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 Wine Wholesaler Liquor License.

BACKGROUND AND SUMMARY

New Mexico Hard Cider, LLC has requested the following:

a) 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 (wine only) at New Mexico Hard Cider, 3134 Rufina Street, Unit D which is within 300 feet of Iglesia Renacer Ministerios, 1225 Parkway Drive.

b) If the waiver of the 300 foot restriction is granted, a request from New Mexico Hard Cider, LLC for a Wine Wholesaler Liquor License to be located at New Mexico Hard Cider, 3134 Rufina Street, Unit D.

Attached is a letter of no objection from Pastor Elio Galaviz Para, Iglesia Renacer Ministerios.

Included in your packet 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 New Mexico Hard Cider 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 Wine Wholesaler Liquor License to be located at New Mexico Hard Cider, 3134 Rufina Street, Unit D.

Attachments:

Alcohol & Gaming Division Application
Letter / Iglesia Renacer Ministerios
Notice of Public Hearing
Staff Reports
§60-6B-10 NMSA 1978
§60-6A-29 NMSA 1978

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

James C. McKay
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION
Toney Anaya Building ▪ PO Box 25101 ▪ Santa Fe, New Mexico 87505-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

November 19, 2014

Certified Mail No: 7013 2630 0000 9074 9942

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

Re: License / App. No. License 0000 / A-923316
Applicant Name: New Mexico Hard Cider, LLC
Doing Business As: New Mexico Hard Cider
Proposed Location: 3134 Rufina Street Unit D Santa Fe, NM 87507

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.
*(Please review the revised instructions for approval or disapproval below)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval from the Alcohol and Gaming Division, the governing body shall hold a public hearing on 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; (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 requesting the issuance of a Wine Wholesaler Liquor License;

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries & Manufactured Housing Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

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

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.)

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.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 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 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,

Pamela Brommer
Hearing Officer

ENCLOSURES: Original page 1
Copy or page 2
Copy of Posting Certificate
Copy of Zoning Statement

8/18/14 ENTERED 200 1626809

RECEIVED AUG 07 2014 ALCOHOL & GAMING DIVISION

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

Rev. 08/13

LIQUOR LICENSE APPLICATION

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

State Liquor License # _____

Application Number 923316

Local option (AGD use) _____

Record Owner of Existing License _____

Current D/B/A Name New Mexico ~~Hard~~ Cider

Current Premises Address 3134 Rufina Unit D 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 X Type of License being applied for Wholesale

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

NAME OF APPLICANT (company or individual)	ADDRESS (including city, state, zip)	TELEPHONE NUMBER
~~Craig Moya~~ New Mexico Hard	1884 Candela Santa Fe NM 87505	505 231 0632
~~Heather Tasset~~ Cider LLC	1884 Candela Santa Fe NM 87505	

D/B/A name to be used: New Mexico Hard Cider Phone number for licensed premises: 505 231 0632

Physical location where license is to be used: 3134 Rufina Santa Fe NM, Santa Fe County 87507
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 1884 Candela Santa Fe NM 87505

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

I, (print name) Craig Moya, as (title) CEO 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.

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

Signature of Applicant _____ Date 8/7/14

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 7 day of August, 20 14 by Craig Moya

Notary Public Joan E Cordy My Commission Expires Aug 11, 2014

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 _____

5

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) X Other (provide details) _____

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

A. Owner(s) Ben Ortega & Helen Ortega

B. Date and term of lease 4/1/14 – 4/1/15

3. Premises location is zoned (example C-1) I-2
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 .5 mi Name of church Santa Fe Christian Fellowship Address/location of church 2860 Cerrillos Rd SF, NM 87507

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

Miles/feet .9 mi Name of school Agua Fria Elementary School Address/location of school 3160 Agua Fria St SF, NM 87507

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

Yes 74.8 mi 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) Wholesalers

RECEIVED AUG 07 2014 ALCOHOL & GAMING DIVISION

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

LICENSE NUMBER /APPLICATION NUMBER: APPL. NO. A-923316

___ TRANSFER OF OWNERSHIP & LOCATION
___ TRANSFER OF OWNERSHIP ONLY
___ TRANSFER OF LOCATION ONLY
_X_ NEW LICENSE

TRANSFERRED FROM: _____

CURRENT LOCATION: _____

TRANSFERRED TO:/APPLICANT: New Mexico Hard Cider LLC

PROPOSED LOCATION: 3134 Rufina Unit D Santa Fe, NM 87505

PROPOSED BUSINESS NAME: New Mexico Hard Cider

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: 2112 feet
   NAME OF CHURCH IS: Santa Fe Christian Fellowship Church
4. DISTANCE FROM NEAREST SCHOOL IS: 2640 feet
   NAME OF SCHOOL IS: Agua Fria Elementary School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 63.6 miles
   NAME OF INSTALLATION IS Kirtland AFB
6. IF RURAL, DISTANCE FROM NEAREST EXISTING LIQUOR LICENSE IS:
   BY PASSABLE ROAD: _____ BY STRAIGHT AIRLINE: _____
7. NOTICE POSTED ON:
   _X_ BUILDING
   ___ BUILDING UNDER CONSTRUCTION
   ___ BUILDING BEING REMODELED
   ___ BILLBOARD
   ___ NO BUILDING

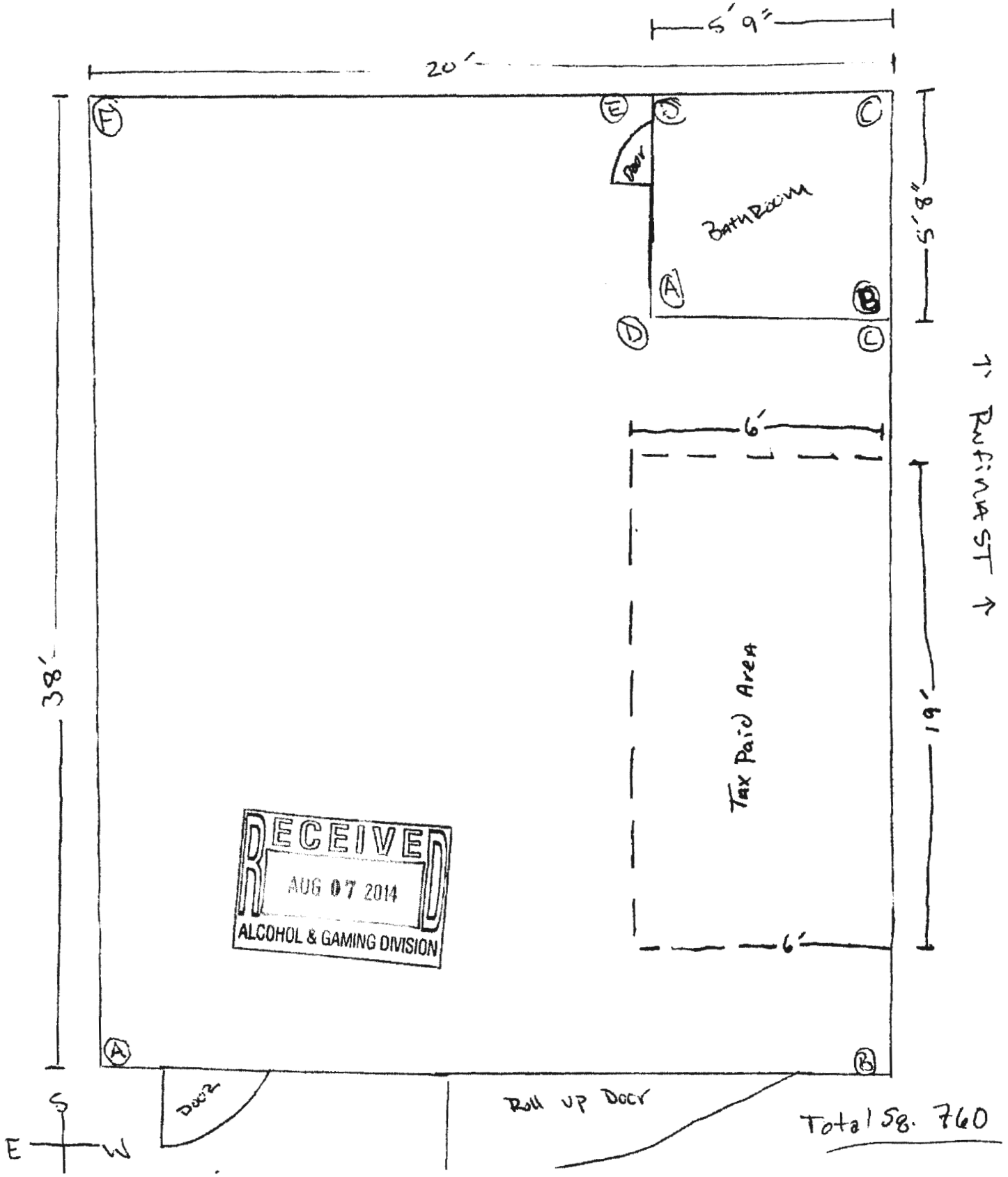
DATE POSTED: 20 October 2014
EXPIRATION DATE: 9 November 2014

APPLICANT'S SIGNATURE
Craig Mayer
PRINTED

S.E.D. SPECIAL AGENT SIGNATURE
Jeremy Stricklin
PRINTED

Total Sq Ft
760

New Mexico Hard Cider
Space



Total 58. 760

December 5, 2014

Mayor Javier M. Gonzales
City Councilors

I, Elio Galaviz Parra, Pastor of Iglesia Renacer Ministerios, located at 1225 Parkway Drive, Santa Fe NM. The Iglesia is in support of New Mexico Hard Cider located at 3134 Rufina St. Unit D Santa Fe, NM and have no opposition toward their location or business.

Elio Galaviz Parra

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

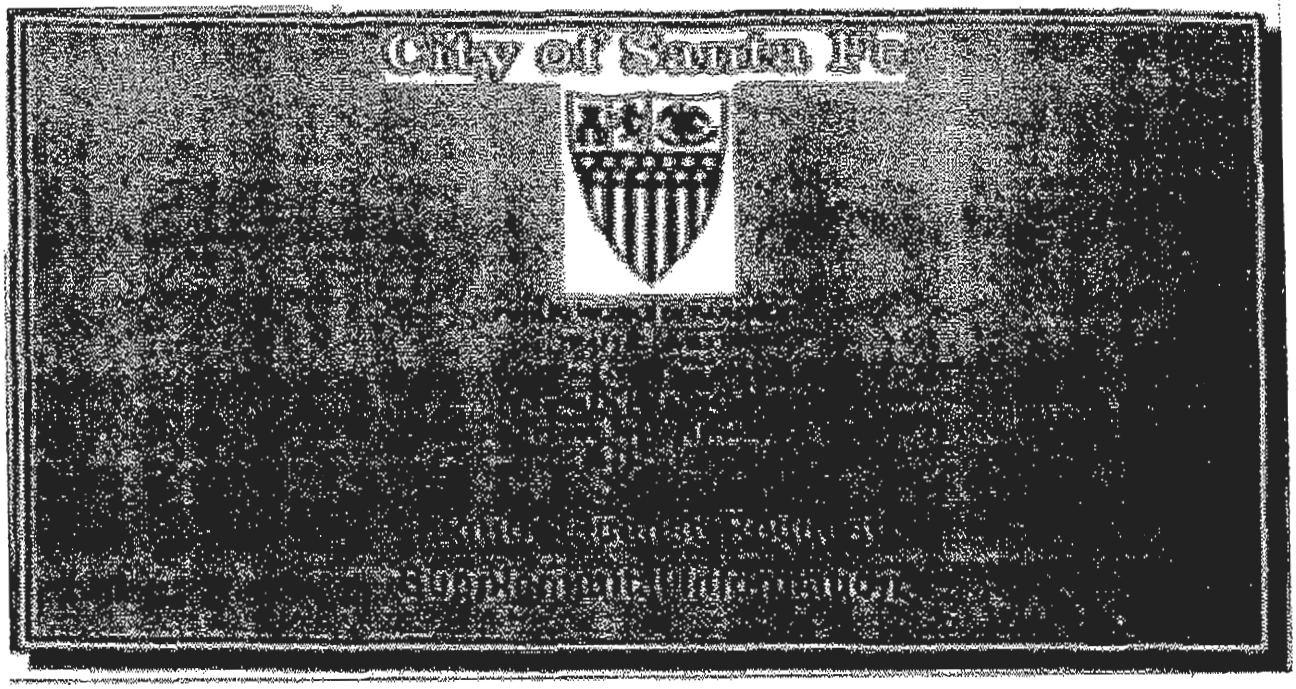
Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, December 10, 2014 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from New Mexico Hard Cider, LLC for a Wine Wholesaler Liquor License to be located at New Mexico Hard Cider, 3134 Rufina Street, Unit D, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolanda Y. Vigil
City Clerk

Received by The New Mexican on
Date 11/21/14
To Be Published On 11/27/14 and 12/4/14
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** Craig Moya & Heather Tassel
   Name of business where proposed license is to be used New Mexico Hard Cider LLC
   Business street address 3134 Rufina Unit D Santa Fe, NM 87507
   Telephone number 505 231 0632

2. **Indicate the type of liquor license this request entails.**
   X **issuance of new license (indicate type:** Wine growers / wholesale)
   ___ **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
   X no

4. **Does the location where this license will be used currently sell liquor?**
   ___ yes
   X 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.

8-5 Monday — 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.

0

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

0 number of customers who drive
0 number of customers who walk

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

___ yes
X 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
X traffic will not increase on adjacent streets if this request is approved

Name of person completing this form Craig Moya
Telephone number 906 231 0632
Date 11/21/14

(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 _____
Title TRAFFIC ENGINEER
Date 11/24/14

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
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 25, 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 New Mexico Hard Cider, LLC for a Wine Wholesaler Liquor License to be located at New Mexico Hard Cider, 3134 Rufina Street, Unit D, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

3134 Rufina 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: 1:702

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 -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
Industrial																						
Automobile salvage and wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automobiles or second hand automobile parts																P						
Research, experimental and testing laboratories											P			P	P	P	P					(D)(4)
Manufacturing and Production																						
Light assembly and manufacturing											P			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
Outdoor Storage																						
Outdoor storage lots and yards, except wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts															P	P	A					
Warehouse and Freight Movement																						
Wholesaling and distribution operations - 3,000 square feet or less of storage											P			P	P	P						
Wholesaling and distribution operations - over 3,000 square feet of storage															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.

60-6A-29. Wine wholesaler's license.

A. In any local option district, a winegrower licensed under the Liquor Control Act [60-3A-1 NMSA 1978] may apply for and be issued a license as a wine wholesaler of wines produced by or for New Mexico winegrowers.

B. No wine wholesaler shall sell, offer for sale or ship wine not received at and shipped from the premises specified in the wine wholesaler's license.

C. No wine wholesaler shall sell or offer for sale wine to any person other than the holder of a New Mexico wine wholesaler's, wholesaler's, retailer's, dispenser's, canopy, restaurant or club license or a governmental licensee or its lessee.

D. Nothing contained in this section shall prevent the sale, transportation or shipment of wine by a wine wholesaler to any person outside the state when shipped under permit from the department.

History: Laws 1988, ch. 60, § 1; 1998, ch. 109, § 6.