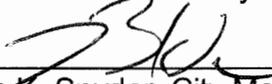


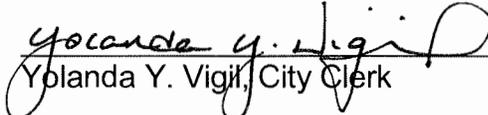
City of Santa Fe, New Mexico

memo

DATE: November 6, 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

Milad Bistro, 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 Milad Persian Bistro, 802 Canyon Road.

Milad Persian Bistro has commenced a remodel of their building and as a condition of approval is required to obtain all necessary permits and licenses, comply with all Fire, Building and Land Use Code Requirements and fully enclose the proposed patio areas.

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 Milad Persian Bistro 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 Milad Persian Bistro, 802 Canyon Road.

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



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

October 2, 2015

Certified Mail No.: 9171 9690 0935 0079 1751 25

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



Re: Lic. No. /Appl. No.: Appl. No. 972531
Name of Applicant: Milad Bistro, LLC
Doing Business As: Milad Persian Bistro
Proposed Location: 802 Canyon Road
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 A RESTAURANT LICENSE TO INCLUDE PATIO SERVICE.

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

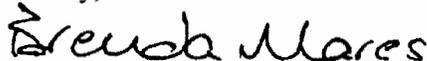
- Alcohol and Gaming Division
(505) 476-4875
- Boards and Commissions Division
(505) 476-4600
- Construction Industries Division
(505) 476-4700
- Financial Institutions Division
(505) 476-4885
- Manufactured Housing Division
(505) 476-4770
- Securities Division
(505) 476-4580
- Administrative Services 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 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 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
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



RECEIVED

Page 1
9/8/15 Rev. 01/14

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

SEP 08 2015

RESTAURANT LIQUOR LICENSE APPLICATION

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

ALCOHOL & GAMING DIVISION

AGD USE ONLY - APPLICATION # 472531 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) Milad Bishro LLC

ADDRESS (including city, state, zip) 802 CANYON RD. SANTA FE, NM 87501

TELEPHONE NUMBER OWNER 505-699-2808 EMAIL NEEMA_SADEGHI@Yahoo.com

D/B/A name to be used: Milad PERSIAN BISTRO Phone number for licensed premises: _____

Physical location where license is to be used: 802 CANYON RD. SANTA FE, NM 87501
(Include street number / highway number / state road, city and county, state, and zip code)

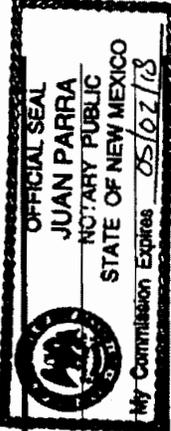
Mailing address: 808 AGUA FRIA ST. APT. A SANTA FE, NM 87501

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

I, (print name) NEEMA SADEGHI, as (title) 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.

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

Signature of Applicant: [Signature] Date 9/8/15



SUBSCRIBED AND SWORN TO before me this 8th day of September, 2015 by Juan Parra

Notary Public [Signature] My Commission Expires 05/02/18

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

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

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



RECEIVED

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

SEP 08 2015

ALCOHOL & GAMING DIVISION

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) Juan L. Vigil Flores Juan L. Vigil Enterprises, LLC B

B. Date and term of lease April 1st 2015 - March 31st 2025

3. Premises location is zoned (example C-1) RAC RESEIDENTIAL ARTS and CRAFTS

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 miles Name of church Cristo Rey Catholic Church Address/location of church 1120 CANYON RD. SANTA FE, NM 875

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

Miles/feet .4 miles Name of school Acquia Madre Elementary Address/location of school 700 Acquia Madre Santa Fe, NM 875

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

Miles 6.9 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) _____



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

Alcohol Beverage & Gaming Division
Regulations & Licensing Department
2550 Cerrillos Road, #2
Santa Fe, NM 87505

July 11, 2015

RE: Zoning Verification for 802 Canyon Road (Neema Sadeghi)

Dear 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 updated May 2001, this property is zoned RAC (Residential Arts & Crafts) the restaurant type use has been established in a RAC District.

14-4.2(I) RAC Residential Arts and Crafts District

(1) Purpose and Intent

This district is intended to serve and preserve the prevalent characteristics of some limited areas of the City. Within these general areas residential uses are intermixed with small arts and crafts shops and studios where the goods traded are custom-produced in small quantities, often one of a kind; where the arts or crafts are taught to small numbers of people; or where the persons engaged in arts and crafts activities are not numerous. It is not intended that this district be applied to new areas not having these characteristics.

The existing use on the property is a restaurant establishment which is allowed within an Arts and Crafts district.

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

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

If you have any questions, please call me at 505-955-6647.

Noah Berke, CFM
Land Use Senior Planner
City of Santa Fe Land Use Department

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SEP 08 2015

ALCOHOL & GAMING DIVISION

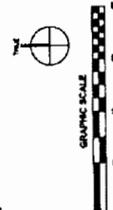
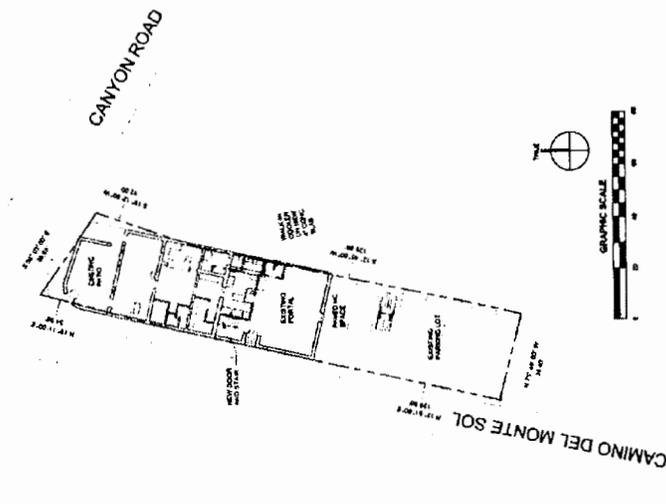
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SEP 08 2015

Tenant Improvements
For Milad Persian Bistro
802 Canyon Road, Santa Fe, N.M.

TRACT 16 BLOCK 10
T17N R10E S30
FILED AT BOOK 607, PAGE 051
UPC # 1055098129458

LOAN TRYK ARCHITECTS
216 McKinney, Suite B2
Santa Fe, New Mexico 87501
Telephone: 505 942 5340 Fax: 505 942 5393
E-Mail: info@loantryk.com



VICINITY MAP

\\served\0052 Canyon\MANAGE\Canyon-Rd.rvt

Tenant Improvements
For Milad Persian Bistro
802 Canyon Road, Santa Fe, N.M.

ZONING ANALYSIS	
ZONING:	RAC
LOT AREA:	6071 S.F. (0.139 ac.)
SETBACKS:	FRONT: 15'-0" EXISTING
	REAR: 0'-0" EXISTING
	LEFT: 0'-0" EXISTING
	RIGHT: 0'-0" EXISTING
HEIGHT:	EXISTING
AREAS	
LOT:	6071 S.F. (0.139 ac.)
HEATED:	1,780 S.F. EXISTING
DAMAGE:	0 S.F.
PORCHAL:	0 S.F. EXISTING
TOTAL ROOFED:	2,000 S.F. EXISTING
LOT COVERAGE:	3,881 / 13,360 = 28.9%

DESIGN CRITERIA	
CODES:	2009 IBC
CONSTRUCTION TYPE:	VI
OCCUPANCY:	A3
OCCUPANT LOAD:	100 SF / 15 = 6.67
MITIGATED AREAS:	607 / 200 = 3.03
TOTAL:	58

Sheet Number	Sheet Name
00	General Notes
01	Site Plan
02	Site Plan
03	Site Plan
04	Site Plan
05	Site Plan
06	Site Plan
07	Site Plan
08	Site Plan
09	Site Plan
10	Site Plan
11	Site Plan
12	Site Plan
13	Site Plan
14	Site Plan
15	Site Plan
16	Site Plan
17	Site Plan
18	Site Plan
19	Site Plan
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37	Site Plan
38	Site Plan
39	Site Plan
40	Site Plan
41	Site Plan
42	Site Plan
43	Site Plan
44	Site Plan
45	Site Plan
46	Site Plan
47	Site Plan
48	Site Plan
49	Site Plan
50	Site Plan

Cover,
Site Plan
A0

2660 sq. ft.

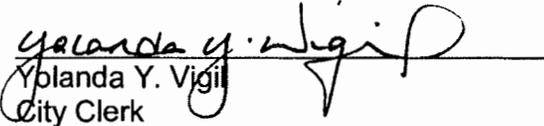
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Tuesday, November 10, 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 Milad Bistro, LLC for a Restaurant Liquor License with patio service (Beer and Wine for On-Premise Consumption Only) to be located at Milad Persian Bistro, 802 Canyon Road, Santa Fe.

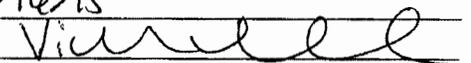
All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican

Date 10/7/15

To Be Published 10/9/15 and
10/14/15

By 
The New Mexican (Signature)

City of Santa Fe



PUBLIC WORKS DEPARTMENT
TRAFFIC DIVISION
Post Office Box 909
Santa Fe, NM 87504-0909
Phone: 505-4613 (voice)
505-46127 (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 NEEMA SADESHI
Name of business where proposed license is to be used MILAD ~~BEER~~ PERSIAN BISTRO
Business street address 802 CANYON RD. SANTA FE, NM 87501
Telephone number 505-699-2805

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.

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.

11am - 11:pm MANDAY - SUNDAY

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sales of liquor.

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

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

Business is expected to remain the same

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

100

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

30 number of customers who drive

70 number of customers who walk

10. Has liquor ever been sold at this business site?

yes

no

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that liquor sales occurred.

Name SAN MATEO, APPLE HAT BISTRO

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 NEEMA SADEGH

Telephone number 505 699-2408

Date 10/7/15

(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 [Signature]

Title TRAFFIC ENGINEER

Date 10/15/15



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: October 16, 2015 for the City Council Meeting of November 10, 2015

TO: Mayor and City Council Members

VIA:


 Brian Snyder, City Manager

 Lisa Martinez, Director, Land Use Department

FROM: Antoinette Padilla, Code Enforcement Specialist

A.P.

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Milad Bistro, LLC for a Restaurant Liquor License with patio service (Beer and Wine for On-Premise Consumption Only) to be located at Milad Persian Bistro, 802 Canyon Road, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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



802 Canyon Road



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 5-8du/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: 1:741

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.

