




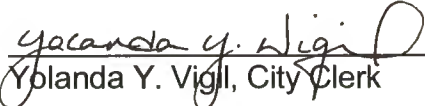
# City of Santa Fe, New Mexico

# 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 Transfer of Ownership and Location of Inter-Local Dispenser License #0801. This license is currently in voluntary suspension.

## **BACKGROUND AND SUMMARY**

Brinker Restaurant Corporation has requested the transfer of ownership and location of Inter-Local Dispenser License #0801 from Vic's Bar, Inc., 1220 N. Santa Cruz Road, Española to Brinker Restaurant Corporation, dba Chili's Grill & Bar #1558, 3795 Cerrillos Road. This location is not within 300 feet of a church or school.

Chili's Grill & Bar #1558 has not commenced construction of their building but will be required to obtain all necessary permits and licenses and also comply with all Fire, Building and Land Use Code Requirements.

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 Chili's Grill & Bar #1558 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 City Council indicate its decision on the transfer of ownership and location of Inter-Local Dispenser License #0801 from Vic's Bar, Inc. 1220 N. Santa Cruz Road, Española to Chili's Grill & Bar #1558, 3795 Cerrillos Road

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 9, 2015

Certified Mail No.: 7013 2250 0001 5426 6734

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



**Re: Lic. No. /Appl. No.: Appl. No. 955889**  
**Name of Applicant: Brinker Restaurant Corporation**  
**Doing Business As: Chili's Grill & Bar #1558**  
**Proposed Location: 3795 Cerrillos Road**  
**Santa Fe, New Mexico 87507**

**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 THE TRANSFER OF OWNERSHIP AND LOCATION FOR LICENSE 0801.**

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

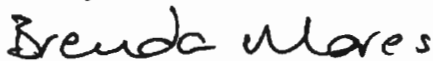
body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 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

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MAY 12 2015

5/12/15  
2015  
110449



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.alcohol-and-gaming.nm.gov

Page 1  
Rev. 08/13

RECEIVED

State Liquor License # 0801  
Application Number 955889  
Local option (AOD use) \_\_\_\_\_

Record Owner of Existing License Vic's Bar, Inc.  
Current D/B/A Name In Voluntary Suspension  
Current Premises Address 1220 N. Santa Cruz Rd, Espanola, NM 87532

MAY 12 2015

LIQUOR LICENSE APPLICATION

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

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

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

NAME OF APPLICANT (company or individual) Brinker Restaurant Corporation ADDRESS (including city, state, zip) 6820 LBJ Freeway, Dallas, Texas 75240 TELEPHONE NUMBER (972) 770-9847

WITH COPY TO: New Mexico Liquor Licenses, LLC 1801 Lomas Blvd NW, Albuquerque, NM 87104 (505) 980-5614

D/B/A name to be used: Chili's Grill & Bar #1558 Phone number for licensed premises: TBD

Physical location where license is to be used: 3795 Cerrillos Road, Santa Fe, Santa Fe County, NM 87507

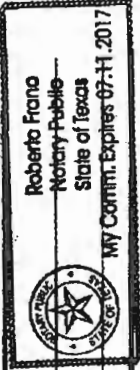
Mailing address: 6820 LBJ Freeway, Dallas, Texas 75240 (Include street number / highway number / state road, city and county, state, and zip code)

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

I, (print name) E. Denise Moore as (title) Vp & Asst. Sec. 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 den moore Date 5/16/2015



SUBSCRIBED AND SWORN TO before me this 6 day of May, 20 15 by Roberto Frano My Commission Expires 7/11/2017

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

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_

For Alcohol and Gaming Division Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_





PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION  
SS-60-68-10

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MAY 12 2015

ALCOHOL & GAMING DIVISION

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) Vegaverdes, LLC

B. Date and term of lease 10 years with 5x5 year renewal terms

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 ca. 450 Ft Name of church Praise Tabernacle Freedom Church Address/location of church 3732 Cerrillos Rd, Santa Fe, NM 87507

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

Miles/feet ca. 1.12 Miles Name of school Ramirez Thomas Elementary School Address/location of school 3200 Calle Po Ae Pi, Santa Fe, NM 87507

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

Miles ca. 62.4 Miles Name of Military Installation, circle one: 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.

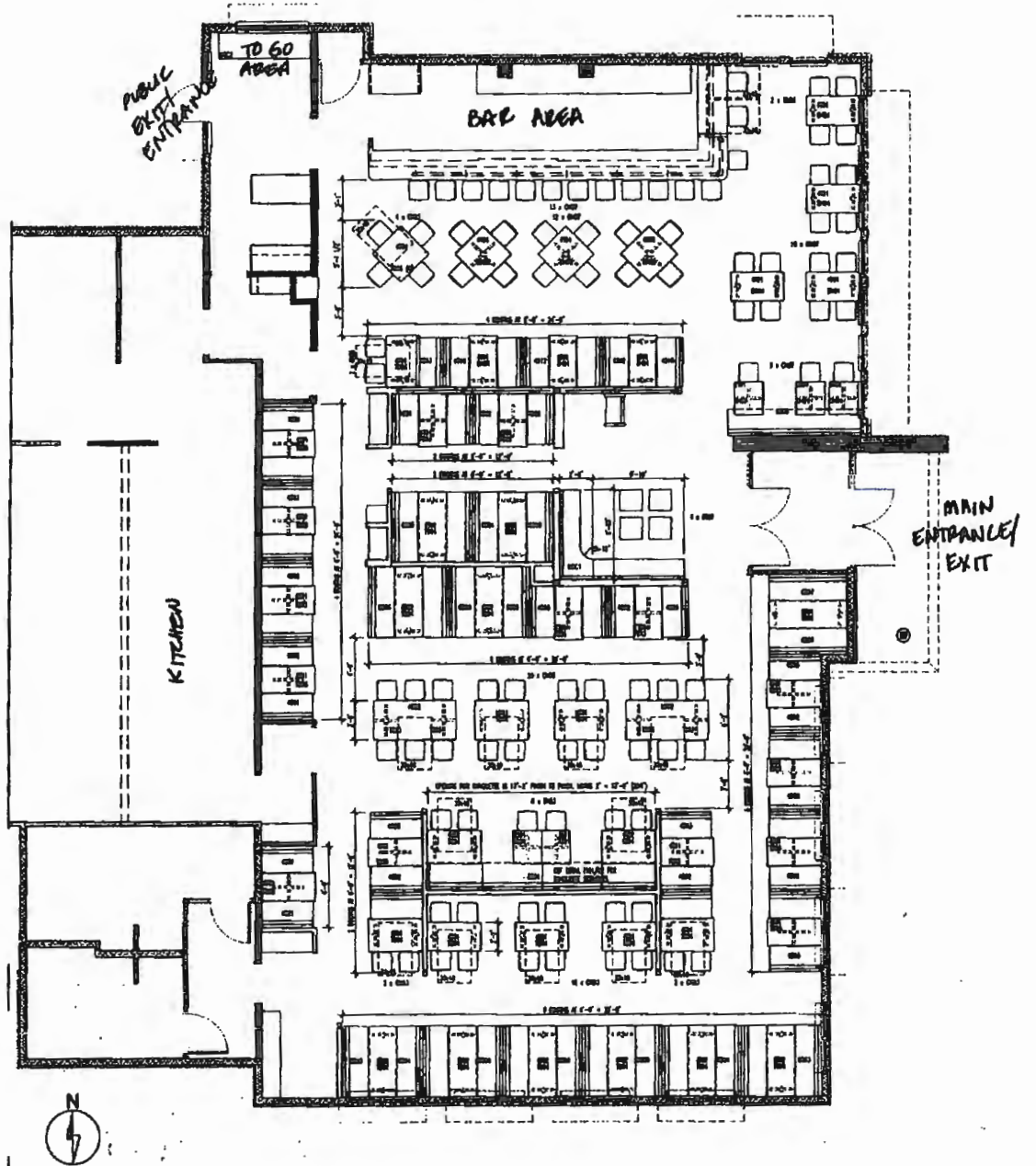
8. Type of Operation:

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.



Total Sf = 5,933  
unrestricted



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MAY 12 2015

ALCOHOL & GAMING DIVISION



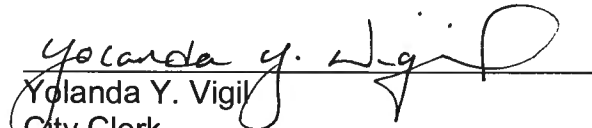
CITY OF SANTA FE

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 Brinker Restaurant Corporation for a transfer of Ownership and Location of Inter-Local Dispenser License #0801 from Vic's Bar, Inc., 1220 N. Santa Cruz Road, Espanola to Brinker Restaurant Corporation, dba Chili's Grill & Bar #1558, 3795 Cerrillos Road, Santa Fe.

All interested citizens are invited to attend this public hearing.

  
Yolanda Y. Vigil  
City Clerk

Received by The New Mexican  
Date 7/22/15  
To Be Published 7/27/15  
and 8/3/15  
By Marilyn Niera  
The New Mexican (Signature)

City of Albuquerque, New Mexico



PUBLIC WORKS DEPARTMENT  
TRAFFIC DIVISION  
PLAZA CITIZEN SUITE 901  
COURT FW, SANTA FE, NM 87505  
PHONE: 324-9111 EXT. 4000  
324-4477 (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 Brinker Restaurant Corporation  
Name of business where proposed license is to be used Chili's Grill & Bar #1558  
Business street address 3795 Cerrillos Road, Santa Fe NM  
Telephone number TBD
2. Indicate the type of liquor license this request entails.  
 issuance of new license (indicate type: \_\_\_\_\_)  
 transfer of location of existing license (indicate type: Interlocal Dispenser)  
 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.

\_\_\_\_\_

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.

11 am- 11pm Sun-Thur 11am-12am Fri and Sat

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.

500

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

unknown number of customers who drive

unknown number of customers who walk

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

yes

no unknown

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 Rhodes & Salmon, PC Mark Rhodes

Telephone number 505-980-4640

Date 7/28/2015

(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 CRASH EVALUATOR

Date 7/29/15



# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

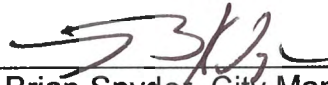
*Javier M. Gonzales, Mayor*

**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 *LJC for LM.*

**FROM:** Antoinette Padilla, Code Enforcement Specialist *A.P.*

**ITEM AND ISSUE**

Litter and noise impact assessment, due to a request from Brinker Restaurant Corporation for a transfer of Ownership and Location of Inter-Local Dispenser License #0801 from Vic's Bar, Inc., 1220 N. Santa Cruz Road, Espanola to Brinker Restaurant Corporation, dba Chili's Grill & Bar #1558, 3795 Cerrillos Road, 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: August 19, 2015

TO: Mayor Javier Gonzales  
City Councilors

FROM: Antoinette Padilla, Code Enforcement Specialist 

VIA: Georgia Urioste, Zoning Inspections Supervisor 

RE: Zoning Verification for 3795 Cerrillos Road

This is in response to a request for zoning verification on the above referenced property. According to the Official Zoning Map, Page L-15 updated May 2001, this property is zoned C-2, General Commercial District.

The codes pertaining to the C-2 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





