Hu'elani

DESIGN GUIDELINES

Table of Contents

Section	Subject		Page
1	HU'ELANI DESIGN PHILOSOPHY		3
2	WHAT DOES NOT REQUIRE APPROVAL		4
3	WHAT DOES REQUIRE APPROVAL		4
4	COMMON OCCURRENCES NOT PERMITTED		5
5	DESIGN RULES AND REGULATIONS		6
	Rule 1	Supporting Documents Required	6
	Rule 2	Termite Treatment	6
	Rule 3	Swale/Drainage Pattern	6
	Rule 4	Landscape	6
	Rule 5	Fences	7
	Rule 6	Additions, Remodeling, Renovations	7
	Rule 7	Second Story Additions	7
	Rule 8	Swimming Pools, Spas, Hot Tubs	7
	Rule 9	Vents, Fireplaces	7
	Rule 10	Accessories	7
	Rule 11	Solar Units	8
	Rule 12	Use or Materials	8
	Rule 13	Air Conditioning Units	8
	Rule 14	Time Schedule	9
	Rule 15	Storage Sheds	9
	Rule 16	Driveways	9
	Rule 17	Roof Pitch	9
	Rule 18	Non-Exempt Items	9
	Rule 19	Re-Submittals	9
	Rule 20	Application Process	9
	Rule 21	Reserved Rights	10
6	EXHIBIT A, APPROVED PLANT MATERIALS		11
7	APPLICATION REQUIREMENTS AND TIMETABLE		12
8	GENERAL APPROVAL CONDITIONS		13
9	DESIGN APPLICATION FEES		13
10	DESIGN ENFORCEMENT POLICY		14
11	RIGHT TO APPEAL		14
12	FORMS		15
	Application for Modifications, Additions or Improvements		15
	Neighbor Notification Form		16
	Application Response		17
13	Appendix I, rules for Installation of Solar Energy Devices		

1. HU'ELANI DESIGN PHILOSOPHY

Note: Throughout this document, the following terms: unit, home or apartment; homeowner or apartment owner; Board of Directors or Board; Design Committee or Committee, are each considered interchangeable.

Hu'elani is a planned community in Ewa by Gentry designed with compatibility of appearance in mind. The desire to encourage freedom and individual expression in the construction of improvements limited by the protections of the covenants which are for the benefit of all homeowners. Administration of these protections has been assigned to the Hu'elani Board of Directors. The Board of Directors may appoint a Design Committee. The primary purpose of the Design Committee is to insure compatibility of design with community themes, these Design Guidelines, the House rules (as revised), and the Covenants. Finally, they will advise and make recommendations to the Board of Directors. However, the Board of Directors maintains final responsibility for the process.

The Design Committee will interpret the covenants with flexibility and will recommend approval of designs and materials that, in its opinion, will enhance rather than detract from the particular project.

The Design Committee is aware that matters of taste and personal preference are subjective. It also recognizes that plans and specifications do not always convey the true appearance of a particular design. The Design Committee also appreciates that there will be new and different designs. Therefore, it will attempt to he equitable, consistent in application of criteria, and timely in judgment with regard to new trends in design and new materials. The Design Committee will not recommend approval of self-conscious designs or materials that are faddish and of short-lived stylishness.

The Design Committee and the Board of Directors will strive to continually upgrade the quality of the improvements. Therefore, those designs that may have been previously approved shall not necessarily be a precedent for approval of similar designs. Each case shall be judged on its own merits.

What kind of improvement, alteration, repair or other work undertaken on any residential lot may require the Board of Directors approval? Any work that is or may be visible from the golf course, neighboring property or street shall be subject to approval.

For the purposes of this document, the term *visible* is meant to imply the following: An alteration is visible from neighboring property if it is visible to a person of average height standing at ground level on an adjoining lot or easement area. Additionally, for certain accessories, or other objects that make noise (i.e., wind chimes), if they can be heard from an adjoining lot or easement area. These require neighbor notification (Form on Page 14).

2. WHAT DOES NOT REQUIRE APPROVAL

The following items do NOT require approval (unless otherwise noted):

1. **INTERIOR** alterations within the house or garage that do not alter the exterior appearance or undermine the structural integrity of the building.
2. **LANDSCAPING** and any structure incidental to landscaping that does not interrupt or modify the swale and drainage pattern.

   A swale is the valley-like dip in your yard that allows for water/rain run-off. The drainage pattern is the direction in which the water/rain flows (these are typically identified in your plot plan by directional arrows).

   Any alterations/modifications to a swale or existing drainage pattern must be approved.

3. **SCREEN WINDOWS** provided that the frame matches the trim color of the home. Wrought iron window coverings used, as a security feature must be approved.
4. **SCREEN DOORS** provided they match the trim color of the home, black, white or off-white.
5. **WINDOWS AND DOORS** may be replaced provided they are the same style and color as originally installed. *Note: Garage doors are not to be removed.*

6. **GUTTERS/DOWNSPOUTS** That are of the same type, color and design as installed at the recreation center.

7. **HOLIDAY DECORATIONS:** Temporary house decorations for special occasions such as holidays need not he submitted for approval provided that they are not installed sooner than 21 days prior to the event and are removed within 15 days after the event.

8. **SIGNAGE:** The Board of Directors will not prohibit signs warning of hazards on the property or signs mandated by law to protect persons or property signs which are part of a security system so long as those signs meet certain standards and criteria developed by the committee from time to time. Thus, a sign, which says "Beware of Dog", "No Trespassing", or "Premises Protected by Alarm System" or similarly worded signs, would not be a violation of these Design Guidelines so long as it meets the aesthetic criteria. Additionally, one sign such as a "Please Remove Your Slippers," a "Name sign" or a "Welcome Sign", is allowed on the front porch in the vicinity of the front door. These signs must he considered to be in good taste and meet the aesthetic criteria as set by the Board of Directors. The Board of Directors reserves the right to prohibit any sign.

   One "For Sale" or For Rent" Sign having a maximum of three (3) square feet is permitted. Such sign is to refer to the property to which it is situated.

   Hazard signs may be posted on each side of a property provided such signs are necessary to ensure visibility to persons coming onto the property and provided such signs are not readily visible from the site of the other side. Signs must be posted no higher than eye level (5-6 feet from the ground).

   Signs such as "No Solicitation" and those containing commercial/political endorsement are interpreted not to be in good taste, or intended to warn of hazards and are prohibited. The prohibition against such signs will be enforced.

   Finally, all City ordinances shall be adhered to. As an example: garage sale, moving sale, lost animal signs are prohibited in the city streets and common areas of the community.

9. **FLAGS:** The United States, Hawaiian and/or a flag representing one of the six branches of the U.S. armed forces may be flown. The United States Flag can be flown at any time. The following protocol is suggested (adapted from: http://www.ushistory.org/betsy/flagetiq.html):

   "It is the universal custom to display the flag only from sunrise to sunset on buildings from stationary flagstaffs. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during hours of darkness. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning."

   The Hawaiian flag is flown with the Union Jack in the top-left canton. It should be displayed in accordance with general flag etiquette, including proper, respectful disposal.

   The armed forces flag must be the official flag representing that service and should be flown in accordance with the proper protocol for that service.

3. WHAT DOES REQUIRE APPROVAL

Some of the most common types of work that require approval are:

1. **STRUCTURAL CHANGES** within your yard area such as walls, fences, concrete slabs.

2. **CONCRETE** extensions to the width of concrete driveways, patio or sidewalks.

   Caution: Soil under concrete slabs on grade, building floors, footings and masonry foundation walls must be treated by a Licensed Termite & Pest Control Vendor against subterranean termites, including patio slabs, sidewalks, and extensions to the widths of driveways' in order not to compromise the termite protection warranty.

3. **DRAINAGE PATTERN** changes or alterations due to any construction or improvements on any property.

A swale is the valley-like dip in your yard that allows for water/rain run-off. The drainage pattern is the direction in which the water/rain flows naturally (these are typically identified on your plot plan by directional arrows).

4. **WALLS, FENCES, OR GATES:** building, removal, or relocation of any wall, fence, or gate on the property. (Also governed by City and County regulations)
5. **ADDITIONS;** plans for any additions, elevated decks, balconies, hot tubs, spas, swimming pools or other similar structures.
6. **ACCESSORIES** like window shutters, window safety wrought iron, art objects, vents, solar panels, satellite receivers and other accessories.
7. **ANY CHANGES TO THE COMMON OR LIMITED COMMON AREAS. Any construction or addition that penetrates or alters the roofing or exterior siding.**
8. Anything listed in Sections VI and VII of the Hu'elani House Rules (most recent revision) that specifically call for Board of Directors Approval.

Full compliance with the terms and conditions of your warranty deed and these Design Guidelines are essential to avoid violations, citations, and costly corrective action. Design Request for homes on the perimeter of Hu'elani *may* also need to obtain approval from Ewa by Gentry, the Master Association. Therefore, is recommended that their Design Guidelines also be reviewed for applicability. The Management Executive may also provide guidance under these circumstances. In addition to these rules and requirements, the owner must comply with all applicable City and County codes, ordinances and regulations and any applicable State requirements. If one is required, a building permit must be obtained prior to the start of the construction (and after approval is obtained from the Board).

4. COMMON OCCURRENCES NOT PERMITTED:

1. **OPEN STORAGE** of furniture (other than outdoor furniture) or fixtures, (including laundry facilities) shoe racks, sporting equipment, etc., that are visible from the street or neighboring property.
2. **OPEN BURNING OR EXTERIOR FIRES**.
3. **VEHICLES** parked on the sidewalk area or portion of lot visible from neighboring property.
4. **GARAGE** used primarily for the parking and storing of one or more vehicles and/or boats. Garage windows have association approved inserts kept in good condition, association approved glass inserts or no inserts at all. All windows must match.
5. **GRADING** your lot or bringing in fill material to alter the grade of your lot. A small amount of sand is sometimes required to level uneven lawns and soil is sometimes required for flowerbeds as the old soil loses nutrients. These are not prohibited.
6. **VEHICLES GREATER THAN ONE TON** load capacity that are visible from the street unless written permission is obtained from the Association's Board.

Compliance with the above covenants helps maintain the attractiveness and property values of the community.

If you have any questions and/or need clarification, please visit or call the Management Executive. They will be more than happy to assist you and your family.

APPROVAL OF THE BOARD OF DIRECTORS DOES NOT RELIEVE THE OWNER FROM OBTAINING REQUIRED APPROVALS FROM NEIGHBORS, CITY AND COUNTY OR ANY OTHER ENTITY OR AGENCY.

BOARD OF DIRECTORS APPROVAL MUST BE GIVEN BEFORE SECURING ANY GOVERNMENT PERMITS OR APPROVALS. EACH HOME/APARTMENT OWNER MUST COMPLY WITH: 1) ALL PROVISIONS OF THE HU'ELANI DESIGN GUIDELINES; 2) ALL PROVISIONS OF THE CONDOMINIUM RULES AND

REGULATIONS; 3) THE MASTER ASSOCIATION'S (EWA BY GENTRY) DESIGN GUIDELINES; 4) ALL GOVERNMENT RULES; AND 5) YOUR PROPERTY DEED.

5. DESIGN RULES AND REGULATIONS

RULE 1: SUPPORTING DOCUMENTS REQUIRED

Two (2) copies of plans for all improvements covered in "What DOES Require Approval" on page 2 are to be prepared in a professional manner by a registered architect or engineer, a draftsman or the homeowner and shall be accompanied by a completed Design Request Form, signed by the property owner. If more than one person owns the property, only one owner's signature is required. Design Request Forms are available at the Association's office; the Managing Agent (the phone number is 593-9100) and the Hu'elani Website.

The plans shall consist of the following, where appropriate:

a. Plot Plan (showing the lot dimensions and easements, and location in feet of the proposed work to the property lines).
   i.e., window tinting *would not* require a Plot Plan to he submitted;
   i.e., adding a room or Lanai *would* require a Plot Plan to be submitted
b. Floor Plan (scale: 1/8" 1' min.)
c. Roof Plan (scale: 1/8" - I' min.)
d. Front, Rear and Side Elevations (1/4" 1' min.)
e. Cross Sections (scale 1/4" I' min.)
f. Dimensions of the proposed improvement
g. Submission of two-color samples proposed to be used on exterior surfaces if other than those used on the existing dwelling. Indicate first and second choices
h. Materials and finish being proposed to be noted on plans, sections and elevations.

Important Notes:

- *Alterations/modifications must be drawn to scale, where applicable.*
- *The Plot Plan, if required must be a copy of the closing Plot Plan and include any additional approved design request modifications since closing.*

RULE 2: TERMITE TREATMENT

Soil under all concrete slabs on grade, building floors, footings and masonry foundations, walls, patio slabs sidewalks and extensions to the width of driveways shall he treated against subterranean termites prior to placement of cement. A copy of the termite treatment certificate (or receipt) to be provided with design request or sent to the Management Executive after the work is complete.

Use of the termite baiting systems, professionally installed and maintained by licensed pest control operator may be used in place of ground treatment. A copy of the contract will be provided.

RULE 3: SWALE / DRAINAGE PATTERN

Swale: The valley-like dip in a property that allows for water/rain run-off

Drainage Pattern: As illustrated on the homeowner's plot plan, the arrows in the swale identify the direction of the natural water/rain run-off. No construction or improvement will be permitted or approved that impact already existing water/rain runoff and drainage patterns on the property.

RULE 4: LANDSCAPE

The front yard areas are common areas that will be landscaped and maintained by the Association. The irrigation system, including the timer and the water connection, must not he tampered with under any circumstances. All owners must take care not to damage the landscaping and the irrigation system.

a. Owners must have their fenced yards (back and side) landscaped within ninety (90) days from when they move in, unless there are circumstances such as ongoing construction on a neighboring home that prevent them from landscaping.

b. Owners must not plant anything or disturb in any way the gravel barrier surrounding the home so that the termite barrier remains intact.

c. All irrigation systems must be designed such that no water is sprayed into the gravel barrier or onto the home or a neighboring home. Regular watering in the gravel strip or onto a house can create an environment that attracts termites.

d. Any trees or shrubs planted within your limited common area must be trimmed regularly so that rubbish or branches do not interfere with fences or neighboring property. Root barriers shall he installed where trees are planted in the vicinity of building foundations or walls.

e. All trees must have non-aggressive root systems so as not to impair concrete slabs. The attached Exhibit "A" will assist you in selecting trees and shrubs. You are responsible for any damage that your tree(s) may cause.

f. Owners must seek approval for adding additional concrete patios or structures in any fenced yard areas.

RULE 5: FENCES

The Association is responsible for the maintenance and replacement of all privacy fences.

RULE 6: ADDITIONS, REMODELING, RENOVATIONS Plans for additions and enclosures shall be submitted for approval.

The additions and enclosures shall utilize similar materials (such as siding, trim, windows, doors, roofing), details and colors, and shall he in appropriate scale to the existing dwelling. The improvement must also be consistent with the architectural concept of the existing dwelling style and roof slopes.

RULE 7: SECOND STORY ADDITIONS

Plans for second story additions, elevated decks or balconies must show that there will be no adverse impact on the adjacent properties with respect to loss of light, view and privacy.

RULE 8: SWIMMING POOLS, SPAS, HOT TUBS

Plans for outdoor swimming pools, hot tubs, spas and other similar structures shall be submitted for approval, and must meet the following requirements:

a. Swimming pools visible from neighboring property or streets may he permitted provided that the Board of Directors find it to be aesthetically acceptable and does not disrupt the quiet enjoyment of the adjacent neighbors.

b. Filter Noise. Applicants for approval of swimming pool plans must submit details for abatement of filter and skimmer noise. The pump and motor unit shall be soundproofed after installation of the unit to prevent disturbance to the residents of adjacent properties. If after installation of the unit the Design Committee determines that the noise from the operation of the unit disturbs the residents of adjacent properties, the owner must immediately provide sufficient additional soundproofing.

c. All applications for approval to construct a swimming pool must include proof of compliance with City/County, State, Federal ordinances and regulations, by showing a safety fence/barrier around the pool or property.

RULE 9: VENTS, FIREPLACES

Vents shall be installed below the ridgeline of the roof and in portions of the roof not facing the streets. Fireplace chimneys must meet all fire code requirements and be compatible with the overall house designs.

RULE 10: ACCESSORIES

Exterior Window Screens (as a preventive measure to the breakage risk from errant golf balls), Shutters, safety wrought iron windows, and other accessories shall be submitted to the Board for approval consistent with the architectural concept of the Community. It shall be the applicant's sole responsibility to ensure that the design and installation of such accessories meet all building code requirements for emergency exits and ventilation.

WINDOW TREATMENTS: Draperies, blinds or shutters visible from the exterior of any unit must have a neutral, wood, white or off-white color or backing. Any other color must be approved (in writing) by the Board of Directors.

Window Tinting: Tinting, such as TNT Vista #28 and / or Vista 4138, may be used. Others may be approved; however, only gray shades of non-reflective tint will be allowed and approved. All others, including blue, violet, rose or any other color, or any tint with high mirror quality are prohibited.

Owners may install motion sensor lights/flood lights provided the following provisions are followed:

a. Each unit is limited to two (2) motion/flood lights, with a maximum of four (4) bulbs in total, other configurations are subject to Board approval.

b. All motion/flood lights must he installed to the manufacturer's recommendations and to the National Electrical Code (NEC).

c. All lights must be UL approved.

d. All lights must be connected to a ground circuit interrupter receptacle.

e. All lights must be positioned between seven feet and eight feet from ground level and must not shine into neighboring yards or into the streets.

f. All exterior electrical wiring must be encased in electrical metallic tubing (EMI) and must be painted to match the exterior walls. All exterior wires must run horizontally or vertically.

g. All exterior hardware must be white in color.

h. Each bulb must not exceed 150 watts and must not exceed the light manufacturer's recommendations. Only white bulbs are allowed.

OTHER ACCESSORIES, such as seasonal wreaths and art objects are subject to approval. The Board of Directors reserves the right to revisit any previously approved item when warranted.

RULE 11: SOLAR UNITS

Solar panels located on a roof shall be parallel with the slope of the roof. Each panel shall be uniformly two to six inches above the roof to provide clearance between the panels and the roof. The collector framing shall be of a color approved by the Board.

a. Thermosyphon systems (systems having the water storage tank as an integral part of the unit) shall be positioned on the roof in an area of minimum visibility from the street. Contractor/installer needs to verify the roof structural strength in order to hold up the water tank on the roof.

b. Except for thermosyphon systems, tanks shall he placed within the residence interior walls. The thermosyphon system tank shall be painted in the same color as the roof. All piping shall be placed within the residence interior or hidden from view. In certain cases, the use of an enclosure may detract from the aesthetics of the dwelling. In these cases, painting of piping to match the trim or siding colors may be approved.

c. All systems shall be positioned on the roof so that no portion of the unit extends above the ridgeline of the roof.

d. Hot water runoff caused by venting from the system's relief valve shall be prevented by the installation of a drain line, if necessary.

e. All Solar Energy Device Installations will be in accordance with Appendix I, Rules for Installation of Solar Energy Devices of this Document.

RULE 12: USE OF MATERIALS

All applicable materials must be termite, rot, and fungus free.

RULE 13: AIR CONDITIONING UNITS

All air conditioning electrical conduits, wires, mechanical piping, and condensate drains are to be grouped together and concealed from view. Concealment may he within existing wall panels or encased with molding and painted to match the main house color. If an air conditioner faces the street, it must be maintained (painted, rust-free, wires hidden). Air conditioners installed by the developer must adhere to this rule.

Window unit type air conditioning units are prohibited.

RULE 14: TIME SCHEDULE

Once construction has begun, all work must be completed within thirty (30) days, unless the Board has approved a work schedule extension in advance. Construction must commence within twelve (12) months of Design Committee's approval or the approval will automatically expire.

RULE 15: STORAGE SHEDS

Freestanding storage sheds that are visible above the fence shall be subject to approval.

RULE 16: DRIVEWAYS

No driveway may be widened or altered without Board of Directors approval.

RULE 17: ROOF PITCH

Flat top roofs or roofs with a lesser pitch than the existing dwelling are permitted provided it is not visible from the street and/or neighboring properties (note: written approvals from any and all abutting neighbors are required). Homeowners must still comply with all other existing rules/regulations by the Design Guidelines and City & County of Honolulu.

RULE 18: NON-EXEMPT ITEMS

All items that are not specifically listed as exempt from the approval of the Committee must be submitted to the Committee for approval.

RULE 19: RE-SUBMITTALS

If an application is not approved, the homeowner may submit another proposal for consideration. The fee shall he waived for such re-submittals.

An additional 50% of the original fee will be charged for any subsequent re-submittals (Addendums) or any re-submittal involving changes substantial enough to be considered a new design after 120 days.

RULE 20: APPLICATION PROCESS

All Design Requests must be prepared in accordance with the instructions provided on the Hu'elani Design Request Form (located at the back of this Chapter), and submitted in accordance with this rule. Please read the form, and the instructions carefully. Contractors must agree to follow the Hu'elani House Rules while in Hu'elani doing work. This will be attested by the contractor's signature in the appropriate area of the Design Request Form.

Any Design Request not prepared/submitted in accordance with this rule will be returned to the submitter for correction.

Under no circumstances will a Design Request be submitted directly to Board / Design Committee members. All Design Requests, along with the appropriate fee, must be sent to the Managing Executive.

The Management Executive, or designee, will log in, and, distribute the documents to the Board/Design Committee members by one of the following methods:

Preferred Method: All documents are to be on letter sized (8.5 by 11.0 inches) paper. Upon receipt, the Management Executive, or designee, will scan the documents into an electronic file (portable document format, or, PDF file) for electronic mail distribution to the Board/Design Committee members for their review. The Board/Committee members will review the documents and make their recommendations via email. Questions/clarifications will be directed back to the Management Executive, or designee, to be addressed with the submitter. All design requests approved by this method will have the email recommendations, and the original Design Request documents archived, and a letter issued, by the Management Executive, or designee. The approval will be read into the Minutes of the next Board of Directors Meeting.

Alternate Method: In the event the submission cannot be scanned into an electronic file, (pages to large, etc.) the Management Executive, or designee, will distribute the available copies to Board/Design Committee members by regular mail. These will be reviewed at the next Board of Directors/Design

Committee meeting. Design Request approval by this method will be read into the [next] Board of Directors Meeting minutes. The original design request will be archived, and a letter issued, by the Management Executive, or designee.

RULE 21: RESERVED RIGHTS

The Board of Directors reserves the right to modify the Design Guidelines without advance notice.

If the DRC determines that an Application requires the review of a professional consultant, including architects, engineers and other professionals, the DRC may charge the consultant's fees to the Owner (in addition to the DRC's basic review fee); provided that before any consultant review is commenced, an estimate of the consultant's fee shall be determined and provided to the Owner in writing.

The DRC may charge any reasonable costs incurred by the DRC or its members in connection with the DRC's review of an Application for Design Review to the applying Homeowner. Such costs or expenses shall be in addition to the DRC's basic review fee and any consultant's fee. The DRC shall, in conjunction with the Board of Directors, determine the appropriate fee for each application. Review fees may be revised by the DRC as deemed necessary. The current fee schedule at any point in time is available in the property manager's office.

RULE 24: PUBLIC AREAS

Owners shall keep all public areas clean during period of construction. Materials shall not be stored so as to block or partially block public access areas. No construction materials or equipment will be stored in any area visible from adjoining streets.

EXHIBIT "A" APPROVED PLANT MATERIALS

Small Canopy Trees	Fruit Trees	Palms	Shrubs
Allspice	Avocado	Areca	African Irix
False Olive	Citrus	Bottle	Bird of Paradise
Harpullia	Papaya	Coconut	Dwarf cycad
Hawaiian Kou	Pomegranate	Fuji Fan	El Dorado
Hong Kong Orchid		Fishtail	Gardenia Varieties
Jaboticaba		Kentia	Ginger Varieties
Kelamona		Licuala	Heleconia Varieties
Lignum Vitea		MacArthur	Ixora Varieties
Pink Tecoma		Manila	Monstera
Plumeria Varieties		Rhapis	Philodendron
Podocarpus		Royal	Plumbago
Puakenikeni			Spathyphyllum Varieties
Strawberry Guava			Spider Lily
			Ti Leaf

Approved Ground Covers	Approved Grasses
Ice Plant Oyster Plant Hearts and Flowers Portulaca Bacopa (Baby's Tears) Gazania Impatients	Bermuda (Hybrid, Tifgreen, Fifway, Sunturf, Green Velvet) Zoysia (El Toro, Manila Grass, Macaren Temple, Emerald, Korean Velvet, Tropic Green) Seashore Paspalum Centipede St. Augustine (Buffalograss, Dwarf St. Augustine) Bermuda (Common, Manienie, Mahiki)

Plants not listed here are subject to approval.

7. APPLICATION REQUIREMENTS AND TIMETABLE

If you plan to make changes to your property, you may need to obtain approval from our Association's Design Committee and Architect. The following will briefly identify what you will need and the time schedule to follow:

Step 1 Homeowner decides to make changes to the property

Step 2 Homeowner reviews the Hu'elani Design Guidelines, and if required, the Master Association's (Ewa by Gentry) Design Guidelines

Step 3 Homeowner obtains and submits, per one of the methods described in Rule 20, the following information to the Management Executive, who will log it in and forward it to the Design Committee (or Board of Directors) for consideration:

- Application (Original - 1 copy) with a check made out to Hu'elani for any applicable fees (see page 13 for a list of applicable fees). The Application Form is located on page 16.
- A Plot plan where applicable, (the copy which you obtained at closing, as amended to include any additional approved design request) with the proposed improvements shown clearly and highlighted (crisscross marks or color coding are helpful). Dimensions are critical, especially location in feet from property lines.
- Samples of window tinting, paint chips, pictures, brochures, drawings of screen doors, skylights, etc. are required.
- Blueprints by a professional architect, where applicable.
- A Neighbor Notification Letter is required for work affecting an easement area or for any proposed change that is visible to a neighbor—from the front, side, or back—or could affect a neighbor's privacy or serenity, such as noise from wind chimes. The letter is on page 17. (See the Hu'elani Design Philosophy on page 2)
- Other materials appropriate to show the type of work being requested.

Step 4 The Design Committee reviews the application and supporting documents with the homeowner (if required) to confirm that the necessary documents or information have been provided. This is intended to assist the homeowner and should not be confused as a guarantee of the Board of Directors approval.

Step 5 The Design Committee makes recommendations to the Board of Directors.

Step 6 The Board of Directors will take the request and the Design Committee's recommendation under advisement. The Management Executive will process the documents and notify (in writing) each homeowner of the results. For construction projects, a Hu'elani Permit will be included with approvals (must be posted on site).

Step 7 If the plans are disapproved, the plans must then be revised to conform with DRC design requirements and resubmitted for reconsideration and approval within 120 days, in order to avoid additional application permit processing fees.

Step 8 Oral requests for approval or preliminary approval of proposed work that is subject to these rules and regulations will not be accepted, either in person or over the telephone. Only written approvals will be considered valid.

Step 9 The Fact that an Owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from County agencies having jurisdiction over related permit approvals, or will suffer any alleged hardships shall not be a basis for any modifications to the approval process required by the DRC under the provisions of the Master Declaration and these Guidelines.

Step 10 Contractors and suppliers may not submit plans, materials, or products for review to the DRC. The property owner has the sole obligation to submit plans for work to be performed.

8. GENERAL APPROVAL CONDITIONS

The approval of a Design Request is subject to the following:

1. The owner is responsible for complying with the requirements of the Master Association (Ewa by Gentry) Design Guidelines, all applicable City & County codes, ordinances, and regulations. If one is required, a Building Permit must be obtained prior to the start of construction.
2. The exterior materials, colors, and details must match the existing structure.
3. Construction materials shall not be stored so as to block or partially block common areas. Each owner shall be responsible for disposing of construction waste and debris and for keeping all areas surrounding the property free of waste and debris at all times during the construction.
4. The improvement must not infringe upon the common elements.
5. Once construction has begun, it must be completed within thirty (30) days unless another or longer work schedule has been approved.
6. The owner is fully responsible to retain the letter of approval and all enclosures, as a personal record in the event proof of design approval is required. If sample material is returned to you bearing the Design Committee or Board of Directors approval, it is considered to be part of the approval letter. In no case will the sample bearing the Design Committee or Board of Directors approval be given to a contractor for use in sales presentations.
7. A Hu'elani Board of Directors approval certifies compliance with the Association's Community Area Restrictions and is not a part of the structural or safety aspects of the improvement.
8. Upon completion of work, the owner shall give written notice to the Board of Directors. The Board of Directors reserves the right of inspection upon completion.
9. No improvement shall alter (negatively impact) existing swale(s) and drainage patterns on the property unless approved by the Design Committee.
10. Owner must obtain Neighbor's Notification (in writing) for any work done in the use easement area (See Hu'elani Design Philosophy on Page 1). Please use the Neighbor's Notification form located on page 14.
11. For all construction, alterations, or installations that penetrate the roof or exterior siding, a current Certificate of Insurance from the contractor must be provided naming the Association as an additional insured and owner where work is being provided.

9. DESIGN REQUEST APPLICATION FEES

No Charge:	Gutters/down spouts Screen doors and/or storm windows Window tinting Cable TV Dishes (e.g., Direct TV) Accessories (e.g. seasonal door wreaths, art objects, shutters, etc.) Air conditioning systems Solar Units Natural Landscaping Material
$25.00	Trellis Fence/gate relocation and/or installation Window Changes Cement: Concrete slab and/or sidewalk Walls Drainage pattern adjustment Landscaping of non-vegetative surfaces Sheds (store bought, plastic , pre-made)

$50.00	Pools/spas Extension/renovations Structural changes Sheds (wooden) Electrical/plumbing work

As outlined in the Design Request Information Packet, there are improvements that may require approval. Depending on the complexity of the improvements, a fee may or may not be charged.

The following are a few examples of the tiered fee system:

10. DESIGN COMMITTEE ENFORCEMENT POLICY

1. **Construction without Permit**

   Any homeowner who has made improvement(s), addition(s) or material change(s) to the home without first obtaining a Hu'elani by Gentry Alteration Permit is subject, upon receipt of certified mail, to cease and stop any further construction and to submit plans for approval within seven (7) days after receiving the notification.

2. **Construction that differs from plans**

   The homeowner whose construction or material changes have deviated from approved plans is subject, upon receipt of certified mail, to make immediate corrections per approved plans within 30 days, or to submit revised plans within seven (7) days for approval after receiving the notification.

3. **After the fact applications and permits**

   Any homeowner, including their contractors, tenants, family members, friends and / or visitors who elect to build upon or in any way alter the lot without prior approval and permit does so at their own risk, and is fully responsible for all cost related to removal or alteration of the unapproved modification or any other assures necessary to bring the lot into compliance. Building without prior approval and permit is a VIOLATION and will be treated as such.

   NOTE: BUILDING WITHOUT A PERMIT DOES NOT IN ANY WAY OBLIGATE THE BOARD DIRECTORS TO APPROVE ANY MODIFICATION OR IN PART REGARDLESS OF THE COST TO ALTER OR REMOVE THE MODIFICATION. HOMEOWNERS, WHO BUILD WITHOUT A PERMIT, DO SO AT THEIR OWN RISK.

After the fact applications will be charged double the fee if a fee is applicable. There is absolutely no guarantee of approval regardless of the fee charged and/or paid.

Important Note: Please remember that any changes made to the exterior of any home that does not meet Design Guideline requirements or without obtaining approval is subject to removal of the non-conforming improvements at the homeowner's expense. The homeowner is also subject to fines or the violation until the violation is removed.

11. RIGHT TO APPEAL

Please read this section carefully. There are strict limits to the appeal process and if you do not understand them, contact the Managing Agent for further explanation.

Should you be issued a citation and/or fine for a violation, or if your request for modification is denied, you have the right to appeal to the Board of Directors provided that you submit your request for an appeal in writing within thirty (30) days of the citation, fine, or disapproval. If your are appealing a Board of Directors decision for a specific request, it is required that you make any necessary or noted changes to the original request as required by the Board of Directors, or to provide documentation to support your appeal prior to appealing to the Board.

The appeal process does not automatically take place. You must initiate the appeal by your request and submittals, whether they are drawings, photos, examples, etc. If an appeal is not requested, it will not take place. The Board of Directors is not bound to offer appeals; it is you responsibility to request an appeal.

Following the appeal, if the Board of Directors denies your appeal, your right to appeal ends there. There is no "right to appeal" beyond the Board of Directors. Therefore, the Board will be the final authority on all appeals.

Before appealing a violation citation or fine, please know that you will be expected to fully comply with the covenants, and to maintain compliance no matter what is decided in the appeal. Any deadlines issued will be upheld unless specifically stated in writing from the Association. Leniency on the part of the Board of Directors does not forgive the requirement to maintain your home in compliance with the covenants at all times.

The Board of Directors does not wish to cause financial hardship by issuing fines. They would much rather that you invest your hard-earned dollars into beautifying your property and maintaining it in that condition, as you originally agreed to do upon signing your deed. However, sometimes fines accomplish what notices and discussions do not. It is important that you have some knowledge of the covenants and rules so that you can avoid any fines.

12. **FORMS**

Forms	Page
Application for Design Committee Approval for Modifications, Additions or Improvements	16
Neighbor's Notification, Design Change Notice	17
Design Application Response (Board)	18

APPLICATION FOR BOARD OF DIRECTORS APPROVAL OF MODIFICATIONS, ADDITIONS OR IMPROVEMENTS

Property Address: _____ Lot. _____

Contact Person: _____ Ph: _____ Ph: _____

Legal Owner: _____ Ph: _____ Ph: _____

_____

Mailing Address (if different): _____

Description of modification/addition/improvement:

☐ Fence ☐ Concrete Sidewalk ☐ Moss Rock Wall ☐ Free Standing Wall

☐ Air Conditioner ☐ Concrete Slab ☐ Extension/Enclosure ☐ Solar Unit

☐ Other (Please specify):

_____

_____

_____

General Contractor:

_____

General Contractor's Signed Agreement to follow all Hu'elani Rules and Regulations, including speed limit 5 MPH, noise and parking while in the community:

Contractor's Signature: _____ Date: _____

Comments:_____

_____

_____

Attach two (2) DRAWINGS, BLUEPRINTS or SKETCHES showing plot plan: with property boundary, location of existing structures, and the modifications, additions or alteration with measurement such as height, width and length of the changes and clearances from the property line. Show any setbacks, easements, and materials to be used. All exterior must be painted to match the existing color scheme. Please make check payable to Hu'elani. Send all documents to Hu'elani, c/o Hawaiiana Management Company, Ltd., 711 Kapiolani Boulevard, Suite 700, Honolulu, Ill 96813

IMPORTANT: Approval of this application by the Board of Directors is required before any construction is permitted under the Association's Covenants Codes and Regulations. Failure to obtain approval for construction violates the covenants and can result in removal of non-conforming construction or improvements at the Owner(s) expense. The Owner is responsible for obtaining required City and County Building Permit in addition to Hu'elani Board of Directors approval. Approval of this application is for aesthetic purposes only and does not in any way indicate any opinion nor ratification of structural quality or soundness of the plan by the condominium association, its Board of Directors, employees, agents, assignees, or the Hu'elani Board of Directors.

Owner(s) Signature(s): _____ Date: _____

FOR OFFICE USE ONLY
Date Received:_____ Check No. _____ By: _____

NEIGHBOR'S DESIGN CHANGE NOTIFICATION

TO THE HU'ELANI BOARD OF DIRECTORS

Date: _____

Applicant _____	Neighbor: _____
Lot No. _____	Lot No. _____
Address: _____	Address: _____
Residence Phone: _____	Residence Phone: _____
Business Phone: _____	Business Phone: _____

I (we) have been notified that our neighbor has requested a Design Approval to make improvement(s) to their home/yard, which may affect our use easement area or may have an impact on my (our) unit of property.

They propose to:

The drainage pattern will be maintained and not altered, and we continue to have access to our easement for maintenance purposes. If there are any changes to this improvement that affect the easement area after this date, the applicant must again ask for the approval and submit a copy to the Managing Agent's office along with other documents for their application re-submittal.

We, the undersigned, have reviewed the proposed improvement(s) based on the drawings (attached), dated_____ for the above motioned work.

Check one of the following: (for consideration of the Design Committee)

☐ I (we) approve of this design modification

☐ I (we) have reservations or issues with this request, and my (our) comments are provided below:
Use back of this form if additional space is required.

Applicant's Signature/Date	Neighbor/Owner Signature/Date

DESIGN REQUEST APPLICATION RESPONSE

Date: _____ Lot No.: _____

The Board has reviewed your Design Request and has:

☐ Approved your request as submitted.

☐ Approved your request with the following modifications.

_____

_____

☐ Obtain the WRITTEN approval of your neighbor

☐ Termite treatment is required.

☐ Maintain Drainage Patterns.

☐ Other: _____

_____

_____

☐ Disapproved your request for the following reasons.

☐ Additional information/samples/pictures are needed.

☐ Request does not comply with City/State requirements.

☐ Request does not comply with Community Association Requirements.

☐ Other: _____

_____

_____

For the Board of Directors:

Director _____ Date: _____

Director _____ Date: _____