

VIDA DEL MAR CONDOMINIUM ARCHITECTURAL CONTROL PROCEDURES AND REQUIREMENTS

INTRODUCTION

Chapter VIII, Article Twenty of the Vida Del Mar Condominium Regulations effective January 21, 2007, provides as follows:

WORK PERFORMED IN PRIVATE UNITS.

1. No alterations and/or repairs including masonry, carpentry, electrical or plumbing work that may cause a nuisance to other Owners or Occupants, or which may damage the structure, foundation, rooftop, networks, or the proper operation, safety and aesthetics of the Condominium, may be performed unless approved by the Board of Directors after review by the Architectural Control Committee in writing, upon complying with the Vida Del Mar Architectural Control Procedures and Requirements. Requests for approval must be in writing. The Board of Directors shall have the final decision.

Requests for the approval of any change must include:

- a) Descriptive drawings and blueprints of the modifications and the details thereof, and any other information or fees as required by the Vida Del Mar Architectural Control Procedures and Requirements.
- b) The approval of the owners of the adjacent private units or proof that the owners of the adjacent Private Units were given written notice of the alterations to be made, 30 days in advance of the submission of the request to the Board of Directors, which shall consider any objection.
- c) Additional information as required by the Architectural Control Committee, the Manager and/or the Board of Directors.

When studying the request, the Board of Directors and Architectural Control Committee should consider especially that the view of each Private Unit is not affected or hindered by the alteration.

In no case shall the authorization mentioned in the preceding paragraph be granted if the Condominium Owner is not current in his or her payment of Ordinary and Extraordinary Fees.

2. Upon granting the permission established in the preceding section, the Manager shall set the maximum period in which the authorized works must be completed, based on the allowed construction periods set by the Vida Del Mar Architectural Procedures and Requirements.

3. All works, repairs, improvements or remodeling undertaken by Owners or occupants in Private Unit must adhere at all times to the provisions of Regulations and the Law. Otherwise, the Manager shall be entitled to assert the legal actions he or she deems appropriate, in accordance with the provisions of these Regulations, the Vida Del Mar Architectural Procedures and Requirements, and the Law.

4. No modifications or alterations may be made to the Private Unit exteriors that alter the aesthetic structure of the Condominium or the essential elements of the building in which the respective Private Unit is located, or which affect the stability, safety, health or comfort of the building where the Private Unit is located or of the Condominium, except in case of a necessary work, the prior authorization of the Board of Directors is granted after review by the Architectural Control Committee. Any repair or maintenance work to be done on the Private Unit exteriors must be done by the Condominium Manager.

5. No work or repairs to Private Units shall be conducted outside the schedules set in the Vida Del Mar Architectural Procedures and Requirements, which shall at all times be within working hours and such hours not disturbing the peace of the other Owners. Work may be performed during night hours only in cases of extreme urgency or force majeure, with the prior authorization of the Manager, who shall in such case establish the days, times and conditions in which such construction may be undertaken. The Board of Directors may prohibit work, other than emergency repairs, during periods of high occupancy of the Condominium.

6. All personnel, contractors, and employees of contractors working on any repair or remodeling of a Private Unit must carry at all times, in a visible place, the identification issued for such purpose by the Manager.

7. It is strictly prohibited to make openings for windows, skylights, ventilation or any other purpose, to paint or decorate the Private Unit exterior in a way that is not harmonious with the Private Units or as an integral part of the Condominium, or to block the view of other units.

Each Condominium Owner is expressly bound to make all repairs required by the Manager pursuant to these Regulations.

A. **Principles and Process** The Board of Directors has determined that the following principles and processes relating to Renovations to Units are applicable:

Principles

As stated above, the Regulations of the Condominium give the Board of Directors final approval authority on any changes or modifications to Units. In considering such changes or modifications, the Board will be guided by the following principles:

1. The results of the renovation will not interfere with any owner's quiet enjoyment of Vida Del Mar, nor will it impinge on any owner's current scenic view from their unit, (but recognizing that regulations passed in 1988 allowed each unit to expand their deck to 4 meters).
2. The proposed change will not create any unsafe condition.
3. Any exterior change requested is, in the Board's opinion, an improvement in the appearance of the area and insignificant in terms of changing the general exterior appearance of that building in particular while remaining consistent with the overall décor of the Vida del Mar complex.
4. The renovation conforms to the current laws, regulations, and by-laws.

5. The Architectural Committee/Structural Engineer has approved the structural integrity of the proposed renovation.
6. All renovations involving changes to plumbing or laundry facilities shall include water conservation measures to the extent possible.

Process

1. Owner submits Renovation application to General Manager.
2. The Board of Directors grants authority to the General Manager to approve Renovation Applications if the proposed renovation clearly does not alter the structure of the building or the exterior of the unit or complex; and provided that:
 - a. All required documents, drawings, neighboring condo approvals, and fees, are included; and
 - b. The proposed renovation complies in all respects with the guidelines, rules, standards and suggestions contained in this document.
3. If the renovation may alter the structure of the unit or building, the General Manager must have a review of the application by a qualified structural engineer. The General Manager will hire an external structural seismic engineer to review all remodeling projects that have a structural change. The engineer will review the initial plans to ensure the structural changes would not compromise the structural integrity of the building. A second review will be done when all of the rebar has been exposed to determine where the structural walls and columns are located after which the engineer will give the go ahead to start the rebuilding process. A third review will be done after the new rebar and structural enforcements are in place prior to covering up the walls. The cost for the reviews will be paid for by the owner.

Individuals who have already submitted plans that have been approved by a structural engineer will not be required to pay for the first review if Vida's engineer agrees that the plan meets the structural requirements.

4. If the qualified structural engineer is satisfied that the changes do not affect the structure of the unit or the complex he signs the application, indicating his approval that the renovation does not affect the structure. If he is not satisfied, the application is returned to the applicant, or the engineer and the applicant discuss the matter and reach an agreement on changes that will meet the engineer's requirements.
5. Once the application has been approved by the engineer for its structural components:
 - a. If the renovations do not affect the exterior of the building, or the structure of the unit or the building in which the unit is located, the General Manager, may approve the application.
 - b. If the renovations do affect the exterior of the building, or the structure of the unit or the building, the General Manager shall send the application to the Architectural Committee for review.
6. The Architectural Committee shall review the application and forward its recommendation to the Board of Directors.
7. The Board of Directors shall review the matter and make its decision, consistent with the principles stated above.
8. The General Manager shall notify the applicant of the decision.

B. The Application.

Application Forms are available in the office.

C. Rules Governing Applications.

1. All renovations and deck extensions and work which will disturb your neighbors must be done between May 1 and November 30 of the same calendar year. The Manager shall stop any work not completed within those periods and the Manager shall have the power to prevent the entry to the Vida grounds of any contractor violating this provision.
2. Only emergency repairs, painting and work that will not disrupt your neighbors is permitted between December 1 of a calendar year and April 30 of the following year, except that the Manager has discretion to allow other work if all adjacent neighbors in residence consent and the work lasts a reasonable time period.
3. If the application is for a deck extension or other structural change or change to the exterior of the building, or the Manager determines that the renovation may affect the structure of the building, then the Owner shall be responsible for the actual cost of review and any necessary revision of the plans by a structural or, if needed, a seismic engineer, and may be required to deposit sufficient funds to pay any costs incurred by Vida.
4. Applications requiring approval of a structural or seismic engineer will not be considered until arrangements for payment of the costs thereof are made.
5. Applications for work which requires Architectural Committee review and Board of Director approval, including, but not limited to, deck extensions or other structural changes or changes to the exterior of the building will be accepted only between December 1 of the year before the work is to be done and March 15 of the year in which the work is to be done

D. Requirement of Board of Directors Approval or Approval by the General Manager.

The following types of alterations require Board of Directors approval or approval by the General Manager in accordance with the above principles:

1. Structural changes or changes of floor loading, deck, terrace, patio, or mezzanine extensions, door, window, and wall relocations, penetrations or additions;
2. Plumbing changes, alterations or replacement of built in cabinets, and floor tile
3. replacement;
4. Any changes or additions to the deck areas that are visible from the exterior of the building;
5. Painting or tiling deck walls, or building cabinets on the deck;
6. Jacuzzis, whirlpool baths, hot tubs and kitchenettes on a deck or deck extension, terrace or patio;
7. Painting or replacement of the exterior side of window frames and/or screens, doors, doors and door frames;
8. Changes to the tiles on the access to the buildings and units;

9. Replacement or repair of deck railings.
10. Any other work, which, in the judgment of the Board, falls within the work described in Article Twenty of the Regulations.

E. Engineer and Architect Design.

New construction projects must be designed by local architects with approved structural engineering and drawings all conforming to the Uniform and Mexican Building Codes. All such drawings are to be submitted to the Architectural Control Committee for review and approved by the Board of Directors before any work may proceed. Structural changes and changes to floor loading require that a licensed structural engineer, or, if needed, a seismic engineer, be retained to prepare or review the necessary designs and drawings and supervise the work. Such engineer must be approved by Vida Del Mar. The changes may be disapproved despite design or review by an engineer. A copy of the drawings showing review by the Architectural Control Committee and the approval of the Board of Directors as evidenced by the signature of the manager shall be on site at all times. Upon completion of the project a copy of the working drawings signed as completed by the Architect and/or engineer are to be given to the Manager.

F. Contractors.

Owners undertaking any form of renovation or repair work by outside contractors must have those contractors register with the office prior to commencing work. Contractors and their employees must sign in and out at the gate each day. Work is not to be commenced on a weekday before 0800 hours or continue after 1800 hours, and no work shall be done on holidays, Saturday after 1300 hours, or on Sundays. During one summer month of school vacation as designated by the Manager, no noisy chipping, power tools, music, loud voices, vehicles, nor other noisy construction work shall be allowed prior to 10:00 a.m. This also applies during periods of high occupancy. Contractor's vehicles shall not remain in the parking areas any longer than necessary to unload materials or personnel.

Contractors will advise the Vida del Mar Manager when under floor and behind wall rough in of plumbing and rust-free rebar is ready for inspection. Pictures to be taken for the condominium unit records file. After Vida management, has inspected and approved in writing, fill and finish material may be applied to the unit. Contractors and unit owners will allow Vida del Mar management/maintenance access to the condominium unit upon request to check:

1. that materials and workmanship comply to Vida architectural standards;
2. for potential safety, structural and utility problems;
3. for maintenance problems.

Contractors must submit prior to November 1st to Vida management two complete punch lists, one in English and one in Spanish for work to be completed by December 1st which will be kept in the unit file and e-mailed to the owner upon receipt by Vida.

G. Restoration and Cleanup.

Any excavated or disrupted area left after a deck extension or renovation will be returned to its previous appearance with grass and plantings. All common areas will be cleaned and all trash removed at the owner's expense.

H. Indemnification of Vida Del Mar.

The Contractor shall indemnify and hold harmless Asociacion de Condominos VDM, A.C. and Vida Del Mar Condominium, their administrations, Oversight Committee, and Board of Directors.

I. Vida Del Mar Architectural Guidelines.

The following architectural guidelines and policies shall govern consideration of permits for construction and renovations:

1. Designs and drawings for structural changes and floor loading must be prepared or reviewed and signed and sealed by a licensed structural engineer, or seismic engineer. These structural changes may require supervision.
2. Any changes or additions to the deck, terrace or patio areas that are visible from the exterior of the building shall be subject to the following:
 - a. Deck walls and cabinets built or placed higher than one meter above the floor on the deck shall be white, or natural wood color.
 - b. Deck, terrace or patio extensions must be constructed of materials compatible with the existing structure and extended roofs must match or be architecturally consistent with the roofline, material, color, texture, and style of the existing structure. All replacement or repair of deck railings shall be in the original or similar materials and pattern applicable to the level of the building in which the unit is located.
 - c. No extensions will be allowed that extend the total depth of the deck, terrace or patio beyond four meters, measured from the original location of the interior edge of the deck, terrace or patio. In the Nayarit, Leon, Jalisco, Colima, Michoacán, and Sonora buildings, no decks adjacent to bedrooms may be extended, however, front decks adjacent to dining/living rooms may be extended no more than two meters from the front edge of the original construction. The Architectural Committee and Board of Directors will consider the visual effect on surrounding and adjoining properties in approving decks extensions and other changes, and also must consider the effect upon the privacy of such adjoining and surrounding units.
 - d. All side walls in deck extensions adjacent to or facing other units shall be constructed of solid masonry with no openings, apertures, windows, or penetrations.
 - e. No fixed screens, sliding and fixed deck, patio, and terrace doors, or windows may be installed closer than two meters from the exterior edge of a deck, terrace or patio, except to replace those which were part of the original construction.
3. Storm shutters may be installed behind the deck rail, provided they are white in color and out of site from exterior view when not in use. Arrangements must be made with

- another individual or entity to open and close the shutters in the absence of the Unit Owner. This information will be kept on file with Vida del Mar manager as well as a signed release of liability to Vida del Mar and its employees. Storm shutters must be open except upon approach of and during a tropical storm or hurricane.
4. Changes to or addition of decks, terraces, or patios on the ends of the buildings or on the sides of the buildings facing the parking, other than necessary repairs, will not be approved.
 5. Proposed changes to the tiles on the access to the apartments in a building or area of a building may be approved for installation at the expense of the owners of Private Units requesting such approval, if they are of good quality and design appropriate for an oceanside resort and are rust or tan in color, after proof that the owners of the adjacent Private Units either approve of the installation or were given written notice of the alterations to be made, 30 days in advance of the submission of the request to the Board of Directors, which shall consider any objection.
 6. Overlaying of floor finishes will not be permitted.
 7. Replacement of floor tile requires replacement of the water lines and sewer piping in the floor slab and walls of the unit. In addition, all concrete underlayment that shows deterioration will be replaced. Before underlayment is applied, all work must be inspected by the Manager and pictures taken showing the repairs or replacements for the unit file and the owner. Underlayment is to be replaced with lightweight water proofing and bonding agent. Underlayment should be waterproofed before tile is applied.
 8. Except for penetrations of the exterior walls for exhaust vents or utilities approved by the Board of Directors, no new penetrations or additional windows or doors in the exterior of the building shall be allowed.
 9. Horizontal cuts in walls will only be permitted in top coat finish. Cutting the structural support more than a short distance requires structural support reinforcing.
 10. For safety and structural protection from water run off, a curb approximately 10 cms. in height preventing objects from rolling off decks or terraces will be required located more than two meters above ground level. Curb should adjoin and match existing exterior. White drainage tubes (3-4) also to be installed 4 cms. in diameter extending 40 cms. from the face of the building.
 11. No cabinets shall be placed or stored on the walkways or steps providing access to the units.
 12. Air conditioners shall be allowed at the discretion of the Board of Directors, but only with written approval of the Board of Directors as to location and appearance. Air conditioners that violate these rules and the noise pollution rules of the Vida Del Mar Condominium Regulations shall be removed.
 13. Installation on common areas of air conditioner compressor units shall be allowed only upon written approval of the Board of Directors. If approved, such approval shall be on condition that the compressor unit and all cables and hoses are camouflaged with shrubbery or other landscaping materials so as not to be visible outside the condominium unit, and shall be kept away from windows and decks if other locations are available.
 14. Air conditioner units which become noisy or unsightly shall be repaired or replaced.

15. Sun shades white or off-white in color will be permitted at the edge of the deck or terrace.
16. Mosquito screens, black or white in color will be permitted at the edge of decks or terraces but must be retractable and when not in use not visible from the exterior of the building. Screens must be open except between one hour before sunset and one hour after sunrise.
17. All work and applications for approval of work shall comply with all other applicable procedures and requirements set forth in the Regulations, Rules and Conduct, and these Procedures and Requirements. In addition to the legal actions authorized in the Regulations, faulty work and works, repairs, improvements or remodeling performed on a Unit that do not adhere to the provisions of the Regulations or the Architectural Control Procedures and Requirements or the Rules of Conduct or the Law may be corrected or removed by the Manager at the expense of the Owner of the Unit upon direction by the Board of Directors.

J. CONSTRUCTION STANDARDS

1. New or uncovered reinforcing steel shall be rust free and shall be coated with rust stopping material (Equinox or equivalent).
2. All roof tile, exterior finishes and handrails shall be of first quality and match existing tile, finishes and handrails.
3. Water lines are to be type M copper piping or Tuboplus of the same size as removed. Shutoff valves must be installed for each sink, toilet, and shower. New shutoff valves to be installed in the unit floor with a minimum of 10 cms. of loose fill and removable tile or cover allowing future replacement. Hot and cold water lines to be extended through the exterior wall with approximately 5 cms. between lines for future exterior routed lines. Sewer piping is to be replaced with new PVC. **The contractor must have the water lines and sewer piping inspected by the Manager and pictures taken before the lines and piping are covered.** Plumbing chase-way fill material to be lava rock or equivalent lightweight fill.
4. All new or replacement toilets shall consume no more than six liters of water per flush. All showerheads shall be designed to conserve water.
5. If upgrading the electrical, the service neutral conductor shall be sized the same as the hot conductor(s).

K. CONSTRUCTION RECOMMENDATIONS

1. It is recommended that owners also arrange for the upgrade of their electrical services and wiring to 220 volts. The electric company will change the meter from 110 volt to 220 volt, and grounding-bond wire shall be connected throughout the electrical system. A number 10 grounding conductor also shall be installed in the service conduit to the electric meter. .
2. Ground fault protected outlets be installed in the bathrooms and all areas adjacent to sinks and other potentially wet areas.
3. When tile is replaced, all leftover tile shall remain on the premises for replacement of missing or broken tiles.

Approved by the Board of Directors March 28, 2007, amended April 26, 2007, amended January 25, 2011, amended March 8, 2011

VIDA DEL MAR APPLICATION FOR PERMIT TO CONSTRUCT DECK EXTENSION,
MAKE STRUCTURAL CHANGES OR CHANGES AFFECTING EXTERIOR
APPEARANCE OF THE BUILDING, ALTER INTERIOR WALLS OR ADD TO FLOOR
AREAS.

Name of Owner: _____
Home Tel. No.: _____
Apt. No. _____ Bldg. _____; Local Tel. No. _____
Start date _____ Anticipated Completion Date: _____

The undersigned Owner hereby applies to the Board of Directors of the Vida Del Mar Condominium, A.C, to permit construction or alterations as described in the drawings attached and as follows:

NAME OF CONTRACTOR: _____

Owner represents that, prior to submitting this Application the Owner and the Owner's contractor has referred to and read Article Twenty of the Condominium Regulations and the "Vida Del Mar Architectural Control Procedures and Requirements" as approved by the Board of Directors.

Owner represents and confirms: No wall, column, or any structure will be altered or removed except as noted above and shown on the attached drawings; no change will be made to the front or back or otherwise to the exterior of the condo. All new construction must match with the general structure and aesthetic appearance of Vida Del Mar, preserving and matching existing materials.

Owner understands that any non-approved work must be restored to its original condition at Owner's expense. Also any faulty work will be removed and replaced at Owner's expense.

1) DOCUMENTATION REQUIRED

A) Drawings and sketches prepared by a structural engineer or prepared by an architect and reviewed by a structural engineer must be submitted with this application. The drawings shall be adequate to depict the renovations for which approval is sought. All drawings, sketches and documentation shall include the apartment number and building name.

B) If deck extensions, structural additions or alterations are part of the work then the design drawings must be prepared or reviewed by, and signed and sealed by, a structural engineer with qualifications in seismic design. As new construction must tie into and in some cases be supported by the existing structure, Vida Del Mar's manager will retain the services of one of its approved engineers to review these drawings. Owner agrees to pay for the invoices as submitted by the engineer retained by the manager, in addition to the application fee.

C) The signed approvals of all adjacent apartment owners, or proof that each adjacent owner was given notice thirty (30) days in advance of the submission for approval of the Board of Directors.

D) Name of the Owner's contractor, date work is to be commenced and anticipated date of completion.

E) Application fee

2) CONDITIONS

A) Application must be submitted between December 1 of the year before the work is to be commenced and March 15 of the following year.

B) All construction work, renovations and additions are to start on or after May 1 and must be completed prior to December 1st.

C) Owner will be responsible for, and pay for, the removal of all rubbish, construction materials, paint droppings, and construction debris from the premises of Vida Del Mar.

D) Any damaged landscaping shall be replaced, including sod and shrubs, at the expense of the Owner.

E) If it is necessary for Vida Del Mar employees to clean up after the contractor or replace Landscaping, Vida Del Mar is authorized to charge Owner the actual cost of the cleanup or replacement, including materials and labor.

F) The Owner and Owner's contractor shall comply strictly with the Vida Del Mar Architectural Procedures and Requirements.

G) Should delays occur, Owner will notify the General Manager explaining the cause and the change in schedule. No construction will be permitted past December 1st except where damage to the structure of the building may occur if the work is not completed and then only such conditions as set by the Manager.

3) WRITTEN APPROVAL

A) The work may proceed only after written approval is received from the Board of Directors or General Manager. Should the structural engineer find that the existing structure is incapable of supporting the addition this approval will be rescinded.

B) Vida Del Mar's Manager, its engineer, and their agents will inspect all work. No changes to the construction as approved will be permitted during construction without the written approval of the Manager. If the change involves a structural change or change to the exterior of the building such as would have required approval by the Board of Directors if contained in the original application, then construction of the change shall not commence until approval of the Board is obtained. Upon the Owner or contractor notifying the Manager that the work has been completed it will be inspected and written approval issued before the contractor is to receive final payment.

4) HOLD HARMLESS

In consideration for the granting of this permit, Owner hereby agrees to hold Vida Del Mar, its Board of Directors and agents harmless from personal (owner) claims or suits of law. Prior to commencement of work, Owner or the Owner's Contractor shall provide evidence to the manager that the Contractor carries sufficient insurance to indemnify Vida Del Mar, its Board of Directors and agents harmless from personal (owner) or employee claims or suits at law.

THE FOREGOING IS AGREED TO _____
Signature of Owner Date

The signature of the General Manager hereon shall indicate the foregoing Application for Permit has been approved by the Board of Directors or the General Manager pursuant to the Vida Del Mar Architectural Control Procedures and Requirements.

APPROVED: _____
GENERAL MANAGER DATE APPROVED

280307

VIDA DEL MAR APPLICATION FOR A PERMIT FOR CONSTRUCTION, REPAIRS, OR
MODIFICATION OF INTERIOR OF CONDOMINIUM UNIT

The undersigned Owner hereby applies to the Board of Directors of the Vida Del Mar Condominium, A.C. for a permit for construction, repair or modification in the interior of Owner's condominium unit, which consists of the following (include a sketch or drawing when applicable) (continue on back if more space is needed):

NAME OF CONTRACTOR: _____

Owner represents that, prior to submitting this Application the owner and the owner's contractor has read and understands Article 20 of the Condominium Regulations and the "Vida Del Mar Architectural Procedures and Requirements" as approved by the Board of Directors.

Owner represents and confirms that: No wall, column, or any structure will be altered or removed, no structural change will be made to the exterior of the condominium unit; and the walls of the deck and doors will not be changed. Owner understands that any unapproved work must be restored to its original condition at Owner's expense and Owner may be subject to a fine. In the event the General Manager determines that the permit must be approved by a structural engineer because the renovation may alter the structure of the unit or building, or affect the outside appearance of the building, Owner shall resubmit the application on the Application Form applicable to structural changes and submit the requisite fee.

Also, Owner authorizes the Association to charge me a maximum of for the actual cost of cleanup if the contractor or owner does not remove construction rubble, or clean any common areas or the contractor or the owner leaves trash on common areas at the end of the work.

Owner understands that Owner must follow the Condominium Law of the State of Colima and Vida's Regulations, as well as the Rules of Conduct and Architectural Procedures and Requirements. Owner understands the management will be performing inspections during the work and at completion.

In consideration of granting the requested Construction Permit, Owner hereby agrees to hold Vida Del Mar, its Board of Directors and agents harmless from personal (owner) claims or suits of law. Prior to commencement of work, the Owner or the Owner's Contractor shall provide evidence to the manager that the Contractor carries sufficient insurance to indemnify Vida Del Mar, its Board of Directors and agents harmless from personal (owner) or employee claims or suits at law.

Signature of Owner

Applicant Unit No.

Date

MANAGER'S APPROVAL

APPROVAL DATE

280307

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Revised 1/25/11