



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 202 1 - 12

Acceptance Date:	9.10.20
Website Posting Date:	9.14.20
Determination Date:	9.10.20
Planning Commission Date:	N/A
Expiration Date:	9.10.2021
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:	Lorraine D. Newman, Trustee		
Mailing Address:	4463 Makaha Road, Kapaa, HI 96746	Phone:	c/o Ian Jung: 245-2163
	4463 Makaha Road, Kapaa, HI 96746	Email:	c/o Ian Jung: ikj@kauai-law.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:	August 3, 2020		

Project Information (attach additional sheets, if necessary)

County Zoning District:	RR-20	Tax Map Key(s):	(4) 4-5-001:018
		Land Area:	7305 sq. ft.
Nature of Development: (Description of proposed structure or subdivision)	Conversion of workshop/storage to a single-family dwelling unit.		

**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): 240.00 ft.
- 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:

There are four (4) intervening lots to the shoreline, which is armored with a rock revetment.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Approx. 10 ft. mean sea level.

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

Sandy with rocky outcroppings with extended Kapaa shore reef system.

- ☒ Artificially armored Shoreline

☒ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): Revetme

☒ Is the armoring permitted/authorized? County

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? X

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

Not to our knowledge. The County constructed a revetment to protect Moanakai Road.

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

8/3/2020

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.

Ronnie Adew
Planning Director or designee

9.10.20
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:**



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):

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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 <i>occurring rocky shorelines</i> , the shoreline setback line shall be <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

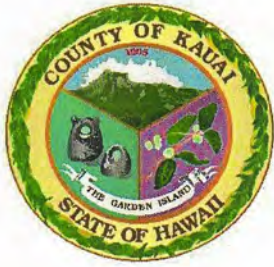
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits 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 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 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.

EXHIBIT "A"

LORRAINE D. NEWMAN
P. O. Box 1000
Kilauea, Kauai, Hawaii 96754
Telephone: (808) 652-0545

November 6, 2013

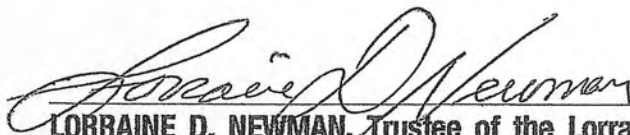
Michael A. Dahilig, Esq., Director
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Kauai, Hawaii 96766

RE: Tax Key No.: (4) 4-5-01-018

Dear Mr. Dahilig:

I am the owner of the real property identified as Tax Key No.: (4) 4-5-01-018 in my capacity as Trustee of the Lorraine D. Newman Trust dated May 30, 1995, as amended. Belles Graham Proudfoot Wilson & Chun, LLP and/or Lorna A. Nishimitsu are hereby authorized to act as my agent, to represent me, and to prepare and submit any documentation necessary, including, but not limited to, in connection with permits pertaining to the above-referenced property. Further, Belles Graham Proudfoot Wilson & Chun, LLP and/or Ms. Nishimitsu are also hereby authorized to meet with and represent my interests in connection with the said matters.

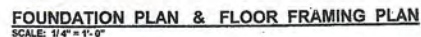
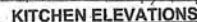
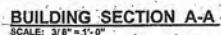
Sincerely,


LORRAINE D. NEWMAN, Trustee of the Lorraine D.
Newman Trust dated May 30, 1995, as amended

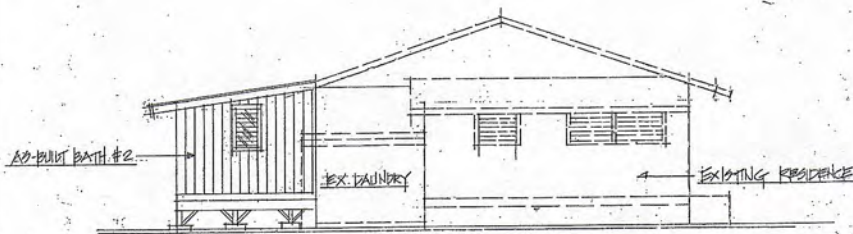
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AUTHORIZATION (LORRAINE NEWMAN) (W0131463).DOCX}

EXHIBIT "A"

EXHIBIT "B"



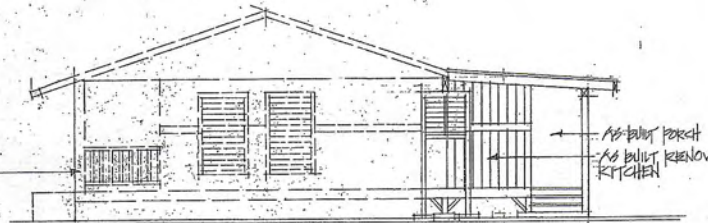
DRAWN
 HANAKURA
 CHECKED
 DATE
 05/20/03
 SCALE
 AS NOTED
 FOR KIMBERLY NEWMAN
 SHEET
 A-2
 OF 3 SHEETS



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



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



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



This work was prepared by me or under my supervision and production of this project will be under my supervision.
[Signature]

REVISIONS	BY

AS-BUILT ADDITION TO EXISTING RESIDENCE FOR:

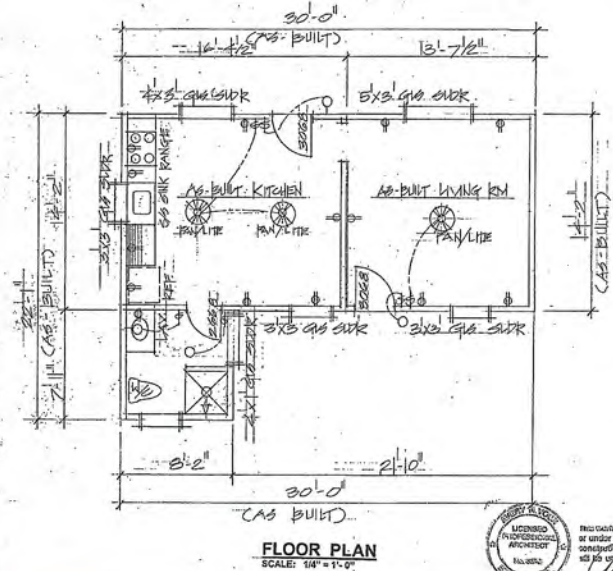
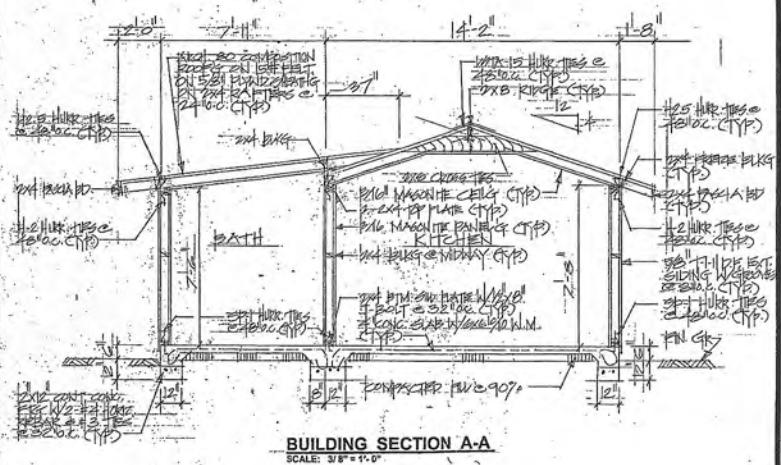
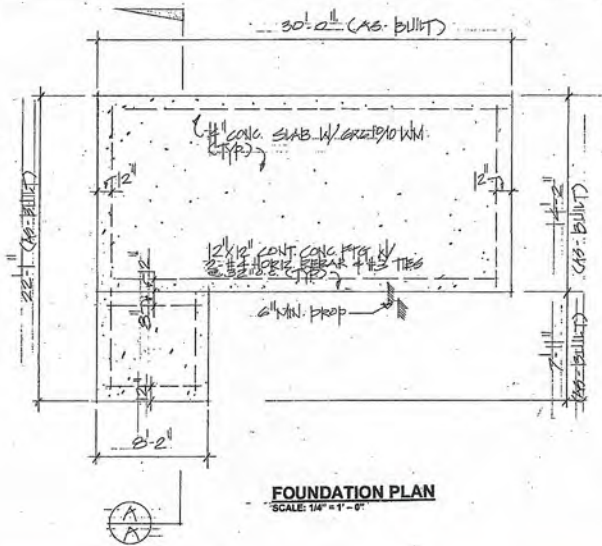
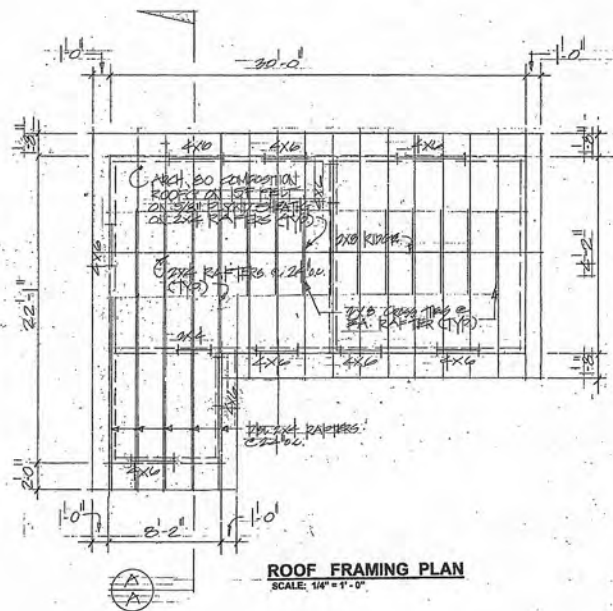
MS. LORRAINE NEWMAN

T.M.K. 4-5-01:18

KAPAA TOWN LOTS, KAUAI HI

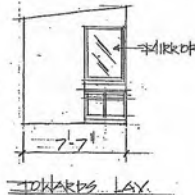
DRAWN HANAKILA	CHECKED
DATE 05/20/13	SCALE AS NOTED
FOR MS. LORRAINE NEWMAN	

A-3
OF 3 SHEETS

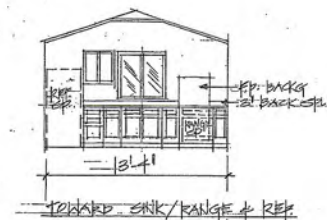
[illegible]

AS-BUILT RESIDENCE EXISTING
GARAGE FOR:
MS. LORRAINE NEWMAN.
T.M.K. 4-5-01:18
KAPAA TOWN LOTS, KAUAI HI

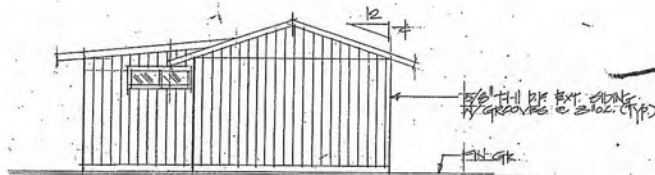
DRAWN
HANAKILA
CHECKED
DATE
05/20/13
SCALE
AS NOTED
JOB NO.
LOKRAINE NORMAN
SHEET
A-1
OF 2 SHEETS



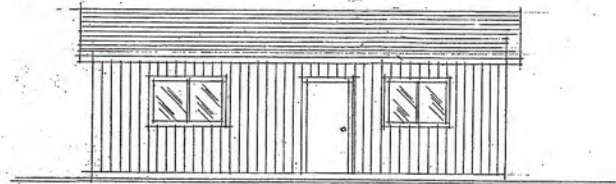
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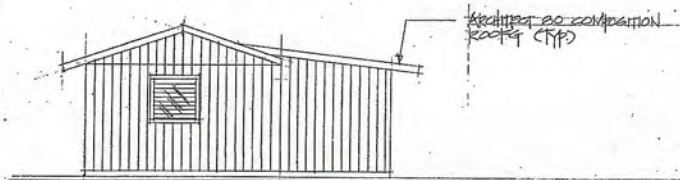
KITCHEN ELEVATIONS
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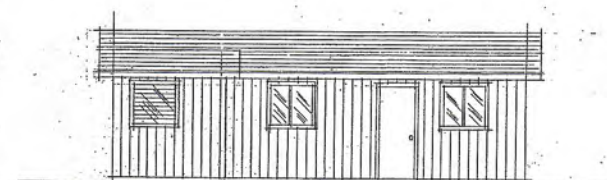
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

REVISIONS	BY

AS-BUILT RESIDENCE EXISTING
GARAGE FOR:
MS. LORRAINE NEWMAN
T.M.K. 4-5-01 : 18
KAPAA TOWN LOTS, KAUAI HI

DRAWN
HANAKULA
CHECKED
DATE
25/2/13
SCALE
AS NOTED
FOR MS. LORRAINE NEWMAN
SHEET
A-2
OF 2 SHEETS



EXHIBIT "C"



Overview



Legend

- Parcels
- Roads

Parcel ID	450010180000	Situs/Physical Address	4463 MAKAHA RD	Total Market Value	\$664,600	Last 2 Sales		
Acreage	0.1677	Mailing Address	NEWMAN, LORRAINE D TRUST	Total Assessed Value	\$664,600	Date	Price	Reason
Class	RESIDENTIAL		PO BOX 1000 KILAUEA HI 96754	Total Exemptions	\$0	10/24/2005	\$690000	VALID SALE
				Total Net Taxable Value	\$664,600	n/a	0	n/a

Brief Tax Description LOT 47 KAPAA TOWN LOTS, 2ND SERIES 7305 SF DES

(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, including, 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: 7/31/2020

Last Data Uploaded: 7/31/2020 9:09:50 AM

Developed by  Schneider
GEOSPATIAL

EXHIBIT "D"

Wailua Bay, Kauai, Hawaii

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

HISTORICAL SHORELINES

- Feb 1927 Tahoe
- Nov 1950
- Mar 1972
- Apr 1975
- Jul 1987
- May 1988
- Sept 1992
- May 1992
- Sept 2000
- Feb 2002
- Oct 2007
- Jan 2008

Erosion rate measurement locations (shore-normal transects)

Historical beach positions, color coded by year, are determined using orthorectified and georeferenced aerial photographs and National Ocean Survey (NOS) topographic survey charts. The low water mark is used as the historical shoreline, or shoreline change reference feature (SCRPF).

Movement of the SCRPF along shore-normal transects (spaced every 66 ft) is used to calculate erosion rates.

Historical shoreline positions are measured every 66 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shorelines through time are used to calculate shoreline change rates (ft/yr) at each transect location.

Annual shoreline change rates are shown on the shore-parallel graph. Red bars on the graph indicate a trend of beach erosion, while blue bars indicate a trend of accretion. Approximately every 8th transect and bar of the graph is numbered. Where necessary, transects have been purposely deleted to maintain consistent alongshore spacing. As a result, transect numbering is not consecutive everywhere. The rates are smoothed alongshore using a 1-3-5-3-1 technique to normalize rate differences on adjacent transects.

AREA DESCRIPTION

The Wailua study area (transects 146–337) is located on the east coast of Kauai. The shoreline is composed of carbonate sand beach interrupted by basalt headlands. Hardened shoreline and boulder groins. A fishing reef extends offshore the length of Waipouli Beach. The area is exposed to persistent trade winds and rough seas throughout the year.

Overall, the area is experiencing insignificant erosion at an average rate of -0.3 ft/yr. The area lends itself to division into four portions. The most northern portion (transects 146–212) extends south from Wailua Canal to a gravel discharge canal near transect 212. This section is part of Waipouli Beach and has experienced erosion over time with an average rate of -0.5 ft/yr. The rest of Waipouli Beach to the south (transects 214–287) has experienced erosion at an average rate of -0.4 ft/yr. Between Nanihiki Point and a boulder revetment to the south is a 600 ft length of beach (transects 289–300). This portion has experienced erosion with an average rate of -1.1 ft/yr. Wailua Beach (transects 302–337) has experienced accretion with an average rate of 0.8 ft/yr. Previous studies¹ found similar trends in shoreline change for the Wailua study area.

¹ Mihal Ocean Engineering and Sea Engineering, 1991 Aerial Photograph Analysis of Coastal Erosion on the Islands of Kauai, Molokai, Lanai, Maui, and Hawaii. State of Hawaii Office of Coastal Zone Management Program.

Shoreline Change Rate (ft/yr)

Shoreline Change Rate (ft/yr)

Scale 1:3000



UTM coordinates
22°52'10" N 155°02'00" W



The production of this poster was sponsored by the Coastal Zone Management Act of 1972 and the following organizations: Office of Ocean and Coastal Resources, Hawaii Department of Land and Natural Resources, Office of Ocean Resources, Hawaii Department of Land and Natural Resources, United States Department of Commerce, Office of Ocean Resources, State of Hawaii.

Charles Fletcher, Matthew Barbee, Siang-Chyn Lin, Matt Oyer and Ayesha Genz
University of Hawaii Coastal Geology Group
School of Ocean and Earth Sciences and Technology
1680 East West Road, Honolulu, HI 96822, U.S.A.

Wailua - Smoothed Rates

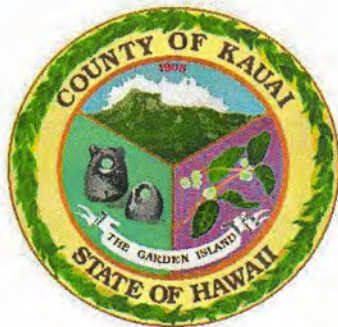
Positive Rate = Accretion
Negative Rate = Erosion

Transect	Smoothed Rate (ft/yr)
146	-0.7
147	-0.6
148	-0.5
149	-0.4
150	-0.4
151	-0.3
152	-0.2
153	-0.2
154	-0.2
155	-0.3
156	-0.3
157	-0.3
158	-0.3
159	-0.4
160	-0.6
161	-0.8
162	-0.9
163	-1.0
164	-1.0
165	-1.0
166	-0.9
167	-0.9
168	-0.9
169	-0.9
170	-0.9
171	-0.9
172	-0.8
173	-0.8
174	-0.7
175	-0.7
176	-0.8
177	-0.8
178	-0.7
179	-0.6
180	-0.5
181	-0.4
182	-0.5
183	-0.5
184	-0.6
185	-0.6
186	-0.7
187	-0.9
189	-1.0
190	-1.0
191	-1.0
192	-1.0

Transect	Smoothed Rate (ft/yr)
193	-1.0
194	-1.0
195	-1.0
196	-0.8
197	-0.7
198	-0.6
199	-0.4
200	-0.2
201	0.0
202	0.2
203	0.3
204	0.1
205	0.1
206	0.1
207	0.1
208	0.1
209	0.1
210	0.1
211	0.1
212	0.1
214*	-0.8
215*	-0.9
216*	-1.0
217*	-1.0
218*	-0.9
219*	-0.6
220	-0.3
221	-0.2
222	-0.1
223	-0.1
224	-0.1
225	-0.1
226	-0.1
227	0.0
228	0.0
229	0.0
230	0.1
231	0.1
232	0.0
233	-0.1
234	-0.1
235	0.0
236	0.1
238	0.2
239	0.3
240	0.3

Transect	Smoothed Rate (ft/yr)
241	0.2
242	0.1
243	0.0
244	0.0
245	0.1
246	0.2
247	0.2
248	0.0
249	-0.3
250	-0.6
251	-0.7
252	-0.8
253	-0.7
254	-0.8
255	-0.9
256	-1.0
257	-1.1
259	-1.1
260	-1.1
261	-1.2
262	-1.2
263	-1.2
264	-1.1
265	-0.9
266	-0.7
267	-0.5
268	-0.2
269	0.0
271	0.1
272	0.1
273	-0.1
274	-0.2
275	-0.3
276	-0.3
277	-0.2
278	-0.2
279	-0.2
280	-0.3
281	-0.4
282	-0.5
283	-0.5
284	-0.6
285	-0.6
286	-0.7
287	-0.7
289	-0.6

*Imagery indicates beachwidth of zero during period of analysis. Rate calculation reflects data with beach existence.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	2021 - 13
Acceptance Date:	9.10.20
Website Posting Date:	9.14.20
Determination Date:	9.10.20
Planning Commission Date:	N/A
Expiration Date:	9.10.2021
Planner Assigned:	R1

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:	Hale King LLC
Mailing Address:	261 Stonewall Rd. Berkley, CA 94705
Phone:	510-684-4900
Email:	Nat@claremontcreek.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: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-4
Tax Map Key(s):	(4) 5-8-008-046 0001
Land Area:	15,915 sq. ft.
Nature of Development: (Description of proposed structure or subdivision)	Interior repair and renovation to a bathroom that was on the ground floor. The proposed repair and renovation to the previous existing bathroom in the dwelling will not constitute a substantial improvement under either CZO Article 27 (Shoreline Setback) or KCC Chapter 15 (Floodplain

**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: -1.1 to -1.0 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:



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Property is fairly flat and even
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
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)? VE
- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Yes, 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

MAY 29 2020

Signature

Date

Applicability (to be completed by Planning Department)

- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
- ☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

Ronnie L. Loh
Planning Director or designee

9-10-20
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)

Ronnie Lee

Planning Director or designee

9-10-20

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	

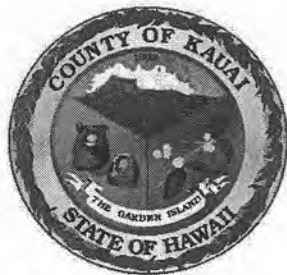
Public Projects less than \$125,000	
☐	Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))
_____ Planning Director or designee	
_____ Date	
☐	Certified Shoreline Required
☐	Certified Shoreline Not Required

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

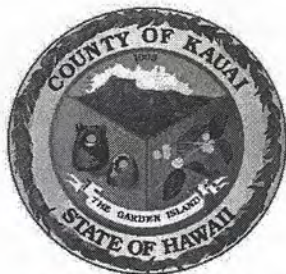
Shoreline Setback Variance (§8-27.9)

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 KAUAI 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)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet <u>-or-</u> (Average Lot Depth minus 100 feet) $\div$ by 2 plus 40
Greater than 220 feet (>220 feet)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet <u>-or-</u> 100 feet from the certified shoreline

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

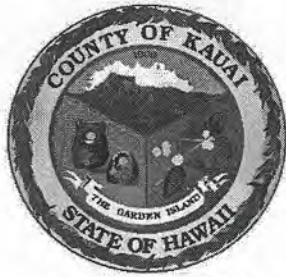
Table 2. (This table is included for illustrative purposes only.)

Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUAI 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 <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

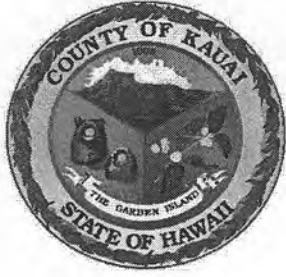
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits 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 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 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.

APPLICANT'S AUTHORIZATION

I. APPLICANT.

Name: HALE KING LLC,
a Hawaii limited liability company

Address: 261 Stonewall Road
Berkeley, California 94705

Telephone: (510) 684-4900
Email: globalnat84@gmail.com

II. AUTHORIZED AGENT.

Name: Jonathan J. Chun, Esq.

Address: Belles Graham LLP
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766

Telephone: (808) 245-4705
Facsimile: (808) 245-3277
Email: jjc@kauai-law.com

III. PROPERTY.

Lot 9
7292 'Alamo'o Road, Apt. A, Hanalei, Hawaii
Kauai Tax Map Key No. (4) 5-8-008:046 0001

IV. AUTHORIZATION.

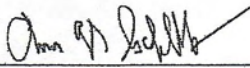
The Applicant hereby authorizes the Authorized Agent to act on the Applicant's behalf and to file and process on the Applicant's behalf any and all applications necessary to obtain governmental permits relating to the Subject Property, including, but not limited to, any building permits, substantial improvement determinations, grading permits, use permits, variance permits, zoning permits, shoreline setback determinations, and/or Special

Management Area permits issued by any department, agency, board or commission of the County of Kauai.

DATED: 4/14/2020 X

APPLICANT:

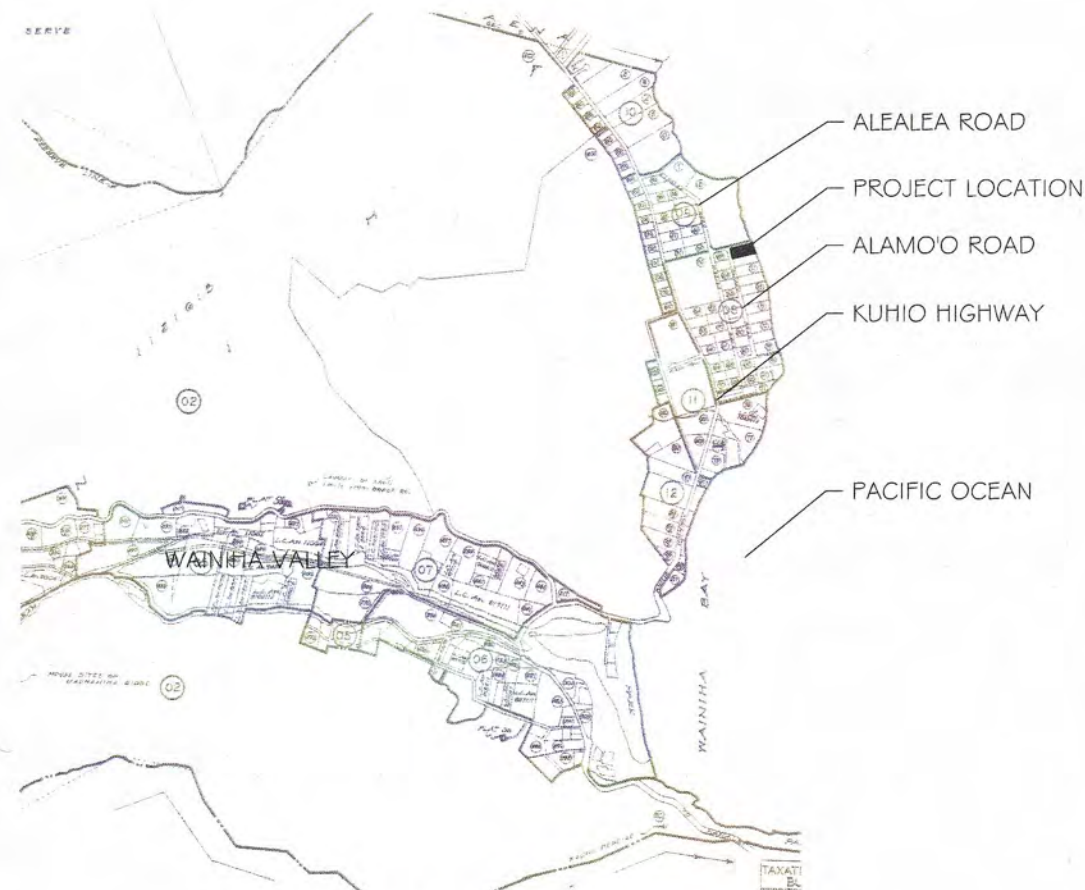
HALE KING LLC
a Hawaii limited liability company

By 
Nat Goldhaber
Its Managing Director



SHEET INDEX

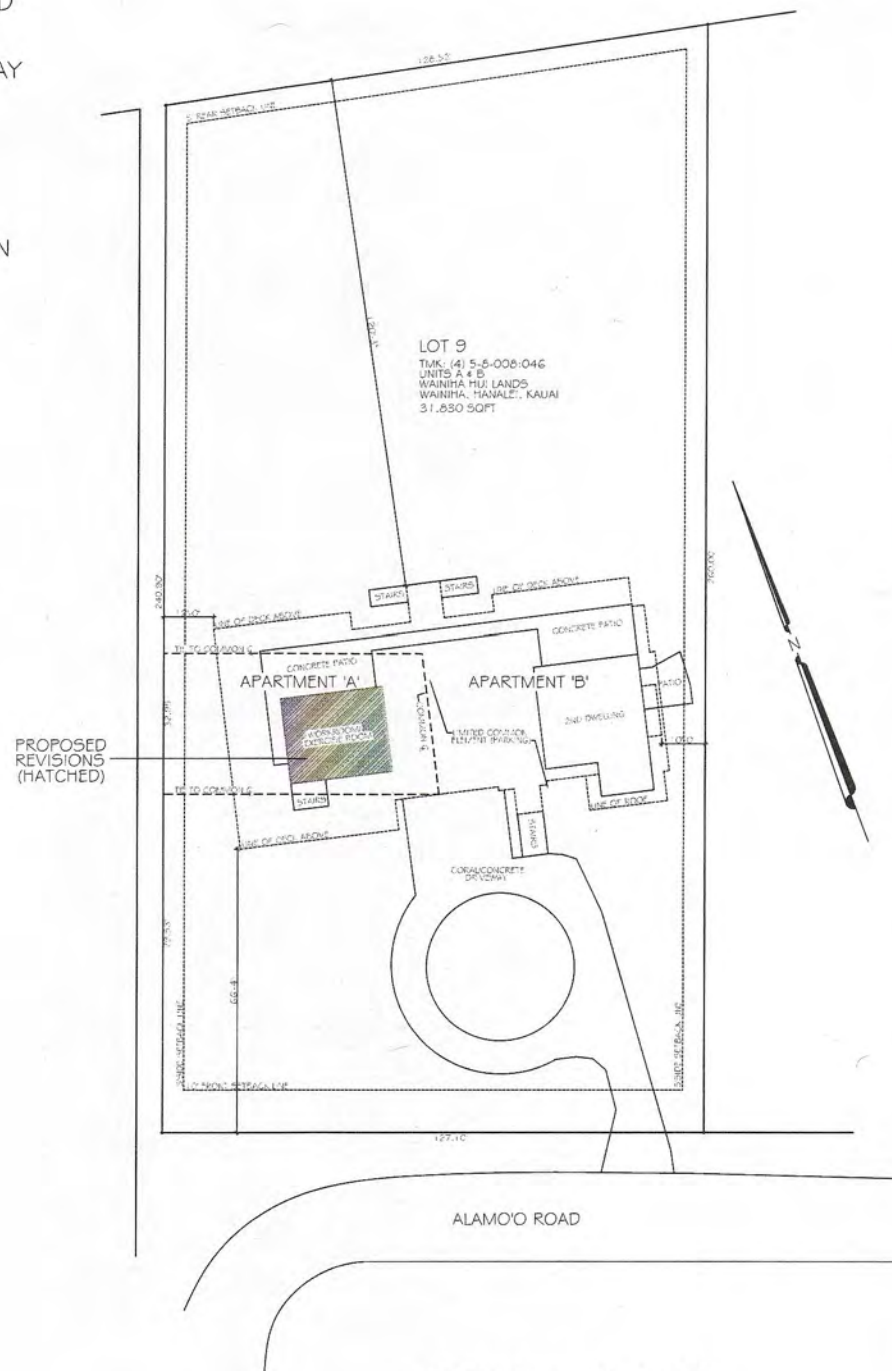
SP I SITE PLAN AND NOTES
AO I FIRST FLOOR & INTERIORS



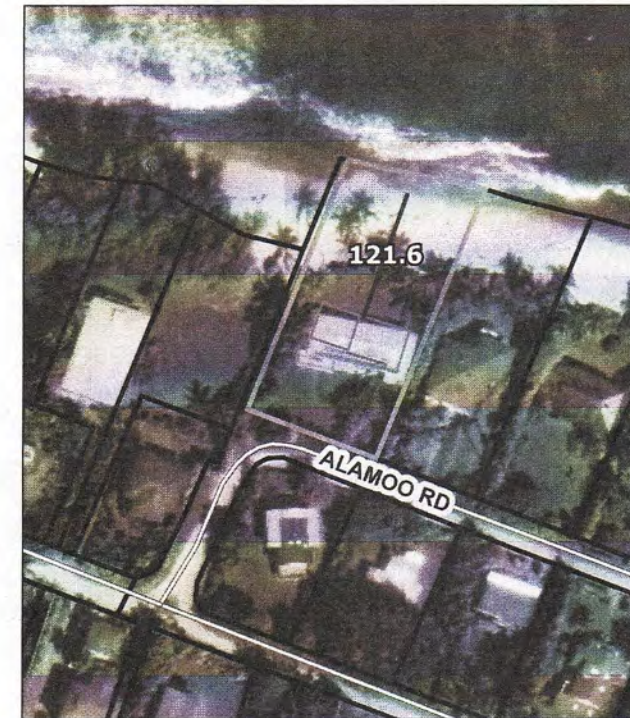
VICINITY MAP
NOT TO SCALE

GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH GOOD CONSTRUCTION PRACTICES, THE 2006 INTERNATIONAL RESIDENTIAL CODE (IRC), AND APPLICABLE STATE AND COUNTY REGULATIONS AND ORDINANCES.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND SHALL IMMEDIATELY NOTIFY ARCHITECT OF ANY ERRORS, OMISSIONS, OR CONFLICTS.
3. ALL METAL CONNECTORS INCLUDING BUT NOT LIMITED TO BRACKETS, HANGERS, CAPS, BASES, NAILS, AND SCREWS SHALL BE HOT DIPPED GALVANIZED, UNLESS NOTED OTHERWISE.
4. ALL STRUCTURAL LUMBER SHALL BE PRESSURE TREATED DOUGLAS FIR NO. 2 OR BETTER, UNLESS NOTED OTHERWISE. ALL EXPOSED LUMBER SHALL BE AND SELECTED FOR APPEARANCE: FREE OF LOOSE KNOTS AND CRACKS.
5. ALL DISSIMILAR METALS SHALL BE ISOLATED.
6. NOTED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.
7. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IN WRITING AT LEAST (3) DAYS PRIOR TO:
 - A. CLOSING IN FLOOR, ROOF, AND WALL FRAMING.
8. CONTRACTOR SHALL MEET PRIOR TO CONSTRUCTION WITH DESIGNER TO ANSWER ANY QUESTIONS RELATED TO THE DRAWINGS.



SITE PLAN
SCALE: 1" = 20'-0"



SHORELINE MAP
NOT TO SCALE

DESIGN ASSOCIATES
KAUAI



USE: A PACE 12/10/10, LAMINATE
FOR: 12/10/10, LAMINATE
12/10/10, LAMINATE
12/10/10, LAMINATE
12/10/10, LAMINATE

PROPOSED FIRST FLOOR REMODEL
FOR MY BUNGALOW LLC

7292 ALAMO'O ROAD
WAINIHA, HAWAII, KAUAI
TMK: (4) 5-8-008-046

SHEET NUMBER

SP I

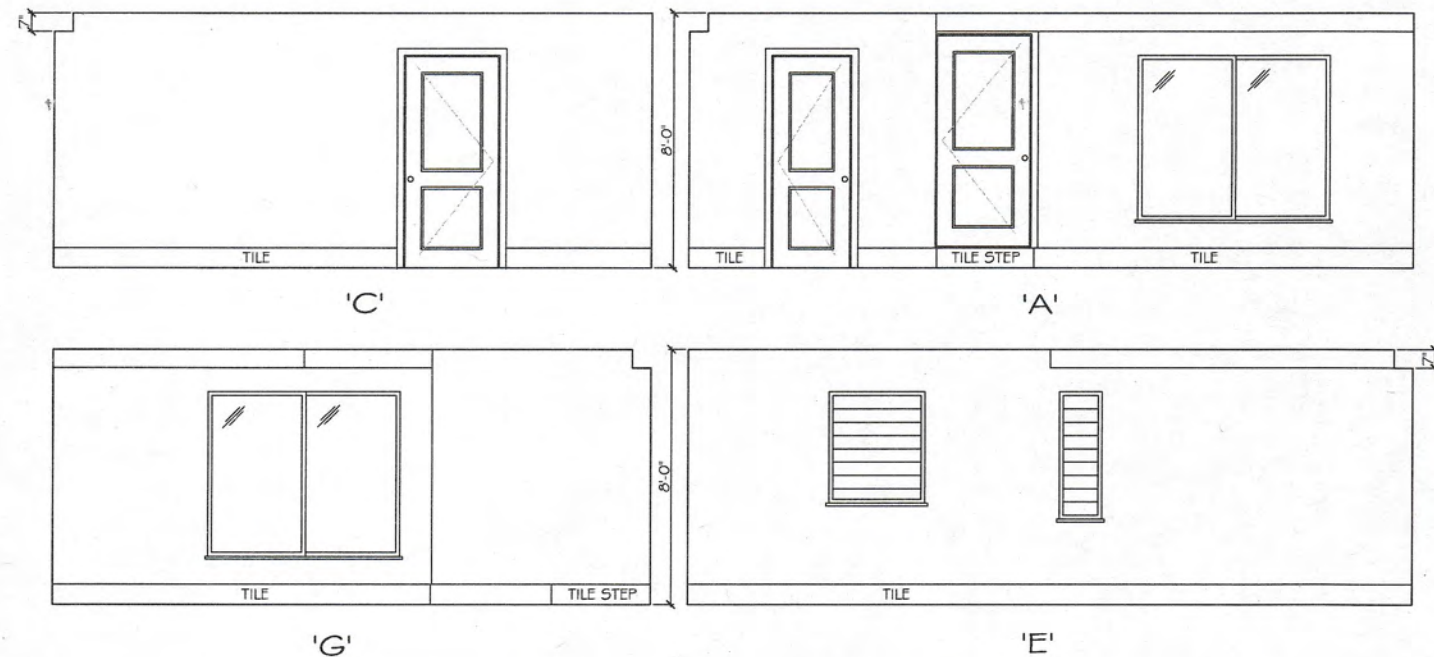
DATE: 040220

CPR UNIT 0001

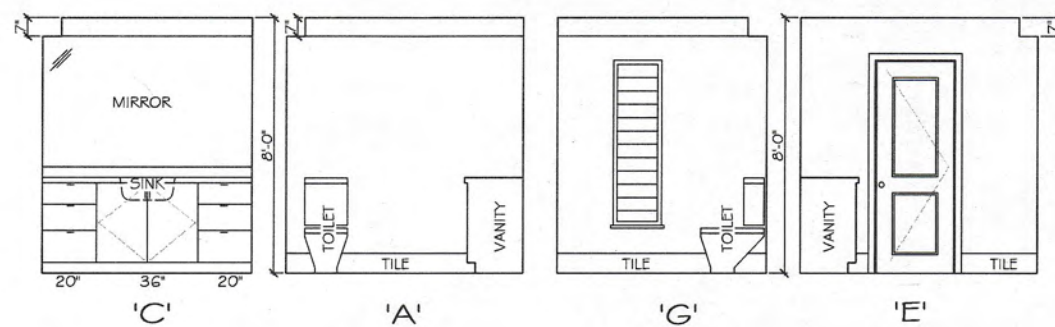
COVERAGE CALC

LOT 9 ALAMO'O ROAD	31,630 SQ. FT.
BUILDING COVERAGE	
LIVING AREA	3,716 SQ. FT.
CARPORT	1,032 SQ. FT.
COVERED LANAI	1,182 SQ. FT.
DECKS	945 SQ. FT.
FLATWORK COVERAGE	
CORAL/CONCRETE DRIVE	1,930 SQ. FT.
BUILDING COVERAGE	6,025 SQ. FT. / 19%
IMPERVIOUS COVERAGE	7,955 SQ. FT. / 25%

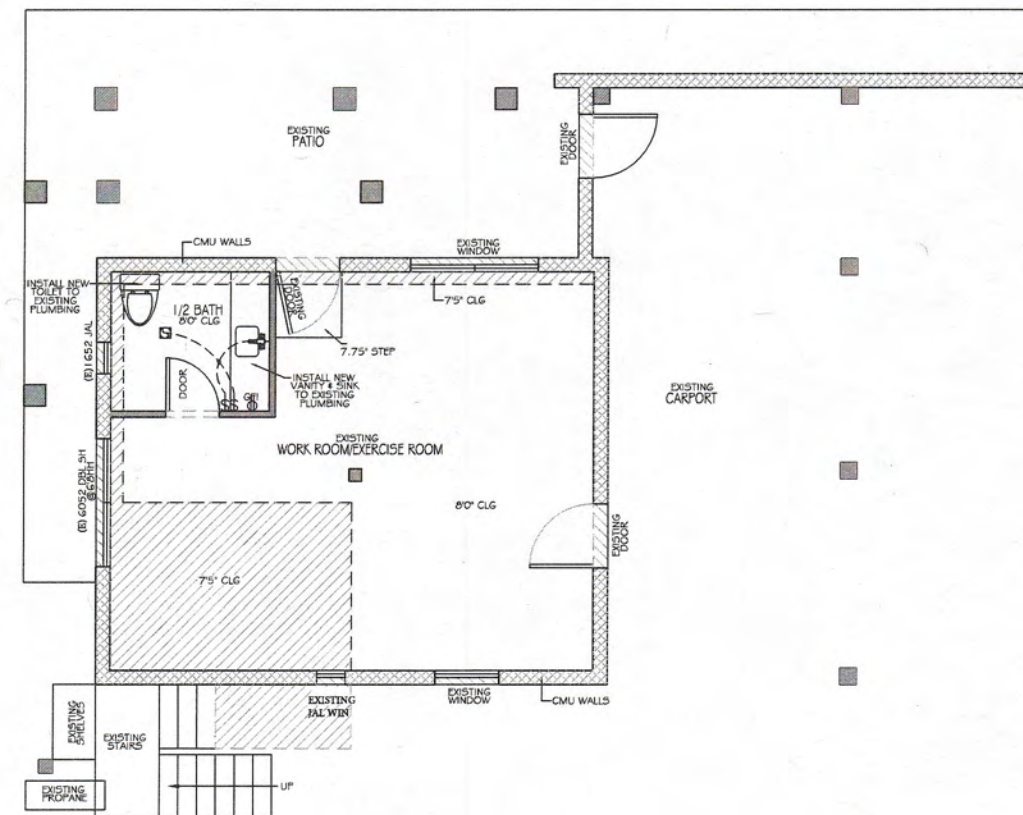
Copyright 2020
All rights reserved



WORKROOM/EXERCISE ROOM INTERIOR ELEVATIONS
SCALE: 3/8"=1'-0"



1/2 BATH INTERIOR ELEVATIONS
SCALE: 3/8"=1'-0"



FIRST FLOOR REVISIONS
SCALE: 1/4"=1'-0"



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 2021 - 14

Acceptance Date:	9.10.20
Website Posting Date:	9.14.20
Determination Date:	9.10.20
Planning Commission Date:	N/A
Expiration Date:	9.10.2021
Planner Assigned:	RL

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: **KAUAI MARRIOTT OWNERSHIP C/O DEBBIE FREEMAN**
Mailing Address: 305 Kihapai Street Phone: 808-346-7833
Kapaa, HI 96746 Email: permitservice@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: _____

Project Information (attach additional sheets, if necessary)

County Zoning District: _____ Tax Map Key(s): (4) 3-5-002: 002
Land Area: _____

Nature of Development: INTERIOR RENOVATIONS TO EXISTING HOTEL UNITS &
(Description of proposed structure or subdivision) CORRIDORS. TOTAL 356 UNITS

**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): 136 ft. (EXHIBIT A)
- 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 (EXHIBIT B)
(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:



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
ZONE X WITH SMALL PART AE, ELEVATION 9'

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
SANDY BEACH (EXHIBIT A)

- ☐ 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)? (EXHIBIT C)
☐ 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

Leslie Tyson

5/4/2020

Signature

Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

Ronnie Allen
Planning Director or designee

9.10.20
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)

Ronnie Aden

Planning Director or designee

9.10.20

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)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet <u>-or-</u> (Average Lot Depth minus 100 feet) ÷ by 2 plus 40
Greater than 220 feet (>220 feet)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet <u>-or-</u> 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 <i>occurring rocky shorelines</i> , the shoreline setback line shall be <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

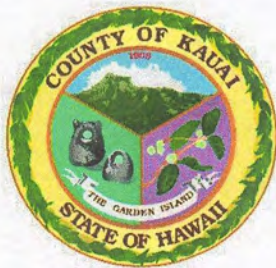
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits 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 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.



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.
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(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.

The RMR Group
255 Washington Street, Suite 300
Newton, Massachusetts 02458

May 3, 2020

Planning Department
County of Kaua'i
4444 Rice Street
Lihue, Hawai'i 96766

SUBJECT: Letter of Authorization to Submit Shoreline Setback Determination Application for Kaua'i Marriott Resort – Guestrooms & Corridors Renovation Project Located at 3610 Rice Street, Lihue, Hawai'i 96766 (TMK: (4) 3-5-002: 002)

To Whom It May Concern:

The RMR Group is the owner of the above referenced property. We wish to authorize Debbie Freeman and Leslie Tyson to act and sign on our behalf in submitting the Shoreline Setback Determination Application, and to file and process any and all applications necessary to obtain governmental permits, including but not limited to building permits, grading permits, grubbing permits, or any other permits issued by any department, agency, or board of commission of the County of Kaua'i, which are necessary for construction or for the development of the property.

Should you have any questions, or require additional information, please do not hesitate to call me at 612-584-2455.

Sincerely,



Mark Piekarz
Senior Director
The RMR Group



3610 Rice St

KAHILI

NOUNOU

333'

456'

HAUPU

136'

EXHIBIT A

Google Earth

Nawiliwili Bay, Kauai, Hawaii

AREA DESCRIPTION

The Nawiliwili Bay study area (transects 0 - 30) is located on the east coast of Kauai. The area is bounded by Ninini Point to the northeast and Carter Point to the southwest. The shoreline is characterized by small pocket beaches interspersed among basaltic headlands.

Overall, the area is experiencing accretion at an average rate of 0.2 ft/yr. There are three pocket beaches within the study area. Kalahehi Beach (transects 0 - 21) is located within Nawiliwili Bay to the north of Kukui Point. This section of the study area is accreting at an average rate of 0.6 ft/yr. Ninini Beach (transects 23 - 27) has experienced erosion at an average rate of -0.6 ft/yr. The next beach (transects 28 - 30) has experienced erosion at -0.9 ft/yr. Previous studies¹ did not analyze the Nawiliwili Bay study area shoreline.

¹ Malco Ocean Engineering and Sea Engineering, 1991 Aerial Photograph Analysis of Coastal Erosion on the Islands of Kauai, Molokai, Lanai, Maui, and Hawaii. State of Hawaii Office of Coastal Zone Management Program.

Shoreline Change Rate (ft/yr)

Kukui Point

Nawiliwili Bay

Nawiliwili Harbor

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

Historical shoreline positions are measured every 66 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shorelines through time are used to calculate shoreline change rates (ft/yr) at each transect location.

Annual shoreline change rates are shown on the shore-parallel graph. Red bars on the graph indicate a trend of beach erosion, while blue bars indicate a trend of accretion. Approximately every fifth transect and bar of the graph is numbered. Where necessary, transects have been purposely deleted to maintain consistent alongshore spacing. As a result transect numbering is not consecutive everywhere. The rates are smoothed alongshore using a 1-3-5-3-1 technique to normalize rate differences on adjacent transects.

HISTORICAL SHORELINES

- 1927 Tahoeit
- Jan 1951
- Mar 1960
- Sept 1968
- Apr 10 1975
- Apr 12 1975
- Oct 1981
- Jul 1987
- May 1988
- Sept 1992
- Jan 2000
- Oct 2007

Erosion rate measurement locations (shore-normal transects)

Historical beach positions, color coded by year, are determined using orthorectified and georeferenced aerial photographs and National Ocean Survey (NOS) topographic survey charts. The low water mark is used as the historical shoreline, or shoreline change reference feature (SCRF).

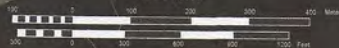
Movement of the SCRF along shore-normal transects (spaced every 66 ft) is used to calculate erosion rates.

Kauai

Nawiliwili

EXHIBIT B

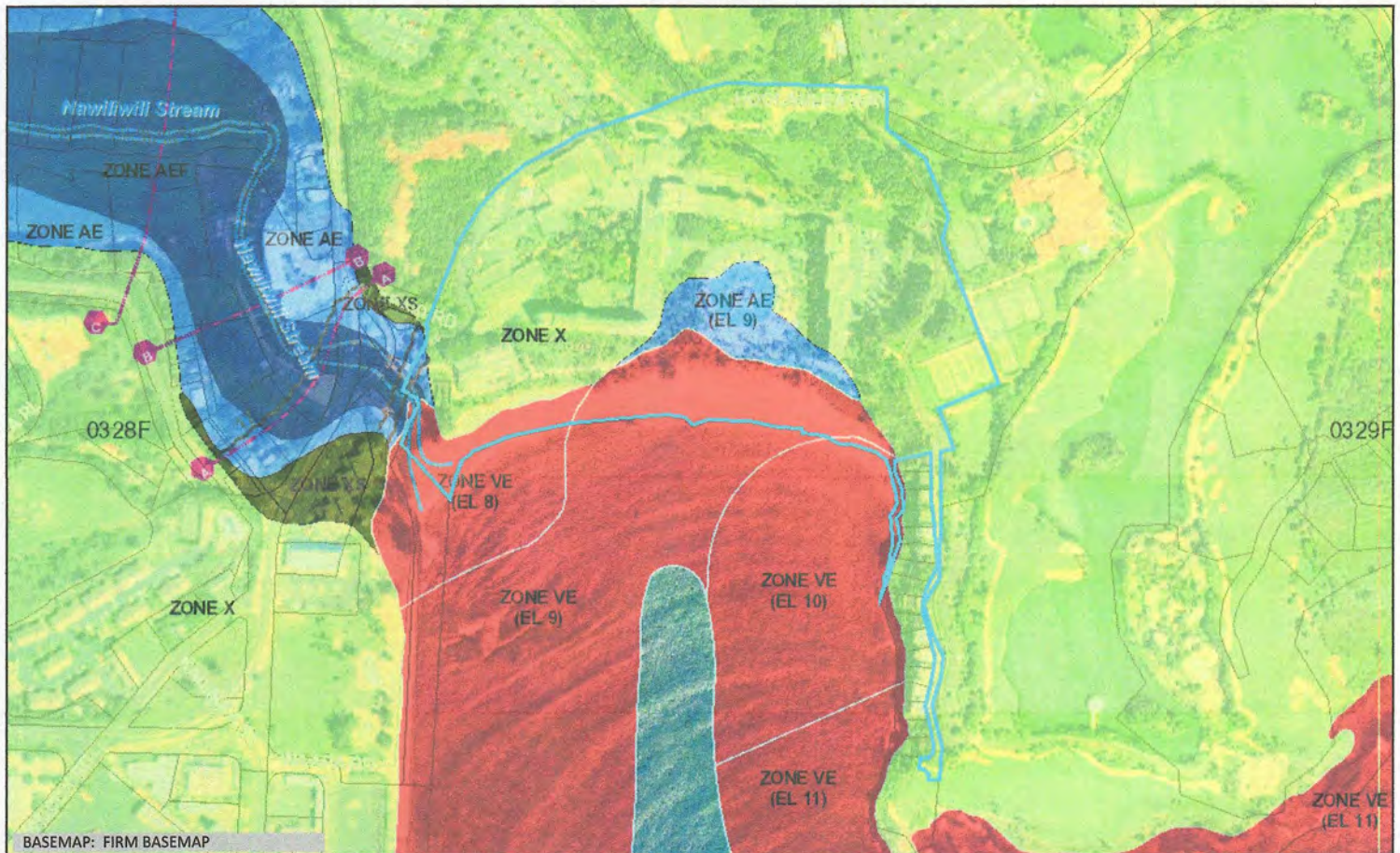
Scale 1:3000



Charles Fletcher, Matthew Barber, Siang-Chia Lim, Matt Oyer, and Preetha Gopal
University of Hawaii Coastal Sciences Group
School of Ocean and Earth Sciences and Technology
1680 East West Road, Honolulu, HI 96822, U.S.A.



360000m UTM coordinates
180°10'00" W 180°10'00" W



Flood Hazard Assessment Report

www.hawaiiinfip.org

KALAPAKI MARRIOTT

Property Information

COUNTY: KAUAI
 TMK NO: (4) 3-5-002:002
 WATERSHED: NAWILIWILI
 PARCEL ADDRESS: 3610 RICE ST
 LIHUE, HI 96766

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1500020328F
 PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: YES (KA-0145)
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

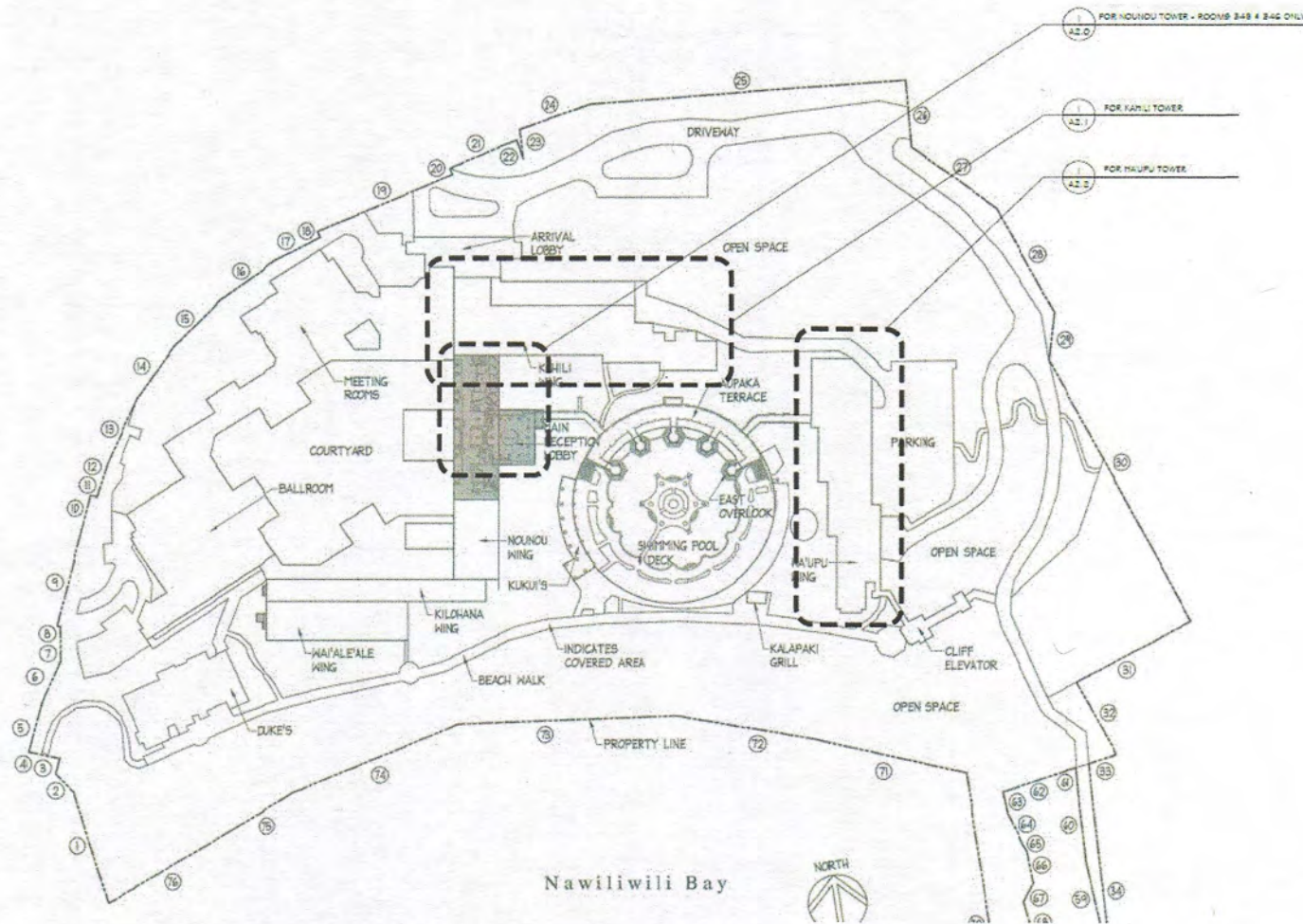
	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
--	--

EXHIBIT D

Kauai Marriott Guestrooms Project – Plot Plan



PROPERTY LINE BEARINGS & DISTANCES

1	177.36'	169'00"	39	85.60'	13'40"
2	41.70'	142'80"	40	121.50'	348'00"
3	245.00'	199'55"	41	100.00'	4'25"
4	47.00'	107'55"	42	30.00'	94'25"
5	79.30'	199'55"	43	5.00'	184'25"
6	69.38'	209'17"	44	35.36'	139'25"
7	53.90'	185'04"	45	5.00'	94'25"
8	4.79'	110'23"	46	30.00'	184'25"
9	148.12'	200'01"	47	15.00'	274'25"
10	59.60'	199'57"	48	35.36'	229'25"
11	10.80'	289'57"	49	12.14'	184'25"
12	53.20'	202'10"	50	123.17'	168'00"
13	103.60'	210'01"	51	88.51'	195'40"
14	103.00'	220'10"	52	61.33'	184'24"
15	103.10'	229'57"	53	9.07'	156'32"
16	103.50'	240'06"	54	106.64'	164'45"
17	79.00'	248'45"	55	85.52'	185'37"
18	10.80'	162'39"	56	36.42'	206'30"
19	223.60'	252'39"	57	60.43'	191'55"
20	10.80'	162'39"	58	61.42'	177'20"
21	113.60'	252'39"	59	112.72'	173'18"
22	31.80'	347'14"	60	109.05'	179'24"
23	45.80'	178'56"	61	38.12'	180'24"
24	113.00'	255'50"	62	116.95'	77'10"
25	484.26'	277'20"	63	35.37'	353'30"
26	103.72'	1'20"	64	54.38'	339'30"
27	162.00'	311'45"	65	10.65'	334'30"
28	183.56'	337'30"	66	50.15'	355'00"
29	74.32'	12'00"	67	31.79'	35'50"
30	454.00'	337'30"	68	68.83'	349'30"
31	198.00'	67'30"	69	185.82'	17'30"
32	127.95'	337'30"	70	452.93'	176'51'30"
33	44.45'	77'10"	71	235.00'	108'30"
34	42.67'	0'24"	72	215.00'	105'30"
35	340.04'	354'24"	73	335.00'	93'45"
36	85.30'	30'39"	74	275.00'	73'15"
37	83.20'	346'26"	75	114.53'	64'30"
38	68.10'	4'24"	76	215.67'	64'30"

EXHIBIT E

**H
A
R
D
Y**
**The
Hardy
Group**

Kauai Marriott Guestrooms Renovation

Construction Cost Estimate

Kauai Marriott	
Typical Room Construction costs:	
Demo	\$ 1,200.00
Floor prep	\$ 500.00
Carpentry	\$ 1,500.00
Doors	\$ 1,000.00
Hardware	\$ 500.00
Dryall	\$ 1,000.00
Tile	finishes
Flooring	finishes
Paint	finishes
Plumbing	\$ 2,000.00
Electric	\$ 2,000.00
Misc.	\$ 1,000.00
Sub-total	\$ 10,700.00
General Conditions	
Fees	

KAHILI TOWER: 103 Rooms – \$1,102,100
 HAUPU TOWER: 249 Rooms – \$2,664,300
 NOUNOU TOWER: 4 Rooms – \$42,800
TOTAL ESTIMATE: \$3,809,200

****Note: Corridors are finishes only**



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 202 1 - 15

Acceptance Date:	9.10.20
Website Posting Date:	9.14.20
Determination Date:	9.10.20
Planning Commission Date:	N/A
Expiration Date:	9.10.2021
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: County of Kauai, Dept. of Public Works, Wastewater Management Division (WMD)

Mailing Address: Lihue, Kauai, Hawaii 96766

Phone: (808) 241-4083

Lihue, Kauai, Hawaii 96766

Email: jkagimoto@kauai.gov

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: August 24, 2020

Project Information (attach additional sheets, if necessary)

County Zoning District: Open

Tax Map Key(s): (4) 3-9-006: 019

Land Area: 88,557 square feet

Nature of Development:
(Description of proposed structure or subdivision)

The Applicant is proposing rehabilitation, demolition and modification of the existing Wailua Sewage Pump Station (SPS) No. 1 within the Wailua Wastewater Treatment Plant to address observed structural deterioration.

**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: -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 parcel identified as TMK (4) 3-9-6: 001 (Lydgate Park) is between the project site and the shoreline (see Attachment 1). Nalu Road continues through this 32-acre shoreline parcel. Park improvements between the project site and the shoreline include paved parking areas, a maintenance building and a bike/pedestrian path (see Attachment 2).



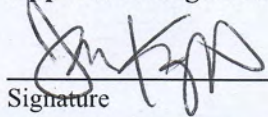
PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
The topography at the project site is relatively flat and slopes gently from Nalu Road towards the shoreline.
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Beach at the adjacent parcel (Lydgate Park).
- ☐ 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.

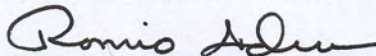
Applicant's Signature

Signature 

Date 8/25/20

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

9.10.20
Date

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

Part B

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



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

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

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

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

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

☒ **Exemption 2**

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

☐ **Exemption 3**

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

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

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

Exemption Determination (to be completed by Planning Department)

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

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

Planning Director or designee

9.10.20

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

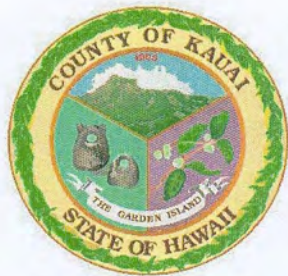
Public Projects less than \$125,000	
☐ Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))	
_____ Planning Director or designee	_____ Date
☐ Certified Shoreline Required	
☐ Certified Shoreline Not Required	

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

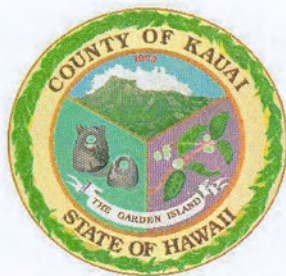
Shoreline Setback Variance (§8-27.9)

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)	<u>Greater of:</u> 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)	<u>Greater of:</u> 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 <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

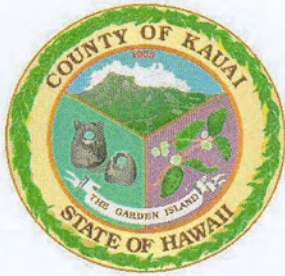
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits 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).

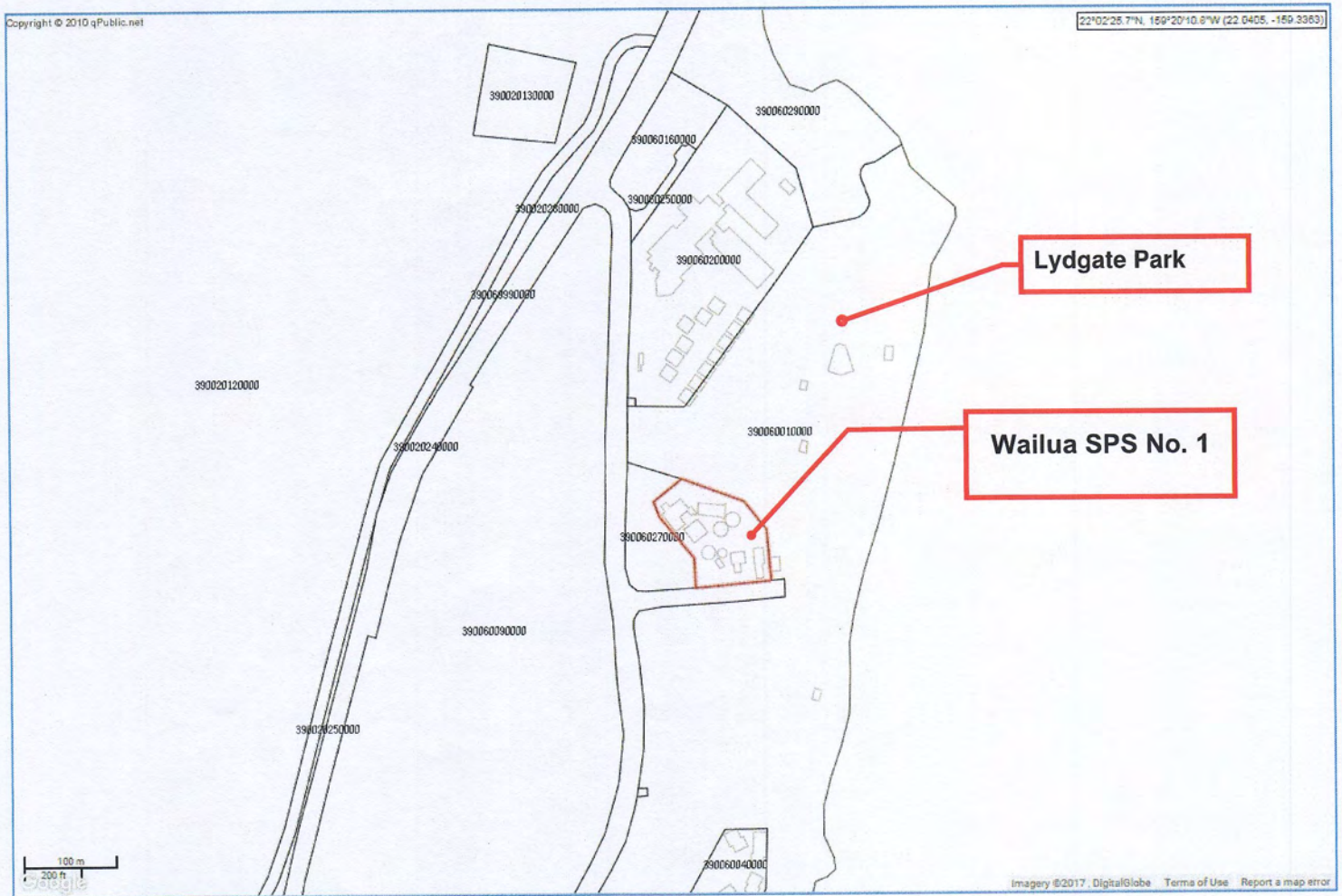
Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(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.



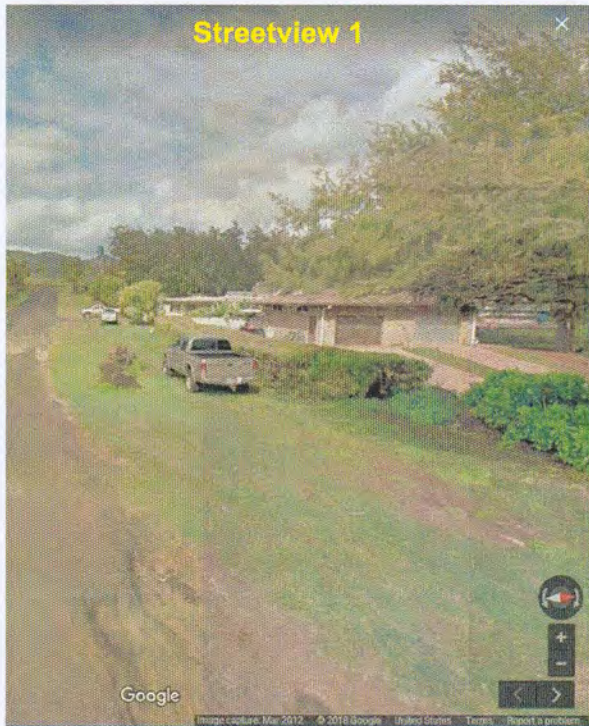
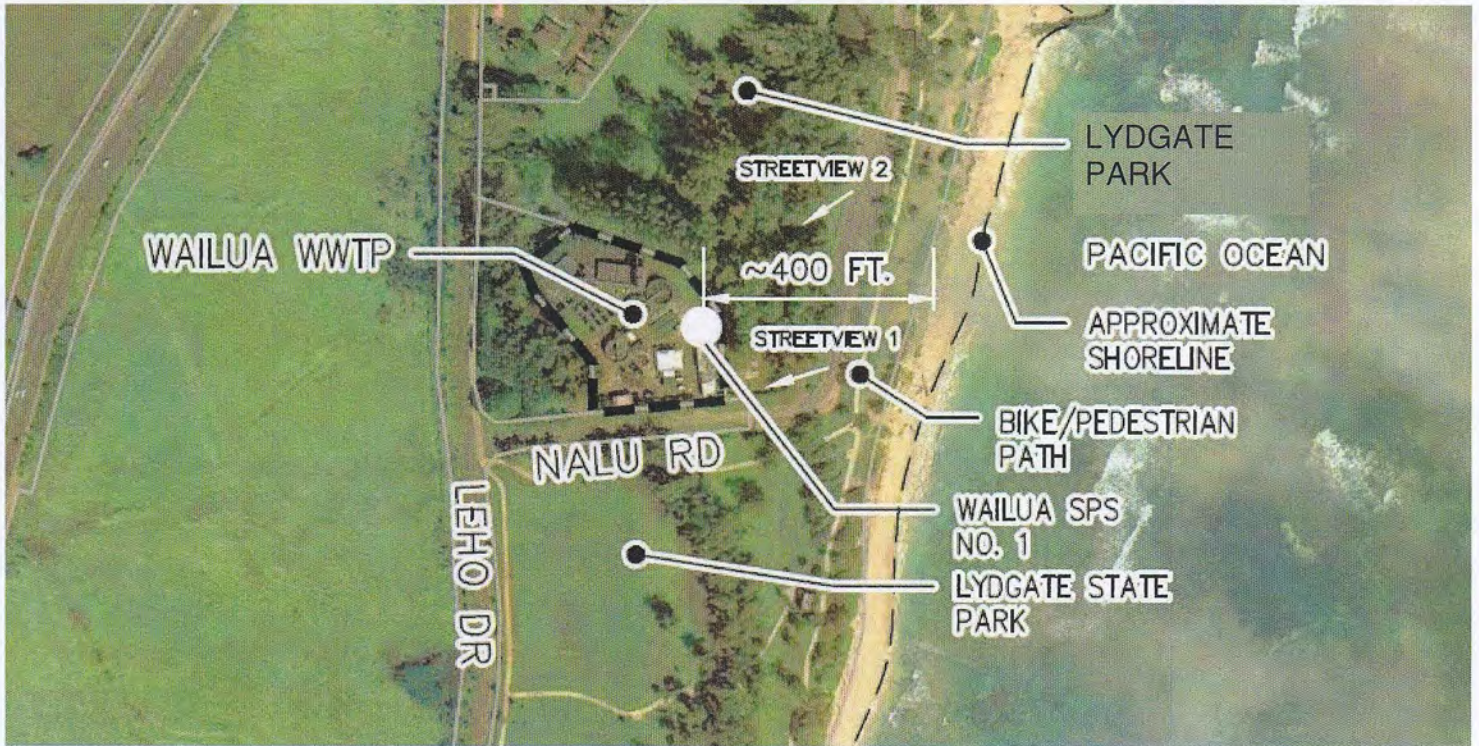
PLANNING DEPARTMENT

SHORELINE SETBACK INFORMATION

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



Source: qpublic.net for the State of Hawaii, County of Kauai. 2011. "Property Record Search." Accessed on August 8, 2017. Available from <http://www.qpublic.net/hi/kauai/search.html>.



Source: Google. 2018. "Google Maps" and "Google Maps Streetview." Accessed on January 30, 2018. Available from <https://www.google.com/maps>.

Attachment 3

0212F

ZONE X

ZONE VE
(EL. 11)

NALU RD

BASEMAP: FIRM BASEMAP



Flood Hazard Assessment Report

www.hawaiiifip.org

Property Information

COUNTY: KAUAI
TMK NO: (4) 3-9-006:019
WATERSHED: KAWAIOA
PARCEL ADDRESS: 4460 NALU ROAD
KAPAA, HI 96746

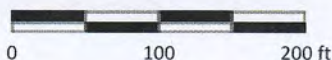
Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S): NONE
FEMA FIRM PANEL: 1500020212F
PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
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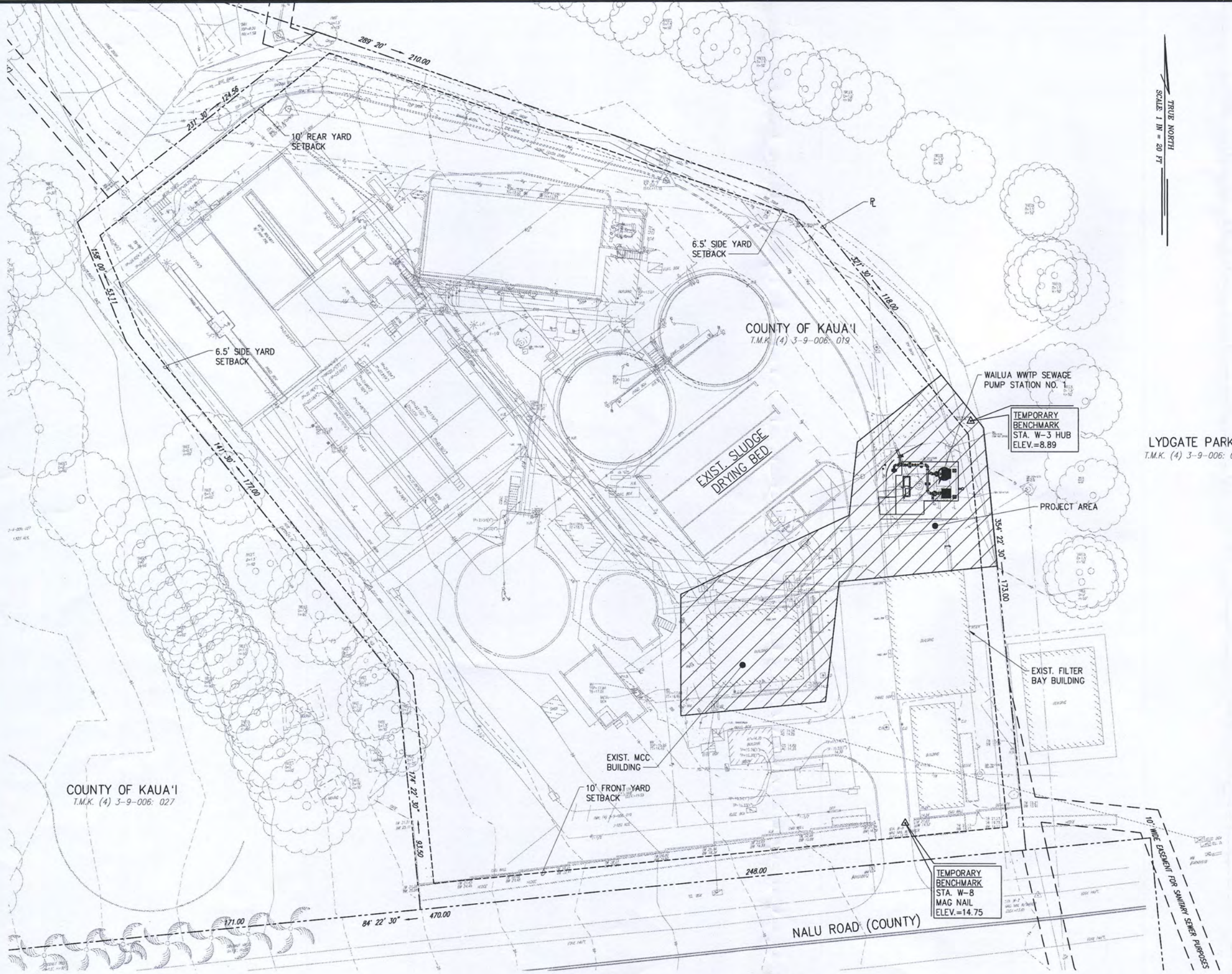
Attachment 4

TRUE NORTH
SCALE: 1" = 20'

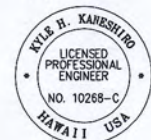
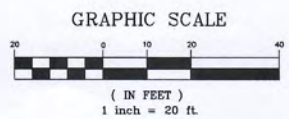
LYDGATE PARK
T.M.K. (4) 3-9-006: 001

LEGEND

- EASEMENT
- PROJECT AREA
- SETBACK LINE



LOCATION PLAN - WAILUA WWTP
SCALE: 1" = 20'



4/30/22
EXP. DATE

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

REV.	DATE	DESCRIPTION	APPR
THE LIMITACO CONSULTING GROUP CIVIL ENGINEERING AND ENVIRONMENTAL CONSULTANTS 1422 KANAKULANI STREET • HONOLULU, HAWAII 96813			
WAILUA SEWAGE PUMP STATION (SPS) NO. 1 REHABILITATION			
WAILUA, KAUAI, HAWAII			
LOCATION PLAN - WAILUA WWTP			
APPROVED:			DATE: JUNE 2020
DRAWN BY: CJ/JA	ENGINEER: JA/JYK	CHECKED BY: KK	FILE NO:
FIELD BOOK NO:	SCALE: AS SHOWN	SHEET 5 OF 25	SHEETS

