



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/17/2008

Agenda Placement: 10A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: Vacation Rental & Dwelling Unit Definition Ordinance

RECOMMENDATION

VACATION RENTAL & DWELLING UNIT DEFINITION ORDINANCE STUDY SESSION

Discussion and possible direction to staff prior to development of an ordinance or ordinances implementing Action Item AG/LU-33.1 in the Napa County General Plan calling for a guideline or ordinance clarifying the difference between single family dwelling units and short term commercial guest accommodations, specifying uses and ownership or rental arrangements associated with each, and analyzing extremely large residences to determine if they should require environmental review.

Staff Recommendation: Planning and County Counsel staff are seeking direction on the scope of the ordinance prior to preparing a draft for consideration and adoption.

Staff Contact: Hillary Gitelman 253-4805

EXECUTIVE SUMMARY

Napa County General Plan Policy AG/LU-33 states: "The County will promote development concepts that create flexibility, economy, and variety in housing without resulting in significant environmental impacts and without allowing residences to become timeshares, resorts, hotels, or similar tourist-type accommodations." The policy is implemented by Action Item AG/LU-33.1 which calls for adoption of "local guidelines or zoning code definition" to define dwelling units, as opposed to guest accommodations, and for an analysis related to "the prevalence of extremely large residences" to determine whether residences above a certain size should require environmental review.

County planning staff has begun working with County Counsel to craft an ordinance that clearly distinguishes between residential dwelling units as defined by Napa County Code Section 18.08.260 and commercial guest

accommodations, addressing issues related to duration of rental/occupancy (i.e. less than 30 days is considered transient commercial occupancy), and ownership arrangements (i.e. timeshares and vacation "clubs" are considered commercial). In that context, a question has arisen whether the ordinance should also define what a residential dwelling unit looks like, potentially modifying the definition of "kitchen" contained in Napa County Code Section 18.08.335, and addressing residences in which bedrooms are designed as stand-alone structures.

Planning staff is seeking Commission discussion and direction on these issues, and is also seeking guidance on the analysis suggested in Action Item AG/LU-33.1 about extremely large residences.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Napa County is the smallest of the nine Bay Area counties in terms of population, with approximately 133,700 people in all the cities and the county combined, and there are approximately 49,270 dwelling units in the county as a whole, with an average household size of 2.6 persons per household and a median household income of \$85,900. In the unincorporated County, there are about 10,090 dwelling units, with a median household income of \$99,200. Very little new housing development occurs in unincorporated Napa County due to land costs, minimum parcel sizes of 40 to 160 acres in most of the County, and the small supply of land available for multi-family housing. (In the last three years, new housing units have been produced at a rate of about 75-100 units per year, and only a handful of these units are affordable to people making less than 120% of the area median income.)

At the same time, Napa County's agricultural economy is supported by tourism and some residents and business entities have discovered they can reap substantial profits by renting their homes, second units, and/or guest cottages to tourists, or by selling memberships or using other creative ownership/rental arrangements. It is difficult to estimate precisely how many dwellings in unincorporated Napa County are being used in a manner that is inconsistent with the County's definition of a dwelling unit: "a room or connected rooms constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, physically separated from other rooms or dwelling units in the same structure, and containing independent cooking and sleeping facilities." However, many people have the impression that this has become a serious problem, and both a policy and an action item to address this issue were included in the General Plan adopted on June 3, 2008.

As noted above, planning staff has begun working with County Counsel to craft an ordinance that clearly distinguishes between residential dwelling units and commercial guest accommodations, addressing issues related to duration of rental/occupancy and ownership arrangements. In that context, a question has arisen whether the ordinance should also define what a residential dwelling unit looks like, potentially modifying the definition of "kitchen" contained in Napa County Code and addressing residences in which bedrooms are designed as stand-alone structures.

Planning staff is seeking Commission discussion and direction on these issues, and is also seeking guidance on the analysis suggested in Action Item AG/LU-33.1 about extremely large residences.

SUPPORTING DOCUMENTS

None

Napa County Planning Commission: Approve

Reviewed By: John McDowell