



City of Sebastopol Planning Commission Staff Report

Meeting Date: June 28, 2022
Agenda Item: 6A
To: Planning Commission
From: John Jay, Associate Planner
Kari Svanstrom, Planning Director
Subject: Appeal of Planning Director (Administrative) decision denying a conditional use permit for an alcohol use permit
Recommendation: No Recommendation

Applicant/Owner: Lowell Sheldon
File Number: 2022-033
Address: 7233 Healdsburg Avenue
CEQA Status: Exempt
General Plan: Commercial Office
Zoning: Office Commercial (CO)

Introduction:

This is an appeal application requesting the Planning Commission to overturn the Planning Director's decision on the denial of an alcohol transfer permit for the restaurant, Piala, at 7233 Healdsburg Ave. The planning department received the application for an alcohol transfer permit on March 29, 2022. After reviewing the application and receiving a letter of protest from the public the Planning Director issued a letter of denial to the applicant stating that staff was unable to make multiple findings required.

Project Description:

The project as proposed is to open a new Georgian, Piala, restaurant at 7233 Healdsburg Ave in Sebastopol and serve alcohol along with full meals. A limited menu was submitted within the request for the alcohol transfer permit and was one of the bases of denial. A more complete menu has been supplied within this appeal application to satisfy that finding and is attached to this staff report.

Project Location and Surrounding Land Uses:

The project is located within an Office Commercial district and is surrounded by other restaurants. The surrounding uses are mostly restaurants located within the same shopping center and across the street, with other smaller uses including a martial arts use (classified as a gym) previously located adjacent to the restaurant space, and a barber shop is adjacent on the other side.

General Plan Consistency:

There are several Goals and Policies within the Community Health and Wellness Element of the Sebastopol General Plan that address the impacts of controlled substances such as alcohol and tobacco. The relevant policies are included below:

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.

Actions in Support of Goal CHW 6

- 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.

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

- Action CHW 6f: Develop and implement responsible beverage consumption practices by local businesses.

Zoning Ordinance Consistency:

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

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

Section 17.350.080.C

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

9. *An employee alcohol awareness training program and security plan is approved by the Chief of Police.*

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 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.

City Departmental Comments:

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

Required Findings:

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

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

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

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

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

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

1. Residential buildings;
2. Churches, schools, hospitals, public playgrounds and other similar uses; and
3. Other establishments dispensing, for sale or other consideration, alcoholic beverages including beer and wine.

D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.

E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.

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

Additional criteria for the review at a staff level are included in the Zoning Consistency section above.

Analysis:

The project was denied by the Planning Director, as the specific findings noted in Section 17.350.020 of the Sebastopol Municipal Code (SMC) could not be made. Firstly is the finding the application did not meet the requirements of a bona fide restaurant. Secondly, the City received a letter during the required public comment period and, based on the contents of the letter, could not find that the applicant had meet the criteria found in SMC 17.350.020(C) and (D), that the use would not adversely affect the health, safety, or welfare of the community (see attachments for full application materials and letter of decision).

SMC 17.350.080.C – staff level conditional use permit

The City of Sebastopol requires a conditional use permit for all alcohol-based operations. As noted above, Section 17.350.080.C of the Sebastopol Municipal Code allows for a restaurant or “bona fide” public eating place where alcohol is served incidentally to a meal be approved by the Planning Director, with the right to appeal by any interested party to the Planning Commission, assuming it meets the nine criteria listed in Section 17.350.080.C. As originally proposed, staff determined the requirements of a “bona fide” restaurant were not met, as the menu submitted offered snacks/appetizers and little meal options, and was closely related to a wine bar establishment. Additionally, the signage proposed, and erected on site, was “Piala Wine Bar”.

Staff found that the application should be classified as a wine bar or wine tasting room, not a bone fide restaurant. The project was denied as it did not meet the criteria in Section 17.350.080.C criterion A, as this would be a major change in use. Bars and tasting rooms required a Conditional User Permit reviewed by the Planning Commission and, additionally, would have different parking criteria the applicant likely could not provide, etc.

Since the denial letter was issued, the applicant has modified the name of the restaurant to “Piala Georgian cuisine “ and provided a new typical menu to staff that reflects meals and brief wine list such that a restaurant would serve. They also provided evidence in the appeal that the kitchen will be maintained and utilized to prepare food; no ‘bar’ will be constructed; and seating will be at traditional tables and long family-style tables. Staff recommends that, with these modifications, the proposed project would now meet the criteria and definition of a bone fide restaurant with less than 50 seats.

Section 17.350.020 Alcohol Use Permit

The application was also denied on the basis of not being able to meet Section 17.350.020, Criterion C and D of the required findings for an alcohol use permit. As noted above, the City received a letter of protest from the public regarding previous actions and encounters with members of the public and staff as well as a report to the Sonoma County Sherriff’s office.

The Planning Director, and city staff, considered this letter in that the letter mentions specific encounters that previous employees of the applicant had in a negative matter. In the case of alcohol use permits, the applicant bears the burden of proof in that this project will not adversely affect the health, safety or welfare of nearby community, which involves both employees and patrons of a venue. With that letter, the Planning Director and staff felt that the applicant did not meet the criteria for a conditional use permit (17.415.020.A) and Criteria C and D of Section 17.350.020.C

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....”

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 a part of this appeal for the project the applicant has submitted information about the restaurant’s proposed Sexual Harassment/Discrimination policy and human resources services agency. In it the applicant, Mr. Sheldon, notes that one of the business’ partners, Jeff Berlin, will be the operational partner at Piala. Staff worked with the applicant to understand his involvement in the operations and presence at the restaurant, and to understand the role of the operation partner.

Mr. Sheldon has noted that the Operation Partner’s role is the member of the ownership who “works at Piala and manages all aspects of daily operations including hiring/firing, ordering, opening and closing duties, and all customer facing activities.” He has also further clarified his role as follows: “

Beyond this, I would like to say that I will have no daily roll in operations or management at Piala. My role was to execute the buildout and I will then move on to other projects. This is my complete and only hands on role at Piala. Mr. Sheldon will remain a 1/3 owner in the restaurant.

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.

As of drafting this staff report the City has received both letters of support of the denial letter from the community and has also received letters of support in this letter being reversed. Public comments received as of this staff report are included in the Attachments to this staff report. Staff anticipates additional comments, and these will be forwarded to the Commission and posted to the website prior to the June 28 hearing date.

Recommendation and Commission's Options:

Staff believes the proposed use now complies with the requirement for a restaurant. As such, it is allowed to open as a Permitted use in the CO zoning district, with the issuance of a business license and an application for a sign permit for the sign that has been installed.

In the determination of meeting the criteria for an Conditional Use Permit, staff recommends that the Planning Commission hold a public hearing, hear the staff report and applicant presentation, and consider the public testimony, both written and oral, and deliberate whether or not this criteria is met. After deliberations, the Commission should direct staff to prepare a Resolution with the Commission's Findings for Denial, or Findings for Approval and Conditions of Approval, and Continue the item to the Commission's next regular meeting on July 12, at which time the Commission can continue considering the item and the draft resolution.

Additionally, if the Commission requires additional information, they may continue the item while such information is obtained. In such case, staff recommends it be continued to a 'date certain' if possible.

Attachments:

Application
Letter of Denial
Appeal letter and supplemental information
Public Comments



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

MASTER PLANNING APPLICATION FORM

APPLICATION TYPE

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

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

REVIEW/HEARING BODIES

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

APPLICATION FOR

Street Address: 7233 Healdsburg Ave Assessor's Parcel No(s): 004-251-023-000
 Present Use of Property: Restaurant Serving Beer and Wine Zoning/General Plan Designation:

APPLICANT INFORMATION

Property Owner Name: Sebastopol Center, LLC
 Mailing Address: 2347 Lombard Street, Phone: 415-250-3018
 City/State/ZIP: San Francisco, CA 94123 Email: peter@realtyequities.com
 Signature: *[Signature]* - Authorized Agent Date: 3/29/2022
 Authorized Agent/Applicant Name: Lowell Sheldon
 Mailing Address: 779 Dufranc Ave Phone: 7073385456
 City/State/ZIP: Sebastopol CA 95472 Email: lpsheld@gmail.com
 Signature: *[Signature]* Date: 3/29/2022
 Contact Name (if different from above): Phone/Email:

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

A neighborhood restaurant serving beer and wine. This space is an existing restaurant and has been for over 40 years.
 Current restaurant name - Sukhothai
 New restaurant name - Piala

CITY USE ONLY

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

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: [Signature] - Authorized Agent Date: 3/29/2022

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: [Signature] Date: 3/29/2022

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.



City of Sebastopol

Alcohol Use Permit – Application Supplement

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

Please answer yes or no to the following questions:

1. The premises contain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises. Y N
2. The primary use of the premises is for sit-down service to patrons, and the establishment is not a drive-up, drive-through, or fast-food restaurant. Y N
3. The establishment serves food to patrons during all hours the establishment is open for customers. Y N
4. The establishment only serves alcohol in a dining area and not in an alcohol serving area that is separate from the dining area. Y N
5. Adequate seating arrangements for sit-down patrons are provided on the premises, not to exceed a seating capacity of 50 persons. Y N
6. Any take-out service is only incidental to the primary sit-down use and does not include the sale or dispensing for consideration of alcoholic beverage or beer or wine.
Y N
7. No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises. Y N
8. No dancing or live entertainment is permitted on the premises except with approval by the Chief of Police and Planning Director, who may impose conditions controlling such activities. Y N
9. An employee alcohol awareness training program and security plan is approved by the Chief of Police. (Ord. 1116 § 7, 2018; Ord. 1111, 2018)

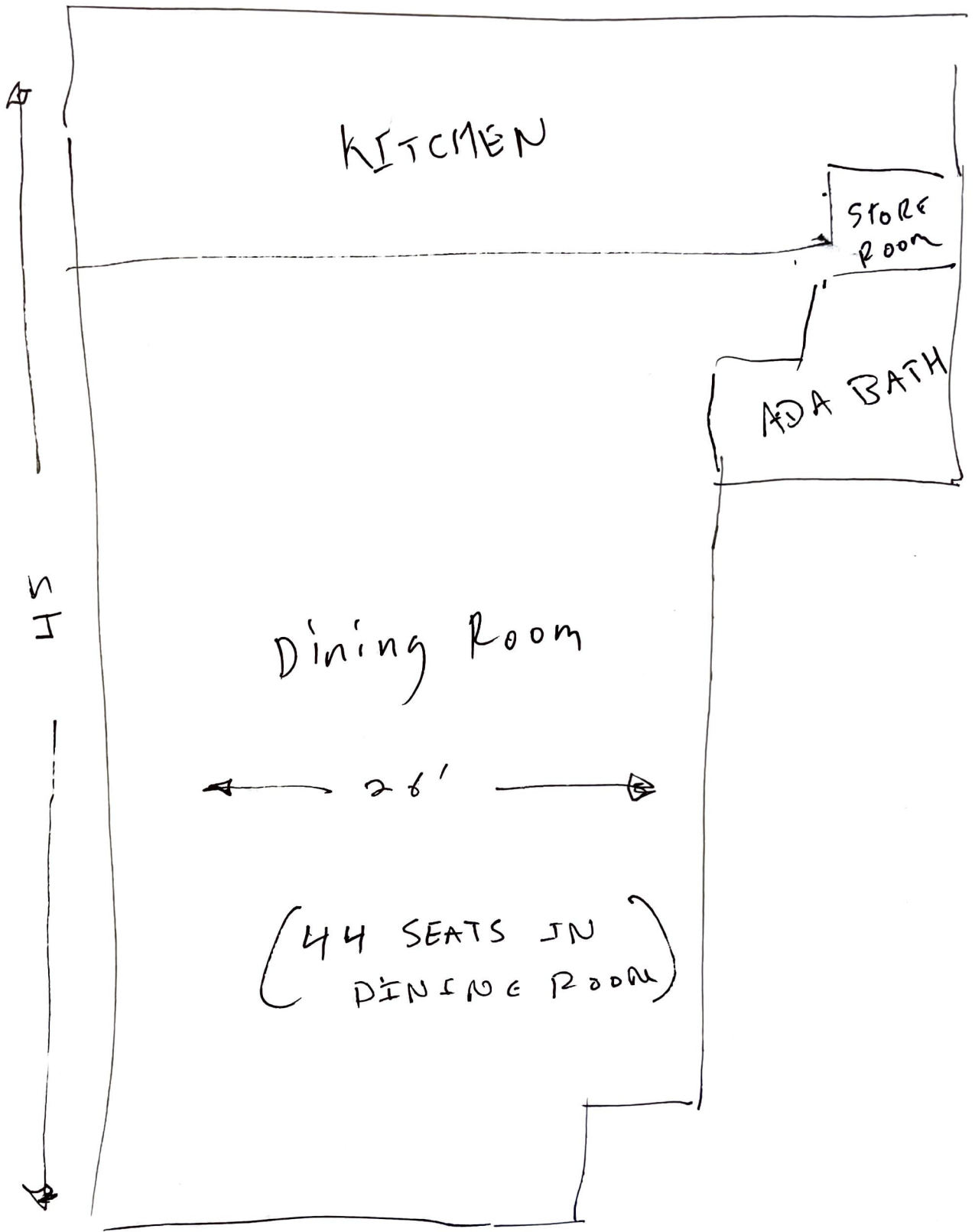
If yes to all of above and you're applying for an establishment with 50 or Less seats you are eligible for an Administrative Alcohol Permit: The following information shall be provided to the Planning Department for an application to be deemed complete:

Master Planning Application Form

- Completed and signed by the applicant *and* property owner.

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

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



KITCHEN

Store Room

ADA BATH

Dining Room

← 26' →

(44 SEATS IN DINING ROOM)

45

7233 HEALDSBURG AVE

MedQIA



Cleveland Ave

D's Diner
Hamburger • \$



Rotten Robbie



ATM (Rotten Robbie)

WATSON & ANG

Healdsburg Ave

116



Papa Murphy's |
Take 'N' Bake Pizza
Pizza • \$



Namaste Kitchen
Free Delivery
on 1st Order



Bank of America
Drive-thru ATM)
Temporarily closed



Bank of America
ATM (Drive



Pitt Ave

Fidelity National Title



Snow St

Pitt Ave

West St

PIALA NATURAL WINE BAR

SRBC
SANTA ROSA
BUSINESS & COMMERCIAL
Bringing Opportunities in the North Bay

Restaurant
for Sale / Lease
707-503-9335
Ryn Longmaid DRE# 01450190
www.santarosabusinessandcommercial.com

7233

PIALA MENU

Olives with Herbs and Garlic

Cheese Board

Bread and Sunflower Oil

House Salad with Herbs & Feta

Fried Corn Fritters

Pot of Herbed Beans

Grilled Meat Skewers



City of Sebastopol Planning Department

May 4, 2022

Lowell Sheldon
Piala
779 Dufranc Ave
Sebastopol CA, 95472

Re: Alcohol Transfer Permit at 7233 Healdsburg Avenue
(File 2022-020)

Dear Mr. Sheldon:

The Planning Director has denied your Alcohol Transfer and Alcohol Use Permit application (2022-020) requesting approval for the transfer of, and approval for, an alcohol use permit, from the restaurant owner of Sukhothai to the owner of Piala. This denial is in accordance with the findings contained in this letter. This letter does not deny the use of a restaurant within the space, which is permitted by the Zoning Ordinance. However, this does deny the allowance for alcohol to be served on site.

This denial is based on two findings, as outlined in the Findings for Denial included with this letter. To sum, the proposed use is not a restaurant, but rather a bar, which requires a Conditional Use Permit review by the Planning Commission, and also has different parking requirements attendant thereto. Additionally, the alcohol license is being denied based on a letter of protest that was submitted by several individuals which indicates a history of inappropriate behavior in the workplace.

This denial is not effective until the Appeal Period has officially expired. Anyone dissatisfied with the decision of the Planning Director has the right to file an appeal within 7 calendar days of the decision. This requires the submittal of a completed City Appeal Form, written statement, and payment of the applicable fee delivered to the Planning Department at 7120 Bodega Avenue, Sebastopol, California no later than 5:00 P.M. on May 11, 2022.

Please feel free to contact me if you have any questions at 707-823-6167, or via email at kvanstrom@cityofsebastopol.org.

Sincerely,



Kari Svanstrom
Planning Director
AICP, Architect, LEEDap

cc: Sebastopol Center, LLC, owner (via email)
City Manager Larry McLaughlin (via email)
Assistant City Manager Mary Gourley (via email)
Police Chief Kevin Kilgore (via email)
Alcohol Beverage Control (ABC), Santa Rosa office (via email)

Findings for Denial
7233 Healdsburg Ave 2022-020
Alcohol Transfer Permit / Alcohol Use Permit

A Conditional Use Permit is required by the Zoning Ordinance for the sale of alcohol in zoning districts which allow it. The following findings from Section 17.350.020 must be made:

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.

The application states that the proposed use is a restaurant. However, the documentation submitted with the application indicates that the use, described in the proposed signage as a “wine bar” is not the same or similar as the prior restaurant use. This is further indicated by the submission of the proposed “menu”, which clearly indicates that food service items will be limited to a small number of appetizers, not a full service restaurant serving lunch and/or dinner. The prior use, Sukho Thai restaurant, was a bone fide restaurant with a full lunch and dinner, and wine/beer as a minor component of the offerings.

The current use, given the establishment’s name ‘Piala [meaning ‘cup’] Natural Wine Bar” and offerings, is classified in the City’s zoning ordinance as a “bar”. This use is a major change of use from the prior establishment of a restaurant. This use therefore does not qualify for an alcohol transfer permit.

This criterion is not met.

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.

This criterion could be met.

C. 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.

The City has received a letter of protest from community members. Based on the content of that communication, the Planning Director has determined that, given the specifics of this case, the issuance of a Use Permit would be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area. The letter indicates a history of inappropriate behavior by the proposed owner within and outside of the workplace in several establishments within Sebastopol and the immediate area. Granting an alcohol beverage license in this case would therefore have the potential to be detrimental to the health, safety, morals, and general welfare of the community,

including potential employees, customers, and other members of the general public, and not be in the best interest of the City.

This criterion is not 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 noted above, there is both a substantial change in the type of use and operations, and the proposed owner, Lowell Sheldon, has not met the burden of proof that the proposed use and proposed ownership involvement would not adversely affect the health, safety, and welfare of the community.

This criterion is not met.



City of Sebastopol APPEAL FORM

Date: _____
* Filing Fee Paid: _____
File #: _____

To: (check one):

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

FROM:

Lowell Sheldon

(Please print your name)

SUBJECT:

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

- CITY STAFF (please give name or title) _____
- PLANNING DIRECTOR PUBLIC HEARING
- TREE BOARD
- DESIGN REVIEW BOARD
- PLANNING COMMISSION

Taken or made on 5/4/22 with regards to Alcohol Transfer / Pitala Georgian Cuisine
(Date of action or decision) (Name of use, applicant, project or other description of item you are appealing)

I ask that the decision or determination made above be reversed and/or modified, and that the original application be:

(Check one): granted denied modified

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

SEE ATTACHED DOCUMENTS

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

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

Lowell Sheldon Lowell Sheldon
Your Signature Print Name

779 Dupont Ave S.B. CA 95472
Your Mailing Address

707-338-5456 lsheld@gmail.com
Your Phone Number Your Email Address

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

May 11, 2022

Re: *Denial of Alcohol Transfer Permit at 7233 Healdsburg Avenue (File 2022-020)*

DEAR PLANNING COMMISSIONERS,

I hereby appeal the city's denial of an alcohol transfer permit for my new business on the following grounds:

Piala is a Full Restaurant

I understand there was some confusion about what sort of restaurant we are bringing to life at Piala, both due to the name and the menu submitted. In a rush towards submission, we only turned in a partial menu. What we have been preparing for months now, since we signed our lease, is indeed a classic restaurant with a full menu. (See sample menu enclosed.)

Piala will be a *full restaurant* serving food from the Republic of Georgia. We will also serve natural wine from both Sonoma County, California, and the Old World. This is a traditional restaurant where folks will order Georgian food prepared in our kitchen and sit in our establishment to eat it.

The name Piala is meant to give folks an understanding of the breadth of knowledge we will bring to our wine program. These days restaurant names such as Bar, Tavern and Pub often do not describe the full character of the establishment, but rather are intended to evoke a sense of atmosphere. Willi's Wine Bar, one of Sonoma County's premiere restaurants, is a perfect example of this point. Likewise, so is Barley and Hops Tavern. That said, to clarify the issue for the Commission and our community, we intend to expand our business name to better describe the breadth of its offerings. Our new name will be "Piala Georgian Cuisine."

Piala Georgian Cuisine is no different in its scope of offerings than the restaurant that preceded it, Suhko Thai, and before that, Peking Chef. Apart from a different décor, the only change will be a new menu inspired by the Republic of Georgia. In our restaurant we will serve food with wine as an accompaniment to our food – *exactly as the previous owners had done for over 30 years.*

No Threat to Morals or Safety Is Posed by Approval of the Permit

The planning director has raised concerns about my opening a restaurant based on a letter written by my detractors. This letter is painful to read. It details an incredible array of false assertions about my character and actions. If any number of these assertions were true, I surely would have been sued in for sexual harassment and/or investigated by the police. *The fact of the matter is that I was not.*

That is not to say that I ran Lowell's restaurant in a way I am proud of. My youth and hubris at the time led me to run a messy space that can rightly be described as a toxic work environment. Some of these actions include consensual relationships with my employees, including with the mother of my kids. This sort of behavior was not sexual harassment, but it had the ability to create an unprofessional atmosphere. And it did. And I have learned my lesson in the face of incredible public scrutiny and its attendant business and personal consequences.

I have opened and managed 4 successful and popular restaurants in the City of Sebastopol over the last 15 years. I have worked my entire adult life to bring honest food to Sebastopol. My work has helped build a locally driven food scene with a focus on organic, farm to table dining. I have supported hundreds of local women (and men) by employing them in establishments that brought meaning and fair wages to their lives.

In our new business, Piala Georgian Cuisine, we are going above and beyond what most businesses do to ensure a safe, respectful work environment. We have contracted with an HR firm to entirely remove myself and my partners from the employee complaint process and are devoting considerable time and resources to build a bulletproof training program to ensure everyone is fully educated and empowered around appropriate workplace standards. We are also continuing our extensive individual training on sexual harassment in the workplace. Our goal, both professional and personal, is to ensure that every member of our team, and every customer that walks in the door, feels safe and welcomed.

My business partner, Jeff Berlin, will be the operational partner at Piala. He has a stellar reputation in the Bay Area and has run restaurants for over 20 years. His management of Piala will offer further safeguard against the possibility of improper work standards. Irma Hernandez, who worked for me for over 10 years at Lowell's, will run the kitchen. She, as well, understands the imperative that each and every employee and customer has a healthy and safe environment. Together they form a team that will bring joy and health to Piala Restaurant.

Admittedly, there are members of our community who have been upset with my past management style, but city government should not govern on the basis of rumor, innuendo, and out-of-context, misleading information. It should instead evaluate the *facts* at hand to assess the propriety or risk of a particular entitlement. In this case, as demonstrated by the success of my prior businesses, my commitment to learn from past errors, and our present commitment to ongoing HR trainings, monitoring, and feedback, the *facts* indicate that Piala Georgian Cuisine will in no way be a threat to our community but rather a lovely, inviting and safe environment for workers and guests alike.

This vision is not an empty promise. I have two small children whom I am raising in my hometown of Sebastopol, teaching them by example how to grow into productive and honest members of our community. Piala will be managed with these principles in mind.

Thank you for your consideration.

Sincerely,

Lowell Sheldon

Encl.

PIALA GEORGIAN CUISINE MENU:

House Cured Olives

Local Cheese Plate, citrus greens, baguette

Shaved honey baked ham, mustard, baguette

Jonjoli – Fermented Bladdernut Flowers

T'gemali – Sour Green Plum Sauce

Jonoli – Fermented Red Pepper Sauce

Long Leg Farm Lettuces, burnt beets, yogurt dressing, sesame seeds

Soko – Sauteed oyster mushrooms with onion, mint, tarragon and chili

Ch'Visht'ari – seared corn cakes stuff, feta, smoked mozzarella

Lobo – Red Bean and Herb Stew

Mtsvadi – Grilled pork skewers, shaved onion and pomegranate sauce

Dandelian Panna Cotta

PIALA GEORGIAN CUISINE



PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES
The undersigned hereby certifies that the information furnished in the application for a license to sell alcoholic beverages is true and correct to the best of their knowledge and belief.









May 23, 2022

VIA EMAIL

Ms. Kari Svanstrom
Mr. John Jay
City of Sebastopol Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472

Re: *Piala Use Permit Denial (2022-020)*
HL no. 213-01

Dear Ms. Svanstrom and Mr. Jay:

On behalf of the applicant/appellant in the referenced matter, I am now attaching additional documentation in support of our appeal of a use permit (ABC license transfer) denial for the new Piala Georgian Cuisine restaurant at 7233 Healdsburg Avenue:

- Exhibit A: Full dining and wine/beer menu along with description and photographs of the cuisine.
- Exhibit B: Piala's Sexual Harassment/Discrimination Policy to be provided all employees.
- Exhibit C: Letter from The Personnel Perspectives (www.personnelperspective.com) summarizing the human resources services they have been retained to provide Piala.

As the applicant is not intending to submit any additional information other than whatever public letters of support it may receive, we ask that you prepare this matter for hearing at the Planning Commission as soon as possible.

We also ask that this new submission, along with our May 11, 2022 letter of appeal, be forwarded to the Planning Commission in advance of the hearing. Thank you.

Ms. Kari Svanstrom
Mr. John Jay
May 23, 2022
Page 2 of 2

Sincerely,

A handwritten signature in blue ink that reads "Bob Haroche". The signature is written in a cursive style with a large initial "B".

Bob Haroche

Enc.
cc: Client

EXHIBIT A

Piala menu is structured on the format that people from the Republic of Georgians use in both home and restaurant. Smaller plates shared by families and friends. In much of the world, menus are not structured as appetizers and entrees. Rather plates of food come at various times throughout the meal. This format informs the structure of Piala's menu. We want folks to order a number of items from our changing, Seasonal menu. Our focus will be on serving complete meals with grains, vegetables and meats including fermented foods and preserves.



PIALA

Georgian Cuisine

PLATES

House Marinated Olives 8.

Jonjoli ~ Fermented Bladdernut Flowers 10.

Local Cheese Plate 12.

Sliced Jamon Serrano 12.

Nigvziani Badrijani ~ Walnut Paste
Wrapped in Fried Eggplant 15.

Pkhlovani ~ Wild Greens, Herbs &
Cheese Pie 14.

Roasted Beet Salad with Yogurt Dressing
And Toasted Sesame Seeds 12.

Soko ~ Wild Mushrooms Sauteed with
Tarragon, Spring Onions & Chili Flake 15.

Ch'Visht'ari ~ Fried Corn & Cheese Cakes 12.

Lobio ~ Red Bean Stew with Herbs & Spices 14.

Mtsvadi ~ Grilled Pork Skewers with
Pomegranate-Marinaded Onions 18.

Dandelion Panna Cotta 12.

Espresso 5.

Selection of Georgian Teas 6.

GLASSES

Lapati Sparkling Chinuri, Georgia 10 / 40.

Kikelet Sparkling Furmint, Hungary 15 / 75.

Caleb Leisure, 'Caesura' Viognier Pet Nat
Sierra Foothills CA 12 / 60.

Oszkar Maurer Mezes Feher, Serbia 12 / 48.

Khme Rkatsiteli Karabakh, Armenia 14 / 56.

Stereophonic Albarino, 'Blue Nile'
Edna Valley CA 12 / 48.

Vino di Anna Nerello Mascalese Rosato
'Jeudi,' Mt. Etna, Sicily 12 / 48.

Pheasant's Tears 'Poliphonia,' Georgia 14 / 56.

Es d'Aqui 'Dasleztoiles' Rouge
Languedoc, France 14 / 56.

Zorzal Graciano, Navarra, Spain 15 / 60.

Guniava Otskhanuri Sapere / Tsoikouri
Imereti, Georgia 14 / 56.

Bott Frigyes Kadarka, Slovakia 15 / 60.

Yamakiri Pinot Noir, Mendocino CA 15 / 60.

Golden State Gravenstein Cider 8.

Seismic Brewing CO. Tremor Lager 8.















EXHIBIT B

Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation

We are committed to make every reasonable effort to provide a work environment free of unlawful harassment, discrimination, retaliation, bullying, or other disrespectful or unprofessional conduct. Pinal policy discourages conduct that is disrespectful and/or unprofessional, and prohibits harassment and discrimination based on sex (including pregnancy, childbirth, breastfeeding, lactation accommodation requests, or related medical condition), race (including traits historically associated with race, such as hair texture and hairstyles), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), color, gender, gender identity, gender expression, national origin, ancestry, physical or mental disability, genetic information, marital status, registered domestic partner status, age (40 and over), sexual orientation, denial of pregnancy disability leave, military or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation. Harassment and discrimination based on the perception that a person possesses any of these characteristics, or is associated with a person who possesses, or is perceived as possessing, any of these characteristics are also prohibited. All such conduct violates Company policy.

All persons involved in the operation of the Company, including supervisors and managers, as well as vendors, customers, independent contractors and any other parties with whom you come into contact while working, must comply with this policy. The Company specifically prohibits such persons from engaging in conduct that violates the California Fair Employment and Housing Act or this policy. Applicants, employees, unpaid interns, volunteers and independent contractors are all protected from unlawful harassment and discrimination.

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if there are no tangible or economic job consequences.

Unlawful Harassment is Prohibited

Unlawful harassment and other disrespectful/unprofessional conduct may include, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;
- Visual conduct such as leering, sexual gestures, derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work;
- Threats and/or demands to submit to sexual requests in order for an employee to keep their job, or to avoid some other loss, and offers of employment benefits in return for sexual favors;
- Using electronic communications of any type (e.g., emails, social network posts, texts and blogs), to harass or frighten someone;
- Retaliation for reporting or threatening to report harassment;

- Abusive conduct including: repeated infliction of insults and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of the employee's gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Unlawful Discrimination is Prohibited

Piala prohibits unlawful discrimination against any job applicant, employee, person performing services for the Company, or unpaid intern by any employee of the Company, including supervisors and coworkers.

This policy applies to all terms of employment, including hiring, training, promotions, discipline, compensation, benefits, and termination.

Pay discrimination, as defined by the California Fair Pay Act and applicable federal law, is prohibited. Pay differentials may be valid in certain situations where not prohibited by law. Employees will not be retaliated against for inquiring about or discussing wages. However, Piala respects the privacy of its employees and is not obligated to disclose the wages of other employees.

Reasonable Accommodation

Unlawful discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship to the Company.

The Company will make reasonable accommodations for the known physical, emotional or mental disabilities, legally protected medical conditions, or religious creed and practices of an otherwise qualified individual who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact an owner and discuss the need for an accommodation. The Company will engage in a timely, good faith, interactive process with the employee or applicant to determine the need for a reasonable accommodation. If a reasonable accommodation exists and will not impose an undue hardship on the Company, an accommodation will be made.

Violations Will Not be Tolerated

Violations of this policy will not be tolerated. Anyone engaging in such activity is acting beyond the scope of their employment or any authority they may have from the Company. Any supervisor who is made aware of a complaint of harassment, discrimination, retaliation, or other disrespectful/ unprofessional conduct and fails to take action can be subject to corrective action, up to and including termination.

Reporting Procedure

1. If you feel that you have experienced or witnessed harassment, discrimination, retaliation or other prohibited conduct, you are permitted and encouraged to discuss it directly with the person(s) involved. You may tell the person that their conduct is unwelcome and that you want it to stop. If you are uncomfortable taking this action or the conduct does not cease after you have asked the person to stop, you should immediately report this to your supervisor or our HR consultant, [name],

- at [phone number and email address]. You are never required to report such conduct to your supervisor if you do not wish to do so.
2. When reporting potential violations of this policy, please provide a written or oral complaint to an owner or our HR consultant, [name], at [phone number and email address], as soon as possible after the incident. Your complaint should include a description of the nature and frequency of the conduct at issue, the names of the offending person(s) involved, the names of all witnesses to the conduct, your response to the conduct, and/or any actions demonstrating to the offending person(s) that the conduct is unwelcome.
 3. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment, discrimination, retaliation, or other prohibited conduct is required to report it immediately or as soon as practicable to an owner or our HR consultant, [name], at [phone number and email address].

No employee should feel they must tolerate an inappropriate or uncomfortable situation. The Company encourages all employees to report any incidents of harassment, discrimination, retaliation or other prohibited conduct immediately so that complaints can be thoroughly investigated and promptly resolved. The Company will take your concerns seriously.

Because of the seriousness of a complaint of prohibited harassment, discrimination, retaliation or other prohibited conduct, any employee who makes or knowingly participates in a false complaint shall be subject to discipline up to and including termination.

Investigating Complaints

Every complaint of harassment, discrimination, retaliation, or other unlawful or prohibited conduct that is reported will be investigated impartially on a fair, timely, and thorough basis by qualified personnel in as confidential and prompt a manner as possible. However, the Company cannot promise complete confidentiality as the duty to investigate and take corrective action may require the disclosure of information. Investigations will be documented and tracked for reasonable progress and closed in a timely manner. Piala will endeavor to reach a reasonable conclusion based on evidence collected during the investigation. If an investigation determines that inappropriate and/or unlawful harassment, discrimination, retaliation or other prohibited conduct has occurred, the Company will take appropriate action commensurate with the severity of the offense. Any employee determined by the Company to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to corrective action, up to and including termination of employment. In addition, appropriate action will be taken to prevent any future harassment or other prohibited conduct.

Once the investigation has started all involved employees must completely and honestly assist in the investigation. This includes, but is not limited to, providing honest and accurate statements, being available for interviews, and assisting in the successful completion of the investigation. Failure to do so on any involved employee's part may be cause for disciplinary action, up to and including termination.

No Retaliation

The Company prohibits retaliation against any employee for filing a complaint or participating in any workplace investigation, and will not knowingly tolerate or permit retaliation by any other employee of the Company. Any report of retaliation will be promptly and thoroughly investigated in accordance with the Company's investigation procedures outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including termination of employment, may be taken.

Outside Resources for Employees

In addition to the internal process described above, persons subjected to discrimination or harassment, including sexual harassment, have the right to contact and file a complaint with the California Department of Fair Employment and Housing (DFEH) or the federal Equal Employment Opportunity Commission (EEOC). These agencies investigate claims of discrimination and harassment, act as neutral fact finders, and attempt to help the parties resolve disputes. For more information, employees may contact the DFEH online at www.dfeh.ca.gov or call 800-884-1684, or the EEOC online at www.eeoc.gov or call 800-669-4000, or go to the nearest agency office.

EXHIBIT C



May 23, 2022

To Whom it May Concern:

This letter serves to confirm that Piala LLC has retained The Personnel Perspective to provide HR consulting services on an ongoing basis.

The Personnel Perspective is based in Santa Rosa and has been providing HR consulting services since 1987. It works with many local employers in a variety of capacities. Piala LLC has requested we provide general HR support and also make ourselves available to its employees should they need to talk with an HR professional that can serve as an impartial third party regarding anything related to their employment.

In addition, The Personnel Perspective will work with ownership to make sure all employees receive harassment prevention training as dictated by California law.

Sincerely,

A handwritten signature in black ink that reads 'Karen Alary'.

Karen Alary, Managing Partner

Kari Svanstrom

From: Lowell Sheldon <lpsheld@gmail.com>
Sent: Thursday, June 16, 2022 3:50 PM
To: Kari Svanstrom
Cc: Bob Haroche; John Jay
Subject: Re: follow-up for June 28 staff report/hearing

Hi Kari,

I am a 1/3 owner of Piala along with Jeff Berlin (1/3) and Noah Churma (1/3).

The ABC Permit application is for Piala LLC and lists each of us as owners with % ownership listed, as is required by law. Each member receives a thorough background check (live scan) which looks into criminal record (of which we have none) to determine if members are eligible for an ABC permit under state laws. This is normally where issues come up regarding eligibility and moral turpitude in the licensing process, but standards are in place and the legal system is used - meaning conviction of a crime is the standard, as apposed to accusations in the media.

I'm aware the city may have different standards, and of course this is the issue at hand. What are the city's standards and how are they fairly apportioned.

When applying for a use permit in the city I have never listed all members or the operational structure of the LLC as I was not aware this was necessary or desired.

Kindly,
Lowell

On Thu, Jun 16, 2022 at 2:57 PM Kari Svanstrom <ksvanstrom@cityofsebastopol.org> wrote:

Thanks Lowell,

That helps. I assume you would still be a part owner, or another type of 'partner' (ie what would that title/role be). Or does 'complete' mean you're selling any interest in business at that time? (in that case, I'm not sure the alcohol license could even be in your name?)

Kari Svanstrom

Planning Director

From: Lowell Sheldon <lpsheld@gmail.com>
Sent: Thursday, June 16, 2022 2:33 PM
To: Kari Svanstrom <ksvanstrom@cityofsebastopol.org>
Cc: Bob Haroche <bob@haroche.law>; John Jay <jjay@cityofsebastopol.org>
Subject: Re: follow-up for June 28 staff report/hearing

Hi Kari,

Thank you for taking the time to check in with me on this issue. Your desire to accurately communicate our concept and management structure to the commission is greatly appreciated.

In our original appeal we communicated this:

“My business partner, Jeff Berlin, will be the operational partner at Piala. He has a stellar reputation in the Bay Area and has run restaurants for over 20 years. His management of Piala will offer further safeguard against the possibility of improper work standards. Irma Hernandez, who worked for me for over 10 years at Lowell’s, will run the kitchen. She, as well, understands the imperative that each and every employee and customer has a healthy and safe environment. Together they form a team that will bring joy and health to Piala Restaurant.”

For further clarification, Operational Partner description is as follows: the member of the ownership team that works at Piala and manages all aspects of daily operations including hiring/firing, ordering, opening and closing duties, and all customer facing activities.

Beyond this, I would like to say that I will have no daily roll in operations or management at Piala. My role was to execute the buildout and I will then move on to other projects. This is my complete and only hands on role at Piala.

Does this answer all your questions?

Kindly,

Lowell

On Thu, Jun 16, 2022 at 1:45 PM Kari Svanstrom <kvanstrom@cityofsebastopol.org> wrote:

Hi Lowell,

We are working on the staff report for this item. I know in our conversation you discussed that your involvement in the restaurant was not an active manager. I believe you discussed doing the permitting and startup as your role (that the

I also saw the same in the Press Democrat article. There wasn't any info included on that in the appeal response. Can you please provide us a description of that so we can include in the staff report? It would also be helpful to know what 'operational manager' (I think that Jeff was id'ed as that person? – if there's a description of what that role is that would be helpful, so those outside of the industry, including staff and the commission, can understand the roles). It would also be helpful to understand your role on say, a weekly or monthly basis after the restaurant is setup and open.

Thanks,

Kari

Kari Svanstrom, AICP, Architect

Planning Director

City of Sebastopol | Planning Department

[7120 Bodega Avenue | Sebastopol, CA 95472](https://www.cityofsebastopol.org/7120-Bodega-Avenue-Sebastopol-CA-95472)

(707) 823-6167 phone

www.cityofsebastopol.org



City offices are open Monday - Thursday, 7:00 am - 5:30 pm, Closed every Friday/and holidays

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Delivered Electronically

Chair, Paul Fritz
Planning Commission
7120 Bodega Avenue
Sebastopol, CA 95472

May 31, 2022

RE: New Restaurant at 7233 Healdsburg Avenue (File 2022-020)

Dear Chair Fritz and Commissioners:

Our subsidiary Sebastopol Center, LLC is the property owner of the retail center which includes the proposed restaurant (Piala Georgian Cuisine). This location has continually operated as a restaurant serving beer and wine for the entirety of our ownership beginning in 1998. During the pandemic the previous restaurant was forced to close and after significant effort in trying to sub-lease the restaurant space, Lowell Sheldon and his partners proposed to open a new Georgian style restaurant serving beer and wine.

While we understand that there has been confusion surrounding the use of the premises, I wanted to provide further clarity to ease any of your concerns with regards to the use. Due to this location's long history as a restaurant, we wanted to make sure that the use would remain as a restaurant. **Our sub-lease and lease agreements with Piala, LLC restrict the agreed use of the premises to a "sit-down restaurant serving beer and wine"**. We believe that this new restaurant will add to the vibrancy of Healdsburg Avenue and serve the community with a cuisine that is unique in Sebastopol.

We also understand that the planning department has concerns with the workplace safety of Piala. In speaking to Lowell and his partners at Piala we are confident that they have implemented best practices with regards to workplace safety and security and have demonstrated their sincerity in making sure Piala is welcoming to all. While we don't have a personal relationship with Lowell, he has acted with the utmost professionalism and integrity throughout the leasing process.

We respectfully ask that you approve the proposed restaurant use with beat 7233 Healdsburg Avenue.

Thank you for your consideration.

Sincerely,

Peter Squires
Realty Equities