Henry P. Roybal Commissioner, District 1

Anna Hansen Commissioner, District 2

Robert A. Anaya Commissioner, District 3



Anna T. Hamilton Commissioner, District 4

Ed Moreno Commissioner, District 5

Katherine Miller County Manager

DATE:

September 28, 2017

TO:

Santa Fe County Hearing Officer

FROM:

Miguel "Mike" Romero, Development Review Specialist Sr.



VIA:

Penny Ellis-Green, Growth Management Director Q

Vicki Lucero, Building and Development Services Manager

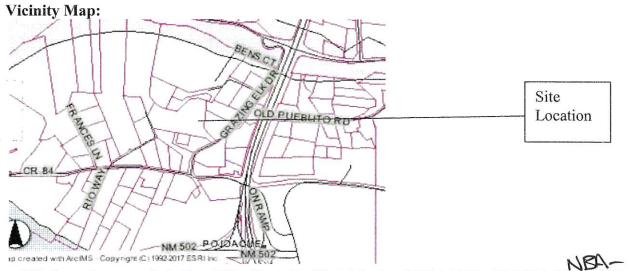
FILE REF.:

CASE # V17-5150 Archdiocese of Santa Fe Variance

ISSUE:

Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe (Applicant), Jake Rodriguez, Agent, requests a Variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow an (8) ft. cross with base on top of the roof of an existing church bringing the height of the church from 41 ft. 2 in to 49 ft. 2 in.

The property is located at 9 Grazing Elk Drive within the Pojoaque Valley Community District Overlay (PVCD), within Section 7, Township 19 North, Range 9 East, (Commission District 1).



102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · F. 505-995-2740 www.santafecountynm.gov

SUMMARY:

The Applicant is the owner of the property at 9 Grazing Elk Dr. as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on May 8, 1969. The Applicant is requesting a variance of Chapter 7, Table 9-13-2: Dimensional Standards to allow an eight (8) ft. cross with base to exceed the 24 ft. height limitation. Chapter 7, Table 9-13-2: Dimensional Standards; PVCD TC illustrates that the maximum height within the PVCD TC is 24 feet.

The Applicant proposes to install an eight (8) ft. cross with base on top of an existing church. The Applicant states the church was built in 1965 and is approximately 41 ft. 2 in. in height. The height of the proposed cross with base is (8) ft., bringing the total height of the church to 49 ft. 2 in. The Applicant states the church was built in the early 1960's and was designed in what was then a contemporary style that is not typical of a New Mexico church building. The Applicant further states that the building was not designed or built to include a cross on the roof. The Applicant states that the cross, which is the universal symbol of Jesus Christ in the catholic faith and its placement on a church is typical of most catholic churches worldwide. Most catholic churches in New Mexico are marked with a cross on top of the building.

Staff Response:

Prior to 1981, the County did not have any height restrictions and the Applicant would have been able to place an 8 ft. cross on top of the church. The County Land Development Code was adopted in 1981 and identified this area as a Traditional Community which had a height limit of (24) ft. The property is currently zoned Traditional Community and is within the Pojoaque Community District Overlay in accordance with the Santa Fe County Sustainable Land Development Code Zoning Map adopted by Ordinance No. 2015-12. The Pojoaque Community Planning Committee reviewed the standards for the Pojoaque Community District in accordance with the SLDC in 2015 and no changes were made to the maximum height permitted within the Traditional Community. SLDC Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) illustrates that a maximum height within the PVCD TC is (24) ft.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which governs this Application are the following:

Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community).

Zoning District	PVCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.
Lot coverage residential and non-residential	40
(maximum, percent)	·

Chapter 4, Section 4.9.7.1, Variances, Purpose, states:

The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

Chapter 4, Section 4.9.7.4, Variance Review criteria states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

- 1. where the request is not contrary to public interest;
- 2. where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner; and
- 3. so that the spirit of the SLDC is observed and substantial justice is done.

Chapter 4, Section 4.9.7.5 Conditions of approval.

- 1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
- 2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
- 3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

The Applicant has addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest;

Applicants Statement: The church building is already constructed, and is a parish home for the catholic community in the Valley, and the surrounding communities of San Ildefonso and Nambe.

Staff Response: It was determined that Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe was constructed between 1964 and 1965. At that time Santa Fe County did not have land development regulations. Therefore the church is legal non-conforming. Prior to 1981, Santa Fe County did not regulate height restrictions on buildings. The SLDC now regulates height.

2. Where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties and undue hardship to the owner;

Applicants Statement: The church was built at a time when zoning (if it was adopted) allowed the 41 foot height that exists now. The current parish community members are aware of the significance of the Cross to their faith, and wish to mark the parish home with the Cross. At this time, they are able to install a Cross and not allowing its installation will be an exceptional hardship to the parish community.

Staff Response: Prior to 1981, Santa Fe County did not regulate height of buildings and therefore Applicant was able to build a church exceeding the current (24) ft. height restriction. The church was not constructed with a cross at that time and now needs to meet height requirements. The church does however have the option to place the cross in the front of the building or on the façade of the building not to exceed height requirements.

3. So that the spirit of the SLDC is observed and substantial justice is done.

Applicants Statement: The parish is aware of the value of the SLDC to their community. The Cross is planned and designed to be a simple addition to the building with minimal visual impact to the surrounding properties and the community.

Staff Response: Staff believes that by installing an (8) foot cross to the existing 41 ft. 2 in. roof would change the height significantly. However, the church could place the cross on the front of the building or on the facade of the building and accomplish the objective of having a cross on the building without increasing the height of the building.

As required by the SLDC, the Applicant presented the Application to the Technical Advisory Committee (TAC) on May 18, 2017, at the regularly scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, Section 4.4.4.3, Pre-application TAC Meeting.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicants provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on September 13, 2017. Additionally, notice of hearing was published in the legal notice section of the

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX: NBA-4 Santa Fe New Mexican on September 13, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application was submitted on May 26, 2017.

RECOMMENDATION:

Staff recommends denial of a variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow a (8) ft. cross with base on top of the roof of an existing church bringing the height of the church to 49 ft. 2 in. However, the church does have the option to place the cross in front of the building or on the façade of the building so it does not increase the height.

Staff requests the Hearing Officer memorialize findings of fact and conclusion of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on November 16, 2017.

EXHIBITS:

- 1. Applicant's Request
- 2. Pre-Code Warranty Deed
- 3. Aerial of Site and Surrounding Area
- 4. Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community)
- 5. Noticing
- 6. Elevation of church

ARCHITECT

May 11, 2017

Santa Fe County Land Use Dept. 102 Grant Ave. Santa Fe NM 87501-2061

Variance Request for:

Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe 9 Grazing Elk Drive Santa Fe, NM 87506

Variance Committee Chair and Members.

I am submitting this variance request on behalf of Monsignor Jerome Martinez y Alire, Pastor, and the members of this Catholic community in Pojoaque. The request is to allow that a cross be installed on the top of the church roof.

The church was built in the early 1960's and was designed in what was then a contemporary style that is not typical of a New Mexico church building. It is a roof-dominated "A" frame building. The building was not designed or built to include a cross on the roof. The Cross-, which is the universal symbol of Jesus Christ, the catholic faith and typical of most catholic churches worldwide. Most catholic churches in New Mexico are marked with a Cross on top of the building.

The parish is currently beginning a construction project to replace the original roofing with new metal roofing. It is an opportune time to install the Cross on top of the church, which has led to this request.

The parish request meets the review criteria noted in 4.9.7.4 in the SLDC.

1. Where he request is not contrary to the public interest;

The Church building is already constructed, and is a parish home for the catholic community in the Valley, and the surrounding communities of San Idelfonso and Nambe.

EXHIBIT

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| S a n t a F e , N

| Intercentect @me.com | NBA-6

Where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner;

The church was built at a time when zoning (if it was adopted) allowed to the 41-foot height that exists now. The current parish community members are aware of the significance of the Cross-to their faith, and wish to mark the parish home with the Cross. At this time, they are able to install a Cross-, and not allowing its installation will be an exceptional hardship to the parish community.

 \mathcal{J} . So, that the spirit of the SLDC is observed and substantial justice is done.

The parish is aware of the value of the SLDC to their community. The Cross is planned and designed to be a simple addition to the building, with minimal visual impact to the surrounding properties and the community

The parish looks forward to present this variance request to the Board. Attached are copies of the Deed, Plat, Site Plan and Building Elevations

On behalf Msgr. Jerome, and members of the Parish, we thank you for you consideration of this request.

Sincerely

Jake Rodriguez, Architect

Enclosures: as noted.

CC: Msgr. Jerome Martinez y Alire, Pastor

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WARRANTY DEED

PABLO SENA and JOSEFA G. SENA. his wife, for consideration paid grant to THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE. a corporation sole. Edwin V. Byrne, Archbishop, the following described real estate in Santa Fe County, New Mexico:

A portion of Exception 140. P.C. 188. Pojoaque Pueblo Grant, within Section 7, T. 19 N. R. 9 E. N.M.P.M. More fully described as follows: Beginning at Angle Point No. 9 of said P.C. 188 a point on the most Northerly side of a public road and the most Southerly point of the Ruben and Blanche Quintana property. Thence S. 64 degrees 57' W. 59.56 feet; thence N. 32 degrees 36' W. 62.75 feet: thence N. 78 degrees 22' W. 617.10 feet: thence N. 21 degrees 37' W. 195.60 feet: thence N. 23 degrees 45' E. 167.6 feet: thence S. 41 degrees 20' E. 59.9 feet to Angle Point No. 17 of said P.C. 188; thence S. 57 degrees 59' E. 77.88 feet to A. P. No. 16; thence S. 75 degrees 08' E. 165.99 feet to A. P. No. 15; thence N. 45 degrees 10' E. 205.92 feet to A. P. No. 14: thence N. 79 degrees 47' E. 100.32 feet to A. P. No. 13; thence S. 69 degrees 29' E. 76.80 feet: thence S. 03 degrees 09' W. 362.00 feet; thence S. 45 degrees 12' E. 188.75 feet to the point and place of beginning. All as shown on plat of survey by William E. Fields for Sacred Heart Parish, and recorded in the Santa Fe County Clerk's office under Reception No. 264,176.

with warranty covenants.

WITNESS our hands and seals this _/8 day of July, 1963.

Jacoba Dena Jacoba

STATE OF NEW MEXICO COUNTY OF SANTA PE

The foregoing instrument was acknowledged before me this day of July, 1963 by Pablo Sena and Josefa G. Sena, his wife.

Notery Public

Notery Public

3/30/56

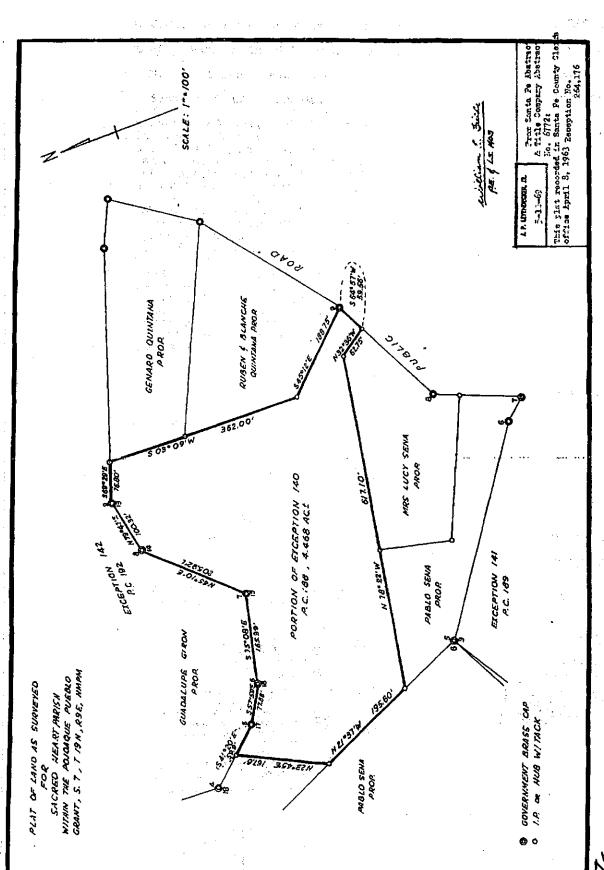
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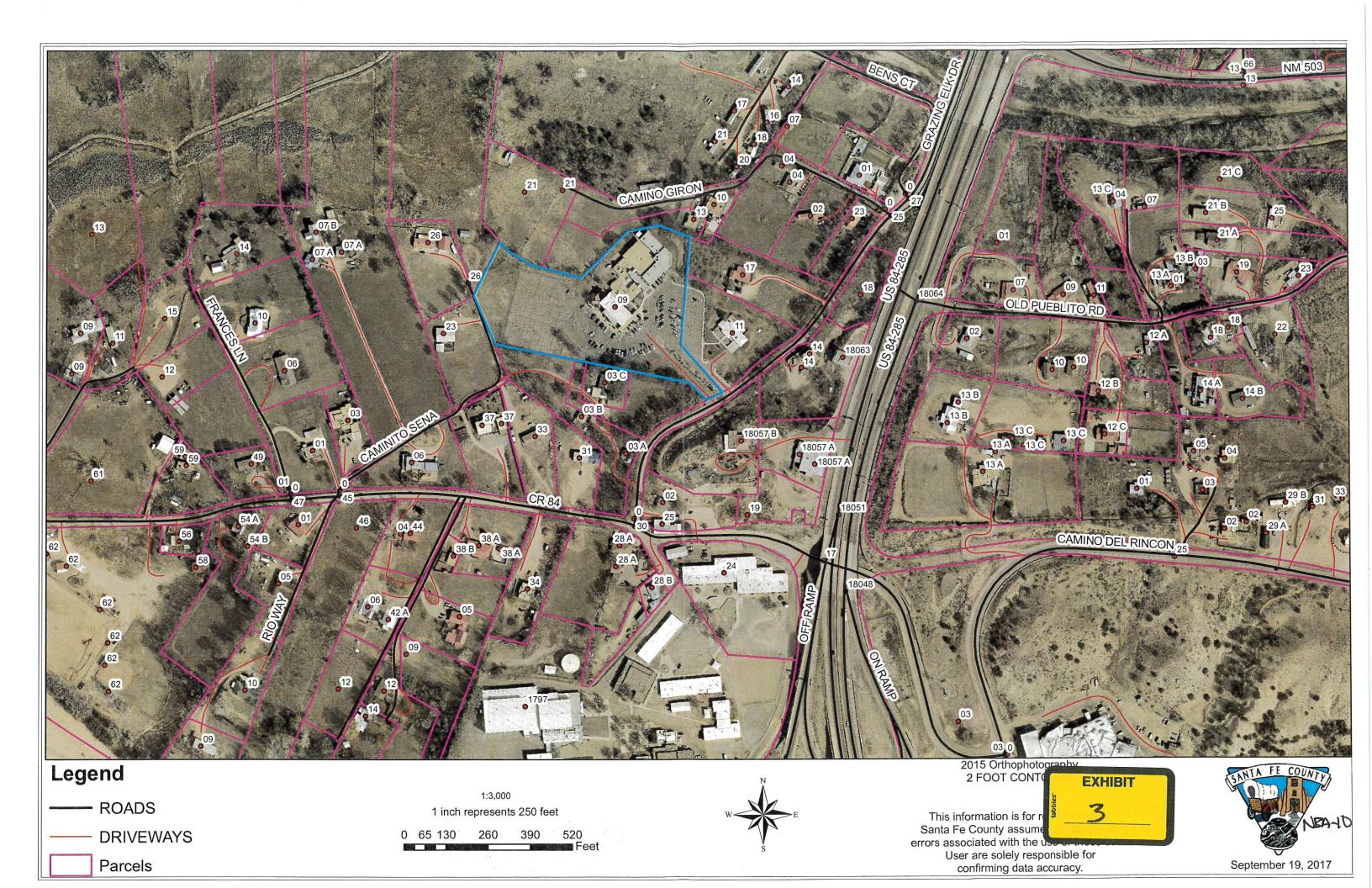
4/62

1969

Minor



NBA-G



- c. Density Bonus. Density may only be increased to one dwelling unit per .33 acre with community or public water and public, not private, wastewater and if the development is clustered in accordance with the standards of this Code.
- d. Setbacks. A minimum of 10 feet is required between neighboring dwelling units. Where zero lot lines exist, new development on neighboring lots requires a 10 foot minimum setback between property line and structure.

Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community).

Zoning District	PVCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.
Lot coverage residential and non-residential (maximum, percent)	40

- 2. PVCD Public/Institutional (PVCD PI); Purpose. This district accommodates governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, nonprofit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.
 - a. Use Regulations. Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on PVCD Use Table.
 - b. Dimensional standards. As identified in Chapter 8 of this Code, Traditional Community, except as prescribed in PVCD Table 9-13-3.

Table 9-13-3: Dimensional Standards PVCD PI (Public/Institutional).

Zoning District	PVCD PI
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage residential and non-residential (maximum, percent)	40

9.13.4. PVCD Overlay Zones.

9.13.4.1. PVCD Rural C Commercial Overlay allow

EXHIBIT

D O-RC); Purpose. The Rural ppment in the O-RC which shall be compatible with existing land use patterns, existing residential areas, land ownership 9/19/2017 Print

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Santa Fe

Printed In: Santa Fe New Mexican

Printed On: 2017/09/13

LEGAL #83182

CASE #V 17-5150 Archdiocese of Santa Fe Variance

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe, Applicant, Jake Rodriguez Architect, (Jake Rodriguez) Agent, request a variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow a (8) ft. cross with base on top of the roof of an existing church bringing the height of the church to 49 ft. 2 in. The property is located at 9 Grazing Elk Drive within the Pojoaque Valley Community District Overlay (PVCD), within Section 7, Township 19 North, Range 9 East, (Commission District 1).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 28th day of September 2017, at 3:00 p.m. on a petition to the Santa Fe County Hearing Officer and on the 16th day of November 2017, at 4:00 p.m. on a petition to the Santa Fe County Planning Commission.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Hearing Officer/Planning Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in the Santa Fe New Mexican on September 13, 2017.

Public Notice ID:



CERTIFICATION OF POSTING

I herby certify that the public notice posting regarding a Site Development Plan	
Case # \(\frac{\sqrt{7-5}50}{\sqrt{2}}\) was posted for 15 days on the property beginning the	
Case # <u>V17-5150</u> was posted for 15 days on the property beginning the <u>15th</u> day of <u>September 201</u> **	
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Signature Carlos Cata	
	tarih da Maria da Asia da Asia An anafaran da Asia da
*Photo of posting taken from a public road must be provided with affidavit.	
**PLEASE NOTE: Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 15 days. It is the Applicant's responsibility to ensure that the notice is on the property for the full 15 days. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.	in form to be the first of a Company of the company
STATE OF NEW MEXICO } COUNTY OF SANTA FE }	and the second of the second o
The foregoing instrument was acknowledged before me this 12 day of	
September , 2017, By Jose Caples Octiz	
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Notary Public	
My Commission Expires:	
TOZ 119(2020 RUBEN SALAZAR VOTARY PUBLIC STATE OF NEW MEXICO My Commission expires 02/19/2/20	



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	ROMAN CATHOLIC CHILDON	PO.BOX 578	RANCHOS DE TAOS	Z	87557
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	ORTIZ, JOVANNA O	18057-B US 84-285	SANTA FE	NZ	87506
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S -	BUSTOS, JOSE JR & LINDA BRITO	18057-B US 84-285	SANTA FE	NM	87506
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PO BOX 1538	TENCIO, LARRY E & WONNE LUNA LEE
30 BUFFALO THUNDER TRL STE 2101	POJOAQUE PUEBLO DEV CORP
30 BUFFALO THUNDER TRL STE 2101	SPOJOAQUE PUEBLO DEVICORP
11 N GUTIERREZ UNIT 3749	EDEN, GUY E & EARLEEN T.
01 CAMINO GIRON	GIRON, ORLANDO J & TRESBAN C
26 CAMINITO SENA	QUINTANA, LAWRENCE S
17 GRAZING ELK	COUNTANA, MARYS
13 CAMINO GIRON	GIRON, FRANCES C
11 W GUTIERREZ UNIT 3749	Z EDEN, GUY E & EARLEEN T
PO BOX 1312	LEDEN-SANCHEZ, CYNTHIA A &
34 COUNTY RD 84	BORREGO, KAREN DIKELLOVICH &

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 FACED PEDESTAL III III EAST / WEST SECTION @ NAVE 0 MAIN ELEVATION П© (Э RESTAIN WOOD (4) (1) NEW METAL ROOFING SYSTEM (E) WILIGHT FACED PEDESTAL III ELEVATIONS / SECTION 1/8" = 1'-0" TITCH NEW METAL (T) ROOFING SYSTEM **EXHIBIT** NBA-17

Sheet No. A-2

9

REPAIRS & RE-ROOFING
NUESTRA SENDRA DE GUADALUPE DEL VALLE
9 GRAZING ELK RD. / POJOAQUE NEW MEXICO

SECTION & ELEVATIONS

John G. Rehders General Contractor Inc. 274 Dinosaur Trali Santa Fe, NM 87508 (505) 471-5901



ARCHITECT
1424 Second St.
Santa Fe, NM
(505) 660-3327