

February 23, 2010

Dear Conservation, Development & Planning Director Hillary Gitleman,

Thank you for the opportunity to work with you to find a way toward our goal of regulated vacation rentals that collect TOT.

We suggested in our document submitted to you earlier entitled "The Crux Of The Issue/Vacation Rentals" that the definition of "commercial" should not apply to vacation rentals. We believed that provided a path. But at your urging we again looked at the governing documents for another path to suggest, and some alternatives are described here, and discussed more fully in the separate attachment.

These rest on the foundation of what we propose as the definition of Residential Vacation Rental:

Residential Vacation Rentals are Defined as: Furnished, private, residential, dwelling units let to guests for duration of less than 30 days at a time.

By "furnished" we mean fully furnished for full or sometime owner occupancy. Perhaps we need to add, "on premises occupied by owner" to the above definition.

We sincerely do not believe this need be a General Plan Amendment. We believe the Board of Supervisors may, through their authority as per Findings, use definition or clarifications to accomplish this through the Zoning Code.

There is much in the policy documents to support our claim that vacation rentals ought to be regulated and taxed, for the greater good. Implementation of this belongs within the Zoning, and not the General Plan Amendment arena. However, there are very important Goals, Policies and Action Items within the General Plan, Economic Development Element, Agricultural Preservation and Land Use Element, and nearly every other Element that are served by vacation rentals. Even the Recreation and Circulation Elements are served.

Just like the Winery Definition Ordinance of 1990, this is an occasion for definitions and clarifications of zoning code to meet the needs of the whole community.

Some of the possible paths we have identified are below. One approach we have described comprehensively: Home Occupation/Farm-To-Table Guest Host/Residential Use by Administrative Permit in All Zoning Districts.

We suggest other paths that are not as fully described. Each of them hinges on a matter of definition or clarification. They are:

Accessory Use

Accessory Use, allowed if accessory to an allowed use, and residential guest stays are accessory and customary practices of residential use, which is allowed.

Ancillary to Agriculture, Not Commercial

Non-Commercial designation of short-term guest stays as not commercial, just as longer stays are not, just as Mendocino classifies they are not (rather they are Non-Commercial Visitor Accommodation.)

Exception to Use Limitations

There are Exception to Use Limitations across all zoning districts for uses that ought to be allowed because they are for the general good, and should not be ruled out because they do no real harm. Hot Air Balloon Launching and Home Occupation are examples.

Home Occupation FTTGH not Bed & Breakfast

Home Occupation, incidental and subordinate to residential use (part time by owner, less part time by guest = subordinate). The acronym is for Farm-To-Table Guest Host.

Allowed Agriculture-serving or Tourism-serving (Commercial) Businesses Across Zoning Districts

Commercial Uses ARE allowed in all zoning districts, or some Agricultural zoning districts, when they serve tourism, or agriculture, and have no structural impact or land use impact, such as Hot Air Balloon Launching Sites, Kennels, Equestrian Boarding and Training, Hunting Clubs, Cell sites, or Quasi-Private Recreational Uses and Facilities.

To put these suggestions in context, we are sincere in asking the County to explore them for their right purpose—this is not an exercise in gamesmanship, an effort to “get around” the General Plan. This is hard work, but important, to figure out how NOT to destroy useful purposes of private property, or forever eliminate a subset of tourism that is the economic engine for jobs and income throughout Napa County.

It is common sense to find a way to sustain families in their homes, if the zoning allows on the very same property businesses that would sustain animals. It makes no sense to rule out usefulness of residential property some part of the time if visitors will gladly pay for its use during that time so they may enjoy patronizing agriculture next door. Let us figure out how to sustain wine customers, animals, and residential owners.

John McDowell said in our Feb. 17 meeting with Planning Staff that it would be helpful to show where something "had been done before." Napa County is unique and its General Plan is very different from that of any other place, but Mendocino distinctly classifies Vacation Rentals outside of Commercial, outside of Residential, (or Civic or Agricultural or Open Space) within Visitor Accommodation Use Types, as its own category so named. This other-ness is useful with respect to several of the above alternative paths.

As ever, we are appreciative of your help and that of the Department in preparing stakeholder input for the Board Of Supervisors and look forward to their receipt of it.

Sincerely,
Linda Fischer

Napa Valley Vacation Rental Alliance (Designated Member)