

1 LAND USE COMMISSION  
2 STATE OF HAWAI'I  
3 HEARING AND ACTION  
4 A06-771 D.R. HORTON-SCHULER HOMES, LLC)  
5 \_\_\_\_\_)

6

7 TRANSCRIPT OF PROCEEDINGS

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9 The above-entitled matter came on for a Public Hearing  
10 at Conference Room 204, 2nd Floor, Leiopapa A  
11 Kamehameha, 235 S. Beretania Street, Honolulu,  
12 Hawai'i, commencing at 9:15 a.m. on October 21, 2011,  
13 pursuant to Notice.

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19 REPORTED BY: HOLLY M. HACKETT, RPR, CSR #130  
Certified Shorthand Reporter

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1 A P P E A R A N C E S

2 COMMISSIONERS:  
KYLE CHOCK (Presiding Officer morning session)  
3 THOMAS CONTRADES  
RONALD HELLER  
4 LISA M. JUDGE  
NORMAND LEZY (Chairman)  
5 CHAD McDONALD  
ERNEST MATSUMURA  
6 NICHOLAS TEVES, JR.

7

8 EXECUTIVE OFFICER: ORLANDO DAVIDSON  
ACTING CHIEF CLERK: RILEY HAKODA  
9 STAFF PLANNERS: BERT SARUWATARI, SCOTT DERRICKSON

10 DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

11 AUDIO TECHNICIAN: WALTER MENCHING

12

13 Docket No. A06-771 D.R. Horton-Schuler Homes, LLC

14 For the Petitioner: BENJAMIN KUDO, ESQ.  
NAOMI KUWAYE, ESQ.  
15 YUKO FUNAKI, ESQ.

16 For the County: DAWN TAKEUCHI-APUNA, ESQ.  
Deputy Corporation Counsel  
17 TIM HATA - DPP

18 For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
19 MARY LOU KOBAYASHI  
Director Office of Planning  
20

21 For Intervenor Friends of Makakilo: DR. KIONI DUDLEY

22 For Intervenor Sierra Club: TATYANA CERULLA, ESQ.  
23 ELIZABETH DUNNE, ESQ.

24 For Intervenor Senator Clayton Hee: ERIC SEITZ, ESQ.  
SARAH DEVINE, ESQ.  
25 Also Present: SENATOR CLAYTON HEE

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1 PRESIDING OFFICER CHOCK: (gavel) Good  
2 morning. This is a continued hearing on A06-771

3 D.R. Horton-Schuler Homes, LLC. Petitioner, your  
4 witness. Before we begin I just want to remind  
5 Mr. Nekota you're under oath.

6 MR. NEKOTA: Yes.

7 CAMERON NEKOTA  
8 being previously duly sworn to tell the truth, was  
9 examined and testified as follows:

10 MR. KUDO: Petitioner has no redirect of  
11 Mr. Nekota. At this time we'd like to open him up to  
12 any questions the Commission may have. Other than  
13 that we are ready to proceed with our next witness.

14 PRESIDING OFFICER CHOCK: Commissioners, any  
15 questions for the witness? Commissioner Judge.

16 COMMISSIONER JUDGE: Thanks, Vice Chair  
17 Chock. Good morning, Mr. Nekota.

18 THE WITNESS: Good morning.

19 COMMISSIONER JUDGE: I just had a couple  
20 questions from yesterday's testimony. I was  
21 interested in the discussion of those steward lots.  
22 Can you tell me how large those lots would be?

23 THE WITNESS: The actual square footage of  
24 lots would vary based on when we start laying out the  
25 community. But by and large I think what you saw was

5

1 a 5,000 square foot lot. And that's what the picture  
2 represented in yesterday's presentation.

3 COMMISSIONER JUDGE: Okay. I'm looking at  
4 Exhibit 15B. I think it calls out that there are

5 11,750 units. I'm guessing that those would just be  
6 available in the low, medium density residential? Or  
7 is that...

8 THE WITNESS: That's primarily where our  
9 single-family homes are going to be located, yes.

10 COMMISSIONER JUDGE: So in that 5100, would  
11 that option be available to all those lots? Or would  
12 it be....

13 THE WITNESS: The option would be made  
14 available to all first homeowners, yes.

15 COMMISSIONER JUDGE: I also heard you  
16 talking about in the Sustainability Plan the use of  
17 Energy Star appliances. So that will be standard.  
18 All the appliances throughout the homes will be Energy  
19 Star?

20 THE WITNESS: Yes.

21 COMMISSIONER JUDGE: And I also heard you  
22 talk about a dual water system. So the developer's  
23 committing to creating a dual water system for  
24 irrigating purposes?

25 THE WITNESS: So all of our roadways will

6

1 contain two pipes to feed a dual water system.  
2 Basically it can't be used for any residential  
3 purposes because I think the Department of Health  
4 doesn't allow it. But it will be planned to be used  
5 for irrigating common areas.

6 I believe and, maybe another witness can  
7 answer that more succinctly, but I think it can be  
8 used for commercial landscape irrigation as well but  
9 just not residential. So we'll put pipes in.

10 And I think it's dependent on the Board of  
11 Water Supply to pressurize the system. But then the  
12 infrastructure will be in place.

13 COMMISSIONER JUDGE: So you're going to  
14 create a dual water system for the whole Project Area  
15 so that irrigation water will not -- drinking water  
16 will not be used for irrigation purposes. Is that  
17 your understanding?

18 THE WITNESS: It's my understanding that  
19 once the system is pressurized and the lines will be  
20 put in, but I think there's some discussion as to when  
21 the Board of Water Supply will actually pressurize.  
22 Because all the roads now in Kapolei have that dual  
23 water system in it, the two pipes. But there's been  
24 some delay on the Board of Water Supply pressurizing  
25 the system from Honouliuli I believe, which will

7

1 produce the water that would then go through those  
2 pipes. But, yes.

3 COMMISSIONER JUDGE: So where would the -- I  
4 guess that leads me to the questions of your intent is  
5 to create this water system, I'm guessing, so that  
6 drinking water won't be used for irrigation purposes,  
7 is that correct?

8 THE WITNESS: That's correct.

9 COMMISSIONER JUDGE: And then where will  
10 that -- where does the water for the irrigation water  
11 come from? Is that from a source on your side? Or is  
12 that water coming from the Board of Water Supply?

13 THE WITNESS: There's two potential sources,  
14 really. There's the R1 water that gets produced from  
15 the Honouliuli Wastewater Treatment Plant which by and  
16 large irrigates much of the golf courses in 'Ewa  
17 today.

18 At one time they were pulling water from the  
19 caprock aquifer below to irrigate, which is kind of  
20 brackish water. They have since stopped that process.  
21 I think basically all the golf courses now are  
22 irrigating with that R1 water that's being produced at  
23 Honouliuli.

24 So it could be from that source. The other  
25 option that is a possibility we do have wells on site

8

1 that the farmers use now to irrigate their fields.  
2 And that is a potential source that could be used for  
3 irrigation as well. It's not drinking water quality  
4 but it can be used to irrigate.

5 COMMISSIONER JUDGE: So your intent would be  
6 to create this dual water system and hopefully hook up  
7 to the wastewater facility to use the R1 in the  
8 Ho'opili?

9 THE WITNESS: That's the intent.

10 COMMISSIONER JUDGE: That's the first  
11 choice. But if that can't be accomplished you can to  
12 do it through your wells.

13 THE WITNESS: It would be a little more  
14 complicated just because the infrastructure would not  
15 be -- they're basically old wells and pumps now. So  
16 it'd have to be upgraded at some point. But that is  
17 also an option going forward that we can look at.

18 COMMISSIONER JUDGE: Thank you. That's all  
19 I have.

20 PRESIDING OFFICER CHOCK: Commissioners, any  
21 other questions? Okay, thank you, Mr. Nekota.

22 THE WITNESS: Thank you very much.

23 PRESIDING OFFICER CHOCK: Next witness.

24 MR. KUDO: At this time we'd like to call  
25 Tim Van Meter.

9

1 THE WITNESS: Aloha.

2 TIM VAN METER

3 being first duly sworn to tell the truth, was examined  
4 and testified as follows:

5 THE WITNESS: Yes, sir.

6 PRESIDING OFFICER CHOCK: Name and address  
7 for the record, please.

8 THE WITNESS: Tim Van Meter, 1626 Wazee  
9 Street, Denver, Colorado.

10 PRESIDING OFFICER CHOCK: Can you speak into



11 the mic please?

12 THE WITNESS: Yes, sir.

13 PRESIDING OFFICER CHOCK: Thank you.

14 THE WITNESS: Still early in the morning for  
15 an architect.

16 MR. KUDO: Mr. Van Meter was previously  
17 admitted as an expert in the field of  
18 Transit-Oriented Development in 2009 before the  
19 hearings were recessed. His firm subsequently  
20 prepared the Ho'opili Sustainability Plan with the  
21 Petitioner and other consultants.

22 Mr. Van Meter was recalled to testify at  
23 this hearing by the Office of Planning who apparently  
24 have questions regarding the Sustainability Plan that  
25 he assisted in developing.

10

1 DIRECT EXAMINATION

2 BY MR. KUDO:

3 Q Mr. Van Meter, please explain to the  
4 Commission the Ho'opili Master Plan and the principles  
5 behind it in conjunction with the issues of  
6 Transit-Oriented Development and sustainability.

7 A Thank you. You know, first of all, I've got  
8 to set the project a little bit in context here, in  
9 the context about the process that was alluded to  
10 earlier about what -- how we came about with this  
11 particular plan.

12                   We were engaged 2005, I believe, by D.R.  
13 Horton to come work with them and bring some new  
14 principles and some new thinking towards the  
15 development of this property.

16                   One of the first things we did as a group,  
17 amongst a great amount of discussion just internally,  
18 was to create strategic partnerships first with the  
19 chancellor of the University of Hawai'i West O'ahu and  
20 the Department of Hawaiian Home Lands who are  
21 basically all of our neighbors, because there's many  
22 overlapping issues of how you do development and to  
23 look at synergies. That's a key word "synergies" of  
24 how these things actually come together.

25                   And we met with them multiple times to

11

1 constantly start looking at these connections.  
2 Obviously one of the big ones was this potential for  
3 this high capacity rail corridor to come down to this  
4 region.

5                   What's the corridor it's gonna take? Where  
6 is it going to land? How do we best incorporate and  
7 bring synergies to that?

8                   As we know with transit it's a great mover  
9 of people. But it's much, much more than that. It's  
10 a huge potential economic development engine that  
11 could drive many other things than just transit. And  
12 this is this concept of the walkability.

13                   That strategic partnership spawned another.

14 This partnership, we created basically this  
15 stakeholders committee. I like to call them the board  
16 of directors because they're the ones that actually  
17 give you directions. It's not our job to do  
18 in-visionary thing. My job is really to draw what I'm  
19 hearing and to make sure I'm communicating clearly  
20 with that.

21               And this kind of board of directors or  
22 stakeholders are made up of community leaders. I  
23 believe you heard some of them speak yesterday  
24 morning, incredibly committed group of people from  
25 Waipahu, from 'Ewa Beach, from Kapolei and from other

12

1 places that -- they entertained us and met with us  
2 many times over long hours -- again, I'm remiss on how  
3 many stakeholder meetings that we had -- that we would  
4 first talk about concepts, develop ideas. Did we hear  
5 you right? And we would take -- we would take their  
6 information and develop it further and further.

7               It's really hard for an architect to talk  
8 without slides. It's really hard to talk with that  
9 light. So I'll move away. Is it okay if I stand? At  
10 least my voice is clear to the mic.

11               So what's interesting about the stakeholder  
12 committee is they helped drive us. This is, again,  
13 these are residents, business owners, and community  
14 leaders of the surrounding communities. I mentioned

15 Waipahu, I mentioned 'Ewa Beach, I mentioned Kapolei  
16 as the stakeholders.

17 PRESIDING OFFICER CHOCK: Can you identify  
18 the exhibit you're referencing?

19 THE WITNESS: I'm sorry. Exhibit 94B. It's  
20 the regional plan, the 'Ewa Regional Plan. What the  
21 stakeholder committee did for us is we identified  
22 principles. This is before we're drawing, before  
23 we're even talking about where we're going to with the  
24 project like: what are the principles we're going to  
25 adhere to? The principles become the filter where

13

1 were all decisions are made, these principles of a  
2 connected community, that's both physical and social.

3 The principles of an enhanced lifestyle  
4 where we can talk about what those things mean.

5 And this principle of sustainability. All  
6 design, all planning levels were filtered through that  
7 principle. So that established a framework for us to  
8 continue our work effort from.

9 Again, as planners one of our first jobs is  
10 coming to a place we're a bit familiar with, but we  
11 need to become greatly familiar with is okay, what has  
12 preceded us as far as planning?

13 This exhibit shows basically the bubble  
14 diagram right here of Ho'opili, the bubble diagram of  
15 the Department of Hawaiian Home Lands East Kapolei  
16 project, and the bubble diagram of the University of

17 Hawai'i West O'ahu. Both of these are currently under  
18 construction.

19               Then the second urban center long-term plan  
20 of the City of Kapolei down here. One of the first  
21 things that we came to understand very quickly is this  
22 process of how the City of Kapolei has come about  
23 through a long-term planning project.

24               Our job is one of implementers. And our job  
25 is to follow decision-making. I've come to learn very

14

1 good decision-making that's happened over time that's  
2 predeceasing this, basically going back with  
3 visualization of the City of Kapolei, and really about  
4 the 'Ewa Sustainable Communities Plan. You know, that  
5 was first published, I believe, 15 years ago but it  
6 started 20 years ago, according to the people at the  
7 City. So it's a long-term standing process of  
8 urbanizing an area.

9               One of the things I found about Hawai'i,  
10 O'ahu in particular, is I came to respect and greatly  
11 admire the regional planning exercise that's happening  
12 on the island. And basically through these defined  
13 Sustainable Communities Plans, I believe there are six  
14 or seven on O'ahu? Is that correct?

15               MR. HATA: Eight.

16               THE WITNESS: Eight? Quite a few. But each  
17 one is very different. They kind of set the form and

18 the policy and the predictability of basically how  
19 these regions can grow. So our job is to follow that.  
20 It's really how do we get there, how do we function.  
21 One of the big questions I'd like to talk about,  
22 because I heard some testimony yesterday using some  
23 planning words I'm familiar with, "sprawl". And if I  
24 could have the next exhibit please.

25 Exhibit 93B. This is looking at the 'Ewa

15

1 Plain but also much further over into Pearl Harbor.  
2 It shows urbanized areas versus non-urbanized areas.  
3 Definition of sprawl is basically one without edges,  
4 leap frog development.

5 In other words, you're moving from one place  
6 to another whether it's lack of inter-connectivity.  
7 connectivity being roads, rail, places to move around.  
8 Connectivity meaning places to move around in multiple  
9 modes.

10 Basic definition of infill: one of defined  
11 urban edges of that. A defined edge could be a  
12 natural barrier, an ocean. Another defined edge could  
13 be topography, mountains. Another defined edge could  
14 be a freeway, a highway and obviously an urban edge  
15 that you're seeing around the property.

16 So the property is defined on three sides by  
17 urbanism and one side by Ho'opili, a highway with a  
18 defined unin -- not incorporated but un-urban place  
19 that's on the mauka side of H1.

20                   So from the definition point of view  
21 Ho'opili is infill. It is not sprawl. Okay. That's  
22 from a definition. That comes from a definition that  
23 many people accept.

24                   If you look at LEED-ND in the pilot project  
25 program it was defined as an urban infill site. And a

16

1 lot of that has to do with that is its edges but also  
2 the potential for transit. I say "potential" for the  
3 high capacity rail corridor to come through the site  
4 and stop.

5                   So if we could go back one please. So going  
6 back to Ho'opili you'll see a series of settlement  
7 patterns of Waipahu here, Honouliuli, West Loch, the  
8 'Ewa Villages, 'Ewa, 'Ewa Beach, Villages of Kapolei,  
9 really exciting for me to see this under construction  
10 now.

11                   I don't get out here how very often, about  
12 every three months. But it's amazing to see the  
13 transformation that's starting to happen with UH West  
14 O'ahu. The dream is happening. It was planned for  
15 over a long period of time. It's under construction.

16                   So from a regional perspective what we're  
17 seeing here is the manifestation of a vision that was  
18 set sometime ago. Our job is not just implement this  
19 but to take it to another level. And that level I'm  
20 going to talk about next.

21                   We have very strong regional connections.  
22   There's H-1, Farrington Highway, Fort Weaver, the  
23   brand new North-South Road. Those are your arteries,  
24   so to say. What we're going to do with those arteries  
25   is put the bones on that. The bones being the

17

1   internal system of streets and networks internal to  
2   Ho'opili that basically holds the flesh, which is  
3   urbanism, which is your housing, your places of  
4   working, your places of shopping, basically all the  
5   things that we do. Place of playing also.

6                   Can we go to the final slide, please.  
7   Exhibit 89B, which is basically just a bubble diagram  
8   of Ho'opili. So this is illustrating a bunch of very  
9   interesting colors here. I do have to reference to  
10   the shirts in the room here. (Pointing to map) We've  
11   got greens. We've got oranges. We've got greens and  
12   we've got oranges. It's really something, a little  
13   term that came to me that the term of Ho'opili is one  
14   of coming together. You put those two colors together  
15   and what you have is brown.

16                  So the concept of Ho'opili is really of  
17   trying to -- and really the intent is to -- is to  
18   bring all these elements together in one place. So  
19   the illustration of this is showing the major  
20   footprints of blocks -- or excuse me, neighborhoods  
21   and major streets.

22                  What it's not illustrating is all the



23 connector streets, all the fine grain, something we  
24 call, we call urban design that will fit within this.

18 25 And Ho'opili really is about a series of

1 neighborhoods. Neighborhoods are defined also by  
2 edges just like infill, just like Ho'opili itself.  
3 And we'll just take this neighborhood here. That it  
4 has a strong east/west connector -- excuse me north-  
5 south connector here with a planned transit line here  
6 and then a connector street through here.

7 So everything is broken down in the scale.  
8 And that scale will include multi-family rental,  
9 multi-family for sale, probably some small shops and  
10 workplaces. But most importantly, also, is places of  
11 gathering, small pocket parks, small schools nearby.  
12 The premise is here the pedestrian is an equal partner  
13 to the car. In other words, all decisions are based  
14 on does it work as much as for somebody who could walk  
15 versus somebody who has to drive.

16 So the premise of Ho'opili is increasing  
17 choices. It's not limiting choices. It's increasing  
18 choices for how you want to live, lifestyle-based  
19 community. Okay? Enhanced lifestyle. If you can  
20 walk to work, walk to the school, walk to the park,  
21 you know, walk to your job, walk to your neighbor.  
22 It's a choice now.

23 It's not predicated that you have to use

24 your car, which is how most of the Ewa Plain was  
25 originally developed. There's no other choice and

1 it's created problems.

2           So it's the idea of being able to create  
3 nodes and centers that are highly walkable. And Jim  
4 Charlier will speak more on the importance of  
5 sidewalks. And it's a missing component so much we  
6 see and you guys experience daily throughout,  
7 throughout the City and County of Honolulu, is this  
8 high degree of walkability that the pedestrian is an  
9 equal partner.

10           What you're seeing here in the blue line  
11 here is the planned transit alignment, stopping at two  
12 places: Here the Ho'opili station and then at here  
13 adjacent to the University of West O'ahu, the  
14 University of Hawai'i West O'ahu.

15           You're seeing a circle here and a larger  
16 circle. This circle here is about a 1500 foot radius.  
17 So what does that mean? With good sidewalks, with  
18 safe crossings what that means is you can walk without  
19 thinking twice less than five minutes to a  
20 destination. It's not just the transit. It's the  
21 schools, it's the parks, it's the shopping.

22           Social research tells us five minutes most  
23 people won't even try to find their car keys, you  
24 know. If you have high quality -- and Jim will speak  
25 to this -- walking environments and here in Hawai'i

1 it's different, it means we want to shade those  
2 sidewalks too -- we want wide enough sidewalks. We  
3 want safe streets, complete streets, green streets  
4 that you are safe crossing.

5           You can stretch that to a half mile walk.  
6 That's what we're looking at here. So you look at the  
7 two stations here, there's a third down here, and you  
8 can see how much we're encapsulating. We're now a  
9 carbon based life. There's now a choice. You can  
10 actually walk to places.

11           And what's important to understand about  
12 Ho'opili versus the Primary Urban Center and all the  
13 other stations, is this is all new development that's  
14 not predicated on an antiquated existing  
15 infrastructure. This is all new.

16           So the idea that you can walk to all these  
17 varies amenities is something that's pretty new, I  
18 think for Hawai'i. It's something we've been  
19 implementing now for 20 years in the mainland. And  
20 what we're finding is great market response to it.  
21 It's a lifestyle choice.

22           So to bring this to one more level, with  
23 this 11,750 homes, approximately 3,500 affordable  
24 dwelling units can live here. So it's a place for all  
25 people of all incomes, of all work types that can

1 actually function and live here.

2           Overlaid on this, and thought about quite a  
3 bit, we still got some hard work to do, is some  
4 innovative concepts. There's a lot of them out there.  
5 This is one of urban agriculture. And we've put some  
6 thought to this and you saw Cameron present this, is  
7 that the idea that this can continue to be farmed but  
8 it's a new paradigm of farming.

9           There are places in the mainland that have  
10 been built this way and that are functioning this way.  
11 It is a new paradigm we're going to have to start  
12 thinking about 'cause everything that was talked about  
13 is true.

14           We need to be growing our food locally. It  
15 needs to be fresh and needs to be available. And I  
16 can't think of any better place for food to be grown  
17 than in urban environments.

18           But the difference between urban ag and the  
19 industrial ag that's there now is the food doesn't  
20 need to leave here. It stays. It spawns other  
21 potential economic development opportunities that  
22 could be entrepreneurialship based: Small farmers  
23 where you don't need a lot equipment. You need a  
24 pickup truck and hand tools, the steward farmers.  
25 Today they're called landscapers.

22

1           Somebody takes care of your lawn, prune your

2 bushes and all that. They could be small farmers  
3 doing that.

4           There could be obviously not just smaller  
5 markets but also, as we're finding on the mainland,  
6 food-to-market farm tables called fancy names for  
7 restaurants, things like that.

8           So it becomes part of the branding. But  
9 that sounds like marketing. I think it's called  
10 everyday life. This is what we heard from many people  
11 in this room whether they're wearing burnt orange or  
12 green, was what was important to them through our  
13 process, which was very open and very transparent.

14           So it was a consistent message that was  
15 brought back to this place. I just want to make that  
16 clear that farming's not leaving here. Ag is not  
17 leaving. It's changing a new paradigm is what it's  
18 doing. It might become more efficient in that manner.

19           So the idea of increasing choices of  
20 housing, increasing choice where the car is no longer  
21 the predominant piece of your life, and increasing  
22 choices for a more balanced lifestyle here.

23           That instead of maybe having to go to the  
24 Primary Urban Center, tackling an H-1, your 8-hour day  
25 is a 12-hour day, two, three-car family, day care

23

1 versus something that you can remove a lot of those --  
2 not just social heartaches but real financial

3 heartaches from that too to live locally. It's just  
4 not Ho'opili locally when we talk about jobs. It's  
5 regionally.

6           The job center is the City of Kapolei. It's  
7 living on this side of the island that you can create  
8 that choice.

9           So the attempt here is one of integration,  
10 create a complete place. You know, the overarching  
11 solution here that we're talking about a baseline I  
12 think of development patterns. As we learn more and  
13 as time goes on we keep getting better and better at  
14 refining more and more opportunities.

15           In 20 years from now I think it will be a  
16 showcase place on how you do sustainable development.  
17 I think that's an important concept because it's one  
18 of not limiting innovation. It's one of lettin' it  
19 flourish. I say that because we're adjacent to a  
20 university and it's a tremendous resource to tap that.

21           I heard the young man talk yesterday about  
22 going to the University of Hawai'i to learn  
23 agriculture. I think this is a great, great place to  
24 do that. Thank you.

25           Q     Mr. Van Meter, have you had an opportunity

24

1 to review Petitioner's Exhibit 86B which is the phased  
2 development plan for Ho'opili?

3           A     Yes, I have.

4           Q     Has it changed any of your opinions and

5 recommendations for this project?

6 A No.

7 MR. KUDO: At this time Mr. Van Meter is  
8 available for cross-examination.

9 PRESIDING OFFICER CHOCK: County?

10 CROSS-EXAMINATION

11 BY MS. TAKEUCHI-APUNA:

12 Q Good morning, Mr. Van Meter.

13 A 'Morning.

14 Q So that Ho'opili Master Plan is consistent  
15 with the City's 'Ewa Development Plan?

16 A Yes.

17 Q And it falls within the 'Ewa Development  
18 Plan's urban growth boundary, is that correct?

19 A Yes.

20 MS. TAKEUCHI-APUNA: Okay. No further  
21 questions.

22 PRESIDING OFFICER CHOCK: State?

23 CROSS-EXAMINATION

24 BY MR. YEE:

25 Q Mr. Van Meter, have you had an opportunity

25

1 to review your testimony in 2009?

2 A Yes.

3 Q At this point do you have any updates or  
4 corrections or changes to that testimony?

5 A Probably the only update from 2009 is that

6 we have some pretty hard locations to the transit  
7 stops I believe.

8 Q Could you remind us what do you mean by  
9 that?

10 A At that time the corridor, I believe, was  
11 fairly defined but the transit, the absolute location  
12 of the stops was not defined. And they're defined  
13 now, yes, sir.

14 Q I take it you were the, I suppose, the  
15 primary architect of the Sustainability Plan?

16 A With a Master Planner obviously it takes a  
17 lot of expertise which a lot of it's in this room.  
18 But my job, my major job was the Master Planner,  
19 correct.

20 Q You sort of gathered it together and put it  
21 all together in a single document.

22 A Yes, sir.

23 Q Regarding the Sustainability Plan, I guess  
24 I'm curious to see how you created that Sustainability  
25 Plan. By that I guess I'm asking did you take the

26

1 existing sustainability measures and put them into a  
2 single document and then simply submit it? Or do you  
3 take those measures and somehow analyze it, apply a  
4 standard criteria, and look to see whether there were  
5 any other reasonable feasibility measures that should  
6 be added to that?

7 A You know, between now and 2009, you know,



8 there was a lot of analysis of input into the project  
9 and project continues to get better.

10 Q Did you apply any particular standard or  
11 criteria in your analysis?

12 A Particular standard or criteria. I don't  
13 think anything was particular. We analyzed subject  
14 matter after subject matter, did draft after draft  
15 until we came up with the baseline document.

16 Q With respect to the language of the plan  
17 there's the term that occurs fairly consistently  
18 through the Sustainability Plan, that you plan to  
19 provide a certain list of sustainable measures.

20 Is the term "plan to provide" was that term  
21 a specifically chosen term? Or was that just you  
22 wrote it out and nobody said anything about it?

23 A Oh, no. We wrote all sorts of things. Lots  
24 of people had to say something about everything. It  
25 was -- it was vetted. The plan, just like any kind of

27

1 plan, is an intent.

2 Q So whether or not -- whether or not Ho'opili  
3 is willing to represent that those things will be done  
4 is a matter that should be addressed to Mr. Jones? Or  
5 can you tell me that when you wrote that  
6 Sustainability Plan and you listed the measures you're  
7 telling the Commission, these are the measures that  
8 the project will incorporate?

9           A     Well, you know, that's my understanding. But  
10 Mike is my client and I think he can articulate that.  
11 It's just that it was a certainly vetted group effort  
12 by all.

13          Q     If there was no guaranty that any of those  
14 sustainability measures were going to be implemented,  
15 could you draw the same conclusions you draw?

16          A     Guaranty?

17          Q     Yes. In other words, you don't know if --  
18 so this is a hypothetical question -- if you don't  
19 know whether or not any of the sustainability measures  
20 that you list in the Sustainability Plan will be  
21 implemented, can you draw the same conclusions you're  
22 drawing today?

23          A     Still I guess it's early in the morning for  
24 an architect. So help me out a little bit.

25          Q     Okay.

28

1           A     The construction guys are laughin'.

2           Q     If you knew what's going to be in the  
3 sustainable -- what sustainability measures will be  
4 implemented, then you can draw certain conclusions,  
5 correct?

6           A     Well, that's -- well, okay. I think we  
7 missed the word of the intent. The intent -- this is  
8 what we're intending to do. And I believe it is a  
9 baseline. The idea of intent is we, you know, as we  
10 move forward 'cause it's an uncertain future, that we

11 also don't want to be held down. We want to be able  
12 to innovate, continue the innovation process.

13           You know, as technologies change, as markets  
14 change, as scale of projects change, we may find  
15 better ways of doing things, you know, more efficient  
16 ways. So the word of this intent is important.

17           This document didn't exist in 2009. The  
18 bubble diagram really hasn't changed. So maybe the  
19 answer to your questions is from what we showed you  
20 earlier is an integrated, very integrated synergistic  
21 project that allows people to live, work and play and  
22 walk. The car is an option. So does the  
23 Sustainability Plan enhances that.

24           So I have to clarify that because I don't  
25 think if what you're saying if this document didn't

29

1 exist if we have a good project or not, we still have  
2 a good project.

3       Q     I'm asking whether you know it's going to be  
4 a good project if --

5       A     Yes we know it's going to be a good project.

6       Q     And how do you know -- if you don't know  
7 what the sustainability measures are going to be --

8       A     Actually, I'm sorry -- this is our intent,  
9 our baseline. Okay?

10       Q     Let me change the question a little. If the  
11 Land Use Commission does not know --

12           A       This is our intent. I'm clear. Am I?

13           Q       If I could -- let me finish the question.

14 Maybe it will be clear what I'm trying to ask you.

15           A       Okay.

16           Q       If the Land Use Commission does not know  
17 what sustainability measures will be implemented, it's  
18 an if, how can the Land Use Commission conclude that  
19 this will be a sustainable project?

20           A       Okay. Land Use Commission, this document is  
21 our intent.

22           Q       So basically you're asking the Land Use  
23 Commission to rely upon your intent.

24           A       Yes. This is the document. I believe it's  
25 our baseline. I believe Mike can elaborate on that.

30

1           Q       Wouldn't that just be another way of saying,  
2 "Trust me"?

3           A       Well, this is a planning process. So you're  
4 looking for absolutes in a planning process. What  
5 we're looking for is a baseline that we can innovate  
6 from five years, ten years from now we're going to  
7 find far better ways.

8                   Urban agriculture didn't exist five years  
9 ago, quite honestly. It's become a huge effort  
10 because many communities are struggling over this.  
11 And we're finding many innovative ways that address  
12 this because of critical problems across our country  
13 right now.

14           Q     Can you tell me that the Ho'opili Project  
15 will implement the sustainability measures identified  
16 in the Sustainability Plan or better?

17           A     I think this is -- I've been clear about  
18 this, so I'll answer for the third time I believe.  
19 This is our intent. And I believe it's our baseline.

20           Q     Okay.

21                     MR. KUDO: Mr. Chairman, may I try to assist  
22 the Office of Planning? I think what he's trying to  
23 get at -- Bryan, please correct me if I'm wrong,  
24 Mr. Van Meter, is the Sustainability Plan, does that  
25 incorporate your intent, the goals and objectives for

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1 providing sustainability at Ho'opili?

2                     THE WITNESS: Yes.

3                     MR. KUDO: Now, the means by which those  
4 goals, objectives and intent are accomplished, the  
5 technical means, what you're saying is that they may  
6 change in the future?

7                     THE WITNESS: Yes.

8                     MR. KUDO: So you may adopt better ways of  
9 achieving those same goals, designs and intent.

10                    THE WITNESS: Absolutely.

11                    MR. KUDO: Thank you.

12           Q     (Mr. Yee) : But you're not prepared, then,  
13 to tell this Commission what the specific -- that the  
14 specific, concrete measures that you've listed in the

15 Sustainability Plan or better, will be implemented.

16 That you cannot tell us today.

17 A No, I can't because I think that's going to  
18 change. I'm smart enough to know that we're going to  
19 learn more as every good project does over time.

20 Q Do you consider yourself to be an expert in  
21 land use planning?

22 A Yes, sir.

23 Q Are you familiar with the Hawai'i State  
24 Plan?

25 A Hawai'i State Plan?

32

1 Q Yes.

2 A I'm not an expert in the Hawai'i State Plan.

3 Q Okay. I have some questions about the  
4 agricultural component of the Sustainability Plan.

5 One of the questions arose regarding the steward  
6 farms. And it was described by Mr. Nekota as a home  
7 garden.

8 What is the value added -- let me backtrack.

9 Would you agree that normally any single-family home  
10 is allowed to or can put in their own garden if they  
11 wanted to, right?

12 A Yes.

13 Q What is the added value of the steward farm  
14 component, Sustainability Plan to that?

15 A Again, it's a Fairly Fresh concept. It's  
16 nuanced. What I mean by nuanced is that it could have

17 a third-party person involved, which could be a small  
18 businessman. Like I said it used to have landscapers  
19 come cut your lawn, take care of your flowers or  
20 shrubs. But this could be an urban farmer who will  
21 actually potentially garden your plot for you however,  
22 big, whatever you want to grow there. Then there are  
23 certain arrangements made on how that economic change  
24 is happening.

33

25 I think one of the interesting things what I

1 heard yesterday from one of the gentlemen who spoke  
2 who recently bought a home, four kids, 14 grandkids I  
3 think he was talking about, is the amount of food he  
4 was actually growing at his house, in his backyard.  
5 It became kind of the neighborhood focal point.

6 The opportunity is, the innovation is  
7 imagine if more than one gentleman was doing this,  
8 that it was actually promoted, people were giving  
9 expertise, there were economic development businesses  
10 that could assist in that.

11 Quite honestly the food that's grown on site  
12 did not just feed that family but it never really  
13 leaves the region. It's not being shipped somewhere  
14 else like all the food grown there now is.

15 Q So I understand that a steward farm  
16 component --

17 PRESIDING OFFICER CHOCK: Mr. Yee, this

18 witness was admitted as an expert in Transit-Oriented  
19 Development, not in farming.

20 MR. YEE: Fair enough. But he is the one  
21 who -- I had asked the witness to appear to testify  
22 regarding the Sustainability Plan. If there's another  
23 witness I should question about this that's fine. But  
24 I was told I should ask him questions about the  
25 Sustainability Plan to him. And the agricultural

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1 component is part of the Sustainability Plan.

2 So I'm happy to ask the questions of someone  
3 else but I don't know if there is anyone else.

4 PRESIDING OFFICER CHOCK: Petitioner, do you  
5 have someone else coming forward to describe that  
6 component of your Sustainability Plan in detail?

7 MR. KUDO: Mike Jones actually can answer  
8 the agricultural aspect of that plan. There are  
9 different parties and consultants.

10 PRESIDING OFFICER CHOCK: State, is that  
11 sufficient to you, Mr. Yee?

12 MR. YEE: I'm willing to address my  
13 questions to Mr. Jones. I guess my only concern, if I  
14 could just state it now, would be if you may remember  
15 the last time we were here a variety of questions were  
16 deferred to Mr. Jones. And when I asked him he was  
17 unable to answer the questions because he -- and at  
18 one point he said, "Well, you ought to talk to my  
19 consultant."



20                   So it was frustrating for me to ask the  
21 question of the consultant, be referred to Mr. Jones.  
22 And I asked Mr. Jones, says, "Well, you have to ask  
23 my consultant." So I'm happy to not ask these  
24 questions and defer them to Mr. Jones. But if Mr.  
25 Jones later says, "You will have to talk to my

35

1 consultant," I will raise an objection. So with  
2 that --

3                   PRESIDING OFFICER CHOCK: Go ahead.

4                   MR. YEE: Okay.

5           Q       Well, let's start with you're familiar with  
6 the agricultural component of the Sustainability Plan,  
7 correct?

8           A       Yes. Yes, sir.

9           Q       I believe the steward farm proposal  
10 regarding allowing third parties to be involved, is  
11 that different from what can be currently done in  
12 existing homes? Because my question was what's the  
13 value added component? What does the steward farm  
14 component of your Sustainability Plan add to the  
15 normal rights of homeownership?

16          A       Well, not everybody has a garden. Not  
17 everybody's able to. Not everybody has the same  
18 talents and time. Gardening takes great talent as  
19 anybody who's ever done it knows. So it's the same  
20 thing with taking care of the landscape of a yard or

21 something.

22               Some people take great ownership and pride  
23 over being able to do all the work and other people  
24 actually pay for someone else to do it.

25           Q     Isn't that true for anybody who owns a home?

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1   They can always pay for a third person to come in and  
2 grow a garden. What's the difference?

3           A     Well, the real difference is one of  
4 providing, you know, a potential network of knowledge  
5 I guess it is. Of being able to set a precedent in  
6 place for this to happen.

7           Q     Mr. Nekota, I believe, testified that the  
8 map that you provided, or the map that Ho'opili  
9 provided that delineated where the civic farms would  
10 be located was not drawn to scale. So it may seem  
11 deceptively thin on the area near the H-1 Freeway.  
12 Were you here? Did you hear that?

13          A     No, I didn't. I'm sorry. I must have been  
14 asleep or something.

15          Q     Okay. Let me just ask this more specific  
16 question. Is the length of the civic farms along the  
17 H-1 Freeway uniform or do they vary in width?

18          A     It's going to vary all over the place.  
19 These aren't square blocks.

20          Q     Do you know what the variance is along the  
21 H-1 Freeway?

22          A     No, I don't.

23 Q Do you know who would know?

24 A No. I don't have the exact absolutes for  
25 you.

37

1 Q I asked you about planning. I have a  
2 different question about the language of the  
3 Sustainability Plan. When it refers to commercial  
4 projects, that "sustainability measures will be  
5 required for all commercial projects to the fullest  
6 extent feasible," what is the method by which that  
7 would be done?

8 A I think there's many methods that could be  
9 done. There's various green building rating systems  
10 that could be employed. A custom one could be built  
11 over time as it's very much germane to not just  
12 Hawai'i but the 'Ewa region as far as importing  
13 something that's so generic.

14 Q I was referring more to the method by which  
15 it would be required. So, for example, is it a CC&R?  
16 Is there a building code? What is the method by which  
17 that would be accomplished?

18 A That could be accomplished through all of  
19 the above. I would have to defer to Mike on that one,  
20 you know, how he may want to establish that.

21 Q Regarding the, I think it was the mixed-use.  
22 You have, I believe, certain measures that would be  
23 evaluated for feasibility. Do you remember that?

24 A Okay.

25 Q Do you remember you have a table --

1 A Yeah, yeah. What's the question?

2 Q Well, I guess my question is, if I remember  
3 correctly, one of the tables I thought it was for  
4 mixed use, you have a table of sustainability  
5 measures, some of the specific things says, "will be  
6 evaluated for feasibility."

7 A Yeah.

8 Q And some of them don't.

9 A Yeah.

10 Q Was that deliberate?

11 A Yeah.

12 Q Okay. Because you wanted to delineate the  
13 things that you know if it could be required --

14 A Right.

15 Q -- so every individual project would have to  
16 be evaluated.

17 A Right. Again, this is intent. The thing is  
18 what we want to do is set a baseline. But we don't  
19 want to bring the top down of what we could do in the  
20 future.

21 In other words, we could do far more things.  
22 It's based on market. It's based on new technology  
23 that may become available, new technology that we're  
24 thinkin' about right now that's not market achievable  
25 because there's lack of scale.

1                   Case in point: We've seen the cost of  
2 photovoltaic cells for creating electricity from solar  
3 drop 30 percent just in the last year and-a-half.  
4 Thirty percent. A year and-a-half ago I couldn't put  
5 those on my buildings. Today I can. What's tomorrow  
6 bring? So what we want to do is allow for future  
7 innovations that continually drive this project.

8           Q     But my point is simply that there are some  
9 measures that say "to be evaluated for feasibility",  
10 some that do not.

11          A     Well, okay. So the question is?

12          Q     Is that correct? Do you remember? You  
13 don't remember.

14          A     No, I need a question I guess. Whether I  
15 remember or not, what's the question?

16          Q     Well, if you don't remember, then I don't  
17 have a question. If you do remember then I do. Do  
18 you remember putting in differences between some of  
19 the sustainability measures as being for evaluation  
20 purposes and some of them are not?

21          A     Do I remember doing that?

22          Q     Yes.

23          A     Yeah, yeah.

24          Q     That was deliberate, right?

25          A     Well, it was deliberate because, quite

1 honestly, we're not sure at this point because we  
2 don't have all -- we don't know what five years will  
3 bring for us, ten years will bring for us.

4 Q But that's not true for all of the measures.  
5 Some of the measures you don't have the provisions of  
6 evaluating for feasibility.

7 A Okay.

8 Q So aren't you delineating in that table  
9 those things that you cannot determine and those  
10 things for which you do know these are -- these are  
11 feasible and you plan to put them in?

12 A Yeah, yeah. And the baseline through  
13 this -- and again I think that's a question for Mike  
14 on that.

15 Q Mr. Nekota, I think, testified regarding  
16 non-potable water. Do you remember?

17 A Yes.

18 Q Okay. Do you have any intention to reuse  
19 stormwater?

20 A Reuse stormwater. Again, that's an issue  
21 that I think is going to be vetted here fairly soon as  
22 we learn more. I think one of the really important  
23 things that's going on right now in the city and  
24 county right now they're looking at a Compete Streets  
25 program, something we've been talking with them for a

1 number of years. That could help, help loosen up the

2 various implementation techniques for us to be able to  
3 do that.

4 Q That would also be a third potential source,  
5 though, of non-potable water for irrigation.

6 A I believe so.

7 Q Then the -- this may not be your question  
8 but you feel free to tell me that -- did you  
9 analyze -- let's backtrack.

10 Concerns have been expressed about the  
11 topography of some of the civic farms. Do you know  
12 whether or not that topography remains after  
13 development or whether that's going to change?

14 A Well, there's certainly going to be some  
15 regrading. Okay? Now, to the extent that at this  
16 point we don't know because we haven't gotten to that  
17 kind of detail right now.

18 But obviously there would be more analysis  
19 needed, not just from a civil perspective but from an  
20 urban/ag perspective and the type of plantings that  
21 may or may not go there, what's appropriate, what's  
22 not.

23 Q And that would be part of the analysis you  
24 agree that the Department of Agriculture can apply to  
25 determine whether or not that plot of land can be

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1 commercially feasible for use.

2 A Well, I think it's going to take more

3 analysis. I don't think they can look at it right  
4 now, make that determination without -- without some  
5 internal investigation on the private side.

6 Q I'm just asking if that's going to be a  
7 relevant factor in their future analysis as to whether  
8 or not -- because you're right. You haven't shown --  
9 we don't know exactly what the topography is going to  
10 look like at the end.

11 A Right.

12 Q But when we do know the topography is going  
13 to be a relevant factor, that the Department of  
14 Agriculture gets to use in determining whether or not  
15 that particular plot is going to be appropriate for  
16 commercially feasible agriculture.

17 A Yeah, that sounds appropriate, yes.

18 MR. YEE: Okay. That's it. Thank you. No  
19 further questions.

20 PRESIDING OFFICER CHOCK: Dr. Dudley.

21 DR. DUDLEY: Could we take a break?

22 PRESIDING OFFICER CHOCK: Not yet. Dr.  
23 Dudley, please proceed.

24 CROSS-EXAMINATION

25 BY DR. DUDLEY:

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1 Q Okay. I have just a few questions. The  
2 first thing is Cameron Nekota said that the lots for  
3 the steward farms were going to be 5,000 square feet  
4 lots, is that correct?



5           A     I think that's a prototypical lots. I think  
6 the lots will vary from that.

7           Q     So "prototypical" means that that's a  
8 typical lot would be 5,000 square feet.

9           A     That is a prototypical, that's one lot.  
10 They could be less, they could be more.

11          Q     Isn't 5,000 square feet pretty much the  
12 bottom, the smallest lot that you would sell a house  
13 on, though?

14          A     No.

15          Q     No?

16          A     No.

17          Q     Isn't 5,000 square feet the most common size  
18 of small lot that you sell houses on?

19          A     I can only speak from a mainland  
20 perspective. So I think that's a better question for  
21 Mike, you know, through his perspective of building  
22 homes on the island. We do things much, quite smaller  
23 on the mainland. And, of course, large. It's  
24 nuanced. It depends on the affordability product  
25 type, all sorts of things, topography, neighborhood,

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1 edges. It's nuanced.

2          Q     When I first heard about these steward  
3 farms, I must say I haven't paid any attention to it  
4 until Cameron mentioned the 5,000 square feet. And I  
5 went back and took a look at this picture.

6 I thought you folks were talking about 5,000  
7 square foot backyard. But you're not talking about  
8 that at all.

9 A No. This is urbanism. A majority of  
10 Ho'opili would be made up of multi-family dwellings,  
11 not single family. This is not what you've seen out  
12 there in 'Ewa right now. This is something completely  
13 different.

14 Q I don't think any of us have a picture of  
15 how small these farms are. When we hear that  
16 landscapers are going to take care of the steward  
17 farms, then we take a look at it, and it looks like  
18 it's just golly, there's nothing here. There's no  
19 space.

20 A No. I suggest if you want to learn more  
21 about it just Google "Urban Ag" on Google and you're  
22 going to find enormous resources. There are whole  
23 scales of ways to grow food in urban environments  
24 depending on the type of building typology you're  
25 doing.

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1 You can have agriculture on the roof, which  
2 there's plenty of. Even window boxes can grow  
3 tomatoes. There's scales all over the place. The  
4 opportunities, the opportunities are endless for this  
5 but it takes a new paradigm of thinking. This is not  
6 dirt farming.

7 Q This is not dirt farming.

8           A     Right.  It's urban ag.  It's a new paradigm  
9     of growing food locally.

10          Q     Your statement it's not urban ag, it's not  
11     dirt farming brings us back to the question.  Most of  
12     this property is of the kind of dirt that's going to  
13     have to be scraped off and coral brought in in order  
14     to have house foundations solid.

15          A     No.

16          Q     Are you aware of that?

17          A     No, I disagree with that.

18          Q     All right.  Are you aware that about two-  
19     thirds of the property at least is Honouliuli soils  
20     and Waipahu soils?

21          A     Yes.

22          Q     And that the soils are two-thirds of the  
23     property.

24          A     Two-thirds of the property by the end of the  
25     day of even in an urbanism environment of that you'll

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1     have about anywhere about 20 to 30 percent that's hard  
2     pavement.  The rest -- the rest will be open.  I'm  
3     talking yards, landscape, parks, school grounds.  If  
4     you look at a figure ground of what's hard and what's  
5     soft a majority of that will be soft.

6          Q     Mr. Van Meter, I always thought that.  But  
7     have you been around and seen the way they do things?  
8     Have you been over to --

9           A     I've been all over Hawai'i. And quite  
10 honestly the way you guys build is -- for such a  
11 fabulous environment I'm kind of aghast at. Ho'opili  
12 is not like that. We're doing something completely  
13 different.

14           Q     Now, the DHHL land that's over here, have  
15 you ever been over and taken a look at those houses?

16           A     Yes. Yes, I have.

17           Q     Have you taken a look at the fact that all  
18 of that property is covered with coral? Every bit of  
19 it is covered with coral, all the new flatland they're  
20 going to build houses on?

21           A     Yeah.

22           Q     You are aware that the way they do things  
23 here is we don't save in the ground --

24           A     That -- that is completely.

25           THE REPORTER: Mr. Van Meter, would you let

47

1 him finish his question.

2           THE WITNESS: Okay. Well, it's -- so what's  
3 the question?

4           Q     (Dr. Dudley) So we're saying, that is to say  
5 we do things, though, here is that -- and we're  
6 talking about awfully different now -- so when we  
7 come in we just scrape everything and we bring coral  
8 in. For instance, Sea Country. Sea Country has the  
9 backyards filled with coral. People have to go and --

10           MR. KUDO: I'm going to object to this line

11 of questioning. He's testifying.

12 PRESIDING OFFICER CHOCK: Dr. Dudley, can  
13 you ask your question, please.

14 Q (Dr. Dudley) I'm getting around to the fact  
15 that of are we going, then, in Ho'opili, are they  
16 going to scrape certain areas that are measured and  
17 not scrape other areas? Or -- and would those  
18 un-scraped areas be the rich farmlands saved for these  
19 farms? Or are they just going to come in and scrape  
20 everything?

21 A You know, I think that's a question best  
22 left to Mike. He's the builder.

23 Q I'm sure I'll ask it.

24 A And he's got all the experience here.

25 Q Thank you.

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1 A But we're not building those projects you  
2 described. Is that clear I hope?

3 Q I certainly hope so. But I doubt it. Okay.  
4 But at any rate, let's go on to the question here  
5 just walk -- let's go to the question of sprawl. I  
6 loved your explanation of sprawl which is leap  
7 frogging. But, sir, can you tell me when you have two  
8 cities what distinguishes the two cities if they all  
9 just flow right together?

10 A It is hard edges to 'em.

11 Q It's what?

12 A Edges.

13 Q Edges?

14 A Edges like I presented.

15 Q So like Hawthorne and Torrance have just an  
16 imaginary --

17 A No, I didn't say imaginary. I said hard  
18 edges.

19 PRESIDING OFFICER CHOCK: Excuse me. Can  
20 you guys let each other answer the question for the  
21 benefit of our court reporter, please?

22 THE WITNESS: Okay. An edge is described --  
23 I presented this so I'll say it again -- as a natural  
24 topographic like an ocean or mountain. Another edge  
25 is one of a major arterial road. The third edge tends

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1 to be connective urbanism with that.

2 So an edge, let's say from Waipahu to  
3 Ho'opili is Fort Weaver Road. It's a very definable  
4 edge that defines two different places.

5 Q (Dr. Dudley) Okay. But when we come to the  
6 first city of Honolulu and the second city of Kapolei,  
7 the only defining separation between the first and  
8 second city is a street?

9 A No, no. I disagree tremendously with that.  
10 You know, one of the things about coming here a lot is  
11 I get to fly over it. And you have ocean and  
12 topography that squeezes down at that point from the  
13 air and as you experience from the ground the very

14 definable places.

15           Q     Sir, wouldn't you say that if you drive up  
16 Fort Weaver Road to the freeway, on the right-hand  
17 side you're going to see Waipahu north of Farrington  
18 Highway between Farrington Highway and the freeway?

19                     And wouldn't you say that over on this side  
20 you're going to have Ho'opili? And that that is not  
21 really the ocean in between? I mean, you know, on one  
22 side of the street you have the Honolulu City reaching  
23 out to this point. On this side of the street you  
24 have Ho'opili. What is the separation between the two  
25 major cities?

50

1           A     The separation is the elevated Fort Weaver  
2 Road and completely different land use patterns.

3           Q     And that's all we get for the separation of  
4 the two cities?

5           A     The separation of two cities. I believe  
6 Waipahu at least feels to me it's a very stand-alone  
7 complete place, a very -- it's very identifiable.

8           Q     You understand the idea of second city?  
9 There's only one first city.

10          A     Right.

11          Q     And that first city includes Waipahu, sir.  
12 Okay. The first city.

13          A     Increments of.

14          Q     Those of us who have lived here all of our

15 lives --

16 PRESIDING OFFICER CHOCK: Dr. Dudley, please  
17 get to your question.

18 DR. DUDLEY: I thought I was doing a pretty  
19 good job at it, sir. Okay.

20 Q The green area of Ho'opili from the very  
21 beginning in 1971, wasn't that way back in the '50's  
22 and '60s' when they first conceived of the two cities?  
23 Wasn't that always to be a green area, Ho'opili?

24 A I'm not aware of that. The urban growth  
25 boundary, I think, defines that a little bit more

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1 clearly.

2 Q And the urban growth boundary, of course,  
3 came in the 'Ewa Development Plan, is that right?

4 A I'm not aware of where that came but that's  
5 where I first became aware of it.

6 Q Okay. And that was published in 1997, is  
7 that right?

8 A The first Sustainable Communities Plan for  
9 'Ewa?

10 Q The 'Ewa Development Plan, yes.

11 A Again, it was at the first draft. So I have  
12 a question.

13 Q Yes, it was.

14 A Okay. And so going back all the way before  
15 the 'Ewa Development Plan and this urban growth  
16 boundary, we find that we people who were here, I



17 think, were thinking always of two separate cities --

18 MR. KUDO: I think Counsel is arguing --

19 PRESIDING OFFICER CHOCK: Dr. Dudley, we  
20 need to move on here. Let's go.

21 DR. DUDLEY: I'm sorry. I think I'll rest  
22 on that. Thank you so much.

23 PRESIDING OFFICER CHOCK: Sierra Club.

24 MS. DUNNE: Good morning. I'm doing my best  
25 not to repeat the questions that have been asked.

52

1 PRESIDING OFFICER CHOCK: Please. Thank  
2 you.

3 XXX

4 CROSS-EXAMINATION

5 BY MS. DUNNE:

6 Q So, Mr. Van Meter, is it fair to say that  
7 your entire analysis is based on the presumption that  
8 this area will be developed?

9 A Yes.

10 Q And you are hired by D.R. Horton as the  
11 Master Planner to look at various TOD aspects of the  
12 development and also to prepare the Sustainability  
13 Plan?

14 A And look at the Master Plan overall, yes.

15 Q So you didn't consider -- were you asked to  
16 consider leaving this -- what it would look like if it  
17 wasn't developed, this area?

18 A It wouldn't take my talents to do that, yes.

19 Q Okay. And you're obviously aware that the  
20 land is classified as prime agricultural land?

21 A I'm aware it's ag, yes.

22 Q And you're also aware that it's high quality  
23 ag land?

24 A Yes.

25 Q And generally in your experience as a

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1 planner you recognize when land is classified as  
2 agricultural land there's a presumption that it should  
3 be used for agricultural purposes?

4 A No.

5 Q Well, if the state has classified the land  
6 as agriculture, then the state has recognized that  
7 it's classified as agriculture.

8 A The city and county of Honolulu has defined  
9 it to be urbanized.

10 Q I understand that. But maybe this is  
11 something you can be able to clarify the difference  
12 between the state level of planning and the city and  
13 county level of planning?

14 A I would never presume to know about the  
15 state of Hawai'i policies.

16 Q Okay. So you're not familiar -- as a  
17 planner you're not, you're not familiar with the  
18 distinction between land classifications -- and land  
19 use classifications at the state level compared to

20 city and county zoning and city plans?

21 A Well, yeah. Every, you know, every place is  
22 different in how they apply these techniques. Our job  
23 is one of implementers here. And following the Ewa  
24 Sustainability Communities Plan and the long-term  
25 goals concern that. Yes, we looked at urbanization of

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1 this.

2 Q Okay. I understand that. But you do  
3 recognize that. I think you would at least agree that  
4 the state of Hawai'i has categorized land in different  
5 categories.

6 A Yes. Yes, they have. They've done a good  
7 job.

8 Q And Mr. Yee asked you a number of questions  
9 about the Sustainability Plan and the urban ag  
10 initiative. And I have a few questions about that as  
11 well.

12 Going to try to, I guess, not repeat those  
13 questions. But it's only relatively recently that you  
14 developed and finalized the Sustainability Plan. Is  
15 that correct?

16 A It's been a core principle as I presented  
17 even before we drew a line.

18 Q But it was only written in the plan that  
19 back -- and the date of that plan was August 2011?

20 A Oh, yeah, yeah. It's been something that's,

21 you know, I mean the dates mean nothing. It's the  
22 process that I presented earlier about the core  
23 thinking and all decisions are filtered through that,  
24 those principles.

25 Q I'm particularly interested in the civic

55

1 farms area we've heard a bit about and you've talked a  
2 bit about. As you know that land was previously  
3 designated on the map, I think it's your Exhibit 11B  
4 and also in 89B -- well, definitely in 11B, as buffer  
5 zone? Or open space.

6 A It was open space --

7 Q -- open space or buffer zone.

8 A Yeah.

9 MS. ERICKSON: Would you please stop talking  
10 over and let her get her questions out.

11 THE WITNESS: Sorry. Sorry.

12 Q (Ms. Dunne) So it was open space or buffer  
13 zone. But it was, I recall from looking at that map  
14 that a majority of that land seems to be along the  
15 highway, kind a thin area along the highway?

16 A No. Not the majority.

17 Q It's not the majority?

18 A I don't believe so.

19 Q Do you have the exhibits in front of you? I  
20 know we have the PowerPoint exhibits.

21 MR. KUDO: Which exhibit are you referring  
22 to, Ms. Dunne?

23 MS. DUNNE: I'd like to take a look at  
24 Exhibit 11B which is the conceptual land use plan.  
25 It's somewhat similar to Exhibit 89B which is the one

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1 you had on the projector. So I think we can use  
2 either one, actually.

3 MR. KUDO: If you can give us a moment we'll  
4 put it up on the screen.

5 MS. DUNNE: Okay. Do you have both? If you  
6 have 11B that would be great.

7 PRESIDING OFFICER CHOCK: Let's take a five  
8 minute recess while they put it up.

9 (Recess was held.)

10 PRESIDING OFFICER CHOCK: We're back on the  
11 record. For the benefit of our court reporter she's  
12 just informed us that her machine has frozen up just a  
13 little bit. So she's going to continue to take notes  
14 by hand. So what we're going to do is try to proceed  
15 through Mr. Van Meter and take a break in about 45  
16 minutes so she can run home, get her backup machine  
17 and we can get back up and running again.

18 But I'd like to ask for the indulgence of  
19 the parties and of our witnesses to just make sure  
20 you're not talking over each other. Give each other a  
21 chance to try to finish each other's answers and  
22 responses. So why don't we continue. Sierra Club.

23 MS. DUNNE: Thank you.

24 Q We're now looking at Exhibit 11B. Thank you  
25 for putting that up there. So this is the exhibit.

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1 This is what I was referring to when I was asking you,  
2 Mr. Van Meter, about the buffer zone of if you'd like  
3 to call it open space zone. That would be indicated  
4 by the light green on this map, is that correct?

5 A That's correct.

6 Q Okay. And it looks to me like it's a fairly  
7 narrow strip which goes along H-1 Highway and then  
8 comes down a little bit into the development. Is that  
9 accurate?

10 A So your question is where is the-- what's  
11 your question?

12 Q Well, at the time you created this exhibit  
13 it was called "the buffer zone." But since you  
14 developed the Sustainability Plan I believe it's in  
15 Figure 3 of that plan, this area is now called the  
16 "civic farms". So I'm wondering where those civic  
17 farms are.

18 A Okay. The civic farms here. There's the  
19 small knoll that you discussed, the edges here down  
20 through there, this area here around the sides and up  
21 through here.

22 Q Okay. So it's fair to say that the area  
23 that's now called the civic farms was the open space  
24 buffer zone previously.

25 A Previously.

1           Q     Okay. And this idea that it would be less  
2     than 200 acres set aside for the farming, that -- how  
3     did that come about?

4           A     Well, that's one type of farming. So  
5     there's many types of farming for the project. One is  
6     the civic. We talked about the steward lots.

7           Q     I think total it's about 250 acres even if  
8     you include the steward lot.

9           A     Yeah. How it came about, again, was from  
10    our original discussions about urban agriculture on  
11    this site, this lifestyle, enhanced community. So  
12    that was the discussion that was germane to our very  
13    first discussions with our community groups.

14          Q     Okay. And I think you testified that you  
15    don't know whether this civic farm area is actually  
16    farmable land. You don't have knowledge of that?

17          A     Well, you know, the intent's we need to do  
18    more studies and it's farmable. We do have a  
19    consultant, TSR, that will be looking at this in the  
20    future to define and obviously it has to go through  
21    state procedure.

22          Q     And TSR is a -- can you tell me about TSR,  
23    your consultant?

24          A     They're the client's consultant. They're  
25    one of the foremost urban agricultural consultants.

1 Q And where are they located?

2 A In Golden, Colorado.

3 Q Okay. And to your knowledge have they done  
4 a study yet on the agri portion of this plan?

5 A They assist the client in defining and  
6 scoping the potential for urban agriculture throughout  
7 Ho'opili.

8 Q Okay. So they did that. But I don't -- I  
9 haven't seen any study about that.

10 A Well, I don't know if it's so much a defined  
11 study as it is an intent at a concept. Again, there's  
12 a lot of work that needs to be done on all parts, all  
13 moving parts of this project.

14 Q Okay. And you didn't review any study by  
15 TSR in preparing the Sustainability Plan?

16 A Not any specific study.

17 Q Okay. And then as the Master Planner you  
18 haven't seen the exhibits or studies about the  
19 agricultural productivity of this land?

20 A The current agricultural productivity?

21 Q Not the current, but under your -- under  
22 your analysis or the way you've set it up is this  
23 urban ag project.

24 A We're in the concept stage right now and  
25 we've got the best people in the nation working on it.

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1 And, you know, this is about taking the next step



2 forward to allow this innovation to happen. So this  
3 is the intent right now.

4 Q I think you mentioned that, correct me if  
5 I'm wrong, I think you said that -- we were talking  
6 about the urban ag initiative that the issue, I think,  
7 of local food production is a serious issue throughout  
8 the country, that people are really focusing on that  
9 right now. Is that accurate?

10 A It seems to be germane throughout the  
11 country, yes.

12 Q And would you agree that that's because  
13 there's an increased need for local food production?

14 A There's an increased -- there's a balanced  
15 need for many different things. So one, which is  
16 local food production. And what we're finding out is  
17 that the issues of sustainable urban development and  
18 agriculture are not mutually exclusive. They actually  
19 can be integrated.

20 Q As far this project goes, though, and the  
21 land that you've set aside for civic farms, you have  
22 no idea whether -- how productive that land would be  
23 as far as food production?

24 A You're assuming no idea. No, I assume that  
25 we can actually utilize Ho'opili to grow food on after

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1 it's urbanized, yes.

2 Q You're assuming that but you haven't seen

3 any studies that show that.

4 A We know nothing yet. We've got -- again,  
5 there's many moving parts in this project. There's a  
6 lot of hard work to be done. This is -- this is an  
7 innovative process right now. And there's a lot of  
8 discovery to be done on it. I have to emphasize we  
9 don't have hard data but what we do have is intent.

10 Q I understand. And appreciate that intent.  
11 But do you know when that's going to happen, those  
12 studies?

13 A Well, I'm sure, you know, what will happen  
14 is after, after this Commission is completed and we're  
15 moving forward, then we can move forward. Right now  
16 we cannot engage in many different things up until,  
17 you know, the jurisdictional process is complete.

18 Q Okay. As a planner do you think it would be  
19 important for the members of the Commission to know  
20 about the future potential of the agricultural  
21 productivity of the land after this project is  
22 developed? Maybe I can rephrase that.

23 I guess what I'm getting at here is we're  
24 obviously here before the Land Use Commission 'cause  
25 we're talking about this prime agricultural land being

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1 reclassified in order to even build anything on it.  
2 Is that correct? You understand that's why we're  
3 here.

4 A Yeah. This is for reclassification, yes.

5           Q     So my thought is that if we're really  
6 looking at the concerns related to that, why this land  
7 is in agriculture production, that it would be very  
8 important for the Commission to know the potential  
9 agriculture production after this development were to  
10 take place, if the land were reclassified.

11          A     Yes. But there's, again, this is a nuanced  
12 approach to development. There's so many moving parts  
13 that's going to be developed over 20 years. We can't  
14 provide hard data right now. We don't have that.  
15 What we have is the concept in intent. And that's  
16 installed, I believe, in the Sustainability Plan. And  
17 your question might be better for Mike who could  
18 underline those values of D.R. Horton towards the  
19 plan.

20          Q     Okay. I understand that. I think that --

21               MR. KUDO: We also have our agricultural  
22 expert taking the stand later, Mr. Bruce Plasch. So  
23 she can address those specific agricultural issue  
24 questions to him.

25               MS. DUNNE: Thank you.

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1           Q     I had another question related to the urban  
2 ag portion of this Sustainability Plan. And that goes  
3 to the transition programs, agricultural transition  
4 programs. I think that might be the term used in the  
5 plan. Are you familiar with that?

6           A     Yes.

7           Q     Obviously even under that transition --  
8   well, can you explain the transition plan and how does  
9   that....

10          A     Well, development happens over time.  So  
11   farming's never going to leave the project.  It's  
12   always going to be farmed.  What there is is going to  
13   be a transition of the farming paradigm.  As you can  
14   see in the first is not the entire project.  There's  
15   several hundred acres left that will continue to be  
16   farmed.  And as markets are achieved, as synergies are  
17   achieved more land is taken down, and we're also  
18   learning how to better achieve the urban/agricultural  
19   initiatives.

20          Q     Okay.  So this all seems kind of uncertain  
21   to me exactly where the land's gonna be and how  
22   productive it is.  And so, doesn't that make it  
23   difficult to work with the existing farmers as far as  
24   keeping their lands in production if you don't know  
25   exactly where the farms are going to be and how

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1   productive that land is?

2          A     Well, I think we know where the farms are  
3   going to be.  The phasing plan is fairly defined.  And  
4   that transition plan is fairly defined.  So I think we  
5   know what's, how that may come down.

6          Q     So, okay, so I think I may be hearing two  
7   things.  But as far as the transition plan goes you

8 feel like you do know where that's going to be, where,  
9 how that's going to work with the farmers.

10 A Well, yeah, I think that's spelled out in  
11 the Sustainability Plan.

12 Q Okay.

13 A I think it's right in front of me 2.2  
14 long-term agricultural transition, page 15. It's  
15 fairly graphic. I think it's definable from a concept  
16 plan realm.

17 Q Would you agree, then, that as it's  
18 currently -- as this project is currently proposed the  
19 existing farmers are going to be pushed out to these  
20 open space buffer zones, if they're even going to be  
21 staying on that land?

22 A I think that's a better question for Mike.  
23 I don't think there's any pushing going on here.  
24 There's transitioning. There's paradigm shifting, not  
25 pushing.

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1 Q Because you don't, you don't know whether  
2 farmers are able to maintain any kind of economically  
3 viable farming operation on the land that you have set  
4 aside for farms?

5 A No.

6 Q That's not a question for you.

7 A That's not for me.

8 Q I had a few questions related to the Smart

9 Growth idea. I've heard you talk a bit about Smart  
10 Growth in relation to transportation planning. You're  
11 also familiar with Smart Growth principles in general?

12 A Yes.

13 Q So isn't it true that one of the Smart  
14 Growth principles is to preserve open space, farmland,  
15 natural beauty in critical environmental areas?

16 A Yeah, in balance with all the other Smart  
17 Growth principles.

18 Q Right. So that principle, though, would be  
19 to direct development away from agricultural land.

20 A In balance with all principles. You don't  
21 separate.

22 Q I think you mentioned earlier that there was  
23 this, what you described, the new movement of urban  
24 agricultural initiatives. That there's some value in  
25 having productive farmland operations close to the

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1 city. Would you agree with that?

2 A Yes.

3 Q And so would you agree that farms near urban  
4 areas have greater access to markets and ports?

5 A Mm-hmm, yeah.

6 Q And that would, therefore, lower  
7 transportation costs for those farmers?

8 A Proximity, yes.

9 Q Are you aware that some cities are actually  
10 taking initiatives to increase farmlands in the urban

11 centers?

12 A I'm aware of cities that are depopulating  
13 greatly that are initiating urban ag, yes.

14 Q So are you familiar with land preservation  
15 techniques that would cluster developments to create,  
16 for example, higher density development in one area  
17 and preserve the vast majority of the agriculture  
18 land?

19 A That's one technique.

20 Q But you didn't consider that technique as  
21 applied to this parcel of land, is that correct?

22 A No. I think we absolutely did.

23 Q You did --

24 A We've clustered development within this plan  
25 over and expanded into a series of neighborhoods and

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1 density clusters that are based around walkability,  
2 with sustainability and urban ag woven throughout the  
3 entire project. You use various techniques due to  
4 scale.

5 Q Okay. But you didn't consider it in the  
6 sense of, say, preserving 90 percent of the  
7 agricultural land and building just infrastructure  
8 for, say, farm operations on a percentage of that  
9 land?

10 A No.

11 Q That was not considered.

12 A No.

13 Q Are you aware that both the --in Hawai'i  
14 both the state and the county have an obligation to  
15 identify what are referred as Important Agricultural  
16 Lands so that those lands can be protected from  
17 development? Are you familiar with that?

18 A No, I'm not.

19 Q So you're not aware that under Hawai'i State  
20 Law this land meets the criteria for Important Ag  
21 Lands.

22 A No, I'm not aware of Hawai'i State Law.

23 Q So you're not aware of Hawai'i State Law,  
24 but you have worked with the city on the 'Ewa Smart  
25 Growth Plan, is that correct?

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1 A I worked with -- rephrase your question.

2 Q Well, have you worked with the City and  
3 County of Honolulu on the 'Ewa Smart Growth Plan or  
4 Code?

5 A The city's a client of mine, yes.

6 Q Okay. And you started working with the city  
7 in 2004, 2005?

8 A We've done many things for the city, yeah.  
9 I think we started in 2004.

10 Q And obviously you've also been working with  
11 D.R. Horton on the project?

12 A Correct.

13 Q And that's since about 2005?



14 A 2005, yes, correct.

15 Q So you're probably aware of the 'Ewa Smart  
16 Growth Plan as you stated, this was not left in ag  
17 land in the 'Ewa Plan?

18 A In the 'Ewa Sustainability Plan it shows it  
19 to be urbanized.

20 Q Okay. In your work with the city on the  
21 'Ewa Plan, did you -- did you work with the city on  
22 identifying areas that should be urbanized or left as  
23 agriculture?

24 A We were not a consultant on the 'Ewa  
25 Sustainability Plan.

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1 Q Okay. But on the -- was that a component of  
2 the Smart Growth Plan?

3 A No. We didn't work on -- you're confusing  
4 many issues. The City and County of Honolulu is a  
5 client of ours concerning many of the development  
6 plans around transit stations.

7 Q Okay. So limited to the creation of the  
8 neighborhood development plans.

9 A Yeah, what we call Transit-Oriented  
10 Development.

11 Q Okay. Speaking of those neighborhood TOD  
12 plans, have you finalized any neighborhood TOD plans?

13 A They're all in their final stages awaiting,  
14 you know, various jurisdictional manipulations.

15 Q Okay. So it's not final as of right now.

16 A Correct.

17 Q And that's the same with the -- you're  
18 probably also aware the 'Ewa Development Plan's been  
19 going through a review process?

20 A I think it's a question best to the city. I  
21 believe it was adopted. I mean -- not the 'Ewa -- the  
22 Sustainable Communities Plan. Is that what you're  
23 talking about?

24 Q I'm talking about the 'Ewa Development Plan.

25 A Okay.

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1 Q But if you don't know about the status of  
2 that that's fine.

3 A I actually don't.

4 Q So I had some questions related to the  
5 transit and the way you've designed this development.  
6 You testified that one of the key TOD principles is  
7 pedestrian focused and the choice of not using a car,  
8 right?

9 A Correct.

10 Q For this actually if it's easy if we look  
11 back at Exhibit 89B, or at least I'd like to refer to  
12 it. That was the exhibit that I think had those  
13 circles that showed the radii around there.

14 MR. KUDO: One moment until we can pull that  
15 up for you. (Pause)

16 MS. DUNNE: Thank you. That was very fast.

17 Q Okay. So looking again at this Exhibit 89B.  
18 So the idea's that there's higher density around the  
19 transit stations.

20 A That's one of the many concepts.

21 Q Okay. And the location of those transit  
22 stations haven't been finalized yet, is that correct?

23 A Yes, they have.

24 Q They have been. So they're -- those  
25 stations will be -- there'll be a station in Ho'opili,

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1 is that correct?

2 A That's correct.

3 Q Okay. So that station's been finalized even  
4 though the land is still agriculture.

5 A I need to amend that correction. There are  
6 two stations in Ho'opili.

7 Q Okay. So we have what we see up there the  
8 UH West O'ahu and Ho'opili station?

9 A Aptly named for our neighbor.

10 Q Yes. Okay. So I guess, then, my question  
11 is you said that the location of those stations has  
12 actually been finalized at this point?

13 A Yes, I believe so.

14 Q Okay. And so -- and that's true even though  
15 currently we're looking at this map that you have here  
16 and that this is your planned development. But as  
17 you're aware this land is currently agriculture. So

18 there's farms there, right?

19 A Correct.

20 Q So if the land isn't reclassified and this  
21 development isn't built, we'd have a Ho'opili station  
22 in the middle of the farms?

23 A Pretty interesting, huh?

24 Q Yeah. I think it seems to me -- it seems to  
25 me we've gotten ahead of ourselves.

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1 PRESIDING OFFICER CHOCK: Question, please.

2 Q (Ms. Dunne) : And my question is -- well, I  
3 think my question really goes back to your work with  
4 the city on the Transit-Oriented Development Plan --  
5 their transit project and then also with Ho'opili.  
6 And I'm wondering how it came to be that there's a  
7 station here when this is prime agriculture land?

8 A Have you read the 'Ewa Sustainability Plan?

9 Q I have.

10 A Okay. It's been there for -- it's on there.

11 Q There's always been a rail station planned  
12 there?

13 A There's been a rail corridor planned for, I  
14 believe, mass transit on it.

15 Q So as you earlier -- and you said you didn't  
16 actually know about the 'Ewa Development Plan status,  
17 but the current -- the plan that currently governs  
18 this area is the 1997 plan which I think was revised  
19 in 2000. Is that correct?

20 A 2007.

21 Q No. '97 -- the 1997 plan. I think maybe it  
22 was revised in 2000. That's the current plan, the  
23 'Ewa Development Plan.

24 A Oh, the 'Ewa Development Plan.

25 Q The only one that's been approved by the

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1 Commission, the city and county.

2 A Okay.

3 Q Is that your understanding?

4 A I don't know. I don't know when it was last  
5 approved or been part of this hearing.

6 Q Maybe the city can clarify the status of the  
7 plan?

8 PRESIDING OFFICER CHOCK: I don't think  
9 that's for this point in the proceeding.

10 MS. TAKEUCHI-APUNA: We have a witness who  
11 will be available to answer those questions relating  
12 to rail and the plans.

13 MS. DUNNE: Okay. Thank you. I was just  
14 curious because the witness had testified that the  
15 plan had been -- that this was planned here and it was  
16 definitely going to be here. And I had not seen that  
17 in any plan.

18 So I was curious where that came from that  
19 it was definitely in an approved and adopted plan by  
20 the city and county. So I guess we'll hear about that

21 later.

22 Q So I'm now looking at the circles that you  
23 have. And those were, I think -- let me just step  
24 back for a second. You testified that the -- we have  
25 a higher than city-run transit areas. And the idea's

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1 that there's the highest ridership for transit for  
2 people that can walk to the transit area. Is that the  
3 idea?

4 A That's correct.

5 Q Looking at these circles, and this map 89B,  
6 the yellow area represents low-medium density  
7 development. And that's about 5,100 units and 535  
8 acres; is that right?

9 A I don't have the exact counts in front of  
10 me. But if you ....

11 Q If I had read that from one of your  
12 documents you'd take my word for it that that was it,  
13 right?

14 A Okay.

15 Q Do you know if most of those units of  
16 approximately 5,100 units in that yellow area, that  
17 most of those are single-family homes?

18 A It's going to be a mix of single-family,  
19 duplexes, and townhouses with lower density in  
20 general. 'Lower density' being defined from, like, 4  
21 to 12 units an acre.

22 Q So that yellow area is lower density.

23           A     Yes.

24           Q     Okay.  And so looking at the map, that's the  
25   southern part.  And that's a fairly large area,

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1   wouldn't you agree?

2           A     This area?

3           Q     Yes.

4           A     It's several neighborhoods.

5           Q     And most of that area is not within walking  
6   distance of the proposed transit station, is that  
7   correct?

8           A     It's more than -- once again is that rail is  
9   just one piece of mobility.  Obviously a project of  
10   this scale with -- and Jim Charlier will be able to  
11   speak much more clearly about they'll have secondary  
12   bus circulators and things like that.

13                    So it's much richer than anything you can  
14   draw in a bubble diagram.  So the access is really  
15   for, you know, for all residents, future residents and  
16   future workers in the project.

17           Q     Okay.  So there may be other ways to get  
18   to the transit station, but the distance is such that  
19   it's not, really, wouldn't really be considered  
20   walkable according to your TOD principles, correct?

21           A     You know, again, I think it's more nuanced.  
22   Walkable is different in different places.  Okay?  One  
23   wonderful thing about Hawai'i is your climate.  You

24 guys aren't in Indianapolis, you're not in Portland  
25 and Seattle. I truly believe you can walk beyond the

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1 10-minute. But that -- those are just kind of really  
2 broad principles.

3           So I think it can stretch in this particular  
4 area, further than that due to the kind of rigor of  
5 further definition of this project and transit being  
6 along great sidewalks and shaded sidewalks and all  
7 that being other bike networks that we haven't even  
8 talked about yet are another. So it's a far more  
9 nuanced and far richer than you could ever put on a  
10 single diagram.

11       Q     Okay. Those details are still in the works,  
12 so to speak.

13       A     Yes.

14       Q     I think you mentioned that one of the  
15 advantages of this proposed development is people  
16 being able to walk to work from their homes, is that  
17 correct?

18       A     I think that's a choice that will be over  
19 the amenities, yes.

20       Q     And are you aware -- well, from previous  
21 testimony I understand that the home prices will be  
22 maybe up to 600,000 -- I don't know if there's,  
23 anyone's as low as 200 but...200- to 600,000 maybe in  
24 the homes prices?

25       A     Four or 500 per.



1 Q Seven hundred thousand.

2 A For one housing type here, yes.

3 Q For one housing type. Okay. And do you  
4 know if there's been any study done that would address  
5 whether the homes would be affordable for the people  
6 that are working in that community?

7 In other words, have you looked at the wages  
8 earned by the jobs in that community compared to the  
9 house prices in your proposed community?

10 A Probably best answered by others. But the  
11 concept was the intent here is a community for  
12 everybody.

13 Q Okay. So that's the concept. But you  
14 haven't done a study or you're not aware of a study.

15 A Well, I haven't. I think that's best  
16 answered by others.

17 Q Okay. So you're obviously aware of the city  
18 and county's high capacity transit project?

19 A Yes.

20 Q Do you agree that some of the proposed  
21 stations, a number of the proposed stations and stops  
22 are in existing communities?

23 A Yes.

24 Q And there's also a number of existing  
25 communities and developments in the 'Ewa-Kapolei area

1 that don't have proposed transit stops currently?

2 A Yeah, yeah.

3 Q And they're already developed areas.

4 A Mm-hmm.

5 Q Would you agree that putting up a transit  
6 station in an already developed area would help  
7 address some of the existing traffic and  
8 transportation problems in this region?

9 A You know, we certainly have looked at many  
10 of the stations for the city and county, what works  
11 with many different neighborhoods. Again, it's more  
12 nuanced than that.

13 One of the great limitations, several,  
14 actual limitations we're finding about with the  
15 existing urban environments where these transit  
16 stations are playing -- are being placed are we have a  
17 multiplicity of property owners and property  
18 boundaries. We have lack of critical infrastructure,  
19 and any kind of development opportunity to require an  
20 enormous amount of coalition of properties which could  
21 result in displacement of existing populations.

22 So very difficult, very difficult to infill  
23 in Honolulu and around transit stations. Now, some  
24 creative people find a way to do that. What we're  
25 finding when we look at these other station areas

1 through our other contracts, one of the interesting

2 things that we're finding is that there was no  
3 limitation to the zoning that we're looking at for  
4 infill housing or intensification.

5           It just wasn't being built anyway because of  
6 the costs and, really, the economics that come with  
7 infill development. And it's a very different story  
8 when you can build things brand new with  
9 state-of-the-art infrastructure.

10       Q     Okay. So -- I appreciate that -- so infill  
11 development, just to sort of summarize the last  
12 portion of your testimony there, infill development is  
13 maybe more costly in Hawai'i, would you say?

14       A     Oh, economically and socially, yes.

15       Q     But as a planning practice infill  
16 developments is one of the tenets of Smart Growth?  
17 Infill development would go along with the Smart  
18 Growth principles?

19       A     Yes. In the definition of infill, which is  
20 this project, yes.

21       Q     So you're considering this project infill.

22       A     I was very clear about that in my  
23 presentation on direct.

24       Q     Okay. So I guess despite the difficulties  
25 you identified, you agree it's possible and it

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1 actually is being done, to put transit stations in  
2 existing -- in areas that are already developed,

3 correct? That there will be transit stations in areas  
4 that are already developed. Do you agree with that?

5 A Well, there is a --

6 MR. KUDO: Excuse me. We've been on this  
7 line of questioning for quite some time now. Is there  
8 a point that counsel wants to make with regards to  
9 this line of questioning? I don't understand where  
10 she's going with this.

11 PRESIDING OFFICER CHOCK: Sierra Club?

12 MS. DUNNE: My point is the feasibility of  
13 putting a transit station -- the point is there are a  
14 number of areas already developed in 'Ewa that could  
15 use a transit station.

16 PRESIDING OFFICER CHOCK: What is the  
17 relevance of that to this petition?

18 MS. DUNNE: Well, I think that if there's  
19 going to be a transit station in that area that it  
20 could be located in a different place. So if there's  
21 no Ho'opili Development where would it go? If it can  
22 go somewhere else.

23 MR. KUDO: Those may be questions better  
24 asked of the City who's in charge of the rail system.

25 MS. DUNNE: And maybe that's true so I can

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1 move on.

2 PRESIDING OFFICER CHOCK: Why don't you move  
3 on. Thank you.

4 MS. DUNNE: I think that's all I have.

5 PRESIDING OFFICER CHOCK: Thank you, Sierra  
6 Club. Senator.

7 CROSS-EXAMINATION

8 BY MR. SEITZ:

9 Q Mr. Van Meter, your place of business is in  
10 Colorado, is that correct?

11 A My offices are in San Francisco and in  
12 Denver, Colorado.

13 Q And do you hold any professional licenses?

14 A Yes, I do.

15 Q Where are you licensed?

16 A I'm licensed in California, Colorado,  
17 Hawai'i, Texas, Utah, New Mexico.

18 Q That's fine. What's the professional  
19 license you hold in Hawai'i?

20 A Architect.

21 Q How long have you held that license?

22 A When was that? I think five years since I  
23 started working, six years.

24 Q Is your understanding as a licensed  
25 architect in Hawai'i that city development plans trump

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1 state policies and practices?

2 A City development plans trump state. Am I  
3 aware of that?

4 Q Yes.

5 A Not particularly, no.

6 Q Well, you seem to say that your concern is  
7 with the 'Ewa Development Plan, but you don't have any  
8 concern about any state policies or practices?

9 A You're putting --

10 Q Excuse me. Let me finish my question. You  
11 don't seem to have any concern about state laws that  
12 may impact the work that you're doing. Is that a fair  
13 statement?

14 A No.

15 Q Have you read and are you familiar with Act  
16 183 passed by the Hawai'i State Legislature in 2005?

17 A No.

18 Q Are you aware of and have you read Act 283  
19 passed by the Legislature in its last session in 2011?

20 A Not aware of it right at this time.

21 Q Let me start with you've already been asked  
22 about Act 183 which talks about critical agricultural  
23 lands. Act 283 pertains to Sustainability Plans for  
24 the state of Hawai'i. And that's not something you're  
25 familiar with?

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1 A I'm familiar with the -- with the 'Ewa  
2 Sustainability Plan.

3 Q And do you believe that a law passed by the  
4 Legislature in 2011 may have any impact on the 'Ewa  
5 Sustainability Plan passed by the city which is a  
6 subdivision of the state?

7 (Pause)

8 I assume the answer is --

9 A Restate that.

10 Q Sure. You don't know what, if any, impact  
11 the legislative enactment, No. 283, would have on any  
12 work that you've done in connection with the project,  
13 do you? Do you have any idea? Is that right?

14 A I'm trying to understand the nature of your  
15 question in --

16 Q The nature of my question --

17 A -- the nature of my work effort, all right?  
18 So now do I know all of Hawai'i state law? The answer  
19 is no.

20 Q You authored and presented to this  
21 Commission, which is a state commission, a  
22 Sustainability Plan, right?

23 A A Sustainability Plan of intent for this  
24 project, correct.

25 Q And do you know if your Sustainability Plan

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1 is consistent with existing state law?

2 A The Sustainability Plan is a concept for  
3 this plan and it is not -- we're not trying to make a  
4 piece of legislation for state law.

5 Q So you don't know if you can even enforce  
6 that Sustainability Plan under existing state law, do  
7 you?

8 A No.

9 Q And yet you're here before this Commission  
10 asking them to rezone prime agricultural land,  
11 consistent with your Sustainability Plan without even  
12 knowing what the policies and practices are of the  
13 Hawai'i State Legislature of the State of Hawai'i. Is  
14 that fair to say?

15 A No, I don't think it's fair at all.

16 Q Why?

17 A 'Cause there's others on our team. It's not  
18 just me that will be able to answer your question much  
19 better concerning the intent of this. You're asking  
20 me legal questions. And we've got legal counsel on  
21 our team.

22 Q So who should I ask on your team those  
23 questions?

24 A Well, you'd probably want to ask Mike.

25 Q Okay. You've been talking about intentions.

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1 And Mr. Yee brought this out. But don't you think  
2 that before the plan is approved and these  
3 agricultural lands are reclassified that we should  
4 have more than good intentions presented as a basis to  
5 support the Petition?

6 A Well, this is -- again, you know, I'm not  
7 familiar with this entitlement process. This is my  
8 first time through it. So this is concept and only  
9 just like any plan their concept, you're just seeing a  
10 bubble diagram here. Obviously there's a mountain or



11 an ocean of work to do to refine and to get to there.

12               So if you're asking for absolutes I don't  
13 think this is the stage for it.

14           Q     But what I'm asking you is why should this  
15 Commission reclassify a substantial portion of prime  
16 agricultural land to allow this development to be  
17 built? And how is that consistent with existing state  
18 law and policies?

19           A     Well, I can't speak to existing state law.  
20 What I can speak to is the Sustainable Communities  
21 Plan and the other intents that have followed this and  
22 the process, the community process that we have  
23 engaged stakeholders and other landowners in through  
24 this, through the hard work done by many others over  
25 the years.

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1           Q     Let me ask you this. You talked at the  
2 beginning of your testimony about having key  
3 partnerships. Did you have any partnerships with  
4 anybody who's involved in protecting local  
5 agriculture?

6           A     I'm sure -- I'm sure Mike can answer that  
7 better than I can.

8           Q     But you're the one who used the term "key  
9 partnerships".

10          A     Yes.

11          Q     Did you mean by that anybody in particular

12 from agriculture or defending the interests of  
13 agriculture who was involved in any of those  
14 partnerships?

15 A I think that's a better question for Mike.

16 Q So you don't know the answer.

17 A No. I think that's a better question for  
18 Mike to answer.

19 Q You said that you had several stakeholder  
20 meetings. That was your testimony. Were any of those  
21 stakeholder meetings with anybody associated with the  
22 current agriculture that is using that land that you  
23 intend to develop?

24 A The stakeholders were from many different  
25 factions. So I can't recall what everybody does for a

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1 living because there was quite a few people. But I  
2 think Mike can clarify for you much further than I  
3 can.

4 Q Were any of the stakeholders that you met  
5 with from other communities outside of the 'Ewa Plain?  
6 As far as you know.

7 A We had -- not the stakeholders, but we had  
8 community-wide workshops that were open to anybody.  
9 We had all sorts of people. I know of several people  
10 from Hawai'i Kai that constantly came to our open  
11 meetings, yes.

12 Q Have you ever attended the farmers market  
13 that's conducted every Saturday morning at Kapiolani

14 Community College?

15 A I wish I could say I could but I usually fly  
16 home on Friday nights. I have a family.

17 Q Well, if this project proceeds what are you  
18 going to tell the thousands of residents of East O'ahu  
19 and others who come to that market every Saturday and  
20 buy a significant amount of produce produced by Aloun  
21 Farms on the parcel of land that you want to take out  
22 of production, how would their interests be  
23 represented by this project?

24 A Well, I think their interests are going to  
25 be replaced by other methods.

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1 Q I thought you said that the other methods  
2 are going to involve growing products on the steward  
3 plots and on the open spaces that exist there that are  
4 going to be kept in the region which you talk about as  
5 basically being Ho'opili or the 'Ewa/Kapolei area.  
6 Wasn't that what you said?

7 A I'm not sure, you know, on that. But I  
8 think there's probably better people to answer the  
9 more regional focus questions concerning agriculture  
10 and farmers market on the island than me.

11 Q In your discussion about concept of a  
12 Transit-Oriented Development you rely heavily upon the  
13 fact that mass transit is going to be built on the  
14 Island of O'ahu, correct?

15           A     Well, you don't rely heavily on it. What  
16 you do is you create sustainable communities where the  
17 transit component is a major amenity for that. It is  
18 not the driver.

19           Q     What, if any, impact upon your testimony and  
20 your plans that you've developed will there be if mass  
21 transit actually does not come to fruition?

22           A     Are you talking germane to this project?

23           Q     Yes.

24           A     Okay. Germane to this project, this project  
25 will still be a highly viable place to live, work and

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1 play and educate. The transit component is a great  
2 amenity.

3           Q     When you talked about the steward plots and  
4 you talked about the fact that maybe those plots of  
5 land can be used commercially in some manner. Do you  
6 have any studies or any examples from any other place  
7 in the country where these small plots of land that  
8 apparently are going to be made available for  
9 homeowners to either grow their own crops or to lease  
10 out to somebody else, where that has actually been  
11 commercially viable?

12           A     That's something we're going to have to get  
13 into in detail. It's in the conceptual stage. Like I  
14 said so much of what we're talking about here is about  
15 innovation. And it's about taking things to the next  
16 level of development parameters. That's the important

17 thing is looking forward.

18               So the answer to your question is we need to  
19 get to those kinds of detailed studies. The economics  
20 are going to change greatly due to the kind of  
21 environment.

22               We do have some pilot projects going on in  
23 Colorado. We have a five month growing season there,  
24 you know. That's why, you know, Hawai'i, this  
25 fabulous environment here where it seems like it would

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1 work here very well.

2               We need to get to those studies. We need to  
3 get to those exact parameters. This is our intent.  
4 That's where we're going.

5           Q     Don't you think that the Land Use Commission  
6 needs to know what actual opportunities may exist to  
7 replace the commercial farming that's already going on  
8 on this land before they agree to terminate that  
9 farming?

10          A     Well, I think there's many things they need  
11 to consider just beyond the farming. One is the  
12 intent. At this point at a bubble diagram stage we  
13 can't get the absolutes. But that is -- our intent is  
14 go in that direction where we can potentially get to  
15 those absolutes.

16               And to honestly answer your question, that's  
17 a 20-year question.

18           Q     So you're telling the Commission today that  
19 based upon your intent without any real data, without  
20 any studies, without any prior examples, that they  
21 should make a decision that removes a very productive  
22 and important agricultural parcel from production.  
23 And that they should do that for the lives of my kids,  
24 and my grandchildren and all of those of the people  
25 here.

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1           Is that what you're telling the Commission?

2           A     Absolutely not.

3           Q     What are you telling them then?

4           A     There's been plenty of studies. There's  
5 plenty of examples. And we need to bring -- we need  
6 to bring them to fruition here for the lives of the  
7 future children who are living there and for everybody  
8 else.

9           Q     I want you to tell me today where are those  
10 studies. Where can I find those examples of these  
11 steward-like lots that have been utilized commercially  
12 so that we can determine what, in fact, they're able  
13 to accomplish and produce to compare with what's  
14 currently produced?

15          A     Well, I can't tell you that because I'm not  
16 the urban ag expert.

17          Q     And who's the urban ag expert who can answer  
18 that question?

19          A     That's probably less for Mike. But we did

20 engage a company out of Golden called TSR. If you  
21 want to know more it's pretty easy to find out.

22 MR. KUDO: We do have Mr. Plasch who is our  
23 expert who can possibly address the questions of  
24 counsel along these lines of questioning.

25 Q (Mr. Seitz) : Has TSR produced anything?

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1 A We produced a lot of stuff, but you're going  
2 to have to ask Mike.

3 Q Repeatedly, again, during your testimony  
4 here the morning I've heard you say that: "Well,  
5 that's nuanced. We haven't gotten there yet. We have  
6 no hard data, just intentions."

7 And again I want to ask you do you believe  
8 that's sufficient for the Land Use Commission to make  
9 a decision of this magnitude based upon those kinds of  
10 presentations?

11 A Well, once again I think that is a bubble  
12 diagram. You always have concepts in mind, right,  
13 when you present these projects? Having absolutes at  
14 this stage we can't get there yet.

15 MR. SEITZ: I have no further questions.

16 Thank you.

17 PRESIDING OFFICER CHOCK: Thank you.  
18 Petitioner?

19 MR. KUDO: Could we ask for a ten minute  
20 recess?

21                   PRESIDING OFFICER CHOCK: You know, we're  
22 trying to keep these proceedings moving along. And in  
23 fairness to all the other parties you need to be  
24 prepared when it's time to cross your witness. So  
25 let's proceed.

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1                   REDIRECT EXAMINATION

2 BY MR. KUDO:

3           Q     Mr. Van Meter, you were involved with the  
4 Task Force, were you not?

5           A     That's correct.

6           Q     From what period were you involved?

7           A     From about 2005. I believe the last Task  
8 Force meeting was a year ago when I attended.

9           Q     And approximately how many different people  
10 from the community did you make your presentations to  
11 and what were they?

12          A     I think our Task Forces ranged from --

13                   MR. SEITZ: Excuse me, Mr. Chairman. I'm  
14 going to object to the form of the question when the  
15 term "community" is used. I think it needs to be more  
16 precise.

17                   PRESIDING OFFICER CHOCK: Petitioner, can  
18 you restate the question, please.

19          Q     (Mr. Kudo) : Do you know how many members  
20 of the Task Force resided in the general community of  
21 'Ewa?

22          A     Not the exact number, no.



23 Q Were there members that resided in 'Ewa --

24 A Yes.

25 Q -- that were members of the Task Force?

1 A Yes.

2 Q Were there members of the Task Force that  
3 resided outside of 'Ewa such as Waipahu?

4 A Yes.

5 Q Now, did you have discussions with them with  
6 regard to this project and some of the concerns and  
7 planning objectives that you talked about?

8 A Yes.

9 Q Now, I believe the counsel has referred to a  
10 particular Act 283. Are you familiar with that Act?

11 A No.

12 Q Excuse me. That's Senate Bill 283, Act 183.  
13 Are you familiar with that? And are you familiar with  
14 the fact that that Act, which is not in effect as of  
15 yet?

16 A I'm not familiar with it. If you'll read it  
17 to me I may be. I can't recite it.

18 MR. KUDO: At this point we have no further  
19 redirect.

20 PRESIDING OFFICER CHOCK: Commissioners, any  
21 questions? Commissioner Heller.

22 COMMISSIONER HELLER: Thank you. Couple  
23 questions following up on the forms of sort of

24 replacement or continuing agriculture that you've  
25 discussed. The steward farms, I noted in the Draft

1 Sustainability Plan, it talks about them being in the  
2 areas along the project perimeter in drainageways and  
3 in separate parcels along the southeast.

4 Can you elaborate a little more what you're  
5 talking about on the drainage-ways?

6 THE WITNESS: The drainage-ways are the  
7 natural topography that we're finding right through  
8 here, right through here and right through here.

9 COMMISSIONER HELLER: So those are areas  
10 where you're not planning to build because that's  
11 where the drainage would flow?

12 THE WITNESS: We are trying, yeah -- I mean  
13 the project currently is an altered landscape. It's  
14 been graded to drain for agricultural purposes. It  
15 also, you know, tends to work also for development if  
16 you follow the natural patterns of water flow. The  
17 advantage of that is you're bringing natural water  
18 down to areas that can be future planting.

19 COMMISSIONER HELLER: Does that also mean  
20 that those are the areas that would flood first in  
21 heavy rains?

22 THE WITNESS: You know, I'm not sure the  
23 word flooding is correct here. Because I don't think  
24 there's collection. Flooding requires collection.  
25 And the way we have layed this thing out conceptually

1 is that it drains very well right now. And we're  
2 going to follow that pattern.

3 COMMISSIONER HELLER: Have you done or to  
4 your knowledge has anyone done any analysis of the  
5 effect on farming operations of those being the  
6 drainage channels?

7 THE WITNESS: I'm not aware of that. I'm  
8 not sure I'm the best person to ask that.

9 COMMISSIONER HELLER: Let me turn to the  
10 steward farms. I just had a question about how you're  
11 counting. I understand it's 84 acres, that you're  
12 saying approximately 84 acres would be the  
13 agricultural area for the steward farms.

14 Just to understand how that's counted, let's  
15 say for illustration purposes you've got a 5,000  
16 square foot home lot. And the footprint of the house  
17 itself is 1500 square feet. You've got, maybe,  
18 another 500 square feet of carport and driveway. So  
19 there's 3,000 square feet of ground left.

20 For purposes of adding up that 84 acres are  
21 you counting the whole 5,000 square foot lot as  
22 agricultural? Are you counting the 3,000 square feet  
23 of empty space and assuming that every inch of it will  
24 be agricultural? Or are you counting some lesser  
25 number of square feet?

1                   THE WITNESS: I believe the process that  
2 went through was again more nuanced than that. If you  
3 take 5,000 square feet you're reduced to hardscape  
4 which is your building, your driveways, your roofs and  
5 all that. From that you can deduce a set amount for  
6 ornamental landscape. That could be 20, 30, 50  
7 percent.

8                   So it's looking probably as an overall  
9 average of the lot, you know, that may be more like  
10 30, 30 percent of the lot that could be put into, you  
11 know -- I'm making assumptions here -- it's not  
12 5,000 square feet, you know, soup to nuts of each lot.  
13 Because it's just not going to happen that way.

14                  So there's an overall average. There's a  
15 calculation made that the amount of single-family  
16 homes for steward lots using a certain percentage of  
17 ground cover that arrived at that acreage.

18                  COMMISSIONER HELLER: Do you know what that  
19 percentage is?

20                  THE WITNESS: No, I don't. No, I don't  
21 right now.

22                  COMMISSIONER HELLER: And each homeowner or  
23 each purchaser would decide for themselves whether or  
24 not they actually want to engage in steward farming,  
25 right?

1                   THE WITNESS: That is correct. The steward

2 farms are a choice. And what's going to help make  
3 this very interesting and innovative is that the  
4 infrastructure we'd put in place to help influence  
5 that choice, basically your irrigation.

6 COMMISSIONER HELLER: Do you have any actual  
7 data on which to base a prediction on what percentage  
8 of homeowners would engage in steward farming?

9 THE WITNESS: No.

10 COMMISSIONER HELLER: Thank you. That's all  
11 the questions I have.

12 PRESIDING OFFICER CHOCK: Commissioner  
13 Judge.

14 COMMISSIONER JUDGE: Thank you. Good  
15 morning, Mr. Van Meter.

16 THE WITNESS: Hi.

17 COMMISSIONER JUDGE: I heard you in the  
18 initial stages of your presentation refer to LEED-ND,  
19 saying something about -- was it a definition? I  
20 heard that and I didn't catch what the correlation was  
21 there.

22 THE WITNESS: All right. We originally  
23 submitted this as part of the pilot project. I was  
24 initially part of the USGBC Task Force in the creation  
25 of LEED-ND. We used this as a filter during the pilot

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1 project, LEED-ND. It was another tool of many tools  
2 that we've used to help inform the team, talk with our

3 client, talk with other community members about  
4 what's important here, what sustainability is, using  
5 the big term.

6 COMMISSIONER JUDGE: So I noticed in  
7 Exhibit 89B, the Sustainability Plan, there's no  
8 references made to LEED. I know over the past several  
9 years we have heard a lot of testimony around LEED and  
10 all the checkpoints and all of that. And are you --  
11 you just said you were a member of the council.  
12 You're familiar with the LEED principles then.

13 THE WITNESS: Yes.

14 COMMISSIONER JUDGE: If you were to look at,  
15 match up this Sustainability Plan with the principles  
16 of LEED, what level would it kind of fall into?

17 THE WITNESS: You're looking for the shiny  
18 color, aren't you?

19 COMMISSIONER JUDGE: I'm looking for some  
20 color.

21 THE WITNESS: In our conceptual review in  
22 the pilot project the LEED-ND as it is now is very  
23 different than the pilot project. In the pilot  
24 project it was a gold achievable. But the end result  
25 of LEED-ND is far different than what it was in the

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1 pilot project.

2 COMMISSIONER JUDGE: How about the homes if  
3 you were to just look at what you said you're going to  
4 do in the homes? What would that --

5                   THE WITNESS: You know, Mike would be able  
6 to answer that one really good. Mike and Bob really  
7 drilled down on the individual pieces of the homes.  
8 So I'm sorry to pass it on because I don't know what  
9 that is.

10                  COMMISSIONER JUDGE: That's okay. And I  
11 don't want to beat a dead horse. But you used the  
12 word "baseline" a lot when we were talking about the  
13 principles that we found in the Sustainability Plan.

14                  And if I understood you correctly, that it's  
15 your intent that -- and perhaps you're not the one to  
16 commit, it's Mike -- but that the principles in the  
17 Sustainability Plan you don't want to be tied to those  
18 because there's going to be, in your estimation, even  
19 better technology and better ways to do things in the  
20 future so that you don't want to be tied -- you don't  
21 want to be limited to what's in the current plan.

22                  THE WITNESS: That's correct.

23                  COMMISSIONER JUDGE: But what's in the plan  
24 today is something that could be achieved?

25                  THE WITNESS: Absolutely.

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1                  COMMISSIONER JUDGE: So that there's no  
2 reason why it couldn't, given today's circumstances,  
3 there's no reason why it couldn't be implemented.

4                  THE WITNESS: I think if this project was  
5 built today all of these would be achieved.

6 COMMISSIONER JUDGE: Okay. They could be  
7 achieved.

8 THE WITNESS: Yes.

9 COMMISSIONER JUDGE: But you don't want to  
10 commit -- you don't want to be committed to doing just  
11 these. You want to be able to have a higher bar in  
12 the technology.

13 THE WITNESS: We want an open ceiling.

14 COMMISSIONER JUDGE: Okay. But you don't  
15 want to be able to be fall down.

16 THE WITNESS: When you get boxed in you  
17 lose, you lose innovation. A lot of this innovation  
18 we're going to be developing over time. It's not just  
19 us.

20 COMMISSIONER JUDGE: I understand. I guess  
21 what I'm getting at when you use "baseline" baseline  
22 is like you're -- is it like the basement and you can  
23 only go up? Or it's a baseline where if you fall  
24 below you're going to measure it as a failure and  
25 then --

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1 THE WITNESS: I think baseline is our rock  
2 going up.

3 COMMISSIONER JUDGE: Is your basement and  
4 you can only go up from there?

5 THE WITNESS: But let Mike answer that a  
6 little bit more. I'm a glass half full guy.

7 COMMISSIONER JUDGE: No, I understand. But



8 I'm asking in your -- you were using the word  
9 "baseline". So in your, in your mind everything in  
10 your plan, it was built today could be achieved.

11 THE WITNESS: Correct.

12 COMMISSIONER JUDGE: And that the baseline  
13 is a basement that you can only go up from.

14 THE WITNESS: Correct.

15 COMMISSIONER JUDGE: Okay. Thank you. The  
16 soft versus hard I heard you say the way they've done  
17 things in the past in Hawai'i and what your plan --  
18 would it be considered New Urbanism?

19 THE WITNESS: Yes.

20 COMMISSIONER JUDGE: What your plan  
21 envisions. What typically in your experience when you  
22 go around and look at the existing developments,  
23 what's the percentage of soft versus hard, hardscape  
24 versus soft-scape I guess?

25 THE WITNESS: Well, it depends on the

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1 density and development pattern. It's all over the  
2 place.

3 COMMISSIONER JUDGE: Okay. In standard  
4 practices for urban planning, how do you define the  
5 density? Like lower density is how many per acre?

6 THE WITNESS: Okay. Lower density in  
7 particular you're talking about single affordable  
8 homes, maybe duplexes, maybe some townhouses.

9                   And we know in New Urbanism people just  
10 stick in there -- our lowest density is probably about  
11 four units an acre. But that's particular to place.

12                   Now, when you're at the edge of a New  
13 Urbanized development your lots tend to get bigger.  
14 You tend to get a softer landscape, things like that.  
15 So I don't think you just set those hard standards  
16 getting to those absolutes. So an overall average of  
17 four.

18                   COMMISSIONER JUDGE: Looking for a range.  
19 You can give me a range. I don't need an absolute.

20                   THE WITNESS: Okay. Four to six units an  
21 acre. Your medium densities will run from 8 to 16  
22 units an acre. Your medium to high I call it -- I  
23 have several, you know, go from 20 to 25 units an  
24 acre.

25                   Your high density is 30 all the way up to a

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1 hundred units an acre depending on your building  
2 typology and how you park it.

3                   COMMISSIONER JUDGE: Okay. So if you were  
4 just to use relative apples to apples, I mean you gave  
5 a percentage of what you think the overall Ho'opili is  
6 going to be soft versus hard. Could you repeat that  
7 again?

8                   THE WITNESS: Okay.

9                   COMMISSIONER JUDGE: What percent of  
10 Ho'opili when it's done is going to be hardscape?

11 THE WITNESS: I don't have those absolute  
12 numbers.

13 COMMISSIONER JUDGE: Range.

14 THE WITNESS: The range, it will be above  
15 50 percent that, you know, that it will be able to go  
16 in and naturally drain. It could be well above that.  
17 Part of that is it's how it's developed over time.

18 Part of that is whether the city and county  
19 is going through a complete street standards, whether  
20 they'll actually be able to create green streets,  
21 whether they'll allow us to.

22 So there's many moving parts. But I think  
23 more of those moving parts that are implemented we get  
24 to the higher levels of permeability I think is the  
25 word you're looking for, right?

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1 COMMISSIONER JUDGE: Right.

2 THE WITNESS: Okay.

3 COMMISSIONER JUDGE: Would you say that when  
4 you're done -- what would you say would be, just given  
5 a typical or existing subdivision now, would you say  
6 that typically the way subdivisions have been done in  
7 the last ten years, that 50 percent are left at  
8 permeability?

9 THE WITNESS: No, I think it's actually much  
10 higher. Subdivisions, typical subdivisions tend to be  
11 extremely low density, single use, rolling places. So

12 lot sizes are much bigger and all that so you get a  
13 higher degree of permeability but you're stretched out  
14 to the horizon. Right?

15               What we're talking about is compact urban  
16 development here. So you are going to get apples and  
17 apples, you know, less permeable surfaces. But the  
18 issue here, the innovation here is can we handle that  
19 differently?

20               That's where the future is for us. Can we  
21 actually do green streets? Can we do water catchment  
22 off the roofs? Can we take to the different places?  
23 Can we use gray water to flush our toilets? The  
24 discussion is rich.

25               COMMISSIONER JUDGE: So what I hear you

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1 saying also, too, then the innovation is also the new  
2 use of the densities.

3               THE WITNESS: Yes.

4               COMMISSIONER JUDGE: There's no -- there's  
5 no comparable communities, if you want to call it,  
6 that's 1500. There's no comparable community that  
7 offers the same, the same level of product mixes and  
8 densities that Ho'opili's plan to offer.

9               THE WITNESS: In my six years of visiting  
10 your state and all your islands, haven't been able to  
11 find that. Boy, we have looked.

12               COMMISSIONER JUDGE: Okay. So this is  
13 something new.

14 THE WITNESS: Yes.  
15 COMMISSIONER JUDGE: This is something --  
16 THE WITNESS: Yes.

17 COMMISSIONER JUDGE: -- as planned it's a  
18 new concept.

19 THE WITNESS: Yes. I must say on the  
20 mainland -- I hate to, you know, sorry to refer to  
21 that, but it's becoming the standard practice now of  
22 New Urbanism.

23 COMMISSIONER JUDGE: Okay. Could you give  
24 -- since it's new and it's not something that we've  
25 seen before, what are some examples of comparable

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1 Master Planned communities like Ho'opili on the  
2 mainland? Can you give success stories on places on  
3 the mainland?

4 THE WITNESS: Oh, yeah. How much time do  
5 you have? I'll just talk about some of our work.

6 COMMISSIONER JUDGE: Because you're talking  
7 about intent.

8 THE WITNESS: Right.

9 COMMISSIONER JUDGE: And we've never seen it  
10 come to fruition. So if you have something where  
11 you've done this --

12 THE WITNESS: Yeah.

13 COMMISSIONER JUDGE: -- and it's been  
14 successful and it's been completed, that would be

15 interesting to know.

16 THE WITNESS: I'll.... just stuff that we've  
17 done and you can Google this stuff. One place is  
18 called Belmar. It was a mass shopping mall in  
19 Lakewood, Colorado. It was the largest shopping mall  
20 west of the Mississippi when it was built, over  
21 1 million square feet of enclosed surrounded by 120  
22 acres of asphalt.

23 The whole thing has been ground up and  
24 replaced with a new downtown for Lakewood, Colorado of  
25 which we replaced the million square feet of retail so

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1 the tax base is still there.

2 But we've been able to add 3-quarter million  
3 square feet of employment, office in addition to the  
4 1200 dwelling units to the site.

5 So when you talk in planning terms it used  
6 to be what it's called FAR, the floor to area ratio of  
7 the site was about .2. We have actually raised it up  
8 to almost a 1. So you can see the increased intensity  
9 of uses on the same parcel of land.

10 By doing so we have taken a 95 percent  
11 impermeable site all the way up to a 55 percent  
12 permeable site.

13 So by the intervention of urbanism in this  
14 place we made it a far greener place to it, far more  
15 intensive place and have the same economics where the  
16 city has received their economic benefit back.

17                   That's one example. Now, that's a green  
18 field, what you call a green field. You grind up  
19 something.

20                   We have also taken a look at another project  
21 called Bradburn. Again this is in Colorado, in West  
22 Minister, Colorado. This was former ag land also that  
23 sprawl had enveloped. And this has become a new town  
24 called Bradburn.

25                   And it's still developing into a place of --

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1 the end result will be about 820 homes, about  
2 55,000 square feet of retail, brand new school built  
3 there.

4                   And then there will be approximately  
5 75,000 square feet of employment space there too. But  
6 it's all, again, in this integrated pattern where  
7 everything's in close proximity to each other and  
8 walkability is the key component. Then I can talk  
9 about a hundred other projects, you know, that are out  
10 there.

11                   A great example, I think that could be  
12 related to this project is a station outside of  
13 Portland. I say that because it's kind of on a  
14 suburban periphery of one of the Gold Lines in  
15 Portland that stretches outside of Portland where  
16 they've built basically a new town center out there.  
17 It's been a very small lots, 3,000 square foot

18 single-family home lots; 5,000 square foot townhouses,  
19 live/work, a new market, new school, apartments for  
20 sale, rentals, seniors, kids. But it's a very  
21 interesting place because it is outside the central  
22 urban core. But it's become a destination onto  
23 itself.

24 So there's many, many more examples of this.  
25 Given a simple Google search will give you hours of

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1 reading. If you want more, let me know.

2 COMMISSIONER JUDGE: Okay. No, that's  
3 sufficient. Thank you. That's all I have.

4 PRESIDING OFFICER CHOCK: Commissioner  
5 Contrades.

6 COMMISSIONER CONTRADES: Since you came up  
7 with the plan and you showed it to us this morning, I  
8 asked this a couple years ago when they first started  
9 and I want to ask this again.

10 You're saying this is a complete community.  
11 Why aren't there places for churches?

12 THE WITNESS: There are places for churches.

13 COMMISSIONER CONTRADES: Where?

14 THE WITNESS: In every single neighborhood.

15 COMMISSIONER CONTRADES: Every single  
16 neighborhood?

17 THE WITNESS: Yeah.

18 COMMISSIONER CONTRADES: How many would that  
19 be?



20 THE WITNESS: I lost count.

21 COMMISSIONER CONTRADES: How do we identify  
22 them?

23 THE WITNESS: Oh, we have places for  
24 churches. And Mike can talk to you about this and how  
25 he's going to divide up the lots and whether churches

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1 want to come here they'll find the appropriate places  
2 for 'em. Part of the critical phase to 'em. Churches  
3 are absolutely critical pieces. And we would love to  
4 find critical locations near our community parks where  
5 the church can be. So the access, again that center  
6 location. Oh, we have talked about churches. I am  
7 remiss in not talking about that. I apologize for  
8 that. It's just hard to talk about all the complexity  
9 of this from one diagram.

10 COMMISSIONER CONTRADES: Thank you.

11 MR. KUDO: Commissioner Contrades, just a  
12 point of information. Mr. Jones can testify to that  
13 because he's had numerous meetings with various  
14 churches. And he can tell which churches they are.

15 COMMISSIONER CONTRADES: Okay. Thank you.

16 THE WITNESS: I apologize.

17 PRESIDING OFFICER CHOCK: Commissioners, any  
18 other questions? Thank you, Mr. Van Meter.  
19 Petitioner, next witness.

20 MR. KUDO: At this time we're calling

21 Mr. Keith Niiya.

22 KEITH NIIYA

23 being first duly sworn to tell the truth, was examined

24 and testified as follows:

25 THE WITNESS: Yes.

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1 PRESIDING OFFICER CHOCK: Name and address

2 for the record.

3 THE WITNESS: Keith Niiya. I'm the chief

4 transportation traffic engineer with Austin, Tsutsumi

5 Associates. My place of business is 501 Sumner

6 Street, Suite 521, Honolulu.

7 MR. KUDO: Mr. Niiya's curriculum vitae was

8 admitted yesterday in the record as Petitioner's

9 Exhibited 91B. Mr. Seitz has asked that we lay

10 foundation for his qualification as an expert in

11 traffic. So I'll be asking him some preliminary

12 questions about his background.

13 MR. SEITZ: Actually, all I did was suggest

14 you make an offer of proof. I don't need to have you

15 have him testify. If you just want to make an offer

16 of proof that's sufficient for me.

17 MR. KUDO: Well, we make the offer of proof

18 that he is qualified as a traffic engineer, has

19 served as such a professional engineer for several

20 years in Honolulu -- for 14 years in Honolulu for

21 Austin, Tsutsumi and Associates.

22 MR. SEITZ: That's fine.

23 PRESIDING OFFICER CHOCK: Proceed.

24 DIRECT EXAMINATION

25 BY MR. KUDO:

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1 Q What is your current occupation?

2 A I am the chief traffic transportation  
3 engineer with Austin, Tsutsumi and Associates.

4 Q Within that duty is there a specific area of  
5 specialty that you have?

6 A Traffic.

7 Q How long have you been a traffic engineer by  
8 profession?

9 A Over 20 plus years.

10 Q Now, you've submitted written direct  
11 testimony as Petitioner's Exhibit 92B, is that  
12 correct?

13 A That is correct.

14 Q Would you summarize at this point your  
15 written direct testimony for the Commission.

16 A Okay. On the retirement of Mr. Terry  
17 Brothers D.R. Horton-Schuler retained Austin Tsutsumi  
18 and Associates to provide professional traffic  
19 engineering experience for the Ho'opili Development.

20 We have reviewed the February 2008 Traffic  
21 Impact Analysis Report, or TIAR, for the Ho'opili  
22 Development that was prepared by Wilbur Smith and  
23 Associates.

24                   The February 2008 TIAR examines two  
25 scenarios. Scenario A examines what happens or

1 determines what the traffic impacts are with the  
2 Honolulu High Capacity Transit Corridor Project, or  
3 the rail project. And also scenario B is without the  
4 rail project.

5                   It was prepared -- the TIAR was prepared  
6 using standard industry practices similar to those  
7 TIAR's that I have prepared and reviewed over the past  
8 20+ years.

9                   As required by the City and County of  
10 Honolulu, and the State of Hawai'i, TIARs are  
11 routinely required to be updated and due to the  
12 changes in some of the assumptions.

13                  In the case of the Ho'opili TIAR there have  
14 been roadways that have been constructed since the  
15 TIAR was completed. We have also reviewed the phased  
16 development plan. And it does not affect the outcome  
17 of the TIAR because it simple merely provides more  
18 detailed information on the phasing of Ho'opili.

19                  Subsequent TIARs that are going to be  
20 required by both the City and the State of Hawai'i  
21 will determine which roadways, improvements in the  
22 TIAR that will be required to accommodate the  
23 proposed -- or each phase.

24                  Since the Ho'opili TIAR contemplates the  
25 entire development, we do not anticipate any other

1 significant local roadway improvements will be  
2 necessary to accommodate the traffic generated by the  
3 proposed Ho'opili development.

4 Q Mr. Niiya, you mentioned that there have  
5 been some roadways that have been constructed since  
6 the TIAR was completed. Are those roadways reflected  
7 in Petitioner's Exhibit 43B?

8 A Yes, they are.

9 MR. KUDO: At this time Mr. Niiya is  
10 available for cross-examination.

11 PRESIDING OFFICER CHOCK: County?

12 MS. TAKEUCHI-APUNA: No questions.

13 PRESIDING OFFICER CHOCK: State?

14 CROSS-EXAMINATION

15 BY MR. YEE:

16 Q Mr. Niiya, when did you start on the  
17 project?

18 A I started on the project probably -- when  
19 was that -- late 2009, early 2010.

20 Q Since then have you met with the State  
21 Department of Transportation on this project?

22 A Yes, we have.

23 Q Have you told the Department of  
24 Transportation that you will be preparing a revised or  
25 amended TIAR?

1           A     There has been discussions on an amended  
2   TIAR.

3           Q     Have you told them that you're going to be  
4   submitting a revised or amended TIAR?

5           A     There will be eventually a revised TIAR.

6           Q     Eventually -- well, have you told them  
7   you'll -- let's backtrack. And the initial TIAR did  
8   not propose that the developer perform any mitigation  
9   measures for the H-1 Freeway; is that correct?

10          A     That is correct.

11          Q     Will the amended TIAR include an analysis of  
12   alternatives and recommendations for mitigation  
13   measures to the H-1 Freeway?

14          A     Yes, it will. That has been requested by  
15   the State DOT.

16          Q     And that's going to be provided by you.

17          A     We haven't been contracted to provide that  
18   updated TIAR at this point.

19          Q     Let me go back to that. You have not been  
20   retained to do an updated TIAR?

21                MR. KUDO: I think Mr. Niiya is hesitant to  
22   answer that question because he doesn't have a  
23   contract right now to do that TIAR. So he doesn't  
24   want to be presumptions that he going to get that  
25   contract.

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1                MR. YEE: Okay.

2 Q Is it your understanding that the amended  
3 TIAR, whoever prepares it, will contain an analysis of  
4 the alternatives and recommendations from the  
5 mitigation measures to the H-1 Freeway to be performed  
6 by the Petitioner?

7 A Yes, it will.

8 Q And what is your understanding as the  
9 length of freeway that it will cover?

10 A My understanding right now is somewhere from  
11 the Waiawa Interchange all the way out to Makakilo.

12 Q In your discussions with the Department of  
13 Transportation, have you -- let's backtrack. Have you  
14 seen the Department of Transportation testimony in  
15 this case?

16 A There were numerous ones that I've seen.

17 Q The most recent one I'm referring to, 2011.

18 A 2011, yes, I have.

19 Q Is that there was an issue on the use of the  
20 2006 data. Have you had discussions with the  
21 Department of Transportation about the use of the 2006  
22 traffic data?

23 A Yes, I have.

24 Q And did you indicate to them that you  
25 believed that traffic has actually gone down between

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1 2006 and I guess 2008?

2 A Yes, I have.

3 Q Based on that, the 2006 data would then be  
4 considered a conservative estimate.

5 A Yes.

6 Q Has the Department of Transportation asked  
7 you to provide some demonstration rather than just  
8 your phone call that that fact was true?

9 A I actually asked the State Department of  
10 Transportation for data from one of their count  
11 stations that they had. I received the data from them  
12 back in September of this year. And the data shows  
13 that the volume is significantly or less than what it  
14 was shown in our 2006 counts.

15 Q Are you preparing something in writing to  
16 present to the Department of Transportation on this  
17 issue?

18 A Not at this time, but I can.

19 Q Okay. Do you anticipate that something will  
20 be submitted to the Department of Transportation on  
21 this issue in writing?

22 A Yes.

23 Q Would that include a comparison of the  
24 ORTP -- let's backtrack. Do you know what the ORTP  
25 2035 is?

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1 A You're talking about the O'ahu Regional  
2 Transportation Plan?

3 Q Yes.

4 A Produced by the office of, OMPO -- Office of



5 Metropolitan Planning Organization. Yes, I am aware  
6 of it.

7 Q And will that letter or will that submittal  
8 to the Department of Transportation -- let's  
9 backtrack. Sorry. Another foundational question.  
10 Does the ORTP contain estimates of future traffic on  
11 the Island of O'ahu?

12 A Yes, it does.

13 Q And will the submittal you send to the  
14 Department of Transportation be comparing the Ho'opili  
15 estimates using the 2006 data with the ORTP estimates  
16 to get a ballpark idea as to whether the Ho'opili --  
17 whether the 2006 data is a fair or conservative use of  
18 information?

19 A I think the two are separate.

20 Q Okay.

21 A The 2006 data is existing data. The 2035 is  
22 the future projections down the road. I don't  
23 understand your question.

24 Q The TIAR --

25 A Yes.

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1 Q -- which used 2006 data contains anticipated  
2 estimates of traffic in the future, correct?

3 A Correct.

4 Q And those estimates are based upon the 2006  
5 data, correct?

6           A     The future without project or the baseline  
7 numbers are based upon the ORTP 2030 version.

8           Q     I'm sorry. Okay. I see. I see. That's  
9 fine. Obviously we're all familiar with the  
10 congestion at the Middle Street merge. Are you aware  
11 of any DOT initiatives for this intersection?

12          A     For the intersection?

13          Q     For the problem of the congestion at that  
14 intersection?

15          A     As Mr. Nekota testified yesterday, DOT does  
16 have an RFP out for a consultant.

17          Q     Anything else?

18          A     I know that they're planning to go through  
19 the EIS processes for the widening of the H-1 Moanalua  
20 Freeway Interchange at Middle Street.

21          Q     Anything else? The zipper lane, for  
22 example?

23          A     The PM zipper lane is another initiative. I  
24 know Mr. Nekota talked about it yesterday about it  
25 being, there being some legal challenges to it.

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1           Q     So the mitigation measures that your TIAR  
2 will be including will not be examining the Middle  
3 Street merge congestion, correct?

4           A     Correct.

5           Q     But you have listed for us at least three  
6 potential mitigation measures the State Department of  
7 Transportation is looking at for that particular

8 problem.

9 A Correct.

10 Q In your experience are developers generally  
11 expected to pay for those traffic mitigation measures  
12 directly required because of them? I think sometimes  
13 called direct impacts?

14 A For direct impact -- what do you mean? On a  
15 regional basis?

16 Q No. Actually that was my next question. I  
17 had two questions. I'll just let you know. The first  
18 one's going to be about direct impacts. The second  
19 one is going to be regional impacts.

20 A "Direct impacts" meaning at the local  
21 intersections where the project intercepts the state  
22 roadways?

23 Q Would you prefer to call them local impacts?  
24 Local.

25 A Yeah. At the local intersections the

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1 developers are responsible to do their improvements,  
2 correct.

3 Q Then there's also something referred as  
4 regional impacts.

5 A Yes.

6 Q And those are generally further away from  
7 the actual project, correct?

8 A Correct.

9 Q And those would have impacts caused by  
10 multiple parties including the developer?

11 A Correct.

12 Q And in those cases developers may be asked  
13 to pay for a proportionate share of the mitigation  
14 measures that are attributable to the developer for  
15 those mitigations?

16 A Correct.

17 Q So the difference is for the local impacts  
18 the developer generally pays for the entire  
19 mitigation. For regional impacts they're generally  
20 expected to pay for a proportionate share of them.

21 A Correct.

22 Q And local impacts aren't necessarily only to  
23 local streets. They could affect freeways, correct?

24 A That may be possible, yes.

25 Q It's just part of the analysis of the TIAR.

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1 A Yes.

2 Q And the amended or revised TIAR that will be  
3 submitted, do you anticipate the TIAR will identify  
4 both the direct or local impacts as well as the  
5 regional impacts from this project?

6 A The direct impacts, yes, it will be. The  
7 regional impacts, because the State DOT has asked us  
8 to put it in, yes, we'll look at it. Or if we get the  
9 contract to do it.

10 Q Someone will do it.

11           A     Someone will do it.

12           Q     Then regarding the phasing plan. I  
13 understand your conclusion that it doesn't affect the  
14 outcome of the prior TIAR. But would the phasing plan  
15 be important with respect to the need and timing of  
16 either a supplemental TIAR and/or the timing of the  
17 mitigation projects?

18           A     Yes. And that would be coming up in the  
19 revised TIAR.

20           Q     Can you just explain a little bit about how  
21 that's required or what has to happen with the phasing  
22 plan and the TIAR?

23           A     With the phasing plan, you know, Ho'opili  
24 was broken up into two phases, general phases. We  
25 would go back in and look at when Ho'opili is

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1 developed or completes the first phase, and will  
2 determine what type of improvements out of the total  
3 development would be required at that point. It's  
4 going to be based upon what kind of product is  
5 developed, whether it's all residential, office place  
6 or retail. That's the kind of information that we  
7 would need.

8           Q     So you may have said this, but I just want  
9 to make sure. So the revised TIAR will include a  
10 proposal for the timing of the mitigation projects?

11           A     That's correct.

12 Q And will it include an anticipated schedule  
13 of when supplemental TIARs will be needed?

14 A When supplemental TIARs? As far as the  
15 supplemental TIARs are concerned it all depends upon  
16 changes in assumptions and everything. So it may be  
17 to a point where the city or the state or somebody  
18 else requires a supplemental sooner than later.

19 So it wouldn't necessarily be written in the  
20 TIAR we're going to redo it in five years or 20 years  
21 down the road. But it's going to be some kind of  
22 mutually agreeable.

23 Q Mutually agreeable....?

24 A Timeframe.

25 Q So you anticipate a mutually agreeable

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1 timeframe for supplemental TIARs will be reached.

2 A Well, it's going to depend, again, on  
3 changing conditions.

4 Q Well, over a 20-year project you wouldn't  
5 anticipate that there would just be a supplemental  
6 TIAR required at a certain point?

7 A Ah...

8 Q -- to double check whether the initial  
9 assumptions were made are correct?

10 A I mean I would assume they would be.

11 Q And you would assume then -- would you  
12 believe that then there would be some sort of  
13 agreement on when that check on the prior TIAR would

14 be needed?

15 A Yes. I would think it would be.

16 Q Then I want to go back to a point on the  
17 regional impact and how you said the Department of  
18 Transportation asked for an analysis of the freeway.

19 Is it your understanding that that analysis  
20 is referring to the direct impacts caused -- let me  
21 backtrack -- that the mitigation measures that will  
22 eventually be agreed upon for that portion of the  
23 freeway, are looking at the impacts caused by the  
24 developer rather than just simply a generic estimate:  
25 "Here's what the traffic is going to be like"?

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1 A I mean if we were to go and look at the  
2 freeway system we'd do it through the standard  
3 industry practice which is first look at it and see  
4 what would happen in the future without the project.

5 And we'd put on the traffic generated by the  
6 project and determine what kind of improvements or  
7 mitigation measures are necessary.

8 Q But with respect to the particular analysis  
9 being requested for the alternatives and  
10 recommendations for improvements to the H-1 Freeway,  
11 this is intended to look at what would be paid for  
12 directly by the developer, correct?

13 A Well, when you talk about --

14 Q Or do you know?

15           A     -- regional improvements is what you're  
16 asking the question about?

17           Q     That's, I guess, what I'm getting to because  
18 is there an agreement between you and the Department  
19 of Transportation as to whether those highway  
20 improvements are regional versus direct?

21           A     Not at this time.

22           Q     Okay. So whether or not those improvements  
23 are to be paid for solely by the developer or paid for  
24 proportionately by the developer, in your mind has not  
25 yet been agreed upon?

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1           A     Not that -- we don't have anything in  
2 writing.

3           Q     Do you have an understanding?

4           A     I haven't talked to them specifically about  
5 that question.

6           Q     Okay.

7           MR. YEE: That's all the questions I have.

8 Thank you.

9           PRESIDING OFFICER CHOCK: All right. Thank  
10 you, State. It's almost noon. Dr. Dudley, I think we  
11 are going to break for lunch and return in one hour  
12 and you're up.

13                     (Recess was held. 12:00-1:10)

14                     AFTERNOON SESSION

15           CHAIRMAN LEZY: This is a continued hearing.

16 First I understand there's a motion.



17 COMMISSIONER JUDGE: I'd like to move to go  
18 into executive session to consult with the Board's  
19 attorney on questions and issues pertaining to the  
20 Board's powers, duties, privileges, immunities and  
21 liabilities.

22 CHAIRMAN LEZY: Second?

23 COMMISSIONER McDONALD: Second.

24 CHAIRMAN LEZY: All in favor?

25 (Commissioners voting): Aye.

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1 CHAIRMAN LEZY: All opposed? We'll leave so  
2 please stay in place.

3 (Executive session)

4 CHAIRMAN LEZY: Back on the record.

5 Dr. Dudley, I understand that you are going to begin  
6 your examination.

7 MR. DUDLEY: Yes.

8 CHAIRMAN LEZY: Please proceed.

9 CROSS-EXAMINATION

10 BY DR. DUDLEY:

11 Q Mr. Niiya, first off, you mentioned traffic  
12 counts went down since 2000 and -- from 2006 to 2008.  
13 Is that what it was? Tell us the years again, please.

14 A The original existing traffic counts in the  
15 traffic study, 2030 traffic study, is 2006. I have  
16 State DOT provided me counts for 2008 and 2009.

17 Q Okay. And traffic had been continually

18 going down?

19 A I mean what the numbers are saying it's down  
20 and it's starting to go back up in 2009 a little bit.

21 Q Okay. And you don't have anything for 2010,  
22 2011. There's no way of telling if it's going higher.

23 A I asked State DOT and they didn't provide me  
24 that information.

129 25 Q So it would be a little misleading for us,

1 then, to think that traffic counts are going down on a  
2 regular basis?

3 A Yes.

4 Q Okay. Thank you. Could you tell us where  
5 were those places that traffic was going down?

6 A The place that they have, that I asked for  
7 was at, right at the Paiwa Interchange on the H-1  
8 Freeway. They have a continuous count station at that  
9 location so they're continually taking counts.

10 Q Okay. And you would agree with the Enrick  
11 Report that says that we have the worst traffic in the  
12 United States at the present time and the return home  
13 traffic?

14 MR. KUDO: Would counsel indicate what  
15 report or book he's referring to for the parties? Is  
16 there an exhibit number?

17 MR. DUDLEY: I'm trying to think if we have  
18 this as an exhibit or what. It's one of our exhibits.

19 Q And I'm afraid I'm just going to have to

20 refer to the Enrick Report and are you aware of the  
21 Enrick Report?

22 MR. KUDO: We'd like to know what exhibit it  
23 is so that the witness can look at it and respond  
24 properly.

25 CHAIRMAN LEZY: Make an objection, please.

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1 MR. KUDO: We'd object.

2 CHAIRMAN LEZY: Dr. Dudley, you're going to  
3 need to reference the exhibits so that the witness  
4 can refer to it.

5 DR. DUDLEY: Okay.

6 Q All right. Let's move on to another topic.  
7 Can you tell us how many more added cars do you  
8 estimate are going to be coming out of this project  
9 onto the freeway?

10 A Onto the freeway?

11 Q Yeah.

12 A You know, the way the traffic study is or  
13 was created, I can tell you how many additional trips  
14 are coming out of the project. But I would have to go  
15 back and look at the numbers in order to exactly give  
16 you what's going on the freeway because there's  
17 multiple ways of getting on the freeway.

18 Q Do you have any projections at all about how  
19 many cars will be coming out of the project and onto  
20 the freeway in general? By the time that you get to

21 the H-1/H-2 merge how many more cars can we expect,  
22 according to your estimates, from this project?

23 A From this project? Again, I can go and  
24 calculate it for you if you want. But there's  
25 multiple ways of getting onto the freeway from the

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1 project.

2 Q Okay. From the principle ways of getting  
3 onto the freeway from the project, which we would  
4 imagine to be Fort Weaver Road and North South Road.  
5 Do you have any ideas at all? Do you have any  
6 projections?

7 A What's the question?

8 Q Okay. Sir, you are hard to get through to.  
9 Do you have any projections of how many people will be  
10 coming out of the project, let's say in 2030, when  
11 it's full built onto Fort Weaver Road and onto the  
12 freeway and up North South Road onto the freeway?

13 On those two routes coming to the freeway do  
14 you have any idea how many people might be coming out  
15 of the project onto the freeway in 2030?

16 A How many people? No, I don't have a number  
17 for number of people.

18 Q No. Sir, I mean cars. I'm sorry.

19 A Number of cars. Again, I can look at the  
20 report and I can give you the numbers. But I don't  
21 have a combined total coming out of each one. There's  
22 multiple entrances and exits to get onto the freeway.

23           Q     Very good.  Very good.  Now, I've heard you  
24 say that we're going to be, this Commission is going  
25 to be going back to the 2008 TIAR as far as what we

1 are looking at.

2                     But are there -- are there any new changes  
3 on the freeway that are going to be made for this  
4 project, just as one who hasn't looked terribly  
5 closely at the TIAR?  Okay?  Are there going to be any  
6 changes to the freeway that are mitigations?

7           A     Changes to the....

8           Q     The freeway.

9           A     The freeway system?

10          Q     Yes.

11          A     There are a couple that were already brought  
12 up:  The Middle Street improvements that State DOT are  
13 proposing to do.

14          Q     Very good.

15          A     As part of their highway modernization  
16 there's a PM contraflow that's looking at from Ke'ehi  
17 Interchange all the way out to, where is it, Kunia  
18 Interchange?

19          Q     Kunia.

20          A     Those are the principal ones.

21          Q     Okay.  And for traffic going into the city  
22 are there going to be any modifications to the freeway  
23 for traffic going into the city, anything that you're

24 suggesting?

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25 A Freeway modifications going into the city.

1 Q That would be eastbound.

2 A Eastbound. The only ones, again it's PM --  
3 well, the PM contraflow is for westbound. But the PM  
4 contraflow would also provide two lanes into town.  
5 The Middle Street improvements will also fix the  
6 eastbound coming in.

7 Q Okay. But there are no added lanes or  
8 anything like that that anybody is proposing to the  
9 freeway to take care of traffic on the H-1 Freeway  
10 before you get to the H-2 Freeway out in the country  
11 there?

12 A Well, added lanes -- I mean if you look at  
13 what the PM contraflow is --

14 Q Okay. I'm talking about going into town in  
15 the morning.

16 A And I understand. What the PM contraflow is  
17 it's going to take two lanes away, one lane in each  
18 direction from the H-1 Freeway. And it's going to  
19 provide -- it's going to be a reversible lane. So  
20 it's going to provide two lanes in the morning coming  
21 in, two lanes going out.

22 Now, the Middle Street improvements is  
23 supposedly providing an additional capacity where  
24 you're taking the additional lane at the Middle Street  
25 Interchange and taking it all the way at least to

1 Vineyard Boulevard is my understanding.

2 Q Okay. All right. On the AM zipper lane, I  
3 think we call it the zipper lane now, the AM zipper  
4 lane, are you saying that's going to be in the  
5 morning? Is that going to be widened to two lanes  
6 instead of one lane going eastbound?

7 A What's going to happen with the AM zipper  
8 lane, the PM contraflow is the name the State DOT  
9 gives to the project. The PM contraflow is going to  
10 take what it is now the AM zipper lane, combine it  
11 with the HOV lane, and create two lanes coming in.  
12 It's going to be in the median of the freeway.  
13 They're going to move the barrier is what I  
14 understand.

15 Q I see. Okay. Very interesting. When do  
16 you think that -- is that connected with this project?

17 A That is not connected with this project. It  
18 had been bidded out and there was a low bidder for  
19 that project. I do not know the status. Maybe State  
20 or DOT can probably be a better indicator.

21 Q Okay. And, you know, we've heard about the  
22 PM contraflow which had the zipper lane come over on  
23 the morning side going in. But now what we're saying  
24 is we're going to -- from the median going down we're  
25 going to actually have contraflow lanes moving one

1 lane each side? Is that what you're saying? You're  
2 going to take one lane out of each side?

3 A The plans that I've seen publicly, anyway,  
4 is actually what they're going to do is take down the  
5 existing barrier between the westbound and the  
6 eastbound lanes and they're going to actually move it  
7 out. So they're going to create this lane in the  
8 middle. That's what I've seen publically. Whether it  
9 still remains that way I don't know because it's a  
10 design/build project.

11 Q Okay. Could we go, then, to the Fort Weaver  
12 Road. The greatest problem on the Fort Weaver Road  
13 that I see is between Farrington Highway and the  
14 freeway going north in the morning.

15 A Mm-hmm.

16 Q Okay. Previously Fort Weaver Road was a  
17 two-lane road going over the Farrington Highway  
18 overpass. And that's been widened now to three lanes  
19 going over the overpass.

20 And once one gets over the overpass there's  
21 only, like, maybe six or eight blocks, six blocks,  
22 eight blocks, maybe, before you get to the freeway.

23 And during that space that three lanes have  
24 to get down to two lanes to go on the freeway. At the  
25 same time the people coming out of the project on

1 Farrington, making a left to go up on Fort Weaver



2 Road, it looks like there are going to be two lanes of  
3 traffic there. And certainly there would seem to be a  
4 need for two lanes of traffic coming up because there  
5 are so many people coming out of the project.

6 MR. KUDO: Objection. I think Mr. Dudley's  
7 making argument rather than asking a question.

8 MR. DUDLEY: I'm just trying to describe the  
9 situation so that I can ask the questions.

10 CHAIRMAN LEZY: Dr. Dudley, I understand  
11 you're trying to lay a foundation for your question.  
12 But if you could, please try to compress it and ask a  
13 question. That's the appropriate way to cross-examine  
14 a witness.

15 MR. DUDLEY: All right.

16 Q Well, I think you get the picture, then, of  
17 the two lanes coming into the three lanes at the same  
18 where the three lanes are trying to get down to two  
19 lanes themselves.

20 Is that what's going to happen? I mean  
21 could you describe for us what is going to happen on  
22 Fort Weaver Road with traffic between Farrington and  
23 the freeway?

24 A From Farrington Highway, okay. Let me try  
25 and see if I can explain this. Okay. Right now or

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1 when the Fort Weaver Road/Kunia Road at Farrington  
2 Highway it officially becomes Kunia Road. So below

3 is Fort Weaver Road.

4           There are three lanes that go over  
5 Farrington Highway up to the freeway. The rightmost  
6 lane is a dedicated lane to the onramp to the H-1  
7 Freeway.

8           The middle lane is actually a split space,  
9 so it takes a right, it can go up onto the ramp to the  
10 freeway or go straight up to Kunia.

11           The left lane actually continues on up over,  
12 underneath the H-1 Freeway overpass. And that lane  
13 actually you can make the left turn to head westbound  
14 onto the freeway or continue straight.

15           So basically, you know, they don't have to  
16 neck down to two lanes before getting on the freeway.  
17 One lane can go straight up. The other two lanes can  
18 continuing onto the ramp and go to town.

19       Q     Would you agree that during the height of  
20 traffic, however, they do try to get down to two lanes  
21 from three lanes and that there is more traffic going  
22 into town at that morning, we're talking about peak  
23 rush hour traffic?

24       A     I don't understand your question.

25       Q     All right. As you go over Farrington --

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1       A     Right.

2       Q     -- you're on three lanes and you've got  
3 about an eight block area up there to get down to two  
4 lanes for all those going onto the freeway.

5           Aren't most people in the morning going to  
6 the freeway, though? Isn't there a real problem in  
7 there of people getting from three lanes down to two  
8 lanes already?

9           A     From three lanes to two lanes? I don't see  
10 where your -- or what your question is. I know that,  
11 yes, there are some people that might hug the left by  
12 staying in the left lane all the way to the end.

13          Q     That's not my question. My question is,  
14 sir, is you've got three lanes of traffic and they're  
15 all trying to get onto the freeway. That's what I'm  
16 saying. Isn't that the experience?

17           MR. KUDO: I object. There's no evidence in  
18 the record that all the cars are trying to make a  
19 right turn onto the freeway. He's making statements  
20 that are not substantiated in the record.

21           CHAIRMAN LEZY: Dr. Dudley, stop for a  
22 second. Overruled. Can you respond to the question?

23           THE WITNESS: Not all three lanes go onto  
24 the freeway.

25           CHAIRMAN LEZY: Okay. He's responded to

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1 your question. Dr. Dudley, please proceed.

2           MR. DUDLEY: All right.

3           Q     Let me just ask one more question then. The  
4 traffic that will be coming up from Farrington and  
5 trying to get to the freeway has to work its way into

6 that traffic. Right?

7 A The traffic coming up Farrington...

8 Q Up from Farrington and trying to get to the  
9 freeway has to work itself into the Fort Weaver Road  
10 traffic, doesn't it?

11 A Which direction on Farrington?

12 Q Headed towards the freeway. That would be  
13 north.

14 A Farrington Highway is an east-west road.

15 Q Coming from Farrington would turn left  
16 parallel to Fort Weaver and try to work its way in as  
17 it moves up Fort Weaver then. Isn't that what's going  
18 to happen? What is going to happen there, sir? Can  
19 you give us any idea what's going to happen there?

20 A Where are you specifically asking? I don't  
21 know where --

22 Q I have not changed yet anything. I'm still  
23 talking about the freeway. I'm talking about  
24 Farrington Highway. I'm talking about Fort Weaver  
25 Road going between the two. That's all we've been

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1 talking about. That's all I am talking about.

2 I'm saying there are three lanes going over  
3 and up. Two lanes more are going to be coming in  
4 here, aren't they? Or how many lanes will be trying  
5 to work themselves in as these guys work down to two  
6 lanes? It looks as, if I may say so, like there are  
7 five lanes of traffic.

8 CHAIRMAN LEZY: Dr. Dudley, stop. Can you  
9 pose a question to the witness?

10 DR. DUDLEY: Gee, I've tried.

11 CHAIRMAN LEZY: Are you asking the witness  
12 how cars are going to access the freeway?

13 MR. DUDLEY: Yeah! Yeah.

14 CHAIRMAN LEZY: Please ask him that  
15 question.

16 Q (Dr. Dudley) How are cars going to get from  
17 Farrington to the freeway?

18 A I'm assuming your question is relating to  
19 the cars coming out of the project?

20 Q Going out of the project.

21 A Okay. Utilizing Farrington Highway there  
22 are two ways that they can get to the freeway. One is  
23 through Farrington Highway. They would come down  
24 Farrington Highway, go underneath the Fort Weaver  
25 Road, Kunia Road, take a left turn, and head up --

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1 there's a slip ramp on the east side and merge onto  
2 traffic on Fort Weaver Road.

3 The second way is to come out of the  
4 project, head east -- head west. Head to the  
5 Kualakai Parkway from the North South Road, take a  
6 right head and up towards the freeway.

7 Q Sir, you have a real way of dodging the  
8 question. Let's just move on. Okay?

9 CHAIRMAN LEZY: Dr. Dudley, I'd ask you not  
10 to editorialize.

11 MR. DUDLEY: Thank you. I'm sorry.

12 Q The 'Ewa Development Plan as written in 1997  
13 and in the current form 2011, says, "A transportation  
14 system function section" states, "The transportation  
15 system shall provide adequate capacity for major peak  
16 hour commuting to work in the Primary Urban Center."

17 Could you tell us what Level of Service an  
18 adequate capacity would be during major peak hour  
19 commuting to the primary center?

20 A You know, it really depends. Okay? If you  
21 look at the industry standard that we have today, yes,  
22 Level of Service D as in dog is considered acceptable.

23 When you get to E and F what State DOT has  
24 been going to the industry is that you at least  
25 mitigate it back down to take care of the impacts

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1 resulting from your project. That's at the local at  
2 each intersection.

3 Now, when you start getting to the regional  
4 side like the freeways and things, that's where they  
5 get into what we call pro rata share. You pay your  
6 proportional cost of improving the freeway system or  
7 Farrington Highway widening.

8 Q Thank you. Okay. So basically we're saying  
9 a Level of Service D is what we're looking at. And  
10 that that basically is industry-wide what you're

11 looking at for adequate freeway capacity during  
12 commute peak hour.

13 A That wasn't what I said. I said if -- it's  
14 Level of Service D is the industry standard for  
15 acceptable.

16 However, if the freeway system or the  
17 intersections is currently operating at E or F, what  
18 the industry is doing is just mitigating the  
19 additional impacts resulting from the project.

20 Q Okay. All right. Based on that, then, if  
21 the current, let us say at Kamehameha Highway and the  
22 freeway, the current existing Level of Service is D.  
23 Back in the -- this is found in the Final EIS. And it  
24 says, "In 2030 without Ho'opili that will move to E  
25 but in 2030 with Ho'opili that will move to F." We're

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1 talking about the Waiawa Interchange, basically.

2 Is that consistent with what you're saying?

3 I mean isn't the project going to do some kind of  
4 mitigations to cut it back to where it's D now and  
5 should be D at that time?

6 A Well, that's considered regional  
7 improvement. Therefore it's subject to the pro rata  
8 share for, you know, making improvements. State DOT  
9 as well as the City and County of Honolulu do come up  
10 with -- belong to OMPO.

11 OMPO comes out with the Oahu Regional

12 Transportation Plan which takes a look at the entire  
13 island. They look at all the regional facilities and  
14 do make improvements or make recommendations for the  
15 improvements to cover or take care of all the island  
16 needs.

17           You can't just look at one point on the  
18 freeway system and not expect, you know, to fix the  
19 entire -- look at other areas. Otherwise you're going  
20 to create bottlenecks. So they look at it from an  
21 islandwide perspective. That's where the ORTP is.  
22 That's where you get your projects from.

23       Q     Thank you. Just one last question. Do you  
24 have any idea -- I presume the traffic will be slowed  
25 a bit on the freeway by this project. Do you have any

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1 idea how much longer in 2030 it will take people to  
2 get to town in the morning rush hour?

3       A     We don't know that.

4           MR. DUDLEY: Thank you.

5           CHAIRMAN LEZY: Are you finished?

6           MR. DUDLEY: I'm done.

7           CHAIRMAN LEZY: Sierra Club.

8                       CROSS-EXAMINATION

9 BY MS. CERULLO:

10       Q     Hi. Okay. I just want to be clear. Could  
11 you please confirm that the actual TIAR traffic report  
12 that was submitted to the LUC for this Petition is  
13 dated February 2008, is that correct?



14           A     That's what I said in my testimony.

15           Q     Okay. Thank you. So if my math is correct  
16 this is three years and eight months old  
17 approximately.

18           A     I think I heard that, yes.

19           Q     Okay. That's fine. Is it true that you  
20 testified that such traffic reports, the TIAR, usually  
21 begin with an assessment of existing traffic  
22 conditions?

23           A     Yes, it does.

24           Q     Okay. According to the traffic report  
25 that's before the Commission, when were those existing

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1 traffic conditions assessed?

2           A     As I stated it was 2006 for the existing  
3 counts.

4           Q     April 2006?

5           A     I don't know the exact, but it was in 2006.

6           Q     Thank you. So the information on traffic  
7 that's before the LUC right now, today, that they're  
8 going to use to make their decision, very important  
9 decision on the reclassification of this land, is  
10 based on information that's over five years old?

11           A     Well, see, you have to look at how the  
12 traffic study was developed. Okay? The base year  
13 projections that are in the study, and those are the  
14 future projections of the numbers on all the roadways,

15 whether it's Fort Weaver Road, Kunia Road, Farrington  
16 Highway -- and this is without the project -- actually  
17 came out of the O'ahu Regional Transportation Plan,  
18 the 2030 plan, which has nothing to do with the 2006  
19 plan counts that we did. The projections all came out  
20 of the ORTP 2030.

21 Q But I'm talking about the baseline existing  
22 conditions, that those are from 2006. And from there  
23 you're making projections.

24 A In some traffic studies you take the  
25 existing conditions, you add a factor to it to get out

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1 to your future projections. Okay?

2 So you take the existing conditions, you add  
3 a factor, you add other known projects in the area to  
4 get to your base year without project.

5 In this project, because it's large and  
6 encompasses a magnitude of different projects in the  
7 area, what the traffic engineer did was to take the  
8 projections out of the 2030 ORTP.

9 So it has the projections on all the numbers  
10 on all the roadways. And that is how they came out  
11 with the future projections.

12 They didn't take existing counts, put the  
13 factor, put the other known development. They just  
14 took it out of the ORTP. The ORTP has volumes and  
15 projections. And that's how they came up with the  
16 baseline.

17 Q So what's the purpose of having existing  
18 conditions?

19 A It's a standard. It's an industry standard  
20 just to come up with existing conditions to see if  
21 there's any problems that are out there today.

22 Q Okay. All right. Let's move on. Were  
23 these existing conditions evaluated using what you  
24 call in the industry Level of Service, or L-O-S  
25 calculations?

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1 A Yes, we did.

2 Q Do the Levels of Service range from A to F  
3 with A indicating best conditions and F indicating the  
4 worst conditions?

5 A "A" would mean you're operating at free flow  
6 traffic, pretty limited stops. At Level of Service F  
7 would tend to see there's congestion at either the  
8 intersections or on the freeway, correct.

9 Q Okay. But A to F. In the traffic report --  
10 or I think you testified just a minute ago that the  
11 limit of acceptability is at D. So D is still  
12 acceptable. It's a borderline LOS?

13 A What I testified a little while ago D is  
14 normally the acceptable Level of Service. But if the  
15 freeway or roadway is currently operating at Level of  
16 Service E or F or even in the future without the  
17 project, the responsibility of the developer is to

18 bring it back at least to the point so that you make  
19 it whole. Or you don't cause any more impact. So it  
20 could still operate at E or F.

21 Q Okay. Could you describe what conditions  
22 are like at E, LOS E?

23 A No. Depends where you're taking about. Are  
24 you talking about the freeway? Are you talking about  
25 an intersection?

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1 Q A general, just to get an understanding of  
2 these calculations.

3 A Okay. Level of Service E at the  
4 intersection runs where the delay runs between about  
5 50 seconds to a minute.

6 Q Okay. And F?

7 A And Level of Service F is anything beyond 60  
8 seconds.

9 Q So is that gridlock? Are cars moving?

10 A Cars are still moving but it becomes what we  
11 call delay. So if you come up to an intersection and  
12 you stop and you wait there for more than 60 seconds  
13 on average, then it's operating at Level of Service F.

14 Q But in any even LOS E and F are unacceptable  
15 traffic conditions according to traffic experts?

16 A Did not say that it's unacceptable because  
17 right now you have currently a lot of places that are  
18 running at Level of Service E or F.

19 Q In the TIAR they're referenced as

20 unacceptable.

21 A Yes, I understand that.

22 Q Okay. All right. Thanks. So if F is as  
23 far as you can go, what's the range? I mean, is there  
24 a level G?

25 A No. There are nothing beyond F.

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1 Q So what happens if you're already at LOS F  
2 and more cars are added to the road?

3 A We'll go in and look at how long the delay  
4 is. There's another factor called volume -- VC ratio  
5 or volume over capacity.

6 Q All right. So back in April 2006 when the  
7 existing traffic conditions were assessed there were  
8 several -- were there several areas of the assessment  
9 that received a grade of E or F?

10 A If -- you know, looking back at the traffic  
11 study there were places along Fort Weaver Road that  
12 were operating at E or F.

13 Q Is it true that back in 2006, when the  
14 existing traffic conditions were assessed, that of the  
15 12 intersections evaluated in the vicinity at morning  
16 peak traffic hours that five of them, five out of 12  
17 were rated unacceptable?

18 A I think that was about the number.

19 Q Three were rated LOS F and two were rated  
20 LOS E. Does that sound correct?

21 A That sounds...

22 Q Okay. As to peak afternoon traffic weren't  
23 there five out of 12 intersections rated E or F?

24 A Um, I think that number sounds correct.

25 Q Okay. And does it sound correct that four

1 out of five of those were rated F, the worst Level of  
2 Service?

3 A I think that number is correct.

4 Q Okay. I took it straight from the traffic  
5 report. And this is back over five years ago.

6 A 2006, correct.

7 Q Let's turn to traffic conditions on the H-1  
8 Freeway. Ten segments were studied, is that correct?

9 A If you include eastbound, westbound,  
10 correct.

11 Q And there were several areas rated E or F  
12 there as well?

13 A Correct.

14 Q Now, let's look at the H-1 on-and-offramps  
15 at H-1 and Fort Weaver Road. Isn't it true the  
16 afternoon peak traffic when people are trying to get  
17 home from work at the westbound offramp and westbound  
18 or loop offramp are rated F?

19 A I think that was correct.

20 Q Okay. Thank you. Ho'opili feeds right onto  
21 H-1. And there many communities upstream and  
22 downstream of Ho'opili? Won't Ho'opili have a

23 significant regional impact on traffic?

24 A It will cause additional delay onto the  
25 freeways. But, you know, if you look at the, you

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1 know, the long-range plan in the ORTP there are  
2 proposed improvements for the area.

3 Q Okay. In the report only Fort Weaver Road  
4 or as far as of the onramps are concerned was  
5 evaluated, just one eastbound/westbound on/offramps.

6 A Fort Weaver Road.

7 Q The junction -- the onramp onto H-1 from  
8 Fort Weaver Road and the offramp from there. That was  
9 the only on/off ramp location?

10 A In the existing conditions, yes.

11 Q So only one was evaluated.

12 A At the time of the counts, yes, the existing  
13 conditions.

14 Q Why was only one evaluated if regional  
15 traffic will be significantly impacted?

16 A Kualakai Parkway, the existing conditions,  
17 were not built at the time in 2006. That came on, I  
18 think, last year, beginning part of last year.

19 So that wasn't there at the time of 2006, as  
20 you know, all the exhibits -- I think Petitioner's  
21 Exhibit 43 shows a lot of roadway improvements have  
22 occurred.

23 Q Okay. As the population grows the economy

24 grows and other developments are built. Won't there  
25 be more and more cars on the road?

1 A As development occurs, yes, there'll be more  
2 car on the road possibly.

3 Q And as population grows?

4 A There is a possibility of that.

5 Q Okay. Is it fair to state that there will  
6 be more and more cars on the road regardless of  
7 traffic mitigation measures?

8 A It all depends. You have the rail, the  
9 proposed rail system coming in. That may take off,  
10 traffic off of the roadways.

11 You know, what other things that we've  
12 noticed in the past or recent past is how much does  
13 gas cost. If gas goes up we noticed that volumes tend  
14 to go down.

15 Also number of jobs. Right now there's a  
16 higher unemployment. So there's a lot of factors that  
17 goes into determining whether in the future you will  
18 or will not have, you know, added cars.

19 Q Okay. Thank you. As to rail, how do we  
20 know how many people will forego their cars in favor  
21 of taking the rail?

22 A That's in the O'ahu Regional Transportation  
23 Plan which was approved by both the State and City.

24 Q Will it significantly reduce traffic?

25 A For this study they're saying it's roughly



1 on average it's about 6 percent.

2 Q Six percent. Okay. So you referred to  
3 Petitioner's Exhibit 43B?

4 A Yes.

5 Q The 'Ewa Regional Transportation Plan in  
6 your written direct testimony. This exhibit states  
7 that there are 20 proposed improvement projects  
8 planned for 2010 and beyond, is that correct?

9 A Let me count. I think, I think there's  
10 more than that.

11 Q You can take my word for it.

12 A Right, 20.

13 Q I counted 20.

14 A Okay.

15 Q Not all of those projects are actually  
16 relevant to the proposed Ho'opili Project, right?

17 A Yes.

18 Q Do you know where this information came from  
19 directly?

20 A It was information that was obtained through  
21 myself, Cameron Nekota, as well as PBR Hawai'i.

22 Q Do you know if these projects will,  
23 improvement projects will definitely be built?

24 A At this point in time I can't say that, you  
25 know, all of 'em will be built. But, you know, there

1 are some that are developer-funded projects. So if  
2 the developer doesn't go ahead with their projects or  
3 if the project doesn't get built, then the development  
4 may not go either. So you may not need the  
5 improvement.

6 Q I'm sorry, I don't understand. You may not  
7 need the improvement?

8 A Yeah. Say, for instance, if you look at 30  
9 which is the connection down to Ocean Pointe. If  
10 Ocean Pointe doesn't grow or doesn't get developed  
11 that roadway may never have to be put in.

12 Q Does that one have to do directly with the  
13 impacts of Ho'opili?

14 A I don't think so that has to do with the  
15 impacts of the Ho'opili, no.

16 Q All right. So earlier you testified that  
17 you don't know which improvement projects directly --  
18 are direct impacts or regional impacts? Is that what  
19 you said?

20 A I don't think I--

21 Q I'm sorry. Let me phrase that. Strike  
22 that. You said that you weren't sure which projects  
23 would be considered projects that D.R. Horton would  
24 have to pay for or which one is city and county?

25 A I never said that.

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1 Q Let me understand. You said that there's a

2 relationship between direct impact and regional  
3 impact. And that has to do -- and whether the  
4 Petitioner has to pay for it depends on whether it's a  
5 direct impact or a regional impact.

6 A Correct.

7 Q So if it's a regional impact it may just be  
8 a partial contribution.

9 A It would fall under the pro rata share  
10 agreement.

11 Q The pro rata share agreement. So for those  
12 ones that you're relying on the City and State to  
13 fund, we don't know if those will actually be funded,  
14 is that correct?

15 A City -- the ones that we're relying on the  
16 City or State to fund?

17 Q Oaky. Let me rephrase it then. So for  
18 regional impacts there will be some that the  
19 Petitioner should be able to do, pay its pro rata  
20 share, correct?

21 A Correct.

22 Q The rest of it would have to be paid by the  
23 City or State, is that correct?

24 A The rest of what?

25 Q The funding.

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1 A The funding?

2 Q If the Petitioner is not paying for the

3 entire improvement for regional impacts, then part of  
4 it will have to be paid by the City and State, is that  
5 correct?

6 A No. I mean if you look at how the future  
7 projections are made, okay, there's all these other  
8 developments that are out in the 'Ewa Plains. They  
9 are all going to have to pay their pro rata share of  
10 the improvements. So combined together it may or may  
11 not be enough. I can't tell by just looking at what  
12 we have. But it could be enough to do the proposed  
13 improvement.

14 So every developer there's out here that's  
15 going to propose to develop out here are all going to  
16 pay money into this pro rata share.

17 Q But there's several projects right now that  
18 aren't committed. They're not -- they're not  
19 currently funded. And whoever pays for it, we don't  
20 know who can and will pay for it. There are several  
21 projects out there that you could describe like that?

22 A What do you mean by "projects"?

23 Q Improvement. Mitigation measures.

24 A Those with mitigations measures?

25 Q Right.

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1 A Again, you know, things like the Farrington  
2 Highway widening. The Farrington Highway widening is  
3 subject to the 'Ewa Traffic Master Plan which is  
4 ordinance. All the developers as they build something

5 pay into that impact fee.

6           Once, you know, they pay for it, you know,  
7 it could be the City or somebody else coming along and  
8 developing it.

9           What's going to happen with Ho'opili if the  
10 city develops it, Ho'opili may at their -- go in and  
11 develop it and get credit back from the impact fee.  
12 But there's different scenarios that can play out. It  
13 just depends on timing, when it's needed and whose,  
14 how much money is in the impact fee.

15       Q     Okay. So for the projects that the City or  
16 State will need to pay for, there is a big question  
17 mark whether the City or State will have the funding  
18 to pay for it.

19       A     You mean the ones that are further down the  
20 road like in 2030 or...

21       Q     I'm talking in general --

22           MR. YEE: Excuse me. Can I raise a point of  
23 clarification or objection as to the vagueness of the  
24 questions. I think what's confusing me is whether the  
25 mitigation measures you're referring to are the ones

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1 identified in Exhibit 43B, or the ones to be  
2 identified in the revised TIAR regarding mitigation  
3 measures because of the Ho'opili Project.

4           So I think because we have not identified  
5 what mitigation you're referring to, it's difficult

6 for me to understand the answers from the expert on  
7 that.

8 CHAIRMAN LEZY: Sierra Club?

9 MS. CERULLO: Okay. I'm referring to a  
10 report that's actually before the Commission. The  
11 revised report is not a part of this Petition at this  
12 point.

13 MR. YEE: Or the TIAR, the existing TIAR.

14 MS. CERULLO: That's what I'm talking about,  
15 the TIAR.

16 MR. YEE: So you're not referring  
17 specifically to Exhibit 43B.

18 MS. CERULLO: Yes, I am. I'm talking in  
19 general about projects that are not funded as of today  
20 and whether the City and State has the funding to pay  
21 for them. I'm talking about improvement projects.

22 THE WITNESS: I can't speak for the State or  
23 the City on funding of projects.

24 Q (Ms. Cerullo) You don't know if they will  
25 actually be funded or not.

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1 A You know, a lot of these things take council  
2 approval or legislative approval.

3 Q Okay. That's fine. Thank you. Based on  
4 the report that's before the Commission, even in a  
5 best case scenario where all possible mitigation  
6 measures are funded and constructed without delay,  
7 isn't it true that there are still many areas rated

8 LOS D right at the borderline of acceptability and  
9 still some rated E or F?

10 A There are some that still are rated E or F.  
11 And the reason for it is without the project that are  
12 still E. The developers's requirement is just to  
13 bring it, reduce it so it's back to the conditions  
14 without the project.

15 Q Okay. In your written direct testimony you  
16 stated that the Ho'opili TIAR is typical of TIARs  
17 prepared for and approved by the State Department of  
18 Transportation for development projects in Hawai'i.

19 Is this an accurate statement of your  
20 testimony?

21 A Correct.

22 Q To your knowledge DOT has not approved the  
23 TIAR that's before the Commission right now?

24 A My understanding is that it's part of the  
25 EIS which was approved by the body.

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1 Q But the TIAR itself has not been approved by  
2 DOT.

3 A To my knowledge I don't think it has.

4 Q Okay. Thank you. Are you aware that in  
5 August 2009 the then director of the Department of  
6 Transportation, Brennon Morioka, submitted an amended  
7 written testimony that did not support the Ho'opili  
8 Project?

9           A       I wasn't retained at that time.

10          Q       Okay.  So you're not aware that he testified  
11   quote, "Even with all assumed mitigation measures the  
12   H-1 Freeway will quickly degrade to LOS F."

13               MR. KUDO:  I'm going to object again.  It's  
14   not in the record before us.

15               CHAIRMAN LEZY:  Ms. Cerullo, two things.  
16   The witness testified that he was not retained at the  
17   time.  Therefore he couldn't have knowledge of  
18   evidence unless you ask him if he's read the testimony  
19   provided by the former director.

20               Second, please don't read into the record if  
21   it's not been made an exhibit.  Has it been made an  
22   exhibit?

23               MS. CERULLO:  I want to offer it as an  
24   exhibit.  We haven't finalized our exhibit list.

25               MR. KUDO:  The exhibit was withdrawn by the

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1   Office of Planning subject to them introducing it at  
2   the appropriate time.  That hasn't been introduced  
3   yet.

4               MS. CERULLO:  And we removed earlier in the  
5   hearing, not today, but yesterday, to offer it into  
6   evidence -- or, I'm sorry, not into evidence -- as an  
7   exhibit.

8               MR. YEE:  For purposes of moving forward,  
9   the Office of Planning has no objection to the use --

10               CHAIRMAN LEZY:  Hang on just a second,



11 Mr. Yee. Let's take a brief break so we can try to  
12 get a handle on this.

13 MR. YEE: Okay.

14 CHAIRMAN LEZY: Thank you.

15 (Recess was held.)

16 CHAIRMAN LEZY: (Gavel). Okay. Thank you  
17 for your patience. Mr. Yee, did you have something to  
18 say?

19 MR. YEE: The Office of Planning has no  
20 objection to the use of that exhibit, assuming the  
21 question is otherwise allowable. It was initially  
22 admitted into evidence by the Office of Planning. It  
23 was withdrawn by the Office of Planning because we  
24 wanted to define the parameters of our case.

25 We also informed the other parties that we

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1 would not object if they wanted to include it as part  
2 of their evidence, their evidence list. But,  
3 unfortunately, as of today we simply don't have that  
4 list before you. So for today, anyway, the Office of  
5 Planning has no objection to the use of that exhibit  
6 for purposes of cross-examination.

7 CHAIRMAN LEZY: So I understand. Thank you  
8 for the clarification. Ms. Cerullo, you can proceed.  
9 You can question the witness about those now.

10 Q (Ms. Cerullo) I wanted to ask you if you  
11 were aware exactly of the position. So let me

12 continue. Are you aware that the position was "Even  
13 with all assumed mitigation measures the H-1 Freeway  
14 will quickly degrade to LOS F due to the direct  
15 impacts of the Ho'opili Project under the most likely  
16 projections.

17 "Even under a best case scenario, which  
18 includes an optimistic rail transit option, the H-1  
19 Freeway would operate at LOS E with the Ho'opili  
20 Project.

21 "At LOS F there is gridlock on the freeway.  
22 Because traffic is close to a standstill at LOS F, any  
23 additional cars do not necessarily slow traffic  
24 further, but instead tends to increase the duration of  
25 the peak hour period."

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1 Are you aware that that was part of the  
2 previous Administration's DOT position?

3 A No, I wasn't aware of it.

4 Q Now that you're aware of it do you agree  
5 with it?

6 A Do I agree with, you know -- well, that  
7 assumes that there are going to be no improvements  
8 made to the freeway system.

9 Q As we brought out earlier we may not know if  
10 all of those improvements will be funded, is that  
11 correct?

12 A All of those improvements?

13 Q All of the ones listed in 43B. And that's

14 the only list of improvements that's before the  
15 Petition at this time.

16 A Right. As I testified earlier, you know, a  
17 lot of the improvements that are under the original  
18 system are contained in the ORTP, 2035, ORTP.

19 Q Thank you. Are you also aware that the  
20 DOT's position was that: There is currently no  
21 reasonable proposal under consideration within the  
22 Petitioner's TIAR to be implemented that will resolve  
23 this significant regional concern?

24 A As I testified earlier when it comes to  
25 regional improvements you have to take a look at the

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1 entire system. You can't just look at a short, small  
2 segment as part of Ho'opili. That's why both the  
3 State, the City and even Office of Planning belong to  
4 OMPO and come up with the Regional Transportation  
5 Plan.

6 Q Okay. Are you also aware that the DOT  
7 previously found that they do not believe that  
8 Petitioner can adequately address the Department's  
9 concerns as detailed in the proposed Memorandum of  
10 Agreement?

11 And furthermore the "Department of  
12 Transportation would not accept Petitioner's current  
13 proposed TIAR in light of the intractable regional  
14 problem with H-1 Freeway described herein"?

15                   "Knowing that we would not accept  
16   Petitioner's proposed TIAR and any modification  
17   thereof, the Department of Transportation has no  
18   proposed condition to be placed into the decision and  
19   order."

20                   MR. YEE:   Objection as to the way the  
21   question was phrased.   She's asking for the Department  
22   of Transportation's current position and then reading  
23   the Department's 2008 -- or 2009 testimony.

24                   So I mean if the questions is, "Were you  
25   aware of the 2009 testimony?"   I think he's already

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1   said he doesn't know about it.   Anything further we  
2   would object to.

3                   MS. CERULLO:   I'm asking if he's aware that  
4   that was DOT's position under the previous  
5   Administration.   Whether he's aware of the testimony  
6   okay, no.   But does he know that that was the  
7   conclusion?

8                   CHAIRMAN LEZY:   Mr. Niiya, you can respond.

9                   THE WITNESS:   No, I wasn't aware.

10                   MS. CERULLO:   Thank you.

11           Q       You stated in your direct testimony that  
12   none of the traffic improvement updates in 43B that  
13   have been completed since 2009 affect the analysis or  
14   conclusion in the TIAR or traffic report, because such  
15   updates are already assumed or reflected in the TIAR.

16                   Is that an accurate statement?

17           A     The TIAR assumes certain improvements that  
18     were put in such as the Kualakai Parkway connection to  
19     the freeway from Kapolei Parkway, the completion or  
20     connection of Kapolei Parkway from Fort Barrett Road  
21     down to 'Ewa Villages. It also assume --

22           Q     Okay. I'm sorry. Let me stop. I'm just  
23     asking if any of those --

24                     CHAIRMAN LEZY: Wait. Allow him to finish  
25     answering the question.

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1                     MS. CERULLO: Okay. I'm sorry. I think he  
2     misunderstood the question.

3                     THE WITNESS: And it also includes the Fort  
4     Weaver Road widening. These are some of the projects  
5     that are listed on 43B.

6           Q     (Ms. Cerullo) Okay. Thank you. So, but  
7     that those updates didn't affect your conclusion.

8           A     They won't affect the conclusion because  
9     they're already included in the TIAR.

10          Q     Right, the old one. You also said that the  
11     phased development plan for Ho'opili does not affect  
12     the methodology analysis and recommended mitigation  
13     measures set forth in the TIAR?

14          A     That is correct.

15          Q     So based on the testimony or based on what I  
16     read as far as DOT's previous position, is it fair to  
17     say that their traffic report was unacceptable to DOT

18 in 2009 with no possible conditions to make it  
19 acceptable? And that it did not support Ho'opili?

20 A That may have been the case. Again, I  
21 wasn't on retain -- I wasn't retained by D.R. Horton  
22 at that time.

23 Q Okay.

24 A So I don't know what all the assumptions  
25 were as part of their...

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1 Q Okay. Thank you.

2 A I do know that Office of Planning does have  
3 another statement from DOT that replaces that one.

4 Q And you've described no other changed  
5 circumstances in your testimony since 2009 that would  
6 affect your analysis today?

7 A What do you mean by "changed"?

8 Q Changed circumstances. So nothing that --  
9 no updates have changed your analysis and conclusion  
10 from your written testimony.

11 A From my written testimony? No.

12 Q Okay. Now it's 2011. Are you aware that  
13 DOT has changed its position and now supports the  
14 Ho'opili Project with conditions?

15 A That's my understanding, yes.

16 Q Despite, as you stated, there's no changed  
17 circumstances affecting your analysis.

18 A Why would it change my analysis or the  
19 circumstances change my analysis?

20 Q Okay. We'll move on. So right now as I  
21 understand it from before there is a TIAR that has  
22 been submitted to DOT?

23 A The 2008.

24 Q Are you aware of that?

25 A The 2008 TIAR was submitted to DOT, correct.

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1 Q Okay. There was also one, as far as I know,  
2 and please let me know if this is your understanding,  
3 that an April 2011 TIAR was submitted to DOT?

4 A Yes. April 11, 2011 TIAR was submitted to  
5 DOT.

6 Q As we progress through the LUC proceedings  
7 is it fair to say that the LUC could be faced with  
8 having to make a decision on outdated traffic facts  
9 and projections present in the old traffic report  
10 that's before the Commission right now, without  
11 knowing what's going to be in the new one?

12 A The April 11 TIAR was submitted to DOT  
13 because they had requested an interim report  
14 identifying what would happen in 2020. It does not  
15 change. It is based upon the same February 2006  
16 numbers as the original February 2008 report.

17 We have not received back any correspondence  
18 from DOT since it's been submitted in April, no  
19 comments, no nothing back from DOT, written  
20 statements.

21 MS. CERULLO: Okay. No further questions.

22 CHAIRMAN LEZY: Thank you. Mr. Seitz.

23 CROSS-EXAMINATION

24 BY MR. SEITZ:

169 25 Q Mr. Niiya, what part of the island do you

1 reside in?

2 A I actually live in Waikēle.

3 Q And did you drive into town this morning?

4 A Yes.

5 Q How long did it take you?

6 A Roughly a little over 30 minutes.

7 Q What time did you drive in?

8 A I left my house about 7:00, I'd say a little  
9 after 7:00.

10 Q It took my associate, seated to my right  
11 here, an hour and-a-half to drive in this morning. Is  
12 that a typical experience from people?

13 A Depends on where she's coming from.

14 Q From Kapolei.

15 A From Kapolei. My understanding it's about  
16 an hour.

17 Q But it could take as long as an hour and a  
18 half.

19 A It depends on whether or not there's  
20 incidents on the freeway or not or on the other roads.

21 Q Is it your understanding that there are  
22 going to be just under 12,000 homes built in this



23 project if it goes forward?

24 A Yes, that's my understanding.

25 Q When you estimate for purposes of traffic

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1 calculations, do you have a specific mechanism by  
2 which you determine per housing unit how many cars or  
3 vehicles that you will be calculating for?

4 A There is a published book called Trip  
5 Generation that we use the rates from there.

6 Q So for the units of these 11,800 or just  
7 under 12,000 units, what would be the standard for the  
8 number of vehicles associated with each residential  
9 unit?

10 A It depends on the type of unit.

11 Q For the purposes of this project did you  
12 come up with a total number of vehicles that you think  
13 would be generated if this project is entirely built  
14 out?

15 A If this project is entirely built out, I'll  
16 take a look at the number. Is that with or without  
17 rail or do you...

18 Q Let's do it with rail.

19 A Okay. With rail the total trips generated  
20 in the AM peak hour is 7,069. And during the PM peak  
21 hour is 12,000 -- a little over 12,077.

22 Q Certainly with the conditions that you've  
23 described that currently exist in this corridor,

171 24 adding that many vehicles is going to have an impact  
25 on traffic, is that correct?

1 A Well, you know, those numbers are raw  
2 numbers. The traffic that is generated by the project  
3 is divided up, distributed to different roadways.  
4 There's a lot of working areas in the Kapolei area and  
5 west. So they could go the other direction. It  
6 doesn't necessarily --

7 Q Well, common sense -- doesn't common sense  
8 tell you that if I'm driving in to Honolulu from  
9 Mililani after this project has been built out, that  
10 the additional vehicles coming from Ho'opili are going  
11 to have an adverse impact on my ability to get to my  
12 job? Isn't that common sense-ical?

13 A It could be common sense, but if you look at  
14 what the ORTP is saying, the ORTP is saying that there  
15 is going to be a shift in the traffic. So the people  
16 coming into town there's going to be enough employment  
17 out on the 'Ewa Plains that the traffic is going to go  
18 in the opposite direction.

19 Q All right. You talked about a couple of  
20 planned improvements that may have an impact on  
21 traffic. One of them was the Middle Street exchange,  
22 is that correct?

23 A Correct.

24 Q And you said, I believe, that there's an RFP  
25 out to hire a consultant for that purpose?

1           A     My understanding is either probably -- and  
2     it's probably better you ask DOT -- but my  
3     understanding is they have selected a consultant. I  
4     don't know if they have negotiated a contract. But  
5     they could have.

6           Q     Do you know if there's funding that's  
7     already been provided for that purpose?

8           A     For the purpose of what?

9           Q     Of having a consultant hired.

10          A     If they're in contract negotiations my  
11     assumption would be they have the money.

12          Q     With respect to the widening or improvements  
13     to the high occupancy lanes, do you know if any  
14     funding has been provided for that project?

15          A     The PM contraflow?

16          Q     Yes.

17          A     The PM contraflow, because it went out to  
18     bid, the money has to have been appropriated.

19          Q     Okay. Based upon the questioning to which  
20     you've been submitted here today, would you agree that  
21     there's some legitimate concern that the TIAR, which  
22     was prepared some years ago, may not contain adequate  
23     or sufficient or current information to enable the  
24     Land Use Commission to assess the potential traffic  
25     problems?

1 A I don't think so.

2 Q You don't agree with that.

3 A I don't agree with your statement. And the  
4 reason why is there's a couple things. One is, you  
5 know, if we were to go and retake the counts, the  
6 existing counts today, as I indicated it appears that  
7 the numbers are going to be lower than when we did it  
8 in 2006.

9 Second of all, is you do have a brand new  
10 ORTP. The traffic study that was generated was or  
11 used in an ORTP 2030 report. The newest one out is  
12 2035.

13 When we looked at the employment as well as  
14 the number of residents in the area, the annual growth  
15 is less than what was in the 2030.

16 Q Then if it's not necessary why do an updated  
17 TIAR?

18 A Just to check the assumptions that we made  
19 as part of the TIAR and verify.

20 Q Don't you think the results of that checking  
21 would be of relevance to this Commission in evaluating  
22 this Petition?

23 A You know, it's routinely done from year in  
24 year out for all the different products that I worked  
25 on we've done updates to the TIAR along the way. So,

1 no, as far as trying to get changes on, validate the

2 changes, no.

3 Q Well, is it equally routine that you have  
4 one director of the Department of Transportation who  
5 apparently did not support this project; and now you  
6 have another director of Department of Transportation  
7 who apparently does support the project without any  
8 evidence that there have been any changes in any of  
9 the data or projections that have been provided?

10 Doesn't that alone suggest that this  
11 Commission ought to look carefully at the evidence?

12 A I can't answer that question.

13 MR. SEITZ: Thank you. I have no further  
14 questions.

15 CHAIRMAN LEZY: Thank you. Petitioner  
16 redirect?

17 REDIRECT EXAMINATION

18 BY MR. KUDO:

19 Q Mr. Niiya, some questions were raised with  
20 regard to the direct or local impacts versus regional  
21 impacts. Could you explain again the distinction  
22 between those two types of impacts?

23 A Direct impacts or local impacts are those  
24 such as where the project comes directly onto the  
25 public roadways. Those are, you know, improvements to

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1 the intersections, signaling additional turn lanes  
2 and everything. Those are going to be fully the

3 responsibility of the developer.

4           The regional impacts such as the freeway  
5 even like Farrington Highway, those are regional  
6 roadways. They are more subject to the pro rata share  
7 because there's other developments, other projects in  
8 the area that all contribute to those roadways.

9           And it wouldn't be fair to tax Ho'opili for  
10 100 percent of those improvements when other people  
11 will benefit from it. So usually they come up with a  
12 pro rata share based upon the volume.

13         Q     When the State and the County years ago  
14 joined hands in terms of developing the Second City,  
15 is it true that concurrently with that was the 'Ewa  
16 Impact Fee Ordinance that was passed to address some  
17 of the traffic issues?

18         A     That is correct.

19         Q     Could you explain briefly what that 'Ewa  
20 Impact Fee Ordinance does?

21         A     The 'Ewa Impact Fee Ordinance is a mechanism  
22 where every time you go in to get your building permit  
23 you pay so much for pulling a building permit for your  
24 single-family, multi-family, whatever business. And  
25 all that money is pooled together. And either the

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1 State or City can go in and get the money to do the  
2 improvement.

3           The money that comes out of that 'Ewa Impact  
4 Fee has to be utilized on the roadways only that's

5 covered by impact fees.

6 Q And isn't it true that the reason for that  
7 'Ewa impact fee ordinance was that the planners  
8 realized there would be significant traffic impacts to  
9 this region and they wanted to address those issues?

10 A That's correct.

11 Q Now, Mr. Seitz mentioned the former director  
12 of Department of Transportation took a position not  
13 supporting this particular project, and the present  
14 director is now supporting this project.

15 Now, isn't it true that since 2009 you have  
16 met and worked very closely with the State Department  
17 of Transportation on developing a suitable TIAR that  
18 will meet with their criteria?

19 A That is correct.

20 Q Now, you've done TIARs for other  
21 developments, is that true?

22 A That is correct.

23 Q Can you describe for the Commission the TIAR  
24 process? In other words, is it an iterative process  
25 where it goes back and forth between the agency and

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1 the developer? Or is it something you have one final  
2 document that's approved or is it several documents?  
3 Can you explain what that might be?

4 A It is an iterative process. It's not  
5 something that we submit once and you're going to get

6 approved by DOT. We've gone several times back and  
7 forth with DOT trying to get at least the assumptions  
8 ironed out as far as the TIAR. It can be three or  
9 four times that we submit the TIAR.

10 Now, in the process of getting approvals we  
11 go through updating TIARs all the time. I think the  
12 one that I'm working on right now, this is about the  
13 fourth or fifth time in the process of getting zoned  
14 that we were going through in updating the TIAR.

15 So there is changes in assumptions whether  
16 or not a project that we included in the first one  
17 goes or doesn't go is outside the control of the D.R.  
18 Horton.

19 So, you know, conditions change. Just, for  
20 instance, like the economy. We can't predict how the  
21 economy is going to go. Some of these projects slow  
22 down. Some of 'em speed up. So there is this dynamic  
23 that goes in. And we always have to change the  
24 assumptions.

25 Q In regard to these TIAR's have you ever

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1 worked on a project where there were TIAR's done after  
2 the project went through the State Land Use Commission  
3 process and was under county zoning?

4 A Yes, I have.

5 Q In regard to your work with meeting with the  
6 State Department of Transportation, do you know how  
7 many man hours you put into working with State



8 Department of Transportation since 2009?

9 A I don't have that number offhand, but it's  
10 been a lot of meetings. I can remember more than  
11 five, six, seven meetings that we've had with them.

12 Q Now, in so far as the State Department of  
13 Transportation's position on this project is  
14 concerned, is it correct that this project is  
15 continuing to be worked with the State Department of  
16 Transportation in regard to traffic impacts?

17 A That is correct. We're continuing to work  
18 with them.

19 Q And is it your understanding that the State  
20 Department of Transportation is going to be requiring  
21 periodic TIARs as this project proceeds forward?

22 A I would -- both State DOT as well as, I  
23 think, the City DPP will also require it.

24 MR. KUDO: Thank you. No further questions.

25 CHAIRMAN LEZY: Commissioners, questions?

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1 Commissioner McDonald.

2 COMMISSIONER McDONALD: Good afternoon,  
3 Mr. Niiya. You spoke about the DOT improvements which  
4 involve Middle Street as well as the PM zipper lane.  
5 You also mentioned that there were planned  
6 improvements along the H-1 from Waiawa to Makakilo.  
7 Could you expand on that?

8 THE WITNESS: Planned improvements from...?

9 COMMISSIONER McDONALD: Yeah, you mentioned  
10 that there were planned improvements from Waiawa to  
11 Makakilo along H-1.

12 THE WITNESS: I know that in the 2030 ORTP  
13 there is a proposed HOV lane from Waiawa all the way  
14 out to, I think it was Makakilo.

15 MR. YEE: Excuse me. Commissioner, could I  
16 note I did make a reference in my cross-examination to  
17 a required analysis for traffic mitigation on the H-1  
18 between Makakilo and Waiawa.

19 I think the response from him was that they  
20 were going to do this analysis of mitigation measures  
21 along that stretch. So I think that's what he might  
22 be referring to.

23 COMMISSIONER McDONALD: So that's part of  
24 the 2030 plan, but that's not -- Horton will not be  
25 responsible for those improvements.

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1 THE WITNESS: D.R. Horton, whatever, you  
2 know if we do a traffic study, when we do -- if we do  
3 their traffic study, I don't want to be presumptuous  
4 or anything -- but whoever does the update to the  
5 traffic study for Ho'opili will be required to look at  
6 the H-1 Freeway corridor.

7 And, you know, as part of that you would  
8 have to come up with a pro rata share. As I  
9 explained, for regional facilities there would be a  
10 cost sharing as far as those improvements.

11 COMMISSIONER McDONALD: Would you see any  
12 problem -- I understand the pro rata share in concept.  
13 That involves private developers as well as the state  
14 government. And the issue at hand -- well, I have  
15 seen in the past, is funding on the state or county  
16 levels for the improvements.

17 If the traffic report does identify certain  
18 improvements and certain funds aren't in place, would  
19 you see problems with proceeding with the Ho'opili  
20 development?

21 THE WITNESS: I can see portions of the  
22 Ho'opili development going through. Like the report  
23 is it's, you know -- the report is for the entire  
24 complete development of Ho'opili. From day one I  
25 don't think one house is going to put a strain on the

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1 system.

2 But eventually somewhere down the road, yes,  
3 you know, it may get to the point where possibly  
4 improvements are needed. Until we do the study I  
5 wouldn't be able to tell you that.

6 COMMISSIONER McDONALD: Going back to the  
7 'Ewa Impact Fee. Could you explain how that fee is  
8 actually assessed and developed through private  
9 developers?

10 THE WITNESS: It is an ordinance with the  
11 City and County of Honolulu. And every time you go in

12 for a building permit the developer will have to pay  
13 that impact fee. It's assessed at that point in time.

14 COMMISSIONER McDONALD: And how is that fee  
15 determined as far as the amount of the fee?

16 THE WITNESS: I think the fee, my  
17 understanding is the fee is built in to that  
18 ordinance.

19 COMMISSIONER McDONALD: So it's a same  
20 amount -- the same amount of fee would be paid no  
21 matter how large or small the development?

22 THE WITNESS: No. It's per building. Well,  
23 from what I understand the way it is, there's  
24 different categories whether it's single-family house,  
25 multifamily house, I don't know exactly what the

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1 breakdown is. But for a single-family house you pay X  
2 amount of money. For business you'll pay so much per  
3 square foot and it varies.

4 MR. KUDO: Commissioner, I believe it's by  
5 units. So it's so many dollars per unit. Square foot  
6 for commercial unit on a residential basis.

7 COMMISSIONER McDONALD: So this 'Ewa Impact  
8 Fee would be assessed to D.R. Horton-Schuler as well.

9 THE WITNESS: Yes.

10 COMMISSIONER McDONALD: Thank you.

11 CHAIRMAN LEZY: Additional questions?  
12 Commissioner Judge.

13 COMMISSIONER JUDGE: Good afternoon,

14 Mr. Niiya.

15 THE WITNESS: Good afternoon.

16 COMMISSIONER JUDGE: One of the things that  
17 the Petitioner's done since we restarted is they've  
18 submitted an incremental plan. Are you familiar with  
19 that incremental plan?

20 THE WITNESS: The PD, phased development  
21 plan, yes, I do.

22 COMMISSIONER JUDGE: Okay. In the next ten  
23 years -- the first ten years of the development,  
24 there's a projection of, I think, about 5,800 homes in  
25 that.

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1 Do you have an idea of what improvements  
2 will need to be accomplished if those -- traffic or  
3 roadway improvements will need to be accomplished in  
4 those first ten years?

5 THE WITNESS: As brought up, you know, the  
6 April 2011 TIAR does assess the 2020 or the ten year  
7 buildout. But at this point, you know, because we  
8 haven't received any comments back from the State DOT  
9 we don't know if the assumptions that went into that  
10 report are acceptable by State DOT. But there are  
11 some improvements that are required to provide access  
12 for this project.

13 COMMISSIONER JUDGE: So there's a proposal  
14 from D.R. Horton to the DOT right now regarding

15 proposed mitigation measures for the first phase?

16 THE WITNESS: Proposal? I don't know if I  
17 could --

18 COMMISSIONER JUDGE: Well, you're in  
19 discussion so you, D.R. Horton, as their  
20 representative right now, you've said to the DOT,  
21 "Look, for the first 5,800 homes for the first  
22 increment here's what we would -- here's what we  
23 propose to do as traffic mitigation measures for these  
24 first 5,800 homes."

25 DOT has that piece of paper. They have your

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1 proposed mitigation measures. You just haven't heard  
2 back from them, is that correct?

3 THE WITNESS: That's correct.

4 COMMISSIONER JUDGE: So there is something.  
5 Okay. As far as the next, the additional phase for  
6 the second 10 years, do you have, do you have a full  
7 plan of what --

8 THE WITNESS: That would be this February  
9 2008 Traffic Impact Study that's before you.

10 COMMISSIONER JUDGE: Okay. Well, I read  
11 that and I can't really find -- what exactly are the  
12 mitigation measures that are in that document that  
13 D.R. Horton is currently proposing?

14 THE WITNESS: The mitigation measures are  
15 in chapter six of this TIAR. It goes in and breaks it  
16 down by intersection by intersection what the proposed

17 improvements are.

18 COMMISSIONER JUDGE: Are there any proposed  
19 mitigation measures for the H-1 in that document?

20 THE WITNESS: No, there isn't.

21 COMMISSIONER JUDGE: Nothing. No for  
22 interchanges? There's not -- is there a pro rata  
23 share proposal?

24 THE WITNESS: As I said earlier, when it  
25 comes to traffic studies and everything, okay, usually

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1 when you look at regional facilities, regional  
2 facilities you have to take a look at it on a broader  
3 picture, not just in this one area. And that's where  
4 the ORTP comes in. The ORTP has proposed mitigation  
5 measures.

6 COMMISSIONER JUDGE: I understood that. I  
7 heard that. You've said that over. What I'm  
8 struggling with right now, and I think you probably  
9 were here, we've heard a lot of public testimony and  
10 we've gotten an enormous amount of written public  
11 testimony. And traffic concerns is probably right up  
12 there on top along with the loss of agricultural land.

13 And what I'm struggling with is that how can  
14 the Commission be assured that with the addition of  
15 the construction of Ho'opili and the addition of all  
16 these additional cars and these 12,000 PM trips and  
17 7,000+ AM trips, that the traffic situation isn't

18 going to be adversely affected when we have no idea  
19 what proposals are to mitigate the traffic.

20 THE WITNESS: You know, there is, you know,  
21 an understanding that whatever the future in traffic  
22 studies do come up with that they would be subject to  
23 the pro rata share. And they would have to help fund  
24 those improvements.

186 25 COMMISSIONER JUDGE: Help fund. But in the

1 real world, I mean we've all seen this, you could give  
2 them X million dollars and in 30 years there's been no  
3 improvements to H-1. And, you know, we've got people  
4 sitting on the highway for two hours trying to get to  
5 work.

6 So I mean I know -- I'm just struggling with  
7 I don't know, if you guys have any ideas what they are  
8 if you can bring them forward. I know you're waiting  
9 for DOT to put them out, DOT to say, "Here's what we  
10 want."

11 But I mean in your mind it can't help you  
12 with trying to sell homes in Ho'opili if, you know,  
13 you're trying to sell a home and they're looking at  
14 two hours of traffic trying to get into their  
15 workplace in Honolulu.

16 I mean I think it would behoove everybody to  
17 have a plan in place to address this. I'm just -- one  
18 of the things I'm really struggling with is no  
19 information about how we're going to make sure that



20 the traffic situation -- a bad traffic situation isn't  
21 even made worse.

22 THE WITNESS: And I understand where you're  
23 coming from. There is that April 11, 2011 TIAR that  
24 is, that we did submit. Part of that does have some  
25 mitigation for the H-1 Freeway. But, again, you know,

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1 at that point because we haven't received any comments  
2 back I don't know where the State DOT is on this.

3 COMMISSIONER JUDGE: We're talking about --  
4 in this in evidence? Do we have any --

5 THE WITNESS: No.

6 COMMISSIONER JUDGE: So we don't have any  
7 inkling of what's in there.

8 MR. KUDO: Commissioner Judge, if I might  
9 make a point of clarification. That particular TIAR  
10 was requested by DOT to 2020. And it does include  
11 mitigation to H-1. The reason we did not submit it is  
12 because it hasn't been approved. We haven't gotten  
13 feedback as to whether they find it acceptable or not.

14 So we didn't want to be presumptuous on the  
15 part of DOT and submit it as something that they had  
16 blessed or anything. But it's a continuing working  
17 relationship that we have. We have made  
18 recommendations on mitigation to H-1 via that  
19 April 11, 2011 TIAR that has been submitted to DOT.

20 COMMISSIONER JUDGE: Okay. Well, I guess

21 we're going to have to leave it up to the State to be  
22 presenting something to us, I guess, since the ball is  
23 in their court. But I don't know if we can ask for it  
24 or not.

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25 In my mind I'm just telling you it's a real

1 hard struggle for me with knowing traffic is a real,  
2 huge problem and there's nothing on the table for us  
3 to look at. I guess I'll just leave it at that.

4 MR. SEITZ: Mr. Chairman. Excuse me.

5 CHAIRMAN LEZY: Mr. Seitz.

6 MR. SEITZ: I'd like to request that you  
7 direct the Petitioner to provide us with copies of  
8 that April 2011 TIAR. I think that whenever the State  
9 does come to testify and there are going to be  
10 apparently witnesses called from the Department of  
11 Transportation, at a minimum it would be helpful to  
12 all of us to have that document in front of us to  
13 question the representatives from the State if they  
14 haven't by then responded, how they will respond.

15 CHAIRMAN LEZY: I'll take that under  
16 consideration. Thank you. I'll ask the question,  
17 though. What does it say? (Laughter).

18 THE WITNESS: What the...

19 CHAIRMAN LEZY: What does the TIAR, the  
20 April 2011 TIAR say regarding mitigation?

21 THE WITNESS: Mitigations for the H-1  
22 Freeway does state that -- it goes through different

23 alternatives to provide additional capacity on the H-1  
24 Freeway.

189 25 It didn't come up with a recommendation

1 based upon our discussions with DOT. So I can't tell  
2 you which way they're gonna go, but it does examine  
3 different alternatives to provide additional capacity  
4 on H-1.

5 CHAIRMAN LEZY: Can you give us a summary of  
6 those alternatives?

7 THE WITNESS: There were several different  
8 alternatives. One is restriping the freeway to  
9 provide an additional lane on the freeway.

10 Another alternative was to use the shoulder  
11 area as an additional lane.

12 Another alternative was widening the freeway  
13 to provide an additional lane.

14 The last one is widening the freeway by  
15 multiple lanes.

16 CHAIRMAN LEZY: Thank you. Commissioners,  
17 any other questions?

18 MR. KUDO: Just for your information copies  
19 of that TIAR were submitted to those parties that did  
20 request it, which is Office of Planning and Sierra  
21 Club.

22 CHAIRMAN LEZY: Are you amenable to  
23 providing any copies to the remaining parties?

24 MR. KUDO: We can if they wish to have it.

25 MS. CERULLO: I'm sorry. Excuse me. I just

1 wanted to add that I looked at what you've submitted  
2 to us. And I only saw appendices. I didn't see the  
3 actual report.

4 MS. FUNAKI: There were three documents on  
5 the CD that we provided. One is the actual report.  
6 Two is the appendices. And the third one is an update  
7 to appendices.

8 MR. KUDO: I guess there were three parts of  
9 the CD-ROM that we gave you. One was the appendix,  
10 one was the body of the report, exhibits, I guess.

11 MS. FUNAKI: And then the other was an  
12 update to one of the appendices, Appendix G.

13 MS. CERULLO: Okay. So what you sent to the  
14 other parties can you send that to me again? Because  
15 I don't think I got all of those.

16 MS. FUNAKI: Sure.

17 CHAIRMAN LEZY: Thank you, sir. Petitioner,  
18 your next witness.

19 MR. KUDO: Our next witness is Jim Charlier.

20 JAMES CHARLIER

21 being first duly sworn to tell the truth, was examined  
22 and testified as follows:

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: State your full name,  
25 please.

1 THE WITNESS: My name is James F. Charlier.  
2 I go by "Jim".

3 CHAIRMAN LEZY: Thank you. Mr. Kudo.

4 MS. KUWAYE: Mr. Charlier has already been  
5 admitted as an expert in the field of transportation  
6 planning, the integration of transportation and  
7 Transit-Oriented Development previously. And so we're  
8 going to just jump to summarizing our written  
9 testimony.

10 CHAIRMAN LEZY: Proceed.

11 DIRECT EXAMINATION

12 BY MS. KUWAYE:

13 Q Mr. Charlier, you previously submitted your  
14 supplemental written direct testimony, is that  
15 correct?

16 A I did.

17 Q That is Exhibit 79.1B, correct?

18 A Yes.

19 Q Can you please summarize that for the  
20 Commission.

21 MS. ERICKSON: Naomi, could you please slow  
22 down a little bit.

23 MS. KUWAYE: Oh, sorry. Okay.

24 THE WITNESS: What I did was I summarized  
25 what we did in planning for Ho'opili for

1 transportation. The primary things we did in the plan  
2 for Ho'opili was first of all, pedestrian-oriented  
3 walking environment everywhere in the project so that  
4 sidewalks, crosswalks, pedestrian plazas, other  
5 features of that sort would be ubiquitous in the  
6 project everywhere.

7               We planned for the mixed-use that was  
8 described in some of the earlier testimony. And we  
9 planned for -- mixed-use includes both a mix of uses:  
10 Homes, retail, schools, services, jobs, but also a mix  
11 of housing types as Tim Van Meter was describing  
12 earlier.

13              We planned for -- one of the most important  
14 elements in the planning for the project was internal  
15 connectivity, having a good street grid with lots of  
16 intersections and small blocks as well as good  
17 external connectivity connecting to the nearby  
18 neighborhoods, the nearby developments that were at  
19 that time being planned, some of which are now under  
20 development.

21              And also planning for transit, not just rail  
22 transit, but bus transit including good internal  
23 circulation throughout the project for buses which  
24 requires a collector street network.

25              So all of those things were planned as part

1 of the Ho'opili plan.

2           Q     Mr. Charlier, have you reviewed the phased  
3 development plan for Ho'opili?

4           A     I have.

5           Q     And has it changed any of your opinions or  
6 recommendations for Ho'opili?

7           A     No.

8           Q     Mr. Charlier, in 2009 you testified that  
9 Ho'opili will be successful even if the rail is  
10 unsuccessful. You still stand by that testimony?

11          A     Yes, I do. Well, in 2009 we weren't sure  
12 what would happen with rail. We did plan the project  
13 to take advantage of rail and to leverage the public  
14 investment in rail. But we also recognized that  
15 perhaps rail would not occur. So we planned -- we did  
16 not plan the project in a way that required the rail  
17 project to succeed.

18                   The important thing to realize is good urban  
19 design is good urban design. The kind of planning you  
20 would do in the TOD area is the kind of planning we  
21 should be for all urban development patterns.

22                   So the basic components: Good land use mix,  
23 high quality walking environment, diversity of housing  
24 type, the connectivity, integrating transit into the  
25 plan, thinking about where transit would operate and

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1 how it would function. All of those things are  
2 actually just good planning.

3                   And they are features of Ho'opili. We do  
4 not need the rail project for those planning elements  
5 to have their beneficial effect.

6           Q       Does this conclude your testimony?

7           A       Yes.

8                   MS. KUWAYE: Mr. Charlier is now available  
9 for cross-examination.

10                  CHAIRMAN LEZY: Thank you. County?

11                  MS. TAKEUCHI-APUNA: No questions.

12                  CHAIRMAN LEZY: State?

13                  MR. YEE: Yes.

14                               CROSS-EXAMINATION

15 BY MR. YEE:

16           Q       Mr. Charlier, I'm going to ask you a few  
17 questions about your written testimony. And part of  
18 it is to connect up different parts of it. I noticed  
19 on page 3 of your written testimony you list  
20 "modernized street standards" as an important aspect  
21 of transportation planning. Do you remember that?

22           A       Yes.

23           Q       You later talked about connected street  
24 networks. I was just wondering is modern street  
25 standards the same as having connected street networks

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1 or is there a difference?

2           A       They're related concepts. The connectivity  
3 and the size of streets and how fast the streets have  
4 to be designed to operate are interrelated concepts.



5 Q And how does Ho'opili provide streets with  
6 modernized street standards?

7 A Since we're at still the state level in the  
8 process and haven't entered into the county zoning  
9 process yet, it's too early for me to make statements  
10 about what the street design will be. I have advised  
11 the client, and we've made representations that the  
12 streets will be narrow and low speed. The  
13 relationship with --

14 MS. ERICKSON: Can you please slow down.

15 A Okay. That that is -- that's what we mean  
16 by modern street design. And that requires a highly  
17 connected network with a lot of streets. If you have  
18 a small number of streets, then you need wide,  
19 high-speed streets. If you have a large number of  
20 streets you can have narrow low-speed streets.

21 Q (Mr. Yee) You also list safe biking as an  
22 important element of transportation planning. Do you  
23 remember that?

24 A Yes.

25 Q How does Ho'opili -- or what does Ho'opili

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1 do to provide for safe biking throughout the  
2 neighborhoods?

3 A A number of things. In our plan we -- and  
4 the regional state planning for this has changed over  
5 the years, but there are still, I believe, some

6 regional facilities planned in 'Ewa. And connecting  
7 to those is very important.

8 We also have been planning some multi-use  
9 trails in the project, within the project, to connect  
10 the major neighborhoods and to connect to the regional  
11 facilities.

12 And the simple fact of having a multiple, a  
13 lot of low speed streets in the dense grid creates a  
14 really great biking environment without having to make  
15 any additional investment.

16 We've also talked about -- we've also  
17 included in our planning for the client things that,  
18 again, aren't really going to come to the surface  
19 until we get into county zoning. But things like  
20 ensuring that adequate bicycle parking is available in  
21 the commercial areas and related ideas.

22 Q How much of these elements can you tell us  
23 will be done now and how much of it still needs to  
24 wait for the county planning process?

25 A Well, I'm not an expert on the relationship

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1 between what you do at the LUC and what we do later in  
2 county zoning. To me it looks like we have state  
3 zoning and county zoning. I'm not an expert in how  
4 that process works. All the recommendations I've  
5 given to the client have been accepted as components  
6 of the transportation plan.

7 Q Those are the recommendations you just

8 talked to us about.

9 A Yes.

10 Q So it would include connecting up to  
11 regional facilities.

12 A Yes.

13 Q And multiuse trails to major areas  
14 throughout the project.

15 A That's right. And then having streets that  
16 are safe for bicycles to operate on.

17 Q On Page 3 of your written testimony you talk  
18 about how rail would provide substantial benefits to  
19 the people of Honolulu. On Page 7 you talk about how  
20 rail is not necessary for good urban design for this  
21 project.

22 A That's correct.

23 Q The gap between what I'm asking is how is  
24 rail important or is rail important to Ho'opili?

25 A I think that -- I mean to state the obvious

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1 if the rail project is built and there are two transit  
2 stations at Ho'opili, it will make Ho'opili extremely  
3 an attractive place for developers to come to build  
4 projects. It will make the land values higher. It  
5 will make the place marketable. It will generate a  
6 lot of interest in that project.

7 Q From a transportation perspective what  
8 becomes important then if rail exists?

9           A     We have addressed all these things. But  
10 what becomes important is making sure that the  
11 collector street network interconnects with the  
12 transit stations so that the buses can get to the rail  
13 stations easily and directly.

14                     It relates to the land development pattern  
15 which I haven't been directly responsible for, but  
16 have been coordinating with so that the mixed land  
17 development patterns are occurring in proximity to the  
18 rail stations.

19                     There are a lot of other things that come up  
20 later in the process when we know more about what will  
21 happen with county zoning, things like management of  
22 parking.

23                     There may be opportunities to have a really  
24 high density of really great pedestrian environments  
25 in proximity to the transit. So there are a number of

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1 things that should be coordinated and will be.

2           Q     Would the rail stations be one of the areas  
3 to which the multi-use trails will connect?

4           A     Um, yes, I think so. Possibly. As you know  
5 the rail stations have moved since we did our planning  
6 work. And I think we do have ahead of us the task of  
7 sort of reassessing the street network and thinking  
8 about how that works. But, yes, it should and I think  
9 will.

10          Q     On Page 4 of your written testimony you've

11 given definitions of terms like "compact, connected  
12 and complete."

13 A Right.

14 Q Are there specific standards to demonstrate  
15 that the project will have well-connected streets,  
16 complete neighborhoods and a pedestrian environment?

17 A There's no -- there are no -- there is no  
18 single set of standards for either any of those  
19 categories. There are a variety of standards that  
20 have been developed by state governments in their  
21 growth management plans, for example.

22 Many cities and counties around the country  
23 have written ordinances relating to connectivity  
24 standards. And there are a variety of different  
25 approaches.

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1 I think that -- to editorialize this for a  
2 movement -- I don't think it would necessarily be a  
3 positive development if there were a single set of  
4 standards. What we found in engineering over the  
5 years is that if we get a single set of what we think  
6 are the right answer to every question, we sort of  
7 lose our ability to do good creative design. And so  
8 I'm not actually an advocate for a single set of  
9 standards. But aside from that, no, there is no  
10 single set of standards.

11 Q For this project is there any standard that

12 you applied in order to reach your conclusions?

13 A I've been doing this almost 40 years. And I  
14 have strong opinions. So that's the standard I've  
15 used. We can talk about it if you want, what some of  
16 the criteria we used were. But, no, I don't have a --  
17 we didn't use a specific document or a specific set of  
18 standards.

19 Q Could you list some of the, in specific  
20 concrete terms, some of the specific measures or  
21 characteristics that are implemented for the Ho'opili  
22 Project that lead you to your conclusions?

23 A Sure. For example, we have recommended, as  
24 I said, a connected street network. There are a  
25 number of different ways to measure that. But we've

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1 used block length, intersection density. So we've  
2 said we need to hold in our residential neighborhoods  
3 where topography doesn't intervene.

4 What would prevent us from doing this we  
5 need block lengths to be in 3- to 500 foot range. And  
6 we've said in the commercial districts we need our  
7 blocks to be not a lot more than 500 feet.

8 And that's the way --when you see the  
9 shadows of the little streets in the drawings that's  
10 the way that was laid out.

11 We recommended that the connector network,  
12 first of all, be continuous across the project both  
13 mauka-makai and east-west. And we've recommended that

14 that have an approximate spacing of an eighth to a  
15 quarter mile for those collector streets, something  
16 that has not happened throughout the rest of 'Ewa.

17           We've recommended sidewalks on both sides of  
18 every street. We've recommended crosswalks to be  
19 planned as part of actual design of the streets as  
20 opposed to something that gets tacked on late.

21           As I said earlier, we have recommended that  
22 the bike routes be addressed because they're virtually  
23 impossible to introduce once the neighborhoods have  
24 begun to build.

25           We recommended in planning that the

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1 collector street network, which is where buses  
2 operate, that the design of the bus platforms, the  
3 station, bus boarding areas, the bus stops, so forth,  
4 actually be planned into the design of the streets at  
5 the front end.

6           Those are the things that come to my mind.

7           Q     Have these recommendations been accepted by  
8 the developer?

9           A     Oh, yes, absolutely.

10          Q     Just briefly regarding the sidewalks. Is  
11 there anything else that will be planned for the  
12 sidewalks such as length or width and frontage?

13          A     Yeah. So we use what we call contact  
14 sensitive approach to sidewalks. So you can have

15 sidewalks and residential districts that are too wide.  
16 You can have sidewalks in commercial districts that  
17 are not wide enough.

18               So it's contact spaced. We have  
19 recommended -- so we haven't gotten to the point --  
20 obviously this is part of what gets worked out in  
21 county zoning process. But in residential  
22 neighborhoods you need sidewalks that are 5 feet wide  
23 at a minimum.

24               You need sidewalks that are separated from  
25 the curb by either a planting strip or some sort of a

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1 furnishing strip.

2               In your commercial districts where you have  
3 where we call store front streets that really retail  
4 addresses the street, which will be most of the  
5 commercial streets in Ho'opili, we would typically  
6 want to see an absolute minimum of eight to 12 feet  
7 for the walk area within an additional six to eight  
8 feet for the furnishing strip.

9               But all of these are preliminary and, you  
10 know, are what we would use in our typical practice.

11           Q     On Page 7 of your written testimony you say,  
12 "The phasing plan will work well in terms of the  
13 street network and other transportation access  
14 considerations." Can you explain why you reached that  
15 conclusion?

16           A     Again, I'm not an expert in how this process



17 plays out and what the implications of the phasing  
18 plan are in terms of what can be built when.

19           The key things that I looked for were  
20 obviously the main collector roadways that are  
21 required to serve Phase I which are -- which are  
22 present, the campus drive and spine road.

23           And the rail station is not within the  
24 development pattern of Phase 1. And that was  
25 initially a concern for me. But when it was explained

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1 to me that -- I mean I do agree that it's developing  
2 the part of the projects that parallel to and adjacent  
3 to H-1 and visible from H-1 is a logical first phase  
4 to go. The timing of the rail project is unknown at  
5 this point in time.

6           And I think that what I would like to see  
7 happen is as soon as the rail project is built and the  
8 transit station is at least to some degree built and  
9 put on the ground, I would sure like to see the client  
10 have the opportunity to move forward with the  
11 development in that area.

12           But assuming that all of that is possible  
13 within how you define the process and phasing plan I  
14 felt it would work.

15       Q     This question, I guess, is a type of  
16 concurrency question. Have you looked at, for  
17 example: after five years, or after 10 years, or after

18 15 years whether the structures that are built in  
19 five, 10, 15 years also have -- would they themselves  
20 be liveable, walkable communities with the connected  
21 streets and compact design, complete neighborhoods?

22 Or do you need to wait for the full 30  
23 years -- or 20 years, I'm sorry, before you reach that  
24 goal?

25 A No. The concurrency standard, which is the  
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1 physical infrastructure required to serve development,  
2 should be present concurrently with that development,  
3 is the right standard. So the street network, the  
4 local street network, the sidewalks, if it's an area  
5 where that would be a multi-use trail, all of those  
6 things should be built as the development occurs. And  
7 then if properly designed they will serve throughout  
8 the life of the development.

9 Q Have you done a review of the actual  
10 implementation plans to see if that's actually true  
11 after, say, 10 years?

12 A Well, I've been -- you mean other projects  
13 that I've done?

14 Q No. I'm sorry. In this particular project  
15 you're aware that there's a phased development plan,  
16 right?

17 A Yes.

18 Q And it's broken up into multiple phases.

19 A Right. Right.

20 Q Have you looked specifically at those phases  
21 to determine whether or not those concurrency concerns  
22 are addressed?

23 A I believe they are, yes.

24 Q You believe -- I guess I'm asking did you  
25 look at it or you're saying, "Yes, I believe"?

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1 A No, I did look at it, yes, of course.

2 Q You're aware that in 2009 there was a  
3 concern about the location of a high school near H-1  
4 Freeway.

5 A Only very vaguely.

6 Q Are you aware that that school has been  
7 located elsewhere now?

8 A I'm sorry. Have not followed that.

9 Q I just have a hypothetical question then.  
10 Wouldn't a school located more into the interior of  
11 the project rather than on the edge near the H-1  
12 Freeway, be more accessible for children or people  
13 walking or getting to that freeway from that  
14 transportation analysis?

15 A I think those are important issues. We  
16 ordinarily advise, and I guess I would advise in this  
17 case, that the location of schools becomes  
18 increasingly important as you go younger.

19 So elementary schools should be embedded in  
20 neighborhoods to the extent possible.

21 Middle schools should be located central to  
22 the neighborhoods they would be serving.

23 High schools, of course, have a much larger  
24 draw area and they also generate a significant amount  
25 of traffic. So where you put them sometimes can be a

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1 little bit overwhelmed by other considerations.

2 But I would say that when we approach the  
3 question of high schools, a project the size of this  
4 project, if there's a high school somewhere in there I  
5 think you've done what you should do. I would be more  
6 concerned about design of facilities in and around the  
7 high school than I would just the location of the high  
8 school.

9 Q I don't disagree at all. I'm just wondering  
10 if one of the factors you would look at, if all other  
11 factors were equal, was would be better to locate  
12 schools more into the interior of the project than  
13 next to a freeway where pedestrian access tends to be  
14 difficult, right?

15 A Yeah. Well, and you do want bike access to  
16 a high school of course, although kids will drive too.  
17 But I would say the most important thing there would  
18 be to try to -- it be some amount of mixed-use  
19 commercial proximate to the school.

20 I don't know that putting it close to the  
21 residential would be a major objective. In fact to  
22 some degree a large high school can be a little bit of

23 a difficult neighbor for single-family residential.

24 MR. YEE: Thank you. I have no further  
25 questions.

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1 CHAIRMAN LEZY: I'm going to reverse the  
2 order of the Intervenor. Mr. Seitz?

3 MR. SEITZ: I have no questions.

4 (Laughter)

5 CHAIRMAN LEZY: Sierra Club.

6 MS. DUNNE: I think I may just ask a few  
7 quick questions.

8 CROSS-EXAMINATION

9 BY MS. DUNNE:

10 Q Good afternoon.

11 A Hi.

12 Q Is it fair to say that your analysis, your  
13 focus on the transit and you're really looking at  
14 growth? You're presuming island growth, increased  
15 population, expanded development, is that correct?

16 A Well, I think so. When we do -- when we  
17 work on a project like Ho'opili, we consult the  
18 documents that have been developed by the governments  
19 that have jurisdiction. So in this case we have plans  
20 developed by the State. We have plans developed by  
21 the County and plans, as Keith was telling you  
22 earlier, developed by the OMPO.

23 So we do consult those documents, and base

209       24     our assumptions about future growth based on the  
25     public policy work that's already been done.

1       Q     Are you familiar with the concept of  
2     carrying capacity?

3       A     Yes, of course.

4       Q     Okay. But that didn't factor into your  
5     analysis, in this project.

6       A     Well, I don't know how to answer that  
7     question. The carrying capacity is an idea that  
8     developed in the biological sciences that addresses  
9     the theoretical capacity of a given area to support a  
10    given mix of species in a given set of assumptions,  
11    about the quality of the existence of those species.

12            It has never -- it has not been -- we've  
13    tried on some of our previous projects around the  
14    country to apply the carrying capacity concept to  
15    transportation. It's a difficult one to do and hasn't  
16    been done successfully that I know of.

17            Previous question about concurrency. I  
18    would say in transportation the thing that would be  
19    closest to a carrying capacity concept that has at  
20    least been used, implemented with some success at  
21    least around the country would be concurrency.

22            So carrying capacity is not an idea that  
23    generally gets -- I mean we're all aware of the idea.  
24    We've all been interested in the idea. But it's been  
25    a difficult one to actually apply in transportation.

1           Q     Okay.  So you were thinking about it as it  
2 relates to transportation, 'cause that's your area of  
3 expertise.

4           A     Right.

5           Q     Not as it would relate to the idea of local  
6 food production or food security, any of those issues.

7           A     Carrying capacity.  No, I have not evaluated  
8 the carrying capacity of Ho'opili for local food  
9 production.

10          Q     And you're aware that not all the funding  
11 has been secured for the rail project at this point?

12          A     I followed the rail project, yes.

13          Q     Is it fair to say that if Ho'opili is  
14 developed but the rail project is not funded or is  
15 limited in some way, that it will worsen O'ahu's  
16 traffic congestion?

17          A     You know, I have not been the person  
18 responsible for evaluating the regional traffic flows.  
19 And I don't want to freelance that subject.  I have  
20 been involved in planning the project itself, the  
21 internal structure of it, the infrastructure that  
22 would be built within the project.

23                   Other firms, as your heard earlier, were  
24 hired to evaluate the traffic impacts regionally.  And  
25 I'm not.  I haven't done research into that or been

1 responsible for developing that.

2 Q Okay. So you don't know about reduction and  
3 the traffic impact as related to the transit station.

4 A Well, I'm sorry I don't understand your  
5 question.

6 Q You don't know about -- you don't know how  
7 the transit project would reduce the -- potentially  
8 reduce traffic impacts?

9 A I don't know numbers that I could quote to  
10 you. I haven't studied that. I know that the transit  
11 station -- what rail transit will do is provide  
12 capacity for circulation regionally and provide access  
13 locally. I understand how that will work. But, no, I  
14 haven't done the estimates of what the reductions will  
15 be or what the net traffic impacts will be.

16 Q Okay. And the transit stations could go in  
17 another location other than where they're currently  
18 planned, is that correct?

19 A You're asking me to speculate. I don't  
20 know.

21 Q But, yeah, I'm just asking you whether it's  
22 possible to put transit stations in other locations.

23 MS. KUWAYE: Mr. Chair, that question should  
24 probably be directed to the City who's developing the  
25 transit project, not to Ho'opili's transit TOD expert.

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1 CHAIRMAN LEZY: Overruled. You can respond.



2 THE WITNESS: I guess you're asking me if  
3 theoretically a transit station could be put at other  
4 locations along the planned corridor?

5 Q (Ms. Dunne) Yeah. I'm just asking you based  
6 on your expertise since you're here, and you do have  
7 all this experience in transit planning, whether a  
8 transit station could be placed in another location  
9 that would help alleviate O'ahu's traffic in general,  
10 instead of placing it in Ho'opili, whether the station  
11 could be placed somewhere else?

12 A So you mean could stations -- you're talking  
13 about future traffic obviously.

14 Q Right.

15 A Well, it's my -- I have followed the  
16 planning process for the rail project, and the  
17 projects before it, the BRT project and so forth.  
18 You've been studying rail from in this community for  
19 almost 30 years or high capacity transit for that  
20 long. I have a high opinion of the planning that's  
21 gone on.

22 My sense of it that they tried to optimize  
23 where the rail stations would go. They tried to make  
24 reasonable decisions about balancing the long-standing  
25 plan for development in the Second City with

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1 development in the Primary Urban Center. I mean it's  
2 a long, complicated, complex process. And could there

3 have been a different set of station locations? I  
4 suppose so.

5 Q Okay. Maybe that question's better for the  
6 City. Just had a final question on -- Mr. Yee went  
7 through some of the recommendations that you made to  
8 the D.R. Horton as far as the design of the community,  
9 bikeways and certain --

10 A Right.

11 Q -- aspects. In your experience have you  
12 made recommendations to developers in the past that  
13 have not actually made it into the final plan or the  
14 final project?

15 A No. We don't -- no. That doesn't happen to  
16 us. We -- first of all, we only take a very small  
17 number of development projects. We only work for  
18 developers that we believe will implement the plans  
19 that we give them. We're not -- we do far more public  
20 sector work than we do private sector work.

21 My first conversation, and both of the  
22 people I had this conversation with, are still running  
23 the company here locally, about this project. The  
24 understanding was that they would implement our  
25 recommendations.

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1 I mean obviously there's a lot to be  
2 considered. There are a lot of considerations. I'm  
3 not saying every single thing I ever come up with gets  
4 implemented. But will this -- do I have the

5 experience that developer's implement our  
6 recommendations? Absolutely.

7 Q So you feel confident that all of your  
8 recommendations are going to be -- well, the majority  
9 of them.

10 A The ones I've described in this meeting,  
11 yes.

12 MS. DUNNE: I don't have any further  
13 questions.

14 CHAIRMAN LEZY: Dr. Dudley.

15 CROSS-EXAMINATION

16 BY DR. DUDLEY:

17 Q Mr. Charlier, I'm concerned about the narrow  
18 streets that you talk about. How narrow is "narrow"?

19 A Well, we don't know that yet. But Honolulu  
20 in 2004 developed an addendum to their subdivision  
21 standards that shows somewhat narrower streets than  
22 they had traditionally required. And I felt that was  
23 a pretty good piece of work. We have basically been  
24 planning that we would be able to conform to that.

25 Q Okay. The narrow streets can get so narrow

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1 that you can't get a fire engine down them and things  
2 like that. Is that the kind of narrow streets that  
3 we're talking about?

4 A Absolutely not. First of all, the  
5 presumption behind your statement is somewhat

6 misleading. What the research on emergency access  
7 shows is the connectivity is far more consideration  
8 than street widths.

9           Many of the cities around the country that  
10 have adopted narrow streets ordinances, most notably,  
11 Portland, Oregon, because -- I say "most notably"  
12 because there's been an awful lot of research  
13 published on this -- indicate that rarely is street  
14 width the thing that prevents a local fire department  
15 or ambulance service from reaching a destination  
16 within the objective usually three to six minutes or  
17 whatever it is.

18           Street connectivity, blocked streets, poor  
19 access is very often a significant problem. But we  
20 would not -- to answer your question we would not  
21 recommend streets that are too narrow to meet the fire  
22 code standards, the code standards.

23           I have worked nationally with the Congress  
24 for New Urbanism in a long set of meetings with the  
25 International Code Council on the Uniform Fire Code.

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1 And we would not recommend streets that were so narrow  
2 that they could not accommodate emergency services.

3           Q     The streets that you're describing are  
4 they -- if you have traffic parked on one side,  
5 traffic parked on the other side, and there are two  
6 cars coming down, does one have to pull in in order  
7 for the other to come by?

8           A     You're describing what's called a "yield  
9 street." There could be yield streets in Ho'opili. I  
10 would rec -- we typically recommend yield streets  
11 where we can. There are a lot of other factors that  
12 have to be considered.

13                     One of the things that make yield streets  
14 work is the frequency of driveways. The concern you  
15 might have about a yield street is that there would be  
16 a car parked on both sides of the street.

17                     And the driveway, the spacing can obviate  
18 that concern. But I think that's pretty speculative  
19 at this point in time. We have recommended streets  
20 that could be that narrow.

21                     And in situations where we do have short  
22 streets that are cul-de-sacs, or where we have streets  
23 that don't carry traffic for more than four or five  
24 homes, in those locations a yield street is a  
25 perfectly good design.

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1           Q     Okay. The streets that -- the streets that  
2 will be designed and in the project will they be  
3 streets that the City will accept?

4           A     Well, they'll have to be.

5           Q     Don't we have problems here, though, with  
6 projects trying to let the city take over their  
7 streets?

8           A     I don't know about that. Our plan has been

9 to have these streets be public streets.

10 Q The narrow streets that you're describing,  
11 in your experience over the years that you've been  
12 working --

13 A Right.

14 Q -- do they tend to bring down the value of  
15 property?

16 A No. The opposite. The opposite. The idea  
17 behind super wide streets and cul de sacs is largely a  
18 failed idea. You've seen the literature I'm sure,  
19 because I know you read a lot, about the failures of  
20 suburban development patterns and so forth.

21 The idea was to add value to homesites from  
22 having really wide streets that were disconnected and  
23 confusing and hard to get down so that nobody drove on  
24 anybody else's street.

25 That largely hasn't worked. And what we

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1 find now, especially in part because people have  
2 learned from that experience, but also in part because  
3 we have a different home buying population in today's  
4 world.

5 We're finding that what we referred to  
6 earlier as new urban streets are, in fact, more  
7 marketable than traditional suburban streets. And  
8 that property values are much higher, especially in  
9 walkable neighborhoods. The research on that over the  
10 past couple years has been really compelling.

11 MR. DUDLEY: Okay. Thank you.

12 THE WITNESS: Thank you.

13 CHAIRMAN LEZY: Redirect?

14 MS. KUWAYE: No redirect.

15 CHAIRMAN LEZY: Commissioners, questions?

16 Commissioner Heller.

17 COMMISSIONER HELLER: Yes. Just one quick  
18 point I wanted to clarify. You talked about low speed  
19 streets and the fact that they were more desirable  
20 when you had bicycles and cars on the same street.

21 Are you talking about bicycles actually  
22 sharing traffic lanes with the cars? Or are you  
23 talking about a bike lane next to a traffic lane?

24 THE WITNESS: Well, we recommended bike  
25 lanes on the collectors and arterials and mixed

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1 traffic on the low speed street. So the bicycles on  
2 those very low speed neighborhood streets would be  
3 mixed traffic. That's the way it is in my town.  
4 That's the way it is across most of the country.

5 COMMISSIONER HELLER: Then there would be  
6 separate bike lanes on the bigger arterial streets.

7 THE WITNESS: On the collectors and  
8 arterials. Yes, sir.

9 COMMISSIONER HELLER: Thank you.

10 CHAIRMAN LEZY: Additional questions? Thank  
11 you, sir. Thank you.

12 THE WITNESS: Thank you.

13 CHAIRMAN LEZY: Petitioner, I understand  
14 that's your final witness for today, is that correct?  
15 Anything we need to discuss before we adjourn?  
16 Hearing nothing, thank you. We're adjourned.

17

18 (The proceedings were adjourned at 3:30 p.m.)

19 --oo00oo--

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1 C E R T I F I C A T E

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3 I, HOLLY HACKETT, RPR, CSR in and for the State  
4 of Hawai'i, do hereby certify;

5 That I was acting as court reporter in the  
6 foregoing LUC matter on the 21st day of October  
7 2011;

8 That the proceedings were taken down in  
9 computerized machine shorthand by me and were  
10 thereafter reduced to print by me;

11 That the foregoing represents, to the best  
12 of my ability, a true and correct transcript of the  
13 proceedings had in the foregoing matter.



14

15 DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2011

16

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19 \_\_\_\_\_

20 HOLLY M. HACKETT, RPR, CSR #130  
21 Certified Shorthand Reporter

22

23

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