

# KAKELA MAKAI OCEANVIEW SUBDIVISION

## DESIGN REVIEW REQUIREMENTS

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In order to assist the Owners and their Architects in understanding the intentions and the interpretation of the Declaration of Covenants, Conditions and Restrictions of the Kakela Makai Oceanview Subdivision (the "Declaration"), the Design Committee ("DC") has developed this booklet that outlines the design requirements, submission procedures, and general background information pertinent to the development.

The DC wishes to emphasize that the review process is directed toward the preservation and enhancement of the character of the Subdivision by achieving a balance of tastefully designed houses, blending with the natural setting and promoting a Hawaiian style of architecture.

Finally, the review process is applicable to any and all structures, additions, remodels, repainting, pools, and landscaping, all as more particularly defined in the Declaration. In no circumstance, may any improvement, excavation, fill or other work on natural or improved state without prior written approval of the Design Committee.

### **THE DESIGN REVIEW PROCESS**

The design review process consists of the review of three submittals, one (1) optional and two (2) required:

1. Conceptual Architectural Plans (Optional)
2. Preliminary Architectural and Landscape Plans
3. Final Architectural and Landscape Plans

All Submissions (Conceptual, Preliminary and Final) **require PDF's** of required drawings (no hardcopies). Preliminary and Final architectural drawings are to be prepared and stamped by an architect registered in Hawaii..

### **Conceptual Plans - Optional**

To economize on time and expense to the Owner, we encourage a conceptual submittal. To facilitate a productive meeting it is advisable to submit a preliminary site plan, floor plan and exterior elevations all drawn to scale. With these basic elements, the Committee can give you an indication of the general acceptability of your design.

### **Preliminary Plans'- Required**

- A. Site Plan - showing building placement, roof overhangs, hips and valleys, existing contour lines at one foot intervals, preliminary finish contours, driveway, retaining walls, fences, lanais, decks, compass, trade wind and solar orientations, all site dimensions, lot coverage percentages, finish floor elevations with adjacent exterior corner grade elevations, drainage design, and lot number.
- B. House Plan - showing floor plans for each floor and indicating relevant areas of each floor.
- C. Elevations - showing each exposed side of the proposed structure indicating materials for roofs,

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walls, pool structures, garden walls, and fences.

- D. Sections through the structure and property commencing at one boundary and extending to the opposite end of the property, and at least one other section running in a transverse direction. Height of the highest ridge shall be shown.
- E. Letter from the Architect preparing the plans stating that he/she has visited the site.
- F. Landscape plans showing all proposed plant materials, their sizes at installation and maturity (only required for plantings with maturity height over 7'-0) and locations of fences walls, trellises, arbors, lanais, decks, exterior walkways, slope stabilization, grading, and drainage.

NOTE: WORKING DRAWINGS SHOULD NOT BE STARTED UNTIL THE PRELIMINARY PLANS ARE APPROVED.

### **Final Plans - Required**

- A. Site Plans, floor plans, elevations and sections containing all information requested in the preliminary submittal, with any changes.
- B. Landscape plan containing all information requested in the preliminary submittal including the proposed sprinkler and irrigation systems for the residence.
- C. Construction Time Schedule. Owner/Contractor must notify the Association in writing fourteen (14) days prior to commencement of construction.
- D. Colors for all exterior surfaces: roof, siding, trim, fences, decking, and walls must be indicated on the plans, and color samples must be provided.

All submittals to the DC must be accompanied by a fee estimated to cover the Committee's expenses of reviewing the plans. The fee schedule is set by the Committee and may be revised without notice from time to time.

The DC will approve submitted plans provided that they comply with the Design Requirements. Approval will not be unreasonably withheld and review will be completed within thirty (30) days of receipt of a properly completed submission, unless Owner is notified in writing of any reason for delay. Owners will be notified in writing of the Committee's approval or disapproval of their plans and of any comments or explanation of the Committee's response. The absence of Design Committee approval or disapproval within sixty (60) days of complete submittal will be considered an approval.

If the Committee finds it necessary to disapprove a plan, the Declaration makes no provision for appeal to any other body. The Committee will attempt to be specific in indicating its reasons for disapproval. The Owner may attempt to revise those areas noted as unacceptable, or submit a completely new plan.

If necessary to clarify or to seek a solution to an out-of-the-ordinary situation, the Owner and his/her Architect may be asked to meeting with the DC to arrive at a mutually acceptable solution.

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The DC will review the final plans within thirty (30) days of receipt of a properly completed submission.. Approval or disapproval will be given in writing within fourteen (14) days of plan review. Review of final plans is based on the Committee's review and approval of preliminary submittal. If any final drawings reflect the conditions of approval for the preliminary submittal, final approval should follow.

On approval, the Committee will sign and put its seal on the final working drawings evidencing its approval of the proposed work. Any disapproval will be set forth in writing with reasons for such disapproval.

The Committee's seal does not represent an assurance that such plans and specifications are in conformance with established zoning or building codes or any other governmental regulations, and the design review process is not intended to detect errors and omissions in such plans and specifications. Each Owner must obtain all permits required by the County of Kauai and any other public or private agencies that may have jurisdiction over the home site.

All approvals given by the DC will be effective for a period of one (1) year, and will be deemed revoked if the Owner has not commenced work within one (1) year of the date of approval.

Once construction begins, an Owner must pursue work in a timely fashion to completion. Unless otherwise provided for, all residences must be completed within one (1) year after the commencement of construction; all landscaping must be completed in accordance with the approval plans within sixty (60) days of the completion of construction.

The Owner shall notify and submit (via a letter) a Notice of Completion to the DC when work is completed. The DC must notify the Owner of any non-compliance of work within thirty (30) days from receipt of Notification of Completion.

### Additions, Remodels, Refurnishing

No additions, remodeling, changes of exterior finish or color, landscaping, decks, fences, balconies or other structures shall be made on any lot without the approval of the DC. The submittal procedure shall be as outlined above, except that only the working drawings need be submitted for review and approval.

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The Design Committee urges all Owners and their Architects study types of architecture that reflect Hawaiian heritage: plantation, pre-missionary, missionary, tropical or subdued oriental styles etc., and incorporate such styles into their plans.

#### A. Building Setbacks

Building setbacks must conform to applicable County of Kauai zoning and building ordinances and codes. Construction in setback areas will be limited to landscaping, fences, walls, driveways, pools and decks, to the extent allowed by applicable County ordinances and codes.

#### B. Lot Coverage

The building footprint and all other covered areas (e.g., paved driveways) shall comply with applicable county zoning and building ordinances or codes.

#### C. Minimum Size

- Main Dwelling. A single story main dwelling shall have not less than 1,250 square feet of living area (excluding lanais, garages, and other non-living areas), and a two story main dwelling shall have not less than 1,600 square feet of living area.
- Additional Dwelling Unit. An additional dwelling unit that is a free-standing dwelling (i.e., not incorporated under the same roof as the main dwelling) shall contain no more than 750 square feet, including covered and non-covered lanais. Any additional dwelling unit that is constructed under the same roof as the main dwelling on the Lot shall be subject only to such size and other requirements and limitations as may be applicable under County or State law, statute, ordinance, or rule, and such other requirements and limitations as may be imposed by the Declaration, these Design Standards, or the Design Committee.

#### D. Grading and Fill

All grading, excavation, fill and site work must be done only in accordance with drawings approved by the DC, and in such a manner that the condition of any adjacent home site and drainage ways are not altered, obstructed or adversely affected.

Since it is expected the design of the house will be tailored to the home site, not the site to the house, grading and fill for building pads shall be confined to the minimum amount necessary.

Fill is allowed only as required to provide topsoil for planting, but not to ELEVATE OR CHANGE THE SITE MATERIALLY from its existing level.

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### E. Roofs

Roof materials, color and form are important to the appearance of the house from the street and, other home sites, and will be carefully reviewed. Hip or hip/gable style roofs are encouraged. Dual pitch roofs are particularly noted for their Hawaiian character. Straight gable ends are not allowed. With the exception of dual pitch roofs, a consistent pitch shall be used throughout for each roof plane. Limited areas of flat roof may be used, but must be of exceptional design and preferably appearing to be a trellis from off site.

#### Pitch

- Minimum pitch of not less than 3:12
- Maximum pitch of not more than 8:12

#### Materials/Colors

Acceptable materials include:

- Wood shake or shingle
- Low sheen / non-reflective standing seam or corrugated metal (manufacturers finish only; no painting)
- Earth-tone low sheen/non-reflective concrete or clay tile
- "Architect 80" or equivalent material

A sample of any non-standard roofing material must be submitted for DC approval for color, shape, style and texture.

The following materials WILL NOT be permitted:

- Rolled roofing
- Fiberglass or plastic
- Galvanized or metal roofs (other than identified above)
- Reflective roofs

#### Roof Overhangs

The minimum overhang adjacent to any glass area is three (3) feet, measured horizontally from wall to fascia.

#### Solar Panels/Skylights

Solar energy installations shall be as much as is practicable hidden from view, and shall be installed at the same angle of slope and plane as the roof. The intent is to create an architecturally pleasing integration of solar panel/skylight into the roof line. Roof mounted composite solar collectors and water storage tank systems are not allowed.

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Other mechanical equipment, ventilators, air conditioning systems and openings must be visually and audibly unobtrusive in their installation and operation. For any proposed mechanical equipment, Owner must provide highest decibel reading information with comparison to that of similar audible output for DC review.

### F. Building Walls/Colors

Building walls shall be of wood, stucco or rock, in natural earth tone colors. Gray and white shall be considered as earth tone colors. Trim shall be wood, unless stucco is utilized. Owners must submit color samples of exterior colors of the DC for approval. Any changes in approved colors must be resubmitted to the DC.

Exposed chimneys shall be faced in siding material of the house, or constructed of stone or brick, and shall maintain a consistent cross section for their height.

Underside of any elevated floor or deck area must be completely enclosed / concealed with painted wood slats or wood lattice (vinyl material is not acceptable).

All exposed block or concrete supporting elevated areas or walls (foundation) must be plastered / stucco (with integral color) or painted.

### G. Retaining Walls

Retaining walls will be considered on a case-by-case basis. Retaining walls if approved must be constructed of rock, stucco faced concrete block or concrete with integral color or painted.

### H. Drainage/Gutters and Downspouts

Site development shall provide for proper drainage using natural channels wherever possible. Drainage transition shall be provided in such a manner as to prevent erosion and to blend with the natural topography of the homesite. Drainage must be installed and maintained on property lines. Gutters and downspouts must be located such that runoff is discharged completely within the Owner's property.

### I. Fences / Free-Standing Walls

Limited fencing, for purposes such as providing required enclosure of pools or equipment generally will be approved, provided it is sensitively placed on the site and constructed of approved materials. Fencing for other purposes is not encouraged but will be considered on a case-by-case basis.

Acceptable materials include:

- Same siding materials as used on the house
- Wrought Iron
- Moss Rock

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- Concrete or block with stucco / plaster finish (integral color or painted)
- Simulated stone
- Black or dark green chain link (must be completely screened with landscaping)

All fences and walls shall be designed so as to be attractive from all viewable sides and limited to a height of six (6) feet, as measured from finish grade level.

### J. Swimming Pools

Swimming pools, whirlpool spas or hot tubs are permitted. To eliminate hazards to children, all pools must be fully enclosed by fencing. Pool pumps, motors and other equipment shall be so located to prevent nuisance to adjacent properties. For any such proposed equipment, Owner must provide highest decibel reading information with comparison to that of similar audible output for DC review.

### K. Air Conditioners

The Kalaheo area is well known for its trade winds. Thus Owners are encouraged to take advantage of the superb natural air conditioning by use of careful siting, placement of windows and ceiling fans. Air conditioners may be installed provided they are not visible from the street or adjacent property, and are so located to prevent nuisance to adjacent home sites. For any such proposed equipment, Owner must provide highest decibel reading information with comparison to that of similar audible output.

### L. Exterior Lighting

Exterior lighting may be installed provided it is not a nuisance to any neighboring property.

### M. Termite Treatment

Soil under all concrete slabs on grade, and under all footings, building floors and masonry foundation walls must be treated against subterranean termites.

All wood used in construction shall be treated and, as such, termite and fungus free.

### N. Utilities

All residential utility, electric and telephone service lines must be underground. All piping must be concealed to the extent permitted by Kauai County or other governmental agency. Electric service lines and meters shall be enclosed in such manner as to be hidden from public view. Propane gas tanks must be enclosed /screened from view of adjacent properties and roadways. Visible antennas or satellite dishes are allowed, but location and screening must be approved by DC.

### O. Landscaping

The thoughtful use of plant materials to soften exposed walls and fences is strongly encouraged.

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### CONSTRUCTION PROCEDURES

#### A. Property lines

Shall be clearly identified and determinable.

#### B. Temporary Buildings

Temporary buildings or trailers shall be located in an area approved by the DC and shall be removed within 30 days after completion of construction.

#### C. Chemical Toilets

Chemical toilets shall be placed in a remote and inconspicuous a location as possible, as approved by the DC. No chemical toilet shall be placed next to an occupied residence.

#### D. Excavation

Excavation material shall not be disposed of or stockpiled on any adjacent home site property. No excavation shall be done outside the boundaries of the home site.

#### E. Dust Control

The Owner and Owner's contractor are responsible for dust control during construction period. Mitigation procedures must be implemented and maintained on a daily basis with use of water, covering stockpiles or applying tactifier to non-vegetated / disturbed areas on the lot.

#### F. Storage of Construction Materials

All materials must be stored on the building site. Material may not be stored on roads, common areas or adjacent lots. Materials may be stored on adjacent vacant lots with the written permission of the adjacent lot owner and a copy of such written permission must be provided to DC.

#### G. Vehicles

Autos and trucks belonging to contractors and their employees must be parked so as not to inhibit access or parking of property owners, guests and the public in the immediate area. No vehicles shall be left overnight which are not parked on the job site.

#### H. Clean Up

Daily clean up of areas surrounding the construction site must be rigorously maintained by the Owner's contractor (s).. Owner's contractor (s) has the primary responsibility for clean up on a

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daily basis and all waste material must be removed from the job site daily or placed in a dumpster at the site.

### I. Noise

No noise generating activities (i.e. radios, ram-hoe, etc.) are permitted before 7:30 am or after 5:30 pm on weekdays or anytime on Saturday, Sunday or Holidays. Amplified music volume must be kept at a moderate level at all times.

### J. Burning

No burning or rubbish will be permitted.

### K. Blasting

No blasting will be permitted.

### L. Pets

All pets are to be confined to the site.

### **NO REPRESENTATION BY THE DESIGN REVIEW COMMITTEE: NON-LIABILITY**

No review or approval by the Design Committee (DC) of any item submitted to the DC pursuant to the CC&R's shall in any manner constitute the DC's (or any DC member's), Declarant', the Board of Directors (BOD) representation, warranty or agreement that such item (1) has been prepared free of defects or is of good workmanship or design, or will result in improvements which are readily marketable or free of design or construction defects; or (2) complies with any or all applicable laws (including building code requirements); or (3) will result in any Committee (or any member thereof) nor Declarant , not the BOD (or any member thereof) shall be liable to any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of (a) the DC's (or any DC member's) mistake in judgment or negligence: (b) the approval or rejecting of, or the failure to approve or reject, any plans, drawings and specifications, or other request or item, whether or not defective; (c) the construction or performance complies with this Declaration, the DC's Rules or the terms of any approval of the DC; (d) the manner, appearance, style or quality to or in which any Lot is developed, improved, landscaped, maintained or operated; (e) the erroneous execution of an estoppels certificate; (f) the failure of any plan drawing, specification or any other item approved by the DC to comply with any or all applicable laws (including building code requirements); or (g) any other matter, decision, act or omission; provided such member(s) shall not have acted in bad faith.

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### November, 2010 New DC Review Costs (effective immediately)

Conceptual Plan Review	\$100
Preliminary Plan Review	\$100
Final Plan Review and Approval	\$100
Final Landscape Plan Review	\$100
Improvement / Renovation Review	\$100
Re-painting / Re-roofing – New color / material	\$50
Solar HW or Photovoltaic Review	No Fee
Re-painting / Re-roofing – Same color / material	No Fee