HONOLULU CITY COUNCIL

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MEMORANDUM

DATE: June 21, 2024

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

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

SUBJECT: Kia'āina Proposed Amendments to Public, Civic, and Institutional Uses in Bill 64 (2023), FD1, for the P&E Committee Meeting on June 27, 2024

Attached for consideration by the Committee on Planning & Economy are my proposed amendments to Public, Civic, and Institutional uses in Bill 64 (2023), FD1, relating to land use regulations, for consideration at the Committee on Planning & the Economy meeting on June 27, 2024.

Attachments (1):

Amendment Form, Public, Civic, and Institutional Uses, Bill 64 (2023), FD1, Relating to Use Regulations

COUNCIL COM. 180
P&E

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

TOTAL PAGES: 4
DATE: June 21, 2024
COUNCILMEMBER: Esther Kiaʻāina

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	SECTION 3	§ 21-5.60-2(c) Public, civic, and institutional uses Communication Communication support structure – standards	32	Amend communication support tower standards.	(c) *Communication support structure – standards.* (1) At-grade equipment must be screened by a solid wall or fence, or by a landscape hedge of sufficient height and width to screen the equipment. (2) Antennas [~~and other equipment:~~ ~~(A) Must be concealed within the communication support structure or obscured to minimize visual impacts. Integration with existing structures or with existing uses must be accomplished through the use of architecture, landscape, and site solutions. Acceptable concealment includes screening antennas, or painting or coloring antennas to match abutting building materials. Paint color alone is not sufficient to minimize visual impacts if the antenna or equipment extends above the roofline, or if the antenna or equipment is installed against a building but there is no integration with abutting architectural features or elements, such as alignment with corners or columns.~~ ~~(B) When located on the roof of an existing structure without architectural integration or concealment, antennas must be set back or located to minimize visual impacts, especially from public rights-of-way and public places.~~] must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscape, or other site solutions. Antennas are not considered to be concealed or designed to minimize visual impacts if the antenna extends above the top of the communication support structure or above the top of screening walls or features. Acceptable concealment may be accomplished through the use of one or more of the following design features: (A) Antennas integrated into the architectural features of a structure, or placed in alignment with elements of the structure, such as corners or columns; (B) Antennas hidden behind screening walls or features, where the screening walls or features are colored to match or otherwise blend in with the existing structure; (C) Antennas are mounted on screening walls or features but do not extend above the screening walls or features, and the antennas and visible mounting supports are colored to match the existing structure; or (D) Antennas set back from the edge of the structure to minimize visual impacts from the ground level at the closest public right-of-way or public place. (3) If satisfying the concealment and integration requirements in subdivision (2) results in the antenna not being able to provide the service it was designed to provide in the desired coverage area, the director may allow for flexibility from the strict application of these requirements if the applicant demonstrates that: (A) The communication support structure is not structurally capable of supporting the design under applicable codes; (B) The location of the antenna interferes with the existing use of the communication support structure, such as having to locate antennas on balconies or decks; or	Amends the provisions relating to antenna concealment and integration requirements to clarify acceptable design features. The DPP Director may allow for flexibility from the strict application of the concealment and integration requirements if it would result in the antenna not being able to provide the service it was designed to provide in the desired coverage area; provided that the DPP Director must first determine that there are no feasible alternatives to minimize the antenna's visual impacts, including possible relocation of the antenna. In the I-1, I-2, and I-3 Districts, provides an exception to the antenna concealment and integration requirements unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or AMX zoning districts.

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					(C) The antenna is not able to properly transmit radio frequencies due to technology limitations, such as: (i) Inability of the antenna to transmit radio frequencies through paint or screening walls or features; (ii) The antenna is required to be located close to or at the edge of the roof to transmit properly; or (iii) Paint or screening walls or features compromise antenna functionality, such as overheating; provided that the director shall first determine that there are no feasible alternatives to minimize the visual impacts of the antenna, including possible relocation of the antenna. [~~(3)~~](4) Communication support structures that qualify as an eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, as may be amended or superseded, do not require any additional land use permits or approvals under this chapter; provided that the communication support structure complies with all conditions of the initial land use permit or approval. (5) In the I-1, I-2, and I-3 zoning districts, antennas need not satisfy the concealment and integration requirements in subdivision (2) unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use zoning districts.	

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2	SECTION 3	§ 21-5.60-6(c)(2)(E) Public, civic, and institutional uses Utility Large – standards Wind energy generation	43	Amend large wind energy generation facility standards to	(2) *Wind energy generation.* (A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts. (B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence. (C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades. (D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened. (E) Large wind energy generation facilities must be set back as follows: i. From all property lines a minimum distance equal to the height of the facility; and ii. From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater. For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application: (i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and (ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings. Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions. (G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows: (1) By an incremental amount not to exceed seven percent of the original height of the facility; or (2) Up to a maximum height of 575 feet; whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.	Provides that the repair, maintenance, or component replacement of existing large wind facilities with approved land use permits during the term of the facility's current power purchase agreement may involve an increase in the height of the facility: • By up to 7 percent of the original height of the facility; or • Up to a maximum height of 575 feet; whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Carves out an exception so that any such height increase will not be deemed to increase the facility's setback nonconformity.
3	SECTION 10	§ 21-2.130(a)(1) Waiver of zoning requirements	93	Makes conforming terminology amendments.	(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following: (1) Public or public/private uses and structures, communication [~~facilities,~~] towers, communication support structures, and utility installations; provided that wind energy generation facilities are not eligible for a waiver under this section.	Clarifies that communication towers and communication support structures are eligible for zoning waivers.

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4	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures Public, Civic, and Institutional Uses New dish antenna entry	182	In WSD Use Table, add dish antenna entry.	<u>Dish antenna</u> | <u>Cm</u> | <u>Cm</u> | <u>Cm</u>	Dish antennas permitted in the Apartment, Resort Mixed-Use, and Public Precincts with a minor conditional use permit.
5	SECTION 64	Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures Public, Civic, and Institutional Uses New communication tower entry	182	In WSD Use Table, add communication tower entry	<u>Communication tower</u> | <u>Cm</u> | <u>Cm</u> | <u>Cm</u>	Communication towers permitted in the Apartment, Resort Mixed-Use, and Public Precincts with a minor conditional use permit.