

GATEWAY PENINSULA

BUILDING STANDARDS MANUAL

Revised and Adopted: October 2012

BUILDING STANDARDS FOR GATEWAY PENINSULA IN HAWAII KAI

INTRODUCTION

The Gateway Peninsula Building Standards Committee (BSC) has developed the Building Standards Manual for the use of Gateway Peninsula Owners and the Board of Directors (BOD). The Board of Directors has voted to approve this Manual to establish building standards for our community. This document may be modified and amended as necessary to comply with all current regulations and statutes, and will be reviewed and updated as necessary every two years by the BSC.

MISSION STATEMENT

The mission of the Gateway Peninsula Building Standards Committee is to preserve and enhance Gateway Peninsula property values as well as support owners in accomplishing desirable home improvements.

The Gateway Peninsula BSC will accomplish this by establishing exterior appearance standards, which preserve the character of our development and community. The BSC will also establish procedures that simplify and streamline the process required for owners to make changes to their units that affect common and limited common, elements.

The Chair person of the committee shall be appointed annually. The committee will consist of three members. At least one committee member must serve as a director on the Board.

PRODECURES FOR AL TERATIONS AND ADDITIONS

The BSC will be responsible for undertaking a review of all owner applications for alterations or additions to their unit. It will be the goal of the BSC to review and respond to all proposed projects in a timely manner. For project proposals which fall within the published standards herein, the goal will be to respond within four weeks from the date of receipt of a complete application. However, because the Committee is composed of volunteers, it may take longer in some instances.

Owners desiring to make an addition or alteration to their unit should submit a completed Gateway Peninsula Building Standards Application which includes:

- Estimated start date
- Estimated completion date
- Detailed plans and drawings, with photos if possible
- Details of plumbing, electrical and structural changes being proposed
- Names and contact information of contractors
- Indemnification agreement

In most cases at least one member of the BSC will make a site inspection during the approval process. It is the responsibility of the owner to schedule such inspection with a Committee member. Any inspection by the Board or the BSC is made solely for the purpose of confirming compliance with plans submitted to the Association and is not for any other purpose. Without limitation the inspection is not intended to ensure safety or conformance with federal, state or local laws or ordinances. The owner and his contractor or architect or other professional may be invited to attend a meeting of the committee in order to answer questions about the proposed addition of alteration.

If the BSC finds it necessary to confer with professionals such as architects or contractors to review the plans or application such professional services will be paid by the applicant. The committee will notify the applicant before incurring such expense.

Owners must follow the procedures of Article XIII, Section 5 of the amended By-Laws, except for the alterations and/or additions (listed below) that only require Board approval. Even if the Board has authority to approve the application and the application may impact adjacent properties and/or owners, it is suggested that the applicant discuss the proposal with neighbors prior to submitting the application. It may be appropriate in some cases to submit neighbor comments along with the application. The Board may require consent of all unit owners whose units appurtenant thereto are directly affected.

RECOMMENDATION

The BSC will vote on a recommendation to the Board of Directors only after the committee has a complete application; and if necessary, has conducted a site inspection; has conducted a review by professionals; and/or has met with the owner. The BSC recommendation and the complete application will be submitted to the Board and put on the agenda of the next Board meeting. If the committee votes to disapprove the application, it must provide a report detailing the reasons for disapproval to the Board.

The Board of Directors will allow the owner and their representatives to make a presentation to the Board after the BSC has presented their findings. The Board may make a decision at the meeting or may defer the decision in order to get more information.

The Board may require the owner to use a licensed contractor, and/or provide proof of insurance for the proposed alteration. For some alterations, owners may be required, by the City and County of Honolulu, to obtain a building permit prior to the beginning work on the proposed modification.

Failure of an owner to obtain Board approval prior to making alterations or additions may result in owners being required, at their own expense, to remove the alteration or addition and to restore the unit to its original condition.

Any legal or professional costs incurred by the Association in enforcing the Standards will be borne by the owner.

Applications for alterations that do not comply with the Standards listed in this manual below will require 67% owner approval, in addition to approval by the Board of Directors. If the Board of Directors approves an application that requires an owner vote, then the Board of Directors is responsible for reviewing and approving all letters and materials that will be included in that mailing, prior to it being sent to owners. If 67% of owners approve the request the Board of Directors will record any required amendments. However, the owner must pay all costs incurred by the Association in regard to such balloting and any recording.

WORKMANSHIP

The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards. The Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.

Representatives of the Board and/or Building Standards Committee may inspect the construction site from time-to-time during construction. If it is determined the approved plans are not being followed or that substandard workmanship is being done, the owner may be ordered to halt construction until a remedy is found.

TIMING

Projects which remain uncompleted for long periods of time beyond the original estimated completion date will be subject to Board review.

MODIFICATIONS & STANDARDS

The modifications noted below have been approved by the BOD and are considered the standard for any alteration requests made by owners.

NOTE: All owners must submit an application to the BSC to review, for **any and all** alterations or additions to the exterior of their unit or common element. Work may not begin until the BSC and BOD have both approved the request and the owner has received a signed copy of their approved application.

Once the application is reviewed by the BSC, they will make a recommendation to the Board of Directors, who will vote on the request.

No application can be approved solely by the Building Standards Committee.

The owner is responsible for obtaining and posting all required permits and inspections and for providing the Association with copies of such permits and inspections.

Approval by the BSe does not constitute waiver of any requirements by applicable governmental agencies.

Air Conditioners:

Air conditioners will generally be allowed if the installation does not significantly alter the structure or exterior appearance of the unit and if the operating noise level of the unit is unobtrusive. Air conditioners must be maintained to preserve quiet operation and uniform appearance. The Association may require air conditioners that are noisy or unsightly be removed or repaired.

Window or Wall installed single units and split or central air conditioner systems will be allowed provided that all exterior plumbing is routed and painted in such a way that the exterior appearance is not significantly impacted and no component of the system is encroaching on common element.

All owners must provide a detailed plan in their application for approval that includes an explanation of how the various elements are to be camouflaged or concealed.

All air conditioner units that are visible from the exterior of an apartment will be required to be covered, at the owner's expense, with the standard air conditioner cover established by the BSe and BOD.

WINDOW STANDARDS

General requirements:

All windows must fit into the existing opening without any modification unless approved by the board. Window flanges will not be allowed with the exception of windows located on the first floor, inside of a lanai/courtyard.

Second Floor Windows

Solar Blocking film on second floor windows must be approved by the committee and the Board. The Board will only approve film that has a neutral color and appearance. Film that is bubbled, cracked or streaked will be required to be removed.

Courtyard Side (front of unit):

The BSC will generally approve modifications to existing windows on the courtyard side of units as long as the new window:

- Is made of aluminum with a natural aluminum finish or vinyl with a white finish
- Can be louver or awning or sliding.

End Units (side of unit):

The windows on the side of all end units will comply with the same standards set forth as second floor courtyard side windows listed above.

Lanai Side (rear of unit):

Two types of large windows exist on the second story, rear lanai side with three possible configurations:

- Two panel with four louver windows below (located on select end units).
- Three panel with six louver windows below (most interior units).
- Two sets of two panels with four louver windows below (most end units).

The BSC will generally approve modifications to the existing windows on the second floor lanai side as long as the new window:

- Is made of aluminum with a natural aluminum finish or vinyl with a bright white finish.
- Upper panels must be in same configuration as existing and may be either fixed or sliding.

- Lower panels may be either awning or louver type below each upper panel.

If the BSC and BOD approve a window configuration that requires that stucco work be done, the work must be completed to the satisfaction of the BSC and BOD. Painting will be required over the entire wall area, to ensure no color variation between new and existing areas of the wall.

If the Association approves the master bedroom 2nd story lanai (balcony) patio type doors may be permitted in aluminum or vinyl.

First Floor Windows

Courtyard Side (front of unit, inside courtyard):

- Any combination of door and windows may be considered for approval.
- Front door replacements are required to obtain Board approval.

Plan #31-A type units were originally configured with two entry doors, one to the foyer and one to the kitchen. An approved plan exists to remove the kitchen door and install on large sliding window. Also approved is the option to replace the louvers next to the foyer entry door with a single fixed glass panel. Units previously modified include C-2, C-5 and O-2. Other configurations and types of doors and windows may be considered for approval.

Lanai Side (rear of unit, inside back lanai):

- Any combination of doors and windows may be considered for approval.

End Unit (first floor side windows, not within the enclosed side yard):

- Is made of aluminum with a natural aluminum finish or vinyl with a bright white finish.
- Upper panels must be in same configuration as existing and may be either fixed or sliding.
- Lower panels may be either awning or louver type below each upper panel and may also be removed
- Kitchen windows may be awning, louver or sliding type.

End Unit (first floor side windows enclosed within side yard)

- Any combination of doors and windows may be considered for approval.

Security lighting and other electrical fixtures:

Owners will not be allowed to attach security lighting or any other electrical fixtures to the exterior walls of the building without Board approval. The Board may require the consent of neighbors that may be directly affected by the request.

Rear Lanai wall heights:

No owner may modify their lanai wall height without approval from the Board.

Lanai Enclosure / Lanai Cover / Master Bedroom 2nd story Lanai:

Architectural plans have been established by the Gateway Peninsula Board for a standard lanai enclosure, lanai cover and master bedroom lanai. Of the three modifications, only the first two have been approved by owners. Any owner wishing to build a lanai enclosure or a lanai cover is only required to receive Board approval. Owners wishing to build a master lanai are required to obtain Board approval and owner approval for this modification.

No lanai modification will be allowed which will encroach on common element. If there is any doubt as to the limit of common element, the owner is obligated to obtain a surveyor or other competent evidence that the proposed improvement is not an encroachment.

INSTALLATION OF SOLAR ENERGY DEVICES RULES

A. As used in these rules:

"Apartment" means the area within the perimeter, party or interior load bearing walls, floors, and ceilings of the apartment - (Refer to the Gateway Peninsula Restated Declaration for specific details.)

Note: *Installation of solar energy devices on the apartment will not be possible and every owner must comply with the procedures outlined below for installing solar energy devices on the common elements and limited common elements.*

"Common elements" and "limited common elements" means: all structural parts of the project, including slabs, columns, beams, and roofs; all exterior apartment walls; all yards, landscaping, parking areas, etc. as defined in the Declaration.

Note: *Since installation of solar energy devices will only be possible on the common elements and limited common elements, owners must comply with the procedures outlined below for installing solar energy devices on those areas.)*

"HEEP" means Hawaii Energy Efficiency Programs operated under contract by the Hawaii Public Utilities Commission, or successor program.

"HEEP Standards" means the most current residential solar system standards and specifications established by HEEP.

"Apartment Owner" or "Owner" means the person owning, or the persons owning jointly or in common, an apartment and its appurtenant common interest, or the lessee of any recorded lease of an apartment, if any.

"Solar energy device" means any identifiable facility, equipment, apparatus, or the like, including a photovoltaic cell application, that is applicable to a single-family residential dwelling or townhouse and makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for generation. Any equipment that cannot be used as a solar device without being incorporated with other equipment will not qualify as a "solar energy device" unless it is installed in place with the other equipment and ready to be made operational. "Solar energy device" does not include skylights, windows or fans.

B. Prohibitions

1. No skylights, windows or fans may be installed at the project as solar energy devices.
2. Only an apartment owner may install a solar energy device at the project. No tenant or other resident may install a solar energy device on an apartment at the project except with the written permission of the apartment owner, and the apartment owner must: (i) submit the application form on behalf of the tenant; and (ii) assume all responsibilities imposed by these rules and the law on an apartment owner who installs a solar energy device.
3. No apartment owner may trim any vegetation/landscaping on the common elements in connection with the installation of a solar energy device without the prior written permission of the Board.

4. No solar energy device may be placed on a common element or limited common element as defined by the Declaration, unless the owner first obtains the written consent of the Board and otherwise meets the requirements of these rules and the law.
5. No water tanks may be installed on the roof, therefore passive solar water heaters are prohibited.

C. Pre-Installation Procedure

1. General. Any owner proposing to install a solar energy device must:
 - a. Submit a fully completed copy of the Association's Application to Install Solar Energy Device (attached) and obtain written Board consent prior to beginning the installation.
 - b. Hire a contractor licensed in the State of Hawaii to install the solar energy device.
 - c. Obtain a building permit for the installation of the solar energy device.
 - d. Confirm in writing that the solar energy device will be installed in accordance with HEEP Standards, except as otherwise permitted or required by these rules.
2. Common and Limited Common Elements. In addition to the general requirements above, any apartment owner proposing to install a solar energy device on any common element or limited common element at the project must:
 - a. Prior to installation, have the owner's contractor confirm in writing that the area on which the solar energy device is to be installed can support the weight of the device.
 - b. Prior to installation, if a roof warranty for materials or labor exists at the time of the proposed installation of the solar energy device, provide written confirmation from the company which issued the roof warranty that installing the solar energy device will not void the warranty. Contact the Board or the Managing Agent for details about the roof warranty.
 - c. Within fourteen days of obtaining approval for the installation of the solar energy device, provide the Board with a certificate of insurance from a company admitted to do business in Hawaii, naming the Association as an additional insured on the apartment owner's insurance policy.

D. Installation Requirements

1. Except as permitted in the last paragraph of this subsection, an owner installing a solar energy device at the project must:
 - a. To the maximum extent possible, consistent with the effective functioning of the solar energy device, install the solar energy device flat on the roof immediately above the owner's apartment.
 - b. Integrate the solar energy device installation into the architecture and design of the apartment and make the solar energy device as visually unobtrusive as possible. (For example, no part of the solar energy device installation, including the panels, any piping, or any other exposed part of the installation may be higher than the peak of the roof on which the solar energy device is mounted)

- c. Ensure that none of the exposed parts of the solar energy device have reflective surfaces. All exposed surfaces must either be anodized, painted or have a powder coating, including the support framing and cell frame, and exposed surfaces must be black in color. (Owners shall be responsible for ensuring that the finished surfaces are properly maintained to prevent peeling and cracking of the paint.)
 - d. Ensure that any pipes or other part of the solar energy device that must be installed on the walls of the apartment are enclosed with material that is similar in color and texture to the walls. The covering materials must be painted to match the exterior common wall they are installed on and/or adjacent to.
 - e. If a water heater or storage tank will not fit in the existing location of the apartment's water heater: (1) install the tank in the location approved by the Board; and (2) enclose the tank or heater so that it is not visible from outside the owner's apartment.
 - f. All support framing shall be of a certified Marine Grade Aluminum; 5086 Aluminum Alloy or equal.
 - g. All solar panel cells shall be of a Mono Crystalline design in a Dark Gray or Black in color.
 - h. To ensure uniformity within the complex for installation of a PV system, the board may require a consistent number of panels be installed per unit and/or a consistent panel location on the rooftop of each individual unit.
2. If compliance with these installation requirements of subsections a thru g above, will: (1) render the owner's solar energy device more than twenty-five per cent less efficient; or (2) increase the cost of installing the device by more than fifteen per cent, the apartment owner may ask the Board for an exemption. An exemption request may require the Board to develop a new standard prior to Board approval of the exemption. In making the request, however, the apartment owner shall have the burden of proving that compliance with the above installation requirements of subsections a thru g, will render the solar energy device more than twenty-five per cent less efficient or increase the cost of installing the device by more than fifteen per cent. Note that an owner will not be permitted to install a solar energy device on the roof above any other owner's apartment or limited common elements.
 3. The solar energy device must be registered with the Association within thirty (30) days of installation, through the Board of Directors of the Association.

E. Maintenance, Repair, Replacement and Removal

1. If a solar energy device is placed on a common element or limited common element, the apartment owner and each successive owner of the apartment on which the device is placed shall be responsible for:
 - a. Any costs for damages to: (1) the device; (2) the common elements; (3) the limited common elements; or (4) any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the device.

- b. Any repair, maintenance, removal, and replacement of the solar energy device, for as long as the solar energy device remains on the common elements or limited common elements.
 - c. Removing the solar energy device if reasonably necessary for the repair, maintenance, or replacement of the common elements or limited common elements. Owners of the solar energy device are responsible for all increase in repair and maintenance costs to the common elements caused by the solar energy device.
- 2. The Board may also require the removal of a solar energy device that threatens the health or safety of project residents.
- 3. Upon the transfer of ownership of an apartment, the new owner shall be obligated to comply with the requirements of these rules. The prior owner shall be responsible for informing any purchasers of the apartment regarding the obligations contained in these rules. The owner and each successive owner shall at all times maintain a policy of insurance covering the obligations of the owner under these rules. The policy shall name the Association as an additional insured under the policy, and the owner shall provide the Board with a certificate of insurance confirming that the policy is in effect.

Standard for Gateway Peninsula Rear Lanai Enclosure

1. Purpose

The purpose of this Standard is to promote uniformity in the exterior design of rear lanai enclosures at Gateway Peninsula. This standard is for use by the architect or builder hired to add an enclosure to a unit at Gateway Peninsula. The architect or builder should conform to this standard when producing detailed architectural plans to acquire city, county, or state permits.

This Standard is not a substitute for requirements of detailed architectural plans or any required permits.

2. General Description

- a. Architectural details of dimension and engineering building requirements vary among the units due to the existing structure of each unit.
- b. Length extended to the location existing rear lanai walls as indicated on the plot on file at the State of Hawaii. Note: some lanais have been extended beyond the plot without approval. Under no circumstances can a lanai enclosure be extended beyond the boundaries indicated on the plot.
- c. Width must be to the interior dividing walls of the building.

3. Drawings

Attached.

Standard for Gateway Peninsula Rear Lanai Cover

1. Purpose

The purpose of this Standard is to promote uniformity in the exterior design of rear lanai covers at Gateway Peninsula. This standard is for use by the architect or builder hired to add a cover to a unit at Gateway Peninsula. The architect or builder should conform to this standard when producing detailed architectural plans to acquire city, county, or state permits.

This Standard is not a substitute for requirements of detailed architectural plans or any required permits.

2. General Description

- a. Architectural details of dimension and engineering building requirements vary among the units due to the existing structure of each unit.
- b. Length extended to the location of existing rear lanai walls as indicated on the plot on file at the State of Hawaii. Note: some lanais have been extended beyond the plot without approval. Under no circumstances can a lanai cover be extended beyond the boundaries indicated on the plot. No screening in or semi-enclosing under the lanai cover will be allowed.
- c. Width must be to the interior dividing walls of the building.

3. Drawings

Attached.

Standard for Gateway Peninsula Master Bedroom Lanai (Balcony)

(Owner approval is required in addition to Board approval for this Standard)

1. Purpose

The purpose of this Standard is to promote uniformity in the exterior design of master bedroom lanais (balconies) at Gateway Peninsula. This standard is for use by the architect or builder hired to add a master lanai to units at Gateway Peninsula. The architect or builder should conform to this standard when producing detailed architectural plans to gain city, county or state permits.

This Standard is not a substitute for requirements of detailed architectural plans or any required permits. It is not to be used to try to obtain any permits from city, county or state.

2. General description

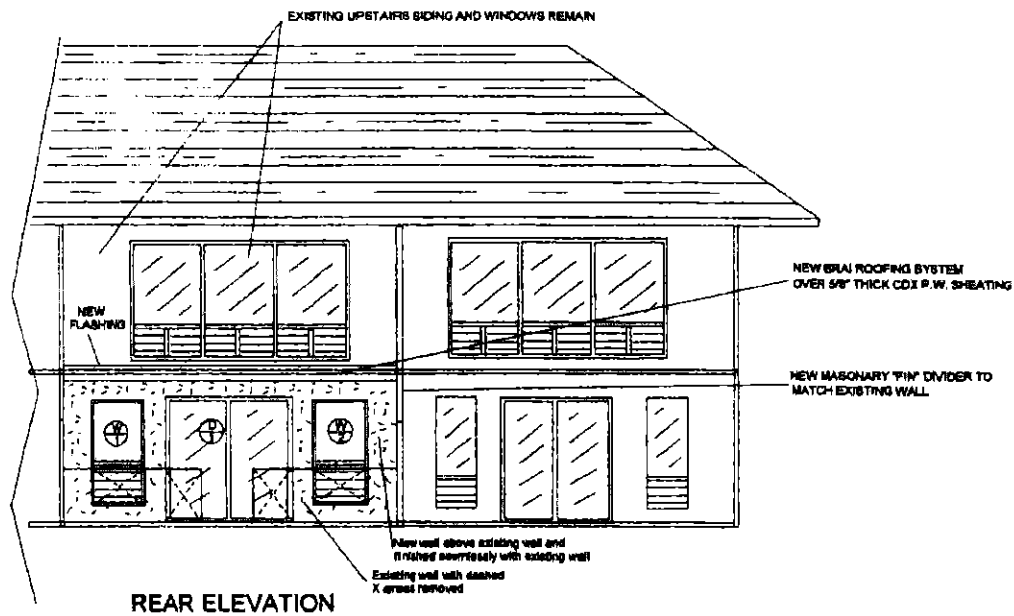
- a. Six foot standard length only.
- b. Width determined by a 2 foot set back from the interior dividing walls between units. The side of a master lanai for end units not facing an interior dividing wall can be built to exterior side of the unit.
- c. Rear railing to be vertical or horizontal (compliant to city code) 3/16" stainless steel cables separated 3.75" vertically or horizontally strung through treated wood posts and treated wood top railing painted to match existing Gateway color scheme.
- d. Side railing can be the same as the rear railing or stucco finished walls matching the exterior of existing building.
- e. Six feet high (above master balcony floor) by six feet wide (from rear exterior wall) dividing wall extensions between units will be required, upon neighbor request and neighbor approval only. The exception being those units whose neighbor is already six feet in front of them (as is typical in the middle of the building). The dividing wall extensions must be built upwards from any existing side lanai walls and should slope from rear to front so as to match the existing roof gradient or stair step to a level no lower than four feet at the front of the wall. The dividing wall extensions must be finished to match the exterior of the existing building.

3. Items permitted on the master lanai include:

- a. Small table with 4 matching chairs.
- b. Sun bathing lounge.
- c. 2 small plants whose height do not go above lanai railing and do not have limbs that hang over lanai.
- d. Items must be of good quality and well maintained.

4. Drawings:

Attached



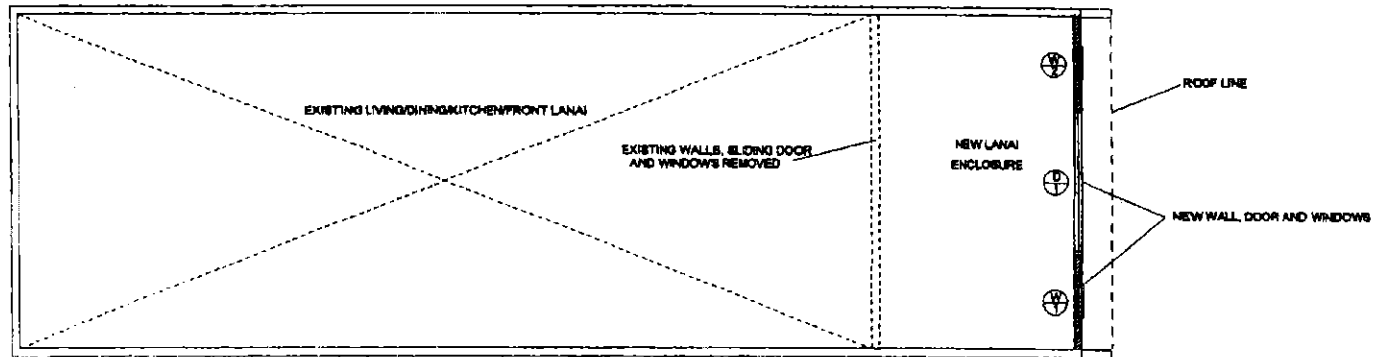
DOOR SCHEDULE

- 6-8\"/>

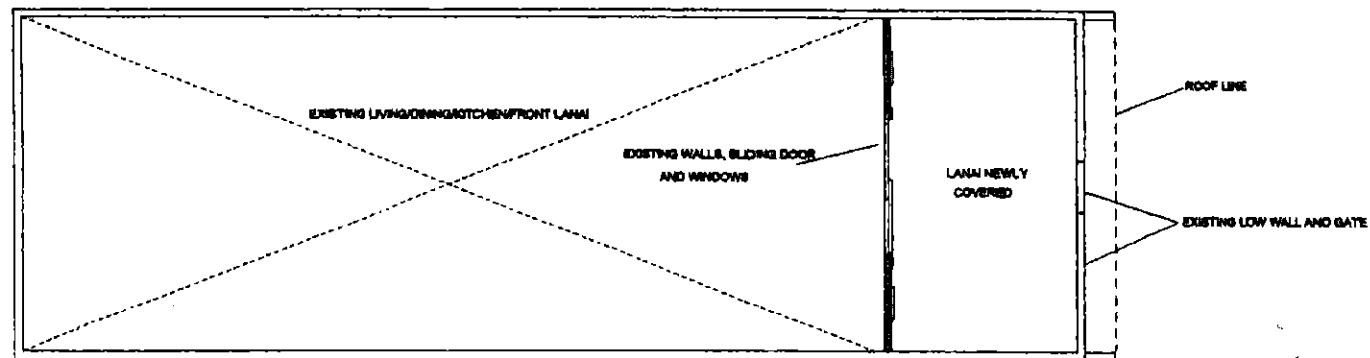
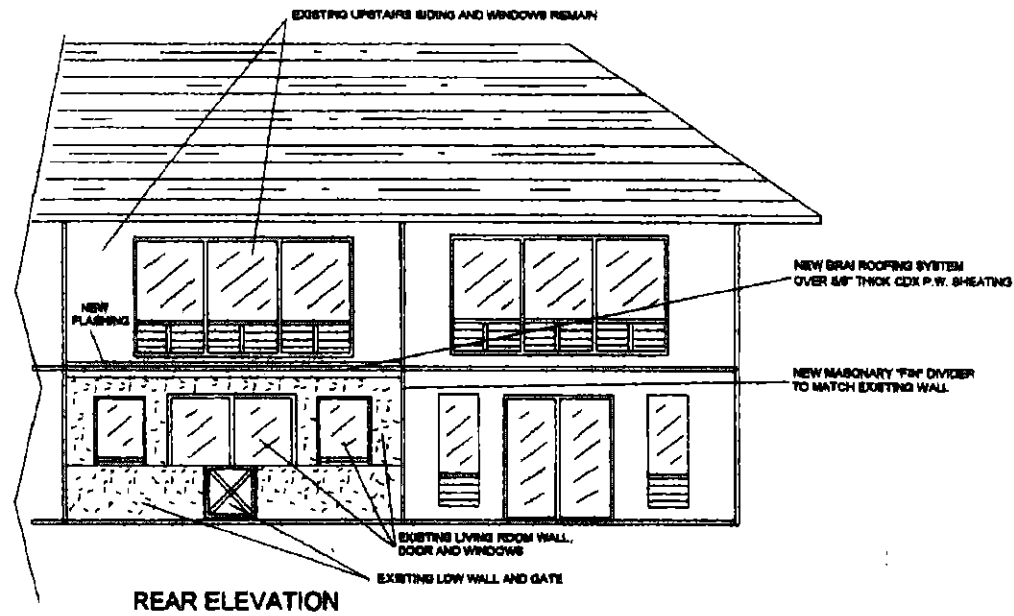
WINDOW SCHEDULE

- 3-1/2\"/>

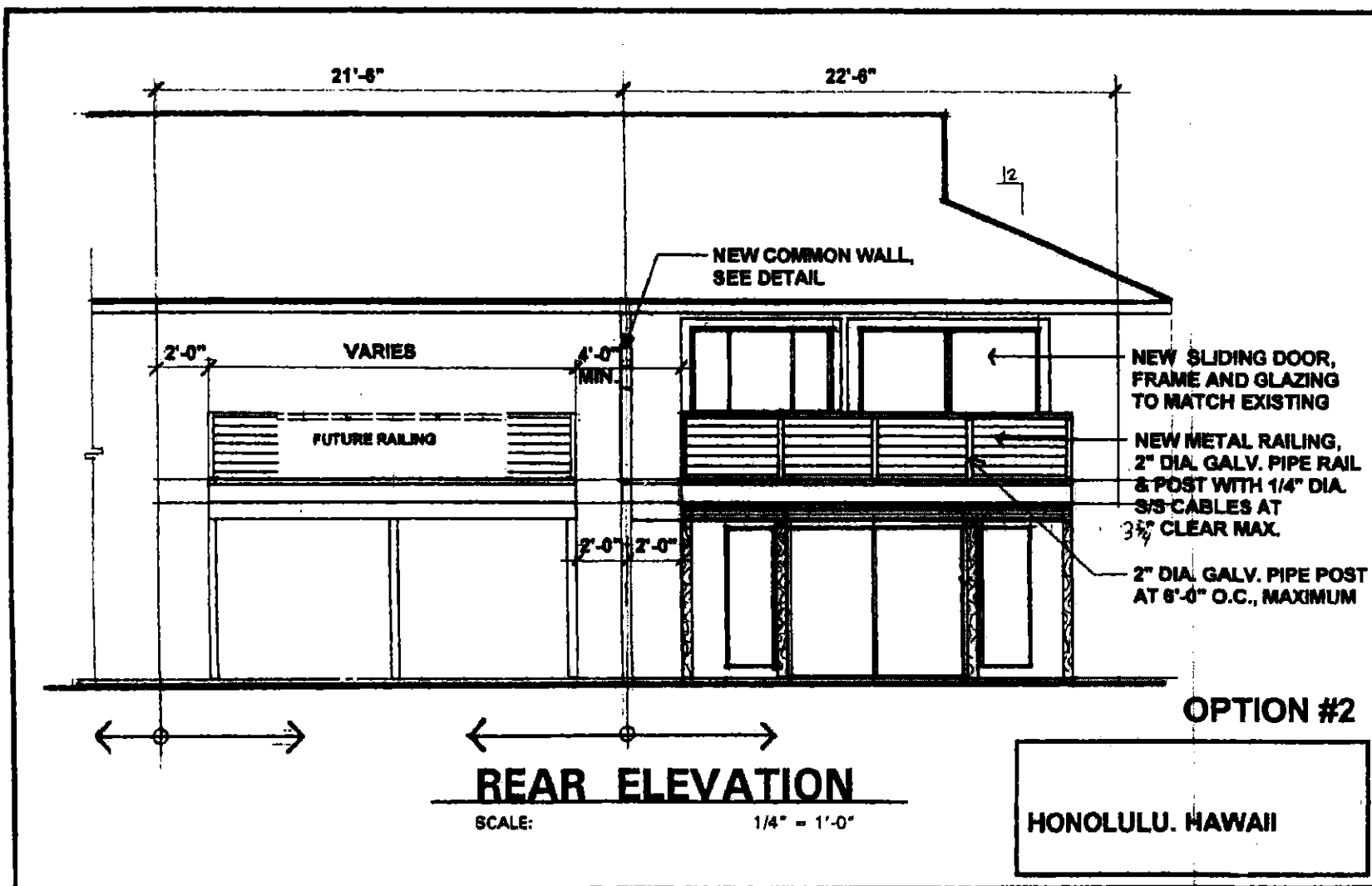
STANDARD FOR GATEWAY PENINSULA LANAI ENCLOSURE

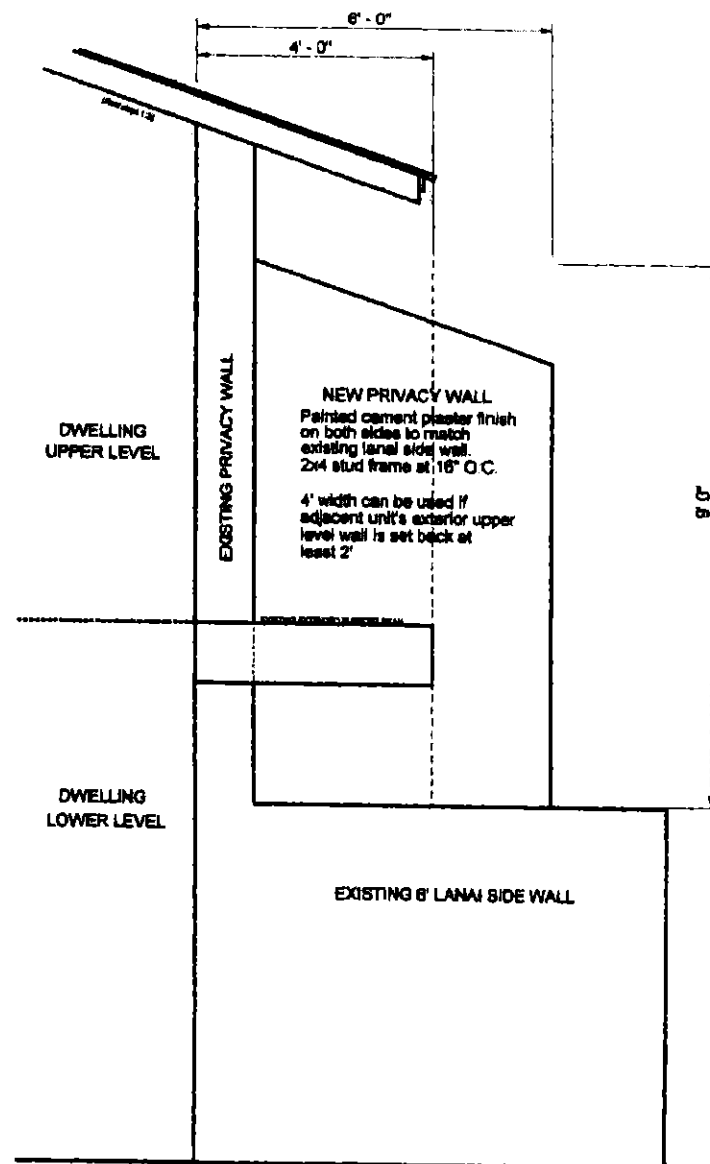


LOWER LEVEL FLOOR PLAN



STANDARD FOR GATEWAY PENINSULA LANAI COVER





TYPICAL PRIVACY WALL