PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 31	
Acceptance Date:	4.26.21
Website Posting Date:	5.5.21
Determination Date:	4.26.21
Planning Commission Date:	N/A
Expiration Date:	4.26.2022
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: EPG KBR FEE OWNER LLC

Mailing Address: C/O EAGLE POINT HOTEL PARTNERS
372 COURT ST FLR, BROOKYN, NY 11231

Phone: (917) 561-5286

Email: bdookchitra@eaglepoinghotgels.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: RR20

Tax Map Key(s): (4) 3-7-003:015

Land Area: _____

Nature of Development: (Description of proposed structure or subdivision)	Replace Corroded Lanai Railings Bldg. 1, 2, and 3

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): 132-292 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: 1.9 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 no parcels, roads, buildings or structures between the Shoreline and this parcel.

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☑ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Relatively flat over 1,445 feet of lot depth. Lowest elevation is at 6' msl and highest at 13' msl.

☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
The Shoreline is composed of carbonate sand beach, exposed beach rock with a fringe reef off shore.

☐ 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)? Undetermined

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

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 3/25/2021

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.

Romio Idlu
Planning Director or designee — Date 4.26.21

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)

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

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

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

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

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

☑ **Exemption 2**

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

☐ **Exemption 3**

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

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

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

Exemption Determination (to be completed by Planning Department)

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

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

Romio DeLa 4.26.21

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: 1,445 ft.
- ☐ Setback (Table 1 or Table 2): 193 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):

Existing Structures: Proposed work include the replacement of exterior corroded lanai railings.

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

All work shall be outside of the determined shoreline setback of 193 feet from the certified shoreline.

EPG KBR Fee Owner, LLC
c/o Eagle Point Hotel Partners
330 Saratoga Road #15654
Honolulu, HI 96830

January 1, 2020

To Whom It May Concern:

I hereby authorize Ron Agor Architect and Agor Jehn Architects to represent EPG KBR Fee Owner in the submittal and signing of all required permit applications, including, but not limited to, the Shoreline Setback Determination application, Zoning Permit and Building Permits, for the interior renovations of the property.

Regards,

Ben Dookchitra

Ben Dookchitra

Senior Vice President

Association of Apartment Owners of Kauai Beach Resort
4331 Kauai Beach Drive
Lihue, HI 96766

January 1, 2020

To Whom It May Concern:

I hereby authorize Ron Agor Architect and Agor Jehn Architects to represent the Association of Apartment Owners of Kauai Beach Resort in the submittal and signing of all required permit applications, including, but not limited to, the Shoreline Setback Determination application, Zoning Permit and Building Permits, for the interior renovations of the property.

Regards,

Ben Dookchitra

Ben Dookchitra

President

AUTHORIZATION TO ACT ON PROPERTY OWNERS BEHALF FORM

I hereby authorize the following person(s) to act as my representative(s) to apply for, sign, and file the documents necessary to obtain a zoning permit for my project.

4331 Kauai Beach Drive Lihue, HI 96766
(Project address)

Railing Replacement
(Scope of construction project or description of work)

Aaron Geer	4331 Kauai Beach Drive Lihue, HI 96766
Name of authorized representative	Address of authorized representative
(808) 551-7733	aaron@kauaibeachresortandspa.com
Phone number of authorized representative	Email address of authorized representative

***Declaration*: I declare under penalty of perjury and under the laws of the State of Hawai'i (Unsworn Falsification HRS §710-1063) that I am the property owner for the address listed above, I personally filled out the above information, that the foregoing is true and correct, and I certify its accuracy.**

***The property owner signature must be notarized or electronically signed using secure software that verifies the identity of the user (e.g., DocuSign or Adobe Sign) when the property owner is not present at time of submitting the permit application.*

Kauai Beach Resort AOAO Ben Dookchitra, President	Ben Dookchitra	April 12, 2021
Property Owner Name (print)	Property Owner Signature	Date
Property Owner Name (print)	Property Owner Signature	Date
Property Owner Name (print)	Property Owner Signature	Date
Property Owner Name (print)	Property Owner Signature	Date
Property Owner Name (print)	Property Owner Signature	Date
Property Owner Name (print)	Property Owner Signature	Date

**** Attach Notary Jurat or Electronic Signature Audit Trail ****

COASTAL HAZARD DISCLOSURE STATEMENT FORM

SSD. 2021. 31

4331 Kauai Beach Drive Lihue, HI 96766 / TMK: 4-3-7-003: 015 / Shoreline Setback Permit Number : N/A

Project Address and TMK Number (the "Property"), and Shoreline Setback Permit Number

Railing Replacement

Scope of Construction for the Project or Description of Work

Disclosure: THE PROPERTY OWNER ACKNOWLEDGES AND UNDERSTANDS THAT THE PROPERTY MAY BE SUBJECT TO COASTAL HAZARDS AS DEFINED UNDER KAUA'I COUNTY CODE (KCC) SECTION 8-27.1. THESE COASTAL HAZARDS MAY LIMIT THE ABILITY TO DEVELOP THE PROPERTY AND FUTURE DEVELOPMENT MAY BE SUBJECT TO FURTHER RESTRICTIONS AND LIMITATIONS PURSUANT TO KCC CHAPTER 8, ARTICLE 27, AS AMENDED, AS WELL AS FEDERAL, STATE, AND COUNTY LAWS AND REGULATIONS THAT GOVERN COASTAL PROPERTIES. Additional information can be obtained from the County of Kaua'i Planning Department (https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback) including but not limited to links to the State of Hawaii, Department of Land and Natural Resources, Flood Hazard Assessment Tool and the State of Hawai'i Sea Level Rise Viewer.

Declaration: I declare under penalty of perjury and under the laws of the State of Hawai'i (Unsworn Falsification HRS §710-1063) that I am the property owner for the address listed above, I personally filled out the above information, that the foregoing is true and correct, and I certify its accuracy.

***The property owner signature is required to be notarized when property owner is not present at time of submitting the permit application. In lieu of notarization, the Planning Department will accept forms that are electronically signed using secure software that verifies the identity of the user (e.g., DocuSign or Adobe Sign).*

Property Owner Name (print)	Property Owner Signature	Date
Kauai Beach Resort AOAO Ben Dookchitra, President	Ben Dookchitra	April 12, 2021

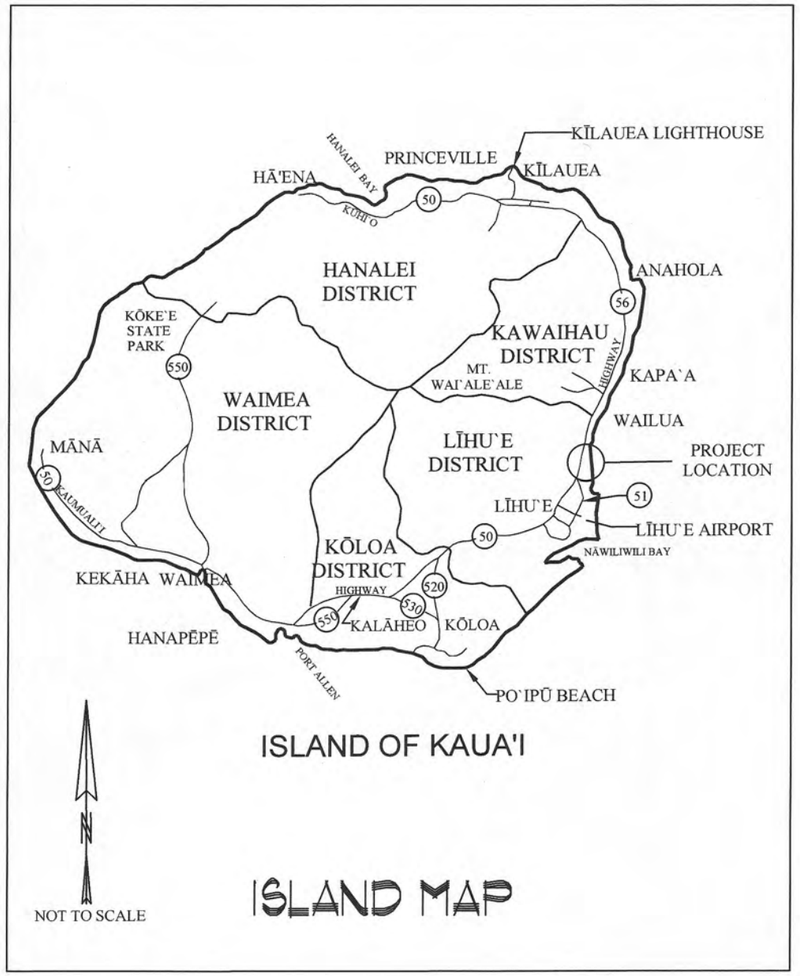
**** Attach Notary Jurat ****

SHORELINE SETBACK DETERMINATION EXHIBITS "A"- "F"

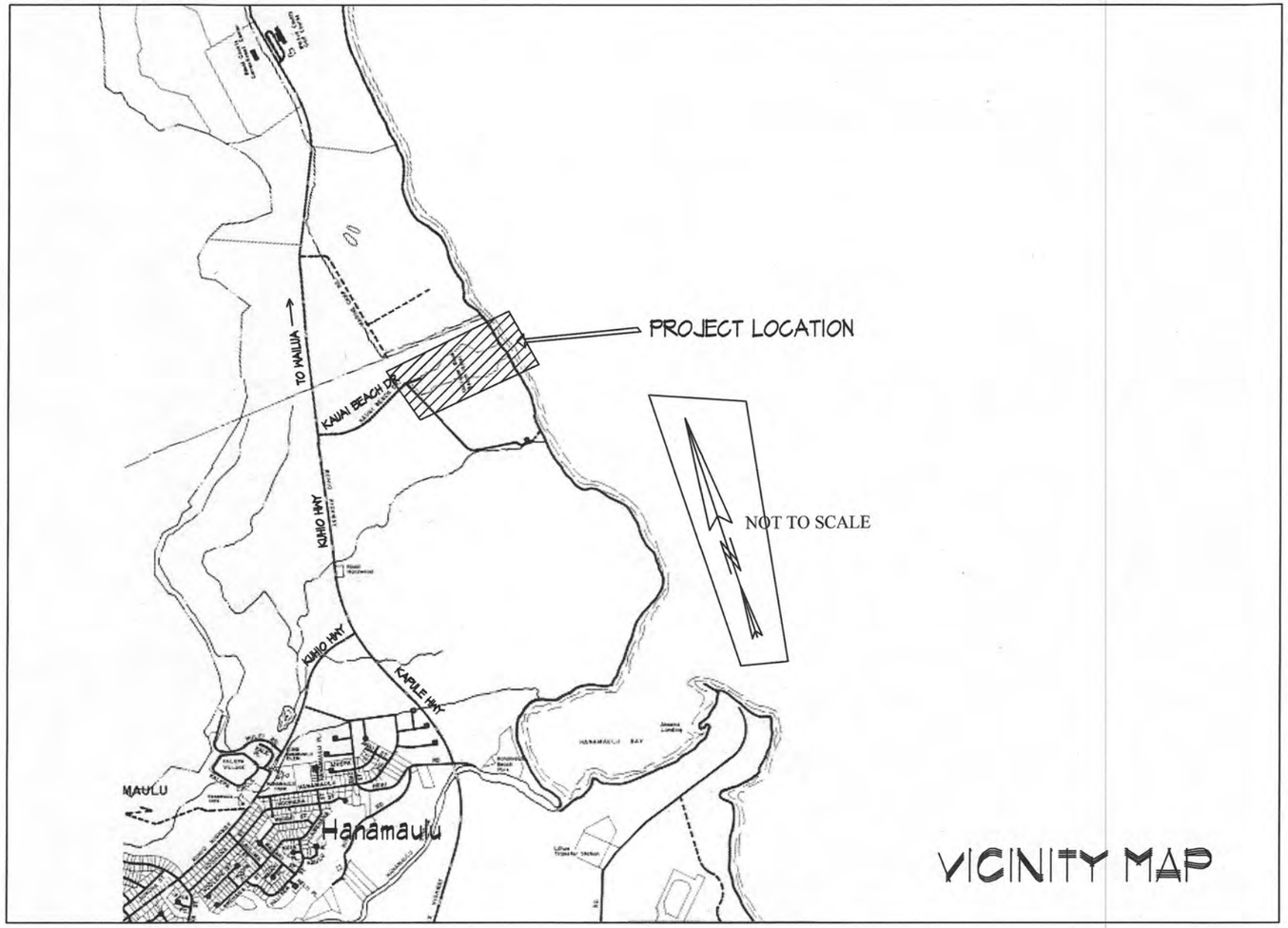
TMK: (4) 3-7-03:015

for

KAUAI BEACH RESORT



ISLAND MAP



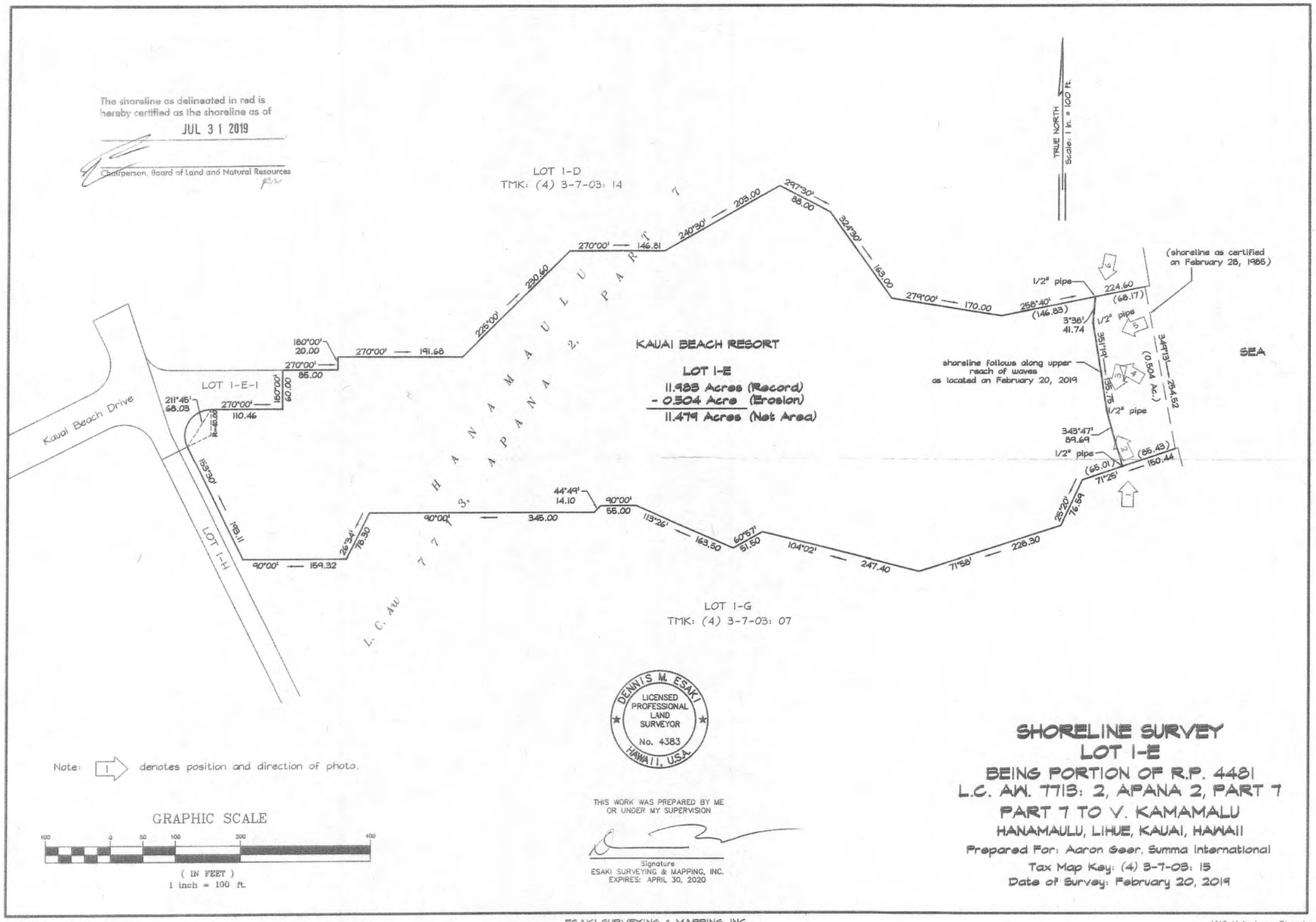
VICINITY MAP

KAUAI BEACH RESORT TMK: (4) 3-7-03:015	Exhibit "A" Title Sheet

The shoreline as delineated in red is hereby certified as the shoreline as of

JUL 3 1 2019

Chairperson, Board of Land and Natural Resources



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Signature
ESAKI SURVEYING & MAPPING, INC.
EXPIRES: APRIL 30, 2020

SHORELINE SURVEY
LOT 1-E
BEING PORTION OF R.P. 4481
L.C. AW. 7713: 2, APANA 2, PART 7
PART 7 TO V. KAMAMALU
HANAMAULU, LIHUE, KAUAI, HAWAII
Prepared For: Aaron Seer, Summa International
Tax Map Key: (4) 3-7-03: 15
Date of Survey: February 20, 2019

Job Number: 19-33 JH MSK
Drawing file: 19-33 shoreline 2-20-19.dwg

ESAKI SURVEYING & MAPPING, INC.
Civil Engineers - Land Surveyors - Planners

1610 Haleukana Street
Lihue, Kauai, Hawaii 96766

KAUAI BEACH RESORT
TMK: (4) 3-7-03:015

Exhibit "B"
Cert. Shoreline Map

KAUAI BEACH RESORT

TMK: (4) 3-7-03:015

Exhibit "C"

Erosion Map

Flood Hazard Assessment Report

www.hawaiinfip.org

Property Information

COUNTY:	KAUAI
TMK NO:	(4) 3-7-003:015
WATERSHED:	KAWAILOA
PARCEL ADDRESS:	ADDRESS NOT DETERMINED 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 EVACUTION 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 0.60 1.20 mi

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 know 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.

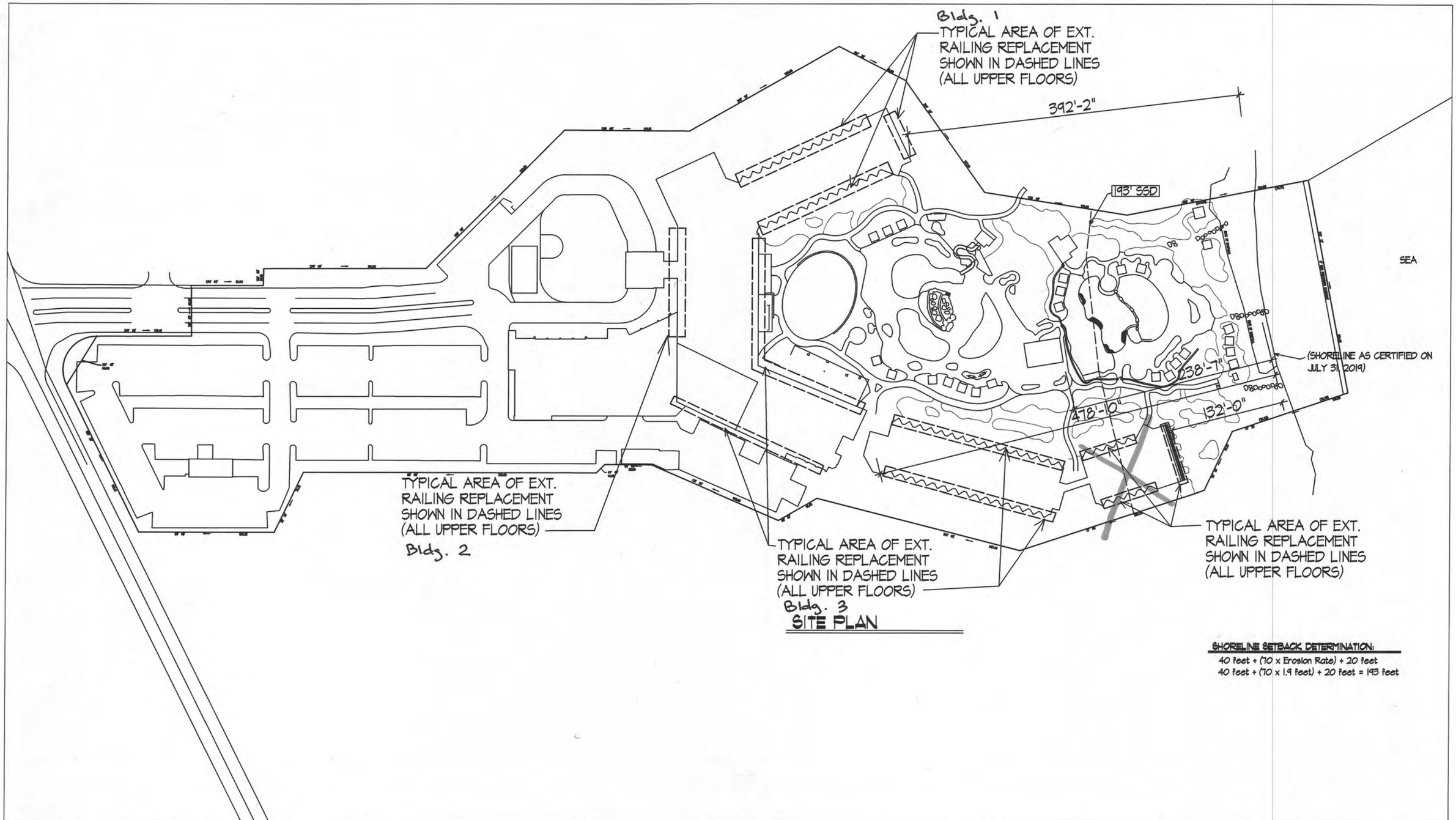
- **Zone XS (X shaded)**: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- **Zone X**: Areas determined to be outside the 0.2% annual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

OTHER FLOOD AREAS

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

KAUAI BEACH RESORT
TMK: (4) 3-7-003:015

Exhibit "D"
FHAT Report



SITE PLAN

SHORELINE SETBACK DETERMINATION:

40 feet + (10 x Erosion Rate) + 20 feet
40 feet + (10 x 1.9 feet) + 20 feet = 193 feet

KAUAI BEACH RESORT

TMK: (4) 3-7-03:015

Exhibit "E"

Site Plan

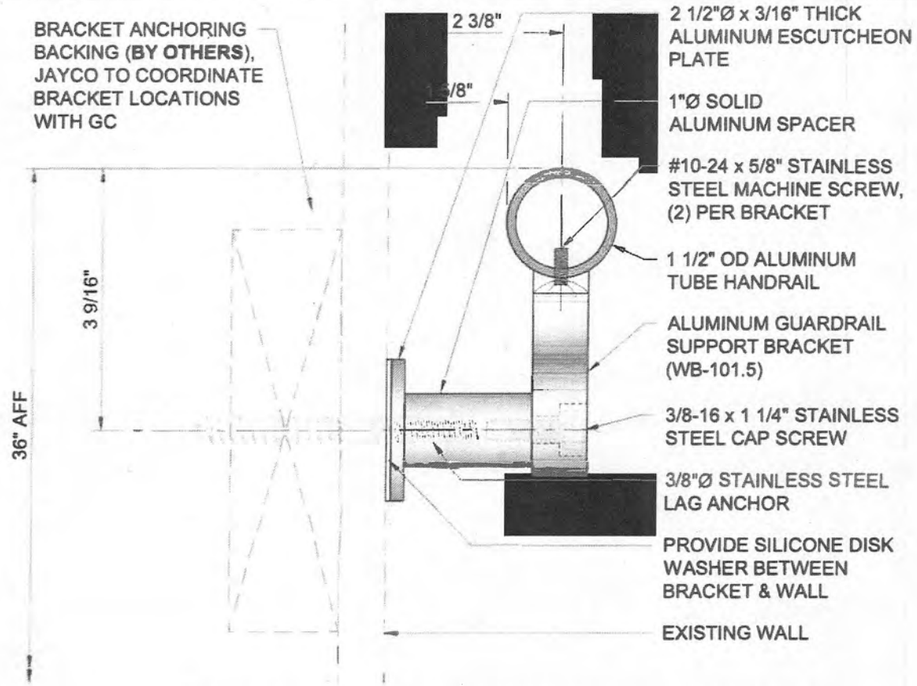
NOTE: REFER TO EXHIBIT "E" FOR DIMENSIONS OF BUILDING SETBACKS FROM CERTIFIED SHORELINE

KAUAI BEACH RESORT

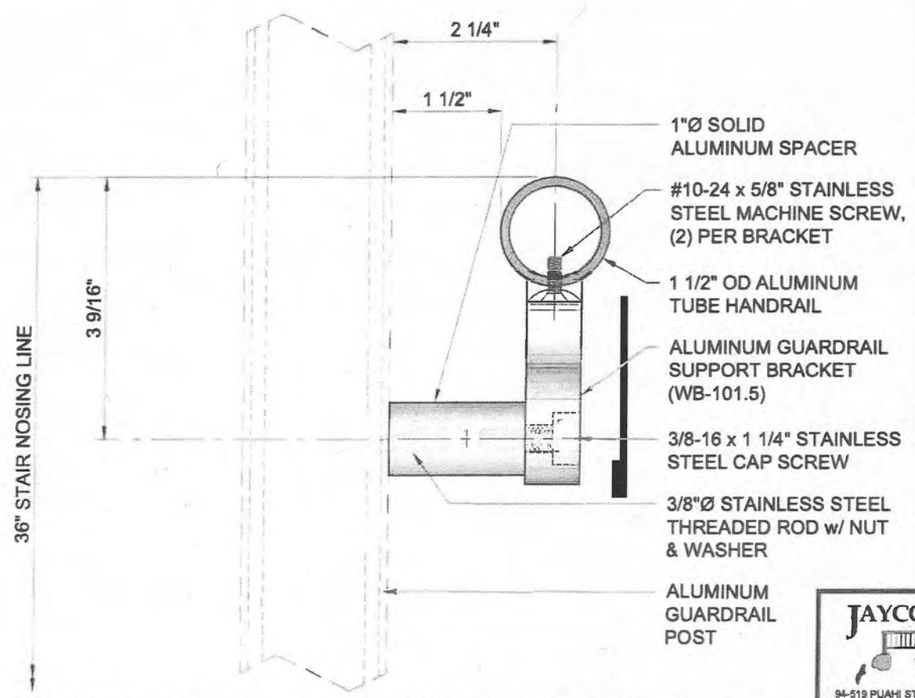
TMK: (4) 3-7-03:015

Exhibit "F"

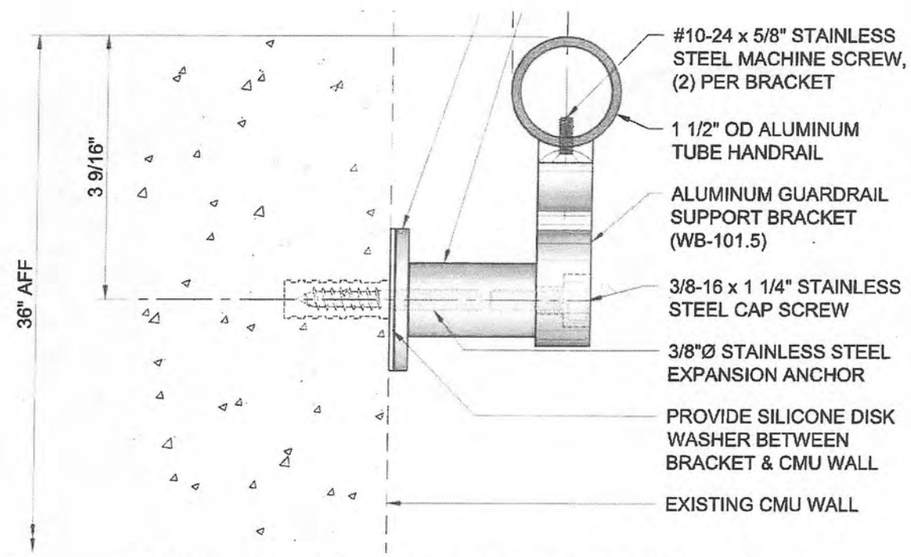
Google Map



A **TYPICAL HANDRAIL SECTION AT GYPBD WALL**
SCALE: 6" = 1'-0"



C **TYPICAL HANDRAIL CONNECTION AT GUARDRAIL POST**
SCALE: 6" = 1'-0"



B **TYPICAL HANDRAIL SECTION AT CONCRETE / CMU**
SCALE: 6" = 1'-0"

JEFFREY S. CUDIAMAT
LICENSED PROFESSIONAL ENGINEER
No. 10303-S
HAWAII, U.S.A.

Exp 04/30/2020

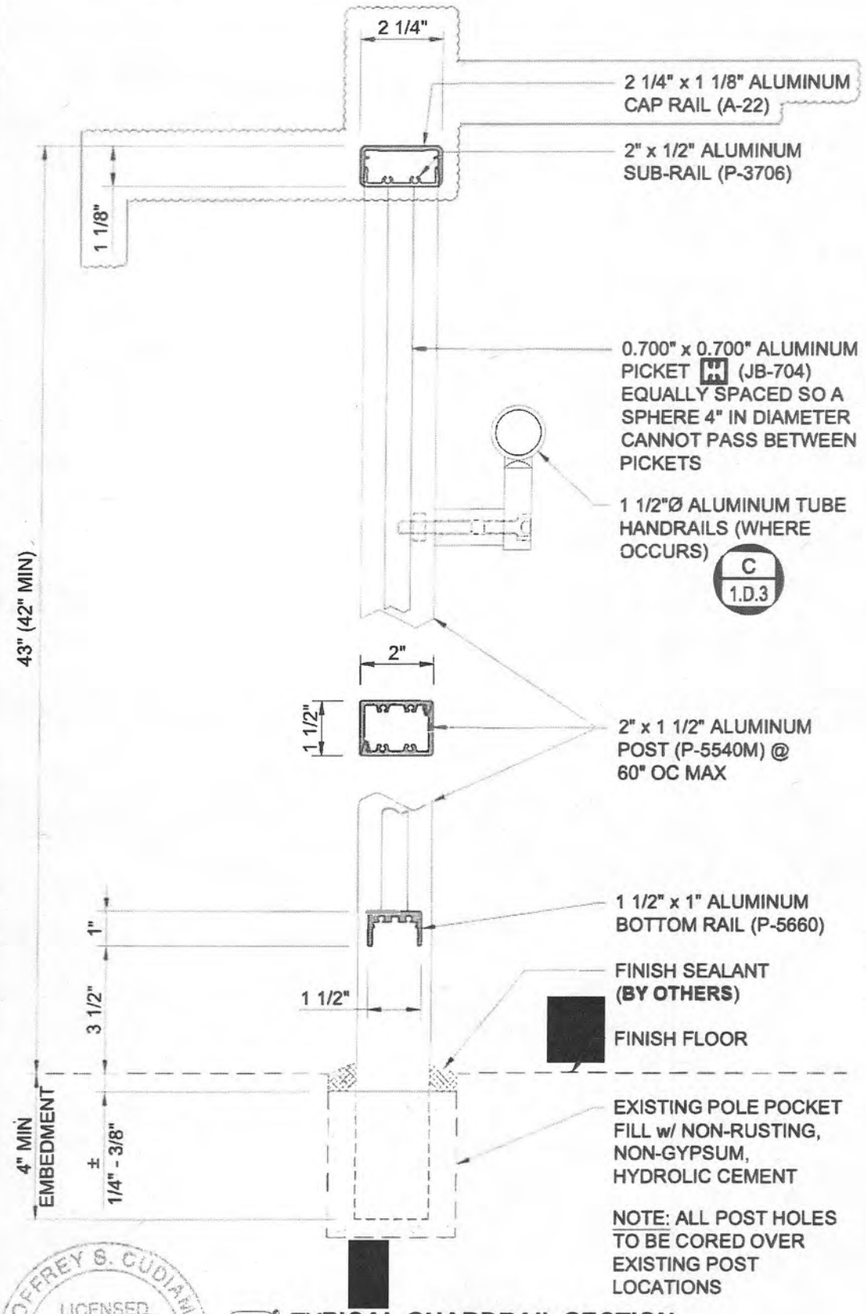
JAYCO HAWAII INC
94-519 PUAHI STREET
WAIPAHU, HAWAII 96797-4208
T[redacted]
FAX: (808) 671-8347
WEBSITE: [redacted]

PROJECT
KAUAI BEACH RESORT
TMK: (4) 3-7-003:015

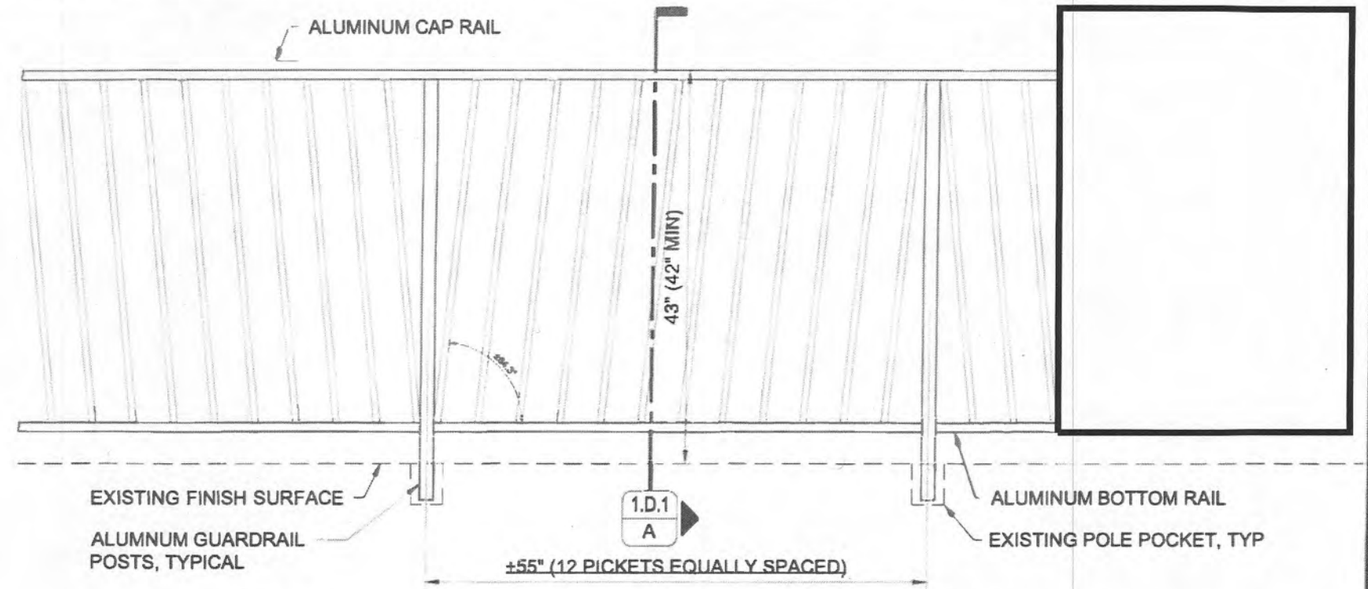
SERIES TITLE
SERIES 1: 2-LINE ALUMINUM PICKET GUARDRAILS

PROJECT #	19-015	SUBMITTED	5-15-2019	APPROVED		REVISION #1	6-17-2019
PROPOSAL #	19-0034A	DRAWN	MTM	FIELD VERIFIED		REVISION #2	6-20-2019
PM / PE	AM	CHECKED	AM,MD,JC	FABRICATION			

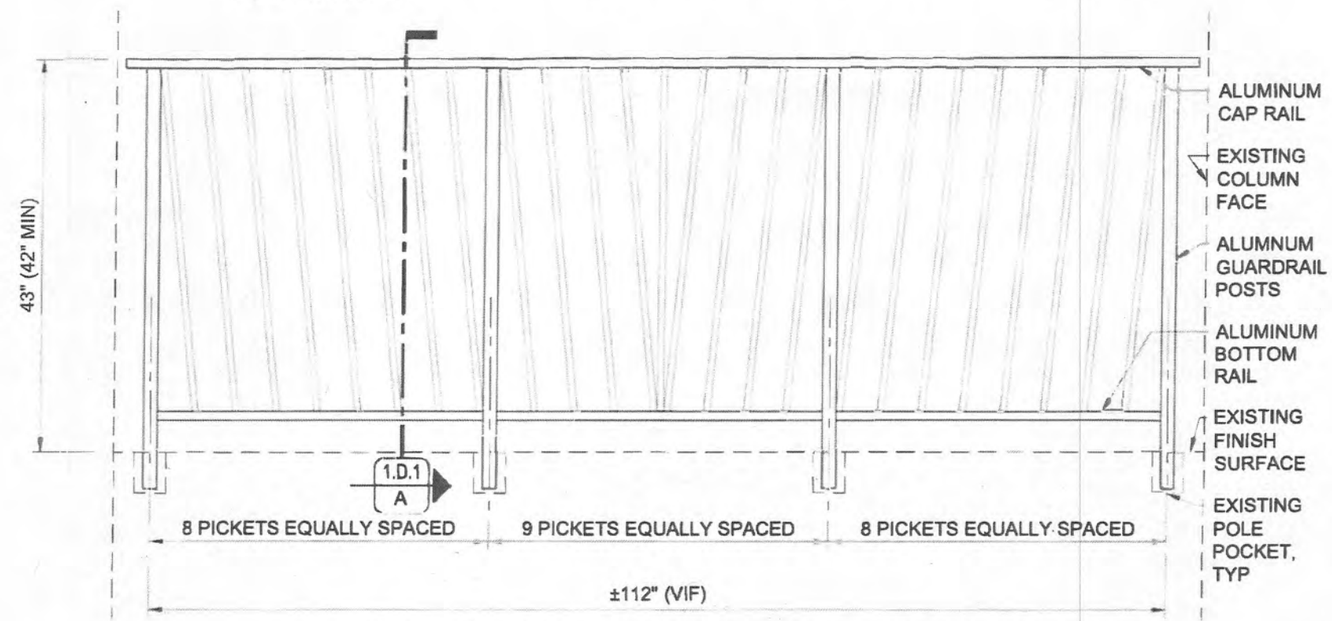
SHEET # (TOTAL 4 SHEETS)



A TYPICAL GUARDRAIL SECTION
SCALE: 3" = 1'-0"



B TYPICAL GUARDRAIL ELEVATION AT CONTINUJOUS GUARDRAILS
SCALE: 3/4" = 1'-0"



C TYPICAL GUARDRAIL ELEVATION BETWEEN SEPARATION WALLS
SCALE: 3/4" = 1'-0"

JEFFREY S. CUDIAMAT
LICENSED PROFESSIONAL ENGINEER
No. 10303-S
HAWAII, U.S.A.

Exp 04/30/2020

JAYCO HAWAII INC
94-519 PUAHI STREET
WAIPAHU, HAWAII 96797-4208
TEL: [redacted]
FAX: [redacted]
WEBSITE: [redacted]

PROJECT
KAUAI BEACH RESORT
TMK: (4) 3-7-003:015

SERIES TITLE
SERIES 1: 2-LINE ALUMINUM PICKET GUARDRAILS

PROJECT #	19-015	SUBMITTED	5-15-2019	APPROVED		REVISION #1	6-17-2019
PROPOSAL #	19-0034A	DRAWN	MTM	FIELD VERIFIED		REVISION #2	6-20-2019
PM / PE	AM	CHECKED	AM,MD,JC	FABRICATION			

SHEET # (TOTAL 4 SHEETS)

PLANNING DEPARTMENT
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FOR OFFICIAL USE ONLY:	
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Applicant Information

Applicant: Debra Jean Boiser

Mailing Address: P.O. Box 185 Anahola, HI 96703

Phone:

Email:

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: 4.19.21

Project Information (attach additional sheets, if necessary)

County Zoning District: Open

Tax Map Key(s): 4-9-014-001 0001

Land Area:

Nature of Development: (Description of proposed structure or subdivision)	Realign existing driveway, new concrete driveway, and relocate existing solar gate

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): 203 ft.
3. Additional Information:
   - ☐ Shoreline Change (Erosion/Accretion) Rate: 1.3 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:

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.)

sandy

☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____

☐ Is property in coastal floodplain (if checked, what zone)? _____

☐ 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: Dalia Jean Borsin Date: 4-19-21

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.
	Romio Idu — Planning Director or designee Date: 4.26.21

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)

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)

Ramio Alen — 4.26.21

Planning Director or designee — Date

☐ **Additional comments/conditions:**

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

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

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

Certified Shoreline

Select the appropriate option:

☐ Certified Shoreline

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

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

_____

Planning Director or its designee Date

Public Projects less than $125,000

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

_____

Planning Director or designee Date

- ☐ Certified Shoreline Required
- ☐ Certified Shoreline Not Required

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

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

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

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

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

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

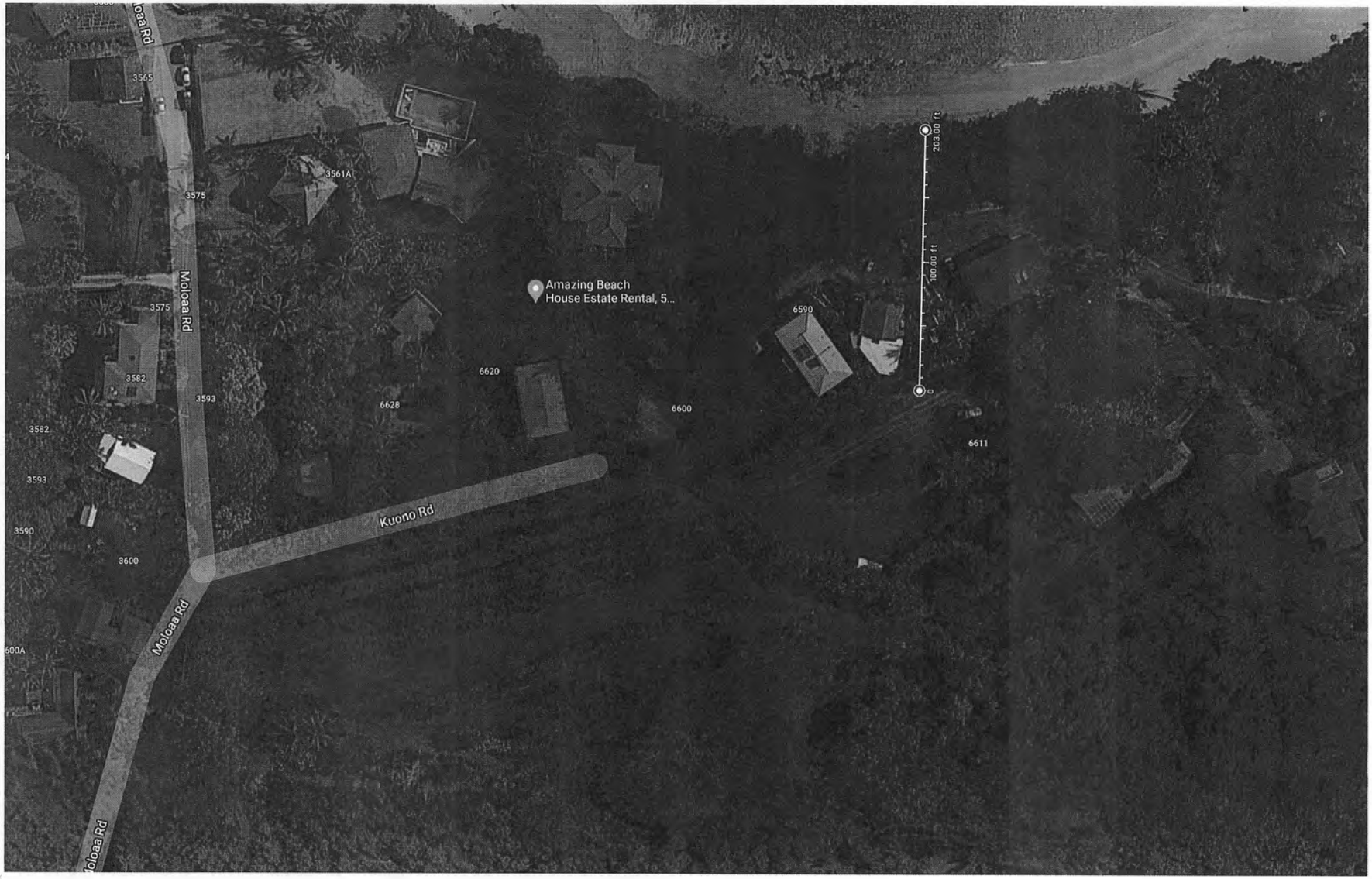
PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

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

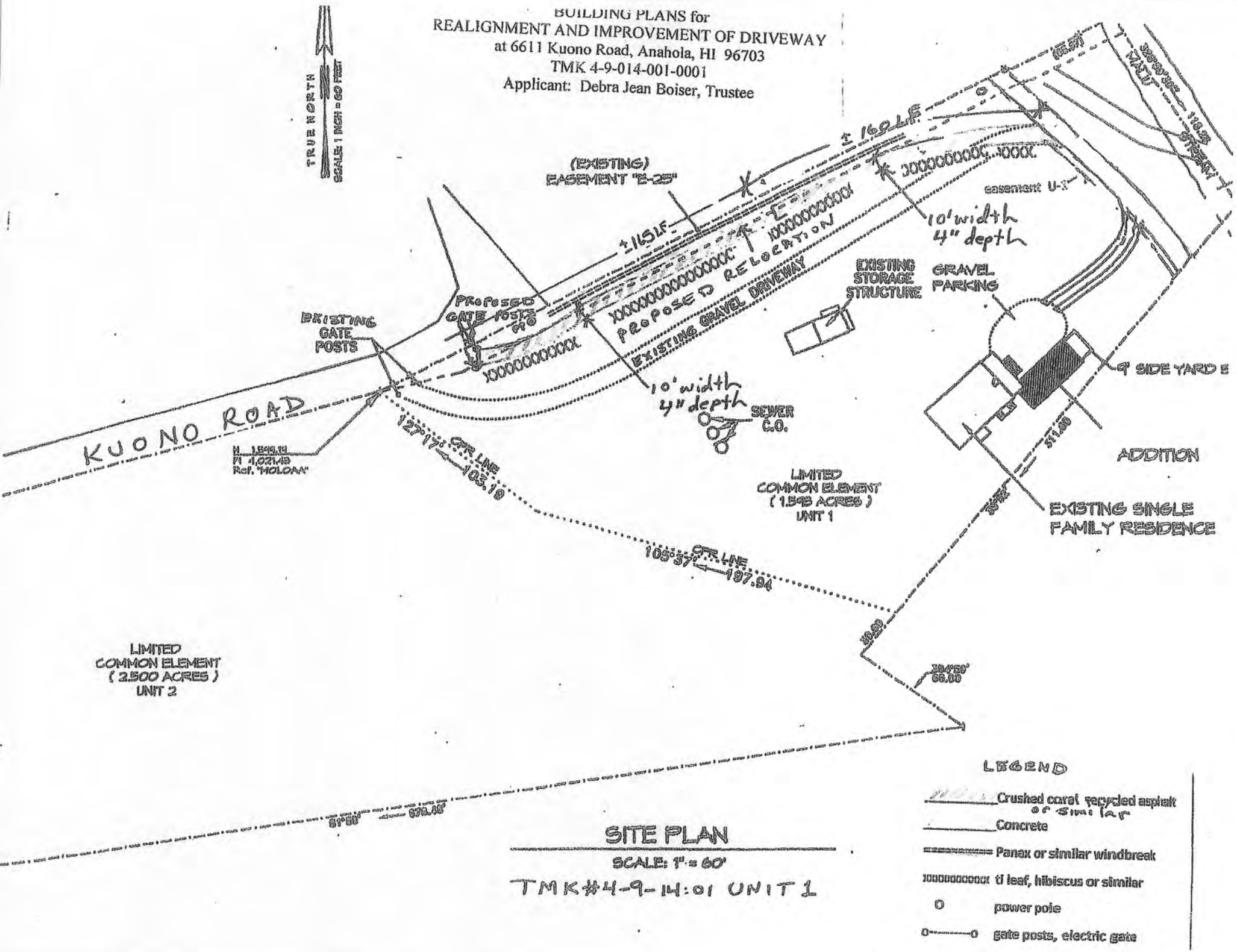
PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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



TMK: 4-98-014:001 Debra Jen Boiser TTEE

BUILDING PLANS for
REALIGNMENT AND IMPROVEMENT OF DRIVEWAY
at 6611 Kuono Road, Anahola, HI 96703
TMK 4-9-014-001-0001
Applicant: Debra Jean Boiser, Trustee



SITE PLAN

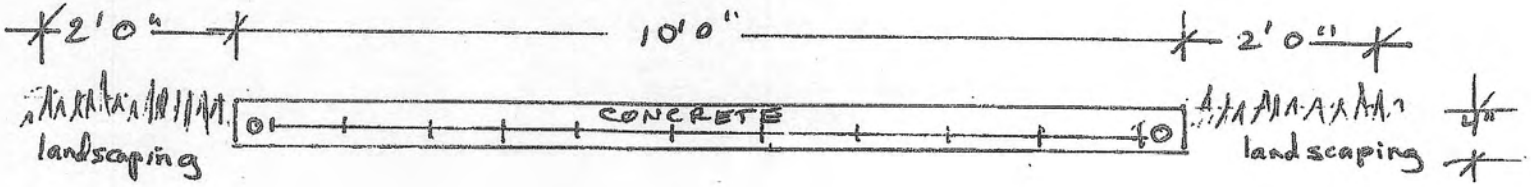
SCALE: 1" = 60'

TMK#4-9-14:01 UNIT 1

SECTION DRAWINGS for
REALIGNMENT AND IMPROVEMENT OF DRIVEWAY
at 6611 Kuono Road, Anahola, HI 96703
TMK 4-9-014-001-0001
Applicant: Debra Jean Boiser, Trustee

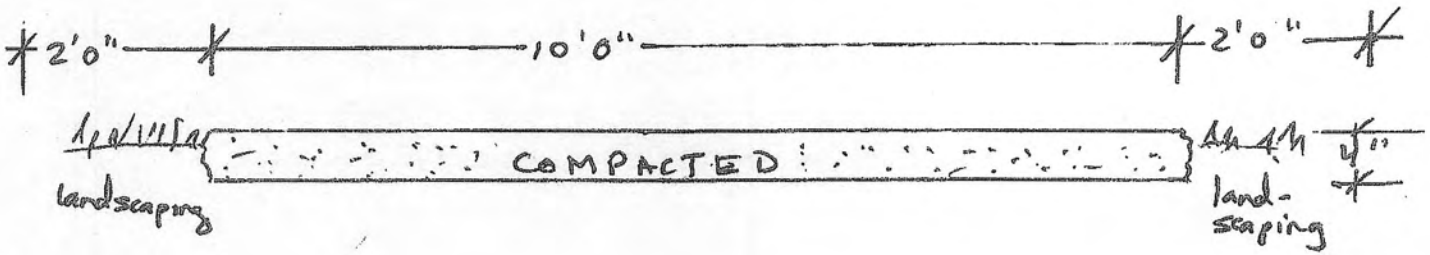
SECTION DRAWINGS

Concrete Section



o - 1/2" rebar
+-+ - wire mesh

Crushed Coral, RCA, or similar



Scale 1/2" = 1'

COASTAL HAZARD DISCLOSURE STATEMENT FORM

6611 Kuono Rd. / 4-9-04:001 0001 / SSD-2021-32

Project Address and TMK Number (the "Property"), and Shoreline Setback Permit Number

Realign driveway, new concrete driveway, & relocate solar gate

Scope of Construction for the Project or Description of Work

Disclosure: THE PROPERTY OWNER ACKNOWLEDGES AND UNDERSTANDS THAT THE PROPERTY MAY BE SUBJECT TO COASTAL HAZARDS AS DEFINED UNDER KAUA'I COUNTY CODE (KCC) SECTION 8-27.1. THESE COASTAL HAZARDS MAY LIMIT THE ABILITY TO DEVELOP THE PROPERTY AND FUTURE DEVELOPMENT MAY BE SUBJECT TO FURTHER RESTRICTIONS AND LIMITATIONS PURSUANT TO KCC CHAPTER 8, ARTICLE 27, AS AMENDED, AS WELL AS FEDERAL, STATE, AND COUNTY LAWS AND REGULATIONS THAT GOVERN COASTAL PROPERTIES. Additional information can be obtained from the County of Kaua'i Planning Department (https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback) including but not limited to links to the State of Hawaii, Department of Land and Natural Resources, Flood Hazard Assessment Tool and the State of Hawai'i Sea Level Rise Viewer.

Declaration: I declare under penalty of perjury and under the laws of the State of Hawai'i (Unsworn Falsification HRS §710-1063) that I am the property owner for the address listed above, I personally filled out the above information, that the foregoing is true and correct, and I certify its accuracy.

***The property owner signature is required to be notarized when property owner is not present at time of submitting the permit application. In lieu of notarization, the Planning Department will accept forms that are electronically signed using secure software that verifies the identity of the user (e.g., DocuSign or Adobe Sign).*

Property Owner Name (print)	Property Owner Signature	Date
Debra Boiser ~~Debra Boiser~~ DB	Debra Boiser	4-19-2021

**** Attach Notary Jurat ****

ACKNOWLEDGMENT OF INDIVIDUAL

STATE OF HAWAII }
COUNTY OF KAUAI } SS

On this 19 day of April, 2021 before me personally appeared Debra Boiser and _____ 1972, to me known to be the person (or persons) described in and who executed the above instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed. Witness my hand and seal.

Doc. Description: Coastal Hazard Disclosure Statement Form
Doc. Date: 4/19/2021
# of Pages: 2

Signature of Notary Public _____
Printed Name: Kyle J LaBenz
Commission No.: 18-35 5th Circuit
My Commission Expires: 2/11/2022

(SEAL)

KYLE J. LaBENZ
COMMISSION NO.
LS
NOTARY PUBLIC
18-35
STATE OF HAWAII

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 33	
Acceptance Date:	4.26.21
Website Posting Date:	5.5.21
Determination Date:	4.26.21
Planning Commission Date:	N/A
Expiration Date:	4.26.22
Planner Assigned:	

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

Applicant Information			
Applicant:	Kawailoa Development LLP		
Mailing Address:	P.O. Box 369, Koloa, HI 96756	Phone:	(808) 742-6300
		Email:	toshiaki.shindo@kawailoa.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:	Resort	Tax Map Key(s):	290010020000
		Land Area:	37.742 Acres
Nature of Development: (Description of proposed structure or subdivision)	Interior renovation of select guestroom suites.		

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): 275' to OS1 units, 188' to OS2 units 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: Varies (see attached) 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)

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

☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____

☐ Is property in coastal floodplain (if checked, what zone)? _____

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

PLEASE NOTE:

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

Applicant's Signature

Signature _____ Date 11/16/2020

Applicability (to be completed by Planning Department)

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

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

Planning Director or designee _____ Date 4.26.21

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)

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

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

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

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

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

☐ **Exemption 2**

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

☑ **Exemption 3**

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

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

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

Exemption Determination (to be completed by Planning Department)

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

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

Romio Idica — 4-26-21

Planning Director or designee — Date

☐ **Additional comments/conditions:**

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

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

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

Certified Shoreline

Select the appropriate option:

☐ Certified Shoreline

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

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

_____

Planning Director or its designee Date

Public Projects less than $125,000

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

_____

Planning Director or designee Date

- ☐ Certified Shoreline Required
- ☐ Certified Shoreline Not Required

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

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

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

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

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

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

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

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

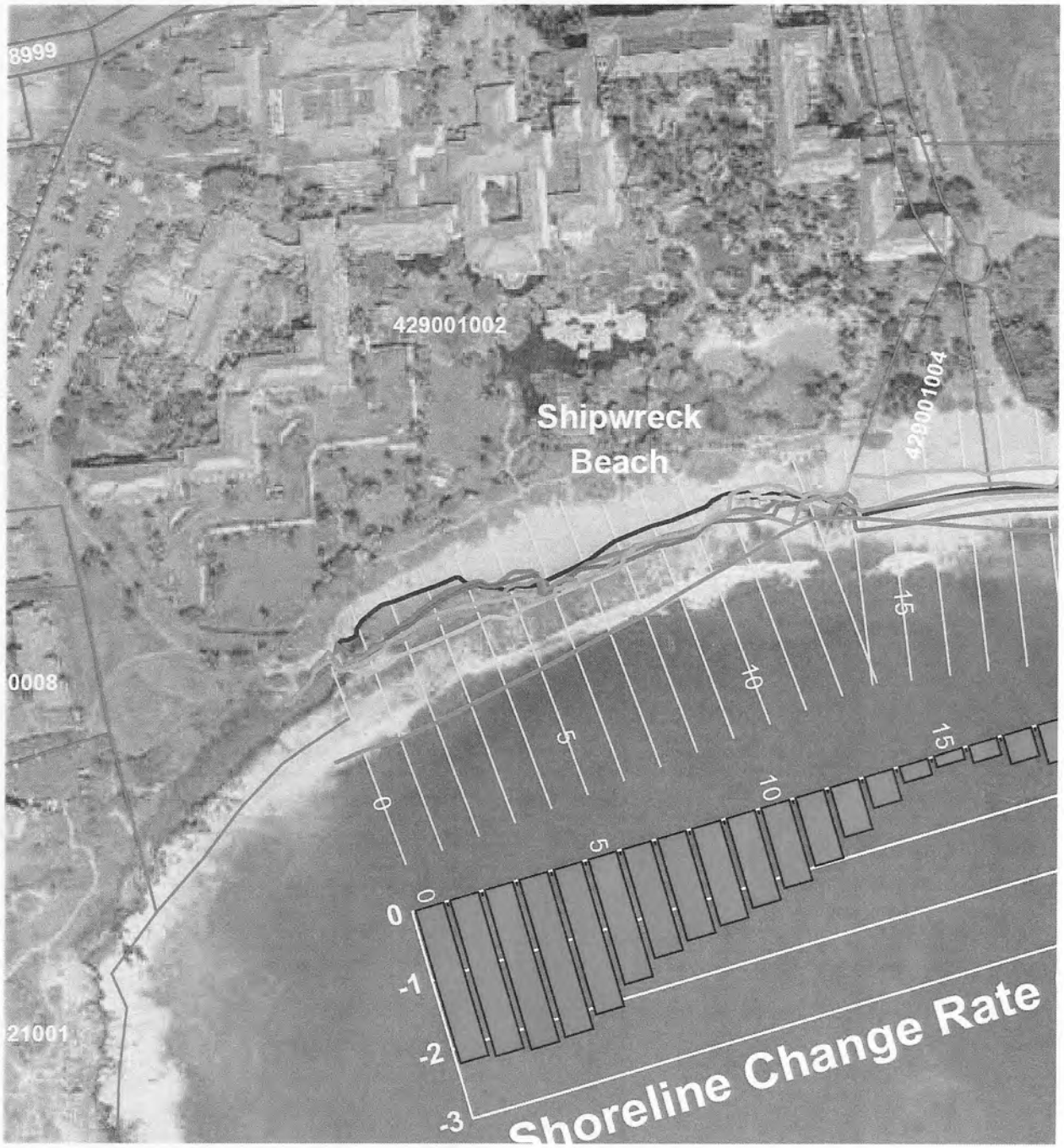
PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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

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

PLANNING DEPARTMENT
SHORELINE SETBACK INFORMATION

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


8999
429001002
Shipwreck
Beach
429001004
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21001
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10
15
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-1
-2
-3
Shoreline Change Rate

COASTAL HAZARD DISCLOSURE STATEMENT FORM

1571 Poipu Road, Koloa, HI. 96756 T.M.K.: (4)-2-9-001: 002 BP20-1133 SSD-2021-

Project Address and TMK Number (the "Property"), and Shoreline Setback Permit Number

Interior renovation of existing guest room suites

Scope of Construction for the Project or Description of Work

Disclosure: THE PROPERTY OWNER ACKNOWLEDGES AND UNDERSTANDS THAT THE PROPERTY MAY BE SUBJECT TO COASTAL HAZARDS AS DEFINED UNDER KAUA'I COUNTY CODE (KCC) SECTION 8-27.1. THESE COASTAL HAZARDS MAY LIMIT THE ABILITY TO DEVELOP THE PROPERTY AND FUTURE DEVELOPMENT MAY BE SUBJECT TO FURTHER RESTRICTIONS AND LIMITATIONS PURSUANT TO KCC CHAPTER 8, ARTICLE 27, AS AMENDED, AS WELL AS FEDERAL, STATE, AND COUNTY LAWS AND REGULATIONS THAT GOVERN COASTAL PROPERTIES. Additional information can be obtained from the County of Kaua'i Planning Department (https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Shoreline-Setback) including but not limited to links to the State of Hawaii, Department of Land and Natural Resources, Flood Hazard Assessment Tool and the State of Hawai'i Sea Level Rise Viewer.

Declaration: I declare under penalty of perjury and under the laws of the State of Hawai'i (Unsworn Falsification HRS §710-1063) that I am the property owner for the address listed above, I personally filled out the above information, that the foregoing is true and correct, and I certify its accuracy.

***The property owner signature is required to be notarized when property owner is not present at time of submitting the permit application. In lieu of notarization, the Planning Department will accept forms that are electronically signed using secure software that verifies the identity of the user (e.g., DocuSign or Adobe Sign).*

Property Owner Name (print)	Property Owner Signature	Date
Toshiaki Shindo, Director Kawailoa Development LLP		4/9/2021

**** Attach Notary Jurat ****

ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
TROY K. TANIGAWA, P.E., ACTING COUNTY ENGINEER
BOYD GAYAGAS, DEPUTY COUNTY ENGINEER

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

April 9, 2021

Grand Hyatt, Kawailoa Development
P.O. Box 369
Kōloa, HI 96756
Attention: Toshiaki Shindo

Subject: Shoreline Setback Application, Substantial Improvement Determination
TMK: (4) 2-9-001:002 PW: 11.20.089

Dear Mr. Shindo:

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 A". 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 building is $21,685,000.

Cost of Improvements
There were several permits within the past ten years:

Permit Number	*PRIOR IMPROVEMENTS*
10-833	$865,000
10-834	$865,000
20-1133	$286,000
Total	**$2,016,000**

The estimated cost of the proposed improvements is $747,016.93, based on a cost estimate prepared by general contractor Layton Construction dated December 29, 2020.

The total cost of improvements for the last 10 years is estimated to be $2,763,016.93.

Summary
The cost of improvement compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$2{,}763{,}016.93}{\text{Market Value (Real Property): } \$21{,}685{,}000} = \boxed{0.1274 \text{ or } 12.7\%}$$

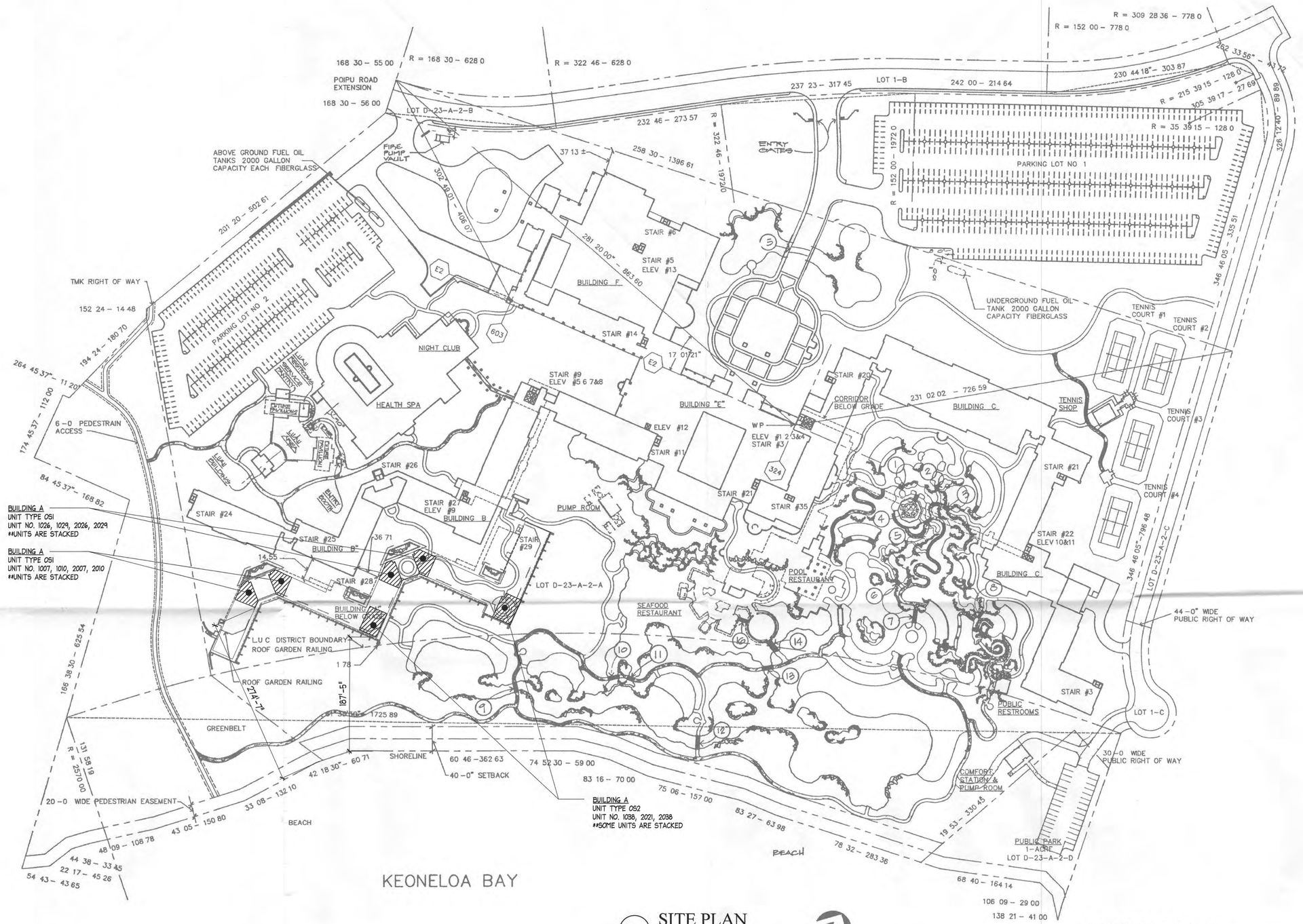
Since the total cost **does not exceed** 50% of the market value, the improvements **are not considered** to be substantial. Based on our records, there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure 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
Copy: Regulatory Section
Romio Idica
Toshiaki Shindo (Toshiaki.shindo@kawailoa.com)
Peter Uchiyama (Peter@snllc.us)



A SITE PLAN
SCALE: 1" = 80'-0"

TAX MAP KEY 2-9-01 02 & POR 01
LOCATION LOT D-23-A-2 POIPU KOLOA KAUAI HAWAII
ZONING RR-10 (URBAN) & CONSERVATION
LAND AREA OF PROJECT
CONSERVATION 9 284 ACRES
RR-10 (URBAN) 30 264 ACRES
TOTAL 39 548 ACRES
MAXIMUM LOT COVERAGE 50% OR 659 150 S F

11.9.2020

sn
shimokawa+nakamura
1580 Makaloa Street, Suite 1050
Honolulu, Hawaii 96814
808.955.3373 PHONE
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Grand Hyatt Kauai
Guestroom Suite Renovations
for Kawailoa Development, LLC

TMK: 2-9-001:002
1571 Poipu Rd, Koloa, HI 96756

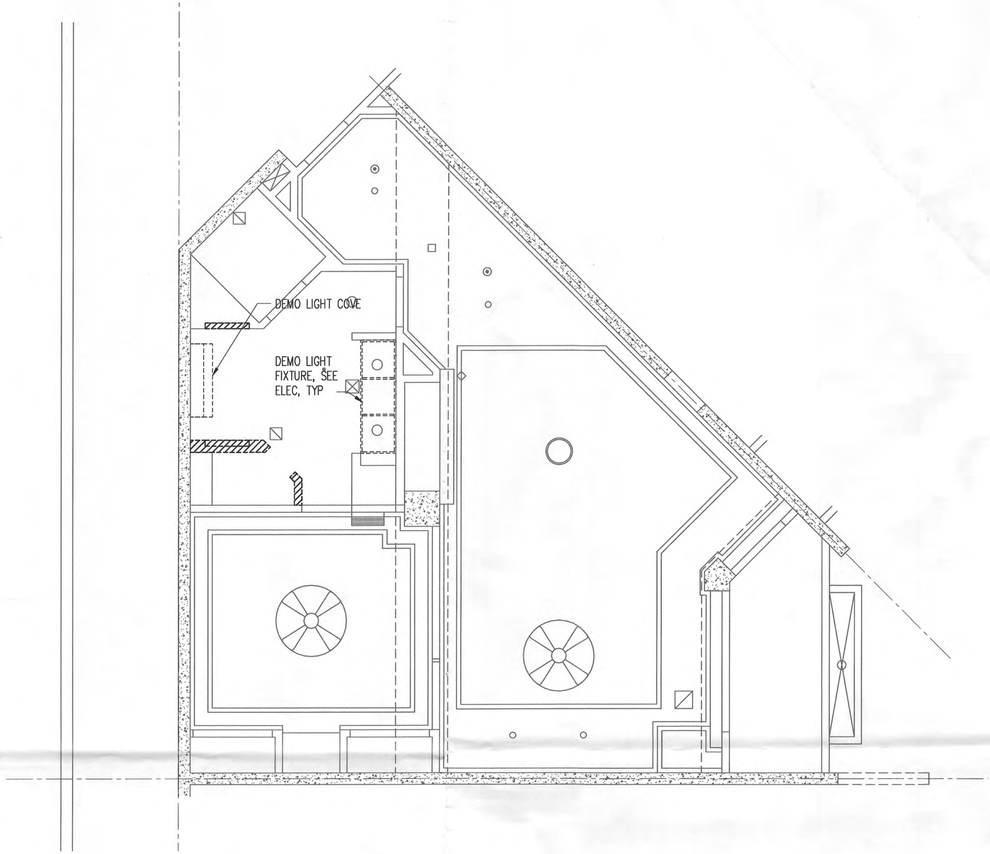
ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE
SITE PLAN

DRAWING NO.
0cs3

DATE: 2020 MAR 12
PROJECT NO.: 1958



B

UNIT TYPE OS1
DEMO REFLECTED CEILING PLAN

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

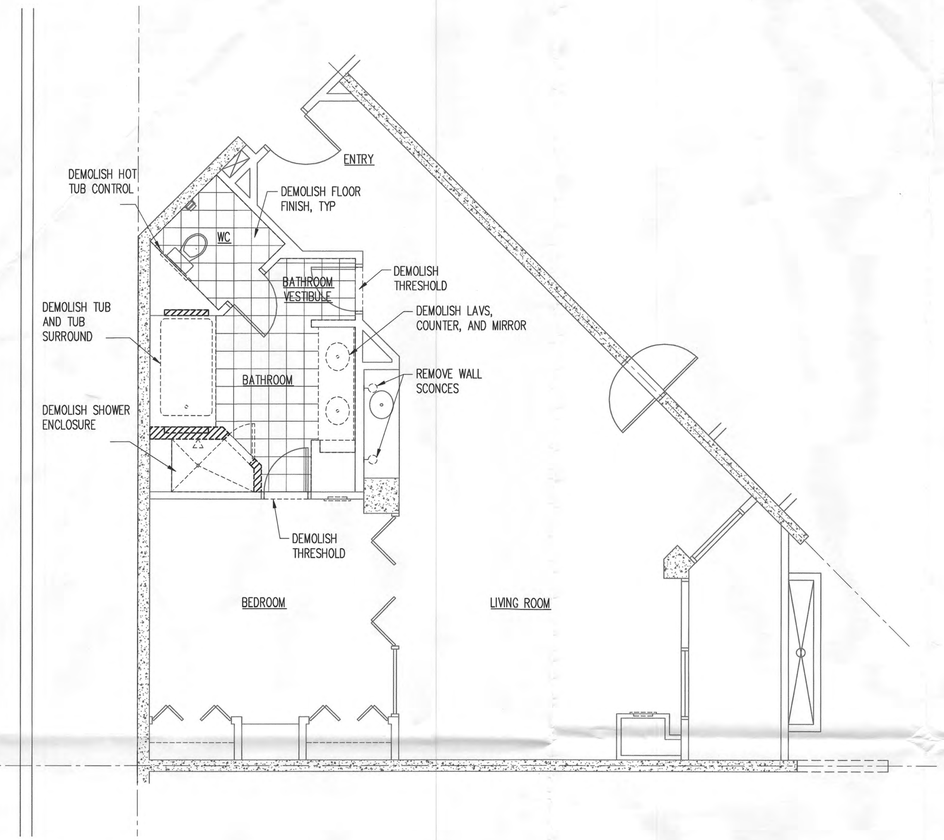
GRAPHIC SCALE
0 2' 4' 8'

LEGEND:

DEMO

DEMO WALL

EXISTING



NOTE:
1. ALL WALL COVERING AND EXISTING TILE TO BE REMOVED WITHIN BATHROOM, BATHROOM VESTIBULE, AND WC.
2. PATCH AND REPAIR TO MATCH EXISTING WHEREVER DEMO OCCURS

A

UNIT TYPE OS1
DEMO FLOOR PLAN

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

GRAPHIC SCALE
0 2' 4' 8'

sn
shimokawa+nakamura

1580 Makaloa Street, Suite 1050
Honolulu, Hawaii 96814
808.955.3373 PHONE
808.955.3374 FAX
www.snllc.us

PETER E. UCHIYAMA
LICENSED PROFESSIONAL ARCHITECT
No. 8046
HAWAII, U.S.A.

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ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

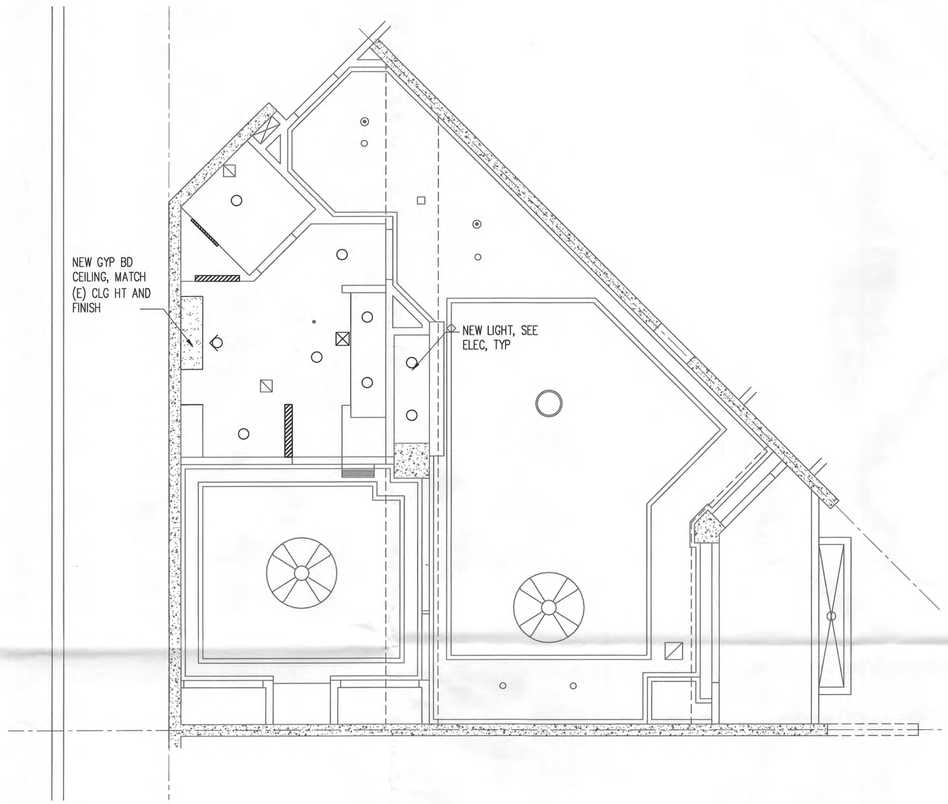
SHEET TITLE
DEMO FLOOR PLAN & DEMO REFLECTED CEILING PLAN

DRAWING NO.
A01

DATE: 2020 MAR 12

PROJECT NO.: 1958

3.27.2020



B UNIT TYPE OS1
REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

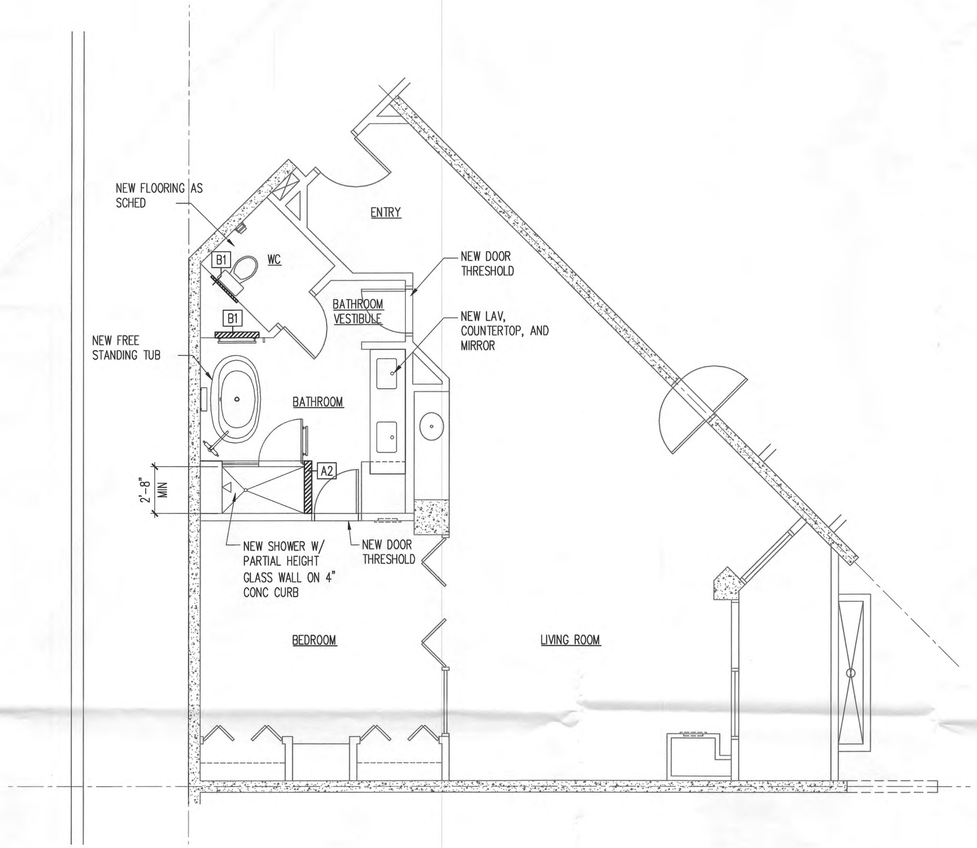
GRAPHIC SCALE 0 2' 4' 8'

LEGEND:

NEW

NEW WALL

EXISTING



A UNIT TYPE OS1
FLOOR PLAN
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE 0 2' 4' 8'

A INT ELEV KEY B C D

sn
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808.955.3373 PHONE
808.955.3374 FAX
www.snllc.us

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ISSUES AND REVISIONS:

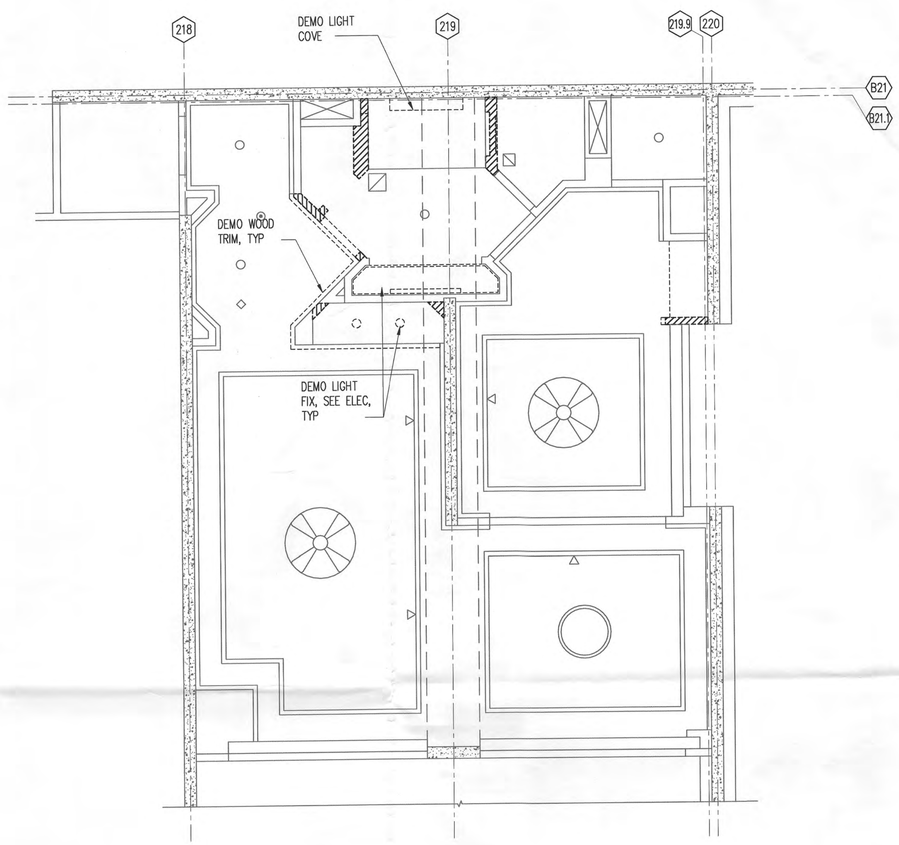
NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE
FLOOR PLAN AND REFLECTED CEILING PLAN

DRAWING NO.
A02

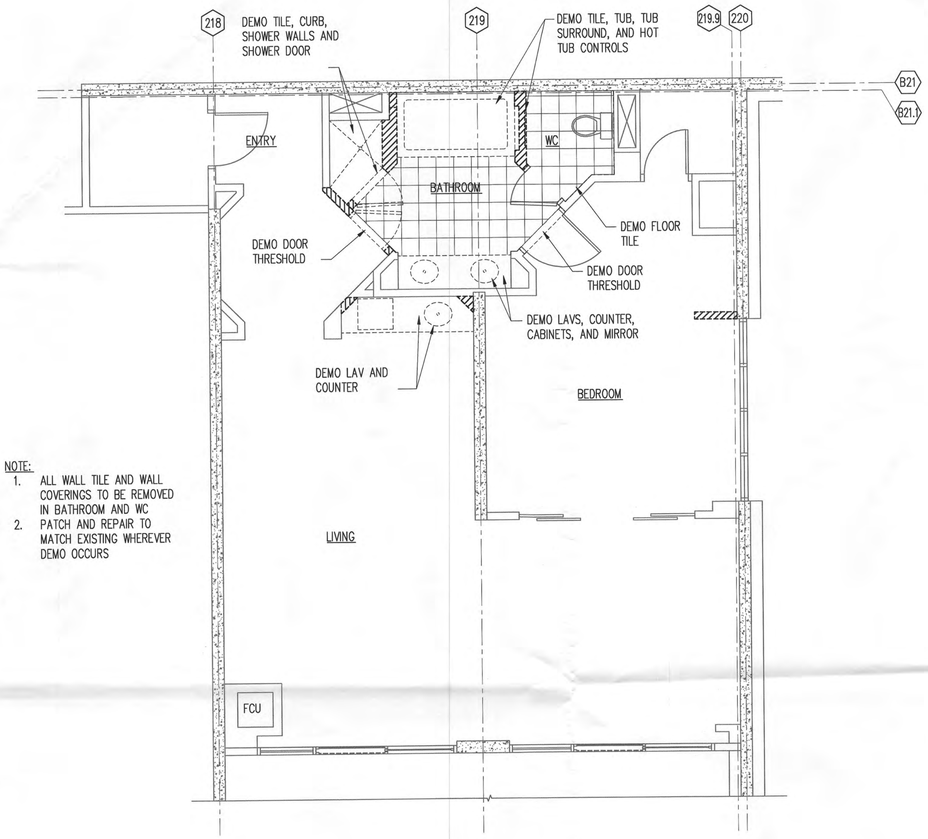
DATE: 2020 MAR 12
PROJECT NO.: 1958

3.27.2020



B UNIT TYPE OS2
DEMO REFLECTED CEILING PLAN
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE 0 2' 4' 8'



NOTE:
1. ALL WALL TILE AND WALL COVERINGS TO BE REMOVED IN BATHROOM AND WC
2. PATCH AND REPAIR TO MATCH EXISTING WHEREVER DEMO OCCURS

LEGEND:
DEMO
DEMO WALL
EXISTING

A UNIT TYPE OS2
DEMO FLOOR PLAN
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE 0 2' 4' 8'

3.27.2020

sn
shimokawa+nakamura
1580 Makaloa Street, Suite 1050
Honolulu, Hawaii 96814
808.955.3373 PHONE
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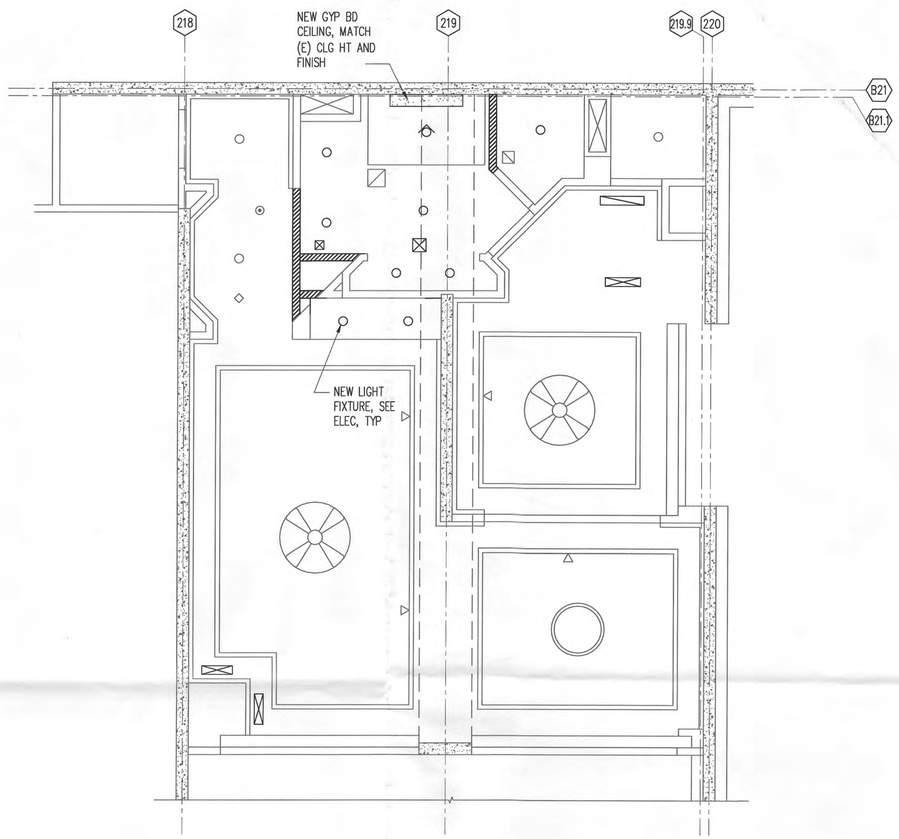
ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE
DEMO FLOOR PLAN & DEMO REFLECTED CEILING PLAN

DRAWING NO.
A03

DATE: 2020 MAR 12
PROJECT NO.: 1958



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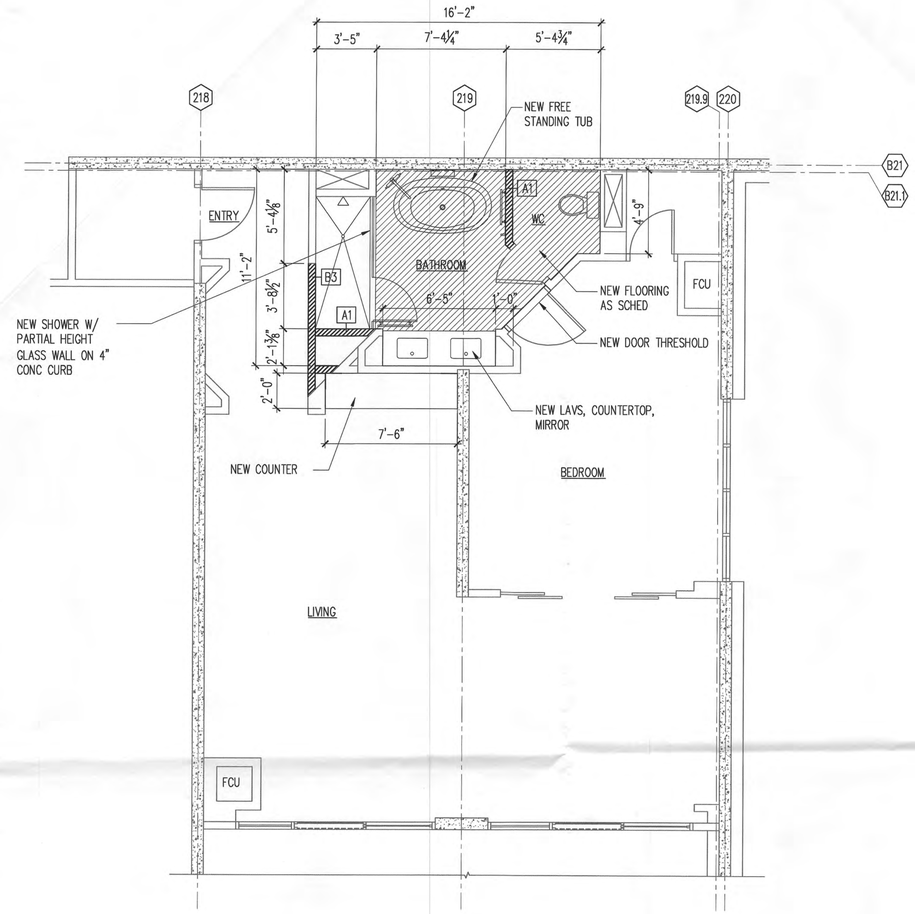
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE 0 2' 4' 8'



LEGEND:
NEW
NEW WALL
EXISTING WALL

A UNIT TYPE OS2
FLOOR PLAN
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE 0 2' 4' 8'

A INT ELEV KEY B C D

3.27.2020

shimokawa+nakamura
1580 Makaloa Street, Suite 1050
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ISSUES AND REVISIONS:

NO.	DATE	ISSUES AND REVISIONS

SHEET TITLE
FLOOR PLAN & REFLECTED CEILING PLAN

DRAWING NO.
A04

DATE: 2020 MAR 12
PROJECT NO.: 1958