



New Mexico Regulation and Licensing Department ALCOHOLIC BEVERAGE CONTROL

PO Box 25101 ▪ Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/abc

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

May 28, 2020

Dear Licensees,

The May 27, 2020 Public Health Order allows limited outdoor dining service for restaurants and other licensees that generate more than 50% of their annual revenue from food. These outdoor dining areas cannot exceed 50% of their outdoor occupancy, tables must be spaced at least six feet apart, and must abide by all other COVID Safe Practices.

We have been asked whether eligible licensees who have limited or no patio space may amend their existing floor plan to expand their patio service. Indeed, there are many municipalities and local option districts that are considering the idea of allowing restaurants to expand out on to sidewalks and streets closed off to vehicular traffic.

To that end, ABC has developed a process for approval of temporary floor plan changes to enhance physical distancing restrictions in response to the COVID-19 containment strategies. If you are a licensee who wishes to amend their floor plan to expand outdoor patio service, you will need to download the "Temporary Change of Floor Plan" form on the ABC website. There will be no fee associated with temporary change of floor plan. This temporary floor plan will be for a limited duration and will expire automatically on October 31, 2020.

You will need to provide details on your existing floor plan, and details on your proposed new floor plan. We will require you show control of the area you are seeking to expand into either by ownership or lease. All expansions must be defined by a 3 foot high barrier that would denote your new licensed premises, and must be contiguous to your existing licensed premises. Please note that expansions greater than 25% of the existing outdoor licensed premises may require more documentation and approvals.

Prior to submitting the application to ABC you will need to have your Local Option District sign off on the proposed changes. Their approval is invaluable as they would know the applicable safety, zoning, and fire code restrictions implicated by the expanded floor plan. If you are expanding into an area that you do not currently control such as a non-leased section of a parking lot you will need to provide permission from the landowner. Expansion into a public area such as a sidewalk or closed street space will need permission from the municipality or applicable Local Option District.

Alcoholic Beverage Control
(505) 476-4875

If you are seeking a permanent change of floor plan please continue to use the existing change of floor plan procedures and processes. To facilitate quicker approvals of floor plans please fill out the application and provide any relevant documentation, scan an electronic copy and email to marlene.romero1@state.nm.us

or if it more convenient, please mail a hard copy to the address listed above to the attention of Marlene Romero. If you have any further questions please email abccovid.questions@state.nm.us.

All the best,

Andrew Vallejos
ABC Director



New Mexico Regulation and Licensing Department

ALCOHOLIC BEVERAGE CONTROL DIVISION

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APPLICATION FOR TEMPORARY CHANGE/EXPANSION OF LIQUOR LICENSED PREMISES DUE TO COVID-19

This temporary change/expansion of Licensed Premises SHALL expire October 31, 2020.

On November 1, 2020, the licensed premises reverts to the previously ABC Approved Floor Plan.

A Licensee may not change/expand the licensed premises without prior written approval of the ABC. The Licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled as the temporary change/expansion must be connected and contiguous and be enclosed by a barrier of at least three (3) feet in height.

Application to Temporarily Change/Expand the licensed premises shall be submitted with the following Required Documentation:

- 1) a copy of your existing Approved Floor Plan from Alcoholic Beverage Control
2) a Proposed Detailed Floor Plan, on an 8 1/2 x 11" sheet, that includes the existing approved premises and any proposed temporary change/expansion - Label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion;
3) Proof of Tenancy - this may be established by written documentation that the owner of the property approves of occupancy of the additional area (if this additional space is part of the existing lease or deed submitted to ABC, check the box []); and
4) photos of expansion and a photo of barrier

* Please ensure application is approved by your LOD before submitting to ABC for final approval

*The submission of any false information may result in the immediate revocation of ABC approval.

Liquor License No.: Cell/Phone No.: Fax No.:

Business Name (DBA) Owner Name:

License Location:

Mailing Address:

Licensee Email:

Square Footage: Current Adding/Changing: Total: (add both)

(Note: if additional footage is greater than 25% of the existing floorplan, additional documentation may be required.)

Will the Proposed Expansion bring the licensed premises within 300 feet of a church or school?

Has there been any change in the Ownership or Operation of the Licensee?

If so, explain:

I (print name), Licensee for Liquor License No. hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 §60-3A-3 (O), which states in part "licensed premises" means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure... that are under the direct control of the licensee..."

Submitted by: (print name)

Signature: Title: Date:

LOCAL OPTION DISTRICT REVIEW/APPROVAL

Local Governing Body of: Village, County, City Check one: [] Approved [] Disapproved

Signature and Title of Village/County/City Official:

ALCOHOLIC BEVERAGE CONTROL USE ONLY:

Processed by: [] Approved [] Disapproved,

Decision by Director, if required: [] Approved [] Disapproved,

Signed by Director: Date: