



# Design Review Guidelines

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# **WAILANA AT SEA COUNTRY HOME OWNERS ASSOCIATION DESIGN COMMITTEE RULES AND GUIDELINES**

## **Introduction**

The following rules and guidelines have been prepared from the Declaration of Covenants, Conditions and Restriction (DCCR's) of Wailana at Sea Country & Sea Country Master Association, from previous Design Committee Rules, and from the experience of the Design Committee since its inception. Nothing in these rules and guidelines shall be constructed to alter or change the meaning or intent of the Wailana at Sea Country Association Declaration of Covenants, Conditions & Restrictions, hereinafter referred to as the DCCR's.

## **I. The Wailana at Sea Country Design Philosophy**

Wailana at Sea Country is a planned community with a variety of residences, community facilities, commercial areas, and other urban elements designed with unifying continuity in mind. The desire to encourage freedom and individual expression in construction improvements must be limited by protection of the covenants, which are for the benefit of all property owners within Wailana at Sea Country. Administration of these covenants has been assigned to the Design Committee. A primary purpose of the Design Committee is to insure harmonious aesthetic relationships. The Design Committee interprets the covenants with flexibility and will approve designs and materials that, in its opinion, will enhance rather than detract from the community. The 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. Furthermore, the Design Committee recognizes new and different designs. Therefore, it will attempt to be equitable, consistent in application of criteria, and timely in judgment with regard to new trends in design and materials. The Committee will not approve self-conscious designs or materials that are faddish and of short-lived stylishness. The Design Committee is continually striving to upgrade the quality of improvements in Wailana at Sea Country. 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.

## **II. Design Committee Duties**

The Design Committee's role is to protect the visual character of Wailana at Sea Country and, by inference, the economic values. The Committee is concerned with all exterior house and garden designs and materials visible from the street and neighboring properties. The Design Committee shall act in accordance with the DCCR's and these guidelines.

## **III. Authority**

The DCCR's of Wailana at Sea Country contain standards and restrictions affecting each owner in the use of his lot. Whenever an owner proposes to make any improvement to or build on his lot or to reconstruct, alter, or refinish the exterior of any improvement already constructed, he must follow the procedures outlined in the DCCR's or amendments. Any substantial structural addition or alteration visible from the street and/or neighboring properties must have prior approval of the Design Committee.

## **IV. Limits of Liability**

Approval of plans by the Design Committee is solely for architectural design and for conformance with the requirements of the DCCR's and these rules and guidelines. No representations are made, nor is any responsibility assumed by the Wailana at Sea Country Home Owners Association, or the Design Committee, regarding the structural quality or soundness of the work proposed or approved. It shall be the responsibility of the owner to examine the premises and to undertake adequate design for all improvements or changes to be constructed on the owner's property. Neither the Design Committee nor any member thereof shall be liable to any Owner or to any other person for any damage, loss or prejudice suffered or claimed on account of (a) the

approval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development or manner of development of any property within Wailana at Sea Country, or (d) the execution and filing of an estoppels certificate, whether or not the facts therein are correct, provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith.

## **V. Other Codes, Laws, Rules and Ordinances**

Approval of plans does not eliminate the owner's obligation to comply with all existing laws, ordinances, rules and regulations made by any governmental authorities or with any terms and conditions required under the DCCR's of Wailana at Sea Country, or any deed, lease, or mortgage.

## **VI. Definitions**

Some of the following definitions are extracted from the DCCR's; others were developed by the Design Committee to guide its deliberations.

**Design Committee:** The committee created pursuant to Article(s) of the DCCR's.

**Design Committee Rules:** These rules adopted by the Design Committee pursuant to the DCCR's and ratified by the Holomoana Owners Association.

**Excavation:** Any disturbance of the surface of the land (except temporarily for planting), which results in removal of earth or rock to a depth of more than 18 inches.

**Fill:** Any addition of rock or earth materials to the surface of the land, which increases the previous elevation of such surface by more than 18 inches.

**Garage:** The term "garage" includes "carport". A garage can be used for parking vehicles other than automobiles as well as boats and trailers.

**Improvements:** Includes buildings, outbuildings, roads, driveways, parking areas, fences, retaining walls, stairs, decks, hedges, windbreaks, planted trash surrounds, poles, signs and other structures of any type or kind.

**Lot:** Any lot designated on a subdivision map for residential use, or with respect to any condominium, an apartment of such condominium, or with respect to any apartment house, duplex, or multiple dwelling, a complete residential unit, and in each case, except when clearly contrary to the context, includes all improvements thereon.

**Owner:** Each person, corporation or other legal entity who is, or such persons, corporations or other legal entities who are the beneficial owner of any lot. Provided, however, that with respect to any condominium, the term owner shall mean apartment owner as defined in the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes. For the purpose of limitations and restrictions set forth in Article III of the Declaration: (a) owner shall not include the Declarant with respect to any lots owned by the Declarant and (b) owner shall include for the purposes of Article III, unless the context otherwise requires, family, invitees, licensees and lessees of any owner.

**Paved Driveway Area:** The durable surfacing of a road, sidewalk or other outdoor area (e.g. concrete, asphalt concrete). Prefabricated concrete, grass concrete or bricks, may be used only in secondary parking areas.

**Private Yard Area:** Any real property conveyed to any owner (other than Declarant or the Association) by means of a deed, together with all improvements from time to time constructed thereon. The land area appurtenant to each Residence, as described in this Declaration and as shown on the Condominium Map, and bearing the same Private Yard Area number as the unit number assigned to the Residence, is a limited common element.

**Parking Stall Assignments:** All Residences have two (2) assigned parking stalls. Some Residences may have either a one car or two car garage as a component of the Residence, or no garage. The Condominium Map identifies each stall by a parking stall number.

**Residence:** A building or buildings used for residential purposes, together with any garage, carport or similar outbuilding appurtenant thereto, whether or not a part of the same structure.

**Retaining Wall:** Any structure constructed for the purpose of containing or supporting any earth embankment and/or fill.

**Visible from Neighboring Property:** Any object or activity that is in line of sight originating from any point six (6) feet above any adjoining property including common areas and streets.

**Act:** The Condominium Property Act, Chapter 514A, Hawaii Revised Statutes (1995 Repl.), as amended.

**Association:** The Association of Home Owners of Wailana at Sea Country, consisting of all Residence Owners acting as a group in accordance with this Declaration, the Bylaws and the Act.

**Board of Directors:** The Board of Directors of the Association.

**Bylaws:** The Bylaws of the Association Recorded concurrently with this Declaration, as amended from time to time.

**Community:** Shall refer to Wailana at Sea Country development, consisting of buildings, landscaping, improvements and structures thereon and all easements, rights and appurtenances belonging thereto.

**Common Area:** Includes, but need not be limited to:

1. Any landscaping and other flora, structures and all other improvements located upon and within any Common Area
2. Roadways and medians and rights of way along or within the Roadways, including trees and other landscaping and/or irrigation facilities located therein or thereon
3. Any private emergency, access or service roads owned by Declarant or are required to be maintained and which provide ingress and egress to and from the Property and adjacent lands
4. The Roadway Landscaped Easement Area
5. All Community perimeter walls designated in Supplemental Declarations as Common Area, entry monuments.

## VII. Design Review Procedures

The following procedures must be followed and Design Committee approval obtained prior to obtaining other required permits or beginning any construction. These Design Committee procedures are only to comply with Wailana at Sea Country's planning and design standard. Lot owners are responsible for obtaining the necessary City and County building permits and complying with all applicable City & County codes, ordinances and regulations.

**Step 1:** Obtain a copy of the "Design Review Committee Application Form" which is available from the Wailana at Sea Country Home Owners Association Office or Recreation Center or Sea Country Property Manager.

**Step 2:** Prepare your drawings as follows:

- a. **Plot plan** (scale 1 inch=20 feet): The plot plan is at the time of original sale contains all the required information except the outline of the proposed modification. If the original plot plan is unavailable, prepare a plot plan showing the lot dimensions, property lines, drainage swales, adjacent streets, existing dwellings and improvements, including fences and trash enclosures. Proposed improvements should be emphasized. (Either darkened or shaded)

**b. Building plans and elevations:** Show floor plan (top view), roof plan and all elevations front, rear and side views. Most important, a cross-section of the point of the roof connection must be provided. Building plans must include specifications for the type and finish of all exterior materials, which should match the existing materials and colors as closely as possible. If the structure or structures are to be finished in a different color, swatches of the proposed new colors must be provided.

**Step 3:** Submit one copy of the Design Committee Application Form along with one (1) copy of your drawings to the Wailana at Sea Country Design Committee. The original sets of plans will be returned.

**Step 4:** Depending on the complexity and adequacy of the plans, the review process may take anywhere from one to four weeks after receipt of proper applications. If the proposed modifications are acceptable, an Wailana at Sea Country Design Permit will be issued and the applicant may proceed with processing through the City and County Building Department, as required. If the plans are not approved by the Design Committee, the applicant will be notified and one set of plans will be returned with appropriate comments. The plans must then be revised for approval before construction will be permitted. Custom lot construction is subject to additional requirements. Oral requests for approval of proposed work that is subject to these rules and regulations will not be accepted. The fact that an owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from City and County agencies or claims he/she will suffer alleged hardship, shall not be a basis for Design Committee approval. Projects, once begun, must be completed in accordance with approved plans. Financial inability to conclude the project will not excuse an owner from his commitment to complete. Contractors and suppliers may not submit their materials or products for "blanket approval." The Owner has the sole responsibility for insuring that work contained in approved plans is performed in accordance with these rules and regulations and the Wailana at Sea Country DCCR's.

**ILLUSTRATION: Seeking approval for your single-family home addition (i.e. Lanai/balcony).**

1. Plan your addition and submit your plans in the early stages of design for a preliminary review by the Sea Country Resident Manager and Wailana at Sea Country Design Committee.
2. Submit your final plans to the Design Committee for review and to obtain a Wailana at Sea Country Design Approval Permit.
3. Submit your final plans to the City & County Building Dept. to obtain a Building Permit. The Building Dept. will NOT begin to process your plans without a Wailana at Sea Country Design Permit.
4. Post both of your permits in view of the street and commence your construction.

**ILLUSTRATION: Seeking approval for additions, which are part of a Townhouse or Condominium Association, or a planned Unit Development Association.**

1. Plan your addition and submit your design plans in the early stages for a preliminary review by the Wailana at Sea Country Design Committee Supervisor.
2. Submit your final plans to your Condominium Board of Directors and obtain a letter of approval.
3. Submit your final design plans, with the Condominium Association letter of approval and Design Application to the Design Committee for review and to obtain a Wailana at Sea Country Design Approval Permit.
4. Submit your plans, with the Wailana at Sea Country Design Permit, to the City & County Building Dept. To obtain a Building Permit.
5. Post both of your permits in view of the street and commence your construction.

## VIII. Fees

An Architectural Review Fee will be charged to applicants according to the following fee schedule. The fees are to cover professional services for preliminary and final plan approval and final field inspection. Additional charges may be assessed if the approval process is prolonged by conditions beyond the control of the Design Committee.

### Fee Schedule

**High Level Modifications:** \$150.00

Custom House, Single Story Multiple Room Addition, Single Room Addition, (Family Room, Lanai, Bath only, Hot House, Trellis, etc.) Major Modifications: Swimming Pool/ Spa/ Fences/ Walls/ Decks// Awnings/ Fireplace, Enclose Garage, etc. Solar Heater Installation / Gates Security Windows / Trash Enclosures

**Mid Level Modifications:** \$75.00

Any form of backyard cement work and electrical work.

**Low Level Modifications:** \$25.00

Any non-approved Screen Doors, Security lighting, Storage Units. Any form of permanent sprinkler system.

**No Fee Items:** \$0.00

Any request that has been pre-approved by the Board (i.e., Approved screen doors, security lighting/cameras/motion sensors, hanging plants/chimes and storage units) the cost to the homeowner will be free, but still must follow all Design Request Guidelines. The association will provide plans of specification and model numbers to the homeowner to use this level. Any form of landscape request that has grass, bushes, trees and non-cemented stones or pavers type bricks. NO electrical or plumbing, cement or sprinkler systems are allowed at this level.

All plans must be submitted by the homeowner, or his/her authorized agent, at the Wailana at Sea Country Home Owners Association Office or Recreation Center or Sea Country Resident Managers Office.

## IX. Time Requirements

1. Home owners who start and then fail to pursue timely completion of modifications, additions, improvements, or painting prior to the expiration date designated on the Wailana at Sea Country Design Permit and established by the Design Committee will be required to submit a new Wailana at Sea Country Application for Design Committee Approval along with all pertinent plans and specifications as appropriate, for reconsideration by the Committee and issuance of a new Wailana at Sea Country Design Permit. Any applicable Architectural Review Fees in effect at the time of re-submittal will be due and payable prior to the issuance of a new Design Permit.
2. **Required Start Date:** All permits and approvals issued by the Design Committee are null and void if construction does not commence within ninety (90) days of the committee's permit issue date.
3. **Expiration Dates for Design Permits:** Permits issued for painting or repainting have an expiration deadline of six (6) months from the date issued. If painting approval was granted in conjunction with a permit for new residence construction or on an approval for modifications, additions or improvements with work other than painting involved, the expiration date will be in accordance with sub-paragraph a or b below, as applicable.
  - a. **Expiration Dates for Modifications, Additions or Improvements**  
Permits for modifications, additions, or improvements have an expiration date one year from the date of issuance.
  - b. **Expiration Dates for New Residence Construction**  
Permits granted for the construction of a new residence have an expiration date of two years from the date of issuance.



### **c. Cancellation of Permits or Approvals for Lack of Progress**

If at any time, more than six (6) months have passed without substantial/significant progress toward completion of any project for which the Design Committee has granted a permit, the committee may declare all permits and approvals null and void; and the owner must submit a new Application for Design Committee Approval, along with relevant plans and specifications, as amended. The owner will be responsible for any Architectural Review Fees in effect at the time of re-submittal. Determination of a lack of substantial and/or significant progress in a project will be made by a majority vote of the members of the Design Committee.

Note: The Design Committee shall not be bound by any previous decision when considering plans and specifications re-submitted to the Committee as a result of an owner exceeding the time requirements for completion of any project.

## **X. Rules and Guidelines**

### **1. Construction Value**

There is no limitation regarding the value of homes or improvements on lots in either the custom or private areas. It is recognized, however, that the standards established herein imply moderate to high value.

### **2. Materials**

All materials used for structures shall be termite and fungus free, and shall be new. Materials shall not be garish by their nature or as a result of their use with other materials. A mix of materials will be approved only if the materials complement each other. The availability of a material to be used shall not be a basis for approval. Ownership of or interest in a material distributorship, construction company, or franchise shall not be a basis for approval.

### **3. Grading**

The Owner shall accept the condition of the lot as is and shall be responsible for the maintenance of the lot, including wind and water erosion control. All grading, excavation, fill and site work required, following acceptance of the lot by the owner, shall be done only in accordance with approved drawings and at the expense of the owner. Fill material brought to the site shall be free of adobe, termites and deleterious matter. The owner shall obtain a grading permit for cuts and fills as required by ordinances of the City and County of Honolulu, and shall abide by all City & County Ordinance requirements. All graded areas shall be landscaped. (See: Landscaping) Surface drainage must not be altered or obstructed. Any drainage swale altered during a modification or alteration on an Owner's lot must be reconstructed so as to be functional. Surface runoff shall be dispersed or channeled in a manner so as to prevent erosion or encroachment onto adjacent property, and only in accordance with approved grading plans.

- a. **Excavation.** Whenever an owner excavates within his lot, it shall be done so as not to adversely affect the drainage of any adjacent properties. Whenever excavation creates an unstable bank condition, or potentially unstable bank condition, the owner shall take appropriate action to control and retain said embankment. Excavation, which, in the judgment of the Design Committee, creates a high and unsightly retaining wall, may be disapproved.
- b. **Fill.** Whenever an owner seeks to fill his lot, it shall be done so as not to adversely affect any adjacent properties. Whenever fill creates an unstable or potentially unstable bank condition, the owner shall take appropriate action to control and retain said embankment. Fill, which, in the judgment of the Design Committee, creates an extremely high and unsightly retaining wall may be disapproved. Whenever fill or excavation requires the construction of a retaining wall it shall be the owner's responsibility to install and maintain said retaining wall. Further, wherever fill or excavation causes destruction of existing draining swales or natural drainage patterns, it shall be the owner's responsibility to restore such swales and drainage patterns or to otherwise provide for adequate drainage.

#### **4. Name Plates and House Numbers**

All residences must have easily readable house numbers affixed to the dwelling or mailbox.

#### **5. Electric Service**

All residential utility, electric, and telephone service lines shall be underground.

#### **6. Sanitary and Water Piping**

All sanitary and water piping shall be concealed.

#### **7. Ground Termite Treatment**

Soil under all concrete slabs on grade and all building floors, whether on grade or over air space, and all footings and masonry foundation walls shall be treated against subterranean termites. Chemicals used outside of the buildings or in accessible spaces under buildings shall be used with the utmost regard for the safety of children, plant life and pets. All termite treatment work shall be performed by a properly licensed and qualified pest control operator who is required to issue a certificate from the Pest Control Company.

#### **8. Fences and Walls**

- a. Custom Lots.** Fences and walls of non-reflective materials may be constructed on custom lots, ten (10) feet from the front boundary line. The setbacks for buildings, fences and walls along rear property lines bordering the Wailana at Sea Country shall conform to the Land Court map.
- b. Private Areas.**
  - (1) **Footings:** Footings for walls and fences including post holes shall be wholly within an owner's lot and shall not encroach upon any adjacent property unless by specific written agreement between the two property owners.
  - (2) **Height:** The maximum height of walls and fences shall not exceed the legal limit allowed by City & County codes, notwithstanding other height limitations outlined in these guidelines. In addition, where practicable, the height of any proposed wall or fence should not exceed that of any existing walls and fences on adjacent properties, i.e., the height of fences and walls on adjacent properties should be identical.
  - (3) All applicants planning to construct fences or walls on their property must indicate on their plans the location, heights and type of material of any existing walls and/or fences on adjacent properties.
- c. Wailana at Sea Country Walls and Fences.** Walls and fences owned by the Wailana at Sea Country Home Owners Association shall not be removed for work on any owner's lot without the prior written approval of the Wailana at Sea Country Home Owners Association. A bond may be required to ensure that walls and fences owned by Wailana at Sea Country Home Owners Association will be restored to their original condition, including replacement of trees and any other previously installed landscaping.
- d. Change in Height.** No Wailana at Sea Country Home Owners Association wall or fence shall be changed in height by an adjacent owner without the prior written approval of the Wailana at Sea Country Home Owners Association and the Design Committee. Changes in height will be allowed only in instances where the change will not disrupt the appearance of the wall or fence or the maintenance thereof. Any change in wall height must be made with matching materials approved in advance and in writing by the Association Board of Directors and the Design Committee.
- e. "Rear & Side Yards":** For purposes of these guidelines, a rear yard shall be defined as a yard at the opposite end of a lot from the front yard, except in the case of corner lots.

## 9. Maintenance of Public or Common Areas during Construction

Property owners shall keep all public areas clean during periods of construction. No storage of construction materials and equipment will be permitted in public areas when construction has been completed. Materials shall not be stored so as to block or partially block public areas.

## 10. Additions and Enclosures

- a. **Rooms.** Wherever a room is added, exterior siding, window and door details shall match the original or existing structure. The height of all openings for windows and door frames shall match those of the existing structure.
- b. **Lanai Slabs and Walkways.** When reviewing a plan for a lanai slab, the Design Committee shall consider the potential covering or enclosing of said lanai to determine if such addition can be made without compromising the exterior appearance of the dwelling. Other concrete work such as walkways must leave adequate room for landscaping within the property and meet other applicable criteria. Termite treatment will be required for all lanai slabs.
- c. **Lanai with Roof.** Aluminum, fiberglass and other prefabricated lanai roofs will be approved only if they meet the intent of these rules and regulations in the judgment of the Design Committee.
- d. **Metal awnings** may not be used unless painted a solid flat color. Canvas awnings may be used in solid colors approved by the Design Committee.
- e. **Enclosed Lanai.** Refer to 10a, "Rooms," above.

## 11. Visibility from Neighboring Property or Street

The Design Committee shall at all times consider the impact of additions, improvements or changes to the property on neighboring properties or streets. The committee shall have the right to make design changes to two story additions, which they feel are too "unfriendly" to the neighboring property or streets. If the design of the addition "crowds" the neighbors or adjacent street, the Design Committee will ask the applicant to set the second story back from the front, side or rear property lines. See illustration below on "friendly" and "unfriendly" designs.

## 12. Screen Doors

Screen doors with exposed reflective material shall not be approved. Whenever screen doors are requested for a multi-family project, the Design Committee shall require that Screen Doors be made of galvanized steel with a powder coat, vinyl or aluminum, painted white to match the trim of the home.

## 13. Dog Houses, Hot Houses, Storage, Gazebos and Tool Sheds

Dog houses, hot houses, storage, gazebos and tool sheds and similar structures, which are visible from a street or adjacent property, shall be submitted to the Design Committee for review and approval. Each will be considered on individual merit.

## 14. Gutters

Gutters and down spouts are approved by the Design Committee provided they are non-reflective and painted to match the surfaces to which they are attached. Copper gutters and downspout will not be approved unless painted to match the trim of the structure.

## 15. Guidelines for Installing Antennas/Satellite Dishes:

### I. Background

These guidelines for the installation of antennas and satellite dishes are adopted by the Design Committee of Holomoana Home Owners Association in conformance with the recently adopted rule of the Federal Communications Commission (47 C.F.R. Part 1, subpart S 1.4000 et seq.)["FCC Rule"] governing installation of direct broadcast satellite antennas, multi-point distribution system ("wireless cable") antennas and over-the-air broadcast antennas.

## **II. Existing Restrictive Covenants**

The Association's Declaration of Covenants, Conditions and Restrictions provides: No antenna of any sort shall be installed or maintained which is visible from neighboring property except that antenna placed on the ground and not exceeding ten (10) feet in height above normal grade are allowed if not visible from the adjacent street. Other provisions of the governing documents of the project also restrict installation of antennas. These restrictions will continue to apply to all installations of antennas except to the extent modified by the Rule.

## **III. Antenna Installation Affected by the FCC Rule**

The only antennas which are covered by the FCC Rule are:

1. Antennas designed to receive direct broadcast satellite service, including direct-to-home satellite services, one meter or less in diameter; or
2. Antennas designed to receive video programming services via multi-point distribution services, including multi-channel multipoint distribution services, instructional television fixed services and local multipoint distribution services, otherwise known as "wireless cable" services, one meter or less in diameter or diagonal measurement; or
3. Antennas designed to receive over-the-air television broadcast signals.

Thus, for example, any broadcast antennas (e.g., ham radio antennas) will continue to be subject to the existing restrictions in the governing documents and Chapter 514A, Hawaii Revised Statutes. Furthermore, the FCC rule only covers antennas installed "...On property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property." Antennas installed on property that is not within the exclusive use of the antenna user or property in which the antenna user does not have a direct or indirect ownership interest are not covered by the FCC Rule.

## **IV. Restrictions on Antenna Installation Affected by the FCC Rule**

Antennas covered by the FCC Rule may be installed only in accordance with the following restrictions:

## **V. Any owner proposing to install an antenna shall provide the H.H.O.A. Design**

Committee with a written notice at least seven (7) days prior to installation. The notice shall include:

1. The type of antenna, including dimensions and other specifications.
2. The name of the television service provider.
3. Plans showing the location of the installation and the manner in which the antenna will be installed and cables will be run (located).
4. Prior to installation, the owner shall also provide the Design Committee with a copy of any applicable governmental permit.

## **VI. Antennas and Masts**

shall not be installed, used or maintained on or in the common areas of the project. No antenna or mast may encroach upon any common area, another owner's lot or home site, or the airspace of common areas, or another owners lot or airspace.

1. Except as otherwise provided herein and subject to the subject to the other provisions herein, antennas covered by the FCC Rule may be installed, used and maintained on or in lots (as defined in the Declaration), provided, however, that:
2. No antenna shall be installed, used or maintained on any area that is not within the exclusive use or control of the antenna user;

3. No antenna shall be installed, used or maintained without the prior written consent of the Design Committee on or in any area if the installation, use or maintenance will involve a penetration through, alteration of, addition to, or modification of any area that is not within the exclusive use or control of the antenna user, including, without limitation, any area the Association is required to repair and/or maintain.
4. Subject to the provisions herein, antennas may be installed, used and maintained in the lots (as defined in the Declaration); provided however, that no antenna shall be installed, used, or maintained on any lot, without the prior written consent of the Board of Directors, if the installation, use, or maintenance will involve a penetration through, alteration of, addition to, or modification of any area that is not within the exclusive use or control of the antenna user and/or that the Association is required or permitted to repair and/or maintain.

**VII. If acceptable quality signals can be received by placing antennas and masts inside**

an existing improvement without causing an unreasonable delay or an unreasonable increase in cost then outdoor installation is prohibited. In any event, antennas and masts shall be placed in locations, which are not visible from neighboring properties or public rights of way unless such placement would impair the installation, maintenance, or use of the antennas, in which case the following requirements shall apply:

1. Antennas and masts shall be placed in the least visually obtrusive location, which would not preclude reception of an acceptable quality signal.
2. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from the antenna's location.
3. Antennas placed on the ground and visible from the street, neighboring properties or public rights of way must be camouflaged by existing landscaping or fencing, if such placement insures receipt of an acceptable quality signal.
4. If no landscaping or screening exists, the Design Committee may require antennas to be screened by new landscaping or screening of reasonable cost in such a manner as to blend with surrounding background surfaces or to minimize visibility of the antennas.
5. The antennas and masts shall be painted to blend with the surrounding background surfaces to the extent that this will not preclude reception of an acceptable quality signal. No bare metal may be visible.
6. Exterior antennas shall be installed so as to be minimally visible.
  1. Antennas and masts shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal. As used in this Antenna Installation Guideline, "...preclude reception of an acceptable quality signal..." means that reception would be impossible or would be substantially degraded.

**VIII. Any installer of an antenna other than the owner shall provide the Design**

Committee with proof of such insurance as may be required by the committee from time to time. Masts must be installed by licensed contractors providing proof of such insurance as may be required from time to time by the Design Committee.

- IX. Owners shall not permit their antennas or masts to fall into disrepair or to become**  
safety hazards. Owners shall be responsible for maintenance and repair of antennas and masts. Owners shall be responsible for repair or replacement if the exterior surface of the antenna or mast deteriorates.
- X. Installation shall be performed in such a manner that it does not damage the**  
common areas, lots, or improvements of other owners, or avoid any warranties of the Association or other owners.
- XI. In the event that the Design Committee reasonably determines that it needs to perform maintenance,**  
which will require removal of any antenna, the owner shall remove the antenna. The Design Committee shall give the owner at least thirty (30) working days prior written notice, where practical to do so, in order that the owner may coordinate with his/her service provider. Any relocation or removal of an antenna required under this provision shall be performed by the owner at his/her sole cost and expense and the Association shall not be liable for loss or inconvenience to the owner arising from the removal or relocation.
- XII. No more than one antenna of each type of service may be installed** on a lot by an owner.
- XIII. Antenna installations shall not present any safety concerns**  
and shall comply with all applicable statutes, codes, ordinances rules and regulations promulgated by any governmental authority, including, without limitation, the obtaining of any permits required by such authorities unless those statutes, codes, ordinances rules or regulations have been preempted by the FCC Rule. Installation of antennas and masts, which present potential safety concerns, will require compliance with the normal application process. The FCC has recognized that safety concerns may be presented by masts higher than twelve (12) feet. Safety concerns may also be presented by installation of any mast whose height exceeds the distance to neighboring property or public rights of way measured from the point of installation. Installation of such masts must be approved by the Design Committee. Any application for these masts must include a detailed description and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than twelve (12) feet. If the installation will pose a safety hazard to Association residents or personnel, then the Design Committee may prohibit such an installation. The notice of rejection shall specify the safety risks. The purpose of this rule is to address safety concerns relating to wind loads and the risk of falling structures. Antennas shall not be located in the vicinity of electrical power lines or other electrical or power circuits and in no event shall antennas or mast be placed where they may come into contact with such power lines and circuits. In order to prevent electrical or fire damage, antennas shall be permanently and effectively grounded. Antennas are required to withstand winds of eighty (80) miles per hour.
- XIV. Any tenant wishing to install an antenna or mast must seek permission**  
through the homeowner/landlord.

- XV. Pursuant to the FCC Rule, the Association reserves the right to petition** the Federal Communications Commission for a waiver allowing the adoption of restrictions on antennas which would otherwise be preempted. In the event that such a waiver is granted, antenna installations which are not in compliance with such restrictions may be required to be brought into compliance within a reasonable time as determined by the Association acting through the Design Committee.
- XVI. Owners who are members of the Wailana at Sea Country must confer** with the condominium association board of directors separately for other approvals which may be required. Condominium associations may have additional and/or more stringent requirements related to installation of antennas and masts.

#### **16. Exterior Lighting, Security Cameras, & Motion Sensors**

- a. Exterior lighting fixtures, motion sensors, and cameras may be mounted under the roof eaves. If a fixture is mounted on the gable end of the house it shall be mounted within twelve (12) inches parallel to the roof slope. The light source of such a mounted fixture shall not be visible from neighboring property.
- b. Fixtures mounted on walls shall be mounted at or above the roof fascia line to minimize visibility from the street and neighboring property. The light source of this type of fixture, when mounted, shall not be visible from neighboring property.
- c. Electric bulbs may not project more than forty-five degrees away from the parallel or perpendicular plane of the structure on which the fixture is mounted. (i.e., not pointing outward or to the side.)
- d. Quartz halogen flood lamp fixtures are permitted provided the light source is not visible from neighboring properties.
- e. The light illuminating from an outdoor lighting fixture shall, at no time, be directed into an adjoining property or street. Any outdoor lighting fixture that generates a complaint, shall be redirected, relocated, or removed upon demand by the Association.
- f. Exterior lighting fixtures, motion sensors, and cameras are to match the color of the eaves.

#### **17. House Decorations**

In general, tacked-on house decorations shall not be approved. However, decorations for holidays or special occasions are exempt and need not be submitted for approval provided they are not constructed or applied sooner than 30 days before the event and are removed within 15 days after the event. Also, decorations in common areas are encouraged to be limited to the 18” rock border, patio and or sidewalk. Decorations placed in other common area locations should not interfere with the landscape maintenance and the homeowner accepts and incurs full responsibility/liability for the decorations.

#### **18. Tents and Temporary Structures**

Tents and temporary structures such as lean to's, luau enclosures, etc., may be erected without Design Committee approval, provided the owner shall not continue to use the structure beyond the special event for which it is planned and shall expeditiously remove the tent or temporary structure after its use.

#### **19. “Gingerbread” and Trim**

Scallops, shutters, decorative metal or wood trimmings and other such “gingerbread” decorations shall be disapproved unless they blend with the architecture of the dwelling, do not present a “tacked on” appearance and are not inconsistent with the intent and purpose of these Rules and Guidelines as determined by the Committee. Ornate decorations will generally not be approved.

## **20. Drop Blinds**

Drop blinds for lanais and balconies may be used provided they meet the following criteria:

- a. No garish or bright colors shall be used.
- b. Blinds shall be rolled and/or adequately tied down during periods of high winds to avoid annoyance to adjacent owners.
- c. Blinds for multi-family projects shall be of a single standard design.

## **21. Disposal of Construction Waste and Debris**

Each owner shall be responsible for disposing of construction waste and debris and for keeping the public, private and common areas surrounding his property free of waste and debris at all times during construction.

## **22. Clothes Drying Areas**

No outside clothesline or other outside clothes drying or airing facilities shall be permitted except within a fenced service yard and not visible from the street or neighboring properties. An owner may remove the huna muumuu (dry yard) constructed with his dwelling (if any) provided he makes alternate accommodations for drying in such a way that is not visible from the street or neighboring properties.

## **23. Mailboxes and Newspaper Tubes**

Mailboxes and Newspaper Tubes shall be constructed of material compatible to the residential structure. Reflective surfaces will be subdued with non-reflective paint. These should be painted in a color that does not conflict with the color scheme of the Community.

## **24. Signs & Name Plates**

No signs shall be erected or maintained upon any lot except:

- a. Signs required by legal proceedings.
- b. Residential identification signs of a combined total face area of one (1) square foot or less for each residence.
- c. During construction of any improvement, job identification signs having a maximum face area of six (6) square feet per sign.
- d. Not more than one "For Sale" or "For Rent" sign having a maximum face area of three (3) square feet, such sign to be situated on the premises for sale or rent.
- e. Family Name Signs, Home Sweet Home, Hana Sweet Hana, No Solicitors, Beware of Dog, etc. that meet the above requirements and are not mounted on siding.

## **25. Common Area Benches, Chairs, Lawn Furniture, Tables, etc.,**

All Common Area Furnishings are to maintain harmonious aesthetic relationships with the main structure, be made of vinyl, galvanized metal, plastic, treated wood, and must be well maintained and attractive. Furnishings are acceptable only if placed within the border of the front porch area. No furniture that is not specifically designed for outdoor use will be authorized. No couches, love seats, etc., will be authorized.

## **26. Common Area Solar Lights and Tiki's**

No open flame Tiki's will be approved for safety reasons. Solar lights are approved in general as long as they are decorative, maintained and have no negative impact on the landscapers ability to maintain the landscaping.



## **27. Wind Chimes and Hanging Plants**

Any Wind Chime or Hanging Plant is to be removed if they generate complaints from the community or constitute a safety hazard. Wind Chimes and Hanging plants are to have a hanging length of no more than 2.5' and be mounted at least 2.5' from any door or window. Hanging plants are to weigh less than 10lbs. The homeowner accepts and incurs full responsibility/liability for any damage or injury caused by the hanging of plants or wind chimes.

## **28. Common Area Shoe Racks**

Shoe racks are acceptable if placed within the border of the front porch area, are no larger than 3'x4'x1', are made of vinyl, galvanized metal, plastic, treated wood, must be well maintained and attractive.

## **29. Accessory Structures**

No accessory structures shall be constructed or maintained upon any lot prior to the construction of the main structure, provided that this paragraph shall not apply to temporary construction shelters maintained for a period no longer than one (1) year during and used exclusively in connection of the main structure.

## **30. Underground Installation and Easements**

The owner shall be responsible for determining the location of easements, utility lines, and underground installations prior to start of construction.

## **31. Trees**

- a. No trees planted by Owner within ten (10) feet of the property line on any lot shall be removed or cut down without the approval of the Design Committee.
- b. Trees planted in the planting strips adjacent to public streets are subject to the rules of the City and County.
- c. Fruit Trees are not to extend beyond property fence line, overhang a neighbor's private area or drop fruit in a neighbor's yard. Trees that generate complaints from the community or constitute a safety hazard shall be redirected, relocated, or removed upon demand.
- d. Trees that are potted in large clay pots are preferred, in order to limit growth and possible root damage.

## **32. Wailana at Sea Country Solar Installation Guidelines**

- a. The Wailana at Sea Country Design Committee has adopted rules for the residents of Wailana at Sea Country to follow when installing a solar hot water heating system. The committee's primary concern is to achieve solar installations that will visually blend well with our residential community while retaining an efficient solar system.
- b. Solar Installation Guidelines for Wailana at Sea Country
  1. No part of the installation can extend more than 30 inches above any roof surface, flat or sloped. Upon review of existing installations we have established 30 inches as the highest point the solar installation should extend above the plane of the roof before it begins to dominate the roofline. This height of 30 inches allows for all existing systems to be installed in Wailana at Sea Country. The smaller the angle between the roof and the collector's surface the better the solar collectors will blend with your roofline.
  2. The collector frame, piping and other roof accessories in areas visible to the public must be painted a flat black or the color of the roof on which it is located. This on the roof will make the installation less visible. (Copper piping need not be painted.)
  3. Minimize the amount of visible piping. This will reduce clutter on your roof.

4. Collectors, which are mounted on racks to attain a proper angle, are not required to have the racks enclosed. However those wishing to enclose the racks must obtain Wailana at Sea Country Design approval. In most cases enclosures around the supporting frames begin to draw attention to the installation by making the system more visible and bulky while an installation with no enclosures will appear less visible if the supporting racks are properly painted.
5. Mount the collectors so that its edges are parallel to the edges of the roof. This makes the lines of the collector blend better with the lines of the home.

### **33. Landscaping**

- a. The owner shall, 90 days after taking occupancy of the new dwelling, commence landscaping the lot and thereafter satisfactorily maintain the completed landscaping in accordance with the requirements listed below.
- b. The owner shall not be responsible for landscape the front yard and planting strip(s) between the sidewalk and the street or curb line.
- c. What constitutes "completed landscaping" shall be decided by the Design Committee, but as a minimum grading, weeding (removal of all noxious weeds and vegetation), soil preparation, finished seeding or planting of a suitable ground cover, and the planting or emplacement of customary plant and non-plant landscaping materials to a sufficient degree that the majority of the committee members agree that the area or lot in question is a "completed landscape" rather than primarily "red dirt and weeds" will determine whether the landscaping requirements of these rules and regulations have been met.
- d. All landscaped areas will be maintained in a neat and attractive manner, consistent with any surrounding common areas and shall conform to any additional landscape maintenance standards established in the Design Guidelines.
- e. Lots fronting on two streets shall be landscaped along both frontages. Any portion of a lot visible to a street or neighboring property will be maintained in a good and clean condition. Owners of properties with electrical junction boxes are responsible for insuring that the junction box area is kept in a good and clean condition.
- f. What constitutes a "good and clean condition" as it pertains to the maintenance of completed landscaping on any lot shall be determined by the good judgment of the majority of the members of the Committee.
- g. Vegetable gardens are not acceptable as landscaping for yard areas of planting strips located along any adjoining street or common area.
- h. Each owner shall maintain the grade and ground cover of the Owner's Private Yard Area as to prevent soil erosion and, excessive water run-off onto any neighboring Private Yard Area or Common Area, and the ponding of any water on the Private Yard Area.

### **34. Applied Solar Tints and Films**

Highly reflective solar tints and films for windows are discouraged. No submittal for design review is necessary for non-reflective type tints. However, reflective tints must be submitted to the Design Committee for review and approval before installation.

### **35. Basketball Equipment Standards (Permanent & Portable)**

No permanent or portable Basketball hoops are allowed in Wailana at Sea Country

## APPENDIX

### A. Construction without Permit

Any homeowner who has made an addition, modification or alteration on or within his Lot, or who performs any other work which, under the provisions of the Design Rules or the DCCR's, requires prior approval of the Design Committee, without first obtaining a Wailana at Sea Country Home Owners Association Design Permit, shall, upon notification by the Wailana at Sea Country Home Owners Association via certified mail: (1) immediately cease and desist from any and all further work, and (2) within thirty (30) days of said notice, return the Lot to its condition prior to commencement of the work or, in the alternative, obtain written approval from the Design Committee for the addition, modification or alteration to said Lot.

### B. Construction Different from Plans

The homeowner whose construction or material changes have deviated from approved plans is subject, upon notification by certified mail, to make immediate corrections per the approved plans, within thirty (30) days, or to submit revised plans within seven (7) days for the committee to review and, if acceptable, approve.