



Agenda DATE 12/11/15 TIME 2:30

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BOARD OF ADJUSTMENT

**Thursday, December 17, 2015 at 6:00 P.M.
200 Lincoln Ave. Santa Fe NM
City Council Conference Room Chambers**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES: Minutes of August 4, 2015**
- E. FINDINGS/CONCLUSIONS: (None)**
- F. NEW BUSINESS**

- 1. Case #2015-114. 233 Canyon Road Special Use Permit. Rita and Michael Linder, request Special Use Permit approval to expand a Restaurant Use. The property is zoned RC8AC. (Dan Esquibel, case manager).

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will 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. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.



Agenda

CITY CLERK'S OFFICE

DATE 11/30/15 TIME 11:00am

SERVED BY [Signature]

RECEIVED BY [Signature]

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BOARD OF ADJUSTMENT MEETING
Thursday, December 17, 2015**

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 <u>NEW BUSINESS</u>		
<u>CASE #2015-114. 233 CANYON ROAD SPECIAL USE PERMIT. RITA AND MICHAEL LINDER, REQUEST SPECIAL USE PERMIT APPROVAL TO EXPAND A RESTAURANT USE. THE PROPERTY IS ZONED RC8AC</u>	Approved w/staff condition	2-4
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**MINUTES OF THE
CITY OF SANTA FE
BOARD OF ADJUSTMENT
City Councilor Chambers
200 Lincoln Avenue
December 17, 2015**

A. CALL TO ORDER

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Thursday, December 17, 2015, in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

Gary Friedman, Chair
Rachel L. Winston, Vice-Chair
Patricia Hawkins
Douglas Maahs
Daniel H. Werwath

Members Excused

Colleen Dearing
Donna Reynolds

Others Present

Dan Esquibel, Staff
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to approve the Agenda, as presented.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES – AUGUST 4, 2015

MOTION: Patricia Hawkins moved, seconded by Daniel Werwath, to approve the minutes of the meeting of August 4, 2015, as presented.

VOTE: The motion was approved unanimously on a voice vote.

E. FINDINGS/CONCLUSIONS: NONE.

There were no Findings/Conclusions.

F. NEW BUSINESS

1. **CASE #2015-114. 233 CANYON ROAD SPECIAL USE PERMIT. RITA AND MICHAEL LINDER, REQUEST SPECIAL USE PERMIT APPROVAL TO EXPAND A RESTAURANT USE. THE PROPERTY IS ZONED RC8AC. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum dated December 9, 2015 for the December 17, 2015 Meeting, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "1."

Dan Esquibel, Case Manager, presented information regarding this case. Please see Exhibit "1," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

All those speaking were sworn en masse

Cindy Barreras, 92 Old Galisteo Lane, employee of Caffé Greco, 233 Canyon Road, representing the Applicants [previously sworn]. Ms. Barreras said she would request approval of the proposed Special Use Permit. She said they are a traditional, authentic restaurant which has very affordable prices and they have gotten inquiries and good feedback from all the gallery owners on Canyon Road, noting 80% of the owners walk to their restaurant for lunch. She said they also deliver lunch when they can't walk to the Caffé. They currently have 8 employees, and will add 8-10 employees with the expansion. She said it is a wonderful restaurant in a quiet, old school building, with a friendly atmosphere, commenting they love the place and give everybody really good food

Maurice Bonal, 60 East San Francisco Street [previously sworn], said he sat on the City Council 1978-1982. He said he was on the Council when they adopted the REC-8 overlay, noting this used to be RM-1, but they could have 20 units per acre with an Arts & Crafts Overlay, which the Council felt was way too big. He said the residents of the area convinced the Council to make it a Residential Arts & Crafts Compound with an overlay. Mr. Bonal said he is here because he is an expert on liquor licenses, and spoke about his involvement in obtaining licenses for various business on Canyon Road including El Farol, The Cities of Spain, and Celebrations which formerly was Vigil's Grocery. He said this particular request is a good fit with what is intended in the neighborhood. He asked that the Board of Adjustment please approve this request.

Mr. Werwath asked how much of the proposed expansion is being dedicated to the seating area, and asked if any of it being dedicated to the expansion of the kitchen facilities or other things.

Mr. Barreras said currently the restaurant seats 28 people, and in the winter months they run out of seating. The expansion will seat 39-40 people.

Mr. Werwath said then the expansion primarily is being used for seating.

Ms. Barreras said yes.

Speaking to the Request

All those speaking were sworn en masse

Ben Martinez, 324½ Read, Gallery Manager at 222 Delgado, [previously sworn], said the corner was dead until the Linders came in with this restaurant. He said he agrees with this request, commenting that it is a nice place to eat, a lot of City and State employees eat there and they have really good green chile stew.

Jeannie Olson, 1428 Calle [inaudible] [previously sworn] said she regularly eats at the restaurant, which is a lovely place with fantastic food, and in the summer it is wonderful to eat outside. She said she is in support of the expansion saying it does a lot for the local people.

Barbara Belle Lamont, 1571 Luisa, [previously sworn], said she spoke in 2012 on behalf of the owners to get another permit for their business for a kitchen, and she is here to speak in the same capacity. She said the Linders have maintained a very very positive membership in the business community in Santa Fe from the earliest times, first on the plaza, and then moving onto Canyon Road. She said she knew the corner on Canyon Road, noting she grew up in Santa Fe for the first 21 years of her life. She said as Mr. Bonal knows, her family has been merchants in Santa Fe since the early 1900's, so she knows the area very well. She said the Linders' entrance into that part of the community has been a boon and has brought a number of very positive things to the community. She said the Linders continue to participate in any activity in which they are asked to participate, to support Santa Fe activities, and said

they never turn down an opportunity to boast about their membership in the Santa Fe Chamber of Commerce and many other activities. She said the petition to allow the expansion into what was formerly part of the jewelry business is sound, and doesn't pose any harm or danger to the community. She said, if anything, it opens the opportunity for more people to visit there, for events to happen, and if you are having a party you can ask to use that space. She said the Caffé Greco is well placed to greet people as they come into our community. She said the little bus that runs up Canyon Road comes right by the restaurant. She said, "I think they are a benefit to the Canyon Road community and to Santa Fe as a whole. Thank you."

Barbara Canfield, 301½ Garcia [previously sworn], said, "I am here to defend... Garcia is a beautiful street, and it's a very very lovely street. If two cars park on opposite sides of the road, right and left, there's barely enough room for one car to go between them, so people wait. I didn't realize.... they were just getting crowded and I didn't understand it. It is a lovely café, but I don't appreciate people 'parking for lunch through there.' When people come to my house to visit me, I expect them to have room to park, and I think most of the people on Garcia Street so as well. I'm opposed. It's a beautiful restaurant, it's got great food, I can attest to that, but it doesn't need to be in that place. And we certainly do not need people coming over and parking and going to eat there. That's all I have to say."

The Public Testimony Portion of the Public Hearing was Closed

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, regarding Case #2015-114, Canyon Road Special Use Permit, to approve the request to expand a Restaurant Use at 233 Canyon Road, granting the Special Use Permit, incorporating the Staff Finding of Fact and Conclusions of Law, and the approval is subject to the following condition of approval: *Parking on the property shall not be restricted to any business and shall be open to all patrons for any business on the property.*

VOTE: The motion was approved unanimously on a voice vote.

Chair Friedman advised that anyone with any questions about this decision should refer them to Dan Esquibel, Current Planning Division.

Ms. Barreras invited the Board and everyone in attendance to come to their restaurant and try the food.

G. STAFF COMMUNICATIONS

Mr. Esquibel wished everyone a safe and Happy Holiday, and a safe and Happy New Year's.

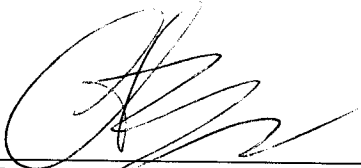
Mr. Esquibel said there is an interesting case coming before this Board in early 2016, which will be a request to bring the School for the Arts to Sanbusco's. He said there may be more cases that might be coming forward at the same time.

H. MATTERS FROM THE BOARD

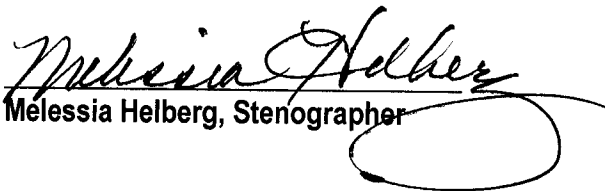
Chair Friedman wished everyone a Happy Holiday, to be safe, stay warm, and said, "I hope 2016 is a wonderful year for everybody."

I. ADJOURNMENT

There was no further business to come before the Board, and the meeting was adjourned at approximately 6:30 p.m.



Gary Friedman, Chair



Melessia Helberg, Stenographer