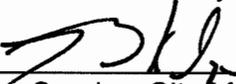


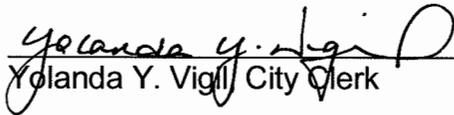
City of Santa Fe, New Mexico

memo

DATE: February 5, 2015

TO: Mayor Gonzales & City Councilors

VIA: 
Brian K. Snyder, City Manager

FROM: 
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Restaurant Liquor License with Patio Service (beer and wine with on-premise consumption only).

BACKGROUND AND SUMMARY

El Agave Mexican Restaurante, LLC has requested the issuance of a Restaurant Liquor License with Patio Service (beer and wine with on-premise consumption only) to be located at El Agave Mexican Restaurante, 31 Burro Alley.

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 El Agave Mexican Restaurante 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 with Patio Service (beer and wine with on-premise consumption only) to be located at El Agave Mexican Restaurante, 31 Burro Alley.

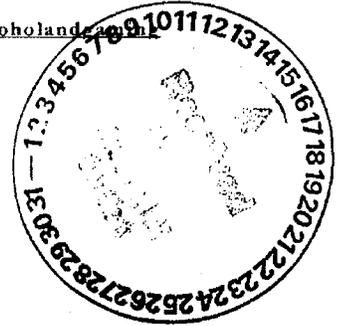
Attachments: Alcohol & Gaming Division Application
Notice of Public Hearing
Staff Reports



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87505
P.O. Box 25101 • Santa Fe, New Mexico 87505-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

January 9, 2015



Susana Martinez
GOVERNOR

Certified Mail No.: 7013 2250 0001 5426 6499

Robert "Mike" Unthank
SUPERINTENDENT

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

James C. McKay
CHIEF GENERAL
COUNSEL

Re: Lic. No. /Appl. No.: Appl. No. 935409
Name of Applicant: El Agave Mexican Restaurant, LLC
Doing Business As: El Agave Mexican Restaurant
Proposed Location: 31 Burro Alley
Santa Fe, New Mexico 87501

Mary Kay Root
DIRECTOR

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.

Alcohol and Gaming Division
(505) 476-4875

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.

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 APPLICANT IS SEEKING A RESTAURANT LICENSE FOR ON PREMISE CONSUMPTION WITH THE ABILITY TO HAVE PATIO SERVICE DURING SUMMER MONTHS.

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,



Brenda Mares
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4548
Fax: 505-476-4595
Email: brenda.mares2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application, copy of posting certificate, copy of zoning statement

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Page 2 of 2

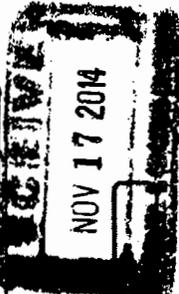
R#165439S
PAID
\$200.00

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 93540A LOD



Application is for: New License / Change of Stock among existing members only / Change of Officers (no ownership interest)

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

NAME OF APPLICANT (company or individual) El Agave Mexican Restaurante LLC

ADDRESS (including city, state, zip) 31 Burro Alley Santa Fe NM 87501

TELEPHONE NUMBER OWNER 919-389-8802 EMAIL

D/B/A name to be used: El Agave Mexican Restaurante LLC Phone number for licensed premises:

Physical location where license is to be used: 31 Burro Alley Santa Fe NM 87501

Mailing address: 31 Burro Alley Santa Fe NM 87501
(Include street number / highway number / state road, city and county, state, and zip code)

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

I, (print name) Hector Venegas, as (title) Manager / Partner being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

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

Signature of Applicant: [Signature] Date: 11/12/14



SUBSCRIBED AND SWORN TO before me this 12th day of November, 2014 by Hector Venegas
Notary Public [Signature] My Commission Expires 10/13/17

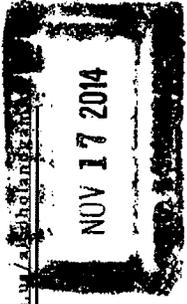
Local Governing Body of: _____ (City or County). Hearing held on _____

Check one: Approved _____ Disapproved _____ City/County Official _____

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

Please Sign Here
20 _____
(Signature & Title)



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) DeWayne J. Burro Alley, LLC

B. Date and term of lease _____

3. Premises location is zoned (example C-1) 31 Burro Alley Santa Fe NM 87507 BCD zoning 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 0.3 Miles Name of church Loretto Chapel Address/location of church 207 Old Santa Fe Trail Santa Fe NM 87507

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

Miles/feet 0.5 Miles Name of school Carlos Gilbert Elementary Address/location of school 300 Griffin St. Santa Fe NM 87507

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

Miles 6.5 mi. 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) _____



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

El Agave Mexican Restaurant
c/o Hector Venegas
31 Burro Alley
Santa Fe, NM 87501

November 18, 2014

RE: Zoning Verification for 31 Burro Alley (El Agave Mexican Restaurant), Santa Fe, New Mexico

Dear Mr. Venegas,

According to the Official Zoning Map, page H-18, the above-referenced property is within the BCD zoning district (Business-Capitol District).

Full service restaurants with incidental alcohol service 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 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.

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

DISPENSER (FULL SERVICE) RETAILER (PACKAGE ONLY)
 RESTAURANT (BEER/WINE ONLY) DISPENSER (ON PREMISE ONLY)
 CANOPY (DISPENSER-C) INTER-LOCAL DISPENSER
 OTHER: LOTTERY

LICENSE NUMBER /APPLICATION NUMBER: APPL. NO. 935409

TRANSFER OF OWNERSHIP & LOCATION TRANSFER OF LOCATION ONLY
 TRANSFER OF OWNERSHIP ONLY NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO/APPLICANT: _____

PROPOSED LOCATION: 31 BURRO ALLEY, SANTA FE, NM

PROPOSED BUSINESS NAME EL AGAVE MEXICAN RESTAURANT, LLC

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: City of Santa Fe
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 0.2 miles
NAME OF CHURCH IS: Loretto Chapel Santa Fe, NM
4. DISTANCE FROM NEAREST SCHOOL IS: 0.3 miles
NAME OF SCHOOL IS: Carlos Gilbert Elementary Santa Fe, NM
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 0.3 miles
NAME OF INSTALLATION IS: Kirtland Air Force Base Albuquerque, NM
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
 BUILDING (window) BILLBOARD
 BUILDING UNDER CONSTRUCTION
 BUILDING BEING REMODELED NO BUILDING

DATE POSTED: _____

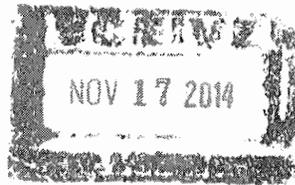
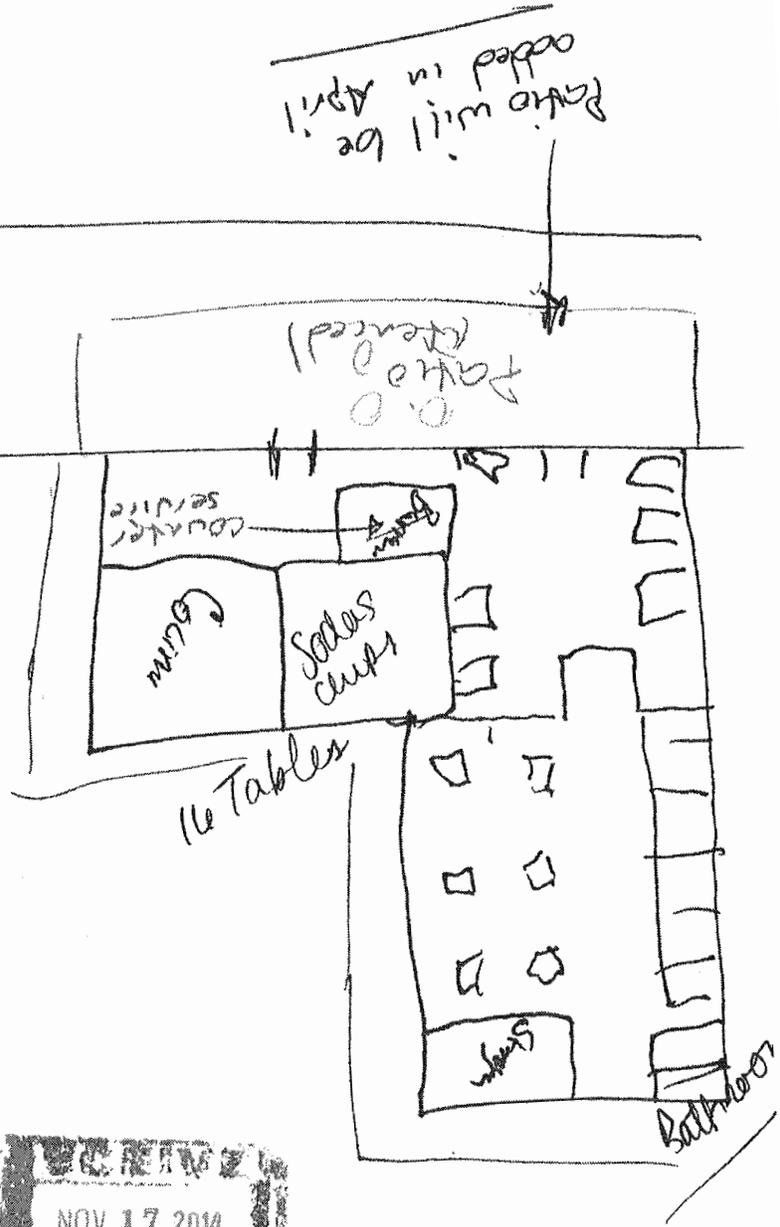
EXPIRATION DATE: 12/31/2014

[Signature]
APPLICANT'S SIGNATURE
→ Heitor A. Venegas
PRINTED

[Signature]
S.I.D. SPECIAL AGENT SIGNATURE
Don Sant
PRINTED

BURRO

2700 square feet



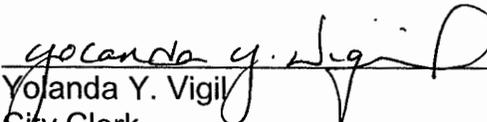
CITY OF SANTA FE

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, February 11, 2015 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 El Agave Mexican Restaurant, LLC for a Restaurant Liquor License with Patio Service (Beer and Wine with On-Premise Consumption Only) to be located at El Agave Mexican Restaurant, 31 Burro Alley, Santa Fe.

All interested citizens are invited to attend this public hearing.



Yolanda Y. Vigil
City Clerk

Received by The New Mexican

Date 1/27/15

To Be Published 1/30/15

2/6/15

By _____

The New Mexican (Signature)

City of Santa Fe



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

Liquor License Request Supplemental Information

Instructions:

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

Thank you.

1. Name of owner of business FL AGAVE Mexican Restaurant
Name of business where proposed license is to be used _____
Business street address 31 Bujo Alky Santa Fe NM 87501
Telephone number 505 992 9304
2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: Beer Wine)
 transfer of location of existing license (indicate type: _____)
 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.)

1 of 2

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.

11:00 to 10:00

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.

11:00 to 10:00

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 35)

Business is expected to decrease (number of customers per day _____)

Business is expected to remain the same

8. If the answer to question #3 is no, indicate the number of customers anticipated per day at the business.

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

80% number of customers who drive

20% 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 Santa

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 Hector Venegas

Telephone number 919-389-88-02

Date 1-27-15

(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 2/3/15



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

DATE: February 5, 2015 for the City Council Meeting of February 11, 2015

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 El Agave Mexican Restaurant, LLC for a Restaurant Liquor License with Patio Service (Beer and Wine with On-Premise Consumption Only) to be located at El Agave Mexican Restaurant, 31 Burro Alley, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

| CATEGORY | RR | R-1 | R-7 | R-7 | R-7 | R-9 | R-9 | 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 |
|---|----|-----|-----|-----|-----|-----|-----|------|------|-----|-------------------|----------------|-----|-----|-----|----|-----|-----|-----|-----|------|------|-----------------|-----------------|--------------------------|
| Specific Use | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arts and crafts schools | | | | | | | | | | | P ¹⁰ | P | P | P | P | | P | P | | P | P | P | P | P ² | |
| Dance studios | | | | | | | | | | | P ¹⁰ | P | P | P | | | P | P | | P | P | P | P | P ² | |
| Photographers' studios | | | | | | | | | | | P ¹⁰ | P | P | P | | | P | P | | P | P | P | P | P ² | |
| Assembly | | | | | | | | | | | | | | | | | | | | | | | | | |
| Private clubs and lodges | S | S | S | S | S | S | S | S | S | | S | S | P* | P* | P* | P* | P* | P* | | P* | P* | P* | P* | P* ² | |
| Financial Services | | | | | | | | | | | | | | | | | | | | | | | | | |
| Banks, credit unions (without drive-through) | | | | | | | | | | | | | P | P | | | P | P | | P | P | P | P | P ² | |
| Banks, credit unions (with drive-through) | | | | | | | | | | | | | P* | P* | | | P | P* | | P* | P* | P* | P* | P ² | |
| Food and Beverages | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bar, cocktail lounge, nightclub; no outdoor entertainment | | | | | | | | | | | S ^{3,10} | S ³ | | P* | | | P | P | | P | P* | P* | P* | P ² | |
| Bar, cocktail lounge, nightclub, with outdoor entertainment | | | | | | | | | | | S ^{3,10} | S ³ | | P* | | | P* | P* | | P* | P* | P* | P* ² | | |
| Restaurant - full service, with or without incidental alcohol service | | | | | | | | | | | S ^{3,10} | S ³ | | P | | | P | P | | S | P | P | P | P | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Italicized words defined in Article 14-12

31 Burro Alley

