

LU Committee

From: Michael <baskindesign@gmail.com>
Sent: Tuesday, March 13, 2018 1:14 PM
To: LU Committee
Cc: Donald S. Guzman; Alike A. Atay; Robert Carroll; Yukilei Sugimura; Mike White; Elle Cochran; Kelly King; Riki Hokama; Stacy S. Crivello
Subject: Paia Community Plan Update - (LU-54)
Attachments: Letter to Aarona re Gate and Easement Ae Place.pdf; Mopsy Letter Support Goya STRH 2017.pdf; Map of Ae Place and Easement.pdf; Mopsy Video.MP4

March 13, 2018

Re: LU 54; CC 18-52 and

Neighbor Matters Related to Community Plan Update

To LU Committee:

I am writing on behalf of Paia Life, LLC, our Permitted Short-Term Rental Home ("STRH") in Paia, to support that section of the proposed Bill of LU 54 and County Communication No. 18-52 ("CC No. 18-52") that updates the Paia-Haiku Community Plan to be consistent with Ordinance 3941 (2012) by allowing STRH in the Community Plan.

As stated in the Planning Director's letter to the County Council dated January 11, 2018, the bills as listed in LU 54 and CC No. 18-52 would resolve apparent inconsistencies in the County policy for STRH in the Paia-Haiku Community Plan ("Community Plan"). The Planning Department initiated this legislation to ensure consistency between the County Code and the Community Plan.

However, as a consequence of these inconsistencies, there has been debate amongst neighbors in the Paia and Haiku communities. For example, Francine Aarona (Mopsy) has been an opponent of STRHs in the Paia community, including mine, based on her argument that this use is not included in the Community Plan. She has testified before the Planning Department and the Planning Commission to oppose STRHs in Paia that she is against for her personal reasons.

While Mrs. Aarona opposes STRHs in Paia, we note the following actions she has taken that run contrary to her testimony:

1. While Mrs. Aarona has testified against STRH in Paia, she has given and continues to give beach access for vacations rental guests of nearby STRHs through Ae

Place (a private roadway). She has an agreement in place with nearby STRH owners. She does not have permission of all the owners on Ae Place to allow such beach access. (**See, attached video clip of Mopsy** allowing beach access to STRH guests and stating the guests these tourists are her "friends").

2. While Mopsy has testified against STRHs, she has provided oral testimony and written support for an STRH renewal application for a neighbor adjacent to her property on Ae Place that she has an arrangement with. (See, attached letter of support).
3. While Mrs. Aaronson opposes STRHs, she has removed our beach access gate for the Ae Place residents and now controls beach access to only who she chooses based on her arrangements with nearby STRH owners. We have asked her on numerous occasions, without success, to meet with us to resolve this access issue. Finally after years of attempts by us, our attorney had to reach out to her as well (See, attached Letter dated December 7, 2017 with photographs of the old and new gate, and a map of the property and beach access). To date, this matter is ongoing.

We urge the County Council to clear up the ambiguity in this matter for the Paia-Haiku Community by amending the Community Plan to allow for STRHs. The County Council has already vetted and passed the ordinance allowing for STRH.

By updating the Community Plan, it will help the community come together through a clear understanding of the STRH ordinance and its application and will help to stop neighbors disagreements with each other.

Please be sure to click on the short video clip attachment below.

Mahalo,

**Michael Baskin
Paia Life, LLC**

808.870.1800 - Direct

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December 7, 2017

VIA CERTIFIED MAIL & REGULAR MAIL

Francine M. K. Aarona
Viola Jean Okanani Banks
Yvonne P. Cox
Patricia Ann Feiteira
Lita Leiahiki Kahihikolu
Ida K. Dec'd Koprincz
Debra Paleka
Benjamin Reverio
Henry Reverio
Roland Reverio
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Paia, HI 96779

Kekahuna Family Partnership
1639 Nakula Street
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P.O. Box 1032
Puunene, HI 96784

Re: **Your Prescriptive Easement Violation Re Denial of Beach Access from Ae Place**

Dear Mrs. Aarona:

We represent Michael Baskin for various legal matters. We understand that you are one of the current owners of 37 Ae Place. It is our understanding that the pedestrian gate to the beach access had been removed, and you had installed a personal driveway gate in its place, as shown below:



Before



After



My client has a deeded and recorded easement for his property at 40 Ae Place. This easement is intended for access to the beach for all owners on Ae Place. However, on November 6, 2017 at around 11 a.m., Mr. Baskin was walking within said easement with another individual, and Mr. Aarona denied them access to the beach. He displayed

aggressive behavior towards them and demanded that they leave. They complied by turning around and walking off the subject property.

My client has reached out to you in the past in an effort to resolve this issue, without any success. In an email dated October 24, 2014, he requested that the 3-foot gate for beach access be reinstalled. Again, on June 21, 2016, my client notified you of his deeded and recorded access and requested that said gate be reinstalled. He also offered to pay for the reinstallation of the gate and a lock system. To date, the 3-foot gate has not been reinstalled and your family has now denied my client access to his easement. Copies of the October 24, 2014 and June 21, 2016 emails are attached hereto as Exhibit 1.

We fully intend to regain our client's access to the easement. As such, please reinstall the old gate or a similar one within the next 30 days. If you no longer have the old gate or wish to pay for one, my client is willing to install one at his expense as well as all expenses to move your driveway gate over onto your property.

In order for there to be no confusion as to the property line and boundaries of the legal easement, we can also order a survey to mark the boundaries ensuring the easement is in the proper legal place to reinstall the gate.

Please confirm within seven days of receipt of this letter how you wish to proceed.
If you wish for us to contact your attorney instead on this matter, please let us know.

Very truly yours,



TERRANCE M. REVERE
CLARISSE M. KOBASHIGAWA

REVERE & ASSOCIATES, LLLC
A Limited Liability Law Company

Cc Jim Geiger, Esq.

To whom it may concern;

My name is Francine K. Aarona and I live at 37 AE Lane. Francisco and Tamara Goya are my neighbors who have a Short Term Rental. They are very respectful to their neighbors and so are their guest who come for a vacation. We have never experienced any problems with their guest. We have come to know some of them who come back every year. On behalf of my family and I, please renew their permit request to continue their Short Term Rental.

Respectfully submitted,
Francine K. Aarona
I (808) 927-7637
mopsaarona@gmail.com

EXH
14

PAIA BAY

