

**LAND USE COMMISSION
MEETING MINUTES**

March 20, 2009 – 9:00 a.m.

**Leiopapa A Kamehameha
Conference Room 405, 4th Floor
235 S. Beretania St.
Honolulu, Hawaii**

COMMISSIONERS PRESENT: Thomas Contrades
Kyle Chock
Vladimir Devens
Duane Kanuha
Ransom Piltz
Nicholas Teves Jr.
Rueben Wong

COMMISSIONERS ABSENT: Lisa Judge
Normand Lezy

STAFF PRESENT: Orlando Davidson, Executive Officer
Riley Hakoda, Staff Planner
Holly Hackett, Court Reporter
Walter Mensching, Audio Technician

CALLED TO ORDER

Chair Kanuha called the meeting to order at 9:12 a.m.

HEARING

DR05-771 D.R. HORTON- SCHULER HOMES, LLC

Chair Kanuha announced that this was a continuation of a hearing on Docket A06-771 D.R. Horton-Schuler Homes, LLC, a Delaware limited liability company, to Amend the Agricultural Land Use District Boundaries Into the Urban Land District for approximately 1,553.844 Acres of Land at Honouliuli, Ewa District, Oahu, Hawaii, Tax Map Key Nos.: 9-1-17:4, 059 and 072 (por); 9-1-18: 1 and 4 (por).

Commissioner Devens moved to go into executive session. Commissioner Piltz seconded the motion. There was a unanimous 7-0 verbal vote. The Commission immediately entered into executive session at 9:15 a.m. and reconvened at 9:23 a.m.

APPEARANCES

Benjamin Kudo, Esq., Naomi Kuwaye, Esq. and Yuko Funaki, Esq. represented Petitioner

Dawn Takeuchi-Apuna, Esq., and Tim Hata represented the City & County of Honolulu, Dept. of Planning and Permitting

Bryan Yee, Esq., represented State Office of Planning

Abby Mayer, State Office of Planning

Dr. Kioni Dudley-Friends of Makakilo, Intervener

Yvonne Izu, Esq.-represented Haseko (Ewa) Inc., Intervener

Mr. Kudo stated that he intended to call on his witnesses in the order set forth in the witness list submitted by Petitioner.

PUBLIC WITNESSES

1. Tom Berg

Mr. Berg is a Ewa Beach resident and testified in support of Ho'opili with requisites. He stated concerns that roads for the project should be under construction to coincide with the completion of the project in conformance with HB1462; that the east-west road be completed and open to the public as a thoroughfare before any homes go on sale; that the Level of Service (LOS) rating on the H1 Freeway improve from "F" to "C"; that Honowai Street remain without a traffic signal; and that potential inadequate parking at schools be addressed in the Ho'opili project.

Mr. Berg stated that he felt tax incentives for TOD should not be given to the project and gave his account of the Ewa Neighborhood Board's actions prior to this hearing.

Mr. Berg stated that he worked for Rep. Kymberly Pine and that to the best of his knowledge, she would not be participating as a witness at this hearing.

In response to OP-Mr. Yee's questions about traffic related issues, Mr. Berg stated that he felt that no permits should be granted without concurrent road construction; that Honowai Street ingress/egress posed major problems requiring attention; and that a dedicated elevated ramp, instead of a traffic signal, might mitigate the Honowai Street access situation.

Dr. Dudley asked Mr. Berg to describe his role on the Ewa Neighborhood Board. Mr. Berg said that he was the Legislative Committee Chair and provided his account of his experiences with the Neighborhood Board prior to this hearing.

There were no further questions for Mr. Berg.

2. Dr. Deborah Agles

Dr. Agles stated she was a physician who had been a Makakilo homeowner since 1983. She stated concerns about problems caused by traffic and the lack of local area infrastructure. She provided examples of how her medical practice was adversely affected. She stated that consideration should be given to the needs of the people with the advent of more development in Kapolei.

There were no questions for Dr. Agles.

3. Thomas Galioto

Mr. Galioto stated he was a soil scientist. He expressed his concerns regarding the disappearance of useable agricultural land and was opposed to the boundary change.

Dr. Dudley referred Mr. Galioto to Exhibit 16D1 during questioning. Mr. Kudo objected to the use of an Exhibit which had not been accepted into evidence yet. Chair Kanuha agreed and advised the parties that if the Exhibit were admitted to the record, then they would be allowed to refer to it.

There were no further questions for Mr. Galioto.

4. Katherine Carrasco

Ms. Carrasco stated she was testifying to provide a tourist's perspective and that the Commission give consideration to preserving the visual beauty of the land.

There were no questions for Ms. Carrasco.

5. Danielle Swenson

Ms. Swenson stated she wanted to preserve the area's life style, visual beauty and green space; as well as support local agriculture.

There were no questions for Ms. Swenson.

The Commission went into recess at 10:04 a.m. and reconvened at 10:22 a.m.

Chair Kanuha described for the record additional written testimony which had been submitted the day before and during the day's hearing.

TESTIMONIES (continued)

Petitioner's Witnesses

Mr. Vincent Shigekuni- PBR Hawaii returned for questioning by the Commission.

Commissioner Wong asked Mr. Shigekuni to explain details of Petitioner's Exhibit 4- "Ho'opili" testimony. Mr. Shigekuni referred specific questions on the Exhibit to Terry Brothers.

Commissioner Teves asked if there had been any consideration for a cemetery being placed on the Petition Area and referred to page 15 of the EIS to inquire about how much space would be provided for religious purposes and private schools. Mr. Shigekuni referred these questions to Mike Jones.

Commissioner Chock referred to the Conceptual Land Use Map and asked Mr. Shigekuni to review and explain the details of the map. Mr. Shigekuni identified potential school and meeting sites, community facilities like parks, and possible transit corridor alignments. He also identified different types of residential areas around possible transit station sites.

Mr. Shigekuni described the residential densities on the map and referred more detailed explanation of decisions regarding Transit Oriented Development to Tim Van Meter or Mike Jones. Mr. Shigekuni stated that the affordable housing components of the project would be interspersed throughout the development and referred to Exhibits 3-5 Appendix "K", and Exhibit 3-8 to answer questions in regards to the concept of "live, work, play". He deferred to Ann Bouslog for more detailed answers to these questions.

Mr. Shigekuni also referred questions about backbone infrastructure and sale of property to finance the project to Mike Jones.

Commissioner Devens asked Mr. Shigekuni if he had any other experiences with projects in the area. Mr. Shigekuni described his firm's work for UH West Oahu and the Department of Hawaiian Home Lands and also described the work done by the Wilbur Smith Associate's traffic engineers in the area. Mr. Shigekuni went on to explain his perception of what might be causing the traffic problems in Ewa and spoke of a planning concept called "connectivity".

Mr. Shigekuni stated that a 10 acre contribution would be made for a public facility to house police or fire department operations within the project.

There were no other questions. The Petitioner did not have any re-direct.

Tim Van Meter

Mr. Van Meter was qualified as an expert witness in Transit Oriented Development Planning and Design (TOD) and described his work experience in the field for the Commission. Mr. Van Meter described what TOD was and how it was being implemented in areas served by mass transit. He used Petitioner's Exhibit 16-Summary View of TOD and Exhibit 17-Conceptual Framework for

Transportation during his explanation. Mr. Van Meter stated the details for how the Ho'opili project was designed as a TOD and explained "connectivity" as being a redundancy of patterns. According to Mr. Van Meter, communities in Ewa are a series of "pods" connected by arterials without streets and roads interconnecting them. He said that Ho'opili was designed to be more "mesh-like" to allow a better internal and external flow of traffic.

Mr. Van Meter stated that the lack of connectivity was one of the main problems in the area due to the lack of available choices to move about. He explained that Ho'opili was designed to offer a "pedestrian first" environment with mixed-use units that had horizontal and vertical considerations to offer a wide variety of housing choices. Mr. Van Meter described what a typical TOD station layout might resemble, what a TOD lifestyle could be, and how TOD could affect the region.

The City and County of Honolulu had no questions for this witness.

OP-Mr. Yee asked Mr. Van Meter to explain details of Exhibit 17-Street Typology. Mr. Van Meter could not. Mr. Kudo stated that a legend would be provided to Mr. Yee later. Mr. Yee asked Mr. Van Meter to explain the different shapes on Exhibit 18. Mr. Van Meter responded by saying that they represented different types of pedestrian circulation and behavior patterns. Mr. Van Meter stated that the more detailed framework for Ho'opili is underway as station locations are being solidified for the transit project and referred what he perceived as perceptual questions from Mr. Yee to the Petitioner Mike Jones. Mr. Kudo added that there was a traffic consultant available to answer the type of questions that Mr. Yee had.

Mr. Yee asked if there were TOD guidelines. Mr. Van Meter responded that there were principles not guidelines used in TOD since it was an evolving practice and identified a non-profit organization called the Center for Transit Oriented Development which collected this type of information. Mr. Van Meter stated that the TOD principles involved a mix of uses, pedestrian-first environments, quality streets, gathering places, being multi-generational, and having housing choices.

Mr. Yee asked if County legislation enabling TOD had been passed. Mr. Van Meter responded that such legislation had recently passed and that it would become the enabling ordinances for development of the station areas. Mr. Yee asked questions about the project applying to be a LEED pilot project. Mr. Kudo stated that Mr. Van Meter was called to speak on TOD issues and could be recalled if necessary, but that a LEED expert was available to answer questions such as Mr. Yee had. Mr. Yee stated that the questioning was in regards to the connection between LEED Pilot Program and TOD. Mr. Kudo objected to the line of questioning as being outside the scope of the witness's testimony and stated that the role that Mr. Van Meter had in the project was as a master planner. Chair Kanuha had Mr. Yee restate his questions.

Mr. Van Meter stated that Ho'opili was not participating in LEED-ND in its current form and referred further questions to Mike Jones.

Commissioner Devens excused himself at 11:25 a.m. and returned at 11:50 a.m.

Mr. Yee asked how regional connectivity affected the commute downtown. Mr. Van Meter stated that Ho'opili was just a portion of the puzzle and there were many other components involved.

Commissioner Contrades excused himself at 11:35 a.m. and returned at 11:38 a.m.

There were no further questions from OP.

Dr. Dudley had questions about traffic, parking and access to the rail stations. Mr. Van Meter described how the project addressed those areas.

Commissioner Teves excused himself at 11:41 a.m. and returned at 11:47 a.m.

Haseko (Ewa) Inc. had no questions.

Commissioner Chock asked Mr. Van Meter to explain the details of his paper on TOD planning which was included in the Petitioner's Exhibits for a better understanding of the material. Mr. Van Meter reviewed his paper for the benefit of the Commissioners.

Commissioner Wong excused himself from the meeting at 11:50 and did not return.

Mr. Van Meter described how the number of dwellings per acre was decided and how block size affected pedestrian access. He also spoke on how land values were affected, as well as how the "overlays" on existing land use allow things to occur. Mr. Van Meter also described how location near transportation could affect mortgages and how impact fees for rail differed from roads. Commissioner Chock asked about what had failed in other areas and Mr. Van Meter described events and designs that did not work in other cities.

Commissioner Devens asked Mr. Van Meter how much control he would have over stops and station locations. Mr. Van Meter replied that his role was on TOD and not on the transit alignment. Mr. Van Meter described the projects that he had been involved with and stated that connectivity has been a long-standing fundamental concept.

Commissioner Piltz asked about the project transit parking accommodations. Mr. Van Meter described how transit parking was designed to be situated in the Ho'opili project.

Chair Kanuha commented that the Commission was more used to hearing from traffic engineers and traffic issues. Chair Kanuha asked how closely TOD worked with the traffic engineers. Mr. Van Meter described how the various aspects of transportation planning interacted in the planning process. Chair Kanuha requested that Mr. Van Meter be available to the Commission for questioning after the Commission hears testimony from the Petitioner's traffic expert.

There were no further questions for Mr. Van Meter.

The Commission recessed at 12:05 p.m. and reconvened at 1:20 p.m.

Chair Kanuha described for the record additional written testimony received during the earlier part of the day.

Dr. Gregory Brenner

Dr. Brenner was qualified as an entomologist and testified on his insect and arthropod studies and findings in the area. Ms. Kuwaye referred to Petitioner's Exhibit 8 and asked Dr. Brenner to describe the areas he observed. Dr. Brenner explained the techniques and methods that he used to conduct his studies in the Petition Area. Dr. Brenner stated that in his opinion there would be no adverse impact on arthropod resources due to the project in the Petition Area.

There were no questions for this witness from the City and County, OP, or Interveners.

Commissioner Devens asked Dr. Brenner to explain the special sampling mentioned in page 2 of his report. Dr. Brenner responded by explaining how sampling was conducted in areas within the Petition Area which was categorized as special.

Sam Silverman

Mr. Silverman was qualified in acoustical engineering. Ms. Kuwaye asked Mr. Silverman to describe the activities that involved him with the Ho'opili Project. Mr. Silverman stated that Petitioner's Exhibit 22 was a report that he had prepared on noise mitigation measures for the project site and explained the methodology used in preparing the report. Mr. Silverman summarized the findings of Petitioner's Exhibit 23- Environmental Noise Assessment Report, Ho'opili, Ewa, Oahu, Hawaii and described on site and off site noise impacts and land use compatibility. Mr. Silverman also described the noise mitigation measures necessary for the interior and exterior spaces of the Petition Area. Mr. Silverman stated that the project would not have a negative impact on the Petition Area after the proposed mitigation measures for ambient noise levels were implemented except for one portion of off-site noise impact along Fort Weaver Road.

The City and County had no questions for Mr. Silverman.

Mr. Yee asked how the noise level data was calculated and collected. Mr. Silverman stated he followed how the traffic study noise levels were done and used similar methodology. Mr. Yee referred to Exhibit 22-page 5 and asked Mr. Silverman to describe mitigation measures to meet the Department of Education noise standards for school sites. Mr. Silverman provided information of allowable noise levels and the various choices for mitigating them.

Dr. Dudley asked Mr. Silverman to describe what the mitigation features would look like and how they would affect the view planes from the freeway. Mr. Silverman stated what the mitigation features would look like. Ms. Kuwaye objected to questions regarding view planes as being outside the scope of the witness's expertise.

Intervener Haseko had no questions for this witness.

Commissioner Devens asked for clarification on details for Exhibit 22-pg. 5 – solutions 5 and 6.

Chair Kanuha questioned when the DOE noise levels became effective and asked what weight they carried in the decision-making process. Mr. Silverman stated that they were in a January 2008 report and were specifications for building schools.

There were no further questions for Mr. Silverman.

Tom Nance

Mr. Nance was qualified as an expert in Hydrology. Ms. Kuwaye referred him to Exhibit 25- Conceptual Water Master Plan for the Ho'opili Project in Ewa, Oahu and had him describe the details of the plan for the Commissioners.

Ms. Kuwaye referred Mr. Nance to Exhibit 6-“Location Map” and had him describe and explain the existing potable and non-potable water systems in the area. Mr. Nance stated that the average project demand for potable water at full build-out would be about 3.9 million gallons per day.

Ms. Kuwaye referred to Figures 2 and 3 from Mr. Nance's report and asked him to describe the project's potable water system. Mr. Nance identified the proposed sources of water for the project which included using alternate wells and constructing a desalination plant. Mr. Nance also described his plan's proposed non-potable water system; provided the details of how non-potable water would be supplied to the project and how, if the recommended pipe sizes go in appropriately for the area, hydraulics for water in the area could be improved.

Ms. Kuwaye stated that Mr. Nance was available for cross-examination.

Chair Kanuha stated that the hearing proceedings were concluded for the day, and declared a recess at 2:10 p.m.

The meeting resumed at 2:15 p.m. to discuss legislative items.

Executive Officer Davidson provided updates on legislative, administrative and organizational matters. OP- Mr. Mayer provided comments on current legislation.

Commissioner Contrades moved to adjourn the meeting and Commissioner Teves seconded the motion.

The meeting was adjourned at 2:22 p.m.

(For more details on the above matters, see LUC transcripts of March 19-20, 2009.)