

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 638  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 638 entitled:

"A BILL FOR AN ACT RELATING TO ZONING,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize an exemption from county zoning-related building restrictions for an increase in floor area of the principal office of a planned community association.

Your Committees received testimony in support of this measure from Community Associations Institute, Hawaii Chapter; the Ewa by Gentry Community Association; and David O'Neal. Your Committees received testimony in opposition to this measure from the Department of Planning and Permitting, City and County of Honolulu.

Your Committees find that county zoning-related building restrictions prohibit an increase in floor area of the principal office of a planned community association, while community associations across the State continue to grow and service ever increasing numbers of citizens. The process of getting more area currently requires obtaining variances to increase the space needed, obtaining additional area zoned for commercial activity, or renting space in a commercial area outside of the common area owned by the association. In each of the first two instances, the associations are required to go through a costly, time-consuming



process. In the third instance, the membership bears an inefficient and unnecessary cost. Your Committees find that this measure directly addresses the current needs of planned community association offices statewide.

Your Committees have amended this measure by:

- (1) Clarifying the formula for calculating the maximum allowable increase to the floor area of a principal office building;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 638, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 638, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committees on Water, Land, and  
Housing and Public Safety,  
Government Operations, and  
Military Affairs,



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WILL ESPERO, Chair



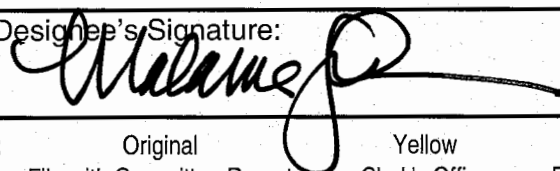
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DONOVAN M. DELA CRUZ, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water, Land, and Housing**  
**WLH**

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>SB 638</b>	<b>WLH / PGM, CPN</b>	<b>2-10-11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
SOLOMON, Malama (VC)	✓			
FUKUNAGA, Carol	✓			
RYAN, Pohai	✓			
SHIMABUKURO, Maile				✓
TOKUDA, Jill N.				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designer's Signature:				
				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>SB 638</b>	Committee Referral: <b>WLH/PGM, CPN</b>	Date: <b>2-10-11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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