



City of Sebastopol Planning Commission Staff Report

Meeting Date: January 24, 2023
Agenda Item: 6B
To: Planning Commission
From: John Jay, Associate Planner
Subject: Use Permit Amendment to allow Retail sales of wine/beer
Recommendation: Approval with conditions

Applicant/Owner: Jeff Berlin/Peter Squires
File Number: 2022-097
Address: 7233 Healdsburg Ave
CEQA Status: Exempt
General Plan: Commercial Office
Zoning: Office Commercial (CO)

Introduction:

The applicant, Jeff Berlin, owner of the Piala Restaurant, is applying to amend their restaurant's use permit to allow for retail sales of off-sale beer and wine as a 'bottle shop' (stand-alone retail sales of alcohol outside of any incidental 'take out meals' or in-house dining at the restaurant). The applicant is not allowed to sell off-site alcohol, as described in Condition 15 of their active Use Permit's Conditions of Approval (see attachments, Condition 15). The applicant is wanting to amend the conditions of approval to permit this type of off-sale alcohol products.

Project Description:

As discussed above, the project proponent is proposing off-sale beer and wine sales as a 'bottle shop', which is not permitted with Condition #15 of the original Use Permit Conditions of Approval. The applicant is applying for the amendment to the Use Permit to change Condition #15 to allow for off-sale beer and wine sales as an incidental use to the Piala Restaurants operations and will utilize 90 square-feet of floor area for retail display of beer and wine products.

The Piala Restaurant owner's intention has been to provide a full-service restaurant that also markets and sells beer and wine for its customers to take home.

Project Location and Surrounding Land Uses:

The project is located on the northwestern side of Sebastopol and is next to both a Barber Shop, Papa Murphy's Pizza, and the El Tarasco Restaurant. The surrounding land uses are: Office Commercial to the North; Multi-Family Residential to the West;

High-Density Residential to the South; and Downtown Central Core to the East, which also permits for off-sale beer and wine retail with an approved use permit.

Project background:

An alcohol transfer permit was submitted to the city April 5, 2022 and was reviewed by City staff. It was determined that the application proposed was for a wine bar and did not include a full kitchen therefore was denied by the Planning Director on May 4, 2022. That decision was then appealed by the applicant, with additional information and some modifications to the original application to ensure that Piala is in fact a bona fide restaurant that will serve food along with alcohol on site. The applicant provided a food menu to ensure staff that the proposed restaurant had full dinner plates along with small appetizers and accompanied with a beer and wine selection.

The Planning Commission held a public hearing for this appeal on July 28, 2022 meeting where it heard a staff report, presentation from the applicant and heard public comment. The Planning Commission upheld the appeal and directed staff to work with the applicant to provide conditions of approval for the project and return for a final decision at their next scheduled meeting of July 12, 2022. On the July 12, 2022 meeting the Planning Commission heard a staff report which indicated the new conditions of approval that named Jeff Berlin as the main applicant and place restrictions on Mr. Lowell Sheldon's involved within the workings of the restaurant.

The Planning Commission decision was appealed. This appeal was heard at the August 31, 2022 City Council meeting where council heard a staff report, a presentation by the appellant, a presentation by the applicant (Piala), and heard public comment. The City Council included additional items onto the Planning Commissions conditions of approval and reinforced their decision. Ultimately, the appeal was denied and Piala was granted the use permit to sell alcohol on site with the conditions of approval as modified by the Planning Commission and City Council.

General Plan Consistency:

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

- **Policy EV 1-11:** Work with and support local business organizations in order to promote a strong business base through joint business attraction and retention efforts that include marketing and outreach, technical assistance, workforce development, training, and welcome/orientation activities for new businesses.
- **Policy EV 1-13:** Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products.
- **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 Office Commercial District, which is *intended to create, preserve, and enhance areas containing a mixture of professional, medical, administrative, and general offices, residential, and small-scale retail uses and to encourage mixed-use developments of commercial and residential uses.* Off-sale alcohol beer and wine retail sales require a Use Permit approved by the Planning Commission.

As the proposed 90 square-foot off sale beer and wine retail portion, in addition to the roughly 1,260 square-foot restaurant establishment, supports the sales of local wine, food, and other tangible goods, this use would be consistent with the Zoning Ordinance and CO district with the approval of a Use Permit Amendment to remove Condition 15.

Parking

No parking changes are proposed for the use.

Retail uses are required to provide 1 parking space per 125 square feet of net floor area per Table 17.110-2 in the Sebastopol Municipal Code (SMC), while restaurant uses require 1 per 125 sf for the first 2,500 sf. Since there are no changes to the restaurant square footage, and the replacement of restaurant space with retail space is less intensive, no parking modifications are needed.

Required Findings:

As the project requires a use permit for the proposed off-sale beer and wine retail in this district. With that, the required findings for both are below:

Conditional Use Permit:

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.*
- B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood*

or to the general welfare of the City.

Alcohol Use Permit:

- A. *The City Council finds and determines that establishments engaged in the sale of alcoholic beverages may present problems that are encountered by residents, businesses, property owners, visitors and/or workers of Sebastopol, including, but not limited to, littering, obstruction of pedestrian traffic, vehicular traffic, parking, crime, interference with children on their way to school, interference with shoppers using the streets, defacement and damaging of structures, disturbing the peace, discouragement of more desirable and needed commercial uses and other similar problems connected primarily with the operation of establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.*

- B. *The City Council also finds and determines that the existence of such problems creates serious impact on the peace, health, safety and welfare of residents of nearby areas, including fear for the safety of their children and of visitors to the area, as well as contributing to the deterioration of their neighborhoods, and concomitant devaluation of their property and destruction of their community values and quality of life.*

- C. *This chapter is intended and designed to deal with and ameliorate these problems and conditions by restricting the location of such uses in relation to one another, and their proximity to facilities primarily devoted to use by children and families and the general public, and through the denial of a conditional use permit or through the imposition of conditions on a case-by-case basis, thereby limiting the number of such uses in the City and preventing undue concentration and undesirable community impact of such uses by the imposition of reasonable conditions upon the operation of all such uses both existing and in the future.*

Analysis:

Shortly after Piala opened the Planning Department had received a complaint from a member of the public indicating that Piala was violating conditions of their approval. The main one being off-sale beer and wine from the front of the restaurant as a bottle shop. As noted within their conditions of approval, condition #15, "Off-sale beer and wine is not permitted with this approval." Staff reached out to the applicant to inform them that this was not being an allowed use and requested that the restaurant remove their bottle sale advertisement from their website and stop all sales in the restaurant until they amended their use permit.

The applicant is requesting that the Planning Commission amend the condition to remove the Condition 15 and allow the off-sale of beer and wine be added to the restaurant use. restaurant. The applicant would still be subject to the requirements from Alcohol Beverage Control (ABC) and all previous conditions of approval would still apply.

The applicant proposes that they will provide a casual dining and boutique wine and beer retail experience. The retail sales would be within the same space as the restaurant, with no additional staff/register, etc. The wine would be for sale for walk-in retail customers (such as a grocery or other liquor store) in addition to being available for purchase/consumption on-site at the restaurant. While this would expand the wine offerings of the restaurant, staff believes this would be consistent with how other restaurants operate (with a per glass list and allowing purchase of full bottles for consumption) so long as the current menu balance is maintained (food vs wine glass offerings).

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 retail beer and wine shop as an accessory use to an existing restaurant within an existing shopping center and will not create any new environmental impacts as it will be in an already developed area.

City Departmental Comments:

The project was routed out to the various city agencies, such as the Sonoma County Environmental Health Division; and the City of Sebastopol Police, Building, Police, Public Works, and Fire Departments. The departments conditions have been added to the recommended conditions of approval.

Public Comment:

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

Public comment has been received regarding this Alcohol Use Permit and is included in the staff report.

Recommendation:

Staff believes the proposed use is compatible with the site and believes that 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, and any additional or modified conditions the Planning Commission determines is appropriate.

Staff recommends the following key conditions:

- The Piala restaurant shall be maintained as a bone fide restaurant with meals.
- The applicant adheres to ABC's requirements for off-sale beer and wine.

Attachments:

Exhibit A – Recommended Findings of Approval

Exhibit B – Recommended Conditions of Approval

Exhibit C – Standard Conditions of Approval tenant improvements

Application materials

Public Comment

Current alcohol license in Sebastopol

EXHIBIT B
FINAL CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-097)

1. The Use shall be in substantial conformance with the proposed amendment as described in the application materials prepared by Piala, LLC, and stamped received on November 15, 2022, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a) The applicant shall be modified in all application materials to the City to be Jeffery Berlin. All references to the Applicant's responsibilities below shall be assigned to said Applicant.
 - b) Lowell Sheldon's right to enter the premises shall be no greater than any other member of the public (during business hours, as a customer with access to only public areas). Lowell Sheldon may be on premises when the restaurant is closed and no employees are present (Jeffrey Berlin shall also be present).
 - c) Staff shall review the CUP after the restaurant commences operations to ensure conditions of approval are being adhered to as follows:
 - a. Every quarter for the first two quarters then every 6 months thereafter.
2. Applicant shall not permit Lowell Sheldon to exercise, directly or indirectly, any personnel-related responsibilities in connection with the ownership, management, or operation of the subject business, including without limitation:
 - a. the hiring, training, management, supervision, review, discipline, or termination of any employee; or
 - b. the fielding, review, investigation of, or response to any employee complaints or concerns.
3. Lowell Sheldon shall not serve or consume alcohol in any capacity while on the premises.
4. This Use permit shall be reviewed after a period of one year after the restaurant commences operations by the Planning Commission. At that time, the Planning Commission may modify the Conditions of Approval to allow Lowell Sheldon to consume alcohol on the premises as a member of the dining public. This shall constitute a request for an Amendment to a Use Permit, with the applicant responsible for applying for this review.
5. Violation of any of Conditions 2 and/or 3 may, by itself, constitute a ground for revocation of the subject use permit.
6. Piala LLC shall engage and at all times retain an outside human resources firm to manage all aspects of employee complaints, issues, or concerns, including without limitation receiving, reviewing, investigating, and recommending appropriate action, if any, in response to such issues or concerns.
7. The establishment shall be maintained as a bone-fide restaurant as described in the revised application materials supplied by the applicant on May 11, 2022, including the requirements of Section 17.350.080.C, and as follows:
 - a) The menu shall at all times serve full meals, in addition to any such smaller plates proposed.

- b) The beer/wine list shall remain in proportion with the menu as generally submitted in the revised application materials.
 - c) The seating in the restaurant shall continue to accommodate dining at table seating, and shall not transition to 'bar' style seating for more than 20% of the seating.
8. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. Applicant shall submit a copy of the approved plan to the Planning Department, to be added to the project file.
 9. All persons serving or distributing alcoholic beverages are required to attend the Responsible Beverage Service training program or an equivalent, either in-person or online to the satisfaction of the Police Chief.
 10. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
 11. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.
 12. A Business License is required and shall be obtained prior to operation of the use.
 13. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
 14. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
 15. ~~Off sale of beer and wine is not permitted with this approval.~~ No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler as of January 1, 1998.
 16. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
 17. The business owner shall ensure that employees are drug and alcohol free while on duty.
 18. 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.
 19. 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.

20. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
21. 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.
22. 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.
23. 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.
24. As required by the Sonoma County Department of Health Services;
 - a. A review and approval of the menu, plans, and/or specification sheets is required for any changes to the food service operation, facility remodel, addition of any equipment or expansion of any food or alcohol storage or food preparation areas prior to use of the area of equipment.
25. 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.
26. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
27. This approval does not include any signs. 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.
28. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
29. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer or otherwise rescinded.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Piala Restaurant
Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-097)

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.

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
APPLICATION ROUTING FORM

To: [X] Kari Svanstrom, Planning Director
[] Becky Duckles, City Arborist
[X] Bill Braga, Fire Chief
[X] Dante Del Prete, Public Works Superintendent
[X] Steve Brown, Senior Building Inspector
[X] Police Department
[X] Mario Landeros, GHD, Interim City Engineer
[X] Larry McLaughlin, City Manager / City Attorney
[X] Mary Gourley, Assistant City Manager / City Clerk
[x] Sonoma County Health, Environmental Health Division (via email)
[] Graton Racheria, Tribal Heritage Preservation Officer (via email)
[] Laguna Foundation (via email)

From: *Niko Romaidis, Planning Technician*

Date: *November 28, 2022*

Subject: *Conditional Use Permit – 7233 Healdsburg Avenue – 2022-097 – The applicant wants to amend their conditions of approval to allow them to sell alcohol.*

Deposit: *Please Track Your Time (City Departments) Project File #ZD2297*

The applicant already holds an ABC license to sell alcohol, but is not allowed to sell off-site alcohol as described in their conditions of approval. The applicant wants to amend the conditions of approval to allow them to sell off-site alcohol.

Please provide any comments and/or conditions by **Monday, December 12, 2022.**

City Departments: Please input your time for this review: _____ hours.



City of Sebastopol

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

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: 7233 Healdsburg Ave Assessor's Parcel No(s): 004-251-023

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

APPLICANT INFORMATION

Property Owner Name: Peter Squires - Sebastopol Center, LLC

Mailing Address: 2347 Lombard Street Phone: 415-250-3018

City/State/ZIP: San Francisco, CA 94123 Email: peter@realtyequities.com

Signature: Peter Squires Date: 10/26/2022

Authorized Agent/Applicant Name:

Mailing Address: 306 BOHEMIAN HWY Phone: 925-360-9131

City/State/ZIP: SEBASTOPOL, CA 95472 Email: BERLINVINE@GMAIL.COM

Signature: JJ Date: 9/15/2022

Contact Name (if different from above): Phone/Email:

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

13

SEE ATTACHED

CITY USE ONLY

Table with columns for Application Date, Planning File #, Received By, Fee(s), Completeness Date, Action (Staff/Admin, Planning Director, Design Review/Tree Board, Planning Commission, City Council), and Action Date.

SITE DATA TABLE

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

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size			
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>			
Floor Area Ratio (F.A.R)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot	_____ % of lot	_____ % of lot
	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking			
Building Height			
Number of Stories			
Building Setbacks – Primary			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Building Setbacks – Accessory			
Front			
Secondary Front Yard (corner lots)			
Side – Interior			
Rear			
Special Setbacks (if applicable)			
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.

CONDITIONS OF APPLICATION

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

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


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

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

- | | |
|---|---|
| <input type="checkbox"/> A general plan | <input type="checkbox"/> A specific plan |
| <input type="checkbox"/> An ordinance affecting building permits or grading permits | <input 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: 11/1/2022

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

Applicant's Signature:  Date: 11/1/22

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.

Bottle Selection

SPARKLING

Beaupere	Gamay Mousseau, Julienas, Beaujolais, France 2021	40
Brutler	Grunspitz Pet Nat, Sisus, Crisana, Transylvania, Romania NV	45
Caleb Leisure	Cabernet Sauvignon, 'Poppysma,' Lovall Valley, Napa 2021	30
Domaine Brazilier	Chenin Blanc/Pineau d'Aunis Brut, Loire Valley, France NV	15
Homoky Dorka	Furmint / Harslevelu Pet Nat, Tallya, Hungary 2021	40
Lapati	Chinuri Petillant Naturel, Kartli, Republic of Georgia 2019	26
Stoka	Vitovska Pet Nat, Kras, Slovenia 2020	30
Wetzer	Kekfrankos Pet Nat, Sopron, Hungary 2020	38

WHITE ~ AMBER

Ampeleia	Ansonica Blend, Maremma, Tuscany, Italy 2020	26
Andert	Neuberger Blend, Weiss, Neusiedlersee, Austria 2020	38
Batic	Rebula / Pinela, Zaria, Vipava, Slovenia NV	48
Bela Fekete	Juhfark, Somlo, Hungary 2018	32
Black Lamb / Kabaj	Rebula Blend, Ghost Rider, Goriska Brda, Slovenia 2009	36
Brutler	Grunspitz, Crisana, Transylvania, Romania 2021	36
Caleb Leisure	Marsanne / Roussanne, 'Mother Knows,' Sierra Foothills 2020	36
Caleb Leisure	Sauvignon Blanc, 'Verso,' Yorkville Highlands, Mendocino 2021	36
Caleb Leisure	Viognier / Roussanne, 'Caesura,' El Dorado, Sierra Foothills 2020	36
Chito's Ghvino	Rkatsiteli / Mtsvane, Kakheti, Rep. of Georgia 2020	38
Crnko	Rizling Blend, Jarenincan, Slovenia (ltr) 2021	24
Dasabami	Khikhvi, Kakheti, Rep. of Georgia 2018	26
Demeter Zoltan	Furmint, Birtok, Tokaji, Hungary 2018	36
Guniava	Krakhuna, Kartli, Rep. of Georgia 2019	24
Homoky Dorka	Furmint, Bartfai, Tallya, Hungary 2020	40
Iago's Wine	Chinuri, Amber, Kartli, Rep. of Georgia 2019	28
Iago's Wine	Chinuri, Touch of Skin, Kartli, Rep. of Georgia 2019	24
Iberieli	Rkatsiteli, 'Cecilia,' Kakheti, Rep. of Georgia 2019	22
Kali Kovek	Olaszrizling, Rezeda, Balaton, Hungary 2019	28
Khme	Rkatsiteli, Karabakh, Armenia 2020	28
Kikelet	Furmint / Harslevelu Brut, Tokaji, Hungary 2017	62
Les Clos Perdus	Macabeu Blend, L'Annee Blanc, Roussillon, France 2021	30
Makaridze	Tsitska, Imereti, Rep. of Georgia 2019	20
Natenadze	Tetri Blend, Imereti, Rep. of Georgia 2019	32
Nue Wilde	Ribolla, Bussalacchi Vineyard, Lodi 2019	28
Perati	Krakhuna, Imereti, Rep. of Georgia 2019	24
Project 108	Muscat / Grenache Gris, Cabriou Blanc, Roussillon, France 2021	36
Stereophonic	Albarino, Edna Valley, California 2020	22
Tinon	Furmint / Harslevelu, Szamorodni (dry), Tokaji, Hungary 2009	64
Vali Bor	Keknyalu, Balaton, Hungary 2020	34

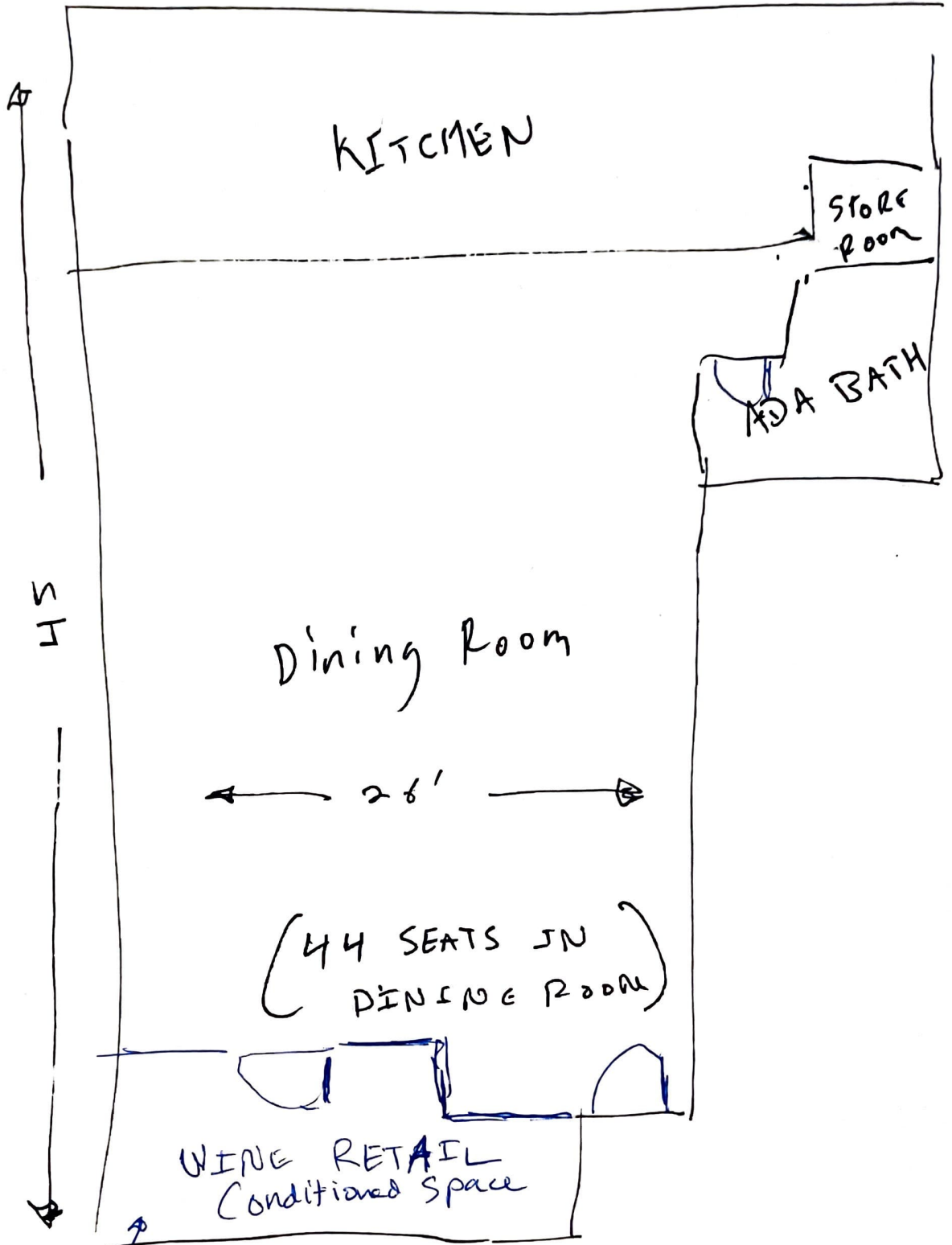
Bottle Selection

PINK

Amiran	Otskanuri Blend, Imereti, Rep. of Georgia 2021	32
Nue Wilde	Pinot Noir, Russian River Valley 2020	22
Pheasant's Tears	Rkatsiteli, Kakheti, Rep. of Georgia 2020	26
Trapl	Blaufrankisch Blend, UN16, Carnuntum, Austria 2021	32

RED

Ampeleia	Alicante Blend, Maremma, Tuscany, Italy 2021	24
Artanuli	Saperavi, Kakheti, Rep. of Georgia 2019	28
Black Lamb	Refosk, Istria, Slovenia 2020	26
Bott Frigyes	Kadarka, Muzla, Slovakia 2020	40
Caleb Leisure	Grenache / Cinsault Blend, 'Obelus,' Calaveras County 2020	36
Caleb Leisure	'Impostora' Blend, El Dorado, Sierra Foothills 2020	40
Caleb Leisure	Grenache / Syrah Blend, 'Obelus,' Calaveras County 2021	32
Castelli	Nebbiolo, Green Valley, Russian River, Sonoma 2017	54
Folk Machine	Carignane, Redwood Valley, Mendocino 2021	22
Guniava	Otskhanuri Sapere / Tsolikouri, Imereti, Rep. of Georgia 2019	22
Heimann	Kadarka, Porkolab-Volgy, Szekszard, Hungary 2020	42
Marina	Tavkveri / Chinuri, Kartli, Rep. of Georgia 2019	24
Maurer	Blaufrankisch Blend, Fruska Gora, Serbia 2021	28
Milos	Plavac Mali, Peljesac Peninsula, Croatia 2018	32
Nino Guniava	Mgaloblishvili, Imereti, Rep. of Georgia 2019	28
Nue Wilde	Pinot Noir, Flocchini Vineyard, Sonoma County 2020	36
Pheasant's Tears	Poliphonia Blend, Kakheti, Rep. of Georgia 2020	26
Stumpf	Kekfrankos, Eger, Hungary 2020	34
Tedo's Marani	Budeshuri Tsiteli, Kakheti, Rep. of Georgia 2017	28
TvrDOS Monastery	Vranac, Bosnia-Herzegovina 2017	32



7233 NEALDSBURG AVE

Enclosed Room for wine retail

To Whom it May Concern:

Piala is applying to amend its use permit to allow for off-sale beer and wine. This use is expressly allowed by the Type 41 Beer and Wine license that Piala holds via the ABC. It is, however, expressly not allowed in our conditions of approval. We are applying to change condition 15.

It currently states: 15. Off-sale of beer and wine is not permitted with this approval.

Application to amend it to state: 15. Off-sale of beer and wine is approved as an incidental use to the primary restaurant use. Any retail display of beer and wine shall not exceed 90 square feet of floor area. The sale of alcohol for onsite and offsite consumption is permitted with the applicable ABC license from the Department of Alcoholic Beverage Control.

Our intention at Piala has always been to run the restaurant as a full service restaurant that also markets and sells wine for customers to take home. As the restaurant industry has been forced to change, businesses have looked to all avenues to make the numbers work. Our business model at Piala is to build a loyal following that would like to dine with us AND purchase wine to take home. We have the expertise to build such loyal clientele.

Many restaurants throughout Sebastopol and the greater California food scene have relied on the to-go sale of beer and wine (and also cocktails) alongside the to-go sale of food during COVID. It's been a vital business model during COVID and I have no doubt it will be a vital model into the future.

We simply ask that you allow us to function at Piala in compliance with our ABC license and offer our food AND wine for folks to take to-go.

Sincerely,
Jeff Berlin

From: Michelle Kelly <mtbsup591@gmail.com>
Sent: Tuesday, January 17, 2023 2:10 PM
To: John Jay
Subject: 2022-097

Hello John,

I received notice for off-sale beer & wine application for Piala restaurant. I have a couple of questions that would help inform a response.

1. List of all city restaurants with off sale alcohol city permit and date of approval.
2. My understanding is Rotten Robbins is not “allowed” to sell (off-sale) alcohol- can you verify/clarify the type of regulation governing gas stations alcohol sales.
3. Parking and traffic- Provide data on accidents on that stretch of road- between the gas station, car wash, D’s Diner, Donut, El Tarasco, Piala, Papa Murphy’s and Next Level Judo is a busy area.

Appreciation for any assistance you can provide.
Michelle Kelly
591 Cleveland



City of Sebastopol
Planning Department

September 13, 2022

Jeffrey Berlin
Piala, LLC
7233 Healdsburg Avenue
Sebastopol, CA 95472

**Re: 7233 Healdsburg Avenue, Alcohol Transfer/Use Permit
Application (File Nos 2022-020, 2022-033, 2022-060)**

Dear Mr. Berlin:

The City Council heard the appeal of your Planning Commission approval, and denied the appeal/upheld the Planning Commission approval, with revised conditions as included herein,) at their August 31, 2022 special meeting, requesting approval for an Alcohol Use Permit for Piala, LLC. This approval is in accordance with the findings and subject to the conditions contained in this letter.

This approval is final.

Please feel free to contact me if you have any questions.

Sincerely,

Kari Svanstrom, Planning Director
ksvanstrom@cityofsebastopol.org

cc:
Property Owner
Bob Haroche, Counsel for Applicant
Lowell Sheldon
Jesse Hom-Dawson, Appellant
City Departments
Planning Department

RESOLUTION NUMBER: 6472-2022

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DENYING THE APPEAL
AND UPHOLDING THE APPROVAL FOR AN ALCOHOL USE PERMIT FOR PIALA, LLC
AT 7233 HEALDSBURG AVE (FILE 2022-020, -033, 060)

WHEREAS, the applicant, Piala ,Inc., represented by Lowell Sheldon, submitted an application for an Alcohol Use Permit / Transfer Permit on March 29, 2022; and

WHEREAS, the City of Sebastopol Planning Department processed the application in accordance with the Sebastopol Municipal Code (SMC), Section 17.350 and, on May 4, 2022, the Planning Director denied the application as the application did not meet findings that required the use to be a 'bona fide restaurant' and that the applicant had not met the burden of proof for an Alcohol Use Permit as noted in SMC Section 17.350.020.c and D ", "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"; and

WHEREAS, the applicant appealed the denial on May 11, 2022, and provided additional information on May 23, 2022, including changing the name of the restaurant from "Piala Wine Bar" to "Piala Georgian Cuisine", provided an updated menu, and provided was evidence that the kitchen will be maintained to prepare food and no "bar" would be constructed. The applicant also provided information in relation to the use permit criteria noted in SMC 17.350.020.C. and D; and,

WHEREAS, the Planning Commission held a duly-noticed public hearing on June 28th, 2022 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 as modified in the appeal met the criteria for a 'bona fide restaurant'. The Commission further deliberated the 'burden of proof' that the applicant presented and the public testimony regarding concerns of Mr. Sheldon's position at the restaurant, in regards to "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." And,

WHEREAS, the Planning Commission voted to close public comment and continue the item to its July 12, 2022 Planning Commission meeting, and directed staff to work with the applicant to draft conditions of approval for the Commission's review that would meet the findings for approval, and

WHEREAS, the Planning Commission continued its deliberations at the July 12, 2022 meeting, including in-depth discussion of the conditions of approval proposed by the applicant as well as additional conditions recommended by Planning staff, and vote 3-1-0 to approve the use permit (Ayes: Chair Oetinger, Commissioner Fritz, Kelly; Nay: Burnes; Absent: Vice Chair Fernandez. And,

WHEREAS, an appeal was received on July 19, 2022 from Jesse Hom-Dawson appealing the Planning Commission's decision on the basis that 1) that the applicant did not meet the burden of proof to show the use would not adversely affect the health, safety, or welfare of the community, and 2) that the provisions of the conditional use permit are unenforceable.

WHEREAS, the City Council held a duly-noticed public hearing on August 31st, 2022, 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:

Action CHW 6c: Continue to require that all new or transferred Alcoholic Beverage Control (ABC) licensees and their employees participate in Responsible Beverage Service training, to promote public health and safety by reducing incidence of sales and service to minors and sales and service to obviously intoxicated persons, in that,

As conditioned, all servers would be required to participate in Responsible Beverage Service training.

Action CHW 6e: Continue to require bars to serve food in order to help counter the effects of alcohol consumption, in that:

The establishment is structured with table seating for dining. As conditioned, the establishment would be required to be maintained as a bona fide restaurant, serving full meals and with a balanced wine/beer and food menu.

Goal CHW 6: Reduce the Harmful Impacts of Alcohol, Tobacco and Drug Use on Individuals, Their Families, and the Larger Community

Policy CHW 6-1: Address responsible alcohol consumption through outreach and efforts intended to reduce adult high-risk drinking and its related problems, in that

As conditioned, alcohol consumption will be prohibited while on site by Lowell Sheldon, who would not otherwise be able to meet the criterion established in the Alcohol Use Permit section related to the applicant's burden of proof. And,

WHEREAS, the City Council finds that the proposed use meets the requirements of SMC 17.350, in that, as conditioned, Lowell Sheldon, part owner, will be prohibited from consuming alcohol on the proposed location the alcohol use permit is granted. His interactions with staff will also be limited, and an outside human resources firm will be monitoring the employee operations. As conditioned, this criterion can be met. And,

WHEREAS, the City Council further finds that, as conditioned, the applicant is able to meet the burden of proving by clear and convincing evidence that the proposed use, including its operations, will not adversely affect the health, safety, or welfare of the community, by limiting interaction for a minimum of one year of Mr. Sheldon with staff involving any human resource or supervision/direction; prohibiting alcohol consumption by same; engaging an outside human resources firm; and, maintaining the venue as a bona fide restaurant. And,

WHEREAS, the City Council further finds that, as modified, the Conditions of Approval contained in Exhibit B are reasonably related to the health, safety, and welfare of the community, and that these conditions of approval are clear and enforceable.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby denies the Appeal and Upholds the Approval of the Alcohol Use Permit for Piala, LLC (Planning File 2022-020, -033, and -060), subject to the Findings in this Resolution and Exhibit A, and the Conditions of Approval in Exhibit B and C.

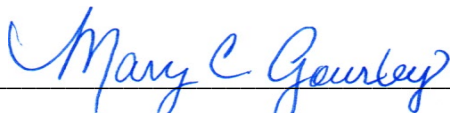
The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 31st day of August, 2022.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter
Noes: None
Absent: None
Abstain: None

APPROVED: 
Mayor Patrick Slayter

ATTEST: 
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: 
Larry McLaughlin, City Attorney

EXHIBIT A
FINAL FINDINGS OF APPROVAL
Piala Restaurant
Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

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

1. 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.
2. The project/use/proposal is consistent with the following provisions of the General Plan:

Action CHW 6c: Continue to require that all new or transferred Alcoholic Beverage Control (ABC) licensees and their employees participate in Responsible Beverage Service training, to promote public health and safety by reducing incidence of sales and service to minors and sales and service to obviously intoxicated persons.
As conditioned, all servers would be required to participate in Responsible Beverage Service training.

Action CHW 6e: Continue to require bars to serve food in order to help counter the effects of alcohol consumption.
The establishment is structured with table seating for dining. As conditioned, the establishment would be required to be maintained as a bone fide restaurant, serving full meals and with a balanced wine/beer and food menu.

Goal CHW 6: Reduce the Harmful Impacts of Alcohol, Tobacco and Drug Use on Individuals, Their Families, and the Larger Community
Policy CHW 6-1: Address responsible alcohol consumption through outreach and efforts intended to reduce adult high-risk drinking and its related problems.

As conditioned, alcohol consumption will be prohibited while on site by Lowell Sheldon, who would not otherwise be able to meet the criterion established in the Alcohol Use Permit section related to the applicant's burden of proof.

As conditioned, this criteria is met.

3. The use is consistent with the Sebastopol Zoning Ordinance, including the specific criteria of the following sections as described:
Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code 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.

As conditioned, the establishment would be maintained as a bone fide restaurant at all times. The granting of this Alcohol Conditional Use Permit satisfies this criterion.

- 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.*

As conditioned, this criterion will be met.

- 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.*

As conditioned, Lowell Sheldon, part owner, will be prohibited from consuming alcohol on the proposed location the alcohol use permit is granted. His interactions with staff will also be limited, and an outside human resources firm will be monitoring the employee operations. As conditioned, this criterion can be met.

- 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.*

As conditioned, the applicant is able to meet the burden of proving by clear and convincing evidence that the proposed use, including it's operations, will not adversely affect the health, safety, or welfare of the community, by limiting interaction for a minimum of one year of Mr Sheldon with staff involving any human resource or supervision/direction; prohibiting alcohol consumption by same; engaging an outside human resources firm; and, maintaining the venue as a bone fide restaurant.

- 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.*

As conditioned, this criterion will be met.

EXHIBIT B
FINAL CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Piala, LLC, and stamped received on March 29, 2022, as modified on May 11, 2022 appeal letter, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a) The applicant shall be modified in all application materials to the City to be Jeffery Berlin. All references to the Applicant's responsibilities below shall be assigned to said Applicant.
 - b) Lowell Sheldon's right to enter the premises shall be no greater than any other member of the public (during business hours, as a customer with access to only public areas). Lowell Sheldon may be on premises when the restaurant is closed and no employees are present (Jeffrey Berlin shall also be present).
 - c) Staff shall review the CUP after the restaurant commences operations to ensure conditions of approval are being adhered to as follows:
 - a. Every quarter for the first two quarters then every 6 months thereafter.
2. Applicant shall not permit Lowell Sheldon to exercise, directly or indirectly, any personnel-related responsibilities in connection with the ownership, management, or operation of the subject business, including without limitation:
 - a. the hiring, training, management, supervision, review, discipline, or termination of any employee; or
 - b. the fielding, review, investigation of, or response to any employee complaints or concerns.
3. Lowell Sheldon shall not serve or consume alcohol in any capacity while on the premises.
4. This Use permit shall be reviewed after a period of one year after the restaurant commences operations by the Planning Commission. At that time, the Planning Commission may modify the Conditions of Approval to allow Lowell Sheldon to consume alcohol on the premises as a member of the dining public. This shall constitute a request for an Amendment to a Use Permit, with the applicant responsible for applying for this review.
5. Violation of any of Conditions 2 and/or 3 may, by itself, constitute a ground for revocation of the subject use permit.
6. Piala LLC shall engage and at all times retain an outside human resources firm to manage all aspects of employee complaints, issues, or concerns, including without limitation receiving, reviewing, investigating, and recommending appropriate action, if any, in response to such issues or concerns.
7. The establishment shall be maintained as a bone-fide restaurant as described in the revised application materials supplied by the applicant on May 11, 2022, including the requirements of Section 17.350.080.C, and as follows:

- a) The menu shall at all times serve full meals, in addition to any such smaller plates proposed.
 - b) The beer/wine list shall remain in proportion with the menu as generally submitted in the revised application materials.
 - c) The seating in the restaurant shall continue to accommodate dining at table seating, and shall not transition to 'bar' style seating for more than 20% of the seating.
8. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. Applicant shall submit a copy of the approved plan to the Planning Department, to be added to the project file.
 9. All persons serving or distributing alcoholic beverages are required to attend the Responsible Beverage Service training program or an equivalent, either in-person or online to the satisfaction of the Police Chief.
 10. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
 11. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.
 12. A Business License is required and shall be obtained prior to operation of the use.
 13. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
 14. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
 15. Off-sale of beer and wine is not permitted with this approval.
 16. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
 17. The business owner shall ensure that employees are drug and alcohol free while on duty.
 18. 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.
 19. 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.

20. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
21. 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.
22. 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.
23. 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.
24. As required by the Sonoma County Department of Health Services;
 - a. A review and approval of the menu, plans, and/or specification sheets is required for any changes to the food service operation, facility remodel, addition of any equipment or expansion of any food or alcohol storage or food preparation areas prior to use of the area of equipment.
25. 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.
26. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
27. This approval does not include any signs. 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.
28. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
29. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer or otherwise rescinded.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
(file 2022-020)

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. Site landscaping shall be generally consistent with the Landscape Plan included as part of "Exhibit A" on file with the Sebastopol Planning Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed project. Upon the request of an Applicant to receive a Temporary Certificate of Occupancy and at discretion of the Planning Director, landscape installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.
5. 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.
6. 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.
7. A Construction Management Plan (CMP) shall be submitted to the City as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans, unless waived by staff. The City's CMP template, provided by the Planning Department, may be used for small, infill projects. Revisions to the CMP to increase or add on time to the construction timeline shall be coordinated with the Building Official and any additional requests will be at the applicant's responsibility.

This CMP shall be a binding document. Failure to adhere to the CMP may result in a

“Stop Work Notice” being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city’s website. The CMP shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

- a) Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
- b) Construction Hours
- c) Travel routes and turn-around locations with staff approval
 - Impact to state highways
- d) Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- e) Worker auto parking space locations/construction parking
- f) Phasing (if applicable)
- g) If construction improvements are located in areas of slopes 15% or greater, the Contractor shall provide safe temporary hard surface stair access to the improvements, unless waived by the Building Official. This access shall be shown on the CMP.
- h) Projects that require a grading permit shall comply with the City’s grading ordinance.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes “impacted” during the course of the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

The hours of construction activity shall be limited 7:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays with staff approval, depending on scope of work being done, or unless modified by a project’s Specific Conditions of Approval.

A **24-inch by 36-inch** weatherproof copy with items A-F posted on site. The remaining Construction Management Plan shall be made available on site. The Construction Management Plan shall be posted on the site as part of the job site signage and should include:

- a) Address of the project site.
 - b) Permitted hours of construction and of deliveries/off-haul.
 - c) Name, e-mail address and direct phone number of the General Contractor.
 - d) Name, e-mail address and direct phone number of the person responsible for managing the project.
 - e) Name and direct phone number of the party to call in case of an emergency.
 - f) City of Sebastopol Building Department (707-823-8597).
8. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Public Works Department prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day. A minimum of 11’ passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.

9. 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.
10. A pre-construction meeting is required with city staff for projects that:
 - a) Require a City encroachment permit, a Caltrans encroachment permit, or a City grading permit; or
 - b) Have 5 dwelling units or more; or
 - c) Have a total of 5,000 square feet of building or more; or
 - d) Have a creek setback requirement; or
 - e) Are required to have a pre-construction meeting under a specific condition of approval.
11. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting or, if no pre-construction meeting is required, prior to commencing construction. If these measures are not in place at the time of the pre-construction meeting, a re-inspection fee will be required, and issuance of building permit will be delayed.
13. 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:

14. 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.
15. 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.
16. For projects with new foundations or retaining walls less than 10' away from a required setback property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to placing the foundation. For any project that includes new foundations or retaining walls more than 10' away from a required setback, the applicant may apply for a waiver from this requirement from the City Engineer and Planning Department.
17. For any project that includes new structures within 2 feet of the allowed height limit, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department at the earliest point possible.

18. All landscape and irrigation plans must be designed in accordance with the most current City of Sebastopol landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the Planning Department must review and approve the project's working drawings for planting and irrigation systems. Any question regarding the City of Sebastopol current water conservation and Landscape Ordinance should be directed to the Planning Department.

New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.

19. For any new housing unit development, the developer/owner shall submit the total amount of fees and exactions associated with the project prior to issuance of certificate of occupancy or final inspection.

Engineering and Public Works Department Standard Conditions of Approval:

20. 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.
21. 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.
22. Construction within the public right-of-way is limited to that necessary to support the lot's use. This may include but is not limited to: driveways, sidewalks and any utility connections. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
23. The applicant shall prepare and submit site improvement plans for the construction of all improvements including water, sanitary sewer, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the City of Sebastopol Design and Construction Standards and other applicable codes, standards, guidelines and specifications. Public improvement drawings shall be drafted in the City-approved sheet format.
24. Once approved by the City Engineer, the applicant shall submit PDF files of the signed improvement plans. As-Built record drawings shall also be submitted as PDF files.
25. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.
26. Any improvements, public or private, damaged during construction shall be replaced,

by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.

27. An erosion and sediment control plan are required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the Engineering Department prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.
28. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.
29. City Public Water and Sewer and Drainage utility easements as required by the City Engineer utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

30. The improvement plans for the first phase of development shall include and provide for the construction of all offsite improvements as required to support full project build-out. Each subsequent phase of development shall construct sufficient onsite roadway and utility improvements to support the cumulative development proposed to be constructed as approved by the City Engineer.
31. Road closures, if permitted by the Project Approval, will only be permitted with prior authorization from the Public Works Department consistent with the City's road closure policy. Signs containing details of the proposed closure must be posted 48 hours in advance. Coordinate road closures with the Sebastopol Public Works Department. Contact the Public Works Department at 707-823-5331 to obtain a road closure permit.
32. An emergency vehicle access, meeting the requirements of the Sebastopol Fire Department shall be constructed.
33. All private driveway areas less than 24-foot wide shall require the approval of the Sebastopol Fire Department.
34. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the City Engineer.
35. The structural section of all public road improvements shall be designed using a soil investigation which provides the basement soils R-value and expansion pressure test results. A copy of Geotechnical report and structural section calculations shall be submitted with the first improvement plan check.
36. The structural section of the private on-site drive aisles and parking areas shall meet the requirements and recommendations of the geotechnical report for the project.
37. Retaining walls and retaining curbs may be required to protect damage to trees as determined by a licensed Arborist. All retaining structures shall be designed and

constructed to minimize damage to trees.

38. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

Drainage Improvements:

39. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Management Design Manual (FMDM). Public and private drainage improvements shall be shown on the improvement plans and the City Engineer may require the applicant to acquire the review and recommendations by the Sonoma County Water Agency (Sonoma Water) prior to approval by the City Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel.
40. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system or discharged through the face of curb or to an established waterway.
41. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the City's Flood Ordinance, to the satisfaction of the Building Official and City Engineer. Building finished floor elevations shall be constructed at a minimum of 2 foot above the 100-year storm event water surface elevation as determined by the City and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval.

Stormwater Quality:

42. Projects that create or replace 10,000 square feet or more of impervious surface area are subject to design and construction requirements of the most recent edition of City of Sebastopol Low Impact Development (LID) Technical Design Manual. Improvement plans with required LID design features shall be approved by the City Engineer.
43. Projects that will disturb 1.0 acre or more of developed or undeveloped land shall provide evidence that a Notice of Intent (NOI) has been submitted by the applicant and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan (SWPPP) shall be provided to the City prior to issuing a grading permit, encroachment permit, or building permit.
44. For required LID features constructed on private property or on street frontage, the owner shall provide a Declaration Letter to the City Manager regarding the owner's commitment to ongoing maintenance of said LID features (LID Declaration) prior to occupancy.

Grading:

45. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to public and private streets or parking areas, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
46. The City of Sebastopol shall require a grading permit for projects that meet these requirements.
 - a) Cut or fill exceeding 50 cubic yards
 - b) Cut or fill greater than 3 feet in depth
 - c) Cut creating a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical
 - d) Fill intended to support a structure or surcharge greater than 1 foot in depth or placed on terrain with a natural slope steeper than 15 percent
47. When required by the Building Official the applicant shall submit to the City for review and approval, a detailed Geotechnical Report prepared by a Geotechnical Engineer registered in the State of California. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
49. Existing wells, septic tanks and/or underground fuel storage tanks that are defective or will no longer be in use shall be permanently destroyed or removed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. Underground fuel storage tanks are subject to UST regulations of the State Water Resources Control Board.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
51. Improvements plans shall include an erosion control (winterization) plan. The plan shall include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed.
52. Sewer services and laterals shall be CCTV inspected to determine if the service needs to be removed and replaced. A copy of the CCTV report shall be provided to the City Engineer. A waiver for CCTV inspection may be waived by the City Engineer, if the sewer lateral has been replaced within ten years of the submittal of the improvement plans. A copy of the documentation evidencing such replacement shall be included in the submittal package.
53. If the proposed project is located in or adjacent to a waterway, within an area designated as habitat for threatened or endangered species, or other special status

area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.

54. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

Fire Department. Standard Conditions of Approval:

55. 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.
56. 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.
57. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25% to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

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

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

Building Department Standard Conditions of Approval:

59. 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.
60. 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

EXHIBIT A
FINAL FINDINGS OF APPROVAL
Piala Restaurant
Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

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

1. 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.
2. The project/use/proposal is consistent with the following provisions of the General Plan:

Action CHW 6c: Continue to require that all new or transferred Alcoholic Beverage Control (ABC) licensees and their employees participate in Responsible Beverage Service training, to promote public health and safety by reducing incidence of sales and service to minors and sales and service to obviously intoxicated persons.
As conditioned, all servers would be required to participate in Responsible Beverage Service training.

Action CHW 6e: Continue to require bars to serve food in order to help counter the effects of alcohol consumption.
The establishment is structured with table seating for dining. As conditioned, the establishment would be required to be maintained as a bone fide restaurant, serving full meals and with a balanced wine/beer and food menu.

Goal CHW 6: Reduce the Harmful Impacts of Alcohol, Tobacco and Drug Use on Individuals, Their Families, and the Larger Community
Policy CHW 6-1: Address responsible alcohol consumption through outreach and efforts intended to reduce adult high-risk drinking and its related problems.

As conditioned, alcohol consumption will be prohibited while on site by Lowell Sheldon, who would not otherwise be able to meet the criterion established in the Alcohol Use Permit section related to the applicant's burden of proof.

As conditioned, this criteria is met.

3. The use is consistent with the Sebastopol Zoning Ordinance, including the specific criteria of the following sections as described:
Section 17.350.020 Alcohol Use Permits of the Sebastopol Municipal Code 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.

As conditioned, the establishment would be maintained as a bone fide restaurant at all times. The granting of this Alcohol Conditional Use Permit satisfies this criterion.

- 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.*

As conditioned, this criterion will be met.

- 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.*

As conditioned, Lowell Sheldon, part owner, will be prohibited from consuming alcohol on the proposed location the alcohol use permit is granted. His interactions with staff will also be limited, and an outside human resources firm will be monitoring the employee operations. As conditioned, this criterion can be met.

- 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.*

As conditioned, the applicant is able to meet the burden of proving by clear and convincing evidence that the proposed use, including it's operations, will not adversely affect the health, safety, or welfare of the community, by limiting interaction for a minimum of one year of Mr Sheldon with staff involving any human resource or supervision/direction; prohibiting alcohol consumption by same; engaging an outside human resources firm; and, maintaining the venue as a bone fide restaurant.

- 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.*

As conditioned, this criterion will be met.

EXHIBIT B
FINAL CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
APN 004-251-023 (File 2022-020)

1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Piala, LLC, and stamped received on March 29, 2022, as modified on May 11, 2022 appeal letter, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a) The applicant shall be modified in all application materials to the City to be Jeffery Berlin. All references to the Applicant's responsibilities below shall be assigned to said Applicant.
 - b) Lowell Sheldon's right to enter the premises shall be no greater than any other member of the public (during business hours, as a customer with access to only public areas). Lowell Sheldon may be on premises when the restaurant is closed and no employees are present (Jeffrey Berlin shall also be present).
 - c) Staff shall review the CUP after the restaurant commences operations to ensure conditions of approval are being adhered to as follows:
 - a. Every quarter for the first two quarters then every 6 months thereafter.
2. Applicant shall not permit Lowell Sheldon to exercise, directly or indirectly, any personnel-related responsibilities in connection with the ownership, management, or operation of the subject business, including without limitation:
 - a. the hiring, training, management, supervision, review, discipline, or termination of any employee; or
 - b. the fielding, review, investigation of, or response to any employee complaints or concerns.
3. Lowell Sheldon shall not serve or consume alcohol in any capacity while on the premises.
4. This Use permit shall be reviewed after a period of one year after the restaurant commences operations by the Planning Commission. At that time, the Planning Commission may modify the Conditions of Approval to allow Lowell Sheldon to consume alcohol on the premises as a member of the dining public. This shall constitute a request for an Amendment to a Use Permit, with the applicant responsible for applying for this review.
5. Violation of any of Conditions 2 and/or 3 may, by itself, constitute a ground for revocation of the subject use permit.
6. Piala LLC shall engage and at all times retain an outside human resources firm to manage all aspects of employee complaints, issues, or concerns, including without limitation receiving, reviewing, investigating, and recommending appropriate action, if any, in response to such issues or concerns.
7. The establishment shall be maintained as a bone-fide restaurant as described in the revised application materials supplied by the applicant on May 11, 2022, including the requirements of Section 17.350.080.C, and as follows:

- a) The menu shall at all times serve full meals, in addition to any such smaller plates proposed.
 - b) The beer/wine list shall remain in proportion with the menu as generally submitted in the revised application materials.
 - c) The seating in the restaurant shall continue to accommodate dining at table seating, and shall not transition to 'bar' style seating for more than 20% of the seating.
8. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. Applicant shall submit a copy of the approved plan to the Planning Department, to be added to the project file.
9. All persons serving or distributing alcoholic beverages are required to attend the Responsible Beverage Service training program or an equivalent, either in-person or online to the satisfaction of the Police Chief.
10. No sound may emanate from the building, which violates the Noise Ordinance or causes an undue disturbance to site neighbors.
11. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.
12. A Business License is required and shall be obtained prior to operation of the use.
13. Food, including meals, must be made available during all times that alcohol is served. This may include incidental food items.
14. Any minimum purchase requirement may be satisfied by the purchase of food or beverages. In no case shall a "drink minimum" be imposed.
15. Off-sale of beer and wine is not permitted with this approval.
16. Placement of bottles into outdoor recycling bins shall take place only between the hours of 9:00 A.M. – 9:00 P.M.
17. The business owner shall ensure that employees are drug and alcohol free while on duty.
18. 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.
19. 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.

20. The business owner shall be responsible for removing any graffiti on the outside of the establishment.
21. 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.
22. 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.
23. 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.
24. As required by the Sonoma County Department of Health Services;
 - a. A review and approval of the menu, plans, and/or specification sheets is required for any changes to the food service operation, facility remodel, addition of any equipment or expansion of any food or alcohol storage or food preparation areas prior to use of the area of equipment.
25. 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.
26. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
27. This approval does not include any signs. 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.
28. Approval is valid for three (3) years, except that the applicant may request a one (1) year extension of this approval from the Planning Director, pursuant to Section 17.400.100 of the Zoning Ordinance.
29. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer or otherwise rescinded.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Alcohol Use Permit
7233 Healdsburg Ave
(file 2022-020)

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. Site landscaping shall be generally consistent with the Landscape Plan included as part of "Exhibit A" on file with the Sebastopol Planning Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed project. Upon the request of an Applicant to receive a Temporary Certificate of Occupancy and at discretion of the Planning Director, landscape installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.
5. 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.
6. 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.
7. A Construction Management Plan (CMP) shall be submitted to the City as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans, unless waived by staff. The City's CMP template, provided by the Planning Department, may be used for small, infill projects. Revisions to the CMP to increase or add on time to the construction timeline shall be coordinated with the Building Official and any additional requests will be at the applicant's responsibility.

This CMP shall be a binding document. Failure to adhere to the CMP may result in a

“Stop Work Notice” being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city’s website. The CMP shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

- a) Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
- b) Construction Hours
- c) Travel routes and turn-around locations with staff approval
 - Impact to state highways
- d) Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- e) Worker auto parking space locations/construction parking
- f) Phasing (if applicable)
- g) If construction improvements are located in areas of slopes 15% or greater, the Contractor shall provide safe temporary hard surface stair access to the improvements, unless waived by the Building Official. This access shall be shown on the CMP.
- h) Projects that require a grading permit shall comply with the City’s grading ordinance.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes “impacted” during the course of the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

The hours of construction activity shall be limited 7:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays with staff approval, depending on scope of work being done, or unless modified by a project’s Specific Conditions of Approval.

A **24-inch by 36-inch** weatherproof copy with items A-F posted on site. The remaining Construction Management Plan shall be made available on site. The Construction Management Plan shall be posted on the site as part of the job site signage and should include:

- a) Address of the project site.
 - b) Permitted hours of construction and of deliveries/off-haul.
 - c) Name, e-mail address and direct phone number of the General Contractor.
 - d) Name, e-mail address and direct phone number of the person responsible for managing the project.
 - e) Name and direct phone number of the party to call in case of an emergency.
 - f) City of Sebastopol Building Department (707-823-8597).
8. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Public Works Department prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day. A minimum of 11’ passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.

9. 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.
10. A pre-construction meeting is required with city staff for projects that:
 - a) Require a City encroachment permit, a Caltrans encroachment permit, or a City grading permit; or
 - b) Have 5 dwelling units or more; or
 - c) Have a total of 5,000 square feet of building or more; or
 - d) Have a creek setback requirement; or
 - e) Are required to have a pre-construction meeting under a specific condition of approval.
11. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting or, if no pre-construction meeting is required, prior to commencing construction. If these measures are not in place at the time of the pre-construction meeting, a re- inspection fee will be required, and issuance of building permit will be delayed.
13. 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:

14. 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.
15. 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.
16. For projects with new foundations or retaining walls less than 10' away from a required setback property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to placing the foundation. For any project that includes new foundations or retaining walls more than 10' away from a required setback, the applicant may apply for a waiver from this requirement from the City Engineer and Planning Department.
17. For any project that includes new structures within 2 feet of the allowed height limit, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department at the earliest point possible.

18. All landscape and irrigation plans must be designed in accordance with the most current City of Sebastopol landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the Planning Department must review and approve the project's working drawings for planting and irrigation systems. Any question regarding the City of Sebastopol current water conservation and Landscape Ordinance should be directed to the Planning Department.

New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.

19. For any new housing unit development, the developer/owner shall submit the total amount of fees and exactions associated with the project prior to issuance of certificate of occupancy or final inspection.

Engineering and Public Works Department Standard Conditions of Approval:

20. 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.
21. 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.
22. Construction within the public right-of-way is limited to that necessary to support the lot's use. This may include but is not limited to: driveways, sidewalks and any utility connections. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
23. The applicant shall prepare and submit site improvement plans for the construction of all improvements including water, sanitary sewer, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the City of Sebastopol Design and Construction Standards and other applicable codes, standards, guidelines and specifications. Public improvement drawings shall be drafted in the City-approved sheet format.
24. Once approved by the City Engineer, the applicant shall submit PDF files of the signed improvement plans. As-Built record drawings shall also be submitted as PDF files.
25. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.
26. Any improvements, public or private, damaged during construction shall be replaced,

by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.

27. An erosion and sediment control plan are required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the Engineering Department prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.
28. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.
29. City Public Water and Sewer and Drainage utility easements as required by the City Engineer utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

30. The improvement plans for the first phase of development shall include and provide for the construction of all offsite improvements as required to support full project build-out. Each subsequent phase of development shall construct sufficient onsite roadway and utility improvements to support the cumulative development proposed to be constructed as approved by the City Engineer.
31. Road closures, if permitted by the Project Approval, will only be permitted with prior authorization from the Public Works Department consistent with the City's road closure policy. Signs containing details of the proposed closure must be posted 48 hours in advance. Coordinate road closures with the Sebastopol Public Works Department. Contact the Public Works Department at 707-823-5331 to obtain a road closure permit.
32. An emergency vehicle access, meeting the requirements of the Sebastopol Fire Department shall be constructed.
33. All private driveway areas less than 24-foot wide shall require the approval of the Sebastopol Fire Department.
34. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the City Engineer.
35. The structural section of all public road improvements shall be designed using a soil investigation which provides the basement soils R-value and expansion pressure test results. A copy of Geotechnical report and structural section calculations shall be submitted with the first improvement plan check.
36. The structural section of the private on-site drive aisles and parking areas shall meet the requirements and recommendations of the geotechnical report for the project.
37. Retaining walls and retaining curbs may be required to protect damage to trees as determined by a licensed Arborist. All retaining structures shall be designed and

constructed to minimize damage to trees.

38. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

Drainage Improvements:

39. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Management Design Manual (FMDM). Public and private drainage improvements shall be shown on the improvement plans and the City Engineer may require the applicant to acquire the review and recommendations by the Sonoma County Water Agency (Sonoma Water) prior to approval by the City Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel.
40. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system or discharged through the face of curb or to an established waterway.
41. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the City's Flood Ordinance, to the satisfaction of the Building Official and City Engineer. Building finished floor elevations shall be constructed at a minimum of 2 foot above the 100-year storm event water surface elevation as determined by the City and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval.

Stormwater Quality:

42. Projects that create or replace 10,000 square feet or more of impervious surface area are subject to design and construction requirements of the most recent edition of City of Sebastopol Low Impact Development (LID) Technical Design Manual. Improvement plans with required LID design features shall be approved by the City Engineer.
43. Projects that will disturb 1.0 acre or more of developed or undeveloped land shall provide evidence that a Notice of Intent (NOI) has been submitted by the applicant and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan (SWPPP) shall be provided to the City prior to issuing a grading permit, encroachment permit, or building permit.
44. For required LID features constructed on private property or on street frontage, the owner shall provide a Declaration Letter to the City Manager regarding the owner's commitment to ongoing maintenance of said LID features (LID Declaration) prior to occupancy.

Grading:

45. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to public and private streets or parking areas, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
46. The City of Sebastopol shall require a grading permit for projects that meet these requirements.
 - a) Cut or fill exceeding 50 cubic yards
 - b) Cut or fill greater than 3 feet in depth
 - c) Cut creating a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical
 - d) Fill intended to support a structure or surcharge greater than 1 foot in depth or placed on terrain with a natural slope steeper than 15 percent
47. When required by the Building Official the applicant shall submit to the City for review and approval, a detailed Geotechnical Report prepared by a Geotechnical Engineer registered in the State of California. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
49. Existing wells, septic tanks and/or underground fuel storage tanks that are defective or will no longer be in use shall be permanently destroyed or removed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. Underground fuel storage tanks are subject to UST regulations of the State Water Resources Control Board.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
51. Improvements plans shall include an erosion control (winterization) plan. The plan shall include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed.
52. Sewer services and laterals shall be CCTV inspected to determine if the service needs to be removed and replaced. A copy of the CCTV report shall be provided to the City Engineer. A waiver for CCTV inspection may be waived by the City Engineer, if the sewer lateral has been replaced within ten years of the submittal of the improvement plans. A copy of the documentation evidencing such replacement shall be included in the submittal package.
53. If the proposed project is located in or adjacent to a waterway, within an area designated as habitat for threatened or endangered species, or other special status

area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.

54. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

Fire Department. Standard Conditions of Approval:

55. 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.
56. 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.
57. 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.

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

Building Department Standard Conditions of Approval:

59. 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.
60. 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