

Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 13, 2016

TO: Board of County Commissioners

FROM: John M. Salazar, Development Review Specialist Sr. JMS

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director *PEG*
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF.: BCC CASE #MIS 16-5120 Baked in Tesuque, LLC D/B/A Tesuque Village Market Liquor License Transfer of Ownership

ISSUE:

Baked in Tesuque, LLC, D/B/A Tesuque Village Market, Applicant, requests approval for a transfer of ownership of Liquor License No. 0817.

The property is located at 138 Tesuque Village Road, within Section 25, Township 18 North, Range 9 East (Commission District 1).

Vicinity Map:



SUMMARY:

The Applicant requests approval for the transfer of ownership of liquor license No. 0817. The ownership is remaining the same however Baked in Tesuque, LLC is adding stakeholders to the limited liability corporation which requires a transfer of ownership request through the Alcohol and Gaming Division.

The Property is located within the Tesuque Community District Rural Commercial Overlay Zone. Tesuque Village Market is a legal non-conforming use.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners (BCC) to conduct a public hearing on the request to grant a Restaurant Beer and Wine Liquor License. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the license if the location is within three hundred feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Legal notice of this request has been published in accordance with the Liquor Control Act by publishing notice before the hearing twice in the Santa Fe New Mexican on May 1, 2016 and May 8, 2016.

This Application was submitted on April 27, 2016.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 9.5.4.1.2.a.i(c) designates retail services, market shops and open markets as a conditional use; Tesuque Village Market is a legal non-conforming use; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 0.6 miles from the nearest church and 407 feet from the nearest school; and the Liquor License will not be detrimental to the public health, safety or morals of the residents.

APPROVAL SOUGHT: Approval of a transfer of ownership of Liquor License No. 0817.

**GROWTH MANAGEMENT
AREA:**

Tesuque Community District Overlay, SDA-2

AGENCY REVIEW:

Agency

NM Alcohol & Gaming

Recommendation

Preliminary Approval

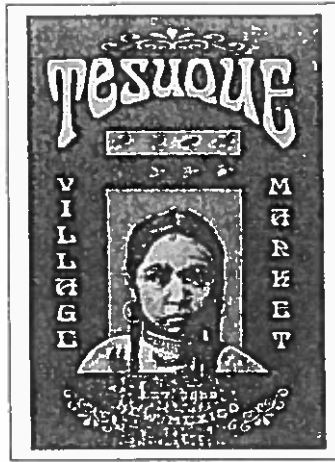
Distance from nearest Church – 0.3 miles

Distance from nearest School – 407 feet

STAFF RECOMMENDATION: Approval of a transfer of ownership of Liquor License No. 0817 located at 138 Tesuque Village Road.

EXHIBITS:

- 1- Letter of Intent
- 2- Site Plan/Floor Plan
- 3- Alcohol and Gaming Division Letter of Preliminary Approval
- 4- Aerial of Site
- 5- County Business License



Tesuque Village Market
138 Tesuque Village Road
Santa Fe, NM 87574
505-988-8848

5/1/2016

To Whom It May Concern,

Please be advised that Baked in Tesuque, LLC. DBA Tesuque Village Market is a full service restaurant, package store, market and bakery. The license on site is #0817 and is a dispenser license with Sunday sales. The hours of operation are Monday through Sunday 7:00am to 9:00pm.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Stein', written over a horizontal line.

Michael Stein



- Restricted

APR 03 2006

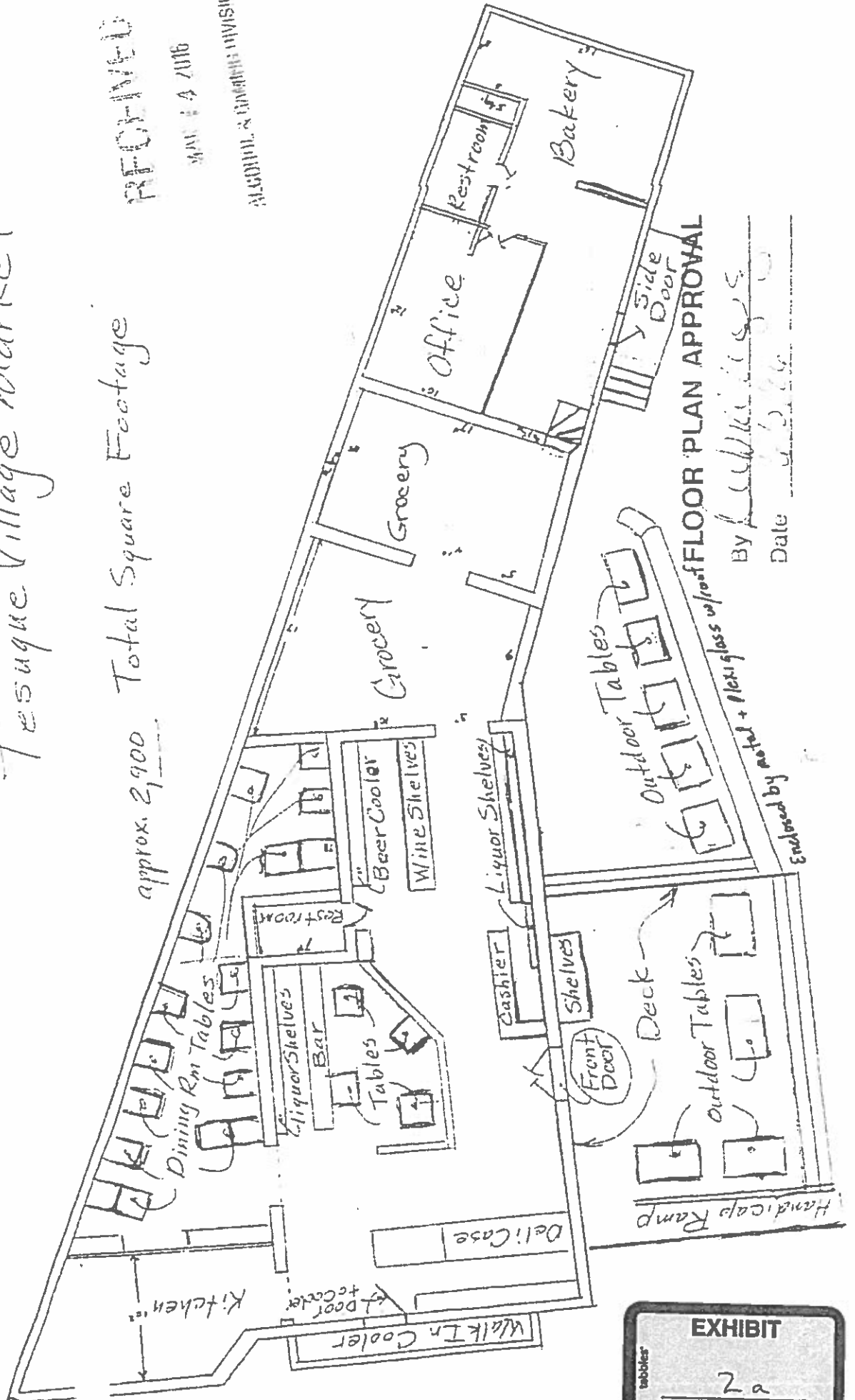
Tesque Village Market

approx. 2,900 Total Square Footage

RECEIVED

MAY 4 2006

ALCOHOL & GAMING DIVISION



FLOOR PLAN APPROVAL

By L. Williams

Date 5/2/06

EXHIBIT

2a

tabbies



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

David Jablonski
DEPUTY
SUPERINTENDENT

Diana A. Martwick
CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

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

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

April 14, 2016

Certified Mail No.: 9171 9690 0935 0078 6756 40

Jose E. Larrañaga
Commercial Development Case Manager
Building and Development Services
Santa Fe County
102 Grant Avenue
Box 276
Santa Fe, NM, 87504

Re: License No. / Appl. No.: License No. 0817 / Appl. No. 995054
Applicant Name: Baked in Tesuque, LLC
Doing Business As: Tesuque Village Market
Proposed Location: 138 Tesuque Village Road
Santa Fe, NM 87574

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 TRANSFER OF OWNERSHIP OF LIQUOR
LICENSE NO. 0817 WITH ON PREMISE CONSUMPTION AND PACKAGE**

EXHIBIT

abbler

2

SALES. THE APPLICANT CURRENTLY OWNES THIS LICENSE BUT HAS HAD A CHANGE TO THE STOCKHOLDERS OF THE COMPANY.

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 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,



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

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



COMMERCIAL Registration

Registration No: 11164

Permit No:

Permit Type: COMMERCIAL

State of New Mexico, County of Santa Fe

WHEREAS, JERRY HONNELL, a resident of P.O. BOX 6400, TESUQUE, NM 87574

County and State aforesaid, and one of the members of the firm known as TESUQUE VILLAGE MARKET

has made application for registration as COMMERCIAL ; therefore

Registration Has Been Granted

to the said TESUQUE VILLAGE MARKET to carry on said business at

P O BOX 6400, TESUQUE, NM 87574

in said County and State for a period of 12 months, commencing on the 1 day of January, 2016

and ending on the 31 day of December, 2016, under the provisions of the law in such cases made and provided.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Treasurer, at Santa Fe, N.M., this 1

day of January 2016



[Signature]
SANTA FE COUNTY TREASURER

EXHIBIT

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16,348

