

**PLANNING DEPARTMENT  
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD	2019 - 45
Acceptance Date:	5/13/19
Website Posting Date:	5/16/19
Determination Date:	5/13/19
Planning Commission Date:	NA
Expiration Date:	5/13/20
Planner Assigned:	JG/R

**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:	PALMER HAFDAHL <i>for Manor Village</i>
Mailing Address:	2970 KELE ST, STE 115 LIHUE, HI 96766
Phone:	808-246-4796
Email:	PALMER@PALMSHAWAII.COM
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <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:	3/14/2019

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RESIDENTIAL
Tax Map Key(s):	(4) 4-3-7-13
Land Area:	1.166 AC
Nature of Development: (Description of proposed structure or subdivision)	CONDOMINIUM RESIDENTIAL UNITS <i>STAIRWAYS</i> <i>Bldg A + B</i> <i>JN</i>

**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): 435 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)  
RELATIVELY FLAT, APPROXIMATELY 2' ELEVATION CHANGE

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

Artificially armored Shoreline  
 If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_  
 Is the armoring permitted/authorized? \_\_\_\_\_  
 Date of authorization (attach copy of authorization letter): \_\_\_\_\_

Is property in coastal floodplain (if checked, what zone)? ZONE X  
 Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?  
NOT TO THE BEST OF MY KNOWLEDGE

**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**

*Palma W. Hafnall*

3/14/2019

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.

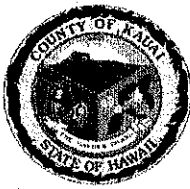
*[Signature]*  
Planning Director or designee

5.13.19  
Date

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

**Part B**

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



# PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

## Exemption Determination

**Exemption 1**

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

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

**Exemption 2**

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

**Exemption 3**

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

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

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

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

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

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

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

5.13.19  
\_\_\_\_\_  
Date

Additional comments/conditions:



ENGINEERING DIVISION  
DEPARTMENT OF PUBLIC WORKS  
THE COUNTY OF KAUAI

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

LYLE M. TABATA  
DEPUTY COUNTY ENGINEER

April 29, 2019

Palmer Hafdahl  
2970 Kele Street, Suite 115  
Lihu'e, HI 96766

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION for  
AOAO AT VILLAGE MANOR  
TMK: (4) 4-3-007:013

PW 03.19.042

Dear Mr. Hafdahl,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works – Engineering Division (DPW) has reviewed the proposed repairs of improvements to stairs for Buildings A, B, and C at the Village Manor Condominium in Kapa'a and has determined that for each building, the proposed improvements do not constitute substantial improvements. A summary of the calculations is provided below.

**Market Value**

There were no building permits within the last 10 years for these buildings. The market value is taken to be the 2019 assessed building value as determined by the County's Real Property Assessment Division. According to Real Property, the market value of each building is \$358,000. Fifty percent (50%) of this is \$179,000 (or \$358,000 divided by 2).

**Cost of Improvements**

The cost to repair the stairs at each building was estimated to be \$19,000 by Cramer's Construction LLC. The estimate is dated April 5, 2019.



**Summary**

The cost of improvements and the market value are the same for Buildings A, B, and C. Therefore, the calculations to compare the cost of improvements to the market value can be expressed by the same equation:

$$\frac{\text{Cost of Improvements (past 10 years): } \$19,000}{\text{Market Value (Real Property): } \$358,000} = 0.0530 \text{ or } 5.3\%$$

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

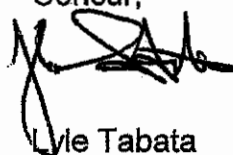
If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at [achandler@kauai.gov](mailto:achandler@kauai.gov).

Sincerely,



Michael Moule, P.E.  
Chief, Engineering Division

Concur,



Lyle Tabata  
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting  
Planning Department (Jody Galinato)





**(808)346-4657**

Renovations - New Construction - Remodels

April 5, 2019

County of Kauai - Department of Public Works

Attn: Engineering Division

4444 Rice Street, Suite 175

Lihue HI 96766

RE: **Village Manor Condominiums**

**Buildings: A, B, and C**

**And further identified as: TMK (4) 4-3-007:013**

This is to confirm that the scope of work for the Village Manor Condominium project, located at 4461 Kamoia Road, Kapaa, Kauai is limited to:

- Concrete stair repair only on stairs attached to Building A, B, and C. Each building has two (2) stairs.

With an estimated cost of work to be:

- Investigation and preparation \$2,500 per stair
- Repair \$7,000 per stair
- Total of \$19,000.00 per building
- Total of \$57,000.00 for Buildings A, B, and C combined

Submitted by,

Cramer's Construction LLC BC-36041

5684 Oloheua Road

Kapa'a, HI. 96746



PALMS HAWAII

ARCHITECTURE

2970 Kele Street #115 Lihue HI 96766

(808) 246-4796 www.palms-hawaii.com

February 4, 2019

County of Kauai  
Planning Department  
4444 Rice Street  
Lihue, HI 96766  
(808) 241-4050

With this note, I request your recognition of agency vested in Palms Hawaii Architecture LLC to represent our interest in the process of Building and Zoning Permit applications for our property located at 4461 Kamoia Road, Kapaa HI 96746 and further identified by TAX map key # (4)-4-003-007:013.

As property manager of more than 75% interest in this property I respectfully request your consideration of Palms Hawaii Architecture as our agent for the period ending December 31, 2019.

Sincerely,

Fred Fennell, Property Manager

Fred Fennell, Keller Williams Kauai  
AOAO of Village Manor  
2970 Haleko Road, Suite 205  
Lihue HI 96766  
808-720-7008



PALMS HAWAII

ARCHITECTURE

2970 Kele Street #115 Lihue HI 96766

(808) 246-4796 www.palms-hawaii.com

February 4, 2019

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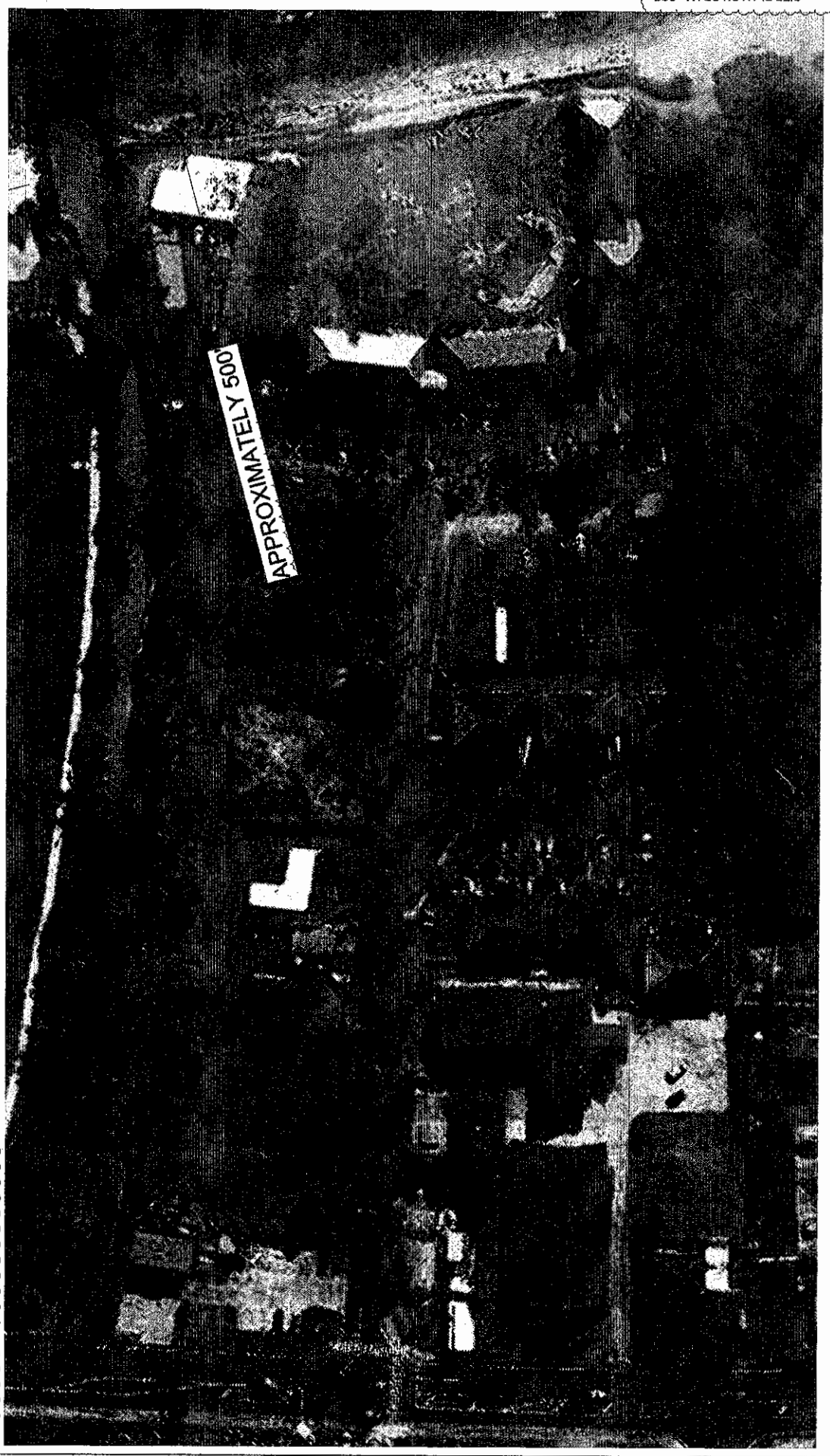
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Sincerely,

Fred Fennell, Property Manager

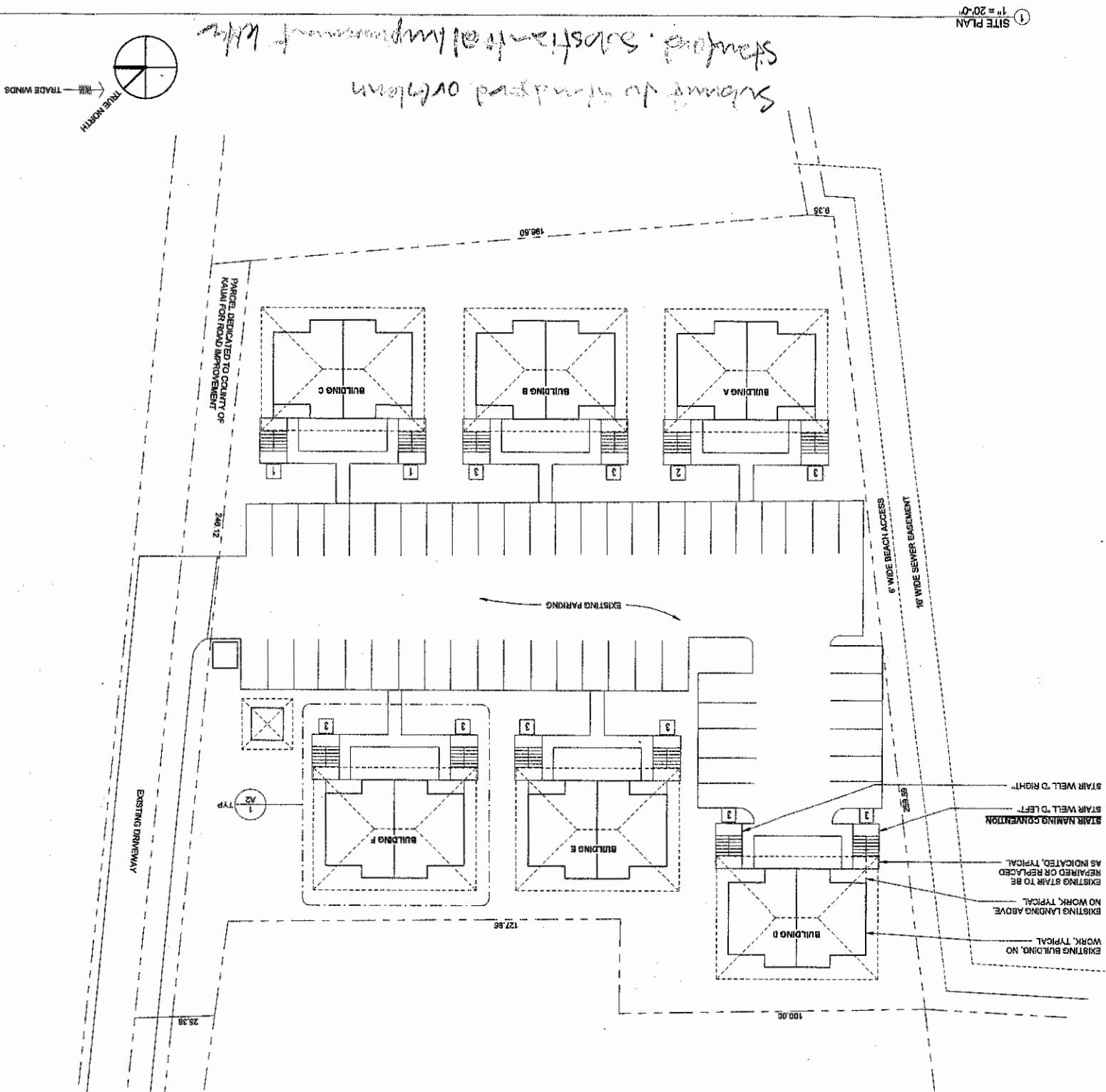
Fred Fennell, Keller Williams Kauai  
AOAO of Village Manor  
2970 Haleko Road, Suite 205  
Lihue HI 96766  
808-720-7008





ZONING PERMIT  
2-III-78-19

- BUILDING PERMITS**
- BUILDING A: BP 19-198
  - BUILDING B: BP 19-199
  - BUILDING C: BP 19-200
  - BUILDING D: BP 19-201
  - BUILDING E: BP 19-202
  - BUILDING F: BP 19-209



**SITE PLAN SHEET NOTES**

1. NO NEW SITE WORK
2. NO WORK TO EXISTING BUILDING
3. ALL WORK IN SCOPE IS REPAIR WORK
4. KEYED NOTES INDICATE SOME STAIRS ARE TO BE REPLACED. GC IS TO CONDUCT DETAILED INVESTIGATIONS
5. SEE DETAILS A, B, C, D AND J
6. PORTION OF STAIR TO BE REMOVED AND REPLACED
7. STAIR TO BE REMOVED AND REPLACED - SEE PLAN
8. STAIR TO BE REPAIRED - SEE MINOR REPAIRS PROCEDURE

#	DESCRIPTION
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2	NO WORK TO EXISTING BUILDING
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6	PORTION OF STAIR TO BE REMOVED AND REPLACED
7	STAIR TO BE REMOVED AND REPLACED - SEE PLAN
8	STAIR TO BE REPAIRED - SEE MINOR REPAIRS PROCEDURE

**PALMS HAWAII ARCHITECTURE**

2970 Kalia Street, Ste. 115  
Lihue, HI, 96766  
808-246-4796  
palmer@palms-hawaii.com

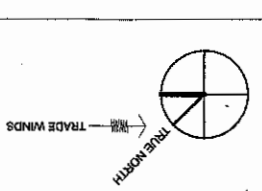
No.	Description	Date
1	SPR COMMENTS	3/17/2019
2	SSD APPLICATION	3/17/2019

**VILLAGE MANOR  
AOAO  
CONCRETE  
REPAIR**

TMK (4) 4-3-7-13  
4461 KAWA ROAD,  
WAIPOU, KAUAI, HAWAII

**SITE PLAN**

Project Status: PERMIT SET  
Date: 1/28/2019  
Drawn by: APJ  
Checked by: PH  
Scale: As indicated



*Submit to standard option  
standard. Substantial improvement like*

1 SITE PLAN  
1" = 20'-0"