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JUL 23 2021

ALCOHOLIC BEVERAGE
CONTROL

Andrew Vallejos, Esq.
Director
Alcoholic Beverage Control Division
P.O. Box 25101
Santa Fe, New Mexico 87504

Re: Comment on Proposed Regulation (Outdoor Controlled Access Areas)

Dear Mr. Vallejos:

This letter contains the comments of Steel Bender Brewery, LLC to proposed regulation 15.10.32.14 (Outdoor Controlled Access Areas).

Licensed Premises We currently operate two wine grower licenses and two small brewer licenses and one wholesaler license on our property in Los Ranchos de Albuquerque. The property includes five buildings, but the liquor licenses are issued for and operated in only two of those five buildings. We understand that the new law permits us to use one winegrower and one small brewer license for multiple buildings on our property. We will definitely consolidate the operation of those licenses under one small brewer's license and one winegrower's license. We are also considering the establishment of a package and novelty store in a third building on the property.

There is an additional grassy area on our property that we would like to include for operation of the winegrower's license and the small brewer's license. In order to use that grassy area, the requirement in the proposed regulation that all outdoor areas be connected to one of the licensed buildings needs to be eliminated. The recent amendment to the Liquor Control Act states that all areas of the property are part of the licensed premises. There is no longer a requirement that serving areas be connected by indoor passageways. We don't think that the regulations should limit use of the entire premises if all of the service areas are clearly marked and enclosed as required for patio areas. There is controlled access if the outdoor area is enclosed as required for patios. Under the new law, we don't understand the logic of requiring that outdoor areas be attached to a building when buildings no longer need to be attached to one another.

The grassy area is at the edge of our property, but the entrance to our premises and parking lot areas separate that area from the licensed buildings. We cannot attach that grassy area to any of the buildings. That space is approximately 2500 square feet. We would be able to locate kegs or anything else needed for service in that area within the outdoor controlled access area. Servers would not need to go back and forth to the main building to serve customers.

Our parking lot is situated on the property in such a way that all customers walk cross the entrance or driveway when going from their cars to enter our primary building. It is not a street and the traffic is not

heavy. We have never had any problems or issues as a result of the path that customers take to enter our establishment.

Definition of Cider. The recent changes to the Liquor Control Act amended the definition of cider. The regulations need to include those changes. (apples and pears instead of fruit and up to eight and one-half percent.)

Definition of Growler. The definition of growler in the proposed regulations includes the word “traditionally” and “sixty-four ounces”. Why? The law just limits total capacity to one gallon. Is this definition intended to exclude howlers of thirty-two ounces (or any container with less than sixty-four ounces) from the alcoholic beverage items that can be delivered under a delivery permit? Is there a reason or policy that seeks to encourage larger sizes of growlers and crowslers for delivery? Is this just a recitation of history or common practice which has no legal consequences? If so, it is confusing and unnecessary.

Local option district limitation. This is not in the Liquor Control Act. We are located in the Village of Los Ranchos and would not be able to delivery to anyone in Albuquerque under this limitation. Is there a reason for this limitation? If you don’t want delivery people driving too far with the alcoholic beverages, couldn’t you insert a distance limitation? We don’t think that third party delivery services or even licensees will know exactly where the boundaries of each local option district are.

Thank you for your consideration.



Chris Chant
Steel Bender Brewery
8305 2nd Street NW
Albuquerque, New Mexico 87114

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