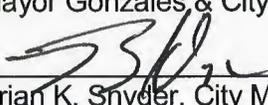


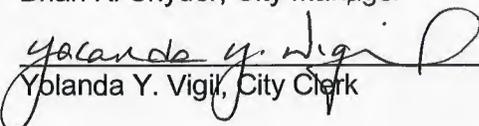
City of Santa Fe, New Mexico

memo

DATE: September 17, 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 of Inter-Local Dispenser License #2620 with On-Premise Consumption Only.

BACKGROUND AND SUMMARY

Red Lobster Restaurants, LLC has requested the transfer of ownership of Inter-Local Dispenser License #2620, with on-premise consumption only, from GMRI, Inc. to Red Lobster Restaurants, LLC. This license will remain at Red Lobster #478, 4450 Rodeo Road. This location is not within 300 feet of a church or school.

As a condition of approval, the applicant is required to receive approval of an active building permit and issuance of a new business license and certificate of occupancy.

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 Red Lobster #478 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 of Inter-Local Dispenser License #2620, with on-premise consumption only, from GMRI, Inc. to Red Lobster Restaurants, LLC. This license will remain at Red Lobster #478, 4450 Rodeo 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 • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

August 19, 2014

Certified Mail No.: 7009 2250 0000 9386 8553

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



Re: Lic. No. /Appl. No.: Lic. No. 2620 / Appl. No. 913268
Applicant Name: Red Lobster Restaurants, LLC
Doing Business As: Red Lobster #0478
Proposed Location: 4450 Rodeo Road
Santa Fe, New Mexico 87507

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 TRANSFER OF OWNERSHIP OF LIQUOR LICENSE NO. 2620 WITH ON PREMISE CONSUMPTION ONLY.

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

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

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Page 2 of 2



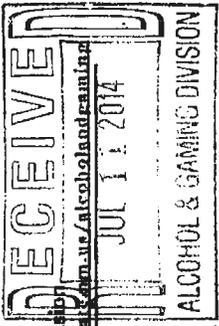
New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
PO Box 25101 - Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

AMENDED

LIQUOR LICENSE APPLICATION

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

State Liquor License # 2620
Application Number _____
Local option (AGD use) _____
Record Owner of Existing License GMRI, Inc.
Current D/B/A Name Red Lobster #478
Current Premises Address 4450 Rodeo Road, Santa Fe, NM 87507



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

NAME OF APPLICANT (company or individual) Red Lobster Restaurants, LLC
ADDRESS (including city, state, zip) 1000 Darden Center Drive, Orlando, FL 32837
TELEPHONE NUMBER (407) 245-4711
COPY TO: Mark Rhodes, Esq. 1801 Lomas Blvd NW, Albuquerque, NM 87104
PHONE NUMBER (505) 247-0328

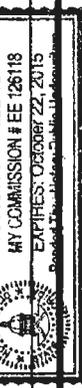
D/B/A name to be used: Red Lobster #478 Phone number for licensed premises: (505) 473-1610

Physical location where license is to be used: 4450 Rodeo Road, Santa Fe, Santa Fe County, New Mexico 87507
(include street number / highway number / state road, city and county, state, and zip code)
Mailing address: PO Box 695016, Orlando, Florida 32837

Are alcoholic beverages currently being dispensed at the proposed location? Yes No _____ If yes, give license number and type Inter Local Dispenser License 2620
I, (print name) Horace Greeley Dawson, III, as (title) Manager, VP & Secretary 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 open in the presence of a notary public
Signature of Applicant: [Signature] Date 7/3/14

SUBSCRIBED AND SWORN TO before me this 3rd day of July, 2014 Notary Public Use Only



Notary Public: Joyce A. Pantelemon My Commission Expires _____

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

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) _____

B. Date and term of lease _____

3. Premises location is zoned (example C-1) SC-3
 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 0.1 Mile Name of church Church of God Address/location of church 4250 Cerrillos Road, Santa Fe, NM 87507

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
 Miles/feet 1.1 Miles Name of school Ortiz Middle School Address/location of school 4164 S. Meadows Road, Santa Fe, NM 87507

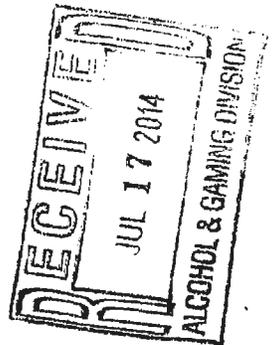
6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance).
 Miles 45+ Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air 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) _____





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

June 16, 2014

Kyla Stoker
New Mexico Liquor Licenses, LLC
1801 Lomas Blvd NW
Albuquerque, NM 87104

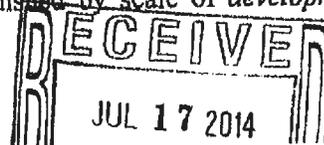
RE: Zoning Verification for:
4450 Rodeo Road
Santa Fe NM 87501
DBA Name: Red Lobster #0478

Dear Ms. Kyla Stoker,

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page M-14, this property is zoned SC-3 (Planned Shopping Center District).

14-4.3(K) SC Planned Shopping Center Districts

- Purpose
 - (a) The purpose of the SC districts is to provide new neighborhood, community and regional shopping centers. The SC-1, SC-2 and SC-3 districts are intended for a unified grouping, in one or more *buildings*, of *retail establishments*, stores and services that provide for the regular needs and convenience of families residing in the adjacent *residential* neighborhoods or in the larger community.
 - (b) The purpose of the SC districts also is to allow uses and *structures* customarily *accessory* and clearly incidental and subordinate to the permitted *principal* uses and *structures* as stated and restricted in Subsection 14-4.3(K)(1)(a); provided that the *accessory* uses and *structures* are in keeping with the character of the district.
 - (c) The further purpose of the SC districts is that the three types of SC districts are defined and distinguished by *scale of development*,



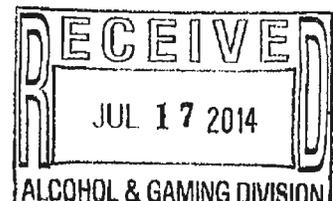
using trade area, market and number and variety of *retail establishments* to determine whether the district should be zoned SC-1, SC-2 or SC-3 as follows:

- (i) SC-1 neighborhood shopping center district: 1) radius of trade area is approximately one to one and one-half miles; 2) minimum market is approximately one thousand families; and 3) composition of center is five to ten *retail establishments*, the major store is usually a supermarket or *pharmacy*; other *retail establishments* include those offering convenience goods and personal services, not including auto repair, *filling stations* or *residential* uses;
- (ii) SC-2 community shopping center district: 1) radius of trade area is approximately four miles or more; 2) minimum market is approximately five thousand families; and 3) composition of center is ten or more *retail establishments*; the major *retail establishment* is usually a variety or department store, in addition to convenience goods and personal services as in SC-1. Other *retail establishments* may include *filling stations*, department stores, discount stores, furniture stores and other stores and services that provide for the regular needs of families residing in the adjacent *residential* neighborhoods or in the larger community; and
- (iii) SC-3 regional shopping center district: 1) radius of trade area is approximately one hour drive by automobile; 2) minimum market is approximately one hundred fifty thousand people; and 3) composition of center is one or more full-time department stores with eighty thousand to one hundred thousand square feet of gross leasable area each and *retail establishments* providing convenience goods and personal services.

- Restaurants are permitted- full service, with incidental alcohol service within a SC-3 Planned Shopping district.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses).

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.

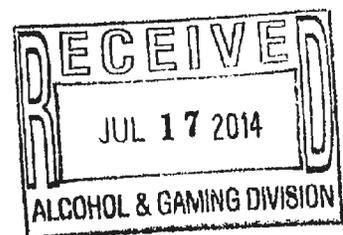


If you have any questions, please call me at 505-955-6325.

Sincerely,



Donna J. Wynant, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
djwynant@santafenm.gov



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

DISPENSER (FULL SERVICE)
 RESTAURANT (BEER/WINE ONLY)
 CANOPY (DISPENSER-C)
 OTHER:

RETAILER (PACKAGE ONLY)
 DISPENSER (ON PREMISE ONLY)
 INTER-LOCAL DISPENSER
 LOTTERY

LICENSE NUMBER /APPLICATION NUMBER:

LICENSE NO. 2620 /APPL. NO. A-913268

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: GMRI, INC.
CURRENT LOCATION: 4450 RODEO ROAD, SANTA FE, NM 87507
TRANSFERRED TO:/APPLICANT: RED LOBSTER RESTAURANTS LLC
PROPOSED LOCATION: 4450 RODEO ROAD, SANTA FE, NM 87507
PROPOSED BUSINESS NAME RED LOBSTER #0478

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: 0.1 mile 528 FEET
NAME OF CHURCH IS: Iglesia De-Dios Church of God
4. DISTANCE FROM NEAREST SCHOOL IS: 0.2 mil 1056 Feet
NAME OF SCHOOL IS: Children's School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 0.1. 9 miles
NAME OF INSTALLATION IS Kirkland AFD
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: 5/27/14

EXPIRATION DATE: 6/14/14

David Mora
APPLICANT'S SIGNATURE

W. Nassour
S.I.D. SPECIAL AGENT SIGNATURE

David Mora
PRINTED

NASSOUR
PRINTED

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 Tuesday, September 23, 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 Red Lobster Restaurants, LLC for a transfer of ownership of Inter-Local Dispenser License #2620, with on premise consumption only, from GMRI, Inc. to Red Lobster Restaurants, LLC. This license will remain at Red Lobster #478, 4450 Rodeo Road, Santa Fe.

All interested citizens are invited to attend this public hearing.

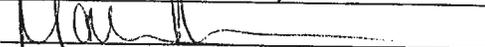

Yolanda Y. Vigil
City Clerk

Received by The New Mexican on

Date 9-9-14

To Be Published On _____

9-12-14 and 9-19-14

By 

The New Mexican (Signature)

City of Santa Fe



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 Red Lobster Restaurants, LLC
Name of business where proposed license is to be used _____
Business street address 4450 Rodeo Rd, Santa Fe, NM 87507
Telephone number (505) 473-1610

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 License No. 2620)
 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.
11am to 11pm
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.
N/A
6. If this is a new business, indicate the anticipated hours of operation of the business.
N/A
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.
N/A
9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.
1000 number of customers who drive
20 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 Red Lobster Restaurant
 Year(s) > 10 years
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 Mark M. Rhodes *Mark Rhodes*
 Telephone number (505) 247-0328
 Date 9/11/14

(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 9/17/17

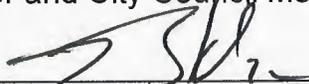
City of Santa Fe, New Mexico

memo

DATE: September 18, 2014 for the City Council Meeting of September 23, 2014

TO: Mayor and City Council Members

VIA:



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

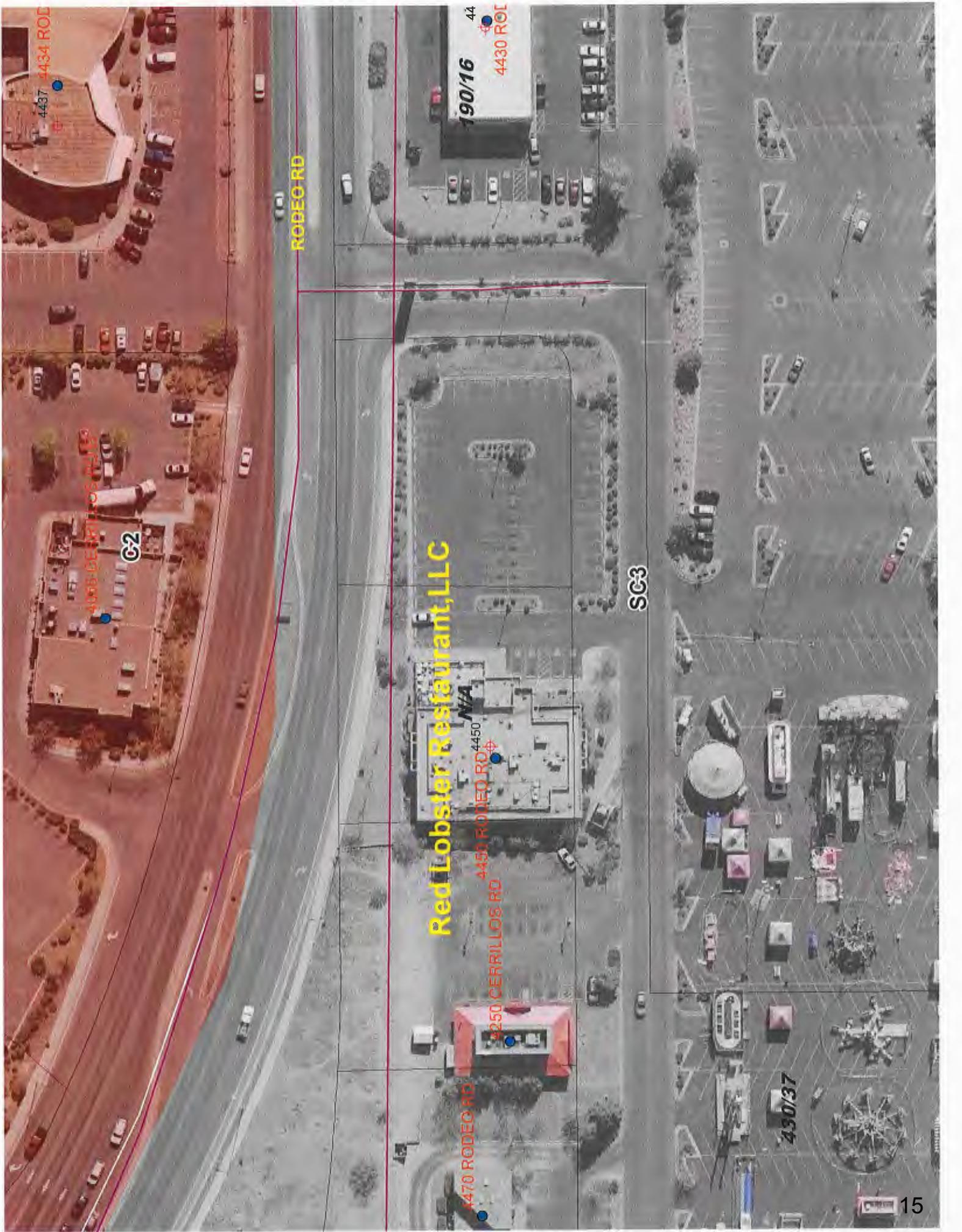
FROM: James G. Martinez, Code Enforcement Specialist *JGM*

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Red Lobster Restaurant, LLC for a Transfer Ownership of Existing License (With On-Premise Consumption Only) to be located at Red Lobster #478, 4450 Rodeo Road, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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



4437 4434 ROI

190/16 44 4430 ROI

RODEO RD

Red Lobster Restaurant, LLC

4450 RODEO RD

4250 CERRILLOS RD

C2

SC-3

430/37