

## KUMUHAU SUBDIVISION AND KAKA'INA SUBDIVISION

### DESIGN GUIDELINES

These Design Guidelines are made a part of the Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as the "Declaration") for Kumuhau Subdivision and Kaka'ina Subdivision (hereinafter referred to as the "Subdivision") and are incorporated therein by this reference. All capitalized terms not otherwise specifically defined herein shall have the meanings given them in the Declaration.

**RESIDENTIAL AREA: BUILDING REQUIREMENTS.** Any new construction, Improvement, alteration, repair or other work undertaken upon any Residential Lot which is or may be Visible from a Neighboring Lot property or street, shall be subject to the conditions, limitations and restrictions set forth below (hereinafter referred to as the "Building Requirements"):

A. **COMPLIANCE WITH LAWS, CODES AND ORDINANCES.** All work undertaken within the Community Area shall comply with the appropriate existing laws, rules, regulations, codes and ordinances. Where requirements hereunder are more stringent than the applicable laws, rules, regulations, codes, and ordinances, the requirements hereunder shall govern.

B. **GENERAL REQUIREMENTS.**

1. **Consultation Service.** Before preparation of preliminary drawings, the Owner may arrange for consultation with a member of the Design Committee for suggestions as to siting of a dwelling on the Owner's Lot and assistance in interpretation of these Building Requirements. Any additional consultation will be at the Owner's expense.

2. **Preliminary Drawings.**

a. Before proceeding with the working drawings or with any work at the site, the Owner shall submit to the Design Committee, and secure its approval of two (2) copies of the preliminary drawings prepared by or under the direct and responsible supervision of a registered Architect. Plans, when submitted, shall be accompanied by a letter of transmittal from the Architect requesting preliminary approval and stating the estimated construction cost of the dwelling proper. The preliminary drawings shall consist of: (i) a site plan at either a 1/16 inch = 1 foot or 1 inch = 20 feet scale, showing the existing and proposed topography (2 foot contours), setback lines, view channels, outlines of the proposed structure(s) and paved areas, proposed placement of major trees, and materials and methods for retaining soil on cut embankment slopes; (ii) a reduced scale site plan at a 1 inch = 40 feet scale, showing accurately the same items and details as the aforementioned site plans as well as other major structures such as swimming pools, greenhouses, etc. Further, roof lines for all structures and lot

drainage control facilities (surface swales or other design) must be indicated. This plan shall also indicate the elevations, referring to City and County of Honolulu (hereinafter referred to as the ("City") datum based on mean sea level, of the floor level, roofs and roof ridges. This plan will be used to assemble a composite layout plan for the subdivision, showing the relationship of proposed locations of all major structures and drainage control facilities. This layout plan will assist the Design Committee in its review of house sitings and may result in suggestions which could be of benefit to the Owner; (iii) a house plan at either a 1/8 inch = 1 foot or 1/4 inch = 1 foot scale, showing floor plans for each floor. Floor elevations shall be indicated in numerals and shall refer to County datum, based on mean sea level; (iv) exterior elevations at either a 1/8 inch = 1 foot or 1/4 inch = 1 foot scale, showing each exposed side of the proposed structures), indicating proposed materials; and (v) a longitudinal section at either a 1/16 inch = 1 foot or 1/18 inch = 1 foot scale through the structure and property, commencing at the street and extending to the opposite end of the property.

b. The Design Committee will approve the preliminary drawings provided that they comply with all of the requirements hereunder and are, in the Design Committee's opinion, suitable for the Community Area and in accord with the objectives as described in the Declaration. In such cases where approval of the preliminary drawings is contingent upon conformance with certain recommendations, requirements or corrections, a revised set of preliminary drawings shall be submitted for approval prior to proceeding with working drawings.

### 3. Working Drawings.

a. Before commencing any work at the site and prior to submittal of plans to the City for a building permit, the Owner shall first submit to the Design Committee and second, the Department of Hawaiian Home Lands (hereinafter referred to as the "Department") a Request Form for Improvements (Department form) and two (2) copies of the completed working drawings, outline specifications and detailed specifications prepared by or under the direct and responsible supervision of a professional Architect registered by and in the State of Hawaii and so certified by him or her. The working drawings shall be a development of the approved and required elements of the preliminary drawings. Upon submittal, plans shall be accompanied by the completed Request Form for Improvements. The Request Form for Improvements may be supplemented by a transmittal from the Owner's Architect summarizing the proposed improvement(s), estimated construction cost of the proposed improvement(s) and its projected construction schedule.

b. The Design Committee will first review and approve the submitted working drawings provided that they comply with the conditions and requirements hereunder. Should the working drawings be approved, the Design Committee will forward the approved Request Form for Improvements and working drawings to the Department for review and approval. After approval by the Department, the Department will authorize the Owner to proceed with the application for building permit with the City. If no building permit is required for the construction of the

proposed improvements, the Owner may proceed to construct the improvement as proposed.

c. At the time of the submission of the working drawings, the Owner shall also deposit with the Association the sum of \$50.00 to cover, in whole or in part, the cost of review by the Design Committee.

4. **Variances.** Individual solutions, at variance with the requirements herein, or with substantial departures from the approved preliminary drawings, will be considered by the Design Committee on their architectural merit and on their contribution to the objectives stated in the Declaration. Such variances or departures from the approved preliminary drawings shall be specifically requested from the Design Committee in writing by the Owner or his or her Architect and such request shall detail the reasons for the requested variance. Improvements which constitute a variance from the original working drawings will first receive approval in conformance with the approval procedure outlined in Paragraph 3b. Working Drawings.

5. **Design and Construction Details.**

a. **Alterations and Additions.** The General Requirements herein shall also govern future buildings, structures and improvements and any alterations or additions thereto.

b. **Grading.**

(1) All site work required on any Lot shall be done only in accordance with plans approved by the Design Committee and at the expense of the Owner.

(2) Fill or top soil material brought to a Lot site by the Owner shall be free of expansive clay-type soil, termites and deleterious and/or hazardous materials and chemical compounds.

(3) The Owner shall obtain a grading permit for cuts and Fills as required by the Ordinances of the City and shall abide by all requirements of those ordinances.

(4) Cut and Fill areas shall be shaped to blend into the adjacent land forms, and where exposed, shall be landscaped and treated in an attractive manner.

c. **Drainage.** Plans for Lot drainage are on file with the Department and with the Association. The Owner is required to direct the Owner's Architect to examine said drainage plans before preparing the site plans. The flow of surface or subsurface drainage onto, across or from each Lot must not be obstructed. Such run-off shall be dispersed or channeled by surface swales or other facilities in such

a manner as to prevent erosion and damage to Owner's property and any neighboring property. The Design Committee will evaluate the proposed location of Lot drainage facilities and may suggest revisions to provide for acceptance of discharge at certain points or locations along Lot boundaries. The Owner, however, will be responsible for the actual design and construction of these facilities and be liable for all claims for damages resulting therefrom. The Design Committee will not unreasonably withhold approval of any design for Lot drainage facilities but will disapprove designs which, in its opinion, are impractical or do not adequately consider the possible adverse effects on adjoining property.

d. **Materials.** All materials used for improvements shall be new and of a quality consistently associated with that used in the development of the Subdivision.

e. **Ground Termite Treatment.**

(1) Soil under all concrete slabs on ground and under all building floors, whether on ground or over air space, and under all footings and masonry foundation walls shall be treated against subterranean termites by a reliable, established and licensed termite and/or pest control agency.

(2) Treatment shall be guaranteed in writing by said agency against termite infestation for a period of not less than one (1) year.

(3) Termite treatment chemicals and other chemicals in general used inside or outside of the buildings or in accessible spaces under buildings shall be used in conformance with manufacturer's instructions.

f. **Foundations.**

(1) To the best of the Department's knowledge, all areas within the Subdivision, excluding the Community Area have been compacted in accordance with approved engineering and geotechnical methods and standards. However, over time ground settlement of areas and erosion within the Subdivision is possible. The Owner through his architect should give due consideration to the design of the foundation systems of all structures, including, without limitation, the dwelling, exterior walls and fences and concrete improvements, such as swimming pools. Subdivision construction plans are on file at the Department and the Association. It shall be the Owner's responsibility to direct his or her Architect to examine these plans and arrange for subsurface soil investigation and, thereafter, to design his or her dwelling improvements accordingly. Plot plans showing embankments will be supplied to the Owners and their Architects; provided, however, grades and contours indicated thereon are not guaranteed and are subject to verification by Owner, the Owner's Architect, and/or the Owner's surveyor.

(2) All plans for retaining walls, and any foundation placed upon embankments or Filled areas of more than four (4) feet, shall be designed and stamped by a registered Architect or structural engineer.

(3) All framing lumber shall be pressure-treated against termites and rot and shall carry a guarantee against termite damage, similar to that provided with the original framing lumber on the Owner's structure.

g. **Single Wall Construction.** Wood siding, if used in single-wall structures, shall have a minimum thickness of 1" net for all load-bearing sections in order to obviate the need for girts.

h. **Double Wall Construction.** Outside siding for double wall construction may consist of 5/8" material, or equal, subject to the approval of the Design Committee. Interior surfacing material shall not be less than 1/2" thick.

i. **Roofs.**

(1) Slope: In no event shall more than forty percent (40%) of the total roof area be flat. All roofs shall be constructed such that the roof will positively drain to roof drains or downspouts removing all water from flat areas.

(2) Asphalt shingle-type roofs or metal roofs shall slope at a minimum ratio of 4 to 12 for eaves and roofs.

(3) The Design Committee will consider approval of the use of other types of building materials such as clay or cement tile in earth tone shades, or colors similar to that in the Subdivision.

(4) Materials and paints for trim and fascia surfaces shall be non-reflective and non-glaring.

(5) Roof overhangs shall be substantial to reduce the amount of splash on exterior walls near ground levels, especially where there are door and window openings.

(6) The Variances will be considered on the basis of the objective stated in the introduction to the Declaration.

j. **Structural Analysis.** In reviewing building plans, the Design Committee shall not undertake any structural analysis nor make any representations as to the sufficiency of the design or the proposed construction. This will be a matter solely for determination by the Owner and the Owner's Architect.

k. **Height of the Under-House for Post on Pier Construction.**

(1) Vertical support members of the lowest floor shall not be longer than 9 feet measured from the finish floor level to the finish ground grade or to the top of a continuous garden wall serving as a foundation.

(2) Knee bracing shall be avoided or concealed.

(3) Because of the visual importance of the underhouse construction, individual solutions will be reviewed and approved on the basis of the objectives stated in the Declaration.

1. **Walls, Fences and Hedges.** Walls, fences and hedges built or grown along property lines, whether or not used as a retaining wall, shall be no higher than six (6) feet at any point, as measured from the top of the wall to the existing or approved finished grade level at the nearest point on the property line; provided, however, that walls, fences or hedges between the setback lines and the property line at street frontage, the property line perpendicular to the driveway, shall be set back from the property line the minimum distance set forth:

<u>Height</u>	<u>Setback</u>
3 feet maximum	Up to 6 feet from street frontage (driveway) property line
6 feet maximum	Beyond 6 feet from street frontage (driveway) property line

Walls, fences and hedges along flag lot driveways shall follow the same height and setback requirements, parallel to the flag lot driveway to provide for adequate site distance. Gates within flag lot driveways shall be set back a minimum of 18 feet. Walls, fences and hedges along side yard boundary lines without driveway entry point may be maximum 6 feet in height. Construction plans for retaining walls shall comply with County building permit requirements and subject to its height may require its preparation by a certified engineer or architect. Fences, walls or hedges are prohibited from crossing over concrete drainage ditch easement area.

(1) All walls and fences shall be maintained by the Owner and kept in good order and repair, clean and in like-new condition. Owners are responsible to remove any graffiti and repair any damage to the outer facing surface of any walls and fences.

(2) Owner shall be responsible for making certain that the location of any walls or fences, its foundation footings and any landscaping does not encroach onto any other Lot, Common Area or utility easement and does not block, obstruct or otherwise impede the designed drainage flow on his or any adjoining Lots, does not impede or block the site distance on roadways, and does not impede or block the pedestrian traffic along the sidewalks.

(3) The framework for all chain link fences shall consist of at least line posts, end posts, corner posts, top rail, bottom rail, dome cap, loop cap, tie wire, brace band, tension band, tension bar, line rail clamp and concrete. All chain link framework and appurtenances shall have a galvanized finish. Chain link fence fabric may be vinyl coated and may be interwoven with slats.

m. **Driveways.**

(1) Driveways shall be paved with concrete.

(2) Drop driveways may be constructed by the Owner prior to any work requiring heavy equipment being done and shall be used during construction in order to prevent damage to existing road right-of-way infrastructure, including but not limited to road pavement, concrete gutters, curbs, sidewalks, planterstrips and any utility lines or structures. Any damage to road right-of-way infrastructure caused by the Owner or Owner's contractor or agent, shall be the responsibility of the Owner.

n. **Utilities.** All utility service lines, wires, conduits, pipes and ducts, including those for electric, gas, telephone, water and sanitary sewer service shall be underground. Above ground propane gas tanks are allowed subject to standard construction practices, be properly maintained and shall be placed within allowed setback lines.

o. **Painting.**

(1) Colors for exterior walls and surfaces shall be non-glaring and in general conformance with existing colors of exterior walls.

(2) Wherever painted surfaces are specified, paint shall be applied in accordance with manufacturer's specifications and instructions.

p. **Mail Boxes.**

(1) Cluster mail box units and keys are provided by the United State Postal Service. House address numbers for individual homes shall be installed by Owner in a conspicuous location fronting the roadway.

q. **Air Conditioning System.** Prior to the installation of air conditioning systems, the Owner shall secure the written concurrence of the Design Committee as to the location and type of system. Any air conditioning systems shall be installed such as to minimize visual and noise nuisance.

r. **Noise Abatement.** Should undue noise, in accordance with Department of Health standards, result from the operation of any

mechanical equipment or apparatus, Owner shall design additional soundproofing methods and shall, upon approval of these methods by the Design Committee, proceed expeditiously with necessary adjustments.

**C. TIME LIMITATIONS FOR DESIGN COMMITTEE APPROVAL.**

Except for approvals for variances or other approvals for which a specific time limit is set forth herein or in the Declaration, the Design Committee shall act upon all requests for approvals required to be obtained pursuant to these design guidelines within forty-five (45) days after the submission of all required documents by the Owner. If the request is not approved or disapproved within such 45-day time period, the request shall be deemed approved.

**D. SPECIFIC LIMITATIONS.** Until such time that the Specific Limitations are amended by the Board, the following specific conditions, limitations and restrictions shall be applicable to any improvement, alteration or repair undertaken upon any Lot, subject to prior approval from the Design Review Committee:

1. Non-reflective finishes shall be used upon exterior house surfaces, including walls, fences and accessory structures; no mirror or highly reflective glass shall be used;

2. Other than existing exterior lighting and newly installed motion sensitive intermittent security lighting proposed, no permanently lit exterior lighting shall be installed, the light source of which will be directed towards neighboring Lots;

3. New material shall be used in any construction; use of any other type of material will require prior approval of the Design Committee;

4. Rain gutters shall be of a matching type for the entire dwelling unit served and, except for copper gutters, shall be coated with non-reflective finish;

5. If Visible from a Neighboring Lot or the street, accessory structures, such as fences, courtyard walls, covered lanais, playhouses, sheds, dog kennels or other animal enclosures, shall be permitted when painted in colors complementary to the main dwelling unit, and when such accessory structure which is Visible from a Neighboring Lot or the street shall be constructed or made of new and non-reflective materials. Plastic construction fencing, chicken wire or unpainted and reflective materials are not desirable;

6. Various types of aluminum, plastic or canvas awnings and tents may be erected on a temporary and intermittent basis only, subject to the approval of the Design Committee;



7. Except as is reasonably necessary for and incident to the Improvement, alteration, repair or other work undertaken upon any Lot, plans for which the Owner has obtained the approval of the Design Committee:

a. there shall be no grading, Excavation or Fill undertaken upon any such Lot; and

b. there shall be no change in the natural or existing drainage for surface water upon any such Lot, and no power, telephone or other utility lines, wires, conduits, pipes or ducts which would be Visible from a Neighboring Lot shall be installed upon any Lot unless the Design Committee approval is first obtained.

10. In connection with the construction of any Improvement on any Lot and any household trash, the Owner of such Lot, including Owner's contractor and/or agent shall be strictly responsible to insure that all trash, debris and other refuse material is properly disposed of and that no trash, debris or other refuse materials is placed on any other Lot or property in the Community Area, other than for household trash placed adjacent to Owner's lot during times of scheduled City pick-up.

E. **VIOLATIONS.** In the event of any violation of the provisions of these Design Guidelines, the Association may take any and all reasonable steps to restore the Lot upon which such violation has occurred to its existing condition prior to the violation. The Association may assess the Owner of such Lot, or in the event that trash, debris or other refuse material from one Lot is being disposed of on another Lot, may assess the Owner of the Lot from which the trash, debris or other refuse material originates, for all costs and expenses associated with its removal incurred in connection therewith. The Association may assess the Owner of such Lot containing a drainage easement costs associated with the removal of trash, debris accumulated within the drainage easement, if such trash and debris constitutes a danger to the Association or other Owner's.

1. The Board may adopt a fee and/or fine schedule and structure to address different types of violations, subject to provisions contained in the Bylaws of the Kumuhau Subdivision and Kaka'ina Subdivision Community Association (hereinafter referred to as "Bylaws").

2. The Board may also amend the Kumuhau Subdivision and Kaka'ina Subdivision Design Guidelines, including its Specific Limitations, subject to provisions contained in the Bylaws.