

RE: Proposed amendments to the Master Conditional Use Permit (MCUP)

I appreciate the opportunity to address three things under three minutes...

Required Mop and Bathroom Sink Access

In 2017 When we agreed to purchase the remaining assets of what was then known as Cava in the Mercantile we had access to the mop sink that is required by the health department. When the MCUP of May 2020 ensued Capitola Wine bar was shuttered and was not made aware of the proposed changes to the facility, we lost the access to our required mop sink and restroom upon our reopening after covid. We were not informed by the holder of the master use permit of any changes in 2020 or now. (Code (CMC) §17.50.160 17.124.100)

This change in bathroom and sink access has been damaging and costly to our businesses. This modification is detrimental to public health and safety, and detrimental to our business. In peak times the restaurants and bars do not have access to a mop sink to clean spills. This is not safe. In addition, it creates loss in sales for businesses when they must close their doors, like the taffy shop to go wait in a bathroom line. When a cook must go, but has 15 orders in front of them, they do not have the time to wait in a long bathroom line. Meanwhile the real public restrooms at the beach are vacant. This is not reasonable or healthy for our employees.

Because of this change we now incur the costs of maintaining a public restroom with only increasing costs in our lease. The property management company for the Mercantile that is in Portland was not made clearly aware of this change in our bathroom use when it occurred in 2020. It has become apparent that this was a damaging condition to require, but here now we have an opportunity to fix it. Please return one of the two bathrooms with the mop sink back to private use, like it was, it's a health and safety issue.

Hours Loitering

Currently at Capitola Wine Bar our latest hours open are 10 PM inside, 9 PM outside. Before the pandemic our hours were as late as 11:00PM. We may wish to return our hours to 11pm as it was for before covid. It only seems equitable and necessary that the hours again align with the arcade (bathroom access) and other businesses, like the new Hop Shop, and like it was before covid.

Currently inebriated persons are permitted to loiter in the arcade. This is a growing problem that is not good for the village, or our business, and that should no longer be permitted by the property owner and highlighted as a condition of use by the Arcade. (MCUP pg 95 #6 reads *Petitioner(s) shall actively monitor the area under their control in an effort to prevent the loitering of persons on any property adjacent to the licensed premises as depicted on the most recently certified ABC-253*)

Alcohol in the Mercantile

Capitola Wine Bar holds a ABC Type 42 license, a specific license that permits on and off site sales without food. It appears in this MUCP encourages tenants to change their license type to a 41. We do not wish to have our license changed. This type also holds different value in the marketplace. We are in compliance with ABC rules and will continue to sell our permitted items to go. Again, we are uninformed of the intentions of the property owner as we were not informed by the holder of the master use permit of any changes then or now.

Thank you for your time. We hope you will return the mop sink access back for safety's sake and consider our thoughts for hours and loitering. Please encourage the permit holders to communicate their intentions to the leaseholders.

Thank you for your time.