

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1002270

Property Description/Address: Lots 2, 3 & 4, block 52, THE TERRACE ADDITION located on Central Ave SE between Ash SE and Maple SE containing approximately .49 acres.

Date Submitted: 5/15/08

Submitted By: Diane Grover

Meeting Date/Time: May 13, 2008 2:30PM

Meeting Location: Heights Community Center

Facilitator: Diane Grover

Co-facilitator: Angelica Chacon

Parties:

Manny Aka, Applicant
Silver Hills NA (SHNA)
Sycamore NA (SYM)

Also invited but not in attendance:

Spruce Park NA (SPK)

Background/Meeting Summary:

Manny Aka is planning to open The Cube, a Barbeque/American Food restaurant, and is currently applying for a Distance Waiver from the prohibition of alcoholic beverage sales within 300' of a school, so that he can apply for a liquor license to enable him to serve beer and wine to patrons with their meals. He wants to bring something nice into the neighborhood, and seeks a good ongoing relationship with neighbors. His intent is to strictly comply with laws regarding legal drinking ages and feels that his restaurant's open atmosphere, with visual access by patrons and passers-by, will ensure compliance. He also feels that underage drinkers would be more attracted to buying package liquors than to pay the cost of by the glass beer and wine in the restaurant.

The first priority to neighbors was the proximity of the restaurant to the Charter School. Since the Charter School was intended to be temporary, neighbors requested that Manny wait until the school moves from that location without another school moving in, to apply for the license. They are not comfortable with liquor being served so close to the school or the effect that may have on at risk children. Neighbors were also concerned that there were already many liquor licenses in the area and that they felt that most of them had proven problematic to the neighborhood.

There was a great deal of respect shown by all parties in attendance. Manny acknowledges that he highly respects and understands neighbors' point of view, although he does not agree with all of their concerns. He feels challenged by the fact that he does not want to appear combative if he

chooses to continue pursuing the liquor license, and does not want to disrespect neighbors needs and concerns, however he does want to pursue his business in the best way he can. Neighbors respect Manny's desire to succeed, and all in attendance were independent business people who felt they could sympathize with his needs. Overall, they are in support of the restaurant despite the fact that they do not support the waiver, and have concerns about the patio. They appreciated how early in the process Manny began working with them and the collaborative efforts that have been put forth.

There was some discussion about the fact that Spruce Park NA (not in attendance) did support this application. Neighbors specified that Spruce Park was not on Central, and that all of the three affected neighborhood associations had different perspectives on some things and different needs.

There was some disagreement on initial responses to this project when it was first presented, with Manny perceiving that neighbors initially supported the project in its entirety, and neighbors believing that they had always opposed the liquor license for this location.

While all parties acknowledged that approval for a patio would be a separate hearing, there was some discussion on the topic and all attendees agreed that further discussion would be necessary prior to a hearing on the matter.

Areas of Agreement:

- Applicant and neighbors will need additional conversation around the potential for an outside patio feature to the business.
- Neighbors and applicant would like to see this restaurant succeed and integrate well with the neighborhood. Neighbors in attendance want to support this restaurant despite the fact that they do not want to support the distance waiver.

Unresolved Issues, Interests and Concerns:

- It is unknown when or if the school will move from its current location
- Neighbors want continued discussion with regards to plans to build a patio, prior to application for the patio.
- Neighbors did not feel that they could support Manny's request for the Waiver.

Meeting Specifics:

Current Plans:

Manny is currently applying for a liquor license for his Barbeque/American Food neighborhood restaurant. He will follow up this application with an application for Patio Dining.

Liquor License:

Manny would like to offer his patrons the choice of having beer and wine with their dinners and feels this will satisfy customer interests and enhance his potential to succeed. He feels that the open environment of the restaurant, with high visibility to both patrons and passers-by will be a

huge impediment to any possibility of serving alcohol to underage patrons. He also stresses that sale of alcohol to minors is a felony and that he would assure that his business was not sabotaged in this manner. He also feels that underage drinkers would be unlikely to pay per glass or per beer prices for alcohol when they could buy package liquors at discounted prices. Manny stresses the substantial difference between his service of alcohol with meals and businesses that focus on alcoholic service, such as the package store and lounge.

Neighbors oppose the granting of the waiver for acquisition of a liquor license. They feel that other restaurants that do not offer alcohol have a high success rate, and many of those who do serve alcohol began successfully with no liquor license. They perceive that one of the big contributing factors to the Nob Hill area being recognized as a nuisance area is the many alcohol serving businesses along Central, all of whom they believe have created problems for neighbors. Manny's restaurant is located 16' away from residences and neighbors feel this fact needs to be considered. Neighbors want to respond consistently to any potential for additional liquor licenses in an area that already has more than neighbors would like to have. Neighbors asked Manny to consider the fact that when problems arise with inebriated persons in the area, it will be difficult to distinguish whether they come from his establishment or the lounge or package liquor store.

Charter School:

The proximity of The Cube to the Charter School is a huge concern for neighbors, as is the precedence setting of approving alcohol service nearby. They feel that the school caters to high risk students and they do not want alcohol temptation so close to the school. Planned Wifi connections at restaurant will also attract students (both from the Charter School as well as possible underage UNM students). Neighbors believe that APS policy is to not grant waivers to permit alcohol within 300 feet of a school, and state that Charter Schools fall under APS jurisdiction.

Manny has had discussions with the school about the liquor license, and feels that their perspective differs from neighbors. Manny does not feel that serving beer and wine in his establishment would pose a risk. Both neighbors and applicant acknowledge that the Charter School may be temporarily in that location; neighbors would like for applicant to consider revisiting the liquor license if and when the school moves out and it is determined that no other school will move in. Neighbors point out that with no school nearby, the alcohol service would be permitted without the need for the application for a waiver.

Patio:

Neighbors and applicant agreed that further talks would be needed regarding the prospect of an outside patio. Neighbors stressed again that while they support this restaurant, they have not necessarily indicated support for the patio. Concerns center on the fact that the restaurant is in the middle of a residential area with a lower elevation than surrounding properties. Specific concerns included noise, traffic and potential for drunken patrons among other things. They suggested there would be additional burden on servers when underage patrons mingle with legal age patrons, which could result in unintended underage drinking opportunities.

Miscellaneous Comments:

- One neighbor suggested that the additional responsibility, employee training and problems associated with a liquor license would add unnecessary stress to the start up process for the applicant.
- Neighbors stated that one of the problems for everyone was the fact that enforcement in Albuquerque was problematic, with regards to noise, public inebriation, nuisance factors, et al. They feel that the City is not staffed to be effectively proactive in these areas, and this results in crisis management by APD when they are called in.
- Manny pointed out that some neighborhood problems were caused by vacant businesses, and that developing his restaurant could contribute to a decrease in prostitution, gang activity and related crime.

Next Steps:

Manny feels that his choices are to either continue with his request for the waiver, or to drop the request. He hopes that his decision will not impede the good working relationship he has with the neighbors, or make them feel disrespected in any way.

Action Plan:

Neighbors and applicant would like ongoing communication with regards to the application for a patio.

Application Hearing Details

1. Hearing scheduled for Wednesday, May 21, 2008.
2. Hearing Time: 9:00 AM
3. Location: Council Committee Room, 9th Floor, City Hall
4. Liquor Hearing Officer: Albert Chavez, Esq.

Names & Addresses of Attendees:

Manny Aka	Applicant
Gordon Reiselt	SHNA
Bill Cobb	SHNA
Ruth Koury	SYM
Peter Schillke	SYM