

E. Zoning Ordinance Text Amendment for Pet Cemetery Use in the P-O Zone



Economic Development and Land Use Committee

AGENDA REPORT

Date: August 24, 2023

To: Economic Development and Land Use Committee

From: Greg Ramirez, City Manager

Submitted by: David Moe, Interim Director of Community Development

Subject: Zoning Ordinance Text Amendment for Pet Cemetery Use in the P-O Zone

BACKGROUND

On July 30, 2023, the property owner of Ivy Lawn Memorial Park & Funeral Home ("Ivy Lawn"), located at 1075-1077 E. Daily Drive, submitted a formal request to develop a pet cemetery on the property. Ivy Lawn purchased the mortuary in 2023 and is located within the City's Professional Office (P-O) Zone and has a General Plan designation of Public-Historic Site.

The Camarillo Municipal Code (CMC) does not currently permit pet cemeteries in the P-O Zone and would require a Zoning Ordinance Text Amendment (ZOA) to allow the development of a pet cemetery.

Staff reviewed the presented request and is seeking Committee input regarding this item.

DISCUSSION

The CMC permits "cemeteries, columbariums, crematories and mausoleums" uses within the Open Space (O-S) and the Single-Family Residential (R-1) Zones. In the Rural Exclusive Residential (R-E) Zone, "cemeteries, crematoriums and mausoleums" are allowed subject to review and approval of a Conditional Use Permit (CUP). Additionally, "mortuaries" are permitted by right within the Professional Office (P-O), Camarillo Old Town (COT), and the Commercial Planned Development (CPD) Zones.

Located in the rear of the subject parcel, directly adjacent to the proposed pet cemetery, is the Wendell P. Daily House which appears to be eligible for the National Register of

Historic Places and the California Register of Historic Resources under Criterion C for its architecture.

Zoning Ordinance Text Amendments Required

In order to permit a pet cemetery within the P-O Zone, a ZOA to CMC Chapter 19.22 will be required. If supported, a CUP will be required in conjunction with a mortuary use. The CUP provides discretion to ensure the exact location and arrangement is appropriate and compatible with the surrounding uses and will be presented at a public hearing at which time special conditions of approval may be imposed to protect public health, safety and welfare.

State Regulations

Sections 9700-9703 of the Health and Safety Code Division 8, Part 6, provides that a property owner may dedicate their property for pet cemetery purposes by a notarized dedication recorded with the County Recorder. In that regard, the City may not interfere with a property owner's right to dedicate the land. A dedication will provide the owner with certain benefits and will require it to be removed with an order and decree of the Superior Court of the county prior to any alternative use being permitted on the site. This could constrain future reuse of the site if the property has a recorded dedication as a pet cemetery.

General Plan

Within the City, properties that are zoned P-O have an underlying General Plan Designation of either Public or Office. The intent of these designations is discussed below.

The General Plan Land Use Element defines the public uses as intended for a "sundry classification of public uses and the principles, standards, and proposals which relate to them". This includes the quasi-public classification for uses which are "private in nature but will serve the public needs".

The General Plan Land Use Element defines the P-O Zone as intended for "the grouping of the medical and dental professions, lawyers, engineers, architects and other similar services. Medical clinics, banks, savings and loans, real estate, insurance, utility offices and facilities for other administrative functions related to the operation of both private and public corporations are also included in this classification". Additionally, the subject property is located in an area that the Land Use Element considers to be an "existing cluster of significance" for office uses.

Camarillo Municipal Code

The CMC describes the purpose of the P-O Zone as, "to provide a method whereby land may be designed and developed as a unit for professional administrative offices, and in order to produce an environment of stable desirable character which will be in harmony with the existing or potential development of the surrounding neighborhoods and which may be located in or adjacent to residential areas, and in order to produce professional

administrative office developments which meet modern standards of open space, concentration of buildings, common parking facilities, light, air, pedestrian and vehicular circulation, the P-O Zone is established to provide suitable locations for offices and services of a professional, clerical, or administrative nature.”

Economic Development Strategic Plan

The Economic Development Strategic Plan (EDSP) considers office and business parks as a Strategy Group Action Item and stipulates that options for future office/business park development should be maximized. Consideration should be given as to whether the proposed use aligns with the EDSP Action Items.

Other Cities

Staff reviewed the Municipal Codes for the cities of Oxnard, Thousand Oaks, and San Buenaventura and the County of Ventura. A pet cemetery use is not explicitly listed in any of the jurisdictions’ zoning codes. However, where allowed by zone, the cities of Oxnard and Thousand Oaks and the County of Ventura allow cemeteries under a Special/Conditional Use Permit and the City of San Buenaventura permits it by-right.

Potential Impacts

The ZOA covers an entire specific zoning area in the City, therefore, this change has the potential to affect other properties located within the P-O Zone. For an overview of the City’s P-O zoned properties, please refer to the attached P-O Zone Map (Attachment 3). Although the potential impact extends to the entire P-O Zone, staff identified two additional potential sites aside from the property on Daily Drive.

The sites include the vacant lot on the corner of Mission Oaks Boulevard and Adolfo Road and the vacant lot at the southwest corner of Pleasant Valley Road and Pancho Road. The remainder of P-O zoned properties have already been developed for office use. Through the CUP process, the location will be evaluated to determine if the use is appropriate and compatible for the site and the surrounding uses. However, a pet cemetery is a relatively low intensity use and unlikely to result in excessive noise and traffic.

The City’s office vacancy rates are currently 6.7 percent, which is below the 10.5 percent 10-year average for Camarillo and below the 12.9 percent national average. By allowing a pet cemetery in the P-O Zone, it could remove potential development sites that can be otherwise utilized for office space.

FISCAL IMPACT

There is no budget impact as a result of this action.

RECOMMENDATION

Discuss and provide feedback to staff on the request for a Zoning Ordinance Text Amendment to Chapter 19.22 of the CMC for Pet Cemetery Use in the P-O Zone.

ATTACHMENTS

1. Request from Ivy Lawn
2. Health and Safety Code Sections 9700-9703
3. P-O Zone Map
4. Location Map

REFERENCE MATERIALS – AVAILABLE FOR REVIEW AT CITY HALL

None



June 30, 2023

City of Camarillo Planning
601 Carmen Drive
Camarillo CA 93010

Re: Zone Ordinance Amendment- 1077 East Daily Drive

Dear City Planning:

With this letter I am filing for a Zoning Ordinance Amendment for our property at 1077 East Daily Drive, Camarillo. It is our desire to develop the **open space section** of the property into a pet cemetery. This Application is the first step in creating the pet cemetery.

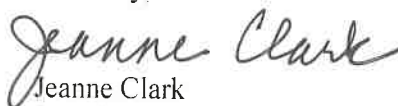
Our proposal is based on requests we have received for many years from our community resulting from our long-standing relationship with them. Ivy Lawn Memorial Park & Funeral Home is the owner of a 60-acre historic cemetery in Ventura, operating for over 115 years. We are a not-for-profit corporation and designated Ventura County's only "Historic Cemetery". We know the death care industry and the community need for services!

Our creation of a pet cemetery will fill a large void in services that are available for the community's beloved pet families and their after-life decisions. Such services are simply nonexistent in Ventura County. The pet cemetery use of our property will serve the community, and will harmonize with the area as it will not change the physical appearance of the landscape, fits in with the surrounding businesses, and seems to be a perfect fit for the existing historic residence located on the property as we will preserve this structure and use it as part of the community use and attraction to the property. We know the importance of the history we need to preserve as we are stewards of a historic cemetery.

The "overview" attached offers a description of the land and its surroundings. The attached documentation hopefully provides an idea of what we propose, where we propose it, and why we think it is a harmonious use of the property between us and the City of Camarillo.

I look forward to hearing from you.

Sincerely,


Jeanne Clark
President

Ventura County's ONLY Historic District Cemetery

5400 Valentine Road • Ventura, California 93003 • 805.642.1055 • fax 805.642.8648 • www.ivylawn.org

FD 2156

OVERVIEW

1077 East Daily Drive, Camarillo

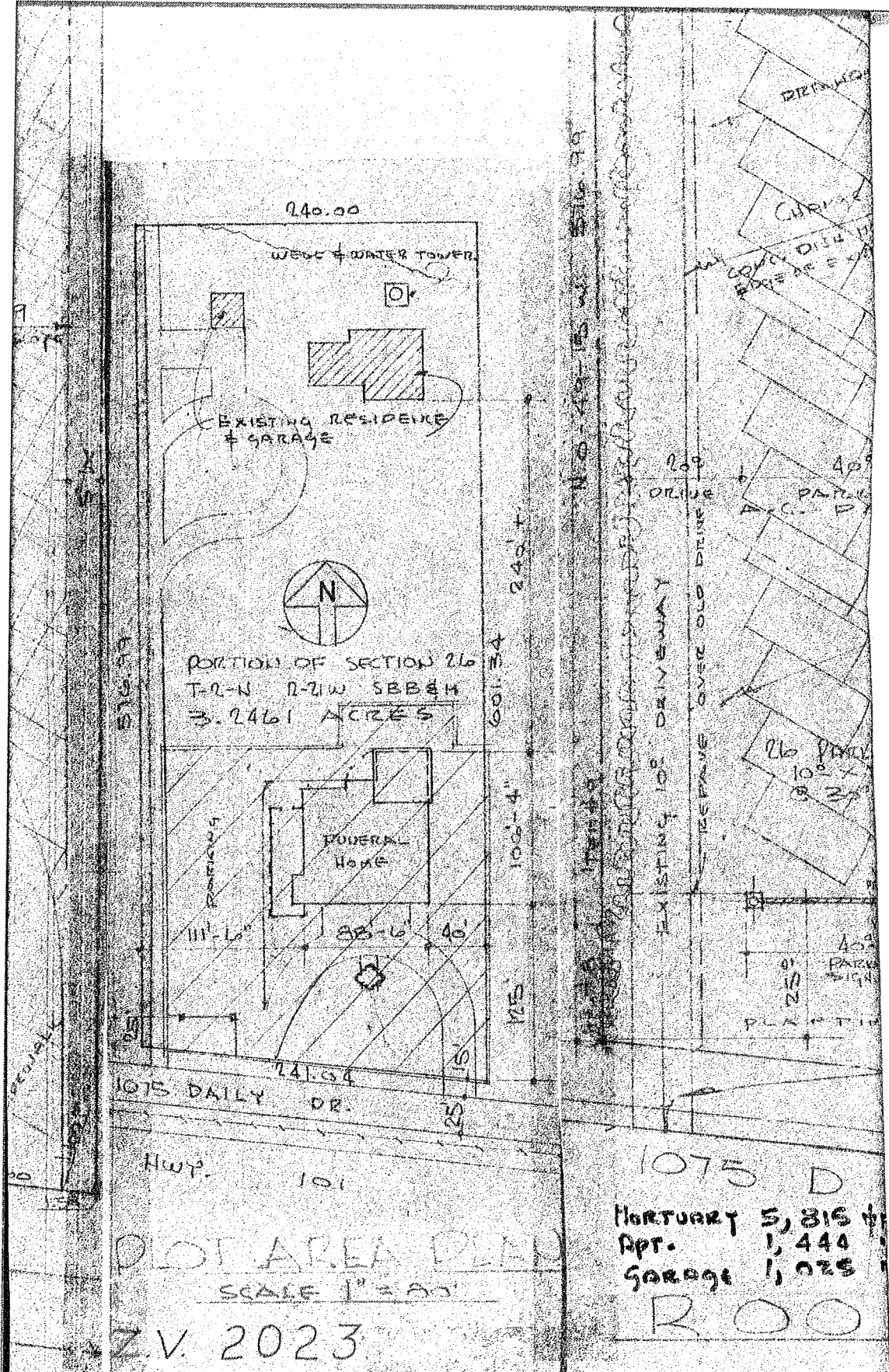
The property is one parcel (APN 165-0-010-750). The property is located on the north side of East Daily Drive, one lot west of the intersection of North Lantana and East Daily Drive, in an area of commercial uses, in the southwestern area of Camarillo.

The property is bounded by commercial properties on the west (Camarillo Business Center offices 771 and 761 E. Daily Dr. north and northeast (office buildings at 1000 and 1100 Paseo Camarillo), east (Paseo Camarillo Executive Center offices at 333 N. Lantana Street), and restaurant on corner of North Lantana Street and East Daily Drive (Wood Ranch).

The property is generally divided into three separate areas of land use:

1. historic residence in northern one-third of parcel including a detached garage is located in northwest corner of lot, accessed by drive that runs along west side of parcel. On west side of garage is shed-roof storage structure
2. open space in the middle south of the historic residence. This open lot is primarily dirt-surfaced yard, with northern area that merges with landscaping of the historic residence lot.
3. mortuary/chapel southern area. (7,000 +/- SF), of 1075 E. Daily Drive, includes a chapel and former mortuary, garage, office, and second-floor apartment unit.

A curved driveway that extends off E. Daily Drive provides access to chapel/mortuary building, and to paved parking areas on west and north sides of the building. The western margin of the parcel is a drive that extends from E. Daily Drive, past the open lot, to a circular drive at the W.P. Daily home, and to the garage at the northwest corner of lot.



APPROVED: A. P. STOKES
CITY ENGINEER
CITY OF CAMARILLO

Active: A. D. M...
CITY OF CAMARILLO

H&S Code

PART 6. PET CEMETERIES 9700-9703

Section 9700 - Dedication

The owner of property may dedicate the property to pet cemetery purposes by a notarized dedication recorded with the county recorder of the county in which the property is situated on or after January 1, 1985. The dedication document shall specify the length of time for which the dedication is made. Dedicated property shall be held and used exclusively for pet cemetery purposes, unless and until the dedication is removed from all or any part of the property by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the pet cemetery owners for the purpose of removing the pet cemetery dedication and upon notice of hearing and proof satisfactory to the court of both of the following:

(a) That no interments were made in, or that all interments have been removed from, that portion of the property from which the dedication is sought to be removed. (b) That the pet cemetery owners have received written authorization from those persons whose pets have been buried in the cemetery, or their heirs or assignees, to remove the dedication from their respective plots or to disinter the pet for removal to another plot location. The written authorization may or may not be given for legal consideration.

Ca. Health and Saf. Code § 9700

Amended by Stats. 1986, Ch. 263, Sec. 1.

Section 9701 - Effect of mortgages, deeds of trust, and other liens

All mortgages, deeds of trust, and other liens of any nature, hereafter contracted, placed, or incurred upon property which has been, and was at the time of the creation or placing of the lien, dedicated as a pet cemetery, or upon property which is afterwards, with the consent of the owner of any mortgage, trust deed, or lien, dedicated to pet cemetery purposes, shall not affect or defeat the dedication to pet cemetery purposes, but the mortgage, trust deed, or other lien is subject and subordinate to that dedication and any and all sales made upon foreclosure are subject and subordinate to the dedication for pet cemetery purposes.

Ca. Health and Saf. Code § 9701

Added by Stats. 1984, Ch. 1093, Sec. 1.

Section 9702 - Endowment maintenance fee

If a dedication is made pursuant to Section 9700, the pet cemetery owners shall charge an endowment maintenance fee to persons whose pets will be buried in the cemetery on and after the date of this act, in addition to any burial fee. This maintenance fee shall be charged only at the time of the burial and shall be not less than twenty-five dollars (\$25). Proceeds from these maintenance fees shall be placed by the pet cemetery owners into an endowment care or similar trust fund, the entirety of which shall be used for the perpetual maintenance of the pet cemetery.

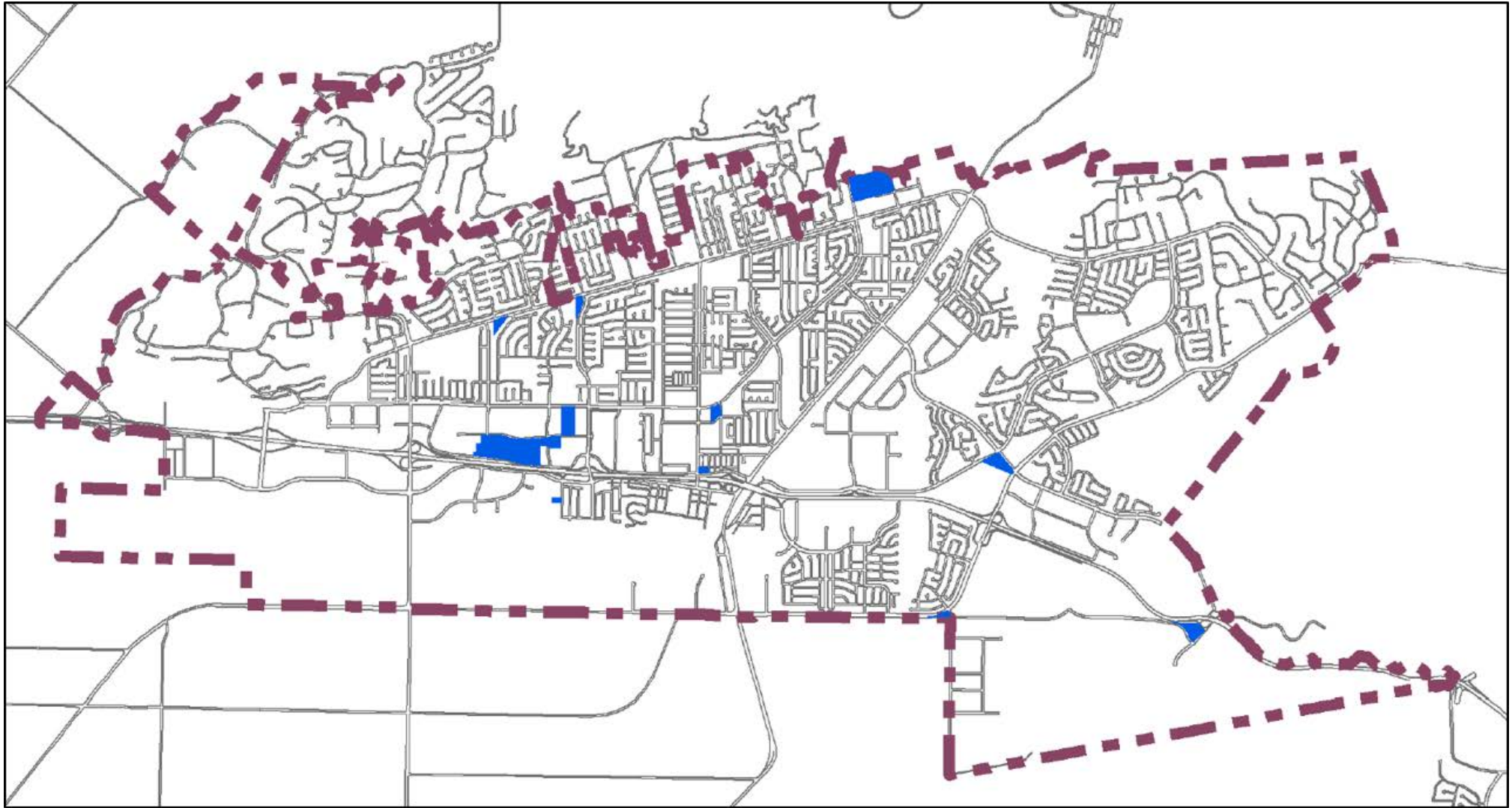
Ca. Health and Saf. Code § 9702

Added by Stats. 1984, Ch. 1093, Sec. 1.

Section 9703 - Disposal of pet remains if arrangements not made; notice **(a)** A pet cemetery owner may dispose of the remains of any pet which has been left for more than seven days at the pet cemetery if arrangements have not been made with the pet cemetery owner for the disposition of the pet. **(b)** A pet cemetery owner shall post a notice conspicuous to the public on the cemetery site stating that the remains of any pet which has been left for more than seven days at the pet cemetery may be disposed of if arrangements have not been made with the cemetery owner for the disposition of the pet.

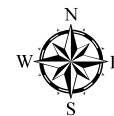
Ca. Health and Saf. Code § 9703

Added by Stats. 1991, Ch. 490, Sec. 1.



Professional Office Zone

City of Camarillo
Department of Community Development
08/24/2023



0 2,900 5,800 8,700 11,600
Feet



1075-1077 Daily Drive APN: 165-0-010-750

City of Camarillo
Department of Community Development
08/24/2023

