

**Gitelman, Hillary**

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**From:** Lucy White [lucy@wwwwhite.com]  
**Sent:** Thursday, November 05, 2009 10:57 AM  
**To:** Gitelman, Hillary; George Bachich  
**Subject:** Re: [NVLSA] Fw: Vacation Rental Ordinance at PC November 18

CDPC  
MEETING

NOV 18 2009

AGENDA ITEM  
NO. 9B

Hillary / General Planning:

As in many communities, such as Paris, Lake Tahoe, Sonoma, Bodega Bay, and Hawaii, renting dwellings is a successful alternative for lodging, most often for families. Sonoma County, which is one of our main competitors in the wine industry, is thriving from the rentals. Nearly all rentals are second and/or unoccupied homes which are handled through property management companies, they bring visitors into areas, which then bring revenue to local businesses - retail, wine, restaurants, etc.

These are not dwellings which would otherwise be rentals for the local populace. Most people are very respectful of property and well behaved, they travel to experience the local cultures. Those who are disrespectful of property and or neighbors would also be so in a hotel, and local authorities would deal with them appropriately.

In these times people who might otherwise simply leave their second homes vacant might consider the option of renting them out to supplement their incomes, it could mean the difference of their being able to keep their dwellings or not. It could also stimulate real estate, with buyers knowing they could derive some income from their investment.

Napa County is a tourist destination, without tourists the Napa County wine business will be gone. France and Napa Valley are will not have the privileged notoriety they have had in the past. Competition in the wine business is ever increasingly global. The technology of wine production and distribution around the world threatens the position of Napa Valley's wine industry. Napa County must market the whole ambience of the Valley before it is too late. If Napa County gets behind the curve it will costs millions of dollars and years to meet competition which recognizes the value of dwelling rentals.

Prime tourist areas around the world have vacation rentals, an extremely low impact resource which helps attract visitors and stimulates local economies. It protects the local culture in a much more sustainable way than do hotels, using existing structures as welcoming platforms for visitors.

Please reconsider your direction on this ordinance and property rights, for the benefit of Napa County and its future.

Regards,

Lucy White

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Gitelman, Hillary wrote:

- > Thanks Lucy/George.
- >
- > I will make sure the Commission gets a copy of your comments.
- >
- > We take the position that transient commercial use of dwelling units
- > (i.e. renting out your home or your second unit to tourists on the
- > weekends) is prohibited and would remain so with this new ordinance.
- >
- > If I had to articulate the reasons this prohibition exists, it would
- > not only be because of Napa County's desire to protect agricultural
- > areas from commercialization, but it would be to protect residents
- > from the impacts of nearby vacation rentals, and to ensure that

> existing dwellings are used as dwellings (recognizing that we have  
> unmet housing needs and that rental units are usually the most  
> affordable type of housing).  
>  
> Hillary  
>  
>  
> -----Original Message-----  
> From: Lucy White [mailto:lucy@wwwwhite.com]  
> Sent: Wednesday, November 04, 2009 5:12 PM  
> To: Gitelman, Hillary; George Bachich  
> Subject: Re: [NVLSA] Fw: Vacation Rental Ordinance at PC November 18  
>  
> Hillary / General Planning:  
>  
> The Ordinance "...PROHIBITING TRANSIENT COMMERCIAL OCCUPANCIES OF  
> DWELLING UNITS..." is yet another infringement on the rights of  
> property  
>  
> owners. Your obsession, and that of the Board of Supervisors, that  
> Agricultural Use should exclude nearly any other use, is being carried  
> to a destructive level - harming this community for years to come.  
> Napa Valley has a well established agricultural base which can be  
> complemented by uses, such as transient uses - occupancies of dwelling  
> units, weddings, events...  
>  
> Globalization of wine production and alternative tourist locations  
> threaten the well being of this Valley. You are using your subjective  
> opinions to chip away at Property Rights, which are not yours to take.  
> Your time would be better spent on how to revive and help businesses  
> thrive in Napa County. Your agenda is off track.  
>  
> Lucy White  
>  
>  
> George Bachich wrote:  
>  
>> "Clarify" is an often abused word in Napa County. Historically, it  
>> has  
>>  
>>  
>>  
>> almost always meant some sort of tightening of the noose around  
>> property owners' necks. I have not read this yet, but I am not  
>> optimistic. If you are at all concerned about your right to rent out  
>> your property (or the rights of others to do so), you should read the  
>> ordinance and send your comments to the County.  
>> GB  
>> ----- Original Message -----  
>> \*From:\* Gitelman, Hillary <mailto:Hillary.Gitelman@countyofnapa.org>  
>> \*To:\* Sandy Elles <mailto:selles@napafarmbureau.org> ; Debra Dommen  
>> <mailto:debra@napawinegrowers.com> ; George Bachich  
>> <mailto:gbachich@sbcglobal.net> ; Anne Steinhauer  
>> <mailto:asteinhauer@napavintners.com>  
>> \*Sent:\* Wednesday, November 04, 2009 2:42 PM  
>> \*Subject:\* Vacation Rental Ordinance at PC November 18  
>>  
>> All:  
>>  
>> Well, it's been a long time coming, but with input from a variety of  
>> interested parties, we've crafted the attached ordinance which is  
>> intended to clarify the County's longstanding prohibition on vacation  
>> rentals and make it somewhat easier to enforce. This draft ordinance  
>> is being noticed for hearing by the Planning Commission on November  
>> 18, 2009. If the Commission recommends adoption of the ordinance, it

>> would, be scheduled for the Board of Supervisors' consideration in  
>> late December or January.  
>>  
>> While the agenda for November 18<sup>th</sup> has not been finalized, I expect  
>> this item to be heard in the morning, probably shortly after 9 AM.  
>> The  
>>  
>  
>  
>> final agenda for the meeting and a copy of the staff report will be  
>> posted on the Department's web site sometime during the week before  
>> the hearing. In the meantime, please don't hesitate to call or email  
>> if you have questions -- and please share this with others who you  
>> think might be interested.  
>>  
>> If you have concerns, we would appreciate hearing them before the  
>> hearing on the 18<sup>th</sup> .  
>>  
>> Thanks,  
>>  
>> Hillary  
>>  
>> 253-4805  
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> -----  
> --  
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>> To unsubscribe send an email to [webmaster@landstewards.org](mailto:webmaster@landstewards.org) asking to  
>>  
> unsubscribe.  
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>

**Gitelman, Hillary**

CDPC  
MEETING

**From:** Gitelman, Hillary  
**Sent:** Thursday, November 05, 2009 8:40 AM  
**To:** 'David Ingraham'  
**Cc:** Bill Dodd  
**Subject:** RE: Vacation Rental Ordinance

NOV 18 2009  
AGENDA ITEM  
NO. 9.B

David:

Thanks for your thoughts. I will make sure the Commission gets a copy of these comments when they consider the proposed ordinance on November 18.

Just so you know, the County takes the position that transient commercial use of dwelling units (i.e. renting out your home to tourists on the weekends) is prohibited and would remain so with this new ordinance. But renting your home for 30 days or more at a time (to vineyard workers or to others) is perfectly fine.

If I had to articulate the reasons for our longstanding prohibition on short-term vacation rentals, they would be (1) to protect agricultural areas from commercialization; (2) to protect residents from the impacts of commercial uses in residential areas; and (3) to ensure that existing dwellings are used as dwellings (recognizing that we have unmet housing needs and that rental units are usually the most affordable type of housing).

Hillary

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**From:** David Ingraham [mailto:dj\_ingraham@yahoo.com]  
**Sent:** Wednesday, November 04, 2009 11:34 PM  
**To:** Gitelman, Hillary  
**Subject:** Fw: Vacation Rental Ordinance

Dear Hillary Gitelman,

I am forwarding an E-mail I sent to Bill Dodd regarding your proposed vacation rental ordinance. I object to it if the same or a more draconian restriction is to be imposed on vacation rental of residence or houses on property for short term. This whole idea needs to be repealed. and the general plan can be revised to allow this activity in the county. This idea of agriculture us only is repulsive to the rights of the people, and is unconstitutional, per the 9th amendment.

Thank You Dave Ingraham

--- On Wed, 11/4/09, David Ingraham <dj\_ingraham@yahoo.com> wrote:

From: David Ingraham <dj\_ingraham@yahoo.com>  
Subject: Vacation Rental Ordinance

11/05/2009

To: "Bill Dodd" <bdodd@co.napa.ca.us>  
Date: Wednesday, November 4, 2009, 8:56 PM

Dear Napa County Supervisor Bill Dodd,

I have been reviewing the proposed ordinance for outlawing vacation rental use of housing in the County. I firmly object to this ordinance. It violates the rights of property owners to use existing residence for no more than a residence for them selves or there paying guests.

The existing restriction needs to be repealed as it violates the constitutional rights of the property owner, based on a prejudice of the supervisors, that have forgotten a respect for the peoples rights. Are you or are any of you members of the communist party. This ordinance is a dictate that strips a right for a false consideration of all land of the county being for agriculture use. The existing residence of landowners is not an agriculture use for the land. other than to support the agriculture use other than owner residence.

Also we have a need for housing for vineyard workers, who are short term residence. I do think it is a time for this vacation rental ordinance, but to allow it as a need exists to correct the communistic dictatorship type county Government of the past.

Sincerely yours

David J. Ingraham  
2965 Main Street  
Napa, Ca.  
94558-3449  
707-255-3023

11/05/2009

## Gitelman, Hillary

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**From:** Lucy White [lucy@wwwhite.com]  
**Sent:** Monday, November 09, 2009 10:56 AM  
**To:** Gitelman, Hillary; George Bachich  
**Subject:** Vacation Rental Ordinance at PC November 18

Hillary -

With so many changes happening on a global platform, Napa County cannot afford not to take advantage of the unique elements it has which can benefit the local economy - as well as protecting property rights - and being environmentally responsible.

Thank you for keeping an open mind and passing comments along.

Sincerely,

Lucy White

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Gitelman, Hillary wrote:

> Thanks, Lucy. I'll make sure the Commission gets a copy of your  
> comments and questions. Hillary

>  
> -----Original Message-----  
> From: Lucy White [mailto:lucy@wwwhite.com]  
> Sent: Saturday, November 07, 2009 5:07 PM  
> To: Gitelman, Hillary; George Bachich  
> Subject: Vacation Rental Ordinance at PC November 18

> Hillary -

> George has addressed the Vacation Rental Ordinance very well.

> There is one other important aspect to consider, that is the real  
> estate

> market. Should someone be looking for a getaway home, the added value  
> of

> being able to rent it out could make the difference in whether or not/  
> and/or where they purchase. These homes are not just residences but  
> have

> something to offer which is attractive to the visitor. The only reason  
> that they would be rented, is that they are unoccupied when available  
> for rent. Even if the purchaser does not think of renting out while  
> purchasing, down the line he may need (or want) to, in order to be  
> able to retain the property. For those who travel extensively and only  
> occupy

> their homes on a limited schedule, renting can offer a form of  
> security for the property.

> We had a second home in Lake Tahoe [3400 sq ft - built by our family]  
> that was shared with the family, or about 80 people [Bob is one of 9].  
> We have five children and the house made snow skiing available to us.  
> One brother now has the house, and it is rented out at different  
> times, otherwise it would be not be affordable. During the winter  
> holidays the Tahoe rentals do extremely well, and are often the only  
> times the homes are rented out - usually for a week at a time. Those  
> who chose to rent a

>  
> house rather than a hotel room need/or want a different experience.  
> This  
>  
> type of second home is ideal for that.  
>  
> Dwelling units for rental can have enormous benefits to Napa Valley,  
> including retaining ambiance, real estate stimulus and eco friendly  
> tourism.  
>  
> Thank you for considering my comments.  
>  
> Sincerely,  
>  
> Lucy White  
>  
> \_\_\_\_\_  
>  
>  
> George Bachich wrote:  
>  
>> Hillary:  
>>  
>> Whether we are vacationing in Sea Ranch, in Hawaii, or in Mexico,  
>> Italy, or France, many of us prefer to rent a house or condo rather  
>> than stay in a hotel. Vacation rental homes provide a unique and  
>> enjoyable vacation experience, often at lower cost, and with many  
>> other benefits, especially for large families. Reduced costs aside,  
>> many of us simply prefer this type of vacation experience because it  
>> immerses us more directly in the real local culture, as opposed to  
>> some sterile hotel chain. Why then do we want to deny visitors to the  
>> Napa Valley this same rich experience?  
>>  
>> At the very least this proposed ordinance is overkill and overly  
>> prohibitive. In the absence of any real need for it, it appears  
>> downright mean-spirited. Let's lighten up a bit. This is not the only  
>> solution compatible with our general plan. While the proposed  
>> ordinance can be shown to be consistent with certain provisions of  
>> the  
>>  
>  
>  
>> general plan, so can other alternatives. A biased and one-sided  
>> interpretation of the General Plan is currently being used to justify  
>> this ordinance, while other, less restrictive alternatives could also  
>> be justified if the Board wishes to move in that direction.  
>>  
>> For instance, why prohibit transient occupancy use in "all  
>> residential  
>>  
>  
>  
>> and agricultural zoning districts"? General Plan Policy AG/LU-34  
>> allows for "limited commercial and institutional uses" in the urban  
>> residential zone. AG/LU-35 allows "tourist-serving commercial uses  
>> and  
>>  
>  
>  
>> mixed uses" in certain Rural Residential districts. Although AG/LU-22  
>> is cited as consistent with this proposed ordinance, it is also  
>> consistent with allowing transient residential occupancies in  
>> "designated urbanized areas of the unincorporated County". I'm sure  
>> there are other examples that your staff could identify if their  
>> instructions were not to identify only those provisions that support

>> a  
>>  
>  
>  
>> prohibition.  
>>  
>> Exactly how would allowing transient occupancy uses in Circle Oaks or  
>> in Angwin threaten agriculture? These are areas already approved for  
>> dense residential uses, and whether the occupant is the owner, a long  
>> term tenant, or a short term tenant does not really change the use.  
>> The same is true for the AWOS and AR land use designations, which  
>> both  
>>  
>  
>  
>> allow single family residences. Whether the family residing there  
>> remains for a year, a month, or a week does not change the use. It's  
>> still human occupancy, and the length of occupancy does not  
>> drastically change the amount of traffic generated. If loud parties  
>> are your concern, they can be dealt with in a variety of ways,  
>> including approving transient occupancy only in areas where neighbors  
>> are not too close (the less dense AWOS areas sound ideal), or by  
>> making transient occupancy a use allowed by use permit, with  
>> conditions regarding noise. A blanket prohibition seems to be  
>> overkill. Changing the General Plan definition of "dwelling unit" to  
>> accommodate this overkill only compounds the offense and points out  
>> how tenuous the consistency of this ordinance with the General Plan  
>> really is. If the General Plan must be changed to accommodate it, it  
>> is hard to argue that it is consistent with the General Plan.  
>>  
>> I know the board will do whatever it wants, regardless of my input,  
>> but if it wants to accommodate some transient commercial occupancy of  
>> dwelling units, the General Plan certainly would allow it. I think  
>> some vacation rentals would improve the visitor experience, and help  
>> keep us competitive with other vacation destinations. If it is  
>> properly managed, it would do no harm, and might even generate some  
>> additional transient occupancy tax. I think this ordinance should be  
>> revised to accommodate some vacation rental dwellings.  
>>  
>> George Bachich  
>>  
>> 4271 Dry Creek Road  
>>  
>> Napa, CA  
>>  
>> ----- Original Message -----  
>> \*From:\* Gitelman, Hillary  
>>  
> <<mailto:Hillary.Gitelman@countyofnapa.org>>  
>  
>> \*To:\* Sandy Elles <<mailto:selles@napafarmbureau.org>> ; Debra  
>> Dommen <<mailto:debra@napawinegrowers.com>> ; George Bachich  
>> <<mailto:gbachich@sbcglobal.net>> ; Anne Steinhauer  
>> <<mailto:asteinhauer@napavintners.com>>  
>> \*Sent:\* Wednesday, November 04, 2009 2:42 PM  
>> \*Subject:\* Vacation Rental Ordinance at PC November 18  
>>  
>> All:  
>>  
>> Well, it's been a long time coming, but with input from a variety  
>> of interested parties, we've crafted the attached ordinance which  
>> is intended to clarify the County's longstanding prohibition on  
>> vacation rentals and make it somewhat easier to enforce. This  
>> draft ordinance is being noticed for hearing by the Planning  
>> Commission on November 18, 2009. If the Commission recommends



>> adoption of the ordinance, it would, be scheduled for the Board of  
>> Supervisors' consideration in late December or January.

>> While the agenda for November 18<sup>th</sup> has not been finalized, I  
>> expect this item to be heard in the morning, probably shortly  
>> after 9 AM. The final agenda for the meeting and a copy of the  
>> staff report will be posted on the Department's web site sometime  
>> during the week before the hearing. In the meantime, please don't  
>> hesitate to call or email if you have questions -- and please  
>> share this with others who you think might be interested.

>> If you have concerns, we would appreciate hearing them before the  
>> hearing on the 18<sup>th</sup> .

>> Thanks,

>> Hillary

>> 253-4805

> -----

> --

>> To unsubscribe send an email to [webmaster@landstewards.org](mailto:webmaster@landstewards.org) asking to  
>> unsubscribe.

>  
>  
>

**Gitelman, Hillary**

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**From:** Gitelman, Hillary  
**Sent:** Tuesday, November 10, 2009 8:46 AM  
**To:** 'George Bachich'  
**Subject:** RE: [NVLSA] Vacation Rental Ordinance at PC November 18  
**Attachments:** Vacation Rental Ordinance Tracked.pdf

George:

I will ignore the tone of your email and offer one last response.

The County does, in fact, have an existing prohibition on vacation rentals, whether you choose to believe it or not. Our code enforcement staff actively notices and investigates vacation rentals that operate in violation of County Code and we refer enforcement actions to County Counsel and the District Attorney for resolution. The proposed ordinance is intended to improve the efficacy of this existing code enforcement effort and will make it more clear for anyone reading the code that vacation rentals are prohibited.

You are certainly free to disagree with the prohibition on vacation rentals and to advocate that it be changed or abolished, but please don't pretend it doesn't exist. The prohibition is referenced in the "whereas" clauses of the proposed ordinance (prepared by County Counsel), and is inherent in the definition of a "dwelling unit" as something that is rented for more than a month, and also in the definition of "commercial use." If you have further comments or questions, I encourage you to present them at the Planning Commission meeting next week. I will continue to make any emails you send to me available to the Planning Commission, but I will not be responding further.

Hillary

---

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Monday, November 09, 2009 6:45 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: [NVLSA] Vacation Rental Ordinance at PC November 18

That is what you always say - "It's already prohibited, so this is just a 'clarification'." Well, that is bullshit and you know it. There is effectively no prohibition now. It's not enforceable because it is not in the code. Someone in staff or on the BOS would like to reinterpret old ordinances to include a prohibition, but if it were already prohibited, you would not need a new ordinance.

The County takes that position on practically every new restriction in an effort to avoid controversy, to disarm opposition, to claim that it is nothing new. Well, I don't buy it, and nobody else buys it. You are not deceiving anyone, so quit deceiving yourself. You are proposing a new regulation, a new restriction, and it will have a public hearing and consideration on its merits. It is not a done deal, even if the BOS has asked you to prepare it. If it is a done deal, then why continue with this charade of public hearings?

George Bachich

— Original Message —

**From:** [Gitelman, Hillary](#)  
**To:** [George Bachich](#) ; [Charles Howard](#)  
**Cc:** [NVLSA member list](#)  
**Sent:** Monday, November 09, 2009 4:30 PM

11/10/2009

**Subject:** RE: [NVLSA] Vacation Rental Ordinance at PC November 18

Thanks, George. I'll pass on this suggestion about house swapping to the Commission. And I disagree with your statement that the proposed ordinance imposes "confiscatory new regulations" because it would perpetuate prohibitions that already exist in the County's zoning ordinance.

Hillary

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**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Monday, November 09, 2009 3:45 PM  
**To:** Charles Howard; Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: [NVLSA] Vacation Rental Ordinance at PC November 18

Hillary:

Mr. Howard brings up an interesting point. Your ordinance as written would prohibit house swapping. I don't see any way in which the public interest could be served by prohibiting house swapping, especially in those cases in which the house swapped is the primary residence of the swapper, or a getaway residence of a weekender (the former of which comprises the vast majority of our housing stock, and the latter of which comprise an ever-growing percentage of it). In either of those cases the stock of long term rental housing could not possibly be impacted, since those houses would never be available for long term rental anyway. And in either case the owner is going to carefully screen the people he trades with, because they will be occupying HIS own residence, and interacting with HIS own neighbors, about which he very likely cares much more than he would about a long term rental in which he does not reside. Regardless of whether the PC/BOS agrees with me on vacation rentals in general, it clearly should exempt house swapping.

I don't see how you could enforce a prohibition against house swapping in any case. Even though your ordinance forbids barter or remuneration of any kind (see definition of "commercial use"), both parties to the trade are invited guests in the home of the other, and there would be no reason for either of them to disclose the arrangement to local authorities. And even if you knew about the arrangement, where would you draw the line? Would reciprocal visits to homes of friends be prohibited, too? Would accepting dinner out on your guests' tab constitute prohibited barter? I don't think you even want to go there. If you must proceed with this turkey, you should exempt house trading and all kinds of invited guests. A better course would be to scrap the entire ordinance. The best course of all would be a different ordinance specifically allowing vacation rentals.

The hysteria regarding vacation rentals is misplaced. Most such rentals cause no problems. The proof of that is that you have to search internet listings to find most offenders, rather than relying on complaints from neighbors. My next door neighbors (weekenders) have rented their home on occasion, sometimes to very distinguished guests. One such visitor is a California Supreme Court Justice. Would you like to explain to him and his family why you think their visits should be prohibited? I would like to be there when you do.

Federal tax laws create the need to rent out second homes periodically in order to gain valuable tax deductions (I think it might be 14 days per year in order to be able to deduct some of the costs). Your ordinance would prevent that.

I think at the very least, the County owes those impacted home owners the courtesy of a personal letter announcing the intent of the proposed ordinance. After all, they don't live here full time and probably will not read the usual legal notice in the newspaper. If you want to sneak this in under the radar, just go ahead with your usual inadequate notification process. But if you think the affected people deserve to actually receive notice of what is about to

11/10/2009

happen to their property and if you think they should actually have an opportunity to respond, then you should send them each a letter.

I find it interesting that the County requires every property owner/applicant to pay a title company for a list of all property owners within 300 feet of any property applying for a use permit so the County can notify all the neighbors of his intentions, but that the County holds itself to a much lower standard when it comes to notifying property owners of its intent to impose confiscatory new regulations. This is clearly unfair. I think you should send them all a letter in time for them to attend the hearing.

George Bachich

— Original Message —

**From:** [Gitelman, Hillary](#)

**To:** [Charles Howard](#)

**Cc:** [George Bachich](#)

**Sent:** Monday, November 09, 2009 1:56 PM

**Subject:** RE: [NVLSA] Vacation Rental Ordinance at PC November 18

Charles:

You are welcome to send the commission emails or send them a letter or appear in person at the hearing on November 18. The commissioners' names and contact information are on our website at <http://www.co.napa.ca.us/GOV/Departments/DeptPage.asp?DID=29000&LID=929>

Hillary

---

**From:** Charles Howard [<mailto:Howard@NapaNet.net>]

**Sent:** Monday, November 09, 2009 1:54 PM

**To:** Gitelman, Hillary

**Cc:** George Bachich

**Subject:** RE: [NVLSA] Vacation Rental Ordinance at PC November 18

Hillary,

Thanks for your answer.

I would like to influence the Commission and the Board.

How can I best proceed? I like eMail or personal meetings as means.

At the moment I would like to influence them to think kindly of brief house swapping or vacation rental of normally occupied living spaces.

Chas

At 10:27 AM 11/9/2009, you wrote:

Charles:

George's input is always well thought out and articulated. In this case, the question before the Commission -- and

11/10/2009

ultimately the Board -- will be whether they agree with George or not. If they agree, they could table the proposed ordinance and perpetuate the status quo (i.e. vacation rentals violate our zoning, but we don't have the resources for a lot of enforcement), or they could decide to change the zoning code to actually permit vacation rentals similar other Counties (and vacation destinations). I think George has pointed to a few General Plan policies that might be used as a justification for this course of action.

On the other hand, if the Commission/Board want to perpetuate our existing prohibition on vacation rentals, they could justify adopting the proposed ordinance based on (1) a desire to protect agriculture from commercialization, (2) a desire to protect residents from incompatible adjacent uses, (3) a desire to ensure that our rental housing stock is made available for use by residents rather than tourists, and (4) a desire to level the playing field by clarifying the zoning ordinance and making zoning code enforcement easier.

It really comes down to a policy decision. Hillary

---

**From:** Charles Howard [ <mailto:howard@napanet.net> ]  
**Sent:** Saturday, November 07, 2009 7:04 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: [NVLSA] Vacation Rental Ordinance at PC November 18

George makes apparently good points of fact and his opinion that input will be ignored is regrettable..

Is he wrong somewhere?

ch

At 04:03 PM 11/7/2009, George Bachich wrote:

Hillary:

Whether we are vacationing in Sea Ranch, in Hawaii, or in Mexico, Italy, or France, many of us prefer to rent a house or condo rather than stay in a hotel. Vacation rental homes provide a unique and enjoyable vacation experience, often at lower cost, and with many other benefits, especially for large families. Reduced costs aside, many of us simply prefer this type of vacation experience because it immerses us more directly in the real local culture, as opposed to some sterile hotel chain. Why then do we want to deny visitors to the Napa Valley this same rich experience?

At the very least this proposed ordinance is overkill and overly prohibitive. In the absence of any real need for it, it appears downright mean-spirited. Let's lighten up a bit. This is not the only solution compatible with our general plan. While the proposed ordinance can be shown to be consistent with certain provisions of the general plan, so can other alternatives. A biased and one-sided interpretation of the General Plan is currently being used to justify this ordinance, while other, less restrictive alternatives could also be justified if the Board wishes to move in that direction.

For instance, why prohibit transient occupancy use in "all residential and agricultural zoning districts"? General Plan Policy AG/LU-34 allows for "limited commercial and institutional uses" in the urban residential zone. AG/LU-35 allows "tourist-serving commercial uses and mixed uses" in certain Rural Residential districts. Although AG/LU-22 is cited as consistent with this proposed ordinance, it is also consistent with allowing transient residential occupancies in "designated urbanized areas of the unincorporated County". I'm sure there are other examples that your staff could identify if their instructions were not to identify only those provisions that support a prohibition.

Exactly how would allowing transient occupancy uses in Circle Oaks or in Angwin threaten agriculture? These are areas already approved for dense residential uses, and whether the occupant is

11/10/2009

the owner, a long term tenant, or a short term tenant does not really change the use. The same is true for the AWOS and AR land use designations, which both allow single family residences. Whether the family residing there remains for a year, a month, or a week does not change the use. It's still human occupancy, and the length of occupancy does not drastically change the amount of traffic generated. If loud parties are your concern, they can be dealt with in a variety of ways, including approving transient occupancy only in areas where neighbors are not too close (the less dense AWOS areas sound ideal), or by making transient occupancy a use allowed by use permit, with conditions regarding noise. A blanket prohibition seems to be overkill. Changing the General Plan definition of "dwelling unit" to accommodate this overkill only compounds the offense and points out how tenuous the consistency of this ordinance with the General Plan really is. If the General Plan must be changed to accommodate it, it is hard to argue that it is consistent with the General Plan.

I know the board will do whatever it wants, regardless of my input, but if it wants to accommodate some transient commercial occupancy of dwelling units, the General Plan certainly would allow it. I think some vacation rentals would improve the visitor experience, and help keep us competitive with other vacation destinations. If it is properly managed, it would do no harm, and might even generate some additional transient occupancy tax. I think this ordinance should be revised to accommodate some vacation rental dwellings.

George Bachich  
4271 Dry Creek Road  
Napa, CA

----- Original Message -----

From: [Gitelman, Hillary](#)

To: [Sandy Elles](#) ; [Debra Dommen](#) ; [George Bachich](#) ; [Anne Steinhauer](#)

Sent: Wednesday, November 04, 2009 2:42 PM

Subject: Vacation Rental Ordinance at PC November 18

All:

Well, it's been a long time coming, but with input from a variety of interested parties, we've crafted the attached ordinance which is intended to clarify the County's longstanding prohibition on vacation rentals and make it somewhat easier to enforce. This draft ordinance is being noticed for hearing by the Planning Commission on November 18, 2009. If the Commission recommends adoption of the ordinance, it would be scheduled for the Board of Supervisors' consideration in late December or January.

While the agenda for November 18th has not been finalized, I expect this item to be heard in the morning, probably shortly after 9 AM. The final agenda for the meeting and a copy of the staff report will be posted on the Department's web site sometime during the week before the hearing. In the meantime, please don't hesitate to call or email if you have questions -- and please share this with others who you think might be interested.

If you have concerns, we would appreciate hearing them before the hearing on the 18th.

Thanks.

Hillary  
253-4805

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