

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** May 10, 2011

**TO:** Board of County Commissioners

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

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *w/c*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF:** BCC Case # MIS 11-5130 Supper Club at Real Food Nation Restaurant License

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### ISSUE:

Supper Club at Real Food Nation, Applicant, requests approval of a Restaurant Liquor License to serve beer and wine with meals. The subject property is located at 624 Old Las Vegas Highway, within Section 4, Township 15 North and Range 10 East (Commission District 4).

### SUMMARY:

The Applicant requests approval of a Restaurant Liquor License. The Supper Club at Real Food Nation 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 county as a legal non-conforming commercial property for restaurant and/or food service use. An Administrative Development Plan, for the Station Café & Restaurant, was approved and recorded with conditions in 2008. The restaurant consists of 1,256 square feet of dining area, 500 square feet for the commercial kitchen and 62 square feet of office space for a total of 1,818 square feet.

Ordinance No. 2005-08, U.S. 285 South Highway Corridor Zoning District, designates this site as Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a permitted use. The zoning on this site allows a restaurant 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 application and has found the facts presented support this application: the U.S. 285 South Highway Corridor Zoning District designates this site as a Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a permitted use; the Applicant's request complies with Ordinance No. 2005-08 and 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" – ED Permit
- Exhibit "G" – County Business License
- Exhibit "H" – Zoning Map



New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

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

Susana Martinez  
GOVERNOR

J. Dec Dennis, Jr.  
SUPERINTENDENT

Gary J. Tomada  
DIRECTOR

March 29, 2011

Certified Mail No.: 7009 1680 0000 1945 8806

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

Re: License / App. No.: Application #A-662684  
Applicant Name: End of the Line, LLC  
Doing Business As: Supper Club at Real Food Nation  
Proposed Location: 628 Old Las Vegas Highway, Santa Fe, Santa Fe County, NM 87505

**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 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 LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY).**

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

- 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



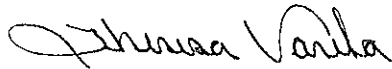
has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 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 of 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,



Theresa Varela  
Administrative Law Judge

#### **ENCLOSURES**

1. **Original Page 1 of the Application (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan (no outdoor patios).**
5. **Copy of Limited Liability Company Page of the Application.**





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FEB 28 2011  
ALCOHOL AND  
GAMING DIVISION

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

LIQUOR LICENSE APPLICATION  
Application fee - \$200.00 Fees are non-refundable.

State Liquor License #                       
Application Number 6022874  
Local option (AGD use) SANTA FE COUNTY  
Record Owner of Existing License                       
Current D/B/A Name                       
Current Premises Address                       
Transfer Ownership of Existing License                      Transfer Ownership and Location                      Transfer Location                      Other                     

Application is for: Change of Stock                      Change of Officers/Directors                      Type of License being applied for beer & wine  
Issue New License                      Partnership (General or Limited)                      Limited Liability Company                     

NAME OF APPLICANT (company or individual)                      TELEPHONE NUMBER                       
End of the line LLC 628 Old Las Vegas Highway 505 466 4073  
Santa Fe, NM 87505

D/B/A name to be used: Supper Club at Real Food Nation number for licensed premises: 705 466 2440

Physical location where license is to be used: 628 Old Las Vegas Highway Santa Fe NM 87505  
(Include street number, highway number, state road, city and county, state, and zip code)

Mailing address: 628 Old Las Vegas Highway Santa Fe, NM 87505 County of Santa Fe

Are alcoholic beverages currently being dispensed at the proposed location? Yes                      No                       If yes, give license number and type                     

I, (print name) Elizabeth Bluba-Timken, as (title) Owner-Managing Member 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.

You must sign and date this form in the presence of a notary public.

Signature of Applicant Elizabeth Bluba-Timken Date 2.28.11

SUBSCRIBED AND SWORN TO before me this 28th day of February, 20 11

Notary Public Debra A. Lopez My Commission Expires 8/30/2014 by Elizabeth Bluba-Timken  
OFFICIAL SEAL  
Debra A. Lopez  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
Commission Expires: 8/30/2014

Local Governing Body of:                      (City or County). Hearing held                      Commission Expires:                      (Signature & Title)

Check one: Approved                      Disapproved                      City/County Official                     

Approved                      Disapproved                      Director Approval                      Date                     

For Alcohol and Gaming Division Use Only



**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) Thriving Enterprises TX 03-22-11

B. Date and term of lease March 21, 2011 - March 26, 2016 60 months with 2.60-month renewal options

Attach a hand drawn map, zoning map, or other map showing the location of the proposed premises and the main adjacent streets, roads or highways in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premises location is zoned (example C-1) Neighborhood Mixed Use **RECEIVED**

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). 0.9 miles, per posting. St. Elias the Prophet, per posting.

Miles/feet 5 Name of church St. Elias the Prophet Church 40 Calle Electra

5. Distance from nearest school \* (Property line of school to licensed premises - shortest distance). 2.2 miles, per posting. Eldorado Elementary School, per posting.

Miles/feet 1.5 Name of school Guarda Montessori 710 Old Las Vegas Highway

6. Distance from military installation \* (Property line of military installation to licensed premises - shortest distance). 5.6 miles, per posting. Kirtland Air Force Base, per posting.

Miles 70 Name of Military Installation, circle one: (Kirtland Air Force Base, per posting.) 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) \_\_\_\_\_

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 GAMING DIVISION  
 ALCOHOL AND

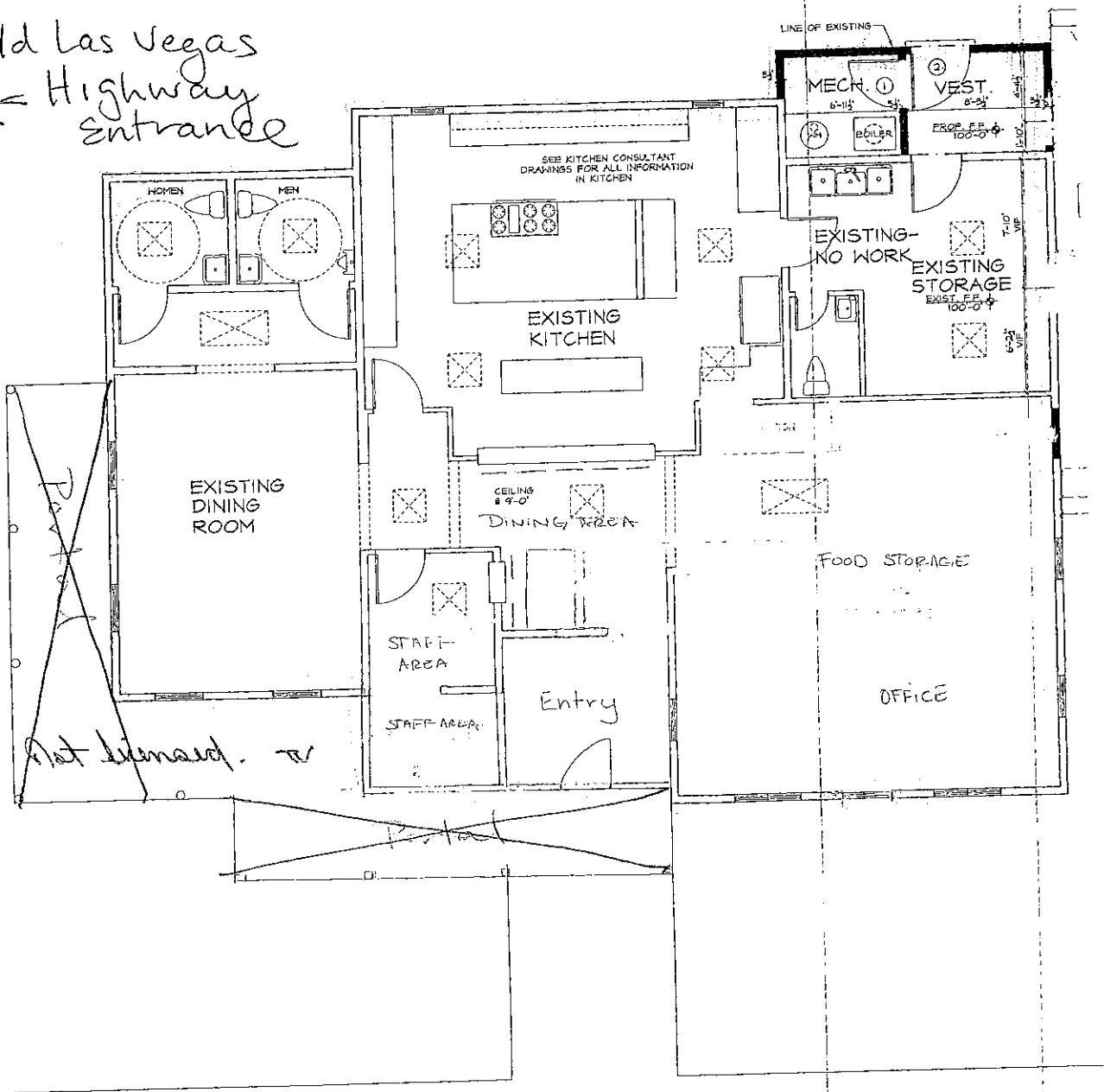
Address unavailable, per posting. TX 03-14-11

Address unavailable, per posting. TX 03-14-11

ST, NM 87505  
 TX 03-14-11

N

old Las Vegas  
Highway  
Entrance



heated Sq Ft	2,330
Portal	376
Total	2,706

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MAR 27 2011

ALCOHOL AND  
TOBACCO DIVISION

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**LIMITED LIABILITY COMPANY**

SS 60-6B-2A

1. Name of Limited Liability Company END OF THE LINE, LLC MAR 21 2011

2. Date company formed (attach copy of Operating Agreement) May 4, 2007 W 03-14-11

3. Date company registered (attach copy of certificate and Article of Organization) May 4, 2007 W 03-14-11

4. Mailing Address: Street 1228 Old Las Vegas Highway City Santa Fe State NM Zip 87505 Phone 466-4073

5. Names and addresses of all Members - full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

**LIST ALL MEMBERS AND MANAGERS**

Name	Title	Managing member/ Address	% of interest/contribution
<u>Elizabeth Jimken Owner</u>		<u>101-B Arroyo Salado SF, NM 87508</u>	<u>100%</u>
<u>Andrew MacLaughlan</u>		<u>101-B Arroyo Salado SF, NM 87508</u>	<u>Manager</u>

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FEB 28 2011

Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No  Yes  If Yes, provide details:

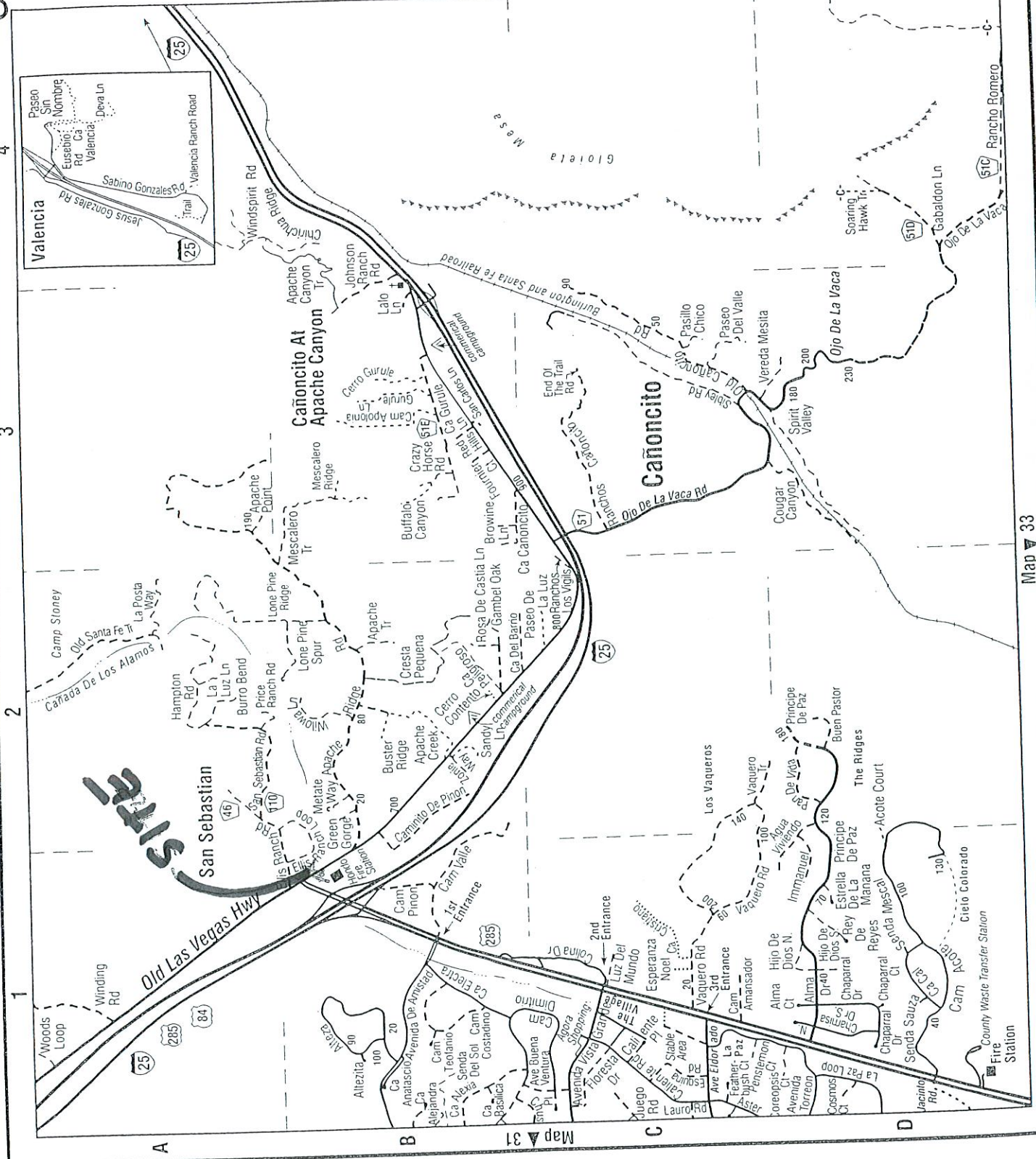
7. List every liquor license in which this Limited Liability Company owns any interest, direct or indirect:

# 30540

**NOTE:** For each Member who is an individual, complete the Personal Data Information Form (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.





Supper Club at Real Food Nation

Our intent is to open a fine dining restaurant that serves beer and wine. We will be open Wed-Sat 5:30-9:00 pm and Sunday 10-3 pm. We will have table service for our full service restaurant.



Daniel "Danny" Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

February 22, 2011

Real Food Nation  
Blyth Timkin  
628 Old Las Vegas Highway  
Santa Fe, NM 87508

Re: Zoning Statement

Dear Ms. Timkin:

The property is acknowledged by the county as a legal non-conforming commercial property for restaurant and/or food service use. The Administrative Development Plan, for the Station Café & Restaurant, was approved and recorded in 2008. The development plan describes an existing building to be utilized as a restaurant (Exhibit "A").

Ordinance No. 2005-08 (U.S. 285 South Highway Corridor Zoning District) designates this site as Neighborhood Mixed Use which allows for beer and wine to be served in a restaurant as a permitted use. The zoning on this site allows for the building approved by the county (DP 07-3210) as a restaurant to serve beer and wine with meals.

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

Sincerely,

Jack Kolkmeier  
Land Use Administrator





