE

Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

Tsunami

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature

FEB 4 2019

Date

Applicability (to be completed by Planning Department)

~~Setback Determination necessary.~~ Requirements of Ordinance No. 979 are applicable.

~~Setback Determination is NOT necessary.~~ Requirements of Ordinance No. 979 are not applicable.

Planning Director or designee

3/1/19
Date

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- Building Permit Number (If building plans submitted)



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

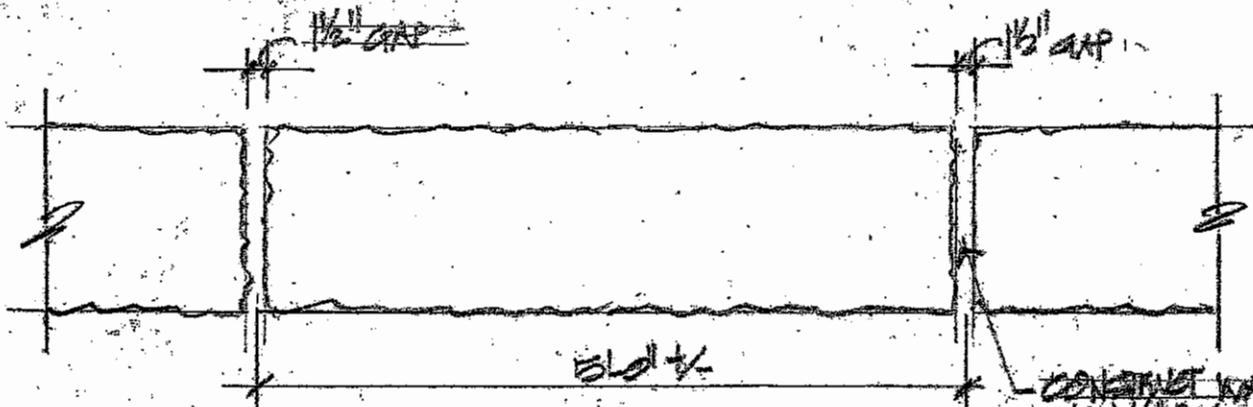
Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

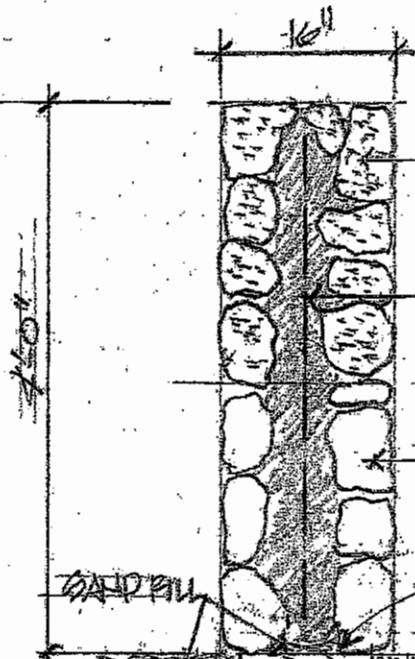
3.1.19

Additional comments/conditions:



WALL PLAN

CONSTRUCT WALL
W/ (3) 1/2" PLUGS
TEMPERARY INSERT
PANELS FOR EASY
REMOVAL



HIGH DENSITY (120#/CU.FT)
LAVA ROCK IN TOP HALF
OF WALL SECTION

2-6" TALL PIECE OF
10x10 GALV. W.W. MESH
EACH 5' SECTION OF WALL

LOW DENSE (40#/CU.FT)
ROCK AT BOTTOM HALF
OF WALL SECTION

1/2" FOOT OVER FOOTING

CONTINUOUS CONCRETE
TRENCH FOOTING

(1) #4 TOP & BOT
1/2" GALV. WIRE
TIE @ 24"

FLOOD/WAVE FLOW

SHEET 2 OF 2

SECTION AT BREAK-AWAY ROCK WALL

FRAGGED ROCK WALL FOR
CAMPBELL-MURPHY INVESTMENTS
AT ALIGNMENT 12-A MALOA HUI LAND
TRK (#) 4-9-24: 206

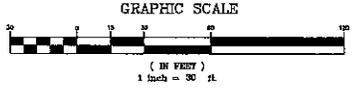
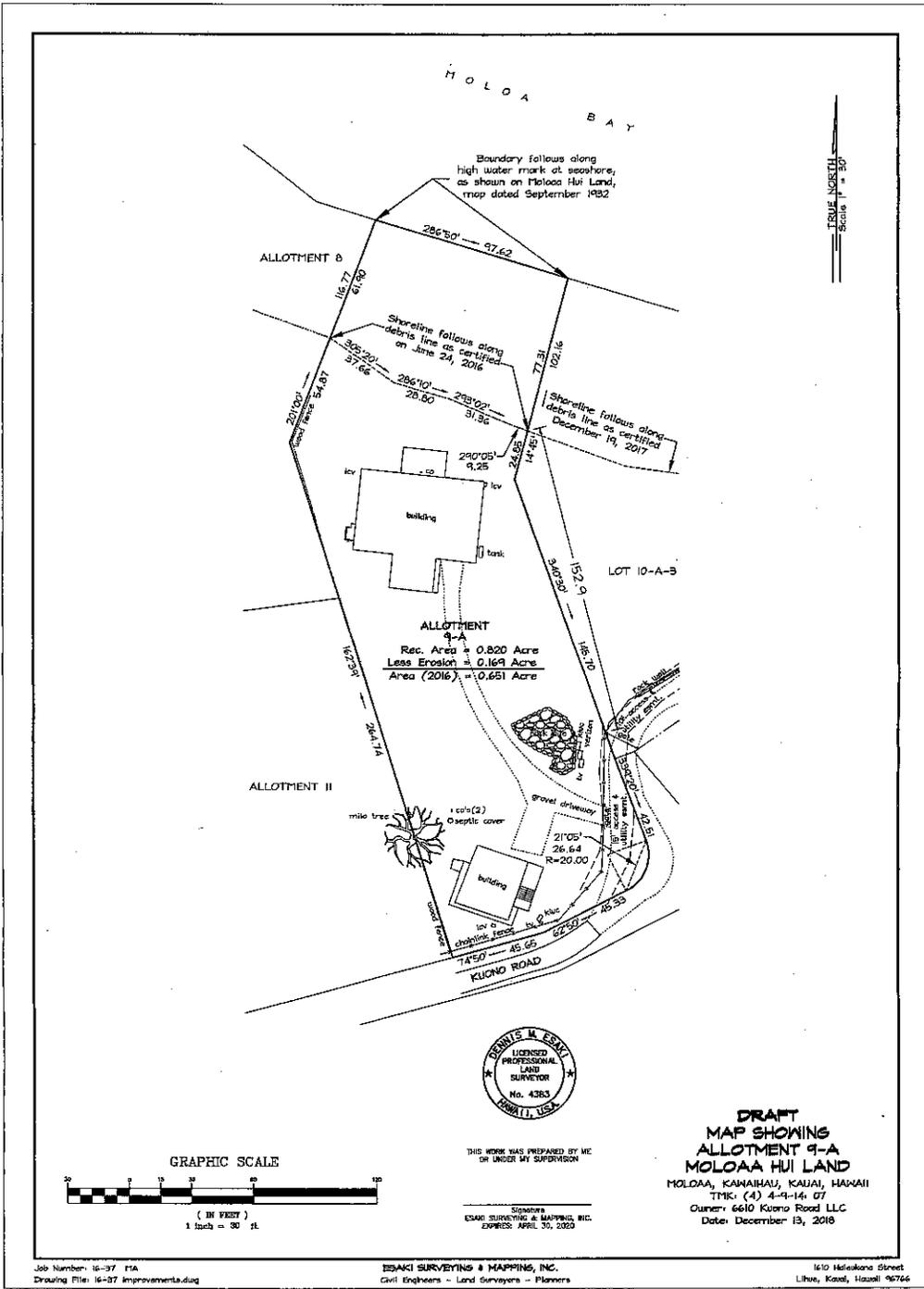
Exp 11/30/10

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY SUPERVISION.
SUPERVISION OF CONSTRUCTION
AS DEFINED IN SECTION 1.2(h) OF
THE RULES AND REGULATIONS OF
THE BOARD OF PROFESSIONAL EN-
GINEERS, ARCHITECTS AND SUR-
VEYORS OF THE STATE OF HAWAII.



Timothy M. Bradley 5/23/10

T & M ARCHITECTURE, LLC.
P. O. BOX 797, KAPAA, KAUAI, HI 96746
Phone: (808) 821-9727 Fax: (808) 821-9726



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Signature
 ESAKI SURVEYING & MAPPING, INC.
 EXPIRES: APRIL 30, 2020

DRAFT
MAP SHOWING
ALLOTMENT 9-A
MO'LOAA HUI LAND
 MO'LOAA, KAWAHAU, KAUAI, HAWAII
 TRK. (4) 4-9-14-07
 Corner: 6610 Kuono Road LLC
 Date: December 13, 2018

6610 Kuono Rd

Write a description for your map.

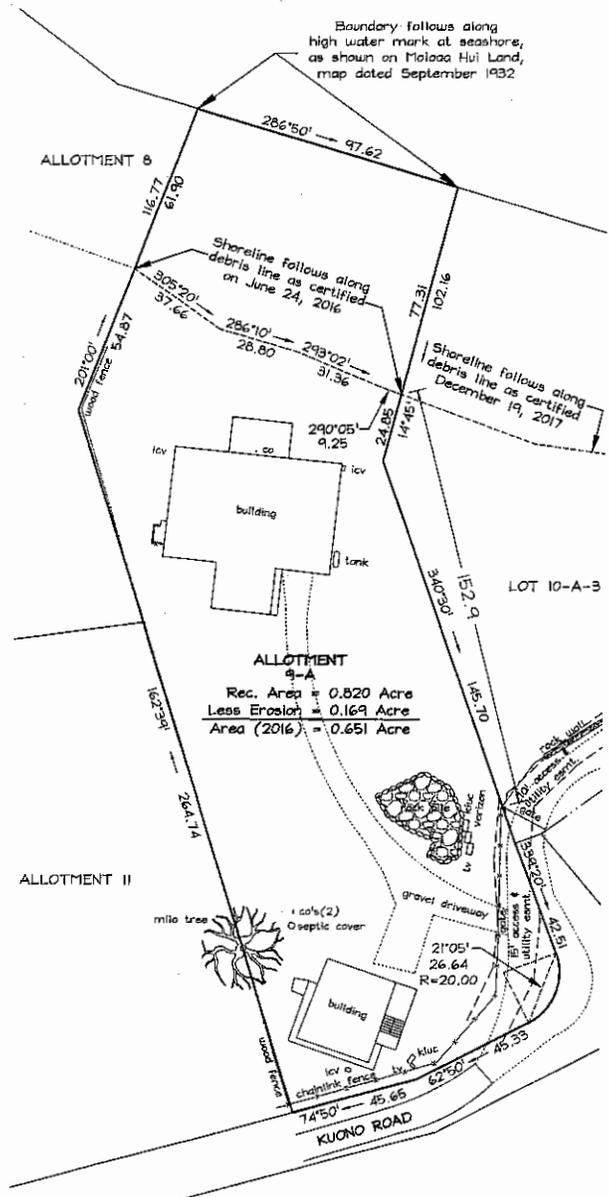


Kuono Rd

M O L O O A
B A Y

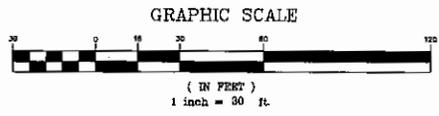
Boundary follows along high water mark at seashore, as shown on Molooa Hui Land, map dated September 1932

TRUE NORTH
Scale 1" = 30'

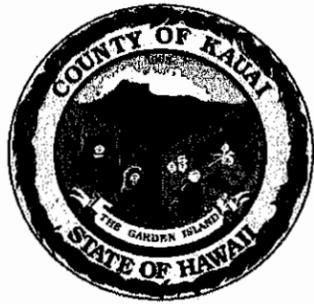


THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Signature
ESAKI SURVEYING & MAPPING, INC.
EXPIRES: APRIL 30, 2020



DRAFT
MAP SHOWING
ALLOTMENT 9-A
MOLOAA HUI LAND
MOLOAA, KANAIHAU, KAUAI, HAWAII
TMK: (4) 4-9-14: 07
Owner: 6610 Kuono Road LLC
Date: December 13, 2018



**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD	201 <u>9-35</u>
Acceptance Date:	<u>2.27.19</u>
Website Posting Date:	<u>2.27.19</u>
Determination Date:	<u>2.27.19</u>
Planning Commission Date:	<u>3.12.19</u>
Expiration Date:	<u>3.12.20</u>
Planner Assigned:	<u>JL</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	KHS, LLC (PBR HAWAII & Associates, Inc. Agent)
Mailing Address:	PBR HAWAII & Associates, Inc. 1001 Bishop Street Suite 650, Honolulu, HI 96813
Phone:	(808) 521-5631
Email:	tschnell@pbrhawaii.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	February 22, 2019

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Resort
Tax Map Key(s):	(4)4-3-007:028
Land Area:	Approximately 10.377 acres
Nature of Development: (Description of proposed structure or subdivision)	Ground floor interior renovations. Exterior renovations. See Figure 4 and Attachment labeled "Written Description."

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): see Figure 1 ft.
- Property is Not Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: 0.1 erosion 0.1 accretion (Figure 2) ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaiconnty/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

0



**PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION**

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (**Part A**) from the Planning Director shall first be obtained.

Certified Shoreline	
Select the appropriate option:	
<input checked="" type="checkbox"/>	Certified Shoreline
<input checked="" type="checkbox"/>	Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
<input checked="" type="checkbox"/>	Average Lot Depth: <u>776.67</u> ft.
<input checked="" type="checkbox"/>	Setback (Table 1 or Table 2): <u>100</u> ft.
<input type="checkbox"/>	Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)
<hr/> Planning Director or its designee Date	

Public Projects less than \$125,000	
<input type="checkbox"/>	Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))
<hr/> Planning Director or designee Date	
<input type="checkbox"/>	Certified Shoreline Required
<input type="checkbox"/>	Certified Shoreline Not Required

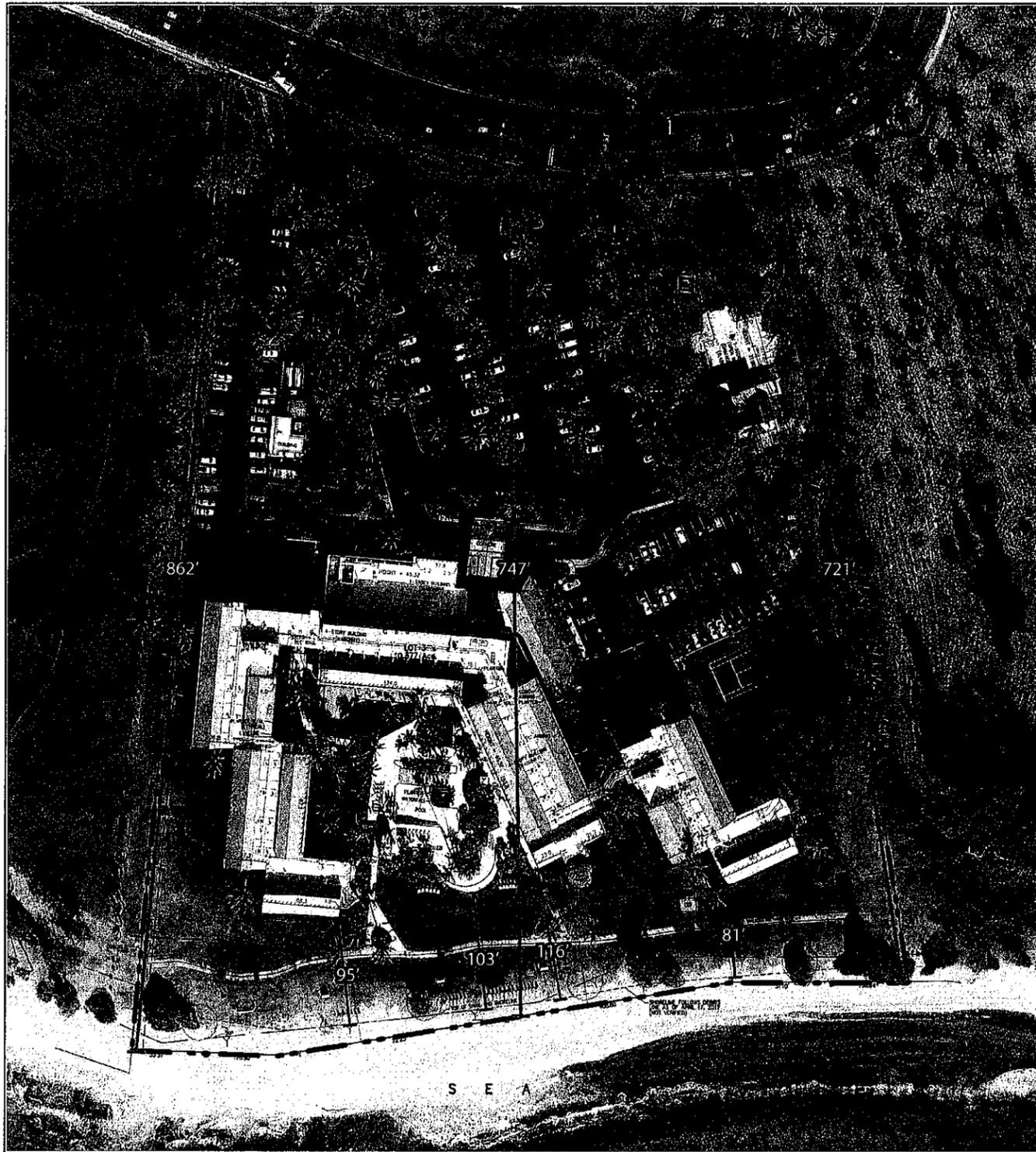
Describe proposed structure(s), including but not limited to the landscaping plan (please attach):

<p>See Figure 4 for the plot plan showing the proposed renovations, including the landscaping plan.</p> <p>See Attachment labeled "Written Description" for a written description of the proposed renovations.</p>
--

Explain how the proposed structure is in compliance with §8-27.8(c)(2) (attach additional information if necessary):

<p>The shoreline setback line for the Property is anticipated to be 100 feet from the Certified Shoreline based on criteria set forth under Section 8-27.3, KCC. The 100-foot shoreline setback line is subject to determination by the Planning Department. This application for a Shoreline Setback Determination is being submitted to the Planning Department for an official determination</p> <p>The renovations do not include new structures or development in the shoreline setback area with the exception a small pavement area of approximately 318 sf, which will include saw cuts every three feet. While portions of the existing Hotel Structure are within the shoreline setback area, under Section 8-27.7, KCC the Hotel structure is a permitted structure within the shoreline set back area. Renovations to the Hotel structure do not constitute a substantial improvement as defined under Section 8-27.2, KCC (see attached Substantial Improvement Determination letter from the Department of Public Works dated February 15, 2019.</p>
--

Figure 1
Approximate Distance from Shoreline

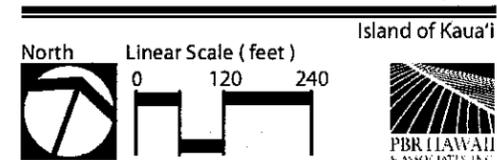


DATE: 2/22/2019

LEGEND

- Approximate Shoreline Distance Measurement from Vegetation Line
- Approximate Lot Depth Distance
- - - Property Line

Figure 1
Approximate Distance
From Shoreline
Hotel at 650 Aleka Loop



Source: Alta Survey, Pictometry, 2012.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

Figure 2
Shoreline Erosion Rates

Wailua Bay, Kauai, Hawaii

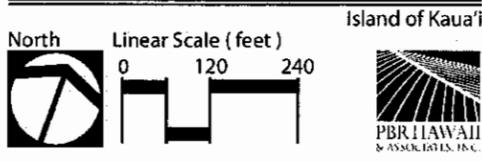


DATE: 7/6/2018

LEGEND

— Property

Figure 2
Shoreline Erosion Rates
Hotel at 650 Aleka Loop



Source: University of Hawaii Coastal Geology Group.
 Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretation or other spatial analysis.

Figure 3
Flood Hazard Zone

PDF: Q:\Kauai\Marriott Courtyard SMA\pdf
Path: \\PBRF504\Planning\Kauai\Marriott Courtyard SMA\GIS\project\FloodHaz.mxd

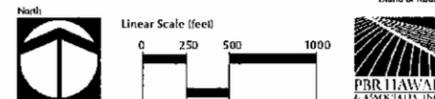


DATE: 7/6/2018

LEGEND

- Property
- Tax Map Key (TMK) 2018
- Flood Zone**
- AE - 1% Annual Chance Flood (BFE)
- VE- Coastal Flood Zone, Wave Hazard (BFE)
- X - Not a Special Flood Hazard Zone
- XS - 0.2% Annual Chance

FIGURE 3:
Flood Hazard Zone
Hotel at 650 Aleka Loop
Island of Kauai



Source: County of Kauai, 2018. FEMA, 2015.
Disclaimer: This Graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

Figure 4

Proposed Renovations Site Plan & Interior Phases



DATE: 9/24/2018

Legend

— • — Property Line

FIGURE 4:
Proposed Renovations
Hotel at 650 Aleka Loop

KHS, LLC Island of Kaua'i

North

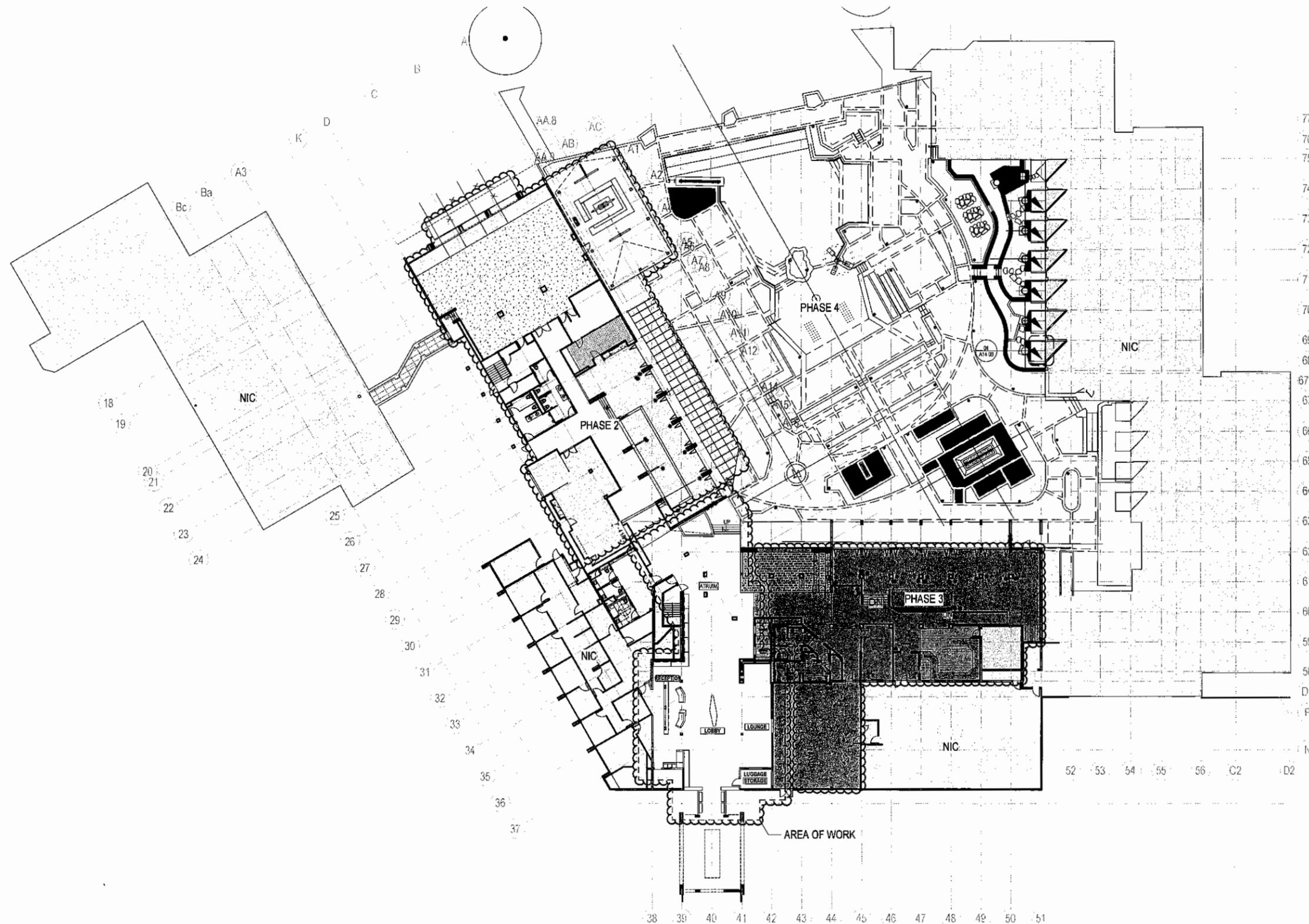
Linear Scale (feet)

0 20 40 80

PBR HAWAII & ASSOCIATES, INC.

Source: Alta Survey, Pictometry, 2012.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary Interpretations or other spatial analysis.



PROPOSED RENOVATION FOR
 SHERATON KAUAI-COCONUT BEACH
 OWNER: KHS, LLC
 TMK: (4) 4-3-7- 028 BLDG 3 LVL 2
 650 ALEKA LOOP
 KAPAA, KAUAI, HAWAII

Gensler
 45 Fremont St
 Suite 1500
 San Francisco, CA 94105
 United States
 Tel: 415.433.3700
 Fax: 415.838.4999

KSL
 CAPITAL
 PARTNERS
 700 Canal Street
 4th Floor
 Stamford, CT 06902
 United States
 Tel: 203.359.2593

DAVIDSON
 CAPITAL PARTNERS
 1 Runkle Drive
 Suite 1000
 Atlanta, GA 30349
 United States
 Tel: 478.345.0911

Light & Sound
 6315 Skyline Drive
 Houston, TX 77057
 United States
 Tel: 713.785.5530

Lighting Design Alliance
 2530 Temple Avenue
 Long Beach, CA 90806
 United States
 Tel: 562.685.3843

Architectural
 542 Kalia Street
 Honolulu, HI 96815
 United States
 Tel: 808.948.8595

Architectural
 2153 North King Street
 Suite 201
 Honolulu, HI 96818
 United States
 Tel: 808.941.6577

Architectural
 1915 Young Street
 2nd Floor
 Honolulu, HI 96825
 United States
 Tel: 808.942.5100

Date	Description
11.16.2018	ISSUE FOR PERMIT
07/21/18	ISSUE FOR PERMIT

Seal / Signature

This work was prepared by me or under my supervision and construction of this project will be under my observation.



Project Name
 Sheraton Kauai - Coconut Beach
 Project Number
 01.2850.000
 Description
 OVERALL PLAN - LEVEL 01

Scale
 As indicated

A01
 REFERENCE NUMBER
 A13.01

© 2017 Gensler

11/27/2018 10:01:09 AM \\gensler\projects\sheraton\kauai\level01\1501285000_Sheraton Kauai Coconut Beach_2017.dwg strwhm@pensh.com

1 OVERALL CONSTRUCTION PLAN - LEVEL 01
 SCALE: 1/8" = 1'-0"

GENERAL NOTES
 A. SEE ENLARGED PLANS FOR ADDITIONAL INFORMATION

LEGEND

	NIC
	AREA OF WORK
	FUTURE WORK - AREA 2 - PUBLIC SPACE UNDER SEPARATE PERMIT
	FUTURE WORK - AREA 3 - PUBLIC SPACE UNDER SEPARATE PERMIT
	FUTURE WORK - AREA 4 - PUBLIC SPACE UNDER SEPARATE PERMIT

State Certified Shoreline Survey

MAP SHOWING
SHORELINE SURVEY
AFFECTING LOT 3
LAND COURT APPLICATION 889

AT WAIPOULI, PUNA, KAUAI, HAWAII
SCALE: 1 IN. = 100 FT.
DECEMBER 6, 2017 WALTER P. THOMPSON, INC.

PROPERTY OWNER: KHS, LLC
100 ST. PAUL STREET, SUITE 800
DENVER, CO 80206



THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION

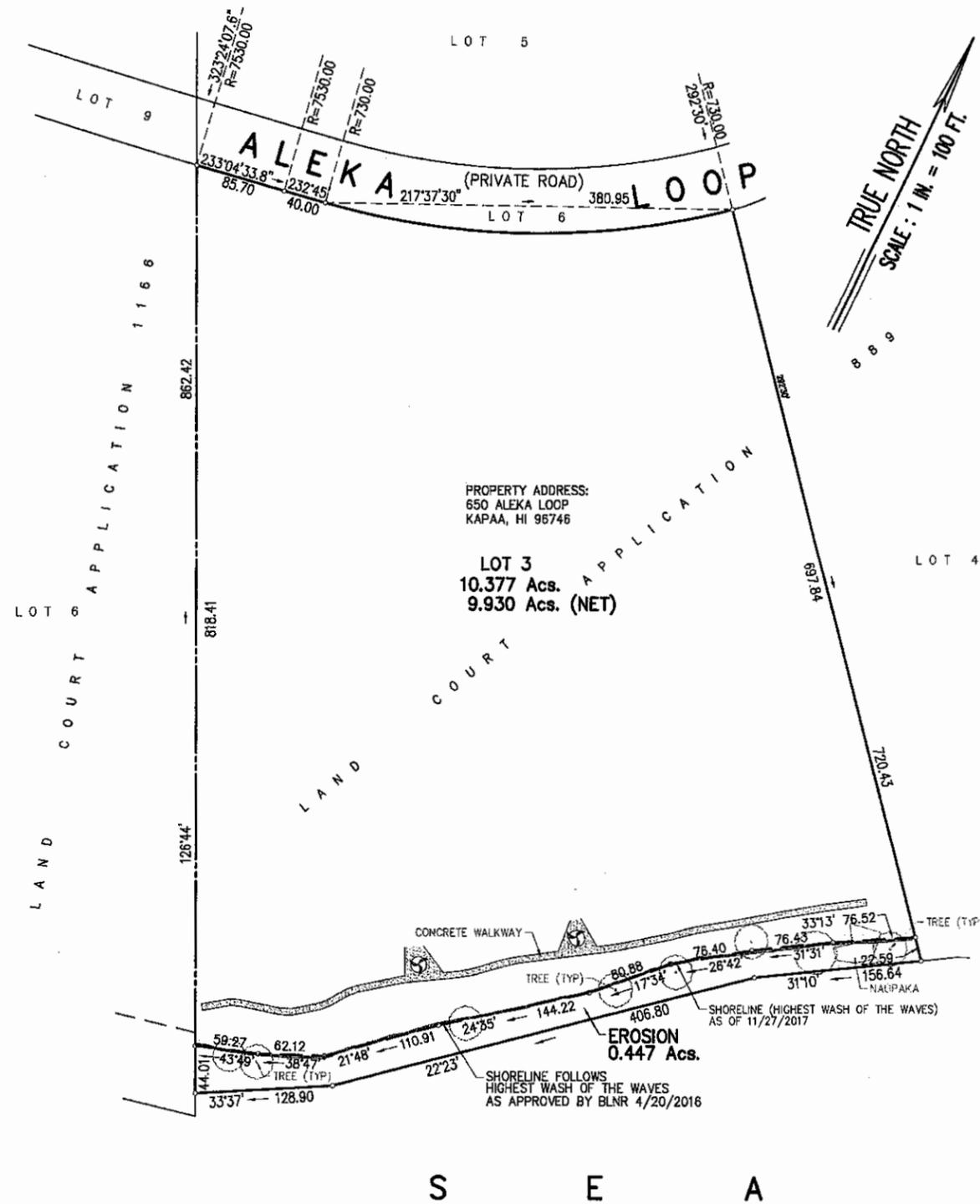
James R. Thompson
Exp. 04/30/18

The shoreline as delineated in red is
hereby certified as the shoreline as of
AUG 16 2018

Walter P. Thompson
Chairperson, Board of Land and Natural Resources
pctw



P.O. BOX 3351 HONOLULU, HI 96801
PH. (808) 536-2705 FX. (808) 599-4032



17225c01.dwg/1628.13/ggjr/20171127

Written Description

Describe proposed structure(s), including but not limited to the landscaping plan

The Applicant proposes to renovate the Hotel and the Property grounds to modernize the resort and bring it up-to-date regarding current market expectations and trends guests seek in a modern oceanfront resort on Kaua'i. Many of the renovations address dated and distressed conditions of the Hotel and the grounds.

The renovations are grouped into exterior renovations and ground-floor interior renovations. The intent of the renovations is to create more integration of the ground-floor public spaces (such the restaurant and bar areas) with the outdoor courtyard area.

Exterior Renovations:

Proposed exterior renovations include:

- A new courtyard, pool, and recreation area, which entails:
 - Demolition the existing recreation courtyard area, including:
 - The pool, pool spa (Jacuzzi), and mechanical equipment
 - All hardscape paved areas and planters, including the paved circular area of approximately 340 sf within the shoreline set back area
 - All landscaped areas
 - Replacement with a new and redesigned recreation courtyard area, including
 - A new pool (with a main pool and kid's pool), new pool spa (Jacuzzi), and new mechanical equipment¹
 - A new pool lounge chair area
 - A small "saw cut" pavement area of approximately 318 sf along the courtyard makai edge, which will extend approximately 1 to 2.5 feet into the shoreline setback area; this pavement area will include saw cuts every three feet.
 - New seating areas, some arranged as small group gathering areas
 - Fire pits in some areas
 - Enlarged ground floor room lanais with fire pots (west side of courtyard)
 - A new trellis (50% or greater open) seating area (east side of courtyard)
 - New landscaping
 - New landscaping irrigation
 - New landscaping, pool, and other courtyard lighting²
 - Relocation of utility lines and drains as necessary
- A new bar pavilion structure in the courtyard area. The bar is a modern interpretation of the classic open pavilion, with unique and sophisticated features such as ombre basket-

¹ New pool mechanical equipment will be located in an unused storage room within the existing Hotel structure; some equipment may be on the roof of this one-story storage room area.

² All exterior lighting will be in conformance with all County of Kaua'i requirements for exterior lighting—all exterior lights will be fully-shielded (completely opaque), downward facing full-cut off fixtures with the lowest light emission possible to minimize seabird distraction and disorientation.

woven light features, backlit painted breezeblocks at the bar face, and natural stone bar top. The new bar structure was inspired by local post and beam architecture and will feature clean lines, nature-inspired finishes, and integrated lighting to create a lively and upscale ambiance around the bar, adjacent dining seating, and lounge seating around the pool.

- Opening up the “Paddle Room” multi-function room to ocean views with the addition of a new openable window wall on the ocean-facing wall which will entail:
 - Demolition of current building protrusion facing the shoreline and removal of the existing Hala tree directly in front of the building protrusion.
 - Creation of a small exterior lanai area with new landscaping directly outside of the new openable window wall; this new lanai area would be limited so as not to protrude into the shoreline setback area.
- Updating the Porte-cochère entry area by replacing existing decorative concrete with either new decorative concrete or pavers.
- Refreshed landscaping, as necessary, around the porte-cochère entrance area, in the parking lot, and other Hotel grounds areas as needed;
- Building facade repairs and painting including limited stucco/concrete spall repairs and repainting the Hotel with a new acrylic coating (the exterior color will be similar to the existing color (beige);
- New exterior signs throughout the Property to update/replace and existing signs. New signs may include replacing the existing lighted monument sign at the Property entrance and signs on the exterior Hotel walls with new signs indicating a new hotel brand. All new signs will be in context with the character of the location, in compliance with all County sign requirements, and will meet the new hotel brand’s standards.
- Demolition of the old “Lū‘au” building (damaged by fire), the adjoining concrete pad, and related access road, walkways, and landscaping and replacement with an open space lawn area that can be used for overflow parking.

Interior Ground Floor Interior Renovations:

In general, the ground floor interior renovations involve reconfiguring and updating the ground floor public spaces and updating and renovating the ground floor guest rooms. There will be no increase in building/floor area of the Hotel structure or an increase in the number of guest rooms.

Hotel ground floor interior renovations include:

- Creating a new bell stand inside main entrance with immediate access to secure luggage storage room.
- Lobby improvements and upgrades such as replacement of the reception desk with either a host table or new check in pods and creating flexible seating groupings.
- Integration of the ground-floor public spaces (such the restaurant and bar areas) with the outdoor courtyard area.
- Adding a small market area for guest convenience items
- Adding a coffee shop.
- Creating a “departure lounge” where guests checking in or out can lounge before or after checking in/out.

- Expanding the fitness center.
- Updating or replacing all finishes and furnishings.
- Opening up the “Paddle Room” multi-function room to ocean views with the addition of a new openable window wall on the ocean-facing wall (discussed above).
- Updating and renovating guest rooms on the ground floor.

Substantial Determination Letter



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

February 15, 2019

Tom Schnell, AICP
PBR Hawaii & Associates, Inc.
1001 Bishop Street Suite 650
Honolulu, HI 96813

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
GROUND FLOOR RENOVATIONS HOTEL AT 650 ALEKA LOOP
TMK: (4) 4-3-007: 028

PW 01.19.124

Dear Mr. Schnell,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed ground floor renovations to the hotel located at 650 Aleka Loop in Waipouli, Kauai. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

Market Value

There were seven (7) building permits approved for the structure within the past ten years with the first building permit approved in 2011. The market value used in the calculations is the Replacement Cost New Less Depreciation (RCNLD) value for the structure as provided by the CBRE Restricted Appraisal Report Reproduction Cost New Less Depreciation Analysis – Courtyard Kauai at Coconut Beach dated January 25, 2019. The RCNLD was \$36,300,000.

Cost of Improvements

The cost of improvements for previous building permits was taken from the Building Divisions estimated construction value as shown on the those permits. The estimated cost for the current building permit (\$4,111,531) was obtained from the estimate



provided by Case & Associates that is dated January 25, 2018. The total cost of improvements for the past ten years is summarized as follows:

BP 11-0227	\$8,500
BP 11-0228	\$18,000
BP 11-0645	\$145,000
BP 11-1499	\$301,000
BP 17-2574	\$1,800,000
BP 12-0079	\$20,000
2018 Interior Renovations	\$6,870,280
Current Permit	\$4,111,531
TOTAL COST	\$13,274,311

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$13,274,311}{\text{Market Value (Real Property): } \$36,300,000} = 0.3657 \text{ or } 36.6\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,


Michael Moule, P.E.
Chief, Engineering Division

Concur


Lyle Tabata
Deputy County Engineer

SI
copy: Design and Permitting

ROUTING FORM
ENGINEERING DIVISION

Subject: GEO ALEKA LOOP - GROUND FLOOR RENOVATION
SUB. IMP. DET. PW 01.19.124

Preparer: Staff Section Head Division Chief

Recommend: Approval Disapproval With Conditions

Comments: _____

(Use additional Sheet if Necessary)

 (Init) 2/11/2019 (Date)

Sect. Head's Review Concur Do not Concur _____ (Init) _____ (Date)

Comments or reason for non-concurrence: _____

Division Chief's Review: Recommended Approval
_____ (Init) _____ (Date) Recommended Approval w/ Conditions

Letter of Authorization

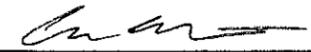
**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION
TO FILE SPECIAL MANAGEMENT AREA AND SHORELINE SETBACK
APPLICATIONS**

Charlie Martin, being first duly sworn on oath, deposes and states that:

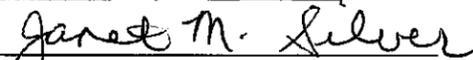
- I. I am the Chief Financial Officer, Treasurer and Assistant Secretary for KHS, LLC.
- II. KHS, LLC owns the parcel of land situated in the District of Wailua, Island of Kauai, County of Kauai, State of Hawaii, bearing Tax Map Key (TMK) Number (4) 4-3-007-028 (the "Property").
- III. KHS, LLC does hereby authorize: PBR HAWAII & Associates, Inc., including Tom Schnell, to:
 - A. File and prosecute, for and on behalf of KHS, LLC, any and all applications, plans, reports, and the like that may be required for the development of the Property under:
 1. Section 7.0 of the County of Kauai Special Management Area Rules, for a Special Management Area Use Permit;
 2. Section 2, Chapter 8, Article 27, Kauai County Code 1987, for a Shoreline Setback Determination; and
 - B. Sign on our behalf on matters relating to the subject applications.

FURTHER AFFIANT SAYETH NAUGHT.

KHS, LLC

By: 
Charlie Martin
Chief Financial Officer, Treasurer
and Assistant Secretary

Subscribed and sworn to before me
this 3rd day of July, 2018.


Name: Janet M. Silver

Notary Public

My commission expires: 2/12/19

