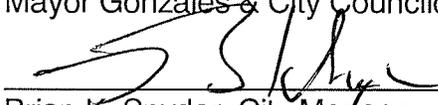


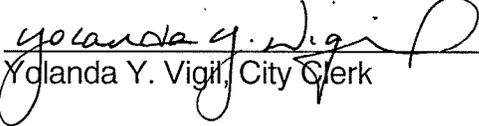
City of Santa Fe, New Mexico

memo

DATE: March 6, 2014

TO: Mayor Gonzales & City Councilors

VIA: 
Brian K. Snyder, City Manager

FROM: 
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a waiver of 300 foot location restriction and if the waiver is granted, consideration of a request for a Restaurant Liquor License (beer and wine on-premise consumption only).

BACKGROUND AND SUMMARY

Palace66, LLC has requested the following:

- 1) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Chez Mamou, 217 E. Palace Avenue, which is within 300 feet of The Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place and the New Mexico School for the Arts, 275 E. Alameda Street.
- 2) If the waiver of the 300 foot location restriction is granted, a request from Palace66, LLC for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Chez Mamou, 217 E. Palace Avenue.

Attached is a letter of no objection from Reverend Adam Lee Ortega y Ortiz, of The Cathedral Basilica of St. Francis of Assisi. The applicant has contacted the New Mexico School for the Arts but has not received a letter stating their position on this request.

Included in your packet are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted that Chez Mamou is required to comply with all of the city's ordinances as a condition of doing business in the city.

ACTION REQUESTED

I request that the Governing Body indicate its decision of the waiver of the 300 foot location restriction and if the waiver is granted, consideration of the issuance of a Restaurant Liquor License (beer & wine on-premise consumption only) to be located at Chez Mamou, 217 E. Palace Avenue.

Attachments: Alcohol & Gaming Division Application
 Letter/ The Cathedral Basilica of Saint Francis of Assisi
 Notice of Public Hearing
 Staff Reports
 §60-6B-10 NMSA 1978



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

February 17, 2014

Certified Mail No.: 7006 3450 0000 3001 2337

City of Santa Fe
Attn: Yolanda Y. Vigil, City Clerk
P.O. Box 909
Santa Fe, NM 87504-0909

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No. /Appl. No.: Appl. No. A-898416
Applicant Name: Palace66, LLC
Doing Business As: Chez Mamou
Proposed Location: 217 E. Palace Avenue
Santa Fe, New Mexico 87501

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

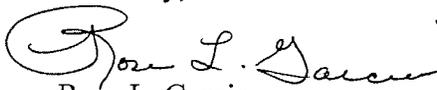
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures: Original Page 1 of Application
Copy of Page 2 of Application
Posting Certificate



2550 Cerrillos Road • Santa Fe, New Mexico 87505 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/akohandgaming

RECEIVED
\$200.00 accl #4179

LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # _____
Application Number 876416
Local option (AGD use) _____



Record Owner of Existing License _____
Current D/B/A Name _____
Current Premises Address _____

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other _____

Issue New License Type of License being applied for Beer and Wine License

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company X

NAME OF APPLICANT (company or individual) Palace66 LLC
ADDRESS (including city, state, zip) 217 E. Palace Avenue, Santa Fe, New Mexico 87501
TELEPHONE NUMBER (505) 216-1845

D/B/A name to be used: Chez Mamou
Phone number for licensed premises: (505) 216-1845

Physical location where license is to be used: 217 E. Palace Avenue, Santa Fe, New Mexico 87501
Mailing address: 217 E. Palace Avenue, Santa Fe, New Mexico 87501
(Include street number / highway number / state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No X If yes, give license number and type _____
I, (print name) Sean Milko, as (title) Managing Member being first duly sworn upon oath
deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that
if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

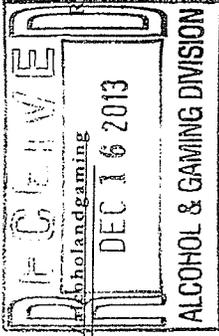
Signature of Applicant [Signature] Date 11/21/20
SEAN MILKO

SUBSCRIBED AND SWORN TO before me this 21st day of November, 2013 by Sean Milko, Managing Member of Palace66 LLC
a Delaware limited liability company
Notary Public [Signature] My Commission Expires 3-11-15
Karl H. Sommer

Local Governing Body of: _____ (City or County) Hearing held on _____ 20 _____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

Approved _____ Disapproved _____ Director Approval _____ Date _____
For Alcohol and Gaming Division Use Only



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Palace Property, LLC

B. Date and term of lease March 1, 2013 thru August 31, 2013

3. Premises location is zoned (example C-1) BCD -- Business Capital District

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises---shortest distance).

Miles/feet 283' Name of church St. Francis Cathedral Address/location of church 131 Cathedral Pl, Santa Fe, NM 87501

5. Distance from nearest school *(Property line of school to licensed premises---shortest distance).

Miles/feet 640' Name of school NM School for Arts & Sciences address/location of school 275 East Alameda, Santa Fe, NM 87501

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Miles 76.2 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

ALCOHOL & GAMING DIVISION
2550 CERRILLOS ROAD
SANTA FE, NEW MEXICO 87505
POSTING CERTIFICATE

DISPENSER (FULL SERVICE) RETAILER (PACKAGE ONLY)
 RESTAURANT (BEER/WINE ONLY) DISPENSER (ON PREMISE ONLY)
 CANOPY (DISPENSER-C) INTER-LOCAL DISPENSER
 OTHER: LOTTERY

LICENSE NUMBER /APPLICATION NUMBER: APPL. NO. A-898416

TRANSFER OF OWNERSHIP & LOCATION TRANSFER OF LOCATION ONLY
 TRANSFER OF OWNERSHIP ONLY NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: PALACE 66, LLC

PROPOSED LOCATION: 217 E. PALACE AVENUE, SANTA FE, NM 87501

PROPOSED BUSINESS NAME CHEZ MANOU

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: SANTA FE
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 1
NAME OF CHURCH IS: Cathedral Basilica of St. Francis
4. DISTANCE FROM NEAREST SCHOOL IS: 1.2
NAME OF SCHOOL IS: SECOND WARD SCHOOL
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 67.1
NAME OF INSTALLATION IS: Kirtland Air Force Base
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
 BUILDING BILLBOARD
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 12-23-13

EXPIRATION DATE: 1-11-14

Olivia Bonfiglio
APPLICANT'S SIGNATURE

David Hoy
S.I.D. SPECIAL AGENT SIGNATURE

Olivia Bonfiglio
PRINTED

DAVID HOY
PRINTED



The Cathedral Basilica of St. Francis of Assisi

P.O. Box 2127, Santa Fe, NM 87504-2127



www.cbsfa.org

February 27, 2014

City of Santa Fe
P. O. Box 909
Santa Fe, New Mexico

Re: Application for Beer and Wine License
217 E. Palace Avenue, Santa Fe, New Mexico
Palace 66, LLC, dba Chez Mamou

Dear Mayor Coss and City Councilors:

Our neighbor, Palace 66, LLC, dba Chez Mamou, has asked our permission to process a Beer & Wine license.

The Cathedral Basilica of St. Francis of Assisi is fine with this application and with them providing alcoholic beverage service for Chez Mamou, even though it is within the boundary limit of the Cathedral Basilica.

Sincerely,

Very Rev. Adam Ortiz y Ortega
Rector



CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, March 12, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this public hearing is to discuss a request from Palace66, LLC for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Chez Mamou, 217 E. Palace Avenue which is within 300 feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place and the New Mexico School for the Arts, 275 E. Alameda Street;
- b) If the waiver of the 300 foot restriction is granted, a request from Palace66, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Chez Mamou, 217 E. Palace Avenue, Santa Fe.

All interested citizens are invited to attend this public hearing.

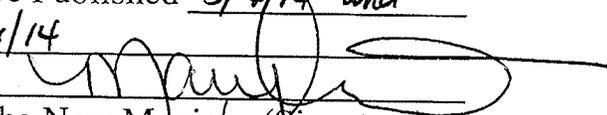

Yolanda Y. Vigil
City Clerk

Received by The New Mexican

Date 2/27/14

To Be Published 3/4/14 and

3/11/14

By 

The New Mexican (Signature)

City of Santa Fe



PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
PUBLIC OFFICE Bldg 505
Santa Fe, NM 87504-0005
Phone: 304-6613 (ext. 44)
914-6627 (fax)

Liquor License Request Supplemental Information

Instructions:

The following information is needed regarding this request. Please type or print clearly.
Complete this form and leave with the City Clerk while picking up the newspaper publication notice.

Thank you.

- Name of owner of business PALACE GG, LLC
Name of business where proposed license is to be used CHEZ MAMOU
Business street address 217 E. PALACE AVENUE SF-NM 87501
Telephone number 505 603-7827
- Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: BEER WINE LICENSE)
 transfer of location of existing license (indicate type: _____)
 transfer of ownership of existing license (location to remain the same)
- Is this an existing business?
 yes
 no
- Does the location where this license will be used currently sell liquor?
 yes
 no

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.
7:00 AM to 10 PM MON SAT 7:00 - 5:00 SUN
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.

6. If this is a new business, indicate the anticipated hours of operation of the business.
~~7:00 AM to 10:00 PM MON-SAT KHS~~
7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.
 ___ Business is expected to increase (number of customers per day _____)
 ___ Business is expected to decrease (number of customers per day _____)
 Business is expected to remain the same
8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.
100 to 200
9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.
1/4 number of customers who drive
3/4 number of customers who walk
10. Has liquor ever been sold at this business site?
 ___ yes
 no
11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.
 Name _____
 Year(s) _____
12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.
 ___ traffic can be expected to increase on adjacent streets if this request is approved
 traffic will not increase on adjacent streets if this request is approved

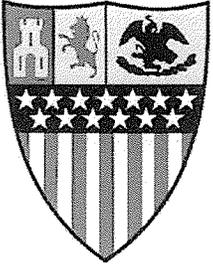
Name of person completing this form KARL W. SOMMER
 Telephone number SDS 989-3800
 Date 2/27/14

(For City Use Only)

Based upon the information provided above, staff has the following comments:

- It does not appear that the approval of this request will create any unacceptable traffic impacts.
 ___ It appears that the approval of this request will create unacceptable traffic impacts (see comments below).
 ___ Other comments _____

By [Signature]
 Title TRAFFIC ENGINEER
 Date 2/27/14



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

DATE: March 6, 2014 for the City Council Meeting of March 12, 2014

TO: Mayor and City Council Members

VIA:


Brian Snyder, City Manager

Matthew O'Reilly, Director, Land Use Department 

FROM:

Antoinette Padilla, Code Enforcement Specialist 

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Palace66, LLC for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Chez Mamou, 217 E. Palace Avenue which is within 300 feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place and the New Mexico School for the Arts, 275 E. Alameda Street;
- b) If the waiver of the 300 foot restriction is granted, a request from Palace66, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Chez Mamou, 217 E. Palace Avenue, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

A substantial change in litter and noise due to this request is not anticipated.

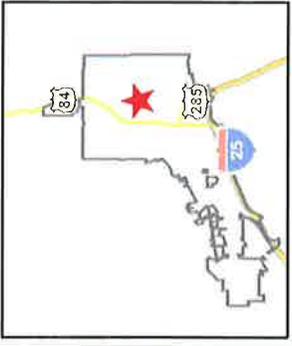


217 E. Palace Avenue



Map center: 1734005, 1705533

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Legend

- City Limits
- + Full Address Labels
- Parcels
- Airport Clear Zones
- Zoning
 - RR Rural Residential
 - R1, (PUD) Single-Family 1dU/ac
 - R2, (DT), (PUD), (AC) Single - Family 2dU/ac
 - R3, (PUD) Single - Family 3dU/ac
 - R4 Single - Family 4dU/ac
 - R5, (DT), (PUD), (AC), R6 Single - Family 5-6dU/ac
 - R7, (I), (PUD), R8 Single - Family 7-8dU/ac
 - RC5, RCSAC Compound 5dU/ac
 - RC3, RCSAC Compound 8dU/ac
 - R10, (PUD) Multiple - Family 10dU/ac
 - R12, (PUD) Multiple - Family 12dU/ac
 - R21, (PUD) Multiple - Family 21dU/ac
 - R29, (PUD),(AC) Multiple - Family 29dU/ac
 - RAC Residential Arts & Crafts
 - MHP Mobile Home Park

Scale: 1:685

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - R-9 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU	Use-Specific Regs 14-6.2
Arts and crafts schools								P	P	P	P	P		P	P		P	P	P	P	P ²	
Dance studios								P	P	P	P			P	P		P	P	P	P	P ²	
Photographers' studios								P	P	P	P			P	P		P	P	P	P	P ²	
Assembly																						
Private clubs and lodges	S	S	S	S	S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P**	P**
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P ²	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P ²	
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S ³	S ³		P			P	P			P	P	P	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S** ³	S ³		P*			P*	P*			P*	P*	P*	P** ²	
Restaurant - full service, with or without incidental alcohol service								S ³	S ³		P			P	P		S	P	P	P	P	



CATEGORY Specific Use	RR	R-1 -	R-7 -	R-9 -	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	SC- 3	MU	Use- Specific Regs 14-6.2	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.									S**3	S**3		P*			P*	P*			P*	P*	P*		P*2		
Restaurant - Fast service/take-out, no drive-through/drive-up									S	P4	P	P	P4		P	P	S		P	P	P		P		
Restaurant - with drive-through/drive-up												P*			P*	P*	S		P*	P*	P*		P*2		
Medical																									
Apothecary shops or pharmacies										P	P	P	P		P	P			P	P	P		P2		
Medical and dental offices or clinics									S	S	P	P	P		P	P	P		P	P	P		P2		
Offices, Business and Professional																									
Business and professional offices excluding medical and dental and financial services									S	S	P	P	P		P	P	P		P	P	P		P2		
Public Accommodation																									
Bed and breakfast houses and inns												P			P	P			P					P	
Conference and extended stay lodging facilities												P			P	P			P						

City of Santa Fe, New Mexico

memo

DATE: March 6, 2014

TO: Mayor David Coss
City Councilors

FROM: Antoinette Padilla, Code Enforcement Specialist *AP*

VIA: Georgia Urioste, Zoning Inspections Supervisor *GCU*

RE: Zoning Verification for 217 E. Palace Avenue

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page H-18 updated January 2010, this property is zoned BCD/EAS, Business-Capitol District/East Marcy-East Palace Subdistrict.

The codes pertaining to the BCD/EAS zone list eating and drinking establishments as permitted uses pursuant to the permitted use table in Section 14-6.1-1 (C), of Chapter 14, 2012 of the Santa Fe City Code (attached). Please understand that other zoning ordinances apply to the occupancy of this building i.e., parking. Compliance with these to be determined upon application of appropriate permits.

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. **It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies.** Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

If you have any questions, please call me at 505-955-6323.

cc: Matthew O'Reilly, Director, Land Use Department
Michael D. Purdy, Inspections & Enforcement Division Director

60-6B-10. Locations near church or school; restrictions on licensing.

No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation.