



Staff Report

File #: REPORT 22-0249, Version: 1

Honorable Chairman and Members of the Hermosa Beach Planning Commission

Regular Meeting of April 19, 2022

TA 22-01 ZONE TEXT AMENDMENT TO AMEND THE HERMOSA BEACH MUNICIPAL CODE CHAPTER 17.40 TO ADD SECTION 17.40.230 AND AMEND SECTION 17.26.030 TO PERMIT TIMESHARE USES IN SPECIFIED COMMERCIAL ZONES AND DETERMINE THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Recommended Action:

Staff recommends the Planning Commission adopt Resolution No. 22-07 (**Attachment 1**) recommending that the City Council approve Zone Text Amendment TA 22-01, thereby amending Chapter 17.40 to add section 17.40.230 and amend section 17.26.030 to permit timeshare uses in specified commercial zones and determine that the project is exempt from the California Environmental Quality Act (CEQA).

Background:

The City of Hermosa Beach ("City") does not currently have regulations in place governing the use of timeshares within the City, nor any regulations that would explicitly address these emerging businesses offering "fractional ownership" of a property in a way that operates like a timeshare. These types of uses in the City's residential zone could limit the City's existing housing stock for use as a long-term residency and impair the character of the City's residential zones.

At its March 15, 2022 meeting, the Planning Commission directed staff to bring forward a zone text amendment addressing these types of uses.

Analysis:

The City is a popular tourist destination known for its scenic beachfront location, its many diverse restaurants, local retailers, and popular commercial areas like its Downtown area and Pier Avenue. Maintaining the balance between the quality of life for residents, those who work in the City, and the visitors who help to sustain the City's tourist economy is key to maintaining a sustainable community and a stable economy.

Like most communities throughout California, one of the key means that the City utilizes to maintain this balance is through its Zoning Ordinance. The City has commercial zones including the C-1 and C-2 commercial zones that provide for uses that serve both visitors and the local community such as:

restaurants; retail shops; and visitor serving hotels. The City also has residential zones that provide housing for those who live in the community, at varying densities in order to provide a diversity of housing types.

City Housing

The most recent census data lists the median value of owner-occupied homes in Hermosa Beach as \$1,542,900 for the period of 2015-2019, while the Zillow Home Value Index estimates median home values in Hermosa Beach to be approximately \$2,174,879 as of January 31, 2022. According to the Zillow Home Value Index, home values in the City have gone up 10.1 percent over the past year. In contrast, the median household income in Hermosa Beach from 2015-2019 was \$136,702, and the median income for a four-person household in Los Angeles County for 2021 is approximately \$80,000. The cost of homes currently in Hermosa Beach are more than what median income residents of Hermosa Beach can afford, and certainly over the median income residents of Los Angeles County generally.

The conversion of homes in the City's residential neighborhoods to these timeshare-like uses would eliminate residential dwelling units that would otherwise be available for long-term residential use, thereby further exacerbating the lack of long-term available housing in the City. A home that is used for timeshare purposes would no longer be available for households to use as their long-term residence.

Impacts to Character of the City's Residential Districts

Timesharing projects have the same character as commercial hotels, motels, and other transient occupancy uses due to their transient nature and to the multiple short-term occupancies by those participating in timesharing projects. This use is better suited in commercial or quasi-commercial zones and is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

The intensity of this use is a significant reason that these uses can change the character of a residential neighborhood. Long-term residents, whether owners or renters, occasionally have guests or parties, but these timeshare homes are used exclusively by people who are coming to the City on a short-term basis - most likely for vacation or leisure. As a result, those users may naturally stay out later, entertain more, and gather in larger numbers while on vacation. Timeshare uses can change the character of a residential neighborhood by having it serve not only as a residential area, but also a visitor lodging area, and subjecting it to the impacts that come with that more intense land use.

Further, the nature of the timeshare use itself can impact the residential character of the City's residential zones because it would ensure that the time share users can only use their property for a limited amount of time each year. Each co-owner is in the unit on a short-term basis, and without the time to participate in the types of activities or build the relationships that create the fabric of a community. Given the City's desire to strike a balance between the demands of the City's visitor and

tourist economy, and retaining its character and quality of life, the City has an interest in maintaining housing stock in its residential districts for long-term residents.

Emerging Businesses

Recently, certain businesses have emerged which purport to sell “co-ownership” shares in residential property. These businesses, as staff understands the business model, start by purchasing homes or entering into contracts to purchase homes in tourist destinations in desirable locations like the City. These businesses then form a limited liability company (“LLC”), which owns title to the residential home. The “co-owners” each purchase a one-eighth share and are entitled to use the residential property for a certain number of days per year according to their share of ownership in the LLC. The one-eighth interest entitles the purchaser to stay at the property for up to 45 days per year in increments of 2-14 days, including one “special day” (Fourth of July, Thanksgiving, Christmas, etc.). The stays are reserved on a mobile application, and while each co-owner is prohibited from renting the home as a short-term rental, they are permitted to allow other guests to stay there during their allotted days. Once shares in an LLC are sold, the business continues to manage the homes, including providing landscaping and pool maintenance, furnishing the homes, and paying all expenses, which are then passed through to the co-owners of the LLC.

Time Share Ordinance

As mentioned above, the City does not currently have regulations in place governing the use of timeshares within the City or other businesses/arrangements that are identical or similar to a timeshare use. The purpose of any ordinance should be to ensure that the City is able to maintain its existing and limited housing stock for use in long term residency and to maintain the character of its residential zones.

Completely banning “fractional ownership,” joint tenancies, or ownership by business entities such as LLC is not advisable. There are numerous properties in the City’s residential zones currently owned by numerous owners or by LLCs. Thus, any ordinance should be geared toward the specific impacts of the at-issue uses - timeshare like uses organized and ran by third parties for a fee. The proposed ordinance (**Attachment 2**) does not target or single out any business or ownership structure.

Environmental Determination:

The proposed ordinance is not subject to CEQA because the adoptions of this ordinance is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance permits timeshares in C-1 and C-2 commercial zones within the City pursuant to a conditional use permit, and prohibits them in all other zones within the City, and authorizes administrative and implementation activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

General Plan Consistency:

The proposed text amendment has been evaluated for consistency with the City's General Plan and is consistent with the following Goals and Policies of Plan Hermosa:

Land Use and Design Element

Goal 1 Create a sustainable urban form and land use patterns that support a robust economy and high quality of life for residents.

Policies:

- **1.5 Balance resident and visitor needs.** Ensure land uses and business provide for the needs of residents as well as visitors.
- **1.7 Compatibility of uses.** Ensure the placements of new uses does not create or exacerbate nuisances between different types of land uses.

Goal 2 Neighborhoods provide for diverse needs of residents of all ages and abilities, and are organized to support healthy and active lifestyles.

Policies:

- **2.4 Single density neighborhoods.** Preserve and maintain the Hermosa Hills, Eastside, Valley, North End and Hermosa View neighborhoods as predominantly single-family residential neighborhoods
- **2.5 Neighborhood preservation.** Preserve and enhance the quality of residential neighborhoods by avoiding or abating the intrusion of disruptive, nonconforming buildings and uses.

Attachments:

1. Draft Resolution 22-07 Timeshare Ordinance
2. Hermosa Beach Draft Ordinance

Respectfully Submitted by: Carlos Luis, Senior Planner

Legal Review: Patrick Donegan, Deputy City Attorney

Approved: Angela Crespi, Interim Community Development Director