



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	9 - 43
Acceptance Date:	4.12.19
Website Posting Date:	4.17.19
Determination Date:	4.12.19
Planning Commission Date:	NA
Expiration Date:	4.12.20
Planner Assigned:	JL

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, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. 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: ANINI BEACH HALE LLC	
Mailing Address: 1100 ALAKEA ST. SUITE 2500 HONOLULU, HI. 96813	Phone: 212-4006 826-4699 Email: scombs@princeville.com schaller@aloha.net
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 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>4-09-19</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>open</u>	Tax Map Key(s): <u>(4) 5-3-007:006</u>
	Land Area: <u>32,813 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	REPLACE EXISTING ROOF, ADD ENTRY PORCH, REPLACE DOORS and WINDOWS, REPLACE PLUMBING FIXTURES, REPLACE ELECTRICAL

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

BP-172332

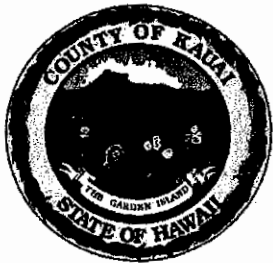
Part A

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.

- Properties Abutting the Shoreline
 - Project's approximate distance from shoreline: 150 FT
- Properties Not Abutting the Shoreline
 - Project's approximate distance from shoreline: _____
- Additional Information:
 - Closest distance of improvement(s) from Shoreline is approximately 150 FT ft.
 - Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

ANINI ROAD IS BETWEEN PROJECT, AND SHORELINE. PRC EL INCLUDES ANINI ROAD



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

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

3FT AMSL TO 6FT AMSL

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

BEACH

- 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)? VE 11
- Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the 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 §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. §8-27.7(b)(6).

Applicant's Signature

4-09-19

Signature

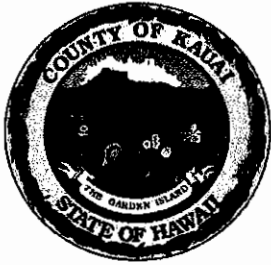
Date

Applicability (to be completed by Planning Department)

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

Planning Director or designee

4.12.19
 Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

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

Exemption Determination

- A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- 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**
Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
- Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

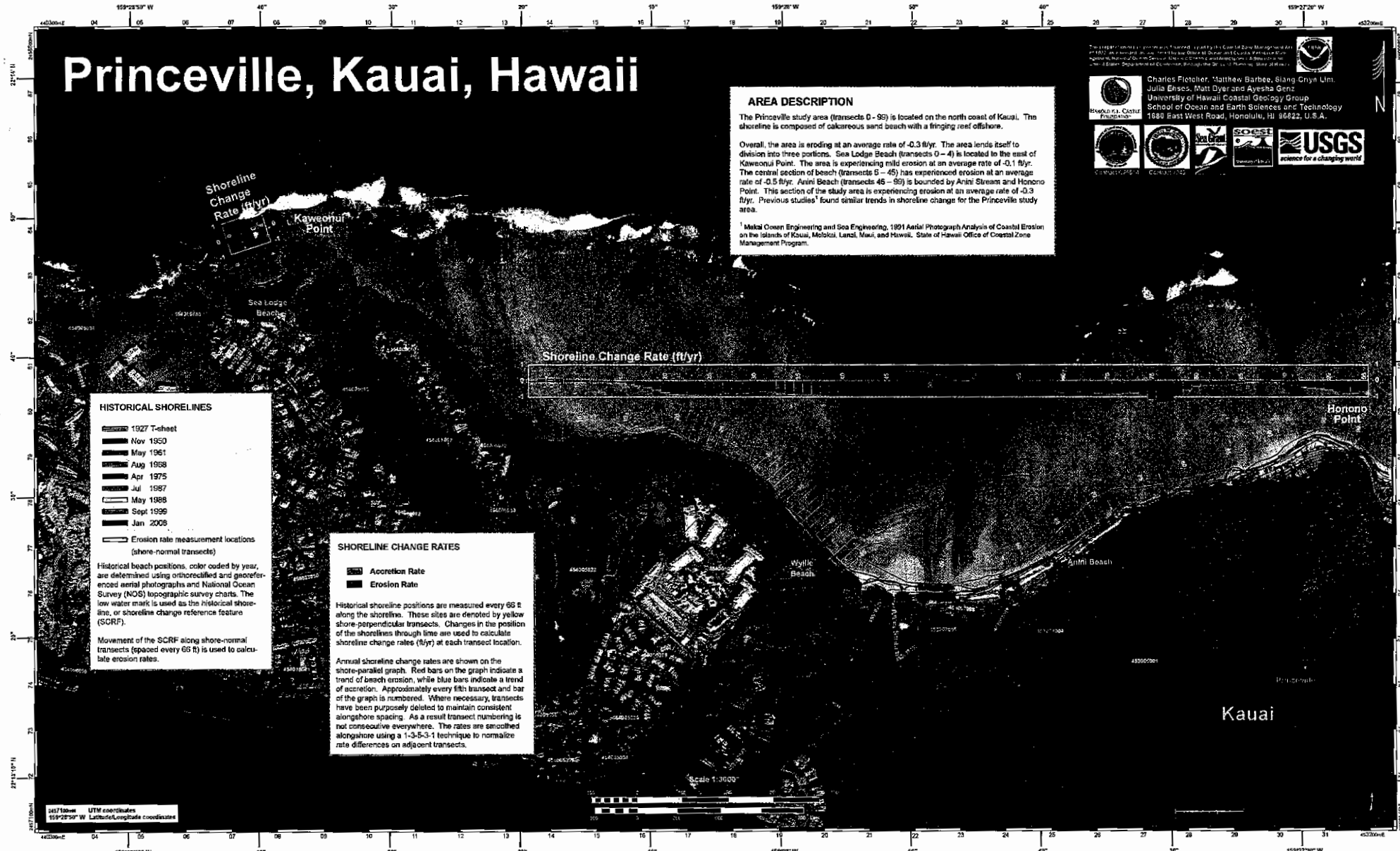
Pursuant to §8-27.3 the Kauai County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

Planning Director or designee

4.12.19

Date

Princeville, Kauai, Hawaii



AREA DESCRIPTION

The Princeville study area (traverse 0 - 99) is located on the north coast of Kauai. The shoreline is composed of calcareous sand beach with a fringing reef offshore.

Overall, the area is eroding at an average rate of -0.3 ft/yr. The area lends itself to division into three portions. Sea Lodge Beach (traverse 0 - 4) is located to the east of Kawaeonui Point. The area is experiencing mild erosion at an average rate of -0.1 ft/yr. The central section of beach (traverse 5 - 45) has experienced erosion at an average rate of -0.5 ft/yr. Anini Beach (traverse 46 - 99) is bounded by Anini Stream and Honono Point. This section of the study area is experiencing erosion at an average rate of -0.3 ft/yr. Previous studies¹ found similar trends in shoreline change for the Princeville study area.

¹ Metal Ocean Engineering and Sea 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.

The project was partially funded by the Coastal Zone Management Act (CZMA) and supported in part by the Office of Ocean and Coastal Resources, State Department of Ocean and Land Conservation, Honolulu, Hawaii.

Charles Fletcher, Matthew Barbee, Siang Chyn Lim, Julia Gross, Matt Dyer and Ayesha Gens
 University of Hawaii Coastal Geology Group
 School of Ocean and Earth Sciences and Technology
 1680 East West Road, Honolulu, HI 96822, U.S.A.

HISTORICAL SHORELINES

- 1927 T-sheet
- Nov 1950
- May 1961
- Aug 1968
- Apr 1975
- Jul 1987
- May 1988
- Sept 1996
- 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 66 ft) is used to calculate erosion rates.

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

Historical shoreline positions are measured every 66 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 fifth 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.



4317 datum UTM coordinates
 159°22'30" W Longitude, Longitude coordinates



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUA'I

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

March 19, 2019

Matthew Schaller, AIA
PO Box 120
Hanalei, HI 96714

Subject: SHORELINE SETBACK APPLICATION, SUBSTANTIAL IMPROVEMENT
DETERMINATION; 'ANINI BEACH HALE LLC; BUILDING PERMIT NO. 17-2332
TMK: (4) 5-3-007:006

Dear Mr. Schaller;

Your letter dated March 14, 2019 provided the Department of Public Works (DPW) with a second independent appraisal for the existing residence. This new appraisal was prepared by Robert C. Hastings of Hawai'i Valuation, Inc. and estimates the "Market Value" or Replacement Cost New Less Depreciation (RCNLD) to be \$580,000. We will be using this value in our Substantial Improvement Determinations.

Cost of Improvements

The total cost of improvements was estimated to be \$249,327. A cost estimate was prepared by general contractor Billy Williams and was submitted with a contractor's affidavit dated February 2, 2019 to the Engineering Division.

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$249,327}{\text{Market Value (Real Property): } \$580,000} = 0.4298 \text{ or } 43.0\%$$

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.

Sincerely,

Michael Moule, P.E.
Chief, Engineering Division

Concur,

Lyle Tabata
Deputy County Engineer

www.kauai.gov





4444 Rice Street Suite 175 • Lihu'e, Hawai'i 96766 • (808) 241-4883 (b) • (808) 241-6609 (f)

An Equal Opportunity Employer

Untitled Map

ANINI BEACH HOUSE

Legend

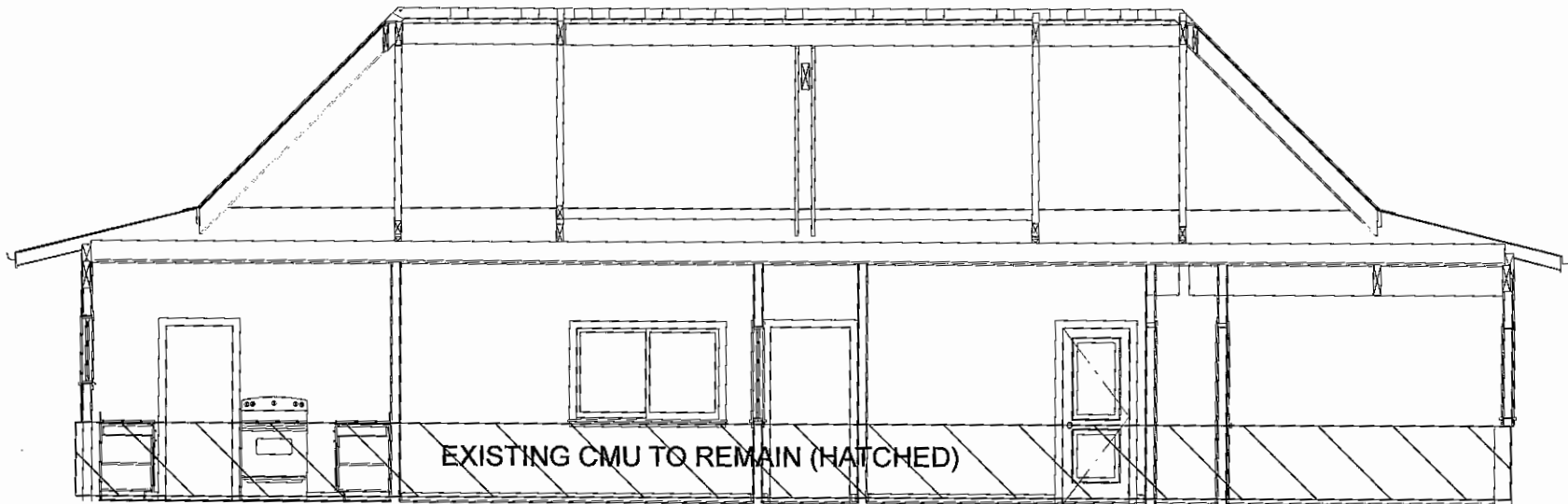
-  Anini
-  Anini Kama'aina Hale
-  Feature 1
-  Line Measure

Google Earth

© 2017 Google

300 ft





SECTION B-B
SCALE 1/2"=1'-0"

CEDAR SHINGLE ROOFING ON 5/8" PLY

NEW RIGID ISO INSULATION
3.5"; R-20

NEW TRUSSES; SEE PLAN FOR LOCATION

1/2" THRU BOLTS. TYPICAL
DBL. 2 x 8 TOP CHORD

2 x 4 WEB MEMBERS. TYPICAL
DBL 2 x 10 BOTTOM CHORD

SIMPSON H-8 EA SIDE OF TRUSS
SIMPSON H-2.5
TYPICAL

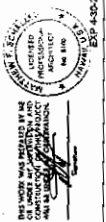
NEW 5 1/2 x 15
GLBM
NEW 4 x 14

SIMPSON MST-12 @48" AND
BOTH SIDES OF ALL OPENINGS
TYPICAL

EXISTING CMU TO REMAIN (HATCHED)

SECTION A-A
SCALE 1/2"=1'-0"

NOTE:
ADD #4 BARS VERTICAL @ 24" O.C. TO EXISTING CMU WALL

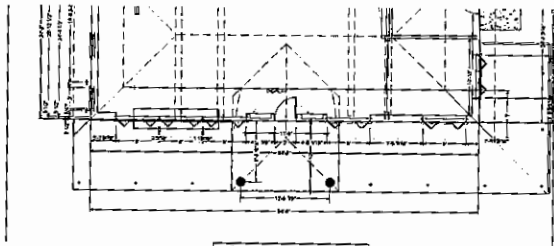


ATTHEW SCHALLER, ARCHITECT INC.
K 120 HANAIEI, KAUAI, HAWAII 96714 (808) 826-4899; FAX 826-8897
ANINI BEACH HAILE MODIFICATIONS
TMK 5-3-007:006; 4371 ANINI ROAD

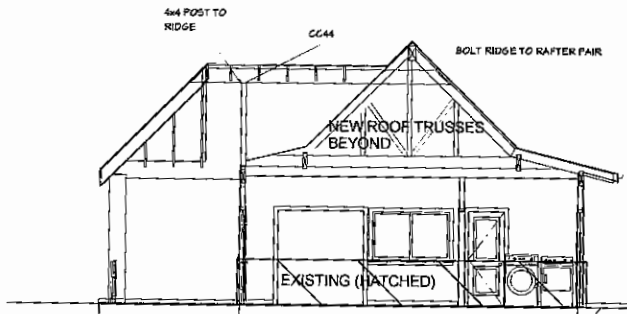
SECTIONS

06-29-18

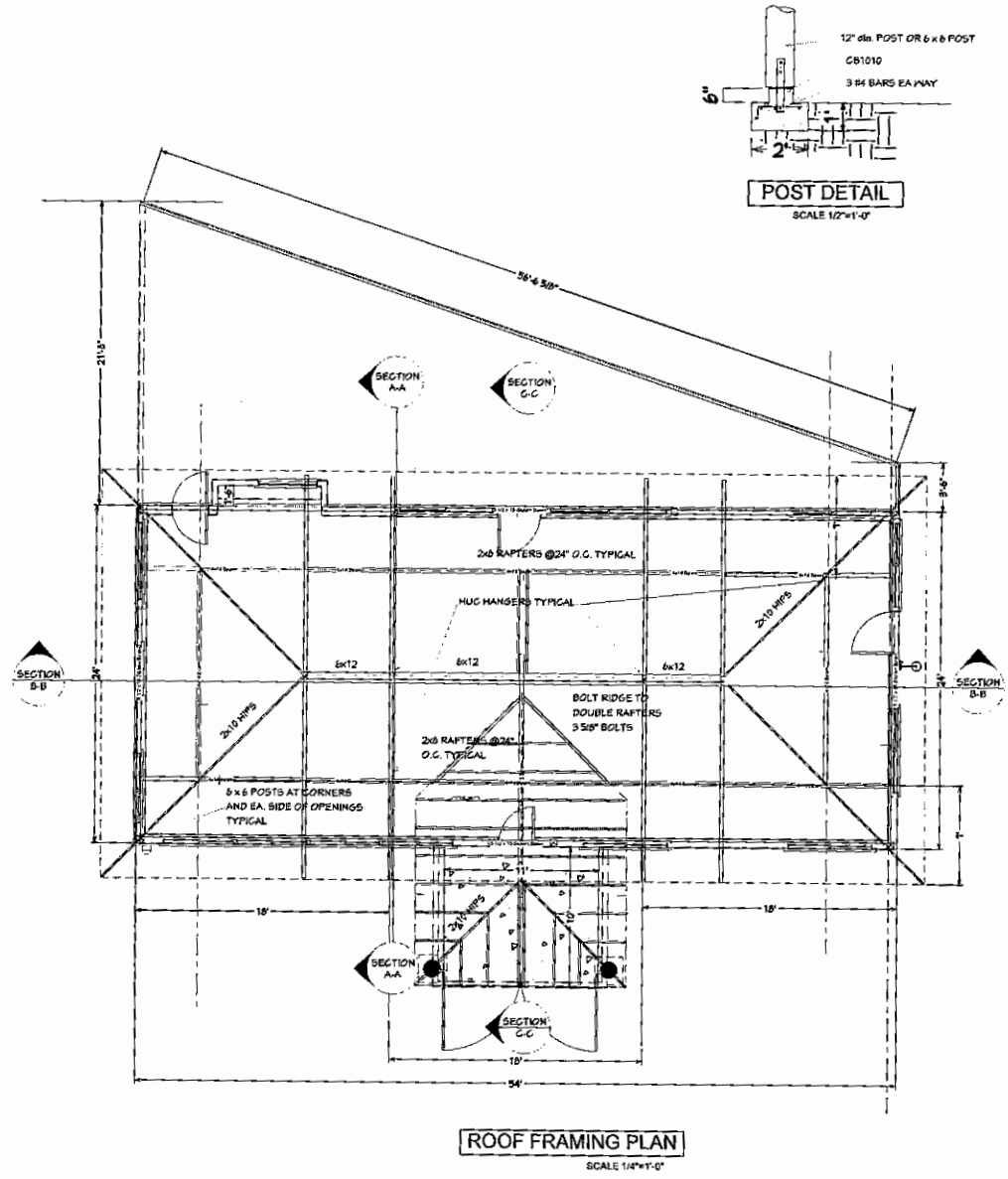
A-2



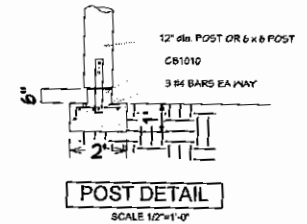
ENTRY PLAN
SCALE 1/8"=1'-0"



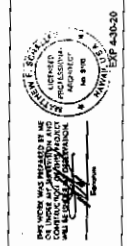
SECTION C-C
SCALE 1/4"=1'-0"



ROOF FRAMING PLAN
SCALE 1/4"=1'-0"



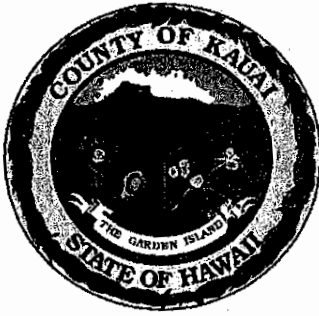
POST DETAIL
SCALE 1/2"=1'-0"



MATTHEW SCHALLER, ARCHITECT INC.
P.O. BOX 120 HANAIEI, KAUAI, HAWAII 96714 (808) 826-4699; FAX 826-9697
ANANI BEACH HALE MODIFICATIONS
TMK 5-3-007:006; 4371 ANANI ROAD

ROOF FRAMING PLAN SECTION DETAILS
08-29-18

A-3



**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD	2019 - 42
Acceptance Date:	2.5.19
Website Posting Date:	2.17.19
Determination Date:	4.12.19
Planning Commission Date:	4.23.19
Expiration Date:	4.23.22
Planner Assigned:	JK/KH

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:	Gregory L. Stein and Kimberly A. Stein
Mailing Address:	c/o Belles Graham LLP 4334 Rice Street, Suite 202, Lihue, Kauai, Hawaii 96766
Phone:	(808) 245-2163
Email:	lkj@kauai-law.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 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.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	February 26, 2019

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-20
Tax Map Key(s):	(4) 3-5-002:022
Land Area:	5,065 square feet
Nature of Development: (Description of proposed structure or subdivision)	Dwelling Unit, Additional Dwelling Unit , Decking, and related site utilities.

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

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

- Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): 40 ft.
- Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: .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:

Parcel 22 is a non-abutting shoreline property and is bisected by a property owned and controlled by the Marriott Resort (See, Exhibits "E", "H", and "I").



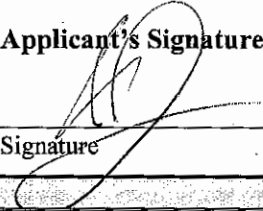
PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

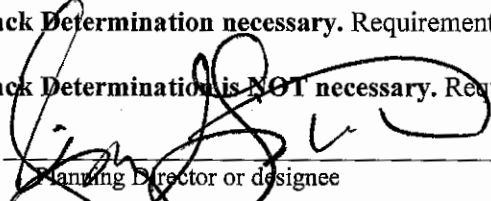
- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Steep Bluff. The proposed Project will be elevated to 78 feet above mean sea level. See, Exhibits "F" and "H".
- Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Rocky shoreline with thin sand layer, and located within the Nawiliwili Harbor in the protective zone established by the breakwater. See, Exhibit "H".
- 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?
No. See, Exhibit "H".

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 2/26/19

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<input type="checkbox"/>	Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.
	 Planning Director or designee _____ Date <u>5/5/19</u>

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

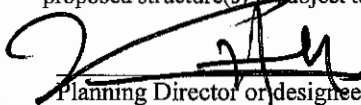
(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

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

4/9/17

Date

Additional comments/conditions:

Single Family Residence -
ADU deleted. 

EXHIBIT "A"

APPLICANT'S AUTHORIZATION

I. APPLICANT.

Name: GREGORY LEWIS STEIN
KIMBERLY ARZADON STEIN

Address: 6303 108th Avenue NE
Kirkland, Washington 98033

Telephone: (206) 286-8102
Email: gstein@wfdi.net

II. AUTHORIZED AGENT.

Name: Ian K. Jung, Esq.

Address: Belles Graham Proudfoot Wilson & Chun, LLP
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766

Telephone: (808) 245-2163
Facsimile: (808) 245-3277
Email: ikj@kauai-law.com

III. PROPERTY.

Lot 2-D as shown on Map 3 of Land Court Application 1819
3291 Kalapaki Circle, Lihue, Kauai, Hawaii 96766
Kauai Tax Map Key No. (4) 3-5-002:022

IV. AUTHORIZATION.

The Applicant hereby authorizes the Authorized Agent to act on the Applicant's behalf and to file and process on the Applicant's behalf any and all applications necessary to obtain governmental permits relating to the Subject Property, including, but not limited to, the following:

1. Building permits, grading permits, use permits, variance permits, zoning permits, shoreline setback determinations, and Special Management Area permits issued by any department, agency, board or commission of the County of Kauai.
2. Permits issued by the Department of Health of the State of Hawaii.

3. Permits issued by the Board of Land and Natural Resources of the State of Hawaii and/or the Department of Land and Natural Resources of the State of Hawaii, including shoreline certifications.
4. Permits issued by the Land Use Commission of the State of Hawaii.
5. Approval before the United States Department of Agriculture, Natural Resources Conservation Service.

10/3/2018 9:31:38 PM HAST

DATED: _____.

APPLICANTS:

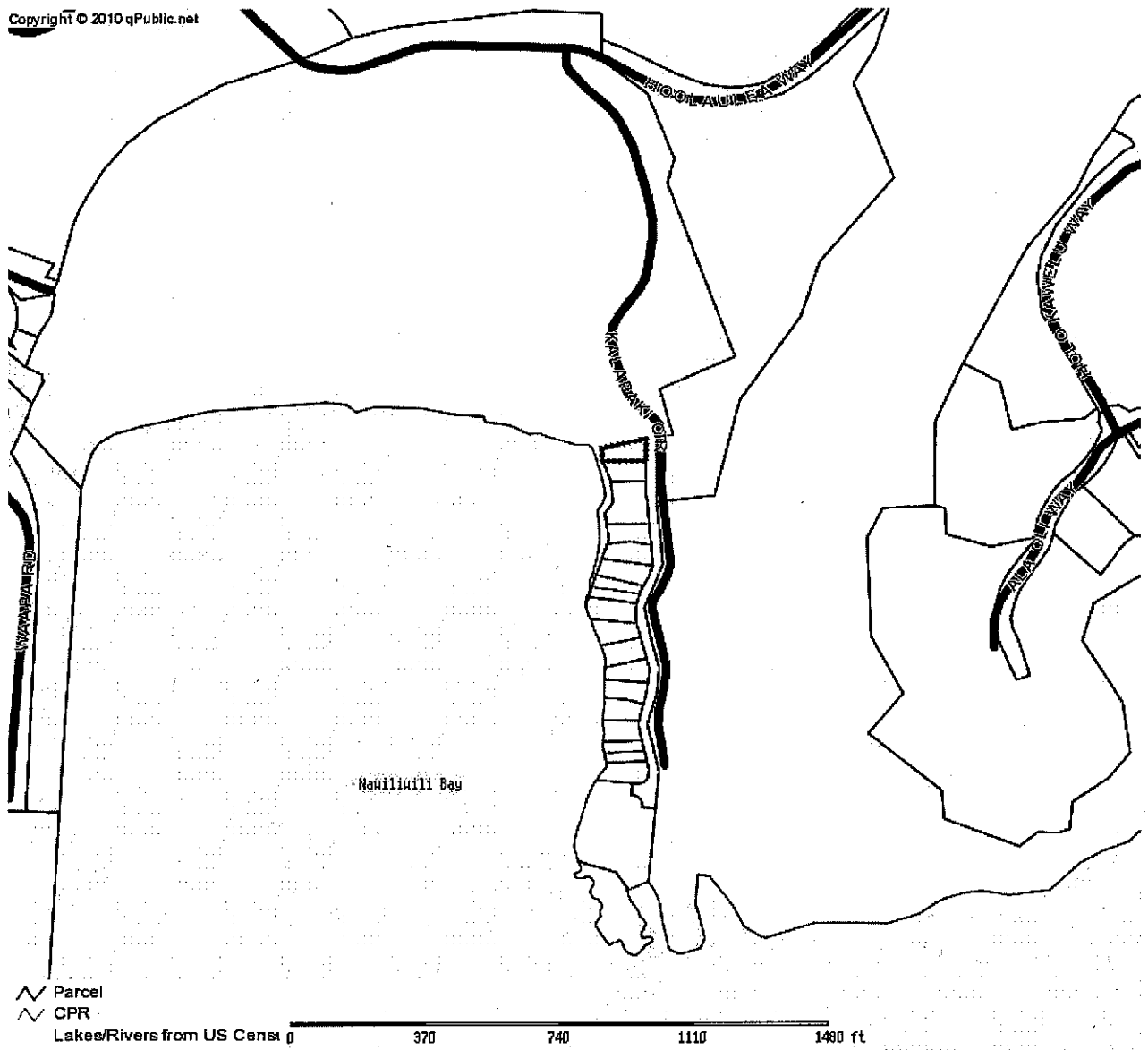
Greg Stein

GREGORY LEWIS STEIN

K. Stein

KIMBERLY ARZADON STEIN

EXHIBIT "B"



Kauai County Assessor

Parcel: 350020220000 Acres: 0.1163

Name:	STEIN,GREGORY L	Land Value	
Site:	3291 KALAPAKI CIR	Building Value	
Sale:	\$1,500,000 on 2018-02-06 Reason= Qual=	Misc Value	
Mail:	6303 108TH AVE NE KIRKLAND, WA 98033	Just Value	
		Assessed Value	0
		Exempt Value	0
		Taxable Value	0



The Kauai County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER KAUAI COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS —THIS IS NOT A SURVEY—
Date printed: 10/03/18 : 17:34:10

Parcel 022

Kalapaki Circle

Legend

Line Measure

EXHIBIT "B"
2 of 2

Shoreline Access

Kalapaki Cir

Google Earth

© 2018 Google

600 ft



FILE TOO LARGE TO SCAN

**RECORD ON FILE AT PLANNING
DEPARTMENT**