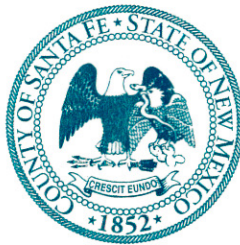


Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: February 14, 2012

TO: Board of County Commissioners

FROM: Jose E. Larrañaga, Commercial Development Case Manager *JEL*

VIA: Penny Ellis-Green, Land Use Administrator *PEG*
Shelley Cobau, Building and Development Services Manager *SC*
Wayne Dalton, Building and Development Services Supervisor *WD*

FILE REF: BCC CASE # MIS 12-5030 Babaluu's Cocina Cubana Restaurant Liquor License.

ISSUE:

Amaury Torres and Mary Kline D/B/A Babaluu's Cocina Cubana, Applicant, request approval of a Restaurant Liquor License to serve beer and wine with meals. The property is located at 3810 Highway 14, within Section 35, Township 15 North, Range 8 East (Commission District 5).

SUMMARY:

The Applicant requests approval of a Restaurant Liquor License. Babaluu's Cocina Cubana will not have a bar however they intend to serve beer and wine with meals. The issuance of a Restaurant Liquor License will not increase the intensity of the restaurant as there is not any proposed expansion of the existing site.

The property is acknowledged by the Land Development Code as a legal non-conforming commercial property for restaurant and/or food service use. On September 14, 2004, the Board of County Commissioners granted approval, of a zoning statement, to allow beer and wine to be served on this site as a permitted use.

Babaluu's Cocina Cubana is current with the Santa Fe County business license requirements. The restaurant consists of 2,100 square feet with approximately 832 square feet of dining area and a patio area of 400 square feet to be utilized to serve beer and wine with meals.

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. Legal notice of this request has been published in the newspaper. The Board of County Commissioners are required to conduct a public hearing on the request to grant a Restaurant Liquor License at this location.

RECOMMENDATION:

Staff has reviewed this request and has found the facts presented support this application: the property is acknowledged by the Land Development Code as a legal non-conforming commercial property for restaurant and/or food service use; the Board of County Commissioners granted approval, of a zoning statement, to allow beer and wine to be served on this site as a permitted use; the Applicant's request complies with the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools and Churches; therefore staff recommends **approval** of the Applicants request.

ATTACHMENTS:

- Exhibit "A"- Alcohol and Gaming Division Letter of Preliminary Approval
- Exhibit "B"- Vicinity Map
- Exhibit "C" – Letter of Intent
- Exhibit "D"- Zoning Statement
- Exhibit "E" – Restaurant and Parking Site Plan
- Exhibit "F" – County Business License



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
PO Box 25101, Santa Fe, NM 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

January 5, 2012

Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart
DIRECTOR

Certified Mail No.: 7006 3450 0000 3001 3860

Santa Fe County
Building & Development Manager
Attn: Shelley Cobau, CFM
P.O. Box 276
Santa Fe, NM 87504-0276

Re: License / App. No.: / **A-801589**
Applicant Name: **Amaury Torres & Mary Kline**
Doing Business As: **Babaluu's Cocina Cubana**
Proposed Location: **3810 Hwy 14**
Santa Fe, NM 87508

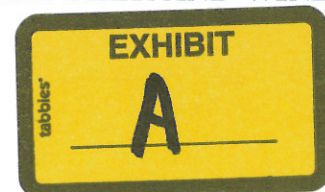
ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Preliminary Approval; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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. 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 at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied 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 and Gaming Division; and (C) The location of the licensed premises. 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 AND WINE LICENSE FOR ON PREMISE CONSUMPTION ONLY.



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

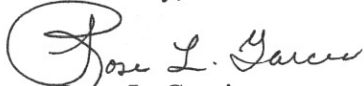
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved 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 notice of publication(s). 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 give Final Approval to the issuance or transfer of 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 page noting disapproval).

Sincerely,



Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures: Original Page 1 of Application
Copy of Page 2 of Application



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
 SS-60-6B-10

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

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

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

A. Owner(s) NAI ZING CHANG Nai Smith and Nai Zing Chang Ho NY

B. Date and term of lease 1/1/12 - 12/31/12

3. Premises location is zoned (example C-1) Land Development Code as legal non-conforming
 If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance)
6.5 Miles/feet CERRILLOS CATHOLIC CHURCH CERRILLOS, NEW MEXICO
 Address/location of church

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

3.2 Miles/feet TURQUOISE 13 SAN MARCOS LOOP #A
 Name of school IRAIL ELEMENTARY SANTA FE, NM 87508
 Address/location of school

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

59.9 Miles Kirtland Air Force Base Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).
 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).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*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.

8. Type of Operation:

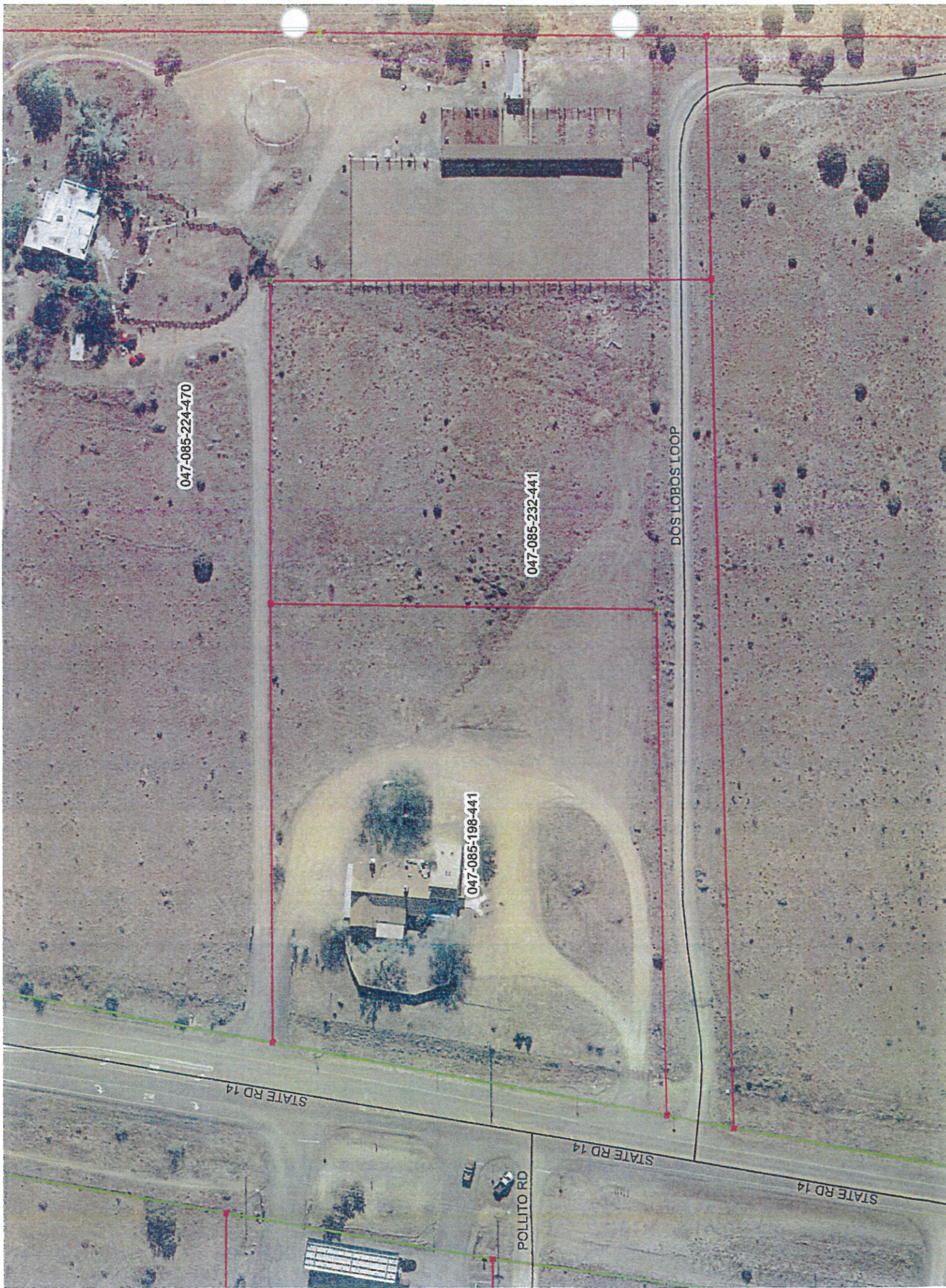
Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Map of 3810 NM-14, Santa Fe, NM 87508-8065



When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.





047-085-224-470

047-085-232-441

047-085-198-441

DOS LOBOS LOOP

STATE RD 14

STATE RD 14

STATE RD 14

POLLITO RD

To Whom it may Concern:

It is our intent to open a full service restaurant and obtain a beer and wine license for Bababluu's Cocina Cubana at 3810 Highway 14 Santa Fe New Mexico 87508. This property is non-conforming.

We will work at the restaurant, deli and retail store with 2-3 employees. Our hours of operation will be 11-9 p.m. and Sunday ~~11~~¹²-8 p.m. We will be closed on Tuesday and Wednesday. ¹²

The prior business at this location was CJ's Café a full service restaurant.

Sincerely,

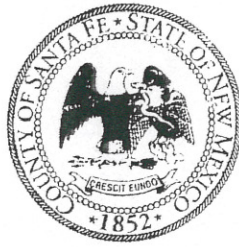
Amaury Torres
Mary Kline-Torres



Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

December 7, 2011

Bababluu's Cocina Cubana
Amaury Torres and Mary Kline Torres
3810 State Highway 14
Santa Fe, NM, 87508

Re: Zoning Statement for Bababluu's Cocina Cubana, located at 3810 State Highway 14,
Santa Fe County, New Mexico, 87508.

Mr. and Mrs. Torres:

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

On September 14, 2004, the Board of County Commissioners granted approval, of a
zoning statement, to allow beer and wine to be served on this site as a permitted use. The
use as a restaurant on this site is recognized, by the Land Development Code, as legal
non-conforming. Bababluu's Cocina Cubana is current with the business license
requirements of Santa Fe County.

If you have any questions contact me at 986-6225.

Sincerely,

Jack Kolkmeyer
Land Use Administrator

Cc: Jose E. Larrañaga
Commercial Development Case Manager



Door
TO
Patio

WOOD FLOOR,
CEILING AND WALLS

All casing, walls, and
ceilings in dining area
are wood.
Track lighting throughout.

DINNING ROOM 2
SEATING FOR 24

WOOD FLOOR, CEILING AND WALLS

BRICK
HEARTH
FIREPLACE

○
SMOKE DETECTOR

RAMP

BRICK
FORMER HEARTH

DINNING ROOM 1
SEATING FOR 16

BRICK FLOOR, WOOD WALLS AND CEILING

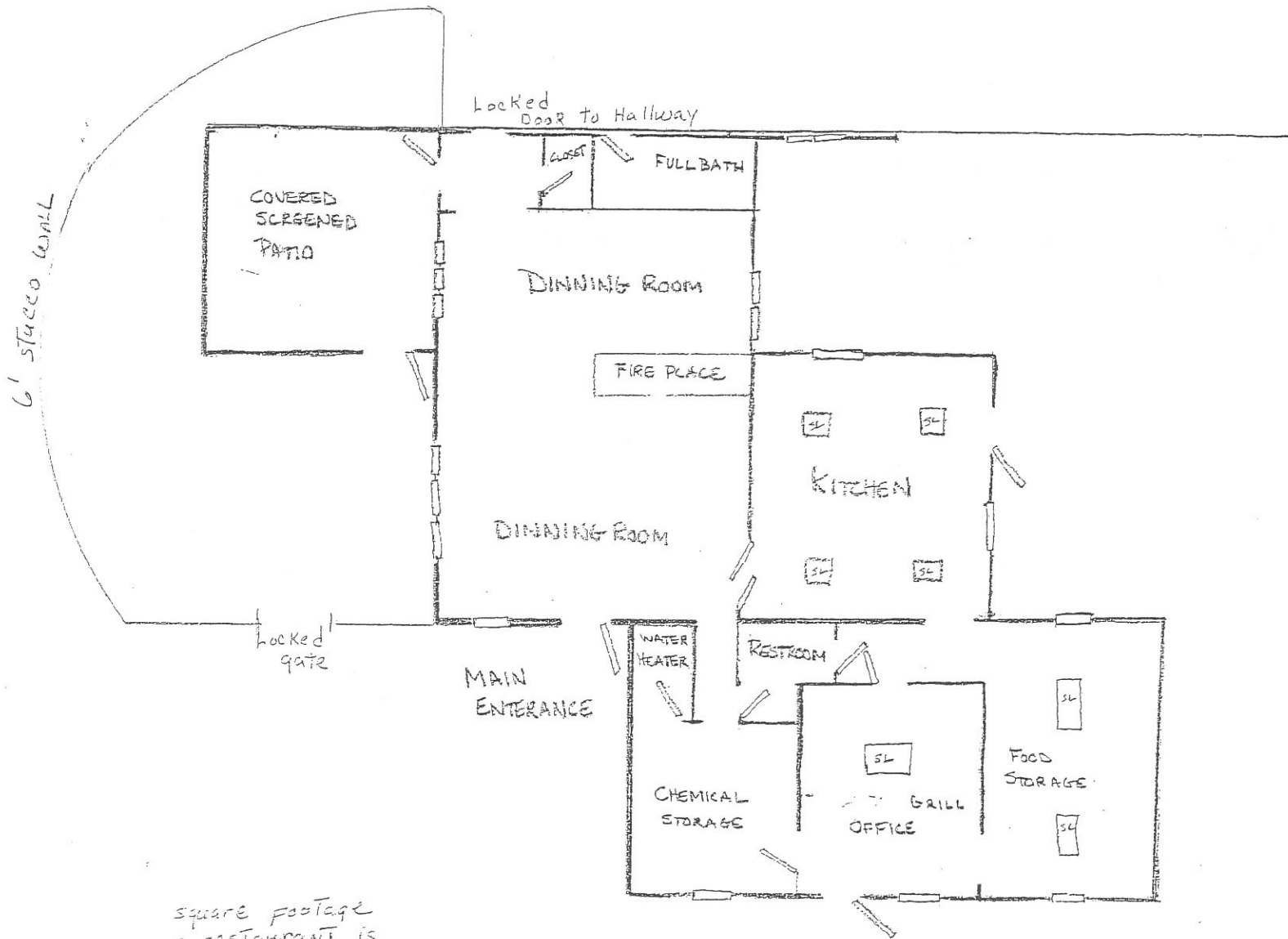
1/4" = 1'



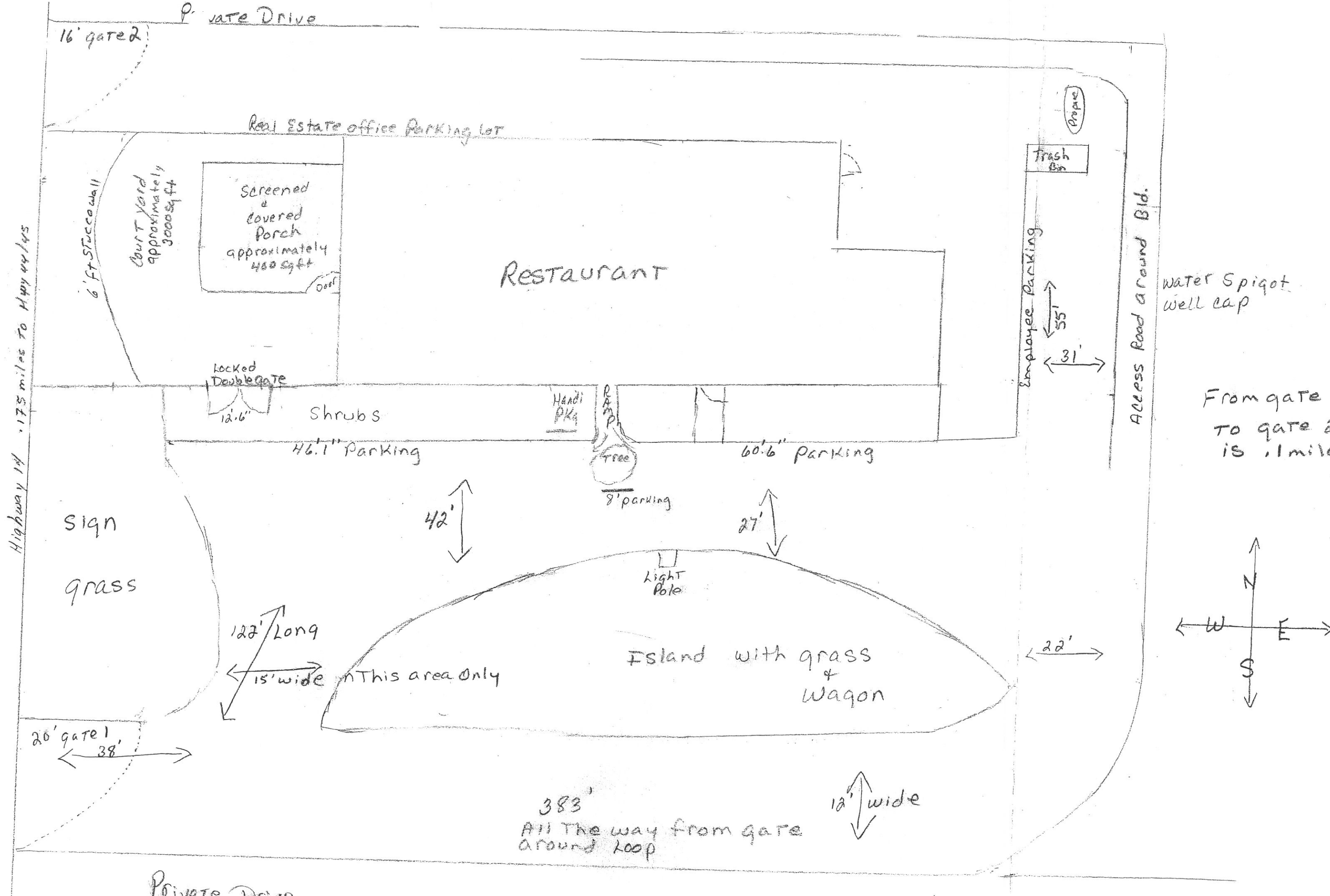
MAIN
ENTRY

TO KITCHEN →

TO RESTROOM ↓



square footage
 of restaurant is
 2100 sq. feet,
 patio is approx. 400 sq. ft.
 Enclosed yard around
 patio is approx 3000 sq. ft



COMMERCIAL REGISTRATION

Registration No: 13550

Permit No: 11-4112

Permit Type: COMMERCIAL

State of New Mexico, County of Santa Fe

WHEREAS, AMAURY TORRES, a resident of 3810 HWY 14, SANTA FE, NM 87508
County and State aforesaid, and one of the members of the firm known as BABALUU'S COCINA CUBANA
has made application for registration as COMMERCIAL; therefore

Registration Has Been Granted

to the said BABALUU'S COCINA CUBANA to carry on said business at
3810 HWY 14, SANTA FE, NM 87508
in said County and State for a period of 12 months, commencing on the 17 day of January, 2012
and ending on the 31 day of December, 2012, 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 17
day of January 2012.


SANTA FE COUNTY TREASURER

