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LAND USE COMMISSION

STATE OF HAWAI'I

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TRANSCRIPT OF PROCEEDINGS

The above-entitled matters came on for a Public Hearing and Action at KE ALAHELE DONALD G. MALCOLM CENTER, 1305 North Holopono Street, Suite 1, Kihei, Maui, Hawai'i, commencing at 11:00 a.m. on July 25, 2013, pursuant to Notice.

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

## A P P E A R A N C E S

## COMMISSIONERS:

RONALD HELLER, CHAIR  
CHAD McDONALD, VICE CHAIR  
SHELDON R. BIGA  
DENNIS ESAKI  
LANCE M. INOUE  
ERNEST MATSUMURA  
CAROL TORIGOE

EXECUTIVE OFFICER: DAN ORODENKER

CHIEF CLERK: RILEY HAKODA  
STAFF PLANNER: BURT SARUWATARI  
DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A84-585 Maui Economic Development Board,  
Inc.

For the Petitioner: BENJAMIN MATSUBARA, ESQ.

For the County: JAMES GIROUX, ESQ.  
Deputy Corporation Counsel  
WILL SPENCE, Planning Drtr.

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
RODNEY FUNAKOSHI, OP  
Office of Planning

## A P P E A R A N C E S (cont'd)

Docket No. A10-787 MAUI R&T PARTNERS, LLC

For the Petitioner: BENJAMIN MATSUBARA, ESQ.  
WYETH MATSUBARA, ESQ.  
CURTIS TABATA, ESQ.

For the County: JAMES GIROUX, ESQ.  
Deputy Corporation Counsel

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
RODNEY FUNAKOSHI,  
Office of Planning

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1 CHAIRPERSON HELLER: Okay. Let's get  
2 started, call the meeting to order. The first order  
3 of business is the adoption of minutes. Is there a  
4 motion?

5 COMMISSIONER BIGA: So moved.

6 COMMISSIONER MATSUMURA: Second.

7 CHAIRPERSON HELLER: Any discussion? All in  
8 favor? ("aye") Any opposed? Thank you.

9 The next order of business is the  
10 tentative meeting schedule. Mr. Orodenger, would  
11 you update us, please.

12 MR. ORODENKER: Thank you, Mr. Chair.  
13 August 8th and 9th we are again here on Maui for Maui  
14 Marriott Courtyard for continued hearings on the Maui  
15 R&T. August 22nd, 23rd: On August 22nd we are on  
16 O'ahu for the Halekua Development Corporation Motion  
17 to Amend.

18 August 23rd we have formal presentations  
19 by OEQC, Commission on Water Resource Management and  
20 the State of Hawai'i Preservation Division.

21 On September 5th and 6th, once again here  
22 on Maui, Kahului, CMBY Investment, Maui R&T  
23 continued hearings.

24 On September 18th and 20th we will be at  
25 the HCPO at the Keauhou Bay Sheraton on Kona.

1           On September 18th we will be having a  
2 hearing on our Administrative Rules which is not a  
3 Commission hearing, but the Commissioners are  
4 welcome to attend.

5           In October back here again on Maui for  
6 Maui R&T, and Kuilima Development Corporation on  
7 O'ahu October 4th.

8           CHAIRPERSON HELLER: Thank you. Next order  
9 of business is Docket No. A84-585. This is an action  
10 meeting on A84-585 Maui Economic Development Board,  
11 Inc. to consider Petitioner's Motion to Consolidate  
12 Hearing with Docket No. A10-787 and Petitioner's  
13 Motion for Order Amending the Amended Findings of  
14 Fact, Conclusions of Law and Decision and Order filed  
15 February 25, 1986.

16           Will the parties please identify  
17 themselves for the record.

18           MR. TABATA: Yes, thank you. Good morning,  
19 Mr. Chair, Members of the Commission. Curtis Tabata  
20 and Wyeth Matsubara and Benjamin Matsubara appearing  
21 on behalf of the Petitioner, Maui R&T Partners, LLC.  
22 Also present to my left is Steve Perkins, the Project  
23 Manager. Thank you.

24           CHAIRPERSON HELLER: Thank you. County?

25           MR. GIROUX: James Giroux on behalf of the

1 Maui Planning Department. With me is Will Spence and  
2 Kurt Wollenhaupt.

3 CHAIRPERSON HELLER: Thank you.

4 MR. YEE: Good morning. Deputy Attorney  
5 General Bryan Yee on behalf of the Office of Planning.  
6 With me is Rodney Funakoshi from the Office of  
7 Planning.

8 CHAIRPERSON HELLER: Thank you. Let me  
9 update the record in this matter. On June 19, 2013  
10 the Commission received Petitioner's Motion for Order  
11 Amending the Amended Findings of Fact, Conclusions of  
12 Law and Decision and Order filed February 25, 1986.  
13 And Motion to Consolidate Hearing with Docket  
14 No. A10-787.

15 On June 28, 2013 the Commission received  
16 the County of Maui's Statement of No Opposition to  
17 both the Petitioner's motions.

18 On July 1, 2013 the Commission received  
19 OP's Statement of No Objection to both of  
20 Petitioner's motions.

21 On July 17, 2013 the Commission mailed the  
22 July 25-26, 2013 agenda notice to the parties and  
23 the statewide and Maui mailing lists; and received  
24 Petitioner's Certificate of Service re: the Motion  
25 for Order Amending the Amended Findings of Facts,

1 Conclusions of Law, and Decision and Order filed  
2 February 25, 1986.

3           These are our procedures for today: We  
4 will first hear individuals desiring to provide  
5 public testimony. All individuals will be called in  
6 turn to our witness box where they will be sworn in  
7 prior to their testimony.

8           After completion of the public testimony  
9 portion of the proceedings the Petitioner will  
10 present its case. Once Petitioner has completed  
11 with its presentation it will be followed in turn by  
12 the County of Maui and the State Office of Planning.  
13 Are there any questions on our procedures for today?

14           MR. TABATA: No questions.

15           MR. GIROUX: County has no questions.

16           MR. YEE: No questions.

17           CHAIRPERSON HELLER: Before we begin  
18 proceedings with the Petitioner's presentation, let me  
19 just make my usual disclosure. I represent taxpayers  
20 in real property tax cases where the adverse party  
21 would be the County. I do have some cases on Maui so  
22 there are some cases where I'm representing parties  
23 adverse to the county of Maui.

24           If anybody has any objection to my  
25 participation on that basis now would be the time to



1 object.

2 MR. TABATA: Petitioner has no objections.

3 MR. GIROUX: County has no objections.

4 MR. YEE: No objection.

5 CHAIRPERSON HELLER: Thank you. Petitioner,  
6 you may begin with your presentation.

7 MR. TABATA: Thank you. If I may, Chair,  
8 I'd like to make use of my visual aids.

9 CHAIRPERSON HELLER: Sure. I'm sorry. Let  
10 me clarify. We're proceeding with the Motion to  
11 Consolidate Hearing first.

12 MR. TABATA: Yes, thank you. Mr. Chair,  
13 members of the Commission, the Petitioner is asking  
14 that you consolidate the evidentiary hearings of two  
15 separate Land Use Commission dockets.

16 The first docket was filed in 1984 and is  
17 identified as A84-585. The second docket was filed  
18 in 2010 and is identified as Docket No. A10-787.

19 In 1984 the Maui Research and Technology  
20 Park was envisioned to be a light industrial park  
21 with an emphasis on technology. I show you now what  
22 has been marked as Petitioner's Exhibit 10, map No.  
23 2. And what this shows is that in 1985 the Land Use  
24 Commission reclassified the property with the urban  
25 areas depicted in the yellow and incremental lands

1 in the blue. Each area was approximately 150 acres.

2 Now I'll show you map 3 of the  
3 Petitioner's Exhibit No. 10. What happened in 1986  
4 was the Commission amended the Findings of Fact  
5 Conclusions of Law and Decision and Order dated  
6 February 25, 1986. And what they did was they  
7 readjusted the urban and incremental lands such that  
8 the urban lands were now located here, with  
9 incremental lands located to the northwest and to  
10 the south.

11 The difference in the acreage is still  
12 approximately 150 acres urban and combined 150 acres  
13 incremental.

14 Since 1986 the Project has been developed  
15 as a traditional light industrial technology park as  
16 you see it today. Our evidence will show that  
17 traditional technology parks are today inflexible  
18 and outdated.

19 People now want to work and live in more  
20 complete walkable communities where you're not  
21 forced to drive long distances for every facet of  
22 your life.

23 So in response to this growing trend the  
24 Petitioner has filed a new Petition with the  
25 Commission in 2010 to reclassify approximately

1 253.05 acres to the Urban District to revise the  
2 Project's Master Plan to include more land and to  
3 include mixed uses so that people can work, live,  
4 and play within the Project.

5 Here we have Petitioner's Exhibit 10, map  
6 1. So the urban area is shown in yellow at  
7 150.032 acres which was reclassified in 1986. And  
8 the new Petition filed in 2010 is shown in green.  
9 The Petition Areas at the south, the east and the  
10 west.

11 Total acreage for the new area for the  
12 agricultural area that we're requesting to be  
13 reclassified to the Urban District is 253.05 acres.

14 So procedurally what we did was we filed a  
15 Motion to Amend the 1984 docket to place the  
16 150.032 acres of existing urban lands in a new  
17 docket number that will allow the mixed uses within  
18 the 150.032 acres.

19 The 2010 docket would include an  
20 additional 253.05 acres of land that would complete  
21 our vision for a more sustainable community and help  
22 increase the number of permanent, high-quality jobs.  
23 The two dockets put together govern the 403.082-acre  
24 Project.

25 This is figure 11 from our Exhibit No. 11

1 which is our Final Environmental Impact Statement.  
2 And this shows the Project as a whole. You've all  
3 seen this this morning. And it shows the employment  
4 center located here, here; the village mixed-use  
5 center located to the north, and residential located  
6 to the northeast and northwest and the Project Area.

7 Now, as we have studied and analyzed the  
8 Project as a whole with all its components, the  
9 evidence required for both dockets is the same.  
10 And we believe the evidentiary record that we are  
11 prepared to present should be efficiently applied  
12 simultaneously to both dockets for the Commission's  
13 consideration.

14 Mr. Chair, would you like me to speak to  
15 the Motion to Amend?

16 CHAIRPERSON HELLER: Let's defer that for  
17 now.

18 MR. TABATA: Thank you. That's all I have  
19 for the first motion.

20 CHAIRPERSON HELLER: County, do you have any  
21 response on the Motion to Consolidate?

22 MR. GIROUX: No.

23 CHAIRPERSON HELLER: OP?

24 MR. YEE: The Office of Planning agrees with  
25 the Motion to Consolidate as this is basically one new

1 Project which incorporates two different dockets. So  
2 since it's a single project it's appropriate to  
3 consolidate both dockets together into a single  
4 proceeding.

5 CHAIRPERSON HELLER: Commissioners, are  
6 there any questions for the parties on the Motion to  
7 Consolidate? Commissioners, what is your pleasure?

8 COMMISSIONER McDONALD: Mr. Chair.

9 CHAIRPERSON HELLER: Yes.

10 COMMISSIONER McDONALD: I move to approve  
11 the Motion for Consolidation of the hearing.

12 CHAIRPERSON HELLER: Thank you. Is there a  
13 second?

14 COMMISSIONER BIGA: Second.

15 CHAIRPERSON HELLER: Any discussion or  
16 comment? Mr. Orodenger, would you check the votes.

17 MR. ORODENKER: Thank you, Mr. Chair. The  
18 motion is approve the Motion to Consolidate.  
19 Commissioner McDonald?

20 COMMISSIONER McDONALD: Yes.

21 MR. ORODENKER: Commissioner Biga?

22 COMMISSIONER BIGA: Yes.

23 MR. ORODENKER: Commissioner Matsumura?

24 COMMISSIONER MATSUMURA: Yes.

25 MR. ORODENKER: Commissioner Torigoe?

1 COMMISSIONER TORIGOE: Yes.

2 MR. ORODENKER: Commissioner Esaki?

3 COMMISSIONER ESAKI: Yes.

4 MR. ORODENKER: Commissioner Inouye?

5 COMMISSIONER INOUE: Yes.

6 MR. ORODENKER: Chair Heller?

7 CHAIRPERSON HELLER: Yes.

8 MR. ORODENKER: Mr. Chair, the motion passes  
9 unanimously.

10 CHAIRPERSON HELLER: Thank you. With regard  
11 to the Motion for Order Amending the Amended Findings  
12 of Fact, Conclusions of Law and Decision and Order  
13 filed on February 25, 1986, if there are no objections  
14 from the Commissioners I would like to defer  
15 presentations and a decision on that motion until the  
16 completion of the hearing on the consolidated case.

17 Any discussion on that? (No response.)  
18 All right. Thank you. Then, we'll move to the next  
19 item on the agenda which is the hearing on A10-787.

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25 xx

1           This is a hearing on Docket No. A10-787  
2 Maui R&T Partners, LLC to Amend the Land Use  
3 District Boundary of Certain lands Situated at  
4 Kihei, Island of Maui, state of Hawai'i, consisting  
5 of 253.05 acres from the Agricultural District to  
6 the Urban District; tax map key nos.(2)2-2-024:016  
7 and 017, and (2) 2-2-002-084(por). Parties, please  
8 identify themselves for the record.

9           MR. TABATA: Curtis Tabata, Wyeth Matsubara,  
10 Benjamin Matsubara appearing on behalf of the  
11 Petitioner.

12           CHAIRPERSON HELLER: Thank you. County?

13           MR. GIROUX: James Giroux on behalf of  
14 County of Maui.

15           CHAIRPERSON HELLER: State?

16           MR. YEE: Deputy Attorney General Bryan Yee  
17 on behalf of the Office of Planning. With me is  
18 Rodney Funakoshi from the Office of Planning.

19           CHAIRPERSON HELLER: Let me update the  
20 record in this docket. On June 23rd, 2012 the  
21 Commission received Petitioner's Petition and filing  
22 fees.

23           On June 29, 2012 the Commission received  
24 Petitioner's notarized affidavit of mailing and  
25 Exhibits A and B.

1           From August 16, 2012 to February 4, 2013  
2 the Commission received correspondence from various  
3 entities regarding the Draft EIS.

4           On March 5, 2013 the Commission received  
5 a copy of the Final EIS and an OEQC publication  
6 form; and sent OEQC its document package for review  
7 and publication in the next available edition of The  
8 Environmental Notice on March 6th.

9           On March 27, 2013 the Commission mailed  
10 the April 4 and 5, 2013 LUC meeting agenda to the  
11 parties and to the statewide, O'ahu, and Maui  
12 mailing lists.

13           On April 4, 2013 the Commission met and  
14 accepted Petitioner's Final EIS. On April 9, 2013  
15 the Commission advised OEQC that the LUC had  
16 accepted the Final EIS.

17           From May 8th to June 19, 2013 the  
18 Commission received Petitioner's First Amendment to  
19 its Petition and Exhibits 10 through 16; second  
20 Affidavit of Service of Petition, Affidavit of  
21 Service re: Petitioner's Petition for District  
22 Boundary Amendment filed June 23, 2010; first  
23 Amendment to the Petition for District Boundary  
24 Amendment filed May 8, 2013 and Errata to First  
25 Amendment to the Petition for District Boundary



1 Amendment filed May 16, 2013.

2 And Maui County Planning Department's  
3 Position Statement.

4 From July 8th to 16, 2013 the Commission  
5 received Petitioner's List of Exhibits, List of  
6 Witnesses, Exhibits 23 through 29, OP's List of  
7 Witnesses, List of Exhibits and Exhibits 1, 3, 4, 7  
8 and 8; Maui County's List of Witnesses, List of  
9 Exhibits and Exhibits 1 through 6. And OP's  
10 testimony in support of the Petition OP Exhibit 2.

11 On July 17, 2013 the Commission mailed the  
12 July 25-26, 2013 agenda. Notice to the Parties and  
13 to the statewide and Maui mailing lists and  
14 received OP's First Amended List of Exhibits,  
15 Amended List of Witnesses, Exhibit 5, and  
16 Petitioner's First Amended List of Exhibits, Amended  
17 List of Witnesses and Exhibits 38 through 48.

18 On July 18, 2013 the Commission received  
19 the County's First Amended List of Exhibits, Amended  
20 List of Witnesses, Exhibits 7 through 10.

21 Mr. Tabata, has our staff informed you of  
22 the Commission's policy regarding the reimbursement  
23 of hearing expenses? If so, could you state your  
24 client's position with respect to this policy.

25 MR. TABATA: We have been so advised and we

1 will comply with the policy.

2 CHAIRPERSON HELLER: Thank you. Let me  
3 describe our procedure for today. First, I will call  
4 for those individuals desiring to provide public  
5 testimony on this matter to identify themselves. All  
6 such individuals will be called in turn to our witness  
7 box where they will be sworn in. A 3-minute time  
8 limit on testimony will be enforced.

9 Then the parties will present their cases  
10 starting with Petitioner followed by the County  
11 Planning Department and the State Office of  
12 Planning.

13 The Chair will also note for the parties  
14 and the public that from time to time I may call for  
15 short breaks. It's the intention of the Chair to  
16 allow presentation up until a reasonable time to  
17 take a lunch break and then reconvene approximately  
18 an hour later.

19 Are there any questions regarding the  
20 procedures for today?

21 MR. TABATA: No questions.

22 CHAIRPERSON HELLER: Okay. Do we have  
23 individuals signed up for public testimony?

24 MR. ORODENKER: Yes, Mr. Chair. We have  
25 Mike Moran followed by Barbara Longo.

1 CHAIRPERSON HELLER: Please come forward.  
2 Please state your name and address for the record.

3 THE WITNESS: My name is Mike Moran, 167  
4 Aha'aina Way in Kihei.

5 MIKE MORAN

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

8 THE WITNESS: I do.

9 CHAIRPERSON HELLER: Please proceed.

10 THE WITNESS: I represent the Kihei  
11 Community Association. First, I would like to express  
12 our thanks to the Commissioners for their service.  
13 This has been kind of like the third point of a  
14 trifecta of hearings that you've done in this little  
15 corridor along here. So Kihei in South Maui has been  
16 a big part of the Land Use Commission the past 18  
17 months. And we want to thank you for what we feel  
18 were wise decisions in the first two, and we certainly  
19 expect you will do the same today.

20 In particular we want to thank you for the  
21 wise decision on the Department of Education, Kihei  
22 High School with the amendment. We feel that was  
23 imperative for the safety of our keiki in South  
24 Maui.

25 On today's matter on the agenda I'd like

1 to say for our community that the R&T park and Steve  
2 has been most cooperative with us. They have  
3 communicated with us extremely well. We certainly  
4 appreciate it. We think they're going about things  
5 in the right way for our community. And we have no  
6 objections to what they're asking for today.

7 Last, I would like to express a personal  
8 mahalo to the Commission for allowing us public  
9 people to use the bus today. I rode here on a  
10 bicycle and that would have been a tough chore to  
11 get out there on the site. Thank you very much for  
12 your service. Aloha.

13 CHAIRPERSON HELLER: Thank you. Parties,  
14 any questions?

15 MR. TABATA: No questions.

16 CHAIRPERSON HELLER: Commissioners, any  
17 questions? Next.

18 MR. ORODENKER: Barbara Longo followed by  
19 Brad Reeves.

20 CHAIRPERSON HELLER: Please state your name,  
21 your address for the record.

22 THE WITNESS: Barbara Longo, 1777 Pi'ilani  
23 Highway, Kihei, Maui.

24 BARBARA LONGO  
25 being first duly sworn to tell the truth, was examined

1 and testified as follows:

2 THE WITNESS: Yes.

3 CHAIRPERSON HELLER: Please proceed.

4 THE WITNESS: Is this the part where you get  
5 to make an objection or approval or is this a what?

6 CHAIRPERSON HELLER: You can tell us  
7 whatever you want to tell us about this Project.

8 THE WITNESS: Okay. I really think that the  
9 land should remain agricultural and not be converted  
10 to development on behalf of the 'aina itself. That's  
11 my opinion because I listen to the land. That's what  
12 I do.

13 I don't have a job in development. My job  
14 has been in the development of a listening ability  
15 to hear the voice of the land. And I'm not  
16 Hawaiian, but I don't see any Hawaiian  
17 representative here. I don't see anyone  
18 representing the island and the spirit of the  
19 island, if you will, although that's not necessarily  
20 why anybody is in this room except maybe for me.  
21 It's not just Maui that I represent. It's the  
22 Earth. So that's my only statement.

23 Also we import all of our food. The USDA  
24 offers many agricultural lands. The land all around  
25 here could be developed to feed the people on this

1 island and bring the cost of living down. This is  
2 very good soil. And I think that people who are  
3 farming the land would probably be working in  
4 alliance with what I consider to be a living being.  
5 I know that sounds really fluffy to a lot of people  
6 who are here to push papers around.

7 I don't see how this Project benefits  
8 anybody on the island in reality only to improve  
9 their own very exclusive standard of living to which  
10 most of the beings on this island who are residents,  
11 whether new residents or old residents, I don't see  
12 how it benefits them in accessing healthy food and  
13 affordable food or how it....I... just don't see  
14 this Project as being openly represented. It seems  
15 to be very, very difficult to access this  
16 information.

17 I don't believe that if many people really  
18 knew about what was happening in this room today, if  
19 they knew I think that they would be physically  
20 present and your list would be full of witnesses.

21 And I think that this is being conducted a  
22 little bit surreptitiously. That's my opinion.  
23 Just an opinion, nothing personal. I'm finished.

24 CHAIRPERSON HELLER: Parties, any questions  
25 for this witness?

1 MR. TABATA: No questions.

2 CHAIRPERSON HELLER: Commissioners, any  
3 questions? (no response) Thank you.

4 MR. ORODENKER: Brad Reeves followed by Gene  
5 Scott.

6 PUBLIC SPEAKER: I have nothing. I'm  
7 Brad.

8 MR. ORODENKER: Ms. Scogg.

9 CHAIRPERSON HELLER: Please state your name  
10 and address for the record.

11 THE WITNESS: Jeannie Scogg, 1305 North  
12 Ho'opono Street, No. 1 Kihei.

13 JEANNIE SCOGG  
14 being first duly sworn to tell the truth, was examined  
15 and testified as follows:

16 THE WITNESS: Yes, I do.

17 CHAIRPERSON HELLER: Please proceed.

18 THE WITNESS: Thank you. Good morning. I'm  
19 Jeannie Scogg, president and CEO of the Maui Economic  
20 Development Board, a non-profit organization. In 1981  
21 the facts before us were sobering, an economy on Maui  
22 driven by agriculture and tourism which we embraced.  
23 We embraced both those engines.

24 However, both were subject to forces out  
25 of our control leaving Maui County with a tenuous

1 economic outlook. Our youth, who are seeking other  
2 opportunities and options, were leaving for  
3 education or opportunities out of Maui and too often  
4 not returning home.

5 In 1982 our community leaders came  
6 together and set a course for diversification into  
7 the technology sectors. We determined that we had  
8 significant competitive advantages, a mountain that  
9 is one of the best -- five best viewing sites for  
10 space in the world, a history of agri-technology,  
11 year 'round growing seasons and a perfect nexus  
12 within the Pacific Rim region.

13 Following careful research of the best  
14 practices of other communities who were  
15 diversifying, our committed public and private  
16 sector leaders created Maui Economic Development  
17 Board to lead the effort toward a new economic  
18 future.

19 MEDB's first priority was to create a  
20 place, zone and classified with the amenities for  
21 technology growth. After 10 years of concerted  
22 effort the Maui Research and Technology Park became  
23 a reality. I was hired 18 months after MEDB was  
24 formed and witnessed firsthand the dedication and  
25 perseverance it took from our community and the



1 park's partnership to make this park not just a  
2 reality but also a place that's fulfilling our goal  
3 of providing new options for our children.

4 MEDB has worked aggressively to support  
5 the vision of the park's founders. We meet  
6 regularly with new companies and existing companies  
7 who want to expand to help them navigate and thrive  
8 in Maui County.

9 Best practices and diversification,  
10 especially in the technology sectors, requires a  
11 strong pipeline that equips our students with the  
12 skilled demanded by these sectors. Our pipeline  
13 strategy in building and nurturing these science,  
14 technology, engineering and math skills begins at  
15 the elementary level and continues through to career  
16 placement.

17 Our strategy also includes educating our  
18 educators, strengthening *their* ability to teach math  
19 and science more effectively.

20 We reach over 13,000 students and teachers  
21 annually countywide through our programs. We bring  
22 about 500 of them into the park every year for job  
23 shadowing, mentoring and other hands-on experiences  
24 and interactions with activities and companies in  
25 the park.

1           It's paying off. The park's founders had  
2 the foresight to include robust connectivity in the  
3 park. That has been an important factor in our now  
4 having a vibrant cluster of information technology  
5 companies and activities in the park. And those  
6 companies are hiring residents.

7           About 30 percent of those residents are  
8 kama'aina which we define as those students with  
9 Hawai'i high school diplomas; kama'aina returning  
10 home for careers and lives that would not have been  
11 possible here 30 years ago.

12           This request by the Maui R&T Partners will  
13 enable the park to move into its next phase and more  
14 importantly build on the momentum set in place over  
15 30 years ago by our community. Thank you.

16           CHAIRPERSON HELLER: Thank you. Parties,  
17 any questions?

18           MR. YEE: I have a quick question. You  
19 spent much of your discussion about the importance of  
20 technology, high tech for the economy. Do you also  
21 support -- but you also support their effort for this  
22 second phase, correct?

23           THE WITNESS: Yes, we do.

24           MR. YEE: As part of that support for the  
25 second phase do you also support eliminating the

1 restriction on uses to high tech? Currently, right,  
2 there's a restriction on use to high tech property,  
3 high tech uses, correct?

4 THE WITNESS: Yes.

5 MR. YEE: So do you support the elimination  
6 of that use? The elimination of that restriction on  
7 use?

8 THE WITNESS: Uhm, we -- we were a major  
9 partner in the park in the beginning. And way back  
10 when we started we recognized that other uses were  
11 very important to the park, not, not just because of  
12 the life in the park and what that would engender, but  
13 also because from an economic point of view other  
14 types of uses were going to be necessary to make the  
15 technology part of it go. So we support a broad array  
16 of uses.

17 MR. YEE: Thank you.

18 CHAIRPERSON HELLER: Commissioners, any  
19 questions?

20 COMMISSIONER MATSUMURA: Question. How many  
21 new companies, start-up companies, within the last two  
22 years that you've seen in the park?

23 THE WITNESS: Our understanding because of a  
24 new federal program that came into the park about two  
25 and-a-half years ago called: The Joint Information

1 Technology Center, just from that activity alone about  
2 20 companies have been formed and created in the past  
3 in fact, about year, year and-a-half.

4 COMMISSIONER MATSUMURA: Of the companies  
5 that have started up, how many local companies that  
6 has been incubated here?

7 THE WITNESS: I don't have the exact number.  
8 But through that program they required the companies  
9 to start up here and form local partnerships  
10 especially with native Hawaiian organizations or  
11 otherwise called NHOs.

12 COMMISSIONER MATSUMURA: So you just  
13 mentioned that were like 13,000 students visiting the  
14 area. What percentage of them do you feel might be  
15 able to come back to the park and become entrepreneurs  
16 and start SNT programs?

17 THE WITNESS: Just a correction on that  
18 number. MEDB serves 13,000 a year. And we bring  
19 about 500 of them into the park every year. So back  
20 to your question. You know, our hope is -- we're just  
21 giving them the skills they need. And that at least  
22 gives them the opportunity to be considered for these  
23 jobs.

24 Through anecdotal information we have seen  
25 that they have been hired by the companies here.

1 Frankly, the companies here want to hire local, so  
2 to speak, because that is the best way they can  
3 assure the employees they hire will stay on Maui,  
4 they understand what it's like to live on an island,  
5 what you live with and what you live without.

6 So the longevity for that type of employee  
7 is much greater if they can hire local.

8 COMMISSIONER MATSUMURA: You mentioned  
9 30 percent kama'aina or locals were hired.

10 THE WITNESS: Right.

11 COMMISSIONER MATSUMURA: Was that a target  
12 that you reached the 30 percent?

13 THE WITNESS: No. Our target is higher.  
14 But when we started aggressively with our workforce  
15 and education program we did do an assessment. And at  
16 that point there was 1 percent in the park that were  
17 kama'aina as we defined it. So having achieved  
18 30 percent in just that period of time is very  
19 exciting to us.

20 COMMISSIONER MATSUMURA: So that period of  
21 time is again?

22 THE WITNESS: From 1999 when we first did  
23 the assessment.

24 COMMISSIONER MATSUMURA: Thank you.

25 CHAIRPERSON HELLER: Commissioners, anything

1 else? Is there anyone else present who wishes to  
2 present testimony today? Okay. In the back? Please  
3 state your name, your address and proceed for the  
4 record.

5 THE WITNESS: Gene Zaro, 22 Ulunui Place,  
6 Pukalani, Maui, Hawai'i.

7 GENE ZARO

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

10 THE WITNESS: Yes.

11 CHAIRPERSON HELLER: Please proceed.

12 THE WITNESS: Good afternoon, Commissioners.  
13 Thanks for coming out and hearing our case here. I am  
14 the CEO of South Maui Learning 'Ohana, a 501C.3  
15 organization that originally a long time ago partnered  
16 with MEDB and many other great organizations on the  
17 island. South Maui Learning 'Ohana owns property in  
18 the Maui Research and Tech Park.

19 I am also the Chair of the Kihei Charter  
20 School Governance Board. And it is the desire of  
21 the South Maui Learning 'Ohana to establish a  
22 permanent campus for Kihei Charter School in this  
23 Maui Research and Tech Park.

24 Kihei Charter School is in its XIII year  
25 starting Monday. And it's an award-winning public

1 school. However, it has been under the burden of  
2 month-to-month leases and leasehold property issues  
3 which mean rent and all these other expenses. So  
4 South Maui Learning Ohana's efforts to build a  
5 permanent home here up at the tech park is something  
6 we need to be assured of Kihei Charter School's  
7 existence in the future.

8 The things about the tech park, we're here  
9 not necessarily because of the way the tech park is  
10 today, but we hope we are going to be part of the  
11 way the tech park is going to be tomorrow.

12 The aspects of the changes in this Project  
13 make the move for Kihei Charter School attainable.  
14 We beat some of the changes. In order to be  
15 feasible we need to be able to build a three-story  
16 building, 12,000 square feet; 36,000 square feet  
17 total. A little bit of help on the height, which I  
18 believe is one of the aspects of this request, would  
19 be very helpful. We could do without it, but it  
20 would be better if we had it.

21 Being able to have the opportunity to be  
22 part of a growing community, we're not here to  
23 isolate our students in a light industrial park. We  
24 are here to be the cornerstone of education in this  
25 park for the community that's coming.

1           It is also our hope that as this community  
2 evolves and matures, that we will be able to bring a  
3 middle school element. Right now I'm speaking about  
4 the Kihei Charter School maybe 8 through 12. We're  
5 also hoping to bring in the middle school or the  
6 whole K-8 program as this Project develops and that  
7 mixed-use center that you saw on the graph, there's  
8 a home there for another educational facility which  
9 we hope to be able to.

10           Also the fact that we would be able to  
11 benefit by the setback reductions. We all know that  
12 bringing the property closer to the sidewalk creates  
13 a much more interesting way of walking around the  
14 neighborhood, but it also creates a user friendly --  
15 for a school it's a more user friendly design  
16 because we will be able to not only access the  
17 building from the front, but we will also be able to  
18 consolidate all of the open space behind the  
19 building where we would have parking and open field.  
20 So we need that kind of setback to be changed for  
21 our benefit.

22           CHAIRPERSON HELLER: Can you please sum up.

23           THE WITNESS: Yes, I will. And I wanna  
24 bring up one more aspect. Right now Kihei Charter  
25 Schools High School operates mauka of Pi'ilani Highway



1 in the Kihei Commercial Center. The advantage of  
2 moving our facility to the tech park is an advantage  
3 to the entire community of Kihei because right now all  
4 of our students commute from the most extreme end of  
5 Kihei to the other extreme end.

6 Giving us a more central location in a  
7 much better facility would be a benefit to the  
8 entire community.

9 One last point. The usage restrictions  
10 on the property. We opened up a STEM middle school  
11 here about six years ago. And I actually had to get  
12 a change or had to get my usage accepted by the Maui  
13 Planning Commission to open up a technology-driven  
14 middle school up at the tech park.

15 So it would be really helpful to have the  
16 usage restrictions eliminated so that I don't have  
17 to apply for a change to bring a high tech public  
18 school to a community like this. But I could go on  
19 but I appreciate the time constraints and I  
20 appreciate your time. Thank you.

21 CHAIRPERSON HELLER: Parties, any questions?  
22 Commissioners, any questions? Yes.

23 COMMISSIONER BIGA: What is the population  
24 right now in your school?

25 THE WITNESS: Our school has grown from 60

1 students to 600 students with a waiting list in the  
2 last 12 years.

3 COMMISSIONER BIGA: Thank you very much.

4 THE WITNESS: That's spread out K through  
5 12.

6 COMMISSIONER BIGA: Okay. Thank you.

7 CHAIRPERSON HELLER: Yes.

8 COMMISSIONER MATSUMURA: Short question.  
9 What is your timeframe as you see your projection as  
10 this new community, S&T community that you want to  
11 develop?

12 THE WITNESS: Well, my particular timeframe  
13 is we are in the loan application process right now  
14 with USDA. It's been put in a priority position in  
15 order to design and build. And I'm looking at a  
16 three-year occupancy. Does that answer your question?

17 COMMISSIONER MATSUMURA: Well, that I think  
18 a portion of it. How do you see the total industrial  
19 park and what you're trying to achieve, what timeframe  
20 to reach that objective?

21 THE WITNESS: Well, we're already an  
22 established public school so we'll be here. Our  
23 families are here and they're gonna come. What I'm  
24 hoping for is that as we evolve and mature and build  
25 our organization to be even more award winning, the

1 community will develop around it. And as the  
2 community develops there will be the internship  
3 possibilities and the workforce and the career paths.  
4 So I suspect 10 years from now we'll be -- our points  
5 may converge.

6 COMMISSIONER MATSUMURA: Thank you.

7 CHAIRPERSON HELLER: Anything else? Thank  
8 you. There was someone else who wanted to provide  
9 public testimony. Come forward, please. Please state  
10 your name and address for the record.

11 THE WITNESS: Good morning. My name is  
12 Bruce U'u, 249 Kupa'a Street, Paia, Maui on the other  
13 side.

14 BRUCE U'U  
15 being first duly sworn to tell the truth, was examined  
16 and testified as follows:

17 THE WITNESS: Yes, I do.

18 CHAIRPERSON HELLER: Please proceed.

19 THE WITNESS: Thank you. I'm here in support  
20 of the land reclassification. I think it's a need for  
21 Maui County. I support it for a lot of reasons, but  
22 the biggest reasons would be for housing opportunities  
23 and job creations. And living here we all understand  
24 how tough it is to make a living on an island.

25 And in reading the Honolulu Advertiser it

1 stated it cost an average family -- you need to make  
2 70,000 a year to earn a modest living. And as I  
3 looked at the cost of the rent they had, it wasn't  
4 even for homeownership. So I think it's skewed  
5 because it put down 1300 for rent. And to own a  
6 home it's a lot more than that. So 70,000 is really  
7 a low number. I think we need job opportunities.  
8 This one will provide much needed opportunities for  
9 our kids.

10 Also in reading the paper, which is a lot  
11 of bad news, the average age for a person working at  
12 a fast food restaurant is 27. Rude awakening  
13 because that's a lot of 'em in high school. So more  
14 so we need -- it's a balancing act between surviving  
15 and sustaining to live in the island with enough  
16 assets to sustain the living here.

17 Even my daughter's looking at moving. I  
18 mean 70,000? We're not making it here. So I'm so  
19 proud of the fact that they got the 30 percent here  
20 kama'aina. We desperately need this opportunity.  
21 That's what I look at it as an opportunity. It was  
22 initiated back when Pandiaguchi (sic) talked to  
23 Senator Inouye where they come up with something,  
24 and this is the vision they had, of some type of  
25 employment to off-set and diversify because we're

1 too stringent upon construction and tourists. That  
2 was their vision. This is still part of the vision  
3 that we're looking for Maui to supplement the  
4 economy which is needed here.

5 My last thing, I'll be quick. I really  
6 hope that you guys, the Commission, and the people  
7 here can come to terms with some of the conditions  
8 and make it where this Project moves forward. I  
9 haven't read through all the conditions, but I'm  
10 hoping that some balance can be created to fully  
11 support this Project because it is much needed for  
12 the Maui community. Thank you.

13 CHAIRPERSON HELLER: Parties, any questions?  
14 Commissioners, any questions? Yes.

15 COMMISSIONER BIGA: Brother Bruce, as far as  
16 work opportunities and, you know, we're all for, of  
17 course, having our residents and our kama'ainas to  
18 work here to afford for our children. I agree with  
19 you for our children to stay here and work here.

20 Has there been talks of utilizing the work  
21 force under the local level as far as projects like  
22 this?

23 THE WITNESS: You know, Commissioner Biga,  
24 good question. Yeah. And so far they've been hiring  
25 a lot of local people to do the construction work

1 within the Project as it is now. So it supplies a  
2 short-term construction jobs for the local people.  
3 And hopefully with the 30 percent the longterm. Yes,  
4 it does.

5 COMMISSIONER BIGA: Okay. Thank you.

6 CHAIRPERSON HELLER: Thank you. Anything  
7 further?

8 THE WITNESS: Thank you for your time.

9 CHAIRPERSON HELLER: Is there anyone else  
10 present who wishes to provide public testimony? Then  
11 that concludes the public testimony portion of this  
12 hearing.

13 Mr. Tabata, let's turn to the exhibits.  
14 Can you describe the exhibits you wish to have  
15 admitted into the record.

16 MR. TABATA: Yes, Mr. Chair. The Petitioner  
17 is offering Exhibits 1 through 48. And we have  
18 submitted our first Amended List of Exhibits, has been  
19 served on the Commission and parties. Would you wish  
20 me to read every exhibit? We would offer 1-48 into  
21 evidence, Mr. Chair.

22 CHAIRPERSON HELLER: Okay. 1 through 48 are  
23 offered. County, any objections?

24 MR. GIROUX: No objections.

25 CHAIRPERSON HELLER: OP?

1 MR. YEE: No objection.

2 CHAIRPERSON HELLER: Any of the  
3 Commissioners have questions? Exhibits 1 through 48  
4 will be admitted.

5 MR. TABATA: Thank you.

6 CHAIRPERSON HELLER: Maui County, do you  
7 have exhibits?

8 MR. GIROUX: Yes, we do. We'd like to offer  
9 our Exhibits 1 through 6 and also 7 through 10. And  
10 just filed this morning Exhibit 11, the resumé of Nali  
11 Yagan, (sp) the engineer for Public Works.

12 CHAIRPERSON HELLER: So you're offering 1  
13 through 11.

14 MR. GIROUX: 1 through 11.

15 CHAIRPERSON HELLER: OP?

16 MR. TABATA: No objections.

17 MR. YEE: No objection.

18 CHAIRPERSON HELLER: Commissioners, any  
19 questions on those exhibits? County's Exhibits 1  
20 through 11 are admitted. Mr. Yee, could you describe  
21 OP's exhibits.

22 MR. YEE: The Office of Planning would  
23 submit OP Exhibits 1 through 5 and 7 and 8. OP  
24 Exhibits 6 and 9 were withdrawn because they were  
25 related to a CWRM witness which we have also

1 withdrawn.

2 CHAIRPERSON HELLER: So you're offering 1  
3 through 5, 7 and 8.

4 MR. YEE: Correct.

5 CHAIRPERSON HELLER: Are there any  
6 objections?

7 MR. TABATA: No objections.

8 MR. YEE: No objection.

9 MR. GIROUX: No objection.

10 CHAIRPERSON HELLER: Commissioners, any  
11 questions on any of those exhibits? Okay. OP's 1  
12 through 5 and 7 and 8 are admitted. Mr. Tabata, do  
13 you have a first witness?

14 MR. TABATA: Yes, Mr. Chair.

15 CHAIRPERSON HELLER: Approximately how long  
16 do you anticipate?

17 MR. TABATA: Fifteen to 20 minutes. And  
18 that witness will be handled by Benjamin Matsubara.

19 CHAIRPERSON HELLER: Okay. Why don't we go  
20 ahead with that witness and then we'll see where we  
21 are in terms of a break.

22 MR. TABATA: Thank you.

23 MR. MATSUBARA: Our first witness this  
24 morning will be Steve Perkins.

25 xx



1 STEVE PERKINS

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

4 THE WITNESS: I do.

5 CHAIRPERSON HELLER: Please proceed.

6 MR. MATSUBARA: Mr. Chair, just as a short  
7 housekeeping matter, I passed out a list this morning  
8 for the benefit of the Commission and the parties. It  
9 lists the witnesses we're calling by name in the first  
10 column, the date they plan to testify, the subject  
11 matter each witness will be testifying on, and the  
12 exhibit number of their written testimony which we  
13 have provided to the Commission and the parties.

14 So it should make it easier to know the  
15 order of the witnesses we are presenting and what  
16 they will be testifying on.

17 For purposes of the two days of hearings  
18 you've scheduled, we have 10 witnesses scheduled  
19 today and five tomorrow. The 16th witness is the  
20 only witness of ours who's currently out of state.  
21 So we're going to have him come back for the August  
22 hearing if that was necessary.

23 We have had the benefit of the cooperation  
24 of the Maui County Planning Department and the  
25 Office of Planning in regard to the processing of

1 this Application. So although we've scheduled all  
2 of these witnesses, the Office of Planning and Maui  
3 County have waived cross-examination of, well, most  
4 of the witnesses.

5 But the witnesses are here today in the  
6 event the Commission has any questions based on the  
7 written testimony that the witnesses have provided  
8 to you and the parties.

9 So with that housekeeping done I'll move  
10 on to the first witness.

11 MR. YEE: I'm sorry. Chair, if I could just  
12 interrupt. I was wondering if you wanted to go  
13 through those witnesses that are to be waived and then  
14 to allow the Commission, perhaps, to say whether or  
15 not they have any questions. And if not then you  
16 could let your witnesses go so they don't have to come  
17 back after lunch.

18 MR. MATSUBARA: Thank you very much,  
19 Mr. Yee. That's very helpful.

20 CHAIRPERSON HELLER: Why don't you go ahead  
21 and tell us the ones where cross-examination is being  
22 waived.

23 MR. MATSUBARA: Office of Planning is  
24 willing to waive cross-examination of Barry Neal,  
25 that's the fourth person listed, Bruce Plasch, Kimokea

1 Kapahulehua, he's the cultural witness; John Vuich,  
2 V-u-i-c-h, Thomas Holliday -- you'd have to go to the  
3 second page for that -- Robert Hobdy, Shahin Ansari,  
4 Ling Ong, and Mike Dega. That's the Office of  
5 Planning.

6 And I believe Maui County Planning has  
7 waived cross-examination of all of the witnesses  
8 since they have the benefit of the written  
9 testimony.

10 MR. GIROUX: That is correct.

11 MR. YEE: That's also correct regarding OP.

12 CHAIRPERSON HELLER: Since the Commissioners  
13 may need a little bit of time to think about whether  
14 or not they have any questions for these people, we'll  
15 come back to that later, but I appreciate you letting  
16 us know right now.

17 Why don't you proceed with your witness.  
18 Commissioners, if you could think about whether or  
19 not you're going to have questions for any of those  
20 individuals. If there are some where we won't have  
21 questions perhaps we could let them leave. Please  
22 proceed.

23 xx

24 xx

25 xx

## DIRECT EXAMINATION

BY MR. MATSUBARA:

Q Would you state your name and business address for the record, please.

A Steve Perkins, 1301 North Holopono Street, suite 201 in Kihei.

Q And you are the Project manager, Mr. Perkins, for the Maui Research and Technology Park?

A That's correct.

Q Pursuant to our request you prepared written testimony which we've marked as Exhibit 28, did you not?

A Yes, I did.

Q We've circulated this and filed it with the Commission as well as the parties. Before you get into summarizing your testimony could you give us a little background in regard to your involvement with the Maui Economic Board as well the Research and Technology Park?

A Certainly. I'm employed by Pacific Rim Land which is the real estate development sister company to Goodfellow Brothers, the heavy civil contractor. They've been here for a number of years since the mid '70s. For the past five years I've worked on this

1 Project, updated the R&T Master Plan along with our  
2 consultants.

3 Prior to that I was program director with  
4 the Maui Economic Development Board for eight years.  
5 Among other duties I was the owner's representative  
6 for the design, construction, financing and leasing of  
7 this building as well as dealing with business  
8 attraction, retention and expansion. Not always but  
9 most of the time it had to do with the Maui Research  
10 and Technology Park.

11 Q So it's a 12-year relationship with the park  
12 beginning with the Maui Economic Development Board.

13 A I've resided on Maui here in Kihei with my  
14 family for that period of time. And for that entire  
15 time I've worked here in the park on these issues.

16 Q Thank you. Could you summarize your written  
17 testimony.

18 A Certainly. And I have a few slides.  
19 Hopefully, I won't be too redundant of our site visit  
20 earlier, but I will summarize that. As we heard in  
21 some of our other testimony the concept for the park  
22 goes back to the early '80s. And it came out of a  
23 community concern from our elected officials as well  
24 as the community and business leaders.

25 And while the park is privately owned, I

1 want to clarify that there has been a good deal of  
2 government support that went into the park over its  
3 history. I believe Senator Inouye was mentioned in  
4 some of our public testimony. We've had great support  
5 at the state and the county level as well in  
6 investments in and projects such as the Maui High  
7 Performance Commuting Center, and the Maui Research &  
8 Technology Center.

9           We have over 24 companies and over 400  
10 employees here in the park. These companies are  
11 associated with a number of high technology niches  
12 including space situational awareness, adaptive  
13 optics, high performance computing, software  
14 development, and other unique information technology  
15 and information fusion projects.

16           As was mentioned in testimony we expect  
17 growth from additional projects in the pipeline. Of  
18 note is the Joint Information Technology Center  
19 Project which is up to \$300 million in size and will  
20 span a number of years. And we've seen that start to  
21 grow. And the folks in the park are very excited  
22 about that. It has a lot of employment opportunities  
23 for folks that were born and raised here on the  
24 island.

25           While we've made a significant amount of

1 progress here, the current development program does  
2 have its challenges. That's drove the need for an  
3 update in our Master Plan. Some of those challenges  
4 include an almost unheard of 2-acre minimum lot size.

5 If you to go out in front of this building  
6 you'll notice a very large setback between the road  
7 and the building. It's a 60-foot minimum. You have  
8 to have a 250-foot minimum lot frontage, 25-foot  
9 landscape setbacks. And you can have no more than 35  
10 percent lot coverage.

11 At the time the program was well considered  
12 and well thought out, but after 25 years of progress  
13 it's time to re-evaluate and see what's gonna work  
14 better for the park and update things.

15 Our uses here on the park are very narrow.  
16 We've covered by a county ordinance 19.33. Part of  
17 our package as it moves through the process here it's  
18 an update of that, our planner will talk about later.

19 Very few onsite amenities. Construction is  
20 expensive due to some of the restrictions placed by  
21 the ordinance and the development restrictions.

22 It's been frustrating at times over the  
23 years to work with companies that have started up in  
24 the park with a few employees and get to the size  
25 where they have a little wherewithal and they're going

1 to take off. And then to see them pack up and move  
2 because they're not able to find appropriate space in  
3 the park.

4 I can think of three entities off the top of  
5 my head, H. New Photonics, Treks Enterprises and TC  
6 Kokua, all three of them started up in the park, were  
7 going concerns here and they've moved o other places  
8 on Maui. It's important, with my economic developer  
9 hat on, you have these companies together. And we  
10 have opportunities for all sizes and types of these  
11 sector businesses here on site rather than scattered  
12 about. There's synergies that are had by having these  
13 types of folks in close proximity to each other.

14 You'll see as we've seen in other  
15 circumstances with companies where they will spin off  
16 additional companies. If I'm forgetting about my  
17 slides here my apologies.

18 So we look at these challenges and we've  
19 tried to figure out what are we going to do to update  
20 this. We wanted to start by looking at areas that  
21 were working well elsewhere, employment centers where  
22 this type of concept is working elsewhere. Since we  
23 are 25 years in it was a good time to re-evaluate and  
24 look at best practices.

25 So what we did we visited employment centers



1 in five different states in the U.S. mainland, around  
2 15 total, and looked at what was working and what was  
3 not. Through that, through our research we found that  
4 mixed use, housing amenities in close proximity to  
5 places where people worked was a clear trend we  
6 identified with employment centers.

7 This trend was also recognized by the  
8 industry for tech parks, the Association of University  
9 Research Parks.

10 We also found that when we took a look at  
11 the Kihei Community Association's stated goals for  
12 development planning and the then draft Maui Island  
13 Plan, that this was the type of development that  
14 people seemed be calling for and was, you know, going  
15 to be the clear future.

16 So we looked at how best to implement these  
17 findings and an update of our plan for the park. We  
18 looked at a number of firms that specialize in this  
19 type of development. In the end we ended up retaining  
20 world renown urban design firm Calthorpe Associates,  
21 to update the MRTTP Master Plan. They have extensive  
22 experience designing master plans for employment  
23 centers around the world. There's a couple of 'em  
24 that are illustrated there. You'll hear more from a  
25 representative from Calthorpe's office in these

1 proceedings.

2 MR. MATSUBARA: Thank you. That concludes  
3 the direct testimony of Mr. Perkins.

4 CHAIRPERSON HELLER: County, do you have any  
5 questions?

6 MR. GIROUX: No questions.

7 CHAIRPERSON HELLER: OP, any questions?

8 CROSS-EXAMINATION

9 BY MR. YEE:

10 Q Do you have any proposed minimum lot sizes?

11 A Our planner, who has crafted the update to  
12 our ordinance, will be on shortly, Mr. Yee. I don't  
13 believe that there are any minimums.

14 Q Would the planner be the best person to ask  
15 regarding any setback requirements?

16 A Yes.

17 Q With respect to the proposed mix of uses  
18 are those questions better addressed to the planner or  
19 to you?

20 A If it refers to allowable uses that are  
21 allowed by our draft ordinance, yes, sir. The planner  
22 would be the better person to address those. I can  
23 speak generally about those uses. There's still  
24 restrictions on uses. It's not anything goes. It's  
25 not what we're proposing.

1           Q     Let me put it this way.  If you can explain  
2 what are the proposed mix of uses for this Project?

3           A     Housing.  And the housing will be  
4 illustrated -- examples of the housing will be  
5 illustrated by our master planner.  Neighborhoods  
6 serving retail, services that would serve employees in  
7 the park.

8           Q     Is your planner going to go into detail  
9 about these, more detail about these uses?

10          A     We certainly can have her do that, yes.

11          Q     Okay.  Sometimes I don't know who to ask the  
12 question of.

13          A     I certainly understand.  Specifically while  
14 there's other uses allowed, it could be broadly  
15 classified as knowledge industry.  We can -- we're  
16 happy -- we have an exhibit that calls out the  
17 ordinance.  We can go into whatever level detail you'd  
18 like about the uses, sir.

19          Q     Okay.  Let me ask a different set of  
20 questions then.  I take it you're the Petitioner's  
21 representative in this case?

22          A     Yes.

23          Q     Okay.  You're familiar with the Final  
24 Environmental Assessment and the written testimony  
25 submitted for this case?

1           A     Yes.

2           Q     Can you represent that this Project will be  
3     implementing either the mitigation proposals  
4     recommended by your consultants or equivalent or  
5     better mitigation?

6           A     Yes, I can.

7           Q     Have you had a chance to review the Office  
8     of Planning's proposed conditions?

9           A     Yes.

10          Q     Other than the proposed Condition 1, which  
11     relates to the highways, and other than the proposed  
12     Condition 6 relating to an archaeological monitoring  
13     plan, do you have any objections to OP's proposed  
14     conditions?

15          A     No.

16          Q     If I could just represent that OP's proposed  
17     Condition 6 relates to archaeological monitoring. It  
18     was pointed out to us that there is no monitoring that  
19     would be required for this Project. So for your  
20     information we anticipate withdrawing at least that  
21     particular proposed condition.

22                 With respect to proposed Condition 1  
23     regarding traffic, other than the sub-condition  
24     regarding noise, what objections, if any, do you have  
25     to OP's proposed conditions?

1           A     I think that there needs to be further  
2 wordsmithing of the condition in order for it to be  
3 workable by our -- by our team. You know, I  
4 appreciate the opportunity you've provided to our  
5 attorneys to work collaboratively on coming up with a  
6 condition that will work for both sides.

7           Q     Okay. Let me talk conceptually then. Are  
8 you agreeable to providing a revised TIAR to the  
9 Department of Transportation for their approval?

10          A     Yes.

11          Q     Are you willing to fund and provide for the  
12 mitigation for local and direct Project-generated  
13 impacts as set forth in the approved TIAR?

14          A     Yes.

15          Q     And that includes auxiliary lanes on  
16 Pi'ilani Highway as set out in the TIAR, is that  
17 right, if you know?

18          A     I would defer to my traffic consultant on  
19 that. I'm not sure what the definition of an  
20 auxiliary lane would be. We have some additional  
21 turning lanes and so forth. But I would rather have  
22 our traffic expert speak to that.

23               MR. MATSUBARA: Mr. Yee, I guess the  
24 discussion focuses on the evidence that will be  
25 presented during the hearing by our traffic

1 consultant and your Department of Transportation  
2 witness. I imagine after the evidence is on the  
3 record we would be more able to specifically address  
4 the wording as we normally do.

5 So I would just ask that we recognize the  
6 fact that there's no evidence yet by any witnesses  
7 on traffic. I would just request that we defer  
8 finalization of the condition language until we get  
9 to the proposed D&O's.

10 MR. YEE: And I'm not trying to finalize the  
11 language. But at least conceptually I'd like to know  
12 with the points of disagreement are. So if the  
13 language questions certainly there's room to discuss.  
14 But if there's a more fundamental problem then I'd  
15 like to have that identified.

16 I won't talk about the auxiliary lane per  
17 se and I can move on to other aspects.

18 CHAIRPERSON HELLER: Okay. I haven't  
19 actually heard an objection to the question so why  
20 don't you just go ahead.

21 MR. YEE: All right.

22 Q Do you have an objection to providing a fair  
23 share contribution for regional transportation  
24 improvements?

25 A No.

1           Q     Do you have an objection to paying a fair  
2 market value for access rights to Pi'ilani?

3           A     I'd like for that to be further defined.  
4 I'm not prepared to commit to that at this time, sir.

5           Q     Do you have an objection to entering into a  
6 Memorandum of Agreement between Petitioner and DOT  
7 regarding whatever proposed improvements would be  
8 needed?

9           A     No.

10          Q     What is the timing for you as to be  
11 appropriate, if you know, regarding when the TIAR  
12 should be accepted by DOT?

13          A     I don't know as that we're prepared to  
14 discuss that right now.

15          Q     Okay. Regarding the proposed mix of uses  
16 and without getting into detail what those uses are,  
17 are you prepared to say that you'll be  
18 substantially -- that this Project will be in  
19 substantial conformance with that representation  
20 regarding the mix of uses?

21          A     Yes.

22          Q     Would the Project planner be the best person  
23 to ask about the timing of the phases?

24          A     We've prepared a phasing study. We can call  
25 the planner if we're able to. Yes.

1 MR. MATSUBARA: Mr. Perkins will be here  
2 throughout the hearing also, Brian.

3 THE WITNESS: I don't have it, but I don't  
4 have our phasing plan before me, but we have prepared  
5 a phasing plan.

6 MR. YEE: With that I have no further  
7 questions.

8 MR. GIROUX: Chair, I was going to reserve  
9 this for the planner, but I think some of my questions  
10 I might just have to ask the representative if I could  
11 just fill in the blank.

12 CHAIRPERSON HELLER: Go ahead.

13 CROSS-EXAMINATION

14 BY MR. GIROUX:

15 Q Sir, have you seen the Department of  
16 Planning's proposed conditions?

17 A Yes, I have.

18 Q Other than the traffic are there any  
19 objections to those proposed conditions?

20 A Actually I have no objections to any of the  
21 County's, including the traffic.

22 MR. GIROUX: Thank you. No further  
23 questions.

24 CHAIRPERSON HELLER: Commissioners, any  
25 questions? Commissioner McDonald.



1 COMMISSIONER McDONALD: Just a couple quick  
2 questions. What's the total square footage, if you  
3 know, of the existing park?

4 THE WITNESS: The total under roof is five  
5 buildings 180,000 square feet.

6 COMMISSIONER McDONALD: 180,000 square feet.  
7 What is the vacancy rate currently?

8 THE WITNESS: I'm going to -- I'm going to  
9 give you my best guess. I know for a fact that this  
10 building is full, 100 percent occupied. The building  
11 across the street is at 90 percent occupancy. Premier  
12 Place on the corner I'd say on the order of 70  
13 percent. The Super Computing building on the corner  
14 there is a hundred percent. The state building  
15 they're a little lower occupancy. They've had some  
16 substantial tenants move out and they're gearing up to  
17 bring in some other potential projects as I understand  
18 it. But they're little lower. I've stated they're  
19 30 to 40 percent vacancy.

20 And their rear building -- in the rear  
21 building with all the computer equipment in it it's  
22 100 percent occupied.

23 COMMISSIONER McDONALD: Based on the  
24 evidence provided to the Commission it looks like your  
25 development timeframe is out 20 years, is that

1 correct?

2 THE WITNESS: That's correct.

3 COMMISSIONER McDONALD: And you are  
4 requesting -- well, let me put it this way: You folks  
5 are not asking for incremental redistricting for that.

6 THE WITNESS: We are not asking for  
7 incremental. We are asking for the urbanization of  
8 all at once in order to make our Master Plan work as a  
9 complete whole. And our consultant from Calthorpe  
10 will explain how the entire Master Plan works as a  
11 complete entity and why we need that to take place.

12 COMMISSIONER McDONALD: Do you understand  
13 the conditions in our rules that this Commission needs  
14 to consider is that a 10-year development timeframe  
15 limit?

16 THE WITNESS: Yes, sir. I do. We have a  
17 market consultant that's prepared to provide testimony  
18 that it will show that we can absorb within those  
19 timeframes.

20 COMMISSIONER McDONALD: Thank you.

21 CHAIRPERSON HELLER: Yes.

22 COMMISSIONER ESAKI: (off mic) Yes, along  
23 the same lines I have a question, comment. You  
24 mentioned in the old plans in the '80s I think  
25 Mr. Tabata you said it was obsolete. You mentioned

1 something similar. Yet you look at the demand over  
2 the next 24 years to justify the request. And we are  
3 looking at something in the next 10 years. So I see a  
4 little bit disconnect in looking at 24 years ahead to  
5 make your request.

6 THE WITNESS: When we did the projections we  
7 took the new updated plan, which we'll present in our  
8 next presentation, and we applied the filter of our  
9 new ordinance and the new design program to that and  
10 made the projections based off of that.

11 While, again, while it's not a development  
12 free-for-all, it does reduce the currently very  
13 onerous restrictions in the county ordinance that  
14 will allow the uses to expand again with them being  
15 restricted primarily to technology uses.

16 Mr. Holliday will be able to testify to  
17 the market report or absorption.

18 COMMISSIONER ESAKI: I guess, Mr. Chairman,  
19 I'll save the rest of the questions 'til we hear more.

20 CHAIRPERSON HELLER: Thank you. Yes.

21 COMMISSIONER MATSUMURA: I'm a little slow  
22 thinker so maybe you can clarify for me: chicken and  
23 egg kinda problem. You wanna make homes, right?  
24 Subdivisions. Now what's going to come first? If  
25 you're gonna have homes or the jobs? Which means that

1 if you're gonna make subdivisions, sell the land.  
2 They don't have jobs there, you're just gonna have  
3 homes. So how are you going to integrate -- right now  
4 you don't have too many jobs here. So you're gonna  
5 open up a whole bunch of subdivision or whatever  
6 homes. If you sell those homes to people that are not  
7 going to work in the park, how does it benefit the  
8 park?

9 THE WITNESS: You'll see the examples of the  
10 homes that we're trying to have available in close  
11 proximity to the employment. You'll be able to see  
12 graphical representations of how much of the land will  
13 be allocated to employment uses.

14 And the homes are targeted to towards  
15 potential workers in the park over time. We can't  
16 restrict who moves in here. That's true. That's  
17 very true. But the market, the market will decide.  
18 There's a -- we've projected the demand for both the  
19 employment lands as well as the residential. The  
20 hope is that they'll be attractive to folks that are  
21 in the park. Certainly you would have folks that  
22 move in from elsewhere also. But it'd be an  
23 integrated project. Hopefully one wouldn't go  
24 before the other but the market would decide that.

25 COMMISSIONER MATSUMURA: So you're saying

1 the market will kind of dictate the direction more  
2 likely than knowing the state of Hawai'i employments  
3 are very limited, you're going to have more housing  
4 here.

5 THE WITNESS: We have a -- we have a good  
6 base. And we hope to build on that. There's no doubt  
7 it's not going to be easy. But we need, you know --  
8 what we're asking for is an opportunity to try to make  
9 it work, make it work better. I think hopefully I've  
10 given, and through our other testifiers and our site  
11 visit, you have a good sense of where we're at now.

12 What we're asking for is additional tools  
13 to be able to increase that employment. And those  
14 tools what we've seen in other communities is  
15 providing housing and amenities in close proximity  
16 to employment.

17 COMMISSIONER MATSUMURA: Okay. Thank you.

18 CHAIRPERSON HELLER: Commissioners, anything  
19 else? Okay. Thank you.

20 MR. MATSUBARA: If I may just in response to  
21 Commissioner McDonald's request, we have Exhibit 11B  
22 which is the incremental development plan that sets up  
23 the increment and the phases for the development.

24 We submitted an incremental plan pursuant  
25 to the rules where the development will exceed 10

1 years. The incremental plan is required under the  
2 rules in that scenario. But we're requesting a  
3 total reclassification for purposes of the Master  
4 Plan that's going to be proposed by the following  
5 witnesses.

6 So there's that incremental plan included  
7 as 11-P as our Petitioner's exhibit.

8 CHAIRPERSON HELLER: Thank you. Before we  
9 break, Commissioners, have you had a chance to look at  
10 the list of witnesses where cross-examination may  
11 potentially be waived? Commissioners want to  
12 specifically ask any of those people to stay we should  
13 do that. Yes.

14 COMMISSIONER TORIGOE: May I suggest in  
15 light of Commissioner McDonald's line of questioning,  
16 Thomas Holliday from the market assessment be present.

17 CHAIRPERSON HELLER: Okay. Anyone else?

18 COMMISSIONER INOUE: Mr. Chair, yeah, I  
19 don't particularly have any questions in mind, but I  
20 would, just for today, because tomorrow we can look at  
21 others in the back are for tomorrow. So we can think  
22 about those later if we could.

23 But I would like to have the cultural  
24 impacts testifier to be present in case we have any  
25 questions for this afternoon. Other than that I

1 have no other.

2 CHAIRPERSON HELLER: We can arrange to have  
3 those individuals stay?

4 MR. BEN MATSUBARA: Yes, we can. Holliday's  
5 scheduled for tomorrow so he's not here today. He's  
6 scheduled for the 26th. And he's flying in tomorrow.  
7 You'll notice that the witnesses scheduled for  
8 tomorrow begins on the last witness on the first page,  
9 Tom Nance. And the rest of the witnesses listed on  
10 the second page are all scheduled for tomorrow to fly  
11 in except for Michael Dega, the last one. He's out of  
12 state.

13 CHAIRPERSON HELLER: Okay. So you're  
14 proposing that all those witnesses tomorrow would just  
15 appear by written testimony. And cross-examination  
16 would be waived unless the Commissioners want those  
17 individuals present.

18 MR. BEN MATSUBARA: Correct. The only  
19 witness I guess that the parties have an interest in  
20 questioning was Tom Nance. And he's flying in  
21 tomorrow. The rest they have waived cross-examination  
22 on, but we would provide any one of those if the  
23 Commissioners have questions. And if you do we'll  
24 inform them.

25 If you don't need to we can inform them

1 not to fly in tomorrow. But those who you would  
2 like to question are already scheduled to fly in.

3 CHAIRPERSON HELLER: Okay. So for tomorrow  
4 we've had a request that Mr. Holliday be here. Any  
5 others?

6 COMMISSIONER INOUE: For tomorrow none, but  
7 same request for Mr. Dega, but that's way down the  
8 line.

9 MR. MATSUBARA: He's out of state so he's  
10 the witness we're going to have attend in the August  
11 meeting if the Commissioners wanted to ask him  
12 questions since the parties have waived  
13 cross-examination.

14 COMMISSIONER McDONALD: Actually I have a  
15 question for Mr. Yee. You mentioned that one of your  
16 proposed conditions regarding archaeological  
17 monitoring that you folks are withdrawing?

18 MR. YEE: Yeah. Normally in a case you have  
19 sites that require monitoring during construction. In  
20 this particular case I believe all of the sites need  
21 to be identified. None of them needed to be  
22 preserved. Consequently, there's no monitoring plan  
23 that's going to be needed.

24 There is a site off of the Petition Area  
25 in a gulch that needs to be surrounded by tape. You



1 need to inform, you need to sort of semi-train the  
2 construction workers about how to identify an  
3 archaeological site and what do you do if you find  
4 one, et cetera. But we are not recommending, for  
5 example, an archaeologist to be on site. There's no  
6 monitoring plan because there's no sites to  
7 preserve.

8 We frankly didn't -- when that was pointed  
9 out to us we agreed that a condition requiring a  
10 monitoring plan was not necessary because there's no  
11 monitoring to be done.

12 COMMISSIONER McDONALD: And this is in  
13 coordination with State Historic Preservation  
14 Division?

15 MR. YEE: Yes.

16 MR. BEN MATSUBARA: Just additional  
17 clarification. There still is Condition 8 that OP is  
18 requesting that we agree to. Previously unidentified  
19 burials and archaeological historic sites if  
20 encountered during construction work stops. And so  
21 that's still there. But SHPD has cleared this area in  
22 terms of having any significant cultural areas.

23 MR. YEE: We will be looking for some  
24 representations regarding the recommendation of their  
25 experts regarding making sure that the construction

1 workers sort of know what they have to do if they find  
2 something. But that was not a condition we expect we  
3 needed, just the representation which is basically  
4 their consultant's recommendation.

5 CHAIRPERSON HELLER: Anything else,  
6 Commissioners? If not I think this would be an  
7 appropriate time to take our lunch break. Given, I  
8 understand, we have to go offsite to get lunch I think  
9 maybe an hour and 15 minutes and come back at 1:40?

10 MR. MATSUBARA: Thank you.

11 (Lunch recess was held.)

12 CHAIRPERSON HELLER: Let's call the meeting  
13 to order. I believe we're ready for Petitioner's next  
14 witness.

15 MR. WYETH MATSUBARA: Thank you, Chair. At  
16 this time the Petitioner will call John Beutler to the  
17 stand.

18 JOHN BEUTLER  
19 being first duly sworn to tell the truth, was examined  
20 and testified as follows:

21 THE WITNESS: I do.

22 CHAIRPERSON HELLER: Proceed.

23 MR. WYETH MATSUBARA: Thank you, Chair.

24 DIRECT EXAMINATION

25 BY MR. WYETH MATSUBARA:

1           Q     Mr. Beutler, good afternoon. You're  
2 responsible for the preparation of the Maui Research  
3 and Technology Park Master Plan Update Development  
4 Code, which is Petitioner's Exhibit 11Q?

5           A     Yes.

6           Q     And also the sustainability plan which is  
7 Petitioner's Exhibit 11N?

8           A     Yes.

9           Q     You also prepared written testimony and your  
10 curriculum vitae which is Petitioner's Exhibit 30?

11          A     Yes.

12          Q     You also prepared a PowerPoint presentation  
13 which is found on Petitioner's Exhibit 31, correct?

14          A     Yes.

15          Q     Your CV describes your qualifications and  
16 experience in urban design, planning and sustainable  
17 development?

18          A     Yes.

19               MR. WYETH MATSUBARA: At this time  
20 Petitioner requests Mr. Beutler be admitted as an  
21 expert witness in the field of urban design, planning  
22 and sustainable development.

23               CHAIRPERSON HELLER: Any objections or voir  
24 dire?

25               MR. GIROUX: No objection. No objection.

1 MR. WYETH MATSUBARA: Thank you.

2 CHAIRPERSON HELLER: He will be accepted as  
3 an expert.

4 MR. WYETH MATSUBARA: Thank you, Chair.

5 Q Mr. Beutler, could you please summarize your  
6 testimony.

7 A Thank you. Yeah, I'd like to show the  
8 PowerPoint as a way to summarize my testimony. Just  
9 to introduce myself I'm John Beutler. I've been at  
10 Calthorpe Associates as a master planner for the last  
11 13 years. I'll be presenting our work today on the  
12 plan.

13 We did the master plan for the tech park,  
14 and a local planning firm did the actual code writing.  
15 So if questions come up. There were some questions  
16 about who to ask questions before, but we did the  
17 overall Master Plan.

18 I don't know if I can point on this thing  
19 (indicating PowerPoint screen) If you know the site  
20 here, so we are here. (laughter) If you're looking at  
21 the PowerPoint in the exhibits I believe the pages  
22 were reversed. So you may want to take that into  
23 account.

24 Just to start out with some context, I think  
25 everyone's aware Maui is a beautiful place, a well

1 deserved reputation as a travel destination. But we  
2 have heard already that the vision for the tech park  
3 was -- the idea that it wasn't wise to concentrate  
4 completely on tourism and agriculture.

5           So the idea was to provide some economic  
6 diversity from agriculture and tourism, which is a  
7 good idea. And which is why we were brought in  
8 because Steve Perkins mentioned about, current ideas  
9 about economic development and technology which I'll  
10 speak to.

11           Otherwise I wanted to say just a few words  
12 about general development practices, because I think  
13 many people nowadays are realizing that development  
14 has been done most recently with the primary -- a lot  
15 of the primary emphasis on the use of automobiles  
16 which has been a problem in Maui and pretty much  
17 throughout the world.

18           This is some retail in Kihei which is  
19 actually near the sidewalk, probably a little bit  
20 older, but unfortunately or currently more development  
21 is like this where it is -- and this is also in  
22 Kihei -- where it's separated from the city with  
23 parking lots and wide roads.

24           The last century has seen cities all over  
25 the world divided up with separated uses and sprawling

1 development. That's been a lot of the focus of our  
2 practice at Calthorpe Associates, is trying to address  
3 that.

4 This is also nearby the kind of the trend at  
5 its peak or depth, depending on your point of view,  
6 with large high-speed roads, no pedestrian facilities,  
7 entry is off of parking lots.

8 Then to talk about the park, of course this  
9 is the location in red here. It's built adjacent to  
10 but not really within Kihei. This is the park itself  
11 which is how we started looking at it, looking at some  
12 of the slopes here in green, looking at the buildings  
13 near the center, thinking about possible connections  
14 and access points.

15 These are the buildings close up which have  
16 been described already including the various  
17 employment buildings. There's been a fairly slow  
18 development in the park since its inception with jobs  
19 and businesses.

20 Nonetheless there's a lot -- there are over  
21 400 jobs here which is an extremely valuable asset to  
22 the island, which is already in place including the  
23 infrastructure.

24 So we took it as our plan or our point to  
25 take what was here and try to build on the investment

1 that's already been made and the progress that's here.

2           Again, here's the aerial. You can see, as  
3 you've seen in the tour today as well, the vacant land  
4 around, some isolation from the book of Kihei with  
5 distance, the slope as well as the Pi'ilani Highway.

6           It's difficult to walk here. Of course,  
7 what we try to emphasize is -- and I'll speak to that  
8 as well -- but, you know, not just concentrating  
9 solely on automobiles, concentrating on other modes  
10 and getting around shorter distances, reducing  
11 distances and things like that.

12           And the park is so located that it's really  
13 difficult to get here other than by car. Although  
14 people have even mentioned today getting here  
15 otherwise. But it's just hard. It's not easy for the  
16 average, average person.

17           This is within the park as you've seen which  
18 is typically planned, as most places are, as I  
19 mentioned, with large overscaled auto-oriented roads,  
20 big turn radii on the corners, just the detail. But  
21 it makes it very easy to go too quickly around the  
22 corners.

23           Here's the hill which serves to isolate it a  
24 bit from the rest of Kihei. This is Lipoa Parkway as  
25 well, also in the park with beautiful landscaping.

1 It's definitely a beautiful place. But it was built  
2 on the old idea of technology and business development  
3 which Steve mentioned that things have evolved now.

4 Previously the idea was that it was  
5 something like a campus, more like a college campus.  
6 And the appearance with places for quiet contemplation  
7 and thinking deep thoughts and coming up with the next  
8 big idea.

9 Since then there's a more -- the  
10 contemporary understanding is much more the idea of  
11 the interaction of people sharing ideas, getting into  
12 each other's way basically, a mix of people and ideas.

13 Of course, the greenery in the park is  
14 beautiful, a lot of mature landscape. There's  
15 several important operations here. But the idea of  
16 the campus has left everything kind of behind the  
17 large setbacks which can be beautiful. But in the  
18 idea of economic development we believe can be  
19 deadening by separating people, making them just  
20 arrive by cars reduces the interaction that's  
21 important to this kind of operation.

22 Here we see one of the buildings in the park  
23 behind a big parking -- behind a big setback. One  
24 difficulty we have talking about parking lots in  
25 Hawai'i is that they're gorgeous. Even parking lots



1 are gorgeous with all the foliage and everything. But  
2 the functional effect of it is not as benign because  
3 it separates the area and deadens the life within it.

4 Here's another building in the park with its  
5 setback, and the high performance computing center  
6 with its setback, and another building and a setback,  
7 and another.

8 The site does have a lot of assets including  
9 the current employment. It also has some gorgeous  
10 views. There's vacant land around which you've seen  
11 today, a lot of it with some attractive hills, valleys  
12 and gullies.

13 This is a view from inside the property  
14 toward the buildings here. You can just see the  
15 rooftop of one of the buildings in the park.

16 From here what I'd like to talk about is our  
17 principles of design that we use. There are four  
18 basic principles. Of course, it's an infinite  
19 subject, but we grouped them that way with the idea of  
20 kind of making it simpler to talk about.

21 Among these are the idea of diversity of  
22 uses within an area of human scale. In other words,  
23 scaling things down so that it's not just for  
24 automobiles but for human beings, bicycles, giving  
25 people options.

1           The conservation which would be conservation  
2 of land and resources and then connectivity as well.  
3 Within the idea of diversity, the idea here is a mix  
4 of civic, commercial and residential uses and not  
5 within 10 miles of each other, but within a quarter  
6 mile of each other ideally because that's the scale of  
7 a neighborhood. That's what we're talking about here.

8           It shortens the distances by walking and  
9 bicycling. And it also makes an area a 24-hour  
10 community which is also more efficient instead of  
11 having the housing area occupied at night and empty  
12 during the day and visa versa with employment. You  
13 can have a community that's a 24-hour community.

14           This a diagram, a hypothetical diagram of  
15 commuting with the idea that the two top graphics show  
16 a commute with separated uses. The top showing the AM  
17 commute with the houses on the left and the employment  
18 on the right. And everyone has to go in one  
19 direction.

20           And then in the afternoon everyone has to go  
21 in the opposite direction. So roads, transit,  
22 everything has to be scaled for that.

23           Whereas if you have a mix of uses in both  
24 places like in the bottom graphic, then with assuming  
25 the same number of employees and jobs, then everything

1 can be half scale because you're using it in both  
2 directions at once.

3 And this even leaves out the idea, which is  
4 a very valuable factor to have at that, which is you  
5 might even have people -- you will undoubtedly have  
6 people commuting within each of these places on the  
7 left and the right. So they would not even have to be  
8 on the road or the train or whatever.

9 A human scale. This is really key. A city  
10 has to be built for people. We've been building  
11 cities based on the needs of traffic and Level of  
12 Service, things like that. In order to build for  
13 people, people have certain characteristics obviously  
14 different than cars. We walk. We're much slower. We  
15 have certain capacities as far as how long 'til we  
16 get tired. Heat affects us, things like that.

17 So distances need to be shorter. There  
18 needs to be a friendlier environment. You have to  
19 feel safe. You don't want to be by a 50 mile-an-hour  
20 roadway. People just don't enjoy that. So they will  
21 not walk if they're faced with these kinds of  
22 conditions.

23 This diagram shows something about the idea  
24 of the distances in human scale. The top one shows an  
25 area that is our street network of cul-de-sacs and the

1 two orange dots meant to be houses, probably. It just  
2 shows the distances one would have to travel in order  
3 to get from one to the other even though they're quite  
4 close.

5 Putting every trip onto a few large  
6 arterials, making all those trips by car, therefore  
7 making the arterials very large and no one wants to be  
8 near those either because they become very full of  
9 traffic and unpleasant.

10 Whereas in the bottom graphic the trip can  
11 happen much easily, more easily on local roads. They  
12 can all be small roads, traffic is disbursed.

13 These are just a examples, photos of some of  
14 these narrow streets and the kind of gridded patterns  
15 which these are on Maui. So they're not hard to find.  
16 It's just that we really don't build them much  
17 anymore.

18 Conservation and restoration. A lot of this  
19 is really embedded now in law which is great.  
20 Preserving natural resources like streams and  
21 wetlands, using more natural solutions for things like  
22 stormwater instead of channelization.

23 Connectivity. This is things from the  
24 regional down to the neighborhood scale, how people  
25 get around, just transportation, also connections such

1 as economic connections, relationships to the region  
2 and back to the neighborhood.

3 I think that on the idea of connectivity  
4 over time such as life cycle, this graphic shows two  
5 different diagrams one of which, the bottom which is  
6 extremely applicable we think to the park, the tech  
7 park.

8 The top one showing kind of a family life  
9 cycle. At the left is some growing up -- it doesn't  
10 show them in their parents' home, but then the first  
11 larger person there is they've moved out on their own.  
12 They're living in an apartment building.

13 Then next they get married. They get a  
14 small house. Their families grow. They want a  
15 larger house.

16 Then the green and the orange figures are  
17 their children who then also move out, want smaller  
18 houses, larger houses, apartments.

19 Then the family after the children are gone  
20 they're empty-nesters and they move into a smaller  
21 house again. So it's the same people. It's just they  
22 need different facilities over time, different  
23 infrastructure.

24 And in a neighborhood level, on a housing  
25 level if it's a mono-culture then they have to

1 actually change the neighborhoods. They can't stay  
2 around their familiar shops and their friends and  
3 their neighbors because they've changed their part of  
4 their life. So it's less efficient and doesn't work  
5 as well for people.

6           On the bottom it's the same idea for  
7 businesses with the idea of generating businesses. So  
8 you start out with someone who has a small business,  
9 it grows. Then eventually gets big enough. They have  
10 employees who then actually go out on their own, start  
11 another business. They need a small facility. They  
12 might even start up in their house.

13           Then that, the new business gets busier. At  
14 the same time the original business gets larger, more  
15 spinoffs and eventually they may actually contract.

16           Part of the problem with the tech park thus  
17 far has been that it has not had the flexibility to  
18 accommodate these different types of businesses as  
19 they go through their life cycle. So it loses a lot of  
20 the positive spinoffs it might otherwise gain or  
21 keep.

22           Once again this is our base map that we  
23 started with. And with that then we have created this  
24 conceptual plan which is in your exhibits. But the  
25 employment core, which is where we are right now, in

1 the purple, the darkest purple, would remain  
2 employment. Lot of these are already going  
3 businesses. This would be built up as kind of a more  
4 or less downtown. It makes it sound like 30-story  
5 buildings or something. But in any case this is the  
6 employment core of the development.

7 Just to the north to the left is a mixed-use  
8 center which, along the ideas of the mixed use that we  
9 were talking about, that I was talking about. This  
10 adds the different uses to the development that  
11 actually benefits the employment. The idea of this  
12 mix of people, you have places for people to actually  
13 go out, have lunch on site so they can meet other  
14 people. Maybe that's how startups happen.

15 In any case it also reduces their driving,  
16 their need to drive wherever they're going. To the  
17 north of that on the top and bottom is a residential  
18 area, more part of the mix of use. It's good for  
19 the -- we believe it's good for the employment because  
20 of the possibility of people living nearby. So kind  
21 of an attraction for people to locate their businesses  
22 here, but also it supports the mixed-use center. It's  
23 another piece of the puzzle. It makes those stores  
24 and restaurants in that center more viable.

25 Then to the right and to the top we have

1 more the knowledge industry areas, in order to  
2 preserve a lot of the area that was the initial and  
3 still is the focus of the park which is creating that  
4 economic diversity.

5 This illustrative plan shows basically the  
6 same thing. You can see the mixed-use center there on  
7 the left, residential areas, employment areas. This  
8 is a concept for how it could build out with the --  
9 you can see much more detail in the residential areas  
10 such as parks and things like that.

11 Speaking of parks this is the open space  
12 network. A lot of the corridors, the drainage  
13 corridors are preserved and treated as amenities, open  
14 space amenities, for both the employment areas and the  
15 residential. We also have small-scale open spaces for  
16 both residential and employment areas.

17 Parks: People to have lunch in, people to  
18 go -- kids to go play in after school, things like  
19 that.

20 Pedestrian and bicycle connections. A lot  
21 of this comes from just putting sidewalks throughout,  
22 having a small-scale connecting street network,  
23 putting sidewalks all over the place and people will  
24 walk often even that basic amenity is just neglected.  
25 Really treating walking as it is a transportation



1 mode.

2           There are also bicycle lanes on the busier  
3 streets to make sure that that's a safe activity.

4           This is a circulation system with just a  
5 different typology of roads. There are many small  
6 roads, 2-lanes -- everything in the park would be  
7 2-lanes except for the Lipoa Parkway which is the dark  
8 green line running from top to bottom which is already  
9 4-lane, at least built as 4-lane in part of the park.  
10 Everything else would be 2-lane.

11           This is possible because we're dispersing  
12 traffic over many different routes. So it doesn't get  
13 concentrated in one spot.

14           There also would be many possible  
15 connections to surrounding areas, depending on the  
16 development that may or may not happen. We don't know  
17 what'll happen around the edges of the park. So we'll  
18 create these possible connections in order to continue  
19 that web of streets outward and continue to disperse  
20 traffic depending on whatever else happens in the  
21 future.

22           These are some of the street sections. We  
23 would typically include parking that adds life to the  
24 street by having people coming through, parking their  
25 cars, getting out, coming into the buildings. It also

1 buffers the traffic and the sidewalk a little bit, so  
2 it makes it more pleasant to walk on the sidewalk.

3 This one is a street section for a local  
4 street. We try to keep the streets narrow, keeps the  
5 speed down, makes it safer. Contrary to kind of an  
6 initial thought, it's actually safer to have narrower  
7 streets versus wider streets because drivers respond  
8 to wider streets by actually driving faster which  
9 creates more danger.

10 This is a conceptual transit network. What  
11 we want to do is we want to create a plan for an area  
12 that's transit ready. Whenever that transit might  
13 come we want to have things thought through where the  
14 major stops and routes could be. So that we focus the  
15 development around the transit center.

16 Again, the employment area is here in  
17 purple. This shows just some conceptual figures for  
18 how much employment might be able to come in. We're  
19 trying to keep the purpose of the park going to have  
20 that diversity of use. We also want to have a  
21 flexibility for small to large employers, startups,  
22 bigger employers coming in.

23 And part of the attraction for employment  
24 would be having the mixed-use center so we would have  
25 kind of an identity.

1           We also want to be able to be opportunistic  
2 so we've preserved some larger areas which we've  
3 called 'possible campus areas'. If a large campus  
4 type user is attracted to Maui, we want to be able to  
5 have a place in the park for them to be without having  
6 to go to a lot more design work and approval work.

7           This is a rendering of kind of the office  
8 area, the concept. What you'll see is missing here is  
9 the large setbacks. What we try to do is make it look  
10 more like the streets of a town, not a campus or a  
11 park. With the idea these are nice buildings and  
12 people would like to actually be able to walk down the  
13 street and also enjoy the activity of the park. It  
14 doesn't have to look like technically a park.

15           Within that, of course, we would also  
16 encourage open spaces if there are larger users and  
17 they could have open spaces on their own.

18           Here's an aerial rendering showing the  
19 mixed-use center in the foreground. This would be --  
20 we anticipate primarily local serving. Of course,  
21 anyone from outside could come in if there's a nice  
22 restaurant here, whatever. But the idea would be that  
23 it would be an amenity for the employees and the  
24 residents of the park.

25           This is a rendering of the traffic circle

1 within the mixed-use center just showing the kind of  
2 scale of some of the buildings there. This shows a  
3 business hotel. This is a conceptual thing. We think  
4 it would be a good idea. This would just depend on  
5 business conditions whether one could be attracted at  
6 the park.

7           There's no guarantees but we're trying to  
8 create an opportunity for this kind of mix of uses.

9           Again, the mixed use center is in the pink  
10 there, north of the current park. This illustrative  
11 shows -- and we are right here (indicating) -- this  
12 illustrative shows the small-scale mix of streets in  
13 the area and the parks and the various uses.

14           Here's some more small streets. This is  
15 also on Maui. There's a reason that a lot of people  
16 will go to a place like this because it's actually  
17 quite a pleasant place to be. So we think that that  
18 should be created as much as possible -- recreated.

19           There's also attractive buildings in Lahaina  
20 pulled up near the sidewalk. This has been very  
21 traditional 'til the last 40 years when we've got into  
22 serving automobiles more. And the small-scale open  
23 spaces for people to use just on the spur of the  
24 moment any time want. That's the kind of thing that  
25 we would like to envision in the town, mixed use

1 center such as this village green.

2 This is a rendering of what might be in the  
3 village center with the idea of technology focused,  
4 but business services for other businesses in the  
5 park. This would provide opportunity and space for  
6 those kinds of things.

7 This is one of our projects in Davis,  
8 California just showing some of the interaction  
9 between shops and open space, the attraction of that  
10 combination.

11 Private and charter schools. This is  
12 another element of the diversity of uses making more  
13 of a 24-hour location, and also making it attractive  
14 to not only residents but also to employers. Someone  
15 could come up, drop their kid at the school and go to  
16 work nextdoor.

17 Also different building typologies. This is  
18 one in Kihei, the Kai'imi Village, very nicely done.  
19 Provides this kind of space. The smaller place is  
20 live/work. Provides opportunities for new small  
21 businesses to come in.

22 We've also developed something similar to  
23 this. This is a project we did in Santa Fe, their  
24 live/work studios. These are very inexpensive  
25 buildings with the idea that they're affordable for

1 startups in Santa Fe also for artists and small  
2 businesses, basically incubator space. They're not  
3 very finished on the inside, but they're fit out as  
4 the owner sees fit. Some artists here. Even a dance  
5 studio.

6           Within the park we see that being, you know,  
7 something that we want to have clients respond to. So  
8 you might have awning or balconies around the outside  
9 in order to be a little more responsive to the  
10 climate, make it pleasant. But, nonetheless, very  
11 kind of incubator-type space would be provided.

12           For housing opportunities it's important, we  
13 think, to have a diversity of opportunities of  
14 different types of units. So some multi-family,  
15 ideally some townhouse, triplex, single-family, these  
16 various things.

17           So people can -- if people are -- we would  
18 encourage that people who are working in the park  
19 could live here. So it could be available to all  
20 different employees in the park from someone cleaning  
21 up one of the buildings to the executive director in  
22 one of those buildings. So we'd like to provide a  
23 great variety of housing for people.

24           Supporting the housing as well neighborhood  
25 parks, pocket parks, these are all incorporated into

1 the plan. Some different housing types such as this  
2 green court housing which is units clustered around a  
3 semi-private open space. There's some other examples  
4 here. This is one on O'ahu.

5 And then the form-based code which is the  
6 way to try to make it happen. Form-based codes I  
7 believe are kind of a "yes, do this" type of  
8 regulation instead of a "no, don't do this" kind of  
9 regulation. They really try to create a vision for an  
10 area which is a way to kind of transmit to anyone  
11 interested in developing or living in that area what  
12 is the vision for it.

13 And within that then there's some building  
14 typologies including a matrix of various types of  
15 buildings. For instance, here's office over retail.  
16 As you can see the building here is pulled forward  
17 into the street instead of being behind a parking lot.

18 There would have to be a door for  
19 pedestrians on the street trying to activate the  
20 street. Similar thing for a commercial building.  
21 Also there's a variety of housing typologies:  
22 4-plexes, 5-plexes, single-family.

23 Here's a rendering of the green court that I  
24 mentioned where the units are entered by car from the  
25 back, but the front doors are all on this semi-private

1 open space. Multi-family types, other types like  
2 4-plexes.

3 Then there's some guidelines as far as  
4 architecture just to get across the idea of how things  
5 could work together within this development where  
6 we're really trying to place an emphasis on the street  
7 and walkability and livability and lanais and stoops.  
8 Thinking about human scale and making the street more  
9 attractive for a place to walk and to hang out.

10 So here's the overview rendering of the  
11 park. Just as an overview of the idea I wanted to --  
12 in some ways this is a new idea but in many ways,  
13 really, this is an old idea what I'm describing.

14 Because, for instance, where I live right  
15 now, I live in Berkeley, California. It's a part of a  
16 larger area but it's a smaller city, about a hundred  
17 thousand. But it's really -- my neighborhood is  
18 medium and low scale, mostly single-family, some small  
19 apartment buildings, three-to-five stories really  
20 tops.

21 I'm able to walk to work. There's a mix of  
22 employment and residential. My wife takes the transit  
23 to work so there's various options. There are grocery  
24 stores around, places to walk to. From work I can  
25 walk to the dry-cleaners. I can walk to a restaurant.



1           We have a car. In the last year we put  
2 about 3,000 miles on it. So we're not chained to it.  
3 We drive it on the weekends and stuff.

4           So there are places on Maui which I'm sure  
5 are exactly like that where you can live that way.  
6 Unfortunately we really don't build a lot of those  
7 type places anymore because they've been often  
8 outlawed with the idea of these separations of uses  
9 that we can't have employment near homes and that kind  
10 of thing. Which is in some ways based on the idea the  
11 worry about kind of industrial steel plants or  
12 something like that.

13           This things mix very well now and  
14 functionally they actually work a lot better in a lot  
15 of cases. So they've been outlawed. What we want to  
16 try to do in the park is make a good place, and help  
17 the tech park to achieve the goals of economic  
18 diversification that it was originally set out for.

19           To the idea -- I just wanted to speak a  
20 little bit to -- a little bit of the discussion that  
21 happened before about whether the plan can happen, you  
22 know, as a piece in pieces.

23           In the big sense what we've designed it as  
24 is a neighborhood where the housing supports the  
25 retail. The employment supports the retail. The

1 employment supports the housing and vice versa. To a  
2 large extent these things need to go together.

3 So it's difficult to create something in  
4 kind of a smaller piecemeal fashion. And also a big  
5 concern for us is to maintain the option to be really  
6 opportunistic as far as the employment possibilities.  
7 Because one never knows when a larger employer might  
8 get interested and want to come in and place something  
9 here. So we want to be able to have that option to  
10 accommodate those opportunities when they come.

11 The same thing goes with things like  
12 housing, cyclical markets. So one never knows when  
13 you would be able to develop those things. It makes  
14 sense to us to have it all kind of thought out, and  
15 worked on as a whole. So that's the end of my  
16 summary.

17 Q Thanks. I have just a couple follow-ups. I  
18 think today was a perfect example when we broke for  
19 lunch of why there needs to be more flexibility in the  
20 design plan. We all had to leave this campus area to  
21 go get lunch. So I think what you're talking about  
22 now is trying to integrate new and different mixes of  
23 use in here is exactly what your design or your plans  
24 call for.

25 A Precisely.

1           Q     Just at the end you touched upon  
2 conversations earlier today. One of the  
3 Commissioners, Commissioner McDonald, asked about the  
4 incremental plan. Although the Petitioner by rule was  
5 required to provide an incremental plan because it  
6 envisioned beyond 10 years, it is Petitioner's desire  
7 to have full approval.

8                     And based on your experience and expertise  
9 in urban design and planning, what are your thoughts  
10 on being able to have full approval at this time?

11          A     Yeah, I think that's necessary because of  
12 the idea these things working together. To some  
13 degree it's impossible to predict future market  
14 conditions and business opportunities such as  
15 businesses wanting to come in.

16                     So really in order to try to live up to its  
17 potential the park needs the opportunity, the ability  
18 to react to those conditions.

19          Q     And then there was another question  
20 regarding, Commissioner Matsumura talked about the  
21 housing is developed first or there's going to be a  
22 lag or whatnot.

23                     Do you have any insight or opinion on that?

24          A     Yeah. Actually I didn't mention it, but for  
25 us this is actually a pretty exciting Project in that

1 we always are interested in mixed-use trying to get  
2 that going. But we rarely have the opportunity to get  
3 it very quickly because the housing would come in and  
4 then it's hard to get employment. Here we've got 400  
5 jobs already which is actually a good number of jobs.

6 And to be able to then add the housing in  
7 after that we start right out with a good mixed-use  
8 area already.

9 MR. WYETH MATSUBARA: Thanks. I have no  
10 further questions.

11 CHAIRPERSON HELLER: County?

12 MR. GIROUX: I just have a quick question.

13 CROSS-EXAMINATION

14 BY MR. GIROUX:

15 Q Because Maui is going to be, I guess, for  
16 this Project it's basically going to be the cutting  
17 edge of this form-based code. And I just am going to  
18 ask a few questions. As far as the form-based code it  
19 looks like it's necessary to have your building  
20 typologies and your human scale integrated.

21 Is it integrated into your form-based code?  
22 Or are we looking at other codes that would have to be  
23 used in order to implement the form-based code?

24 A So that there's a code that has been written  
25 to try to implement the plan which I believe the next

1 witness will discuss. But that code is meant to  
2 implement the plan as it, with the human scale  
3 concepts. There's an infinite number of things you  
4 can do for human scale. There's no hard definition.

5 But the idea a lot of these things like  
6 pulling the buildings up to the street, keeping the  
7 block sizes small, keeping the streets at reasonable  
8 sizes and reasonable speeds that can be, and I believe  
9 has been vetted in that code.

10 Q I guess one of my concerns is because when  
11 you look at Maui Lani, are you familiar with the Maui  
12 Lani area?

13 A I am, but I can't speak to it very well.

14 Q Because we have a mixed use area over there.  
15 And what's happening is because there isn't an  
16 integrated code, it seems like what the builder is  
17 doing is building what looks like houses, but to an  
18 industrial scale and then filling them with retailers  
19 who are pretty much similar to big box retailers.

20 So you have something that looks like  
21 housing where people, if they wanted to walk there,  
22 they wouldn't buy anything that they could carry home.

23 How does your form-based code actually  
24 address that? What we're thinking is going to be  
25 built, how do we know that's going to be built?

1           A     Well, there are -- there are uses within the  
2 code that are -- I mean things are limited to what can  
3 happen. There is a cap I believe on the retail that  
4 can happen within the park. As I mentioned we see it  
5 as not an area that's really suitable for -- I mean  
6 it's most suitable for neighborhoods serving retail.  
7 We don't really foresee a large demand for, say, big  
8 box retail in this location.

9                     Because of some of the things that are  
10 obvious such as the golf course being between here and  
11 the highway, so it didn't have a lot of visibility for  
12 things like that. But within the code I believe  
13 are -- and the next witness can speak to that -- are  
14 limits on that. So it shouldn't be an issue.

15           Q     Okay. So I anticipate there's also going to  
16 be design guidelines that are going to be integrated  
17 along with and parallel with the form-based code?

18           A     Yes.

19                     MR. GIROUX: No further questions.

20                     CHAIRPERSON HELLER: OP?

21                             CROSS-EXAMINATION

22 BY MR. YEE:

23           Q     You know, both you and Mr. Perkins talked  
24 about the importance of synergy for high tech parks to  
25 have similar businesses in high tech be together. You

1 talked about it is important to have a mix of people  
2 and ideas sort of pushed together.

3 Is that being accomplished in this  
4 particular proposal?

5 A What we're trying to do is make that  
6 possible. What we're trying to do is kind of create a  
7 fertile ground into which that can grow. A lot of it  
8 depends on chance. Someone in the park has an  
9 entrepreneurial idea, an entrepreneurial streak and  
10 they want to start a business. We want to make that  
11 available to them, the possibility of doing that. But  
12 there's no way to know if it will happen. We want to  
13 make it possible.

14 Q One of the ways in which I believe some  
15 state agencies do it is they have certain areas that  
16 are designated for types of industries like high tech.  
17 Is there any intent to do something like that for this  
18 Project, to designate certain areas for certain types  
19 of industries?

20 A Within the park?

21 Q Yes.

22 A We do have certain zones within the park.  
23 You've seen that in the plan there. But as far as the  
24 specific uses within that I think I'll defer to the  
25 next witness on that.

1           What we would generally definitely promote  
2 is a broad mix of uses, just because these uses  
3 become -- you know, businesses become useful to other  
4 businesses. So it's hard to predict exactly what's  
5 going to happen.

6           Ten years ago no one -- few people had a  
7 Smart Phone. It's hard to say where the technology  
8 industry is going or really any industry. So we would  
9 generally try to go to a broader set of uses then  
10 instead of trying to designate an area for a certain  
11 type.

12         Q     Is there a decision, then, that new projects  
13 basically -- I'm looking for a neutral word -- is  
14 evolving from its current high tech park into a more  
15 general commercial mixed-use residential area?

16         A     I don't believe so, no. I mean there's  
17 still some emphasis on the knowledge industry, but the  
18 breadth of what that might include, it might grow. It  
19 might be a broader idea of knowledge industry.

20         Q     Could you help define what "knowledge  
21 industry" means?

22         A     Within the -- within the park I couldn't say  
23 what has been defined precisely. I may have to defer  
24 to the next witness.

25         Q     Or do you have at least a definition of what



1 "knowledge industry" means?

2 A Like my own personal definition?

3 Q Well, actually I meant as -- do you know  
4 what "knowledge industry" within, as proposed in this  
5 particular Project?

6 A I don't know the precise wording of what  
7 would be in the code, no.

8 Q While we're on definitions, you referred to  
9 campus areas in a portion of the Project to allow  
10 flexibility for, I guess, new opportunities that you  
11 don't currently know exist, is that right?

12 A Yeah.

13 Q What is a campus type employment?

14 A So that might be a larger user such as, it  
15 could be conceivably a large tech user. I mean we can  
16 say any kind of hypothetical. Say Google wanted to  
17 come in and build a 30-acre campus. We want to have a  
18 space available for a larger user like that.

19 You know, we want to actually -- I mean  
20 there are rules within what we've done so that that  
21 kind of user would still create an addition in the  
22 urban way to the area. But we want to have a large  
23 area for that user to be able to kind of have their  
24 buildings interact in the way that they want.

25 We can call it a campus, but it's not like a

1 college campus or something.

2 Q Fair enough. So "campus" does not mean a  
3 college or educational facility necessarily, correct?

4 A Correct.

5 Q It just means a large space.

6 A Yes.

7 Q But you don't know what type of use within  
8 that large space because you're not yet sure what the  
9 opportunities are.

10 A Right.

11 Q How does that interact and how is that then  
12 going to be consistent with the form-based code?

13 A Well, the form-based code a lot of the idea  
14 of that is that it's really looking at the outer, you  
15 know the outer -- the way things interact with each  
16 other. I can cross the street to the sidewalk, that  
17 kind of thing.

18 So it's not necessarily always necessary,  
19 needed to know if it's a, you know, a technology firm  
20 or a dentist's office, or, you know, a dry cleaner.  
21 As long as it treats the street well the form-based  
22 code is trying to ensure that that happens, that the  
23 street and the public spaces are done well.

24 Q Just to help sort of give us a context and  
25 background, a form-based code that you're referring

1 to, is that a County requirement or a self-imposed  
2 private requirement?

3 A In this case it would be part of the code.

4 Q Part of the County Code.

5 A County Code.

6 Q You're suggesting you're going to be making  
7 a request of the County to adopt a form-based code for  
8 this Project?

9 A There's a code revision that the next  
10 witness will speak about.

11 Q Okay. In your presentation you pointed to  
12 various areas within the existing park and noted how  
13 concepts have changed since they originally developed  
14 or built the existing urban area.

15 Are there any proposes to change the  
16 existing urban area to resolve some of the concerns  
17 you expressed?

18 A With the existing users in the park?

19 Q With the existing roads or any other portion  
20 of the park.

21 A We have proposed to reconfigure some of the  
22 striping on some of the existing roads. But as far as  
23 forcing people to rebuild their buildings or things  
24 like there's no specific rules under that. That could  
25 happen overtime. Assuming the park is here for the

1 next hundred years, part of the urban area it will  
2 evolve.

3 Q I think both you and Mr. Perkins talked  
4 about the lack of flexibility in providing a mix for  
5 users. Do you remember that?

6 A Yes.

7 Q Can you explain what that means in the  
8 context of this park?

9 A To some degree it has a lot to do with the  
10 building regulations. Say minimum lot sizes. Also  
11 the large setbacks, things like that. They really  
12 force a certain type of building, basically a larger  
13 lot, a building right in the middle surrounded by  
14 parking which can be more expensive than a smaller  
15 user might be able to accommodate.

16 Q Wouldn't those issues, though, be  
17 county-imposed requirements rather than something  
18 imposed by the LUC?

19 A I believe they're part of the code, yes.

20 Q County Code.

21 A Yeah.

22 Q So this particular land use request does not  
23 resolve that question of providing more flexibility in  
24 a mix of buildings, because this particular land use  
25 process never imposed a restriction on things like lot

1 sizes or density or height, right?

2 A Not to my knowledge, no.

3 Q You answered -- you said you weren't sure  
4 what the term "knowledge industry" meant in this  
5 particular case. In this particular case you're also  
6 using the term or they're using the term "employment  
7 core". Do you have an understanding what that means?

8 A "Employment core" is simply our term that  
9 we're using for the plan to try to understand the  
10 different parts of the area. We have called also,  
11 we've got a mixed-use center which is our own  
12 designation.

13 So the employment core is the existing area  
14 where there are already businesses in operation. So  
15 what we're saying there is that that would remain  
16 primarily employment without a lot of, say, retail  
17 uses, although that could happen to a smaller scale.  
18 The focus of this area would be -- would remain the  
19 larger employers.

20 Q Was it part of your analysis on the  
21 importance of eliminating the high tech use  
22 restriction imposed by the prior docket? Was that  
23 part of your analysis?

24 A To retain the employment core part of my  
25 analysis?

1           Q     Let me start back again. Are you aware that  
2 there's a restriction within the current urban areas  
3 on the uses within that urban area to high tech and  
4 related facilities?

5           A     Yes.

6           Q     Was the importance of eliminating that  
7 restriction part of your analysis? Is your analysis  
8 trying to justify why we should eliminate that  
9 restriction?

10          A     I don't believe that restrictions are being  
11 eliminated. I believe they're being changed, perhaps  
12 broadened.

13          Q     Will it be broadened to include basically  
14 any commercial and residential development within its  
15 respective areas, correct?

16          A     I believe there's still a list of uses that  
17 would be allowed within the park, within the code,  
18 which the next witness will speak to.

19          Q     So you're saying whatever is allowed under  
20 County Code for that zone, for that zoning, is what  
21 you're proposing to be the limit, is that right?

22          A     I believe so, if I'm understanding your  
23 question, yes.

24          Q     Well, actually let me put it this way. I'm  
25 looking for the justification for why the Commission

1 should eliminate its current restriction on the uses  
2 within the urban area. Are you the one providing that  
3 justification?

4 A Within the urban area?

5 Q Yes.

6 A What we have in general, which I think  
7 mostly was covered in my PowerPoint, but what we have  
8 is an area that's somewhat isolated up the hill, past  
9 the golf course. It's limited in its number of uses  
10 which we believe has limited its success as far as  
11 attracting and creating employment.

12 We also believe that the isolation of it has  
13 caused it to not be as sustainable as it could and  
14 should be. So that a mix of uses, including some  
15 commercial supporting uses and some residential uses,  
16 would make it more sustainable and more successful.

17 Q The mix you're referring to is not a mix  
18 within the current -- a mix of residential is not  
19 within the curb urban area, though, right?

20 A Correct. If I'm remembering the exact  
21 location of the current urban area.

22 Q The current urban area is where you're  
23 currently designating the employment core basically.

24 You had a slide on the pedestrian and  
25 bicycle paths. I just want to make sure I understood

1 that slide. Sorry, I don't have page numbers on  
2 yours. But do you remember there is a red, a blue  
3 dotted and a green dotted line in the legend. I  
4 believe the red are the bicycle paths within the  
5 existing roads, correct? It's the Lipoa Parkway and  
6 the major arterial. "Pedestrian and bicycle  
7 connections" is the title of the slide.

8 A Okay. Let me see if I can find that slide.  
9 Is this the slide?

10 Q Yes. I'm just trying to determine are there  
11 bicycle paths on both the red, the green and the blue  
12 lines?

13 A There are bicycle lanes on the red. The  
14 green are paths. And the blue has in-street  
15 bicycling.

16 Q Meaning there's no particular separation  
17 between the bicycles and the cars, but you could  
18 bicycle in a street.

19 A Right. With the idea that what we've done  
20 is try to keep the streets small and slow speed so  
21 that these streets should be safe for bicycling.

22 Q Did you analyze the issues of connectivity  
23 of a bicycle path or bicycle routes to other areas  
24 outside of the Petition Area?

25 A We are trying to create connections.



1           Q     Referring specifically to bicycles at the  
2 moment. Have you looked at connections for bicycles  
3 to other areas outside the Petition Area?

4           A     Yes. I mean they would be down Lipoa  
5 Parkway and then the other two connections that might  
6 go to Pi'ilani. And there are bicycle lanes on  
7 Pi'ilani if that's what you're referring to.

8           Q     Is there anything for connecting to the new  
9 Kihei High School?

10          A     The one on the left lower portion of this  
11 graphic, the red arrow there, would go down to  
12 Pi'ilani. There's a bicycle lane on Pi'ilani which  
13 would then connect to the high school.

14          Q     But nothing that would go over Waipuilani  
15 Gulch.

16          A     Conceptually we're -- there could be some  
17 connection around probably on Pi'ilani Highway. What  
18 I've seen of the plan for the high school seems to be  
19 kind of what I would -- I don't want to sound like I'm  
20 against it, but it seems a fairly suburban site type  
21 high school which would have parking on the north  
22 side.

23                   And therefore, I'm guessing, I haven't seen  
24 the detailed plans, I'm guessing there would be a lot  
25 of -- that would be a closed campus on the south side.

1           Q     In your written testimony one of the  
2 elements of sustainability that you refer to is the  
3 connectivity between this Project and the region and  
4 local community, right?

5           A     Mm-hmm.

6           Q     Correct?

7           A     Yes.

8           Q     Okay. Have you had any discussions with the  
9 Department of Education on how this Project and the  
10 Department of Education's new Kihei High School will  
11 connect or interconnect?

12          A     I believe Steve Perkins would be the person  
13 to ask that -- to answer that question.

14          Q     So you haven't looked at whether or not  
15 there is a -- well, let's retrace that. I was talking  
16 about bicycle paths. Let me switch to pedestrian  
17 pathways. Is there -- is there any proposal or  
18 recommendation for you to have a pedestrian pathway  
19 between Maui R&T to Kihei High School that does not  
20 run along Pi'ilani Highway?

21          A     Right now we don't have, at least I don't  
22 have, detailed information about exactly the  
23 configuration of that high school, or of the plans for  
24 any kind of development north of the park.

25                   So we would anticipate having connections in

1 all directions, as you can see on this graphic, the  
2 many blue arrows. So we would welcome all these kinds  
3 of connections and we'd try to accommodate them.

4 But to some degree without firm plans for  
5 some of these other places we simply don't know what  
6 would be possible.

7 Q Are you familiar at all -- you've been to  
8 the area, right? You've been on Pi'ilani Highway  
9 adjacent or fronting the Maui R&T Project, correct?

10 A Yes, I have. Actually I was walking there  
11 and I think it was so unusual, someone asked me --  
12 stopped and asked me if I could use a ride. They  
13 thought my car had broken down. (laughter)

14 Q So are you aware that there are not many  
15 pedestrians along Pi'ilani Highway?

16 A I'm aware of that.

17 Q And you've seen the speed of the cars along  
18 Pi'ilani Highway as well, correct?

19 A Yes.

20 Q As a planner does it seem like a bicycle  
21 path along Pi'ilani Highway is not the preferred route  
22 because of the speed of the cars?

23 A I would say that ideally Pi'ilani Highway  
24 should be slowed down a bit. But highway department  
25 hasn't asked me that.

1           Q     I guess what I'm getting at is so if your  
2 bicycle connection or pedestrian connection, wouldn't  
3 you want to look for a different connection to the  
4 Kihei High School other than along Pi'ilani Highway?

5           A     Well, I mean unfortunately in many cases we  
6 kind of deal with what we have. This is not a what we  
7 call a green field for us because, you know, there's  
8 existing conditions all around.

9                     We're not starting from zero. So we would,  
10 you know -- we just don't have an ideal situation. We  
11 have to deal with the current infrastructure as well  
12 as possible.

13                    For instance, this blue arrow right here,  
14 depending upon -- depending upon future development,  
15 that would be an excellent connection over to the high  
16 school. But we don't have information on that  
17 development. I don't believe that plans are very far  
18 along at least that I'm aware of for that.

19           Q     Would you recommend that that connection be  
20 pursued?

21           A     Depending upon the state of the future,  
22 future development over there. Possible.

23           Q     Assuming Kihei High School is to be built  
24 over the next five years, wouldn't it make sense,  
25 then, to have a connection to Kihei High School from

1 Maui R&T along something like the route that you've  
2 indicated?

3 A Which route?

4 Q The blue arrow that you pointed out on the  
5 map.

6 A That would be one possible.

7 Q That wouldn't be preferable to making  
8 everyone walk along Pi'ilani Highway?

9 A Well, I mean unfortunately or fortunately,  
10 whatever, we deal with kind of what's, what's, you  
11 know, possible. So I can't really say what's  
12 preferable. I mean....

13 Q I'll move on. With respect to your  
14 proposed -- well, I'm sorry.

15 Would the planner be the appropriate person  
16 to talk about what is the mix of the variety of  
17 housing in this Project? What is the actual mix?

18 A Yes.

19 Q You explained or you answered the question  
20 as to why an incremental development would not be  
21 appropriate for this particular Project. Could you go  
22 into any further detail about why you think an  
23 incremental development or incremental approval is  
24 somehow inappropriate for this case?

25 A I believe my -- I believe I stated my

1 reasoning there. So you say "further detail". I mean  
2 the idea that these things are supporting each other  
3 so that, you know, we would want to have them all come  
4 on line as much, as close as possible to each other.

5 As well as the idea of being able to  
6 accommodate larger employment users or a high number  
7 of small employment users if that would be possible.  
8 So those are the reasons. I don't think there's any  
9 further detail to that, though, than what I said  
10 before.

11 Q I understand the idea of if the entire thing  
12 is urban you've more opportunities for different  
13 people, I suppose, to come into the Project. But you  
14 also talked about -- I think you said that it was  
15 important to get a -- and I may be misstating this so  
16 correct me if I'm wrong -- it's important to get it  
17 approved completely in order to get, I guess, a  
18 unified or consistent Project? Is that an incorrect  
19 understanding?

20 A I don't -- I mean -- there's a unification  
21 of, let's say, the transportation. We want to have  
22 the routes, the various routes available. There's  
23 also the idea of these things supporting each other,  
24 uses supporting each other. But as far as you mean  
25 some kind of an aesthetic unity or something like

1 that? I don't believe I stated that.

2 Q Okay. Why would you need to have the  
3 knowledge industry and extension campus area approved  
4 at this time? Is it solely because you want an  
5 additional opportunity to, additional economic  
6 opportunity for new tenants? Or is there anything  
7 else I guess?

8 A That would be the primary reason. Because  
9 opportunities will not necessarily come up when you  
10 want them. They won't come up over two-year,  
11 five-year increments when you just know now we're  
12 going to move this amount of land. We need to be  
13 able to move when the opportunity comes.

14 Q Okay. With respect to your written  
15 testimony you talked about, I guess, some principles  
16 of sustainability. Were any of these based on a  
17 particular national standard, or was it just sort of a  
18 mix of concepts that you've seen in the literature?

19 A These are a mix of concepts that have come  
20 through many years of experience, myself and my firm  
21 have been working on. The firm principal Peter  
22 Calthorpe has been one of the current leaders in urban  
23 design. He's been in the field for 35 years I think.

24 Q What specific commitments related to  
25 sustainability are made for this Project that are not

1 related specifically to the location or the proposed  
2 mix of uses such as, for example, bike paths?

3 A That was an example of something that's not  
4 committed or....

5 Q That would be an example in my mind of  
6 something that the Project is committed to do that is  
7 part of the -- is an example of a sustainability  
8 character or characteristic of the Project. Are there  
9 any other specific commitments that are made for this  
10 Project?

11 A The way we do urban design is we really, we  
12 really believe that sustainability is embedded within  
13 the design by following these four principles that I  
14 discussed.

15 Say this one right here, this pedestrian and  
16 bicycle connections. What we're trying to do is  
17 besides the advantages just to individual health to be  
18 able to walk and things like that. But obviously if  
19 people are on a bicycle, you know, going to the store  
20 for a gallon of milk, then they're not driving their  
21 car. So this kind of thing it embeds, it embeds  
22 sustainability in the plan itself.

23 Q Is there any other commitment being made  
24 related to sustainability?

25 A But other than what I've talked about? I



1 think that would be a good question for Steve Perkins.

2 Q You talked about various things that could  
3 be done in this Project that would be sustainable,  
4 would be a good idea, good planning, et cetera. Are  
5 all of them commitments to be made or just suggestions  
6 or recommendations from you?

7 A I talked about a good many things, some of  
8 which are more general principles and some of which  
9 are embedded in the plan.

10 Q Which ones are embedded in the plan?

11 A I don't think I could know exactly -- I mean  
12 the number of things I spoke about was quite broad.  
13 If you have any specific questions I could...

14 Q Is there a commitment for pocket parks?

15 A Pocket parks are a part of the plan. And, I  
16 believe, I believe that those will be built as part of  
17 the essential areas.

18 Q You referred to "frontage" being frontage of  
19 the building next to the road and regarding the  
20 parking lots to be avoided. Is that a commitment in  
21 the plan?

22 A That is part of the code to be in it.

23 Q Basically you have concepts and code  
24 requirements that you described in your presentation,  
25 is that right?

1 A Yes.

2 Q Anything other than -- anything else that  
3 would be more specific?

4 A More specific than that?

5 Q I was trying to pull out, for example,  
6 something from your testimony that I could, I could  
7 point out and say: This is a sustainability function  
8 that this Project will have.

9 And I found bicycle paths. I think I found  
10 something else, but I can't remember what it is. Was  
11 there anything else that you can think of related to  
12 sustainability that's a specific commitment for this  
13 case? PV I think was one that's mentioned. There's  
14 going to be some PV in this Project.

15 A The things that I mentioned are diversity of  
16 uses, human scale, conservation and a connectivity.  
17 All of those are about sustainability. All of those  
18 are met within the plan.

19 (Mr. Hakoda absenting himself 3:00)

20 Q Many of those sound like general concepts  
21 rather than specifics. So, for example, conservation.  
22 Other than what may be required by law or county code,  
23 is there any particular conservation commitments that  
24 are being made in this plan?

25 A On the Master Plan level, as I mentioned, a

1 lot of what is conservation these days is embedded in  
2 the law. So what we are doing is preserving a lot of  
3 the drainage corridors. By making those into  
4 amenities instead of simply facilities we're trying to  
5 improve the health of the area, and allow people to  
6 get around, say, by foot instead of by car. So these  
7 things are all related.

8 Q With respect to the mix of uses is there a  
9 particular range which is the best proportion of the  
10 mix of uses from a sustainability perspective?

11 A I would not say that there is, no. I mean  
12 it varies so much. Every neighborhood, every city is  
13 different. It's not something that can really be  
14 fine tuned as much.

15 Q As applied is that a market-driven decision?

16 A This will I believe in many ways be a  
17 market-driven Project.

18 Q Is the plan consistent with the mauka  
19 collector road concept and alignment?

20 A My work on this plan, our work, has looked  
21 at making connections to mauka as well as to the north  
22 and south. So we've got the ability to connect to  
23 that road, should it happen.

24 MR. YEE: Thank you very much. I have no  
25 further questions.

1 CHAIRPERSON HELLER: We've been going a  
2 little over an hour. I think it's time to give our  
3 reporter a break. Let's take about five minutes. And  
4 then when we come back, Commissioners, if you have any  
5 questions for the witness we'll proceed with that.  
6 Thank you.

7 (Recess was held. 3:10)

8 CHAIRPERSON HELLER: (gavel) Back on the  
9 record. I think everybody's back. We're ready for  
10 any questions the Commissioners may have for this  
11 witness.

12 COMMISSIONER MATSUMURA: You mentioned two  
13 industrial projects: Santa Fe and Davis. Is that part  
14 of the specific industrial park in Santa Fe and Davis,  
15 California?

16 THE WITNESS: Yeah, those are more  
17 generalized examples. They're not really industrial  
18 parks. The one in Davis I was speaking to the way of  
19 having the retail near the open space and having those  
20 two interact.

21 The one in Santa Fe, I guess it's kind of  
22 an industrial park but it's more of a start-up  
23 incubator space. So I was more thinking of the  
24 building typologies there, something that might be  
25 used to allow people to start up businesses

1   inexpensively.

2               COMMISSIONER MATSUMURA:   So with this new  
3   concept that you're proposing is there any industrial  
4   parks in the nation that we can look at on the  
5   Internet see that has a similar concept that you're  
6   proposing?

7               THE WITNESS:   Say with the mix of uses?

8               COMMISSIONER MATSUMURA:   Yeah.

9               THE WITNESS:   You might look at -- I'm  
10   trying to think of some of *our* work.  There's  
11   Stapleton in Denver, Colorado that has a mix of uses.

12              There's Mission Bay in San Francisco which  
13   is more about technology not really industrial park,  
14   but a mix of housing and commercial.

15              There's -- I think it's University Park,  
16   University Village in Cambridge, Massachusetts  
17   that's got some interesting stuff going on there  
18   with mixing uses and technology space.

19              COMMISSIONER MATSUMURA:   You're saying that  
20   a lot of the old campus style industrial parks is kind  
21   of obsolete now.  But I still say like in San Jose  
22   like Apple's put in a big, huge complex.

23              THE WITNESS:   Yes.

24              COMMISSIONER MATSUMURA:   So are you saying  
25   that's obsolete?

1           THE WITNESS: Well, it's an interesting  
2 question. Because a place like Apple and even Google  
3 now is thinking about creating a new campus. A place  
4 like that that's so big, a corporation like that  
5 that's so big, in some ways they're actually trying to  
6 simulate the idea of the campus -- I mean not the  
7 campus but the mix of uses, within their own  
8 organization. They're very worried about secrecy and  
9 privacy.

10           But say the Google campus they're talking  
11 about making people walk farther to go to meetings  
12 so they might have chance encounters in the hall,  
13 this kind of thing.

14           So once a corporation gets so big they  
15 kind of try to simulate that inside the corporation.  
16 But the idea for the tech park here is that we  
17 couldn't count on having Apple come in. It would be  
18 more about the small businesses which actually do  
19 thrive more on these connections and restaurants and  
20 just chance encounters.

21           COMMISSIONER MATSUMURA: So you know the  
22 numbers break down. What are you projecting for this  
23 specific park? For example would be how many high  
24 tech, whatever high tech that you perceive to come in  
25 within 10 years? How many regular businesses going to

1 come in in 10 years? How many homes that's going to  
2 be built for a specific clientele? Do you have those  
3 breakdowns or projections that you've made?

4 THE WITNESS: Those projections were done.  
5 I believe they're in some of the exhibits in the  
6 incremental plan, I believe. We did not do those  
7 ourselves.

8 COMMISSIONER MATSUMURA: It wasn't specific.  
9 It wasn't specific is what I was wondering.

10 THE WITNESS: Generally what we deal with is  
11 kind of the idea of the full vision of an area. So,  
12 you know, whether it happens in three years or 30  
13 years I mean it makes a lot of difference to the  
14 development.

15 But when we look at the totality of it  
16 what we're generally looking at is how will it  
17 eventually be regardless of the amount of time.

18 COMMISSIONER MATSUMURA: Okay.

19 CHAIRPERSON HELLER: Other Commissioners?

20 COMMISSIONER ESAKI: In the docket it says  
21 the Project power demand will generate long-term  
22 impacts to air quality, increase the sulphur dioxide  
23 nitrogen oxide. And renewable energy sources *could*  
24 reduce these emissions.

25 Earlier this morning I asked I guess our

1 manager here about the more renewable energy in this  
2 area and wasn't really a positive response on that.  
3 Because even on the Ag land you could put, like, PV  
4 farms and stuff like that, right?

5 Speaking about Ag, I'd like to know what  
6 the Ag programs, research and development companies  
7 and programs have been considered? Because we've  
8 got a lot of big Ag research corporations coming to  
9 Hawai'i. Have any of those been considered?

10 THE WITNESS: You mean to accommodate them  
11 within the park?

12 COMMISSIONER ESAKI: Yes, being that it's  
13 research and technology.

14 THE WITNESS: We've -- as far as I know  
15 there haven't been -- there hasn't been contact.  
16 That's my knowledge. But the idea is certainly to  
17 broaden the ability of the park to absorb technology  
18 uses. So that if that was an area of growth in the  
19 technology industry that might be accommodated within  
20 the park by broadening, you know, some of the building  
21 typologies and the land use restrictions.

22 COMMISSIONER ESAKI: My point is we -- got  
23 on some other islands they go lot of these big  
24 agriculture development, seed development companies in  
25 particular because of the climate and they can do more



1 crops here and they set up these big plants.

2 A lot of 'em doing it on Kaua'i. I  
3 understand like Monsanto doing it on O'ahu. I was  
4 wondering why haven't, you know, we been considering  
5 such agriculture development in this Ag zoned  
6 property?

7 THE WITNESS: We within our work have not  
8 been considering that.

9 COMMISSIONER ESAKI: On a different issue I  
10 think it was brought up before on the bike paths, the  
11 interior roadways. You had the on-street parking and  
12 you get the bikes traveling right next to it.

13 From the parked cars they go into the  
14 driver's side, they open the door to the traffic and  
15 the bike's go right into it. So I think bike lanes  
16 would be better in those areas also.

17 THE WITNESS: Yeah. We have tried to have  
18 bike lanes in the streets that we believe will be the  
19 busiest and possibly the fastest traffic. The idea of  
20 having bikes travel within the regular travel lane.

21 Otherwise is the idea keeping the streets  
22 narrow which actually keeps cars slower. If the  
23 cars are actually going a speed similar to the bike  
24 speeds, then it should be safe enough for the bikes  
25 to travel in the lane.

1 But on the larger streets, the faster  
2 streets, then we would be providing the bicycle  
3 facilities. This is the concept.

4 COMMISSIONER ESAKI: Okay. Thank you.

5 CHAIRPERSON HELLER: Commissioners, anything  
6 further? Yes.

7 COMMISSIONER TORIGOE: Thank you, Mr. Chair.  
8 I just have a question. You mentioned the sense of  
9 community and connectivity. I feel this is an ideal,  
10 this is an ideal design opportunity to create that.  
11 And what you have in the center with that urban core  
12 demonstrates the one quarter mile live, work, play  
13 ideal and being able to walk to everything and through  
14 the connectivity.

15 Would that be a model that could just move  
16 forward and see if that would be robust enough  
17 without necessarily changing other areas? Because  
18 the residential area above starts to look more like  
19 sprawl versus the kind of community we were  
20 originally speaking of for design.

21 Or following on my fellow Commissioner's  
22 thoughts of other reuses for Ag land. Ag in itself,  
23 if it was possible, would actually be ideal for that  
24 perfect community of farm-to-table where you  
25 wouldn't have to bring food into the community.

1           It just seems like an ideal situation for  
2 a model type development. I was wondering what your  
3 professional thoughts were on something like that.

4           THE WITNESS: Speaking to the size of it,  
5 let me see. I think one of our graphics has the  
6 quarter mile radius. This one does. You can see on  
7 the left there. So the quarter mile -- for people who  
8 don't know, I mean we use as kind of a short cut for  
9 the general walking distance. People can walk further  
10 than or a shorter distance.

11           We felt like in this case with the  
12 northern and southern sections, northern one, it's  
13 slightly larger than a quarter mile distance from  
14 the center, but we're terming center.

15           But it's not such a long distance that  
16 it's unrelated. We believe that it was close enough  
17 that it's really all part, can be part of the same  
18 neighborhood.

19           As far as the farming we -- we're thinking  
20 that given the amount of open space integrated  
21 within the plan, meaning we're not requiring it, but  
22 there's enough open space within the plan that we're  
23 hoping there would be, say, community gardens, this  
24 kind of thing.

25           This could be implemented as part of the

1 development of housing or something like that. But  
2 that might be part of the later process in getting  
3 the specific uses within the open spaces.

4 COMMISSIONER TORIGOE: I see. Thank you.

5 CHAIRPERSON HELLER: Commissioner Biga.

6 COMMISSIONER BIGA: Mr. Beutler, are you  
7 guys also making the designs for the roadways? I can  
8 understand Commissioner Dennis' concerns about the  
9 roadways. I know you mentioned about having narrow  
10 roads to control the traffic. I still think that a  
11 bicycle path is the best safety way to have the  
12 connection made with the bicycles.

13 What about speed bumps? Are you going to  
14 be having speed bumps along the areas in the  
15 connections to help slow down the traffic?

16 THE WITNESS: I think that in general I  
17 think speed bumps are kind of implemented when there's  
18 a problem, that it's kind of an after-the-fact. If we  
19 see there's an issue. The idea of having the narrow  
20 streets to get out a head of it and have streets be  
21 more of a small-scale and neighborhood scale.  
22 Hopefully that -- I mean typically that keeps speeds  
23 more under control.

24 Having a greater number of intersections  
25 so people don't get long distances where they can

1 get up a lot of speed, that kind of thing.

2 So by having this spine network, it's all  
3 part of the attempt to control the speeds and  
4 increase the safety in that manner. But, you know,  
5 if speed bumps are necessary then they might have to  
6 be implemented.

7 COMMISSIONER BIGA: As far as the designs  
8 for the residential areas, what kind of design, you  
9 guys just looking at the homes, and kinda gauge what  
10 kind of prices you're looking at as far as selling the  
11 residences?

12 THE WITNESS: We have not got into the  
13 architecture. We do have a range of the housing sizes  
14 in general. A lot of these are, they're meant to be  
15 smallish lots and houses that are of modest size in  
16 general with the idea that this is one way to keep  
17 them affordable.

18 But we have not got further than what  
19 you're seeing here with the general layout of how  
20 the parking would be accessed, how the building  
21 would address the street. The specific architecture  
22 down to the quality of materials, things which might  
23 affect the pricing, have not. That's not within our  
24 work.

25 COMMISSIONER BIGA: You'll be working with

1 the housing development with the county through that  
2 aspects about the cost?

3 THE WITNESS: Take it to the next level.  
4 Yes, the park would be working further with that.

5 COMMISSIONER BIGA: Okay. Thank you.

6 CHAIRPERSON HELLER: Anything else,  
7 Commissioners?

8 COMMISSIONER INOUE: So some of the  
9 questions I'm asking may be answered by others so  
10 forgive me if I'm asking the wrong person. I have a  
11 difficult time trying to understand how we all can be  
12 assured that your mixed-use concept is going to  
13 happen. It doesn't appear to be too many restrictions  
14 on it. It's market driven.

15 How is that going to be controlled? In  
16 other words, if it's that loose how are we assured  
17 it's going to look like your great looking plans  
18 there and it's just not going to be urban sprawl?

19 I'm not sure you're the one to answer.  
20 Maybe later on we're gonna have a better concept. I  
21 don't have a feel for how it's going to happen.  
22 It's gonna look kind of like that, sort of like the  
23 market be it or it could be just urban sprawl. So  
24 if you could try to help me understand that part of  
25 it.

1           THE WITNESS: Yeah. I mean to some extent  
2 the fact that there's already, there's already a lot  
3 of jobs here. If there's, say, for instance, if  
4 housing is added it already has gone away from the  
5 sprawl idea because, you know, that would be broad  
6 areas of single uses.

7           It is now, could be called sprawl. What  
8 we're -- because it's more single use removed from  
9 things isolated. What we're trying to do is  
10 actually repair that. So adding any other uses will  
11 help to reduce that characteristic and make it  
12 better.

13           Because of, you know, the market and we've  
14 seen in the last six years or something, how  
15 difficult the market can be on construction housing,  
16 various things. So it's difficult to say, or it's  
17 impossible to guarantee, you know, that it would  
18 ever develop according to the vision completely.  
19 The idea is to enable that to with this mix of uses.

20           'Cause what's here now is not functioning  
21 in the way that as far as economic development goes  
22 that we think it could. As far as sustainability  
23 goes that we think it could.

24           So by at least enabling this housing to  
25 come in within a short distance from the employment

1 that would be a really good start. And having the  
2 housing and employment together would hopefully then  
3 create a market for some of the local serving  
4 retail.

5 COMMISSIONER INOUE: So in your experiences  
6 around the country in doing -- is this the first one  
7 know you're suggesting this method? Or in those that  
8 you have how many have resulted in what your vision  
9 looked like versus urban sprawl?

10 THE WITNESS: Well, typically fortunately  
11 we're in a position as a -- we're in a position to not  
12 take jobs that we don't believe in that don't conform  
13 to the principles of what we think are good urban  
14 design. So I wouldn't say -- I mean I can't think of  
15 anything that have become sprawl.

16 And the idea of having the, changing the  
17 code, which would be part of this process, would be  
18 to protect that idea not just -- we're not removing  
19 all restrictions from the park.

20 And a lot of going through this planning  
21 process is also adding these elements of circulation  
22 and mixed-use that would keep it from becoming  
23 sprawl.

24 So, yeah, I mean hopefully it won't but it  
25 may or may not be successful. It may not develop



1 any more than today. But most likely it will. Most  
2 likely eventually whether in a few years or many  
3 years, there will be demand for it. What we'll have  
4 is the framework for it to develop in the right way.

5 CHAIRPERSON HELLER: Anything further?

6 COMMISSIONER INOUE: Thank you.

7 CHAIRPERSON HELLER: Go ahead.

8 COMMISSIONER ESAKI: The report says it's  
9 likely that to have affordable housing. Why isn't  
10 there a more firm commitment to some affordable  
11 housing?

12 THE WITNESS: My understanding is -- and my  
13 understanding is I mean certainly the park will comply  
14 with all the rules along those lines as far as the  
15 commitment to affordability and things.

16 What we've tried to do with our work is to  
17 make things affordable by design in a way such that  
18 we're providing a variety of housing types and  
19 providing not the very large lots and things that  
20 might create kind of more expensive housing.

21 So the idea of making it, targeted toward  
22 the workforce.

23 COMMISSIONER ESAKI: You didn't answer the  
24 question, but maybe somebody else will later on.

25 MR. TABATA: Commissioner Esaki, the

1 Petitioner has made representations that it will  
2 comply with the county workforce housing ordinance.  
3 They will.

4 COMMISSIONER ESAKI: Thank you.

5 CHAIRPERSON HELLER: Commissioners, anything  
6 further? Okay. I think we're ready for the next  
7 witness then.

8 THE WITNESS: Thank you.

9 CHAIRPERSON HELLER: Thank you.

10 MR. WYETH MATSUBARA: Thanks. Originally we  
11 had planned for our planner Jennifer Maydan at this  
12 time. However, we have a Honolulu witness. And I've  
13 talked to the parties. We've agreed that we'll take a  
14 witness out of order and we'll have Mr. Yoichi Ebisu  
15 testify before Ms. Maydan if that's okay with the  
16 Commission.

17 CHAIRPERSON HELLER: If there's no objection  
18 from the parties that's fine.

19 MR. WYETH MATSUBARA: Thank you. At this  
20 time we will call Mr. Ebisu.

21 YOICHI EBISU,  
22 being first duly sworn to tell the truth, was examined  
23 and testified as follows:

24 THE WITNESS: I do.

25 CHAIRPERSON HELLER: Go ahead.

## DIRECT EXAMINATION

BY MR. WYETH MATSUBARA:

Q Mr. Ebisu, you're responsible for the preparation of the acoustic study for the Maui Research & Technology Park dated April 2012, which is Petitioner's Exhibit 11L?

A I was.

Q You also did an acoustic study letter with revisions after review of an updated 2013 TIAR which is included as Petitioner's Exhibit 11L-1?

A I did.

Q Mr. Ebisu, you also prepared written testimony for today. And you've attached your CV which is Petitioner's Exhibit 34?

A That's correct.

Q Your CV describes your qualifications and experience in acoustic assessment?

A Yes.

Q You've been qualified before the Land Use Commission as an expert in acoustic assessment before, correct?

A Yes.

MR. WYETH MATSUBARA: At this time Petitioner requests that Mr. Ebisu be admitted as an expert witness in the field of acoustic assessment.

1 CHAIRPERSON HELLER: Are there any  
2 objections?

3 MR. YEE: No objection.

4 CHAIRPERSON HELLER: Okay.

5 MR. WYETH MATSUBARA: Thank you.

6 Q Mr. Ebisu, could you briefly summarize your  
7 report.

8 A My original report, which is based on the  
9 prior TIAR, basically concluded that there weren't any  
10 red flags, no severe noise impacts associated with the  
11 Project. And that the Project proposed developments  
12 of noise sensitive land uses and sufficient setback  
13 from Pi'ilani Highway such that they wouldn't exceed  
14 any noise quality or noise impact standards.

15 And on review of the updated Traffic Impact  
16 Assessment Report of 2013, we basically ran the  
17 numbers and replicated all the tables of traffic noise  
18 projections that were in the original study report  
19 basically just to assure ourselves that under the new  
20 TIAR there weren't any significant changes to the  
21 conclusions in our original report.

22 Q Do you have a conclusion regarding the noise  
23 impacts for this Project?

24 A As far as we can tell right now there is no  
25 significant noise impacts resulting from the Project.

1 Q And your recommendation would be in terms of  
2 noise assessment?

3 A We don't -- we don't really have any noise  
4 mitigation recommendations for the Project.

5 MR. WYETH MATSUBARA: Thank you, Mr. Ebisu.

6 CHAIRPERSON HELLER: County, any questions?

7 MR. GIROUX: No questions.

8 CHAIRPERSON HELLER: OP?

9 CROSS-EXAMINATION

10 BY MR. YEE:

11 Q Briefly. (audience chuckling) The revised  
12 TIAR includes four different scenarios, correct?

13 A Yes.

14 Q Did you analyze the noise impacts under both  
15 scenario 3 and scenario 3?

16 A Yes.

17 Q Under both scenario 3 and scenario 4 what  
18 was your conclusion as to the decibel level at the  
19 border of the Project?

20 A That it would basically increase above those  
21 that were stated in the original report under the old  
22 TIAR by 1 to 3 decibels or DNL, or LEQ decibels. So  
23 it would increase the levels that were in the original  
24 noise study at the Project site by about 1 to 2 or 1  
25 to 3 decibels.

1           *But* even with that increase the original  
2 study levels were well below what we considered to be  
3 the noise impact level based on the FHA HUD noise  
4 standards or the Hawai'i State DOT noise standards.

5           Q     Am I interpreting your statement correctly  
6 that the original TIAR is equivalent to scenario 4  
7 under the revised TIAR?

8           A     Under the old TIAR, scenario 4, in which the  
9 forecasts were shown and the report figures 5 and 6  
10 for the Project site, we concluded that under scenario  
11 4, which includes the construction of the new  
12 collector road, the mauka collector road, that the  
13 noise levels at the Project site as shown in the  
14 figures, would not change from existing noise levels.

15                 Under the -- using the new TIAR, the revised  
16 one of 2013, then we concluded that those levels could  
17 go up by one to two points. So it would actually  
18 increase above those that were originally stated under  
19 scenario 4 under the old TIAR.

20           Q     I just need to be clear in my mind. Did you  
21 do an analysis under the revised TIAR for scenario 3?

22           A     3 and 4.

23           Q     Okay. What was the conclusion on scenario  
24 3? Do you remember what the decibel level was?

25           A     I believe it was, like, 1 or 2 points above.

1 Q Above the prior TIAR?

2 A Above the prior TIAR scenario 4.

3 Q And what was the decibel level? Do you  
4 remember?

5 A I gotta look in the figures. I think it  
6 was, like, up to 60 or 61 total after -- under  
7 scenario 3 or 4 under the new TIAR total 60 or 61 DNL  
8 or decibels.

9 Q For scenario 3, under scenario 3 in the  
10 Revised TIAR, is that right?

11 A Right.

12 Q What is the threshold standard under State  
13 DOT?

14 A State DOT their standard is six six,  
15 sixty-six.

16 Q I don't remember. Was there a difference  
17 between daytime and nighttime standards?

18 A Not in this case because -- well, let me  
19 clarify. There's two so-called standards. One is the  
20 FHA/HUD standard which includes the 24-hour average.  
21 This is over a day which includes the nighttime  
22 penalty, takes into account daytime and nighttime  
23 noise levels. It's called DNL. All right? So that  
24 that's the daytime/nighttime so to speak standard.  
25 And that number is 65 DNL.

1           The State Highways Department applies the  
2 federal highways standard which typically only looks  
3 at the worst traffic hour of the day or the hour with  
4 the highest noise level which tends to be either the  
5 morning or the afternoon peak hour of traffic when  
6 it's the highest.

7           And that number that they apply is 66, what  
8 we call LEQ, or average noise level for that hour.  
9 And it turns out that DNL and LEQ for this situation  
10 are essentially the same metric. Okay.

11           So we have a federal HUD and FHA standard  
12 that's 65 DNL which is essentially equivalent to 65  
13 LEQ. So it's one point more stringent than the  
14 Hawai'i DOT, Federal Highways standard of 66 LEQ.

15           Q     So your conclusion, then, would be that  
16 based upon the conceptual plan there would be no  
17 violation of either the state or federal noise  
18 standards, correct?

19           A     No exceedence of it.

20           Q     No exceedence. So the Project will be in  
21 compliance, then with, state and federal noise  
22 standards.

23           A     Yeah. It's really not a compliance issue,  
24 right? It's really an impact threshold. I mean it's  
25 a level above which we've got to start worrying about



1 mitigation. But there's no regulation that says if  
2 you exceed that level you can't build or you can't,  
3 you know, change the zoning, whatever.

4 Q I apologize for my terminology. Let me try  
5 to rephrase it so we get it correct. So based upon  
6 your analysis and the conceptual plan, the proposed  
7 Project will not exceed the threshold level -- the  
8 impact threshold level under either State DOT or  
9 federal guidelines?

10 A That is correct.

11 MR. YEE: Thank you. Nothing further.

12 CHAIRPERSON HELLER: Commissioners, any  
13 questions? I have one question.

14 THE WITNESS: Yes.

15 CHAIRPERSON HELLER: In your written  
16 testimony you refer to the residential areas as the  
17 most sensitive areas in terms of noise impact. We  
18 have heard some discussion about a school being put in  
19 the Project site.

20 THE WITNESS: Yes.

21 CHAIRPERSON HELLER: Have you made any  
22 measurements or evaluations or conclusions regarding a  
23 potential school site and noise levels at that site?

24 THE WITNESS: No.

25 CHAIRPERSON HELLER: Is that something

1 you've been asked to do or you have any expectation of  
2 doing?

3 THE WITNESS: No. But if this school site  
4 is located on the Petition Area, that was part of the  
5 phase I/phase II plan, then any location within that  
6 area should be acceptable for a school.

7 CHAIRPERSON HELLER: Are there separate  
8 school guidelines that are different from DOT  
9 guidelines?

10 THE WITNESS: There really aren't specific  
11 standards or criteria which are analogous or have the  
12 weight of the FHA/HUD standard or the HDOT standards.  
13 But DOE probably has some internal standards that they  
14 like to apply for their schools which is probably  
15 something in the order of 55 for naturally ventilated  
16 classrooms.

17 CHAIRPERSON HELLER: So if we're at 61 we  
18 may be above that level?

19 THE WITNESS: That's right. But that's if,  
20 if you want to be restricted to naturally ventilated  
21 classrooms.

22 CHAIRPERSON HELLER: Thank. Commissioners,  
23 anything else? Thank you.

24 MR. WYETH MATSUBARA: One quick question.

25 REDIRECT EXAMINATION

1 BY MR. WYETH MATSUBARA:

2 Q Mr. Ebisu, are you familiar with the Master  
3 Plan where the general location of the school would be  
4 located?

5 A No.

6 Q Okay. We have an exhibit that will show  
7 generally where the school is to be located. We'll  
8 bring it over for you.

9 (Witness speaking off mic at diagram)

10 CHAIRPERSON HELLER: Excuse me. Please use  
11 the microphone so that the reporter can get that.

12 MR. TABATA: Just to explain, the Master  
13 Plan, which is figure 11 of Exhibit 11, the school  
14 site would be located near the mixed-use center or in  
15 the mixed-use center which is -- I'm not sure what the  
16 distance is, but at least a half mile from Pi'ilani  
17 Highway. Whereas the residential extends very much  
18 closer to the highway.

19 THE WITNESS: Okay. Now, based on that  
20 location which is, let's call it mid-north sector of  
21 the Project site of the Petition Area -- and I'm  
22 looking at my original report figure 6 which showed  
23 the predicted traffic noise levels under the scenario  
24 4 of the old TIAR. Let's add three points, three more  
25 decibels to those numbers to reflect the scenario 3/4

1 under the new TIAR.

2 So in my report figure of 2012 I had that  
3 location as being between 45 and 48. Let's call  
4 that 47. Let's add three more decibels to that  
5 which would put it at about 50. So the projected  
6 noise level at that mixed use site would be about 50  
7 under the new TIAR with the three point increase.

8 CHAIRPERSON HELLER: Thank you. Anything  
9 further for this witness?

10 MR. WYETH MATSUBARA: Nothing further, thank  
11 you. Thank you, Mr. Ebisu. At this time Petitioner  
12 will call Jennifer Maydan.

13 JENNIFER MAYDAN  
14 being first duly sworn to tell the truth, was examined  
15 and testified as follows:

16 THE WITNESS: I do.

17 CHAIRPERSON HELLER: Go ahead.

18 MR. WYETH MATSUBARA: Thank you, Chair.

19 DIRECT EXAMINATION

20 BY MR. WYETH MATSUBARA:

21 Q Good afternoon, Maydan. You're an associate  
22 planner, senior planner with Chris Hart & Partners and  
23 were responsible for coordinating the environmental  
24 and land use approvals for the Maui Research and  
25 Technology Master Plan update, is that correct?

1 A Correct.

2 Q Ms. Maydan, you also prepared for us today a  
3 written testimony and your CV which is attached as  
4 Petitioner's Exhibit 32?

5 A Correct.

6 Q You also prepared for the Land Use  
7 Commission presentation today a PowerPoint  
8 presentation which is Exhibit 33?

9 A Yes.

10 Q Thank you. Your CV describes your  
11 qualifications and areas of expertise as they relate  
12 to planning, environmental impacts and land use?

13 A Yes.

14 MR. WYETH MATSUBARA: At this time  
15 Petitioner requests that Ms. Maydan be admitted as an  
16 expert witness in the field of planning, environmental  
17 impacts and land use.

18 CHAIRPERSON HELLER: Any questions or  
19 objections?

20 MR. GIROUX: No objection.

21 MR. YEE: No objection.

22 CHAIRPERSON HELLER: She'll be admitted as  
23 an expert.

24 MR. WYETH MATSUBARA: Thank you, Chair.

25 Q Ms. Maydan, could you please summarize your

1 testimony for us then.

2 A Yes, thank you. Good afternoon, Chair,  
3 Commissioners. I have about 15-minute presentation  
4 with a few slides. I will be covering first the land  
5 use entitlements necessary for implementation of the  
6 MRTTP Master Plan Update, then Project impacts and  
7 proposed mitigation followed by the Project's  
8 consistency with the Land Use Commission's Urban  
9 District standards.

10 Implementation of the Master Plan update  
11 will require a Land Use Commission District Boundary  
12 Amendment, a Maui County Community Plan Amendment and  
13 a Maui County change in zoning.

14 As has been explained the MRTTP is an  
15 existing operational technology park that sits on  
16 approximately 150 acres of Urban District lands. The  
17 150 acres were reclassified by the Commission in LUC  
18 Docket No. A84-585 for the development of a high  
19 technology park as identified in yellow on the map.

20 The Petitioner now seeks to expand the park  
21 and to diversify the uses by reclassifying an  
22 additional 253 acres of additional lands in the LUC  
23 Docket No. A10-787 as identified in green on the map.

24 As Mr. Beutler has described, the Petitioner  
25 has updated the Master Plan for the Project and seeks

1 to transform the Project from a purely technology park  
2 into a multiuse Project that will include an existing  
3 employment center focused on high technology and  
4 create a sustainable and walkable community where  
5 people can live, work and play.

6 To update the Master Plan the Petitioner  
7 will need to amend the amended findings of fact,  
8 conclusions of law and decisions and order dated  
9 February 25th, 1986 in Docket No. A84-585 to allow for  
10 the change in uses that will include a village center  
11 and housing as well as an expansion of the light  
12 industrial and a high technology employment component.

13 Accordingly the Petitioner is bringing both  
14 dockets before the Commission at the same time so that  
15 the Commission may have an opportunity to evaluate the  
16 Project as a whole.

17 Moving on to the Maui County entitlements.  
18 The MRTP Master Plan update site is located within the  
19 Maui Island Plan's Urban Growth Boundary which is a  
20 requirement to proceed with the Project. County  
21 entitlements necessary to implement the proposed  
22 Project include a community plan amendment and a  
23 change in zoning.

24 The Kihei-Makena Community Plan will be  
25 amended to include the entire Project within the

1 proposed new Maui Research and Technology Park  
2 District.

3 The Master Plan update will also require a  
4 change in zoning in order to bring the entire Project  
5 into the proposed new Maui Research and Technology  
6 Park District.

7 This will be a new zoning district under the  
8 Maui County Code with the purpose of creating  
9 opportunities for a broader range of knowledge-based  
10 and emerging tech industries providing diverse housing  
11 options within close proximity to MRTTP employment.  
12 And integrating neighborhood serving retail, civic and  
13 commercial uses to create a complete community.

14 All zoning issues: Use, height, setbacks,  
15 lot sizes, et cetera, will be dealt with at the county  
16 level through refinement of the zoning code and the  
17 design guidelines.

18 The change in zoning and Community Plan  
19 Amendment are being concurrently processed with the  
20 Land Use Commission's District Boundary Amendment and  
21 are subject to approval by the Maui County Council.

22 The county entitlements will be held in  
23 abeyance until approval of the District Boundary  
24 Amendment.

25 Moving on to the Project's impacts and



1 mitigation. The Final Environmental Impact Statement  
2 for the Master Plan update was accepted by your  
3 Commission in April of this year. There are no  
4 significant long-term environmental impacts  
5 anticipated to be associated with the Project.

6 The appropriate mitigation measures have  
7 been incorporated throughout the Project to minimize  
8 or mitigate potential adverse impacts.

9 The Final EIS includes numerous technical  
10 studies analyzing potential impacts of the Project on  
11 the physical and socio-economic environment, public  
12 services and infrastructure.

13 I will provide a very brief summary of the  
14 major impacts and the proposed mitigation associated  
15 with the Project. And our remaining expert witnesses  
16 will provide a more in depth overview with their  
17 technical studies and findings.

18 First, regarding flora and fauna the subject  
19 site is dominated by non-native plant and animal  
20 species. No federal or state listed, threatened or  
21 endangered plants or animal species were identified on  
22 the property.

23 The Applicant will incorporate mitigation  
24 measures into the Project to minimize potential  
25 impacts to listed species and native habitats.

1           The Archaeological Inventory Survey of this  
2 site yielded a very limited number of sites. SHPD has  
3 determined that the survey to be acceptable and has  
4 concluded that no historic properties will be affected  
5 by the proposed Project.

6           Regarding agriculture: The Petition Area  
7 consists of lands with poor quality soils.  
8 Urbanization of these lands will have very minimal  
9 impact on the island's agricultural land supply. And  
10 the proposed Project will have no impact on nearby ag  
11 operations.

12           Short-term air and noise quality impacts  
13 will be mitigated during construction. No significant  
14 long-term air or noise impacts are anticipated.

15           Development of the site will not impact  
16 downstream properties or water quality. Drainage  
17 detention basins designed to mitigate peak flows will  
18 retain all development-induced runoff on site in  
19 accordance with Maui County's drainage rules.

20           To meet the Project's water demand five  
21 offsite or onsite brackish wells are proposed with the  
22 use of reverse osmosis filtration. The proposed wells  
23 would draw from the Kamaole Aquifer.

24           And the Project anticipated use rates are  
25 well within the State Commission on Water Resource

1 Management's guidelines for sustainable use.

2           The Project will not adversely impact public  
3 services, facilities, or systems. The Applicant will  
4 construct improvements or contribute their fair-share  
5 to mitigate impacts to infrastructure systems.

6           And, finally, traffic. The Traffic Impact  
7 Analysis Report documents the regional traffic impacts  
8 of the Master Plan update and evaluates roadway  
9 conditions both with and without the Project.

10           Impact analysis and proposed mitigation are  
11 identified for Phase I and Phase II of the Project.  
12 Substantial roadway improvements are planned to  
13 mitigate the Project's impacts.

14           Additionally, the Master Plan update itself  
15 seeks to reduce automobile dependency by incorporating  
16 Smart Growth principles into the land use plan.

17           Development of the Master Plan update is  
18 expected to generate short-term economic benefits in  
19 the form of construction-related employment as well as  
20 long-term benefits which include increased permanent  
21 employment and tax revenues.

22           It is estimated the park will generate about  
23 \$1.4 million in capital investment into Maui's  
24 economy. After stabilization the park will support  
25 some 5,880 permanent jobs on site and an additional

1 approximate 1,470 jobs offsite.

2 The Master Plan update proposes the  
3 development of up to 1250 residential dwelling units  
4 targeted at the full spectrum of workers in the park.  
5 The Project will comply with state and county housing  
6 requirements.

7 Now I will address the Project's conformance  
8 with the Land Use Commission's Urban District  
9 standards for reclassification. The Petition Area  
10 will include lands characterized by city-like  
11 concentrations of urban land uses.

12 At buildout the park will have 1250  
13 residential units, schools, mixed-uses and a higher  
14 density core area, commercial, light industrial,  
15 neighborhood retail, community centers and a network  
16 of parks and trails.

17 The Petition Area is proximate to centers of  
18 trade and employment. The site is adjacent to the  
19 existing MRTP which is home to a variety of high  
20 technology and supporting industries and employing  
21 approximately 400 people.

22 The Petition Area is located within close  
23 proximity to Kihei Elementary School, Pi'ilani  
24 Shopping Center and other professional business  
25 services which generate substantial employment.

1           Basic public services and facilities are or  
2 will be available to serve the MRTP. The Applicant  
3 will construct improvements or contribute their  
4 fair-share to mitigate impacts to infrastructure  
5 systems.

6           The Master Plan update addresses over 400  
7 acres. With the requested District Boundary Amendment  
8 the MRTP will have sufficient urban lands to  
9 accommodate the land uses contemplated in the Master  
10 Plan update.

11           The Petition Area is an appropriate location  
12 for new urban concentration and growth. It is within  
13 the Maui Island Plan's Urban Growth Boundary. It is  
14 also designated by the Kihei-Makena Community Plan for  
15 urban uses. The entire Project is.

16           The Petition Area is a readily developable  
17 with satisfactory topography and drainage. The  
18 Petition Area is immediately adjacent to lands  
19 designated Urban.

20           And, finally, urbanization of the Petition  
21 Area will not contribute to scattered spot urban  
22 development, and will not necessity unreasonable  
23 public investment in infrastructure and public  
24 services.

25           The Petition Area is located adjacent to and

1 will become part of the existing urban areas within  
2 the MRTP and other residential commercial developments  
3 in the area. Thank you.

4 Q Thank you, Ms. Maydan. I have a couple  
5 follow-up questions. And since we were just on it  
6 there were some questions raised today regarding  
7 concern for sprawl, for urban sprawl. As you stated  
8 this area is in a designated -- within the urban  
9 boundary, correct?

10 A Correct.

11 Q My understanding is that the urban boundary  
12 is not of a -- it's more of a limit. That's where the  
13 County in their wisdom has decided to determine this  
14 is where the urban core is going to go.

15 A Correct. The Urban Growth Boundary is the  
16 County's identifying where the community wants to grow  
17 in the future. The Urban Growth Boundary says yes we  
18 want to grow in an urban form within this boundary.

19 Q So in terms of sprawl or issues concerned  
20 with sprawl, do you have any thoughts on that concern?

21 A The Petition Area, the whole park site, is  
22 identified for urban uses by being within the Urban  
23 Growth Boundary as well as identified for urban uses  
24 within the Kihei-Makena Community plan as Project  
25 District 6.

1           As far as sprawl, one Commissioner mentioned  
2 that the areas that are designated for residential use  
3 that potentially look like sprawl, within the zoning  
4 code those areas which are termed the "residential  
5 district" there would be the allowance to have small  
6 community -- small neighborhood-serving retail uses  
7 within those areas on a very small scale, but to have  
8 a corner store you could walk to.

9           So, no, I would have absolutely no concerns  
10 for sprawl within this Project.

11         Q     Thank you, Ms. Maydan. Then I want to kind  
12 of direct your attention to some questions regarding  
13 to the agricultural land. We sent our Honolulu-based  
14 Ag expert home based on the lack of questions for our  
15 Ag consultant.

16           But since you drafted and authored the  
17 Environmental Impact Statement, which includes our  
18 assessment on agriculture, I'd like to ask you some  
19 questions on our consultant's findings regarding the  
20 soil quality for this petition land.

21         A     Okay.

22         Q     The reason why -- I'm assuming the County  
23 and the Office of Planning did not have any questions  
24 for our Ag expert is because of the extreme low  
25 quality of the soil and rocky terrain in this area, is

1 that correct?

2 A Yes, correct.

3 Q Are you familiar that the land capability  
4 classification, the LCC, for the Project site is rated  
5 a 7 lower case "s"?

6 A That sounds familiar, yes.

7 Q Well, class 7 soils have very severe  
8 limitations that make them unsuitable for cultivation  
9 and restrict their use largely to pasture, range,  
10 woodland or wildlife habitat, is that correct?

11 A Correct.

12 Q This sub-classification small "s" indicates  
13 that the soils have an unfavorable texture or  
14 extremely rocky or stoney. Does that sound familiar?

15 A Correct.

16 Q Thank you. Also in terms of the Land Study  
17 Bureau, or the LSB rating, the Project site is rated  
18 E?

19 A Correct.

20 Q And E is the lowest rating available?

21 A Yes, it is.

22 Q So in your understanding of the availability  
23 of land to grow or produce agriculture in this area,  
24 do you have any thoughts or opinions on that?

25 A From the Ag study it appears that this land



1 is not desirable for agricultural development. When  
2 you look at the full scope of Ag lands that are  
3 available on Maui, these are not high-quality lands  
4 and these are a very small percentage of our Ag lands.

5 MR. WYETH MATSUBARA: Thank you. And I'd  
6 just like to reference that our Ag expert Bruce  
7 Plasch, his written testimony is in our Exhibit 36.  
8 And his written report is contained in our Exhibit 11J  
9 if there's any further need for discussion on Ag  
10 lands. Thank you, Ms. Maydan, I have no further  
11 questions.

12 CHAIRPERSON HELLER: County, any questions?

13 MR. GIROUX: No questions.

14 CHAIRPERSON HELLER: OP?

15 CROSS-EXAMINATION

16 BY MR. YEE:

17 Q Are you aware that the mauka collector road  
18 is identified in the Maui Island Plan?

19 A Yes.

20 Q Do you know whether -- is the mauka  
21 collector road alignments within or outside of the  
22 Petition Area?

23 A As far as its alignment within the Maui  
24 Island Plan, no I'm not certain of its exact location.  
25 I think it is conceptual in the Maui Island Plan.

1           Q     Have you considered if the mauka collector  
2 road -- well, have you had any discussions with the  
3 county regarding the location of the mauka collector  
4 road with respect to this Petition Area?

5           A     There have been initial discussions. And  
6 the County has recommended that the mauka collector be  
7 an in-tract roadway within the MRTTP and to coordinate  
8 with adjoining developments.

9           Q     Is your conceptual plan consistent then with  
10 the mauka collector road?

11          A     The mauka collector road as in the Maui  
12 Island Plan?

13          Q     Well, let me start again. The County has  
14 suggested that a portion of the mauka collector road  
15 be located within the Maui Research & Technology Park,  
16 correct?

17          A     Correct.

18          Q     Is that reflected in your conceptual plan?

19          A     Yes.

20          Q     Okay. Is that the road that goes through --  
21 well, can you identify it in the map or on a map?

22          A     The mauka collector road as an intact 2-lane  
23 road within the MRTTP would be Ninau Street.

24          Q     And I assume given the prior testimony that  
25 road is somewhat winding for the purpose of lowering

1 speeds within the Project, is that right?

2 A That could be a reason for it, yes.

3 Q Is that consistent with the purpose of a  
4 collector road?

5 A I don't know what the county's definition of  
6 'collector road' is. But the idea here is to have it  
7 be an in-tract roadway that provides connections  
8 throughout the development as well as outside.

9 Q Is it -- and your understanding it's a  
10 2-lane road one lane in each direction?

11 A Correct.

12 Q And that's a request from the County.

13 A The County did not specify a number of lanes  
14 that they would like that I'm aware of. Our traffic  
15 consultant, Dr. Lee, would be appropriate for specific  
16 questions.

17 Q Have you had discussions with the County  
18 regarding how the water would be provided for this  
19 Project, potable water?

20 A At this point the County cannot commit to  
21 providing potable water by the County's system. We  
22 are open to have ongoing conversations with the  
23 County. That would be the Petitioner's preference to  
24 have County water. But at this point the County  
25 cannot provide a commitment.

1           So we have come up with an alternative. But  
2 again that is the alternative of the brackish wells  
3 are not the Petitioner's prime choice. So ongoing  
4 communication with the County's Department of Water  
5 Supply is very welcome. And our water consultant, Tom  
6 Nance, who will be here tomorrow, could speak to that  
7 as well as our engineer Darren Unemori.

8           Q     With respect, though, the proposal without  
9 getting into details is to set up a private water  
10 system, correct?

11          A     Correct.

12          Q     And the private water system will then  
13 develop its own water supply for the Maui Research and  
14 Technology Park outside of the existing urban area.

15          A     Correct.

16          Q     Is there a reason why you're not simply  
17 providing a water source to the county so that they  
18 could then have enough water to supply Maui Research &  
19 Technology Park?

20          A     They have not provided that opportunity as  
21 of yet.

22          Q     Referring to the Maui County has not  
23 provided the opportunity.

24          A     Correct.

25          Q     Have you made the offer?

1           A     We are open to talk about it. They haven't  
2 specified -- that would be a preferable option if we  
3 could contribute to source development.

4           Q     So I guess I understand you're saying it's a  
5 possibility in the future. I guess I'm trying to get  
6 at so to what extent have you initiated those  
7 discussions up to now?

8           A     We have been open to communication with the  
9 County Water Department, but they have not shown any  
10 interest in providing us some options for providing  
11 the source development.

12          Q     Well, it's a 2-way street, right? So have  
13 you gone to them and said: We would like to provide a  
14 potable water source for you in a sufficient amount  
15 that you could then supply water to our Maui Research  
16 and Technology Park? Have you made that request to  
17 them?

18          A     I don't know that that detailed a request  
19 has been made or not. I believe Tom Nance or Darren  
20 Unemori would be able to be address that question  
21 better.

22          Q     In your analysis -- let's backtrack.  
23 There's some references to terms of potential uses  
24 within the Petition Area, one of which is the campus  
25 area. Do you have any definition for what uses would

1 occur within this campus area?

2 A As I mentioned, all the zoning issues, use,  
3 lot size, setbacks, et cetera, will be flushed out and  
4 finalized through the county entitlement process in  
5 finalizing the zoning code for the research and  
6 technology park.

7 Within Exhibit 11-0 is the draft Chapter  
8 19.33A MRTDP district zoning code. You're asking about  
9 the campus district and potential uses. It would be a  
10 broad range of uses including knowledge industry,  
11 education, fire and police stations, general  
12 merchandising, light industrial manufacturing, medical  
13 centers.

14 Q So there's a broad range of commercial uses.

15 A Correct. And knowledge industry and high  
16 tech uses.

17 Q With respect to the employment core what are  
18 the proposed uses there? I mean I understand the  
19 County's going to deal with density and lot sizes.  
20 I'm not particularly concerned with those issues. I  
21 am concerned, however, about uses.

22 A The employment district and the campus  
23 district would virtually be the same uses.

24 Q And the knowledge industry expansion,  
25 there's a definition for knowledge industry of uses?

1 A Yes. Would you like me to read it to you?

2 Q Or if you could describe it.

3 A "'Knowledge industry' means industries  
4 characterized by high-skilled workers in professional,  
5 scientific and technical services, service  
6 establishments as specialized in performing  
7 professional scientific and technical activities.

8 "Knowledge industries are supported by  
9 employees who work primarily with information or who  
10 develop and use knowledge in the workplace."

11 Q And so then within the employment core  
12 within the knowledge industry/expansion campus, in  
13 that broad range of uses, would this still be  
14 considered a technology park?

15 A I think yes, it could be termed a technology  
16 park.

17 Q And I guess I'm wondering given the  
18 discussion about how important it is to get that  
19 synergy by forcing a mix of specific industry of high  
20 tech, how is that broad range of uses then conducive  
21 to a technology park?

22 A As John Beutler explained, it creates a  
23 synergy and it creates opportunities for, as we have  
24 it now it's very hard for a startup to come in here to  
25 be able to afford 2 acres, to be able to develop a

1 building on a lot like that.

2 The broader range of uses and the change in  
3 the development code would provide for smaller  
4 companies coming in growing to be medium and larger  
5 companies within the MRTP.

6 It would provide for the life-cycle of high  
7 technology businesses. And then you would have the  
8 supporting retail uses within close proximity as well  
9 as homes.

10 Q You know, I understand the idea of lot sizes  
11 need to have a variety of sizes and those kinds of  
12 issues which are county questions.

13 But with respect to the specific uses I  
14 guess I'm having trouble understanding why allowing a  
15 broad mix either encourages or fosters a group of  
16 people who are all focused on high technology in the  
17 research and technology park. Could you explain that?

18 A Well, in the current code, in the current  
19 code for the research and technology park, the uses  
20 are listed and they are very narrow. Any new emerging  
21 industry that comes out may not fall within those  
22 clear definitions.

23 So it is very hard to allow those uses to  
24 come into the park at this time. So to provide a more  
25 flexible range of high technology uses allows us to be



1 more open to what the technology might be in the  
2 future.

3 Q But you're not proposing a broader range of  
4 *high* technology uses. You're recommending a broader  
5 range of *commercial* uses.

6 A We are providing for a broader range of high  
7 technology uses as well as commercial.

8 Q I did ask Mr. Beutler a question regarding  
9 any sustainability -- commitments regarding  
10 sustainability. I won't go over them again. But is  
11 there any other -- is there any other comments or  
12 clarification or items that maybe perhaps were not  
13 listed or fully explained by Mr. Beutler?

14 A You mentioned PV. I don't know the  
15 specifics of what the commitments and plans are for  
16 providing PV. Steve Perkins would be able to speak  
17 more specifically to it, but I know that PV is a  
18 strong part of the park being technology. And they  
19 are committed to doing PV.

20 As far as water conservation using  
21 drought-tolerant plants and native plants wherever  
22 possible. Irrigation water will be reused wastewater  
23 from the Kihei facility.

24 Q Will you be constructing the homes?

25 A That is yet to be determined. That's more

1 of a question for Steve to answer. It's not  
2 determined at this point whether they will have a  
3 master developer or individual developers would pursue  
4 that.

5 Q So no particular requirements for the  
6 sustainability features of the residential areas at  
7 this time.

8 A Not that I'm aware of.

9 Q Nothing on Energy Star appliances or PV  
10 ready or, I mean I'm not saying you have to. I'm just  
11 asking are there any.

12 A Those are incorporated within the  
13 development code and design guidelines.

14 Q Well, so you're saying you'll follow  
15 existing law, is that right?

16 A No. Within --

17 Q What's the development code and NZ referring  
18 to? Internal to the park?

19 A Exhibit 11-0, the development code and the  
20 proposed zoning district.

21 Q But that would be a requirement imposed by  
22 the county.

23 A Yes.

24 Q Okay. Are there any voluntary commitments,  
25 I guess I'm asking, over and above what might be

1 required by the law?

2 A I'm not aware of any.

3 Q I also asked if there were any other reasons  
4 regarding -- or justifications for an immediate -- I  
5 shouldn't say "immediate" but a complete approval of  
6 the entire Petition Area rather than having it  
7 incrementally approved. And he gave me his answer.

8 Is there anything else that you would have  
9 to add or clarify to that justification?

10 A No. I don't think I would have anything to  
11 add. I think he provided a clear explanation.

12 Q Okay. Sorry. One last question or line of  
13 questions. Have you had any discussions with the  
14 Department of Education regarding the interaction  
15 between the Maui Research and Technology Park and the  
16 proposed Kihei High School campus?

17 A Yes. There was one conference call that we  
18 had with the planners for the DOE for the Kihei High  
19 School.

20 Q What was the outcome of that conversation?

21 A That we will commit to continue to  
22 coordinate, to provide a connection between both  
23 sites.

24 Q A connection being a physical connection?

25 A Yes.

1 MR. YEE: Thank you. Nothing further.

2 CHAIRPERSON HELLER: Commissioners, any  
3 questions?

4 COMMISSIONER ESAKI: One of your slides you  
5 said regarding drainage you'd comply with county  
6 rules. But I believe there's also things like the  
7 NPDES administered by the state so get other  
8 non-county agencies.

9 THE WITNESS: Yes. The Petitioner will  
10 comply with all state and county, federal guidelines.

11 COMMISSIONER ESAKI: And a question was  
12 asked about the water. I mentioned a couple times the  
13 reverse osmosis system. If it's a private system  
14 would it be under the jurisdiction of the PUC?

15 THE WITNESS: I'm not sure about the PUC.  
16 Our water consultant, Tom Nance, would probably have a  
17 clearer understanding. I know it would be regulated  
18 by DOH.

19 COMMISSIONER ESAKI: I believe they  
20 distribute the water. I don't think it's Tom's  
21 expertise. But have you evaluated the financial  
22 feasibility of our role in reverse osmosis?

23 THE WITNESS: I have not, no. Tom Nance  
24 will definitely have a response to that. He has a  
25 very good understanding of the system and examples.

1 COMMISSIONER ESAKI: Okay. Thank you.

2 CHAIRPERSON HELLER: Commissioners, anything  
3 further? Commissioner.

4 COMMISSIONER INOUE: Again, forgive me if  
5 I'm asking the wrong person the question. It will  
6 help me to understand some of the questions I had  
7 earlier. I think you said that, essentially that  
8 there's no difference between the area called the  
9 "employment core" and "knowledge industry". They're  
10 basically the same type of uses?

11 THE WITNESS: Yes.

12 COMMISSIONER INOUE: And in answer of one  
13 of Bryan's questions I think you said that, yes, you  
14 could have -- and you defined what the knowledge  
15 industry is and commercial development. Is there any  
16 restriction or are we relying on the county to provide  
17 the restrictions of -- in other words, could it all be  
18 commercial?

19 THE WITNESS: No. There's a cap on the  
20 amount of commercial that could go in within each  
21 district. And a cap on the size, the square footage  
22 of a commercial building.

23 So, for example, a big box would not be  
24 accommodated up here. I don't know what their  
25 requirements are exactly, square footage, but I know

1 it's larger than what would be permitted within the  
2 code.

3 COMMISSIONER INOUE: Okay. I'm looking at  
4 your figure No. 11, not yours, but a figure No. 11.  
5 I'm trying to get a handle and maybe again I'm asking  
6 the wrong person, but what's being committed in your  
7 analysis as to what areas, where the boundary lines of  
8 the mixed-use center, knowledge industry? It's just  
9 broad looks at this and the residential areas like  
10 that.

11 Do you know if the developer's committing  
12 to certain lines where those areas are being  
13 committed?

14 THE WITNESS: Are you asking if on that  
15 exhibit you're looking at?

16 COMMISSIONER INOUE: Or maybe any either  
17 exhibit.

18 THE WITNESS: I guess I don't entirely  
19 understand your question.

20 COMMISSIONER INOUE: Where is the boundary  
21 line between the mixed use center and the knowledge  
22 industry expansion? Is it a street? Is there a  
23 boundary line, first of all?

24 THE WITNESS: Parcel lines.

25 COMMISSIONER INOUE: I'm sorry?

1 THE WITNESS: Parcel lines.

2 COMMISSIONER INOUE: Parcel lines. Okay.  
3 Is there a parcel line?

4 THE WITNESS: Yes.

5 COMMISSIONER INOUE: And where would that  
6 be in any exhibit?

7 THE WITNESS: Yes.

8 COMMISSIONER INOUE: I'm just looking for  
9 the right exhibit.

10 THE WITNESS: In the zoning code there will  
11 be a controlling plan that is part of the zoning code  
12 that will identify what those different districts are.  
13 And it is a map. So, yes, they are clearly defined  
14 within the zoning code.

15 COMMISSIONER INOUE: Current zoning code.

16 THE WITNESS: No. In the proposed zoning  
17 code which we will flesh out with the county.

18 COMMISSIONER INOUE: So it hasn't been  
19 clearly defined yet.

20 THE WITNESS: We have provided a draft to  
21 the county, but it has not yet been approved yet.

22 COMMISSIONER INOUE: I see. What exhibit  
23 is that?

24 THE WITNESS: This is within the development  
25 code which is part of the EIS, Exhibit 11.

1 COMMISSIONER INOUE: What about the streets  
2 that are shown in this figure 11? Are those just  
3 conceptual or they're committed streets?

4 THE WITNESS: Those would be the planned  
5 streets.

6 MR. WYETH MATSUBARA: We believe it's in 11Q  
7 that specifically shows greater detail on the map  
8 plots.

9 COMMISSIONER INOUE: So 11Q is the  
10 conceptual plan that the developer will be committing  
11 to.

12 THE WITNESS: 11Q is the development code  
13 which includes the controlling plan (indicating).

14 MR. WYETH MATSUBARA: So it's not just the  
15 map itself. 11Q is a development code which includes  
16 other various descriptions, and includes a map which  
17 would have more descriptive descriptions for you to  
18 follow than what you're asking about where the limits  
19 are, where the borders are.

20 COMMISSIONER INOUE: Okay.

21 (inaudible conversations held)

22 CHAIRPERSON HELLER: None of that was on the  
23 record. If there's something you need to put on the  
24 record please do so.

25 MR. PERKINS: Exhibit 11, which is the EIS



1 for the Project, contains our proposed development  
2 code for the Project located within the development  
3 code on page 59. Page 59 is the controlling plan.

4 That calls out the various areas and the  
5 demarcations between the various areas including, I  
6 guess, what you would describe as -- I'll have one  
7 of my consultants correct me if I'm wrong -- but the  
8 core roadways.

9 The other one that we distributed on the  
10 site visit earlier, figure 11, that's the conceptual  
11 plan. It shows the conceptual form of development  
12 on there. But this is the controlling plan that the  
13 developer would be willing to commit to as far as  
14 roadway buildout, backbone infrastructure, so forth.

15 COMMISSIONER INOUE: Thank you very much.  
16 Appreciate it.

17 COMMISSIONER MATSUMURA: I have a question.  
18 Within the 10-year framework that you're proposing,  
19 and if you're proposing the whole Projects are market  
20 driven, is it possible that 10 years from now that the  
21 nature of that industrial park might be completely  
22 different? Let me expand on that.

23 If the market says there's no need for  
24 high tech industries on Maui as an example, that  
25 whole complex could become something else then.

1 THE WITNESS: Well, I think this question  
2 would be appropriate for our consultant Thomas  
3 Holliday, who did the market study. He could speak to  
4 absorption rates.

5 COMMISSIONER MATSUMURA: Okay. Thank you.

6 CHAIRPERSON HELLER: Anything else? Thank  
7 you. How long do you anticipate your next witness  
8 will take?

9 MR. MATSUBARA: Our next witness is our  
10 cultural expert. I believe he should be relatively  
11 brief. He had a chance to review his written  
12 testimony. It is quite brief.

13 CHAIRPERSON HELLER: Okay. Let's see if we  
14 can get it done then.

15 THE REPORTER: Chair, just give me a few....

16 CHAIRPERSON HELLER: Oh, sorry. We'll take  
17 a break.

18 (Recess was held. 4:40)

19 CHAIRPERSON HELLER: Okay. Let's call the  
20 meeting back to order and finish up for today. Go  
21 ahead, please.

22 MR. MATSUBARA: For the next witness it will  
23 be our cultural assessment investigator Leonard  
24 Kimokea Kapahulehua.

25 xx

LEONARD KIMOKEA KAPAHULEHUA

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

THE WITNESS: Yes, I do.

DIRECT EXAMINATION

BY MR. MATSUBARA:

Q Mr. Kimokea, you prepared written testimony  
that we've marked as Exhibit 37, is that correct?

A Yes, I did.

Q You were also involved in the drafting the  
creation of the Cultural Impact Analysis which has  
been marked as Exhibit 11E?

A That's correct.

Q Now, you have been a Cultural Assessment  
Investigator for many years, have you not?

A Yes I have.

Q You've done Cultural Assessments as well as  
historic cultural studies?

A Yes.

Q You're also a cultural practitioner --

A Yes, I am.

Q -- and an ocean voyager.

A Yes, I am.

Q In your private as well as your professional  
life you've undertaken many projects to preserve and

1 protect Hawaiian culture, is that correct?

2 A Yes, I have.

3 Q Can you give a rough estimate as to how long  
4 you've been doing this, Kimokea?

5 A In my work that I have here we -- I guess  
6 could go through 15-20 years. I'm 65 now.

7 Q You look good.

8 MR. BEN MATSUBARA: Mr. Chair, I'd like to  
9 qualify Kimokea as a Cultural Assessment Investigator  
10 and an expert in that area.

11 MR. GIROUX: No objection.

12 MR. YEE: No objection.

13 CHAIRPERSON HELLER: Okay. He's deemed  
14 qualified.

15 MR. MATSUBARA: Thank you, Mr. Chair.

16 Q Kimokea, could you summarize your written  
17 testimony for the benefit of the Commission, please.

18 A My name is Leonard Kimokeo Kapahulehua and I  
19 supervised the Cultural Impact Assessment --

20 MS. ERICKSON: Could you slow down, please  
21 for the court reporter.

22 MR. BEN MATSUBARA: Kimokea, they all have  
23 copies of that. So you can just summarize it. Since  
24 Holly is taking down every word you're saying speak  
25 slowly please.

1           A     My name is Leonard Kimokea Kapahulehua. And  
2 it states in this report that I supervised and advised  
3 the Cultural Impact Assessment for the proposed Maui  
4 Research and Technology Park Master Plan update.

5               In this report the state of Hawai'i Office  
6 of Environmental Quality Control guidelines for  
7 assessing the cultural impact.

8               In summary I just want to tell each and  
9 every one of you already have my testimony in here  
10 that speaks about the Moku which is Kula, speaks about  
11 the ahupua'a in Waiohuli and Keokea.

12              In the report it also talks about that we  
13 interviewed 12 individuals within the vicinity and a  
14 little bit outside the vicinity. And the report shows  
15 that we interviewed them and that's part of the state  
16 of Hawai'i Quality Environment Assessment that we go  
17 out and seek out kupuna 'olelo, their stories of this  
18 area.

19              And it contains first of what they have  
20 heard or they have seen or what they've been told by  
21 the kupuna about the area. So that's part of the  
22 report.

23              Part of the report tells you, Commissioners,  
24 that what cultural practices are going on within this  
25 moku and this ahupua'a. As you can see in our report

1 that this is a barren land and this was a transit  
2 land. This was not a populated area where our people  
3 lived because of the area was very distant and dry.  
4 They did be here but it was not an overpopulated area.

5 In this particular area we're connected down  
6 to the ocean. Our Project is not in the ocean, but we  
7 have more things happen at the ocean than we would be  
8 in this area. So we have a mauka. We have what you  
9 call like the mid-lands, Kula area and we have makai.  
10 So I just wanted to tell you in summary that's what  
11 this report is all about.

12 Q Kimokea, now the size of the gulch has  
13 something to do with your evaluation in terms of  
14 whether it was inhabitable or not. The gulches didn't  
15 begin from the top of Haleakala and go down.

16 A What about it?

17 Q The size of the gulch, and the length of the  
18 gulch sor of indicates for this area that the absence  
19 of what made it inhospitable?

20 A No, it wasn't hospitable because --

21 Q Inhospitable.

22 A Yeah, inhospitable. You know what I mean?  
23 Because there wasn't much of it here.

24 Q The absence of water made people living  
25 there very difficult?

1 A Yeah, that's true.

2 Q So you categorized this as a barren area.

3 A Yeah. The makaili is an area that we have  
4 little soil and little water to care for that. So  
5 Makaili would be a little patch of dryland taro and  
6 sweet potato. It wouldn't be abundance of area. So  
7 it would be just enough for a small population, not a  
8 really big population you understand?

9 Q Thank you.

10 MR. BEN MATSUBARA: I have no further  
11 questions.

12 CHAIRPERSON HELLER: County?

13 MR. GIROUX: No questions.

14 CHAIRPERSON HELLER: OP?

15 MR. YEE: No questions.

16 CHAIRPERSON HELLER: Commissioners, any  
17 questions?

18 COMMISSIONER INOUE: I guess I better.

19 MR. BEN MATSUBARA: My expert stayed all the  
20 way through.

21 (Laughter)

22 COMMISSIONER INOUE: I guess I better ask  
23 the question. I'm the one that made you stay this  
24 afternoon. Another report of Mr. Dega, I believe, he  
25 identified five sites. I just wanted to ask you as an

1 expert in Hawaiian cultural affairs what those sites  
2 were.

3 THE WITNESS: These were temporary sites.

4 COMMISSIONER INOUE: Temporary sites.

5 THE WITNESS: Temporary sites meaning that  
6 our people would have stopped and feed themselves or  
7 over night. In the report shows you the different  
8 types of winds we have in this area. So it's very  
9 windy.

10 So going back to mauka wasn't the easiest  
11 thing for he or she to back up. So they would be a  
12 temporary site. Temporary site as a residence or  
13 temporary site as agriculture.

14 COMMISSIONER INOUE: So it wasn't a burial  
15 type site. It's just a temporary marking or... you  
16 talked about mounds and walls.

17 THE WITNESS: Even on that, you know, if you  
18 see they have different -- in Dega's report he can  
19 explain more than that that I can explain. But in our  
20 interpretation the C shape, the U shapes, the round  
21 shapes were different identification of a transit  
22 particular population, not necessarily just me. It  
23 could be you.

24 Because if you went on the same ala nui  
25 trail you wouldn't go rebuild something that we



1 already had. You would be kuka kuka in the Mauka  
2 Area saying that "That was my site. I built that.  
3 But I understand you stayed over there." Because in  
4 some of the these sites people ate things that was  
5 different, you know? I'm not saying that he found  
6 anything. I'm just telling you our interpretation  
7 of the sites.

8           You might have ono for ha'uke'uke. You  
9 know what is ha'uke'uke? That's a sea urchin. Or  
10 other guy might have been ono for opihi. Yeah. Or  
11 the other guy may be ono for the pupu'awa. These  
12 are different shells that are found in different  
13 sites.

14           And it identifies particular guy liking a  
15 certain type of food that he going look for or going  
16 home or coming down.

17           So these sites were not significant  
18 meaning that, first of all, there was no iwi found.  
19 You understand? Significantly -- not significantly  
20 that we have many of these sites either close by on  
21 this property, we call it ka hikina which would be  
22 east. Komohana would be west. Akau would be north.  
23 Or south is hema. So we have many of those sites  
24 around that relates to that.

25           COMMISSIONER INOUYE: Thank you very much.

1 Appreciate it.

2 CHAIRPERSON HELLER: Commissioners, anything  
3 else? Anything further witness? Okay. Well, then I  
4 think it's an appropriate point to recess for the day,  
5 and we're scheduled to start tomorrow morning at 9:00.  
6 Thank you.

7 MR. BEN MATSUBARA: Thank you.

8

9 (The proceedings were adjourned at 4:50 p.m.)

10 --oo00oo--

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## C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State  
of Hawai'i, do hereby certify;

That I was acting as court reporter in the  
foregoing LUC matter on the 25th day of July 2013;

That the proceedings were taken down in  
computerized machine shorthand by me and were  
thereafter reduced to print by me;

That the foregoing represents, to the best  
of my ability, a true and correct transcript of the  
proceedings had in the foregoing matters.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2013

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HOLLY M. HACKETT, HI CSR #130, RPR #5910  
Certified Shorthand Reporter

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