

ORDINANCE NO. 1140

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CAMARILLO, CALIFORNIA, ADDING
CHAPTER 19.56 TO THE CAMARILLO MUNICIPAL CODE,
AND OTHER RELATED AMENDMENTS, REGARDING
ACCESSORY DWELLING UNITS**

The City Council of the City of Camarillo ordains as follows:

SECTION 1. General Findings. The City Council finds as follows:

A. The purpose of this ordinance is to add Chapter 19.56 (Accessory Dwelling Units) to the Camarillo Municipal Code (CMC) to consolidate the City's existing standards and regulations for what were previously known as "second dwelling units" into one chapter and to make conforming changes to comply with recent amendments to California Government Code section 65852.2, which provides maximum standards for the development of accessory dwelling units and permits local regulations that are consistent with section 65852.2.

B. On March 14, 2017, the Planning Commission conducted a duly noticed public hearing to consider the proposed addition of Chapter 19.56 to the CMC and voted to recommend to the City Council that they adopt the proposed ordinance.

C. On April 12, 2017, the City Council conducted a duly noticed public hearing to consider the proposed addition of Chapter 19.56 to the CMC.

D. After reviewing the evidence presented, the City Council finds that the proposed ordinance is consistent with the City's General Plan. The proposed ordinance will continue to promote opportunities for affordable housing and alternative housing to accommodate the diverse needs of City residents, provide reasonable infill development opportunities consistent with existing neighborhood compatibility standards, and assist with meeting local housing needs.

E. This urgency ordinance is necessary to comply with state law requirements, avoid confusion in implementing the required accessory dwelling unit standards, and avoid potential preemption of existing City zoning laws with respect to accessory dwelling units. This urgency ordinance addresses this threat by adding Chapter 19.56 (Accessory Dwelling Units) to the CMC, which implements the new accessory dwelling unit standards immediately upon adoption.

SECTION 2. Environmental Findings. The City Council exercises its independent judgment and finds that the enactment of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under the State CEQA Guidelines (Chapter 3 of Title 14 of the California Code of Regulations beginning at Section 15000), specifically: Section 15060(c)(2), because the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment; Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; Section 15301,

which exempts minor alterations to existing facilities; Section 15303, which exempts new construction or conversions of small structures, in particular, second dwelling units; and Section 15282(h), which provides a statutory exemption from CEQA for ordinances adopted pursuant to Government Code section 65852.2. The proposed ordinance consists of updates to land use regulations for potential projects that, where applicable, will receive individualized CEQA review. Any future development that has the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA. As such, it can be seen with certainty that there is no possibility that the enactment of this ordinance may have a significant adverse effect on the environment. Moreover, the regulations in the ordinance address the construction or development of accessory dwelling units that are either additions to existing facilities or small structures, which are categorically and statutorily exempt from CEQA. Therefore, the adoption of this ordinance is exempt from CEQA.

SECTION 3. Addition of Chapter 19.56 to Title 19 of the Municipal Code.
Chapter 19.56 is added to Title 19 of the Camarillo Municipal Code, as set forth in the attached Exhibit A.

SECTION 4. Amendments to Title 19. The following Sections of Title 19 (Zoning) of the Camarillo Municipal Code are amended as follows:

A. CMC Section 19.04.706 defining a "secondary dwelling unit" is repealed.

B. CMC Section 19.12.145 is amended and restated as follows:

"19.12.145 – Accessory dwelling units.

Accessory dwelling units are permitted subject to the procedures and regulations in Chapter 19.56 (Accessory Dwelling Units)."

C. CMC Section 19.14.135 is amended and restated as follows:

"19.14.135 – Accessory dwelling units.

Accessory dwelling units are permitted subject to the procedures and regulations in Chapter 19.56 (Accessory Dwelling Units)."

D. CMC Section 19.16.175 is amended and restated as follows:

"19.16.175 – Accessory dwelling units.

Accessory dwelling units are permitted subject to the procedures and regulations in Chapter 19.56 (Accessory Dwelling Units)."

E. CMC Section 19.44.030.5 is amended and restated as follows:

Residential Use	Required Number of Spaces
"5. Accessory dwelling unit.	The required number of spaces is as set forth in Section 19.56.060."

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

SECTION 7. Effective Date. This ordinance, as an urgency measure under Government Code section 36937, takes effect immediately upon its adoption by a four-fifths vote of the City Council.

PASSED, APPROVED, AND ADOPTED April 12, 2017.

Janette R. McDonald
Mayor

Attested to on 4/19/17.
Jan Madland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Urgency Ordinance No. 1140 was adopted by the City Council at a regular meeting held April 12, 2017, by the following vote:

AYES: Councilmembers: Craven, Kildee, Morgan, Trembley, Mayor McDonald
NOES: Councilmembers: None
ABSENT: Councilmembers: None

Jan Madland
City Clerk



EXHIBIT A

Chapter 19.56 Accessory Dwelling Units

19.56.010 Definitions.

The following terms when used in this chapter will have the meanings provided in this section:

"Accessory dwelling unit" or "ADU" will have the meaning set forth in Government Code section 65852.2(i), which is: an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons, and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Health and Safety Code section 17958.1, and (b) a manufactured home, as defined in Health and Safety Code section 18007.

"Attached ADU" means an ADU that is attached to the existing single-family dwelling unit.

"Detached ADU" means an ADU that is detached from the existing single-family dwelling unit.

"Integrated ADU" means an ADU that is located within the living area of the existing single-family dwelling unit.

"Public transit" means the Camarillo Metrolink station, or a fixed bus route with regular service covering a significant portion of the city that is not a subscription service.

19.56.020 Owner-occupancy requirement.

- A. The applicant for an ADU must be an owner-occupant.
- B. Upon approval of an ADU application, a declaration that provides that either the main dwelling unit or the ADU will be occupied by the property owner must be recorded before occupancy and will be binding on all future owners of the parcel.
- C. Beginning one year after the approval date of the ADU, and annually thereafter, the owner must file an annual report listing the occupants of the main dwelling unit and ADU in order to ensure compliance with this condition.

19.56.030 Permitted zones and lots.

- A. ADUs are permitted only on legal lots with an existing single-family residence or in conjunction with a proposed single-family residence in the R-E Rural Exclusive Zone, R-1 Single Family Zone, and RPD Residential Planned Development Zone.
- B. An ADU may only be constructed on a legal lot that conforms to the lot area, width and depth requirements of the underlying zone.

- C. Only one ADU is permitted on a lot.

19.56.040 Review process.

- A. For an attached or detached ADU, a plan review application must be filed and approved in accordance with the applicable provisions of the underlying zone. The ADU must be designed to be compatible with the main dwelling unit, including, as applicable, the use of the same exterior materials, roof covering, colors, and other architectural features as the main dwelling unit.
- B. For an integrated ADU, a zone clearance application must be filed and approved by the department in accordance with the applicable provisions of the underlying zone.

19.56.050 Setback requirements.

The minimum front, side and rear setbacks of the underlying zone apply to an ADU, except that no setback will be required for an existing garage that is converted to an ADU, and a setback of no more than five feet from the side and rear lot lines will be required for an attached ADU that is constructed above a garage.

19.56.060 Off-street parking.

- A. Number. The parking requirements for an ADU is one open or enclosed parking space per bedroom. No additional parking, or reconfiguration of existing parking on the lot, is required for an integrated ADU.
- B. Location. Required parking spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
- C. Exemption. No parking is required for an ADU in any of the following instances:
 - 1. The ADU is located within one-half mile of public transit.
 - 2. The ADU is located within an architecturally and historically significant historic district.
 - 3. The ADU is an integrated ADU.
 - 4. When there is a car share vehicle located within one block of the ADU.

19.56.070 Unit size.

A. On lots less than one acre in size, the following size limits apply:

1. An ADU may not have more than one bedroom.
2. An ADU may not exceed 700 square feet in area in the R-E Rural Exclusive Zone, and 640 square feet in area in the R-1 Single Family Zone and RPD Residential Planned Development Zone.

B. On lots of one or more acres in size, the following size limits apply:

1. An ADU may not have more than two bedrooms.
2. An ADU may not exceed 30 percent of the size of the existing living area of the main dwelling unit or 1200 square feet, whichever is less.

19.56.080 Building height.

The height of a detached ADU may not exceed 15 feet. The height of an attached ADU may not exceed the maximum height permitted in the zone.

19.56.090 Code compliance.

The ADU must comply with all applicable building, health and fire codes, except that an ADU is not required to provide fire sprinklers if sprinklers are not required for the main dwelling unit.

19.56.100 Driveway access.

The ADU must be served by the same driveway access to the street as the existing main dwelling unit.

19.56.110 Common entrance.

An attached ADU may be served either by a common entrance with the main dwelling unit or a separate entrance to the ADU, which must be located on the side or at the rear of the main dwelling unit. No ADU will be required to provide a new passageway from the ADU to the street.