



Hawaii's Thousand Friends

ANNUAL REPORT 2015



Trees – Valuable Community Assets

Have you taken the time to look around you and notice that the trees you remember from not very long ago are gone? Where are they? Trees that we recall seeing when driving on HI-1 or HI-2 or those on Keeaumoku Street or at Lyon Arboretum, for example, have disappeared.

Most people understand the important role trees play in our environment. We know they are beautiful, provide oxygen, shade and cooling and prevent erosion but they also are important for our mental and emotional well-being. Studies prove that people in hospitals heal faster and require fewer medications for pain if they have a view of trees, and well landscaped shopping centers that include trees have higher sales than those that do not.

If we agree that trees have value why do so many people think it is OK to cut them down without giving their action a second thought? Trees don't require much TLC, but they must be watered regularly. We have had our eyes on a grove of beautiful and historic banyan trees on the makai side of Roosevelt Avenue in Kalaeloa for a long time, extremely concerned about their condition. With the area in owner-

ship flux, it was easy for various agencies to pass the buck and say, "Not our problem." When we learned the State Department of Transportation (DOT) was planning to cut them down, claiming they were hazardous, we met with the Deputy Director who agreed that no more would be removed until we meet again. It's an ugly cycle. DOT neglects the trees leaving them to severely decline, and then blames the community for their poor condition claiming it's the community's responsible to care for them. These trees have been inspected several times and at each inspection an arborist declares that more and more of them must be removed due to neglect and insect infestation which comes from a lack of water.

Trees are a valuable community asset and part of our infrastructure. Let's urge decision makers to plan around trees, making them an important part of our landscape rather than cut them down because they are in the way, don't fit into new development plans or because cleaning up their leaves is humbug. We need to join together and not only fight for the trees in Kalaeloa but trees on all islands. Not only for the pleasure the trees provide us but also as our gift to future generations.



Aloha folks!
Thank you for supporting strong land use regulation, and protection of our precious environment. With our recent success in the Kyo-ya case, the resurgence of the administrative staffs of the Honolulu and State ethics commissions, and the State Campaign Spending Commission, the outlook is more positive than it has been in a while.

Yet these hard working people still have a "tough row to hoe". From time to time I hear our state being referred to as a third-world country. A bit of an exaggeration, but recent ethics violations have given renewed exposure to the way development and environmental decisions are being made -- suggestive of third-world practices. Consider that Wikipedia defines an "oligarchy" as rule by a small group of individuals who share similar interests, and "plutocracy" as a system of

governance composed of the wealthy class. Do a relatively few large campaign contributors affect election results? Do they expect a return on their investment? Will an elected official who seeks the public interest be starved for funds in the next election? Are city council members who have accepted excessive perks allowed to continue? Why are those who provide the perks not themselves sanctioned? In practice, do these forms of government apply to us when it comes to ethics and land use decisions?

One thing seems clear that decisions on ethics matters and approvals for development projects need to be made in a more open democratic manner. To promote the necessary improvements, more active public nurturing is required. We could all help to improve the honesty and fairness of the decision process by supporting assertive action by the staff of the ethics commissions, and the Campaign Spending Commission. Let's show our support for these folks who are trying to do the job for which they were hired.

The Renaissance of Irwin Memorial Park

The story of Irwin Memorial Park begins in 1930, when Helene Irwin Fagan contributed a parcel of warehouse land on the Honolulu Waterfront to create a "beautiful park" and landscaped companion to Aloha Towers' beacon to trans-Pacific voyagers.

The land was given to the Territory of Hawaii under a deed of trust, with the conditions that the site must be maintained as a public park and gathering place in perpetuity in memory of her father, William G. Irwin, a Honolulu businessman, philanthropist, and at one time a member of King Kalakaua's Privy Council. Otherwise, the land would be returned to the family. The headlines of the day read, "A Beautiful New Park is Assured."

The Territory accepted these conditions and Governor Lawrence M. Judd set the land aside to create the first Downtown beautification project on the Honolulu Waterfront, designed by renowned Honolulu landscape architects Thompson and Thompson. Upon its com-



pletion, Irwin Memorial Park emerged as a beautifully landscaped park and gathering place for Hawaii's residents and lei makers greeting ocean travelers with their aloha and events for many decades.

But periodic intervention was afoot. During World War II the US Army took over Irwin Memorial Park for military parking serving the coastal defense war effort. This temporary use did not negate the terms of the deed of trust to the Territory, or relinquish the status of the area as a park; however when Hawaii became a state in 1959 the expansive parking area remained.

In 1987, the State Legislature established the quasi-public Aloha Tower Development Corporation (ATDC) and its governing Aloha Tower Authority. The law creating the authority and ATDC, Hawaii's Revised Statutes 206J-6, requires that Irwin Memorial Park shall be retained as a park, as consistent with the original deed of trust.

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Kyo-ya: A Big Win For The Public!

The latest battle to prevent encroachment onto Waikiki Beach and violations of the Waikiki Special Design District laws began in December 2010, after the Department of Planning and Permitting (DPP) Director David Tanoue approved Kyo-ya Hotels and Resorts' application for a partial variance.

The variance would have allowed a new 26-story hotel-and-condo tower to replace the 8-story Diamond Head Tower adjacent to the historic Moana Hotel and next to Kuhio Beach, and to encroach 60 feet into the 100-foot shoreline setback, thereby exempting the project from Waikiki Special Design District provisions of height limits, location, and density of new buildings.

In granting the variance, Director Tanoue worked around the City and County Charter's three-pronged hardship test necessary for granting a variance. The test requires reliable, substantial, and factual evidence that 1) the applicant would be deprived of the reasonable use of such land or building; 2) the variance is necessary due to unique circumstances, and not the general conditions in the neighborhood; and 3) the variance, if granted, will not alter the essential character of the neighborhood.

Convinced that the variance granted to Kyo-ya was counter to the law, and concerned about sea level rise, public safety, loss of public access, and the setting of a bad legal precedent, Hawaii's Thousand Friends, Surfriider Foundation, Ka Iwi Coalition, KAHEA-The Hawaiian Environmental Alliance, and Michelle Matson, appealed the Director's decision to the City and County Zoning Board of Appeals in December 2010. Attorney Linda Paul represented us in this case.

After losing our two-year appeal before the Zoning Board of Appeals, we appealed to the Circuit Court, which also ruled against us.

Undeterred by these two setbacks, and feeling strongly that we were on sound legal ground and acting on behalf

of the public interest, we appealed to the Hawai'i State Supreme Court in May 2014.

In September 2015, the Court ruled unanimously in our favor, stating, "for the Director to grant a variance request, the applicant must satisfy each requirement of the variance test. Here, none of the requirements are met. Accordingly, the Circuit Court's judgment, the Zoning Board of Appeals order, and DPP Director's decision are reversed."

In its ruling the Court noted that the proposed project violated provisions of the City Council-approved Waikiki Special Design District. Those provisions were created "to guide carefully Waikiki's future and protect its unique Hawaiian identity" by limiting development next to the shoreline and establishing coastal height setback requirements because of the "need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources."

The Court reinforced policies of the City and County of Honolulu by making it clear that 1) the DPP and its Director must uphold their responsibility to enforce the provisions of the Land Use Ordinance and shall not disregard the existing certified shoreline; 2) applicants for a variance have the burden of providing reliable, substantial, and factual evidence to support their request; and 3) before granting a variance the Director must evaluate the inherent impacts of proposed projects in relation to the purpose of the zoning ordinance. In its ruling the Court upheld the law and protected the public interest. The Court's decision on the issues of our appeal benefits Hawai'i's environment, residents, and visitors.

Kyo-ya's proposed 26-story hotel-and-condo tower.



Redevelopment of Kalaeloa (formerly Barber's Point Naval Air Station)

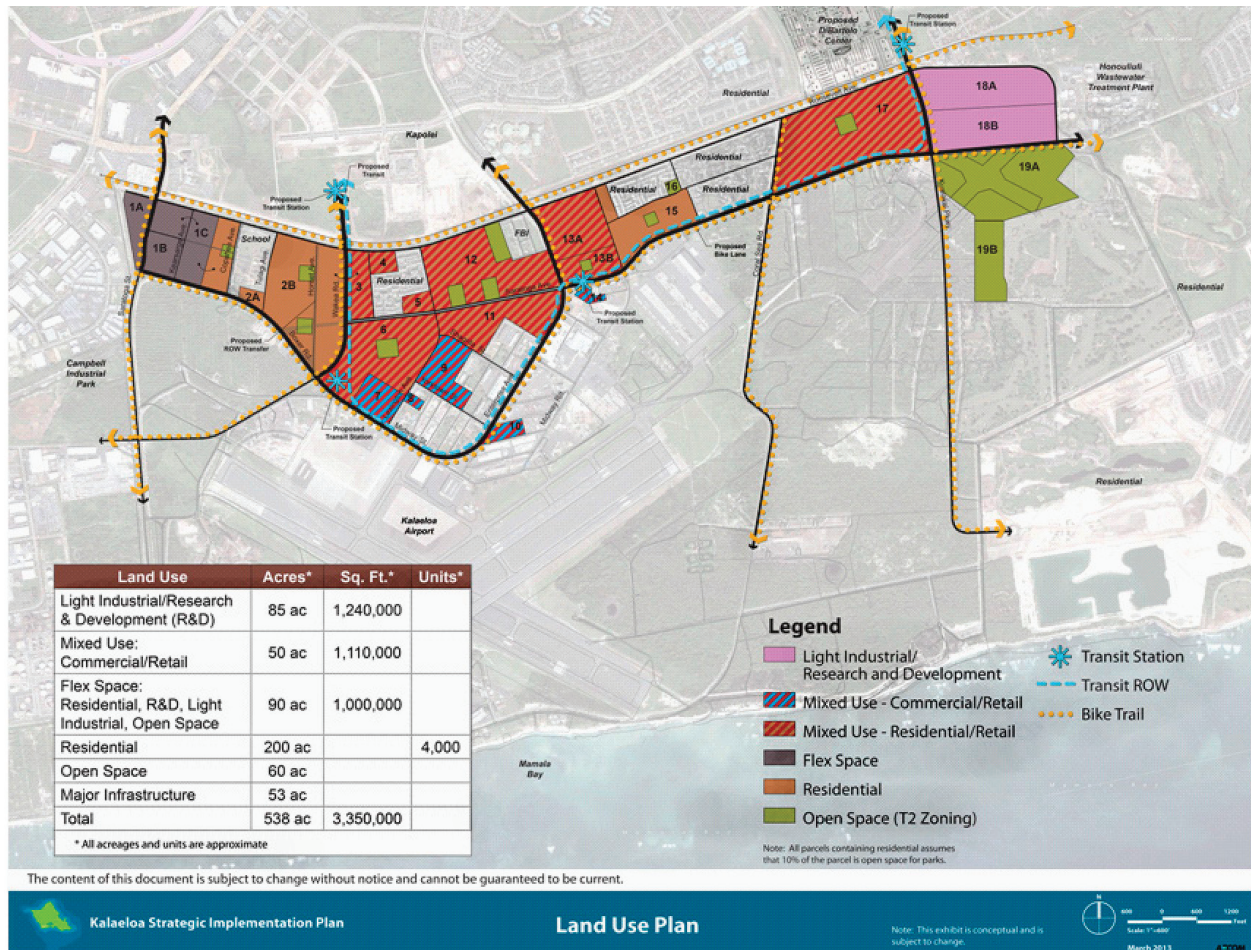
The Kalaeloa Community Development District, or Kalaeloa, comprises approximately 3,700 acres of land on the southwestern tip of O'ahu formerly used as the Barber's Point Naval Air Station (BPNAS). State, County, and Federal agencies are the current owners. Upon closure of the Naval Air Station in 1999, about 1,050 acres remained in the Navy's possession and 472 acres were transferred to other federal agencies. The rest of the land, approximately 2,165 acres, was deemed surplus and available for transfer to state and local agencies.

Until 2002, allocation of the surplus land was guided by the Community Reuse Plan adopted by the State of Hawaii BPNAS Redevelopment Commission. In 2002, responsibility for redeveloping Kalaeloa was transferred from the Redevelopment Commission to the Hawaii Community Development Authority (HCDA). With this change of hands came expanded authority, the HCDA being responsible for overseeing the redevelopment process not just for the surplus lands, but also for those parcels owned by the Navy and other federal agencies. Since 1999, roughly two-thirds of the surplus lands have been distributed.

Development in Kalaeloa thus far has been relatively limited. However, under the Kalaeloa Strategic Plan adopted by the HCDA in 2005, which envisions Kalaeloa as a "Center of Excellence" in the 'Ewa region of O'ahu, and the Kalaeloa Master Plan in 2006, this is slated to change. Elements of the Kalaeloa Master Plan include:

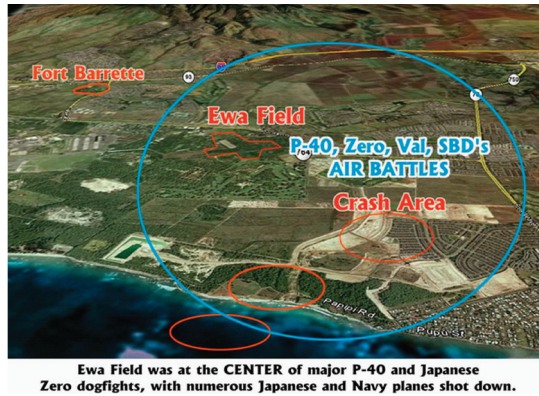
- 3 million square feet of light industrial, commercial, retail, and office space
- Approximately 6,350 residential units (minimum 30 percent affordable)
- Transit-oriented development and regional connections

According to the Master Plan, "private developers will finance new development and public agencies will finance new improvements on their lands" (p. 5-10). A principal actor in the redevelopment process unfolding at Kalaeloa is Hunt Companies, Inc. Based in Texas, Hunt Companies is a full-service real estate management and development firm that controls ap-



Hunt Kalaeloa Strategic Implementation Plan 2013. The blue dotted line is a Transit Right-Of-Way for rail.

proximately 540 acres in Kalaeloa. The Navy leased the land to Hunt in 2009 with the provision that Hunt take fee-simple ownership of all the land within 40 years. As outlined in "Hunt Kalaeloa: Strategic Implementation Plan" (June 2013), Hunt plans to develop the land over a 20-year period, with a major focus on housing development: 4,000 homes spanning 200 acres. It completed its first Kalaeloa residential development project this past June. Other planned land uses for "Hunt Kalaeloa" include light industrial/research and development (85 acres), commercial/retail (50 acres), major infrastructure (53 acres), open space (60 acres), and "flex space" (could be any of the above categories) (p.8). Plans include a light industrial business park and a photovoltaic energy farm.



'Ewa Plain native and endangered akoko plant is found only in Kalaeloa and nowhere else on the planet.



Pueo – protected by the Migratory Bird Treaty Act and listed as Endangered on Oahu

Kalaeloa, Kanehili in its ancient Hawaiian name, was a major Hawaiian habitation site and is rich in significance to Hawaiian culture and history. It also contains sites of importance to American military history. It is home to native flora and fauna, including endangered forms and fossil remains of now extinct animals. Along with the environmental concerns inherent to any large-scale development project in an island setting of finite resources, HCDA's redevelopment vision of Kalaeloa, already being realized by Hunt, raises major questions about the protection of numerous cultural, historical, and archeological sites and of the plants and animals that call Kalaeloa home. Among these:

- 62 archeological sites and 64 structures eligible for listing on the National Register of Historic Places, according to an inventory of archaeological sites conducted at Kalaeloa. Significant sites within Kalaeloa include 1000-year-old trails, habitation sites, heiau structures, and burial caves. Karst caves in Kalaeloa contain hundreds, if not thousands, of Hawaiian burials.
- Storied and sacred places in Hawaiian culture, including 26 individually identified wahi pana. The entire Kalaeloa area is mentioned in 1000 year-old chants of Hi'iaka. A site in Kalaeloa known as "Ieina ka 'uhane", or "spirit leaping place to the afterlife", is a federally recognized cultural landscape district and a Traditional Cultural Place eligible for listing on the National Register of Historic Places.
- 'Ewa Plain Battlefield, eligible since 2012 for listing on the National Register of Historic Places as an American Battlefield was unanimously approved by the Hawai'i Review Board for listing on the State and National Registers on November 13, 2015. 'Ewa Marine Corps Air Station, i.e., 'Ewa Field, was incorporated into Barber's Point Naval Air Station in 1949. MCAS

'Ewa Field, where marines fought on December 7, 1941, was the home base for eleven Medal of Honor recipients.

- Pueo, endemic to Hawaii and of significance to Hawaiian culture, is protected by the Migratory Bird Treaty Act and listed as endangered on O'ahu. Since they nest on the ground, development threatens them with loss of habitat and grassy areas needed for foraging.
- The 'Ewa hinahina plant and native shrub 'Ewa Plains akoko are endangered. The akoko plant, endemic to 'Ewa Plain, has dwindled from about 5,000 plants in 1979 to just over 630 plants in 2012.
- Underground limestone forming a complex network of sinkholes, fissures, and passages carved by ground water contains the fossil remains of extinct birds.

While to a certain extent the Kalaeloa Master Plan acknowledges and outlines plans to protect Kalaeloa's sites of Hawaiian cultural and historical importance and the land's flora and fauna, whether these plans are adequate remains a matter of debate, and how the commitment to protection and preservation unfolds on the ground remains to be seen.

HCDA has expressed commitment to community input, which is critical to protecting Kalaeloa's fragile ecosystem and its numerous cultural and archeological sites from disruption and damage.

For more information on the development of Kalaeloa and to learn how you can participate in the planning process go to the HCDA website <http://dbedt.hawaii.gov/hcda/>.

The Long and Winding Road to Ka Iwi Coast's Preservation

By Elizabeth Reilly, Livable Hawaii Kai Hui

The transcendent experience of making your way along the Ka Iwi coast will forever remain – thanks to the residents and visitors alike with persistence and aloha.

Preservation of Ka Iwi is a generational community vision spanning more than four decades in Hawaii. Finally in 2015, the community championed the preservation of the remaining mauka parcels of East Oahu's Ka Iwi coastline – one of the most beautiful stretches of undeveloped land in Hawaii.

The spirit of these lands helped create and maintain a synergy that enhanced our efforts to protect the wild and natural beauty of Ka Iwi, mauka to makai. After all, we are the benefactors of those that came before us, we felt duty-bound to honor them and set out to do our part. The journey was not smooth, but worth every moment.

Understand roots with a clear vision

The Ka Iwi Coast is seven miles of scenic coastline along the south shore of Oahu between Kawaihoa (Portlock) to Makapuu. The last two privately owned properties, Queens Rise and Mau'uwai, and vulnerable to development, are known as Ka Iwi Coast Mauka Lands - comprised of 182 acres rising above Awawamalu (aka Alan Davis beach) mauka of Kalaniana'ole Highway between the Hawai'i Kai Golf Course and Makapuu.

In the early 1970s, community groups and residents advocated to keep the Ka Iwi coast undeveloped. And, through the years there have been conservation victories including protecting Awawamalu from a proposed luxury residential and resort development.

Friends of Queen's Beach raised public awareness about preservation of undeveloped areas in the early 1980s, eventually evolving into Save Sandy Beach. Some of those early-on activists included Ursula and Bob Retherford, Anna Hoover, Art Mori, Rusty Weaver, Phil Estermann and the late David Matthews.

In 1998, the State of Hawaii condemned and bought Queen's Beach for incorporation into the proposed Ka Iwi State Park, while the city completed the purchase of the land near Sandy Beach Park, which had been earmarked for development.

In 2006 when developers announced plans for a complex of 180 "resort cabins" on the remaining undeveloped mauka ridges above the Ka Iwi Coast, Dave Matthews passed me the torch of vigilance supported by his mentorship. Taking the reigns I rebooted the Ka Iwi vision with rebranding under the name the Ka Iwi Coalition. It was important to get the public to advocate for mauka to makai protection and

not settle only for ocean front protection.

Along with many community members, I vowed to protect the mauka lands and to complete the final part of the protection of the Ka Iwi coast. My focus was to create in-roads where communication or community efforts had become blocked and to generate a synergy. The continued support and mentorship of the above named iconic community activists would ultimately be a huge advantage, but there would still be a road of many twists and turns.

Think strategically and seize opportunities

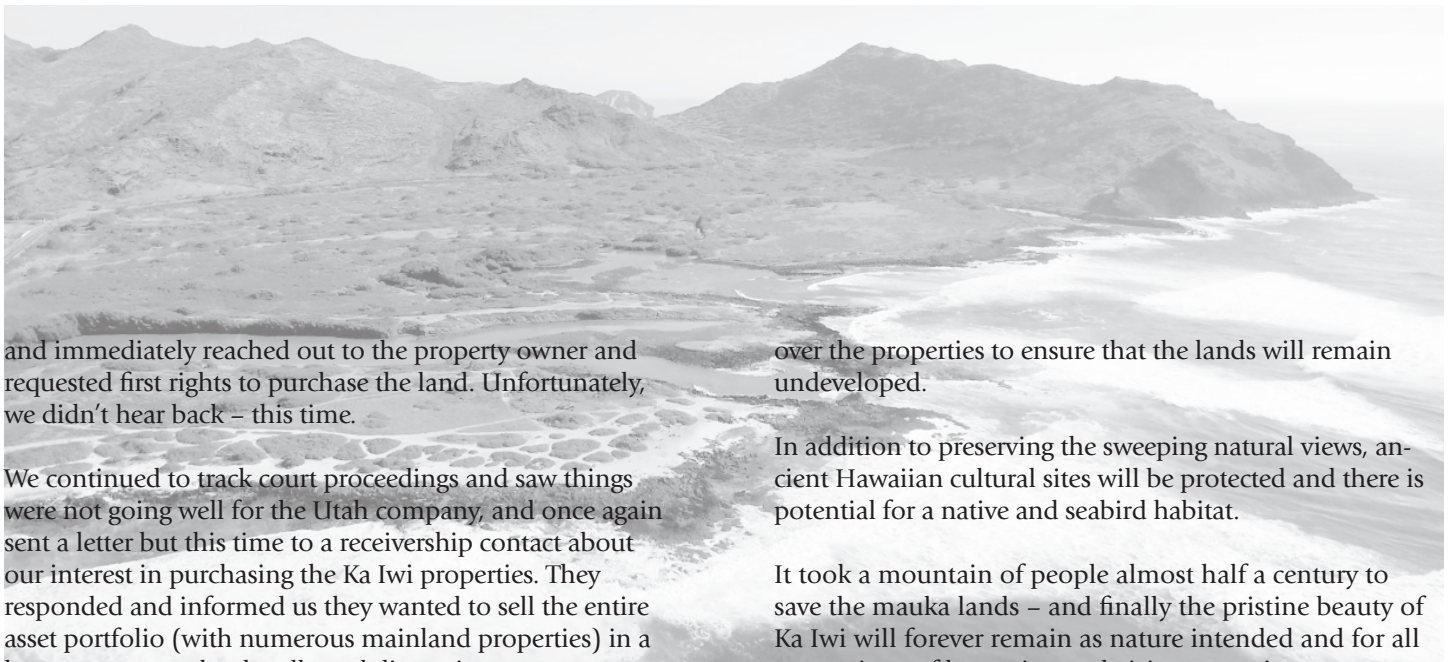
When the Ka Iwi mauka landowner revealed an interest in developing cabins on their preservation zoned land, we discovered there was no trigger for community inclusion. At the time, as per the Land Use Ordinance (LUO), the landowner needed only to apply for a "conditional use minor" to proceed with development. So I asked the question; would this set precedent for all preservation type land on Oahu? I jumped on the opportunity to work with the late Peter Rappa (an environmental activist), the Honolulu Department of Planning and Permitting (DPP) and the City Council to initiate the change so cabins on preservation type land would call for "a conditional use major" and community inclusion would be necessary.

Along with elected officials in 2006, we also organized the "No Cabins on Ka Iwi" campaign in response to the proposed 180 resort cabins and recreational facility.

When the landowner re-applied for the cabin development, the law had changed and they were mandated to have community input – which ended up never occurring. One of the rare times I met with a member of the Utah-based development team, I learned a reason they were actively pursuing development was because the makai land was still zoned urban not conservation.

In researching zoning verification with Senator Fred Hemmings, we found the urban designation happened during Kaiser development days (when they envisioned the area as a mini Waikiki) and it had never been transferred to conservation land after the condemnation, court cases, purchases and land swaps. In 2010, we seized the opportunity to work with elected officials on the reclassification of the makai lands to conservation designation. Though a tedious process, I felt overjoyed because of the demonstrated partnership between the city, state and community. We were unified.

Next, Gary Weller and I focused on building a relationship with the landowner through communication and information about Ka Iwi. As we monitored company activities we discovered a Federal indictment against the company



and immediately reached out to the property owner and requested first rights to purchase the land. Unfortunately, we didn't hear back – this time.

We continued to track court proceedings and saw things were not going well for the Utah company, and once again sent a letter but this time to a receivership contact about our interest in purchasing the Ka Iwi properties. They responded and informed us they wanted to sell the entire asset portfolio (with numerous mainland properties) in a lump sum – another hurdle and distraction.

over the properties to ensure that the lands will remain undeveloped.

In addition to preserving the sweeping natural views, ancient Hawaiian cultural sites will be protected and there is potential for a native and seabird habitat.

It took a mountain of people almost half a century to save the mauka lands – and finally the pristine beauty of Ka Iwi will forever remain as nature intended and for all generations of kamaaina and visitors to enjoy.

Engage partners and manage distractions

Eventually, the property portfolio was broken up to sell off individually and we sent another letter of intent and immediately contacted The Trust for Public Land (TPL).

We were also working closely with Department of Land and Natural Resources (DLNR) and its Division of Forestry and Wildlife (DOFAW) to take title of the land – with our organization holding a conservation easement and helping raise funds to steward the land.

But, because of certain circumstances and the type of real estate transaction coming out of Utah, the State decided not to take title and Livable Hawaii Kai Hui stepped up after getting approval from DLNR's Land Board. TPL provided the expertise for raising public and private funds and assisted with securing \$3.5 million in funds from state and county and it was up to the community to raise \$500,000, in a few months, toward the total \$4 million acquisition price.

Involve community and embrace the cause

A small grass-roots campaign formed that included community activists for Ka Iwi from previous decades to high school students that also cared deeply about the cause. Through door-to-door canvassing, community meetings and events, sign waving, support from local businesses, news coverage, direct mail and online giving, the community raised more than \$600,000. Donor Randy Ching stepped up early with a \$100,000 donation to lead the campaign and then two anonymous donors gave \$50,000, and the majority of the funds raised were small, but critical, donations of \$25 to \$200.

There is still work to do, but the vision is happening. The community, through Livable Hawai'i Kai Hui, will own and steward both properties. DLNR will impose deed restrictions, and the City will hold a conservation easement

Irwin Park Memorial continued from pg. 2

In 1999 Irwin Memorial Park, the historic landscaped companion to Aloha Tower, joined Aloha Tower, the Dillingham Transportation Building and Piers 10 and 11 on the Hawaii State Register of Historic Places. Together with its own historic merits, the park's green open space also protects and preserves the view planes between the historic resources within Honolulu Waterfront's historic complex.

Yet in 2000, contrary to state law and the agreement in trust since 1930, the ATDC sought to legally remove the protective restrictions on Irwin Memorial Park for redevelopment purposes. Hawaii's Thousand Friends, Scenic Hawai'i, the Outdoor Circle, Historic Hawai'i Foundation and Life of the Land challenged this development together with family descendants of William G. Irwin, and in 2002 Judge Gary Chang ruled against the ATDC, ensuring that the terms and conditions of the deed in trust would be upheld and Irwin Memorial Park will remain a park as Mrs. Fagan originally intended.

This year on September 3, Irwin Memorial Park celebrated 85 years as Honolulu Waterfront's centerpiece park, with commitments toward restoration of the historic landscape, green open space park and gathering place supported by Hawai'i Pacific University, new lessee of the Aloha Tower Complex; the State Department of Transportation and its Harbors Division, the community advocacy groups, and the family descendants of William G. Irwin.

Irwin Memorial Park is a significant integral part of Honolulu's "Lei of Green" extending from Diamond Head to Aloha Tower.



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