LA MISION (HOA) BUILDING REGULATIONS & GUIDELINES

Introduction

LMPOA (*La Mision Property Owners Association*), the PDC (*Property Development Committee*) and The La Mision Water Company are glad for the opportunity to provide this set of guidelines for the development of any property within the La Mision subdivision… be it for new construction, a rebuild, or for a renovation or expansion of an existing structure.

Our primary purpose here is two-fold:

1) To provide a balanced and thoughtful set of procedures and regulations that will enable property owners to pursue their construction vision with a clear and complete picture of how to effectively execute their vision within our community.

2) To protect our community's values and 'neighborhood quality' norms that our residents have told us are critical to maintain. In the main, these are:
    a. To protect against unbridled and chaotic expansion of community density.
    b. To protect the highly desirable scenic views and community 'charm' that are among the main attractors to our community.
    c. To protect the overall community-wide property values by ensuring that the proper building codes and housing minimums are followed.

Our belief is that these values and standards, that are important to our current residents, are of equal importance to anyone seeking to join our community as new neighbors. As many potential new residents have told us… "it's reassuring to know that we'd be moving into a community that will be working this diligently to help protect both my investment and the quality of my experience living in La Mision."

The following outline of the relevant procedures, regulations and our suggestions for your consideration as you contemplate your plans, are all designed to serve these goals.

Prior to construction, property owners are required to complete the following:

1) Apply for an account with The La Mision Water Company and sign the Water Company service contract. This contract is to be accompanied by payment for service installation charges; and for the pre-payment of the annual Water Company fee (one-year fee payment required – prorated).

2) As required by the Water Company service contract, property owners must show evidence of:

a. Their annual dues payment for membership in LMPOA (La Mision Property Owners Association)
b. Entering into an agreement with LMPOA's PDC (Property Development Committee) to follow PDC procedures and to provide to the PDC (for review) their licensed architect's complete plans for the proposed construction (originals, not photocopies, are required).

3) Upon review and acceptance of the submitted plans by the PDC, and collection of the following payments:
    a. A non-refundable fee of $250 to cover related processing costs.
    b. A refundable bond of $2,500 to protect the community in the event that the construction project is not completed in accordance with the agreed upon terms of the property owner's contracts with LMPOA or the Water Company. When the project is successfully completed, this bond is returned in full to the property owner.

4) The Water Company will then provide a letter of certification for the commitment to provide water service. This document is required by Control Urbano (*Ensenada's Building Department*) as a prerequisite for the issuance of a building permit for the construction.

5) The building permit (with appropriate validating stamps) must then be resubmitted to the Water Company which will begin the process of providing water service.

NOTE: As applicable to property owners wishing to engage in any form or reconstruction and/or building additions to their existing structure(s), Control Urbano views these projects as being "new constructions." All related permit application requirements are similar to what would exist were there no current structures or infrastructure on the property. This includes the requirement to resubmit (to Control Urbano) a certification of adequate water supply to handle the revised water demands of the newly proposed property development. Accordingly, property owners in this scenario are required to follow the procedures above and re-contact the Water Company in order to begin the pre-construction procedures by receiving a reissued commitment by the Water Company for service.

<u>Construction Requirements</u>

1) Above all, all construction projects must meet the requirements of Control Urbano.
    a. A licensed architect must develop and submit all plans for permitting
    b. Construction may not begin before a valid permit is issued.
    c. The complete building codes document is available at Control Urbano and is provided (in both English and Spanish) at https://lamisionassociation.com.

2) There are several regulations that are designed to preserve the community's overall property values and the desired 'neighborhood quality' standards.

    a. Protection against unacceptable increases in density and the resulting overburdening of subdivision infrastructure and resources.

        i. **No lot can be subdivided**.

        ii. **Only one house can be built on each lot**.
            1. Some lots may be able to accommodate small guest casitas configured for limited, non-permanent occupancy use.
            2. Bedroom/Bathroom configurations acceptable – Kitchens and/or other infrastructure designed for permanent living prohibited.
            3. Variances will be considered dependent on lot specifications and compliance with, and exemptions from, existing Control Urbano regulations.

    b. Protection against unacceptable interference with, or blocking of, the views enjoyed by neighboring properties. Since nearly all desirable views are 'downhill' toward the ocean, the estuary, or the valley the following are designed to protect those views:

        i. **No house can have more than two (2) stories**
            1. Total structure cannot exceed **7.0 meters**
            2. This height limit includes any structures (ex., pergolas, parapets, etc) that sit atop the main structure. (see below for topographical differences)

        ii. **For properties that slope downward** from the roadway, only one story can be constructed at the level of the roadway in order to preserve the views by houses further up the slope of the land.
            1. The height of that one story cannot exceed 4.0 meters at the level of the roadway.
                a. Not all downward sloping properties are alike. There may be some properties that can qualify for an exception from this general regulation.
                b. In situations where no neighboring views are blocked, a variance allowing an additional 0.5 meter height extension may be considered on a case by case basis).

2. An additional story (if desired) must be constructed to the rear and down in elevation from the level of the roadway. If two stories are planned, the height of that story must be limited to 3.0 meters.

iii. **For properties that slope upward** from the roadway, two stories may be constructed at the level of the roadway to a total height of 7.0 meters above the level of the roadway.
    1. In the event that there is no property above and to the rear of your property, you may have some additional flexibility.
        a. In this scenario a variance allowing an additional 0.5 meter height extension may be considered on a case by case basis.
        b. In addition, you may elect to create a more substantial setback from the roadway, moving the house further up the slope of the property.
    2. In this case, while the total height (from the foundation to the roof) must remain within the 7.0 meter (or 7.5 provisional} limit, the house can be positioned further up from the level of the roadway.
    3. In the event that planned setbacks require any "cut-backs" into the natural topography of the lot, strict compliance with Control Urbano engineering standards is mandatory.

iv. **Beachfront properties on La Playa**, which are in front of neighboring properties (primarily on Padre Sales Norte and Padre Sales Sur), have very specific topography and 'line of sight' realities that require modified height requirements.
    1. Since the primary structure of the house sits at the lowest level of the lot (at the level of the beach itself) an additional structure at road level (at a higher elevation than the beach) is typically required to provide entry to the property.
        a. Those allowable structures might include a garage, or a wall with a doorway leading to a stairway, or other similar configurations.
        b. In that scenario, the structure at the level of the roadway is limited to a height of 3.0 meters.
    2. The remainder of the height regulations remain consistent with the general rules for all properties as outlined earlier.

c. **Property Setbacks are required** to prevent interference with, and crowding of, neighboring properties and neighbors' rights.

   i. Front Setback = Minimum of 3.0 meters.
   ii. Side Setbacks = Minimum of 1.5 meters on each side.
   iii. Rear Setback = Minimum of 2.0 meters.

d. **At least one off-road parking space is required by Control Urbano rules.** However, we suggest that it is advantageous to plan for several **additional off-road parking spaces**. The existence of narrow roads and increasing population numbers makes this kind of planning for the future desirable.

e. **An Environmentally acceptable enclosed area for Basura** to house at least two trash cans in order to control odors and to protect against the mischief of pets, raccoons and other critters is required.

f. **Proper grading and water runoff management.** All architectural and engineering plans must not:

   i. Direct water runoff on to neighboring lots on a lower elevation
   ii. Allow any gray water (or any other contaminated water source) to exit your lot onto any other property or community common space.

g. **No temporary vehicles** (eg., motor homes, RVs, trailers, etc) can be installed on a property as a permanent living space.

h. **The raising or housing of livestock is not permitted** on any property within the subdivision.

3) Of particular additional importance to the La Mision subdivision and its residents, the preservation of our water resources is paramount:

   a. The La Mision Water Company's licensing by Conagua (Comision Nacional del Agua) allows for a specified amount of water usage annually. The responsibility to ensure that no excessive water consumption is allowed is obviously very significant. So, it is understandable that the Water Company has an important role in monitoring construction plans in this regard.

   b. **Accordingly, the Water Company will not provide water to any property whose development plans include the construction of a swimming pool**.

Construction Crew Behavior and respect for the community

1) Construction hours are limited:

    a. Monday-Friday 8AM-5PM
    b. Saturday 8AM-1PM.
    c. A 15 minute grace period is provided from 7:45AM – 8AM to allow for early entry to the community by work crews to enable them to setup and be ready to begin their construction activities promptly at 8AM

2) Construction site requires a PortaPotty and trash containers… crews should police the property, especially before quitting for the day, to ensure a proper cleanup.

3) No loud radio playing or other excessive noise that would disrupt neighborhood peace and quiet.

4) Delivery of construction materials cannot be permanently deposited on the roadways. All materials are required to remain on the construction site.

5) Construction equipment that operates on the roadway must do so in a manner that allows for a minimum of one open lane to allow an uninterrupted flow of traffic.

6) In the event that equipment is required that does block the roadway to traffic, and where there is no alternative option for entry or egress from that part of the community, the contractor must agree to and provide for the following:

    a. Notification to the La Mision property manager (call Daniel at 646-259-7580) at least 2 days in advance, advising of the time and duration of the planned interruption of traffic flow… so that proper alerts can be issued to residents.
    b. Contractors must be present (not leaving their blocking equipment unattended) in the event of an emergency requiring either the entry of emergency vehicles or the exiting of residents with a pressing medical emergency.
    c. Contractors must have plans in place to rapidly provide such entry or egress when required.

7) Construction equipment cannot be left on community roads overnight.

Post Construction – Final Requirements

1) Upon completion of your project, property owners must deliver a copy of the Certificate of Occupancy to the LMPOA PDC.

2) The General Contractor, having completed the project is required to:
    a. Repair any damage to the community's common property (roads, etc) that may have be damaged by equipment or construction activities.
    b. Clear the area of any residual construction materials and/or debris that was generated during the construction. In essence… "to leave the area the way you found it."

Having completed these final two steps in our process, the community's oversight of your construction process will terminate… and we will look forward to welcoming you to our community and wishing you the best experience living harmoniously in La Mision.

Sincerely,

LMPOA, PDC & La Mision Water Company