

**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** February 28, 2017

**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*

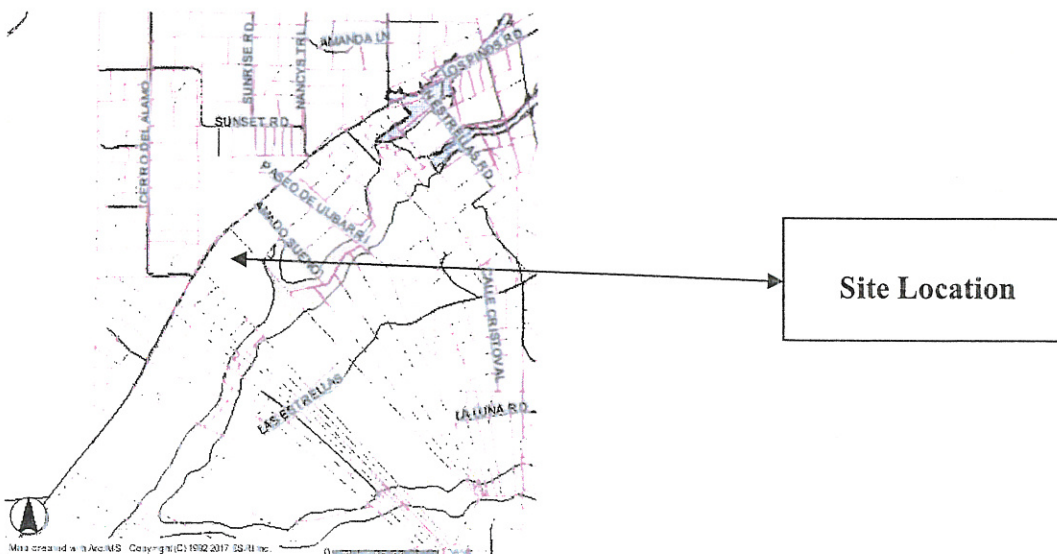
**FILE REF.:** BCC CASE #MIS 17-5040 Ojo Caliente Holdings Inc. D/B/A Sunrise Springs Spa Resort, Liquor License

**ISSUE:**

Ojo Caliente Holdings, Inc., D/B/A Sunrise Springs Spa Resort, Applicant, Linda Aikin, Agent, request approval for a Restaurant Liquor License.

The property is located at 242 Los Pinos Rd., within Section 28, Township 16 North, Range 8 East (Commission District 3).

**Vicinity Map:**



## **SUMMARY:**

The Applicant requests approval for a restaurant liquor license. The Applicant is requesting a new restaurant liquor license to be located at 242 Los Pinos Rd. The property is zoned as a Planned Development District (PDD) and has been built out in accordance with the previously approved Master Plan which includes a restaurant with incidental consumption of alcoholic beverages. The previous restaurant located on the property was the Blue Heron Restaurant.

The Property is located within the La Cienega and La Cieneguilla Community District Overlay.

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 January 29, 2017, and February 9, 2017.

**This Application was submitted on January 23, 2017.**

**Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 9.8.3.6.10 allows Planned Development Districts identified on the initial zoning map may be built out in accordance with their approved master plans including density and uses; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 4.3 miles from the nearest church and 6.6 miles from the nearest school.**

**APPROVAL SOUGHT:** Approval of a Restaurant Liquor License.

**GROWTH MANAGEMENT AREA:** La Cienega and La Cieneguilla Community District Overlay, SDA-2

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

Distance from nearest Church – 4.3 miles

Distance from nearest School – 6.6 miles

**STAFF RECOMMENDATION:** Approval of a Restaurant Liquor License to be located at 242 Los Pinos Road.

**EXHIBITS:**

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



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

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**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505**  
**(505) 983-5588 \* FAX (505) 989-7313**  
**jim@jwsiebert.com**

January 25, 2017

John M. Salazar  
Development Review Specialist r.  
102 Grant Avenue  
Santa Fe, NM 87504

Re: Restaurant (Beer & Wine) License

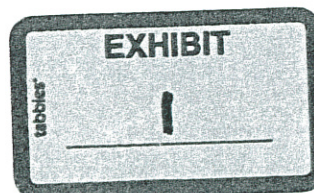
Dear Mr. Salazar:

On behalf of Sunrise Springs (Gable S. Corporation), I am requesting to be placed on the February 14<sup>th</sup>, 2017 BCC agenda to allow for a restaurant license for the Sages Restaurant located with the Sunrise Springs facility. The hours of operation are from 7:30 a.m. to 9:30 a.m. The restaurant (beer and wine) license will be used for lunch and dinner events, which are considered to be special events scheduled by the guest of Sunrise Springs.

Although there is an existing restaurant license within the facility, the State Alcohol and Gaming Division requires each restaurant within the facility to have a separate restaurant license.

Enclosed with this letter is the following documentation described below:

- Development permit application
- Zoning Statement
- E.D. permit
- Vicinity map
- Deed (proof of ownership)
- Plat (legal lot of record)
- Proof of property tax paid
- Copy of current business license
- Layout of establishment

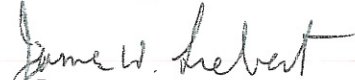


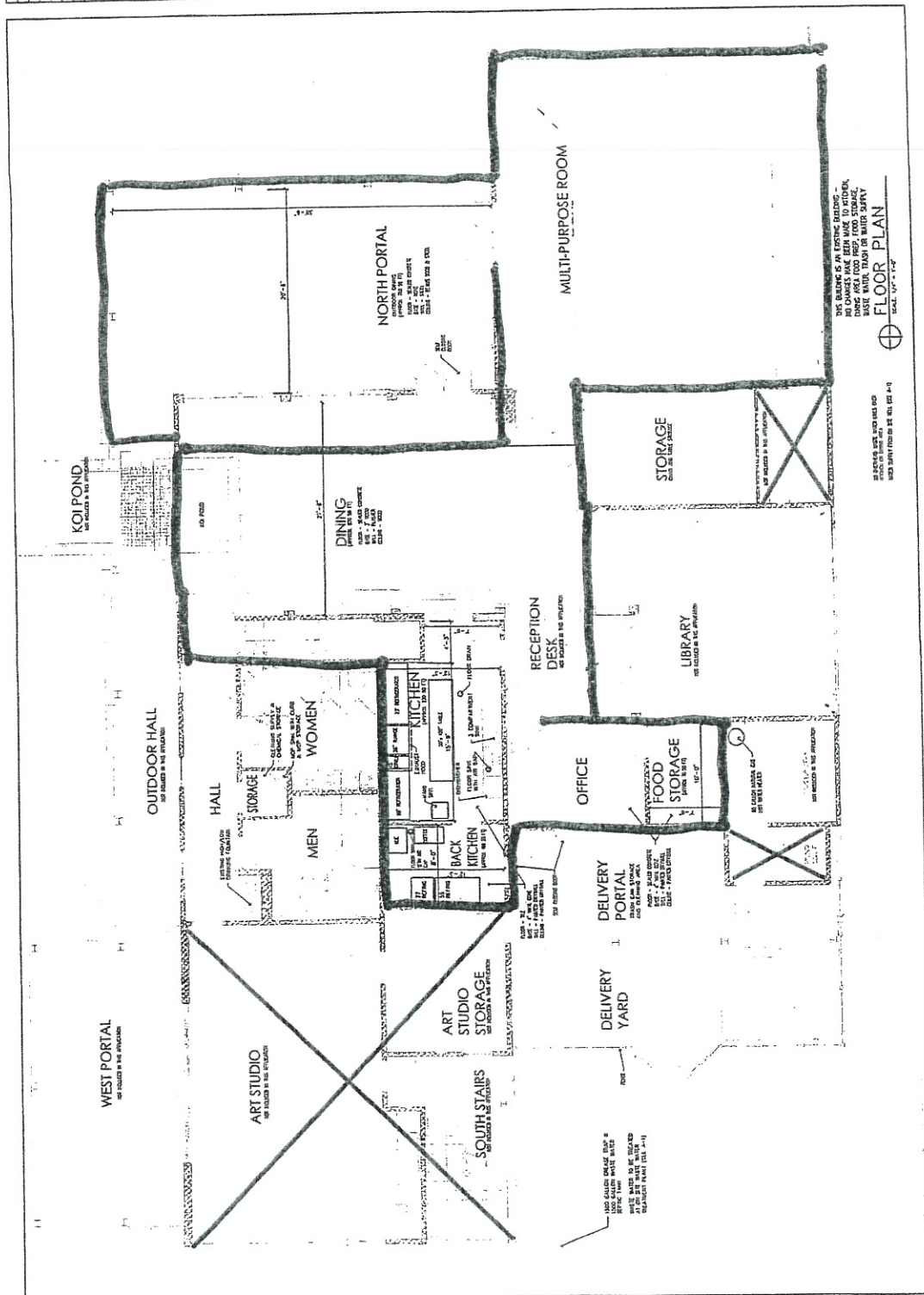


Jose Larranaga  
Sunrise Springs Zoning Statement  
January 25, 2017  
Page 2 of 2

- Site plan in 24 x 36 and 11x17 format
- Check in the amount of \$220.00

Sincerely,

  
James W. Siebert





Susana Martinez  
Governor

Robert "Mike" Unthank  
Superintendent

Alex Sanchez  
Deputy Superintendent

Claudia Armijo  
Deputy 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

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ [www.rld.state.nm.us/alcoholandgaming](http://www.rld.state.nm.us/alcoholandgaming)

January 12, 2017

Certified Mail No: 9171 9690 0935 0078 6770 26

### Santa Fe County

Jose Larranaga, Development Review Team Leader  
Commercial Development, Zoning Statements, Liquor Licenses, Cell Towers  
102 Grant Avenue  
Box 276  
Santa Fe, NM 87504

Re: **Lic. No. /Appl. No.:** **Application No. 1030789**  
**Name of Applicant:** Ojo Caliente Holdings, Inc.  
**Doing Business As:** Sunrise Springs Spa Resort - Sages  
**Proposed Location:** 242 Los Pinos Road, Santa Fe, NM 87507

### Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

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 potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

**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 & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

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.**

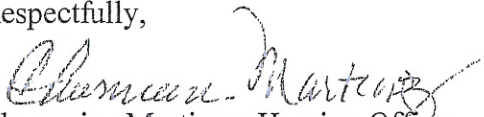
THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY



**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove 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 notices of publication. **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 issue 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, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: [charmaine.martinez2@state.nm.us](mailto:charmaine.martinez2@state.nm.us)

Enclosures:

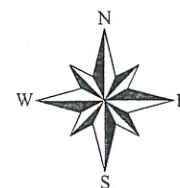
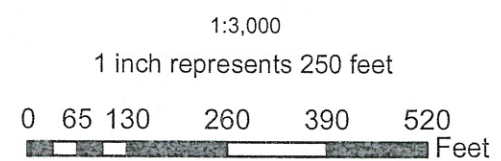
1. Original Page 1 of the Application (*must be signed and returned w notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
4. Copy of the Floor Plan





## Legend

- ROADS
- Parcels



2014 Orthophotography  
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



February 14, 2017

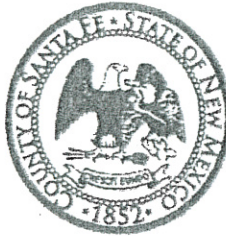




**Henry P. Roybal**  
*Commissioner, District 1*

**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*

December 12, 2016

Sunrise Springs (Gable S, Corporation)  
242 Los Pinos Road  
Santa Fe, New Mexico 87507

Re: Zoning Statement for Sunrise Springs Located at 242 Los Pinos Road.

This office has been asked to provide a zoning statement, with respect to the above referenced property, to allow a restaurant license for the Sages Restaurant.

The zoning for this property is regulated by Ordinance No. 2015-11, the Sustainable Land Development Code (SLDC), Chapter 9 (Community Districts), Section 9.8, La Cienega and La Cieneguilla Community District Overlay (LCLCCD). The site is zoned as a Planned Development District (PD-12 Sunrise Springs Resort). Section 9.8.10, LCLCCD PDD states; PDD's identified on the initial zoning map may be built out in accordance with their approved Master Plan including density and uses. The approved Master Plan for Sunrise Springs allows for a restaurant, with incidental consumption of alcoholic beverages as a permitted use. Permitted uses are subject to all other applicable standards of the SLDC.

If you have any questions contact me at 986-6225.

Sincerely,

Vicki Lucero  
Building and Development Services Manager

Cc; Jose E. Larrañaga  
Development Review Team Leader



# COMMERCIAL BUSINESS Registration

Registration No: 13635

Permit No: 13-4039

Permit Type: COMMERCIAL BUSINESS

## State of New Mexico, County of Santa Fe

WHEREAS, OJO CALIENTE HOLDINGS INC., a resident of 242 LOS PINOS ROAD, SANTA FE, NM 87507

County and State aforesaid, and one of the members of the firm known as SUNRISE SPRINGS INTERGRATED WELLNESS AND RESORT has made application for registration as COMMERCIAL BUSINESS ; therefore

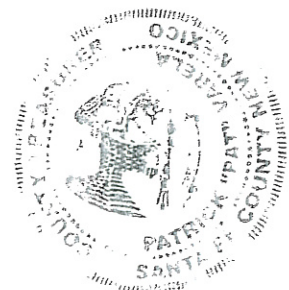
## Registration Has Been Granted

to the said SUNRISE SPRINGS INTERGRATED WELLNESS AND RESORT to carry on said business at

242 LOS PINOS ROAD, SANTA FE, NM 87507

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



16.063

SANTA FE COUNTY TREASURER

EXHIBIT

6





