



SARAH A. RYAN
CHIEF OF POLICE

422 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (831) 475-4242
FAX (831) 479-8881

December 16, 2025

District Administrator
California Department of Alcoholic Beverage Control
1137 Westridge Parkway
Salinas, CA 93907

Reference: Evarista's Comal
1855 41st Ave Suite F02 Capitola Avenue, Capitola, CA 95010 (Proposed location)
On Sale- Beer and Wine Type 41

Dear Administrator:

The applicant, Evarista's Comal, applied to the City of Capitola on October 26, 2025, for a use permit to conduct business at 1855 41st Avenue Ste. F02, Capitola, California. Their letter indicates Evarista's Comal will be offering on sale beer and wine under a Type 41 alcohol beverage license.

The proposed business is located in police responsibility area 4401 and U.S. census tract number 1217.02. The site is in a high crime area and the census tract is over-concentrated with 17 existing on sale alcohol outlets, thus requiring a letter of necessity and convenience.

The Local Governing Body has determined, pursuant to §23958.4 of the Business and Professions Code, that the applicant serves the public convenience (§23958.4 b(2) B & P) and California Department of Alcoholic Beverage Control (A.B.C.) should approve an alcohol license Type 41, On Sale Beer & Wine (eating place) to the above captioned applicant.

This letter is being issued with the understanding that conditions placed by the City of Capitola on the businesses' special use permit, be incorporated in the license issued by ABC.

In 1994, the California legislature provided amendments to the law that allowed for local control of some alcohol licenses. The purpose of this legislation is to help fight blighted and crime-impacted areas. The City Council appointed the Chief of Police as the local governing body in decisions related to public convenience or necessity in the issuance of certain alcohol licenses as required by section §23958.4 B. & P.

In the several years that we have been working with these new laws, we have applied the law of undue concentration and high crime areas as defined by the legislation. As part of our review, we look at all the circumstances that could be negative or positive about the determination of convenience or necessity.

We also weigh both sides as it applies to specific location in the City and the specific applicant. Does the proposed establishment fit the goals of the city? Does the proposed establishment promote rather than detract from economic goals, plans, or redevelopment of the city? Does the proposed establishment pose a law enforcement or public health problem? Does the establishment help alleviate blight or a crime affected area?

In making the decision of public convenience or necessity in the aforementioned application, the following facts were considered and weighed;

1. In 2023, the Planning Commission found beer and wine to be an acceptable addition to food establishments within the Capitola Mall food court and authorized administrative review and approval of future alcohol use permits within the food court. Evarista's Comal is located outside the food court but is contained within the Mall and has a dedicated and enclosed seating area.
2. Evarista's Comal has operated with an ABC alcohol license near Capitola and has remained in good standing.
3. The Capitola Police Department along with the Capitola Community & Economic Development Department has found it to fit with the types of business the City supports in our community.

In summary, Evarista's Comal has the potential to become a successful business in the City of Capitola and will most likely enjoy success and provide positive economic vitality to the City with very few public safety concerns.

Sincerely,

Sarah Ryan
Chief of Police

cc: Sean Sesanto, Associate Planner, Community & Economic Development Department