

**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)