

# **BUILDING ARCHITECTURE, EASEMENTS AND USE**

## **A. General Design Guidelines**

### **1. Lot Consolidation**

The lots may be consolidated into a single property provided that it is only limited a maximum of two (2) lots. Furthermore, consolidated lots may be designated to be utilized for two (2) individual commercial entities at ground level and 1 consolidated residential or commercial entity at upper levels provided that the provisions specified in this Deed of Restrictions and authorization of the Developer and its corporate successors are fully complied.

### **2. Building Use**

Each individual lot shall be utilized for a commercial-residential building. The ground floor shall be solely designated for commercial use and the upper floors maybe utilized either for residential or commercial purpose. Furthermore, the rear portion of the ground level shall be utilized for vehicular parking and utility areas. Parking areas shall not be allowed to be located at the side of the property fronting the main street.

### **3. Property Easements**

All structures shall be constructed with its Ground floor finish level at a maximum height of 0.20 meter from the sidewalk level. Basement and lower ground level shall not be allowed.

The development in an individual lot shall comprise of an arcade frontage with the distance of the inner walls not less than three (3) meters from the property line while the side of the lot fronting the service road shall be subjected with a minimum of five (5) meter-easement for the parking area or for any purpose duly approved under the Deed of Restrictions. The sides of the property shall not be allotted with easements at ground level only and shall be utilized for the entire width of the building provided that each lots shall be abutted with firewalls limited to a height not exceeding the second floor level. The sides of the lot shall be subjected with a two (2) meter-easement on the upper levels. The lot owner, his lessee, or his representative shall permit access to authorized representatives of the Developer or its corporate successors, the Association, or its public utility entities concerned for the purposes for which the easement is created.

Corner lots must follow an easement as prescribed above, for both frontages to preserve the overall facade and landscaping theme of the project. The frontage is established at the side where the arcade development is located and the rear where the service road is designated.

No construction of any building, room or any permanent structure shall be allowed within the easement. Should alteration of the drainage or other utility line be necessary due to any case required by the individual building design, then additional cost, if any, shall be for the owner's account. Furthermore, should the drainage or utility lines fall within the lot owner's property, the lot will be subject to the rules and regulations on access to easement. In any case, the lot owner is required to seek the approval of the Developer and or Association for the construction of consolidated lots.

The lot owner, his lessee or representative shall permit access thereto by the authorized

representative/s of the Developer and/or Association or utility entities concerned for the purpose which the easement is created.

The Owner shall then be required to submit a certification attesting his conformity to the regulation. In cases where utilities already exist within the easement zone, not even trees can be planted nor any other structure erected within the zone unless expressly authorized by the Developer and/or the Association.

#### 4. Construction Materials

All buildings and structures shall use first-class materials such as reinforced concrete or structural steel with the intention of permanency.

#### 5. Minimum Construction Cost

No residence costing less than 5 Million Pesos (Php 5,000,000.00) per lot when completed shall be built on any subject to any adjustment as shall determine by the Developer.

#### 6. Residential Occupancy

No building whatsoever except a private dwelling and shop-house with the necessary outbuilding, including a private garage shall be erected placed or permitted to be constructed on any lot thereof. Such dwelling/residence shall be used exclusively for single family house.

Such buildings and structures must be of the type of architecture specified under the designated zone and the provisions in this Deed of Restriction, and should be in harmony with the surrounding landscape and homes in the vicinity as intended by the Developer.

No lot shall be used for any immoral or illegal activity or trade.

Lots shall not be used as access or right-of-way (ROW) to any land outside Newcoast Shophouse District for any purpose unless approved by the Developer and/or the Association.

A structure shall mean any vertical improvements which are either:

- Roofed and supported by columns/post whether walled completely, partially or not at all.
- Unroofed with three (3) or more sides creating a geometric form; higher than two (2) meters.

The lot owner or his lessee shall at all times keep the grass cut and trimmed within the lot. Owner or his lessee fails to do so after five (5) days from written notice, the Association may have the grass cut and trimmed and keep the lot clean at the expense of the lot owner or his lessee. For this purpose, the Association, its authorized representatives and such other party/ies it may so authorize, shall have the authority to enter into the lot.

No existing tree whether found within or outside the lot, shall be cut down, moved, or damaged nor shall any be relocated or transferred without the written approval of the Developer or its corporate successors. When all the residential lots in the subdivision have

been fully sold out and all streets, lanes and open spaces shall have been duly conveyed to the Association or to the proper government agency concerned, such approval shall be secured from the Association.

## 7. Submission of Building Plans

No dwelling house or other structure shall be erected on any lot unless the plans and specifications of the proposed site have been submitted and approved by the Developer or its corporate successors as regards to exterior appearance and design. A construction permit is issued therefore.

### A. Pre-Construction Phase

- Lot Owner must submit the following to Newcoast Shophouse District Administration Office:
  - a. Application Letter
  - b. Transfer of Certificate Title (TCT)
  - c. Two (2) sets of plans (architectural, Structural, Sanitary and Electrical) for approval of Developer
  - d. Location Plan
  - e. Wall/Fence Detail
  - f. Sewage Disposal
  
- Lot Owner must pay the following to the Association:
  - a. Construction Bond – Php \_\_\_/square meter of lot
  - b. Construction Fee – Php \_\_\_/square meter of Gross Floor Area
  - c. Membership Fee – Php \_\_\_
  - d. Association Dues – Php \_\_\_/square meter/month for the first year
  
- Upon completion of the above-mentioned requirements, a Certification from Newcoast Shophouse District Association, Inc. shall be given to the lot Owner as required in securing Building Permit.

Note: Construction Bond is refundable upon submission of Certificate of Completion and Occupancy permit to Newcoast Shophouse District Administration.

### B. Construction Phase

- Lot Owner must submit the following to Newcoast Shophouse District Administration Office:
  - a. One (1) set approved plans by the Building Officials
  - b. Copy of the Building Permit
  - c. Lists of Workers
  - d. Construction Bar Chart
  - e. List of suppliers/contractors/sub-contractors

- Upon completion of the above-mentioned requirements, Newcoast Shophouse District Administration Office shall issue Notice to Construct (NTC) to lot Owner.

#### C. Post Construction Phase

- Newcoast Shophouse District Administration, contractor/s lot owner or his authorized representative will conduct joint inspection to check if there is no violation with the plans and restrictions, and if there is no damage/s in the adjacent lots, common areas and facilities.
- Lot Owner shall furnish to Newcoast Shophouse District Administration copy of Certificate of Completion and Occupancy Permit.
- Upon completion of the above-mentioned requirements, Newcoast Shophouse District Administration Office shall issue lot Owner a written clearance from all obligations at the site for refund of construction bond.

#### 8. Building Height

No building should be more than three (3) storeys high and shall not exceed fifteen (15) meters in height from the median sidewalk elevation to the roof apex or parapet wall. Provision of roofs and decks shall be in compliance with the designated architectural theme in the particular zone by the Developer.

Last level floor plate shall not exceed 70% of the building footprint of preceding floor. Attic is allowed provided that the floor plate of attic shall not exceed 50% of the building footprint of preceding floor and must form part of the roof.

The location of the driveways and parking area shall be along the side fronting the service road while the side of the lot fronting the main street shall be the arcaded frontage and shall be the reference in establishing the maximum building height.

For lots with sloping frontage (i.e. lots fronting uphill or downhill roads), the median point of the street sidewalk of the property line's frontage shall be the basis of establishing the maximum building height.

Ground floor level should have a maximum height of 0.20 meter from the median sidewalk elevation.

#### 9. Eaves Line

Whenever the provision according to the architectural theme of the specific zone allows roofs, the minimum protrusion of eaves from the building line shall be 0.50 meter but not exceeding 1.20 meter from the outermost face of the building.

#### 10. Setbacks

The minimum required setback shall be measured from the property line to the nearest finished exterior wall, window or column (which supports a roof beam, trellis, or any structural or non- structural member or which may be used as a walls stiffener or simply as a free-standing pillar or any projection there from. The front of the lot designated for arcade

development shall not be subject to setback provisions. The minimum setbacks are as follows:

Level	BUILDING LINE SETBACK (IN METERS)		
	FRONT	SIDE	REAR
Ground Floor Level	N/A	N/A	5.00
Upper Floor Levels	3.00	2.00	3.00

Setback requirements are determined by measuring the distance horizontally from the property line to the nearest finished post or wall of the structure, whether the main building or the outbuilding. In case of unwallled portion of the structure, a hypothetical line should be drawn to determine the building line. Planter boxes connection to the wall buildings shall not be considered integral part of the building but it should be subject to easement restrictions which is one-and-a-half (1 ½) meters from the property line. Extended roof to the front or cantilevered overhang which has no supporting columns or post shall be considered an extension of the roof, and is limited to 0.50 meter from the building.

Decorative trellis will not be considered an extension of the roof and will not be subjected to eaves line setback requirement if such is designed parallel to each other and spaced half meter clear distance with only the beam support at the end perpendicular to the trellis. The width of the fence/wall is considered in setback measurements, (that is, if the Owner constructed his fence/wall). In case that fence/wall already exists prior to the start of construction, setback measurement shall start from the inner surface of the wall.

#### 11. Perimeter Walls

Perimeter fences along the front and rear sides of the property shall be strictly not allowed.

Metal grilles, whenever allowed under the provisions on the designated architectural theme per zone, are allowed to be installed above the 2.0 meter perimeter wall having a height limit of 0.45 meter, provided they are painted according to the designated architectural theme. Design is subject for approval.

Natural vegetation to enhance perimeter fencing is strongly encouraged but must be relevant to the architectural theme designated per zone.

#### 12. Firewalls

Firewalls, must be constructed following the specifications of the National Building Code. The limit of 73% length of firewall is to allow 2 meters clearance at both ends to be in line with the setback requirement at building sides.

Height of the firewall is limited up to second floor line and must be plastered and painted only with light colored paint.

No balcony, window or opening along a firewall must be constructed.

### 13. Arcades

The side of the lots fronting the main road shall be designed as an arcade and must be open on both ends to allow continuity of arcades from adjacent lots and to promote a walkable development. The width of the arcade shall be measured from the property line along the main road to the nearest perpendicular finished wall at clear distance of not less than three (3) meters while the clear span between supports like posts and columns along the exterior side of the arcade fronting the street shall be not less than three (3) meters. Arcades shall be clear from any kind of obstruction and shall maintain a minimum clear vertical height of three (3) meters from the finish floor level.

### 14. Architectural Theme

The design of buildings shall comply with the architectural theme designated per zone as specified in the Deed of Restrictions. All designs shall be approved by the Developer prior to execution. In cases that the owner have implied architectural elements which are not in accordance with the designated architectural theme in the property's zone, the Developer shall have the authority in removing the said architectural elements at the owner's / lessee's expense upon failure in compliance.

### 15. Perimeter Walls

The following auxiliary structures can be located at the ground level fronting the service road and shall follow the prescribe setbacks as specified for the ground level.

- Refuse Room
- Pump Room
- Parking Area
- Generator Set Room
- Cistern
- Storage Rooms
- Septic Tank

Other auxiliary structures such as the following:

- Gazebo
- Cabana
- Barbeque Pits

The auxiliary structures shall follow the specified Building Line and Roof line setbacks. Building materials to be used for the construction of auxiliary structures should follow the allowable building materials and if possible has to be consistent with the character of the main house and the surrounding environment. The plans and specifications of these auxiliary structures shall be subject to the approval of the Developer and/or Association.

### 16. Lot Access and Driveway

Vehicular access to lots shall be located at the side fronting the service road and shall not be allowed to be part of the arcade frontage.

No vehicular entrances or exits shall be allowed along 5.00 meters from the center of the curve at street intersections. No vehicular or pedestrian entrances/exits shall be allowed on the lot boundaries adjoining the perimeter of Newcoast Shophouse District.

Roofed pedestrian gates along the frontage are not allowed.

#### 17. Utilities

The lot Owner should first verify the actual location of the underground utilities prior to planning should secure all the necessary permits before tapping the utility line.

All drainage shall be connected to the development drainage system. No installation of any drainage line shall be allowed outside the lot without the written approval of the Developer or its corporate successors.

Boring or cutting through the concrete curb or gutter is not allowed along the arcade and sides of the property. Should there be a necessity in cutting or boring the concrete curb, the case may only be allowed along the service road subject for approval of the Developer or its corporate successors.

#### 18. Laundry and Washing

The lot Owner agrees to provide an enclosed area for the laundry or washing located inside the house.

Permanent clothesline, washing and drying appliances or equipment is only allowed within this enclosed area.

The Developer and/or the Association reserve the right to disapprove any building plans without the required provisions for laundry or washing area.

## B. Thematic Architectural Design Guidelines



### 1. OLD TOWN ZONE

#### 1.1 Designation

The provisions herein as indicated under the Old Town Zone shall be strictly implied for the lots under *Block 1 and Block 2* only.

#### 1.2 Facade

The faces of the building including the arcade, the upper levels, rear and sides which can be viewed from any point from the road shall be considered as the facade provided that the rules on abutments and setbacks on building sides are fully complied. The facade for Old Town Zone shall be inspired by the old towns of Ibiza and Santorini in Greece which are remarkably represented with simple yet elegant white colored structures, very slightly pitched roofs and decks with very minimal accent colors. All architectural elements which shall be included in the design of the facade of Old Town Zone structures shall be strictly relevant to its designated theme and shall comply with the provisions on maximum allowable building height and other coherent guidelines with the written approval of the Developer or its corporate successors.

#### 1.3 Arcade

The arcade shall be open on both ends, designed and constructed to accommodate continuity and harmony with the design of adjacent arcades. Architectural treatments for arcades may be thru arches with a minimum clear span of 3.00 meters between supports. No



protrusions except for signs shall be allowed beyond the property lines provided that the guidelines on signs in this Deed of Restrictions are fully complied. Arcades may be utilized as Al-Fresco dining area with the approval of the Developer or its corporate successors.

#### 1.4 Roofs and Decks

Roofs on the upper levels should not be visible at the facade of the building. If roofs are to be used instead of decks, parapet walls are strongly encouraged to be used in covering the roofs from the facade. If roofs shall be used in covering the arcade and which are visible in the facade, these should be made out of Spanish cement or clay roof tiles or any approved equivalent.

#### 1.5 Finishes and Miscellaneous Details

Each building shall be limited to a scheme with a maximum of three (3) colors including the doors, windows and grilles if necessary. Exterior walls shall be finished with white paint only except for accent elements like window and door mouldings which could be painted with other colors.

If grilles ( for verandas, plant boxes, etc.) are necessary as part of the building design, the finish color shall be limited to the used accent color of the building or black only.

For doors and windows, material to be used shall be part of the building color scheme. Glass can be tinted but should not be reflective.

#### 1.6 Signs

All exterior signs, billboards or any kind of advertising devices shall be strictly located at the arcade frontage and rear side along the service road only. Signs located other than the arcade frontage and rear side (i.e upper levels, sides, roof and deck) shall not be allowed. Signs may be located along the arcades provided that the maximum allowable protrusion from the finished wall is 300mm with a minimum clear height of 3.00 meters from the floor finish level of the arcade and in no case shall be placed as any form of obstruction along the arcade walk and sidewalks. To allow uniformity in the design of arcades, the lowest portion of all signs shall be at a height of 3.50 meters from the arcade finish floor level.

#### 1.7 Landscaping

Inclusion of landscaping inside the property and building design is strongly encouraged provided that these will not serve as obstruction or protrusion to adjacent lots, outside property lines and if located anywhere along the arcade.

#### 1.8 Compliance

All architectural elements which shall be implemented on buildings under the Old Town Zone shall be in harmony with the adjacent buildings. Should there be any element which may seem to be in any form of obstruction to adjacent properties shall be removed by the owner upon notice from the Developer or its corporate successors. If the owner or the lessee failed to respond on the notice, the Developer has the right to remove the said architectural

elements on the owner's expense.

## **2. MEDITERRANEAN ZONE**

### **2.1 Designation**

The provisions herein as indicated under the Mediterranean Zone shall be strictly implied for the lots under *Block 3, Block 4 and Block 5 only*.

### **2.2 Facade**

The faces of the building including the arcade, the upper levels, rear and sides which can be viewed from any point from the road shall be considered as the facade provided that the rules on abutments and setbacks on building sides are fully complied. The facade for Mediterranean Zone shall be inspired by the rich and ornate architectural elements of Mediterranean style of architecture. All architectural elements which shall be included in the design of the facade of Mediterranean Zone structures shall be strictly relevant to its designated theme and shall comply with the provisions on maximum allowable building height and other coherent guidelines with the written approval of the Developer or its corporate successors.

### **2.3 Arcade**

The arcade shall be open on both ends, designed and constructed to accommodate continuity and harmony with the design of adjacent arcades. Architectural treatments for arcades may be thru arches with a minimum clear span of 3.00 meters between supports. No protrusions except for signs shall be allowed beyond the property lines provided that the guidelines on signs in this Deed of Restrictions are fully complied. Arcades may be utilized as Al-Fresco dining area with the approval of the Developer or its corporate successors.

### **2.4 Roofs and Decks**

Roofs should be made out of Spanish cement or clay roof tiles or its approved equivalent.

### **2.5 Finishes and Miscellaneous Details**

Buildings in the Mediterranean Zone shall be painted and finished accordingly to the color schemes of the Mediterranean style of architecture. Natural stones may also be used as exterior finish or as an accent to the facade of the building.

### **2.6 Signs**

All exterior signs, billboards or any kind of advertising devices shall be strictly located at the arcade frontage and rear side along the service road only. Signs located other than the arcade frontage and rear side (i.e upper levels, sides, roof and deck) shall not be allowed. Signs may be located along the arcades provided that the maximum allowable protrusion from the finished wall is 300mm with a minimum clear height of 3.00 meters from the floor finish level of the arcade and in no case shall be placed as any form of obstruction along the arcade walk and sidewalks. To allow uniformity in the design of arcades, the topmost portion

of all signs shall be at a height of 3.50 meters from the arcade finish floor level.

### 2.7 Landscaping

Inclusion of landscaping inside the property and building design is strongly encouraged provided that these will not serve as obstruction or protrusion to adjacent lots, outside property lines and if located anywhere along the arcade.

### 2.8 Compliance

All architectural elements which shall be implemented on buildings under the Mediterranean Zone shall be in harmony with the adjacent buildings. Should there be any element which may seem to be in any form of obstruction to adjacent properties shall be removed by the owner upon notice from the Developer or its corporate successors. If the owner or the lessee failed to respond on the notice, the Developer has the right to remove the said architectural elements on the owner's expense.

## 3. KEY WEST ZONE

### 3.1 Designation

The provisions herein as indicated under the Key West Zone shall be strictly implied for the lots under *Block 6, Block 8 and Block 9 only*.

### 3.2 Facade

The faces of the building including the arcade, the upper levels, rear and sides which can be viewed from any point from the road shall be considered as the facade provided that the rules on abutments and setbacks on building sides are fully complied. The facade for Key West Zone shall be inspired by the chic and elegant Victorian architecture of Key West and Martha's Vineyard represented with steep shingle roofs, presence of verandas and timber ornamentations. The design of the buildings may vary from the Victorian, English Colonial, Tudor Revival to Prairie styles of architecture. All architectural elements which shall be included in the design of the facade of Key West Zone structures shall be strictly relevant to its designated theme and shall comply with the provisions on maximum allowable building height and other coherent guidelines with the written approval of the Developer or its corporate successors.

### 3.3 Arcade

The arcade shall be open on both ends, designed and constructed to accommodate continuity and harmony with the design of adjacent arcades. Architectural treatments for arcades may be thru arches with a minimum clear span of 3.00 meters between supports. No protrusions except for signs shall be allowed beyond the property lines provided that the guidelines on signs in this Deed of Restrictions are fully complied. Arcades may be utilized as Al-Fresco dining area with the approval of the Developer or its corporate successors.

### 3.4 Roofs and Decks

Roofs should be pitched consistent with the designated architectural style of Key West Zone and should be made out of Shingles or its approved equivalent.

### 3.5 Finishes and Miscellaneous Details

Buildings in the Key West Zone shall be painted and finished accordingly to the color schemes of the English style of architecture. Natural stones may also be used as exterior finish or as an accent to the facade of the building provided that these treatments are consistent with the theme of the zone.

### 3.6 Signs

All exterior signs, billboards or any kind of advertising devices shall be strictly located at the arcade frontage and rear side along the service road only. Signs located other than the arcade frontage and rear side (i.e upper levels, sides, roof and deck) shall not be allowed. Signs may be located along the arcades provided that the maximum allowable protrusion from the finished wall is 300mm with a minimum clear height of 3.00 meters from the floor finish level of the arcade and in no case shall be placed as any form of obstruction along the arcade walk and sidewalks. To allow uniformity in the design of arcades, the topmost portion of all signs shall be at a height of 3.50 meters from the arcade finish floor level.

### 3.7 Landscaping

Inclusion of landscaping inside the property and building design is strongly encouraged provided that these will not serve as obstruction or protrusion to adjacent lots, outside property lines and if located anywhere along the arcade.

### 3.8 Compliance

All architectural elements which shall be implemented on buildings under the Key West Zone shall be in harmony with the adjacent buildings. Should there be any element which may seem to be in any form of obstruction to adjacent properties shall be removed by the owner upon notice from the Developer or its corporate successors. If the owner or the lessee failed to respond on the notice, the Developer has the right to remove the said architectural elements on the owner's expense.

## **C. Miscellaneous Covenants**

### 1. Foundation

Foundations or footings of a building on the side where the façade of the building coincides with the property line shall not be allowed to project beyond the property line.

### 2. Roofs, Canopies and Eaves

Flat roofs required for building areas which are flushed to the property line shall not be converted to a balcony or a roof deck so as not to allow view of adjoining building.

Layout of rooftop mechanical equipment, vents and ducts shall be organized and these should not be visible from the road. These shall be screened, covered and installed in a manner which prevents obstruction and distraction of view.

Skylights and other reflective rooftop elements (e.g. solar water heater) shall be designed and installed in a manner that prevents producing reflective glare.

Allowable roof pitch shall be according to the provisions of the Deed of Restrictions on thematic architectural design per zone.

The type, color, roofline, pitch of roof shall be subject to approval of the Developer and/or Association and should comply with the designated architectural theme per zone.

Canopies or any other similar architectural features shall be allowed to project beyond the building line only by 1.00 meter. In cases where long canopies or any architectural features exist, the extreme outer edge of the same shall be considered as the building line.

### 3. Carport

Each lot Owner is allowed to provide two (2) carports within the lot fronting the service road. No carports shall be allowed at the building frontage. Overnight street parking shall not be allowed.

### 4. Service Entrance

All service entrances for utilities shall be conducted into the building by means of underground conduits or pipes from the main service lines. A water pump directly connected to the water main is not allowed. However, a water pump may be installed to draw water from the underground cistern of adequate capacity supplied by natural pressure from the water main.

### 5. Sewage Disposal

Sewage disposal must be connected only to three-chamber septic tank which the lot Owner must build within the lot. The plans of the septic tank shall be subjected to the written approval of the Developer or its corporate successors and shall be constructed within the open space required for the lot but must not exceed to one (1) meter from the boundary of the lot. The septic tanks must be maintained in sanitary condition and good order at all times.

### 6. Signs

Signs, billboards or any advertising devices are allowed provided that the provisions on thematic architectural design per zone are strictly complied with the written approval of the Developer or its corporate successors.

### 7. Irrigation System

The Owner may opt for three (3) chamber storage vault in addition to a septic tank and cistern tanks for storing rain water coming from roofing downspout and/or storm drain which will be pumped out through a separate identified and marked utility hose bib for purposes of irrigating

plants and cleaning garage and driveways.

#### **8. Vehicular/Pedestrian Entrances and/or Exits**

No vehicular or pedestrian entrances or exits shall be allowed along the curves at street intersection and shop-house street-fronts.

#### **9. Use of Streets**

Duly authorized hospitals or medical clinics and educational, charitable, religious, civic or government institutions, if any within the development shall be allowed to use the streets of the subdivision, leading to and from their respective places, for their patients, students, teachers, members, employees and guests. Said institutions may be assessed by the Association for the maintenance of the streets and other services provide by Association and such assessments may be increased, provided that the increase shall in no case exceed the proportion of the increase in the assessment of regular members of the Association during the same period.

#### **10. Garbage Disposal**

Each lot (individual or consolidated) must be provided with an enclosed and covered area, either attached or detached with the building, within the lot for garbage disposal. The location and plans of the structure shall be subject for approval of the Developer or its corporate successors and shall be constructed within the open space required for the lot and must have direct access from the service road. The structures for garbage disposal must be maintained in sanitary condition and goof order at all times.