

City of Capitola – Capitola Mall Master Conditional Use Permit

Submitted by Brian Kirk as Agent for MGP XI Capitola, LL – 05/23/23

Please see the below details regarding the request for a Master Conditional Use permit by MGP XI Capitola, LLC (Capitola Mall/Merlone Geier Management) for alcohol sales (Type 41 beer/wine) in the food court (*referred to as “Food Hall” on included maps*) of the Capitola Mall.

Description: Application request for a Type 41 permit for sales and consumption of beer and wine (onsite) in the food court of the Capitola Mall and for to go sales (offsite) as permitted by law.

Location:

- Alcohol to be sold by food court tenants only and consumed in the interior food court dining area only, as designated on the attached site plan highlighted in yellow.
- Referenced consumption area is ± 7,000 square feet with seating for ± 70 patrons.
- Alcohol consumption or open containers will not be permitted in the restroom area, mall common area, or in the exterior area of the mall.

Participating Tenant Spaces:

- All food court spaces that sell food within the permitted area, units R01 – R09, excluding R04 (8 spaces total/ 5 currently leased), shall be included in the request. Please see spaces highlighted in green on the site plan.
- All participating tenants shall be required to obtain an ABC license for their individual premises.
- All participating tenants shall be required to have food available to purchase.
- Currently, 2 tenants have expressed their intent to move forward with sales, if permitted:
 - R06 - Ramen Kaito (883 Sq Ft) and R01 - Taquizas Gabriel (572 Sq Ft).

- Remaining Tenant Spaces Information:
 - R02 – Terra Superfoods – 420 Sq Ft
 - R03 – Festa Coffee – 420 Sq Ft
 - R04 – *UNAVAILABLE TO LEASE*
 - R05 – Vacant – 710 Sq Ft
 - R07 – Vacant – 1,297 Sq Ft (Enclosed Inline Space)
 - R08 – Vacant – 737 Sq Ft
 - R09 – Sugar Bakery – 589 Sq Ft
 - R10 – Sugar Bakery – 533 Sq Ft – (outside of permitted area)
 - R11 – Wetzel’s Pretzel – 594 Sq Ft - (outside of permitted area)

Days/Time of Permitted Sales:

- Alcohols sales will only be permitted during mall operating hours, which may vary due to holidays or changes to the mall operating hours.

Current Mall Operating Hours:

Monday – Saturday: 10am – 7pm

Sunday: 11am – 6pm

Security:

- All participating tenants will complete ABC’s LEAD Program, or similar training programs, to be educated on selling alcoholic beverages safely, responsibly, and legally, with emphasis on preventing sales to minors and obviously intoxicated persons.
- All participating tenants will be required to check the customer’s identification and verify that the customer is over 21 years of age prior to purchasing alcohol.
- All alcoholic beverages shall be sold and served in containers that are distinct in design and color and are easily distinguishable from containers used in the service of non-alcoholic beverages.
- Security officers will increase their daily focus of the food court area during operating hours, with specific focus on the tenants that are permitted to sell alcohol and the customers consuming alcohol on premises.
- Additional security staffing will be added, as needed, to weekend shifts and special events depending on any forecasted increases in mall foot traffic and/or alcohol sales.

- Security officers will increase their daily communication with all participating food court tenants to ensure that all regulations are being followed, and that alcohol consumption is limited to customers 21 years or older and only in the designated food court area.
- No “to go” sales will be permitted to be consumed on premises.
- Security officers will have contact information for available travel options (Taxi, Uber, Lyft, etc.) for people who are unable to safely drive off property.

Signage:

- Permitted and prohibited areas to be designated by floor signage throughout the food court area, restrooms, and exits.
- Floor signs (below, *example only*) shall be posted in a conspicuous space at the entrance/exit point of the food court area, which shall state, “**NO ALCOHOL BEYOND THIS POINT**”.
- Utilizing floor signage will ensure that signs stay in place and will draw more attention than traditional, free-standing signage, which is prevalent throughout the mall.



EXAMPLE ONLY