

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



# *Economic Development and Land Use Committee*

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## **AGENDA REPORT**

Date: October 26, 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

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## **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.

On August 24, 2023, staff presented the applicant's request to the Economic Development and Land Use Committee for consideration. During this meeting, the committee requested that staff conduct additional research and return this item with updated information, for the Committee's further consideration.

## **DISCUSSION**

Staff researched other pet cemeteries located in California and their surrounding uses. Many of the pet cemeteries are located in semi-rural residential areas, adjacent to a freeway, open space, industrial, or other cemetery uses. One exception is Sea Breeze Pet Memorial Park located in Huntington Beach, which is surrounded by urban uses on three sides and open space on one side. In comparison, the Ivy Lawn property is surrounded by professional office buildings on three sides and a mortuary on one side. A table of staff's findings of the pet cemeteries located in California is shown below:

**Table of Existing Pet Cemeteries in California**

<b>Facility</b>	<b>Zoning</b>	<b>Surrounding Uses</b>
Bubbling Well Pet Memorial Park, County of Napa	AW – Agricultural Watershed District	Rural, large lot residential
Franklin Pet Cemetery, Merced County	A1 – General Agricultural	Freeway and vacant land
Fresno Pet Cemetery, City of Fresno	IL – Light Industrial	Vacant, cemetery, and industrial uses
Gateway Pet Cemetery, City of San Bernardino	RL – Residential Low Density	Freeway and flood control
Los Angeles Pet Memorial Park, Los Angeles County	M-2 DP – Heavy Manufacturing	Large lot residential, vacant land and industrial uses
Loved Pets, Monterey County	LDR – Low-Density Residential	Open space and sparse residential uses
My Pet's Cemetery, Sonoma County	AR B6 2V OH – Agricultural and Residential	Cemetery and large lot residential uses
Pet Haven Cemetery and Crematory, City of Carson	ML – Manufacturing Light	Industrial uses
Pet's Rest, Town of Colma	Cemetery Zone	Cemetery and industrial uses
Sacramento Pet Cemetery & Crematory, City of Sacramento	AR10 – Agricultural-Residential	Vacant land and residential uses
Sea Breeze Pet Memorial Park, City of Huntington Beach	SP14 – Specific Plan	Commercial, residential and open space uses
Sierra Hills Pet Cemetery, Sacramento County	RD2 – Residential	Freeway and residential
Sorrento Valley Pet Cemetery & Crematory, City of San Diego	IL-3-1 – Light Industrial	Freeway, railroad and industrial uses

### General Plan and Zoning

Within the City, properties zoned P-O have an underlying General Plan designation of either Public or Office. The intent of these designations is as follows:

- The General Plan Land Use Element defines 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.

Based on the intent of the P-O Zone in the General Plan, a pet cemetery use is not consistent with this designation. Although a pet cemetery may be consistent with the public land use designation, the use is required to be consistent with the purpose of the P-O Zone, as described in the CMC.

The CMC describes the purpose of the P-O Zone, as follows:

- “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.”

Based on the purpose of the P-O Zone described in the CMC, staff does not find a pet cemetery to align with the P-O Zone.

### 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.

Since the proposal would permit non-office use in the P-O Zone, allowing for pet cemeteries in the P-O Zone would not align with the EDSP.

### Land Use Limitations

At the August 24<sup>th</sup> meeting, the Committee inquired about the compatibility of a pet cemetery with the overall development of the area surrounding the Ivy Lawn property. The uses that currently surround the property consist of professional office buildings and Wood Ranch BBQ to the southeast. The office buildings make up part of the larger Camarillo Business Center office park, generally bound by Rosewood Avenue to the west, Lantana Street to the east, Paseo Camarillo to the north, and Daily Drive to the south. To the east of Lantana Street is the Paseo Camarillo shopping center, which contains a vacant movie theater and a mix of restaurants and other commercial uses. Further east is Carmen Plaza, which includes Trader Joe's, an urgent care, restaurants, commercial uses, and anticipates a grocery store to occupy the former 24-hour gym suite. The former America's Tire building remains vacant with no current plans under review for the reuse of the building. The north side of Paseo Camarillo is developed with multi-family residential with the exception of City Hall and the Church of Jesus Christ of Latter-day Saints.

Recent legislation (Senate Bill 6) streamlines the approval process to allow residential uses in commercial areas, including the P-O Zone. Several property owners of office buildings in the Camarillo Business Center have expressed interest in redeveloping their properties for residential use.

A property owner may dedicate their property for pet cemetery use under Sections 9700-9703 of the Health and Safety Code Division 8, Part 6. 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 limit future reuse of the site if the property has a recorded dedication as a pet cemetery. In order to remove the recorded dedication and upon notice of a hearing the Superior Court of the county must be convinced 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, and,
- 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.

The proposed ZOA would affect all P-O zoned properties within the City. Therefore, this would have the potential to allow for pet cemeteries on other P-O zoned properties. For an overview of the City's P-O zoned properties, please refer to the attached P-O Zone Map (Attachment 3). Staff is not aware of any other property owners in the P-O Zone who have shown interest in developing a pet cemetery on their property and such use may not be appropriate for the zone.

### Assembly Bill 528

Currently, pets are not permitted to be buried at cemeteries designated for human remains. At the previous meeting, staff provided an explanation of Assembly Bill 528, introduced by Assembly Member Irwin (Attachment 5) which states that a “private cemetery may specify a separate section of the cemetery that is devoted to the burial, interment, entombment, or inurnment of pet remains, cremated pet remains, or hydrolyzed pet remains with the remains of the pet’s owner”. Although the bill has yet to be signed into law, the passing of such legislation would effectively allow any existing or proposed cemetery to conduct the burial of pets, subject to certain regulations. The demand for a stand-alone pet cemetery is likely be reduced as the bill will allow pets to be buried in a separate section of a cemetery.

### Community Need

There is currently no available data that quantifies the demand for a pet cemetery in the community. However, should Assembly Bill 528 be adopted, existing cemeteries will be able to provide a separate section for a pet cemetery. There are existing cemeteries in Ventura, Oxnard, Thousand Oaks, Santa Paula, Fillmore, Simi Valley, and the unincorporated part of Camarillo, which may potentially provide for pet cemeteries.

### Historic Structure

The property located at 1075-1077 E. Daily Drive contains the Wendell P. Daily House, located in the rear of the parcel, adjacent to where Ivy Lawn seeks to place a pet cemetery. The Wendell P. Daily House appears to be eligible for the National Register of Historic Places and the California Register of Historic Resources under Criterion C for its architecture.

Any proposed new development on the project site, including a pet cemetery is subject to the California Environmental Quality Act (CEQA). Further analysis must be conducted following the filing of a development application, including any impacts the proposed use would have on the Wendell P. Daily house. As this analysis has not been conducted, it is uncertain what potential impacts the development of a pet cemetery would have on the house, and whether any potential impacts could be mitigated.

Based on staff’s additional research, it was found that the proposed ZOA to Chapter 19.22 of the CMC for Pet Cemetery Use in a P-O Zone does not align with the intent of the Zone.

### **FISCAL IMPACT**

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

## **RECOMMENDATION**

Find that a Zoning Ordinance Text Amendment to Chapter 19.22 of the CMC for Pet Cemetery Use in P-O Zone does not align with the intent of the zone and requests the Committee to offer any additional feedback.

## **ATTACHMENTS**

1. Request from Ivy Lawn
2. Health and Safety Code Sections 9700-9703
3. P-O Zone Map
4. Location Map
5. Assembly Bill 528

## **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.

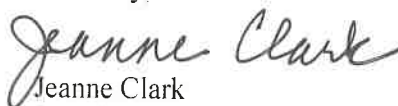
Our proposal is based on requests we have received for many years from our community resulting from our long-standing relationship with them. Ivy Lawn Memorial Park & Funeral Home is the owner of a 60-acre historic cemetery in Ventura, operating for over 115 years. We are a not-for-profit corporation 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](http://www.ivylawn.org)

FD 2156



## **OVERVIEW**

### **1077 East Daily Drive, Camarillo**

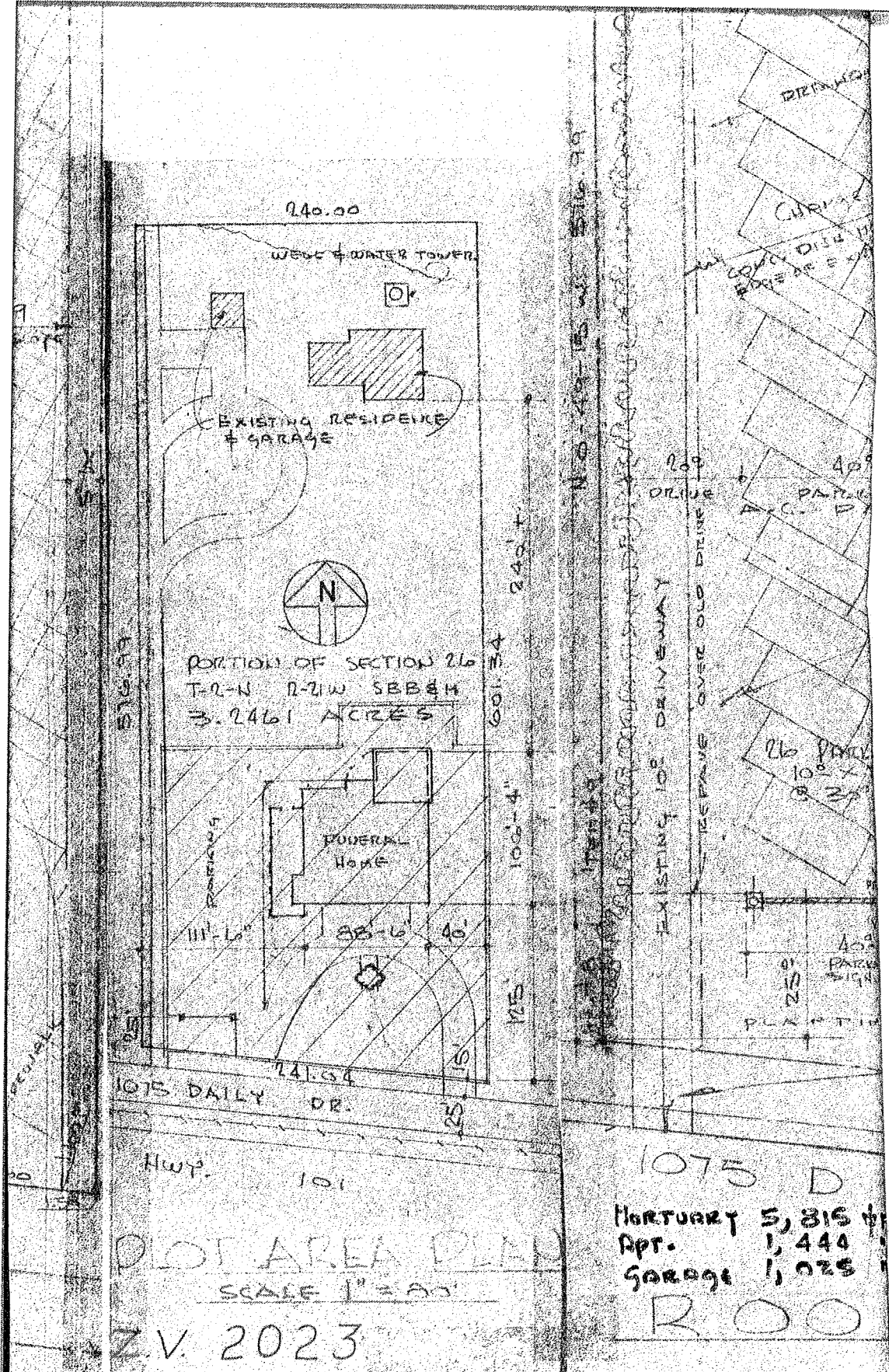
The property is one parcel (APN 165-0-010-750). The property is located on the north side of East Daily Drive, one lot west of the intersection of North Lantana and East Daily Drive, in an area of commercial uses, in the southwestern area of Camarillo.

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.



PLOT AREA PLAN  
SCALE 1" = 40'

Z.V. 2023

1075 D  
 Mortuary 5,815 sq ft  
 Apt. 1,444  
 Garage 1,025  
 R.O.O.

APPROVED: A. STOKES  
 CITY ENGINEER  
 CITY OF CAMARILLO  
 Active *A.D. Martin*

# 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.

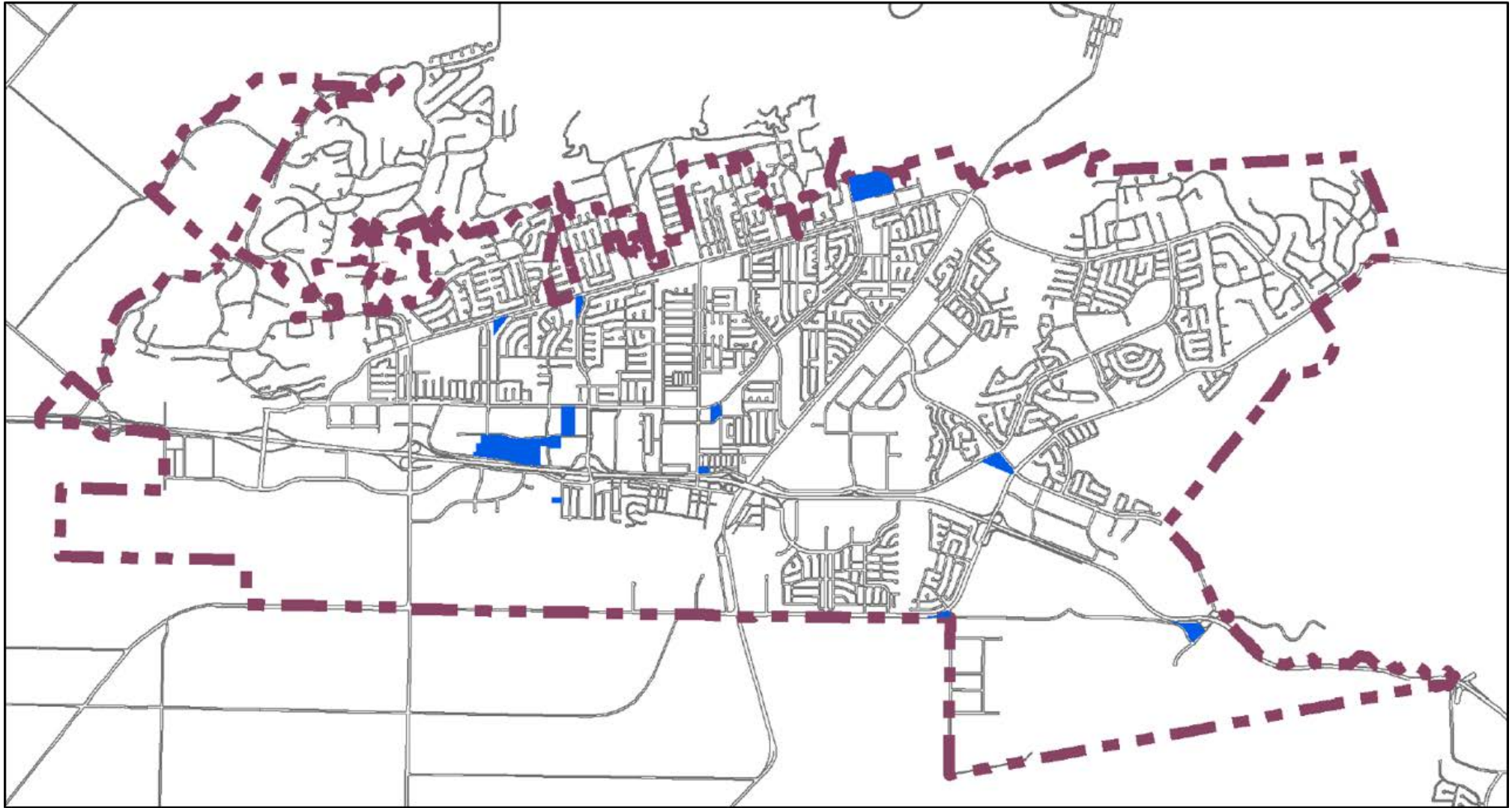
*Ca. Health and Saf. Code § 9702*

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.

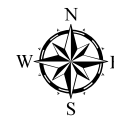
*Ca. Health and Saf. Code § 9703*

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



0 30 60 120 180 240  
Feet



AMENDED IN SENATE JULY 03, 2023  
AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 528**

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**Introduced by Assembly Member Irwin**

February 08, 2023

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An act to add Article 10 (commencing with Section 7750) to Chapter 12 of Division 3 of the Business and Professions Code, *and to add Section 8138 to the Health and Safety Code*, relating to regulation of cemeteries.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 528, as amended, Irwin. Regulation of cemeteries: pet burial.

Existing law establishes the Cemetery and Funeral Act and authorizes the Cemetery and Funeral Bureau, under the direction of the Department of Consumer Affairs, to establish necessary rules and regulations for the administration and enforcement of the act.

Existing law authorizes the local regulation of cemeteries, including the standards governing burial, inurnment, and entombment, and standards regarding cemetery maintenance and upkeep, as necessary to protect the health or safety of the public.

This bill would authorize a public or private cemetery to designate a separate, clearly marked section of the cemetery where deceased pets could be buried with their deceased owners. The bill would require, if the cemetery designated such a space, that the pet

and human remains be in separate remains containers, but authorizes them to be placed in the same plot, niche, crypt, or vault. *The bill would require, if the cemetery designated such a space, the cemetery authority to develop and adopt rules and regulations for human and pet coburials, as specified.*

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## Bill Text

# THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### SECTION 1.

Article 10 (commencing with Section 7750) is added to Chapter 12 of Division 3 of the Business and Professions Code, to read:

#### Article 10. Human and Pet Coburial

7750.

(a) A ~~public or~~ private cemetery may specify a separate section of the cemetery that is devoted to the burial, interment, entombment, or inurnment of pet remains, cremated pet remains, or hydrolyzed pet remains with the remains of the pet's owner.

(b) The section of the cemetery allowing the human and pet coburial shall be separate from the portions of the cemetery allowing exclusively human burials, interments, entombments, or inurnments and shall be clearly marked by the cemetery.

(c) The pet remains, cremated pet remains, or hydrolyzed pet remains shall be in a separate remains container from the human remains, but may be placed in the same cemetery plot, niche, crypt, or vault.

*(d) If a cemetery designates a section of the cemetery pursuant to subdivision (a), the cemetery authority shall develop and adopt rules and regulations for human and pet coburials. These regulations shall include all of the following:*

*(1) The types of dispositions that are allowed.*



- (2) The types of pets that are allowed.*
- (3) The number of pets allowed per decedent.*
- (4) Whether interments are allowed before, at the time of, or after death.*

## **SEC. 2.**

*Section 8138 is added to the Health and Safety Code, to read:*

*8138.*

- (a) A public cemetery may specify a separate section of the cemetery that is devoted to the burial, interment, entombment, or inurnment of pet remains, cremated pet remains, or hydrolyzed pet remains with the remains of the pet's owner.*
- (b) The section of the cemetery allowing the human and pet coburial shall be separate from the portions of the cemetery allowing exclusively human burials, interments, entombments, or inurnments and shall be clearly marked by the cemetery.*
- (c) The pet remains, cremated pet remains, or hydrolyzed pet remains shall be in a separate remains container from the human remains, but may be placed in the same cemetery plot, niche, crypt, or vault.*
- (d) If a cemetery designates a section of the cemetery pursuant to subdivision (a), the cemetery authority shall develop and adopt rules and regulations for human and pet coburials. These regulations shall include all of the following:*
  - (1) The types of dispositions that are allowed.*
  - (2) The types of pets that are allowed.*
  - (3) The number of pets allowed per decedent.*
  - (4) Whether interments are allowed before, at the time of, or after death.*