

PLANNING DEPARTMENT  
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>9</u> - <u>19</u>
Acceptance Date:	<u>9.17.18</u>
Website Posting Date:	<u>9.20.18</u>
Determination Date:	<u>9.17.18</u>
Planning Commission Date:	<u>9.25.18</u>
Expiration Date:	<u>9.25.19</u>
Planner Assigned:	<u>JW</u>

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

Applicant Information	
Applicant:	<u>Johnathan A. Gaoiran</u>
Mailing Address:	<u>P.O. Box 65</u>
Phone:	<u>808-383-8868</u>
Email:	<u>Johnz-1@hotmail.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>B-10</u>
Tax Map Key(s):	<u>2-1-010-025</u>
Land Area:	<u>6,304 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Shed &amp; sidewalk</u>

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

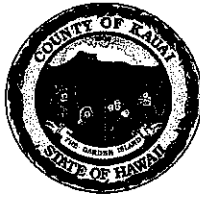
**Part A**

**Shoreline Setback Determination of Applicability (§8-27.1)**

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

- Property is Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Property is Not Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): 386-18 ft.
- Additional Information:  
☐ Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicounty/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)

Property Elevated

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

rocky Sandy 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)? \_\_\_\_\_

- ☒ 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**

Jahmathan A. Lazon

9-13-2018

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.

Planning Director or designee

9.17.18  
Date

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

**Part B**

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



**PLANNING DEPARTMENT  
SHORELINE SETBACK DETERMINATION**

**Exemption Determination**

☐ **Exemption 1**

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

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

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

☐ **Exemption 3**

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

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

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

**Exemption Determination (to be completed by Planning Department)**

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

\_\_\_\_\_  
Planning Director or designee

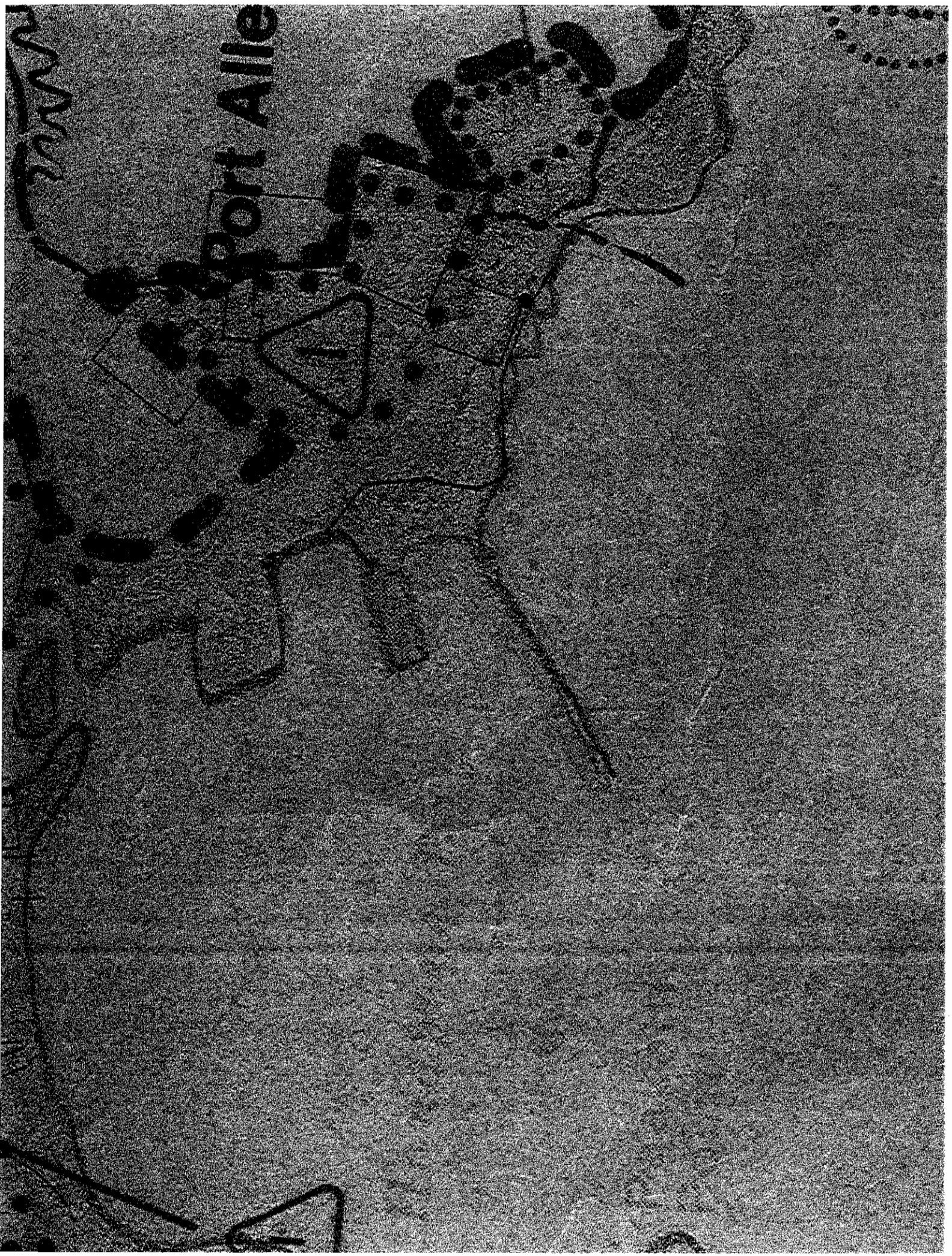
9.17.18  
\_\_\_\_\_  
Date

- ☐ **Additional comments/conditions:**

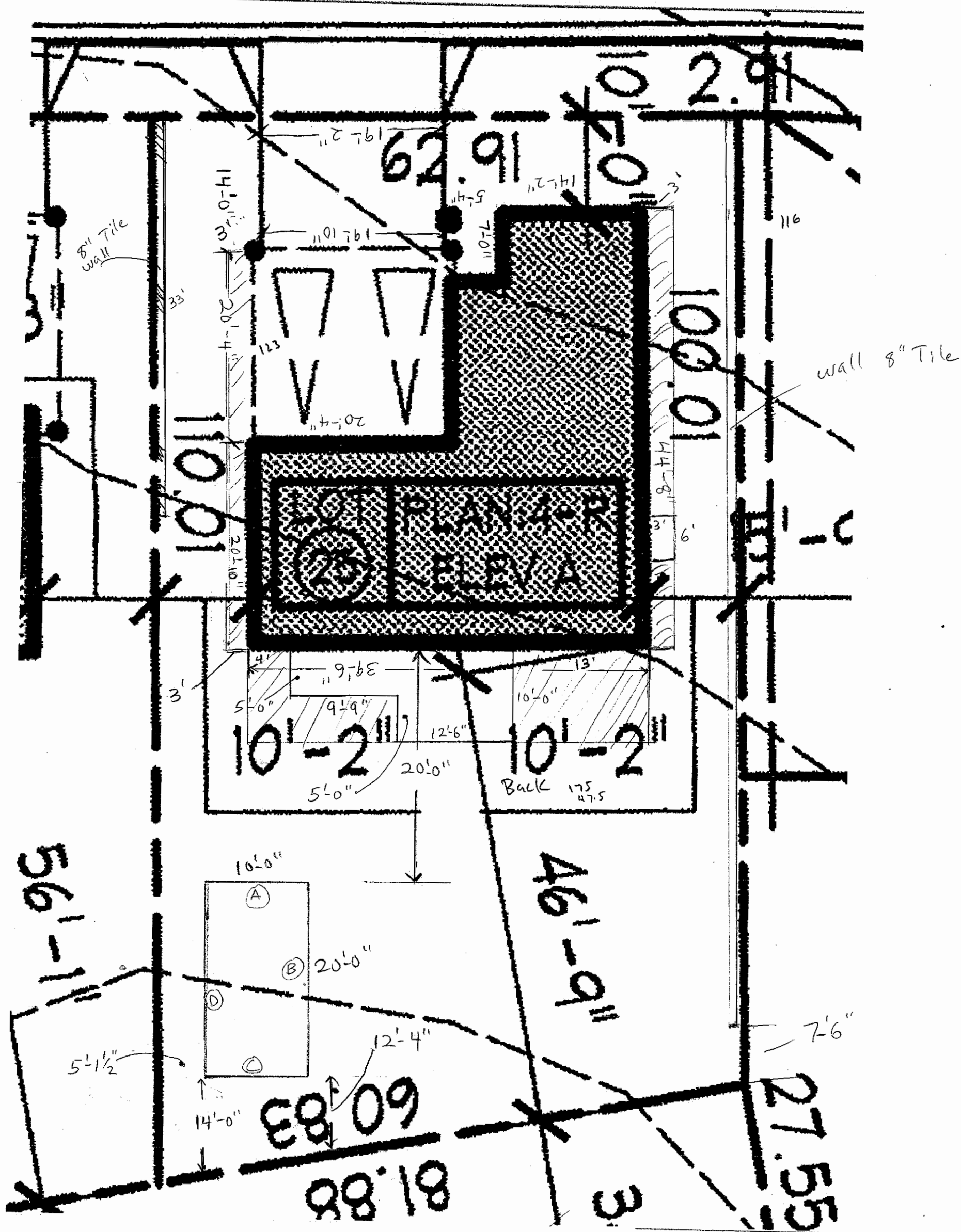


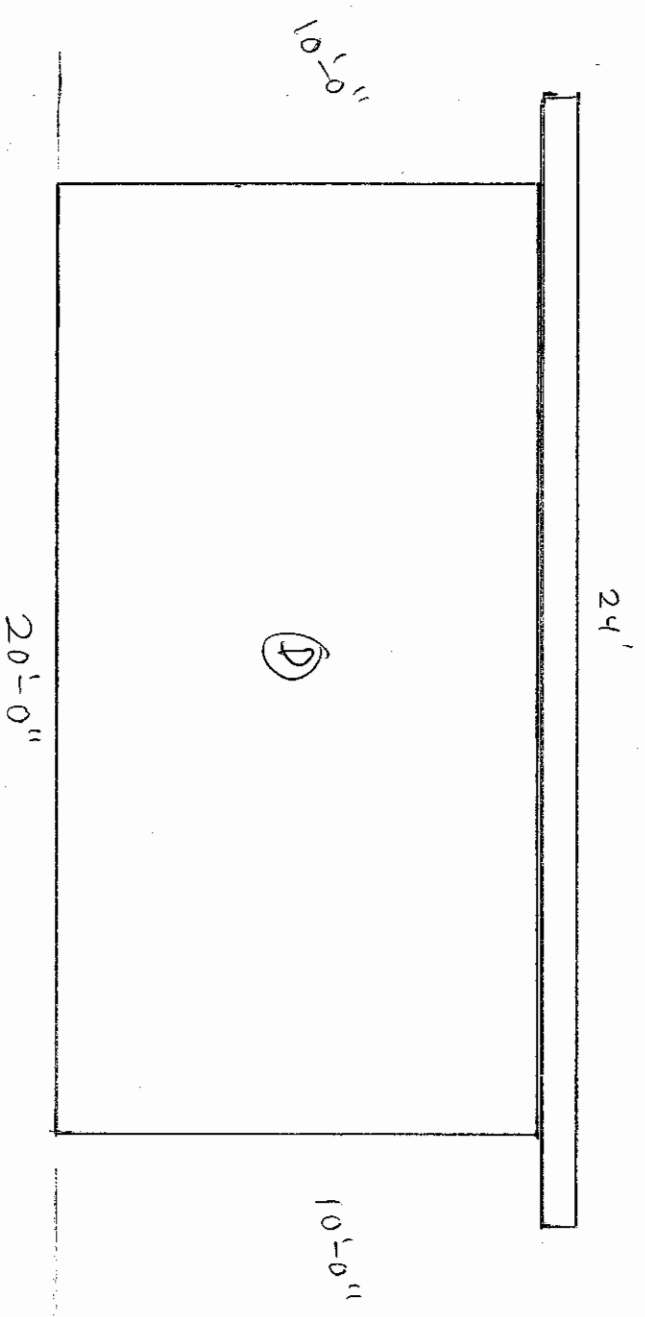
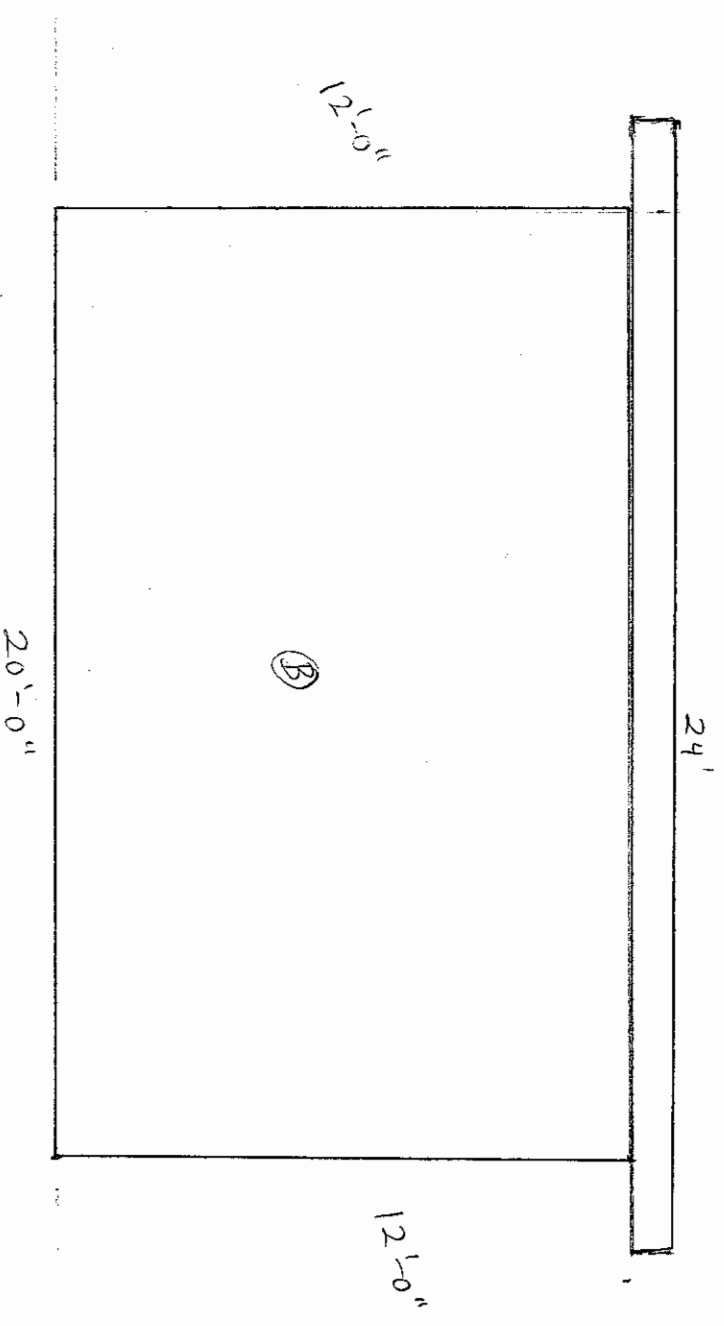
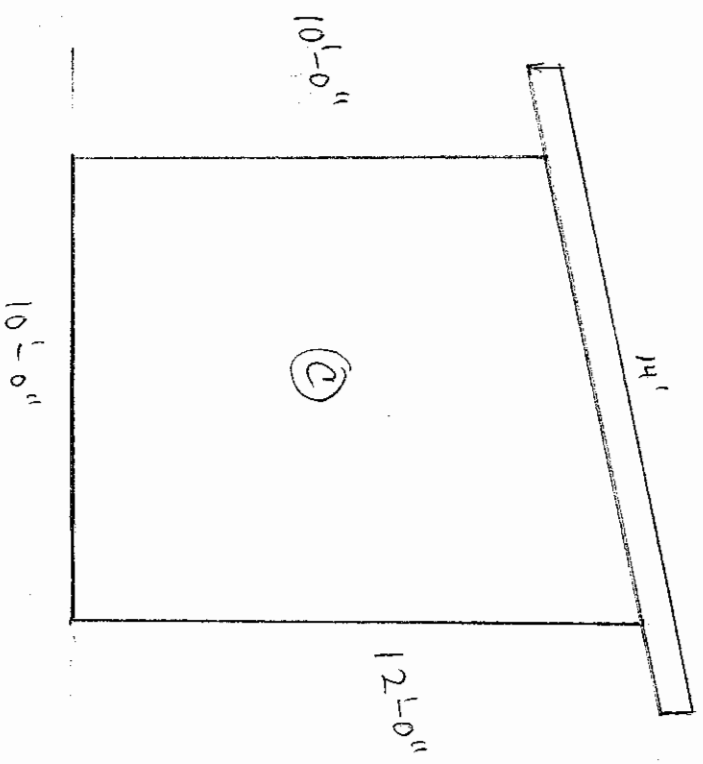
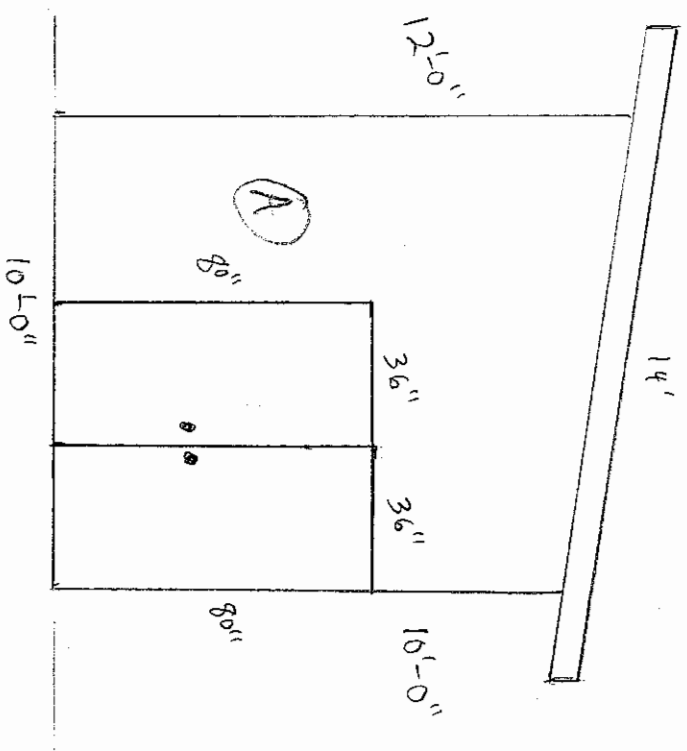
Copyright ©2012 Pictometry International Corp.





TMK 2-1-010-025

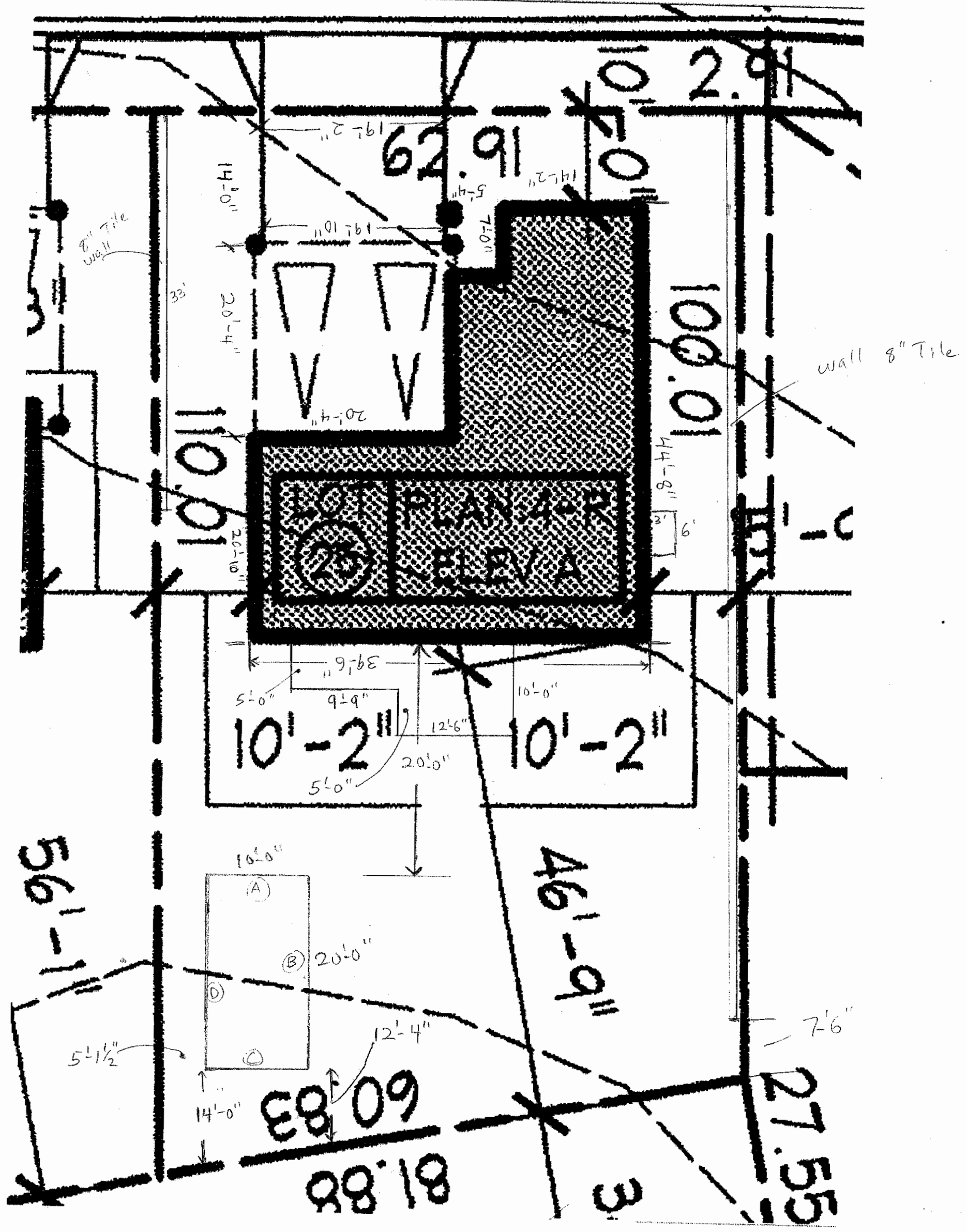






Lot size: 6,304 SF  
 Drive way 213.15 SF  
 House + Garage 1800 SF  
 Cement pads 1- 18 SF  
                   2- 173.75 SF  
 Shed - 3 200 SF  
 Total: 2,408.9 SF

TMK 2-1-010-025.





Lot size: 6,304 sf

Drive way 213.15 sq

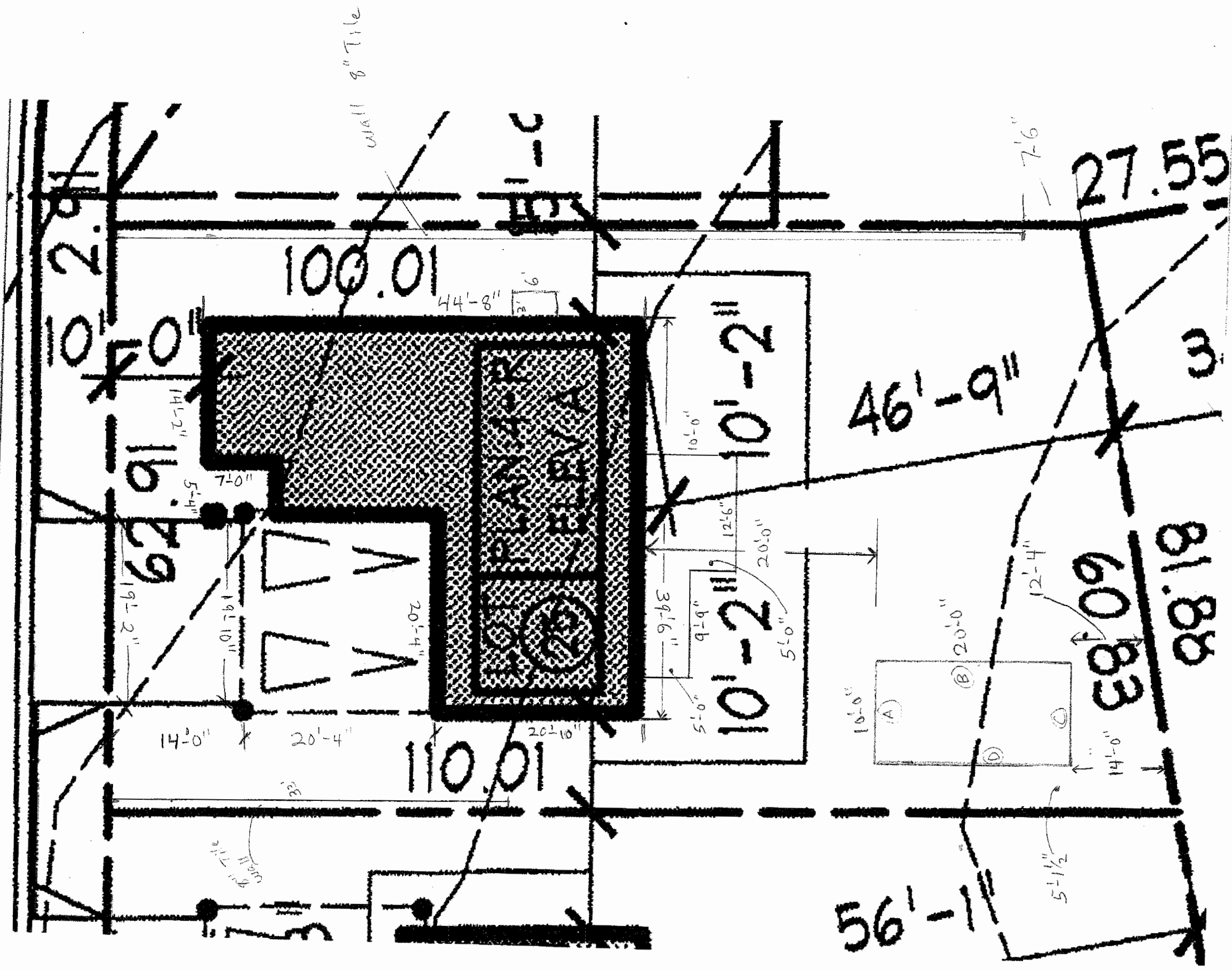
House & Garage 1900 sq

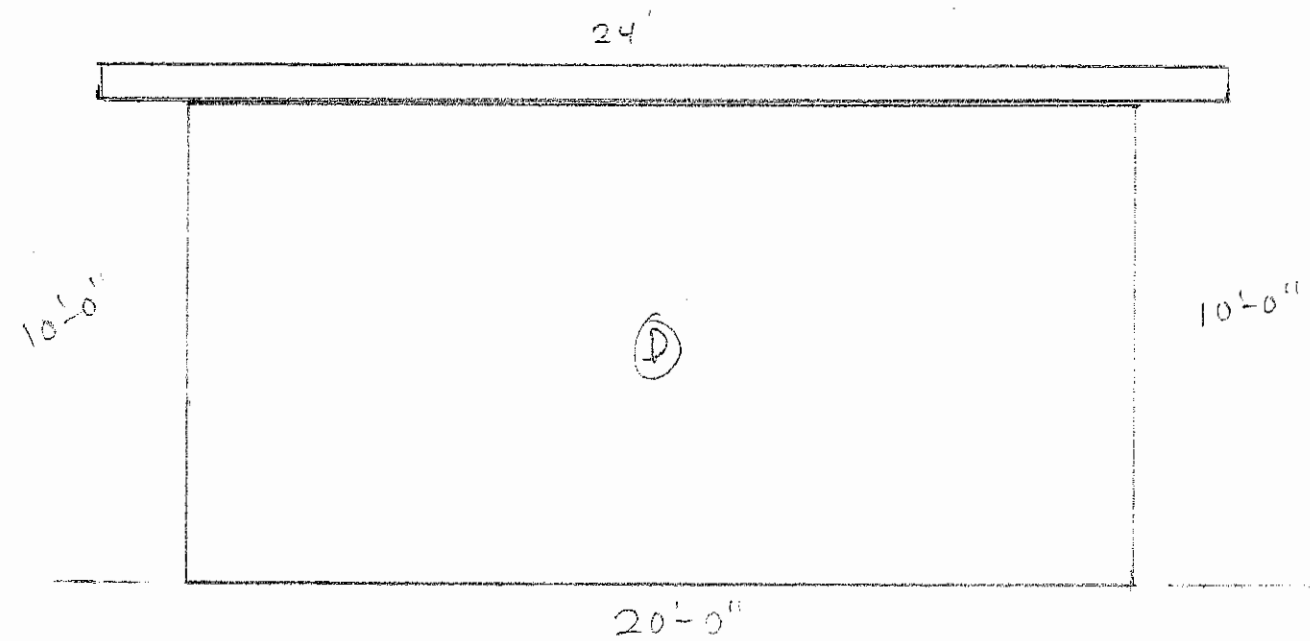
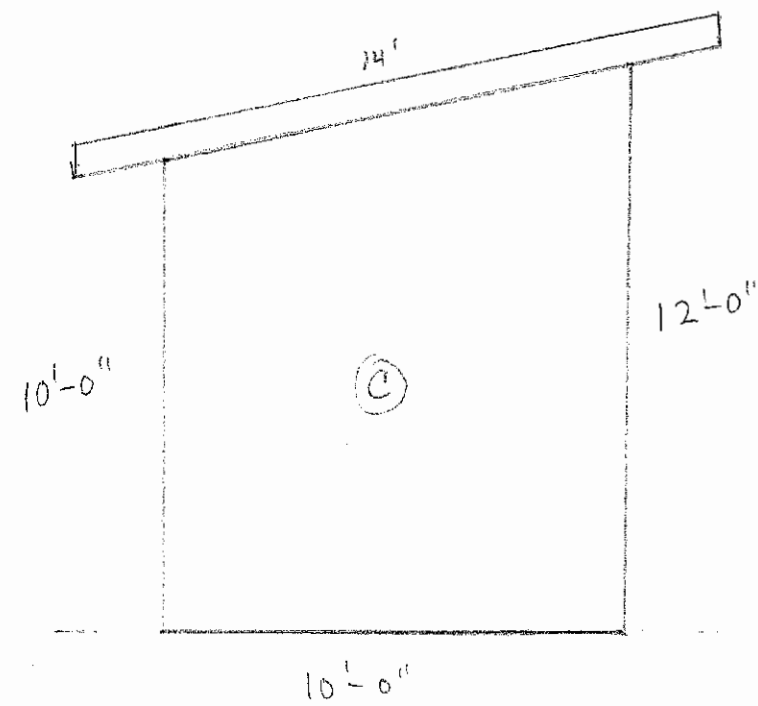
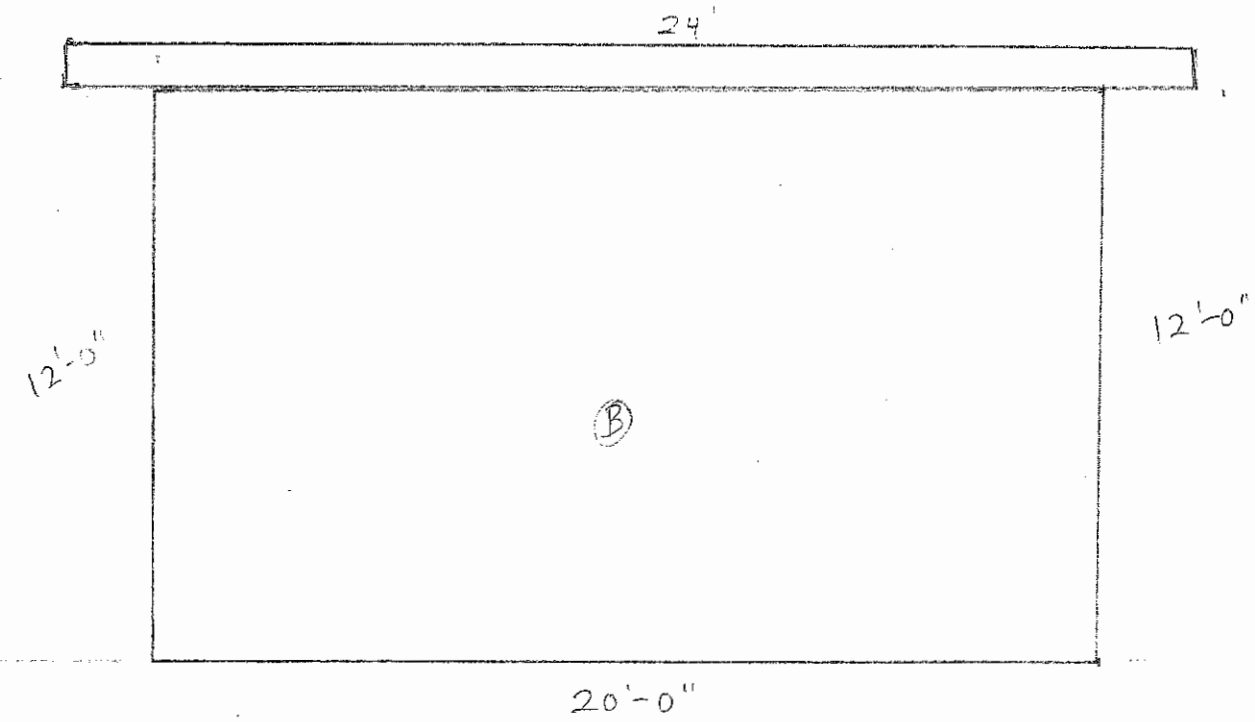
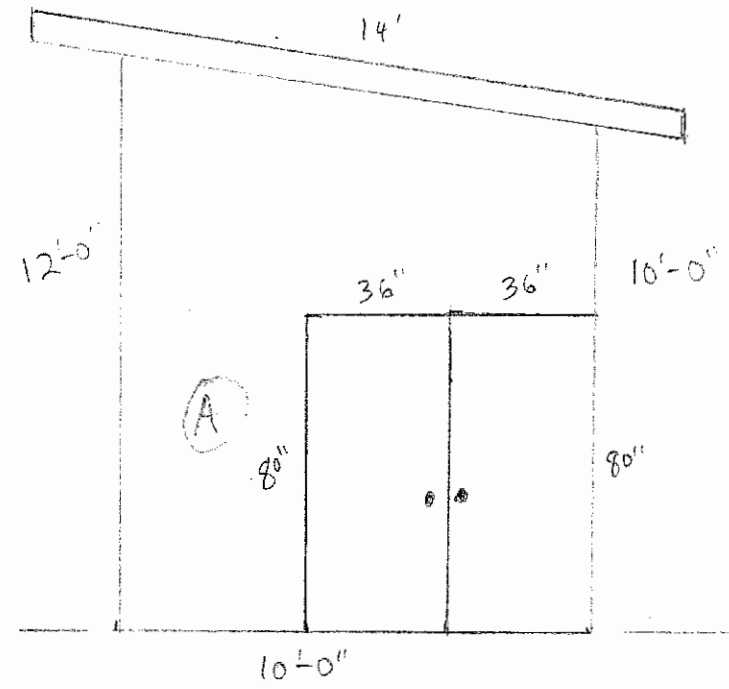
cement pods 1- 18sf  
 2- 173.75 sf

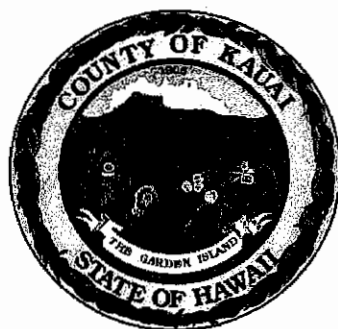
Shed - 3,200 SF

Total: 2,408.9 sf

TMK 2-1-010-025







PLANNING DEPARTMENT  
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>9</u> - <u>15</u>
Acceptance Date:	<u>9.17.18</u>
Website Posting Date:	<u>9.20.18</u>
Determination Date:	<u>9.17.18</u>
Planning Commission Date:	<u>9.25.18</u>
Expiration Date:	<u>9.25.21</u>
Planner Assigned:	<u>JV</u>

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

Applicant Information	
Applicant:	<u>MARC VENTURA</u>
Mailing Address:	<u>4202 RICE ST. #102</u> <u>LIHUE, HI 96766</u>
Phone:	<u>(808) 246-3936</u>
Email:	<u>marc@marcventura.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	<u>9.11.18</u>

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>RR20</u>
Tax Map Key(s):	<u>3-4-2-2</u>
Land Area:	
Nature of Development: (Description of proposed structure or subdivision)	<u>GROUND FLOOR CANAL EXPANSION INCLUDES</u> <u>WALL, GATE &amp; TRELLIS, NOT ATTACHED TO EXISTING STRUCTURE</u>

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

**Part A**

**Shoreline Setback Determination of Applicability (§8-27.1)**

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

- Property is Abutting the Shoreline  
☒ Proposed project's approximate distance from shoreline (based on aerial map): ±105 ft.
- Property is Not Abutting the Shoreline  
☐ Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
- Additional Information:  
☐ Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicounty/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)

GENERAL 9 FEET

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

SANDS

- ☐ 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)? AEZ

- ☐ 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

9.13.18

**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

9.17.18

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

**Part B**

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



PLANNING DEPARTMENT  
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

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

☐ **Exemption 3**

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

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

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

**Exemption Determination (to be completed by Planning Department)**

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

- ☐ **Additional comments/conditions:**

Shoreline Certification





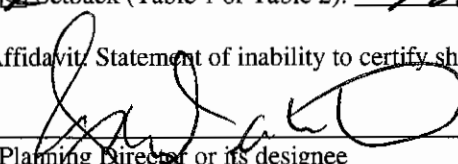
PLANNING DEPARTMENT  
SHORELINE SETBACK DETERMINATION

**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	
<b>Select the appropriate option:</b>	
<input checked="" type="checkbox"/> Certified Shoreline	
<input checked="" type="checkbox"/> Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)	
<input checked="" type="checkbox"/> Average Lot Depth: <u>900</u> ft. <u>(ESTIMATED)</u>	
<input checked="" type="checkbox"/> Setback (Table 1 or Table 2): <u>7200</u> ft.	
<input type="checkbox"/> Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)	
 Planning Director or its designee	<u>9.17.18</u> Date

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

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

----------------------

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

----------------------

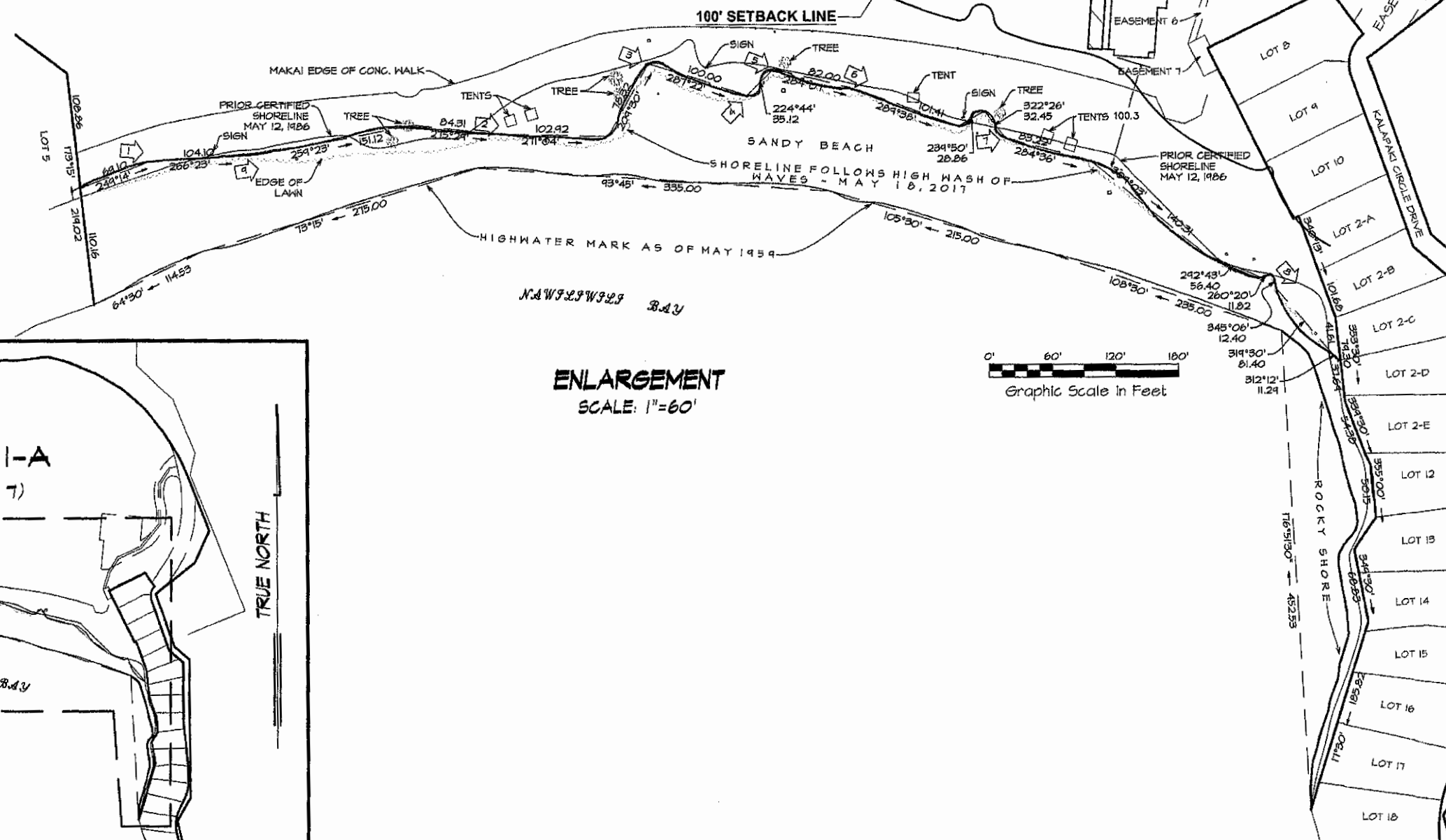
The shoreline as delineated in red is hereby certified as the shoreline as of  
MAY 01 2010  
 Chairperson, Board of Land and Natural Resources  
*R/V*

**LOT 11-A**  
 25.043 ACRES  
 LESS EROSION - 2.594 ACRES  
 NET AREA - 22.449 ACRES

EXPANSION AREA

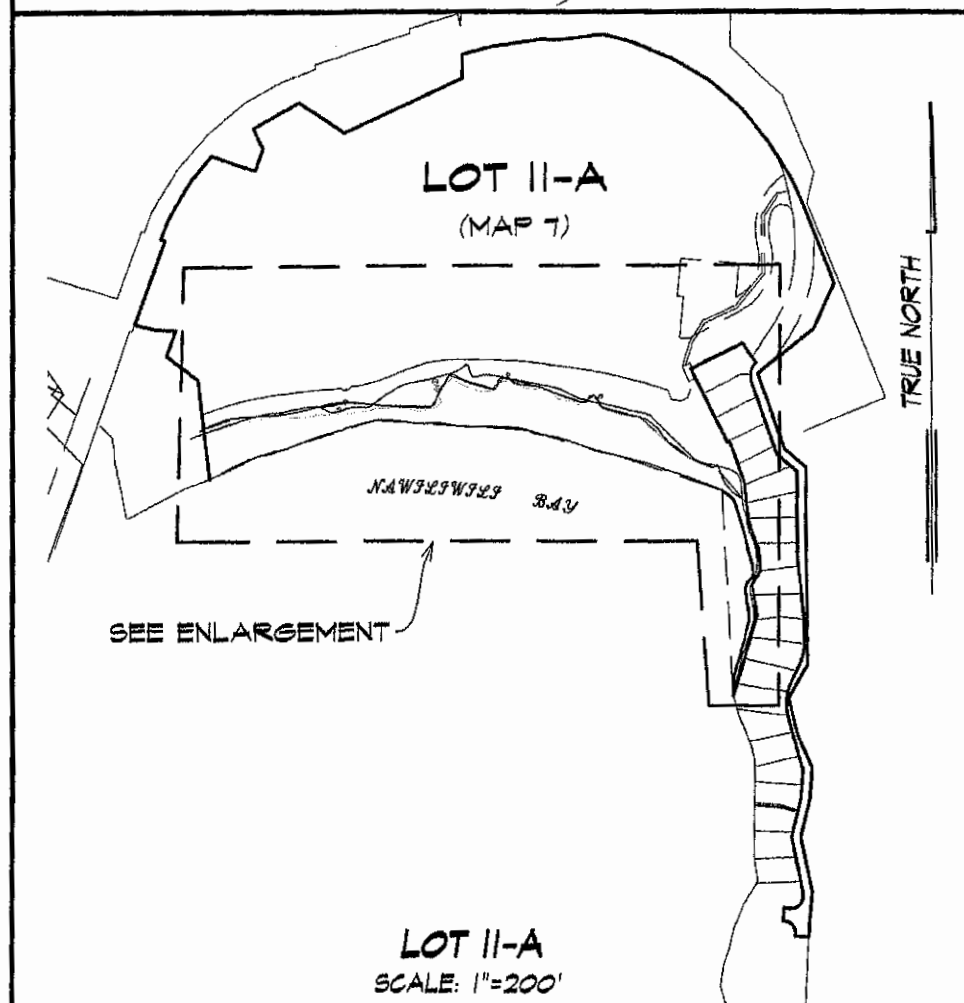
EASEMENT "L"

TRUE NORTH  
 Scale: 1 INCH = 60 FEET



ENLARGEMENT  
 SCALE: 1"=60'

0' 60' 120' 180'  
 Graphic Scale in Feet



**LOT 11-A**  
 SCALE: 1"=200'

JULY 21, 2017  
 REV. MARCH 28, 2010  
 NOTE:  
 1. FEATURES SHOWN HEREON PER FIELD CONDITIONS ON MAY 10, 2011.  
 2. (X) DENOTE LOCATION OF SHORELINE PHOTOGRAPH + NUMBER.

SHORELINE CERTIFICATION MAP  
**LOT 11-A**  
 LAND COURT APPLICATION 1819  
 (Map 7)  
 at Kalapaki, Lihue, Kauai, Hawaii



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION  
*Brian M. Hennessy*  
 BRIAN M. HENNESSY  
 Licensed Professional Land Surveyor  
 Certificate No. 14,484 EXP. 4/30/18

**SURVEY OFFICE COPY**

**Honua Engineering, Inc.**  
 P.O. Box 851 Hanalei, HI 96714 (808) 826-7256

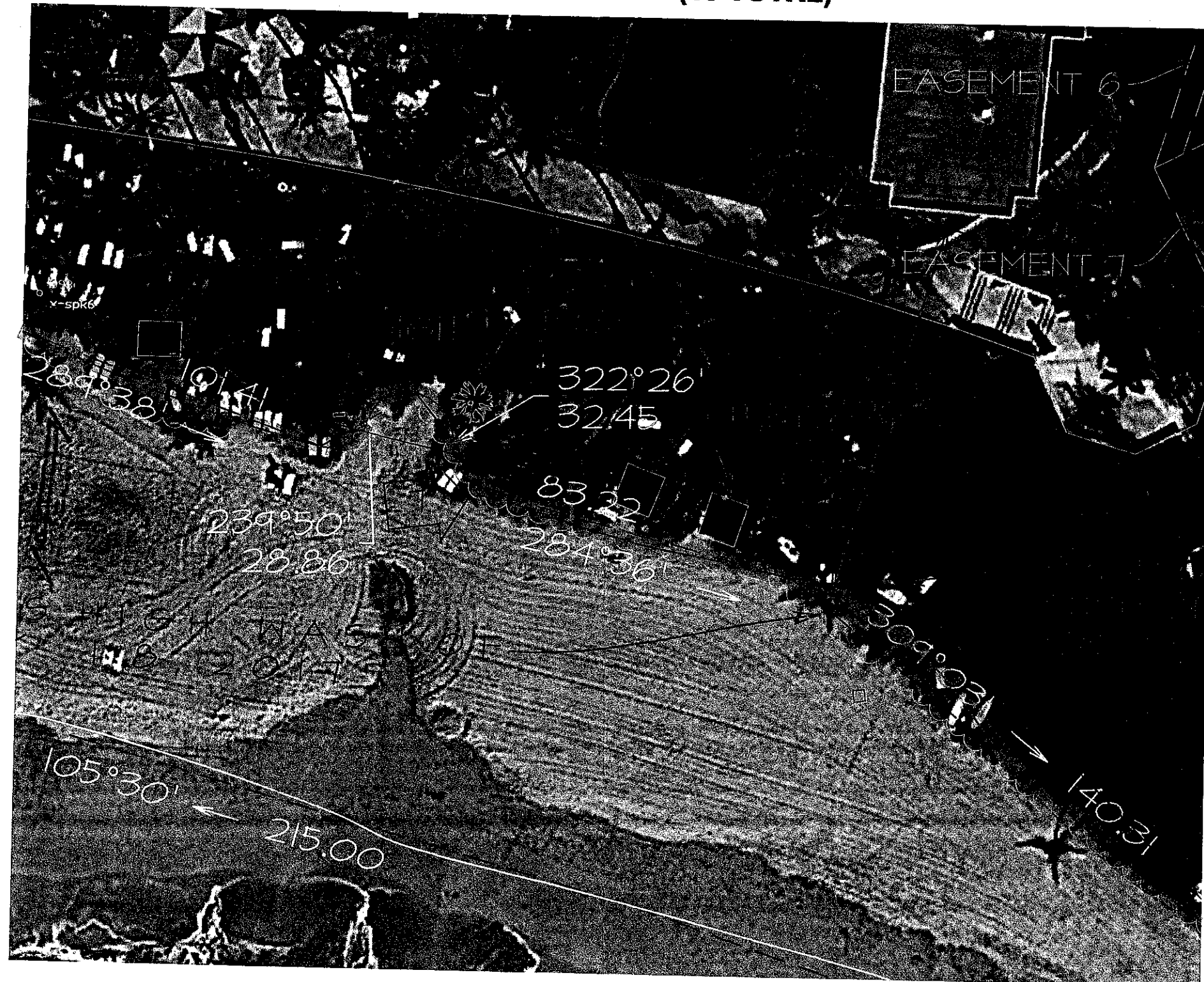
TMK: (4) 3-5-02:02

Project No. 5130



**MARRIOTT HAUPU TOWER - SHORELINE EXEMPTION**

**BUILDING PERMIT #S BP 18-1459 - BP 18-1477 (19 TOTAL)**



**CERTIFIED SHORELINE DATED MAY 01, 2018**