Camarillo Planning Commission

AGENDA REPORT

Date:	February 18, 2025
To:	Planning Commission
From:	David Sanchez, Director of Community Development
Submitted by:	James Fowler, Senior Planner
Subject:	An Ordinance of the City Council of the City of Camarillo, California, Amending Certain Sections and Adding Chapters 19.39 and 19.41 to Title 19 of the Camarillo Municipal Code Related to Accessory Dwelling Unit Regulations, Ministerial Subdivision Processes, Urban Dwelling Unit Standards, Objective Design Standards for New Residential Structures, and Enhanced Land Use Noticing Requirements

BACKGROUND

In 2024, the State Legislature passed numerous housing-related bills which were then signed into law. Of these, there are four bills that necessitate updates to the Camarillo Municipal Code (CMC). These bills relate to Accessory Dwelling Units (ADUs), ministerial approval of certain qualifying subdivisions up to 10-units, Objective Design Standards, Urban Dwelling Units, Urban Lot Splits (also known as SB 9 units and SB 9 lot splits), and public hearing noticing requirements for amendments to the zoning ordinance that affect the permitted uses of real property. This report outlines the bills necessitating code updates and staff's proposed amendments to the CMC consistent with state law.

DISCUSSION

The following legislative updates require amendments to Title 19 of the Camarillo Municipal Code (CMC) to ensure compliance with recent changes to California law. These updates address a range of topics, including accessory dwelling unit regulations, ministerial subdivision processes, urban dwelling unit standards, objective design standards for new residential structures, and enhanced land use noticing requirements. Each proposed change reflects a careful response to state mandates while striving to maintain the City's commitment to high-quality development and effective planning. Below is a summary of the legislative changes and the corresponding updates proposed for the CMC.

1. Senate Bill 477 (SB 477) - Reorganization of Accessory Dwelling Unit Code

SB 477 makes non-substantive changes and reorganizes or reorders various provisions related to ADUs.

ADU law has been moved from one section of the California Government Code to another. Currently, the CMC references the outdated section of ADU law within the Government Code. The proposed redline in response to this law will correctly reference the new location within the Government Code and adopt the state law by reference, with the exception of Government Code Section 66342, which relates to selling ADUs separately from the primary dwelling. The City is not required to allow the sale of ADUs separately from the primary dwelling.

2. Senate Bill 1211 (SB 1211) - Accessory Dwelling Units

SB 1211 makes a number of substantive changes to state ADU law. These bills do the following:

- Prohibits the City from requiring the replacement of off-street parking spaces if an uncovered parking space is demolished in conjunction with the construction of an ADU.
- Adds a definition of “livable space” for purposes of ADUs to mean a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- Allows up to eight detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to two detached ADUs on a lot with a proposed multi-family dwelling.

The proposed redlines will amend the City’s ADU Ordinance to reflect the changes to state law. In the proposed update the definition for livable space is added, the number of ADUs allowed on a multi-family lot based on the number of existing units is increased (to a maximum of eight), and the replacement of off-street parking spaces demolished due to ADU construction is not required.

3. Senate Bill 1123 (SB 1123) - Ministerial Approval of Qualifying 10-Unit Subdivisions

SB 1123 establishes a process for the ministerial approval (meaning without discretionary review or hearing by the Planning Commission or City Council) of single-family residential subdivisions of 10-units or less. The bill amends a similar process that was already established for multi-family subdivisions of 10-units or less and becomes operative July 1, 2025. The bill outlines certain standards these ministerial subdivisions must comply with. On such projects the City can only impose objective standards that otherwise apply to other residential development projects, meaning the City cannot apply different standards than what is normally applied to equivalent residential development projects. The City also cannot apply objective standards that conflict with the standards laid out in the bill, meaning the City cannot do the following:

- Impose standards which physically preclude the development of the project built to a density of 20 units per acre.

- Impose requirements that apply to a project solely or partially on the basis that the subdivision or housing development receives approval pursuant to this ministerial process.
- Require any setback between the units, except as required in the California Building Code. (This setback is situational based on the fire rating of the wall and number of openings in the walls. Zero-lot line structures are possible with fire sprinklers and fire-rated walls).
- Require parking to be enclosed or covered.
- Impose side or rear setbacks from the original lot lines greater than four feet.
- Impose parking requirements greater than one space per residential unit.

The City may disapprove of a housing development project that utilizes this ministerial process if it makes a written finding, based upon a preponderance of evidence, that the proposed housing development project will have a specific, adverse impact upon public health and safety and for which there is no method to satisfactorily mitigate or avoid the impact. A specific, adverse impact is defined as a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions that were in place on the date the application was deemed complete.

Additionally, the 10-unit ministerial subdivision process is geographically restricted and must meet other requirements. It may only be utilized under the following circumstances:

- The lot proposed to be subdivided is zoned to allow for multi-family residential dwelling use or is vacant and zoned for single-family residential development. Vacant is defined as having no permanent structure, unless the structure is abandoned and uninhabitable.
- A lot zoned to allow multi-family residential dwelling use must be no larger than five acres and must be substantially surrounded by qualified urban uses.
    - “Qualified urban use” means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
    - “Substantially surrounded” means at least 75 percent of the perimeter of the project site adjoins or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an Environmental Impact Report was certified.
- A lot zoned for single-family residential development must be no larger than one and one-half acres and is substantially surrounded by qualified urban uses.
- The lot to be split cannot have been created through an urban lot split or previously created through the 10-unit ministerial subdivision process.

- If the parcels are zoned for single-family residential use, the newly created parcels are no smaller than 1,200 square feet.
- For multi-family lots, the minimum lot size is 600 square feet (this will be for townhomes or condominiums).
- If the proposed subdivision takes place on a lot identified in the adopted Housing Element, the proposed subdivision must result in the creation of at least the same number of low-income or very low-income housing units as were projected for the original parcel in the City's Housing Element.
- If the parcel where the proposed subdivision is taking place is not identified in the City's Housing Element, the development must result in at least 66 percent of the maximum allowable residential density as specified by the zoning or 66 percent of 20 units per acre, whichever is greater.
- The average total area of floorspace for the proposed housing units does not exceed 1,750 net habitable square feet. "Net Habitable Square Feet" excludes garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.
- A 10-unit subdivision may not take place on a lot that requires the demolition or alteration of housing that is subject to an affordability covenant or has been occupied by tenants within the five preceding years.
- The proposed 10-unit subdivision may not be located on a site that is prime farmland, designated farmland of statewide importance, situated in wetlands, within a very high fire hazard severity zone, designated as a hazardous waste site, located within an earthquake fault zone (unless it complies with applicable seismic protection building code standards), located within a special flood hazard area subject to potential inundation 100 year floods (except if the site meets certain Federal insurance requirements), situated in a regulatory floodway without a non-rise certification, within habitat for certain protected species, or located in the Save Open Space and Agricultural Resources (SOAR) protected area, or other protected conservation area.
- The proposed 10-unit subdivision may not be used to subdivide existing residential properties with multiple residential structures into separate lots where the existing units are able to be sold separately.

The City is not required to permit Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) on lots resulting from a 10-unit ministerial subdivision. The redlines in the proposed Chapter 19.39 adopt state law related to 10-unit ministerial subdivisions by reference and restricts the construction of ADUs and JADUs on any lots resulting from these subdivisions. Existing City objective standards will apply to 10-unit ministerial subdivisions so long as they do not conflict with the standards outlined that are specific to 10-unit ministerial subdivisions.

4. Senate Bill 450 (SB 450) - Urban Dwelling Units

Senate Bill 9 (SB 9), from the 2021-2022 legislative cycle, allowed for the ministerial subdivision of Single Family Residential (R-1) Zoned properties. The bill allowed for the creation of two lots from the split of an existing R-1 lot and the construction of an additional SB 9 unit.

These lot splits and additional units are referred to as urban lot splits and urban dwelling units. The bill used in concert with accessory dwelling units allows for a total of four units on an existing single-family lot. An urban dwelling unit may be constructed with or without an accompanying lot split, however, in the case of an urban lot split each new lot is limited to a maximum of two units on each lot, inclusive of accessory dwelling units.

SB 450 amends and strengthens SB 9 in the following ways:

- Formerly urban dwelling unit developments may not demolish more than 25% of any existing exterior structural walls. SB 450 removes the 25% limit on demolition of existing exterior structural walls.

- SB 450 prohibits local agencies from imposing objective zoning, subdivision, or design standards on urban dwelling unit developments that do not apply uniformly to development within the R-1 Zone.

- SB 450 further curtails the ability of the City to deny a urban dwelling unit development by removing the ability to deny the project based on adverse impacts to the physical environment.

- SB 450 requires the City to approve or deny an urban dwelling unit and/or lot split application within 60-days from the date the City receives a completed application. If the City does not respond within 60-days, the application is deemed approved. If the City denies the application, it must provide a complete set of comments detailing the deficiencies in the application within the 60-day time span.

- The bill clarifies that the City may impose objective zoning, subdivision, and design review standards that are related to the design or to improvements of a parcel, and are applicable to a parcel created by an urban lot split. Such standards cannot conflict with state law and as previously stated, any standards must also be applied uniformly to other development within the R-1 Zone.

In summation, SB 450 has limited the City’s ability to apply specific standards to urban dwelling unit developments that do not apply to the underlying zone. To comply with this, staff propose redlines that generalize the existing urban dwelling unit requirements to apply to all new dwelling units, not just urban dwelling units. This has resulted in the removal of specific size requirements for urban dwelling units, the removal of affordability requirements, the removal of a prohibition on adding parking spaces for recreational vehicles, and other standards that were applied only to urban dwelling units in a way that no longer complies with state law.

Finally, certain objective standards related to design are proposed to be removed as they have been replaced by overarching objective design standards for new residential structures in a separate chapter, which will be further discussed below.

5. Objective Design Standards for New Residential Structures

Changes to state law have increasingly limited the City's ability to impose standards that are not objective on new residential development.

Objective development or design standards are those standards which involve no personal or subjective judgement, they are independently and uniformly verifiable. The City cannot impose non-objective standards on ADUs, 10-unit ministerial subdivision developments, urban dwelling units, and other residential development processes established by state law.

To safeguard future residential development within the City in light of these changes to state law, staff is proposing the creation of Chapter 19.41 to establish design standards for all new residential structures. The standards include the following:

- Standards for paint – at least two colors, one for main wall color and another for trim pieces.
- Roof material and pitch – minimum 3:12 roof pitch, color must be gray, brown, or natural clay.
- Elevation materials – minimum of three different materials on all building elevations, consisting of brick, stone, fiber cement siding, or stucco. On a single building, the three minimum building materials must be repeated on each elevation.
- Windows – standards for window treatment and shutter proportionate to the window.
- Eaves – all buildings must provide eaves between one and three feet.
- Architectural Variation – prohibition on unbroken wall planes greater than fifteen feet.

The proposed standards also require residential structures to choose between five architectural styles. These styles are Traditional, Spanish Colonial Revival, Monterey, Craftsman, and French Country. Within these styles, structures must select a minimum of five architectural elements from a menu that are reflective of that style. Within 500 feet of the freeway or 1,000 feet of a freeway interchange, new residential structures must be Spanish Colonial Revival or Monterey.

The City cannot require developers to adhere to any existing subjective design standards for residential development, including the City's Community Design Element of the General Plan under state law. The proposed standards reflect an effort to insulate the City from new development that does not harmonize with Camarillo's existing architecture. More detailed objective design standards may be created in the future as part of an update to the City's Community Design Element, but the proposed standards offer a safeguard in the interim.

The proposed standards will provide a floor for the quality of residential development, not a ceiling. Staff will continue to proactively work with developers to promote the high level of architecture that City residents are used to.

The proposed update includes the ability for the Director of Community Development to approve alternative designs that do not comply with all of the objective design standards if the following findings can be met:

- Design Quality: The proposed alternative design provides an equivalent or superior level of architectural quality and visual interest compared to the objective standard; or the new residential structure is proposed as a result of an existing residential structure's full or partial destruction.
- Compatibility: The alternative design is compatible with the surrounding neighborhood and maintains consistency with the community character.
- Public Welfare: The exception does not adversely affect public health, safety, or welfare.

6. Assembly Bill 2904 (AB 2904) – Land Use Noticing Requirements

Existing law requires a public hearing to be held on any zoning ordinance or an amendment to a zoning ordinance that changes any property from one zone to another, and a notice is required to be provided at least 10 days prior to the public hearing. AB 2904, which was enacted into law on September 27, 2024, requires notice of the public hearing for a change to the zoning ordinance that will affect the permitted uses of real property to be provided a minimum of 20 days prior to a Planning Commission public hearing. Accordingly, staff are recommending minor amendments to Chapter 19.84 ("Public Hearing Notice Procedures") of Title 19 to state that all noticing for any zoning ordinance or amendment to a zoning ordinance that changes any property from one zone to another or that affects the permitted uses of real property must be published a minimum of 20 days before the hearing date for a Planning Commission Meeting. The proposed updates to the CMC are in compliance with this noticing requirement.

CEQA DETERMINATION

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378 exempt activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, activities where there is possibility that it may have a significant effect on the environment, and activities that do not constitute a "project" as defined, respectively. The proposed Ordinance implements the provisions of State law and is for general policies and procedure making. Accordingly, it can be seen with certainty that there is no possibility that the proposed Ordinance may have a significant effect on the environment and this activity is exempt from further review.

RECOMMENDATION

1. Find that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines §§ 15060(c)(2), 15061(b)(3), and 15378; and

2. Adopt a resolution recommending approval to the City Council of an Ordinance amending certain sections and adding chapters 19.39 and 19.41 to Title 19 of the Camarillo Municipal Code pertaining to accessory dwelling unit regulations, ministerial subdivision processes, urban dwelling unit standards, objective design standards for new residential structures, and enhanced land use noticing requirements.

ATTACHMENTS

1. Resolution
2. 2024-2025 Legislative Update Proposed Redlines
3. Public Hearing Notice