

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

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

License No.: 31064

Name of Applicant: William Banowsky

Doing Business As: Violet Crown Cinema

Proposed Location: 1606 Alcadessa St. Santa Fe, NM 87501

THIS MATTER came before the Liquor License Hearing Officer for public hearing on December 18, 2020 at 4:00 PM by video hearing, on the application of Violet Crown Cinema (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:

Change of floor plan/expansion of licensed premises for liquor license No. 2766.

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 FINDS:

FINDINGS OF FACT

1. Staff submitted a packet containing the following:
 - a. December 18, 2020 memo from City Clerk Yolanda Y. Vigil
 - b. July 6, 2020 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Hearing Officer Desirae Griego to the City of Santa Fe granting preliminary approval and forwarding the application to the City for local option district approval or disapproval and April 3, 2020 letter from ABC Director Andrew Vallejos re: COVID procedures.
 - c. NMRLD/AGD Application for Liquor License No. 31064
 - d. Site plan showing area expansion
 - e. Notice of public hearing from City of Santa Fe website
2. City Clerk Yolanda Vigil presented the application.
3. Applicant was offered the opportunity to present testimony or evidence.
4. No members of the public appeared to testify.
5. The Application is for expanding the licensed area for an existing business in a location that previously served liquor. The intention is to expand the outdoor seating area due to pandemic restrictions.
6. There will be a fully enclosed outdoor seating area.
7. There is no evidence in the record that the proposed expansion will cause a substantial change in litter or noise, be in violation of a zoning or other

ordinance of the governing body, or be detrimental to the public health, safety or morals of the residents of the local option district.

8. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
9. 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 posting on the website
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.

CONDITIONS OF APPROVAL

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

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



Christopher L. Graeser

12/28/2020

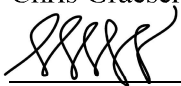
Date: _____

City of Santa Fe, New Mexico

memo

DATE: December 18, 2020

TO: Chris Graeser, Liquor Hearing Officer

FROM:  for
Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request from Violet Crown Cinema for a change of floor plan/expansion of liquor licensed premises for Liquor License No. 31064.

BACKGROUND AND SUMMARY

The applicant has requested a change of floor plan/expansion of liquor licensed premises to expand the outdoor patio area by 850 square feet for Liquor License No. 31064, located at Violet Crown Cinema, 1606 Alcaldesa Street. Liquor License No. 31064 has been located at this address, therefore a waiver is not required.

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
Floor Plan
Website Notice of Public Hearing



New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

PO Box 25101 • Santa Fe, NM 87504-5101 (505) 476-4875 • Fax (505) 476-4595

CHANGE OF FLOOR PLAN / EXPANSION OF LIQUOR LICENSED PREMISES APPLICATION

NMAC 15.10.32.13 – \$75.00 Fee, all fees are non-refundable

Application to Change or Expand the licensed premises shall be submitted with the Application Fee and the following Required Documentation: **1)** a copy of your existing Approved Floor Plan and **2)** a Proposed Detailed Floor Plan, on an 8 ½ x 11" sheet, that includes the existing approved premises and any proposed change or expansion – Label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. For Expansions Only, also include Proof of Tenancy and Photos of expansion.

A Licensee may not change or expand the licensed premises without prior written approval of the Director. **If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a Transfer of Location. The Licensee cannot make any changes or expand the premises until approval has been granted for this request.** A before and after site inspection may be scheduled.

Liquor License No.: 31064 Phone No.: 505 216 5678 Fax No.: -

Business Name (DBA) Violet Crown Cinema Owner Name: William Banowsky

License Location: 1606 Alcala Street, Santa Fe, NM, 87501

Mailing Address: Same as above

Licensee Email: peter.grendle@violetcrown.com

Square Footage: Current 33,357 sq. ft. Adding/Changing: 815 sq. ft. Total: (add both) Same

Reason for Request: Patio expansion to increase COVID business

Will the Proposed Expansion bring the licensed premises within 300 feet of a church or school? No

Has there been any change in the Ownership or Operation of the Licensee? No

If so, explain: _____

I (print name) William S. Banowsky Jr., Licensee for Liquor License No. 31064 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 §60-3A-3 (O), which states in part " 'licensed premises' means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure... that are under the direct control of the licensee..."

Must sign in the presence of a Notary Public:

Submitted by: (print name) _____

Signature: WSB Title: Owner Date: 12-15-20

NOTARY PUBLIC USE ONLY: (State of NEW MEXICO, County of SANTA FE)
 SUBSCRIBED AND SWORN TO before me this 15th day of December, 2020
 By: William S. Banowsky Jr. Notary Public: Anita L. Martinez
 My Commission Expires: 5-24-23 My Commission Expires: 5-24-23

REQUIRED FOR EXPANSIONS ONLY | LOCAL OPTION DISTRICT REVIEW

Local Governing Body of: _____ Village, County, City Check one: ☐ Approved ☐ Disapproved

Signature and Title of Village/County/City Official: _____

AGD USE ONLY: Payment| Application Fee \$ _____ Received on: _____ Receipt No. _____

Processed by: _____ ☐ Approved ☐ Disapproved, _____

Decision by Director, if required: ☐ Approved ☐ Disapproved, _____

Signed by Director: _____ Date: _____

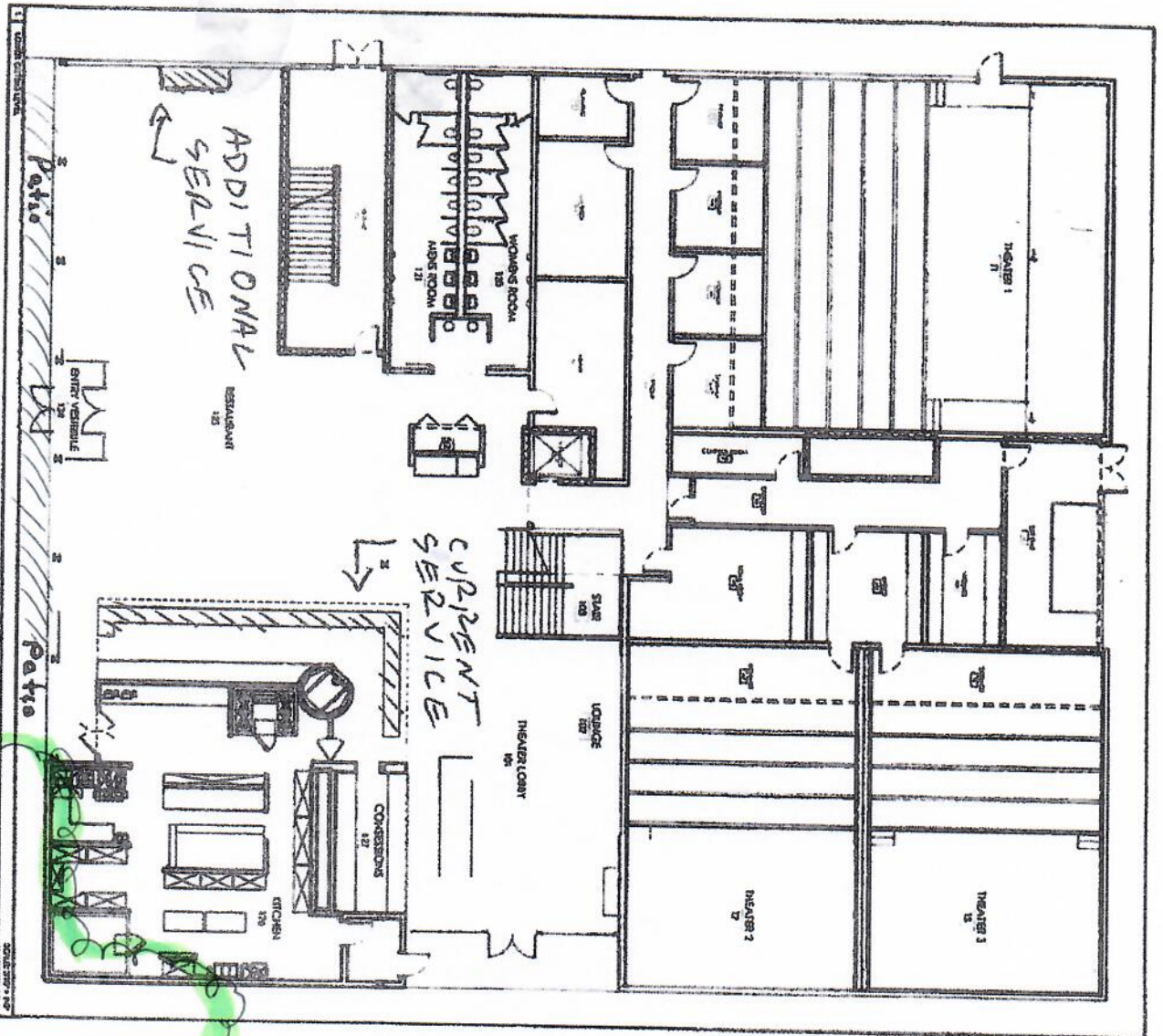
GRADE LEVEL FLOOR PLAN 10174 S.F.

FLOOR PLAN APPROVAL

By Architect: [Signature]

Date August 25 2016

Violet Crown
33,357 sq. ft.
Totally Unrestricted



1606 Alameda St. ↑ CURRENT SERVICE
Santa Fe, NM 87501

← FUTURE SERVICE

VIOLET CROWN | SANTA FE
THE RAILYARD
SANTA FE, NEW MEXICO

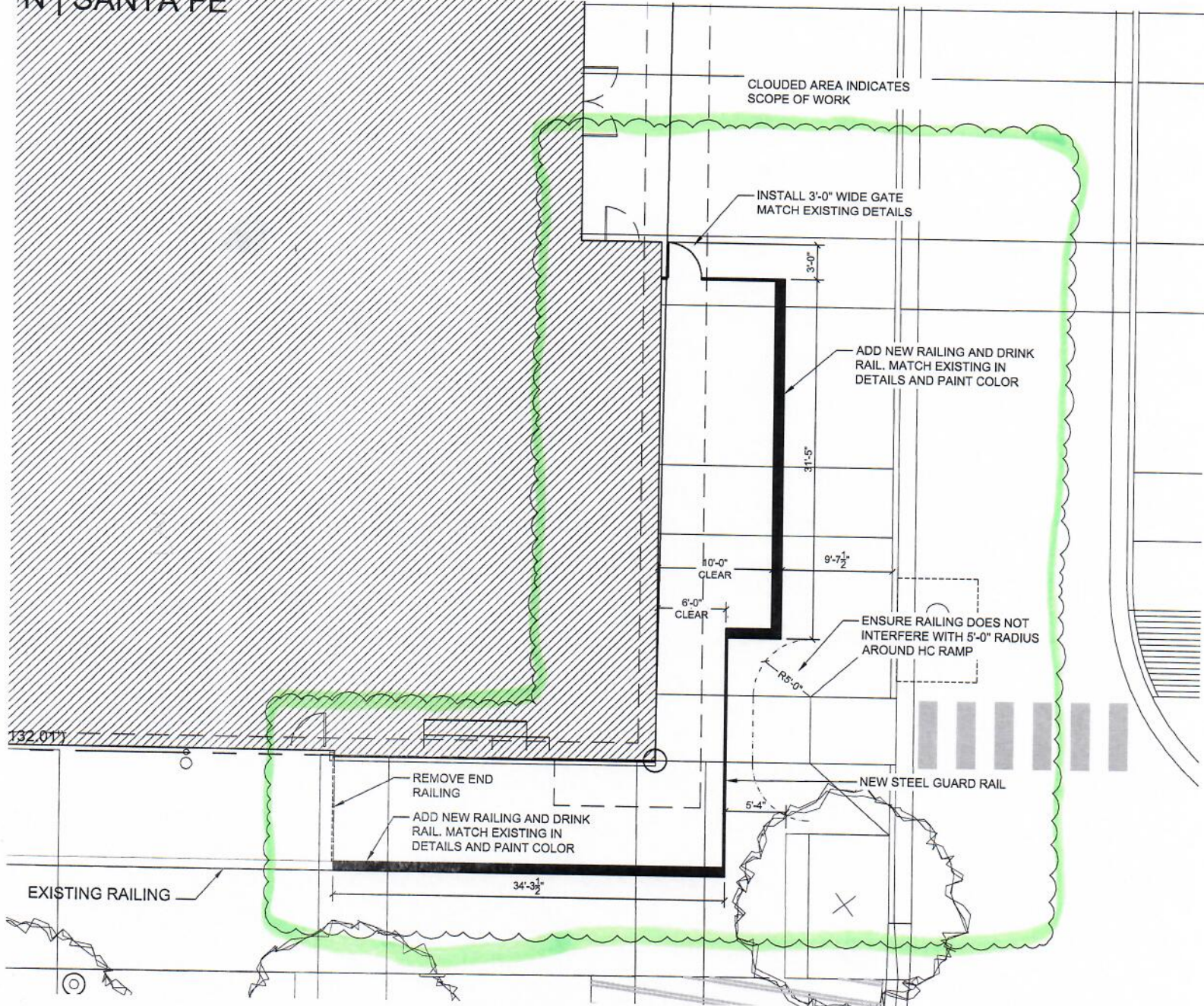
CONSTRUCTION DOCUMENTS

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IN | SANTA FE



December 21, 2020 at 4:00 P.M. - LIQUOR HEARING OFFICER

ATTEND VIRTUALLY

<https://www.youtube.com/user/cityofsantafe>

Request from Violet Crown Cinema for a Change of Floor Plan/
Expansion of Liquor Licensed Premises, to Expand the Outdoor
Patio Area by 850 Square Feet, to be Located at Violet Crown
Cinema, 1606 Alcaldesa Street, Santa Fe.