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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

August 29, 2018

Certified Mail No.: 9171 9690 0935 0155 1794 50

Los Alamos County
Naomi D. Maestas, Clerk
1000 Central Avenue, Suite 240
Los Alamos, NM 87544

Re: Lic. No. /Appl. No.: **Application No. 1101184**
Name of Applicant: Pig and Fig Bakery and Café, LLP
Doing Business As: Pig and Fig Cafe
Proposed Location: 11 Sherwood Blvd., White Rock, NM 87547

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 RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY WITH 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, Hearing Officer

New Mexico 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



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
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: 7-9-18 Receipt No. 2102462
License Fee \$ 0 Received on: _____ Receipt No. _____
Application # 1101184 Local Option District: _____

RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☐ New Restaurant Liquor License

Applicant is: ☐ Individual ☐ Limited Liability Company ☐ Corporation ☒ Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

Pig and Fig Bakery and Cafe, LLP

D/B/A Name to be used: Pig and Fig Cafe Business Phone #: 505-672-2742

Email Address (required): pigandfigcafe@comcast.net

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
11 SHERWOOD BLVD, WHITE ROCK, NM 87547

Mailing Address: PO BOX 5226, WHITE ROCK, NM 87547

Agent/Contact Person: FERNANDO CRUCET Phone#: 832-545-8675 Email: flcrucet@comcast.net

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

I, (print name) FERNANDO L. CRUCET, as (title) GENERAL PARTNER

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.

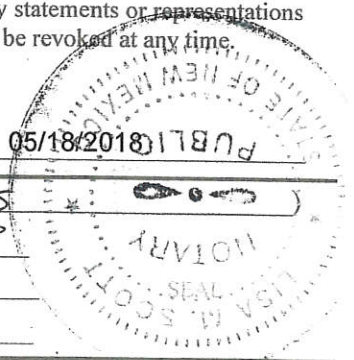
You must sign and date this form before a Notary Public.

Signature of Applicant: _____ Date: 05/18/2018

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Los Alamos)

SUBSCRIBED AND SWORN TO before me this 24 day of May, 2018

By: FERNANDO L. CRUCET Notary Public: _____ My Commission Expires: 12/7/2020



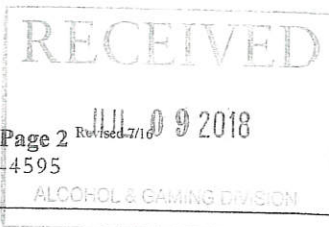
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

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: _____



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): ZRG INVESTMENTS

B. Date and Term of Lease: 02/01/2018 5 YEARS

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

☒ 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: REDEEMER LUTHERAN CHURCH Miles/feet: 0.2 MILES

Address/location of Church: 134 STATE ROAD 4, WHITE ROCK, NM 87547

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

Name of School: PINON ELEMENTARY SCHOOL Miles/feet: 0.5 MILES

Address/location of School: 90 GRAND CANYON DR, WHITE ROCK, NM 87547

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

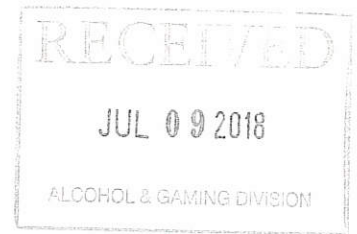
Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque) White Sands Missile Range (Las Cruces),
Miles: 99 Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

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: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack
☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler
☐ 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.

**LOS ALAMOS COUNTY
PLANNING & ZONING COMMISSION**



IN THE MATTER OF:

Case No. SUP-2018-0012; a request for approval)
of a Special Use Permit, to operate a restaurant)
that will serve alcoholic beverages on the premises;)
on property located at 11 Sherwood Boulevard,)
containing 0.68869± acres, and which is zoned)
C-1 (Commercial District), located in White Rock,)
Los Alamos County, New Mexico.)

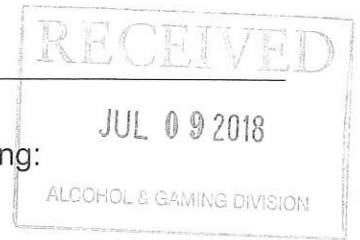
**FINAL ORDER APPROVING APPLICATION,
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THIS MATTER came before a quorum of the Los Alamos County Planning and Zoning Commission ("Commission") for a public hearing, on Wednesday June 27, 2018, based on an application made by Laura Crucet, requesting a Special Use Permit to serve alcoholic beverages in conjunction with a restaurant use. The parcel is zoned C-1 (Commercial District), and contains 0.68869± acres of land.

Upon presentation of the application and accompanying exhibits, and the Commission having taken sworn testimony, considered relevant evidence of the record and arguments of the parties, considered the information outlined within the Staff Report and testimony received from the public, and the Commission being otherwise well and sufficiently advised in the premises, hereby finds as follows:

NOW THEREFORE, the application for a Special Use Permit, located at 11 Sherwood Boulevard, in the Sherwood Village Subdivision, Lot 11, ("Property") in White Rock, in the County of Los Alamos, New Mexico, **IS HEREBY APPROVED**, subject to the following condition.

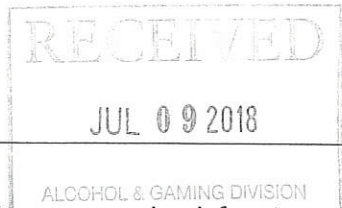
1. The applicant shall obtain the appropriate liquor license from the State of New Mexico and submit a copy to the Community Development Department.



In support of this **FINAL ORDER**, the Commission issues the following:

I. FINDINGS OF FACT:

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday June 7, 2018. Property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property, per the requirements contained in Article V, §16-192 of the Los Alamos County Development Code.
2. The Special Use Permit application was properly and sufficiently noticed in substantial conformance with the requirements of Article V, §16-192 of the Los Alamos County Development Code. No comments or concerns were received by the Community Development Department up to the date and time of the public hearing on the application.
3. This and adjacent properties along Sherwood Boulevard and SR 4 contain commercial land uses, and are Zoned C-1 (Commercial District) or C-2 (Commercial District).
4. The subject property is located in the Sherwood Village Subdivision, Lot: 11, and contains 0.68869± acres, or 29,999.2 square feet of area. The existing commercial structure housing the restaurant contains approximately 4,560 Ft² of area (measured from County GIS), yielding a lot coverage factor of 15.2%. A second structure occupying the lot contains approximately 5,200 Ft² of area (measured from the County GIS). Both structures cover 32.5% of the total area of the parcel. The maximum lot coverage percentage permitted by Section 16-536 of the Los Alamos County Development Code for properties in the C-1 Commercial District, is 70%.
5. The existing commercial land use on the subject property is set back approximately twelve (12) feet from the front property line, and eight (8) feet from



the street-side property line; thereby meeting the minimum required front and side yard setback requirement of zero (0) feet.

6. This petition was discussed at the Interdepartmental Review Committee meeting, on Thursday May 31, 2018. At this meeting, the IDRC voted unanimously (7-0) to recommend approval of this petition to the Planning and Zoning Commission.
7. The petitioner has provided sufficient evidence to satisfy the requirements contained within §16-156 of the Los Alamos County Development Code to warrant issuance of the Special Use Permit requested.

II. CONCLUSIONS OF LAW

After full hearing and consideration, the Planning and Zoning Commission finds that the Applicant has met each applicable Special Use Permit Criterion contained in §16-156 of the Los Alamos County Development Code, and is acting under the authority granted it by §16-452(d) of the Los Alamos County Development Code.

APPROVED this 28th day of June, 2018.

BY: 
TERRY PRIESTLY, CHAIR
PLANNING AND ZONING COMMISSION
INCORPORATED COUNTY OF LOS ALAMOS