



City of Sebastopol Planning Commission Staff Report

Meeting Date: April 16, 2024
Agenda Item: 6C
To: Planning Commission
From: John Jay, Associate Planner
Subject: Alcohol Use Permit
Recommendation: Approve with conditions

Applicant/Owner: Derek Belanger/William Abrams, Revibe Properties LLC
File Number: 2024-006
Address: 7365 Healdsburg Ave
CEQA Status: Exempt
General Plan: Commercial Office (CO)
Zoning: General Commercial (CG)

Introduction:

This is an alcohol use permit application for the new restaurant “Campanella” at 7365 Healdsburg Ave. Campanella’s will occupy the same space where Flavors Bistro used to operate and was approved with a Type 41 alcohol license. The request from the applicant is for a Type 47 license and includes more than 50 seats which requires the approval of the Planning Commission.

Project Description:

As requested by the applicant they are asking to have operating hours from 11am to 9pm Sunday through Thursday and 11am to 10pm on Fridays and Saturdays. The request also includes a Type 47 alcohol license which allows for onsite consumption of beer, wine, and distilled spirits issued to restaurants. As the applicant has noted in the application the restaurant would be an Italian inspired restaurant which includes a diverse range of pastas, pizza, salads and has a selection of beers, wines, and cocktails.

Project Location and Surrounding Land Uses:

The project is located within the General Commercial zoning district of Sebastopol and was an existing restaurant. The project is surrounded by other commercial businesses including restaurants, office buildings as well as residential units (Florence Lofts) behind the subject property. The site has been a market and then several restaurants with changes in ownership over time.

General Plan Consistency:

The project is consistent with the following General Plan goals listed below:

- **Policy EV 1-13:** Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development

of agricultural, sustainable, green, medical, and/or technological products as the new project would be a new business within the city and would promote local wines and other menu items.

- **Policy EV 2-3:** Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region as the project would add a new Italian based restaurant in town where there are only a few.
- **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally as the project would promote local wines, beers, and other menu items.
- **Policy EV 4-3:** Encourage amenities needed to support tourism, including hotels, bed-and breakfasts, eco-lodging, and a variety of restaurants, shopping, and services as the project would introduce another restaurant in town.
- **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism as the project would offer an additional Italian restaurant in town where there are few options.

Zoning Ordinance Consistency:

The project is located within the General Commercial (CG) district of Sebastopol. A restaurant is a permitted use within the CG district. However, alcohol served on the premises requires a Conditional Use Permit regulated by SMC Chapter 17.415, as well as the criteria found in the Alcohol Use Permit Chapter 17.350.

Further, the Alcohol Use Permit Ordinance allows bona fide restaurants where beer and wine are served as incidental to a meal qualifies for a reduced review authority from the Planning Commission to City staff provided the applicant meets the 9 criteria below:

Section 17.350.080.C

1. *The premises contain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises.*
2. *The primary use of the premises is for sit-down service to patrons, and the establishment is not a drive-up, drive-through, or fast-food restaurant.*
3. *The establishment serves food to patrons during all hours the establishment is open for customers.*
4. *The establishment only serves alcohol in a dining area and not in an alcohol serving area that is separate from the dining area.*
5. *Adequate seating arrangements for sit-down patrons are provided on the premises, not to exceed a seating capacity of 50 persons.*
6. *Any take-out service is only incidental to the primary sit-down use and does not include the sale or dispensing for consideration of alcoholic beverage or beer or wine.*
7. *No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises.*
8. *No dancing or live entertainment is permitted on the premises except with approval by the Chief of Police and Planning Director, who may impose conditions controlling such activities.*
9. *An employee alcohol awareness training program and security plan is approved by the Chief of Police.*

Required Findings:

All alcohol permit requests within the City of Sebastopol are required to obtain a Conditional Use Permit.

Section 17.415.020.A Conditional Use Permits (CUP) contains the Criteria for approval of a CUP:

- A. General Conditional Use Permit Criteria. A conditional use permit may be granted only if the establishment, maintenance or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code lays out the additional findings applicable to Alcohol Use Permits as follows:

- A. *On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City. Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit.*
- B. *A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.*
- C. *In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.*

The Planning Commission, or City Council on appeal, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned communities in the area, after giving consideration to the distance of the proposed use from the following:

- 1. *Residential buildings;*
 - 2. *Churches, schools, hospitals, public playgrounds and other similar uses; and*
 - 3. *Other establishments dispensing, for sale or other consideration, alcoholic beverages including beer and wine.*
- D. *In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.*
- E. *The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.*

F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with Chapter 17.415 SMC, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked.

Analysis:

As noted in the application materials and above the project requests the approval of an alcohol use permit to allow an alcohol license for a restaurant of more than 50 seats. With that, it requires the approval of the Planning Commission and as the site has historically been a restaurant that has sold beer and wine to customers in the past, staff feels confident in its review of the project and will not be detrimental to the health and safety of the neighborhood. The application does not include any requests for entertainment features such as live music, dancing or gaming. However, there will be a speaker that plays background music which is typically a part of restaurants and no amplified music.

Staff has received comments from the neighboring residents about parking and how they are impacted by the local surrounding restaurants. The site does offer site parking and street parking as it's an existing restaurant. However, with current parking requirements this use would not be allowed as it requires at least 16 parking spaces whereas it currently allows seven. Although no changes to parking are required by the permit, staff recommends that the Planning Commission provide a recommendation on how to best address the parking concerns of the neighbors. This could include signage or anything else the Commission feels appropriate. Some of the other concerns the neighbors have are towards the music that the previous owners have had over the years. Currently the proposal does not include the request for live music and would not allow it outside of the City's noise ordinance. Staff feels that this concern will be met as the project is conditioned.

Environmental Review:

The project is categorically exempt from the requirements of CEQA pursuant to Section 15301 Existing Facilities which includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The alcohol use permit would fit this exemption as it is for the use of a restaurant where one has existed in the past and will not create any new environmental impacts as it will be in an already developed area.

City Departmental Comments:

The project was routed to the various city departments along with the Sonoma County Health Department. The Police and Sonoma County Health departments provided comments as they related to AB1221 for Responsible Beverage Service training as these are applied to all alcohol permits and are required to be completed by all members of the establishment's staff.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

Public comments received as of this staff report are included in the Attachments to this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

- Parking onsite and offsite

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, Standard Conditions of Approval tenant improvements found in Exhibit C, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

Exhibit A – Findings of Approval

Exhibit B - Conditions of Approval

Exhibit C – Standard Conditions of Approval tenant improvements

Application materials

Public Comment

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Alcohol Use Permit
7345 Healdsburg Ave
004-251-031, 2024-006

Based on the evidence in the public record, the Planning Commission finds that:

1. The proposed use is categorically exempt from the requirements of CEQA under Section 15301 Existing facilities which includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances, in that the alcohol use permit would fit this exemption as the use is a restaurant where one has existed before.
2. The project/use/proposal is consistent with the provisions of the General Plan as follow:
 - **Policy EV 1-13:** Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products as the new project would be a new business within the city and would promote local wines and other menu items.
 - **Policy EV 2-3:** Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region as the project would add a new Italian based restaurant in town where there are only a few.
 - **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally as the project would promote local wines, beers, and other menu items.
 - **Policy EV 4-3:** Encourage amenities needed to support tourism, including hotels, bed-and breakfasts, eco-lodging, and a variety of restaurants, shopping, and services as the project would introduce another restaurant in town.
 - **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism as the project would offer an additional Italian restaurant in town where there are few options.
3. The use is consistent with the Sebastopol Zoning Ordinance, including the specific criteria of the following sections as described:
Section 17.415.020.A Conditional Use Permits (CUP) contains the Criteria for approval of a CUP:
 - A. General Conditional Use Permit Criteria. A conditional use permit may be granted only if the establishment, maintenance or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, in that the project will not have an adverse effect on the

neighborhood as there has historically been a restaurant at this location and the use is consistent with that.

Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code lays out the additional findings applicable to Alcohol Use Permits as follows:

- A. On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City. Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit, in that the project is obtaining a use permit through the City's requirements and this location has been previously approved for an alcohol permit in the past.
- B. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public, in that as condition the applicant will be required to post a copy of the conditions of approval in plan view for any member of the public to view.
- C. In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine in that the previous restaurants have sold beer and wine at this location and it does not result in an undue concentration in the area.

The Planning Commission, or City Council on appeal, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned communities in the area, after giving consideration to the distance of the proposed use from the following:

- 1. Residential buildings;
 - 2. Churches, schools, hospitals, public playgrounds and other similar uses; and
 - 3. Other establishments dispensing, for sale or other consideration, alcoholic beverages including beer and wine.
- D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities, in that the applicant has provided through their application that food will be the main focus of the restaurant and alcohol will be ancillary to the primary use.
- E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community, as conditioned this criterion will be met.

- F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with Chapter 17.415 SMC, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked, as conditioned this criterion will be met.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL

Alcohol Use Permit
7345 Healdsburg Ave
004-251-031, 2024-006

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Derek Belanger, and stamped received on February 5th, 2024, and on file at the City of Sebastopol Planning Department, except as modified herein:
2. The applicant shall obtain a Building Permit prior to the commencement of construction activities.
3. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
4. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.
5. A Business License is required and shall be obtained prior to operation of the use.
6. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
7. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
8. No beer or wine shall be displayed within five feet of the cash register or the front door.
9. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
10. The business owner shall ensure that employees are drug and alcohol free while on duty.
11. The establishment is not approved as an entertainment venue. Dancing and/or regular live music shall not be permitted on the premises without prior City approval. As an incidental use, recorded background music and occasional live acoustic music may be conducted inside the establishment only. All doors and windows shall be closed during any such activity. The Police Department or Planning Director may require termination or modification of such activity.
12. The business owner shall ensure that exterior areas, including the sidewalk, are free of trash and other debris that may be generated by patrons.
13. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
14. A copy of the conditions of approval for the Alcohol Use Permit must be kept on the premises of the establishment and posted in a place where any member of the general

public may readily view it.

15. Occupancy limitations shall be established by the Building Official and clearly posted prior to issuance of a Certificate of Occupancy for any building, including a use requiring a Use Permit.
16. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
17. All applicable permits shall be obtained from other approving agencies prior to commencement of this use, including, but not limited to Building and Safety Department, Department of Alcoholic Beverage Control, Fire Department, and County Health Department.
18. Sonoma County Department of Health Services
 - a. A Retail Food Facility Permit is required to store, prepare, package, serve or vend food. A review and approval of the building plans will be required prior to issuance of a retail food facility permit to operate.
 - b. A review and approval of building plans and/or specification sheets is required for the remodel/ addition of any new retail food facility equipment or expansion of any food or alcohol storage or food processing areas prior to use of this area or equipment.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Alcohol Use Permit
7345 Healdsburg Ave
004-251-031, 2024-006

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
5. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
6. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
7. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
8. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

9. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
10. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

Engineering and Public Works Department Standard Conditions of Approval:

11. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
12. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of-way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.

Fire Department. Standard Conditions of Approval:

13. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
14. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
15. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25% to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

16. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

17. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
18. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

**MASTER PLANNING
APPLICATION FORM**

APPLICATION TYPE

- | | | |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference | <input type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Other _____ |

This application includes the checklist(s) or supplement form(s) for the type of permit requested: Yes No

REVIEW/HEARING BODIES

- Staff/Admin Design Review/Tree Board Planning Commission City Council Other _____

APPLICATION FOR

Street Address: _____ Assessor's Parcel No(s): _____

Present Use of Property: _____ Zoning/General Plan Designation: _____

APPLICANT INFORMATION

Property Owner Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature:  Date: 1/31/2024

Authorized Agent/Applicant Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature:  Date: 1/30/24

Contact Name (If different from above): _____ Phone/Email: _____

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

CITY USE ONLY

Fill out upon receipt:	Action:	Action Date:
Application Date: _____	Staff/Admin: _____	Date: _____
Planning File #: _____	Planning Director: _____	Date: _____
Received By: _____	Design Review/Tree Board: _____	Date: _____
Fee(s): \$ _____	Planning Commission: _____	Date: _____
Completeness Date: _____	City Council: _____	Date: _____

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size			
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>			
Floor Area Ratio (F.A.R)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot	_____ % of lot	_____ % of lot
	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking			
Building Height			
Number of Stories			
Building Setbacks – Primary			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Building Setbacks – Accessory			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Special Setbacks (if applicable)			
<i>Other (_____)</i>			
Number of Residential Units	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: _____ cu. yds. Cut: _____ cu. yds. Fill: _____ cu. yds. Off-Haul: _____ cu. yds
Impervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.
Pervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.

CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

A general plan

A specific plan

An ordinance affecting building permits or grading permits

A zoning ordinance

Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature:  Date: 1/31/2024

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature:  Date: 1/30/24

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a “good neighbor policy” to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: Yes No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

Campanella Change of Use Permit Written Statement

This statement is crafted to fulfill the application requirements for a change of use permit in the city of Sebastopol, specifically in conjunction with our application for a type 47 liquor license. The license application has already been submitted to the California Department of Alcoholic Beverage Control (CA ABC) under the legal entity of Tunstead Restaurant LLC, with Campanella as the Doing Business As (DBA) name for Tunstead Restaurant LLC, located at 7365 Healdsburg Avenue, Sebastopol, California.

Campanella is envisioned as an Italian-American restaurant, set to operate in a space formerly occupied by an Italian restaurant with a type 41 license. Our offerings will include a diverse range of pasta, pizza, salads, and vegetables, complemented by a selection of both local and Italian wines, local beer, and craft cocktails. It is essential to note that we will function as a restaurant with a small bar area, not as a bar itself. The cocktail menu will showcase beverages such as Aperol Spritzes, Negronis, and Gravenstein Apple Martinis.

Operating hours will be from 11 AM to 9 PM on Sundays through Thursdays, and from 11 AM to 10 PM on Fridays and Saturdays.

We are committed to ensuring responsible alcohol service and will mandate initial training for all employees as required by the ABC. This commitment to training will be consistently maintained and renewed as necessary, with no employee participating in alcohol service until completing the required Responsible Beverage Service (RBS) training.

In terms of security measures, our establishment currently maintains and will continue to uphold a locally managed security and fire alarm system. Furthermore, we will install high-quality Closed-Circuit Television (CCTV) throughout the building, allowing remote monitoring with recordings stored for a minimum of two weeks. Additionally, all managers will be trained to handle intoxicated and unruly guests should such situations arise.

It is important to note that we have no plans to incorporate entertainment features such as live music, video games, or dancing. While a speaker system will play background music as typical in restaurants, there will be no amplified entertainment.

The owners and operators of Campanella reside locally in Sonoma County and possess a successful track record of safely operating restaurants featuring a type 47 license in Sonoma, Marin, and San Francisco counties. We are available to address any questions or concerns at any time.

Derek Belanger
Director of Operations
derek@marginlink.com
707-721-6011

Thomas Rutledge
Managing Partner
tom@rdmsgroup.com
941-393-2849

Sean Olson
Managing Partner
sean@rdmsgroup.com
707-235-1455

























Proposed restaurant at 7365 Healdsburg Avenue

Bill Iberti <[REDACTED]>

Wed 12/27/2023 11:13 AM

To: Nzuzi Mahungu <nmahungu@cityofsebastopol.gov>

Dear Nzuzi Mahunga,

Thank you for this opportunity to weigh in on the proposed restaurant at 7365 Healdsburg Avenue.

I am opposed to allowing another restaurant at this location. There is insufficient parking to support a restaurant at this location. The confluence of cars into and out of our driveway (Florence Lofts, [REDACTED] and in front of the proposed address creates an unsafe condition for other cars, pedestrians and bicyclists. We had the opportunity to experience this first hand while Flavor restaurant was in business. For me, it's a quality of life issue. Everything is so much more peaceful, quiet and safer since Flavor closed.

If they are able to solve the parking problem and are granted a license, please consider imposing the following restrictions:

1. Restaurant closes at 9PM. Same as Khom Loi restaurant next door (they provide their patrons with ample parking). This way by 10PM most of the diners will have left.
2. NO OUTSIDE MUSIC. It is hard to express how frustrating it is to have someone else control the soundtrack of your life seven days a week. Even one day is too much. Indoor music is fine at a reasonable volume.
3. No deliveries before 8AM. Air brakes, hydraulic lift gates, beeping of trucks backing up the long driveway to their storeroom shouldn't be allowed before 8AM.

Thanks you so much for your consideration.

Sincerely,

WILLIAM IBERTI
[REDACTED]

Sebastopol, CA 95472

7365 Healdsburg Ave - restaurant proposal & parking issues

Robert Nissenbaum <[REDACTED]>

Wed 1/3/2024 6:40 AM

To:Nzuzi Mahungu <nmahungu@cityofsebastopol.gov>

Dear Nzuzi Mahunga,

I am writing concerning the newly proposed restaurant, Campanella, located at 7365 Healdsburg Ave in Sebastopol.

I am the primary owner of the adjacent commercial/residential property and buildings directly next door, located at [REDACTED]. Additionally I own the majority of Florence Loft residential units on our same property.

We have a shared parking lot for both the residential and commercial buildings, which contains 36 parking spaces. 24 of the parking spaces are reserved for our residents and 12 of which are reserved for customers of Khom Loi restaurant and other services located in our 7385 Healdsburg Ave building.

The main issue I wish to bring your attention to is regarding parking for the new restaurant. As you are likely aware the 7365 Healdsburg Ave property has just 3 on site parking spaces. Due to the very limited parking available, patrons of the recent restaurant venue Flavors, often attempted to park on our lot, which is solely reserved for our residents and customers of our commercial venues, mainly Khom Loi restaurant.

Thus we were put in the position of having to be parking lot monitors, in spite of our signage which indicates parking only for our customers. Unfortunately I also received reports of patrons of Flavors occasionally being very rude to our residents when informed they were not allowed to park on our lot. We don't want to be put in the position of closely monitoring our lot and having to tow cars improperly parked there when dining next door.

Healdsburg Ave in the past had many additional parking spaces which were subsequently removed to add bicycle lanes on Healdsburg Ave which are little used, due to the much nicer option one block away to ride on the Joe Rodota Trail. The removal of the Healdsburg Ave spaces forced a significant parking increase back onto the surrounding neighborhood streets of Florence Ave and surrounding streets, which neighborhood residents were certainly not happy about.

Thus I strongly request the new restaurant have a workable plan for parking for their customers before you approve a new restaurant license for the location. I would appreciate as a concerned neighbor property owner, that I be informed as to what that plan is before you approve their license. If there is no very adequate plan, we will be forced to deal with the parking problem created by your approval without an adequate plan.

I would appreciate a response at your earliest convenience. Thank you very much!

Sincerely,

Robert Nissenbaum
Owner

Proposal for former Flavors at 7365 Healdsburg Avenue, Sebastopol

Jennifer Hainstock <[REDACTED]>

Tue 12/26/2023 12:48 PM

To:Nzuzi Mahungu <nmahungu@cityofsebastopol.gov>

Dear Nzuzi Mahungu,

Thank you for taking public comment on the proposal to put another restaurant at the former Flavors at 7385 Healdsburg Avenue. Will you please email or snail mail me any notices re: public meetings on this project? My mailing address is [REDACTED] Sebastopol, CA 95472.

I am opposed to a restaurant going into this space for safety and parking reasons. I understand there are only 3 off-street dedicated parking spots for the proposed restaurant and that a prior owner/tenant removed additional parking spaces and put in an outside eating area.

In order to ensure the safety of cars, pedestrians and bikes traveling past the restaurant on Healdsburg Avenue this location should not be allowed to be a restaurant until they have enough off-street parking which would mean removing the outside seating area in the back and restoring the parking. There would still be outside seating at the front of the restaurant.

Valet parking is not a safe alternative as cars have to pull through the bike lane to get to the curb and when doors open and people are moving about it creates an unsafe situation both on the street and on the sidewalk.

And, where do delivery trucks park?

I believe, with the current parking configuration, this space should only be allowed a permit for commercial endeavors that don't require so much parking.

If the off-street parking can be restored for this restaurant to have enough spaces to accommodate their guests then I request that their hours be limited close at 9 p.m. (like Khom Loi next door) and no outdoor music be allowed. This is an area that has both commercial and residential spaces and being open past 9 p.m. or allowing outdoor music would disturb the peace of many.

Thank you for your consideration and please reach out if you have any questions or comments.

Sincerely,

Jennifer Hainstock