

## Froelich, Brian

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**From:** Edward Newman <edward@capitolalawfirm.com>  
**Sent:** Wednesday, October 5, 2022 8:57 PM  
**To:** PLANNING COMMISSION  
**Subject:** 401 Capitola Avenue

Dear Commissioners:

I am writing on behalf of the seven tenants at 331 Capitola Avenue regarding the application for a conditional use permit, parking variance, and coastal permit for a 46 seat food and alcohol service business at 401 Capitola Avenue. I will obviously not participate in that hearing due to my interest in the property at 331 Capitola Ave.

When the applicant first applied for the existing use permit, the tenants at 331 Capitola Ave. were concerned about impacts on their limited parking. At the time assurance were made that the operation would not affect adjacent parking because of the nature of the use being limited to serving tea products.

The current application for a 46 seat bar and restaurant is drastically different from the original approval. The building at 401 Capitola Ave. has zero off-street parking spaces and almost no on-street parking. Our tenants do not wish to be in perpetual conflict with patrons of an adjacent bar/restaurant. When the property at 331 Capitola Ave. was originally built, parking was required, and food services uses were prohibited for that property. The location is not suitable for the proposed use, and It is difficult to see how the state mandated findings for a parking variance can be made under the circumstances.

We at 331 Capitola Ave. support the staff recommendation and respectfully request that the application be denied.

Ed Newman

Sent from [Mail](#) for Windows