

## **LOS NIDOS HOMEOWNERS ASSOCIATION**

### **REGULATION PROHIBITING OVERSIZED VEHICLES ON LOS NIDOS DRIVE**

Los Nidos Drive is a narrow and tortuous street that cannot be safely negotiated by oversized vehicles. Such vehicles may cause damage to Los Nidos common property and landscaping. Additionally, they may prevent access of emergency vehicles to the neighborhood and limit residents' access to their homes.

The Los Nidos Board of Directors has therefore resolved as follows:

1. Moving vans and other vehicles longer than twenty-four (24) feet or wider than 50% of the street may not enter Los Nidos Drive.
2. Vehicles exceeding these dimensions should be parked temporarily at the Estancia Primera south entry. Smaller shuttle vehicles should then be used to transfer items to or from homes.
3. Los Nidos residents whose homes back on to Avenida Primera should use the Avenida Primera entries to their lots for transfers of household items that may require oversized vehicles.
4. Any resident who hires a company that allows an oversized vehicle to enter Los Nidos Drive will be held responsible for any damage caused to Los Nidos common property or landscaping. The resident will be required to pay for the repairs of such damage. The Association will not file claims for such damage with its own insurance company or with the company that owns the oversized vehicle or the company's insurer.

Adopted by Los Nidos Board of Directors, September 8, 2014

**LOS NIDOS HOMEOWNERS ASSOCIATION  
REGULATIONS REGARDING REMOVAL OF NEIGHBORHOOD TREES**

**Existing Covenants, Rules and Regulations, and City of Santa Fe Ordinances and Code**

The following applies to proposed tree removals in the Los Nidos neighborhood subdivision:

**Los Nidos Plat approval (4/19/1994)** – The Plat was approved by the City of Santa Fe on 4/19/1994 subject to native evergreen and deciduous trees being preserved to the maximum extent possible during home construction. Many of these preserved native trees remain today on privately-owned lots within the Los Nidos neighborhood subdivision. Additionally, many owners have installed new evergreen and deciduous trees on their lots. The Los Nidos Board regards these trees as an important component of the neighborhood's aesthetics and wishes to preserve them to the maximum extent possible.

**Declaration of Covenants, Conditions and Restrictions for Los Nidos Subdivision as amended:**

*Paragraph 7: Native Growth and Drainage.* Native growth may not be removed except for construction of Roads and structures permitted by the Los Nidos Covenants, or except with the written approval of the Architectural Committee.

**Regulation Regarding Applications to the Los Nidos Architectural Committee and to the Estancia Primera ARB for exterior changes to homes in Los Nidos (adopted by Los Nidos Board of Directors, October 2, 2004 and modified October 27, 2009) ([www.estanciaprimera.org](http://www.estanciaprimera.org) – neighborhood tab):** Both Associations require that Landscaping projects, especially those that involve the planting and removal of trees, require a formal ARB application and prior ARB approval.

**City of Santa Fe Code - Article 14-8.4 F (Preservation of Existing Vegetation - Ord. No. 2014-31 § 30):** *No existing deciduous tree with a six (6) inch caliper or greater or evergreen tree over eight (8) feet tall shall be removed without the approval of the land use director or public works director as provided in Subsection (F)(5)(a) above.*

**Accordingly:** Neither evergreen trees nor deciduous trees may be removed in Los Nidos without a formal application to and prior approval by both the Los Nidos Architectural Committee and the Estancia Primera ARB using the procedure outlined in the regulation described in paragraph 3 above. The two architectural committees will consider each application to remove a tree or trees on its merits. However, supporting documentation as to why the owner/owners wish to remove a tree or trees must be provided.

*Document approved by Los Nidos Board of Directors at Board meeting of September 27, 2016.*

## REGULATION REGARDING DOG NUISANCES

Articles 6.10 and 6.3 of the EPCSA Amended Declaration of Covenants and Restrictions for the Estancia Primera Community (2005) state in pertinent part as follows:

***Pets (6.10):*** *The owner of any pet or animal shall at no time allow such animal to run unrestrained on any Common Area or on the streets, sidewalks or other areas of the Property (except for enclosed yards or patios), and the owner shall at all times have full and complete control over such animal. No pet or animal creating excessive noise or odor shall be maintained within the Property. Owners of animals failing to comply are subject to enforcement action by the Board of Directors.*

***Nuisances (6.3):*** *Nuisances. No noxious or unreasonably offensive activities shall be carried on, nor shall anything be done or placed on the Property which shall or will become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to the Owners. Owners or Occupants who use a Lot Living Unit or the Property in any manner which unreasonably embarrasses, disturbs, or annoys any other Owner or Occupant shall be deemed to carry on a nuisance, including activities in the nature of loud or excessive noise, parties, and traffic or activities which violate any City ordinance or state or federal law. Upon written demand by the Board, Owners and Occupants must cease and desist from any activity constituting a nuisance. In the event the Board is required to commence any legal proceeding to abate a nuisance, the Owner will be liable for payment of EPCSA's reasonable attorneys' fees and costs.*

Article 1, Paragraph 5 of the Declaration of Covenants, Conditions and Restrictions for the Los Nidos Subdivision states as follows:

***Animals:*** *No animals, livestock, or poultry shall be raised, bred, or kept on any Lot except that a maximum of four animals, including dogs and small household pets may be kept for non-commercial purposes so long as they are maintained only on the owner's Lot and do not bother or annoy other Lot owners.*

Article 5-7.5.A of the City of Santa Fe Animal Services Ordinance states in pertinent part as follows:

***Animals Disturbing the Peace:*** *It is unlawful for anyone to own, keep, or harbor any animal which habitually howls, yelps, whines, barks or makes other noises in a manner which tends to disturb the public peace unreasonably.*

### **Los Nidos Homeowners' Association Policy:**

1. If a Los Nidos owner believes that another Los Nidos owner or an owner in an adjacent Estancia Primera neighborhood subdivision maintains on his/her property dogs that create a barking disturbance, the owner should in the first instance file a complaint with the Animal Services Division of the City of Santa Fe (955-2701). The procedures outlined in Article 5-7.5 paragraphs A – D of the City of Santa Fe Animal Services Ordinance will then be triggered. The complaining owner will need to file the complaint in his/her personal capacity since the City does not accept complaints about barking dogs from Homeowner Associations.
2. The Board believes that the procedure outlined in paragraph 1 above will usually result in a satisfactory resolution to a problem of barking dogs. However, the Board reserves the right to take such additional actions against an offending Los Nidos dog owner as it considers necessary. The Board has no jurisdiction in the case of barking dogs in other neighborhood subdivisions of Estancia Primera.

***Adopted by Los Nidos Board of Directors March 25, 2008 and revised October 24, 2017***

## **REGULATIONS REGARDING REPLACEMENT OF GARAGE DOORS**

The following apply to proposed garage door replacements in the Los Nidos neighborhood subdivision:

1. *Regulations Regarding Applications to the Los Nidos Architectural Committee (AC) and to the Estancia Primera Architectural Review Board (ARB) for exterior changes to homes in Los Nidos* (adopted by Los Nidos Board of Directors, October 2, 2004 and modified October 27, 2009). Both Associations require that all exterior changes to homes in Los Nidos, other than minor repairs and maintenance, require a formal ARB application and prior approval by both the Los Nidos Architectural Committee and the Estancia Primera ARB.
2. The Board believes that garage doors account for a significant percentage of the exterior appearances of all homes facing Los Nidos Drive. When the neighborhood was developed, the intention was to create a uniform appearance of all Los Nidos residences. Accordingly, all garage doors installed by the developer were composed of wood stained either gray or beige to match the color of the other wood on each home's exterior. The Board wishes to retain this appearance because the Board believes that it will preserve the attractiveness and homogeneity of the neighborhood and ensure that property values are maintained.
3. The Los Nidos Board consulted the Chair of the Estancia Primera ARB regarding this matter and he fully supports the need for replacement garage doors in Los Nidos to be composed of wood.

**Accordingly:** All replacement garage doors in the Los Nidos neighborhood subdivision must be composed of wood and have a pattern similar to that of the original door that is being replaced. The replacement door should be stained either gray or beige to match the color of the other wooden items on the home's exterior such as beams, lintels, and doors and to match the colors of other garage doors in the neighborhood. No faux wood or other metal garage doors will be permitted by the Los Nidos Architectural Committee or by the Estancia Primera ARB.

***Document approved by Los Nidos Board of Directors at Board meeting of October 24, 2017***

**LOS NIDOS HOMEOWNERS ASSOCIATION**  
**ROOFTOP DECKS, SITTING AREAS AND GARDENS**

The Los Nidos neighborhood subdivision consists of 23 townhomes, most located on lots smaller than 0.25 acres. Three of twenty townhomes are freestanding. Twenty townhomes are attached via a common wall to an adjacent home. However, the developer of the Los Nidos subdivision laid out the homes so that neighbors, even though living in close proximity, would enjoy a large measure of privacy.

Since Los Nidos was first developed, some owners have wished to install rooftop decks/sitting areas or gardens with exterior stairs leading to them. Several applications for such installations were denied by the developer and later by the Los Nidos Homeowners Association. In one instance an owner installed a garden and deck on his garage rooftop without ARB approval. The Estancia Primera ARB reviewed the installation at its meeting on August 4, 2004 and concluded that rooftop installations of this kind were unsuitable for the Los Nidos neighborhood and required that the unapproved installation be removed. The ARB decision was based on various grounds including:

- a. **Privacy Issues:** Rooftop installations interfere with or have the potential to interfere with the privacy of adjacent homes since owners sitting on their rooftops would often have a direct view into the windows of adjacent homes or of adjacent portals/exterior sitting areas.
- b. **Code, Safety, and Structural Considerations:** Homes in Los Nidos were not built to accommodate the weight of rooftop decks and gardens. Such installations require a strengthened roof infrastructure. Further, in the case of attached townhomes, the additional weight of deck structures, ceramic pots, people, and deck furniture could jeopardize the structural integrity of the party wall between two attached townhomes. The Code for the City of Santa Fe therefore requires certification from an engineer or architect that the existing roof can accommodate the additional weight before the City will issue a permit for such installations. Additionally, the City Code requires special railings for rooftops used as sitting areas and adequate exterior stairs for access.

**Accordingly:**

Rooftop decks, sitting areas, and gardens are prohibited in the Los Nidos neighborhood subdivision.

(Regulation adopted and approved by Los Nidos HOA Board of Directors, August 28, 2020)

## LOS NIDOS HOMEOWNERS ASSOCIATION

### REGULATIONS REGARDING VEHICLE PARKING IN LOS NIDOS SUBDIVISION

#### Existing Covenants Applicable to the Estancia Primera Community and the Los Nidos Homeowners Association

The following apply to vehicle parking in the Los Nidos neighborhood subdivision:

#### **Amended Declaration of Covenants and Restrictions for the Estancia Primera Community:**

**6.8 Recreational Vehicles.** No house trailers, motor homes, campers, recreational vehicles, boats, or trailers shall be kept or stored within the Property except within the garage of the residence and, then, only if such storage does not cause automobiles and other motor vehicles to be parked in the street. Motorhomes, campers, recreational vehicles, boats or trailers may be temporarily located within the Property for the purpose of unloading passengers, materials and supplies, provided that such location does not exceed twenty four (24) hours in any seven (7) day period and further provided that such motorhome, camper, recreational vehicle, boat or trailer shall not be occupied as a sleeping accommodation during the period approved.

**6.9 Vehicles.** No vehicle of any type, motorized or otherwise, shall be operated on any Common Area except as authorized by EPCSA. No automobile or other motor vehicles shall be parked in any Common Area **or in any public or private street** within the Property **except in designated parking areas** and no portion of any Lot or Living Unit which is intended to be used as a garage or carport shall be used or converted for use for any other purpose. No vehicles shall be kept or stored on any Common Area or in any public street, private street or driveway area within the property for purposes of accomplishing repairs thereto or the reconstruction thereof, except as permitted by resolution of the Board of Directors. (*Emphasis added*)

#### **Amended Declaration of Covenants, Conditions and Restrictions for Los Nidos Subdivision:**

**Article 1, Paragraph 8: Parking of Vehicles.** No commercial or recreation vehicles of any kind, including campers, motor homes, trailers, boats, and no disabled vehicle or large unsightly equipment shall be allowed, stored, or regularly parked in a Lot, except within a closed garage.

#### **Accordingly:**

1. No owners or owners' guests, renters, or employees shall park any vehicle long-term (two weeks or more) or repetitively on either Los Nidos Drive or Avenida Primera South.
2. No vehicles *of any kind* may be parked overnight on Los Nidos Drive or Avenida Primera South because of the significant risk this would pose to other owners.
3. The Board interprets "designated parking areas" in Article 6.9 of the EPCSA Declaration to mean the attached two-car garage that is part of each Los Nidos home. Accordingly, long-term parking of vehicles of any kind in driveways in Los Nidos is prohibited.
4. Vehicles owned by workmen and owners' guests, renters, or employees, while the vehicle owners are working in or outside or visiting in a Los Nidos home or property, may be parked temporarily *during daylight hours* on Los Nidos Drive or on Avenida Primera South (where Los Nidos homes abut Avenida Primera). However, vehicles must not be parked in a manner that obstructs Los Nidos residents from safely exiting their driveways.

(Regulation adopted and approved by Los Nidos Board of Directors on August 28, 2020)

## LOS NIDOS HOMEOWNERS ASSOCIATION

### POLICY REGARDING SNOW AND ICE MANAGEMENT

#### ON LOS NIDOS DRIVE

The City of Santa Fe (“City”) accepted Los Nidos Drive for permanent maintenance in February 1997 and confirmed that in a letter to the developers of the Los Nidos neighborhood subdivision. (see <http://estanciaprimer.org/wp-content/uploads/2019/01/City-Street-Acceptance-1997.pdf>) Accordingly, Los Nidos Drive is not part of the Los Nidos Homeowners Association (“Association”) common areas and the Association has no obligation and possibly no right to maintain it. The City, and only the City, has the right and the obligation to maintain Los Nidos Drive including snow removal and ice management. Accordingly, the City is solely liable for claims for any alleged negligence in the maintenance of Los Nidos Drive that might result in injury to any persons or property.

However, the Association has for some years at the sole discretion of the Board of Directors undertaken limited and occasional snow plowing along Los Nidos Drive when the City failed to plow the street and large snow accumulations developed that might have impeded the access of emergency vehicles to neighborhood homes or might have prevented owners with medical emergencies being transported to a medical facility by household members.

#### **Accordingly:**

1. The City of Santa Fe is legally responsible for performing routine snow plowing and ice management on Los Nidos Drive.
2. The Association will not undertake *routine* snow plowing on Los Nidos Drive.
3. However, the Board of Directors (“Board”) may decide to have the street plowed by a licensed and insured contractor when it believes that access of emergency vehicles to neighborhood homes might be impeded because of the City’s failure to maintain the street or because snow accumulations are large enough to prevent owners with medical emergencies being driven to medical facilities by household members. Any contractor hired will be required to provide the Association with a current Certificate of Liability Insurance.
4. The Association will not apply salt or other snow-melt compounds, scoria, or sand for management of ice accumulations on Los Nidos Drive.
5. Any homeowner with concerns regarding snow and ice management on Los Nidos Drive should *personally* contact the City of Santa Fe to get his/her concerns addressed.

(Adopted by Board of Directors, Board of Directors meeting, January 22, 2019 and revised by Board at Board meeting, July 21, 2020)