PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 34	
Acceptance Date:	5.26.21
Website Posting Date:	6.4.21
Determination Date:	5.26.21
Planning Commission Date:	6.8.21
Expiration Date:	5.26.2022
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:	ADA Properties LLC		
Mailing Address:	c/o Cades Schuttee LLP	Phone:	(808) 521-9297
	3135 Akahi St., Suite A, Lihue, HI 96766	Email:	mtrask@cades.com
Applicant's Status: (Check one)			
☐ Owner of the Property	(Holder of at least ~~75~~ 100% 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:	May 6, 2021		

Project Information (attach additional sheets, if necessary)			
County Zoning District:	R-4	Tax Map Key(s):	(4) 5-5-004:018
		Land Area:	1.16 acres
Nature of Development: (Description of proposed structure or subdivision)	Construction of 5'10" high x 140' long fence, as approved by SMA (M) 2021-10.		

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): 465 ft.
3. Additional Information:
   - ☑ Shoreline Change (Erosion/Accretion) Rate: accreting at 2 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:

Three (3) parcels: (1) TMK 5-5-3-21 (Waioli Beach Park); (2) TMK 5-5-3-5 (R. Qualsette); and (3) Weke rd. lot.

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

Topography is flat, and elevation is 3m/10 ft. above sea level.

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

Sandy shoreline, accreting at the rate of 2 ft./yr.

☐ 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?

Yes, periodic flooding in Hanalei.

PLEASE NOTE:

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

Applicant's Signature

Signature _____ Date 5/6/21

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.

Planning Director or designee _____ Date 5.26.21

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 Idu — 5.26.21

Planning Director or designee — Date

☐ **Additional comments/conditions:**

DocuSign Envelope ID: 86F95BEE-4DD6-415E-9B00-6E044FEF4504

November 20, 2020

TO WHOM IT MAY CONCERN:

Cades Schutte LLLP is authorized on behalf of ADA Properties LLC (owner of the property located at 5395 Weke Rd. Hanalei, HI 96714, identified as TMK No. (4) 5-5-004:018), in submitting assessments, requests, and/or applications to the County of Kaua`i relative to the above referenced property.

ADA Properties LLC

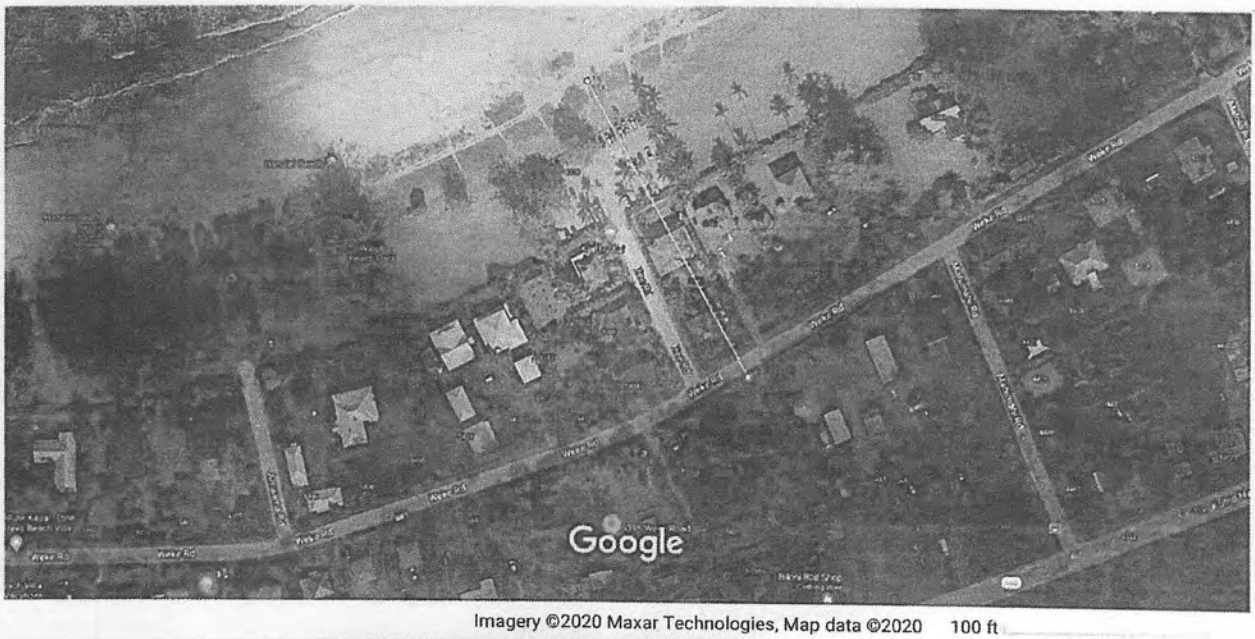
DocuSigned by:

By: _____
30C636A5A51D492...

Its: Authorized Signatory

EXHIBIT A

Google Maps 5395 Weke Rd



Imagery ©2020 Maxar Technologies, Map data ©2020 100 ft

5395 Weke Rd

Hanalei, HI 96714

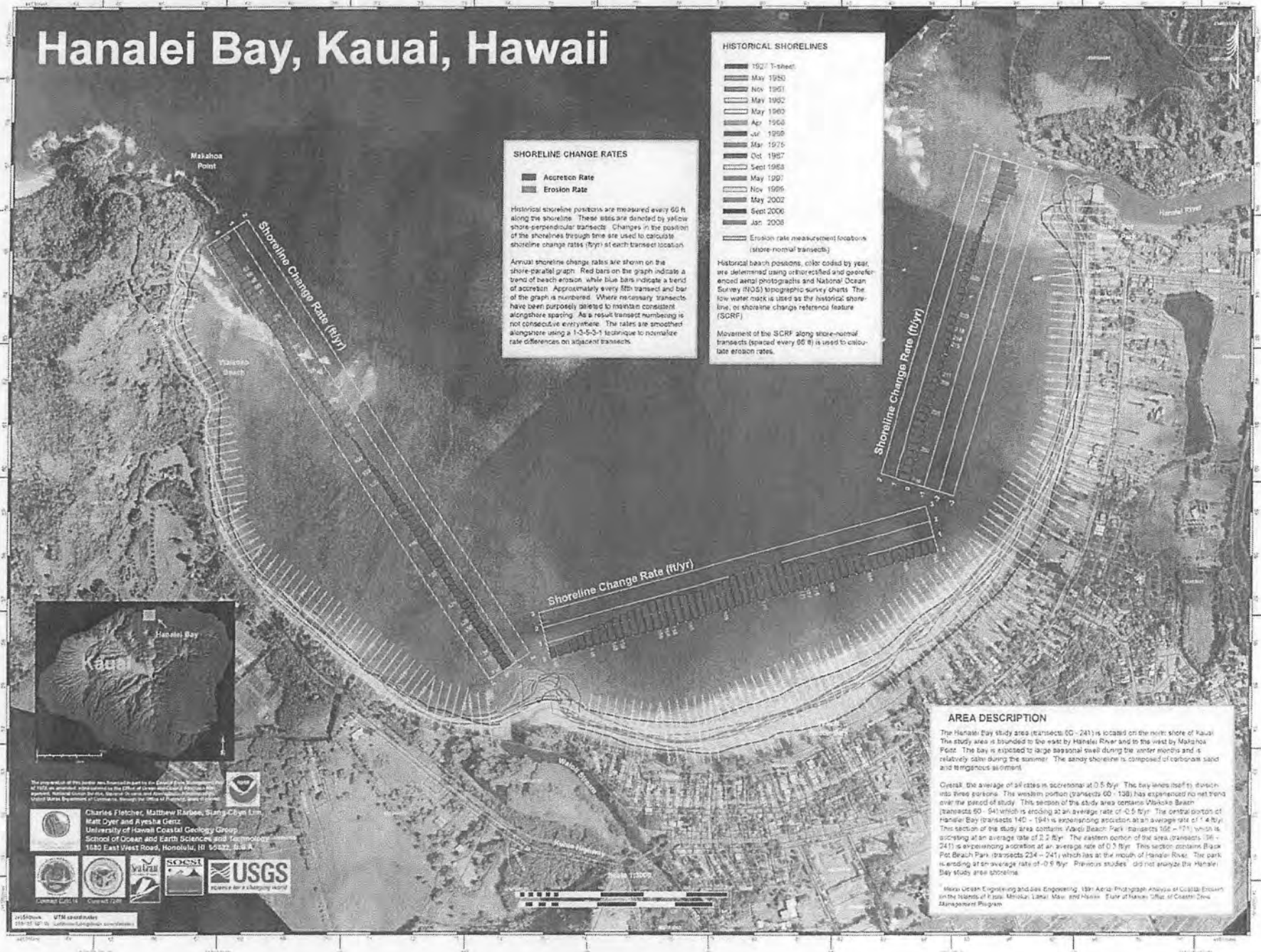
Directions Save Nearby Send to your phone Share

6F2W+MX Hanalei, Hawaii

Photos

EXHIBIT B

Hanalei Bay, Kauai, Hawaii



SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

Historical shoreline positions are measured every 60 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shorelines through time are used to calculate shoreline change rates (ft/yr) at each transect location.

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

HISTORICAL SHORELINES

- 1927 T-sheet
- May 1950
- Nov 1951
- May 1962
- May 1963
- Apr 1968
- Jul 1969
- Mar 1975
- Oct 1987
- Sept 1988
- May 1997
- Nov 1998
- May 2002
- Sept 2006
- Jan 2008
- Erosion rate measurement locations (shore-normal transects)

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

Movement of the SCRF along shore-normal transects (spaced every 60 ft) is used to calculate erosion rates.

AREA DESCRIPTION

The Hanalei Bay study area (transects 60 - 241) is located on the north shore of Kauai. The study area is bounded to the east by Hanalei River and to the west by Makahoa Point. The bay is exposed to large seasonal swell during the winter months and is relatively calm during the summer. The sandy shoreline is composed of carbonate sand and terrigenous sediment.

Overall, the average of all rates is accretional at 0.5 ft/yr. The bay lends itself to division into three portions. The western portion (transects 60 - 138) has experienced no net trend over the period of study. This section of the study area contains Waikoko Beach (transects 60 - 94) which is eroding at an average rate of -0.5 ft/yr. The central portion of Hanalei Bay (transects 140 - 194) is experiencing accretion at an average rate of 1.4 ft/yr. This section of the study area contains Waioli Beach Park (transects 166 – 171) which is accreting at an average rate of 2.2 ft/yr. The eastern portion of the area (transects 196 - 241) is experiencing accretion at an average rate of 0.3 ft/yr. This section contains Black Pot Beach Park (transects 234 – 241) which has at the mouth of Hanalei River. The park is eroding at an average rate of -0.9 ft/yr. Previous studies[1] did not analyze the Hanalei Bay study area shoreline.

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

EXHIBIT C

Measure distance
Total distance: 464.98 ft (141.73 m)

County of Kaua'i
State of Hawai'i

Overview

Legend
- Parcels
- Roads

Parcel ID	550040180000	**Situs/Physical Address**	5395 WEKE RD	**Total Market Value**	$4,005,200	**Last 2 Sales**		
Acreage	1.159	**Mailing Address**	ADA PROPERTIES LLC	**Total Assessed Value**	$4,005,200	**Date**	**Price**	**Reason**
Class	RES INVESTOR		15 E 26TH ST STE 602	**Total Exemptions**	$0	n/a	0	n/a
			NEW YORK NY 10010	**Total Net Taxable Value**	$4,005,200	n/a	0	n/a

Brief Tax Description PARCEL C POR OF GOV'T LAND OF WAIOLI 1.159 AC DES
(Note: Not to be used on legal documents)

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

Date created: 12/1/2020
Last Data Uploaded: 12/1/2020 9:47:50 AM

Developed by Schneider GEOSPATIAL

EXHIBIT D

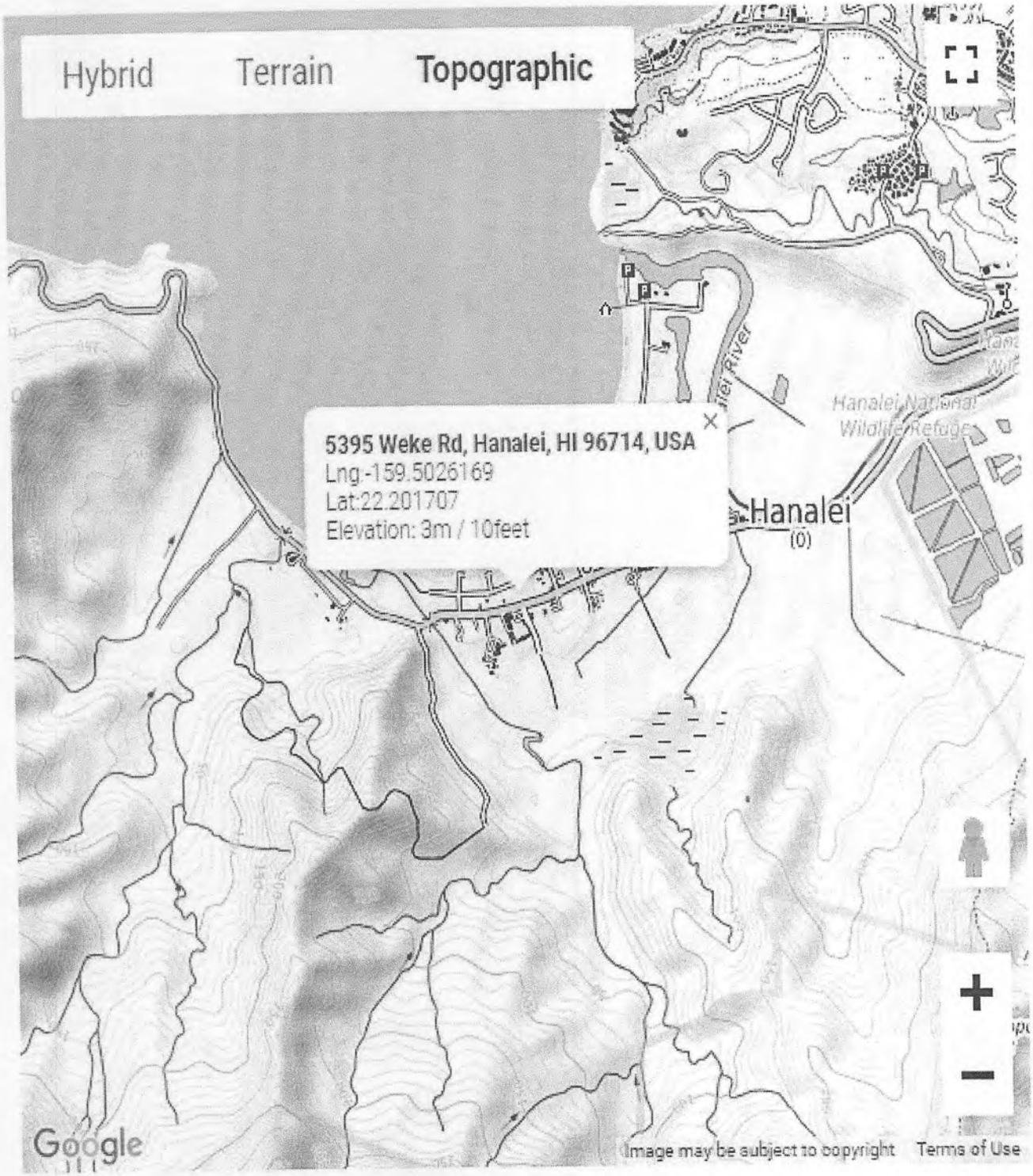
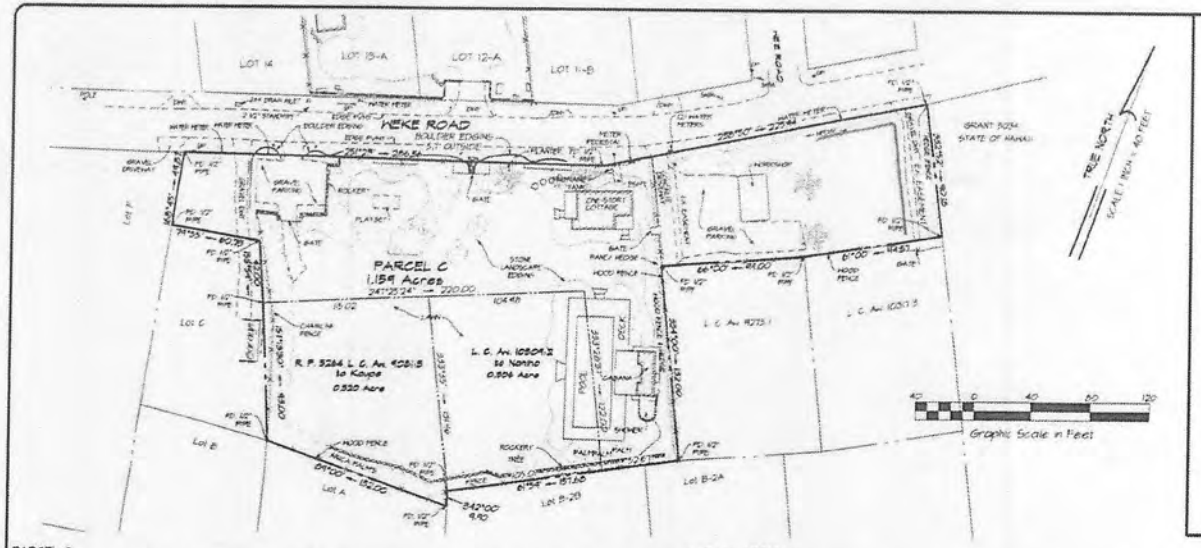
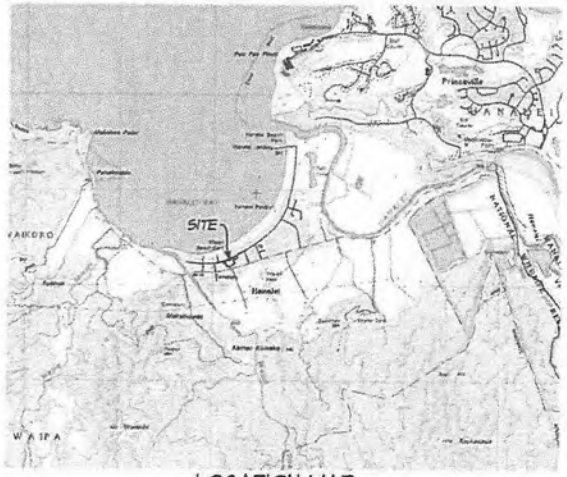

Hybrid
Terrain
Topographic
5395 Weke Rd, Hanalei, HI 96714, USA
Lng:-159.5026169
Lat:22.201707
Elevation: 3m / 10feet
Hanalei
(0)
Hanalei National Wildlife Refuge
Google
Image may be subject to copyright
Terms of Use

EXHIBIT E





LOCATION MAP
SCALE: 1"=2000'

PARCEL C

All of that certain parcel of land (being portion) of the lands) described in and covered by Land Patent Grant 5-11577 to Nancy Kaloujano Kaloujah, Ellen Lynn Kaloujah, Catherine Sachiko Ancio, Elizabeth Tasuko Ito and Christine Yoshiko Kaloujah) situate, lying and being at Haloli, Hanalei, Island and County of Kauai, State of Hawaii, being portion of the Government Land of Haloli, PARCEL C (ESF No. 22,421), and this bounded and described as per survey dated February 26, 1998, to-wit:

Beginning at the northeast corner of this parcel of land, the west corner of Hanalei Golf House Lot, Governor's Executive Order 846 and on the southeast side of Heke Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAPALIHALA" being 2218.74 feet north and 3617.12 feet west, thence running by azimuths measured clockwise from True South:

1.	332° 32'	90.16	feet along Hanalei Golf House Lot, Governor's Executive Order 846;
2.	6° 00'	44.53	feet along R.P. 5372 L.C. Aw. 10511, Ap. 3 to Nahi;
3.	66° 00'	44.00	feet along R.P. 7862 L.C. Aw. 9213, Ap. 1 to Kawaine;
4.	334° 00'	152.00	feet along R.P. 7862 L.C. Aw. 9213 Ap. 1 to Kawaine;
5.	61° 54'	52.83	feet along Lot B-2-A and Lot B-2-B as shown on Map 4 of Land Court Application 1124;
6.	155° 28' 57"	122.00	feet along L.C. Aw. 10509, Ap. 2 to Nahiko;
7.	67° 25' 24"	220.00	feet along L.C. Aw. 10509, Ap. 2 to Nahiko and R.P. 5264, L.C. Aw. 9081, Ap. 3 to Kaupe;
8.	155° 54'	42.00	feet along Grant 2424 to Kelsen;
9.	111° 55'	60.73	feet along Grant 2424 to Kelsen;
10.	160° 45'	44.83	feet along Grant 2456 to H. Thomas and Grant 13500 to Alice K. Sorbom;
11.	250° 23'	206.56	feet along the southeast side of Heke Road;
12.	256° 30'	225.44	feet along the southeast side of Heke Road to the point of beginning and containing an area of 1.154 acres, more or less.

L.C. Aw. 9081:3

All of that certain parcel of land being TMK: 5-5-04:21 being all of Royal Patent 5264, Land Commission Award 9081, Apana 3 to Kaupe, situated at Haloli, Haleiwa, Kauai, Hawaii and based upon a survey by the Hagner Engineering Services, Inc. on July 28, 1995 and more particularly described as follows:

Beginning at a 1/2" pipe at the northwest corner of this parcel of land on the east boundary of Lot C, a portion of Grant 2424 to Kelsen, the coordinates of which referred to Government Survey Triangulation Station "PAPALIHALA" being 1435.67 feet north and 3845.40 feet west and running by azimuths measured clockwise from True South:

1.	247° 25' 24"	15.02	feet along Government Remnant Parcel C, TMK: 5-5-04:18 to a 1/2" pipe;
2.	333° 25'	15.46	feet along L.C. Aw. 10510 Apana 2 to Nahiko;
3.	342° 00'	4.40	feet along Lot B-2-B, Lot C, Apan. 1124 to a 1/2" pipe;
4.	84° 00'	152.00	feet along Lot A, a portion of Grant 2424 to Kelsen, to a 1/2" pipe;
5.	157° 13' 30"	93.00	feet along Lot C, a portion of Grant 2424 to Kelsen, to the point of beginning and containing an area of 0.520 Acre more or less.

L.C. Aw. 10509:2

All of that certain parcel of land being all of the lands) described in and covered by Land Commission Award 10509, Apana 2 to Nahiko situate, lying and being at Haloli, Haleiwa, Kauai, State of Hawaii, and thus bounded and described as per survey dated December 20, 1995, to-wit:

Beginning at a 1/2" pipe at the southwest corner of this parcel, at the northwest corner of Lot B-2-B Land Court Approximation 1124, on the east boundary of Land Commission Award 9081-3 to Kaupe, the coordinates of which referred to Government Survey Triangulation Station "PAPALIHALA" being 1294.65 feet north and 3550.45 feet west and running by azimuths measured clockwise from true South:

1.	153° 35'	151.96	feet along L.C. Aw. 9081-3 to Kaupe to a 1/2" iron pipe;
2.	247° 25' 24"	104.98	feet along Government Remnant Parcel C, TMK: 5-5-004-018, to a 1/2" iron pipe;
3.	333° 26' 37"	122.00	feet along Government Remnant Parcel C, TMK: 5-5-004-018, to a 1/2" pipe;
4.	61° 54'	125.01	feet along Lot C1, App. 1124 to the point of beginning and containing an area of 0.506 acre, more or less.

NOTE:

1. ALL DISTANCES ARE IN FEET. AZIMUTHS REFERENCED TO PAPALIHALA GOVERNMENT TRIANGULATION STATION AND MEASURED CLOCKWISE FROM TRUE SOUTH.
2. DENOTES LOCATION OF PALM TREE
3. DENOTES LOCATION OF COCONUT TREE
4. DENOTES TREE

ALTA / NSPS LAND TITLE SURVEY
MAP OF
PARCEL C
ESF NO. 22,421 and
L. C. Aw. 9081:3 and L.C. Aw. 10509:2
at Haloli, Hanalei, Kaua'i, Hawai'i

To Title Guaranty of Hawaii, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 3, 4, and 8 of Table A thereof. The fieldwork was completed on February 8, 9, 16, and March 7, 2018.

March 7, 2018

BRIAN M. HENNESSY
LICENSED PROFESSIONAL LAND SURVEYOR
No. 9486
HAWAII, U.S.A.

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

Brian Hennessy

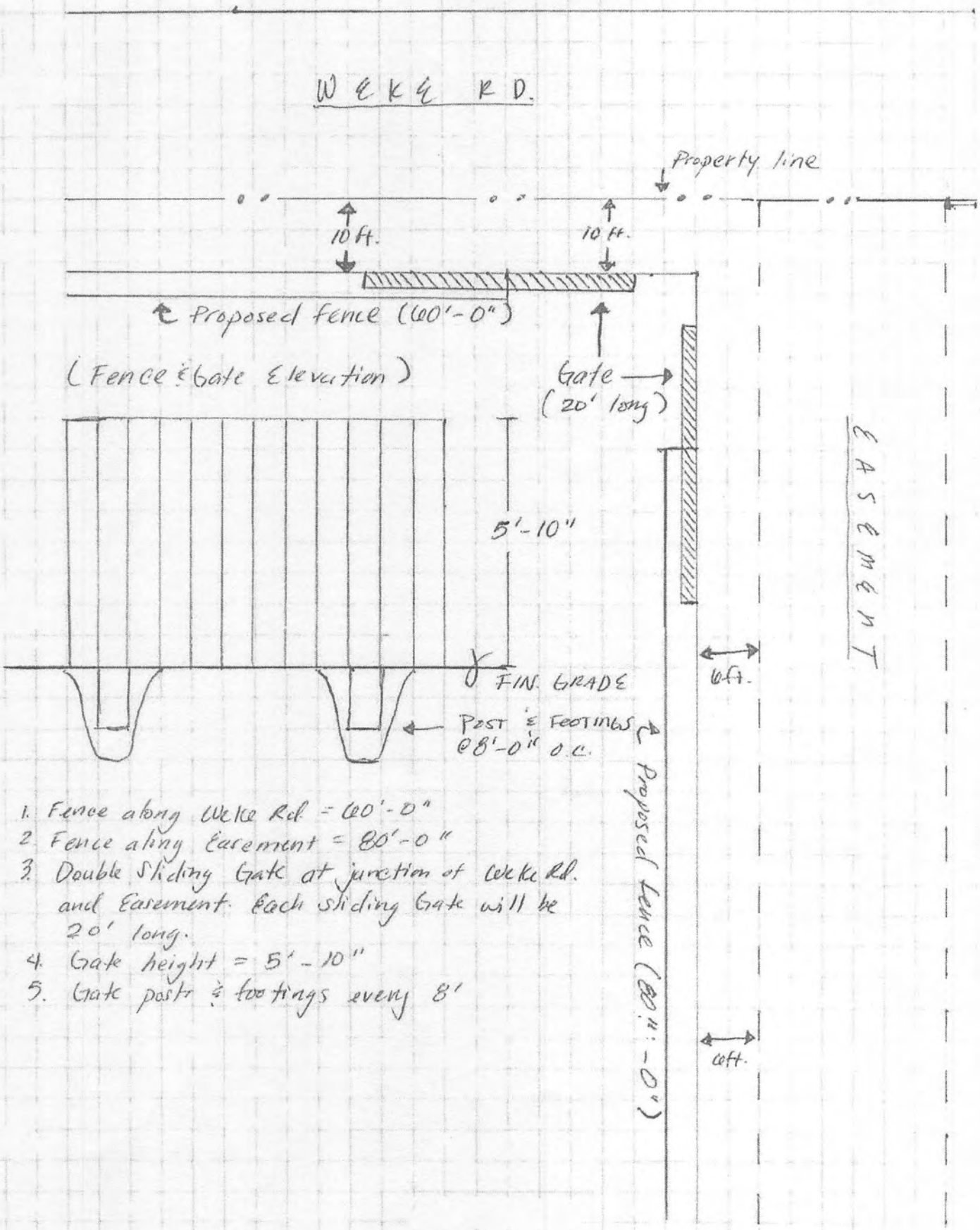
BRIAN M. HENNESSY
Licensed Professional Land Surveyor
Certificate No. 9486 EXP. 4/30/20

PROJECT NO. 8101

Honua Engineering, Inc.
P.O. Box 85 Hanalei, HI 96714 (808) 651-7251

TMK: 5-5-04:18, 19, 21, 14 & (Div.)

EXHIBIT F



1. Fence along Weke Rd = 60'-0"
2. Fence along Easement = 80'-0"
3. Double Sliding Gate at junction of Weke Rd. and Easement. Each sliding Gate will be 20' long.
4. Gate height = 5'-10"
5. Gate posts & footings every 8'

EXHIBIT G

COASTAL HAZARD DISCLOSURE STATEMENT FORM

5395 Weke rd. Hanalei, HI 96714, TMK No. (4) 5-5-004:018

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

Construction of 5'10" x. 120 ft. wide fence as approved by SMA (M) 2021-10.

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).*

ADA Properties LLC	DocuSigned by: 5CD692D5BFFF4F3...	5/6/2021 | 9:26 AM PDT
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 ****

EXHIBIT I

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2021 - 35	
Acceptance Date:	5.26.21
Website Posting Date:	6.4.21
Determination Date:	5.26.21
Planning Commission Date:	6.8.21
Expiration Date:	5.26.2022
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:	CITRUS GATES		
Mailing Address:	P.O. BOX 616 HANALEI 96714	Phone:	212 3681
		Email:	MATTHANA@YAHOO.COM
Applicant's Status: (Check one)			
☐ Owner of the Property	(Holder of at least ~~75%~~ 100% 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):	4-5-4-12-11-1
		Land Area:	351,137 s.f.
Nature of Development: (Description of proposed structure or subdivision)	Interior renovations		

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): ~~346~~ ft.
2. Property is Not Abutting the Shoreline
   ☒ Proposed project's approximate distance from shoreline (based on aerial map): 346 ft.
3. Additional Information:
   ☒ Shoreline Change (Erosion/Accretion) Rate: -.1 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:

   None

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 3 MAY 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.

Planning Director or designee _____ Date

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

Part B

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

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

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

☐ Building Permit Number (If building plans submitted)

PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ **Exemption 1**

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

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

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

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

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

☒ **Exemption 2**

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

☐ **Exemption 3**

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

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

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

Exemption Determination (to be completed by Planning Department)

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

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

Planning Director or designee Date

☐ **Additional comments/conditions:**

5/3/2021

Matt Hamai, Paul Daly, + Erik Spier have our permission to sign any document pertaining to obtaining a building permit, or zoning permit for our condo at #101 Pua Poa.

Thank You

Chris Gates

Jon D. Dale

please add Melissa Hamai to this list of authorized signers for any business.

Thank You

Chris Gates

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

flat grade at top of rocky cliff top of cliff 109' elevation

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

shoreline is primarily rocky with some sand @ base of cliff

☐ 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

Chris Gates 4-10-2021

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.

Planning Director or designee 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)

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.

5454 Ka Haku Rd,. #101, Princeville, HI 96722
(Project address)

Remodel
(Scope of construction project or description of work)

Chris Gates	5454 Ka Haku Rd. #101
Name of authorized representative	Address of authorized representative
541-660-2374	cggates@charter.net
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.*

Chris Gates	Christine Gates Christine Gates (May 10, 2021 11:54 HST)	May 10, 2021
Property Owner Name (print)	Property Owner Signature	Date
Jeffrey M Frank (AOAO President)	Jeffrey M Frank Jeffrey M Frank (May 10, 2021 13:51 HST)	May 10, 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

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

Declaration and authorization to act-planning department (003)

Final Audit Report 2021-05-10

Created:	2021-05-10
By:	Joan Frank (joanefrank@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWnMjTQP18Y7QZirs3TivZmsIbpDx5vMP

"Declaration and authorization to act-planning department (003)" History

Document created by Joan Frank (joanefrank@gmail.com)
2021-05-10 - 9:46:24 PM GMT- IP address: 76.88.189.36

Document emailed to Jeffrey M Frank (jefffrank77@gmail.com) for signature
2021-05-10 - 9:47:42 PM GMT

Email viewed by Jeffrey M Frank (jefffrank77@gmail.com)
2021-05-10 - 9:49:41 PM GMT- IP address: 66.249.84.93

Document e-signed by Jeffrey M Frank (jefffrank77@gmail.com)
Signature Date: 2021-05-10 - 9:51:10 PM GMT - Time Source: server- IP address: 76.88.189.36

Document emailed to Christine Gates (cggates@charter.net) for signature
2021-05-10 - 9:51:12 PM GMT

Email viewed by Christine Gates (cggates@charter.net)
2021-05-10 - 9:54:08 PM GMT- IP address: 76.88.185.144

Document e-signed by Christine Gates (cggates@charter.net)
Signature Date: 2021-05-10 - 9:54:53 PM GMT - Time Source: server- IP address: 76.88.185.144

Agreement completed.
2021-05-10 - 9:54:53 PM GMT

County of Kaua'i
State of Hawai'i

Overview

Legend

- Parcels
- Roads

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

Date created: 5/3/2021
Last Data Uploaded: 5/3/2021 9:20:58 AM

Developed by Schneider GEOSPATIAL

GENERAL NOTES

1. ALL DETAILS, REFERENCE NOTES & NOTES SHOWN AND TYPICAL, UNLESS ALL APPLY TO SIMILAR SITUATIONS UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. ANY DIMENSIONS OR CONDITIONS DEEMED THE VARIOUS ELEMENTS OF THE PROPOSED DRAWING AND/OR THE SPECIFICATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK INVOLVED.
4. OBSERVATIONS MADE TO THE SITE BY ARCHITECT'S FIELD REPRESENTATIVES SHALL NOT BE CONSTRUED AS AN INSPECTION AND APPROVAL OF CONSTRUCTION.
5. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF ANY CONDITIONS WHICH MIGHT SHOW WORK TO BE STABILITY OF THE STRUCTURE OR CAUSE VISIBLE DISTRESS IN THE STRUCTURE.
6. ALL WORK SHALL CONFORM TO THE BEST PRACTICES PRACTICED BY THE VARIOUS TRADES COMPRISING THE WORK.
7. DO NOT SCALE THE DRAWINGS.
8. CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE CODES WHICH MEET STATE AND LOCAL AUTHORITIES HOT STUFFS.

BUILDING CODE REQUIREMENTS

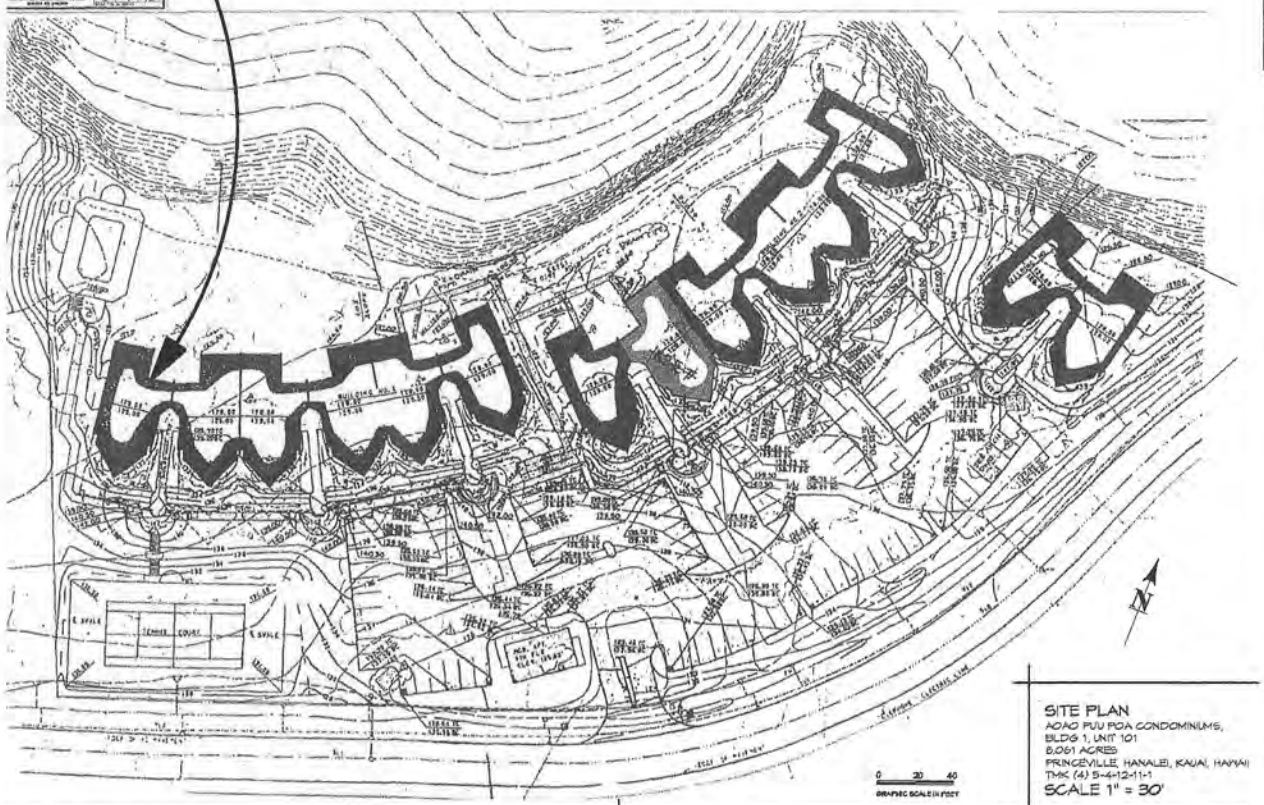
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL RESIDENTIAL CODE 2012, LATEST ADOPTED EDITION, AS AMENDED BY THE COUNTY OF KAUAI.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH INTERNATIONAL RESIDENTIAL CODE 2012, LATEST ADOPTED EDITION, AS AMENDED, FOR ERECTION AND FOR VERIFICATION OF ALL LOCAL DESIGN LOADS.

STEFAN P. SCHWEITZER
LICENSED PROFESSIONAL ARCHITECT
No. 3694
HAWAII, U.S.A.

see also Geo's specifications
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONTRACTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

Signature
exp 4/30/22

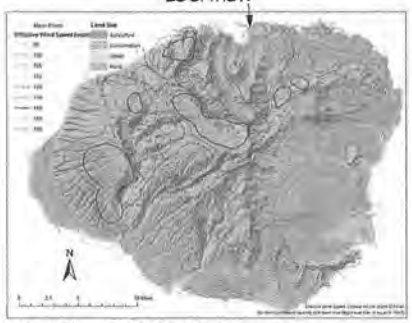
RESIDENCE LOCATION



SITE PLAN

AOAO PU'U POA CONDOMINIUMS,
BLDG 1, UNIT 101
8.061 ACRES
PRINCEVILLE, HANALEI, KAUAI, HAWAII
TMK (4) 5-4-12-11-1
SCALE 1" = 30'

LOCATION



Wind: 120 mph, Exposure: C

WIND MAP
SCALE SEE GRAPHIC SCALE

PU'U POA
5454 KA HAKU RD, # 101, Princeville, HI

TMK MAP
SCALE NTS

INDEX

1) OCS1 - SITE PLAN
GENERAL NOTES
2) A01 - FLOOR PLAN
EXISTING & DEMO FLOOR PLAN
3) A02 - ELEVATIONS, CABINETRY PLAN
4) A03 - WALL ELEVATIONS
5) E01 - ELECTRICAL PLAN
6) E02 - ELECTRICAL SPECS
7) P01 - PLUMBING
- HOT & COLD WATER DIAGRAM
- SANITARY DIAGRAM
8) Gen01 - SPECIFICATIONS, CALCS.
ENERGY CODE

ENERGY CODE, SEE PAGE Gen01

PERMIT NUMBER

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

Design Kauai
Premier Design Group, LLC
P.O. Box 701
Kilauea, HI 96754
808.828.1188
kauai@pacificsun.net
www.DesignKauai.com

Proposed renovation of residence for:
GIFF & Christine Gates
5454 KA HAKU RD, # 101
Princeville, Hanalei, Kauai, Hawaii
ZIP/SUBT. ZONE MAP: TMK (4) 5-4-12-11-1

3/22/2021

SCALE = 24" X 36"

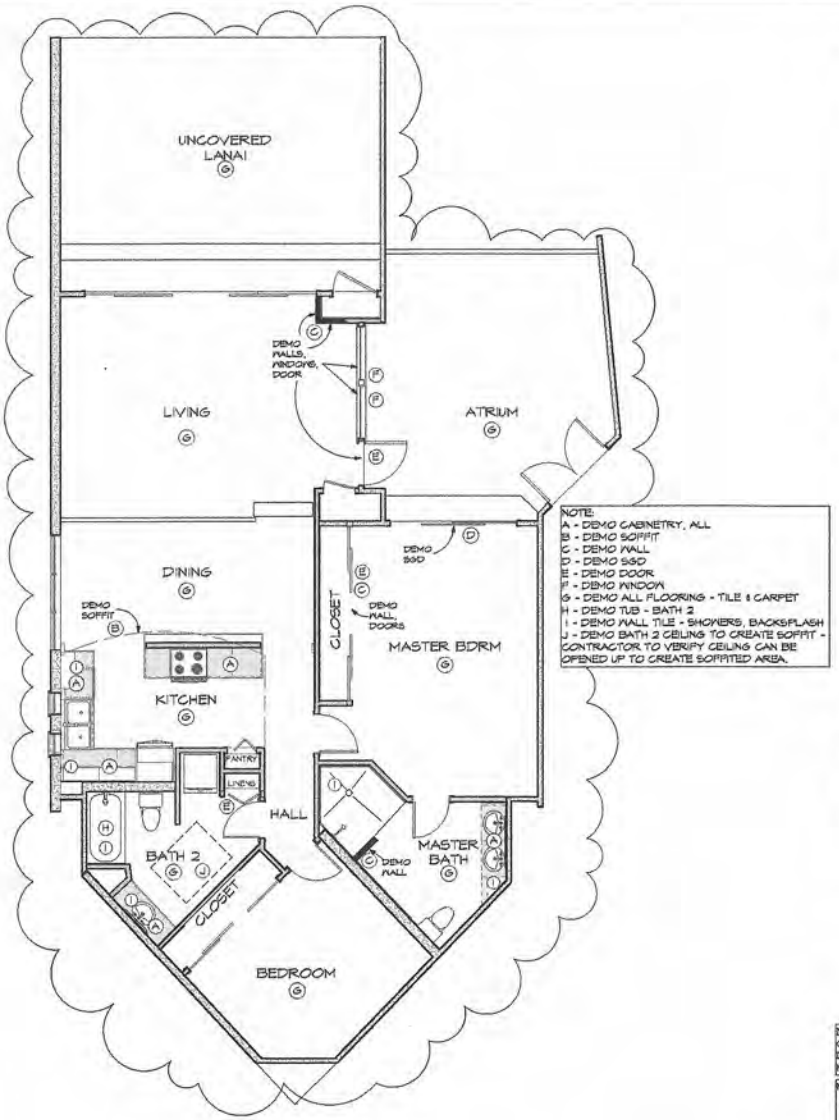
OCS1

Of 8 Sheets

STEFAN P. SCHWEITZER
LICENSED PROFESSIONAL ARCHITECT
No. 3606
HAWAII, U.S.A.

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

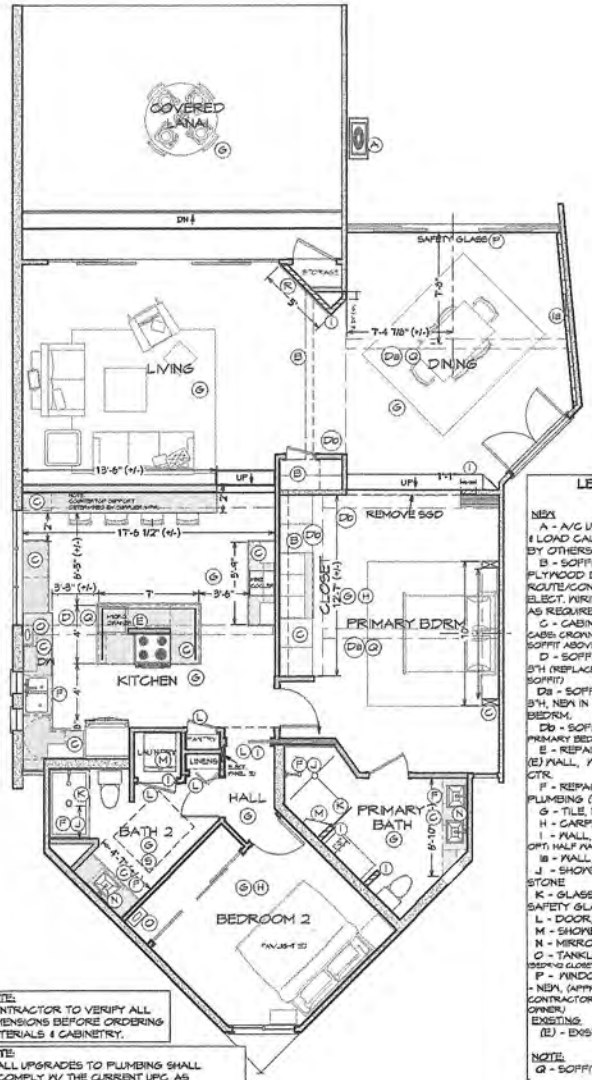
Signature
6/10 4/30/22



NOTE:
A - DEMO CABINETRY, ALL
B - DEMO SOFFIT
C - DEMO WALL
D - DEMO SSD
E - DEMO DOOR
F - DEMO WINDOW
G - DEMO ALL FLOORING - TILE & CARPET
H - DEMO TUB - BATH 2
I - DEMO WALL TILE - SHOWERS, BACKSPLASH
J - DEMO BATH 2 CEILING TO CREATE SOFFIT - CONTRACTOR TO VERIFY CEILING CAN BE OPENED UP TO CREATE SOFFITED AREA.

EXISTING & DEMO FLOOR PLAN

SCALE 1/4" = 1'-0"



NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE ORDERING MATERIALS & CABINETRY.

NOTE:
1. ALL UPGRADES TO PLUMBING SHALL COMPLY W/ THE CURRENT UPC, AS ADOPTED BY THE COUNTY OF KAUAI.
2. WATER HEATER SHALL BE ACCESSIBLE.
3. NEW PLUMBING FIXTURES SHALL BE WATER CONSERVING.
4. WHA REQUIRED ON ALL QUICK CLOSING VALVES.
5. DRYER VENT SHALL EXHAUST TO EXTERIOR.

PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"

LEGEND

NEW:
A - A/C UNIT (SEE MECH DWGS & LOAD CALC, TO BE PROVIDED BY OTHERS)
B - SOFFIT (TYP.) - 6"X4" PLYWOOD DUCT BOX,VTO ROUTE/CONCEAL A/C DUCTING & ELECT. WIRING TO ELECT. PANEL, AS REQUIRED
C - CABINETS - (OPT. @ WALL CABS: CROWN MLDG., 35" TALL, OR SOFFIT ABOVE)
D - SOFFIT (TYP.) - 9'-12"W X 3"H (REPLACE SOFFIT (E) W/SMALLER SOFFIT)
Da - SOFFIT (TYP.) - 9'-12" W X 3"H, NEW IN DINING, PRIM. BEDRM.
Db - SOFFIT, NEW (TYP.) - PRIMARY BEDROOM
E - REPAIR/REPLACE/RE-USE (E) WALL, W/ ISLAND W/ 36"H CTR.
F - REPAIR/REPLACE PLUMBING (E)
G - TILE, NEW
H - CARPET (OPT.)
I - WALL, NEW (IN PRIMARY BATH, OPT. HALF WALL)
Ia - WALL, ROCK 2'-4"
J - SHOWER, NEW TILE OR STONE
K - GLASS SHOWER WALL, SAFETY GLASS
L - DOOR, NEW DOOR
M - SHOWER SEAT, 15" H
N - MIRROR, LED (OPT.)
O - TANKLESS WH, REPLACE (E) (DEPENDING CLOSET, OPT.)
P - WINDOW W/ SAFETY GLASS - NEW, (APPROX. 14'X16, CONTRACTOR TO VERIFY ON SITE W/ OWNER)

EXISTING:
(E) - EXISTING

NOTE:
Q - SOFFIT

NOTE:
R - 65" TV, VERIFY SIZE & WALL LENGTH W/ OWNER ON SITE.

NOTE:
S - BATH2 - CONTRACTOR TO VERIFY CEILING CAN BE OPENED UP TO CREATE SOFFITED AREA.

PERMIT NUMBER

NUMBER	DATE	REVISION TABLE REVISED BY	DESCRIPTION

Design Kauai
Formerly Design Group, LLC
P.O. Box 701
Lihue, HI 96766
808.868.9225
kim@designkauai.com
www.designkauai.com

DESIGN KAUAI

Proposed Renovation of Residence for:
GIFF & Christine Gates
5454 KA HAKU RD # 101
Princeville, Hanalei, Kauai, Hawaii
TMK (4) 5-4-12-11-1

3/23/202

SCALE = 24" X 36"

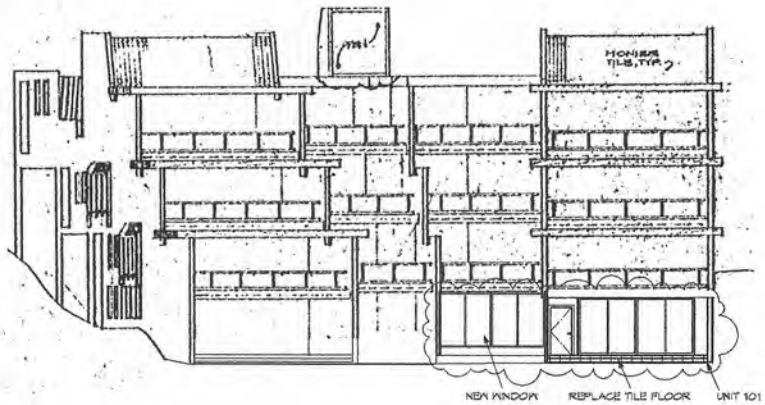
A01

OF 8 Sheets

STEFAN P. SCHWEITZER
LICENSED PROFESSIONAL ARCHITECT
No. 3806
HAWAII, U.S.A.

See also Grid sheet for specifications
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

Signature
exp 4/30/22

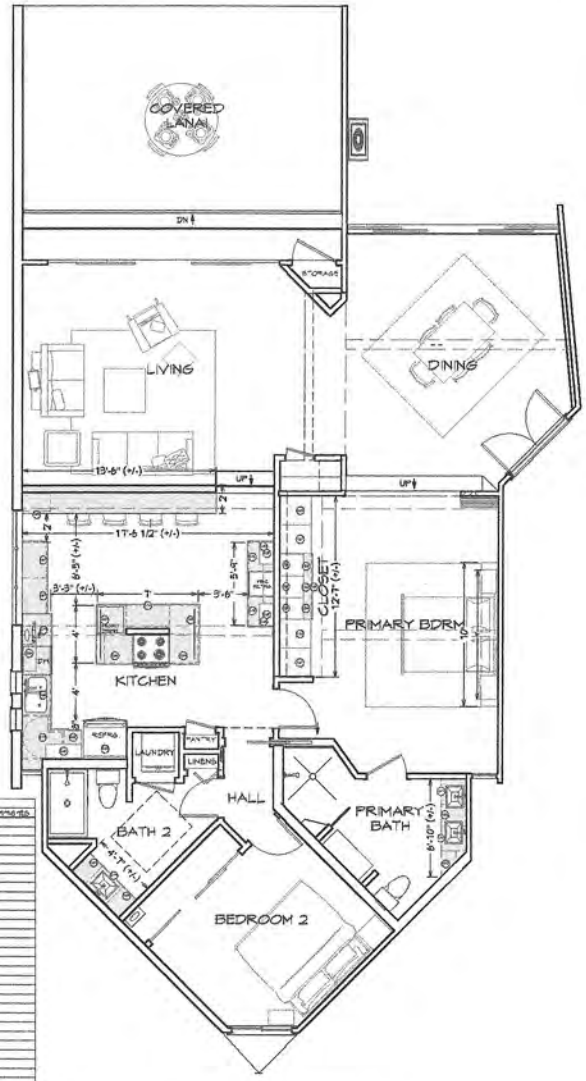


EXISTING REAR ELEVATION, BUILDING 1

(NO CHANGE TO FRONT OR SIDE ELEV.)

SCALE 1/8" = 1'-0"

10 0 5 10 20



PROPOSED CABINETRY PLAN

SCALE 1/4" = 1'-0"

1 0 1 2 3 4

Cabinet Schedule

Number	Label	Qty	Width	Depth	Height	Description	Room Name	Comments
C01	TD24	1	24"	24"	36"	base cabinet	Kitchen	
C02	SD18	1	18"	24"	36"	base cabinet	Kitchen	
C03	SD18x21SS	1	18"	21"	33"	base cabinet	PRIMARY Bath	
C04	SD24	2	24"	24"	36"	base cabinet	Kitchen	
C05	SD24x15SD	1	24"	15"	30"	base cabinet	Kitchen	
C06	SD30	1	30"	24"	36"	base cabinet	Kitchen	
C07	SD30x21SD	2	30"	21"	30"	base cabinet	Kitchen	
C08	SD36x21	1	36"	21"	36"	base cabinet	PRIMARY Bath	
C09	BD21SS	2	18"	21"	33"	base cabinet	Bath 2	
C10	B21	1	21"	21"	36"	base cabinet	Kitchen	
C11	B21SSL	1	21"	21"	33"	base cabinet	PRIMARY Bath	
C12	B21SSR	1	21"	21"	33"	base cabinet	PRIMARY Bath	
C13	B22SSR	1	22"	12"	33"	base cabinet	PRIMARY Bath	
C14	B24SSL	1	24"	21"	33"	base cabinet	Bath 2	
C15	B24L	1	24"	21"	36"	base cabinet	Kitchen	
C16	B24R	1	24"	21"	36"	base cabinet	Kitchen	
C17	B27	1	27"	24"	36"	base cabinet	Kitchen	
C18	B36B	1	36"	18"	36"	base cabinet	Kitchen	
C19	LB36R	1	36"	36"	36"	corner base cabinet	Kitchen	
C20	SB39	1	39"	24"	36"	base cabinet	Kitchen	
C21	U24x96L	2	24"	21"	96"	utility cabinet	PRIMARY Bath	
C22	U24x96R	2	24"	21"	96"	utility cabinet	PRIMARY Bath	
C23	A18x42L	1	18"	21"	42"	wall cabinet	PRIMARY Bath	
C24	A18x42R	2	18"	21"	42"	wall cabinet	PRIMARY Bath	
C25	A18x45L	1	18"	12"	45"	wall cabinet	Kitchen	
C26	A18x45R	1	18"	12"	45"	wall cabinet	Kitchen	
C27	A18x6	2	18"	12"	6"	wall cabinet	Kitchen	
C28	A30x30	2	30"	12"	30"	wall cabinet	Kitchen	
C29	A36x24	1	36"	24"	12"	wall cabinet	Kitchen	
C30	ASD18x21	2	18"	21"	18"	wall cabinet	PRIMARY Bath	

PERMIT NUMBER

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

Design Kauai
Formerly Design Group, LLC ®
P.O. Box 701
Kilauea, HI 96754
808.828.1188
design@kauai.com
www.designkauai.com

Proposed Renovation of Residence for:

Giff & Christine Gates

5454 KA HAKU RD. # 101

Princeville, Hanalei, Kauai, Hawaii

SCHEMATIC JUNE 2021

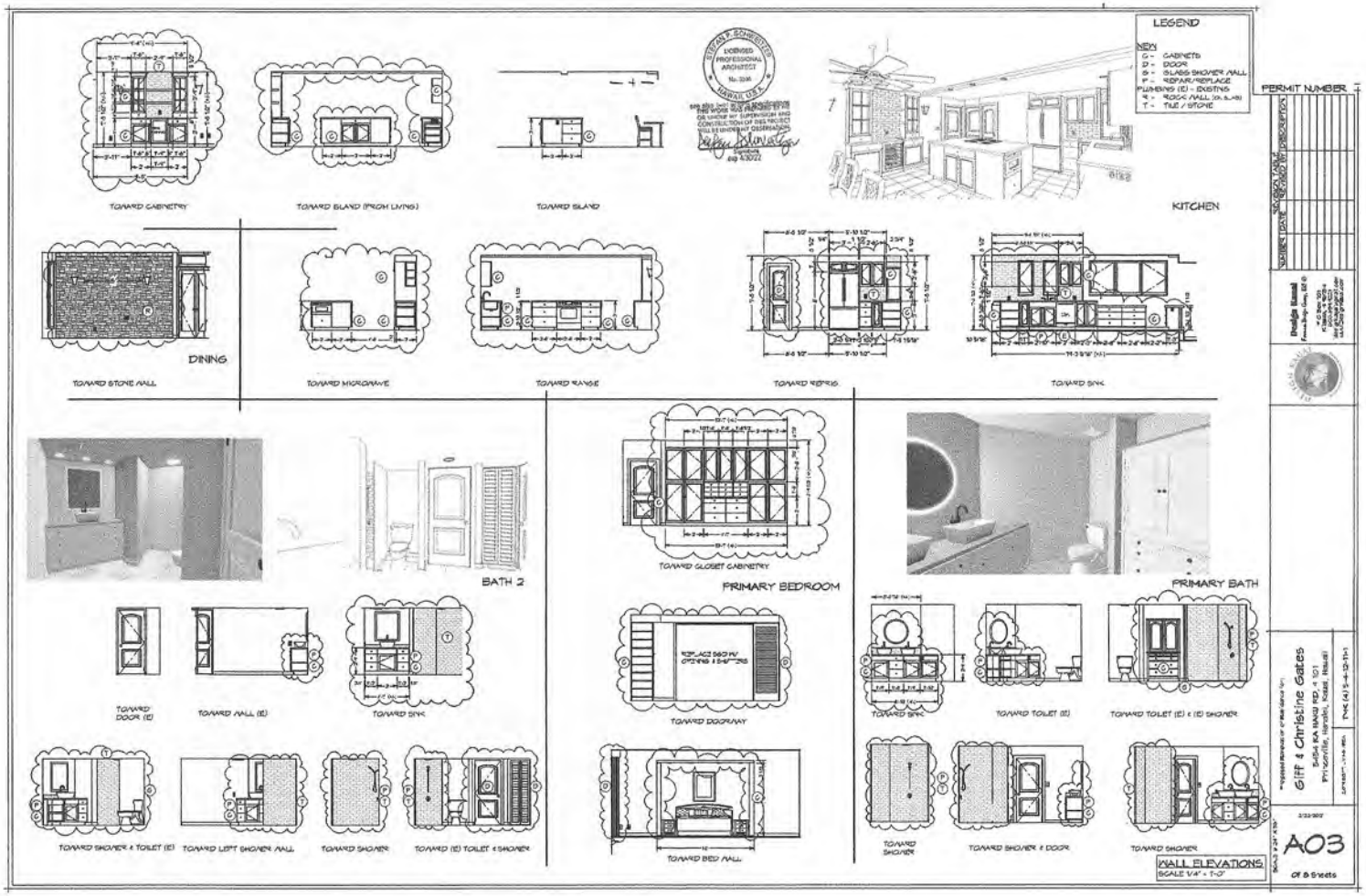
TMK (4) 5-4-12-11-1

3/23/2021

SCALE @ 24" X 36"

A02

Of 8 Sheets


LEGEND
KEY
G - CABINETS
D - DOOR
S - GLASS SHOWER WALL
F - REPAIR/REPLACE
PLUMBING (E) - EXISTING
R - ROCK WALL (IN S.W.)
T - TILE / STONE
TOWARD CABINETRY
TOWARD ISLAND (FROM LIVING)
TOWARD ISLAND
KITCHEN
DINING
TOWARD STONE WALL
TOWARD MICROWAVE
TOWARD RANGE
TOWARD REFRIG.
TOWARD SINK
BATH 2
TOWARD DOOR (E)
TOWARD WALL (E)
TOWARD SINK
TOWARD SHOWER & TOILET (E)
TOWARD LEFT SHOWER WALL
TOWARD SHOWER
TOWARD (E) TOILET & SHOWER
TOWARD CLOSET CABINETRY
PRIMARY BEDROOM
TOWARD DOORWAY
TOWARD BED WALL
PRIMARY BATH
TOWARD SINK
TOWARD TOILET (E)
TOWARD TOILET (E) & (E) SHOWER
TOWARD SHOWER
TOWARD SHOWER & DOOR
TOWARD SHOWER
WALL ELEVATIONS
SCALE 1/4" = 1'-0"
PERMIT NUMBER
Gift & Christine Gates
A03
OF 8 Sheets