

## Temporary Outdoor Seating Change/Expansion Permit due to COVID-19

### **Purpose:**

Eateries may apply for an expanded outdoor dining area to supplement the indoor dining area. This application is to ensure compliance with applicable safety, zoning and fire code restrictions implicated by the expanded floor plan. Application material shall be submitted to the Planning and Zoning Division for review and approval.

Eateries that possess a current liquor license may also apply to serve alcohol in the expanded outdoor dining area, by completing a New Mexico Regulation and Licensing Department Alcoholic Beverage Control Division application for “*Temporary Change/Expansion of Liquor Licensed Premises due to COVID-19.*” The application must be submitted along with the items listed below. Once local approval is obtained, the City Clerk’s Office will work with the applicant on submission to Alcoholic Beverage Control Division.

This is a temporary approval which expires on or before October 31, 2020 and is subject to suspension or revocation for cause and subject also to all federal, state and local laws, regulations and orders. If available infrastructure is insufficient to support indoor and outdoor dining with adequate parking, or if there is a failure to follow the approved site plan, the temporary permit is subject to denial, suspension, or revocation.

### **Submission:**

Application to temporarily change/expand outdoor seating shall require:

1. A site plan to include at least the following:
  - Square footage of existing building or leased area and number of approved seats (with square footage calculations for the dining space and other areas)
  - Square footage and number of seats for existing outdoor seating area (if applicable)
  - Number of available parking spaces to accommodate changes in seating
  - Type/height of fence, if applicable
  - Location of ADA parking spaces and ramps and accessible routes (tables and chairs shall not impede ADA parking, ramps or ingress and egress into buildings or accessible routes)
  - Temporary tents, if applicable
2. Proof of ownership or tenancy and approval of space for expansion if not included originally in the tenancy.
3. Completed application to the New Mexico Regulation and Licensing Department Alcoholic Beverage Control Division for “*Temporary Change/Expansion of Liquor Licensed Premises due to COVID-19,*” if applicable for current license holders. For additional information please contact the City Clerk’s Office at 505-891-5004.
4. Fire Marshal review will be required for any temporary tents and structures.

Submit applications and questions to [planning@rrnm.gov](mailto:planning@rrnm.gov) or call (505) 891-5005

**PLANNING & ZONING LAND USE APPLICATION**  
**Outdoor Seating Temporary Change/Expansion Permit**

Please Print In Ink Only or Type  
 Application must be complete. Please attach the appropriate documents for the action you are requesting, if applicable.

**APPLICANT/AGENT INFORMATION**

Applicant Name:		Phone:
Business Name:		
Business Address:		E-Mail:
City:	State:	Zip:
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)

Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:

**DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)**

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**SITE INFORMATION (IF YOU CANNOT PROVIDE THIS INFORMATION, CITY STAFF WILL COMPLETE):**

Subdivision/Unit :	Block(s):	Lot(s):
Existing Zoning:		

**RESTAURANT SEATING AND SQUARE FOOTAGE INFORMATION:**

Number of existing indoor seats:	
Number of existing outdoor seats:	Number of proposed outdoor seats:
Existing square footage:	Proposed square footage:

Will this also expand the alcohol service area? \_\_\_\_ Yes, \_\_\_\_ No  
 (If yes, attach ABC "Temporary Change/Expansion of Liquor Licensed Premises due to COVID-19").

**No City of Rio Rancho Fee Charged for this Permit**

**ACKNOWLEDGEMENT/DECLARATION STATEMENT**

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations. I understand that violations of ordinances will not be permitted, and that this "Outdoor Seating Temporary Change/Expansion Permit," if approved, may be revoked at any time by any member of the Planning and Zoning Division, City Clerk's Office, Police Department, or Fire & Rescue Department if any of the following occur: the additional seating area becomes a public nuisance; violations of ordinances are committed by any participant; or if any of the conditions imposed as part of the "Outdoor Seating Temporary Change/Expansion Permit" are not met.

I understand that any significant changes to the number of seats, square footage of the area, or parking counts will lead to an updated application being submitted to the City of Rio Rancho for approval.

Name of Applicant(s): \_\_\_\_\_  
Please Print

Name & Title of Person Signing (if different): \_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature Date

**NOTARIZATION FOR ENTITIES (Corporations, LLCs, etc.)**

STATE OF NEW MEXICO }  
COUNTY OF SANDOVAL } ss.

This instrument was acknowledged before me on \_\_\_\_\_ 20\_\_.  
date

by \_\_\_\_\_

as \_\_\_\_\_ of \_\_\_\_\_.  
Title of person signing Name of entity (applicant)

(SEAL) \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



## 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](http://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](mailto: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](mailto:abccovid.questions@state.nm.us).

All the best,

Andrew Vallejos  
ABC Director



New Mexico Regulation and Licensing Department

ALCOHOLIC BEVERAGE CONTROL DIVISION

PO Box 25101 ▪ Santa Fe, NM 87504-5101 (505) 476-4875 ▪ Fax (505) 476-4595

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;
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.

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

Liquor License No.: 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

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

Signature and Title of Village/County/City Official:

ABC USE ONLY: Received on: Receipt No.

Processed by: [ ] Approved [ ] Disapproved,

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

Signed by Director: Date: