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 Dispenser License #0683 with Package Sales.

BACKGROUND AND SUMMARY

Cost Plus, Inc. has requested the transfer of ownership and location of Dispenser License #0683, with package sales, from The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail, to Cost Plus, Inc., dba Cost Plus World Market, 4250 Cerrillos Road, Suite 1220. This location is not within 300 feet of a church or school.

Cost Plus, Inc. has not completed the construction of their building. As a condition of approval, Cost Plus, Inc. will be required to obtain all necessary permits and licenses and also comply with all Fire, Building and Land Use Code Requirements.

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 Cost Plus World Market is required to comply with all of the city's ordinances as a condition of doing business in the city.

ACTION REQUESTED

I request that the City Council indicate its decision on the transfer of ownership and location of Dispenser License #0683, with package sales, from The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail, Santa Fe to Cost Plus, Inc., dba Cost Plus World Market, 4250 Cerrillos Road, Suite 1220.

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

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Received
DEC 2015

December 8, 2015

Certified Mail No.: 9171 9690 0935 0078 6758 79

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. 0683 / Appl. No. 980425**
Applicant Name: **Cost Plus, Inc.**
Doing Business As: **Cost Plus World Market**
Proposed Location: **4250 Cerrillos Road, Suite 1220**
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.

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 PACKAGE SALES.

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 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

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OCT 29 2015
ALCOHOL & GAMING DIVISION

10/29/15
200
1T1034

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

Rev. 08/13

LIQUOR LICENSE APPLICATION

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

State Liquor License # 0683
Application Number 980425
Local option (AGD use) _____

Record Owner of Existing License The Guadalupe Cafe, Inc.
Current D/B/A Name Pink Adobe and Guadalupe Cafe
Current Premises Address 406 Old Santa Fe Trail, Santa Fe, NM

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 Dispenser

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

NAME OF APPLICANT (company or individual)	ADDRESS (including city, state, zip)	TELEPHONE NUMBER
Cost Plus, Inc.	200 4th Street, Oakland, CA 94607	925-376-2794
Notice Also to: Linda L. Aikin	530 B Harkle Road, Santa Fe, NM 87505	982-6224 lla@cybermesa.com

D/B/A name to be used: Cost Plus World Market Phone number for licensed premises: _____

Physical location where license is to be used: 4250 Cerrillos Road Suite 1220 Santa Fe, NM 87507
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: Cost Plus, Inc., att: Rhoda Regalado, 200 4th Street, Oakland, CA 94607

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

I, (print name) Jane L. Baughman, 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.

must sign and date this form in the presence of a notary public.

Signature of Appplicant Jane L. Baughman Date 10/26/15

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this _____ day of _____ 20 _____ by _____

Notary Public _____ My Commission Expires _____

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 _____

CT

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CALIFORNIA JURAT WITH AFFIANT STATEMENT **GOVERNMENT CODE § 8202**

☑ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], *not* Notary)

1
2
3 See attached
4
5
6

Signature of Document Signer No. 1 *Signature of Document Signer No. 2 (if any)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

Subscribed and sworn to (or affirmed) before me on this 26th day of October, 2015.
Date *Month* *Year*
by
(1) Jane L. Baughman
(and (2) _____).
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

JEANNETTE WONG
Commission # 1967248
Notary Public - California
Alameda County
My Comm. Expires Jan 22, 2018

Signature _____
Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Liquor License Application Document Date: 10/26/15
Number of Pages: 1 Signer(s) Other Than Named Above: None

©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5910

PREMISES, LOCATION, OWNERSHIP, AND DESCRIPTION OF PREMISES

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1. The land and building which is proposed to be the licensed premise is:

☐ Owned by Applicant X Leased by Applicant (attach copy of deed or lease)

☐ Other (If Other, provide details) _____

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

A. Owner(s): Santa Fe Mall Property Owner LLC

B. Date and Term of Lease: August 14, 2015 10 years

Attach a hand drawn map, zoning map, or other map showing the location of the premises to adjacent streets, roads and/or buildings. This map should be no larger tha 8-1/2 x 11 inches.

3. Premise location is zoned: (Example: C-1) SC Planned Shopping Center District

If the premise site is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed 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)

1,000 ft	Gospel Life Community Church	2520 Camino Entrada, Santa Fe, New Mexico 87507
Miles, Feet	Name of Church	Address-Location of Church

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

2,000 Feet	Monte del Sol Charter School	4157 Walking Rain Road, Santa Fe, New Mexico 87507

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

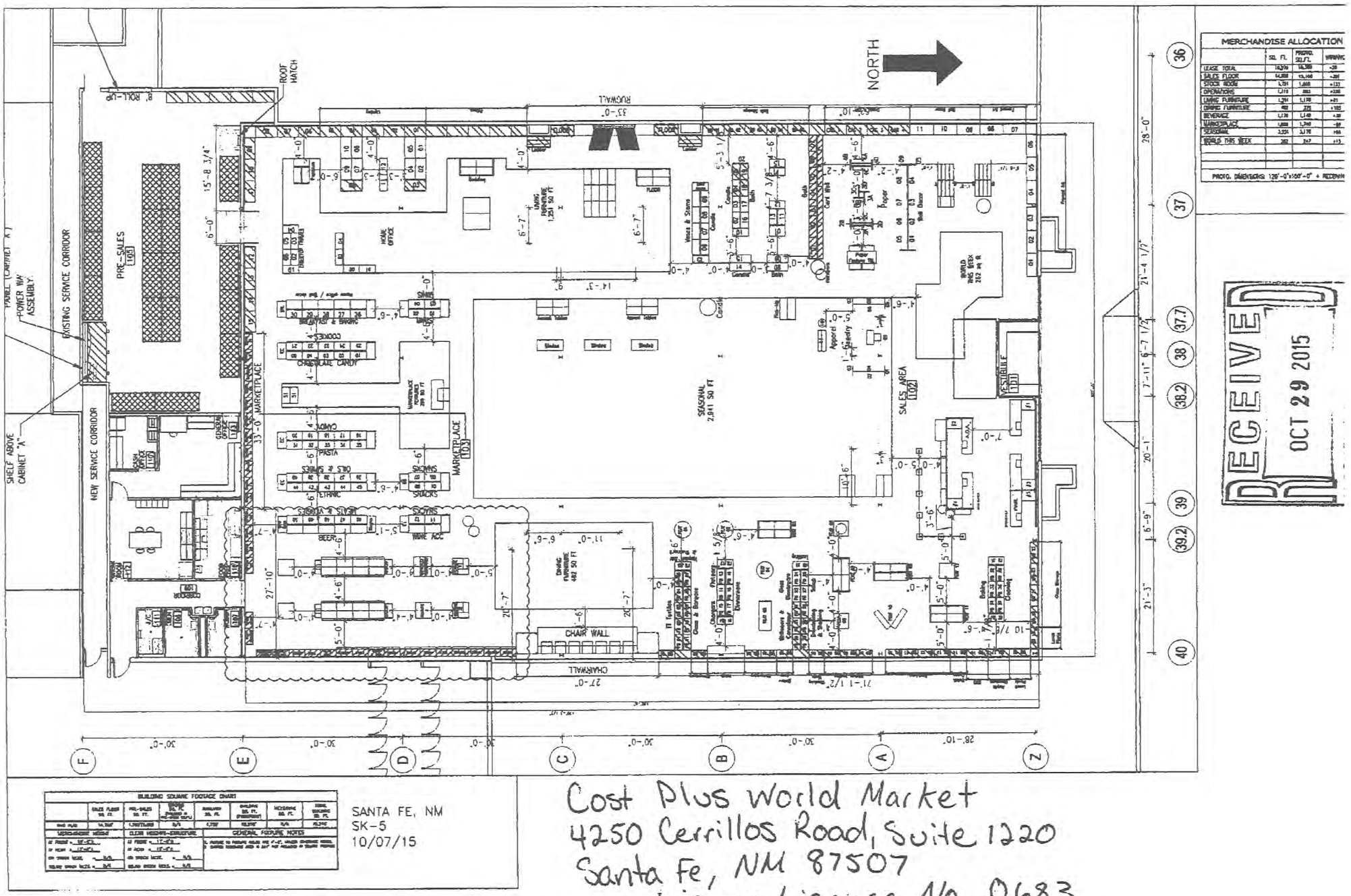
Approximately 65 Miles	Kirtland Air Force Base
Miles	Name of Military Installation

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold, or consumed, showing exterior walls, doors, and interi 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 the premises.

** If the distance is beyond 300 feet, but under 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of operation: ☐ Lounge ☐ Restaurant X Pkg. X Grocery ☐ Racetrack ☐ Hotel ☐ Other (Please Specify) _____

7



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OCT 29 2015

Cost Plus World Market
4250 Cerrillos Road, Suite 1220
Santa Fe, NM 87507
Liquor License No. 0683
18,276 sq. ft totally unrestricted

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 23, 2015

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

RE: Zoning Verification for 4250 Cerrillos Road, Suite #1220.

Dear Ms. Lopez,

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page M-15 updated October 4 2009, this property is zoned SC3 (Shopping Center District - Regional).

14-4.3(K) SC Planned Shopping Center Districts

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses http://clerkshq.com/content/Attachments/Santafe-nm/LD_Sch14-06.htm?clientSite=Santafe-nm).

The sale of alcohol in conjunction with a "Dispenser" license is permitted within a SC3 District.

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 505-955-6587.

Daniel A. Esquibel
Land Use Planner Senior

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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 Cost Plus Inc. for a transfer of Ownership and Location of Dispenser License #0683, with package sales, from The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail to Cost Plus Inc., dba Cost Plus World Market, 4250 Cerrillos Road, Suite 1220, 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: 984-6649 (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** Cost Plus, Inc.
   Name of business where proposed license is to be used Cost Plus World Market
   Business street address 4250 Cerrillos Road, suite 1220
   Telephone number TBD

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.

_____

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.

Mon - Fri 10am - 9pm Sat 9am - 9pm Sun 10am - 7pm
Extended hours during holidays

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.

Mon - Fri - 500
Sat - Sun - 650 Holidays - 850

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

97% number of customers who drive

3% 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 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

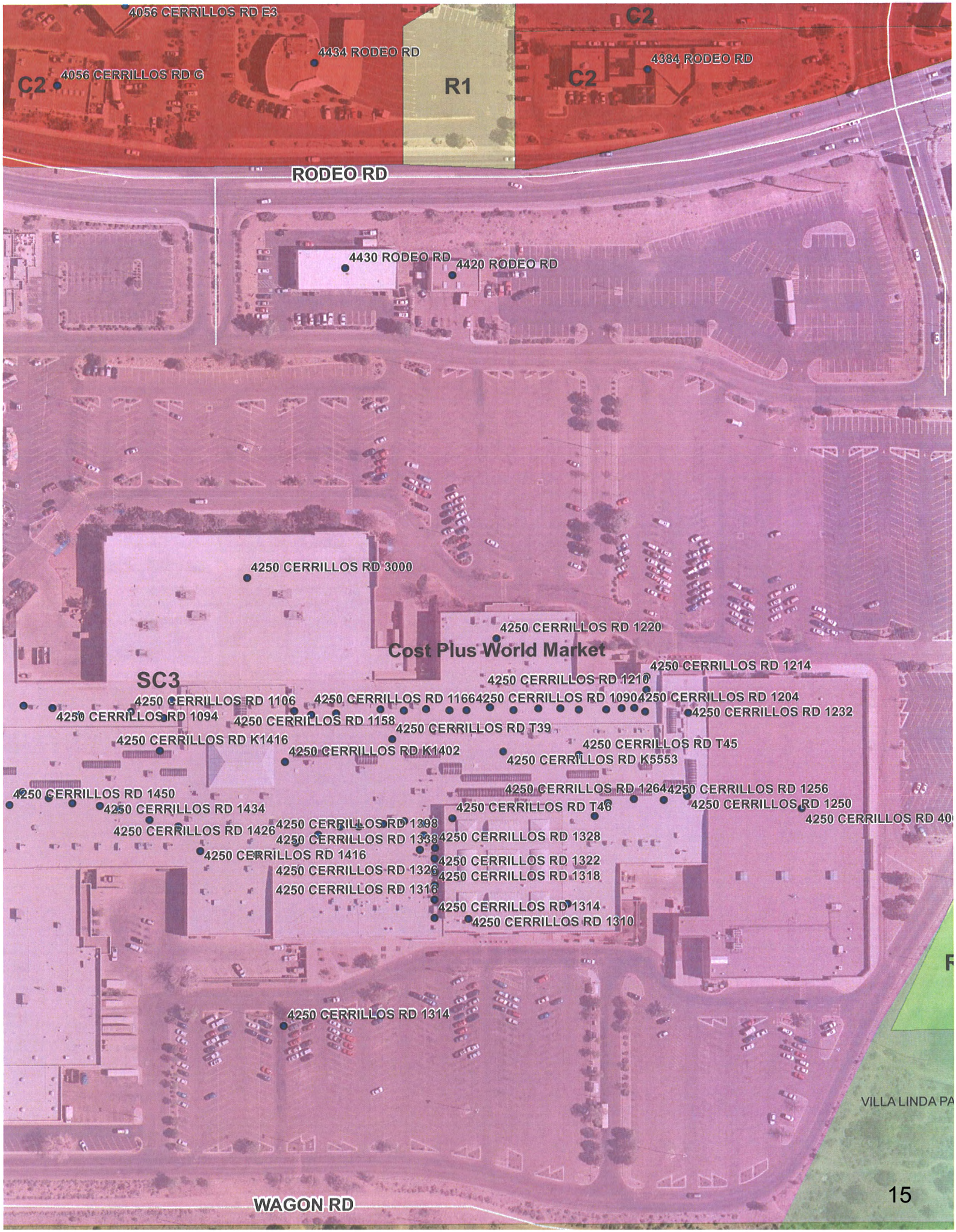
Litter and noise impact assessment, due to a request from Cost Plus Inc. for a transfer of Ownership and Location of Dispenser License #0683, with package sales, from The Guadalupe Café, Inc., dba Pink Adobe and Guadalupe Café, 406 Old Santa Fe Trail to Cost Plus Inc., dba Cost Plus World Market, 4250 Cerrillos Road, Suite 1220, 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
Florist shops								P	P		P		P	P	P			P	P	P	P^2	
Funeral homes or mortuaries										P	P			P	P							
Furniture stores											P			P	P				P	P	P^2	
Neighborhood grocery stores and laundromats	S	S	S		S	S		S		S	P	S	S								P^2	(C)(5)
Office equipment sales and service; retail sale of office supplies											P			P	P				P	P	P^2	
Retail establishments not listed elsewhere											P			P	P			P	P	P	P^2	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet														P	P		P				P^2	

Italicized words defined in Article 14-12


4056 CERRILLOS RD E3
4434 RODEO RD
4056 CERRILLOS RD G
C2
R1
C2
C2
4384 RODEO RD
RODEO RD
4430 RODEO RD
4420 RODEO RD
4250 CERRILLOS RD 3000
4250 CERRILLOS RD 1220
Cost Plus World Market
SC3
4250 CERRILLOS RD 1214
4250 CERRILLOS RD 1210
4250 CERRILLOS RD 1106
4250 CERRILLOS RD 1166
4250 CERRILLOS RD 1090
4250 CERRILLOS RD 1204
4250 CERRILLOS RD 1094
4250 CERRILLOS RD 1158
4250 CERRILLOS RD T39
4250 CERRILLOS RD 1232
4250 CERRILLOS RD K1416
4250 CERRILLOS RD K1402
4250 CERRILLOS RD T45
4250 CERRILLOS RD K5553
4250 CERRILLOS RD 1450
4250 CERRILLOS RD 1264
4250 CERRILLOS RD 1256
4250 CERRILLOS RD 1434
4250 CERRILLOS RD T46
4250 CERRILLOS RD 1250
4250 CERRILLOS RD 1426
4250 CERRILLOS RD 1398
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4250 CERRILLOS RD 1314
VILLA LINDA PA
WAGON RD