

City of Santa Fe, New Mexico

memo

DATE: June 19, 2014

TO: Mayor Gonzales & City Councilors

VIA: Brian K. Snyder by yyp
Brian K. Snyder, City Manager

FROM: Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request for a Transfer of Location of Inter-Local Dispenser License #2663 with On-Premise Consumption Only.

BACKGROUND AND SUMMARY

Sleeping Dog Tavern, Inc. has requested the transfer of location of Inter-Local Dispenser License #2663 (on-premise consumption only) from Sleeping Dog Tavern, 114 W. San Francisco Street to Santa Fe Culinary Academy, 112 W. San Francisco Street, Suite 310. This location is not within 300 feet of a church or school.

Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

Staff is recommending that it be noted that Santa Fe Culinary Academy 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 #2663 (on-premise consumption only) from Sleeping Dog Tavern, Inc., 114 W. San Francisco Street to Santa Fe Culinary Academy, 112 W. San Francisco Street, Suite 310.

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

May 12, 2014

Certified Mail No.: 7009 2250 0000 9393 2964

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



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No. /Appl. No.: Lic. No. 2663 /Appl. No. 906170
Applicant Name: Sleeping Dog Tavern, Inc.
Doing Business As: Santa Fe Culinary Academy
Proposed Location: 112 W. San Francisco St., Suite 310
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 TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 2663 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

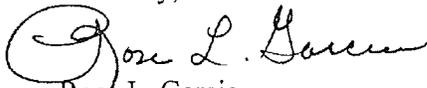
The governing body may disapprove the issuance or transfer of the license if:

- 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
Posting Certificate

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Page 2 of 2



State Liquor License # 2663
 Application Number 906-170
 Local option (AGD use) _____
 Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location XX Other _____
 Record Owner of Existing License Sleeping Dog Tavern, Inc.
 Current DB/A Name Sleeping Dog Tavern (Closed)
 Current Premises Address 114 W. San Francisco St., Santa Fe, NM 87501

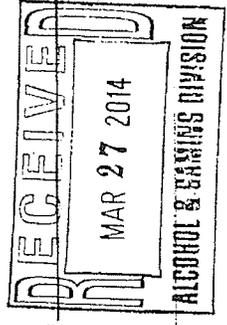
LIQUOR LICENSE APPLICATION

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

Issue New License _____ Type of License being applied for Inter-Local Dispenser License
 Partnership (General or Limited) _____ Limited Liability Company XX
 NAME OF APPLICANT (company or individual) _____ TELEPHONE NUMBER _____
Sleeping Dog Tavern, Inc. (505) 424-1882
 ADDRESS (including city, state, zip) _____
114 W. San Francisco St., Santa Fe, NM 87501
 D/B/A name to be used: Santa Fe Culinary Academy Phone number for licensed premises: (505) 983-7445
 Physical location where license is to be used: 112 W. San Francisco Street Suite 310, Santa Fe, NM 87501
 Mailing address: 4056 Cerrillos Road, Suite F-6, Santa Fe, NM 87507
 Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No XX If yes, give license number and type _____

I, (print name) James Hargrove, 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) agreed(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 _____ Date 3/22/14
 Notary Public Use Only
 SUBSCRIBED AND SWORN TO before me this 27th day of March, 2014 by Kathryn S. Rodriguez
 Notary Public Kathryn S. Rodriguez My Commission Expires 8-7-16

Local Governing Body of: _____ (City of County). Hearing held on _____ 20____
 Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)
 Approved _____ Disapproved _____ Director Approval _____ Date _____



PAID
 REF 158 2203
 \$200.00 # 50171



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-6B-10

- 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) xx-Leased by Proposed Agent Lessee, Santa Fe Culinary Institute, LLC - Copy of Lease attached to Lease Application
- If the land and building are not owned by Applicant, indicate the following:
 A. Owner(s) Plaza Mercado II, LLC
 B. Date and term of lease January 1, 2013 for 5 (five) years

3. Premises location is zoned (example C-1) BCDPLA (Business Capitol District Plaza/San Francisco)
 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 1048 ft./ .2 Miles Name of church St. Francis Cathedral Address/location of church 213 Cathedral Place, Santa Fe, NM 87501

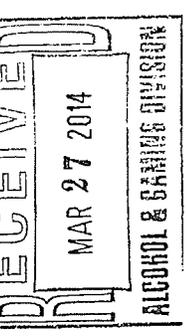
5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
 Miles/feet 2094 ft./ .4 Miles Name of school Santa Fe School for the Arts Address/location of school 275 E. Alameda St., Santa Fe, NM 87501

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)
 Miles 68 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).

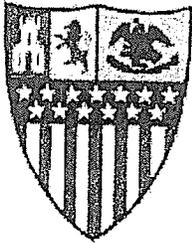
7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total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

*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) _____ and Culinary Academy



Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505.



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. Bushec, 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

September 26, 2013

Debra Lopez, Deputy Department Director
 Alcohol Beverage & Gaming Division
 Regulations & Licensing Department
 2550 Cerrillos Rd.
 Santa Fe, NM 87505

RE: Zoning Verification for 112 W. San Francisco St.

Dear Debra Lopez,
 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 BCDPLA (Business Capitol District Plaza/San Francisco).

(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.

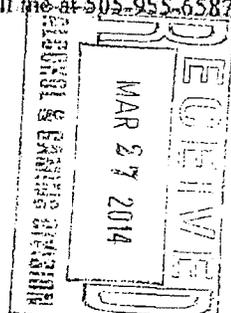
Pursuant to Chapter 14-6.1-1 SFCC the list of uses identified allows for the sale of alcohol.

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 505-955-6587.


 Daniel A. Esquibel
 Land Use Planner Senior



ALCOHOL & GAMING DIVISION
2550 CERRILLOS RD.
TONEY ANAYA BLDG.
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

POSTING CERTIFICATE

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

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

APPLICATION FILED FOR LICENSE/APPLICATION NUMBER: 2663/906170
 TRANSFER OF OWNERSHIP & LOCATION TRANSFER OF LOCATION
 TRANSFER OF OWNERSHIP NEW LICENSE
 CHANGE OF STOCKHOLDERS/PARTNERSHIP INTEREST

TRANSFERRED FROM: _____ TRANSFERRED TO: _____
OWNER: SLEEPING DOG TAVERN, INC. OWNER: SAME
CURRENT LOCATION: 114 W. SAN FRANCISCO ST., SANTA FE, NM PROPOSED LOCATION: 112 W. SAN FRANCISCO ST., SUITE 310, SANTA FE, NM
CURRENT BUSINESS NAME: SLEEPING DOG TAVERN PROPOSED NAME: SANTA FE CULINARY ACADEMY

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: 2¹/₂ miles 1056 FT
NAME OF CHURCH IS: First Pre by term Church
4. DISTANCE FROM NEAREST SCHOOL IS: 3 miles 1584 FT
NAME OF SCHOOL IS: Second ward school
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 0.3 miles
NAME OF INSTALLATION IS: Kirkland AFB
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: 4/15/14

EXPIRATION DATE: 5/5/14

Jan Leighton
APPLICANT'S SIGNATURE

[Signature]
S.I.D. SPECIAL AGENT

Jan Leighton

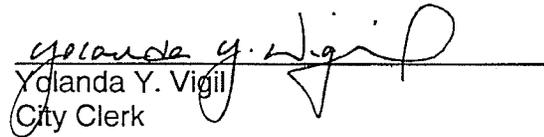
CITY OF SANTA FE

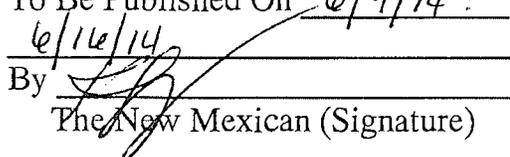
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, June 25, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

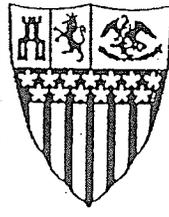
The purpose of this hearing is to discuss a request from Sleeping Dog Tavern, Inc. for a Transfer of Location of Inter-Local Dispenser License #2663 (with on-premise consumption only) from Sleeping Dog Tavern, 114 W. San Francisco Street, Santa Fe to Santa Fe Culinary Academy, 112 W. San Francisco Street, Suite 310, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican on
Date 5/28/14
To Be Published On 6/9/14
6/16/14
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.

- Name of owner of business ERICA PETERS + GERALD PETERS
Name of business where proposed license is to be used SANTA FE CULINARY ACADEMY
Business street address 112 W. SAN FRANCISCO ST #300 SF NM 87501
Telephone number 505 983 7445
- Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: _____)
 transfer of location of existing license (indicate type: INTER LOCAL)
 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 AM - 7 PM
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.
N/A
6. If this is a new business, indicate the anticipated hours of operation of the business.

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 8)
 Business is expected to decrease (number of customers per day 8)
 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.
10 number of customers who drive
10 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 Fe Culinary Academy
 Year(s) 2013, 2014
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

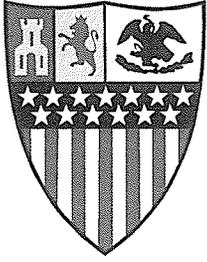
Name of person completing this form ERICA PETERS
 Telephone number (505) 983-7445 x5
 Date 5/29/14

(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 TRAFFIC ENGINEER
 Date 6/17/14



City of Santa Fe, New Mexico

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

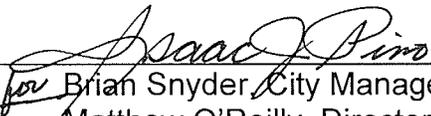
Javier M. Gonzales, Mayor

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: June 17, 2014 for the City Council Meeting of June 25, 2014

TO: Mayor and City Council Members

VIA: 
 for Brian Snyder, City Manager
 Matthew O'Reilly, Director, Land Use Department 

FROM: Antoinette Padilla, Code Enforcement Specialist 

ITEM AND ISSUE

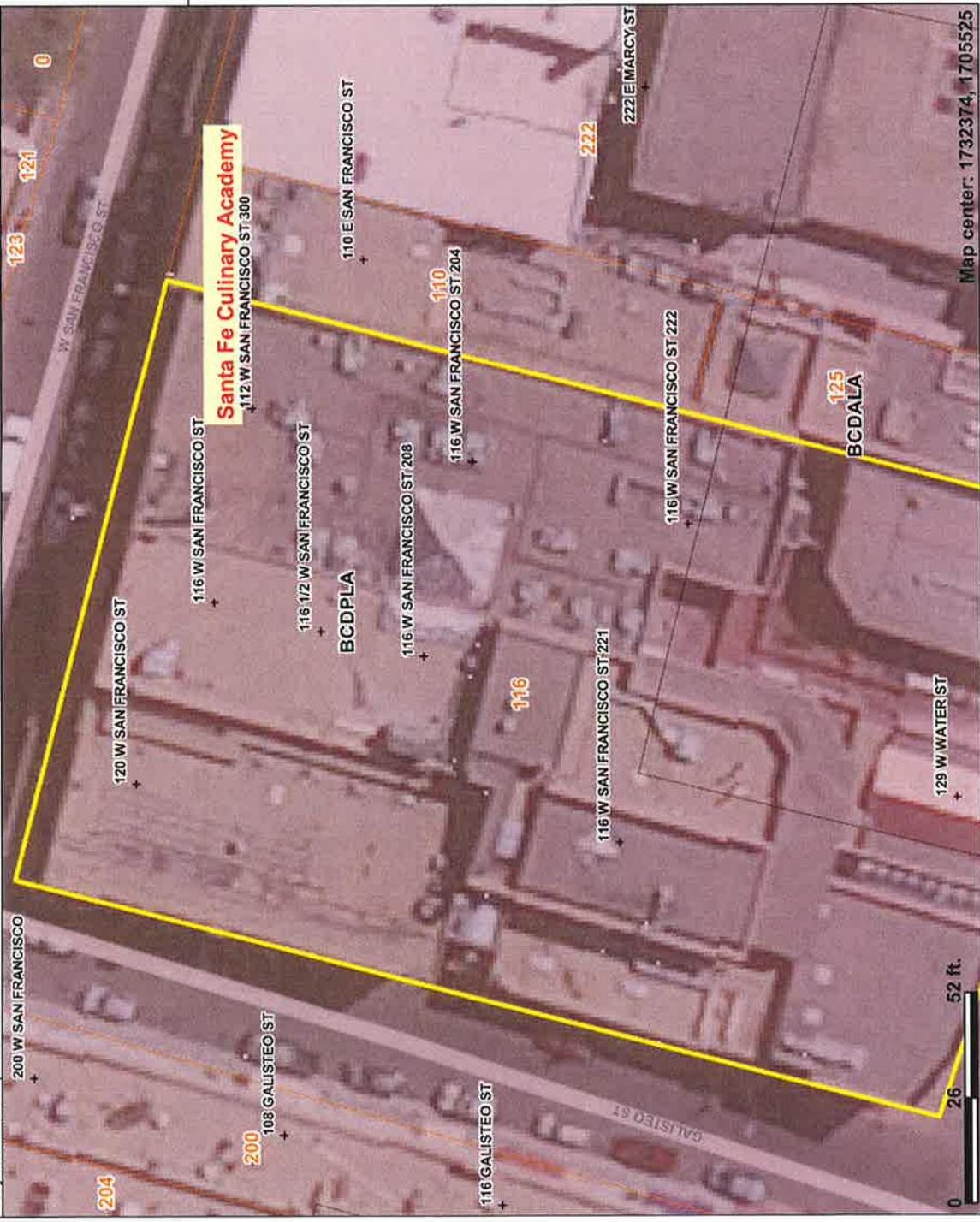
Litter and noise impact assessment, due to a request from Sleeping Dog Tavern, Inc. for a Transfer of Location of Inter-Local Dispenser License #2663 (with on-premise consumption only) from Sleeping Dog Tavern, 114 W. San Francisco Street, Santa Fe to Santa Fe Culinary Academy, 112 W. San Francisco Street, Suite 310, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

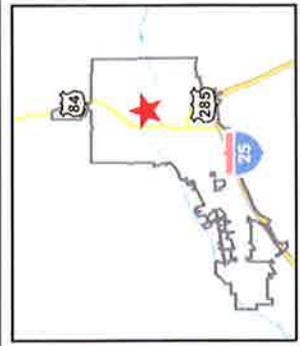
A substantial change in litter and noise due to this request is not anticipated.



112 W. San Francisco Street, Suite 310



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, RCSAC Compound 5du/ac
- RC8, RCSAC 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: 1:457