

City of Santa Fe, New Mexico

memo

DATE: October 2, 2014

TO: Mayor Gonzales & City Councilors

VIA: 
Brian K. Snyder, City Manager

FROM: 
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Transfer of Location of Inter-Local Dispenser License #2723 with on-premise consumption only.

BACKGROUND AND SUMMARY

D & G Restaurants, Inc. has requested the transfer of location of Inter-Local Dispenser License #2723 (with on-premise consumption only) from D & G Restaurants, Inc., 4200 Central Avenue SE, Albuquerque to the Blue Rooster, 101 West Marcy Street, Suite 5. 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 the Blue Rooster 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 location of Inter-Local Dispenser License #2723 (with on-premise consumption only) from D & G Restaurants, Inc., 4200 Central Avenue SE, Albuquerque to the Blue Rooster, 101 West Marcy Street, Suite 5.

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

September 26, 2014

Susana Martinez
GOVERNOR

Certified Mail No: 7013 2630 0000 9075 5059

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

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

Mary Kay Root
DIRECTOR

Re: License / App. No. License 2723 / A-922254
Applicant Name: D&G Restaurants, Inc
Doing Business As: Blue Rooster
Proposed Location: 101 W Marcy Street Suite 5 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 on 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 Transfer of Location on a 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

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries &
Manufactured Housing Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

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.)

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 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,



Pamela Brömmer
Hearing Officer

ENCLOSURES: Original page 1
Copy of page 2
Copy of Posting Certificate
Copy of Zoning Statement



2550 Cerrillos Road
Santa Fe, New Mexico 87505

New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
Fax (505) 476-4875 Fax (505) 476-4595
WWW.NMREGS.LIC.GAMING.NM.GOV

RECEIVED
JUL 28 2017
ALCOHOL & GAMING DIVISION

RECEIVED
JUL 31 2014
ALCOHOL & GAMING DIVISION

7/31/14
ENTERED
200
1624785

LIQUOR LICENSE APPLICATION

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

State Liquor License # 2723
Application Number 922254
Local option (AGD use) _____

Record Owner of Existing License: D&G RESTAURANTS, INC.
Current D/B/A Name: D&G RESTAURANTS, INC.
Current Premises Address: 4200 CENTRAL AVE. SE, ALBUQUERQUE, NM 87106

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location Other _____
Type of License being applied for Dispenser (ILD)
Corporation Partnership (General or Limited) _____ Limited Liability Company

NAME OF APPLICANT (company or individual)
D&G RESTAURANTS, INC.

ADDRESS (including city, state, zip)
4107 ARBORDALE LANE NW, ALBUQ., NM 87107

TELEPHONE NUMBER
(505)401-2075

ALSO NOTICE: JERRY A. HAMM, DISTILLER LICENSE BROKERAGE & CONSULTING, 3301-R COORS ROAD NW # 127, ALBUQUERQUE, NM 87120 (505)342-0523
NEW MEXICO TAX IDENTIFICATION #: 02-317451-00-0 (EXHIBIT A - TAX REGISTRATION CERTIFICATE)

D/B/A name to be used: BLUE ROOSTER

Phone number for licensed premises: NONE @ PRESENT

Physical location where license is to be used: 101 W. MARCY STREET, SUITE 5, SANTA FE, NM 87501
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: P.O. BOX 4368, ALBUQUERQUE, NM 87196 (BERNALILLO COUNTY)

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

I, (print name) DAVID SANDOVAL, 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 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.

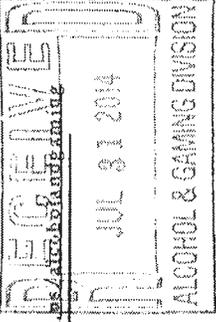
Signature of Applicant: David Sandoval Date 7-28-14
DAVID SANDOVAL

SUBSCRIBED AND SWORN TO before me this July day of July, 20 14 by DAVID SANDOVAL
Notary Public Michael Poppen My Commission Expires April 26, 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



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) PREMISES IS LEASED TO LESSEE APPLICANT UNDER THE LICENSE. (EXHIBIT B - COMMERCIAL RETAIL LEASE)

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

PP

A. Owner(s): MARCH STREET SHOPS, LLC

B. Date and term of lease: 5 YEAR TERM COMMENCING SEPTEMBER 1, 2014 AND ENDING AUGUST 31, 2019

3. Premises location is zoned (example C-1) (EXHIBIT C - ZONING STATEMENT)

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.

(EXHIBIT D - AREA MAP)

4. Distance from nearest church (Property line of church to licensed premises—shortest distance).

Miles/feet APPROX. 600 FT. Name of church FIRST PRESBYTERIAN CHURCH Address/location of church 208 GRANT AVENUE, SANTA FE, NM

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

Miles/feet APPROX. 1,200 FT. Name of school CARLOS GILBERT ELEMENTARY Address/location of school 300 GRIFFITH STREET, SANTA FE, NM

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

Miles APPROX. 60 MILES 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).

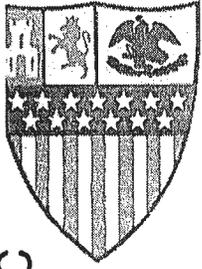
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total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

(EXHIBIT E - FLOOR PLAN)

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

8. Type of Operation:

Lounge Restaurant Package Grocery Racetrack Hotel Other (specify) _____



City of Santa Fe, New Mexico

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

EXHIBIT C

Jerry Hamm
Liquor License Brokerage & Consulting
1332 Camino Ecuestre NW
Albuquerque, NM 87107

July 25, 2014

RE: Zoning Verification for 105 W. Marcy, Santa Fe, New Mexico

Dear Mr. Hamm,

The closest address on record to 105 W. Marcy Street is 101 W. Marcy, which is located on the northeast corner of W. Marcy Street and Lincoln Avenue. Assuming the address to which you refer is located on the same block, the following information is accurate.

According to the Official Zoning Map, page H-18, the above-referenced property is zoned BCD (Business-Capitol District) and is within the Marcy Street Townscape Subdistrict.

Development standards for the Business-Capitol District Marcy Street Townscape Subdistrict may be found within Santa Fe City Code, Chapter 14, Table 14-7.4(A)-1 and 14-7.4 (B).

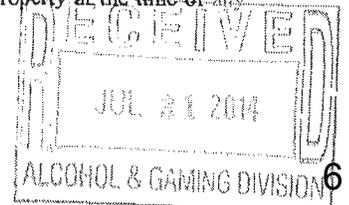
Alcohol Beverage Establishments with on premise consumption are permitted within the BCD zoning district. Additional information regarding allowable uses within the BCD zoning district may be found within the Santa Fe City Code, Chapter 14, Table 14-6.1-1.

If you have any further questions, please call me at 505-955-6656.

Sincerely,

Zach Thomas
Senior Planner

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.



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

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

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

LICENSE NUMBER /APPLICATION NUMBER:

LICENSE NO. 2723 /APPL. NO. A-922254

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: D&G Restaurants, Inc

CURRENT LOCATION: 4200 Central Avenue SE Albuquerque, NM 87106

TRANSFERRED TO:/APPLICANT: D&G Restaurants, Inc

PROPOSED LOCATION: 101 West Marey Street Suite 5 Santa Fe, NM 87501

PROPOSED BUSINESS NAME Blue Rooster

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: Santa Fe
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 0.1 miles
NAME OF CHURCH IS: First Presbyterian Church
4. DISTANCE FROM NEAREST SCHOOL IS: 0.3 miles
NAME OF SCHOOL IS: Carlos Gilbert Elementary School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 68.6 miles
NAME OF INSTALLATION IS: Kirtland Air Force Base
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
 BUILDING
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED
 BILLBOARD
 NO BUILDING

DATE POSTED: Sept. 4, 2014

EXPIRATION DATE: Sept. 25, 2014

APPLICANT'S SIGNATURE

MARK ENGLAND

PRINTED

S.I.D. SPECIAL AGENT SIGNATURE

JAMES CAMPANELLA

PRINTED

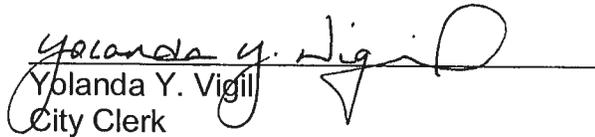
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, October 8, 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 D & G Restaurants, Inc. for a Transfer of Location of Inter-Local Dispenser License #2723 (with on-premise consumption only) from D & G Restaurants, Inc., 4200 Central Avenue SE, Albuquerque to the Blue Rooster, 101 West Marcy Street, Suite 5.

All interested citizens are invited to attend this public hearing.

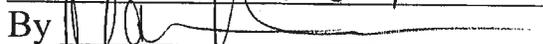

Yolanda Y. Vigil
City Clerk

Received by The New Mexican on

Date 9-26-14

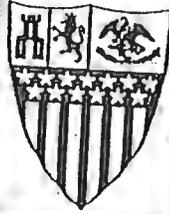
To Be Published On _____

9-30-14 and 10-6-14

By 

The New Mexican (Signature)

City of Santa Fe



CITY WORKS DEPARTMENT
LICENSING DIVISION
POST OFFICE BOX 503
SANTA FE, NM 87504-0003
PHONE: 944-8514 (Voice)
944-6627 (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 MARK ENGLAND & DOUG NAVA
Name of business where proposed license is to be used BLUE ROOSTER
Business street address 101 W. MARCY ST SUITE 5 SANTA FE NM 87501
Telephone number 505-206-2318
- 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)
- 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.

N/A

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.

M-TH - 4:00 - 12:00 F-SAT - 1-2am Sunday 2-11

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.

250

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

200 number of customers who drive

50 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 ROUGE CAT

Year(s) 2009-2012

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved.

traffic can be expected to increase on adjacent streets if this request is approved

traffic will not increase on adjacent streets if this request is approved

Name of person completing this form: MARK ENGLAND

Telephone number 505-206-2318

Date 10-2-14

(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 10/2/14

Date TRAFFIC ENGINEER

City of Santa Fe, New Mexico

memo

DATE: October 3, 2014 for the City Council Meeting of October 8, 2014

TO: Mayor and City Council Members

VIA:

Brian Snyder, City Manager

Lisa Martinez, Director, Land Use Department

FROM: Georgia Urioste, Zoning & Code Enforcement Supervisor

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from D&G Restaurants, Inc. for a Transfer of Location of Inter-Local Dispenser License #2723 (with on-premise consumption only) from D&G Restaurants, Inc., 4200 Central Avenue, SE, Albuquerque, New Mexico to the Blue Rooster, 101 West Marcy Street, Suite 5, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

EXHIBIT C



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
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- Joseph M. Maestas, Dist. 2
- Carmichael A. Dominguez, Dist. 3
- Christopher M. Rivera, Dist. 3
- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

Jerry Hamm
Liquor License Brokerage & Consulting
1332 Camino Ecuestre NW
Albuquerque, NM 87107

July 25, 2014

RE: Zoning Verification for 105 W. Marcy, Santa Fe, New Mexico

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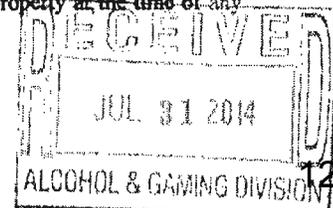
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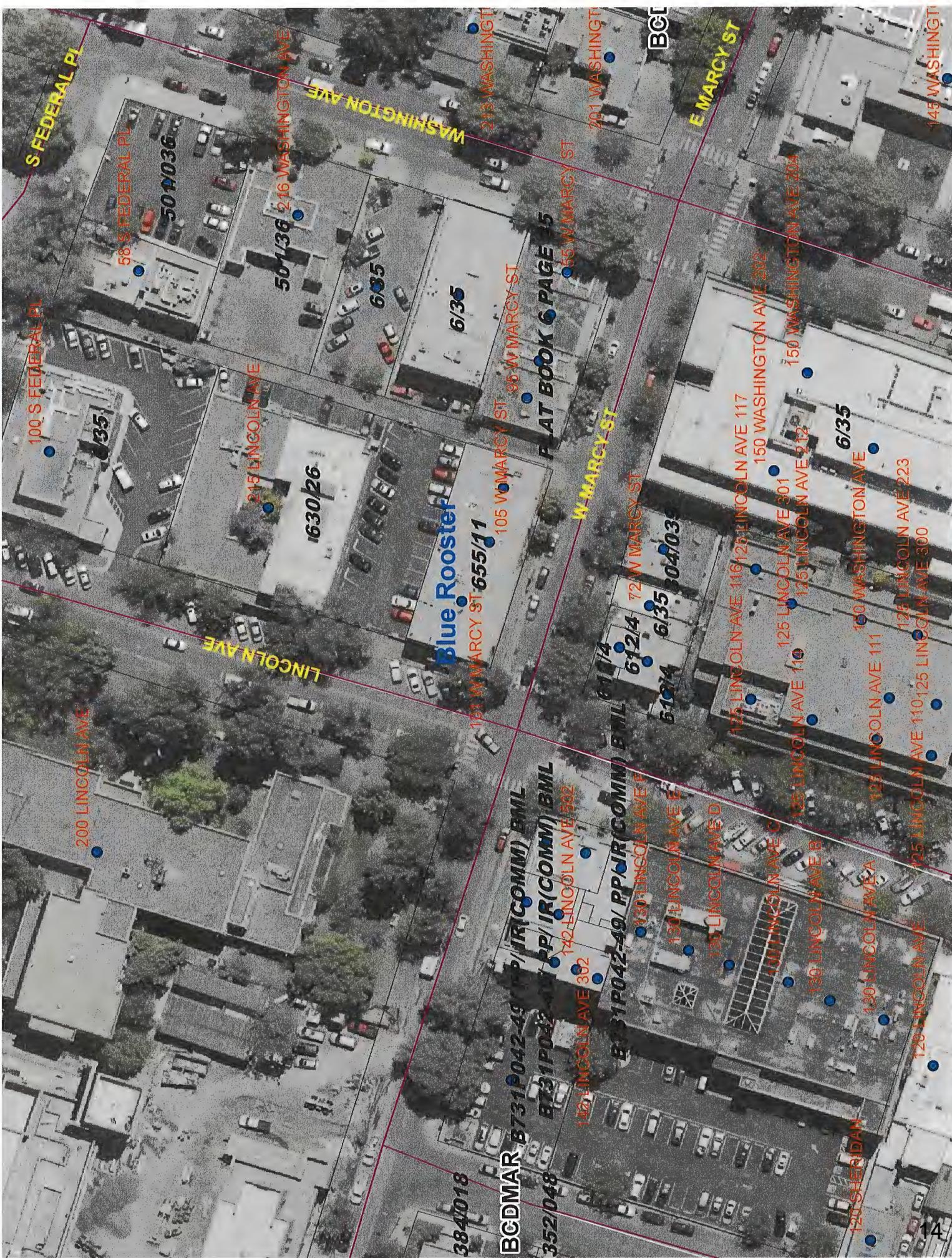
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Zach Thomas
Senior Planner

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S FEDERAL PL

100 S FEDERAL PL

58 S FEDERAL PL

504036

501136 216 WASHINGTON AVE

WASHINGTON AVE

213 WASHINGTON

291 WASHINGTON

BCD

E MARCY ST

145 WASHINGTON

215 LINCOLN AVE

163026

Blue Rooster
105 W MARCY ST 655/11

105 W MARCY ST 95 W MARCY ST

PLAT BOOK 6 PAGE 15

55 W MARCY ST

W MARCY ST

72 W MARCY ST

612/4 612/4 612/4

612/4 612/4 612/4

125 LINCOLN AVE 116125 LINCOLN AVE 117

150 WASHINGTON AVE 302

125 LINCOLN AVE 301

125 LINCOLN AVE 212

150 WASHINGTON AVE 304

6/35

150 WASHINGTON AVE

125 LINCOLN AVE 223

125 LINCOLN AVE 300

200 LINCOLN AVE

LINCOLN AVE

384018

BCDMAR B731P042-49 P/IR(COMM) BML

352048 B731P042-49 P/IR(COMM) BML

142 LINCOLN AVE 532

120 LINCOLN AVE 382

B731P042-49 P/IR(COMM) BML

130 LINCOLN AVE F

130 LINCOLN AVE E

130 LINCOLN AVE D

125 LINCOLN AVE C

125 LINCOLN AVE B

136 LINCOLN AVE A

130 LINCOLN AVE A

120 LINCOLN AVE

120 SHERIDAN