



RESIDENCIAL
Puerta del Mar

Rules and Regulations

June 10, 2006

RESIDENCIAL

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Rules and Regulations

CHAPTER 1

GENERAL PROVISIONS

SECTION I

INTRODUCTION

ARTICLE 1.- RESIDENCIAL “PUERTA DEL MAR” is an urban development created with the purpose to cater to the specific needs, priorities, goals and objectives of a group as well as to pay attention to general problems faced by society as a whole; RESIDENCIAL “PUERTA DEL MAR” has as it’s objective the creation of a safe and healthy way of living improving the quality of life of it’s residents, favoring social interrelations through the appropriate settings that promote proper personal contact.

ARTICLE 2.- These Rules and Regulations are legally substantiated in articles 65 and 71 of the Ley de Desarrollo Urbano del Estado de Baja California (Urban Development Law of the state of Baja California) that has as it’s objective to establish norms for the utilization of property of zones with similar characteristics, called sub-sectors or colonias catastrales, in regards to their primary use, size of property, type of construction, urban infrastructure and socioeconomic index of it’s inhabitants.

ARTICLE 3.- Definitions in regards to these Rules and Regulations:

I.- ASSOCIATION.- refers to the Civil Association that must be incorporated pursuant to the provisions of these RULES AND REGULATIONS and the By Laws that govern said Civil Association.

II.- DEVELOPER.- refers to PDI Inmobiliaria, S.A. de C.V.

III.- The DEVELOPMENT.- Refers to RESIDENCIAL “PUERTA DEL MAR”.

IV.-NON SALEABLE AREAS.- are those fractions of land property destined in general for urban equipment of the DEVELOPMENT, property of agencies and/or donations, which are administrated for common use of the community. In order to establish maintenance fees and pursuant to all provisions in these Rules and Regulations, all non saleable areas are to be included said fees. Non Saleable areas specifically include Lot 2 Mza 5; Lot 25 Mza 18; Lot 23, 24, 25, 26, Mza 15; Lot 28 Mza 14 as indicated on the Puerta Del Mar Lot Plan. No owner can build any structure either permanent or temporary, or alter any of these areas without the written approval of the Home Owners Association.

V.- RULES AND REGULATIONS.- refers to the Rules and Regulations of this DEVELOPMENT.

VI.- OWNER(S).- Any physical or artificial person that has acquired under any title, the property of one or more land lots, houses and/or condominiums of the DEVELOPMENT, as well as those who acquire by any legal means the rights to use and enjoy the same.

VII.- SALEABLE AREAS.- Portions of any land property not destined for common use, urban equipment, green areas, donations, public roads and reserved zones, and in general those specified as such by the plans approved by the municipal authorities.

SECTION II

OBJECTIVE OF THE RULES AND REGULATIONS

ARTICLE 4.- These Rules and Regulations have as their objective the conservation and regulation of the integrity of the property, its use, utilization, and possession of the land lots, houses and/or condominiums resulting from the DEVELOPMENT; regulate maintenance and conservation work within to preserve the urban image, as well as to govern the uses of the spaces in common areas and open spaces, propitiating with it property appreciation and a better quality of life for the community.

ARTICLE 5.- These RULES AND REGULATIONS are to be applied to all property that integrates the DEVELOPMENT, the compliance and enforcement of which is to be the responsibility of the owners, buyers and/or clients, lessees or any other person with legal possession of one or more properties. All persons by the acquisition of title of any rights regarding one or more land lots, houses and/or condominiums of the DEVELOPMENT, are obligated to become and remain a member of the ASSOCIATION, comply with its By-laws, RULES AND REGULATIONS, conduct rules, design rules and any other applicable laws. Also agreeing to obligate his/her/their successor(s) or assignee in regards with this article, and that he/she/it will have joint obligation in regards to maintenance fee payments, fines and damages caused to other members of the ASSOCIATION and of all costs and fees from lawyers derived from any legal action.

SECTION III

DEVELOPER'S STATEMENTS

ARTICLE 6.- These RULES AND REGULATIONS are made in agreement with the trust in which Banco Bilbao Vizcaya-México, S.A., Institución de Banca Múltiple is the fiduciary and the DEVELOPER the trustee in second place of the property entered in said trust, which has a surface of 18-10-51.05 hectares.

ARTICLE 7.- The DEVELOPER declares that it acquired the capacity of trustee in second place and that the objectives of the mentioned trust are that the trustee in second place either by its own or by third parties, develops and constructs a residential

development in the property of the same, located at Km 55+000 of the toll free road Tijuana-Ensenada, in the municipality of Playas de Rosarito, said property has 181,051.05 square meters, and it's registered in the Public Registry of Property and Commerce of Playas de Rosarito, under number 6'000,064 of the civil section, dated December 10th, 1999.

CHAPTER 2

COMPONENTS AND CHARACTERISTICS OF THE DEVELOPMENT

SECTION I

DEVELOPMENT WORK

ARTICLE 8.- The DEVELOPER is obligated to carry out and construct the following development work:

- a) Anti-fire system.
- b) Drain system independent from black water system, with installations to capture and direct water flow.
- c) Electricity net (subterraneous)
- d) Guarantee the distribution and supply of drinkable water, connected to the supply source approved by the Comisión Estatal de Servicios Públicos (State Public Service Commission).
- e) Guarantee of technical and legal solution of sanitary drainage through the proper treatment of black waters, dumping the residual waters in a place approved by the Comisión Nacional del Agua (National Water Commission) and fulfilling the conditions specified by proper authorities to ensure the preservation of ecological equilibrium.
- f) Landscaping and installations for it's maintenance.
- g) Land marking of lots, blocks and/or control points for land surveys.
- h) Metallic Plates of signs and nomenclature on concrete bases.
- i) Opening Roads and paving them in asphalt.
- j) Opening access to DEVELOPMENT.
- k) Public lighting.
- l) Safeguards of sidewalks and curbs.
- m) Superficial and Subterraneous rain water drainage, with the necessary installations to capture and properly direct runoffs to points authorized by the corresponding authorities, as well as protection work to hold solids and preventive work to prevent erosion of land inside and out of the DEVELOPMENT.

ARTICLE 9.- The DEVELOPER is not obligated to carry out or construct developing construction work not mentioned as obligatory in the agreement of authorization granted by the municipal authorities.

SECTION II

LAND USE

ARTICLE 10.- All property lots within the DEVELOPMENT have been classified in agreement to the use of land approved in the following manner:

- a) CONDOMINIUM.- Those assigned to hold several housings per lot, under the condominium property regimen
- b) DONATION TO THE MUNICIPAL GOVERNMENT.- The use given to said properties will be determined by the municipal authorities.
- c) ECOLOGICAL PRESERVATION AREAS.- Areas that must be preserved in their natural state.
- d) GREEN AREAS.- Land lots feasible to hold green or recreation areas
- e) PUBLIC ROADS.- fractions of land destined to hold free and public circulation of people or vehicles, or any other transport means, as well as to hold public services installations.
- f) SINGLE HOUSING STRUCTURE.- Those assigned to hold exclusively one house per lot.

Private areas are for the exclusive use and benefit of the OWNER of the corresponding lot, the use or destination of the land for each lot must be used exclusively for the purpose and use for which it has been approved in the DEVELOPMENT. Any violation of the approved purpose given to the property lot, constitutes a cause for rescission of the corresponding contract by which the property of the lot was transmitted or compromised.

The ASSOCIATION, the DEVELOPER or their duly authorized representatives will have the right at any time, without any responsibility toward the OWNER, to enforce all provisions herein contained.

ARTICLE 11.- Public Roads and access ways are imprescribable and untransferable and only by decree issued by the State Congress can they be taken out of Public Domain, specific cases in which said limitations would cease.

CHAPTER 3

URBAN IMAGE AND IT'S ORDER

SECTION I

NATURAL SETTINGS

ARTICLE 12.- Natural Settings are composed of:

- Bodies of Water
- Climate
- Runoffs
- Topography
- Vegetation and Trees

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:

- I. Document that supports legal title of the property.
- II. Official (by catastro) 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 in regards to the fiscal obligations pertaining to the property lot.
- V. 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 may, by a majority vote of the members thereof, delegate any of its rights and responsibilities hereunder to one (1) 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 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 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 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.

- a) 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.
- b) All construction must have appropriate permits, and all construction must be conducted by a licensed contractor with proper permits and insurance coverage.
- c) All contractors must register with the Security company and the HOA Management Company.
- d) During construction, a visible sign must be posted indicating the lot and block number of your lot.
- e) OWNERS are required to provide portable toilet facilities on the jobsite for your workers.
- f) 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.
- h) 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 ASSOCIATION 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.

- i. Exterior grading will be adequate for drainage away from the structure and adjacent structures.
- ii. 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.
- iii. 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.
- iv. 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:

- 1.- Each dish or antenna must be located in the least conspicuous area possible to minimize visual clutter.
 - 2.- 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.
 - 3.- 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.

- 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

- 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

- In the following blocks a CONDOMINIUM will be constructed. No structure in these blocks 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

- 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. Above-ground 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) Bush. 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:
 - 1 - Grass and plants with a maximum height of 45 cm. Covering a minimum of 20% of the total area of floor covering.
 - 2 - 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.- There are no front, side or rear yard setback requirements for lots within the DEVELOPMENT. However front lot setbacks are encouraged to enhance the curb appeal of your home. No structure or protrusion is allowed to be built or to extend beyond the owner's property line.
- 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:

1. Spanish House Styles (**Annex I**)
2. Mediterranean House Styles (**Annex J**)
3. 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 requires 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.

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

- 1) **ASSOCIATION'S RIGHT TO REPAIR NEGLECTED LOTS.-** In the event that any OWNER(s) shall in the ASSOCIATION's opinion permit any property which is the responsibility of the OWNER(s) to maintain to fall into a dangerous, unsafe, unsightly or unattractive condition as determined by the ASSOCIATION, then the ASSOCIATION shall have the right to demand that such condition be remedied. Should the condition not be remedied within fifteen (15) days, the ASSOCIATION shall have the right, but not the obligation, to correct the condition, and to enter upon the portion of the Project which has fallen into such condition for the purpose of doing so. The OWNER shall promptly reimburse the Association for the cost of the corrective action, including, but not limited to, the Association's legal costs should the ASSOCIATION determine it is in its best interests to obtain a court order to effect such remedies.
- 2) **ALTERATION OF PUBLIC AND COMMON AREA IMPROVEMENTS.-** 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.
- 3) **CLOTHESLINES AND STORAGE.-** All clotheslines, refuse 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.
- 4) **COMMERCIAL ACTIVITY.-** No professional, commercial or industrial operations of any kind shall be conducted in or upon any Lot or the ASSOCIATION Property, except such temporary operations as may be approved by a majority of a quorum of the ASSOCIATION.
- 5) **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.
- 6) **DOMESTIC EMPLOYEES - CASUAL WORKERS.-** 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. OWNERS shall be responsible to ensure their employees /workers comply with all security requirements as well as all rules of the ASSOCIATION

- a. Domestic employees are allowed to be on the development between the hours of 06h00 and 20h00 daily. Any extensions to these hours are to be applied for through the ASSOCIATION Management Company. Domestic Employees are not allowed to receive visitors while on the development.
- 7) EASEMENTS OVER SIDEWALKS.- Each and every OWNER, his tenants and invitees shall have nonexclusive reciprocal easements appurtenant on and over all sidewalks located on Lots within the DEVELOPMENT for pedestrian access, use and enjoyment.
 - 8) FIREWORKS.- The letting off of Fireworks within the DEVELOPMENT is strictly prohibited at all times.
 - 9) GREEN AREAS.- It is strictly prohibited to extract, substitute or alter in any way the distribution of plants and trees in green areas of the DEVELOPMENT.
 - 10) IMPROVEMENTS.- There shall be no construction, alteration or removal of any Improvement in the DEVELOPMENT 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.
 - 11) LEASING. No OWNER shall be permitted to rent or lease his Lot for transient or hotel purposes or for a period of less than seven (7) consecutive days, and must be to the same person(s) for the period. No OWNER may rent or lease less than the entire Lot, unless otherwise approved by the ASSOCIATION. All rental and lease agreements shall be in writing and shall provide that the terms of such agreement shall be subject in all respects to the provisions of the ASSOCIATION, and that any failure by the tenant or lessee to comply with the terms of such documents shall constitute a default under such agreement. Other than the foregoing, there are no restrictions on the right of an OWNER to rent or lease his Lot.
 - 12) 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.
 - 13) NO 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.

- 14) NO TEMPORARY STRUCTURES.- No tent, shack, trailer or other temporary building, improvement or structure shall be placed upon any portion of the DEVELOPMENT except with the approval of the ASSOCIATION.
- 15) NO UNSIGHTLY ARTICLES- No unsightly articles shall be permitted to remain on any property so as to be visible from any other portion of the Properties. All unsightly conditions, structures, facilities, equipment, objects and conditions shall be enclosed within a structure.
- 16) OPEN FIRES AND BURNINGS - there will be no exterior fires whatsoever except for barbeque fires or firepits located only upon 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.
- 17) REPAIR AND MAINTENANCE BY OWNER.- Except as the ASSOCIATION shall be obligated to maintain and repair as may be provided in this RULES AND REGULATIONS, every OWNER shall maintain the exterior of his Residence, including, without limitation, all walls, sidewalks, exterior lighting fixtures, landscaping, driveways, fences, hose bibs, roofs, patios, patio covers, decks, deck covers, balconies, windows, screens, locks and doors of his Residence, and all other Improvements located on such OWNER's Lot in a neat, clean, safe and attractive condition at all times, and make all repairs as they may be required.
- 18) REPORTING TO SECURITY.- Security is a shared responsibility. OWNERS must report any suspicious or unlawful occurrence to Security and/or the ASSOCIATION Management company immediately as it is seen or perceived.
- 19) PRIVATE RESIDENTIAL DWELLING.- Each Lot shall be used as a private residential dwelling and for no other purpose.
- 20) SPEED LIMIT.- OWNER is obligated to obey the speed limits and other traffic signals within the DEVELOPMENT. The speed limit throughout the DEVELOPMENT is 25 kilometers 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.
- 21) STRUCTURAL CHANGES - There shall be no structural alteration, construction or removal of any Residence, fence or other structure whatsoever in the Project without the prior written approval of the Board or its designated Architectural

Control Committee, as required herein, except such works of construction by Declarant during the development of the Project.

- 22) **STORAGE OF HARMFUL SUBSTANCES.-** No harmful or inflammable substances, may be kept on the DEVELOPMENT. This rule shall not apply to the keeping of such substances and in such quantities as may reasonably be required for domestic purposes.
- 23) **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 refuse 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).

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

- 24) **VACANT HOUSES.-** It is advisable to report vacant or unoccupied houses to Security and the ASSOCIATION Management Company. Security will attempt to conduct daily inspections on the property to ensure all is well for the period the house is unoccupied. Contact numbers must be supplied to the ASSOCIATION Management Company and Security in case of an emergency. Please ensure that buglar alarms are armed and all windows and doors are secured prior to leaving.

ARTICLE 28 - Stair construction in public areas is prohibited unless specifically approved by the Architectural Committee and/or any City, State or Federal legislation.

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 practicable, and in the event that any damage shall be proximately caused by or 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 effect necessary repairs which the OWNER has failed to perform or which are necessary in connection with the repairs to the COMMON AREA or an adjoining Lot. Such entry shall be made with as little inconvenience to the OWNER as is practicable, and in the event that any damage shall be proximately caused by or result from said entry, the Association shall repair the same at its expense.

ARTICLE 31 – CONFLICT OF EXISTING PRACTISE WITH NEW RULES -
Consideration may be given to allow the relaxation of a new rule, to permit the existing practice to remain, or be suitably adjusted and reconciled. Any decision resulting from such consideration shall be entirely at the Board's discretion and shall be binding on all parties.

SECTION IV

OPEN SPACES – COMMON AREAS

ARTICLE 32.- It is to be understood by open spaces:

I. PUBLIC WAYS (PRIMARY, SECONDARY, LOCAL AND WALKWAYS)

I.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:

I.2.- 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 at any time by the ASSOCIATION.

I.3.- Delegation of COMMON AREAS Use Rights. Any OWNER who resides within the DEVELOPMENT may delegate, his rights of use and enjoyment to the COMMON AREAS to the members of his immediate family and any other persons residing within his residence. In the event an OWNER has rented or leased his residence, his rights of use and enjoyment to the COMMON AREAS shall be automatically delegated to his tenants or lessees for the duration of their tenancy, and the OWNER shall forfeit any rights of use and enjoyment to the COMMON AREAS for the duration of such tenancy. In the event of a conditional sales contract, the seller under the contract shall be deemed to delegate his rights of use and enjoyment to the COMMON AREAS to the purchaser under the contract.

I.4.- Title to the COMMON AREAS. DEVELOPER hereby covenants, that it will convey title to the COMMON AREAS to the Association free and clear of all encumbrances and liens, except property rights in and to the COMMON AREAS which are of record or created herein and current real property taxes, which taxes shall be prorated to the date of transfer. Said conveyance shall be made to the Association prior to or concurrently with the first conveyance of a Lot in the DEVELOPMENT.

I.5.- Repair of Willful Damage to COMMON AREAS. Notwithstanding the Association's duty to maintain the COMMON AREAS, in the event that the maintenance, repair or replacement of any element of the COMMON AREAS becomes necessary due to the willful or negligent acts or omissions of any OWNER, his family, guests or invitees, after prior Notice and Hearing, the Association shall assess the cost of such maintenance, repair and/or replacement as a Compliance Assessment against the Lot owned by such OWNER.

II. ACCESS

III. PARKS

IV. ECOLOGICAL RESERVED ZONES

V. PUBLIC SERVICES (CFE, TELNOR, CESPT)

VI. FEDERAL ZONE: The land within 20 meters of the average high tide of the ocean is federal property. This land is called the "Maritime Terrestrial Federal Zone" (Federal Maritime Land Zone), commonly called the "federal zone". No owner can build any structure either permanent or temporary, or alter any of these areas without a concession from General Administration of the Federal Maritime Terrestrial Zone and Coastal Environment, stating what use they intend to make of the property, and in some cases presenting an environmental impact statement. No application for such a concession can be made without the prior written approval of the Home Owners Association.

ARTICLE 33.- DEVELOPER hereby covenants, that each and every OWNER, his tenants and invitees shall have nonexclusive reciprocal easements appurtenant on and over all sidewalks located on Lots within the DEVELOPMENT for pedestrian access, use and enjoyment.

ARTICLE 34.- STORAGE AND PARKING OF VEHICLES - All vehicles in the DEVELOPMENT shall be parked in accordance with the following:

- a) All streets within the DEVELOPMENT are public and are subject to all applicable laws, ordinances and regulations of all governmental agencies having jurisdiction over the DEVELOPMENT. All such special restrictions shall be enforced by the ASSOCIATION, in accordance with Section 13 hereof.
- b) No OWNER shall park, store or keep any large commercial type vehicle or any recreational vehicle (including, but not limited to, campers, motor homes, trailers, boat trailers, boats, aircraft, mobile homes or other similar vehicles) on his Lot, streets within the DEVELOPMENT or any portion of the COMMON AREA except that any such vehicle may be otherwise parked as a temporary expedient for loading, delivery or emergency. Further, no OWNER shall park any standard passenger automobile except wholly within his respective garage, or on his driveway, provided such automobile does not extend beyond the curb line. This restriction, however, will not restrict trucks or other commercial vehicles which are necessary for construction or for the maintenance of the Sites, Common Elements, other property or any improvements. Off-street parking will be limited to the paved areas of the driveway
- c) Each OWNER shall keep his garage readily available for parking of his respective vehicle and shall not store any goods or materials therein, nor use any portion of the garage for a workshop or other use if such storage or use would prevent said OWNER from parking any of his respective vehicles therein.

- d) All garage doors shall remain closed at all times, except as reasonably required for entry to and exit from the garage.
- e) No OWNER shall conduct major repairs to any motor vehicle of any kind whatsoever in his garage or upon the COMMON AREA, except for emergency repairs thereto and then only to the extent necessary to enable the vehicle to be moved to a proper repair facility.
- f) Other than golf carts or maintenance equipment, motorized vehicles are not to be driven on streets, greenbelts or common areas. This includes motorcycles, mini-bikes, etc. Such vehicles will not be stored as to be visible from any of the sites.
- g) Also OWNERS will be responsible for keeping his visitors from double parking and obstruction neighbors parking entrances disturbing public order, and for them obeying all traffic signals and speed limits.
- h) Homeowners and guests may not park on the street or common area spaces for more than a 72 hour period without prior written approval from the Board.
- i) Any person who violates this provision will be fined with the Association's Fine Policy for each violation to this safety measure.

ARTICLE 35. - SAFETY REGULATIONS – PUERTA DEL MAR SWIMMING POOL AND SPA

The following Swimming Pool Policy is adopted by The Puerta Del Mar Board of Directors. This policy will remain in effect until further notice. These rules apply to the pool, spa and clubhouse area.

Pool privileges are dependent upon observance of these rules and current status of the regular monthly homeowner's payments. Only residents and guests accompanied by residents are permitted to use the pool.

Social Functions: Each household may have not more than six guests, or one family (parents and children of immediate family), per day at the pool, and the hosting household must accompany their guests. Households may host social functions for parties up to 25 persons, with Board approval. Restrictions for such events are listed on the Waiver/Security Agreement to Host a Social Function at Pool/Recreational Area, which is attached to this document as **Annex M**.

General Regulations:

1. Anyone under the age of 13 must be accompanied by a parent, guardian, or designated person who is at least 18 years old. The supervising person must be present, at all times, within the pool area and observing all activity of the person(s) under their supervision. All unsupervised children under the age of 13 will be asked to leave the pool premises. Please notify the Board immediately of any infractions.

2. The entry gates to the pool are equipped with key locks, and the pool area will be normally locked at 10:00PM.
3. Pool hours are 7:00 AM to 10:00PM daily. The Board may, from time to time, close the pool for planned and unexpected repairs.
4. Diving, running, and “horseplay” are prohibited in the entire pool area.
5. Glass containers and pets are prohibited.
6. Each resident shall clean up after themselves and their guests or children before they leave the pool area.
7. Penalties for infractions will be as follows:
 - a) Loss of pool privileges for one month for the first offense.
 - b) Loss of pool privileges for one year for the second offense.

Infractions are defined as: documented violation by any homeowner, in writing or by phone call to the Board of Directors, and subject to appeal at the next Board meeting. The penalty will take effect as of the date of that meeting.

ARTICLE 36. - RESTRICTIONS FOR SOCIAL EVENTS AND ENTERTAINING AT THE PUERTA DEL MAR SWIMMING POOL AND CLUBHOUSE AREA

Only residents of Puerta Del Mar may reserve the pool and clubhouse area on a first come/first serve basis. Contact a designated Board or Committee representative to reserve a day and time. Residents who wish to host a social gathering (up to twenty five (25) guests per household) shall then submit a Waiver/Security Agreement, at least one week in advance if possible, to the Board of Director's, who will approve such requests. No party/gathering shall interfere with the normal use of the facilities by other residents and their guests.

The owner shall provide a cleaning/damage deposit of \$100.00 with the request. The owner reserving the pool and spa area is fully responsible for any and all damages to this and all associated facilities within Puerta Del Mar. This responsibility is not limited to the amount of the deposit. The deposit will be refunded if the area is clean and no damage has been sustained.

The owner must sign and enter into a Waiver/Security Agreement with the Board of Directors. The owner is at all times responsible for his/her guests.

Social events at the pool will be limited to twenty five (25) guests. Glass containers are prohibited. Music and noise level shall be such that it does not disturb adjacent homes. No live bands are permitted.

The Puerta Del Mar Homeowners' Association does not condone the serving of alcoholic beverages. The owner shall be responsible for his/her guests alcohol intake.

No party, social gathering shall last more than six hours. The party/gathering must be over by 12:00 midnight.

The owner and guests will observe all pool rules, and will remove all trash and dispose of it properly.

Since Puerta Del Mar does not have a pool lifeguard, the owner will assume full responsibility for any and all pool and spa use. The owner further agrees to hold the Puerta Del Mar Homeowner's Association, owners, and residents harmless against any and all liability incurred as a result of the use of the pool, spa and clubhouse area.

Exceptions may be made for Association sponsored events.

ARTICLE 37. - TENNIS COURT/MULTI-PURPOSE COURT REGULATIONS

1. The tennis/multi-purpose court is exclusively for the use of members in good standing of Puerta Del Mar Association and authorized guests. Trespassing on the court and/or use by unauthorized individuals is strictly prohibited.
2. Appropriate attire will be worn on the court, including proper flat-soled tennis shoes. Hard-soled shoes, cleats, soccer shoes, etc., are prohibited.
3. Glass bottles, alcoholic beverages, and food are prohibited on the tennis court/multi-purpose court.
4. Only the use of tennis equipment is permitted in the tennis court area.
5. The tennis court/multi-purpose court will only be available for use during daylight hours.
6. Use of the tennis court/multi-purpose court is on a first-come, first-served basis and is limited to one hour of play when other members of the community and/or authorized guests are waiting. If the tennis court/multi-purpose court is being used upon your arrival, you are requested to sign up on the designated board to establish a priority waiting list.

ARTICLE 38. – COMPLAINTS AND REPORTS OF VIOLATIONS

Association members and residents can report violations to the Board of Directors and/or the Homeowner's Association Management Company. To properly enforce the rules and regulations of the governing documents, clearly and accurately state each violation on the form – **ANNEX N**. Your personal information is not shared with other homeowners.

SECTION V

URBAN FURNISHINGS (USES AND MAINTENANCE)

ARTICLE 39.- Urban Furnishings are to understood as:

1. BENCHES
2. BARRIERS FOR VEHICLES
3. FOUNTAINS
4. INFORMATION MODULES
5. LIGHT FIXTURES
6. MAILBOXES
7. PUBLIC TELEPHONES
8. PUBLIC TRANSPORT PICK UP AREAS
9. SIGNS
10. TRASH DEPOSITS

SECTION VI

SIGNS

ARTICLE 40.- The following form part of the signaling:

- a) TO INFORM AND PROMOTE
- b) TO GUIDE
- c) TO PREVENT AND RESTRICT

CHAPTER 5

SECURITY AND ENFORCEMENT OF THE RULES AND REGULATIONS

SECTION I

EDIFICATION

ARTICLE 41.- The municipal authority is responsible for the compliance with laws and regulations pursuant to edification, and it has the capabilities to detect unlicensed construction, suspension of same, notices, warnings and summons.

ARTICLE 42.- The OWNERS of the DEVELOPMENT must incorporate a Civil Association (A.C.), These RULES AND REGULATIONS referred to it as ASSOCIATION, and it will be governed by the guide lines set forth in these RULES AND REGULATIONS and by it's own By-laws.

ARTICLE 43.- The ASSOCIATION will have as it's objective, among others, to administrate, preserve, maintain and supervise the operation, acquisition and construction of the DEVELOPMENT, it will also have the capability to establish and collect the necessary fees for maintenance, to pay public lighting and preserve in a good conservation state public areas and general services of the DEVELOPMENT, to serve and supply any service that the authorities are not capable of supplying on time, maintaining optimal quality in the DEVELOPMENT, and which will have the rights and responsibilities established in its own By-laws and in these RULES AND REGULATIONS.

The ASSOCIATION's remedies for non-payment of Assessments, including, but not limited to, an action to recover a money judgment, Assessment lien and right of foreclosure and sale, are cumulative and in addition to and not in substitution of any other rights and remedies which the Association and its assigns may have hereunder or at law.

The charge for a returned check from any OWNER is \$25 plus bank charges incurred by the Association.

ARTICLE 44.- Every OWNER is obligated to become a member and participate in said ASSOCIATION.

ARTICLE 45. – ERRORS AND OMISSIONS - If there is an omission or error in the declaration, or other instrument of the Rules and Regulations of the Association, the Association may correct the error or omission by an amendment to the Rules and Regulations, or other instrument in such respects as may be required by vote of two-thirds of the members of the board of directors or by a majority vote of the owners at a meeting called for this purpose, unless the By-Laws of the Association specifically provide for greater percentages or different procedures.

The procedures for amendments set forth in this subsection cannot be used if such an amendment would materially or adversely affect property rights of the owners unless the affected unit owners consent in writing. This Section does not restrict the powers of the

association to otherwise amend the declaration, bylaws, or other instruments, but authorizes a simple process of amendment requiring a lesser vote for the purpose of correcting defects, errors, or omissions when the property rights of the unit owners are not materially or adversely affected.

CHAPTER 6

PAYMENT OF TAXES

ARTICLE 46.- It is the obligation of the OWNER to pay property tax (predial), property acquisition tax (ISABI), as well as any other tax generated by the property, with the exception of income tax (ISR) which is paid by the seller, upon execution of the sales contract.

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
- M.** Waiver/Security Agreement to Host a Social Function at Pool/Recreational Area Form
- N.** Complaints and Report of Rules and Regulations Violation Form



Puerta Del Mar New Construction Plan Approval Application

Application Date: _____ New Plan: ☐ Resubmittal: ☐

Start of Construction: _____ Phase: _____ Block: _____ Lot: _____

Owner Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Res Ph: _____ Bus Ph: _____ Cell Ph: _____

Architect/Builder's Name: _____

Bus Ph: _____ Cell Ph: _____ Email: _____

Please Include With Your Application

1. **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.
2. All exterior elevations with exterior materials and finishes noted and height dimensions.
3. Exterior details, including chimneys, exterior stairs, decks, railings, exterior walls, fences, columns, patios, etc.
4. At least one cross section of the structure indicating roof pitches and indicated height and width of chimney(s), height of cupolas and any roof deck fencing.
5. Drawings must show the structure with lot lines to ensure no structure protrudes beyond the lot lines.
6. Drawings must clearly indicate the lot and block number .
7. Exterior color choice for the house, trim material, walls, doors and garage doors and any other structures.
8. **Please refer to the Puerta Del Mar Rules and Regulations for all construction requirements.**

CONDITIONS OF APPROVAL AND DISCLAIMER

During the approval process, the Association may require that an Architect, landscape consultant, attorney, contractor, etc., review the proposed plans. SUCH REVIEW(S) ARE VERY LIMITED IN SCOPE AND MAY NOT BE RELIED UPON BY THE OWNER TO ENSURE CORRECTNESS OF PLANS FROM EITHER A LEGAL, ARCHITECTURAL, STRUCTURAL, ENGINEERING, LANDSCAPING, ETC., STANDPOINT.

The applicant FURTHER AGREES AND REPRESENTS that, as a condition of submittal, they have independently reviewed and confirmed that the proposed plans are correct from a legal, structural, Architectural, engineering, and/or landscaping standpoint and will not in any way, other than that which has been disclosed in the application, negatively impact the Association or cause damage or additional maintenance to Association owned land and/or Association maintained property.

The applicant FURTHER AGREES AND REPRESENTS that the applicant will comply with all applicable laws and ordinances and will obtain all necessary permits in connection with the proposed plans. Applicant further agrees to send copies of all permits to the Association if requested prior to the actual implementation of the proposed plans.

PLEASE NOTE THAT APPROVAL OF THE PROPOSED PLANS BY THE ASSOCIATION DOES NOT CHANGE OR ABROGATE THE APPLICANT'S OBLIGATION TO OBTAIN ALL NECESSARY PERMITS AND/OR COMPLY WITH ALL APPLICABLE GOVERNMENTAL REGULATIONS. **THIS FORM MUST BE SUBMITTED WITH ALL PLANS. FAILURE TO PROVIDE THE INFORMATION REQUESTED WILL RESULT IN A REJECTION OF YOUR APPLICATION.**

Owner's Signature: _____ Date: _____



Notice of New Construction Completion

UPON COMPLETION OF YOUR HOUSE CONSTRUCTION:

1. Complete the following information and sign.
2. Return completed form with photos that clearly exhibit the completed work

Notice is hereby given that the undersigned Owner of the property located at:

Phase: _____ Lot: _____ Block: _____

New Construction on the described property was completed on:

Date: _____

In accordance with the Architectural Review Committee's written approval through the property owners Architectural Request for New Construction submission which was approved on (date of approval) _____

Owner Signature: _____

ARCHITECTURAL REVIEW COMMITTEE INSPECTION

DATE: _____ BY: _____

() INSPECTION APPROVED

() *INSPECTION APPROVED with the following condition(s):

() *INSPECTION DISAPPROVED for the following reason(s):

*Conditions and/or reasons must be addressed and corrected within 60 days. Upon completion, re-submit the Notice of Completion, with updated photos and the improvements will be reinspected by a member of the Architectural Committee.

NOTE: Puerta Del Mar Architectural Approval is required before submitting a request for a Certificate of Occupancy from the City of Rosarito.



Architectural Modification Request

As stated in the Rules and Regulations for Puerta Del Mar, the Architectural Committee must approve any modifications to the exterior of your home. Requests for modifications (including a drawing of the proposed modification) should be submitted to the Architectural Committee prior to any construction. Once the Architectural Committee has reviewed your request, you will be advised of the approval or denial.

Homeowners Name: _____

Phase: _____ Block: _____ Lot: _____

Res Ph: _____ Cell Ph: _____

Type Of Improvement:

Proposed Start Date: _____ Anticipated Completion Date: _____

Name of Contractor: _____

Phone: _____ Cell: _____

INCLUDE THE FOLLOWING INFORMATION WITH YOUR REQUEST:

1. Complete description of improvement or modification.
2. Location of improvement(s) and dimensions.
3. Complete dimensions of proposed improvement(s).
4. Measurements of improvement(s) in relationship to your neighbors.
5. Description of materials.
6. Two (2) complete set of plans, minimum size of 24" x 36" (594 x 841mm) with drawing scales indicated. One copy to be retained by the ASSOCIATION.
7. Signed copy of Approval and Disclaimer.
8. Completed Neighbor Statement.

Homeowners Signature(s)

Date



Architectural Modification Request

CONDITIONS OF APPROVAL AND DISCLAIMER

Unless specifically agreed otherwise in writing by the Board of Directors, approval of the submitted plans is expressly conditioned upon the owner agreeing to assume the cost for any additional maintenance directly or indirectly caused by the proposed modification(s), addition(s), or improvement(s).

During the approval process, the Association may require that its Architect, landscape consultant, attorney, contractor, etc., review the proposed plans. SUCH REVIEW(S) ARE VERY LIMITED IN SCOPE AND MAY NOT BE RELIED UPON BY THE OWNER TO ENSURE CORRECTNESS OF PLANS FROM EITHER A LEGAL, ARCHITECTURAL, STRUCTURAL, ENGINEERING, LANDSCAPING, ETC., STANDPOINT.

The applicant FURTHER AGREES AND REPRESENTS that, as a condition of submittal, they have independently reviewed and confirmed that the proposed plans are correct from a legal, structural, Architectural, engineering, and/or landscaping standpoint and will not in any way, other than that which has been disclosed in the application, negatively impact the Association or cause damage or additional maintenance to Association-owned land and/or Association maintained property.

The applicant FURTHER AGREES AND REPRESENTS that the applicant has complied with all applicable Federal, State, County and City laws and ordinances and has obtained all necessary permits in connection with the proposed plans. Applicant further agrees to send copies of all permits to the Association prior to the actual implementation of the proposed plans.

PLEASE NOTE THAT APPROVAL OF THE PROPOSED PLANS BY THE ASSOCIATION DOES NOT CHANGE OR ABROGATE THE APPLICANT'S OBLIGATION TO OBTAIN ALL NECESSARY PERMITS AND/OR COMPLY WITH ALL APPLICABLE GOVERNMENTAL REGULATIONS.

Dated: _____ Accepted by: _____
Applicants Signature

Applicants Name



Architectural Modification Request

PUERTA DEL MAR FACING AND ADJACENT NEIGBOR STATEMENT

For improvements, you must obtain signatures of **all** neighbors who have a view of your front yard. For side yard and rear yard improvements, your must obtain signatures of **all** neighbors who share your perimeter lot.

The signature is not an approval of your plans. It is intended to allow your neighbor(s) the opportunity to review and acknowledge the improvements that you plan to make. If a neighbor does not appear to be available or accessible, we suggest that you send the request form certified mail to document your attempt to contact the neighbor. (The certified mail receipt may be used in place of their signature if a neighbor should fail to respond.) Please keep a copy of the application for your records.

C	D	E
A	YOUR HOME	B
	YOUR STREET	
F	G	H

NEIGHBOR	PRINT NAME AND ADDRESS	COMMENTS (ATTACH ADDITIONAL COMMENTS TO THIS FORM)	ACKNOWLEDGING SIGNATURE	LOT #
A				
B				
C				
D				
E				
F				
G				
H				



Architectural Modification Request

UPON COMPLETION OF IMPROVEMENTS:

1. Complete the following information and sign.
2. Return completed form with photos that clearly exhibit the completed work

Notice is hereby given that the undersigned Owner of the property located at:

Phase: _____ Lot: _____ Block: _____

Completed the (type of improvement) _____

The work of Improvement on the described property was completed on:

Date: _____

In accordance with the Architectural Review Committee's written approval through the property owners Architectural Request for Home Improvement submission which was approved on (date of approval) _____

Owner Signature: _____

ARCHITECTURAL REVIEW COMMITTEE INSPECTION

INSPECTION DATE: _____ BY: _____

() INSPECTION APPROVED

() *INSPECTION APPROVED with the following condition(s):

() *INSPECTION DISAPPROVED for the following reason(s):

*Conditions and/or reasons must be addressed and corrected within 60 days. Upon completion, re-submit the Notice of Completion, with updated photos and the improvements will be re-inspected by a member of the Architectural Committee.



Fines Policy

Any violation that is an apparent violation of the documents and the Rules of the Association will be processed according to the procedures outlined below. A violation is defined as an act in conflict with the By-Laws and the Rules and Regulations of the Puerta Del Mar Homeowners Association.

1. A violation letter will be sent stating the violation and a date to which the violation should be cured.
2. Upon expiration of the cure date, if the violation has not been cured, a second letter will be sent stating that the failure to abide by the Association Rules and Regulations has imposed a hardship on the Association and that a fine is hereby levied. (See fine schedule below).
3. A hearing will be held regarding the violation.
4. Authorize the management company to assess a fine to the violating homeowner's account. This will be recorded in the minutes.

Note: A violation report can be filled out by an individual homeowner or a Board Member.

Fine Schedule

First Offense:	Warning letter.
Second Offense:	Second Letter and a Hearing with a fine of \$100.00 US.
Third Offense:	Letter with a fine of \$200.00 US, plus legal fees if applicable.
Fourth Offense:	Letter with a fine of \$300.00 US, plus legal fees if applicable.
Next Offense:	Each offense thereafter will increase by \$100.00 US to and including a \$500.00 US Fine. After such time a \$500.00 US fine will be levied for each offense recurring within a twelve month period.

Any fines not paid will result in legal action per the Association legal documents. The Board of Directors will determine the time frame for curing of offenses for each violator consistent with previously reported similar violations, as applicable.

Should a violation occur which imposes financial obligation of the Association then the party responsible for said violation shall reimburse, by way of a special assessment, the Association for this financial obligation. Example: Damage to common area property.



Design Review Process and Construction requirements

Introduction

Before any construction can start in Puerta del Mar, the design of your home must be reviewed and approved by the Architectural Committee, the objective of this review is to ensure that the proposed designs comply with the requirements outlined in the Puerta Del Mar Rules and Regulations and that Puerta del Mar develops in a harmonious and orderly manner. *This document outlines the Design review process and provides a summary of the Construction Requirements from start through completion.*

The Puerta Del Mar Rules and Regulations is where you will find the complete set of regulations pertaining to what is permitted and what is not allowed to do in regards to design and construction of your home. ***Owners and architects are encouraged to read and become familiar with the rules and regulations before you start the design for your home. This document is available online at the Puerta Del Mar web site (www.puertadelmar.net).*** Also available in the website is the contact information for the architectural committee members that will be reviewing your plans and the management company.

The Architectural Committee:

The architectural committee is in charge of reviewing your plans and conduct site inspections from time to time to check for compliance with the approved plans. Any questions regarding interpretation of the rules and regulations, corrections issued to your plans, etc, should be addressed to the architectural committee. Contact the management company or visit the Puerta Del Mar Website to contact the Architectural Committee.

Submittal of plans

Plans can be submitted at any time at the management's company offices. They will take in your plans, check them for completeness, process the application, and let the architectural committee know that your plans have been submitted. A detailed description of the submittal requirements is outlined further below in this document.

Plans are pick-up from the management company once a week. The architectural committee reviews them within a week or two. (Most plans are reviewed within a week). Plans are then sent back to the management company, which will notify you that your plans are ready. If the plans have corrections, then revised plans need to be resubmitted, following the same steps. If your plans have been approved, then you will go to the next step in the review process. Any questions in regards to starting the process, the status of the review, etc, should be addressed to the management company.

Review Fee:

A review fee of \$100.00 is required for the review of all new construction projects in Puerta Del Mar. The fee is to be paid when the plans are submitted for review. The fee will be used to cover the expense of hiring a qualified Architect to provide a competent review, as provided for in article 18 of the Puerta Del Mar Rules and Regulations. The goal of the architectural committee is to have a qualified professional architect provide a competent review of the projects intended to be constructed in Puerta Del Mar.



Design Review Process and Construction requirements

I. The Design Review:

A typical **project design** starts with **preliminary design plans** (colored floor plans, elevations or renderings), prepared by the architect to convey in a graphic, easy to understand way the overall dimensions, materials proposed and architectural features of the design. Once the preliminary design has been approved by the owner, the architect prepares **final construction plans**, which are drawings more technical in nature and that include structural, electrical, plumbing information required to obtain the building permit and to build the home.

The review of plans for your home **is also a two-part process**; intended to follow the development of your home design, that is, the architectural committee will be reviewing your plans as they are developed, not at the end of the process.

Part A: The Preliminary Plan Review.

Preliminary plans should be submitted to the architectural committee for review. These plans shall include the necessary information to demonstrate how the Design will conform to the requirements specified in the rules and regulations

The intent of this review is to identify early on the design process any non-conformances with the rules and regulations, and how best to resolve these before time and money is expended on construction drawings. If the project meets all the requirements, then the architectural committee will approve the start of construction plans.

Items to be reviewed include:

- **Architectural Design:** The appropriateness of the proposed design with the type of architecture in Puerta Del Mar and the approved house styles will be reviewed. All major design elements such as entrance gate/fences, balconies, trellises, shall be included.

It should be noted that special attention will be given to the overall design and aesthetics of the house during this review. House design that show appropriate scale and massing of the house and its proportion to the site will be required. Special attention will be given to the main elevation, with the aim to encourage inclusion of outdoor spaces such as small gardens, patios, colonnades and porticos or any other element that set the house apart from the street. Elevation offsets that create visual interest are encouraged. Designs with two or three story vertical walls up to the property line will not be considered appropriate without some vertical offset to minimize the appearance of disproportionate bulk.

- **Heights:** Total height of the House, height of property line walls and fences, percentage of solid property wall at the street frontage,
- **Materials and finishes:** Show proposed materials and finishes proposed for all major components such as walls, roofs, fascias, windows, guardrails, garage doors, fences, perimeter walls, etc.
- **Site Design:** Landscaped and patio areas need to be clearly shown, also show any items that may impact neighboring homes, such as: Construction next to property lines, roof and site drainage, retaining walls & basement next to neighbor' homes, water infiltration, privacy issues, etc).



Design Review Process and Construction requirements

Submittal Material:

Your preliminary review package should include the following information as a minimum. All drawings need to be to scale. Provide one set of originals (color) and a legible copy.

1. **Project Information:** indicate the lot and block number, owner's and architect's name and contact information. Provide floor area for each floor and total building area.
2. **Site Plan:** Indicate spot elevations at each corner of the lot (See exhibit H), proposed site drainage, property lines, Building footprint or roof plan, show patios and landscaped areas (required). Show property walls and proposed patio furnishings (bb-q, pergolas, exterior stairs, site wall and gates. Show location of CFE meter, gas tank and any other equipment (pool, cistern equipment, AC units, etc.)
3. **Floor plans:** indicate major dimensions, property lines. Show stairs, balconies, decks, and finished floor elevations referenced to the street elevation per appendix H.
4. **Exterior elevations/ Rendering:** Show front, rear and side elevations with at least one elevation or rendering in color, indicating exterior materials and finishes in the plans. Shown any additional property walls, design for gates, decks. Show maximum height dimensions
5. **Exterior colors/ Material board:** show colors and materials proposed for the house, including trims, fascias, roofs, walls, windows, doors (including garage), etc.
6. **Cross Section:** At least one cross section indicating roof pitches, total building height and height and width of chimney(s), height of cupolas and any roof terraces. Show property lines.
7. **Additional Information:** Include:
 - a) Photos of the site and the surrounding lots.
 - b) Topographic information, if you lot has a slope greater than 10%. This will help the architectural committee understand the drainage patterns in and around your lot. It will also help determine the correct maximum building height for your lot.
 - c)

No plumbing, electrical, mechanical, or structural drawings are required at this stage.

Part B. Construction Document Review:

After Preliminary plans are approved, the architect can proceed with construction drawings. Once these are completed, they shall be submitted for the final review. The purpose of this review is to ensure that the CONSTRUCTION DRAWINGS are consistent with the plans approved at the Preliminary Review, once the final plans are approved; the construction plans will be stamped and given to the owner, along with a letter to be given to the Rosarito Building Department in order to obtain a building permit from the city. If the construction plans deviate from the approved Preliminary Plans, the Architectural Committee may approve such deviations and issue the approval letter or if **major changes are made or non-compliance items are detected**, the Architectural Committee will issue written corrections on the plans that will require revisions to be made and plans to be resubmitted.

Note: THE CITY OF ROSARITO WILL NOT ISSUE A BUILDING PERMIT WITHOUT A LETTER FROM THE ASSOCIATION MANAGEMENT ALONG WITH AN ORIGINAL AND 2 COPIES OF THE DRAWINGS STAMPED AND APPROVED BY THE ARCHITECTURAL COMMITTEE.

Submittal Material:

All information required in the Preliminary design review above plus the following:

1. Structural, electrical and plumbing plans.



Design Review Process and Construction requirements

II. Construction Requirements:

1. Construction Deposit:

Each owner is responsible for the actions of his (her) contractor and personnel with regards to the proper maintenance and cleaning of public property, as well as of any incidental damage that may be caused by the actions or inactions of the owner's construction forces, including suppliers delivering materials to the job site. To ensure that any damage caused to public property during construction of your home can be repaired, a **Construction Deposit** must be submitted for all Major Construction projects. The deposit is not an insurance policy against any accident for which the owner shall be directly responsible.

The deposit amount is \$500.00 per construction site, to be deposited with the management company before the start of construction. At the end of a project, the owner must request reimbursement of the Construction Deposit.

2. Construction Requirements:

Before Construction can begin:

- a. *Plans must be approved by the Architectural Committee and a construction license been issued by the city of Rosarito.*
- b. *You should have your lot "delivered" by Grupo Lagza. This requires that you make an appointment with them to have your lot surveyed and stakes placed at the corners of your lot. You should allow 30 – 60 days for this task to be scheduled and completed as Grupo Lagza only schedules this periodically. On your appointment date you will be required to be present at your lot and sign acceptance of your lot based on the survey and the stakes placed on your lot. An attorney will be available on site or by phone to confirm your acceptance. .*
- c. *All construction must be conducted by a licensed contractor with proper registration/licenses (Must be a licensed Perito). Insurance coverage to cover construction is highly recommended.*
- d. *Owner or contractor must notify the management company and register with the Puerta Del Mar Security Company before any site mobilization can occur.*
- e. *The owner or owner representative have reviewed and agree with the security guidelines and hours of construction permitted.*
- f. *Permits for temporary electric power from the Electric Company (CFE) and for water/sewer hookup from CESPTT have been obtained.*
- g. *The construction deposit has been submitted.*

During Construction:

- h. *A 30"x42" sign made with solid materials and visible from the street must be posted indicating with legible text the lot and block number, the Construction License #, owner's name, the name, telephone number and e-mail address of the Architect or Engineer responsible (Perito) and his Perito License #.*
- i. *Owners/Builders are required to provide portable toilet facilities on the jobsite for your workers.*
- j. *Construction must be completed within 18-months from the date you start construction.*
- k. *Owner/Builder must control dust levels during excavation and grading activities.*
- l. *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.*



Design Review Process and Construction requirements

- m. A written permit from owner of lot to be used must be presented if storage materials or work is to be conducted outside of the construction lot.
- n. No tent, shack, trailer or other temporary building, improvement or structure shall be placed upon any portion of the Project except with the approval of the HOA Committee.

After completion:

- o. Thoroughly complete construction. A house is deemed completed when all work is completed, including landscape, exterior walls and fences, all utilities hook-ups and meters are working, and the house interior is ready to be used. All construction debris and leftover construction material shall also been removed from the property.
- p. Notify the management company when the house is ready for final inspection and submit the Notice of construction Completion form (annex B) with the required photos.
- q. Request refund of the construction deposit.

3. Construction Inspections

Architectural Committee and the management company will monitor your construction from time to time to ensure it complies with approved plans. Any deviations from the approved plans must be re-submitted for review. A final inspection of your house construction will be done by the Architectural Committee within thirty (30) days of receipt of any Notice of New Construction Completion Form. 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.

4. Actions for Non-Compliance

At any time during your construction, should the Puerta Del Mar 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 Plays 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 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 Puerta Del Mar Homeowners Association will notify the City of Rosarito to issue a "Stop Construction Notice" until these violations have been corrected.

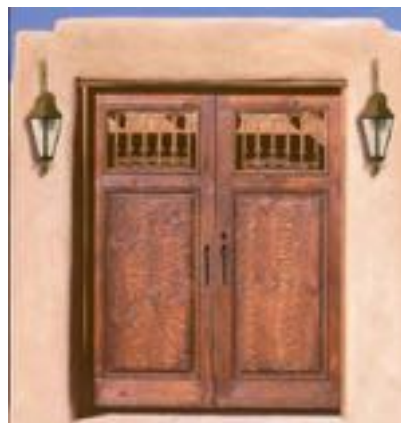
Should your house not comply with your submitted and approved plans, you will be required to resolve these and bring your designs into compliance prior to taking occupancy of your house. Should you not do so, the Puerta Del Mar Homeowners Association will notify the City of Rosarito not to issue an "Occupancy Permit" for your house, until these violations have been corrected. This does not exclude any other additional fines and penalties that may be levied as indicated in the Puerta Del Mar Fines Policy.



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 enhance and complement the Mediterranean, Southwestern or Spanish house style. Examples of Artistic Doors are indicated below.

Courtyard Doors



Entrance Doors





Garage Doors





Puerta Del Mar Approved Paint Colors

The following colors are approved for houses and walls within Puerta Del Mar. These colors are based on the Behr Interior/Exterior Masonry, Stucco and Brick Paint colors. Colors shown may not reproduce correctly on your screen or printer. Please obtain this color chart for exact color samples. Other manufacturer's paint may be used as long as it matches these approved colors. White is an approved standard. Colors approved are:

1. 270 – White
2. P-22 – Spanish Tan
3. X-82 – Hacienda
4. X-23 – Aspen
5. B-870 – White Onyx
6. X-24 – Santa Fe Mission
7. X-97 – Pacific Sand
8. X-48 – Meadowbrook





Puerta Del Mar Height Guidelines

Puerta Del Mar Rules and Regulations - **ANNEX H** – June 10, 2006

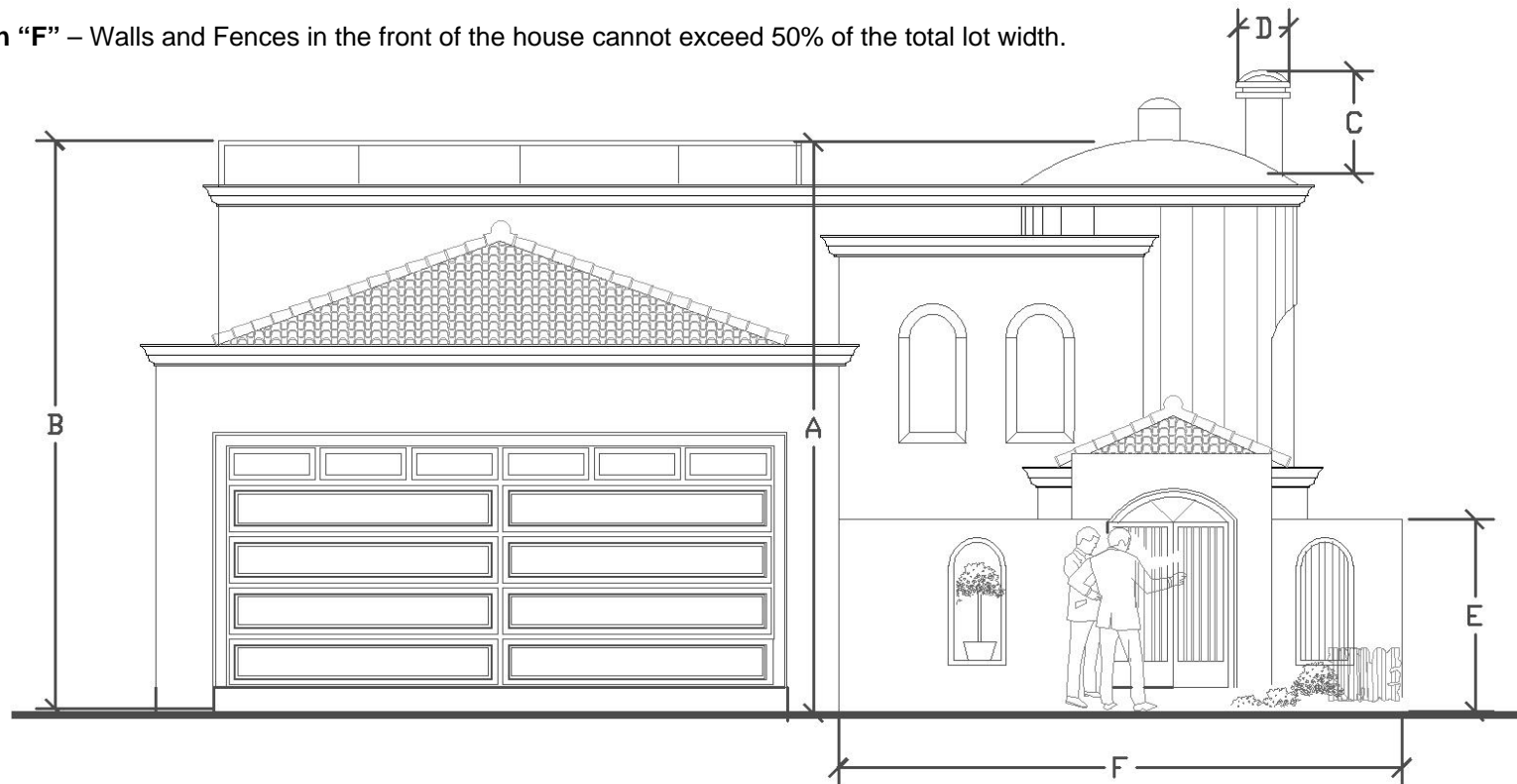
Dimension “A” – Height of structure cannot exceed limits specified in the Rules & Regulations for the Block and Lot. This includes the Cupola but not the feature on top of a Cupola. Height measurements should be taken from the mid-point on the front of the house to allow for variations in terrain.

Dimension “B” – For Roof patios on the front of the house, the patio panels must be of clear material, otherwise the height will be included in overall height restriction for Dimension “A”

Dimension “C & D” – Chimneys are not included in the overall height measurement. However they cannot exceed 6’ (2.0m) in height or 3’ (1.0m) in width when viewed from the front of the house.

Dimension “E” – Height of Walls and Fences cannot exceed 6’ (1.83m).

Dimension “F” – Walls and Fences in the front of the house cannot exceed 50% of the total lot width.





Spanish House Styles

Spanish style homes plans can blend elements of architecture from many areas including Spain, Portugal, Italy and North Africa. People who like Spanish style house designs sometimes also Mediterranean style house plans. Spanish house plans typically are stucco with heavy wood trim and tile roofs, and contain many arches, both in large porches and in windows. This treatment is often extended to the interior of Spanish house plans. Spanish house plans are common to California and the Southwest, but may be found throughout the continent as well. Spanish home plans often have, courtyards, rounded windows and doors, flat roofs or hipped roofs, balconies with decorative grillwork, decorative tiles and sometimes a bell tower.





Mediterranean House Styles

Mediterranean house plans became very popular in the states of Arizona, Texas, California and Florida between 1917 and 1950. These Spanish/Mediterranean house plans are widely recognizable by the predominant use of stucco archways, and tiled center courtyards. House plans inspired by the Spanish/Mediterranean influences generally have low pitch tile roofs, with very small, or no overhangs. The roofs can also be low-pitched gable, hip style, or even flat with parapets. Stucco exterior walls and details are common architectural features of all Mediterranean house plans. The garages can be attached, or detached, sometimes combining guest quarters in the form of a small casita. There is a pronounced use of stucco arches that is usually over main entrances, doors, and windows. As for the floor plans, they are generally asymmetrical, with gabled wings in the form of an L, or U-shape configuration. The courtyards are designed centrally to provide communication to the outdoors, from most rooms. Carved doors, pilasters, columns, decorative railings, and carved pattern stonework are also traditional characteristics of Spanish style house plans.





Southwestern House Styles

Authentic Mediterranean characteristics are obvious in many Southwestern House Plans. This Santa Fe style of architecture is influenced by the Spanish colonial style and characterized by clay tiled roofs, front gables and little or no overhangs. Exterior facades of detailed stucco, elevated entry canopies and central courtyards are also used commonly in this classic beauty, built to blend rather than compete with the environment.

Formal arched doorways welcome you into open and spacious floor plans that are perfect for a growing family or contented retirement. Trademark southwestern touches, including open beams and homey fireplaces, add a touch of casual elegance. Spacious and inviting living areas, private master suites and stunning courtyards are perfect for quiet contemplation, intimate entertaining or an afternoon in the sun with a tall glass of iced tea. Outside, shed dormers made of rough logs are often used to provide a rustic feel.

Most plans within southwestern house plans are one or two story structures with flat roofs, covered porches and exposed log ceiling beams. Decorative touches such as sand brushed walls and interiors painted with colors that evoke the magic of the desert





Wall and Fence Height Guidelines

Puerta Del Mar Rules and Regulations – ANNEX L – June 10, 2006

These guidelines cover height requirements for any walls and fences constructed on your property which may or may not be attached to the house or additional structures. A complete description of these guidelines are covered in the Puerta Del Mar Rules and Regulations.

Dimension “A” – Maximum height or any wall or fence cannot exceed 2.00 meters.

Dimension “B” – Solid walls or structures in the front of the house cannot exceed 50% of the total property width.

Dimension “C” – Balance of the frontal property can optionally be fenced with wrought iron (such as a wrought iron gate in front of your garage).

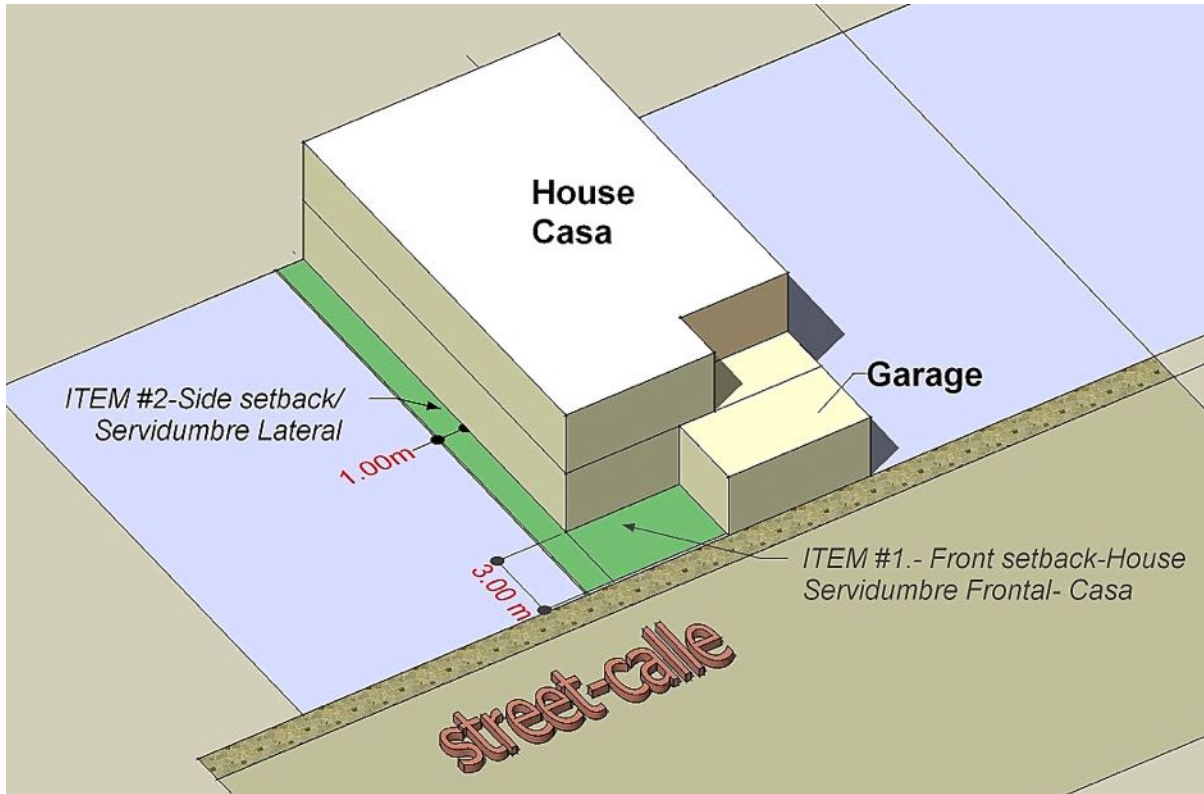


Approved July 12, 2008

MANDATORY SETBACKS FOR HOME CONSTRUCCION AT PUERTA DEL MAR

1. Front setback of 3.00 meters for the house portion of the building only. Construction of an enclosed garage does not need to observe any setback. See the drawing below

2.- A Side setback of 1.00 meter TO BE INCLUDED ON ONE SIDE OF THE LOT ONLY To allow circulation to the back of the lot, air and light to come through the house. See item #2 in the drawing below.



front and side setbacks requirements

Variances from setbacks:

Lots that are less than **11.0 meters** in width less than 5% of the lots in PDM) are not required to provide a side setback, although a setback is still recommended, only the front setback per #1 above will be required.

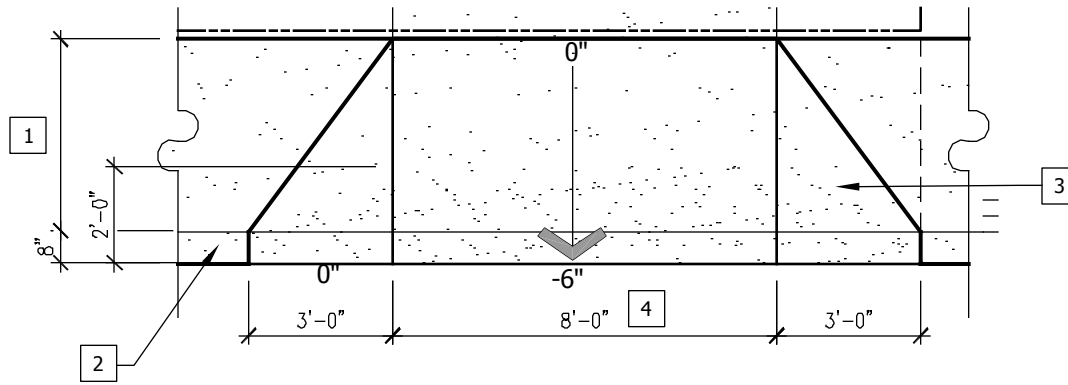
VARIANCES WILL BE CONSIDERED FOR Small, odd shaped lots. Front and side setbacks that are proportional to those required of typical lots, will be required for these lots based on the review of the particular dimensions and characteristics of each lot, by the architectural committee

Please feel free to contact the architectural committee with any questions

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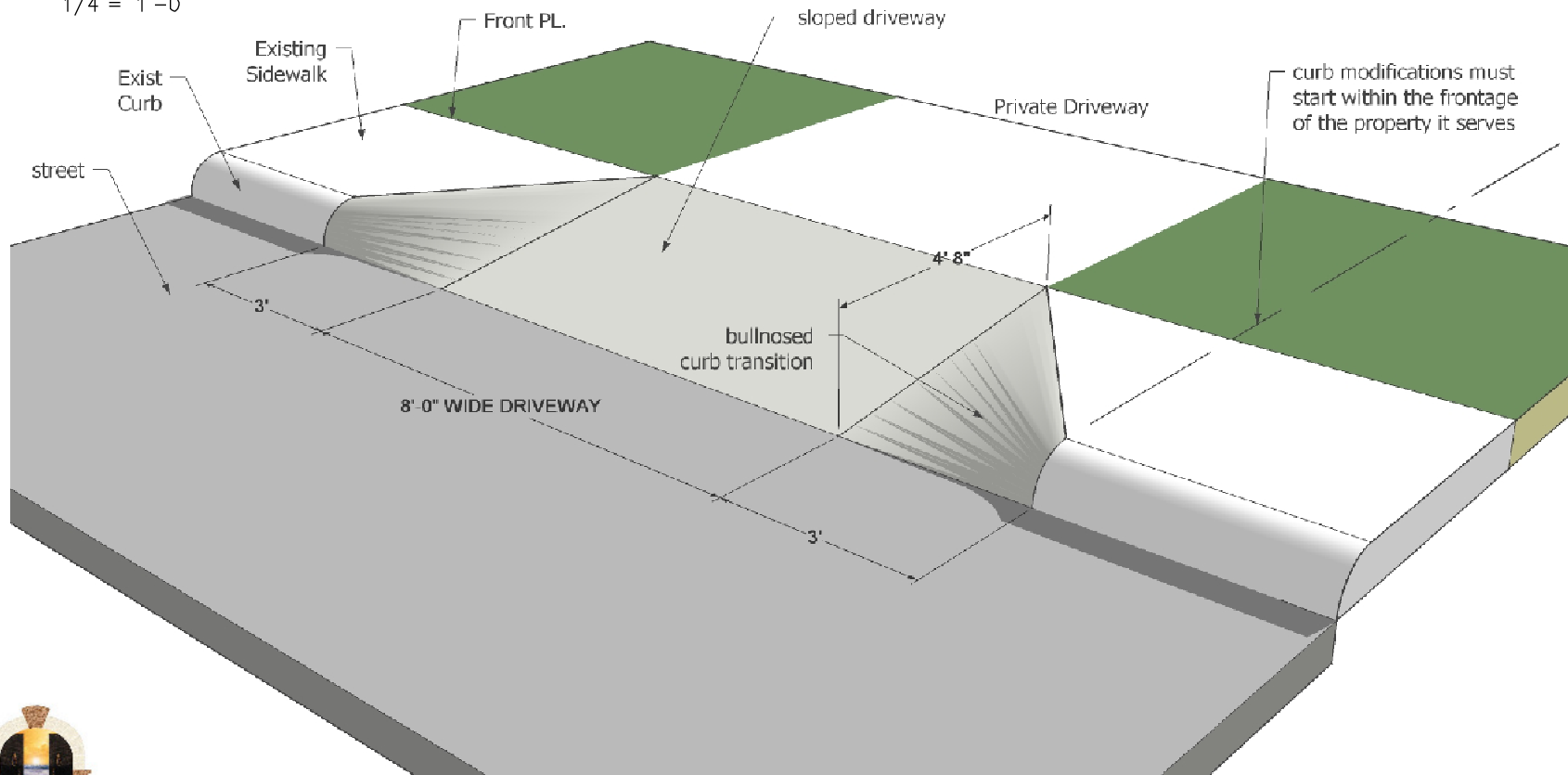


KEYED NOTES

- 1 VERIFY WIDTH OF EXISTING SIDEWALK
- 2 EXISTING ROLL UP CURB
- 3 FLARED TRANSITION
- 4 MIN CONCRETE DRIVEWAY WIDTH. MATCH COLOR/ TEXTURE TO EXISTING SIDEWALK.

Plan

1/4" = 1'-0"

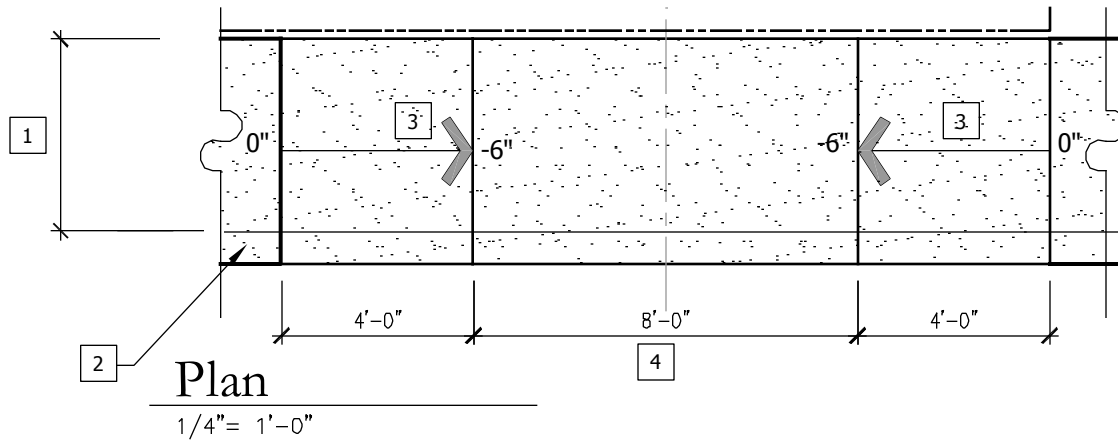


Standard drawing:

Driveway curb cut type A

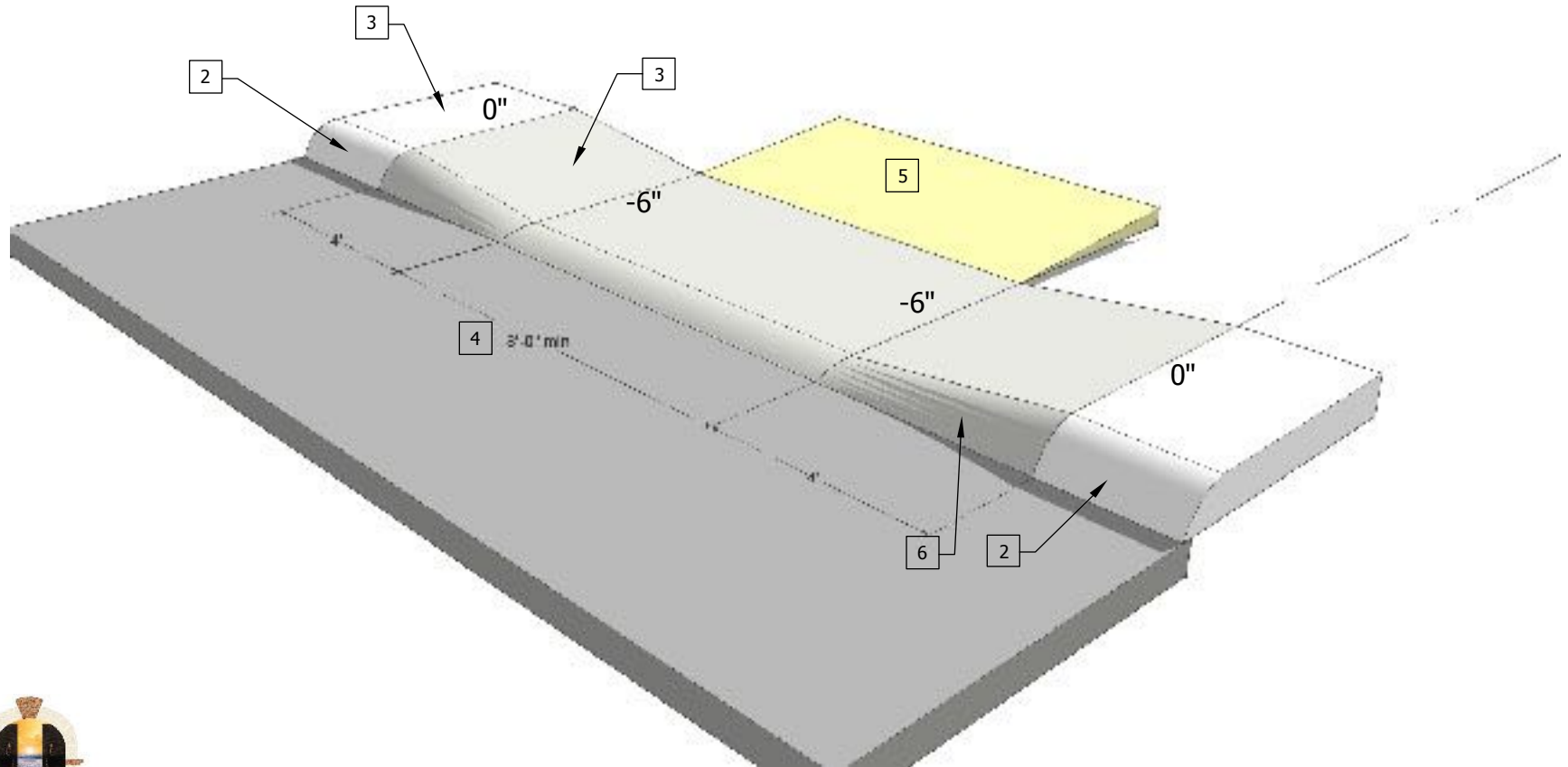
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Issued: Feb. 26.2007



KEYED NOTES

- 1 VERIFY WIDTH OF EXISTING SIDEWALK
- 2 EXISTING ROLL UP CURB
- 3 RAMP DOWN. 6" VERTICAL DROP
- 4 MIN CONCRETE DRIVEWAY WIDTH. MATCH COLOR/ TEXTURE TO EXISTING SIDEWALK.
- 5 PRIVATE DRIVEWAY
- 6 ROLL UP CURB TRANSITION



Standard drawing:

Driveway curb cut type B

002

Issued: Feb. 26.2007