

**Waialae Iki 5**  
**CONDENSED SUMMARY**  
**ARTICLE IV: IMPROVEMENT OF PROPERTY**  
Declaration of Covenants, Conditions and Restrictions, as amended 12 August 1997

**Use of this Document**

This document summarizes the principal building requirements and procedures required by Article IV of the declaration of Covenants, Conditions and Restrictions of Waialae Iki 5, hereinafter referred to as the “CC&Rs”. It is intended to be used merely as a guide for the convenience of property owners, and their architects and contractors, and does not, in any way, replace, supersede, or contravene any of the provisions of Article IV of the CC&Rs.

As a summary, this document may exclude certain provisions of Article IV, which may be significant. Accordingly, it does not supplant the need for owners, architects and contractors to be thoroughly familiar with Article IV of the CC&Rs in its entirety. In the event of any conflict between the statements contained herein and the CC&Rs, the provisions of the CC&Rs shall, at all times, prevail.

**Architectural Advisory Board**

The function of the Architectural Advisory Board, hereinafter referred to as the “AAB”, is to oversee and exercise control over the improvement of property in Waialae Iki 5. Its purpose is to maintain standards and plan of development established by the CC&Rs to protect, preserve and enhance the value, desirability and aesthetics of the community area.

**Improvement of property includes:** Buildings, roads, driveways, parking areas, fences, screens, retaining walls, stairs, decks, hedges, wind breaks, landscaping, trash enclosures, poles, signs, outdoor lighting, swimming pools, and air conditioning equipment.

**Owner’s and Architect’s Checklist**

The following is the normal sequence of steps to be followed in the processing of plans for the construction of homes within the Waialae Iki 5 Project:

**Step 1. CC&Rs**

- Review of Covenants, Conditions and Restrictions (CC&Rs) by Owner and Owner’s Architect.
  
- Initial consultation meeting between Owner, Owner’s Architect and AAB Professional Architect. Discussion is to include drainage, soil conditions, view channel easements, orientations, setbacks, height limits, exterior materials, colors, landscaping plans, and interpretation of Association requirements. The first hour will be at no charge; any subsequent consultation will be at the Owner’s expense.

## Step 2. PRELIMINARY PLANS

- Owner's Architect to submit to AAB one (1) set of preliminary plans, cost estimate, preliminary landscape plans, prepared by a registered landscape architect, letter of transmittal requesting approval of the preliminary plans, and three separate checks made payable to "Waialae Iki 5 Community Association" as follows:

\$3,000	Design review and progress inspection fees
\$ 200	Processing fee
\$5,000	Refundable construction security deposit, to be refunded at end of construction provided there is no damage to community property and all other AAB fees and charges have been paid, e.g., additional review fees if necessary.

Additional charges for Renovation Review Fee will be at a rate of \$175 per hour.

- The preliminary drawings shall include:
  1. Site plan showing existing / proposed contours at two-foot (2'0") or smaller intervals, setbacks, view channels, proposed structures and paved areas, placement of major trees, methods for retaining embankments, and any other structures such as swimming pools, greenhouses, etc. Show roof lines, drainage, and elevations based on city datum. Owner's Architect is responsible for the accuracy of lot contours shown on drawings.
  2. A land survey of the site certified and stamped by a registered surveyor showing the existing topography contours of the site's two (2) foot contours, lines of streets, pavements, boundaries, dimensions, easements, including view channel easements, and other improvements.
  3. Floor plans showing all floors with floor elevations noted.
  4. Exterior elevations showing each exposed side (and walls of property lines) with materials and colors generally indicated. View channels also to be shown.
  5. Cross sections through the structure and site from street to opposite end of property, both transverse and longitudinal.
  6. Colors & Materials: Submit a color-board showing intended colors for such items as roofing, siding, trim work, walls, and any other significant item. Material samples of roofing and siding may also be required. Samples shall be of sufficient size to convey the overall effect on the residence.
- The AAB will, within forty-five (45) days:
  1. Approve the plans as submitted, or,
  2. Approve the plans subject to modifications, or,
  3. Disapprove the plans, noting reasons for disapproval. This decision requires resubmission of preliminary plans.

### **Step 3. FINAL PLANS**

- Owner's Architect shall submit to the AAB two (2) sets of final working drawings, mailbox design, exterior color chart, a final landscape plan, updated cost estimate, and a letter of transmittal requesting approval. Plans shall be complete and in form to apply for a building permit.
- The AAB will, within forty-five (45) days:
  1. Approve the plans as submitted, or,
  2. Approve the plans subject to modifications, or,
  3. Disapprove the plans, requiring resubmission of plans to conform with preliminary drawings.
- Apply for a Building Permit at the Building Department, City & County of Honolulu.

### **Step 4. CONSTRUCTION**

- Commence construction upon receipt of building permit and within twenty-four (24) months after lot was deeded to Owner.
- Contractors are to register with the Property Manager for purposes of obtaining rules and regulations and insurance requirements.
- Complete construction within twelve (12) months of start of construction, in accordance with the approved final working drawings. Note that the Owner's Architect is responsible for observing construction.
- Complete landscaping within ninety (90) days of completion of construction, in accordance with the approved plans.

### **Design Standards**

1. Height Limit: Eighteen (18) feet above the highest existing grade ( on the date such lots was first conveyed by the Declarant to an Owner) or finish grade, whichever is lower.
2. Lot Coverage: One third ( $\frac{1}{3}$ ) of total lot area, measured to perimeter of walls or structural supports.
3. View Channel: Neither structure nor landscaping may exceed six (6) foot height in view channel. See AAB guidelines.
4. Paint and Colors: Colors are to be muted, non-glaring, and non-reflective. Aluminum components are to be bronze anodized or factory painted. Flat roofs shall have dark gravel.

5. Garage: Minimum of four hundred (400) sq.ft. two-car garage, attached.  
Additional sixty (60) sq.ft. of screened storage if garage faces street.  
Minimum eighteen (18) foot width.  
Minimum Twenty (2) foot setback if garage faces street.
6. Exterior Walls: Six (6) foot maximum height at side property lines.  
Four (4) foot maximum at front property line.  
No joints in CMU to be visible.
7. Siding: Siding to be subject to AAB approval  
Metal, vinyl, or plastic siding subject to individual AAB consideration.
8. Roofs: Minimum slope of 4:12.  
Flat portions not to exceed forty (40) percent of roof area.  
Roof overhangs to be substantial.  
Roof material and color to be submitted for AAB approval.
9. Noise Abatement: Air conditioning, pool equipment, etc. shall be soundproof to prevent noise problems.
10. Exterior lighting: Shall be non-offensive to neighbors/
11. Drainage: Surface runoff shall not damage adjacent lots.  
Note that some lots have subsurface drains.
12. Mailbox: To be attractive and of superior design.
13. Gas Tank: Shall be concealed from view.
14. Refuse Can Enclosure for automated refuse pickup: Required unless cans are adequately concealed elsewhere.
15. General Design: Individual solutions are subject to review.  
Under-house supports are not to exceed nine (9) feet in height.  
Structural bracing is to be concealed.  
Accessory structures are to match main structure.  
All materials are to be of superior quality.

## **INSURANCE PROOF AND PROCEDURES**

The streets and sidewalks in Waialae Iki 5 are private and owned by the Association. Accordingly, effective 1 July 1994, Waialae Iki 5 adopted new procedures to ascertain that vehicles entering Waialae Iki 5 are to be properly insured. Subject to certain government requirements relating to public access, the following procedures will be followed:

1. Owners with decals displayed will not be challenged.
2. Owners without decals and other drivers with vehicles that are clearly noncommercial in nature will be admitted with a valid Hawaii no-fault insurance card in the vehicle.
3. Owners and guests of Owners who do not have a valid no-fault insurance card in possession will be admitted with the proviso that they will have a valid card in possession the next time they enter. The security guard will keep a record of these vehicles, and entry will be denied if a valid card is not presented.
4. All others, which includes contractors, subcontractors, employees of contractors and subcontractors, vendors and service organizations, must either (a) have a pass issued by Waialae Iki 5, (b) appear as "cleared" on the list supplied the security station by the Property Manager, or (c) have a valid no-fault insurance card in the vehicle. Those who do not have passes, or are not on the cleared list, must have valid no-fault insurance cards and will be provided instructions of how to obtain passes for automatic entry.