

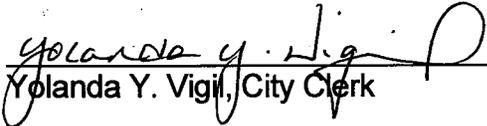
City of Santa Fe, New Mexico

memo

DATE: January 23, 2014

TO: Mayor Coss & City Councilors

VIA: 
Brian K. Snyder, City Manager

FROM: 
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Wine Wholesaler Liquor License.

BACKGROUND AND SUMMARY

Santa Fe Hard Cider, LLC has requested the issuance of a Wine Wholesaler Liquor License to be located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North, Unit #103.

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 Santa Fe Hard Cider 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 Wine Wholesaler Liquor License to be located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North, Unit #103.

Attachments: Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports
§60-6A-29 NMSA 1978



**New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87504
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/

December 19, 2013



Certified Mail No: 7012 2920 0002 2238 980

Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Jennifer M. Anderson
DIRECTOR

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

Re: App. No. 896438
Applicant Name: Santa Fe Hard Cider, LLC
Doing Business As: Santa Fe Hard Cider
Proposed Location: 1730 Camino Carlos Rey North #103, 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 Wine Wholesaler 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

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

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.)

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
Copy of SID Posting



PAID

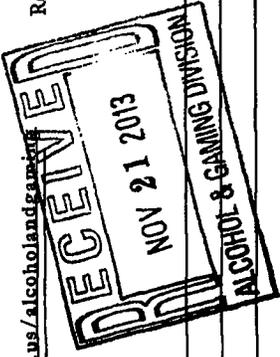
\$200
REF 1391899

State Liquor License # 896438
Application Number REF 1391899
Local option (AGD use) _____

LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License _____
Current D/B/A Name _____
Current Premises Address _____



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: WINE WHOLESALER

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

NAME OF APPLICANT (company or individual) SANTA FE HARD CIDER, LLC
ADDRESS (including city, state, zip) 27 CAMINO LA CUEVA, GLORIA NM 87535 TELEPHONE NUMBER 505-819-3729

D/B/A name to be used: SANTA FE HARD CIDER Phone number for licensed premises: 505-424-6122

Physical location where license is to be used: 1730 CAMINO CARLOS REY, UNIT #103, SANTA FE NM 87507
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: SAME

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

I, (print name) MICHAEL J. ZERCHER II, as (title) MANAGER, 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.

Signature of Applicant Michael J. Zercher II Date 11/21/13

SUBSCRIBED AND SWORN to before me this 21 day of Nov, 2013 by _____

Notary Public [Signature] My Commission Expires 06/17/2017



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 _____

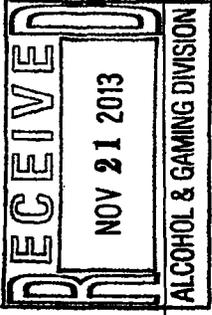
For Alcohol and Gaming Division Use Only



COPY

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 _____ 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) NUN'S CURVE LLC

B. Date and term of lease 6/1/13, TWO-YEAR INITIAL TERM PLUS THREE ONE-YEAR RENEWAL OPTIONS

3. Premises location is zoned (example C-1) C-2 GENERAL COMMERCIAL DISTRICT

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 445 FT Name of church IGLESIA CRISTIANA YOSEM Address/location of church 1282 MAEZ RD, SANTA FE NM 87505

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

Miles/feet 1789 FT Name of school SER/Carver Academy Address/location of school 2516 Cerrillos Rd, Santa Fe, 87505

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

M 54 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) WINE MAKING WITH

JASTING ROYAL

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

Wini W. Hubbsaker

APR 18/13

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)~~ XX ~~WHOLESALE~~ WINE
~~MASTER WINEGROWER~~ WINEGROWER OFF-SITE: 1 2 3 (Circle)
~~MASTER SMALL BREWER~~ SMALL BREWER OFF-SITE: 1 2 (Circle)
OTHER:

APPLICATION NUMBER: A-896438

APPLICANT NAME: SANTA FE HARD CIDER, LLC

PROPOSED NAME: SANTA FE HARD CIDER

PROPOSED LOCATION: 1730 CAMINO CARLOS REY NORTH, UNIT #103, 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: 445 ft
NAME OF CHURCH IS: IGLESIA Cristiana Wesley
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: 1,789 ft, 3 miles
NAME OF SCHOOL IS: SER/CAROL Academy
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: 54 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: _____

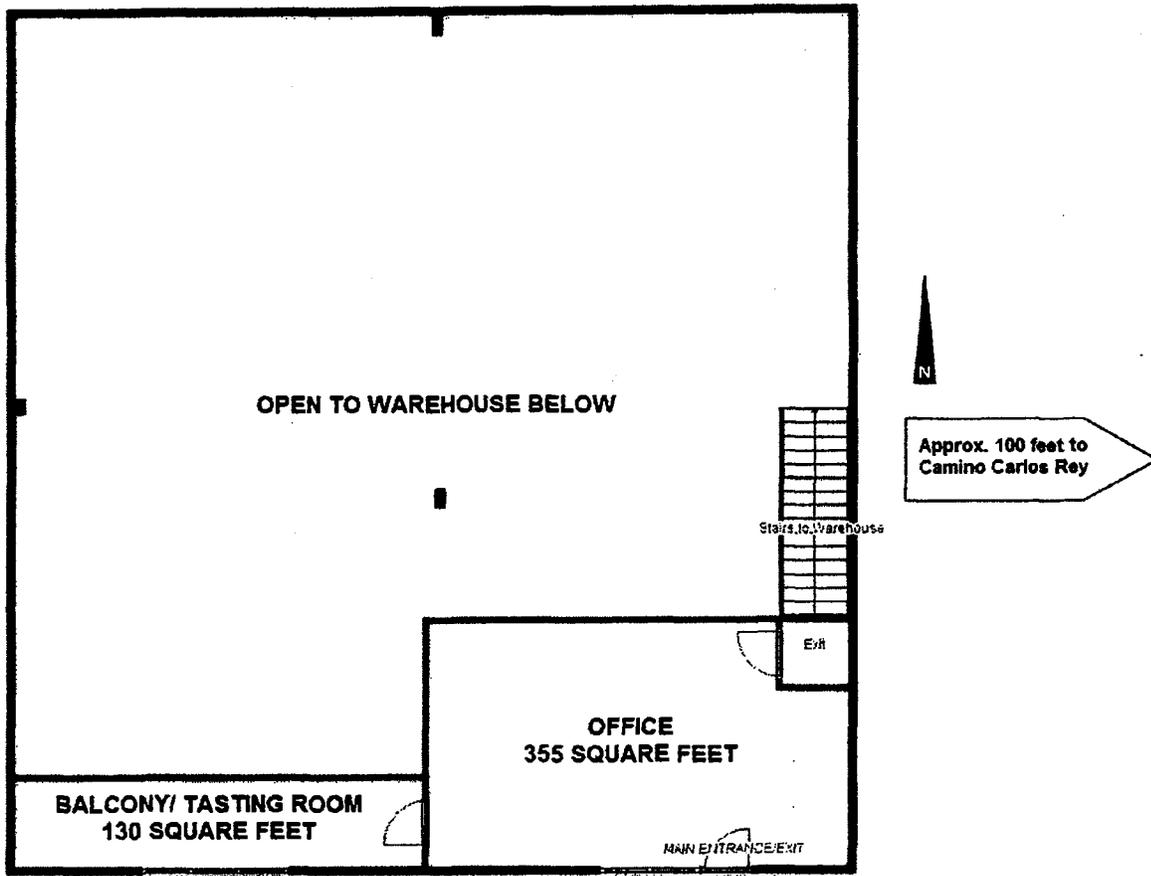
DATE POSTED: 11-27-13

EXPIRATION DATE: 12-16-13

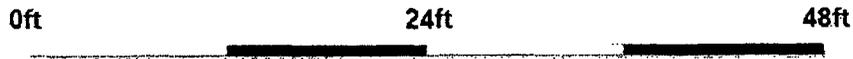
[Signature]
APPLICANT'S SIGNATURE

[Signature]
S.I.D. SPECIAL AGENT

SANTA FE HARD CIDER LLC
1730 CAMINO CARLOS REY, #103, SANTA FE, NM 87507
2ND FLOOR - Version 7/31/13



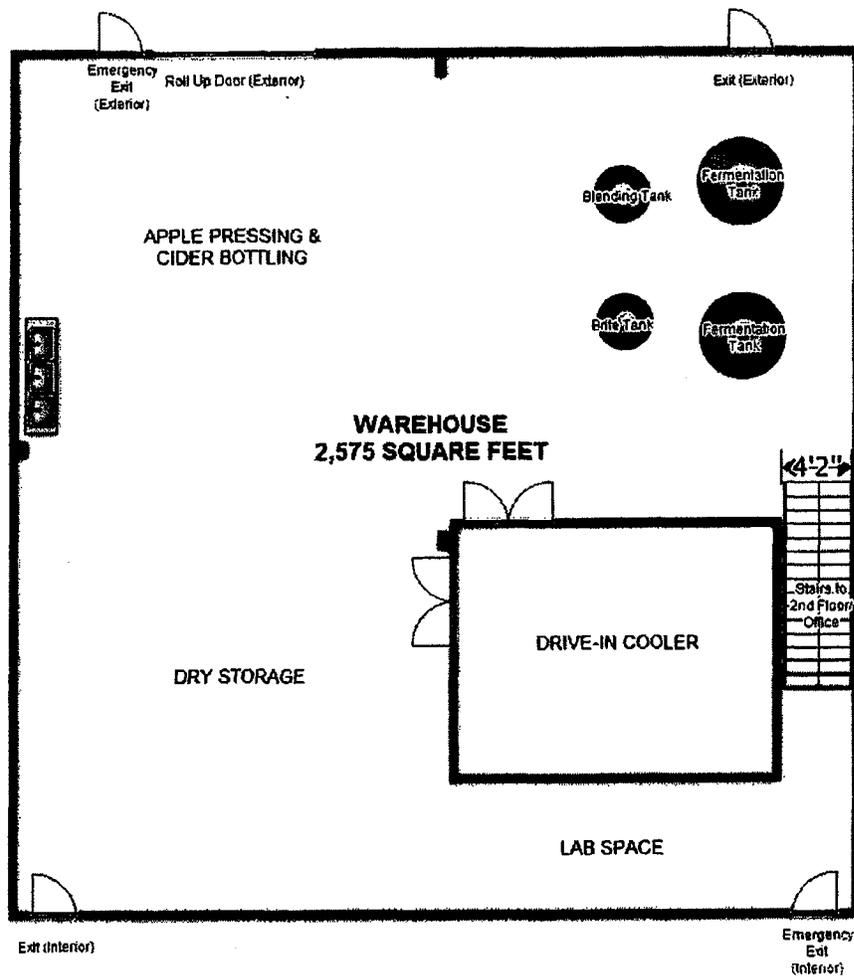
COPY



floor planner

COPY

SANTA FE HARD CIDER LLC
1730 CAMINO CARLOS REY, #103, SANTA FE, NM 87507
GROUND/1ST FLOOR - Version 7/31/13



Approx. 100 feet to
Camino Carlos Rey

RECEIVED
NOV 21 2013
Off
ALCOHOL & GAMING DIVISION

24ft 48ft

floor planner



City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, Mayor

Councilor

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 0

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Alcohol Beverage & Gaming Division
Regulations & Licensing Department
725 St. Michael's Drive
Santa Fe, NM 87504

July 30, 2013

RE: Zoning Verification for 1730 Camino Carlos Rey Unit 103 (Santa Fe Hard Cider)

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page K-14, this property is zoned C-2 (General Commercial).

14-4.3(G) C-2 General Commercial District

(1) Purpose and Intent

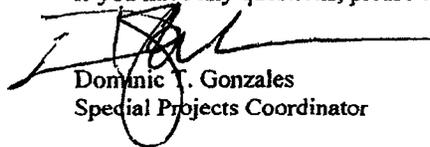
Districts in this category are intended to include areas along streets carrying large volumes of traffic where commercial uses already exist, have displaced or are displacing residential development or are moving in on vacant lands. Regulations are designed to guide future additions or changes so as to discourage formation of future commercial slums, to preserve the carrying capacity of the streets and to provide for off-street parking and loading. It is not the intent of this article to encourage the extension of existing strip commercial areas, nor is it intended for this district to be used as a means for creating new strip commercial developments.

- Liquor manufacturing is a permitted use in the C-2 General Commercial 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 505-955-6679


 Dominic J. Gonzales
 Special Projects Coordinator

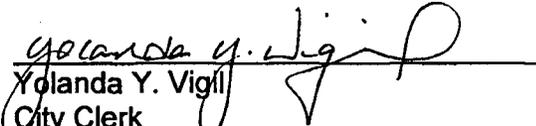
CITY OF SANTA FE

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 29, 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 Santa Fe Hard Cider, LLC for a Wine Wholesaler Liquor License to be located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North, Unit #103, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican on
Date January 9, 2014
To Be Published On Wednesday,
January 15, 2014.
By Kujan An Aguero
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.

- Name of owner of business MICHAEL J. ZERCHER
Name of business where proposed license is to be used SANTA FE HARD CIDER LLC
Business street address 1730 CAMINO CARLOS REY #103
Telephone number 505-819-3729
- Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: WINE WHOLESALE)
 transfer of location of existing license (indicate type: _____)
 transfer of ownership of existing license (location to remain the same)
- Is this an existing business?
 yes
 no
- 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.

9a-5p, Mon-Fri

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.

5

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

5 number of customers who drive
0 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

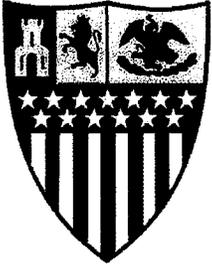
Name of person completing this form MICHAEL J. ZERCHER
Telephone number 505-819-3729
Date 1/9/14

(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 JONATHAN ENGINEER
Date 1/10/14



City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:

Rebecca Wurzburger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

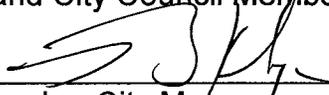
Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

DATE: January 14, 2014 for the City Council Meeting of January 29, 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 

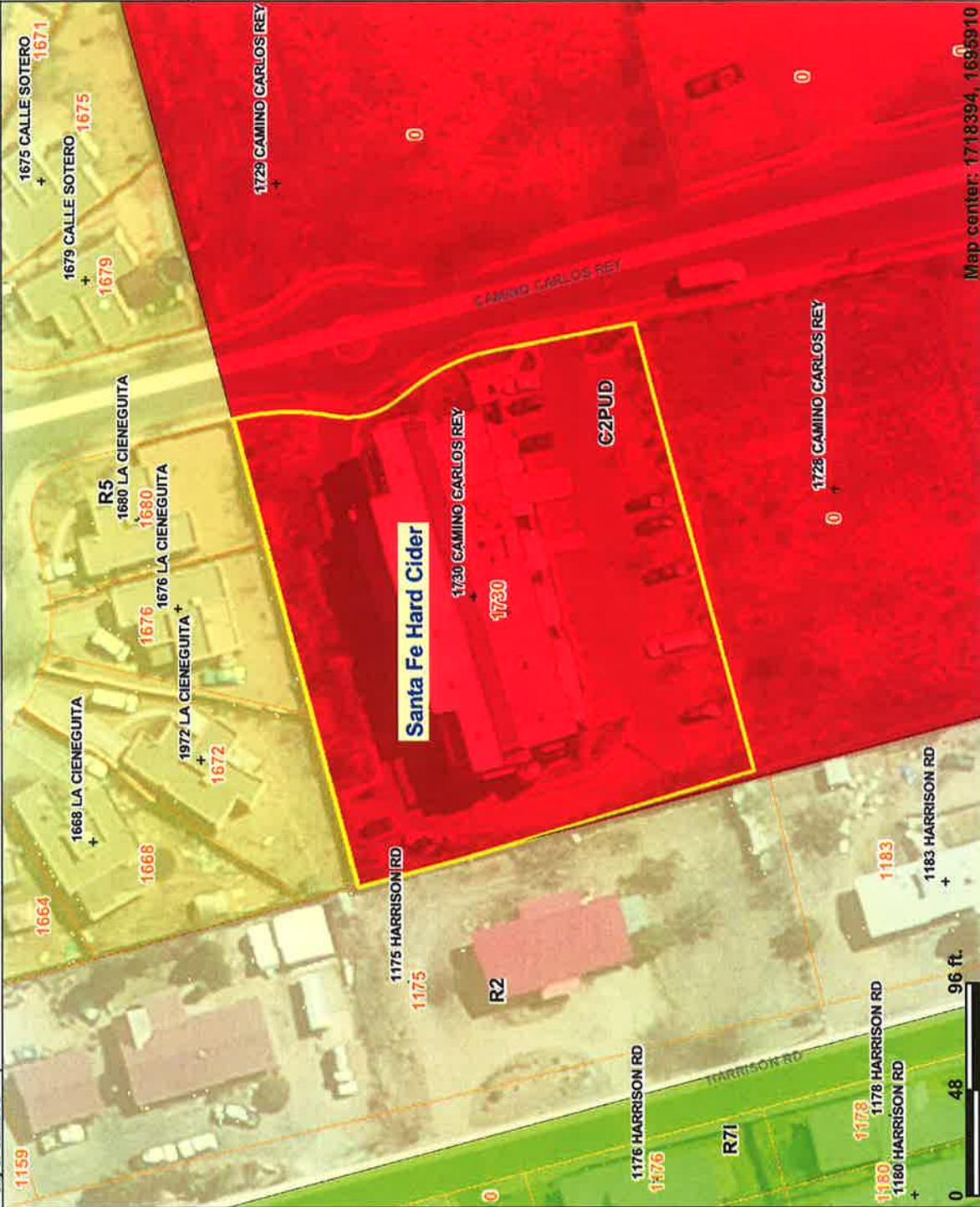
ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Santa Fe Hard Cider, LLC for a Wine Wholesaler Liquor License to be located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North, Unit #103, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

1730 Camino Carlos Rey North #103



Map center: 1718394, 1695910



Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning**
 - RR Rural Residential
 - R1, (PUD) Single - Family 1du/ac.
 - R2, (DT), (PUD), (AC) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
 - R7, (PUD), R8 Single - Family 7-8du/ac
 - RC5, RCSAC Compound Sdu/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: 1:831

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 | |
|--|----|------------|------------|-----------|-----------------------|-----------------------|-----|-----|------|-----|-----|-----|----|-----|-----|-----|-----|----------|----------|----------|----------------|------------------------------------|--|
| 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 | | |
| <i>Retail</i> establishments not listed elsewhere | | | | | | | | | | | 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 ² | | |

Italicized words defined in Article 14-12

SANTA FE LAND DEVELOPMENT

LD:611

60-6A-29. Wine wholesaler's license.

A. In any local option district, a winegrower licensed under the Liquor Control Act [60-3A-1 NMSA 1978] may apply for and be issued a license as a wine wholesaler of wines produced by or for New Mexico winegrowers.

B. No wine wholesaler shall sell, offer for sale or ship wine not received at and shipped from the premises specified in the wine wholesaler's license.

C. No wine wholesaler shall sell or offer for sale wine to any person other than the holder of a New Mexico wine wholesaler's, wholesaler's, retailer's, dispenser's, canopy, restaurant or club license or a governmental licensee or its lessee.

D. Nothing contained in this section shall prevent the sale, transportation or shipment of wine by a wine wholesaler to any person outside the state when shipped under permit from the department.

History: Laws 1988, ch. 60, § 1; 1998, ch. 109, § 6.