





# City of Santa Fe, New Mexico

# memo

DATE: August 19, 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 with patio service (beer and wine with on-premise consumption only).

## **BACKGROUND AND SUMMARY**

La Fogata Grill, 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 La Fogata Grill, 112 West San Francisco Street, Suite 101.

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 La Fogata Grill 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 La Fogata, 112 West San Francisco Street, Suite 101.

Attachments: Alcohol & Gaming Division Application  
Notice of Public Hearing  
Staff Reports



**New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION**

Toney Anaya Building • PO Box 25101 • Santa Fe, New Mexico 87504  
(505) 476-4875 • Fax (505) 476-4595 • [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

July 7, 2015

Certified Mail No.: 7013 2250 0001 5426 6826

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.: Appl. No. 955958**  
**Name of Applicant: La Fogata Grill, LLC**  
**Doing Business As: La Fogata Grill, LLC**  
**Proposed Location: 112 West San Francisco St., Suite 101**  
**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.**

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

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

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 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](mailto: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



**RESTAURANT LIQUOR LICENSE APPLICATION**

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

AGD USE ONLY - APPLICATION # 955958 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) La Fogata Grill LLC

ADDRESS (including city, state, zip) 112 west San Francisco st ste 101 Atrium Santa Fe NM 87501

TELEPHONE NUMBER OWNER (505) 1003-0242 EMAIL \_\_\_\_\_

D/B/A name to be used: La Fogata grill llc Phone number for licensed premises: \_\_\_\_\_

Physical location where license is to be used: 112 west San Francisco St. Ste. 101 Atrium, Santa Fe NM 87507  
 (Include street number / highway number / state road, city and county, state, and zip code)

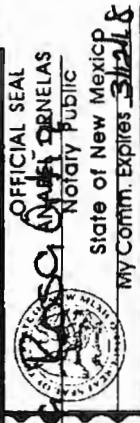
Mailing address: same

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

I, (print name) Luis G. De la Rosa Ortiz, as (title) Partner, 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: [Signature] Date 5/13/15



SUBSCRIBED AND SWORN TO before me this 13 day of May, 2015 by Luis G. De la Rosa  
 Notary Public [Signature] My Commission Expires 3/12/18  
 OFFICIAL SEAL  
 LUIS G. DE LA ROSA  
 Notary Public  
 State of New Mexico  
 My Comm. Expires 3/12/18

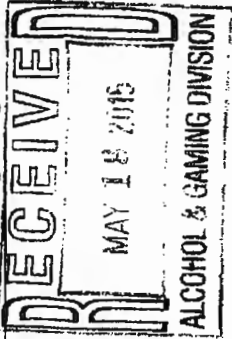
Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_

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) Plaza Mercado LLC Joaquin Sanchez, President

B. Date and term of lease April 20, 2015 3 year term from May 1<sup>st</sup>, 2015 to April 30<sup>th</sup>, 2018

3. Premises location is zoned (example C-1) \_\_\_\_\_

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 mile Name of church Loretto Chapel Address/location of church 207 Old Santa Fe NM 87501

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

Miles/feet 0.4 miles Name of school Carlos Gilbert Elomy Address/location of school 300 Griffin St. Santa Fe NM 87501

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

Miles 68.3 miles Name of Military Installation, circle one Kirland 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) \_\_\_\_\_

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)  
 OTHER:

RETAILER (PACKAGE ONLY)  
 DISPENSER (ON PREMISE ONLY)  
 INTER-LOCAL DISPENSER  
 LOTTERY

LICENSE NUMBER /APPLICATION NUMBER: APPL. NO. 955958

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

TRANSFERRED FROM: \_\_\_\_\_  
CURRENT LOCATION: \_\_\_\_\_  
TRANSFERRED TO:/APPLICANT: \_\_\_\_\_  
PROPOSED LOCATION: 112 W SAN FRANCISCO, SUITE 101, SANTA FE, NM  
PROPOSED BUSINESS NAME LA FOGATA GRILL, LLC

**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: 800 ft.  
NAME OF CHURCH IS: Loretto Chapel
4. DISTANCE FROM NEAREST SCHOOL IS: 1100 ft.  
NAME OF SCHOOL IS: De Vargas Middle School
5. DISTANCE FROM NEAREST MILITARY INSTALLATION: 6.8.7 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:  
 BUILDING  
 BUILDING UNDER CONSTRUCTION  
 BUILDING BEING REMODELED  
 BILLBOARD  
 NO BUILDING

DATE POSTED: 11 Jan 2015

EXPIRATION DATE: 20 Jun 2015

Luis M de la Rosa  
APPLICANT'S SIGNATURE

Jeremy Stricklin  
S.I.D. SPECIAL AGENT SIGNATURE

Luis M de la Rosa Dat 17  
PRINTED

Jeremy Stricklin  
PRINTED



# 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

August 25, 2014

Mary Kay Root  
2550 Cerrillos Road  
Santa Fe, NM 87505

RE: Zoning Verification for 112 W. San Francisco Street.

Dear Ms. Root,

This is in response to a request for zoning verification on the above referenced properties. According to the Official Zoning Map, Page H-18 updated May 2001, this property is zoned BCDPLA (Business Capitol District Plaza/San Francisco Street Subdistricts).

**(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.*

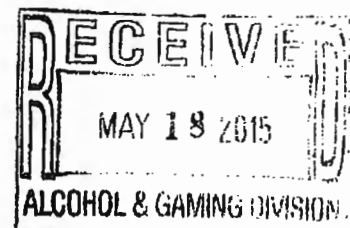
The sale of alcohol in conjunction with a "Beer and Wine" license is permitted within the BCDPLA District.

For additional information, reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses reference: <http://clerkshq.com/default.aspx?clientsite=Santafe-nm> Land Development).

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





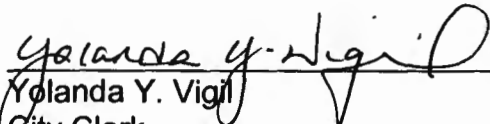
CITY OF SANTA FE

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, August 26, 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 La Fogata Grill, LLC for a Restaurant Liquor License (Beer and Wine for On-Premise Consumption Only) to be located at La Fogata Grill, 112 West San Francisco Street, Suite 101, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican  
Date 7/13/15  
To Be Published 7/14/15  
and 7/23/15  
By Melissa Mierc  
The New Mexican (Signature)

# City of Santa Fe



PUBLIC WORKS DEPARTMENT  
TRAFFIC DIVISION  
Post Office Box 909  
Santa Fe, NM 87504-0909  
Phone: 984-6619 (voice)  
984-6627 (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.

1. Name of owner of business Jorge Santos  
Name of business where proposed license is to be used La Fogata Grill LLC  
Business street address 1/2 W. San Francisco St # 101  
Telephone number (505) 983-7302 or (505) 983-7306
2. 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)
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 the business.  
8am - 9pm  
 If the hours of operation will change due to the sales of liquor, indicate the revised hours.  
no
6. If this is a new business, indicate the anticipated hours of operation of the business.  
new 8am - 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 70%)  
 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.  
 \_\_\_\_\_
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  
Random 46 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 San Francisco Bay Grill / Sleeping Dog Full Bar  
 Year(s) late 70s
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 Jorge Santos  
 Telephone number (505) 983-7322  
 Date 7/13/15

(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 [Signature]  
 Title TRAFFIC ENGINEER  
 Date 7/22/15



# 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:** August 19, 2015 for the City Council Meeting of August 26, 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**

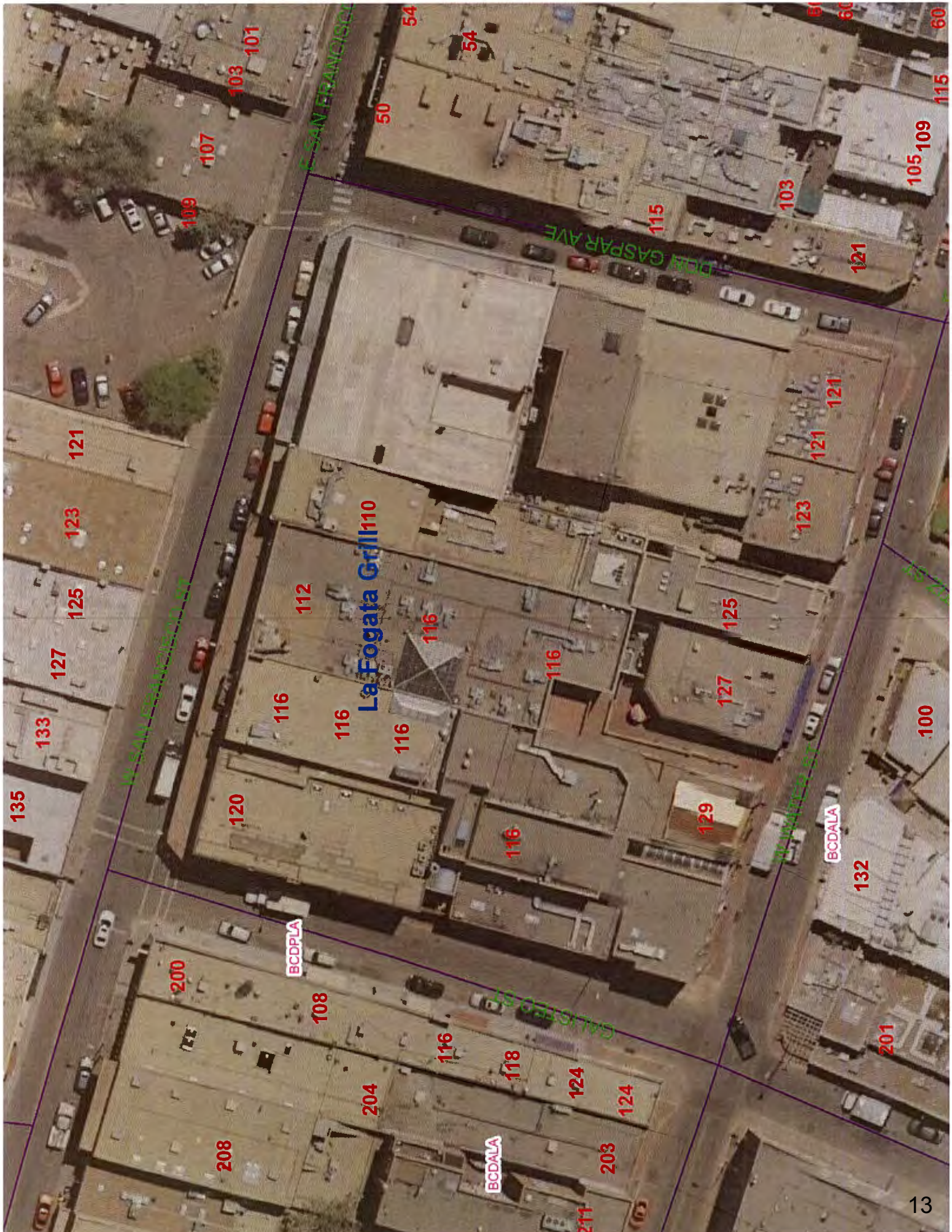
Litter and noise impact assessment, due to a request from La Fogata Grill, LLC for a Restaurant Liquor License (Beer and Wine for On-Premise Consumption Only) to be located at La Fogata Grill, 112 West San Francisco Street, Suite 101, Santa Fe, New Mexico.

**BACKGROUND AND SUMMARY**

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







**La Fogata Grill 110**

W SAN FRANCISCO ST

W GASPAR AVE

W SAN FRANCISCO ST

W VALENCIA ST

GALILEO ST

BCDPLA

BCDALA

BCDALA

135 133 127 125 123 121 109 107 103 101 50 54 54 115 103 121 105 109 115 60 60 121 123 121 125 116 116 116 116 116 116 116 127 125 129 100 132 135 133 127 125 123 121 109 107 103 101 50 54 54 115 103 121 105 109 115 60 60 121 123 121 125 116 116 116 116 116 116 127 125 129 100 132 200 108 116 118 124 124 204 203 201 208 211