

POIPU KAI DESIGN GUIDELINES



March 2015

Poipu Kai Design Guidelines

FOREWORD

Article IV of the *Declaration of Covenants and Restrictions of Poipu Kai Association* establishes a Poipu Kai Design Committee, today called the “Home Owners Design Committee” (HODC). The “right to appoint and remove all members of the HODC is reserved to and vested in the Board of Directors of the [Poipu Kai] Association” (Declaration, Article IV, Section 4.01). The HODC has the sole right and obligation to “consider and act upon ... [building and remodel] proposals or plans ... submitted to it pursuant to ... [Declaration Article III requirements], adopt ... rules and ... perform such other duties ... delegated to it by [Declaration Article III] ... and by the Association” (Declaration, Article IV, Section 4.02).

Pursuant to the committee’s authority and obligation, the HODC developed and maintains “Poipu Kai Design Guidelines”. The current guidelines are provided in this document. All parties wishing to build or improve new or existing properties shall follow the guidance established in these Design Guidelines.

The HODC meets periodically to review and approve plans for building and remodel ventures within the area of Poipu Kai. The implementation of these guidelines will ensure an exciting and diverse community of the highest quality and distinction.

Poipu Kai Design Guidelines

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Poipu Kai Design Guidelines

1. INTRODUCTION

This publication is an informational resource for building and modifying residential and multi-family dwelling structures in the area commonly known as Poipu Kai. The publication is used as a Poipu Kai Association (PKA) approved guidelines in the design review process. Owners must submit design plans to the Home Owners Design Committee (HODC) for review according to the application letter requirements (see *Appendix A: HODC Construction / Improvement Application* for details). These guidelines and procedures are the acceptable levels of site planning, architecture, detailing, signage, lighting and landscape design considerations under the constraints of the Poipu Kai Association. It is the desire of the HODC to encourage unique and creative input and resultant design diversity from architects, designers and planners in the construction and remodel of properties located in the Poipu Kai development.

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2. SUBMISSION / APPROVAL PROCESS

The design review process and required findings for approval are authorized in the Poipu Kai Association Protective Covenants, Article IV. The Poipu Kai Design Guidelines will be used by the HODC to evaluate all development and remodel proposals and facilitate a consistent, fair and expeditious design review process.

2.1. Scope

The HODC's approval is required for any new construction or changes to the exterior of an existing property. The HODC scope for single-family and multi-family dwelling units is outlined below.

Multi-family Dwellings:

The multi-family dwelling or AOA (Association of Apartment Owners) projects within Poipu Kai include Kahala, Makaanui, Manualoha, Poipu Sands, Regency, Regency Villas, and the Villas at Poipu Kai. For AOA projects, the HODC review and approval process is limited to the following items.

- Project re-painting.
- Project re-roofing.
- Perimeter walls and fences.
- Major exterior remodels / additions
- Major landscaping.
- Pool enclosures.
- Support structures / roof trellises
- Refuse containers
- Garages / carports
- Bicycle storage

Single-family Dwellings:

The single-family or residential dwelling units within Poipu Kai include Bayview, Crestview, Lanai Villas, The Cottages at Poipu Kai, and other residential dwellings. For residential dwellings, the HODC review and approval process is applicable to any and all new or existing structures, including, but not limited to:

- Re-painting.
- Re-roofing.
- Additions.
- Remodels.
- Window / door upgrades.
- Garage door replacement.
- Installation of solar panels.
- Installation of satellite dishes.
- Installation of antennas.
- Spas.
- Pools.
- Water features.

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- Pet enclosures.
- Walls and fences.
- Courtyard walls, permanent planters, and terraces.
- Patio covers / Trellises.
- Landscaping.
- Air conditioning units.
- Propane tanks and enclosures.
- Trash / storage enclosures.
- Playground structures and temporary swings / playsets.
- Any and all other additions or changes that will affect the exterior appearance of a property.

Common Elements:

Common elements include the tennis courts, pool, office and maintenance buildings. Other common elements include the greenbelt, roadside easements, and other landscaped corridors. All modifications, remodels, additions and changes to the Poipu Kai common elements must be approved by the HODC.

Repair and Replacement Work:

Some changes do not require HODC approval. These include:

- Non-permanent potted plants and water features.
- Re-vegetation of existing landscaping.
- Driveway / asphalt repair and/or refinishing
- Any and all repair / refinishing work as long as it does not change or modify the original plans and material / color specifications.

When the work being done is solely repair or replacement (with the same style of item, and will not enlarge or change the character of the existing structure), the Owner must inform the HODC of the repair/replacement and provide a construction timeline. The Owner is responsible for verifying that the County of Kauai does not require permits for the work.

2.2. HODC Application

All Owners and AOAOs must complete and submit the *HODC Construction / Improvement Application* (see Appendix A) for all new construction and remodels or additions. Work cannot commence until final approval by the HODC. Consult the *HODC Construction / Improvement Application* for Owner's Submittal Checklist and application fees.

Owners are strongly encouraged to submit a preliminary plan for HODC review and comment. There is no application fee required for a preliminary plan. The HODC will review the preliminary application and issue an advisory letter. No approval or denial of application will be issued for preliminary plans. Consult the *HODC Construction / Improvement Application* for submitting preliminary plans.

2.3. Approval Process

The approval process is shown in Figure 2.3-1. Upon submittal, all applications are stamped with a received date. **The HODC must review the application within 45 days of the received date.** After HODC review, an approval or denial letter will be issued to the Owner. Some projects may require additional time to consult with experts (e.g. Architects, Engineers, etc.). In some cases an additional 45 days may be necessary. The HODC will notify the owner in writing if an extension is required.

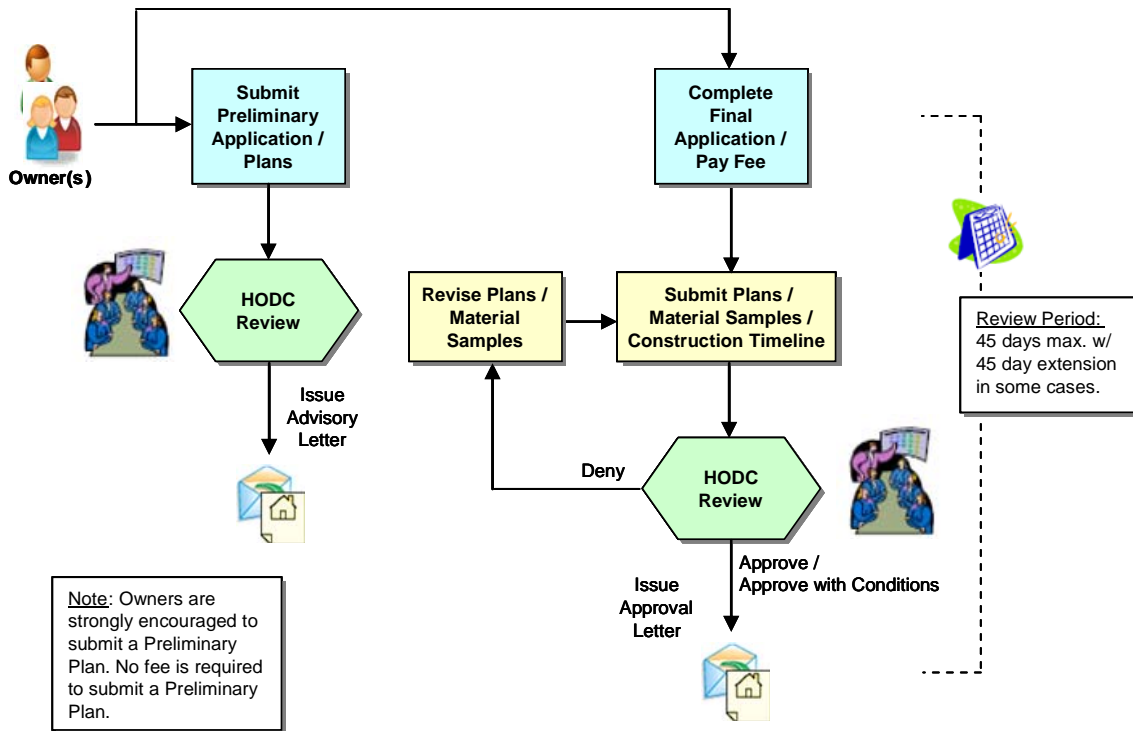


Figure 2.3-1 - Approval Process

All Owners must receive approval in writing from the HODC before the start of any exterior work or changes. **Owners should plan well in advance to allow time for the application and review process, and not commit to labor or materials until written approval has been received.**

2.4. Construction Timeline

A construction timeline or schedule is required for all projects and must be submitted with the *HODC Construction / Improvement Application*. The timeline for new home and major remodel construction shall not exceed 12 months from the start date. The HODC will allow alternative schedules on a case-by-case basis. The alternative schedule must be approved prior to construction. The construction timeline for all other projects is based on the scope of work and shall not exceed 12 months from the start date.

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The Owner has one (1) year from the date of approval to commence construction. Otherwise, the Owner must re-submit another complete application and fees for approval. If there is a delay or difficulties obtaining permits or materials that may affect the start date, the Owner is to notify the HODC in writing.

Construction must progress with reasonable diligence. Construction and landscaping will be completed, unless delay occurs because of ‘Acts of God’ or other circumstances outside the control of the Owner, within the approved construction timeline. In the event of a delay, the HODC will allow the Owner to request in writing, stating all circumstances and reasons for the delay, for a reasonable extension. The HODC will endeavor to review the request in a timely manner and reply to the Owner in writing, approving or denying an extension.

Failure to complete the project within the approved construction timeline will result in penalties as defined in the *HODC Construction / Improvement Application*, and cause an additional deposit to be required. At any time prior to completion, if work is abandoned, that is, does not progress in a reasonable manner and timeframe, or if the Owner fails to complete the work as specified, the Association may take reasonable steps to have the work completed or the property restored to its pre-existing condition, and may assess the Owner for all costs and expenses incurred in connection therewith. The HODC may make a final inspection to verify construction per final approved plans and to verify completion within the approved construction timeline.

2.5. Violations / Penalties

An exterior change made without the written approval of the HODC constitutes a violation of the Poipu Kai Association Protective Covenants. The Poipu Kai Association has the power and authority under the Protective Covenants to remove any improvement constructed, reconstructed, refinished, altered or maintained upon such area in violation of the Protective Covenants. The Association also has the power and authority to commence and maintain actions or suits to restrain and enjoin any breach or threatened breach of the Protective Covenants, or to enforce by mandatory injunction or otherwise all the provisions of the Protective Covenants. A violation may require removal or modification of the work at the expense of the property Owner, or payment of damages incurred by the Association in having the work removed or modified.

The HODC may inspect construction in progress as well as the community in general to ensure compliance with the Poipu Kai Design Guidelines and to identify violations. Additionally, all Owners have the right to notify the HODC or the Association of violations of any provisions of these Poipu Kai Design Guidelines. Any Owner in violation will be required to submit all necessary forms and drawings as described in the *HODC Construction / Improvement Application*. All “after-the-fact” applications fees and deposits will be doubled. “After-the-fact” review by the HODC will be based on the construction’s own merit, not on the basis of it already having been constructed and/or installed. Refer to the Poipu Kai Association *Compliance Management System* (see Appendix B) for fines and penalties on non-compliant exterior modifications.

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3. ARCHITECTURAL DESIGN

The Poipu Kai Association currently mandates that every architectural submittal be presented to the HODC for review and approval. These mandatory reviews ensure that designs remain consistent within the character of the Poipu Kai community. The challenge of architecture within Poipu Kai is to add architectural variety and quality without overlooking the perceived unifying philosophy of design as it relates to the individual building character. For purposes of diversity, some design features may not be approved simply because they are too similar to other features that appear on neighboring buildings. The desired intent is for unique, appealing, and visually interesting structures that remain subtle and complementary to the prevailing landscape of the area. The following architectural design guidelines must be followed.

3.1. Elevations

- Grading, berming and landscaping are inseparable elements of the elevation. Detailed site, landscaping and elevation plans must be submitted for new construction and major remodeling.
- Structures should step with the natural terrain to the fullest extent possible.
- Building height shall be enforced per County of Kauai height restrictions for single family and multi-family dwellings.

3.2. Roof Design

- Single and double pitched roofs are highly encouraged. Flat roofs are generally discouraged.
- Mechanical devices such as solar photovoltaic and hot-water panels are allowed.

3.3. Garage Design

- All single family residences in Poipu Kai are required to have a two-car garage as a minimum. Three-car garages are acceptable and four-car garages are highly discouraged. AOAOs are not required to have garages.
- Each garage door must have an automatic door opener / closer.
- Two single-car garage designs will be considered on a case-by-case basis.
- Garages are permitted within AOAOs but not required. All AOAO garage designs must be approved by the HODC.
- Each garage door must have an automatic door opener / closer.

3.4. Driveway Design

- Driveway approach between property line and road pavement shall be asphalt, concrete or grasscrete and shall conform to the County of Kauai standards. Grasscrete is not permitted for Crestview residences.
- The driveway shall be asphalt, concrete or grasscrete and must align with the driveway approach. Again, grasscrete is not permitted for Crestview residences.
- To preserve future options, three (3) 4" PVC chases shall be installed under any driveway approach at one (1) foot on center and stubbed and capped at least six (6) inches beyond the edge of the driveway approach.

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3.5. Lot Coverage and Footprint

The ratio of building structure to lot coverage must be specified in the application for all new and remodel construction. This will insure that the lot build-out does not exceed the County of Kauai standards. Owners must submit a detailed site plan showing building location and footprint with ratios clearly delineated for all new construction and additions.

3.6. Easements

Road side easements for the installation and maintenance of utilities and drainage facilities are reserved to the Poipu Kai Association.

3.7. Setbacks

Building setbacks will be enforced per County of Kauai building standards.

3.8. Drainage

Existing drainage patterns shall be maintained if at all possible. Grading, excavation, and fill are subject to prior review by the HODC. All details affecting drainage must be shown on the plans, including existing and proposed grades, drains, etc. Any proposal to change the existing drainage system(s) / pattern(s) or surface grading for major construction or remodel, will require the Owner to provide plans and specifications prepared by qualified professionals (e.g., Architect, Civil Engineer, etc.) and reviewed by the HODC's professional consultant(s) at the Owner's expense if deemed necessary.

3.9. Height Restricted Area (HRA)

The maximum building height in any HRA is three (3) feet. This includes structures, walls/fences and landscaping. Bayview is the only subdivision in Poipu Kai that contains HRAs. It is highly recommended that Owners verify the existence and impacts of HRAs prior to planning any new construction or remodel. A map showing all HRAs is attached as Appendix C and is also available on the Poipu Kai Association website. A larger version of the map is maintained in the Poipu Kai Association office. The HODC will strictly enforce HRA height limitations.

3.10. County Permits

The Owner is responsible for obtaining any and all necessary permits required by the County of Kauai before commencing any construction of improvements / modifications to Owner's property. This includes but is not limited to, new construction, additions, alterations, structural modifications, electrical, a/c, heating, water delivery, plumbing and sewer; new installations or replacement of gas burning or electrical equipment; and any other improvement, such as a fence, garden wall, retaining wall, patio cover, carport, garage, swimming pool, spa, deck, etc.

- By making the proposed improvement / modification, Owner may have to make other modifications to Owner's property or Owner's approved plans, as required by the County of Kauai, to obtain a County permit and final approval by County building inspectors upon completion of the improvements. Neither the Association, nor the HODC has any involvement with such County mandated requirements; however, all

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such County required modifications to the HODC's approved plan or Owner's property must be re-submitted to the HODC for approval before any construction or other work of improvement commences.

- Owner is responsible to ensure that the actual and final plans and specifications for Owner's Application, as stamped "Approved" by the HODC, conform in their entirety to the Application and plans and specifications as approved by the County of Kauai; and, that the commencement of construction without the approval of the HODC as to any such variances between the HODC and County's approved plans may result in action by the HODC and/or the Association to require the suspension of any construction that has commenced on the improvements, the imposition of fees and monetary penalties pursuant to the Association's Rules and Regulations, and/or other enforcement action by the Association.

Owners should consult with the County of Kauai for the latest building codes and restrictions. Items to consider for new construction or remodel include height restrictions, lot coverage limits, setbacks and special grading requirements. Owners are strongly encouraged to submit a preliminary application to the HODC before obtaining county permits.

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4. DESIGN PLANS

The purpose of the construction and remodel design plans is to determine whether the project will comply with the Poipu Kai Design Guidelines. The HODC shall review the plans and supporting material that has been submitted in order to determine whether or not the project complies with the Design Guidelines; provide comments concerning the design to the Applicant; and approve, approve with conditions, or deny an Application.

4.1. New Construction / Major Remodeling Plans

Four (4) sets of final architecture plans shall be submitted to the HODC for approval. Architecture drawings shall contain the following information where pertinent to the construction proposed.

- Site plan or plot plan, drawn at a minimum scale of one inch equals eight feet (1/8" scale), shall be submitted showing existing and finished grades and existing contours; existing and proposed building footprints; and other structures including lanais, decks, patios, garages and walls. The site plan shall show all easements and setbacks, proposed grading and site drainage, the locations of landscaped areas, storage areas, pedestrian walks, driveways with proposed grades, parking space designations, retaining walls and any applicable height restricted area (HRA).
- Floor plans, drawn at a minimum scale of one inch equals four feet (1/4" scale), with labels and dimensions.
- Elevation plans, drawn at a minimum scale of one inch equals four feet (1/4" scale), with dimensions for exterior elevations showing all doors, windows and roof lines, indicating all materials used on exterior. Indicate roof pitch and height relative to that of the existing building.
- Building sites shall drain in accordance with the original grading plan. Location of proposed improvement, mechanical equipment including piping and drainage lines, to show how water, rain and irrigation flows will be accommodated must be shown.

4.2. Landscaping / Lighting Plans

Landscaping covers improvements to the property for vegetation, ground cover, tree planting / removal and grading. In addition, landscaping includes lot improvements such as spas, pools, decks, walls / fences, retaining walls, planters, courtyards, and any exterior element that is not associated with the main dwelling. Lighting plans cover exterior light fixtures, landscape lighting, driveway / path lighting and safety / security lighting. Four (4) sets of final landscaping plans shall be submitted to the HODC for approval. Landscape drawings shall contain the following information where pertinent to the construction proposed.

- Site plan or plot plan, drawn at a minimum scale of one inch equals eight feet (1/8" scale), shall be submitted showing existing and proposed building footprints; and other structures including lanais, decks, patios, garages and walls. The site plan shall show all easements and setbacks, proposed grading and site drainage, the locations of landscaped areas, storage areas, pedestrian walks, driveways with proposed grades, parking space designations, retaining walls and any applicable height restricted area (HRA).

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- A Landscape Plan, drawn at a minimum scale of one inch equals eight feet (1/8" scale), with contour intervals of two feet (2') shall be submitted showing existing and proposed grading, existing vegetation, proposed limits of tree removal, proposed new tree plantings (with general massing), proposed ground cover and re-vegetation, any proposed special landscape features, and all proposed retaining structures. For new construction, the landscape plan is due four (4) months prior to project completion.
- Elevation plans, drawn at a minimum scale of one inch equals four feet (1/4" scale), with dimensions for exterior elevations showing materials used on exterior, including planters and fences. Wall / fence and all hardscape heights must be shown.
- Location of proposed improvement and drainage lines to show water, rain, and irrigation flows to the street in front or to developer's drains and any mechanical equipment.

4.3. Material Samples

A color and materials sample board shall be submitted for all exterior elements. Owners are encouraged to submit photos, brochures, and manufacturers' cut-sheets as necessary to illustrate the overall appearance of the building / addition and site development features. Consult the *HODC Construction / Improvement Application* for Owner's Submittal Checklist.

- All samples, color boards, pictures and brochures will be stored in the Poipu Kai Association office for ten (10) days after your submittal is reviewed by the HODC and is either approved or disapproved. In the event the HODC disapproves the application and an appeal is made, the applicant's materials will be stored in the Poipu Kai Association office for the duration of the appeal process. In the event you do not pick up the item(s), the office will discard them on your behalf.

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5. EXTERIOR MATERIALS

The HODC will review all exterior materials, not only with respect to their use, but also in terms of their appropriateness relating to their specific setting. All exterior materials must comply with the color limitations discussed within the color section of the Poipu Kai Design Guidelines. The HODC requires material / color samples for all exterior elements before final approval will be granted.

The following materials and color specifications represent the approved HODC list as of the date of this publication. To protect against future product developments, the HODC will consider other materials on a case-by-case basis.

5.1. Wall Materials

Exterior wall materials may be wood, stucco, stone and stone veneer. Unfinished masonry or concrete block and brick will not be approved. Smooth, sand finish or lightly textured stucco is encouraged. Stone and stone veneer application are encouraged where relevant to the overall building design. Board and batten wood designs are also encouraged. Glass block is permissible as an accent material. Additionally, walls of metal, aluminum or plastic siding will not be approved.

5.2. Roofing Materials

Approved roofing materials include a range of earth-tone tile and through-color flat concrete tile or slate tile. Lightweight synthetic tile roofing materials will be considered on a case-by-case basis. No metal, asphalt or wood shingle roofs will be approved. Designers are encouraged to refer to the recommended color palette for suggested material color.

5.3. Garage Door, Exterior Doors and Windows

The color of the garage doors must complement the main body or trim color of the main dwelling. New doors and windows must be of the same size and location, or a remodeling application will be required.

5.4. Driveway / Sidewalk Materials

Approved materials for driveways include concrete and asphalt. Approved materials for sidewalks include concrete, stamped / stained concrete, tile, flagstone, quartzite and paver stones. All materials other than concrete and asphalt must be submitted to the HODC for review. Grass infused cellular paving stones such as grasscrete and grassblock are acceptable materials for driveway design. Grasscrete is not permitted for Crestview residences.

5.5. Color Palette

In an effort to promote individuality and uniqueness, the HODC will consider a wide spectrum of colors for proposed architectural build or modification. These requirements apply to all exterior surfaces including, but not limited to, building walls, columns, roofs, fascia/trim, gutters/downspouts, garage doors and all related walls and fences. Ornamental fences or other decorative features shall be treated on a case-by-case basis

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and may deviate slightly from the guidelines below. Colors will be judged based on the following three (3) considerations:

- (1) Earth tones are strongly encouraged for the building palette. In no case shall they be reflective or bright in nature.
- (2) Most designs will require two or more colors with one main body color and a second or third color for other elements of design or as accents. This may include features such as fascia or trim details. The HODC highly encourages a base color and one or two accent colors for all building applications. Multi-color schemes should be harmonious and blend with each other.
- (3) All colors must be approved in advance, including alternatives represented by painted samples. Samples should be physically as large as possible.

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6. WALLS AND FENCING

Site walls and fencing are critical in the overall aesthetic quality of Poipu Kai. This includes lot perimeter walls / fences, courtyard walls and permanent landscaping elements such as retaining walls, planters and terraces. Site walls and fences should appear as a visual extension of the proposed building construction or modification while utilizing similar materials and finishes. Exceptions include ornamental fences and tropical walls / fences such as bamboo and lava rock. Approved materials for walls and fences in Poipu Kai include: wood, bamboo, lava rock, stucco, stone and synthetic stone veneer. Material and color samples must be submitted to the HODC for review. Landscaped hedges are permitted as lot perimeter buffers. The following nine (9) general design rules should be considered when designing walls and fences.

- (1) Lot perimeter walls and fences must be consistent in height. In general, the height should not exceed six (6) feet. Adding materials and/or altering an existing wall/fence in order to increase the height is not permitted.
- (2) In general, no more than two materials should be combined from the approved materials list. When combining materials, the wall/fence must be a repeatable pattern and consistent for the entire length.
- (3) Both sides of the wall/fence must be finished. Masonry or concrete block walls must be covered with stucco and/or stone. No rough aggregate concrete block will be approved.
- (4) Landscaped hedges are an acceptable material on lot perimeters. Owners are responsible for the care and maintenance of hedges.
- (5) In addition to lot perimeters, walls may define courtyards and terraces in close proximity to the main established architectural build-out. All interior courtyard / lanai walls and terraces must be approved by the HODC.
- (6) Wrought iron, vinyl, and copper ornamental view fences are considered on a case-by-case basis. All ornamental designs must be submitted for approval.
- (7) No chain link or wire fencing will be approved.
- (8) Temporary fencing in the form of dust screens is only permitted during the construction / remodel process. No other temporary fencing will be approved.
- (9) All walls and fences in the Height Restricted Area (HRA) must be less than three (3) feet in height.

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7. EXTERIOR LIGHTING

The presence of few exterior lights in the Poipu Kai area provides a uniquely beautiful night sky. The overriding objective of exterior light design within Poipu Kai is to minimize unintended, harsh, utility-type hot spots when viewed from the curb, greenbelt or neighboring home sites. The following five (5) general design rules should be considered when executing a lighting plan.

- (1) Spotlights, uplights and floodlights are permitted on a case by case basis including those activated by motion sensors of the low voltage variety. When approved, flood/spot lights must be adequately concealed from view and painted an approved color. When approved, spotlights, uplights, floodlights, and motion sensed lights must be installed and directed as to avoid pointing directly into a neighboring home.
- (2) Exterior wall, fence, and building-mounted light fixtures should be integrated into the architecture and painted a color to blend with the setting.
- (3) Wall, soffit, or pathway and landscape light fixture enclosures must be of an approved color while designed to conceal the light source and direct it downward.
- (4) For single family residences, a small ground light shall be installed near the driveway for safety and security purposes.
- (5) Consistent with county requirements for safety and security, the goal is to keep general landscape lighting as unobtrusive as possible while offering illumination along traversed areas providing safe pedestrian use.

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8. SIGNAGE

The HODC supports conformity to the established Poipu Kai Association rules relating to signage. Signs, as defined in C&R 3.01(a)(8), are prohibited on or in view of the PKA greenbelt. This includes but is not limited to For Sale, For Rent, or For Lease signs; political signs; and advertising or other business signs. A single conforming For Sale sign may be located curbside on the front side of the property, near the mailbox, driveway and/or other access to the entrance of the property. Further, three (3) temporary Open House signs per lot or unit may be displayed between 8:00 am and sunset on a convenient PKA roadway or intersection, so long as it does not interfere with pedestrian or vehicular traffic.

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9. LANDSCAPE DESIGN

PKA is committed to maintaining landscape design and planting schemes that compliment the tropical setting of Kauai. New home and multi-dwelling construction requires a landscape plan to be submitted four months prior to completion of the main dwelling (see the Design Plans section for more details). In addition, all landscaping changes must be submitted to the HODC for approval. There are seven (7) general rules that should be considered when executing a landscape design.

- (1) In planning the landscape, the Owner should envision an abundance of plantings that thrive on Kauai and are appropriate for the tropical climate.
- (2) All areas of the lot that are not covered by buildings or other hardscape (e.g. lanais, patios, etc.) must be landscaped. No lot is allowed to have areas that have no grass, ground covering or plantings.
- (3) The location of all proposed trees, hedges, shrubs and all other plantings should be indicated on the prepared landscape plan with the names, species, sizes and spacing of the plant materials.
- (4) Required irrigation will be supplied and maintained by the Owner.
- (5) Trees are the most visible plant in the tropics and their placement must be carefully considered. The full size and mature canopy of a tree should be anticipated when planning tree placement.
- (6) No plantings, other than grass and/or ground cover shall be planted in any easement area.
- (7) All plantings and landscape structures in the Height Restricted Areas (HRA) must be less than three (3) feet. It is the responsibility of the Owner to ensure that plantings are maintained at the three (3) feet level.

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Appendix A: HODC Construction / Improvement Application

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Application #: _____

Date Rec'd: _____

**Poipu Kai Association
Homeowner's Design Committee
1775 Poipu Road, Koloa, HI 96756 (808) 742-2229**

CONSTRUCTION / IMPROVEMENT APPLICATION

OWNER'S NAME: _____ LOT: _____

PROPERTY ADDRESS: _____

MAILING ADDRESS: _____

HOME PHONE: _____ BUS. PHONE: _____ CELL: _____

EMAIL ADDRESS: _____

CONTRACTOR(name/address/phone): _____

ARCHITECT(name/address/phone): _____

Owner of the above property requests approval for the following modification(s) / improvement(s):

- | | | | | |
|--|---|--|--|--------------------------------------|
| <input type="checkbox"/> Door(s) | <input type="checkbox"/> Fence / Wall | <input type="checkbox"/> Landscape | <input type="checkbox"/> Patio Hardscape | <input type="checkbox"/> Remodel |
| <input type="checkbox"/> Driveway | <input type="checkbox"/> Garage Door(s) | <input type="checkbox"/> Painting | <input type="checkbox"/> Pool / Spa | <input type="checkbox"/> Skylight(s) |
| <input type="checkbox"/> Patio Cover | <input type="checkbox"/> Re-Roofing | <input type="checkbox"/> Window(s) | <input type="checkbox"/> Space Addition | <input type="checkbox"/> New House |
| <input type="checkbox"/> Drainage: _____ front _____ rear _____ side _____ slope control areas | <input type="checkbox"/> Solar Water System | <input type="checkbox"/> Solar/PV System | | |
| <input type="checkbox"/> Other: _____ | | | | |

PRELIMINARY PLAN APPLICATION

Optional- Provides for Review, Comment, and Advice Only. No Approval or Denial of Application.

Homeowners wishing to obtain an advisory opinion from the Homeowner's Design Committee prior to the preparation of final working drawings, may submit an application for preliminary review along with preliminary plans and renderings, clearly labeled as such, for Committee consideration. Such application is optional and is not a submission for approval or disapproval of plans, and does not commence the 45 day period during which the Committee is required to approve or disapprove a formal application for approval of Final Plans.

Four (4) copies of preliminary plans shall be submitted in sufficient detail to provide the Committee with a clear visual picture and understanding of the proposed project. One copy of such plans will be returned to the Owner with advisory comments by the Committee, which may serve as a guide in the preparation of a formal application to the Committee for final approval. The review of such preliminary plans by the Committee is advisory only and any comments, written or oral, made by the Committee shall not be construed as its approval or disapproval of any plans and specifications, or specific items therein, and/or construction.

Any lack of Committee comment or failure to note specific items or deficiencies, design details or features on such preliminary plans, specifications, proposed construction, methods or materials which might be in conflict with pertinent sections of the CC&Rs, the Association Rules, or community standards of architectural and aesthetic suitability as interpreted and applied by the Committee shall not be construed to imply the Committee approval thereof.

FINAL PLAN APPLICATION

Required - Provides for Approval or Disapproval of Application.

HODC Requirements and Conditions:

1. **SCOPE OF APPLICATION:** The information provided in this Application, and the four (4) sets of plans, specifications and attachments Owner is required to submit with it must be complete and accurate. Any additions, modifications or improvements, other than those shown in the accompanying plans and specifications, are not included in this Application. Any improvements, additions, or modifications to Owner's property not included in this Application, and not otherwise approved by the Homeowner's Design Committee (e.g., house, structures, landscape, hardscape, etc.) are unauthorized, and the Association may require their removal or other corrective action at Owner's sole expense.

Prior to and during construction or use, all applicable State and County laws, codes, ordinances, rules and regulations shall be complied with. Additionally, the *Declaration of Covenants and Restrictions of Poipu Kai Association* shall be fully observed and complied with. Owners shall refer to Articles III and IV of the Declaration for more specific information on Land Use Classification, Land Use Restrictions, and Design Committee Rules and Regulations governing all property at Poipu Kai.

2. **REVIEW PERIOD:** The Homeowner's Design Committee has forty-five (45) days to either approve or disapprove a fully completed Application. In some cases an extension of the forty-five (45) day period to ninety (90) days may be required. If this Application is disapproved, Owner has the right to appeal the Homeowner's Design Committee's decision to the PKA Board of Directors by submitting a written notice of appeal to the Board within sixty (60) days after the date of the written notice to Owner of the disapproval. Appeals submitted after the sixty (60) day deadline will not be heard by the Board of Directors.
3. **FEES AND DEPOSITS:** An Association processing fee of \$100 for new construction or major remodeling or \$25 for pool, spa, patio cover, wall, fence, lanai, driveway paving, re-roofing, exterior repainting, etc., is due at the time of submittal for final approval.

Developers of single-family homes or multi family developments must provide a refundable deposit of 0.5% of the value of construction or \$2,500.00 (whichever is less). The Design Committee shall refund this deposit to the owner/developer upon final inspection of the project. If during the course of construction the owner/developer fails to comply with the conditions of the Design Committee permit and/or the Poipu Kai Conditions, Covenants & Restrictions, the Design Committee may utilize the deposit to correct any violations if the owner/developer does not correct the violations within 10 days of receiving written notice of the violation from the Design Committee.

4. **EXTERIOR COLORS:** Owners shall provide the HODC with color samples of all exterior surfaces (including roof tile material) for written approval, prior to any such work being done. In the event owners fail to secure prior approval, the HODC reserves the right to require color and/or material changes pursuant to the Declarations of Covenants and Restrictions.
5. **COUNTY PERMITS AND CONFORMITY OF COUNTY APPROVED PLANS:** Owner is responsible for obtaining any and all necessary permits required by the County of Kauai before commencing any construction of improvements / modifications to Owner's property. This includes, but is not limited to, new construction, additions, alterations, structural modifications, electrical, heating, water delivery, plumbing and sewer; new installations or replacement of gas burning or electrical equipment; and any other improvement, such as a fence, garden wall, retaining wall, patio cover, carport, garage, swimming pool, spa, deck, etc.
 - a) By making the proposed improvement / modification, Owner may have to make other modifications to Owner's property or Owner's approved plans, as required by the County of Kauai, to obtain a County permit and final approval by County building inspectors upon completion of the improvements. Neither the Association, nor the Homeowner's Design Committee has any involvement with such County mandated requirements; however, all such County required modifications to the Homeowner's Design Committee's approved plan or Owner's property must be resubmitted to the Homeowner's Design Committee for approval before any construction or other work of improvement commences.
 - b) Owner is responsible to ensure that the actual and final plans and specifications for Owner's Application, as stamped "Approved" by the Homeowner's Design Committee, conform in their entirety to the Application and plans and specifications as approved by the County of Kauai; and, that the commencement of construction without the approval of the Homeowner's Design Committee as to any such variances between the Homeowner's Design Committee's and County's approved plans may result in action by the Homeowner's Design Committee and/or the Association to require the suspension

of any construction that has commenced on the improvements, the imposition of fees and monetary penalties pursuant to the Association's Rules and Regulations, and/or other enforcement action by the Association.

6. **CHANGES TO APPROVED APPLICATION:** If Owner's Application is approved by the Homeowner's Design Committee, and Owner later decides to change / alter this Application as approved, or the County of Kauai requires that Owner change / alter this Application as approved by the Homeowner's Design Committee, Owner must re-submit a new Application, including plans, specifications, and all other required materials, to the Homeowner's Design Committee and seek amended approval before proceeding with the change(s) / alteration(s).

If improvements / modifications are not constructed and completed according to Owner's approved Application and the approved plans / specifications, the Association has the right to require Owner to remove the unauthorized improvement / modification at Owner's sole expense and to reimburse the Association for all legal fees and expenses incurred by the Association to obtain Owner's compliance.

7. **LIABILITY INSURANCE:** Proof of Liability Insurance in an amount no less than \$1,000,000.00 must be provided to the Design Committee prior to the start of construction of any single family home or multi-unit development. Poipu Kai Association is to be named as an additional insured on the liability policy.
8. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** Owner has one (1) year from the date of approval to commence construction of the approved project. Otherwise, Owner must re-submit another complete Application for approval before commencing construction or work of improvement. Owner must also complete the project within eighteen (18) months of the approval.

The Owner must notify the Poipu Kai General Manager in writing 10 days prior to beginning grading or construction. This will allow the vacant lot maintenance fees to be canceled and sprinklers to be adjusted.

As part of the Design Committee Approval process the Owner shall submit a construction schedule for the project. Once the construction schedule is established and agreed upon between the Owner and the Design Committee, the following fines shall apply if the construction schedule is not met:

- a) The "agreed upon completion date" shall be determined from the agreed upon construction schedule based on the day the Owner breaks ground on the approved project.
 - b) The Design Committee shall extend the agreed to completion date for any Acts of God encountered during the construction process and for any delays caused by any government agency.
 - c) If the project is finished before or within 30 day of the agreed upon completion date, the Owner shall not be subject to any fines.
 - d) If the project is not finished between 31 days and 60 days of the agreed upon completion date the Owner shall be subject to a fine of \$30.00 per day TIMES the number of units being developed.
 - e) If the project is not finished between 61 days and 90 days of the agreed upon completion date the Owner shall be subject to a fine of \$50.00 per day TIMES the number of units being developed.
 - f) If the project is not completed within 91 days of the agreed upon completion date the Owner shall be subject to a fine of \$100.00 per day TIMES the number of units being developed.
 - g) Minor renovations or alterations (\$25,000.00 or less in value) shall not be subject to this fine schedule.
9. **CONSTRUCTION HOURS:** Construction is permitted only between 8:00 a.m. and 5:00 p.m., Monday through Saturday. No construction is permitted on Sunday other than painting and other quiet activities. Use of heavy equipment (bobcats, graders, loaders, backhoes) is limited to 8:00 a.m. until 5:00 p.m. Monday through Friday.
10. **DRIVEWAY, GARAGE DOOR OPENER, AND LIGHTS:** Driveway approach apron between property line and road pavement shall be concrete and shall conform to County standards. Driveway between garage and apron shall be asphalt, concrete or grasscrete as permitted by the County. Grasscrete is not permitted for Crestview driveways.

PKA CC&Rs require installation of automatic garage door openers. This must be shown on the plans and be implemented. In addition, the installation of a small ground light near the driveway of each house is required for security and safety. The light must be directed downwards and not be diffuse.

To preserve future options, three 4" PVC chases must be installed under any driveway approach at 1' on center and stubbed and capped at least 6" beyond the edge of the driveway approach.

11. **DRAINAGE:** Existing drainage patterns shall be maintained if at all possible. Grading, excavation, and fill are subject to prior review by the Design Committee. All details affecting drainage must be shown on the plans, including existing and proposed grades, drains, etc. Any proposal to change the existing drainage system(s) / pattern(s) or surface grading, or for major construction or remodel, will require Owner to provide plans and specifications prepared by qualified professionals (e.g., Architect, Civil Engineer, etc.), and review by the Homeowner's Design Committee's professional consultant(s) at the Owner's expense if deemed necessary.
12. **CONSTRUCTION SITE CONTROL (PARKING, DUST, DEBRIS):** Because this is an occupied resort community, it is imperative that the construction site be kept in a clean and neat condition. Since construction on a given lot frequently requires parking of vehicles and storage of materials elsewhere, the owner and/or contractor shall notify and coordinate permission for such activity with the Poipu Kai General Manager. Owners shall exercise complete dust control during construction and clean or repair any property damaged by dust as a result of said construction. Additionally, owners shall completely control all solid waste and debris, and remove same. Poipu Kai Waste Removal Facilities are not to be used for disposal of construction debris from the construction or renovation of any home, condominium or apartment within Poipu Kai. If the debris is minor in nature (a pickup truck full or less) arrangements can be made with the General Manager to utilize Poipu Kai facilities for a fee to be determined by the General Manager. The fee for such disposal shall be consistent with Poipu Kai's costs for the disposal. The Design Committee may, at their discretion, require the use of dumpsters at the construction site.
13. **LANDSCAPING/IRRIGATION PLANS:** Within four (4) months of approval or prior to occupancy, whichever shall come first, the owners shall prepare and submit a current plan for landscaping and irrigation of the property. After approval, this plan shall be implemented prior to occupancy. In the event the owners fail to adequately landscape the property, the HODC reserves the right to do so, pursuant to the Declaration of Covenants and Restrictions. The landscaping is a critical element to the approval process and may not be omitted.
14. **SEWER SERVICE AGREEMENT:** The property will be served by the Poipu Kai Water Reclamation Corporation for sewerage. A sewer service agreement is available from the Poipu Kai Association through its General Manager and must be executed and returned prior to sewer connection. Further, the sewers may not in any case be connected prior to completion of the house and certification of said completion by the Homeowners; Design Committee. At the time of completion, the drains in the house must be fully flushed and said activity witnessed by an authorized representative of the Poipu Kai Water Reclamation Corporation prior to connection. If this procedure is not followed, sewer service may not be available. Monthly sewer fees will start upon connection. The Poipu Kai Association reserves the right to delay sewer connection until it is satisfied that the owner has complied with any or all specific conditions of this approval.

To help protect the wastewater treatment plant, all kitchen sinks must have an electric garbage disposer.

15. **OCCUPANCY:** Copies of the Certifications of Occupancy must be filed with the Poipu Kai General Manager within ten (10) days of their issuance. Also, a complete set of as-built plans must be supplied to the General Manager within 45 days after occupancy.

OWNER'S ACKNOWLEDGMENTS: Based on Owner's personal review of the information provided in this Exterior Modification Request and in the accompanying plans and specifications, documents, and other materials, Owner represents that it is complete and accurate, and in accordance with the PKA Association Rules and Homeowner's Design Committee Rules. Further, Owner has read, understands, and agrees to comply with these Rules and the requirements and conditions applicable to this Application. Owner understands and agrees that the Committee's responsibility to consider the adequacy of structural design and material is limited to the suitability of the aesthetic structural aspects of a project or proposal, and does not include the engineering aspects of the homeowner's submittal or the safety or durability of the structural design or material. The adequacy of the engineering aspects and integrity of the interior design and material of a structure or improvement are the sole responsibility of the homeowner and all such matters are to be in compliance with the requirements of the County of Kauai and all other appropriate governmental and non-governmental agencies and parties.

Approval by the Homeowners' Design Committee in no way constitutes an endorsement of any activity, construction or use contrary to law, regulation or the Declaration of Covenants and Restrictions.

The owners and any subsequent owners, agree to be bound by the provision of Design Committee approval and to notify their successors and heirs of the contents and obligations contained within the approval.

Owner further agrees to reimburse the Association for the fees charged by the Association's professional consultant(s) including, but not limited to, architects, landscape architects, licensed civil engineers, licensed geologists and attorneys, deemed necessary by the Homeowner's Design Committee and/or the Association's Board of Directors to assist and advise them in the review of this Application.

In accepting HODC approval, the owners and all their agents, employees and personal representatives agree, on behalf of themselves, their heirs and successors in interest, to abide by the foregoing conditions and to indemnify and hold harmless the Poipu Kai Association, the Poipu Kai Water Reclamation Corporation and their respective affiliates, successors, heirs, agents, officers, employees and assigns from any damages which may result to the owners or any other person as a result of the approval granted or any prior or subsequent approvals granted by the Design Committee or Homeowners' Design Committee to any other owners.

Date: _____

Owner's Signature: _____

Owner's Submittal Checklist

	Item	Date Submitted
<input type="checkbox"/>	Signed Application / Acceptance	
<input type="checkbox"/>	Application Processing Fee (due with application)	
<input type="checkbox"/>	Construction Drawings / Plans (due with application)	
<input type="checkbox"/>	Construction Schedule (due with application)	
<input type="checkbox"/>	Exterior Paint Samples / Colors (due with application)	
<input type="checkbox"/>	Roofing Materials Samples / Colors (due with application)	
<input type="checkbox"/>	Construction Deposit (due before construction starts)	
<input type="checkbox"/>	Proof of Insurance (due before construction starts)	
<input type="checkbox"/>	Landscaping / Irrigation Plan (due within 4 months of approval or prior to occupancy)	
<input type="checkbox"/>	Written Notice of Construction / Grading Start (due 10 days before start)	
<input type="checkbox"/>	Sewer Connection Application	
<input type="checkbox"/>	Occupancy Permit (due within 10 days of issuance)	
<input type="checkbox"/>	As-built plans (due within 45 days of occupancy)	

Plan Checklist

FINAL NEW CONSTRUCTION / MAJOR REMODELLING PLANS

Four (4) sets of final construction plans shall be submitted to the Committee for approval. Construction drawings shall contain the following information where pertinent to the construction proposed:

- Plot plan, drawn to scale, showing lot layout, new dimensions drawn in heavy lines, north arrow, easements, topographical information (such as property boundary lines and pad grades when changed from original lot grades), top and toe of all slopes, building outline, drives, walks, fences (including heights) and other site improvements.
- A plot outline showing location of structures on adjacent properties in relation to common boundary lines and existing and proposed structures on Owner's Lot shall be included.

- Elevation plans with dimensions for exterior elevations showing all doors, windows and roof lines, indicating all materials used on exterior, including planters and fences. Indicate roof pitch and height relative to that of the existing building.
- Building sites shall drain in accordance with the original grading plan. Location of proposed improvement, mechanical equipment including and piping and drainage lines, to show how water, rain and irrigation flows will be accommodated must be shown.
- Floor plans with dimensions identifying the area being remodeled, constructed, added or altered and a sufficient portion of the existing structure to permit orientation.
- Renderings and/or perspective sketch, if necessary to clarify design.
- Samples and/or brochures are required for exterior surfacing materials, including colors.

POOLS, SPAS, PATIO COVERS, WALLS, FENCES, DECKS, PAVING, HARDSCAPE, LANDSCAPE PLANS

Four (4) sets of construction plans, and samples/brochures are required:

- Plot plan, drawn to scale, showing existing building outlines, walls, drives, etc. A plot outline of adjacent property must also be included.
- Location of proposed improvement and drainage lines to show how water, rain and irrigation flows to the street in front or to developer's drains and any mechanical equipment including and piping.
- Elevation plans with dimensions for exterior elevations showing all materials used on exterior, including planters and fences. Fence and wall and all hardscape heights must be shown.

RE-ROOF, EXTERIOR PAINT

Two (2) sets of color chips, painted materials and/or brochures are required. Roof plan, including roof material sample and brochure is required.

GARAGE DOOR, EXTERIOR DOORS & WINDOWS

Two (2) sets of a brochure are required. The color of the garage doors must match the color of trim or the color of the body of the house. New doors and windows must be of the same size and location, or a major remodeling application will be required..

RETURN OF SAMPLES

All roofing samples, picture/color boards or any other large sample items will be stored in the Association office for ten (10) days after your submittal is reviewed by the Committee and is either approved or disapproved. In the event the HODC disapproves the application and an appeal is made, the applicant's materials will be stored in the Poipu Kai Association office for the duration of the appeal process. The Association office is open 9 am to 5 pm, Monday thru Friday, during which you may collect your samples. In the event you do not pick up the item(s), the office will discard them on your behalf.

PLEASE DO NOT WRITE BELOW THIS LINE

PKA-HODC Action Checklist

OWNER'S NAME: _____ LOT: _____

PROPERTY ADDRESS: _____

PROJECT DESCRIPTION: _____

	Item	Date	Fee
<input type="checkbox"/>	Preliminary Application Received		
<input type="checkbox"/>	Preliminary Committee Response Letter		
<input type="checkbox"/>	Complete Final Application Received		
<input type="checkbox"/>	Scheduled for HODC Review		
<input type="checkbox"/>	HODC Response Letter <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
<input type="checkbox"/>	Construction Deposit Received		
<input type="checkbox"/>	Vacant Lot Fee Removed / Sprinklers Adjusted		
<input type="checkbox"/>	Construction vs. Plan Inspection		
<input type="checkbox"/>	Sewer Connection Approval		
<input type="checkbox"/>	Construction Deposit Returned		

NOTES / COMMENTS:

Poipu Kai Design Guidelines

Appendix B: Poipu Kai Compliance Management System

Adopted April, 2007

- 1) Initial contact by telephone
General Manager, administrative assistant, rental agent representative or Resort & Patrol Service. Second contact by telephone as stated above. All correspondence documented.
- 2) Friendly written reminder
Notice taped to door or hand-delivered
- 3) If problem is with guest, contact owner to advise that there is a problem and request follow-up
- 4) First violation notice
Constitutes a warning of apparent violation. Outlines problem areas and requests compliance within certain time frame based on infraction. Also states consequences for non-compliance. Any appeal will be requested in writing to the Board of Directors.
- 5) Second violation notice
Same offense receives a \$25.00 fine
- 6) Third violation notice
Same offense receives a \$100.00 fine
- 7) Fourth violation notice
Same offense receives a \$500.00 fine per week until corrected
- 8) Finally, to remedy a violation, Legal Action as appropriate, by the Board.

Subsequent warning letters and fines cannot be levied without proof of receipt of warning.

All violations notices will be sent by Certified Mail, return receipt and by email or other delivery method.

Board of Directors will allow Management the flexibility to make decisions based on severity of violation. All safety and health violations will be required to cease and desist immediately.

Poipu Kai Design Guidelines

Appendix C: Height Restricted Area (HRA) Map

