

RESOLUTION NUMBER: 6752 -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 21st day of April 2026, by the following vote:

VOTE:

Ayes: Councilmembers Hinton, Zollman, and Mayor McLewis
Noes: None
Abstain: None
Absent: Councilmember Carter and Vice Mayor Maurer

APPROVED: _____
Signed by: *Jill McLewis*
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Mayor Jill McLewis

ATTEST: _____
Signed by: *Mary Gourley*
44C0774260FE430...
Mary Gourley, City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Signed by: *Alex Mog*
66BDB79D572A4EB...
Alex Mog, City Attorney