

City of Santa Fe, New Mexico

memo

DATE: April 24, 2014

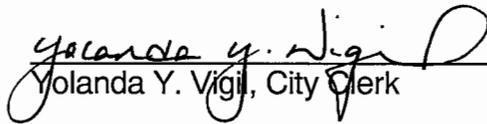
TO: Mayor Gonzales & City Councilors

VIA:



Brian K. Snyder, City Manager

FROM:



Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

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

BACKGROUND AND SUMMARY

Valentina's Restaurant, LLC. has requested the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Valentina's Restaurant, 945 W. Alameda.

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 Valentina's Restaurant 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 Valentina's Restaurant, 945 W. Alameda.

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

March 17, 2014

Susana Martinez
GOVERNOR

Certified Mail No: 7009 2250 000 9386 7648

Robert "Mike" Unthank
SUPERINTENDENT

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

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No./App. No. 901860
Applicant Name: Valentina's Restaurant, LLC
Doing Business As: Valentina's Restaurant
Proposed Location: 945 W. Alameda, 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

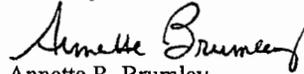
The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval.

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 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

1/22/14
Anabel Ornelas

AWB

R#1561071
\$350.00
CL#1241



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

Page 1
Rev. 08/13

LIQUOR LICENSE APPLICATION

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

State Liquor License # _____
Application Number 901860
Local option (AGD use) _____
Record Owner of Existing License _____
Current D/B/A Name Valentina's Restaurant
Current Premises Address 945 W. Alameda St. SF NM 87505

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) Valentina's Restaurant LLC ADDRESS (including city, state, zip) 945 W Alameda St SF NM 87505 TELEPHONE NUMBER 505.988.7165

D/B/A name to be used: Valentina's Restaurant Phone number for licensed premises: _____

Physical location where license is to be used: 945 W. Alameda St Santa Fe NM 87505
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 945 W. Alameda St SF NM 87505

Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No If yes, give license number and type _____

I, (print name) Pedro Abaytes, as (title) owner 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 _____ Date _____

SUBSCRIBED AND SWORN TO before me this 14th day of November, 2013 by Pedro Abaytes

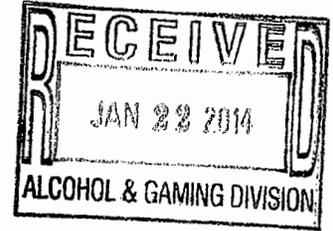
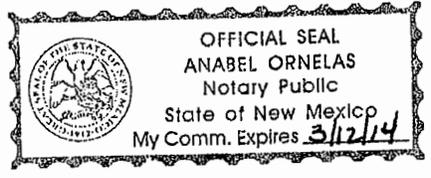
Notary Public Anabel Ornelas My Commission Expires 3/12/2014

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

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

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



COPY



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
55-60-6B-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) Solana Center, LLC

B. Date and term of lease SEI (Planned Shopping Center)

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

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 0.4 m Name of church Iglesia el buen pastor Address/location of church 1850 W. Alameda St, SFNM

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

Miles/feet 0.2 Name of school Gonzales School Address/location of school 851 W. Alameda, SFNM

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

Miles 0.267 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).

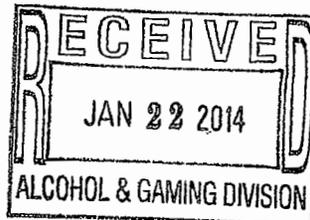
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total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

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.



COPY

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-901860

APPLICANT NAME: VALENTINA'S RESTAURANT, LLC

PROPOSED NAME: VALENTINA'S RESTAURANT

PROPOSED LOCATION: 945 W. ALAMEDA, 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: .05 mile
NAME OF CHURCH IS: Saint Anne Parish
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: .02 mile
NAME OF SCHOOL IS: Dragonfly School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: 6.3 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: 23 January 2014

EXPIRATION DATE: 11 February 2014

APPLICANT'S SIGNATURE

S.I.D. SPECIAL AGENT

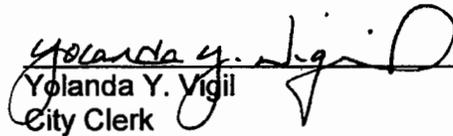
CITY OF SANTA FE

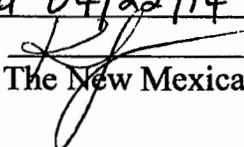
NOTICE OF PUBLIC HEARING

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 Valentina's Restaurant, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Valentina's Restaurant, 945 W. Alameda, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date 04/11/14
To Be Published 04/15/14
and 04/22/14
By 
The New Mexican (Signature)

City of Santa Fe



PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
PO BOX 600000
SANTA FE, NM 87500-0000
PHONE: 505-461-2000
505-461-7777 (TAX)

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 Pedro ABOYTES P.
Name of business where proposed license is to be used VALENTINAS RESTAURANT
Business street address 945 W. ACAMEDA
Telephone number (505) 988-7165
2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: RESTAURANT LICENCE,)
 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

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.

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.

Am 7:00 9:00 Pm

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

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.

5070 number of customers who drive

5070 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: PEDRO ARROY TES BAILON

Telephone number: (505) 795-6846

Date: 04/11/14

(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.

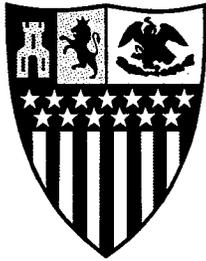
It appears that the approval of this request will create unacceptable traffic impacts (see comments below).

Other comments _____

By: [Signature]

Title: TRAFFIC ENGINEER

Date: 4/15/17



City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

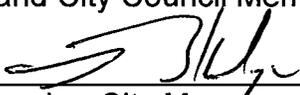
Councilors:

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 Valentina's Restaurant, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Valentina's Restaurant, 945 W. Alameda Street, 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 945 W. Alameda Street

A.P.
GU

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page H-17 updated January 2010, this property is zoned SC-1, Neighborhood Shopping Center District.

The codes pertaining to the SC-1 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

945 W. Alameda Street



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, RC5AC Compound 5du/ac
- RC8, RC8AC 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

Map center: 1726736, 1706201

Scale: 1:527

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.

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 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	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P* ²	
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-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* ³	S* ³		P*			P*	P*			P*	P*	P*	P* ²	
Restaurant - Fast service/take-out, no drive-through/drive-up								S		P ⁴	P	P ⁴		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 ²	
Medical and dental offices or clinics								S	S	P	P	P	P	P	P		P	P	P	P	P ²	
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	P	P ²	
Public Accommodation																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					