



AGENDA

LIQUOR HEARING
JANUARY 31, 2022:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR LIQUOR HEARING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Library Board meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Public Comment: To provide public comment prior to the meeting, please click the virtual "comment" button next to the meeting at <https://santafe.primegov.com/public/portal>. To provide live public comment you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm.gov.zoom.us/j/94829671222?pwd=MzhqeTBFRkxIZHFFMU5ybknrOXZ3QT09>

Passcode: 337159

Attendees should use the "Raise Hand" function to be recognized by the Liquor Hearing Officer to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone number: 1 (346) 248-7799

Webinar ID: 948 2967 1222

Passcode: 337159



AGENDA

LIQUOR HEARING
JANUARY 31, 2022:00 PM
ATTEND VIRTUALLY

Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Liquor Hearing Officer to speak at the appropriate time.

Agenda: The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**

2. **PUBLIC HEARINGS**

- a. Request for Approval of Liquor Hearing Officer’s Recommendation to Approve the Request from Rudy’s New Mexico Bar-B-Q, LLC for a Restaurant A Beer and Wine Liquor License with On-Premises Consumption Only with Patio Service, to be Located at Rudy’s Country Store & Bar-B-Q, 6581 Cerrillos Road, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 01/31/2022

Governing Body: 02/09/2022


3. **ADJOURN**

City of Santa Fe, New Mexico

memo

DATE: January 27, 2022

TO: Chris Graeser, Liquor Hearing Officer

FROM: 
Kristine M. Mihelcic, City Clerk

ITEM & ISSUE

Request from Rudy's New Mexico Bar-B-Q, LLC for a Restaurant A Beer and Wine Liquor License with On Premises Consumption Only with Patio Service.

BACKGROUND AND SUMMARY

The applicant has requested a Restaurant A Beer and Wine Liquor License with On Premises Consumption Only with Patio Service, to be located at Rudy's Country Store & Bar-B-Q, 6581 Cerrillos Road, Santa Fe. This location is not within 300 feet of a church or school.

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 of the building, 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.

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
 Letter to Applicant
 Staff Reports



December 16, 2021

Certified Mail No.: 9171 9690 0935 0155 2409 38

City of Santa Fe

Attn: Kristine Kmihelcic, Clerk
PO Box 909
Santa Fe, NM 87504-0909

Lic. No. /Appl. No.: **Application No. 1214417**
Name of Applicant: Rudy's New Mexico Bar-B-Q, LLC
Doing Business As: Rudy's Country Store & Bar-B-Q
Proposed Location: 6581 Cerrillos Road, Santa Fe, New Mexico 87507

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.

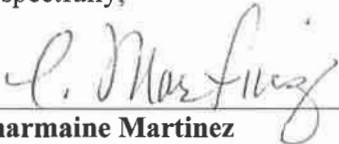
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT A BEER AND WINE 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@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 the Zoning Statement
4. Copy of Floor Plan





NMRLD
NEW MEXICO
REGULATION &
LICENSING DEPARTMENT

RECEIVED

STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

NOV 01 2021

Restaurant Liquor License Application | \$200.00 Application Fee, non-refundable
 ABC USE ONLY: Application Fee \$200.00 Received on: 11/2/21 Receipt No. 2426070
 License Fee \$ _____ Received on: CONTROL Receipt No. _____
 Application Number: 1214417 Local Option District: _____

TYPE of APPLICATION: *Check appropriate box*

- Restaurant A | Beer & Wine only | License Fee, pro-rated, due at final: \$1,050.00
- Restaurant B | Beer, Wine & Spirits | License Fee, pro-rated, due at final: \$10,000.00

Applicant is: Individual Limited Liability Company Corporation Partnership (General/Limited)

Applicant /Company Name: Rudy's New Mexico Bar-B-Q, LLC

D/B/A Name: Rudy's Country Store & Bar-B-Q

Email: (required) mmr@mspcnm.com **Business Phone No:** TBD

Mailing Address: 1514 RR 620 South, Austin TX 78734

Physical location, if different: 6581 Cerrillos Road, Santa Fe, New Mexico 87507

County: United States (Include Street number / Hwy number / State Road, City, State, and Zip Code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License #/Type: _____

As defined in §60-3A-3. V. "Restaurant", means an establishment having a New Mexico resident as a proprietor or manager ... as a place where food is prepared and served primarily for on-premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving food; ... does not include establishments as defined in rules promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods:

I qualify as a "Restaurant"? Yes No

Is food service the primary source of revenue and accounts for 60% or more of the total gross receipts at current licensed premises? Yes No

Is Food Service Permit current? Yes, attached No

I have attached photos of the Dining Room and Kitchen and included a copy of the Menu. Yes No

Days and Hours of Operation: Mon-Sun 7 am to 10 pm

I understand that a restaurant license requires that the establishment is not a bar-like setting and the hours for sales and/or service of alcoholic beverages are only from 7:00am to 11:00pm or until food sale and service ceases, whichever is earlier? Yes No

Contact Person: Harper Ford Rehme Phone #: 512-263-0929 Email: hfordrehme@frg99.com



Application No. _____

You must sign before a Notary Public.

I, (print name) Harper Ford Rehme, as (Title) Secretary

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Signature of Applicant: [Signature] Date: 10-26-2021

Notary Public Use Only: (State of Texas, County of Travis)

SUBSCRIBED AND SWORN TO before me this 26th day of October, 2021

By Affiant: Harper Ford Rehme

Notary Public: Mary Ann Kridler

My Commission Expires on: 9-9-2025



Local Option District Use Only:

Local Governing Body of _____ City, County, Town, Village

Public Hearing held on _____ 20____ Decision: Approved Disapproved

Signature of Official: _____ Title: _____

ABC USE ONLY:

APPROVED DISAPPROVED, _____

Done this _____ Day of _____, 20____.

SIGNED BY DIRECTOR: _____

ASSIGNED LICENSE NO. _____ EXPIRES ON: _____

Reviewed, with copy sent to Licensee via Email, Fax, 1st class mail

By: _____ Date: _____



Premises Location, Ownership, and Description | NMSA §60-6B-10 | Page 2

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): Native Land Investments, Ltd

B. Date and Term of Lease: February 1, 2022 - 15 yrs plus (2) 5 yr options

3. Premises location is Zoned (example C-1, see Zoning Statement): _____

Zoning Statement attached, Yes No 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: Iglesia de Dios - Church of God Miles/feet: 0.4 miles

Address/location of Church: 4250 Cerrillos Rd, Santa Fe, NM 87507

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

Name of School: Ortiz Middle School Miles/feet: 0.6 miles

Address/location of School: 4164 S Meadows Rd, Santa Fe, NM87507

6. 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.

7. Type of Operation: Hotel Lounge Package Grocery Racetrack

Restaurant Craft Distiller Small Brewer Winery Wholesaler

Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





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
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

September 7, 2021

Mark Rhodes
Rhodes and Salmon P.C.
Attorneys at Law
1801 Lomas Blvd NW
Albuquerque, NM 87104

RE: Zoning Verification for 6581 Cerrillos Road, Santa Fe, NM

Dear Mr. Rhodes,

This letter provides zoning verification on the above referenced property. According to the Official Zoning Map, this property is zoned I-1 Light Industrial zoning district and is located in the Cerrillos Road Highway Corridor (CRHC) 4 Protection overlay district.

14-4.3(F) I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby residential districts.

14-5.5 - HIGHWAY CORRIDOR PROTECTION DISTRICTS

(B) CRHC Cerrillos Road Highway Corridor Protection District

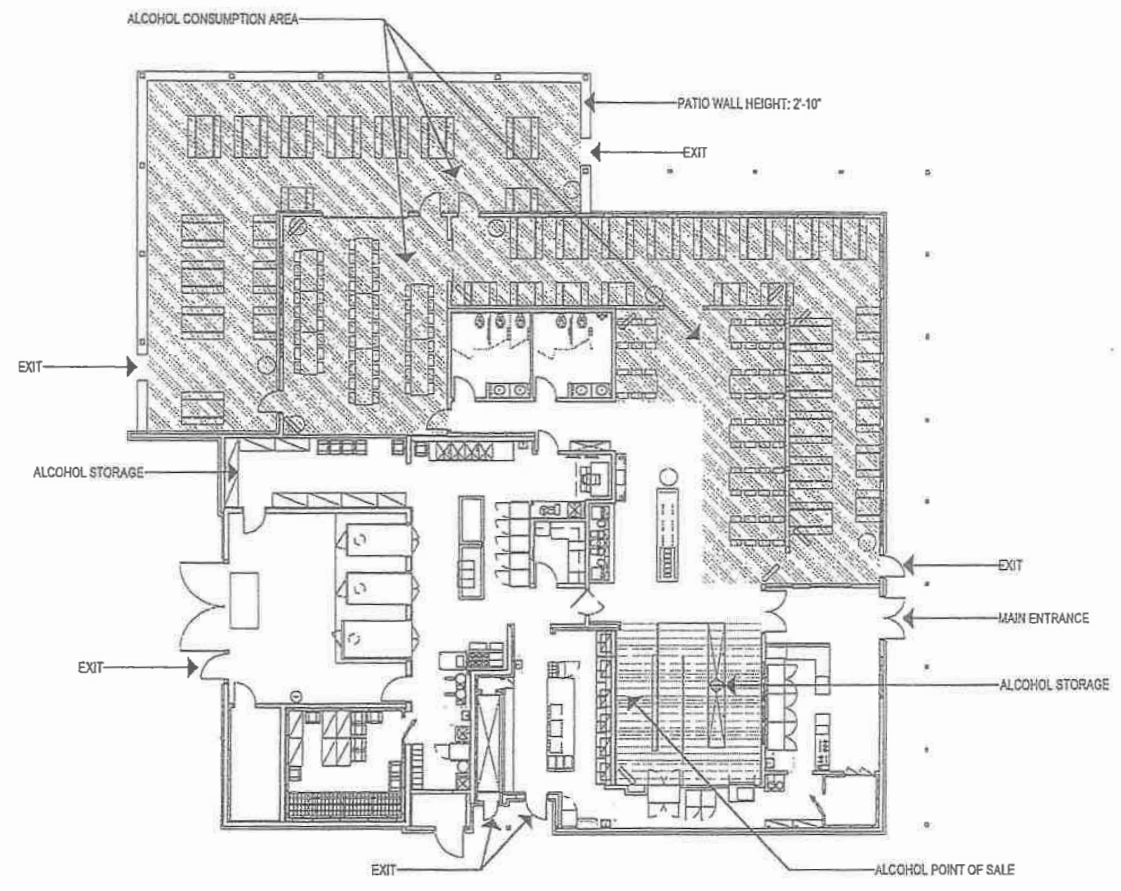
(1) Purpose and Intent

Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of Santa Fe's primary entranceways, and one of the community's major commercial strips. For these reasons, it is the purpose and intent of the CRHC district to assure that Cerrillos Road:

- (a) accommodates, in a safe and efficient manner, both through and local traffic;*
- (b) provides for a visually attractive and aesthetically appropriate introduction to Santa Fe;*
- (c) allows for clear identification of, and easy access to, all commercial and institutional establishments;*
- (d) provides for a gradual transition between the rural character of the county and the urban character of the city; and*
- (e) accentuates, to the greatest extent possible, architecture and landscaping rather than parking lots and commercial signage.*

Full service restaurants which may or may not have patio services, with incidental alcohol service for on-site consumption are permitted uses within the I-1 zone.

JAGUAR DRIVE



CERRILLOS ROAD

CONTROLLED ACCESS AREA: +/- 7612 SF
 PATIO AREA: +/- 1928 SF
 TOTAL SQUARE FOOTAGE: 8349 SF (GROSS)

21
 15-142
 150721
 FEB 9
 110-1

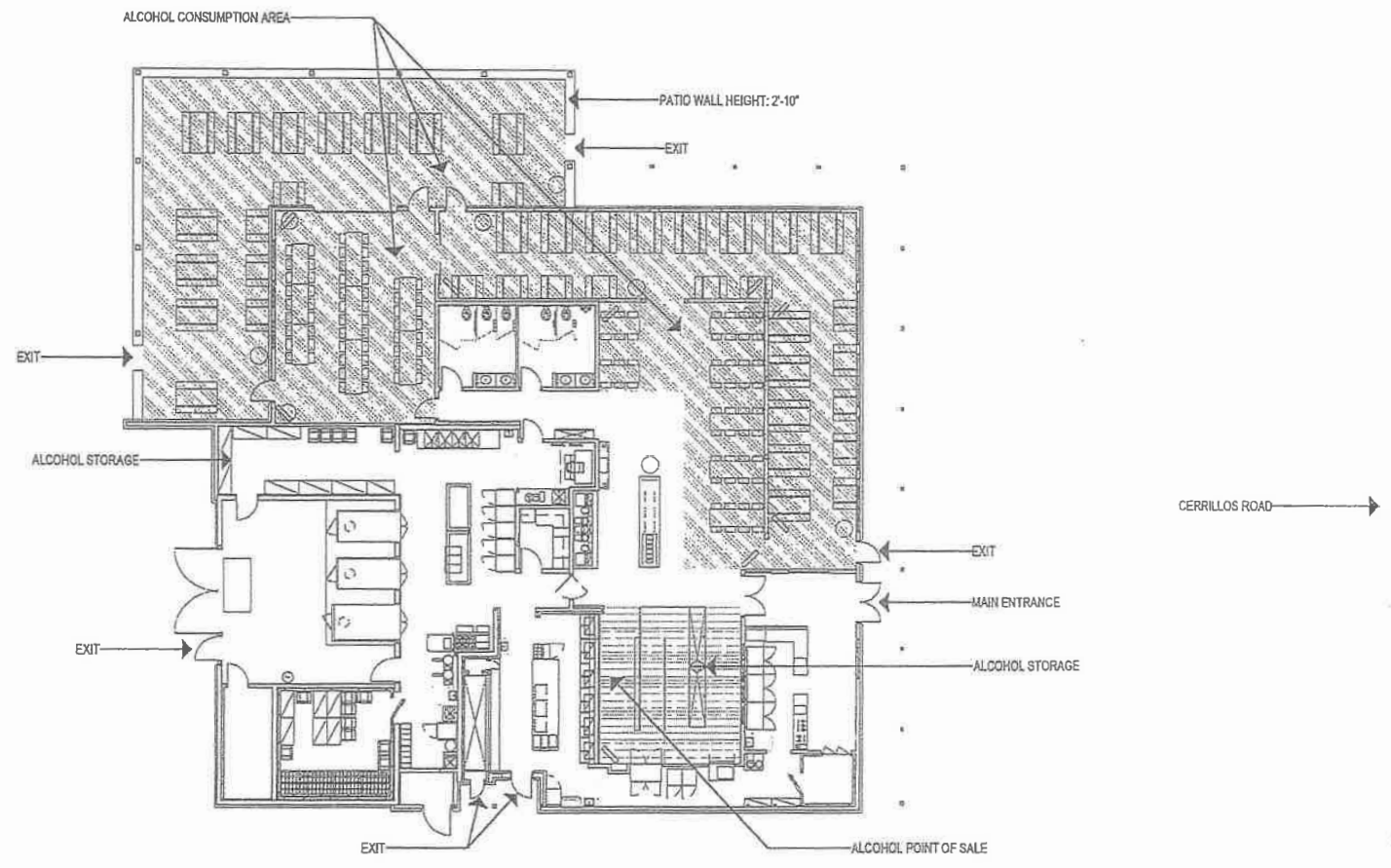
LIQUOR PLAN
 8,349 S.F. (GROSS)



OWNER/TENANT:



JAGUAR DRIVE



CONTROLLED ACCESS AREA: +/- 7612 SF
 PATIO AREA: +/- 1928 SF
 TOTAL SQUARE FOOTAGE: 8349 SF (GROSS)

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 31, 2022.

The purpose of this hearing is to discuss a request from Rudy's New Mexico Bar-B-Q, LLC, for a Restaurant A Beer and Wine Liquor License with On Premises Consumption Only with Patio Service, to be located at Rudy's Country Store & Bar-B-Q, 6581 Cerrillos Road, Santa Fe.

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://www.santafenm.gov/weekly_meeting_list_agendas.



Kristine M. Mihelcic
City Clerk and Community Engagement Director

Received by The Santa Fe New Mexican

Date: December 28, 2021

To Be Published: December 31, 2021 &
January 7, 2022.

By 
The Santa Fe New Mexican (Signature)

LEGAL # 89117

CITY OF SANTA FE
NOTICE OF PUBLIC
HEARING

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Kristine M. Mihelcic
City Clerk and
Community
Engagement Director

Received by The Santa Fe New Mexican
Date: December 28, 2021

PUB: Dec 31, 2021,
Jan 7, 2021



City of Santa Fe

NOTICE OF LIQUOR LICENSE HEARING
Monday, January 31, 2022 at 4:00 PM

NOTICE IS HEREBY GIVEN that a Liquor License Hearing is scheduled for Monday, January 31, 2022 at 4:00 PM.

Please visit <https://santafe.primegov.com/public/portal> to view agendas, participation information and corresponding materials.
For additional information, contact the City Clerk's Office at 505-955-6521.

NOTICE OF MEETING

SANTA FE NEW MEXICAN

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

LEGAL # 89117

CITY OF SANTA FE NOTICE OF PUBLIC HEARING

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Kristine M. Mihelcic
City Clerk and
Community
Engagement Director

Received by The Santa Fe New Mexican
Date: December 28, 2021

PUB: Dec 31, 2021,
Jan7, 2021

Ad Proof/ Order Confirmation/ Invoice

RHODES AND SALMON, P.C.
1801 Lomas Blvd NW
Albuquerque NM, 871041205

505-247-0328

Account Number: S13946

Ad ID: 25943

Ordered By: Mark M. Rhodes

Ad Cost: \$110.10

Tax Amount: \$9.29

Total Amount: \$119.39

Amount Due: \$119.39

PO Number: Quote Only

Major Class: LEGAL NOTICES

Classification: Legals

Ad Type: Legal (wrapper)

of Words 133

Run Dates:

12/31/21, 01/07/22

Sales Rep: Shaundel Moya

Order Taken by: Shaundel Moya

Payment \$0.00

Tagline: LEGAL # 89117 CITY OF SANTA FE
NOTICE OF

Product:

Placement:

Ad Size: 1.22" x 5.53"

Modular Size:

Color:



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
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Lee Garcia, District 3
Chris Rivera, District 3
Jamie Cassutt, District 4
Amanda Chavez, District 4

January 19, 2022

VIA EMAIL – hfordrehme@frg99.com

Harper Ford Rehme
Rudy's New Mexico Bar-B-Q, LLC
6581 Cerrillos Road
Santa Fe, New Mexico 87507

RE: Request from Rudy's New Mexico Bar-B-Q, LLC for a Restaurant A Beer and Wine Liquor License with On-Premises Consumption Only with Patio Service to be located at Rudy's Country Store & Bar-B-Q, 6581 Cerrillos Road, Santa Fe.

Dear Mr. Rehme:

The public hearing before the City of Santa Fe Liquor Hearing Officer for the above referenced request has been set for Monday, January 31, 2022, at 4:00 p.m. This will be a virtual hearing via Zoom. We will email you the meeting invite on the morning of the hearing.

The City of Santa Fe's Governing Body will consider the Liquor Hearing Officer's recommendation at their February 9, 2022 meeting.

Attached is a copy of the notice for the public hearing.

Should you have any questions, or require anything further from our office, please do not hesitate to call me at 955-6520

Sincerely,

Kristine M. Mihelcic
City Clerk

/arm



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
- Renee Villarreal, District 1
- Michael J. Garcia, District 2
- Carol Romero-Wirth, District 2
- Lee Garcia, District 3
- Chris Rivera, District 3
- Jamie Cassutt, District 4
- Amanda Chavez, District 4

DATE: January 20, 2022

TO:



John W. Blair, City Manager

VIA:



01/20/2022
Jason Kluck, Interim Director, Land Use Department

FROM:

Jason Sena, Zoning and Code Enforcement Supervisor

ITEM & ISSUE

Litter and noise impact assessment, due to a request from Rudy's New Mexico Bar-B-Q, LLC, for the following:

- a) Pursuant to §60-6B-10 NMSA 1978, The purpose of this hearing is to discuss a request from Rudy's New Mexico Bar-B-Q, LLC, for a Restaurant Beer and Wine Liquor License with On Premises Consumption Only with Patio Service, to be located at Rudy's Country Store & Bar-B-Q, 6581 Cerrillos Rd.

BACKGROUND AND SUMMARY

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

JAGUAR DR

6581 Cerrillos Rd
I1 Zoned

CERRILLOS RD

GOVERNOR MILES RD

VENADO LN

VENADO PEAK

WHEELER LN

TRUCHAS VIEW



Applicant Supplemental Information Form

1. Name of Applicant: RUDY'S NEW MEXICO BAR-B-Q, LLC
D/B/A Name to be used: RUDY'S "COUNTRY STORE" AND BAR-B-Q
Proposed License Location: 6581 Cerrillos Rd., SF, NM 87507
Telephone number: TBD (512-263-0929)
Email: HFORDREHME@RUDYS.COM

2. Type of liquor license request:

- New License (indicate type: _____)
- 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: 7am-9pm Sun-Thurs 7am-10pm Fri-Sat)

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? FRI + SAT SUN

What times? 11AM - 8PM 12(NON) - 7PM

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

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

No (If no, please apply online at www.santafebizreg.com or you can reach the Business Licensing Department by phone at 505-955-6551.)

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 (If no, please contact the City of Santa Fe Fire Department - 505-955-3310 to schedule your inspection)
NOT YET

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 (If no, please contact the City of Santa Fe Fire Department - 505-955-3310 to schedule your inspection)
NOT YET

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

No liquor sales @ this location. Beer + Wine only

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

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

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

Business is expected to remain the same.

*Please explain your answer:

No liquor sales @ this location. Beer and Wine only.

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:

Beer and Wine sales are expected to be less than 1% of total sales

Name of person completing this form: Harper Ford Rehme/Randy Kenna

Telephone Number: 512-577-9414

Date: 1-3-2022

(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. (Applicant was referred to the business licensing department to obtain a City of Santa Fe business license.)

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) (Code # and Explanation: _____.)
- (Please also provide a Code Enforcement Report related to Litter and Noise of the requesting business location.)

Verification Completed By: *J. S.*
Jason Serna (Jan 12, 2022 10:47 MST)

Title: Zoning Supervisor

Date: 1/12/22

Traffic Engineering Department

- Yes, it appears that the approval of this request will create unacceptable traffic impacts. (Please explain: _____.)
- No, it does not appear that this request will create any unacceptable traffic impacts.

Verification Completed By: *Regina Wheeler*
Regina Wheeler (Jan 17, 2022 11:50 MST)

Title: Public Works Director

Date: 1/17/2022

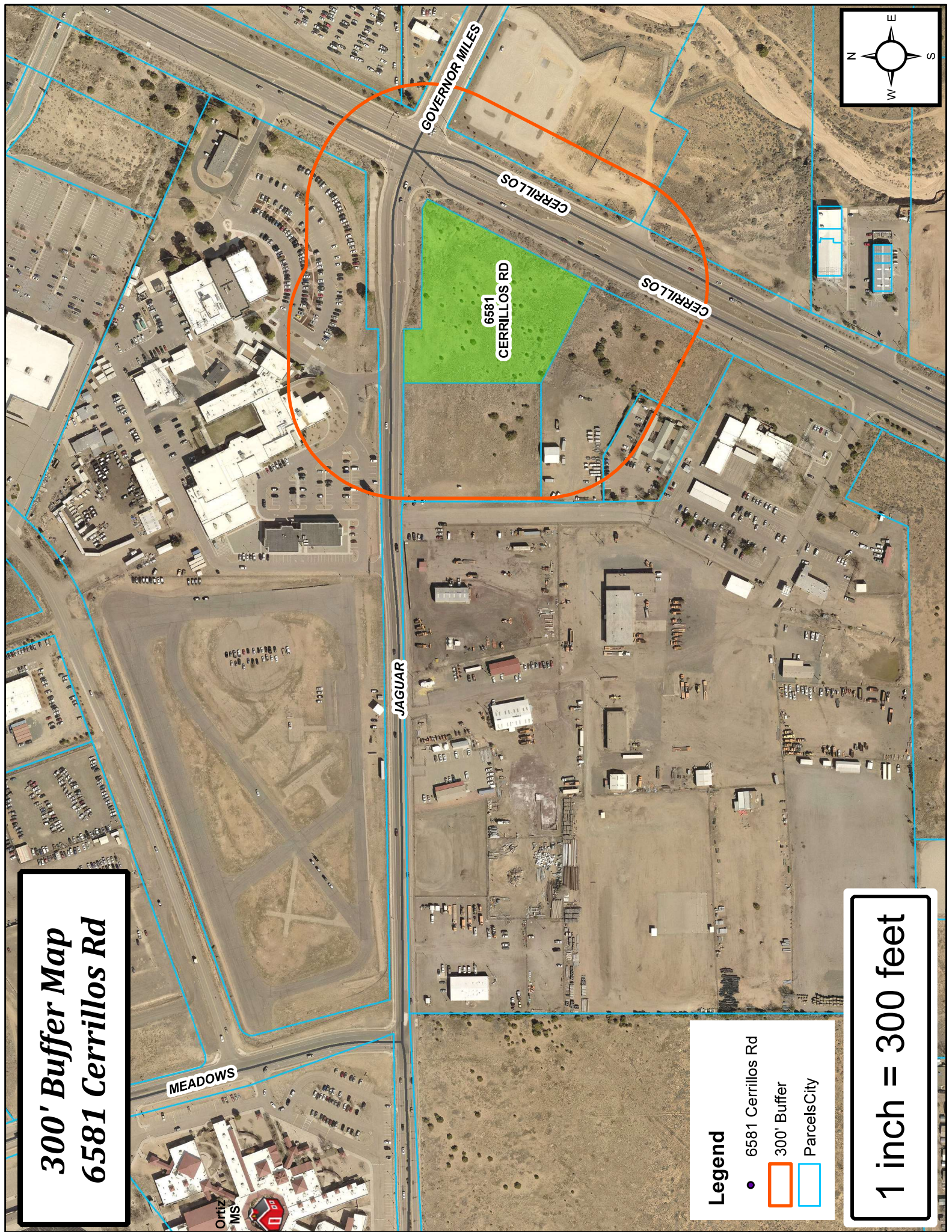
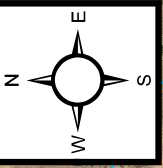
City of Santa Fe Fire Department

- Inspection was completed at the time Certificate of Compliance was issued.
- Inspection was completed in conjunction with the Liquor License Application. (Inspection completed: _____)

Verification Completed By: _____

Title: _____

Date: _____



**300' Buffer Map
6581 Cerrillos Rd**

Legend

- 6581 Cerrillos Rd
- ▭ 300' Buffer
- ▭ Parcels/City

1 inch = 300 feet

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

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

Application No.: 1214417 (NMRLD/AGD)
Name of Applicant: Rudy's New Mexico Bar-B-Q, LLC
Doing Business As: Rudy's Country Store & Bare-B-Q
Proposed Location: 6581 Cerrillos Road, Santa Fe, New Mexico 87507

THIS MATTER came before the Liquor License Hearing Officer for public hearing on January 31, 2022 at 4:00 PM by video hearing, on the application of Rudy's New Mexico Bar-B-Q, LLC (Applicant). The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

The Applicant requests local option district approval of the following:

Restaurant liquor license (beer and wine) with on premise consumption only, with patio service.

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:
 - a. January 27, 2022 memo from City Clerk Kristine M. Mihelcic
 - b. December 16, 2021 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 Application No. 1214417
 - d. September 7, 2021 zoning verification letter
 - e. Site plan
 - f. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website, letter to Applicant from City Clerk)
 - g. January 20, 2022 memo from Zoning and Code Compliance Supervisor Jason Sena finding no anticipated substantial change in litter or noise as a result of the request
 - h. Vicinity map
 - i. Santa Fe Land Development Code Table of Permitted Uses and zoning district map
 - j. City of Santa Fe Liquor License Request Supplemental Information

2. City Clerk's office staff member Alexandria Mares presented the application.
3. Applicant, represented by Mark Rhodes, Rhodes & Salmon PC, was offered the opportunity to present testimony or evidence.
4. No members of the public appeared to testify.
5. 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 December 31, 2021 and January 7, 2022 and on the City's website.
6. The Application is for a new license for a new business in a location that does not currently sell liquor.
7. The business is expected to be open from 7AM to 9 PM Sunday through Thursday and 7 AM to 10 PM Friday and Saturday.
8. Occupancy load has not yet been determined, and business license and certificate of occupancy are pending.
9. Beer and wine sales are expected to be less than 1% of total sales.
10. The Public Works Director has found that it does not appear that approval will create unacceptable traffic impacts.
11. The proposed location is not expected to cause a substantial change in litter or noise.
12. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
13. Issuance or transfer will not be in violation of a zoning or other ordinance of the governing body.
14. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
15. 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 a 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 obtain all necessary permits and licenses, and comply with all Fire, Building and Land Use Code requirements.
2. Applicant shall comply with all City of Santa Fe ordinances.

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



Christopher L. Graeser

02/02/2022

Date: _____