

# Colonas La Hacienda

San Felipe A.C.

CC&Rs English Version



## **Article 1 The Association**

1.1 The legal foundation for this Association is authorized by the Governor of Baja, to the Subdivision Developers of the Development La Hacienda, in the Official Newspaper of the State of Baja California, published May 31, or 1985, ( in the second agreement, addendum d)

1.2 The fundamental objective of the Association is to provide for the security, maintenance, and desired improvements within La Hacienda, and to ensure tranquility and the overall wellbeing of the community for the benefit of the property owners as a whole.

1.3 The developer is responsible for building the sanitary system, water and drainage, and streets. The home owner association is responsible for the maintenance of the same.

1.4 The Homeowners Association of La Hacienda Urban development will be the sole agency authorized to perform the following:

- A. Operation and maintenance of utilities, Machinery, Streets, Public Areas, Works in general.
- B. Installation of new infrastructure within the public areas.
- C. Payments of the development's bills for corresponding consumptions.
- D. Maintaining the administrative personnel to facilitate these functions

1.5 The Associations Board of Directors is elected by the majority of homeowners in a general assembly and the resolutions taken obligate all owners of lots in La Hacienda development.

1.6 The Board of Directors is authorized to collect all payments for assessments or penalties and the judicial collection in the case of tardy payments by property owners.

1.7 All owners of lots within La Hacienda development are obligated to participate in the Homeowners Association after signing the contract that gives them possession of the lot.

1.8 Members of the Association in good standing will have the privilege of voice and vote at General Assembly meetings and can be elected to fulfill duties as members of the Board of Directors and any committees the Association sees fit to create.

## **Article 2 Use of Assigned property**

The development has been designed solely for residential usage. Any other usage will require the approval of the Association's Board of Directors.

## **Article 3. Construction Limits by Section**

La Hacienda Development is divided in the following four sections for construction: The height of the house will be considered starting on the lowest reference point.

One level house:

Block numbers: 8 -lots 8 to 12-; 9; 19 -lots 18 to 29-; 20; 21; 22; 24; 25; 30 and 31. The maximum height at the highest part of the roof is 3.96 mts. -13 ft.- on inclined roof, and 3.05 mts. -10 ft.- on flat roofs.

Two level house:

Block numbers: 2; 3 The maximum height at the highest part on the roof is 7.15 mts. -23 ft. 6 in.- on inclined roof, and 6.25 mts. -20 ft. 6 in.- on flat roofs.

Block numbers: 4,5,6. The maximum height at the highest part on the roof is 6.85 mts. -22 ft. 6 in.- on inclined roof, and 5.95 mts. -19 ft. 6 in.- on flat roofs.

Block numbers: 7; 8 -lots 1 to 7-; 11 -lots to 16-; 12; 13; 14; 15; 16 -lots 1 to 34-; 17 -lots 1 to 9 and lots 17 to 26-; 18; 19 -lots 1 to 17 and lots 30 to 40-; and 32. The maximum height at the highest part on the roof is 6.55 mts. -21 ft. 6 in.- on inclined roofs, and 5.65 mts. -18 ft. 6 in.- on flat roofs.

Three level house: Block numbers: 11 -lots 2 to 16-; 12; 13; 14; 15 -lots 1 to 13-. The maximum height till the highest part on the roof is 9.75 mts. -32 ft.- on inclined roofs and 8.85 mts. -29 ft.- in flat roofs.

Condominiums and/or Hotel or two level residential: These sections are assigned for Condominiums and/or Hotel. Block numbers: 17 -lots 10 to 16 and 27 to 34-.

Commercial Areas: Block numbers: 1; 10; 11 -lot 1- and 16 -lots 35 to 43-.

## **Article 4. General Architectural Requirements**

4.1 The general architectural requirement within La Hacienda is Mexican Colonial architecture. This must be reflected in the design of the building structure and residential facade, gardens, walls, and above all, in external atmosphere. Uniformity of structures is sought for the wellbeing of the overall community, residents, and visitors. In those areas visible from the street, the following materials, colors, and textures - external- are required:

4.2 External Walls: White or light natural colors in earth tones -clay, terracotta, etc.-

4.3 Roof: Red clay tile or any similar material that resembles Spanish style.

4.4 Parapets: Red brick or stone tops.

4.5 Window frames: Smooth, brick or wood or stone.

4.6 Sidewalks and outside floors: Clay paving stone, red brick, rustic tile, or painted concrete.

## **Article 5. Minimum Construction requirements**

5.1 All residences shall have a minimum living area of 110 square meters (1,200 sq. ft.)

5.2 All homes will have a full bathroom, kitchen, living room and at least one bedroom. Four walls with the appropriate doors and windows must surround the residence.

5.3 Every building must have a parking area for at least one vehicle inside the lot limits.

5.4 As a part of the construction, the builder will construct a concrete sidewalk, from the curb at the street, to the edge of the property, on all sides of the property adjacent to the street.

5.5 Homes built on the edge of the property shall be constructed in such a manner that the natural roof and floor slopes are oriented toward the front, lateral, or backyard without affecting the adjacent lot. The building roof must be done with one, two or more sides of inclined roof. The pitch must be at least 15% and maximum 30% the inclination. They should be covered with red clay tile. The use of synthetic materials or glass finished tile will not be allowed in any case. Only up to 40% of the roof area may be flat and should be covered with materials that can be integrated into the overall landscape such as clay colored tile or terracotta color paint because they are considered as a fifth facade. One of the inclined roofs must be visible entirely from the main frontage.

5.6 Every owner will build inside his lot a cistern capable of water storage for two or three days in order to prevent any failure in the water supply in the development.

5.7 The owner will install or build a septic tank to treat waste water. This will connect to the gray water system. (details and measures can be obtained in La Hacienda Architecture Committee and they should be respected). Before covering the septic tank and cistern you must obtain approval of the La Hacienda Architecture Committee; this committee can demand any owner to show this construction, even if it has already been finished and covered.

## **Article 6. Building Height Limitations**

6.1 The lowest reference point (level 0.00) from which to calculate the construction maximum height is as follows:

a) The lowest reference point is the highest level of the ground adjacent to the street. b) When clause 8.1a does not apply, the lowest reference point will be obtained calculating the average of the four lot corners:  
$$NV0 = (NV1 + NV2 + NV3 + NV4) / 4$$

6.2 The height limits specified in article 3 include tanks, air conditioners, equipment, etc. These heights can be exceeded only in domes, towers, chimneys or ornamental elements maximum 0.80 mts (2 ft 8 in.) and must be approved by the La Hacienda Architecture Committee. The railing will have a total height maximum 1.50 mts. or minimum 0.90 mts. over the finished level of the flat roof and they will never be able to exceed the height limits specified in article 3.

6.3 In the case of a building with a lowered first floor, like a basement, that part of the structure must be at a distance from the neighbor on a 2/3 ratio. For each foot of depth, there must be 8' distance from foundation of the adjacent foundation, for example: 9 foot depth, 6 foot distance.

## **Article 7 View**

7.1 The Mar de Cortez view of every lot must be respected. The view from side lots will not be obstructed by any part of the structure, air conditioners, chimney, equipment, etc., according to defined measures in article 3 in this document.

7.2 All service elements (tank, heater, washing place, air conditioned, pump, solar heater, solar panel, etc.), must be located to avoid its visibility from any external point. If a clothesline is planned, the house must have a service area, concealed by a partition or lattice and the design must approved by the La Hacienda Architecture Committee.

7.3 All trees must be pruned in a way that they do not obstruct the view nor be allowed to grow higher than the maximum height of construction.

7.4 Dish, radio or T.V. antennas, or any other similar object are not allowed to obstruct next door lot's view. Dish antennas with more than 3 ft. 6 in. diameter are not allowed in the upper part of the structure.

## **Article 8. Height on Fences**

The maximum fence height to mark the boundaries of the lot limits is 1.75 mts. (5 ft 9 in), and be constructed of a material and color to match the structure.

## **Article 9. Outside Illumination**

External illumination is allowed.

9.1 To maintain the peaceful atmosphere of the community and not disturb neighbors, the use of low wattage bulbs (40 watts) is recommended. When security lights are installed, these should be low wattage lights. The use of high wattage, sodium vapor, mercury vapor and other such lights, especially those that are on all night, is strongly discouraged.

## **Article 10 Architectural Approval**

10.1 This rule is imperative and applicable to any person who plans to undertake building of any kind, whether new construction or enlargement, remodeling, or demolition within la Hacienda Development. It is the responsibility of the homeowner to adhere to these rules. Although these regulation can be modified as required in accordance with development needs, but must be agreed upon by the Home Owner Association.

10.2 The observance of these regulations does not exclude the fulfillment of Federal, Estate and Local regulations as they apply.

10.3 The role of the Hacienda Architecture Committee is to work with the authorities revising and supervising the fulfillment of the regulations aforementioned in all building projects. The commit must report to the authorities any no-fulfillment of regulations, o those agencies may act o their responsibilities. Starting any type of building requires every construction permit, sanitary license, and IMS affiliation to avoid possible suspensions.

10.4 The La Hacienda Architecture committee will be comprised of a group of home- owners. It can be augmented by external qualified technicians and decisions are based on these rules as well as Federal, State, and Municipal decrees. All decisions will be group consensus. When all requirements are successfully met approval will be given so that the owner may proceed to the proper authorities. No work will be permitted without the prior approval of the Architectural Committee and those appropriate authorities.

10.5 The Home Owner Association office will receive the plans to be sent to La Hacienda Architecture Committee for study. They will review the plans in a period no longer than 30 working days, as long as all of the documents and requirements have been delivered. When the blueprints are approved, those must be stamped and signed by a Hacienda Architecture Committee member. The owner and architect will then be able to request licenses or permits from the Mexicali Urban Control Department. Noncompliance to regulations of any part of the plans will be detailed in writing to the owner and architect for correction. Regardless of any construction license obtained elsewhere, no construction will be allowed to begin if the plans have not been previously approved by the Hacienda Architecture Committee.

10.6 The supervision of every building in process will be La Hacienda Architecture Committee's responsibility and they are responsible for advising the owner of failure to follow regulations. Further failure to comply will be reported to the appropriate authorities. The Architectural Committee has the authority to seal off buildings and suspend work.

10.7 During construction, a 90 square cms. sign must be on site, and contain owner and contractor names, registration, authorized engineer number and signature, as well as La Hacienda Architecture Committee building control number.

10.8 The owner, builder and every worker on the building is obliged to allow access to La Hacienda Architecture Committee members or Committee authorized personnel, previously identified, to inspect the building progress. Local, State or Federal Authorities will be able to verify the buildings at any time, without any previous authorization.

### **Article 11 Constructing, Modifying or Expansion Requirements**

When beginning construction, the following requirements must be met:

11.1 All of the membership fees home owner association dues established must be paid and verified by a receipt.

11.2 Lot survey, water and drainage connections must be requested in writing to the HAO and established fees paid. A sketch must be presented containing the following information: section location, block, lot number, area, limits and streets; measures, angles and lot surface. Title deed and/or copy of the contract of sale must also be presented. The builder must whitewash the lot limits before beginning the building.

11.3 Electric installation requires the construction of a 1.6 mtr. high wall for meter placement. Both the building and electric hook up must be requested in writing and will also be approved in writing.

11.4 The owner must post a bond for 2000 (two thousand minimal daily salaries current in the 'A' geographic zone) valid for 18 months issued by any insurance company with the 'Asociacion de Colonos del Fraccionamiento La Hacienda A.C.' name to guarantee that the building will be executed according to the authorized blueprint and Internal Constructing Regulation specifications valid at that date. The owner agrees to fulfill every obligation the bond imposes. The bond will be renewed once expired until the La Hacienda Architecture Committee and the La Hacienda Home Owner Association resident signs a liberation letter six months after the delivery date of the habitability letter copy expedited by the Direccion de Obras Publicas Municipales. The La Hacienda Home Owner Association may authorize an alternative form of deposit.

11.5 A supervision fee of half of daily minimum salaries, current in the 'A' geographic zone per square meter of construction, must be posted. A 2,500.00 pesos deposit must also be made, which the association can use for debris removal and/or damages repair if necessary.

11.6 The owner will sign a commitment letter in which he agrees to have read this Construction Regulation, and agreeing to obey the rule and allowing supervision visits from the La Hacienda Architecture Committee.

11.7 Deliver two copies of the following documentation at La Hacienda Home Owner Association A.C.:

- Blueprint one: Every building existing in the lot. Roof pitch, railing and/or parapet limits, Flat roof percentage. Indicate location of water heater, gas tank, air conditioning, dish antenna. Mark property limits Adjacent properties Platform level plan Location plan (lot location in block and streets identification)

-Blueprint two: Architectonic plan with levels -towers, chimney, domes, etc- Courtyards, swimming pools, corridors and other

-Blueprint three: Front side with levels -windows, doors, towers, ornamental elements, etc- Indicate external finishing.

-Blueprint four: Cross section showing height and axis Natural land profile Land refills and sections Retaining walls (detail and retaining walls engineering calculations with drainage in case of garden or open areas) Walls building.

-Blue rint five: In case of planning a swimming pool construction, a full project with geometric design is required, land movement, excavations, retaining wall and filter equipment description, water reuse and other for evaluation in La Hacienda Architecture Committee. Swimming pools will have a maximum capacity of 40 cubic meters.

Every blueprint must contain, at the bottom:

Blue print content description, Signatures: Builder, Owner, Draftsman and designer responsible. Space for official stamp and signature, Urban Administration, San Felipe residency, La Hacienda Architecture Committee Space for official stamp and signature, Urban Control Department chief, Construction licenses Coordination,

Indicate: Habitable area in square meters, Terrace, roof and garage area in square meters, Total square meters of construction, Roof area, Land area, Property register number, Location.

11.8 Once the above requirements have been fulfilled, the owner will be given a building control number.

11.9 Once he has the building control number, the owner will provide a list of all people working on the construction and it is his responsibility to explain all rules and regulations to them governing the building activity. The list must be updated in case of personnel changes.

11.10 When beginning a building a W.C. sanitary installation for workers is required, a garbage container and an enclosed place with cyclone fencing for empty cement, lime, and plaster bags, etc.



11.11 When heavy machinery as excavators, backhoe loader, forklift, etc. are needed, the owner will request a permit for its use from La Hacienda Architecture Committee. Notifying describing the time in the development and the use for the machinery is required. Permanent maintaining of the machinery inside the development is forbidden without previous authorization.

11.12 The owner is obligated to let the contractor know the regulations at every construction level (cleaning, dismantling, construction, sanitary installation, hydraulic installations and other. Also the owner is responsible for damages caused to the development and environment, and is committed to repairing the damages within a maximum of eight working days.

11.13 When making modifications or enlargement to existing houses, the owner must follow all procedures and requirements in La Hacienda Architecture Committee to obtain the corresponding authorization. Show a copy of the first association authorized house blueprint, indicating the planned modification or enlargement or improvement.

11.14 All constructing material must be kept inside the property and protected by cyclone fencing when suspending the building by the constructor or owner. Wells and sewer must be covered to avoid any risk for neighbors. In case of non-fulfillment the association will take the deposit do so. The owner must inform Mexicali Urban Department when building is being suspended and/or resumed, and follow the rules currently in force.

## **Article 12 Rules during the process of constructing**

12.1 Workers and material suppliers vehicles will be allowed circulation inside the development only Monday to Friday from 7:00 a.m. to 18:00 and Saturday from 7:00 to 15:00 hours. Maximum weight for load vehicles used on construction is eight tons.

12.2 Maximum speed for circulating inside the development is 30 km per hour, no exceptions.

12.3 Use of alcoholic beverages and party celebrations inside any construction or building in process in the development is forbidden, except May 3rd every year.

12.4 Workers and material suppliers' trucks are not allowed in the development on Sunday and holidays except the above rule.

12.5 It is the owner and builder's obligation to keep their material inside the lot limits without invading streets and gutter; the usage of next door lots or streets for material or debris storage is also forbidden. If using a next door vacant lot a use permit is required, and the owner and builder are required to clean and remove debris when requested. In case of non-fulfillment the deposit will be used to accomplish the above.

12.6 The owner will be responsible for any damage caused by suppliers or workers to the development common properties such as streets, illumination system, water system, electricity, etc. The deposit to the Home Owner Association covers these damages. In this case any fees resulting from necessary repairs will be paid immediately according to the La Hacienda Architecture Committee evaluation.

12.7 All building workers must leave the development by the main entrance (police booth) for a better control and home owner's security. No worker is allowed to wander inside the development without La Hacienda Home Owner Association A.C. written permit, or to work on the building out of schedule. Any worker who disrespects a homeowner, guard, or HOA personnel will be denied re-entrance. Any worker who does not adhere the above will have his credential removed and be denied entrance for 48 hours. In case of repetition the worker will be denied entrance indefinitely. If the owner is delinquent in payment of homeowners dues, workers will be denied entrance without previous warning.

12.8 When carrying material or tools out of the development you must have an authorization letter (written by owner or resident) with the following: land location -lot, block, section-, authorizing person's name, signature, and drivers ID. This letter must be requested from the HOA Architectural Committee

12.9 It is the owner's responsibility to supply the names of two people authorized to remain in night shift; indicating who will be the 'maestro' and who the watchman, and who will be given an entrance pass, valid until 20:00 hrs.

12.10 Radio volume must be set in moderate, to avoid bothering neighbors.

12.11 A gas firebox is required for safe food preparation. Making bonfires is forbidden.

12.12 Burning garbage or any other material is forbidden.

12.13 Mexicali Government construction regulations, roles and specifications, actually in force at the time of building are part of this document and they must be fulfilled during the construction.

### **Article 13 Real Estate Agencies**

13.1 It is Real Estate Agencies responsibility to inform the La Hacienda Home Owner Association A.C. of the promotion and sale of any property inside the development so they can place sale signs and inform the HOA of the duration of the contract. The La Hacienda Home Owner Association A.C. may remove signs when this clause is has not been met.

13.2 Tents, balloons, marks, etc., are forbidden, except building For Sale signs that are only allowed to be placed inside the lot with 1.00 X 1.00 meters maximum size and they must fulfill Mexicali government announcement regulations.

13.3 Sale kiosks and/or umbrellas will only be placed inside the property limits. Placing them in common areas or any other place outside the specific building is forbidden.

13.4 Real Estate Agencies with sales operations in process inside the development have the obligation to deliver the client a copy of these regulations and the corresponding signed acknowledgement letter to the La Hacienda Home Owner Association A.C.

### **Article 14 Exceptions and Exemptions**

14.1 The owner and/or architect have the right to request the form the Board of Directors exception to and/or release from specific construction rules and regulations. Only the Board has the authority to grant these exceptions or releases.

### **Article 15. Rules of Conduct**

15.1 This article has the objective of informing every La Hacienda Development potential owner and client of the rules regarding the appropriate used of their properties, services, facilities, for the benefit of the community. We ask that property owners and prospective buyers understand and cooperate in implementing the following Rules of Behavior to guarantee an attractive and well-ordered community.

15.2 The owner of the lot should maintain sidewalks and green areas in good conditions. Garbage and waste must be placed in closed trash containers inside the property out of sight. Do not place trash and waste in next door properties, streets, empty lots, parking lots, green areas or center medians. The Association will take care of the owner or guest's trash, working debris or any other materials that are not removed, , and the cost for such removal will be billed to the property owner.

15.3 If a property owner or his/her guests spoil a street, edge, pipes or any other infrastructure, the property owner will be responsible for making repairs, otherwise the Association will make the needed repair and bill the owner.

15.4 Streets are for vehicle transit and are considered as public areas. Vehicle usage is restricted only to the streets and private parking areas. They are not to be driven or parked on center medians, parkways, green areas, or empty lots (without permission.) The use of dune buggies, motorcycles, tricycles, or similar motor vehicles that may disturb the peace should only be used as transportation to enter or leave the development.

15.5 Only passenger vehicles, trucks and non-commercial trucks are allowed to park in streets for a non-restricted period of time.

15.5.1 Trailers, Motor homes, Boats, RV's and similar are allowed to park in streets, for a time period no longer than 30 days. Exception: These type of vehicles are allowed to park in street, during the construction of a house, for a time period no longer than 12 months, to allow the owner to supervise the building.

15.5.2 All-Terrain Vehicles such as dune vehicles, motorcycles, tricycles or four tracks are allowed to park in street only during the night and once in a calendar month. During the rest of the time, these vehicles must be kept in garages, inside the property or on the trailer that is allowed on the street.

15.6 Maintenance or repairs to vehicles, expected to last longer than four hours should not be performed in the street. Oil change or similar maintenance that may cause damage to the street are not to be performed in the street.

15.7 No advertising or commercial use of private or public areas, inside the development is allowed without the approval of the Board of Directors.

15.8 Tents, sunshades, awnings or any other temporary installations in streets, empty lots, green areas, or center medians. These may be used within the confines of a constructed lot where these facilities are not obtrusive to neighboring lots.

15.9 No activity is allowed which might represent inconvenience, health risk, threat The safety and comfort of the residents, or to the overall tranquility of the Development. These include, but are not limited to:

Musical instruments, radios, stereos, T. V. set, CD players or similar devices, Tools or equipment, Engines of cars, boats, ATV's or similar devices, Fireworks; except days, schedules and places Association approved, Personal and group activities that might disturb the peace. Without the explicit approval of the Association, the noise of normal construction activity will be restricted to the hours of 7 AM to 8 PM.

15.10 Small pets of common species and reasonable number are allowed within the house or confined to the property. For the safety of the residents, guest, other pets, and overall cleanliness and tranquility in the development, when pets are outside the house or of the owner's property they must be kept on a leash and accompanied by at least one adult. Pets allowed: include, but are not limited to, dogs, cats, birds or any other common domestic species. Pets not allowed: include, but are not limited to, horses, donkeys or any other animal that might mean a danger or nuisance to the community.

**Article 16. Non-Precedent**

Failure of the Association to enforce any provisions of the governing documents, at any time, shall not be deemed as a waiver or as a precedent for the right to do so thereafter.