

County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

DEC 06 2012

Mr. Alan Keoni Thompson
County of Hawai'i
Department of Public Works
101 Pauahi Street, Suite 7
Hilo, HI 96720-3043

Dear Mr. Thompson:

Special Management Area Use Permit Application (SMA 12-000051)

Request: Extension of La'aloa Avenue as a Two-Lane, 60-Foot Wide Collector Roadway
For a Distance of Approximately 1,900 Feet to Connect With Kuakini Highway
(Alternative Alignment 3, Cross Section Alternative B)

Applicant: County of Hawai'i, Department of Public Works

Tax Map Key: 7-7-004:068, 7-7-008:029, 114, 120, and 7-7-028:007

The Leeward Planning Commission at its duly held public hearing on November 15, 2012, voted to approve the above-referenced request for a Special Management Area (SMA) Use Permit for the extension of La'aloa Avenue as a two-lane, 60-foot wide collector roadway for approximately 1,900 feet to connect with Kuakini Highway (Alternative Alignment 3, Cross Section Alternative B), La'aloa 1 and 2 and Pāhoehoe, North Kona, Hawai'i. Onouli Farm, LLC, entered into a written settlement agreement with the County of Hawai'i and had withdrawn its request for a contested case hearing effective November 14, 2012.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options. The proposed action will not have any significant adverse

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environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The Department of Public Works requests a Special Management Area Use Permit to allow the extension of La'aloa Avenue as a two-lane, 60-foot wide collector roadway for approximately 1,900 feet to connect with Kuakini Highway to the east (mauka). La'aloa Avenue currently extends east and mauka towards Kuakini Highway from Ali'i Drive. The proposed route extends through undeveloped privately owned parcels: TMK 7-7-004: 068, 7-7-008: 029, 114, 120, and 7-7-028: 007. Currently, there are no connectors between Kuakini Highway and Ali'i Drive for approximately 3.5 miles between Royal Poinciana Drive and King Kamehameha III Road. The project will a) provide a needed connector between Ali'i Drive and Kuakini Highway and reduce traffic congestion in the area; b) serve as a major evacuation route; and, c) shorten travel distance for residents and visitors.

The following is proposed to be constructed:

- Two 11-foot wide travel lanes
- Concrete curb, gutter and 7-foot wide sidewalks
- 8-foot wide concrete curbed median
- Bike lanes – mauka bound (6 feet with gutter); makai bound (4 feet with gutter)
- Four traffic calming speed tables (two mauka bound, two makai bound)
- Drainage improvements including catch basins, drywells and culverts
- Kuakini Highway intersection improvements including turning lanes and traffic signalization
- Street lights.

Three (3) alternative alignments and two (2) cross-section alternatives for the project were considered (Figure 2-3a, Final Environmental Assessment, page 16), taking into consideration grade/slope, pedestrian safety, bicycle lanes, speeding and parking:

- Alternative 1 (direct, steeper route)
- Alternative 2 (gentler slope; less effect on TMK: 7-7-8: 114)
- Alternative 3 (hybrid between Alternatives 1 and 2; incorporated an "S" curve to lengthen the extension to reduce the grade).

All three alternatives involve related routes extending La'aloa Avenue to Kuakini Highway, with a proposed two-lane road with a 60-foot right-of-way with underground utility lines, above-ground poles for street-lighting, curbs, gutters, bike lanes, sidewalks, medians and landscaping.

Both Cross-Section Alternatives A and B were proposed to include:

- two travel lanes, curb/gutter/sidewalk from Kuakini Highway to Ali'i Drive
- landscaped, no-travel median
- striped medians with left-turn lanes at intersections in the existing La'aloa Avenue mauka of the Parkway
- on-street parking; no median in the existing La'aloa Avenue makai of the Parkway
- traffic calming measures.

The main difference between Cross-Section Alternatives A and B are:

- Cross-Section Alternative A - divides the 60-foot right-of-way for consistently wider travel lanes (12 to 14 feet) shared by bicycles.
- Cross-Section Alternative B - narrower travel lanes (10 to 11 feet) and a 4-foot dedicated bicycle lane; 7-foot wide pedestrian sidewalk on both sides of the road; horizontal and vertical buffer/separation from vehicular traffic by a striped bicycle lane and curb; 6-foot wide mauka-bound bicycle lane and 4-foot wide makai-bound lane.

As speed, steep roadway grades and property impacts were the primary concerns expressed by the community, Alternative 3 and Cross-Section Alternative B was selected for the project. By letter dated September 14, 2012, the DPW has stated that the Ali'i Drive intersection improvements, a roundabout, and improvements to the existing lower portion of Laaloa Avenue are not included in the Phase 1 portion of the project, although identified as proposed in the FEA.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. The project area is located at the unimproved mauka end of La'aloa Avenue, whose existing section currently extends east (mauka) from Ali'i Drive approximately 4,000 feet before ending at a point approximately 1,500 feet west (makai) of the Kuakini Highway (Highway 11). The proposed roadway extends through undeveloped land on privately owned properties. Surrounding lands are zoned Agricultural (A-5a), Single-Family Residential (RS-7.5 and RS-15) and Multiple-Family Residential (RM-3.5), and developed for residential uses. The Keauhou Village Estates is

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located to the north and south of La'aloa Avenue. The Ali'i Heights subdivision is located mauka of the proposed Parkway and south of both the existing and proposed extension of La'aloa Avenue.

While the proposed action will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these coastal resources. With the proper mitigating conditions in place, the proposed project will not substantially affect scenic vistas or viewplanes of nearby residents nor have a significant adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems. Air quality in the area is predominantly affected by emissions from natural and vehicular sources. Both short-term air and noise quality impacts associated with the construction of the proposed improvements are expected during construction, especially during grubbing and grading activities. These impacts can be mitigated through the utilization of construction best management practices. Given the limited nature of the construction activities, no significant long-term air and noise quality impacts are anticipated.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. All utilities are available to the project site. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. A condition of approval will be included to ensure that impacts on coastal resources are minimized through compliance with existing County erosion and sedimentation requirements.

As the project site ranges from approximately 250 feet in elevation at the mauka portion of La'aloa Avenue to approximately 450 feet at its intersection with Kuakini Highway, the proposed action should not result in any significant adverse impact on the biological or economic resources of the coastal ecosystem within the affected area. The site is located in Zone "X", areas outside of the 500-year flood plain. There is no public access to the mountains or the shoreline that traverses the project site. The development of the road will not adversely affect any public access to shoreline parcels.

An archaeological inventory survey of the entire project site was conducted by Rechtman Consulting, LLC in April, 2005 (Appendix 5 of the FEA). The survey identified various walls, complexes and terraces on the site and recommended treatment of the sites (see Table 3-5, page 52, FEA). The sites were assessed for their significance based on criteria established and promoted by the DLNR-SHPD and contained in the Hawai'i Administrative Statutes Rules 13§13-284-6. In a letter dated July 27, 2005 (Appendix 4), the DLNR-SHPD concurred with this finding. The project area was used for traditional Hawaiian residential and agricultural activities and practices in the past. However, there is no evidence of traditional cultural practices currently being exercised in the area.

A faunal study of the area was conducted by Rana Productions in December, 2004 (see FEA). Three alien mammalian species were detected during the survey, including dogs, cats and mongooses. The endangered Hawaiian Hoary Bat was not detected during the study. No species currently listed as endangered, threatened, or proposed for listing under either the Federal or the State of Hawaii's endangered species programs was detected on the site.

Geometrician Associates conducted a botanical survey of the area in November 2004, which revealed that nearly all of the fifty-eight plant species on the property were alien. No species currently protected or proposed for protection under the Federal or State of Hawai'i endangered species programs were discovered during the survey.

The proposed development is consistent with the County General Plan and the Zoning Code. The properties are zoned Agricultural (A-5a), Multiple Family Residential (RM-3.5) and Single-Family Residential (RS-7.5 and RS-15). Surrounding lands are zoned Agricultural (A-5a), Single-Family Residential (RS-7.5 and RS-15) and Multiple-Family Residential (RM-3.5), and developed for residential uses. The Keauhou Village Estates is located to the north and south of La'aloa Avenue. The Ali'i Heights subdivision is located mauka of the proposed Parkway and south of both the existing and proposed extension of La'aloa Avenue. Undeveloped lands surround the proposed extension area. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The project area is designated Urban Expansion, a designation which includes a mix of high density, medium density, low density, industrial, industrial-commercial and/or open designations in areas where new settlements may be desirable, but where the specific settlement pattern and mix of uses have not yet been determined. Thus, the proposed development is consistent with the LUPAG Map designation and would complement, among others,

the Transportation element of the General Plan, which states, "provide a system of roadways for the safe, efficient and comfortable movement of people and goods."

The project is consistent with the following goals, policies, standards and courses of action of the General Plan:

- Provide a transportation system whereby people and goods can move efficiently, safely, comfortably and economically
- Make available a variety of modes of transportation that best meets the needs of the County
- Provide a system of roadways for the safe, efficient and comfortable movement of people and goods
- Consider the development of alternative means of transportation, such as mass transit, bicycle and pedestrian systems, as a means to increase arterial capacity.
- Provide vertical connectors from Ali'i Drive to Kuakini Highway.

The Kona Community Development Plan (KCDP) adopted by Ordinance No. 08-131 effective September 25, 2008 identifies the property as "Kona Urban Area." Although concurrency requirements apply primarily to rezonings, nevertheless, the La'aloa Extension is identified on Table 4-1 (Concurrency Table) as Concurrency Zone M, one of a number of prioritized road improvements. The Transportation section of the Kona CDP serves as a policy guide for County decisions regarding transportation systems and provides guidance for concurrency and connectivity of transportation facilities. The objectives, policies, and actions iterated in the KCDP establish a transportation oriented basis for future development. The project complies with the Guiding Principles of the KCDP, to provide connectivity and transportation choices, provide infrastructure and essential facilities concurrent with growth under the following policy and objective:

- Transportation Policy 2.1: Connectivity Standards
- Transportation Objective 3: Multi-Modal System.

The proposed project will contribute to the local transportation network on Kuakini Highway and Ali'i Drive by providing a mauka-makai access upon completion. Bicycle lanes will provide a safe, environmentally attractive alternative to the traditional vehicular alternative. Thus, the proposed extension, designed as a multi-modal transportation system, will help to reduce congestion, improve air quality, and reduce fuel consumption.

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The project will be the culmination of the long-term plan identified in the General Plan for a vertical connector between Ali'i Drive and Kuakini Highway. Notwithstanding long-term plans, the project would shorten travel distance for motorists, and provide an independent functional purpose of providing an alternative safe access to the surrounding areas, as the traffic volume and congestion is forecasted to increase in the future without a mauka-makai connector. In addition, the proposed extension can be utilized as a major evacuation route in case of emergencies. Currently, as there are no connectors between the Kuakini Highway and Ali'i Drive for approximately 3.5 miles between Royal Poinciana Drive and King Kamehameha III Road, the traffic congestion and Level of Service (LOS) on Ali'i Drive is less than satisfactory.

In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. These rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: An archaeological inventory of the project site and surrounding area was conducted. The project area was used for traditional Hawaiian residential and agricultural activities and practices in the past. However, there is no evidence of traditional cultural practices currently being exercised in the area.

The valuable cultural, historical, and natural resources found in the area: An archaeological inventory survey of the entire project site identified various walls, complexes and terraces, recommended treatment of the sites, and assessed for their significance based on criteria established and promoted by the DLNR-SHPD and contained in the Hawai'i Administrative Statutes Rules 13§13-284-6. There is no evidence of traditional cultural practices currently being exercised in the area. No listed or proposed, threatened or endangered species were found. Thus, the project will have minimal effect on existing resources.

Possible adverse effects or impairment of valued resources: Native vegetation, though sparse, may be destroyed by ground alteration. However, studies indicate that there are no identified valued resources on the site.

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Feasible actions to protect native Hawaiian rights: The property is located mauka of Ali'i Drive and will not be impacted by coastal hazard and beach erosion. There are no identified public accesses to the shoreline or mountains on the project site. Thus, to the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts to the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area. Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The La'aloa Extension shall be completed as substantially represented in the FEA, within five (5) years from the effective date of this permit.
3. The construction of the proposed road shall follow the guidelines incorporated in the "A Policy on Geometric Design of Highways and Streets (AASHTO) and meet the requirements of the Department of Public Works.
4. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
5. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.
6. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
7. The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires and NPDES permit for certain construction activity.

8. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.

9. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

10. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.

 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

 - C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.

 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

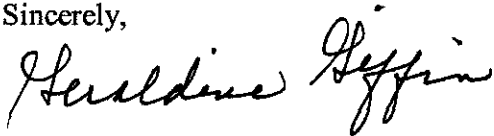
Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Geraldine Giffin, Chairman
Leeward Planning Commission

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cc: Ms. Kathleen Chu, CH2MHill
Roy A. Vitousek III, Esq.
Ivan Torigoe, Esq.
William Brilhante, Esq.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
Department of Land and Natural Resources/HPD
DOT-Highways, Honolulu
Ms. April Surprenant
Mr. Gilbert Bailado