PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 4	
Acceptance Date:	7.21.20
Website Posting Date:	7.23.20
Determination Date:	7.21.20
Planning Commission Date:	N/A
Expiration Date:	7.21.2021
Planner Assigned:	RI

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:	Jon Kegle, Agent for Steve Drapkin		
Mailing Address:	P.O. Box 617 Kapaa, HI 96746	Phone: Email:	808-652-0015 jon@cogentd.com
Applicant's Status: (Check one)			
☐ Owner of the Property	(Holder of at least 75% of the equitable and legal title)		
☐ Lessee of the Property	Lessee must have an **unexpired and recorded** lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.		
☑ Authorized Agent	Attach Letter of Authorization		
Transmittal Date:	6 July 2020		

Project Information (attach additional sheets, if necessary)			
County Zoning District:	Residential (R-4)	Tax Map Key(s): Land Area:	5-8-008:022 14,732sf
Nature of Development: (Description of proposed structure or subdivision)	Remove and replace existing decks and stairs		

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

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

1. Property is Abutting the Shoreline
   - ☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
   - ☑ Proposed project's approximate distance from shoreline (based on aerial map): 240 ft.
3. Additional Information:
   - ☑ Shoreline Change (Erosion/Accretion) Rate: -0.3 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:

One property and Alamo'o Road lie between subject parcel and shoreline.

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

Generally flat

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

Mostly sandy beach with a few rock 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)? VE-24

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

None to the best of my knowledge.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature _____ Date 8 July 2020

Applicability (to be completed by Planning Department)
☑ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.
Planning Director or designee _____ Date 7.21.20

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

Part B

☑ A non-refundable processing fee of **one hundred dollars** **($100.00)** shall accompany a request for determination. (§8-27.8(e))

☑ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.

☑ A detailed Plot Plan **to scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.

☑ Building Permit Number (If building plans submitted)

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☑ **Exemption 2**

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

☐ **Exemption 3**

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

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

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

Exemption Determination (to be completed by Planning Department)

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

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

Romio Idu 7-21-20

Planning Director or designee Date

☐ **Additional comments/conditions:**

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (**Part A**) from the Planning Director shall first be obtained.

Certified Shoreline

Select the appropriate option:

☐ Certified Shoreline

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

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

_____

Planning Director or its designee Date

Public Projects less than $125,000

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

_____

Planning Director or designee Date

- ☐ Certified Shoreline Required
- ☐ Certified Shoreline Not Required

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

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

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

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

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

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

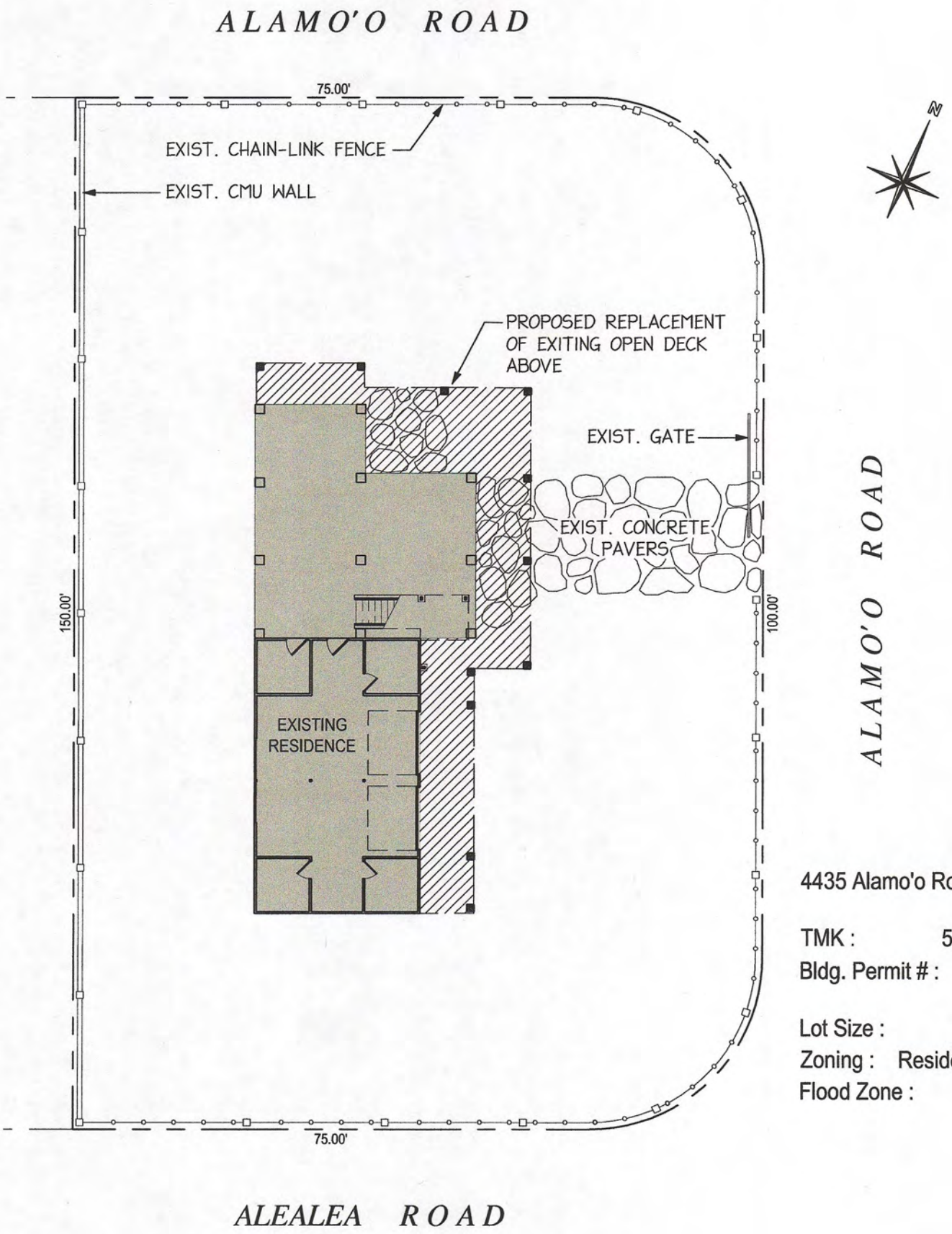
PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs to a lawfully existing structure, including nonconforming structures, provided that: (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes; (B) The repairs do not constitute a substantial improvement of the structure; and (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.

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



4435 Alamo'o Road

TMK : 5-8-008:022
Bldg. Permit # : 20-1585

Lot Size : 14,732 sf
Zoning : Residential (R-4)
Flood Zone : VE-24

Plot Plan

1"=20'-0"

Approx. 240'
Alamoo Rd
Alealea Rd
4435 Alamoo Rd
Oneone Rd
N
200 ft
Google Earth
© 2020 Google

COGENT DESIGNS
808.652.0815 PO BOX 617 KAPA'A HI 96746

Letter of Authorization

I, Steven Drapkin, owner of lot T.M.K. (4) 5-8-008:022, enable Jon Kegle of Cogent Designs to act as the Authorized Agent regarding the permitting of any and all worked on the aforementioned property where Cogent Designs is the architect of record.

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 5	
Acceptance Date:	7.22.20
Website Posting Date:	7.23.20
Determination Date:	7.22.20
Planning Commission Date:	N/A
Expiration Date:	7.22.2021
Planner Assigned:	

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:	David Schindele		
Mailing Address:	2118 Smokewood Ave. Fullerton CA 92831	Phone:	714-270-2561
	2118 Smokewood Ave. Fullerton CA 92831	Email:	daveschindele@gmail.com
Applicant's Status: (Check one)			
☐ Owner of the Property	(Holder of at least 75% of the equitable and legal title)		
☑ Lessee of the Property	Lessee must have an **unexpired and recorded** lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.		
☐ Authorized Agent	Attach Letter of Authorization		
Transmittal Date:	5/1/20		

Project Information (attach additional sheets, if necessary)			
County Zoning District:	R-22	Tax Map Key(s):	280170260124
		Land Area:	
Nature of Development: (Description of proposed structure or subdivision)	Storage to laundry conversion		

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

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

1. Property is Abutting the Shoreline
   - ☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
   - ☑ Proposed project's approximate distance from shoreline (based on aerial map): 396 ft.
3. Additional Information:
   - ☑ Shoreline Change (Erosion/Accretion) Rate: -0.9 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:

4 buildings between shoreline and building

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.)

☐ 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 _____ Date 5-2-20

Applicability (to be completed by Planning Department)	
☑	**Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
☐	**Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.
	Planning Director or designee _____ Date 7.22.20

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

Part B

☑ A non-refundable processing fee of **one hundred dollars ($100.00)** shall accompany a request for determination. (§8-27.8(e))

☑ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.

☑ A detailed Plot Plan **to scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.

☑ Building Permit Number (If building plans submitted)

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

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

☑ **Exemption 3**

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

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

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

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

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

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

Romio Idica 7.22.20

Planning Director or designee Date

☐ **Additional comments/conditions:**

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (**Part A**) from the Planning Director shall first be obtained.

Certified Shoreline
Select the appropriate option:
☐ Certified Shoreline
☐ Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
☐ Average Lot Depth: _____ ft.
☐ Setback (Table 1 or Table 2): _____ ft.
☐ Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)
_____
Planning Director or its designee Date

Public Projects less than $125,000
☐ Public Projects less than $125,000 Declaration ((§8-27.8(c)(2))
_____
Planning Director or designee Date
☐ Certified Shoreline Required
☐ Certified Shoreline Not Required

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

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

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

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

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

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs to a lawfully existing structure, including nonconforming structures, provided that: (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes; (B) The repairs do not constitute a substantial improvement of the structure; and (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.

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

ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUA'I
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHILIG, MANAGING DIRECTOR

TROY K. TANIGAWA
ACTING COUNTY ENGINEER

MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER

May 11, 2020

David Schindele
2118 Smokewood Ave
Fullerton, CA 92831

Subject: BUILDING PERMIT NO. 20-0521 FOR SCHINDELE FAMILY TRUST
KIAHUNA PLANTATION RESORT BUILDING 23, UNIT 153
TMK: (4) 2-8-017-026 CPR UNIT 124, KŌLOA, KAUA`I

Dear Mr. Schindele,

We have reviewed Building Permit application (BP) No. 20-0521 and will be approving it for compliance with the County of Kaua`i's Floodplain Management Ordinance No. 831 (Flood Ordinance). BP No. 20-0521 proposes interior renovations to CPR Unit 124 of Kiahuna Plantation Resort Condominium. CPR Unit 124 is designated as Unit 153 in Building No. 23. There are a total of 8 units in the building. We offer the following comments in regards to flooding.

Based on panel number 1500020314F of the Flood Insurance Rate Maps (FIRM) dated November 26, 2010, the existing building is located in a Special Flood Hazard Area (SFHA). The structure is located in Zone AE which represents riverine type flooding from Waikomo Stream. The corresponding base flood elevation is 9 feet above mean sea level (MSL).

New construction located within the SFHA **must** comply with the Flood Ordinance. However, structures built prior to November 4, 1981 are considered "Pre-Firm" or "grandfathered" and a building permit application for the structure can be approved if the improvement is **not** considered to be a "substantial" improvement. According to the County's Real Property Tax Assessment Division, this building was constructed in 1980. Therefore, it is considered a "Pre-Firm" or "grandfathered" structure.

To determine if an improvement is considered "substantial", we compare the total cost of all improvements in a building within the past 10 years to the market value of the building before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are not considered to be "substantial" and the building permit can be approved for compliance with the Flood Ordinance. If the ratio is greater than or equal to 50%, then the building **must** be brought into compliance with the floodplain management regulations.

Market Value

There were two building permits for Building 23 within the past 10 years. The first permit, BP 11-1277, was approved in 2011. Therefore, the market value used in the calculations is the market value for the structure in 2011. The market value used in this determination was obtained from the County's Real Property Assessment Division and represents the Replacement Cost New Less Depreciation (RCNLD). The 2011 RCNLD for the structure is $822,400. Fifty percent (50%) of this value is $411,200.

Cost of Improvements

The total valuation for the proposed improvements under building permit application number 20-0521 was determined by Building Division to be $13,600. Since this value is less than 40% of the market value, a detailed cost estimate is not required. The estimated costs for past building permits, BP 11-1277 and BP 12-2069, were $27,000 and $1,700, respectively. Therefore, total cost of improvements is $42,300.

Summary

The cost of improvements compared to the market value is calculated as follows:

$$\frac{\text{Cost of Improvements (past 10 years): } \$42{,}300}{\text{Market Value (Real Property): } \$822{,}400} = 0.0514 \text{ or } 5\%$$

$$\text{Remaining Balance (50\% of MV-Cost):} = \$411{,}200 - \$42{,}300 = \$368{,}900$$

Since the total cost does not exceed 50% of the market value, the improvement is considered unsubstantial and the building permit can be approved for flood review. 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 for substantial improvements. Such re-evaluation may require revision of the permit and may subject the property to additional flood requirements.

The balance remaining for future improvements is $368,900 for the 10 year term that ends in May 2021. If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

cc: Design & Permitting

County of Kaua'i
State of Hawai'i

Overview

Legend

- Parcels
- Roads

Parcel ID	280170260124	**Situs/Physical Address**	2253 POIPU RD UNIT 153	**Total Market Value**	$407,700	**Last 2 Sales**		
Acreage	n/a	**Mailing Address**	KNUDSEN,ERIC A TR	**Total Assessed Value**	$407,700	**Date**	**Price**	**Reason**
Class	VACATION RENTAL					10/10/2007	$420000	ADJUSTED PRICE VALID
				Total Exemptions	$0			
				Total Net Taxable Value	$407,700			SALE
						12/12/1996	0	VALID SALE

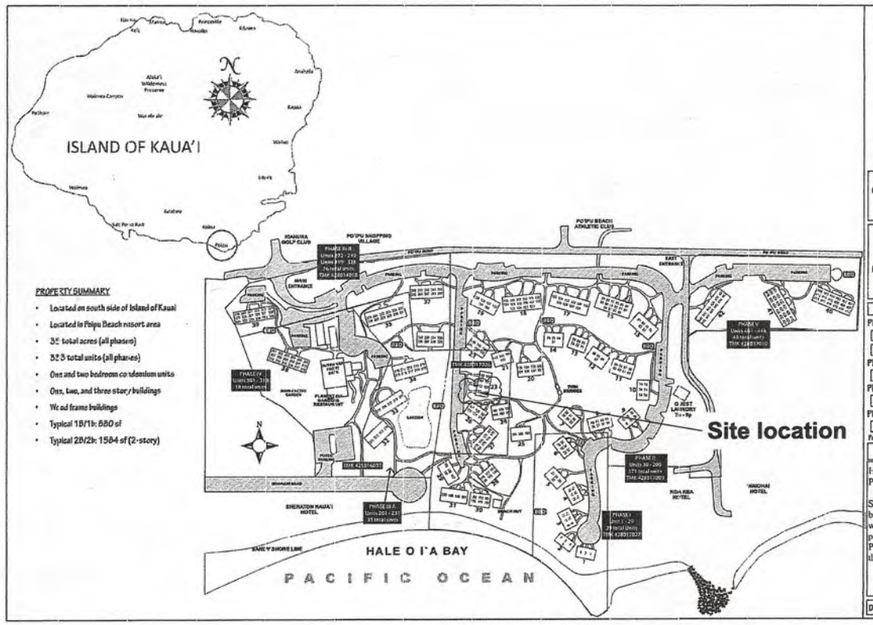
Brief Tax Description BEACHHOUSE NO. 153 BLDG 23 KIAHUNA PHASE II CM 220 TOG/UND 1/172 FRACTIONAL INT IN ALL COMMON ELEMENTS

(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, inluding, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 5/1/2020
Last Data Uploaded: 5/1/2020 9:11:59 AM

Developed by Schneider GEOSPATIAL



KIAHUNA PLANTATION

Association of Beachhouse Owners of Kiahuna Plantation
2253 Po'ipū Road
Koloa, Hawai'i 96756

Property Contact:
Chris A. Gampon,
General Manager
E: chris.gampon@outrigger.com
P: 808.742.5522
F: 808.742.9015

TAX MAP KEY LIST

Phase II
- [x] 428017009
- [x] 428017026

Phase III-A and Phase IV
- [x] 428016007

Phase III-B
- [x] 428014016

Phase V
- [x] 428017010

Empty = includes all of the checks (TMKs)

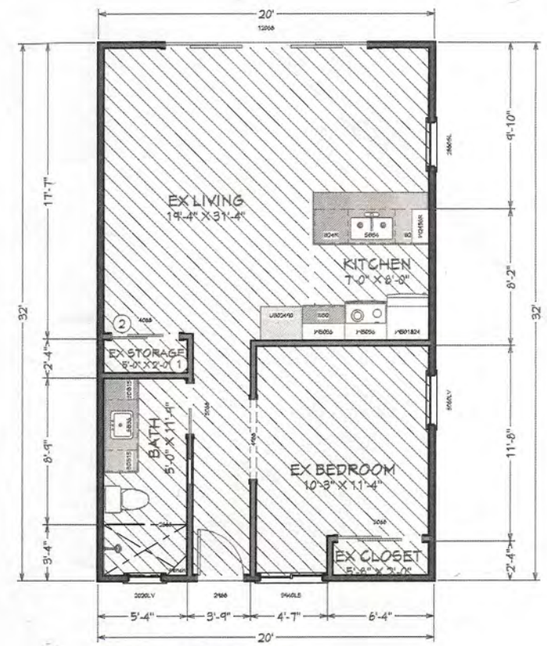
PROJECT NOTES

Hybrid Water Heater Project.

Standard water heaters will be removed and replaced with hybrid models. This project affects Kiahuna Plantation phases II through V.

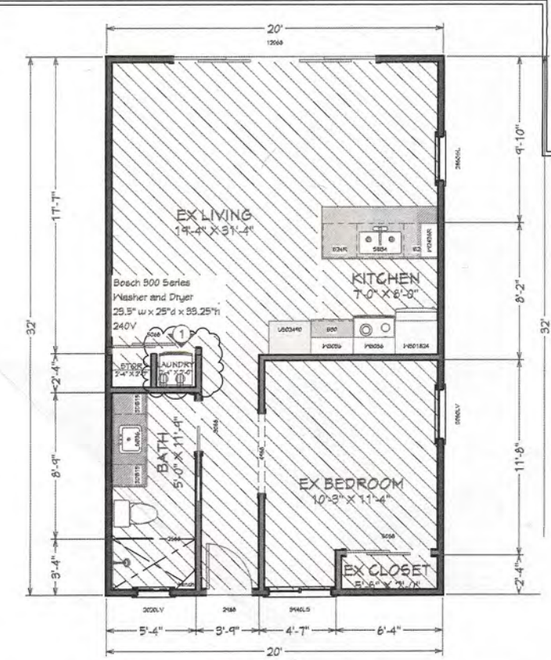
DATE 03/07/2017

To the best of my knowledge these plans are drawn to comply with owner's and/ or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. Donivan Konno dba KimaniKoa Drafting and Design, is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter.



Existing Floor Plan

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



Proposed Floor Plan

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

COUNTY OF KAUA'I
CHAPTER 12, KAUA'I COUNTY BUILDING CODE
KAUA'I COUNTY CODE 1987, AS AMENDED

ARTICLE 6 – ENERGY CONSERVATION CODE

To the best of my knowledge, this project's design substantially conforms to the **Residential Provisions** of:

Section 12-6.3 Adoption of the International Energy Conservation Code (IECC)
Section 12-6.4 Local Amendments to the IECC

COMPLIANCE METHOD
- ☐ Tropical Zone, R401.2.1
- ☐ Prescriptive, R402
  - Roof and Wall
    - ☐ Insulation R-value, Table R401.1.2
    - ☐ Construction U-factor, Table R402.1.4
    - ☐ Total UA, R402.1.5
    - ☐ Points Option, R407
- ☐ Simulated Performance Alternative, R405
- ☐ Energy Rating Index Compliance Alternative, R406

INFORMATION IN CONSTRUCTION DOCUMENTS	YES	N/A
Envelope		
Roof insulation R-value	☐	☐
Roof insulation type and location	☐	☐
Roof membrane solar reflectance and thermal emittance	☐	☐
Wall insulation R-value	☐	☐
Wall insulation type and location	☐	☐
Window and skylight SHGC	☐	☐
Air leakage testing requirement	☐	☐
Air Conditioning		
Air conditioning equipment capacity and efficiency	☐	☐
Programmable thermostat	☐	☐
Insulation R-value	☐	☐
Duct leakage testing equipment	☐	☐
Electrical		
Lighting fixture locations	☐	☐
	☐	☐
	☐	☐

4/2/2020

Zachary Todd Clanahan

Architect

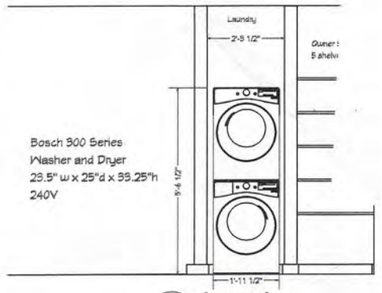
15063

Renovation/ Demolition Notes:

1. Add Stacked Washer and Dryer in existing storage
2. Enlarge existing partition/ relocate slider to outside of wall

General Information

Zoning: R-2
Construction Type: II -B



1 / A1 Laundry

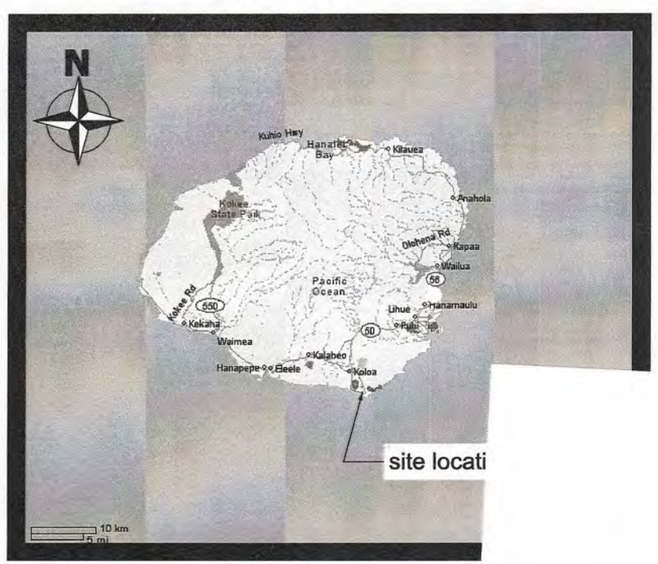
Scale: 1/2" = 1' - 0"

Panel Schedule: Kiahuna Plantation Rm. 153															
				VOLT:	240	/120V		1	PHASE	POLES:			16		
IN BUS:	100A			MAIN BKR:		main lug		4	WIRE	MIN. A.I.C.			22K		
UNTING:	RECESSED			BKR TYPE:		SNAP IN				CAB WIDTH:			14.5"		
CT		KVA		CKT		CKT				KVA		CKT			
O	DESCRIPTION	A	B	BKR	WIRE	NO.	DESCRIPTION	A	B	BKR	WIRE
1	Living Room/ Kitchen	1.0		1P20A	#12	2	Counter lights/ Outlets	1.0		1P20A	#12
3	Bed Rm Outlets		1.0	1P20A	#12	4	Refrigerator		1.0	1P20A	#12
5	Water Heater	4.0		2P 30A	#10	6	Counter GFI/ Bedroom	1.2		1P20A	#12
7	Water Heater		4.0		#10	8	Dishwasher		1.2	1P20A	#12
9	Range	6.6		2P 50A	#6	10	Dining/ Lanai	0.5		1P20A	#12
1	Range		6.6		#6	12	Beds/ Vanity/ Hall		1.0	1P20A	#12
3	Washer	4.0		2P 30A	#10	14	Dryer	4.0		2P 30A	#10
5	Washer		4.0		#10	16	Dryer		4.0		#10
TAL PHASE A, B, C		15.7	16.2								
NNECTED KVA:		31.9	KVA								
MAND FACTOR:		48	%								
MAND KVA:		15.4	KVA								
MAND AMPS:		64.2	AMPS								

ion: 2253 Poipu Road #153
vail 96756
) 2 - 8 - 017 - 026 - 0124

Proposed Laundry Ad
Kiahuna Unit 1
for David Schinc

Date : March 2020
Drawn By: Donivan Konno



KimaniKo
Lihue, Kauai, Ha

esign Service
hawaii.rr.com

Page Description
Plot/ Floor Plans/ Interior Elevation

Sheet
A01
Sheet 1 of 1