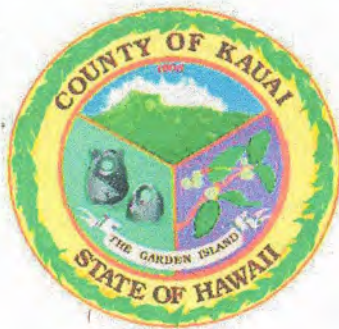




PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	2021 - 23
Acceptance Date:	12.3.20
Website Posting Date:	12.4.20
Determination Date:	12.4.20
Planning Commission Date:	N/A
Expiration Date:	12.4.21
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:	KAUAI MARRIOTT OWNERSHIP C/O DEBBIE FREEMAN
Mailing Address:	3610 Rice St. Lihue, HI 96766
Phone:	808-346-7833
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:	RD-20
Tax Map Key(s):	(4) 3-5-002: 002
Land Area:	32.79 ACS.
Nature of Development: (Description of proposed structure or subdivision)	REPLACEMENT OF SLIDER DOORS OF EXISTING HOTEL UNITS. TOTAL 48 UNITS

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

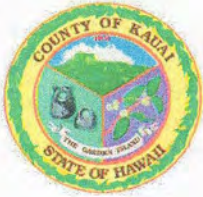
Part A

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

9/15/2020

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.
<i>Ronnie L. Loh</i> Planning Director or designee 12.4.20 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).

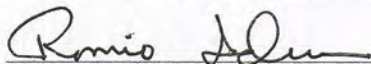
Exemption Determination (to be completed by Planning Department)



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

12.4.20

Date



Additional comments/conditions:



3610 Rice St

KAHILI

NOUNOU

333'

456'

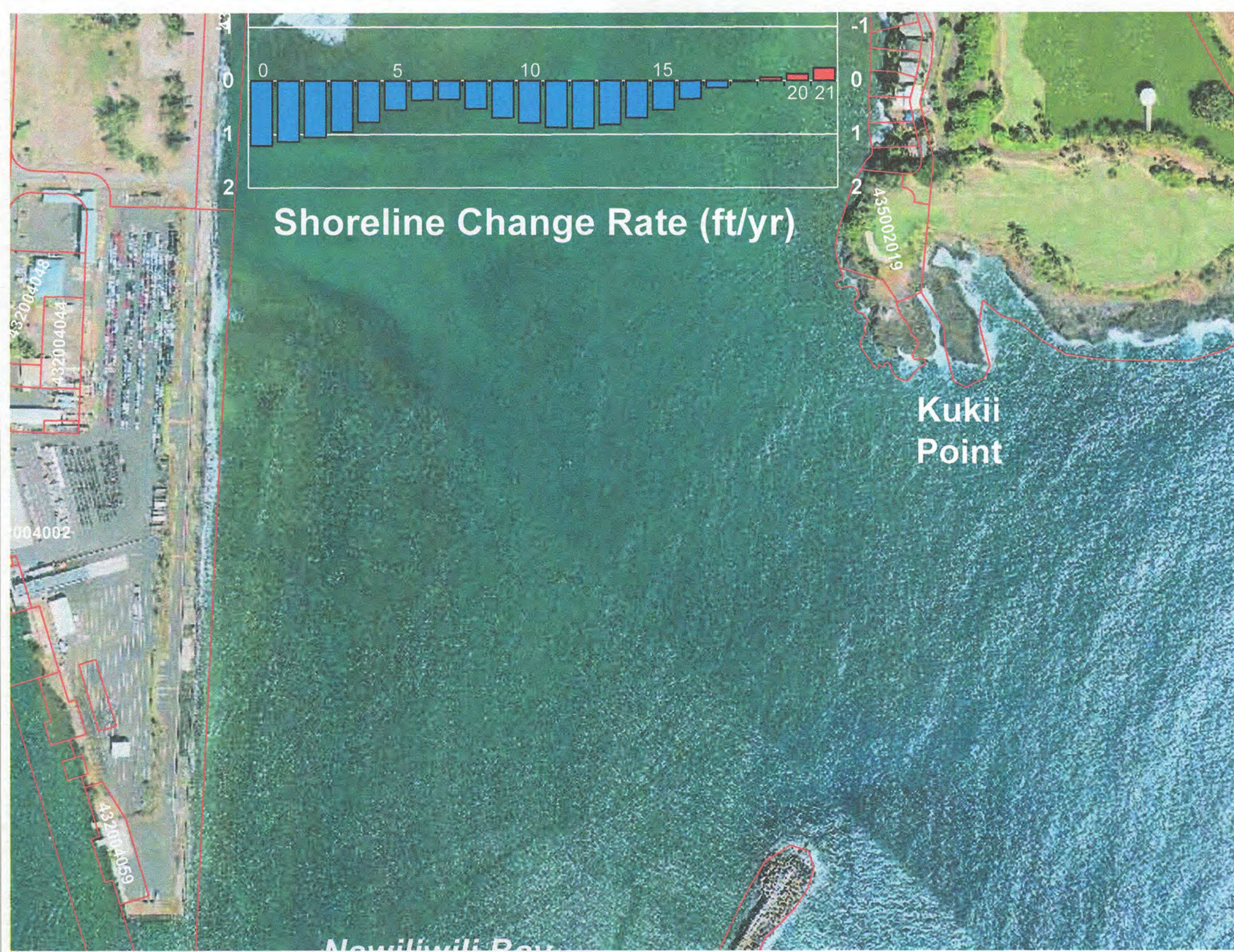
HAUPU

136'

EXHIBIT A

Google Earth

Imagery Date: 5/23/2019 21°57'40.79" N 159°21'01.11" W elev 23 ft eye alt 1463 ft





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 requirements apply, but coverage is available in participating communities.

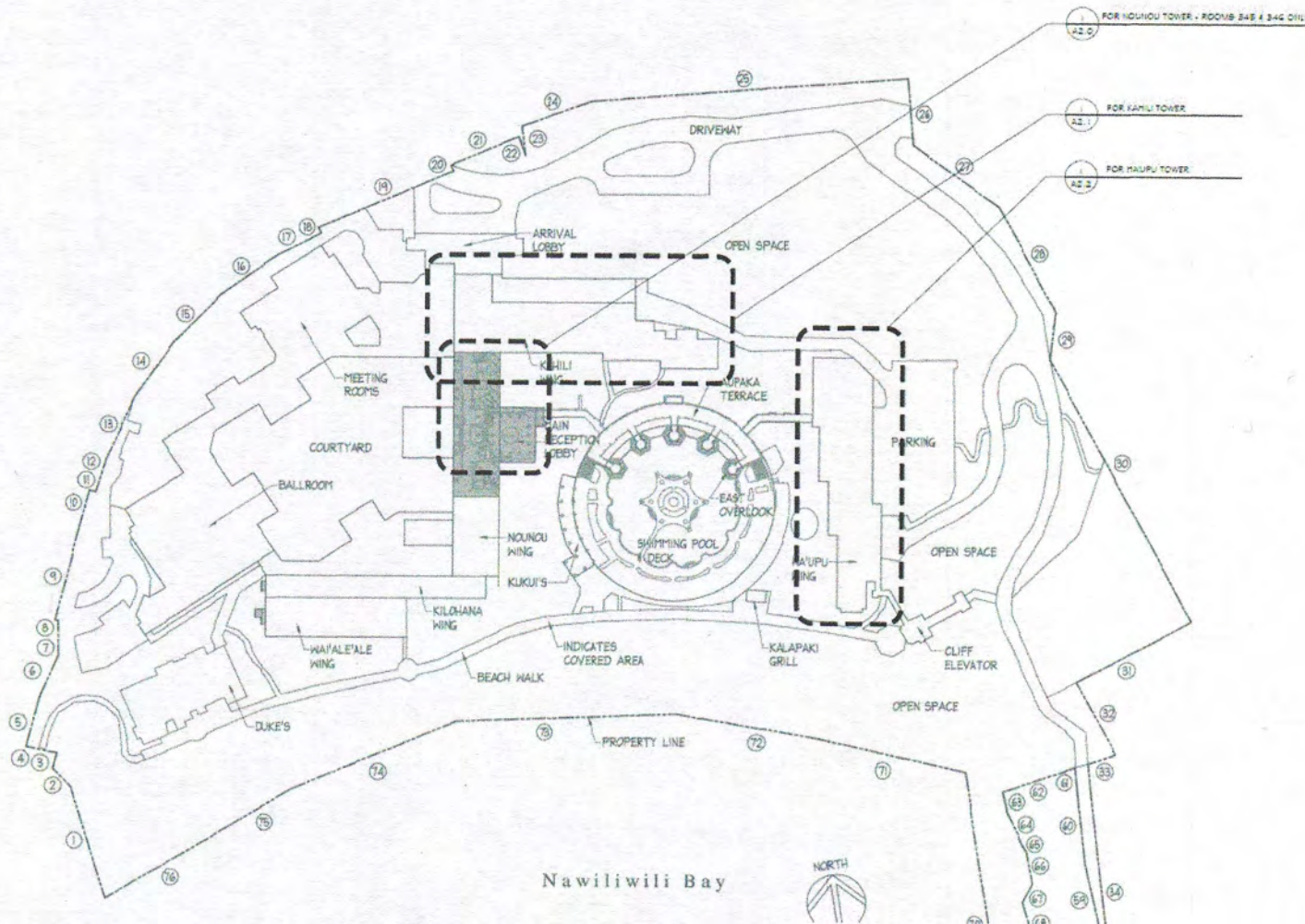
	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

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° 16'90"	59 85.60° 13'40"
2 41.70° 142d30'	60 121.50° 348'09"
3 245.0° 199'55'	61 100.00° 4'25'
4 47.00° 107'55'	62 30.00° 94'25'
5 79.30° 199'55'	63 5.00° 184'25'
6 69.38° 209'17'	64 35.36° 139'25'
7 53.90° 185'09"	65 5.00° 94'25'
8 4.79° 110'23'	66 30.00° 184'25'
9 148.12° 200'01'	67 15.00° 274'25'
10 59.60° 199'57'	68 35.36° 229'25'
11 10.00° 289'57'	69 12.14° 184'25'
12 53.20° 202'10'	70 123.17° 168'09"
13 103.60° 210'01'	71 88.51° 193'40"
14 103.00° 220'10'	72 61.33° 184'24'
15 103.10° 229'57'	73 9.07° 155'32'
16 103.50° 240'06"	74 106.64° 164'45'
17 79.00° 248'45'	75 85.52° 185'37'
18 10.00° 162'39"	76 36.42° 206'30'
19 223.60° 252'39"	77 60.45° 19'55'
20 10.00° 162'39"	78 61.42° 177'20'
21 113.60° 252'39"	79 112.72° 173'18'
22 31.00° 347'14'	80 109.05° 179'24'
23 45.80° 178'56'	81 38.12° 180'24'
24 113.00° 255'50'	82 116.95° 77'10'
25 484.26° 277'20'	83 35.37° 353'30'
26 103.72° 1'20"	84 54.38° 339'30'
27 162.00° 311'45'	85 10.65° 334'50'
28 183.56° 337'30'	86 50.15° 355'00'
29 74.32° 12'00"	87 31.79° 35'50'
30 484.00° 337'30'	88 68.83° 349'30'
31 198.00° 67'30"	89 185.82° 17'30'
32 127'95° 337'30'	90 452.93° 176'51'30"
33 44.45° 77'18"	91 235.00° 108'30'
34 42.67° 0'24"	92 215.00° 105'30'
35 346.09° 359'24"	93 335.00° 93'45'
36 85.30° 30'39"	94 275.00° 73'15'
37 83.20° 346'26'	95 114.53° 64'30'
38 68.10° 4'24"	96 215.87° 64'30'



**ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI**

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

**TROY K. TANIGAWA
ACTING COUNTY ENGINEER**

**MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER**

November 12, 2020

Kauai Marriott Ownership
c/o Debbie Freeman
305 Kihapai Street
Kapa'a, HI 96746

Subject: Shoreline Setback Application, Substantial Improvement Determination
TMK: (4) 3-5-002:002

PW 09.20.094

Dear Ms. Freeman,

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

"'Substantial improvement' means any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure...."

Improvements are being proposed to the Kāhili Building. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Market Value

Unless a professional appraisal is provided, the market value shall be the Replacement Cost New Less Depreciation (RCNLD) value for 2010 as determined by the County's Real Property Assessment Division.

The market value of the Kahili Building is \$9,100,300:

www.kauai.gov

4444 Rice Street Suite 275 • Lihue, Hawaii 96766 • (808) 241-4883 (b) • (808) 241-6609 (f)

An Equal Opportunity Employer



Cost of Improvements

There were 122 permits within the past ten years for the Kahili Building, with a total value of prior improvements of \$1,709,900.

The estimated cost of the proposed improvements is \$240,000, based on a cost estimate prepared by general contractor The Hardy Group with no date.

The total cost of improvements is estimated to be \$1,949,900:

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): \$1,949,900}}{\text{Market Value (Real Property): \$9,100,300}} = 0.21426 \text{ or } 21.4\%$$

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

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

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)





DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

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

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Application too large to upload.
If you would like a copy of the
application please feel free to
email Romio Idica at
ridica@kauai.gov
Thank you very much!





PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 2021 - 24

Acceptance Date:	1.19.21
Website Posting Date:	1.22.21
Determination Date:	1.19.21
Planning Commission Date:	N/A
Expiration Date:	1.16.22
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: <u>FREDERICK BERG</u>	
Mailing Address: <u>PO Box 191</u>	Phone: <u>808-265-2107</u>
<u>HONOLULU, HI 96728</u>	Email: <u>fred.motele@gmail.com</u>
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: <u>06/08/20</u>	

Project Information (attach additional sheets, if necessary)

County Zoning District: _____	Tax Map Key(s): <u>1-3-003-020-0002</u>
	Land Area: <u>10,542 sq. ft.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>ALTERATION/ADDITION OF GARAGE/STORAGE AREA to Bedroom and BATH. 240 sq. ft.</u>

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

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

- Property is Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 145' ft.
- Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: _____ 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)
FLAT BASEFLOOD ELEV./NGVD '29 — 10.0 ft.
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Rocky
- ☒ Artificially armored Shoreline
☒ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): KAUMUALII HWY (50) w/ Rock retainerment
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____
- ☒ Is property in coastal floodplain (if checked, what zone)? AE
☐ 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

Frederick Berg 06/08/20
Signature Date

Applicability (to be completed by Planning Department)

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

[Signature]
Planning Director or designee

1.15.2021
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

1-16-2021

Date



Additional comments/conditions:



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

TROY K. TANIGAWA
ACTING COUNTY ENGINEER

MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER

November 16, 2020

Frederick Berg
P.O. Box 191
Honolulu, HI 93728

Subject: Shoreline Setback Application, Substantial Improvement Determination
TMK: (4) 1-3-003:020-0002 PW 09.20.056

Dear Mr. Berg,

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

"Substantial improvement' means any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure...."

Improvements are being proposed to 8236-B 'Elepaio Road, Kekaha, HI 96752. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Market Value

Unless a professional appraisal is provided, the market value shall be the Replacement Cost New Less Depreciation (RCNLD) value for 2020 as determined by the County's Real Property Assessment Division.

The market value of the building is \$596,000.

Cost of Improvements

There were no permits within the past ten years.

The estimated cost of the proposed improvements is based on a cost estimate prepared by general contractor Construction 3, Inc. dated October 12, 2019, which amounts to \$60,525.



Summary

The costs of improvements compared to the market values are:

$$\frac{\text{Cost of Improvements (past 10 years): \$60,525}}{\text{Market Value (Real Property): \$596,000}} = \boxed{0.1016 \text{ or } 10.2\%}$$

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

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

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)



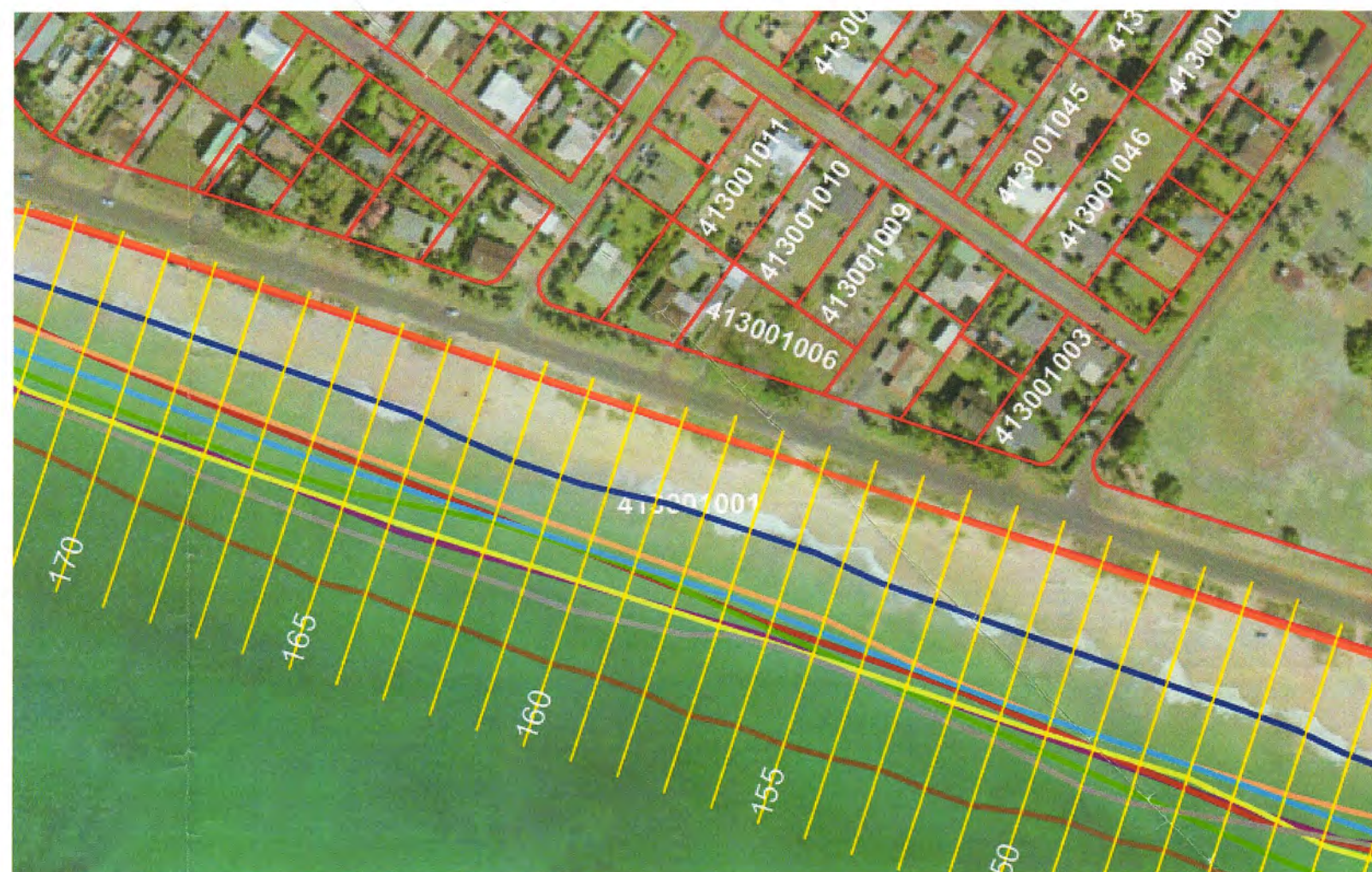
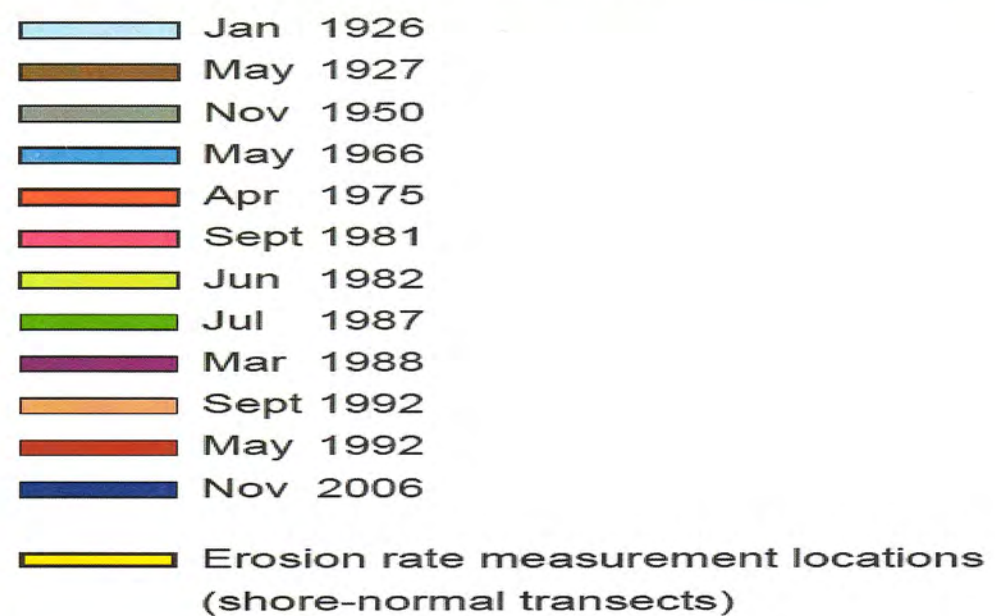
Kaumualii Hwy

Kaumualii Hwy

50

145

HISTORICAL SHORELINES



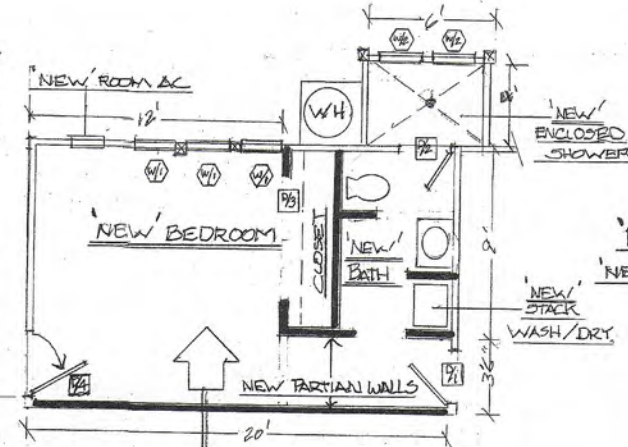
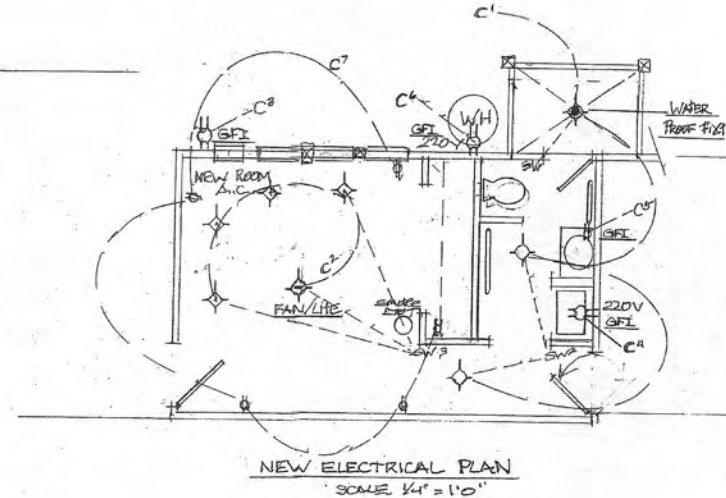
TMK 1-3-001:008

ELEPAIO ROAD

Lot 3

EASEMENT AU-4
EASEMENT AU-5

Lot 109



PROPOSED
NEW BEDROOM / BATH FLOOR PLAN
SCALE 1/4" = 1'-0"

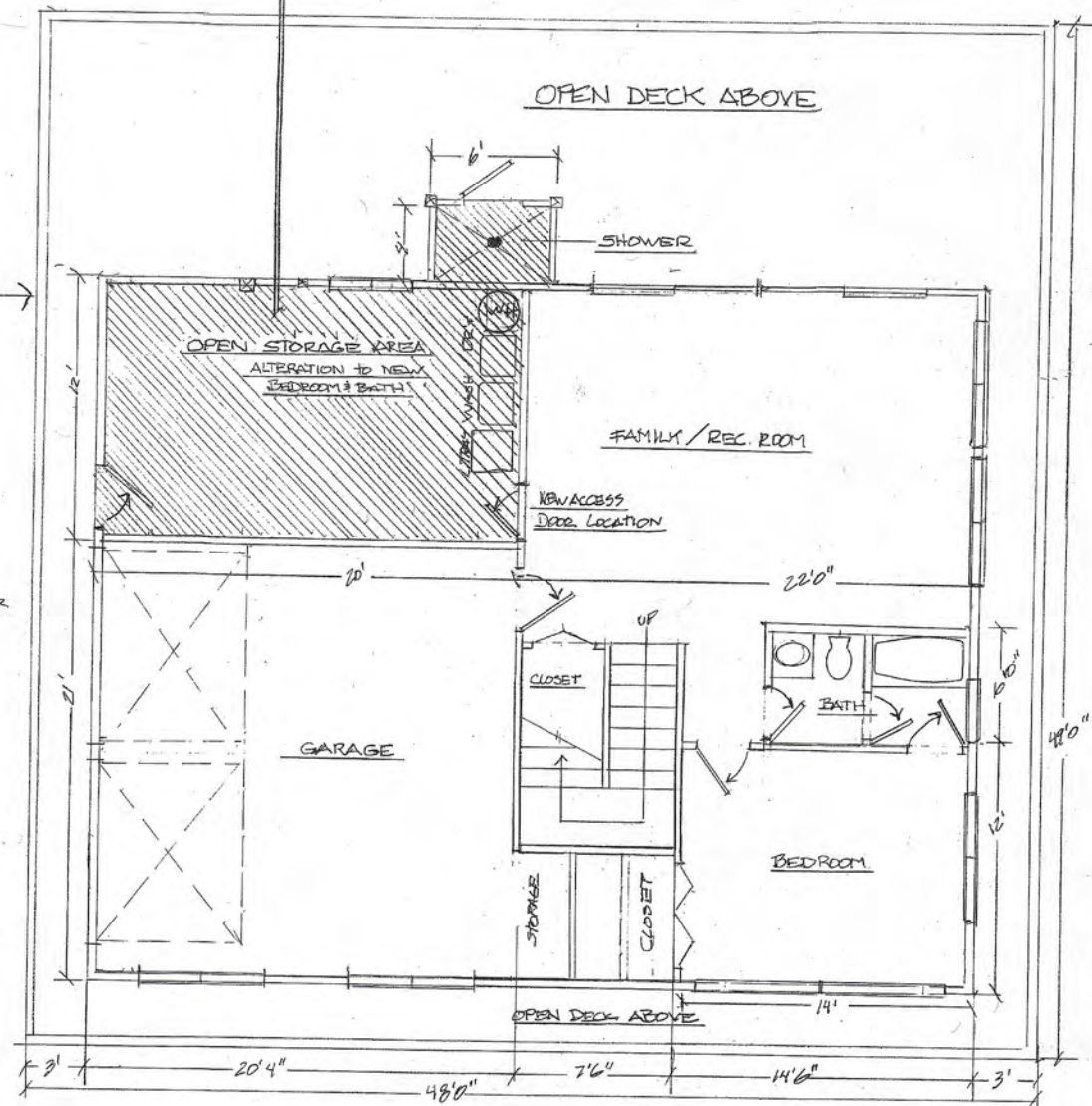
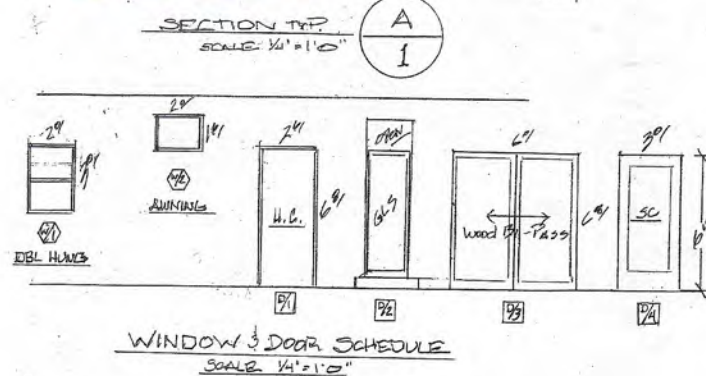
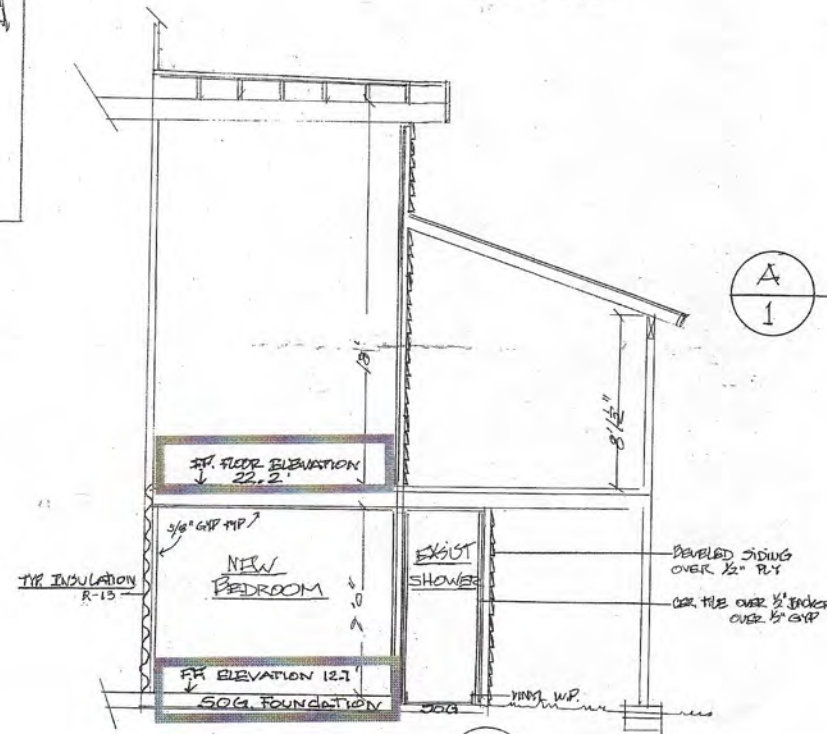
DWELLING SPECIFICATIONS
TOTAL LOT COVERAGE - 10,542 #
TOTAL LIVING AREA - 2205 #
TOTAL LIVING AREA - 1,012 #
CHANGE / STORAGE AREA - 694 #
4154 # 240 # 694 #

4-1-3-3-20-1
UNIT A DWELLING
KEKAHA SUNSET 8

4-1-3-3-20-2
UNIT B DWELLING
KEKAHA SUNSET 8

LEACH LINE
KEKAHA SUNSET 8
20' BUILDING SETBACK
LINE

PLOT PLAN
SCALE 1" = 20'



EXISTING FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.
Expires: 4/30/2022

LOCATION
8236 B' ELEPAIO RD.
KEKAHA, KAUAI, 96752
KEKAHA SUNSET PROJECT
4-1-3-3-20-2
TMX

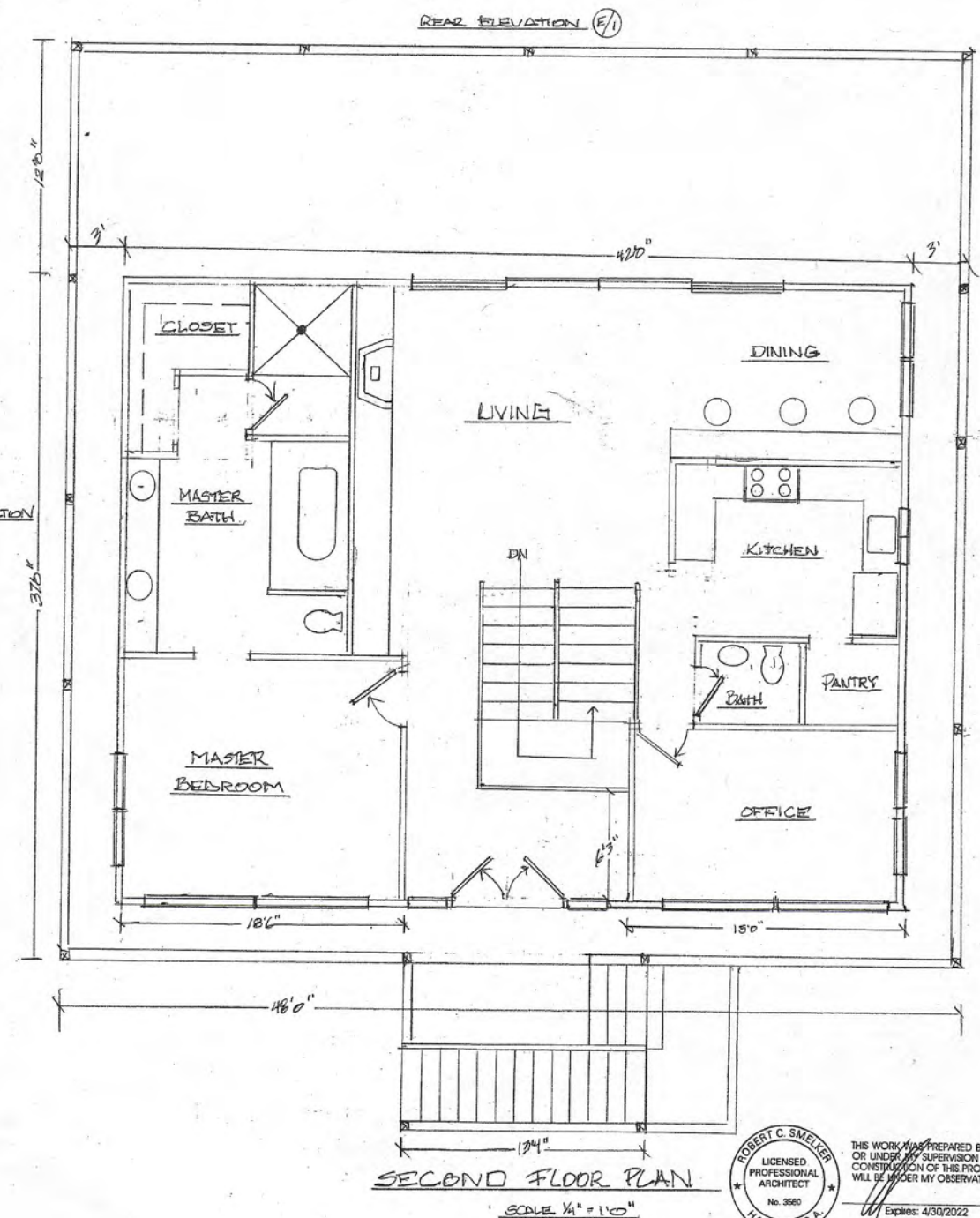
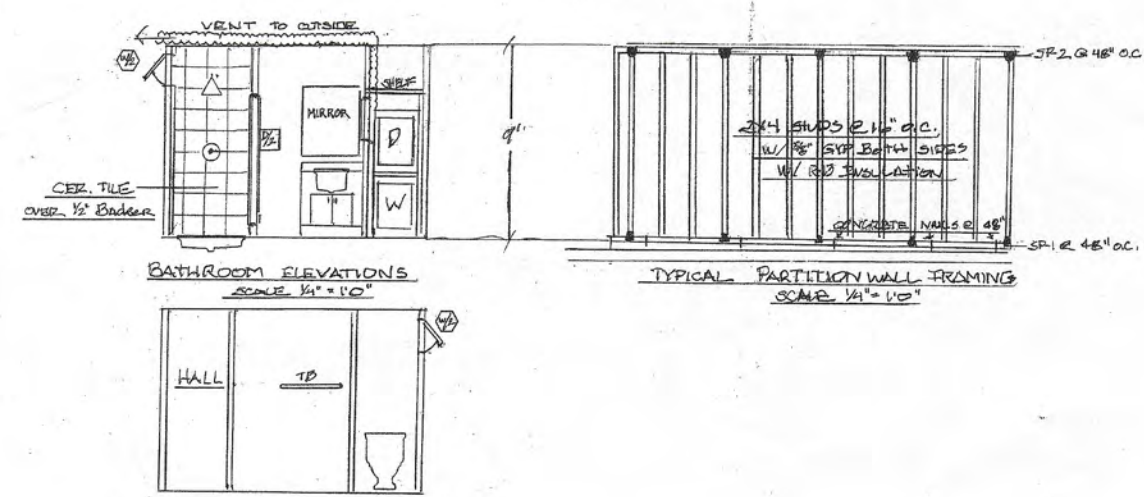
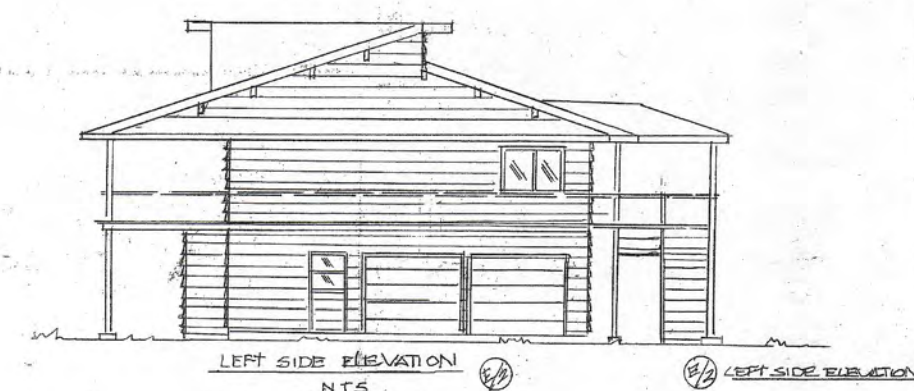
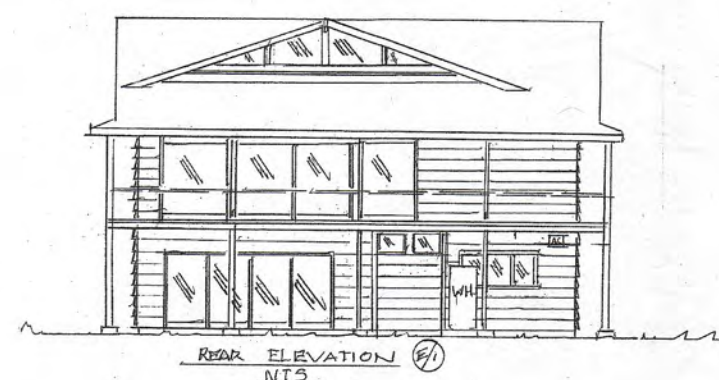
TITLE
ALTERATION OF FIRST FLOOR
AND OPEN STORAGE TO NEW BEDROOM/BATH
FOR
DAVIS, IF REUNITE
DAVIS, AUCIE E.
8236 B ELEPAIO RD, KEKAHA, KAUAI 96752

DRAWN BY
F. BIRRE
808-265-2107

DRAWING NO.
A01

SHEET NO.
1 of 2
SHEET 5

Leave County
for County
stamp



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.
Expires: 4/30/2022

DEVELOPING SPECIFICATIONS
TOTAL LOT COVERAGE - 10,542 sq ft
TOTAL LIVING AREA - 2205 sq ft
TOTAL LIVING AREA - 1,012 sq ft
GARAGE / STORAGE AREA - 694 sq ft
454 sq ft

LOCATION
8236 B ELEPHANT RD.
KEKAHA, KAUAI, 96752
IMK 4-1-3-3-20-2

TITLE
ALTERATION OF FIRST FLOOR
OPEN PORCHES TO NEW BEDROOM
FOR
JAMES, KENNETH E.
JAMES, ALICE E.
8236 B ELEPHANT RD. KEKAHA, KAUAI 96752

DRAWN BY
F. DORIS
808-265-2107

DRAWING NO.
A02
SHEET NO.
2 of 2
SHEETS



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

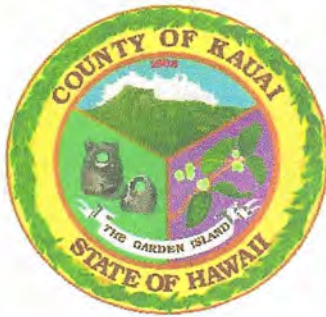
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHILIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Application too large to upload.
If you would like a copy of the
application please feel free to
email Romio Idica at
ridica@kauai.gov
Thank you very much!





PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 202 1 - 25

Acceptance Date: 1.19.21

Website Posting Date: 1.22.21

Determination Date: 1.19.21

Planning Commission Date: N/A

Expiration Date: 1.19.22

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: BLUE SKY CONSTRUCTION INC

Mailing Address: PO BOX 1343

Phone: 808-754-2636

Email: andybluesky@live.com

~~PO BOX 1343~~ Koloa, HI 96756

Applicant's Status: (Check one)

☐ Owner of the Property

☐ Lessee of the Property

☒ Authorized Agent

(Holder of at least 100% of the equitable and legal title)

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.

Attach Letter of Authorization

Transmittal Date: _____

Project Information (attach additional sheets, if necessary)

County Zoning District: 12-20

Tax Map Key(s): 2-8-017-026-1050 150

Land Area: 2.07 acre

Nature of Development: up grade interior of condo
(Description of proposed structure or subdivision)

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

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

1. Property is Abutting the Shoreline

☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.

2. Property is Not Abutting the Shoreline

☒ Proposed project's approximate distance from shoreline (based on aerial map): 237 ft.

3. Additional Information:

☒ Shoreline Change (Erosion/Accretion) Rate: -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:

one parcel



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Flat

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

Small pocket beaches interspersed among basaltic headlands

- ☐ 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

[Handwritten Signature]

11-18-20
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.

[Handwritten Signature]
Planning Director or designee

1-19-21
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;

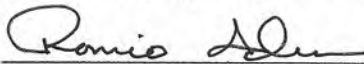
(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(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).

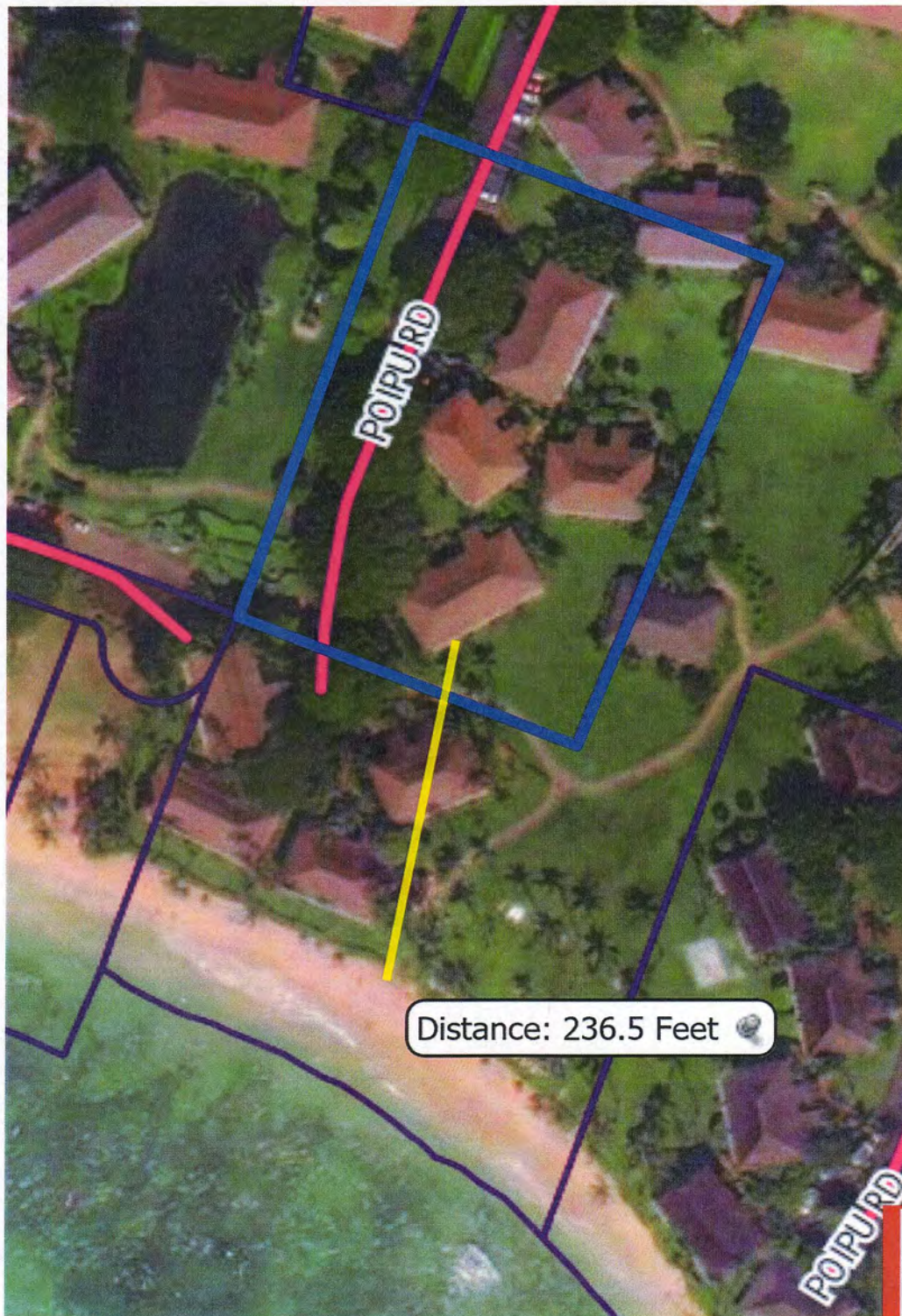
Exemption Determination (to be completed by Planning Department)

- ☒ 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

1-15-21
Date

- ☐ Additional comments/conditions:



TMK: 2-8-017:026

ENGINEERING DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., ACTING COUNTY ENGINEER

MICHAEL H. TRESLER, ACTING DEPUTY COUNTY ENGINEER



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

January 12, 2021

Randal and Teresa Simin
8419 Kroger Ct.
Fair Oaks CA 95628

Subject: BUILDING PERMIT APPLICATION NO. 20-2799
TMK: (4) 2-8-017:026 UNIT 150
KŌLOA, ISLAND OF KAUAI

Dear Mr. and Mrs. Simin:

We have reviewed and approved the above referenced building permit application for the proposed interior renovations to CPR Unit 150 of Kiahuna Plantation Resort. Unit 150 is also identified as Room Number 179 located in Building NO. 27. There are a total of 8 units in the building.

Based on panel number 1500020314F of the Flood Insurance Rate Maps (FIRM) dated November 26, 2010, Building No. 27 is located in a "Special Flood Hazard Area" (SFHA). The structure is located in Zone AE and is subject to coastal type flooding from the Pacific Ocean. The corresponding Base Flood Elevation (BFE) is 12 feet above mean sea level (MSL).

New construction located within the SFHA must comply with the County of Kauai's Floodplain Management Ordinance No. 831. However, any structure built prior to November 4, 1981 is considered "Pre-Firm" or "grandfathered" and a building permit application for the structure can be approved if the improvement is considered an "unsubstantial" improvement. According to the County's Real Property Tax Assessment website (<http://www.qpublic.net/hi/kauai/>), this building was constructed in 1974; therefore, it is considered a "Pre-FIRM" or "grandfathered" structure.

To determine if the improvement is considered "substantial", we compare the total cost of all improvements within the past 10 years to the market value of the building before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the building permit can be approved. If the ratio is greater than or equal to 50%, then the building must be brought into compliance with the Floodplain Management Regulations.

Market Value

There was one building permit within the past 10 years for this structure (BP 13-2192); therefore, the market value used in this determination is the 2013 Replacement Cost New Less Depreciation (RCNLD) value as determined by the County's Real Property Tax Assessment Division. According to Real Property, the 2013 RCNLD of the building is \$3,416,200. Fifty percent (50%) of this is \$1,708,100.

Randal and Teresa Simin
January 12, 2021
Page 2 of 2

Cost of Improvements

The estimated cost of improvements proposed under BP 20-2799 as accepted by the Building Division is \$50,000. The cost of BP 13-2192 was \$5,500, so the total cost of improvements for the past 10 years equals \$55,500.

If any unpermitted work has been done or if there are modifications to this application, our determination **shall** be considered **void** and the structure **must** be re-evaluated for substantial improvements. Such re-evaluation may require revision of the permit and may be subject the property to additional flood requirements.

Summary

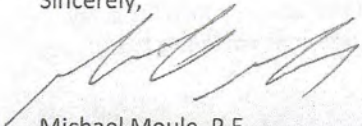
The cost of improvements compared to the market value is summarized as follows:

$$\begin{array}{rcl} \text{Cost of Improvements (past 10 years): } \$55,500 & = & 0.016 \text{ or } 1.6\% \\ \text{Market Value (Real Property): } \$3,416,200 & & \\ \text{Remaining Balance (50\% of MV - Cost): } & = & \$1,708,100 - \$55,500 = \$1,652,600 \end{array}$$

Since the cost of improvements is less than 50% of the market value, the improvements are considered unsubstantial and the building permit can be approved for flood review. The remaining balance of unsubstantial improvement is \$1,652,600 for the ten year term that ends in 2023.

If you have any questions or need additional information, please contact Michael Moule at (808)241-4891 or mmoule@kauai.gov.

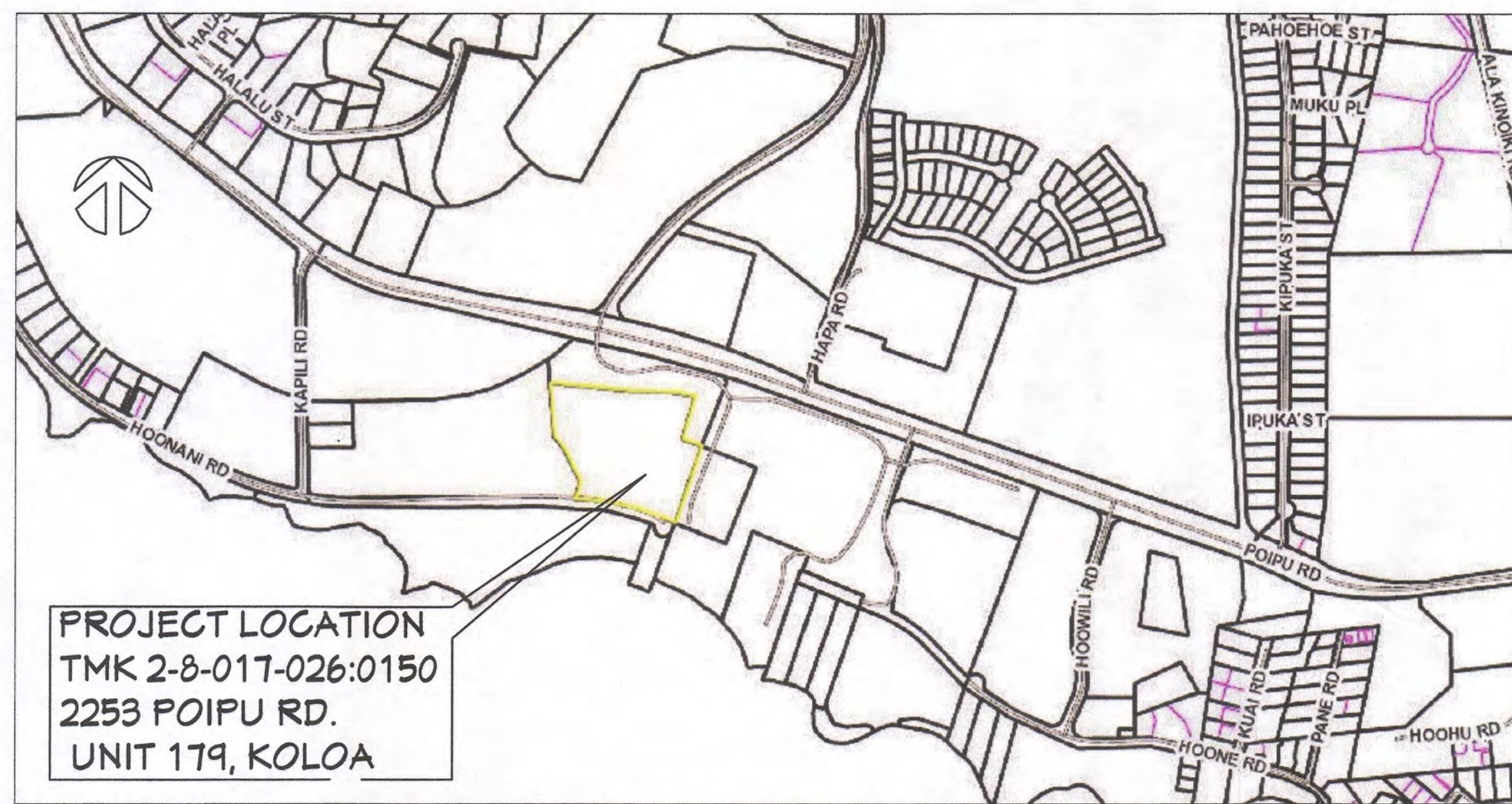
Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

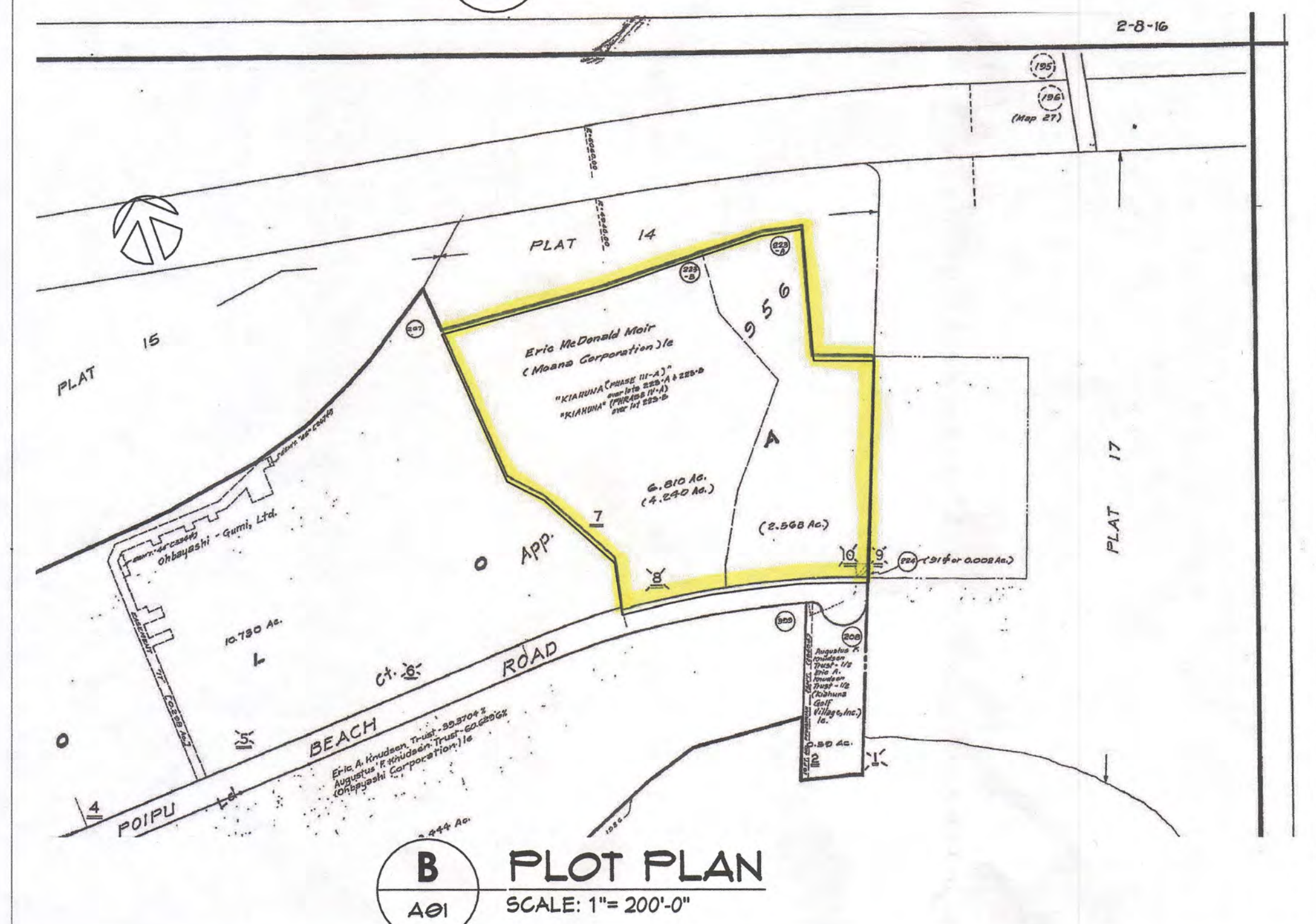
GO

cc: Design and Permitting



PROJECT LOCATION
TMK 2-8-017-026:0150
2253 POIPU RD.
UNIT 179, KOLOA

A SITE PLAN
SCALE: NONE



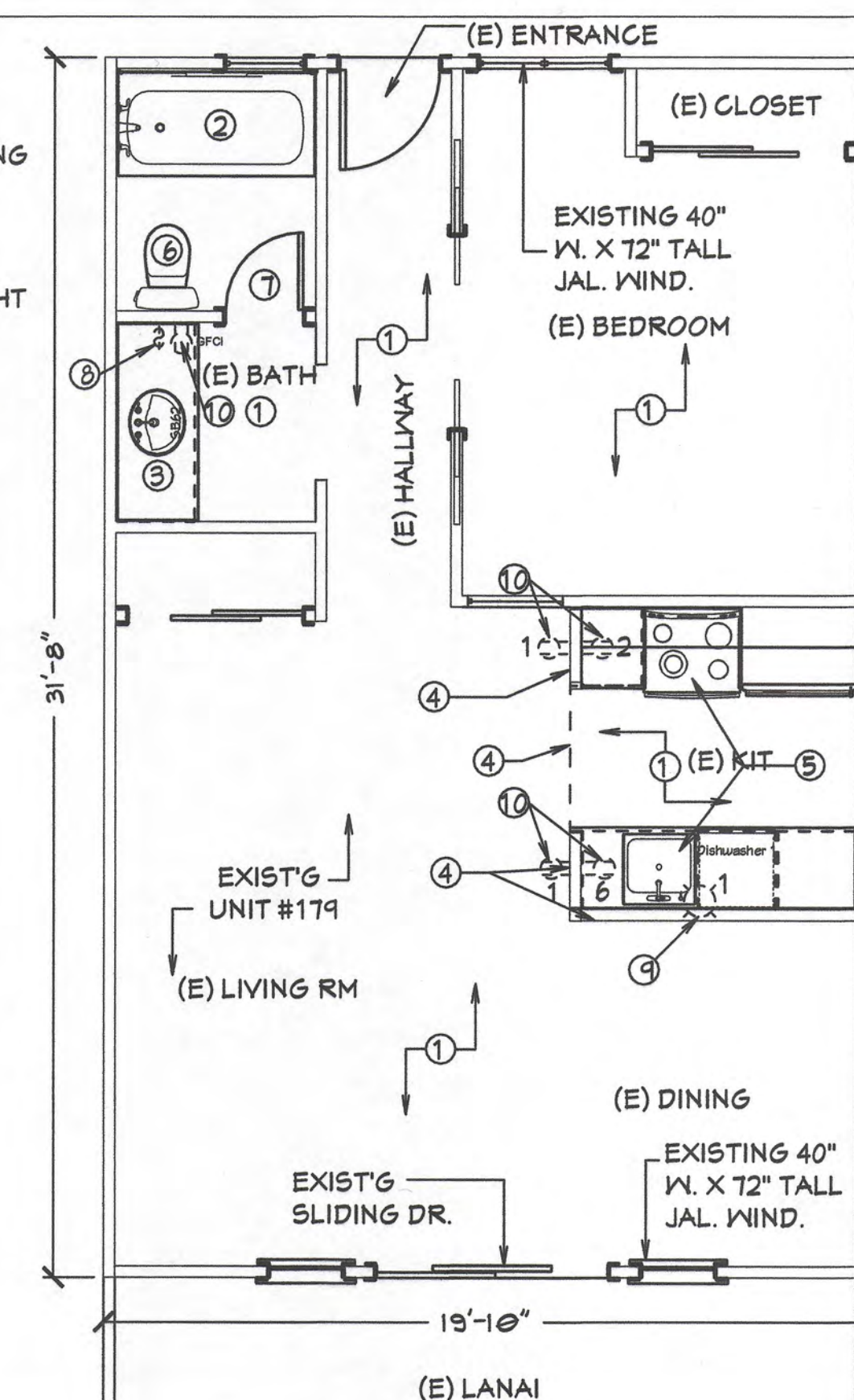
B PLOT PLAN
SCALE: 1"= 200'-0"



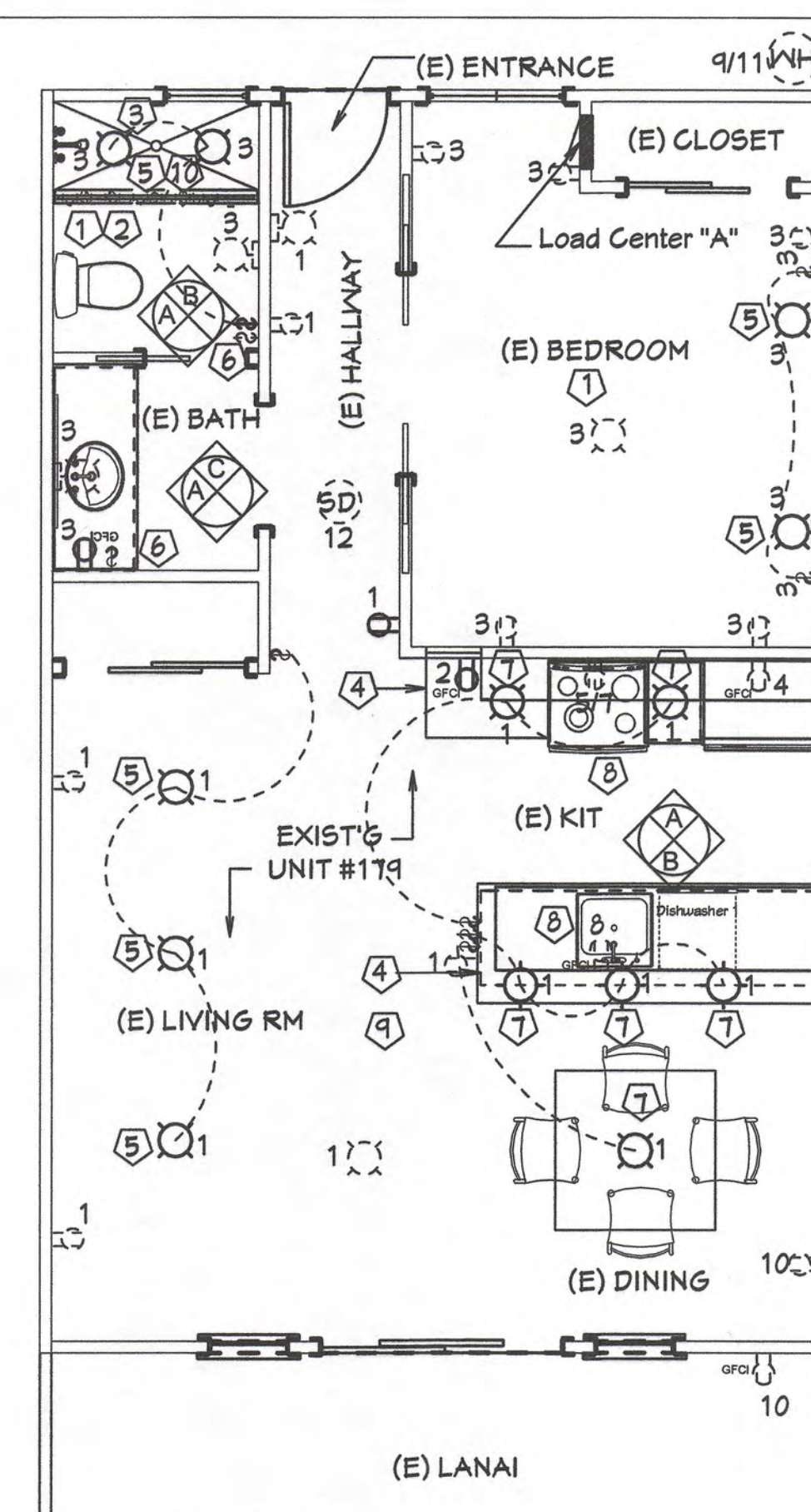
C VICINITY MAP
SCALE: NOT TO SCALE

DEMOLITION NOTES:

- 1 REMOVE EXISTING FLOORING TILE & CARPET
- 2 REMOVE TUB & TILES
- 3 REMOVE OLD VANITY & LIGHT FIXTURE & INSTALL NEW VANITY & LIGHT FIXTURE
- 4 REMOVE UPPER KITCHEN PARTITION WALL & WALL CABINET
- 5 REMOVE APPLIANCES, CABINETS & TOPS.
- 6 ROTATE TOILET
- 7 REMOVE HINGE DR. & REPLACE W/ POCKET DR.
- 8 RELOCATE SWITCH
- 9 RELOCATE LIGHT
- 10 RELOCATE OUTLET



D DEMOLITION PLAN
SCALE: 1/4"= 1'-0"



E PLUMBING/ELECTRICAL FLOOR PLAN
SCALE: 1/4"= 1'-0"

NEW WORK NOTES

- 1 ROTATED TOILET
- 2 RELOCATE WASTE & WATER SUPPLY LINES AS NEEDED FOR NEW TOILET LOCATION
- 3 NEW CURB/MEMBRANE IN SHOWER & NEW TILE
- 4 EXTEND KITCHEN CABINET
- 5 NEW LIGHT
- 6 RELOCATED OUTLET/SWITCH
- 7 RELOCATED LIGHT
- 8 NEW KITCHEN CABINETS & COUNTER
- 9 NEW VINYL FLOORING
- 10 WET/DAMP LOCATION TRIM/CO SHALL BE INSTALLED ON REE LIGHTS ABOVE SHOWER.

ALL PLUMBING WORK SHALL PERFORM BY A HAWAII STATE LICENSE PLUMBING CONTRACTOR & INSTALLATION PER CURRENT BUILDING CODES

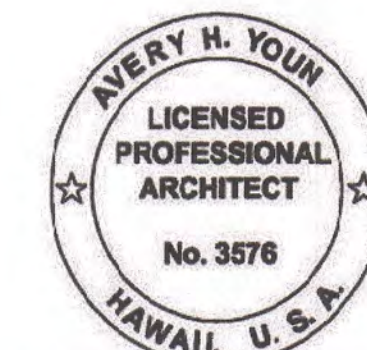
GENERAL ELECTRICAL NOTES

1. All switch locations and any other wall mounted control devices are to be mounted at 48" above finished floor to centerline U.O.N.
2. All Standard electrical and telephone wall outlets are to be mounted vertically centered at 18" above finished floor U.O.N.
3. All electrical devices (switches, plugs, etc.) shall be the same color as the cover plate U.O.N.
4. See Electrical Drawing: Subcontractor for layout of wiring, switching, circuiting, etc. any specifications for equipment for all of the systems and the design for each of the systems.
5. A minimum of 3" clear must be maintained for any floor monument adjacent to a wall U.O.N.
6. Electrical Contractor shall verify location and quantities of any existing outlets and monument if indicated in the field.
7. All coring necessary shall be coordinated with building manager to schedule time for the core drilling.
8. Contractor shall verify and provide correct outlets for special electrical and communication equipment as noted on plans.
9. For outlets indicated at special mounting heights, heights shall be measured from finished floor to centerline of outlet mounted horizontal.
10. Where conflicts occur Architectural drawings shall take precedence over subcontractor drawings for location and type of outlet.
11. See mechanical and electrical drawings for further notes and information.
12. All thermostats to be mounted at +60" above finished floor to centerline directly above light switches U.O.N. Locations are to be field approved by Architect before installation.
13. Dimensions are to centerline of outlets or group of outlets.
14. All wall outlet dimensions are approximate unless marked "clear".
15. No wall telephone / electrical / communication outlets shall be mounted back to back.
16. Wiring shall be NMC (Romex).

PANEL "A" 120/208V 1 Ø KIAHUNA PLANTATION BLDG. 27 UNIT 179 100A M.L.O.				
CKT	LOCATION	BKR	BKR	LOCATION
1	KIT. & LIVING RM	15	20	COUNTER LITES & RCPTS
3	BATH, VANITY BR LITES & RCPT	15	20	REFRIGERATOR
5	RANGE	50	20	COUNTER LITES & RCPTS
7	RANGE	50	20	DISPOSAL & DISHWASHER
9	HOT WATER HEATER	30	20	DINING, & LANAI RCPTS
11	HOT WATER HEATER	30	15	SMOKE DETECTOR

ALL ELECTRICAL WORK SHALL PERFORM BY A HAWAII STATE LICENSE ELECTRICAL CONTRACTOR & INSTALLATION PER CURRENT BUILDING CODES

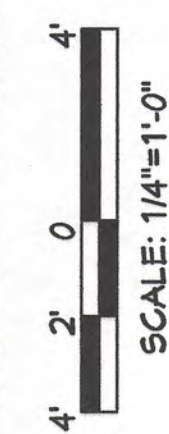
Electrical Schedule		
EXISTING	NEW	Description
⊙	⊙	Pendant
⊙	⊙	wall mount/vanity
⊙	⊙	Single Pole
⊙	⊙	Three Way
⊙	⊙	220V
⊙	⊙	Duplex
⊙	⊙	GFCI
⊙	⊙	Smoke Detector
⊙	⊙	light



This work was prepared by me or under my supervision and construction of this project will be under my observation.

Signature
EXP. 4/2022

GRAPHIC SCALE



LOT SIZE: 6.810 AC (296,643.6 SF)
EXISTING UNIT 179 LIVING AREA 640 SF (NO CHANGE)

DRAWING CONTENTS:

A01 SITE, PLOT, DEMO, NEW FLOOR/ELECTRICAL, PLUMBING & ELEVATIONS

UNIT 179 KIAHUNA PLATATION
RENOVATION FOR
M/M RANDAL & TERESA SIMIN
TMK 2-8-017-026:0150
2253 POIPU RD.
UNIT 179, KOLOA

A01

SHEET
1 OF 1



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

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

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Application too large to upload.
If you would like a copy of the
application please feel free to
email Romio Idica at
ridica@kauai.gov
Thank you very much!





PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 202 1 - 26

Acceptance Date:	1.19.21
Website Posting Date:	1.22.21
Determination Date:	1.19.21
Planning Commission Date:	N/A
Expiration Date:	1.19.22
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: Kauai Beach Villas c/o Debbie Freeman

Mailing Address: 305 Kihapai Street
Kapaa, HI 96746

Phone: 808-346-7833

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: RR-20

Tax Map Key(s): (4) 3-7-003: 014

Land Area: 564,886 S.F.

Nature of Development: Concrete restoration (Lanai and stairwell Decks), Post Tension cable rehabilitation (Lanai Decks), Lanai and Stairwell Deck Waterproofing, Lanai and Stairwell Painting, Elevated Lanai Railing Replacement (in like kind)

**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): 94' +/- ft. (EXHIBIT D)
- 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 E)
(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 VE, ELEVATION 11'

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

SANDY BEACH (EXHIBIT D)

- ☐ 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 F)

- ☐ 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

Debbie Keenan

Signature

1-4-2021

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 Loh

Planning Director or designee

1-19-21

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

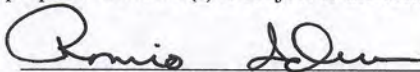
(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

☒ 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)

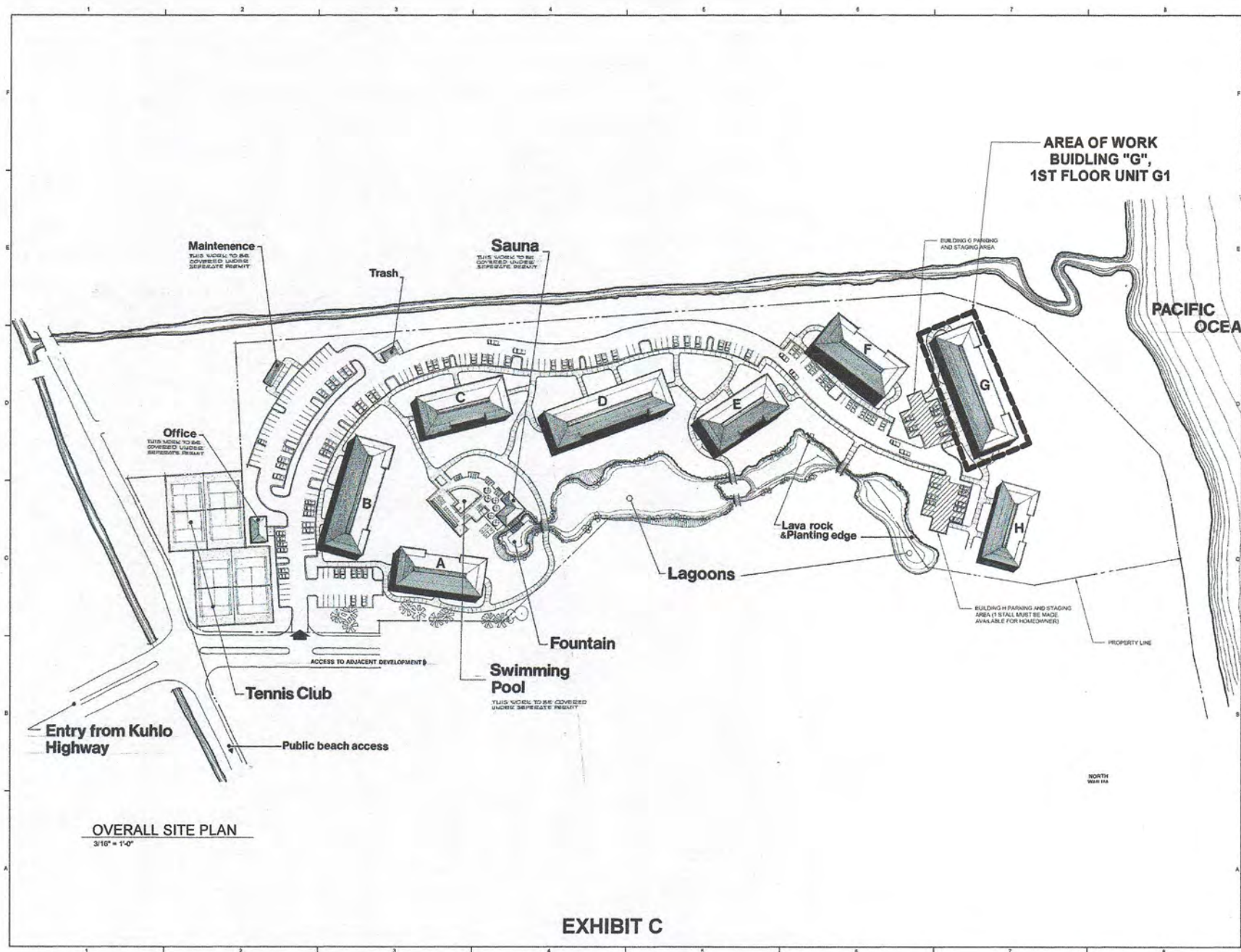
☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

☐ 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

1.19.21
Date

☐ **Additional comments/conditions:**



KAUAI BEACH VILLAS

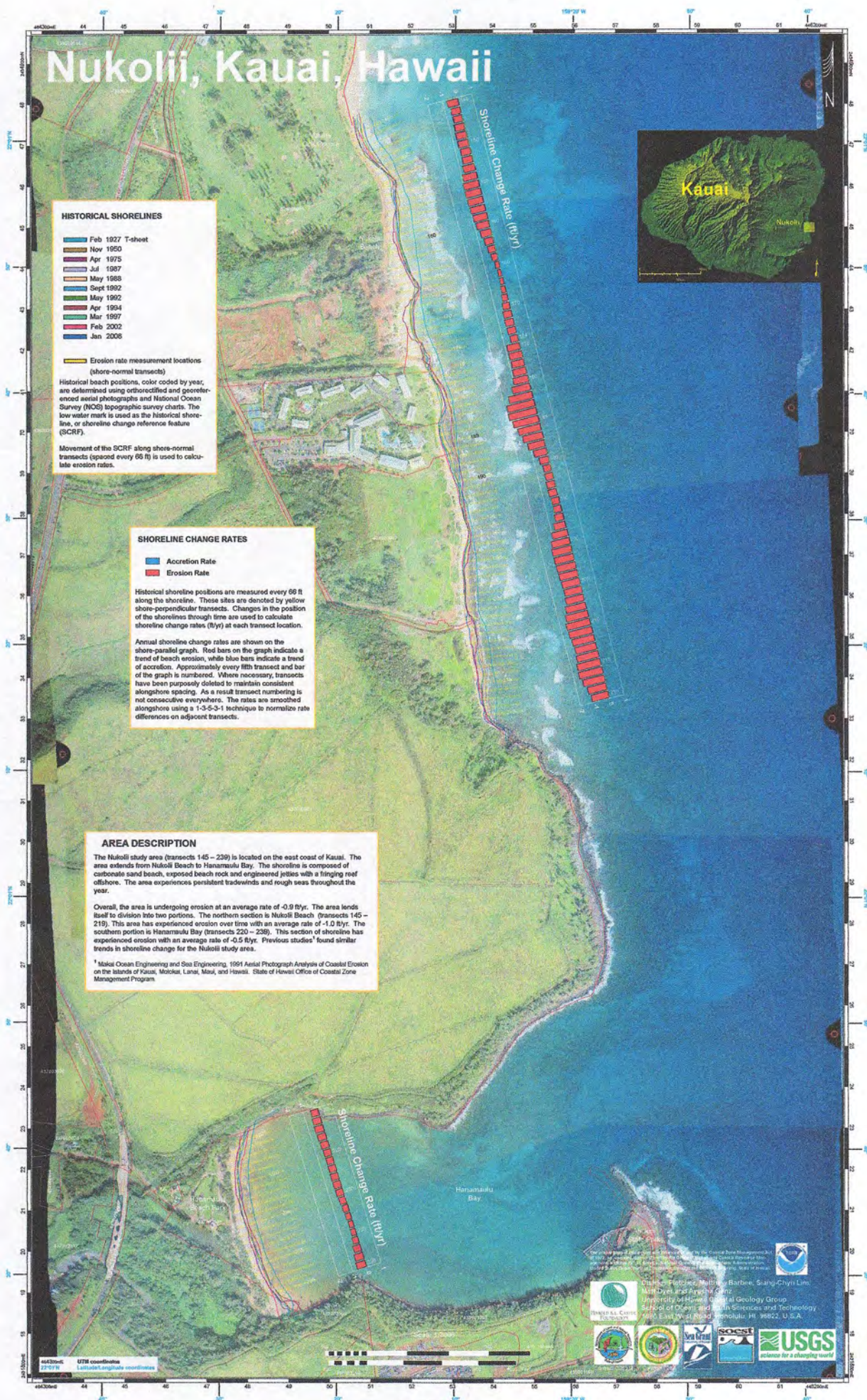
DISTANCE MAP

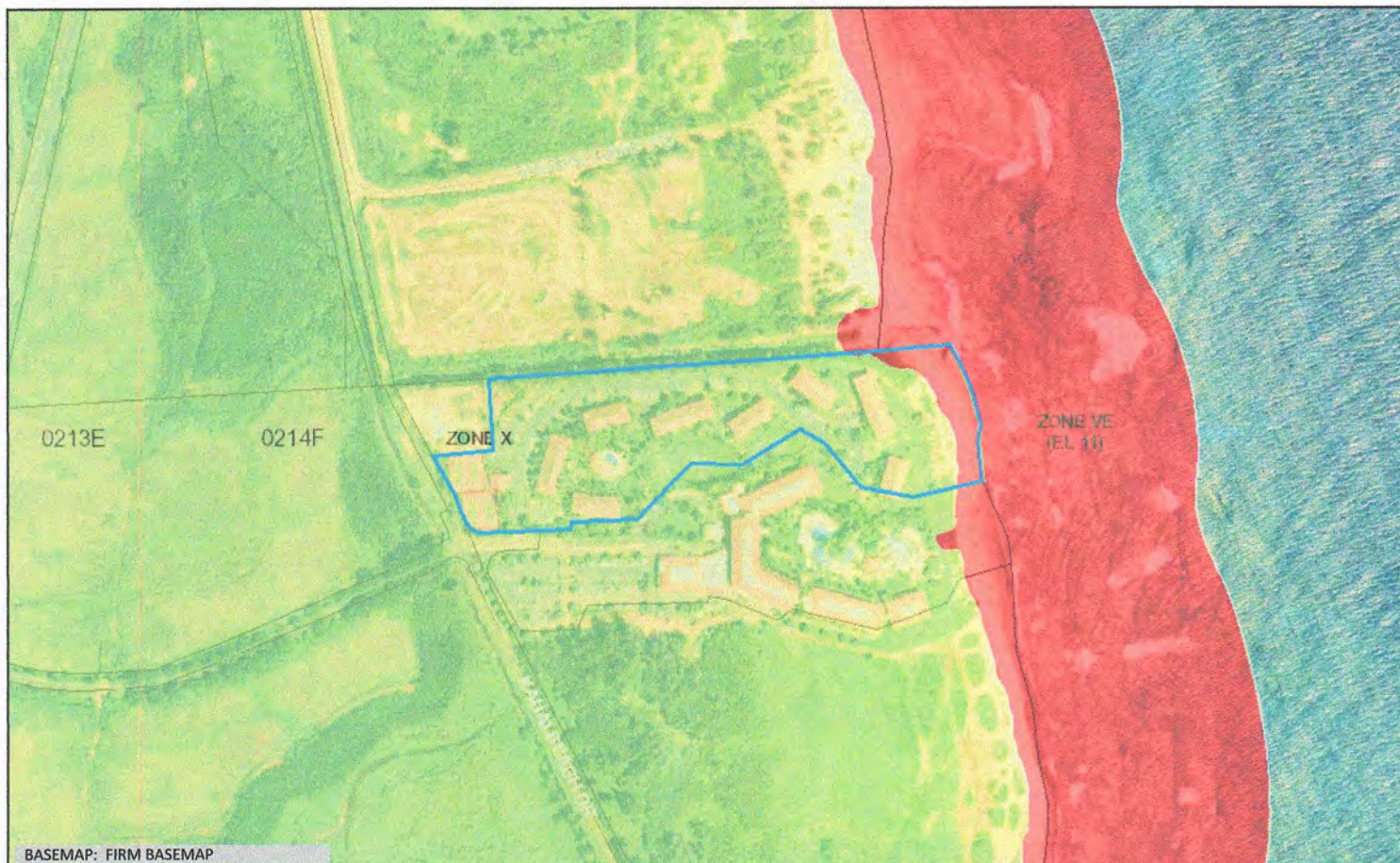
Legend

4330 Kauai Beach Dr



EXHIBIT B





Flood Hazard Assessment Report

www.hawaiiinfip.org

WYNDHAM KAUAI BEACH VILLA

Property Information

COUNTY: KAUAI
 TMK NO: (4) 3-7-003:014
 WATERSHED: KAWAIILOA
 PARCEL ADDRESS: 4330 KAUAI BEACH DRIVE
 LIHUE, HI 96766

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1500020214F
 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/>



0 400 800 ft

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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ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

TROY K. TANIGAWA
ACTING COUNTY ENGINEER

MICHAEL H. TRESLER
ACTING DEPUTY COUNTY ENGINEER

December 16, 2020

Kaua'i Beach Villas
c/o Debbie Freeman
305 Kihapai Street
Kapa'a, HI 96746

Subject: Shoreline Setback Application, Substantial Improvement Determination

TMK: (4) 3-7-003:014

PW 09.20.041

Dear Ms. Freeman,

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

“Substantial improvement’ means any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure....”

Improvements are proposed to Buildings G and H. To determine if the improvements are considered “substantial,” we compare the total cost of all improvements within the past 10 years to the market value of the structures before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be “unsubstantial.”

Market Value

Unless a professional appraisal is provided, the market value shall be the Replacement Cost New Less Depreciation (RCNLD) value for 2010 as determined by the County's Real Property Assessment Division.

The market values are \$3,327,000 for building G and \$2,005,800 for building H.



Cost of Improvements

There were no permits within the past ten years. The estimated costs of the proposed improvements are based on a cost estimate prepared by general contractor Seal Masters of Hawai'i in an email dated November 23, 2020, as follows:

BUILDING	PROPOSED IMPROVEMENTS
G	\$772,000
H	\$265,000

Summary

The costs of improvements compared to the market values are:

Building G

$$\frac{\text{Cost of Improvements (past 10 years): } \$772,000}{\text{Market Value (Real Property): } \$3,327,000} = 0.23204 \text{ or } 23.20\%$$

Building H

$$\frac{\text{Cost of Improvements (past 10 years): } \$265,000}{\text{Market Value (Real Property): } \$2,005,800} = 0.13211 \text{ or } 13.21\%$$

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

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

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)





DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

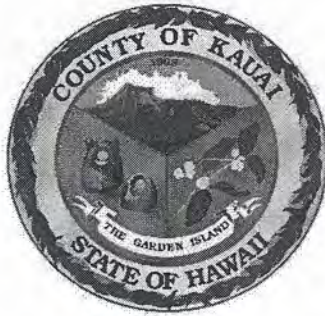
DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHILIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Application too large to upload.
If you would like a copy of the
application please feel free to
email Romio Idica at
ridica@kauai.gov
Thank you very much!





PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

20 DEC 16 A11:19
PLANNING DEPT.

FOR OFFICIAL USE ONLY:	
SSD	2021 - 27
Acceptance Date:	1.20.21
Website Posting Date:	1.22.21
Determination Date:	1.22.21
Planning Commission Date:	N/A
Expiration Date:	1.22.22
Planner Assigned:	R

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

Applicant Information	
Applicant:	Association of Apartment Owners of Nihi Kai Villas
Mailing Address:	1870 Hoone Road Koloa, Hawaii 96766
Phone:	(808) 245-4705
Email:	jjc@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: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-10
Tax Map Key(s):	(4) 2-8-019:022
Land Area:	5.98 acres
Nature of Development: (Description of proposed structure or subdivision)	Re-roof and repairs to BBQ Pavilion

**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): 465.76' ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: 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:

One parcel identified as TMK (4) 2-8-019:016 ("Parcel 16") is located between the project and the shoreline. A portion of Parcel 16 contains Pee Road.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Property slopes to Hoone Road and towards the ocean. Property is approx. 40' above sea level at its highest point near Building 8.
- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Rocky
- ☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____
- ☒ Is property in coastal floodplain (if checked, what zone)? XS
- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Hurricane flooding

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

12/9/20

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.

Ronnie Delu
Planning Director or designee

1.22.21
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).

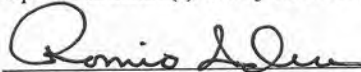
Exemption Determination (to be completed by Planning Department)



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

1.22.21

Date



Additional comments/conditions:

EXHIBIT "A"

AUTHORIZATION

ASSOCIATION OF APARTMENT OWNERS OF NIHI KAI VILLAS, whose mailing address is 1870 Hoone Road, Koloa, Hawaii 96756 ("Applicant") hereby authorizes JONATHAN J. CHUN, Esq., of Belles Graham Proudfoot Wilson & Chun, LLP to file applications or requests on behalf of the Applicant, with the Planning Department, the Planning Commission of the County of Kauai, the Department of Public Works of the County of Kauai and all other governmental agencies, to do all the things necessary to obtain zoning permits, use permits, SMA permits, building permits, and other land use permits or determinations (including shoreline determinations) related to the replacement, repair or maintenance of buildings located within the Nihī Kai Villas condominium project located at 1870 Hoone Road, Koloa, Hawaii and identified as Kauai Tax Map Key Nos. (4) 2-8-019:022.

DATED: 15 June, 2018.

ASSOCIATION OF APARTMENT OWNERS OF
NIHI KAI VILLAS

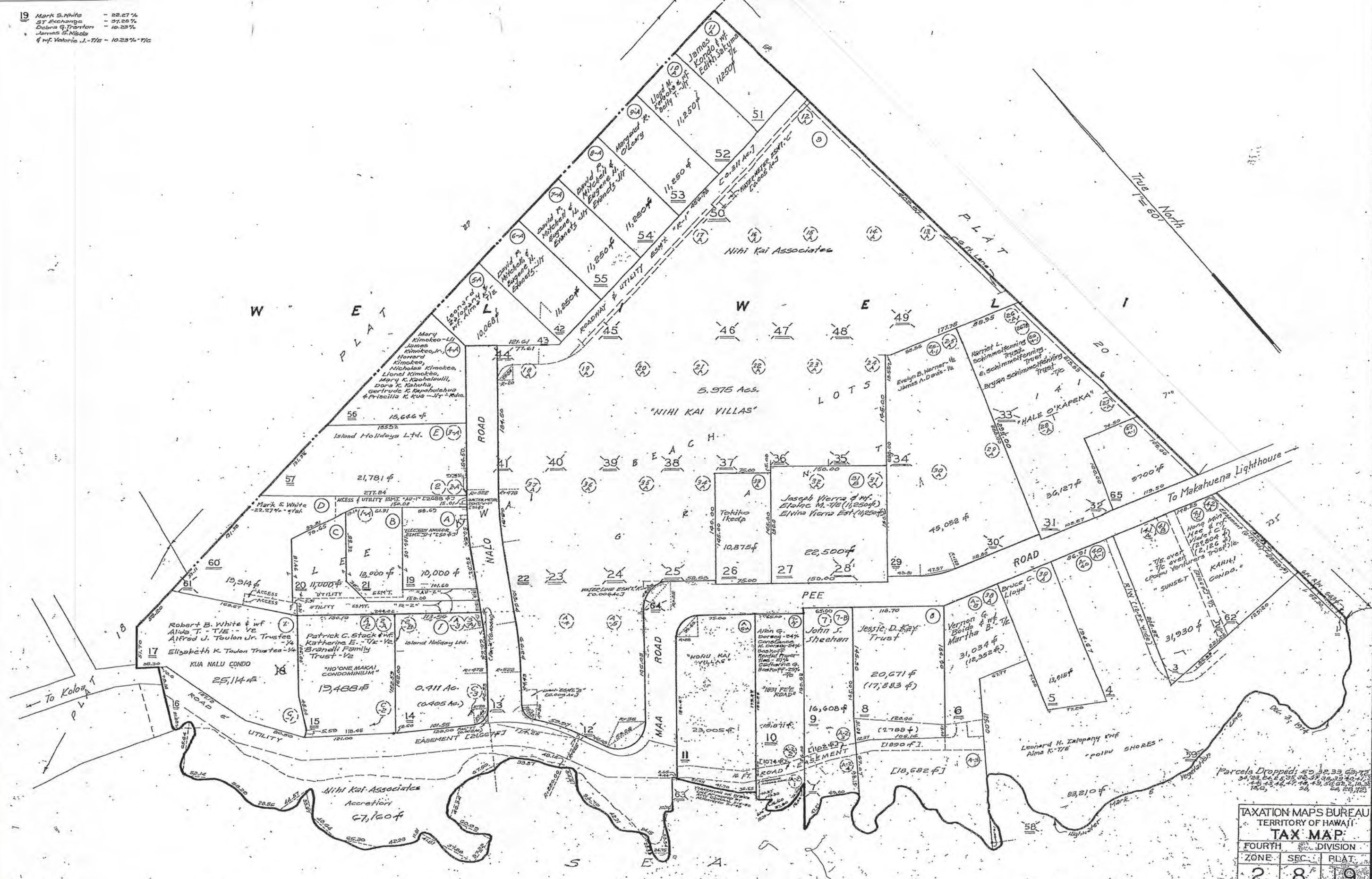
By

Pamela Littlefield
Pamela Littlefield
Its President

EXHIBIT "A"

EXHIBIT "B"

19 Mark S. White - 22.27 1/2
ST Exchange - 27.28 1/2
Debra G. Proctor - 10.23 1/2
James S. Mingo
of Mr. Valerie J. - 7 1/2 - 10.23 1/2 - 7 1/2



PORTION OF WELIWELL, KOLOA, KAUAI.

SUBJECT TO CHANGE

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
2	8	19
CONTAINING PARCELS		
SCALE: 1 in = 60 ft		
PRINTED		

EXHIBIT "B"

EXHIBIT "C"

