

RULES OF THE  
HAWAII LOA RIDGE ARCHITECTURAL REVIEW COMMITTEE

I. AMENDMENTS

1. A member of the Architectural Review Committee may not vote or participate in a decision of the Committee in which they personally or professionally have an interest in the outcome of the decision.  
(Adopted April 17, 1986)
2. The Chairman of the Architectural Review Committee may approve changes to previously approved final plans that do not involve a variance or modify the original design intent.  
(Adopted April 17, 1986)
3. Subject to ratification of the Architectural Review Committee, the Landscape Architect member of the Committee may approve preliminary or final landscape plans, provided the Committee has previously approved preliminary or final architectural plans, respectively.  
(Adopted June 12, 1986)
4. Approval granted by the Committee shall be valid for a period of one year from the date of approval, unless construction has commenced.  
(Adopted December 18, 1986)
5. The City and County of Honolulu has denied responsibility for administering or enforcing the deed restriction relative to the Building Height Restriction Line. Therefore, the Committee will enforce requirements relative to the Building Height Restriction Line.  
(Adopted March 5, 1987)
6. The following shall apply to the design of driveway slopes on Hawaii Loa Ridge:
  - a. The preferred maximum slope of a driveway without a vertical curve = 11-14%  
  
The absolute maximum slope of a driveway without a vertical curve = 16%
  - b. The absolute slope of a driveway with a vertical curve = 25%
  - c. Vertical curves shall have a minimum horizontal length of 12 feet and shall slope  $\frac{1}{2}$  the angle of the driveway.
  - d. If the driveway slope is greater than 20%, an alternate pedestrian walk shall be provided. Pedestrian walks may parallel the driveway, in which case steps shall be provided.
7. Basketball standards so located as to have significant negative visual impact from the street will be disapproved.  
(Adopted September 15, 1988)

8. Building Height Waiver:

The Committee adopted the following modification for Phase 9, Lots E-16 through E-34 inclusive, 19 lots, E-42 through E-57 inclusive, a total of 35 lots.

(Revised September 22, 1989 to conform to pricing for lots)

Because of the nature of the subdivision grading for the subject lots, Article 4.7.1 of the Declaration of Covenants, Conditions and Restrictions regarding the height of buildings is waived in favor of the conditions of the Land Use Ordinance (LUO) of the City and County of Honolulu pertaining to such lots, which shall govern.

(Adopted December 15, 1988)

9. On lots greater than 15,000 S.F. and providing the underlying zoning permits such usage, detached guest houses (one per residence and as defined by the LUO) may be permitted.

LUO Definition:

Guest House

Lodging unit for nonpaying guests or household employees not to exceed 500 S.F. of floor area.

Lodging Unit

... an independent living unit for a family which does not contain any kitchens. (Adopted March 16, 1989)

10. On corner lots, the owner may select from which street the 20 feet setback is taken.

(Adopted April 20, 1989)

11. The following statements are to be included in the respective letters of approval:

For preliminary approvals:

This preliminary approval is for six months from the date of approval.

For final approvals:

This final approval is for one year from the date of approval.

(Adopted May 18, 1989)

12. The planting area at the curb (street strip) shall be planted in Common Bermuda grass and is to be irrigated with a pop-up spray head system.

(Adopted November 15, 1990)

13. The Chairman of the Architectural Review Committee may appoint any other member/members of the Committee to accompany him and to conduct "windshield inspections" of the project from time to time, as may be necessary. These members may act on behalf of the Committee in these inspections.

(Adopted May 16, 1991)

14. Reference – Article 4.1.2.6 Roofing Materials. The acceptable metal roof is copper.  
(Adopted July 19, 1991)

15. Reference – Article 4.4 Lot Coverage and Floor Area. Roof decks are excluded from floor area, but are included as roof area.  
(Adopted September 17, 1992)

16. No action will be taken on any request for revisions or alterations until the residence itself has been given final approval.  
(Adopted November 17, 1992)

17. The Pointe – n/a

18. For New Construction

Topographic survey by a certified Hawaii Surveyor. (To be submitted with preliminary.)  
(Adopted July 20, 1993)

19. I. DEFINITIONS

1. ANTENNA: Any device used for the reception of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.
2. MAST: Structure to which an antenna is attached that raises the antenna height.
3. TRANSMISSION-ONLY ANTENNA: Any antenna used solely to transmit radio, television, cellular, or other signals.
4. OWNER: Any homeowner in the Association. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the homeowner and/or landlord to install antennas.
5. TELECOMMUNICATION SIGNAL: Signals received by DBS, television broadcast, and MDS antennas.

## II. INSTALLATION RULES

### 1. ANTENNA SIZE AND TYPE

- A. DBS antennas that are one meter or less in diameter may be installed. DBS antennas larger than one meter are prohibited.

- B. MDS antennas that are one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
- C. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
- D. Installation of transmission-only antennas is prohibited unless approved by the Board of Directors.
- E. All antennas not covered by the FCC rule are prohibited.

## 2. LOCATION

- A. Antennas may be installed only on property owned by the property owner, as defined by the deed for the property.
- B. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
- C. Antennas shall not encroach upon common areas or any other owner's property.
- D. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received from an individually owned lot.

## 3. INSTALLATION

- A. Antennas shall be no larger, nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
  - B. All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other resident, or void any warranties of the Association or other Owners, or in any way impair the integrity of buildings on common areas or lots.
4. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
- 1. Place or replace, repair, maintain, and move or remove antennas;
  - 2. Repair damages to the common property, other lots, and any other property damaged by antenna installation maintenance or use;

3. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
4. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.

#### 4. MAINTENANCE

- A. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
- B. Owners shall be responsible for antenna maintenance and repair.
- C. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

#### 5. SAFETY

- A. Antennas shall be installed and secured in a manner that complies with all applicable city, county and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of an applicable governmental permit.
- B. Unless the above cited laws and regulation require a greater separation, antennas shall not be placed within 25 feet of power lines (above ground or buried) and in no event shall antennas be placed where they may come into contact with electrical lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
- C. All installations must comply with all applicable codes.
- D. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
- E. Antennas are required to withstand winds consistent with the City & County of Honolulu Building Codes.

### III. ANTENNA CAMOUFLAGING

1. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from any other location.
2. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal can be received from such placement. If no such existing landscaping or screening

exists, the Association may require antennas to be screened by new landscaping or screening of reasonable costs.

3. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed.
4. Antennas may not obstruct a driver's view of an intersection or street.
5. Camouflaging antennas may not be unreasonably expensive.

#### IV. NUMBER OF ANTENNAS

No more than one antenna of each provider may be installed by an owner.

#### V. MAST INSTALLATION

1. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
2. Masts that extend 12 feet or less beyond the roof line may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roof line must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to Association residents and persons, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
3. Masts must be installed by a licensed and insured contractor.
4. Masts must be painted the appropriated color to match their surroundings.
5. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
6. Masts shall be installed no nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to prevent damage to electric power lines if the mast should fall in a storm or from other causes.
7. Masts shall not encroach upon another owner's lot or the Association's common area.

8. Masts installed on the ground must be designed to sustain winds according to the applicable building codes of the City & County of Honolulu.

## VI. ASSOCIATION MAINTENANCE

1. If antennas are installed on property for which the Association has maintenance responsibility, the owner shall retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, Owners are responsible for these costs.

2. If maintenance requires antenna removal, the Association shall provide the owner with ten (10) days written notice. Owners shall be responsible for removing antennas before maintenance begins. If Owners do not remove antennas by the required time, then the Association may do so, at the owner's expense. The Association shall not be responsible for any resulting damage to antennas.

## VII. NOTIFICATION PROCESS

1. Any owner desiring to install an antenna must complete a notification form and submit it to the Architectural Review Committee through the Association office. If the installation conforms to all the above rules and restrictions, the installation may begin immediately.

2. If the installation is other than routine for any reason, the Architectural Review Committee must establish a mutually convenient time to meet to discuss installation methods.

## VIII. INSTALLATION BY TENANTS

Tenants may install antennas in accordance with these rules, but only with written permission of the homeowner and/or landlord. A copy of this permission must be furnished to the Association with the notification statement.

## IX. ENFORCEMENT

1. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

2. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or to seek removal of the installation.

## X. SEVERABILITY

If any provisions are ruled invalid, the remainder of these rules shall remain in full force and effect. (Adopted July 15, 1997)

20. Parkway Irrigation: Each lot owner is to provide one 4 inch or two 2 ½ inch irrigation sleeves (PVC Schedule 80) across the driveway, 12 inches below finish grade for the irrigation of the parkway at the time of construction

(Adopted March 17, 1998)

21. Building Height Measurement: The corner of the height plane, if at the street front, shall be measured ten (10) feet from the street front property line and sloped downward toward the corner of the building area with the lowest ground elevation.

(Adopted December 15, 1998)

22. Joint Development: The owner of two or more contiguous lots may apply to the Architectural Review Committee for permission to use such lots as a joint development. Except for the prohibition against resubdivision, the joint development will be reviewed following the same criteria as for a consolidated lot. The joint developed lot shall be used as the site for a single residence (as defined in the CC&Rs) with one kitchen. In the event a joint developed lot is resubdivided, the resubdivided lot shall comply with all requirements set forth in the CC&Rs for lots generally including, but not limited to, setbacks, view channels and easements.

(Adopted February 15, 2000)

23. The front yard shall be planted with at least three (3) trees. The minimum size shall be 25 gallons and 6 to 8 feet in height when first planted.

(Adopted March 20, 2001)

24. Trees, hedges and other plants in the view channel must conform to the requirements of the view channel. The lots that are the beneficiaries of a given view channel shall be determined by the ARC.

(Adopted March, 21, 2003)

25. If construction has begun before plans have been submitted and approved, the owner shall be charged twice the normal ARC review fee.

(Adopted March 11, 2003)