

FILE # P08-00368-

NAPA COUNTY
CONSERVATION, DEVELOPMENT & PLANNING COMMISSION
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR A ZONING ORDINANCE TEXT CHANGE

FOR OFFICE USE ONLY

ZONING DISTRICT: APDate Filed: 5/23/08REQUEST: text change to 18.132.030

Date Published: _____

Date Posted: _____

ZA CDPC BS APPEAL

Hearing: _____

Action: _____

TO BE COMPLETED BY APPLICANT

(Please type or print legibly)

Applicant's Name: Napa Valley Restaurant Group, Inc., dba Bistro Don GiovanniTelephone #: (N/A) 224 - 3300 Fax#: (707) 226 - 5668 Email: Dscordas@sbcglobal.netSite Address: 4110 Howard Lane Napa CA 94558 Assessor's #(s): 36-180-0040
No. Street City State zipMailing Address: 4110 Howard Lane, Napa CA 94558 c.c Frank E. Farella, 899 Adam St., St. Helena CA 94574 Email: ffarella@fbm.com
No. Street City State ZipStatus of Applicant's interest in property: Operator of the Bistro Don Giovanni RestaurantProperty Owner(s) Name: George AltamuraTelephone #: (707) 253 - 4471 Fax#: (707) 253 - 4545 Email: Not knownMailing Address: 101 S. Coombs Street Napa CA 94559
No. Street City State Zip

PLEASE ATTACH A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY

Text Change: See Attachment 1Explain Fully the reason Zoning Ordinance text change: See Attachment 2

I certify that the above statements are correct.

Napa Valley Restaurant Group, Inc.

By: [Signature] Date: _____ Signature of the Property Owner: N/A Date: _____

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

*Total Estimated Fees: \$ 5060.00 ^{dep} Receipt No. 68744 Received by: TA Date: 5/23/08

*Total Fees will be based on actual time and materials

Attachment 2
Application for a Zoning Ordinance Text Change
File No. _____

The proposed amendment is in keeping with the spirit of the existing ordinance because it would not allow for any expansion or intensification of the volume of business, hours of operation, or amount of traffic; it would simply solve accessory needs brought about by the changing nature of the business, as described below.

Applicant has conducted its restaurant business in Napa County since 1994 under a lease of a portion of AP36-180-18 (the "Lease Parcel"); the Lease Parcel is a legal, non-conforming parcel. Restaurant operations by prior operators have been conducted on the Lease Parcel at least since the 1960s, and perhaps even earlier, and in the last several decades, restaurant operations have been conducted in the existing building.

Bistro Don Giovanni has been one of the more popular restaurants in the Napa Valley for local residents as well as tourists, and it has made significant contributions to the tax revenues of the County and it also employs some 70 residents of the County.

The Ordinance recognizes on one hand that existing, legal, non-conforming parcels may be "remodeled and rearranged", yet strictly prohibits any additional site expansion or any change that may increase the volume of business, hours of operation or volume of traffic generated.

Applicant's on-site storage facilities are inadequate for their current level of business. Applicant's restaurant has an extensive wine list and the restaurant offers a wide selection of Napa Valley wines. As the number of wineries in the Valley has increased dramatically over the years, so has the need for on-site storage of the wines; off-site storage of food and wine is not a viable option. Additionally, an employee restroom needs to be added. Restroom accommodations

for patrons allow for only one female and one male at a time and, with employee usage as well, long lines often result.

These types of "accessory" needs cannot be solved under the existing Ordinance which, as stated above, prohibits any increase in land area usage or elevation of the structure.

Remodeling the building to accommodate these uses would require the restaurant to be closed for a substantial period of time resulting in the need to lay off its staff.

The proposed amendment would allow no more than an increase of 500 square feet of land area to accommodate these accessory needs, and ideally would be located next to the highway right of way and hidden largely by a high hedge. No increase in the number of patrons, volume of business or traffic would result; in fact, it would eliminate the need for any off-site storage of dry goods, and personal property and the resulting increase in truck traffic.

The proposed amendment would limit this "accessory use" option to CLN parcels in existence on May 1, 2008 and to no more than 500 square feet "cumulatively", to prevent multiple applications of the ordinance.