



# City of Santa Fe, New Mexico

# memo

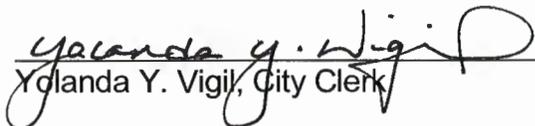
DATE: May 20, 2015

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**

Estevan, LLC has requested the issuance of a Restaurant Liquor License (beer and wine with on-premise consumption only) to be located at Estevan, 125 Washington 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 Estevan 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 Estevan, 125 Washington 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  
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

May 6, 2015

Certified Mail No.: 7006 3450 0001 4339 2517

City of Santa Fe  
Attn: Yolanda Y. Vigil, City Clerk  
P.O. 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.: Appl. No. 950039**  
**Applicant Name: Estevan, LLC**  
**Doing Business As: Estevan**  
**Proposed Location: 125 Washington Avenue**  
**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 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

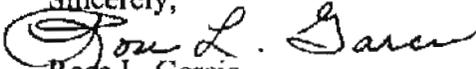
The governing body may disapprove the issuance or transfer of the license if:

- 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 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

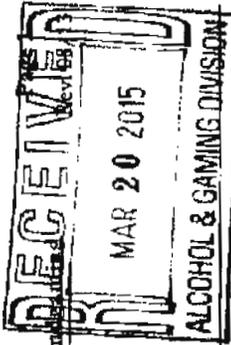
Fax: 505-476-4595

Email: [rosel.garcia@state.nm.us](mailto:rosel.garcia@state.nm.us)

Enclosures: Original Page 1 of Application  
Copy of Page 2 of Application



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
P.O. Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us



### LIQUOR LICENSE APPLICATION

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

State Liquor License # \_\_\_\_\_ Application Number 950039 Record Owner of Existing License \_\_\_\_\_  
Local option (AGD use) \_\_\_\_\_ Current D/B/A Name \_\_\_\_\_  
Current Premises Address \_\_\_\_\_

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_  
Issue New License  Type of License being applied for Establish a Restaurant Other \_\_\_\_\_

Applicant is: Individual \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual) ESTEVAN, LLC ADDRESS (including city, state, zip) 526 Douglas St 87501  
STEVE GARCIA TELEPHONE NUMBER 1-505-920-1996

D/B/A name to be used: ESTEVAN Phone number for licensed premises: 1-505-920-1996

Physical location where license is to be used: 125 WASHINGTON AVE - SANTA FE, NEW MEXICO  
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: ESTEVAN 125 WASHINGTON AVE - SANTA FE, MEXICO 87501

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

I, (print name) STEVE GARCIA, as (title) DOWNER, 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.

I do sign and date this form in the presence of a notary public) \_\_\_\_\_ Date 2/26/2015  
Signature of Applicant \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me this 26th day of February, 2015 by Steve Garcia  
Notary Public Use Only

Notary Public Ante B. J. S. My Commission Expires June 7, 2017

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_

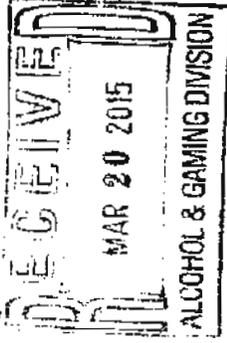
Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

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



**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 NA Leased by Applicant (attach copy of deed or lease) AP's Other (provide details) \_\_\_\_\_

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

A. Owner(s) Union City Investment LLC a New Mexico Limited Liability Co.

B. Date and term of lease (1) YEAR COMMENCING APRIL 1, 2015 - 2 year EXTENSION

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 2 miles Name of church Cathedral Basilica Address/location of church PO Box 2127, Santa NM 248 875894

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

Miles/feet 1.6 miles Name of school St. John's School Address/location of school 2 1/2 miles

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

M: 70 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](http://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

Steve Garcia  
526 Douglas Street  
Santa Fe, NM 87501

February 23, 2015

RE: Zoning Verification for 125 Washington Avenue (Estevan's), Santa Fe, New Mexico

Dear Mr. Garcia,

According to the Official Zoning Map, page H-18, the above-referenced property is within the BCD zoning district (Business-Capitol District) and the Marcy Townscape Sub district.

Full service restaurants with incidental alcohol (Beer and Wine) service are permitted within the BCD zoning district. Additional information regarding allowable uses within the BCD zoning district may be found within the Santa Fe City Code, Chapter 14, Table 14-6.1-1.

If you have any further questions, please call me at 505-955-6656.

Sincerely,

Zach Thomas  
Senior Planner

**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.

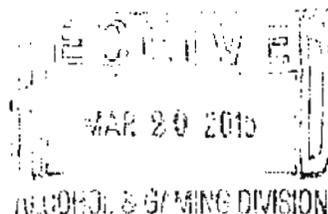
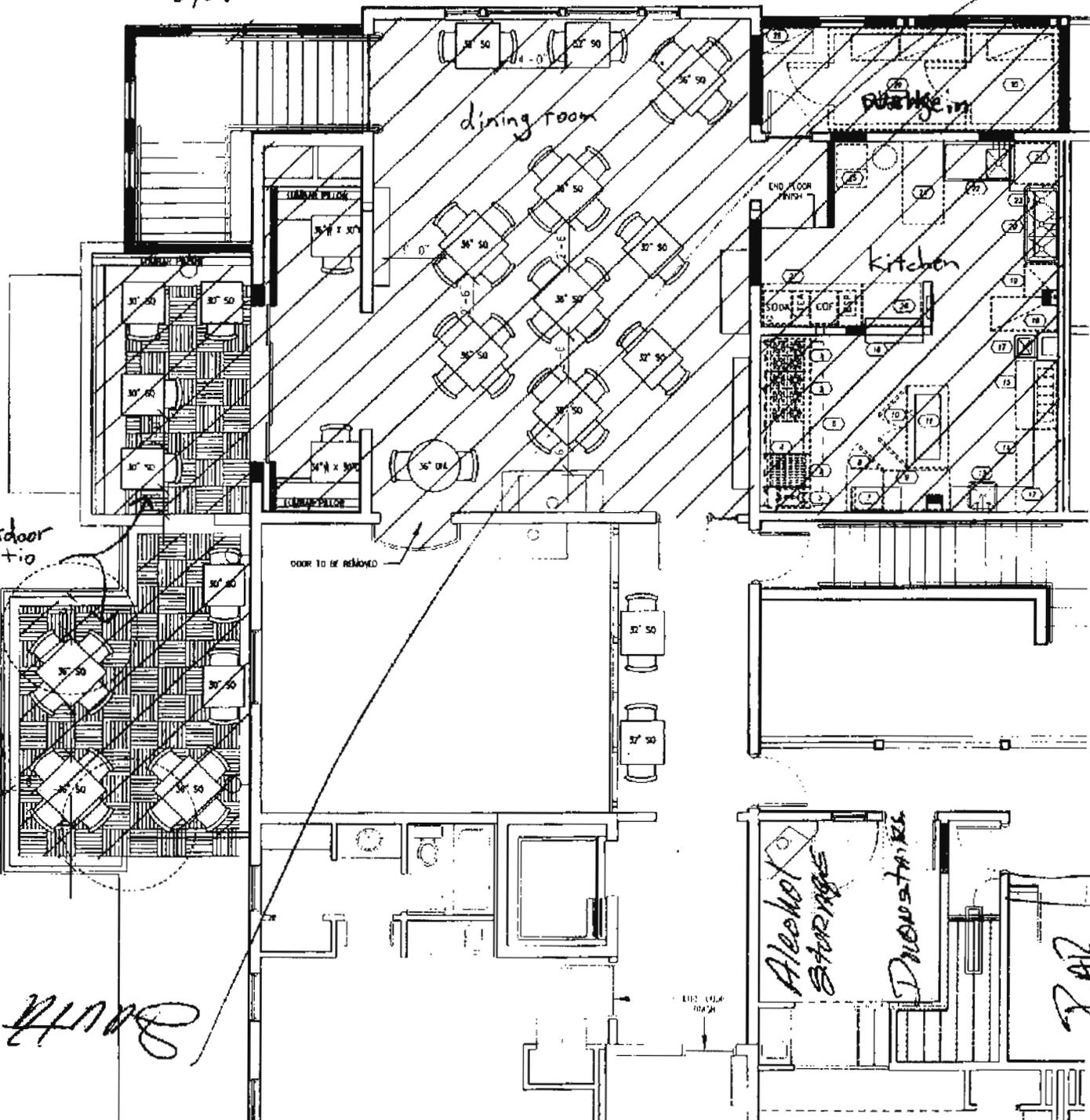


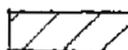
Exhibit A

North



2ND FLOOR PUBLIC SPACE FURNITURE PLAN

RECEIVED  
 MAR 20 2015  
 ALCOHOL & GAMING DIVISION

 LEASED AREA

1,500 sq.ft. 7

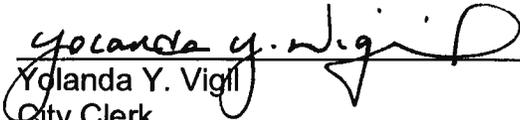
CITY OF SANTA FE

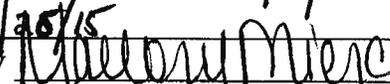
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing on Wednesday, May 27, 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 Estevan, LLC for a Restaurant Liquor License (Beer and Wine, with On-Premise Consumption Only) to be located at Estevan, 125 Washington Avenue, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican  
Date 5/14/15  
To Be Published 5/18/15 and  
5/20/15  
By   
The New Mexican (Signature)

# City of Santa Fe



1000 W. WORKS DEPARTMENT  
1001 HIGHWAY  
Post Office Box 208  
Santa Fe, NM 87501-0208  
Phone: 505-988-7000  
984-6471 (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.

- Name of owner of business ESTEVAAN LLC GARCIA  
Name of business where proposed license is to be used ESTEVAAN LLC  
Business street address 125 WASHINGTON ST  
Telephone number 505-920-1996
- Indicate the type of liquor license this request entails.  
 issuance of new license (indicate type: BEER & WINE)  
 transfer of location of existing license (indicate type: \_\_\_\_\_)  
 transfer of ownership of existing license (location to remain the same)
- Is this an existing business?  
 yes  
 no
- 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.  
MON - SUNDAY 5:30 p.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.  
5:30 p.m. - 10:00 p.m.

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.  
90 PEOPLE

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk.  
90-100 number of customers who drive  
\_\_\_\_\_ 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 \_\_\_\_\_  
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  
 traffic will not increase on adjacent streets if this request is approved

Name of person completing this form St. C. Jones  
Telephone number 305-920-1990  
Date 5/14/2015

(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 5/20/15



# 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

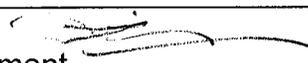
Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

**DATE:** May 18, 2015 for the City Council Meeting of May 27, 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 Estevan, LLC for a Restaurant Liquor License (Beer and Wine, with On-Premise Consumption Only) to be located at Estevan, 125 Washington Avenue, Santa Fe, New Mexico.

**BACKGROUND AND SUMMARY**

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



# 125 Washington Avenue



## 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: 1:767

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.

