



Construction and Landscape Application - HOA Descanso

The main purpose of the Design and Construction Committee is to protect the value of our homes, review project designs, construction, materials, finishes and mainly to avoid the obstruction of the panoramic view of a neighbor. The secondary purpose is for consultation, we can share our experience and recommendations to make your project more attractive, profitable and easy to build. The third objective is safety, if workers enter our community we must know who they are and why they are here.

For additional rooms, the Owner is required by the Municipal Law to obtain the corresponding permits and can not build more than 70% of his lot, also he can not build on a neighbor wall structure. The approval by the Design and Construction Committee of El Descanso is not a substitute for its responsibilities and legal obligations.

REQUIREMENTS WHEN SUBMITTING THE APPLICATION:

- The Homeowner accepts having read and understood the Construction Guidelines - CHAPTER II (Guidelines for the construction of the Comprehensive Neighborhood Plan).
- It is essential that you be precise in the details of the project.
- If the project is similar to one inside the Fraccionamiento, include at least 3 colour photographs from different angles, adding the privada information and unit location.
- In case of an extension or addition, the application must include the arquitectonic plans of the location within the property, measurements, height, type of roof, finishes, etc.
- Indicate the name of the person responsible for the work and the name of the workers.
- For building extensions and additions, the homeowner will have 5 days after being approved by the committee to deliver at the HOA office the Municipal building permit, otherwise the construction can not start.
- The application will be received only if it has the signature of the homeowner.
- Applications with missing information will not be accepted.
- The Committee has **10 working days** from the delivered date to review, approve or reject a project.
- Constructions cannot begin until they are approved by the Committee of Design and Construction of the HOA. **If the Committee does not approve a project, construction workers will not have access to the Fraccionamiento.**
- Deliver **two copies** of the application to the Committee.
- If the construction is not finished on the approved date, the homeowner must request to the Design Committee an extension specifying the date of the completion of the work.
- Placing garbage, debris, construction material, etc. on the sidewalks, streets or common areas is forbidden.

If your construction is vertical and visual to the neighbors or if it can obstruct your view, by courtesy, request approval signatures from your neighbors. If a resident constructs any work that obstructs the sight of another or if it diminishes the value of the houses in his Privada one without requesting the previous approval, the Association of Owners of the Rest can remove the project with cost for the Owner.

HOMEOWNER'S SIGNATURE _____ Date _____

APPLICANT INFORMATION

Name of the homeowner: _____

e-mail: _____ Phone: (_____) _____

Address within El Descanso: _____

Check the box if the construction is in the **Exterior** Check the box if the construction is in the **Interior**

Project description: Explain your project, including location, dimensions, materials, color selection, etc. Please include any color samples, design plans or additional information when necessary. Use additional paper if needed.

Time: Start date _____ End date: _____

Project Responsible: _____

Project workers: _____

SIGNATURE AND STAMP OF APPROVAL FROM THE DESIGN COMMITTEE

BEFORE STARTING THE PROJECT

Date

DEFINITE APPROVAL SIGNATURE FROM THE DESIGN COMMITTEE

AT THE END OF THE PROJECT

Date

CHAPTER II.

CONSTRUCTION GUIDELINES

ARTICLE 49°. The condominium owners can carry out construction work in their property unit exclusively for the following purposes: Horizontal or single-family condominiums, in the case of residential units, in accordance to the permits established for the residential development and the incorporation articles of the condominium. Commercial sites, for the lots located in the commercial areas, in accordance to the permits established for the residential development and the incorporation articles of the condominium.

ARTICLE 50°. For the residential areas, it is strictly prohibited to build two or more residential homes, as well as any offices, commercial sites, restaurants, or any other construction different from the residential type.

ARTICLE 51°. For any piece of land located in the commercial area, it is strictly prohibited to build residential homes, or any other type of construction different from the commercial type. It is strictly prohibited to build fences, gates or walls, either temporary or permanent, on the main facade, as well as any other structure that will demerit the visual aspect Condominiums. When an owner purchases two or more adjoining units, they may be united or divided, as long as the resulting lots have the same or greater measurements and surfaces as the original individual units. In the understanding that such lots will acquire the percentage that corresponds to the new surface.

ARTICLE 52°. For the projects and residential plans, and its later construction, the owners must issue a notice to the **Surveillance Committee**, who will hire a group of specialists for the review of such projects, such group will be denominate the Design Committee, and the review will be subject to the following guidelines:

a) Construction Area (Coefficient of Land Occupation. C.L.O.) The construction work and/or remodeling should be made up to 70% (seventy per-: %cent) of the total land surface. The construction work mentioned above, should be carried out according to the limits and boundaries established in the Recorded articles of the Condominium. The remaining 30% (thirty percent) of the lot's land that includes the construction free area mentioned in the previous paragraph will be used exclusively for landscaping and/or access to the residential unit.

b) Construction Density (Coefficient of Land's Use. C.L.U.) The maximum square meters of construction that can be built will be 70% (seventy percent) of the total land's surface.

c) Height: The maximum height of the lot's construction will be 5.75 meters (five meters and 75 cm) starting from the ground level and following the land's natural level, including antennas. The installations mentioned above should be kept out of sight from all points of view through parapet or walls placed against the parapets.

d) Walls: The walls, the retaining walls and other walls in the condominium, may not be modified in its height, form, color and structure. The interior walls should be built starting from the middle back of the lot's land with a maximum height of 1.20 (1 meter, twenty centimeters). Following the guidelines for construction-free areas, and the lots that have boundaries with pedestrian walk ways may not build a wall inside this area. The backside should also not be modified in its height, form, color and structure; the residential unit will be projected considering the existing facade.

f) Facades: In accordance to the slopes of the Condominium and the views generated, it is necessary to hide from view all types of accessories (water tanks, antennas, AC units, gas tanks, etc.) as well as provide a design proposal for service areas considered as the fifth facade, which will be subject to approval from the Design Committee. Exterior doors and fences: It is strictly prohibited the use of aluminum in a gold shade. The only shades allowed to use are white, beige tones and brown or black. Glass: All glass should be flat and may use sun filters in different tones. The

use of mirror or reflecting glass is strictly prohibited. The Design Committee should authorize the use of decorative glass or lead based decorative glass. Colors: The tones of the existing colors may not be modified. The colors allowed are: Refrigerator White and the shades in the Project. Floors on garages: The floors on the garages will be made out of stamped concrete, ceramic tile or quarry stone.

h) Access: The vehicle access to the residential units will be exclusively for the sections previously established for that purpose.

i) Installations for services and accessories: The installations for services that should be made to the residential units, will include, among others: Garbage deposits, water tanks, gas tanks, switches, antennas, exterior stairs, satellite dishes, skylights, AC equipment and swimming pools, should be built in a way that they are not visible from the common areas. The use of AC window equipment is strictly prohibited, as well as air antennas and lightning conductors. The installation of doll houses, tool cover units, dog houses, etc., will be subject to the approval of the Design Committee. The use of decorative objects in front of the residential units or common areas, such as: sculptures, bird feeding dishes, fountains or similar objects, is subject to the approval of the Design Committee. The front of the land will have a designated space to place the following items: Electricity meter. Official Number. Water meter. The location or finishing of such spaces may not be altered under any circumstances.

j) Parking spaces: Each residential unit should have a parking space with a minimum capacity for two automobiles.

k) Lighting: The exterior lighting of the residential units should be low intensity, to accentuate access entries, parking spaces and special elements. The **Surveillance Committee** should approve lighting posts and accessories. Color lighting, mobile or flashing lighting will not be allowed, except during the Christmas season.

m) Landscaping: The landscaping inside the lot or front of the residential units will include the boundary areas of the unit free from construction. The plant and tree species that the condominium owners plant inside their lot to: provide landscaping, create privacy, hide undesirable elements, provide shade and nice temperatures, enhance the residential structures and reduce noise, as well as the construction density, should be approved by the Surveillance Committee.

n) Landscaping in common areas: The alteration or reduction of the landscaping in common areas is strictly prohibited, as well as the removal of trees for the construction of residential units. The irrigation system of Condominium Descanso will provide the necessary pressure and water required for the landscaping in common areas.

o) Landscaping in private areas: The Condominium owners must provide the necessary water required for such area. It will not be the obligation of the **Surveillance Committee** to provide such water. Due to the extent of the landscaping areas (including the 30% of the landscaping inside the lots), such extension has been divided in zones through irrigation schedules, all gardens and landscaping inside the lots should adjust to the scheduled irrigation schedule, which will be during the night. Due to the fact that the irrigation schedules will be at night, we recommend and/or suggest the owners that the irrigation system of the landscaping areas is programmed through an automatic irrigation system. We suggest the use of sprinklers for gardens, due to the fact that the pressure is considered for this type of system.

p) Access to residences. It is strictly prohibited to alter the access to residential units in size, form or materials. It will only be modified with the authorization of the **Surveillance Committee**, and with the corresponding project.

q) Water tanks for potable water. The condominium owners may build inside their lots a water tank with a storage capacity of 1 to 8 cubic meters, with the authorization of the **Surveillance Committee**, and its corresponding project.

ARTICLE 53°. The owners may initiate the necessary procedures for remodeling their home, once the developer has handed over such unit.

ARTICLE 54°. The owners will submit their project for authorization from the *Design Committee* before the construction starts, as well as the municipal and state authorities if applicable, this same rule applies to commercial areas, which must follow the same architectural design of the development, and existing landscaping. The condominium owners must present their payment receipts issued by the developer and by the Condominium Owner Association.

ARTICLE 55°. The *Design Committee* will review the projects, control and supervise the construction process through a group of specialists, denominated the Design Committee. In case of any violation to the stipulations included in these regulations in regards to construction issues, the Design Committee may request the ***Surveillance Committee*** to impose the corresponding sanctions to the owner, which are also included in these regulations.

ARTICLE 56°. For the review and authorization of projects, the condominium owner will present the Design Committee the following documentation:

- a) Blueprints of the project duly noted and presented in sheets of 90 (ninety) by 60 (sixty) centimeters, including the information regarding architectural ground plans, facades, sanitary sketches, terraced roofs, slopes and storm drainage systems (preferably digitalized with AutoCAD 200 or later versions).
- b) Original land delimitation, carried out by a topographical engineer, designated by the Design Committee. The cost of such work will be at the owner's expense.
- c) Original description of the finishing materials that will be used in the construction.
- d) Copy of the purchase-sale contract or title deeds of the property that state that the condominium owner is the rightful owner of the lot or residential unit.
- e) Copy of the last payment receipt for the maintenance fees, issued by the condominium owner's Association.
- f) Copy of the water service contract with the corresponding authority and/or company that will provide such service to the owner. The review of the plans and projects mentioned in this article will generate a fee payment for such review, and it will be stipulated by the *Surveillance Committee* in agreement with the Design Committee. Such fee should be paid when the projects and plans are provided for the review.

ARTICLE 57°. Once all the information mentioned in the previous article has been received, the Design Committee will have a 10-working days term to review the construction project. At the end of such term, the Design Committee will make an appointment with the owner for any of the following:

- a) Point out the corrections to the project, in order to comply with all the applicable dispositions included in these regulations, or:
- b) Issue the preliminary authorization for the project, which has to be signed by the ***Surveillance Committee***.

ARTICLE 58°. Once the project has been authorized by the *Design Committee*; the owner must obtain the necessary construction permits from the corresponding authorities and provide them to the Design Committee. Such permits are as follows:

- a) Three copies of the plans and projects authorized by the Municipal Urban Development and Management Division of Rosarito city.
- b) Three copies of the construction permit issued by the Municipal Urban Development and Management Division of Rosarito city.
- c) Three copies of the registry number of the construction expert that is designated by the Municipal Urban Development and Management Division of Rosarito city that will be responsible for the construction work.
- d) A bond issued by an authorized institution or a guarantor that has moral and economic solvency to guarantee any damages to third parties inside the Condominium Descanso derived from such construction work.
- e) Three copies of the payment receipt for the construction supervision.

ARTICLE 59°. Once the owner has complied with all the requirements mentioned above, the *Design Committee* will issue, no later than five days from the date of receipt of all the information mentioned in the previous article, the final authorization for the construction work.

ARTICLE 60°. The *Design Committee* limits its responsibility to the project authorization, and its supervision to oversee that they comply with these regulations and at no time will it be responsible for its contents plans and specifications, in regards to the design and structure calculation, the stability and/or functionalism of any structure or installation.

ARTICLE 61°. The Design Committee will supervise the construction work, in the understanding that the supervision does not generate any additional responsibility to the one established in the previous article. The supervision of the construction work will generate the payment of a fee, and such fee will be established by the **Surveillance Committee** jointly with the Design Committee, and must be paid before the construction begins. For supervision purposes, the owner must notify the Design Committee at the end of each one of the construction stages, as follows:

- a) First Stage: Outline, leveling and up roots.
- b) Second Stage: Leveling of the walls before the roof is placed and/or structure levels for concrete, or form any other type of metal or wood structure.
- c) Third Stage: Verification of sanitary installations and storm water drainage systems before leveling and foundation.
- d) Fourth Stage: Floors on garages, service areas and sidewalks.
- e) Fifth Stage: Review of exterior finishing and cleaning of construction site and neighboring lots.
- f) Sixth Stage: Landscape review.

ARTICLE 62°. The Design Committee will review each one of the construction stages according to the authorized plans and projects. In case the Design Committee determines that the construction work is not being carried out according to the authorized plans and projects, they will issue a notice in writing to the **Surveillance Committee**, to designate a term starting from the date of receipt of such notice, in order to carry out the necessary changes to

comply with the authorized project. If the owner does not correct the construction during this term and according to the stipulations of the **Surveillance Committee**, such committee will suspend the project's authorization for construction, and consequently the owner will not be able to continue the construction work, until he compiles with the observations of the Design Committee. The owner may be sanctioned, in addition to what was mentioned in the previous paragraph, according to the sanctions established in these regulations and from the corresponding authorities.

ARTICLE 63°. The owner will be responsible for the construction work inside his property, as well as the personnel hired for such work. Likewise, he will be responsible of any damages caused to the common areas, property or residential unit or to any person inside the condominium caused by any of the workers, contractors or suppliers of the construction

ARTICLE 64°. In order to guarantee the obligations derived from the construction work, as well as any damages that could derive from such construction to the common areas, property or person, the condominium owner will be responsible and should provide a bond or guarantor issued by a third party.

ARTICLE 65°. Once the construction work has concluded in the case of commercial sites, the Design Committee will carry out a final inspection to verify that the construction was carried out according to the project, regardless of the periodical inspections. The commercial sites may be used until the **Surveillance Committee** issues its authorization in writing. The **Surveillance Committee** has the power to use any measure it sees suitable for the compliance of this disposition.

ARTICLE 66°. The construction work will be subject to the following:

- a) They should be carried out inside the property limits.
- b) The loading and unloading of material should not obstruct the vehicle traffic of the Condominium Descanso, or use neighboring lots to unload materials from the back or sides of the construction site, unless there is a permit from the Condominium Owner Association.
- c) Portable rest rooms should be installed and approved by the Design Committee, for the exclusive use of workers, and should be kept clean, out of sight from the streets or neighbors and connect them to the sanitary installations of the Condominium Descanso.
- d) No object may be fixed in trees.
- e) The material storage should be located in the backside of the lot, and have a maximum height of 3.00 meters.
- f) If necessary, an erosion and sedimentation control plan may be established to control storm drainage and contain sediment inside the affected areas due to the construction.
- g) The owner should pick up the garbage, debris or rubbish generated by the construction site on a weekly basis.
- h) It is strictly prohibited to place any debris on the adjoining lots, unless there is a written authorization from the **Surveillance Committee**.
- i) It is strictly prohibited for the construction workers to drink alcoholic beverages, or the use of any other substances or drugs, or to introduce firearms inside the Condominium Descanso.

j) The irrigation system is installed under pressure; therefore, it is prohibited to use them for any other purposes.

k) The construction workers cannot stay in the construction outside their schedule hours, except for the night security guard who will be obligated to be register by the **Surveillance Committee**.

l) With the exception of the night security guard, the access of construction workers will not be allowed before 7:00 hours or to remain on the premises after 19:00 hours. The access will not be allowed on Saturdays in the afternoon and on Sundays.

m) The workers should not destroy or soil the urban and vegetation work, and may not use the water installations in the Common Areas, unless they are inside the lot where they work.

n) The owners should keep their lots free from garbage, debris or construction materials, specially the areas that are visible from the Common Areas and neighboring areas.

ARTICLE 67°. The maximum period of time for the construction work will be 3 months starting from the work in the site. An extension may be provided if the owner requests it to the Design Committee.

ARTICLE 68°. If there is any extraordinary reason that impedes the conclusion of the construction work, the owner should keep it in good exterior shape, which will be evaluated and authorized by the **Surveillance Committee**.

ARTICLE 69°. The extension, reconstruction or remodeling of single family units built in the land lots will be subject to the dispositions included in this chapter. Sanctions during the construction work in the lots.

ARTICLE 70°. When a construction work is made without following these regulations, or without authorization from the **Surveillance Committee**, it will proceed according to the following:

a) The construction work will be suspended.

b) The **Surveillance Committee** will require the owner to present his authorization request, seven days after the notice of such violations was issued, and the corresponding project, or to state the manner in which he will correct such omission or violation.

c) If the owner does not comply with the requirement mentioned in such notice, the **Surveillance Committee** will issue the corresponding fines according to the request of the Design Committee.

d) The **Surveillance Committee** has the capacity to demolish any construction, according to the request of the Design Committee, which is carried out against the dispositions included in these regulations, without any liability.

e) Regardless of the fines that have to be paid and mentioned in this chapter, the owner is obligated to correct or comply with the regulations stipulated by the Design Committee. The purpose of these regulations is to establish the basis for a harmonious cohabitation between all condominium owners, owners and users, as well as to maintain its quality. Therefore, its compliance is mandatory. Likewise, any interpretation controversy will be resolved according to the main purpose of such regulations. Landscaping and urban image of the Descanso Condominium.

ARTICLE 71°. The landscaping, natural reserves and urban image of the Descanso Condominium have been designed for urban and landscaping purposes. Its maintenance and preservation will be the responsibility of the Management of the Condominium.

ARTICLE 72°. The condominium owners may not plant any vegetable species in the landscaping area of the common areas, or to place any objects in such areas.

ARTICLE 73°. The *Surveillance Committee* will not be responsible for any accident suffered by the condominium owners and/or users, family members and visitors, due to the non-compliance of any of the dispositions included in this article or by any other circumstance.