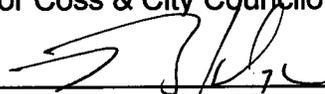


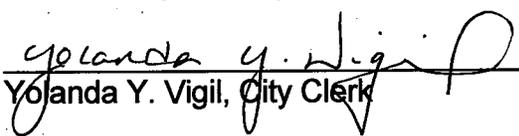
City of Santa Fe, New Mexico

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

BACKGROUND AND SUMMARY

Billu, LLC has requested the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at India Palace Restaurant, 227 Don Gaspar Avenue.

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.

India Palace Restaurant's application includes a properly enclosed outdoor patio seating area.

Staff is recommending that it be noted that India Palace Restaurant is required to comply with all of the city's ordinances as a condition of doing business in the city.

ACTION REQUESTED

I request that the Governing Body indicate its decision on the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at India Palace Restaurant, 227 Don Gaspar Avenue.

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

December 18, 2013

Certified Mail No.: 7006 3450 0000 3001 2146

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



Re: Lic. No. /Appl. No.: Appl. No. A-892610
Applicant Name: Billu, LLC
Doing Business As: India Palace Restaurant
Proposed Location: 227 Don Gaspar Avenue
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.

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. 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; 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 RESTAURANT BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY.

- 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

- Susana Martinez
GOVERNOR
- J. Dee Dennis, Jr.
SUPERINTENDENT
- Mary Kay Root
DEPUTY
SUPERINTENDENT
- James C. McKay
CHIEF GENERAL
COUNSEL
- Jennifer M. Anderson
DIRECTOR

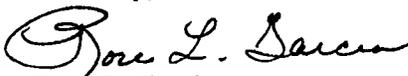
The governing body may disapprove the issuance or transfer of the license if:

- 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 or 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 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,



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

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Page 2 of 2

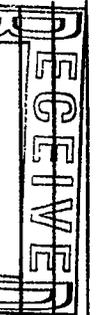


2550 Cerrillos Road - Santa Fe, New Mexico 87505 - (505) 476-4675 - Fax (505) 476-4595 - www.rld.state.nm.us/alcoholandgaming

NOTICING ORDER & JUDICIAL ORDER

LIQUOR LICENSE APPLICATION

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



State Liquor License # [blank] Application Number 898610 Local option (AGD use) [blank]

Record Owner of Existing License [blank] Current DB/A Name [blank] Current Premises Address [blank]

Application is for: Change of Stock [blank] Changes of Officers/Directors [blank] Transfer Ownership of Existing License [blank] Transfer Ownership and Location [blank] Other [blank]

Issue New License [checked] Type of License being applied for RESTAURANT LIQUOR LICENSE (Beer & Wine) Partnership (General or Limited) [checked] Limited Liability Company [checked]

NAME OF APPLICANT (company or individual) BILLY LLC CORPORATION ADDRESS (including city, state, zip) 227 DON GASPAL AVE. TELEPHONE NUMBER 505-986-5839

DB/A name to be used: TWOIA PALACE RESTAURANT ADDRESS (including city, state, zip) 227 DON GASPAL AVE. SANTA FE, NM 87501

Physical location where license is to be used: 227 DON GASPAL AVE. SANTA FE, NM 87501 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 227 DON GASPAL AVE. SANTA FE, NM 87501

Are alcoholic beverages currently being dispensed at the proposed location? Yes [checked] No [X] If yes, give license number and type [blank]

I, (print name) BALJIT SINGH as (title) ORGANIZER 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.

I must sign and date this form in the presence of a notary public. Signature of Applicant Baljit Singh Date 10/22/13

SUBSCRIBED AND SWORN TO before me this 22nd day of October 2013 by Baljit Singh Notary Public Use Only

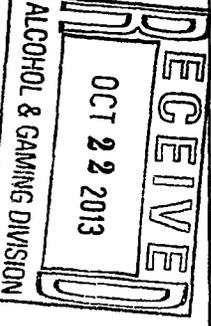
Notary Public Debra A. Lopez My Commission Expires 8/30/14 My Commission Expires [blank]

Local Governing Body of: [blank] (City or County). Hearing held on: 20 [blank]

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
 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) SPRINGER PLAZA LLC SOUTHWEST ASSET MANAGEMENT, INC (Agent)

B. Date and term of lease JUNE 27, 2013 THROUGH JULY 14, 2016

3. Premises location is zoned (example C-1) ACEDALA - BUSINESS CAPITAL 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 1,025' Name of church St. Francis CATHEDRAL Address/location of church 131 Cathedral Pl. Santa Fe, NM 87501

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

Miles/feet 1,250' Name of school St. Francis CATHEDRAL School Address/location of school 275 E. Alameda Ave. Santa Fe, NM 87501

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

Miles 6/ 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) _____



July 16, 2013

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

RE: Zoning Verification for 227 Don Gaspar Ave.

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page H-18 updated May 2001, this property is zoned BCDALA (Business Capital District, Alameda sub-district).

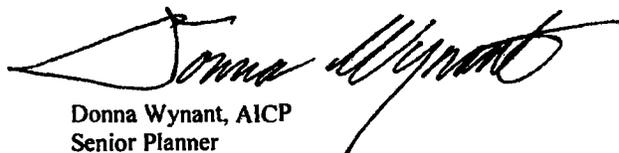
“(e) Uses (Ord. No. 2002-37 § 19)

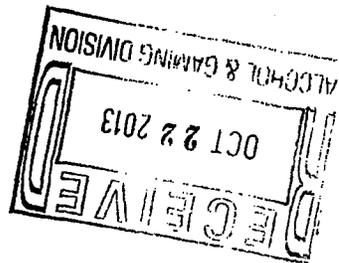
- (i) All permitted uses allowed in other districts of this chapter are permitted within the Business-Capital District subject to the provisions of this section. In areas encompassed by the boundaries of the Historic Districts, all provisions of those districts shall apply and control, and where inconsistent with the Business-Capital District provisions, the provisions of the Historic Districts shall control.”
- Eating and drinking establishments are permitted uses within a Business Capital District, Alameda sub-district.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses).

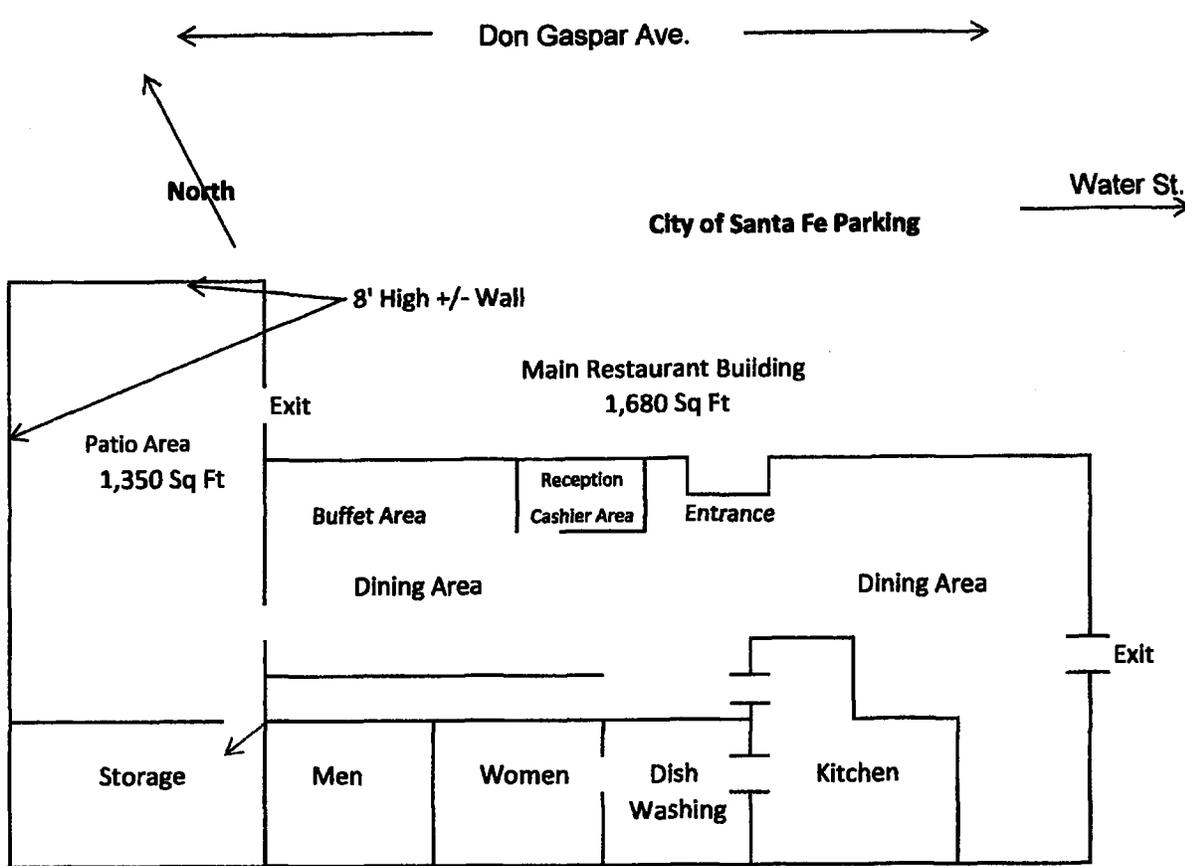
Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property 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 505-955-6325.


Donna Wynant, AICP
Senior Planner



India Palace Restaurant
 227 Don Gaspar Ave. Santa Fe, NM 87501



Premises Floorplan Sketch

Zoning	BCD/ALA
Main Restaurant	1,680 Sq. Ft.
Patio Area	1,350 Sq. Ft.
Total Sq. Ft.	3,030 Sq. Ft.

Note: Drawing is not to Scale



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:

APPL. NO. A-892610

TRANSFER OF OWNERSHIP & LOCATION
 TRANSFER OF OWNERSHIP ONLY

TRANSFER OF LOCATION ONLY
 NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: BILLU LLC

PROPOSED LOCATION: 227 DON GASPAR AVENUE, SANTA FE, NM 87501

PROPOSED BUSINESS NAME INDIA PALACE RESTAURANT

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: .1 miles
NAME OF CHURCH IS: LORETTA CHAPEL
4. DISTANCE FROM NEAREST SCHOOL IS: .1 miles
NAME OF SCHOOL IS: SECOND-WIND SCHOOL
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 65.7 miles
NAME OF INSTALLATION IS _____
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
 BUILDING BILLBOARD
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: 11-13-13

EXPIRATION DATE: 12-31-13

Baljit Singh
APPLICANT'S SIGNATURE

David Hoy
S.I.D. SPECIAL AGENT SIGNATURE

PRINTED

DAVID HOY
PRINTED

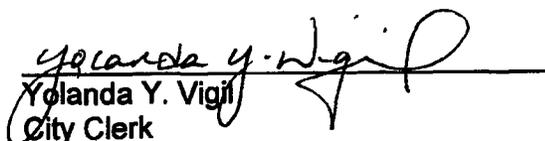
CITY OF SANTA FE

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, January 29, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

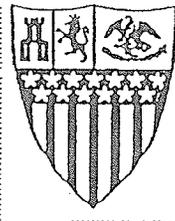
The purpose of this hearing is to discuss a request from Billu, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at India Palace Restaurant, 227 Don Gaspar Avenue, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican on
Date January 14, 2014
To Be Published On Friday, January 17, 2014
and Friday, January 24, 2014
By Cindy [Signature]
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.

- Name of owner of business Baljit Singh
Name of business where proposed license is to be used India Palace
Business street address 227 Don Gaspar ave 87501
Telephone number 505 9865859
- Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: _____)
 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.
11:30 Am to 2:30 Pm 5Pm to 10 Pm
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.
no
6. If this is a new business, indicate the anticipated hours of operation of the business.
N/A
7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.
 Business is expected to increase (number of customers per day _____)
 Business is expected to decrease (number of customers per day _____)
 Business is expected to remain the same
8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.
100+
9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.
40 number of customers who drive
60-70 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 India Palace
 Year(s) 1991-2013
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

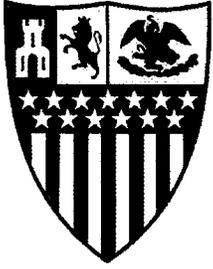
Name of person completing this form Baljit Singh
 Telephone number 5059301165
 Date 01-14-14

(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 JUNIOR ENGINEER
 Date 1/16/15



City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, 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 22, 2014 for the City Council Meeting of January 29, 2014

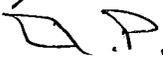
TO: Mayor and City Council Members

VIA:



Brian Snyder, City Manager

Matthew O'Reilly, Director, Land Use Department 

FROM: Antoinette Padilla, Code Enforcement Specialist 

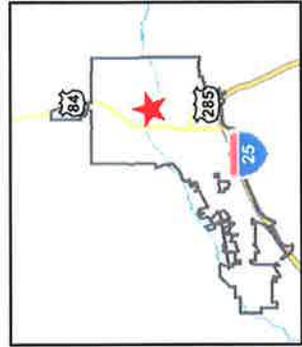
ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Billu, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at India Palace Restaurant, 227 Don Gaspar Avenue, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

227 Don Gaspar Avenue



Legend

- City Limits
- Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning

RR Rural Residential	R4 (PUD) Single-Family 1d4lac	R2 (DT), (PUD), (AC) Single - Family 2d4lac	R3 (PUD) Single - Family 3d4lac	R4 Single - Family 4d4lac	R5 (DT), (PUD), (AC), R6 Single - Family 5d4lac	R7 (M), (PUD), R8 Single - Family 7-8d4lac	RC5, RC5AC Compound 5d4lac	RC6, RC6AC Compound 6d4lac	R10, (PUD) Multiple - Family 10d4lac	R12, (PUD) Multiple - Family 12d4lac	R21, (PUD) Multiple - Family 21d4lac	R29, (PUD), (AC) Multiple - Family 29d4lac	RAC Residential Arts & Crafts
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Scale: 1:568

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	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC-5, RC-8	R-10 -R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU	Use-Specific Regs 14-6.2
Arts and crafts schools									P	P	P	P	P		P	P		P	P	P	P ²		
Dance studios									P	P	P	P			P	P		P	P	P	P ²		
Photographers' studios									P	P	P	P			P	P		P	P	P	P ²		
Assembly																							
Private clubs and lodges	S	S	S	S		S	S		S	S	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 ²		
Banks, credit unions (with drive-through)											P*	P*			P	P*		P*	P*	P*	P ²		
Food and Beverages																							
Bar, cocktail lounge, nightclub, no outdoor entertainment									S ³	S ³		P			P	P		P	P	P	P ²		
Bar, cocktail lounge, nightclub, with outdoor entertainment									S* ³	S ³		P*			P*	P*		P*	P*	P*	P* ²		
Restaurant - full service, with or without incidental alcohol service									S ³	S ³		P			P	P		S	P	P	P		

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.									S* ³	S* ³		P*			P*	P*			P*	P*		P* ²	
Restaurant - Fast service/take-out, no drive-through/drive-up									S	P ⁴	P ⁴	P	P ⁴		P	P	S		P	P		P	
Restaurant - with drive-through/drive-up												P*			P*	P*	S		P*	P*		P* ²	
Medical																							
Apothecary shops or pharmacies										P	P	P	P	P	P	P			P	P		P ²	
Medical and dental offices or clinics									S	S	P	P	P	P	P	P	P		P	P		P ²	
Offices, Business and Professional																							
Business and professional offices excluding medical and dental and financial services									S	S	P	P	P	P	P	P	P		P	P		P ²	
Public Accommodation																							
Bed and breakfast houses and inns												P			P	P			P			P	
Conference and extended stay lodging facilities												P			P	P			P				