

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 202 <u>0-24</u>	
Acceptance Date:	<u>12.16.19</u>
Website Posting Date:	<u>12.17.19</u>
Determination Date:	<u>12.16.19</u>
Planning Commission Date:	<u>1.14.20</u>
Expiration Date:	<u>1.14.23</u>
Planner Assigned:	<u>JK</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>JESSE L. ASHCRAFT</u>	
Mailing Address: <u>40 ARCADIA AVE</u>	Phone: <u>859.341.0416</u>
<u>LAKE SIDE PARK KY 41017</u>	Email: <u>jesselashcraft@fuse.net</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 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.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>RESIDENTIAL</u>	Tax Map Key(s): <u>1-2-013-005</u>
	Land Area: <u>URBAN</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>ADU</u> <u>expired.</u> <u>PRV. SSD-2016-50</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): 519 ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: 3 FT 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:

6 HOUSES ALREADY EXIST BETWEEN MY PROPERTY & THE SHORELINE.
IT SEEMS REASONABLE TO ASSUME MY ADU WILL NOT IMPACT BEACH PROCESSES.
COASTAL EROSION OR HAZARDS, BEACH ACCESS ETC. MORE THAN EXISTING
PROPERTIES.



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- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
FLAT GRADE IMMEDIATELY SURROUNDING HOUSE WITH GENTLE SLOPING LAND
SCAPE ROUGHLY 10' ELEVATION AT THE PARCEL'S PERIMETERS.
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
BEACH, 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)? NO - ZONE XS
- ☐ 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

Jane L. Ashcraft 12-16-19
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<input type="checkbox"/>	Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.
<u>[Signature]</u> <u>12-16-19</u> 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)

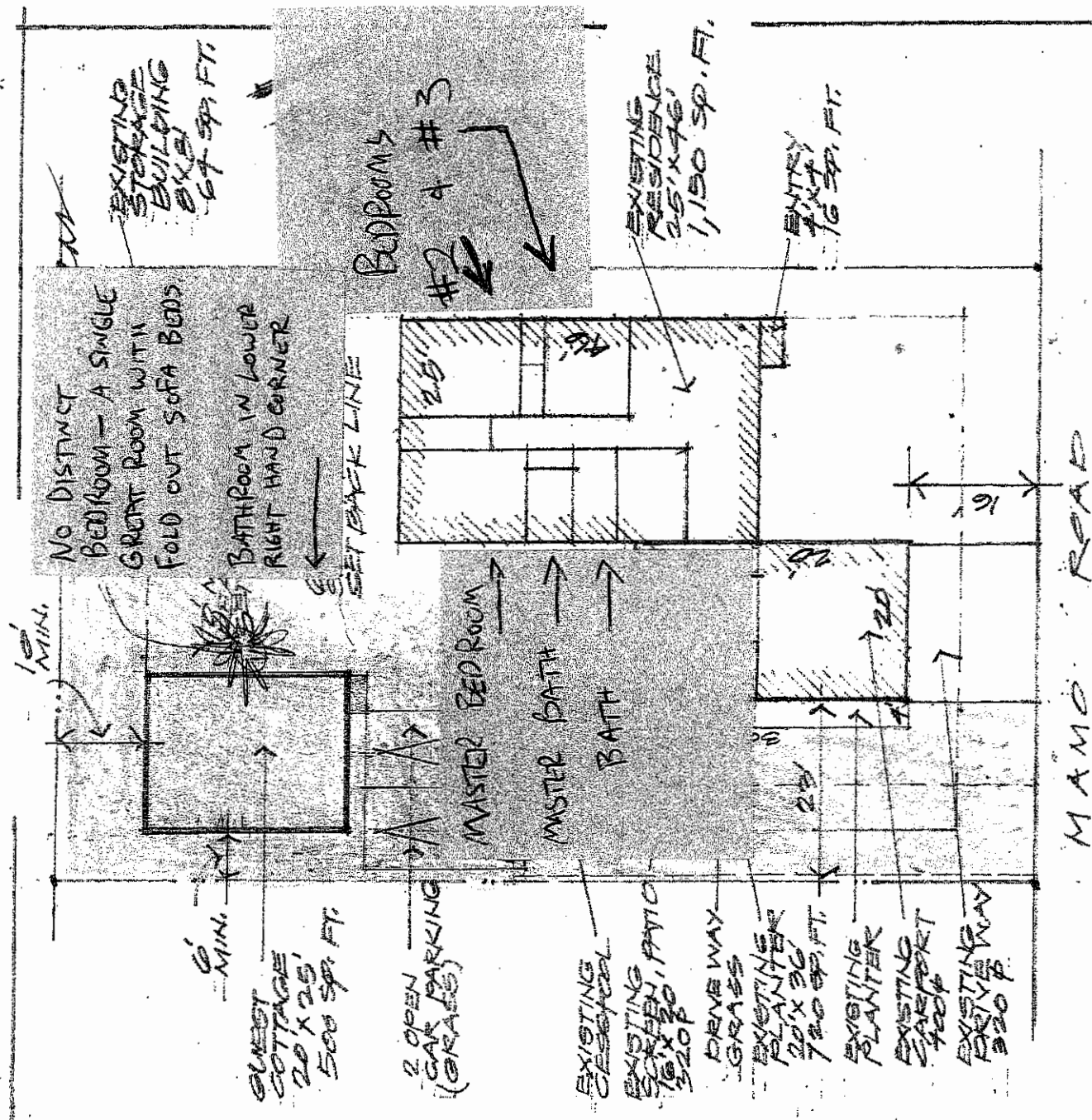
- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, 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)

Planning Director or designee

Date

☒ Additional comments/conditions:

prev. approved SSP 2016 so expired
no changes.



PLOT PLAN

SCALE 1" = 20' 0"

PROPOSED GUEST COTTAGE

MR. JESSE L. ASHCRAFT
KEKAHA, KAUAI, HAWAII
TAX KEY: (4) 1-2-13-05;
LOT NO: 33 LOT AREA: 9,594 SQ. FT.

EXISTING	PROPOSED
RESIDENCE	RESIDENCE
ENTRY	GUEST COTTAGE
SCREENED PATIO	500 SQ. FT.
CAREPORT	16
DRIVE WAY	4,898
PLANTER	2,714
STORAGE BUILDING	64
TOTAL	2,714
	(4,898 + 2,714 + 64)

12013005

Search results

pano

KEKAHA

KEKAHA

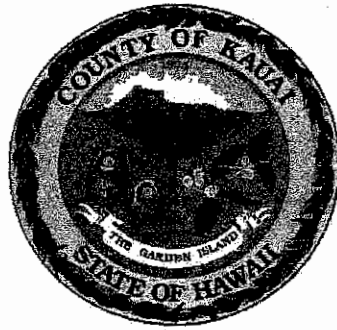
NANAI PALI

Distance: 535.6 Feet - 100'

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PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 25	
Acceptance Date:	12-16-19
Website Posting Date:	12-17-19
Determination Date:	12-16-19
Planning Commission Date:	N/A
Expiration Date:	12-16-22
Planner Assigned:	JL

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:	WATG Kawaihoa Dev.
Mailing Address:	700 Bishop Street #800 Honolulu, HI 96813
Phone:	808.521.8888
Email:	rpayan@watg.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 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	CZO Resort District (RR-10)
Tax Map Key(s):	(4) 2-9-01-002
Land Area:	39.725 acres
Nature of Development: (Description of proposed structure or subdivision)	To build an addition of two hotel guest rooms on level 3 of the existing hotel that will be in place of an existing terrace. The two hotel guest rooms will be accessed from an existing corridor and have views to the ocean. Attached is a project description letter and design drawings (Exhibit A).

**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): 445 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/kauaiconty/KCounty.html)
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

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PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

Undulating graded slope from a shoreline level of EL.+ xx to an entry level of EL + xx

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

Combination of sandy beach with rocky outcroppings.

- ☐ 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?

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 

12/4/19

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

12-16-19
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

12-16-19

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:	
<input type="checkbox"/> Certified Shoreline	
<input type="checkbox"/> Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)	
<input type="checkbox"/> Average Lot Depth: _____ ft.	
<input type="checkbox"/> Setback (Table 1 or Table 2): _____ ft.	
<input type="checkbox"/> 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	
<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):

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PLANNING DEPARTMENT SHORELINE SETBACK VARIANCE

Part D

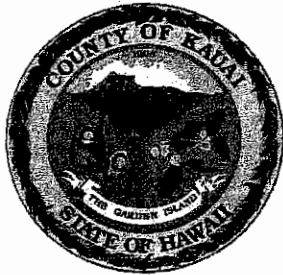
Shoreline Setback Variance (§8-27.9)

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

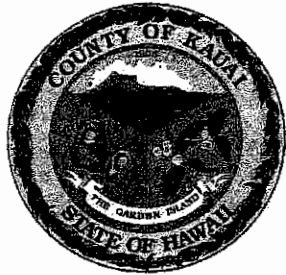
View erosion rate maps from the County website at
<http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

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.

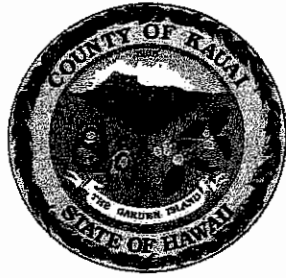
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits 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: <ul style="list-style-type: none"> (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.



**PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION**

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall be 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.



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

December 4, 2019

WATG
700 Bishop Street, Suite 800
Honolulu, HI 96813
Attention: Tiffany G. L. Lee

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
1571 Po'ipū Road, Kōloa, Grand Hyatt
TMK: (4) 2-9-001:002

PW 11.19.017

Dear Ms. Lee,

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 proposed to Building B at TMK: (4) 2-9-001:002 in Poipu. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division.

Market Value

There were several building permits for this building within the past ten years. The first permit was approved in 2010, therefore the market value is 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 building is \$40,371,510.





ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

COPY

December 4, 2019

19 DEC -5 A9:27

WATG
700 Bishop Street, Suite 800
Honolulu, HI 96813
Attention: Tiffany G. L. Lee

RECEIVED

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
1571 Po'ipū Road, Kōloa, Grand Hyatt
TMK: (4) 2-9-001:002

PW 11.19.017

Dear Ms. Lee,

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

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12/4/2019

WATG, Grand Hyatt, Koloa
December 4, 2019
Page 2 of 2

COPY

Cost of Improvements

The costs of the previous permits are as follows:

Building Permit #	Cost of Improvement
17-1355	200,000
16-1015	100,000
15-2387	50,000
10-838	925,000
10-837	785,000
10-836	785,000
10-835	1,025,000

The estimated cost of proposed improvements is \$1,500,000. This is based on a cost estimate prepared by general contractor Lane Uchimura from Nan Inc. on November 20, 2019. The total cost of improvements is estimated to be \$5,370,000.

Summary

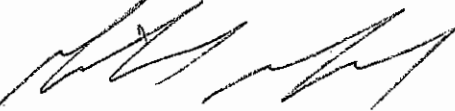
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$5,370,000}{\text{Market Value (Real Property): } \$40,371,510} = 0.13301 \text{ or } 13.3\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

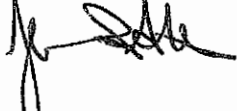
If you have any questions or need additional information, please contact Anthony Chandler at (808) 241-4884 or achandler@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

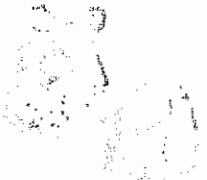
Concur,



Lyle Tabata
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)



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01 - 08/01/19 PERMIT ISSUE

sheet title COVER

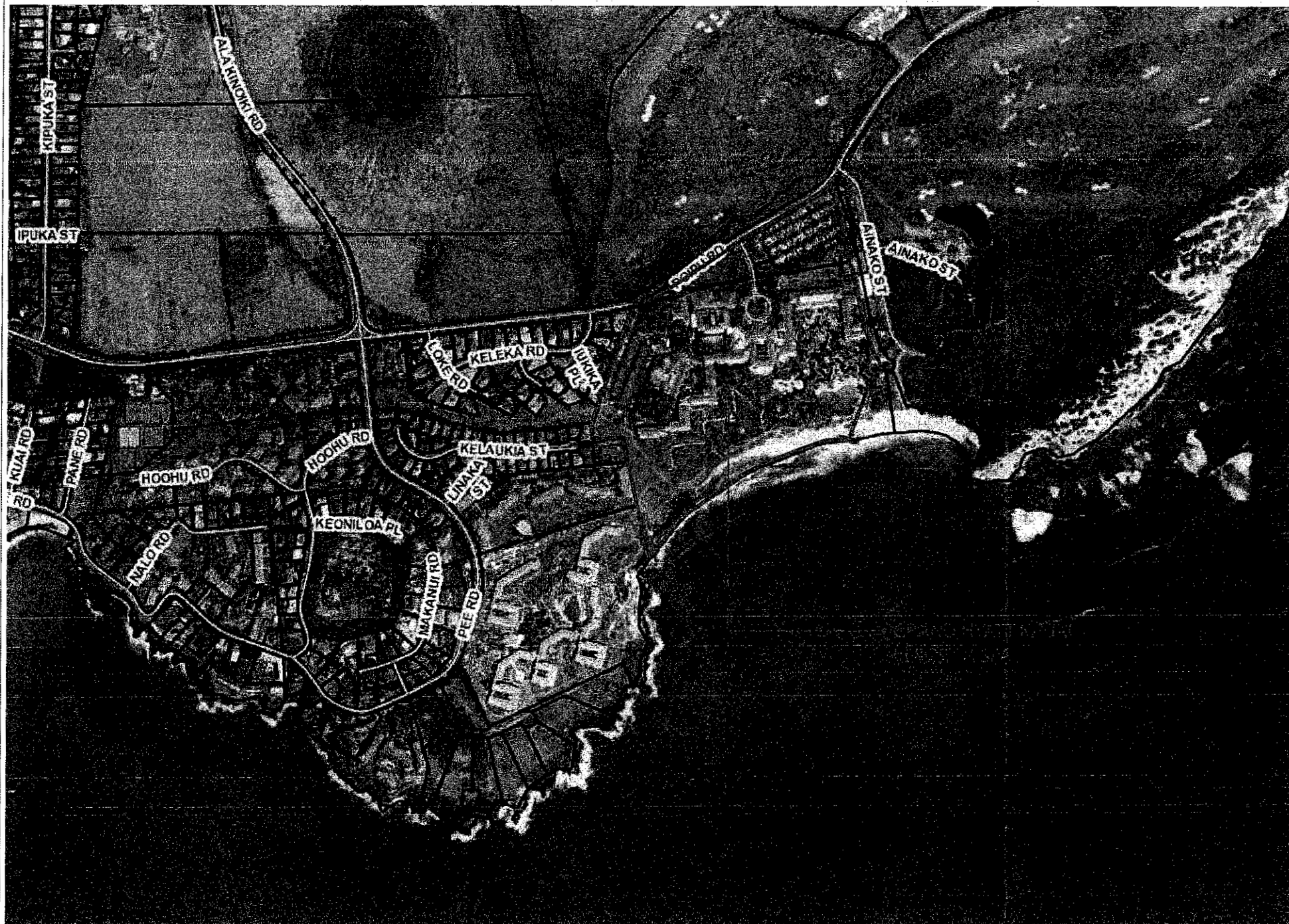
project no.

checked by:
drawn by:

component

sheet no. A1

VICINITY MAP



PROPERTY ADDRESS

1571 Poipu Road - Koloa, HI 96756

TAX MAP KEY

(4) 2-9-01-002

ZONING DATA

SMA Permit (U)-88-1

Shoreline Setback Variance SSV-88-2

Class IV Zoning Permit Z-IV-88-10 (October 1987)

Permits 605-room hotel (602 constructed)

PROPERTY

Total = 39.725 acres

State Land Use (Shoreline Conservation District) = 9.284 acres

Kauai General Plan = Resort Classification

CZO District Resort District (RR-10) = 30.264

VDA within Visitor Destination Area

CZO Constraints District = Portions in 'Tsunami' and 'Shore'

EXISTING USES & ZONING

Resort District Lot Coverage 50% = 30.264 acres or
15.231 acres = 659,149.92 sf

Original building 652,647 sf + 205 sf (spa hale expansion)
= 652,852 sf

6,297.92 of available lot coverage

Existing Parking Counts, Guest 481, Employee 249 = 730
total parking spaces

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issues revisions		

01 - 08/01/19 PERMIT ISSUE

sheet title SITE CONTEXT

project no.

checked by:
drawn by:

component

sheet no.

A2

PROPOSED ADDITION OF (2) HOTEL ROOMS

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sheet title SITE PLAN

project no.

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drawn by: _____

component

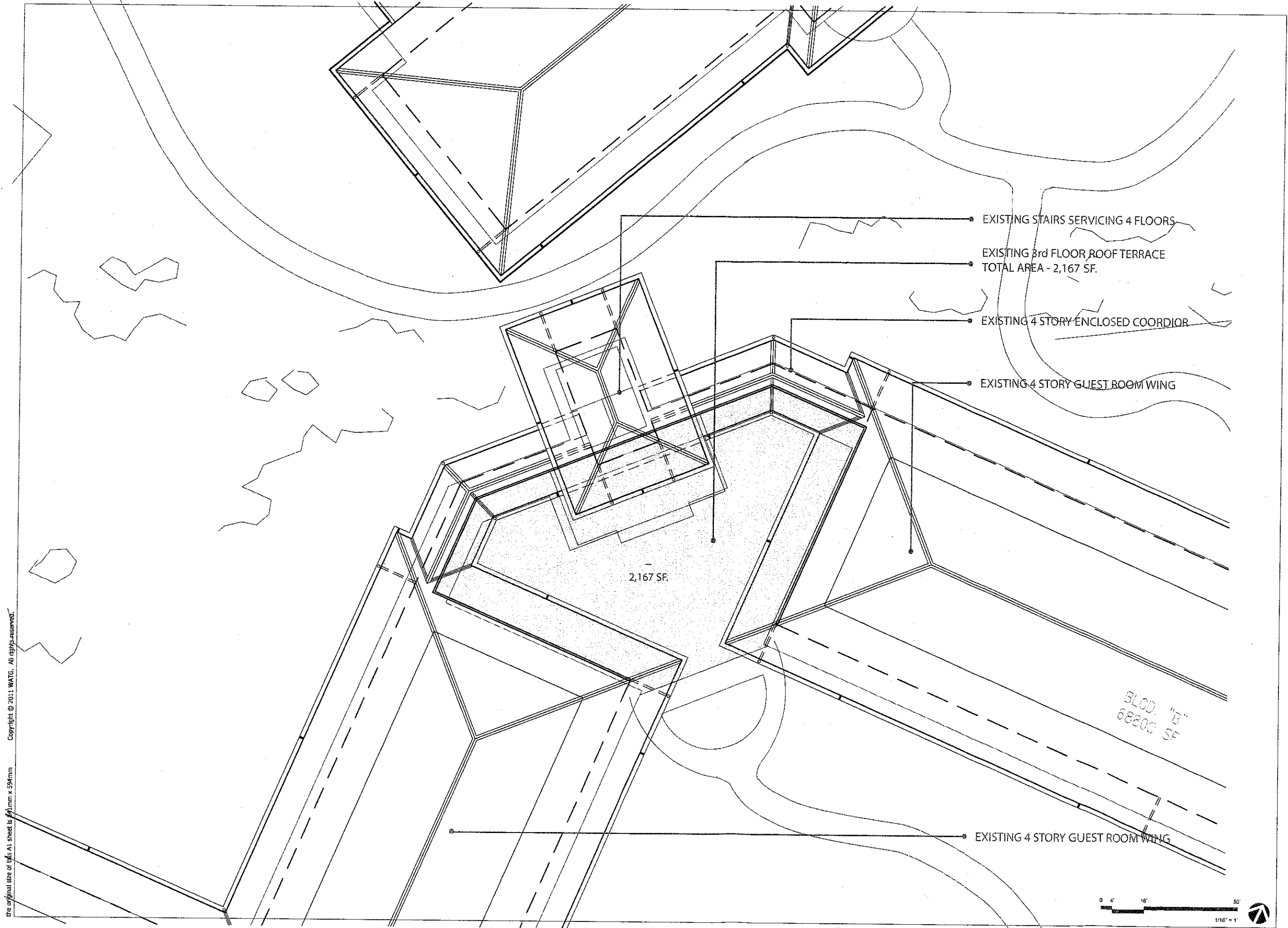
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the original size of this A1 sheet is 841mm x 594mm

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the original size of this A1 sheet is 44mm x 594mm
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issues revisions		
01	08/01/19	PERMIT ISSUE

sheet title PROJECT SCOPE

project no.

checked by:
drawn by:

component

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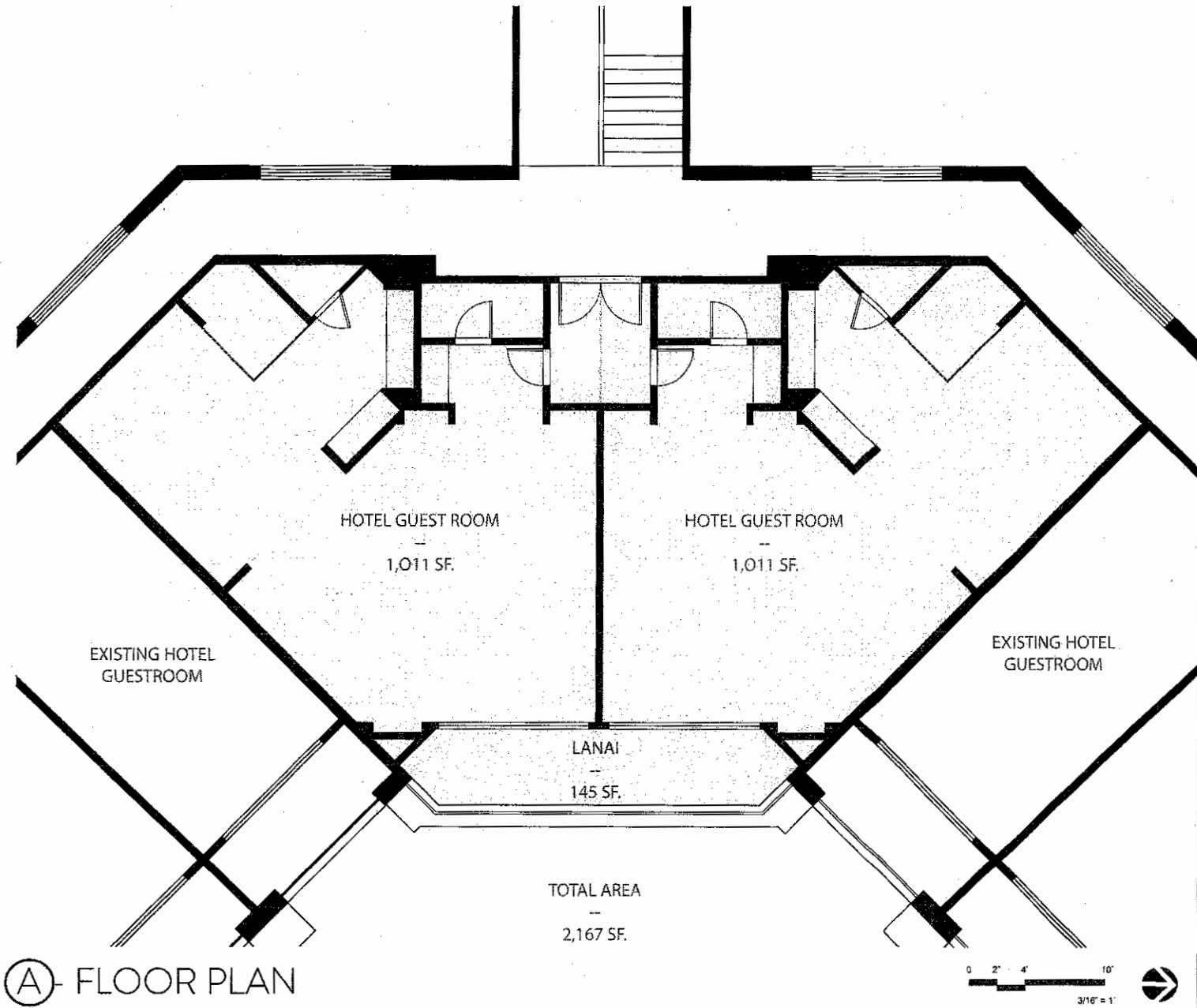
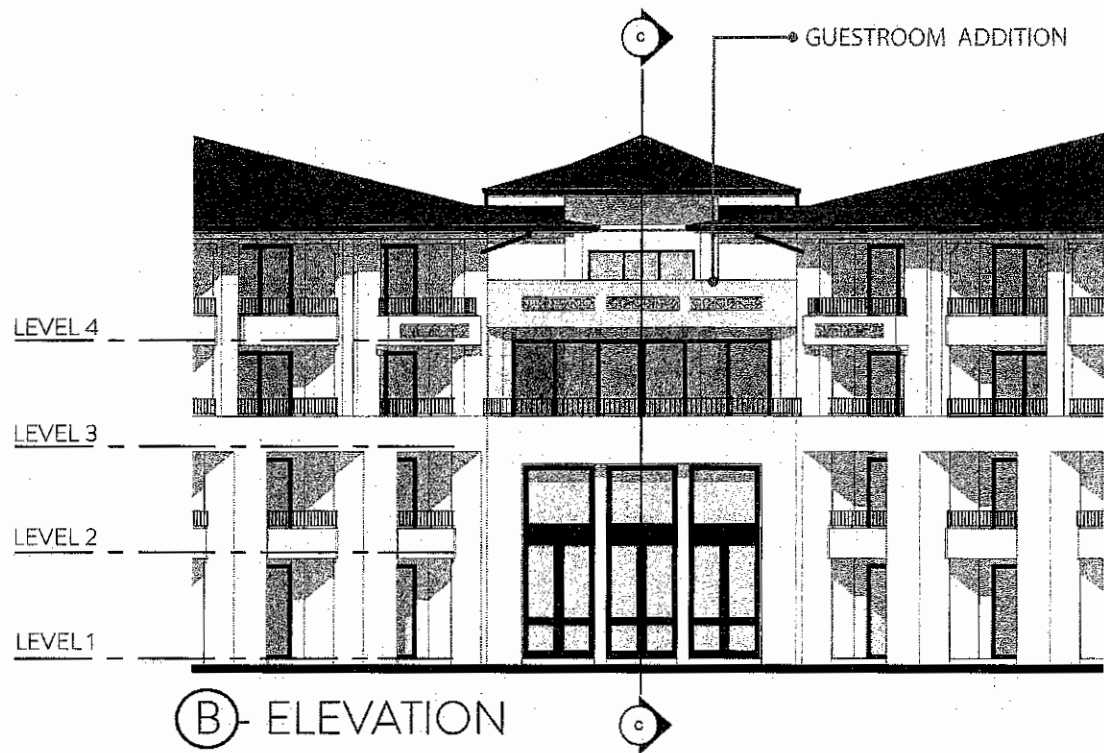
sheet title PLAN, ELEVATION
& SECTION
project no.

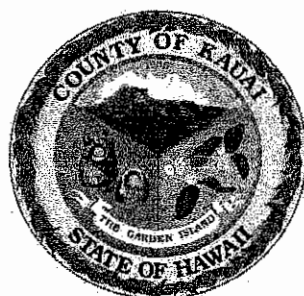
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sheet no.





PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 26	
Acceptance Date:	12.16.19
Website Posting Date:	12.17.19
Determination Date:	12.16.19
Planning Commission Date:	1.19.20
Expiration Date:	1.14.21
Planner Assigned:	JL

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: Waioli Surf Shack Holdings, LLC C/O Greenwood Homes	
Mailing Address: 5600 Weke Road, Hanalei, HI 96714	Phone: 808-652-9798 Email: tclark@greenwood-homes.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 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: Open	Tax Map Key(s): (4)5-5-05-027
	Land Area: 12,176 Sq. Ft.
Nature of Development: (Description of proposed structure or subdivision)	We are adding a small private spa on the lot next to the existing SFR. We also have included a new equipment pad for the spa equipment. Along the north and eastern borders of the parcel is a small rock wall. This wall is not retaining and is only for landscaping purposes. We also have a utility yard for the A/C and KIUC equipment. This is similar to the spa equipment yard.

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): >400' ft.
- Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

3 - Parcel 12 & 22 (Weke Road) & Waioli Park



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat - 10' to 12' MSL

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

☐ 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, tsunamis, 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

Tyler Chase 12/11/19
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<input type="checkbox"/>	Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.
<u>[Signature]</u> 12.16.19 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)

Planning Director or designee

12/16/19

Date

☐ **Additional comments/conditions:**

October 30, 2019

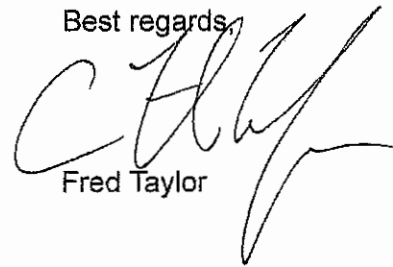
Kauai County Planning Department
4444 Rice St. # 473
Lihue, HI 96766

Dear Sir or Madam,

I, C Fred Taylor, am owner of Waioli Barn Holdings, LLC and am therefore the beneficial owner of the property TMK# (4) 5-5-005-027. I hereby authorize Tyler Clark to apply for building permits, zoning permits, shoreline setback determination, and SMA application on my behalf. Please feel free to contact me at fredtaylor18@gmail.com or at 949-413-9351 if you have any questions.

Thank you for your cooperation.

Best regards,



Fred Taylor

3109.1.3 General. Swimming pools shall comply with the requirements of this section and other applicable sections of this code.

3109.2 Definition. The following word and term shall, for the purposes of this section and as used elsewhere in this code, have the meaning that follows:

SWIMMING POOLS. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above ground and on-ground pools; hot tubs; spas and hot-in-place wading pools.

3109.4.1 Residential swimming pools. Residential swimming pools shall be completely enclosed by a fence at least 4 feet (1280 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

3109.4.2 Residential swimming pools. Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

3109.4.3 Exceptions: A spa with a safety cover complying with ASTM F 1346.

3109.4.4 Barrier height and clearances. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between the ground and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 2 inches (51 mm).

3109.4.4.1 Openings. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.4.2 Solid barrier surfaces. Solid barriers which do not have openings shall be without indentations or protrusions except for normal construction tolerances and tool marks.

3109.4.4.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence and the distance between the horizontal members shall not exceed 1.75 inches (44 mm). In width, where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm).

3109.4.4.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

3109.4.4.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2.25 inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1.75 inches (44 mm).

3109.4.4.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

3109.4.4.7 Gates. Access gates shall comply with the requirements of Section 3109.4.1 through 3109.4.4.6 and shall be equipped to accommodate a locking device. Permanent access gates shall open outward and have a self-latching device. Gates other than permanent access gates shall have a self-latching device. Release devices shall be in accordance with Sections 1008.1.1.B and 1109.1.3. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the gate shall be 3 inches (76 mm) below the top of the gate and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.4.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. The wall shall be direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall be activated within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm shall be equipped with a power supply cover which complies with ASTM F 1346.

2. The pool shall be equipped with a self-closing door with self-latching devices, which are approved by the administrative authority, shall be accepted so long as the protection afforded is not less than the protection afforded by Section 3109.4.4.1.B, item 1 or 2.

3. Pool structure as barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access shall be equipped with a self-closing door or barrier shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.4.1 through 3109.4.4.6, when the ladder or steps are closed, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.4.9 Indoor swimming pools. Wells surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.B.

3109.4.4.10 Barrier locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

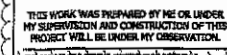
1. KEYNOTE REFERENCES IN STADIUMS (K1) ARE IDENTIFIED ON SHEET W-90.
2. FENCING TO BE 5' MIN HEIGHT MEASURED FROM OUTSIDE OF POOL AREA AND SHALL NOT PASS A 4" DIAMETER SPHERE OR HAVE HANDHOLDS TO ENABLE CLIMBING.
3. GATES TO OPEN AWAY FROM POOL AND BE SELF-CLOSING WITH SELF-LATCHING DEVICE 60" MIN ABOVE FINISH GRADE.
4. ONE OF THE FOLLOWING TO BE INSTALLED:
 - a. APPROVED FENCING TO ISOLATE POOL FROM THE HOME.
 - b. APPROVED SAFETY POOL COVER.
 - c. EXIT ALARMS ON ALL DOORS LEADING TO POOL AREA TO BE 60" ABOVE FINISH FLOOR.
 - d. SELF-CLOSING, SELF-LATCHING MECHANISMS ON ALL DOORS LEADING TO POOL AREA TO BE 54" ABOVE FINISH FLOOR.
4. ALL EXCAVATION SPILLS TO BE HAULED OFF SITE AND NO STORAGE OF MATERIALS IS PROPOSED IN THE RIGHT OF WAY.
5. POOL HEATER VENT TO BE MIN 4 FT FROM PROPERTY LINE, DOORS, AND OPERABLE WINDOWS.
6. GLAZING WITHIN 5 FT OF WATER TO BE TEMPERED GLASS.
7. EXPANSIVE SOIL STRUCTURAL STEEL SCHEDULE TO BE USED.
8. NO ELECTRICAL OUTLETS WITHIN 10 FT OF WATER.
9. EXISTING DRAINAGE PATTERNS TO BE MAINTAINED EXCEPT IN THE IMMEDIATE AREAS OF THE POOL, SPA AND EQUIPMENT PAD WHERE STORM WATER SHALL DRAIN AWAY FROM SAID STRUCTURES. DRAINAGE AROUND POOL, SPA AND EQUIPMENT PAD TO BE COLLECTED BY EXISTING PRIVATE DRAINAGE SYSTEM.

TAYLOR RESIDENCE
WISER ROAD
HANALEI, HAWAII
TMK - (4)-5-0-05-27

NEW SPA

SAFETY REQUIREMENTS

1. ABSOLUTELY NO DIVING ALLOWED.
2. SAFETY BARRIERS SHALL BE INSTALLED AND MAINTAINED BY THE OWNERS TO PREVENT UNAUTHORIZED ACCESS.
3. SUCTION OUTLET COVERS SHALL BE MAINTAINED AND REPLACED BY THE OWNERS TO PREVENT ENTRAPMENT.
4. WALKING SURFACES SHALL BE MAINTAINED BY THE OWNERS TO PREVENT SLIPS AND FALLS.
5. SEE SHEET W-000 FOR ADDITIONAL SAFETY REQUIREMENTS AND GENERAL NOTES.



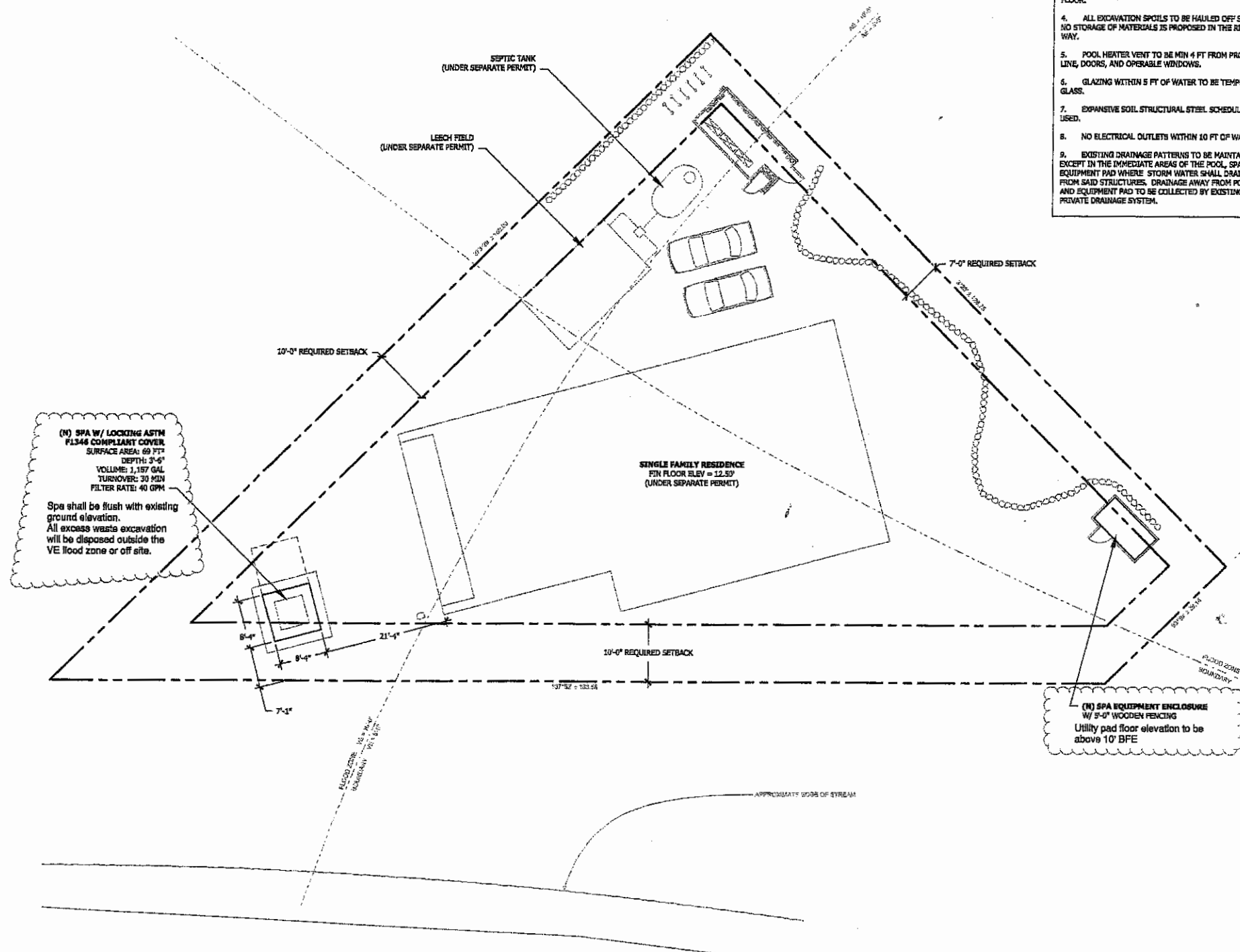
Waterstop
Accounting Inc.

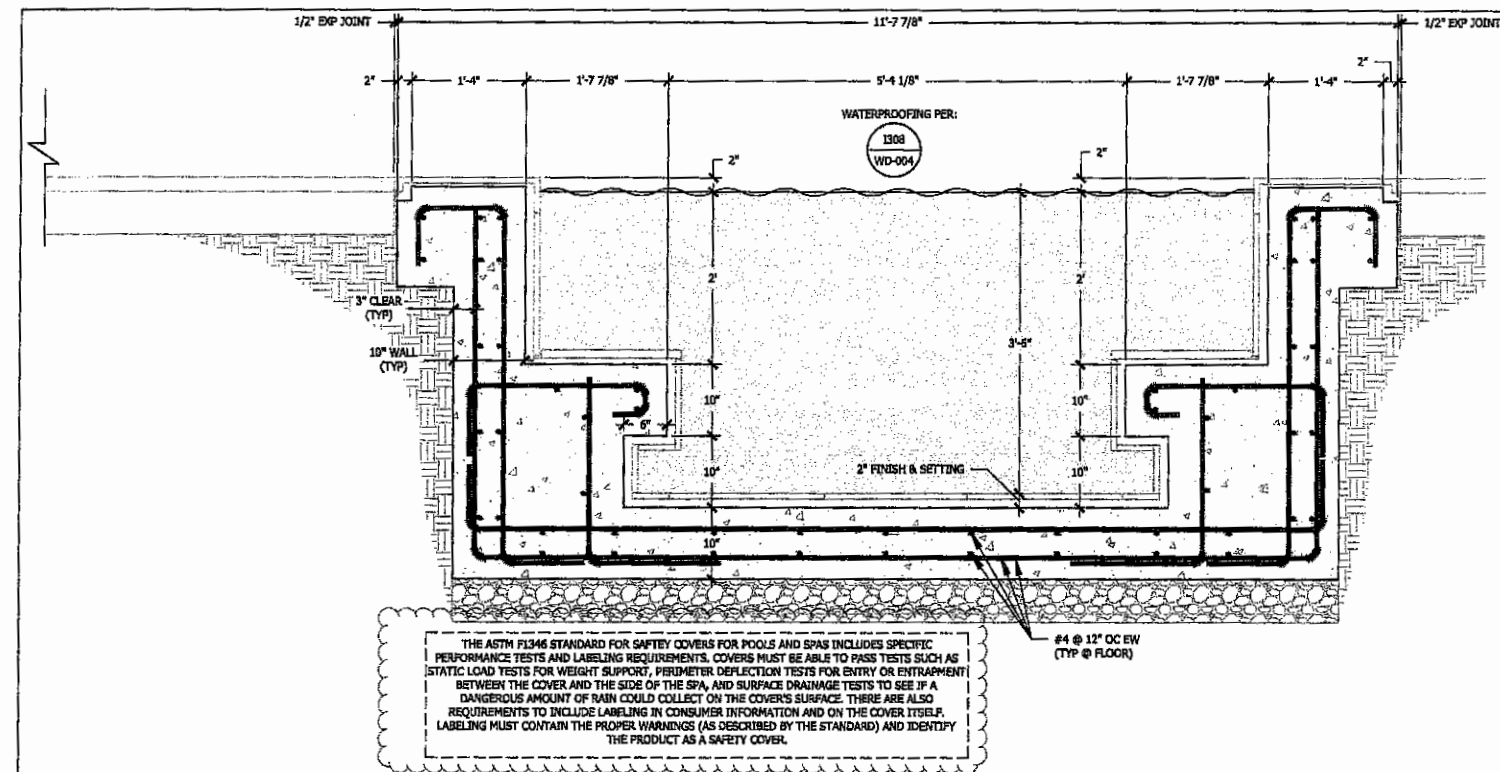
WATERSHAPE CONSULTING, INC.
A CALIFORNIA CORPORATION
140 LOMAS SANTA FE DRIVE, SUITE 202
SOLANA BEACH, CA 92075-1252 USA
658.720.1001
INFO@WATERSHAPECONSULTING.COM
WWW.WATERSHAPECONSULTING.COM
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PROJECT: TAYLOR-01
PROJECT MGR: RICHARD KREMER
PRINTED: 19/08/22

REV	DATE	DESCRIPTION
A	18/04/02	SITE PLANNING
B	18/05/08	PERMIT SUBMITTAL
C	19/03/22	SPA DESIGN
D	19/06/13	PERMIT SUBMITTAL

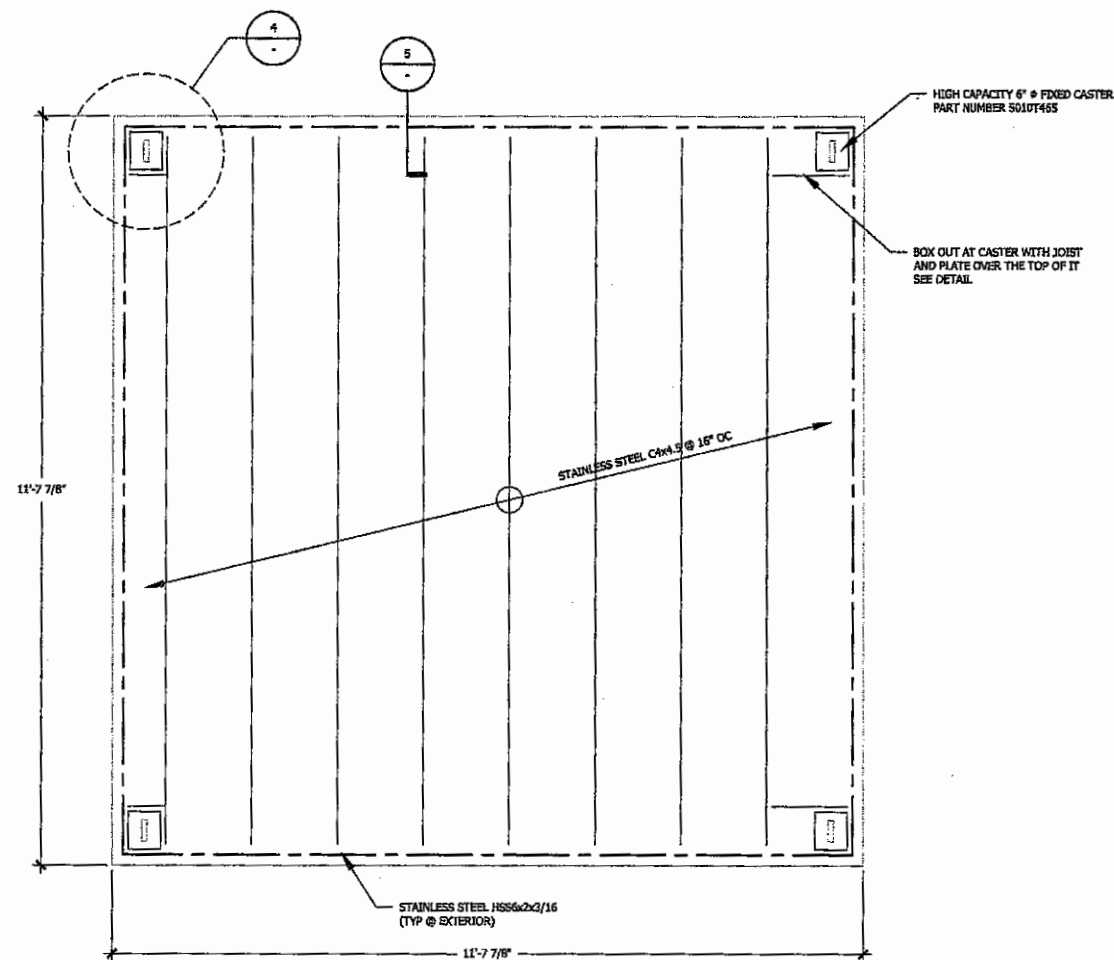
KEY MAP

SHEET NUMBER	REVISION
W-010	D

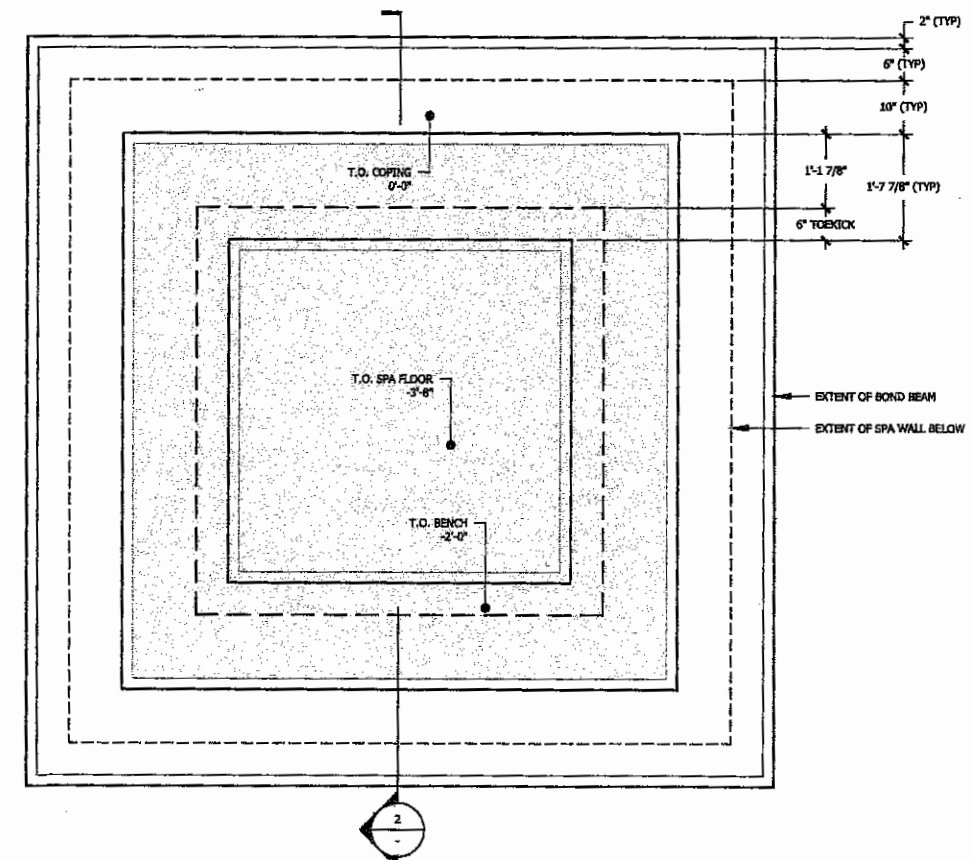




2 SPA SECTION
 REV: 17/07/19 © WATERSHAPE CONSULTING, INC. SCALE: 1" = 1'-0"
 0 3' 6' 12'



3 SPA COVER PLAN
 REV: 18/07/13 © WATERSHAPE CONSULTING, INC. SCALE: 3/4" = 1'-0"
 0 4' 8' 16'



1 SPA STRUCTURAL PLAN
 REV: 17/07/19 © WATERSHAPE CONSULTING, INC. SCALE: 3/4" = 1'-0"
 0 4' 8' 16'

GENERAL NOTES

1. KEYNOTE REFERENCES IN STADIUMS (K1) ARE IDENTIFIED ON SHEET W-090.
2. ALL DIMENSIONS ARE TO FINISHED CONCRETE UNO.
3. ALL #4 BARS SHALL BE ASTM A615 GRADE 60 DEFORMED REINFORCING BAR.
4. CAST-IN-PLACE LAP SPLICE DETAIL SEE SHEET WD-001 DETAIL S031.
5. SHOTCRETE LAP SPLICE DETAILS SEE SHEET WD-002 DETAILS S032 AND S032B.
6. MASONRY LAP SPLICE DETAIL SEE SHEET WD-002 DETAIL S033.
7. REINFORCING HOOKS, BENDS, & OFFSETS DETAIL SEE SHEET WD-002 DETAIL S034.
8. REINFORCING HOOPS, TIES, & STIRRUPS DETAIL SEE SHEET WD-002 DETAIL S035.
9. SHOTCRETE REINFORCING CLEARANCES DETAIL SEE SHEET WD-002 DETAIL S036.
10. CORNER, TEE, & CROSS REINFORCEMENT DETAIL SEE SHEET WD-002 DETAIL S037.
11. OPTIONAL REINFORCING STEEL SUPPORT DETAIL SEE SHEET WD-002 DETAIL S038.

PROJECT INFORMATION
 TAYLOR RESIDENCE
 WEEB ROAD
 HANALEI, HAWAII
 TMK (4)5-5-005-27

NEW SPA

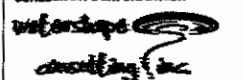
SAFETY REQUIREMENTS

1. ABSOLUTELY NO DIVING ALLOWED.
2. SAFETY BARRIERS SHALL BE INSTALLED AND MAINTAINED BY THE OWNERS TO PREVENT UNAUTHORIZED ACCESS.
3. SUCTION OUTLET COVERS SHALL BE MAINTAINED AND REPLACED BY THE OWNERS TO PREVENT ENTRAPMENT.
4. WALKING SURFACES SHALL BE MAINTAINED BY THE OWNERS TO PREVENT SLIPS AND FALLS.
5. SEE SHEET W-000 FOR ADDITIONAL SAFETY REQUIREMENTS AND GENERAL NOTES.



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

CONSULTANT'S INFORMATION



WATERSHAPE CONSULTING, INC.
 A CALIFORNIA CORPORATION
 140 LOMAS SANTA FE DRIVE, SUITE 202
 SOLANA BEACH, CA 92075-1252 USA
 658.720.1001

INFO@WATERSHAPECONSULTING.COM
 WWW.WATERSHAPECONSULTING.COM

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PROJECT: TAYLOR-01
 PROJECT MGR: RICHARD KREMER
 PRINTED: 19/08/27

REVISION HISTORY

REV	DATE	DESCRIPTION
A	18/04/02	SITE PLANNING
B	18/05/08	PERMIT SUBMITTAL
C	19/03/22	SPA DESIGN
D	19/08/13	PERMIT SUBMITTAL

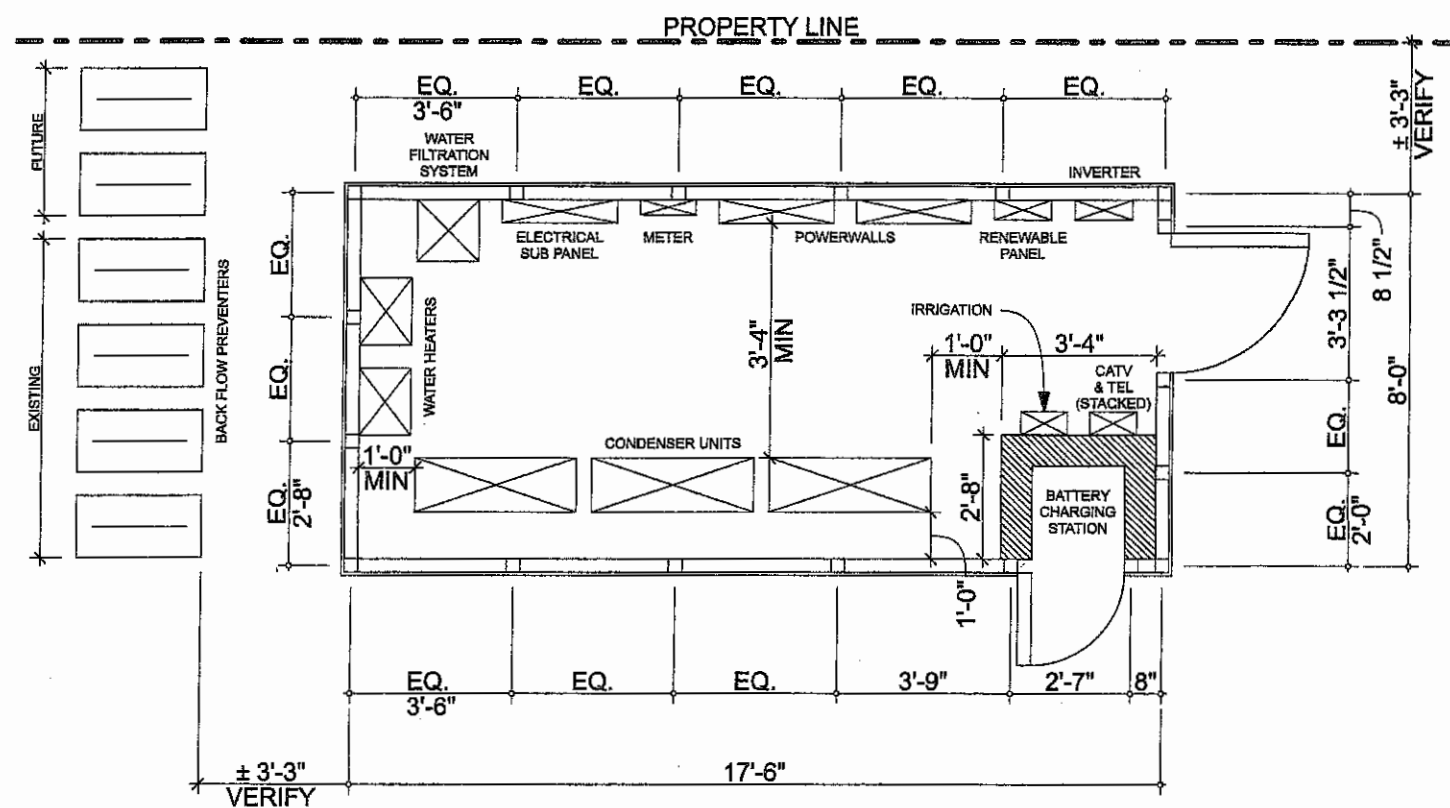
SHEET TITLE

**SPA STRUCTURAL
 PLAN & SECTION**

SHEET NUMBER **REVISION**

W-202

D



UTILITY ENCLOSURE #1

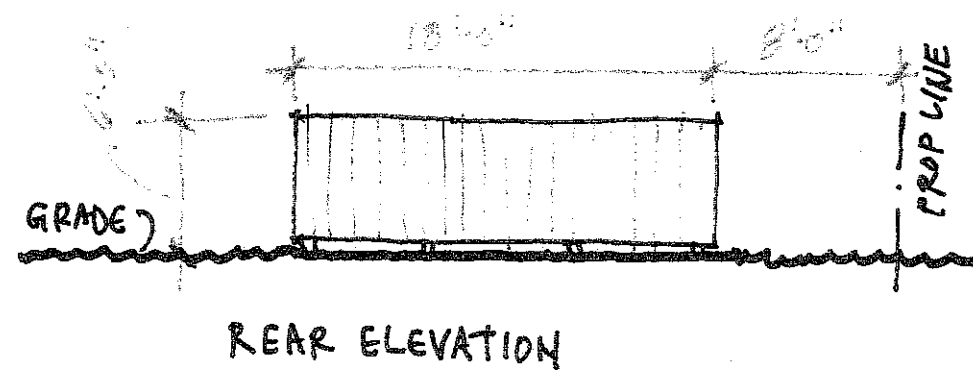
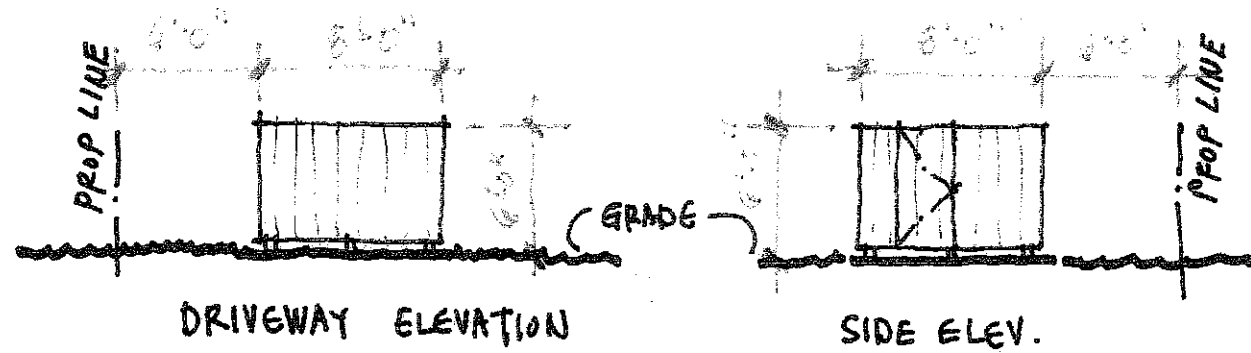
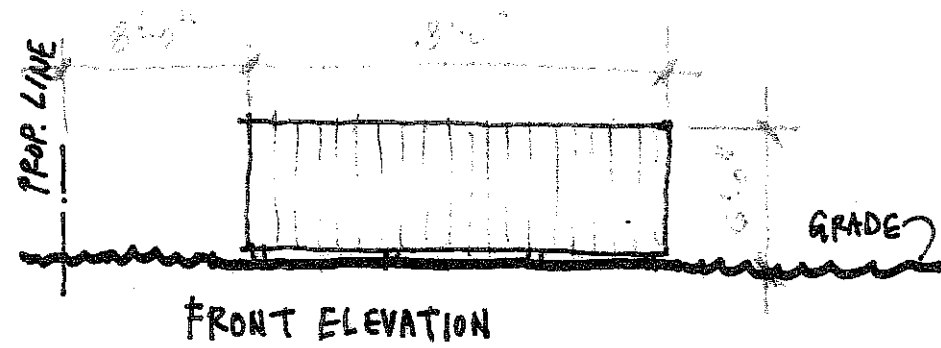
SCALE: 1/4" = 1'-0"

WALKER
WARNER
ARCHITECTS

WEKE ROAD
HANAIEI, HAWAII

BARN

2019-05-13

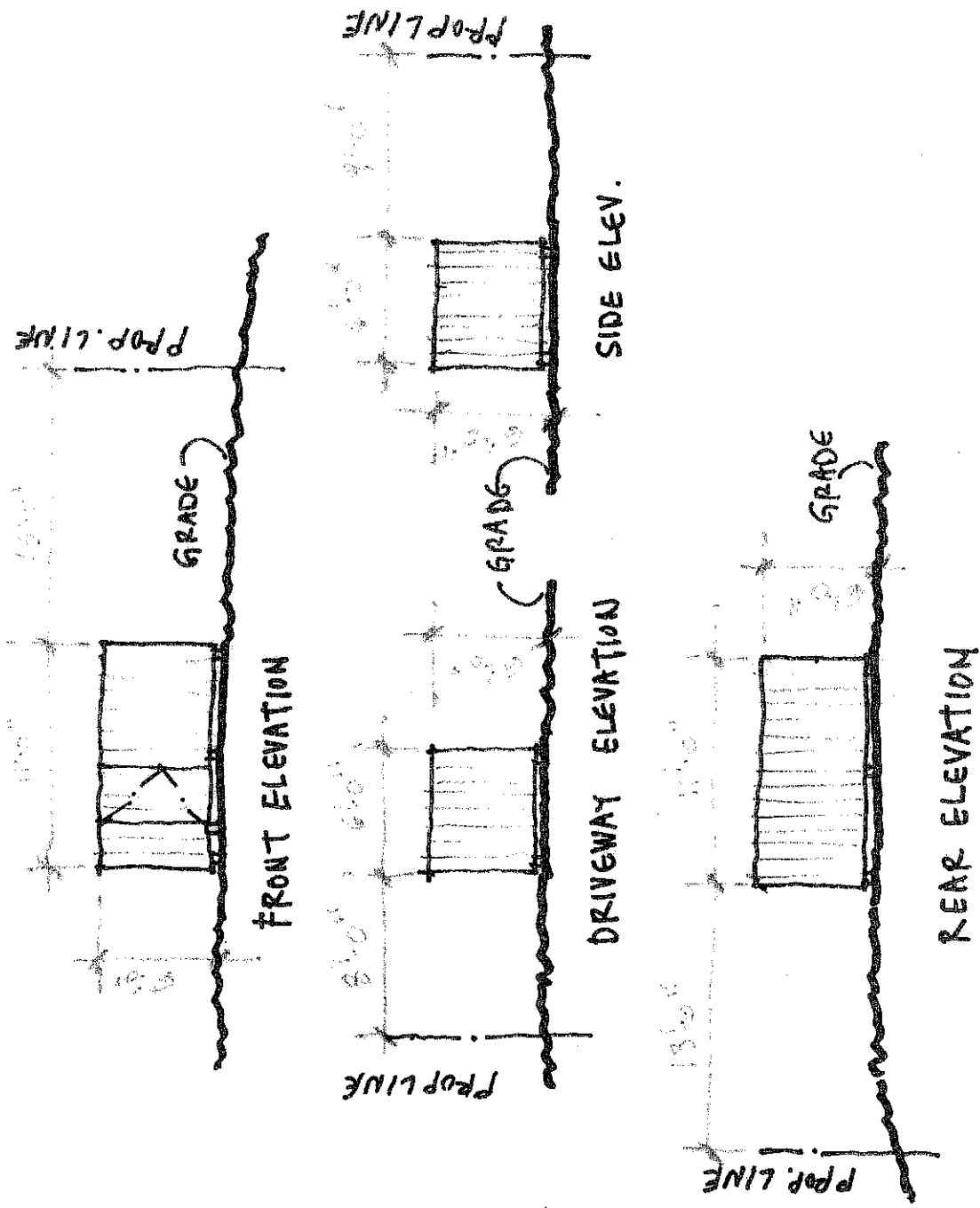


UTILITY ENCLOSURE #1

5557 WEKE ROAD

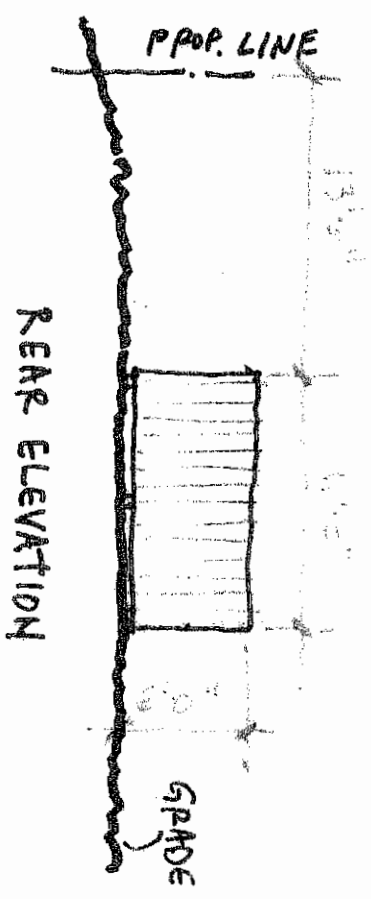
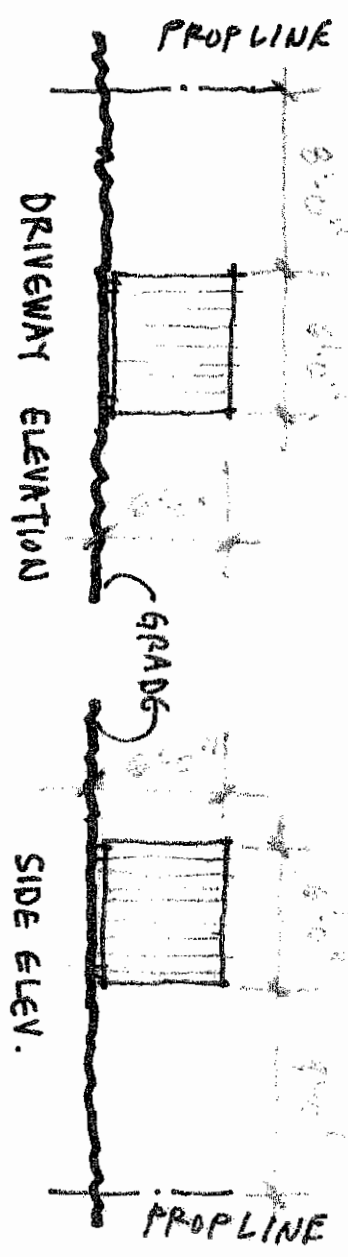
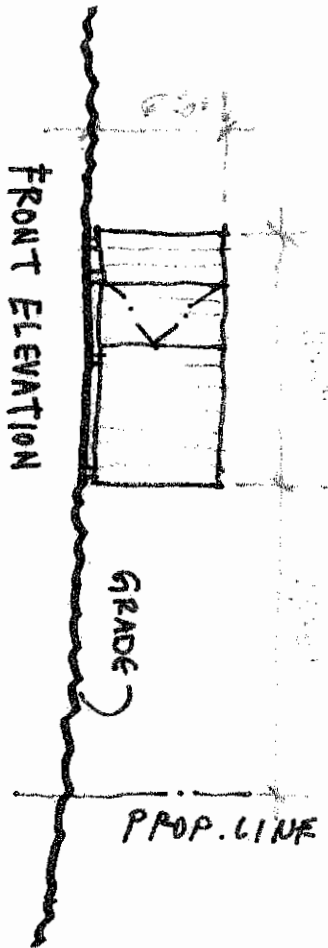
20 · NOV · 2019

WVA ARCHITECTS.



UTILITY ENCLOSURE #2
5557 WEKE ROAD

20 - NOV - 2019 WWAARCHITECTS.

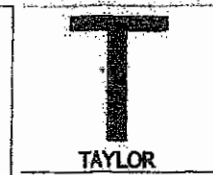


UTILITY ENCLOSURE #2
5557 WAKE ROAD

20. NOV. 2019 WWA Architects.

GENERAL NOTES

1. KEYNOTE REFERENCES IN STANDARD (K1) ARE IDENTIFIED ON SHEET W-081.
2. PLUMBING SHOWN IS SOMEWHAT SCHEMATIC IN NATURE IN ORDER TO CONVEY POSSIBLE ROUTING CONFIGURATIONS.



PROJECT INFORMATION
 TAYLOR RESIDENCE
 WILKE ROAD
 HAWAII, HAWAII

- NEW POOL AND SPA**
- SAFETY REQUIREMENTS**
1. ABSOLUTELY NO DIVING ALLOWED.
 2. SAFETY BARRIERS SHALL BE INSTALLED AND MAINTAINED BY THE OWNERS TO PREVENT UNAUTHORIZED ACCESS.
 3. SUCTION OUTLET COVERS SHALL BE MAINTAINED AND REPLACED BY THE OWNERS TO PREVENT ENTRAPMENT.
 4. WALKING SURFACES SHALL BE MAINTAINED BY THE OWNERS TO PREVENT SLIPS AND FALLS.
 5. SEE SHEET W-000 FOR ADDITIONAL SAFETY REQUIREMENTS AND GENERAL NOTES.

CONSULTANT'S INFORMATION
 watershape consulting inc
 WATERSHAPE CONSULTING, INC.
 A CALIFORNIA CORPORATION
 140 LOMAS SANTA FE DRIVE, SUITE 202
 SOLANA BEACH, CA 92075-1252 USA
 888.720.1001
 INFO@WATERSHAPECONSULTING.COM
 WWW.WATERSHAPECONSULTING.COM
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 PROJECT: TAYLOR-01
 PROJECT MGR: RICHARD KREMER
 PRINTED: 15/03/25

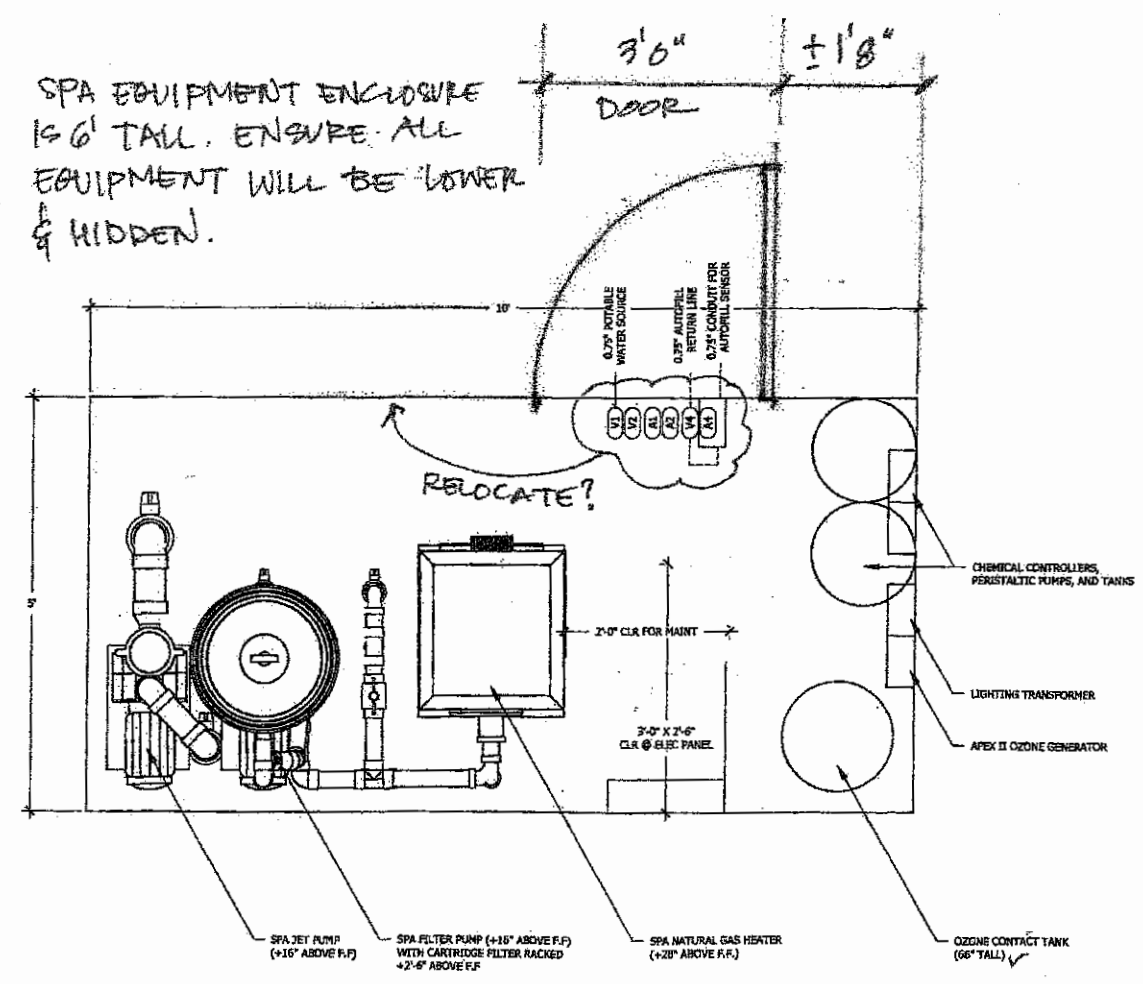
REVISION HISTORY

REV	DATE	DESCRIPTION
A	18/04/02	SITE PLANNING
B	18/05/08	PERMIT SUBMITTAL
C	19/03/22	SPA DESIGN

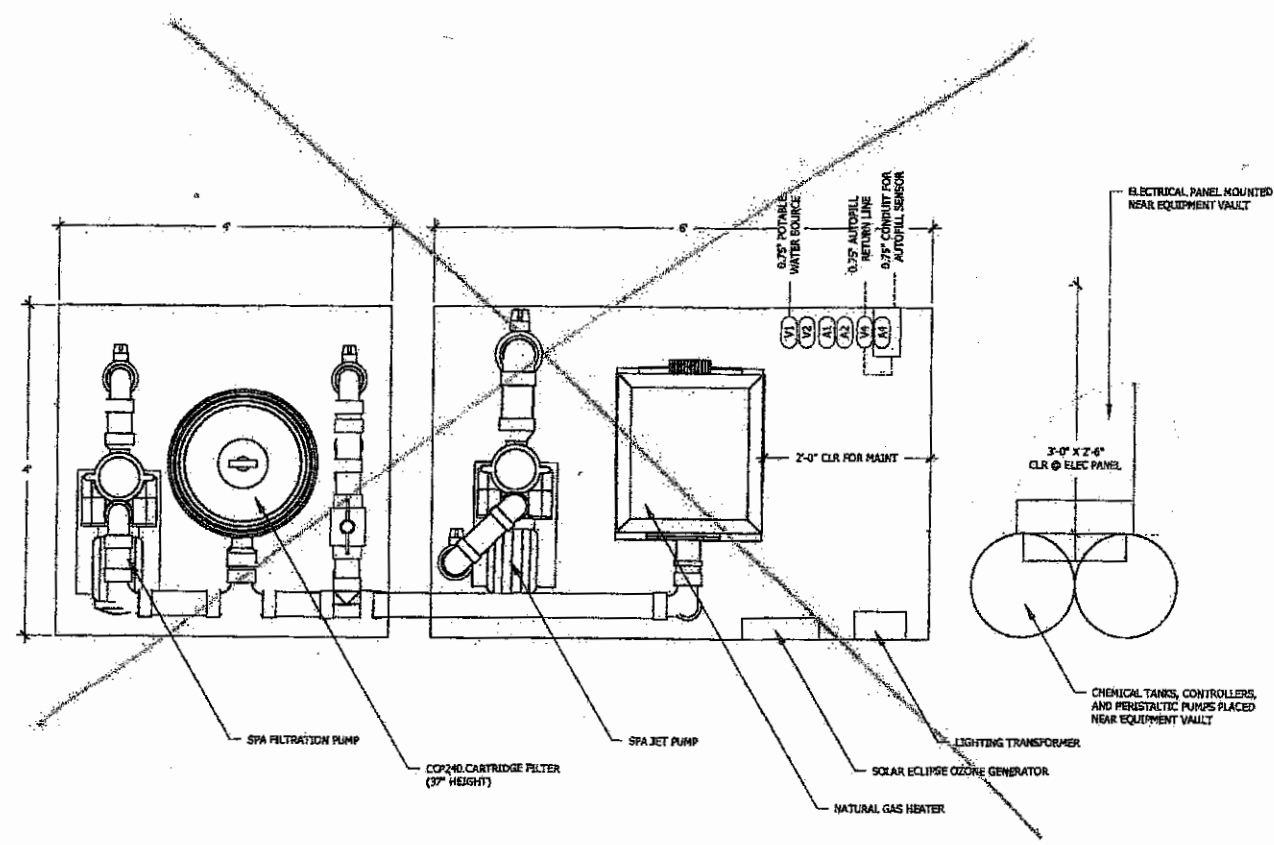
SHEET TITLE
EQUIPMENT PLUMBING PLAN

SHEET NUMBER W-081 **REVISION** C

Utility Enclosure #2 N.T.S.



NO VAULT

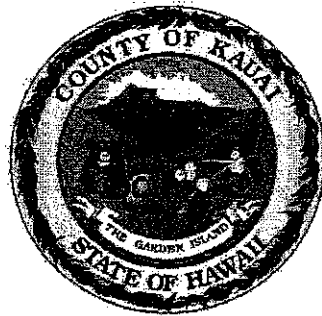




Google

Weke Rd

Han • Ha
St



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 27	
Acceptance Date:	12.16.19
Website Posting Date:	12.17.19
Determination Date:	12.16.19
Planning Commission Date:	NA
Expiration Date:	12.16.20
Planner Assigned:	CSB

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: LAURA BANCROFT, Trustee and DAVID BANCROFT	
Mailing Address: 5-7048 Kuhio Highway Hanalei, HI	Phone: _____ Email: _____
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 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.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: R-6	Tax Map Key(s): (4) 5-8-011:010
	Land Area: 11,950 sf
Nature of Development: (Description of proposed structure or subdivision)	Deleted new wooden lanai facing Kuhio Highway and conversion of interior loft to bedroom space

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

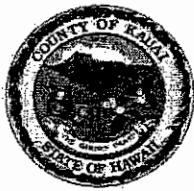
Part A

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): 50 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: .1 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

--



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

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

☐ 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)? VE23

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

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: [Signature] Date: MAY 24 2019

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: [Signature] 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

12-16-19

Date

☒ Additional comments/conditions:

Deck removed.

10/16/2019



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER



19 OCT 18 A9 58

October 16, 2019

Belles Graham LLP
Watumull Plaza
4334 Rice Street, Suite 202
Lihue, HI 96766-1388

RECEIVED

Attention: Mr. Jonathan J. Chun

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
5-7048 Kūhiō Highway, Bancroft, Wainiha
TMK: (4) 5-8-011:010

PW 09.19.087

Dear Mr. Chun,

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 dwelling at TMK: (4) 5-8-011:010 in Wainiha. To determine if the improvements are considered “substantial,” we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be “unsubstantial.”

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division.

Market Value

The market value is the Replacement Cost New Less Depreciation (RCNLD) value for 2019 as determined by the County's Real Property Assessment Division. The market value of the building is \$406,600. Fifty percent (50%) of this is \$203,300 (or \$406,600 divided by 2).



COPY**Cost of Improvements**

There were no other permits within the past ten years. The cost of improvements for the current work is estimated to be \$5,000. This was based on a cost estimate prepared by contractor Hanalei Handyman that was dated September 19, 2019.

Summary

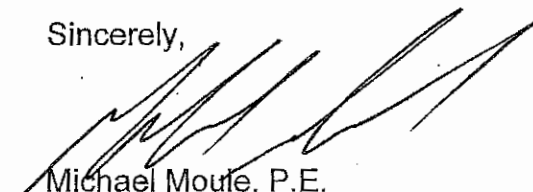
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): \$5,000}}{\text{Market Value (Real Property): \$406,600}} = 0.0122 \text{ or } 1.2\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

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

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)

Jody Galinato

From: Jonathan Chun <jjc@kauai-law.com>
Sent: Tuesday, December 10, 2019 2:39 PM
To: Jody Galinato; Mike Laureta
Subject: FW: Deck has been removed.
Attachments: 20191209_101945.jpg; 20191209_122555.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Jody:

The deck in the front has been removed. Attached are before and after pictures. I've revised the application to only include the interior renovation of the loft to bedrooms. I'm sending the \$100 application fee and a revised application noting that the deck has been removed.

Jon



BELLES GRAHAM LLP

JONATHAN J. CHUN 2928-0
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766
Telephone: (808) 246-6962
Facsimile: (808) 245-3277
Email: jjc@kauai-law.com

Attorney for Applicants
LAURA BANCROFT,
Trustee of the Laura Bancroft Living Trust
and DAVID BANCROFT

BEFORE THE DIRECTOR OF PLANNING

OF THE

COUNTY OF KAUAI

In The Matter Of The Application)	CLASS I ZONING PERMIT
)	NO. Z-1-_____
Of)	
)	APPLICATION; EXHIBITS "A" – "J"
LAURA BANCROFT, Trustee of the Laura)	
Bancroft Living Trust and DAVID)	
BANCROFT for a Class I Zoning Permit for)	(Removal of lanai and Conversion of
real property situated at Wainiha, Kauai,)	interior loft to bedroom space)
Hawaii, identified by Kauai Tax Map Key)	
No. (4) 5-8-011:010 and containing an area of)	
11,950 square feet, more or less)	
_____)	

CLASS I ZONING PERMIT
(Removal of lanai and Conversion of interior loft to bedroom space)

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APPLICATION

Comes now, the Applicants in the above-captioned proceedings, by and through their undersigned attorney, and hereby submits the following Application:

SECTION 1. APPLICANTS/SUBJECT PROPERTY/OWNERS.

1.1 Applicants. The Applicants are LAURA BANCROFT, Trustee of the Laura Bancroft Living Trust and DAVID BANCROFT who are the owners of the Subject Property. The Applicants have authorized Jonathan J. Chun of Belles Graham LLP to file this Application pursuant to the Applicants' Authorization attached hereto as Exhibit "A".

1.2 Subject Property. The property which is the subject matter of this Application ("Subject Property") is described as Lot 80 located in Wainiha, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 5-8-011:010. A legal description of the Subject Property is contained in Exhibit "B" attached hereto. The Subject Property contains approximately 11,950 square feet.

1.3 Ownership. The Subject Property is owned by the Applicants as shown on Exhibit "B".

SECTION 2. LOCATION AND LAND USE DESIGNATIONS OF PROPERTY.

2.1 Location. The Subject Property is located in Wainiha, Kauai, Hawaii, and is shown on the Tax Map attached hereto as Exhibit "C". The proposed location of the development on the Subject Property is shown on the Plot Plan on Sheet A01 of Exhibit "D".

2.2 Land Use Designations. The respective State Land Use Commission ("SLUC"), Kaua'i General Plan, County of Kauai Comprehensive Zoning Ordinance ("CZO"), and other relevant land use designations for the Subject Property are as follows:

a. SLUC. As shown on the Hanalei 1000' scale map attached as Exhibit "E", the Subject Property is located in the SLUC Urban District. The Project Area has been located in the SLUC Urban District since the inception of the SLUC Districts.

b. Kaua'i General Plan. As shown on the General Plan Map attached as Exhibit "F", the Subject Property is located in the Kaua'i General Plan Land Use Residential Community Designation. The Project Area has been consistently located in the Residential designation or classification under prior General Plans.

c. CZO. As shown on the Zoning Map ZM-WN-HN700 map attached as Exhibit "G", the Project Area is located in the CZO Residential (R-4) District. The Subject Property has been located in the CZO Residential District since the adoption of the CZO.

d. Development Plan Area. The Subject Property is located within the North Shore Development Plan Area.

e. Special Management Area. As shown on the SMA Map (Exhibit "H"), all of the Subject Property is located within the Special Management Area ("SMA") of the County of Kauai. The Subject Property has been located within the SMA since the adoption of the SMA Rules (December 17, 1979).

f. Shoreline. The Subject Property is located along the Shoreline as defined in HRS Chapter 205A, Part III.

g. Violations. A notice of violation has been issued as to this Subject Property for construction of a storage shed. The shed has since been removed. No fine was assessed for this violation.

h. Land Use Conditions. The Subject Property is subject to the following land use conditions:

- (i) SLUC District Boundary Amendment. Not applicable.
- (ii) Kaua'i General Plan Amendment. Not applicable.
- (iii) CZO Zoning Amendment. Not applicable.
- (iv) CZO Use Permit. Not applicable.
- (v) SMA Use Permit. There has been no SMA permit issued

for the Subject Property.

SECTION 3. EXISTING USES AND PROPOSED DEVELOPMENT OF SUBJECT PROPERTY.

3.1 Existing Uses. The Subject Property is an improved parcel of land containing a single family dwelling. The existing single family dwelling is shown on Sheet A01 of Exhibit "D". The Subject Property is currently being used for residential and transient vacation rental purposes area by the Applicants.

3.2 Proposed Development. The Applicants converted the interior loft on the upper level to bedroom space and have removed a previously constructed lanai/deck from the front of the house (hereinafter sometimes referred to as the "Development"). Floor plans and elevations for the removed lanai and the conversion of the interior loft on the upper level to bedroom space are shown on Sheets A01, A02 and A03 of Exhibit "D".

SECTION 4. DESCRIPTION OF SUBJECT PROPERTY AND IDENTIFICATION OF SURROUNDING LANDS.

4.1 Adjacent Property. The Subject Property is a beachfront lot within a developed residential subdivision in the Wainiha area. Kuhio Highway forms the Subject Property's southern boundary. Across Kuhio Highway to the south of the Subject Property is a residential lot identified as Tax Map Key No. (4) 5-8-011:028 containing a two bedroom, one bathroom dwelling (Parcel "28"). Parcel 28 is classified as homestead by the County Real Property Tax division. To the north of the Subject Property is the Pacific Ocean. Parcel 29 is classified as residential by the County of Kauai Real Property Tax division. To the east of the Subject Property is a vacant residential lot identified as Tax Map Key No. (4) 5-8-012-008. To the west of the Subject Property is a residential lot containing a small one bedroom, one bathroom dwelling identified as Tax Map Key No. (4) 5-8-011-011 (Parcel "11"). Parcel 11 is classified as residential by the County Real Property Tax division.

4.2 Natural Environment.

a. General Description. The Subject Property is a fairly level lot that is adjacent to Kuhio Highway which forms the Subject Property's southern boundary. The Subject Property is currently improved with a single family dwelling unit. The Subject Property has mature coconut palms, banana trees, ironwood trees and shrubs surrounding the single family dwelling.

b. Land Classification. As set forth in the Detailed Land Classification study (Island of Kauai) (Land Study Bureau, University of Hawaii), the Subject

Property is within the Land Type 93 that has an over-all productivity ratings for lands of D (D93), which is the second lowest productivity rating.

c. Rainfall. According to the Detailed Land Classification study, the Subject Property is indicated to receive approximately 35-80 inches of annual rainfall.

d. Botanical Resources. Existing vegetation in the Project Area consists of mature palm trees, banana plants, ironwood trees and various ground cover and shrubs.

4.3 Present Uses And Improvements. The Subject Property is presently used for residential and transient vacation rental purposes.

SECTION 5. PERMITS REQUESTED AND REQUIRED.

5.1 Class I Zoning Permit. A Class I Zoning Permit is required for the Development. See CZO Sections 8-4.7 (a)(1).

SECTION 6. IMPACTS OF DEVELOPMENT.

6.1 Botanical Resources and Wildlife. A discussion of the botanical and wildlife resources within the Subject Property is as follows:

6.1.1 Botanical Resources. There are no known listed, proposed or candidate threatened or endangered plant species within the Subject Property. The plants within the Subject Property are mature palm trees, banana plants, ironwood trees and various ground cover and shrubs. Most or all of the species within the Subject Property are introduced or alien species. None of the plants in the Subject Property are considered a species of concern or rare and vulnerable.

6.1.2 Wildlife Resources. The Subject Property is not located within or near any Natural Area Reserve or Wildlife Refuge or Sanctuary. Due to the developed nature of the neighborhood, there are no known nesting sites or habitats for any endangered species on the Subject Property. The Kauai General Plan North Shore Heritage Resource Map notes that there is a high density area of threatened or endangered species south of the Subject Property across Kuhio Highway which is mostly undeveloped.

6.2 Historical Resources. The Applicants are not aware of any archaeological, cultural or historical resources on the surface of the Subject Property which will be affected by the proposed work. The Subject Property is not listed on or nominated to either the State or Federal Register of Historic Places. The Subject Property is not near any County, State or Federal designated cultural or historic district. The Kauai General Plan North Shore Heritage Resource Map shows there are cultural features to the south of the Subject Property across Kuhio Highway and to the east and west. In the event of inadvertent historic site or burial discovery in the future, the Applicants will immediately contact the Historic Preservation Division of the Department of Land and Natural Resources. A copy of the Kauai General Plan North Shore Heritage Resource Map is attached hereto as Exhibit "I".

6.3 Air Quality/Noise. The Development will have little or no impact on the air quality and ambient noise levels in the area. Air quality and ambient noise levels may be affected at a very minimal level during the construction of the outdoor lanai facing Kuhio Highway and the conversion of the interior loft to bedroom space. All vehicles or equipment used by the Applicants during construction will be properly muffled, housed and

maintained to reduce any noise impacts or emission impacts. The Environmental Protection Agency (EPA) and State of Hawaii air quality standards will not be exceeded.

6.4 Flooding and Drainage. The Subject Property is situated within Flood Zone VE (elevation 21) as shown on the County of Kauai's flood insurance rate maps (Flood Insurance Rate Map 150002-0035E). A copy of a portion of FIRM 150002-0035E is attached hereto as Exhibit "J".

6.5 Utilities.

a. Potable Water. The Subject Property receives water service from the County of Kauai. The Development will have a minimal impact on the County of Kauai water system.

b. Electric/Communications. The Subject Property has electric service. The Development will have a minor affect to electric service.

6.6 Wastewater Treatment and Disposal. The dwelling unit is served by a residential cesspool. The Development will not generate any additional wastewater.

6.7 Solid Waste Disposal. Refuse is collected from the Subject Property by the County of Kauai. The Applicants currently pay for refuse disposal through its real property tax assessment. The Development will not generate any additional solid waste.

6.8 Governmental Services. The Development will have little or no impact on governmental services.

6.9 Economics. The Development will have the following economic impacts:

a. Jobs. The Development will not result in any additional employment opportunities. There will be a small short term benefit during the removal of the

front lanai/deck and the conversion of the interior loft space, but there is no anticipated long term employment opportunities associated with this work.

b. Housing. The Development will not result in the need for additional worker housing. All persons involved in the removal of the lanai and the conversion of the interior loft to bedroom space are already living on Kauai.

c. Property Values. Since the fair market value of real property is based on the value of the land and physical improvements, the removal of the wood lanai and conversion of the interior loft to bedroom space may increase the value of the Subject Property. This may result in increased real property taxes on the Subject Property, which will benefit the County of Kauai.

6.10 Population. The Development will not result in any increase in population.

6.11 Traffic Circulation. The major road which services the Subject Property is Kuhio Highway. The Development, in and of itself, will not significantly increase traffic on these roads.

6.12 Heritage Resources. The Kauai General Plan North Shore Heritage Resources Map attached as Exhibit "I" depicts natural, cultural and scenic resources that are important to the County and intended to be preserved. The Subject Property is across Kuhio Highway and to the west of an area shown as having a "very high density" of threatened and endangered species. There are two areas also to the south, east and west of the Subject Property that are noted as having cultural features. There are no special designations for the Subject Property.

SECTION 7. SLUC CONSIDERATIONS.

7.1 SLUC Urban District. The Subject Property is located within the SLUC Urban District. HRS Section 205-2(b) provides that uses in the urban district shall include activities or uses as provided by ordinances or regulations of the county. The Subject Property is within the Residential (R-4) District and the existing residential uses are consistent with the Subject Property's zoning.

7.2 Proposed Development's Compliance with SLUC Urban District Standards.

The Development is allowed as part of the residential use of the Subject Property. See HRS Section 205-2(b).

SECTION 8. GENERAL PLAN CONSIDERATIONS.

8.1 Kaua'i General Plan Land Use Designation. The Subject Property is located in the Kaua'i General Plan Residential Community Land Use Designation. The definition of this designation is set forth in Section 2.2 of the Kaua'i General Plan, which provides in relevant part as follows:

This designation indicates existing areas that are primarily residential with few to no other uses. These areas are located outside the quarter mile boundary of Neighborhood Center and are no longer intended to be utilized as a growth tool to indicate areas of future development.

8.2 Development's Compliance with Kaua'i General Plan Standards. The Development is consistent with the Residential Community designation as defined in Section 2.2. The Development is incidental to use of the residential use of the Subject Property and the surrounding properties.

SECTION 9. CZO RESIDENTIAL DISTRICT CONSIDERATIONS.

9.1 CZO Residential District. The Project Area is located within the CZO Residential (R-4) District. Uses in the CZO Residential (R-4) District are set forth in CZO Article 4, which provides in relevant part as follows:

"ARTICLE 4. RESIDENTIAL DISTRICTS (R)

Sec. 8-4.1 Purpose.

The Residential District regulates the number of people living in a given area by specifying the maximum allowable number of dwelling units that may be developed on any given parcel of land. In order not to differentiate between economic groups or life-styles, a reasonable flexibility in the type of dwelling units and their placement on the land has been provided.

(a) To establish standards governing the development, construction and use of housing and dwelling facilities.

(b) To provide opportunity for all groups of persons to obtain adequate housing within each area of the County suitable for residential use in relation to other land uses and consistent with the preservation of natural, scenic, and historic resources.

(c) To establish the level of minimum services necessary to assure the adequacy of housing.

(d) To encourage a variety of housing types, sizes and densities necessary to meet the needs of all economic groups and to avoid environmental monotony detrimental to the quality of life.

(e) To maintain the character and integrity of communities within residential districts and support residents in continuing to live and raise their families in these neighborhoods.

9.2 Development Compliance with CZO Residential District Standards. The Development is accessory to the residential uses of the Subject Property. The removal of the front lanai does not expand the structure further into the shoreline setback area. The conversion of the loft space into bedroom space is an allowable residential use. The removal of the lanai facing Kuhio Highway does not violate any CZO development standards nor does the conversion of the

loft space to bedroom space. Repairs to existing structures are allowed within the shoreline setback area as long as the repairs do not enlarge, add to or expand the structure ... or intensify the use of the structure or its impact on coastal processes. CZO Section 8-27.7(a)(6). The conversion of the interior loft to bedroom space complies with this criteria. CZO Section 8-27.7(a)(8) allows for minor structures to be located within the shoreline setback area. The interior renovation and the removal of the deck costs less than \$125,000.00, does not adversely affect beach processes, does not impede the natural processes and/or movement of the shoreline, is consistent with the purpose of CZO Article 8 and is more than 40' from the shoreline. See Shoreline Setback Determination Form submitted concurrently with this application.

SECTION 10. CLASS I ZONING PERMIT CONSIDERATIONS.

10.1 Compatibility With Surrounding Uses. The Property is surrounded by properties located within the SLUC Residential District. Uses on the surrounding lands are all residential in nature. The Subject Property is similar in topography, character and nature with adjacent and surrounding properties and the proposed Development is consistent with such surrounding uses.

10.2 Compliance with CZO Class I Zoning Permit Standards. The Applicants have complied with the procedural provisions for a Class I Zoning Permit by the filing and processing of this Application.

SECTION 11. NORTH SHORE DEVELOPMENT PLAN CONSIDERATIONS.

11.1 Development Plan Goals and Objectives. The goals and objectives of the North Shore Update, as adopted by the North Shore Development Plan Ordinance, include the following:

- Goal A: To preserve the unique natural beauty of the North Shore Planning Area.
- Goal B: To preserve the special rural charm of the North Shore Planning Area.
- Goal C: To provide for the safety and welfare of the people of their property of the North Shore Planning Area.
- Goal D: To provide for economic development of the North Shore Planning Area.
- Goal E: To preserve the wildlife and flora and the North Shore, recognizing man's dependence upon this preservation for his own health and welfare.
- Goal F: To insure the preservation of historic-archaeological sites in the North Shore Planning Area.
- Goal G: To create a development for evolutionary growth that depends upon a planning process whereby conflicts can be resolved through the establishment of priorities and community participation.
- Goal H: To provide for recreational opportunities that are compatible with unique qualities and natural features of the North Shore.

11.2 Compliance with Development Plan Standards. The Development will not conflict with any of the Goals contained in the North Shore DPO. The design, layout and outside appearance of the lanai will be compatible with the natural beauty and rural charm of the area. As such, the proposed use will not conflict with Goals A or B. The proposed Development will provide a short term economic opportunity for Kauai residents and as such will promote Goal D. The proposed Development will have no negative impact on the public safety or welfare, on any endangered species of plants or animals, on archaeologic or historic sites, or on recreational

opportunities on or around the Property. As such, it will not conflict with Goals C, E, F or H.

The process of filing this Application is consistent with the purposes of Goal G.

SECTION 12. HRS CHAPTER 343 (ENVIRONMENTAL IMPACT STATEMENTS)
CONSIDERATIONS.

12.1 HRS Chapter 343. The Development is not subject to the provisions of Hawaii Revised Statutes Chapter 343.

SECTION 13. NATIVE HAWAIIAN ISSUES.

13.1 The Development's Impacts on Traditional or Cultural Practices. The Development will have no impact on any known traditional or customary practices of native Hawaiians. The Applicants have owned the Subject Property since 2004. The Subject Property is fully developed with a single family dwelling. To Applicants' own knowledge as the owner of the Subject Property, they are unaware of any cultural practicing on the Subject Property since they bought the Subject Property. The Applicants have also contacted Michael Olanolan, a local cultural practitioner, who confirmed that he was not aware of any traditional or customary cultural practices occurring on the Subject Property. The Subject Property is fully developed in that it is zoned and used for residential purposes and has an existing dwelling. The courts have recognized that it is "always 'inconsistent' to permit the practice of traditional and customary native Hawaiian rights on such property." State v. Hanapi, 89 Haw. 177, 187 (1998). Based on this knowledge and information, the Applicants do not believe the Development will have any negative impact on any cultural or historic sites or resources located within the Subject Property.

SECTION 15. CONCLUSION.

The Applicants respectfully request that the Planning Director of the County of Kauai grant the Applicants a Class I Zoning Permit for Development.

DATED: Lihue, Kauai, Hawaii, DEC 10 2019.

BELLES GRAHAM LLP

By 

JONATHAN J. CHUN
Attorney for Applicants,
LAURA BANCROFT, Trustee of the Laura
Bancroft Living Trust and
DAVID BANCROFT

In The Matter Of The Application Of LAURA BANCROFT, Trustee of Laura Bancroft Living Trust and DAVID BANCROFT, for a Class I Zoning Permit for real property situated at Wainiha, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 5-8-011:010 and containing an area of 11,950 sq. ft., more or less (**Removal of lanai and conversion of interior loft to bedroom space**)

EXHIBIT LIST

(LAURA BANCROFT, Trustee of the Laura Bancroft Living Trust
and DAVID BANCROFT, Application for Class I Zoning Permit
(Removal of lanai and Conversion of interior loft to bedroom space)

EXHIBIT

A. AUTHORIZATION

Applicants' AuthorizationA

B. TITLE/LEGAL DESCRIPTIONS

Warranty DeedB

C. MAPS

Tax Map (5-8-011:010).....C
Site Plan/Floor Plans/Elevations.....D
1000' Scale Hanalei MapE
General Plan MapF
Zoning Map.....G
SMA Map.....H
Kauai General Plan North Shore Heritage Resource Map.....I
Portion of FIRM 150002-0035E.....J

EXHIBIT "A"

AUTHORIZATION

LAURA BANCROFT, Trustee of the Laura Bancroft Living Trust, dated February 23, 2012, as amended or restated, and DAVID BANCROFT, both of whose mailing address P. O. Box 840, Hanalei, Kauai, Hawaii 96714 (hereinafter collectively "Applicant") hereby authorizes JONATHAN J. CHUN, Esq., of Belles Graham LLP to file applications on behalf of the Applicant, with the Planning Department and the Planning Commission of the County of Kauai, and all other governmental agencies, to do all the things necessary to obtain zoning permits, use permits, variance permits, building permits, grading permits and other land use permits related to uses, activities, structures and development on that certain property located at Wainiha, Kauai, Hawaii, more specifically identified as Kauai Tax Map Key No. (4) 5-8-011:010.

DATED: 6/20, 2019.

LAURA BANCROFT LIVING TRUST

By 
LAURA BANCROFT
Its Trustee



DAVID BANCROFT

EXHIBIT "B"



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

February 28, 2012 9:00 AM
Doc No(s) A-44410570



1 111
B-32020961

nhik

Conveyance Tax: \$0.00

/s/ NICKI ANN THOMPSON
REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION RETURN BY: X MAIL PICK-UP to:

CYNTHIA HANNAH-WHITE, ESQ.
KAUAI ESTATE LAW, LLC
2970 Kele Street, Suite 205
Lihue, HI 96766

Pages to record: 4

TITLE OF DOCUMENT: **WARRANTY DEED**

PARTIES TO THE DOCUMENT:

Grantor: LAURA JANE BANCROFT, unmarried

Grantee: LAURA BANCROFT, Trustee of the Laura Bancroft Living Trust, dated February 23, 2012, as amended or restated, and DAVID BANCROFT, unmarried

TMK# (4) 5-8-011-010

DOCUMENT NO.: 2004-07459

WARRANTY DEED

THIS DEED, made this 23rd day of February, 2012, by and between LAURA JANE BANCROFT, unmarried, herein referred to as the "Grantor," and LAURA BANCROFT, Trustee of the Laura Bancroft Living Trust dated February 23, 2012, as amended or restated, whose address is P.O. Box 840, Hanalei, Hawaii 96714, having all powers under said trust agreement, including the full power to sell, convey, exchange, mortgage, lease, assign or otherwise deal with and dispose of all property of the trust, real and personal, and DAVID BANCROFT,

unmarried, whose mailing address is Post Office Box 74, Hanalei, Hawaii 96714, herein referred to as the "Grantee."

WITNESSETH:

For TEN DOLLARS (\$10.00) and other good and valuable consideration paid to the Grantor by the Grantee, In Trust, receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, in Trust, the property, situated on the Island and County of Kauai, State of Hawaii, and more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, as follows:

To **DAVID BANCROFT**, unmarried, as Tenant in Severalty: an undivided five percent (5%) interest;

To **LAURA BANCROFT**, Trustee of the Laura Bancroft Living Trust dated February 23, 2012, as amended or restated, in Trust: an undivided ninety-five percent (95%) interest.

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantors, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with the improvements thereon and all rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantees, as Tenants in Common, forever.

Grantees accept this conveyance in the tenancies set forth above.

Grantor does hereby covenant and agree with Grantee that the Grantor is lawfully seized in fee simple of the premises hereby conveyed; that the same are free and clear of and from all encumbrances, except as aforesaid and except for the lien of real property taxes not yet by law required to be paid; that Grantor is the sole and absolute owner of said personal property, if any, and that said personal property is free and clear of all encumbrances except as aforesaid; that the Grantor has good right to sell and convey said premises and said personal property, if any, as aforesaid, and that Grantor will **WARRANT AND DEFEND** the same unto Grantee against the lawful claims and demands of all persons, except as aforesaid, forever.

The Grantee Laura Bancroft, Trustee, accepts this conveyance in trust.

The term "Grantor" and "Grantee," or any pronoun used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, trustees, partnerships or corporations, and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns. All covenants and obligations.

undertaken by two or more persons shall be joint and several unless a contrary intention is clearly expressed elsewhere herein.

IN WITNESS WHEREOF, the undersigned executed these presents the day and year first above written.

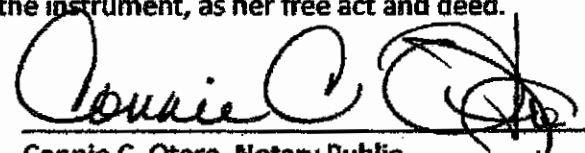
Grantor:


LAURA JANE BANCROFT

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

On this 23rd day of February, 2012, before me appeared Laura Jane Bancroft, who was proved to me on the basis of satisfactory evidence to be the person(s) whose name is subscribed to the within instrument (Warranty Deed) consisting of five (5) pages, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument she executed the instrument, as her free act and deed.




Connie C. Otero, Notary Public
Fifth Judicial Circuit, State of Hawaii
My Commission expires: December 28, 2015
Commission No.: 03-760

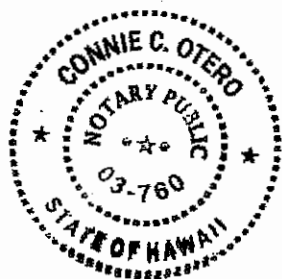
Grantee:

Laura Bancroft
LAURA BANCROFT, Trustee of the Laura Bancroft
Living Trust dated February 23, 2012, as amended
or restated

David Bancroft
DAVID BANCROFT

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

On this 23rd day of February, 2012, before me appeared Laura Bancroft, Trustee of the Laura Bancroft Living Trust dated February 23, 2012, as amended or restated, and David Bancroft, who were proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument (Warranty Deed) consisting of five (5) pages, and acknowledged to me that they executed the same in their authorized capacity, and that by their signatures on the instrument they executed the instrument, as their free act and deed.



Connie C. Otero
Connie C. Otero, Notary Public
Fifth Judicial Circuit, State of Hawaii
My Commission expires: December 28, 2015
Commission No.: 03-760

EXHIBIT "A"

All of that certain parcel of land (being a portion of the Ahupuaa of Wainiha, Royal Patent 7194, Land Commission Award 11216, Apana 5 to M. Kekauonohi) situate on the Northeast side of Government Main Road (Road A) at Wainiha, Halelea, Island and County of Kauai, State of Hawaii, being LOT 80, and being more particularly described as follows:

Beginning at the West corner of this lot, on the Northeast side of Main Road (Road A), being also the South corner of Lot 79, the coordinates of said point of beginning referred to Government survey Triangulation Station "NIHA 2" being 1,139.79 feet South and 399.54 feet East and running by azimuths measured clockwise from True South:

1. 232° 21' 178.00 feet along the remainder of the Ahupuaa of Wainiha (Lot 79) to high water mark at seashore;

Thence following along high water mark at seashore, the direct azimuth and distance being points at said high water mark being:

2. 352° 22' 30" 92.38 feet;
3. 52° 21' 130.00 feet along remainder of the Ahupuaa of Wainiha (Lot 81);
4. 141° 05' 80.00 feet along the Northeast side of Government Main Road (Road A) to the point of beginning and containing an area of 11,950 square feet, more or less.

Being all of the land conveyed to LAURA JANE BANCROFT, unmarried, by WARRANTY DEED dated March 11, 2004, and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-074590.

SUBJECT, HOWEVER, to the following:

1. Reservation of the State of Hawaii of all mineral and metallic mines.
2. Shoreline setbacks: "Shoreline setbacks established pursuant to the laws of the State of Hawaii, or any political subdivision thereof, and any ordinances, rules or regulations adopted or promulgated by any governmental authority pursuant to such laws."
3. Seaward boundary: "Determination of the seaward boundary of the land described herein pursuant to the laws of the State of Hawaii."

END OF EXHIBIT "A"

EXHIBIT "C"

5 B 11 4TH DIST.

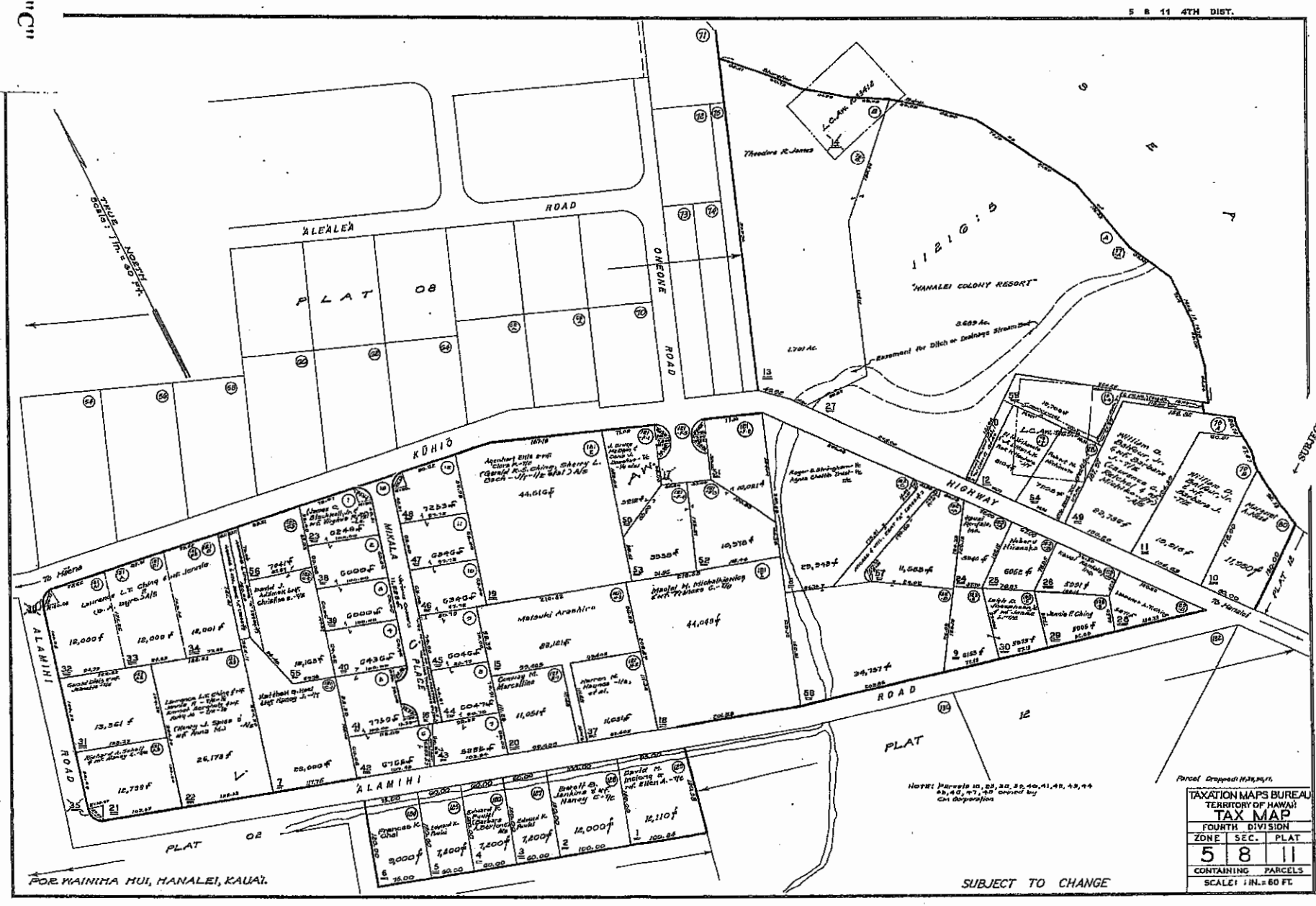
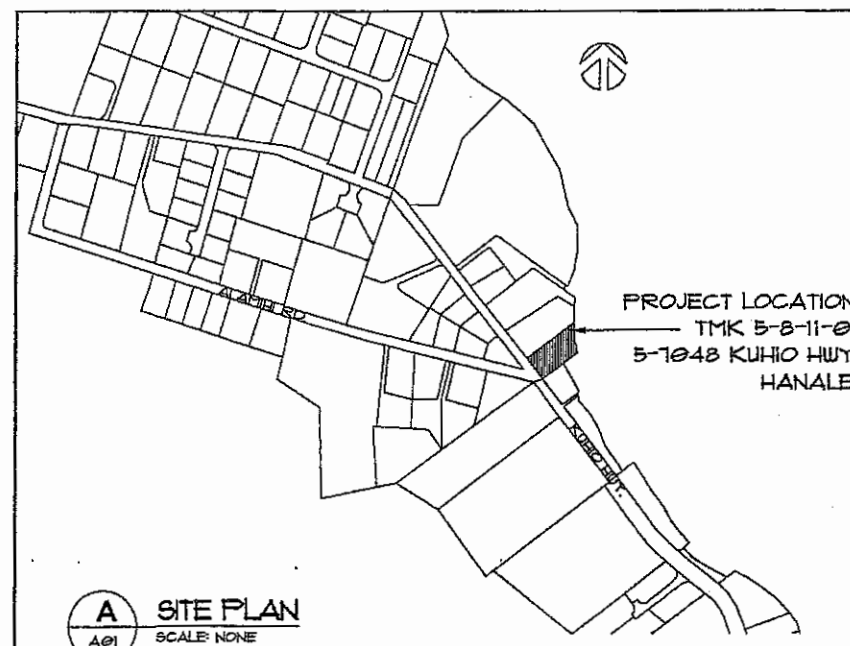
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EXHIBIT "D"



LOT SIZE 11,950 SF

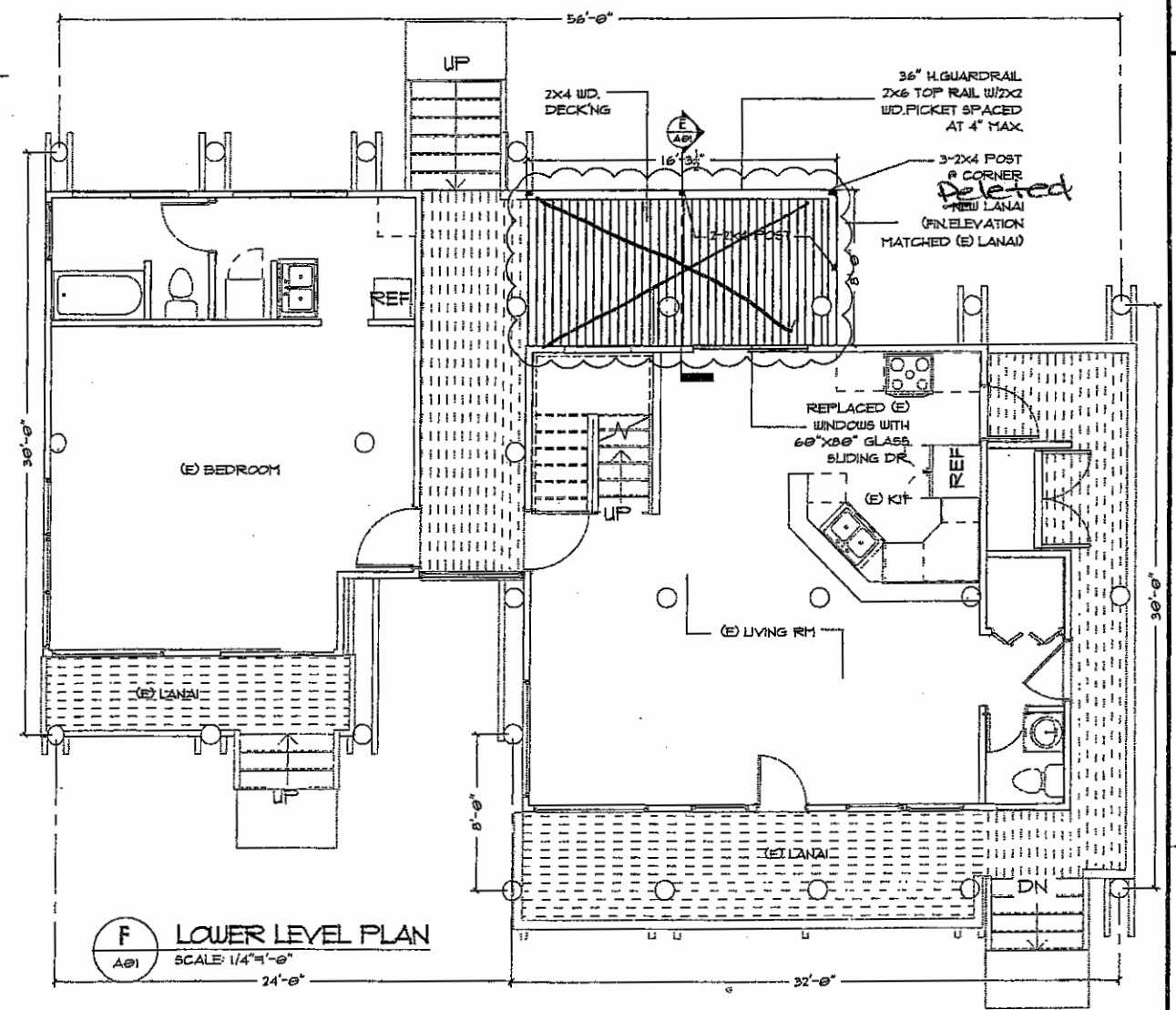
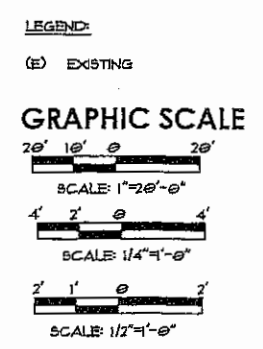
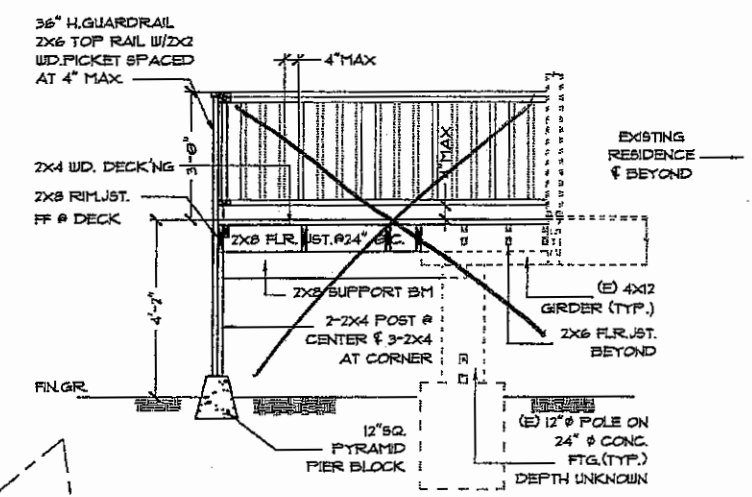
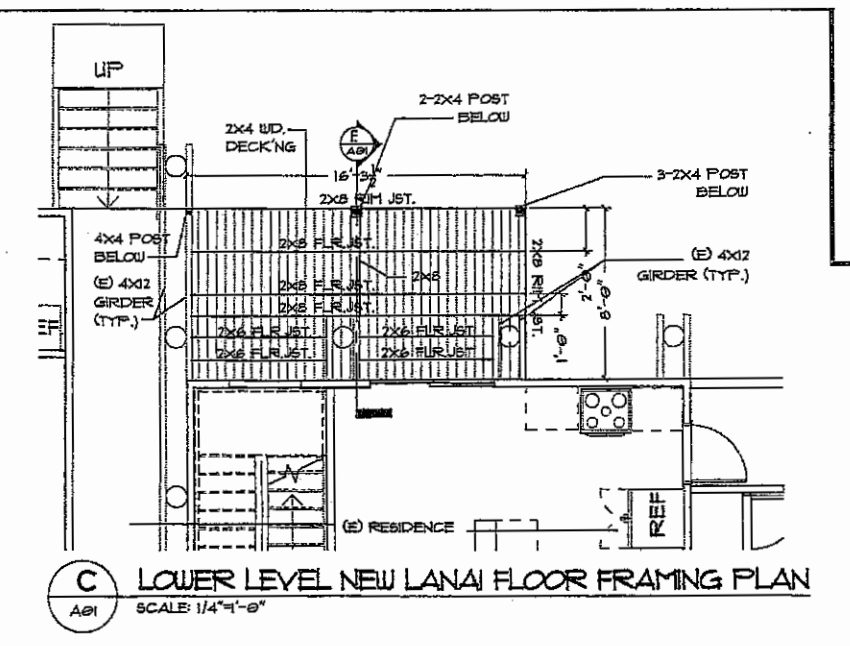
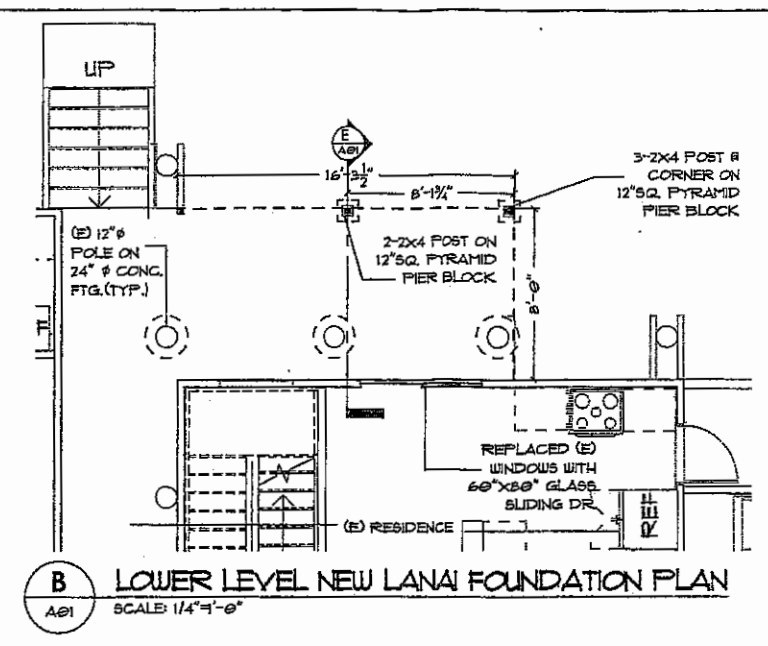
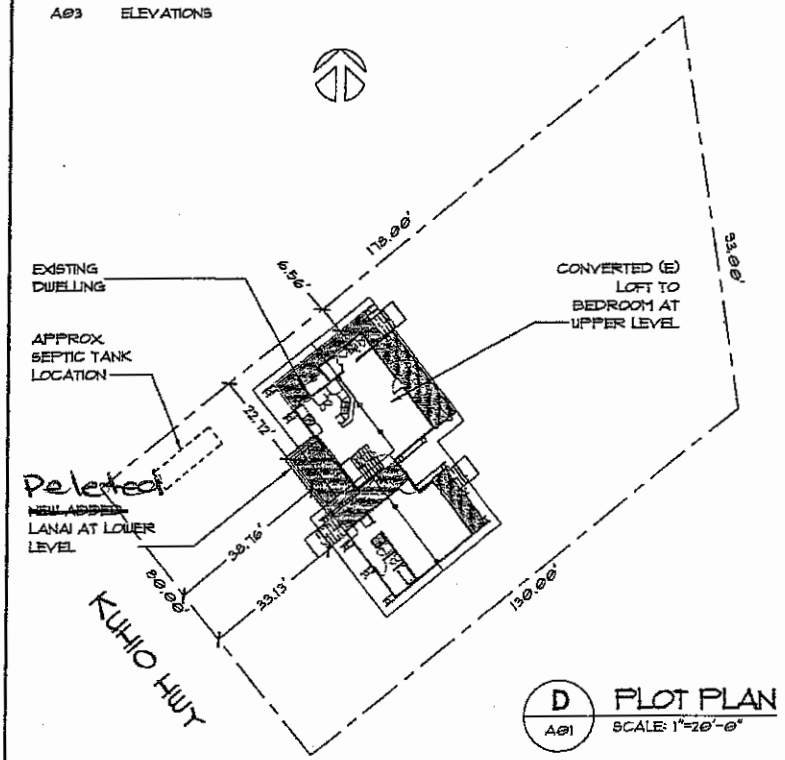
(E) LOWER LEVEL LIVING SPACE	1124 SF
(E) LOWER LEVEL LANAI & STAIRS	530 SF
NEW LANAI LOWER LEVEL	171 SF
(E) UPPER LEVEL LIVING SPACE	1003 SF
NEW ADDED LIVING SPACE- UPPER LEVEL	153 SF
(E) UPPER LEVEL LANAI	66 SF
(E) CONC LANDING	48 SF
TOTAL LOT COVERAGE	1892 SF OR 16%

DRAWING CONTENTS:

A01 SITE PLAN, PLOT PLAN, LOWER LEVEL FLOOR PLAN, NEW LANAI FOUNDATION & FLOOR FRAMING, SECTION

A02 UPPER LEVEL PLAN, LOFT CONVERTED TO BEDROOM FRAMING PLAN & SECTIONS

A03 ELEVATIONS

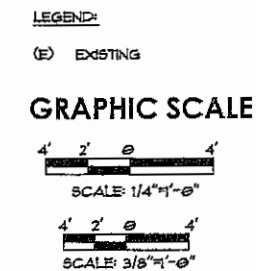
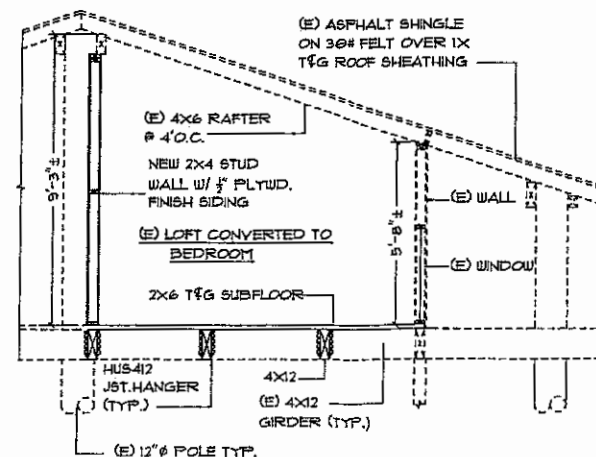
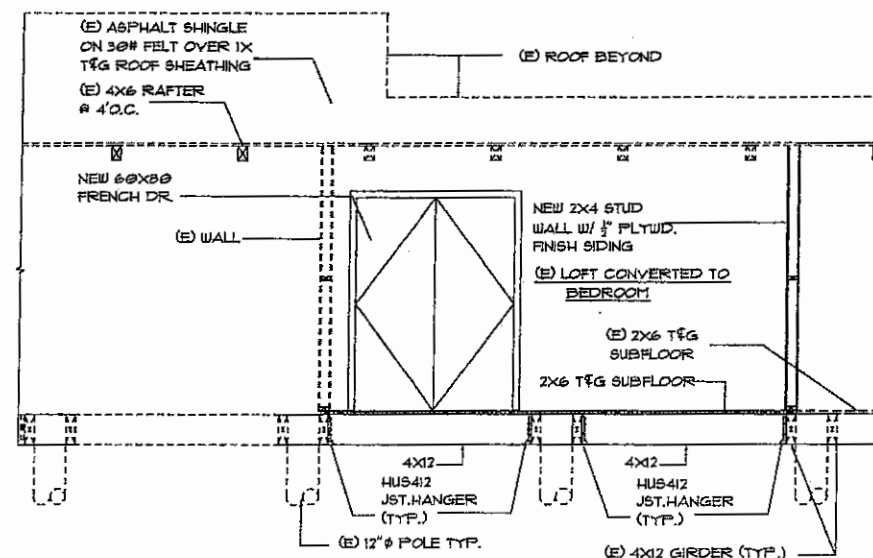
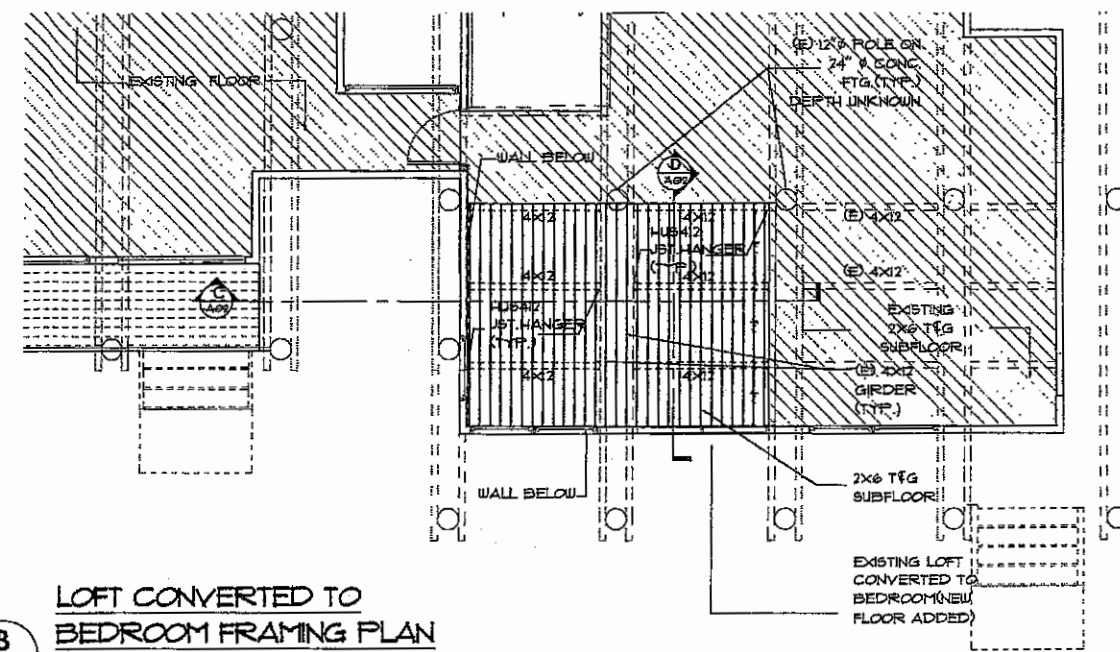
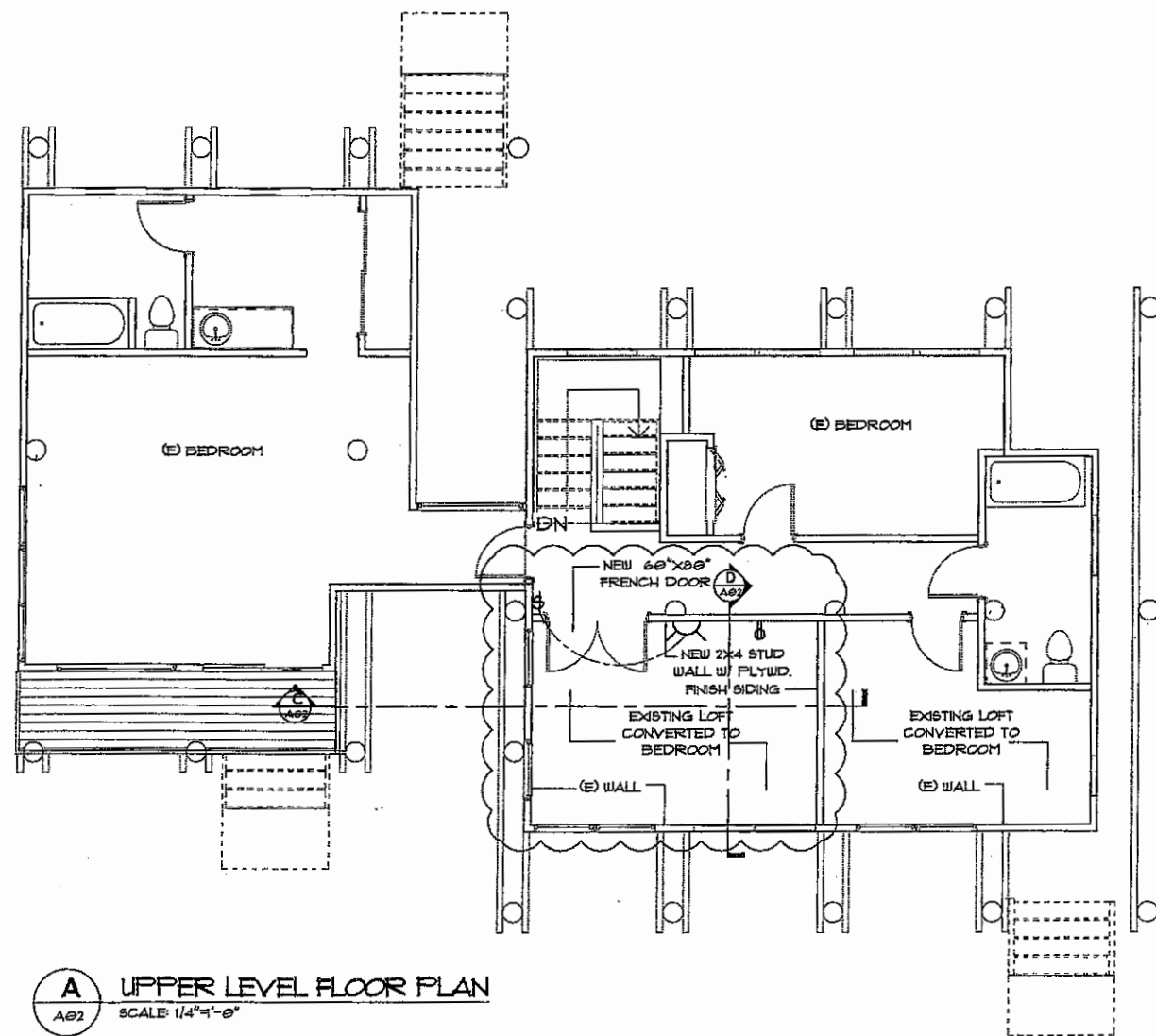


SITE PLAN, PLOT PLAN, LOWER LEVEL FLOOR PLAN, NEW LANAI FOUNDATION & FLOOR FRAMING, SECTION

"AS-BUILT DRAWINGS" FOR DAVID & LAURA BANCROFT
TMK 5-8-011-010
5-1048 KUHIO HWY. HANALEI

A01
SHEET
1 OF 3

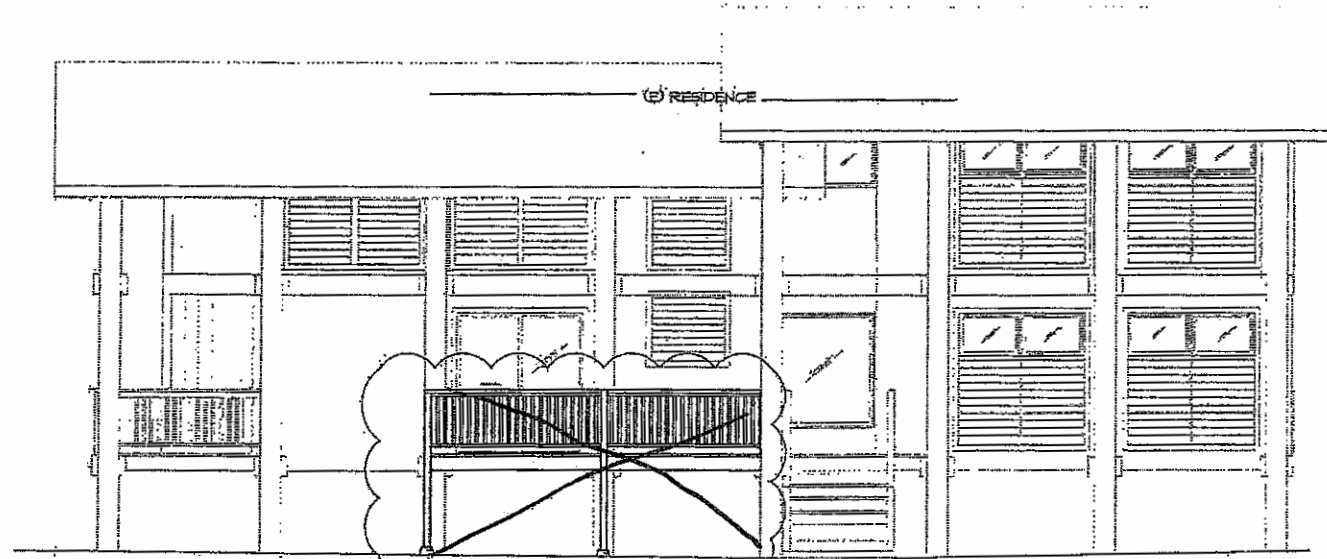
EXHIBIT "D"



UPPER LEVEL PLAN, LOFT
CONVERTED TO BEDROOM
FRAMING PLAN & SECTIONS

"AS-BUILT DRAWINGS" FOR DAVID &
LAURA BANCROFT
TMK 5-8-011-010
5-1048 KUHIO HWY. HANALEI

A02
SHEET
2 OF 3



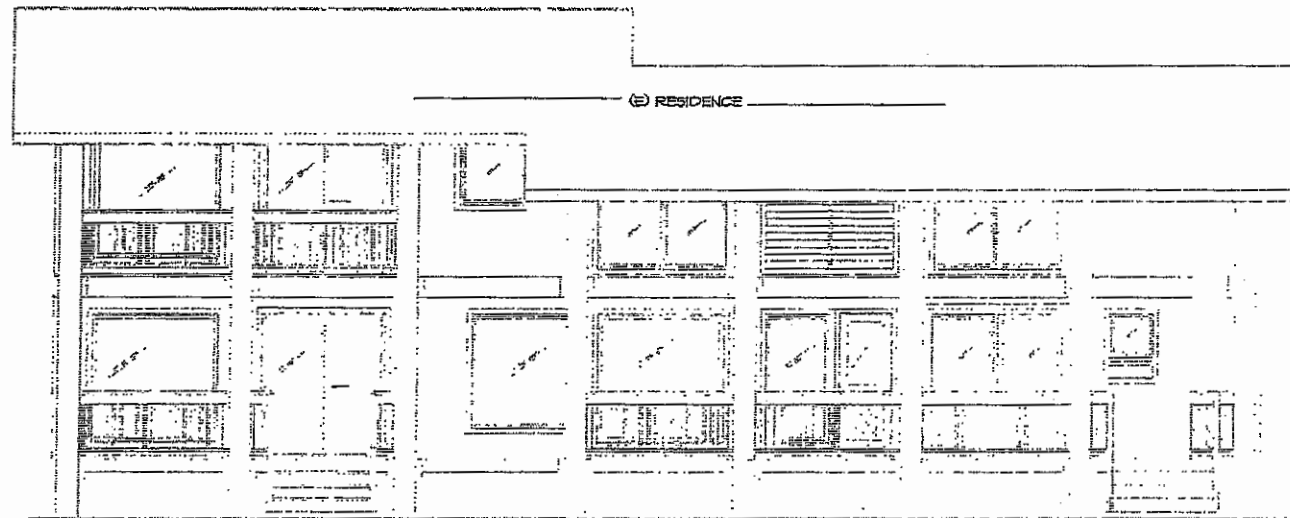
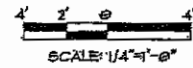
NEW DECK
to be deleted

A FRONT ELEVATION
A03 SCALE: 1/4"=1'-0"

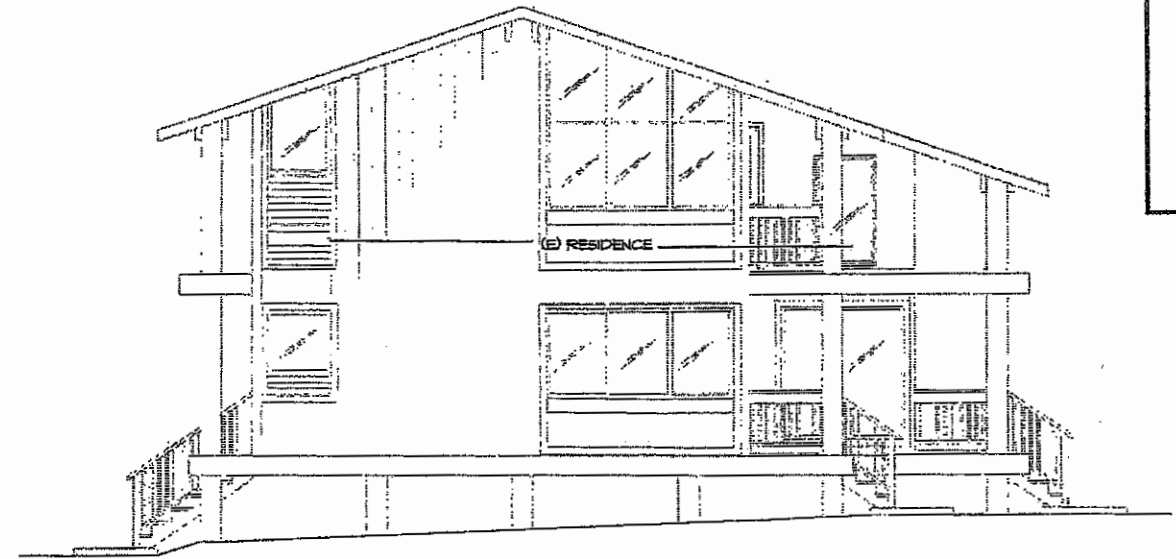
LEGEND:

(E) EXISTING

GRAPHIC SCALE

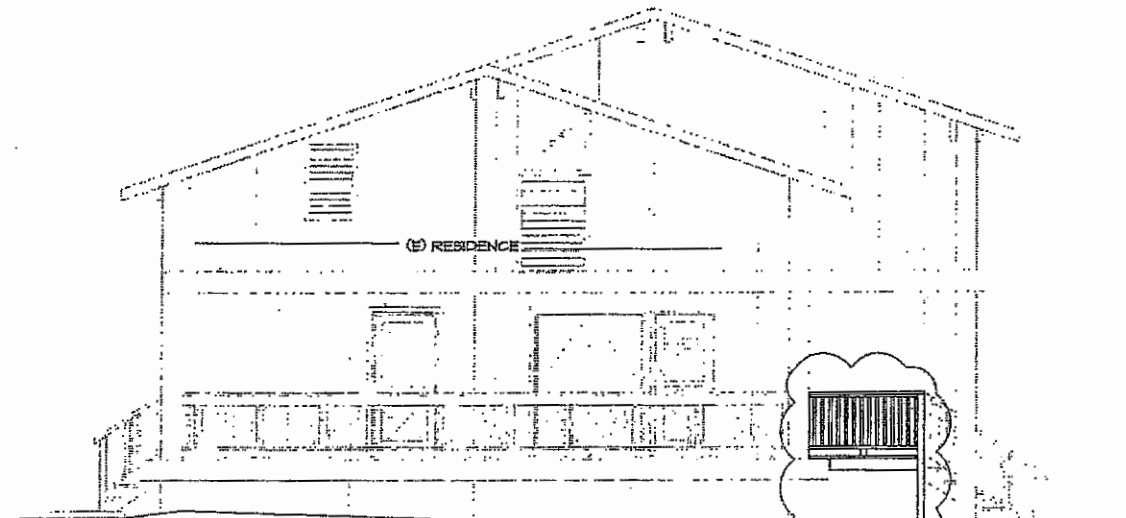
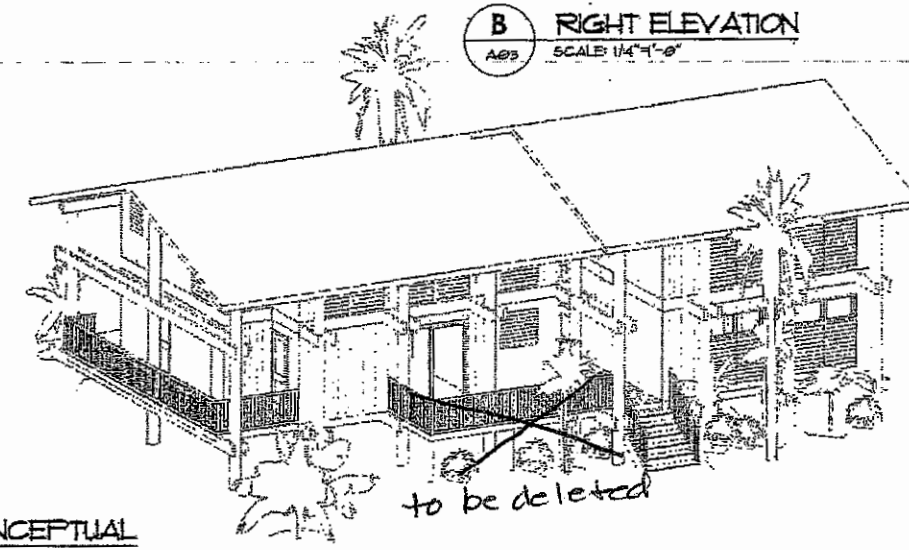


C REAR ELEVATION
A03 SCALE: 1/4"=1'-0"



B RIGHT ELEVATION
A03 SCALE: 1/4"=1'-0"

CONCEPTUAL



D LEFT ELEVATION
A03 SCALE: 1/4"=1'-0"

ELEVATIONS

"AS-BUILT DRAWINGS" FOR DAVID &
LAURA BANCROFT
TMK 5-8-011-010
5-1048 KUHIO HWY, HANALEI

A03
SHEET
3 OF 3



EXHIBIT "E"

EXHIBIT "E"

EXHIBIT "F"

Figure 5-7 North Shore Land Use Map

- Planning District Boundary
- Major Roads
- Roads
- Streams
- Reservoirs
- Natural
- Agriculture
- Agriculture (AL)
- Parks and Recreation
- Golf Course
- Homestead
- Residential Community
- Neighborhood Center
- Neighborhood General
- Resort
- Transportation

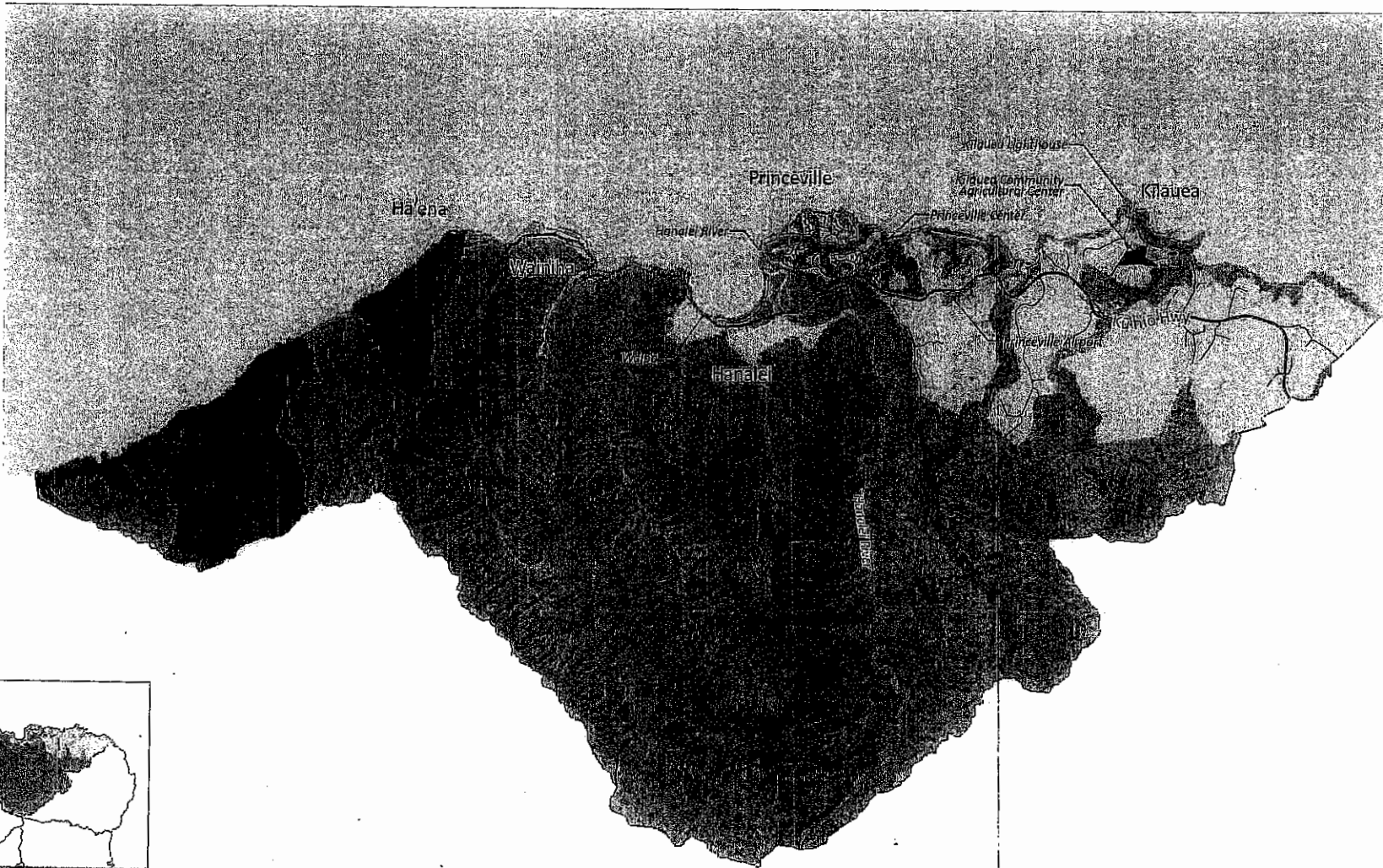


EXHIBIT "F"

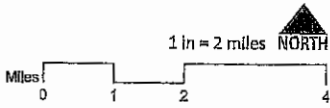
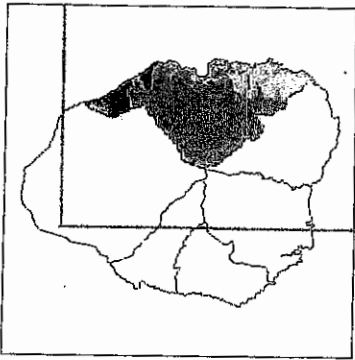
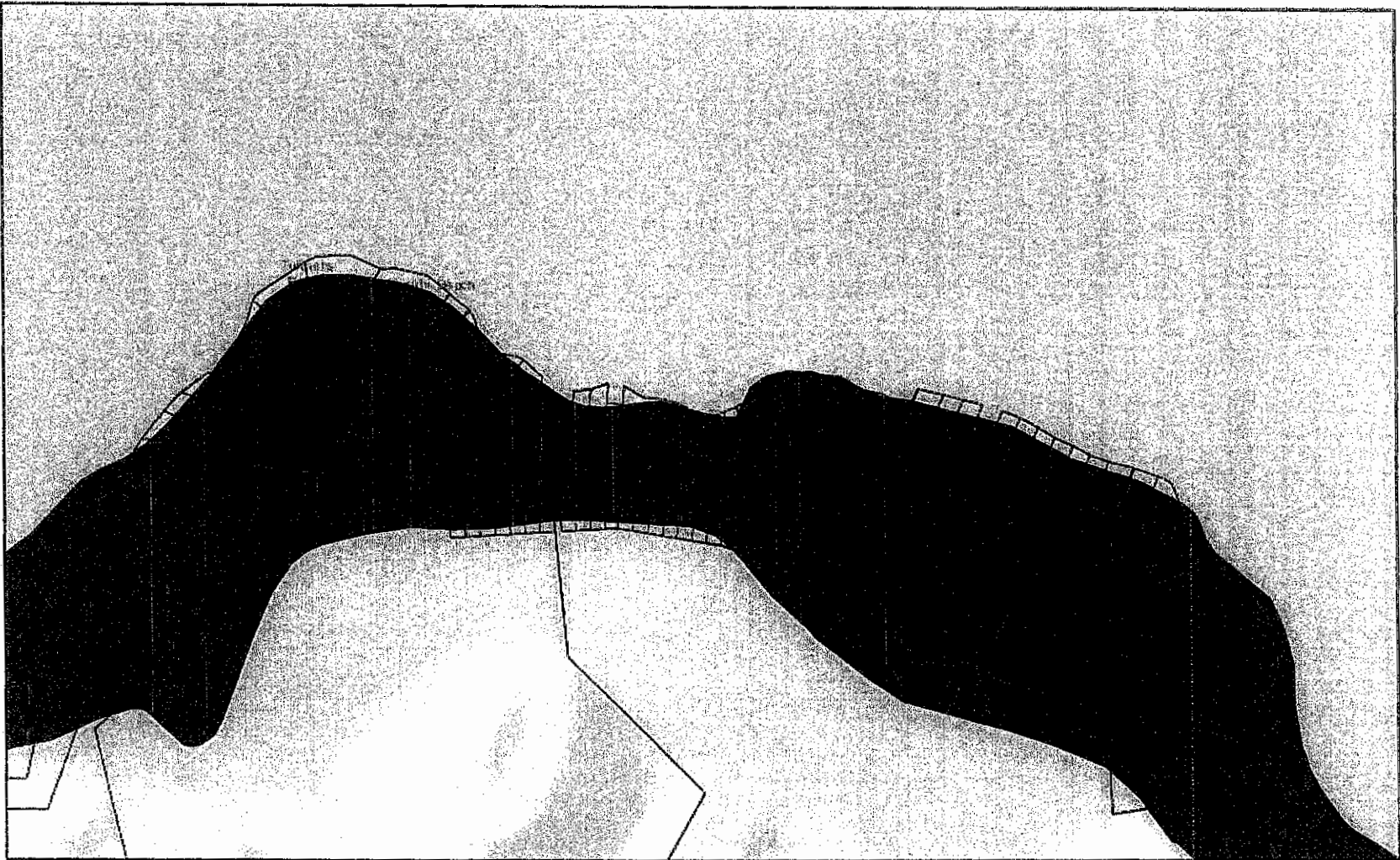


EXHIBIT "G"

EXHIBIT "H"

Hawaii SMA Locator

EXHIBIT "H"



June 10, 2019

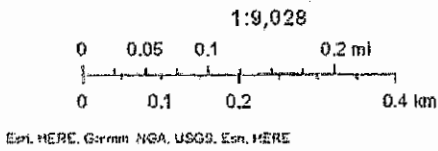


EXHIBIT "I"

EXHIBIT "J"

State of Hawaii, Department of Land and Natural Resources
Flood Hazard Assessment Tool

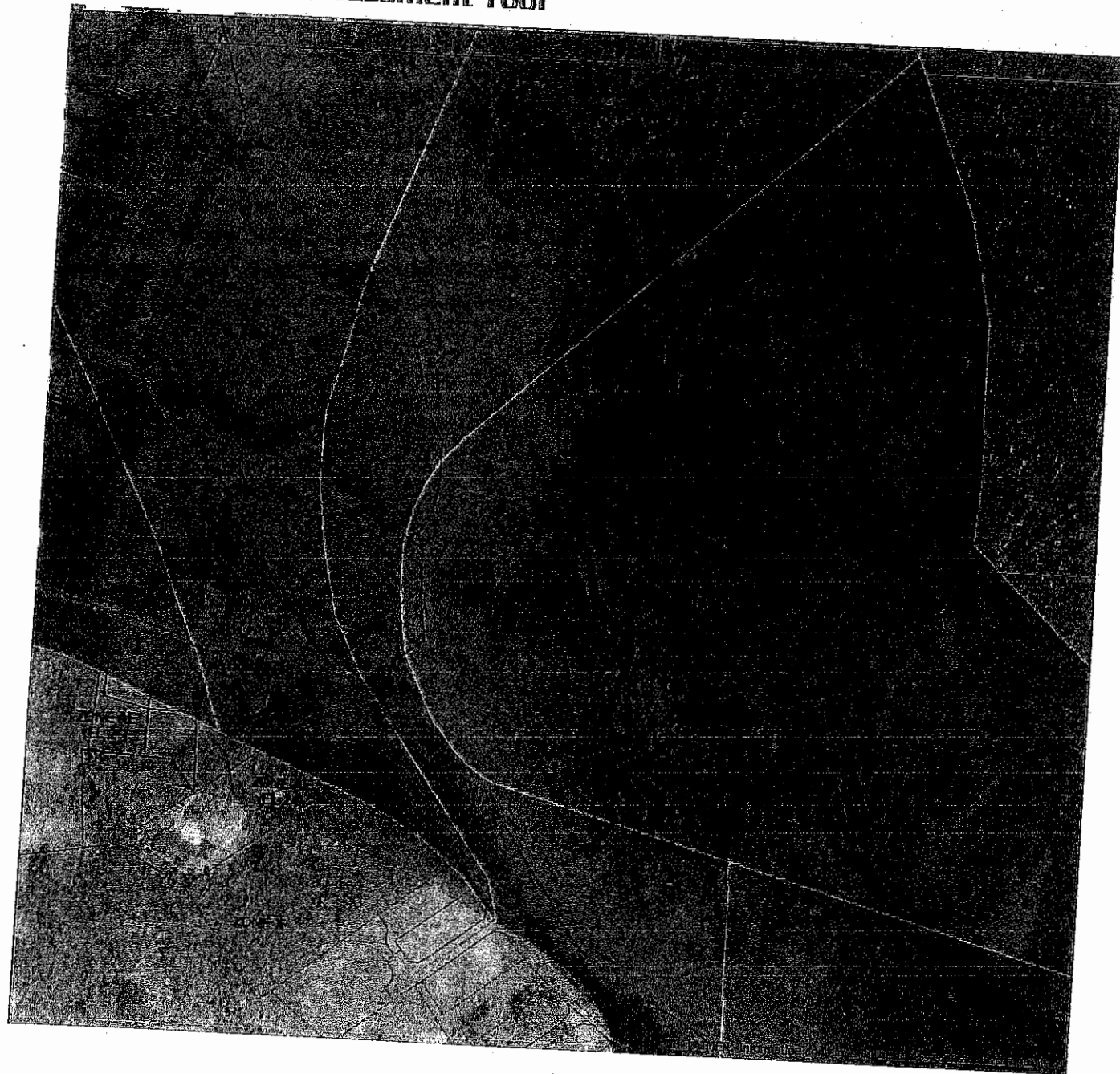


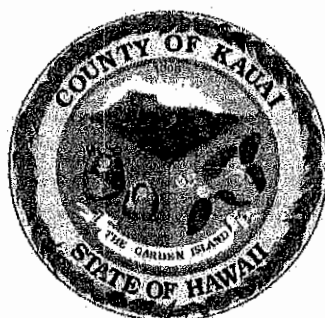
EXHIBIT "J"

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0 100 200ft

<http://gis.hawaiinfip.org/fhat/>

6/10/2019



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 28	
Acceptance Date:	12.16.19
Website Posting Date:	12.17.19
Determination Date:	12.16.19
Planning Commission Date:	NA
Expiration Date:	12.16.22
Planner Assigned:	JL

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:	Aubrey Summers for Michael + Crystine Margolis
Mailing Address:	4225 Kanihale Street Kilauea HI 96754
Phone:	808-938-2817
Email:	aubreysummers808@gmail.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 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-4
Tax Map Key(s):	5-5-004:044-2
Land Area:	both LPR and MIC 12,825
Nature of Development: (Description of proposed structure or subdivision)	Enclosure of grade level portion of residence, within perimeter of existing. A bedroom, family room and bar are proposed.

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: 1.7 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:

Waioli Beach park, parcel 5-5-004:005 and Weke Road separate the parcel from the shoreline.



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Waioli Beach Park is sandy.

☐ 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)? xs
☐ 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

Auliy Jones 11.5.19.
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<input type="checkbox"/>	Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.
<u>[Signature]</u> <u>12.16.19</u> 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)

Planning Director or designed

12-16-19

Date

☐ **Additional comments/conditions:**



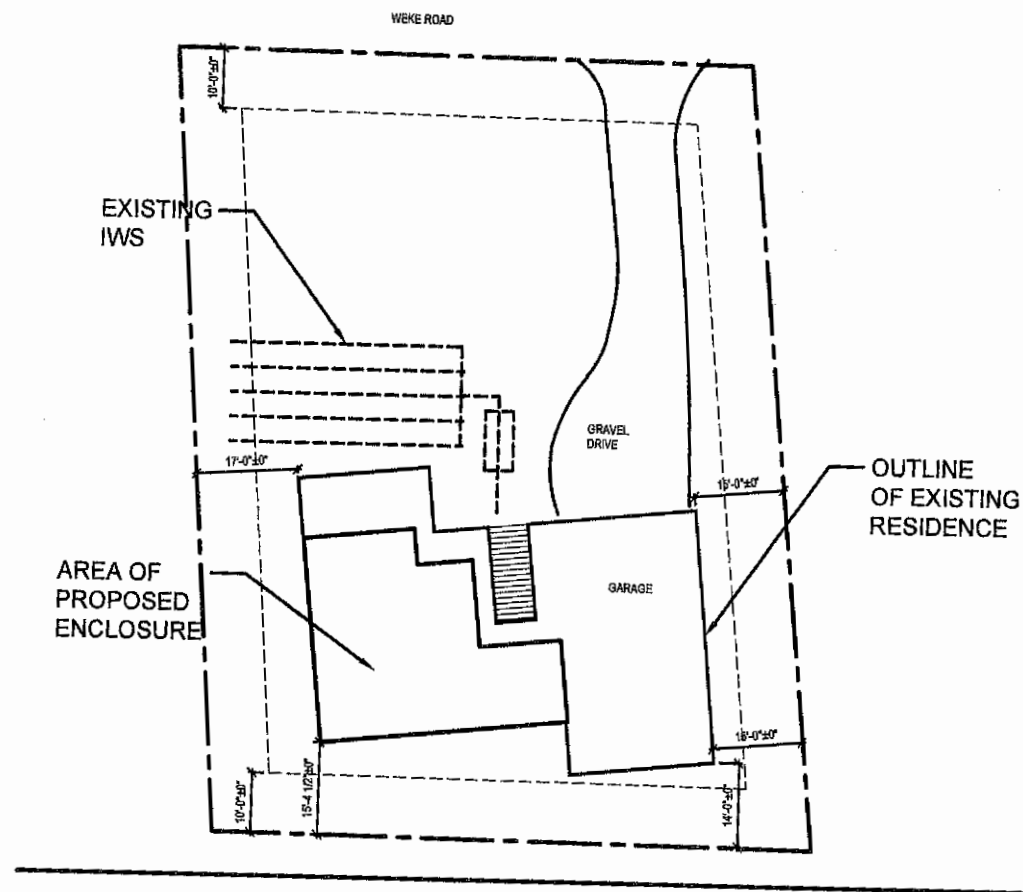
DISTANCE
FROM
VEGETATION
LINE

373.6

ANAE RD

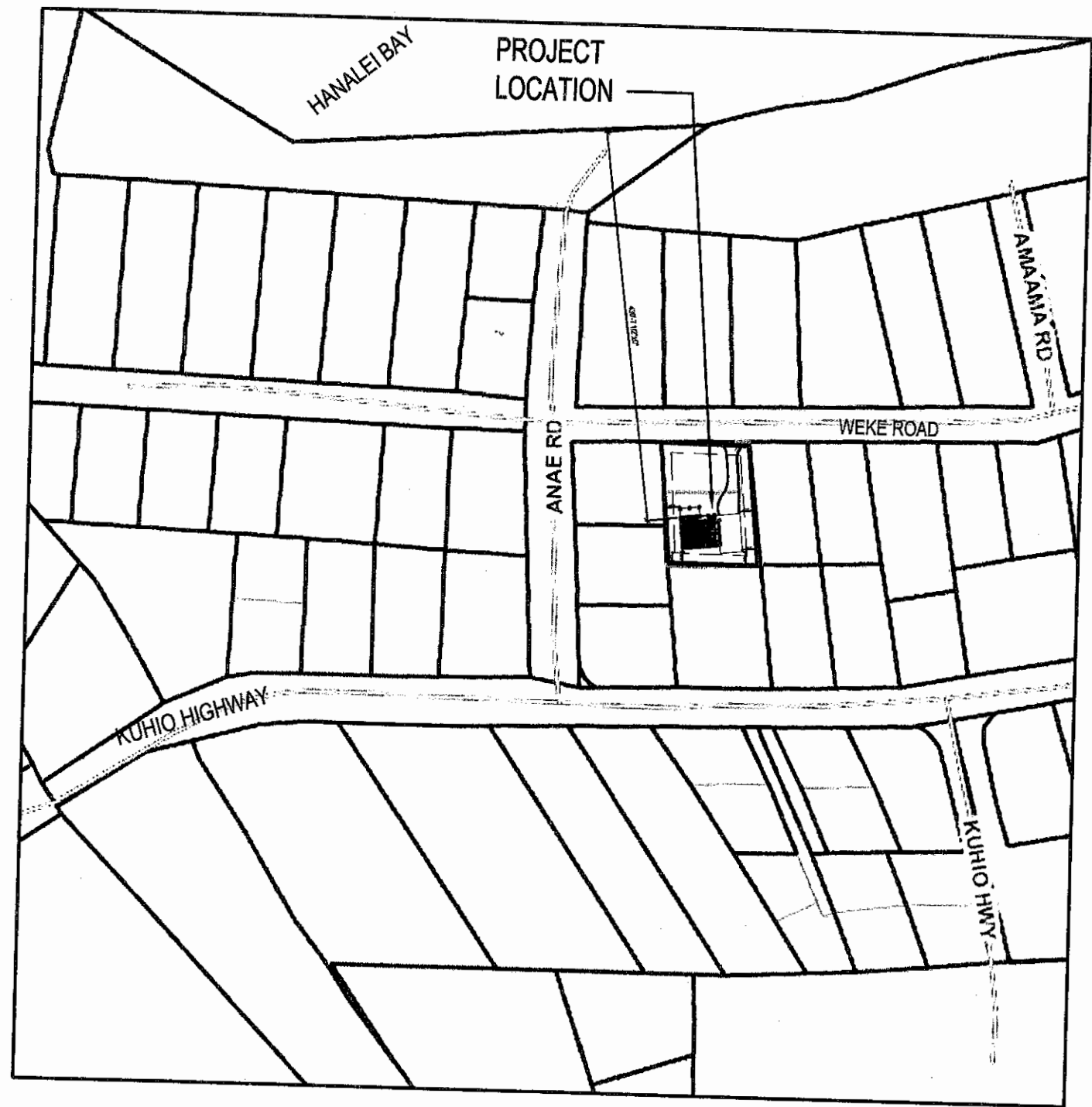
100ft

PROPOSED
ENCLOSURE



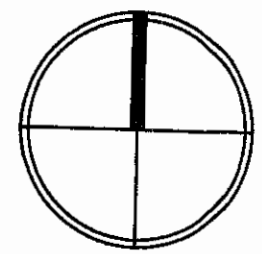
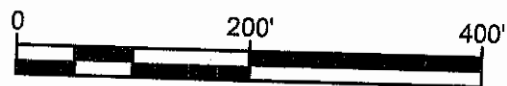
SITE PLAN
1/16" = 1'-0"





2

VICINITY MAP



September 25, 2019

County of Kauai - Dept of Public Works
Building Division
4444 Rice Street, Suite 175
Lihue, HI 96766

Dear County of Kauai,

This letter is to authorize Aubrey Summers of Caretake Kauai and/or Steve Goldberg of SG Builders to act on our behalf in obtaining permits in our name for the residence at 5485 Weke Road, Hanalei, HI 96714. Please contact us if there are any questions.

Sincerely,



Michael Margolis
5485Weke,LLC



Crystine J Margolis
5485Weke,LLC



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

December 6, 2019

Aubrey Summers
Architecture 808
4225 Kanikele Street
Kilauea, HI 96754

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
5485 Weke Road, LLC
TMK: (4) 5-5-004:044-0002

PW: 11.19.014

Dear Ms. Summers,

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 building at TMK: (4) 5-5-004:044-0002 in Hanalei. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division.

Market Value

The market value is the Replacement Cost New Less Depreciation (RCNLD) value for 2019 as determined by the County's Real Property Assessment Division. The market value of the building is \$584,400.



Cost of Improvements

There was one (1) previous permit within the past ten years, BP# 19-2498 for \$50,000. The estimated cost for the proposed improvements is \$164,525. This was based on a cost estimate prepared by Aubrey Summers of Architecture 808 dated November 5, 2019. Therefore, the total cost of improvements is estimated to be \$214,525.

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$214,525}{\text{Market Value (Real Property): } \$584,400} = 0.3671 \text{ or } 36.7\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

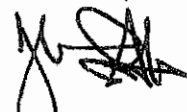
If you have any questions or need additional information, please contact Anthony Chandler at (808) 241-4884 or achandler@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)

