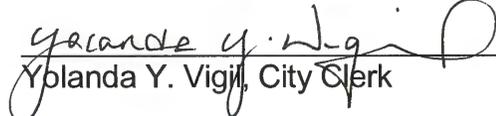


City of Santa Fe, New Mexico

memo

DATE: December 3, 2014
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 (beer and wine with on-premise consumption only).

BACKGROUND AND SUMMARY

Adelita's Inc. has requested the issuance of a Restaurant Liquor License (beer and wine with on-premise consumption only) to be located at Adelita's Express Mexican Restaurant, 6417 Airport Road, Suite 100.

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 Adelita's Express Mexican 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 with on-premise consumption only) to be located at Adelita's Express Mexican Restaurant, 6417 Airport Road, Suite 100.

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

November 3, 2014

Certified Mail No.: 7009 2250 0000 9386 7891

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



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No. /Appl. No.: Appl. No. 930698
Name of Applicant: Adelita's Inc.
Doing Business As: Adelita's Express Mexican Restaurant
Proposed Location: 6417 Airport Road, Suite 100
Santa Fe, New Mexico 87507

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 LICENSE FOR ON PREMISE CONSUMPTION.

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,



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

1017141
200
1044085

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/alcoholandgaming

RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 930698 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) Adelita's Inc

ADDRESS (including city, state, zip) 54 Churchill Rd., Santa Fe, NM 87508

TELEPHONE NUMBER OWNER 505-474-4897 EMAIL _____

D/B/A name to be used: Adelita's Express Mexican Restaurant Phone number for licensed premises: 505-428-0860
474-4897

Physical location where license is to be used: 6417 Airport Rd. Suite #100, Santa Fe, NM 87507
(Include street number / highway number / state road, city and county, state, and zip code)

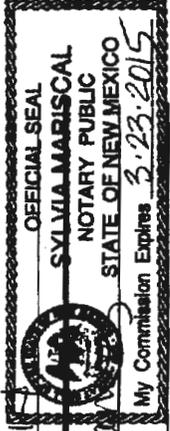
Mailing address: 54 Churchill Rd., Santa Fe, NM 87508

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

I, (print name) Maria Ramirez, as (title) Vice-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 [Signature] Date 9/30/14



SUBSCRIBED AND SWORN TO before me this 30 day of September, 2014 by Maria Ramirez

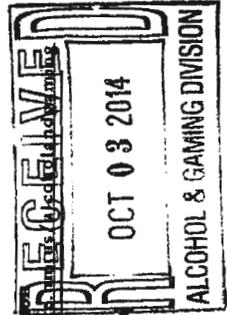
Notary Public [Signature] My Commission Expires March 23, 2015

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

Approved _____ Disapproved _____ Director Approval _____ Date _____

For Alcohol and Gaming Division Use Only



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

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) RE-V, LLC

B. Date and term of lease JANUARY 28, 2014 - (2) two five (5) year options

3. Premises location is zoned (example C-1) SC-1
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 • 4 Name of church New Beginning Church Address/location of church 5984 Airport Rd. Santa Fe, NM 87507

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

Miles/feet • 5 Name of school Sweeney Elem. School Address/location of school 501 Airport Rd. Santa Fe, NM 87507

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

Miles 62.1 Name of Military Installation, circle one: (Kirtland Air Force Base (Albuquerque)) ~~Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis),~~ ~~White Sands Missile Range (Las Cruces),~~

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) _____

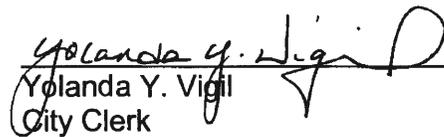
CITY OF SANTA FE

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, December 10, 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 Adelita's, Inc. for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Adelita's Express Mexican Restaurant, 6417 Airport Road, Suite 100, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican

Date 11/21/14

To Be Published 11/24/14 and

12/8/14

By Marilyn Hiers

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 Maria Olivas + Ruben Ramirez
Name of business where proposed license is to be used Adelitas Express
Business street address 6417 Airport rd ste 1075 Santa Fe NM 87507
Telephone number 505-429-6960
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

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

am 8:00 - 9:00 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.

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 620-50)

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.

35 number of customers who drive

_____ 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 Ameyensi Oluwal

Telephone number 205.577.1777

Date 11/21/2014

(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 11/24/15



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: November 21, 2014 for the City Council Meeting of December 10, 2014

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 Adelita's, Inc. for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Adelita's Express Mexican Restaurant, 6417 Airport Road, Suite 100, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - R-9 - J	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	P ²	
Dance studios								P	P	P	P			P	P		P	P	P	P	P ²	
Photographers' studios								P	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	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	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	P	

Italicized words defined in Article 14-12

