



RESIDENCIAL  
*Puerta del Mar*

## **New Home Building Process**

**June 10, 2006**

**SECTION II**

**CONSTRUCTION**

**PERMITS AND LICENSES**

**ARTICLE 13:** Prior to the commencement of any construction on private areas of the DEVELOPMENT, the OWNERS must first submit to the ASSOCIATION for its study, the plans and projects for the house to be built, so that it may be determined if it complies with the provisions herein contained. Once the project has been authorized by the DEVELOPER, the OWNERS must comply with the authorization procedures of the municipal authority, this so the project complies with the technical provisions of construction of the Ley de Edificación y Vivienda (Law of Edification and Housing), as well as with the provisions of these RULES AND REGULATIONS. In regards to the construction of houses and/or condominiums by the DEVELOPER, it will be subject to compliance with the Laws, Rules and Regulations and other applicable provisions in effect in the State of Baja California and the Municipality of Playas de Rosarito.

**ARTICLE 14:** In order to execute any other construction or edification, it is necessary to obtain a

Construction License issued by the proper municipal authority. The holder, owner or legal representative of the OWNER of the property lot must present before said authority the application for Construction License following the guidelines set forth in article 13 of this document.

**ARTICLE 15:** The municipal authority will supply proper forms to obtain said Construction License, which must be filled and signed by the OWNER or legal representative, by responsible and co-responsible directors, attaching, among others, the following documents:

Document that supports legal title of the property.

- I. Official (by catastro) and current Survey and document containing the physical delivery of the property by the DEVELOPER.
- II. Alignment and official number issued by the corresponding municipal authority.
- III. Document that supports that the OWNER is up to date in regards to the fiscal obligations pertaining to the property lot.
- IV. Approval document and authorized plans by the DEVELOPER and/or the ASSOCIATION.

**ARTICLE 16:** The following persons are to be held responsible for the compliance of the obligations established in the Ley de Edificación y Vivienda (Law of Edification and Housing):

- I. CONSTRUCTION DIRECTOR RESPONSIBLE: 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 grants his/her responsibility.
- II. OWNER RESPONSIBLE: Physical or artificial person that demonstrates property of the lot object of said construction.
- III. PROJECT DIRECTOR RESPONSIBLE: 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 grants his/her responsibility.

### **SECTION III**

#### **RULES OF DESIGN AND CONSTRUCTION**

##### **GENERAL PROVISIONS**

##### **ARCHITECTURAL COMMITTEE**

**ARTICLE 17:** The Architectural Committee is hereby authorized with the rights and powers set forth in this RULES AND REGULATIONS AS WELL AS IN THE By-Laws of the ASSOCIATION.. Said Committee shall consist AS ESTABLISHED AT 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

member he replaces. All members appointed or elected to the Architectural Committee by the ASSOCIATION shall be from the membership of the Association. No member of the Architectural Committee shall be liable to any person for his 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 hereunder. The Architectural Committee shall have the right and duty to promulgate reasonable standards against which to examine any request made pursuant to this Article, in order 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 this 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 or reconstruction of an 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 shall 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:

- a) 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:
- b) The appearance of any structure affected thereby will be in harmony with surrounding structures;
- c) The construction thereof will not detract from the beauty, wholesomeness and attractiveness of the Association Property, or the enjoyment thereof by the OWNERS; and
- d) 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 of 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.

**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 therefor 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 application submitted pursuant to the provisions above shall be deemed approved, unless written disapproval or a request for additional information or materials by the Architectural Committee shall have been transmitted to the applicant within forty-five (45) days after the receipt by the Architectural Committee of all required materials.

**ARTICLE 21: INSPECTION OF WORK.** Upon consent of the OWNER, which consent shall not

Architectural Committee may, at any reasonable hour and upon reasonable notice, enter and inspect any Lot which has been the subject matter of an approval of a submission for an Improvement to his Lot. 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 work 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 a noncompliance exists, the ASSOCIATION, after Notice and Hearing, may levy a Compliance Assessment against such OWNER for the costs of removing or remedying such noncompliance

**ARTICLE 22: NO WAIVER OF FUTURE APPROVALS.** The approval of the Architectural Committee to any submissions for any work 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 RULES AND REGULATIONS promulgated 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 this 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. No variance on heights will be allowed.

**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 thirty (30) 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 Reglas de Edificación Municipal (Rules of Municipal Edification). This is to say it must have the corresponding permit issued by Dirección de Obras Públicas, Planeación y Control Urbano. All OWNERS must comply with the following:

1. SUBMITAL PLAN REQUIREMENTS: Prior to the commencement of construction, (1) set of plans shall be submitted to the DEVELOPMENT 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 DEVELOPMENT Architectural Committee.
- 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) All exterior elevations with exterior materials and finishes noted and height dimensions.
- g) Exterior details, including chimneys, exterior stairs, decks, railings, deck columns, etc.
- h) At least one cross section of the structure indicating roof pitches and height.
- 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 occasionally request additional information in order to be able to visualize the proposed structure. Any and all changes and/or revisions made to the DEVELOPMENT Architectural Committee approved plans must be submitted and approved by the DEVELOPMENT Architectural Committee if such changes are made during construction or prior to the builder's Notice of New Construction Completion Form and Inspection of Work by the Architectural Committee.

2: RESUBMITTAL OF PLANS: In the event of any disapproval by the DEVELOPMENT

Architectural Committee of plan submittal, a re-submittal of plans will follow the same procedure as an original submittal.

3: NOTICE OF NEW CONSTRUCTION COMPLETION FORM AND INSPECTION OF WORK: A written Notice of New Construction Completion Form, which is attached to this document as **Annex B** must be given to the DEVELOPMENT Architectural Committee upon completion of any structure, prior to any request for a Certificate of Occupancy from the City of Rosarito. The Architectural Committee shall inspect the structure within thirty (30) days of receipt of any Notice of New Construction Completion Form to ensure that it was built in conformance with the approved architectural plans and colors and materials. If any noncompliance with the approved plans and/or colors and materials are found, the Architectural Committee shall deliver a Notice of Noncompliance to the builder within thirty (30) days after receipt of the Notice of New Construction Completion Form. The builder must remedy the noncompliance within forty-five (45) days after its receipt of a Notice of Noncompliance or the ASSOCIATION may correct the noncompliance at the builder's sole cost.

The Architectural Committee reserves the right to inspect and request any changes required to bring the structure into conformance with the approved plans.

4: ANCILLARY IMPROVEMENTS OR ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES: Additional construction, or ancillary improvements and/or changes after completion of an Architectural Committee approved structure must be submitted to the Architectural Committee or its delegate for approval prior to initiating such changes and/or additions. Owners must submit an Puerta Del Mar Architectural Modification Request, which is attached to this documents as **Annex C** for any improvements and a Neighborhood Signature Form, which will notify neighboring properties of your proposed modifications.

5: TIME LIMITATION OF 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 work 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 work in progress by the DEVELOPMENT 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: Approval of plans by the Architectural Committee and/or its delegates shall not be deemed to constitute compliance with the requirements of any local building, zoning, safety, health or fire codes and shall be the responsibility of the OWNER or other person submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the OWNER or his/her agent to comply with setbacks, height restrictions, or requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the Architectural Committee and/or its delegates. In addition, approval shall not waive the requirements for obtaining permits from the City of Rosarito (or any other governmental agency) nor does obtaining all required permits from the City of Rosarito (or any other governmental agency) waive the need for approval by the

Architectural Committee and/or its delegates. The Architectural Committee and/or its delegates will not knowingly approve a project that violates City of Rosarito building or zoning codes or those of any other governmental agency or entity, but takes no responsibility for plan conformance to any criteria other than these Design Guidelines.

All construction must further conform to the Puerta Del Mar Rules and Regulations, the Puerta Del Mar By-Laws and the Reglamento de la Ley de Edificaciones para el Municipio de Playas de Rosarito, Baja California.

- a) All construction must have appropriate permits, and all construction must be conducted by a licensed contractor with proper permits and insurance coverage.
- b) All contractors must register with the Security company and the HOA Management Company.
- c) During construction, a visible sign must be posted indicating the lot and block number of your lot.
- d) OWNERS are required to provide portable toilet facilities on the jobsite for your workers.
- e) OWNERS must control dust levels during excavation and grading activities. g) It is highly recommended that on each lot upon which construction is occurring should have on it's lot and available solely for that lot, a dumpster or other trash receptacle to hold the construction debris. If no trash receptacle is provided then construction debris should be removed on a weekly basis.
- f) Construction materials to be used for the construction on the lot, may only be stored on the lot for which the materials are to be used. It may not be stored on the street or any other lot.

9: ACTIONS FOR NON-COMPLIANCE: At any time during your 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 Reglamento de la Ley de Edificaciones para el Municipio de Playas de Rosarito, Baja California or the designs that the OWNER submitted for approval, the OWNER will be notified in writing with respect to these violations. The OWNER will be notified of the amount of time to correct these violations, and/or be advised of what must be done to comply. Should the OWNER continue to not comply or resolve these violations, the OWNER will be asked to cease all further construction until these 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. In addition, Puerta Del Mar security will be advised to not allow any construction workers, suppliers or sub-trades to enter the development that are working on construction projects that are in violation, or ask such individuals to leave the development until such violations have been corrected. This does not exclude any other additional liens and/or fines and penalties that may be levied as indicated in the Puerta Del Mar Fines Policy which is attached to this document as **Annex D**.

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.

## II. OF THE CONSTRUCTION.

- a) **CLEANING DURING THE CONSTRUCTION PERIOD:** The OWNER is obligated during and after the construction process to maintain his property lot and those of his/her immediate neighbors, free from any construction material, trash and other contaminants.
- b) **CONSTRUCTION TIMES:** Once the construction of a house is being started, by the OWNER, it will have a term of no more than 18 months to complete the works. The above referred in order 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 in order to determine the corresponding measures.
- c) **GROUND STUDIES:** It is the responsibility of the OWNER, before any construction begins, to conduct a study of ground mechanics of his property in order to determine the type of construction and foundation required, as well as other relevant and important information.
- d) **MAINTENANCE OF DRAINAGE:** When installing your drainage system, it is very important to insure that rain water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks and driveways. At no time may the grading on any site alter the drainage of any adjacent site. The roofs, balconies, and in general every construction must have proper drainage to prevent water runoffs from falling freely to public areas or neighboring lots. Whenever possible, drainage must be redirected to flow onto the street. At no time should clear water drainage be connected to the Puerta Del Mar sewer system. Each site OWNER is responsible for any erosion control that may be necessary to protect adjacent sites, or common areas from damage due to drainage or related erosion. All grey and black water must drain into the Puerta Del Mar sewer system.
- e) **OF HOUSES AND/OR CONDOMINIUMS BY THE DEVELOPER:** Every thing relative to condominiums will be governed by the Ley Sobre el Régimen de Propiedad en Condominio de Inmuebles del Estado de Baja California L.S.R.P.C.I.B.C.) and other laws, regulations and provisions in effect; In regards to the Houses, this will be governed by the Ley de Edificación y Vivienda, these RULES AND REGULATIONS and other applicable laws in effect.
- f) **PARKING:** Every lot must have 2 automobile parking spaces as a minimum. In regards to condominiums, this must be pursuant to the provisions in the Ley Sobre el Régimen de Propiedad en Condominio de Inmuebles del Estado de Baja California L.S.R.P.C.I.B.C.), these RULES AND REGULATIONS and other laws, regulations and provisions in effect.
- g) **PROVISIONAL INSTALLATIONS:** During the period of construction, the OWNERS must install portable restrooms for workers use, which must remain for the 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 withdrawn upon completion.
- h) **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.



- i) REGARDING THE CISTERN: the OWNER is responsible for constructing a cistern that permits him/her to hold as a minimum enough water to consume in a week, cistern that is to be maintained clean, covered by a flagstone of hydraulic concrete, and it's lid sealed as hermitically as possible.
- j) SITING: Each building site has its own specific qualities and characteristics. It is important that you look carefully at your site, observe its special assets and decide how each of these can best be used to increase the aesthetic value of the site to you and the community.
- k) Exterior grading will be adequate for drainage away from the structure and adjacent structures.
- l) Structures will be sited to complement existing or planned structures on adjacent sites. It is especially important that any altered drainage patterns not cause soil erosion on adjacent properties. Joint cooperation between adjacent site OWNERS is encouraged with respect to site grading.
- m) Existing and proposed grades on the site must be shown on all site plans submitted to the Architectural Committee with the architectural plan submittal, or its delegate with any subsequent submittal.
- n) No grading will extend beyond lot lines.

**ARTICLE 26:** The restrictions to be considered for the design of the edifications are the ones contained at the Construction Guidelines and Plan Approval Process document which is attached to this Rules and Regulations as **Annex E**

- a) **ANTENNAE:** No exterior radio or television antennas may be erected. 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.
  - c. The apparatus must be painted to blend with the color of the structure within ten (10) days of installation.
- b) **ARTISTIC DOORS** – Artistic 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**
  - c) **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 is attached to this document as **Annex G** .
  - d) **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.
  - e) **EXTERIOR MATERIALS:** Exterior finishes shall be restricted to stone, finished concrete or stucco. The DEVELOPMENT 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. Tile, concrete tile roofs are acceptable. Standard asphalt shingles are not acceptable. Window frames will be painted wood, natural wood, anodized painted aluminum or vinyl cladding.
  - f) **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 will these items be roof mounted or located in a window of the structure if visible.
  - g) **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.
  - h) **FLAGPOLES:** Flagpoles are prohibited
  - i) **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.

- j) 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.
  - a. In the following blocks only constructions with maximum height of **4.80 Meters**:
    - Block No. 4
    - Block No. 10
    - Block No. 14
    - Block No. 18
  - b. In the following blocks only constructions with maximum height of **7.00 Meters**:
    - 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
  - c. In the following blocks **there is no height restriction**:
    - Block No. 1
    - Block No. 6
    - Block No. 11
    - Block No. 15
- k) 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. Aboveground pools will not be allowed.
- l) LANDSCAPING -The lots must be landscaped in a way that erosion is controlled, does not affect the panoramic view of any other person and air quality is protected by reducing dust and loose dirt, and to serve as a vegetable barrier. Landscaped areas are to contribute in beautifying the DEVELOPMENT and saving energy and water, by using species acclimated to the region. Review and approval is required of all landscaping by the Architectural Committee or its delegate.

Landscaping additions, that were not part of the initial approved plan, must receive separate approval from the Architectural Committee or its delegate prior to installation. Landscaped areas must include and be covered with the following:

- a. Trees. One tree of at least five 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:

- i. Grass and plants with a maximum height of 45 cm. Covering a minimum of 20% of the total area of floor covering.
  - ii. 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.
- d. Trees and bushes may be distributed according to edification.
- m) **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 abutting property owners when plans are submitted for approval for any play and sports equipment.
- n) **SIGNS:** It is prohibited to place signs in residential lots, 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.
- o) **SETBACKS:** See Puerta Del Mar setback document for current rules.
- p) **SOLAR HEATING:** No solar heating panels or other solar energy collection equipment shall be installed on any portion of any lot or COMMON AREAS, or any Improvement thereon, unless such equipment is installed in such location and in such manner as to be obscured from the view of other persons in the DEVELOPMENT to the greatest degree practicable without significantly decreasing its efficiency. No person shall install any such panels or equipment without the prior written consent of the Architectural Committee, which shall have the right to reasonably restrict and determine the size, shape, color, style, materials or location of any such panels or equipment within the DEVELOPMENT.
- q) **STYLE OF HOUSE – Houses must conform to the design elements of Mediterranean, Southwestern or Spanish designs as referenced in the Construction Guidelines and Plan Approval Process:**
  - a. Spanish House Styles (**Annex I**)
  - b. Mediterranean House Styles (**Annex J**)
  - c. Southwestern House Styles (**Annex K**)
- r) **WALLS AND FENCING:** Frontal walls, back walls and lateral walls outside the area occupied by the frontal easement of access must comply the limits established at the Construction Guidelines and Plan Approval Process and with the Wall and Fence Height Guidelines, which is attached to this document as **Annex L**, in special cases the DEVELOPER and/or ASSOCIATION may modify this height by request of the OWNER of the lot.

Frontal, back and lateral walls must be constructed of concrete or concrete block and finished, or stucco and must be painted with approved association colors. Frontal walls may also include natural stone, subject to the approval of the DEVELOPMENT Architectural Committee. Solid walls or structures such as courtyard entrances in the front of the house cannot exceed 50% of the total property width. Wall heights cannot exceed 2.00 meters in height.

Wrought iron is approved for fencing in the front of the house, as long as it does not

exceed 2.00 meters in height. Wrought iron fencing must be painted black or white unless otherwise approved by the Architectural Committee.

No wall or fencing will be installed in such a way that it impedes drainage. Wood fencing is not allowed.

- s) 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. No reflective materials may be used which create a mirror effect from the outside. No materials such as sheets, paper, or foil will be permitted.
  - b. Changes to exterior windows and window treatments or a new installation require the approval by the Architectural Committee.
  - c. Exterior wrought iron security bars are prohibited unless approved by the Architectural Committee.
- t) In reference to lots destined to the construction of CONDOMINIUMS, this will be regulated by L.S.R.P.C.I.B.C. and other laws, regulations and provisions in effect

## **ANNEX – REFERENCED AND SUPPORTING DOCUMENTS**

- A. Puerta Del Mar New Construction Plan Approval Application
- B. Notice of New Construction Completion Form
- C. Puerta Del Mar Architectural Modification Request Form
- D. Puerta Del Mar Fines Policy
- E. Construction Guidelines and Plan Approval Process
- F. Artistic Doors
- G. Approved House Colors
- H. Puerta Del Mar Height Guidelines
- I. Spanish House Styles
- J. Mediterranean House Styles
- K. Southwestern House Styles
- L. Wall and Fence Height Guidelines