

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: June 21, 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 R.O.
Vicki Lucero, Building and Development Services Manager VZ
Wayne Dalton, Building and Development Services Supervisor wo

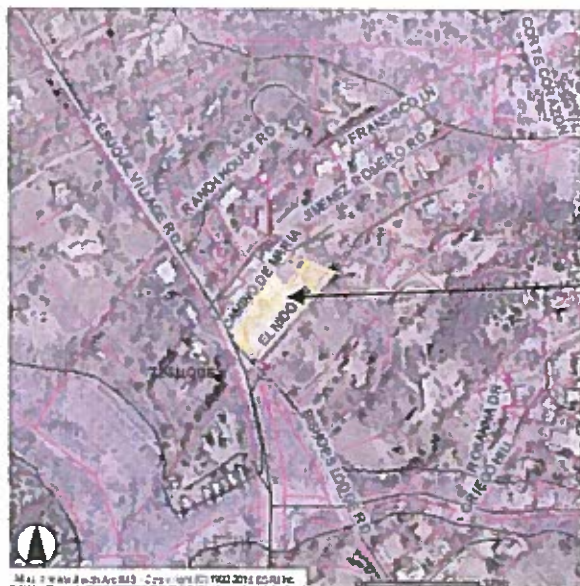
FILE REF.: BCC CASE #MIS 16-5140 Santa Fe Fire Water, LLC D/B/A El Nido, Liquor License Location Transfer

ISSUE:

Santa Fe Fire Water, LLC, D/B/A El Nido, Applicant, requests a location transfer of Liquor License No. 2773 with patio and on premise consumption only.

The property is located at 1577 Bishops Lodge Road, within Section 25, Township 18 North, Range 9 East (Commission District 1).

Vicinity Map:



Site Location

SUMMARY:

The Applicant requests approval for the location transfer of liquor license No. 2773. The Applicant is the current owner of the license and is requesting to transfer it from the Locker Room Sports Bar & Grill located at 2841 Cerrillos Rd. within the City of Santa Fe to the El Nido Restaurant located at 1577 Bishop's Lodge Rd. The restaurant is a legal non-conforming use which has consistently maintained a Santa Fe County Business License and has historically served alcohol at the site.

The Property is located within the Tesuque Community District Rural Commercial Overlay Zone.

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 June 12, 2016, and June 19, 2016.

This Application was submitted on June 6, 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 0.8 miles from the nearest church and 1056 feet from the nearest school.

APPROVAL SOUGHT: Approval of a location transfer of Liquor License No. 2773.

GROWTH MANAGEMENT AREA: Tesuque Community District Overlay, SDA-2

AGENCY REVIEW:	<u>Agency</u>	<u>Recommendation</u>
	NM Alcohol & Gaming	Preliminary Approval

Distance from nearest Church – 0.8 miles
Distance from nearest School – 1056 feet

STAFF RECOMMENDATION: Approval of a location transfer of Liquor License No. 2773 to be located at 1577 Bishops Lodge Road.

EXHIBITS:

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

Tesuque Dining LLC

Telephone 505.301.3004
Email rmbowdon@gmail.com

March 10, 2016

John Salazar
Santa Fe County Land Use Department
102 Grant Ave
Santa Fe NM 87501
Ref: Letter of Intent-Business License

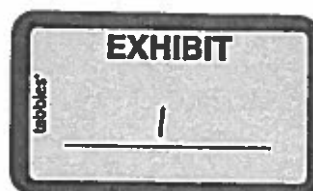
John,

As requested I am writing this letter to inform the Santa Fe County of our intent to reopen a restaurant on 1577 Bishops Lodge rd. previously referred to as the El Nido Restaurant. We have identified a restaurant Dispenser Liquor License that we will be leasing. The restaurant will be a full service restaurant operating 7 days a week opening M-F 11am and closing 11pm, Saturday/Sunday 8am-11pm. We will initially be offering dinner service and will expand to breakfast and lunch (see attached Dinner Menu). We expect to employ 25-30 people. Tesuque Dining is currently requesting from Santa Fe County Land Use a Business License for operations at this location. The property according to current interactive zoning map shows that 1577 Bishops Lodge is *TC – Traditional Village, O-RC, Rural Commercial Overlay Zone*. In addition this property does not have a recorded Development or Master plan.

Thanks for your support in getting requested permits.

Very Respectfully,

Robert W. Bowdon
Tesuque Dining
Owner
505-301-3004



① First Floor Plan

Source Feature

Building = 5,981
Patio = 1,600

7,581



RECEIVED

APR 05 2016

ALCOHOL & GAMING DIVISION

ELECTRICAL SYMBOLS

- 40' to 45' BROWNS BROWN BROWNS BROWNS BROWNS
- 45' to 50' BROWNS BROWNS BROWNS BROWNS BROWNS
- 50' to 55' BROWNS BROWNS BROWNS BROWNS BROWNS
- 55' to 60' BROWNS BROWNS BROWNS BROWNS BROWNS
- 60' to 65' BROWNS BROWNS BROWNS BROWNS BROWNS
- 65' to 70' BROWNS BROWNS BROWNS BROWNS BROWNS
- 70' to 75' BROWNS BROWNS BROWNS BROWNS BROWNS
- 75' to 80' BROWNS BROWNS BROWNS BROWNS BROWNS
- 80' to 85' BROWNS BROWNS BROWNS BROWNS BROWNS
- 85' to 90' BROWNS BROWNS BROWNS BROWNS BROWNS
- 90' to 95' BROWNS BROWNS BROWNS BROWNS BROWNS
- 95' to 100' BROWNS BROWNS BROWNS BROWNS BROWNS





Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

David Jablonski
DEPUTY
SUPERINTENDENT

Diana A. Martwick
CHIEF GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

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

May 16, 2016

Certified Mail No.: 9171 9690 0935 0078 2659 71

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. 2773 / Appl. No. 997808
Applicant Name: Santa Fe Fire Water, LLC
Doing Business As: El Nido
Proposed Location: 1577 Bishops Lodge Road
Santa Fe, NM 87506

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 LOCATION OF LIQUOR
LICENSE NO. 2773 WITH ON PREMISE CONSUMPTION ONLY AND PATIO.**

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

EXHIBIT

3

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.

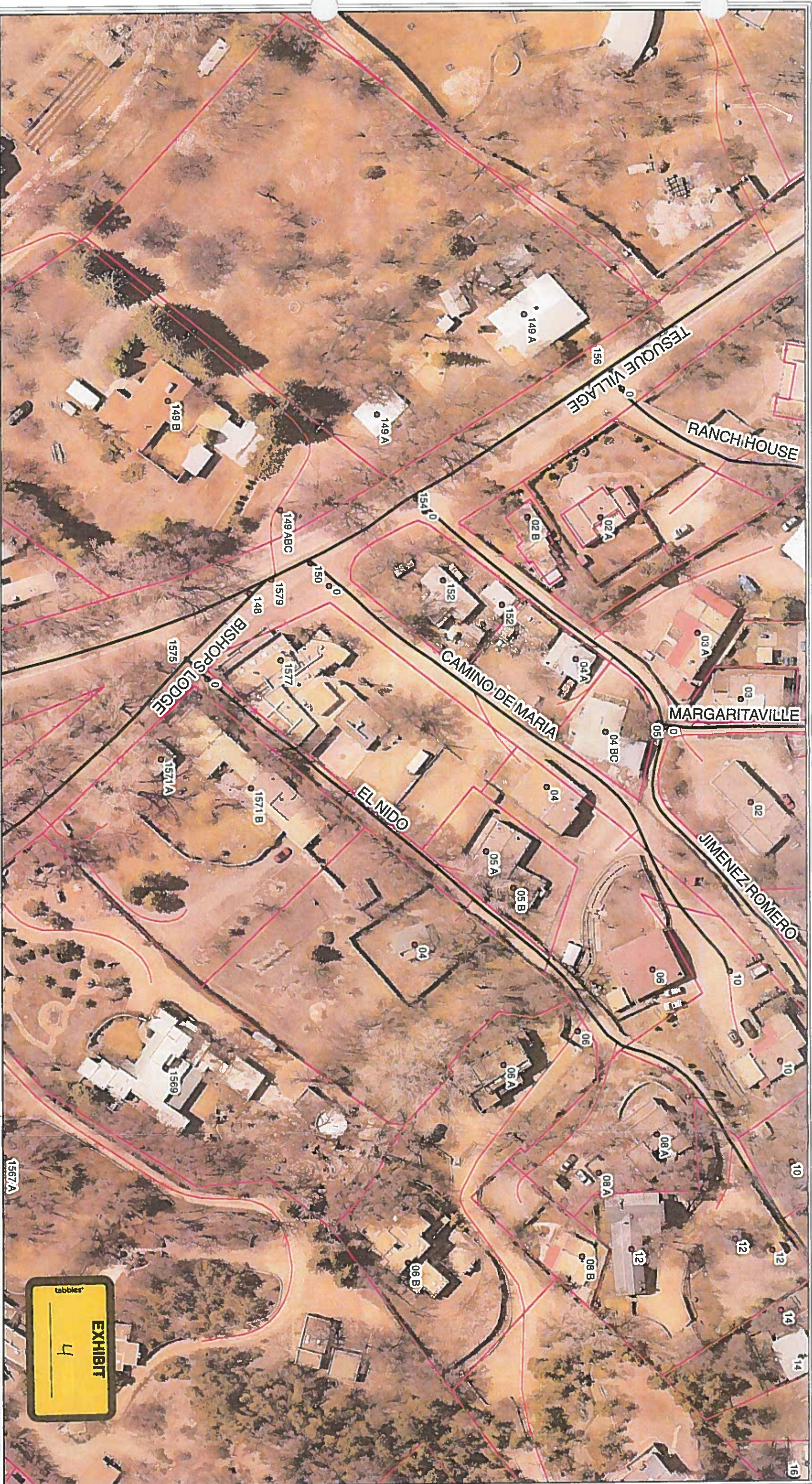
If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



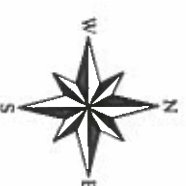
Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures: Original Page 1 of Application
Copy of Page 2 of Application
Floor Plan
Zoning Statement



1 inch represents 75 feet

0 15 30 60 90 120 Feet



2015 Imagery
2 FOOT CONTOURS

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
User are solely responsible for
confirming data accuracy.



June 30, 2016

