



## 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.

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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