

DESIGN GUIDELINES

ONE PALAU'EA BAY

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A. ONE PALAUEA BAY

I. Introduction and Philosophy

Recognizing the natural beauty of Palau'ea, the Design Guidelines for One Palau'ea Bay have as their purpose the development of a community that will harmonize and conform with the existing environment of Palau'ea. Prepared to create a cohesive, visually unified community with a sense of identity and relationship to Palau'ea and the surrounding Wailea Resort, the Design Guidelines strive to create a place of distinction and quality, which, to the extent possible, will increase the desirability and attractiveness of One Palau'ea Bay.

Special attention will be given to siting, designing and landscaping to ensure that custom-built dwellings of restrained elegance are set within the existing environment, focusing on blending home sites with the existing terrain, roadways, and coastal areas.

The Design Guidelines have been promulgated pursuant to, and as a part of, the Declaration of Covenants, Conditions, and Restrictions for One Palau'ea Bay ("Declaration"). The Design Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any Improvements within any Lot in One Palau'ea Bay. The Design Guidelines are administered by the Reviewer in accordance with the provisions of Declaration and the Design Guidelines. The Design Guidelines, and Declaration, may be amended from time to time, and it is the responsibility of each Owner to obtain and review a copy of the most recently revised Design Guidelines and Declaration.

The intent of the Design Guidelines is to provide further definition and illustration of the requirements set forth in the Declaration. In establishing certain standards and procedures for the construction within the Lots, the Design Guidelines provide specific restrictions, limitations and requirements, as well as illustrative design interpretations of the intent regarding site uses, site development, and architectural design and landscape improvements.

The function of the Reviewer is to review proposed construction within One Palau'ea Bay and determine whether it complies with the Design Guidelines. Approval by the Reviewer only means the proposed construction complies with the Design Guidelines. Review and approval of a Dwelling under the Design Guidelines is made on the basis of aesthetic considerations only, and the Reviewer shall not bear any responsibility for ensuring (i) structural integrity or soundness of approved construction, (ii) compliance with building codes and other governmental requirements; or (iii) for any defects or deficiencies in plans submitted. The review and approval of plans by the Reviewer shall not be a substitute for compliance with the permitting and approval requirements of Maui County or any other governmental entity. The Owner submitting an application for construction under these Design Guidelines shall obtain all necessary permits, approvals and inspections required by any state, county or local governmental entity to commence and complete the proposed construction. Additionally, such Owner shall

also be responsible for ensuring that all Improvements comply with all applicable building codes and regulations. The Reviewer shall have no liability for any injury, damages, or loss arising out of the manner or quality of construction of any Dwelling or Improvements.

The Declaration and the Design Guidelines establish the design review process for the community. These documents work together to govern construction of Dwellings and Improvements within One Palau'ea Bay. The Declaration and the Design Guidelines contain important information that all Owners should read prior to beginning the design process. In the event that there is any conflict between the provisions of these Design Guidelines and the Declaration, the provisions of the Declaration shall be controlling. All Owners must receive written approval before any construction activity begins.

While the Design Guidelines are intended to provide a framework for construction, the Design Guidelines are not all-inclusive. In its review process, the Reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, neighborhood and location in relation to surrounding structures, topography, and finished grade elevation, among other things. Opinions with regard to aesthetics are necessarily subjective and therefore may vary. Individual interpretations of these Design Guidelines and the Declaration may also vary. In every case, an application must be submitted and reviewed in order to consider specific implications of location and impact on surroundings. Each application is reviewed on an individual basis. There are no "automatic" approvals. For example, an Owner that wishes to construct a Dwelling that is identical to one that has already been approved by the Reviewer will be required to submit an application and may or may not receive approval. Under no circumstances shall the Reviewer grant approval for proposed construction that is inconsistent with the Guidelines, unless the Reviewer grants a variance.

The Reviewer shall have the power but not the obligation to grant variances. Variances may be granted when deviations are required. The decision to grant a variance may be based upon things such as topography, natural obstructions, hardship, or environmental considerations. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing and signed by the Reviewer.

The invalidity or unenforceability of any provision of these Design Guidelines, in whole or in part, shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of these Design Guidelines or the Declaration.

II. Definitions

The words used in these Design Guidelines shall be given their normal, commonly understood definitions. Capitalized terms shall have the same meaning as set forth in the Declaration, unless the context indicates otherwise. Unless the context otherwise

specifies or requires, the following words or phrases when used in these Design Guidelines shall have the following specific meanings.

<i>"Architect"</i>	"Architect" means a person appropriately licensed to practice architecture in the State of Hawaii.
<i>"Association"</i>	"Association" refers to the "One Palau'ea Bay Community Association, Inc.," an association comprised of all owners of real property in One Palau'ea Bay as defined in the Declaration.
<i>"Builder" or "Contractor"</i>	"Builder" or "Contractor" means a person or entity engaged by an Owner for the purpose of constructing any Improvement on the Owner's Lot. The Contractor shall be properly licensed in the State of Hawaii. The Builder and Owner may be the same Person or Entity.
<i>"Building Coverage"</i>	"Building Coverage" means the total area of a lot covered by building(s). Measured from the outside of all exterior walls at ground level, it includes all exterior stairways, covered parking and walkway areas. It does not include roof overhangs, uncovered walkways, usable areas and above-grade decks.
<i>"Consolidated Lots"</i>	"Consolidated Lots" means the legally Recorded consolidation of one or more Lots into the Lot with one tax map key number, as defined in Maui County Code. Consolidation of Lots shall be governed by the Declaration and shall be subject to the consent of the Developer or the Association.
<i>"County"</i>	"County" means the County of Maui, in the State of Hawaii.
<i>"Declaration"</i>	"Declaration" refers to the "Declaration of Covenants, Conditions and Restrictions for One Palau'ea Bay Subdivision" as it may be amended from time to time.
<i>"Developer"</i>	"Developer" means Palau'ea Developers, LLC, a Hawaii limited liability company.
<i>"Engineer"</i>	"Engineer" means a person appropriately licensed to practice engineering in the State of Hawaii.
<i>"Excavation"</i>	"Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting and irrigation of vegetation), including any trenching which results in the removal of earth, rock or other substances from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.
<i>"Fill"</i>	"Fill" means any addition of earth, rock or other materials to the surface of the land, which increases the existing elevation of such surface.

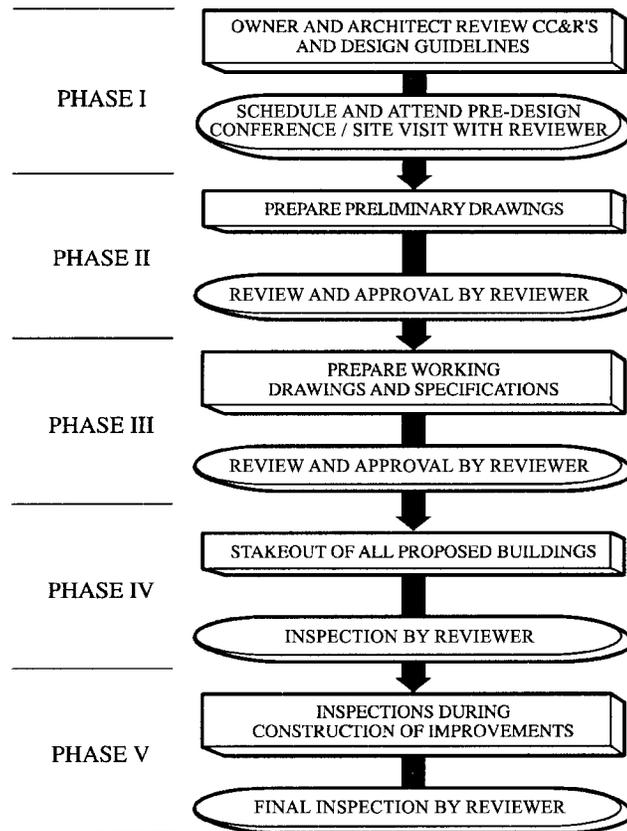
<i>"Improvement"</i>	"Improvement" means any changes, alterations or additions to a Lot, including any Excavation, Fill, Dwelling or buildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscaping, poles, signs and structure of any type or kind.
<i>"Landscape Architect"</i>	"Landscape Architect" means a person appropriately licensed to practice landscape architecture in the State of Hawaii.
<i>"Visible from Neighboring Property"</i>	"Visible from Neighboring Property" means, with respect to any given object or activity, that such object or activity is or would be in any line of sight originating from any point six feet above the ground level of any adjoining property, excluding contiguous property owned by the Owner of the property involved, but including common areas and streets, assuming that the ground level of such adjoining property is equal to its actual elevation, or from the highest elevation of the ground of the property upon which such object or activity is located, whichever elevation is the lower.

III. General Design Review Procedures

These Design Guidelines provide guidelines for the Reviewer in the review and evaluation of proposed Improvements within One Palau'ea Bay. All Improvements, including site work, buildings, structures, lighting and landscaping, shall be subject to these Design Guidelines. No Owner shall be permitted to construct or install any Improvements without the express prior written approval of the Reviewer.

In order to assist the Owners in the planning and designing of their homes, and in the understanding of the unique opportunities of each particular Lot, a comprehensive design review process has been established.

Figure 1: General Design Review Procedures



In general, the design review process is divided into five phases as shown on Figure 1. The first phase includes a pre-design meeting to permit the Owner to review ideas and the aspects of his particular Lot with the Reviewer before any plans are prepared. The second phase provides for the review of conceptual or preliminary plans by the Reviewer before the Owner finalizes his design in conformance with the Design Guidelines and the Declaration. The third phase, final design review, determines that the final plans and construction drawings are consistent with the previously approved preliminary plans. The fourth phase, stakeout inspection, requires the field stakeout of all proposed buildings and structures on the Lot. The final phase includes inspections by the Reviewer to determine whether the stakeout and actual construction have been completed in compliance with the approved plans.

An Owner is required to retain the professional services of an Architect, Landscape Architect and/or Engineers and General Contractor properly licensed in the State of Hawaii. No owner-builder construction will be permitted. A thorough analysis and understanding of the Lot and the Owner's special needs and living patterns, as well as the ability to convey to the Reviewer, through drawings and a model (if required by the Reviewer), the concept and design of a proposed Dwelling or other Improvements, are all important elements of the design review process.

The design review process was developed to provide for periodic reviews. Each Owner is responsible for complying with the Design Guidelines, all other applicable provisions of the Declaration, and applicable laws or rules and regulations of any governmental authority.

B. SITE DEVELOPMENT AND LANDSCAPING STANDARDS

Each Lot consists of setbacks and various site development control areas. The following site development and landscaping standards consider the issues of siting, grading, excavation and landscaping. The Owner should review the defined setbacks, easements, and view channels of his/her Lot and, if necessary, consult with the Reviewer to clarify its parameters. A Subdivision Plan for One Palau'ea Bay is provided in .

I. Setbacks

Each Lot has specified building setbacks, as described below. Minimum setbacks from Lot property lines are as follows:

- Front and/or side yards adjacent to a street: 25 feet.
- Side yards: 15 feet
- Rear yards: 15 feet.

No structures or any portion of any Improvement, other than the driveway pavement, walls and fences, and landscaping, or as specifically permitted herein or in the Declaration, shall be allowed within setback areas. Construction activity may occur within setback areas for the construction and backfilling of retaining walls, finish grading and landscaping as approved by the Reviewer. Driveway Improvements in side yard setbacks are discouraged but may be approved by the Reviewer where deemed appropriate and unobtrusive to neighboring properties.

II. Height Limits

The Height Limit defines the maximum building height for Improvements. In the planning of One Palau'ea Bay, the maximum allowable building height is 30 feet above natural or finish grade. No roof form or landscaping material shall extend above the resulting height plane except for vent pipes, chimneys, and antennae on roofs that shall not exceed 35 feet above finish grade.

III. Agricultural Reserve

Portions of each Lot shall be designated as Agricultural Reserve for the purpose of agricultural land conservation. A minimum of ten percent of the total Lot area will be reserved for the Agricultural Reserve as demarcated on . The Developer or the Association is responsible for planting and irrigating soil-nourishing plants and trees, including native Hawaiian plant species, to achieve soil conservation and environmental benefits, including soil nourishment, prevention of soil erosion, improvement of air quality, and habitat restoration.

IV. Historical Sites and Lava Rock Walls

Historical Sites and various lava rock walls have been found in One Palau'ea Bay. As described in the Declaration, no Historical Site, including Historical Walls, or any portion of these sites shall be disturbed, removed, or damaged. Prior to undertaking any Improvements on a Lot, the Owner of the Lot shall take into consideration any Historical Site or lava rock wall when designing or constructing such Improvements.

V. Easements

Easements on Lots as described in the Declaration may include, but not be limited to, drainage, various utility, and historical site easements. These easements are shown on the Subdivision Plan (see).

VI. Site Work

- (a) Until approved by the Reviewer no excavation or Fill may be created or installed upon any Lot.
- (b) Until approved by the Reviewer no change in natural or existing drainage patterns for surface waters shall be made upon any Lot. The flow of existing surface and/or subsurface drainage onto, across or from each Lot shall not be obstructed. Storm water generated from Improvements on each Lot shall be disposed of in sumps, natural low points or created low areas to allow water to percolate into the ground on the same Lot. No concentrated sources of storm water shall be discharged onto an adjacent Lot in a different location, rate or volume than previously existed. The

design for Lot drainage shall be prepared by an Architect or Engineer and the design shall be subject to the prior approval of the Reviewer.

- (c) In the event of any violation of (a) or (b) above, the Reviewer, the Developer, or the Association may cause the Lot to be restored to its state existing immediately prior to such violation.
- (d) Finish grades shall not be steeper than one-foot vertical to two-foot horizontal and should blend in with existing slope conditions. All finish grades over one-foot vertical to two-foot horizontal within the Lot shall be reviewed for stability against erosion. Larger sloped Fill sections will be limited to eight feet high where a minimum bench of four feet must occur.
- (e) Generally, cutting and filling of grading operations should balance or be as close as possible as determined by the Reviewer. Amounts of cuts and Fill as shown on Phase Two and Phase Three design submittals will be studied by the Reviewer in relation to each site and adjoining sites.
- (f) Generally, retaining walls shall not delineate or parallel setback lines for long distances. If retaining walls are used, their maximum height should be (6) six feet and should conform to the standards of Sections C.V and C.XVI.

VII. Landscaping

Landscaping shall be considered as an integral element of the development to be utilized for visual screening, shade, spatial definition and environmental control. Landscape improvements should reflect the rural character, quality, simplicity, and understated elegance of One Palau'ea Bay. In order to achieve the desired landscape character, the use of native Hawaiian plants, including endemic, indigenous and Polynesian introduced species shall be encouraged where appropriate.

- (a) A plant list, attached as Appendix B ("Plant List"), is provided to assist in selecting plants considered appropriate. Additional plants may be approved by the Reviewer.
- (b) The prohibited plant materials set forth in Appendix C ("Prohibited Plant List") include species with characteristics that are potentially destructive to indigenous plants by reason of profuse and noxious pollen, excessive height, weed-like characteristics of invasive growth, high water demands, and similar traits. Under no circumstances is it permissible to landscape any Lot with materials from the Prohibited Plant List.

- (c) The landscape design for each Lot should blend with the existing terrain.

Landscape plans shall be prepared by a Landscape Architect and include a planting plan indicating the final mature heights of trees and shrubs, and an irrigation plan. The landscape design should conform to the following guidelines:

- (1) Use a limited palette of plant materials with an emphasis on indigenous plants of the region. Utilize the Plant List, as contained in Appendix B, as may be amended from time to time, to establish the overall landscape theme for the Lot and reinforce the community's landscape character.
 - (2) Use informal spacing and groupings of trees to create a natural setting for the improvements, including any Dwellings and accessory structures.
 - (3) Use landscaping to blend the Improvements into the terrain. Where retaining walls are used, cascading vines and shrubs may be used to soften these structural elements.
- (d) The distinct character of the landscape is primarily a function of the height, color, density and distribution of its trees. To preserve this texture, the use of tall palm species on individual Lots is prohibited except for a limited quantity of coconut palms if desired. There are many palm types that will be acceptable like slow growing species of single trunk palms as well as multiple trunk palms. The taller portions of multiple trunk species can be easily cut back as growth meets the maximum height plane. Generally, heights of all trees within the Lot shall be maintained below the maximum height plane. If views from adjacent Lots are not obstructed the Reviewer encourages permitting spreading canopy trees to grow to their full height. Trees shall be installed at a minimum size of 15-gallon containers with a 2-inch caliper measure one foot above the soil. Where large and medium trees are planted within 10 feet of the property line or utility easement, a 24-inch deep physical or chemical root barrier is required at the Lot boundary to protect existing or potential improvements from damage by invasive tree roots.
- (e) Cultural Area and Agricultural Reserve Landscaping. The Cultural Area and the Agricultural Reserve will consist of grasses, native

plants, lava fields, existing trees and landscaping and irrigation installed by the Developer or the Association or those contracted by the Developer or Association to do so. The Developer or the Association will be responsible for irrigation and maintenance of the Cultural Area and the Agricultural Reserve. See Appendix A for information on Streetscape Design Elements.

- (f) Lot Area Landscaping. The Lot is the least restrictive in terms of what plants, shrubs, and trees can be planted therein. They include those plant materials listed in the Plant List and, if first approved in writing by the Reviewer, any other plant not included in the Prohibited Plant List.

VIII. Site Drainage

Site drainage and related grading or Fill work shall be done with minimum disruption to the Lot. Surface water shall not drain onto adjoining Lots, except as established by natural or existing drainage patterns, nor result in any conditions that could lead to soil erosion. A detailed drainage plan shall be prepared by an Engineer and submitted for review and approval of the Reviewer.

IX. Driveway Access

The location of driveways for access to any Lot, or any Improvements thereon, shall be sited to avoid drainage-ways, and utility laterals and service lines. To provide a cohesive landscape treatment along the roadways, the driveways and related Improvements within the front yard setback area (i.e., fences, gates, walls, signage, and landscaping) shall be reviewed and approved by the Reviewer prior to construction. In general, the driveway and related Improvements shall complement the Streetscape Design Element as described in Appendix A. The driveway treatment shall extend to any Improvements to be served by such driveway. All driveways shall be located a minimum of twenty feet (20') from any adjoining Lot, unless otherwise approved by the Reviewer.

Lots shall be limited to no more than one (1) driveway access. Driveway connections to the roads within One Palau'ea Bay shall follow contours of roadway rights of way. All porte cocheres and turnarounds shall be located entirely on the Lot to be served thereby. All driveways and related parking areas shall be earthtone, integrally colored concrete or other paving material the color scheme for which is approved by the Reviewer.

X. Swimming Pools and Ponds

All parts of any swimming pools and ponds, including related decks, that are 30 inches or less in height from existing grade shall be set back a minimum of ten feet (10') from any adjoining Lot. For swimming pools and ponds, including related decks that are over

30 inches in height from the existing grade, shall be setback in accordance with applicable building setbacks.

In general, swimming pools and ponds should either be designed as part of a Dwelling through walls or courtyards, or screened or visually blended into the landscape in order to diminish any visual obtrusiveness when viewed from the roadways within One Palau'ea Bay, other Lots, and neighboring properties. All pool-related pump and filter equipment shall be located a minimum of twenty feet (20') from any adjoining Lot and be concealed within a sound-treated enclosure to minimize the nuisance of any noise resulting there from. All site plans must show piping to a percolation pond sump or catchment basin to handle maintenance backwash within the Lot.

All pools and ponds shall be constructed and kept operable in accordance with applicable County of Maui and/or Department of Health, State of Hawaii ordinances, rules and regulations.

Upon abandonment, or should the swimming pool or pond become a nuisance, the Owner will demolish the same and, insofar as is practicable, restore the land to a condition approximating that which existed prior to the construction of the swimming pool or pond, and will thereafter properly landscape and maintain said restored land. The method of demolition of the swimming pool or pond shall be subject to the approval of the Reviewer.

XI. Recreational Areas and Sports/Tennis Courts

For reasons of noise control and aesthetics, sports/tennis courts will not be allowed on any Lot.

All recreational facilities, including, but not limited to, basketball hoops and volleyball nets, shall be subject to the setbacks established in the Declaration and herein. All such facilities shall be sited and landscaped to be screened to the greatest extent possible, from neighboring views.

Basketball hoops and backboards may be installed within the Lot, subject to approval by the Reviewer. Such items should not be visible from other Lots, streets, or public spaces. No basketball court lighting will be approved.

XII. Screen Walls

Screen walls must be a visual extension of the architectural design of the Dwelling. They may be used as screening for parking and service areas. If adjoining Streetscape Design Elements presented in Appendix A, the walls must match these Elements to ensure design continuity. Screen walls may not be used to delineate setback lines arbitrarily and shall not exceed six feet in height. The colors of walls must conform to the same color standards described in Section C.VIII or Appendix A of these Design Guidelines as appropriate. Finish materials on all building walls and screen walls must

be continued down below grade or within 6" of grade to eliminate unfinished foundation walls.

Fences, walls and incidental garden Improvements shall be designed so as to be attractive from all viewable sides with a maximum height limit of (6 feet) as measured from finish grade. Chain link or other metal fences shall not be permitted unless reviewed and approved by the Reviewer.

XIII. Service Yards and Storage Tanks

All aboveground garbage and trash containers, clotheslines, mechanical equipment and other outdoor maintenance and service facilities must be screened by walls from other Lots, streets, ocean or public spaces. All fuel tanks, water tanks, or similar storage facilities shall either be shielded from view by walls or other Improvements or shall be located underground with all visible projections screened from view. See Figure 3. Underground tanks shall be installed in accordance with applicable laws for underground tanks.

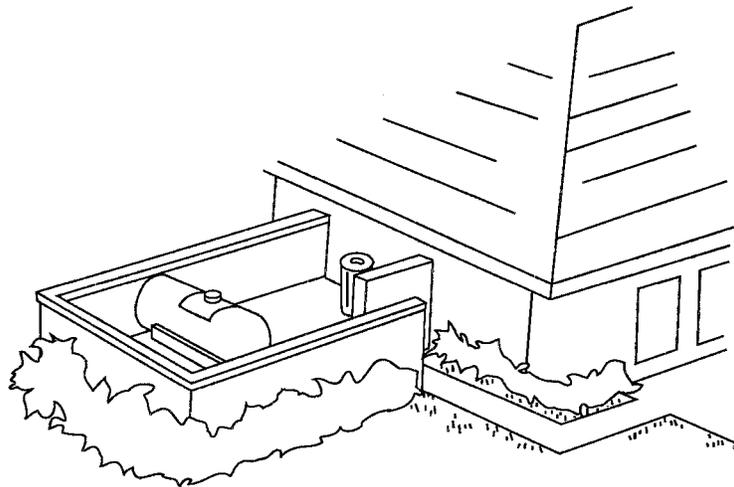


Figure 3: Screening of Storage Areas

Propane gas tanks shall either be shielded and screened from view by walls or structures, or shall be installed or constructed underground in compliance with the County of Maui and State of Hawaii ordinances, statutes, rules and regulations.

XIV. Signage

A comprehensive signage program shall be established to include and define the types, number of signs, sign area, format, conceptual design, color scheme, building materials, lighting, and conceptual designs. Street address and Dwelling information signage for each Lot shall be submitted for review and approval by the Reviewer if such signage is proposed to be installed by any Owner. No additional signage detached from or on any Dwelling or structure shall be permitted, except as may be provided in the Declaration and approved by the Reviewer.

XV. Mailboxes

Any mailbox and/or newspaper receptacles and their supports shall, except for the mailbox openings, conform to a uniform design established by the Reviewer to ensure that they visually blend with the surroundings. Mailboxes may be integrated with the Lot fences, walls, and/or gates approved by the Reviewer.

XVI. Animal Facilities

For permitted common household pets, all animal facilities, including dog runs or enclosed pens, shall be set back a minimum of forty feet (40') from any adjoining Lot or neighboring properties, and shall be screened from view with appropriate landscaping.

C. ARCHITECTURAL AND BUILDING STANDARDS

All Lot Improvements at One Palau'ea Bay shall comply with the following architectural and minimum building standards. The standards have been designed to keep buildings at grade and to encourage natural ventilation, wide covered lanais, shaded window openings and courtyards, and the use of exterior materials that will minimize glare.

I. Design Philosophy and Architectural Character

The design philosophy for construction at One Palau'ea Bay is to create a cohesive, visually unified community with a sense of identity and relationship to Palau'ea, the Cultural Preserve, and the surrounding Wailea Resort community. The general character or style of architecture should be that of cascading, hipped roof forms with strong overhanging masses, composed of basic earthtone colors which harmonize and blend into the natural setting of Palau'ea. Structures which combine numerous exterior materials or various architectural styles (e.g., colonial combined with Victorian) will not be permitted. Consistency of roof form and restraint in use of materials and color will ensure that the Dwellings and other structures blend into the existing terrain.

As described in the introduction and philosophy of One Palau'ea Bay, the simple elegance of a tropical style architecture integrated with surrounding landscape will be more acceptable to the Reviewer than a building form that stands out as separate from its landscape in an architectural style unrelated to the tropics. The Reviewer will

reserve the right to reject designs in its opinion, which do not fit into the aesthetic goals of One Palau'ea Bay. Compliance with the Design Guidelines does not guarantee approval from the Reviewer.

The following architectural and building standards and design goals have evolved in response to climatic and aesthetic considerations at the Property.

II. Site Design Principles

- (a) The terrain of Palau'ea is varied, with ridges, and other changes in elevation, making absolutely uniform applicability of height restrictions of Dwellings inadvisable. These architectural and building standards are intended to discourage and/or prevent any Dwelling or other Improvement which would appear excessive in height when viewed from a street, public space, ocean or other Lot and/or which would appear out of character with other Dwellings because of height. The height restrictions also help to generally increase, but not insure, the view potential from adjacent Lots.

Consequently, despite the maximum heights generally permitted as here in specified, the Reviewer, even though a proposed Dwelling or other Improvement may comply with said maximum height restrictions, nevertheless may disapprove a proposed Dwelling or other Improvement if, in the opinion of the Reviewer, it would appear excessive in height when viewed from a street, public space, ocean or other Lot and/or would appear out of character with other Dwellings or undesirably prominent because of height. These considerations will be of particular importance as to Dwellings to be constructed along high points of the Property.

The One Palau'ea Bay philosophy envisions Dwellings that blend with, rather than dominate the environment. Single story multi-level buildings are encouraged. The Reviewer may accept two story portions when the design complies with the building height requirements and does not appear excessive in height. Dwellings may be sited partially below grade. Continuous glazing two stories high as a prominent design feature will most likely not be allowed. Continuous two story walls without horizontal breaks are discouraged.

- (b) Buildings should be designed to blend with each Lot's natural characteristics and topography. Views, both of the Lot and of the structures, sun angles and topography, are important considerations in design.

- (c) Alteration of natural landforms shall be minimized. Grading shall be kept to a minimum, and existing contours shall be maintained to the maximum extent possible. Prior to commencing any site Improvements in the nature of grading or grubbing, the Owner of each Lot shall first obtain a grading or grubbing permit, as the case may be, from the County of Maui as the same are required by any governmental rule, regulation, law or ordinance.

Excessive cuts or filling shall be avoided. In the event of any excavation on a Lot, the Owner doing or causing such excavation to be done shall provide such artificial lateral support as may be necessary to support adjacent Lots or properties. Each Owner shall control dust during the grading or grubbing process to minimize damage, annoyance or inconvenience to other Lot Owners or adjoining properties.

- (d) Unusable areas under buildings shall be enclosed to give the appearance that the building grows out of the Lot. Lowest level floor lines should be located within six feet (6') of grade. Open lathwork will not be permitted. Refer to Figure 4.

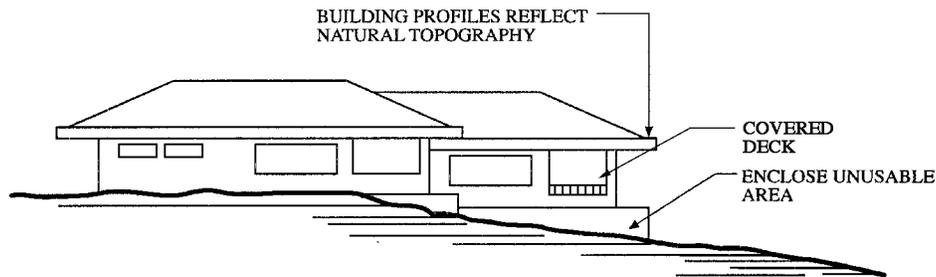


Figure 4: Building Profile

- (e) Building profiles shall reflect natural topographic contours. Refer to Figure 4.

III. Preparation of Plans

All architectural plans and working drawings shall be prepared by an Architect. All required structural, mechanical, electrical, civil, and landscape analysis shall be done by Engineers and Landscape Architects.

IV. Grading

- (a) Each Lot has been graded to provide for a suitable building pad area with consideration for the Lot's relationship to surrounding Lots.

- (b) The grading of existing building pads shall be confined to the minimum amount necessary to provide for the architectural concepts. Step pads or building pads that conform to the topography of the Lot are recommended.

Grading shall be subject to review by the Reviewer for conformance to the existing topography of the Lot.

Cuts on ridgelines or other prominent topographical features will not be permitted.

- (c) Natural conditions of drainage should be preserved, and any changes to natural contours shall not cause damage to adjacent and nearby properties. Where required, it will be necessary to use contoured swales planted with natural watercourse vegetation or lined with rock riprap or approved material. Underground drainpipes and gutters should be routed to energy dissipaters to reduce the possible effect or erosion. The Lot design should not obstruct the flow of surface water drainage across the Lot. Diversion of drainage or surface water to adjoining Lots shall not be permitted.
- (d) Grading work shall not adversely affect adjacent Lots or properties. For example, grading work on one Lot must not create an unstable condition on an adjacent Lot or property. The drainage system plans shall indicate that the proposed drainage Improvements will not cause adverse drainage conditions. Owners are responsible for the design of their drainage systems as well as the corrections of any systems that cause damage or which are in violation of any applicable governmental codes, ordinances, statutes, rules or regulations.

V. Retaining Walls

- (a) The siting, design and construction of all retaining walls shall be subject to the review and approval of the Reviewer.
- (b) Whenever excavation or Fill creates a condition requiring a retaining wall, the Owner responsible for such excavation or Fill shall be responsible for the design, installation and maintenance of the structure.
- (c) Retaining walls placed on embankments of cut or Fill more than three (3') feet in height shall be designed by an Engineer or Architect. Retaining walls over six feet (6') in height shall be

terraced at vertical intervals no greater than six feet (6'). Terraces shall be a minimum of three feet (3') wide, and landscaped. Refer to Figure 5.

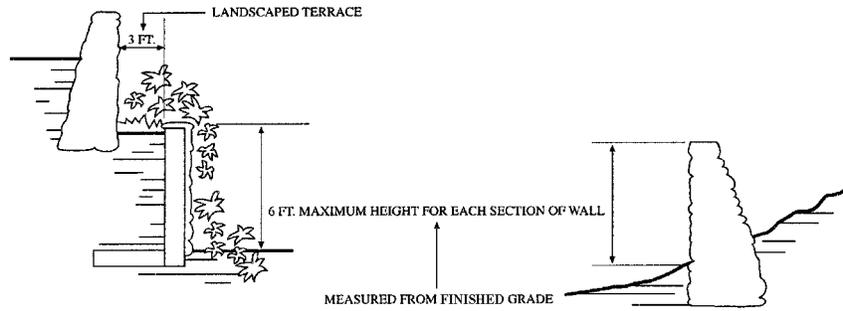


Figure 5: Retaining Walls

- (d) Retaining walls shall conform to the design standards of Section C.XVI, Walls and Fences.

VI. Size of Dwellings and Building Coverage

The minimum enclosed living area for any Dwelling at One Palau'ea Bay shall be not less than 2,500 square feet, exclusive of garage. Interior and exterior covered areas shall be calculated from the exterior face of the Improvement or extent of the covered area.

In no case shall Building Coverage, exclusive of driveways, decks, balconies, or overhangs, exceed 30% of the total lot area. Although these Guidelines do not set a maximum square footage for the Dwelling, it is recommended that the size of the Dwelling be in scale to the size of the Lot.

VII. Roofs

Since roofs are a dominant form of One Palau'ea Bay's landscape, they must be carefully designed.

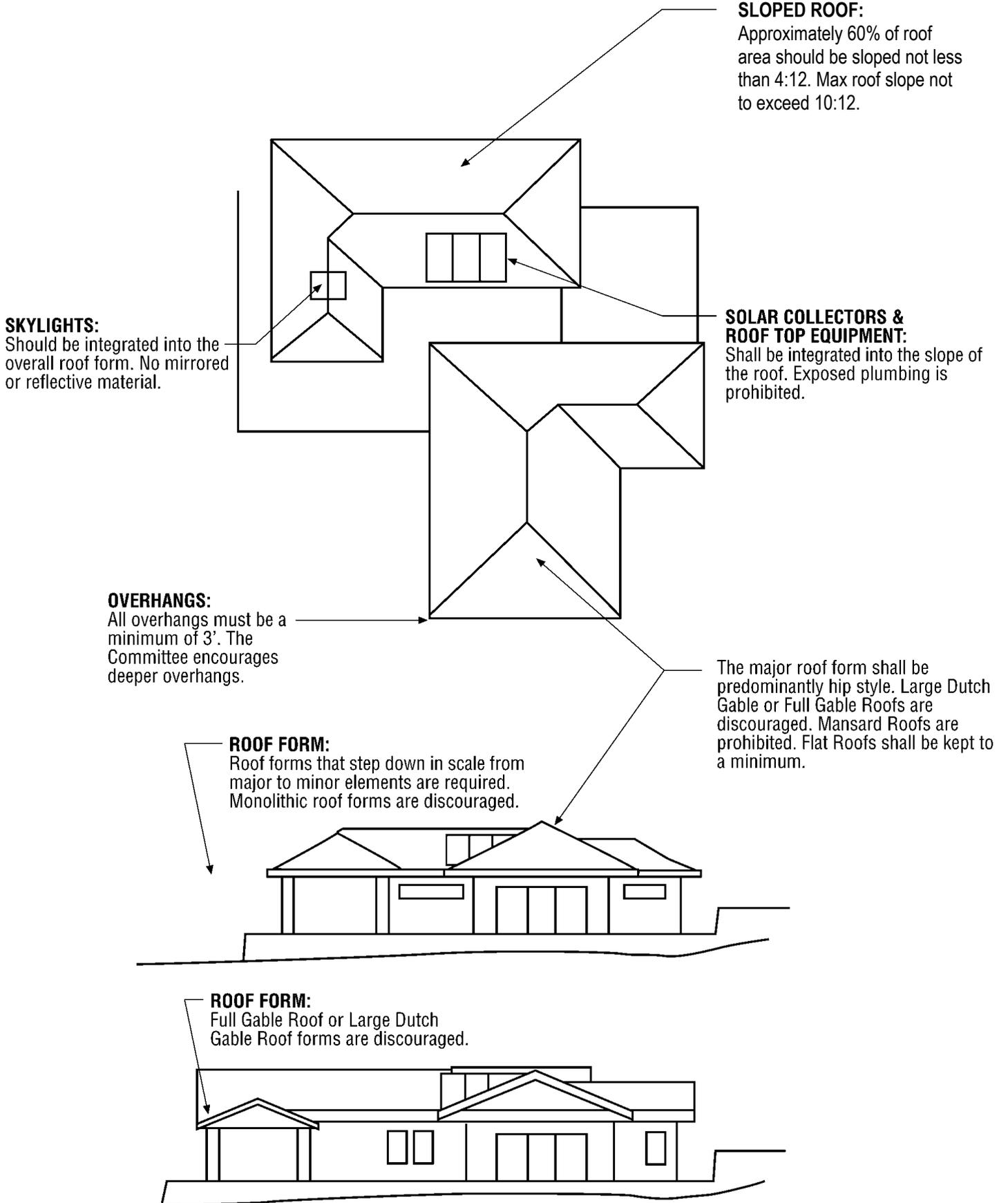
- (a) **Form and Slope:** Monolithic roof forms are discouraged. Roof forms that step down in scale from major to minor elements are required. It is intended that pitched roof forms predominate, and must be predominantly hip style. Double pitched roofs are encouraged. Large Dutch gables or full gabled roofs are discouraged while mansard roofs are prohibited. Approximately sixty (60) percent of the roof area must have a slope of a least four (4) feet vertical in twelve (12) feet horizontal. Approximately forty (40) percent of the roof area may have slopes less than four (4) feet vertical in twelve (12) feet horizontal, down to "flat roof areas. The

roof slope ratio will be reviewed in terms of its overall design. The minimum slope on roofs shall be as permitted by building code. Generally the maximum acceptable roof slope shall be ten (10) feet vertical in twelve (12) feet horizontal. Roof slopes greater than 10:12 will be considered with the overall design concept. See Figure 6.

- (b) Color: The color of roofing materials shall be limited to earth tones that are compatible with the area surroundings.
- (c) Materials: All roofing materials must be non-reflective and non-glare. Recommended materials are:
 - (1) Clay or slate tiles.
 - (2) Concrete tiles with through color or with high quality low reflective glaze.

High-grade wood shake or shingles not painted. (Selection of these products should take maintenance and fire protection into consideration.)

Figure 6: Roof Top Design



- (4) Standing seam or batten seam metal roofs (with standing seams or metal batts a minimum of twelve (12) inches apart and 24" maximum apart and one and one half (1 1/2) inches in height with Kynar finish or equal. Metal roofs shall be 24-gauge minimum. Other metal roof designs must be approved by the Reviewer.
- (5) Built up gravel to be used only on "flat roofs". Top layer of gravel must match sloped roof color or blend with existing natural landscape colors.
- (d) Eaves: Roof overhangs, from wall or support line, must extend a minimum of three (3) feet beyond the building wall line. Deeper overhangs are recommended. Variations may be considered on individual merit if consistent with overall architectural design. All overhangs must be outside of the setbacks. See Figure 7.

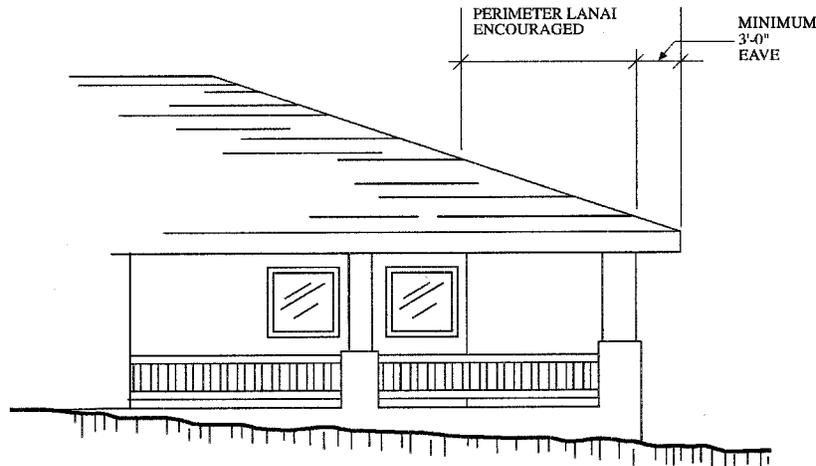


Figure 7: Building Eaves

VIII. Building Colors

Since Dwellings at One Palau'ea Bay may be seen from above and from great distances, colors should be chosen to blend rather than to contrast with the Dwelling's surroundings. Subdued accent colors may be used subject to Reviewer's approval on an individual case basis. Roof material color will harmonize with the natural environment but not contrast with the building walls.

In dealing with color, the Reviewer will consider the entire community as well as the individual Dwelling. For this reason, all participants should refer to the One Palau'ea Bay Color Palette. The palette is based on the colors and tonalities of the region and vegetation. The requirements will apply to all exterior surfaces of the house including,

but not limited to, walls, parapets, chimneys, roofs, and all related walls and fences. Ornamental metals or other features will be treated on a case-by-case basis and may deviate slightly from the base wall color LRV restrictions.

Color can be described in terms of three attributes, hue (its basic color), value (lightness and darkness), and chroma (intensity). The Munsell Book of Color assigned numerical values to each attribute. Commercial paint companies more commonly refer to the Light Reflectance Values or LRV. The lower that number, the darker the color. In order to simplify the thematic color palette, reference is made only to the LRV. The other issues of hue and chroma are addressed by way of viewing actual samples in the field.

All paint colors must be below an LRV of 55. Additionally, colors will be judged based on the following considerations:

- (a) Color is very much affected by architectural design. Plain flat surfaces will read lighter than those that involve a great deal of articulated shade and shadow.
- (b) Color is affected by relationships. The first Improvements to be built in any one area may be judged differently than those that follow. The later Improvements will have to relate not only to the natural landscape, but to the other earlier Improvements as well.

Lastly, all colors must be approved by the Reviewer. The Reviewer may further require samples in the field, including alternative choices represented by painted samples each of which must be at least 16 square feet.

A presentation of the proposed colors is required for the Preliminary Review. The presentation will be a typical elevation and should be approximately colored to indicate the location of each color. The exact colors will be represented with manufacturer's sample paint chips keyed to the elevation of the Dwelling. Each color will be related to each material selection. If glass is not clear or gray a sample and specifications will be submitted with this review submittal. Final approval will not occur until the Reviewer makes the Final Review. The One Palau'ea Bay Color Palette of suggested colors is available to view on site. Contact the Reviewer for the location.

IX. Exterior Materials and Surfaces

- (a) Exterior surfaces must generally be of materials that harmonize with the natural landscape. Cut stone, field stone masonry, wood, concrete or stucco should be the predominant exterior surfaces. Extensive use of brick masonry of any kind is not allowed. Other products must be approved by the Reviewer.

- (b) The material palette shall be restricted to a limited number of materials. Combinations of numerous materials will not be permitted.
- (c) The exterior character of all buildings shall be developed by the consistent use of few materials.
- (d) The use of mirrored glass, reflective sunscreens or other highly reflective materials for exterior windows is prohibited.
- (e) Exterior Building Wall Materials

The following exterior building wall materials are recommended:

- (1) Brick in earthtones used as accent walls. Red brick will not be allowed.
- (2) Textured and/or patterned exposed concrete block having an integral color approved herein, with four-inch (4") high coursing maximum.
- (3) Textured concrete, either bush hammered or sandblasted, with an integral color approved herein.
- (4) Textured plaster with painted or integral color approved herein.
- (5) Wood (lumber stock).
- (6) Stone.

The following materials are prohibited:

- (1) Mica plaster.
- (2) Exposed concrete block.
- (3) Corrugated metal.
- (4) Standard precision block.
- (5) Gloss-glazed ceramic tile.
- (6) Plywood (textured or plain).
- (7) Plastic or vinyl materials.

(8) Masonite or composite board.

(f) Paving Materials

The following paving materials are recommended:

- (1) Matte finish tile, or paving brick tile in colors approved herein. Red brick will not be allowed.
- (2) Natural stone in cobblestone, flagstone or random plank patterns.
- (3) Washed terrazzo.
- (4) Concrete unit paver.
- (5) Concrete: Exposed aggregate; textured or stamped; or large, rough textured pre-cast integrally colored pavers in colors approved herein. Concrete finishes not specifically listed will require the specific, prior written approval of the Reviewer.
- (6) Soil-crete, Dirt-crete, or similar product with prior written approval of the Reviewer.
- (7) Grass block.

(g) Windows

- (1) Windows shall be rectangular. Unusually shaped windows (e.g., circular, triangular) are discouraged and will be permitted only if specifically approved by the Reviewer.
- (2) Window openings should be designed as part of the sculptural character of the exterior wall. Window openings merely cut out of the exterior wall, and not fully integrated into the exterior design, will not be permitted.
- (3) Window frames should generally be recessed from the plane of the exterior wall.
- (4) Wood window frames are encouraged. Colored anodized aluminum or other factory lamina frames

may be used. Non-anodized or clear anodized frames are prohibited. Other frame materials require the prior, specific written approval of the Reviewer.

(h) Glass

Mirrored or reflective glass or glazing materials are prohibited.

(i) Skylights

- (1) Skylights shall not be of a mirrored or reflective material.
- (2) Skylights shall be clear, bronze or smoke-colored plastic or glass with the metal frame colored to match the surrounding roofing material color. White plastic and clear aluminum frames are prohibited.

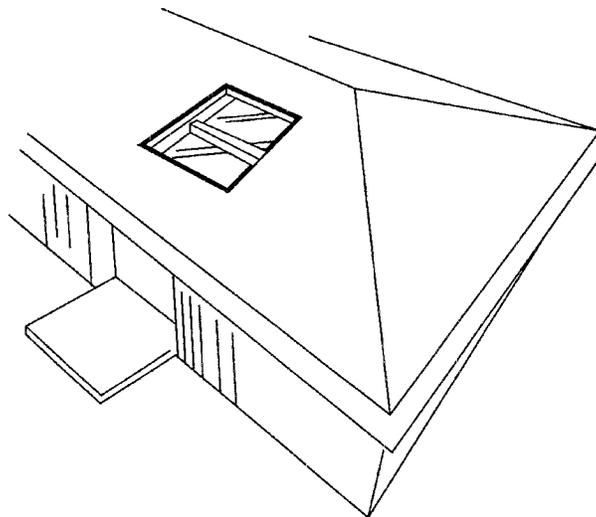


Figure 8: Skylights Integrated into Roof Form

- (3) Skylights shall be integrated into the roof form. Refer to Figure 8.

X. Garages and Guest Parking

- (a) Each Dwelling, either attached or detached from the main Dwelling, shall include an enclosed garage capable of accommodating no less than two (2) cars, with garage doors. Open carports are prohibited. Porte cocheres, however, in addition to a required two-car garage per Dwelling, are permitted.

- (b) Garages shall have minimum inside dimensions of twenty feet by twenty feet (20' x 20'). Storage areas and workshops will be in addition to the minimum four hundred square foot (400 sq. ft.) garage requirement.
- (c) Guest Parking. Each Dwelling shall contain additional guest parking spaces (in addition to the required two-car garage), for at least two (2) automobiles. Guest parking may be in the garage back out area. No on-street parking will be permitted for Owner's vehicles. No exterior storage of recreational vehicles, boats, or similar equipment will be permitted.

XI. Building Projections

All projections from a building, including but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, decks, porches, railings, trellises and exterior stairways shall match the color of the surface from which they project, unless otherwise approved by the Reviewer. All building projections must abide by setback requirements.

XII. Antennae

There shall be no antennae of any sort either installed or maintained, which are visible from streets or neighboring Lots, except as expressly permitted by the Declaration, or by the Telecommunications Act of 1996 ("Act"). These exceptions include:

- (a) an antenna designed to receive direct broadcast satellite services, including direct-to-home satellite services, that is one meter or less in diameter;
- (b) an antenna designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or
- (c) an antenna that is designed to receive television broadcast signals.

To the extent permitted by the Act and the Declaration, the Reviewer may designate the location of and may require screening of any antenna, satellite dish or other reception device.

XIII. Exterior Lighting

- (a) Exterior lighting, in general, shall be subdued and indirect.

- (b) Subject to any conditions which the Planning Commission of the County of Maui or any governmental authority with jurisdiction therefore may impose for public health, safety or security, all lights visible from outside any structure, including, but not limited to, street lights, porch lights, yard lights, "sentry" lights and other exterior lights, shall be shielded and pointed downwards so as not to confuse the shearwater and other endangered birds.
- (c) All light fixtures shall be mounted within the boundaries of the Lot. Driveway lights shall be shielded, ground level lights illuminating only the driveway, and may extend no more than eighteen inches (18") above grade.
- (d) Light fixtures for any light source of whatever type shall be shielded from above in such a manner that the bottom edge of the shield shall be level with the bottom of the light source, so that any direct light emitted above the horizontal is minimized. Light-directing refractors shall be considered to be light sources. Refer to Figure 9.

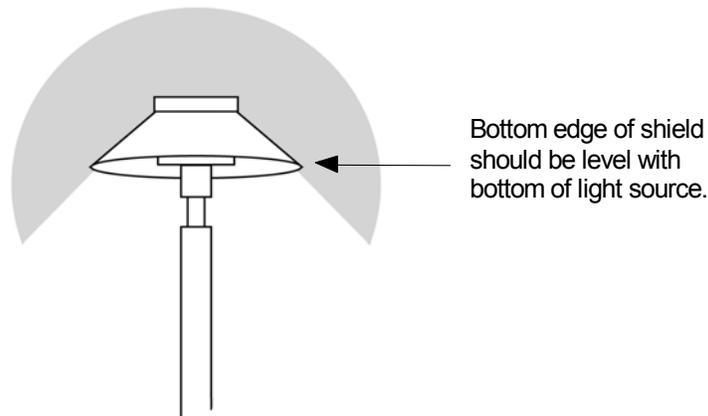


Figure 9: Shielded Light Fixture

- (e) Lighting shall be used only for the purpose of illumination, and shall not be designed for or used as an advertising display or dramatically highlighting any dwelling, landscaping component or Lot Improvement.
- (f) Light fixtures shall be so designed and adjusted as to direct light away from any roadway, and away from any adjoining Lot or property.
- (g) No light or glare shall be transmitted or reflected in such concentrated quantities or intensities as to be detrimental or

harmful, or to interfere with the use of surrounding properties or roadways. The use of incandescent, sodium type or amber color is encouraged. No mercury vapor lamps are allowed.

- (h) Exterior lighting fixtures shall be compatible with the architectural design of the building or buildings they serve. Lighting must be indirect or diffused. Exposed or visible light bulbs are prohibited. Refer to Figure 10.

Light fixtures should be of sturdy construction. Poles should be vertical, and any wood part underground protected from rot by prior treatment with wood preservatives or embedding in concrete. The colors of the poles, whether painted or stained, shall be as required in the Declaration and hereunder. Planting at the base of any poles is encouraged.

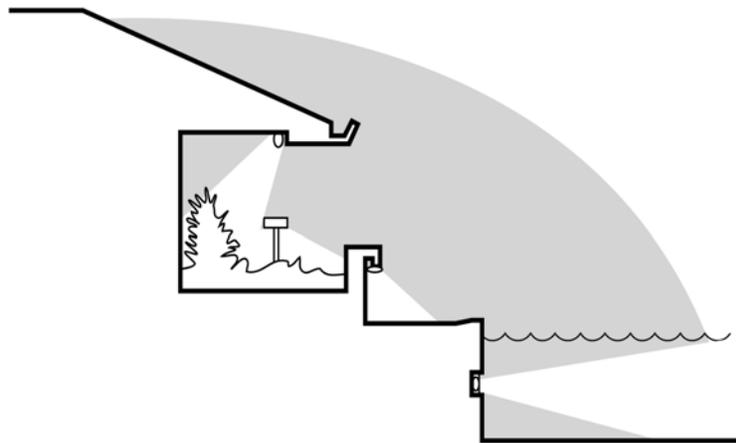


Figure 10: Exterior Lighting Shielded and Directed

- (i) Searchlights are prohibited.
- (j) Outdoor recreational facility lighting is prohibited, except for underwater swimming pool lights.
- (k) The illumination of any Dwelling or Improvement for aesthetic or dramatic purposes is prohibited, except as may be approved in advance by the Reviewer.

XIV. Solar Panels/Applications

- (a) The installation of solar panels or other applications requires the specific request of the Owner, and the prior approval of the Reviewer. Location, integration and minimizing reflectance of the proposed installation are of specific concern to the Reviewer.

- (b) All solar panels shall be an integral part of the roof form and shall conform to the slope of the roof form. All panels should appear as skylights within the context of the roof; exposed plumbing is prohibited. All metal frames for the panels shall be color coated to match the basic design of the roof. All panels should be located, to the greatest extent possible, away from roadway and Palau'ea Bay views. No tanks or other apparatus shall be exposed.
- (c) Owners intending to install solar panels shall ensure that the panels can be installed within the allowable building heights prescribed in the Declaration and these Design Guidelines.

XV. Accessory Dwelling Unit

One (1) accessory dwelling unit will be allowed on each Lot and it shall not exceed 1,000 square feet in an enclosed living area (or as otherwise restricted by applicable law). The accessory dwelling unit should be designed as a single visual element with the Dwelling, and should be visually similar. The accessory structure shall also comply with any applicable zoning laws, rules and regulations of the State of Hawaii and County of Maui.

XVI. Walls and Fences

- (a) Walls and fencing shall be constructed of materials which match the exterior wall materials of any Dwelling or accessory structures, and shall appear to be an integral extension of the Dwelling and other Improvements' design and materials. Walls and fences shall be a maximum of six feet (6') in height, including retaining walls. Refer to Section C.V and Figure 5. For allowable wall and fencing materials and styles, see Section C.IX, Exterior Materials and Surfaces.
- (b) Entry columns, gates and related walls and fences shall be reviewed and approved by the Reviewer.
- (c) Wrought iron, galvanized steel or aluminum, with proper color treatment, may be permitted as accents as approved by the Reviewer.
- (d) The following wall and fencing materials and styles are prohibited:
 - (1) Chain-link fences or gates;
 - (2) Open-slat wood;
 - (3) Unplastered standard precision block; and

- (4) Plywood.

XVII. Service Yards and Trash Enclosure

Enclosed and properly covered service areas shall be provided on each Lot for trash receptacles, clothes drying, pool equipment and any other maintenance or service facilities and equipment. All such facilities shall be screened and not visible from roadways and neighboring Lots or properties. Refer to Figure 3.

XVIII. Air Conditioning, Ventilation and Mechanical Systems

Prior to the installation of air conditioning, ventilation or other mechanical systems that generate noise, the Owner shall obtain the written approval of the Reviewer as to the location and type of such system. Such systems shall be enclosed in a sound-treated enclosure to limit noise intensity levels to 40 db, A scale, at the property line, or to State Department of Health standards, whichever shall be more restrictive, and shall be screened from view. Ground-mounted units shall be enclosed behind grills and screening walls.

XIX. Utility Lines and Connections

Connection points for water (potable and irrigation), electricity, telephone and cable, and their respective pipes, conduits and wiring, shall be placed underground from the point of connection to and throughout the Dwelling and any Improvements on the Lot. No overhead service, connections or wiring shall be permitted.

XX. Additions, Enclosures and Repairs

All additions, enclosures or repairs to any Improvements require the approval of the Reviewer. Additions and enclosures shall utilize materials, details, colors and scale that are comparable to the architectural theme and quality of the existing Improvements.

XXI. Construction and Alteration of Improvements

Any changes to approved plans before, during or after the construction of an Improvement shall first be submitted to the Reviewer for approval.

D. DESIGN REVIEW AND INSPECTION PROCEDURES

The Owner of a Lot and the Owner's Architect, or the Architect acting as an agent of the Owner, shall have the following meetings, submit the following drawings, and receive the following approvals prior to the construction of any Improvements to or on the Lot. The One Palau'ea Bay Design Review Application form, substantially as depicted in Appendix D, should be utilized in each instance.

I. Pre-design Conference

Before preparing preliminary drawings, the Owner and/or his Architect shall meet with the Reviewer to review the Declaration and these Design Guidelines as they apply to the Owner's Lot ("Pre-design Conference"). If the Architect is authorized to represent the Owner, the Owner shall notify the Reviewer in writing of such authorization.

II. Site Visit

The Owner and/or the Architect shall visit the Lot prior to preparing preliminary drawings and shall view existing Dwellings and Improvements, if any, which characterize the intent and purpose of these Design Guidelines. The Site Visit and Pre-design Conference may be incorporated in a single meeting at the discretion of the Reviewer.

III. Preliminary Drawings

One set of the following preliminary drawings, prepared by or under the direct supervision of the Architect, shall be submitted to the Reviewer for approval:

- (a) A survey, at no less than 1" = 20', prepared by a State of Hawaii registered land surveyor, showing Lot boundaries and dimensions, existing surface contours at two foot intervals relative to mean sea level datum, major terrain features such as existing walls, if any, archaeological sites, washes, all easements and all plants having a 4" trunk or larger (measured from one foot above natural grade), highlighting those plant materials that will be removed during construction or that are within 20 feet of the proposed Improvements. Also included will be all utility connections and other Improvements adjacent to the Lot within 10 feet of the property line. Each Owner submitting drawings for approval to the Reviewer shall be responsible for the accuracy of all information contained therein.

Soils reports are not required by the Reviewer. The Owner shall take reasonable steps to determine the soil conditions as may be necessary or advisable.

- (b) A site plan showing existing and proposed Lot topography, building(s), garage(s), driveway(s), retaining and/or garden walls, fences, utility lines, landscaped areas, pools, drainage systems and other improvements. Scale: 1/8" = 1'0".
- (c) Floor plans for each structure. Scale: 1/4" = 1'0".

- (d) Elevation drawings showing each exposed side of each proposed structure (including typical walls and fencing) indicating materials and colors for roofs, Dwelling walls, garden walls and fences. Scale: 1/4" = 1'0".
- (e) Section drawings through each structure and the Lot commencing at one boundary and extending to the opposite end of the Lot, and at least one other section drawing running in a transverse direction. Scale: 1/4" = 1'0".
- (f) Section drawings showing outdoor landscaped areas, garden wall and fences, and any exterior appurtenant structures. Scale: 1/4" = 1'0" or other appropriate scale allowed by the Reviewer.
- (g) Landscape plan showing the Agricultural Reserve, plant materials, irrigation system, planting details and indicating height of mature trees. Scale: 1/8" = 1'0" or other appropriate scale allowed by the Reviewer.
- (h) Color schedules prepared in accordance with Section C.VIII.
- (i) Outline specifications indicating the specifications for construction of all site Improvements and the Dwelling.
- (j) Any other plans or drawings that may be requested by the Reviewer. If deemed necessary to properly review, examine or visualize the plans and drawings, the Reviewer may require the Owner to submit a scale model of the entire Lot, including the Dwelling and any other structures or buildings.

IV. Preliminary Design Review

The Owner and/or his Architect shall meet with the Reviewer to review the preliminary drawings (as submitted) and preliminary stakeout of each proposed building or structure. Refer to Section D.VIII.

V. Approval of Preliminary Drawings

The Reviewer will approve the submitted preliminary drawings and preliminary stakeout provided that they comply with these Design Guidelines. Approval may be dependent upon certain special conditions, which are found by the Reviewer to be appropriate in each particular case. However, approval will not be unreasonably withheld. This approval will not be delayed for more than thirty (30) days without notifying the Owner and/or the Architect in writing of the reasons for such delay.

VI. Working Drawings

The Owner shall submit one set of completed working drawings and specifications to the Reviewer for review and approval. The working drawings shall be developed from the approved preliminary drawings, with the changes, corrections, alternations and/or revisions as required by the Reviewer's special conditions in approving the preliminary drawings. No further changes to the preliminary drawings shall be permitted in preparing the working drawings, unless the Reviewer is specifically notified in writing of the specific changes, and the Reviewer specifically approves such changes.

The working drawings shall include all of the detailed drawings required upon the review of preliminary drawings, including site plan, floor plan, elevations, section drawings, landscape plan, color schedules, outline specifications and any other plans, drawings or scale model requested by the Reviewer.

The landscape plan shall be prepared by or under the direction of a licensed Landscape Architect and certified by the Landscape Architect. All other working drawings shall be certified by an Architect and/or Engineers that they were prepared by or under their direct supervision.

VII. Review and Approval of Working Drawings

The Reviewer shall review and approve the submitted working drawings provided that they comply with these Design Guidelines and the special conditions set forth in the approval of the preliminary drawings. Approval shall not be unreasonably withheld. Any approval by the Reviewer shall not constitute, nor be a substitution for, any approvals or permits required by county, state or federal code, ordinance, statute, rule or regulation. Each Owner and the Owner's Architect, Engineers, or Landscape Architect shall be responsible for complying with all applicable code, ordinance, statute, rule or regulation, and for acquiring all necessary approvals and permits prior to commencing construction. Consent or approval of the Reviewer to any plans and specifications shall not mean, nor be deemed to constitute, a representation by the Reviewer that such plans and specifications satisfy or meet any engineering or building safety requirements or are free from defective design or materials.

Approval of working drawings shall be subject to final stakeout approval by the Reviewer. Refer to Section D.VIII(c).

VIII. Stakeout and Inspections

The Owner of a Lot and his Architect and/or contractor shall be required to stake out the Lot and have the following inspections and approvals:

- (a) Preliminary Stakeout

Each dwelling or structure must be staked out on the Lot with stakes at least two feet (2') tall. Strings between the stakes and white lines of lime or white chalk on the ground shall be used to outline the shape of each building. All applicable setback lines shall be staked for reference.

(b) Stakeout Inspection

The Reviewer shall inspect the preliminary stakeout, and note any changes or corrections that may be required.

(c) Final Stakeout

In conformity with the submitted working drawings, any changes to the preliminary stakeout shall be made to determine the final location of any buildings or structures on the Lot. Such changes shall include the changes required by the Reviewer and/or so noted in plan revisions included in the working drawings.

(d) Final Stakeout/Foundation Trenching Approval

The Reviewer shall inspect and approve the final stakeout and foundation trenching to ensure that it is in compliance with the approved working drawings and any other requirements of the Reviewer. Upon completion of the final foundation stakeout and trenching of each building or structure, the Owner, Contractor or Architect shall notify the Reviewer. An inspection shall be conducted by the Reviewer to ensure conformity with the approved working drawings as to location of each such building or structure on the Lot.

(e) Substantial Completion Inspection

Upon substantial completion of the exterior of each building or structure, the Owner, Contractor or Architect shall notify the Reviewer. The Reviewer shall conduct an inspection to ensure that each such building and structure is in conformity with the approved working drawings.

(f) Final Inspection

The final inspection shall be conducted after completion of all buildings and structures, the installation of all landscaping, irrigation systems, drainage systems, completion of all site improvements, and clearance of rubbish, debris and excess materials to ensure that the completed Improvements are in accordance with the approved working drawings.

IX. Enforcement

These Design Guidelines may be enforced by the Association, Developer and/or any Owner of a Lot in One Palau'ea Bay, as provided in the Governing Documents. These guidelines shall be made a part of the construction contract document specifications for each Dwelling, structure, or other Improvements on a Lot, and all Contractors, Owners and other Persons shall be bound thereby. Any violation by a Contractor shall be deemed to be a violation by the Owner of the Lot.

X. Variances

Except in the case of any standards or requirements imposed by law or as conditions to the approval of One Palau'ea Bay, in the event specific designs, plans or specifications cannot or do not comply with these Design Guidelines, the Owner may apply to the Reviewer for a variance in writing. Each application shall be considered on a case-by-case basis on its architectural merit and contribution to or conflict with the overall purpose of these Design Guidelines. The Reviewer may, upon finding good cause and no other practical alternative being available, grant and approve a variance from these Design Guidelines. A variance granted in one circumstance shall not be considered as precedent or grounds requiring approval of subsequent or similar request in any other circumstances.

XI. Commencement and Completion of Construction

Upon receipt of approval from the Reviewer, the Owner shall, as soon as practicable, satisfy all conditions thereof, if any, and diligently proceed with the commencement of all construction, reconstruction, refinishing, alterations, and excavations pursuant to the approved plans within one (1) year from the date of such approval. If the Owner shall fail to comply with this section, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Reviewer prior to the expiration of the said one-year period, and upon a finding by the Reviewer that there has been no change in circumstances, the time for such commencement is extended in writing by the Reviewer.

All work shall be completed within 18 months of commencement unless otherwise specified in the Reviewer's approval or unless the Reviewer grants an extension in writing, which it shall not be obligated to do. If the Owner fails to comply with this section, the Reviewer shall notify the Developer or Association of such failure, and the Developer or Association, at its option, shall either complete the exterior in accordance with the approved plans or remove the Improvements, and the Owner shall reimburse the Developer or Association for all expenses incurred in connection therewith.

XII. Bonding

Prior to commencement of construction of Improvements on a Lot, the Owner of the Lot, and/or the Owner's general contractor, shall secure and maintain adequate public liability and builder's risk insurance. Construction of each Dwelling shall be bonded by any bonding company authorized to do business in the State of Hawaii, guaranteeing full completion of the Dwelling as approved by the Reviewer, and in accordance with these Design Guidelines. The Developer, the Association, and the Owner shall be named as additional insureds on such policies. Prior to commencing construction, a copy of the policy or certificate thereof shall be delivered to the Developer and the Association.

The Reviewer may, in its sole and reasonable discretion, require that any subsequent exterior alterations, modifications or improvements to the Dwelling, or any construction of any other building or structure, be similarly bonded to guarantee full completion in accordance with approved working drawings.

XIII. Fees

The Reviewer may hire a professional Architect, Landscape Architect and/or Engineer, and any other consultant deemed necessary or advisable, to help the Reviewer to properly review and examine the plans and specifications and to conduct inspections. The costs of the professionals and consultants, and any other costs and expenses incurred by the Reviewer shall be borne by the Owner as a fee as indicated in Appendix E. The amount of these fees may change from time to time and the Owner shall contact the Reviewer for the current amount.

XIV. Damage Deposit

To guarantee that these Design Guidelines are adhered to and to repair any damage to Association property (i.e. roadways, curbs, and gutters, etc.), each Owner, at the time of building permit approval, shall provide a cash deposit to the Developer or Association in the amount specified in Appendix E. Should it become necessary for either the Reviewer, the Developer, or the Association to remedy any violation of these Design Guidelines or damages to Association property, the costs of such remedy will be charged against this deposit. The amount may change from time to time and the Owner shall contact the Reviewer for the current deposit amount.

The Developer or Association shall return the damage deposit, or portions thereof, to the Owner within 30 days after the issuance of a Notice of Completion from the Developer or Association.

E. CONSTRUCTION AND BUILDER REGULATIONS

I. Acceptance of Lot

Each Owner shall accept the condition of his Lot in an "AS IS, WHERE IS" condition as of the date of completion of all Subdivision Improvements. All subsequent Improvements to the Lot by the Owner shall be in strict accordance with the working drawings approved by the Reviewer and these Design Guidelines.

II. Grades and Location

All plans and drawings for the Subdivision Improvements for One Palau'ea Bay are approximate only, and intended for the sole use of the Developer and its general contractor. Such plans and drawings include grading plans and the location of utility lines and conduits, water and drainage lines, water laterals, roadways, walls and any other improvements made by the Developer.

Owners acknowledge and accept that the standards of the construction industry and actual on-site conditions may require changes, alterations or deviations from the plans. Consequently, Owners shall not rely upon any such plans for any purpose whatsoever. Each Owner is responsible for verifying the location of all utility lines, laterals and stub-outs, and verifying the topography and elevation of his Lot by hiring his own licensed Land Surveyor or Engineer.

III. Undiscovered Historical Sites and Lava Rock Walls

In the unlikely event that an Owner discovers the existence of an Undiscovered Historical Site (as described in the Declaration) after commencing construction of an Improvement, all construction activities shall be halted immediately and notification of the discovery and its location shall be given to the Developer or Association. The Owner shall then grant the Developer or Association, its agents, employees, and any governmental officials and inspector's access to the site as required in the Declaration.

In addition, the development of some Lots may be impacted by the location of lava rock walls on the property. Prior to undertaking any Improvements, the Owner shall take reasonable steps to determine if any lava rock walls exist on the Lot and if they would be impacted by the Improvements. As noted in the Declaration, no Historic Wall or any portion of a Historic Wall shall be disrupted, destroyed, dismantled, damaged, or removed.

IV. Occupational Safety and Health Act Compliance

All applicable Occupational Safety and Health Act (OSHA) regulations and guidelines shall be strictly observed at all times.

V. Construction Trailers, Portable Field Offices, Etc

Any Owner or Contractor who desires to bring a construction trailer, field office or the like to One Palau'ea Bay, shall first apply for and obtain written approval from the Reviewer. The Reviewer will work with the Owner or Contractor to determine the best possible site for placement of any such trailer or field office. Such temporary structures shall be located only at locations approved in advance by the Reviewer and shall be promptly removed upon completion of construction.

VI. Noise Control

All construction noise shall be minimized by the Owner and the Contractor by regulating work hours, prohibiting loud radios, stereos, tape or CD players, using muffled pneumatic and internal combustion equipment, and complying with all applicable governmental regulations.

VII. Periodic Inspections

Any construction shall be subject to periodic inspections by the Reviewer to determine if construction of buildings and structures are in compliance and conformity with the working drawings approved by the Reviewer and these Design Guidelines.

VIII. Changes

Any changes proposed to any Improvements during the course of construction must receive the approval of the Reviewer prior to implementation. The Reviewer discourages the request of major changes during the course of any construction.

IX. Portable Toilet Facilities

Portable toilet facilities in full operating condition shall be maintained on any Lot at which construction is occurring during the entire construction phase, and serviced in accordance with applicable State of Hawaii Department of Health rules, regulations or standards. Such facilities shall be placed at least forty feet (40') from any roadway, in an inconspicuous location with the door facing away from any such roadway.

X. Commercial Dumpster

No less than one (1) commercial dumpster shall be placed and kept on each Lot during the entire period of construction of any Improvements, and emptied as necessary, but not less than two (2) times per week. All trash and debris shall be placed within the dumpster or dumpsters at the end of each day. No trash or construction debris shall be placed, piled or strewn on the Lot.

XI. Materials

All construction materials and supplies shall be kept within the boundaries of the Lot for which they have been provided. Materials shall be stored in an inconspicuous area in a neat and orderly manner. Temporary storage structures, approved by the Reviewer, may be used to store materials and supplies, provided that any such storage structure shall not be used as living quarters.

XII. Temporary Utilities

Temporary utilities shall be installed in a neat and safe manner. The temporary power pole, if any, shall be installed vertically and securely.

XIII. Hours

The hours during which construction may occur at any Lot are restricted to 7:00 a.m. to 6:00 p.m., Mondays through Saturdays. No construction work shall be performed before or after the hours specified or on Sundays, except for emergencies.

XIV. Vehicles

Loud vehicles and speeding are not permitted within One Palau'ea Bay. All construction vehicles and employee vehicles shall be parked within the boundaries of the Lot upon which construction is occurring. Street parking is prohibited.

XV. Blasting

Blasting, discharge or use of explosives in any form within One Palau'ea Bay is prohibited.

XVI. Trash and Debris

All reasonable efforts shall be made to maintain the Lot in a clean, tidy and orderly manner at all times. Trash and debris shall be loaded onto trucks carefully to prevent any materials carried from spilling or blowing from the vehicle during the course of transporting the materials. The Owner shall be responsible for ensuring that his contract complies with Section 291C-131, Hawaii Revised Statutes ("Spilling Loads on Highways"), and any similar applicable ordinance that may be in effect in the County of Maui.

XVII. Adjoining Lots

The use of adjoining Lots for access or storage of materials, without the express written consent of the Owner of such Lot, is strictly prohibited. The Owner shall provide the Reviewer with a copy of any written approval prior to using any adjoining Lot.

XVIII. Licensed Contractor

All buildings and structures within One Palau'ea Bay shall be constructed by Contractors properly licensed by the State of Hawaii. Each Contractor shall provide proof of sufficient liability insurance, workers' compensation insurance and temporary disability insurance in accordance with the laws of the State of Hawaii.

XIX. Permits

All required permits shall be posted with the Lot before construction may commence or materials delivered.

XX. Access to Lot

Access to the Lots may be controlled by a security gate. Each Owner shall have access through such gates to such Owner's Lot. The Contractor shall gain access through the Owner. The conduct of the Contractor and the Contractor's employees and subcontractors shall be the responsibility of the Owner. Construction workers shall be allowed access to and from the Lot for construction purposes only.

XXI. Signs

During construction, a two feet by three feet (2' x 3') sign identifying the Contractor and Architect may be erected within the Lot, no closer than ten (10) feet from the Lot property boundary abutting the roadway. No other signs may be erected or posted on the Lot unless approved by the Reviewer.

XXII. Completion

Upon completion of all construction and landscaping, all trash, rubbish, debris, the required construction sign, construction trailers, portable field offices, portable toilet facilities, commercial dumpsters, construction materials and temporary power poles shall be removed. After complete clean up, the Lot will be ready for final inspection by the Reviewer.

XXIII. Damage to Other Lots or Subdivision Improvements

If the Owner or the Owner's Contractor, or any subcontractor, or any other person or entity directly or indirectly involved with the construction of the Owner's Improvements, directly or indirectly damages or injures any portion of the Subdivision Improvements, including but not limited to roadways, or any other Lot in One Palau'ea Bay, the Owner shall be responsible for repairing such damage or injury if the Owner's Contractor, subcontractor or any other responsible person fails to make such repairs. If repairs are not adequately completed, the damage deposit or bond may be utilized by the Developer or Association to pay for completing the repairs.

XXIV. Notice to Contractors

Each Owner shall provide the Reviewer with names, address and telephone numbers of the Contractor and any other person or entity that will be performing construction work on such Owner's Lot (hereinafter collectively referred to as "Contractors"). Each Owner shall be responsible for the conduct of such Owner's Contractors, and for ensuring that such Contractors are aware of the provisions of these Design Guidelines, the Declaration, and any other applicable provisions of the Governing Documents. Upon request, the Reviewer, or its designee, shall meet with the Contractors at a mutually agreed upon time to review the pertinent and applicable provisions and procedures.

XXV. Miscellaneous and General Practices

All Owners shall be responsible for the conduct and behavior of their agents, representatives, Contractors and subcontractors at One Palau'ea Bay. The following practices are prohibited at One Palau'ea Bay:

- (a) Changing oil for any vehicle or equipment on any Lot or any portion of One Palau'ea Bay.
- (b) Allowing concrete suppliers and Contractors to clean their equipment or vehicles.
- (c) Possession of firearms of any type, alcoholic beverages or illegal drugs.
- (d) Disposal methods or units other than those approved by the Reviewer.
- (e) Careless disposition of cigarettes or other flammable materials. At least one ten (10) pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place during the entire period of construction.
- (f) During construction, no unrestrained pets, particularly unleashed dogs, shall be allowed in the Subdivision. No pets shall be allowed to roam at will throughout One Palau'ea Bay. In the event of any violation hereof, the Reviewer, the Association, Developer or any other Owner shall have the right to impound the pets, or to refuse to permit such Contractor or subcontractor to continue to work on any Lot in One Palau'ea Bay, or to take such other action as may be permitted by law, the Design Guidelines, or the Declaration.
- (g) Any illegal activity.

APPENDIX A - STREETSCAPE DESIGN ELEMENTS

I. Introduction

Streetscape design elements are incorporated within the Design Guidelines to further define and implement the design philosophy of One Palau'ea Bay. Streetscape design guidelines presented herein serve to illustrate the quality of design and workmanship desired to achieve the highest standards of aesthetics anticipated at One Palau'ea Bay.

Streetscape illustrative elements are limited to work within the subdivision roadway rights-of-way and the pedestrian easement to Old Makena Road. Each lot owner shall consider the design theme advanced by the streetscape illustrative concepts as a means of ensuring a visually unified community.

II. Streetscape Design Theme

The intent of the streetscape illustrative elements is to convey tropical ambiance and elegance, providing a smooth visual transition from the Native Hawaiian architectural theme within the Cultural Preserve to the surrounding resort and resort residential areas. To achieve this visual transition, local materials for walls and plant materials identified in Appendix B, will be utilized.

III. Project Entry Feature Design

The project entry feature is a key design element, which serves to connect externally visible visual elements with internal streetscape features along with individual residential designs within the subdivision. Walls which frame the entry-way provide a visually enhancing experience for owners, while establishing continuity of resort qualities defined by surrounding properties.

Features found at the project entrance will utilize primarily local materials with elements of design that are unique interpretations to elements found in traditional Hawaiian arts and crafts.

Wall heights shall be limited to six (6) feet. Decorative elements include special light fixtures and columns made of local stone or local woods.

The entry gate will be designed as a simple automatic arm feature that provides security yet does not give the feeling of ostentatiousness. The gate is secondary to the other entry features described above. Height of the gate shall be no higher than six (6) feet above finish ground.

An entry pavilion is provided as an integral component of the entry feature. The pavilion provides a vertical element, which establishes a sense of structural stability and visual strength to the entryway.

IV. Subdivision Roadway Streetscape Design

The visual elegance conveyed at the entry feature shall be carried into the subdivision via internal roadways. See Exhibit 2. The street pavement will be patterned concrete or stamped asphaltic concrete.

Level changes between the street grade and lot grade may incorporate low rock walls using materials and patterns consistent with those at the entry feature. Where higher walls are necessary, similar design treatment will be utilized to ensure design continuity and harmony.

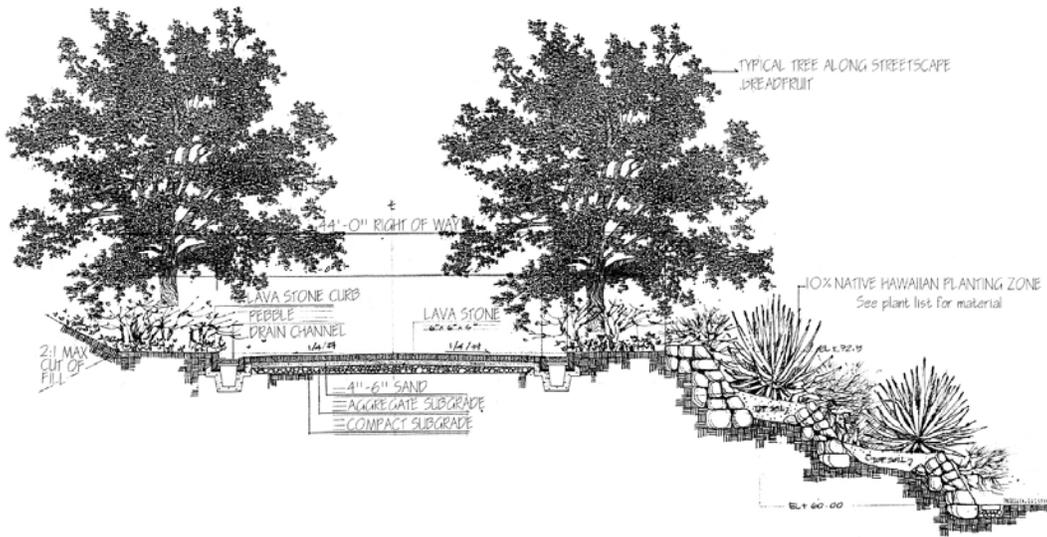


Exhibit 2: Typical Subdivision Roadway Section

Streetlights will be used at the intersections to meet County of Maui requirements. Landscape lighting will be used at the entry and pedestrian walkway and may also be utilized at the cul-de-sacs.

V. Pedestrian Walkway Design

The pedestrian walkway offers yet another opportunity to establish design harmony throughout the subdivision. Walls shall be consistent in design, materials and scale with that provided for the entry feature and internal roadways. The walkway leading to Old Makena Road will provide a smooth transition to and from the project.

APPENDIX B - PLANT LIST

Native Hawaiian plants are denoted with an asterisk ().*

Common Name

Botanical Name

Trees (some trees may require periodic pruning to maintain height below maximum permitted height of Dwelling)

Formosan Koa	Acacia confusa
*Kukui	Aleurites moluccana
Red Bottlebush	Callistemon lanceolatus
Weeping Bottlebrush	Callistemon viminalis
Rainbow/Queen's White Shower	Cassia hybrid
Satin Leaf	Chrysophyllum oliviforme
Autograph	Clusia rosea
Sea Grape	Coccoloba uvifera
Silver Buttonwood	Conocarpus erectus var. argenteus
Geiger Tree	Cordia sebestena
*Kou	Cordia subcordata
Calabash Tree	Crescentia cujete
False Olive	Elaeodendron orientale
Common Coral Tree	Erythrina crista-galli
*Wiliwili	Erythrina sandwicensis
Fern Tree	Filicium decipiens
Pua-Kenikeni	Fragraea berteriana
Lignum Vitae	Guaiacum officinale
*Hau	Hibiscus tiliaceus
Beach Heliotrope	Messerschmidia argentea
Mock Orange	Murraya paniculata
*Hala	Pandanus odoratissimus
Allspice	Pimenta officinalis
Singapore Plumeria	Plumeria obtusa

Plumeria
Strawberry Guava
Silver Trumpet
Milo
Be-Still
Hong Kong Orchid Tree

Plumeria varieties
Psidium cattleianum
Tabebuia argentea
Thespesia populnea
Thevetia peruviana
Bauhinia blakeana

Palms/Tropical Palm-like Plants

Areca Palm
Dwarf Samoan Coconut
Sealing Wax Palm
Cycad
Sago Palm
Blue Latan Palm
Licuala
Bottle Palm
Pygmy Date Palm
MacArthur Palm
Lady Palm
Giant Bird of Paradise
Manila Palm

Chrysalidocarpus lutescens
Cocos nucifera "dwarf"
Crytostachys lakka
Cycas circinalis
Cycas revoluta
Latania loddigesii
Licuala grandis
Mascarena lagenicaulis
Phoenix roebelinii
Ptychospemia macarthurii
Rhapis excelsa
Strelitzia nicolai
Veitchia merrillii

Shrubs

Beefsteak
Allamanda
Ginger
Bougainvillea
Snowbush
Brunsfelia
Dwarf poinciana
Pink Powderpuff
Crown Flower

Acalypha wilkesiana
Allamanda cathartica
Alpinia varieties
Bougainvillea varieties
Breynia nivosa
Brunsfelia latifolia
Caesalpinia pulcherrima
Calliandra inaequilatera
Calotropis gigantea

Natal Plum
*Kolomona
Croton
Ti Plant
Spider Lily
Queen Emma Lily
Dracaena
Crepe Gardenia
Shower of Gold
Gardenia
Tiare
Caricature Plant
Heliconia
Hibiscus
Ixora
Star Jasmine
Jatropha
Mountain Naupaka
Oleander
Philodendron
Eldorado
Kokutan
Firecracker Plant
*Beach Naupaka
Bird of Paradise
Cape Honeysuckle
Beach Vitex

Ground Covers

Joy Weed
Mexican Creeper
Asparagus

Carissa grandiflora
Senna Septemtrionalis
Codiaeum variegatum
Cordyline tenninalis
Crinum asiaticum
Crinum augustum
Dracaena varieties
Ervatamia divaricata
Galphimia glauca
Gardenia jasminoides
Gardenia taitensis
Graptophyllum pictum
Heliconia varieties
Hibiscus varieties
Ixora varieties
Jasminum multiflorum
Jatropha hastata
Naupaka gaudichaudiana cham.
Nerium oleander
Philodendron varieties
Pseuderanthemum reticulatum
Rhapiolepis umbellata
Russelia equisetifonnis
Scaevola sericea vahl
Strelitzia reginae
Tecomaria capensis
Vitex rotundifolia

Altemanthera amoena
Antigonon leptopus
Asparagus sprengeri

Asystasia
Hottentot Fig
Spider Plant
False Heather
Day Lily
Lily Turf
Honeysuckle
Monstera
African Iris
Mondo grass
Lippia
Plumbago
Lauae Fern
Pothos
Rhoeo
Pink Ruellia
*Ilima Papa
Spathiphyllum
*Akia

Vines

Red Bauhinia Vine
Wax Plant
Pink Mandevilla
Red Jade Vine
Purple Wreath
Huapala
Stephanotis Vine
Galphimia Vine

Grass

Hybrid Bermuda

Asystasia gangetica
Carpobrotus edulis
Chlorophytum comosum
Cuphea hyssopifolia
Hermerocallis varieties
Liriope muscari
Lonicera japonica
Monstera deliciosa
Moraea iridioides
Ophiopogon japonicus
Phyla nodiflora
Plumbago capensis
Polypodium phymatodes
Pothos aureus
Rhoeo discolor
Ruellia affinis
Sida fallax
Spathiphyllum spp.
Wikstroemia uva-ursi

Bauhinia galpinii
Hoya camosa
Mandevilla splendens
Mucuna bennettii
Petrea volubilis
Pyrostegia venusta
Stephanotis floribunda
Tristellateia australasiae

Cynodon hybrid varieties

Centipede Grass
St. Augustine Grass
Zoysia

Eremochloa ophiuroides
Stenotaphrum secundatum
Zoysia variety

APPENDIX C - PROHIBITED PLANT LIST

The following may not be planted anywhere in the Property:

1. Any species of tree or shrub whose growth characteristics may reasonably be expected to exceed the height limits as described in the Design Guidelines with the exception of those species specifically listed as approved by the Committee. Height of plantings may be controlled through periodic pruning.
2. Any plant species, seed, spore, root stock or other variable plant form that is prohibited by the State of Hawaii from import into State, or any plant species, seed, spore, root stock or other viable plant form that has been listed as a noxious plant type by the State of Hawaii.
3. In addition to the plant types listed above, the following species are prohibited for planting or maintaining anywhere in the Property:

Common Name

Botanical Name

Black Wattle	<i>Acacia mearnsii</i>
New Zealand Bur, Piripiri	<i>Acaena novae-zelandiae</i>
Star Bur	<i>Acanthospermum hispidum</i>
Russian Knapweed	<i>Acrotilon repens</i>
Barb Goatgrass	<i>Aegilops triuncialis</i>
Kat Sola, Indian Jointvetch	<i>Aeschynomene indica</i>
Croftonweed, Maui Pamakani	<i>Ageratina adenophora</i>
White Snakeroot	<i>Ageratina altissima</i>
Creeping Croftonweed, Hamakua Pamakani	<i>Ageratina riparia</i>
Camelthorn	<i>Alhagi maurorum</i>
Wild Garlic	<i>Allium vineale</i>
Ragweeds	<i>Amborisa</i> spp.
West Indian Foxtail	<i>Andropogon bicomis</i>
Broomsedge	<i>Andropogon virginicus</i>
Cook Pine	<i>Araucaria columnaris</i>
Norfolk Pine	<i>Araucaria heterophylla</i>
Shoebuttan Ardisia	<i>Ardisia elliptica</i>
Three-awns	<i>Aristida</i> spp.

Milkweeds
Locoweeds
Plume Poppy
Hoary Cress
Hairy Whitetop
Plumeless, Musk, Curled Thistle
Yellow Starthistle
Spiny Tree Cactus, Peruvian Apple
Siamweed, Bitterbush
Oxeye Daisy
Canada Thistle
Kosters Curse, Curse
Ivy Gourd
Field Binweed
Hedge Binweed

Longbeak Rattlepod
Showy Crotalaria
Dodders
Barbwire Grass
Yellow Nutsedge
French Broom
Scotch Broom
Marabu
Elephantopus, Elephant's Foot
Elephantopus
Quackgrass
Emex
Spiny Emex
Moon Cactus
Eucalyptus
Leafy Spurge

Asclepias spp.
Astragalus spp.
Bocconia frutescens
Cardaria draba
Cardaria pubescens
Carduss spp.
Centaurea solstitialis
Cereus uruguayanus
Chromolaena odorata
Chrysanthemum leucanthemum
Cirisium arvense
Clidemia hirta var. hirta
Coccinia grandis
Convolvulus arvensis
Convolvulus sepium
Cortaderia jubata
Crotalaria longirostata
Crotalaria spectabilis
Cuscuta spp.
Cymbopogon refractus
Cyperus esculentus
Cytisis monspessulanus
Cytisis scoparius
Dichrostachys nutans
Elephantopus mollis
Elephantopus spp.
Elytrigia repens
Emex australis
Emex spinosa
Eriocereus martinii
Eucalyptus spp.
Euphorbia esula

Toothed Spurge	<i>Euphoria serrata</i>
Banyan	<i>Ficus</i> spp.
Kahiliflower, Bank's Grevillea	<i>Grevillea baiiksii</i>
Guara	<i>Guara</i> spp.
Halogeton	<i>Halogeton glomeratus</i>
Blueweed	<i>Helianthus ciliaris</i>
Common St. John's Wort	<i>Hypericum perforatum</i>
Comb Hyptis	<i>Hyptis pectinata</i>
Wild Spikenard	<i>Hyptis suaveolens</i>
Congograss	<i>Imperata cylindrica</i>
Blue Lettuce	<i>Lactuca pulchella</i>
Acuate	<i>Lagascea mollis</i>
Perennial Pepperweed	<i>Lepidium latifolium</i>
Malachra	<i>Malachra alceifolia</i>
	<i>Medinilla venosa</i>
Melastoma	<i>Melastoma</i> spp.
Miconia	<i>Miconia</i> spp.
Mile-a-Minute	<i>Mikania micantha</i>
Climbing Hempweed	<i>Mikania scandens</i>
Giant Sensitiveplant	<i>Mimosa invisa</i>
Thorny Sensitiveplant	<i>Mimosa pigra</i>
Miscanthus, Japanese Silvergrass	<i>Miscanthus floridulus</i>
Tree Daisy	<i>Montanoa hibiscifolia</i>
Firetree, Candleberry Myrtle	<i>Myrica faya</i>
	<i>Oxyspora paniculata</i>
Locoweeds	<i>Oxytropis</i> spp.
Torpedograss	<i>Panicum repens</i>
Seashore Paspalum	<i>Paspalum vaginatum</i>
Banana Passionfruit, Banana Poka	<i>Passiflora mollisima</i>
Wingleaf Passionfruit	<i>Passiflora pulchella</i>
Kikuyu Grass	<i>Pennisetum clandestinum</i>
Fountaingrass	<i>Peimisetum setaceum</i>

Spiked Pepper

Victorian Box

Tropical Kudzu

Downy Rosemyrtle

Austrian Fieldcress

Prickly Florida Blackberry

Yellow Himalayan Raspberry

Hill Raspberry

Molucca Raspberry

Halian Cypress

Russian Thistle

Monkeypod Tree

Christmas Berry

Fireweed

Horsenettle

Silverleaf Nightshade

Buffalobur

Turkeyberry, Terongan

Perennial Sowthistle

Almum Sorghum

Johnsongrass

Spanish Broom

Needlegrasses

Nasella Tussock

Witchweeds

Medusahead

Wild Marigold

Lyon's Grass

Tibouchina

Puncture Vine

Piper aduncum

Pittosporum undulatum

Prosopis juliflora

Pueraria phaseoloides

Rhodomyrtus tomentosa

Rorippa austriaca

Rubus argutus

Rubus ellipticus var. *obcordatus*

Rubus niveus

Rubus sieboldii

Sempervirens stricta

Salsola kali

Samanea saman

Schinus terebinthifolius

Senecio madagascariensis

Solanum carolinense

Solanum elaeagnifolium

Solanum robustum

Solanum rostratum

Solanum torvum

Sonchus arvensis

Sorghum almum

Sorghum halepense

Spartium junceum

Stipa spp.

Stipa trichotoma

Striga spp.

Tacniatherum caput-medusae

Tagetes minuta

Themeda villosa

Tibouchina spp.

Tribulus terrestris

Paroquet Bur
Sacramento Bur
Gorse
Caesarweed
Mullein
Wedelia
Cockleburs

Triumfetta rhomboidea
Triumfetta semitriloba
Ulex europaeus
Urena lobata
Verbascum thapsus
Wedelia trilobata
Xanthium spp.

APPENDIX D - DESIGN REVIEW APPLICATION FORM

ONE PALAUEA BAY

DATE _____

LOT # _____ STREET ADDRESS _____

OWNER(S) _____

ADDRESS _____

_____ TELEPHONE _____

ARCHITECT _____

ADDRESS _____

TELEPHONE _____ LICENSE # _____

CONTRACTOR _____

ADDRESS _____

TELEPHONE _____ LICENSE # _____

INSURANCE COMPANY _____

CERTIFICATE: YES _____ NO _____ COVERAGE MEETS MINIMUM: YES _____ NO _____

SURETY COMPANY _____

AMOUNT OF BOND _____ IN FAVOR OF PALAUEA INVESTORS, LLC.: YES _____ NO _____

PREDESIGN CONFERENCE DATE _____ REVIEWER(S) _____

SITE VISIT DATE _____ REVIEWER(S) _____

PRELIMINARY DESIGN REVIEW DATE _____ REVIEWER(S) _____

PRELIMINARY STAKE OUT DATE _____ REVIEWER(S) _____

WORKING DRAWING DESIGN REVIEW DATE _____ REVIEWER(S) _____

FINAL STAKE OUT DATE _____ REVIEWER(S) _____

FOUNDATION INSPECTION DATE _____ REVIEWER(S) _____

SUBSTANTIAL COMPLETION INSPECTION DATE _____ REVIEWER(S) _____

FINAL INSPECTION DATE _____ REVIEWER(S) _____

PREDESIGN CONFERENCE/SITE VISIT

DATE: _____ LOCATION: _____

PARTIES PRESENT: _____

DESIGN AND CONSTRUCTION RULES RECEIVED BY OWNER? YES _____ NO _____

NOTES AND COMMENTS: _____

DESIGN REVIEW

Date: _____ Location: _____

Parties Present: _____

PLAN REVIEW CHECKLIST:

One set of the following must be delivered to the Design Review Committee prior to any review or stakeout:

Preliminary Design	Working Drawing
_____	_____

- (1) SITE SURVEY (1" = 20') must be prepared by a State of Hawai'i registered land surveyor, showing Lot boundaries and dimensions, existing surface contours at two foot intervals relative to mean sea datum, major terrain features such as existing walls, if any, archaeological sites, washes, all easements and all plants having a 4" trunk or larger (measured from 1 foot above natural grade), highlighting those plant materials that will be removed during construction or that are within 20 feet of the proposed Improvements. Also include all utility connections and other Improvements within 10 feet of property line.
- (2) SITE PLAN (1/8" = 1'0") must show existing and proposed site topography as well as site boundaries and any and all proposed site improvements, including drainage system.
- (3) RESIDENCE FLOOR PLANS (1/4" = 1'0") must show floor plans for each floor of each structure.
- (4) ELEVATIONS (1/4" = 1'0") must show each exposed side of each proposed structure (including typical walls and fencing) indicating proposed materials and colors for all surfaces.

- | | | | |
|--|--|------|---|
| | | (5) | SECTIONS (1/4" = 1'0") section drawings must be through each structure and property commencing at one boundary and extending to the opposite end of the property and at least one other section running in a transverse direction. |
| | | (6) | LANDSCAPE PLAN (1/4" = 1'0" or other appropriate scale) must show the Agricultural Reserve, plant materials, planting details indicating height of mature trees, garden walls, fences, irrigation, drainage, and any appurtenant exterior structures. |
| | | (7) | LANDSCAPE SECTION (1/4" = 1'0" or other appropriate scale) must show outdoor landscaped areas, garden walls, fences, irrigation, drainage, and any appurtenant exterior structures. |
| | | (8) | EXTERIOR COLOR SCHEDULE |
| | | (9) | OUTLINE SPECIFICATIONS indicating the specifications for construction of all site Improvements and the Dwelling. |
| | | (10) | OTHER PLANS OR DRAWINGS OR SCALE MODEL (As requested by the Reviewer) |

PRELIMINARY DESIGN REVIEW

Notes and Comments: _____

WORKING DRAWING DESIGN REVIEW

Notes and Comments: _____

PRIOR TO THE START OF CONSTRUCTION, COPY OF THE FINAL CONTRACT DOCUMENTS (plans and specifications only) MUST BE SUBMITTED. ANY CHANGES TO THE APPROVED DESIGN REVIEW PLANS MUST BE SPECIFICALLY BROUGHT TO THE ATTENTION OF THE DESIGN REVIEW COMMITTEE IN WRITING AND ARE SUBJECT TO REVIEW AND APPROVAL OR DENIAL BY THE DESIGN REVIEW COMMITTEE.

FINAL PLANS AND SPECIFICATIONS RECEIVED ON: _____

FINAL APPROVAL BY: _____ DATE: _____
REVIEWER

STAKEOUT

Date: _____ Location: _____

Parties Present: _____

STAKEOUT CHECKLIST:

All stakes must be at least two (2) feet tall marking the Lot corners. A string will connect all stakes outlining the shape of the house, garage, driveway, pool and pool deck, if any. The Building Envelope must be defined with string and adjacent property lines staked. Floor levels must also be designated by string and/or stakes.

BUILDING ENVELOPE DEFINED WITH STRING: _____

SETBACKS: FRONT _____ SIDE YARD LEFT _____ SIDE YARD RIGHT _____ BACK _____

DRIVEWAY LOCATION _____
(Check for interference with utilities near driveway area.)

CHANGES REQUIRED: _____

FINAL STAKEOUT APPROVAL DATE: _____

Notes and Comments: _____

FINAL APPROVAL BY: _____ DATE: _____
REVIEWER

FOUNDATION INSPECTION

Date: _____ Location: _____

Parties Present: _____

Notes and Comments: _____

APPROVED BY: _____ DATE: _____
REVIEWER

SUBSTANTIAL COMPLETION INSPECTION

Date: _____ Location: _____

Parties Present: _____

Notes and Comments: _____

APPROVED BY: _____ DATE: _____
REVIEWER

FINAL INSPECTION

Date: _____ Location: _____

Parties Present: _____

Notes and Comments: _____

APPROVED BY: _____ DATE: _____
REVIEWER

APPENDIX E - APPROVALS CHECKLIST

E.1 Concept Design Submittal

- Initial Design Review Fee \$250.00
- Review Request
- Survey
- Site Plan with Conceptual Floor Plan Layout and Height Plane
- Grading Plan
- Site Section
- Four building elevations

E.2 Preliminary Design Submittal Review Request

- Initial Design Review Fee \$500.00
- Site Plan
- Survey of Lot
- Roof plan and floor plans
- Exterior elevations
- Color/Material Board
- Preliminary Landscape Plan
- Study model (if requested by Reviewer)
- Preliminary approval from the Reviewer

E.3 Final Design Submittal

- Initial Design Review Fee of \$250.00
- Review Request
- Complete construction documents
- Time schedule for construction, utility hookup and landscaping
- Hydrology report if required
- Final Color/Material Board and/or site color samples as requested
- Exterior lighting plan and lighting fixture cuts
- Final approval by Reviewer

E.4 Building Permit, Damage Deposit, and Bonding

- Upon completion of above steps, the contractor will obtain a copy of the building permit and a copy of the County stamped cover sheet of the permit set, and submit same at the pre-construction conference.
- The Owner will submit the initial Damage Deposit of \$10,000.00, or such greater amount as determined by the Developer or the Association.
- Prior to commencing construction, a copy of the required bond and certificate of insurance shall be delivered to the Developer and the Association.

E.5 Construction Regulations

- Builder must meet with the Reviewer prior to commencement of construction. Approval from the Reviewer must be obtained prior to bringing in any construction trailer, field office, etc. Submit site plan showing location of all temporary facilities and storage areas.
- Final inspection by Reviewer. See Section E for Construction and Builder Regulations.

E.6 Final Inspection Certificate

Issued by the County upon completion of construction and all required inspections. After permanent power is connected and landscaping is complete the Owner may request final inspection by the Reviewer.