

**CITY OF SANTA FE
LIQUOR LICENSE HEARING OFFICER**

**Recommended
Findings of Fact and Conclusions of Law**

Lic. No./Appl. No.:
Name of Applicant: Zeng LLC
Doing Business As: Zeng Chinese Restaurant
Proposed Location: 311 Old Santa Fe Trail Santa Fe, NM 87501

THIS MATTER came before the Liquor License Hearing Officer for public hearing on **October 28, 2024** at 4:00 PM by video hearing, on the application of **Zeng** (Applicant) for:

- 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 Zeng Chinese Restaurant, 311 Old Santa Fe Trail, which is within 300 feet of San Miguel Chapel, located at 401 Old Santa Fe Trail.
- b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Restaurant A (Beer & Wine) Liquor License with On-Premises Consumption Only, to be located at Zeng Chinese Restaurant, 311 Old Santa Fe Trail.

The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

After reviewing the record, conducting a public hearing and having provided an opportunity to be heard from city staff, the Applicant and any interested persons, the Hearing Officer hereby proposes that the Governing Body find as follows:

FINDINGS OF FACT

1. Staff submitted a packet containing the following, which was reviewed by the Hearing Officer and relied on in making these findings:
 - a. October 25, 2024 memo from Marketing & Special Events Coordinator Alexandria Mares
 - b. September 16, 2024 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Hearing Officer Charmaine Martinez to the City of Santa Fe granting preliminary approval and forwarding the application to the City for local option district approval or disapproval.

- c. NMRLD/AGD Restaurant Liquor License Application for consideration of a Restaurant A (Beer & Wine) Liquor License.
 - d. June 7, 2024 letter from Stephanie Perea, Land Use Planner, verifying the property is zoned BCD Business-Capitol District and is within the Old Santa Fe Trail Sub-district and lies within the Historic Transition Historic Overlay District.
 - e. October 21, 2024 letter to San Miguel Chapel courtesy notification of liquor license application.
 - f. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website, letter to Applicant from City Clerk)
 - g. Applicant supplemental information.
 - h. Vicinity map
 - i. Santa Fe Land Development Code Table of Permitted Uses and zoning district map
2. City Clerk staff member Alexandria Mares presented the application.
 3. Applicant was represented by Xi Xian Zeng.
 4. Applicant was offered the opportunity to present testimony or evidence.
 5. No members of the public appeared to testify.
 6. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the action proposed to be taken by the department, the location of the licensee's premises and such other information as may be required by the department was published in the *Santa Fe New Mexican*, which is a newspaper of general circulation within the territorial limits of the governing body, on September 27, 2024 and October 4, 2024 and on the City's website.
 7. The Application is for a Restaurant A (Beer & Wine) Liquor License to be located at 311 Old Santa Fe Trail, Santa Fe, NM 87501.
 8. There is no record of violations.
 9. The business is expected to be open daily from 11:00am to 9:00pm.
 10. The business is expected to serve 90 customers daily.
 11. Traffic is not expected to significantly increase, and the Public Works Director has found that it does not appear that approval will create unacceptable traffic impacts.
 12. The proposed location is not expected to cause a substantial change in litter or noise.
 13. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
 14. The applicant is in compliance with all Land Use Codes, and issuance or transfer will not be in violation of a zoning or other ordinance of the governing body, once applicant complies with conditions of approval.
 15. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
 16. The hearing was recorded and a copy of the recording is made a part of the record.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Hearing Officer CONCLUDES:

1. Notice of the Application was properly given by publication, mail and posting on the website pursuant to Section 60-6B-4(D).
2. The governing body may disapprove a transfer or issuance only if individuals opposing the transfer or issuance provide positive evidence showing that the transfer or issuance would be detrimental to the health, safety or morals of the community. This evidence must be based on authentic, relevant facts related to s specific prospective licensee and specific location. *The Southland Corporation v. Manzagol*, 1994-NMSC-099, 118 N.M. 423
3. The Applicant does not have the burden to prove that the transfer would not be detrimental to the health, safety or morals of the residents of the local option district. *Dick v. City of Portales*, 1994-NMSC-092, 118 N.M. 541.
4. The Application meets the requirements of §60-6B-4(F)(2).

CONDITIONS OF APPROVAL

1. Applicant is required to comply with all City of Santa Fe ordinances.

WHEREFORE, the Liquor License Hearing Officer recommends to the Governing Body that the Application be **APPROVED**.

/s/ Renee Barela-Gutierrez
Renee Barela-Gutierrez

Date: 10/29/2024