

## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>9-33</u>	
Acceptance Date:	<u>2.6.19</u>
Website Posting Date:	<u>2.8.19</u>
Determination Date:	<u>2.6.19</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>2.6.20</u>
Planner Assigned:	<u>JL</u>

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

Applicant Information	
Applicant:	<u>Rodney Pascua / Polly Porter owner</u>
Mailing Address:	PO. Box 840 Lawai, HI 96765
Phone:	(808) 822-4435
Email:	rodney@dakauai.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>koloa</u>	Tax Map Key(s): <u>2-6-5-14 90</u> (4) 2-6-006:014 011
Land Area: _____	
Nature of Development: (Description of proposed structure or subdivision)	<u>Kitchen and Bathrooms remodel</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.3(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): 30' 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: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaiconnty/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaiconnty/KCounty.html))
  - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:



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

Flat

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

Rocky

- Artificially armored Shoreline

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

Is the armoring permitted/authorized? \_\_\_\_\_

Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_

- 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

1/17/19

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

2.6.19  
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).

<b>Exemption Determination (to be completed by Planning Department)</b>	
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	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)
<input type="checkbox"/>	Additional comments/conditions:
	<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="border-top: 1px solid black; width: 80%; text-align: center;">            Planning Director or designee         </div> <div style="border-top: 1px solid black; width: 15%; text-align: center;">           2.6.19 Date         </div> </div>

**Bernard P. Carvalho Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezendes Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

November 9, 2018

Rodney Pascua  
P.O. Box 840  
Lawai, HI 96765

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
INTERIOR RENOVATIONS KŪHIŌ SHORES UNIT 111 FOR POLLY PORTER  
TMK: (4) 2-6-005:014-0011

Dear Mr. Pascua,

The Kaua'i County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "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."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed improvements for Unit 111 at the Kūhi'ō Shores condominium. The structure contains 75 units. DPW has determined that the proposed improvements do **not** constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were fourteen (14) other building permits approved for the structure within the past ten years. Because the first permit was approved in 2008, the market value used in the calculations is the 2008 Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by County's Real Property Assessment Division. The 2008 RCNLD was determined to be \$7,400,900. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

***Cost of Improvements***

The costs of improvements for previous building permits are taken from the valuations shown in DPW Building Division records. The cost of improvements for the proposed interior renovations to Unit 111 of Kūhiō Shores, \$80,190, is taken from the cost estimate prepared by Coastal Builders, LLC. The total cost is summarized as follows for the past 10 years:


BP 08-0713	\$20,000
BP 08-2449	\$4,000
BP 09-0589	\$5,000
BP 09-1441	\$25,000
BP 09-1626	\$5,000
BP 09-1792	\$5,000
BP 10-0880	\$20,000
BP 10-0196	\$5,000
BP 10-0720	\$50,000
BP 10-1979	\$1,500
BP 12-1380	\$3,000
BP 15-1876	\$38,500
BP 16-0303	\$39,200
BP 18-1538	\$133,536
Current BP	\$80,190
<b>TOTAL COST</b>	<b>\$434,926</b>

***Summary***

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$434,926}{\text{Market Value (Real Property): } \$7,400,900} = 0.0587 \text{ or } 5.87\%$$

Since the total cost does not exceed 50% of the market value, the improvement is 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 Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,  
  
MICHAEL MOULE, P.E.  
Chief, Engineering Division

Concur,  
  
LYLE TABATA  
Acting County Engineer

MM/SI  
Copy:

Design and Permitting  
Planning

## LETTER OF AUTHORIZATION

To Whom It May Concern:

I (We) the undersigned, hereby authorize ***Rodney Pascua*** to act as a representative of the Owner(s) in all applications and procedures as may be required by Governmental Agencies to obtain any and all permits required for the construction of a **KITCHEN AND BATH REMODEL ON UNIT 111 KUHUI SHORE CONDOMIUM** located at **5050 Lawai Road, Poipu, Koloa District, Kauai, Hawaii**

**TMK: (4)2-6-005:014 011**

  
\_\_\_\_\_  
**Polly Porter**, Owner

8/31/18  
\_\_\_\_\_  
Date

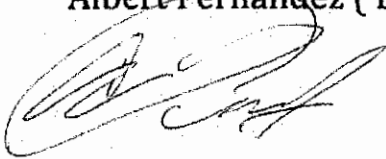
November 12, 2018

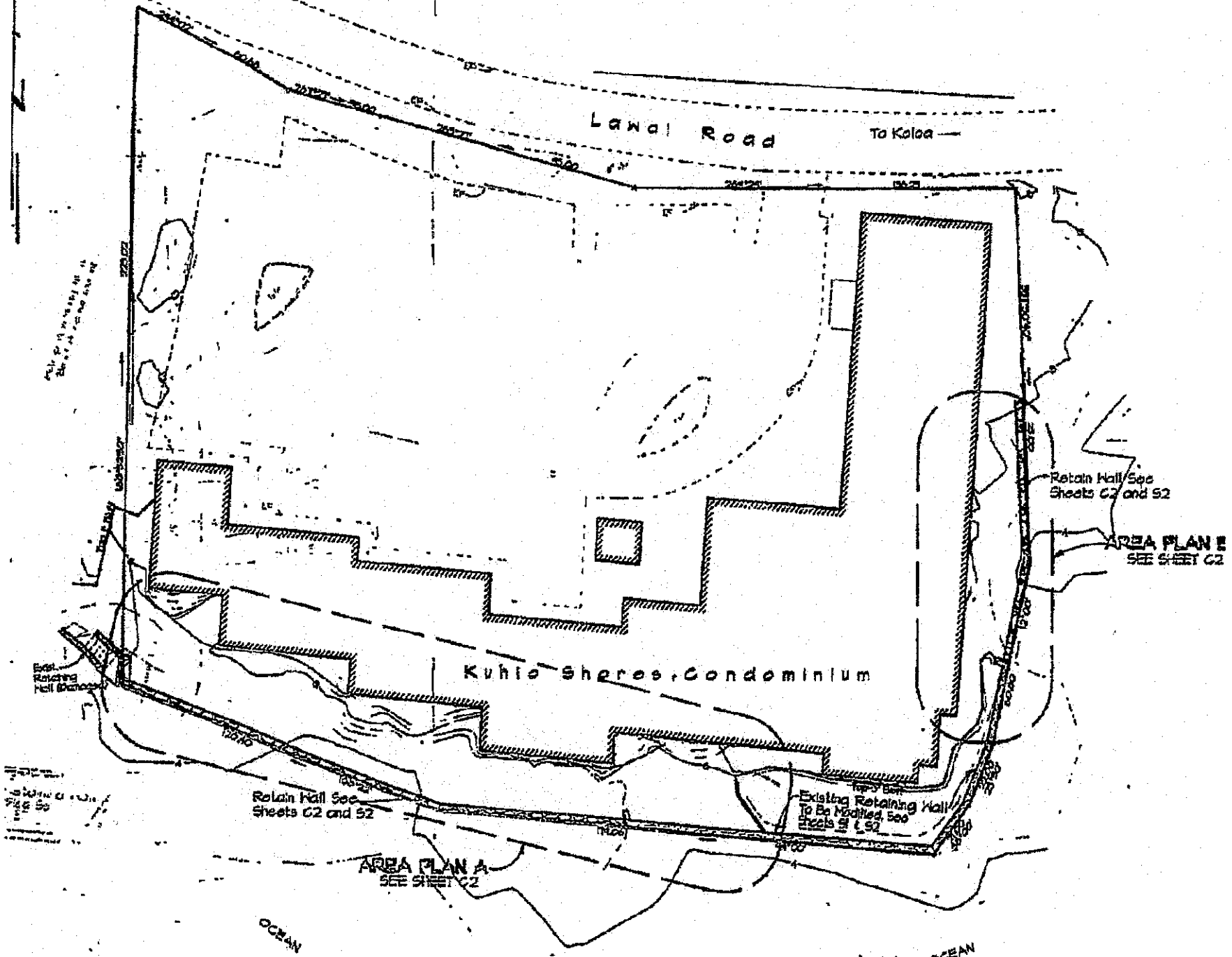
TMK 2-6-005-014

County of Kauai Planning Department,

Base on the remodeling plan that Homeowners of unit 111 Polly and James Porter and Project Designer Rodney Pascua submitted to Kuhio Shores Board of Directors and myself, it is ok to proceed.

Albert Fernandez ( Building Manager )

A handwritten signature in black ink, appearing to read 'Albert Fernandez', is written over the typed name.



**EARTHWORK SUMMARY**

**AREA A**

Graded Area = 6,721 Sq. Ft.

Excavation = 105 Cu. Yds.

Embankment = 950 Cu. Yds.

**AREA B**

Graded Area = 1,373 Sq. Ft.

**SITE PLAN**

Scale 1" = 30'

**Note:**

1. — 14 — Existing Ground Contour.
2. — 11 — Finish Grade Contour.



Prince Kuhio Birthplace

Lawai Rd

Beach House

Prince Kuhio Condominiums

Prince Kuhio Park

Lawai Rd

Hawaiian Style Weddings

Lawai Rd

Piipuu Beach Surfing

Kaui

Lawai Rd

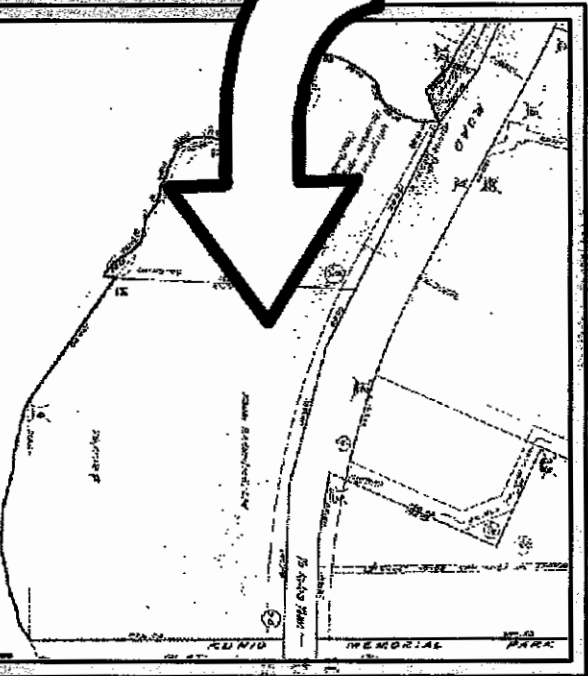
The Beach House

Floppy T Surf

Kuhio Shores Condominiums

# PROJECT SITE

Baby Beach

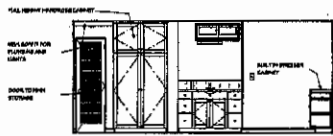


SUBJECT TO CHANGE

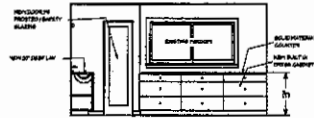
HAWAIIAN LANDS AND NATURAL RESOURCES  
 DEPARTMENT OF LAND AND NATURAL RESOURCES  
 TAX MAP  
 ENGINEERING DIVISION  
 ZONE 1 SEC. 10 PL. 1  
 2 6 05  
 COUNTY OF HAWAII

Kaui Nui Village Shopping Center

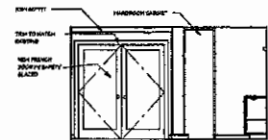
Waikona



TOWARD HARBOR AND CABINET

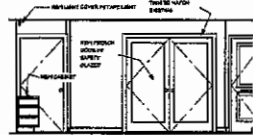


TOWARD BUILT IN DRESSER

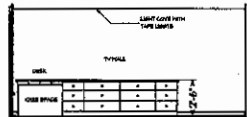


TOWARD FRENCH DOOR

**MASTER BDRM. INTERIOR ELEVATIONS** SCALE: 1/4"=1'

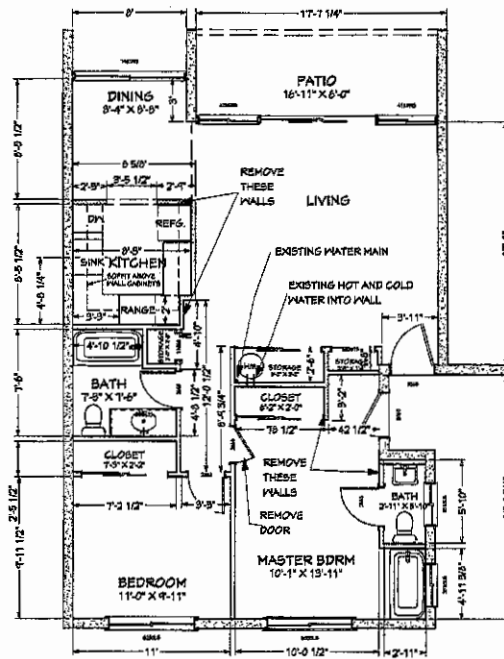


TOWARD NEW DOOR

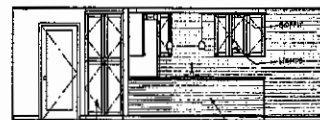


TOWARD DECK AND TV CABINET

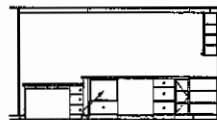
**LIVING ROOM INTERIOR ELEVATIONS** SCALE: 1/4"=1'



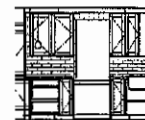
**AS-BUILT FLOOR PLAN** SCALE: 1/4"=1'



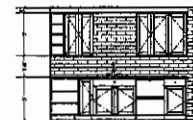
TOWARD DINING COUNTER FR. LIVING



TOWARD RANGE

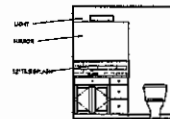


TOWARD REFG.

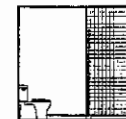


TOWARD SINK & DISHWASHER

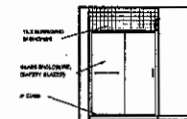
**KITCHEN INTERIOR ELEVATIONS** SCALE: 1/4"=1'



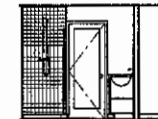
TOWARD LAV AND TOILET



TOWARD SIDE OF TOILET

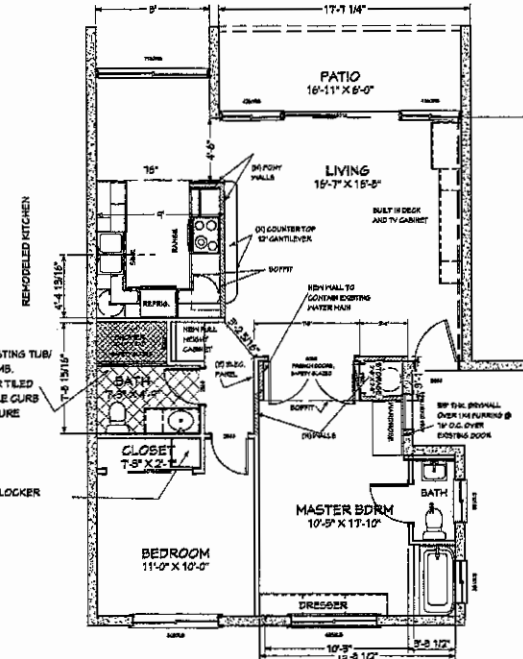


TOWARD SHOWER



TOWARD DOOR

**BATH INTERIOR ELEVATIONS** SCALE: 1/4"=1'



**REMODEL FLOOR PLAN** SCALE: 1/4"=1'

DESIGN ASSOCIATES KAUAU  
P.O. BOX 800  
KAPAA, HAWAII 96761  
TEL: (808) 822-4495  
FAX: (808) 822-4496  
WWW.DAKADAKA.COM



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KITCHEN AND BATH REMODEL ON CONDOMINIUM  
FOR  
**JAMES AND POLLY PORTES**  
5050 LAHANA ROAD, UNIT 111 KAHALO SHORES, POPOU, KOLOA, KAUAI, HAWAII  
TRNG. 24-009214 UNIT: 011

SHEET NUMBER

**A1**