

March 9, 2021

Certified Mail No.: 9171 9690 0935 0155 2458 03

Los Alamos County

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

Lic. No. /Appl. No.: **Application No. 1184133**

Name of Applicant: Los Alamos Beer Cooperative
Doing Business As: Bathtub Row Brewing Co-op
Proposed Location: 163 Central Park Square, Los Alamos, New Mexico 87544

The Director of the Alcoholic Beverage Control Division (ABC) 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.

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;
- (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.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, 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.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

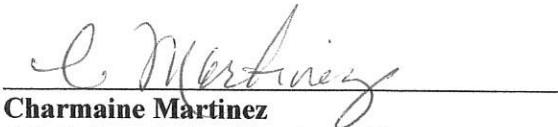
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

THE APPLICANT IS SEEKING A BEER WHOLESALER LIQUOR LICENSE

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC 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 ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,


Charmaine Martinez
Admin Law Judge | Hearing Officer
NM Regulation & Licensing Department
Alcoholic Beverage Control 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 the Zoning Statement





RECEIVED

AGD USE ONLY: Payment Application Fee \$ 200 Received on: 1-5-21 Receipt No. 2350976
License Fee \$ _____ Received on: _____ Receipt No. _____
JAN 05 2021 Application # 1184133 Local Option District: _____

WHOLESALER LIQUOR LICENSE APPLICATION

ALCOHOLIC BEVERAGE \$200.00 Application Fee, non-refundable. *Check appropriate boxes:*

TYPE OF WHOLESALER: [Licensing Fee due at Final] BEER [\$1,000] WINE [\$750] BEER & WINE [\$1,500]
 SPIRITS [\$1,500] SPIRITS & WINE [\$1,750] SPIRITS & BEER & WINE [\$2,500]
 LIMITED BEER * Based on Production, Master License No. _____ and _____
 LIMITED WINE ** Based on Production, Master License No. _____ and _____

To Qualify for Limited Wholesaler, Applicant must hold a *Small Brewer / **Winegrower AND a Restaurant or Dispenser type License

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

NAME OF APPLICANT: (Company or Individual)

Los Alamos Beer Cooperative

TELEPHONE NUMBER

505-500-8381

Email Address (required): **bathtubrowbrewingcoop@gmail.com**

MAILING ADDRESS: (include city, state, zip) **163 Central Park Square, Los Alamos, NM 87544**

D/B/A Name to be used: **Bathtub Row Brewing Co-op** **Business Phone #:** **505-500-8381**

Physical location where license is to be used: (Include street number / highway number / state road, city, state, zip code and county)

163 Central Park Square, Los Alamos, NM 87544

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: **67049**

Agent/Contact Person: **Douglas Osborn** **Phone#:** **505-577-8919** **Email:** **managerbathtubrowbrewing@gmail.com**

I, (print name) **Douglas Osborn**, as (title) **General Manager**

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 before a Notary Public

Signature of Applicant: Douglas Osborn

Date: 12/17/2020

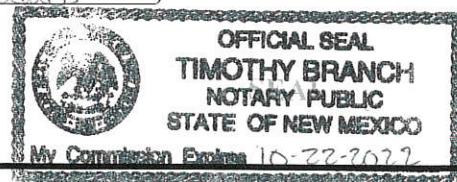
NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Los Alamos)

SUBSCRIBED AND SWORN TO before me this 17th day of December, 2020

By: Douglas Osborn

Notary Public: Timothy Branch

My Commission Expires: October 22, 2022



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____

City, County, Town, 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: _____



JAN 05 2021

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

ALCOHOLIC BEVERAGE CONTROL

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: ^{er}

A. Owner(s): Philip Kunsberg Central Park Square, LLC

B. Date and Term of Lease: June 2019 (lease amendment and extension), 10-year lease

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: First Church of Christ Scientist Miles/feet: 0.2 miles

Address/location of Church: 1725 17th St., Los Alamos, NM 87544

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

Name of School Los Alamos High School Miles/feet 1.3 miles

Address/location of School: 1300 Diamond Drive, Los Alamos, NM 87544

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), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)
Miles: 114 miles

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): Wholesaler (Beer)

*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.



Planning

RECEIVED

November 4, 2020

JAN 05 2021

*ALCOHOLIC BEVERAGE
CONTROL*

Mr. Hipwood:

This letter is to confirm the zoning district for the property addressed as 163 Central Park Square, Los Alamos, New Mexico, within Eastern Area 3, TRTAAB2. The property is within the Downtown district: Town Center Overlay zone (DT-TCO). The Los Alamos County Code of Ordinances (Code), Chapter 16 – Development Code, Sec. 16-541, Downtown district: Town Center Overlay (DT-TCO) outlines the district as follows:

"The town center overlay zone (DT-TCO) in the downtown district is a mixed-use zone combining office, commercial, civic, certain types of residential and other uses at the highest density allowed in the downtown district."

COUNTY COUNCIL
Sara C. Scott
Council Chair

Randall T. Rytí
Council Vice-Chair

COUNCILORS
David Izraelevitz
Antonio Maggiore
Katrina Martin

James N. Robinson
Pete Sheehey

COUNTY MANAGER
Harry Burgess

Permitted uses within this zoning district can be found within the Development Code, §16-287, Use Index Table (attached), which categorizes liquor stores as a permitted use.

If you have any questions or need additional information, please feel free to contact our office.

Best Regards,

/S/ Desirae J. Lujan

Desirae J. Lujan, Associate Planner
Community Development Department
1000 Central Avenue, Suite 150
Los Alamos, NM 87544
505-709-8243
desiraej.lujan@lacnm.us

Sec. 16-287. - Use index table.

USE INDEX

Name	R-A	R-E	R-1	R-M	R-3-L	R-3-H	R-3-H-40	R-4	R-5	R-6	*P-D	C-1	C-2	C-3	R&D	M-1	M-2	W-1	W-2	P-O	DT-CPO	DT-TCO	DT-NCO	DT-NGO	MU		
Agriculture																											
Fish hatcheries																				S							
Hay or feed storage	A															A	P										
Livestock breeding	A																										
Residential																											
Accessory apartment	S	S	S	S											S												
Dwelling, loft																					P	P	P	P	P		
Dwelling, multiple-family								P	P	P					P						P	P	P	P	P		
Dwellings, single-family, attached					P	P	P	P							P						A		P	P	P	P	
Dwellings, single-family, detached	P	P	P	P	P	P	P	P	P	P	P											P	P				
Dwellings, two-family					P	P	P	P														P	P				
Guesthouses	A	A																					P	P			
Mobile homes								P	P	P																	
Boardinghouses	S	S	S	S	S	S	S					S											P	P	P		
Dormitories								S	S			S	S	S	S								P	P	P	P	
Bed and breakfast	A	A	A	A	A	A	A	A	A	A	A					P	P	P				P	P	P	P		
Inn								S	S	S						P	P	P				P	P	S	P		
Servant quarters, guestroom	A	A	A	A	A	A	A	A	A	A	A											P	P	P	P		
Home occupations	A	A	A	A	A	A	A	A	A	A	A											P	P	P	P		
Home business	S	S	S	S	S	S	S	S	S	S	S											P	P	P	P		
Institutional																											
Churches, worship places	S	S	S	S	S	S	S					S	S	S	P	S					S	S	P	P	P		
Cemeteries												P				P	P										

Clubs; social, fraternal and recreational	S	S	S	S	S	S						P	S	S				P	P	P	S	P	
Funeral homes, mortuaries												P	P	P				P	P	S	P		
Crematories												S	S	S									
Group homes	P	P	P	P	P	P	P	P	P	P								P	P	P	P	P	
Hospitals; institutions												S	S						P				
Heliports, public or hospitals												S	S				S			S			
Museums												S	P					P	P	P	P	S	P
Nursing or rest homes							S	P				S	S	S					P	P	S	P	
Public buildings												P	P	P	P			P	P	P	P	P	P
Schools; business or vocational												S	S	P					S	P	P	S	P
Schools, private or parochial	S	S	S	S	S	S	S	S	S	S	S	P	P	P	A			P	S	P	P	S	P
Commercial																							
Amusement centers, indoor												S	P	P					S	P	P		
Amusement parks												S	S										
Firewood, sales and storage												A	A	P		P	P						
Firewood, sales																			A	A		A	
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services												S	S	S							P		
Building materials, retail													P			P	P			P	P		P
Building materials, wholesale													P			P	P						
Gift and souvenir shops																		A	A	P	P	P	P
Greenhouses												A	A	P		P	P	A					P

Hardware store								P	P	P		A	A					P	P	P	P	
Laundries								P	P	P		P	P					P	P	P	P	
Liquor stores								S	S	P								P	P		P	
Lounges, bars, tap or tasting room								S	S	P					S	S	P	P			P	
Mobile home sales							A				P		P	P								
Parking facility								P	P	P	P	P	P		P	S	P	P	P		P	
Recreation equipment retail and rentals															A	A	P	P	P	P	P	P
Restaurants, drive-in or takeout or walkup								S	S	P	S	S	S		S	S	P	P			S	
Restaurants (indoor)								P	P	P	P	P	P		P	S	P	P	P	P	P	
Restaurants, with alcoholic beverages								S	S	P	S	S	S		S	S	P	P	S	P	P	
Retail businesses	A	A	A	A	A	A	A	A	A	A	P	P	P	A	A	A	A	P	P	P	P	
Tire stores, sales and service								S	P	P								P				
Truck and trailer rental, sales and service								S	P	P		P	P									
Services																						
Ambulance services								S	S	P		P	P					P	P			
Auto, service stations								S	S	S		S	S					P			P	P
Banquet rooms								A	A	P						S	P	P	P	P	P	
Carwashes								S	P	P								P				
Child care centers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	
Day care facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	
Day care homes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	S	P	P	P	
Caretaker's unit											S	A	A	A		S					A	
Small electrical appliances and equipment repair								P	P	P		P	P					P	P	S	P	

Financial institutions/banks, (drive-in)									S	S	S	A	A	A	A	A	P	P	P	S
Financial institutions/banks, (walk-in)									P	P	P	A	A	A	A	A	P	P	P	P
Home and business services	S	S	S	S	S	S	S	S	S	P	P	A	P	P	A	P	P	P	P	
Hotels, motels									S	P						P	P	S	P	
Laboratory, support									S	S	S	S	S	S	S		S	S	S	P
Newsstands, portable									A	A	A	A	A	A	A	A	P	P	P	P
Offices, professional	A	A	A	A	A	A	A	A	A	P	P	P	P	A	A		P	S	P	P
Pet training, or breeding or kennels, commercial	S								S	S	S		S	S			S	S		S
Public utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Radio and TV, Studios/stations									P	P	S					P	P	S	P	P
Radio and TV, towers/antennas										S		S	S		S	S	S	S	S	S
Recycling stations					S				S	S	S		S	S		P	S	S	S	S
Satellite dish antennas	A	A	A	A	A	A	A	A	A	S	S	S	S	S	S	S	S	S	S	S
Self-service storage facilities									S	S	P		P	P				S		
Terminals, bus									S	P						S	P	P		S
Vehicle storage yards									S	S		S	S							
Veterinary clinics									S	S	P		P	P			P	P		P
Recreational									P	P	P	A				A	P	P	P	P
Art galleries									P	P	P	A				A	P	P	P	P
Bowling alleys									P	P						S	P	P		P
Campgrounds									P	P	P	S	S	S	S	P				S
Health clubs, gymsnasiums									P	P	P	S	S	S	S	S	P	P	P	P

Brick, tile cement or block, products and mfg.										S	S								
Cabinet and carpenter shops									P		P	P							S
Cesspool services										A		P	P						
Cold storage								A	A			P	P						A
Contractor's yards											S	P							
Dry cleaning plants									S	S	S								
Electrical appliances and equipment repair							P	P	P		P	P							
Electrical appliances and equipment assembly and/or mfg.										S	P	P							
Electronics assembly									P	P	P	P	P			P			P
Equipment, heavy; storage, repair and rental									S		S	P							
Equipment, small; storage, repair and rental							S	S	S		P	P							
Resource extraction and distribution, sand and gravel, etc.										S	S								
Fuels; sale, wholesale, manufacturing and storage										S	S								
Furniture and household goods, transfer and storage										P	P								
Furniture, repair								A	A	A		P	P						A
Machine shops									P		P	P							
Manufacturing, light							P	P	P	P	P	P				P			S
Manufacturing, heavy										P	P								

Metallurgical labs								S	S	P	P												
Recreational vehicles, storage								S	S		P	P											S
Salvage yards and junkyards											S	S											
Sheetmetal or welding shops								S		P	P												
Truck repair shops								S		P	P												
Truck terminals											P	P											
Warehousing/storage								A	A	A	P	P											
Waste handling facility										S	S	S											
Wholesale, materials/products								A	P		P	P											

P = Permitted Use

S = Special Use Permit Required

A = Accessory Use

Space = Use Not Permitted

Note: For uses in the PL, H, SP, RM-NC, and R3L-NC districts, see the appropriate sections of this chapter.

Note: Group homes are also permitted in the RM-NC and R3L-NC zoning districts.

*Note: As of August 28, 2007, Los Alamos County will no longer accept or approve new applications for the PD zone designation. This Use Index column shall only apply to PD zones in existence prior to this date. See [Section 16-534](#) for rules governing land uses in the Special Plan (SP) District.

(Ord. No. 02-013, § 2, 8-20-2002; Ord. No. 02-008, § 3, 1-28-2003; Ord. No. 02-039, § 5, 6-22-2004; Ord. No. 02-058, § 2, 3-29-2005; Ord. No. 02-077, § 1, 7-11-2006; Ord. No. 02-091, § 7, 7-10-2007; Ord. No. 02-224, § 12, 5-1-2012; Ord. No. 02-253, § 1, 12-16-2014; Ord. No. 02-273, § 9, 5-16-2017; Ord. No. 02-297, § 2, 11-26-2019)