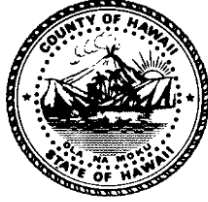


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County of Hawai'i

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March 14, 2024

Dave Simpson
PBR Hawaii & Associates, Inc.
1001 Bishop St., Ste. 650
Honolulu, HI 96813
VIA EMAIL

Dear Mr. Simpson:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2024-000213)**

Applicant: State Department of Transportation (HDOT)

Landowner: State Department of Transportation (HDOT)

**Project: Improvements to Bayfront Highway (Route 19) and
Waianuenue Ave. (Route 1950) Intersection**

Tax Map Key: (3) 2-3-002:022, :999, 2-3-003:003, :999, & 2-3-005:999,

Location: South Hilo District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2024-000213), received by this office on February 29, 2024. The project area totals 5.27-acres of land owned by the State of Hawaii and County of Hawaii. The project area is zoned as both "open" and "road" by the County and designated Urban by the State Land Use Commission (LUC). The subject parcels are designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The parcels are within the Special Management Area (SMA) and are considered "shoreline parcels" as defined by Section 205A-41(as amended), Hawai'i Revised Statutes (HRS).

Proposed Project:

The proposed project includes improvements to the intersection of Bayfront Highway (Rte. 19) and Waianuenue Ave. (Rte. 1950) to enhance multimodal connectivity and address ongoing concerns involving poor vehicular maneuverability, restricted access to the downtown Hilo area, pedestrian safety concerns, and overall congestion of roadways in the vicinity. The preferred

alternative includes the reconstruction of roadways to allow for construction of an intersection single-lane roundabout, ADA compliant sidewalks and roadway crossings, drainage improvements, reconfiguration of parking, and other roadway improvements including new highway lighting, electrical infrastructure relocations, signage, pavement markings, pedestrian signals, raised crosswalks, landscaping, and traffic management devices and other utility adjustments as required.

To minimize traffic impacts during construction, the project will include both day and night work. All of the lands included in this project have been graded and are currently used for roadways and associated transportations and infrastructure uses, such as sidewalks, bike paths, parking, landscaped medians, as well as above and below grade infrastructure such as drainage, wastewater, and utilities.

Construction of the roundabout is expected to take two (2) years, broken into five (5) phases to accommodate construction:

- **Phase 1** – Build Bayfront Highway and Kamehameha legs of the roundabout; reinforcement of the fill behind the seawall; traffic routed around construction areas.
- **Phase 2** – Build islands between Bayfront Highway and Kamehameha; Traffic routed around construction area.
- **Phase 3** – Build Waianuenue leg of roundabout, FULL CLOSURE of Waianuenue and detour to local roads.
- **Phase 4** – Build Bayfront approach to bridge; PARTIAL CLOSURE Southbound Lane only; detour via Wainaku Street.
- **Phase 5** – Build a roundabout center and surrounding islands. Traffic routed around construction areas.

Staff notes that while Bayfront Highway is currently HDOT-owned, the mauka half of the roundabout encompassing Kamehameha Ave is County-owned. HDOT intends to acquire the County-owned property to have jurisdiction over the entire area; jurisdictional determination will be resolved prior to construction.

Shoreline Setback Area Determination:

The entire project area is located within the Special Management Area (SMA) as well as located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS). According to our review of the project site, the shoreline is situated at the makai edge of the project site, however, as some work will all occur within the shoreline setback area, a Shoreline Certification will not be required for the proposed project as it is unnecessary to determine the setback location.

The proposed project is to address traffic congestion at the Hilo Bayfront Highway intersection with Waianuenue Ave. that is caused, in part, by Highway closures due to flooding of Bayfront. The secondary purpose is to provide pedestrian accessibility and safety improvements.

Since the proposed action is to rehabilitate an existing portion of roadway and install improvements for safety and accessibility, staff notes there is no public access, public trails, or public viewplanes that will be affected by this project. Staff notes that access to the shoreline and County Park will be improved by the proposed project, and the proposed action will not alter the exiting grade of the shoreline setback area.

Based on the preceding information, the Planning Department has determined the proposed activity may be permitted in the shoreline setback area without the need for a shoreline setback variance pursuant to County of Hawai'i Planning Department (PD) Rule 11-7(a): The following structures or activities may be permitted within the shoreline setback area provided written clearance is secured from the Planning Department.

- Rule 11-7(a)(6): *Structures which were completed by or activities which commenced prior to June 22, 1970; and*
- Rule 11-7(a)(10): *The structure or activity was determined by the Planning Department to be outside the shoreline setback area when it received legal approvals.*

Additionally, in accordance with PD Rule 11-8(c): *Structures or activities that qualify under Section 11-7(a)(6) through (10) may be routinely maintained.*

Special Management Area Determination:

Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1) relating to the Special Management Area, *Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.* According to the application, the following definitions of "Development" can be applied to the proposed use:

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
- *Construction, reconstruction, or alteration of the size of any structure.*
- *Grading, removal, dredging, mining, or extraction of any materials.*

Pursuant to Planning Commission Rule 9-4(e)(3): *Any proposed use, activity, or operation listed in Section 9-4(e)(1) shall be deemed to be "Development" until the Director has determined it to be exempted from the definition of "Development."* According to 9-4(e)(2) "Development" does

not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of “Development”:

- *Repair and maintenance of roads and highways within existing rights of way.*
- *Repair and maintenance of utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations.*
- *Demolition or removal of structures.*

Pursuant to Planning Commission Rule 9-4(e)(4): *Whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as “Development” for the purposes of this rule.*

- *Based on the information provided, the Director finds that the proposed project is exempt from the definition of “development” and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.*

Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

Future Special Management Area Determinations:

While further review of the proposed activities against the Special Management Area and Shoreline Setback Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

Additionally, pursuant to Planning Commission Rule 9-10(g):

The Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area.

The Director has added the following conditions for the proposed project:

Director’s Conditions:

1. The applicant(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all stated conditions.

2. The Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. If required, the Applicant shall secure building permits for the proposed project within five (5) years from the date of this determination. If building permits have not been secured within that five (5) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
4. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. The Applicant shall adhere to all Best Management Practices, monitoring, and mitigation as outlined in the submitted application.
7. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
8. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
9. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.

Dave Simpson
PBR Hawaii & Associates, Inc.
March 14, 2024
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10. That in issuing this determination, the Department has relied on the information and data that the applicant has provided in connection with this determination. If, subsequent to this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
11. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (Mar 14, 2024 11:26 HST)

ZENDO KERN
Planning Director

AJR:mads
\\coh01\planning\public\wpwin60\czm\smas\2024\pl-saa-2024-000213_bayfront_traffic_circle.doc

Attached: Exhibit 1 – Site plan

cc w/attachments via email: GIS Section

LEGEND

- Project Area
- Right-Of-Way

HILO BAY

KAIPALAOA
LANDING PARK

HAWAII BELT RD. (ROUTE 19)
(STATE)

BAYFRONT HWY. (RTE. 19)
(STATE)

KAMEHAMEHA AVE.
(COUNTY)

KAMEHAMEHA AVE.
(COUNTY)

WAILUKU DR.
(COUNTY)

SHIPMAN ST.
(COUNTY)

WAIANUENUE AVE.
(COUNTY)

KALAKAUA ST.
(COUNTY)



CONCEPTUAL SITE PLAN

Bayfront Hwy and Waiānuenu Ave Intersection Improvements

Figure 1

Source: AECOM