

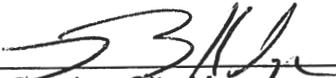
City of Santa Fe, New Mexico

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 with Patio Service (beer and wine with on-premise consumption only).

BACKGROUND AND SUMMARY

Restaurant 210, 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 Tabla de Los Santos, 210 Don Gaspar Avenue.

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 Tabla de Los Santos 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 Tabla de Los Santos, 210 Don Gaspar Avenue.

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.statec.nm.us/alcoholandgaming

November 19, 2014

Certified Mail No.: 7009 2250 0000 9386 7945

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

Re: Lic. No. /Appl. No.: Appl. No. 927128
Name of Applicant: Restaurant 210, LLC
Doing Business As: Tabla De Los Santos
Proposed Location: 210 Don Gaspar
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 RESTAURANT LICENSE WITH PATIO SERVICE FOR ON PREMISE CONSUMPTION.

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
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

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

LIQUOR LICENSE APPLICATION

Application fee- \$200.00 Fees are non-refundable

RECEIVED
200
1657923

11/21/14
Bordan

Record Owner of License _____

State Liquor License # _____

Current D/B/A Name _____

Application Number 928128

Current Premise Address _____

Local Option (AGD use) _____

Application is for: (check one) Change of Structure _____ Change of Officers/Directors _____ Transfer of Ownership of Existing License _____ Transfer of Ownership and Location _____
Transfer Location _____ Other _____ Issue New License _____ X _____ Type of License being applied for _____ Restaurant Beer and Wine _____

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____ X _____

NAME OF APPLICANT (company or individual): _____ ADDRESS (INCLUDING CITY, STATE, ZIP) _____ TELEPHONE NUMBER _____

Restaurant 210, LLC _____ 210 Don Gaspar Ave, Santa Fe, New Mexico 87501 _____ 858-205-9881

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378

DBA Name to be used: _____ Table De Los Santos _____ Phone Number for licensed premises _____ 505-983-5700

Physical Address Where License is to be used: _____ 210 Don Gaspar Ave, Santa Fe, New Mexico 87501 _____

(Street No./Highway No./State Road/City/County)

Mailing Address: _____ 210 Don Gaspar Ave, Santa Fe, New Mexico 87501 _____

(Street No./P.O. Box/City/State/Zip)

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

I, Clay W. Bordan, as (title) _____ 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(s) [Signature] Date 9-11-14

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 11th day of September, 2014 by Clay Bordan (Name of Person(s) Signing Above)

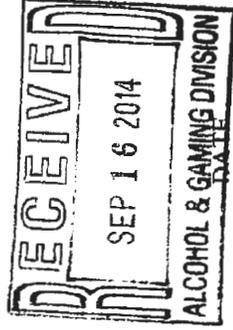
NOTARY PUBLIC: [Signature] My Commission Expires: 11-29-15

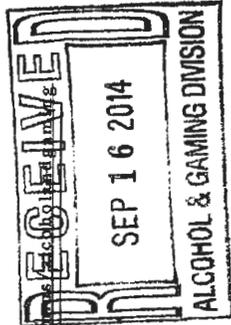
Local Governing Body of: _____ (CITY OR COUNTY) Hearing Held on: _____

PLEASE CHECK ONE: APPROVED DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title): _____

For Alcohol and Gaming Division Use Only

APPROVED DISAPPROVED DIRECTOR APPROVAL





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) Hotel St. Francis, LLC & De Vargas Hotel Investment, LLC

B. Date and term of lease July 1 2013, 2 years plus 15 days

3. Premises location is zoned (example C-1) BCP ALA - Business Capitol District Alameda Street Sub District
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 600 Name of church Loretto Chapel Address/location of church 207 Old Santa Fe Trail, Santa Fe, NM

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

Miles/feet 2000 Name of school Carlos Gilbert Element Address/location of school 300 Griffin St, Santa Fe, NM

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

Miles 65 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

September 16, 2014

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

RE: Zoning Verification for 210 Don Gaspar Avenue (Table De Los Santos).

Dear Debora 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 BCDALA (Business Capitol District, Alameda Street Sub-District).

(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.

Pursuant to Chapter 14-6.1-1 SFCC the list of uses identified allows for the sale of alcohol which allows a "Restaurant Beer and Wine Liquor License".

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 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

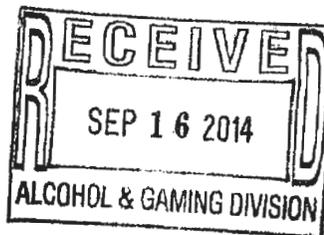
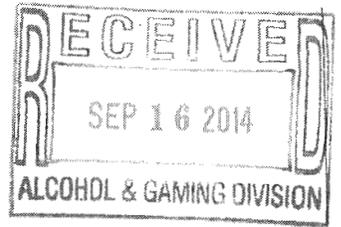
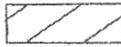


Tabla De Los Santos
 210 Don Gaspar Ave
 Santa Fe, NM 87501



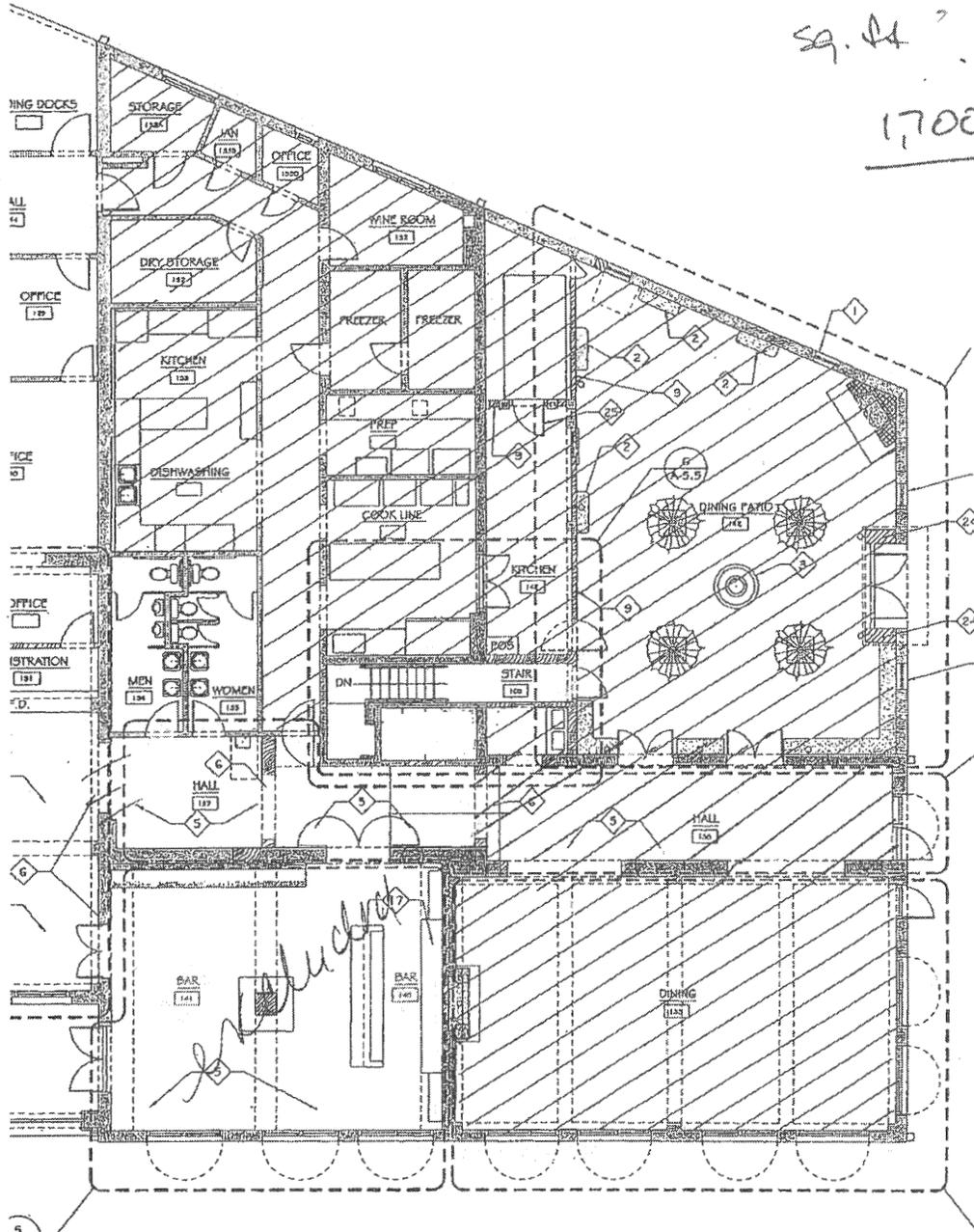
LEGEND:



RESTAURANT PREMISES

Sq. Ft. ?

1,700



Handwritten initials and signatures:
 JB
 JMC

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 Restaurant 210, LLC for a Restaurant Liquor License (Beer and Wine with Patio Service for On Premise Consumption Only) to be located at Tabla De Los Santos, 210 Don Gaspar, Santa Fe.

All interested citizens are invited to attend this public hearing.

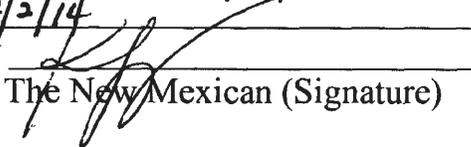

Yolanda Y. Vigil
City Clerk

Received by The New Mexican

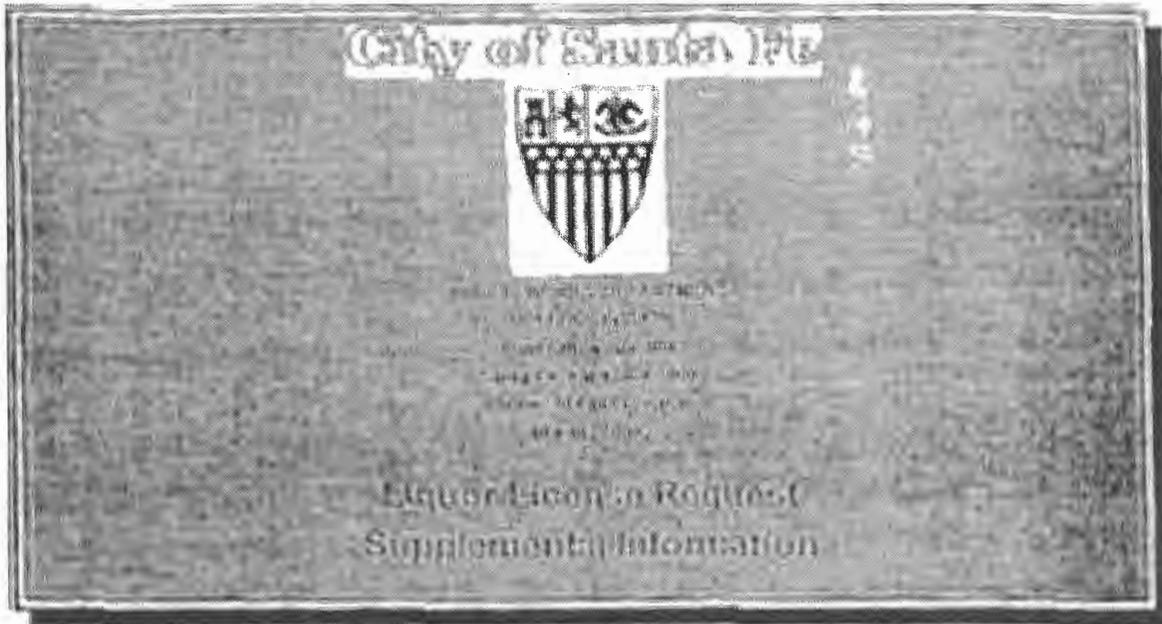
Date 11/20/14

To Be Published 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 Restaurant 210, LLC
Name of business where proposed license is to be used Tabla De Los Santos
Business street address 210 Don Gaspar Ave, Santa Fe NM 87501
Telephone number 505-983-5700
2. Indicate the type of liquor license this request entails.
 issuance of new license (indicate type: Restaurant 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 this business.

7:00-10:30 | 11:00-2:00 | 5:00-9:00

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 _____)

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.

60

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

5 number of customers who drive

55 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 St. Francis Hotel

Year(s) 1980 - 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 Linda L. Aikin

Telephone number 505-982-6224

Date 11-20-14

(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 11/21/14



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
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- 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 Restaurant 210, LLC for a Restaurant Liquor License (Beer and Wine with Patio Service for On Premise Consumption Only) to be located at Tabla De Los Santos, 210 Don Gaspar, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

210 Don Gaspar



0 52 104 ft.

Map center: 1732400, 1705185

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, 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: 1:902

