

Las Mañanitas HOA, A.C. (“Administrator”)
Architectural Review Application Form - Renovations

REQUEST FOR RENOVATION, ALTERATION OR MODIFICATION OF A UNIT

DATE _____ BLDG. _____ UNIT# or GARAGE# _____
 Homeowner _____
 Address _____ Phone _____
 Owner Email: _____
 Owner's Property Manager _____ Email: _____

Contact information for Homeowner's key Contractors **to be completed on Schedule "A"**. Required in the event of any emergencies and for Contractor access.

NO WORK TO BEGIN UNTIL WRITTEN APPROVAL IS RECEIVED (INCLUDING FROM GOVERNMENT AGENCIES HAVING JURISDICTION OVER THE PROJECT)

REQUESTED MODIFICATIONS

- Exterior Appearance Addition of Elements in Terraces or Gardens
- Structural Parts of Unit (whether inside or outside, whether to Unit or Garage)
- Common Property (includes, but not limited to, all building elements, walls, floors, roofs, palapas, stairs, railings, windows, openings, common conduits, drains, piping, electrical, lighting, pathways, streets, signs, landscaping)

PROPOSED START DATE FOR WORK: _____

Note: this Application must be submitted 45 days in advance of Work Start.

WORK SCOPE & SCHEDULE – DETAILS ON MODIFICATIONS

Please refer to “**Method of Proceeding**” in Schedule “B” attached. Resident **MUST** submit drawings and provide a detailed Scope & Schedule summary. Please list items of scope, sizes, materials to be used and stages/types of work and schedule of work to be completed, as well as pictures of the proposed modifications or models of elements to be installed. Please also identify any noisy portions of the Work, and Work that will generate noxious odors, and the estimated length of time/schedule for such disturbance. *[Attach a separate exhibit if more space needed]:*

NOTE: ANY CHANGES TO REQUESTED MODIFICATIONS DURING CONSTRUCTION OR SUBSEQUENT TO APPROVAL MUST BE RE-SUBMITTED FOR APPROVAL.

OWNER'S STATEMENT

1. Homeowner acknowledges that the Architectural Committee and Administrator have the exclusive right and obligation to control and approve the exterior appearance and use of all Units and appurtenant Common Property within the Condominium, and that, in connection therewith, said parties have the responsibility to review requests for approval of proposed changes, additions, modifications and improvements to the buildings and Common Property within the Condominium.
2. Homeowner agrees, and shall, where applicable, ensure that its designated representatives, including design professionals, engineers or Contractors agree,
 - to comply with all applicable codes and regulations governing the design and construction of improvements at Las Mañanitas, as well as the Condominium Regime Rules & Regulations, Administrator Rules and other governing documents of Las Mañanitas Condominiums;
 - that modifications shall conform in all respects to the character and external appearance of the Units in the Condominium;
 - that modifications shall be made at the expense of Homeowner and no part of the cost thereof shall be borne by the Administrator or other homeowners of the Condominiums;
 - that, should any legal, or regulatory agency require, at any time in the future, modifications to this variance, they will be done at Homeowner's expense;
 - that all Homeowner improvements are to be insured by Homeowner and may require removal at Homeowner cost in order to allow for repair of Common Property;
 - that all structural alterations will require approval of an engineer, architect or the original builder;
 - that in case any Common Property is damaged during construction / renovation process, (e.g. paint on the buildings, lighting, handrails, floors, ceilings, landscaping, paving, or any other exterior common element of the condominium) the owner is responsible to repair and bring to the original condition at their own expense. Where there are damages to the Common Property and the Homeowner fails or refuses to repair, the Administrator will repair the areas and the cost of such repairs will be charged to the Homeowner's account; and
 - to comply with all conditions of Approval set forth by the Architectural Committee and/or Administrator.
3. Homeowner acknowledges that the obligations set forth above shall be a continuing obligation of the Homeowner and any successor in interest of the Homeowner with respect to the Unit.
4. Design review and/or approval or inspection shall not relieve the Homeowner of these obligations.

Owner's Signature/Date: _____

Owner's Signature/Date: _____

Owner's Representative's Signature/Date: _____

**SEND COMPLETED FORM, INCLUDING SCHEDULE "A" TO:
David Alanis, Community Manager -
Lmhoamanagement@hotmail.com**

SCHEDULE "A"

CONTRACTOR INFORMATION

General Contractor _____ _____ _____	phone: _____ cell: _____ email: _____ Copies of License & Insurance received: <input type="checkbox"/>
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Electrical Contractor _____ _____ _____	phone: _____ cell: _____ email: _____ Copies of License & Insurance received: <input type="checkbox"/>
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Plumbing Contractor _____ _____ _____	phone: _____ cell: _____ email: _____ Copies of License & Insurance received: <input type="checkbox"/>
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Other Contractor: _____
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SCHEDULE "B" – OTHER RULES & GUIDELINES

I. METHOD OF PROCEEDING

TIMING: The Application MUST be submitted at **least 45 days prior to commencing Work** to allow time for processing.

Supporting Documentation: A preliminary description of the plans must be submitted with the Application. The submittal will be reviewed, and if there are areas of concern, the Architectural Committee or Administrator may ask the owner to submit a **DETAILED DESCRIPTION**, including detailed plans, architectural drawings, permits and specifications in support of the Application as well as contractor license numbers, and evidence of the contractor's liability and workers' compensation insurance. A minimum of 10 working days is required to process this information. **Note: all flooring replacement, including if tiling over top, must include sound abatement matting underneath (at minimum to a standard of 72 STC (Sound Transfer Class), including a barrier against leaks to units below).**

If Homeowner's proposed modifications are not approved, specific reasons for the denial will be provided with the written response. The Homeowner has the right to modify and resubmit his application or submit an appeal to the Architectural Committee or Board of the Administrator.

Changes: material changes to the plans, drawings, or permits, or schedule during progress of the Work or subsequent to Approval, must be re-submitted for Approval.

II. PROJECTS INVOLVING DISTURBANCE OF COMMON AREAS AND COMMON PROPERTY

The following paragraph applies to any reconstruction, alteration or repair which requires disturbance of the Common Areas and Common Property (including Limited Common areas as defined by the Condominium Property Regime).

Security Deposit

****This deposit must be delivered to and received by the Administrator before work begins.***

The Application Approval may be conditioned upon submission by Homeowner of a security deposit of 5% of the estimated cost of the project or other reasonable amount specified by the Administrator. The deposit will be refunded, without interest, when the work is completed and the unit 1) has been approved as may be required by government authorities, evidenced by copies of the approvals; and 2) has been inspected and accepted by Administrator. In the event that there is damage to the common property or common areas or serious violation of the agreed regulations, the Administrator may withhold any reasonable amount of the Security Deposit for remediation.

III. ALL PROJECTS:

All Projects shall comply with Section F.28 and Appendix "B" of the Administrator Rules, as well as the General Rules of Conduct set out below:

"Section 28. To avoid or minimize discomfort to other residents, any Major Construction or renovation work in any condo unit or patio should be done to the greatest extent possible during the "off season" period, from June 15 to October 15. Renovations or construction by new owners of condo units prior to initial occupancy are not limited to these months but should be promptly undertaken after final closing. Any such work shall be limited to the hours between 8:00 AM and 6:00 PM on weekdays, and 9:00AM to 1:00PM on Saturday (no work on Sunday's). No noise before 9:00AM or after 5:00PM. This allows set-up, prep and cleanup to proceed in the work hours stated above without disturbing neighbors unduly. Any owner desiring to undertake major work of this type is required to notify the contracted property manager of the LMHOA and/or the Board of Directors at least 45 days prior to commencing the work and provide a timetable for duration of the work, so that the Architectural Committee can be consulted where applicable and other LM owners can be notified in advance.

Major Construction/Renovation is generally work requiring more than one week and with a value more than US\$5000 or that may be noisy in nature and generate debris (i.e. tiling, drywall removal, hammering). Owners are encouraged to be present to supervise construction.

Additional Guidelines:

- *Tile work should be undertaken during August and September only. Tile to be cut inside the condo and not on the deck (or the deck tented to reduce dust and noise).*
- *Shut windows and doors to reduce spread of noise (including during cleanup-Shop Vac use)*
- *Elevator pads should be used in elevators to protect from equipment and materials. LM Community Manager to be notified when these are needed and the HOA will install them.*
- *A list of trade contractors that will require access to/from the Condo Unit must be supplied to LM Community Manager at least 24 hours in advance of commencing work.*
- *Construction debris cannot be thrown in Las Mañanitas garbage bins. Trade contractor must haul away its trash and clean-up common areas each workday (concrete, sheet rock, aluminum frames, tiles, wood, hazardous substances, oil, paint, glass among others as determined by the LM Community Manager).*

The HOA may impose a refundable or non-refundable deposit for payment prior to commencement of work or assess costs for repair of damage to common areas. A deposit is less likely to be required during the months of August/September.”

**APPENDIX B of ADMINISTRATOR RULES
COMMERCIAL CONTRACTOR ACCESS AND PRESENCE
ON LAS MANANITAS PROPERTY**

All contractors, property managers, realtors, real estate brokers, and their employees ("Contractor" herein) are required to comply at all times with the following regulations regarding access to and presence on Las Mañanitas ("LM") property:

1. All property managers and real estate sale and rental firms desiring to conduct business at LM are required to inform LM Community Manager in writing of the identity, by name and position, of all employees and agents of the firm that will or may be requesting access to LM property for that purpose. The information is required to be updated as to new or terminated employees and agents so as to maintain a current list at all times.
2. No Contractor shall enter onto LM property, including parking areas, unless each has checked in with LM security at the main entrance gate. Contractor access to and presence at LM shall be permitted only between the hours of 8:00 AM to 8:00 PM daily, except in the event of an emergency. In the event of an emergency, Contractor shall immediately notify LM Community Manager of same and the need for access to LM. However, if a Contractor engages in construction or repair work in a condo unit, such work shall occur only between the hours of 8:00 AM and 6:00 PM and from Monday through Saturday only.

In the event of an emergency, or the need for other communication by Contractor or an owner with management or security, please contact Community Management:

David Alanis: 624-235-4199
Diana Noriega: 624-235-4198 OR
LM Security: 624-105-2678

3. At the time of entry, LM security shall require and Contractor shall supply the following information to LM security staff on duty:
 - a. Personal identification of Contractor and the Contractor's employer or principal, by showing current, government-issued identification.
 - b. Personal identification by name of all persons accompanying Contractor (e.g., prospective purchasers, clients, etc.).
 - c. Statement of the purpose of the visit to LM property, including the specific unit or area to be visited, identification of the owner of such unit, and the reason for entry and access.
 - d. All of the above information shall be documented when received by LM security staff in a security log required to be used for that purpose.
4. Contractor will be issued a Contractor Pass by LM security which shall be carried by Contractor at all times while on LM property, and which shall be returned by Contractor to LM security upon leaving LM property. Contractor must show the Contractor Pass to LM security or management upon request.
5. If Contractor fails to comply with any of these regulations, Contractor and those accompanying Contractor shall be denied access to LM property and/or shall be escorted off the property by LM security or LM management. A first violation will result in the issuance of a written warning to Contractor. Subsequent violations will result in temporary or permanent denial of access to LM property by Contractor, as determined by LM management and LM administration.
6. This regulation, other than a requirement that LM security obtain identification and verification of purpose of entry, does not apply to utility company, government, public service, or routine service personnel (e.g., trash removal) required to enter LM property to carry out their assigned duties.

CONTRACTOR ACKNOWLEDGMENT: The undersigned Contractor acknowledges and agrees as follows:

- A. To comply with this regulation, which is intended to (1) limit access to Las Mañanitas to parties with legitimate business interests and (2) improve security for our owners, authorized guests and renters;
- B. To keep Contractor's list of employees and agents current at all times; and
- C. That any refusal or failure to comply with this regulation will be communicated to Contractor, that the failure of Contractor to correct the violation or noncompliance will result in the denial of access to LM property, and that continued noncompliance may result in Contractor being temporarily or permanently banned from entering upon and doing business at Las Mañanitas. The sanction for noncompliance or violation is acknowledged to be vested in the discretion of LM management and LM administration.

DATED: _____

CONTRACTOR: _____
By Its Authorized Agent

General Rules of Conduct

- A. **Use of Elevators:** Elevators may not be used to transport flammable or hazardous materials.
- B. **Access:** Access to the complex property shall be subject to compliance with all Administrator Rules and security procedures as determined by Administrator.
- C. **Parking:** Vehicles of all contractors and their employees shall not be parked or left in the parking areas provided for each residential complex building (all phases). These shall be parked in areas designated by the Administrator.

- D. **Equipment:** No large or motorized construction equipment (cranes, lifts, hydraulic equipment, etc.), nor construction trailers, portable toilets or garbage bins shall be allowed on complex property without the express authorization of Administrator. Public toilet facilities are nearby at La Comer.
- E. **Storage of Materials and Equipment:** All tools, materials and other equipment being used in a project shall be located within the unit and not placed in the hallways or in the common areas. No tools, materials or other equipment shall be leaned against common walls, doors or other surfaces. No flammable materials are to be stored in the unit overnight.
- F. **Common Area Cleanup:** Dust and other debris resulting from the work will be removed from all common areas on a continuing basis as the work progresses and not only at the end of the day. If Las Mañanitas staff must clean up such debris, the unit Homeowner will be charged.
- G. **Responsibility for Damage:** Homeowners of units undergoing alterations are responsible for any and all damage done to the building and Common Property by the contractors and workers involved.
- H. **Safety:** The contractor is responsible for providing barriers and suitable markers whenever it is necessary or appropriate for the work being performed. When carrying large or bulky materials and equipment (such as rugs and ladders), one person must go before the object to clear the way.
- I. **Noise and Smoking:** Loud radio playing or loud talking that can be heard in any other unit is prohibited. Smoking anywhere within the Las Mañanitas complex, including on Unit terraces, is prohibited.
- J. **Plumbing:** Contractors shall not modify, alter, or damage any plumbing in any complex building or other property. Any external water-shut-offs for the Unit must be clearly tagged with a zip-lock tie identifying that work is in progress. Care must be taken to ensure that all in-unit piping is secured before restoring water to the Unit.
- K. **Concrete Surfaces:** Most perimeter walls, and the floor and ceiling of each unit within the building, are concrete with steel reinforcing bars inside. *There shall be no drilling, cutting or digging into any concrete surface.* The only exception to this is for drilling small holes for attaching small objects, such as pictures, to the surface, or for a specifically Approved remodel or repair task that requires access to electrical, piping or a conduit. No demolition jack hammers may be used at any time. The use of handheld power impact tools may be used if authorized by the Administrator on a case-by-case basis.
- L. **Eating and Drinking:** Workers' food and beverages may only be consumed in the owner's unit, provided Homeowner has given his permission. Otherwise, these must be consumed outside of Las Mañanitas complex.
- M. **Inspection:** Routine inspection will be conducted by the Community Manager or Administrator and either of the foregoing will have the right to stop work when 1) requirements of the Condominium Regime Rules and Regulations, Administrator Rules, or terms of the Application Approval, are not being met; 2) for emergencies or concerns regarding health & safety, 3) issues have occurred with contractors and subcontractors, or 4) when changes have been made to plans, or permits without resubmitting said changes as required in the "**Method of Proceeding**" paragraph above, Section I. The Community Manager or Administrator must be given an opportunity to inspect any opening and/or closing of walls to see if any Common Area items within the walls (e.g. pipes, wiring, waste lines and vents) have been disturbed or damaged.