City of Santa Fe, New Mexico

memo

DATE: September 24, 2015

TO: Mayor Gonzales & City Councilors

VIA: Brian K. Snyder, City Manager

FROM: Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a waiver of 300 foot location restriction and if the waiver is granted, consideration of a request for a Winery Off-Site License.

BACKGROUND AND SUMMARY

D.T.A., LLC has requested the following:

1) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of wine at Interior Route Wines, 411 W. Water Street, Suite C, which is within 300 feet of Our Lady of Guadalupe Church, 417 Agua Fria Street;

2) If the waiver of the 300 foot location restriction is granted, a request from D.T.A., LLC for a Winery Off-Site Liquor License to be located at Interior Route Wines, 411 W. Water Street, Suite C.

Attached is a letter of no objection from Reverend Tien-Tri Nguyen, of Our Lady of Guadalupe Church.

Included in your packet 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 Interior Route Wines 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 of the waiver of the 300 foot location restriction and if the waiver is granted, consideration of the issuance of a Winery Off-Site Liquor License to be located at Interior Route Wines, 411 W. Water Street, Suite C.

Attachments: Alcohol & Gaming Division Application
Letter/Our Lady of Guadalupe Church
Notice of Public Hearing
Staff Reports
§60-6B-10 NMSA 1978
§60-6A-11 NMSA 1978

New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL COUNSEL

Mary Kay Root
DIRECTOR

July 23, 2015

Certified Mail No.: 7013 2250 0001 5426 6796

Received
JUL 2015
Santa Fe, NM
City Clerk

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

Re:	**Lic. No. /Appl. No.:**	**Appl. No. 9960567**
	Name of Applicant:	**D.T.A., LLC**
	Doing Business As:	**Interior Route Wines**
	Proposed Location:	**411 W. Water Street, Suite C Santa Fe, NM 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.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both 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 AN WINERY OFF-SITE LIQUOR LICENSE.

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

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

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 presented during the public hearing or submitted in writing in advance of the hearing pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license. If the governing body approves the issuance or transfer of the license, the Director shall approve the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, its notice shall set 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). Upon review, the Director will either uphold or overturn the disapproval.

Sincerely,

Brenda Mares

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, floor plan, zoning letter

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

Rev. 08/13

RECEIVED JUN 23 2015 ALCOHOL & GAMING DIVISION

LIQUOR LICENSE APPLICATION

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

State Liquor License # NM - 60002
Application Number 960567
Local option (AGD use) _____

Record Owner of Existing License DTA, LLC
Current D/B/A Name Interior Route Wines
Current Premises Address 27 Road 4650; Blanco, NM 87412

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 OFF-Site Location

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

NAME OF APPLICANT (company or individual)	ADDRESS (including city, state, zip)	TELEPHONE NUMBER
~~Raynel Chaves~~ DTA, LLC	5436 Augusta Dr; Farmington, NM 87402	818-371-0833

D/B/A name to be used: Interior Route wines **Phone number for licensed premises:** 818-371-0833

Physical location where license is to be used: 411 W. Water Street · Suite "C"; Santa Fe, NM 87501
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 5436 Augusta Dr; Farmington, NM 87402

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

I, (print name) Raynel Chaves, as (title) Manager / Owner 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.

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

Signature of Appplicant [signature] Date 6/22/15

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 22nd day of June, 2015 by Raynel Chaves

Notary Public [signature] My Commission Expires 3/21/2018

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

Check one: Approved _____ Disapproved _____ City/County Official _____ (Si[redacted]

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

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) _____

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JUN 23 2015
ALCOHOL & GAMING DIVISION

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

A. Owner(s) d Roberts Realty LLC

B. Date and term of lease 6/23/15 1 year

3. Premises location is zoned (example C-1) BCD ?

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 259 Name of church Our Lady of Guadalupe Address/location of church 417 Agua Fria St, Santa Fe, NM 87501

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

Miles/feet 1000 Name of school First Presbyterian PreSchool Address/location of school 208 Grant Ave; Santa Fe, NM 87501

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

N. 67 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 ½ 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) Retail wine ?

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

6

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

POSTING CERTIFICATE

___ DISPENSER (FULL SERVICE)
___ RESTAURANT (BEER/WINE ONLY)
___ CANOPY (DISPENSER-C)
_X_ OTHER: WINEGROWER OFF-SITE

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

LICENSE NUMBER /APPLICATION NUMBER: **APPL. NO. 960567**

___ TRANSFER OF OWNERSHIP & LOCATION
___ TRANSFER OF OWNERSHIP ONLY

___ TRANSFER OF LOCATION ONLY
___ NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: _____

PROPOSED LOCATION: **411 W. WATER STREET, SUITE C, SANTA FE, NM**

PROPOSED BUSINESS NAME **DTA, LLC DBA INTERIOR ROUTE WINES**

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 Nm
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: _____
3. DISTANCE FROM NEAREST CHURCH IS: 259 Ft *AND AWARE AND WAIVER IS BEING SUBMITTED*
   NAME OF CHURCH IS: Our lady of Guadalupe
4. DISTANCE FROM NEAREST SCHOOL IS: 1000 Ft
   NAME OF SCHOOL IS: First Elementary School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 62 mile
   NAME OF INSTALLATION IS Kirtland AFB
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
   BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
   _X_ BUILDING
   __ BUILDING UNDER CONSTRUCTION
   __ BUILDING BEING REMODELED
   __ BILLBOARD
   __ NO BUILDING

DATE POSTED: 7/1/15

EXPIRATION DATE: 7/22/15

7/1/15
APPLICANT'S SIGNATURE

S.I.D. SPECIAL AGENT SIGNATURE

Raynel Chaves
PRINTED

NASSOUR
PRINTED

City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

Councilors:
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Peter N. Ives, Dist. 2
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

June 23, 2015

Alcohol Beverage & Gaming Division
Regulations & Licensing Department
2550 Cerrillos Road, Second Floor
Santa Fe, NM 87505

RE: Zoning Verification for 411 W. Water St.

To whom it may concern,

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

(E) BCD Business-Capitol District

(1) Purpose *"In recognition of the fact that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including residential uses, designed to promote the district's economic well being while preserving the unique architecture, townscape and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city."*

Wine retail with a tasting room is a permitted use within a BCD district.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses). If you have any questions, please call me at 505-955-6325.

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.

Sincerely,

Donna J. Wynant, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
dwynant@santafenm.gov

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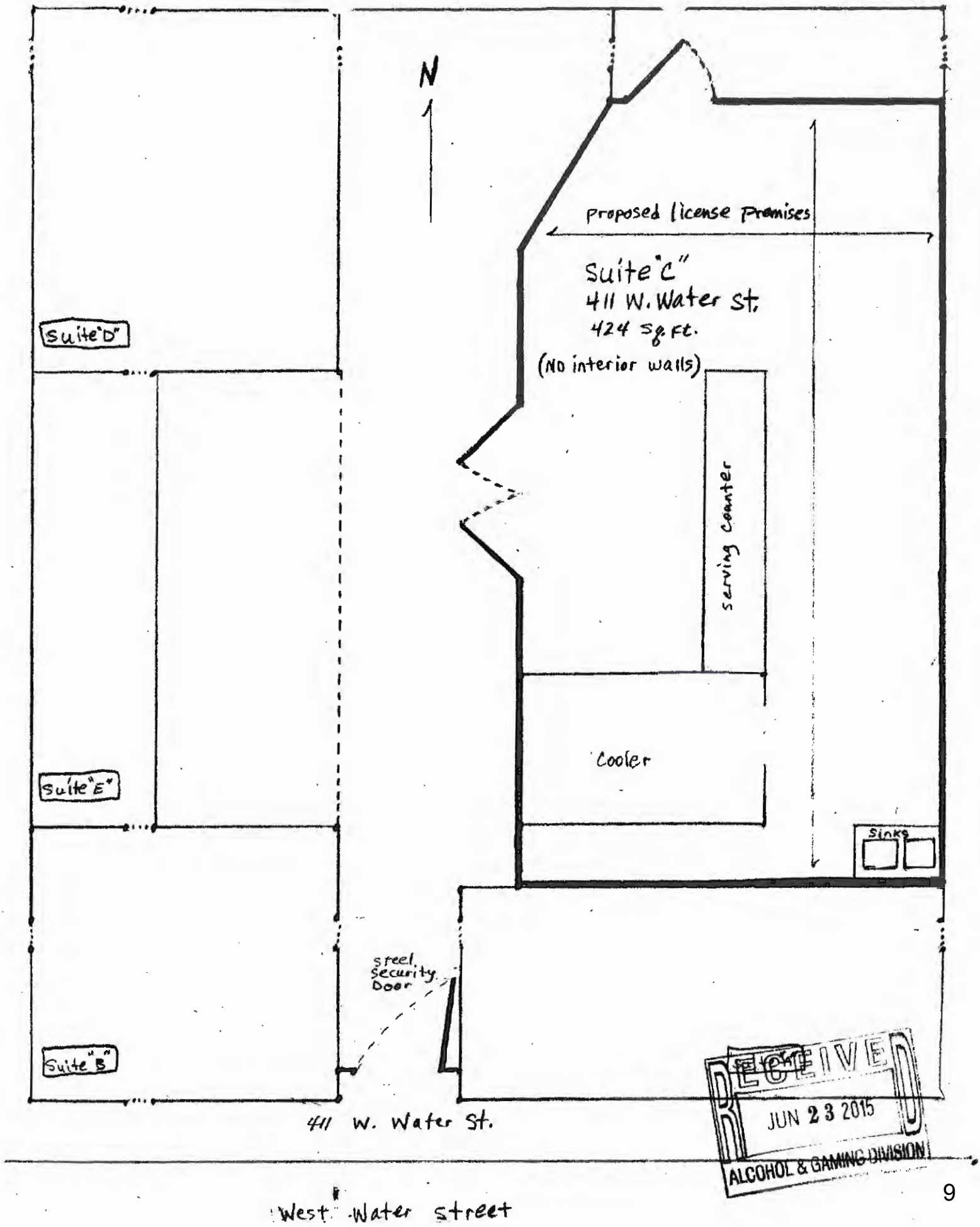
JUN 23 2015
ALCOHOL & GAMING DIVISION



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JUN 23 2015
ALCOHOL & GAMING DIVISION

Shrine of Our Lady of Guadalupe

417 Agua Fria St.
Santa Fe, NM 87501
V: 505-983-8868 F: 505-983-4304
Email: guadladysf@aol.com
Website: ologsf.com

August 19, 2015

To Whom It may Concern,

I am writing this letter in regards of the DTA, LLC dba Interior Wines which is located at 411 W. Water St, Suite C, Santa Fe NM which is about 259 feet from our church. It is applying for retail sales of bottled wine and by glass; wine tastings, exclusively NM wines.

We have no objection for this type of business at this proposed location. If you have any question please contact me at 983-8868.

May God bless you and your work.

Sincerely in Christ,

Rev. Tien-Tri Nguyen
Pastor, the Shrine of Our Lady of Guadalupe

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, September 30, 2015 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this public hearing is to discuss a request from D.T.A., LLC for the following:

a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of wine at Interior Route Wines, 411 W. Water Street, Suite C which is within 300 feet of Our Lady of Guadalupe Church, 417 Agua Fria Street;

b) If the waiver of the 300 foot restriction is granted, a request from D.T.A., LLC for a Winery Off-Site Liquor License to be located at Interior Route Wines, 411 W. Water Street, Suite C, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date August 17, 2015
To Be Published August 20, 2015
and August 27, 2015
By _____
The New Mexican (Signature)

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 DTA, LLC ; Raquel Chaves - owner/manager
   Name of business where proposed license is to be used Interior Route wine & the wine Spot
   Business street address 411 W. Water Street - Suite C
   Telephone number 805-371-0933

2. Indicate the type of liquor license this request entails.
   ___ issuance of new license (indicate type: winery off-site location)
   ___ 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.)

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.

12:00 - 19:00

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 _____)

___ 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.

1-8

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

1 number of customers who drive

7 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 Rayael Chaves

Telephone number 818-371-0923

Date 8/21/15

(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 8/21/15

City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

Councilors:
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Peter N. Ives, Dist. 2
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

DATE: September 14, 2015 for the City Council Meeting of September 30, 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 D.T.A., LLC for the following:

a) Pursuant to §60-6B-10 NMSA 1978, a request for a waiver of the 300 foot location restriction to allow the sale of wine at Interior Route Wines, 411 W. Water Street, Suite C which is within 300 feet of Our Lady of Guadalupe Church, 417 Agua Fria Street;

b) If the waiver of the 300 foot restriction is granted, a request from D.T.A., LLC for a Winery Off-Site Liquor License to be located at Interior Route Wines, 411 W. Water Street, Suite C, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

Councilors:
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Peter N. Ives, Dist. 2
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4

June 23, 2015

Alcohol Beverage & Gaming Division
Regulations & Licensing Department
2550 Cerrillos Road, Second Floor
Santa Fe, NM 87505

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Sincerely,

Donna J. Wynant, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
djwynant@santafenm.gov

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ALCOHOL & GAMING DIVISION

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
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	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*	P*[2]	
Restaurant - full service, with or without incidental alcohol service								S[3,10]	S[3]		P			P	P	P	S	P	P	P	P	

Italicized words defined in Article 14-12

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
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S[3,10]	S*[3]		P*			P*	P	P		P*	P*	P*	P*[2]	
Restaurant - Fast service/take-out, no drive-through/drive-up								S[3,10]		P[4]	P	P[4]		P	P	P	S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*	P*	P*[2]	
Medical																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P[2]	
Medical and dental offices or clinics								S[10]	S	P	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[10]	S	P	P	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					

Italicized words defined in Article 14-12

411 W. Water Street, Suite C

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.

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, (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5, RC5AC Compound 5du/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: 1:614

60-6B-10. Locations near church or school; restrictions on licensing.

No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation.

60-6A-11. Winegrower's license.

A. A person in this state who produces wine is exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in this state pursuant to rules adopted by the director; provided, however, that, for purposes of determining annual production and compliance with the fifty percent New Mexico grown provision of this subsection, the calculation of a winegrower's overall annual production of wine shall not include the winegrower's production of wine for out-of-state wine producer license holders.

B. A person issued a winegrower's license pursuant to this section may do any of the following:

(1) manufacture or produce wine, including blending, mixing, flavoring, coloring, bottling and labeling, whether the wine is manufactured or produced for a winegrower or an out-of-state wine producer holding a permit issued pursuant to the Federal Alcohol Administration Act and a valid license in a state that authorizes the wine producer to manufacture, produce, store or sell wine;

(2) store, transport, import or export wines;

(3) sell wines to a holder of a New Mexico winegrower's, wine wholesaler's, wholesaler's or wine exporter's license or to a winegrower's agent;

(4) transport not more than two hundred cases of wine in a calendar year to another location within New Mexico by common carrier;

(5) deal in warehouse receipts for wine;

(6) sell wines in other states or foreign jurisdictions to the holders of a license issued under the authority of that state or foreign jurisdiction authorizing the purchase of wine;

(7) buy wine or distilled wine products from other persons, including licensees and permittees under the Liquor Control Act, for use in blending, mixing or bottling of wines;

(8) buy or otherwise obtain beer from a small brewer for the purposes described in this subsection;

(9) conduct wine tastings and sell, by the glass or by the bottle, or sell in unbroken packages for consumption off the premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower on the winegrower's premises or beer produced and bottled by or for a small brewer pursuant to Section 60-2A-26.1 [60-6A-26.1] NMSA 1978;

(10) at no more than three off-premises locations, conduct wine tastings, sell by the glass and sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and the department rules for new liquor license locations;

(11) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act [Chapter 7, Article 9 NMSA 1978];

(12) at public celebrations on or off the winegrower's premises, after the winegrower has paid the applicable fees and been issued the appropriate permit, to conduct wine tastings, sell by the glass or the bottle, or sell in unbroken packages, for consumption off premises, but not for resale, wine produced by or for the winegrower;

(13) sell wine or cider in a growler for consumption off premises; and

(14) in accordance with the provisions of this section that relate to the sale of wine, accept and fulfill an order for wine that is placed via an internet web site, whether the financial transaction related to the order is administered by the licensee or the licensee's agent.

C. Sales of wine or beer as provided for in this section shall be permitted between the hours of 7:00 a.m. and midnight Monday through Saturday, and the holder of a winegrower's license or public celebration permit may conduct wine tastings and sell, by the glass or bottle, or sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 on the winegrower's premises between the hours of 12:00 noon and midnight on Sunday.

D. At public celebrations off the winegrower's premises in any local option district permitting the sale of alcoholic beverages, the holder of a winegrower's license shall pay ten dollars ($10.00) to the alcohol and gaming division of the regulation and licensing department for a "winegrower's public celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a winegrower's license a public celebration permit for a location at the public celebration that is to be shared with other winegrowers and small brewers. As used in this subsection, "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.

E. Every application for the issuance or annual renewal of a winegrower's license shall be on a form prescribed by the director and accompanied by a license fee to be computed as follows on the basis of total annual wine produced or blended:

(1) less than five thousand gallons per year, twenty-five dollars ($25.00) per year;

(2) between five thousand and one hundred thousand gallons per year, one hundred dollars ($100) per year; and

(3) over one hundred thousand gallons per year, two hundred fifty dollars ($250) per year.

History: Laws 1981, ch. 39, § 28; 1985, ch. 15, § 1; 1987, ch. 98, § 2; 1988, ch. 60, § 3; 1993, ch. 329, § 2; 1995, ch. 122, § 1; 1998, ch. 109, § 2; 1999, ch. 211, § 1; 2001, ch. 248, § 1; 2001, ch. 260, § 1; 2005, ch. 216, § 1; 2011, ch. 71, § 1; 2015, ch. 102, § 4; 2015, ch. 105, § 1; 2015, ch. 124, § 1.