

Revision dates:

12/20/06, 1/26/07, 2/13/07, 7/25/09, 9/10/10, 4/17/15, 8/14/2016,  
11/01/2018, 04/20/2020, 3/29/2021 (*Latest revisions are in italics*)

Date: March 26, 2021

To: Kohala by the Sea Owners

Subject: KBTS Design Rules

Attached are the latest revisions to the KBTS Design Rules. This is provided to keep all owners current on design requirements. Significant changes in this latest version are in italics.

Note that these Design Rules apply to all lots in Kohala by the Sea.

In summary the following major updates were made in this revision and become effective March 29, 2021.

1. Page 1, A.(4) – set conditions for revocation of approved variance requests and disallows transfers of approved variance requests from owner to owner.
2. Page 2, B.(2) – added wording requiring vertical cleanout pipes to be trimmed to 6" or less above grade.
3. Page 3, B.(5) and B.(7) – added references to KBTS Topographical Map
4. Page 4, B.(7) – added wording that DRC may require survey stakes to mark the building envelope to ensure slab is within the building envelope.
5. Page 4, B.(8) – revised wording for grading and vertical cuts to prevent erosion of neighboring lots.
6. Page 5, B.(8) – added wording to require a Construction Dust Mitigation plan to be submitted with final plans.
7. Page 8, C.(4) – corrected the word "vertical" to "horizontal". Added wording to clarify exterior wall offset requirements.
8. Pages 11-13 - Restructured section D. to clarify plan submittal procedures for new construction versus improvements to an existing home.
9. Page 12, D.(1) – made pre-design meeting optional but "highly recommended". Added specific cost.
10. Page 12, D.(2)a – changed fee structure for new construction.
11. Page 13, D.(2)b – changed fee structure for improvements to existing homes.
12. Page 17, D.(10) - changed fee structure for re-submittals.
13. Part II – Pre-Design/Conceptual Design Meeting Checklist – made the form useable for either new construction or improvements to existing homes.
14. Added a 7. to Miscellaneous section of Part IV - Final Submittal Checklist, to require Construction Dust Mitigation Plan.
15. Appendix 2: Firewise Summary Information – updated with new 2/3/2021 version.

Where apparent and *easily* changed, minor wording, spelling, formatting and punctuation corrections were also made.

Please replace the Design Rules in your possession with these revised Rules. ***If you have any questions about these rules and how and when they might affect you, please contact me at [Dominic@associahawaii.com](mailto:Dominic@associahawaii.com) or 808-443-5961.***

For the Board of Directors,  
Associa Hawaii, Agent for  
Kohala by the Sea

Dominic Yagong, Senior Community Association Manager

cc. KBTS Board; KBTS Design Review Committee

The following design and construction requirements (the Design Rules) are hereby established and adopted by the Kohala By the Sea Design Review Committee (DRC) pursuant to Section 5.04 of the Declaration of Covenants, Conditions and Restrictions for KOHALA BY THE SEA (the Development) dated May 14, 1990, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1731526 as the same may be amended from time to time (the "Declaration"). **The revisions made effective as of March 29, 2021 are in *italics*.**

Except as otherwise specifically provided herein, the terms used in these Design Rules shall have the meanings given to them in the Declaration.

The use of each lot in the Development and the rights of each owner of a lot in the Development shall be subject to these Design Rules and the Declaration.

#### **A. GENERAL PROVISIONS**

(1) Design Review Committee Approval Required. Except as otherwise provided in the Declaration, no new improvement may be constructed nor may any existing improvement be altered on any lot, except in accordance with plans, specifications and other materials (the plans) submitted to and approved by the Design Review Committee, and in accordance with these Design Rules.

(2) Public Regulations. Each lot owner is responsible for being informed of and complying with the appropriate federal, state and county laws, rules, regulations, codes and ordinances which are applicable to the owner's property. If a standard set forth herein differs from standards established by the various regulating agencies, the stricter standard shall apply.

(3) Land Use and Building Type. All owners of lots in the Development shall comply with the use restrictions and construction standards contained in Sections 3.02 and 3.03 of the Declaration.

(4) Variances. The DRC may grant variances from these Design Rules as to any one or more individual lots. The DRC may only grant variances from the requirements of the Declaration to the extent permitted under Section 5.06 of the Declaration. *Variance requests are included as a part of a new construction or property improvement plan submittal, therefore the variance approval may be revoked under the same conditions and in the same timeframe. In addition, the variance approval is not transferrable from one owner to the next unless the conditions in D.(10) are met.*

(5) Applicable Law, Government Regulations, and Building Codes. All proposed improvements shall comply with all applicable laws, government regulations and building codes.

**B. SITE IMPROVEMENT STANDARDS**

(1) Utilities. Except as otherwise provided in the Declaration, all utilities within a lot shall be placed underground. All utilities between the service poles installed by Declarant at or along road rights-of-way and a lot shall also be underground. Electric meters and panels containing such meters shall, if located at the front boundary of a lot, be placed at locations and on walls or panels of such design and materials approved by the Design Committee. Utility meters visible from the street or neighboring properties shall be landscaped and/or faced with rock, and shall be shown on submittal drawings.

(2) Sewage Disposal. No outside toilet shall be constructed on any lot. All plumbing fixtures, toilets or sewage disposal systems shall be connected to a septic tank, or other sewage system approved by the appropriate governmental authorities, (Declaration, Section 3.03(f)). *Upon completion of final grading, all exposed and visible vertical standing clean out pipes shall be cut and capped to be no more than 6" above the surrounding grade.*

(3) Propane Gas. Propane gas tanks shall be located in vaults, behind walls, or screened from view from neighboring properties and streets with a fence or wall and shall not be located within the setback areas. Owners must conceal the tanks to comply with gas company requirements. Variances may be allowed by specific approval of the Design Review Committee.

(4) Drainage. No owner shall construct or permit to be constructed on their lot any improvement which will create a problem of flooding, erosion, or interference with natural water flow or original runoff pattern, damaging to such lot, the common areas, or adjacent properties, nor shall any owner fail to reasonably act so as to minimize runoff damage or interfere with the natural flow of surface waters. Each owner shall provide for the installation of necessary culverts, dry wells, area drains and drainage facilities upon the owner's lot, and for keeping the culverts and drainage facilities in good repair. Water catchment systems shall not be permitted except for fifty-five (55) gallon or smaller containers used to collect rainwater to be used for landscape irrigation only.

**B. SITE IMPROVEMENT STANDARDS (cont.)**

(4) (cont.) Each owner shall keep all the drainage facilities and culverts so installed on the owner's lot, as well as any other drainage facilities and culverts located on the owner's lot, free and unobstructed.

(5) Required Setbacks. The required front and rear yard setbacks shall be (30) feet and the side yard setbacks shall be twenty (20) feet from the respective boundaries of each lot. In the case of flag lots and corner lots, thirty (30) foot front and rear yard setbacks and twenty (20) foot side yard setbacks shall be required as provided in Chapter 25 of the Hawaii County Code. The DRC has established building envelopes on each lot (*see KBTS Topographical Map under the Design menu of KBTS website*), which may impose additional restrictions on the location of buildings or structures on the lot and each applicant and Owner should consult such building envelopes prior to plan submittal. (Declaration, Section 3.03(d)).

The DRC has adopted a plan showing building envelopes for lots in the Development which may be subject to revision from time to time. The DRC may approve the construction of buildings or structures or portions of buildings or structures outside of building envelopes where such construction will not significantly interfere with ocean views from sites within building envelopes on other lots in the Development upon application for a variance by the Owner. If there are conflicting building envelopes, the decision of the DRC resolving such a conflict shall be final.

(6) No building, patio, fence, wall or other improvement except (i) a fence or wall not more than seventy-two (72) inches in height; (ii) landscaping; or (iii) driveways and walkways shall be placed in whole or in part upon or over any portion of any lot which is designated as a setback area.

No paving, except for paving of driveways, and no storage or other use of the front yard setback area shall be permitted, except that the setback area may be landscaped. No walls may be erected or placed within the first fifteen (15) feet of a setback area along any road. (Declaration, Section 3.03(d)). Pools must be fenced to meet Hawaii County requirements.

(7) Building Height. The maximum building height for any building, structure or other improvement (including landscaping) constructed or placed on a lot, shall be twenty feet (20') above the existing grades within the buildable area (as shown on the *KBTS Topographical Map*) where the maximum slope of the buildable area is less than fifteen percent (15%);

**B. SITE IMPROVEMENT STANDARDS (cont.)**

(7) Building Height (cont.) twenty-five feet (25') above the existing grades where the maximum slope of the buildable area is more than fifteen percent (15%) but less than thirty percent (30%); and thirty feet (30') above the existing grades where the maximum slope of the buildable area is greater than thirty percent (30%). See attached Building Height Limits (Appendix 3) for varying sloped Lots. Note that Slope is used to determine building height.

The elevation of the slab is generally determined by resort to the median of the highest and lowest points within the building envelope utilizing the formula for determining slope and will be considered to be the existing grades; this formula may be adjusted where the particular area of the proposed slab contains unusually steep contours and an adjustment will better serve to carry out the standards of review. The calculation is as follows:  
Maximum elevation + minimum elevation = slab elevation. See Appendix 3.

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The DRC requires that a benchmark be located within the building envelope at the slab elevation, but not in an area where the slab will be poured. It shall be clearly marked and left undisturbed until the slab is poured. Further, the DRC requires that the elevation of the slab be certified by a licensed surveyor, and that survey shall be kept in the records of the DRC until the final inspection of the home is complete. *The DRC may require additional building envelope survey stake(s) when a building is on or near a setback line to ensure that the slab is within the building envelope.* This work shall be done at the expense of the owner.

(8) Site Grading. *This section supplements (and does not replace) Declarations Section 3.02(g) and 3.03(j).* Grading shall be kept to a minimum and shall be blended with the natural contours of the lot, *specifically:*  
(a) *No cuts, grading, or fill is allowed within 5'-0" of any rear and/or side property line.*  
(b) *Cuts of greater than 5'-0" or fills of greater than 4'-0" shall require a plan prepared by a civil engineer licensed in the State of Hawaii.*  
(c) *Pads for homes shall utilize stepped foundations to avoid large cuts or fills. Cut or fill greater than 5,000 cubic yards shall require special written Design Review Committee approval and will not be permitted except under unusual circumstances. Verification of the amount of cut and fill must be provided by the Owner's civil engineer as part of the Final Plan Submittal.*  
(d) *Grading shall be contoured, with no cut or fill banks greater than thirty-three (33%) unless specifically approved by the Design Review Committee to meet unusual site conditions. This 33% grading requirement applies whenever contours on the Lot are disturbed or "regraded". The existing grade cannot be made steeper than it was and the grade of the new slope must be 33% or less or else the new site grading has to incorporate retaining walls. The final survey must confirm that the final grades on the Lot are either the exact natural grades or are under 33% for any regraded slope.*

*A series of retaining walls shall be stepped-terraced with a minimum horizontal step of four feet (4') clear between retaining walls.*

Where the proposed grading on any lot requires a permit from the County of Hawaii or a conservation plan approved by a Soil and Water Conservation District, a copy of the permit or approval shall be delivered to the Design Review Committee prior to the commencement of grading work or improvement on the lot.

Each owner shall control the emission of dust and other airborne particles while performing any grading, grubbing or fill work on any lot, so as to minimize the inconvenience and annoyance to other lot owners, both during site preparation and subsequent construction. *As part of the final submittal, the owner shall provide a Construction Dust Mitigation plan addressing the measures in the Hawaii Department of Health Fugitive Dust Fact Sheet available on the Kohala By The Sea website under the Design menu or directly at <https://health.hawaii.gov/cab/files/2019/04/Hawaii-Fugitive-Dust-Fact-Sheet-April-2019.pdf>.* Each owner shall also provide erosion and mud control measures as necessary to prevent silt or mud from being washed or tracked from the property. Roadways shall be routinely washed of any tracked silt or mud during site improvement or construction. All such steps and preventative efforts shall comply with current rules of the State of Hawaii Department of Health, Hawaii County laws, Special Management Areas requirements and such other statutes, rules or regulations as may be adopted.

(9) Dwelling Requirements. Each single-family dwelling erected on a lot in the Development shall have a total floor area of not less than two thousand (2000) square feet, exclusive of lanais, porches, patios, garages, exterior stairways and landings; provided, however, that if a single-family dwelling is financed by means of a Farmers Home Administration (FHA) loan, the maximum permissible sized dwelling under the FHA 1000 program will be permitted. Each single-family dwelling shall be single story unless split-level or two-story construction is specifically approved for that lot by the Design Committee.

**B. SITE IMPROVEMENT STANDARDS (cont.)**

(10) Construction Schedule. Except for improvements in the nature of landscaping, every improvement constructed on a lot, once construction is begun, shall be completed within twelve (12) months or such other time period (longer or shorter) as may be specifically permitted or imposed by the Design Committee. Improvements not completed within such time period, improvements for which construction is interrupted for ninety (90) days, and improvements partially or totally destroyed and not rebuilt within such time period shall be deemed nuisances. *Surplus material may not be stockpiled or stored beyond the 12-month construction period.*

The time for completion of any construction, repair or rebuilding shall be extended for a period of time equal to the number of days during which construction is prevented or unreasonably interfered with because of strikes, lockouts, embargoes, unavailability or shortages of labor or materials, wars, insurrections, rebellions, acts of God or other causes beyond the owner's reasonable control (financial inability excepted).

(11) Landscaping Planting. Within twelve (12) months after completion of construction, the owner shall complete the installation of the landscape planting, including appropriate irrigation as approved by the Design Review Committee. Landscape planting shall be located throughout the buildable area and into the setbacks totaling twenty percent (20%) of the entire lot area.

To better preserve makai views, landscape planting with a mature height exceeding six feet (6') within the setback areas, shall be permitted by specific approval of the Design Committee. Further, certain trees known to grow in excess of 20 feet high are prohibited, including Ficus, Banyan, and Monkeypod trees and others to be determined by the DRC. The maximum height allowed for any planting is 20 feet, except for palm trees, which have no height limit. For new construction, the Design Review Committee will disallow any of the above-named trees, and any other variety known to impede ocean (makai) views. If such trees are planted, and not approved by the DRC, they must be removed at the owner's expense within 30 days of notification.

Note: The CC &R's stipulate that we may not, in general, block neighbor's ocean views and so, there may be instances where trees 20 feet in height may block views and may have to be trimmed to lower levels or removed. (Declaration Section 3.03(m))



**B. SITE IMPROVEMENT STANDARDS(cont.)**

(12) Mechanical Equipment and Trash Enclosures. Mechanical equipment and trash receptacles shall be screened with a fence or wall and may not be located within the building setback area. Equipment noise, measured at the complainant's property line, shall be mitigated with sound attenuation adequate to reduce the noise level below 60 decibels. Testing shall be performed by an acoustical engineer or other professional at the expense of the complainant.

(13) Utility Sleeves. Installation of a four-inch (4") utility sleeve at the common area beneath the driveway apron (connecting street and driveway) shall be required. The installation of a four-inch (4") utility sleeve beneath the driveway six feet (6') into the lot from the driveway apron shall be encouraged for the owner's personal use.

(14) Off-Street Vehicle Storage. Permanent or routine storage of vehicles, exclusive of in a garage, is limited to two (2) vehicles. "Garage" is defined as a vehicle storage structure fully enclosed with a garage door.

(15) Lumber and Exposed Structural Posts. All non-dimensional exterior lumber, on trim or posts, which are not from a certified mill, must be approved by the Design Review Committee. The minimum size for any exposed structural posts will be 6" x 6" nominal.

(16) Firewise Construction Guidelines. The DRC adopted the National Firewise Committee guidelines. Firewise information will be distributed by the DRC to owners, or displayed on a bulletin board within the community, or is available from the Firewise Committee chair.

**C. ARCHITECTURAL STANDARDS**

(1) Architectural Character. The purpose of the Design Rules is not to create look-alike residences, but to promote harmonious and compatible design and to protect and enhance property values throughout the Development. In so doing, Kohala by the Sea shall set an architectural character that is appropriate to Hawaii, that has a sensitivity to the blending of Hawaii's architectural forms and environment, complementing rather than dominating, architecture that is designed with consideration to the site, the sun, the wind, and the views, that blends the interior to the exterior with wide lanais and generous roof forms and eaves, constructed of natural materials; architectural character that is Hawaii.

**C. ARCHITECTURAL STANDARDS (cont.)****(1) Architectural Character (cont.)**

Geodesic domes, A-frames, kit type construction and panelized homes are prohibited. Limited period and regional type designs shall be allowed by specific approval of the DRC.

(2) Materials. The materials used for structures shall be new and of a quality consistently associated with that used in quality buildings. All building materials shall be installed in a neat and workmanlike manner, consistent with generally accepted construction practices. No used buildings shall be placed on any lot, nor shall any used lumber or materials be a part of the construction of any improvement. Notwithstanding the generality of the foregoing, however, aged materials may be used in the construction of improvements to achieve a desired aesthetic effect with the approval of the DRC.

(3) Foundation and Support Structure. Perimeter exterior siding material shall extend to grade (except as required by Hawaii County building codes). Open, exposed under floor structure or skip sheathing shall not be permitted. Exterior walls shall be supported by continuous perimeter concrete foundation footing. Post and pier supports at exterior perimeter walls are prohibited. Exposed foundation sections shall be coated to match exterior colors.

(4) Exterior Walls. The building material of the exterior walls of all dwellings shall be wood, masonry, stucco or composite materials by specific approval of the Design Committee. No bare wood shall be exposed.

All exterior surfaces of all improvements shall be in neutral or earth shades. Colors used shall be subdued to compliment and blend with the surrounding natural landscape and environment. Samples of exterior colors shall be submitted to the DRC for review and approval. Plywood siding shall be allowed when all joints are concealed with boards or battens with a minimum size and spacing of 1 x 3 at 16" on center. Walls in excess of twelve feet (12') high shall be broken and interrupted with *horizontal* offset or an intervening lanai or veranda. All exterior elevations shall have a minimum of two (2) wall planes. *The wall and roof offset shall be a minimum of 2'-0". Exterior wall and roof offsets are not required for detached outbuildings such as a guest hale or garage as long as the main house meets the exterior wall and roof offset requirements.*

**C. ARCHITECTURAL STANDARDS (cont.)****(4) Exterior Walls (cont.)**

Exterior walls paralleling the building setback lines (without offset or undulation) shall not be allowed.

(5) Roofs. Roofs shall be of ceramic or concrete tile, slate, high relief fiberglass reinforced composite shingle, (Celotex Presidential Series with 1/2" shadow line or equal), architectural standing seam metal in dark color shades, copper, or other materials by specific approval of the DRC. Corrugated metal roofs are specifically prohibited. Wood shake roofs are not allowed because of their flammability. In addition to corrugated metal roofs, shed, straight gable and mansard roofs are also not permitted. Full hip or hip and gable combination roofs are encouraged. All re-roofing applications must adhere to Firewise construction guidelines. Flat roof sections are permitted on a case-by-case basis as long as such areas do not exceed 25% of total roof area.

Single pitch roofs shall have a minimum pitch of 4 in 12 and a maximum of 8 in 12. The lower portion of a double-pitch roof shall have a minimum pitch of 3 in 12 and a maximum of 4 in 12. The upper portion of a double-pitched roof shall have a minimum pitch of 6 in 12 and a maximum of 8 in 12. Flat roofs shall be permitted only by specific approval of the Design Review Committee.

Main structure roofs shall have a minimum of six (6) planes. Detached accessory structures shall have a minimum of four (4) planes. The minimum of roof eave overhang from structural walls or support shall be forty inches (40").

(6) Solar Heating Systems. Roof panels for solar heating systems should be sited so as to minimize their visibility from the roads and adjacent lots within the Development. All such roof panels shall be mounted in a plane parallel to the plane of the roof and shall be subject to review and approval by the DRC. Refer to the separate rules and guidelines adopted for solar energy devices concurrently with the April 17, 2015 revisions (see Kohala By The Sea website under the Design menu).

**C. ARCHITECTUAL STANDARDS (cont.)**

(7) Glare Prevention. No highly reflective finish, other than glass (which, however, may not be mirrored), shall be used on exterior surfaces, including without limitation, roofs, exterior walls, retaining walls, doors, trim, fences, pipes, permanent outdoor equipment, mailboxes and newspaper tubes.

(8) Chimneys. Chimneys are permitted but shall be subject to the review of the DRC in regard to height material, color, spark arrestor and appearance.

(9) Parking Requirements. Each single-family dwelling constructed on a lot shall have as an accessory thereto a garage large enough to accommodate at least two (2) automobiles. In addition, two (2) guest parking spaces shall be provided on each lot. (Declaration Section 3.03(c)).

(10) Abandoned Construction. If construction of a dwelling or any other improvement is at any time abandoned, the lot owner shall cause the lot to be cleared and returned to its original condition until recommencement of construction, except that landscaping and other features which, in the opinion of the DRC are an asset to the appearance of the property, shall be left in place.

(11) Driveways. Driveways shall use asphalt or concrete pavement, or other materials approved by the DRC, provided that the portion of the driveway between the road pavement and the front yard setback of any lot shall be paved with either asphalt or concrete. Other paving material may be approved by the DRC on a case-by-case basis.

(12) Exterior Lighting. Exterior light sources including landscape and exterior house lighting shall not have bulbs visible from neighboring properties and streets. Lighting shall be canopy type garden and up/down wall sconce lighting or other by specific approval of the DRC. Lighting for tennis, basketball court and other recreational facilities is prohibited. Pool and spa lighting shall be permitted.

(13) Chain Link Fences. No chain link fencing shall be permitted, except where approved by the DRC for minor installations, such as dog runs. Such installations shall not be visible from neighboring lots and roadways.

**C. ARCHITECTUAL STANDARDS (cont.)**

(14) Agriculturally Related Improvements. All agriculturally related improvements shall be subject to special review as to placement on the lot, materials used and design with respect to the functional nature and use of such improvements. The architectural design requirements of materials, roofs and exterior walls for such improvements may be modified by the DRC where appropriate for the intended and actual agricultural use. Floriculture or nursery structures may, for example, utilize shade cloth material for the roofs or sides; equipment, storage and processing structures may be partially enclosed or utilize metal siding or roofing materials provided such structures incorporate other design features and color finishes to enhance their visual appearance, are not open to road view, blend with the surrounding landscape, are maintained in good repair and condition and are used for continuous, full time agricultural purposes. The DRC may require special landscaping or screening, where appropriate for agriculturally related improvements. These modifications as to materials for agriculturally related improvements shall not apply to any single-family dwelling, guesthouse or garage used in connection with such dwelling or guesthouse.

(15) Skylights. Skylights visible from neighboring properties and streets shall be tinted.

**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS**

*As provided in the Kohala By The Sea Declaration of Covenants, Conditions and Restrictions (CC&R's), the DRC exists to maintain high standards for the development, design, and use of the property. Four parts are required by the DRC to confirm proposed improvements are in compliance with these Kohala By The Sea Design Rules. ((see A.(1), above). The four parts are:*

*Part I - Application for Construction of Improvements (see (1) and (2)a. or (2)b.) below)*

*Part II - Pre-Design/Conceptual Design Meeting Checklist (see (1) and (2)a. or (2)b.) below)*

*Part III - Preliminary Submittal Checklist (see (3)a. below)*

*Part IV – Final Submittal Checklist (see (3)b. below)*

*Each completed part shall be submitted at or with the appropriate meeting or submittal.*

*The plan submittal procedure and review fees will differ depending on whether the submittal is for construction of a new home (see (2) A., below) or for improvements to an existing home such as a swimming pool, garage addition, guesthouse, etc., (see (2) B., below).*

*(1) Pre-Design/Conceptual Design Meeting (Optional) The owner and/or owner's architect may meet with the Association Architect to review the design requirements and submittal procedures and review freehand conceptual design diagrams or sketches. Prior to the meeting (if scheduled), both Part I – Application for Construction of Improvements, and Part II – Pre-Design/Conceptual Design Meeting Checklist shall be completed and required documents and the appropriate fee (see D.(2)A. or B. below) shall be submitted to the Association Community Manager. Although optional, this meeting is highly recommended to help ensure a smooth submittal and review process. The Association Architect's fee is \$400 for this meeting and shall be submitted when the meeting is scheduled.*

*If no meeting is necessary, proceed to (2) a. for new construction or (2) b. for improvements to an existing home, immediately below.*

*(2) a. Submittals and Fees For New Construction. A non-refundable New Construction fee of \$2800 is required to accompany Part I – Application for Construction of Improvements and Part II – Pre-Design/Conceptual Design Meeting Checklist (even if no pre-design/conceptual design meeting is necessary). This fee covers the Association Architect's review of both the preliminary plan (Part III) and final plan (Part IV).*

*In addition, if the Association Architect is required to perform the inspections described in D.(4)(c,d,e) below, each inspection shall be \$400, borne by the Applicant and billed separately. Whether the Association Architect or another member(s) of the DRC performs the inspections is at the sole discretion of the DRC based on the anticipated complexity of the inspection.*

Review costs in excess of these fees shall be borne by the Applicant and based on the current hourly rate charged by the Design Review Committee and/or their representative (*currently at \$200/hour*).

Additionally, a separate refundable deposit of \$2000 is also required at the time the New Construction Fee above, is paid. This refundable deposit will be held until all County and DRC final inspections are completed. The deposit less any deductions for Association costs or expenses will be refunded within 30 days of completion of inspections. A separate check shall be submitted for this deposit.

**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS (cont.)*****(2) b. Submittals and Fees For Improvements to an Existing Home.***

*A non-refundable Property Improvement Fee of \$800 is required to accompany Part I – Application for Construction of Improvements and Part II – Pre-Design/Conceptual Design Meeting Checklist (even if no pre-design/conceptual design meeting is necessary). This fee covers the Association Architect's review of both the preliminary plan (Part III) and final plan (Part IV) for any submittal for an additional improvement, renovation of an existing dwelling, or similar type of proposed construction as required by the Declaration that was not included in the original submittal (such as accessory buildings, pool, guest house, studio, etc.).*

*In addition, if the Association Architect is required to perform the applicable inspections described in D.(4)(c,d,e) below, each inspection shall be \$400, borne by the Applicant and billed separately. Whether the Association Architect or another member(s) of the DRC performs the inspections is at the sole discretion of the DRC based on the anticipated complexity of the inspection.*

Review costs in excess of these fees shall be borne by the Applicant and be based on the current hourly rate charged by the Design Review Committee and/or their representative (*currently at \$200/hour*).

No refundable deposits are required for improvements to an existing home.

***(3) Submittal Requirements for Parts III and IV***

Two (2) CD (compact disc) *or any flash memory* device containing copies of all applicable drawings for new building, grading, or other improvement within the development shall be submitted to the Association Management Company, along with an email of the plans, drawings and appropriate forms Parts I-IV. The DRC reserves the right to request a hard copy of preliminary and/or final plans.

Architectural drawings shall be prepared by an architect licensed to do business in Hawaii. All submitted plans must be stamped and signed by their respective licensed architect, structural, civil, and mechanical license holder on every page including date of license expiration. Grading plans shall be prepared by a civil engineer or land surveyor. Structural, mechanical, and electrical engineering drawings shall be prepared by that respective engineering discipline. Landscape drawings shall be prepared by a landscape architect or landscape contractor. All of the above shall be professionally licensed in the State of Hawaii. All homes built in the Development shall be constructed by a Hawaii licensed general contractor.

**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS (cont.)**

**a. Part III - Preliminary Submittal Checklist** – documents to include (to Association Architect and DRC via Management Co.)

(i) Plot Plan with buildable area indicated, showing all structures with roof plans, utilities, service area, fences and walls, paved and parking areas, height elevations of the improvements, north arrow and prevailing wind direction(s). 1/20" scale min.

(ii) Grading Plan showing structures, with existing and proposed finish grades, contours and elevations. 1/20" scale min. Plans submitted must bear the stamp of a Hawaii-certified civil engineer and include notation of the required compaction of material whether or not imported.

(iii) Floor Plan(s) showing layout, dimensions and area(s). 1/8" scale min.

(iv) Building Section showing the structural elements, existing and finish grades and the maximum building height envelope. 1/8" scale min.

(v) Exterior Elevations showing two (2) exterior elevations with all material indicated. 1/8" scale min.



**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS (cont.)****b. Part IV - Final Submittal Checklist** – documents to include (to Association Architect and DRC via Management Co.)

(i) Plot Plan with buildable area indicated, showing all structures with roof plans, utilities, service area, fences and walls, paved and parking areas, height elevations of the improvements, north arrow and prevailing wind direction(s). 1/20" scale min.

(ii) Grading Plan showing structures, with existing and proposed finish grades, contours and elevations. 1/20" scale min. Plans submitted must bear the stamp of a Hawaii-certified civil engineer and include notation of the required compaction of material whether or not imported.

(iii) Floor Plan(s) showing layout, dimensions, area(s), 1/4" scale min.

(iv) Building Section(s) showing the structural elements and dimensions, and maximum building height envelope. 1/4" scale min.

(v) Exterior Elevations showing four (4) exterior elevations with all material indicated. 1/4" scale min.

(vi) Landscape Plan showing all landscape planting, irrigation and landscape lighting. 1/16" scale min.

(vii) Specifications of all exterior materials.

(viii) Exterior color scheme/product brochures or cut sheets. Other items as required by the Design Committee from time to time for review of a specific project.

Post Final Approval Modifications Any design modifications following final design approval shall be submitted to the Design Committee in writing for review and approval prior to constructing modifications.

Performance Bond The Design Review Committee, in connection with final approval, may require, at their sole discretion, a payment and/or performance bond for the construction, naming the KBTS Homeowner's Association as co-obligee.

**(4) Inspections.**

a. Pre-grading – by surveyor

b. Pre-foundation - by civil engineer (before form boards)

**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS (cont.)**

- c. Certification of Slab Elevation (with form boards before concrete poured). The DRC or representative shall make a site inspection to confirm construction conformance with the approved final drawing submittal. As noted in B.(7) above, the DRC requires that the elevation of the slab be certified by a licensed surveyor, and that survey shall be kept in the records of the DRC until the final inspection of the home is complete.
- d. Verification of roof height (upon placement of trusses)- by Association Architect and/or DRC member(s).
- e. Final Inspection Approval (after Final County Inspection) - upon substantial completion of the home or auxiliary building, including swimming pools, etc., the Association Architect and/or DRC member(s) shall make a final site inspection to confirm construction conformance with the approved final drawing submittal. Notification of required site inspections by the Association Architect is the responsibility of the owner. Only in-ground pools are permitted.

**(5) Waiver for Agriculturally Related Improvements.** The Design Committee may waive or modify any or all of the requirements for plans, under subsection C.(14) above, for any agriculturally related improvement to be erected on a lot. This provision for waiver or modification of the requirements for plans shall not apply to any single-family dwelling, guest house or garage to be used in connection with a single-family dwelling or guest house.

**(6) Review of Plans.** The Design Committee shall review and act on the plans submitted as provided within the Declaration, within the 30-day time limit stated in the Declaration. The review process does not begin until the complete submittal is received by the Design Review Committee.

**(7) Standards of Review.** In reviewing plans submitted to it, the DRC shall consider whether the plans conform to any applicable design requirements, and the effect of the proposed building, landscaping, grading, or other improvement on the Development. The approval or disapproval of the plans by the DRC in any one case shall not be deemed a waiver by the DRC of its right to approve, disapprove, object to or consent to any of the features or elements embodied therein when the same features or elements are embodied in plans submitted in any other cases.

**(8) Revocation of Design Review Committee Approval: Inspection of Work by DRC.** Failure to commence construction within one hundred eighty (180) days from the date of approval of plans (*including any approved variance requests*) by the DRC

**D. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS (cont.)**

(8)(cont.), cessation of work being performed pursuant to approved plans for a continuous period of ninety (90) days or more, or failure to complete the proposed work strictly in accordance with the plans approved by the DRC, shall operate to automatically revoke the approval of plans previously approved by the DRC. Upon demand by the DRC, the lot upon which such construction, alteration or other work was undertaken shall be restored or caused to be restored by the lot owner as provided in paragraph C.(10) above. The DRC and its duly appointed agents may enter upon any lot at any reasonable time to inspect the progress or status of any construction, alteration or other work being performed on the lot.

(9) Professional Advice. The DRC may employ the services of an attorney, architect, landscape architect, or civil or structural engineer licensed to practice in the State of Hawaii or any other consultant to render professional advice, and may pay a reasonable compensation for such services, which compensation may be charged to any person who has submitted plans requiring review by such attorney, architect, engineer or other consultant, in addition to any other processing fee. The DRC will only review plans presented by a lot owner. Any such costs or expenses may be deducted from fees held under Section D.(2) above.

(10) Approved Plans. When a house plan is approved and the lot owner sells the lot with the approved plans:

(a) Construction must start within 180 days from the date of approval and this time passes without a break in sequence from seller to buyer, the plan approval is revoked.

(b) Cessation of work for a continuous period of 90 days or more, continuing without break in sequence from seller to buyer, will result in revocation of previously approved plans.

(c) Work must be strictly in accordance with the approved plans *and any approved variance requests*. No adjustment, additions, removals, or alterations of any kind are permitted. Failure to comply with (a), (b) or (c) allows the DRC all rights and remedies in connection therewith. Under the above buyer to seller circumstances, whether construction has started or not, if the current owner wants to make any changes as listed in the Declaration, Section 7, Paragraph 3, the plans must be resubmitted to the DRC. A fee of \$800 is charged for the re-submittal and the 180 days or 90 days time requirement continue to apply during this time without a break.

E. REMEDIES In the event that any lot owner fails to comply with the Declaration or any of these Design Rules, the DRC shall have available to it all of the rights and remedies described in the Declaration, including without limitation the following:

(1) Enforcement Costs. Lien Rights. If any court proceedings are instituted in connection with the right of enforcement or the remedies provided in these Design Rules or the Declaration, the DRC shall be entitled, in the event that it prevails in such proceeding, to recover its costs and expenses in connection therewith, including reasonable attorneys' fees and court costs.

The DRC shall have a lien against an owner's lot for any unpaid fees, compensation or other charges for which such owner is obligated under these Design Rules or the Declaration to pay to the DRC. Such lien shall be enforceable in the manner provided by the Declaration. Pursuant to its authority under §7.02(e) or §7.04 of the Declaration, the DRC and the Association may determine that such unpaid fees, compensation or other charges are maintenance or special assessments for which a lien may be recorded against the affected lot.

The rights and remedies provided for in this section are cumulative with all other rights and remedies available to the DRC under these Design Rules, the Declaration and at law and in equity.

(2) Notice of Nonconformance. The DRC may record a notice of nonconformance against an owner's lot if improvements have not been approved, if any approval has been revoked, if any improvement has not been completed in accordance with approved plans, if any improvement has not been completed within the appropriate time period, or if any improvement has not been maintained in conformity with these Design Rules, including the building and landscaping.

(3) Fines for Violations. In accordance with Kohala by the Sea fines policy latest revision. (see Appendix 1)

EFFECTIVE AS OF the **29th day of March 2021**

*Dean Bowman*

Chair, Design Review Committee  
cc. Board members, DRC members

**Part I - Application for Construction of Improvements**

*For New Construction and Improvements to Existing Homes*

***(Submit at Pre-Design/Conceptual Design Meeting or submit with Part II and Part III, if no meeting is necessary)***

As provided in the Kohala By Sea Declaration of Covenants, Conditions and Restrictions (CC&R's), the DRC exists to maintain high standards for the development, design, and use of the property. Four parts are required by the DRC to confirm proposed improvement are in compliance with these Kohala By The Sea Design Rules. This is Part I and shall be submitted with Part II at the pre-design/conceptual design meeting or with Part II and Part III if no meeting is necessary. Please call Associa Hawaii at (808) 443-5961 if you have questions.

Property Owner(s): \_\_\_\_\_ Lot # \_\_\_\_\_

Address: \_\_\_\_\_

Telephone / Fax:      (    ) \_\_\_\_\_ (    ) \_\_\_\_\_

Architect / License No: \_\_\_\_\_

Telephone / Fax:      (    ) \_\_\_\_\_ (    ) \_\_\_\_\_

Civil/Surveyor / Lic. No: \_\_\_\_\_

Telephone / Fax:      (    ) \_\_\_\_\_ (    ) \_\_\_\_\_

Contractor / License No: \_\_\_\_\_

Telephone / Fax:      (    ) \_\_\_\_\_ (    ) \_\_\_\_\_

Proposed Improvements: \_\_\_\_\_

Improvement Areas: \_\_\_\_\_

Owner's signature\*: \_\_\_\_\_

Architect's Signature: \_\_\_\_\_

\*By signing the above the Owner(s) acknowledges and agrees that they have read, understand and will comply with the Kohala By The Sea CC&Rs and Design Rules; these can be found in the Kohalabythesea.net website or at our property managing agent, Associa Hawaii in Kailua-Kona.

***PART II - PRE-DESIGN/CONCEPTUAL DESIGN MEETING CHECKLIST  
For New Construction and Improvements to Existing Homes  
(Submit at Pre-Design/Conceptual Design Meeting or submit with Part I and  
Part III, if no meeting is necessary)***

The owner and/or owner's architect *may (highly recommended)* schedule a Pre-Design Meeting with the Association Architect. The purpose of this meeting is to review the design requirements, submittal procedures and review design concepts. Call Associa Hawaii at (808) 443-5961 to schedule. Submit the following at this meeting **(check items to indicate inclusion or note N/A if not applicable):**

\_\_\_\_\_ **Owner/Lot No.**

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

\_\_\_\_\_ 1. Completed Part I - Application for Construction of Improvements

\_\_\_\_\_ 2.a. New Construction Fee in the amount of \$2,800.00\*  
*(N/A if submittal is for improvements to an existing home)*

***OR***

\_\_\_\_\_ 2.b. *Property Improvement Fee in the amount of \$800\**  
*(N/A if submittal is for new construction)*

\_\_\_\_\_ 3. Check for the Refundable Deposit in the amount of \$2000.00\*

\_\_\_\_\_ 4. Site Plan (1/20") w/ 2' grade intervals keyed to Subdivision benchmarks

*\*Checks to be made payable to: Kohala By The Sea, the lot number to be written in the Note section of the checks.*

**PART III - PRELIMINARY SUBMITTAL CHECKLIST  
(Submit at Preliminary Design Submittal)**

The owner's architect shall make Preliminary Submittal to the DRC. The purpose of this submittal is for the DRC to confirm the design is developing in conformance with the Kohala By The Sea Design Rules and Declaration of Covenants, Conditions, and Restrictions. Submit to Associa Hawaii, 75-169 Hualalai Rd., Kailua-Kona, Hawaii, 96740. Call (808) 443-5961 if you have questions. **Two copies** of the following shall be included (**check items to indicate inclusion or note N/A if not applicable**):

\_\_\_\_\_ **Owner/Lot No.**

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

Site Plan - including:

- \_\_\_\_\_ 1. Minimum scale: 1/20" = 1' - 0"
- \_\_\_\_\_ 2. Building location (all structures)
- \_\_\_\_\_ 3. Property boundary lines and dimensions
- \_\_\_\_\_ 4. Existing tree locations (if any)
- \_\_\_\_\_ 5. Utility routings
- \_\_\_\_\_ 6. Service areas/equipment locations
- \_\_\_\_\_ 7. Driveway, parking, paving and walkway locations
- \_\_\_\_\_ 8. Fences/walls locations
- \_\_\_\_\_ 9. Height of all structures, fences/walls
- \_\_\_\_\_ 10. North arrow, primary view and wind directions
- \_\_\_\_\_ 11. Pool and spa locations (if any)
- \_\_\_\_\_ 12. Building setbacks and easements
- \_\_\_\_\_ 13. Wastewater system location

Grading Plan (or include with Site Plan) - including:

- \_\_\_\_\_ 1. Minimum scale: 1/20" = 1' - 0"
- \_\_\_\_\_ 2. Topography - existing and finish grade contours at 2' intervals

Floor Plan(s) - including:

- \_\_\_\_\_ 1. Minimum scale: 1/8" = 1' - 0"
- \_\_\_\_\_ 2. Walls and partitions
- \_\_\_\_\_ 3. Doors and windows
- \_\_\_\_\_ 4. Stairs
- \_\_\_\_\_ 5. Room names
- \_\_\_\_\_ 6. Dimensions
- \_\_\_\_\_ 7. Areas (interior/garage/lanai)

Building Section - including:

- \_\_\_\_\_ 1. Minimum scale: 1/8" = 1' - 0"
- \_\_\_\_\_ 2. Roof, wall, partition, floor and decks
- \_\_\_\_\_ 3. Dimensions
- \_\_\_\_\_ 4. Exterior materials
- \_\_\_\_\_ 5. Existing and finish grades
- \_\_\_\_\_ 6. Building height limit

Exterior Elevations (minimum 2) - including

- \_\_\_\_\_ 1. Minimum scale: 1/8" = 1' - 0"
- \_\_\_\_\_ 2. Exterior features (roofs, walls, door/windows, decks/railings)
- \_\_\_\_\_ 3. Materials and finishes
- \_\_\_\_\_ 4. Building height limit



## **PART IV - FINAL SUBMITTAL CHECKLIST (Submit with Final Submittal)**

The owner's architect shall make Final Submittal to the DRC. The purpose of this submittal is for the DRC to confirm the final design is in conformance with the Kohala By The Sea Design Rules and the Declaration of Covenants, Conditions and Restrictions. Submit to Associa Hawaii, 75-169 Hualalai Rd., Kailua-Kona, Hawaii, 96740.

Call (808) 443-5961 if you have questions. **Two copies** of the following shall be included: **(check items to indicate inclusion or note NA if not applicable):**

---

| Owner/Lot No. | Date |
|---------------|------|
|---------------|------|

---

Site Plan - including:

1. Minimum scale: 1/20" = 1' - 0"
2. Building location (all structures)
3. Property boundary lines and dimension
4. Existing tree locations (if any)
5. Utility routings
6. Service areas/equipment locations
7. Driveway, parking, paving and walkway locations
8. Fences/walls locations
9. Height of all structures, fences/walls
10. North arrow, primary view and wind directions
11. Pool and spa locations (if any)
12. Pool safety fencing or grade separation
13. Exterior lighting
14. Building setbacks and easement
15. Wastewater system location
16. Surface drainage arrows
17. HELCO electric meter location
18. Solar panels location (if any)
19. Construction staging/storage area location(s)
20. Temporary structure location(s)

Grading Plan (or include with Site Plan) - including:

1. Minimum scale: 1/20" = 1' - 0"
2. Topography - existing and finish grade contours at 2' intervals

Floor Plan(s) - including:

1. Minimum scale: 1/4" = 1' - 0"
2. Walls and partition
3. Doors and windows

- \_\_\_\_\_ 4. Stairs
- \_\_\_\_\_ 5. Room names
- \_\_\_\_\_ 6. Dimensions
- \_\_\_\_\_ 7. Areas (interior/garage/lanais)
- \_\_\_\_\_ 8. Exterior lighting locations

Building Section(s) - including:

- \_\_\_\_\_ 1. Minimum scale: 1/4" = 1' - 0"
- \_\_\_\_\_ 2. Roof, wall, partition, floor and decks
- \_\_\_\_\_ 3. Dimensions
- \_\_\_\_\_ 4. Exterior materials
- \_\_\_\_\_ 5. Existing and finish grades
- \_\_\_\_\_ 6. Building height limit

Exterior Elevations (minimum 4) - including:

- \_\_\_\_\_ 1. Minimum scale: 1/4" = 1' - 0"
- \_\_\_\_\_ 2. Exterior features (roof, walls, doors/windows, decks/railings)
- \_\_\_\_\_ 3. Materials and finishes
- \_\_\_\_\_ 4. Building height limit
- \_\_\_\_\_ 5. Floor elevations(s) and existing & finish grades

Landscape Plan - including:

- \_\_\_\_\_ 1. Minimum scale: 1/16" = 1' - 0"
- \_\_\_\_\_ 2. Landscape planting
- \_\_\_\_\_ 3. Plant materials
- \_\_\_\_\_ 4. Irrigation
- \_\_\_\_\_ 5. Landscape lighting

Specifications

- \_\_\_\_\_ 1. Specifications for exterior materials

Miscellaneous (8-1/2" x 11" format) - including:

- \_\_\_\_\_ 1. Exterior color samples - roof and walls (field/trim)
- \_\_\_\_\_ 2. Exterior material/product brochure or cut sheet
- \_\_\_\_\_ 3. Exterior light fixture(s) cut sheet
- \_\_\_\_\_ 4. Landscape light fixture(s) cut sheet
- \_\_\_\_\_ 5. Construction Completion Schedule
- \_\_\_\_\_ 6. Grading and building permits
- \_\_\_\_\_ 7. *Construction Dust Mitigation Plan – reference Hawaii Department of Health Fugitive Dust Fact Sheet*

## **Appendices to Kohala by the Sea Design Rules**

1. *Fine Enforcement Policy, updated 9/25/2019 – available in Owners Only page of the KBTS website*
2. *Firewise Summary Information, updated 2/3/2021*
3. *Permissible maximum building height chart, updated 4/20/20*

**Firewise Summary Information.: Appendix 2, updated 2/03/2021:** You may not know that Kohala by the Sea (KBTS) is the first Firewise community in Hawaii, and has been so honored since 2004. When investing a large sum of money in your home at KBTS, it is important to know that we are located in a lava desert, and that wildfires are common here. In designing your home or retrofitting it for maximum fire resistance, it is critical to have a zone surrounding your home that is fire resistant; either covered with gravel, stone or grass, and a good distance from flammable material. Be aware that the nearest fire department is at milepost 74 on the Queen Kaahumanu Highway, nearly ten miles away. The KBTS Firewise committee works closely with our fire department, who are fully aware of the steps that we have taken over the last several years to "fireproof" our community. The Kohala Ranch Volunteer Fire Department has a 4WD off- road tanker that will be summoned if a fire threatens KBTS. This apparatus was purchased through donations from the residents of our surrounding communities, including KBTS, and cost over \$100,000.

In 2010, KBTS received a grant from the Federal Firewise Program for \$50,000, which was matched in the next two years. Plantings on Hokulele Drive were designed to save water and to be fire resistant and replaced diseased Hibiscus shrubs previously in these locations. The Firewise Committee offers external home inspection services to all owners, should they desire to have an assessment of their Firewise conditions.

We work with the local Hawaii Wildfire Management Org. (HWMO) in Waimea to do NFPA- required community risk assessments on a regular basis.

There are steps you should take with your home BEFORE a fire in order to safeguard it as much as possible.

- 1) Your landscaping should be fire resistant.
- 2) All tree limbs should be trimmed to 10 feet away from your house.
- 3) All flammable vegetation should be cleared to allow a 30-foot defensible greenbelt or gravel barrier around your home which, in the former case, is well irrigated.
- 4) Fire resistant shrubs should be planted at least 10 feet apart to prevent fire from jumping from tree-to-tree ladder fashion toward the house.
- 5) Tree limbs should be pruned 8-10 feet above the ground and any dead limbs should be removed to prevent fire from spreading UP the tree.
- 6) Clear the area near your propane gas tank of flammable grasses.
- 7) Post your house number and make sure it is easily visible so firefighters can find it.
- 8) All trimmings of branches, bushes, plants, trees, leaves or any other waste from any and all vegetation must be removed from Kohala by the Sea and taken to a licensed, appropriate green waste transfer station, or removed by your landscaping service. Green waste, whether it's in a green state or a dry, flammable state, must be removed from the property. Piling up and storing such waste on any land in Kohala by the Sea is strictly forbidden. Do not dump any green waste on the Kohala by the Sea mulch pile at the front entrance. That pile is for the use of our landscaper and is not for dumping of property owners' green waste.
- 9) If you have a pool, purchasing a portable high-capacity pumps may assist you before a fire arrives.
- 10) Have a plan and practice your plan.
- 11) Register your contact information with our Call-Em-All Automated Fire (Emergency) Calling System and know your Automated Fire Call Procedure

**Building Height Calculations: Appendix 3**

**4-20-2020**

**KBS Building Height Maximums for vacant lots**

| <b>Lot #</b> | <b>Roof height maximum, ft.</b> | <b>Slope</b> | <b>Max. Roof Height ft.</b> |
|--------------|---------------------------------|--------------|-----------------------------|
| <b>2</b>     | <b>243</b>                      | <b>0.07</b>  | <b>20 ft.</b>               |
| <b>5</b>     | <b>204.5</b>                    | <b>0.13</b>  | <b>20 ft.</b>               |
| <b>6</b>     | <b>189</b>                      | <b>0.16</b>  | <b>25 ft.</b>               |
| <b>11</b>    | <b>319</b>                      | <b>0.17</b>  | <b>25 ft.</b>               |
| <b>12</b>    | <b>294</b>                      | <b>0.13</b>  | <b>20 ft.</b>               |
| <b>13</b>    | <b>314.5</b>                    | <b>0.11</b>  | <b>20 ft.</b>               |
| <b>14</b>    | <b>330</b>                      | <b>0.15</b>  | <b>25 ft.</b>               |
| <b>16</b>    | <b>355</b>                      | <b>0.09</b>  | <b>20 ft.</b>               |
| <b>17</b>    | <b>356</b>                      | <b>0.1</b>   | <b>20 ft.</b>               |
| <b>18</b>    | <b>344</b>                      | <b>0.22</b>  | <b>25 ft.</b>               |
| <b>19</b>    | <b>314.5</b>                    | <b>0.13</b>  | <b>20 ft.</b>               |
| <b>22</b>    | <b>355</b>                      | <b>0.12</b>  | <b>20 ft.</b>               |
| <b>24</b>    | <b>362</b>                      | <b>0.10</b>  | <b>20 ft.</b>               |
| <b>27</b>    | <b>393.5</b>                    | <b>0.09</b>  | <b>20 ft.(30 ft.)</b>       |

**Note 3**

**Appendix 3** (page 2)

**KBS Building Height Maximums for vacant lots**

| <b>Lot #</b> | <b>Roof height<br/>ft.</b> | <b>Slope</b> | <b>Max. Roof Height<br/>ft.</b> |               |
|--------------|----------------------------|--------------|---------------------------------|---------------|
| <b>570</b>   | <b>311.5</b>               | <b>0.28</b>  | <b>25 ft.</b>                   |               |
| <b>575</b>   | <b>257.5</b>               | <b>0.13</b>  | <b>20 ft.</b>                   |               |
| <b>582</b>   | <b>242</b>                 | <b>0.16</b>  | <b>25 ft.</b>                   |               |
| <b>586</b>   | <b>271</b>                 | <b>0.03</b>  | <b>20 ft.</b>                   |               |
| <b>593</b>   | <b>318.5</b>               | <b>0.07</b>  | <b>20 ft.(25 ft.)</b>           | <b>Note 2</b> |
| <b>594</b>   | <b>311</b>                 | <b>0.04</b>  | <b>20 ft.</b>                   |               |
| <b>599</b>   | <b>359</b>                 | <b>0.08</b>  | <b>20 ft.(30 ft.)</b>           | <b>Note 1</b> |
| <b>601</b>   | <b>369</b>                 | <b>0.08</b>  | <b>20 ft.(30 ft.)</b>           | <b>Note 1</b> |
| <b>605</b>   | <b>292</b>                 |              | <b>20 ft.</b>                   |               |
| <b>614</b>   | <b>220</b>                 | <b>0.05</b>  | <b>20 Ft.</b>                   |               |

**Note 1: Variance required for 25 or 30 feet  
(Back of the Development)**

**Note 2: If slab is excavated 5 feet, 25-foot home  
is allowed. DRC Decision dated 1/17/09**

*Note 3: DRC approved a variance request for 388.5  
max roof elevation on lot 27.*