

HONU ALAHELE HOMEOWNERS ASSOCIATION

ARCHITECTURAL COMMITTEE RULES

ADOPTED BY THE BOARD OF DIRECTORS

SEPTEMBER 23, 2004

Amended April 25, 2005

It has been the experience within all successful master-planned residential communities that stringent architectural design guidelines promote a consistent and harmonious living experience for all homeowners. These guidelines should be used as an information source for the lot owner, their architect and their builder. It will give you direction in the application and approval process, set minimum building standards and architectural design criteria.

These Design Guidelines are only a summary of the complete documents that relate to building a home within Honu Alahele. You should familiarize yourself with all the documents including, but not limited to; the Declaration of Covenants, Conditions and Restrictions; the By-Laws of the Community Association; and the building codes for the County of Maui.

RESTRICTIONS ON IMPROVEMENTS

Per Article 11 of the DCC&R of the Honu Alahele Homeowners Association, the following Restrictions On Improvements will be enforced:

1. Restriction on Improvements. All work undertaken in connection with improvements on the Property shall comply with the existing laws, rules, regulations, codes and ordinances of the County of Maui and the State of Hawaii. Where requirements in this Declaration are more stringent than applicable laws, rules, regulations, codes or ordinances, the requirements in this Declaration shall govern. The following restrictions apply to any and all improvements within the subdivision:

- a. Each Lot may have two Residences, being a main house of at least 1,000 square feet in living area (excluding garage) and one ohana unit of no more than 500 square feet. Each roadside Residence shall have a covered front porch of at least 24 square feet, visible from the roadway elevation.
- b. No Quonset huts, shacks, house trailers, mobile homes, tents or other temporary buildings or improvements may be located, installed or constructed on the Property.
- c. No used building or structure may be moved onto any lot and installed thereon.
- d. No used building materials shall be used in the construction of or incorporated into any building, improvement or structure on any lot.
- e. No curb cuts or means of vehicular access to lots other than permitted driveways are allowed.
- f. The construction of any building, improvement or structure upon any lot shall be substantially completed within twelve (12) months from the visible commencement of such construction.
- g. Owner will be responsible for installing all utility lines (electricity, electrical transformers, telephone, cable, etc.) within each Lot. All such utility lines shall be placed underground.
- h. There shall be no antennae, or clotheslines of any sort either installed or maintained which are visible from any roadways.
- i. All service areas for trash receptacles, pool equipment and any other maintenance or service facilities shall either be enclosed, surrounded or concealed by landscaping so as not to be visible from any neighboring lots. All rubbish, trash, garbage or other waste on any Lot shall be kept in sanitary closed containers and disposed from such Lot within a reasonable time.

- j. No wells of any nature shall be dug, bored or drilled upon any Lot.
- k. No soil materials shall be imported to any Lot, other than topsoil or engineered construction base course materials. No export of site materials shall be allowed other than excess excavation materials.
- l. Import material shall be free of noxious substances, spores, seeds, plant material, insects, larva and eggs, particularly termites and carpenter ants, or other materials or organisms that may cause a nuisance or hazard to persons, property or plant life.
- m. Exposed cut and or fill shall not exceed eight (8) vertical feet without being terraced, except where a hardship can be demonstrated.
- n. All grading and other Improvements shall be done as to maintain the natural flow of surface water without creating erosion of or increasing discharge from the Lot.
- o. All exposed cut, fill and graded areas shall be landscaped, i.e., grass and ground cover plants within 6 months of completion of the home as calculated from the date of the completion. In all such areas, measures shall be taken to mitigate the establishment of noxious weeds.

In the event of any violation of (k) through (o) above, the Declarant or the Association may cause such Lot to be restored to its condition existing immediately prior to such violation. The owner of such Lot shall reimburse expenses incurred by the Declarant or the Association in performing such obligations under this paragraph, including attorneys' fees and costs.

p. No signs or advertising posters of any kind shall be maintained or permitted within the Subdivision, provided, however, that notwithstanding the foregoing, (a) one professionally prepared, securely, installed sign not exceeding five (5) square feet in area may be displayed upon a Lot advertising such Lot for sale or lease provided that no such sign may indicate prices or other sales terms, and (b) Declarant may construct, install, and maintain "For Sale" signs as above described on Lots owned by Declarant, and larger signs at the entrances of

and other strategic places within the subdivision for the promotion and marketing of the Subdivision and signs for advertising the Declarant's efforts in the construction of the Improvements and the Subdivision. The term "professionally prepared" shall mean that such sign is prepared by a graphic designer.

q. Lighting should create a unified, natural effect. Mercury vapor lamps or lamps which emit light of a similar character, exposed fluorescent lamps visible from adjacent lots, flashing lights, color lights, unshielded exterior lights and lights which result in excessive glare are prohibited.

r. All fuel tanks, water tanks, or similar storage facilities shall either be constructed to be shielded from view from public areas and neighboring lots by walls, fences or landscaping, or shall be installed or constructed underground. All tanks of any type shall comply with all applicable Federal, State and County laws.

s. Garages must have garage doors and be set back at least twenty feet from the front boundary. The driveway shall be no less than twenty feet wide to accommodate a minimum of two parking spaces per lot. In the case of ohana units, concreted parking for the unit must be provided on the lot.

ARCHITECTURAL DESIGN STANDARDS

Per Article 14 of the DCC&R of the Honu Alahele Homeowners Association, the following Architectural Design Standards will be enforced:

1. Architectural Design Standards. The following architectural design standards have been developed in the response to climatic and aesthetic considerations of the Subdivision. In the event of conflict between these Architectural Design Standards and applicable County Building Codes or other regulation, the more restrictive shall apply. During most of the year, the climate is mild and comfortable with light trade winds. These conditions will be enhanced by various design solutions, such as keeping building at grade, shading window openings, and courtyards, and not using exterior materials which will increase glare. Muted colors which allow the natural

colors of the landscape to predominate and other similar design requirements will be required to preserve the integrity of the Subdivision. All accessory buildings and structures must be of similar design and theme to the primary dwelling and must conform to these Architectural Design Standards.

2. Finishes. No highly reflective finishes (other than glass, which may not be mirrored) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including without limitation the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment and mailboxes.

3. Height of Improvements. The maximum elevation of any Dwelling or other Improvement shall not exceed that which is allowed by the County of Maui Building Code.

4. Roofs. In keeping with the low landscape, roofs should be predominantly of moderate pitch to reinforce the traditional Hawaiian ranch architecture. The overall appearance of the Dwelling or other Improvement will be an important consideration. The pitched roofs may be up to a maximum pitch of 12 in 12. Roof design shall be modulated to avoid large expanses of uninterrupted roof surfaces. Roofs shall step down from the highest elevations located at the center of the Lot to lower roof elevations located at the perimeter. The roof eaves line shall also be modulated to avoid monotonous building facades. Flat roofs and nontraditional roofs are prohibited except where unique conditions warrant their use. The color of roofs must conform to the color standards set forth in the Design Guidelines which include only muted, light to middle range values of the landscape. Reflective roof surfaces which cause excessive glare are not allowed. Flat roofs are prohibited. Material shall be wood shakes, wood shingles, clay, ceramic or cement tiles, copper, or other roofing materials of equivalent texture and character. Asphaltic composition roofing materials are acceptable. All roofing materials shall be noncombustible or fireproof. Metal roofs may be used provided that the following conditions are met:

a. Profile shall be box or standing seam type ribs with ribs spaced at no less than 6 inches on center. Ribs shall be 1-inch minimum height. Corrugated ribs are prohibited.

b. Finishes (except for copper) shall be factory painted. Finishes shall be low reflective, natural earthtone color.

c. Roof sheets shall be continuous length with no overlaps.

d. Mechanical equipment and other unsightly rooftop features shall be concealed from public views. Vent stacks, gutters, and other roof projections shall be compatible with the roof and walls. Downspouts must be attached (not freestanding) to the improvement with color to match exterior walls. The glazing material and framing components for skylights shall be of non-reflective finish.

5. Patios and Courtyards. Patios and courtyards should be designed as an integral part of the architecture of the Dwelling or other Improvement.

6. Solar Application. Solar collectors, due to excessive glare and reflection, can only be approved if integrated into the Improvements or landscaping on a Lot and not visible from neighboring Lots. Solar panels may be permitted on the roof of Dwellings or accessory buildings only if they are mounted flush on the roof (solar panels may extend above the roofs surface but may not be mounted on an angle to the roofs surface) and if they are non-reflective.

7. Fences. Gates and Walls.

a. Fencing fronting a paved road shall be three rail, painted white, and made of wood or PVC. Any deviation from this theme requires Declarant or Board approval.

b. No used materials or corrugated fencing is allowed.

c. All exposed retaining walls, site walls, exposed foundation walls or other walls shall be constructed of rock, hollow tile, or be finished with plaster or plaster-like colored coating or faced with rock.

8. Foundations. All exterior wall materials must be continued down to within six inches (6) of finished grade. All Dwellings built above grade shall use "skirting" to within 6 inches of finished grade to conceal the underside of the Dwelling, including but not limited to: sub-floor framing, bracing and plumbing. Skirting material, if spaced, shall be spaced no greater than 1" apart.

9. Interpretation Waiver. In the event of a question as to interpretation of or application for waiver from, the foregoing Architectural Design Standards, the same shall be resolved by vote of a majority of the Directors.

THE FOLLOWING PROVISIONS SHALL APPLY:

1. The Architectural Committee shall have the right at any time, at its sole discretion, to amend, waive, grant variances to enforce or not enforce any of the provisions and requirements herein without any liability whatsoever to the owners of the lot or the members of the Architectural Committee. This waiver, granting of variance or non-enforcement shall not affect the application, enforcement or any approvals and design guideline requirements to any other lots within the subdivision.

2. The review and/or granting of any approvals by the Architectural Committee of the project shall in no manner constitute the Architectural Committee or the Board of Directors of the Association's representation, warranty or agreement that that such item (1) has been prepared free of defects, is of good workmanship or free of design and construction defects, (2) will result in improvements which are readily marketable or add value to the lot, (3) will result in a Government Entity's or any other person's approval.

3. Neither the Architectural Committee or members of the Architectural Committee, nor any director, officer, employee, consultant or agent shall be liable to the Association, or to any lot owner or to any other person for any damage, loss or prejudice suffered or claimed on account of either the approval or rejection of the plans, drawings, specifications, or of the actual construction of any improvements, pursuant to the Declaration or these Design Guidelines,

whether or not the decisions were defective and/or whether or not they were in compliance with the Declaration and the Design Guidelines.

SUBMITTAL INSTRUCTIONS

The review and approval process by the Architectural Committee is an expedited process in which the lot owner or their contractor makes the submittal to:

Honu Alahele Architecture Committee
c/o Hawaiiana Management Company, Ltd.
140 Hoohana Street, Suite 210
Kahului, HI 96732

Call Janice Eisler at (808) 270-3218, ext. 389 to make an appointment to drop off plans and checks for fees and deposits.

All checks are to be made payable to **Honu Alahele Homeowners Association.**

Submit a digital/electronic file of your preliminary plans prepared and stamped by your architect and design team.

The submittal should include at a minimum:

1. Site plan, including but not limited to (scale 1/8"):
 - a. driveway location,
 - b. building location (house, ohana),
 - c. building square footage (house, ohana),
 - d. roof overhangs,
 - e. setbacks,
 - f. pools, spas, equipment rooms,
 - g. location, type and size of fencing and walls,
 - h. utility connections,
 - i. drainage designs,
 - j. proposed finished lot grades.

2. Floor plan for house and ohana (minimum scale 1/8").
3. All exterior elevations for house and ohana (minimum scale 1/8").
4. Roof plans.
5. Roof material and color.
6. All exterior wall material and colors of body and trim, including samples and brush outs.
7. Locations of all fences/walls, their materials and color.
8. Landscaping plan.
9. **A non-refundable \$400 design review fee as determined by the Architecture Committee.**
10. Construction Schedule.
11. **\$1,000 damage deposit for roadway and common area repairs.**

With a complete submittal, the Architectural Committee will provide their response within 20 business days. The digital/electronic file of drawings will be held by the Architectural Committee for their records.

The Architectural Committee shall consider the following in providing comments and approving or rejecting the submittal:

1. Compliance with the Honu Alahele Homeowner Association Declaration of Covenants, Conditions and Restrictions.
2. Compliance with these Design Guidelines.
3. The proposed siting and orientation of the house on the lot.
4. The proposed setback lines and height.
5. The proposed building shape and massing.
6. The architectural character and overall aesthetic appearance of all improvements and landscaping.
7. The appropriateness and aesthetic appeal of the exterior materials and colors to be used.
8. The completeness of the submittal documents.
9. Plans that require revisions must be re-submitted for review and approval.

It shall be the right and responsibility of the members of the Architectural Committee to approve with conditions or reject submittals, based upon their professional experience and opinion. Their decisions shall be based upon reasonable standards of the industry in the design of high-quality, architecturally consistent and aesthetically pleasing house plans, site plans, and landscaping plans. In the event that design guidelines do not explicitly cover an item in a submittal due to oversight, changing styles, construction methods or construction materials, the Architectural Committee shall make its decision upon its analysis of whether the submittal achieves the quality and intent of the existing design guidelines.

The Architectural Committee shall not review and/or comment upon compliance with Building Codes or any County, State or Federal regulations.

Submit two sets of your Final Plans, which the Architectural Committee will review to assure conformity to the plans that were previously submitted. The Architectural Committee will review and respond on complete submittal within 20 business days.

Upon securing the Architectural Committee 's written approval of the Final Plans, the owner shall submit a copy of the building permit to the Architectural Committee and the Architectural Committee will then issue a final written design committee approval with any and all appropriate conditions of approval.

All approvals and conditions of approval will be issued only in writing by the Architectural Committee; no verbal approvals or comments will be considered valid. The Architectural Committee's approval is valid for one year from granting. If substantial work has not commenced by that time, then plans must be re-submitted for re-approval.

For construction work that the Architectural Committee deems relatively minor, such as re-painting, minor additions, etc., the Architectural Committee has the authority to waive the design review fee.

The Architectural Committee has the ability to modify these design guidelines with a majority vote of the committee.