

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 22Ordinance/Resolution# 13-037For Meeting of _____
(Ordinance First Reading Date)For Meeting of September 4, 2012
(Adoption Date)

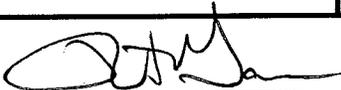
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO BURRITOS VICTORIA, INC. D/B/A BURRITOS VICTORIA, LOCATED AT 1295 EL PASEO ROAD, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove the issuance of a Restaurant Liquor License.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for the issuance of a Restaurant Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing.

Burritos Victoria, Inc. d/b/a Burritos Victoria applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for the issuance of a Restaurant Liquor License at 1295 El Paseo Road, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on July 25, 2012.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the approval letter from Alcohol and Gaming. A public hearing to review this issue is scheduled during the regular City Council meeting to be held on Tuesday, September 4, 2012, beginning at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Bulletin* on August 17 and 24, 2012, and in the *Las Cruces Sun-News* on August 19 and 26, 2012.

(Continue on additional sheets as required)

Council may approve or disapprove the issuance of the license. However, Council's disapproval must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.

Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of the license.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Alcohol and Gaming's letter with the application.
3. Attachment "1". Notice of Intent to Adopt published in the *Las Cruces Bulletin*.
4. Attachment "2". Notice of Intent to Adopt published in the *Las Cruces Sun-News*.
5. Attachment "3". Traffic Impact Report from the Traffic Engineering Section.
6. Attachment "4". Liquor License Impact Report (zoning) from Development Services.
7. Attachment "5". Business Registration Report from Development Services.
8. Attachment "6". Criminal Activity Report from the Las Cruces Police Department.
9. Attachment "7". Fire and Safety Compliance Report from the Las Cruces Fire Department.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1015-10180020-520002</u> in the amount of <u>\$300.00</u> for FY <u>13</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of the Restaurant Liquor License and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

RESOLUTION NO. 13-037**A RESOLUTION APPROVING THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE TO BURRITOS VICTORIA, INC. D/B/A BURRITOS VICTORIA, LOCATED AT 1295 EL PASEO ROAD, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

WHEREAS, Burritos Victoria, Inc. d/b/a Burritos Victoria, located at 1295 El Paseo Road, Las Cruces, New Mexico, applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico (“Alcohol and Gaming”) for the issuance of a Restaurant Liquor License; and

WHEREAS, on July 25, 2012, Alcohol and Gaming granted preliminary approval for the issuance of the license, as evidenced by their letter and the application attached as Exhibit “A”; and

WHEREAS, pursuant to law, the application for issuance of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing upon reasonable notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable notice setting forth the appropriate information concerning the public hearing. The City Council has considered the issuance of the liquor license and it has determined that the approval of said license is not detrimental to the public health, safety or welfare of the City of Las Cruces.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the issuance of a Restaurant Liquor License to Burritos Victoria, Inc. d/b/a Burritos Victoria, located at 1295 El Paseo Road, Las Cruces, New Mexico, is hereby approved.

(II)

THAT a copy of this resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this 4th day of September 2012.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____



City Attorney

550

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/ag

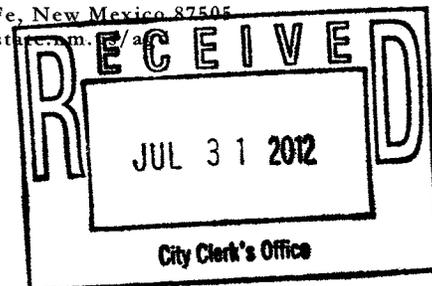


Suzanna Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Steven A. Reinhart, Esq.
ACTING DIRECTOR

July 25, 2012



Certified Mail No: 7009 1680 0000 1945 9803

City of Las Cruces
 Esther Martinez, Clerk
 PO Box 20000
 Las Cruces, NM 88004

Re: App. No. 818378
 Applicant Name: Burritos Victorias Inc.
 Doing Business As: Burritos Victorias
 Proposed Location: 1295 El Paseo Rd., Las Cruces, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. *(Please review the revised instructions for approval or disapproval below.)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for 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 days after receipt of a notice of preliminary approval 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; (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 requesting a Restaurant Liquor License:

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

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.)

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 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.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 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,


Annette R. Brumley
Hearing Officer

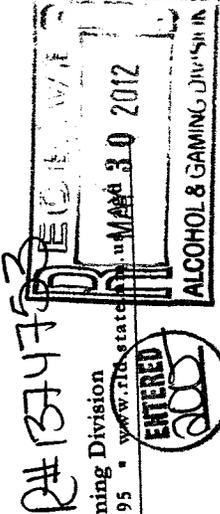
ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises

New Mexico Regulation and Licensing Department - Alcohol and Gaming Division

Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4995 • www.nra.state.nm.us

LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.



State Liquor License # _____ Application Number 8183378 Local option (AGD use) _____

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 _____

Applicant is: Individual _____ Partnership (General or Limited) _____ Limited Liability Company _____

NAME OF APPLICANT (company or individual) Burritos Victorias Inc ADDRESS (including city, state, zip) 1295 El Paseo Road Las Cruces NM 88001 Telephone number for licensed premises: 575-541-5534

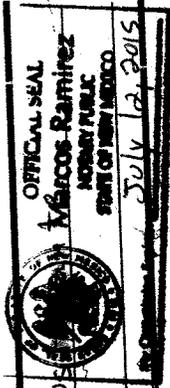
D/B/A name to be used: Burritos Victorias Physical location where license is to be used: 1295 El Paseo Road Las Cruces NM 88001 Mailing address: 1295 El Paseo Road Las Cruces NM 88001

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

I, (print name) Fernando Bustamante, as (title) President, 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 _____ Date 02/03/12

SUBSCRIBED AND SWORN TO before me this 7 day of February, 2012 by Fernando Bustamante My Commission Expires July 12, 2015

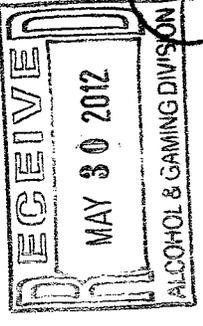


Notary Public [Signature] My Commission Expires July 12, 2015 Local Governing Body of: _____ (City or County). Hearing held on _____ 20 _____ (Signature & Title)

Check one: Approved _____ Disapproved _____ Director Approval _____ Date _____ For Alcohol and Gaming Division Use Only

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

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



COPY

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) Malibu Road, LLC
B. Date and term of lease September 15, 2009 | 7 year term lease

3. Premises location is zoned (example C-1) C-B
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).
Cathedral of the Immaculate Heart of Mary
Miles/feet .4 miles Name of church _____ Address/location of church 1240 South Esquire Street Las Cruces NM 88001 51
53

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
Valley View Elementary School
Miles/feet .4 miles Name of school _____ Address/location of school 915 California Ave Las Cruces NM 88001

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance).
Miles 65.2 miles 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) _____

ALCOHOL & GAMING DIVISION
2550 CERRILLOS ROAD 87505
P.O. BOX 25101
SANTA FE, NEW MEXICO 87504-5101

POSTING CERTIFICATE
(ISSUANCE OF NEW LIQUOR LICENSES)

XX RESTAURANT (BEER/WINE ONLY) WHOLESALER: _____
 MASTER WINEGROWER WINEGROWER OFF-SITE: 1 2 3 (Circle)
 MASTER SMALL BREWER SMALL BREWER OFF-SITE: 1 2 (Circle)
 OTHER: _____

APPLICATION NUMBER: A-818378

APPLICANT NAME: BURRITOS VICTORIAS INC.

PROPOSED NAME: BURRITOS VICTORIAS

PROPOSED LOCATION: 11295 EL PASEO RD., LAS CRUCES, NM

I CERTIFY THAT I HAVE POSTED THE REQUIRED NOTICE OF LIQUOR LICENSE PURSUANT TO SECTION 60-6B-2, NMSA, AND FURTHER CERTIFY AS FOLLOWS:

1. LOCATION POSTED IS WITHIN CORPORATE LIMITS OF: City of Las Cruces
2. LOCATION POSTED IS IN UNINCORPORATED LIMITS OF: N/A
3. DISTANCE FROM NEAREST CHURCH IS APPROXIMATELY: .35 tenths of a mile.
NAME OF CHURCH IS: Cathedral of the Immaculate Heart of Mary.
4. DISTANCE FROM NEAREST SCHOOL IS APPROXIMATELY: .30 tenths of a mile.
NAME OF SCHOOL IS: Valley View Elm. School.
5. DISTANCE FROM NEAREST MILITARY INSTALLATION IS: N/A

MILES

NAME OF INSTALLATION IS: KIRTLAND AIR FORCE BASE (ALBUQUERQUE)
 WHITE SANDS MISSILE RANGE (LAS CRUCES)
 HOLLOMAN AIR FORCE BASE (ALAMOGORDO)
 CANNON AIR FORCE BASE (CLOVIS)

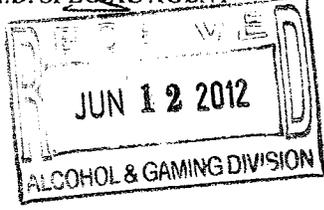
NOTICE POSTED ON: BUILDING BILLBOARD OTHER: _____

DATE POSTED: 06/11/2012

EXPIRATION DATE: 07/01/2012 (midnight)

X + Hindra Ponce
APPLICANT'S SIGNATURE

Agent for Special Services 5-9
S.I.D. SPECIAL AGENT





AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: August 17 and 24, 2012

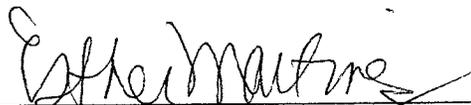
Copy to publish:

NOTICE OF INTENT TO ADOPT

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Liquor License to Burritos Victoria, Inc. d/b/a Burritos Victoria at 1295 El Paseo Road, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Tuesday, September 4, 2012, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 17th day of August 2012.



Esther Martinez, CMC, City Clerk



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell, 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: August 19 and 26, 2012

Copy to publish:

NOTICE OF INTENT TO ADOPT

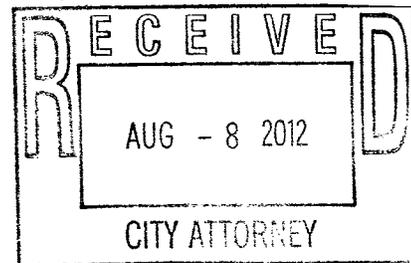
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Restaurant Liquor License to Burritos Victoria, Inc. d/b/a Burritos Victoria at 1295 El Paseo Road, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council on Tuesday, September 4, 2012, beginning at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance.

Witness my hand and seal of the City of Las Cruces on this the 17th day of August 2012.



Esther Martinez, CMC, City Clerk



**INTER-DEPARTMENTAL
MEMORANDUM**

=====

TO: Harry "Pete" Connelly, City Attorney

FROM: Dan Soriano, Traffic Engineer, Transportation Dept. 

SUBJECT: Traffic Investigation Report

DATE: August 6, 2012

=====

As requested, Traffic Engineering has completed a traffic investigation for Burritos Victorias, Inc. located at 1295 El Paseo Road, Las Cruces., New Mexico. The following information is submitted for review:

- The business in question is located in the Brazito Plaza shopping center at the intersection of El Paseo Road and Idaho Avenue. El Paseo Road at this location carries approximately 18,900 vehicles per day. Idaho Avenue carries approximately 10,900 vehicles per day.
- El Paseo Road and Idaho Avenue are both operated as principal arterial roadways which primarily serve commercial properties.
- Access to the property in question is off of both El Paseo Road and Idaho Avenue. No potential sight distance or operational problems exist.
- The speed limit on both El Paseo Road and Idaho Avenue is set at 35 mph.

The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Restaurant Liquor License Application No. 818378
(Beer and Wine Only)

Burritos Victorias
1295 El Paseo Road

August 10, 2012

**LIQUOR LICENSE IMPACT REPORT
Restaurant Liquor License (Beer & Wine ONLY)**

**Burritos Victorias
1295 El Paseo Road**

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

PROPERTY INFORMATION:

Location: 1295 El Paseo Road
Applicant: Burritos Victorias Inc.
Business Name: Burritos Victorias

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-3 (Commercial High Intensity)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Commercial
South	C-2	Commercial
East	C-2	Commercial
West	C-2/C-3	Commercial

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
Greater than 300 feet to a church: NO
Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: El Paseo
Classification: Minor Arterial
Number of Lanes: 5
Site Access: 3
Nearest intersection: El Paseo & Idaho

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. As the business currently exists, there is no apparent change in land use and parking is not an issue.

IMPACT ANALYSIS:

The site of Burritos Victorias is located along a Minor Arterial roadway which is designed to accommodate heavy traffic and land uses such as restaurants. The subject property is zoned C-3 which allows a restaurant as a permitted use by right. The applicant is requesting a new restaurant liquor license (beer & wine only) for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that the liquor establishment must be 300 feet from the property line of military installations, churches and schools. Burritos Victorias Restaurant is actually within the required 300 foot distance of a church property: Heart for the World Vineyard Church of Las Cruces, located at 522 E. Idaho.

According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the liquor license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning Staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.



STATEMENT OF ZONING

The property located at 1295 El Paseo Road in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 02-26260 is zoned as follows:

C-3 (Commercial High Intensity)

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

August 10, 2012
Date

Lorenzo Vigil
Planning Technician Senior

Comments: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000. A restaurant with a beer and wine dispenser's license is a permitted use in the C-3 zoning district, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

BUSINESS REGISTRATIONS REPORT-BURRITOS VICTORIA

From: Sara Gonzales

The business license is expired as of 1/31/12.

From: Monica Campbell
Sent: Monday, August 06, 2012 12:30 PM
To: Lorenzo Vigil; Business
Cc: Robert Kyle
Subject: Liquor License Report Request

Attached is a letter from Alcohol and Gaming and an application for a Restaurant Liquor License for Burritos Victoria at 1295 El Paseo Road, Las Cruces.

Please review and prepare reports for zoning and business registration status.

In order to meet the time limits and publication deadlines imposed by law, the report is due to the City Attorney's Office on or before **Thursday, August 16, 2012**. The Council Action packet will be submitted for the September 4, 2012 City Council meeting.

Thank you.

Monica Campbell
Legal Dept. Operations Analyst
City of Las Cruces
575-541-2014 / 575-541-2128
Fax 575-541-2017



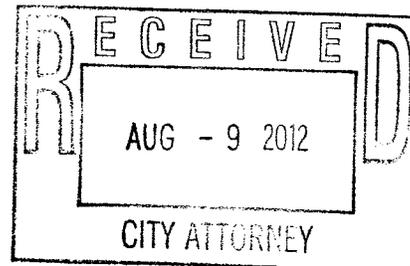
LAS CRUCES POLICE DEPARTMENT
PO BOX 20000
217 E. Picacho
Las Cruces, New Mexico 88004

DATE: August 6, 2012
TO: Pete Connelly, City Attorney
From: Richard Williams, Chief of Police
Subject: *Burritos Victorias Inc.*

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Burritos Victorias 1295 El Paseo Rd., Las Cruces, NM 88001

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Burritos Victorias be approved.

Richard Williams
Chief of Police



FIRE AND SAFETY COMPLIANCE REPORT – BURRITOS VICTORIA

From: Billy Chaires
Subject: RE: Liquor License Report Request

Burritos Victoria meets the Fire Code requirements for a Restaurant Liquor License.

From: Monica Campbell
Sent: Monday, August 06, 2012 12:30 PM
To: Travis Brown; Ted Sweetser; Billy Chaires
Cc: Mary Helen Sarabia
Subject: FW: Liquor License Report Request

Attached is a letter from Alcohol and Gaming and an application for a Restaurant Liquor License for Burritos Victoria at 1295 El Paseo Road, Las Cruces.

Please review and prepare a fire and safety compliance report.

In order to meet the time limits and publication deadlines imposed by law, the report is due to the City Attorney's Office on or before **Thursday, August 16, 2012**. The Council Action packet will be submitted for the September 4, 2012 City Council meeting.

Thank you.

Monica Campbell
Legal Dept. Operations Analyst
City of Las Cruces
575-541-2014 / 575-541-2128
Fax 575-541-2017