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: KUKUI'ULA DEVELOPMENT CO (KURA) LLC
Mailing Address: 7700 KE ALAVA ST. SUITE B
KOKOA HI 96756

Applicant's Status: (Check one)

- Owner of the Property (Holder of at least 75% of the equitable and legal title)
- 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.
- Authorized Agent Attach Letter of Authorization

Transmittal Date: 9/6/19

Project Information (attach additional sheets, if necessary)

County Zoning District: R-4
Tax Map Key(s): 2-6-15:26
Land Area: 3.4 AC

Nature of Development: LAVA ROCK WALL TO SCREEN ADJACENT ROADWAY & GROUNDS PARKING LOT BETWEEN SHORELINE AND APPLICANT'S PARCEL

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): ______ ft.

2. Property is Not Abutting the Shoreline (NOT DIRECTLY)
   - Proposed project’s approximate distance from shoreline (based on aerial map): ______ ft. APPROX.

3. Additional Information:
   - Shoreline Change (Erosion/Accretion) Rate: ______ ft./year
     (Information available here: www.soest.hawaii.edu/coasts/kauicounty/KCounty.html)
   - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

   ONLY COUNTY OWNED LAUNA ROAD SEPARATES THIS PARCEL FROM SHORELINE.
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
  - FLAT DEVELOPED RESIDENTIAL PARCEL, ELEV = 60'

- Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
  - ROCKY VEGETATED SHORELINE

- 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)? NO

- Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past? NO

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

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Signature)</td>
<td>7/26/19</td>
</tr>
</tbody>
</table>

### 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

  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)
**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 Kauai 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 Kauai 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: ____________

- Additional comments/conditions:
PHOTO OF EXISTING MOUND/BERM & BRUSH

APPROX HEIGHT OF TOP OF BERM BEHIND UPROOTED BRUSH
Proposed 6' high Lava Rock Wall
Distance proposed rock wall to shoreline is approx 320 feet.
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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: Kauai Blue Inc. - c/o Carlos Rivera
Mailing Address: 2440 Holomai Road
Koloa, Hawaii 96756
Phone: (808) 385-2389
Email: Carlos.Rivera@ilg.com

Applicant’s Status: (Check one)
☑ Owner of the Property (Holder of at least 75% of the equitable and legal title)
☐ Lessee of the Property
☐ Authorized Agent (Holder of at least 75% of the equitable and legal title)

Transmittal Date:

Project Information (attach additional sheets, if necessary)

County Zoning District: RR-zo
Tax Map Key(s): 2-8-016: 03
Land Area: 8.444 acres

Nature of Development:
(Description of proposed structure or subdivision)
Executive offices interior refresh located on the ocean side of the Sheraton Kauai Resort.

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): 200’ +/- (exec offices) 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: -0.1(West)-0.7(South) ft./year
(Information available here: www.spsst.hawaii.edu/coasts/kauaicounty/KCounty.html)
☑ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:
The executive office building abut the shoreline. (See map attached.)
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
  Flat with slight rise from ocean.

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

- 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)? AE and VE

- Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
  This property is located in the tsunami evacuation zone and floodplain and is subject to coastal hazards caused by natural weather conditions. Hurricane Iniki and Hurricane Iwa both affected this property in the past 35 years.

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
Calix Puan 7/8/19

Applicability (to be completed by Planning Department)

- Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
  Planning Director or designee 
  10/30/19

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

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)
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)

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☐ 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

☐ Additional comments/conditions:
August 23, 2019

County of Kauai
Department of Planning
4444 Rice Street
Suite A473
Lihue, HI 96766

Re: Authorization of Carlos Rivera

Dear Sir/Madam:

This letter shall confirm the authorization of Carlos Rivera to apply for all permits, including zoning, on behalf of Kauai Blue, Inc. Kauai Blue, Inc. is a wholly owned subsidiary of Vistana Signature Experiences, Inc.

If you have any questions please contact my office at 407-418-4138. Thank you for your attention to this matter.

Kind regards,

VSB Pacific, Inc.

Denis Ebrill
Senior Vice President
# Project No. 11843 Beach Wing Executive Office

## HDCC SALARY LABOR

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>HOURS</th>
<th>CHARGE OUT RATE</th>
<th>LABOR COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary Supervision Charge Out Rate (Taken from Estimate)</td>
<td></td>
<td>/ Hr.</td>
<td>$</td>
</tr>
</tbody>
</table>

**LAVOR TAXES, FRINGES, & INSURANCE (included in labor rates):**

**SUBTOTAL SALARY LABOR:**

<table>
<thead>
<tr>
<th>CP No.</th>
<th>000</th>
</tr>
</thead>
<tbody>
<tr>
<td>RC No.</td>
<td>000</td>
</tr>
<tr>
<td>DATE:</td>
<td></td>
</tr>
<tr>
<td>Source:</td>
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</table>

## HDCC HOURLY LABOR

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>HOURS</th>
<th>LABOR RATE</th>
<th>LABOR COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenter -</td>
<td>40.00</td>
<td>$40.45 / Hr.</td>
<td>$1,616</td>
</tr>
<tr>
<td>Carpenter - WF</td>
<td></td>
<td>$50.00 / Hr.</td>
<td>$1,500</td>
</tr>
<tr>
<td>Mason</td>
<td></td>
<td>$30.00 / Hr.</td>
<td>$1,200</td>
</tr>
<tr>
<td>Laborer -</td>
<td>40.00</td>
<td>$35.00 / Hr.</td>
<td>$1,400</td>
</tr>
<tr>
<td>Operator -</td>
<td></td>
<td>$60.00 / Hr.</td>
<td>$3,600</td>
</tr>
<tr>
<td>Detailer -</td>
<td></td>
<td>$60.00 / Hr.</td>
<td>$3,600</td>
</tr>
</tbody>
</table>

**SUBTOTAL LABOR:**

<table>
<thead>
<tr>
<th>LABOR TAXES, FRINGES, &amp; INSURANCE: @ 8.4%</th>
</tr>
</thead>
<tbody>
<tr>
<td>HDCC LABOR &amp; LABOR BURDEN: $6,371</td>
</tr>
</tbody>
</table>

## ADJUSTMENTS

<table>
<thead>
<tr>
<th>PREMIUM TIME/ESCALATION</th>
<th>ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.000%</td>
<td>$</td>
</tr>
</tbody>
</table>

## EQUIPMENT (Sales Taxes Included)

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>TOTAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete pump</td>
<td></td>
<td>CY</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>General Forklift - Includes maintenance and fuel</td>
<td>HR</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Air compresor</td>
<td></td>
<td>HR</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Skid steer - Includes maintenance and fuel</td>
<td>HR</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Skid steer - Includes maintenance and fuel</td>
<td>HR</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

**SUBTOTAL EQUIPMENT:**

## MATERIALS (Sales Taxes Included)

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT COST</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Dacs</td>
<td>2.00</td>
<td>LS</td>
<td>$250.00</td>
<td>$500</td>
</tr>
<tr>
<td>Hardware (PD)</td>
<td>1.00</td>
<td>LS</td>
<td>$2,500.00</td>
<td>$2,500</td>
</tr>
<tr>
<td>Trash Disposal Fees</td>
<td>1.00</td>
<td>LD</td>
<td>$2,000.00</td>
<td>$2,000</td>
</tr>
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</table>

**SUBTOTAL MATERIALS:**

<table>
<thead>
<tr>
<th>HDCC CONCRETE MARKUP</th>
<th>$11,371</th>
<th>6.00%</th>
<th>$</th>
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</thead>
<tbody>
<tr>
<td>GE TAX: (LEM + MU) X 4.17%</td>
<td>$11,371</td>
<td>4.712%</td>
<td>$538</td>
</tr>
<tr>
<td>TOTAL HDCC CONCRETE &amp; SELF-PERFORMED WORK - see Attached Spreadsheet</td>
<td>$11,807</td>
<td></td>
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</table>

## VENDORS

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>TOTAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcontractors from attached Spreadsheet</td>
<td>1.00</td>
<td>LS</td>
<td>$158,428.00</td>
<td>$158,428</td>
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</table>

**SUBTOTAL HDCC SUBCONTRACTS:**

<table>
<thead>
<tr>
<th>HDCC SALARY LABOR, EQUIPMENT, MATERIALS, AND SUBCONTRACTS</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>181,068</td>
<td></td>
</tr>
</tbody>
</table>

## SEAMOUNT PERFORMANCE & PAYMENT BOND (applied to TOTAL)

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>TOTAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability Insurance (LC, WC, CIP)</td>
<td>$181,068</td>
<td>5.00%</td>
<td>$181,068</td>
<td></td>
</tr>
<tr>
<td>Subcontract Default Insurance (SDI)</td>
<td>$181,068</td>
<td>1.045%</td>
<td>$1,900</td>
<td></td>
</tr>
<tr>
<td>HDCC Fee on (9) + (10) + (11) + (12) + (13)</td>
<td>$12,014</td>
<td>4.05%</td>
<td>$6,007</td>
<td></td>
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</tbody>
</table>

**TOTAL:**

<table>
<thead>
<tr>
<th>DESCRIPTION OF WORK</th>
<th>QTY</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>TOTAL COSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>$282,068</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sheraton Kauai- GW PH 1 Conversion VOC

<table>
<thead>
<tr>
<th>Sub/Vendor Name</th>
<th>Description</th>
<th>Subcontractor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Electrician's Inc</td>
<td>Electrical</td>
<td>36,922</td>
<td>36,922</td>
</tr>
<tr>
<td>2 PCCC</td>
<td>Demo</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>3 GBI</td>
<td>Drywall/Ceiling</td>
<td>35,332</td>
<td>35,332</td>
</tr>
<tr>
<td>4 WE Painting</td>
<td>Paint</td>
<td>26,779</td>
<td>26,779</td>
</tr>
<tr>
<td>5 Dorvin Leis</td>
<td>Mechanical/Sprinkler</td>
<td>6,910</td>
<td>6,910</td>
</tr>
<tr>
<td>6 A-American</td>
<td>Carpet</td>
<td>42,485</td>
<td>42,485</td>
</tr>
</tbody>
</table>

**Total** $158,428 $158,428

*Revision*
# Flood Ordinance Compliance Schedule

**Sheraton Kauai Resort - Ocean Wing**  
Poipu, Kauai, Hawaii

## Remaining Values with Market Values Prior to Construction

<table>
<thead>
<tr>
<th>Building Number (per Sheraton Operations)</th>
<th>County Number</th>
<th>Use</th>
<th>First Floor Elevation</th>
<th>Flood Zone/Base Flood Elevation</th>
<th>Status</th>
<th>Market Value (Hallstrom/CBRE)</th>
<th>Less Prior Improvement Cost (within prior 10 year period)</th>
<th>Remaining Improvement Cost Potential</th>
<th>Construction Cost Estimate (4)</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Guest Rooms</td>
<td>12.9</td>
<td>VE 15</td>
<td>NC</td>
<td>$3,770,000</td>
<td>$1,885,000</td>
<td>&lt;$1,885,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>2, 3</td>
<td>Guest Rooms</td>
<td>12.91</td>
<td>VE 16</td>
<td>NC</td>
<td>$35,080,000</td>
<td>$17,540,000</td>
<td>&lt;$17,121,780</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>Administration</td>
<td>10.6</td>
<td>AE 17</td>
<td>NC</td>
<td>$2,120,000</td>
<td>$1,060,000</td>
<td>&lt;$1,060,000</td>
<td>$96,680</td>
<td>5%</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>Lounge/Lobby</td>
<td>10.6 (3)</td>
<td>AE 16</td>
<td>NC</td>
<td>$920,000</td>
<td>$410,000</td>
<td>&lt;$410,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>1</td>
<td>Lobby</td>
<td>10.6</td>
<td>AE 16</td>
<td>NC</td>
<td>$610,000</td>
<td>$305,000</td>
<td>&lt;$305,000</td>
<td>$80,000</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>(11, 14 &amp; 15)</td>
<td>Room/Lounge</td>
<td>12.2</td>
<td>VE 17</td>
<td>NC</td>
<td>$6,900,000</td>
<td>$3,450,000</td>
<td>&lt;$3,450,000</td>
<td>&lt;$2,250,000</td>
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</tr>
<tr>
<td>16</td>
<td>1</td>
<td>Link Café</td>
<td>12.92 (3)</td>
<td>AE 16</td>
<td>NC</td>
<td>$640,000</td>
<td>$320,000</td>
<td>&lt;$160,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>Guest Rooms</td>
<td>21.5 (1st habitable)</td>
<td>VE 17</td>
<td>C</td>
<td>$14,190,000</td>
<td>N/A</td>
<td>N/A</td>
<td>Unlimited</td>
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<tr>
<td>20</td>
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<td>Guest Rooms</td>
<td>20.3 (1st habitable)</td>
<td>VE 17</td>
<td>C</td>
<td>$18,820,000</td>
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<td>N/A</td>
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<tr>
<td>21</td>
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<td>Guest Rooms</td>
<td>20.3 (1st habitable)</td>
<td>VE 17</td>
<td>C</td>
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<tr>
<td>22</td>
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<td>Promenade</td>
<td>25.8</td>
<td>VE 17</td>
<td>C</td>
<td>$1,390,000</td>
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<td>25</td>
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<td>Entry (open air - no walls)</td>
<td>25.8</td>
<td>AE 16</td>
<td>C</td>
<td>$1,150,000</td>
<td>N/A</td>
<td>N/A</td>
<td>Unlimited</td>
<td></td>
</tr>
</tbody>
</table>

NC = Non Conforming  
C = Conforming (with fixed elevation requirements)  
(1) = Depreciated Replacement Cost method with values determined just prior to previous construction (where occurred), per Hallstrom Group/CBRE MV appraisals  
(2) = values per 20160607.SKR.Ocean Wing.Building Permit History chart (note County permit values used, not "Flood Office Value"); permit values 2006 and prior are excluded  
(3) = assumed elevation  
(4) = per RLB estimate for building 2 (Executive Offices), dated March 2019
<table>
<thead>
<tr>
<th>Building Number (Sheraton)</th>
<th>use</th>
<th>First Floor Elevation</th>
<th>Flood Zone/ Base Flood Elevation</th>
<th>Status</th>
<th>Market Value (Hasselblom/CBRE) (1)</th>
<th>50% Threshold</th>
<th>Less Prior Improvement Cost (withstanding prior 10 year period) (2)</th>
<th>Remaining Improvement Cost Potential</th>
<th>Construction Cost Estimate (6)</th>
<th>%</th>
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<tr>
<td>A</td>
<td>3</td>
<td>Guest Rooms</td>
<td>10.9</td>
<td>AE15</td>
<td>$7,780,000</td>
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<td>$0</td>
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<td>$3,990,751</td>
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<tr>
<td>B</td>
<td></td>
<td>Bridge</td>
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<td>AE15</td>
<td>$1,408,000</td>
<td>n/a</td>
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<td></td>
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<tr>
<td>C</td>
<td>4</td>
<td>Guest Rooms</td>
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<td>AE15</td>
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<td>$0</td>
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<td>$2,693,168</td>
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<td>D</td>
<td></td>
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<td>AE15/XS</td>
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<td>Unlimited</td>
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<tr>
<td>E</td>
<td>8</td>
<td>Guest Rooms</td>
<td>16.4</td>
<td>AE14/XS</td>
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<td>F</td>
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<td>AE14/XS</td>
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<td>n/a</td>
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<tr>
<td>G</td>
<td>7</td>
<td>Guest Rooms</td>
<td>13.4</td>
<td>AE15/AE14</td>
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<td>$4,180,000</td>
<td>$3,182,067</td>
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<td>$769,414</td>
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<tr>
<td>H</td>
<td></td>
<td>Stairs/Elevator</td>
<td>n/a</td>
<td>AE15</td>
<td>$1,220,000</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>I</td>
<td>6</td>
<td>Guest Rooms</td>
<td>12.5</td>
<td>AE15/AE14</td>
<td>$7,940,000</td>
<td>$3,970,000</td>
<td>$3,164,291</td>
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<tr>
<td>J</td>
<td>5</td>
<td>Guest Rooms</td>
<td>16.5</td>
<td>AE15/14/XS</td>
<td>$5,590,000</td>
<td>n/a</td>
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<td>Unlimited</td>
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<td>K</td>
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<td>Stairs/Elevator</td>
<td>13.4</td>
<td>AE14/XS</td>
<td>$1,400,000</td>
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<td>M</td>
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<td>Lobby/Admin.</td>
<td>13.5</td>
<td>AE15</td>
<td>$5,890,000</td>
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<td>N/P/Q (Combined) (3)</td>
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<td>Meeting/Lawai/Pause/ function</td>
<td>varies</td>
<td>AE15/AE14</td>
<td>$7,750,000</td>
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<td>Engineering (former Service)</td>
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<td></td>
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<tr>
<td>T</td>
<td></td>
<td>Pool Snack Bar</td>
<td>9.5</td>
<td>AE14</td>
<td>$540,000</td>
<td>$270,000</td>
<td>$0</td>
<td>$270,000</td>
<td>$70,744</td>
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<tr>
<td>V</td>
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<td>Pool Restrooms</td>
<td>9.5</td>
<td>AE14</td>
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<td>$80,000</td>
<td>$0</td>
<td>$80,000</td>
<td>$41,156</td>
<td>25%</td>
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</table>

**Notes:**
- C = Conforming (with flood elevation requirements)
- (1) = Depreciated Replacement Cost method with values determined just prior to previous construction/improvements (if any)
- (2) = values per Garden Wing Building Permit List as of 1/13/16, exclusive of 2008 demo permits and 2012 ADA permits, also exclusive of 2013 re-roofing permits (as approved by the County of Kauai), inclusive of 2015 interior renovation permits in Bldg. J/6 ($93,000); permits #16-2508 and #16-2507 included for buildings #8 (7) and J (6), respectively
- (3) = full value of Bldg. N (walkway) included
- (4) = Not Used
- (S) = Not Used
- (6) = Construction cost per RLB estimate, dated 28 November 2016 and 31 October 31, 2017 for Bldg. N/P/Q; RLB estimates for buildings G (7) and J (6), dated February 2019 added
- XS = Zone X S (X shaded) is an area within the 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas surrounded by fewer than 3% of their boundaries by elevations or channels above 0.5 foot.
October 16, 2019

Kaua‘i Blue, Inc.
c/o Carlos Rivera
2440 Ho‘onani Road
Kōloa, HI 96756

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
2440 Ho‘onani Road, Sheraton Kaua‘i, Kaua‘i Blue
TMK: (4) 2-8-016-003

Dear Mr. Rivera,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

"Substantial improvement' means 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...."

Improvements are being proposed to Building 8 at TMK: (4) 2-8-016:003 in Poipu. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division. The cost of improvements is determined by the County's Building Valuation Policy.

Market Value
Previous Substantial Improvement Determinations (SID) for the Sheraton Kaua‘i Hotel buildings located on the makai side of Ho‘onani Road were performed by considering all of the buildings as one structure for the purposes of the SID. The buildings are identified as Buildings Nos. 1 through 5 by the County’s Real Property Office. The market value for this SID is taken to be the market value used in the SID for Building Permits (BP) 08-1208 and BP 08-1205 which are the first permits in the current 10-year cycle. That SID was performed in September of 2010 and used a market value.
Replacement Cost New Less Depreciation (RCNLD) that was determined by the County’s Real Property Assessment Division to be $23,178,900. Fifty percent (50%) of this value is $11,589,450 (or $23,178,900 divided by 2).

**Cost of Improvements**

There have been 13 projects performed on the 5 makai buildings over the past ten (10) years. The costs for those projects were taken from building permit records and amounted to $8,482,776. The current project has an estimated cost of improvements of $170,355. The total cost of improvements, including the current project, was calculated to be at $8,653,131. The current project was based on a cost estimate prepared by general contractor Hawaiian Dredging; reference Project No. 11843.

**Summary**

The cost of improvements compared to the market value is:

\[
\frac{\text{Cost of Improvements (past 10 years)}}{\text{Market Value (Real Property)}} = \frac{8,653,131}{23,178,900} = 0.3733 \text{ or } 37.3\%
\]

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 Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

Concur,

Lyle Tabata
Deputy County Engineer

MM/SI/AC
Copy: Design and Permitting
Planning Department (Romio Idica)
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

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>POIPU KAPILI C/O CHRIS DYE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>305 KIHAPAI STREET</td>
</tr>
<tr>
<td></td>
<td>KAPAA, HAWAII 95746</td>
</tr>
<tr>
<td>Phone:</td>
<td>808-346-7933</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:permitservice@gmail.com">permitservice@gmail.com</a></td>
</tr>
</tbody>
</table>

Applicant's Status: (Check one)
- [ ] Owner of the Property
- [ ] Lessee of the Property
- [x] Authorized Agent

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.

Transmittal Date: ___________________________

Project Information (attach additional sheets, if necessary)

<table>
<thead>
<tr>
<th>County Zoning District:</th>
<th>R-20</th>
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<tbody>
<tr>
<td>Tax Map Key(s):</td>
<td>4(1) 2-8-016. 003</td>
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<tr>
<td>Land Area:</td>
<td></td>
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Nature of Development: (Description of proposed structure or subdivision)
- REMOVE EXISTING ROCK STEPS AND REPLACING THEM WITH REINFORCED CONCRETE STEPS, REMOVE AND REPLACE STEEL GUARDRAILS AND GATE.

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): __________ ft.

2. Property is Not Abutting the Shoreline
   - [x] Proposed project’s approximate distance from shoreline (based on aerial map): 91 (EXHIBIT A) ft.

3. Additional Information:
   - [x] Shoreline Change (Erosion/Accretion) Rate: (EXHIBIT B) ______ ft./year
     (Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
   - [x] Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:
     Poipu Beach Road is between the parcel and shoreline.
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
  ELEVATION IS 16’ IN FLOOD ZONE AE/XS AND A SMALL PORTION OF THE PARCEL IS VE

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

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

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] [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.

[Planner/Designee] [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)
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)

[Signature]
Planning Director or designee

Date

Additional comments/conditions:
POIPU KAPILI RESORT

Property Information

COUNTY: KAUAI
TMK NO: (A) 2-8-015:003
WATERSHED: WAIKOMO
PARCEL ADDRESS: 2221 KAPILI RD
KOLOA, HI 96756

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S): NONE
FEMA FIRM PANEL: 1500020314F
PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- **Zone A:** No BFE determined.
- **Zone AE:** BFE determined.
- **Zone AH:** Flood depths of 1 to 3 feet (usually areas of ponding); 1%F determined.
- **Zone AO:** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- **Zone V:** Coastal flood zone with velocity hazard (wave action); no BFE determined.
- **Zone VE:** Coastal flood zone with velocity hazard (wave action); BFE determined.
- **Zone AEF:** Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

MON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- **Zone X (X shaded):** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- **Zone X:** Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

- **Zone D:** Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
October 14, 2019

Po‘ipū Kapili AOAO
c/o Chris Dye
2221 Kapili Road
Kōloa, HI 96756

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
221 Kapili Road, Po‘ipū Kapili, Po‘ipū Kapili AOAO
TMK: (4) 2-8-015-003

Dear Mr. Dye,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

"Substantial improvement' means 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…".

Improvements are being proposed to steps and a rock wall at TMK: (4) 2-8-015:003 in Poipu. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Unless a professional appraisal is provided, the market value shall be determined by the County’s Real Property Assessment Division (RPAD). Based on discussions with our RPAD, we have made the determination that the existing rock wall and stairs have no market value. This is based on the reasoning that the structures are past their useful life.

Since the structures have no market value, any work performed on the structures will be more than value of the structure and must be considered to be substantial. Therefore, the proposed work is a substantial improvement.
SCOPE OF WORK

The scope of work is limited to:

1. Removal of existing rock steps and replacing them with reinforced concrete steps.
2. Removal of existing steel guardrails and replacing them with new guardrails.
3. Removal of existing steel gate and replacing it with a new gate.

LIMITS OF WORK

Existing rock steps to remain.

Existing guardrails to remain.

Existing gate to be removed & replaced.

Existing rock steps to be removed & replaced.

Existing steel guardrails to be removed & replaced.

Affected area seen changed.

SIT PLAN

Scale: 1" = 20' 0"
Dear Mr. Dye,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

"'Substantial improvement' means 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...."

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Since the structures have no market value, any work performed on the structures will be more than value of the structure and must be considered to be substantial. Therefore, the proposed work is a substantial improvement.
If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

Concur,

Lyle Tabata
Deputy County Engineer

MM/SI/AC
Copy: Design and Permitting
Planning Department (Romio Idica)
**Applicant Information**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>SEARLE/MAY LIVING TRUST</th>
</tr>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>1112 MUIRLANDS VISTA WAY</td>
</tr>
<tr>
<td>LA JOLLA, CA, 92037</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>858-442-3331</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:palisearle2@gmail.com">palisearle2@gmail.com</a> <a href="mailto:johnnymayphd@yahoo.com">johnnymayphd@yahoo.com</a></td>
</tr>
</tbody>
</table>

**Transmittal Date:** Oct. 15, 2019

**Project Information**

| County Zoning District: | RESIDENTIAL |
| Tax Map Key(s): | (4) 2-6-022:015 |
| Land Area: | .904 ACRES / 39,383 S.F. |

**Nature of Development:**

PROPOSED SINGLE FAMILY RESIDENCE, OUTDOOR PAVILION, POOL, SPA, ENTRY GATE, RETAINING WALLS

**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): ft. |

2. Property is Not Abutting the Shoreline

   | Proposed project’s approximate distance from shoreline (based on aerial map): 460 (EXHIBIT A) ft. |

3. Additional Information:

   | Shoreline Change (Erosion/Accretion) Rate: 0 ft./year (EXHIBIT B) |

   | Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel: |

   | WEST: 2 PARCELS- SHORELINE PARCEL, LAWAII RD./GOLF COURSE PARCEL |

   | SOUTH: 4 PARCELS- SHORELINE PARCEL, LAWAII RD./GOLF COURSE PARCEL, AND 2 EMPTY SINGLE FAMILY RESIDENCE PARCELS. |
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

PRE-GRADED BUILDING PAD ELEV. 89.5. SLOPING AT EACH PROPERTY LINE.
HIGHEST ELEVATION: 94.0, LOWEST ELEVATION: 78.0

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

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

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]
Date 10-15-19

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.

[Signature]
Planning Director or designee
Date 10-30-17

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 (e.g. 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) BP-19-00001662
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

Additional comments/conditions:
Property Information

COUNTY: KAUAI
TMK NO: (4) 2-6-022:015
WATERSHED: LAWAI
PARCEL ADDRESS: ADDRESS NOT DETERMINED
KOLOA, HI 96756

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S): NONE
FEMA FIRM PANEL - EFFECTIVE DATE: 150020294F - NOVEMBER 26, 2010
150020313F - NOVEMBER 26, 2010

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- Zone A: No BFE determined.
- Zone AE: BFE determined.
- Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
- Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
- Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
- Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

- Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, or timeliness of any information contained in this report. Users/sponsors are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of this data or information.

If this map has been identified as "PRELIMINARY", please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.
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: DAVID WELTMAN AND KELLY WILLIAM LIVING TRUST
Mailing Address: 4-436 KUHIO HWY
KAPAA, HI. 96746
Phone: 808-245-9117
Email: KINGDAWN2@AOL.COM

Application's Status: (Check one)
☐ Owner of the Property  ☑ Lessee of the Property
☐ Authorized Agent

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.

Transmittal Date:

Project Information (attach additional sheets, if necessary)

County Zoning District: OPEN
Tax Map Key(s): (14) 4-5-2-11
Land Area: 11,750

Nature of Development: NEW SINGLE FAMILY HOME AND

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): ____________ ft.

2. Property is Not Abutting the Shoreline
☑ Proposed project’s approximate distance from shoreline (based on aerial map): __127__ ft. HOUSE

3. Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: ____________ ft/year
   (Information available here: www.soest.hawaii.edu/coasts/kauicounty/KCounty.html)
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:
PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

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

☐ Artificially armored Shoreline
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  ☐ Is the armoring permitted/authorized? 
  ☐ Date of authorization (attach copy of authorization letter):
  ☐ Is property in coastal floodplain (if checked, what zone)?
  ☐ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

PLEASE NOTE:
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Applicant's Signature

David W. Wilton, Kelly Wilson 9/10/19
Signature Date

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</table>

Planning Director or designee 10/30/19
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))

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Planner Director or designee

Date

☐ Additional comments/conditions:

OK per JHS as certified 5-15-18

recreation roadway between house

- 3 -
Subject: Accepted Application for Shoreline Certification
Owner(s): Ken Nagahiro
Tax Map Key: (4) 4-5-002:011

Your application for shoreline certification of the subject property has been accepted for processing. The commencement date for application processing is March 8, 2018 and the completion date is June 5, 2018.

The file number assigned to this application for shoreline certification is KA-428.

We have submitted your application for publication in the March 8, 2018 OEQC Environmental Notice to allow public comment. We have also transmitted your application to the Department of Accounting and General Services (DAGS) Survey Division for their review and action. Upon receipt of the State Land Surveyor’s recommendation, we will schedule another public notice in the next available OEQC Environmental Notice.

If you have any questions, please feel free to contact us at (808) 587-0424 or DAGS Survey Division at (808) 586-0380. Thank you.

Sincerely,

Cal Miyahara
Shoreline Disposition Specialist
LOT 52
Grant 9389 to Chiyoko Miura

LOT 74
Grant 9462 to P.K. Contrades Jr. and J.P. Contrades

LOT 73 (11,250 SQ.FT)
Grant 9381 to Kam Fong Hee

LOT 72
Grant 9510 to Mrs. B.H. Attwood

LOT 71
Grant 9412 to Mrs. Rose A. Kamanuwai

LOT 70
Grant 9510 to S.Y. Kelinol

SHORELINE MAP
LOT 73
"KAPAA TOWN LOTS, 2ND SERIES"
BEING GRANT 9381 TO KAM FONG HEE

AT KAPAA, PUNA, KAULAI, HAWAII

MAP DATED: February 10, 2018
TMK(4) 4-5-002-011

AILANA SURVEYING & GEOMATICS LLC
PHONE (808)346-1818
FAX 1-800-655-6297
INFO@AILANASURVEYING.COM

LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12094

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION.
AT KAPAA, PUNA, KAUAI, HAWAII

ANTHONY D. CRook
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12094

Photo Direction
Concrete Wall

Shoreline follows along the edge of concrete wall — 2-5-2013

Rock Riprap

SHORELINE MAP
LOT 73
"KAPAA TOWN LOTS, 2ND SERIES"
BEING GRANT 9381 TO KAM FONG HEE

AT KAPAA, PUNA, KAULAI, HAWAII

MAP DATED: February 10, 2018
TMK(4) 4-5-002-011

AILANA SURVEYING & GEOMATICS LLC
PHONE (808)346-1818
FAX 1-800-655-6297
INFO@AILANASURVEYING.COM

LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12094

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION.
AT KAPAA, PUNA, KAUAI, HAWAII

ANTHONY D. CRook
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12094
Photo "A": 2-5-2018

SHORELINE MAP

LOT 73
"KAPAA TOWN LOTS, 2ND SERIES"
BEING GRANT 9381 TO KAM FONG HEE

AT KAPAA, PUNA, KAUAII, HAWAII