

An open letter to Hillary Gitelman, Napa County Planning Director

Dear Hillary:

I am disappointed in the approach you are taking on the vacation rental issue. It strikes me as unnecessarily complicated, which could sabotage the possibility of allowing vacation rentals.

For instance, your handout materials for the Feb. 24 Stakeholder Input Meeting dwell on supposed obstacles in the General Plan and the zoning ordinance, when all that is really needed is a clarification of the clearly deficient existing definition of “commercial” and/or a simple statement that long or short term residential rental is not considered a commercial use. When Planning staff and the board wanted to ban vacation rentals, they readily resorted to “clarifying” the General Plan definition of “dwelling unit” as a way to accomplish that. If, after hearing all the arguments, Planning staff and the BOS want to allow vacation rentals, they can take the same approach by clarifying the General Plan definition of “commercial activity”.

Vacation rentals are an existing thriving segment of Napa County’s agriculture/tourism economy, the destruction of which will damage the local economy, including its agricultural component. Vacation rentals attract the highest quality tourists, who come more often, stay longer, bring more friends, buy more wine, and spend more money in our restaurants and retail shops than the average tourist. The Napa Valley Vacation Rental Alliance estimates that vacation rentals currently contribute more than \$45 million annually to our local economy, providing jobs for locals and potentially providing over \$1 million in Transient Occupancy Tax for the benefit of all of us. It would be stupid to destroy this thriving segment of our tourist economy.

Existing regulations should be clarified to allow the continued existence and growth of this important tourist accommodation, which is entirely consistent with our General Plan. The General Plan is replete with references to the interdependence of agriculture and tourism, the need to remain competitive as a wine producing tourist destination, our County’s need to accommodate the tourists who support our economy, our need for economic diversity, and the desire to encourage home businesses. Allowing short term vacation rentals supports all of these General Plan goals.

The objections to allowing vacation rentals all center around the idea that commercial uses should not be allowed in the Ag zones. However, I cannot help but notice that wineries have been allowed in those zones by simply *defining* them as “agriculture”, despite their clearly commercial and industrial character. Vineyard management companies, including their corporate offices, maintenance /repair shops, and equipment storage yards have similarly been allowed in those zones by simply *defining* them as agriculture. In addition, other clearly commercial uses have been specifically allowed in those zones, including day care centers, kennels, equestrian boarding and training, hunting clubs, and hot air balloon launch sites, presumably because they all support agriculture in some way. Residential vacation rentals are far less “commercial” than any of these, and clearly support agriculture by facilitating the sale of agricultural products and the establishment of long term winery customer relationships. Residential vacation rentals deserve the same consideration that has allowed these other uses in the Ag zones.

After all, vacation rentals are not really commercial. They are residential. They are existing residences, occupied by people, just like any other residence, except that the occupants might not stay quite as long. There is no commercial activity other than the exchange of rent money, which also occurs with monthly rentals, which have never been considered “commercial”.

The problem lies in our General Plan definition of “commercial activity”, which is clearly untenable and inappropriate. Under that definition, even long term residential rentals are “commercial”. The definition of “commercial” is so broad that it includes accepting a dinner out at a restaurant from your otherwise non-paying house guests, or accepting a reciprocal invitation to visit their home after they visit yours. It includes accepting rent from your adult children living at home, and allowing the family of your foreign exchange student to reciprocate by hosting one of yours. It even includes vacation house swapping with homeowners in other countries. Considering these things “commercial” would cause them to be prohibited in the Ag zones, which would be ridiculous. The definition should be revised to exclude all these things and also to exclude long and short term rental of residences.

Staff and the Board of Supervisors have already demonstrated their willingness to alter General Plan definitions in order to “clarify” existing regulations to prohibit vacation rentals. There is no reason not to use the same approach to allow vacation rentals now that we recognize that preserving them is in the best interests of our county. This is really just a political decision. The General Plan is not a significant obstacle.

Sincerely,

George Bachich
Member, General Plan Steering Committee