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 Transfer of Ownership and Location of Inter-Local Dispenser License #0421, with patio service.

BACKGROUND AND SUMMARY

Starry Nights Beverage, 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 alcoholic beverages at Inn of the Five Graces, 150-160 E. De Vargas Street, which is within 300 feet of the San Miguel Mission Church, 401 Old Santa Fe Trail;

2) If the waiver of the 300 foot location restriction is granted, a request from Starry Nights Beverage, LLC for a transfer of ownership and location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC, dba Rancho de Corrales, 4895 Corrales Road, Rancho de Corrales, to Starry Nights Beverage, LLC dba Inn of the Five Graces, 150-160 E. De Vargas Street.

The applicant is seeking to obtain a letter of no objection from The San Miguel Mission Church and will be provided upon receipt.

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 Inn of the Five Graces 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 transfer of ownership and location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC dba Rancho de Corrales, 4895 Corrales Road, Rancho de Corrales, to Starry Nights Beverage, LLC dba Inn of the Five Graces, 150-160 E. De Vargas Street.

Attachments:
- Alcohol & Gaming Division Application
- Notice of Public Hearing
- Staff Reports
- §60-6B-10 NMSA 1978

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL COUNSEL

Mary Kay Root
DIRECTOR

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

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 01

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

Re: Lic. No. /Appl. No.: **Appl. No. 972353**
Name of Applicant: **Starry Nights Beverage, LLC**
Doing Business As: **Inn of the Five Graces**
Proposed Location: **150-160 E. DeVargas Street**
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 THE TRANSFER OF OWNERSHIP AND LOCATION OF LICENSE 0421 TO INCLUDE PATIO SERVICE.

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 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

RECEIVED
SEP 04 2015
ALCOHOL & GAMING DIVISION

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) Galisteo Street, Inc.

B. Date and term of lease January 3, 2010 TERM = UNTIL TERMINATED by PARTIES

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 1500 ft. Name of church ST. FRANCIS BASILICA Address/location of church 213 CATHEDRAL PL. SANTA FE NM

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

Miles/feet 1200 ft. Name of school NM School For the Arts Address/location of school 275 E. Alameda St. Santa Fe NM

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

Miles 65 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 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) _____

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

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:

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

LICENSE NUMBER /APPLICATION NUMBER: **APPL. NO. 972353**

_X_ TRANSFER OF OWNERSHIP & LOCATION
___ TRANSFER OF OWNERSHIP ONLY

___ TRANSFER OF LOCATION ONLY
___ NEW LICENSE

TRANSFERRED FROM: **CORRALES BEVERAGE LLC**

CURRENT LOCATION: **4895 CORRALES ROAD, RANCHO DE CORRALES, NM 87048**

TRANSFERRED TO:/APPLICANT: **RANCHO DE CORRALES**

PROPOSED LOCATION: **150-160 E. DE VARGAS ST., SANTA FE**

PROPOSED BUSINESS NAME **STARRY NIGHTS BEVERAGE, LLC DBA INN OF THE FIVE GRACES**

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: 171.22 ft.
   NAME OF CHURCH IS: San Miguel Chapel
4. DISTANCE FROM NEAREST SCHOOL IS: 917.4 ft
   NAME OF SCHOOL IS: New Mexico School for the Arts
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 68.3 miles
   NAME OF INSTALLATION IS Kirtland Air Force Base
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
   BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
   ☒ BUILDING
   __ BUILDING UNDER CONSTRUCTION
   __ BUILDING BEING REMODELED
   __ BILLBOARD
   __ NO BUILDING

DATE POSTED: 9 Sep 2015

EXPIRATION DATE: 29 Sep 2015

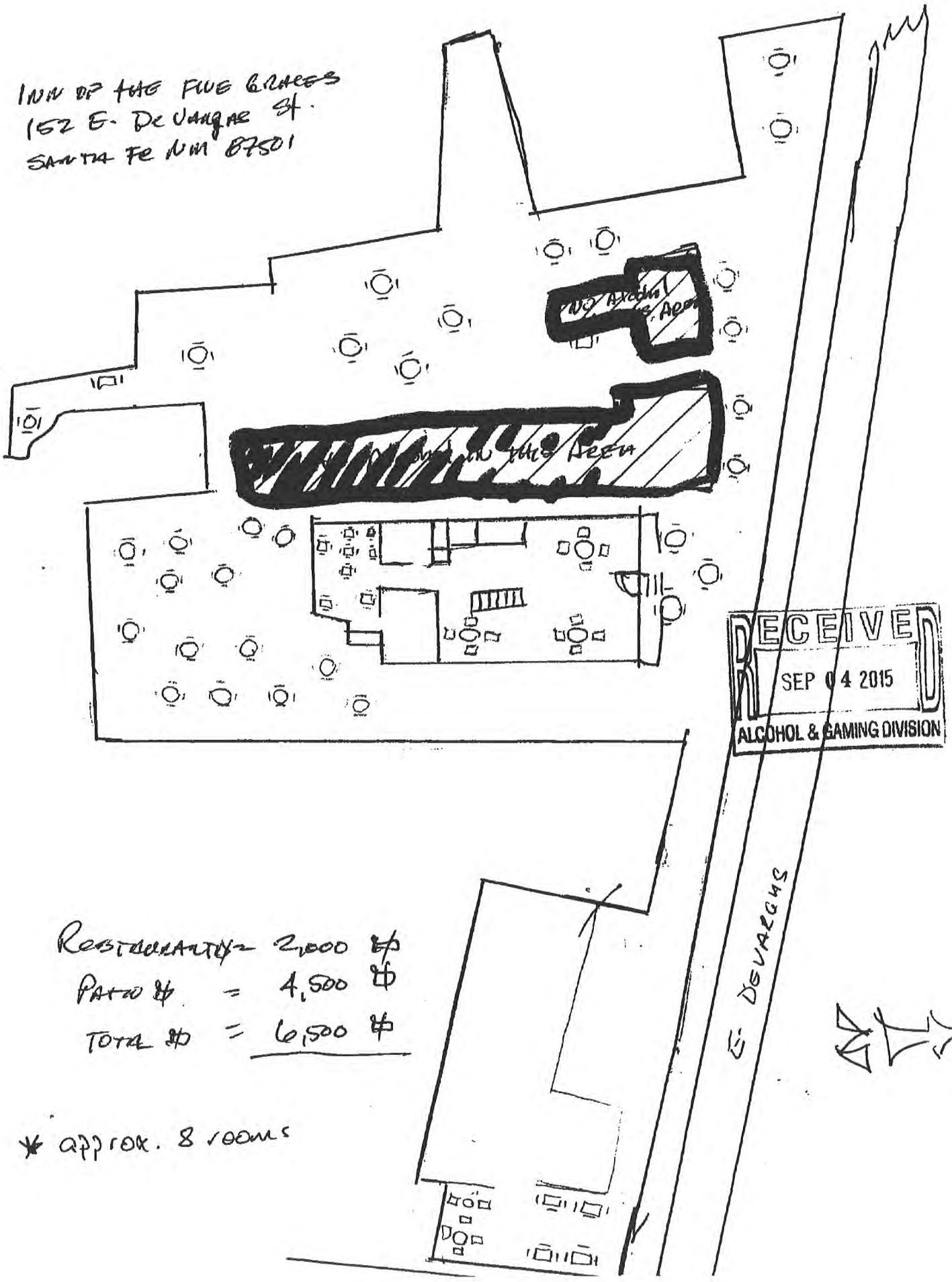
APPLICANT'S SIGNATURE

Sharif Seref
PRINTED

Jeremy Stricklin
S.I.D. SPECIAL AGENT SIGNATURE

Jeremy Stricklin
PRINTED

INN OF THE FIVE GRACES
150 E. DE VARGAS ST.
SANTA FE NM 87501



RECEIVED
SEP 04 2015
ALCOHOL & GAMING DIVISION

RESTAURANT = 2,000 ft²
PATIO ft² = 4,500 ft²
TOTAL ft² = 6,500 ft²

* approx. 8 rooms

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

August 21, 2015

Debra Lopez, Deputy Director
Alcohol & Gaming Division
2550 Cerrillos Road
Santa Fe, NM 87505

RECEIVED
SEP 04 2015
ALCOHOL & GAMING DIVISION

RE: Zoning Verification for 152 E. De Vargas Street.

Dear Ms. Lopez,

This is in response to a request for zoning verification on the above referenced properties. According to the Official Zoning Map, Page H-18 updated May 2001, this property is zoned BCDBAR (Business Capitol District Barrio De Analco Subdistrict).

(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 wellbeing 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.

The sale of alcohol in conjunction with a "Dispenser" license is permitted within the BCDBAR District.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses reference: *http://clerksha.com/default.ashx?clientsite=Santafe-nm Land Development*).

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.

If you have any questions, please call me at 505-955-6587.

Daniel A. Esquibel
Land Use Planner Senior

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 Starry Nights Beverage, LLC for a transfer of Ownership and Location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC, dba Rancho de Corrales, 4895 Corrales Road, Rancho de Corrales to Starry Nights Beverage, LLC, dba Inn of the Five Graces, 150-160 E. De Vargas Street, 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 10/16/15
By _____
The New Mexican (Signature)

City of Santa Fe

PUBLIC WORKS DEPARTMENT
TRAFFIC ENGINEERING
Post Office Box 909
Santa Fe, New Mexico 87504-0909
Phone: 955-6611 (Admin.)
955-6672 (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** STARRY NIGHTS, LLC
   Name of business where proposed license is to be used The Inn of the Five Graces
   Business street address 150-160 E. DeVargas St. Santa Fe NM 87501
   Telephone number (505) 992-0957

2. **Indicate the type of liquor license this request entails.**
   X **issuance of new license (indicate type:** Dispenser (FLD) **)**
   ___ **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?**
   X **yes**
   ___ **no**

4. **Does the location where this license will be used currently sell liquor?**
   X **yes**
   ___ **no**

(cont.)

5. If the answer to question #3 is yes, indicate the current hours of operation of the business.
7 AM TO 11 P.M.

If the hours of operation will change due to the sales of liquor, indicate the revised hours.
NO

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 _____)
___ 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.
N/A

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.
20 number of customers who drive
40 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 INN OF THE FIVE GRACES
Year(s) 2010

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 Sharif Seref
Telephone number (505) 992-0957
Date 10/23/15

(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 10/28/15

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 29, 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

ITEM AND ISSUE

Litter and noise impact assessment, due to a request from Starry Nights Beverage, LLC for a transfer of Ownership and Location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC, dba Rancho de Corrales, 4895 Corrales Road, Rancho de Corrales to Starry Nights Beverage, LLC, dba Inn of the Five Graces, 150-160 E. De Vargas Street, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

150-160 E. DeVargas Street

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: 1:448

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-7 – R-9	R-7 -1	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	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

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

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.