

City of Santa Fe, New Mexico

memo

DATE: May 8, 2014

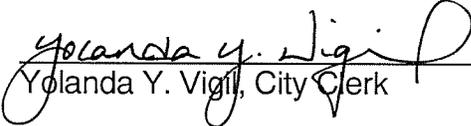
TO: Mayor Gonzales & City Councilors

VIA:



Brian K. Snyder, City Manager

FROM:



Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Restaurant Liquor License (beer and wine on-premise consumption only).

BACKGROUND AND SUMMARY

Independent Hotels, LLC has requested the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Hyatt Place, 4320 Cerrillos Road.

There is an existing Restaurant Liquor License at this location however, the business has changed ownership. Restaurant Licenses are non-transferable therefore a new application is required.

This location is not within 300 feet of a church or school. 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 Hyatt Place 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 on the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Hyatt Place, 4320 Cerrillos Road.

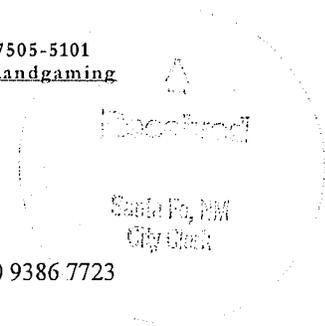
Attachments: Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports



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

April 10, 2014



Certified Mail No: 7009 2250 0000 9386 7723

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

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

Re: Lic. No./App. No. 905092
Applicant Name: Independent Hotels, LLC
Doing Business As: Hyatt Place
Proposed Location: 4320 Cerrillos Rd., 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 Restaurant 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.)

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

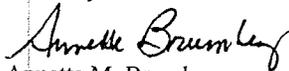
The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

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,

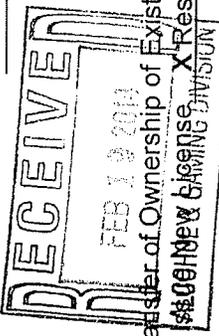


Annette M. Brumley
Hearing Officer

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

State Liquor License # _____ Record Owner of License _____
 Application Number 905097 Current D/B/A Name _____
 Local Option (AGD use) _____ Current Premise Address _____
 Santa Fe, New Mexico 87504-5101
 505-476-4570

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



Liquor License Application
 Non Refundable Application Fee- \$200.00

Application is for: (check one) Change of Structure _____
 Transfer of Ownership and Location _____
 Change of Officers/Directors _____
 Transfer of Ownership of Existing License _____
 Other _____
 Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual): Independent Hotels LLC ADDRESS (INCLUDING CITY, STATE, ZIP) 915 17th Street, Modesto, CA 95354 TELEPHONE NUMBER (209) 523 8331
 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: Hyatt Place Phone Number for licensed premises 505-474-7777
 Physical Address Where License is to be used 4320 Cerrillos Road, Santa Fe, New Mexico 87507

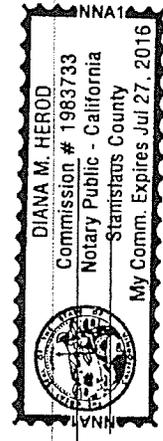
Mailing Address: 915 17th Street, Modesto, CA 95354
 (Street No./Highway No./State Road/City/County)
 (Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ If yes, give license number 30573

I, Mark Burden, as (title) President/CEO 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 1/16/13
 Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 16th day of Jan, 2013 by Mark Burden (Name of Person(s) Signing Above)
 NOTARY PUBLIC: Diana M Herod My Commission Expires: 7/27/16



Local Governing Body of: _____ (CITY OR COUNTY) Hearing Held on: _____
 PLEASE CHECK ONE: ~ APPROVED ~ DISAPPROVED ~ DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): _____

AGD Use Only

APPROVED _____ DIRECTOR APPROVAL _____ DATE _____

PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES

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

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

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

A. Owner(s) CLMG Corp.

3. Date and Term of Lease February 13, 2014 for one year then month to month

4. Attach a hand drawn map, zoning map, or other map, showing the location of the proposed premises, and the main adjacent streets, roads or highways, in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

5. Premise location is zoned (example C-1) C-2/PUD

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

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

Miles, Feet 1500feet Name of Church Gospel Life Community Church Address-Location of Church 2520 Camino Entrada # A, Santa Fe, New Mexico

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

Miles, Feet 4000 feet Name of School Monte Del Sol Charter School Address-Location of School 4157 Walking Rain Road, Santa Fe, New Mexico

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

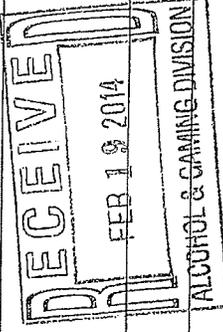
Miles 60 Miles Name of Military Installation Kirtland Air Force Base

10. 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 premise. 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.

Type of Operation:

Bar Restaurant Package Racetrack Hotel Other (Please specify) _____





ALCOHOL & GAMING DIVISION
2550 CERRILLOS ROAD 87505
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

POSTING CERTIFICATE
(ISSUANCE OF NEW LIQUOR LICENSES)

RESTAURANT (BEER/WINE ONLY) WHOLESALER: _____
 MASTER WINEGROWER WINEGROWER OFF-SITE: 1 2 3 (Circle)
 MASTER SMALL BREWER SMALL BREWER OFF-SITE: 1 2 (Circle)
 OTHER: _____

APPLICATION NUMBER: A-905092

APPLICANT NAME: INDEPENDENT HOTELS, LLC

PROPOSED NAME: HYATT PLACE

PROPOSED LOCATION: 4320 CERRILLOS RD., SANTA FE, NM

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 APPROXIMATELY: .2 miles
NAME OF CHURCH IS: Gospel Life Community Church
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: .8 miles
NAME OF SCHOOL IS: Monte del Sol Charter School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: 59.2 miles

MILES

NAME OF INSTALLATION IS: KIRTLAND AIR FORCE BASE (ALBUQUERQUE)
 WHITE SANDS MISSILE RANGE (LAS CRUCES)
 HOLLOMAN AIR FORCE BASE (ALAMOGORDO)
 CANNON AIR FORCE BASE (CLOVIS)

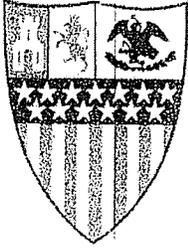
NOTICE POSTED ON: BUILDING BILLBOARD OTHER: _____

DATE POSTED: 03-14-14

EXPIRATION DATE: 4-2-14

Diane Beasley
APPLICANT'S SIGNATURE

Dan O'H
S.I.D. SPECIAL AGENT



City of Santa Fe, New Mexico

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

www.santafenm.gov

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

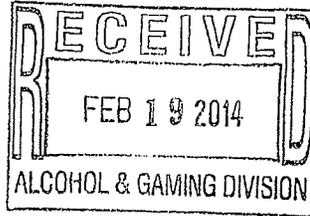
Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Linda L. Aikin, Esq.
530 B Harkle Road
Santa Fe, New Mexico 87505



February 7, 2014

RE: Zoning District Verification for Hyatt Place Santa Fe, 4320 Cerrillos Road

Ms. Aikin:

In reply to your request, this is to inform you that according to The Official Zoning Map the above referenced property is zoned **C-2/PUD, General Commercial District/Planned Unit Development**.

The code pertaining to this zone lists Eating and Drinking Establishments as permitted principal uses pursuant to Section 14-6.1, Santa Fe City Code 1987. This use may be permitted subject to compliance with all applicable codes pertaining to the zone as determined at the time of Certificate of Occupancy or building permit application, whichever applies.

NOTE: The information provided in this letter is solely derived from the Official Zoning Map and minimum requirements as set forth in Chapter 14, SFCC 1987. It is not the intent of this letter to state that the subject property complies with zoning; rather, it is intended to advise of the ordinances pertaining to the zone district. 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 time of any public hearing, building permit, or Certificate of Occupancy. Applicants are advised to pursue an independent search of official documents to verify official land use designation and applicable codes.

Please feel free to call me at (505) 955-6325 if you have any questions.

Sincerely yours,

Donna Wynant
Senior Planner

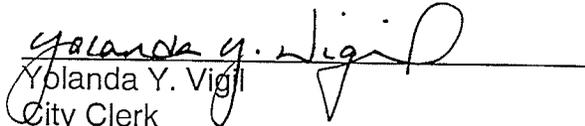
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

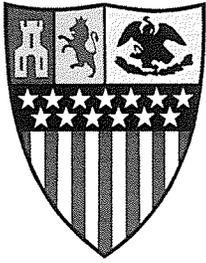
Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, May 14, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Independent Hotels, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Hyatt Place, 4320 Cerrillos Road, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date 4/29/14
To Be Published 5/2/14
and 5/14/14
By [Signature]
The New Mexican (Signature)



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: May 9, 2014 for the City Council Meeting of May 14, 2014

TO: Mayor and City Council Members

VIA:

Brian Snyder, City Manager
Matthew O'Reilly, Director, Land Use Department *MSO*

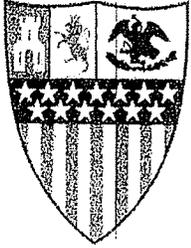
FROM: Antoinette Padilla, Code Enforcement Specialist *A.P.*

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Independent Hotels, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Hyatt Place, 4320 Cerrillos Road, 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

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

David Coss, Mayor

Councilors:

Rebecca Wurzburger, Mayor Pro Tem, List 2

Patti J. Bushee, List 1

Chris Calvert, List 1

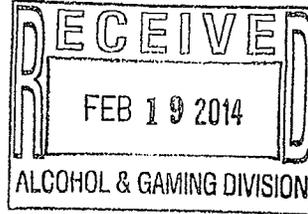
Peter N. Ives, List 2

Carmichael A. Dominguez, List 3

Christopher M. Rivera, List 3

Bill Dimas, List 4

Ronald S. Trujillo, List 4



Linda L. Aikin, Esq.
530 B Harkle Road
Santa Fe, New Mexico 87505

February 7, 2014

RE: Zoning District Verification for Hyatt Place Santa Fe, 4320 Cerrillos Road

Ms. Aikin:

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The code pertaining to this zone lists Eating and Drinking Establishments as permitted principal uses pursuant to Section 14-6.1, Santa Fe City Code 1987. This use may be permitted subject to compliance with all applicable codes pertaining to the zone **as determined at the time of Certificate of Occupancy or building permit application**, whichever applies.

NOTE: The information provided in this letter is solely derived from the Official Zoning Map and minimum requirements as set forth in Chapter 14, SFCC 1987. It is not the intent of this letter to state that the subject property complies with zoning; rather, it is intended to advise of the ordinances pertaining to the zone district. 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 time of any public hearing, building permit, or Certificate of Occupancy. Applicants are advised to pursue an independent search of official documents to verify official land use designation and applicable codes.

Please feel free to call me at (505) 955-6325 if you have any questions.

Sincerely yours,

Donna Wynant
Senior Planner

City of Santa Fe



PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
Post Office Box 909
Santa Fe, NM 87504-0909
Phone: 984-6519 (voice)
984-5677 (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.

1. Name of owner of business Independent Hotels, LLC
Name of business where proposed license is to be used Hyatt Place
Business street address 4320 Cerrillos Rd., Santa Fe, NM 87507
Telephone number 505-474-7777
2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: Restaurant Beer & Wine)
 transfer of location of existing license (indicate type: _____)
 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

(cont.)

1 of 2

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.
24 hours a day. Liquor Sales Mon-Sat. 7am-11p.m Sun. 11am-11p.m.
 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. 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.
0 number of customers who drive
150 number of customers who walk all are guests at the hotel
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 Hyatt Place
 Year(s) 2010 to present
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 4/29/14

(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 5/9/14

4320 Cerrillos Road



Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River
- 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, (PUD), R8 Single - Family 7-8du/ac
- RC5, RCSAC Compound 5du/ac
- RC8, 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

Scale: 1:1,087



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.

