

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>9</u> - <u>34</u>	
Acceptance Date:	<u>2-26-19</u>
Website Posting Date:	<u>2-28-19</u>
Determination Date:	<u>2-26-19</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>2-26-20</u>
Planner Assigned:	<u>JG</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>SOUTH PACIFIC BISTRO INC. C/o Jimmy Jasper</u>	
Mailing Address: <u>4-1639 Kuhio Highway</u>	Phone: <u>(808) 652-4040</u>
	Email: <u>jimmykauai@yahoo.com</u>
Applicant's Status: (Check one)	
<input checked="" 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 type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>February 24th, 2019</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>C.N.</u>	Tax Map Key(s): <u>(4) 4-5-012: 024</u>
	Land Area: <u>17,466 sf</u>
Nature of Development: (Description of proposed structure or subdivision)	Proposed Repair and Renovations to Existing Building. Work to include, Electrical, Plumbing and Interior Renovations. No additions to Lot Coverage.

**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): 311.48 ft.
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: +0.75 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

Project separated from shoreline by the following five parcels: 1. Kuhio Highway, 2. TMK's 4-5-012:023 and 4-5-012:022, 3. 4-5-012:002 (State of Hawaii) and 4. 4-5-012:001 (State of Hawaii).



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

FLAT. LOWEST ELEVATION AT 7.0 MSL

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

SANDY 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)? AE (EL. 7.0)

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

[Handwritten Signature]

Signature

2-25-19

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.

[Handwritten Signature]
Planning Director or designee

2-26-19

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).

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.

Pursuant to §8-27.7 the Kauai 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

2-26-19

Additional comments/conditions:



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

February 6, 2019

James T. Jasper II
4-1639 Kūhiō Highway
Kapaʻa, HI 96766

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
INTERIOR RENOVATIONS TO BUILDING AT NOKA MARKET
TMK: (4) 4-5-012-24

Dear Mr. Jasper,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 defines substantial improvement of "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 – Engineering Division (DPW) has reviewed the proposed improvements described in BP 18-857 and has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculation is provided below.

Market Value

The market value used in the calculations is from the appraisal completed by Curtis J. Bedwell MAI of Kauai Valuation. He estimated the market value of the real property to be \$992,894, as of December 13, 2017, which is the date of inspection and effective date of the appraisal. The appraisal was prepared by a professional appraiser licensed in the State of Hawai'i (License # CGA 1007) and the market value was based on the "Cost Approach."

We have reviewed the appraisal and have determined that for the purpose of making a Substantial Improvement Determination, we will be using the value of \$992,894. This market value excludes the value of the land and other site improvements that were included in the appraisal.



Cost of Improvements

There were no building permits approved for the structure within the past 10 years. The total cost of improvements to the existing residence is taken to be the cost estimate of \$463,539 which was prepared by Cramer's Construction and submitted to the Engineering Division on December 5, 2018.

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$463,539}{\text{Market Value (Real Property): } \$992,894} = 0.46.68 \text{ or } 46.7\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. 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.

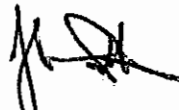
If you have any question or need addition information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



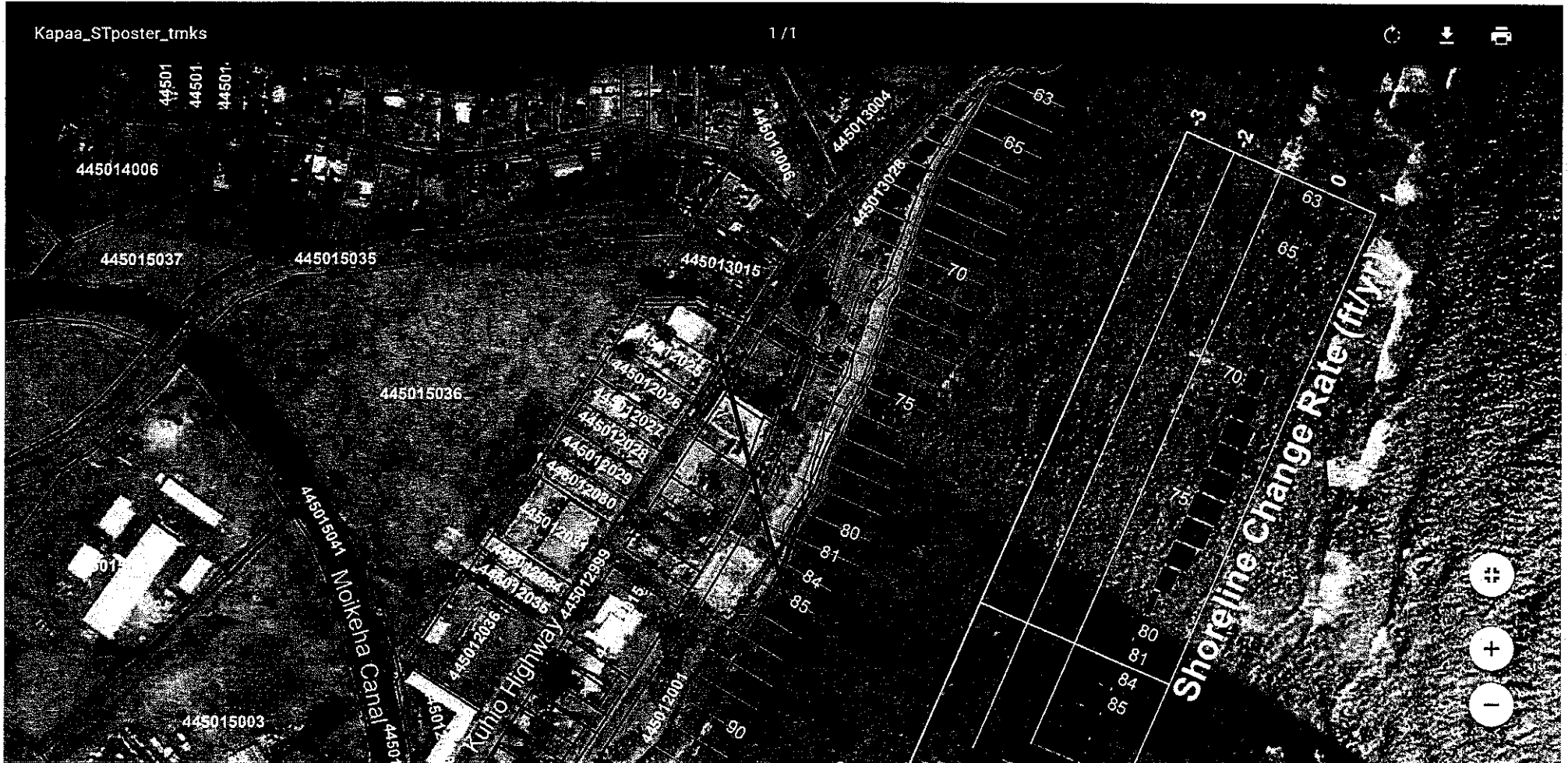
Lyle Tabata
Deputy County Engineer

GO/SI

cc: Planning

Nalani Mahelona-Taylor, 4-1579 Kūhi`ō Hwy Suite 211, Kapa`a, HI 96746

NOKA MARKET
4-1639 KUHIO HWY.



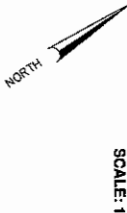
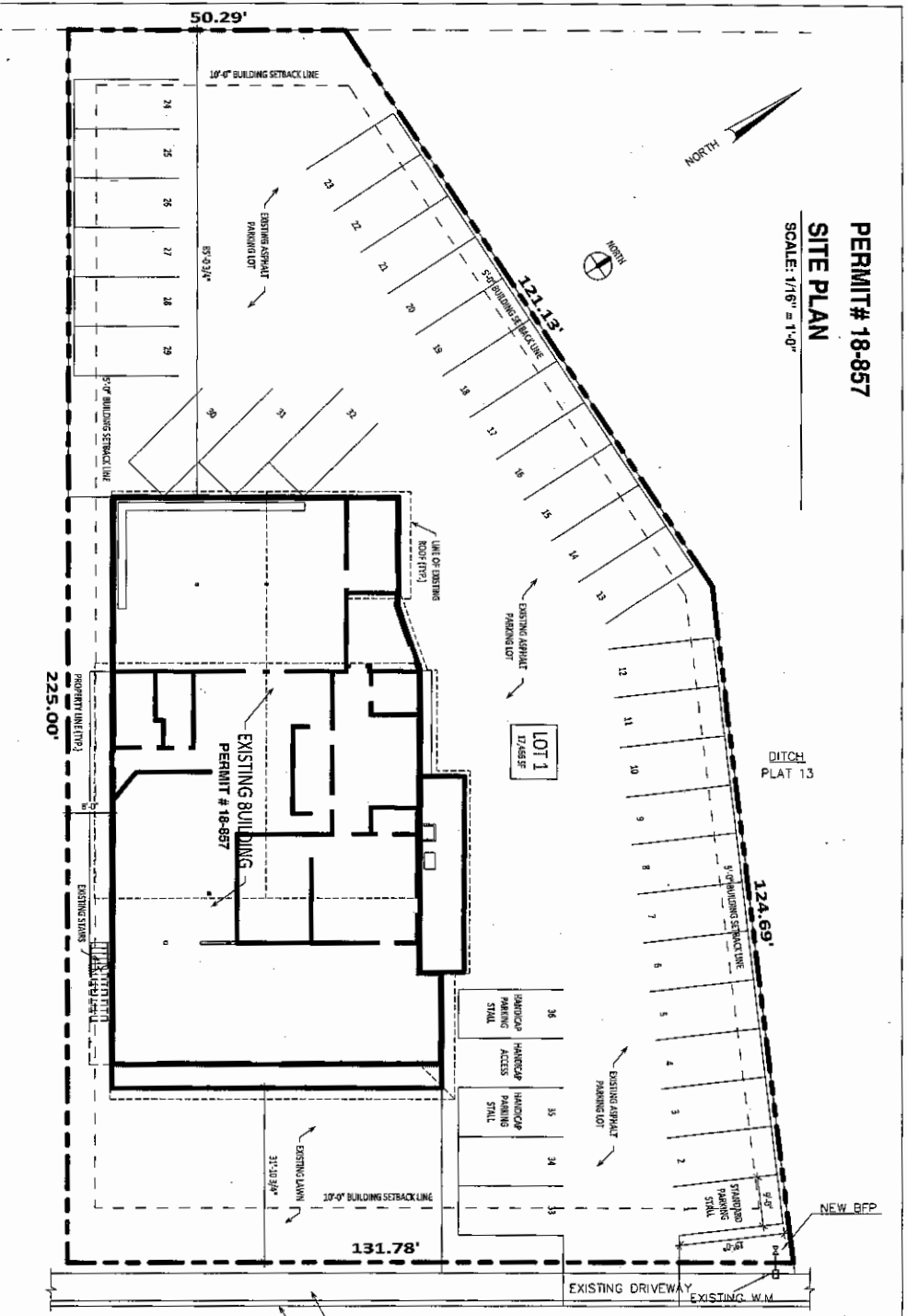
PROJECT LOCATION
TMK (4) 4-5-12: 24

SHORELINE CHANGE RATE: +0.75 FT/YR

PERMIT # 18-857

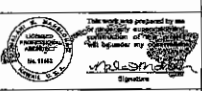
SITE PLAN

SCALE: 1/16" = 1'-0"



DITCH PLAT 13

NEW BFP



PREPARED BY
 RUSSELL SOPER
 ENGINEER
 LICENSE NO. 6083
 STATE OF HAWAII
 russell.soper@hawaii.com
 608.834.1792
 1505 KUMU KONA TOWN SQUARE
 KAILUA-KONA, HAWAII 96740

PROJECT

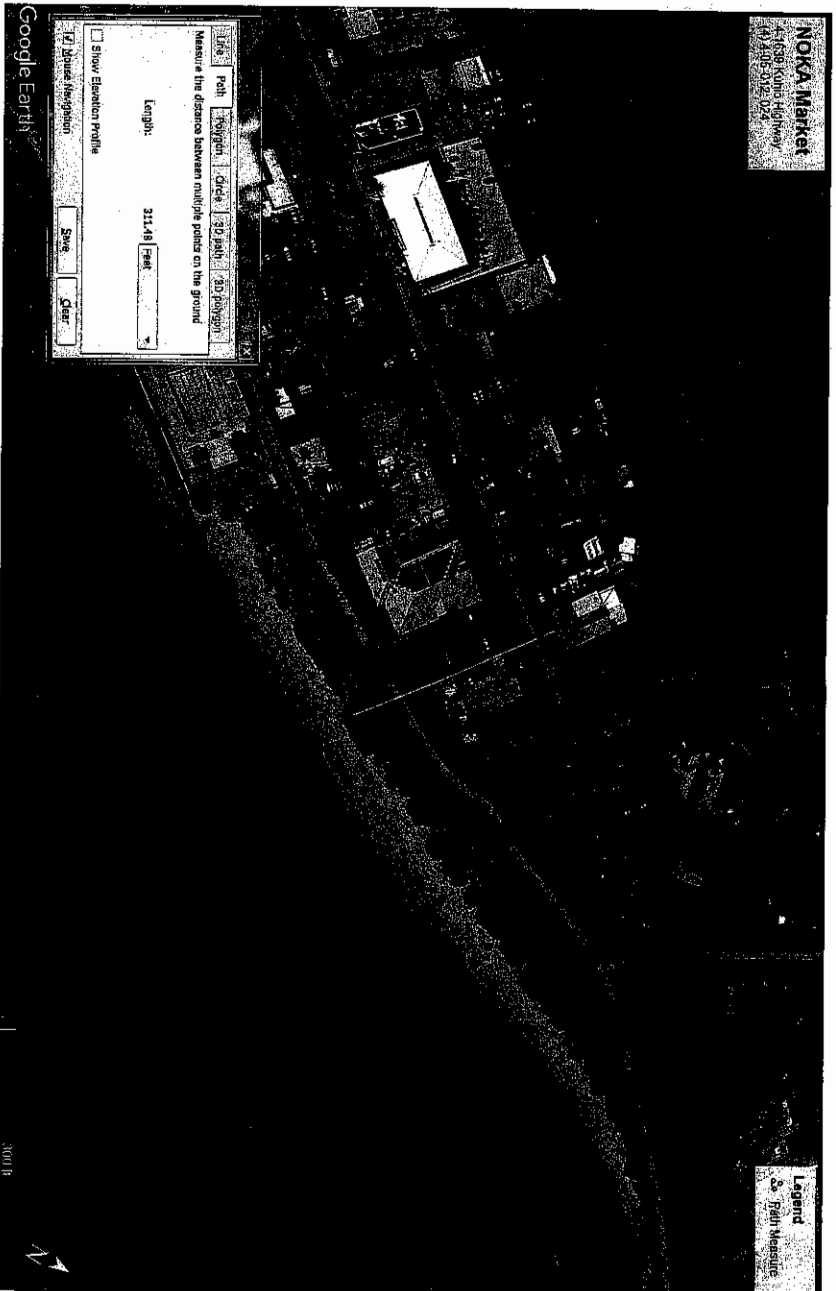
**NOKA MARKET PROJECT
 REMODEL**
 OWNER: JAMES JASPER
 4-1586 KUHIO HIGHWAY
 KAPAA, KAUALI, HAWAII
 TMK: (4) 4-5-12-024

APPROVED FOR
 CONSTRUCTION
 DOCUMENTS

APPROVED DATE
 APRIL 29, 2018

SHEET TITLE
 SITE PLAN

SHEET NUMBER
OCS2



NOKA Market
451588 Alamo Highway
Alamo, CA 94501, USA

Legend
Path Measure

Show Elevation Profile

Show Navigation

Measure the distance between multiple points on the ground

Length: 311.46 Feet

Path Polygon Circle 3D Path 3D Polygon

Save Clear

3000 ft

JANUARY 10, 2018