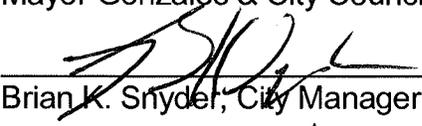


City of Santa Fe, New Mexico

memo

DATE: December 4, 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 (beer and wine with on-premise consumption only).

BACKGROUND AND SUMMARY

Galisteo 227 Bistro, LLC has requested the issuance of a Restaurant Liquor License (beer and wine with on-premise consumption only) to be located at Galisteo Bistro, 227 Galisteo Street.

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 Galisteo 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 (beer and wine with on-premise consumption only) to be located at Galisteo Bistro, 227 Galisteo Street.

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.state.nm.us/alcoholandgaming

November 4, 2015

Certified Mail No.: 9171 9690 0935 0079 1760 61

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



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas, Esq.
ACTING CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

Re: Lic. No. /Appl. No.: Application No. 975104
Name of Applicant: Galisteo 227 Bistro, LLC
Doing Business As: Galisteo Bistro
Proposed Location: 227 Galisteo Street
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.

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 to the 45-day hearing requirement 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 publications must occur 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 BEER & WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY.

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 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 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).

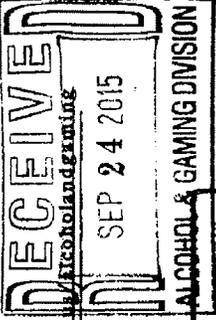
Sincerely,



Debra A. Lopez
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4551
Fax: 505-476-4595
Email: debra.lopez@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application



RESTAURANT LIQUOR LICENSE APPLICATION

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

AGD USE ONLY - APPLICATION # 975104 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) Galistero 227 Bistro, LLC
 ADDRESS (including city, state, zip) 227 Galistero St, Santa Fe, NM 87501
 TELEPHONE NUMBER OWNER 505.927.3245 EMAIL Chef@galisterobistro.com

D/B/A name to be used: Galistero Bistro Phone number for licensed premises: 505.982.3700

Physical location where license is to be used: 227 Galistero St, Santa Fe, NM 87501
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 227 Galistero St, Santa Fe, NM 87501
 Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type former business now closed # 30892

I, (print name) MARGE CHICKERING, as (title) member/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.

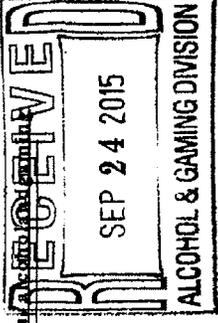
Signature of Applicant Marge Chickering
 OFFICIAL SEAL
 JASON G RITCHE
 NOTARY PUBLIC - STATE OF NEW MEXICO
 My commission expires: Nov 14 2017 Date 9/23/15

SUBSCRIBED AND SWORN TO before me this 23 day of SEPT, 2015 by MARGE CHICKERING
 Notary Public Use Only

Notary Public Jason Ritchie My Commission Expires Nov 14 2017

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____
 Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

Approved _____ Disapproved _____ Director Approval _____ Date _____
 For Alcohol and Gaming Division Use Only



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) Leslie Dugan
 B. Date and term of lease Lease April 2013 for 7 years / Assumption of lease 9/2015 to 5/1/14

3. Premises location is zoned (example C-1) BCD Business - Capital 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 0.2/1056' Name of church Socorro Chapel Address/location of church 207 Old Santa Fe Trail,

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

Miles/feet 0.5/2640' Name of school Carlos Gilbert Elm School, 100 Cotton St, Santa Fe
P.M. School of the Arts Address/location of school 275 E. Alameda St, Santa Fe

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

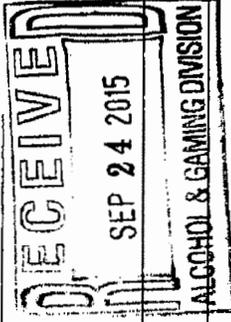
Miles 73 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces),
 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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) _____



LIMITED LIABILITY COMPANY

SS 60-9B-2A

1. Name of Limited Liability Company Galister 227 Bsted
2. Date company formed (attach copy of Operating Agreement) 04 / 03 / 2009
3. Date company registered (attach copy of certificate and Article of Organization) 03 / 31 / 2009
4. Mailing Address: Street 227 Galister St City Santa Fe State NM Zip 87501 Phone 505, 982, 3700

5. Names and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, please the appropriate entity information page.

LIST ALL MEMBERS AND MANAGERS

Name	Title	Address	% of interest/contribution
<u>Robert Chickering</u>	<u>member/owner</u>		<u>49%</u>
<u>MARGE CHICKERING</u>	<u>member/owner</u>		<u>51%</u>

6. Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company denied the issuance of a liquor license? No Yes If Yes, provide details:

7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:
Galister Bsted - New Mexico 2009 - June 2014 - finger prints on file at AGD

NOTE: For each individual Member, submit a complete Personal Data Information Form (page 6), and two (2) complete fingerprints cards (cards must be obtained from the Alcohol and Gaming Division) along with fee and supporting documentation. Fingerprints must be taken by City Police, State Police, Sheriff's Office (any state), or AGD approved agency.

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

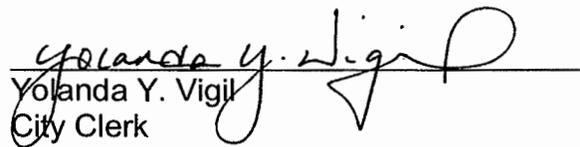
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

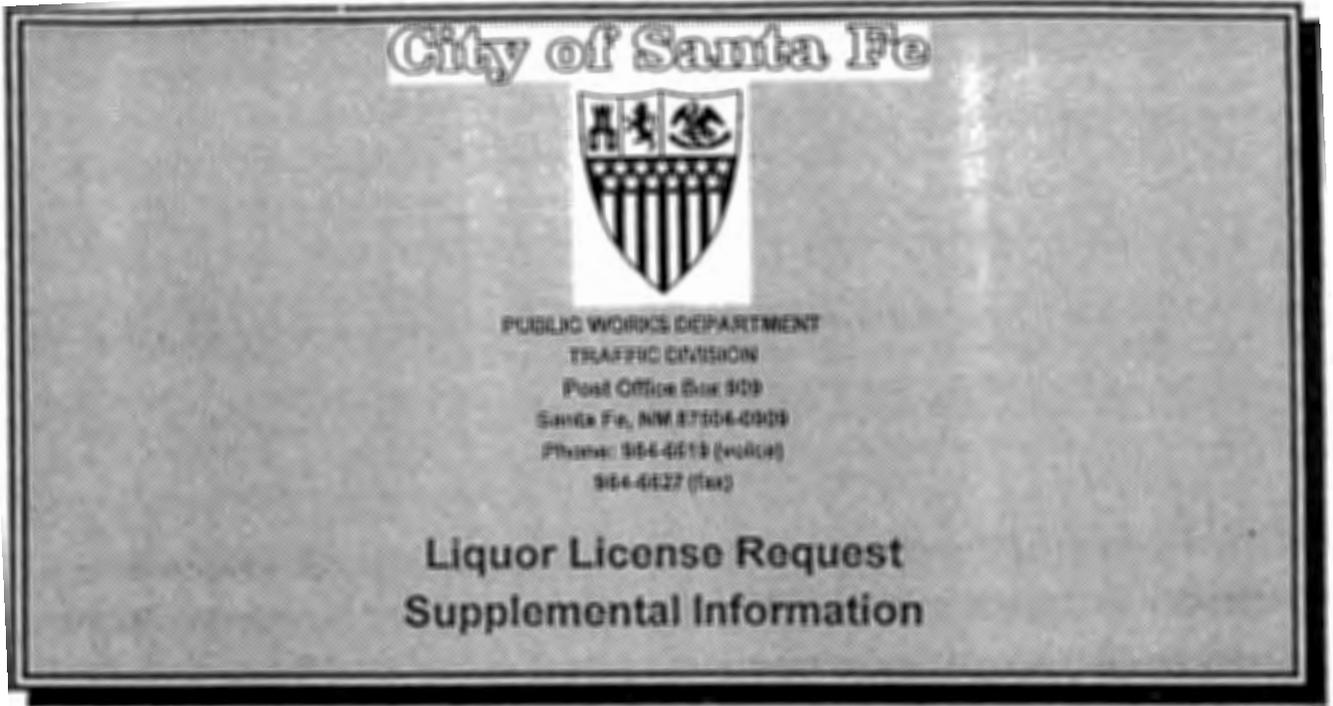
Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, December 9, 2015 at its regular City Council Meeting, 7:00 p.m. session, at City Hall Council Chambers, 200 Lincoln Avenue.

The purpose of this hearing is to discuss a request from Galisteo 227 Bistro, LLC for a Restaurant Liquor License (Beer and Wine with On-Premise Consumption Only) to be located at Galisteo Bistro, 227 Galisteo Street, Santa Fe.

All interested citizens are invited to attend this public hearing.


Yolanda Y. Vigil
City Clerk

Received by The New Mexican
Date 11-12-15
To Be Published 11-16-15
11-16-15 and 11-23-15
By Vincent
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 Galister 227 Bistro, LLC
Name of business where proposed license is to be used Galister Bistro
Business street address 227 Galister St, Santa Fe, NM 87501
Telephone number 505.982.3700

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 closed 9/21/15 we purchased 9/21/15
 no

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

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.

Wed - Sun 5pm - 9pm

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.

60-75

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

20-25 number of customers who drive

40-50 number of customers who walk

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

yes We had a license at this location 2009-2014

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 Galister Bistro / Galister 227 Bistro, LLC

Year(s) 7/1/2009 to 5/31/2014

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 Marge Checkering
Telephone number 505.982.3700 cell 505.927.3245
Date 11/12/15

(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 T. R. W. S. EVANSEN

Date 11/16/15



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

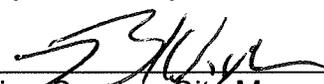
Ronald S. Trujillo, Dist. 4

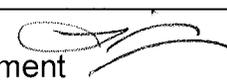
Bill Dimas, Dist. 4

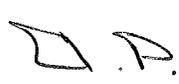
DATE: November 17, 2015 for the City Council Meeting of December 9, 2015

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 Galisteo 227 Bistro, LLC for a Restaurant Liquor License (Beer and Wine with On-Premise Consumption Only) to be located at Galisteo Bistro, 227 Galisteo Street, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY

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

City of Santa Fe, New Mexico

memo

DATE: November 17, 2015

TO: Mayor Javier M. Gonzales
City Councilors

FROM: Antoinette Padilla, Code Enforcement Specialist

VIA: Georgia Urioste, Zoning Inspections Supervisor

RE: Zoning Verification for 227 Galisteo Street



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 October 2009, this property is zoned BCD/PLA, Business Capitol District-Plaza/San Francisco Street Subdistrict.

The codes pertaining to the BCD/PLA zone list eating and drinking establishments as permitted uses pursuant to the permitted use table in Section 14-6.1-1 (C), of Chapter 14, 2012 of the Santa Fe City Code (attached). Please understand that other zoning ordinances apply to the occupancy of this building i.e., parking. Compliance with these to be determined upon application of appropriate permits.

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 505-955-6323.

cc: Lisa Martinez, Director, Land Use Department
Michael D. Purdy, Inspections & Enforcement Division Director



227 Galisteo Street



Map center: 1732148, 1705086



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 5-8du/ac
 - R7, (I), (PUD), R8 Single - Family 7-8du/ac
 - RCS, 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



Scale: 1:613