



CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: April 21, 2026

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**To:** Honorable Mayor and City Councilmembers  
**From:** Jane Riley, AICP – Interim Planning Director  
**Subject:** Appeal of Planning Commission decision to approve an Alcohol Use Permit to allow sale and consumption of alcoholic beverages at 8050 Bodega Avenue, and staff’s determination that the proposed restaurant use is a permitted use that does not require additional parking.

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**RECOMMENDATION:**

Staff recommends that the City Council deny the appeal and reaffirm staff’s determination that continuing the restaurant use at this location does not require a Use Permit or require the provision of additional parking, and uphold the Planning Commission’s approval of an Alcohol Use Permit to allow a Type 41 (beer & wine in a bona fide eating establishment) alcohol license for a new restaurant at 8050 Bodega Avenue.

**PROCESS OF AGENDA ITEM:**

- a. Presentation of agenda item
- b. Council questions and discussion
- c. Public comment
- d. Council deliberation and action

**EXECUTIVE SUMMARY:**

The item before the City Council is consideration of an appeal of an Alcohol Use Permit to allow a Type 41 alcohol license as part of a new restaurant, “Mansoor” at 8050 Bodega Avenue. The proposed restaurant intends to occupy the space where the “Gravenstein Grill” and “Marty’s Top of the Hill” previously operated without changes to the structure or site plan.

The appeal also includes staff’s November 2025 action determining that a new restaurant at this location was a permitted use and that no further planning review or additional parking to continue the restaurant use would be required, but that alcohol sales would require approval of a use permit.

The previous restaurants at this location held Type 47 alcohol licenses (full bar). The Type 41 alcohol license allows for on-site sale and consumption of beer and wine only at bona fide eating establishments.

**BACKGROUND:**

In December 2023, the “Gravenstein Grill” closed and vacated the premises at 8050 Bodega Avenue.

In November 2025, the Applicant came into the Planning Department to inquire about the permitting process for reopening a restaurant at this location. Staff informed Applicant that a restaurant was a permitted use at this location, but that the sales of alcohol would require approval of a use permit by the Planning Commission. Staff also informed the Applicant that changes to the site or the exterior of the building would require additional review, including Design Review approval; Applicant indicated that no changes were proposed.



On February 2, 2026, Sufi Sadati, on behalf of Apple Noir, LLC (“Applicant”) submitted an application for an Alcohol Use Permit. No site plan or structural changes to the restaurant were proposed.

On February 24, 2026, a duly noticed public hearing was held by the Planning Commission. After reviewing the Sebastopol Municipal Code (SMC) Chapter 17.350, pertinent information and documents, hearing a presentation from staff, and listening to public comment, including that of the Appellant, the Planning Commission approved an Alcohol Use Permit to allow a Type 41 alcohol license.

On March 2, 2026, Ricardo Oliveira, “appellant,” submitted an appeal of the Planning Commission’s decision, citing insufficient off-street parking and error or abuse of discretion by staff. Mr. Oliveira additionally submitted three private recorded easements, none of which the City is a party to.

### **DISCUSSION:**

The applicant proposes to open a new restaurant, “Mansoor” at 8050 Bodega Avenue, which will operate as a full table service restaurant. As noted in the application, the restaurant would be a flambé dinner house restaurant, which will incorporate French/American fusion style cuisine. The applicant applied for an Alcohol Use Permit seeking approval to sell beer and wine for on-site consumption as an accessory to food service. The proposed restaurant would exceed the seating capacity of 50 persons, disqualifying it from the Alcohol Use Permit exemption (SMC Section 17.350.080(C)(5)) and requiring Planning Commission approval of the Alcohol Use Permit. They are seeking to operate from 2:00 pm to 10:00 pm daily to initially focus on lunch and dinner services, but will eventually be open from 11:00 am to 10:00 pm daily. The site has historically been a restaurant that has sold beer, wine, and cocktails to customers for on-site consumption. With no change in use or intensity, staff feels confident in its review of the project that it will not be detrimental to the health and safety of the neighborhood.

### **Project Location and Surrounding Land Uses:**

The project is located within the General Commercial (CG) zoning district and was previously a restaurant. The project is surrounded by other commercial businesses, including office buildings, as well as surrounding residential units. The site has been vacant and on the market since January 2024, after the closing of the Gravenstein Grill in December 2023.

### **STAFF ANALYSIS**

With no change in use or intensity, staff feels confident in its review of the project that it will not be detrimental to the health and safety of the neighborhood.

### **General Plan Consistency:**

The project site has a General Plan Land Use Designation of Commercial Office (CO), and the proposed project is consistent with the following General Plan policies:

- Policy EV 2-3: Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region.
- Policy EV 2-4: Encourage businesses and programs that emphasize and promote shopping locally.
- 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.
- Policy EV 4-4: Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism.



### **Zoning Ordinance Consistency:**

The project is located within the General Commercial zoning district. A table service restaurant is a permitted use within the CG district and requires no entitlement permits to operate. 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. As conditioned, the proposed restaurant complies with all requirements of SMC Chapter 17.350.

SMC Chapter 17.160 allows legally established facilities that don't comply with current development standards, such as parking or setbacks, to continue to be used without complying with the current standards as long as there are not substantial changes to the facility (i.e., rebuilding more than 50% of the facility's floor area). If an Applicant proposed to tear down the existing restaurant building and construct a new larger restaurant, they would need to have to comply with all current development standards, including parking requirements, even though the restaurant would still be a permitted use. In this case, there are no changes proposed that would trigger the need to conform with current zoning standards, and additional parking is not required. Additionally, there is no time limit on legally established facilities continuing, so it is not relevant that the restaurant use ceased between December 2023 and when the application was submitted in November 2025. The proposal complies with Chapter 17.160.040.

### **Effect of Private Easements:**

As noted above, the Appellant submitted three private recorded easements, one each from 1985, 1986, and 2018, to support his position that Planning staff and the Planning Commission erred in making their approvals. The City is not a party to any of the private easements, and does not have the responsibility nor the authority to administer or enforce private easements. If the Appellant wishes to enforce any or all of the private easements, that would be a civil action between the parties. The City is not a party and would not be involved.

### **Allegations of the Appeal and Findings to Deny the Appeal:**

#### **1. Allegation of the Appeal:**

No new restaurant use had been approved for the site prior to the public hearing for the Alcohol Use Permit.

#### **Staff Response & Finding:**

The proposed table service restaurant is a permitted use in the General Commercial zoning district pursuant to Sebastopol Municipal Code Table 17-25-1. The proposed table service restaurant is a permitted use within the General Commercial zoning district and no formal action is required by the City to allow the use to operate other than issuance of a business license. The public hearing held by the Planning Commission on February 24, 2026, was to consider allowing the restaurant to sell beer and wine for onsite consumption as an accessory to food service. Operation of the restaurant itself was not subject to discretionary approval.

#### **2. Allegation of the Appeal:**

The proposed restaurant is a new use for the site and must meet the standards included in the Zoning Ordinance.

#### **Staff Response & Finding:**

The proposed restaurant is not a new use at the site. The site has been operated as a restaurant for many years, and that use is not proposed to change. Under SMC Chapter 17.160.040, legally established



facilities that don't comply with current standards, such as parking, may continue to be used without complying with the current standards as long as there are not substantial changes to the facility. Because there are no changes that would trigger the need to conform with current zoning standards, additional parking is not required.

### 3. Allegation of the Appeal:

The proposed restaurant use is out of compliance with off-street parking requirements.

#### Finding:

See Finding #2 above.

#### Staff Response:

Staff finds that, as conditioned, the proposed restaurant complies with the City's Alcohol Use Permit requirements and its Zoning Code requirements for permitted uses and existing facilities. The proposed restaurant will implement and further the City's General Plan policies, will promote eating locally, will support tourism by adding to the variety of restaurants within the City, and will increase visitation, spending, and tourism by offering a new restaurant.

#### Environmental Review:

The project is categorically exempt from the requirements of CEQA pursuant to Section 15301, Existing Facilities, because the restaurant will be located within an existing structure.

#### CITY COUNCIL GOALS / PRIORITIES / GENERAL PLAN CONSISTENCY:

Restoring Public Trust – Openly share decisions, data, and reasoning.

Improve Public Communications – Focus on transparency, empathy, and honesty. Communicate benefits and impacts, not just procedures or policies.

#### COMMUNITY OUTREACH:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

#### PUBLIC COMMENT:

No public comments have been received as of the writing of this staff report. If staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

#### FISCAL IMPACT:

Denial of the appeal and approval of the minor use permit is not expected to have a significant fiscal impact on the City or the 2025/26 General Fund. While appeal fees are subsidized and do not cover the full cost of processing these applications, the fee does cover a majority of the hard costs (postage and noticing), with the remainder being staff time to review materials, manage the project, and prepare materials for the public hearing.

#### RESTATED RECOMMENDATION:

Staff recommends that the City Council hear the staff presentation and deny the appeal, upholding the decisions of staff and the Planning Commission.



**ALTERNATIVE OPTIONS:**

1. Modify the Planning Commission’s decision to approve the ABC Use Permit to modify or add Conditions of Approval relating to the Type 41 alcohol license.
2. Direct staff to make findings to approve the appeal and reverse the Planning Commission’s decision to approve the ABC Use Permit.

**ATTACHMENTS:**

Draft Resolution No. XX  
 Exhibit A – Completed Appeal Form  
 Planning Commission Staff Report of 2/24/2026  
 Planning Commission Action Minutes of 2/24/2026  
 Planning Commission Approval Letter

**APPROVALS:**

Department Head Approval: Approval Date: 4/14/2026  
 CEQA Determination (Planning): Approval Date: 4/14/2026

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 because the restaurant will be located within an existing structure.

Administrative Services/Financial Approval: Approval Date: N/A

Costs authorized in City Approved Budget:  Yes  No  N/A (Future budget impacts are not known at this time and are dependent on City Council direction)

Account Code (if applicable) \_\_\_\_\_

City Attorney Approval: Approval Date: 4/14/2026

City Manager Approval: Approval Date: 4/14/2026

RESOLUTION NUMBER: -2026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DENYING THE APPEAL  
AND UPHOLDING THE APPROVAL FOR A RESTAURANT WITH AN ALCOHOL USE PERMIT FOR MANSOOR  
AT 8050 BODEGA AVE (FILE 2026-002)**

WHEREAS, the applicant, Mansoor, represented by Sufi Sadati, inquired at the Planning Department in November of 2025 as to whether a restaurant was a permitted use on this site and was provided an affirmative answer by planning staff, in that restaurants are a permitted use within the CG General Commercial Zone District pursuant to SMC 17.25 Table 17.25-1 Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones; and

WHEREAS, applicant was also informed at this time that the sales of alcohol in conjunction with the restaurant use would be subject to Use Permit approval, pursuant to SMC 17.350; and

WHEREAS, an application for an Alcohol Use Permit was submitted on February 2, 2026; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on February 24, 2026 meeting where the Commission heard a staff report, heard a presentation from the applicant, and heard public comments, and deliberated on the project. The Commission concurred with staff's recommendation that the proposed use met the criteria for a 'bona fide restaurant' including the proposed conditions for hours of operation and Alcohol Beverage Control (ABC) requirements and voted 4-0-1 to approve the use permit (Ayes: Chair Fernandez, Vice-Chair Koelemeijer, Commissioners Harper and Fritz; Absent: Commissioner Kanzler); and

WHEREAS, an appeal was received on March 2, 2026 from Ricardo Oliveira appealing the Planning Commission's decision on the basis that insufficient off-street parking and error or abuse of discretion by staff. Mr. Oliveira additionally submitted three private recorded easements, none of which the City is a party to; and

WHEREAS, the City Council held a duly-noticed public hearing on April 21, 2026, held a public hearing, heard a staff report, heard a presentation from the applicant, and heard public testimony; and

WHEREAS, 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 transfer 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; and

WHEREAS, the City Council finds that the proposed use is subject to the following provisions of the General Plan:

*Policy EV 2-3: Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region, in that, the project would add a new French/American fusion flambé dinner style cuisine, where there are none in Sebastopol or nearby cities.*

*Policy EV 2-4: Encourage businesses and programs that emphasize and promote shopping locally, in that, the project would promote eating locally.*

*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, in that, the project would introduce another restaurant in town and would invite locals and tourists alike.*

*Policy EV 4-4: Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism, in that, the project would offer a new restaurant in town at an iconic space.*

WHEREAS, the City Council finds that the proposed use meets the requirements of SMC 17.160.040, in that this section allows legally established facilities that do not comply with current development standards, such as parking or setbacks, to continue to be used without complying with the current standard as long as there are no substantial changes to the facility. As there are no proposed changes that would trigger the need to conform with current zoning standards, additional parking is not required.

WHEREAS, the City Council finds that the proposed use meets the requirements of SMC 17.350,

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 a condition, the applicant will be required to post a copy of the conditions of approval in plain 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. And,*

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby denies the Appeal and Upholds the Approval of the restaurant with Alcohol Use Permit for Mansoor (Planning File 2026-002), subject to the Findings in this Resolution and the Conditions of Approval in Exhibit B.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 21<sup>st</sup> day of April 2026, by the following vote:

**VOTE:**

- Ayes:
- Noes:
- Abstain:
- Absent:

APPROVED: \_\_\_\_\_  
Mayor Jill McLewis

ATTEST: \_\_\_\_\_  
Mary Gourley, City Manager/City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_  
Alex Mog, City Attorney



# City of Sebastopol APPEAL FORM

Date: 2-26-2026  
\* Filing Fee Paid: \$1,000.00  
File #: \_\_\_\_\_

To: (check one):

- PLANNING COMMISSION (limited to the appeal of staff determination not involving design matters or Planning Director Use Permit decision)
- DESIGN REVIEW BOARD (limited to the appeal of staff determination on design matters)
- TREE BOARD (limited to the appeal of staff determination on tree removals)
- CITY COUNCIL (all other appeals)

FROM: Ricardo Oliveira  
(Please print your name)

SUBJECT:

I wish to appeal the action of: (check one):

- CITY STAFF (please give name or title) Planning staff (Victoria Henkel, John Jay and others unknown)
- PLANNING DIRECTOR PUBLIC HEARING Issue is a failure to follow mandatory processes from the Municipal Code so it is impossible for me to know which staff member is responsible for this inaction. This is especially true since there does not seem to be a current Director of Planning.
- TREE BOARD
- DESIGN REVIEW BOARD
- PLANNING COMMISSION

Taken or made on 2/23/2026 with regards to 8050 Bodega Ave. new restaurant.  
(Date of action or decision) (Name of use, applicant, project or other description of item you are appealing)

I ask that the decision or determination made above be reversed and/or modified, and that the original application be:  
(Check one):  granted  denied  modified

The reason(s) that my appeal should be granted by the Board, Commission, or Council named above  are set forth below: or,  are attached.

Reasons are attached. Please note this is my attempt to fully utilize administrative processes prior to legal action to uphold the rights of the neighboring property owners. I only learned of the approval of this use on 2/23/2026.

I understand that there is a filing fee for appeal, whether the appeal is from a Staff Determination, Design Review Board Decision, or Planning Commission Decision, and that the fee must be paid on the date that the appeal is submitted. Appeals must be submitted within 7 calendar days from the day of the original staff determination, or of the Board/Commission action. (The date of the decision is not included in the calculation of 7 days.)\*

You will be notified by mail of the date of the Board, Commission or City Council hearing on review of your appeal. All interested persons will be entitled to attend the meeting and be heard.

Ricardo De Oliveira Ricardo Oliveira  
Your Signature Print Name

3020 Bridgeway, #129, Sausalito, CA 94965  
Your Mailing Address

(415) 830-5272 oricardo1000@gmail.com  
Your Phone Number Your Email Address

\* If a staff determination was mailed to you, and a public meeting has not been held, the appeal must be submitted within seven (7) days of the mailing of the letter.

Reasons That My Appeal Should Be Granted:

This is a new use for this location (8050 Bodega Ave.) as the previous use has been abandoned due to closure of the previous restaurant for a number of years. Although a restaurant may be a “permitted” use for this location, any new use must still meet Objective Design Standards and the Zoning Ordinance (Chapter 17 of the Municipal Code).

There has been no such process by the Sebastopol Planning Department to review this new use’s compliance with the Zoning Ordinance as mandated by the Sebastopol Municipal Code (17.04.080, 17.110).

The proposed restaurant use for this location is far out of compliance with the required parking ratios as specified in the Sebastopol Municipal Code. The Sebastopol Planning Department is aware of a couple of publicly recorded easements that dramatically reduce the available parking at this location, and the Planning Department has communicated in the past that the available parking would be an issue for a restaurant use at this location.

As a new use (even if a “permitted” use based on zoning), this use must be reviewed by Planning prior to actions that rely upon the approval of this use. Later this issue must also be reviewed by the Building Department prior to a Certificate of Occupancy.

There may be other stages of review prior to this use opening for business at this location, but at some stage the City of Sebastopol is responsible for upholding its Municipal Code or will be liable for damages for not following the mandated rules and processes.

I only learned of the essential approval of this use for this location on 2/23/2026 with the receipt of the notice for the 2/24/2026 hearing on the Alcohol Conditional Use, and the subsequent conversation I had with John Jay from Planning that same day.

It was improper for the Planning Department to treat this new use as approved for the 2/24/2026 hearing by the Planning Commission on the Alcohol Conditional Use Permit. As such, this 2/24/2026 hearing was also invalid.

No new restaurant use has been approved for this location prior to the meeting; there has been no Zoning Determination/Administrative Review. Additional, if such has occurred, this could only have been executed improperly. All such conditions meet the criteria of error or abuse of discretion by staff and are therefore subject to appeal per the Sebastopol Municipal Code 17.455.020(A)(1).



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**Re: 8050 Bodega Ave Conditional Use Permit**

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**From** Ricardo Oliveira <oricardo1000@gmail.com>

**Date** Sun 4/12/2026 10:46 AM

**To** Victoria Henkel <vhenkel@cityofsebastopol.gov>

**Cc** Jane Riley <jriley@cityofsebastopol.gov>; Gannon M. Tidwell [REDACTED]

3 attachments (1 MB)

Easement 1985 - Agreement with Office Building.pdf; Easement 2018 - 8050 and 8086 Bodega Ave.pdf; Appeal Form - 8050 Bodega Ave.pdf;

Victoria, can you please confirm receipt as I understand this information was required to be sent to you by end of day, 4/13/2026?

This is regarding the appeal of the use of 8050 Bodega Ave (attached here). for a new use that has a significant shortfall in parking vs the requirements per the Sebastopol's Zoning Ordinance Chapter 17. I believe the Appeal Form I completed was very clear on the requirement to comply with the Sebastopol Zoning Ordinance:

- Need to approve a new use even if it is a Permitted use.
- Need to review the parking requirements for this new use and determine if the site meets such requirements.

At this time, I want to make clear several easements that impact the parking available at 8050 Bodega Ave. These easements dramatically reduce the parking available at 8050 Bodega Ave. These easements, their impact on the parking at 8050 Bodega Ave., and the parking deficiency at 8050 Bodega Ave. were well known to the Sebastopol Planning Department, but perhaps due to turn-over and the lack of a Planning Director the Planning Department's current staff and contractors are no longer aware of the easements and their impact.

I have included the following easements:

- Easement Agreement, recorded 12/31/1986.
- Grant of Parking and Storm Drain Easements, recorded 3/27/2018.

I believe these easements reduce the parking at 8050 Bodega Ave by 37 spaces during the day until 7pm. During these hours, 8050 Bodega Ave. only has the right to 5 parking spaces available for its use.

Regardless of how the existing parking is measured at 8050 Bodega Ave., there is a dramatic shortfall from the required parking for its proposed use. 51 parking spaces are required based on the building size, 7,047sf. Also, such parking layout should account for correct code requirements for handicap parking and the easements over 8050 Bodega's driveway.

Failure to address the parking requirements, creates a dramatic burden on the neighboring properties which the Sebastopol Zoning Ordinance is meant to address. The impact of this cannot be easily

assessed as the business at 8050 Bodega since the lot split with 8086 Bodega has been either failing or failed for the entire time.

A successful business at 8050 Bodega Ave will create parking demand well in excess of the supply on that property and will be a detriment to the neighboring properties.

Note, that at the Planning hearing for the 8050 Bodega Ave. alcohol license, the owner of this proposed business stated just staffing alone would be at least 30 persons.

We are only asking that Sebastopol uphold its Zoning Ordinance and not create a long-term problem.

Thank you,  
Ricardo Oliveira

RECORDED AT REQUEST OF

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4-156575

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Recording Requested By  
and when Recorded Mail to:

1985 DEC 31 AM 8:00

OFFICIAL RECORDS  
SONOMA COUNTY CALIFORNIA

BOYLE & STOLL  
P. O. BOX 241  
SEBASTOPOL, CA 95472

BERNICE A. PETERSON

1985  
B

**EASEMENT AGREEMENT**

This Easement Agreement is entered into this 16<sup>th</sup> day of August, 1985 by and between ROBERT F. BOYLE, a single man and PATRICK L. STOLL, a married man (hereinafter referred to as "Owner One") and MARTIN LORENZO, a single man (hereinafter referred to as "Owner Two").

Owner One is the owner of certain real property (hereinafter for convenience called "Lot A") located in the City of Sebastopol, County of Sonoma, State of California more particularly described as follows:

Lot 2, as shown upon the City of Sebastopol, Parcel Map No. 63, filed December 7, 1978 in Book 281 of Maps, Page 24, Sonoma County Records, AP 4-350-60.

Owner Two is the owner of certain real property (hereinafter for convenience called "Lot B") located in the City of Sebastopol, County of Sonoma, State of California more particularly described as follows:

Being a portion of the Garcia Tract in the Jonive Rancho, as described in the deed recorded in Book 568 of Official Records, page 249, Sonoma County Records, and particularly described as follows:

Beginning at the southwest corner of the Garcia Tract, a point on the center of the Sebastopol-Bodega Highway

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which is South 18° 35' East, 24.72 feet from a 1 1/2" pipe monument; thence North 18° 35' West along the westerly line fence of the Garcia Tract, 298.35 feet to a 1/2" pipe; thence North 81° 27' East, 160.45 feet to a 1/2" pipe; thence South 10° 45' East, 118.48 feet to a 1/2" pipe; thence South 82° 57' East, 160.78 feet to a 1/2" pipe; thence South 0° 34' East, 150.42 feet to the center of the Bodega Highway, which point is South 0° 34' East, 24.10 feet from a 1/2" pipe monument and South 85° 20' West, 74.87 feet from the southeast corner of the Garcia Tract; thence South 85° 20' West, 247.08 feet to the point of beginning. AP 004-350-09

Owner One intends to construct an office building and parking lot on Lot A and the parties desire to establish mutual easements for parking purposes and ingress to and egress from their respective parcels in accordance with the terms and provisions of this agreement. Owner One also desires to obtain an easement for landscaping purposes on a small portion of Lot B as more particularly set forth in this agreement.

Therefore, in consideration of the mutual agreements herein contained, the parties covenant and agree for themselves and their heirs, successors and assigns as follows:

1. Owner One hereby grants to Owner Two and his tenants, licensees, business invitees, customers, employees, successors and assigns, the exclusive right to use, free of charge, the 32 parking spaces to be constructed on Lot A, which parking spaces may be used for parking purposes between the hours of 7:00 p.m. and 7:00 a.m. and 24 hours a day on Saturday, Sunday and the following holidays: New Years Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. Owner One further grants to Owner Two and all his tenants, licensees, business invitees, customers, employees, successors and assigns, a right

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of way over the parking lot to be constructed by Owner One on Lot A for purposes of ingress and egress of vehicles and pedestrians using said parking lot on Lot A for parking purposes pursuant to this agreement and for purposes of ingress and egress between Lot B and the public street known as Pleasant Hill Road North.

2. Owner Two hereby grants to Owner One and their tenants, licensees, business invitees, customers, employees, successors and assigns, the exclusive right to use, free of charge, 32 parking spaces on Lot B, as hereafter designated, which parking spaces may be used for parking purposes between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Since Lot B contains more than 32 parking spaces, Owner One shall have the right to designate and mark the following parking spaces for use under the terms of this easement:

i. The 5 spaces in the northeast corner of Lot 2 along the eastern boundary line;

ii. The 12 spaces on the northern boundary line of Lot B;

iii. The 15 parking spaces in the center of the parking lot in the northern section of Lot B.

Owner Two further grants to Owner One and all their tenants, licensees, business invitees, customers, employees, successors and assigns, a right of way over the parking lot on Lot B for purposes of ingress and egress of vehicles and pedestrians using the parking spaces on Lot B for parking purposes pursuant to this agreement and for purposes of ingress

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and egress between Lot B and Lot A, the public street known as Pleasant Hill Road North and the public street known as Bodega Avenue.

3. Owner Two further grants to Owner One an easement for landscaping purposes over an area of approximately 6 by 84 feet located in the northeast section of Lot B, more particularly described as follows:

Beginning at the northwest corner of Lot 2 as shown on City of Sebastopol Parcel Map No. 63, recorded December 7, 1978 at the Sonoma County Recorder's office in Book 281 of Maps at page 24, Sonoma County Records; thence South 10° 16' 25" East 84.0 feet along the westerly boundary line of said Lot 2; thence South 81° 55' 35" West, 6.0 feet; thence North 10° 16' 25" West, 84.0 feet; thence North 81° 55' 35" East, 6.0 feet to above said point of beginning.

This easement shall give Owner One the right to add to the existing landscaping within the easement area as may be required by the city of Sebastopol and to trim and maintain the trees and plants within such area in so far as they affect the building to be constructed by Owner One on Lot A. Otherwise, Owner Two shall maintain all the landscaping in good order and condition at his expense.

4. The parties agree to maintain and keep in good repair and condition, the parking areas and rights of way situated on their respective lots, keep the parking spaces striped and at all times clear and free of rubbish and obstructions of every nature. Each party further agrees to maintain and keep in good condition and repair the lighting and landscaping on his respective lot in accordance with customary

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standards and as may be required by the city of Sebastopol. Each party agrees to pay all costs and expenses required to improve, repair and maintain his own property.

5. Each party shall maintain at all times insurance against claims for personal injury or property damage in an amount not less than \$500,000 combined single limit and \$50,000 with respect to property damage. All such policies shall name both parties as insureds.

6. The parties may place signs on or immediately adjacent to the parking spaces subject to this easement agreement for purposes of informing tenants, licensees, business invitees, customers, employees or other visitors that said spaces are reserved for exclusive use between the hours as designated under the terms of this agreement.

7. Each of the easements herein granted is appurtenant to the respective dominant tenement that benefits thereby. Each grant of easement contained in this agreement shall run with the land and shall be binding on and shall inure to the benefit of the parties, their heirs, legal representatives, successors and assigns.

8. This agreement may only be modified by written instrument signed by the owners of Lot A and Lot B and with the written consent of the city of Sebastopol, California. The parties agree to execute such additional documents as may be reasonably necessary to carry out the purposes and intentions of this Easement Agreement.

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9. In the event of any dispute between the parties regarding the rights and obligations of either party under this agreement, or the enforcement of the terms of this agreement, the prevailing party in any such dispute shall, in addition to any other relief to which he is entitled, be entitled to recover from the losing party his reasonable attorneys' fees and cost incurred in enforcing this agreement.


10. If any controversy or dispute arising out of this Easement Agreement cannot be settled by the parties or their successors, such controversy or dispute shall be submitted to binding arbitration pursuant to the procedure set forth in Sections 1280 and following of the California Code of Civil Procedure, as amended from time to time including any successor statutes. The parties shall attempt to agree upon one arbitrator to resolve any such dispute, and in the event they are not able to agree upon one arbitrator, each party shall select an arbitrator and the two arbitrators shall select a third and a decision of any two of the arbitrators shall be binding upon all the parties. The parties shall jointly bear the cost of a single arbitrator or a third arbitrator, and shall each pay the cost of their own chosen arbitrator. The award of the arbitrator or arbitrators shall be binding upon all parties, their successors and assigns and may be enforced in a court of competent jurisdiction.

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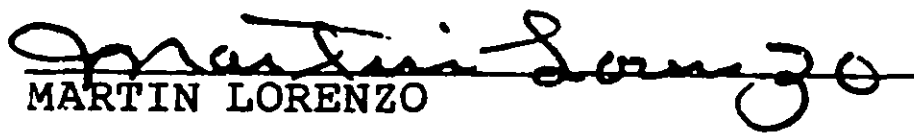
IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

"Owner One"

  
ROBERT F. BOYLE

  
PATRICK L. STOLL

"Owner Two"

  
MARTIN LORENZO

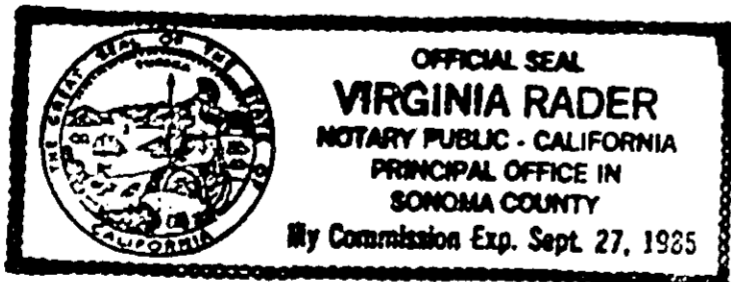
STATE OF CALIFORNIA )  
COUNTY OF Sonoma ) ss.

On this 16<sup>th</sup> day of August, in the year 1985, before the undersigned, a Notary Public, State of California, duly commissioned and sworn, personally appeared ROBERT F. BOYLE, personally known to me (or proved to me on this basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal.

Virginia Radw  
Notary Public, State of California

My commission expires Sept 27, 1985

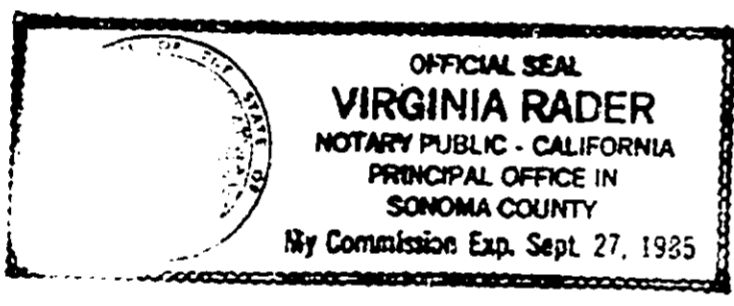


86109627

STATE OF CALIFORNIA )  
COUNTY OF Sonoma ) ss.

On this 16<sup>th</sup> day of August, in the year 1985, before the undersigned, a Notary Public, State of California, duly commissioned and sworn, personally appeared PATRICK L. STOLL personally known to me (or proved to me on this basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal.

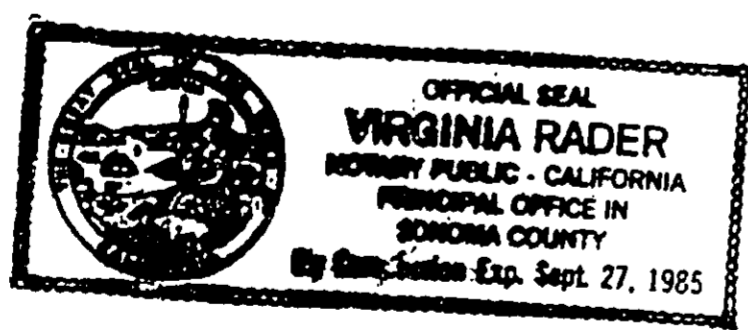


Virginia Rader  
Notary Public, State of California  
My commission expires Sept 27, 1985

STATE OF CALIFORNIA )  
COUNTY OF Sonoma ) ss.

On this 16<sup>th</sup> day of August, in the year 1985, before the undersigned, a Notary Public, State of California, duly commissioned and sworn, personally appeared MARTIN LORENZO personally known to me (or proved to me on this basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal.



Virginia Rader  
Notary Public, State of California  
My commission expires Sept 27, 1985

RECORDING REQUESTED BY  
OLD REPUBLIC TITLE COMPANY

Escrow No.: 0224044187  
APN: 004-350-076 and 004-350-077

WHEN RECORDED MAIL TO

Postcard Capital III, LLC  
2044 Union Street  
Attn: Gannon Tidwell  
San Francisco, CA 94123

**2018020661**

Official Records of Sonoma County  
William F. Rousseau  
03/27/2018 08:17 AM  
OLD REPUBLIC TITLE COMPANY | SAN FRANCISCO.

ESMT 15 Pgs

Fee: \$56.00

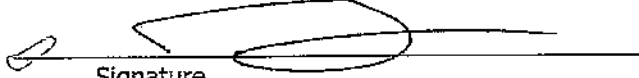


SPACE ABOVE THIS LINE FOR RECORDER'S USE

**Grant of Parking and Storm Drain Easements**

- 1  Exempt from fee per GC27388.1; document recorded in connection with a concurrent transfer subject to the imposition of documentary transfer tax
- 2  Exempt from fee per GC27388.1; document transfers real property that is a residential dwelling to an owner-occupier
- 3  Exempt from fee per GC27388.1; document recorded in connection with a concurrent transfer that is a residential dwelling to an owner-occupier
- 4  Exempt from fee per GC27388.1; fee cap of \$225 reached
- 5  Exempt from fee per GC27388.1; document is subject to the imposition of documentary transfer tax

I hereby declare that the information provided above is true and correct.

  
Signature

Gannon Tidwell  
Print Name

JP/jp

Recording Requested By  
Old Republic Title

WHEN RECORDED MAIL TO:

POSTCARD CAPITAL III, LLC  
2044 Union Street  
San Francisco, CA 94123  
Attn: Gannon Tidwell

SPACE ABOVE FOR RECORDER'S USE

Affects APN Nos. 004-350-077 and 004-350-076

**GRANT OF PARKING AND STORM DRAIN EASEMENTS**

The undersigned Grantor declares:  
Documentary transfer tax is \$0.  
(Value of interest conveyed less than \$100.00. Revenue & Taxation Code §11911(a).)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby  
acknowledged,

GRANTOR: Dan D. Smith and Joan Marler Smith, Trustees of the  
Dan D. Smith and Joan Marler Smith 2003 Revocable  
Trust dated July 17, 2003

Hereby GRANTS TO: 4230 18<sup>th</sup> Street Partners, LP, a California limited  
partnership

**EASEMENT AGREEMENT**

This Agreement ("Agreement") is made by and between Dan D. Smith and Joan  
Marler Smith, Trustees of the Dan D. Smith and Joan Marler Smith 2003 Revocable  
Trust dated July 17, 2003 ("Grantor") and 4230 18<sup>th</sup> Street Partners, LP ("Grantee").

**RECITALS**

WHEREAS, Grantor is the owner of certain real property in Sonoma County,  
California, commonly known as 8050 Bodega Avenue, Sebastopol, California, presently  
designated as Assessor's Parcel No. 004-350-077, more particularly described in Exhibit  
A attached hereto and made a part hereof by this reference ("Grantor's Property").

WHEREAS, Grantee is the owner of certain real property in Sonoma County, California, commonly known as 8086 Bodega Avenue, Sebastopol, California, presently designated as Assessor's Parcel No. 004-350-076, more particularly described in Exhibit B attached hereto and made a part hereof by this reference ("Grantee's Property").

WHEREAS, Grantee wishes to obtain permanent easements over a portion of Grantor's Property, for the purposes of (i) parking vehicles relating to Grantee's use of Grantee's Property as a hotel, and (ii) providing for storm drainage.

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions and restrictions contained herein, Grantor and Grantee covenant and agree as follows:

#### AGREEMENT

1. **Grant of Easements:** Grantor does hereby grant to Grantee easements over that portion of Grantor's Property (i) legally described in Exhibit C-1 and depicted in Exhibit "C-2" (the "Parking Easement Area") for the parking of vehicles which are owned or operated by the Grantee and Grantee's invitees and (ii) legally described in Exhibit C-3 and depicted in Exhibit C-4 for storm drainage (the "Storm Drain Easement Area"). The Parking Easement is exclusive, while the Storm Drain Easement is non-exclusive. Grantee shall have the right to post signs in the Parking Easement Area to: (a) identify said area as parking for the exclusive use of Grantee's Property; and (b) provide for the towing or removal of vehicles wrongfully parked in the Parking Easement Area.

2. **Grantee's Indemnity Obligation:** Grantee agrees to indemnify and defend Grantor from and against any and all liability, damages, injury and costs occurring by reason of Grantee's use of (a) the parking of vehicles within the Parking Easement Area and (b) the storm drain within the Storm Drain Easement Area.

3. **Grantor's Reservation of Rights:** Grantor reserves the right to use the Parking and Storm Drain Easement Areas for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted; provided that (a) Grantor shall not construct any improvement within the Easement Areas which will interfere with Grantee's rights herein and (b) Grantor will not interfere with Grantee's exclusive right to use the Parking Easement Area.

4. **Prohibited Use of Easement:** The parking spaces in the Parking Easement Area shall not be used for (i) parking of vehicles for longer than the vehicle owner or operator's stay at Grantee's hotel; (ii) recreational vehicles, (iii) trailers, or (iv) trucks other than pick-up trucks or SUVs.

5. **Term:** The easements granted herein shall continue indefinitely.

6. **Character of Easement:** The easements granted in this Agreement are appurtenant to Grantee's Property.

7. **Maintenance and Repair:** Maintenance of the Easement Areas shall be the responsibility of Grantor and Grantor's successors for so long as Grantor's property shall use the remaining parking areas presently on Grantor's Property. If such use shall cease then Grantee shall maintain the Easement Areas. Repair of damage to the Easement Areas shall be paid by the person responsible for such damage; however, if responsibility cannot be assigned, then the cost of such repair shall be shared equally by Grantor and Grantee.

8. **Successors:** This Agreement shall be binding on and shall inure to the benefit of the parties hereto and their respective successor, heirs, assigns and transferees, and all covenants shall apply to and run with the land.

9. **Notification:** In the event Grantor sells, conveys, or assigns any property interests encumbered by this Agreement, Grantor shall notify the successor or assignee of the rights and obligations of both parties as included herein.

10. **Survival of Agreement:** This Agreement, including all representations, warranties, covenants, agreements, releases and other obligations contained herein shall survive the closing of this transaction and the recordation of this Agreement.

11. **Interpretation of Agreement:** In the event of any uncertainty or ambiguity in the language of this Agreement, this Agreement shall not be interpreted against either Grantor or Grantee as the party who caused the ambiguity to exist.

12. **Entire Understanding:** This writing is intended as the final expression of the Agreement between the parties hereto with respect to the included terms. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

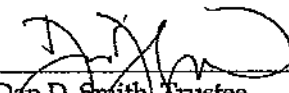
13. **Signatures of Grantor:** Grantor represents and warrants that (a) Grantor is the sole legal and lawful owner of the Property, (b) Grantor has the requisite authority to execute this Agreement on behalf of the interest it represents herein, and to grant the easement conveyed herein to Grantee, and (c) no other party has any legal or equitable claim to or interest in the Property.

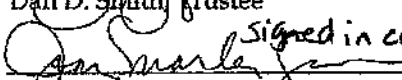
(Signatures follow on next page)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

Dated: March 14, 2018

GRANTOR: Dan D. Smith and Joan Marler Smith, Trustees of the Dan D. Smith and Joan Marler Smith 2003 Revocable Trust dated July 17, 2003

By:   
Dan D. Smith, Trustee

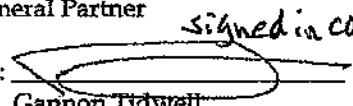
By:  *Signed in counterpart*  
Joan Marler Smith, Trustee

Dated: 3.20, 2018

GRANTEE:

4230 18<sup>th</sup> Street Partners, LP

By: Postcard Capital III, LLC  
Its: General Partner

By:  *Signed in counterpart*  
Gannon Tidwell  
Its: Manager

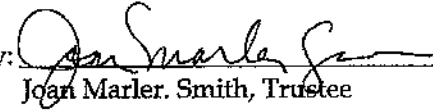
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

Dated: March 14, 2018

GRANTOR: Dan D. Smith and Joan Marler Smith, Trustees of the Dan D. Smith and Joan Marler Smith 2003 Revocable Trust dated July 17, 2003

By: **SIGNED IN COUNTERPART**

Dan D. Smith, Trustee

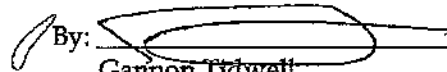
By:   
Joan Marler Smith, Trustee

♡ Dated: 3.20, 2018

GRANTEE:

4230 18<sup>th</sup> Street Partners, LP

By: Postcard Capital III, LLC  
Its: General Partner

By:   
Gannon Tidwell  
Its: Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Sonoma )

On March 24, 2018, before me, Rebecca Dingle, notary public, personally appeared Dan D. Smith who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she ~~they~~ executed the same in ~~his~~ her ~~their~~ authorized capacity(ies), and that by ~~his~~ her ~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rebecca Dingle (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

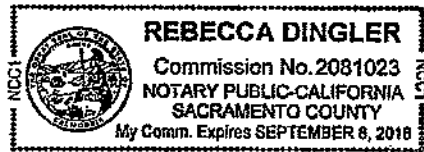
State of California )

County of Sonoma )

On March 14, 2018, before me, Rebecca Dingle, notary public, personally appeared Jean Marler Smith who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that he ~~/she~~ /they executed the same in his ~~/her~~ /their authorized capacity ~~(ies)~~, and that by his ~~/her~~ /their signature ~~(s)~~ on the instrument the person ~~(s)~~, or the entity upon behalf of which the person ~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Rebecca Dingle (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of ~~Sonoma~~ ) <sup>MC</sup> MARIN

On 3/20/18, before me, Reg H. Leighton, notary public,  
personally appeared Gannon Tidwell,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

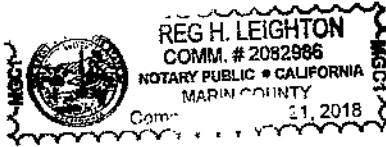


EXHIBIT A  
GRANTOR'S PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY  
SEBASTOPOL, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS  
DESCRIBED AS FOLLOWS:

Parcel 2 as shown on Parcel Map 152, filed for record on December 27, 2007, in Book 717  
of Maps, Pages 42, 43 and 44, Sonoma County Records.

APN: 004-350-077-000

Commonly known as 8050 Bodega Avenue, Sebastopol, California 95472

EXHIBIT B  
GRANTEE'S PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY SEBASTOPOL, COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel 1 as shown on Parcel Map 152, filed for record on December 27, 2007, in Book 717 of Maps, Pages 42, 43 and 44, Sonoma County Records.

RESERVING THEREFROM an Easement for a Water Line Easement over and across all that portion of said Parcel 1 as shown on said Parcel Map.

PARCEL TWO:

Easements for Ingress and Egress, Parking and a Sanitary Sewer over and across those portions of portion of Parcel 2 of said Parcel Map, as shown and delineated on said Parcel Map.

PARCEL THREE:

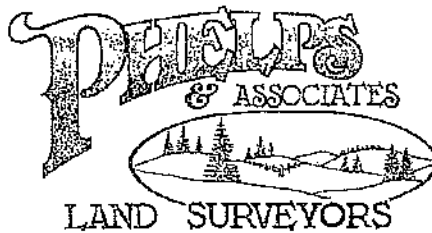
An Easement for the installation, maintenance, replacement, and continued use of a Sanitary Sewer Line over, across, under and through the following described land:

Being a strip of land, 5.00 feet in width, the centerline of which is described as follows:

Commencing at the most Northwesterly corner of Lot 2, as shown on that certain Parcel Map No. 63, recorded in Book 281 of Maps, Page 24, Sonoma County Records; thence along the Westerly line of said Lot 2, South 10° 16' 25" East, 91.87 feet to the point of beginning of the centerline to be herein described; thence leaving said Westerly line of said Lot 2, North 85° 39' 51" East, 214.37 feet to a point on curve on the Easterly line of said Lot 2 from which the Southeasterly corner of said Lot 2 bears Southerly along a 530 foot radius curve concave to the East, through a central angle of 40° 20' 28", from a tangent of South 08° 08' 44" East, a length of 40.16 feet.

APN: 004-350-076-000

Commonly known as 8086 Bodega Avenue, Sebastopol, California 95472



632 PETALUMA AVENUE, SEBASTOPOL, CALIFORNIA 95472 / (707) 829-0400 / FAX (707) 829-0401  
 E-mail: office@phelpslandsurveyors.com

February 27, 2018

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR PARKING EASEMENT**  
 (Parcel 2 to Parcel 1)

Being portions of Parcel 2 of Parcel Map No. 152 filed in Book 717 of Maps, Pages 42-44, Sonoma County Records, said portions being more particularly described as follows:

**Tract 1**


Commencing at the Westerly common corner of said Parcel 2 and Parcel 1 as shown on said map, said corner being marked with a lead and tag LS4483;  
 thence along the common line of said Parcels N75°47'11"E, 29.48 feet to a 1/2" iron pipe tagged LS4483, said point being the True Point of Beginning of the herein described Easement (Tract 1);  
 thence leaving said common line N15°41'41"W, 24.56 feet;  
 thence S75°59'36"W, 21.93 feet;  
 thence S14°52'31"E, 24.63 feet to aforementioned common line;  
 thence along said common line N75°59'36"E, 22.29 feet to the Point of Beginning.


**Tract 2**

Commencing at the Westerly common corner of said Parcel 2 and Parcel 1 as shown on said map, said corner being marked with a lead and tag LS4483;  
 thence along the common line of said Parcels N75°47'11"E, 29.48 feet to a 1/2" iron pipe tagged LS4483;  
 thence continuing along said common line N84°37'08"E, 36.96 feet to a point, said point being the True Point of Beginning of the herein described Easement (Tract 2);  
 thence continuing N84°37'08"E, 30.48 feet to a 1/2" iron pipe tagged LS 4483;  
 thence S32°13'39"E, 10.00 feet to a 1/2" iron pipe tagged LS 4483;  
 thence leaving said common line N13°27'30"W, 11.94 feet;  
 thence S77°24'04"W, 33.40 feet to the Point of Beginning.

Basis of Bearing: Parcel Map 152, filed in book 717 of Maps, Page 42, Sonoma County Records.

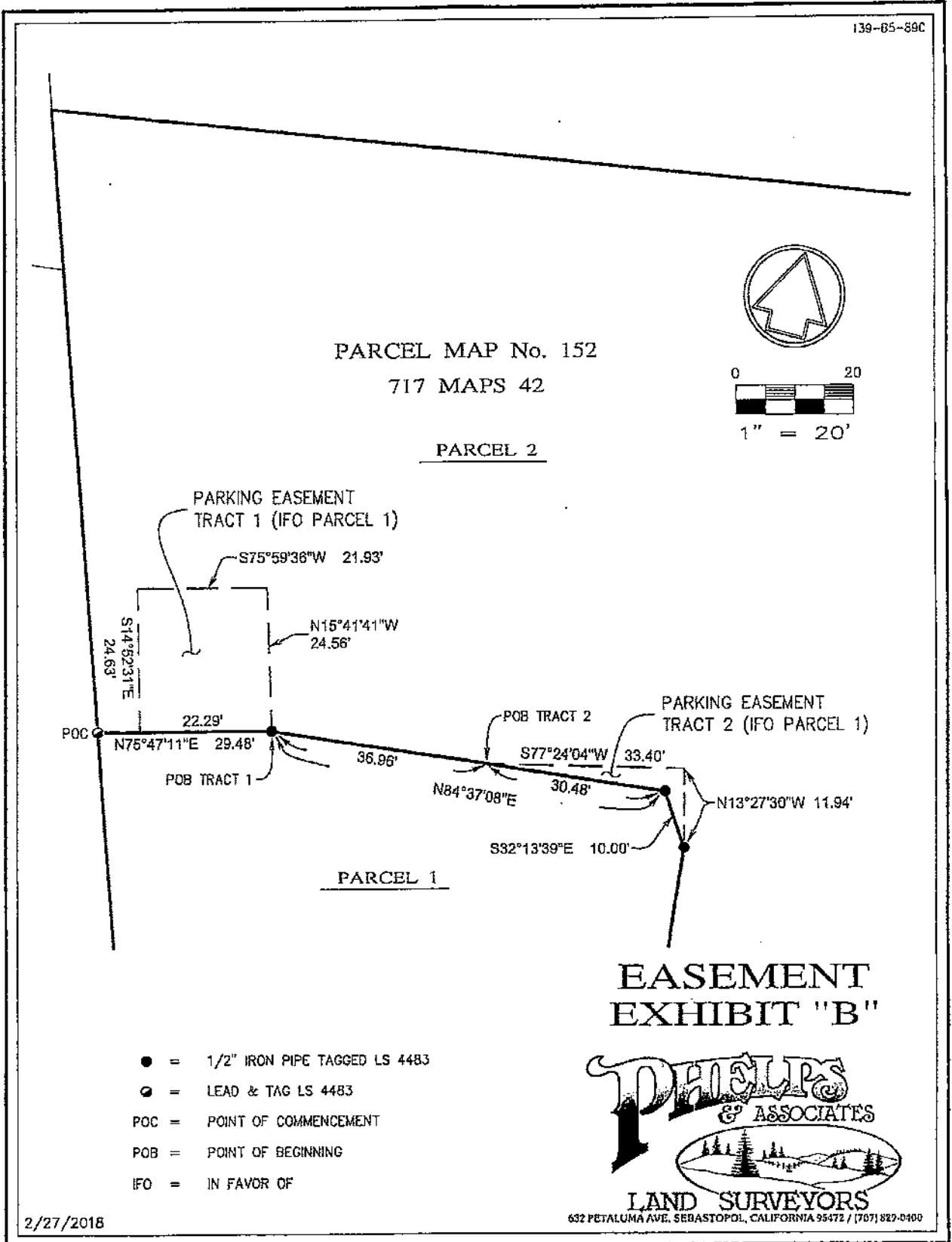
See Exhibit "B" for graphical representation.

  
 Joseph L. Hughes



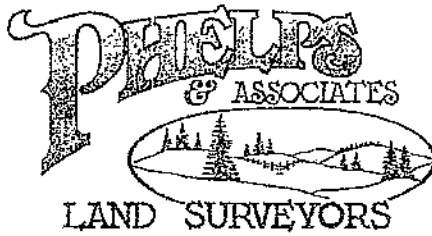
**EXHIBIT C-1**

139-65-89C



2/27/2018

EXHIBIT C-2



632 PETALUMA AVENUE, SEBASTOPOL, CALIFORNIA 95472 / (707) 829-0400 / FAX (707) 829-0401  
 E-mail: office@phelpslandsurveyors.com

February 27, 2018

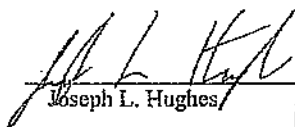
**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR STORM DRAIN EASEMENT**  
 (Parcel 2 to Parcel 1)

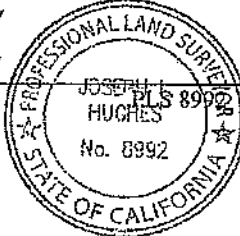
Being a portion of Parcel 2 of Parcel Map No. 152 filed in Book 717 of Maps, Pages 42-44, Sonoma County Records, said portions being more particularly described as follows:

Commencing at the Westerly common corner of said Parcel 2 and Parcel 1 as shown on said map, said point being marked with a lead and tag LS4483;  
 thence along the common line of said Parcels N75°47'11"E, 28.21 feet to a point, said point being the True Point of Beginning of the herein described Easement being 10.00 feet in width lying 5.00 feet on both sides of the following described centerline;  
 thence leaving said common line N14°14'01"W, 74.50 feet;  
 thence S77°32'33"W, 33.37 feet to the Westerly line of aforementioned Parcel 2 the terminus of the herein described centerline. The sidelines of this Easement are to extend or shorten to conform to property lines.  
 Containing 1,080 sq.ft., more or less.

Basis of Bearing: Parcel Map 152, filed in book 717 of Maps, Page 42, Sonoma County Records.

See Exhibit "B" for graphical representation.

  
 Joseph L. Hughes



**EXHIBIT C-3**

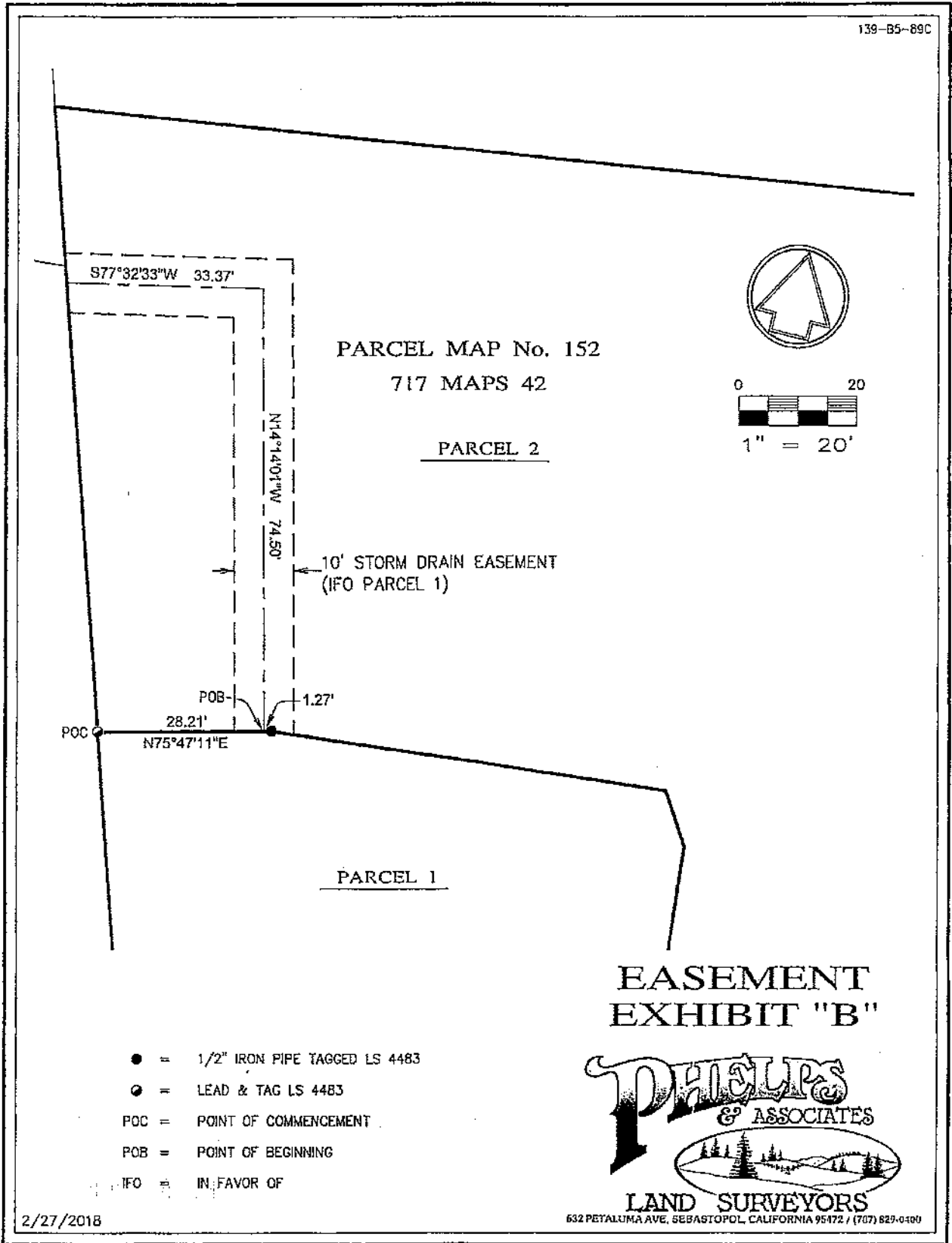


EXHIBIT C-4



## City of Sebastopol Planning Commission Staff Report

Meeting Date: February 24, 2026  
Agenda Item: 6B  
To: Planning Commission  
From: Victoria Henkel, Permit Technician  
Subject: Alcohol Use Permit  
Recommendation: As the project meets the Zoning requirements staff is recommending the Planning Commission review the application materials, hear public comment, and either approve or deny the application

Applicant/Owner: Sufi Sadati, on behalf of Apple Noir, LLC  
File Number: 2026-002  
Address: 8050 Bodega Ave  
CEQA Status: Exempt  
General Plan: Commercial Office (CO)  
Zoning: General Commercial (CG)

### **Introduction:**

This is an Alcohol Use Permit application for a new restaurant, “Mansoor” at 8050 Bodega Ave. Mansoor’s will occupy the same space where the Gravenstein Grill and Marty’s Top of the Hill used to operate, and was approved with a Type 47 alcohol license. The request from the applicant is for a Type 41 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 initially have operating hours from 2:00 pm to 10:00 pm daily to focus on lunch and dinner services, but will eventually be open from 11:00 am to 10:00 pm daily. The request also includes a Type 41 alcohol license, which allows for on-site consumption of beer and wine issued to restaurants. As the applicant has noted in the application, the restaurant would be a flambé dinner house restaurant, which will incorporate French/American fusion style cuisine.

### **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 office buildings, as well as surrounding residential units. The site has been vacant and on the market since January 2024, after the closing of the Gravenstein Grill in December 2023.

### **General Plan Consistency:**

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

- **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 French/American fusion flambé dinner style cuisine, where there are none in Sebastopol or nearby cities.
- **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally, as the project would promote eating locally.
- **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 a new restaurant in town at an iconic space.

**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.

**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)** of the Sebastopol Municipal Code 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, wine, and cocktails 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 includes a request for future live music entertainment, such as a live piano or violinist. As the application does not clearly state if the applicant is requesting live music at this time, the Planning Commission, as part of their deliberation, can include the condition to allow live music (subject to the Noise Ordinance) to their approval. If the Commission does not feel comfortable at this time, it should be noted within the Conditions of Approval that no live music is approved as part of this permit, and should the request for live music come at a future time, it would be an amendment to the permit and would come back to the Commission for review. There will be a speaker that plays background music, which is typically a part of restaurants, and no amplified music.

**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.

The Fire Department has requested that during any tableside flambé performance, there shall be no combustibles near an open flame (i.e. Tablecloths, napkins, etc.). All staff shall be properly trained for any emergency situation that may arise from flames indoors.

**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.

The City has not received any public comments as of writing this staff report.

**Recommendation:**

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.

Additionally, should the Commission should consider if they would like to include the allowance for live music to be included as part of the approval of this use permit.

**Attachments:**

- Exhibit A – Recommended Findings for Approval
- Exhibit B – Recommended Conditions of Approval
- Exhibit C – Standard Conditions of Approval
- Application Materials

**EXHIBIT A  
RECOMMENDED FINDINGS OF APPROVAL**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

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 follows:
  - **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 French/American fusion flambé dinner style cuisine, where there are none in Sebastopol or nearby cities.
  - **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally, as the project would promote eating locally.
  - **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 and would invite locals and tourists alike.
  - **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 a new restaurant in town at an iconic space.
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 a 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**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Sufi Sadati, and stamped received on February 2, 2026, and on file at the City of Sebastopol Planning Department, except as modified by the conditions of approval, and 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 Section 17.400.100 of the Zoning Ordinance.
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 initial hours will be from 2:00 pm to 10:00 pm daily, to focus on lunch and dinner services, then the restaurant plans to be open from 11:00 am to 10:00 pm daily. 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. During any tableside flambé performance, there shall be no combustibles near an open flame (i.e. Tablecloths, napkins, etc.). Staff shall be properly trained for any emergency situation that may arise from flames indoors.
7. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
8. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a “drink minimum” be imposed.
9. Off-sale of beer and wine is not permitted with this approval.
10. No beer or wine shall be displayed within five feet of the cash register or the front door.
11. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. and 9:00 P.M.
12. The business owner shall ensure that employees are drug and alcohol free while on duty.
13. 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.

14. The business owner shall ensure that exterior areas, including the adjacent courtyard area and sidewalk, are free of trash and other debris that may be generated by patrons.
15. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
16. 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.
17. 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.
18. 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.
19. 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.
20. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
21. 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.
22. 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**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

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. 25Hr 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

Received
Agenda Item Number: 9
02/02/2026 4:20:09 PM

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

- Administrative Permit Review
Alcohol Use Permit/ABC Transfer
Conditional Use Permit
Design Review
Lot Line Adjustment/Merger
Preapplication Conference
Preliminary Review
Sign Permit
Temporary Use Permit
Tree Removal Permit
Variance
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: 8050 Bodega Ave Sebastopol, CA 95472 Assessor's Parcel No(s): 004-350-077-000
Present Use of Property: Vacant Zoning/General Plan Designation: Commercial

APPLICANT INFORMATION

Property Owner Name: Simorgh Landing LLC
Mailing Address: 675 Ygnacio Valley Rd STE B201 Phone: 925-699-7224
City/State/ZIP: Walnut Creek, CA, 94596 Email:
Signature: [Signature] Date: 2-2-20
Authorized Agent/Applicant Name: Apple Noir Inc.
Mailing Address: 675 Ygnacio Valley Rd STE B201 Phone: 925-785-1784
City/State/ZIP: Walnut Creek, CA, 94596 Email: sadatimns@gmail.com
Signature: [Signature] Sufi Sadati, President Date: 2-2-20
Contact Name (if different from above): Phone/Email:

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

This project involves the operation of a dinnerhours restaurant, seeking approval to sell beer and wine for on-site consumption as an accessory use to food service offered only to patrons dining on the premises.

CITY USE ONLY

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

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:

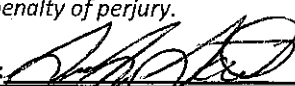
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> A general plan   | <input checked="" type="checkbox"/> A specific plan    |
| <input checked="" type="checkbox"/> An ordinance affecting building permits or grading permits | <input checked="" type="checkbox"/> A zoning ordinance |

**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: 2-2-26

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:  President of APPIC NOIR INC. Date: 2-2-26

**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.

**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	C	-
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	-	-	-
<b>Building Setbacks – Primary</b>			
Front	-	-	-
Secondary Front Yard (corner lots)	-	-	-
Side – Interior	-	-	-
Rear	-	-	-
<b>Building Setbacks – Accessory</b>			
Front	-	-	-
Secondary Front Yard (corner lots)	-	-	-
Side – Interior	-	-	-
Rear	-	-	-
<b>Special Setbacks (if applicable)</b>			
Other ( )	-	-	-
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.

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

**Written Statement Alcohol Use Permit**

Description of Business

The business is intended to be a full service restaurant with a beer & wine license.

Food Service

The food will be a flambé dinner house that incorporates French/American fusion style cuisine.

Type of ABC License

Type 41 - Beer & Wine

Time of Operation

The business will eventually be opened during the times and days shown below, but will initially be opened from 2 - 10 pm:

<b>Monday</b>	11 am to 10 pm
<b>Tuesday</b>	11 am to 10 pm
<b>Wednesday</b>	11 am to 10 pm
<b>Thursday</b>	11 am to 10 pm
<b>Friday</b>	11 am to 10 pm
<b>Saturday</b>	11 am to 10 pm
<b>Sunday</b>	11 am to 10 pm

Employee Training for Alcoholic Beverage Service

For employees who service alcohol:

1. RBS Training Program from an ABC approved provider
  - a. Register, and take ABC approved RBS training
2. Pass the ABC Server Certification Exam
  - a. Passed within 30 days of training
3. All New hires must become certified within 60 days of their first day of employment.

Operational Security Measures

There will be an alarm system, and camera system to monitor the surrounding areas.

Entertainment Features

Light dinner music in the background. In the near future, we would like to incorporate live piano, violin, etc.



# City of Sebastopol Alcohol Use Permit – Application Supplement

**Purpose:** This application supplement applies to any establishment that serves alcoholic beverages.

**Please answer yes or no to the following questions:**

1. The premises contain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises. Y  N
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. Y  N
3. The establishment serves food to patrons during all hours the establishment is open for customers. Y  N
4. The establishment only serves alcohol in a dining area and not in an alcohol serving area that is separate from the dining area. Y  N
5. Adequate seating arrangements for sit-down patrons are provided on the premises, not to exceed a seating capacity of 50 persons. Y  N
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. Y  N
7. No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises. Y  N
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. Y  N
9. An employee alcohol awareness training program and security plan is approved by the Chief of Police. (Ord. 1116 § 7, 2018; Ord. 1111, 2018)

**If yes to all of above and you're applying for an establishment with 50 or Less seats you are eligible for an Administrative Alcohol Permit:** The following information shall be provided to the Planning Department for an application to be deemed complete:

**Master Planning Application Form**

- Completed and signed by the applicant and property owner.

**Written Statement:** *The written statement shall include the following information:*

- *Description of Business*
- *Food Service:* Please describe the type of food served at the establishment.
- *Type of ABC License*
- *Time of Operation:* Describe the days and times that the establishment will operate.
- *Employee Training for Alcoholic Beverage Service:* Describe all alcohol service training that will be provided for employees.
- *Operational Security Measures:* Describe security measures that will be implemented to ensure the safety of establishment employees and patrons.
- *Entertainment Features:* Describe all entertainment features of the establishment. These may include but are not limited to live music, amplified music, dancing, bar games, and video games.

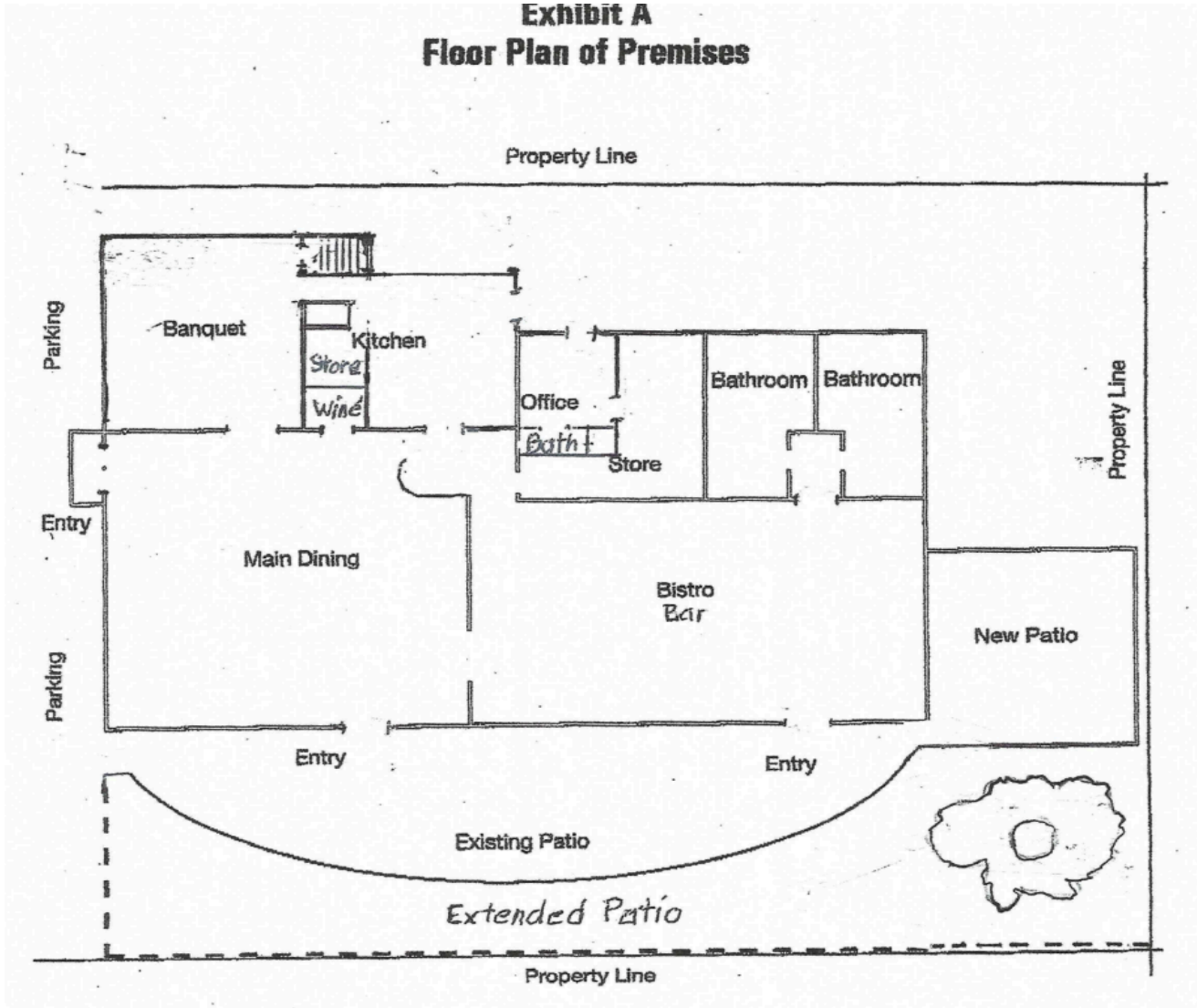
- Fee**
  - As defined on the Planning Department fee schedule. Checks should be made payable to the City of Sebastopol.
- Site Photographs**
  - Clearly show the views of and from the project, including neighboring development. Include a key map indicating where the pictures were taken from and in what direction they were taken. Label the pictures accordingly. It is often desirable to take a series of overlapping photographs which when taped together show a panoramic view. Digital photos on a CD are acceptable.
- Location Map**
  - Indicate the subject parcel(s) and adjacent streets on an 8½" by 11" map.
- Floor Plan**
  - Dimensioned floor plans that shows the number of seats within the establishment, serving areas, any bars, kitchen, restrooms, storage areas, etc. The floor plan shall also show physical barriers that separate establishment patrons and the general public, if the establishment will have an outdoor dining area, as required by the Department of Alcoholic Beverage Control.

**If yes to all of above and you're applying for an establishment with Over 50 seats:** The following information shall be provided to the Planning Department in addition to the items listed on the *Use Permit Application Checklist* for an application to be deemed complete:

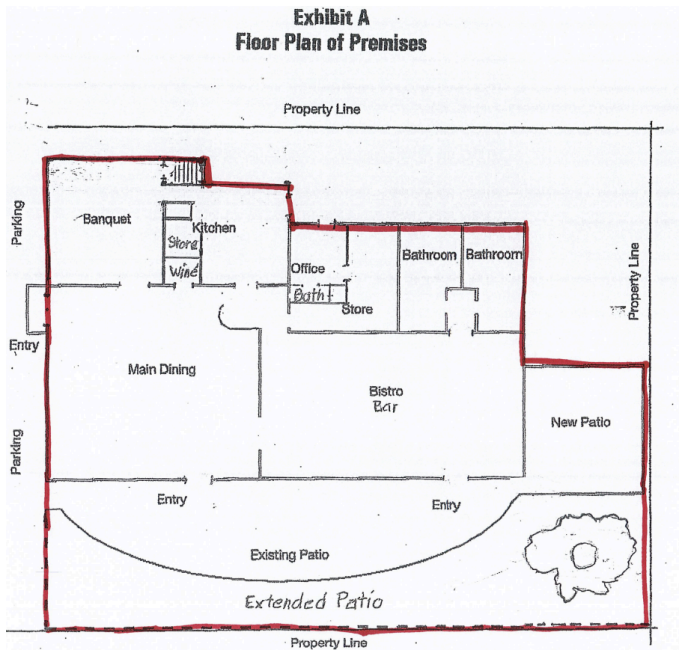
- Master Planning Application Form**
  - Completed and signed by the applicant *and* property owner.
- Written Statement:** *The written statement shall include the following information:*
  - *Description of Business*
  - *Food Service:* Please describe the type of food served at the establishment.
  - *Type of ABC License*
  - *Time of Operation:* Describe the days and times that the establishment will operate.
  - *Employee Training for Alcoholic Beverage Service:* Describe all alcohol service training that will be provided for employees.
  - *Operational Security Measures:* Describe security measures that will be implemented to ensure the safety of establishment employees and patrons.
  - *Entertainment Features:* Describe all entertainment features of the establishment. These may include but are not limited to live music, amplified music, dancing, bar games, and video games.

- Deposit**
  - As defined on the Planning Department fee schedule. Checks should be made payable to the City of Sebastopol.
- Site Photographs**
  - Clearly show the views of and from the project, including neighboring development. Include a key map indicating where the pictures were taken from and in what direction they were taken. Label the pictures accordingly. It is often desirable to take a series of overlapping photographs which when taped together show a panoramic view. Digital photos on a CD are acceptable.
- Location Map**
  - Indicate the subject parcel(s) and adjacent streets on an 8½" by 11" map.
- Floor Plan**
  - Dimensioned floor plans that shows the number of seats within the establishment, serving areas, any bars, kitchen, restrooms, storage areas, etc. The floor plan shall also show physical barriers that separate establishment patrons and the general public, if the establishment will have an outdoor dining area, as required by the Department of Alcoholic Beverage Control.

### Exhibit A Floor Plan of Premises



### Exhibit A Floor Plan of Premises

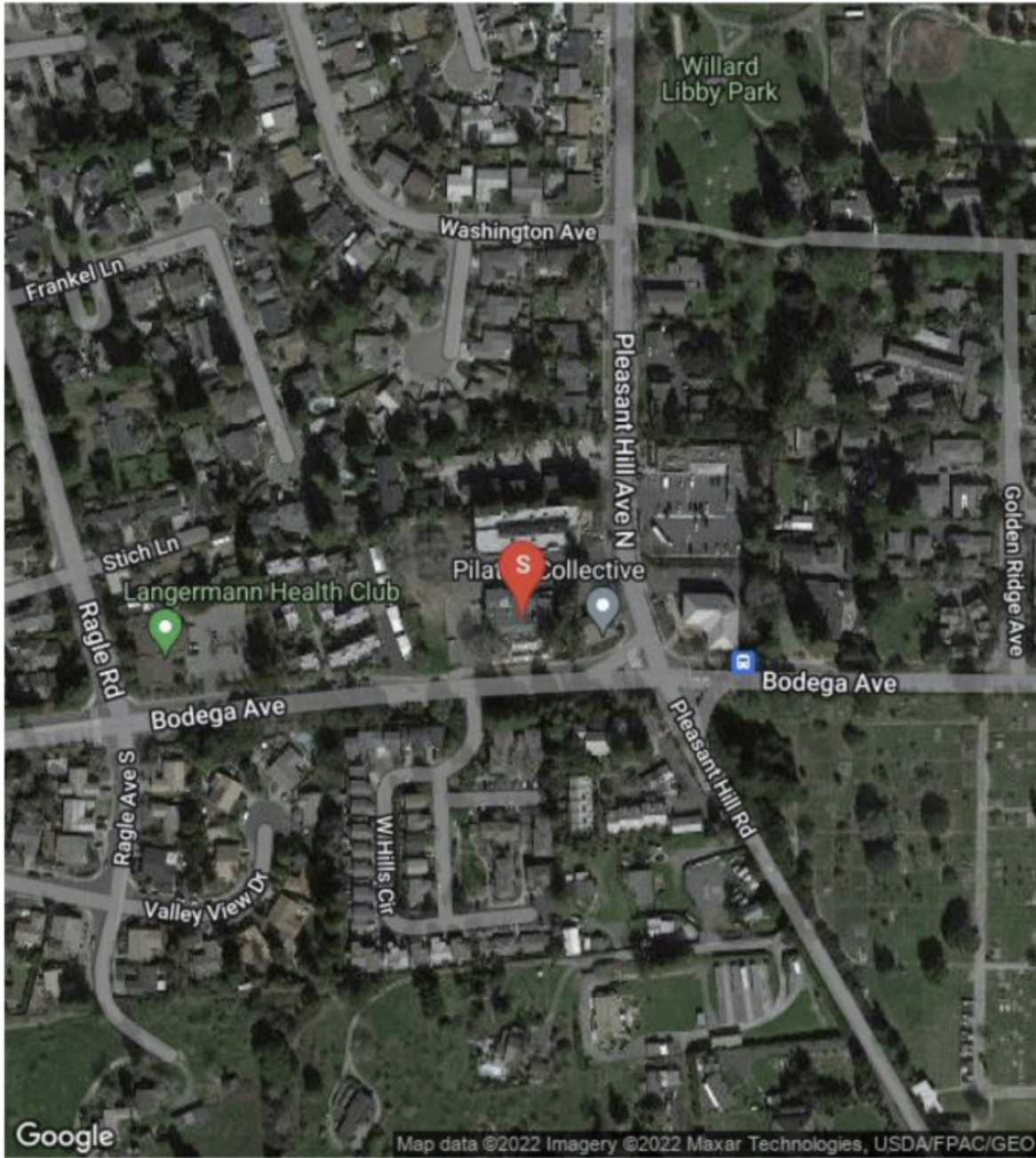


The red lining indicates the areas where alcohol will be served.

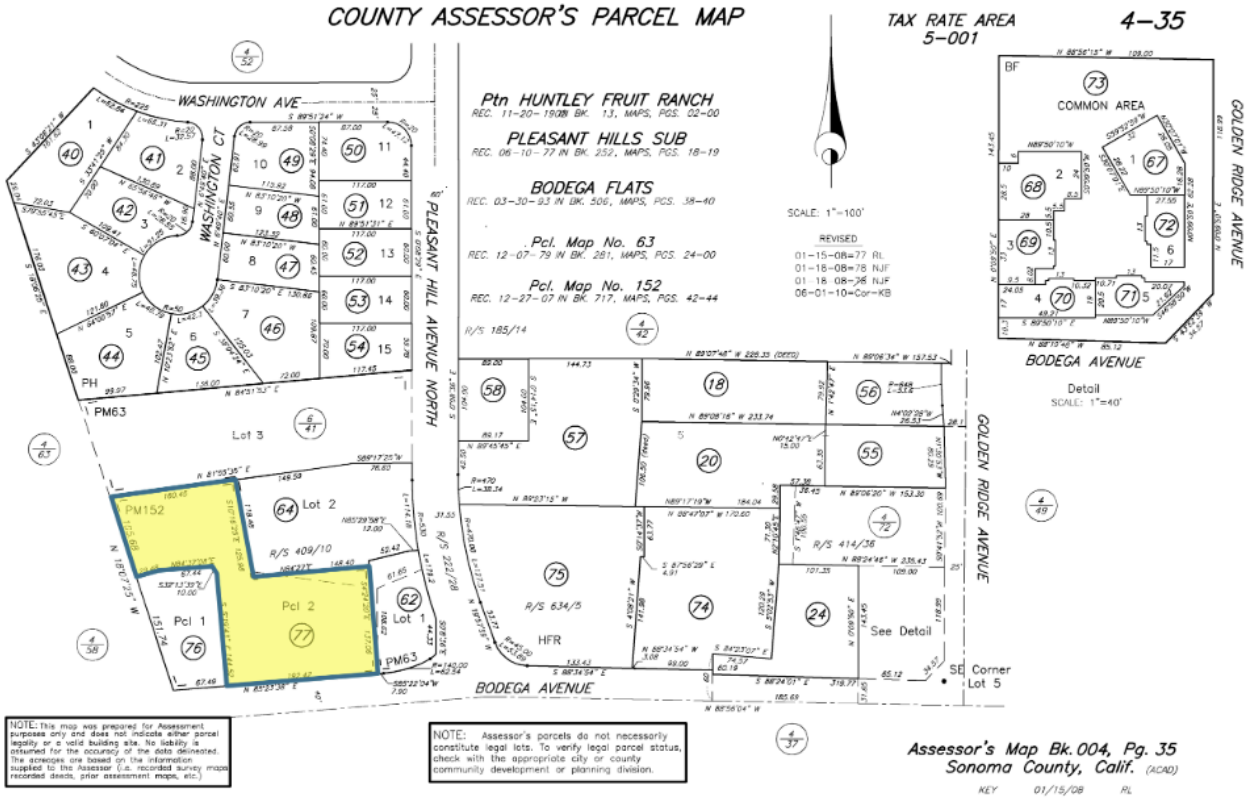
AERIAL PHOTOGRAPH



### NEIGHBORHOOD MAP



Assessor's Parcel Map





8050 Bodega Avenue, Sebastopol

**SUBJECT PROPERTY PHOTOGRAPHS**



Front Exterior



Front Exterior



Front Entrance



Rear Exterior



Outdoor Seating



Main Parking Lot

---

8050 Bodega Avenue, Sebastopol

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**SUBJECT PROPERTY PHOTOGRAPHS**



**View East Along Bodega Avenue  
(Subject To Left)**



**Reception**



**Dining Area**



**Bar/Lounge**



**Fireplace In Lounge**



**Kitchen**



**City of Sebastopol**  
Incorporated 1902  
Planning Department  
7120 Bodega Avenue  
Sebastopol, CA 95472  
707-823-6167  
707-823-1135 (Fax)  
[www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

**APPROVED DRAFT ACTION MINUTES**

PLANNING COMMISSION  
CITY OF SEBASTOPOL  
MINUTES OF FEBRUARY 24, 2026

**PLANNING COMMISSION:**

The notice of the meeting was posted on February 19, 2026.

**1. CALL TO ORDER:** Chair Fernandez called the meeting to order at 6:02 p.m.

**2. ROLL CALL:**

**Present:** Chair Fernandez,  
Vice-Chair Koelemeijer,  
Commissioner Fritz,  
Commissioner Harper

**Absent:** Commissioner Kanzler  
**Staff:** John Jay, Contract Associate Planner  
Tori Henkel, Permit Technician  
Zulema Higgins, Admin Technician

**3. COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THE AGENDA:** None.

**4. STATEMENTS OF CONFLICT OF INTEREST:**

- a. Commissioner Fritz recused himself from agenda item 6A - 6770 McKinley St. (Head West Marketplace) – Conditional Use Permit.

**5. APPROVAL OF MINUTES:** February 10, 2026

Commissioner Fritz made a motion to approve the minutes of February 10, 2026, with the proposed change of striking out the use of the names of the alternatives in the motion for agenda item 6A.

Commissioner Harper seconded the motion.

VOTE: 4-0-0-1

Ayes: Commissioners Harper, Fritz, Vice-Chair Koelemeijer, Chair Fernandez

Noes: None

Abstain: None  
Absent: Commissioner Kanzler

**6. PUBLIC HEARINGS:**

**A. 6770 McKinley St. (Head West Marketplace) – Conditional Use Permit**

Chair Fernandez made a motion to approve the Conditional Use Permit for the Head West Marketplace as it was conditioned in the staff report, as well as adding a condition to allow the approval of an Alcohol Use Permit, if the applicant chooses to utilize it. A condition was also added for future Conditional Use Permit applications from the Barlow to hold the Head West Marketplace shall be administratively reviewed for approval, so long as the application is within substantial conformance with the application materials brought forth to the Planning Commission at their February 24, 2026, meeting. Additionally, this condition includes the approval of an Alcohol Use Permit for the dates of future Head West Marketplace events. Should City staff receive complaints from members of the public or adjoining business owners related to parking, noise, alcohol, or similar issues, City staff reserves the authority to return any future permits to the Planning Commission for review and action.

Commissioner Harper seconded the motion.

VOTE: 3-0-1-1

Ayes: Commissioners Harper, Vice-Chair Koelemeijer, Chair Fernandez

Noes: None

Abstain: Commissioner Fritz

Absent: Commissioner Kanzler

**B. 8050 Bodega Ave – Alcohol Use Permit**

Commissioner Fritz made a motion to approve the Alcohol Use Permit with the addition of a condition to allow outdoor music so long as it is compliant with the Sebastopol Noise Ordinance.

Vice-Chair Koelemeijer seconded the motion.

VOTE: 4-0-0-1

Ayes: Commissioners Harper, Fritz, Vice-Chair Koelemeijer, Chair Fernandez

Noes: None

Abstain: None

Absent: Commissioner Kanzler

**7. SUBCOMMITTEE UPDATES:** None.

**8. PLANNING DEPARTMENT REPORT was given by staff.**

**9. ADJOURNMENT:** Chair Fernandez adjourned the meeting of the Sebastopol Planning Commission at 6:50 p.m. The next regular Planning Commission meeting will be held on March 10, 2026, at 6:00 p.m.



City of Sebastopol  
Planning Department

February 26, 2026

Sufi Sadati  
Apple Noir, LLC  
675 Ygnacio Valley Rd Ste B201  
Walnut Creek, CA 94596

**Re: Alcohol Use Permit Application (2026-002) 8050 Bodega Ave (APN 004-350-077)**

Dear Sufi Sadati:

**Your application is approved.** This approval is in accordance with the findings and subject to the conditions contained in this letter.

The Planning Commission approved your Alcohol Use Permit application (2026-002) at their February 24, 2026, meeting, requesting approval for an Alcohol Use Permit to allow a Type 41 alcohol license as an accessory to the new restaurant, "Mansoor" at 8050 Bodega Avenue.

This approval is not effective until the Appeal Period has officially expired. Anyone dissatisfied with the decision of the Planning Commission has the right to file an appeal to the City Council within 7 calendar days of the decision. This requires the submittal of a completed City Appeal Form, a written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California, no later than 5:00 P.M. on Tuesday, March 3, 2026.

Please feel free to contact me if you have any questions at 707-823-6167, or via email at [vhenkel@cityofsebastopol.gov](mailto:vhenkel@cityofsebastopol.gov).

Sincerely,

*Victoria Henkel*

Victoria Henkel  
Permit Technician

City Hall, 7120 Bodega Avenue, Sebastopol, CA 95472  
T 707-823-6167 / [www.ci.sebastopol.ca.us](http://www.ci.sebastopol.ca.us)

**EXHIBIT A  
FINAL FINDINGS OF APPROVAL**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

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 follows:
  - **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 French/American fusion flambé dinner style cuisine, where there are none in Sebastopol or nearby cities.
  - **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally, as the project would promote eating locally.
  - **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 and would invite locals and tourists alike.
  - **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 a new restaurant in town at an iconic space.
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 a 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  
FINAL CONDITIONS OF APPROVAL**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Sufi Sadati, and stamped received on February 2, 2026, and on file at the City of Sebastopol Planning Department, except as modified by the conditions of approval, and 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 Section 17.400.100 of the Zoning Ordinance.
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: The Planning Commission approved initial hours beginning from 2:00 pm to 11:00 pm, Sunday through Wednesday, and 2:00 pm to 12:00 am Thursday through Saturday, to focus on lunch and dinner services. The restaurant will eventually be open from 11:00 am to 11:00 pm Sunday through Wednesday, and 2:00 pm to 12:00 am Thursday through Saturday. 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. During any tableside flambé performance, there shall be no combustibles near an open flame (i.e. Tablecloths, napkins, etc.). Staff shall be properly trained for any emergency situation that may arise from flames indoors.
7. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
8. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a “drink minimum” be imposed.
9. Off-sale of beer and wine is not permitted with this approval.
10. No beer or wine shall be displayed within five feet of the cash register or the front door.
11. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. and 9:00 P.M.
12. The business owner shall ensure that employees are drug and alcohol free while on duty.
13. The establishment is not approved as an entertainment venue. Dancing 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.

14. The business owner shall ensure that exterior areas, including the adjacent courtyard area and sidewalk, are free of trash and other debris that may be generated by patrons.
15. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
16. 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.
17. 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.
18. 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.
19. 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.
20. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
21. 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.
22. 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**

**Mansoor (Apple Noir, LLC)  
Alcohol Use Permit (2026-002)**

**8050 Bodega Avenue (APN 004-350-077)**

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. 25Hr 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