

The Commons on The Alameda Regulations

November 14, 2011

PURPOSE STATEMENT

The Commons on the Alameda enriches our lives through a shared intention to cultivate positive interactions within a multigenerational co-housing community. This vision of neighborhood encourages social and ecological responsibility. We draw upon our talents, resources and ideas to strengthen our connections and we share in meals, service, and celebration to build and sustain our community. The design of the buildings and grounds is a focus and reflection of our commitment to work together harmoniously as neighbors, balancing needs for privacy with those for relationship.

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ARTICLE 1: AUTHORITY TO MAKE REGULATIONS

Article 7 of The Third Amended and Restated Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the Commons on the Alameda, A Condominium [Declaration] creates authority to make regulations, and is quoted below:

- 1.1. “7.5 (a) Regulations. The Association may make and enforce reasonable and uniformly applied regulations governing the use of Units and of Common Elements. Such Regulations may without limitation regulate use of Common Elements to ensure equitable use and enjoyment by all Persons entitled thereto, and may contain such provisions as the Board may deem advisable for the maintenance, conservation and beautification of the Property, and for the mutual health, safety, comfort and general welfare of the Owners and Occupants. The Board shall mail a copy of any Regulation so adopted to all members within ten (10) days of the date it is adopted.”
- 1.2. Article 6 of this document titled “Commons on The Alameda Regulations” were originally part of the Second Amended and Restated Declaration of Condominium Ownership and of Easements, Restrictions and Covenants for the Commons on the Alameda, A Condominium {article}. These items were removed from the Declaration and are stated as Regulations that govern the use of Units and Common Elements, until such time as they are amended.
- 1.3. Definitions: All definitions stated in the Declaration and in the Third Amended and Restated Bylaws for the Commons on the Alameda, A Condominium (Bylaws) are incorporated in the Regulations by reference as if fully restated in these Regulations.

ARTICLE 2: AMENDING THE REGULATIONS

The requirements for amending the Commons on The Alameda Regulations are as follows:

- 2.1. The Board of Directors shall publish the proposed amendment to the membership and notify the membership that a proposed amendment to the Regulations will be on the agenda of a Regular Meeting at least two (2) days prior to the meeting, or ten (10) days prior to an Annual or Special Meeting where the amendment will be considered.
- 2.2. The proposed amendment may be revised by the membership at the Meeting. When approved by the membership at the meeting, the proposed amendment shall be published to the membership within ten (10) days and placed on the agenda of a subsequent Meeting. The Board of Directors shall notify the membership that a proposed amendment to the Regulations will be on the agenda of a Regular Meeting at least two (2) days prior to the meeting, or ten (10) days prior to an Annual or Special Meeting.
- 2.3. Substantial revisions at subsequent Meetings will require repetition of 2.2 including the publication of the revised amendment and notification of the meeting at which final approval will be considered.
- 2.4. The amendment must be approved at a subsequent Meeting without revision to be adopted.
- 2.5. The Board of Directors shall publish the adopted amendment to the Membership within ten (10) days of the date it is adopted.

ARTICLE 3: HOME OCCUPATIONS [Declaration 3.2 (a)]

The right to make regulations is reserved.

ARTICLE 4: COMMON HOUSE AND PLAZA [Declaration 3.3 (c)] {3.10 (s)}

The Common House and Plaza area are substantially complete.

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ARTICLE 5: PARKING ALLOCATION [Declaration 5.5] {3.10 (p)}

The right to make regulations is reserved.

ARTICLE 6: COMMON SCHEME RESTRICTIONS AND LIMITATIONS

- 6.1. **Prescribed Procedure:** Unless having otherwise obtained community agreement, persons proposing any action not otherwise regulated that significantly alters the public appearance or decreases the use or enjoyment of the Property by any other Occupant or that contravenes any established responsibility shall, before taking action: 1) make diligent efforts to communicate the proposed action in writing to every Unit Owner and to each other adult Occupant with a request to express their concerns about that action to the proposer(s), and 2) attempt to resolve all concerns expressed to the proposer(s).
- 6.2. **Appeals:** Any Occupant may appeal any action taken pursuant to Section 6.1 to the Board of Directors, whose decision shall be final.
- 6.3. **Leasing:** A copy of each lease or a completed Rental Information Form shall be furnished by the Unit Owner to the Secretary of the Association within ten (10) days after execution thereof by the Owner and tenant.
- 6.4. **Noise:** No noise, from any source, which unreasonably disturbs Persons on the Property, shall be permitted.
- 6.5. **Pets:** Pets creating a nuisance and/or posing a danger must be kept within the Building Zone of the Owner; otherwise, the Association may prohibit such pets from being kept within the Commons. Residents and guests should be able to stroll along the Common Elements without disturbance from domesticated animals.
- 6.6. **Clotheslines:** Clothes lines are permitted only in Limited Common Areas and near the laundry room and only if they are reasonably shielded from view from Common Areas.
- 6.7. **Garbage/Refuse:** All non-recyclable garbage or refuse shall be contained to prevent leakage and placed in the dumpster. Compost and recyclable items should be separated and placed in the appropriate containers. It is the responsibility of each Occupant to dispose of any large items, such as appliances, moving boxes and delivery cartons, at an appropriate site located off the Property. No trash shall be burned within the Condominium. All woodpiles or storage piles should be screened from view from neighboring Units, streets and public right-of-way, by adequate planting or fencing.

ARTICLE 7: PROPPER NOTIFICATION PROCESS

7.1. Proper Notification Process for Regulation Objections and Appeals for Exceptions

The regulations are created by the Homeowners Association. The Board of Directors enforces their implementation unless a special committee has been designated that responsibility by the Homeowners Association.

For the purposes of this section:

- “an objection to a regulation” is when a community resident considers an action by another community resident to contradict an approved regulation.

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- “an appeal for an exception to a regulation” is when a community member seeks an individual exception to an approved regulation.

The procedure for either action described above is as follows:

1. If a community member has an objection or an appeal for an exception of an approved regulation, the community member must submit a written objection or request for exception to the proper oversight committee. This is accomplished by either an email to the committee chair or putting a written request in the committee cubby or the chair’s cubby if the committee has none.
2. The committee shall notify the community that it has received an objection or request for an exception and intends to hold a meeting to consider it.
3. Notification of that meeting will be sent and posted at least 10 days prior to the date and time of the committee meeting. Specifically:
 - a. An e-mail will be sent to the Commons email list-serve.
 - b. A notice will be posted on at least two easily visible places near or in the Common House.
 - c. A copy of the objection or request for an appeal will be included.
4. Any meetings regarding consideration of the community regulations are open to all residents.
5. Residents unable to attend a scheduled meeting may comment prior to the meeting by sending an e-mail to the committee chair or putting a written comment in the committee cubby or the chair’s cubby if the committee has none.

All committee decisions regarding community regulations should be reported to the community in writing, via email, posted on at least two places on or in the Common House, within one week of a meeting considering regulations.

ARTICLE 8: AESTHETIC GUIDELINES

To support, “our commitment to work together harmoniously as neighbors”, and to maintain or enhance our shared aesthetic appreciation of the Commons, the following guidelines are intended to help residents know what considerations to pay attention to for any changes that might involve the Architectural Committee or the community at large. Some of these are examples of changes that may trigger the procedure spelled out in regulations 6.1 and 6.2.

8.1 Architectural Guidelines:

The Architecture Committee requests that Unit Owners who are proposing a change to their Unit follow the procedure outlined below.

- Study the Declarations and Regulations.
- Advise all Commoners of their proposal.
- Discuss their proposal directly with owners and occupants of neighboring Units.
- Attempt to resolve any concerns about their proposal.

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- Submit the proposal to the Architectural Committee with the required Architectural Plans and evidence of conformance to the above procedure.

The Committee stands ready to consult about a desired proposal at any stage.

The Committee meets on an as needed basis. The Committee will advise all Commoners by email and/or other notice of the times of its meetings and proposals to be considered at the meeting. Committee meetings are open to all Commoners.

The following guidelines and recommendations will be used to evaluate proposed architectural changes (this is not intended to be a complete list of considerations):

- Walls and Fences:** Non-structural walls and fences visible from streets or public walkways should be built of adobe, rock, stuccoed masonry, coyote or cedar fencing with stuccoed masonry pilasters, or other similar materials, and not exceed six feet (6') in height from the side of the wall with the highest grade. Walls of unstuccoed concrete block, unstuccoed or uncolored concrete, chain-link, metal wire or similar materials are strongly discouraged.
- Tanks:** Except for tanks for the purpose of retaining surface water, no storage tanks shall be permitted without review. Water tanks in, or in prominent view from common elements should be harmonious with their surroundings.
- Water Retention:** *As noted on the development plan*, within the limits of each Building Zone, an Owner must provide for retaining 145 cubic feet of water from run-off, rain water, snowmelt or similar sources.
- Size of Structures:** *As noted on the development plan*, The combined foot-print of all the structures within a Building Zone shall not cover more than two-thirds (2/3) of the area of the subject Building Zone.
- Towers and Antennae:** We discourage the construction of towers, radio or television antennae higher than six feet (6') above the highest roof-line of the Unit. Preferably any such towers will be set back a minimum of six feet (6') from each of the exterior walls and attached to the structures of the Unit. Television reception discs or other such devices should not be visible from any Common Elements or adjoining Units within the Condominium.
- Signs:** No Owner shall permit or maintain any "For Rent" or any other signs, window displays or advertising on any part of the Property that are visible to exterior view. One "For Sale" sign not larger than four (4) square feet may be placed on a Unit or within the Building Zone appurtenant to such Unit. Each Unit Owner may place up to two (2) entrance gate signs, no larger than two (2) square feet, for Unit identification purposes, all in a style and color approved by the Architectural Committee. Unit number signs or tiles may be placed on each Building and shall be of a size and design approved by the Architectural Committee.
- Solar Panels:** In addition to the requirements of Article 3.2 (f) of the Declaration: When in view from any public street, walkway, right-of-way or other public place or adjacent properties, it is recommended that active solar equipment, including all collection and storage devices be integrated into the overall structure or otherwise be screened as follows:
 - By raising the parapet;

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- By setting back from the edge of the roofs;
- By framing collectors and other devices with wood so that they appear to be windows or other integral elements of the structure;
- Where pitched roofs exist, by integrating the collector or device into the pitch;
- In case of in-ground solar collectors, by screening with walls or vegetation;
- With respect to collectors and storage devices which are integrated into walls or roofs and greenhouses, by enclosing those portions exposed to public view and/or by other walls;
- By other means that screen the collector or integrate the collector into the overall structure.

The Architectural Committee will make sure that their evaluations of solar panel proposals based on the preceding recommendations do not violate any governmental laws.

8.2 Non-Architectural guidelines:

- a) **Landscaping:** In all landscaping schemes, food growing, fruit bearing trees, and native and drought tolerant plant materials are highly recommended. The use of gravel, lava rock, or other non-vegetative materials as substitutes or alternates to landscaping ground covers in large areas is strongly discouraged.
- b) **Use of Common Elements:** All use and occupancy of the Common Elements shall be subject to the Declaration and the Regulations of the Association. There shall be no obstruction of the Common Elements except as expressly provided herein. The Common and Limited Common Elements should be kept free and clear of rubbish, debris and other unsightly materials. Nothing should be altered or constructed or removed from the Common Elements or Limited Common Elements, except upon prior community approval. Each Owner, his/her guests and Occupants may use the Common Elements in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful rights of the other Owners.
- c) **Recycling:** Recycling, sharing, and reuse are encouraged to aim for significant waste reduction. Appropriate food wastes are to be placed in compost containers; sorted recyclables in their assigned containers, and yard wastes in designated locations. Reusable items can be offered to the community or placed in designated locations if not taken directly to thrift stores. Items remaining after this sorting are to be placed in the dumpster.

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IN WITNESS WHEREOF, the undersigned officers of the Association have hereunto set, their hands and seals this ____ day of January, 2012.

THE COMMONS ON THE ALAMEDA HOMEOWNERS ASSOCIATION,
a New Mexico non-profit corporation

By: _____
Ewen Harrison, President

By: _____
Thomas Jaggers, Secretary

ACKNOWLEDGMENTS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

This instrument was acknowledged before me this ____ day of January, 2012 by Ewen Harrison, President, and Thomas Jaggers, Secretary of The Commons on the Alameda Association, a New Mexico non-profit corporation, on behalf of said non-profit corporation.

Notary Public

My commission expires: