City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 17-060

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of October 3, 2016 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF INTERLOCAL LIQUOR LICENSE NO. 2727, WITH ON PREMISES CONSUMPTION AND PATIO SERVICE, TO BAJA LA FAJA, INC. D/B/A BAJA LA FAJA, TO BE LOCATED AT 1300 AVENIDA DE MESILLA, SUITE 200 A&B, LAS CRUCES, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve or disapprove a liquor license transfer.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to state law, an application for the transfer of location of a liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to the transfer after a public hearing.

Baja la Faja, Inc. d/b/a Baja la Faja applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Interlocal Liquor License No. 2727 with on premises consumption and patio service. Alcohol and Gaming granted preliminary approval of the license transfer by letter dated August 18, 2016.

The City Council is required to hold a public hearing within 45 days of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, October 3, 2016, as part of the regular City Council meeting which begins at 1:00 p.m. in the City Council Chambers at City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Bulletin* on September 2 and 9, 2016.

(Continue on additional sheets as required)

The City Council may approve or disapprove the transfer. However, the City Council's disapproval must be based on substantial evidence that the transfer of location of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. The City Council may also fail to either approve or disapprove the license. If the City 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 to the transfer of the license.

SUPPORT INFORMATION:

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

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____.
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1000-15315000-511300 in the amount of $600.00 for FY17.
	No	☐	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 transfer of ownership and location of Interlocal Liquor License No. 2727 with on premises consumption and patio service, and Alcohol and Gaming will continue with the application process.
2. Vote "No"; this must be based on substantial evidence that the transfer of ownership and location 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:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

(Continue on additional sheets as required)

City of Las Cruces®
PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of October 3, 2016 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF INTERLOCAL LIQUOR LICENSE NO. 2727, WITH ON PREMISES CONSUMPTION AND PATIO SERVICE, TO BAJA LA FAJA, INC. D/B/A BAJA LA FAJA, TO BE LOCATED AT 1300 AVENIDA DE MESILLA, SUITE 200 A&B, LAS CRUCES, NEW MEXICO.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	Monica Campbell	541-2128	9-1-2016
Department Director		541-2128	1 SEPT 2016
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2100 541-2107	9/6/16 9/1/16
Assistant City Manager/COO		541-2271	9/9/16
City Attorney		541-2128	1 SEPT 2016
City Clerk		541-2115	9/23/16

Rev. 8/2011

RESOLUTION NO. 17-060

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF INTERLOCAL LIQUOR LICENSE NO. 2727, WITH ON PREMISES CONSUMPTION AND PATIO SERVICE, TO BAJA LA FAJA, INC. D/B/A BAJA LA FAJA, TO BE LOCATED AT 1300 AVENIDA DE MESILLA, SUITE 200 A&B, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Baja la Faja, Inc. d/b/a Baja la Faja applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Interlocal Liquor License No. 2727, with on premises consumption and patio service, to 1300 Avenida de Mesilla, Suite 200 A&B, Las Cruces, New Mexico; and

WHEREAS, Alcohol and Gaming granted preliminary approval for the transfer of ownership and location of the license; and

WHEREAS, pursuant to law, an application for the transfer of ownership and location of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer 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. The City Council has considered the transfer of ownership and location of the liquor license and it has determined that approval of said license is not detrimental to the public health, safety or welfare of the citizens of the City of Las Cruces.

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

(I)

THAT the transfer of ownership and location of Interlocal Liquor License No. 2727, with on premises consumption and patio service, to Baja la Faja, Inc. d/b/a Baja la Faja, to be located at 1300 Avenida de Mesilla, Suite 200 A&B, Las Cruces, New Mexico, as evidenced by Exhibit "A" attached hereto, 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 _____ day of _____, 20___.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: ____
Councillor Gandara: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Eakman: ____
Councillor Sorg: ____
Councillor Levatino: ____

APPROVED AS TO FORM:

_____
City Attorney

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/alcoholandgaming

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

David Jablonski
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Mary Kay Root
Director

August 18, 2016

Certified Mail No.: 9171 9690 0935 0079 1505 66

City of Las Cruces
Linda Lewis, Clerk
PO Box 20000
Las Cruces, NM 88004

Re: Lic. No. /Appl. No.: **Application No. 1005763 / Liquor License No. 2727**
Name of Applicant: Baja la Faja, Inc.
Doing Business As: Baja la Faja
Proposed Location: 1300 Avenida de Mesilla, Suite 200 A & B
Las Cruces, New Mexico 88005

Greetings:

The Director of the Alcohol and Gaming Division 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.

While the law states that "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", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

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 by the Alcohol & Gaming Division;
(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.**

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 TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTERLOCAL LIQUOR LICENSE NO. 2727, WITH ON PREMISES CONSUMPTION AND PATIO SERVICE.

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

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division 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 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, noting disapproval*).

Respectfully,

Charmaine Martinez

Charmaine Martinez, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming 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 Zoning Statement

xc by email: Applicant

Charmain 6/8/16

RECEIVED JUN 02 2016 ALCOHOL & GAMING DIVISION

New Mexico Regulation and Licensing Department | Alcohol and Gaming Division | Page 1 Revised 5/16
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

AGD USE ONLY: Payment| Application Fee $ 200 Received on: 6/2/16 Receipt No. 1840906

Application Number: 1005763 Local Option District: _____

TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

$200.00 Application Fee, non-refundable.

License No. 2727 Type of License: Dispense

Check appropriate boxes:

Application is for: ☐ Transfer of Ownership ☑ Transfer of Ownership and Location ☐ Transfer of Location Only

Record Owner of Existing License: WR Management Co.

Current D/B/A Name: Rio Rancho Inn & Conference Center

Current Premises Address: 1465 Rio Rancho Blvd. SE, Rio Rancho, New Mexico 87124

Current LOD: City of Rio Rancho Is License moving out of Local Option District? ☑ Yes ☐ No

APPLICANT IS: ☐ Individual ☐ Limited Liability Company ☑ Corporation ☐ Partnership (General/Limited)

NAME of Individual/Company: Baja la Faja, Inc.

ADDRESS (including city, state, zip) 6645 Raasaf Circle, Las Cruces, New Mexico 88005

D/B/A Name to be used: Baja la Faja **Business Phone #:** (575) 526-5072

Email Address (required): mickvaskov@email.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
1300 Avenida de Mesilla, Ste. 200 A & B, Las Cruces, New Mexico 88005

County of: Dona Ana

Mailing Address: 6645 Raasaf Circle, Las Cruces, New Mexico 88005

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

Agent/Contact Person: Milan Vaskov **Phone#:** (575) 650-2536 **Email:** mickvaskov@email.com

I, (print name) Milan Vaskov, 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.

Sign before a Notary Public:

Signature of Applicant: [signature] Lynda Vaskov Date: 5/27/16

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Dona Ana)

SUBSCRIBED AND SWORN TO before me this 27th day of MAY, 20 16

By: Milan Vaskov, Lynda ~~Aiken~~ Vaskov Notary Public: Carrie Tarazoff

My Commission Expires: 1-24-17

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____

New Mexico Regulation and Licensing Department | Alcohol and Gaming Division | Page 2 Revised 5/16
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

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): El Mercado Ala Carte Ltd. Co.

B. Date and Term of Lease: May 27, 2016 one year

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

☒ **Zoning Statement attached**, which 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: Basilica of San Albino Miles/feet: 0.9

Address/location of Church: 2280 Calle Principal, Las Cruces, New Mexico 88005

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

Name of School Rio Grande Preparatory Institute Miles/feet 0.9

Address/location of School: 2355 Avenida de Mesilla, Mesilla, New Mexico 88046

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

68 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 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.

8. Type of Operation: ☐ Lounge ☒ Restaurant ☐ Package Grocery ☐ Racetrack

☐ Hotel ☐ Other (specify): _____

***NOTE:** 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.

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JUN 02 2016
ALCOHOL & GAMING DIVISION

City of Las Cruces®

STATEMENT OF ZONING

The property located at 1300 Avenida De Mesilla, and having Map Code Numbers or Parcel ID Numbers of 02-32639, in Las Cruces, New Mexico, is zoned as follows:

C-3 (Commercial High Intensity)

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. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

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.

May 24, 2016
Date

Lorenzo Vigil
Planning Technician, Sr.

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.

RECEIVED
JUN 02 2016
ALCOHOL & GAMING DIVISION

City of Las Cruces®
PEOPLE HELPING PEOPLE

AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

City contact: Monica Campbell; 541-2014 / 541-2128

Account No.: 977669 City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: September 2 and 9, 2016

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 transfer of ownership and location of Interlocal Liquor License No. 2727, with on premises consumption and patio service, to Baja la Faja, Inc. d/b/a Baja la Faja, to be located at 1300 Avenida de Mesilla, Suite 200 A&B, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council scheduled for Monday, October 3, 2016, 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 transfer.

Witness my hand and seal of the City of Las Cruces on this the 26 day of August 2016.

Linda Lewis, CMC, City Clerk

Attachment 2

City of Las Cruces®

MEMORANDUM

To: William "Rusty" Barbington, City Attorney

From: SooGyu Lee, P.E., Traffic Operations Engineer **Initials:** SL

Date: August 31, 2016 **File #:** STO-17-019

Subject: Traffic Investigation Report – Liquor License Application

1300 Avenida de Mesilla, Suite 300 A&B – Baja la Faja

As requested, Traffic Engineering has completed a traffic investigation for Baja la Faja located at 1300 Avenida de Mesilla, Suite 300 A&B in Las Cruces, New Mexico. The following information is submitted for review:

- Baja la Faja is located along Avenida de Mesilla right behind Comfort Inn & Suites. According to the Mesilla Valley MPO 2015 Traffic Flow Map, the most recent traffic volume on Avenida de Mesilla near this location is approximately 16,300 vehicles per day.

- The Mesilla Valley MPO classifies Avenida de Mesilla as a principal arterial near the subject location. Avenida de Mesilla primarily serves commercial use near the property.

- The subject property has only one driveway along Avenida de Mesilla. No sight distance or operational problems are currently known at the access point.

- The speed limit along Avenida de Mesilla is 40 mph near the subject property.

The approval of a Liquor License Application at this location does not appear to adversely impact traffic operations along this roadway segment. Feel free to contact me at 575-541-2566 if additional information is needed.

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Transfer of Ownership and Location for Liquor License No. 2727

1300 Avenida De Mesilla Ste. 200 A&B
Baja la Faja

August 30, 2016

LIQUOR LICENSE IMPACT REPORT
Transfer of Ownership and Location

Baja la Faja
1300 Avenida De Mesilla Ste. 200 A&B

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:	1300 Avenida De Mesilla Ste. 200 A&B
Applicant:	Baja la Faja, Inc.
Business Name:	Baja la Faja

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:

Adjacent Land Uses	Zoning	Land Use
North	C-3	Commercial
South	C-3	Commercial/Vacant
East	C-3	Commercial
West	R-3	Residential

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school:	YES
Greater than 300 feet to a church:	YES
Greater than 300 feet to a military installation:	YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway:	Avenida De Mesilla
Classification:	Major Arterial
Number of Lanes:	3
Site Access:	2
Nearest Intersections:	Avenida De Mesilla & Lakeside Dr.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. As the center currently exists, it complies with current parking standards.

IMPACT ANALYSIS:
The applicant is requesting a transfer of ownership and change of location liquor license for this establishment. The subject property is located on Avenida de Mesilla which is designated as a major arterial roadway and is designed to accommodate moderate to heavy traffic and land uses such as restaurants. Zoning for this property is C-3 (Commercial High Intensity) which permits this use and uses related to it. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

The subject property is also located in the Avenida de Mesilla Gateway Overlay. The purpose of the Avenida de Mesilla Gateway Overlay Zone District is to implement land use and urban design policies as established in the Avenida de Mesilla Gateway Plan. Specifically, the purpose of this zone is to utilize special provisions to provide guidance in future decisions regarding zoning, land use, urban design, and transportation. The overall intent of the District is to create a gateway which promotes an aesthetically pleasing yet functional environment in which citizens from both the City of Las Cruces and the Town of Mesilla can interact socially, where the business community can exist in a commercially viable environment, and where both endeavors can co-exist with little or no conflict with one another.

City of Las Cruces

STATEMENT OF ZONING

The property located at 1300 Avenida De Mesilla, Ste. 200 A&B, and having Map Code Numbers or Parcel ID Numbers of 02-30963, in Las Cruces, New Mexico, is zoned as follows:

C-3 (Commercial High Intensity)

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. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

The subject property is also located in the Avenida de Mesilla Gateway Overlay. The purpose of the Avenida de Mesilla Gateway Overlay Zone District is to implement land use and urban design policies as established in the Avenida de Mesilla Gateway Plan. Specifically, the purpose of this zone is to utilize special provisions to provide guidance in future decisions regarding zoning, land use, urban design, and transportation. The overall intent of the District is to create a gateway which promotes an aesthetically pleasing yet functional environment in which citizens from both the City of Las Cruces and the Town of Mesilla can interact socially, where the business community can exist in a commercially viable environment, and where both endeavors can co-exist with little or no conflict with one another.

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 30, 2016
Date

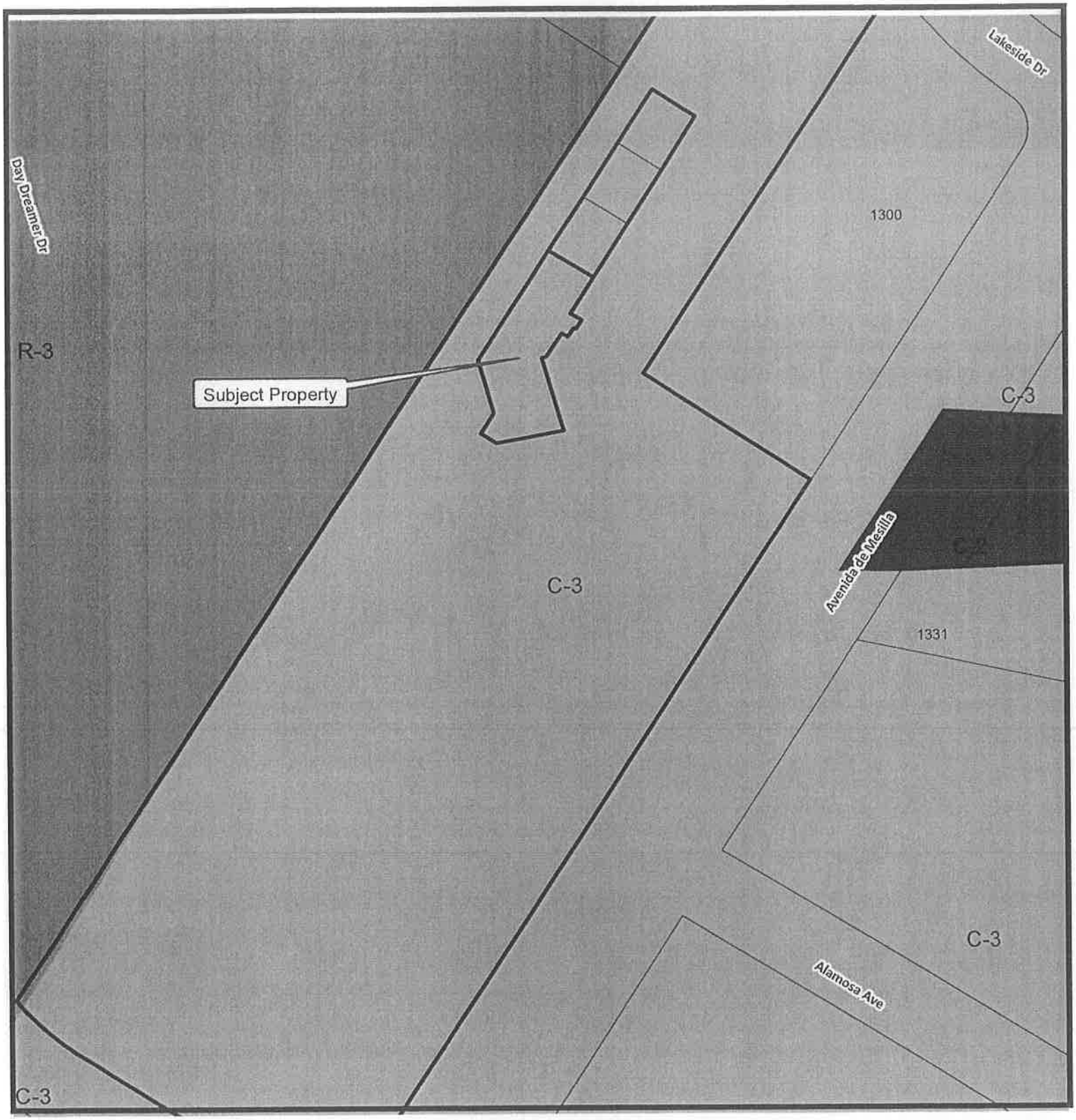
Lorenzo Vigil
Planning Technician, Sr.

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.

COMMUNITY DEVELOPMENT DEPARTMENT

AN EQUAL OPPORTUNITY EMPLOYER

Zoning /3Vicinity Map



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

1300 Avenida De Mesilla, Ste. 200 A&B
Zoning C-3

150 75 0 Feet

Legend

C-2 C-3 R-3

Property Address Points

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

BUSINESS REGISTRATION REPORT – BAJA LA FAJA

From: Eloy Jimenez
Subject: RE: Liquor license report request - Baja la Faja

We do not have a current business license located 1300 Avenida De Mesilla.
The last business license we had was Q's Southern Bistro LLC 2 years ago.

Eloy O. Jimenez
Permit Technician/Community Development/Permits and Inspections
Direct: 575-528-3206 Main: 575-528-3059, ejimenez@las-cruces.org
City of Las Cruces
P.O. BOX 20000 • LAS CRUCES, NM 88004

From: Monica Campbell
Sent: Friday, August 26, 2016 10:24 AM
To: Lorenzo Vigil <lvigil@las-cruces.org>; Permitting Development Technicians <PermittingDevelopmentTechnicians@las-cruces.org>
Cc: Katherine H. Rogers <krogers@las-cruces.org>
Subject: Liquor license report request - Baja la Faja

Attached is today's preliminary approval letter from Alcohol & Gaming about Baja la Faja at 1300 Avenida de Mesilla, Suite 200 A&B, Las Cruces. Baja la Faja is requesting the transfer of ownership and location of a Dispenser liquor license.

Please review the letter and provide reports for 1) zoning and 2) business registration for the location.

The report is due to the City Attorney on or before September 1, 2016. The item will be submitted for the October 3, 2016 City Council meeting.

Monica Campbell
Office Manager Senior/City Attorney's Office/Legal Department
Direct: 575-541-2014 Main: 575-541-2128, mcampbell@las-cruces.org
City of Las Cruces
P.O. BOX 20000 • LAS CRUCES, NM 88004

Attachment 5

City of Las Cruces®

MEMORANDUM

To: Rusty Babington, City Attorney

From: Maria Elena Sanchez, Executive Assistant **Initials:**

Date: August 29, 2016 **File #:**

Subject: Baja la Faja

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Baja la Faja, located at 1300 Avenida De Mesilla, Suite 200 A&B Las Cruces, New Mexico 88005.

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

cc: Jaime Montoya, Chief of Police **Initials:**

cc: Linda Lewis, Clerk **Initials:**

FIRE SAFETY COMPLIANCE REPORT – BAJA LA FAJA

From: Chris Mount
Subject: RE: Liquor license report request - Baja la Faja

Per Community Development, Baja la Faja does not have a business license on file. As a result, FIRE will not be able to provide a safety compliance report for this liquor license application.

Thank you,

Chris Mount
Lieutenant/Fire Department/Fire Prevention & Investigation Bureau
Direct: 575-528-4055 Main: 575-528-3473, cmount@las-cruces.org
City of Las Cruces
P.O. BOX 20000 • LAS CRUCES, NM 88004

From: Monica Campbell
Sent: Friday, August 26, 2016 10:25 AM
To: Eric Enriquez <eenriquez@las-cruces.org>; Ted Sweetser <TSweetser@las-cruces.org>; Chris Mount <cmount@las-cruces.org>
Cc: Mary Helen Sarabia <MaryS@las-cruces.org>
Subject: Liquor license report request - Baja la Faja

Attached is today's preliminary approval letter from Alcohol & Gaming about Baja la Faja at 1300 Avenida de Mesilla, Suite 200 A&B, Las Cruces. Baja la Faja is requesting the transfer of ownership and location of a Dispenser liquor license.

Please review the letter and provide a fire safety compliance report for the location.

The report is due to the City Attorney on or before September 1, 2016. The item will be submitted for the October 3, 2016 City Council meeting.

Monica Campbell
Office Manager Senior/City Attorney's Office/Legal Department
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City of Las Cruces
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