



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)