



Agenda

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PLANNING COMMISSION
March 20, 2008 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**
 - February 07, 2008
 - February 21, 2008

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An ordinance amending Table 14-7.1-1 SFCC 1987 restricting the maximum height in RM-1 AND RM-2 districts to 24 feet. (Councilor Calvert and Councilor Bushee) (Tamara Baer, case manager)
2. An ordinance requiring notification to the Santa Fe Public School District prior to submittal of a development request. (Councilor Dominguez) (Patrick Nicholson, case manager)
3. **Case #A 2008-01. Los Cielos Grading Permit Appeal.** Ken Cassutt, agent for William Hazleton, appeals the issuance of the grading permit for the Los Cielos Compound residential condominium project at 200 Los Cielos Drive (Permit No. 2007-2280). The property is zoned RM-LD-PUD (Multi-Family Residential, 12 dwelling units per acre, Planned Unit Development overlay district). (Tamara Baer, case manager)

- G. BUSINESS FROM THE FLOOR**
- H. STAFF COMMUNICATIONS**

1. Update on Floodplain Escarpment and Terrain Management Regulations. (Wendy Blackwell)

- I. MATTERS FROM THE COMMISSION**
- J. ADJOURNMENT**

NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.
***An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice. Please call 955-6521**

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CITY OF SANTA FE
PLANNING COMMISSION

March 20, 2008

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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

March 20, 2008

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Estevan Gonzales at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Angela Schackel Bordegaray
Signe Lindell
Shayna Lewis
Matthew O'Reilly
John Salazar
Estevan Gonzales, Chair

MEMBERS ABSENT:

Gloria Lopez (excused)
Ken Hughes, Vice Chair (excused)
Bonifacio Armijo (excused)

STAFF PRESENT:

Greg Smith, Director Permit and Development Review
Tamara Baer, Planning Manager
Jeanne Price, Legislative Liaison
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner Armijo to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Ms. Baer stated that the Los Cielos Grading Permit Appeal has been postponed with agreement by both parties. Staff anticipates this appeal being withdrawn.

Commissioner Salazar moved to approve the agenda as amended, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

February 07, 2008

Commissioner O'Reilly made the following corrections:

Page 12, 4th paragraph from the bottom: he requested that *not want a dog* be replaced with *restrict dog ownership*.

Page 13, 4th paragraph from the top delete the word *also* from the last sentence.

Commissioner Lindell moved to approve the minutes of February 7, 2008, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

February 21, 2008

Commissioner Lindell moved to approve the minutes of February 21, 2008, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS – None

F. NEW BUSINESS

- 1. An ordinance amending Table 14-7.1-1 SFCC 1987 restricting the maximum height in RM-1 AND RM-2 districts to 24 feet. (Councilor Calvert and Councilor Bushee) (Tamara Baer, case manager)**

Memorandum from Jeanne Price, Legislative Liaison, prepared March 10 for March 20, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Ms. Price presented the staff report and reviewed the ordinance included in Exhibit "1."

Councilor Chris Calvert said they struggled with trying to figure out where the 24 foot height limit would apply. He said defining that in legislation is difficult. He said there has been talk in the core neighborhoods around downtown regarding the designations. He said Councilor Bushee brought up the ordinance changes as a faster way of getting this done rather than down zoning all these areas. He said the cost and time frame to do the amendments are less. He reported that the basic conclusion is that this gets the as built density present in the neighborhoods already. He said if they want further detail he would defer to Ms. Baer. He said they will probably have that discussion at Council next Wednesday.

Public Hearing

Karen Walker, 205 Delgado, said she speaks for the Executive Board and full Board of the Old Santa Fe Association. She said this is long overdue. In her opinion, the memo is excellent as it distinguishes between the old historic neighborhoods and the newer zonings. She noted that they never hire local consultants so they know nothing about Santa Fe. She said the designations ignored the as built density and height which are still not the case. She said in looking through the ordinance the biggest concern is on the third page, b; the need for the increased height. She asked how they would define need. She questioned whose need that refers to. She thought that needed work because someone could say they would only make 10% profit but have a need for 15%. She pointed out that there should be criteria for need.

Rick Martinez, 725 Mesilla Road, thanked the Commission and Councilor for presenting this as the existing neighborhoods really need this. He said there is no process for the neighbors when a 3 story comes in and it is important for the

neighborhoods to have a voice. He said neighbors often feel there is nothing they can do. He said Ms. Walker's point is well taken because this will support the ENN process. He questioned what is affordable and how long it stays affordable. He said the impact of increased height can make a huge difference and greatly affect people.

Maureen Hill, 5824 ½ West Manhattan, spoke in favor of the decrease to the maximum building height. She lives behind the three story structure at 517 Juanita. She said she cannot express the negative impact the project has had on her emotionally and financially. She can no longer enjoy the privacy of her courtyard. Prior to the construction there was a single story structure and she had a beautiful view. She has had to take her home off the market due to the negative feedback she was receiving regarding the project next door. She asked what happened to respect for the neighborhood traditional design. She stated that they are not technically in the historic district, but the area consists of mostly single story structures. The new condos are totally out of character as it relates to the existing neighborhood and she is shocked by the arrogance of the developers. She has hope that the three story structure will be the last in this wonderful neighborhood. She supported a reduction in the height limitation.

Jennifer Johnson, 605 Sunset Street, read a letter from Marg Veneklassen into the record. Ms. Veneklassen was delighted that the Council and Commission are tending to this problem. She questioned the definition of need and whose need and what the need means. Ms. Johnson said there is a project that happened that went three stories which caused one of the neighbors to rent her home and move. This person lost her entire backyard and all the light. There are many towns that have height restrictions regarding sunlight which should be considered. In her opinion, this is the minimum of what is needed.

Rosemary Bernard, 534 Alarid Street, stated that she lives a couple of blocks from Juanita Street. She urged the Commission to pass the amendment. She said they have not lost their privacy, but the project looms over the whole neighborhood and affects the neighborhood for many blocks. She said this is not a city generally of tall trees, so a two story building adjacent to your home will threaten your privacy. She cannot think of anything short of a cottonwood that would grow tall enough to give the privacy needed. She said allowing a three story building gives people no recourse at all. She thanked them for considering this amendment.

Councilor Calvert said Ms. Price is attempting to address the one concern over need. He said the term need is open for suggestions. He gave an example of the height exception that was given due to operational necessity. He said there would have to be a justifiable reason for the height.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lewis did not feel the height is needed to make the proposed development affordable as this is not an excuse for a larger building. She said the building should already be affordable. She questioned how they will make sure it is an affordable area and how it will stay affordable.

Commissioner Lindell referred to the need for increased height. She said financial gain or loss should not be the sole determining factor in determining "need." She suggested using that wording. The other thing she looked at was the impacts of the increased height on the community; this should not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the zoning code and the general public interest.

Commissioner O'Reilly understood that they may request 36 feet. He asked when a development plan is triggered in RM-1 and RM-2 districts.

Mr. Smith said the trigger is 10,000 square feet.

Commissioner O'Reilly understood that regardless of the threshold if it does not meet the trigger and is below that point then it would not be allowed at all.

Mr. Smith agreed that there is no mechanism for small projects to get to 36 feet.

Commissioner O'Reilly expressed concern with tinkering with the zoning regulations as the future land use maps shows this as medium density residential. He can see the change to the ordinance would provide immediate relief, but he would like to see this followed up with a rezoning of these areas so the zoning designation matches the future land use map.

Ms. Price said the Juanita Street rezoning to R-8 is at the next meeting.

Commissioner O'Reilly stated that he has similar problems as Commissioner Lindell stated. He felt that item b could be struck altogether and if there is some legal reason they should consider stating; if the 24 height limit would create a hardship. He said this would be similar to approving a variance. He said in item e he does not like the word impact. He did not know what that means because they could be talking about someone's emotional state or impact to the sunlight. He is unclear if the community needs to be there either as he is not sure someone on Rodeo Road is affected by that.

Ms. Price explained that vistas in the City have been a common goal of the community. This isn't just for the neighbor next door but for the whole area wiping out the feel and expanse of the community.

Commissioner O'Reilly commented that you cannot get RM-2 maximum density at 24 feet. In his opinion, they are creating a zoning density as called for in the general plan and future land use map, so it needs to match.

Commissioner Salazar suggested using a reference to trigger the development plan. He wondered if they should ask for a variance for anything higher than 24 feet.

Ms. Price said it seemed the concern was opening the door to a regular house. She said the special exceptions were thrown in as Board of Adjustment looks at institutions and places that may need this.

Mr. Smith explained that where there are large tracts of land it might be appropriate to provide a reasonable range of housing opportunities.

Commissioner Bordegaray commented that they do not further the goals by restricting height and lot coverage. She appreciates the view sheds. She is interested in learning how some of the policies have worked and not worked. She suggested the long range subcommittee could work on adopting some rezoning per the general plan. She asked staff to cite some examples of appropriate three stories in RM-1 or 2 districts.

Ms. Baer said the most obvious is the three story apartment buildings along St. Francis because they do not encroach on lower or smaller housing.

Commissioner Bordegaray said a case that supports this cause is Pacheco Street because the result of one building has completely overshadowed the area. She knows there were solar rights invoked in this case, so she would be interested in knowing more about that.

Ms. Brennan explained that this is governed by State Law, but the City could adopt an ordinance recognizing this. She said generally you have to have permission of your neighbor, but in this context it makes a lot of sense to consider.

Councilor Calvert stated that they all struggle with appropriate infill. He said he looks at taking advantage of the existing infrastructure. He said they will want to apply this to areas where they have vacant land and they can work to plan the infrastructure that will support an increased density. The vacant land behind the School for the Deaf and the area by Frenchy's would be appropriate for good infill and smart planning. He will be pushing to do that sort of the long range or proactive planning. He said they all see the lots come to them piecemeal and through variances lot by lot.

Chair Gonzales said it is interesting that philanthropic institutions are an exception. He asked if it would be possible for someone to say they are included in this designation.

Mr. Smith explained that there are a couple of areas in the code that might have antiquated language. He said this may not be listed once they get an update of the code. He said there are some designations allowed without an exception.

Lindell moved to recommend Council pass an ordinance amending table 14-7.1-1 SFCC 1987, with additional notes of 1) recommend and encourage zoning designations match the future land use map of the general plan. 2) reference the section referred to by Commissioner Salazar in Chapter 14 triggering the development plan, 3) the wording for item b: financial gain or loss shall not be the sole determining factor, and determination of need; 4) under e impacts of increased height on the neighborhood and community will not significantly interfere with the enjoyment of other land in the vicinity and be consistent with the spirit of the zoning code and the general public interest. Commissioner Salazar seconded the motion.

Commissioner O'Reilly asked if the statement regarding need for increased height is required by State Law.

Ms. Brennan did not think it is.

Ms. Price stated that you usually have to say why you want the exception.

Mr. Smith pointed out that it may be by the time they get more specific with the factors that the one issue may be obsolete.

Commissioner O' Reilly said this does not prevent a three story building with one story below ground, so it does not prevent intensive land use in terms of number of people.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

- 2. An ordinance requiring notification to the Santa Fe Public School District prior to submittal of a development request. (Councilor Dominguez) (Patrick Nicholson, case manager)**

Ms. Price introduced Patrick Nicholson, liaison with the school district and new neighborhood planner.

Memorandum from Jeanne Price, Legislative Liaison, prepared March 10 for March 20, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Ms. Price presented the staff report and reviewed the ordinance included in Exhibit "2." She added that the County has a similar ordinance.

Councilor Dominguez said the intent is to establish the communication so the district has the opportunity to mitigate the impacts of new development. He said the stewards of the community have left the room essentially and when discussing education there is not a big audience.

Public Hearing

Bobbie Gutierrez, Deputy Superintendent, thanked the Commission for consideration of this. She said the school district is interested in better master planning and they need knowledge to work with the landowners. She said they want to be good neighbors. Sometimes it is difficult when they have areas of very fast growth with no information from developers.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Patrick Nicholson said the bill was written with 60 days for the district to respond, but he asked the Commission to consider 30 days so it is concurrent with the ENN schedule.

Commissioner Lindell commented that six dwelling units seems too low. She does not want it to become onerous. She is wondering if that is a little too small.

Councilor Dominguez said that is a good question that they had some discussion about. He consulted with the district to see if that would be too burdensome, but the response was that at six it becomes a potential impact.

Ms. Gutierrez agreed they chose six because it could have an impact. She said less than six would not impact. She said in some of the schools they are so over the number of students the infrastructure is trying to serve six would make a bigger difference and in some areas it might not make a difference.

Commissioner Lindell referred to the resolution from December 2007. She questioned page 2, items 1-8, if these are items to be addressed now through this ordinance.

Ms. Price resolution said this is a list of the things put forward to help the school communication. The first thing they are doing is the pre-submittal kind of thing. She noted that some items might entail more code amendments.

Commissioner Bordegaray said she is thrilled about this and commended Councilor Dominguez for bringing this. She commented that if 30 days works for the school district that is fine. She felt the overall need is being addressed and this is an opportunity to work with the developer to ensure the design works. She wanted to make sure the site design ensures pedestrian and bicycle connectivity.

Councilor Dominguez agreed that part of the intent was so the district staff can look at things from all different perspectives and try to mitigate some of those things.

Commissioner O'Reilly asked if the purpose of the ordinance is to have the school district comment on the designs or simply to inform them so they know of the potential students.

Councilor Dominguez stated that for the most part this is happening, but it is not codified. He said this gives the opportunity to consider the comments for the potential impact of the project on the community.

Ms. Gutierrez said it is mostly to get comments about impact as there has been tremendous growth to the south and west of the City. She said it is also a way to look and have a say so they do not get into the situation at Pinion where they are basically land locked. She said they recently met with a developer in Rancho Viejo and will have joint use with a park adjacent to the school property. She said the spot of land the developer thought the school would like to have would have created a land lock situation, so they agreed on another piece of land. This is a good opportunity to educate each other.

Commissioner Salazar moved to recommend City Council approve an ordinance requiring notification to the Santa Fe Public School District Prior to Submittal of a Development Request. He requested they change section 1(d) to 30 days, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

- 3. Case #A 2008-01. Los Cielos Grading Permit Appeal. Ken Cassutt, agent for William Hazleton, appeals the issuance of the grading permit for the Los Cielos Compound residential condominium project at 200 Los Cielos Drive (Permit No. 2007-2280). The property is zoned RM-LD-PUD (Multi-Family Residential, 12 dwelling units per acre, Planned Unit Development overlay district). (Tamara Baer, case manager)**

This item was postponed per approval of the agenda.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

**1. Update on Floodplain Escarpment and Terrain Management Regulations.
(Wendy Blackwell)**

Ms. Blackwell reviewed the escarpment overlay district map. She said the intent is to limit the visual impact of development on the foothills and ridgetop. This was passed in the early 1980's and then modified numerous times. She said prior to 1992, you did not have to prove you had buildable area outside the ridgetop, but after 1992 in order to create a new lot you had to prove you had at least 2000 feet outside the ridgetop. She said they have seen lots approved without enough space and with no buildable area. She said if they are clear cut staff errors they make them go through the variance process. She said in September of 2006 there were modifications made that differentiate between what was required pre 1992 and what is required now. She said pre lots may not have buildable sites because they did not have the requirement. She said if the only place you can build is in the ridgetop the ordinance allows that. She said the ones the Commission has seen are people who want to build in the ridgetop in a post 1992 lot.

Commissioner O'Reilly pointed out that if the only buildable area is in the ridgetop they still have to meet the requirements for the ridgetop subdistrict.

Ms. Blackwell explained that there are standards for building in the ridgetop. She reviewed the architectural standards. She said they go to the highest elevation and the applicant can go up 14 feet which creates the maximum parapet height and they cannot exceed 14 feet height anywhere measured on the perimeter of the structure. She said if they are in the foothills, the preference is to build on the low side of the slope. They create the maximum parapet height, but they go 14 feet and stair step down and it could be a 20 foot measurement. There are vegetative screening requirements; the code says basically a tree every 15 feet although there were revisions in reference to wildland fire, so the trees have to be at least five feet away from the structure. She said the siting is a big question. Staff is required to site a structure as far from the view line as possible. This is interpreted to be as far down the slope as possible. Staff looks at the topographical map and the design and moves it as far down the lot as possible. She said they have to follow terrain management rules, so no more than 1000 square feet can be in the slope. She said generally the applicant gives them the design and staff figures out where they need to place it.

Commissioner O'Reilly pointed out where the ordinance is flawed. There is a presumption that the ridgetop has foothills. He said if they cannot build in the ridgetop they can move a few feet over and build, but if they were allowed to build it might have less of a visual impact. He said the other problem is that the line in many cases is not on the ridgetop and in many cases it does not encompass the ridgetop. The ridgetop can be not in the escarpment at all or in the foothills.

Ms. Blackwell said by the time the plan gets to the Commission staff has worked with the applicant to determine where the design should be placed. The ordinance states that they have to site the structure at the time of building permit. She said sometimes they

see a development plan with no houses on it. She said there is a requirement to have a pre-application meeting with staff prior to applying for a permit in the escarpment. There is also a notification posting required. Variances come to the Commission.

Commissioner O'Reilly commented that staff has made a stupendous effort in working through this imperfect ordinance.

Ms. Blackwell said the maps are now digitized versions of the old maps. She said they are not necessarily an improvement. The original maps had no criteria or definition. She reviewed the process they have gone through to come up with this map.

Commissioner O'Reilly understood they are doing this because of a resolution, but said there are other ways to accomplish the visual blight that can be done without an ordinance that has a map. He said these were considered back 15 years ago when the County was working on this. He agreed that it is difficult to define when a ridgetop starts and stops. The one thing they can determine is the actual geometric top of the ridge.

Ms. Blackwell commented that majority of the other communities they spoke to did not have a map. She said some communities had a map for special districts. She said they have spent a set amount of money to get a map produced to get feedback.

Ms. Blackwell reviewed the flood plain. The flood plain is where they have a 1% chance of being equal or exceeded in any given year and it is divided into flood way and flood fringe. Flood way is where the water will really be flowing during the storm event. Flood fringe is on either side of the flood way. FEMA maps the flood hazard areas. If the community accepts and regulates to the maps then community members can be covered under National Flood Insurance Program. Anything coming in for a permit should be checked against the FIRM (Flood Insurance Rate Maps). The Federal Regulations say you cannot build in the flood way. The City of Santa Fe code says you cannot build in the flood fringe without a variance. The base flood elevation is the water elevation in the 100 year storm. She said the floodway acreage can be taken out of the development.

Commissioner O'Reilly explained that the level of the water at the edge of the flood fringe in a 100 year storm event is less than an inch. He said this means that once in 100 years they will have an inch of water as opposed to a variance where they are close in where the water is 3-4 feet high.

Ms. Blackwell explained that the base flood elevations are done in cross sections and may be done very 100 feet. She said if there is a 10 foot difference in elevation it is often to the benefit of the developer to do cross sections more often. She showed the current FEMA map that will become effective in June. She said wherever they see hatching it is new acreage in the 100 year flood plain. The ordinance will be coming through to adopt the new flood maps. For planning purposes, they are supposed to use the best available data so they have been requiring applicants to meet the existing effective map.

Chair Gonzales asked if an applicant can do anything if they disagree with these new maps.

Ms. Blackwell said there is an appeal process and there were five appeals in the City including the downtown area.

Commissioner O'Reilly asked if the letter of map amendment revisions have been included.

Ms. Blackwell said they were included. She said staff is working with people that are having issues with their amendments being included. Now that the preliminary maps are being adopted, you have to file an amendment and cannot do an appeal.

Commissioner Bordegaray questioned the natural shift in the arroyos.

Ms. Blackwell said they took data from the past because they know the width, but they cannot tell you how they came up with it. She said they took the old mapping, but put it on 2001 topography. She said there are some annoyed because they have been mapped in the flood plain and they are 30 feet from it and those are corrected. She said they do not have staff to walk every arroyo, so they did not review that level of detail. Staff got the word out to the private sector.

Commissioner O'Reilly questioned that they did not run the hydrology.

Ms. Blackwell said this was run only for the Santa Fe River and Arroyo Chamiso. She said they did not have money, so they just stated their priorities along with the County. The City will do a mass mailing to those in the flood plain and have public meetings so they can come and learn what the new maps mean. She said during these meetings they can run a comparison.

Chair Gonzales suggested blown up exhibits showing clear delineations.

Ms. Blackwell said they can do that. She said the engineer has drawn in the FEMA flood plain in the past.

Commissioner Lindell understood that this is available on the City website.

Ms. Blackwell said the old maps are there as they did not want to confuse people with two maps online. She said they will be on the website after June 17th. She said they will still rely on surveyors because the lot lines and roads are not accurate for the sites. Applicants cannot just print things off the website and turn it in.

Commissioner O'Reilly asked if with the revisions they have thought of the City coming in line with the federal requirements.

Ms. Blackwell stated that there is no loosening of the regulations proposed. FEMA encourages the use a free board for additional protection. She said staff cannot deny reasonable use. She noted that there has been direction to coordinate all the water resource people.

The Commission thanked Ms. Blackwell for the presentation.

Ms. Blackwell offered to meet with the Commissioners not present at this meeting.

I. MATTERS FROM THE COMMISSION

Commissioner Bordegaray asked if the previous training is available for viewing.

Chair Gonzales suggested contacting Joe Abeyta to see if he could make her a copy of the training.

Commissioner Bordegaray said the Railrunner stations are being sited and developed. She has been attending some of the task force meetings for the bike and pedestrian portions. She expressed concern with the crossing at Zia and St. Francis as well as the connection to the Arroyo Chamiso Trail. She did not know if the request should go to Robert Romero, but she wanted to communicate regarding how that intersection will be better and safer.

Chair Gonzales said there is a sour taste with the way the project has been handled by the State until recently. The neighbors are concerned about the paths and not sure how to get someone's attention.

Commissioner O'Reilly thought they reached a good agreement.

Chair Gonzales agreed they did as best they could.

Commissioner O'Reilly understood there was a design for all the crossings. He said the big discussion was how the City and the contractor are going to handle the construction. He said Robert Romero made it clear to the DOT what would be acceptable and not acceptable. He said the meetings are continuing as part of the contractor getting ready to do the work. He suggested calling Robert Romero.

Commissioner Bordegaray asked who he is referring to as the contractor.

Commissioner O'Reilly said they are not the developers of the property, but the contractor that is doing the rail line. He said the crossing at Zia will go up 4 feet.

Commissioner Bordegaray said she has seen the developer's plans. They are affecting the Rail Trail as they move the tracks. She noted that City traffic turn will not work with the trail. This is in the domain of the City traffic engineers who do not want to change the free right turn which makes the trail unusable. Her concern is that this is going at such a fast pace with after thoughts. The crossing is not safe now.

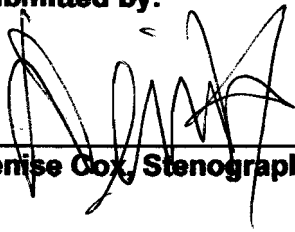
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lindell moved, seconded by Commissioner Salazar to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 8:30 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer