City of Santa Fe, New Mexico

memo

DATE: January 22, 2016

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 Inter-Local Dispenser License #0969 with on Premise Consumption Only with a Patio.

BACKGROUND AND SUMMARY

The Guadalupe Café, Inc. has requested the transfer of ownership and location of Inter-Local Dispenser License #0969, with on premise consumption only and with a patio, from Betty F. Bull, dba Casa Blanca Bar, 5830 NM Hwy 52 E., Bayard, to The Guadalupe Café, dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail.

This location is within 300 feet of the San Miguel Mission, 401 Old Santa Fe Trail. A liquor license was located at 406 Old Santa Fe Trail prior to the enactment of the Liquor Control Act, therefore a waiver of the existing 300 foot restriction is not required.

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 the Pink Adobe and the Guadalupe Café 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 Inter-Local Dispenser License #0969, with on premise consumption only and with a patio, from Betty F. Bull, dba Casa Blanca Bar, 5830 NM Hwy 52 E., Bayard, to The Guadalupe Café, dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail.

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

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF 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

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

Received
DEC 2015
Santa Fe, NM
City Clerk

December 8, 2015

Certified Mail No.: 9171 9690 0935 0078 6758 62

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

Re: Lic. No. /Appl. No.: **License No. 0969 / Appl. No. 980428**
Applicant Name: **The Guadalupe Café, Inc.**
Doing Business As: **Pink Adobe and Guadalupe Café**
Proposed Location: **406 Old Santa Fe Trail**
Santa Fe, New Mexico 87501

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

Greetings:

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

While the law states that "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", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. 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 twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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 AND LOCATION WITH ON PREMISE CONSUMPTION ONLY WITH PATIO.

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 of 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 may 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

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
Copy of Floor Plan

LIQUOR LICENSE APPLICATION

Application fee- $200.00 Fees are non-refundable

200
1710345

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ALCOHOL & GAMING DIVIS

State Liquor License # 0969

Application Number 480428

Local Option (AGD use) _____

TLD

Record Owner of License F. Betty Bull

Current D/B/A Name Casa Blanca Bar

Current Premise Address 5830 NM Hwy 152 E. Bayard, New Mexico
Grant County

Application is for: (check one) Change of Structure _____ Change of Officers/Directors _____ Transfer of Ownership of Existing License _____ Transfer of Ownership and Location X
Transfer Location _____ Other _____ Issue New License _____ Type of License being applied for _____

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

NAME OF APPLICANT (company or individual):	**ADDRESS** (INCLUDING CITY, STATE, ZIP)	**TELEPHONE NUMBER**
] uadalupe Cafe, Inc.	PO Box 5111, Santa Fe, New Mexico 87502	505-920-5739

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

DBA Name to be used: Pink Adobe and Guadalupe Cafe Phone Number for licensed premises 505-983-7712

Physical Address Where License is to be used: 406 Old Santa Fe Trail, Santa Fe, New Mexico 87501
(Street No./Highway No./State Road/City/County)

Mailing Address: PO Box 5111, Santa Fe, New Mexico 87502
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location? Yes If yes, give license number 0683

I, (print name) Leonard Koomoa, as (title) President 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.

X Signature of Applicant(s) _____ Date Sept 29, 2015

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 29th day of September, 2015 by Leonard Koomoa (Name of Person(s) Signing Above)

NOTARY PUBLIC: _____ My Commission Expires: 11/29/15

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

PLEASE CHECK ONE: ☐ APPROVED ☐ DISAPPROVEDCITY/COUNTY OFFICIAL (Signature and Title):

For Alcohol and Gaming Division Use Only

APPROVED _____ DISAPPROVED _____ DIRECTOR APPROVAL _____ DATE _____

5

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
2550 Cerrillos Road • Santa Fe, New Mexico 87505 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

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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 X 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) BCD
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) Approx 175 Name of church Chapel of San Miguel Address/location of church 401 Old Santa Fe Trail, Santa Fe

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

Miles/(feet) 1500 Name of school Wood Gormley Address/location of school 141 E. Booth Street, Santa Fe

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

iles 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 ½ 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 X Restaurant X Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

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

October 3, 2015

Debra Lopez, Deputy Director
Alcohol & Gaming Division
2550 Cerrillos Road
Santa Fe, NM 87505

RE: Zoning Verification for 406 Old Santa Fe Trail
Dear Ms. Lopez,

This is in response to a request for zoning verification on the above referenced properties. According to the Official Zoning Map, Page H-18 updated May 2001, this property is zoned BCDOLD (Business Capitol District Old Santa Fe Trail Subdistricts).

(E) BCD Business-Capitol District

(1) Purpose

In recognition of the fact that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including residential uses, designed to promote the district's economic wellbeing while preserving the unique architecture, townscape and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city.

The sale of alcohol in conjunction with a "Dispenser" license is permitted within the BCDOLD District.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses reference: *http://clerkshq.com/default.ashx?clientsite=Santafe-nm Land Development*).

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 advice 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 annual 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 505-955-6587.

Daniel A. Esquibel
Land Use Planner Senior

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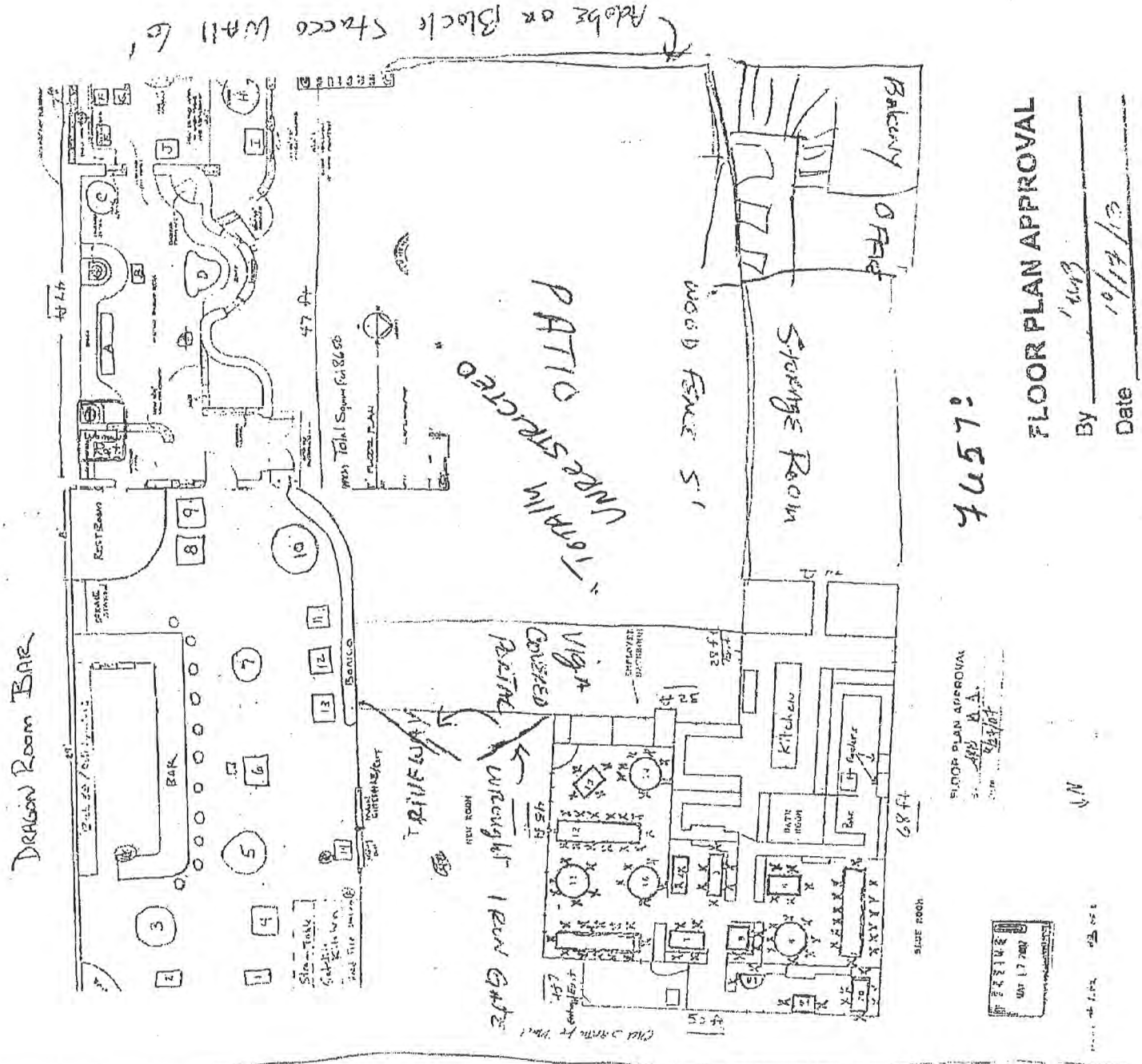

OLD SANTA FE TRAIL

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OCT 28 2015
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, January 27, 2016 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 The Guadalupe Café, Inc. for a transfer of Ownership and Location of Inter-Local Dispenser License #0969, with on premise consumption only and with a patio, from Betty F. Bull, dba Casa Blanca Bar, 5830 NM Hwy 152 E., Bayard to The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date 12/22/15
To Be Published 12/24/15
and 12/31/15
By _____
The New Mexican (Signature)

City of Santa Fe

PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
Post Office Box 909
Santa Fe, NM 87504-0909
Phone: 984-6619 (voice)
984-6627 (fax)

Liquor License Request
Supplemental Information

Instructions:

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

Thank you.

1. **Name of owner of business** The Guadalupe Cafe, Inc.
   Name of business where proposed license is to be used Pink Adobe and Guadalupe Cafe
   Business street address 406 Old Santa Fe Trail
   Telephone number 505-983-7712

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

(cont.)

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.
Mon-Closed Tuesday - Sunday 8am - 2pm - Brunch
4pm - midnight - Dinner
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.
60 number of customers who drive
40 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 Pink Adobe
Year(s) Since 1945

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 1-5-16

(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 _____
Title TRAFFIC ENGINEER
Date 1/13/16

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: January 19, 2016 for the City Council Meeting of January 27, 2016

TO: Mayor and City Council Members

VIA: Brian Snyder, City Manager
Lisa Martinez, Director, Land Use Department

FROM: Antoinette Padilla, Code Enforcement Specialist

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from The Guadalupe Café, Inc. for a transfer of Ownership and Location of Inter-Local Dispenser License #0969, with on premise consumption only and with a patio, from Betty F. Bull, dba Casa Blanca Bar, 5830 NM Hwy 152 E., Bayard to The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

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[10]	P	P	P	P		P	P		P	P	P	P	P[2]	
Dance studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Photographers' studios								P[10]	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[3,10]	S[3]		P*			P	P	P		P*	P*	P*	P[2]	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S[3,10]	S[3]		P*			P*	P*	P*		P*	P*	P*	P*[2]	
Restaurant - full service, with or without incidental alcohol service								S[3,10]	S[3]		P			P	P	P	S	P	P	P	P	

Italicized words defined in Article 14-12

406 Old Santa Fe Trail

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, (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

Scale: 1:594

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.