




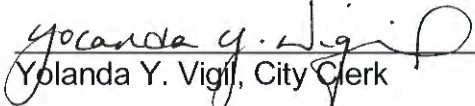
# City of Santa Fe, New Mexico

# memo

DATE: July 1, 2015

TO: Mayor Gonzales & City Councilors

VIA:   
Brian K. Snyder, City Manager

FROM:   
Yolanda Y. Vigil, City Clerk

## **ITEM & ISSUE**

Request from Ellsworth Gallery for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of wine at Ellsworth Gallery, 215 E. Palace Avenue, which is within 300 feet of the Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place.

## **BACKGROUND AND SUMMARY**

Pursuant to §60-6B-10 NMSA 1978, Ellsworth Gallery has requested a waiver of the 300 foot location restriction to allow the dispensing/consumption of wine at the Ellsworth Gallery, 215 E. Palace Avenue. This request is for an opening reception to be held on Friday, July 17, 2015 from 5:00 p.m. to 8:00 p.m.

Attached is a letter of support from Reverend Adam Lee Ortega y Ortiz of the Cathedral Basilica of St. Francis of Assisi.

## **ACTION REQUESTED**

I hereby request that the City Council indicate its decision on the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of wine at Ellsworth Gallery, 215 E. Palace Avenue for a an opening reception to be held on Friday, July 17, 2015 from 5:00 p.m. to 8:00 p.m.

Attachments: Letter/Applicant  
Letter/Cathedral Basilica of St. Francis of Assisi  
Special Dispenser Permit Application  
§60-6B-10 NMSA 1978



ELLSWORTH  
GALLERY

18 June 2015

City Council  
City of Santa Fe  
Santa Fe, NM, 87501

Dear Council Members

Ellsworth Gallery, LLC (Santa Fe Business License 13-0119826) is planning an opening reception for our upcoming exhibition of paintings and sculpture, "Far Reaches." The opening reception will be held at the gallery premises, 215 East Palace Ave, Santa Fe, NM, on Friday, July 17, 2015 from 5pm - 8pm.

We have contracted with Kelly's Liquor Barn to provide wine and sparkling water for the opening and the required server(s) and security.

We request your kind consideration of this application for permission to serve wine at the above mentioned event.

Sincerely,

Barry Ellsworth

# The Cathedral Basilica of St. Francis of Assisi

P.O. Box 2127, Santa Fe, NM 87504-2127



www.cbsfa.org

May 21, 2015

Re: Ellsworth Gallery, LLC  
215 East Palace St.  
Santa Fe, NM 87501

Dear Mayor Gonzales & City Council,

Our neighbor, Ellsworth Gallery, has asked our permission to process a picnic license for an opening reception at their gallery of paintings and sculpture on Friday, July 17, 2015, from 5 p.m. to 8p.m.

Kelly's Liquor Barn has been contracted to provide the service for the reception. We are fine with this event going forward and with Kelly's Liquor Barn providing alcoholic beverage service for this opening.

Kind regards,

Very Rev. Adam Lee Ortega y Ortiz  
Rector





**ALCOHOL & GAMING DIVISION  
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12 NMSA)**

Fee Per day:  \$50.00 Public Event

\$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

LICENSE HOLDER INFORMATION

Liquor License # 478

Business Name (DBA) KELLY / LIQUOR BARN Owner Name STAR INVESTMENT, LLC Local Option District SANTA FE CITY  
 Mailing Address 2685 CERRILLOS RD City, State & Zip SANTA FE, NM 87207  
 Contact Telephone # 471-3960 Fax # 471-2199 Email Address LIQUORBARN@QUICKOFFICE.NET  
 Circle those that apply - All Age Event - Beer Garden - Indoor / Outdoor Event Information Spa Event Begin Time 8 PM End Time 7:00 PM  
Wrist Band / Stamps  
 Description and Name of Event Opening Reception: Far Reaches Date(s) of Event July 17, 2015 Alcohol Service Begin Time 5:00 PM End Time 8:00 PM  
 Physical Address of Event and Name of Building or Business Ellsworth Gallery, 215 E. Palace Ave. Santa Fe, NM 87501 Number of Persons expected to Drink 50  
 Description of Security Kelly's Server Security Contact Name Hector Veleta Contact Telephone # 505-471-3960

SPONSOR INFORMATION

Sponsor of Event Ellsworth Gallery Contact Name Hallie Brennan (manager) Contact Telephone # 505-989-7900  
573-631-6360

BUILDING/PROPERTY OWNER APPROVAL

Name (print) BARRY ELLSWORTH Signature [Signature] Telephone # 505-989-7900 Date 06/18/15

LICENSE HOLDER & SERVER CERTIFICATION: I, YONGIL JO (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

**NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application.**  
 Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) YONGIL JO Signature [Signature] Date 6/23/15  
 All profits derived from the sale of liquor will go only to the licensee.

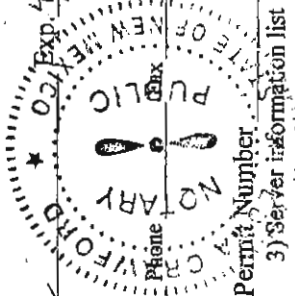
NOTARY INFORMATION

Only the owner or authorized person under this license may sign the permit.

Subscribed and Sworn before me this 23 day of June, 2015 Notary Public Edna Cruz Exp 4/30/2016

LOCAL GOVERNING BODY APPROVAL

Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_  
 ALCOHOL & GAMING DIVISION USE ONLY  
 Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
 3) Server information list



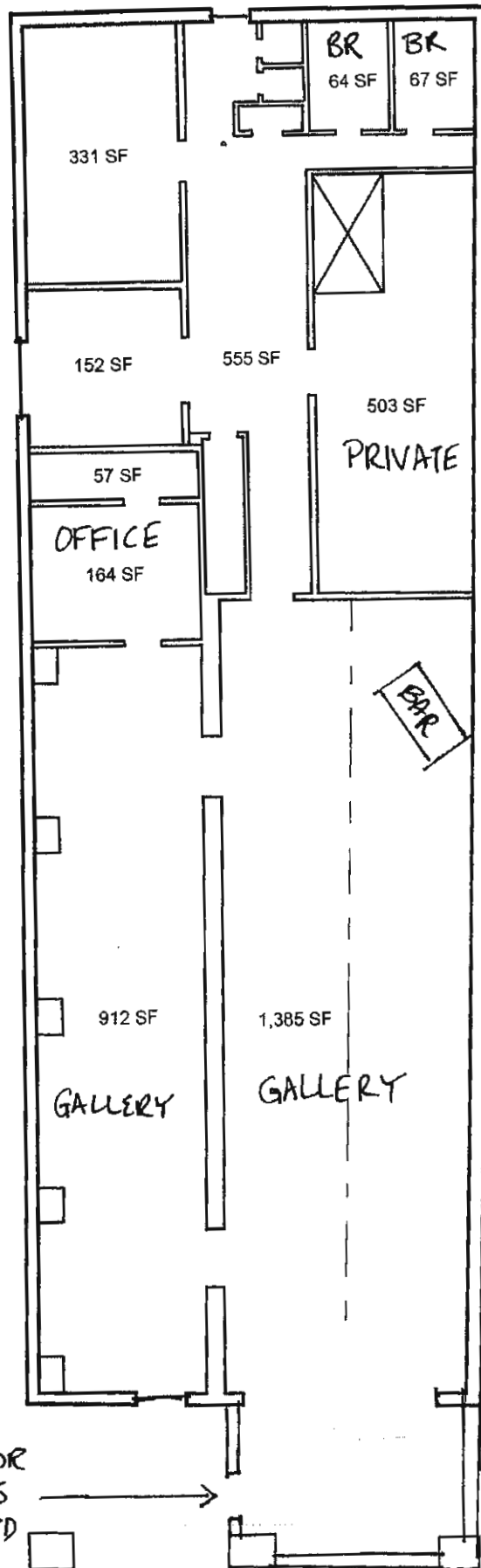
Attachments: 1) Floor plan - (Pictures) 2) Fees per day (listed on top of page)

**215 E. PALACE**

VISUAL AID ONLY  
DIMENSIONS ARE  
APPROXIMATE AND  
ARE NOT TO SCALE

APPROXIMATE GROSS AREA  
4,830 SF

APPROXIMATE NET AREA  
(LESS EXTERIOR WALLS &  
INTERIOR WALLS)  
4,188 SF



□ - area alcohol will be consumed.

ENTRY/EXIT DOOR  
ALL OTHER DOORS  
TO REMAIN LOCKED  
DURING EVENT

E. PALACE  
AVE.

**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.