PLANNING COMMITTEE

Council of the County of Maui

MINUTES

August 27, 2013

Council Chamber, 8th Floor

CONVENE: 9:01 a.m.

PRESENT: VOTING MEMBERS:
　　　　　Councilmember Donald G. Couch, Jr., Chair
　　　　　Councilmember Michael P. Victorino, Vice-Chair (out 10:45 a.m.)
　　　　　Councilmember Gladys C. Baisa (out 10:52 a.m.)
　　　　　Councilmember Elle Cochran (in 9:02 a.m.)
　　　　　Councilmember Stacy Crivello (out 11:06 a.m.)
　　　　　Councilmember Don S. Guzman
　　　　　Councilmember Mike White (in 9:05 a.m.)

STAFF: Regina Gormley, Legislative Attorney
　　　　　Yvette Bouthillier, Committee Secretary

　　　　　Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
　　　　　Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
　　　　　Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.:   Alan M. Arakawa, Mayor
　　　　　William Spence, Director, Department of Planning
　　　　　Joseph Alueta, Administrative Planning Officer, Department of Planning
　　　　　Ann Cua, Planner VI, Current Planning Division, Department of Planning
　　　　　Jeffrey Dack, Planner VI, Current Planning Division, Department of Planning
　　　　　Carolyn Cortez, Planner VI, Zoning and Administrative Enforcement Division, Department of Planning
　　　　　John Rapacz, Planning Program Administrator, Zoning and Administrative Enforcement Division
　　　　　Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: John Beutler, Senior Associate, Calthorpe & Associates
　　　　　Others (15)

PRESS: Akaku: Maui Community Television, Inc.

CHAIR COUCH: . . .(*gavel*). . . Will the Planning Committee of August 27, 2013 please come to order. And before we get started please, everybody, grab your cell phones and put it on silent mode please so that we don't have any interruptions from cell phones. My name is Don Couch and I'm the Chair of this Committee, and I want to welcome the Vice-Chair, mister, Councilmember Mr. Victorino.

VICE-CHAIR VICTORINO: Good morning and aloha, Chair.

CHAIR COUCH: Good morning, and Council Chair Gladys Baisa.

COUNCILMEMBER BAISA: Good morning Chair.

CHAIR COUCH: Good morning, and let's see, Ms. Cochran is excused. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good morning, Chair.

CHAIR COUCH: Good morning. Don Guzman.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR COUCH: Good morning, and Mr. White is excused. We have Member Cochran has arrived, good morning. And from the Administration we have Mayor Arakawa joining us today. Good morning, Mayor.

MAYOR ARAKAWA: Good morning.

CHAIR COUCH: And Will Spence, Planning Director.

MR. SPENCE: Good morning Chair, Members.

CHAIR COUCH: Good morning. Michael Hopper, Deputy Corporation Counsel.

MR. HOPPER: Good morning.

CHAIR COUCH: Good morning. And we have who will be joining us or giving a presentation John Beutler, Senior Associate, Calthorpe & Associates. Legislative Staff is the Attorney Gina Gormley, good morning, and Committee Secretary Yvette Bouthillier, good morning Yvette. Alright, today, Members, we have item PC-35, which is entitled Committee's Priorities and Procedures; Presentations from County Administrative Agencies, and this is a Department of Planning workshop. And we're going to start public testimony in just a second. I just want to remind Members or anybody who is wanting to testify, including the remote sites, that public testimony is only for this item, and if you want to sign up for testimony, sign up in the back or at the…if you are doing it from the remote locations, do it at the location specified where you are with Council Staff. Testimony will be limited to the items listed on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item with one minute to conclude if requested. And we will have a lighting system here in the Chambers. When testifying, please state your name and the name of any organization you are representing. Members, without objection I will open public testimony.

COUNCIL MEMBERS: No objections.

CHAIR COUCH: Okay, do we have anybody here for public testimony, Staff? Okay good. And let's go to the other Offices. Hana District Office, do you have any testifiers? Please identify yourself and let me know if you've got any testifiers.

MS. LONO: Good morning, Chair, this is Dawn Lono at the Hana Office. I have no one waiting to testify.

CHAIR COUCH: Okay, thank you. Lanai District?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and we have no one waiting to testify.

CHAIR COUCH: Okay, thank you. And Molokai District?

MS. ALCON: Good morning, Chair, this is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COUCH: Great. Thank you. Members, it seems that there's nobody here to testify. So without objection, we'll close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR COUCH: Okay, public testimony is closed, and thank you, ladies, from in the Offices out there. Aloha.

ITEM NO. 35(1): COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM COUNTY ADMINISTRATIVE AGENCIES (DEPARTMENT OF PLANNING WORKSHOP)

CHAIR COUCH: Okay. All right, we're gonna have a presentation. I think we'll do the presentation first or Mayor do, did you wanna talk? First let me acknowledge the presence of Councilmember White. Good morning, Mr. White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: Mayor, did you want to talk first?

MAYOR ARAKAWA: Yeah, I'll just…

CHAIR COUCH: Okay, go ahead.

MAYOR ARAKAWA: Good morning, Council members, Committee Chair.

CHAIR COUCH: Good morning.

MAYOR ARAKAWA: I just wanted to come down this morning to sort of introduce this item and explain why it's imperative that we start looking at some of these things. You know, zoning and the way that we design our communities has changed over the years. At times, you know when we had the plantation camps, we allowed the freedom to be able to logically put things the way they were and to be able to have walkable communities because of the situation that was there. Then we kind of shifted to a more formalized zoning where we wanted to have heavy industry in one area, all the businesses in another area. Over time as we're evolving and we're finding that we want to be able to create communities, the concept of what is the ideal community has shifted and will continue to shift. So, this is an attempt to try and get to the point where we're now creating rules that will allow us the flexibility to be able to make some adjustments rather than to have strict rules that don't allow flexibility. You know, as a Council, and even when I was on the Council, we started to make some of those inroads. For instance, country business, where we actually have it in the country areas, the ability to have a business and have people live above the business. That was an old system that we used in Wailuku, now being able to build towns where we have walkable communities and we have the corner drug store, or we have some of the stores and shops, amenities close by. These are the kinds of things that we have to be able to work toward, because we want to be able to have more healthy communities. And we're finding that automobile-driven designs are not quite as desirable and that they tend to keep the community split, and they tend to increase sprawl. As we start working in these directions, it's going to be very important that we keep an open mind and try and adjust some of the rules and requirements. Now, some of the rules that were made for east coast may not apply here. Some of the designs and the kinds of concepts they have in Texas may be very different, because they have different landscape they have different requirements. Here on Maui we want to be able to design the communities as we want to design the communities not as a drop-in, you know, like every place else and say well we have to do it because everybody else does it this way. Going away from strict zoning allows us a lot of the flexibilities. At the same time, we do need to be cognizant of the fact that there are certain parameters in certain zones that we'd want to preserve. But the ability for us to now reanalyze and say okay, this is what we want to keep, this is what we want to change; this is how we want to be able to adjust. That's what this whole discussion is about, being able to have smart community growth and being able to have the decision making ability, rather than just saying okay, this is the way it's been structured and this one size structure has to fit everybody, because quite frankly it doesn't. And that's really what this whole concept is and all these concepts are, and you'll be hearing a lot more detail about how other communities are adjusting, and perhaps you'll get some suggestions on how we want to adjust. Now, going through the permitting process and we've all been bombarded with, you know, why do we have these crazy rules, why do we have to get permits for this and that? It's because of the structure that we've created, and what we create, we can analyze and we can say it works, or it doesn't work. If it doesn't work we should be the ones to say okay, let's get rid of it. If it works then we need to be able to work and build on that, then that's what we should do. But let's keep an open mind and let's look at what we really want to achieve as a community and allow the rules to be able to give us the flexibility to create what we want to do. In many instances we're going to find that some of the thought process or lack of thought process in how we've been constructing really needs to be reanalyzed. You know, where we're going to have a lot of growth in areas, we need to have parallel roads for instance. We need to be able to look at equestrian trails and much

more comfortable ways to deal with the country areas. There are a lot of things that need to be built in to our system to make it easier, and it shouldn't take, you know tens of thousands of dollars to be able to get a simple sidewalk done, or simple things shouldn't take years to be able to get the permits for. If we can make these adjustments, then we can make the quality of life much better for people in our community and much more affordable. I'll give you one example, then I'm going to leave in a little bit. When I tried to get zoning done for my property in Kula, it took me 12 years, and during that process the departments changed their rules so what was required of me shifted every time the department changed. So I'd do something and I'd thought I was satisfying a rule, the rule changed and I had to go back in and I had to redo this whole thing, 12 years. You know, and I was an elected official. The average person gets punished and the costs are enormous. It cost me well over $80,000 to do a simple three-lot subdivision that I already had water meters for. And then, to be able to utilize the properties, you know now, I had a farm. I used to be able to combine my meters to be able to run sprinklers to irrigate the crops. Now I can only use the meter on that specific property to be able to irrigate so I don't have adequate pressure. Some of these types of things need to be thought out to make it more user friendly and if we can do that, we can have a real good quality of life and we don't bankrupt everybody while we're trying to be able to get to the positions that theoretically are the correct positions. And that's really my plea is, let's keep an open mind. Let's try and work toward positions that make more sense for the community. And you know, we work hard for our money, and as legislators, sometimes we tend to forget that the average person, in order to save five or ten thousand dollars, has to work years to be able to do it. And it really is very, very difficult for them to be able to accumulate the kind of money to be able to do simple things that we require. When some of you were on the Council with me when we had the situation where a woman in Paia became an invalid and needed to create a sidewalk. It took her over a year to be able to get the permits and over $60,000 just to create a sidewalk from her house to the road. Those kinds of things are borderline absolute ridiculous, but those are the kinds of things we require in our rules. So let's try and make this much more user friendly for our communities, make it much more cost efficient, and at the end of the day, we'll be able to walk home through our community and say you know we're trying to make life easier. We're trying to build a higher quality of life for everyone here and we don't want to bankrupt you while we're doing it. So I thank you very much, and if you can go through and make some of the changes that are necessary, I'd appreciate it very much and I think our public will too. Thank you. If you have any questions, I'll be at my Office and as usual if you want to call me you can. Don's been trying to avoid it at all costs. . . .(*laughter*)...

CHAIR COUCH: Thank you, Mr. Mayor.

MAYOR ARAKAWA: I do want to, before I go I do want to congratulate Don on having the intestinal fortitude to be in the dunking booth this past Fourth Friday, and he sacrificed life and possible freezing to death in order to raise money for the Backpack for Buddies program out in Kihei. That was for Lion's Club.

CHAIR COUCH: Thank you for being there as well.

MAYOR ARAKAWA: Thank you.

VICE-CHAIR VICTORINO: Chair.

CHAIR COUCH: Yes Mr. Victorino.

VICE-CHAIR VICTORINO: I'd like to ask one question. Where does the freezing come in, in Kihei?

CHAIR COUCH: Yeah, I know.

VICE-CHAIR VICTORINO: Okay, that was my only question. That's all the questions I had.

MAYOR ARAKAWA: As strange as it seems, Mike, you know, the wind was blowing really hard. It was really cold when you're sitting on that stand, especially after you'd been dunked.

CHAIR COUCH: All right, thank you, Mr. Mayor. And Members, we're gonna go into a short recess to set the room for the presentation unless you guys have anything to say beforehand? Nope. Okay. Mr. Spence.

MR. SPENCE: I can save comments for later.

CHAIR COUCH: Save comments to later, okay. All right, we'll be in recess. . . .(*gavel*) . . .

> RECESS: 9:15 a.m.
> RECONVENE: 9:17 a.m.

CHAIR COUCH: . . .(*gavel*) . . . Will the Planning Committee meeting please come back to order. And with us today we have John Beutler, who's going to give us a little bit of, he's from Calthorpe & Associates. He's going to give us a presentation on what Urbanism and Form-Based Codes means. Take it away, Mr. Beutler.

MR. BEUTLER: …(*PowerPoint presentation*)…Thank you very much. Thanks, everyone, for giving me the time to speak to you today. I have been, a little context, I have been working with the Maui Research and Technology Park for the last several years, working on a new plan for the Park which we're very excited about, and a part of that is instituting a Form-Based Code for that area. So, it was believed that it might be useful for us to, or for me to do a talk about exactly what Form-Based Codes are, as well as just our urban design and Urbanism principles in general just to let everybody know what we're about and what we're trying to institute in that area. So that's the kind of reason for this talk today. I have a picture coming up with my picture on it so you'll recognize me later if you see me. It's kind of peculiar speaking from behind you, but I have a lot of slides so I'll understand if you're looking in that direction. This first slide is actually here on Maui, and the reason I show it is because of a couple of incidents that happened to me, one yesterday, and one some time ago. Yesterday I was crossing the street midblock, I acknowledge that I was jaywalking, and the interesting thing was though that while I was far away from everybody, all the cars coming by, no risks there, but someone stopped and made some comments to me and said, you know, well not pleasant things but you know, cross at the

crosswalk, what are you doing, get out of the road kind of thing. And I thought, that person cares about my safety. Actually well so the other instance was quite the opposite. I was actually walking along Piilani Highway near the Tech Park as a kind of a way to understand that roadway and there's a bike facility on it and understand the relationship to the park. And someone stopped and said, oh, are you okay? Has your car broken down? Are you alright? Can I give you a lift somewhere?" So I thought, I mean those are quite contrary reactions to someone walking along, doing quite a simple thing just walking a little bit. But I think that they're really show that the role of the pedestrian as they're seen in an area that's kind of built for automobiles, which is they're, either one, they're an intruder, something to get in the way, stop traffic from moving or they're a victim, someone who, obviously something must have gone wrong otherwise they would be driving. So, that is a bit of a problem for cities and for the world in general just because walking is our most efficient, most pleasant, many would say, way to get around, doesn't burn any gasoline, it's cheap, and it's been marginalized in many ways. So this first picture here, you know I just, I look at this and I myself was standing on the sidewalk when I took it but I'm thinking about this person. Why is she here you know, why is she walking instead of with the great mass of people driving? So this is me, my promised photograph. I hope this is bright enough to read. I don't know if there's a way to adjust this. But I can give you the summary. I'm an urban designer and planner with Calthorpe & Associates. I've been there for thirteen years. I had the fortune to work in various places, the firm Principal, Peter Calthorpe is well known in the New Urbanism and Smart Growth fields. We do a lot of things based on a certain set of principles which I'll tell you, which really conform to what our idea of good urban design. I have also a Master of Planning at U.C. Berkeley, and I've worked at Calthorpe not only on master planning but also on design guidelines and Form-Based Codes. The outline for the talk today is pretty simple. I'll talk about Urbanism first, and then talk about Form-Based Codes. So why Urbanism matters? There's a whole list and it's not a complete list by any means but Urbanism is really, it's what's all around us. It's a whole variety of effects; social, economic, environmental effects. And I'll get in to many of these in the course of the talk. But it really has huge effects on health, on business attraction, things like local pollution levels as well. I think most people are familiar with most of these things on the list, but you may not really have thought of them all under the heading of Urbanism. This is a picture on Maui and it really, this is I think indicative of the last 60 years the way we have built cities. We've engineered them to move cars, we've separated land uses, the pedestrians are relegated to the edge. I don't believe this is a bike lane here, I think it's just a shoulder for breakdowns. But we've learned more in the last 20 years I'd say. Urbanism, urban design, has changed a lot. You would not go to a doctor whose education stopped 50 years ago. Urban design has changed so we've built a lot of cities in ways that we now believe are not the best, not the most efficient. So I will speak today about how things have changed. We used to do things differently. This is in Lahaina, we've got a whole different way of doing things, mixed uses, much smaller scale, the road is slower, a lot of people on the sidewalks which are bigger. You can still see cars here but they're not the only things that you can see. This is also on Maui and there are many other places that are like this and were built this way, and it wasn't with an intentional urban design. Many of them were built before cars began to dominate and so they just kind of naturally came this way. Things are closer together and there are places to walk. The travel effects of urban form have been studied quite a bit recently. So what does that all mean? Well, here's a study that was done in China even, we've been doing a lot of work there because they're urbanizing at

a great pace and using a lot of the same techniques that unfortunately we've used for many years, and so their cities are not very walkable anymore, many parts of them. So this one showed, looked at four different types of place, and then they used some of the most recent geographic information system analysis, and they could look at the different neighborhood patterns, including street networks, mixes of uses, pedestrian amenities, and then this is what they came up with. This is based on actually user surveys of the residents there as well. People drive more when the street network is poor, when the distances are longer, and when the walking facilities are worse, more dangerous. And you may think well, this is China, you know, Maui is a completely different place. It is obviously a very different place, but a lot of the principles actually are the same. People are the same. We're about the same size, we walk the same speeds, we have the same needs. People need to go to work, most people, we need to go to the grocery store; we need to go to school. So that's the interesting thing, worldwide most of the things that we deal with in these principles are the same and quite applicable in different places. Here's some superblocks in China with the large streets around the edges, very large areas of land, and then here's one on Maui which you may not think of it as a superblock, but this area here outlined in red, it's not possible to get through there unless you know someone and you can go through their backyard or something, other than going around on that red line around the edge. So this makes the pedestrians go farther, it makes cars go farther, travel farther, which creates worse traffic, many different effects from that. So where we end then, is cars driving further and no other way to get around but cars and you get this kind of congestion. Everywhere in the world pollution getting worse and worse, we've been particularly good at doing this in the U.S. because I think a lot of the U.S. was built in the last 60 years. We've built things only for cars, 86 percent of trips are by auto in the U.S. versus 37 percent in Sweden, they just do, their transit percentage is not even that much higher, I mean it's much higher than ours; only 11 percent but they walk a lot, 52 percent. It's a very healthy, like I said, very cheap way to get around, and they've built their cities where it's easy to do that. It's not that they don't have the money for cars. It's just that they don't always need them. Here's a trend, how it went over time. We have lots of cars. We have more now than one car per driver, so far people can only drive one car at a time, which is good. Keeps this number down a little bit. I guess Google is trying to do the self-driving cars so maybe we'll surpass one car per driver pretty soon. Strangely enough density is not really the same thing as congestion. This is an interesting study that was done in Arizona by the Department of Transportation. And they looked at things where they actually have higher densities, but with the proper mix of urban design, they have the mixed use, pedestrian friendly streets, some transit, that's for regional accessibility, you actually have less vehicle travel and less local congestion than a lower density area which is counterintuitive for a lot of people which is why I'm very glad they made this study over there. Climate change, I mean I don't think we need to get in to that. I don't know how people feel about that. But this is just one of many reasons to care about the way cities are built, and if you believe in climate change, then this is a biggie for that. About 30 percent of emissions they say, the greenhouse gases, come from cars. There are economic benefits to go to Urbanism as well. There a lot of things localities cannot affect. But the localities are in very big competition with other ones about things like efficiency, people's quality of life, things that we're dealing with at the Park, you know that we're talking about high value companies. If you're an Internet company you can be anywhere pretty much, anywhere with an Internet connection. But talented employees, they want to live well, and they can, companies that need to attract those employees will move where

they can give them that quality of life. Walkability even shows up in the value of land. Which, walkability I say here is part of this quality of life in urban design. There've been studies now that say that an additional walk score point adds $500 to $3,000 to a home's value. I don't know if people are familiar with this walk score, maybe they are, but you type in your address and it will tell you on a score from zero to 100 how walkable it is, and it's based on the things that are nearby, that local street network, basically how easy it is to get your things done without a car. So, that is actually showing up in the value of the houses. Health effects, also very large from urban design and Urbanism. In 1985, there was much less obesity in the U.S., the darker blue being the more obese. The white is no data, including Hawaii. I assume that means that people were so light they didn't even show up on a scale. But after that, things got rapidly worse, when you go from dark blue to the cream color then you're getting more the 20 to 24 percent, and finally in 2010, things have gotten pretty extreme. We're going to need some new color soon. Urbanism in Maui, so what does this have to do with Maui? I would say I'm no expert on Maui, a lot of experts in the room here. But I do know urban design and Urbanism, and I've spent some time here so I can speak a little bit about that and my opinion about what it means for Maui. Obviously Maui is a beautiful place. A lot of people want to live here, a lot of people want to visit here for that reason. At the same time, people living here and visiting here, they need a place to stay. There's going to be urban areas on Maui. Deciding how to develop is a way to protect the beauty as well as give people a good quality of life. So development is going to happen, but how? This is a highway on Maui, this is kind of what everyone imagines when they think about life in the country and the suburbs driving down a beautiful road, trees on the side uncongested. But this is really the way things are more built these days. You know we have arterials, you know, rules about the way engineering has to happen, not much way to get it around any other way except for cars and not really that pretty except for the landscape around it. This is the spot on Piilani Highway where someone thought I had a car breakdown, not much place for pedestrians here, cars going by 50 miles an hour. This is in Kihei, some shopping along the sidewalk here but the street's been changed. There's no parking along the sidewalk so you don't get a buffer from traffic and there's no quick way to park there and access the shops. This is unusual, oops sorry, this is much more normal, most shopping is gathered around large parking lots like this. Other employment and retail often strung along highways. This is a map of obviously Kahului. The mall up at the top, the Wal-Mart, the label's a little hard to see with the darkness of this screen here. The Wal-Mart is over on the right there just by the label. And this is a very generalized, very generalized land use map here, more or less showing the residential areas and some of the large retail. There are a lot of other uses inside these other uses, so if you say that this map is incomplete, you'll be correct. But the general idea is the separation of these uses, the larger amounts of retail. On the bottom right there in a field, let me point that out, I have a pointer here, this quarter mile, that's not actually in the field, that's something I added. This is a bit of a shortcut that we use. A quarter mile is about five minutes walking distance, and so people will on average walk that far until they start to think about other ways to get around, which is not that far, from the left to the right end of that arrow is a quarter mile. I think, I haven't read this, but my assumption is that that's about the amount of time it takes to get in your car, start it, drive somewhere, find parking. You know if it's less than five minutes, it's just easier to walk, so why not do it, besides all the other benefits of walking? So here's a little radius on here on a fairly random point within that residential area, that's how far someone can walk in five minutes from their house if they're at that corner. So obviously the

closest retail there, major retail is Home Depot. Unless you want to get a new toilet or something, you're probably going to have to move on and go to the Wal-Mart there which is even farther. Not a lot of people are going to walk that distance. If we look over at the Wal-Mart itself, there's 48 houses within the quarter mile radius. So 48 people, that's not going to support most Wal-Marts, going to have a few more. If we zoom in here, here's the 48 houses. There's one that didn't fit on the screen so if you're counting very quickly you'll see only 47. The Wal-Mart, the front door is the "X" marks the spot there. So just to think about that, I thought well what would it be like if we want people to be able to walk to their local Wal-Mart, you know, how would you get there? So we start off in that red arrow there, and you know, we're starting out here, which is pretty nice, it's a small street, good sidewalk. We come up toward the corner now, though and then we meet and get into some problems here. The thing is you wouldn't really see this that much with streets, you know we usually think that a street needs to go all the way to where you're going, that it's not okay to just have it halfway, people might get a little confused by that. So, but here you know we have the sidewalk ending partway, we come up on to the highway, and now we don't have a sidewalk at all, but we'll head over here on to the left where there is a sidewalk, and moving on we lose it again. So someone probably had to build it in front of their business but there's no business next door to build one so pedestrians can only walk so far, and that scenario we turn the corner here, we've got a few barriers maybe to keep runaways, runaway cars from hitting us if we're behind those barriers. Here you can see a new sidewalk off in the distance, getting closer to it, now we've reached it. At this point you may want to stop and get a drink at this restaurant or something just to get your strength back. We come up and now we're ready to turn in to the Walmart and we can see the sign so we know we're close. Finally we turn inside and think oh, here we are we've made it finally to Wal-Mart. But the thing is actually at this point you still have 570 feet left to go. You know, just that seems a pretty random number. What's the size of that? Here's a scene in Wailuku from Vineyard to Main on Market Street, that's 570 feet right there. So in that distance which would be just a parking lot, here we have 33 business places so I mean it's quite a long way, and pedestrians are highly sensitive to the quality of the environment, more so than car drivers, you can get in, you know, and turn up the radio and have a good time. But if you're a pedestrian, you're worried about traffic, you're breathing fumes, you know, we need to take care of them. They're kind of endangered species these days. So we got our 48 houses here but in the end because of the circuitousness, we're not within our quarter mile anyway. It's 1,300 feet is a quarter mile so we had to go around the corner and around the block and now we're now at 1,880 feet anyway just to get there. So what are the elements of good Urbanism? Tried to discuss some of the way things are, they key unit of Urbanism and this is what I'm talking about these principles being applicable all over the world and from different sized cities even, is the key unit is the neighborhood because that's where we live. You work in a neighborhood too, we shop in a neighborhood and we believe that neighborhoods should provide what we need even if not a single neighborhood for everything, but the unit that people walk and live at is the neighborhood. We have four overall principles, one of them being diversity, and by that all kinds of diversity can work, but diversity of uses is the primary one we're speaking of here. There are a few belching factories left in the cities, and probably few on Maui so we really don't need to separate things out like we used to, keep the steel plant away from the residences. Having everybody, everything all mixed together in sensitive ways, and that's where Form-Based Codes will come in to it later on. So we have home, work, shopping, you can go to the dry cleaner, you can go get

your lunch and it's all nearby. If you need to drive, you can do it, but even that's closer by so you drive less distance, creates a better quality of life and a better economic development situation too. You have all types of space within there to start new businesses. Speaking of that, this is Research Triangle Park in North Carolina, a very successful research park, and this is the kind of thing we were thinking about with the tech park as well. It's very successful but it's very isolated due to those black, tiny black squares is a building, I think some might be lakes. It's hard to tell the difference here in this light but they're blue. But it's very spread out, but we no longer think of technology as kind of a bunch of scientists in a room you know, gathering around a table of beakers. Now it's more like a honey, a beehive, get people together, mix them up, get the ideas going. So along that idea, what they're trying to do to keep their park current, bring it up to date, and add vitality to it is adding mixed use centers and adding density. Now this is their mixed-use center rendering, I think early rendering of one of them. If you look at the top, I'm not sure how the biplane got in there. It looks like there was some crop dusting maybe in the background or something. But this is not one of our products so I can't take credit for the biplane, I certainly would. What they're looking for I believe is kind of a Facebook effect. This is Facebook's first office on the left and Google's is on the right. You know bigger companies, they can take the urban amenities and they move them out to a campus, which there are better ways to do that too. But smaller companies need smaller buildings they need options. They want people around, they want restaurants. So generating business, you need this kind of thing. A second principle, human scale. What is scale, you know what does that mean human scale? Here you see smaller blocks on the right on the pedestrian scale one. I like to think of an analogy of stairs. You think stairs, that these are set up at human scale, you can walk up them, it seems natural, it fits our bodies. If stairs get taller, I mean it's less convenient, eventually you know you can't get up stairs, they're not stairs anymore but they still have the same shape, they're just out of scale. Human scale in a city is not as easy to see because, you know it's not as easy to see a quarter mile, say oh, there's a store over there, I can go there. But things like street widths, walking and cycling distances, these go in to human scale and they need to be thought of at a bigger picture, it's not always easy to understand those. Travel choices, like I said walking is cheap, everybody can do it, some people can't of course but great majority of people can do it, get around that way. If you don't have much money you can walk, if you have a little more you can buy a bike, a little more you can take transit, and finally we don't think of this as having a lot of money but there are a lot of people around who can't afford cars. If you have enough money you can get a car and that's great to have that as an option. But what we've done unfortunately by getting things out of human scale, we've made it where anybody who has the money generally will get a car because there are no other good options for them and this creates the things we've been talking about, congestion, pollution, obesity, poor job access which is especially problematic for the people without the money. They need job access but if they can't afford a car, they can't get to that job. We need to get these people on transit, on bikes, walking. People who can afford it, we've got to make the walking network, we've got to make the environment, the Urbanism good enough that everyone will want to walk and bike, and take transit, and find that the most convenient way. This is not the way to do it. People you know, jumping over the medians here, I like to think of it as kind of a training program for hurdlers. Most people don't want to do that on the way to the store, it can be like being in the Olympics just to beat traffic and try to get around things, but that's not really the way to build a city. This street is a little bit big, not really human scale. Streets can serve two functions in the city, they

can unite a city in a area, or they can divide it. A street that we're talking about should be like the street on the left, like a stream. It's easy to get across, you know it's there, you go get some water, soak your feet, whatever. As they get bigger, you know it's still a stream, or a river if you want to call it that but it's still water flowing by, but now it becomes dangerous and eventually it starts to divide an area, you've got to bridge it or there's just no way across it. What we've done is we've put up all of our traffic in to a few streets and made them like these raging torrents. That's kind of been the traffic planning method for many years so we've created these streets that are no longer uniters within the neighborhoods. There's plenty of good streets on Maui, slow scale, very pleasant, good walking. Here's some people crossing the street, they may be jaywalking, I feel some kinship to those people. Good streets are all over the world, as you would expect. People often, I mean these are place I've gone to so you know I have these pictures you know I mean, they're good places to be, people like to go there, visit, people also like to live there. These are you know very sought after places to live. All types of streets, big streets can be walkable as well. These roundabouts, this is an idea that's also on Maui that you know, these are meant to slow things down, make them more human scale. Human scale also happens with traffic speeds. Twenty miles an hour you get hit by a car, hopefully you don't, but if you do you're probably going to live. Thirty it's more chancy, you're probably not going to live, and 40 you're not going to live if you get hit by a car at 40. So it seems like well you double the speed, it's not that big a deal, but 20 miles an hour is a human scale speed. Block sizes, so this is back to the super blocks. Here, China, all over the world we put all the, you know we've said oh, cars are bad. We love cars but they're bad so we're gonna put them all on the edge. We end up with a few giant streets. On the right then it's meant the way things used to be built where there were many small streets, they can all go slower, it's also easier to walk, you can if you're a pedestrian or a driver you can get somewhere easier, you don't have to go all the way around and cross at a big intersection. Lots of those kind of areas on Maui to look to, and again this comes back to Form Based Coding. The idea of Form-Based Codes is to look at areas that are already around and see what's good about them and then see what can be taken from that and used in new development, lots of human scale, very pleasant places. They're not all old; this is one of our projects in Davis, California just very friendly you know. It doesn't have to be enclosed. This is right in a big street corner but it's got a small park here, it's got some amenity, it makes people comfortable to be there. Human scale also is clustering destinations, like I said the distance is a problem, and if you cluster things, you kind of have a center of your neighborhood, you have your amenities there. It's closer for everyone, I'm sorry, not everyone but the majority of people if you put the less density on the edges of the neighborhood then there are those people are still walking but they have the spread-out lifestyle that they may desire and they can walk to the middle if they need to, but the majority of people can easily get around because they're near the center. The third principle, Conservation and Restoration, and there's not much to say about this one because we're really doing it. Maui and most places in the U.S. you know, we're protecting streams these days, wetlands, I mean this is something that people really are understanding, and places are even going back and restoring things, taking streams out of culverts. This is in Denver, Confluence Park, really beautiful, right by their downtown. And then the fourth principle is Regionalism which has to, think about these neighborhoods, the core units, how they assemble into the district, how they assemble into the region, you know how do we get around. A lot, some of that is affected by jobs-housing balance, like what do people actually need to get around. On the left we have unbalanced, so at the top left you have the

morning commute, so people are, all the people are living here, and then they're all going to work here, so you have you know a big, it's either a big train or you have a big road, one way to get there. In the evening they're all going back the other way, like that. This is you know disconnected land use, problem with some zoning and just the way of separating things. On the right then it's more balanced so you have some houses, some jobs here, same here, so you end up with a balanced flow. So instead of a four-lane road, maybe you just have a two-lane road, because its only half the traffic going in each direction, it's more efficient. Then you also get people that are just traveling inside the neighborhood because they happen to live and work in the same place. Not everybody's going to but when they do it's a really great commute. It also makes these nice smiley face things here on the graphics, it makes people happy. Here's unbalanced flows, this is not, I don't think it's quite bad, this bad on Maui at this point, but here you see going to work and here's the homeward-bound road, same thing up here. Research Triangle Park, they're also thinking about Regionalism and these issues. Here's the commute getting into the Triangle, Research Triangle Park. That's part of their adding these mixed uses, they're also going to have housing in here, they're going to have retail so you know if you're at work and you need to go to the dry cleaners, you don't have to go ten miles to get there. They're also adding other things like transit connections. This is one of ours and I'll run through this quickly, but it's a large study area and it's the idea of having these centers and some balance there. We started just looking at the landscape and what needs to be protected and what kind of let's out. So the area here in white is the area that is reasonable to be developed, you know it's not a critical habitat or something like that, and these are the areas that are already developed or are planned to be developed. Within that then we look at the major roadways that are existing or planned, the ones that are dashed are ones that we may be able to affect so we can make them where they're not such big barriers, but the other ones, the solid orange ones are going to be barriers. So then within that, you think about what areas can be cohesive, that could then fit neighborhoods inside, and then where do the other connections go. These are transit connections, metro lines which exist or will exist, the stations, and then finally some of the neighborhoods within that area. So this is looking at a sub-regional level but trying to figure out how things fit together. Trying to figure out how things are going to work and people's daily lives as they have to get from place to place. The Maui island and Lanai and Molokai, you know you have these same issues, it's not the same, you know you're probably not going to have a metro line, but people still need to get around from Kahului to Kihei. Are they all going to have to get on the same road at the same time of day? Are they going to be all going in one direction? These regional issues are really important to think about. So back to the same list, Why Urbanism Matters, we've covered a lot of these things just now. Form-Based Codes, so what do these mean? These are kind of the new thing. I think they were named back in 2001, something, but the idea is that the zoning has been a problem, at least the way it's been used. You know, it's separated uses, created a lot of these problems that we've seen, congestion. It creates a difficult development process, like the Mayor was talking about, that it's not very intuitive, outcomes can create opposition because people you know, something's zoned for retail but they don't, the neighbors don't know what it's going to look like so they're not happy about it. They want things changed, or they just want to oppose it completely because they just don't know. Form-Based Codes; they're supposed to help fix that. They try to make the outcome, the physical outcome more certain so that goes in to the code, like what do we want this thing to look like? And then when someone comes in with a proposal, if they meet those expectations

then it's pretty easy that they can get it approved. They make regulations more understandable and you know you get what you write your laws for, so it's good to actually have the community's vision inside those laws and that's what Form-Based Code is supposed to do, it's embedding the community's vision. The bottom screen there is Amsterdam again and they, you know they taxed with the buildings is my understanding so you've got a lot of narrow buildings which is very pretty. Given the angle of some of those buildings, they may have maybe should have thought about the foundations a little more, regulated those. So characteristics of a Form-Based Code, so it's design regulations, same thing as zoning but it's based on a vision, emphasis on the physical form of an area, so how do the buildings meet the street, what kind of buildings there are sometimes, it's required. I've worked on a lot of design guidelines, which are more optional, and some codes which are required, they're part of the land use regulation. The land use itself is guided more generally so instead of having 300 types of land use, in a Form-Based Code you might have 30, so it's the idea that a lot of these things as long as they're doing the right thing on the outside, it's not as important as what goes on inside the building. You don't have to worry about it as much as long as the outside is working with the neighborhood and working with the city. Land use sometimes dealt with through building typologies that can be worked on in the code and often based on existing building types in the area that's being coded, and the codes are typically illustrated. So this picture here is a Target in Minneapolis, and depending on, you know if you would like this or not, or like the kind of a super Target with a big parking lot in the front. The point is that there are multiple ways to have a Target. So if you have a code, you're trying to say you know this is the way we want our city to look and making the code bring that about. This is one of ours, this is actually more like design guidelines. This is a project I worked on for many years in Albuquerque. So at the beginning you kind of have the explanation of it, this sheet is just telling about the other sheets. It's illustrated; it's meant for easy digestion, it's easier for people to understand or to follow things if they understand it. A Form-Based Code is also about an evolving place. A lot of these commercial buildings especially are not built to last 100 years, they're meant to, you know, they're going to be obsolete before too long. So you think about the evolution and say this conventional zoning rendering here, you think about how you would change that over time so public investment, that's not easy to do, expense involved, but that's something that's directly achievable by a jurisdiction in changing the code then. Then over time then new buildings would follow those new requirements as things turned over. This is assuming that people wanted buildings to come up to the street, more of a main street type atmosphere than the original one, and then eventually when everything is changed around then you end up with something like this hopefully. It's an evolutionary process, which may take 50 years, but cities are going to be around for a long time so we need a plan for that timeframe. Here's a similar progression, public investment, streetscape, buildings starting to respond to the code. There are certain elements; of course there are many ways to do Form-Based Codes, as there are designers and planning firms. I think the most important thing is the cover, it's amazing to me how much mental energy my staff will spend on the cover sometimes, but once we get past that I think the rest is really simple. The Building Form Standards, so this is a really important one, so how buildings meet the street. This is a public face, the idea that it does matter you know what the building looks like from the outside. Here's some pages from that Mesa Del Sol plan again. You'll look at the type of buildings, the architecture, streetscape diversity, where the garage goes. This is a really, a big one, we'll call a street that's just all you can see is the front doors of garages, it's a garagescape

which is meant to be, it's just, you know it's impersonal those garage doors. Sometimes because people don't have porches they might sit out in their garages, that's great but it's not really intended for that and it just looks more like a series of garages than a series of homes in a neighborhood, a community. Here we talk about frontage treatments, this is part of this, so you know it can be illustrated and just show someone who wants to build a house or build a business, you know what's expected of them and often you know they're totally fine with it because they realize that they'll build their building this way and someone else will do theirs and it'll create a nice neighborhood in the end. Some renderings, this is good just to allow people to understand, here's some shop prints. So you can go in to you know all different types of buildings including homes, single-family homes, multi-family buildings, retail buildings. And these are base on, these types are based on the local typologies, so not only because it's more appropriate climatically and culturally generally, but it's also something that's easy to understand. So doing a Form-Based Code, it takes a lot of work to actually look at the local typologies and measure them and come up with examples that people like and that people want replicated and using those as the basis for the future growth. Public Space Standards, so this is back to the public investment stuff, the direct things that can be directly affected so street sizes, widths, curb radii, these are really important at the corners. Part of the idea of traffic being the most important thing is we've often had these large turn radii so a car could go around a corner at 30 miles an hour, maybe not 30 but high speed, and part of the idea of bringing it back where the street is for everybody is making those corners smaller and thinking well maybe cars don't need to go that fast in a small area in a neighborhood. Those can also come from local examples, people can say well, we like this about this street; we don't like this so this is what we want to put in to the future. You'd have commercial streets, neighborhood streets; people here are clearly jaywalking. And then how, what puts it all together is a regulating plan so this would have the building form standards, the various other things, the regulations that go in and kind of show people how they're supposed to look on the ground. There are different organizing methods for that. Some, some, and this is what I want to mention for the idea that if Maui was interested in using something like this, because there's a natural, a transect based. This is a very common way these days with an urban transect on the bottom, but it's based on the idea of a natural transect that things changing in the distance, obviously going up from the shoreline in this case. So on the bottom we see, on the far left is the natural zone. It's the most open, probably protected. Then the rural zone, this might be the farming area, different rules apply so it's not just for cities, it could be used all over based on these different zones. Suburban, and then all the way off to the second from the right is the urban core zone and they're give "T" zones, that means Transect zone, a little bit of jargon there, and the "SD" is the Special District and this is for things that they just couldn't figure out where to put in, maybe a college campus or something like that. But the idea is that, and it's not just from the edge to the middle, you may have a small area of T4, General Urban where you've got a few shops of things and then it might go back down to T3 all the way around it because that's a neighborhood. So this is an illustrative, this is kind of the community's vision for this area; this is in Benicia, California. So the community came together, they do a series of workshops. They kind of come up with a vision, where they want their shops to go, what they want things to look like, and then they try to distill that down into these different transect zones. Then they make it into this map so this is the regulating plan and all of the other regulations are keyed on to this. You know it's a lot like zoning in a lot of ways, so I mean it's not like night and day between zoning really, it's the

emphasis on different things. Here's the two together. And then some other organizing methods, street typologies like I said, so you may say well, we have a main street type that's for retail to go along, so if we have, if we use this street type then the buildings have to do this certain thing beside it. If we use a residential street type we have to do something else. And then even just building types, and this is actually what we're using in the Tech Park, Maui Tech Park, because that's more appropriate to a smaller area, more like a single neighborhood with smaller range of uses. Block Standards, so regulations for dividing large sites, this would be an optional part of a Form Based Code. I'm on to a different part of Form-Based Codes now. This wouldn't be necessary if you've already got, you've figured out where all your streets are going. But if you have a big open area and you don't know who's going to come in there and try to develop something then you want to have this to say okay, this is how many streets you need to put in at what frequency. Building type standards like I mentioned would list different types of buildings and their different characteristics. This is Mesa Del Sol, so they had a whole palate of different building types; each has a lot of different characteristics listed. Architectural standards, this is getting really detailed so you can look at the different types, you can look at oh, you want Victorian architecture or you want this and that type of architecture. That would be less commonly used at a large scale, that would be more of a smaller scale thing but it could be used in any different situation. So here's in New Mexico, so they had the different types of architecture. On Maui, if you were to think about those issues, you'd probably look at important buildings, sometimes historic buildings, sometimes very culturally significant buildings that people liked and they wanted to replicate it, and try to distill that. You know what comes from that, what's appropriate climatically and how do we get that out in the rest of the community. Creating a Form-Based Code so this documentation is a big thing, that's the first thing so you do, you look out, you go out and you look at everything, you try to figure out how things fit together, what the different building types are, built form and the Urbanism. Then you create this vision so that's the illustrious plan and you know where do we want things to go, how should things work together, and then finally is completing the code document and figuring out how it's going to be administered. Often, because you've set out so much of your vision into the code already, and it's easy to understand, a lot of the approvals for this go very quickly. I mean approvals for projects under a code because you've already said what you want and if they give it to you then it's easy to say yes. So that is the last of my slides, and thank you for your attention.

CHAIR COUCH: Okay, thank you, Members we're going to go into recess to reset the room and then we'll be able to ask questions. We're in recess. . . .(*gavel*). . .

> RECESS: 10:05 a.m.
> RECONVENE: 10:07 a.m.

CHAIR COUCH: . . .(*gavel*). . . Will the Planning Committee Meeting of August 27, 2013 please come back to order. Okay, Members, you've heard mister--am I pronouncing it right, Mr. Beutler?

MR. BEUTLER: That's . . .I just say Beutler.

CHAIR COUCH: Okay, Beutler. You've heard what he has to say. Mr. Spence would like to say a few words and then we'll open up with questions.

MR. SPENCE: Thank you, Mr. Chairman. I'm really excited that this concept in zoning comes forward and it comes forward with, in the private sector. This is something that it is a trend in planning that I think we're seeing more and more coming across the country. It's exciting to me that it comes forward because it's an opportune time when we're looking at our Codes and we're looking at our new Maui Island Plan, and we're trying to decide how we're gonna, you know, create sustainable, walkable communities, and we have a lot of the, these at least the call for this kind of concept within our plans. So a Form-Based Code, I mean as you can hear from the presentation it can be very complex. It can also be like a hybrid, a combination of what we have now with a form element in it. I think one way or another though, what we've seen in our 50-year-old Zoning Code is just hasn't worked really well in creating the kinds of, the kinds of communities that we've wanted. So certainly there's some kind of change on the horizon. Is it a Form-Based strictly as Mr. Beutler is saying or is it going to be some hybrid, or is it going to be some other thing where we're headed in that direction? And so this really creates an opportunity for this jumping off point to have this discussion with the community, have this discussion with the Council members and other people. I'm really pleased that at least this kind of code, it's oriented towards people rather than just the use. As we go through so many of the changes in Title 19, and we have to do those things, I'm not discounting the need for those. But as we go through, we place so much emphasis on the use, and so much less emphasis on how the buildings are oriented together and how it's oriented towards people, and I think this, you know if you look at our old towns, those are the things that we really love about them. We love going First Friday in Wailuku. We love walking to lunch or you know, we like going to Paia or Makawao and it's because of this human scale. It's because of the orientation of the buildings, it's because it's just so much more pedestrian friendly. So how do we bring this in to our Zoning Code? And I think that's the question before us, how do we, as development goes forward and we create, you know, new towns and whatnot. How do we incorporate this? I know with the Council, you know, the Council saw Pulelehua where they were trying to codify some of these very ideas. You're going to see Waiale; you know the new A&B project. They're going to try to codify some of these ideas. And instead of creating project districts, which is kind of a permitting monster all by itself, why don't we just incorporate this as part of our Codes. That's what they're going to be doing, that's what they're going to be proposing up at the R and T Park is instead of making a project district and going through these multiple levels of review and re-review and even more review, let's adopt a Zoning Code that works, something that we want, and create an environment that incorporates all of the good planning qualities that we want in the first place. So let's just make that a part of our Zoning Code rather than, you know, rehashing and rehashing all the time. So this is something that we're going to be looking at more and more with Maui. I can't say when, but I think it's really worth the discussion. So thank you, Members.

CHAIR COUCH: Thank you, Mr. Spence. Members, we'll just open it up. We'll start from left, my right, your left. Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you, Chair, and I want to thank Mr. Beutler and as well as Mr. Spence for, and the Mayor, for coming down and presenting this. This is kind of overwhelming, I mean it's not something I could digest if you gave me a better part of a day or two to, you know. I do like many of the concepts that you brought forward and you know it's funny how we

revert back to where we were. Maui, and you don't know this because you never lived here but Maui was once camp oriented. We had everything in our camps. Whether it was McGerrow Camp, Filipino Camp, Chinese Camp, you name the camps, we had them. And Camp Maui and everything was there, it's walkable because nobody had cars, no one could afford cars really. So now we're coming back full circle to what I call the camp days of Maui County, and a lot of the islands were that way. Camps were built specifically for ethnicities, because it was easier for them to communicate whether it was Portuguese Camp and different camps were built that way. Very much like the mainland was, right? When you had areas, there was the Irish community, there was the Italian community, this was the Spanish or Hispanic communities, right? And so I liked that. The thing I liked most about your plan, Mr. Beutler, and I'm intrigued to ask you this question, how would this fit as we have all of this new development coming online? You know we got Waiale; we got a lot of other places that are going to be coming on in the very near future. How are you, and I guess Mr. Spence is as you know, the key planner for our County, how do we get these new developments to buy in to many of these concepts? Because I think if we don't have them do it in the next few years, they're going to build, and then we're behind the 8-ball trying to make changes, whether it's Mr. Couch's roundabouts, that is his roundabouts, nobody else can ever take claim to roundabouts in this County except Mr. Couch. None of us thought about it until he came along, I don't think that's true but all joking aside, seriously how do we get planners for future developments which is not so far down, I mean I'm talking the next three to five years, these people are coming in and they have. How do we get them to, cause we haven't changed our Codes and we're going to have to work on all of that, but how would you help me, or help us, sell them on this idea because it makes good sense?

MR. BEUTLER: I don't know. It would be hard for me to say specifically how it would work but there are some techniques that are used. In the end I don't think it's maybe a good idea but some places have actually made it optional in the long term. So they do the code, and then they say okay well, if you want to use the old zoning you can use that, if you want to use the new code. So perhaps in the short term that could be used as a way if these developments are already you know working on getting their approvals and everything, and then in the meantime then you create a code. Then you could say well, it's optional if they want to change and go on to the new, the system then they could, something like that.

VICE-CHAIR VICTORINO: Well, let me, this is my last question, I'll let others ask. What is the economic variance between these existing codes we have today, and again I know about cars and all that. But I'm just saying, what is the economic for the developer, what is the advantages for the developer building with these new codes in mind versus staying with the old codes? You know 'cause dollars and cents talk and let's be honest, there's always an economic impact.

MR. BEUTLER: So developers, I mean some may have very strong opinions about exactly how their, you know their development needs to lay out. A lot of people will be more flexible than that, they will just be more interested in getting the approvals, you know and getting that to happen. As long as it's a product that they believe they can, you know, sell or rent, and so a big advantage of Form-Based Codes is it generally makes those approvals a lot easier and a lot quicker so they like that a lot.   Time is money to them. Also, the fact that, you know if it's a broader area, they'll understand what's going to happen next door to them as well so it's also

more predictable. They don't have to worry about just like a neighbor might, what's going to happen across the road or across the street? So the predictability is also a factor and a lot of them will be interested in just the new design concepts that would be embedded in the code, because they themselves will hopefully come along and believe that this is actually going to create a higher quality development.

VICE-CHAIR VICTORINO: Okay, thank you. Thank you, Mr. Chair. I'll allow other to ask their questions.

CHAIR COUCH: Thank you, Mr. Victorino. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you Chair. I'd like to also thank mister…is it Beutler, is that right?

MR. BEUTLER: I just say Beutler.

COUNCILMEMBER GUZMAN: Beutler, okay, thank you. Thank you for coming and presenting. This is a new concept for me. I was very intrigued in terms of how this Form-Based Code concept could be an alternative to this standardization of zoning. You mentioned it would be an easier review process; I'm interested to find out how that works. I'm also intrigued about how the Form-Based Code combines words and diagrams and the character, how that is all put together. Do you have examples of those type Form-Based Codes that I can take a look at? I'm very interested to see how this actually works. I really don't have any other questions except for that particular item is like how do you implement these types of regulations and so and so forth? I'd like to see an example actually, if that's possible.

MR. BEUTLER: Yeah, there are places out there that you can get these. There's one called the Form-Based Codes Institute, I guess it's kind of easy to remember if you're looking for Form-Based Codes information. They have a website up there and they actually do an award every year for what they find are exemplary Form-Based Codes, called the Driehaus Award. So that would be a good place to look and they have links to those, you can just download them all in PDF online. I'm sorry but there was a first part of your question? I I missed it.

COUNCILMEMBER GUZMAN: I don't know, I started rambling at one point or another. But the regulation plan is also something, how it ties in with the Form-Based Code. How that actually, I guess that's the vehicle to implement, is that correct? The regulation plans that describes the scale, the character and the development, things like that?

MR. BEUTLER: Yeah, that's really a way to tie a lot of these different zones to specific places on the map. So more or less you've got maybe three chapters of you know, building regulations and streetscape regulations. But the regulating map is really the way to say okay, we want at this corner, you know we want this to be a retail, a main street, and at this corner over here, this should be a corner store and a more of a residential area, so it kind of ties it down. I think if I'm recalling the first thing you mentioned was how it makes it easier to approval.

COUNCILMEMBER GUZMAN: You're right, the review process.

MR. BEUTLER: And I think a lot of it comes from two things. One, the idea, but what a lot of people don't like about things being developed around them is they don't like the look of it, or they don't know what it's going to look like. You know, they're thinking well this is just, you know, could be anything so I'm just against it because I'd rather have nothing than something that may be awful. So the idea of a Form-Based Code is to take a lot of that discussion and do it during the process, when it's less threatening. You're not worried about an individual development, and say okay, if new development happens, this is what we want it to be like. So you put that in to the code itself from the start, and then when someone proposes something, if people believe that it's going to be done with the, in accordance with the code, which they should, then hopefully it'll be less scary, it'll be, there'll be less opposition. So that's good for, you know it just creates less trouble for someone who wants to develop something and for the developer themselves, the idea because of the illustrations and things, is that a Form-Based Code is easier for them to understand as well. So they can understand what the community wants.

COUNCILMEMBER GUZMAN: Okay thank you. I guess the incorporation of the idea of like complete streets, green streets, that all can be placed within the code instead of an administrative policy or internal rule. I guess that's what you're getting at.

MR. BEUTLER: Yeah precisely, and you really need to involve a lot of different people, Public Works, in the creation of the code so everybody can be on board and say, they don't get surprised and say oh, you've got this Form-Based Code but it doesn't work because we need this many feet for utilities or something like that. So everybody needs to be on board during the creation of the code.

COUNCILMEMBER GUZMAN: Have you had an opportunity to look, to review, or analyze our existing code?

MR. BEUTLER: I'm somewhat familiar, but by no means…

COUNCILMEMBER GUZMAN: Well, the only reason why I asked that is I was wondering if you could give us maybe an estimate or your professional opinion in how long it would take generally to incorporate such a concept in to our codes.

MR. BEUTLER: That's a good question; on my side I'll have to say I don't know. So the emphasis of my firm, we do a lot of urban design and we do some Form-Based Coding for projects such as the Tech Park and design guidelines. But as far as doing a larger Form-Based Coding effort such that would be say for Maui County would be, we might be involved in something like that but we would not be probably leading an effort like that.

COUNCILMEMBER GUZMAN: Thank you, Chair.

CHAIR COUCH: Mr. Spence?

MR. SPENCE: Yes. Just to add a couple of thoughts to Mr. Guzman's questions. It is a new concept, but it's, what Form-Based Codes is doing is it's codifying an old idea. So we're codifying the things that we love about our small local towns and putting that in to our Zoning Code. So the new places that are built if, and there's are a lot of decisions to be made on if and how we go about doing that and adopting a certain code. But assuming we go in that direction, you know, we're talking about these are the forms that you're going to use, you know it's going to create that same kind of feel that you like when you go to Wailuku Town and walk around the streets or Paia or Lahaina, or something like that. And it's going to not allow, I mean, Mr. Beutler used the example of going to Wal-Mart. I hate going to Wal-Mart. I mean I hate driving there, let alone walking there because it's so inhuman. You know so we're talking about making places that are more human in more of a human environment for this thing. So we're codifying an old idea in to something new. The regulation plan, I envision our community plans as a starting point for that as we go through the revisions to each one. You know that's certainly a possibility we can create within as we're reviewing each one, where these things are going to apply or how are they going to apply and give guidelines as to how a Form-Based Code could apply, you know in each area and how long to do. This is, when I went to Chicago APA, and I'm certainly, I'm the first one to say I am hardly you know, up-to-date on what Form-Based Codes, how to apply them and how they would be implemented, but I listened very carefully for that specific question when I went to the National APA Conference. And people talk about it takes a couple of years to adopt it, because there's a whole discussion that has to take place of, and a lot of the same discussion that we have in our community planned process of okay, what do you want to see in your community? How do we make this predictable? What do you do with nonconforming uses? I mean there's just a myriad of things to discuss in this, and all that has to get boiled down and then finally put in to some kind of code. It's a long process, it's rather expensive, but there's any number of firms around the country, including Calthorpe & Associates that could help in doing that kind of thing.

COUNCILMEMBER GUZMAN: Thank you.

CHAIR COUCH: Thank you, Mr.Guzman. Mr. White?

COUNCILMEMBER WHITE: Thank you, Chair. Well I totally agree with the Mayor's comments earlier about making the process easier and speedier. Having been on both sides of the fence; it's a process that needs some help. If this will help speed things along as Mr. Beutler suggests, I think, I'm all in favor of it. But this is a process that obviously is going to take us time to get our arms around. But Mr. Spence, where do you see, where can you, which area would you give us an example of where you would want this implemented first? I guess my question really revolves around, we talked about Wal-Mart and the lack of human scale there, but there's economics that drive people there because their, the prices that they offer and the goods, the wide variety of goods that they provide. How do you apply formula-based options that are going to allow for economic scale in our smaller districts?

MR. SPENCE: If I understand the question correctly.

COUNCILMEMBER WHITE: I'm not sure I understand the question correctly myself, but my concern is when you, we're trying to implement a smaller scale in a variety of areas other than where Wal-Mart and some of the other larger box stores are. But are we going to be able to do it in such a way that the result is going to allow for economies of scale that can make a business thrive there as well?

MR. SPENCE: I think that, and I said there's a lot of questions to discuss, that's a really good one. How is this going to work for, you know, providing for multiple businesses or certain large businesses, or that's all part of the discussion and I think, and maybe John wants to add in on that. I think there's always going to be room for separation of uses. I mean there's always going to be, I don't know how you would incorporate a big box store in to, you know into a Wailuku Town kind of setting. That may or may not be possible, I mean, he's the urban designer and he may have great ideas on how to do that or have answers on how to do that, but there's always going to be some kind of separation of uses while we are in other places integrating other uses that we have separated out. I'm not sure, and that I think is part of the discussion.

MR. BEUTLER: Yeah, I think that's a really good question and that's one of the reasons I showed that Target in Minneapolis because it's been great. I think in the last maybe five years, maybe ten years, a lot of the large format retailers are really getting on board with some of this stuff and seeing the value for themselves of being in a more urban place like a more human scale place. So I don't know if you'll get a three-story Target, you know a lot of times you know they want to build the cheapest thing they can. If the land value is high they might consider that. But they're more willing to consider that kind of thing than they used to be, these large format retailers. And another great trend I think is they're getting in to smaller formats even. Not all the Wal-Mart's are 200,000 square feet or whatever that, anymore. They're more willing to use smaller scale buildings, which is great. I mean it would be great if we could get the same low prices in a 20,000 square-foot, you know, corner drug store sized thing all over the city, you know there are 15 of them instead of that one. But it's probably not going to go that far, but if you can get two smaller ones instead of one bigger one at least you reduce the distances, that kind of thing. Another thing I would say is you know instead of having maybe all the large format retailers together, you know if there's an idea of you know at least moving things around, so you know if you didn't care if you're going to Wal-Mart or Target and Target's ten miles closer, you would just go to Target. So you know you could reduce travel distances that way, that would be another idea. And then finally, a lot of these large format stores, you know they're big but they can be in some ways humanized as well by the uses that go around the edges of them. I've actually, where I live right now, I live right behind a drug store. It's not a large store but we have a blank wall at the back lot of my house and it's the quietest neighbor that I ever had. It's not a problem so if these, you know if a big box can be lined by other uses around the edges, that's where people are walking. It's on the streets like that and so we don't need to have the visible backsides of these things to the streets, so they can also be humanized with some of these ideas from the code.

COUNCILMEMBER WHITE: What town or towns would you point us to or cities or urban areas would you point us to as having the longest history in this formula-based zoning that we could contact and find out how it's been working for them?

MR. BEUTLER: There are a couple of examples, Hercules, California is an interesting one and I mention that one because it's within the Bay Area, it's a smaller town or city within the Bay Area. But they have got one and they've done, there's been some really beautiful development that's happened under that code. So there's an interesting…they've had some financial problems because they, the city got financially involved in some of that development I think so they've had troubles. But the development itself is gorgeous and that's going to maybe outlast the problems, which are unrelated. So just to our projects, like I said, a lot of our work is actually, well I don't know if I said it, a lot of our work is directly with developers, and so Stapleton in Colorado, in Denver, Colorado is a redevelopment of their old airport and that has had not a Form-Based Code specifically but there's design guidelines to guide the development within that, and so within that then there've been a lot of different developers who come in and build houses along the lines of those guidelines, so.

COUNCILMEMBER WHITE: So in your view some of this has been more developer driven than County driven, is that a good observation or?

MR. BEUTLER: Our work is more in that, more toward developer driven work. But the codes themselves are often used, probably more often used by jurisdictions, counties, cities. So and this Form-Based Codes Institute is good. There are a couple of firms that I know that are very good that I can mention but I think you're more interested in talking to them.

COUNCILMEMBER WHITE: I'm more interested in being able to contact peers and get a sense of how did they go through the process, what are the results, are they happy, are they, you know, what would they do differently? Because we've, through our National Association of Counties, we've got the ability to reach out and engage our peers and get their perspectives, which are, I always find very helpful.

MR. BEUTLER: Yeah.

MR. SPENCE: I was going to say I can get you a few names of people I've talked to in, at the National APA. I'd be happy to do that.

COUNCILMEMBER WHITE: The other question I have is we, I guess this Committee deals with Chapter 19, but what are we doing with respect to the planning commissions, authorities over SMA? It seems like the SMA. areas might be areas in which this may be most appropriate.

MR. SPENCE: Well in the…the Special Management Area is the place where, is one of the places where this would naturally apply, because you know most of our development takes place in this special, you know along the coastline and so of course there would be applicability there. I mean just like our Zoning Code is separate, our Zoning Code is succinctly different from the Special Management Area. You know, so would this be. I mean this is, when we're talking about a Form-Based Code, it's still a zoning code. It just, it adds, it dictates a whole other design element in it that is lacking now. And where a lot of times when the, and unfortunately the Special Management Area Permit process has turned in to a design review process and

unsuccessfully so. But you know this would, something like a Form-Based Code would provide continuity from, you know, lot to lot, rather than a beautiful development here, that you know, but approved with SMA review and the next lot over another beautiful development, but they have no relationship to each other, they don't look like each other. They bear no, you know…so something like a Form-Based Code would encompass a larger area and assure that kind of continuity and help add to a sense of place.

COUNCILMEMBER WHITE: Well my main interest in looking at this is that we have historic towns like Lahaina, Makawao, Paia --

MR. SPENCE: Right.

COUNCILMEMBER WHITE: --Haiku, and so forth that where I think we all want to keep the feel and the feel is important to visitors, it's important to us. And so my question is, let's use Lahaina as an example, if we move forward with this process, will that successfully overlay what happens in the Planning Commission's review of those district, history district and the SMA in Lahaina? Will it solve the challenges that they have with designs that are going in that they don't feel are appropriate? Will it give them guidance and give them the backing to do what they feel is appropriate?

MR. SPENCE: To . . .(*clears throat*). . . excuse me, within Lahaina Town we, you know because it is historic district, there's all kinds of other approvals. It's already a very rigorous location, as you know.

COUNCILMEMBER WHITE: As I know.

MR. SPENCE: Councilmember White, it's already a very rigorous place to get permits to do, you know, especially new buildings. So in that sense I'm not sure, perhaps a Form-Based Code for that area would, because you're already dictating the urban form and you're already, and it's possible to specify architecture. It could actually make it a little bit easier because you're already saying this is what you will do. By specifying that, Mr. Developer, that if you fall within these parameters and you fall within these urban forms and you have this type of architecture et cetera, you know, it would make that easier to approve rather than somebody coming in and saying well I want to do something different and arguing about it. The Code itself would not allow something contrary to the historic character of that area.

COUNCILMEMBER WHITE: I can see this being a very complex process of drafting the Form-Based Code to match basically each community that we're wanting to provide some protection for.

MR. SPENCE: And that's part of the question to ask as well. And you can also, you can, there's many different ways, and John might want to comment on this, you can adopt a code, and then within that code have design guidelines possibly for different communities because what would fit in Lahaina isn't necessarily going to apply to Makawao or to Paia. And to a degree we already have, we have some of that. This would make it more specific.

COUNCILMEMBER WHITE: For me it's important that we maintain the character of the towns --

MR. SPENCE: Absolutely.

COUNCILMEMBER WHITE: --and it's equally important to make sure that we're allowing people to do things with as short of a review process as possible, because we're not growing our economy as rapidly as our sister counties and that concerns me with the kinds of costs that we have coming down the pike.

MR. SPENCE: Yeah, I tend to agree that ideally, in an ideal planning world we would have a very simple review process while maintaining exactly the character that we have now. I think that's a common goal.

MR. BEUTLER: May I?

COUNCILMEMBER WHITE: Thank you.

CHAIR COUCH: Go ahead, Mr. Beutler.

MR. BEUTLER: If I could comment I'd think that the character that you're talking about really is, that's a key component of the Form-Based Code, the idea. And so some of these things about the way that the building meets the street, you know the front façade of the building and things like that. I know that a lot of those ideas are distilled in to the code by studying the local area, so studying Lahaina and saying what is it about Lahaina that's unique. You know and what do we want to preserve in new development and revitalization and that kind of thing, and you can, a code has more or less the form, the building form regulations and the streetscape regulations and then the regulating plan. That's kind of basic to almost all codes. But then, you can have some of these other things such as the architectural regulation, typologies that may not be necessary in some places, or maybe you want to leave it more open. But in a place that's got historic, you know, value, then maybe that would be a place to apply, you know, an overlay of some of the architectural regulations as well. So it could definitely work with these historic areas.

COUNCILMEMBER WHITE: Thank you.

CHAIR COUCH: Thank you Mr. White. Chair Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. It's been a very interesting discussion. Thank you, Mr. Beutler, for being here today. But not a new one, really not a new concept or new idea because we've been talking as long as I've been on this Council about Smart Growth and complete streets and less, less a lot, talking specifically about New Urbanism. But not a new concept because seven years ago we had Andres Duany visit us and he was involved in a process with us in helping to put together a town that was proposed in Olowalu, and many of us spent many, many hours dreaming and listening to Mr. Duany about, you know what we should be building on Maui and this fits. The idea of building towns, you know I grew up in Maui in a small town in Paia and it was mentioned earlier, plantation towns, and these towns were models

of new Urbanism. They were housing places where we all walked, nobody had cars, but the church and the store and the school and the theater and the library were you know, everything was within walking distance. But when the plantation started moving us out of those towns and in to the new buildings in Kahului which were called Dream City because they were thought to be a dream and it's much of what we have today, and from then on we started to build housing tracts and in those housing tracts we have housing. Or we don't have any stores and we don't have any amenities, and so more and more people had to drive to where they were going. And I think this awareness has to be part of our planning and I understand why this is being brought up. We need to amend our laws. You know we've had funny laws like you can't live above your business which we used to have before, you know the grocer lived over the grocery store and the meat man lived over the meat market and the tailor lived over the tailor shop and it was nice. You know some of the pictures that you showed today of those tree-lined streets where people could walk and they not only worked there but they lived there, and that makes a really nice neighborhood. But we don't have that kind of ability here, and again some of our laws in my opinion really need changing and so I'm glad we're talking about this, 'cause we need to not only have wonderful theories but we need to make our laws match so that we can do what we want. In drafting our Countywide Policy Plan, which we approved several years ago, a lot of these concepts of Smart Growth, and complete streets, and New Urbanism are included. There are references to these things and there are a general agreement that we want our plans to look like that, but now we've got to take it a step farther and we've got to actually put it in to law so that people can do these things. But I think it's a really great idea. You know every year I spend my Christmas, my holidays in Mexico and they have many, many, many examples of wonderful New Urbanism. They build around a central plaza and they have streets that accommodate buses that come right up to the door of the house and everybody walks and many, many people don't have cars because many of them can't afford a car. And that's a good point to make about you know once you can afford a car then you want one because that's the way things are built here, you almost need one. So I think we've got a long way to go but I like Member White's question about timing. You know, Mr. Spence, how close do you think we are to incorporating some of these strategies in our laws?

MR. SPENCE: Specifically for this, and I'll comment that the Maui Island Plan added another 120 something items for the Planning Department to do.

COUNCILMEMBER BAISA: Correct.

MR. SPENCE: So we're going to be looking at, you know, priorities, and there are many things that are very important to do. We need to have this discussion internally on what, you know, what is going to be the priority and if we, as we decide how we're going to go forward with something like this, we'll come back to the Council and either propose a budget amendment or in next budget, next year's budget or something like that. Because it's, this is a very intense process --

COUNCILMEMBER BAISA: I understand.

MR. SPENCE: --to go through and it will involve consultants and it will involve just outside help with more expertise.

COUNCILMEMBER BAISA: Now while that, and we understand that timetable for revising laws, but we have ongoing proposals coming before this Council for developments and for housing and whatever. Do we apply those principles in reviewing those plans and try to encourage builders to do what we're talking about within the existing laws?

MR. SPENCE: Not within the existing laws, and this was part of the point I alluded to earlier is these things can happen a couple different ways. One, the County can adopt a Code. Another way to do it is, and this Council has seen project districts come before you. That's a specialized Zoning Code specifically for that project; elsewhere in the country they call them planned unit developments.

COUNCILMEMBER BAISA: Right.

MR. SPENCE: Because our regular Title 19 doesn't allow for a lot of these things. It's the private side that has come forward and said, we want to do this. You see, you know, some of the walkable and design elements in Pulelehua and you know this is part of the concept for Waiale and you know other projects coming forth, the proposed Olowalu project. So project district is a usable tool that this Council is familiar with and the County is familiar with. Another way to do it is as the R and T Park is going to propose to do it, which you'll see sometime within a year, hopefully sooner. The, I could feel the consultant's gasp, but you know the R and T Park is fortunate enough they have their own section of Title 19 that they're going to propose a rewrite to. So they're going to just flat out, you know they're requesting to adopt a new section of Code, different from a project district, just this is what we want to do with this and they're going to have their own design standards, et cetera set up. So there are ways to do it.

COUNCILMEMBER BAISA: I'm trying to figure out how we get around this while we update all those laws. Is there any way we can begin to implement some of this?   And that's what I'm trying to find 'cause you know it could take years for us to complete all the Code. Meanwhile we keep building and the building is not appropriate to what we want to see.

MR. SPENCE: Right, and the building that we deem inappropriate, that we would rather see different at this time are mostly approvals that were adopted previously. So a lot of the things that we've seen within the last five years are saying let's do something new and that's to the credit of the private sector. Let's do something new, let's find a way to improve the quality of life and create a better living environment for the residents of our development.

COUNCILMEMBER BAISA: Thank you very much and thank you, Chair. I think this is a good awareness of you know where we need to go, thank you.

CHAIR COUCH: Thank you, Madam Chair. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you and thank you, Mr. Beutler, for being here and your presentation. And all the, my colleagues have stated some really great questions and comments, things that I concur with. You know Mr. Spence mentioned this is a new trend and what have

you, but Ms. Baisa said this is isn't really a new concept. I mean I've heard of the Smart Growth and the sustainable communities and the walkable, livable you know and on and on, and so if this is what we want to call it today, great. But you know I like, I'm not too keen on the word Urbanism per se but Smart Growth and what have you and hearing how, I'm from Lahaina, born and raised, and I did, I lived up above our family restaurant, that's how I grew up. And so I understand those concepts, so the character of what Lahaina was when I grew up is definitely not the character what I see today. So what character are we looking to preserve, restore, and stick to? Yeah, I'd like to go back to the plantation days but you know things are changing, progress is moving in and there's, I like, I'm not sure if you heard of the concept ahupua'a, but that was a trend and a word that was tossed around with developments and what have you being proposed. And it's something that goes from the mountains to the sea and you kind of showed that in one of your slides and that's an extremely important concept what I liked. You did mention about places that, you mentioned wetlands and climate change, and sea level rise is a big issue in West Maui where I, that I represent. And these types of things I believe are important to put in to planning for our future and how we're going to zone and what can be built or not built in certain areas, SMAs and what have you. So yeah this is a big subject matter, but I think what's hard for me to grasp right now is how is this going to assist in retrofitting existing…you know you showed how roads lead in to cul de sacs and you can't get in there and it's not walkable to the nearest shopping mall and what have you. So it's real, I mean we just sort of hodgepodge kinda built things just without the bigger picture view basically. And here we are trying to connect the dots, connect the neighborhoods what have you and it's just, it's going to be difficult. So I can see planning new growth and making sure we implement these concepts there. But how do we connect the current, the existing? Because these are the people that we represent. These are the people that we hear and have maybe quality of life issues. So I'd like to see and I think to implement this sooner rather than later. I understand, Mr. Spence, you have a lot on your plate, you're going through the General Plan, what have you. But this concept I think intertwines and weaves into everything we're doing here. And so I am definitely supportive of moving this forward in any way we can together, and if it takes budgetary items then perhaps you know that can be discussed coming up. But I just want to say this is a great topic. I'm definitely on board to hear more about it and see how we can implement and work it through 'cause we don't have much land here. We need to make sure that we are building yes, sustainably, yes, in a good, you know, quality way of life but not to forget our history, our culture, and our natural resources that are being, you know, jeopardized on a daily basis so I just want to say thanks for this opportunity to have the discussion and the presentation, and thank you, Mr. Beutler, for coming all this way. Mahalo, Chair.

CHAIR COUCH: Thank you, Ms. Cochran. Ms. Crivello?

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank you, Director Spence and Mr. Beutler, for the presentation. I'd like to say first of all I appreciate Mayor Arakawa's comments to try and make things more livable with the existing camp style type, plantation homes that we have here on Maui and as well as on Molokai. When I hear the word "urban", you know, I think of higher population density you know and living in a city. I don't believe that's Hawaii's lifestyle, or our island way of living. But perhaps you're trying to say is how we can create neighborhoods that's pedestrian friendly I guess, and in my mind I'm thinking how do you do

that to be compatible with the environment that we have today. Our perimeter is that of coastlines. We talk about the mountain to the sea and how do we make sure where all of our landscape can best be compatible with what makes this island special. So my question, I hear you saying that the Form-Based Code basically is a tool that regulates and does the, I guess the configuration and design to implement the community plan, is that my understanding?

MR. BEUTLER: Yes, it would be the implementation side of things.

COUNCILMEMBER CRIVELLO: So with the Form-Based Code do you, is there regulations and that word may be, are there regulations that come with it for the configuration of the so-called development?

MR. BEUTLER: They are part of the process of creating the code, but there are kind of model codes out there that are kind of templates for how things might work. But there's really a lot of study about the existing development, existing towns, neighborhoods, and then a part of the process of creating the code is developing the vision for public, what people want to see. So and that does embed it then inside the code, it's like how things should work.

COUNCILMEMBER CRIVELLO: Yeah, 'cause you mentioned that your design concepts are embedded in the code, so when we say embedded, is that, does that mean it's regulated in such a way? Do that…

MR. BEUTLER: Yes.

COUNCILMEMBER CRIVELLO: Does it bring another layer of regulation?

MR. BEUTLER: The idea is that it replaces some other types of regulation. I mean people can replace their zoning code with a Form-Based Code.

COUNCILMEMBER CRIVELLO: I see. Okay. And what about landscape and planting or are we become one congestive area? Or does that depend?

MR. BEUTLER: You mean so would the developments all blend together?

COUNCILMEMBER CRIVELLO: Yes.

MR. BEUTLER: That's a good question and you mentioned also not really liking the word "urban" and I use that probably without thinking too much about how, what it means because to me it means what you said which is the towns and neighborhoods. To me, a single neighborhood could be a single town, you know, and that standing on its own is quote, unquote, "urban" in my mind, because it would have you know these things that fit together in a way of just Urbanized versus being totally rural or farmland. But the concept would be that with this whole transect, and there are other ways to regulate it too, but then there are certain areas that are appropriate and that the community wants to remain rural, or that need to be agricultural over the long term like that. So these areas would get assigned those zones in a Form-Based Code and they would remain as they

are and within say a rural area, you would say well, would there need to be sidewalks? No, probably not. Maybe there need to be horse trails within that area. That could be something that is created in the code; what would be the rules for those areas versus areas that have higher populations, neighborhoods, those would have different rules.

COUNCILMEMBER CRIVELLO: Okay, thank you. So, in Hawaii we have our land use designations or types, different land use types. So how does this Form-Based regulatory plan--cause I see it as regulations--how does that, how do we distinct that from the land use types that we have in, according to some of the State designation?

MR. BEUTLER: So there's the, I'm not completely, I'm certainly no expert on that, but there's the agricultural land and the urbanized land say so within say the urbanized, on the State level, it's not a great variation right, it just might say urbanized if I'm right. So within that then you might have several of these different transect zones within the urbanized area to say how that should be developed or how that should evolve over time.

COUNCILMEMBER CRIVELLO: So will it be more costly for the developer? Of course, there's always higher costs as time moves on, but will they be more regulations for the builder or the developer because everything else falls back to us consumers?

MR. BEUTLER: To a great degree for developers, just like the long approvals process, you know the five to ten years that it really costs them a lot, you know just energy and money, and so shortening things up, even if some of the regulations would cause them to do things they might not otherwise think. Such as facing the building to the front, it may not cost them more, it pleases the community and therefore, it allows the development process to go faster, it would actually; it should reduce their costs.

MR. SPENCE: Right. I would add that if we're going to incorporate this in to our own Code, I mean we're already going to be looking at our approval processes. Some things we can change, some things we can't change. But certainly that's part of our goal is to make the approval process more sure, and that would weigh heavily in on you know any large change to our Code. So and I share the same concern, it's a very long process and it certainly adds to the consumer, it adds to the, and particularly the small landowner, it becomes quite a burden.

COUNCILMEMBER CRIVELLO: It does, so we're going to change all that.

MR. SPENCE: Just like that. . . .(*chuckles*). . .

COUNCILMEMBER CRIVELLO: Just like that. Thank you. I guess one more clarification for my understanding is do you see, well we have a community plan, we have various community plans and plans that will be coming up, do you see the Form-Based Codes like one size fit all?

MR. BEUTLER: It depends, so within one of those graphics I showed that there was six different zones, transect zones, but it's pretty common that people would then see there, would say within an area that was similar level of development, they might have other things that were important

in that area. Say in historic areas, you know they may want to do more looking at the architecture. In a more modern area, newer area, they may not care about that and so it's definitely not one size fits all. It's more like what you put in to it, the amount of time and energy that's put in to developing the community's vision makes it more individualized to that area.

COUNCILMEMBER CRIVELLO: Okay, I think that's…

MR. SPENCE: And I would say just like we have Business Country Town zoning which we have that one zoning category, but we have design guidelines for Kaunakakai, for Makawao, for Paia, for Haiku. So each one of those varies based on you know the just the regional differences so we can certainly look at that kind of thing. Whether they're design guidelines added on, added with this or a specific code for you know for each town or whatever it may be. You know we don't want to make it super complicated but at the same time, you know, I hear the same thing from each Council member in retaining the character so that's of paramount importance, it's how we go about doing that that is going to be very important.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR COUCH: Thank you Ms. Crivello. Members, we've got to get these guys out of here `cause they gotta go to the Planning Commission and give this same presentation. So I just have a couple comments and correct me if I'm wrong, either Mr. Beutler or Mr. Spence, but as part of our General Plan we talk about Smart Growth and this can be part of Smart Growth. It seems that there are going to be some developments that are come in with their as you said kind of a planned unit development but changing it more to a Form-Based Code for their specific development and those could be used as examples. And lastly, during our community plan process, that would be a time I would think that we could introduce Form-Based Code for that specific community, so for instance in Lahaina we say we gotta keep this character and these are the things that we will, allowed in this Form-Based Code. So isn't that more of during the community plan process? Because it can be, since it isn't one size fits all as Ms. Crivello asked. We can say for each different community this is what we'd like to see.

MR. SPENCE: Yes and I think that's, and that's exactly the reason we have community plans is because West Maui is distinctly different from South Maui, from Kula and Makawao, from Hana and certainly from our other islands. Those differences are critical.

CHAIR COUCH: Right.

MR. SPENCE: Those design characteristics of each of these areas is distinctly different and it's critical to maintain those things. So yes, that's the very reason why we have community plans, and when we go forward with these community plans, I mean I see no problem in discussing Form-Based Codes and discussing how you know, how it would apply or could apply given the policies and how we should do this within each one of these community areas.

CHAIR COUCH: Okay. Thank you, and Members, I bring this up, brought this whole idea up because this is going to be coming up and has been part of the community, this General Plan to begin
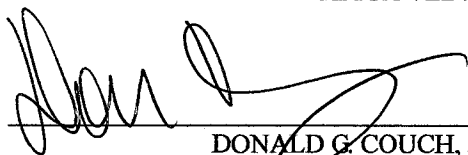
with. Just so that we're not blindsided by the whole idea, this is an intro and we will definitely be speaking about it as time goes by. So thank you very much for your participation. Thank you, Mr. Beutler. I'm gonna release you to get down to the Planning Commissioners right downstairs. So thank you, Mr. Spence, for your comments as well, and Members, with nothing left, this meeting is adjourned. . . .(*gavel*) . . .

ACTION: **DEFER pending further discussion.**

ADJOURN: 11:08 a.m.

APPROVED:

DONALD G. COUCH, JR., Chair
Planning Committee

pc:min:130827:mt

Transcribed by: Marie Tesoro

CERTIFICATE

I, Marie Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 17th of September 2013, in Wailuku, Hawaii

Marie Tesoro

Marie Tesoro