

TIMESHARE REGULATIONS

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Purpose and Background

- On May 10, 2022, the Board of Supervisors directed staff to study and develop an ordinance on the transient use of fractionally owned residential property
- Permit Sonoma evaluated existing County regulations, State law, and approaches taken by other jurisdictions to regulate timeshares and uses of fractionally owned residential property

Fractional Ownership

- Refers to ownership models which allow a fractional share of a property to be sold
- Property is owned by an LLC or other entity, which in turn has co-owners
- Commonly used to co-own a second home/vacation home
 - ▣ Management by commercial real estate companies

Short-term Occupancy Uses

- **Stock cooperatives:** owners/shareholders receive right to exclusive occupancy of a portion of real property
- **Vacation rentals:** occupancy by non-owners for 30 days or less
- **Timeshares:** right to exclusive use of property for a period of time on a recurring basis
 - ▣ Other cities across California have updated their timeshare regulations to incorporate short-term use of fractionally owned residential property

Timeshares

- Use is not defined in the Zoning Code
- Referenced only in the VR (Visitor Residential) Combining Zone as an allowed use with a Use Permit
 - ▣ VR Combining Zone may only be applied to the K (Recreation and Visitor Serving Commercial) District

VR Combining Zone

- Purpose: provide flexibility in types and terms of occupancy for residential units on lands zoned for recreation and visitor-serving uses.
- Created under direction of General Plan Policy for Recreation and Visitor Serving Land Use:
 - “...Residential and recreational or visitor serving commercial uses may be combined in a single development where the residential use is clearly compatible with the recreational or visitor serving commercial use, and provides superior design qualities that allow for an integrated, livable environment...”

Timeshare Uses

- Short term use of fractionally owned residential property in accordance with a use agreement between co-owners is functionally equivalent to a timeshare
 - ▣ Use agreement managed by corporate enterprise
 - ▣ Property management company facilitates property maintenance, use scheduling, and sales of shares of the property
- The County considers timeshares as commercial, visitor serving land uses only appropriate within visitor serving zoning districts

Proposed Ordinance

- Define timeshares in the *Glossary* (Article 4):
“Any accommodation, or portion thereof, used pursuant to a timeshare plan.”
- Add timeshares to *Service Use Standards* (Article 28)
 - ▣ Define key terms
 - Accommodation
 - Timeshare plan
 - Timeshare interest
 - Timeshare use
 - ▣ Specify that a rezone to add the VR Combining Zone is required

Proposed Ordinance

- Add timeshares to the *Commercial Zones* land use table to clarify that timeshares are conditionally permitted within the K Zoning District, subject to use-specific requirements (Article 10)
- Update the *VR Combining Zone* for clarity (Article 77)

Planning Commission Recommendation

- On April 6, 2023, the Planning Commission considered the ordinance and voted to recommend the Board of Supervisors approve the ordinance as proposed by staff.

General Plan Consistency

- **Policy HE-1J:** Avoid the loss of residential land in urban land-use designations for vacation or time-share uses.
- **Policy HE-2j:** Prevent the loss of urban housing sites to visitor-serving uses.

Recommendation

Permit Sonoma recommends that the Board of Supervisors adopt the ordinance amending Zoning Code Articles 4, 10, 28, and 77, and find the action not subject to CEQA under Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3).

Questions



K Zoned Parcels

