

TO: Chris Graeser, Liquor Hearing Officer

FROM:

Yolanda Y. Vigil City Cherk

ITEM & ISSUE

Request from Wayward Sons Too, LLC for a waiver of the 300 foot location restriction and a request for a Winegrower Liquor License, with on-premise consumption, package sales and patio service.

BACKGROUND AND SUMMARY

The applicant has requested the following:

- a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe, which is within 300 feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B, Santa Fe.
- b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Winegrower Liquor License, with on premise consumption, package sales and patio service, to be located at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe.

Attached is a letter of no opposition from Patricia Pantano, Education Director of the Camino de Paz Montessori Secondary School & Farm.

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.

The applicant has not completed construction therefore, as a condition of approval, the applicant will be required to obtain all necessary permits and licenses, comply with all Fire Code requirements, enclose the patio and provide required exit for same.

Additionally, as a condition of doing business in the city, staff is recommending that it be noted that the applicant is required to comply with all of the city's ordinances.

ACTION REQUESTED

Consideration of the above request.

Attachments:	Alcoholic Beverage Control Application Notice of Public Hearing and Publications Website Notice of Public Hearing Applicant's Proof of Publication Certified Letter to Applicant Letter/ Camino de Paz Montessori Secondary School and Farm Staff Reports



Michelle Lujan Grisham Governor

> Marguerite Salazar Superintendent

Andrew Vallejos Director New Mexico Regulation and Licensing Department ALCOHOLIC BEVERAGE CONTROL DIVISION PO Box 25101 • Santa Fe, New Mexico 87504-5101

(505) 476-4875 • Fax (305) 476-4395 • www.rfd.state.nm.us/abc

March 16, 2020

Certified Mail No.: 9171 9690 0935 0078 2606 55

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

Lic. No. /Appl. No.:	Application No. 1155681
Name of Applicant:	Wayward Sons Too LLC
Doing Business As:	Wayward Sons
Proposed Location:	1607B Alcaldesa Street, Santa Fe, New Mexico 87501

The Director of the Alcoholic Beverage Control 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 Alcoholic Beverage Control 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 ABC 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 Alcoholic Beverage Control;
- (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 WINEGROWER LIQUOR LICENSE INCLUDING PATIO SERVICE, WITH ON PREMISES CONSUMPTION AND PACKAGE SALES. THE APPLICANT IS REQUESTING A WAIVER, AS THE PROPOSED PREMISES IS WITHIN 300 FEET OF A SCHOOL.

Alcoholic Beverage Control (505) 476-4875 Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcoholic Beverage Control 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 Alcoholic Beverage Control 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.

Desirae D. Griego, Hearing Officer New Mexico Regulation & Licensing Dept. Alcoholic Beverage Control Division Phone: (505) 476-4552 Fax: (505) 476-4595 Email: <u>Desirae.Griego@state.nm.us</u>

Enclosures:

- 1. Original Page 1 of the Application (must be signed and returned winotices of publication)
- 2. Copy of Page 2 of the Application
- 3. Copy of Zoning Statement
- 4. Copy of Floor Plan
- 5. No objection letter from Camino de Paz Montessori Secondary School

Des 1-9-20	FCEIVED
New Mexico Regulation and Licensing Department Alcohol and Gaming PO Box 25101 Santa Fe, NM 87504-5101 Phone: (505) 476-4875	JAN 0 7 2020 Diverse Converse (505) 476-4595
AGD USE ONLY: Payment Application Fee \$ 277 Received on: 1-7-2 License Fee \$ Received on: Application # 11552681 Local Option Distri	Receipt No
WINEGROWER LIQUOR LICENSE APP	PLICATION
\$200.00 Application Fee, non-refundable. Check appropriate baxes: Application is for: Xive License Off-Site Location - 1 st , 2 rd , 3 rd	ense No
Applicant is: Individual Applicant Liability Company Corporation	Partnership (General/Limited)
NAME OF APPLICANT: (Company or Individual)	TELEPHONE NUMBER
WAYWard Som Too LLC	505-310-0545
EMAIL ADDRESS (required): + an in NNAy Data County Just	and the state of the
MAILING ADDRESS: 5 B BOOK COURT 109, COX BIL, SO-	
Physical location where license is to be used: (Include street number / highway number / <u>ALCALCALCALCALCALCALCALCALCALCALCALCALCA</u>	No If Yes, License # /Type:
Agent/Contact Person: Therease vale Viersic Phone#: Sed Bad JobAs	Email:
I, (print name) $\underline{\neg h}_{aaa} \underline{+} \underline{+} \underline{+} \underline{+} \underline{+} \underline{+} \underline{+} +$) that if any statements or representations herein cense to be revoked at any time.
NOTARY PUBLIC USE ONLY: (State of Non May 20 County of Recent 11	UFFICIAL SEAL BRIAN R. STANGEL
SUBSCRIBED AND SWORN TO betweene this 6 th day of <u>January</u> 20 20 By: <u>Notary Public:</u> <u>Brian R. Stange</u> My Commission Expires: 10/28/2023	Notary Public State of New Mexico My Comm. Expires 2021/25
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of:	City, County, Town, Village
	ne: Approved Disapproved
Signature and Title of City/County Official:	•••
FOR ALCOHOL AND GAMING DIVISION USE ONLY:	Disapproved
Signed by Director:	Date:

	RECEIVED		
	-2. 0.7.2020		
	ge 2 Research 2.16 AÉCOHOLICBEVERAGE CONTROL		
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 K Leased by Applicant, copy of lease	document attached		
Dther (provide details):			
2. If the land and building are not owned by Applicant, indicate the following: A. Owner(s): 500 Market LLC Lease is for 10 years,	name and a standard particular standard of the		
B. Date and Term of Lease: 07/22/2019 - with two 3- Year Exten	isims.		
B. Date and Term of Lease: $07/22/2019 - with two 3 - Year Extensions.B. Date and Term of Lease: 07/22/2019 - with two 3 - Year Extensions.B. Date and Term of Lease: 07/22/2019 - with two 3 - Year Extensions.B. Diness - Capitol DistrictB. Diness - Capitol DistrictB. Diness - Capitol DistrictB. DistrictB. Diness - Capitol DistrictB. District$			
4. Distance* from nearest Church: (Property line of church to closest point of licensed premisessh	iortest distance)		
Name of Church: Our Lady of Guadalupe Miles/leet: 1, Address/location of Church: 417 Aqua Fria Street, Santa Fe, NM 07501			
Address/location of Church: 117 Aqua Fria Street, Santa Fe, NM 07501			
5. Distance* from nearest School: (Property line of school to closest point of licensed premises—she Name of School New Mexico School for the ARTS Miles/feet B Address/location of School: 500 Montezung, Santa fe, NM 8750 1	artest distance) 25 Fee F		
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 F Miles: 69 01425 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Alamogordo)	Range (Las Cruces). Base (Clovis)		
7. Attach Detailed Floor Plan, must include the Total Square Footage of premises: List near Show which direction is North: Show each level (floor) where alcoholic beverages will be setterior walls, doors, and interior walls; Patio Area with type of barrier used. Highlight Bot floor plan should be no larger than $8\frac{1}{2} \times 11$ inches and must be tabeled with designated a which will reflect the proposed Licensed Premises.	old or consumed,		
8. Type of Operation: 🗌 Hotel 🛛 🗍 Lounge 🔲 Package Grocery 🔲 Restaurant	Racetrack		
Small Brewer Craft Distiller Winery Wholesaler Other (specify):			

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*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.



City of Santa Fe, New Mexico

2004 incoln Avenue, P.O. Box 909, Santa Le, NM 87504-0909 www.santafenin.gov

Akin Webber, Mayor

Conneilors: Signe I Tindell, Mayor Pro Tem District 1 Renee Villarreal, District 1 Peter N. Ives, District 2 Carol Romero-Wirth, District 2 Roman "Tiger" Abeyta, District 3 Chris Rivera, District 3 Milke Harris, District 4 Jo Anne Vigil Coppler, District 4

August 9, 2019

New Mexico Regulations and Licensing Department Alcohol and Gaming Division P.O. Box 25101 Santa Fe, NM 87504-5101

RE: Zoning Verification for 1607 B Alcaldesa Street, Santa Fe, New Mexico

To Whom it May Concern,

According to the Official Zoning Map, this property is zoned BCDRED, Business-Capitol District within the Redevelopment/Railyard District.

14-4.3(E) BCD Business-Capitol District

In recognition of the fact that the economic health of the City depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including residential uses, designed to promote the district's economic well-being while preserving the unique architecture, townscape and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the City.

In addition to bars and "full service" restaurants with on-premises alcohol consumption, the manufacturing, brewing, and retail of alcoholic beverages are permitted uses within the BCD zone.

For full listing of allowed uses, reference Chapter 14 "Land Development", Article 14-6 "Permitted Uses and Use Regulations", Table 14-6-1-1 "Table of permitted Uses" (<u>http://clerkshg.com/de/ault.ashx?clientsite=Santafe-n/n</u>). Development standards for the Townscape Subdistricts may be found within Santa Fe City Code, Chapter 14, Table 14-7.4(A)-1.

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. This letter intends to provide advice regarding zoning regulations. 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 further questions, please contact me at <u>miberle@santafenut.gov</u> or S05-955-6647.

Ngah Berke

Land Use Planner Manager City of Santa Fe, New Mexico







CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 5:00 p.m. on Thursday, April 23, 2020, in the City Council Chambers, City Hall, 200 Lincoln Avenue.

The purpose of this public hearing is to discuss a request from Wayward Sons Too, LLC, 5 Bisbee Court 109, Box 311, Santa Fe, New Mexico 87508, for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe, which is within 300 feet of the Carnino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B, Santa Fe.
- b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Winegrower Liquor License, with on premise consumption, patio service and package sales, to be located at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe.

All interested citizens are invited to attend this public hearing,

Received by The Santa Fe New Mexican Date: <u>March 19, 2020</u> To Be Published: <u>March 23, 2020 &</u> <u>March 30, 2020</u> By ______

The Santa Fe New-Mexican (Signature)

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D) If the weiver of the 400 Yost Control of the 400 Yost Control stderation of a reguest for a Winegrower Liquor Licettee, with on prem-ise consumption, patto service and packager sales, to be located at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe.

All interested citizens are invited to attend this public hearing.

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Yolanda Y. Migil, City Cinet

Pab. Mar, 21, 2000

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Pursuant to

n is an on ar for a Minegrouss Liquor License, with on prem-ise consumption, patio service and package sales, to be located at Wayward Sons, 1807 B Alcaldese Street, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolegde Y. Mail. Charline. Pain Mar. 21, 2004

MAY 5, 2020 at 5:00 P.M. - LIQUOR HEARING OFFICER (POSTPONED APRIL 23, 2020) ATTEND VIRTUALLY https://www.youtube.com/user/cityofsantafe Request from Santarepa Café, LLC, for a Restaurant Liquor License (beer and wine), with on premise consumption only and patio service, to be located at Santarepa Café, 229 Johnson Street, Suite A, Santa Fe.



202 E. Marcy PO Box 2048 Santa Fe, NM 87504 Phone: 505-983-3303 FAX: 505-984-1785

Ad Proof/ Order Confirmation/ Invoice

FIASCO FINE WINE,

5 BISBEE COURT UNIT 109 ,BOX 31 7 SANTA FE NM 87508 505-310-0545

tom@fiascowine.com

Account Number 27227

Order Number	0000276458			
Ordered By	Byron Rudolph			
Ad Cost	\$68.10	Sales Rep	smoya	
Tax Amount	\$5.75	Order Taken by:	smoya	
Total Amount	\$73.85	<u>Payment</u>	\$0.00	
Amount Due	\$73.85			
PO Number				
Ad Number	0000276458-01			
Product	Santa Fe New Mexican-SFNM Daily			
Placement	Legals - Legal Notices			
Classification	Legal Notices-Legals Classified			
Ad Type	Legal			
Ad Size	: 1.0 X 83	Li		
Color	<none></none>			
Run Dates				
3/21/2020				



LEGAL # 86992

CITY OF SANTA FE

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b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Winegrower Liquor License, with on premise consumption, patio service and package sales, to be located at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe.

All interested citizens are invited to attend this public hearing.

Yolanda Y. Vigil, City Clerk

Pub. Mar. 21, 2020

Ad Proof / Order Confirmation / Invoice

Account Number 27227

Ad Order Number 0000276458

FIASCO FINE WINE,

City of Santa Fe, New Mexico

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

Certified Mail No.: 7018 1830 0001 2613 0573

Alan Webber, Mayor

Councilors: Signe I. Lindell, Mayor Pro Tem, District I Renee Villarreal, District 1 Michael J. Garcia, District 2 Carol Romero-Wirth, District 2 Roman "Tiger" Abeyta, District 3 Chris Rivera, District 3 Jamie Cassutt-Sanchez, District 4 JoAnne Vigil Coppler, District 4

April 20, 2020

Thomas Wolinski Wayward Sons Too, LLC 5 Bisbee Court 109, Box 311 Santa Fe, New Mexico 87508

RE: Request from Wayward Sons Too, LLC for a waiver of the 300 foot location restriction to allow the sale of alcohol, which is within 300 feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B and consideration of a request for a Winegrower Liquor License, with on premise consumption and package sales with patio services at Wayward Sons, 67B Alcaldesa Street, Santa Fe.

Dear Mr. Wolinski:

The public hearing before the City of Santa Fe Liquor Hearing Officer for the above referenced request has been set for Tuesday, May 5, 2020, at 4:00 p.m. We will notify you by Friday, May 1, 2020 with details for attendance.

The City of Santa Fe's Governing Body will consider the Liquor Hearing Officer's recommendation at their May 13, 2020 meeting.

Attached is a copy of the initial notice for the public hearing that was scheduled for April 23, 2020.

Should you have any questions, or require anything further from our office, do not hesitate to call me at 955-6521.

Sincerely,

Yolanda Y.

City Clerk

gfc

Enclosure





February 5, 2020

Alcoholic Beverage Control Division c/o Andrew Vallejos 2550 Cerrillos Road, 2nd Floor Santa Fe, New Mexico 87505

Re: Application for Wayward Sons Too LLC Waiver of distance requirement to Camino de Paz Montessori Secondary School to licensed premises

Dear Mr. Vallejos,

My name is Patricia Pantano and I am the Education Director of Carnino de Paz Montessori Secondary School & Farm located at 1607 Paseo de Peralta, Santa Fe, NM.

It is my understanding that Wayward Sons Too, LLC, is applying for a Liquor License to open a craft-distiller and/or winegrower operation to be located at 1607 B Alcadesa Street, Santa Fe, NM, in the Santa Fe Railyard. The license(s) would include on-premise consumption and package sales.

The school recognizes that the location of the proposed operation is within 300 feet of the school. Camino de Paz Montessori Secondary School does not object to the waiver of the distance to our school, nor to the issuance of these liquor license being applied for by Wayward Sons Too, LLC.

Sincerely,

patricia c. Santans Patricia Pantano

Education Director patriciap@caminodepaz.net 505-231-2819

Cc: Thomas Wolinsky



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fc, N.M. 87504-0909 www.santafenm.gov

Alan Webber, Mayor

Councilors. Signe I Lindell, Mayor Pro Tem, District 1 Renee Villarreal, District 1 Michael J. Garcia, District 2 Carol Romero-Wirth, District 2 Roman "Tiger" Abeyta, District 3 Chris Rivera, District 3 Jamie Cassutt-Sanchez, District 4 JoAnne Vigil Coppler, District 4

DATE: April 23, 2020

TO: Liquor Hearing Officer Governing Body

VIA:

arel LaPan Hill

Jarel LaPan Hill, City Manager

Eli Isaacson, Director, Land Use Department

FROM: Jason Sena, Ordinance Enforcement Specialist

ITEM & ISSUE

Litter and noise impact assessment, due to a request from Wayward Sons Too, LLC, for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at Wayward Sons, 1607 B Alcaldesa Street, which is within 300 feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Perlta, Suite B.
- b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Winegrower Liquor License, with on premise consumption, patio service and package sales, to be located at Wayward Sons, 1607 B Alcaldsea Street.

BACKGROUND

It is not anticipated that there will be a substantial change in litter and noise because of this request.



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Complete this form and return to cityclerks@santafenm.gov or City Clerk's Office, Room 215, 200 Lincoln Avenue.

Physical location	Name of Applicant:	WAT word Son-	5 T00 226				
	D/B/A Name to be used: Wayward Son 3						
		license is to be used	1507 B	Alcaldesa	street, Santa Fe, NM	87501	
	Applicant releptione in	mber	00-10				

2. Type of liquor license request:

- __ Transfer of location (indicate type: _____
- ____ Transfer of ownership (indicate type: ______
- ___ Transfer of ownership and location (indicate type: _____
- 3. Is this an existing business?
 - ___Yes _<u>X</u>No
- 4. Does the location where this license will be located currently sell liquor?
 - ___Yes _<u>X</u>No
- 5. If the answer to questions #3 is yes, indicate the current hours of operation of the business.

n\a

If the hours of operation will change due to the sale of liquor, indicate the revised hours.

nja

6. If this is a new business, indicate the anticipated hours of operation of the business.

11:00 A.M - 9:30pm

- 7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sale 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 questions #3 is no, indicate the number of customers anticipated per day at the business. 50-100 ?
- 9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk: $\bigcap |a|$

_____ Number of customers who drive

_____ Number of customers who walk

10. Has liquor ever been sold at this location?

\overline{X}	Y	és

___No

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that the liquor sales occurred.

Flyingstal Lafe, 2009-2015

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.

X Traffic will not increase on adjacent streets.

13. Is an outdoor seating/patio area included in the licensed premise?

 \underline{X} Yes

___No

14. If the answer to question #13 is yes, is the outdoor area fully enclosed?

Name of person completing this form: Thomas WoliNsk:Telephone number: 505 - 310 - 0545Date: ______0411712020

(For City Use Only)

Based upon the information provided above, staff has the following comments:

 \checkmark 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: _____

John Romero Bv:

Engineering Division Director Title:

Date: <u>04-17-</u>20