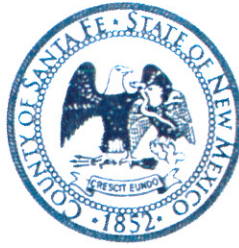


Henry P. Roybal
Commissioner, District 1

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: May 7, 2018

TO: Board of County Commissioners

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

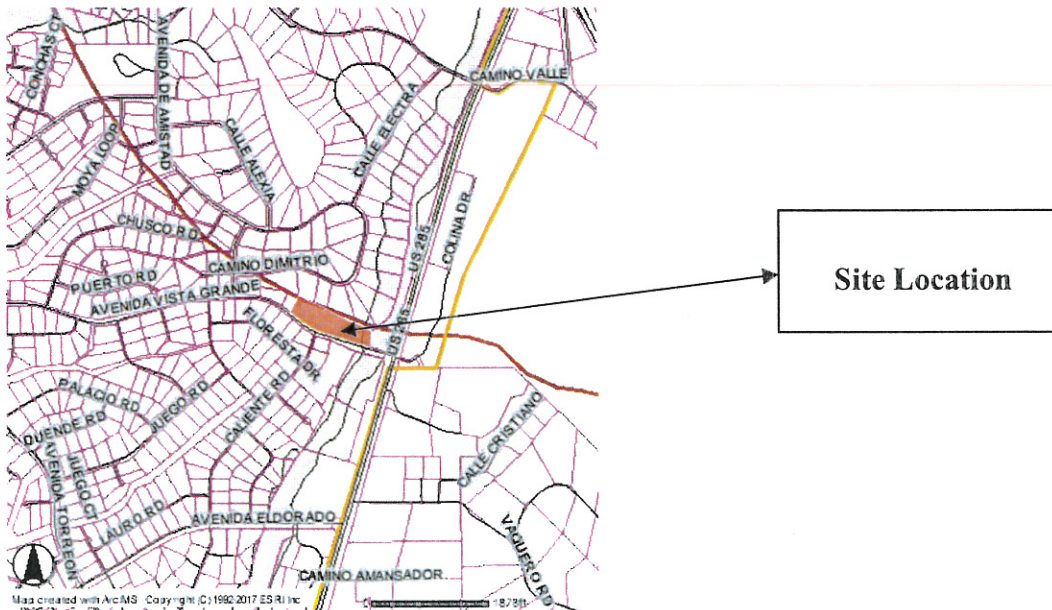
VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager *VL*

FILE REF.: BCC CASE #MIS 18-5100 BCBC, LLC Restaurant Beer and Wine License

ISSUE:

BCBC, LLC, Applicant, requests approval of a restaurant beer and wine license. The property is located at 3810 NM 14, within the San Marcos Community District Overlay, within Section 35, Township 15 North, Range 8 East, (Commission District 5).

Vicinity Map:



SUMMARY:

The Applicant is requesting a restaurant beer and wine license. The property is located at 3810 NM Highway 14 within the San Marcos Community District Overlay. The property is zoned Commercial Neighborhood. Table 9-14-18: SMCD Use Matrix allows restaurants with incidental consumption of alcoholic beverages as a permitted use. The previous restaurant in this location was Babaluus Cocina Cubana which also had a restaurant beer and wine license.

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 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 April 29, 2018, and May 6, 2018.

This Application was submitted on April 20, 2018.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Chapter 9.14, Table 9-14-18: SMCD Use Matrix allows restaurants with incidental consumption of alcoholic beverages as a permitted use; the Applicant has met the State of New Mexico requirements for noticing; the restaurant is 7 miles from the nearest church and 3.4 miles from the nearest school.

APPROVAL SOUGHT: Approval of a Restaurant Beer and Wine License.

GROWTH MANAGEMENT AREA: San Marcos Community District Overlay, SDA-2

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

Distance from nearest Church – 7 miles
Distance from nearest School – 3.4 miles

STAFF RECOMMENDATION: Approval of a Restaurant Beer and Wine License to be located at 3810 NM 14.

EXHIBITS:

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

From: BCBC, LLC

3810 Highway 14

Santa Fe, NM 87508

April 20, 2018

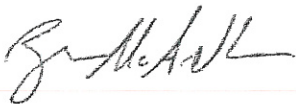
Re: Letter of Intent for Restaurant Beer and Wine License

We intend to operate a full-service restaurant, including the service of beer and wine, at our location at 3810 Highway 14, eight miles south of Santa Fe City limits. For approximately the last 25 years, this location has been home to many different restaurants and, occasionally, housed art gallery spaces, and various small business offices.

The property is zoned "Commercial Neighborhood" in the San Marcos Community District. Initially, we plan to be open from 1:30 pm to 10:30 pm, seven days a week. In the future, we may begin opening earlier if we see the demand for lunch service. Once we are fully operational, we plan to have 10 to 12 employees in addition to the four owners who will be working full-time at the restaurant.

We are applying for a Restaurant Beer and Wine liquor license.

Thank you very much,



Ryan McArdle

CFO

BCBC, LLC





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

April 13, 2018

Certified Mail No.: 9171 9690 0935 0155 1672 42

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra Lopez
Acting Director

Santa Fe County
Jose Larranaga
102 Grant Avenue – Box 276
Santa Fe, NM 87504

Re: Lic. No. /Appl. No.: **Restaurant Application No. 1084796**
Name of Applicant: BCBC, LLC
Doing Business As: Beer Creek Brewing Company
Proposed Location: 3810 NM 14, Santa Fe, NM 87508

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/WINE LICENSE WITH ON PREMISE CONSUMPTION ONLY AND PATIO SERVICE.

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



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,



Beverly Kennedy, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4548 Fax: (505) 476-4595
Email: beverly.kennedy@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



RECEIVED

FEB 23 2018

ALCOHOL & GAMING DIVISION

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached

☒ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): **Crossed Sabers, LLC**

B. Date and Term of Lease: Nov 16, 2017 - Nov 30, 2022

3. Premises location is Zoned (example C-1, see Zoning Statement): **CN - Commercial Neighborhood**

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: St. Joseph Catholic Church

Miles/feet: 7 miles

Address/location of Church: 1st Street, Cerrillos, NM 87010

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Turquoise Trail Elementary School

Miles/feet: 3.4 miles

Address/location of School: 13 San Marcos Loop, Santa Fe, NM 87508

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

Name of Military Installation, circle one

Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

Miles: 40

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel

☐ Lounge

☐ Package Grocery

☒ Restaurant

☐ Racetrack

☐ Small Brewer

☐ Craft Distiller

☐ Winery

☐ Wholesaler

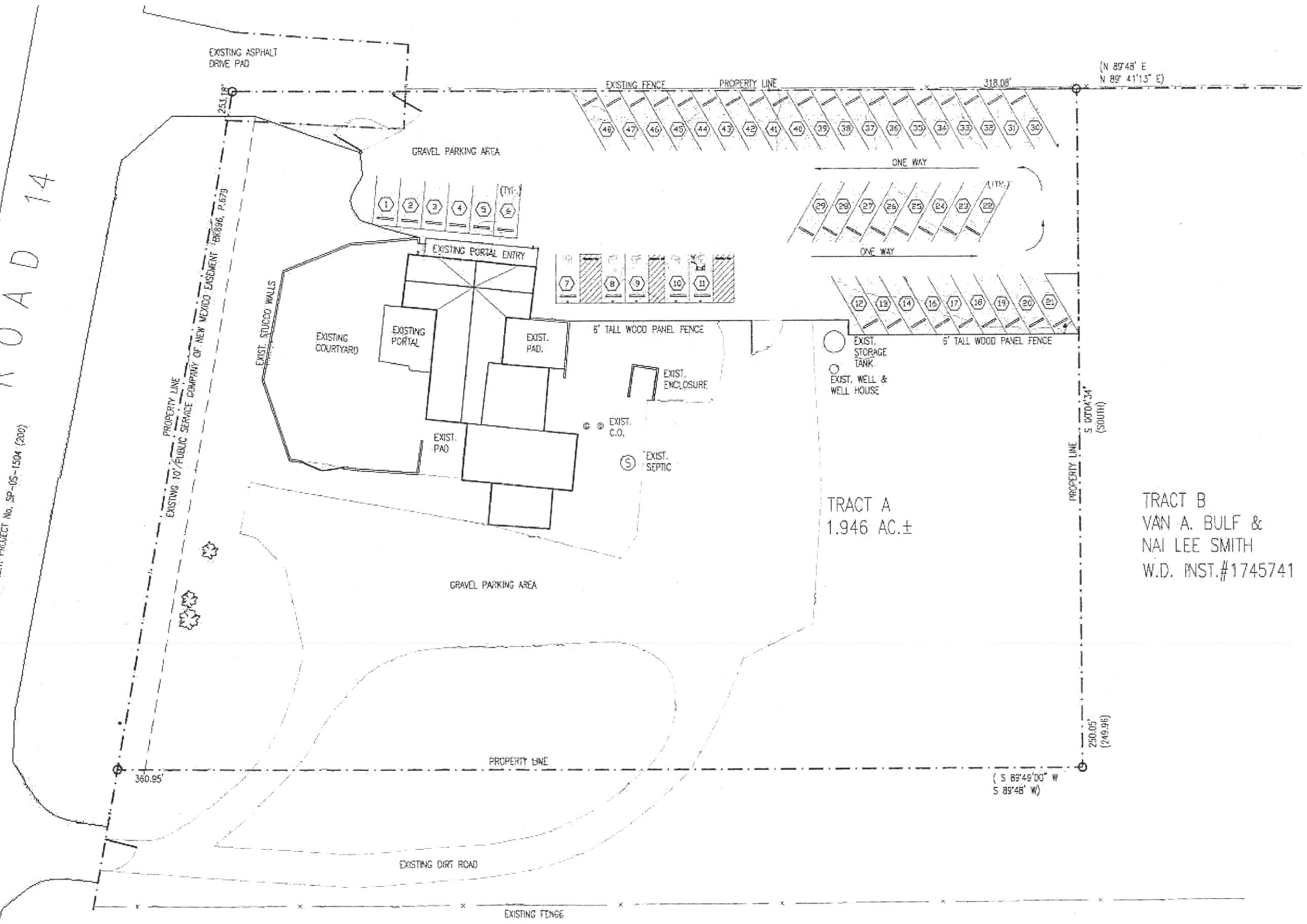
☐ Other (specify): 5607

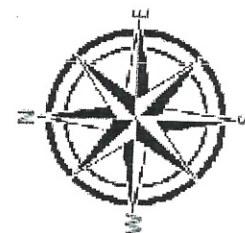
*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

COPY

STATE ROAD 14

N.M.D.O.T. PROJECT No. SP-05-1504 (2007)

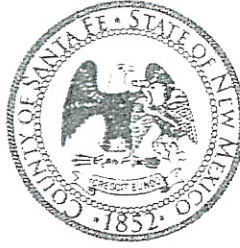




Henry P. Roybal
Commissioner, District 1

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

February 23, 2018

BCBC LLC
Ryan McArdle, CEO
3810 Highway 14
Santa Fe, New Mexico, 87508

Re: Zoning Statement for 3810 Highway 14, Santa Fe, New Mexico

Mr. McArdle;

This office has been asked to provide a zoning statement with respect to the above referenced property.

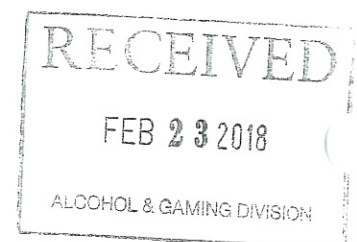
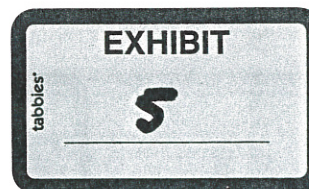
The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code (SLDC), Chapter 9, Section 9.14, San Marcos Community District Overlay (SMCD). The site is located within the Commercial Neighborhood (CN) zone within the SMCD. Table 9-14-8, SMCD Use Table allows a restaurant, with the incidental consumption of alcoholic beverages as a permitted use. Appendix B, Use Matrix defines a Permitted Use as, permitted by right within the zoning district. 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



COPY

COMMERCIAL BUSINESS LICENSE

Registration No: 14000

Permit No: 17-4127

Permit Type: COMMERCIAL BUSINESS

State of New Mexico, County of Santa Fe

WHEREAS, RYAN MCARDLE, a resident of 1000 CALLE KATARINA, SANTA FE, NM 87507
County and State aforesaid, and one of the members of the firm known as BCBC LLC
has made application for registration as COMMERCIAL BUSINESS; therefore

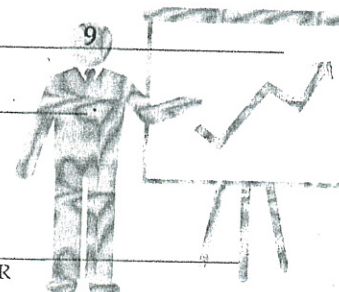
License Has Been Granted

to the said BCBC LLC to carry on said business at
3810 HIGHWAY 14, SANTA FE, NM 87508
in said County and State for a period of 11 months, commencing on the 9 day of February, 2018
and ending on the 31 day of December, 2018, 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 9
day of February 2018



[Signature]
SANTA FE COUNTY TREASURER



21,908

tabbles'

6

EXHIBIT