

Kari Svanstrom

From: Bob Haroche [REDACTED]
Sent: Monday, June 27, 2022 3:26 PM
To: Kari Svanstrom; Lowell Sheldon
Subject: Piala Use Permit Denial (2022-020)
Attachments: PROPOSED Conditions.docx

Kari and John,

In advance of tomorrow's appeal hearing, we thought to propose some conditions on the permit both to demonstrate our good faith and sincerity in addressing the opponents' concerns and to provide some objective mitigation measures to implement what we already represented would be Lowell's limited involvement in the business and his zero involvement in its daily management. Those conditions are attached and we ask that they be provided to the Commission before the hearing.

Regards,

Bob

Haroche Law

[REDACTED]
Sebastopol, CA 95472

ph: [REDACTED]
[REDACTED] 5

Please note: Our office will be closed July 1 through July 4. Phone calls and emails will be returned upon re-opening.

Lowell Sheldon shall not exercise any personnel-related responsibilities in connection with the ownership, management, or operation of the subject business, including without limitation:

(i) the hiring, training, management, supervision, review, discipline, or termination of any employee; or

(ii) the fielding, review, investigation of, or response to any employee complaints or concerns.

Lowell Sheldon shall not undertake any work within the subject business premises during public hours unless required by unanticipated staffing shortages but then only provided that:

(i) he exercises no managerial or supervisory role, and

(ii) at all times he refrains from consuming alcohol while working in any capacity.

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.

Kari Svanstrom

From: Bob Haroche <[REDACTED]>
Sent: Tuesday, June 28, 2022 10:48 AM
To: Kari Svanstrom
Cc: Lowell Sheldon
Subject: Re: Piala Use Permit Denial (2022-020)

Kari,

To answer your questions, the key word regarding staffing shortages is "unanticipated." Vacations and personal days are planned; sick days where there's no staff coverage are "unanticipated." Finally if staff quits unexpectedly, Lowell may well have to substitute in until a new employee can be hired. The alternative may well be to shutter the restaurant which would be a commercially unreasonable consequence in such circumstances.

I would only add that after opening and managing a number of successful restaurants in the community, Lowell has little desire to work as a waiter, busser, or dishwasher. His filling in for any of those roles would certainly be as temporary as possible until new staff is hired. While there is presently a labor shortage, that's unlikely to continue indefinitely given the economic climate and further, given that Lowell's restaurants have always paid a living wage, Piala is more likely than other establishments to find new help sooner rather than later.

As for the owners of Piala, those are Lowell, Noah Chuma (who does not work in the restaurant industry and is a silent investor) and Jeff Berlin, who will be the on-site operations manager. The kitchen manager, Irma Hernandez, is not an owner.

Both Lowell and Jeff will address the Commission to explain their respective roles.

Regards,

Bob

Haroche Law
[REDACTED]
Sebastopol, CA 95472
[REDACTED]
[REDACTED]

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On Tue, Jun 28, 2022 at 7:22 AM Kari Svanstrom <ksvanstrom@cityofsebastopol.org> wrote:

Thank you Bob,

I appreciate your putting these conditions forth for the Commission's consideration.

After reviewing these, I do have a question regarding any standard or metrics related to the 'staffing shortages'. I.e. - what type of 'shortage' (vacation, sick, limited number of days, or in case of need to hire additional staff, which could be a much longer period of time?) I suspect our Commission would want to understand that as they consider your proposal.

Also - I did speak with a couple of Commissioners who had questions. Would the other two partners who will be active in restaurant management be available tonight? I think this would be helpful as I anticipate questions from some of our Commissioners about operations/roles.

Kari Svanstrom

Planning Director

From: Bob Haroche [REDACTED]
Sent: Monday, June 27, 2022 3:26 PM
To: Kari Svanstrom <kvanstrom@cityofsebastopol.org>; Lowell Sheldon [REDACTED]
Subject: Pjala Use Permit Denial (2022-020)

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