



**MAUNA LANI  
RESORT**

**DESIGN GUIDELINES, STANDARDS AND  
RESTRICTIONS**

**FOR**

**SINGLE FAMILY HOMES**



**MARCH 2024**

## FOREWORD

The intent of these Guidelines is to set forth design parameters and standards to guide homeowners, their respective architects, consultants and other professionals in the siting, design and development of single family homes at Mauna Lani Resort. The guidelines outlined herein are the design principles to be followed and the standards outlined identify the minimum design and construction standards and materials to be used for single family home development at Mauna Lani. Each new home at Mauna Lani shall be compatible with existing natural and manmade structures and shall enhance the total resort environment. In essence, development at the Resort shall reflect the highest quality design and construction possible. Timelessness and natural environmental compatibility shall be the watchwords of design to assure the Resort retains its very own "sense of place".

The single family home guidelines and standards contained herein are specifically applicable to conventional, grid-type single family residential subdivisions within the Resort. Non-conventional single family residential projects, such as zero lot line, cluster developments, Planned Unit Developments (PUD) or other possible non-conventional single family home projects allowable under the Hawaii County zoning code, will be reviewed and approved by the CDC on a case by case basis.

These Guidelines and Standards do not restrict normal Resort operations and maintenance activities. Resort or homeowner actions that would normally require governmental agency approval, such as grading or building permits, are subject to these Guidelines and Standards.

Mauna Lani Resort Association Declaration of Covenants and Restrictions delegate the responsibility of guiding development at the Resort to the Community Design Committee (CDC). The primary functions of the CDC are to (1) Review, evaluate and comment on schematic, preliminary and construction drawings plus specifications for proposed projects at Mauna Lani; (2) Oversee the continuing development of, and amendments to, the design guidelines; and (3) Review and advise Mauna Lani Resort on proposed master plans and development plans with respect to conformance with Mauna Lani Resort's Master Plan and established guidelines.

These Design Guidelines, Standards and Restrictions are the measures by which proposed single family homes will be evaluated when submittals are made to the CDC.

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# **SECTION I INTRODUCTION**

## **1. HISTORY AND BACKGROUND**

Mauna Lani Resort, Inc., the original developer of Mauna Lani Resort, was incorporated in the State of Hawaii in 1972 for the sole purpose of developing a world-class destination resort community on 3,200 acres of fee simple land at Kalahuipua'a, on the Kohala Coast. This expanse of prime beach and coastal lands encompasses the former estate of Francis Hyde I'i Brown, a descendant of Hawaiian ali'i known worldwide as "Mr. Golf of Hawaii" as well as a gentleman sportsman.

Contiguous to the Resort's fee lands are State lands that serve as a buffer between Mauna Lani Resort's northernmost properties and the Puako Beach Subdivision, the closest inhabited area. Mauna Kea Beach Resort lies five miles to the north and Waikoloa Beach Resort is immediately south of Mauna Lani Resort.

Mauna Lani Service, Inc. (MLS), successor Declarant to Mauna Lani Resort, Inc., is a member company of the Tokyu Corporation, which is a mid-sized service-oriented conglomerate based in Tokyo, Japan. Originally a transportation company, Tokyu has diversified into different companies specializing in retail sales, real estate development, construction, hospitality and leisure industries.

## **2. GEOGRAPHIC LOCATION**

Mauna Lani Resort at Kalahuipua'a is located on the Kohala Coast of the Big Island of Hawaii about 30 miles north of Keahole Airport. The Resort lies within the South Kohala District and extends from Pauoa Bay on the north to Honokaope Bay on the south along the shoreline and inland to the Queen Ka'ahumanu Highway.

## **3. ENVIRONMENTAL SETTING**

Mauna Lani Resort's physical setting is ideal for the development of a high quality destination resort community. Its consistent, fine, tropical weather and special geographic features provide unique challenges for design and development.

Unlike other developments on the South Kohala Coast, the Mauna Lani site is at the focal point of surrounding mountains, providing an equidistant view to five volcanic peaks: Kohala, Mauna Kea, Mauna Loa, Hualalai and Haleakala on Maui. The two most notable features of the 3,200-acre site are the ancient Hawaiian fishponds and the unweathered prehistoric Kaniku lava flow on the southern portion of the site.



The South Kohala region is known to be among the State's most arid areas. Average annual rainfall records show nine (9) inches in the past 36 years. Mean annual temperature is 78° F with relatively small daily and seasonal fluctuations. Daytime highs exceeding 88° F or nighttime lows falling below 63° F do occur, but on extremely rare occasions.

Included within Mauna Lani's Master Plan are 22+ acres of historic preserves plus an additional 23+ acres in fishpond/open space use. The boundaries of the historic preserve encompass the major clusters of archaeological sites and features found at Kalahuipua'a. This ensures the protection and long-term preservation of historic sites and minimizes conflict with future resort development.

Old Hawaiian trails such as the Alaloa (King's Highway or Mamalahoa Trail), the Old Alaloa (the "ancient forerunner trail") and the Ala Kahakai (shoreline trail) are also preserved. These trails are important resources for access to the shoreline and "mauka" areas and provide an important historical perspective of trail and "highway" development in old Hawaii.

## **SECTION II SUBMITTAL AND APPROVAL PROCESS**

### **1. MAUNA LANI RESORT'S COMMUNITY DESIGN COMMITTEE**

#### **1.1 Function and Organization of Community Design Committee**

Mauna Lani Resort Association Declaration of Covenants and Restrictions (MLRA DC&Rs) Article V, Section 4 (b), delegate the responsibility of guiding development at the Resort to the Community Design Committee (CDC). The CDC consists of five (5) members, including professionals in the areas of planning, landscape architecture, architecture, engineering or related fields. Except as provided for below, the CDC is the decision making body with regard to the evaluation of submittals and approval of drawings and specifications.

The primary functions of the CDC are to:

- Review, evaluate, comment on and approve schematic, preliminary and construction drawings plus specifications for proposed projects at Mauna Lani;
- Adopt, amend and repeal rules and regulations which interpret or implement the provisions of the MLRA DC&R restrictions, insofar as they relate to matters under jurisdiction of the CDC;
- Review and advise MLS on proposed master plans and development plans with respect to conformance with Mauna Lani Resort's Master Plan and established guidelines.

#### **1.2 Function and Organization of Design Review Board**

The MLRA DC&Rs [Article V, Section 4 (e)] also establish the Mauna Lani Design Review Board (DRB) which shall be comprised of the Chairman and Vice Chairman of the Board of Directors of Mauna Lani Service, Inc. and the Chairman of the CDC or their respective designees. The DRB, at its sole discretion, may reconsider any decision of the CDC, which denies any major improvement or alteration proposal and may reverse the decision of the CDC. The DRB reserves the right to reverse any denial of a particular application for a major improvement or alteration.

### **2. ROLE OF THE COMMUNITY DESIGN COMMITTEE**

Except as provided for above, the CDC is the decision making body established by the MLRA DC&Rs to review proposed improvements at the Resort. The primary intent of the review process is to ensure that projects are well planned, functional and of high quality architectural design and character. The CDC and/or DRB shall not knowingly approve any proposed action in any circumstance where that action will clearly result in a reduction of property values at the Resort or where it is determined in good faith that the proposed improvements will be unsightly, in poor taste, or disharmonious with existing improvements at the Resort. The CDC and DRB shall also assure that these Guidelines and Standards are adhered to by all parties. Any noncompliance will be referred to the Mauna Lani Resort

Association or the appropriate subassociation for enforcement action. The MLRA DC&Rs provide that the Association may, at the property owner's expense, take whatever steps necessary to enforce these Guidelines and Standards.

## **2.1 Applicability**

The single family residential project guidelines and standards contained herein are specifically applicable to conventional, grid-type, single family residential subdivisions within the Resort. Non-conventional single family residential projects, such as zero lot line, cluster developments, Planned Unit Developments (PUD) or other possible non-conventional single family home projects allowable under the Hawaii County zoning code, will be reviewed and approved by the CDC on a case by case basis.

The MLRA DC&Rs also establish a distinction between major and minor projects. Major projects are defined as those with a constructed value of fifteen million dollars (\$15,000,000.00) or more. Minor projects are defined as those with a constructed value of less than fifteen million dollars (\$15,000,000.00).

The CDC shall receive notice of all actions falling within the following categories:

- Proposed construction, reconstruction, refinishing, or alteration upon, under or above any lot or exterior of any structure;
- Proposed making or creation of any excavation or fill upon, under, or above any lot;
- Proposed installation of utility lines (wire or conduit) on, over or under any lot;
- Proposed alteration or removal of existing vegetation and emplacement of new vegetation, except that which is removed or altered in the performance of standard and normal maintenance operations procedures; and,
- Proposed actions which could affect surface drainage patterns.

Upon such notice, the CDC shall determine whether the proposed action is a major or minor project. In the case of major projects, the DRB, at its sole discretion, may reconsider any decision of the CDC which denies any major improvement or alteration proposal and may reverse the decision of the CDC. Any action falling within the above-noted categories, whether it is determined to be a major or minor project, shall require the written approval of either the CDC or DRB.

These Guidelines and Standards do not restrict normal Resort operations and maintenance activities. Resort or homeowner actions that would normally require governmental agency approval, such as grading or building permits, are subject to these Guidelines and Standards.

## **2.2 Professional Advice**

As indicated on the attached Application Form (Appendix A), the CDC may employ the services of an attorney, architect, landscape architect, or structural or civil engineer, licensed to practice in the State of Hawaii or any other consultant to render professional advice and may pay a reasonable compensation for such services, which compensation may be charged to any person who has submitted plans, specification or other materials requiring review by such attorney, architect, landscape architect, engineer or consultant. Failure to obtain professional advice shall not constitute misconduct on the part of the CDC.

## **2.3 Variances**

The CDC shall have the power to allow reasonable variances to the land use restrictions specified in the MLRA DC&Rs, to overcome practical difficulties and prevent unnecessary hardships, provided the following conditions are met:

- (1) A public hearing on the application for such variance is held by the CDC after giving ten (10) days prior written notice (A) to owners of property in the Mauna Lani Resort within a radius of one-half (1/2) mile of the subject property; and, (B) to the Mauna Lani Resort Association; and,
- (2) The CDC finds that the variance will not be materially detrimental to other property in Mauna Lani Resort.

All variance requests must be accompanied by sufficient technical data and information from which the CDC can render an informed decision. Variance requests lacking such data and information will not be accepted by the CDC. All variance proceedings are subject to an administrative fee.

## **3. APPROVAL PROCEDURES**

### **3.1 Preliminary Plan Approval**

Prior to preparing detailed working drawings for a proposed project, the owner or lessee of residential property at Mauna Lani shall submit to the CDC a signed copy of the attached Application Form (Appendix A), eight (8) sets of preliminary plans and outline specifications for the proposed work. The plans shall be prepared by or in association with a State of Hawaii licensed architect and shall be certified by an architect licensed in the State of Hawaii. When practicable, the submittal of half-size plans are preferred.

Each set of preliminary plans and specifications shall include, but shall not be limited to, the following:

- A site plan at a scale of 1" = 20' showing topography, prominent site features, location of building walls, fences, pools, roofed areas and overhangs, paved areas, principal trees, north arrow and setbacks. The topography shall be prepared by a State of Hawaii licensed surveyor;

- A house floor plan, drawn to a scale of 1" = 8' with spaces labeled and floor elevations indicated;
- A color board showing exterior wall, window, trim and fencing colors and roof colors;
- A roof plan, drawn to a scale of 1" = 8', showing ridges, valleys, skylights, solar heat collectors and other features;
- Elevation drawings, drawn to a scale of 1" = 8', showing principal exterior elevations (front, back and side view of all structures above grade); principal exterior materials and colors to be used for roof, walls, windows and fences; and existing and final grade lines;
- A conceptual landscape plan, showing pristine area designations and including provisions for planting of vegetation; and
- Estimated construction schedule.

The property owner or his representative will be advised by the CDC, or its representative, within ten (10) days of receipt of a submittal whether said submittal is complete. Submittals containing less than that listed above will be considered incomplete. Review of submittals will not begin until the submittal is determined by the CDC or its representative to be complete.

The Chairman of the CDC and/or members of the CDC shall review the preliminary plans for compliance with the standards and restrictions set forth herein. The review shall consider:

- Siting and orientation of house structure;
- Setback lines and height restrictions;
- Building shape;
- Roof line and form;
- Architectural design and style, including type and color of exterior materials;
- Garage, driveway and entry arrangement;
- Potential drainage and grading effects; and,
- Compliance with specific provisions of the MLRA DC&Rs and applicable secondary Association CC&Rs.

Approval or disapproval of the preliminary plans shall be provided in writing to the owner or his designated representative by the CDC within forty-five (45) days of receipt of a complete submittal.

In the case of disapproval, the nature of the objections shall be indicated. In the event that the intent of the objections remains unclear, the owner and/or his architect may telephone or meet personally with a designated representative of the CDC before proceeding further. CDC members shall not be contacted directly.

Upon approval by the CDC or DRB, one set of preliminary plans shall be returned to the owner.

### **3.2 Construction Documents (Drawings and Specifications) Approval**

Having obtained preliminary plan approval, the owner shall submit, in duplicate, working drawings and specifications to the CDC. The working drawings shall represent plans submitted for building permit to the County of Hawaii and must bear the stamp of the Hawaii licensed architect, as previously defined, and must include the following:

- A site plan at a scale of 1" = 20' showing:
  - property lines and dimensions;
  - existing two (2) feet contour lines and final two (2) feet contour lines after grading;
  - MLRA setback lines, height limits and view channels;
  - on-site surface drainage plans;
  - location of buildings, fences, walls, roof overhangs (dimensioned) and other improvements;
  - floor elevations above sea level;
  - driveways, walkways, other paved areas; and
  - design and location of sewerage laterals and elevation of invert.
- Floor plans at a scale of 1" = 4' of each building level, indicating layout and uses of space, location of openings and exterior living areas, floor elevations and roof edges.
- Exterior elevation drawings at a scale of 1" = 4' showing:
  - roof shape, pitch, overhang and materials (elevation above sea level of roof ridges or peaks are to be indicated);
  - exterior wall materials, color, textures and window and door details, plus frame materials;
  - fences and walls;
  - details of exterior railings and other decorative features;
  - cross sections and details; and
  - electrical and lighting plans.
- A landscape plan, prepared in accordance with **Section V** of these Guidelines, by or in association with a State of Hawaii licensed landscape architect, showing:
  - lot lines and trees, indicating species, mature height and canopy spread;
  - shrubs and ground cover materials and boundaries;
  - layout of irrigation system;
  - exterior lighting on structures and landscape lighting, indicating fixture type and location;
  - natural and pristine areas; and,
  - color samples of all exterior surfaces.
- Final estimated construction schedule.

The Working Drawings shall be reviewed and a comment letter indicating approval or disapproval shall be provided to the owner by the CDC within sixty (60) days of receipt of a

complete submittal. In the event that the Working Drawings are disapproved, the objections shall be outlined and explained. If such explanation does not suffice, the owner and/or his architect may telephone or meet personally with a designated representative of the CDC before proceeding further. The CDC members shall not be contacted directly.

Any working drawing and specification application which has been neither approved nor rejected within sixty (60) days from the date of a completed submission thereof to the CDC shall be deemed approved twenty (20) days after the CDC receives written notice from the owner that he intends to proceed in accordance with the plans submitted unless the CDC responds within such twenty (20) day period.

### **3.3 Construction Documents Final Approval**

Final approval of the construction documents (drawings and specifications) by the CDC or the DRB shall be shown on the agreed-upon drawings, plans, specifications and other documents.

Upon approval of final plans and specifications, by the CDC or DRB, the property owner shall be required to deliver to the CDC a fully executed **Owner's Certification and Acknowledgement Regarding Construction Plan Approval** (Appendix B).

Any additional conditions to final approval will be specified by letter when the CDC or DRB returns the approved plans, drawings and other documents to the applicant. These conditions shall be considered an integral part of the construction documents.

A copy of the approved construction documents shall be kept at the project site at all times through completion of the home.

### **3.4 Construction**

Upon final approval of the Working Drawings, the owner shall give the CDC at least three (3) weeks written notice prior to the start of construction or commencement of improvement works. At that time, the owner shall also provide the CDC copies of:

- the fully-executed construction contract;
- the fully-executed payment, performance and completion bonds described and required in this document;
- the fully-executed Owner's Certification and Acknowledgement Regarding Construction Plan Approval (Appendix B)
- the building permit(s); and

Upon receipt of approval from the CDC, the owner shall, as soon as practical, proceed with commencement, and completion, of the work contemplated by the application, pursuant to the approved plans and specifications. Substantive work must commence within twelve (12) months of final approval or a longer period as may be established by the CC&Rs of a specific subdivision, or approval shall be deemed revoked, unless the applicant receives a written extension prior to the expiration of such 12-month period. Should CDC approval be

revoked, the owner must re-submit the Working Drawings for approval by the CDC. The CDC and/or MLRA shall not be bound by decisions made regarding prior approvals.

Construction of the proposed improvement must be completed within the time frame established and approved by the CDC or DRB. If work is abandoned, that is, does not progress in a reasonable manner and time frame, at any time prior to completion, or if the owner fails to complete the work as specified, MLRA or the appropriate subassociation 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.

### **3.5 Project Inspections**

#### **3.5.1 During Construction**

Periodic inspections may be made by the CDC, or its representative, during all phases of construction to verify compliance with these guidelines. By signing the Application Form (Appendix A), the owner acknowledges the right of the CDC, or its duly authorized representative, to enter the owner's lot during construction without prior notification for inspection purposes.

Prior to pouring concrete, a batter board inspection shall be performed. The Contractor shall submit a letter from a State of Hawaii licensed surveyor confirming the floor level and foundation siting conforming to the plans approved by the CDC or DRB.

#### **3.5.2 Final Inspection**

The owner shall provide a written notice of project completion to the CDC, within five (5) calendar days following completion of the proposed work. Thereafter, the CDC may, within thirty (30) days of receipt of project completion notice and required as-built documents, inspect the improvement to determine whether it complies with the approved Working Drawings.

If the CDC finds that the completed work does not substantially comply with the approved Working Drawings, it shall notify the owner of such non-compliance. The owner shall then have the time period specified in the notice of noncompliance to the owner to commence work to remedy the noncompliance. If the owner fails to remedy such non-compliance within the time frame specified, the CDC will notify MLRA and/or the appropriate subassociation. The association, at its option, may remove the improvements or remedy the noncompliance. The owner shall reimburse the association for all expenses and costs incurred by the association in connection therewith, including attorney's fees and court costs.

If, for any reason, the CDC fails to notify the owner of noncompliance within the thirty (30) day period, the work will be considered to be in compliance with these Guidelines, Standards and Restrictions.

Occupancy of single family structures may not occur until all final inspection requirements have been met by the owner and so noted by the CDC.



### 3.5.3 Estoppel Certificate

Per the provisions of the MLRA DC&Rs [Article V, Section 4 (h)], within thirty (30) days after written demand therefore is delivered to the CDC by any owner and upon payment therewith to MLRA of a reasonable fee from time to time to be fixed by MLRA, the CDC shall record an estoppel certificate executed by any two (2) of its members certifying with respect to any property of said owner, that as of the date thereof either (1) all improvements and other work made or done upon or within the property by the owner, or otherwise, comply with these Guidelines and/or CDC or DRB approved working drawings. or (2) do not so comply in which event the certificate shall also (A) identify the noncomplying improvements and/or work and (B) set forth the nature of such noncompliance.

## 3.6 Other Provisions

### 3.6.1 As-Builts

The applicant, upon completion of the project, shall submit as-built drawings prepared and certified by a surveyor licensed in the State of Hawaii. The drawing(s) shall include information as may be required by the CDC or its duly authorized agent performing final inspection as required by these Design Guidelines and Standards. The minimum information required, unless otherwise requested in writing, shall be:

- Property lines and bench mark data;
- Location of structures with setback dimensions indicated;
- Floor elevation(s) and rooftop elevations;
- Roof overhangs into setbacks, if any;
- Location of swimming pool and pool decks, lanais, sidewalks and driveways;
- Location of landscape walls or retaining walls, fences and enclosures including elevations of the top and bottom of such elements;
- Location of underground utility and irrigation lines;
- Fountains, ponds and water features;
- Major trees and landscape elements; and
- Air conditioning units and other mechanical equipment.

### 3.6.2 Project Review Fees

The applicant shall pay a non-refundable project review fee to the CDC at the time the Application Form and preliminary plans are submitted for review. The current review fee for typical single-family residential projects (inclusive of standard inspections) is a **minimum of \$25,000.00**. Additional fees will be imposed, as follows:

- For any Plan Submittal that is reviewed by the CDC, is DENIED, and requires a complete re-submittal of plan, a minimum fee of **\$2,500.00** will be imposed for the resubmittal. (This fee will NOT apply to resubmittals of plans that receive conditional approval from the CDC.)
- Any improvement that fails to comply with all CDC requirements at the time of CDC Final Inspection, will subject the owner to a **\$500.00** fee for each subsequent re-inspection required by the CDC to confirm correction of non-compliant items.

The CDC may, from time to time, revise project review fees to recover its costs incurred in connection with reviewing and approving plans. Project review fees shall be paid by the owner upon submission of plans for preliminary approval.

All fees, assessments and other expenses incurred in applying for and obtaining approvals from any government agency or the CDC shall be paid by the owner. The CDC, MLS and MLRA shall have no liability therefore.

### **3.6.3 Bond Requirement**

A construction bond equal to the constructed value of the single family residence will be required for all single family residential construction. A copy of the bond shall be filed with the CDC by the owner at the time he submits his notice of intention to commence construction. The owner shall obtain a performance and payment bond for the improvements, which shall be issued by a surety or sureties acceptable to the MLRA in an amount not less than the cost of the proposed improvements, naming, as obligees, the owner and MLRA. The bond shall be payable to MLRA upon the owner's failure to complete the dwelling in accordance with the approved Working Drawings within the time period established by the CDC. The owner shall ensure that the bonds are kept in full force and effect throughout the construction period for the improvements. The owner will obtain prior written approval of each surety or sureties for each change order and for each act which, under law or the terms of the bonds, may invalidate the bonds or release the surety or sureties from any liability thereunder. All costs of the bonds shall be the obligation of the owner and not the CDC or MLRA.

### **3.6.4 Owner's Certification and Acknowledgement Regarding Construction Plan Approval**

Prior to commencement of construction, the owner shall deliver to the CDC the Owner's Certification and Acknowledgement Regarding Construction Plan Approval (Appendix B), duly executed by the owner of record for the subject property.

### **3.6.5 Construction and Compliance Confirmation Deposit**

A construction and compliance confirmation deposit, in the amount of **\$50,000.00** for new single family residential construction, shall be paid by the owner to MLRA and shall be held in trust until such time when it is determined by the CDC that the project is completed and in full compliance with the design guidelines (including all post-construction affidavits, certifications and submittals required of the applicant). Such deposit may be used by MLRA for clean-up, repair, or replacement of damaged common areas or private property caused by the construction when such clean-up or repairs by the owner or his agents are not completed in a timely or satisfactory manner as determined by the CDC or MLRA. Such deposit may also be used by MLRA to correct, or to facilitate the correction of, any portion of the project that is not completed in accordance with the plans approved by the CDC or DRB. The owner shall be liable to MLRA for the full amount of costs incurred in this regard in the event MLRA's expenses exceed the deposit amount.

### **3.6.6 Exterior Alterations or Additions**

No exterior alteration or addition during or after construction shall be made without prior written approval from the CDC of such change.

### **3.6.7 Permits, Laws, Codes and Ordinances**

Prior to commencement of any improvement, the owner shall obtain all applicable State, County and other governmental approvals and permits. It is the owner's responsibility to comply with the laws, ordinances and regulations of Hawaii County and the State of Hawaii.

In the case of conflict between any provision stipulated in this document and applicable codes, laws and ordinances, the stricter provision shall prevail.

### **3.6.8 Compliance of Developer's CC&Rs**

All new developments proposed and created hereafter established by the adoption of this paragraph, shall adopt, as required by the MLRA DC&Rs, CC&Rs pertaining to said development that are in complete conformance with these Design Guidelines, Standards and Restrictions. The CDC shall review, recommend and approve the proposed CC&Rs to ensure compliance with these Design Guidelines, Standards and Restrictions, prior to the legal recordation of the CC&Rs with the State of Hawaii.

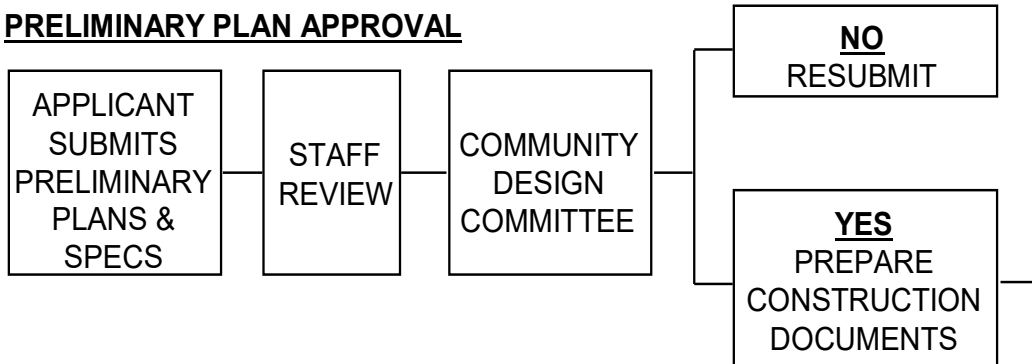
### **3.6.9 Enforcement of Design Guidelines and Restrictions**

The right of legal enforcement of these Design Guidelines, Standards and Restrictions is given by individual lot owners to the CDC or its duly authorized representative by signing the attached Application Form (Appendix A). The MLRA DC&Rs further give the right to enforce compliance with these restrictions to the following parties:

- The Declarant (MLS);
- Any owner of a lot or condominium unit within Mauna Lani Resort;
- The Board of Directors of MLRA; and ■ The Board of Directors of any Secondary Association.

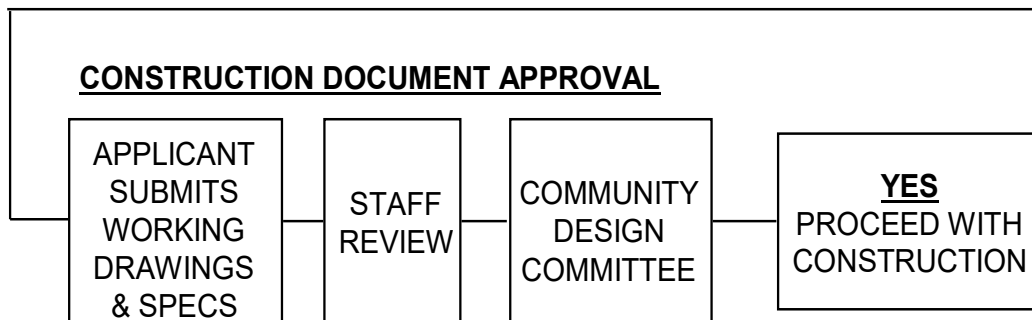
**MAUNA LANI RESORT  
COMMUNITY DESIGN COMMITTEE SINGLE FAMILY HOME  
PROJECT APPLICATION, REVIEW AND APPROVAL PROCESS FLOW CHART  
MINOR PROJECT**

**PRELIMINARY PLAN APPROVAL**



The homeowner or his representative will be advised by the CDC, or its representative, within ten (10) days or receipt of a submittal whether said submittal is complete. Review of preliminary submittals will not begin until the submittal is determined to be complete. Approval of Preliminary Plan submittals will made within 45 days of receipt of a complete submittal.

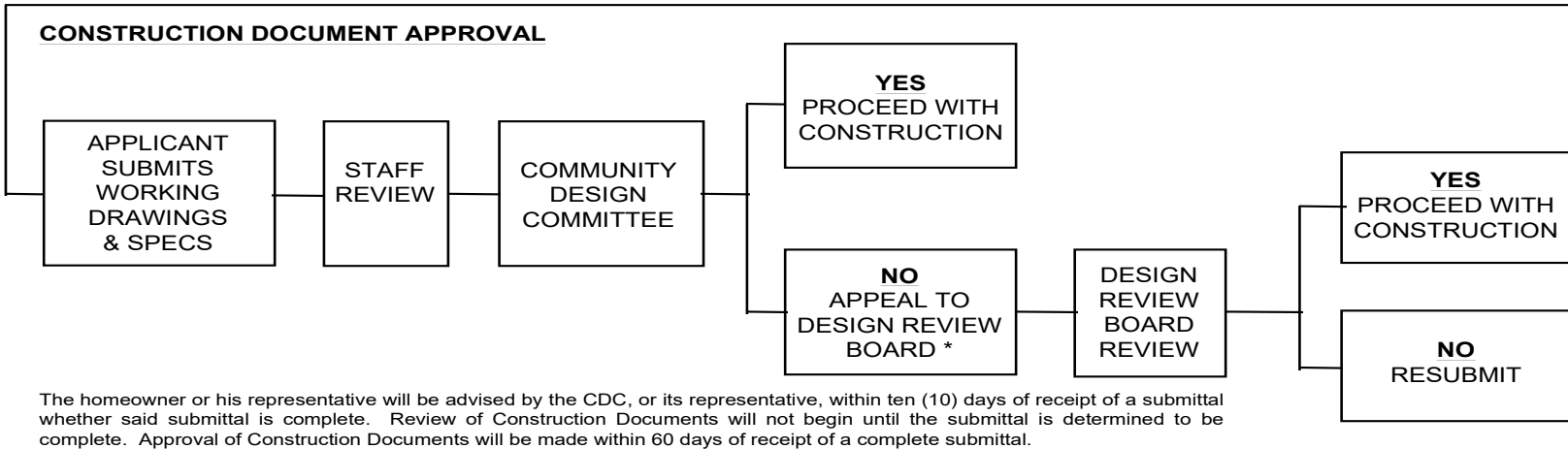
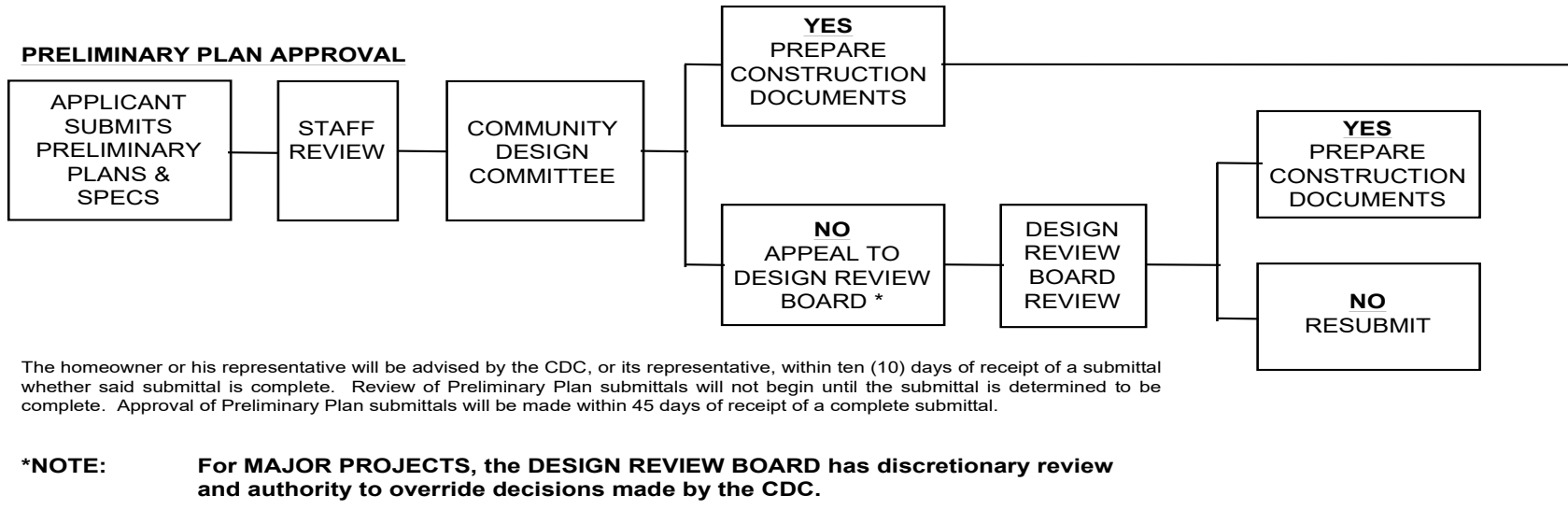
**CONSTRUCTION DOCUMENT APPROVAL**



The homeowner or his representative will be advised by the CDC, or its representative, within ten (10) days or receipt of a submittal whether said submittal is complete. Review of Construction Document submittals will not begin until the submittal is determined to be complete. Approval of Construction Document submittals will made within 60 days of receipt of a complete submittal.

For a MINOR PROJECT, the Community Design Committee decision is final and non-appealable.

**MAUNA LANI RESORT COMMUNITY DESIGN COMMITTEE  
SINGLE FAMILY HOME PROJECT APPLICATION, REVIEW AND APPROVAL PROCESS FLOW CHART  
MAJOR PROJECT**



## **SECTION III**

### **RESORT DESIGN GUIDELINES**

#### **1. INTRODUCTION**

The intent of these Guidelines is to set forth design parameters and standards to guide developers, their respective architects, consultants and other professionals in the siting, design and development of single family homes at Mauna Lani Resort. The guidelines outlined herein are the design principles to be followed and the standards outlined identify the minimum design and construction standards and materials to be used for single family home development at Mauna Lani. Each new single family home at Mauna Lani shall be compatible with existing natural and manmade structures and shall enhance the total resort environment. In essence, development at the Resort shall reflect the highest quality design and construction possible. Timelessness and natural environmental compatibility shall be the watchwords of design to assure the Resort retains its very own "sense of place".

#### **2. DESIGN OBJECTIVES**

Mauna Lani Resort enjoys distinctive geologic and historic contrasts in an ideal climatic setting. The 3,200-acre site enjoys an abundance of sunshine year-round and cooling breezes from both the mountains and ocean. The site is unique: it is characterized by charming bays and beaches, rugged coastlines, stark lavascapes, lush spring-fed fishponds, a panoramic view of volcanic mountains and vast planes of blue which meet at the Pacific horizon.

Within this setting, Mauna Lani is dedicated to the creation of a resort community which takes full advantage of the natural and historical assets on the site and emphasizes the perpetuation of a "sense of place". New structures and landscaping at Mauna Lani shall be compatible with the natural setting, providing visual interest and continuity. Buildings shall not be obstructive in form or color and shall not compete with other structures for visual attention.

Mauna Lani encourages architectural designs which strive to make appropriate and tasteful statements avoiding fashionable trends. Contemporary architecture expressing the tropical island lifestyle of the region and timelessness are expected. Buildings are to be compatible with the horizontal nature of the site.

Mauna Lani Resort is a contemporary resort reflecting the tasteful and sensible application of state-of-the-art construction techniques. Buildings are to be sensibly placed on developable sites, with design consideration given to the site's intrinsic qualities such as, sun and wind exposure, views toward the ocean and mountains, adjacent land uses and relationship to common areas.

Mauna Lani encourages enhancement of the dramatic contrast presented by pristine a'a lava areas abutting landscaped and developed areas. Such dramatic contrast can only be achieved by careful maintenance of "edges," preventing unsightly encroachment into these pristine areas.

### **3. PURPOSE OF GUIDELINES**

Mauna Lani Resort Association granted the power of establishing design guidelines through its Declaration of Covenants and Restrictions, which read:

"The purpose of this Declaration is to create and keep [a] community [which is] desirable, attractive, beneficial and suitable in architectural design, materials and appearance."

These guidelines and standards are essential for the long-term protection of the standard of quality and image established by Mauna Lani.

The design guidelines which are outlined herein are intended to accomplish the following:

- Guide development to assure the success of Mauna Lani as a well planned and well designed, world-class destination resort area;
- Provide a basis for individual design inputs at various levels;
- Assist home builders and their architects in the planning and design of future facilities;
- Serve as a tool for the CDC in its review of proposed projects and enforcement of these standards;
- Ensure the long-term protection of property values by requiring compatibility of land uses, integration of facilities and quality construction; and
- Ensure the systematic, fair, uniform review of all projects requiring approval by the CDC.

As specified in the Resort's Declaration of Covenants and Restrictions, these guidelines may be amended from time to time by the CDC.

These Guidelines and Standards are not intended to restrict normal Resort operations and maintenance activities. Resort or homeowner actions that would normally require governmental agency approval, such as grading or building permits, are subject to these Guidelines and Standards. Further, these Guidelines apply only to conventional single family residential subdivisions as previously defined.

#### **4. OVERALL IMAGE**

The basic goal of the Mauna Lani development plan is to take full advantage of the site's unique physical features in creating a "get-away-from-it-all" resort, while providing desired amenities and features. The resort experience offered by Mauna Lani must necessarily fulfill the expectations of every person seeking a memorable Hawaiian vacation or becoming a permanent resident of the community.

The plan encourages the intermingling of short-term visitors with residents of the resort community. Interaction is encouraged through the common use of recreational facilities such as beaches, shoreline trails, golf course and clubhouse, tennis courts, commercial shopping complexes, fishpond areas, historic preserve areas and integrated pedestrian circulation system. The opportunity to meet permanent residents of Mauna Lani is an important factor in appealing to the first time visitor. These opportunities do much to ensure the visitor's return either as a repeat hotel guest or as a resident.

#### **5. DESIGN PHILOSOPHY**

Mauna Lani is perceived as a high quality resort development which offers a diversity of residential, recreational and leisure experiences within a pleasing design continuum. Mauna Lani's design concept is simply to create a functional and aesthetic environment through the meaningful balance of natural and manmade assets at Kalahuipua'a. Construction and design of facilities is to be of the finest quality and at the highest standards.

#### **6. SITE PLANNING CONCEPTS**

Site plans for each individual parcel must reflect the intrinsic characteristics of the site. Plans and building orientation should be cognizant of such factors as sunlight and wind exposure, temperatures, views, topography and relationship to the ocean, beaches and common areas.

#### **7. LANDSCAPING - FUNCTION AND FORM**

Landscaping is a crucial element in determining the success of developments at Mauna Lani since a good portion of the Kalahuipua'a site is devoid of vegetation.

Rainfall patterns at Kalahuipua'a do not support the kind of lush sub-tropical vegetation visitors expect of a Hawaiian resort. Hence the sub-tropical vegetation environment must be created of endemic or indigenous plant species used to reflect the existing natural environment. No artificial vegetation shall be permitted on any lot. Exterior sculptures, fountains, flags, and similar items must be approved by the CDC.



Landscape design at Mauna Lani shall accomplish several objectives:

- Successfully create, direct and frame views;
- Create an ambiance integrated with and compatible to the natural and manmade environment of the Resort;
- Link open spaces and common areas;
- Screen buildings from loss of privacy or to obscure parking areas and blend structures to the site;
- Soften hard features;
- Function as comfort elements against wind and sun;
- Incorporate and preserve existing pristine areas, including lava formations that are unique as well as existing large trees;
- Avoid incursion of foreign, non-native flora; and
- Emphasize use of indigenous and native plants and species which are low water-tolerant, salt-tolerant, wind resistant and well adapted to shoreline areas.

Landscape maintenance and irrigation plans shall be well thought out, recognizing the porous nature of the lava base, the arid nature of the area and adjacent pristine areas. Drought- and salt-tolerant species are to be used to the maximum extent possible.

A lava areas that will not be landscaped must be left untouched during grading and construction. At Mauna Lani, lava formations shall be regarded as natural art forms. Any area inadvertently disturbed shall be restored to its original condition.

These objectives and specific means of accomplishing them are further described in Section V, Landscape Guidelines and Standards.

## **8. CIRCULATION PATTERNS**

The Resort's primary road system links major activity areas to Mauna Lani Drive, which is the Resort's primary linkage to the Queen Ka'ahumanu Highway. Mauna Lani's primary roadway system is simple but functional: mauka-makai access provided by Mauna Lani Drive and north-south access, paralleling the shoreline, provided by Kaniku Drive. Individual project developments shall branch off of the primary roadways and create compatible circulation patterns within each development.

Common areas are to be strongly pedestrian oriented; the use of cars shall be discouraged to allow the application of a human physical scale and to ensure quiet and safety. Pathways through the historic preserves are strictly for pedestrian traffic and pathways through the ancient fishponds are for pedestrian use with limited use by maintenance vehicles.

Roadway systems in residential areas shall accommodate pedestrian, bicycle, jitney and golf cart traffic as well as emergency vehicles. The layout of the circulation system at

Mauna Lani shall be such that the resident or visitor is not compelled to use his automobile except for trips outside the resort or for short trips to certain commercial-shopping and recreational facilities within the resort. Parking on Mauna Lani Drive, North Kaniku Drive and South Kaniku Drive is prohibited except for emergency and maintenance vehicles.

## **SECTION IV SINGLE FAMILY HOME ARCHITECTURAL GUIDELINES AND STANDARDS**

### **1. INTRODUCTION**

The single family residential project guidelines and standards contained herein are specifically applicable to conventional, grid-type, single family residential subdivisions within the Resort. Non-conventional single family residential projects, such as zero lot line, cluster developments, Planned Unit Developments (PUD) or other possible non-conventional single family home projects allowable under the Hawaii County zoning code, will be reviewed and approved by the CDC on a case by case basis. The Resort Master Plan does not include single family residential zoned lots. Consequently, per the Hawaii County Zoning Code, single family residential development is allowed on multi-family (RM) zoned parcels. Only one (1) single-family residence per lot is permitted at the Resort. Separate living quarters, as defined by the Hawaii County Ohana Ordinance or other arrangements, containing separate kitchen facilities are prohibited. The guidelines set forth herein are intended to help create and maintain a quality and character befitting residential communities at Mauna Lani Resort. Guideline objectives are to ensure optimum enjoyment and value appreciation for owners of residential units at the Resort.

Each single family residential subdivision development shall be subject to project specific Declaration of Covenants and Restrictions that each lot in the subdivision is and shall be held, occupied, improved, transferred, sold, leased and conveyed, subject to this Declaration. It is agreed by all owners that the Declaration is in furtherance of a common and uniform scheme for the development of the subdivision. This Declaration is intended to enhance and protect the value and desirability of the subdivision as a whole and mutually to benefit each owner and to create mutual equitable servitude upon each lot in the subdivision, in favor of each and all other lots, to create reciprocal rights and privity of contract and estate between all owners and shall be deemed to run with the land and be a burden and benefit to all owners.

### **2. ARCHITECTURAL GUIDELINES AND STANDARDS**

#### **2.1 Neighborhoods**

Residential neighborhoods at Mauna Lani shall:

- Exhibit a private, quiet, lifestyle;
- Exhibit continuity in design, color, landscaping, quality of materials and quality of workmanship; and,
- Fit well into the natural contours of the dwelling sites.

## **2.2 Individual Dwelling Design**

Residential project plans shall be prepared by or in association with architects licensed by the State of Hawaii. Dwellings shall be designed for the tropical climate at Mauna Lani and assist in perpetuating a "sense of place" that is unique to Mauna Lani Resort.

Structures shall:

- Bring prevailing breezes in for cooling;
- Have wide roof overhangs for sun protection; and,
- Have at least one (1) sheltered lanai or deck area.

Duplicate designs, including reverse floor plans, within the same subdivision are prohibited.

All CDC submittal and review requirements, as specified in Section II of these Guidelines and Standards, shall be strictly adhered to. Variances from these Guidelines and Standards, while permitted, shall be requested only when it is absolutely impractical or impossible to economically or technically comply with these Guidelines and Standards. All variance requests must be thoroughly supported by sufficient technical data and information from which the CDC and/or DRB can make an informed decision.

## **3. BUILDING ENVELOPE**

### **3.1 Dwelling Size**

Exclusive of garages and lanais, attached or detached and accessory structures, the dwelling shall have a minimum enclosed floor area of 2,500 square feet. The dwelling shall contain a minimum of two (2) bedrooms and 1-1/2 baths.

### **3.2 Dwelling Height**

Unless otherwise stated in the Declaration of Covenants and Restrictions adopted for each particular subdivision development, building heights shall be single story, no more than twenty (20) feet. In subdivisions where Mauna Lani has designated certain lots to allow two-story residences, building heights shall be no more than 28 feet. Base elevations shall be those established by the CDC, the DRB and/or actual grading for a specific project (as determined by the CDC). In no instance shall grading elevations be artificially set so as to violate building orientation and siting standards.

Two-story dwellings shall have their second floor stepped back from the first floor on the front and rear lot line elevations of the building. The second floor roofed area shall not exceed 60 percent (60%) of the first floor area, including garages and roofed lanais. No portion of the second floor roofed area shall overhang the first floor.

Two-story dwellings shall be designed to integrate into the horizontal appearance of the Mauna Lani Resort topography and the low horizontal architectural format expected of the adjacent single-story dwellings.

The building height envelope is determined by a plane parallel to the established grade as defined above. The roof of the dwelling shall not project above the envelope at any point on the lot. The finish grade established by excavation or filling by the owner shall not determine the building envelope height.

The owner shall submit to the CDC a topographic map of the lot, prepared by a surveyor licensed by the State of Hawaii, at the time of preliminary plan submittal. No grading is permitted prior to final approval of working drawings by the CDC or DRB.

### **3.3 Building Setback**

Unless otherwise designated on specific subdivision maps or Declarations of Covenants and Restrictions adopted for a particular development, setbacks shall be 25 feet from the front (street) property line, 20 feet from the rear, 15 feet from the side property lines. Front setbacks for flag lots will be determined by the CDC.

Unless otherwise designated on specific subdivision maps or Declarations of Covenants and Restrictions adopted for a particular development, roof overhangs, patios, mechanical equipment or other elements are not allowed to project into any setbacks; driveways, providing they are five (5) feet or more from the adjoining lot property line, are allowed within side yard setbacks if there is no other option; and, landscape walls, no more than six (6) feet in height are allowed within side yard setbacks.

For those lots within the State and County of Hawaii shoreline setback area, all applicable State and County statutes, rules, regulations and ordinances shall be followed.

### **3.4 Lot Coverage**

The area of coverage by buildings shall not exceed 35 percent of the land area of the lot or such smaller area as may be provided by applicable County laws and ordinances.

## **4. DESIGN STANDARDS AND RESTRICTIONS**

### **4.1 Materials**

Materials shall be all new materials. Use of second-hand materials shall be permitted only with the written approval of the CDC or DRB.

Materials selected should be resistant to the corrosive effects of sun, salt spray and wind. No reflective materials (with the exception of fixtures and glass) or glass with a mirror finish shall be allowed.

Allowable exterior wall finishes and materials include:

- Concrete and pre-cast concrete, rough textured, sand-blasted, bush-hammered or form-finished and sealed or painted;
- Plaster, rough finished and painted;
- Brick;
- Stonework; and
- Treated or painted wood.

#### **4.2 Exterior Colors**

The color palette for a given project shall be of harmonious composition to blend with the surrounding natural terrain. Predominantly subtle "earth" colors and tones shall be used, with accents of brighter colors for architectural features, sunshades, canvasses, doors, etc. All exterior colors shall be subject to CDC or DRB approval.

#### **4.3 Windows and Frames**

Exterior door and window frames shall be:

- Wood;
- Aluminum; or,
- Steel.

Aluminum and/or steel door and window frames shall have an anodized or factory paint finish to match the wall or trim color.

#### **4.4 Roofs - Form and Materials**

Roof materials shall be clay or concrete tile, copper, or other roofing materials of equivalent texture and character. Wood shakes and shingles, asphalt shingles and metal shingles are not allowed. Metal roofs may be approved by the CDC or DRB on a case by case basis provided that the finish is dark and non-reflective, or copper with an oxidized or patina finish. Colors shall be earth tones or muted colors. Terra cotta colored roof materials are not allowed.

Rooftop equipment, including solar panels and other protrusions shall be concealed from view of adjacent lots to the extent practical and shall be the same color as the roof material. Gutter material consisting of copper or painted metal shall be coordinated with other building surfaces consisting of copper or painted metal.

Flat roofs, when approved by the CDC or DRB, shall be graveled with dark or earth colors to minimize glare. Flat roofs should be minimized to avoid extensive areas and used only to contribute appropriate modulation and massing of pitched roof structures. Flat roofs must integrate into a pleasing architectural solution, approved at the discretion of the CDC or DRB.

#### **4.5 Garages**

Carports are not permitted. Dwellings shall have an enclosed, attached double-car garage, containing no less than 400 square feet. In cases where the nature of the site does not allow an attached garage structure, a detached garage may be substituted if approved by the CDC or DRB. All garages shall have doors and be fully enclosed. Garage doors facing directly to the street shall be avoided when possible unless approved by the CDC or DRB because the size and shape of the lot affect the reasonable development of the site.

#### **4.6 Laundry Facilities**

Laundry facilities and utility areas shall be completely screened from view from all sides.

#### **4.7 Energy Efficiency and Conservation**

All single family residential developments are subject to the Hawaii Model Energy Code to ensure the application of cost effective design practices and technologies which minimize energy consumption without sacrificing the comfort or productivity of the occupants:

- Lighting
- Envelope
- Heating, Venting and Air Conditioning (HVAC)
- Hot Water
- Energy Management

To the extent practicable, single family residences are encouraged to use solar water heating equipment approved by the CDC or DRB.

#### **4.8 Air Conditioning**

Air conditioning units and equipment shall be designed and installed as integral parts of structures. Units inserted into walls or glassed window areas are not allowed. Air conditioning units and equipment shall be screened from view of other lots and common areas and shall not create noise levels in excess of 4B(A) at the closest lot line. Air conditioned residences are subject to conform to the Hawaii Model Energy Code.

#### **4.9 Mailboxes, House Numbers and Name Signs**

All mailboxes shall be recessed into a structure. House numbers and name signs shall be mounted flush with wall surfaces.

#### **4.10 Refuse Storage**

Refuse receptacles must be covered and screened completely from view of adjoining lots and common areas either by landscaping or other screening material which is compatible

in design and color with the main structure. Refuse/garbage/trash storage areas shall be designed and equipped to reduce to the maximum extent possible odors, insects and wind driven rubbish.

#### **4.11 Fences, Walls and Screens**

No fences, walls or screens shall be constructed without the approval of the CDC. Recommended materials include: textured concrete, stucco, wood, brick, or rock. Chain link fences are not allowed. Height shall be limited to six (6) feet from the top of the fence or wall to the approved finish grade level when located within the designated setback areas. Fences, walls and screens shall have shrubs at their base and other appropriate landscape material to mitigate height and mass.

#### **4.12 Retaining Walls**

Retaining walls placed upon embankments or filled areas of more than two (2) feet shall be designed by a registered architect or structural engineer. Exposed sections must be compatible with the design of the main structure. Lava rock is recommended wherever possible.

Retaining walls required for lots with embankments exceeding six (6) feet in height shall be terraced with walls providing four (4) foot horizontal planter areas. Each vertical face shall not exceed six (6) feet in height.

#### **4.13 Signage**

No signs shall be erected on any single family residential lot, except signs:

- Required by legal proceedings;
- Signs erected by Mauna Lani Resort or Mauna Lani Resort's nominees relating to sales, leasing, or other development activities within Mauna Lani Resort;
- Such signs as specifically permitted in the DC&R of Mauna Lani Resort Association or the CC&R of the applicable secondary association;
- Erected during construction denoting the architect, contractor, subcontractors or engineers. Only one (1) such sign per lot shall be permitted. Such signs shall be removed within fifteen (15) days of official Notice of Completion, or upon occupancy (use of the structure as a dwelling unit), whichever occurs first.

Signs shall not exceed six (6) square feet in area.

The CDC shall review and approve all proposed signs. Signage submittals to the CDC shall consist of a sample board of the proposed signage. The sample board shall include drawings to scale, fully dimensioned; samples of the proposed materials showing color, shape, wording, text and figure layout; and a drawing indicating proposed location and hours of display. All signage shall use Palatino Regular type face, PMS 301 blue color.



#### **4.14 Exterior Lighting**

Steps, stairs and entryways shall be lighted for purposes of safety and for effecting a pleasant mood. Luau torches shall be permitted. Flashing lights, exposed fluorescent lamps, mercury vapor lamps, colored lights, unshielded exterior lights and lights which cause glare adversely affecting the neighboring properties are not allowed.

Exterior lighting shall conform to the Hawaii County lighting ordinance intended to mitigate atmospheric glare affecting the observatories located atop Mauna Kea.

#### **4.15 Paving**

Paving shall be concrete, field stone, masonry units, asphaltic concrete, or other hard stable surface in black, gray, or earth brown colors; aprons must match roadway. Loose materials are not acceptable. Paved surfaces shall not exceed 30 percent (30%) of that portion of the lot not covered by building structures.

#### **4.16 Landscaping**

Landscape plans shall be prepared by or in association with a landscape professional registered in the State of Hawaii. Detailed landscaping design guidelines and standards are included in Section V of these Guidelines and Standards.

### **5. SITE DEVELOPMENT STANDARDS**

#### **5.1 Site Plans**

Individual site plans shall be based on the same physical planning parameters as the overall Resort Master Development Plan. Opportunities presented by the natural form of the land shall be maximized.

#### **5.2 Clearing, Grading and/or Excavation**

Clearing, grading and any other activity which alters natural lava areas, affects surface drainage or topography is strictly prohibited without prior approval of the CDC or DRB. No natural lava formations shall be disturbed unless for finish landscaping, paving or construction.

Any clearing or grading activity approved by the CDC or DRB, shall be performed in strict accordance with approved plans and specifications and applicable State and County of Hawaii rules and regulations. Disturbed lava areas shall be restored to a condition best approximating its original state, or re-established with approved ground vegetation.

All grading operations shall implement dust control measures and all dust-prone exposed areas shall be replanted with an approved grass or ground cover immediately following completion of grading operations.

No grading or dredging in the shoreline setback shall be allowed without approvals from appropriate County, State and Federal agencies and from the CDC or DRB.

Any archaeological sites or features or ancient burials discovered during grading or excavation shall be reported immediately to the senior officer at Mauna Lani Service, Inc. and work shall be halted until written notice to proceed is given by Mauna Lani Service, Inc.

The CDC and MLRA do not warrant any soils or subterranean conditions. The Owner shall be solely responsible to ascertain said soils and conditions for construction purposes.

### **5.3 Acknowledgment of Construction Regulations, Construction Site Management Plan, and Allowed Construction Activities**

Because construction activity will most likely occur in close proximity to existing resort facilities and residential properties, the type of construction equipment and machinery utilized, and the manner in which such activities are conducted, shall be critical in maintaining the character of a high quality resort. In the event of any conflict between these rules, regulations and guidelines and those of any individual subassociation, the stricter of the rules shall prevail.

Prior to the commencement of construction, the Owner and Owner's Contractor shall execute a written acknowledgement confirming receipt of all CDC Construction Regulations and designated No Work Days/Periods. A detailed Construction Site Management Plan shall also be submitted to the CDC for review and approval:

- Construction Site Management Plans shall include, at a minimum, a site map designating the location(s) of: temporary construction trailers, any construction signage (signage must be submitted to the CDC in advance for separate review and approval), material storage, portable toilets, refuse and trash receptacles, fire-fighting equipment, parking areas, ingress and egress points, irrigation sleeving to protect common area irrigation, utility trenching and the limits of excavation areas. Plans shall also include the name of the designated contact and their on-site telephone number and email address. A mitigation plan shall also accompany the Construction Site Manage Plan and clearly identify the methods and measures that will be employed to appropriately protect adjacent properties from, among other things, construction noise and vibration, fugitive dust, paint overspray, and other possible pollutants and/or nuisances.

**During construction, the following provisions shall be strictly adhered to:**

- To further minimize disturbances, following are examples of construction equipment and machinery which are **not permitted** in residential subdivisions without the prior written approval of the CDC:
  1. Vibrating compaction rollers in excess of 10 tons gross vehicle weight.
  2. Tracked backhoes with buckets in excess of 18 inches wide. (Approved backhoes shall be equipped with rubber tires and a front loader bucket; small tracked, Bobcat type, backhoes are allowed.)
  3. Self-propelled concrete batch plants. (Concrete generation is limited to small trailer mixer or ready-mix truck delivery only.)
  4. Any proposed on-site rock crushing activity.
- Construction activities are permitted from Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. each day; daily mobilization and shutdown of project must be completed within the established hours (i.e., workers shall not enter upon the site before 7:00 a.m., and the project site shall be cleaned, secured and vacated by 5:00 p.m.);
- Limited construction activities, not requiring the use of powered machinery or equipment and not emitting any noise, (“quiet work only”) are permitted on Saturdays between the hours of 8:00 a.m. and 4:00 p.m.; daily mobilization and shutdown of project must be completed within the established hours (i.e., workers shall not enter upon the site before 8:00 a.m., and the project site shall be cleaned, secured and vacated by 4:00 p.m.);
- Construction activities are prohibited on Sundays, Federal Holidays, and during the designated Festive Period during the December/January holiday season;
- Any activity which would require a noise permit under Chapter 342F of the Hawaii Revised Statutes, as amended, or under the Community Noise Code established by the State of Hawaii Department of Health, (Chapter 46 of Title 11, Hawaii Administrative Rules, as amended), is strictly prohibited on Saturdays, Sundays, Federal Holidays, and the designated Festive Period during the December/January holiday season;
- Contractor shall protect the health and safety of the public and Contractor’s employees from construction activity;
- Contractor shall provide temporary toilets, water service and power;
- Portable toilets shall be located a minimum of 20 feet away from any neighboring property lines;
- Litter, dust and noise must be strictly controlled at all times;
- Radios must be kept at a reasonable volume so they do not impact neighboring lots;
- On-site burning shall not be allowed;
- Construction debris shall not be allowed to accumulate on the site;
- All temporary structures and trailers shall be removed from the lot at project completion. Cleanup shall be completed within ten (10) days after completion of construction.

On a case-by-case basis, and as determined appropriate by the CDC, the construction site shall be screened off from adjoining properties with fencing, planting, or other material, which creates a visual separation between the two areas; temporary screens and/or fences shall be of earth tone colors, preferably black or dark brown; brightly colored screens and/or fences are not permitted unless specifically required by governmental authority;

Additional restrictions may be imposed by the CDC if construction activities pose an on-going or extraordinary nuisance to neighboring properties or the community. The CDC's Construction Regulations and Schedule of No Work days may be revised or amended, from time to time, at the CDC's sole discretion. (Work outside of the established hours is only allowed by written permit of the CDC to overcome a demonstrated bona fide hardship.)

Projects are required to be completed, including landscaping, within the time frame established and approved by the CDC or DRB.

Construction shall be warranted by a performance and payment bond, equal to the constructed value of the project, issued by a surety. The bond shall be payable to MLRA upon owner's failure to complete the proposed improvements.

All construction activities shall be compliant with all County, State and Federal rules and regulations.

#### **5.4 Ground Termite Treatment**

Soil under concrete slabs on the ground and under building floors, whether on grade or above grade and under footings and masonry foundation walls shall be treated against subterranean termites by an established and State of Hawaii licensed termite control company. Treatment shall be guaranteed by such a company against termite infestation for a period of three (3) years and shall include one (1) annual inspection with the re-treatment of any infested areas found during the inspection. The annual inspection shall be performed by a different termite control company than the company performing the initial treatment. Copies of treatment and inspection reports shall be furnished to the CDC within fifteen (15) days following such treatment or inspection.

#### **5.5 Utilities**

All exterior utility lines and conduits for such shall be installed underground. Designs which incorporate well-integrated solar energy systems are encouraged. All electrical panels and pull boxes shall be screened from view. Electrical meters are excepted from this requirement.

### **6. SPECIFIC USE RESTRICTIONS**

While each lot shall be for the benefit and exclusive use of owners and lessees thereof, the following limitations and restrictions shall apply:

### **6.1 Occupancy**

Occupancy shall not be allowed until such time that the structure is substantially complete, including landscaping, in accordance with plans and specifications previously approved by the CDC or DRB and final inspection by the CDC has been performed and the project passed said inspection.

### **6.2 Accessory Structures**

No accessory structures shall be constructed, maintained, or placed on any lot before the main structure except by written permission of the CDC or DRB. Temporary buildings facilitating construction of the main structure are excepted.

Model structures or exhibits shall not be allowed except by written permit from the CDC or DRB, then only subject to the limitations set forth in such permit.

Structures used by the Declarant or Declarant's affiliates as sales offices or in conjunction with the development of lots are excepted.

### **6.3 Maintenance**

The owner shall be responsible for the care and maintenance of his property. Maintenance shall be to the satisfaction of the CDC, MLRA and the subassociation and shall be in keeping with approved plans. Failure to do so may result in maintenance of the lot and its improvements by the association(s), at the owner's expense, as provided for in the governing documents encumbering the property. The CDC, MLRA or the subassociation may require exterior paint or repair of properties or improvements. Landscaping shall be maintained at all times in accordance with any special conditions imposed at the time of CDC approval.

### **6.4 Drilling and Mining**

No drilling, refining, quarrying, or mining is allowed. No derrick structure or pump equipment shall be allowed on any property for any such activity.

No water well shall be permitted except by written permission by the CDC, MLRA and permit of the State Commission on Water Resources Management.

### **6.5 Storage Tanks and Mechanical Equipment**

All fuel tanks and similar storage facilities shall be constructed only with the prior written approval of the CDC or DRB and shall comply with the U.S. Environmental Protection Agency standards and other governmental ordinances.

Tanks, air conditioning condensers and similar mechanical equipment necessary for the operation of on-site facilities shall be concealed from view. Appropriate noise reduction measures shall be taken to reasonably mitigate equipment noise to adjacent properties and

common areas. If landscaping is approved as an equipment screen, it must completely screen the equipment from view at the time that it is installed.

At no time shall equipment noise be allowed to exceed 45 dB(A) at the closest property line.

#### **6.6 Water and Soil Pollution**

The owner or lessee shall be responsible for any water and soil pollution caused by his use of the premises. Remedial measures shall be determined by the CDC or MLRA at the owner's expense.

#### **6.7 Temporary Structures and Mobile Units**

No mobile home, travel trailer, truck camper, house trailer or similar facility, or boat, shall be placed upon any lot or common areas. Structures of a temporary nature shall be allowed only during periods of construction. No stripped down, abandoned, wrecked, or junked vehicle shall be kept, parked, stored, or maintained on any lot and no commercial vehicle bearing commercial insignias or names shall be parked on any lot except within an enclosed structure or screened area, unless such vehicle is temporarily parked for the purpose of serving such lot.

#### **6.8 Antennae**

No exterior antenna, satellite dish, or equipment of any sort shall be installed, erected, or maintained on any lot. This restriction does not apply to any satellite dish or cable TV reception/transmission equipment or facility installed by MLS or its nominee. Any activity which interferes with television or radio reception at Mauna Lani Resort is prohibited.

#### **6.9 Clotheslines**

No outside clotheslines or other outside clothes drying or airing facilities shall be maintained or used on any lot, unless such facilities are completely screened from view of adjoining properties.

#### **6.10 Destroyed Structures**

Partially or totally destroyed improvements shall not be allowed to remain in such state for more than six (6) months from the date of such destruction.

#### **6.11 Storage**

No furniture, fixtures, appliances or other goods and chattels shall be stored in such a manner that such property is visible from neighboring lots, roads or common property, except during periods of construction.

## **6.12 Nuisances**

No noxious or offensive activity shall be allowed on any lot, nor shall any lot or a portion thereof be used in such a manner as to create a nuisance to adjacent sites. No exterior sound devices, such as horns, speakers, whistles, bells, or other sound devices other than security devices used exclusively to protect the security of lots at Mauna Lani, shall be allowed on any lot without prior written approval of the CDC or DRB.

Facilities must be designed such that exhaust systems and flues shall not create a nuisance to neighboring properties. Owners or lessees shall be held responsible for any pollution, disturbance, or emission of toxic, odorous, or noxious matter caused by the use on their premises.

## **6.13 Fires**

The owner or lessee shall not permit any exterior fires on his lot, except barbecue, luau torches, or other applications of a decorative nature. No owner shall permit any condition which creates a fire hazard, creates a nuisance, or is in violation of any fire prevention regulation.

## **SECTION V LANDSCAPE GUIDELINES AND STANDARDS**

### **1. INTRODUCTION**

Mauna Lani Resort has an ideal coastal climate offering opportunities for creativity and excellence in landscape design. The Resort requires those wishing to develop property within the Resort to plan beautiful landscapes as part of their development. The CDC and MLRA wish a uniform landscape treatment for all streets and along the street frontage of developed property. In addition, the CDC and MLRA require appropriately sized, designed and maintained landscaping throughout the developed properties.

### **2. CRITERIA**

The landscape and irrigation standards described in this section are intended to assure that landscaping meets the following criteria:

- A high level of landscape quality;
- A sufficient quantity of attractive and colorful plants;
- Conservation of water by use of environmentally adaptive plants; and,
- Development of water saving irrigation systems.

### **3. LANDSCAPE DEVELOPMENT**

#### **3.1 Landscaping Required**

Landscaping shall be required of all residential properties. It shall be the responsibility of the CDC to regulate and control the scope, quantity and quality of all landscape development within the Resort. This includes, but is not limited to, that pertaining to theme trees, open areas, parking lots, front yards, walls and fences, residential subdivision entries, parkways, parks, medians and view corridors.

#### **3.2 Landscape Plans Required**

Landscape and irrigation plans, prepared by or in association with a State of Hawaii licensed landscape architect are required and shall be approved by the CDC or DRB prior to the development of the residential property. All CDC submittal and review requirements, as specified in Section II of these Guidelines and Standards, shall be strictly adhered to. Variances from these Guidelines and Standards, while permitted, shall be requested only when it is absolutely impractical or impossible to economically or technically comply with these Guidelines and Standards. All variance requests must be adequately supported by sufficient technical data from which the CDC or DRB can render informed decisions.



All landscape and irrigation plans shall contain the following information:

- Scale and North arrow clearly indicated on each plan;
- Title block, including applicant's name and telephone number, preparer's name and address;
- Name of all streets adjacent to site; and,
- Site plan indicating location of all plants. Plants shall be individually or key identified. The approximate height of each plant (at installation and at maturity) shall be indicated on the plans

The site plan shall identify all other physical site improvements, including, but not limited to, structures, driveways, walls, landscape curbing and other ground appurtenances. The site plan shall also identify all existing structures and all existing plants. The landscape plan shall also contain the following information:

- Plant list identifying proposed plant types using common and botanical names, quantities, sizes and any appropriate remarks. (See recommended plant list attached.) The approximate height of each plant (at installation and at maturity) shall be indicated on the plans;
- Shrub and tree planting and tree staking details including planting specifications;
- Soil depth sections for turf, shrub and tree areas;
- Irrigation plan indicating location of all irrigation equipment which shall be individually or key identified;
- Irrigation equipment list with manufacturer's part number, radius of water throw, gallons per minute and water pressure requirements;
- Irrigation equipment installation details and specifications;
- Irrigation system design pressure (static PSI available from P.O.C.). Maximum GPM demand; and
- Irrigation system water meter size and service line size.

No artificial vegetation shall be permitted on any lot. Exterior sculptures, fountains, flags, and similar items must be approved by the CDC.

### **3.3 Landscape Plan and Construction Review Process**

The landscape and irrigation plans and construction documents will be reviewed according to the following steps:

- Plans are prepared by or in association with a State of Hawaii licensed Landscape Architect, as previously described and submitted to the CDC, as part of the project construction documents;
- Plans are reviewed by the CDC; approved or denied and owner is informed;
- Landscape and irrigation is constructed in conformance with approved plans;
- Landscape and irrigation is inspected by the project Landscape Architect; and
- After written certification of conformance by the project Landscape Architect, the CDC inspects and approves complete landscape construction.

### **3.4 Preservation of Existing Trees**

Where the site contains existing trees, a special effort shall be made to preserve them in accordance with the following requirements:

- Trees in a healthy condition shall be protected and preserved, whenever possible;
- Removal of healthy trees of a height of ten (10) feet or more shall be done only with approval of the CDC or DRB;
- Trees to be preserved shall be protected during construction operations by the use of barricades or other material large enough to include everything inside the outer edge or dripline of the tree and conspicuous enough to be seen easily by operators of trucks and heavy equipment;
- No grade changes greater than one (1) foot shall be made around existing trees without prior approval of the CDC or DRB. Retaining walls shall be used when changing existing grades, greater than six (6) inches around specimen trees;
- Tree roots shall be protected and preserved where possible. Tunneling shall be used to avoid damaging roots where construction in the immediate area is necessary. No trenching of tree roots within ten (10) feet of the trunk shall be performed without prior approval of the CDC or DRB; and
- Chemical poisoning and run-off from petroleum products, lime and mortar, fertilizers, pesticides, soil sterilants, or the washing of equipment designed to apply these materials shall be prohibited, within the dripline of preserved trees.
- Written notice shall be given to the CDC and MLRA by the applicator of any pesticide, herbicide, or fertilizer within fifty (50) feet of any water features (see Section VI, Environmental Standards).

## **4. SINGLE FAMILY HOME LANDSCAPE STANDARDS**

### **4.1 General Requirements**

Landscaping is a critical factor in development of residential projects at Mauna Lani Resort. Landscaping shall accomplish the following objectives:

- Provide protection against sun and wind exposure;
- Provide buffers and screening;
- Enhance natural land contours;
- Enhance unique lava formations;
- Include at least three (3) shade trees per lot;
- Create the ambiance of the Island of Hawaii;
- Function as an erosion control material; and,
- Provide variety of form, color and texture.

Single family home landscaping shall meet the following standards:

- Create four (4) vegetation levels: ground cover, shrubbery, under-canopy and over-canopy;
- Include at least three (3) shade trees per lot;
- Include and highlight natural (or created) rock outcrops and contours of the land;
- Include functional applications of plant material; e.g., screening, shading;
- Utilize drought- and salt-tolerant plant materials;
- Require moderate upkeep and maintenance;
- Provide color and greenery;
- Preserve and enhance pristine lava areas and lava formations. Non-landscaped areas in a'a shall not be disturbed. If disturbed during grading and construction, the area must be restored to its original condition and meet the approval of the CDC or DRB; and,
- Integrate the mass of the structure to the site.

#### **4.2 Grading and Drainage**

The use of landscape berming is a desirable element to achieve the following:

- Break up long horizontal planes;
- Buffer activity areas;
- Control views; and,
- Offer visual interest.

Site grading shall be accomplished to prevent surface water from traveling onto adjacent property. All surface water shall be directed towards the street or contained on site in dry wells.

#### **4.3 Fencing and Walls**

All walls--free standing or retaining fencing--are subject to CDC design review and approval. Each element should possess the following characteristics:

- Height shall be limited to six (6) feet from finish grade to top of wall;
- Fencing and walls shall have the same character as building;
- Use of natural rock is encouraged;
- Wood shall be treated to match building;
- Recommended materials include wood, brick, rock, or split face rock; and,
- Chain link material is not allowed.

#### **4.4 Water Features, Pools and Spas**

Because of the critical nature of water resources in the Mauna Lani area, water features shall be of a re-circulating type and possess the following:

- Spray nozzles in open areas shall have wind shut off sensors to eliminate water waste and spray onto adjacent paved areas;
- Open water systems should re-circulate less than 50 GPM and drop less than ten (10) feet in elevation unless approved by the CDC;
- Fountains shall have low water shut-offs;
- Materials should be consistent with the architectural statement;
- Sound shall not affect adjacent properties; and
- Fountains shall be located in areas where evaporation is reduced to a minimum.

#### **4.5 Exterior Lighting**

All walkways, stairways and steps shall be lighted and the mode of lighting shall be approved by the CDC or DRB and meet applicable County codes. Unless a greater intensity is required for safety reasons, light illumination shall not exceed a design level of one (1) foot-candle at the ground. The purpose of lighting shall be not only for safety but for effecting a certain mood and ambiance becoming of Mauna Lani Resort.

All light fixtures visible from common areas and adjacent properties are subject to the approval of the CDC and shall conform to County Lighting Code. The following restrictions shall apply. There shall be no:

- Neon or flashing lights;
- Mercury vapor lamps or lamps which emit light of a similar nature;
- Exposed fluorescent lamps; and
- Unshielded exterior lights, except luau torches.

Spot lighting shall not be allowed without approval of the CDC.

#### **4.6 Sound Features**

Sound features shall be located and designed so that they do not affect adjacent uses or property owners.

#### **4.7 Planting Design**

Because of the unique nature of the Mauna Lani Resort, the following landscape guidelines and policies have been instituted.

#### **4.7.1 Lawn Area**

Lawn areas shall be combined into large, high-visual impact and functional use areas. It is suggested that lawn areas not exceed 40 percent of the landscape area. Lawns should be warm-season turf type that is drought and salt tolerant.

#### **4.7.2 Planting Design and Selection**

Plants shall be selected based on their suitability to the Mauna Lani Resort area (see *Recommended Plant List* which follows this section).

Low water use plants that are environmentally adaptable are highly recommended.

Plants shall be grouped according to hydrozones (plants with similar water needs).

Some plants which are not strictly low water consuming, may be grouped together in small areas comprising 20 percent or less of the landscaped area. Plants shall be grouped according to water needs and irrigated accordingly.

Mulch substitutes for ground cover on non-slope areas are encouraged.

Landscape design should be attractive, colorful, well coordinated with other architectural elements and coordinated with surrounding plantings.

Whenever possible, ground cover from cuttings shall be avoided and container material that is spaced so that a drip system can water the planting shall be used.

Landscaping shall screen all equipment, including but not limited to vents, air conditioning equipment and swimming pool/water feature equipment.

Landscaping shall not interfere with safe sight distances for vehicles.

Landscape design shall utilize the natural lava formation to the greatest extent possible.

Non-landscaped areas in a'a shall not be disturbed. If disturbed by grading, the area shall be restored to the approval of the CDC.

A soils report of imported soil, if required, prepared by a State of Hawaii licensed soils testing laboratory and shall be submitted with the landscape plans. The report shall include the following:

- Agriculture suitability of soil with recommendations;
- Total soluble salts;
- Germination test; and
- Recommendations for increased water holding capacity.

Soil sections shall be shown on the plans and have the following minimum depth after settling and compaction:

- Turf areas - nine (9) inches;
- Ground cover/shrub area - 18 inches; and
- Tree pits - 36 inches deep.

Plant materials selected (see *Recommended Plant List* at conclusion of this section) should be adaptable to the soils, exposure to wind and salt spray and the climate at Mauna Lani Resort. Minimum sizes of materials at time of installation shall be:

- Trees:
  - Over-canopy trees: twelve (12) feet high minimum. Two-story structures shall, at the time of planting have palm trees equal to or higher than the structure's eave height, in a quantity sufficient to aesthetically blend roof and building mass to the site.
  - Under-canopy trees: eight (8) feet high and two (2) inch caliper trunk minimum;
- Palms: three (3) feet clear trunk;
- Vines and shrubs: 50 percent two and one-half (2-1/2) gallon size, minimum two (2) feet tall; 50 percent one (1) gallon size minimum;
- Ground cover: four (4) inch or one (1) gallon size pots. Ground cover shall be planted in a matrix pattern to provide 100 percent mature coverage in six (6) months or less;

#### **4.8 Irrigation System**

All landscape areas shall be provided with a CDC approved irrigation system that meets the requirements of this section.

The irrigation design shall provide adequate "head-to-head" or root ball coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste or overspray onto adjoining areas. The irrigation system shall deliver water efficiently and uniformly. The distribution uniformity of an installed sprinkler system shall meet or exceed 80 percent.

Automatic irrigation controllers are required with separate programs for different irrigation needs. Drip emitters, soakers and bubblers are highly recommended for trees, shrubs and ground cover. Sprinkler heads should be properly located to minimize water needs. Quick couplers or hose bibs are suggested at a maximum of 100 feet throughout the project.

An irrigation legend is to be placed on each irrigation sheet and shall include symbols, manufacturers, types of equipment, model numbers, remarks, and/or references to corresponding details for heads. Also include gallon per minute (GPM) demand, pounds per

square inch (PSI) demand and radius cover. All equipment shall be designed for installation per manufacturer's recommendation.

#### **4.8.1 Valves and Circuits**

Landscape materials which have different watering needs (hydrozones) shall be irrigated by separate control valves and circuits (examples: full sun/full shade, level areas/sloped areas, shrubs/lawns, trees, etc.). If one control valve and circuit is used for a given area, only landscape material with similar watering needs shall be used in that area. Anti-drain (check) valves shall be installed at strategic points to minimize or prevent low-spot drainage, runoff and subsequent erosion from low elevation sprinkler heads.

#### **4.8.2 Sprinkler Heads**

Sprinkler heads shall be selected for proper area coverage, precipitation rate, operating pressure, adjustment capability and ease of maintenance. Heads or emitters shall have matched precipitation rates for each control valve circuit. Above-ground risers are not allowed next to sidewalks, driveways, or curbs and are discouraged anywhere accessible to people. These sprinklers must be pop-up type. In areas less than ten (10) feet wide, drip emitters and micro-spray bubblers are highly recommended. Low angle nozzles shall be used where appropriate.

#### **4.8.3 Runoff and Overspray**

Soil types and percolation rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent areas, walks, roadways, or structures. The water application rate shall attempt to match the infiltration rate of the soil. Repeat cycles shall be utilized in an effort to avoid runoff.

#### **4.8.4 Piping**

Plastic (PVC) mainline piping shall be Schedule 40 or better and shall be placed not less than 18 inches below final grade, with lateral lines requiring 12-inch depth or UVR (Ultra Violet Resistant) above-ground pipe on sloped areas. All piping and wiring under driveways or roads shall be sleeved and approved by the CDC.

#### **4.8.5 Controllers**

Automatic sprinkler program controllers are required for each different irrigation need of the landscape. Controllers shall be capable of controlling the operating time for each circuit, the starting time and daily schedule of operation. Each controller must be able to accommodate multiple schedules and contain 14-day clocks minimum; percentage switches; repeat cycles; the ability to schedule by the day of the week; and rain sensing override devices. A watering schedule shall be placed in each controller.

#### **4.8.6 Water Meters**

Landscape irrigation systems shall be on a separate water meter.

#### **4.8.7 Brackish Water Irrigation**

Brackish irrigation systems shall be utilized only if an available brackish water source is deemed feasible to use and is approved for irrigation use.



## MAUNA LANI RESORT RECOMMENDED PLANT LIST

### Trees

*Acacia confusa*, Formosan Koa  
*Bauhinia blakeana*, Hong Kong Orchid  
*Brassaia actinophylla*, Octopus Tree  
*Callistemon citrinus*, Weeping Bottlebrush  
*Cassia glauca*, Kolomona  
*Cassia javanica* x *Cassia fistula*, Rainbow Shower  
*Citrusa* spp., Citrus Tree  
*Clusia rosea*, Autograph Tree  
*Coccoloba uvifera*, Seagrape  
*Delonix regia*, Royal Poinciana  
*Erythrina crista-galli*, Coral Tree  
*Ficus benamina*, Weeping Banyan  
*Acalypha wilkensiana*, Beef Steak  
*Fillicium decipiens*, Fern Tree  
*Messerschmidia argentea*, Beach Heliotrope  
*Noronhia emarginata*, Madagascar Olive  
*Pandanus odoratissimus*, Hala  
*Plumeria obtusa*, Singapore Plumeria  
*Plumeria* spp., Plumeria  
*Prosopis palida*, Kiawe  
*Samanea saman*, Monkeypod  
*Spathodea campanulata*, African Tulip  
*Tabebuia pentaphylla*, Pink Tecoma  
*Tabebuia* spp., Trumpet Tree  
*Thespesia populnea*, Milo  
*Bauhina monandra*, St. Thomas Tree  
*Thevetia peruviana*, Be Still Tree

### Palms

*Arecastrum romanzoffianum*, Queen Palm  
*Chrysalidocarpus*, Coconut  
*Cocos nucifera*, Coconut  
*Dictyosperma album*, Princess Palm  
*Livistonia chinensis*, Chinese Fan Palm  
*Pritchardia affinis*, Loulu Palm  
*Veitchia merrillii*, Manila Palm  
*Rhapis excelsa*, Raphis Palm  
*Neodypsis decaryi*, Neodypsis Palm  
*Pritchardia thurstonii*, Fan Palm

### Ground Cover

*Carissa* spp., Natal Plum  
*Carpobrotus edulis*, Ice Plant  
*Ficus tikoua*, Waipahu Fig  
*Ipomoea pes-caprae*, Beach Morning Glory  
*Liriope spicata*, Liriope  
*Mondo japonicum*, Mondo Grass  
*Rhoeo discolor*, Rhoeo  
*Sida fallax*, Trailing Ilima  
*Syngonium* spp., Syngonium  
*Vitex trifolia*, Vitex  
*Wikstroemia uva-ursi*, Akia  
*Asystasia gangetica*, Asystasia  
*Catharanthus roseus*, Madagascar Periwinkle  
*Lantana* sp., Trailing Lantana

### Shrubs

*Adenium obesum*, Desert Rose  
*Allamanda cathartica*, Allamanda  
*Bougainvillea* spp., Bougainvillea  
*Breynia nivosa*, Snowbush  
*Codiaeum variegatum*, Croton  
*Crinum asiaticum*, Spider Lily  
*Dodonaea eriocarpa*, A'Alii  
*Hibiscus* spp., Hibiscus  
*Ixora* spp., Ixora  
*Ligustrum ovalifolium*, Privet  
*Munraya paniculata*, Mock Orange  
*Philodendron selloum*, Philodendron  
*Pittosporum tobira*, Pittosporum  
*Plumbago capensis*, Plumbago  
*Tecomaria capensis*, Cape Honeysuckle  
*Psendaranthemum reticulatum*, Eldorado  
*Russelia equisetiformis*, Russelia  
*Scaevola frutescens*, Naupaka  
*Calliandra inaequilatera*, False Lehua  
*El cocaine*, El

## **SECTION VI ENVIRONMENTAL STANDARDS**

### **1. ENERGY CONSERVATION**

To the extent practical, single and multifamily residences shall conform to the intent of the State and County of Hawaii Model Energy Code. This includes, but is not limited to, the use of energy efficient lighting fixtures, natural ventilation rather than mechanical air conditioning, use of roof overhangs for shading and solar water heating. Photovoltaic, solar water heating/air conditioning systems and other energy conservation systems shall be approved by the CDC or DRB.

### **2. WATER CONSERVATION**

Mauna Lani Resort potable and non-potable water supplies are limited. Therefore, all projects are required to utilize stringent conservation measures to reduce the use of water to the maximum extent possible. Landscaping shall be both salt- and drought-tolerant. Landscaping plans shall be cognizant of the potential for a separate brackish water system for irrigation purposes and plan accordingly. Low-flush toilets shall be used in all single family home projects. Shower heads and all faucets shall be equipped with flow restrictors and all irrigation systems shall be controlled by automatic timers. As indicated in Section IV, Landscape Standards, plantings shall be grouped according to water requirements and minimum amounts of water used to maintain healthy plantings.

### **3. COMPOSTING**

Mauna Lani Resort Association operates an on-site green waste composting facility which is available for use by all Mauna Lani property owners. Each homeowner is encouraged to have their landscape maintenance contractor make arrangements with the MLRA for disposal of green wastes within the Resort's on-site composting facility. MLRA may charge a fee for disposal of green wastes in its composting facility.

### **4. PESTICIDES, HERBICIDES, TOXIC MATERIALS AND WASTE WATERS**

Pesticides, herbicides and toxic materials shall be stored, used and disposed of in conformance with product label instructions and applicable federal, state and county laws, rules, regulations and ordinances. Under no circumstances shall any pesticide, herbicide or toxic material of any kind be disposed of within Mauna Lani Resort.

The application of pesticides by commercial vendors shall be limited to said vendors that are licensed by the State of Hawaii and under the supervision of State of Hawaii "Certified Applicators".

The use of any pesticide, herbicide, or fertilizer within 50 feet of a natural or manmade pond, spring, shoreline or water feature shall require the applicator to file a written notice to perform the work. The notice shall be filed with the offices of Mauna Lani Service, Inc. and Mauna Lani Resort Association a minimum of two (2) working days prior to commencement of the work.

All waste water that is used for washing equipment and cleaning of materials and containing petroleum products, chemicals or other toxic materials, shall be disposed of in compliance with applicable federal and State of Hawaii statutes, laws, rules and regulations governing the disposal of such waste waters.

**APPENDIX A  
MAUNA LANI RESORT COMMUNITY DESIGN COMMITTEE  
SINGLE FAMILY HOME REVIEW, CONSTRUCTION AND INSPECTION  
APPLICATION FORM**

DATE \_\_\_\_\_

OWNER'S NAME \_\_\_\_\_

PROJECT SITE/LOT No. \_\_\_\_\_

OWNER'S MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_

ZIP CODE \_\_\_\_\_

HOME PHONE | BUSINESS PHONE | FAX NO. \_\_\_\_\_

ARCHITECT \_\_\_\_\_

TELEPHONE | FAX NO. \_\_\_\_\_

**BUILDING PLAN SUMMARY:** *(Complete all applicable sections)*

**Existing Grade:** \_\_\_\_\_

*(As Shown on Topographic Map)*

**Finish Floor Elev.:** \_\_\_\_\_

**Square Footage of:** (1) Living Area \_\_\_\_\_  
(2) Garage \_\_\_\_\_

(3) Lanais \_\_\_\_\_  
(4) Other \_\_\_\_\_ *(Please Specify)*

**Exterior Wall Surface:** \_\_\_\_\_

**Percent of Bldg Coverage:** \_\_\_\_\_

**Color of:** (1) Wall \_\_\_\_\_  
(2) Roof \_\_\_\_\_

(3) Misc. Trim \_\_\_\_\_  
(4) Other \_\_\_\_\_ *(Please Specify)*

☐ Single-Story    ☐ Two-Story

**Max. Building Height:** \_\_\_\_\_

**Architectural Style:** \_\_\_\_\_

**Roof Pitches:** \_\_\_\_\_

**Roof Material:** \_\_\_\_\_

**Garage (Yes/No):** \_\_\_\_\_

**No. Cars:** \_\_\_\_\_

**All Improvements Within Building Envelope?** \_\_\_\_\_  
*(If NO, explain below.)*

**Landscape Plan Attached?** \_\_\_\_\_

**TOTAL CONSTRUCTED VALUE: \$** \_\_\_\_\_

**Other Description:** \_\_\_\_\_

The undersigned Applicant hereby agrees to comply with all Mauna Lani Resort Design Guidelines, Standards and Restrictions and other conditions which may be required for approval of the Applicant's submittal; authorizes the Mauna Lani Resort Community Design Committee (CDC) to retain professional architectural and engineering services, at the Applicant's expense, for review of the Applicant's submittal; agrees that until final inspection and approval of the completed project has been performed by the CDC, the CDC, or its duly appointed representative, is granted the right to enter the subject property at any time without prior notification for inspection purposes; understands that approvals issued by the CDC are in no way a representation on the part of the CDC that the proposed construction or alteration is in conformance with all applicable governmental codes, restrictions or other requirements and should not be construed as a claim on the part of the CDC regarding the quality, structural integrity or soundness of the work which has been approved.

**OWNER'S SIGNATURE** \_\_\_\_\_

**Date:** \_\_\_\_\_

MARCH 2024

## SINGLE FAMILY HOME SUBMITTAL CHECKLIST AND PROCEDURAL SUMMARY

The following briefly outlines the procedures and process each Homeowner should follow during the design and construction of any new residence at Mauna Lani Resort. Please refer to the complete text of the Design Guidelines for detailed submittal information.

1. **PREDESIGN**: Prior to the preparation and submittal of drawings and specifications to the Mauna Lani Resort Community Design Committee (CDC) for review and approval, each Homeowner is encouraged to obtain a copy of the Mauna Lani Resort Design Guidelines, Standards and Restrictions and review those Guidelines with its architect and engineers. Each Homeowner should also review the Covenants, Conditions and Restrictions (CC&Rs) specific to the Homeowner's project site as well as the Mauna Lani Resort Association Declaration of Covenants and Restrictions (DC&Rs) for requirements that may not be included in the Design Guidelines, Standards and Restrictions. Each Homeowner is also encouraged to meet with the duly authorized representative of the CDC to discuss design guidelines and standards.
2. **PRELIMINARY PLAN SUBMITTAL**: Each Homeowner proposing to construct a new home is required to submit this Application Form and the required design review fee with the preliminary plan submittal. The Homeowner will be notified within ten (10) working days of receipt of a submittal whether said submittal is complete. Submittals containing less than that required, as specified in Section II of the Design Guidelines, Standards and Restrictions and summarized in the attached checklist, will be considered incomplete. Review of submittals will not begin until the submittal is determined by the CDC, or its representative, to be complete.

Preliminary plan approval or disapproval notification will be given to the Homeowner within forty-five (45) days of receipt of a complete submittal. Appeal procedures for disapproved submittals are described in Section II of the Design Guidelines, Standards and Restrictions.

3. **CONSTRUCTION DOCUMENT SUBMITTAL**: Upon receipt of the CDC's written approval of the preliminary plan submittal, the Homeowner may submit construction documents (working drawings and specifications) for CDC review and approval. The working drawings shall represent plans submitted to the County of Hawaii for building permit purposes and must be certified by an architect licensed in the State of Hawaii.

Following receipt of the CDC's written approval of the construction documents, the Homeowner shall submit a fully executed **Owner's Certification and Acknowledgement Regarding Construction Plan Approval** (Appendix B) as specified in Section II of the Design Guidelines, Standards and Restrictions.

4. **PRECONSTRUCTION**: Following receipt of a Notice to Proceed from the CDC and prior to the commencement of construction, the Homeowner shall submit evidence of a performance bond, payable to Mauna Lani Resort Association (MLRA) in the event of

default; evidence of a fully executed construction contract; copies of all building and grading permits issued by the County of Hawaii; fully notarized **Owner's Certification and Acknowledgement Regarding Construction Plan Approval** (Appendix B); and a Construction & Compliance Deposit payable to MLRA.

5. **CONSTRUCTION PHASE:** A foundation/batter board survey, prepared by a surveyor licensed by the State of Hawaii, confirming the approved building location and floor/grade elevations, shall be submitted to and approved by the CDC prior to pouring of foundation/substantial construction beginning. During construction, the CDC, or its duly authorized representative, will conduct inspections to verify construction is in compliance with the approved construction documents.

Immediately prior to or following completion of construction, the Homeowner shall notify the CDC of such completion and request a final inspection. The Homeowner shall also submit an As-Built site plan prepared by a State of Hawaii licensed surveyor certifying project compliance with the approved construction documents.

Following performance of the final inspection, the CDC, or its duly authorized representative, will notify the Homeowner of compliance or non-compliance of the new home. Non-compliance procedures are specified in the Design Guidelines, Standards and Restrictions. Should the new home be in compliance, the CDC will issue the Homeowner approval to occupy the new home. As noted in Section II of the Design Guidelines, Standards and Restrictions, occupancy shall not occur until all final inspection requirements have been met and approval given by the CDC.

The following Summary Submittal Checklist indicates the major items to be submitted and approved during the design/construction review process. **This list is not meant to be complete and the Homeowner is encouraged to review the Design Guidelines, Standards and Restrictions, CC&Rs and DC&Rs for complete submittal requirements. It is the Homeowner's sole responsibility to assure that all required items are submitted to the CDC for review and approval.**

**SINGLE FAMILY HOME  
SUMMARY SUBMITTAL CHECKLIST**

SUBMITTAL ITEM	SUBMITTED		DATE SUBMITTED	APPROVED		DATE APPROVED
	YES	NO		YES	NO	
<b><u>PRELIMINARY PLAN SUBMITTAL:</u></b> Application Form ( <b>Appendix A</b> )						
Topographic/Site Feature Map						
Design Review Fee (Payable to MLR-CDC)						
Site Plan/Topography (1" = 20")						
Floor Plan (1" = 8')						
Roof Plan (1" = 8')						
Exterior Elevation Drawings (1" = 8')						
Preliminary Specifications						
Color Board						
Conceptual Landscape Plan						
Estimated Construction Schedule						
<b><u>CONSTRUCTION DOCUMENT SUBMITTAL:</u></b> Site Plan (1" = 20')						
Floor Plan (1" = 4')						
Exterior Elevation Drawings (1" = 4')						
Final Construction Specifications						
Landscape Plans						
Final Estimated Construction Schedule						
<b><u>PRIOR TO CONSTRUCTION:</u></b> Owner's Certification and Acknowledgement Form ( <b>Appendix B</b> )						
Evidence of Performance Bond						
Fully Executed Construction Contract						
Copy of County Building and Grading Permits						
Construction & Compliance Deposit (Payable to MLRA)						
<b><u>CONSTRUCTION PHASE:</u></b> Foundation/Batter Board Survey						
Certification of Ground Termite Treatment and Construction Material Treatment						
Homeowner's Notice of Completion with As-Built Plans and Surveyor's Certifications						
CDC Final Inspection Report						
CDC Occupancy Approval						

## APPENDIX B

### **Owner's Certification and Acknowledgement Regarding Construction Plan Approval**

The undersigned, Owner/Developer of that certain parcel located on the Island and County of Hawaii, State of Hawaii (Lot No. \_\_\_\_\_ of \_\_\_\_\_, Tax Map Key No. \_\_\_\_\_) (the "Property") and Applicant for the proposed construction upon Property in accordance with plans and specifications (the "Plans") submitted for approval by the Mauna Lani Resort Community Design Committee ("CDC"), does hereby certify that the Plans are in conformity with the Mauna Lani Resort design standards, with the proposed or existing deed or lease restrictions and covenants applicable to the Property and with all applicable governmental codes, laws, ordinances and regulations. The undersigned does further hereby certify that no variances or modifications, other than those specifically listed in the written final approval(s) of the Plans issued by the CDC, are proposed or authorized.

The undersigned understands, acknowledges and agrees that the consequences for nonconformance, including without limitation, liability for costs of correction, will be the undersigned's sole responsibility. The undersigned represents and warrants that construction of the improvements depicted in the Plans will be in accordance with all applicable governmental authorities and that construction of the improvements in accordance with the approved Plans will be completed no later than \_\_\_\_\_ months from the date of final approval of the Plans.

The undersigned hereby acknowledges and agrees that approval of the Plans relates solely to the architectural design and scheme thereof and that no representations are made nor any responsibility assumed by Mauna Lani Service, Inc., Mauna Lani Resort Association, the Community Design Committee members or the Mauna Lani Resort Design Review Board regarding the legality of governmental codes, structural quality or soundness of the work proposed.

The undersigned further understands, acknowledges and agrees that it is the sole responsibility of the undersigned, the undersigned's architect and the undersigned's builder to examine the Property and to undertake adequate structural design for all improvements upon the Property and thereafter to construct and maintain the improvements upon the Property in accordance with the approved Plans and applicable governmental codes, laws, ordinances and regulations.

The undersigned further understands, acknowledges and agrees that, pursuant to the ***Declaration of Covenants and Restrictions of Mauna Lani Resort Association*** and the ***Mauna Lani Resort Design Guidelines, Standards and Restrictions for Single Family Homes, as amended***, construction of the proposed improvements upon the Property must be completed, pursuant to the approved Plans and within the time frame established and approved by the CDC.



If work is abandoned or ceases to progress in a reasonable manner and time frame, at any time prior to completion, or if the undersigned fails to complete the work as specified in the approved Plans, Mauna Lani Resort Association and/or the Association of Homeowners of \_\_\_\_\_ may take reasonable steps to complete the work, correct the non-compliance, or to restore the property to its pre-existing condition and to assess the undersigned for all costs and expenses incurred in connection therewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Owner/Developer

\_\_\_\_\_  
Owner/Developer

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public, State of \_\_\_\_\_  
Typed or Printed Name:

My commission expires: