


City of Santa Fe, New Mexico

memo

DATE: December 31, 2025

TO: Renee Barela-Gutierrez, Liquor Hearing Officer

FROM: GERALYN F. CARDENAS, Interim City Clerk and Director of Community Engagement 

ITEM & ISSUE:

Request from Tender Fire Kitchen, LLC for a Restaurant B (Beer, Wine and Spirits) Liquor License with On-Premises Consumption Only with Patio Service to be located at 1025 Midtown Calle Central, Santa Fe, New Mexico.

BACKGROUND AND SUMMARY:

Request from Tender Fire Kitchen, LLC for a Restaurant B (beer, Wine and Spirits) Liquor License with On-Premises Consumption Only with Patio Service to be located at 1025 Midtown Calle Central, Santa Fe, New Mexico.

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 proposed location is not within 300 feet of a church, school, or daycare.

The applicant currently holds a Mobile Vendor License and is pending a Business license with the City of Santa Fe therefore as a condition of approval staff is recommending that it be noted that the applicant will be required to obtain all necessary permits and licenses and comply with all Fire, Building and Land Use Code requirements prior to issuance of the City Liquor License.

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

ACTION REQUESTED

Consideration of the above request

Attachments: Alcoholic Beverage Control Application
Notice of Public Hearing and Publications
Letter to Applicant
Staff Reports

November 7, 2025

Certified Mail No.: 7021 2720 0001 2204 5906

City of Santa Fe

Attn: Andrea Salazar
City Clerk and Director of Community
PO Box 909
Santa Fe, NM 87504-0909

Lic. No. /Appl. No.: BLA-0000012337
Name of Applicant: Tender Fire Kitchen, LLC
Doing Business As: Tender Fire Kitchen
Proposed Location: 1025 Midtown Calle Central, Santa Fe, New Mexico 87505

The Director of the Alcoholic Beverage Control Division (ABC) 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.

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;
- (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.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, 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.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;



- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;
ABC has no preference in the option you choose.

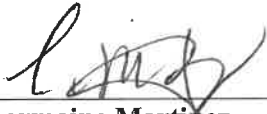
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING RESTAURANT B- BEER, WINE AND SPIRITS LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC 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 ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez
Admin Law Judge | Hearing Officer
NM Regulation & Licensing Department
Alcoholic Beverage Control Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: Charmaine.Martinez2@rld.nm.gov

Enclosures:

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





Alcoholic Beverage Control Division
Restaurant B Intake Application
Application Number: BLA-0000012337



Business Information

Business Information

Business Name: Tender Fire Kitchen
Business Structure: Limited Liability Company
State Tax ID Number: XX-XXXXX2-00-0
Business Email: hello@tenderfirekitchen.com

Type of Business: Alcohol
FEIN: XX-XXX4997
Business Phone: 4133749191

Contact Person Information

Contact Person Name: Benjamin Crosky
Contact Person Email: hello@tenderfirekitchen.com

Contact Person Phone: 4133749191

Business Mailing Address

Mailing Street: 1620 Calle Torreon
Mailing State: NM
Mailing Country: US

Mailing City: Santa Fe
Mailing Zip Code: 87501

Local Option District Use Only: Local Governing Body of _____ City, County, Village

Public Hearing held on _____ 20_____ Please check one: Approved Disapproved

Signature of City/County Official: _____ Title: _____

Alcoholic Beverage Control Division Use Only: Approved Disapproved _____

Signed by Director: _____ Date: _____



Alcoholic Beverage Control Division
Restaurant B Intake Application
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Premises Information

Premises DBA

Premises Doing Business As (DBA): Tender Fire Kitchen

Proposed Premises Physical Address

Physical Street: 1025 MIDTOWN CALLE CENTRAL

Physical Zip Code: 87505

Physical County: Santa Fe

Local Option District: Santa Fe City

Physical City: SANTA FE

Physical State: New Mexico

"Local Option District" means a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, OR an incorporated municipality that falls within a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, OR an incorporated municipality of over five thousand population that has independently voted to approve the sale, serving or public consumption of alcoholic beverages under the terms of the Liquor Control Act or any former act.

Ownership

The land and building which is proposed to be the licensed premises is: Leased by Applicant

The following information is required to ensure the issuance of a license to this location will not result in the violation of a county or municipal ordinance.

Specify Owner(s) of the land and building: Aspect studios

Specify Date and Terms of Lease/Operating Agreement: Building: The mixed-use retail and office building known as Driscoll situated in the City of Santa Fe, Santa Fe County, New Mexico, having an address of 1600 St. Michael's Drive, Santa Fe, NM 87505.

1.2. Premises: Approximately 2,650 square feet of rentable area on the first floor of the Building, being more particularly shown on Exhibit A, attached hereto and made a part hereof. 1.3 Initial Term: Five (5) years, commencing on the Delivery Date and expiring on the date that is sixty (60) full calendar months thereafter, unless earlier terminated in accordance with the terms of this Lease. 1.4 Rent Commencement Date: The ninety-first (91st) day after the Delivery Date. 1.6. Extended Term: One (1) period of five (5) years following the Initial Term of this Lease. 1.7 Base Rent: The amounts set forth below: \$6,000 per month increased by 5% every 12 months for the first 60 months and rent increased by 3% every 12 months for the Extended Term.

Zoning

Is the proposed premises location zoned? Yes

You will be required to upload "Copy of Zoning Statement" issued by the local municipality or county. If not applicable, you will be required to upload "Copy of Zoning Statement" or Letter from local government to indicate that there is no zoning for the proposed location.

Specify the zone for proposed premises location (example C-1): C-2

Distance from nearest School

Name of School: Nava Elementary

School City: Santa Fe

School Zip Code: 87505

School Distance (in feet): More than 1000

School Street: 2655 Siringo Rd

School State: New Mexico

School Country: United States

Specify the shortest direct line distance from the nearest point of the proposed premises to the nearest point of the property line of the school.



Alcoholic Beverage Control Division
Restaurant B Intake Application
Application Number: BLA-0000012337



Distance from nearest Church

Name of Church: Harvest Baptist

Church Street: 2103 Yucca St

Church City: Santa Fe

Church State: New Mexico

Church Zip Code: 87505

Church Country: United States

Church Distance (in feet): More than 1000

Specify the shortest direct line distance from the nearest point of the proposed premises to the nearest point of the property line of the church.

Premises Information 2

Please specify the appropriate option for the premises that you have specified in the application?

- A license has never been issued to the location of the proposed premises.
- A license was once issued to the location of the proposed premises but is no longer being operated at the location.
- Alcohol operations are currently being performed at the proposed premises by the applicant business.
- Alcohol operations are currently being performed at the proposed premises by a business other than the applicant business.

Questions

Has the applicant business ever had a liquor license denied, suspended, revoked, surrendered, or had any other form of discipline or disciplinary action by a licensing agency in another state or jurisdiction?	No
Has the structure and/or ownership disclosure for the applicant business changed since last reported to the department?	No
Does the applicant business own any (direct/indirect) interest in a liquor license?	No



Alcoholic Beverage Control Division
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Payment

Fee Name	Fee Amount
Application Fee	200.00
Resident Agent Fee	50.00
Total Fee Amount:	250.00

Attestation/Oath

Under penalty of perjury, I hereby depose and state that I am the person identified in this application and the information given by me is true and complete to the best of my knowledge and belief. I understand that any information contained in this application may be investigated and any false or dishonest answer to any question in this application may be grounds for denial or revocation of my license.

Attestation Signature: Ben Crosky

Date: 07/16/2025



City of Santa Fe, New Mexico

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

www.santafenm.gov

Alan Webber, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, District 1

Alma G. Castro, District 1

Michael J. Garcia, District 2

Carol Romero-Wirth, District 2

Lee Garcia, District 3

Pilar F.H. Faulkner, District 3

Jamie Cassutt, District 4

Amanda Chavez, District 4

November 21, 2025

Benjamin Crosky
Pizzaiolo @ Tender Fire
1025 Midtown Calle Central
Santa Fe, NM 87505

RE: Zoning Verification for 1025 Midtown Calle Central, Santa Fe, NM

Dear Mr. Crosky,

This letter provides zoning verification on the above referenced property. According to the Official Zoning Map, this property is zoned C-2 General Commercial District and is in Midtown Local Innovation Corridor (LINC) overlay district.

14-4.3 (B) C-2 General Commercial District

The C-2 general commercial district includes areas along streets carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip commercial development, to preserve the carrying capacity of the streets and to provide for off-street parking and loading.

(D) Midtown Local Innovation Corridor (Midtown LINC) Overlay District

(1) Purpose and Intent

The purpose and intent of the Midtown Local Innovation Corridor (LINC) Overlay District is to:

(a) Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the Santa Fe University of Art and Design and surrounding uses to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the east;

(b) Incentivize multi-family residential development, complementary non-residential uses, and an enlivened, street-oriented pedestrian environment by freeing development capacity of existing under developed land and buildings for these targeted uses, while allowing existing uses to continue as redevelopment occurs;

(c) Allow for innovative development and redevelopment of the district while providing buffering between the district and existing residential development outside of the district by the application of amended land development regulations and fees and by

establishing conditions precedent for future infrastructure enhancements and the application of other redevelopment and financing tools;

(d) Promote a more healthy, safe, and enjoyable environment within the city's midtown area through the enhancement of pedestrian and bicycle accessibility and safety, landscaping and other street related amenities and the eventual reduction of traffic speeds and provision of on-street parking, bicycle lanes, and improved crosswalks; and

(e) Provide flexibility in sign design and location so as to maintain effective communication, business identification and wayfinding for existing buildings whose visibility maybe reduced by new development.

(4) Permitted Uses; Qualifying Projects (a) Permitted and Prohibited Uses Permitted uses and structures within the Midtown LINC Overlay District are the same as those permitted in underlying zoning districts except as provided in Table 14-5.5-2 and as permitted for qualifying projects as defined in this subsection.

Full-service restaurants which may or may not have patio services, with incidental alcohol service for on-site consumption are permitted uses in the C-2 General Commercial District.

For additional information, please reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses) https://library.municode.com/nm/santa_fe/codes. All uses are subject to compliance with applicable development standards such as parking, lot coverage, etc.

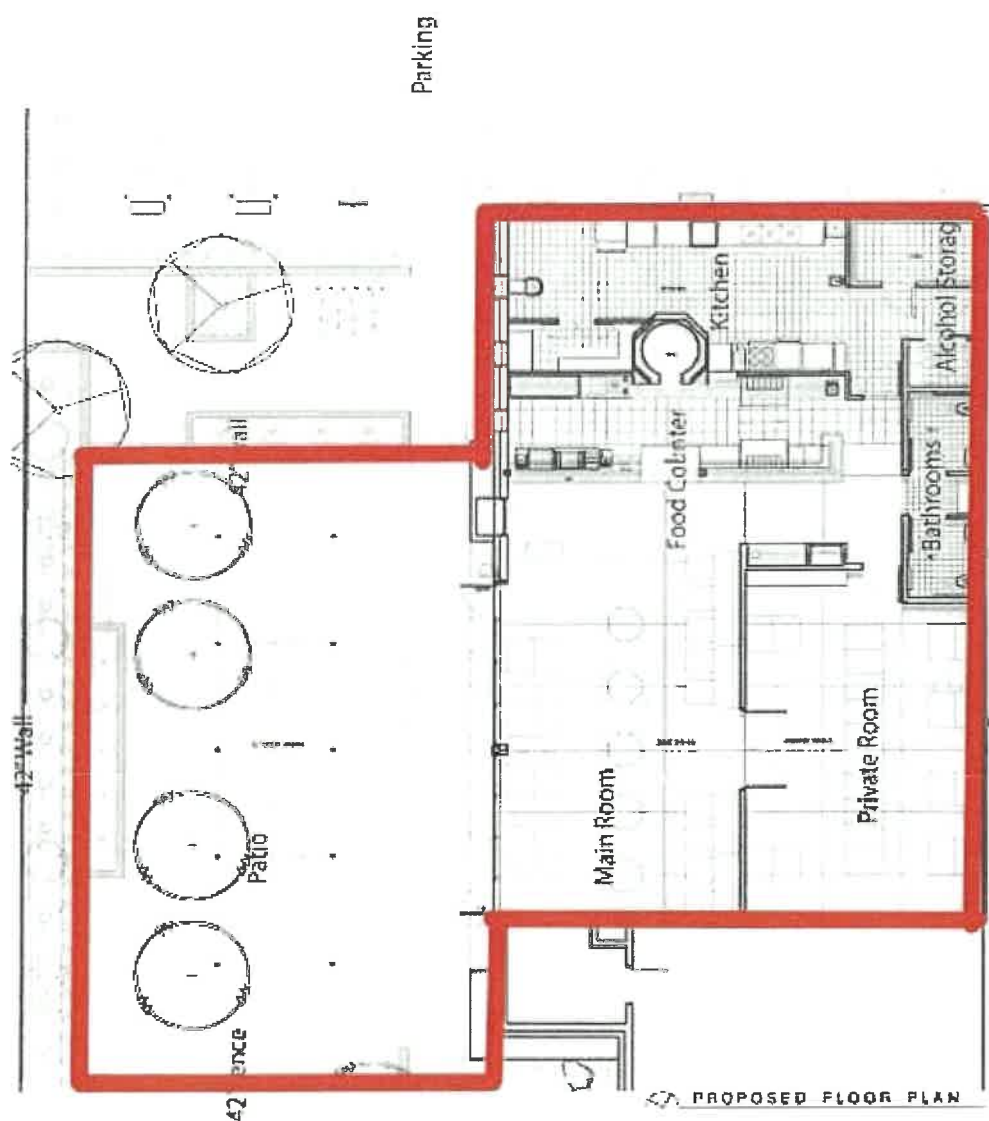
Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. This letter intends to provide advice regarding zoning regulations. It is not the intent to state that the subject property complies with zoning 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 sjperea@santafenm.gov

Stephanie Perea

Stephanie Perea
Land Use Planner
City of Santa Fe, New Mexico

Yucca St.



Total Square Feet - 4250
42" Fence around whole patio
Total Square Feet of Patio - 1450

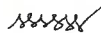
CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, January 5, 2026.

The purpose of this hearing is to discuss a request from Tender Fire Kitchen, LLC for a Restaurant B- Beer, Wine, and Spirits Liquor License with on premises consumption only with patio service to be located at Tender Fire Kitchen, 1025 Midtown Calle Central.

Virtual meeting information will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at <https://santafenm.portal.civicclerk.com/>.



Geralyn F. Cardenas
Deputy City Clerk

Received by The Santa Fe New Mexican

Date: 11/24/25

To Be Published: 12/5/2025

AND

12/12/2025

By



The Santa Fe New Mexican (Signature)

SANTA FE NEW MEXICAN

150 Washington Ave., Ste 105
Mail Payments To:
PO Box 2048
Santa Fe, NM 87504
Phone: 505-983-3303
FAX: 505-984-1785

LEGAL #94648

CITY OF SANTA FE NOTICE OF PUBLIC HEARING

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Geralyn F. Cardenas
Deputy City Clerk

PUB: December 5, 12, 2025

Ad Proof/ Order Confirmation/ Receipt Invoice

BENJAMIN CROSKY
1620 Calle Torreon
Santa Fe NM, 87501-1715

413-374-9191

Tagline: LEGAL #94648

Account Number: STBC14

Ad ID: 108475

Sales Rep: Sebastian Garcia

Ordered By: Benjamin Crosky

Order Taken By: Sebastian Garcia

Ad Cost: \$90.60

Tax Amount: \$7.42

Payment \$0.00

Total Amount: \$98.02

Tagline: LEGAL #94648

Amount Due: \$98.02

PO Number:

Payment: \$0.00

Major Class: LEGALS

Product:

Classification: Legals

Placement:

Ad Size: 1.22" x 4.490"

Ad Type Legal (wrapper)

Modular Size:

of Words 119

Color:

Run Dates:

12/05/25, 12/12/25

Applicant Supplemental Information Form

1. Name of Applicant: Tender Fire Kitchen, LLC
D/B/A Name to be used: Tender Fire Kitchen
Proposed License Location: 1025 Midtown Calle Central, Santa Fe NM 87505
Telephone number: 413-374-9191
Email: hello@tenderfirekitchen.com

2. Type of liquor license request:

- New License (indicate type: Restaurant B)
 Transfer of location (indicate type: _____)
 Transfer of ownership (indicate type: _____)
 Transfer of ownership and location (indicate type: _____)

3. Are alcoholic beverages currently being dispensed at the proposed location?

- Yes (If yes, License # and Type: _____)
 No

4. Were alcoholic beverages previously dispensed by the requesting business?

- Yes (If yes, License # and address where alcohol was being dispensed: _____)
 No

5. Does this business have any record of violation?

- Yes (If yes, please explain: _____)
 No

6. What are the current/previous and proposed hours of operation of this business?

Current/Previous Hours of Operation: N/A

Proposed Hours of Operation: Monday-Sunday, 8-2pm & 5-9pm

7. Is an outdoor seating/patio area included in the licenses premise?

- Yes (If yes, is the area fully enclosed? Yes No)
 No

8. What, if any, are the anticipated peak days and times at the proposed business location?

What days? Friday-Sunday

What times? 5pm-9pm

9. Do you have a business license with the City of Santa Fe?

Yes (If yes, what is your License #? _____)

No (*Please contact the Business Licensing Department at 505-955-6551 to obtain a business license.*)

10. Do you have a posted occupant load issued by the City of Santa Fe Fire Department?

Yes (If yes, what is your occupant load issued for your business? _____)

No (*Please contact the City of Santa Fe Fire Department - 505-955-3310 to schedule your inspection*)

11. Have you been issued a Certificate of Compliance from the City of Santa Fe Fire Department?

Yes (If yes, what is the date the Certificate was issued? _____)

No (*Please contact the City of Santa Fe Fire Department - 505-955-3310 to schedule your inspection*)

12. Please indicate the anticipated daily occupant load due to the sale of alcohol at this location:

50

13. Please indicate the anticipated change in business volume due to the sale of alcohol and explain:

Business is expected to increase (additional number of customers per day: 50).

Business is expected to decrease (loss of customers per day: _____).

Business is expected to remain the same.

* Please explain your answer: We haven't opened yet so all customers will be new

14. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved and explain:

Traffic can be expected to increase on adjacent streets.

Traffic will not increase on adjacent streets.

* Please explain your answer: Currently there is no traffic, and an abundance of streets and parking, so we will increase traffic slightly

Name of person completing this form: Ben Crosky

Telephone number: 4133749191

Date: 11/24/2025

(FOR CITY USE ONLY)

Based on the information provided and review of City Reports, staff has found the following in accordance with Ordinance (4-4.3):

Geographic Information System Mapping (GIS) Department

- Yes, this business is located within three hundred (300) feet of a church and/or school. A waiver of the 300 foot location restriction will be requested.
- No, this business is not located within three hundred (300) feet of a church and/or school.

(Please see attached map indicating whether the proposed licensed premise is within three hundred (300) feet of a church and/or school.)

Business Licensing Department

- Yes, the requesting business has a business license issued by the City of Santa Fe. License # _____.
- No, the requesting business does not have a business license issued by the City of Santa Fe.

Code Enforcement Department

- Yes, the applicant is in compliance with all Land Use Codes.
- No, the applicant is not in compliance with Land Use Code(s).

*Note: N/a

*(Please also provide a Code Enforcement Report related to Litter and Noise of the requesting business location.)

Verification Completed By: Jason D. Sena

Title: Enforcement Manager

Date: Dec 10, 2025

Traffic Engineering Department

- Yes, it appears that the approval of this request will create unacceptable traffic impacts.
- *Note: N/A

- No, it does not appear that this request will create any unacceptable traffic impacts.

Verification Completed By: Marcoa Egubel

Title: Interim Complete Streets Division Director

Date: Dec 11, 2025

City of Santa Fe Fire Department

- Yes, the applicant is in compliance with all Fire Codes.

- No, the applicant is not in compliance with Fire Code(s).

*Note: Reservations being performed on the property. Shall get approval from Chief Building C
Reservations being performed on the property. Shall get approval from Chief Building C

Verification Completed By: GERONIMO GRIEGO Fire Marshal
GERONIMO GRIEGO Fire Marshal (Dec 8, 2025 09:31:44 MST)

Title: _____

Date: Dec 8, 2025