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

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

**Lic. No./Appl. No.: BLA-0000022056**
**Name of Applicant: Tune Up Bistro, LLC**
**Doing Business As Tune Up Bistro**
**Proposed Location: 204 Montezuma Avenue Santa Fe, NM 87501**

THIS MATTER came before the Liquor License Hearing Officer for public hearing on **November 4, 2026** at 4:00 PM by video hearing, on the application of **Tune Up Bistro, LLC,** (Applicant) for:

1. Request from Tune Up Bistro, LLC regarding a Restaurant A (Beer & Wine only), Liquor License with on-premises consumption only to be located at 204 Montezuma Avenue, Santa Fe, NM 87501. The proposed location is not within 300 feet of a church, school or daycare.

The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

After reviewing the record, conducting a public hearing and having provided an opportunity to be heard from city staff, the Applicant and any interested persons, the Hearing Officer hereby proposes that the Governing Body find as follows:

Staff submitted a packet containing the following, which was reviewed by the Hearing Officer and relied on in making these findings:

FINDINGS OF FACT

1. Staff submitted a packet containing the following, which was reviewed by the Hearing Officer and relied on in making these findings:

    a. October 30, 2026 memo from Emily Aragon, Constituent Services Specialist.
    b. September 22, 2026 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Hearing Officer Tammy Sandoval to the City of Santa Fe granting preliminary approval and forwarding the application to the City for local option district approval or disapproval.
    c. (NMRLD/AGD) Restaurant A Intake Application.
    d. June 18, 2026 letter from Benjamin Pfeifer, Planner City of Santa Fe, verifying that the property is zoned BCD Business Capital District and is within the State Capitol Subdistrict.

e. Premises map.
f. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website)
g. City checklist per Ordinance 4-4.3.
h. Applicant Supplemental Information.
i. October 19, 2026 letter from Jason D. Sena, Enforcement Division Manager, stating it is not anticipated that there will be a substantial change in litter and noise because of this request.

2. City Clerk staff member Xavier Vigil presented the application.
3. Applicant was represented by Jesus Rivera.
4. No members of the public appeared to testify.
5. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the action proposed to be taken by the department, the location of the licensee's premises and such other information as may be required by the department was published in the *Santa Fe New Mexican*, which is a newspaper of general circulation within the territorial limits of the governing body, on October 6 and October 13, 2026 and on the City's website.
6. The application is for: a Restaurant A (Beer & Wine only), Liquor License with on-premises consumption only to be located at 204 Montezuma Avenue, Santa Fe, NM 87501.
   A. There is no record of violations.
   B. The location is expected to be open Monday to Sunday 7:00am to 3:00pm.
   C. The location is expected to serve 15-20 additional customers.
   D. Traffic is not expected to significantly increase, and the Public Works Director has found that it does not appear that approval will create unacceptable traffic impacts.
   E. The proposed location is not expected to cause a substantial change in litter or noise.
   F. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
   G. The applicant is in compliance with all Land Use Codes, and issuance or transfer will not be in violation of a zoning or other ordinance of the governing body, once applicant complies with conditions of approval.
   H. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
   I. The hearing was recorded and a copy of the recording is made a part of the record.

## CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Hearing Officer CONCLUDES:

1. Notice of the Application was properly given by publication, mail and posting on the website pursuant to Section 60-6B-4(D).

2. The governing body may disapprove a transfer or issuance only if individuals opposing the transfer or issuance provide positive evidence showing that the transfer or issuance would be detrimental to the health, safety or morals of the community. This evidence must be based on authentic, relevant facts related to s specific prospective licensee and specific location. *The Southland Corporation v. Manzagol*, 1994-NMSC-099, 118 N.M. 423
3. The Applicant does not have the burden to prove that the transfer would not be detrimental to the health, safety or morals of the residents of the local option district. *Dick v. City of Portales*, 1994-NMSC-092, 118 N.M. 541.
4. The Application meets the requirements of §60-6B-4(F)(2).

CONDITIONS OF APPROVAL

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

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

*/s/ Renee Barela-Gutierrez* Date: 11/04//2026
Renee Barela-Gutierrez