



# City of Santa Fe, New Mexico

# memo

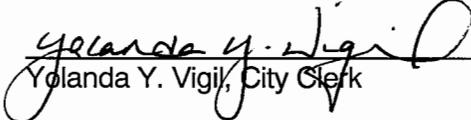
DATE: April 24, 2014

TO: Mayor Gonzales & City Councilors

VIA:

  
Brian K. Snyder, City Manager

FROM:

  
Yolanda Y. Vigil, City Clerk

## ITEM & ISSUE

Request for a Transfer of Ownership and Location of Dispenser (Canopy) License #1363 with On-Premise Consumption Only.

## BACKGROUND AND SUMMARY

Alamowing Santa Fe, LLC. has requested the transfer of ownership and location of Dispenser (Canopy) License #1363 (on-premise consumption only) from City Hall, Inc., dba Rouge Cat, 101 W. Marcy Street, Suite 5, to Alamowing Santa Fe, LLC, dba Buffalo Wild Wings, 3501 Zafarano Drive. This location is not within 300 feet of a church or school.

Buffalo Wild Wings is transferring the liquor license which is currently at the restaurant on Zafarano Drive to the Buffalo Wild Wings in Farmington. The Dispenser (Canopy) License that Buffalo Wild Wings is acquiring from City Hall, Inc. cannot be transferred to any other city (NMSA §60-6B-16(B) 1978). It must remain in Santa Fe, therefore the liquor license currently used at Buffalo Wild Wings in Santa Fe is being transferred to Farmington and the liquor license previously used at Rouge Cat will transfer to Buffalo Wild Wings in Santa Fe.

Attached 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 Buffalo Wild Wings 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 City Council indicate its decision on the transfer of ownership and location of Dispenser (Canopy) License #1363 (on-premise consumption only) from City Hall, Inc., dba Rouge Cat, 101 W. Marcy Street, Suite 5, to Alamowing Santa Fe, LLC, dba Buffalo Wild Wings, 3501 Zafarano Drive.

Attachments: Alcohol & Gaming Division Application  
Notice of Public Hearing  
Staff Reports  
§60-6B-16 NMSA 1978



**New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87505-5101  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

March 17, 2014

**Susana Martinez**  
GOVERNOR

**Robert "Mike" Unthank**  
SUPERINTENDENT

**James C. McKay**  
GENERAL COUNSEL

**Mary Kay Root**  
DIRECTOR

Certified Mail No: 7009 2250 000 9386 7600

City of Santa Fe  
Attn: Yolanda Vigil, Clerk  
PO Box 909  
Santa Fe, NM 87504-0909

Re: Lic. No./App. No. 1363/902112  
Applicant Name: Alamowing Santa Fe, LLC  
Doing Business As: Buffalo Wild Wings  
Proposed Location: 3501 Zafarano Drive, Santa Fe, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. \*(Please review the revised instructions for approval or disapproval below.)

Greetings:

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

Within forty-five days after receipt of a notice of preliminary approval 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; (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 requesting a Transfer of Ownership & Location Liquor License:

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

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.)

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.

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

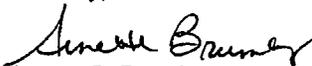
Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. The letter of approval/disapproval and the Page 1 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,

  
Annette R. Brumley  
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application  
Copy of page 2 Premises, Location, Ownership & Description of Premises  
SID Posting Certificate

State Liquor License # 1363

Application Number 902112

Local Option (AGD use) \_\_\_\_\_

*1/17/14  
Annette  
OK*

*R # 1562215  
\$200.00  
CC # 019299*

**STATE OF NEW MEXICO  
REGULATION AND LICENSING  
DEPARTMENT  
ALCOHOL AND GAMING DIVISION**

P.O. BOX 25101 Santa Fe,  
New Mexico 87504-5101  
505-476-4570

**Liquor License Application**  
Non Refundable Application Fee- \$200.00

Record Owner of License City Hall, Inc.

Current D/B/A Name Rouge Cat

Current Premise Address 101 W. Marcy St., Suite 5

Santa Fe, New Mexico

Application is for: (check one) Change in ownership structure of lessee \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer of Ownership of Existing License \_\_\_\_\_

Transfer of Ownership and Location  Transfer Location \_\_\_\_\_ Other \_\_\_\_\_ Issue New License \_\_\_\_\_

Applicant is: Individual \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company

NAME OF APPLICANT (company or individual): ADDRESS (INCLUDING CITY, STATE, ZIP) TELEPHONE NUMBER

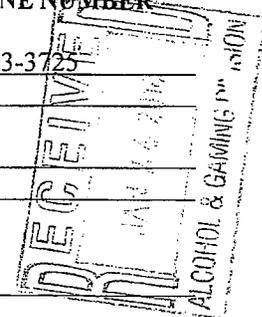
Alamowing Santa Fe, LLC 120 Chula Vista, San Antonio, Texas 78232 210-403-3725

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: Buffalo Wild Wings Phone Number for licensed premises 505-471-3353

Physical Address Where License is to be used: 3501 Zafarano Drive, Santa Fe, New Mexico 87507  
(Street No./Highway No./State Road/City/County)

Mailing Address: 120 Chula Vista, San Antonio, Texas 78232  
(Street No./P.O. Box/City/State/Zip)



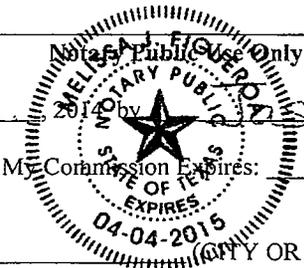
Are alcoholic beverages currently being dispensed at the proposed location?  Yes  If yes, give license number 2536

Jason Kemp as (title) Manager 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 thereof and that all statements 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 said license or may cause such license to be revoked at any time.

Signature of Applicant(s) [Signature] Date 1/17/2014

SUBSCRIBED AND SWORN TO before me this 17 day of Jan, 2014 by Jason Kemp (Name of Person(s) Signing Above)

NOTARY PUBLIC: [Signature] My Commission Expires: 4/4/2015

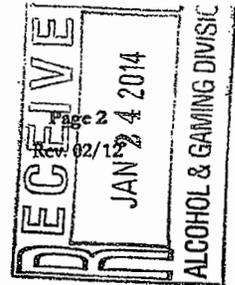


Local Governing Body of: \_\_\_\_\_ (CITY OR COUNTY) Hearing Held on: \_\_\_\_\_

PLEASE CHECK ONE:  APPROVED  DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): \_\_\_\_\_

AGD Use Only

APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ DIRECTOR APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_



COPY

**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) RPAI Santa Fe, LLC

B. Date and term of lease September 28, 2012 for 10 years

3. Premises location is zoned (example C-1) C-2

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 1,200 Name of church Everyday Center for Spiritual Living Address/location of church 1380 Vegas Verdes, Santa Fe, NM

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

Miles/feet 2,000 Name of school Childrens school Address/location of school 4008 Rodeo Rd.

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

Miles 60 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).

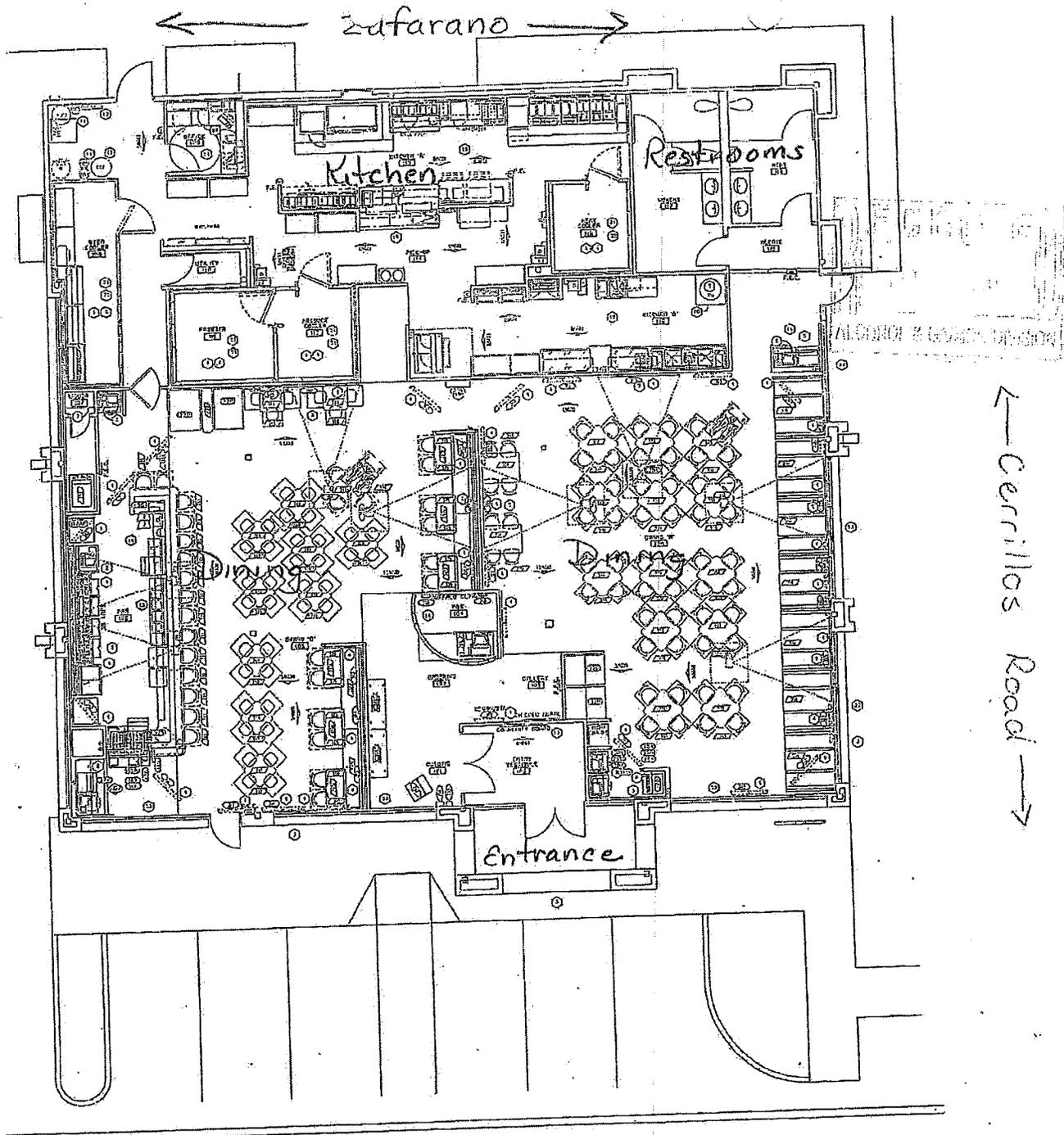
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total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





Buffalo Wild Wings  
 3501 Zafarano Drive  
 Santa Fe, New Mexico 87507  
 Liquor License No. 2536  
 5,845 sq. ft.  
 Totally Unrestricted

FLOOR PLAN APPROVAL  
 BY Don L. Davis - AGD  
 Date 3/11/13

W  
 S - 1 - N  
 E

RECEIVED  
 JAN 8 4 2014  
 ALCOHOL & GAMING DIVISION

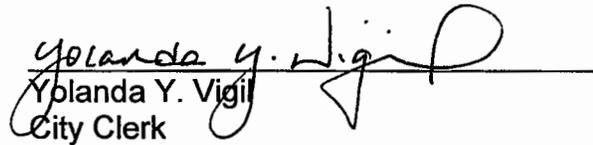
CITY OF SANTA FE

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, April 30, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Alamowing Santa Fe, LLC for a Transfer of Ownership and Location of Dispenser License #1363 from City Hall, Inc., dba Rouge Cat, 101 W. Marcy Street, Suite 5, Santa Fe to Alamowing Santa Fe, LLC, dba Buffalo Wild Wings, 3501 Zafarano Drive, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican on

Date 04/11/14

To Be Published On 04/15/14

and 04/22/14

By Cindy Turner

The New Mexican (Signature)

# City of Santa Fe



PUBLIC WORKS DEPARTMENT  
TRAFFIC DIVISION  
1700 NORTH CORK BOB  
SANTA FE, NEW MEXICO 87505  
PHONE: 313-6111 (TOLL FREE)  
313-4127 (CITY)

## 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.

1. Name of owner of business Alamawing, Santa Fe, LLC  
Name of business where proposed license is to be used Buffalo Wild Wings  
Business street address 3501 Zafarano Drive  
Telephone number 471-3353
2. Indicate the type of liquor license this request entails.  
 issuance of new license (indicate type: \_\_\_\_\_)  
 transfer of location of existing license (indicate type: Dispenser)  
 transfer of ownership of existing license (location to remain the same)
3. Is this an existing business?  
 yes  
 no
4. 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.  
11:00 a.m. - Midnigh Mon-Thurs. 11:00am - 2:00 a.m. Fri.- Sat.  
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.  
No 11:00-10:00 p.m. Sun.
6. If this is a new business, indicate the anticipated hours of operation of the business.  
 \_\_\_\_\_
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.  
 \_\_\_\_\_
9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.  
200 number of customers who drive  
0 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 Buffalo Wild Wings  
 Year(s) 1
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

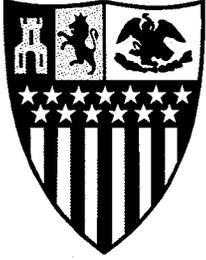
Name of person completing this form: Linda L. Aikin  
 Telephone number 505-982-6224  
 Date 4-10-14

(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 4/15/14



# City of Santa Fe, New Mexico

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

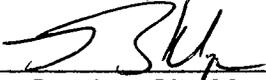
*Javier M. Gonzales, Mayor*

**Councilors:**

- Patti J. Bushee, Dist. 1
- Signe I. Lindell, Dist. 1
- Peter N. Ives, Dist. 2
- Joseph M. Maestas, Dist. 2
- Carmichael A. Dominguez, Dist. 3
- Christopher M. Rivera, Dist. 3
- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

**DATE:** April 14, 2014 for the City Council Meeting of April 30, 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 Alamowing Santa Fe, LLC for a Transfer of Ownership and Location of Dispenser License #1363 from City Hall, Inc., dba Rouge Cat, 101 W. Marcy Street, Suite 5, Santa Fe to Alamowing Santa Fe, LLC, dba Buffalo Wild Wings, 3501 Zafarano Drive, Santa Fe, New Mexico.

**BACKGROUND AND SUMMARY**

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

# City of Santa Fe, New Mexico

# memo

DATE: April 14, 2014

TO: Mayor Javier Gonzales  
City Councilors

FROM: Antoinette Padilla, Code Enforcement Specialist 

VIA: Georgia Urioste, Zoning Inspections Supervisor 

RE: Zoning Verification for 3501 Zafarano Drive

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page L-15 updated January 2010, this property is zoned C-2, General Commercial.

The codes pertaining to the C-2 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



CATEGORY Specific Use	RR	R-1 - R-6	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	MU	Use- Specific Regs 14-6.2
Arts and crafts schools								P	P	P	P	P		P	P		P	P	P	P	P <sup>2</sup>	
Dance studios								P	P	P	P			P	P		P	P	P	P	P <sup>2</sup>	
Photographers' studios								P	P	P	P			P	P		P	P	P	P	P <sup>2</sup>	
Assembly																						
Private clubs and lodges	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P* <sup>2</sup>	
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P <sup>2</sup>	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P <sup>2</sup>	
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S <sup>3</sup>	S <sup>3</sup>		P			P	P				P	P	P	P <sup>2</sup>
Bar, cocktail lounge, nightclub, with outdoor entertainment								S* <sup>3</sup>	S <sup>3</sup>		P*			P*	P*				P*	P*	P*	P* <sup>2</sup>
Restaurant - full service, with or without incidental alcohol service								S <sup>3</sup>	S <sup>3</sup>		P			P	P		S	P	P	P	P	

CATEGORY Specific Use	RR	R-1 - R-6	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	MU	Use- Specific Regs 14-6.2
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S* <sup>3</sup>	S* <sup>3</sup>		P*			P*	P*			P*	P*	P*	P* <sup>2</sup>	
Restaurant - Fast service/take-out, no drive-through/drive-up								S		P <sup>4</sup>	P	P <sup>4</sup>		P	P		S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*			P*	P*		S	P*	P*	P*	P* <sup>2</sup>	
<b>Medical</b>																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P <sup>2</sup>	
Medical and dental offices or clinics								S	S	P	P	P	P	P	P		P	P	P	P	P <sup>2</sup>	
<b>Offices, Business and Professional</b>																						
Business and professional offices excluding medical and dental and financial services								S	S	P	P	P	P	P	P		P	P	P	P	P <sup>2</sup>	
<b>Public Accommodation</b>																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					

**60-6B-16. Special provisions for replacement of canopy licenses; transfer tax.**

A. On July 1, 1988, notwithstanding the provisions of Section 60-6A-18 NMSA 1978, each canopy license, upon the payment to the department of a one-time transfer tax of five thousand dollars (\$5,000) and the applicable annual license renewal fee, shall become a dispenser's license.

B. The location of a dispenser's license issued pursuant to this section may only be transferred within the local option district in which the replaced canopy license was located on January 1, 1988 subject to the requirements of Sections 60-6B-2 and 60-6B-4 NMSA 1978 and the limitations set forth in Subsection E of this section. After a transfer of location as provided in this subsection, the license shall be operated by the person who transfers the location of the license for a period of at least one year from the date of approval of the transfer by the department.

C. Ownership of a dispenser's license issued pursuant to this section may be transferred in the same manner as provided for the transfer of ownership of dispenser's licenses issued under any former act to the Liquor Control Act [60-3A-1 NMSA 1978] subject to the requirements of Sections 60-6B-2 and 60-6B-4 NMSA 1978 and the limitations set forth in Subsection E of this section. After a transfer of ownership as provided in this subsection, the location of the license shall not be transferred for a period of at least one year from the date of approval of the transfer of ownership by the department.

D. A dispenser's license issued pursuant to this section may be leased in the same manner as provided for the lease of dispenser's licenses issued under any former act to the Liquor Control Act subject to approval of the department and the limitations set forth in Subsection E of this section.

E. If the location of a canopy license or a dispenser's license issued pursuant to this section is transferred prior to June 30, 1995 by a person who applies to the department to acquire ownership of the license after January 1, 1988 or if the location of a canopy license or a dispenser's license issued pursuant to this section is transferred prior to June 30, 1995 pursuant to a lease agreement entered into after January 1, 1988, the license shall only entitle the licensee or his lessee to sell, serve or permit the consumption of alcoholic beverages by the drink on the licensed premises. Sale of alcoholic beverages in unbroken packages for consumption off the licensed premises shall not be permitted after a transfer described in this subsection.

F. Any canopy license for which the transfer tax imposed by this section is not paid to the department by August 31, 1988 shall be subject to cancellation by the director as provided in Section 60-6B-5 NMSA 1978.

G. The department shall deposit all transfer taxes collected as provided in this section in the general fund.

**History:** 1978 Comp., § 60-6B-16, enacted by Laws 1988, ch. 12, § 4.