



*Homeowners'
Association*

ASOCIACIÓN DE RESIDENTES DE
PUERTA DEL MAR, A.C.

Rules and Regulations

REV. 23102021

ARTICLE 15. REQUIRED DOCUMENTS: The municipal authority will provide the appropriate forms to obtain the Construction License, which must be filled out and signed by the owner or its legal representative, by responsible or co-responsible directors, attaching, among others, the following documents:

- I. Document that supports legal title of the property.
- II. Official and current survey and document containing the physical delivery of the property by the DEVELOPER.
- III. Alignment and official number issued by the corresponding municipal authority.
- IV. Document that supports that the OWNER is up to date regarding the fiscal obligations of the property.
- V. Approval document and authorized plans by the DEVELOPER and/or the ASSOCIATION.

ARTICLE 16. RESPONSIBLE PARTIES: The parties to be held responsible for the compliance of the obligations established in the Law of Edification and Housing (Ley de Edificación y Vivienda) are as follows:

- I. **DESIGNER:** The Civil Engineer or Architect duly assigned to the corresponding municipal authority that is responsible for complying with laws and rules and regulations applicable to the edifications to which he/she has his/her responsibility.
- II. **RESPONSIBLE OWNER:** Individual or entity that proves property of the lot object of said construction.
- III. **RESPONSIBLE DIRECTOR OF THE PROJECT:** The Civil Engineer or Architect duly assigned to the corresponding municipal authority that is responsible for complying with laws and rules and regulations applicable to the projects to which he/she has his/her responsibility.

The Architectural Committee and the Board of Directors of PDM do not have the responsibility of guaranteeing compliance with the Construction and Housing Law; However, if they are informed of a violation, they will notify the responsible parties so they can resolve the issue.

**SECTION V
RULES OF DESIGN AND CONSTRUCTION
GENERAL PROVISIONS
ARCHITECTURAL COMMITTEE/APPROVAL OF PLANS**

ARTICLE 17.- POWERS OF THE COMMITTEE: The ARCHITECTURAL COMMITTEE of the Board of Directors of “Asociación de Residentes de Puerta del Mar, A.C.” is hereby formed with the rights and powers set forth in these RULES AND REGULATIONS as well as in the By-Laws

of the ASSOCIATION. Said ARCHITECTURAL COMMITTEE shall be formed as established by the By-Laws of the ASSOCIATION. In the event of the failure or inability of any member of the ARCHITECTURAL COMMITTEE to act, the remaining members shall designate a successor who shall serve for the remainder of the term of the replaced member. All members appointed or elected for the ARCHITECTURAL COMMITTEE must belong to the ASSOCIATION. No member of the ARCHITECTURAL COMMITTEE shall be liable to any person for its decisions or failure to act in making decisions as a member of the ARCHITECTURAL COMMITTEE.

ARTICLE 18. MEETINGS OF THE ARCHITECTURAL COMMITTEE: The Architectural Committee shall meet, from time to time, as necessary to perform its duties under these RULES AND REGULATIONS. The ARCHITECTURAL COMMITTEE may, by a majority vote of the members thereof, delegate any of its rights and responsibilities hereunder to one or more duly licensed architects, who shall have full authority to act on behalf of the ARCHITECTURAL COMMITTEE on all matters so delegated.

ARTICLE 19.- ARCHITECTURAL APPROVAL - REVIEW OF PLANS AND SPECIFICATIONS. The ARCHITECTURAL COMMITTEE shall have the right and duty to issue reasonable standards to examine any request made pursuant to this article, to ensure that the proposed plans are in conformance with and are harmonious to the exterior design and existing materials of the buildings in the DEVELOPMENT. The ARCHITECTURAL COMMITTEE shall consider and act upon any and all plans and specifications submitted for its approval under these RULES AND REGULATIONS, and perform such other duties as, from time to time, shall be assigned to it by the ASSOCIATION, including the inspection of construction and progress to ensure its conformance with the plans approved by the Architectural Committee. No construction, alteration, grading, addition, excavation, modification, decoration, redecoration, reconstruction or improvement shall be commenced or maintained by any OWNER until the plans and specifications therefore showing the nature, kind, shape, height, width, color, materials and location of the same have been submitted to the Architectural Committee and approved in writing by the ARCHITECTURAL COMMITTEE by means of the Puerta Del Mar New Construction Plan Approval Application which attached to this document as **ANNEX A**

The Architectural Committee shall approve the plans and specifications submitted for its approval only if it deems that:

- I. The construction, alterations or additions contemplated thereby, and the locations indicated will not be detrimental to the appearance of the surrounding area of the DEVELOPMENT as a whole.

- II. The appearance of any structure affected thereby will be in harmony with surrounding structures.
- III. The construction thereof will not detract from the beauty, wholesomeness, and attractiveness of the DEVELOPMENT, or in detriment thereof of other OWNERS.
- IV. The upkeep and maintenance thereof will not become a burden on the ASSOCIATION. The ARCHITECTURAL COMMITTEE may condition its approval of proposals or plans and specifications for any Improvement:
 - a. On such changes therein as it deems appropriate.
 - b. Upon the agreement by the person submitting the same to grant appropriate easements to the ASSOCIATION for the maintenance of the Improvement, or
 - c. Upon the agreement of the person submitting the same to reimburse the Association for the cost of such maintenance, or all the above, and may require submission of additional plans and specifications or other information prior to approving or disapproving the submission.

The ARCHITECTURAL COMMITTEE may also issue rules or guidelines setting forth procedures for submission of plans for approval and may require a payment of a fee to the Association to accompany each submission of plans and specifications, or additional factors which it will take into consideration in reviewing submissions.

The ARCHITECTURAL COMMITTEE may require such detail in plans and specifications submitted for its review as it deems proper, including, without limitation, floor plans, site plans, drainage plans, elevation drawings, landscape plans and description or samples of exterior material and colors.

To ensure the impartiality and independence of the actions of the ARCHITECTURAL COMMITTEE and that the projects submitted to it comply with the construction regulations in force at the time of delivery, the project plans in question will be analyzed by an expert in the field of Architecture which will be appointed by the aforementioned Architectural Committee at its discretion.

Article was amended by General Members Meeting JUL-15-17

ARTICLE 20.- DECISIONS OF THE ARCHITECTURAL COMMITTEE. Until receipt by the Architectural Committee of any required plans and specifications, and such other information as may be required, the Architectural Committee may postpone review of any plans submitted for approval. Decisions of the Architectural Committee and the reasons of them should be transmitted by the ARCHITECTURAL COMMITTEE to the applicant, at the address set forth in the Puerta

Del Mar New Construction Plan Approval Application, within forty-five (45) days after receipt by the Architectural Committee of all plans, specifications and materials required. Any request submitted in accordance with the aforementioned provisions will be considered for approval unless it does not meet the requirements indicated above, for which case said requirement to rectify will also be notified in writing to the OWNER including, where appropriate, the request to present additional information or types of material to be used in construction. The Architectural Committee shall notify the applicant of all this within a period of forty-five days after the Architectural Committee has received all the required material.

ARTICLE 21.- INSPECTION OF CONSTRUCTION: Upon consent of the OWNER, which consent shall not be unreasonably withheld, any member or authorized representative of the Architectural Committee may, at any reasonable hour and upon reasonable notice, enter and inspect any property which has been the subject matter of an approval of a submission for a construction. Such entry shall be made with as little inconvenience to the OWNER as reasonably possible, and any damage caused thereby shall be repaired by the ASSOCIATION. If the ARCHITECTURAL COMMITTEE finds that such construction was not done in substantial compliance with the approved plans and specifications, it shall notify the OWNER in writing of such noncompliance, specifying the particulars of noncompliance and shall require the OWNER to remedy the same within thirty (30) days from the date of notification of such noncompliance. If after the term of the notification of the breach, the same persists, the ASSOCIATION may make additional charges to the OWNER for the expenses generated to remedy said breach.

ARTICLE 22.- NO WAIVER OF FUTURE APPROVALS: The prior approval of the Architectural Committee to any submissions for any construction done, or proposed to be done, or in connection with any other matter requiring the approval or consent of the Architectural Committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent of any similar proposals, plans and specifications, drawings or other matters subsequently or additionally submitted for approval.

ARTICLE 23.- VARIANCES. Where circumstances such as topography, location of buildings, location of landscaping or other matters require, the Architectural Committee, by the vote or written assent of a majority of the members thereof, may allow reasonable variances as to any of the Covenants contained in this RULES AND REGULATIONS or provisions under the RULES AND REGULATIONS issued by the Architectural Committee, on such terms and conditions as it shall require. The granting of such a variance shall not operate to waive any of the terms and provisions of these RULES AND REGULATIONS for any purpose, except as to the particular Lot and particular provision hereof covered by the variance, nor shall it affect in any way the OWNER's obligation to comply with all governmental laws and RULES AND REGULATIONS affecting the OWNER's use of his Lot, including, but not limited to, zoning ordinances, Lot setback

lines or requirements imposed by the City or other governmental authority. The architectural committee cannot allow variation in height where it will adversely affect the view from any lot within PDM.

ARTICLE 24.- ARCHITECTURAL DECISION APPEAL. In the event plans and specifications submitted to the Architectural Committee are disapproved, the party making such submission may appeal in writing to the ASSOCIATION. The written request must be received by the ASSOCIATION not more than forty-five (45) days following the final decision of the Architectural Committee. The ASSOCIATION shall submit such request to the Architectural Committee for review, and the written recommendations of the Architectural Committee will be submitted to the ASSOCIATION. Within forty-five (45) days following receipt of the request for appeal, the ASSOCIATION shall render its written decision. The failure by the ASSOCIATION to render a decision within said forty-five (45) day period shall be deemed a decision in favor of the party making such submission.

ARTICLE 25.- To carry out any type of edification previously authorized by the corresponding Municipal Authority, the following construction and design characteristics must be considered:

I. DESIGN

In general, the design of the construction must comply with the provisions of the Rules of Municipal Edification (Reglas de Edificación Municipal). This is, it must have the corresponding permit issued by the Direction of Public Works, Planning and Urban Control (Dirección de Obras Públicas, Planeación y Control Urbano).

All OWNERS must comply with the following:

1. PLAN SUBMITTAL REQUIREMENTS. Prior to the commencement of construction (1) one set of plans shall be submitted to the ARCHITECTURAL COMMITTEE for review and approval. The complete submittal requirements are as follows:
 - a) A completed Puerta Del Mar New Construction Plan Approval Application shall be included with each submittal to the ARCHITECTURAL COMMITTEE, along with the receipt of payment for a review fee charged by the expert in construction same that at all times will be fixed by the ARCHITECTURAL COMMITTEE and informed to the OWNERS through newsletters and the Association's web page, this fee will be calculated in accordance to the market value of the professional

services that are in force at time of filing.

- b) Two full size drawings of the site plan for review (minimum 24" x 36" or 594 x 841mm) with drawing scales indicated. One set of the drawings will be retained by the ASSOCIATION.
- c) Building location with dimensions to at least two (2) property lines.
- d) Setbacks and easements.
- e) Grading and drainage plan.
- f) Plans of facades presenting heights, materials, finishes, etc.
- g) Exterior details, including chimneys, exterior stairs, decks, railings, deck columns, etc.
- h) At least one cross section of the structure that indicates the inclination and height of the roof.
- i) Electrical plans indicating location of all exterior lighting.
- j) Exterior color choice for the house, trim material, walls, wrought iron fences and any other structures.

The ARCHITECTURAL COMMITTEE may at any time request additional information to that stated above to visualize the proposed project.

In the event that any construction change is made that results in a violation of the DEVELOPMENT's construction guidelines, the ARCHITECTURAL COMMITTEE shall have the power to issue a fine to the owner of the lot for failure to notify such variation. The amount, collection procedure and general details of the fine will be specified in the construction guidelines prepared by the ARCHITECTURAL COMMITTEE itself. Next, the necessary corrective action will be determined so that the project is viable and follows the Construction Rules and Regulations of the DEVELOPMENT. If the owner wishes to maintain the construction as such, they will be required to make the variance and follow that process. Payment of the fine does not guarantee acceptance of the variation.

- 2. RESUBMITTAL OF PLANS. In case of any rejection of the plans presented for approved by the ARCHITECTURAL COMMITTEE, these may be presented again with the corrections made and must comply with the same original procedure for approval.

3. NOTICE OF COMPLETION OF NEW CONSTRUCTION AND WORK INSPECTION FORM. At the end of any construction, prior to any application for the Occupancy Permit to the Municipality of Rosarito, the Notice of Completion of New Construction and Work Inspection Form will be delivered in writing to the ARCHITECTURAL COMMITTEE, said form is included in this document as ANNEX B. The ARCHITECTURAL COMMITTEE will inspect the work within a maximum term of thirty (30) days from the date of receipt of the Notice of Completion of New Construction and Work Inspection Form, to ensure that it was built in compliance with approved architectural plans, colors, and materials. If any non-compliance is found against the approved plans, colors and materials, the ARCHITECTURAL COMMITTEE will send a Notice of Non-Compliance to the builder within thirty (30) days after receipt of the New Construction Notice of Compliance Form. The builder shall amend said breach within a period of forty-five (45) days from receipt of the Notice of Breach or the ASSOCIATION will correct the breach at the builder's expense.

The ARCHITECTURAL COMMITTEE reserves the right to investigate and request any necessary changes to adapt the construction according to how it was approved in the plans.

4. IMPROVEMENTS OR ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES. Construction or additional improvements and/or changes that are to be made after construction approval by the ARCHITECTURAL COMMITTEE, may be submitted to the ARCHITECTURAL COMMITTEE or its delegate for approval before starting said changes and/or additions. To make any improvements, the owners will submit an Architectural Modification Request to Puerta del Mar, which is attached to this document as ANNEX C and a list of signatures of the neighbor owners, in which the owners will be informed of their proposed modifications.
5. DEADLINE FOR APPROVAL. Final approval of plans is valid for six (6) months. Construction must begin within this period. If not, plans must be resubmitted and reviewed again.
6. WORK IN PROGRESS. The ARCHITECTURAL COMMITTEE and/or its delegates may inspect all constructions in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval or compliance of the construction in progress by the DEVELOPMENT'S ARCHITECTURAL COMMITTEE, and/or its delegates.

7. **NON-LIABILITY OF THE ARCHITECTURAL REVIEW COMMITTEE AND/OR IT'S DELEGATES.** The Architectural Committee and/or its delegates shall not be liable for damages to anyone submitting plans to them for approval or to any OWNER by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans or specifications. Every OWNER or other person who submits plans to the Architectural Committee and/or its delegates for approval agrees by submittal of such plans and specifications that he/she will not bring action or suit against the Puerta DEVELOPMENT Architectural Committee, the ASSOCIATION and/or its delegates to recover damages.
8. **OTHER CONDITIONS.** The approval of plans by the ARCHITECTURAL COMMITTEE and/or its representatives does not imply compliance with the requirements and standards for any local construction, such as: zoning, security, health, fire systems, etc.; and it will be the responsibility of the OWNERS or their representative, who submits the plans for authorization, to guarantee compliance. The submission will not exempt the OWNER or its representatives from compliance with the requirements and standards for limits, height restrictions and/or any other requirement unless a modification is specifically requested at the time of submitting the plan approval. Provided that even though the modifications have been duly approved by the ARCHITECTURAL COMMITTEE or its representatives, this will not be a reason for non-compliance with the requirements to obtain the construction license by the Municipality of Playas de Rosarito or any other government authority, nor of obtaining all the permits required by the Municipality of Playas de Rosarito or any other government entity, nor is the obligation to approve plans by the ARCHITECTURAL COMMITTEE and/or its representatives eliminated. The ARCHITECTURAL COMMITTEE and/or its representatives will not approve a project knowing that it violates the Laws and Regulations for Construction or Land Use of the Municipality of Playas de Rosarito, or any other government entity and is not responsible for any other criteria for acceptance of plans that are not established in these RULES AND REGULATIONS.
- a) All construction must further conform to the Puerta Del Mar Rules and Regulations, the Puerta Del Mar By-Laws and the Construction Law for the City of Playas de Rosarito Baja California (Ley de Edificaciones para el Municipio de Playas de Rosarito, Baja California) and its regulations.
 - b) All construction must have appropriate permits, and all construction must be conducted by a licensed contractor with proper permits and insurance coverage for the work constructed and personnel.
 - c) All contractors must register with the security company and the HOA Management office.

- d) During construction, a visible sign must be posted indicating the lot and block number of the property.
- e) Owners are required to install portable toilets in the work area for their employees. The builders, workers, domestics, and in general any person involved in the development of the project may not use the restrooms of the clubhouse and common areas of the DEVELOPMENT since they are for the exclusive use of the OWNERS and employees of the ASSOCIATION.
- f) OWNERS must control dust levels during excavation and grading activities. It is highly recommended that each piece of land where construction is taking place has its own container or garbage deposit to contain the debris that is generated. If there is no receptacle for the debris, it must be removed weekly.
- g) Construction materials that will be used for the construction in a lot, may be stored only within the limits of the same. They will not be stored on the street or on any other property unless a written permission from the owner of the lot is obtained and said permit is informed to the DEVELOPMENT through its administration office.

9. ACTIONS FOR NON-COMPLIANCE. At any time during construction, should the ARCHITECTURAL COMMITTEE find that the OWNER does not comply with any of the Puerta Del Mar RULES AND REGULATIONS, the Puerta Del Mar By-Laws, the Construction Law for the City of Playas de Rosarito Baja California (Ley de Edificaciones para el Municipio de Playas de Rosarito, Baja California) and its regulations or, if during the course of the same, the designs that the OWNER submitted for approval by the ARCHITECTURAL COMMITTEE are changed or do not comply with its approval, OWNER will be notified in writing of these violations. The OWNER will be notified of the time limit he/she has to remedy said violations and will also be informed of what must be done to comply with the approved plans.

Should the OWNER continue to not comply or remedy these violations, the OWNER will be asked to cease all further construction until said violations are resolved. In addition, the ASSOCIATION will notify the City of Rosarito to issue a "Stop Construction Notice" until these violations have been corrected and may, if it deems it appropriate, issue a fine whose amount will be determined by the aforementioned ARCHITECTURAL COMMITTEE under the terms of ANNEX D of these RULES AND REGULATIONS, which forms an integral part hereof.

At the same time, the ASSOCIATION will notify the authorities of the Municipality of Playas Rosarito to proceed with the placement of "Notice of Closure" until said violations are corrected. Likewise, the security guards of Puerta del Mar will be notified that they must

not allow the entry of any worker, supplier or subcontractor working on any construction project that is infringing the Rules and Regulations and said personnel will be asked to leave the development. until the violations have been corrected.

The foregoing does not exclude the payment of additional taxes, fines and penalties that may be imposed as indicated in the Puerta del Mar Fines Policies, which is attached to this document as ANNEX D and in any case the payment of the same does not guarantee that the construction or modifications have been accepted, so that at all times the OWNER continues to be obliged to maintain the project within the construction guidelines established by these RULES AND REGULATIONS, those of the ARCHITECTURAL COMMITTEE, agreements made by the General Assembly of Members and others documents and regulations that the ASSOCIATION deems convenient.

10. REVIEW OF WAIVER. The ARCHITECTURAL COMMITTEE and/or its delegates reserve the right to waive or vary any of the procedures or standards set forth at its discretion for good cause shown.
11. DESIGN GUIDELINES DISCLAIMER. Although a reasonable effort has been made to ensure the accuracy of the contents of these Design Guidelines, The ASSOCIATION cannot be responsible for any errors, omissions or inaccuracies contained herein. The ASSOCIATION can assume no responsibility or liability whatsoever associated with the use of the Guidelines contained herein and no representation is made as to the accuracy or completeness of the Guidelines contained herein. The Guidelines are subject to amendment and supplementation and any such amendments or supplements are not included herein. To ensure that a complete and accurate copy of the Design Guidelines is being consulted, refer to the then current Guidelines and any amendments and supplements held by ASSOCIATION.
12. EXEMPTION TO VIOLATIONS COMMITTED BY THE PREVIOUS OWNER: The owners who have acquired a property within the Puerta del Mar Residential Development that has one or more design and/or constructions violations of the Rules and Regulations committed by the previous owners, will not be considered in breach of these before the Association.

The exemption referred to in the preceding paragraph will not be precedent to be considered for future design and construction.

Paragraph was added by General Members Meeting NOV-21-20

II. OF THE CONSTRUCTION

1. **CLEANING DURING THE CONSTRUCTION PERIOD.** The OWNER is obligated during and after the construction process to maintain his/her property lot and those of his/her immediate neighbors, free from any construction material, trash, and other debris.
2. **CONSTRUCTION TIMES.** Once the construction of a house is being started by the OWNER, he/she will have a term of no more than 18 months to complete the construction. The above referred to do not have incomplete constructions that could affect the image of the DEVELOPMENT. In case that this occurs, the ASOCIATION will review the specific case to determine the corresponding measures.
3. **LAND STUDIES.** It is the responsibility of the OWNER, before any construction begins, to conduct a study of ground mechanics of his/her property to determine the type of construction and foundation required, as well as other relevant and important information.
4. **MAINTENANCE OF SEWAGE.** When installing the drainage system, it is very important to verify that the water flows away from the building foundation and that the flow design prevents ponding and prevent water from running under or near or against the building foundation, roads, sidewalks, and streets. At no time may the drainage of any adjacent lot be altered. Roofs, balconies and in general all construction must have proper drainage to prevent leaks that reach public areas or neighboring lots. For locations near or adjacent to the Federal Zone, the water that flows from them will not be channeled to said area. The flow of any drainage will be directed toward the street, or into the drainage system. The OWNER of each construction is responsible for any erosion control in which it is necessary to protect adjacent sites or common areas, due to damage to the drainage system or erosions related to its drainage. All black and gray water must drain into the Puerta del Mar drainage system.
5. **HOUSES AND/OR CONDOMINIUMS BUILT BY THE DEVELOPER.** Everything related to Condominiums, will be regulated by the Law on Real Estate Condominium Property Regime of the State of Baja California (L.S.R.P.C.I.B.C.) and other laws, regulations, and provisions in force. Regarding houses, this will be regulated by the Building and Housing Law, by this RULES AND REGULATIONS document and by other applicable laws in force.
6. **PARKING:** Every lot must have 2 automobile parking spaces as a minimum. Regarding condominiums, this must be pursuant to the provisions in the Law on Real Estate

Condominium Property Regime of the State of Baja California (L.S.R.P.C.I.B.C.), these RULES AND REGULATIONS and other laws, regulations, and provisions in effect.

7. PROVISIONAL INSTALLATIONS. During the period of construction, the OWNERS must install portable restrooms for workers use, which must remain for the whole duration of construction, provisional installations such as restrooms, storage shacks, etc. must be strategically placed so that they do not visually or otherwise contaminate and must be immediately removed upon completion of the construction.
8. PUBLIC SERVICE INSTALLATIONS. In each lot, the OWNERS must build a special module for service connections, such as gas, water, electricity, etc., which must remain hidden and comply with required specifications by authorities or companies rendering said services.
9. REGARDING THE WATER TANK. The OWNER is responsible for constructing a water tank that permits him/her to hold as a minimum enough water to consume in a week, this tank is to be kept clean, covered by a flagstone of hydraulic concrete, and its lid sealed as hermitically as possible.
10. LOCATION. Each construction site has its own specific qualities and characteristics. It is important that the owner reviews carefully the construction site, observe its special assets and decide how each of these can best be used to increase the aesthetic value of the property and the community.
 - a) The exterior level will be adapted to the infrastructure of the drainage system and to that of the neighboring buildings.
 - b) The constructions will be located to complement existing or planned constructions on neighboring lots. It is especially important that no drainage network erode the soil on adjacent properties. Cooperation between Owners and Neighbors with respect to location levels should be encouraged.
 - c) All existing slopes and proposals for construction must be shown in the plans submitted to the ARCHITECTURAL COMMITTEE for study and approval in the architectural project.
 - d) No slope will extend beyond the limits of the property.

Article was amended by General Members Meeting JUL-15-17

ARTICLE 26.- The restrictions that will be considered to prepare the construction plans are those that appear in the document of the Construction Guide and Plan Approval

Process, which is included in these RULES AND REGULATIONS document as ANNEX E.

- I. **ANTENNAS.** No exterior radio or television antennas may be installed. This prohibition includes exterior microwave or cable television satellite dish antennas. However, the Architectural Committee or its delegate may approve satellite dishes that are less than twenty inches (20") in diameter.

Requests to the ARCHITECTURAL COMMITTEE or its delegate for approval of installation of such instruments must meet the following requirements:

- a) Each dish or antenna must be located in the least conspicuous area possible to minimize visual clutter.
 - b) A written request with specifications and a photograph of the structure indicating the location where the instrument is to be placed must be submitted for approval prior to any installation.
- II. **DECORATED DOORS.** Decorated doors that are used for entrance gates, courtyards or garage doors will not be required to be painted white or match the house color. These doors will enhance and compliment the Mediterranean, Southwestern or Spanish house style. Samples are included in the document called "Artistic Doors" and which is attached to this document as ANNEX F.
 - III. **COLOR.** Color to be used in frontages will be the ones contained at the Construction Guidelines and Plan Approval Process and at the Approved House Colors document which will need to get the approval from the ARCHITECTURAL COMMITTEE same that is attached to this document as ANNEX G as it forms integral part of it.
 - IV. **EXTERIOR LIGHTING.** Exterior lighting must be subdued. The lighting should minimize light spill onto adjacent properties and may be permitted by the architectural plans or in subsequent submittals for such purposes as illuminating entrances, decks, driveways, etc. In all cases, exterior lights should be of a design compatible with the structure.
 - V. **EXTERIOR MATERIALS.** Exterior finishes shall be restricted to stone, finished concrete or stucco. The DEVELOPMENT's ARCHITECTURAL COMMITTEE encourages the use of masonry on the structure as a unifying element on all four elevations of every structure. Wood or hardboard siding is not allowed. Clay and concrete tiles are allowed. Standardized asphalt shingles are not allowed. Window frames will be painted wood, natural wood, anodized painted aluminum or vinyl cladding.

- VI. EXTERIOR MECHANICAL EQUIPMENT. All exterior mechanical equipment, such as air conditioners and heating equipment, will be either incorporated into the overall form of the structure, be enclosed by a structure matching exterior house material or be landscaped to reduce impact. Installation of any exterior mechanical equipment requires approval from the ARCHITECTURAL COMMITTEE or its delegate.

Under no circumstances may these devices be installed on the roof or placed in a window of the building so that they are visible from the outside of the house. Roof-mounted mechanical equipment must be shielded in such a way that they do not interfere with views and views of neighboring properties, including from balconies and roof terraces.

- VII. EXTERIOR STORAGE AREAS. Outbuildings, storage sheds, and structures of a temporary nature if visible are prohibited. No accessory buildings (unless approved by the ARCHITECTURAL COMMITTEE or its delegate) will be allowed.
- VIII. FLAGPOLES. Flagpoles are prohibited.
- IX. FRONTAGE. In all constructions, the use of leftover construction materials is prohibited, this with the idea in mind that the frontages have good finishes, reflecting this on the rest of the DEVELOPMENT, and always being of the styles, in which roof tiling, semi-arches and square patterned windows are used, etc. The authorized styles are established in the Construction Guidelines and Plan Approval Process.
- X. HEIGHT. The height must comply the limits established in the Puerta Del Mar Height Guidelines, which is attached to this document as ANNEX H and Construction Guidelines and Plan Approval Process. The maximum height of a construction will vary according to the specific location of each lot. In all cases, construction must respect the panoramic view of immediate neighbors.

In the following Blocks, only constructions with a maximum height of 4.80 meters may be carried out:

Block No. 4
Block No. 10
Block No. 14

Block No. 18

In the following Blocks, only constructions with a maximum height of 7.00 meters may be carried out:

Block No. 2
Block No. 3
Block No. 8
Block No. 9
Block No. 12
Block No. 13
Block No. 16
Block No. 17
Block No. 19 Lot No. 1
Block No. 20
Block No. 21

In the following blocks a CONDOMINIUM will be constructed. No structure in this block can exceed a height of 4.80 Meters as measured from the sidewalk level on "Calle Puerta del Pacifico".

Block No. 7

In the following blocks there is no height restriction.

Block No. 1
Block No. 6
Block No. 11
Block No. 15
Block No. 22 Commercial Area

The following blocks are for exclusive use of:

Block No. 5 Black Water Treatment Plant
Block No. 19 Sports Area with exception of Lot No.1

- XI. HOT TUBS AND POOLS. Approval of the ARCHITECTURAL COMMITTEE or its delegate is required for all hot tubs and pools. Plans must designate materials, dimensions, and location. Hot tubs and pools will be integrated into the design of the structure and landscaping. Above-ground pools will not be allowed.

- XII. LANDSCAPING. The landscaping in the lots should help in such a way that erosion can be controlled, so that it does not affect the panoramic view to another neighbor, so that the air quality is protected by reducing dust, loose soil and so that it also serves, as a vegetal barrier. The landscaped areas should contribute to the beauty of the DEVELOPMENT and by using native plant species it will be possible to save water and energy. The Architectural Committee or its delegate must review and approve all landscaping plans.

To add landscaping not on the originally approved plan, separate written approval must be received from the Architectural Committee or its delegates prior to installation.

Garden areas shall include and be covered with the following:

- a) Trees. One tree of at least 5 gallons for every 50 square meters of landscaped area.
 - b) Bushes. One bush of at least one gallon for every 25 square meters of landscaped area.
 - c) Ground Covering. 100% of the landscaped area must be covered with the following options: Grass and plants with a maximum height of 45 cm. Covering a minimum of 20% of the total area of floor covering.
 - d) Decorative materials. Consisting of organic material such as: tree wood chips or similar materials and/or inorganic material like gravel, stone, crushed brick, and similar materials, covering 80% of the landscaped area with a thickness of at least 5cms. No concrete or crushed asphalt may be used.
 - e) Trees and bushes may be distributed according to the construction.
- XIII. PLAY AND SPORTS EQUIPMENT. Approval by the ARCHITECTURAL COMMITTEE or its delegate is required. Equipment such as basketball backboards and play sets will be located in the rear or side yard. Size and color will be considered on a case-by-case basis depending on Site size and proximity to neighbors. The applicant is required to provide proof of notification of all adjacent property owners when plans are submitted for approval for any play and sports equipment.
- XIV. SIGNS. The placing of signs in residential lots is prohibited, except for those to sell or rent said lot, in which case one sign per lot will be permitted, said sign must of good appearance and comply with the measurements of 30X40 cm.

- XV. **SETBACKS.** Setbacks are defined in Annex M. No structure or protrusion is permitted to be built on or extend beyond the OWNER(S) property line.
- XVI. **MANDATORY SETBACKS OR CORRIDORS.** All the lots that are within the DEVELOPMENT except for those described in ANNEX M of these RULES AND REGULATIONS, and which are considered an integral part of them, must have the mandatory setbacks that are specified in said document.

Setbacks or corridors are encouraged to help enhance the appearance of homes as well as serve as a means of access for emergency services in such situations.

No structure or construction element that exceeds the limits of the property will be authorized.

Section was amended by General Members Meeting OCT-23-21

- XVII. **SOLAR HEATING.** No solar energy panel or other energy harvesting equipment may be installed anywhere on any land or in common areas, there will be no modification to this, unless the equipment is installed in a place and in such a way that it is completely lose sight of anyone in PUERTA DEL MAR, to the maximum degree possible without significantly decreasing its efficiency. No person may install such panels or equipment without the prior written approval of the ARCHITECTURAL COMMITTEE or its representatives, which shall have the right to reasonably restrict and determine the size, shape, color, style, material, or location of any of these panels or equipment within the DEVELOPMENT.
- XVIII. **STYLE OF HOUSES.** Houses must conform to the design elements of Mediterranean, Southwestern, Spanish, or Modern designs as referenced in the Construction Guidelines and Plan Approval Process (Annex E):
- a) Spanish House Styles (Annex I)
 - b) Mediterranean House Styles (Annex J)
 - c) Southwestern House Styles (Annex K)
 - d) Modern Style Houses (Annex Q)

Section was added by General Members Meeting JUL-21-18

- XIX. **WALLS AND FACADES:** Front, side, and rear walls, outside the area occupied by the front access, must comply with the limits established in the Construction Guide and Plan Approval Process and with the Wall and Fence Height Guide, which is included in this document as ANNEX L, in special cases, the

DEVELOPER and/or the ASSOCIATION may modify the height limit at the request of the OWNER of the lot.

- a) The front, rear and side walls must be built of concrete or concrete block and be plastered or stuccoed and must be painted with the authorized colors creating harmony. The front walls could include natural stone, this would be subject to the approval of the ARCHITECTURAL COMMITTEE. Solid walls or constructions such as entrances to the front patios of the houses may not exceed 50% of the total width of the property. The height of the walls may not exceed 2.00 meters in height. The use of wrought iron to fence the front of the house is authorized, as long as it does not exceed 2.00 meters in height.
- b) The wrought iron fence shall be painted black or white unless the ARCHITECTURE COMMITTEE approves another color.
Fences or walls that interfere with sewage will not be installed. Wooden fencing will not be allowed.

XX. WINDOWS AND WINDOW TREATMENTS. Window coverings that are visible from the outside must be white, off-white, or neutral. Changes to windows are subject to the following guidelines:

- a) Materials that reflect and create a mirror effect from the outside must not be used. Materials such as sheets, paper, or aluminum foil will not be allowed on the windows.
- b) Changes to the exterior of windows and window treatments or new window installations require the approval of the Architectural Committee.
- c) Wrought iron security bars are prohibited unless approved by the Architectural Committee.
- d) Regarding the properties destined for the construction of CONDOMINIUMS, this will be determined by L.S.R.P.C.I.B.C, other laws, regulations, and stipulations in force.

Section was amended by General Members Meeting JUL-15-17

ARTICLE 27.- The mandatory RULES OF CONDUCT within the DEVELOPMENT are as follows:

- I. ASSOCIATION'S RIGHT TO REPAIR NEGLECTED LOTS. In the case of OWNERS who, at the discretion of the ASSOCIATION, have allowed their property to decay, become dangerous, unsafe, or out of tune with what was determined by the Association, the ASSOCIATION, then, will have the right to demand that said property be repaired. In the event that it has not been repaired within fifteen days of the request, the ASSOCIATION will have the right, but not the obligation, to correct such condition and to take possession of the part of the construction that has fallen into this situation, for the sole purpose of correcting such condition. The OWNER shall immediately reimburse the

ASSOCIATION for the cost of corrective action, including but not limited to the Association's legal expenses and costs and that the Association itself shall determine that obtaining a court order to carry out such repairs is for its own interest.

- II. IMPROVEMENTS OF PUBLIC AND COMMON AREAS. No public road, accessway, sidewalk, structure, or improvement in the DEVELOPMENT and in the common areas are to be altered, moved, or replaced without the approval of the ASSOCIATION and/or the City of Rosarito if necessary.
- III. CLOTHESLINES AND STORAGE. All clotheslines, containers, woodpiles, storage boxes, tools and equipment shall be prohibited from any Lot unless obscured from view by a fence or appropriate screen approved by the Architectural Committee of the ASSOCIATION.
- IV. COMMERCIAL ACTIVITY. In compliance with the zoning ordinances applicable to "Fraccionamiento Residencial Puerta del Mar" all commercial activities, other than residential rentals, are prohibited without prior, written authorization of the Association. Commercial activities include, but are not limited to, spas, rehabilitation facilities, medical clinics, classes, massage parlors, nurseries, childcare facilities etc.
Section was amended by General Members Meeting OCT-23-21
- V. DOMESTIC ANIMAL OR PET POSSESSION. No animals of any kind shall be raised, bred or kept in any lot or in the COMMON AREA, except that common household pets, including dogs or cats, may be kept in each lot; provided, however, that no animal shall be kept, bred or maintained for any commercial purpose or in unreasonable numbers. As used herein, "unreasonable numbers" shall ordinarily mean more than two (2) animals per lot. Each OWNER shall be responsible for cleaning up any excrement or other unclean or unsanitary condition caused by said animal on any lot in the DEVELOPMENT and/or the COMMON AREAS. The ASSOCIATION, upon the approval of a majority of the Board, shall have the right to prohibit maintenance of any animal within the DEVELOPMENT which constitutes a private nuisance to any other person. Every person bringing an animal upon or keeping an animal in the DEVELOPMENT shall be liable to each and all persons for any injury or damage to, persons or property caused by such animal. All animals maintained in a lot must be kept either within an enclosure, yard, or patio, or on a leash being held by a person capable of controlling the animal.

- VI. DOMESTIC AND EVENTUAL EMPLOYEES. Casual workers shall be treated in the same manner as building contractor staff and shall be escorted by the OWNER and recorded in and out at the gates each day.

- VII. OWNERS shall be responsible to ensure their employees /workers comply with all security requirements as well as all rules of the ASSOCIATION. Domestic employees are allowed to be on the development between the hours of 06:00am and 20:00pm daily. Any extensions to these hours are to be applied for through the ASSOCIATION administration office. Domestic Employees are not allowed to receive visitors while on the development.

- VIII. EASEMENTS OVER SIDEWALKS. There is no exclusivity in the use of auxiliary passageways for each of the OWNERS, their landlords and guests, nor on the sidewalks located in the lots within PUERTA DEL MAR. These are for pedestrian access, use and enjoyment.

- IX. FIREWORKS. The use of fireworks within the DEVELOPMENT is strictly prohibited at all times.

- X. GREEN AREAS. It is strictly prohibited to extract, substitute, or alter in any way the distribution of plants and trees in the green areas of PDM.

- XI. IMPROVEMENTS WITHIN PUERTA DEL MAR. There shall be no construction, alteration, or removal of any Improvement in PDM without the approval of the ARCHITECTURAL COMMITTEE, as set forth herein below. No Improvement shall be constructed upon any portion of any ASSOCIATION Property, other than such Improvements as shall be constructed: a. by the OWNER, or b. by the ASSOCIATION as provided herein.

- XII. RENTALS. Owners are permitted to rent and lease their properties according to the following regulations. The purpose of these regulations is 1) to ensure the security of the community by allowing security and staff to know the identity of all persons within "Fraccionamiento Puerta del Mar" 2) to help absentee owners avoid unauthorized use of their property by squatters, 3) to ensure that all residents and occupants have the peaceful enjoyment of their property and 4) to permit enforcement of fines in the event of any breaches of the rules by long- or short-term renters.

Section was amended by General Members Meeting OCT-23-21

XII.1. Long-term rentals:

In the event an owner rents her or his property on a long-term basis, the owner shall provide the Association with a copy of the lease or rental agreement listing the names of all tenants and the duration of the rental. In the event the owner does not have a lease or a rental agreement, the owner shall provide written notification to the Association of the names of all persons authorized to occupy the residence and the term of the occupancy. This information shall be provided to the office prior to the date the rental/occupancy commences.

The owner shall provide the Association with a working telephone number and email address so that such owner can be contacted directly concerning any issues that may arise associated with the rental.

The owner shall provide the renter with a written copy of the rules of conduct of the Association and the fines for violation of these rules. (A copy can be obtained from the office upon request).

The owner shall be responsible for all infractions of these rules and the consequent fines associated therewith.

XII.2. Short-term rentals:

In the event an owner rents her or his property on a short-term basis, the owner shall provide the Association with the names of all guests, the make, model and license number of the guests' car(s) and the duration of their stay. This information shall be provided to the office in writing on a non-holiday weekday at least 24 hours prior to the arrival of the guests.

As with all residents and renters, reservations for use of the pool area must be made in writing at least 24 hours prior to the requested time of use. This notice to the office must include the names of all persons who will be using the pool area. Guests must be informed in advance of the rules regarding the use of the pool area and must be informed that they may not use this area without a prior reservation.

If the owner lists the short-term rental on Airbnb, VRBO or other short term rental platform the owner shall provide the Association with the link to the listing. The listing may not authorize parties or "fiestas", nor may it advertise outside commercial services such as food catering, etc.

In the event the owner will not be present and reachable during the rental, the owner shall provide the Association with a working telephone number and email address so that such owner can be contacted directly concerning any issues that may arise associated with the guests.

If not included in the listing, the owner shall provide the guests, prior to arrival, with a written copy, in Spanish and in English, of the rules of conduct of the Association and fines associated with their breach. (A copy can be obtained from the office.)

The owner shall advise all guests, prior to their arrival, that they will be required to present identification upon their arrival.

The guests shall also be advised prior to their arrival that, upon entry into the community, they will be required to sign the rules of conduct of the Association (including fines for their violation) and that they will be provided with a copy of these rules which they are required to always keep on the dashboard of their car.

The owner shall be responsible for all infractions of these rules and the consequent fines associated therewith.

Owners are responsible for making sure that only the number of tenants allowed will occupy their homes and this will be in accordance with the number of people the home can accommodate by its nature.

The number of cars parked in front of the rented house cannot exceed 2 (two). Any additional cars can be parked in phase 3 (three) of PDM, next to the tennis court.

Section was added by General Members Meeting OCT-23-21

- XIII. NOISE. The use of speakers, horns or any other mechanism that produces loud noise and alters public order is strictly prohibited. No OWNER shall permit or suffer anything to be done or kept upon such OWNER's Lot which will obstruct or interfere with the rights of quiet enjoyment of the other occupants, or annoy them by unreasonable noises or otherwise, nor will any OWNER commit or permit any nuisance on the premises or commit or suffer any immoral or illegal act to be committed thereon.

Section was amended by General Members Meeting OCT-23-21

Live music will not be allowed after 10:00 pm (22:00 hrs.). The maximum decibels allowed in a gathering, party, or social event is 100 (one hundred) decibels and only for 4 (four) hours according to the Official Mexican Standards.

Section was added by General Members Meeting OCT-23-21

PDM security guards are empowered to immediately contact the owners of the property where the noise is occurring in the event of a violation of the provisions contained in this section, notwithstanding the ability to contact the local police department. If the case requires it, the owner who does not enforce these provisions may be subject of a fine in the terms of the Fine Policies of Puerta del Mar.

Section was added by General Members Meeting OCT-23-21

- XIV. HAZARDOUS ACTIVITIES. No hazardous or dangerous activities shall be conducted on any portion of the DEVELOPMENT. No improvements shall be constructed on Lots which are or might be unsafe or hazardous to any person or property. Reasonable and customary construction activities by any builder or any OWNER shall not be deemed to constitute hazardous activities.
- XV. NO TEMPORARY STRUCTURES. No tent, shack, trailer or other temporary building, improvement or structure shall be placed upon any portion of the DEVELOPMENT unless approved by the ASSOCIATION.
- XVI. NO UNSIGHTLY OBJECTS. Unpleasant looking objects will not be allowed on any property that can be seen from any other property. All the conditions of unpleasant aspects, constructions, services, equipment, objects, and other elements must be kept inside a structure.
- XVII. OPEN FIRES. There will be no exterior fires whatsoever except for barbeque fires or firepits located only within the OWNER's lot and contained in receptacles designated for such purposes. Otherwise, outside fires are not permitted unless prior written approval is given by the local Fire Department and the Association and such OWNER acts in compliance with all local government fire safety and permit regulations. No OWNER shall permit any condition to exist on their lot, including, without limitation, trash piles or weeds which create a fire hazard or is in violation of local fire regulations. Trash burning on any lot or public or community spaces is strictly prohibited.

XVIII. REPAIR AND MAINTENANCE BY OWNER. Excluding the ASSOCIATION, they will be obligated to maintain and repair their property as stipulated in these RULES AND REGULATIONS. Each OWNER must maintain the exterior of his/her residence; including without limitation, all walls, sidewalks, exterior lighting, landscaping, driveways, fences, hoses, roofs, patios, patio decks, flat surfaces, decks, balconies, windows, wire screens, locks and doors and all improvements that are located on the OWNER'S lot; in a clean, safe and attractive condition at all times and that necessary repairs are carried out as they arise.

XIX. REPORTING TO SECURITY. Security is a shared responsibility. OWNERS must report any suspicious or unlawful occurrence to Security and/or the ASSOCIATION'S administration office immediately as it is seen or perceived.

XX. PRIVATE RESIDENTIAL DWELLING AND GUESTS. - To ensure that your guests can enter PDM quickly and easily, all owners shall:

a) Notify the guards as soon as possible the name(s) of the guests they are expecting;
and

b) Let their arriving guest(s) know that the guards will ask them to identify themselves.

Owners should also make certain that the guards have their current telephone numbers so they may be reached in the event of unexpected guests arrive at the gate Each Lot shall be used as a private residential dwelling and for no other purpose.

Section was amended by General Members Meeting OCT-23-21

XXI. SPEED LIMIT. OWNERS are obligated to obey the speed limits and other traffic signals within PDM. The speed limit throughout PDM is 25 Km per hour. Any person found driving in excess of this limit or in a dangerous manner, will be subject to a warning for the first offense, and a fine for any subsequent offense as outlined in the Puerta Del Mar Fines Policy.

XXII. STRUCTURAL CHANGES. There shall be no structural alteration, construction or removal of any Residence, fence, or other structure whatsoever in the development without the prior written approval of the Board or its designated Architectural Committee, as required herein, except such works of construction by the owner during the development of the previously approved construction.

XXIII. STORAGE OF DANGEROUS SUBSTANCES. No harmful or inflammable substances may be kept on PDM. This rule shall not apply to the keeping of such substances and in such quantities as may reasonably be required for domestic purposes.

XXIV. TRASH.- No rubbish, trash, garbage or other waste material shall be kept or permitted upon any portion of the DEVELOPMENT, except in sanitary containers located in appropriate areas screened and concealed from view by a fence, wall or other screen approved by the Architectural Committee, and no odor shall be permitted to arise there from so as to render the DEVELOPMENT, of any portion thereof, unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. All such garbage which is put out for pickup, shall be in conformance with all appropriate standards established by the City or governing agency. Any approved trash containers shall be exposed to the view of neighboring Lots only when set out for a reasonable period of time (not to exceed twenty-four (24) hours before and after scheduled trash collection hours).

The owner is responsible for notifying her o his tenants of the day of garbage collection, so that said trash is deposited in the corresponding containers.

The garbage deposits in the security booths are exclusively for the use of the owners, as long as the trash being deposited there is a small bag or incidental trash, not trash accumulated during the week.

The breach of any of the obligations contained in this document will result in a fine to the owner in the terms of the document called Puerta del Mar Fines Policies

No dumping or other trash disposal is allowed in any of the greenbelts, vacant lots, Federal Zone areas, or any other common areas within PDM.

Section was amended by General Members Meeting OCT-23-21

XXV. VACANT HOUSES. It is recommended to notify Security and the ADMINISTRATOR about the houses that are not occupied or inhabited. Security will try to carry out daily inspections to ensure that the house is safe during the time it remains unoccupied. The ADMINISTRATOR and the Security Company must have the telephone numbers to be able to communicate with the owners in case of emergency. It is recommended that you make sure to set your burglar alarm and lock doors and windows when leaving your home.

ARTICLE 28. The construction of stairs in public areas is prohibited unless specifically approved by the ARCHITECTURAL COMMITTEE and/or the City, State or Federal Legislature.

ARTICLE 29. The Association, any person authorized by the Association, or any OWNER may enter any Lot in the event of any emergency involving illness or potential danger to life or property. Such entry shall be made with as little inconvenience to the OWNER as is possible, and in the event that any damage is caused by or as a result from said entry, the Association shall repair the same at its expense.

ARTICLE 30. The Association, or any person authorized by the Association, shall have the right to enter, upon reasonable notice, any Lot to perform necessary repairs which the OWNER has failed to perform, or which are necessary in connection with the repairs to the common areas or an adjoining Lot. Such entry shall be made with as little inconvenience to the OWNER as is possible, and in the event that any damage is caused by or as a result of said entry, the Association shall repair the same at its expense.

ARTICLE 31. CONFLICTS OVER THE ESTABLISHMENT OF NEW RULES PUT IN PRACTICE. The establishment of a new rule must be done gradually so that it allows the previous one to remain, until the new one is properly adapted and adjusted. Any decision resulting from such consideration shall be made at the discretion of the ASSOCIATION and shall be binding to all.

SECTION VI OPEN SPACES – COMMON AREAS

ARTICLE 32.- Open spaces are understood to be:

- I. PUBLIC ROADS (PRIMARY, SECONDARY, LOCAL AND WALKWAYS)
 1. COMMON AREA. The use of common areas is reserved exclusively and equitably for all OWNERS of lots, houses and/or condominiums, their guests, assignees, or lessees; however, the following restrictions apply:

USE. The use of the common areas will be regulated by the norms of conduct and will be subject to easement of access and rights reasonably imposed by the DEVELOPER for the construction and operation of the DEVELOPMENT, as well as to have access to paths, right of way and other easement of access for public services established by authorities, as well as others established for public or private services by the ASSOCIATION.