PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 29	
Acceptance Date:	3.24.2021
Website Posting Date:	4.1.2021
Determination Date:	3.24.2021
Planning Commission Date:	N/A
Expiration Date:	3.24.2022
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:	Erik Speir		
Mailing Address:	PO Box 554 kilauea Hi 96754	Phone:	808-651-8592
	PO Box 554 kilauea Hi 96754	Email:	designconsultants6@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:	11-16-20		

Project Information (attach additional sheets, if necessary)			
County Zoning District:	Hanalei	Tax Map Key(s):	(4)5-4-005:016 unit 52
		Land Area:	9.88 AC
Nature of Development: (Description of proposed structure or subdivision)	Repair or replace interior finishes and electrical of because of water damage		

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): 227 ft.
2. Property is Not Abutting the Shoreline
   - ☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
3. 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:

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

flat at top of 140 ft pali

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

rocky cliff face

☐ 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 9/27/20

Applicability (to be completed by Planning Department)

☑ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

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

Planning Director or designee _____ Date 3.24.21

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)

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SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

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

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

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

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

☐ **Exemption 2**

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

☑ **Exemption 3**

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

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

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

Exemption Determination (to be completed by Planning Department)

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

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

Romio Idica — 3.24.21

Planning Director or designee — Date

☐ **Additional comments/conditions:**

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. DAHILIG, MANAGING DIRECTOR

February 19, 2021

Erik Speir
P.O. Box 554
Kīlauea, HI 96754

Subject: Shoreline Setback Application, Substantial Improvement Determination
TMK: (4) 5-4-005:016-0052 PW: 11.20.034

Dear Mr. Speir,

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 building number 7. 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 $1,714,400.

Cost of Improvements

There were no improvements within the past ten years.

The estimated cost of the proposed improvements for BP# 20-2108 for $105,071.08, based on a cost estimate prepared by general contractor Taylor Construction Inc.

November 11, 2020

RE: **Letter of Authorization to apply for a Building Permit**

To County of Kauai Building & Planning Departments

To Whom it May Concern,

I hereby authorize Mark Eyler, Architect and or Erik Speir permission to apply for building permits pertaining to repairing and replacing damaged interior do to interior flooding at our existing condominium.

Located at:

TMK # (4) 5-4-05:16
Alli Kai Condominium s
Unit # 7-101

Edwards Road
Princeville ,HI

Thank You,

Owner (s): William Beringer 11/10/20
Date

TO: County of Kauai
Planning Department
4444 Rice Street, Suite 473
Lihue, Hawaii 96766

RE: TMK: _540050160052_____

UNIT: 7-101_____

C.P.R. _____

I (We) Hereby authorize ____William Berringer___ to apply for a zoning
(Name of Applicant)
Permit to construct _____condominium repairs_____
(Describe Project)

David C. Denney	10/22/2020 Date	President Alii Kai 1 BOD ~~Owner~~
_____	_____ Date	Owner
_____	_____ Date	Owner
_____	_____ Date	Owner

Summary

The costs of improvements compared to the market values are:

$$\frac{\text{Cost of Improvements (past 10 years): } \textit{\$105,071.08}}{\text{Market Value (Real Property): } \textit{\$1,714,400}} = 0.0613 \text{ or } 6.1\%$$

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 structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structures must be re-evaluated.

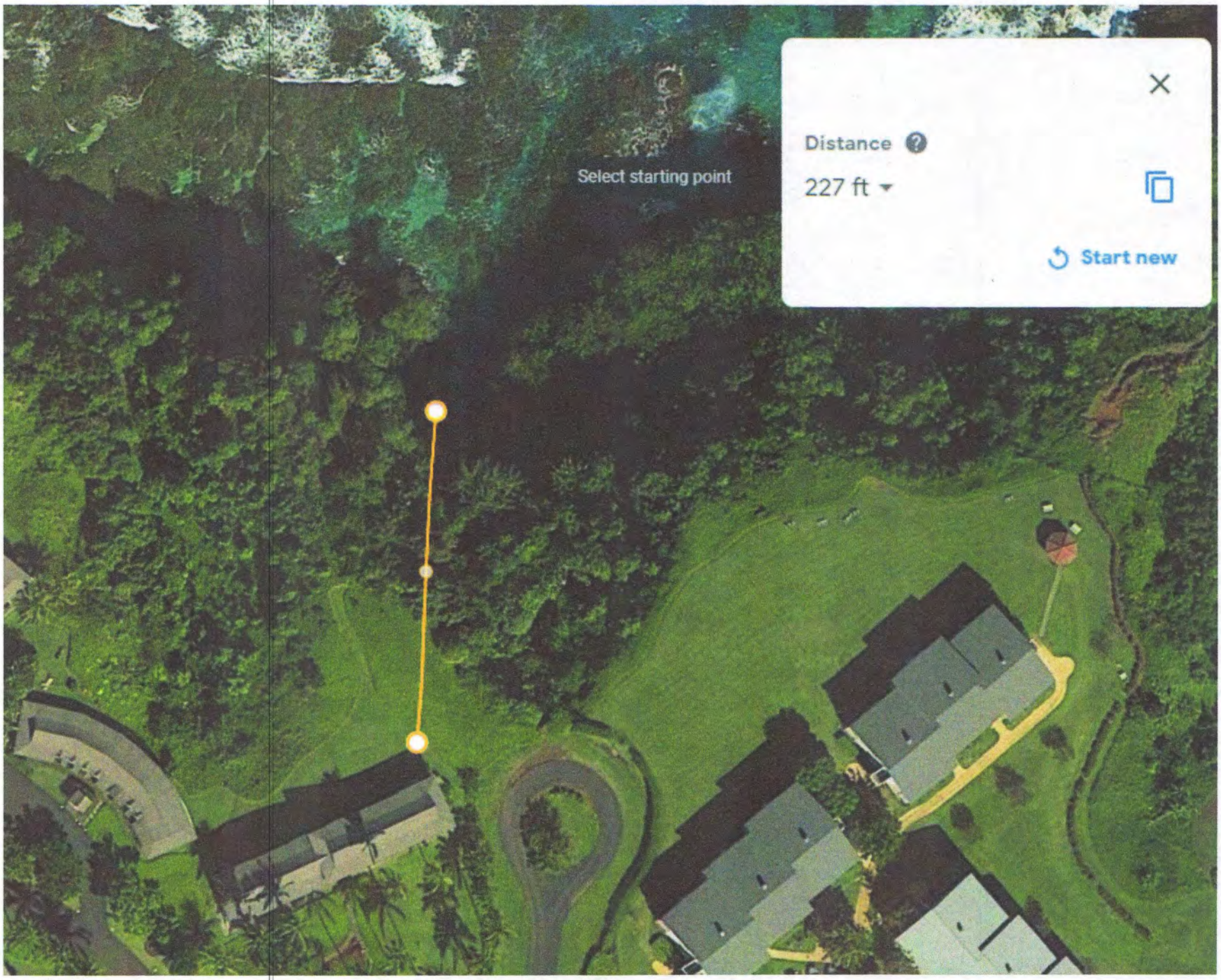
If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or achandler@kauai.gov.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

MM/AC

CC: Regulatory
Planning Department (Romio Idica)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