

DEAN AGCAOILI DIRECT TESTIMONY

VARIANCE HEARING

HUNT PARCEL 10 PDP

Q Please state your name, place of employment, and position.

A Dean Agcaoili, Principal and Owner, DRA Architecture LLC.

Q How long have you been in this position?

A I started DRA Architecture LLC in 2009 as Principal and Owner. Previously, I worked as Project Architect for Sueda & Associates, Inc. I have been a licensed architect since 2010.

Q Please describe your educational background and experience.

A Please see my resume, which is marked as an exhibit in this proceeding.

Q Please describe your firm's experience.

A I founded DRA Architecture in 2009, and prior to that, I worked at Sueda & Associates, Inc. for approximately 22 years, except for two years when I worked on Kauai. In an over thirty-year career, I've been involved in numerous projects across the state, including industrial and commercial buildings, shopping centers, and retail and residential projects.

Q What has your firm been retained to do for this Project?

A Hunt Communities Hawaii, LLC ("Hunt") retained DRA Architecture LLC as the architect for the redevelopment renovations and site improvements to Parcel 10 in the Kalaeloa Community Development District (the "Parcel 10").

Q Please describe the variance from the strict application of the Kalaeloa Community Development District ("KCDD") Rules requested for this Project

A Because the proposed project includes a security chain link fence on portions of the perimeter of the property, Hunt is requesting a variance from the strict application of the KCDD Rules as follows:

- **HAR § 15-215-43(c), Architectural Standards**: A variance from the strict application of this rule will allow Hunt to keep an eight foot (8'-0") tall security chain link fence installed along Randolph Street and Enterprise Street, which is taller than the prescribed three foot (3'-0") maximum height. The chain link security fence also incorporates a sliding security gate along the perimeter facing Enterprise Street.

EXHIBIT 6

- **HAR § 15-215-43(c)(1), Architectural Standards:** A variance from the strict application of this rule will permit Hunt to use chain link security fencing material and black or tan mesh fabric on the section of the fence facing Randolph Street. This is a clarification of the permit application, which originally noted that the black mesh material would be used on all of the fences.
- Hunt is withdrawing its request in the Application for a variance for a six foot tall chain link fence to replace an existing fence on a lot to the East of the Quonset hut on Parcel 10.

Q Do the KCDD Rules contemplate variances of the strict application of these rules?

A Yes. HAR § 15-215-81(d) permits approval of a variance upon the following findings:

- (1) Uniqueness. There are unique physical conditions to the property and that as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the KCDD rules.
- (2) Self-Created Hardship. 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. The variance requires minimum deviation is necessary to afford relief.
- (4) Character of the Transect. The variance 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.

See HAR § 15-215-81(d).

Q Please summarize the bases for the variance of the strict application of the KCDD Rule pertaining to the height of a chain link security fence.

HAR § 15-215-43 sets forth specific architectural standards for the Kalaeloa district. These standards include specific lighting, wall design, and fencing requirements. Hunt intends to fulfill the spirit and intent of the architecture standards while meeting the security and safety expectations of future potential commercial and industrial tenants that will occupy Parcel 10.

The installation and utilization of a chain link security fence material and increased height materially conforms to the character of the T3 General Urban transect zone. As a mixed urban commercial / industrial property, Parcel 10 requires these features to mitigate unauthorized access and safely secure the property. The increased height to eight feet is the minimal deviation from the three foot standard in order to adequately secure the premises.

Also, it is my understanding that the requested eight foot tall fence on Parcel 10 along Enterprise Street and Randolph Street is the same or similar in height to existing fences on other parcels on the makai side of Randolph Street, West of Enterprise Street, and on Yorktown Street, which all have chain link fencing that range between eight and nine feet in height with a barbed wire header.

As the existing fencing around Parcel 10 indicate, exterior features (such as increased fence height) are necessary to serve the kind of commercial enterprises that the Kalaeloa Master Plan calls for in connection with Parcel 10.

Q What are your professional opinions regarding the waiver of the strict application of the KCDD Rule pertaining to the chain link security fences?

In my opinion, the eight-foot tall chain link security fence on portions of the perimeter of Parcel 10 fulfills the needs and expectations of the type of commercial and industrial enterprises that the Kalaeloa Master Plan contemplates for the Kalaeloa district. As indicated by the existing fences near Parcel 10, the strict application of the three-foot exterior fencing height standard pursuant to HAR § 15-215-43(c)(1) would not fulfill the security and safety expectations that are common for industrial / commercial spaces. Chain link security material is also commonly used to enclose the perimeter of commercial warehouse spaces, and the strict conformance to HAR § 15-215-43(c) would be inconsistent with common design features of commercial warehouse properties.

Also, Parcel 10 and the surrounding area has unique physical conditions, and as such, practical difficulties and unusual hardships arise in strictly complying with the KCDD architectural fence standards. First, Parcel 10 occupants must contend with the exposure to a three-way intersection of Yorktown Street, Enterprise Street, and Monterey Street, creating exposure and multiple points of entry to the premises. The historic nature of the Quonset hut building on Parcel 10 prevents structural modifications to improve security. These considerations are not self-created hardships by Hunt.

In addition, since a number of existing fences near Parcel 10 are at least eight feet in height, if Hunt is required to maintain fences that are less than eight feet in height on portions of the perimeter of Parcel 10, the height differential would be immediately

obvious to those in the area, and would serve to highlight the security vulnerability of the property associated with an obviously lower fence height.

Based on the foregoing, it is my opinion that the requested variances are the minimum deviations required to properly balance the unique physical features of Parcel 10 and security and safety concerns, while being materially consistent with the purpose, spirit and intent of the Kalaeloa architectural standards.

Q In your professional opinion, is the requested waiver of the strict application of the KCDD Rules in the best interests of the Kalaeloa Community Development District?

Yes, based on the foregoing, and the record of this proceeding, it is my professional opinion that the requested variance is in the best interests for the Kalaeloa district. The purpose of the proposed Project is to complete much needed updates to Parcel 10 in order to best position the property to serve future commercial and industrial occupants. As a property designated in the T-3 urban zone, the Kalaeloa Master Plan directs such properties to be used for commercial use and therefore, the proposed updates, including the chain link security fence, are common features that are required to attract commercial enterprises to this area.

Q Will these requested variances of the strict application of the KCDD Rules endanger the health, safety, or welfare of the Kalaeloa Community Development District?

A No. Based on the foregoing, and all of the information in the record of this proceeding, none of the requested variances to the KCDD Rules (both individually and collectively) will endanger the health, safety or welfare of the KCDD. In my professional opinion, I believe that the requested waivers to the strict application of the KCDD Rules as discussed above will enhance the health, safety and welfare of the Kalaeloa Community Development District by facilitating a robust and secured property that can serve multiple commercial and industrial tenants, which in turn, will attract employment opportunities to the Kalaeloa district. These outcomes will advance the vision of the Kalaeloa Master Plan to create a sustainable urban environment where people can live, work, and play, in this area.

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