

Loreto Bay
Design Guidelines:
Standards and Requirements
For Building on Residential, Commercial,
Multi-use, and Common Properties
In Loreto Bay

Last amendment on Nov 17, 2023

Table of Contents

SECTION 1 – PURPOSE AND APPLICATION OF DESIGN GUIDELINES

- 1.1 Purpose of the Design Guidelines, Standards, and Requirements for Building on Residential, Commercial, Multi-Use, and Common Area Properties in Loreto Bay, known as the “Design Guidelines”
- 1.2 Applicability of the Design Guidelines, Compliance with Law and Building Codes, and Approvals
- 1.3 Guideline Reviews and Amendments
- 1.4 Disclaimer of Liability

SECTION 2 – BUILDING IN LORETO BAY

- 2.1 Building in Loreto Bay
- 2.2 Buildings within the Master Condominium - the Villages of Loreto Bay
- 2.3 The Courtyard House
- 2.4 The Importance of the Streetscape
- 2.5 Respectful Architecture
- 2.6 Building in a Sustainable Community

SECTION 3 – PROPERTY TYPES IN LORETO BAY

- 3.1 Village Home Properties
- 3.2 Custom Home Properties
- 3.3 Village and Custom Home Properties on Canal Lots
- 3.4 Multiple Unit, Multiple Use, and Commercial Properties
- 3.5 Common Areas

SECTION 4 – SITE DESIGN

- 4.1 Lot Coverage
 - 4.1.1 Main Floor – Village and Custom Homes
 - 4.1.2 Second Floor
 - 4.1.3 Third Floor
 - 4.1.4 Viewing Decks Above the Third Floor
 - 4.1.5 Post-construction Viewing Decks – Village and Custom Homes
 - 4.1.6 Privacy and Overlook

- 4.2 Setbacks
 - 4.2.1 Zero Setback Conditions at Common Property Lines
 - 4.2.2 Street Facades
 - 4.2.3 Beachfront Lot Lines
 - 4.2.4 Golf Course Lots
 - 4.2.5 Canal and Estuary Lots
- 4.3 Building Heights
 - 4.3.1 Floor Levels
 - 4.3.2 Stories – Village and Custom Homes
 - 4.3.3 Second Floor Parapet Walls – Village and Custom Homes
 - 4.3.4 Fences and Courtyard Walls
 - 4.3.5 Mixed-Use Buildings
- 4.4 Landscaping

SECTION 5 – GENERAL ARCHITECTURAL DESIGN

- 5.1 Massing Criteria
- 5.2 Exterior Walls
 - 5.2.1 Articulation of the Street Facade
 - 5.2.2 Beachfront, Golf Course, Estuary, and Canal Facades
- 5.3 Roofs
 - 5.3.1 Main Roof Types
 - 5.3.2 Special Roof Forms
 - 5.3.3 Overhangs
 - 5.3.4 Shading Devices for Roof Terraces
- 5.4 Zaguan
- 5.5 Courtyards
- 5.6 Porches or Corredors
- 5.7 Balconies
- 5.8 Railings and Fences
 - 5.8.1 Railings and Fences on Canal and Estuary Lots
- 5.9 Arcades
- 5.10 Columns
- 5.11 Arches
- 5.12 Doors, Windows, Hardware
 - 5.12.1 Doors
 - 5.12.2 Windows
 - 5.12.3 Window Shading Devices
 - 5.12.4 Window Screens, Grilles, and Shutters
 - 5.12.5 Window Tinting
 - 5.12.6 Exterior Storm Shutters
 - 5.12.7 Door and Window Trim
 - 5.12.8 Door and Window Hardware
 - 5.12.9 Skylights

SECTION 6 – MATERIALS

- 6.1 Materials
- 6.2 Selection Criteria
- 6.3 Reduce Environmental Impacts
- 6.4 Indoor Environmental Quality
- 6.5 Types of Finish Materials

SECTION 7 – BUILDING SYSTEMS

- 7.1 Energy and Power
- 7.2 Passive Cooling and Ventilation
 - 7.2.1 Passive Cooling
 - 7.2.2 Passive Ventilation
 - 7.2.3 Cooling and Ventilation Equipment
 - 7.2.4 Electrical Power Allocation
- 7.3 Lighting
 - 7.3.1 Natural Light
 - 7.3.2 “Dark Sky”
 - 7.3.3 Landscape Lighting
 - 7.3.4 Outdoor Light Fixture Shielding and Source Requirements
 - 7.3.5 Fully Shielded Fixtures
 - 7.3.6 Light Trespass Standards
 - 7.3.7 Other Requirements
- 7.4 Elevators
- 7.5 Communication Equipment, Antennas, Satellite Dishes, Telecom, and Other Electrical Equipment
- 7.6 Fireplaces and Fire Pits

SECTION 8 – COLOR SCHEME

- 8.1 Color Scheme Implementation and Approval
- 8.2 The Color Palette
- 8.3 Changing Exterior Color and Color Not on Approved Palette

SECTION 9 – DETAILED ARCHITECTURAL DESIGN

- 9.1 Architectural Decoration
- 9.2 Address Signs and Casa Name Plaques

SECTION 10 – LANDSCAPING FEATURES AND SITE MAINTENANCE

- 10.1 Pools and Water Features

- 10.2 View Corridors
- 10.3 Construction Sites

SECTION 11 – GUIDELINES FOR SIGNAGE

- 11.1 Goals for Signage
- 11.2 Application Requirements
- 11.3 Types of Signs
- 11.4 Design Standards
- 11.5 Sign Message and Language
- 11.6 Sign Illumination
- 11.7 Sign Maintenance
- 11.8 Sign Removal

SECTION 12 – DESIGN REVIEW PROCESS

- 12.1 Design Review Process
- 12.2 Minor Renovations
- 12.3 Major Renovations
- 12.4 Interior Modifications
- 12.5 Variances to Design Guidelines
- 12.6 Plan Submission
 - 12.6.1 Application
 - 12.6.2 Plan Submittals
 - 12.6.3 Fees
- 12.7 Review Process and Timelines
 - 12.7.1 Application Review
 - 12.7.2 Decision Classifications
 - 12.7.3 Review Periods
 - 12.7.4 Notice of Decision
 - 12.7.5 Compliance, Effects, and Limitations on Approval
 - 12.7.6 Inspection and Compliance Review
 - 12.7.7 Changes to Approved Designs
- 12.8 Non-Approved Work
- 12.9 Fines and Penalties
- 12.10 Appeal Process
 - 12.10.1 Permitted Appeals
 - 12.10.2 Appeal Procedures
 - 12.10.3 Appeal Panel
 - 12.10.4 Mediation

APPENDICES

Appendix 1: Design Review Process Fees and Penalties

Appendix 2: Color Palette

SECTION 1 – PURPOSE AND APPLICATION OF DESIGN GUIDELINES

1.1 Purpose of the Design Guidelines, Standards, and Requirements for Building on Residential, Commercial, Multi-Use, and Common Properties in Loreto Bay, known as the “Design Guidelines”

These guidelines are provided to the Owners of Loreto Bay to:

- a) Identify the design principles that were used to create this unique community and articulate the values, standards, and aesthetics of architectural and community planning that are intended to shape future development; and
- b) Ensure that Owners, their architects, designers, and builders be respectful of and adhere to those design principles.

1.2 Applicability of the Design Guidelines, Compliance with Law and Building Codes, and Approvals

These Design Guidelines apply to all new construction, improvements, and landscaping; all changes to existing buildings, improvements, and landscaping; which, in addition, must comply with all applicable Mexican laws and building codes, as well as all rules and regulations of the Master Condominium.

Any new building, modification to existing structure, or modification to approved plans for future structures may be undertaken only with the written approval of the Design Review Committee. Such approval is required before obtaining necessary building permits and other approvals required by Law and will be granted only upon a finding that the proposed modifications will not adversely impact the Master Condominium infrastructure, the Master Common Areas, or the ability of the Master Condominium to provide Master Common Services to the community, resulting from an increase in building density or occupancy of such structures.

All building or work is subject to the version of these guidelines under which it was approved, except that if such building or work is not completed within time limits established by project approval documents, the Design Review Committee, or the rules and regulations of Master the Condominium, then the Design Review Committee or the Master Administrators may require additional approvals, which will be subject to the rules and regulations of Master Condominium, including the Design Guidelines, in effect at the time the additional approvals are required.

1.3 Guideline Reviews and Amendments

From time to time, these Design Guidelines will be reviewed and amended to reflect the acceptance of new materials, processes, or other changes necessary to and consistent with the sustainability of or the aesthetic vision for the Master Condominium. Any revisions must be included in or appended to the Design Guidelines, which will be available upon request.

1.4 Disclaimer of Liability

The Design Review Committee, its individual members, its employees, or its agents are not liable or responsible for any personal injury, illness, or any other loss or damage, nor are they or any of them in any manner the guarantor or insurer of the health, safety, or welfare of any Owner, Occupant, or other Person applying for construction approval or occupying or using any structure receiving approval pursuant to the Design Guidelines or any act or decision of the Design Review Committee, its employees, or its agents. Each Owner, Occupant, or other Person assumes all risks associated with the use and enjoyment of structures within the Master Condominium, including but not limited to any homes, commercial buildings, or recreational facilities upon or within the Master Condominium. The Design Review Committee, its individual members, its employees, or its agents are not liable or responsible for any personal injury, illness, or any other loss or damage caused by the presence or malfunction of any utility line, equipment, or substation adjacent to, near, over, or on any areas of the Master Condominium or the use of any services provided in whole or in part by same. No provision of these Design Guidelines may be construed or interpreted as creating a duty by the Design Review Committee to protect or further the health, safety, or welfare of any Person, even if funds of the Master Condominium or any Subregime are used for such a purpose. To the fullest extent permitted by the Law, individual members of the Design Review Committee and its agents have no liability to any Person for any damage, loss or prejudice suffered or claimed on account of, but not limited to the following: any decision; any approval or disapproval of drawings or specifications, whether or not defective; any course of action, act, inaction, omission, error, negligence, or the like made in good faith and reasonably believed to be within the scope of the duties or rights of the Design Review Committee; or for following the instructions of the Master Surveillance Committees or the Master Condominium Assembly.

SECTION 2 – BUILDING IN LORETO BAY

2.1 Building in Loreto Bay

Architecture in Loreto Bay is inspired by its natural surroundings and by traditional Spanish and Mexican Colonial architecture. The architecture of Loreto Bay should reflect the climate and landscape we inhabit, the heritage of the people who established communities in this place, and the Master Condominium’s commitment to preserving energy, water resources, and the ecology of the place that it occupies.

Development and architecture of homes and commercial spaces in the Master Condominium must contribute to and enhance both social interaction and quiet contemplation in a vibrant but peaceful community. Although homes are built closely together, with commercial

properties and shared spaces in between, attention should be paid to architectural details that enhance quiet enjoyment and privacy within homes. The Master Condominium must be managed to ensure that the use and occupancy of homes and commercial spaces does not overwhelm the Master Condominium's infrastructure, its Master Common Areas, the provision of Master Common Services to and for the community, or the natural environment in which the Master Condominium is located.

2.2 Buildings within the Master Condominium - the Villages of Loreto Bay

The Villages of Loreto Bay were created around the ideal of traditional Spanish and Mexican Colonial architecture. Buildings include: Village Home Properties and Custom Home Properties; Village and Custom Home Properties on beach front and canal lots; Multiple Unit, Multiple Use, and Commercial Properties; and structures on Common Areas. The character of these areas helps to define density, height, aesthetic appearance, and open spaces, such as formal courtyards, gardens, recreational areas, and view of the natural landscape.

Homes and other buildings of Loreto Bay have been designed using a vocabulary derived from traditional Mexican and Spanish Colonial architecture. The Loreto Bay Style encompasses these traditions with emphasis on intimacy, appropriate scale, and craftsmanship, while upholding the principles of sustainable living.

2.3 The Courtyard House

The courtyard house is ideally suited to the Loreto Bay climate, maintaining a temperate living environment. On warm days, living spaces open out to the cooling effect of the courtyard. Overhead shade with canopy trees, transpiration from the landscape, as well as the cooling effect of water features, makes this outdoor space pleasant and useful. On cooler days, the capture of sun in the courtyard helps to provide warmth to the heart of the home.

The internal spatial arrangement of this building type in Loreto Bay is derived from the courtyard houses of Mexican and Spanish Colonial character where, like most historic courtyard houses, there is a transition from public to private realms. The zaguan and entry courtyard provide semiprivate spaces to moderate the transition from the street. Smaller courtyards and gardens are important to provide privacy and focus to spaces such as bedrooms and bathrooms that are accessed from the larger, semi-private courtyard. Central courtyards provide larger properties with natural ventilation and protected shade.

2.4 The Importance of the Streetscape

Besides being the public expression of the home or business, the street façade of a building is an important element of the Villages of Loreto Bay. Like the courtyard house, with indoor areas and contained outdoor spaces, the "courtyard village" extends this relationship to a composition of structures with a network of contained open plazas and their connecting streets and pathways. Like the courtyard house, the courtyard village is a composition of interlocking indoor and outdoor spaces on a larger scale.

The streetscape or building facades define the village outdoor living area. Connecting walls are the main component and the solid nature of these walls allows voids (windows and doors) to become features of the village street space. Balconies, loggias, and walled gardens are all

elements that create transition from the private to the public realm. Essential to the success of the streetscape is the effective proportioning of walls, balanced composition of wall openings in the wall mass, articulation of these openings (i.e. trim, shutters and mullions), and fine craftsmanship.

2.5 Respectful Architecture

The design philosophy for home and building development in Loreto Bay is to encourage architectural expression within the context of the standards set out in these Design Guidelines. Aside from the requirements that govern site design, including all legal requirements, local codes and regulations, standards for lot coverage, setbacks, building and parapet heights, and all rules and regulations of the Master Condominium, these Design Guidelines mandate design solutions that take into consideration the relationship of neighboring properties and the effect that changes to an existing home or building or any new construction may have on neighbors and the infrastructure of the Master Condominium. In the spirit of cooperation and neighborliness, applications for new homes or buildings and modifications to existing structures should allow for or maintain view opportunities from adjacent properties where possible, mitigate overlook situations, and prevent noise and light trespass. A successful building design in Loreto Bay will add vibrancy to the community, while providing tranquility and privacy to the nearby homeowners and mitigating additional stress on the infrastructure, Common Areas, and Common Services of the Master Condominium.

2.6 Building in a Sustainable Community

The Villages of Loreto Bay were conceived and planned around principles of sustainability that balance the social, economic, and environmental needs of the community, [taking into consideration](#) the costs [to provide and maintain](#) infrastructure, create and maintain Common Areas, and provide Common Services in a demanding environment.

Any new building, modification to existing structure, or modification to approved plans for future structures may be undertaken only with the written approval of the Design Review Committee. Such approval is required before obtaining necessary building permits and other approvals required by Law and will be granted only upon a finding that the proposed modifications will not adversely impact the Master Condominium infrastructure, Master Common Areas, or the ability of the Master Condominium to provide Master Common Services to the community, resulting from an increase in building density or occupancy of such structures, and may not result in a subdivision of the property into multiple dwelling units.

Architecture and landscaping within the Master Condominium must reflect concern for the environment and maintain the proposed density and use of property reflected in all Master Condominium and affected Sub-Condominium rules and regulations. Development and renovation should address strategies to achieve the following:

- a. Minimize nuisance impacts by:
 - Storm-water and dust management;
 - Reducing heat island effect through shading and using light-colored hard surfaces; and
 - Avoiding light and noise trespass.

- b. Increase water efficiency by:
 - Water use reduction, using high efficiency fixtures and drought tolerant plants;
 - Use of native plants in landscaping; and
 - Water re-use for toilets and irrigation, where possible.
- c. Increase energy efficiency by:
 - Solar control/passive cooling;
 - Natural ventilation;
 - Natural lighting;
 - High efficiency lamps and appliances;
 - Alternative cooling systems;
 - Solar water heating systems; and
 - Photovoltaic systems and fixtures.
- d. Maximize materials and resource use by:
 - Using structural materials as finish;
 - Using materials with low-embodied energy;
 - Construction waste management and recycling;
 - Using recycled content materials;
 - Using natural and salvaged materials;
 - Reducing material transport by employing locally and regionally extracted and manufactured materials; and
- e. Improve indoor environmental quality by:
 - Protecting stored on-site material and cooling equipment from dust during construction;
 - Use of natural ventilation;
 - Use of natural materials; and
 - Use of low-emitting volatile organic compounds (VOCs), adhesives, sealants, paints, coatings, and composite wood.

SECTION 3 – PROPERTY TYPES IN LORETO BAY

3.1 Village Home Properties

Village Home lots are in Founders and Agua Viva neighborhoods and were originally designated to have a specific model "Village Home" built on them. These home models include residential use and mixed-use models, such as the "Altas" and "Tiendas del Artes".

Owners of properties without a finished structure may apply for:

- a. Approval to build the Village Home model originally planned and contracted for the site.

- b. Approval to build a Village Home model originally planned for this site, with modifications to the plans or elevations.
- c. Approval to build a Village Home model other than the one originally planned for the site or a custom home design. This application will be reviewed as a Custom Home, although some exceptions to site coverage will be considered. Review of the proposed project must include full consideration of the original intent for the structure on the site and the impact of the proposed changes on the privacy and spatial openness of neighboring homeowners.
- d. Approval to build a single home on two adjacent Village Home lots. Such an application will be reviewed as an application to build a Custom Home. Review of the proposed project must include full consideration of the original intent for the structures on the two sites and the impact of the proposed changes on the privacy and spatial openness of neighboring homeowners.

3.2 Custom Home Properties

Custom Home lots are properties in Founders and Agua Viva neighborhoods that were originally designated to have Custom Homes designed and built on them. These properties will have homes that are designed to address the specific issues of the site. Homes in these areas must be varied in plan, exterior appearance, and material use. “Village Home” plans are not permitted unless modified to meet the requirements of these Design Guidelines.

3.3 Village and Custom Home Properties on Canal Lots

Village and Custom homes on Canal lots are found in Agua Viva. These properties will have homes that are designed to address the specific issues of the site. Homes in these areas may be varied in plan subject to structural requirements to accommodate the proposed footprint.

3.4 Multiple Unit, Multiple Use, and Commercial Properties

There are several properties within the Founders and Agua Viva neighborhood that had been designated for condominium, multi-use or commercial development. All structures and landscaping in these areas must be designed to meet the general principles and spirit of these Guidelines.

3.5 Common Areas

Common Areas are owned in common by the property owners and administered by the Master Condominium and Sub-Condominium Regimes. They include all streets, plazas and common courtyards, as well as amenity areas such as swimming pools and washrooms. All structures and landscaping in these areas must be designed to meet the general principles and spirit of these Design Guidelines.

SECTION 4 – SITE DESIGN

4.1 Lot Coverage

4.1.1 Main Floor - Village and Custom Homes

The maximum building coverage on the main floor for enclosed areas, excluding roofed areas, should not exceed 65% of the site area. Total coverage for enclosed and roofed areas should not exceed 75% of the site area. Exceptions will be considered through a variance for lots that are recognized as small or with unusual shapes. The design intent for a Loreto Bay home was to have an appropriate balance between indoor, semi-enclosed, and open spaces to provide attractive courtyard living within a community that offers a larger common “living room”. During the master planning of Loreto Bay, the density of the Village Homes was offset by the surrounding common courtyard and plaza areas, as well as canals and estuaries.

All Custom Homes must adhere to the maximum 75% of the site area, in which a garage or designated off-street area for electric vehicle storage must be included. An electrical outlet must be available for recharging the vehicle battery in the vehicle storage space.

4.1.2 Second Floor

a) Custom Homes

The allowable coverage for enclosed areas on the second floor is 25% of the site area for all Custom lots. These areas are not required to be contiguous.

Most Custom Home sites are located at the perimeter of the Village and the larger property sizes are transitional to the surrounding open spaces of the beach and golf course. Custom homes should create some openness in the streetscape to allow for views to the ocean, mountains, and golf course.

On a rectangular lot, the width of all enclosed second floor areas may not exceed 50% of the overall width of the property. Included in this calculation of 50% are all projections above the maximum parapet height (13’8” or 4.17m), such as chimneys, fireplaces, stairways, outdoor kitchens, and elevator or mechanical shafts. Since adjacent homes may overlap at the common property line, enclosed spaces (including projections above the maximum parapet height) may exceed 50% of the length of the property; however, in these situations, the effective openness across the width of the property must be increased and must be approved by the Design Review Committee.

In the case of irregular shaped properties, the longest width and length of the lot must be used for the allowable “second floor length” calculation. In the case of lots with more than four sides, all but the longest effective width (parallel to the street) and the longest effective length (adjacent to neighboring property) will be disregarded.

A pergola is not included in the calculation of the 2nd floor structure. A pergola must be a minimum of 7’6” (2.13 m) and a maximum of 9’8” (2.90 m) above the roof deck and be horizontal in structure. Plants or vines grown on the pergola must not block views above or below the structure. Pergolas, in addition to any enclosed areas, stairs and projections above the maximum parapet height, may not exceed 75% of the width of the lot nor 50% of the length of the lot.

A contiguous section, representing 25% of the width of the property and the entire length of the property must be free and clear of all obstruction above the maximum parapet height to the sky.

b) Village Homes

Village Homes form the main fabric of each neighborhood and the second floor elevation is significant to the character of the streetscape. Street elevations with a complete two-story facade are mostly located in the heart of the Village and create a sense of density and activity. Elsewhere second floor areas have greater openness and allow for views to the ocean, golf course, and mountains.

4.1.3 Third Floor

a) Casas Altas, Tiendas del Artes, Multi-Use, and Commercial Properties

Where permitted, the extent of third floor coverage of a proposed development will be determined by its location in the Village, relationship to neighboring buildings, and assessment for overlook onto adjacent structures.

b) Viewing Towers - Village and Custom Homes

No roof or shade structure is permitted above the second floor roof of properties abutting the beachfront or golf course, including the golf course lakes. No variance may be authorized permitting such structures for these properties.

For other properties, such structures may be authorized as provided in these Design Guidelines below:

An allowable viewing tower or open terrace may not exceed 20 square meters or 6.0% of the site area, whichever is greater.

The viewing tower is intended to be a “transparent” structure from neighboring properties and is not intended as interior living space or active recreation area. Finishes and furnishings must reflect an open-to-air environment. Built-in counters, kitchens, spas, fireplaces, fire pits, and chimineas are not permitted. Lighting must be fully shielded, downward facing, minimal and located in a low position. It is important to follow the principles of “preserving the night sky” and avoid “light trespass”. Parapet lights and one low-level ceiling mount light (no more than 6w LED) are permissible; wall sconces or up-lights are not permitted. Roofs must be covered with clay tiles. Ceiling mounted lights, wall sconces or up-lights are not permitted on pergolas. Linear LED and stair lights mounted on the exterior wall or stairs must have the approval of the Design Review Committee. Built-in audio/video systems are not permitted.

Should an existing viewing tower create an overlook situation onto another property, a solid or semisolid wall may be required to ensure privacy to neighboring ground level courtyard areas. This wall may not obstruct existing views from neighboring properties nor can a tower be fully enclosed.

Additional open terrace on a third floor may be permitted by the Design Review Committee if there are no overlooking issues to surrounding properties.

4.1.4 Viewing Decks Above the Third Floor

Viewing decks on buildings adjacent to Village and Custom Homes, may be developed above the third floor but there must be careful consideration for overlook and the privacy of adjacent properties and properties that lie beyond. For new construction, approval will be considered only after the deck level has been constructed and after an on-site visit by a representative of the Design Review Committee.

Viewing decks, above the third floor, are subject to all criteria for Post-construction Viewing Decks for Village and Customs Homes.

4.1.5 Post-construction Viewing Decks – Village and Custom Homes

Homeowners of already completed homes may apply to develop the roof area of their second floor. Such a proposal may not obstruct existing views from neighboring homes or create unwanted shading of the same. No overlook may be created from the usable third story area nor ascending or descending access stairs. Approval will be based on the following:

- a. The developed area, covered and uncovered, may not exceed 20 square meters or 6.0% of the lot area, whichever is greater, and the remaining rooftop must be made into a no-walk or planting zone, depending on the possible overlook on the adjacent property.
- b. New access stairs to the third floor must be metal or concrete and not create any obstruction of existing views or spatial openness for neighboring properties. No overlook can be created from the deck or ascending or descending stairs. Stairs may be enclosed to prevent overlook, if necessary, but may not obstruct existing views from neighboring properties.
- c. Existing parapet walls may not be raised but wrought iron railing may be added for safety.
- d. A wrought iron rail may be used to define the developed roof area within the parapet area.
- e. To respect existing viewing tower outlooks, additional privacy walls will not be permitted.

4.1.6 Privacy and Overlook

In an intimate Spanish Colonial-style village like Loreto Bay, there will be instances where private spaces such as courtyards and second level decks can be “overlooked” from roof decks and viewing towers of adjacent and neighboring properties. Courtyards, roof decks, and towers are an important part of the Loreto Bay vocabulary, and the impact of these elements on

adjacent properties is a significant aspect of the Design Review Process. Privacy of main ground floor courtyard areas is the primary reason to allow privacy walls and decline applications for new third floor viewing decks.

All privacy walls must have the approval of the Design Review Committee and should avoid restricting the spatial openness of doors and windows of adjacent properties. Privacy walls may not be constructed if the property adjacent has not been developed.

It is the responsibility of the property owner of new construction (and their designer) to work in association with neighboring properties to avoid visual conflicts. Placement of towers, viewing decks, and shade structures should maximize privacy while minimizing interference with neighboring view corridors. Viewing towers and the access stairs should not be located along an adjoining property line unless the second story massing of the neighboring home ensures that overlook will not occur.

Possible conflicts may be resolved through the creation of “no-walk” areas on second and third floor roof decks and privacy walls at the discretion of the Design Review Committee. If construction is being completed and an unforeseen conflict arises, it is the obligation of the incomplete or last-completed project to mitigate the circumstances.

Proposed buildings that are greater than two stories and are located adjacent to Village and Custom Homes must be sensitive to overlook.

4.2 Setbacks

4.2.1 Zero Setback Conditions at Common Property Lines

Party walls that separate adjoining properties must be located 1” (2.5 cm) from the common property line. This may not take into account any applied finish for weather-proofing.

Inner courtyards that are located adjacent to an adjoining property line must be contained by their own courtyard walls to a minimum height of 8’ (2.44 m) measured from the finished first floor. No structure, fixture or decoration may be attached to the adjacent structure such as pergolas, shade structures, lighting, or hammock support.

4.2.2 Street Facades

All exterior walls bordering on Common Areas must extend past the property line by 5” (12.7 cm). This provides governance and jurisdiction to the Master Condominium and all Sub-Condominiums over the appearance and maintenance of the Common Areas.

4.2.3 Beachfront Lot Lines

For all waterfront lots, a building setback of 8’ (2.44m) is required on the waterfront side of the lot boundary at the ground floor. An exception is made where the lot is at a terminus point (next to a lane or road). In this situation, an enclosed structure or garden wall may extend to the property line. The structure or extension may not exceed 25% of the width of the property and not be greater in height than the maximum parapet height.

On the second floor, enclosed spaces must have a minimum 16' (4.88m) setback.

Within the beachside property line of beachfront lots, a stone or stone-faced wall must be built that will serve as a retaining wall from the beach grade to the top of the structural fill. This will ensure a consistent visible edge along the waterfront. A wrought iron fence with a gate may be installed above the stone wall but the ironwork or any columns may not exceed 4' (1.22m) in height from the finished courtyard level.

4.2.4 Golf Course Lots

For all Golf Course Lots, a building setback from the lot boundary on the golf course side must be a minimum of 16' (4.88m); however, the middle 50% of the lot may have an 8' (2.44m) minimum setback. This setback formula ensures oblique views from neighboring properties. An exception is where the lot is at a terminus point (next to a lane or road). In this situation, an enclosed structure or garden wall may extend to the property line. The structure or extension may not exceed 25% of the width of the property and may not be greater in height than the maximum parapet height.

Enclosed second floor spaces must have a minimum 16' (4.88m) setback.

4.2.5 Canal and Estuary Lots

For all canal and estuary lots there is a minimum building set back from the lot boundary on the canal walls of 9'10" (3.0 m). This does not relieve homeowners or contractors from the obligation to ensure that standard engineering and construction practices have been followed when building on canal and estuary lots. When lot configuration requires building any weight bearing structure within the required 9'10" (3.0m) setback, a variance application must be submitted to the Design Review Committee. Following Design Review Committee approval of a design plan and any setback variance for the project, but prior to commencement of construction, drawings approved by a DRO (Director Responsable de Obra) certified engineer must be submitted to the Managing Agent.

4.3 Building Heights

4.3.1 Floor Levels

The entry and courtyard level of any property must be 6" (15.24 cm) above the highest spot on any fronting street. There must be a further 6" (15.24 cm) up to the finish floor level of the ground level enclosed spaces.

4.3.2 Stories - Village and Custom Homes

Any structure that rises above 13'8" (4.17m) from the entry level slab will be considered as second floor space. Where permitted, any structure that rises 24'0" (7.32m) above the entry level slab will be considered a third floor level.

4.3.3 Second Floor Parapet Walls - Village and Custom Homes

The dimension of 13'8" (4.17m) above the main floor slab is the maximum allowed as a parapet

height. Anything above this height will be included in the designated view corridor calculation. Privacy walls must have approval of the Design Review Committee and may not be constructed unless the adjacent property has been developed.

4.3.4 Fences and Courtyard Walls

Walls that enclose courtyards at the street face may be no higher than the second floor slab height or 12' (3.66m) and may be as low as 4' (1.22m). Variation in heights and installation of wall caps are encouraged to provide interest on the street wall elevation. Freestanding walls and fences must be masonry or composite panels finished in plaster or stone. Corners and tops of freestanding walls and fences must be softened, rounded or detailed. They do not require a masonry cap. Materials such as broken glass and metal spikes may not be installed along the top of walls for security purposes, but alternate proposals for deterrence may be considered by the Design Review Committee.

Common area, non-courtyard walls (i.e. exterior planters) must be 1' (30.48 cm) - 4' (1.22m) high.

Courtyard walls within the 8' (2.44 m) setback on waterfront lots may be no higher than 4' (1.22m). An exception may be made for lots at a terminus point (next to a road). Courtyard walls within the 16' (4.88 m) setback on golf course lots may be no higher than 4' (1.22 m) for the first 8' (2.44 m) from the golf course property line and no higher than 8' (2.44 m) for the next 8' (2.44 m) thereafter.

4.3.5 Mixed-Use Buildings

Building height must be limited to 60 feet measured from the first floor elevation to the high point of the building. This limitation will not include any architectural projection that adds a visual interest, such as chimneys, spires, elevator shaft, and domes, provided that such projections do not exceed 72 feet in height.

4.4 Landscaping

Landscaping elements are significant in completing the architectural character of the home and moderating temperature. Trees, shrubbery, or other plantings may be located to provide shade, capture cooling summer breezes, and deflect winter wind. Appropriate planting also provides dust control. Landscaping elements, however small, contribute to the local ecosystem, supporting nature's cycles and providing habitat for birds. The specification of native, drought tolerant plants minimizes water demand, maintenance, and pest issues.

Planting along and on walls softens the massing and in courtyards, garden areas, and containers enhances the aesthetic and functional qualities of the "outdoor room". Small gardens provide focus and privacy for "interior" spaces while canopy trees and planted trellises provide shade and cooling.

The Villages of Loreto Bay embrace and promote the ideals of permaculture, using native plants that minimize water consumption and, in that context, the use of food-producing plants that can be enjoyed for their natural beauty and for their fruits or direct consumption.

SECTION 5 – GENERAL ARCHITECTURAL DESIGN

5.1 Massing Criteria.

Buildings in Loreto Bay are strong, simple forms with walls as the main architectural element. They wrap a building site, enclose interior spaces, and surround gardens and courtyards. Outwardly, uninterrupted wall areas emphasize the few openings for entry and light. Elements such as doors, windows, and towers are the main features, among which the main entry is the highlight on the street. These architectural features should emphasize vertical proportions in their detail (i.e. divided lights) and in the grouping of elements between vertically-proportioned windows. They should not create a resulting horizontal effect.

For larger structures of three or more floors, architectural elements should be designed with more formal characteristics, having a heavier base at ground level, including columns, arcades, awnings, and door surrounds. Lower stories must have a cadence of larger wall openings and greater decoration or detailing. At the street the facade should provide visual interest to pedestrian traffic and be representative of its centralized location and increased activity. It is important that floor levels remain distinctive and not visually combined, in order to maintain a human scale and be compatible with the surrounding neighborhood. The middle and top should include decorative elements such as cornices or distinctive tops for walls. Windows and doors on the upper stories should be smaller, set back, and not grouped.

All buildings should exhibit an aesthetic that represents the tradition of masonry construction. Even though other technologies may be employed, the expression of solidity and wall-bearing is the key. To maintain the integrity of this style, the combined width of windows and doors across any facade should total less than 50% of the wall length. No wall opening, door, window, or gate may be located closer than 24" (61 cm) from the corner or end of a wall. An exception is permitted for beach-front, golf course, estuary, and canal facades.

5.2 Exterior Walls

Walls are the main compositional element in the Loreto Bay vocabulary. They are robust in presence and play a dominant role in defining the streetscape. They feature deep reveals and are articulated by the fine craftsmanship of gates, door, balconies, and windows. The walls express the thickness of "enclosure" and its effectiveness in reducing solar penetration or thermal escape. Walls should create visual interest and incorporate the use of traditional materials such as plaster, stone, brick, and wood for detailing. All exterior walls should be not less than 10" (25.4 cm) in thickness. Plaster finish should be rounded at the edges and corners.

Garden and courtyard walls should have similar characteristics as building facades and be not less than 10" (25.4 cm) in thickness.

All doors and windows must be set back at least 4" (10.16 cm) from the stucco face. Glass may not be set into a wall without a wood or metal sash. All materials must have the approval of the Design Review Committee.

Fin walls or privacy walls that end at the street-side property line must be rounded or detailed to create a soft transition to a lower courtyard wall. For stone walls, wall caps of the same material must extend beyond the face of the wall by at least 3/4" (2 cm). All wall caps should be at least 2" (5.08 cm) thick.

5.2.1 Articulation of the Street Facade

Streets in Loreto Bay are defined by the continuum of simple, plaster-finished building facades. The experience of walking or bicycling through the neighborhood is enriched when there is visual interest created by a variety of well-detailed, well-crafted elements that modulate the walls and add a more intimate scale. The use of architectural elements that project or are set back from the street facade, like balconies and window boxes, are encouraged to provide depth and articulation to the street. Features such as doorway surrounds, windows with Cantera stone sills, and true-divided window lights, as well as columns and door decoration, add another layer of delight.

Projections beyond the property line may not contain habitable space at any level and must be a maximum of 2' (60.96 cm) from the face of the building. Proposals for projections must be appropriate to the scale of the street and may not be permitted on very narrow streets, where there is interference with any in-ground services, or where it inhibits safety of movement.

Wall bases are encouraged and can be expressed with change of material, color, or articulation. They should be approximately 1:4 to 1:2 to the wall height. Wall surfaces on the primary facade should be as continuous as possible.

Care should be taken to organize the various architectural elements on the street facade, particularly at the ground level, so that it does not become cluttered with service niches and access panels that may detract from the main features, such as the entry doorway or a significant window. Consideration at the planning stage should include location of service niches (electrical, water, or gas), vents, lighting, address signs, and doorbell, or intercom. All service niches must be covered with an access panel or door. Plumbing clean-outs may not appear on street facades.

The street facade of a building should consider the facade of any adjacent building, particularly as to the alignment and finishing of stone bases and the finish of eaves and wall caps.

5.2.2 Beachfront, Golf Course, Estuary, and Canal Facades

Buildings on beachfront, golf course, and estuary properties may have openings (combinations of windows and doors) on facades at the beachfront, golf course, or estuary side of the property that exceed 50% of the wall length. In order to maintain the aesthetic of masonry construction and avoid "walls of glass", an arcade, roof (tile or Palapa), or pergola (that is at

least 50% solid) must extend a minimum of 2 feet or other appropriate and aesthetically pleasing distance in front of a window wall, including French doors and sliding glass walls, to create a significant shadow line in front of the glazed areas.

5.3 Roofs

The “Cuatro Aguas”, the flat roof, and the “Cuatro Aguas” roof type as used on viewing towers, are the primary roof types for Loreto Bay. Shed and gable roofs are to be used sparingly for accent roofs. In addition to providing architectural character and basic shelter, roof forms may be manipulated to enhance natural ventilation within the home. Proper rain water drainage must be considered for all roofs types and comply with local codes.

5.3.1 Main Roof Types

a) Hip Roof

“Cuatro Aguas” are required to have overhangs ranging from 12” to 36” (30.48 cm to 91.44 cm). Roof frames should be exposed and may be complemented by simple brackets. These roofs must be terracotta clay tile; however, alternate roofing tile materials may be allowed so long as the material simulates the look of clay.

b) Flat Roof with Parapet

Flat roofs may be concrete, ceramic tile, Cantera stone, or acceptable “green roof” construction and must be finished with a parapet. Flat roofs may be utilized as terraces and may be partially protected by trellises or partial roofs.

Roof terraces can provide convenient outdoor living areas, but they must also provide open viewing corridors for neighboring properties.

Second and third floor roof terraces and viewing towers require a protective parapet or rail.

No exposed bituminous membrane or wood decking may be used on roof decks. Parapet walls must be a minimum of 16” (60.64 cm) high, if used for a terrace, and from 2” to 18” (5.08 cm to 45.72 cm) high on the street. They may have either troweled “soft” caps or chamfered caps.

Canales should be used for venting, moisture escape, and decorative purposes and should be compatible with the style and materials of the building.

c) Gable Roof

Details must be kept tight to the wall plane in both eave and rake details. Gable roofs are permitted only in special circumstances and must have the approval of the Design Review Committee.

d) Shed Roof

Shed roofs may be used in combination with other roof types to create varied profiles and

silhouettes. They are suitable to cover arcades and porches and smaller roof areas. There must be a minimum 3:12 slope for tile roofs.

e) Palapa Roof

Use of palapa roofing is appropriate in Village Edge locations only. It may be used as a secondary roof and may be pitched up to 9:12.

5.3.2 Special Roof Forms

Since most of the roofs in Loreto Bay will be flat or have a 5:12 slope, special roof forms such as domes, cupolas, barrel vaults and oculi, along with towers, campanile, and chimneys, will provide modulation to the village roof-scape and may differentiate dwellings in the community. Special roof forms may also support natural ventilation strategies. While the use of domes, large cupolas, barrel vaults, and oculi are suited to buildings in the Village Center and for homes on the Village Edge, these roof forms may also be appropriate toward the middle and street side of the property. Special roof forms and roofs steeper than 5:12 pitch are subject to approval by the Design Review Committee.

5.3.3 Overhangs

Overhanging eaves and trim may extend beyond the property line at the street facade up to 2' (61 cm) but may not extend over the property lines of the adjacent lot.

Homes in the Village Center and Village General with roof soffits that are visible from the street must be finished flat with tile or wood block inserts.

Homes at the Village Edge must have exposed framing and may be complemented with simple brackets. Use of sticks, bamboo, or exposed palapa is only appropriate for Village Edge conditions.

Aluminum, vinyl, or synthetic soffit materials are not permitted. Exposed rafter tails must be shaped, even with simple stop chamfer details.

5.3.4 Shading Devices for Roof Terraces

Rooftop shading is important for habitable use and cooling of rooftop surfaces. These structures may not block views if they are situated in a view corridor.

Shade structures may be made of wood or masonry/plaster framing with horizontal shading in wood, tile, or mesh. Stone or concrete (with plaster and paint) columns may also be used as supports.

Pergolas must have horizontal members that run cross-wise to the light axis, rather than running perpendicular, to provide greater shading.

Covered roof decks are for protection from the sun. They should have a contrasting transparency to the massiveness of adjoining wall surfaces.

Shade structures may incorporate operable vertical shading such as curtaining or roll-up blinds, but these devices must not stay in a closed position for extended periods of time because they may create view obstructions.

Blinds and shades must be mounted from the interior of the horizontal structure and not on the exterior or along the bottom. Aluminum, plastic, and any vertical-style blind would not be considered appropriate.

5.4 Zaguan

The zaguan is a semi-enclosed entry area and traditional element in the courtyard building type of the Spanish Colonial vernacular. It provides a transitional passage from the street to the private courtyard space and has the largest opening on the street facade.

The zaguan may be a port-cochere-like structure or a space under a second story structure, framing the light-filled space beyond the entryway.

5.5 Courtyards

Courtyards are a feature of the Loreto Bay home because of their utility as private outdoor living spaces and as a key element in moderating the climate of the home. They enhance the outdoor living experience by being an extension of dining, living, and lounge areas. Small or large, they are effective as outdoor rooms, with planting and pools, and can be designed as links between enclosed rooms.

Depending on the orientation of the courtyard, the provision of shade may be key to its usability and comfort. Pergolas, toldos, and shade trees are encouraged to provide shade but not create enclosure.

Landscaping can play an important role for visual enjoyment of the courtyard by introducing color and bird-life. Water features may provide aesthetic appeal and offer some cooling effect during dry, hot weather.

5.6 Porches or Corredors

Porches or corredors are common elements of the Spanish Colonial Style. The roof may be simple shed or hip-style covered with tile. A simple post and lintel structure may sit on a low wall that creates privacy and convenience for furnishing the porch.

Rafter tails may be exposed but should not exceed 6" (15.24 mm) in depth at their end. Eaves must be continuous. Porches may also be solid masonry (exposed stone or brick), with simple arched openings revealing the wall thickness and terraces above.

Ceilings may have exposed coffers or beams in alignment with the columns. Roofing materials for corredors may be solid or tiled, where shading is required.

5.7 Balconies

The balcony is both an architectural element and a spatial type. Balconies are used in local vernacular and are encouraged as special accents. They may be no deeper than 24" (60.96 cm) and are usually made of contrasting materials to the main volume of the building, i.e. wood or wrought iron against solid masonry walls. Glass and metal mesh are not permitted materials. Other materials require the approval of the Design Review Committee.

Different balcony types are permitted, i.e. French (inset) balcony with interior opening French casement windows or doors and a minor projection with a railing. Projections are permitted to a maximum of 2' (60.96 cm) from the building face.

Shutters may be used in alignment with French balcony doors, leaving transoms above them exposed. If a balcony deeper than 2' (60.96 cm) is desired, the aperture should be recessed into the building plane.

5.8 Railings and Fences

In addition to plaster parapets, decorative rails for balconies, porches, roof terraces, and stairs are encouraged and must be wood, metal, or stone. Glass, extruded aluminum, and exposed stainless steel are not permitted materials. Traditional wrought iron work for decorative embellishment is encouraged. Wrought iron must have the same or complementary patina and finish as other hardware. The quality of craftsmanship should be such that there should be an absence of weld tracks.

5.8.1 Railings and Fences on Canal and Estuary Lots

For all canal and estuary lots it is a requirement to install a railing or fence that is 36" (91.44 cm) in height and of a design and color approved by the Design Review Committee. The railing or fence must be installed on the property line located on the wall cap. The existing white flagstone must be removed in the location requiring vertical support posts. Metal plates must be cast in place with concrete and then surrounded by an equivalent white flagstone grouted back in place. The only portion of the cap that can be permanently removed is that portion which is located inside the property line and, hence, inside the railing or fence. This portion may only be cut mechanically or stones may be removed and replaced manually in such a manner that a straight line exists at the property line. Any damaged or loose stones on the cap outside the property line must be restored to their original state.

5.9 Arcades

Arcades may be used to shade large windows and doorways facing into internal courtyards. Proper proportioning of arcade elements is essential. Columns must be square or round and have a base and capital or corbel.

For homes in the Village Edge (beach front, golf course, or front canal and estuary lots), columns and beams may be made of indigenous materials such as cayaco palms or cardon (dead cacti) but should not be visible from the street. Use of this material is less formal and should not be used in combination with more formal Cantera surrounds and trims.

Columns must be wood, masonry (stone), or finished in plaster. Bases must be masonry or finished plaster. Beams and corbels may be heavy timber or finished in plaster.

Ceilings may be tile or brick (vaults) or finished in plaster. Sticks and bamboo may be used in Edge conditions only. Glass is allowed where solar heat gain is minimal (i.e. shaded by a second story) but should be installed horizontally and not cause glare.

Bamboo roll-up shades and vertical trellises with vines allow light to filter through but do not allow direct heat gain.

5.10 Columns

a) Rustic Columns

Rustic columns may be used for trellises and porches. Wood posts, roughewn timbers, cardon (dead cactus) and cayaco palms may be used. This style of column may only be used in Edge conditions.

b) Wood Posts with Chamfered Corners

These posts may be used, preferably with caps and bases.

c) Masonry Columns with Plaster or Stucco Finish

These types of columns do not have entasis (gradual tapering of the upper 2/3 of the column) and are used with chamfered corners.

d) Classical Columns

The proportions and details of classical-styled columns must be appropriate to the classical language and be correct in syntax, including capital, base, entasis and moldings corresponding to the selected order. Tuscan columns are recommended, as they are most common in the local vernacular. They can be wood or concrete. This style of column is more appropriate for Village Center and Village General areas.

5.11 Arches

A wide variety of arches may be used in Loreto Bay: post and lintel type, segmented, full, and Moorish arches. The more complex openings, like the latter, are recommended for use in special conditions such as entries to primary spaces or terminations of vistas.

a) Post and Lintel

The most common type of opening for doors and windows, the lintel should have a considerable height, a minimum of 8". It should extend beyond the opening by approximately a quarter of its width.

b) Segment Arch

This type of arch is common in the local vernacular style, though it should be used only with its correct proportions. The radius of the segment should be the same as the width of the opening.

c) Full Arc (Media Naranja)

This is the most commonly used arch. Its radius should be a half of the opening. Simple, plaster finished arches are appropriate for Edge conditions, while more decorative arches with stone surrounds and pilasters more appropriate for Village Center and Village General locations.

d) Moorish Arch

This type of arch is often found in the Spanish Colonial vernacular. The width to height proportion should be 5:4 as shown in the diagram.

5.12 Doors, Windows, Hardware

Doors and windows are the signature of a home's character, and the key to the occupants' connection with nature. Proper orientation, proportioning, and shading will help to celebrate views and bathe the house in light, without causing glare and overheating.

5.12.1 Doors

a) General Characteristics of Doors

- 1) All operable doors must be casement or sliding.
- 2) Sliding doors will not be permitted on building exteriors if visible from common or public property, other than areas fronting the beach, golf course, estuary, or canal facades, without Design Review Committee review and approval.
- 3) Operable awning or hopper windows above doors may be permitted for enhanced natural ventilation.
- 4) Visible doors and patio doors must be made of wood or an alternative material which simulates the appearance of wood. The material may include vinyl, aluminum, other metal, fiberglass, or composite materials.
- 5) Division of lights must be with a vertical proportion.
- 6) Vertical door proportions are required. Door design will be reviewed by the Design Review Committee for function, proportion, and style. Arched or shaped doors in the traditional Mexican vernacular are to be encouraged. Any historical references must be accurate and have precedence.

b) Types of Doors:

- 1) Entry or Main Doorways
 - The entry door should be a significant element of the building facade. It should be unique to the streetscape to create identity and welcome to the home. It should be handcrafted and of high-quality workmanship.
 - Entry doors must be of generous proportions. A main doorway on a street should be a unique design, unlike any other within 200' (60.96m).
 - No entry may be narrower than 4' (1.22m) or shorter than 8' (2.44m) and, where it is near or adjacent to a garage door, the entry door must be larger in width than one of the pair of garage door panels.
 - Where an entry door is located near a garage, courtyard, or any other access door, the main doorway must be made to look more significant than the other.

The entry door may be more intricate in detail on the door itself or around the opening (i.e. surrounds, columns).

- Windows are permitted in door panels. Stiles and rails must be at least 4" (10.16 cm). All doors should be inset a minimum of 4" (10.16 cm) from the face of the stucco. Headers may be flat arches, segmented arches, or full arches.

- More detailed styles may feature an open window section above the door, inset with vertical or fan-shaped iron bars or lathe-turned wooden spindles.

2) Other Exterior Doors

- Doors should be handcrafted of wood or an alternate material approved by the Design Review Committee. Handcrafted or artisan-style hardware (hinges, latches, and knobs) must be used.

- Full height doors of 8' (2.44m), plus transoms, are encouraged. Open transoms allow better ventilation.

3) Double Outward-Swinging Doors (Glazed)

- These types of doors are inset behind the plane of the exterior walls with returns allowing them to swing out. Returns may be chamfered or straight in plan. This clearance allows for railings to be installed where appropriate. Railings should be in the same plane as the wall if the opening is equipped with shutters. These doors may be used as entry doors or French doors.

- Stiles and rails must be at least 4" (10.16 cm).

- These doors, if installed on the street facade, must have true divided lights with vertical proportions.

4) Double Inward-Swinging Door (Glazed)

- This type of door may be used as a French door, allowing the doors to swing 180° and rest up against the wall. The doors are inset into the wall to emphasize the thickness of the block wall construction. The height of the transoms should be between 12" (30.48 cm) and 18" (45.72 cm). Headers, if used, should extend on both sides 1/6th of the width of the door.

- Stiles and rails must be at least 4" (10.16 cm).

- These doors, installed on the street facade, must have true divided lights with vertical proportions.

5) Sliding door systems

- These doors may be used only in facades fronting the beach, golf course, estuary, or canals and with overhead shadow producing elements as described above under Beachfront, Golf Course, Estuary and Canal Facades or in ground level courtyards, unless otherwise reviewed and approved by the Design Review Committee. They may not be installed on the ground level street facade and, if proposed for second locations, visible from common or public property, they must be set back from the street facade by at least 10' (3.05 m) have the overhead shade element and be approved by the Design Review Committee.

- The proportions of the door must simulate the appearance of French Doors. If mullions will be on the exterior face of the glazing, they may be either true divided lights or simulated divided lights.

- Stiles and rails must be at least 4" (10.16 cm) wide.

6) Folding doors (includes Nano Wall)

- These doors may be used only in special circumstances such as Edge

conditions or in ground level courtyards. They may not be installed on the street facade and, if proposed for second floor situations, must be set back from the street facade by at least 10' (3.05 m) and be approved by the Design Review Committee.

- Stiles and rails must be at least 4" (10.16 cm).

7) Garage Doors (where applicable)

- Garage doors must be paneled and articulated. Horizontal sectional panels are not permitted. Hardware and fasteners must be hand-wrought or sand-cast bronze and must be compatible in style and color with other exterior hardware.
- Garage doors may not be wider than 6' (1.83m) for single golf cart storage. Doors must be carriage-style or side-hinged; overhead rolling doors are not permitted unless they have the appearance of carriage-style or side hinged doors.

8) Gates and Access Doors

- Gates are important elements in courtyard architecture. Zaguán gates should be manually operable, inward swinging and be made of wood or metal. Designs should be based on traditional Spanish Colonial vernacular.

5.12.2 Windows

a) General Characteristics of Windows:

- 1) All operable windows must be casement type.
- 2) Sliding windows may be permitted on visible building exteriors if the dimensions of the window will allow it in an aesthetically pleasing manner.
- 3) Operable awning or hopper windows may be permitted for enhanced natural ventilation above and below casements.
- 4) Windows and doors must be made of wood, steel, or alternative materials approved by the Design Review Committee.
- 5) Divided window panes are encouraged but not required.
- 6) The use of any alternate materials must be approved by the Design Review Committee.
- 7) Windows must emphasize vertical proportions and, in the grouping of elements between vertically-proportioned windows, must not create a resulting horizontal effect.

b) Types of Windows:

- 1) Casement - Recommended dimensions: headers should be a minimum of 8" (20.32 cm); sills should be a minimum of 4" (10.16) or a brick width; windows should be rectangular or arched in shape, with general proportions of the opening approximately 1:1.7 width to height, which approximates Golden Section proportions.
- 2) Horizontal Sliding, Awning, or Hopper - These window types must be similar in appearance to casement windows.
- 3) Special Windows - Special windows such as the Quatrefoil or "ojo de buey" (eye of the bull) may be used sparingly at special locations such as entries, gable ends, towers, or cupolas, or for asymmetrical balance of fenestration composition. Square windows are allowed up to 18" (45.72 cm) x 18" (45.72 cm).

5.12.3 Window Shading Devices

The optimum shading for a window is created by careful placement and deep window recesses. Overhangs should be used on south elevations and some west elevations. Vertical shading devices of iron, wood, or vegetation should be employed on east and west elevations to address low sun angles. Adjustable louvers are effective for high and low sun angles, optimally oriented horizontally on the south side and vertically on the east and west.

Prescribed materials for window shading devices include: wood, Iron, decorative masonry, plaster in a traditional vernacular, and fabric awnings in a traditional style. Vertical window proportions are required.

5.12.4 Window Screens, Grilles, and Shutters

Except as provided below, exterior mounted screens, grilles and shutters are not permitted.

a) Sun Screens

Interior sun screens or “blinds” are recommended for energy conservation reasons, if other means of control are not provided. Various types are permitted. Exterior sun screens are not permitted.

b) Insect Screens

Mosquitoes are present in Loreto Bay and are always considered a nuisance. Interior or exterior insect screens are permitted, provided they cover the full opening. In the case of exterior screens, they must be of a type approved by the Design Review Committee.

c) Grilles

Rejas or wrought iron grilles may be used on street facing facades, which are more urban, while iron bars or wooden spindles set into walls may be more appropriate for Village Edge situations. Grilles of wood or wrought iron may be painted dark or finished natural. Metal work design and motifs should be based on traditional Spanish Colonial vernacular.

d) Shutters

Exterior shutters for privacy, security, or shade are not permitted.

Interior shutters for privacy, security, and sun protection are not considered storm or hurricane shutters, and there is no requirement that they remain in the open position when storms are not a threat. Shutters must be made of wood, paneled or built-up with exposed framing, and must be hinged from the side or top. They should have wood grain look PVC headers integrated into the door or window. The guides and louvers can be fabric, aluminum, or some compatible window treatment. All shutters must be operable and have widths corresponding to the opening they are covering.

5.12.5 Window Tinting

As approved by the Design Review Committee, tinted glass in windows with lighter shades or a shading coefficient of .25 or less will be permitted; however reflective glass is not permitted. Clear, low emission (low-e) glass is permitted.

Privacy glass at the exterior is permitted where appropriate, with the approval of the Design Review Committee, and may include stained glass as well as beveled, patterned, or faceted glass.

5.12.6 Exterior Storm Shutters

Exterior storm shutters approved by the Design Review Committee are permitted but must remain in an inactive position until needed in active storm conditions. Such shutters may not be left in the closed position throughout the “storm season” or left closed during periods when the property is not occupied. Storm shutters may not be used as security or shade devices.

Metal rolling shutters must be installed so that the housing is not visible. Any visible tracks must be painted the same color as the house.

Metal clips for storm fabric must be painted in the same color as the house. Storm fabric must be a neutral color or same color as the house and must not be in high contrast to the color of the house.

5.12.7 Door and Window Trim

Trim details should be integral with the wall treatment and should reflect the simple original technologies used to create them. Stone or wood headers should be a minimum of 8” (20.32 cm) high and should extend a minimum of 4” (10.16 cm) beyond the window and door openings. A continuous trim detail with a minimum width of 4” (10.16 cm) to 8” (20.32 cm) surrounding the window or door opening is also recommended. Masonry walls may have wood headers extending beyond the opening by 1/6th the width of the opening. Painted 4” (10.16 cm) wide accent color may be applied as a faux door or window frame in plane with the exterior wall.

Door or window recessed surrounds may also be painted an accent color; however, Design Review Committee approval is required for such trim details.

5.12.8 Door and Window Hardware

- a. Exposed exterior hardware must be of the hand-forged or crafted style.
- b. Exposed hinges and decorative fasteners are encouraged.
- c. Bright brass or polished chrome exterior hardware is not permitted.
- d. Black, bronze, oiled bronze, rust, and verde patina finishes are permitted.
- e. Black is preferred when combined with ironwork.

5.12.9 Skylights

- a. Skylights should consider solar gain.

- b. Flat roof skylights must be accompanied by adequate ventilation.
- c. Skylights are not permitted on sloped roofs.
- d. Clerestory openings, oculi, and towers are preferred

SECTION 6 - MATERIALS

6.1 Materials

The specification of appropriate and approved materials ensures a building's architectural integrity as well as its successful integration into the Loreto Bay village. It also minimizes the environmental impacts and ensures optimal occupant health. Environmental impacts are associated with the extraction, processing, and manufacture of building products.

6.2 Selection Criteria

Designers are encouraged to use products that are extracted, processed, and manufactured from local sources within 500 miles (800 km) of the house site, to reduce energy use by minimizing transportation requirements.

6.3 Reduce Environmental Impacts

Homeowners, designers, and builders are encouraged to favor natural materials and those with recycled content, low embodied energy, and carbon sequestering properties.

6.4 Indoor Environmental Quality

Builders are encouraged to increase occupant comfort and health by ensuring indoor air is free of odors, humidity, and chemical contaminants. Traditional materials such as stone and brick, with wood for detailing, are encouraged. Rock and brick should be exposed and artistically detailed. Concrete block and concrete may be used for courtyard walls and interior construction and finished with a smooth plaster to achieve a solid appearance. In all cases, plaster finish should be rounded at edges and corners.

Designers should prioritize natural products and, where required, use composite products with low or no volatile organic compounds. Alternatives include organic lime washes, clay plaster, milk paint, natural oils such as linseed, bees wax, tree resin, and other organic resources. Adhesives, sealants, primers, paints, and cleaners derived from raw materials which have low toxicity, are renewable, and involve low environmental footprint should be used where possible.

a) Paint

Use water-based products with no VOCs (volatile organic compounds) (Compuestos Orgánicos Volátiles -COVs) or less than 87 g/l (grams per liter) for exterior (such as Sherwin Williams Kem-Tone K25) and less than 56 g/l for interior (such as Sherwin Williams ProMar 400). Testing should be in accordance with Norma 123-Ecol-1998 SEMARNAT.

b) Adhesives

Water-based adhesives are generally better than solvent-based options. Green Seal's adhesive standard sets 150 grams of volatile organic compounds (VOCs) per liter of product as a safe maximum. Low-toxicity, water-based adhesives contain latex or polyvinyl acetate. Natural adhesives contain plant resins in a citrus solvent or water dispersion system. Dry adhesives contain resins stored in capsules released by pressure. All of these adhesive groups have minimal hazardous emissions once installed.

c) Millwork

Avoid conventional particle board and MDF for cabinetry. In addition to wood, alternatives include wood stalk wheatboard, a particleboard made from wheat straw, a waste product of farming bound together with a formaldehyde-free resin.

6.5 Types of Finish Materials

The following is a summary of the main finish materials that may be considered and how they are used in Loreto Bay.

a) Concrete

- Exposed concrete may be considered as a finished surface. No form marks may be visible, including tie rod pockets.
- Concrete and exposed aggregate may be used.
- Cast concrete may be used for decorative elements such as window sills and lintels, columns, and capitals.
- Concrete floors may be treated by color or stamping.
- Concrete may be combined with stone in masonry assemblies.
- Specify 30-40% fly ash mix. This reduces the amount of cement, responsible for greenhouse gas emissions, replacing it with a waste product that improves the strength of concrete over time.
- Polished and densified concrete floors combine diamond stone-polishing technology with silicate chemical treatment to provide a significantly better alternative to film and wax coatings. They are highly durable, nearly maintenance free, and non-combustible. The improved reflectivity can also reduce lighting requirements.
- Coloring pigments or acid treatments in concrete add architectural interest, using very little additional material, and turning concrete into a finished surface, which avoids the need for additional products and coatings and eliminates the environmental impacts associated with manufacturing and maintaining those materials.

b) Stone

- Stone is encouraged as an exposed building and finishing material and may be used for walls, floors, pathways, columns, and detailing.
- Details may include stone sills and lintels, column bases and capitals, and wall bases.
- Stone for exterior applications should be procured from local (Baja, Mexico)

quarries.

- Stone walls must have a rough, split face, not a smooth, cut face.
- Stone applied to the structural wall must be no less than 6" (15.24 cm) in depth. At wall corners, stones should appear to be "structural" (one stone) and not appear as the thin veneer slabs that overlap at the corner.
- The use of recycled antique architectural stone is encouraged.
- Walls may have a combination of materials that include stone, i.e. stone and brick
- Pebbles may be used in mosaic or between brick courses.

c) Brick

- Fired clay brick may be used for wall bases, detailing elements, and as ceiling finish.
- Vaulted and arched brick ceilings are encouraged.
- Arches may be detailed in brick.
- Brick columns and arches are permitted, when detailed appropriately.
- Flattened and elongated bricks may be used, particularly for curved forms.
- Brick dimensions must be approved by the Design Review Committee.
- Terra cotta and brown brick colors are preferred over yellow clay brick.

d) Plaster

- Plaster is the most common wall surface in Mexico, and its use is encouraged in Loreto Bay.
- Quality workmanship is expected.
- Plasterwork may be smooth or textured and should have softened corners.
- Crackalura plaster finish may be used for feature walls.
- Ceilings, domes, arches and window heads, corbels, and brackets may all be plaster.
- Distressed walls may be incorporated.

e) Clay Roofing Tile

- Clay tiled pitched roofs are one of the most significant architectural features of the Loreto Bay Village.
- Roofing tiles must be clay tiles; however, alternate roofing tile materials may be allowed so long as the material simulates the look of clay.
- Tile shapes, colors, and dimensions must have the approval of the Design Review Committee.
- Roof pitches must be appropriate for proper tile installation and detailing.
- Roofing tile must be properly installed to prevent excessive damage by high winds.
- The standard roof tile palette contained in the attached Appendix has been approved for use in Loreto Bay.

f) Pergola and Palapa Roofing

- Support must be with wood beams and posts. The use of rope lashings and exposed decorative fasteners is encouraged.
- Pergola roofing must be wood slatted, dowel, tile, or similar appropriate and approved materials. Fabric coverings must be appropriate and approved as to quality and color.
- Palapa roofing, made from shingled palm leaves, may be used to provide cost-effective shade and cooling; however, fire issues must be considered. Use of palapa is considered appropriate only for Village Edge homes and only on the beach or golf course side of the property.
- Shed-style and radius-style are most common, but ridge beams and posts may be used to support larger palapa roofs.
- Quality palapa workmanship creates longer lasting roofs.

g) Wood

- Heavy timber post and beam woodwork is common in Mexico and encouraged in Loreto Bay but wood is a limited resource and largely imported. It may be used for posts, beams, lintels, exposed stringers, and rafters.
- Rafter tail detailing and corbel bracket detailing is a local art form in Mexico and is encouraged.
- Column bases, shafts, capitals, and cornices are suitable for wood detailing.
- Visually textured wood doors and windows are a required feature of the Loreto Bay style.

h) Ceramic Tile

- Ceramic tile, including Saltillo and Talavera, are touchstones of Mexican architecture.
- Floors, walls, counters, window sills, soffits, ceilings, domes, fountains, showers, and a myriad of other architectural forms and elements may be tiled in Loreto Bay.
- Shaded tile floors are a natural cooling device.
- Tiled pools and fountains are wonderful architectural accents.
- Most of the red clay tile used in Loreto Bay is Mexican factory-made. These tiles are compressed by machine, fired, and often pre-sealed. This product is more durable than the hand-pressed process used in Saltillo tiles.
- Tile is an inherently low-toxic, waterproof, durable finish material for flooring, walls, and other applications. While tile is somewhat energy-intensive to manufacture, the materials involved are readily available and mined with fairly low impact. In addition to clay tile, consider products containing post-consumer or post-industrial recycled content, such as recycled glass tiles.
- Consider light-colored tile for exterior applications in order to reduce heat island effects.

i) Ironwork

- Ornamental ironwork is a reminder of Mexico’s European heritage and is generally Spanish, French or Moorish in its stylistic origins. Original artistic expression is encouraged within the accepted parameters of the Loreto Bay Style.
- Grillwork, fences, gates, railings, handrails, brackets, supports, balconies, light fixtures, hinges, door pulls and knockers, fasteners and features are all part of Mexican ironwork.
- Quality ironwork is required for buildings in Loreto Bay.
- No two houses facing each other in the same block may have the same ironwork design.

SECTION 7 – BUILDING SYSTEMS

7.1 Energy and Power

Energy-efficient design is integral to Loreto Bay’s sustainability commitment. Energy efficiency begins with “passive” design. Techniques include proper building orientation, window size and location, spatial interconnections, and shading in order to maximize light, maximize ventilation, and minimize summer solar gain. The simplest strategy of all is to favor outdoor living and minimize enclosed temperature-controlled space and the need for artificial lighting. Energy efficient design also includes use of the most effective, environmentally appropriate systems, equipment, and appliances. Energy efficiency results in significant long-term savings for homeowners, as well as reductions in greenhouse gases and other environmental impacts associated with electricity production and conventional mechanical cooling.

7.2 Passive Cooling and Ventilation

Loreto Bay is blessed with a dry, warm, sunny climate offering ideal living conditions most of the year. Comfort levels may be easily maintained during the coldest months without mechanical heating by providing high thermal mass and/or insulation. Home design should make use of natural light and ventilation. There is only a brief period during the year—the months of August and September—when temperature and humidity levels regularly rise above most peoples’ comfort level and fail to offer significant night-time cooling. Particular attention should therefore be paid by the designer to addressing summer conditions in order to minimize, if not altogether eliminate, mechanical cooling and ventilation loads.

7.2.1 Passive Cooling

a) Building Envelope

- Utilize construction system with integral wall and roof insulation such as Perform Wall.
- Use construction system with thermal mass.
- Seal windows and doors and, where ventilation chimney is provided, install operable closure, if mechanical cooling is also provided.
- Use R-40 roof insulation.

b) Water

Include pools with pumping fountains and evaporative chimney (cooling tower).

c) Windows

- Minimize windows facing west/north-west.
- Provide overhangs, louvers, screens, or support structures for vegetation to shade south-facing windows.

7.2.2 Passive Ventilation

a) Windows

- Create cross ventilation in major living areas and natural ventilation to all habitable spaces.
- Increase window heights to permit low and high operating windows, allowing cooler in-flow through low windows, preferably at shaded side of building, and high outflow of hot air.

b) Ventilation chimney

Use ventilation chimneys to evacuate hot air through stacks, such as Antigua Guatemala-style cupola over the kitchen.

c) Planting

Orient living spaces around planted courtyards to induce cool microclimate.

7.2.3 Cooling and Ventilation Equipment

In keeping with the goals of sustainability, it is expected that buildings in Loreto Bay will utilize the most energy-efficient and environmentally friendly mechanical systems, if such systems are deemed necessary. It is recommended that mechanical systems, such as split roof top units, be limited to bedrooms and that natural cooling techniques, such as evaporative chimneys and cooling towers, be incorporated into building designs. If split systems are specified, multi-splits are recommended.

Such equipment should be screened and enclosed with elements such as parapet walls or trellis screens. Noise pollution from heat pumps and mechanical equipment is not permitted. Care should be taken in the placement of a/c units and pool pumps to minimize noise audible from the street or adjacent homes.

7.2.4 Electrical Power Allocation

As a sustainable development, Loreto Bay encourages low energy consumption of high greenhouse gas generating power sources, the use of alternative power sources, and energy saving appliances, light fixtures, and other household equipment.

Electricity is brought to each lot through underground main power lines and the allocated electrical power allowance is limited. Designers should consider the appropriate use of technologies to make the best use the available electrical power.

7.3 Lighting

7.3.1 Natural Light

The best lighting design maximizes natural light. Daylighting strategies provide a significant reduction in the use of electrical lighting, as well as the benefits of full spectrum light. Typically, electrical lighting represents 45 to 50 percent of net energy consumption. Innovative daylighting strategies can considerably reduce electricity consumption and improve the quality of light in an indoor environment. Daylight provides sufficient light to meet lighting requirements of 50 to 70 per cent of the occupancy period. In addition to improved life-cycle cost, reduced emissions, and lower operating costs there is a measurable benefit to daylighting strategies.

Proper daylighting design will provide relief from the intense sunlight of the Baja peninsula, as well as minimizing energy consumption for air conditioning. Window orientation, form, and placement, room volume, and surface reflection must be taken into account. Screens, louvers, overhangs and light shelves may be used. Light penetration dominates on the east and west elevations, where heat gain is the most difficult to control.

The design of windows relative to enclosed space is correlated to the dispersal of natural light. For effective daylight penetration throughout a room the typical depth of a room should be proportional to the window head height at roughly 1.5 to 2 times its size. On the east and west facades higher windows will allow for more even distribution of lighting.

7.3.2 “Dark Sky”

Pursuant to the Loreto Bay Master Rules, night skies must remain “dark skies”.

The goal with respect to outdoor lighting within the Master Condominium is to reduce night time light levels, including glare and blue light, while ensuring that those levels remain at safe and practical levels and that outdoor light fixtures maintain the architectural standards in these Guidelines. Where there is a conflict between reduced light levels and the architectural character of light fixtures, the reduction in light levels predominates.

Outdoor lighting standards apply to all new construction, improvements, and landscaping, all changes to existing buildings, improvements, and landscaping, and modification to approved plans for future structures, including interior courtyard landscaping. Stand-alone outdoor lighting fixtures that light streets, fountains, swimming pools, tennis and pickle ball courts, games places, and other gathering places are also subject to these standards.

Lighting must be specific to a particular purpose - such as illuminating streets, entranceways, stairs, outdoor eating, seating, and BBQ areas, when in use - to both ensure safety and eliminate to the maximum extent possible:

- a) Degradation of the nighttime visual environment by production of unsightly and dangerous glare;

- b) Lighting practices that produce excessive glare and brightness that interferes with the health and safety of Loreto Bay residents and visitors;
- c) Unnecessary waste of energy and resources in the production of too much light or wasted light;
- d) Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and loss of the scenic view of the night sky due to increased sky-glow; and
- e) Disruption of nocturnal animal behavior, particularly sea turtles and migrating birds, among other species.

7.3.3 Landscape Lighting

Owners may only install landscape lighting in private gardens and patios. Fixtures must be downlights.

7.3.4 Outdoor Light Fixture Shielding and Source Requirements

All permanent outdoor light fixtures are required to be fully shielded and must be installed in such a manner that the shielding satisfies the definition of a fully shielded fixture. Additionally, all outdoor light fixtures visible to the public must be consistent with the architectural integrity of Loreto Bay and the dark sky lighting requirements. Fully shielded light fixtures must utilize LED as a source and have a light temperature of no more than 3000 Kelvin.

7.3.5 Fully Shielded Fixture

A “fully shielded fixture” is an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal as determined by photometric test or certified by the manufacturer.

7.3.6 Light Trespass Standard

All permanent, fully shielded light fixtures must be located, aimed, and shielded so that the direct illumination from the fixture is confined to the property boundaries of the source, as well as the common areas maintained by the Master Condominium or affected Subregime. It is prohibited to cast direct light on other private property, including the golf course, the federal zone, and the beach.

7.3.7 Other Requirements

All homes must have at least one permanent fully shielded light fixture located at the main entry to contribute to neighborhood street lighting. Such fixtures must be hard-wired (non-switchable) and fitted with a light sensor.

7.4 Elevators

All elevators and lift chairs must be engineered, installed, inspected, and maintained to engineering standards.

7.5 Communication Equipment, Antennas, Satellite Dishes, Telecom, and Other Electrical Equipment

Communication equipment, antennas, Wi-Fi antennas, satellite dishes, telecom, and other electrical equipment must be installed on the upper-most roof deck, below a surrounding solid parapet wall and may not be visible from the ground level, unless otherwise approved. Such equipment may not be atop a viewing tower or sloped roof, or attached to walls or columns or sit on outside window sills. Cables and wires used to connect the equipment or for outdoor lighting may not be visible on the exterior of the building, unless otherwise approved. In the event of technological improvements that make it unnecessary to have visible antennas or satellite dishes, Owners may be required to remove previously installed equipment.

7.6 Fireplaces and Fire Pits

All fireplaces and fire pits must be approved. Fireplaces and fire pits must conform to construction standards that ensure a proper draft, must incorporate a non-combustible surround, and must maximize energy efficiency and minimize air pollution. Chimneys must be designed to minimize emissions.

No fireplaces or fire pits that burn wood, coal, charcoal, paraffin logs, or other high carbon emitting fuels will be permitted in any new construction or remodeling projects.

SECTION 8 – COLOR SCHEME

8.1 Color Scheme Implementation and Approval

The color palette for Loreto Bay has been developed to create an atmosphere of neighborliness and harmony. Light colors are encouraged for walls that are not fully shaded by landscaping or architectural elements. The location of light and dark colors on exterior walls must consider solar gain and reflection, for example, bare walls need to be cooled with the use of light colors that are not harshly reflective. Where there is no shading or vine cover, walls facing south or west must have a value of less than 50 per cent saturation.

8.2 The Color Palette

The color palette contained in the attached Appendix has been approved for use in Loreto Bay. Homes may be painted one shade darker or 2 shades lighter than a color in the palette; for example, Sherwin Williams 6221, may be 6222 darker or 6220 or 6219 lighter.

8.3 Changing Exterior Color and Color Not on Approved Palette

Owners must obtain Design Review Committee approval of the selected palette color for their home's exterior prior to changing the paint color, even if a color from the palette has been selected. For any color not included in the approved color palette, Owners must obtain an approved variance from the Design Review Committee. In either circumstance the Design Review Committee will consider the chosen color's compatibility with the colors of adjoining properties and may require Owners to choose another color.

SECTION 9 – DETAILED ARCHITECTURAL DESIGN

9.1 Architectural Decoration

Loreto Bay Design Guidelines, with amendments approved on Nov 17, 2023.

Architectural decoration with the work of local artisans displayed in and on the homes, celebrates the spirit of Loreto Bay Style; however, embellishments may not be added to approved schemes without the approval of the Design Review Committee. Tasteful and restrained application is encouraged.

- a) Transformative use of everyday materials is encouraged.
- b) Embellishment of functional elements is encouraged.
- c) Ornate or gaudy decoration on residential exteriors is discouraged and may not be approved.
- d) Pipes, conduits or wires may not be draped over exteriors without approved decorative disguise.

9.2 Address Signs and Casa Name Plaques

Street signs may be mounted on the exterior of homes and businesses, as deemed necessary in the discretion of the Administrators of the Master Condominium to appropriately identify streets and to facilitate effective delivery of emergency services. These signs will be supplied and installed by the Master Condominium and will be consistent with others in the neighborhood.

Supply and installation of address numbers (required), door bells (optional), and casa name plaques (optional) are the responsibility of the homeowner, subject to approval by the Design Review Committee. They should be incorporated into the design of the main entry and also at the other entries, if applicable. Material and placement should be considered in conjunction with the entry door and lighting. Address numbers, casa names, and doorbells may be installed as individual elements or combined to create a decorative feature, reducing visual clutter.

Owners must provide a dimensioned, scaled drawing to indicate size, characteristics, and placement of these items at the entry facade when applying for approval.

a) Address Numbers

- Address numbers (the actual characters) may be no smaller than 3" (7.62 cm) and no larger than 6" (15.24 cm) in height. Individual numbers, groups of tiles, or a number plaque are acceptable. The font style and color must be easy to read and suited to the Loreto Bay style. The Design Review Committee encourages the use of ornamental artisanal products, and appropriate materials may include wrought iron, ceramic tile, and stone. Materials to avoid include wood, plastic, and polished metallic finishes.
- Placement of address numbers should be next to the entry door on the side of the exterior lighting. If both sides of a doorway are lit, the right side of the door is preferred.

b) Casa Name Plaques

- Casa name plaques require the approval of the Design Review Committee.
- Casa name plaques must be complementary in style and scale to the address number.
- The Design Review Committee recommends that placement of address numbers and casa name plaques be coordinated or that the address number and casa name be on one plaque.

SECTION 10 – LANDSCAPING FEATURES AND SITE MAINTENANCE

10.1 Pools and Water Features

Pools and exterior water features require approval from the Design Review Committee.

Besides aesthetic appeal, water features such as pools and fountains are important for cooling a courtyard home during dry hot weather. Evaporation is enhanced by water movement, i.e. waterfalls, water walls, and stone walls with water trickling down. Water features within higher proportioned spaces (two-storied) create a chimney effect and allow for better airflow and cooling.

Garden water features are encouraged to support local bird life. Water must be moving in order to prevent stagnation and avoid mosquito larvae growth. Solar pumps are encouraged.

10.2 View Corridors

Landscape elements that project above the parapet line must be treated with sensitivity so that neighboring views are not obstructed. In the case of vines grown on pergolas, foliage must not hang into the view corridor from adjacent properties. Trees grown in courtyards or gardens must have canopies maintained below the top of the parapet or above the view line from adjacent properties, below 14' (4.27m) or above 20' (6.1m)).

10.3 Construction Sites

As neighborhoods in Loreto Bay are completed, it becomes more important that construction sites for new building and remodeling be kept tidy and dust-free. During the construction period, from the time when ground work begins or materials are accumulated, the contractor must be respectful of neighboring homes by keeping the site contained and hazard-free. Streets should be kept free of equipment and other obstructions (i.e. electrical cables and water lines) that can cause hazardous conditions. Trash and excess construction materials must be removed on a weekly basis.

The Owner's permission must be obtained to use vacant neighboring property for staging or storage, and such property must be kept free of trash, waste material, and excess fill. These properties must be vacated and returned to the accepted standard for a vacant site after substantial completion or at such time as the Design Review Committee specifies. If

construction is stalled for more than one month, neighboring property used for staging or storage should be vacated and restored as a vacant site, unless otherwise approved by the Design Review Committee.

SECTION 11 – GUIDELINES FOR SIGNAGE

11.1 Goals for Signage

The goals for signage in Loreto Bay are:

- To preserve and enhance the unique character of Loreto Bay by encouraging attractive signage within an established framework;
- To enhance and support the pedestrian experience by encouraging a streetscape design that is inviting and has an attractive visual environment; and
- To discourage distracting, unattractive, and obstructing signs that cause “signage clutter”.

All signage must be approved by the Design Review Committee.

11.2 Application Requirements

All sign applications, including applications for approval of new signs, placement of signs, relocation of signs, and alteration of signs, must be submitted to the Design Review Committee for approval prior to any installation, alteration, or relocation. Applications must include the following:

- a) A drawing or photo of the building elevation indicating how the sign might appear. This should include major dimensions indicating the size of the sign, the height from the bottom of the sign to the ground, and the dimensions of sign projection from the face of the building.
- b) A dimensioned drawing of the sign graphics including logo, font, and color. Color samples are recommended.
- c) Details of the sign construction, including materials and mounting frames, brackets etc. If the sign is to be illuminated, a proposal for how illumination will be provided, fixture type, and means for providing electrical power to the fixtures must be presented.

11.3 Types of Signs

a) Wall Signs

Wall signs should be located on flat, unadorned wall surfaces uninterrupted by doors, windows, or architectural details. The design components of wall signs should coordinate with the storefront in scale, proportions and color. Wall signs must not come within 2' (60.96 cm) of the end of a building. The sign must not exceed 3' (91.44 cm) x 4' (1.22 m).

b) Mast-arm Projecting Signs

Projecting signs are affixed to the face of the building or structure and project in a perpendicular manner from the mounting point on the wall surface. The size must not exceed 2' (60.96 cm) x 3' (91.44 cm). Signs must be mounted in a manner that will withstand wind and earth tremors.

c) Plaque Signs

Plaque signs are smaller secondary versions of wall signs that are attached to surfaces adjacent to shop front entries (i.e. store hours). They may include unique designs and ornamentation but must remain compatible with the building facade.

d) Sandwich Boards

A-frame or sandwich board signs are designed to be self-supporting and movable, usually placed along public sidewalks. Sandwich boards must be made from durable materials and be designed to withstand weather. The design should be uncluttered with a minimum of text. Placement of these signs should minimize risks of public safety through stable positioning; however, they cannot be permanently affixed to any structure, object, or the ground. These signs must be taken in nightly or when the business is closed. They may not be constructed of glass, breakable materials, paper, laminated paper, vinyl, plastic, or PVC pipe.

e) Window Signs

Window signs are signs that are painted, posted, displayed, or etched on an interior translucent or transparent surface. They may be no larger than 3'x 4'.

f) Temporary Signs

Banners to promote community events or seasonal celebrations, real estate “open house” signs, and similar temporary signs, must be approved by the Managing Agent prior to use and may be displayed only for a specified time period, subject to any limitations imposed by the Managing Agent.

11.4 Design Standards

The design standards for signage in Loreto Bay include respect for architectural design and quality materials and workmanship.

- Signs should be architecturally compatible with their surroundings in terms of style, size, shape, color, materials, and details of adjacent buildings, while still providing appropriate business identification.
- Signs should preserve and support the existing character of the building and its use.
- Signs are not permitted to cover or obscure architectural features of buildings.
- Signs should enhance the primary design elements of the buildings.
- Signs should be “handcrafted” or of artisanal quality. Any unit must limit the number of signs to the smallest number necessary to convey the business name and the type of business.
- Quality materials, including but not limited to, metal, stone, hardwood, wrought iron, and ceramic tile, are considered facade appropriate.

In addition, commercial signs must be designed with pedestrian appeal, functionality, and safety in mind.

11.5 Sign Message and Language

The sign message should be clear, concise, and legible. It is suggested that the primary text

contain only the name of the business, its logo, or both. A secondary text may describe the type of business. Loreto Bay encourages the use of Spanish in signage. In the case of “emergency signage”, the use of Spanish and English must be equally emphasized.

11.6 Sign Illumination

Illumination should be used only if a business is open at night. Applicants should consider the existing street lighting available and whether window display lighting will be sufficient to identify the business.

Back-lit, solid letter (reverse channel) signs consisting of opaque, individually cut letters mounted directly on the structure can be a simple, distinctive element of the building facade. These signs are very legible using moderate ambient lighting. All exposed conduit and junction boxes must be concealed from public view.

11.7 Sign Maintenance

Signs must be properly maintained and must not be damaged or obscured.

11.8 Sign Removal

When signs are changed or removed, Owners are responsible for restoring the facade of the building to its original condition. Signs must be removed when a business closes permanently, unless otherwise agreed upon.

SECTION 12 – DESIGN REVIEW PROCESS (Amended April 29, 2022)

12.1 The Design Review Process.

The rules and regulations of the Master Condominium require that any new construction, renovation, modification, any change to Common Areas of the Master Condominium or Common Areas of a Subregime, or structural change to the exterior or interior of a building have Design Review Committee approval. This review is intended to ensure that the community of Loreto Bay continues to develop within the vision and expectation of owners and residents, as outlined in the Design Guidelines for building on residential, commercial, and mixed-use property and within the Common Areas.

No construction work including a minor renovation or other structural improvement may commence without written approval from the Design Review Committee; nor may there be any addition to or change to any residence or other structure or improvement upon a Private Unit, Sub-condominium Unit, Master or Subregime common area, landscaping, grading or drainage thereof, except in compliance with drawings and specifications that have been submitted to and approved by the Design Review Committee. Interior design features such as floor tiles or paint colors do not require approval. Other items may or may not require approval by the Design Review Committee. In such cases Owners should consult with Design Review Technical Support for appropriate direction.

Work on any construction, renovation, or modification that is subject to these Design Guidelines

may not commence until the Owner or applicant has received notification in writing that the application has been approved as submitted or as submitted with Design Review Committee stipulations which have been accepted by the Owner.

Where the proposed project is composed of multiple units, large mixed-use structures, or commercial operations, the Master Assembly, Design Review Committee, or their designate, may require the applicant to furnish additional details. Such additional details may include, but are not limited to, evidence of financial responsibility; the general suitability of the project within the location; estimates of usage loads on utilities and common areas; environmental sustainability; flood control; sight overlooks; occupancy limits; the ability to comply with applicable governmental laws and regulations, Master Rules, and Administrative Rules; or any variances that may be requested for the project.

In the event that such additional details are required, a decision on the application may either be:

- a) withheld by the Design Review Committee until it receives such additional details; or,
- b) issued with stipulations that require submission of the additional details prior to any work commencing.

12.2 Minor Renovations

Adding or removing a structure, such as a pergola on the ground or second level of a home, adding different material to the exterior of the home, such as rock or tile, adding eyebrows over doors or windows, or an “open” metal staircase to a third floor, changing the exterior color scheme, or changing an exterior door, window, or garden gate are deemed minor renovations for purposes of the Design Review Process. At the discretion of the Design Review Committee, similar renovations not specifically identified here may also be deemed minor renovations.

12.3 Major Renovations

Adding or removing a structure, such as a room in any patio or garden or a “solid” staircase, such as a concrete staircase to access a third floor, adding a third-floor pergola or viewing tower, are deemed a major renovation for purposes of the Design Review Process. At the discretion of the Design Review Committee, similar renovations not specifically identified here may also be deemed major renovations.

12.4 Interior Modifications

Installation, removal, or modification of any interior walls, plumbing, sewer connections, wiring, electrical outlets, switches, or fuse boxes, must comply with all rules and regulations of the

Master Condominium and any affected Subregimes, as well as all applicable local and state building codes and inspection requirements.

12.5 Variances to Design Guidelines

Construction, renovation, or modification that does not comply with the Design Guidelines, or use of a product or design that varies from those specifically approved in the Design Guidelines may not be incorporated into any construction or remodeling project, unless a variance is obtained from the Design Review Committee. An applicant must request approval of a variance

in the application submittal package.

A variance will be granted only when it is demonstrated that the requested variance is in keeping with the Spanish Colonial spirit and architectural theme of the Design Guidelines and does not impact any rights of affected property Owners.

When a variance request is approved or denied, the approval or denial shall reference the applicable Design Guidelines and state the reasons for the approval or denial. When any variance or exception to the Design Guidelines is approved or denied, such approval or denial is unique to the property, and such approval or denial does not establish any precedent for future decisions of the Design Review Committee.

12.6 Plan Submission

12.6.1 Application. An application must be completed and submitted to Design Review Technical Support as part of the applicant's submittal package. Application categories are Non-Engineered and Engineered, and may include construction of Village Homes, Custom Homes, and Mixed-Use Properties, structures in Common Areas, and all renovations, or modifications. The application package must provide the Design Review Committee with the necessary contact information for the Owner and Applicant, if different from the Owner, and contractor, as well as the complete scope of work to be performed, including any demolition, renovation, or new construction. Owners are responsible for ensuring that all required documentation as directed by the Design Review Committee or its designate is submitted along with an application. No application will be considered for approval if such application provides for any encroachment into the Federal Zone, the beach, or the Golf Course.

For the purposes of these guidelines:

- a) a "Non-Engineered structure" is a structure built without the benefit of engineering or architectural guidance and the design and building process does not account for component loads or actual component strengths.
- b) an "Engineered structure" is a structure built according to engineered and architecturally designed plans and one in which the structural component interactions are properly accounted for during the design and structural analysis process.

Applications may be obtained online or from the Managing Agent and must be submitted electronically in the format specified by the Managing Agent.

12.6.2 Plan Submittals

The application package must include a complete set of the plans to be used for the construction, renovation, or modification, and any variance requests required. Upon completion of the review process a notice shall be provided to the applicant and added by the Design Review Committee to the application indicating that the application has been either "Approved as Submitted", "Approved with Stipulations", or "Denied". If any changes are proposed during the construction process, the Owner must submit a Change Order request to the Design Review Committee. The Change Order request will become part of the application package. No proposed changes may commence without the prior approval of the Design Review Committee.

The entire application package, including any additional details that have been required and submitted, any documents created by the Master Assembly or the Design Review Committee, and the notice of approval, with or without stipulations, or the notice of denial of the application will become a permanent record and part of the file retained by the Loreto Owner's Association AC. and available for viewing, but not copying or republication, by any Owner.

If an applicant wishes any portion of the application package, or any additional or subsequent material submitted, to remain confidential, then the applicant must identify that portion and make that request at the time of submission of the material. If the Design Review Committee agrees to the request for confidentiality, then the confidential material may be reviewed only by Design Review Technical Support, the Design Review Committee, any Affected Owners, the Chair of the Subregime within which the property is located, an Appeal Panel, and the Master Assembly for the purposes of considering or responding to the application. The material shall be kept in confidence by those parties and those parties may be required by the applicant to sign a nondisclosure agreement prior to receiving the confidential material.

12.6.3 Fees

The required application fee must be submitted with the application, the required plans and specifications, and other required submittals. Payment must be made as directed by the Managing Agent, or their designate, before the review process may begin.

12.7 Review Process and Timelines

12.7.1

Application

Review.

Upon submittal, the Managing Agent, or their designate, will review the application to ensure that the application is complete. The applicant will be notified within five business days if additional information or documentation is required to complete the application.

When the application is complete, Design Review Technical Support will review it for consistency with the Design Guidelines and to identify any needed clarification of project objectives and construction plans. At the completion of this review and a site visit, and within five business days of receipt from the Managing Agent, Design Review Technical Support will forward the application to the Design Review Committee, along with relevant comments. The applicant will be notified of the date the Design Review Committee receives the completed application package and the response deadline.

Upon receipt of an Owner's completed application, the Managing Agent, or their-designate, will notify the Chair of the Master Surveillance Committee, the Chair of the applicable Subregime Surveillance Committee, and Owners of affected properties, including, at a minimum, those properties immediately adjacent to the proposed project and any properties that might experience potential impact. When there is any question whether a neighboring property should be notified of a pending application the Design Review Committee must broaden rather than narrow the scope of notification.

If any of these committees or affected Owners wish to make any objection or other submission on the application, based on compliance with the Design Guidelines, such objection or other submission must reference the applicable section or sections of the Design Guidelines on which

the objection or other submission is based and must be provided to the Managing Agent within ten business days from the date the committee or affected Owner received notice of the application from the Managing Agent. If an objection or other submission is received by the Managing Agent, the Managing Agent shall provide a copy of the objection or submission to the applicant Owner within five business days of its receipt.

If, after reviewing the objection or submission, the applicant Owner wishes to amend their application, they shall notify the Managing Agent and submit a revised application for consideration. A new review period will begin and the applicant Owner and affected Owner will be notified of the decision of the Design Review Committee accordingly.

Design Review Technical Support will log dates for each step of the application process and log the deliberation and votes of the Design Review Committee members when they have completed the review process.

12.7.2 Decision Classifications

Approval as Submitted. An application is approved as submitted when the plans, specifications, and other submittal material have been reviewed, deemed adequate, and approved as submitted by the Design Review Committee. The Owner will receive email notification of such approval and construction work may begin.

Approval with Stipulations. An application is conditionally approved when it has been found not to be in compliance with the Design Guidelines and email notification has been provided to the Owner with stipulations from the Design Review Committee as to how compliance may be achieved, and approval granted.

Upon receipt the Owner may:

- a) **Accept and adopt the stipulations:** The Owner may inform the Design Review Committee that the stipulations are accepted. The stipulations then become part of the application. The Owner will be granted approval based on acceptance of the stipulations, a notice of approval will be issued, and construction may begin.
- b) **Not accept the stipulations:** The Owner may suggest changes to the design or materials to be used and submit modified plans, specifications, and other application materials to the Design Review Committee for reconsideration. A new review period will begin, and the Owner will be notified of the decision of the Design Review Committee accordingly.
- c) **Withdraw from the review process and not proceed with construction.**

The Owner must give email notice to the Design Review Technical Support stating which option they adopt. If the Owner fails to provide such notice within fifteen business days, the Owner's application will be deemed denied.

Denial. The Owners application will be denied when the submitted plans and specifications are found not to be in compliance with the Design Guidelines and the Design Review Committee does not tender stipulations for compliance to the Owner. The Design Review Committee may advise the Owner on possible means to bring the submittal into compliance, but the responsibility to do

so and to resubmit the application is the Owners. An application submitted after denial will be treated as a new application and fees must be paid as required for a new application, unless such fees are waived by the Administrators for good cause.

12.7.3 Review Periods

For Engineered Projects, except for Extra-ordinary Projects, the Design Review Committee will have a review period not to exceed twenty business days from the receipt of the completed Application to make a decision as to whether the application is approved as submitted, approved with stipulations, or denied, at which time this decision will be conveyed to the Owner or their agent. For Non-engineered Projects, the Design Review Committee will have a review period of five business days from the date of the receipt of the completed Application by the Committee. Revised or amended applications must be re-submitted to the Design Review Committee, dated with a new submittal date, and the review period will start again from the new submittal date. Every effort will be made by the Design Review Committee to review plans and specifications as quickly as possible, but the Design Review Committee may not be held liable for any delays or penalties incurred by the Owner or their agents due to the review process timeline or any deviation from same.

12.7.4 Notice of Decision

The applicant Owner, the Chair of the Master Surveillance Committee, the Chair of the applicable Subregime Surveillance Committee, and any affected Owner who has been given notice of the application and submitted an objection or other submission with regard to the Application will be notified of the decision of the Design Review Committee by email directed to the email address submitted with their application, objection or submission, and the email address of the Chair of the Master Surveillance Committee, and the Chair of the affected Subregime Surveillance Committee.

- a) **Application Approved:** When an application is Approved as submitted without objection or submission from an affected Owner, the Design Review Committee need not provide reasons for the approval, however a check list of compliance with the requirements of the application process shall be attached to the Approval. The Design Review Committee may, in its discretion, provide written reasons for the approval if it believes the reasons would be of assistance to subsequent applicants in making a similar application.
- b) **Application approved after an objection or submission:** When an application is Approved and there has been one or more objections or submissions from affected Owners, the Design Review Committee must provide written reasons for granting the approval including responses to the objections or submissions filed.
- c) **Application for Variance or Change Order:** When an application for a Variance or a Change Order is approved or denied, the approval or denial shall reference the applicable Design Guidelines and state the reasons for the approval or denial.
- d) **Application approved with Stipulations:** When an application is Approved with Stipulations, whether or not there is an objection or submission from an affected Owner, the Design Review Committee must provide written reasons for the Approval and each of the Stipulations and must include responses to the objections or submissions filed.
- e) **Application Denied:** When an application is denied, the Design Review Committee must provide written reasons for the denial including the specific Design Guidelines the application has failed to meet. If an objection or submission has been submitted by an

affected Owner or Owners and the reason for the denial is based wholly or in part on an objection or submission, that objection or submission must be referenced in the reasons for the denial.

If the Design Review Committee fails to provide the check list of compliance or reasons for the approval, no construction shall commence until such time as the check list or reasons are provided and no appeal period shall commence until the check list or reasons are provided.

12.7.5 Compliance, Effects and Limitations on Approval

No construction may commence except in compliance with drawings and specifications that have been submitted to, and approved by, the Design Review Committee. Upon approval a Project Approval document will be issued to the applicant and this document, along with any other permits required by other authorities, will be displayed at the work site throughout the entire course of construction.

Throughout construction the Design Review Committee or Design Review Technical Support may review progress and any overlook situation and direct adjustments be made including adjustments to viewing towers, no-walk zones, and privacy walls to ensure reasonable privacy to neighboring properties is maintained.

12.7.6 Inspection and Compliance Review

When construction is substantially complete, including landscaping within the boundaries of the property, the Owner or contractor must request a compliance inspection. At this time, Design Review Technical Support, and, at the discretion of the Design Review Committee, one or more of its members, will inspect the project for compliance with the approved plans. If the project is not in compliance with the approved Application, then the Owner and builder will receive a notice from the Design Review Committee or Design Review Technical Support stating all noted deviations from the approved plans and notice that they must be brought into compliance. When the project is in compliance, the Design Review Committee or Design Review Technical Support will provide the Owner with email confirmation that the project has been completed as required by the Design Review Committee. If the project is not brought into compliance, the Administrators will take appropriate action pursuant to the rules and regulations of the Master Condominium.

An approved application is valid for two years from the time of approval. If construction has not been substantially completed in accordance with the approved plans within this period of time, approval of the Application will expire, unless extended by the Design Review Committee. Once an approved application has expired, and if no extension has been granted by the Design Review Committee, construction may not resume prior to approval of a new application and issuance of the required building permits.

An Owner may apply to the Design Review Committee for an extension of an approved application. The application for extension must be made at least thirty business days prior to the expiration of the existing approved application. Applications for extension may not be made after an approved application has expired. The application for extension must state the reasons why the construction has not been substantially completed within two years from the time of approval of

the original application. The decision to grant an extension, including the length of the extension, is discretionary to the Design Review Committee.

For the purposes of this section, construction is deemed to be substantially complete when all the work described in the application and shown on the construction drawings is done, with only minor items needed to fully complete the work. Once construction is substantially complete the applicant may occupy the building or use the project for its intended purpose.

12.7.7 Changes to Approved Designs

Any changes to approved plans must be approved by the Design Review Committee prior to construction or implementation of such changes. In the event the applicant desires to change the approved structure or drawings during construction, the applicant must submit a Change Order or Variance Request along with drawings and other documentation clarifying the proposed changes, as required by the Design Review Committee. There will be no additional fee for minor changes to approved designs, following initial approval; however, major changes are subject to additional charges.

If changes are made without prior written approval from the Design Review Committee, the Administrators have the right to assess penalties and require the applicant to build according to the approved submittal or return the property to its original condition at the Owner's expense. The Administrators, in their discretion, may also ban any contractor, builder, supplier, and any of their employees from accessing the property until such time as the Change Order or Variance Request has been approved.

12.8 Non-Approved Work

All non-approved work that is underway must stop until the appropriate application has been submitted and approval for the work is granted. Failure to do so may result in an Owner receiving a fine or penalty imposed by the Administrators. If work is completed without Design Review Committee approval, the Owner will be notified to stop work and make an application for approval. If such application is not submitted within seven business days, or a longer time limit established by the Managing Agent, or if an application is submitted but is not approved, the Owner may not proceed with the project and must restore the property to its previous condition.

Owners are responsible for the cost of removal or remediation of all non-approved work, as well as all fines, costs, and other penalties provided for in the Design Review Process or any other rules and regulations of the Master Condominium. The Administrators, in their discretion, may also ban any contractor, builder, supplier, and any of their employees from accessing the property.

12.9 Fines and Penalties

If an Owner is not in compliance with the Master Rules and Regulations, the Design Guidelines, or the requirements and conditions of the application approval process, at any time during construction or modification of property, the Administrators may send a warning notice to the Owner. The notice must state the nature of violation, what must be done to correct the violation, and the date by which the violation must be corrected.

If the non-compliance is not corrected within the time frame specified in the warning notice, the Administrators may impose a fine and specify an additional time period for the Owner to effect compliance. Fines will be treated as unpaid assessments and will result in the loss of voting rights until paid. In addition, pursuant to the Master Condominium rules and regulations, the Owner will be responsible for reimbursement of damages, attorney fees, expenses, and costs.

The Administrators, in their discretion, may also deny any contractor, builder, supplier, or their employees access the property until the non-compliance is corrected.

12.10 Appeals Process

12.10.1 Permitted Appeals

- a) **Decisions of the Administrator:** An Owner may appeal to the Master Surveillance committee a decision of the Administrator to impose either:
 - a penalty under the Design Guidelines; or
 - the time period for the Owner to effect compliance with the Design Guidelines. If a penalty or a time period for compliance is upheld, it shall become final upon issuance of the decision of the Master Surveillance Committee.
- b) **Decisions of the Design Review Committee:** Applicants, Owners of affected properties, and the Sub- Condominium Surveillance Committee for the Sub-regime in which the property is located may appeal decisions of the Design Review Committee to the Master Surveillance Committee.

12.10.2 Appeal Procedures:

An Appeal must be submitted in writing to the Administrator, together with a filing fee of \$100 if it is an appeal from a decision of the Administrator or an appeal from a decision of the Design Review Committee on an application for a non-engineered structure or a filing fee of \$500 if it is an appeal from a decision of the Design Review Committee on an application for an engineered structure. The Administrator will provide copies of the appeal to the Chair of the Master Surveillance Committee, the Chair of the Sub-Regime Surveillance Committee within which the property is located, the Chair of the Design Review Committee, the Applicant, Affected Owners, and such other persons as may be determined by the Chair of the Master Surveillance Committee, within fifteen business days of notification of either the Administrator's or Design Review Committee's decision. The Appeal must be entitled "Appeal of Design Review Committee/Administrator's Decision Regarding (property address)", and must include a statement of the following:

- a) appellant's name, Loreto Bay address, email address, and telephone number, as well as the Appellant's contact information for purposes of the Appeal if different than the Loreto Bay information;
- b) the issue(s) on appeal;
- c) the impact of the decision on the appellant's property;
- d) the reason that the determination is incorrect, including a reference to each provision of the Design Guidelines relevant to the issues on appeal; and
- e) a statement as to what the correct determination of the Appeal should be, including a reference to each provision of the Design Guidelines relevant to the issues on appeal.

Where relevant, an Appeal should include drawings or photos illustrating the relevant portions of the project and issues on appeal, relevant portions of the site plan, floor plan, building section, elevations, photos, or renderings relevant to the matters in dispute, including colors and materials, and any other pertinent information.

12.10.3 Appeal Panel

Makeup: The number of members of the Appeal Panel shall be determined by the Master Surveillance Committee however the Appeal Panel must consist of no less than three members of the Master Surveillance Committee, and there must always be an odd number of members on the Appeal Panel.

If the Master Surveillance Committee lacks a sufficient number of members to form an Appeal Panel, members of the Rules and Policies Committee may be added by the Master Surveillance Committee to complete the Appeal Panel. A member of the Master Surveillance Committee, or appointed member from the Rules and Policies Committee, who is an Owner of an affected property or in a conflict of interest relative to the issues on appeal may not serve on the Appeal Panel. Any dispute concerning membership of the Appeal Panel shall be resolved by the remaining independent members of the Master Surveillance Committee.

The Appeal Panel must appoint a Chair of the Panel from its members. The Chair of the Appeal Panel shall:

- Consider if mediation may assist in resolving the appeal and request the parties to the appeal to attempt mediation;
- Determine who the parties to mediation must be if a mediated resolution is attempted;
- Monitor and enforce all applicable timelines;
- Co-ordinate the filling of any additional material necessary for the hearing of the appeal;
- Schedule any preliminary conferences; and
- Co-ordinate any other procedural matter necessary for the hearing of the appeal, including limiting the time period for oral submissions or the number of persons allowed to make oral submissions to the Appeal Panel.

Time Period: Upon receipt of an Appeal and all necessary information required by the Appeal Panel, the Appeal Panel will examine the decision of the Design Review Committee or the decision of the Administrator and within seven business days from receipt of the Appeal or all necessary information, notify the Appellant, the Administrator, the Chair of the Sub-Regime Surveillance Committee within which the subject property is located, the Design Review Committee, the Applicant, and the Affected Owners of the date for the hearing of the appeal. The Appeal hearing must be held within fourteen business days of the Chair of the Appeal Panel providing notice of the date for the hearing of the appeal.

At the request of any party or at the direction of the Appeal Panel, a preliminary conference may be conducted with the parties to address any issues related to the exchange of information, procedures, scheduling, or other matters as may be suggested by the parties or the Appeal Panel.

The Design Review Committee shall appoint one or more of the members of the committee who made the decision on the application to attend at the appeal hearing and to respond to the issues raised in the appeal.

Upon hearing the Appeal, the Appeal Panel will consider the statements of the parties, the relevant information submitted in support of or opposition to the appeal, the submissions of the Design Review Committee, and any other relevant information requested by the Appeal Panel and must determine whether an error has occurred in the decision of the Design Review Committee.

Decision: Within fifteen business days of the hearing the Appeal Panel must issue a written decision including the basis upon which the decision is founded. If the Appeal Panel determines that no error has occurred, the original decision of the Administrator or the Design Review Committee is final and binding on all parties.

In the event the Appeal Panel determines that the Administrator has erred, it may reduce or revoke the fine imposed by the Administrator or provide a revised period for compliance.

If the Appeal Panel determines an error has occurred in the decision of the Design Review Committee, it must identify the error, recommend how the error may be corrected, and return the matter to the Design Review Committee for reconsideration of the Application. In reconsidering the Application, the Design Review Committee may affirm or vary their original decision and must provide a written response with justifications, to the recommendations of the Appeal Panel.

Petition for Review: After the Appeal Panel decision, and any further determination by the Design Review Committee, the appellant or any Affected Owner who was party to the appeal may petition the Master Assembly for review of the decision within twenty business days of the date of the decision. The petition must be submitted to the Administrator and be entitled “Petition to Master Assembly for Review of Master Surveillance Committee’s Appeal Panel/Design Review Committee’s/Administrator’s Decision Regarding (property address)”, and must include a statement of the following:

- a) petitioner’s name, Loreto Bay address, email address, and telephone number, as well as the petitioner’s contact information for purposes of the Petition if different than the Loreto Bay information;
- b) the reason that the determination on the Appeal was incorrect, including a reference to each provision of the Design Guidelines relevant to the issues on review; and
- c) a statement as to what the correct determination of the petition for review should be, including a reference to each provision of the Design Guidelines relevant to the issues on the petition for review.

The petition for review shall be delivered by the Administrator within five business days of filing to all other parties to the Appeal including the Design Review Committee. All other parties to the Appeal, including the Design Review Committee, shall have twenty business days to respond to the Petition. No further submissions shall be allowed. The Master Assembly may consider the Petition for Review, any Responses filed by the other parties, the initial decision of the Design

Review Committee, the Notice of Appeal, the decision of the Appeal Panel, further determination of the Design Review Committee, or any other material that forms part of the existing record and issue a decision as soon as reasonably possible. The Master Assembly will not consider any new issue or material that does not form part of the existing record ending at the time of the Design Review Committee issued any further determination. The Master Assembly may decide the issues on review with or without a hearing. The Master Assembly may affirm the decision of the Appeal Panel or the Design Review Committee, as the case may be, without further reasons. If the Master Assembly determines to revise or the reverse the prior decision, the Master Assembly must provide written reasons for the revision or reversal of the decision, with reference to each provision of the Design Guidelines relevant to the issues upon which the revision or reversal is based.

The decision of the Master Assembly on the petition for review shall be final and no further proceedings may be taken before the Design Review Committee, Master Surveillance Committee, Administrator, or the Master Assembly.

If the Appeal Panel is of the opinion that the original decision of the Design Review Committee included matters beyond the jurisdiction of the Design Review Committee, the Appeal Panel may, with written reasons, refer those matters to the Master Assembly for direction with or without reconsideration by the Design Review Committee.

The Appeal Fee may be refunded and fines or penalties may be rescinded by the Appeal Panel only if the appeal is successful.

12.10.4 Mediation

Many issues eligible for appeal can be resolved informally and quickly through the mediation process by discussion, negotiation, or compromise. Upon agreement of the appellant and the applicant or Affected Owners who may be party to the appeal, to participate in mediation, the Master Surveillance Committee will, as soon as reasonably practicable, appoint a mediator agreeable to the parties from the list of volunteer Owner mediators maintained by the Administrators for the purpose of attempting to reach an agreement to resolve the issues on appeal. If no Owner mediators on the list are available or agreeable to the parties, the Chair of the Appeal Panel may retain a third-party mediator agreeable to the parties. Any costs or fees relating to a third-party mediator shall be shared equally between the parties to the appeal unless otherwise agreed by the parties during the course of the mediation.

The mediator may not be a member of either the Master Surveillance Committee or the Design Review Committee, an Owner of an affected property, or a person with a conflict of interest relative to the issues on appeal.

If the appeal is from a decision of the Administrators, the parties to the mediation must include the appellant and a member of the Administrators.

If the appeal is from a decision of the Design Review Committee, the parties to the mediation

must include the appellant/applicant, a member of the Design Review Committee who was one of the members of the committee that considered the application, and any affected Owner who has filed an objection or submission to the application if, in the opinion of the Chair of the Appeal Panel, that Owner is a necessary party to achieve a mediated resolution of the issue on appeal. If the appellant is an Affected Owner the parties to the mediation must include the appellant/Affected Owner, a member of the Design Review Committee who was one of the members of the committee that considered the application, and the applicant.

If an applicant or Affected Owner refuses to participate in mediation, the appeal shall proceed pursuant to the appeals process.

If the appeal is from a decision of the Design Review Committee and the appellant, be they the applicant or an Affected Owner, wishes to proceed with mediation, one of the members of the Design Review Committee that considered the application must participate in the mediation.

Any agreement reached as a result of mediation must conform with the Design Guidelines or a variance granted pursuant to the Design Guidelines. If the Parties reach agreement through mediation, the mediator will submit the agreement to the Appeal Panel for review and, if the Appeal Panel determines that the agreement conforms to the Design Guidelines or provides for a variance allowable under the Design Guidelines, the Appeal Panel will finalize the decision in accord with the mediation agreement.

During the mediation process the time periods for the appeal process specified in this section will be suspended. If the appeal is resolved by mediation, the fee payable to file the appeal will be refunded.