

Moss, Julia

From: james frederickson <jimfreder1@gmail.com>
Sent: Wednesday, March 22, 2023 9:06 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

We have been coming to the Capitola Esplanade and wharf for enjoyment and entertainment for years. As near as I can tell, the area is the lifeblood of the tourist industry for the entire greater Santa Cruz area. People come from miles around, even from around the world, to stay there and enjoy what Capitola has to offer.

We endlessly support the local economy and local talent. The storms have done enough damage to both, don't you think? Other establishments on the Esplanade have rebuilt and are offering live entertainment - due, in part, by donations from us and others like us who felt the pain of losing the vibrancy of the area.

There is absolutely no logic in denying the Capitola Bar and Grill the permit for live entertainment that they and all the others have put to good use. They have all respected the privilege and have NEVER abused their right.

It is clearly un-American to deny them, and us, the rights that others are enjoying.

Please do the right thing with your vote, your voice, and restore to the Capitola Bar and Grill and us, your constituents, the access to the positive enjoyment of Capitola.

Vote YES to the entertainment permit.

James Frederickson
Sharon D'alessio

Moss, Julia

From: Tamra Loomis <aladytee@gmail.com>
Sent: Wednesday, March 22, 2023 9:57 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

This is a great restaurant and the music makes it even better. Greta owners, great staff, great food and amazing music. Pulls it all together for a great experience. Makes me keep coming back to Capitola.

Thank you
Tamra Loomis

Moss, Julia

From: madeline thechiavettas.com <madeline@thechiavettas.com>
Sent: Friday, March 24, 2023 7:45 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Madeline Chiavetta

The Chiavettas

Let our Family Help Yours

Luxury Property Specialist

International President's Premier

Top 1% Society of Excellence

#10 Small Team in the USA

Madeline@thechiavettas.com

408-506-5393

Moss, Julia

From: Steven Henderson <freelyfreak1@gmail.com>
Sent: Saturday, March 25, 2023 12:08 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: Support for live music at Capitola Bar and Grill

Dear City Council Member,

My name is Steve Henderson and lived on Prospect Avenue Capitola for 14 years, I now live just outside of Capitola city limits on Thompson Ave.

This email is in support of Capitola Bar and Grills appeal, that they should be granted a live music permit. I regularly attend live music events in Capitola, at the Wharhouse, Sand Bar, Paradise Grill, Cork and Fork, and Capitola Bar & Grill.

Wharhouse is closed for the foreseeable future, as is Sandbar and other village businesses. Paradise no longer hosts live bands.

To reduce the number of venues by even more will negatively impact the number of visitors to the village who specifically come for the entertainment.

The financial impact to the village economy, will not only effect Capitola Bar and Grill, but all other businesses as they have a synergistic relationship, each benefiting the others by cross traffic.

Capitola Bar and Grill should have their entertainment permit renewed for the overall benefit of the village community. If noise is the problem, put reasonable restrictions in place, such as limiting days, time of day, or decibel limitations. Most people don't like their music too loud anyway, resorting to wearing earplugs at venues where the volume it too high.

Thanks for your attention.

Steve Henderson

Moss, Julia

From: Mike Craig <mike.c.63@gmail.com>
Sent: Sunday, March 26, 2023 12:27 PM
To: City Council
Subject: Music permit for Capitola Bar & Grill

I am writing in support of the petition for live music at Capitola Bar & Grill.

As you know, many businesses have tried to be successful at their location, and they have not been able to sustain their business.

Given the storm related damage in the Village, we need more reasons to bring people down to the Village.

Sal and Michelle have worked hard to build a great venue - I am a proud supporter of theirs.

Please give their request the favorable decision it deserves.

Thanks for your consideration.

Regards,

Mike Craig

Moss, Julia

From: Julie Monet <juliemonet59@icloud.com>
Sent: Sunday, March 26, 2023 12:29 PM
To: Moss, Julia
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

I am a small business owner in the Village, Monet Salon. Nobody has ever made the location of Capitola Bar and Grill successful. LaSalle and Michelle are a great asset to our village!

Best Regards,
Julie Monet

Moss, Julia

From: John Michael <jmichael2012@gmail.com>
Sent: Monday, March 27, 2023 2:36 PM
To: City Council
Subject: John Michael Support Music
Attachments: John Michael Letter of Recommendation.docx

My name is John Michael, from the John Michael Band. I am contacting the city council in support of music in Capitola.

Attached is a letter by me for recommendation. Please read!!

John Michael
johnmichaelband.com

3/27/2023

To: Capitola City Council,

My name is John Michael, local resident and vocalist for the band John Michael Band. I am writing this letter, requesting the Council to grant a permit for The Capitola Bar and Grill, so that they can continue to present live music that many have enjoyed.

Please consider my recommendation for The Capitola Bar and Grill to continue presenting live music at their establishment.

Sincerely,

John Michael
Johnmichaelband.com

Moss, Julia

From: Flávia Oliveira <flaviaboliveira@hotmail.com>
Sent: Tuesday, March 28, 2023 2:52 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; alexander.dean.pedersen@gmail.com; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Flávia Oliveira
Sent from my iPhone

Moss, Julia

From: George Zaferes <gtzaferes@aol.com>
Sent: Wednesday, March 29, 2023 2:00 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe
Subject: April 13 Board Meeting: RE: Capitola Bar and Grill Live Music Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings Capitola City Council:

Thank you for taking the time to read my email in SUPPORT of the LIVE MUSIC PERMIT For the Capitola Bar and Grill. As a musician and a LONG TIME patron of the businesses in Capitola Village . I support the CBG request for this permit;

This is one of the more VISIBLE venues in Capitola Village and it attracts patrons(tourists) by its location AND the MUSIC it offers in the Village.

The accusations of the LANDLORD and the Strong's persistent, yet RESPECTFUL, exchanges will be judged by you April 13.
PLEASE use your combined experience and WISDOM to grant this permit..for the Strong's, the musicians, the patrons, the live music enjoying community, of DANCERS and listeners and RESIDENTS of Capitola.

Respectfully Yours,

George Zaferes
831-251-0969
Aptos, CA

Moss, Julia

From: Alison <alikona4@gmail.com>
Sent: Wednesday, March 29, 2023 2:00 PM
To: admin@capitolastrong.com; City Council; ladykpetersen@gmail.com;
alexander.dean.pedersen@gmail.com
Cc: Keiser, Marguax; Brooks, Yvette; Clarke, Joe
Subject: I support Capitola Bar and Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill. Please support a locally owned business! As a long time local I enjoy going to this restaurant!!

Thanks,

Alison McClure, owner of Ohana Wealth Management

Moss, Julia

From: Ed Vyeda <evyeda@gmail.com>
Sent: Thursday, March 30, 2023 10:58 AM
To: City Council
Subject: I support Capitola Bar & Grill

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Ed Vyeda
Soquel

Moss, Julia

From: Ryan Yates <rynyates@outlook.com>
Sent: Sunday, April 2, 2023 11:03 AM
To: Dally, Andrew (adally@ci.capitola.ca.us); Ryan, Sarah (sryan@ci.capitola.ca.us); Dally, Andrew (adally@ci.capitola.ca.us); Moss, Julia
Subject: [PDF] Capitola Bar and Grill
Attachments: Chapter 5.24 ENTERTAINMENT PERMITS.pdf; Facebook.png; License Details Alcoholic Beverage Control.pdf; Matt Hereford Email.pdf

Good Day Chief Dally,

I hesitate to write in on this matter however feel compelled to do so given the circumstances. I have attempted to make it a personal point to not be bothersome to you or your force unnecessarily. However, I wanted to give you notice in advance on some issues to hopefully not have problems in the future.

In a very blatant and obvious retaliatory manner Capitola Bar and Grill increased the volume and bass of their music in the bar, directly below the apartment. It starts between 7:30 am and goes until roughly between 10:30 and 11pm. There appears to be a new system installed as of the January storms as it was never this way previously. I bring this to your attention not to be petty. If the music was incidental I would of course have no issues with hearing it as I only want the best for the patrons in the village. I am aware living here comes with noise so I assure you I am not being unreasonable. The levels are obvious, deliberate and loud and intrusive enough that no person could reasonably tolerate it for an extended period of time.

Additionally, Capitola Bar and Grill has begun promoting live music again starting wednesday the 5th, this week. Advertisement attached.

Both of these matters are concerning given.

- CBG has no entertainment permit from the city.
- Capitola code 5.24.010 describes entertainment as: (copy attached)

A. " a performance by live entertainers for the purpose of entertaining the patrons of a business; or

B. "Playing recorded music, whether with or without video, for the specific purpose of entertaining the patrons, invitees or visitors of a business, commercial establishment or meeting facility"

- Capitola Bar and Grill has specific restrictions on their liquor license with regard to noise stating: (copy attached)

"Entertainment provided shall not be audible beyond the area under the control of the licensee"

These are matters of the law and I thought it best to bring it to the attention of yourself and your team. I have personally seen entertainers playing an acoustic guitar on the sidewalk asked to leave by the police for playing music without a permit, so I don't really understand the tolerance for the abysmal behavior of Capitola Bar and Grill.

One last note I wanted to make you aware of. Due to Michelle and Lasalle Strong's publications of my personal phone number and name on social media and website, I have had an unsolicited outreach of ex-employee's of theirs offering to help speak up about the actions and behavior of the owner and her husband, Michelle and Lasalle Strong. One in particular is their previous general manager Matt Hereford. I have attached a letter from him simply regarding the sound and previous complaints received from other residents and tourists. In addition, he is insisting on not only speaking at the hearing, but writing a full account of the retaliation and harassment he witnessed towards me, from Lasalle Strong, during his time as the general manager of Capitola Bar and Grill. Given what Matt has told me, any form of mobilization or emboldened behavior with impunity is especially concerning.

Thank you for your time and attention to this matter.

Best,

Ryan A. Yates
831.247.7604

Complaint outline

Matthew Hereford <matt.hereford@gmail.com>

Fri 3/31/2023 11:13 PM

To: rynyates@outlook.com <rynyates@outlook.com>

To whom it may concern.

I was the GM for Capitola Bar and Grill from March 2022 to late July 2022.

I'm sending and creating this important preliminary email for the city council to review and police to review.

During my tenure at Capitola Bar & Grill it was a nightmare for lots reasons. I received dozens of local complaints regarding the noise and sound levels from the restaurant's music but was instructed by the owner to do otherwise. Residents from residential and both commercial all voiced how disruptive and obnoxious the sound level was in and outside the restaurant. I know for a fact that most complaints came from residents living along the creek and visitors renting at the Venetian hotel across the creek , along with residents from the same building. Many of them, if they didn't call Capitola PD came in person to share their frustrations and talk to me.

To summarize I was the GM there for roughly 5 months and I had to deal with noise complaints from more than 2 dozen sources. I started wearing earplugs inside at time because I knew the music level was damaging and extreme.

Regards,

Matt Hereford



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Sunday, April 02, 2023

LICENSE INFORMATION

License Number: 628965 **Primary Owner:** CAPITOLA STRONG INC.

Office of Application: 26 - SALINAS

BUSINESS NAME

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION

Licensee: CAPITOLA STRONG INC.

Company Information

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 01-NOV-2021 **Term:** 12 Month(s)

Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: 47-601423

0 **Fee Code:** P0 **Transfers:** Transferred On: 29-OCT-2021

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found

Chapter 5.24

ENTERTAINMENT PERMITS

Sections:

5.24.005 Findings.

5.24.010 Entertainment defined.

5.24.020 Entertainment permit required.

5.24.025 Theater defined.

5.24.030 Permit classifications.

5.24.040 Permit issuance.

5.24.045 Appeals.

5.24.050 Duration of permits.

5.24.060 Revocation or nonrenewal.

5.24.065 Violation of permit conditions.

5.24.070 Fees.

5.24.080 Application forms.

5.24.090 Violations.

5.24.005 Findings.

The city council finds as follows:

A. Entertainment often produces noise which is obtrusive to persons not patronizing the business or activity which produces the noise.

B. The availability of entertainment is often a significant factor in attracting patrons who infringe upon the peace and quiet and nightly sleep of nonpatrons, and is exacerbated by any of the following:

1. The entertainment is offered in conjunction with the distribution of alcohol.
2. The entertainment is offered by businesses which are open after nine p.m. and do not, like theaters, have fixed beginning and ending times at which most of the patrons enter and exit.
3. The entertainment is offered in an area where there is a concentration of similar businesses, thereby resulting in the area becoming an after-hours draw and the patrons of those businesses frequently entering and exiting the other establishments.
4. The entertainment is offered in locations where many of the patrons, when leaving, pass through or near areas where people reside.

C. To protect the peace and quiet of nonpatrons and their nightly ability to sleep it is necessary to have a licensing system and to thereby limit and condition the establishments offering such entertainment.

D. Policing and monitoring entertainment licenses entails considerable expense to the city, such that it is appropriate to collect a portion of such expenses from the entities providing the entertainment. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.010 Entertainment defined.

“Entertainment,” as used in this chapter, means and includes:

A. A performance by live entertainers for the purpose of entertaining the patrons of a business; or

B. Playing recorded music, whether with or without video, for the specific purpose of entertaining the patrons, invitees or visitors of a business, commercial establishment or meeting facility.

“Entertainment,” as used in this chapter, does not include a speech, pantomime or enactment (whether live or recorded), the primary purpose of which is to convey ideas of a political or religious nature, or to explain or critique the activities of public figures or of governmental or other institutions. It does not include mere background (“Muzak”) music played at moderate levels. (Ord. [1020](#) § 1 (part), 2018; Ord. [745](#) § 2, 1992; Ord. [699](#) (part), 1990)

5.24.020 Entertainment permit required.

No owner, manager or operator of any business or establishment (except theaters, as defined in Section [5.24.025](#)) may arrange for or allow entertainment to be conducted on the premises of any such business or establishment without obtaining an entertainment permit as provided in this

chapter. No person shall arrange for or promote entertainment on any publicly owned park, street or facility without first obtaining an entertainment permit as provided in this chapter. However, entertainment which is entirely enclosed within a structure and which cannot, at any time, be audible outside of that structure, need not have any entertainment permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.025 Theater defined.

“Theater,” for purposes of this chapter, means an establishment:

A. Whose primary activity is showing movies or staging theatrical productions which have fixed beginning and ending times; and

B. Primarily offer food or drinks only to those attending the movie or theatrical event. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.030 Permit classifications.

Entertainment permits shall be classified as follows:

A. A single-event entertainment permit may be issued for activities that will all occur within a single seven-day period.

B. A minor entertainment permit is for a business which offers entertainment incidental to the primary business, does not qualify for a single-event permit, and which has no dance floor or elevated state and which never has a cover charge.

C. A regular entertainment permit is for businesses which offer entertainment, but which do not qualify for a single-event entertainment permit or a minor entertainment permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.040 Permit issuance.

A. The city council shall issue new regular entertainment permits.

B. The city manager or department head designee may issue recurring regular entertainment permits, single-event entertainment permits and minor entertainment permits. The city manager, in the exercise of his or her discretion, may refer any single-event entertainment permit application, recurring regular entertainment permit, or minor entertainment permit application to the city council for its consideration.

C. Entertainment permits may be issued as herein provided for upon the city council's or city manager's finding that:

1. No significant number of nonpatrons will be disturbed by the entertainment, which is the subject of the permit application or, by the goings and comings of the people patronizing the entertainment events, which are the subject of the permit application;
2. The establishment at which the entertainment is to be provided or the entity which is applying for the entertainment permit is currently in compliance with all applicable state and local building, zoning, fire, and other regulations pertaining to public health and safety as well as any other statutes, ordinances, regulations, or permits that pertain to the establishment or the property on which the establishment is situated.

D. When necessary to assure that the entertainment which is the subject of the permit application will not result in disturbance to nonpatrons, the city council or city manager may condition the permit to assure nondisturbance by imposing permit-specific conditions relating to, but not limited to, days of operation, hours of operation, best practices to minimize public safety issues, noise level limitations, noise reduction and other, similar measures. (Ord. [1020](#) § 1 (part), 2018; Ord. [855](#) § 1, 2003; Ord. [835](#) § 2, 2002)

5.24.045 Appeals.

A permit applicant whose application for a single event entertainment permit, recurring regular entertainment permits or minor entertainment permit is denied by the city manager, or who is dissatisfied with the conditions imposed upon the permit issued by the city manager, may appeal to the city council in accordance with Chapter [2.52](#) of this code. The city council's decision with regard to the issuance and conditions of new regular entertainment permits and the city council's decision on appeal or city manager referral with regard to single-event or minor entertainment permits shall be final. (Ord. [1020](#) § 1 (part), 2018; Ord. [835](#) § 2, 2002)

5.24.050 Duration of permits.

The operative period of time for a single-event entertainment permit shall be set forth in the permit itself. All other permits shall expire no later than one year from the date of issuance. The issuance of a permit for one year does not establish a vested right to a renewal of the permit. If, during any permit period, the nature of the business activity or the circumstances surrounding the event to which the permit pertains change from the way it was initially permitted, the city in its sole discretion may require any permit holder to immediately apply for a new permit. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.060 Revocation or nonrenewal.

A permit may be revoked by the city council, with at least five days' written notice to the permit holder (who shall have an opportunity to be heard) for failure to comply with permit conditions or for having supplied false information in obtaining the permit. The city manager, or department head designee, may suspend or impose new conditions with at least five days' written notice to the permit holder for failure to comply with permit conditions. (Ord. [1020](#) § 1 (part), 2018; Ord. [777](#) § 1, 1995; Ord. [699](#) (part), 1990)

5.24.065 Violation of permit conditions.

Whenever a permit is suspended due to a violation of this chapter or of permit conditions, the city manager shall so report such suspension to the city council. (Ord. [1020](#) § 1 (part), 2018; Ord. [777](#) § 2, 1995)

5.24.070 Fees.

The city council may establish fees for applications for any of the permits described in Section [5.24.030](#) of this chapter. It may also prescribe fees for the issuance of the permit itself. Any schedule or formula of permit fees may be based on reasonable estimations of the cost to the city of monitoring or enforcing permit compliance. (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.080 Application forms.

The city manager may develop application forms pertinent to this chapter. Applicants may be required to submit any nonprivileged information reasonably related to the concerns expressed in Section [5.24.005](#). (Ord. [1020](#) § 1 (part), 2018; Ord. [699](#) (part), 1990)

5.24.090 Violations.

The operation of any business or entertainment activity contrary to the provisions of this chapter shall constitute a nuisance subject to abatement as provided in Title [4](#) of this code. Operating a business contrary to the business's entertainment permit and associated conditions, or violations of this chapter are also criminal acts subject to penalties provided in Section [1.01.090](#) and Title [4](#) of this code. (Ord. [1020](#) § 1 (part), 2018; Ord. [955](#) § 2, 2011; Ord. [699](#) (part), 1990)

The Capitola Municipal Code is current through Ordinance 1056, passed November 22, 2022.

Disclaimer: The city clerk's office has the official version of the Capitola Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofcapitola.org/>

City Telephone: (831) 475-7300

[Code Publishing Company](#)



Capitola Bar & Grill

18h · 🌐

...

CAPITOLA

BAR & GRILL

SING-A-LONG

Join the Acapella Fun

GLENNIE B

Wednesday April 5th

6-8pm

- Drafts \$7
- Wine \$7
- Well \$7
- Cosmo \$7
- Margaritas \$7

support our entertainment permit
more info: capitolastrong.com



Mishelleena Strong is at Capitola Bar & Grill.

19h · Capitola · 🌐

Join our special guest Glennie B as he leads our Wednesday nights sign-a-long. No amplified instruments allowed, as we are still awaiting approval for our Enter... See more

👍 7

👍 Like

💬 Comment

➦ Share



Write a comment...



Moss, Julia

From: Jefferson Hancock <jehancoc@hotmail.com>
Sent: Wednesday, April 5, 2023 8:44 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Capitola needs live music and musicians like me love having a place to play like Capitola Bar and Grill. Patrons dance, sing, eat, drink, and love Capitola. If live music continues here, they will spend money -- and time -- in Capitola.

This town has something rare in its appreciation for live music. Don't lose it. Approve the live music permit for Capitola Bar and Grill.

Moss, Julia

From: Ryan Yates <rynyates@outlook.com>
Sent: Thursday, April 6, 2023 10:05 AM
To: Keiser, Marguax; Brown, Kristen; Brooks, Yvette; Clarke, Joe; City Council
Cc: Gonzalez, Francisco@ABC; Moss, Julia
Subject: [PDF] Support for the City of Capitola's DENIAL of appeal by Capitola Bar and Grill for live music
Attachments: City Council Letter.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Honorable City Council Members and Madam Mayor,

I am a concerned citizen of this community, writing to express my support for the City of Capitola's **denial** of the appeal made by Capitola Bar and Grill to have live music at their establishment. Please find attached a letter that provides further details on my concerns regarding this issue for your upcoming hearing.

Thank you,

Ryan A. Yates
831.247.7604

Dear Honorable City Council Members and Madam Mayor,

I am Ryan Yates, a concerned citizen of this community, writing to express my support for the City of Capitola's denial of the appeal made by Capitola Bar and Grill to have live music at their establishment. I know that it may be easy to conclude that I am simply in support of their denial on my own behalf. I assure you that is not the case. It is true that I do not want horrific cover bands blasting into my home at 80 – 100 decibels, however there are far more concerning matters to consider.

The owner of Capitola Bar and Grill has squandered the unique opportunity of having a beautiful restaurant on the beach by alienating 99% of locals with loud and invasive music, which forces unwilling families, children, patrons of other businesses, and community members to bear an incredibly intrusive experience that they do not want, nor did they ask to be apart of. The negative impact of the bar's amplified music is evident in the experiences of individuals who have dined there, such as finding human fecal matter on the restroom floor and walls, management allowing weed to be smoked on the deck during dinner service or children experiencing overly intoxicated patrons smoking cigarettes on the street corner while they walk home from Jr. Guards. (yelp)

In addition to the negative impact on the community, the owner and her husband have exhibited deliberate and intentional tactics to attempt to harass, annoy, and intimidate me personally into submission or remove me from my home. Matt Hereford, their previous general manager has quoted; "Lasalle is an incredibly mean spirited and two-faced individual. He would insist the band spread out as wide as possible and press the subwoofer and speaker stacks up against the column in the dining room that runs up through the bedroom of the apartment." Matt quoted Lasalle saying: "were gonna rock the house for that motherfucker." Matt goes on to state. "So many people complained. I was instructed to NEVER turn down the music but offer anyone who complained 2 free drinks any time they wanted."

During this time they were having bands 6 nights a week. 2 of which were horrific karaoke blasted at full volume. How is this a restaurant? I have also recently discovered that Lasalle Strong, who exhibits such behavior, is not an owner of Capitola Bar and Grill and has no standing with Capitola Strong, Inc., nor is he on the liquor license. Lasalle and Michelle Strong or Mishelleena Mendez, or what every she is calling herself to people here in Capitola, do not care about anyone or anything but themselves.

Secretary of State documents (available to anyone) attached along with further unsolicited statements in writing from Matt Hereford regarding complaints.

Additionally, the ABC (alcoholic beverage control for the state of California) has imposed specific restrictions on Capitola Bar and Grill's license to sell alcohol. This is one of many restrictions on them that reads verbatim: "Entertainment provided shall not be audible beyond the area under the control of the licensee." Meaning. A person walking down the sidewalk should not hear their music per the liquor license. Full Stop.

Liquor license (available to anyone) attached.

Thus, in support of the denial to their "music permit" I urge you to consider the abysmal content of character of the owner and her husband and what their idea of "music in the village" really means. I ask you to consider the unique restrictions on Capitola Bar and Grill's liquor license by the state and the specific literature from the city regarding entertainment and its impact on non-patrons. Please consider asking the following questions as you deliberate: Why is the ABC imposing such a specific restriction on their ability to sell alcohol? Why does the City of Capitola have such specific literature regarding entertainment, as well as the impact of said entertainment on non-patrons? Why does the lease in the building, the city of Capitola, the county of Santa Cruz, and the State of California have laws and regulations regarding quiet enjoyment of others? Why is the person who claims to be the owner nowhere to be found on any of the business documentation regarding Capitola Bar and Grill, or any of their other "businesses".

Thank you for your attention and I look forward to standing before you in person on this matter.

Sincerely,

Ryan Yates



Complaint outline

Matthew Hereford <matt.hereford@gmail.com>

Fri 3/31/2023 11:13 PM

To: rynyates@outlook.com <rynyates@outlook.com>

To whom it may concern.

I was the GM for Capitola Bar and Grill from March 2022 to late July 2022.

I'm sending and creating this important preliminary email for the city council to review and police to review.

During my tenure at Capitola Bar & Grill it was a nightmare for lots reasons. I received dozens of local complaints regarding the noise and sound levels from the restaurant's music but was instructed by the owner to do otherwise. Residents from residential and both commercial all voiced how disruptive and obnoxious the sound level was in and outside the restaurant. I know for a fact that most complaints came from residents living along the creek and visitors renting at the Venetian hotel across the creek , along with residents from the same building. Many of them, if they didn't call Capitola PD came in person to share their frustrations and talk to me.

To summarize I was the GM there for roughly 5 months and I had to deal with noise complaints from more than 2 dozen sources. I started wearing earplugs inside at time because I knew the music level was damaging and extreme.

Regards,

Matt Hereford



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Sunday, April 02, 2023

LICENSE INFORMATION

License Number: 628965 **Primary Owner:** CAPITOLA STRONG INC.

Office of Application: 26 - SALINAS

BUSINESS NAME

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION

Licensee: CAPITOLA STRONG INC.

Company Information

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 01-NOV-2021 **Term:** 12 Month(s)

Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: [47-601423](#)

0 Fee Code: P0 **Transfers:** Transferred On: 29-OCT-2021

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public.

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:

No Active Holds found

ESCROWS:

No Escrow found



California Secretary of State
Electronic Filing



Corporation - Statement of Information

Entity Name: CAPITOLA STRONG INC.

Entity (File) Number: C4768976

File Date: 01/13/2022

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: H110924

Detailed Filing Information

1. Entity Name: CAPITOLA STRONG INC.

2. Business Addresses:
 - a. Street Address of Principal Office in California: 231 Esplanade #102
Capitola, California 95010
United States of America

 - b. Mailing Address: 231 Esplanade #102
Capitola, California 95010
United States of America

 - c. Street Address of Principal Executive Office: 231 Esplanade #102
Capitola, California 95010
United States of America

3. Officers:
 - a. Chief Executive Officer: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

 - b. Secretary: Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

Document ID: H110924



California Secretary of State Electronic Filing

Officers (cont'd):

c. Chief Financial Officer:

Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

4. Director:

Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

Number of Vacancies on the Board of
Directors:

0

5. Agent for Service of Process:

Michelle Strong
231 Esplanade #102
Capitola, California 95010
United States of America

6. Type of Business:

Restaurant

No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: Michelle Strong

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

Document ID: H110924

LETTER IN OPPOSITION TO RENEWAL OF A LIVE ENTERTAINMENT
PERMIT TO CAPITOLA BAR AND GRILL.

CITY OF CAPITOLA
CITY CLERK

From La Serena Properties & Steve Yates landlord -owner

APR 6 2023

Capitola City Council

My main position as owner and landlord for the building is to help insure the inhabitants within, a peaceful coexistence . In the case of each and all tenants the leases state;

"Tenant shall not cause or permit the Premises to be used in any way that constitutes a violation of any law, ordinance, or governmental regulation or order, or that unreasonably interferes with the rights of other tenants."

Basically the universal right to "quiet enjoyment" of your home or space.

A landlord may not discriminate based on the amount of rent coming in from one tenant over another. That a restaurant pays more rent does not give that owner expanded rights over an apartment tenant.

To further expand on this point, the authority that sits above even the City and the landlord is the State Alcohol Beverage Commission (the ABC). They have further defined the conditions wherein the commercial tenant may serve alcohol to the public. Stated as OPERATING RESTRICTIONS FOR CAPITOLA BAR AND GRILL:

"ENTERTAINMENT PROVIDED SHALL NOT BE AUDIBLE BEYOND THE AREA UNDER CONTROL OF THE LICENSEE."

This means that having a 5 person band like Cougar Unleashed playing in the dining room and making conversation on the deck of Margaritaville impossible is a direct violation of the ABC license. That the tenant directly upstairs can't even think or talk on the phone is a violation of the lease.

The OPERATING RESTRICTIONS go on to state:

"DURING NORMAL MEAL HOURS, AT LEAST 50% OF THE PREMISES SEATING SHALL BE DESIGNED AND USED FOR AND MUST POSSESS THE NECESSARY UTENSILS, TABLE SERVICE, AND CONDIMENT DISPENSERS WITH WHICH TO SERVE MEALS TO THE PUBLIC."

Here the applicant removes the tables and chairs to provide room for dancing, a band stage, drum set, amplifiers and the band members.

"We want to bring live music and dancing to the village." Michelle Strong

These are clear violations of the ABC license to sell alcohol. Food sales go to near zero and alcohol to near 100%. This is generally from 4PM on. (dinner time)

"We are losing nearly \$5000 a week without live bands and dancing." Michelle Strong."

The location in question has been a true restaurant for over 50 years. Stockton Bridge Grill operated for nearly 30 years successfully as a restaurant. Sotola came in post SBG and was wildly successful. Here the applicant simply wants to redirect sales from food to alcohol for unknown reasons. They are, according to their own website extremely successful in food service and preparation. They have as many 5 star Yelp ratings as Tressels or Shadowbrook. This should remain their focus.

Here the restaurant owner knew of the OPERATING RESTRICTIONS placed on them by the ABC. They never the less elected to apply for a permit for entertainment, expand that definition to include "live bands and dancing" and then chose to violate those restrictions placed on them by the ABC and the lease.

For the reasons stated above the applicants request for an appeal of a live band and dancing (ENTERTAINMENT PERMIT) permit must be denied.

Respectfully,

Steve Yates owner of the property

CA



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Report Date: Saturday, March 25, 2023

LICENSE INFORMATION

License Number: 628965 **Primary Owner:** CAPITOLA STRONG INC.

Office of Application: 26 - SALINAS

BUSINESS NAME

CAPITOLA BAR & GRILL

BUSINESS ADDRESS

231 ESPLANADE , CAPITOLA, CA, 95010

County: SANTA CRUZ **Census Tract:** 1218.01

LICENSEE INFORMATION

Licensee: CAPITOLA STRONG INC.

Company Information

OFFICER: STRONG, MICHELLE ELIZABETH (DIRECTOR)

OFFICER: STRONG, MICHELLE ELIZABETH (CHIEF FINANCIAL OFFICER)

OFFICER: STRONG, MICHELLE ELIZABETH (PRESIDENT/SECRETARY)

STOCKHOLDER: STRONG, MICHELLE ELIZABETH

LICENSE TYPES

Allow up to six weeks for expiration date updates after fee waiver or renewal fee submittal.

47 - ON-SALE GENERAL EATING PLACE

License Type Status: ACTIVE **Status Date:** 01-NOV-2021 **Term:** 12 Month(s)

Original Issue Date: 29-OCT-2021 **Expiration Date:** 30-SEP-2023 **Master:** Y **Duplicate:**

From License Number: 47-601423

0 Fee Code: P0 **Transfers:** Transferred On: 29-OCT-2021

These are specific to this licensee

OPERATING RESTRICTIONS:

The premises shall comply with the provisions of Section 23038 of the Business and Professions Code and acknowledge that incidental, sporadic or infrequent meals or a mere offering of meals without actual sales shall not be sufficient to consider the premises in compliance with the aforementioned code section.

During normal meal hours, at least PERCENTAGE 50% of the premises seating shall be designed and used for and must possess the necessary utensils, table service, and condiment dispensers with which to serve meals to the public. *They pull most tables out*

The quarterly gross sales of alcoholic beverages shall not exceed the quarterly gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.

Entertainment provided shall not be audible beyond the area under the control of the licensee.

The subject alcoholic beverage license shall not be exchanged for public premises type license.

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

Moss, Julia

From: msm@portata.com
Sent: Thursday, April 6, 2023 5:27 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: Entertainment permit for Capitola Bar and Grill

Dear Council Members,

No doubt you have received many letters and other communications about the importance of the entertainment permit. The devastation of the pandemic lockdown and the recent storm have battered local businesses and our community of workers whose livelihoods were disrupted. For those reasons, it is important for our business to quickly rebuild for the sake of the businesses, their staff, and the community which benefits from their businesses.

However, there is another issue that I believe is equally important. We have had a heavy blow to the spirit and soul of our community. People feel battered. Three long years of our lives have been disrupted by the lockdown and then spiked by the destruction of our favorite places on the Esplanade and wharf.

We need to feel good again. We need to feel hope. We need to be able to come together to listen to music and to dance. We need to rebuild our humanity and the bonds that tie us together in the community.

Now is not the time to quibble over bureaucratic details. We need bold leadership to rebuild our community. For all of our benefit, please issue the permit so that we come together, heal, and rebuild our community.

Respectfully,

Mark McWhinney

Moss, Julia

From: Roberta Marquis <lyricalnote@gmail.com>
Sent: Friday, April 7, 2023 9:46 AM
To: City Council; Keiser, Marguax; ladykpeterson@gmail.com
Subject: Capitola Bar and Grill Live Music Permit Please
Attachments: capitola letter.docx

Sent from [Mail](#) for Windows

April 6th2023

To: The City Council of Capitola

Please allow Capitola Bar and Grill to have music again! We miss music in Capitola! I moved here because of the fantastic music community here in Capitola. Now due to the storms, this is a no music community, there is only one wonderful place to go and dance with friends, Cork and Fork. With our wonderful Sand Bar rebuilding there is no place to enjoy live music with room to dance and enjoy a variety of food and cocktails.

Capitola Bar and Grill always brought in wonderful musicians. We would dance in that beautiful view with so much space, and delight our souls. It was wonderful to walk into the village and walk by and hear music from their door step. Bringing life to the Village. I also loved that they had music early evening. Having a variety of music venues keeps people in the village spending money on food at other places, plus I always seem to leave with a gift from my favorite gift stores or clothing.

Example of what is happening. Last Sunday friends and I finished a practice and wanted to meet in Capitola for music. Cork and Fork being the only music stopped at 5:30. We missed it. I walked to Capitola Bar and Grill with the sadness of no music.... Looked around, no music anywhere. Texted my group, what to do. We all decided to go other places in Santa Cruz. I live in Aptos so I went to watch sunset at Seabright and went home. I normally would go have a bite at Britannia or Thai, then go dance and work off my meal, enjoy friends and leave Capitola with joy in my heart. Now I leave with such sadness.

I am 60, female, a Boat Captain in Moss Landing who thrives on the community of dance and friendships we had in Capitola. I am missing this very much in my life!

Please give Capitola Bar and Grill their Permit to have live music back and support our local musicians and the Village.

Sincerely, with all my heart

Roberta Marquis

Lyricalnote@gmail.com

831-600-6990

Moss, Julia

From: madeline adamczeski <adamczeski1@gmail.com>
Sent: Friday, April 7, 2023 11:15 AM
To: City Council
Subject: Capitola Bar & Grill's Live Music

To: City Council Members
Mayor - Margaux Keiser
Vice Mayor - Kristen Brown
Council Member - Yvette Brooks
Council Member - Joe Clarke
From: Madeline Adamczeski
Re:Capitola Bar & Grill (CBG)
Date: 4/7/2023

Dear Member(s) of the City Council,

I'm both surprised and dismayed to learn that CBG's permit to allow live music has not yet been approved in spite of multiple efforts by the business owners/leasers. Family, friends, and I are big music enthusiasts and fans of local musicians hosted local establishments. Specifically, we are loyal patrons to CBG employers and employees as well as their musicians. Can you kindly help me/us understand why live music at CBG has been discontinued & has been allowed to lapse despite a staunch fan base comprised of current business owners and their clientele? In the meantime, please do not hesitate to offer suggestions on how I/we can help bring back local musicians so that CBG can continue hosting live music in this jewel of a venue.

Thank you.

Respectfully,
Madeline Adamczeski

Moss, Julia

From: Michelle Strong <info@capitolabarandgrill.com>
Sent: Friday, April 7, 2023 11:58 AM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com; Moss, Julia
Subject: [PDF] I support Capitola Bar & Grill
Attachments: support-live-music-at-capitola-bar-amp-grill_040723.pdf

Dear Mayor and City Councilmembers:

This is additional information for your consideration of our appeal. Attached petition signatures to print.

Our operation hours are Monday through Thursday 8:00am to 9:00pm, Saturday and Sunday 8:00am to 10:00pm. Total hours per week average 93 hours. Of the 93 hours of business, our music program at most was 9 hours per week, that is less than 10%. Selling food is our primary focus of business and we serve food until closing.

It's not our goal to be a nightclub. We were very clear in our lease application that we want to join the vibrant Village and offer live music. Our restaurant is in the "Mixed Use Village" Zone. There should be an expectation of daytime noise while living in a mixed-use zone.

Calls for service since our occupancy have decreased along with being less severe violations. Among the calls of 2022 and 2023 the calls are unfounded noise complaints or normal business activity of the tourist area.

The umbrella noise ordinance for the City of Capitola is 10:00pm. Even the residential units in our building can have live entertainment until 10:00 pm. The coffee shop in the building has live music.

We offer entertainment during our operations hours, for which we close by 10:00pm. Municipal Code 5.24.005 Entertainment Permit states the permit is to regulate "night time noise". Several times it states, "Infringe upon the peace and quiet and nightly sleep of non patrons", "open after 9:00pm," and "an afterhours draw".

As business owners, we have made many alterations to assist in noise control, however the landlord has made no efforts to meet for a compromise nor has he made any efforts to add soundproofing for his son's unit. The unit above our bar area not only has noise from the surrounding traffic from the Village; there are several exhaust systems for the two restaurant's kitchen hoods, and a Verizon cell tower that has a generator and motor running 24 hours per day. The City of Capitola itself offers live music in the open outdoor Esplanade Park Bandstand. There are several neighboring

businesses that have some form of entertainment or amplified music. Through the street traffic, the pedestrians, and the normal sounds of a restaurant, we should not have an expectation to keep all sounds inside our building. The landlord is responsible for the walls, roof and membrane of the building. It would fall on his burden to provide the building with proper insulation.

Out of the mixed-use building there are three restaurants and three residential units. The landlord's agent, Steve Yates, has concern of the "tenants" of the building. However out of the six commercial and residential units, we occupy two of the spaces out of six, that's one-third of the buildings occupancy. As we occupy the restaurant and an apartment in the building. Of the two other restaurants, the Coffee shop offers live music, and has a piano in its dining area, while Margaritaville does offer background music in the dining and the patio. Among the neighboring businesses Paradise Beach Grille, less than 10 feet from our building, offers live entertainment, which from their permit, may go later than 10:00pm. Directly across the street from our restaurant, The Mercantile has an entertainment permit, with events that are held outdoors. This is what the Village is made off and what draws our customers. Visitors and locals alike come for breakfast and stay all day, finding new gems that have become their favorites, shops, eats, and music.

We are not asking you to rewrite the municipal code, nor are we asking for anything out of your reach. The City Manager's form has a place for the landlord's signature or consent; however the landlord has already given consent by signing our lease and agreeing that we would offer live music. The landlord cannot now add words to the lease as "sit-down only", nor can it exclude music after signing. The time for the landlord to exclude live music was before signing, as it did when it excluded the use of a "Mexican restaurant" in the lease.

Per our lease, "Section 1.09. Permitted Use/Exclusive Use. Tenant shall use the Premises for a restaurant, as defined in the City of Capitola use permit existing at the time of execution of this Lease, and for no other purpose. Notwithstanding, in no event shall the use include a Mexican food type restaurant."

Attached is a list I received of the Entertainment Permits issued in 2021. Out of the 43 permits issued, all 43 would fall under the "Restaurant" as permitted use. In our appeal we are asking to receive a permit in absence of the landlord's signature, as has been the City's typical procedure, as only 19 of the 43 have an actual application on file with the landlord's signature.

The landlord has not presented any support for loss; however, we have a significant loss of revenue, along with the loss of clientele, and staff. Our staff highly relies on tips, and through the reduction of sales, we are not able to retain valuable staff, especially in the slow season.

My husband, Lasalle Strong, and I have three restaurants. We are a part of this community, and we do our part to make the community a functioning place. By owning two businesses in Santa Cruz County, we employ over 40 residents, not to mention the many artists and musicians that have received income from playing at our establishments. Our business not only provides sales tax for the county, through our commercial lease we are responsible for paying the property and sewage taxes for the building, as a split cost with the other two commercial tenants.

We own a business in a tourist-driven community. Restaurants are an anchor for the retail and rental properties. This is not a zoning issue that should require the landlord's consent. The multi-use building has obstacles for both the residential and the commercial tenants. LaSalle and I have compromised enough by closing early, scheduling entertainment to end by 10:00 pm.

The residential landlords of the Multi-Use Village know what our Village entails, being in the Village adds value to their rental income. They should not be allowed to interfere with that mixed use in the Village, or impose on the businesses there that provide entertainment.

This location has changed hands numerous times. The past six years, we are the fourth business owners. We are proudly coming upon our two year anniversary, surviving two winters in a tourist town is not an easy feat. Consequently, the most unfortunate obstacle for our business has been the lack of support from our landlord.

I understand this matter has taken a lot of thought and may have caused some discomfort for those that are aware of Steve Yates' rath. However instead of looking at the negative repercussions, we ask that you look at, "How can the City Council of Capitola, help this family owned small business continue in their success?"

We are a BLACK owned, MEXICAN owned, WOMAN owned business, why is the landlord and his son "intimidated" by us?

Yours very truly,

LaSalle and Michelle Strong
Proprietors, Capitola Bar & Grill



Please attach the petition signatures attached.



Support Live Music at Capitola Bar & Grill

<https://www.thepetitionsite.com/464/903/626/support-live-music-at-capitola-bar-amp-grill/>

Author: LaSalle & Michelle Strong

Recipient: Capitola City Council

Petition:

Please support live music at Capitola Bar & Grill. We plan to meet at CBG at 5:00pm and walk over to Capitola City Hall. If you cannot join us in person, there is a link to attend via zoom. All are requested to email a letter of support to the City Council of Capitola. More information at capitolastrong.com

Please CC admin@capitolastrong.com on emails to the City Council, we will also print and bring to the meeting.

| | Name | From | Comments |
|-----|-------------|--------------------|--|
| 1. | Kelly G | Santa Cruz, CA | |
| 2. | Xavier G | Santa Cruz, CA | |
| 3. | Jennifer | Martinez, CA | |
| 4. | Lori L | Antioch, CA | |
| 5. | Marlene M | Fresno, CA | Please continue to allow Live Music at Capitola Bar & Grill. . |
| 6. | Trisha A | Watsonville, CA | Please allow music at capitola bar and grill it also helps bring in tourist to visit other capitola village bussinesses |
| 7. | Elizabeth P | Campbell, CA | Why are they being treated differently than other business\'s that have live music. |
| 8. | Marji K | La Selva Beach, CA | |
| 9. | Dawn C | Capitola , CA | |
| 10. | scott m | scotts valley, CA | |
| 11. | Chick G | Soquel, CA | Enjoyed music in Capitola for over 40 years. Capitola Bar and Grill has supplied some of the best of recent years AND it is early for those of us that don't stay up late. It brings us and our wallets into the village instead of staying home and we spend money on food and other things once we're in the village. |
| 12. | Steven H | Santa Cruz, CA | Keep the village alive with live music at Capitola bar and grill |
| 13. | Andrea I | Fresno, CA | |
| 14. | Laurie L | La Selva Beach, CA | |
| 15. | josie F | Capitola, CA | Live music and Dancing in the village is so important to us. This venue is so lovely and always bring us out to spend money and have a great time. As someone who lives and works in town it\'s great to have a place I like and can also refer tourists to also. They make a fun experience for locals and out of towners alike. Especially in this time when most of the other live music venues are closed, lets support joy in our village |
| 16. | Kim M | Santa Cruz, CA | |
| 17. | Belinda G | Martinez, CA | |
| 18. | Anonymous | SANTA CRUZ, CA | |
| 19. | Ted W | Santa Cruz, CA | |
| 20. | Paul W | Capitola, CA | |
| 21. | Karen M | Capitola , CA | |
| 22. | CARALEENA M | Lemoore , CA | |
| 23. | Julie L | Aptos, CA | |
| 24. | Rick A | Capitola, CA | |

| | Name | From | Comments |
|-----|-------------|------------------|---|
| 25. | Jasmine A | Salinas , CA | Fingers crossed band night comes back, we miss our magical nights with our cbg family ! |
| 26. | Sheamir I | Salinas , CA | ☺☺Music soothes the soul ☺☺ |
| 27. | Glenn B | Santa Cruz , CA | |
| 28. | Andre M | Long Beach, CA | |
| 29. | Shameeka M | Long Beach, CA | |
| 30. | Belita M | Santa Cruz, CA | |
| 31. | Anonymous | HOMETOWN, IL | |
| 32. | Dawn S | CAPITOLA, CA | |
| 33. | Nancy W | Santa Cruz, CA | |
| 34. | Jennifer W | Soquel, CA | |
| 35. | Shelly M | Watsonville , CA | Margaux you know how much music helps. Let them have it |
| 36. | Pam L | Aptos, CA | We've been enjoying live music in the village for over a decade. This situation sounds personal and I suggest the city council stay out of that and continue to allow the show to go on as they have in the past. |
| 37. | Rupert H | Ben Lomond, CA | |
| 38. | Natalie M | Soquel, CA | Live music is essential for the Village |
| 39. | Emanuel B | Santa Cruz, CA | Music heals everything! |
| 40. | Janice. W | Santa Cruise, CA | |
| 41. | Amy V | Santa Cruz , CA | As a neighboring store owner to this business who has also been very challenged staying afloat in this economy we ask you approve this permit not only to help a local business survive but so we go enjoy the music! My store is also in Capitola village right on Capitola avenue |
| 42. | Alexa T | Capitola , CA | |
| 43. | Joseph U | Santa Cruz , CA | Bring back the music !!! |
| 44. | Lucas C | Capitola, CA | ☺☺ |
| 45. | Ed V | Soquel, CA | |
| 46. | Kyle C | Soquel, CA | Thank you! |
| 47. | Karen B | Sacramento, CA | |
| 48. | Elizabeth P | Santa Cruz, CA | |
| 49. | Ingrid S | Capitola, CA | |
| 50. | Tamara J | Felton , CA | |
| 51. | Kylie O | Santa Cruz, CA | |
| 52. | Michael W | San Jose, CA | |
| 53. | Timothy P | Santa Cruz, CA | |
| 54. | Scott O | Santa Cruz, CA | |
| 55. | Jennifer F | Gilroy , CA | |

| | Name | From | Comments |
|-----|-------------|----------------------|---|
| 56. | Donna D | San Martin, CA | |
| 57. | Will L | Capitola , CA | |
| 58. | Jack G | San diego, CA | |
| 59. | Lynn Y | Santa Cruz, CA | |
| 60. | Ariana K | Campbell, CA | |
| 61. | Emma S | slo, CA | |
| 62. | kyle y | santa cruz, CA | |
| 63. | Michelle R | Santa Cruz, CA | |
| 64. | Ed L | Davis, CA | |
| 65. | Erin B | Benicia, CA | |
| 66. | Diane G | Gilroy, CA | |
| 67. | Stan E | San Francisco , CA | Capitola Bar and Grill has had music for years. Why would that change? Besides offering customers quality entertainment, it helps the restaurant make a profit. Don't we all want that? Things are difficult enough for business owners in Capitola, after the recent storms. Let's help the businesses that are still open. Thank you. -Stan |
| 68. | James M | Campbell , CA | Let the music play every day and every way |
| 69. | Anonymous | Capitola, CA | Please we support live music in Capitola at Capitola Bar and Grill! |
| 70. | Lisa H | Campbell , CA | I'm someone who loves Capitola and the music scene! Please don't take this away from this business! |
| 71. | Mark M | SCOTTS VALLEY, CA | |
| 72. | Amber C | Martinez, CA | |
| 73. | Ron G | Santa Cruz, CA | I support the Capitola Bar & Grill. |
| 74. | Debra K | Aptos, CA | |
| 75. | Serena W | Santa Cruz, CA | I live in Capitola Village. I support and expect the legal right to have an entertainment permit not be denied to CBG due to any landlord request. I want live entertainment where I live it's a main reason why I moved here! Thank you. |
| 76. | Andrew E | Capitola, CA | Hearing live music as we walk into the village is a huge part of the experience that makes Capitola as charming as it is. Personally, I'm sensitive to loud sounds so karaoke and live band nights at CBG are nights I avoid eating there, but I still enjoy the atmosphere that they create! It's very disappointing to see the news that they are now being told that they can't do this. Please provide them with whatever permits are required so they can continue entertaining our residents and visitors |
| 77. | Kevin M | Capitola, CA | We need to support our local businesses, Music and art! Show your support for Capitola Bar & Grill to get permitted and continue to serve our Community |

| | Name | From | Comments |
|-----|-------------|---------------------|--|
| 78. | John Z | Modesto, CA | Supporting live music |
| 79. | Carol D | Imperial Beach , CA | Keep the music! Thank you. |
| 80. | Kara D | Soquel, CA | |
| 81. | Rigo A | Soquel, CA | Bring back live music! |
| 82. | Dennis F | Santa Cruz, CA | Down with the haters! Bring back live music! |
| 83. | Roberta M | Aptos, CA | |
| 84. | James L | Martinez, CA | |
| 85. | Tim H | Santa Cruz, CA | |
| 86. | Joezette M | Madera , CA | Best of luck on this journey to win for Capitola Village!! |
| 87. | David D | Santa Cruz, CA | |
| 88. | Sandra R | Santa Cruz, CA | |
| 89. | Amber G | Hollister , CA | |
| 90. | Lorette K | Santa Cruz, CA | |
| 91. | Molly W | Aptos, CA | |
| 92. | Jefferson H | APTOS, CA | |
| 93. | Amy T | Santa Clara, CA | If you are allowing other businesses to have music you need to allow ALL Businesses. Do better City of Capitola! |
| 94. | Raina C | Aptos, CA | |
| 95. | Madeline A | Santa Cruz, CA | What is the reasoning and who is behind the effort to prohibit live music that: 1. support musicians & 2. Support local business and 3. bring immense joy to a wide range of a large swath of members of this community? |
| 96. | Danielle S | Capitola, CA | |
| 97. | Dan S | Capitola, CA | |
| 98. | Robert J | Capitola, CA | |

Moss, Julia

From: Debra de Roos <debra.deroos@gmail.com>
Sent: Friday, April 7, 2023 12:06 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com
Subject: I support Capitola Bar & Grill

I am writing this letter in support of Capitola Bar & Grill. I request the City Council of Capitola, CA approve the Entertainment Permit for Capitola Bar & Grill.

Sincerely,
Debbie de Roos. 805-259-6456

Moss, Julia

From: Michelle Strong <info@capitolabarandgrill.com>
Sent: Friday, April 7, 2023 12:15 PM
To: City Council; Keiser, Marguax; ladykpetersen@gmail.com; Brooks, Yvette; Clarke, Joe; Pedersen, Alexander; admin@capitolastrong.com; Moss, Julia
Subject: [PDF] RE: I support Capitola Bar & Grill
Attachments: Public Records - List of Entertainment Permits.pdf

Attached is the list of Entertainment Permits from 2019 to Feb. 21, 2023.

Thank you,

Michelle Strong
231 Esplanade #102
Capitola, CA 95010
Cell #559-341-5418



From: Michelle Strong
Sent: Friday, April 7, 2023 11:57:51 AM
To: citycouncil@ci.capitola.ca.us <citycouncil@ci.capitola.ca.us>; margauxkeiser@gmail.com <margauxkeiser@gmail.com>; ladykpetersen@gmail.com <ladykpetersen@gmail.com>; ybrooks@ci.capitola.ca.us <ybrooks@ci.capitola.ca.us>; jclarke@ci.capitola.ca.us <jclarke@ci.capitola.ca.us>; apedersen@ci.capitola.ca.us <apedersen@ci.capitola.ca.us>; admin@capitolastrong.com <admin@capitolastrong.com>; Moss, Julia <jmoss@ci.capitola.ca.us>
Subject: I support Capitola Bar & Grill

Dear Mayor and City Councilmembers:

This is additional information for your consideration of our appeal. Attached petition signatures to print.

Our operation hours are Monday through Thursday 8:00am to 9:00pm, Saturday and Sunday 8:00am to 10:00pm. Total hours per week average 93 hours. Of the 93 hours of business, our music program at most was 9 hours per week, that is less than 10%. Selling food is our primary focus of business and we serve food until closing.

It's not our goal to be a nightclub. We were very clear in our lease application that we want to join the vibrant Village and offer live music. Our restaurant is in the "Mixed Use Village" Zone. There should be an expectation of daytime noise while living in a mixed-use zone.

Calls for service since our occupancy have decreased along with being less severe violations. Among the calls of 2022 and 2023 the calls are unfounded noise complaints or normal business activity of the tourist area.

The umbrella noise ordinance for the City of Capitola is 10:00pm. Even the residential units in our building can have live entertainment until 10:00 pm. The coffee shop in the building has live music.

We offer entertainment during our operations hours, for which we close by 10:00pm. Municipal Code 5.24.005 Entertainment Permit states the permit is to regulate “night time noise”. Several times it states, “Infringe upon the peace and quiet and nightly sleep of non patrons”, “open after 9:00pm,” and “an afterhours draw”.

As business owners, we have made many alterations to assist in noise control, however the landlord has made no efforts to meet for a compromise nor has he made any efforts to add soundproofing for his son’s unit. The unit above our bar area not only has noise from the surrounding traffic from the Village; there are several exhaust systems for the two restaurant’s kitchen hoods, and a Verizon cell tower that has a generator and motor running 24 hours per day. The City of Capitola itself offers live music in the open outdoor Esplanade Park Bandstand. There are several neighboring businesses that have some form of entertainment or amplified music. Through the street traffic, the pedestrians, and the normal sounds of a restaurant, we should not have an expectation to keep all sounds inside our building. The landlord is responsible for the walls, roof and membrane of the building. It would fall on his burden to provide the building with proper insulation.

Out of the mixed-use building there are three restaurants and three residential units. The landlord’s agent, Steve Yates, has concern of the “tenants” of the building. However out of the six commercial and residential units, we occupy two of the spaces out of six, that’s one-third of the buildings occupancy. As we occupy the restaurant and an apartment in the building. Of the two other restaurants, the Coffee shop offers live music, and has a piano in its dining area, while Margaritaville does offer background music in the dining and the patio. Among the neighboring businesses Paradise Beach Grille, less than 10 feet from our building, offers live entertainment, which from their permit, may go later than 10:00pm. Directly across the street from our restaurant, The Mercantile has an entertainment permit, with events that are held outdoors. This is what the Village is made off and what draws our customers. Visitors and locals alike come for breakfast and stay all day, finding new gems that have become their favorites, shops, eats, and music.

We are not asking you to rewrite the municipal code, nor are we asking for anything out of your reach. The City Manager’s form has a place for the landlord’s signature or consent; however the landlord has already given consent by signing our lease and agreeing that we would offer live music. The landlord cannot now add words to the lease as “sit-down only”, nor can it exclude music after signing. The time for the landlord to exclude live music was before signing, as it did when it excluded the use of a "Mexican restaurant" in the lease.

Per our lease, “Section 1.09. Permitted Use/Exclusive Use. Tenant shall use the Premises for a restaurant, as defined in the City of Capitola use permit existing at the time of execution of this Lease, and for no other purpose. Notwithstanding, in no event shall the use include a Mexican food type restaurant.”

Attached is a list I received of the Entertainment Permits issued in 2021. Out of the 43 permits issued, all 43 would fall under the “Restaurant” as permitted use. In our appeal we are asking to receive a permit in absence of the landlord’s signature, as has been the City’s typical procedure, as only 19 of the 43 have an actual application on file with the landlord’s signature.

The landlord has not presented any support for loss; however, we have a significant loss of revenue, along with the loss of clientele, and staff. Our staff highly relies on tips, and through the reduction of sales, we are not able to retain valuable staff, especially in the slow season.

My husband, Lasalle Strong, and I have three restaurants. We are a part of this community, and we do our part to make the community a functioning place. By owning two businesses in Santa Cruz County, we employ over 40 residents, not to mention the many artists and musicians that have received income from playing at our establishments. Our business not only provides sales tax for the county, through our commercial lease we are responsible for paying the property and sewage taxes for the building, as a split cost with the other two commercial tenants.

We own a business in a tourist-driven community. Restaurants are an anchor for the retail and rental properties. This is not a zoning issue that should require the landlord's consent. The multi-use building has obstacles for both the residential and the commercial tenants. Lasalle and I have compromised enough by closing early, scheduling entertainment to end by 10:00 pm.

The residential landlords of the Multi-Use Village know what our Village entails, being in the Village adds value to their rental income. They should not be allowed to interfere with that mixed use in the Village, or impose on the businesses there that provide entertainment.

This location has changed hands numerous times. The past six years, we are the fourth business owners. We are proudly coming upon our two year anniversary, surviving two winters in a tourist town is not an easy feat. Consequently, the most unfortunate obstacle for our business has been the lack of support from our landlord.

I understand this matter has taken a lot of thought and may have caused some discomfort for those that are aware of Steve Yates' rath. However instead of looking at the negative repercussions, we ask that you look at, "How can the City Council of Capitola, help this family owned small business continue in their success?"

We are a BLACK owned, MEXICAN owned, WOMAN owned business, why is the landlord and his son "intimidated" by us?

Yours very truly,

LaSalle and Michelle Strong
Proprietors, Capitola Bar & Grill



Please attach the petition signatures attached.



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: <http://www.cityofcapitola.org>

Re: February 21, 2023, Public Records Act Request

Dear Mr. and Mrs. Strong,

The City of Capitola ("City") is in receipt of the appeal to the City Council of City Manager's decision regarding your entertainment permit, received on February 21, 2023. As part of your appeal documents, you also posed a list of questions, which appear to request public records. Thus, consistent with its duty to assist the public in making a focused and effective request that reasonably describes an identifiable record(s), the City has interpreted these requests to constitute a Public Records Act request ("Request").

The City intends to cooperate to the fullest extent possible with the Public Records Act ("PRA") (Government Code section 7920.000 et seq.) Under established California law, the City is obliged to comply with a request for a public record so long as the requestor makes a specific and focused request for information, that information is maintained by the City in its ordinary course of business, the information is disclosable, and the record can be located with reasonable effort. The PRA provides for the inspection or copying of existing identifiable public records; it does not compel the City to respond directly to questions or create new records, lists, or reports in response to a request.

The City now makes the following determinations:

Request No. 1: "Did the City Manager delegate his authority to issue Entertainment Permits to the Chief of Police?"

Determination No. 1: Request No. 1 appears to request information only, and therefore does not request any public records.

Request No. 2: "Did the police exercise discretion to issue permits with or without the explicitly landlord consent on the form?"

Determination No. 2: Request No. 2 appears to request information only, and therefore does not request any public records.

Request No. 3: "How many entertainment permits issued in the last five years? How many with explicit landlord consent on the form? How many without?"

Determination No. 3: The City is not required to create records in response to a request for public records. However, in an effort to provide available information to you, the City provides the following information:

2023 – Four Entertainment Permits have been issued; four applications are pending:

Britannia Arms (Signed by property owner) – Permit issued on 1/26/2023

Capitola Mercantile (Signed by property owner) – Pending Captain Ryan's review

Capitola Wine Bar (Signed by property owner) – Pending Central Fire Inspection Report

Gayle's Bakery (Signed by property owner) – Permit issued on 1/9/2023



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Monarch Cove Inn (Signed by property owner) – Permit issued on 2/28/2023
Paradise Beach Grille (Signed by property owner) – Permit issued on 2/28/2023
The Sand Bar (Signed by property owner) – Pending ABC Alcohol License
Zelda's (Signed by property owner) – Pending Captain Ryan's review

2022 – Twelve Entertainment Permits were issued:

Bay Bar and Grill (Signed by property owner) – Permit issued on 2/23/2022
Britannia Arms (Signed by property owner) – Permit issued on 1/27/2022
Capitola Bar & Grill (NOT signed) – Permit issued on 1/27/2022
Capitola Mercantile (Signed by property owner) – Permit issued on 2/14/2022
Capitola Wine Bar (Signed by property owner) – Permit issued on 6/6/2022
Cork & Fork (Signed by property owner) – Permit issued on 2/14/2022
Gayle's Bakery (Signed by property owner) – Permit issued on 7/5/2022
Monarch Cove Inn (Signed by property owner) – Permit issued on 3/22/2022
Paradise Beach Grille (Signed by property owner) – Permit issued on 3/29/2022
The Sand Bar (Signed by property owner) – Permit issued on 1/27/2022
Wharf House (NOT signed) – Permit issued on 1/27/2022
Zelda's (Signed by property owner) – Permit issued on 2/14/2022

2021 – Seven Entertainment Permits were issued:

Bay Bar & Grill (No application on file) – Permit issued on 4/27/2021
Britannia Arms (No application on file) – Permit issued on 4/28/2021
Capitola Bar & Grill (NOT Signed) – Permit issued on 11/16/2021
Cork & Fork (No application on file) – Permit issued on 4/23/2021
Paradise Beach Grille (No application on file) – Permit issued on 4/6/2021
Wharf House (No application on file) – Permit issued on 3/23/2021
Zelda's (No application on file) – Permit issued on 4/2/2021

2020 – Ten Entertainment Permits were issued:

Britannia Arms (No application on file) – Permit issued on 1/3/2020
Capitola Wine Bar (No application on file) – Permit issued on 11/4/2020
Cork & Fork (No application on file) – Permit issued on 12/31/2019
Fast Eddy's (No application on file) – Permit issued on 1/10/2020
Gayle's Bakery (No application on file) – Permit issued on 12/19/2019
Monarch Cove Inn (Signed by property owner) – Permit issued on 6/9/2020
Paradise Beach Grille (No application on file) – Permit issued on 12/31/2019
Shadowbrook (No application on file) – Permit issued on 1/10/2020
The Sand Bar (No application on file) – Permit issued on 1/10/2020
Zelda's (No application on file) – Permit issued on 1/21/2020



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2019 – Six Entertainment Permits were issued:

Britannia Arms (No application on file) – Permit issued on 1/30/2019
Cork & Fork (No application on file) – Permit issued on 5/2/2019
Fast Eddy’s (No application on file) – Permit issued on 6/14/2019
Gayle’s Bakery (No application on file) – Permit issued on 12/27/2018
Monarch Cove Inn (No application on file) – Permit issued on 2/25/2019
Wharf House (No application on file) – Permit issued on 1/10/2019

If the information above is not what you intended to request or you would like to request additional documentation, please inform us.

Request No. 4: “Why that change in policy?”

Determination No. 4: Request No. 4 appears to request information only, and therefore does not request any public records.

Request No. 5: “Did the City Manager, Police Department, or any other staff communicate with Steve Yates about this matter?”

Request No. 6: “When, how, and what did he say?” Did Mr. Yates say that he never consented to entertainment, or that he changed his mind?

Request No. 7: “Did he say or imply he would sue the City if the permit was not cancelled or not reviewed?”

Determinations Nos. 5-7: The City is interpreting these three requests to seek correspondence between City staff (including the City Manager and Police Department) and Mr. Yates between August 1, 2021 through February 21, 2023. Consistent with its interpretation, the City possesses records responsive to this request, and is currently collecting and reviewing such records.



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If the City's interpretations of the above requests do not reflect the public records you intended to request, please provide additional clarification to assist the City in effectively searching for and collecting responsive public records. The City is collecting and reviewing records for responsiveness and privilege. Review is ongoing. The City will endeavor to provide a first batch of responsive records on or before March 16, 2023. If you have any questions regarding the City's response or would like to discuss your Request, please contact me at jmoss@ci.capitola.ca.gov.

Thank you,

Julia Moss
City Clerk
831-475-7300 (ext. 228)