



ANNUAL REPORT 2018



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Aloha,

Our land use planning process is lagging behind the reality of sea level rise.

A major topic at our annual dinner meeting addressed the problems of sea level rise, a phenomenon that is already occurring. Global warming

heats the sea causing water to expand; it has nowhere to go but up, inundating land somewhat like a very slow moving tsunami. A recent Star Advertiser article (11/24/18) quoted Honolulu's chief resilience officer, Josh Stanbro, as saying "... climate change is a clear and present danger." They also quoted Victoria Keener of the East-West Center who said "it's definitely a warmer future."

The Hawaii Climate Adaptation Portal (climateadaptation.hawaii.gov) report* estimates a sea level rise of 3.2 feet by 2100. They estimate that over 6500 structures near the shoreline would be affected, 25,800 acres flooded, 38 miles of roads lost, and accompanying serious economic woes. Greenhouse gases are the primary cause, but despite reduction advances being made in Hawaii, most of the world is lagging behind in taking essential actions. So we

can expect continued sea level rise in the foreseeable future.

You would expect that our long-range land use planning process would address the problem. It has been made clear that sea level rise is already happening, and yet we have county general plans that essentially do not effectively address it. In Honolulu, the recent general plan update has a horizon of 2035, but sea level problems are occurring before then. The eight Development Plans and Sustainable Communities Plans have recently been revised but have no specific recommendations to combat or accommodate sea level rise. The zoning ordinance (LUO) is business as usual, with no new provisions to address the problems. New shoreline homes are permitted that could be affected before their 30-year mortgage is satisfied. Sea walls and shoreline hardening is still permitted with little regard for beach loss and its effects on our economy and quality of life.

How long will it take for the long-range county planning process to catch up with reality and include provisions to address this serious problem?

*Sea Level Rise Vulnerability and Adaptation Report, Tetra Tech, and DLNR.



No Con Con

Tom Coffman

Although not reflected in the mass media, Hawaii's Thousand Friends played a significant educational role in the dramatic swing of the 2018 Con Con referendum from "Yes" to "No."

Two polls by Civil Beat last spring and summer had the "No" vote at only 14 percent and then 20 percent. At that point, the HTF Board discussed the question at length. Everyone agreed that we already have an excellent constitution and that to hold a Constitutional Convention at this time risked repeal of important provisions.

The result was the NoConCon initiative. The NoCon-Con web site said: "The foul winds of PAC money and indiscriminate development would blow in. Native Hawaiian rights, water rights; natural, cultural and environmental protections; agricultural land protections; all would be threatened. Hawai'i's unique doctrine of Public Trust could be discarded. 'A'ole Con Con. Not now."

We recruited cosponsors for the initiative, including the Honolulu League of Women Voters, KAHEA: The Hawaiian Environmental Alliance, and Friends of Lana'i.

In the final several weeks of the election season, labor, the Democratic Party, and other environmental groups

jumped in, dominating the public perception of the debate.

The HTF position was widely quoted.

The final vote was 74 percent "No," a sixty point turnaround.

Stop Rail at Middle Street

Despite the seemingly losing battle, we have not given up on stopping the rail before it invades and degrades Honolulu proper.

All along, we have believed that a light rail or bus system should have been designed as a true urban transit system to run between the points of greatest need, meaning the City Center and the Manoa Campus of the University of Hawaii. This would have alleviated traffic in all directions, particularly leeward Oahu. By building ridership and buyin, the line could have expanded organically.

Instead, the heavy overhead rail was launched from the empty countryside on a preemptive "done deal" basis. Every dire prediction, from environmental degradation to runaway cost, has come true with a vengeance.

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Passage of Act 45: Pesticide Buffer Zones and Ban of Toxic Pesticide Chlorpyrifos

By Gary Hooser

By now, you may have heard about the passage into law of SB 3095, which requires disclosure of Restricted Use Pesticides (RUP), puts modest pesticide buffer zones around schools and contains the “first in the nation” ban on the use of the highly toxic pesticide chlorpyrifos.

Four years ago Syngenta, Dow, Dupont and BASF successfully sued Kauai County for the right to spray poisons next to schools, and not tell anyone about it. Today, as a result of the passage of SB 3095 they can no longer do this. Plus, over the next 4 years the RUP and neurotoxin chlorpyrifos will be phased out and its use totally prohibited.

The story behind the passage of SB 3095 is how a small group of committed, talented and incredibly tenacious individual citizens, mostly from Kauai, Maui and Hawai'i County, took on the largest chemical companies in the world, joined with a handful of organizations and a small number of legislators in the House and Senate, to pass SB 3095.

On June 15, 2018 Governor David Ige signed SB 3095 (Act 45) into law. This win is an important moment in the longer arc of the movement towards food justice in Hawai'i.

SB 3095 passed unanimously in the House and the Senate because of the pure force of will of a handful of

committed local residents who worked tirelessly, often at great personal sacrifice because they believed in their cause and refused to give up or back down. The legal support from Earthjustice, the early educational efforts of Hawai'i SEED, the Mom's Hui, and the grassroots organizing on Kauai led by Dustin Barca, the provocative and unapologetically radical work of Babes Against Biotech, Hector Valenzuela, Dr. Lorrin Pang, Walter Ritte, Jeri Di Pietro and many others, elevated this issue and ignited community engagement across Hawai'i.

The Hawai'i Center for Food Safety's key report “Pesticides in Paradise” in 2015 provided invaluable peer-reviewed scientific studies, rigorous data-driven research on agrochemical footprint and pesticide usage in Hawai'i on state-level policy work. The HCFS team laid the groundwork for an informed and rigorous discussion and took on much of the heavy lifting throughout the state legislative process.

It is clear to me that SB3095 would not have passed into law without the phenomenal work, and the personal commitment to the cause made by Tiare Lawrence, Autumn Rae Ness, and Lauryn Rego (Maui) and Keani Rawlins-Fernandez (Molokai). The women from Maui represented the thousands who are responsible for passing the “Maui Miracle” ballot initiative that strove to regulate this industry.

Fern Holland, another wahine powerhouse, represented many Kauai residents who stepped up to create and carry Bill 2491 through the Kauai County Council process. From Hawai'i County Councilmember Jennifer Ruggles symbolizes the commitment and effort from her island. On Oahu Mae Fuimaono, and Mary Laques hold that space today.

Senators Russell Ruderman, primary introducer of the Bill, and Mike Gabbard, who shepherded the measure through the committee process, deserve the lion's share of credit in the Senate. In the House, Representatives Chris Lee and Richard Creagan are thanked for their leadership.

Many individuals and organizations paved the way with each of their contributions making this win possible. I risk leaving key people out, but I do not want that fear to keep me from recognizing those who especially deserve it.

Is this the end of the journey? Absolutely not. We have more work to do. But Act 45 represents a significant and meaningful step in the right direction. For the many who contributed in small and large ways, take a moment to savor this win. You deserve it.

Stop the Rail . . . *(continued from pg. 2)*

To stop at Middle Street and transition to a flexible urban dispersal system, we worked closely with Scott Wilson, longtime advocate of the American Institute of Architects. We organized a forum for legislators, brought in three of the foremost authorities on light rail in North America, opened www.stopatmiddlestreet.com, testified, and engaged in face to face meetings with legislative leadership. Despite the rationality of our position, the City continues to issue premature contracts to lock in wrongheaded ideas.

The rail issue remains a battle worth fighting. Construction across the city will be more destructive and costly than anyone imagines. Now, more clearly, there is the additional issue: global warming and sea level rise. Now is not the time to give up.

www.stoprailatmiddlestreet.org

Save Sandy Beach - Protecting the Ka Iwi Coast

A Retrospective by Board Member Ursula

On November 8, 2018, exactly thirty years to the day since the historic Save Sandy Beach Initiative vote, a bronze plaque was installed on the Makapu'u Point Lighthouse trail. It commemorates more than four decades of citizens' efforts to keep the Ka Iwi coast in open space. The plaque is mounted on a freestanding lava rock plinth and reads: "In recognition of the many residents from all parts of O'ahu who, over the past four decades, steadfastly opposed urban development along the Ka Iwi coast from Hanalei Bay to Makapu'u, mauka to makai. Their aloha 'aina protected the natural landscape, the endemic plant habitats, and the cultural and historic values of Ka Iwi for the enjoyment of present generations—and those yet to come. Mahalo nui loa! 2018."



Standing next to the newly installed plaque on that sunny day, gazing out at the scenic, undeveloped Ka Iwi coast landscape before me, I reflected on the decades-long work by committed citizens to protect these lands in their natural state.

It is a struggle that started way back in 1972, when a 7,756-room resort was proposed for the area of Queens Beach, known as Awawamalu, on the Sandy Beach coastline. Concerned citizens created Friends of Queens Beach, a community group opposed to the proposed development. In 1983, after 10 years of grassroots efforts, the City rezoned the area and the proposed resort was stopped. That was before my time.

My involvement with the protection of the Sandy Beach coastline was prompted by a letter to the editor by City Council member Marilyn Bornhorst in March of 1987. In her letter, Bornhorst called attention to Kaiser Development Corporation's application before the City Council for a Shoreline Management Permit (SMA) to build a two-story luxury housing development on two parcels, known as Golf Course 5 and Golf Course 6, land owned by Bishop Estate, across from Sandy Beach Park. Aware of the negative impacts the development would have on that scenic shoreline, Bornhorst urged people to attend the City Council meeting of April 1.

I had always been awed by the unique beauty of the Sandy Beach coast with its breathtaking expanse of land and sea. I responded to Bornhorst's clarion call and attended the Council meeting of April 1. Along with nearly 100 people and organizations, which included Hawaii's Thousand Friends, I testified in opposition to issuing Kaiser the SMA permit. The 8-hour hearing went late into the evening. Council member David Kahanu, pointing to a petition on his desk that allegedly contained 300 signatures in favor

of the permit, said that he would have to consider that majority. Decision making was postponed to April 15th.

The word "petition" stuck in my mind. I figured that I could probably gather more than 300 signatures by the April 15th hearing. I immediately drew up a petition opposing the SMA Permit. The next day, two neighbors and I fanned out all over the island to start gathering signatures. By the Council's meeting of the 15th, we had gathered 5,260 signatures.

I felt, logically, that the council member with 300 signatures would now have to consider this new majority. While he acknowledged the work of three housewives who gathered 5000+ signatures, he stated that he would have to side with "the silent majority". In a hearing that lasted until 1 a.m., over 100 people and organizations testified, most of them against granting the permit. However, in spite of the overwhelming opposition, the City Council, in a 5-4 vote, granted the SMA permit to Kaiser Development Corporation.

Voting for the permit were Council members Arnold Morgado, Donna Kim, Randall Iwase, David Kahanu, and John De Soto. Voting against it were Marilyn Bornhorst, Gary Gill, Leigh-Wai Doo, and Dennis O'Connor.

This decision by the Council galvanized the opponents of the SMA permit into immediate action. Together with veterans of Friends of Queens Beach, the Save Sandy Beach Initiative Coalition was formed. We had only one recourse: to place an initiative on the ballot asking citizens for a yes or no vote on the down zoning of Golf Courses 5 and 6 from residential to preservation. To place the initiative on the ballot, 25,881 signatures were required. (The

t from Development; la Retherford



number was based on a percentage of votes cast in the last mayoral election.) In 10 weeks, 39,900 signatures were gathered—a monumental task that ensured there would be more than enough certifiable signatures.

After the initiative petition's signatures were certified by the City Clerk in September 1987, Kaiser Hawaii Kai Development Corporation, joined by Bishop Estate, launched its legal challenges against placing the initiative on the ballot. There were many court hearings. They were stressful, time-consuming, and costly. While the opposition could afford highly paid professional lobbyists to attend every hearing, many of the Save Sandy Beach Coalition group took vacation time, and time off work without pay, to testify. Small donations, the sale of pizzas, and donations for T-shirts and bumper stickers helped with some of the costs. A major contri-

bution towards the costs was the generous and principled pro bono work of attorneys such as Dan Foley, Alan Burdick, Ron Albu, and Michael Wilson.

After a disappointing court hearing Fred Madlener, former HTF boardmember tried to cheer us up by saying, "Well, it's not over until the Fat Lady sings" (referring to a theme in one of Wagner's operas). Eventually we prevailed when the Hawaii State Supreme Court allowed the initiative to be placed on the ballot of the General Election of November 8, 1988. The Fat Lady never had a chance to sing. Of the 249,217 votes cast, the initiative won by a two-thirds majority. Of Oahu's 183 precincts, 181 voted in favor of it. The percentage of Hawaiians expressing support for the initiative was higher than that of any other ethnic group.

The development industry and associated interests quickly realized the power vested in the people by the right to county land use initiative. Kaiser Hawaii Kai Development Corporation and Bishop Estate wasted no time in continuing their efforts to have the courts invalidate that right. In June 1989, barely eight months after the election, the Hawaii State Supreme Court struck down the Sandy Beach ballot initiative and divested all counties of their land use initiative voting rights. In his powerful dissent, Supreme Court Justice Ed Nakamura stated that he did not share the majority's opinion of distrust of democracy. Notwithstanding the Court's decision, the City Council, acknowledging, or likely fearing, the will of the people, soon thereafter voted unanimously to rezone Golf Courses 5 and 6 from residential to preservation.

During several ensuing legislative sessions, community groups lobbied the Legislature to reinstate the right to land use initiative to the counties. All attempts failed.

Land use initiative is a measure of last resort when all else has failed. Few, if any, would advocate it as a regular zoning tool. Were it not for initiative, which is all that we citizens had left when, back in 1987, our government failed to protect one of our most important natural resources, the scenic Ka Iwi coast would have been irretrievably lost to urbanization. On our islands of limited land and fragile resources, exposed to exploitation by rapacious investors and developers, the abolishing of land use initiative is a very significant loss for the people.

In 1988, the Save Sandy Beach Coalition approached the Legislature with a proposal for a park plan that would encompass the entire Ka Iwi coastline. A decade later, in 1998, the State condemned 305 acres of coastal lands for incorporation into the proposed Ka Iwi Scenic Shoreline State Park. Four years later, partly through a land exchange, the City purchased the land of Golf Courses 5 and 6 that had once been targeted for development. This ensured the protection of the coastal makai lands in open space. However, unprotected from development were 182 acres of privately-owned land mauka of the highway, across from Queens Beach. If this area were to be developed, the entire coastal panoramic view plane would be marred.

In 2004, the Save Sandy Beach Coalition and Livable Hawaii Kai Hui, a community group, created the Ka Iwi Coalition. Its mission has been to keep the entire Ka Iwi coast, from Hanauma Bay to Makapu'u point, mauka to makai, in its natural state. It did not take long for this mission to be tested. In 2006, 180 resort cabins were proposed to be built on the 182 acres of privately-owned mauka lands. The community's "No Cabins on Ka Iwi" campaign, and the City's tightening of rules for developing preservation-zoned lands, stopped the development. Only three years later, a new investor/owner of these mauka lands put forth a plan for a "golf academy" and elaborate visitor facilities. Again, the community opposed this inappropriate development, and it stalled.

In 2011, through the detective work of Livable Hawaii Kai Hui member Gary Weller, it was discovered that the 182 acres of these mauka lands were up for sale by a bankruptcy court in Utah. As the acquisition of these lands would protect the entire Ka Iwi coast, mauka to makai, in open space forever, the Ka Iwi Coalition embarked on the ambitious plan to purchase the 182 acres. The Coalition enlisted the help of The Trust for Public Land, whose role proved paramount to the success of the purchase.

The financing of such a project was daunting, but did not stop the pursuit of this once-in-a-lifetime opportunity to protect the entire Ka Iwi coast from development. The Coalition approached the City for monies from the City Clean Water and Natural Land Program. This program, established in 2006 through a City Charter amendment, is funded by 1/2 of 1 percent of property taxes. Its mission is to protect "Land and Water on Oahu for the People of Hawaii." It contributed \$2.5 million towards the purchase price. The Coalition also competed for funding from the State Legacy Land Conservation Program. This program,

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Short-Term Rental Impacts on Residential Zoning, Communities and Housing

Enacted in 1978, Hawai'i's State Plan (HRS 226) was created with the islands' limited resources in mind. One of the Plan's objectives is to "Ensure that visitor facilities and destination areas are carefully planned and sensitive to existing neighboring communities and related developments."

As part of the statewide planning process County General Plans "address the unique problems and needs of each County and indicate desired population and physical development patterns for each County...."

From its start, Oahu's General Plan directed residential, apartment, industrial, and preservation zoning. The Plan directs visitor accommodations to Waikiki as well as to secondary resort areas – West Beach, Kahuku, Makaha and Laie – with no mention of tourist activities in residential and apartment zoned districts.

Instead of following the state and county planning mechanisms the county has gone from a directed growth policy to a build anything anywhere approach.

This approach allows for an explosion of short-term vacation rentals in all districts including in residential zones. According to experts, this has created a severe shortage of housing for most locals who cannot afford to buy or to rent.

Research in Hawai'i provides the following information:

- Estimates indicate that there are more than 23,000 units currently advertised throughout the state as short-term vacation rentals with the majority of these short-term rentals being illegal. (Hawai'i Vacation Rentals: Impact on Housing & Hawai'i's Economy Appleseed 2018)
- Hawai'i is in the top quarter of states that are losing housing units to seasonal, recreational or occasional use

(The Impact of Vacation Rental Units in Hawai'i, Hawai'i Tourism Authority (HTA) 2016).

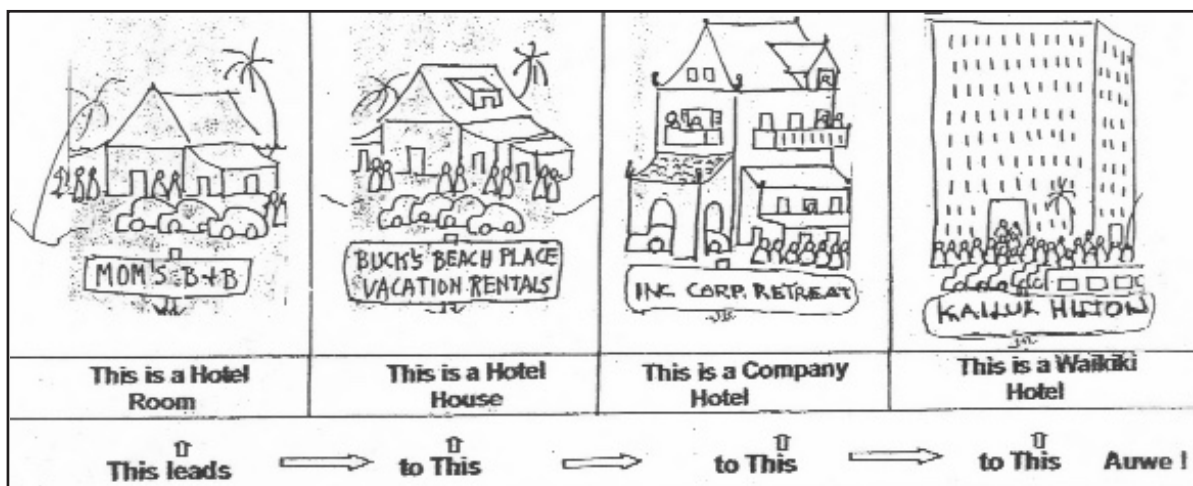
- Statewide, 27% of Hawai'i's homes sold between 2008 and 2015 were purchased by nonresidents (Appleseed 2018).
- 1 in 24 homes in the state are being used as short-term vacation rentals and are no longer available on the local housing market (Appleseed 2018).
- 27% of Airbnb's revenue comes from operators who rent out 20 units or more (Hosts with Multiple Units-A key Driver of Airbnb Growth, CBRE Hotels' Americas Research 2017)
- At least 52% of short-term rentals are owned by nonresidents (Appleseed 2018).
- In 2015 there were 17,000 short-term rentals available statewide. In 2017 there were 23,000, a 35% increase in two years (HTA 2016).
- Statewide, 23,742 short-term rentals are condominiums, 11,533 are entire houses and 1,997 are private rooms (HTA 2016).
 - This equals at least 37,272 units that are no longer available for local housing

Research by County:

Hawa'i Island

- Currently 5,742 short-term rentals are listed on three on-line platforms AirBnB, Homeaway/VRBO and flipkey.com
 - 4,659 are entire homes
 - 1,059 are private rooms
 - 24 are shared rooms

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Kauai

- 1 in 8 homes are used as short-term vacation rentals (Appleseed 2018).
- Of the total 7,801 properties sold, 7,053 were either a second residence, vacation home or investment property (HTA 2016).

Oahu

- Approximately 78% of long-term rental apartment units earn less revenue than the average short-term rental of an entire-home (Appleseed 2018).
- Oahu's Department of Planning and Permitting, January through August of 2017, conducted 1,035 transient vacation rental (TVR) investigations, issued 49 notices of violation of which only two were referred to the Code Compliance Branch for civil fines.
- CBRE Hotels' Americas Research reported in 2017 that on Oahu:
 - 85% of revenue is from short-term rentals of entire homes;
 - Revenue growth in 2015-2016 for entire-home properties increased by 187%;
 - Entire home rental revenue from hosts with 2 or more homes was 63%;
 - \$83,047,224 total revenue for short-term rental of entire house;
 - All other short-term rental revenue was \$14,417,743;
 - Total revenue generated by multi-unit houses increased by 227%.

Maui

- Of the 21,519 properties sold, 20,929 were sold as secondary residences, vacation homes or investment properties (HTA Report 2016).
- A 2018 Appleseed Report showed that on Maui:
 - 1 in 7 units are short-term rentals;
 - In Lahaina 1 out of 3 housing units are being used as short-term vacation rentals;
 - Of the approximately 9,000 short-term active vacation rentals, only 223 are legal;
 - 66% of nonresidents who own Maui property rent their units, with only 16.7% renting long-term to residents;

Before short-term rentals invaded our residential communities, most people knew their neighbors. You could count on their help when traveling off-island or in case of an emergency. As short-term rentals move in, neighborhoods are vanishing being pushed out by Airbnb-fueled gentrification.

Tourist destinations all over the world are questioning the legality of using residential properties for transient lodging. So should we.

Perspectives on Sandy Beach

(continued from pg. 5)

established by the Legislature in 2007, is funded by 10 percent of the real property conveyance tax. Its mission is to protect and acquire important lands and protect valuable resources for the public benefit. It contributed \$1 million. Nearly \$700,000 was raised in less than three months from members of the community.

The acquisition and title holding of the 182 acres was a process that took several years. Finalized in 2017, the process required endless meetings, intense negotiations, tenacity, and patience. We are all indebted to Livable Hawaii Kai Hui and its leader, Elizabeth Reilly, for the pivotal role played in the acquisition of these important lands. The acquisition was the crown on a decades-long struggle: the final step in protecting, in perpetuity, the entire scenic Ka Iwi coast, mauka to makai, in open space.

As memories of the more than four decades of efforts to keep the Ka Iwi coast free from development played through my mind like an old movie, I smiled at the recent reminiscence of a core member of the Save Sandy Beach Coalition. Of her door-to-door canvassing of Hawaii Kai, she wrote, "At one of the doors in Hawaii Kai where I knocked, I heard a voice from within asking, 'Who is it?' I replied, 'I am Jocelyn Fujii from the Save Sandy Beach Coalition.' I envisioned a wheelchair-bound person inside, unable to come to the door. I gave my most impassioned pitch on Sandy Beach and how important it was to not just Hawaii Kai, but to all of Hawai'i, and that this was a historic movement. I was really into it. Then I heard a voice from within scolding something that squawked. It turns out I was talking to a parrot the whole time!!!"

The parrot was not able to join Jocelyn's call to arms for the battle of Sandy Beach, but many others did. People from all walks of life joined in an effort that went far beyond signature gathering and years of weekly meetings.

During the long haul of protecting the area from development, people shared their talents; donated time and money; testified at endless hearings; joined protests; waved signs; lobbied Neighborhood Boards, legislators, tour companies, and the media; spent time advocating for changes in land use zoning and redesignation; helped with massive mail-outs; raised funds; and much more. Their engagement and participation made the difference between an urbanized Ka Iwi coast and one left in its magnificent natural state. The details of their contributions may fade over time, but the integrity, the beauty of the Ka Iwi coast, and the historical, cultural, and spiritual values embedded in its lands will stand forever as a monument to a community's vision and sense of stewardship.

The bronze plaque on the Makapu'u trail is a testament to ordinary citizens who, against all odds, driven by love for the 'aina, protected the scenic beauty of a cherished coastline in perpetuity. May it also be a beacon of hope that will always inspire people to believe in the power within them to effectuate change, and lead them to band together in defense of what is dear to them.

Here is a toast to all who led the way, and to a government that followed suit.



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