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CITY COUNCIL

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MEMORANDUM

DATE: May 14, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning & the Economy

FROM: Esther Kia'āina, Chair
Committee on Planning & the Economy

SUBJECT: Response to CC-143 (Councilmember Cordero) and CC-144 (Councilmember Weyer) re Public, Civic, and Institutional Uses in Bill 64 (2023), FD1

Attached for consideration by the Committee on Planning & the Economy are proposed recommendations by the Committee on Planning & the Economy Chair to the amendments offered for Public, Civic, and Institutional Uses in Bill 64 (2023), FD1, by Councilmember Cordero and Councilmember Weyer.

Attachments:
CC-143 (Councilmember Cordero's Proposed Amendments)

CC-144 (Councilmember Weyer's Proposed Amendments)

COUNCIL COM. 145
P&E

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
PUBLIC, CIVIC, AND INSTITUTIONAL USES

TOTAL PAGES: 1

DATE: May 13, 2024

COUNCILMEMBER: Radiant Cordero

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification	P&E Chair's Recommendation
1	SECTION 3	§ 21-5.60-5(a) Public civic, and institutional uses Parks and open space Cemetery – standards	34	Amend cemetery standards.	(a) *Cemetery – standards.* (1) Prior to approval of an application for a cemetery, a certificate of approval must be obtained from the Board of Water Supply indicating that there is no danger of contamination of the water supply. (2) In the AG-2 zoning district, burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts. (3) In the AG-2 zoning district, a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts. (4) [~~Density~~] Height, density, and building area flexibility may be permitted pursuant to the plan review use process.	Allowing for vertical development will facilitate the efficient use of existing cemeteries and reduce the demand for limited lands available for new cemeteries.	Not accept. The ability for cemeteries to seek density and building area flexibility through a plan review use is a compromise to allow existing cemeteries, which are primarily in the P-2 district, to expand without impacting neighboring properties and view planes. Height limits in the P-2 districts are generally very low.

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COUNCILMEMBER: Weyer

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1	3	21-5.60-6(c)(2)(E)	36	Adjusting the "buffer zone" requirements, adding a provision to address shadow flicker, and deleting unnecessary language.	Large wind energy generation facilities must be set back from all property lines a minimum distance equal to the height of the facility, measured from the highest vertical extension of the facility; and a minimum distance from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts of 10 times the height of the facility or 1.25 miles ~~from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts~~, whichever is greater.~~;~~ No part of a wind energy generation facility shall cause more than 10 hours per year or 10 minutes per day of shadow flicker on occupied buildings. ~~provided that the setback requirements in this paragraph only apply to new large wind energy generation facilities and do not apply to the repair, maintenance, or component replacement of any existing facility covered by a power purchase contract with an electric public utility during the term of the contract, including any renewal or extension thereof~~. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.	Incorporating recommendations made by the Hawaii State Energy Office.	Accept with adjustments to the second sentence to read as follows: No [~~part~~] portion of a wind energy generation facility [~~shall~~] may cause more than 10 hours per year or 10 minutes per day of shadow flicker on occupied buildings.