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PLANNING COMMISSION
County of Kaua'i, State of Hawai'i
4444 Rice Street
Kapule Building, Suite A-473
Lihue, Hawai'i 96766-1326
TEL (808) 241-4050 FAX (808) 241-6699

MAR 10 2015

Mr. Michael J. Belles, Esq.
4334 Rice Street, Suite 202
Lihue, Hawaii 96766

RE: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (por.), 005, 007, 011, and 017 and 4-1-005: 014 and 017. Coco Palms Hui, LLC, Applicant
Kauai Planning Commission Action

Dear Mr. Belles,

This letter memorializes the action taken by the Kaua'i Planning Commission effective **March 10, 2015** concerning approval of the above subject permit, as amended. Approval, per your consent, is subject to the following conditions:

Notwithstanding those improvements and/or alterations required under the subject permits' additional conditions of approval, the resort facility and associated structures and uses shall be generally constructed and operated as represented. Any changes to the subject building and/or operations shall be reviewed by the Department to determine whether Planning Commission review and action is required. The conditions of approval are as follows:

1. The applicant shall contribute \$50,000.00 to the County of Kauai to assist the Planning Department's historic preservation mission via its efforts to perpetuate the cultural and historic significance of the Wailua/Waipouli region consistent with the Department's historic preservation program, including the creation of educational programs and signage. This contribution shall be provided upon application of the first building permit after commission approval.
2. The applicant shall contribute \$50,000.00 to the County of Kauai to assist the County with its current placemaking efforts, including moku and ahupuaa signage of the Wailua area. This contribution shall be provided upon application of the first building permit after commission approval.

EXHIBIT "06"

Michael A. Dahilig
Clerk of the Commission



PLANNING COMMISSION
THE COUNTY OF KAUAI

KA'AINA S. HULL, CLERK OF THE COMMISSION

Donna Apisa

Glenda Nog-ami Streufert
VICE CHAIR
Kanoa Ahuna
Eles%er Calipjo Roy
Ho
Kinom. Keawe
Sean Mahoney
tvEMBERS

December 31, 2018
Coco Palms Hui LLC
1050 Bishop Street, Suite 303
Honolulu, Hawaii 96813

Attn: Mr. Tyler Greene

RE: Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 at Tax Map Keys 4-1-003: 004 (pr.), 005, 007, 011, and 017 and 4-1-005: 014 and 017. Coco Palms Hui, LLC, Applicant
Kauai Planning Commission Action August 11, 2015

Dear Sirs,

This letter memorializes the action taken by the Kaua'i Planning Commission effective November 13, 2018 concerning the dismissal of the enforcement-related order to show cause and acceptance of stipulated amendments to the above subject permits. The conditions below reflect the permit in its entirety.

Notwithstanding those improvements and/or alterations required under the subject permits' additional conditions of approval, the resort facility and associated structures and uses shall be generally constructed and operated as represented. Any changes to the subject building and/or operations shall be reviewed by the Department to determine whether Planning Commission review and action is required. The conditions of approval are as follows:

1. The applicant shall contribute \$50,000.00 to the County of Kauai to assist the Planning Department's historic preservation mission via its efforts to perpetuate the cultural and historic significance of the Wailua/Waipouli region consistent with the Department's historic preservation program, including the creation of educational programs and signage. This contribution was paid to, and received by, the County of Kauai on October 17, 2015.
2. The applicant shall contribute \$50,000.00 to the County of Kauai to assist the County with its current placemaking efforts, including moku and ahupuaa signage of the Wailua area. This contribution was paid to, and received by, the County of Kauai on October 17, 2015.
3. Prior to building permit approval, the applicant shall meet the requirements and standards of the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The applicant is further advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the

EXHIBIT "15"

4444 Rice Street Suite A473

Hawai'i 96766 • (808) 241-4050 (b) (808) 241-6699 (f)

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3. Prior to building permit approval, the applicant shall meet the requirements and standards of the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD). The applicant is further advised that should any archaeological or historical resources be discovered during ground disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures. The Planning Department has reviewed the comments of the State Historic Preservation Division, and under its independent Chapter 6E and related Hawaii Constitutional obligations and duties, requires the following historic preservation measures be fulfilled by the applicant.
- A revised SOW for the project, including any proposed work with potential to affect the historic lagoon, including staging areas, construction of new bridges, dredging, or filling in of areas near the lagoon;
 - Information regarding any potential federal funding or federal permits that may be required, especially relative to the historic lagoons;
 - An Intensive-Level Survey (ILS) that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawaii and National Registers;
 - A Burial Treatment Plan (BTP) that meets HAR §13-300-34(b), and following a determination by the KIBC regarding burial treatment, a Burial Site Component of a Data Recovery Plan (BSCDRP) that meets HAR §13-300-34(b)(3)(B); and
 - A Revised Archaeological Monitoring Plan (AMP) that includes provisions for addressing architectural monitoring concerns and meets HAR §13-279-4, including ongoing monitoring during construction and 90 days after completion of construction.

Applicant is also advised that should any human remains be discovered as a consequence of digging activities, WORK ON THE SITE MUST IMMEDIATELY STOP IN THE VICINITY AND SHPD AND THE PLANNING DEPARTMENT MUST BE NOTIFIED.

- Applicant shall submit a Construction and Demolition Debris Management Plan, and have the plan reviewed and concurred with by the Department of Public Works, Solid Waste Management Division. Applicant is encouraged to employ broad diversion efforts in its waste management plan.
- Applicant is aware that any final construction plans involving the former Seashell Restaurant site may trigger compliance with the statutes and regulations under the jurisdiction of the Office of Coastal and Conservation Lands, Hawaii State

applicant shall contact the State Department of Land and Natural Resources, Historic Preservation Division and the Planning Department to determine mitigation measures. The Planning Department has reviewed the comments of the State Historic Preservation Division, and under its independent Chapter 6E and related Hawaii Constitutional obligations and duties, requires the following historic preservation measures be fulfilled by the applicant.

- A revised SOW for the project, including any proposed work with potential to affect the historic lagoon, including staging areas, construction of new bridges, dredging, or filling in of areas near the lagoon;
- Information regarding any potential federal funding or federal permits that may be required, especially relative to the historic lagoons;
- An Intensive-level Survey (ILS) that identifies and assesses all remaining architectural historic properties and their potential eligibility for the Hawaii and National Registers;
- A Burial Treatment Plan (BTP) that meets HAR 513-300-34(b), and following a determination by the KIBC regarding burial treatment, a Burial Site Component of a Data Recovery Plan (BSCDRP) that meets HAR 513-300-34(b)(3)(B); and
- A Revised Archaeological Monitoring Plan (AMP) that includes provisions for addressing architectural monitoring concerns and meets HAR 513-279-4, including ongoing monitoring during construction and 90 days after completion of construction.

As of June 2016, the Applicant has received approval from SHPD with respect to their HRS 6E-42 review and required mitigation actions. However, Applicant is also advised that should any human remains be discovered as a consequence of digging activities, WORK MUST IMMEDIATELY STOP IN THE VICINITY OF THE FIND AND SHPD AND THE PLANNING DEPARTMENT MUST BE NOTIFIED.

- Applicant shall submit a Construction and Demolition Debris Management Plan, and have the plan reviewed and concurred with by the Department of Public Works, Solid Waste Management Division. Applicant is encouraged to employ broad diversion efforts in its waste management plan. This condition 4 is satisfied,
- Applicant is aware that any final construction plans involving the former Seashell Restaurant site that deviates substantially from the conceptual plans presented to the State Department of Land and Natural Resources may trigger compliance with the statutes and regulations under the jurisdiction of the Office of Coastal and Conservation Lands, Hawaii State Department of Land and Natural Resources if final development is proposed within the shoreline area. Applicant is on notice that, if any such final plans proposes development within the shoreline area, this permit action may be deemed invalid and require modification and re-approval only after compliance with Chapter 343, Hawaii Revised Statutes, is attained.
- In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following types: shielded lights, cut-off luminaries, indirect lighting or other types permissible under applicable Federal Law or otherwise approved by the United States Fish and Wildlife Service. Spotlights aimed upward or spotlighting of structures, landscaping, or

Department of Land and Natural Resources if final development is proposed within the shoreline area. Applicant is on notice that this permit action may be deemed invalid and require modification and re-approval only after compliance with Chapter 343, Hawaii Revised Statutes, is attained.

6. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following types: shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures, landscaping, or the ocean shall be prohibited.
7. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the applicant shall seek to hire Kauai contractors as long as they are qualified and reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent jobs. It is recognized that the applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kauai resident possesses such skills. For the purposes of this condition, the Commission shall relieve the applicant of this requirement if the applicant is subjected to anti-competitive restraints on trade or other monopolistic practices.
8. The applicant shall implement to the extent possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design (L.E.E.D.) standards or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low energy lighting and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.
9. Prior to building permit application, the applicant shall address the concerns of Agencies holding applicable regulatory authority regarding this development as referenced to and noted herein under the subject permits. Any revisions shall be identified accordingly on the final site development plan and building construction plans for building permit review and processing.
10. The Applicant shall contribute \$10,000.00 to the County of Kauai Transportation Agency to assist with the construction of a new bus stop along Kuhio Highway in the Wailua area. This contribution shall be provided upon application of the first building permit after commission approval.
11. Applicant shall coordinate project plans with the Department of Public Works Wastewater Management Division to ensure that connection to a public sewer system is accomplished properly. Applicant shall also submit a current

the ocean shall be prohibited unless otherwise permissible under Federal Law or approved by the United States Fish and Wildlife Service.

7. To the extent possible within the confines of union requirements and applicable legal prohibitions against discrimination in employment, the applicant shall seek to hire Kauai contractors as long as they are qualified and reasonably competitive with other contractors, and shall seek to employ residents of Kauai in temporary construction and permanent jobs. It is recognized that the applicant may have to employ non- Kauai residents for particular skilled jobs where no qualified Kauai resident possesses such skills. For the purposes of this condition, the Commission shall relieve the applicant of this requirement if the applicant is subjected to anti- competitive restraints on trade or other monopolistic practices.
8. The applicant shall implement to the extent possible sustainable building techniques and operational methods for the project, such as Leadership in Energy and Environmental Design (L.E.E.D.) standards or another comparable state-approved, nationally recognized, and consensus-based guideline, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low energy lighting and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.
9. As part of the building permit application, the applicant shall comply with the building code requirements applicable to the construction plans submitted for the vertical improvements for the project. Any revisions shall be identified accordingly on the final site development plan and vertical building construction plans for building permit review and processing in accordance with applicable building code requirements.
10. The Applicant shall contribute \$10,000.00 to the County of Kauai Transportation Agency to assist with the construction of a new bus stop along Kuhio Highway in the Wailua area. This contribution has been paid to, and received by, the County of Kauai Transportation Agency on October 17, 2015.
11. Applicant shall coordinate project plans with the Department of Public Works Wastewater Management Division to ensure that connection to a public sewer system is accomplished properly. Applicant shall also submit a current wastewater preliminary engineering report, as per County Sewer Standards, identifying details of sewer connections. Prior to building permit approval for vertical construction, applicant shall submit construction plans for any necessary sewer improvements and if applicable, pay any required wastewater sewer system fees.
12. Applicant shall submit a detailed water demand (both domestic and irrigation) calculations along with the proposed water meter size. Water demand calculations submitted by your engineer or architect should also include fixture count and water meter sizing worksheets. The Department of Water may require the payment fees specified in the existing County of Kauai ordinances as a consequence of the approved water demand calculations that are in addition to the existing water allocated to the property.
13. Applicant shall prepare and receive the Department of Water's approval of construction drawings for the necessary water system facilities and construct said facilities. These facilities shall include but not be limited to: a) the interior plumbing with the appropriate

wastewater preliminary engineering report, as per County Sewer Standards, identifying details of sewer connections. Prior to building permit approval, applicant shall submit construction plans for any necessary sewer improvements and if applicable, pay any required wastewater sewer system fees.

12. Applicant shall submit a detailed water demand (both domestic and irrigation) calculations along with the proposed water meter size. Water demand calculations submitted by your engineer or architect should also include fixture count and water meter sizing worksheets. The Department of Water may require additional exactions as a consequence of the approved water demand calculations
13. Applicant shall prepare and receive the Department of Water's approval of construction drawings for the necessary water system facilities and construct said facilities. These facilities shall include but not be limited to: a) the interior plumbing with the appropriate backflow prevention device; b) the domestic service connection, if applicable; c) the fire service connection, if applicable. Requests for additional water meters or increase in water meter size will be dependent on the adequacy of the source, storage and transmission facilities existing at the time.
14. Applicant acknowledges affordable housing requirements apply to this proposal. Applicant shall resolve compliance with Chapter 7A, Kauai County Code (1987) directly with the Kauai County Housing Agency, including the execution of an affordable housing agreement.
15. Applicant shall submit for all remaining permits necessary for construction within one year from commission action. Further, pursuant to PDU requirements in the CZO, construction shall commence within one year of full approval. Also, the Applicant shall pull all building permits within three months of final building permit approval.
16. Screening of the construction site during construction along Kuhio Highway and Kuamoo Road to preserve and match the aesthetic and cultural sensitivity shall be installed with design approval from the Planning Department. All necessary permits for screening must be applied for within four months from commission action and installed within four months of agency approval of all necessary permits. Further the Applicant shall work with the State Department of Transportation to provide landscaping along the strip of land fronting the property at Kuhio Highway and properly maintain this landscaping in perpetuity to preserve the aesthetic and gateway aspect of the area.
17. Applicant shall apply for all necessary permits to demolish all structures proposed to be replaced in this development within four months from commission action

backflow prevention device; b) the domestic service connection, if applicable; c) the fire service connection, if applicable. Requests for additional water meters or increase in water meter size beyond water meters already allocated to the property will be dependent on the adequacy of the source, storage and transmission facilities existing at the time.

14. Applicant acknowledges affordable housing requirements apply to this proposal, and in compliance with Chapter 7A, Kauai County Code (1987), Applicant has entered into, and will perform its obligations under, that certain Housing Agreement (for Coco Palms) dated December 4, 2015, directly with the Kauai County Housing Agency, which has been fully executed and recorded on February 9, 2016.
15. Applicant shall submit by August 31, 2019 plans to for all remaining building permits for the construction of vertical improvements on the project site, and will thereafter diligently work in good faith with the Kauai Division of Buildings ("Building Division") to obtain final building permit approval for all remaining permits. Construction shall commence within one year after the date of final approval of the referenced building permits. Further, pursuant to PDU requirements in the CZO, construction shall commence within one year after the date of full approval of such building permits. Also, Applicant shall pull all such building permits within six months after the approval of the final building permit.
16. Screening of the construction site during construction along Kuhio Highway and Kuamoo Road to be aesthetically consistent with current construction standards on Kauai while maintaining compatibility with the nature of the site sitting at a coastal gateway for the area. Screening shall be properly maintained in a manner acceptable to the Director until such time as the Applicant has completed all vertical improvements. Further, the Applicant shall work with the State Department of Transportation to provide landscaping along the strip of land fronting the property fronting Kuhio Highway and properly maintain this landscaping in perpetuity.
17. Applicant shall substantially complete the demolition work described in the existing demolition permits issued for the property by March 31, 2017 subject to extension caused by the occurrence of force majeure events. This condition 17 is satisfied.

Applicant agrees that, if the concrete structures that remain on the property after the demolition work is completed is not incorporated into the construction of the vertical improvements by June 30, 2021, the Applicant shall, at its sole cost and expense, secure such concrete structures in full compliance with all health and safety requirements set forth in all applicable laws and ordinances.
18. Applicant shall provide 20 public parking spaces at the North end of the project site with signage identifying their use by beachgoers and those using public transit when the operator opens to the public the building of the project that is closest to the parking lot containing such public parking spaces. Further, the applicant shall provide 20 stalls for parking with signage identifying their use by public beachgoers along the south end of the project. These stalls shall be clearly marked for public beachgoers use only. Also, the applicant at its own expense shall work with the county to site, design, construct, and maintain in perpetuity, a comfort station consisting of restrooms and showers for beachgoers. This comfort station shall be located adjacent or approximate to this public beachgoers parking area.
19. All parking for guests, customers, and employees shall be accommodated on site. No parking on Kuamoo, Haleilio or Apana roads shall be allowed. No use of parking lots on adjacent property shall be allowed as well.

and complete demolition within six months of agency approval of all necessary permits for demolition.

18. As early as reasonable during the project construction, Applicant shall provide 20 public parking spaces at the North end of the project site to be used for beachgoers and those using public transit. Further, the applicant shall provide 20 stalls for parking exclusively for public beachgoers at TMK:441003017, along the south end of the project. These stalls shall be clearly marked for public beachgoers use only. Also, the applicant at its own expense shall work with the county to site, design, construct, and maintain in perpetuity, a comfort station for beachgoers. This comfort station shall be located adjacent or approximate to this public beachgoers parking area.
19. All parking for guests, customers, and employees shall be accommodated on site. No parking on Kuamoo, Haleilio or Apana roads shall be allowed. No use of parking lots on adjacent property shall be allowed as well.
20. Applicant shall work with the County to accommodate and if required, provide an easement for land necessary for the continuation of the Wailua bike and pedestrian path through the former Seashell Restaurant site at TMKs 441005014 and 441005017.
21. Given outstanding evaluation of the Traffic Impact Analysis Report (TIAR) by both the Department of Public Works and State Department of Transportation, in the interim, the Applicant shall provide the following to mitigate traffic impacts created by the development:
 - a. Provide, at the Applicant's expense, a shuttle for eighteen (18) months after receiving certificate of occupancy as a pilot program to facilitate transit to and from the Lihue Airport and the development;
 - b. Provide, at the Applicant's expense, a circulator shuttle for eighteen (18) months to move patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant Site, the Coconut Marketplace and other destinations within the main Kapaa transit corridor as determined by the Executive on Transportation;
 - c. Provide, at the Applicant's expense, a bike share program for patrons of the resort to allow guests to ride bikes into Kapaa Town and other destinations without driving;
 - d. The applicant shall work with the State Department of Transportation and Department of Public Works to resolve pedestrian crossing, sidewalks and vehicular traffic demands created by the development, and bear implementation costs proportional to the impact that arises, including the installation of a continuous public sidewalk on the Kuhio Highway frontage between Kuamoo and Haleilio; and

20. Given outstanding evaluation of the Traffic Impact Analysis Report (TIAR) by both the Department of Public Works and State Department of Transportation, in the interim, the Applicant shall provide the following to mitigate traffic impacts created by the development:

- a. Provide, at the Applicant's expense, a shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public as a pilot program to facilitate transit to and from the Lihue Airport and the development;
- b. Provide, at the Applicant's expense, a circulator shuttle for eighteen (18) months beginning when the hotel operator opens the main lobby, at least 277 guest rooms and the food and beverage facilities and services of the project to the public to move patrons from the hotel to Lydgate and Wailua Beach Park, the Seashell Restaurant Site, the Coconut Marketplace and other destinations within the main Kapaa transit corridor that shall be determined by the County of Kauai Executive on Transportation at least 90 days before such shuttle service is scheduled to begin.
- c. Provide, at the Applicant's expense, a bike share program operated by Applicant or a render selected by Applicant for patrons of the resort to allow guests to ride bikes into Kapaa Town and other destinations without driving;
- d. The applicant shall work with the State Department of Transportation and Department of Public Works to resolve pedestrian crossing, sidewalks and vehicular traffic demands created by the development, and bear implementation costs proportional to the impact that arises, including the installation of a continuous public sidewalk on the Kuhio Highway frontage between Kuamoo and Haleilio; and
- e. Provide the Planning Department, Department of Public Works and State Department of Transportation an update to the TIAR one (1) year after receiving the last certificate of occupancy for the project evaluating traffic impacts created by the resort and analyze the need for additional bus stops.
- f. Provide the Department with a report on the Applicant's efforts to work with the Department of Land and Natural Resources to obtain permission to use the lands held by lease for a mauka access, either vehicular, or bike/pedestrian, to allow movement of residents between Kuamoo road and Haleilio Road.

Should the updated TIAR, as accepted by the three agencies, determine a significant adverse change in the traffic conditions resulting solely from project beyond the traffic conditions anticipated in the original TIAR, Applicant is aware that this permit is subject to reasonable modification by the Planning Commission that Applicant may be responsible for the proportionate costs for any impacts of such significant adverse change for which a nexus to the additional anticipated traffic conditions may be identified.

21. Applicant shall work with the county and bear the costs of the following improvements:
 - a. Provide an in lieu payment of \$93,750 to the County of Kauai by June 30, 2017 for the cost of a dedicated right turn lane on Haleilio Road, from Apana Road to Kūhiō Highway in addition to an existing through lane. This \$93,750 lieu payment was paid to, and received by, the County of Kauai on June 30, 2017. The County shall design and complete construction of continuous public sidewalks along Apana Road to Haleilio Road and along Haleilio Road to Kūhiō Highway fronting the Applicant's property. Sidewalks must be a minimum of 5 feet wide and shall be dedicated to the County to the extent owned by Applicant. The portions of said right turn lane owned

- e. Provide the Planning Department, Department of Public Works and State Department of Transportation an update to the TIAR one (1) year after receiving certificate of occupancy evaluating traffic impacts created by the resort and analyze the need for additional bus stops.
- f. Provide the Department with a report on the Applicant's efforts to work with the Department of Land and Natural Resources to obtain permission to use the lands held by lease for a mauka access, either vehicular, or bike/pedestrian, to allow movement of residents between Kuamoo road and Haleilio Road.

Should the updated TIAR, as accepted by the three agencies, determine a change in the traffic conditions, Applicant is aware that this permit is subject to modification before the Planning Commission to address these impacts, and acknowledges they may be responsible for the proportionate costs for any impacts for which a nexus to the activity may be identified.

- 22. At issuance of any building permit subsequent to this commission action, Applicant shall work with the county and bear the costs of the following improvements:
 - a. Design and construction of continuous public sidewalks along Apana Road to Haleilio Road and along Haleilio Road to Kūhiō Highway fronting the Applicant's property. Sidewalks must be a minimum of 5 feet wide.
 - b. Design and construction of a dedicated right turn lane on Haleilio Road, from Apana Road to Kūhiō Highway in addition to an existing through lane.
 - c. Design and construction of widening Apana Road to be wide enough for two-way vehicle travel. The Applicant will work with the County of Kaua'i Department of Public Works on the width, length, and other design details for this improvement.
 - d. Design and construction of "Do Not Block" markings along the eastbound lanes of Haleilio Road at the intersection with Apana Road, similar to the striping at Kuamo'o Road and Wailua Road.
- 23. If requested by the Transportation Agency due to increased ridership demand caused by the development, applicant shall provide proportional support for an additional bus stop and shelter for the Kauai bus.
- 24. Form and character of the development shall reflect the prior history of the resort including the usage of similar looking roof and façade material, color and landscaping. Further, non-reflective materials are necessary to promote the seashore area aesthetics. Prior to building permit application for reconstruction or new construction of buildings and landscaping, the Applicant shall submit renderings and plans for departmental design review.

by Applicant shall be dedicated to the County; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project. By January 31, 2019, the Applicant shall submit plans for the subdivision of the portions of its land to be dedicated to the Kauai Planning Department and shall thereafter diligently work in good faith with the Planning Department to obtain final subdivision approval of such plans, and to dedicate such subdivided portions to the County.

- a. Design and complete construction of widening Apana Road to be wide enough for two-way vehicle travel from the project entry on Apana Road to Haleilio Road. The Applicant will work with the County of Kaua'i Department of Public Works on the width, length, and other design details for this improvement, which shall be dedicated to the County of Kauai to the extent owned by Applicant; provided that the Applicant shall have the reserved right of entry over the dedicated areas in connection with its project.
 - b. Design and complete construction of "Do Not Block" markings along the eastbound lanes of Haleilio Road at the intersection with Apana Road, similar to the striping at Kuamo'o Road and Wailua Road.

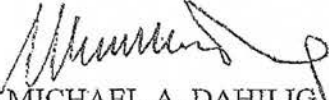
The Applicant shall retain a surveyor to survey the portions of the Applicant's land over which the right turn lane right-of-way and sidewalks to be constructed pursuant to subparagraphs a-b above that will be dedicated to the County, then prepare and record the necessary title documents. The County, Planning Department and Department of Public Works will cooperate fully to process all necessary subdivision and dedication approvals on an expedited basis.
- 22. If requested by the Transportation Agency due to increased ridership demand caused by the development, applicant shall provide proportional support for one (1) additional bus stop and shelter for the Kauai bus.
 - 23. Form and character of the development shall reflect the prior history of the resort and the brand standards of the hotel operator including the usage of similar looking roof and facade material, color and landscaping. Further, non-reflective materials are necessary to promote the seashore area aesthetics. Prior to building permit application for reconstruction or new construction of buildings and landscaping, the Applicant shall submit renderings and plans for departmental design review.
 - 24. Applicant shall encourage employees to utilize the County's Transportation Agency transit services to mitigate commuter trips to and from the development. The Applicant shall work with the Transportation Agency on promotional events encouraging usage of the transit system at Coco Palms, including selling bus passes on behalf of the agency, signage, etc.
 - 25. The applicant is advised that in connection with the issuance of building permits for the vertical improvements of the project, additional conditions from the reviewing government agencies may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).
 - 26. The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen impacts that any subsequent changes to this project as proposed by Applicant may create, or revoke the permits through the proper procedures should conditions of approval be violated.

Mr. Michael J. Belles
March 10, 2015
Page 7 of 7

25. Applicant shall encourage employees to utilize the County's Transportation Agency transit services to mitigate commuter trips to and from the development. The Applicant shall work with the Transportation Agency on promotional events encouraging usage of the transit system at Coco Palms, including selling bus passes on behalf of the agency, signage, etc.
26. The applicant is advised that prior to construction and/or use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies).
27. The Planning Commission reserves the right to add or delete conditions of approval in order to address or mitigate unforeseen impacts this project may create, or revoke the permits through the proper procedures should conditions of approval be violated or adverse impacts be created that cannot be properly addressed.
28. During September 15 through December 15, construction shall only occur during daylight hours. Where possible as to not compromise safety, exterior facility lights should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below. Staff at the development shall be educated, and shall educate visitors with information regarding seabird fallout and response protocols for staff to recover downed birds. Design elements shall also minimize collision with objects that protrude above the vegetation layer, such as utility lines, guide wires and communication towers. Should development yield conditions leading to any take of protected species, Applicant is on notice that an incidental take permit is required.
29. Applicant shall seek guidance from the Fish and Wildlife Service for the Applicant to develop and implement measures (e.g. monitoring, etc.), in order to avoid and minimize impacts to Hawaiian waterbirds during construction and operation of the development.

Should you have any questions, please do not hesitate to contact me at the information above.

Me Ke Aloha Pumehana,


MICHAEL A. DAHILIG
Clerk
Kaua'i Planning Commission

27. During September 15 through December 15, construction shall only occur during daylight hours. Where possible as to not compromise safety of seabirds identified to be protected under Federal Law, exterior facility lights should be positioned low to the ground, be motion-triggered, and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the bulb is only visible from below. Staff at the development shall be educated, and shall educate visitors with information regarding such endangered or protected seabird fallout and response protocols for staff to recover downed birds. Design elements shall also minimize collision by such protected seabirds with objects that protrude above the vegetation layer, such as utility lines, guide wires and communication towers. Should development yield conditions leading to any take of protected species, Applicant is on notice that an incidental take permit is required.
28. Applicant shall seek guidance from the Fish and Wildlife Service for the Applicant to develop and implement measures (e.g. monitoring, etc.), in order to avoid and minimize impacts to Hawaiian waterbirds during construction and operation of the development.
29. On or before June 30th of each year until all conditions have been satisfied, the Applicant shall submit an annual report to the Planning Commission of the status of and progress on, each unsatisfied condition, particularly conditions with workforce housing requirements and transportation requirements. These conditions shall be modified by the Planning Commission to reflect the satisfaction of any condition.

Should you have any questions, please do not hesitate to contact me at the information above.

Me Ke Aloha Pumehana,


KA AINA S. HULL
Clerk

Kauai Planning Commission