

**CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Regular Agenda  
Public Hearing: May 3, 2011

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4024

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Discussion and action on a request from Javier Otero, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a child care facility for the property located at 3716 Alameda Avenue.

**BACKGROUND / DISCUSSION:**

See attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew McElroy, Deputy Director, Planning and Economic Development

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## MEMORANDUM

**DATE:** April 25, 2011

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Esther Guerrero, Planner

**SUBJECT:** **Appeal of Prohibition of Sale of Alcoholic Beverages – 3716 Alameda Avenue**

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Javier Otero applied to the City and the Texas Alcoholic Beverage Commission for an alcoholic beverage license on February 28, 2011. An inspection was conducted on March 8, 2011 and the license was approved. On March 23, 2011, the City received a letter from Project Vida protesting the license issued to Mr. Otero to operate Los Barriles Beverage Depot & Grocery because the proposed business is located immediately adjacent to a child care facility operated by Project Vida, located at 3718 Alameda Avenue. Title 20 of the City code prohibits the sale and/or service of alcoholic beverages within 300 feet of a school, church, hospital or child care facility.

A follow-up inspection was conducted to verify the location of the child care facility. The initial Sales of Alcoholic Beverage License was issued in conflict with City code provisions (Section 20.10.060.B) and was rescinded.

The applicant was informed that the Code allows an exception to be granted by City Council from the prohibition of the sale of alcoholic beverages within 300 feet of a child care facility after making certain determinations listed in Title 20, Zoning, Supplemental Use Regulations, Alcoholic beverages, Section 20.10.060 B.7.:

*The city council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial day care or public hospital after notice and public hearing if the council determines that the enforcement of the prohibition in a particular instance:*

- a. Is not in the best interest of the public;*
- b. Constitutes waste or the inefficient use of land or other resources;*
- c. Creates an undue hardship on an applicant;*
- d. Does not serve its intended purpose;*
- e. Is not effective or necessary; or*
- f. For any other reason the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.*

Attachments: Letter from Applicant to City Council for exception request with attachments, protest letter from Project Vida

April 19,2011

**Hand-Delivery**

Linda J. Castle  
Senior Planner  
Planning & Economic Development Department  
2 Civic Center Plaza, 5th Floor  
El Paso, Tx 79901-1153

I, Javier Otero, and/or The Barriles Beverage Depot & Grocery, having fulfilled all the requirements of the city of El Paso, Tx, Texas Alcoholic Beverage Commission and the Department of TABC of El Paso Enforcement, have come to protest because you stopped the process to obtain a Wine and Beer Retailer's Off-Premise Permit that I requested for the property located at 3716 Alameda Avenue, El Paso, Tx 79905, because the property is located within the boundary line of Project Vida Latch Key After School, based on the following facts:

I. - Before beginning this project, I worked as trailer driver, passing most of my life on the highways of the United States of North America, far from my children and wife.

II.- To be near my family and see my children grow, I decided to give up that job and look for something here in El Paso, TX. During months I devoted my time looking for a commercial property to put a business that allowed me to make a living that would provide for my family.

III.- When I found this property (3716 Alameda Avenue), the first thing I did was verify that there were no impediments to obtain a Wine and Beer Retailer's Off-Premise Permit. In accordance with the registrations of the city of El Paso, from November of 1999 to April of 2005, this property had been operating with different permits for sale of wine and beer. Using **attachment "A" List of Licenses # 's (Wine and Beer Retailer's Off-Premise Permits), Trade names used at 3716 Alameda Avenue** , .as evidence, I began the process to obtain my permit.

IV.- In February 18, 2011, present before the Texas Alcoholic Beverage Commission, The Off-Premise Prequalification Packet, LOFF (1/2009) pages 1, 2 and 3, to request a BQ Wine and Beer Retailer's Off-Premise Permit. In this application on February 24 the 2011, the Comptroller of Public Accounts Certificate, granted me the Sales Tax Permit Number 32043669996, Outlet Number 00001 signed by Addie S. Bryant, Enforcement Officer; On March 9, 2011, The City Secretary/ Clerk of El Paso Texas, certify that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance I reference to the sale of such alcoholic beverages; On the same date, Dalia Briones, County Clerk of El Paso County, certify that the location for wich the

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APR 20 2011

license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit, signed by Deputy Jacqueline Mejia; On March 15, 2011 The Off-Prequalification Packet was received by the TABC of El Paso Enforcement. **See attachment "B", Off-Prequalification Packet pages 1, 2, and 3.**

V.- In February 28, 2011, I requested a zoning verification of the property (3716 Alameda Avenue), and the Planning Division determined that the property is located in C-4 (Commercial) zone, district 8, and that liquor sales was permitted, signed by Inspector Sam Mendoza, Field Investigator on March 8, 2011., **attachment "C". Application City of El Paso License Zoning Approval Sales of Alcoholic Beverage.**

VI.- During this whole process, I have been working in the restoration of the property (3716 Alameda Avenue), I have invested a lot of money in materials, labor, industrial refrigerators, property rent, public services, water, electricity, among other things.

VII.- On March 24, 2011, I was contacted by City Official's Sergio Melendez, to make me know that they had suspended the process for the authorization of the Wine and Beer Retailer's Off-Premise Permit for the property located at 3716 Alameda Avenue, based on a protest presented by Mr. Bill Schlesinger, Co-director of ProjectVida, because he says that they operate a Licensed Child-Care Center at 3718 Alameda Avenue. **see attachment "D" Project Vida Protest Letter.**

VIII. - In the property located at 3718 Alameda Avenue operates Project Vida Latch Key After School, and their schedule of operation is only of 2:30 PM-06:00 PM from Monday to Friday. **See attachment "E" Operation Details Texas Department of Family and Protective Services \*Web version 4/12/201, page 1.** For what I could observe, this property doesn't fulfill the requirements to operate as Child-Care Center, it doesn't have X number of parking spaces, it doesn't have caution signs for vehicular traffic or for crossing sidewalks, it doesn't have Child-Care Center Signs, it doesn't have a water system against fire, and the list can go on. Up to where I could investigate they operate with a license for Child-Care Center granted to operate at 3607 Rivera Avenue, El Paso, Tx 79905.

I respectfully request your assistance in initiating an appeal from this situation and in requesting an exception from the City Council under Section 20.10.060 (B) (7), of the El Paso City Code.

I truly believe that I'm entitled to this exception under 20.10.060 (B)(7) for the following reasons:

a.- Enforcement of the prohibition is not in the best interest of the public. The structures and other improvements on the property were in disrepair,

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APR 20 2011

unoccupied, were subject to vandalization. Graffiti and broken windows could be seen in the property and the back parking lot needed considerable rehabilitation, the roofs needed repairs, the property was unsightly and unsafe. In contrast, I have been working in the restoration of the property I have invested a lot of money in materials, labor, the facade of the property has been repaired and most of it has been painted, the back parking has been cleaned, the roofs were already repaired, the property has been painted inside. People that passes by in front of the property asks us when we will open up, because the grocery stores are very far. Considering aesthetics, safety and community development, Los Barriles Beverage & Grocery store would be a vast improvement of the property. Therefore, the prohibition is not in the best interest of the public.

b. Enforcement of the prohibition would constitute waste and inefficient use of land. As mentioned above, all of the structures on the property are currently unoccupied and unused. Los Barriles Beverage Depot & Grocery plans to complete the restoration of the property, and to begin operating the store as soon as possible. The sale of beer and wine is an important part of Los Barriles Beverage Depot & Grocery's business and the level of investment necessary to rehabilitate and restore this property in order to provide for the operation of a commercially successful is considerable. Therefore, the prohibition constitutes waste and inefficient use of land comprising the Property.

c. Enforcement of the prohibition would create an undue hardship on the applicant. Various restaurants located in the immediate vicinity on Alameda Avenue, and cantines, located in the immediate vicinity of the intersection of Copia Street and Alameda Avenue sell alcohol under various types of retail permits.

d. Enforcement of the prohibition would not be effective or necessary. Given that the applicant is applying for a Wine and Beer Retailer's Off-Premise Permit, on-premise consumption of alcohol will not be permitted on the Property and would constitute a violation of the Texas Alcoholic Beverage Code. Beer and wine sales will occur in conjunction with Los Barriles Beverage Depot & Grocery sales and should not attract individuals who might engage in drunk and disorderly conduct, which will not be permitted at the location in any event. Therefore, enforcement of the prohibition would not be effective or necessary.

e. The prohibition will not serve its intended purpose. In this case, the purpose of the prohibition is believed to be the protection of the children of Project Vida Latch Key After School, since in so many years operating with the drive-through in this property (3716 Alameda Avenue), there are no records of accidents happened in this property in the files of the City of El Paso, TX. And the applicant believes that the Property will be safer for the entire surrounding community once it has been totally restored by Los

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APR 29 2011

Barriles Beverage Depot & Grocery. In its current status, the site could attract vandals, vagrants, and could pose an attractive nuisance to children passing through the area. Because Los Barriles Beverage Depot & Grocery store on the Property will improve the overall safety of the surrounding area, the prohibition will not serve its intended purpose of protecting of the children of Project Vida Latch Key After School.

Please fell free to contact me, if you have any questions, and also to let me know when our appeal and request for City Council exemption has been set on the City Council's Agenda. You can reach me at (915) 217-7049.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Javier Otero', is written over a large, light-colored oval scribble.

Javier Otero  
and/or Los Barriles  
Beverage Depot & Grocery

**RECEIVED**  
APR 20 2011



Store

300.53 Ft.

License #: BQ462489  
Trade Name: ALAMEDA BEVERAGE  
Owner: VALENZUELA, GERARDO  
Location Address: 3716 ALAMEDA  
EL PASO , TX 799052507  
Mailing Address: 3716 ALAMEDA  
EL PASO , TX 799052507  
County: EL PASO  
Status: Expired  
Orig. Issue Date: 11/23/1999  
Exp. Date: 11/22/2002  
Wine Percent: 17  
Location Phone No.: 9155441421  
Subordinates:  
Related To:

License #: BQ265007  
Trade Name: ALAMEDA BEVERAGE DEPOT  
Owner: GRADO, CESAREO  
Location Address: 3716 ALAMEDA AVENUE  
EL PASO , TX 79905  
Mailing Address: 3716 ALAMEDA AVE  
EL PASO , TX 79905  
County: EL PASO  
Status: Expired  
Orig. Issue Date: 5/14/1991  
Exp. Date: 5/13/2000  
Wine Percent:  
Location Phone No.: 9155441421  
Subordinates:  
Related To:

License #: BQ525759  
Trade Name: ALAMEDA BEVERAGE DEPOT  
Owner: VALENZUELA, GERARDO  
Location Address: 3716 ALAMEDA  
EL PASO , TX 799052507  
Mailing Address: 3716 ALAMEDA  
EL PASO , TX 799052507  
County: EL PASO  
Status: Expired  
Orig. Issue Date: 11/7/2002  
Exp. Date: 11/6/2004  
Wine Percent: 17  
Location Phone No.: 9155441421  
Subordinates:  
Related To:

License #: BQ556611  
Trade Name: ALAMEDA BEVERAGE DEPOT  
Owner: RIVERA, SERGIO ANTONIO  
Location Address: 3716 ALAMEDA  
EL PASO , TX 79905  
Mailing Address: 3716 ALAMEDA  
EL PASO , TX 79905  
County: EL PASO  
Status: Expired  
Orig. Issue Date: 4/29/2004  
Exp. Date: 4/28/2005  
Wine Percent: 17  
Location Phone No.:





# Off-Premise Prequalification Packet

L-OFF (1/2009)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

## LOCATION INFORMATION

**Type of Off-Premise License/Permit**

<input checked="" type="checkbox"/> BQ Wine and Beer Retailer's Off-Premise Permit	<input type="checkbox"/> LP Local Distributor's Permit
<input type="checkbox"/> BE Beer Retail Dealer's Off-Premise License	<input type="checkbox"/> E Local Cartage Permit
<input type="checkbox"/> P Package Store Permit	<input type="checkbox"/> ET Local Cartage Transfer Permit
<input type="checkbox"/> Q Wine Only Package Store Permit	<input type="checkbox"/> PS Package Store Tasting Permit

**Indicate Primary Business at this Location**

<input checked="" type="checkbox"/> Grocery/Market	<input type="checkbox"/> Convenience Store without Gas
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Miscellaneous _____
<input type="checkbox"/> Convenience Store with Gas	

Trade Name of Location  
**LOS BARRILES BEVERAGE DEPOT & GROCERY**

Location Address  
**3716 ALAMEDA**

City <b>EI PASO</b>	County <b>EI PASO</b>	State <b>TX</b>	Zip Code <b>79905</b>
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Mailing Address <b>3716 ALAMEDA</b>	City <b>EI PASO</b>	State <b>TX</b>	Zip Code <b>79905</b>
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Business Phone No. <b>(915) 217-3049</b>	Alternate Phone No. <b>( ) -</b>	E-mail Address
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## OWNER INFORMATION

**Type of Owner**

<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture	
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust	

Owner of Business/Applicant  
**Javier Otero-Seanez**

If Applicant is Who Must Be Listed Below (attach L-OIC if additional space is needed)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Partners
Limited Partnership/All General Partners	Trust/Trustees
Corporation/All Officers	City/County/University/Official

Last Name <b>Otero-Seanez</b>	First Name <b>JAVIER</b>	MI	Title <b>OWNER</b>
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title



# Off-Premise Prequalification Packet

L-OFF (1/2009)

"B"

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

## LOCATION INFORMATION

### Type of Off-Premise License/Permit

- BQ Wine and Beer Retailer's Off-Premise Permit
- BF Beer Retail Dealer's Off-Premise License
- P Package Store Permit
- Q Wine Only Package Store Permit
- LP Local Distributor's Permit
- E Local Cartage Permit
- ET Local Cartage Transfer Permit
- PS Package Store Tasting Permit

### Indicate Primary Business at this Location

- Grocery/Market
- Liquor Store
- Convenience Store with Gas
- Convenience Store without Gas
- Miscellaneous

**RECEIVED**

MAR 15 2011

**TABC/EL PASO  
ENFORCEMENT**

Trade Name of Location

LOS BARRILES BEVERAGE DEPOT & GROCERY

Location Address

3716 ALAMEDA

City

EI PASO

County

EI PASO

State

TX

Zip Code

79905

Mailing Address

3716 ALAMEDA

City

EI PASO

State

TX

Zip Code

79905

Business Phone No.

(915) 217-7049

Alternate Phone No.

( ) -

E-mail Address

## OWNER INFORMATION

### Type of Owner

- Individual
- Partnership
- Limited Partnership
- Limited Liability Partnership
- Corporation
- Limited Liability Company
- Joint Venture
- Trust
- City/County/University
- Other

Owner of Business/Applicant

Javier Otero-Seanez

If Applicant Is/Who Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner <input checked="" type="checkbox"/>	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name

OTERO-SEANEZ

First Name

JAVIER

MI

Title

OWNER

Last Name

First Name

MI

Title

Last Name

First Name

MI

Title

"B"

MEASUREMENT INFORMATION

Will your business be located within 300 feet of a church or public hospital?  Yes  No

NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

Will your business be located within 300 feet of any private/public school?  Yes  No

NOTE: For private/public schools measure in a direct line from the nearest property line of the school to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: If located on or above the fifth story of a multistory building, measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

Will your business be located within 1,000 feet of a private school?  Yes  No

Will your business be located within 1,000 feet of a public school?  Yes  No

WARNING AND SIGNATURE

If Applicant is Who Must Sign: Individual/Individual Owner, Corporation/Officer, Partnership/Partner, Limited Liability Company Officer or Manager, Limited Partnership/General Partner

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states... a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years.

BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

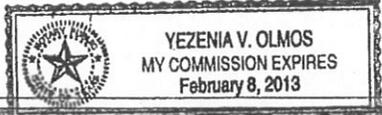
PRINT NAME: JAVIER ORERO

SIGN HERE: [Signature]

TITLE: \_\_\_\_\_

Before me, the undersigned authority, on this 18th day of February, 2011, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE: Yezenia V. Olmos, NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR P, Q, BF & BQ)

CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this 9 day of March, 2011, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE: [Signature], City Secretary/Clerk

LET PASO, TEXAS

SEAL

If location can not be certified above, please complete the following:

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location is prohibited by Charter or Ordinance No. \_\_\_\_\_, in reference to the sale of alcoholic beverages.

SIGN HERE: \_\_\_\_\_, City Secretary/Clerk

\_\_\_\_\_, TEXAS

SEAL

"B"

CERTIFICATE OF COUNTY CLERK (FOR P, Q & BF)

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN HERE \_\_\_\_\_ COUNTY \_\_\_\_\_ County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR BQ)

I hereby certify on this 9 day of MARCH, 2011, that the location for which the license/permit is sought as the place of business is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine and Beer Retailer's Off-Premise Permit.

Most current election for given location was held for:

- legal sale of all alcoholic beverages for off-premise consumption
- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of mixed beverages
- legal sale of mixed beverages in restaurants by food and beverage certificate holders
- legal sale of wine on the premises of a holder of a winery permit
- legal sale of wine/beer (17%) on-premise or wine/beer off-premise AFTER Sept. 1, 1999
- legal sale of wine/beer (14%) on-premise or wine/beer off-premise BEFORE Sept. 1, 1999

SIGN HERE Doris Briones \_\_\_\_\_ El Paso COUNTY \_\_\_\_\_ County Clerk

By Deputy: Jacqueline Mejia

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

This is to certify on this 24th day of February, 2011, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32043069996 Outlet Number 00001

Print Name of Comptroller Employee Addie S. Bryant

Print Title of Comptroller Employee Enforcement Officer

SIGN HERE Addie Bryant \_\_\_\_\_ FIELD OFFICE 2490-EO

SEAL

PUBLISHER'S AFFIDAVIT (FOR P & Q)

Name of newspaper	
City, County	
Dates notice published in daily/weekly newspaper (mm/dd/yyyy)	/ /
<b>Publisher or designee certifies attached notice was published in newspaper stated on dates shown</b>	
Signature of publisher or designee Sworn to and subscribed before me on this date	/ /
Signature of Notary Public	
SEAL	

ATTACH PRINTED COPY OF THE NOTICE HERE

LALC11-00046

Plan Reviewer
Initials <u>LMF</u>
Date <u>02/28/11</u>



CITY OF EL PASO  
LICENSE ZONING APPROVAL

Sales of Alcoholic Beverage

APPLICANT (please print)

Name: JAVIER OTERO Home Address: 14125 TIERRA UENADO EL PASO TX 79938

Home Phone: (915) 217-7049 Business Phone: ( ) \_\_\_\_\_

Business Address: 3716 ALAMEDA EL PASO TX 79905 Suite/Space \_\_\_\_\_

Legal Description: \_\_\_\_\_

Business Name: LOS BARRILES BEVERAGES DEPOT & GROCERY

Type of Establishment: Bar ( ) Restaurant ( ) Package Store ( ) Other (  ) Specify BEVERAGES DEPOT & GROCERY

Type of Liquor License: Beer/Wine (  ) Mixed Beverages ( ) Other, ( ) Specify \_\_\_\_\_

[Signature]  
Applicant's Signature

02/28/11  
Date

DEPARTMENTAL USE

Zoning district C-4 Liquor sales permitted? Yes District No. 8

Does Special Condition/Contract Prohibit the sale of Alcoholic Beverages? N/A

TABC application approved by: \_\_\_\_\_ Date: 1/1/11

Signature of applicant receiving TABC approved application \_\_\_\_\_

Date received: 1/1/11

FIELD INVESTIGATION

Distance From School: > 300'

Distance From Church: < 300' 3218 Alameda (Mission Bautista)

Distance From Hospital: > 300'

Distance From Commercial Day Care: > 300'

Other Alcoholic Beverage Sales In Area: N/A

Inspector: SAM MADRIZA Date issued 1/1/11 Date completed 3/18/11

Comments: NOTE: THIS APPLICATION WAS APPROVED IN ERROR BY ASSIGNED INSPECTOR. A CHILD CARE FACILITY IS ADJACENT TO THIS BUSINESS ADDRESSED WHICH IS OPERATED BY PROJECT UIDA. THE APPLICANT WAS ADVISED OF SAID SITUATION. THE APPLICANT NAME IS JAVIER OTERO AND IS AWARE THAT HIS APPROVAL WOULD BE RESCINDED  
Sergio Melendez  
3.24.2011 12:30 pm



# PROJECT VIDA

3607 Rivera Avenue El Paso, Texas 79905  
(915) 533-7057 (915) 533-7158 FAX

March 23, 2011

Mr. Sergio Melendez  
Building Combination Inspector Supervisor  
Code Compliance Division  
7969 San Paulo Drive  
El Paso, Texas 79907

Dear Mr. Melendez:

This is to confirm our protest at a license being provided to sell beer and wine to a business proposing to open at 3716 Alameda Avenue, El Paso, TX 79905.

Project Vida operates a Licensed Child-Care Center at 3718 Alameda Avenue, El Paso, TX 79905. The Permit Number: 854431, was issued by the Texas Department of Family and Protective Services, Child-Care Licensing Division on April 28, 2006.

3716 Alameda Avenue is immediately adjacent to our Licensed Child-Care Center. 3716 Alameda Avenue has not been occupied for several years. After speaking to the owner of the proposed licensee, it became clear that this is not the original business owner nor anyone who has operated a business at this location previously, but an individual who has recently leased the property and intends to open a new business. The proposed new business owner indicated that he will have vehicular traffic crossing the sidewalk in order to provide 'drive-through' service for sales.

We believe that this violates the distance requirement for a new establishment providing alcohol sales. We believe that the intent to have vehicular traffic crossing the sidewalk adjacent to our child care entrance creates a hazardous situation as well.

We appreciate your attention to this protest.

Sincerely,

Bill Schlesinger, Co-Director



*A Project of  
The Cumberland Presbyterian Church  
The Presbyterian Church (USA)*



Child Care Licensing

4/12/2011

**Operation Details**

You may click on the question mark image (?) to view the Frequently Asked Questions (FAQ) page.

Operation Number: 854431  
 Operation Type: Licensed Center  
 Program Provided:  
 Operation/Caregiver Name: Project Vida Latch Key After School  
 Location Address: 3718 Alameda  
 El Paso, TX 79905  
 Mailing Address: 3718 Alameda  
 El Paso, TX 79905  
 Phone Number: 915-351-9114  
 County: EL PASO  
 Website Address: www.projectvidaelpaso.org  
 Email Address: pvchild@whc.net  
 Administrator/Director Name: Gloria Marmolejo  
 Type of Issuance: ? Full Permit  
 Issuance Date: 4/28/2006  
 Conditions on Permit: ? Yes  
 Accepts Child-Care Subsidies: ? Yes  
 Hours of Operation: 02:30 PM-06:00 PM  
 Days of Operation: Monday - Friday  
 Total Capacity: 34  
 Licensed to Serve Ages: School  
 Corrective Action: ? No  
 Adverse Action: ? No  
 Temporarily Closed: No

**Two Year Inspection Summary**

