



City Attorney's Office
STAFF REPORT

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TO: Andrew P. Powers, City Manager

FROM: Kelvin Parker, Community Development Director

DATE: January 25, 2022

SUBJECT: Interim Urgency Ordinance Regarding Self-Storage Facilities

RECOMMENDATION:

1. Consider adoption of an interim urgency ordinance (“Moratorium Ordinance”) declaring a moratorium on City approval or issuance of any permit, license, or entitlement relating to applications for the development and construction of self-storage facilities.
2. Find that this Moratorium Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 Section 15061 (c) as the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

FINANCIAL IMPACT:

No Additional Funding Requested. Financial impact is limited to the indirect cost of staff time to prepare and process the ordinance and fulfill other City Council direction set forth in the recommendation, which is included in the Adopted FY 2021-22 General Fund Budget.

BACKGROUND:

The City has 15 traditional self-storage facilities in the community, and at least 2 specialty storage facilities for vehicles and other large-scale items (Attachment #1). This represents the second largest number of facilities of any city in Ventura County and is one of the largest number of facilities per capita in the County.

Since 2020, a new self-storage building was approved on the property 224 South Skyline Drive and the conversion of an existing industrial building was approved at

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2451 Townsgate Road (formerly Jafra Cosmetics). Over the past year, the City has received numerous inquiries to develop self-storage, including 2 preapplication requests, one of which is currently under review.

Self-storage facilities may be permitted in the Highway and Arterial Business (C-2), Industrial Park (M-1), and Light Manufacturing (M-2) zones. Procedurally, a Planning Commission-level Special Use Permit (SUP) is necessary for facilities in the C-2 zone and for sites within 400 feet of a residential zone in the M-1 and M-2 zones. An administrative-level Development Permit is required in the M-1 and M-2 zones for locations that are beyond 400 feet from residential zones and are not seeking certain development standard waivers.

The SUP process provides a reviewing body more discretion than Development Permits since this type of permit involves evaluation of proposed uses that are not considered "by right" in a specific zoning category. SUPs evaluate operations that may or may not be appropriate for certain areas.

Currently, entitlement findings to approve a Development Permit and SUP include the following:

- (1) The project is consistent with the Thousand Oaks General Plan;
- (2) The project complies with all applicable laws, regulations and policies, including the Thousand Oaks Municipal Code (TOMC);
- (3) The project will not be detrimental to the public health, safety, or general welfare; and
- (4) The project has been reviewed in conformance with the provisions of the California Environmental Quality Act (CEQA).

A unique fifth finding must be made to approve a SUP:

- (5) The proposed use at the proposed location will be compatible with land uses in the vicinity.

This additional finding does not apply to most of the Industrial-zoned areas since many of the properties in this zone are situated more than 400 feet from residential zones, therefore only triggering the Development Permit process. That being the case, evaluation of compatibility is rarely a required consideration in review of a self-storage facility project.

Economic Development Strategic Plan

On September 12, 2017, City Council approved an Economic Development Strategic Plan (Plan). The Plan is a long-term vision that focuses on the economic

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growth of the City over the next 10 years. Central to the Plan are strategic recommendations designed to help the City maintain its financial health, achieve future economic growth and social vitality, maintain a high quality of life, and create environmentally sustainable neighborhoods.

Staff is concerned that allowance of new self-storage facilities, without establishing specific development criteria and processes, is not consistent with the Plan, which recommends:

1. Creating an Innovation Campus/Research Park which can be coupled with workforce housing and supporting commercial services, such as retail, restaurant, and hotel/conference center;
2. Investment in creation of new technology business opportunities; and
3. Identifying primary locations for accommodating future growth including less traditional residential and commercial concepts that help create new job growth and allowing new technology companies to provide employment for all generations.

Staff believes it is crucial to evaluate the potential city-wide economic impacts of allowing a proliferation of self-storage facilities without understanding the short- and long-term impacts of utilizing land areas for operations that do not create substantial employment opportunities.

General Plan Goals and Policies

Commercial/Industrial Goals and Policies of the Thousand Oaks General Plan, include:

1. Develop employment centers which provide industrial and commercial employment, consistent with community needs, shall be encouraged;
2. The City shall continue to encourage light industries that are highly specialized, scientific or research-oriented; and
3. Small industrial areas in the Thousand Oaks Boulevard Corridor/Central City Area should be retained for light manufacturing and related uses.

There are currently 15 self-storage facility sites within the City. Examination of self-storage facilities as an allowed use relative to the goals and policies stated above would occur during the moratorium period. This study will be used to determine how the current processes and standards in the TOMC align with these policies.

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During the moratorium, staff will evaluate all applicable elements of the General Plan to ensure appropriate implementation tools are established in the TOMC. Unique and specific development standards will be evaluated, including but not limited to parking, lot size, building size, and building coverage.

City Council Authority

Government Code section 65858 authorizes City Council to adopt a moratorium, as an interim urgency ordinance (Attachment #2), on any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that City Council is considering or studying or intends to study within a reasonable time.

Section 65858 requires a four-fifths (4/5) supermajority vote by City Council on a motion to adopt such an interim ordinance on an urgency basis, but the moratorium does not have to follow the standard procedures for adopting land use regulations.

If the moratorium ordinance is adopted, the moratorium will last 45 days, unless extended by City Council following a regularly noticed public hearing. During that time period, no application or associated entitlement could be approved to allow new self-storage operations in the City. Within the 45-day period, staff would likely bring back, at a public hearing, an ordinance to extend the moratorium for an additional 10½ months. This extension is necessary since it is not possible to process a municipal code amendment initiated by City Council within the 45-day period. The City may also extend the moratorium one more year if merited, for a total period of two years.

DISCUSSION/ANALYSIS:

Due to staff concerns with the lack of specific self-storage development standards and compatibility of these uses relative to the existing General Plan and the Goals and Policies adopted by City Council, staff is recommending adoption of an interim urgency ordinance. The purpose of the ordinance is: 1) to provide the City time to evaluate the relevance of existing Municipal Code provisions as they pertain to self-storage facilities; and 2) to consider establishing new or modified development standards to further the implementation of the General Plan and the Goals and Policies of City Council.

If the moratorium ordinance is adopted, the City would be precluded from issuing entitlements, permits, or licenses to establish a self-storage facility. If the urgency ordinance is adopted and a moratorium established, City staff will analyze existing development standards, including objective design criteria, parking requirements, building lot coverage, maximum building size and height, appropriate zoning for

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these facilities, procedural standards to evaluate self-storage, and appropriate findings necessary to allow new locations.

A moratorium does not invalidate any existing code standard, approved entitlement, or other approved permit type, such as a building permit. As previously mentioned, there are 15 approved self-storage facilities. These locations can continue to operate in accordance with the existing entitlement conditions. Even if new procedures and development standards are established as a result of any future City Council action, existing facilities will not be required to conform to the new requirements unless substantial modification to the operation or development occurs.

City Council should be aware that adoption of the moratorium will directly affect the processing of 2 pre-applications. This will delay the owner's filing of formal applications to pursue these developments.

The findings supporting the moratorium are set forth in more detail in the ordinance, but some of the reasons to adopt the moratorium and study potential new policies and development standards for self-storage facilities are summarized as follows:

1. There exists a current and immediate threat to the public health, safety, and welfare requiring this interim urgency ordinance;
2. This ordinance is necessary for the immediate preservation of the public peace, health, and safety; and
3. Permitting additional self-storage facilities in Thousand Oaks without evaluating the near-term and long-term impacts of utilizing valuable commercial and industrial land and without establishing specific development standards, findings, and processes would be detrimental to the City and would be inconsistent with the goals and policies of the General Plan and City Council.

Based on the above findings, increasing number of requests for these uses and desire of this industry to utilize valuable industrial land and buildings is a significant threat to the City's public health, safety, and welfare, and pursuant to the findings listed above, it is recommended City Council adopt the moratorium ordinance.

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COUNCIL GOAL COMPLIANCE:

Meets City Council Goals B, C, and F:

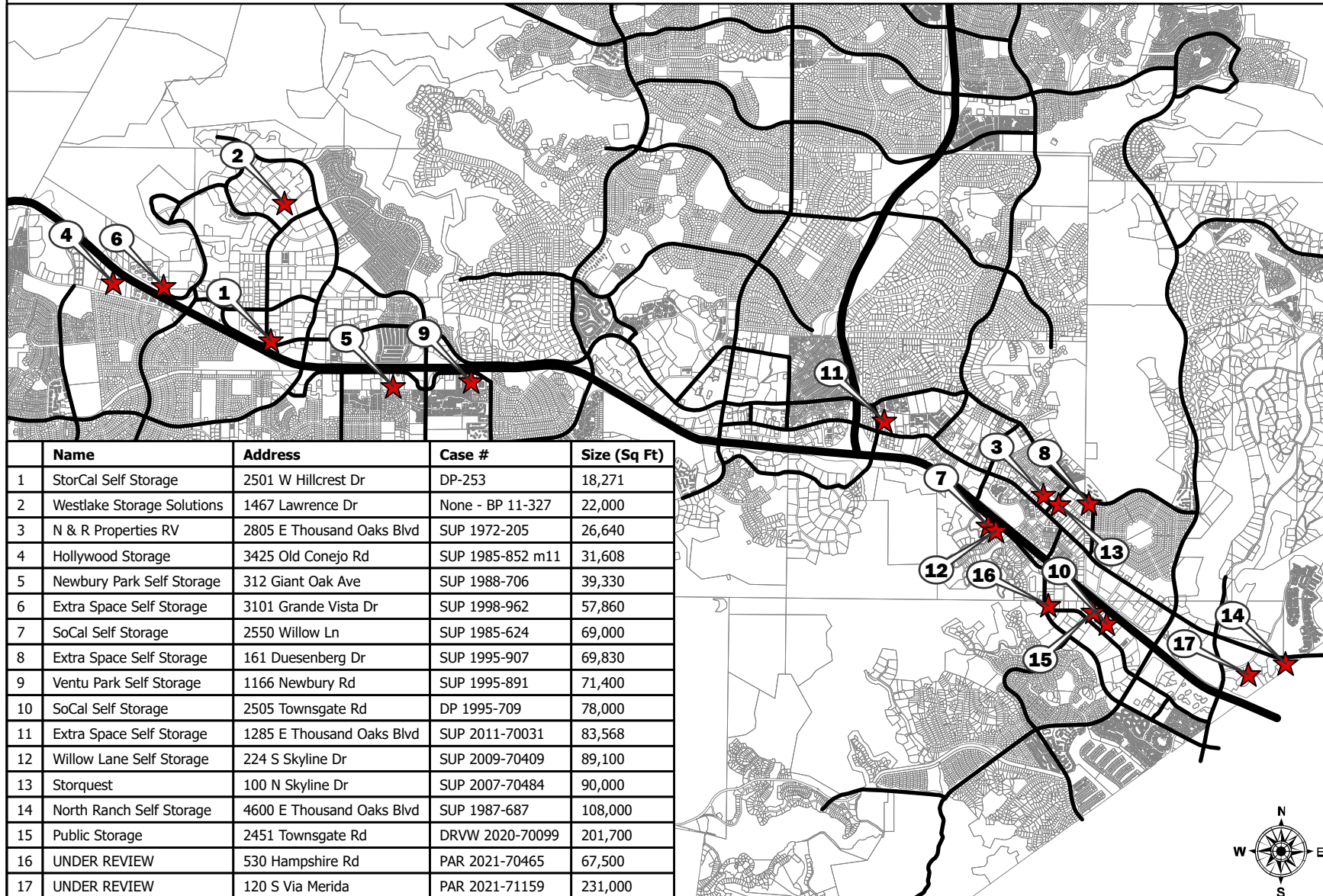
- B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.
- C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.
- F. Provide and enhance essential infrastructure to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.

PREPARED BY: Stephen Kearns, Planning Division Manager

Attachments:

- Attachment #1 – Location of Storage Facilities in Thousand Oaks
- Attachment #2 – Interim Urgency Ordinance Declaring Moratorium

Location of Storage Facilities in Thousand Oaks



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ATTACHMENT #2

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS DECLARING A MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY PERMIT, LICENSE, OR ENTITLEMENT RELATING TO APPLICATIONS FOR THE DEVELOPMENT AND CONSTRUCTION OF SELF-STORAGE FACILITIES

RECITALS

WHEREAS, the Thousand Oaks General Plan and Municipal Code set forth numerous goals and policies of establishing consistent and reasonable land uses in an effort to protect and promote the public health, safety, and welfare of its citizens in both commercial and residential neighborhoods; and

WHEREAS, Thousand Oaks is experiencing an increase in the number of inquiries and applications to develop and construct self-storage facilities within the City's jurisdiction and City staff have concerns that this increase could no longer be consistent with the City's General Plan, land use policies and other land use goals; and

WHEREAS, Thousand Oaks currently has fifteen (15) self-storage facilities permitted in the City, more than most cities within Ventura County; and

WHEREAS, the City has entitlement processes to permit self-storage facilities in the Highway and Arterial Business (C-2), Industrial Park (M-1) and Light Manufacturing (M-2) zones; and

WHEREAS, these zones can also accommodate other business operations in several other categories such as Biotechnology, Research and Development, Medical, Dental, other Professional Offices, Restaurants, Manufacturing, Health Clubs/Personal Care Services, amongst many other; and

WHEREAS, self-storage facilities generally consist of large structures with a limited number of employees operating a facility. As such, the use underutilizes the sites and continued proliferation of such self-storage businesses within the City may conflict with existing City policies as set forth in the general plan and zoning code which could also negatively impact the City's efforts to attract and find locations for other business uses that can be permitted in these zones, including Biotechnology, Research and Development, Medical, Dental, other Professional Offices, Restaurants, Manufacturing, Health Clubs/Personal Care Services; and

WHEREAS, the City expends extensive staff time and public resources in enforcing its ordinances, regulations, and policies related to land use applications and the City is currently processing a General Plan update and several related elements; and

WHEREAS, a moratorium which halts development and construction of self-storage facilities until additional analysis can be done on such use's impact on the City's land use plans and policies is not an activity that would affect the environment and, therefore, is an activity covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and,

WHEREAS, an initial period of 45 days will permit City staff to undertake an initial investigation of these matters and recommend a course of action to the City Council, while avoiding the potential adverse impacts of self-storage facilities and related activities that may arise as the City develops permanent regulations; and

WHEREAS, the City Council intends to study, within a reasonable time, land use regulations related to the review procedures, findings for approving these facilities, construction and developmental impacts of self-storage facilities including necessary parking space requirements, lot coverage, and zoning, as well as other development standards; and

WHEREAS, the City Council therefore intends to adopt a temporary moratorium on processing applications for all development and construction of self-storage facilities within the City's jurisdiction while the City Council studies potential regulations; and

WHEREAS, Government Code section 65858 authorizes the City to adopt interim urgency ordinances that immediately protect and preserve the public safety, health, and welfare by prohibiting any uses that may be in conflict with existing or contemplated general plan, specific plan or zoning proposals that the legislative body, planning commission or planning department is considering or that will be studied and considered within a reasonable time.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thousand Oaks does ordain as follows:

Section 1. The City Council finds that there is a current and immediate threat to the public health, safety or welfare requiring this interim ordinance because the City is experiencing an increase in the number of inquiries and applications to develop and construct self-storage facilities within the City's jurisdiction and Council has concerns that this increase could no longer be consistent with the City's General Plan, land use policies and other land use goals; based on these legitimate concerns, Council adopts this interim ordinance as an

urgency measure to cease processing any application to develop and construct a self-storage facility within the City's jurisdiction.

Section 2. For a period of at least 45 days, no permit, license, approval or entitlement will be issued relating to applications for the development and construction of self-storage facilities.

Section 3. Due to the high number of self-storage facilities already constructed within the City's jurisdiction as compared to other cities within Ventura County and, in order to allow the City Council, City Staff, and the public sufficient time to review and consider zoning and development standards for such use, it is necessary that this moratorium be adopted to protect the status quo and to provide immediate safeguards to protect the health safety, and welfare of residents and consumers.

Section 4. This ordinance is adopted pursuant to the provisions of Section 65858 of the California Government Code, shall be adopted by a four-fifths vote of the City Council, shall take effect immediately upon its adoption, and shall remain in effect for 45 days, unless extended as provided by Section 65858.

Section 5. The City Council finds that this moratorium is a matter of local and City-wide importance and is not directed towards any particular person or entity that seeks to operate self-storage facilities.

Section 6. City Staff are directed to study and analyze issues related to the self-storage locations, uses, and land use impacts, including but not limited to, the potential modifications to development standards, potential impacts of self-storage facility uses on the public health, safety, and welfare of the community, possible new zoning regulations and other land use analysis reasonably related to such uses.

Section 7. Staff is further directed to provide a written report to City Council as required by Section 65858 of the California Government Code prior to the expiration of this ordinance, describing actions taken or to be taken for the study of the land use conditions related to self-storage facilities along with any recommendation of a course of action.

Section 8. The City Clerk shall certify to the passage and adoption of this ordinance and its approval by the Mayor and shall cause a summary to be published in the Ventura County Star, a newspaper of general circulation, published, and circulated in the City of Thousand Oaks.

Section 9. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 Section 15061 (c) as the activity is covered by the common sense exemption that

CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A moratorium which halts development and construction of self-storage facilities until additional analysis can be done on such use's impact on the City's land use plans and policies is not an activity that would affect the environment.

Section 10. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 11. This Ordinance is an urgency ordinance adopted pursuant to the provisions of Government Code section 65858 and shall be adopted by four-fifths vote of the City Council. The facts supporting the determination of urgency are as set forth in Section 1 of this Ordinance. This Ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 25th day of January, 2022, by the following vote:

Ayes:
Noes:
Absent:

Bob Engler, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Cynthia M. Rodriguez, City Clerk

Date Attested: _____

APPROVED AS TO FORM:

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.