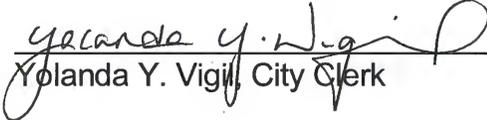


City of Santa Fe, New Mexico

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 Transfer of Location of Dispenser License #0433, with package sales.

BACKGROUND AND SUMMARY

George Rivera, Jr. has requested the transfer of location of Dispenser License #0433, with package sales, from Alegria, 2797 Agua Fria Street to Sprouts Farmers Market, 199 Paseo de Peralta. 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 Sprouts Farmers Market 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 Dispenser License #0433, with package sales, from 2797 Agua Fria Street to Sprouts Farmers Market, 199 Paseo de Peralta.

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

October 21, 2014

Certified Mail No.: 7009 2250 0000 9386 8829



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

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

Re: Lic. No. /Appl. No.: Lic. No. 0433 /Appl. No. 927068
Applicant Name: George Rivera, Jr.
Doing Business As: Sprouts Farmers Market
Proposed Location: 199 Paseo de Peralta
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 TRANSFER OF LOCATION OF LIQUOR LICENSE NO. 0433 WITH PACKAGE SALES.

- 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



New Mexico Regulation and Licensing Department - Alcohol and Gaming Division
FO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4898 • www.rld.state.nm.us

State Liquor License # 927068
Application Number 0433
Local option (AGD use)

LIQUOR LICENSE APPLICATION

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

Record Owner of Existing License George Rivera Jr.
Current D/B/A Name Alegria
Current Premises Address 2797 Agua Fria Street, Santa Fe, NM 87507

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 Corporation Partnership (General or Limited) Limited Liability Company

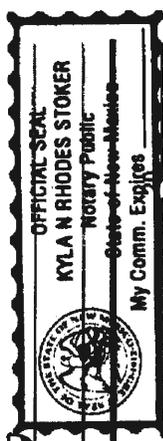
NAME OF APPLICANT (company or individual) George Rivera Jr. ADDRESS (including city, state, zip) 2182 Candelero Street, Santa Fe, NM 87505 TELEPHONE NUMBER _____
WITH COPY TO: New Mexico Liquor Licenses, LLC 1801 Lomas Blvd NW, Albuquerque, NM 87104 (505) 980-5614
D/B/A name to be used: To be leased to: Sprouts Farmers Market Phone number for licensed premises: (505) 998-1140

Physical location where license is to be used: 199 Paseo de Peralta, Santa Fe, Santa Fe County, New Mexico 87501
Mailing address: 2182 Candelero Street, Santa Fe, New Mexico 87505 (include street number / highway number / state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type Retailer 4026
I, (print name) George Rivera as (title) Individual 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.

Signature of Applicant [Signature] Date 8/28/2014

SUBSCRIBED AND SWORN TO before me this 28th day of August, 2014 by George Rivera Jr.
Notary Public [Signature] My Commission Expires 3/17/16

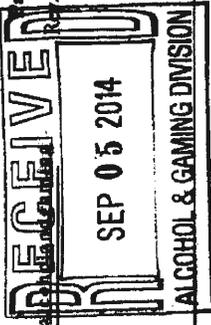


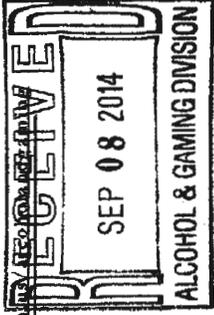
Local Governing Body of: _____ (City or County) Hearing held on _____ (Signature & Title)

Check one: Approved Disapproved City/County Official _____
Approved _____ Disapproved _____ Director Approval _____ Date _____

For Alcohol and Gaming Division Use Only

10/2
9/21/14
9/21/14
200
08/13, 10/21/14





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) _____ SEE ACCOMPANYING LEASE APPLICATION

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

A. Owner(s) SEE ACCOMPANYING LEASE APPLICATION

B. Date and term of lease _____

3. Premises location is zoned (example C-1) SEU Planned Shopping Center District - City
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 ca. .2 miles Name of church Salvation Army Sunday Worship Address/location of church 525 West Alameda Street, Santa Fe, NM 87501

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

Miles/feet ca. .2 miles Name of school Gonzales Elementary School Address/location of school 851 West Alameda Street, Santa Fe, NM 87501

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

Miles ca. 73.4 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) Sprouts Farmers Market Grocery

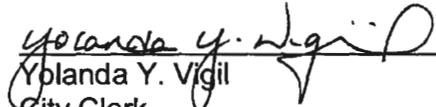
CITY OF SANTA FE

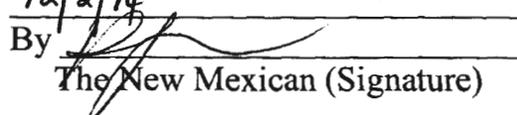
NOTICE OF PUBLIC HEARING

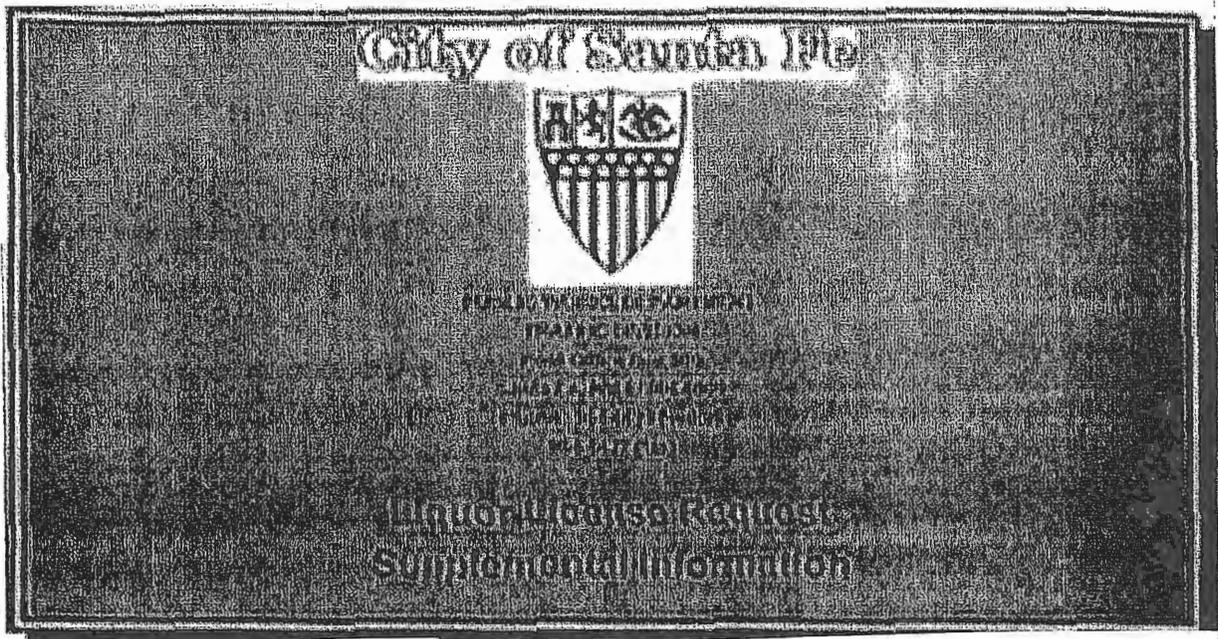
Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, December 10, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from George Rivera, Jr. for a Transfer of Location of Dispenser License #0433, with package sales, from Alegria, 2797 Agua Fria Street, to Sprouts Farmers Market, 199 Paseo de Peralta, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican on
Date 11/20/14
To Be Published On 11/25/14 and
12/2/14
By 
The New Mexican (Signature)



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 George Rivera, Jr. (Lessor)
Name of business where proposed license is to be used Sunflower Farmers Markets LLC, dba Sprouts Farmers Market (Lessee)
Business street address 199 Paseo de Peralta, Santa Fe, NM 87501
Telephone number 505/ 988-1140
2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: _____)
 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.
7:00 a.m. - 10:00 p.m.
 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.

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 _____)
X 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.
Unknown number of customers who drive
Unknown number of customers who walk
10. Has liquor ever been sold at this business site?
X 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 Sunflower Farmers Market (2008-2012; Sprouts Farmers Market 2012 - present)
 Year(s) 2008 - Present
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
X traffic will not increase on adjacent streets if this request is approved

Name of person completing this form Suzanne Odom
 Telephone number 505/ 986-2659
 Date November 18, 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 11/20/14



City of Santa Fe, New Mexico

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

Javier M. Gonzales, Mayor

Councilors:

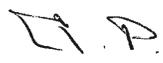
- Patti J. Bushee, Dist. 1
- Signe I. Lindell, Dist. 1
- Peter N. Ives, Dist. 2
- Joseph M. Maestas, Dist. 2
- Carmichael A. Dominguez, Dist. 3
- Christopher M. Rivera, Dist. 3
- Ronald S. Trujillo, Dist. 4
- Bill Dimas, Dist. 4

DATE: 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

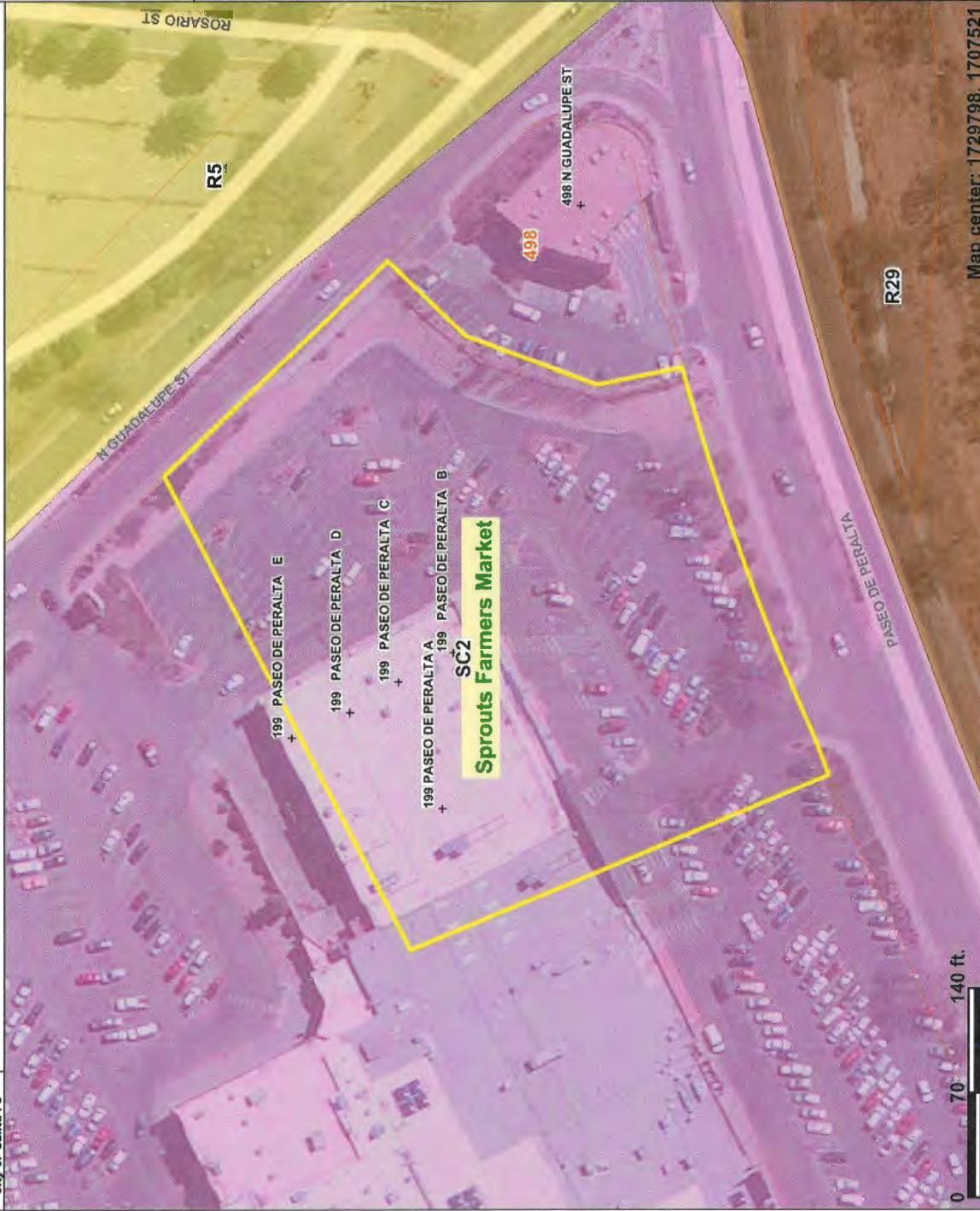
Litter and noise impact assessment, due to a request from George Rivera, Jr. for a Transfer of Location of Dispenser License #0433, with package sales, from Alegria, 2797 Agua Fria Street, to Sprouts Farmers Market, 199 Paseo de Peralta, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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



199 Paseo de Peralta



Map center: 1729798, 1707521

Scale: 1:1,234



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

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.

CATEGORY Specific Use	RR	R-1 -	R-6 R-9	R-7 -	R-7 -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	
Florist shops									P	P		P		P	P	P			P	P	P	P ²		
Funeral homes or mortuaries											P	P			P	P								
Furniture stores												P				P				P	P	P ²		
Neighborhood grocery stores and laundromats	S	S	S			S	S		S		S	P	S	S								P ²	(C)(5)	
Office equipment sales and service; retail sale of office supplies												P				P				P	P	P ²		
Retail establishments not listed elsewhere												P				P				P	P	P ²		
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet																							P ²	

Italicized words defined in Article 14-12