

JOHN WAIHEE
GOVERNOR OF HAWAII



WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AHUE
MANABU TAGOMORI
RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

RECEIVED

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

'90 APR -5 P1:36

P. O. BOX 621
HONOLULU, HAWAII 96809

REF: OCEANIC OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

APR 4 1990

FILE: KA-2/20/90-2366
DOC.: 7839E

MEMORANDUM

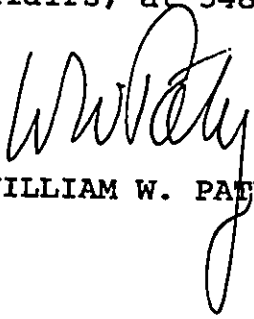
TO: The Honorable Marvin T. Miura, Director
Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources *Star*

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN -
ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE
APPLICATION KA-2366 for a Single Family Residence and the
removal of an existing fire-damaged shed at Haena,
Kauai. TMK: (4) 5-9-2: 48

The above mentioned Chapter 343 Document was reviewed and a
negative declaration was declared based upon the environmental
assessment provided with the CDUA.

Please feel free to call me or Cathy Tilton of our Office of
Conservation and Environmental Affairs, at 548-7837, if you have
any questions.


WILLIAM W. PATY

1990-04-23- KA - FEA
Star Star Singh Family Residence

FILE COPY February 1983

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

DEPARTMENT MASTER APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled
in by Government Agency in
control of property)

Name Joe & Marti Paskal
Address PO Bx 1487
Hanalei, HI 96714
808-826-1491

Telephone No. 213-278-4668
213-278-4668

SIGNATURE [Signature]
Date December 12, 1989

II. APPLICANT (Water Use, omit if applicant
is landowner)

Name Tim Star
Address PO Bx 612
Kilauea, Hi. 96754

Telephone No. 808-828-1280

Interest in Property Working as
the architectural draftsman
(Indicate interest in property; submit
written evidence of this interest)

*SIGNATURE [Signature]
Date December 12, 1989

*If for a Corporation, Partnership,
Agency or Organization, must be signed
by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

- () A. State Lands
- (X) B. Conservation District Use
- () C. Withdraw Water From A Ground
Water Control Area
- () D. Supply Water From A Ground
Water Control Area
- () E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Fourth
Island Kauai
County Kauai

Tax Map Key Div 4, Zone 5, Sec 9,
Plat 002, Parcel 048

Area of Parcel 67,707 sq ft
(Indicate in acres or
sq. ft.)

Term (if lease) N/A

ENVIRONMENTAL ASSESSMENT/DETERMINATION

OWNER: Joe and Marti Paskal
PO Box 1487
Hanalei, HI 96714

APPLICANT: Tim Star
PO Box 612
Kilauea, HI 96754

LOCATION: Situated at Haena, Island of Kauai, State of Hawaii, containing 67,707 sq ft, more or less, further identified as TMK: 4-5-9-002-048, Lot 30.

REQUEST: State Conservation District Use Application (CDUA), County Special Management Area Use Permit for removal of existing fire damaged building and construction of a single family residence and entry gate.

APPROVING AGENCY: Department of Land and Natural Resources

AGENCIES CONSULTED: Kauai Planning Dept., Water Dept., and Public Works Dept.

I. PROPOSED ACTION

The owner proposes to: 1) Remove existing 500 sq ft fire damaged house and shed 2) Construct a 3450 sq ft residence. 3) Construct a 12 foot wide entrance and privacy gate. 4) Plant *Thevetia peruviana* (Be-still) plants along south property line and after a mature enough hedge has grown, remove existing rusty wire fence.

II. TECHNICAL CHARACTERISTICS

- a) Except for 500 sq ft shack in Northeast corner (see photographs), the lot is vacant and grassed, with 3 large ironwood trees on embankment above the dry creek/wash.
- b) The lot slopes very gently inland from this natural beach/berm from about 17 ft above MSL to less than 14 ft at Northwest corner of lot. This is less than 1% slope across building site, which the Public Works Dept. surveyed at between 14.46' and 15.80' above MSL.
- c) Any excavation on and around building site should not adversely impact the existing drainage pattern of the lot in any manner as the shoreline area is the highest portion of the lot.
- d) The 500 sq ft shack is a complete fire loss but the remaining structural framing members need to be removed immediately as it now poses a dangerous attraction for the children in the area.

e) Utilizing the County's Cultural Sensitivity Maps, the entire Haena area is designated as having a moderate degree of sensitivity. However, no specific sites of historical or archaeological significance are located on the subject property. If, during construction of the residence such sites are discovered, the State Historical Officer and a qualified archaeologist will be contacted, and work will be halted until a determination and appropriate course of action is established.

f) The proposed gate is needed to keep the numerous people using the beach and beach access from parking on easement road D-2 and actually blocking access to the subject property and to adjacent Lot 29 (Both of which are owned by Marti and Joe Paskal).

g) Of the 10 lots within this subdivision, 8 already have existing homes. Only 1 of these, the 'old Taylor' house on the adjacent lot to the north is an immediate visible neighbor to this property. The natural stone foundation, wide overhangs and decks of the proposed home should compliment those of it's neighbor and be compatible to the designs of other residences in the area.

III. ECONOMIC CHARACTERISTICS

The construction of this residence would not generate any significant beneficial or adverse economic effects, other than create short-term employment benefits during the course of construction. The County's real property tax base will be benefited slightly in that the proposed project will generate additional tax revenues.

IV. SOCIAL CHARACTERISTICS

No social impacts are anticipated from this project.

V. ENVIRONMENTAL CHARACTERISTICS

Relative to the proposed residence, it is anticipated that no significant adverse environmental impacts will be generated since it will comply to the flood zone requirements and will meet the North Shore height limit of no more than 15 ft above Base Flood Elevation. The residence itself is setback 105 feet from the drywash/embankment and over 200 ft from the shoreline at its closest point, well within compliance with the shoreline setback law. Building setbacks, septic tank requirements and all other agency rules and regulations will be complied with.

VI. SUMMARY DESCRIPTION OF AFFECTED ENVIRONMENT

Relative to the residence, no significant adverse technical, economic, social or environmental impacts are anticipated. The design of the house will be visually compatible with other residences in the neighborhood. A roadway to the property already exists; utilities to the site are available; mature vegetation will not be removed; septic system, flood zone, shoreline setback, building setback and building height requirements will all be complied with.

VII. IDENTIFICATION AND SUMMARY OF MAJOR IMPACT(S) AND ALTERNATIVES CONSIDERED

We foresee no major environmental impacts after proposed home is completed.

1. During construction there will be a normal amount of fill dirt generated when the foundation and septic system are excavated.

Alternatives-

- a) Haul fill dirt off-site
- b) Use on-site in a landscape berm

2. Burnt shell must be disposed of and site cleaned of debris.

Alternatives-

- a) Tear down and haul to County Land Fill
- b) Tear down and obtain a permit to start a control burn fire on site.

VIII. MITIGATING MEASURES

Due to the solid waste disposal problems Kauai is experiencing, it would seem appropriate to use or dispose of as much construction waste on site as possible. So we would like to propose utilizing alternative (b) in both cases above.

IX. DETERMINATION

We anticipate no major environmental impacts from the proposed building of a single family residence on subject property. If appropriate methods for disposal of existing building debris and excavation fill are used, we foresee no problems during the actual construction period.

APPENDIX B

INFORMATION REQUIRED FOR ALL USES

I. DESCRIPTION OF PARCEL

A. General Description

The subject property on the shoreline of Haena, Island of Kauai, State of Hawaii. The property contains approximately 67,707 sq ft of land. It is identified as TMK: 4-5-9-002-048, Lot 30.

B. EXISTING STRUCTURES/USE

There is one 500 sq ft partially burnt building on the north-east corner of lot. The vast majority of the lot is grassed with only a few large ironwood trees on the beach frontage.

C. EXISTING UTILITIES

Water, electric and telephone services are available to the site. Septic tanks will be used for sewage disposal. No direct drainage will flow to the ocean since the topography slopes inland due to the raised sand berm which fronts the shoreline.

D. EXISTING ACCESS

The lot is located at the end of a private unpaved 30 feet wide roadway, which services this lot and its northern neighbor, Lot 29. Ownership of the roadway belongs to all those owners of lots abutting this roadway. This roadway connects Kuhio Highway, which is approximately 300 feet away.

E. VEGETATION/FAUNA

Existing mature vegetation lies only on the dry creek and beach frontage and consists of large ironwood trees fronting the ocean. There are no known rare or endangered species of flora or fauna found on the property.

F. TOPOGRAPHY

The site is relatively flat, sloping inland from the beach berm fronting the dry creek bed. The berm at its highest point is approximately 17 feet above MSL, sloping inland to approximately 14 feet above MSL at its lowest point. The average slope is therefore less than 1%.

G. DESCRIPTION OF SHORELINE

The beach is between 50 ft and 80 ft wide. A barrier reef fronts the beach and goes out approximately 1000 feet offshore at its nearest point, to 2000 feet at its farthest. A coral shelf is visible at the shoreline and is expected to run inland also under the sandy beach and berm fronting the site. The beach and reef are heavily used for recreational purposes, including swimming, snorkeling, windsurfing and surfing. The channel also serves as a rest stop for many of the zodiac/tour boat operations.

H. EXISTING COVENANTS, EASEMENTS, RESTRICTIONS

No covenants, easements or restrictions are attached to this property.

I. HISTORIC SITES AFFECTED

No historic or archaeological sites are known to be or are visible on the property, however, should any excavation for structures or buildings uncover historic artifacts, structures or human remains, all work will cease, the State Historic Preservation Officer will be contacted and a qualified archaeologist will be commissioned to review the find. The necessary salvaging or preservation steps recommended will be followed.

II. DESCRIPTION

A. SINGLE FAMILY RESIDENCE

The proposed house is approximately 3450 sq ft of floor area. The roof will not exceed 15 ft above the base flood elevation of 24 ft above MSL. This elevates the house 9'6" to 10'6" above grade. Residence has 4 bedrooms, an office, family room, living/dining area along with 5 baths and a kitchen. Exterior walls will be horizontal redwood siding and the ground floor walls will be faced the natural stone and used for parking.

B. GATE

The gate will be 12 ft wide and 4 ft high, built of verticle redwood. The native stone endwalls are 3 to 5 ft high and will compliment rockwork on house foundation.

C. EXISTING STRUCTURE

Propose to remove existing 500 sq ft, burned building and shed completely from property by method of controlled burn on site under Hanalei Fire Dept. Permit. Any debris such as concrete piers and windows will be completely removed and hauled away to the county landfill.

D. EXISTING FENCE

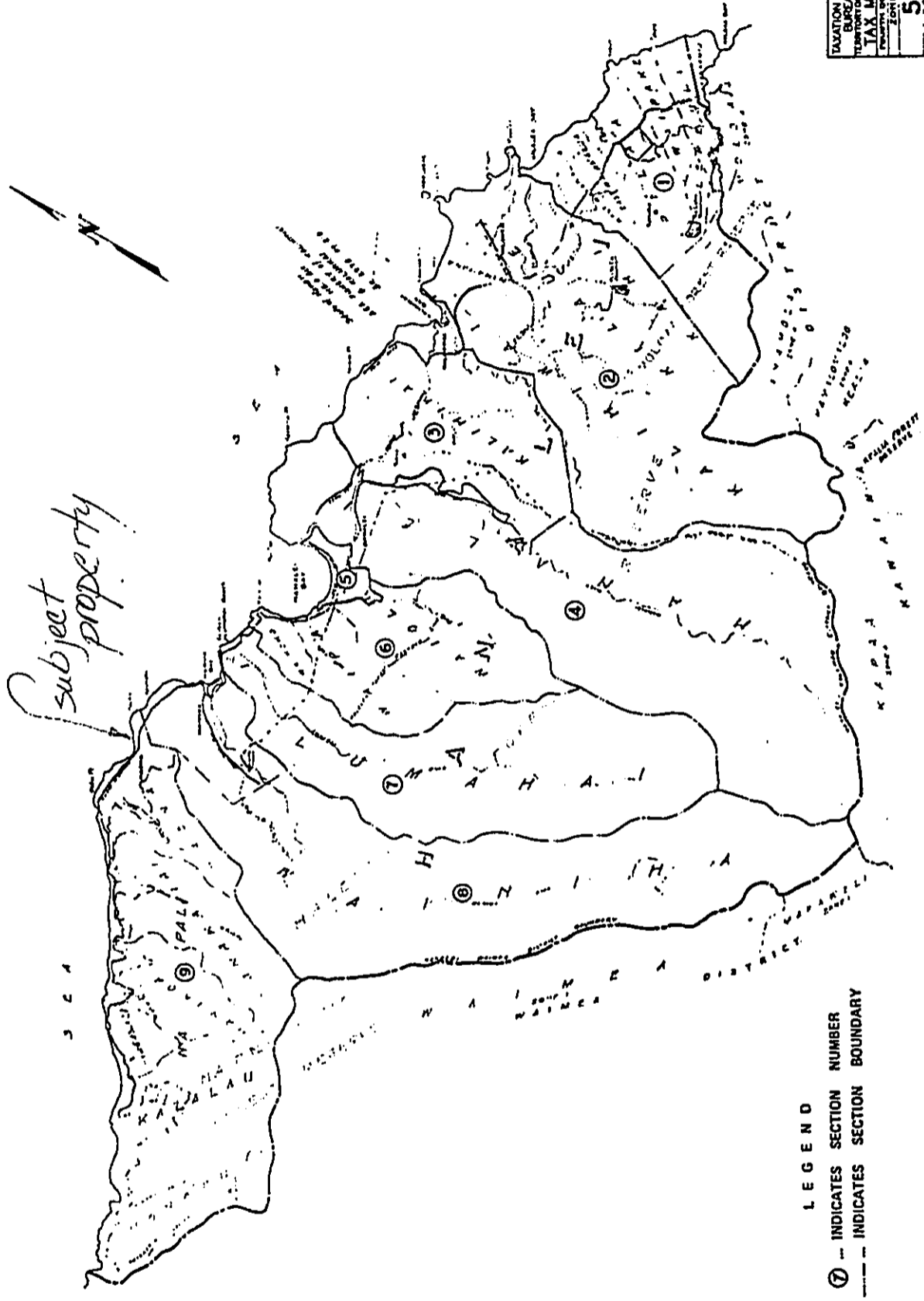
Propose to remove existing rusty wire fence between beach access road, D-1 and the subject property and establish a 6 to 8 ft hedge of *Thevetia peruviana* (Be-still).

III. COMMENCEMENT AND COMPLETION DATES

Construction is proposed to commence as soon as all required State and County permits are secured, hopefully by Oct or Nov, of 1990 and completion is expected by Sept or Oct of 1991.

IV. TYPE OF USE REQUESTED

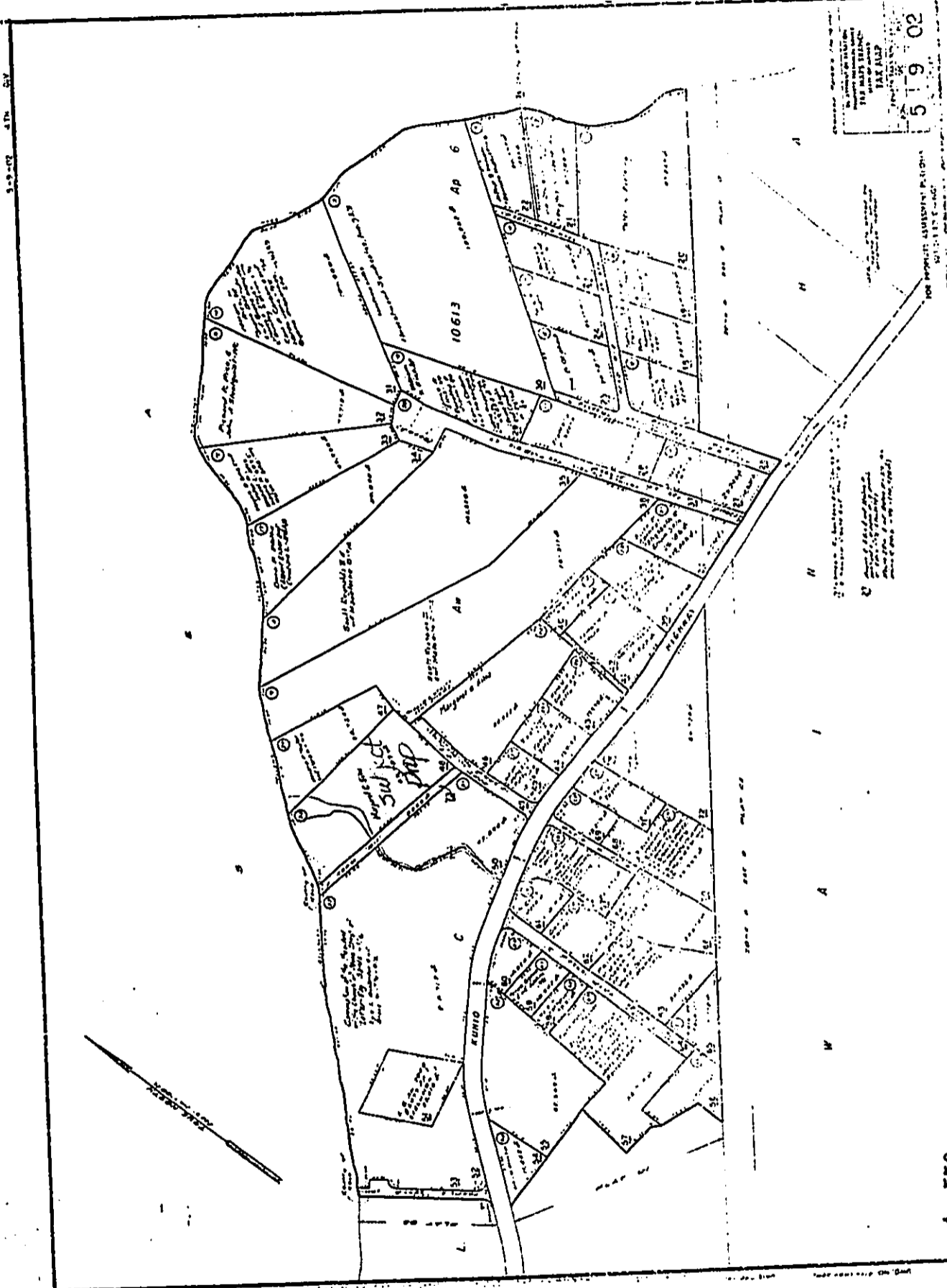
Conditional Use in the Limited subzone.



LEGEND
 (1) -- INDICATES SECTION NUMBER
 - - - - - INDICATES SECTION BOUNDARY

TAXATION MAPS
 DISTRICT OF HAWAII
 TERRITORY OF HAWAII
 TAX MAP
 COUNTY OF HAWAII
 ELEV. 5
 4 458

3-2-52 474 524



IN THE OFFICE OF THE
 PUBLIC LANDS
 DEPARTMENT
 WASHINGTON, D. C.
 MAY 19 02

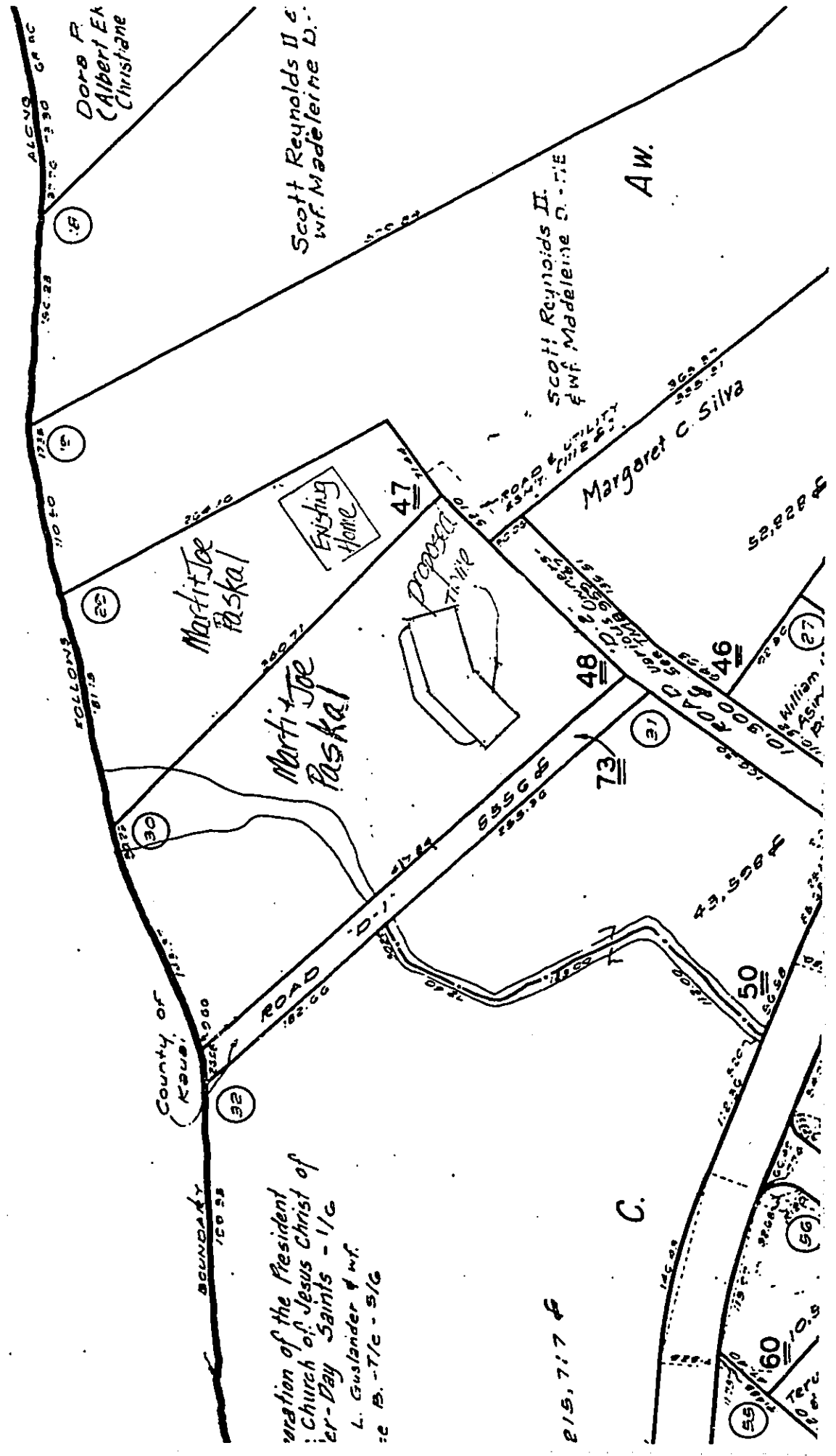
4 558

ACR MAPS, MEXICO, 1902

FOR DEPOSIT, AUTHORITY, P. 11-1011
 WILLIAMS & CO.

E

S



Dora R. Albert Ek Christiane

Scott Reynolds II & wife Madeline D.

Scott Reynolds II & wife Madeline D.

A.W.

Margaret C. Silva

Marti+Joe Paskal

Marti+Joe Paskal

County of Kauai

Division of the President of the Church of Jesus Christ of Latter-Day Saints - 1/6
L. Guslander & wife B. -T/C - S/G

215,717

C.

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Additional requested information
Stan Sing Sing family Maider

1. County general plan : lot is zoned conservation land
2. Nearest landmark/town : Haena
3. Names & addresses of adjacent owners:

Lot #36 Glenn Frey
2121 Ave of the Stars #1700
Los Angeles, CA 90067

Lot #44 Pamela Yarish
269-284 Grand Central Pk.
Floral Park, NY 11005

Lot #45 William Asing
PO Bx 1643
Lihue, HI

Lot#46 Chandler Donald
17 Bonita Ave
Piedmont, CA

Lot #48 Marti & Joe Paskal
1135 Tower Rd
Beverly Hills, CA 90210

Lot #50 Nan Guslander
40 Kent Place
Palo Alto, CA 94301

Lot # 53 County of Kauai

4. Floodzone: Lot is in the tsunami zone but is not within any other flood zone according to the county's Public Works Dept maps.
5. Utility Easement : The Engineering Dept. verified the utility easement directly on the eastern boundary.
6. Conditional Use within the Limited Subzone: The proposed home and landscaping of tropical plants should be completely harmonious with the existing environment. A precedent has been established for using the property for a single family residence within this limited subzone as there are 8 homes already existing on the 10 lots within the original subdivision.

DLNR
OCEA

90 MAR 13 AM 10:44

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7. Existing fire damaged building : According to the State Assessors office the existing structure was built in 1944 and before the fire was valued at \$1721.00.

According to Mark Soppeland, a long time local resident, the structure was originally built as a storage shed. Recently the shack became very dilapidated, fell into disuse and a separate 4' x 6' lockable storage shed was built. When I asked the Assessors Office when this was built they had no record of it and guessed that because it was considered a portable/temporary structure without footings or foundation.

The fire took place in August ^{27th} 1989, completely destroying the 50 year old shed and partially burning the smaller one. According to the Fire Dept the cause is unknown but they suspect some paint and gasoline cans they found stored under the old shed.

Amendment from a request for a conditional use to
REQUEST FOR NON-CONFORMING USE IN THE LIMITED SUBZONE

Property taxes for the lot and the structure have been paid in the past 30 years (totaling over \$25,000), including the latest payment in 1989 (see attached assessors office records.) These payments were maintained with the clear intent of building a home on the property someday.

The proposed residence and landscaping should fit in well with the surrounding community. The owners have 6 children; 5 are grown and have their own families. The intended use of the house is exclusively as a vacation home for the extended family and it will never be available for rental purposes. The owners are aware of this and are prepared to add this non-rental clause to the deed restrictions.

With these factors in consideration plus the established precedent set by the existence of 8 homes on the surrounding 10 lots, we ask to be granted a non-conforming use permit to build in the limited subzone.

Dear Kathy,

Kauai Electric said that they foresaw no problems with service hook-up to lot but it will take about 2 weeks for them to send me a signed service application form.

Thanks
Jim.

P.S. I will send ^{it} to you as soon as I get back.

P.P.S. Written approval of septic system is coming also.

DLNR
OCEA

RECEIVED
'90 MAR 21 AM 8:36

REAL PROPERTY TAX DIVISION
DEPARTMENT OF FINANCE
COUNTY OF KAUAI

Date 3/19/90
Year 2000
Init YK

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

Request is made for information on the assessed value, the current year taxes, and delinquent taxes on the property of Martin + Joe Paskal, 1135 Tower Rd Paerly Hills situated at Lot 48 off Tunnels Beach Haena Kauai and more particularly described as LOT NO. 48, BLOCK NO. _____, TRACT, AREA _____, of R.P. _____, L.C.A.W. _____.

Tax keyed as:

ZONE	SECTION	PLAT	PARCEL	HPR
5	9	002	048	

This property, for the past six years, has been owned by the following person or persons:
 19 _____ 19 _____
 19 _____ 19 _____
 19 _____ 19 _____
 Leased to _____ Date of Lease 3/16/90, Term _____
 Applicant Jim Star
 Address _____

This certifies that the records of this division show the assessed values and taxes on the property designated by tax key shown above are as follows:

ASSESSED VALUE

Lane	July 1, 19	\$
Improvements	July 1, 19	\$
Total Value		\$
Less Exemption		\$
NET VALUE		\$

CURRENT YEAR TAXES 1989-90

	Amount Due	Amount Delinquent
1st Installment (Delinquent after) 3/30	\$ 2,162.34	\$ PAID 7/18/89
2nd Installment (Delinquent after) 7/30	\$ 2,162.33	\$ PAID 2/20/90
	\$	\$
Prior year Delinquent Taxes (see attached statement)	NONE	\$
Total Taxes Due as of _____ (Date)		\$

Date 3/16/90
TAX STATEMENT NO. _____

REAL PROPERTY TAX DIVISION
By D Kuulei Ho
KUULEI HO

ZONE 5 SEC. 7 PLAT 02 PARCEL AB
 SURVEY BY E. H. MORRISSE
 DATE AUG - 3 1959

26. BATHROOMS
 1 1/2
 2 1/2
 3

25. CEILING
 CANEC PLAS
 PINE PLY
 MAT. 1 x 6 I.P.G.

24. INTER. WALLS
 TYPE 6
 MAT. 1 x 2

18. ROOF DESIGN
 GABLE HIP
 FLAT GAMB

13. USE, TYPE & OCC.
 RENT. HOME
 1-FAM.
 2-FAM.
 APART.
 MULTI.

14. UNITS & ROOMS
 LIV. UNITS 1
 ROOMS 2-1/2
 STORIES 1
 BASEMENT

5. FOUND. & STEPS
 CONG. FD. ST.
 H.T.
 STONE
 WD. P.
 H.O.G.

6. FRAME
 WD-SW SWDB DW
 MASONRY
 STEEL
 REIN. CONG.

7. EXTERIOR WALLS
 T & G
 B & B 1 x 1/2
 RUSTIC
 BRICK
 STONE/ROCK
 HT
 PLAS/STUCCO

27. MILLWORK
 WINDOWS-D/H DOORS-PANEL
 SL. CS. SOLID
 PICTURE SLID'G
 JALOUSIE CUSTOM
 TRIM-PINE CABINETS
 HARDWD SHELVES
 METAL VANITY(NO)

WOOD	16	2	1	3	0	4
STEEL						
CONG.						
COMP.						
BLT/UP						
SHING						
SHAKES						
METAL						
TILE						
RAIN GUTTERS						
WOOD JOISTS	16					20
CONG.						
STEEL						
CONG. SLAB						
						68

28. PLUMBING
 5-UNIT CHIMED GD VAL
 BATH TUB
 W.C. 110
 BASIN 76
 SH. STALL 66
 SINK 98
 LAUND 71
 SUN HT.

29. ADD'L IMPVT DETAILS
 SUB TOTAL - PLUMBING 52.1

ITEM	RF	WL	FL	AREA	CLS	VAL
White House	1			115	110	120

30. ADD'L FLOOR DET.
 2ND 3RD 4TH

31. CONDITION
 BETTER THAN AVER.
 AVERAGE (NOR. DEP)
 BELOW AVER.

32. CLASSIFICATION
 CLASS 2
 BY E. H. MORRISSE

22. FLOORING
 LIV. B/R BTH KIT. OTHER
 PINE 1 1 x 6
 HDWD.
 CEM
 TILE

23. ELECTRICAL
 FIXT. CH M GD
 OUTL S/ST ST VG
 BUILT-IN OVEN STOVE
 VENT D/W/R

SUB TOTAL DETAILS
 TOTAL ITEMS 28 & 29 52.1



Towards Beach



Towards Beach Access D-1

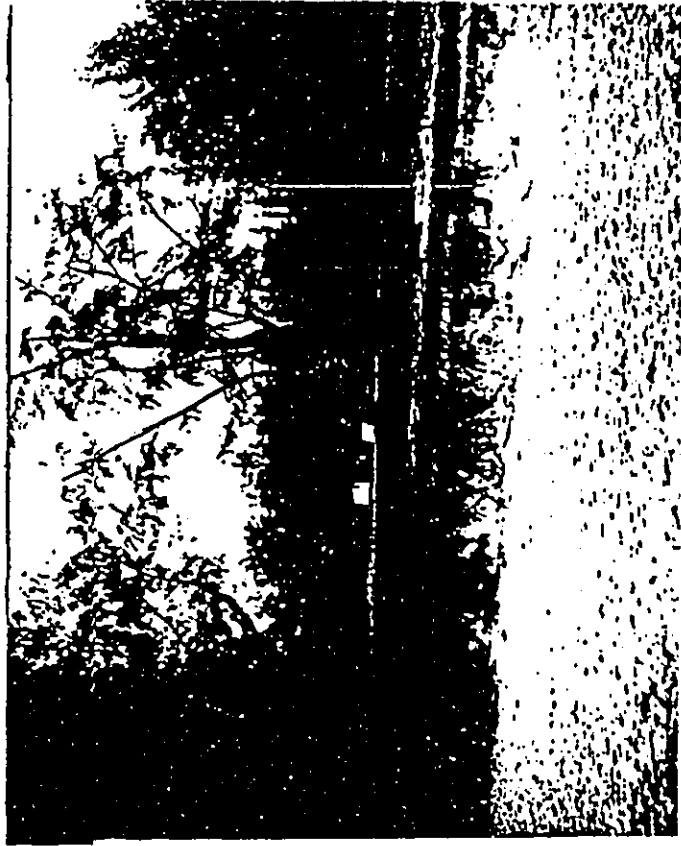


Towards Neighbor

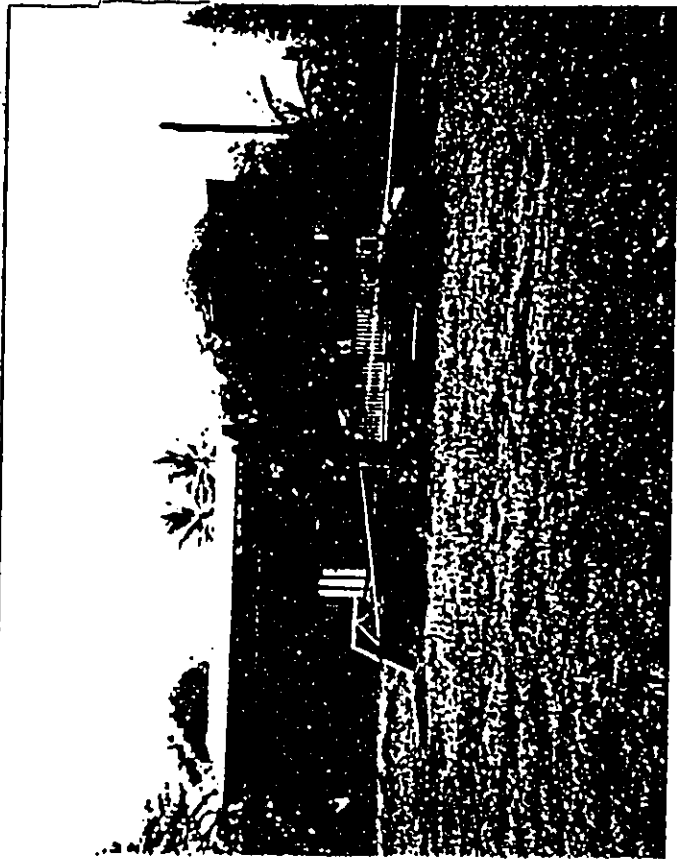


Towards Easement Rd D-2
taken from dry creek/berm

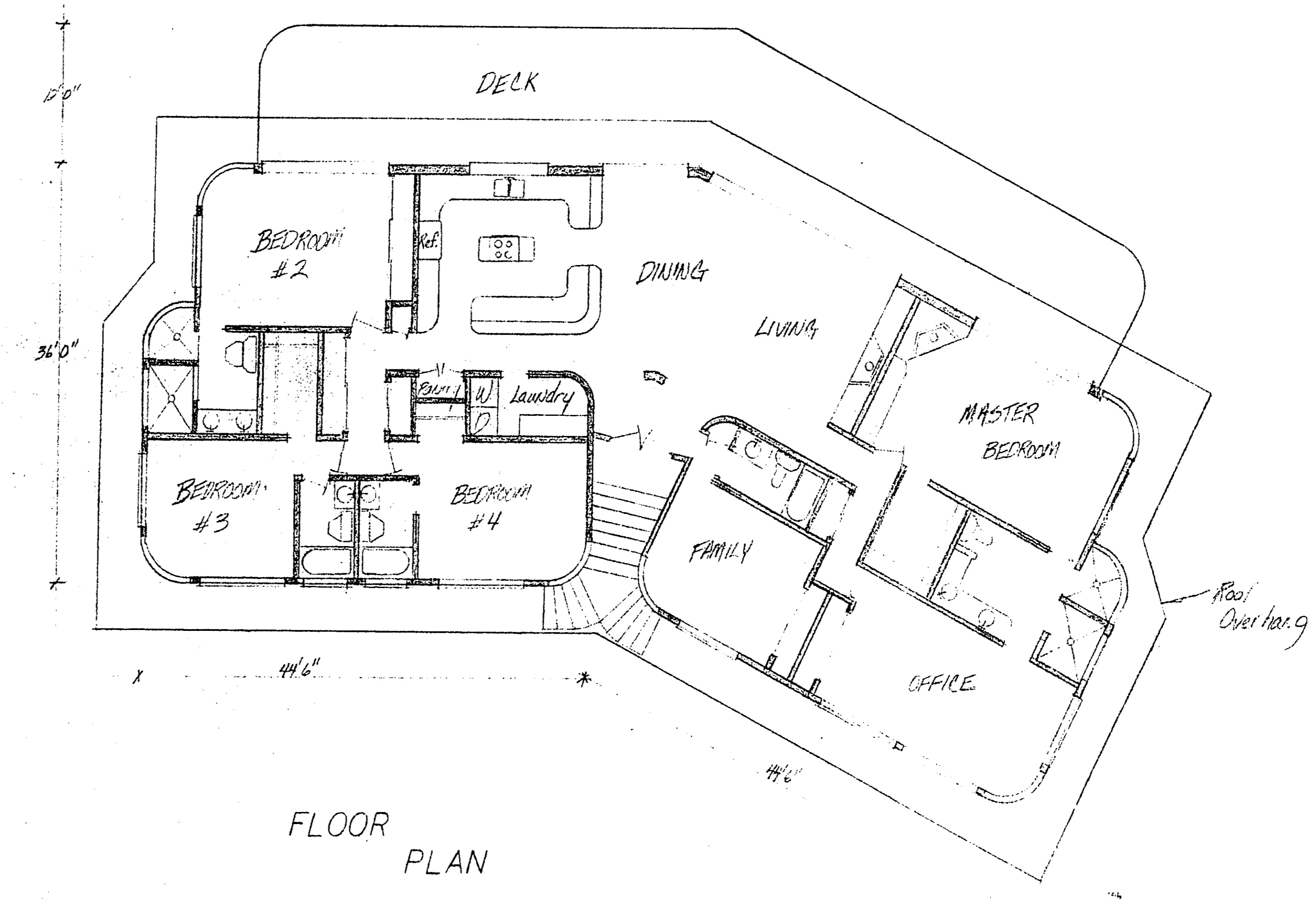
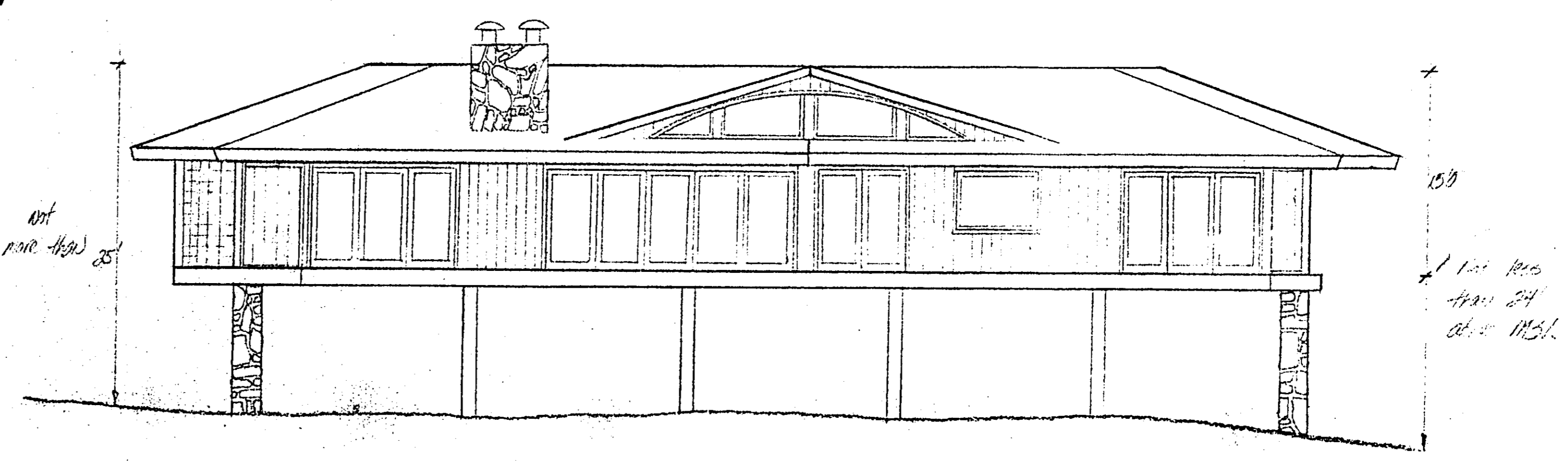
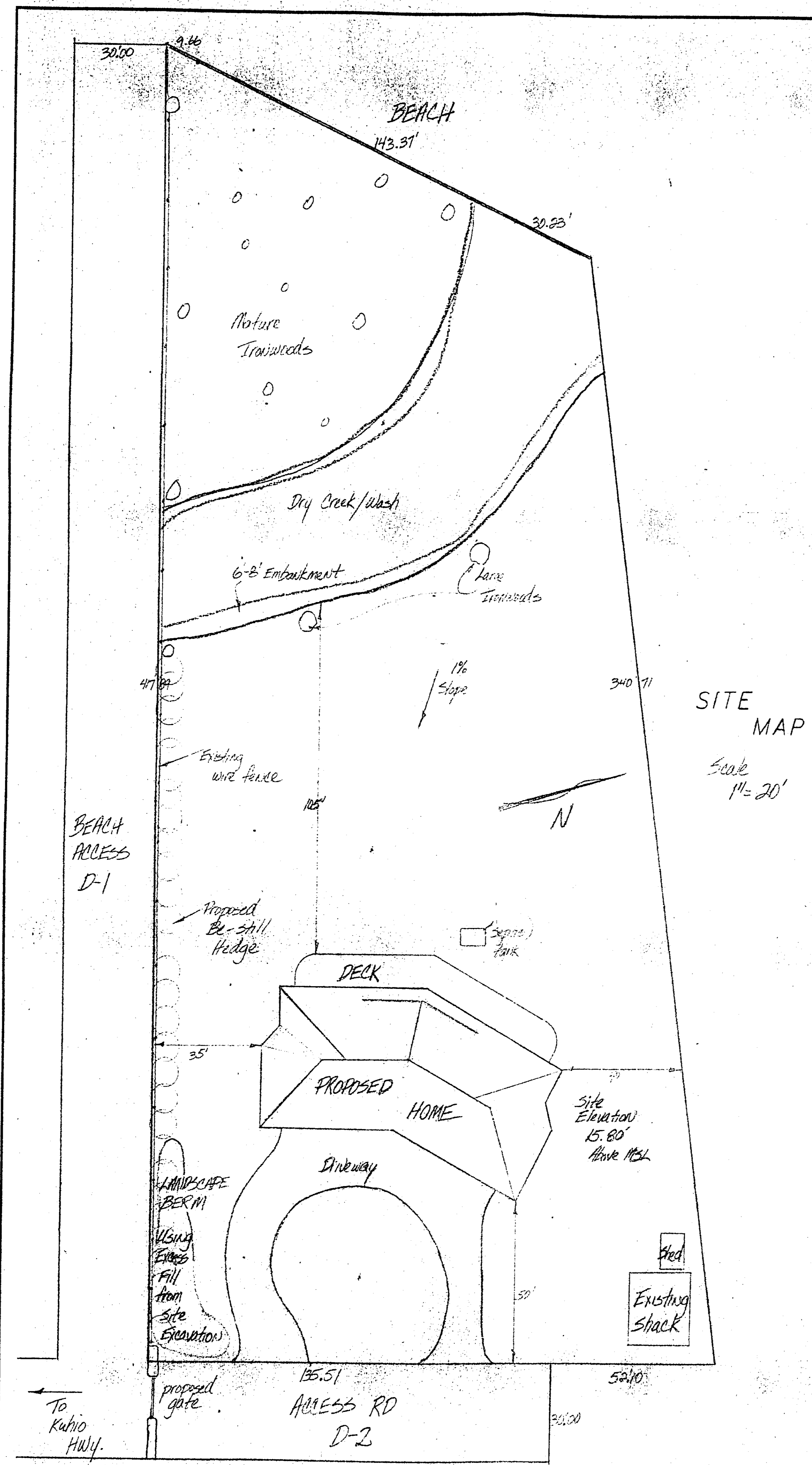
KA..7



Looking over dry wash, towards berm.



Burnt building & shed,
looking towards adjacent
house & lot.



CDUA PLANS	
SCALE: As Noted	APPROVED BY:
DATE: 11/15/2012	REVISION:
JOE & MARTI PASKAL	
DRAWING NUMBER	