

REQUEST FOR MAJOR VARIANCE

PROJECT INFORMATION:

Project: Hunt Parcel 10 Improvements within the Kalaeloa Community Development District (KCDD)

Landowner: Hunt Communities Hawaii LLC

Applicant: Hunt Communities Hawaii LLC

Tax Map Key: 9-1-013:097

Site Address: 91-1049 and 91-1057 Enterprise Avenue

The Applicant proposes to install new chain link security fencing along portions of Parcel 10 located in the Kalaeloa Community Development District and identified as Tax Map Key (TMK) No. 9-1-013:097. The Project site is approximately 165,920 square feet in size, and the street address is 91-1049 and 91-1057 Enterprise Avenue, Kapolei, Hawaii 96707.

I. REQUEST:

Pursuant to Hawaii Administrative Rules (HAR) § 15-215-81, Variances, the Applicant is requesting a major variance to increase the permitted height of the proposed fences along Randolph Street and Enterprise Avenue from three feet (3'-0") to eight feet (8'-0"). The chain link security fence will also include a sliding security gate fronting Enterprise Avenue. The Applicant is requesting to increase the permitted height of the VIP Towing Site fence from three feet (3'-0") to six feet (6'-0"). The requested variances apply to the provisions of HAR § 15-215-43(c), Architectural Standards. The Applicant is also seeking the authorization for the use of chain link security fencing material for all of the fences that will include a black colored mesh fabric that will be embedded to cover the chain link security fences. This is a variance from HAR § 15-215-43(c)(1), Architectural Standards.

As provided in HAR §15-215-81(c)(2), the variance request is considered a "major" variance because the Project lot size is over 40,000 square feet. A "major" variance is subject to review and approval by the Authority.

II. COMPLETENESS REVIEW AND AUTOMATIC APPROVAL:

The purpose of the completeness review is to determine whether all required information is provided in a Variance Permit application. A completeness review does not constitute a decision as to whether an application complies with the provisions of the rules. The Major Variance Permit application for the Project was received on May1, 2024.

The Hawaii Community Development Authority (HCDA) staff reviewed the application, and the application was deemed complete. The Project was issued a Certificate of Completeness on May 3, 2024, by the HCDA Executive Director.

Pursuant to § 15-215-84, *Automatic approvals*, the Variance Permit application will be deemed approved if the HCDA Executive Director has not rendered a decision on the Variance Permit application within 160 calendar days from when it is determined to be complete.

III. HAR § 15-215-81 CONSIDERATIONS:

HAR Section 15-215-81(d) provides that approval of a variance shall require all the following findings of fact:

- (1) Uniqueness. That there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of the rules.
- (2) Self-created hardship. That the practical difficulties or unusual hardship claimed as the basis for a variance has not been created by the owner or by a predecessor in title.
- (3) Minimal deviation. That the variance, if granted, is the minimum deviation necessary to afford relief; and to this end, the decision-maker may permit a lesser variance than that applied for.
- (4) Character of the Transect. That the variance, if granted, will not alter the existing or planned character of the transect in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
- (5) No adverse impact. The variance would result in development that is not detrimental to or that would adversely impact adjacent properties.

IV. FINDINGS AND CONCLUSIONS:

After a thorough and careful review and analysis of the materials submitted by the Applicant related to the variance request, and pursuant to the provisions of § 15-215-81(d), we make the following findings and conclusions:

- (1) Uniqueness.

Several unique physical conditions are present with respect to Parcel 10. First, the shape of Parcel 10 is not perpendicular to the streets as the property is situated in the middle of a multi-street intersection – Yorktown Street, Enterprise Avenue, and Monterey Street. As a result, the Project Building is exposed to multiple points of entry and exit.

Second, unused open space is situated along the perimeter of Parcel 10 facing the corner of Randolph Street and Enterprise Avenue. The requested variance to install

an eight-foot (8'-0") fence along the Randolph Street and Enterprise Avenue perimeter and a six-foot (6'-0") fence along the perimeter of the VIP Towing Site will address security and safety concerns as this area is currently exposed with unlimited access from the open perimeter intersection.

In addition, although more development is planned and taking place in the KCDD, there remain days and times when there is relatively little pedestrian and vehicular traffic in the vicinity of Parcel 10, and security fences above three feet are necessary to secure the premises, since fences under six feet are easily scalable. The proposed security fence around the VIP Towing Site is also necessary to protect this area and prevent unauthorized access to the remediation area.

These factors are unique physical conditions within the meaning of HAR § 15-215-81(d)(1), particularly given that, unlike a new proposed structure, Hunt is limited in its ability to address these physical conditions through changes to the existing nonconforming structure. Fencing is necessary to protect the safety and security of the structure and its occupants.

(2) Self-created hardship.

The exposure to multiple streets, relative lack of activity on certain days and times, and the necessity to protect the Project Building and VIP Towing Site from unauthorized access are not self-created hardships. Applicant is not responsible for the street design, relative level of activity in the area, or the actions of the prior lessee of the VIP Towing Site, which now necessitates remediation and protection.

(3) Minimal deviation.

Applicant is requesting a small increase in the fencing height from three feet (3'-0") to six feet (6'-0") and eight feet (8'-0"). In doing so, Applicant is requesting the minimum deviation necessary as the objective of the new fencing installations is to enclose the property boundaries and to provide increased security, protection, and visibility presence. In addition, the proposed use of chain link security fencing material with a black mesh fabric cover design aligns with common exterior fence installations of similarly situated commercial warehouse properties. Because the east side of Parcel 10 already includes a chain link fence, the proposed installation of additional chain link security fencing throughout the perimeter of the property will not create any substantial deviation from current character and features of Parcel and the surrounding area.

(4) Character of the Transect

The requested variance will not alter the existing or planned character of the surrounding area's designation as a T3 urban general zone. The increased height of the fence installation is consistent with similarly situated commercial properties that require certain control features to limit open access from the exterior streets, and to

provide sufficient security and safety features for commercial tenants. Further, the proposed chain link security fencing material with a black mesh fabric cover design is commonly used to enclose commercial properties similar to Parcel 10. Applicant notes that it appears that chain link fencing material is currently being used to enclose the perimeter of the Kumuhonua Transitional Living Center. The requested variance will not impair any of the adjacent properties as Parcel 10 is surrounded by similarly situated commercial warehouses and open parking lots. The requested variance will also promote the public welfare by protecting occupants and property, while also protecting the public from potential hazards by restricting access to a commercial warehouse and remedial area.

(5) No adverse impact.

The requested variance will not create any adverse impacts to the adjacent properties. The proposed fencing installations will provide better visibility and security features to Parcel 10 to minimize various security and safety concerns.

V. DECISION:

Based on the findings of fact it is determined that the variance from the provisions of § 15-215-81(d) is due to unique circumstances; it is not a self-created hardship; granting the variance will not alter the essential character of the transect; and it will not adversely impact adjacent properties. Request for variance from provisions of HAR §15-215-81(d) for the Project is granted.

Attachment:
Exhibit A



Fig. 1. Vicinity Map showing location of Parcel 10 at Kalaeloa



Fig. 2. Aerial photo of Parcel 10 at Kalaeloa

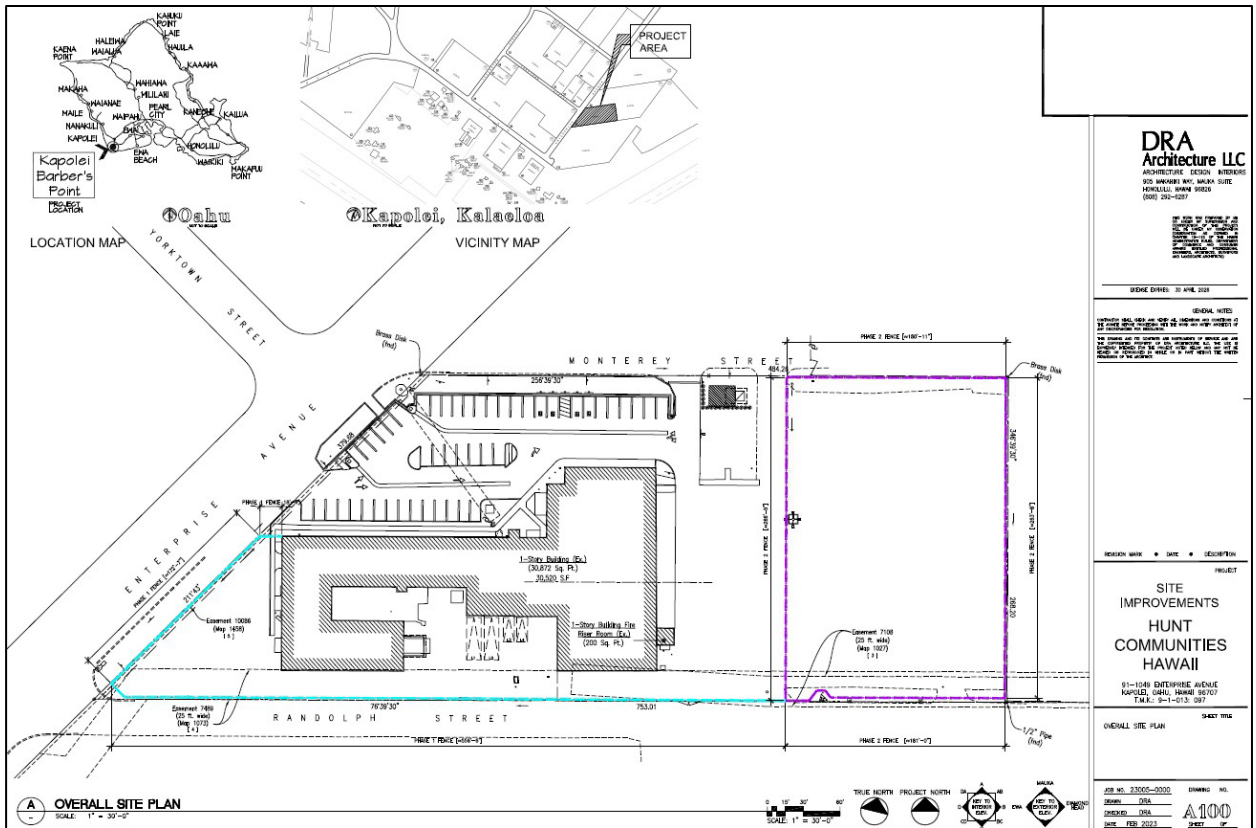


Fig. 3. Site Plan showing 8' fence in blue and 6' fence in purple.



Fig. 4. View of existing fencing along Enterprise Avenue facade.

EXHIBIT A

Comparative Photographs of Building 152



Fig. 5. (2014 Appearance.) View of large-scale opening in 2014 that has since been expanded in height. The door shown here that was later removed and replaced was likely in place since the 1960s.



Fig. 6. (2021 Appearance.) View of Enterprise Avenue façade in 2021 showing fenced enclosure and the replacement (roll-up) door changes made in Phase 2. New door is taller in height than the historic period.

2014 (Fencing with slats was still situated at rear of Quonset, in keeping with the fencing shown in the 1965-67 drawing. Fencing is also present along Randolph Street at right.)



2014 Photo by MASON, showing that there was no fencing located across the front of the property at this time)



2021 photo by MASON showing the chain-link fence added along Enterprise Avenue, ca. 2019. Front façade modified with a larger opening for taller roll-up door.

