PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 23	
Acceptance Date:	12.3.20
Website Posting Date:	12.4.20
Determination Date:	12.4.20
Planning Commission Date:	N/A
Expiration Date:	12.4.21
Planner Assigned:	R1

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 MARRIOTT OWNERSHIP C/O DEBBIE FREEMAN

Mailing Address: 3610 Rice St. Lihue, HI 96766

Phone: 808-346-7833

Email: permitservice@gmail.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	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: _____

Project Information (attach additional sheets, if necessary)

County Zoning District: RR-20

Tax Map Key(s): (4) 3-5-002: 002

Land Area: 32.79 ACS.

Nature of Development: (Description of proposed structure or subdivision): REPLACEMENT OF SLIDER DOORS OF EXISTING HOTEL UNITS. TOTAL 48 UNITS

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): 456 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: _____ ft./year (Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
   - ☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

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

ZONE X WITH SMALL PART AE, ELEVATION 9'

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

SANDY BEACH (EXHIBIT A)

☐ 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

Leslie Tyson — 9/15/2020

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.

Romio Idica — 12.4.20

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)

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)

Romio Idu — 12.4.20

Planning Director or designee — Date

☐ **Additional comments/conditions:**

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:

☐ Certified Shoreline

- ☐ Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
- ☐ Average Lot Depth: _____ ft.
- ☐ Setback (Table 1 or Table 2): _____ ft.

☐ Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)

_____

Planning Director or its designee Date

Public Projects less than $125,000

☐ Public Projects less than $125,000 Declaration ((§8-27.8(c)(2))

_____

Planning Director or designee Date

☐ Certified Shoreline Required
☐ Certified Shoreline Not Required

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

This part is the request for a shoreline setback variance. In addition to the documentation and information requested in Parts A, B, and C, the Applicant applying for a variance is required to submit all required information, per §8-27.9 listed in the checklist below.

- ☐ A non-refundable administrative fee of three hundred dollars **($300.00)**.
- ☐ Certification from the owner or lessee of the lot which authorizes the application for variance;
- ☐ An environmental assessment and or EIS, if required, prepared in accordance with HRS Chapter 343, and the environmental impact statement rules and applicable guidelines of the State of Hawai'i;
- ☐ The names, addresses, and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed structure or subdivision and/or landscaping is to be located; or operation is to occur (attach information);
- ☐ A site plan of the shoreline setback area, drawn to scale, showing:
  - ☐ Existing natural and man-made features and conditions within;
  - ☐ Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
  - ☐ The certified shoreline and the shoreline setback line (submitted under **Part B**);
  - ☐ Contours at a minimum interval of two (2) feet unless waived by the Director; and
  - ☐ Proposed development and improvements showing new conditions with a typical section (if a structure).
- ☐ A copy of the certified shoreline survey map of the property (submitted under **Part B**);
- ☐ Detailed justification of the proposed project, which addresses the purpose and intent of these rules and the criteria for approval of a variance (attach written statement);
- ☐ Analysis and report of coastal erosion rates and coastal processes; and
- ☐ Any other information required by the Director (listed below).

Any structure approved within the shoreline setback area by variance shall not be eligible for protection by shoreline hardening during the life of the structure, and this limitation and the fact that the structure does not meet setback requirements under §8-27.3 and could be subject to coastal erosion and high wave action shall be written into a unilateral agreement that is recorded by the Bureau of Conveyances of Land Court, as the case may be. A copy of the unilateral agreement shall be submitted to the Planning Department prior to the issuance of the required zoning and/or shoreline setback variance. Failure of the grantor to record these deed restrictions shall constitute a violation and the grantor shall be subject to the penalties set forth in this Article 3.

For any structure approved within the shoreline setback area by variance, the Applicant shall agree in writing that the Applicant, its successors and permitted assigns shall defend, indemnify and hold the County of Kaua'i harmless from and against any and all loss, liability claim, or demand arising out of damages to said structure and this indemnification shall be included in the unilateral agreement required above.

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

Table 1. (*This table is included for illustrative purposes only.*)
Lots Included in the Kaua'i Coastal Erosion Study. The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet.

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

Average Lot Depth	Setback Line
Less than 140 feet (<140 feet)	40 feet plus (70 X annual coastal erosion rate) plus 20 feet
140 feet to 220 feet (140-220 feet)	Greater of: 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- (Average Lot Depth minus 100 feet) ÷ by 2 plus 40
Greater than 220 feet (>220 feet)	Greater of: 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- 100 feet from the certified shoreline

View erosion rate maps from the County website at
http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html

Table 2. (*This table is included for illustrative purposes only.*)
Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

Setback Calculation	
(Average Lot Depth – 100/2+40) Subject to the Following:	
1	For lots with naturally *occurring rocky shorelines*, the shoreline setback line shall be **no less than 40 feet**.
2	For all other lots, the shoreline setback line shall be **no less than 60 feet**.
3	*For all lots*, the **maximum** setback that can be required **shall be 100 feet**.

Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits to increase setbacks where evidence exists that a proposed structure may be affected by coastal hazards or erosion.

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

Table 3. This table is presented for **Exemption 3** (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs 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.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall by constructed in accordance with the standards for development in Chapter 15, Article 1, Flood Plain Management, Kaua'i County Code 1987, as amended, relating to coastal high hazard districts and FEMA guidelines regarding construction in areas mapped on Flood Insurance Rate Maps as flood hazard areas.
(2)	The applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazard and coastal erosion.
(3)	The applicant shall agree in writing for itself, its successors and assigns that the construction of any erosion-control or shoreline hardening structure and/or landscaping shall not be allowed to protect the permitted structure during its life, with the exception of approved beach or dune nourishment fill activities, and landscape planting and irrigation located more than forty feet (40') from the shoreline.
(4)	Unless otherwise provided, all new structures and/or landscaping shall not: (A) adversely affect beach processes, (B) artificially fix the shoreline, (C) interfere with public access or public views to and along the shoreline, (D) impede the natural processes and/or movement of the shoreline and/or sand dunes, or (E) alter the grade of the shoreline setback area.
(5)	All new structures shall be consistent with the purposes of this article and HRS Chapter 205A, as amended, and shall be designed and located to minimize the alteration of natural landforms and existing public views to and along to the shoreline.
(6)	The requirements of this Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under Section 8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit.

The RMR Group
255 Washington Street, Suite 300
Newton, Massachusetts 02458

May 3, 2020

Planning Department
County of Kaua'i
4444 Rice Street
Lihue, Hawai'i 96766

SUBJECT: Letter of Authorization to Submit Shoreline Setback Determination Application for Kaua'i Marriott Resort – Guestrooms & Corridors Renovation Project Located at 3610 Rice Street, Lihue, Hawai'i 96766 (TMK: (4) 3-5-002: 002)

To Whom It May Concern:

The RMR Group is the owner of the above referenced property. We wish to authorize Debbie Freeman and Leslie Tyson to act and sign on our behalf in submitting the Shoreline Setback Determination Application, and to file and process any and all applications necessary to obtain governmental permits, including but not limited to building permits, grading permits, grubbing permits, or any other permits issued by any department, agency, or board of commission of the County of Kaua'i, which are necessary for construction or for the development of the property.

Should you have any questions, or require additional information, please do not hesitate to call me at 612-584-2455.

Sincerely,

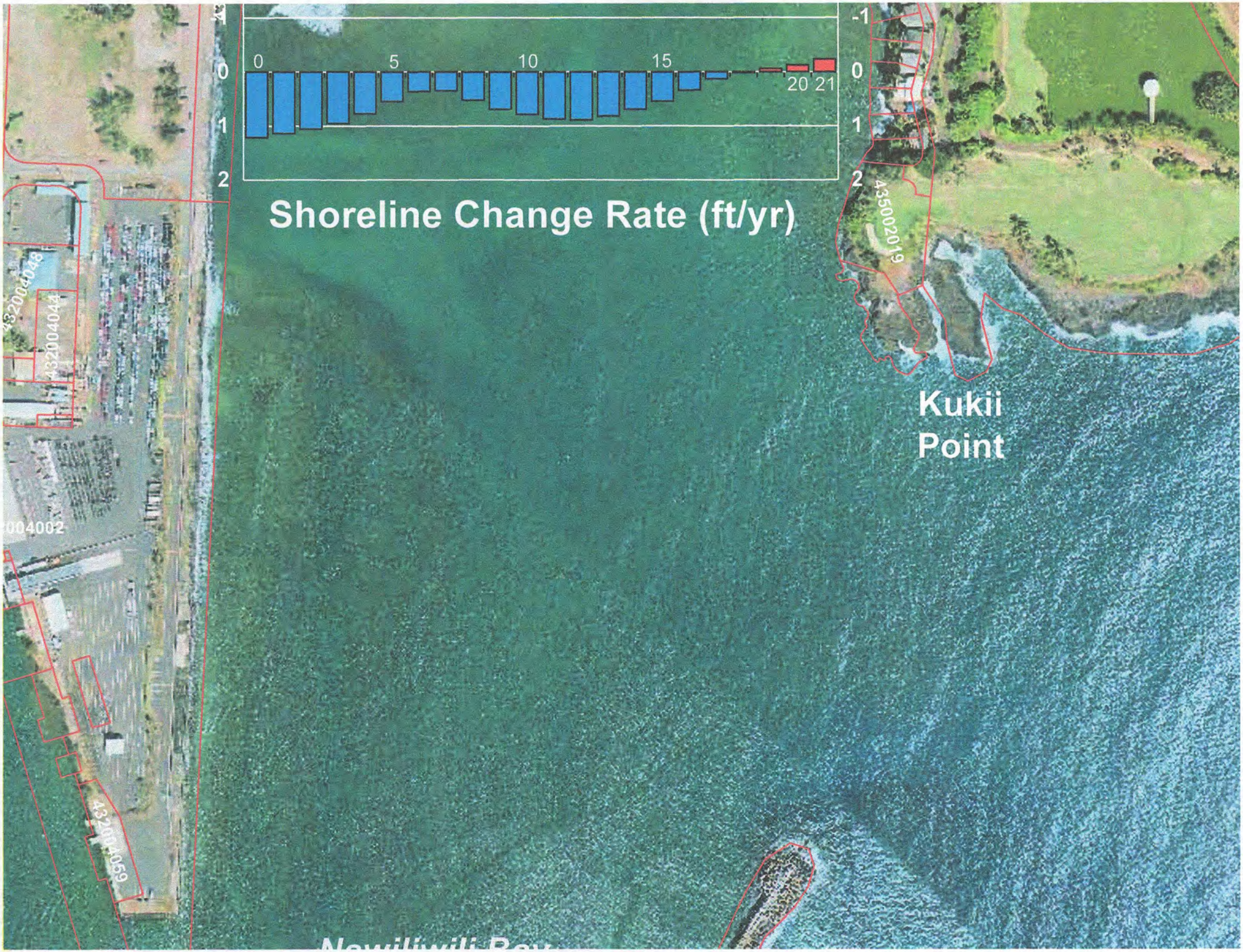
Mark J Piekarz

Mark Piekarz
Senior Director
The RMR Group

EXHIBIT F

UNIT COUNT	PERMIT #	PARCEL NUMBER	BUILDING	ROOM #	SQUARE FOOT	SIMPLE SCOPE OF WORK
1	20-1302	3-5-002: 002 0148	KAHILI	263	356	SLIDER DOOR
2	20-1303	3-5-002: 002 0149	KAHILI	265	356	SLIDER DOOR
3	20-1304	3-5-002: 002 0224	KAHILI	761	292	SLIDER DOOR
4	20-1305	3-5-002: 002 0225	KAHILI	762	292	SLIDER DOOR
5	20-1306	3-5-002: 002 0260	KAHILI	961	292	SLIDER DOOR
6	20-1307	3-5-002: 002 0261	KAHILI	962	292	SLIDER DOOR
7	20-1308	3-5-002: 002 0279	KAHILI	1061	292	SLIDER DOOR
8	20-1309	3-5-002: 002 0280	KAHILI	1062	292	SLIDER DOOR
9	20-1310	3-5-002: 002 0281	KAHILI	1063	361	SLIDER DOOR
10	20-1313	3-5-002: 002 0287	KAHILI	1069	361	SLIDER DOOR
11	20-1316	3-5-002: 002 0293	KAHILI	1075	448	SLIDER DOOR
12	20-1317	3-5-002: 002 0294	KAHILI	1076	496	SLIDER DOOR
13	20-1318	3-5-002: 002 0295	KAHILI	1077	448	SLIDER DOOR
14	20-1319	3-5-002: 002 0296	KAHILI	1078	448	SLIDER DOOR
15	20-1320	3-5-002: 002 0297	KAHILI	1079	496	SLIDER DOOR
16	20-1321	3-5-002: 002 0298	KAHILI	1080	448	SLIDER DOOR
17	20-1322	3-5-002: 002 0299	KAHILI	1081	448	SLIDER DOOR
18	20-1323	3-5-002: 002 0300	KAHILI	1082	496	SLIDER DOOR
19	20-1324	3-5-002: 002 0301	KAHILI	1083	448	SLIDER DOOR
20	20-1325	3-5-002: 002 0302	KAHILI	1084	448	SLIDER DOOR
21	20-1326	3-5-002: 002 0303	KAHILI	1085	496	SLIDER DOOR
22	20-1327	3-5-002: 002 0304	KAHILI	1086	448	SLIDER DOOR
23	20-1328	3-5-002: 002 0305	KAHILI	1087	448	SLIDER DOOR
24	20-1329	3-5-002: 002 0306	KAHILI	1088	496	SLIDER DOOR
25	20-1330	3-5-002: 002 0307	KAHILI	1089	448	SLIDER DOOR
26	20-1331	3-5-002: 002 0308	KAHILI	1090	448	SLIDER DOOR
27	20-1333	3-5-002: 002 0310	KAHILI	1161	292	SLIDER DOOR
28	20-1334	3-5-002: 002 0311	KAHILI	1162	292	SLIDER DOOR
29	20-1336	3-5-002: 002 0314	KAHILI	1165	361	SLIDER DOOR
30	20-1337	3-5-002: 002 0316	KAHILI	1167	361	SLIDER DOOR
31	20-1338	3-5-002: 002 0318	KAHILI	1169	361	SLIDER DOOR
32	20-1340	3-5-002: 002 0322	KAHILI	1173	361	SLIDER DOOR
33	20-1341	3-5-002: 002 0324	KAHILI	1175	448	SLIDER DOOR
34	20-1342	3-5-002: 002 0325	KAHILI	1176	496	SLIDER DOOR
35	20-1343	3-5-002: 002 0326	KAHILI	1177	448	SLIDER DOOR
36	20-1344	3-5-002: 002 0327	KAHILI	1178	448	SLIDER DOOR
37	20-1345	3-5-002: 002 0328	KAHILI	1179	496	SLIDER DOOR
38	20-1346	3-5-002: 002 0329	KAHILI	1180	448	SLIDER DOOR
39	20-1347	3-5-002: 002 0330	KAHILI	1181	448	SLIDER DOOR
40	20-1348	3-5-002: 002 0331	KAHILI	1182	496	SLIDER DOOR
41	20-1349	3-5-002: 002 0332	KAHILI	1183	448	SLIDER DOOR
42	20-1350	3-5-002: 002 0333	KAHILI	1184	448	SLIDER DOOR
43	20-1351	3-5-002: 002 0334	KAHILI	1185	496	SLIDER DOOR
44	20-1352	3-5-002: 002 0335	KAHILI	1186	448	SLIDER DOOR
45	20-1353	3-5-002: 002 0336	KAHILI	1187	448	SLIDER DOOR
46	20-1354	3-5-002: 002 0337	KAHILI	1188	496	SLIDER DOOR
47	20-1355	3-5-002: 002 0338	KAHILI	1189	448	SLIDER DOOR
48	20-1356	3-5-002: 002 0339	KAHILI	1190	448	SLIDER DOOR

3610 Rice St
KAHILI
NOUNOU
333'
456'
HAUPU
136'
EXHIBIT A
Google Earth
Imagery Date: 5/23/2019 21°57'40.79" N 159°21'01.11" W elev 23 ft eye alt 1463 ft



Shoreline Change Rate (ft/yr)
0
5
10
15
20
21
-1
0
1
2
Kukii
Point
432004048
432004044
004002
432004059
435002019

Flood Hazard Assessment Report

www.hawaiinfip.org

KALAPAKI MARRIOTT

Property Information

COUNTY:	KAUAI
TMK NO:	(4) 3-5-002:002
WATERSHED:	NAWILIWILI
PARCEL ADDRESS:	3610 RICE ST LIHUE, HI 96766

Notes:

Flood Hazard Information

FIRM INDEX DATE:	NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S):	NONE
FEMA FIRM PANEL:	1500020328F
PANEL EFFECTIVE DATE:	NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUTION ZONE: YES
FOR MORE INFO, VISIT: http://www.scd.hawaii.gov/

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: YES (KA-0145)
FOR MORE INFO, VISIT: http://dlnreng.hawaii.gov/dam/

0 400 800 ft

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users 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 its 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.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND
(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also know 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.

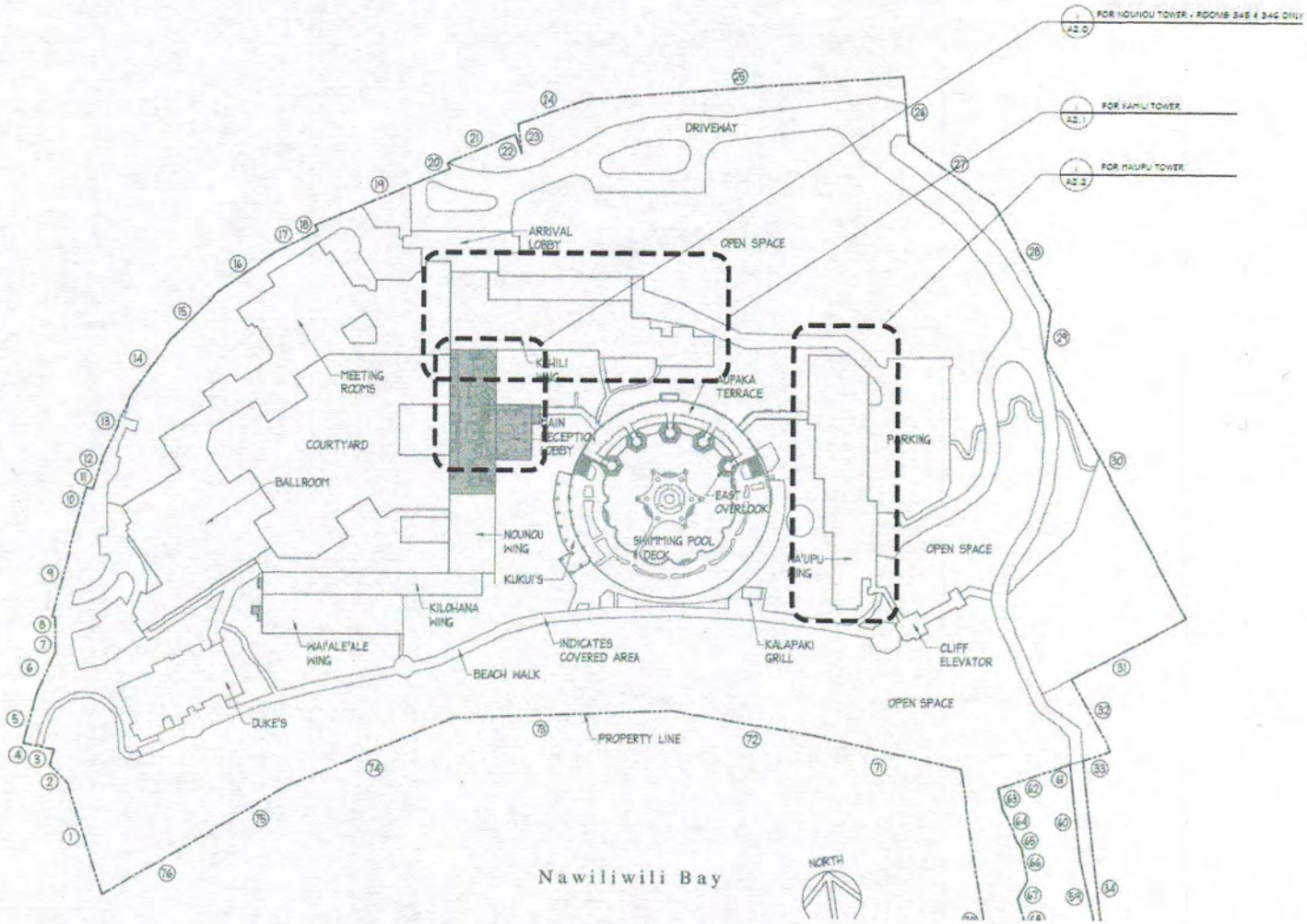
OTHER FLOOD AREAS

- **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.

EXHIBIT C

EXHIBIT D

Kauai Marriott Guestrooms Project – Plot Plan



PROPERTY LINE BEARINGS & DISTANCES

1	177.36'	169°00'	39	85.60'	13°40'
2	41.70'	142d30'	40	121.50'	348°09"
3	24.50'	199°55'	41	100.00'	4°25'
4	47.00'	107°55'	42	30.00'	94°25'
5	79.30'	199°55'	43	5.00'	184°25'
6	69.38'	209°17'	44	35.36'	139°25'
7	53.90'	185°09'	45	5.00'	94°25'
8	4.79'	110°23	46	30.00'	184°25'
9	148.12'	200°01'	47	15.00'	274°25'
10	59.60'	199°57'	48	35.36'	229°25'
11	10.00'	289°57'	49	12.14'	184°25'
12	53.20'	202°10'	50	123.17'	168°09"
13	103.60'	210°01'	51	88.51'	193°40'
14	103.00'	220°10'	52	61.33'	184°24'
15	103.10'	229°57'	53	9.07'	155°32'
16	103.50'	240°06"	54	106.64'	164°45'
17	79.00'	248°45'	55	86.52'	185°37'
18	10.00'	162°39'	56	36.42'	206°30'
19	223.60'	252°39'	57	60.43'	191°55'
20	10.00'	162°39'	58	61.42'	177°20'
21	113.60'	252°39'	59	112.72'	173°18'
22	31.00'	347°14'	60	109.05'	179°24'
23	45.80'	178°56'	61	38.12'	180°24'
24	113.00'	255°50'	62	116.95'	77°10'
25	484.26'	271°20'	63	35.37'	353°30'
26	103.72'	1°20'	64	54.38'	339°30'
27	162.00'	311°45'	65	10.65'	334°30'
28	183.56'	333°30'	66	50.15'	355°00'
29	74.32'	12°00'	67	31.79'	33°50'
30	459.00'	333°30'	68	68.83'	349°30'
31	198.00'	67°30'	69	185.82'	17°30'
32	127.95'	333°30'	70	452.93'	176°51'30"
33	44.45'	77°18'	71	235.00'	108°30'
34	42.67'	0°24'	72	215.00'	105°30'
35	340.09'	359°24'	73	335.00'	93°45'
36	85.30'	30°39'	74	275.00'	73°15'
37	83.20'	346°26'	75	114.53'	64°30'
38	68.10'	4°24'	76	215.87'	64°30'

ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUA'I

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

TROY K. TANIGAWA
ACTING COUNTY ENGINEER

MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER

November 12, 2020

Kaua'i Marriott Ownership
c/o Debbie Freeman
305 Kihapai Street
Kapa'a, HI 96746

Subject: Shoreline Setback Application, Substantial Improvement Determination
TMK: (4) 3-5-002:002 PW 09.20.094

Dear Ms. Freeman,

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 the Kāhili Building. 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."

Market Value

Unless a professional appraisal is provided, the market value shall be the Replacement Cost New Less Depreciation (RCNLD) value for 2010 as determined by the County's Real Property Assessment Division.

The market value of the Kahili Building is $9,100,300:

Cost of Improvements

There were 122 permits within the past ten years for the Kahili Building, with a total value of prior improvements of $1,709,900.

The estimated cost of the proposed improvements is $240,000, based on a cost estimate prepared by general contractor The Hardy Group with no date.

The total cost of improvements is estimated to be $1,949,900:

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years):\$): } \textit{\$1,949,900}}{\text{Market Value (Real Property): } \textit{\$9,100,300}} = \boxed{0.21426 \textit{ or } 21.4\%}$$

Since the total cost **does not exceed** 50% of the market value, the improvements **are not considered** to be substantial. Based on our records there were no other permits for the structures 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 structures must be re-evaluated.

If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or achandler@kauai.gov.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

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

EXHIBIT E

Kauai Marriott Sliders Replacement

Construction Cost Estimate

Kauai Marriott
Sliders Scope Cost Per Unit (48 rooms):

Demo	$	500.00
Materials	$	3,500.00
Installation	$	1,000.00
Total	**$**	**5,000.00**

HARDY
The Hardy Group
733 Bishop Street, Suite 1870, Honolulu, HI 96813 T +1 808-379-3088 W www.jhgi.com