

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS EXTENDING ORDINANCE NO. 1696-NS, WHICH DECLARED A TEMPORARY MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY PERMIT, LICENSE, OR ENTITLEMENT RELATING TO APPLICATIONS FOR SELF-STORAGE FACILITIES

RECITALS

WHEREAS, on January 25, 2022, the City Council of the City of Thousand Oaks adopted Urgency Ordinance No.1696-NS, which declared a moratorium on the approval or issuance of any permit, license, or entitlement relating to applications for the construction of new self-storage facilities; and

WHEREAS, Ordinance No. 1696-NS contained a statement of facts and findings that the City currently had fifteen self-storage facilities and was experiencing an increase in the number of inquiries and applications for self-storage facilities and that City had valid concerns that an increase in such facilities may be inconsistent with the City's General Plan, land use policies, and other land use goals and, therefore, City needed to cease accepting and processing any more applications to have additional time to study and evaluate impacts for appropriate land use regulations; and

WHEREAS, pursuant to California Government Code Section 65858, Ordinance No. 1696-NS expires 45 days from January 25, 2022; and

WHEREAS, since the adoption of Ordinance No. 1696-NS, staff have started to outline the steps necessary for thoroughly analyzing the issues related to self-storage facilities and have presented a request to initiate an amendment to the City's General Plan and land use categories for said use; and

WHEREAS, since the adoption of Ordinance No. 1696-NS, City staff have engaged CSG Consultants, Inc. to assist in conducting additional research and possible City regulations that would be presented to City Council for future consideration; and

WHEREAS, additional research and analysis is merited before bringing the issue back to City Council for review and deliberation; and

WHEREAS, the City Council, upon giving the required notice, on the 22nd day of February, conducted a duly-advertised public hearing as prescribed by law to consider extending for 10 months and 15 days Urgency Ordinance No. 1696-NS, which declared a moratorium on the approval or issuance of any permit,

license, or entitlement relating to applications for the construction of self-storage facilities; and

WHEREAS, at the February 22, 2022, public hearing, oral and written evidence, including a staff report, recommendations and testimony from the public were presented and received, and arguments were heard from all interested parties appearing on the matter; and

WHEREAS, a moratorium which halts development and construction of self-storage facilities until additional analysis can be done on the impacts of such use 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, forty-five days from the date of adoption of Ordinance No. 1696-NS is not sufficient time to adequately complete a study of underlying issues that additional self-storage facilities would have on the public safety, health, and welfare of the residents of the City of Thousand Oaks, nor to prepare appropriate regulations for adoption; and

WHEREAS, the provisions of California Government Code Section 65858 allow an interim moratorium ordinance to be extended an additional ten months and fifteen days, providing proper notice is given, a public hearing is held, and the ordinance extending the interim moratorium ordinance is adopted by a four-fifths vote of the City Council.

THEREFORE, BASED ON THE FOREGOING RECITALS, THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS DOES ORDAIN AS FOLLOWS:

Section 1. The City Council does hereby find and determine that based upon the facts set forth in the recitals to this Ordinance, the staff report made to the City Council, and the evidence, discussion and findings made by City Council in adopting Ordinance No. 1696-NS and in issuing a report and receiving testimony on February 22, 2022, which such facts and findings are incorporated herein by reference thereto, there is a current and immediate threat to the public health, safety, and welfare, because the City has a high number of self-storage facilities already constructed and in use within its jurisdiction and the potential increase in such facilities 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.

Section 2. The recitals, text, moratorium, and findings made in Ordinance No. 1696-NS are reaffirmed, readopted, and incorporated into this ordinance by reference. In accordance with Government Code Section 65858 and

pursuant to the findings set forth above, the City Council hereby: (1) finds that there continues to exist a current and immediate threat to the public health, safety, and welfare requiring this moratorium; (2) finds that this moratorium is necessary for the immediate preservation of the public peace, health, and safety; and (3) declares and extends the interim urgency ordinance and moratorium for an additional 10 months and fifteen days from March 11, 2022.

Section 3. 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.

Section 4. City Staff are directed to continue 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 use 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 5. 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 6. The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 Section 15061 (b)(3) 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 is not an activity that would affect the environment.

Section 7. The City Clerk shall certify to the passage and adoption of this ordinance and its approval by the Mayor and shall cause a summary of the same to be published in the Ventura County Star, a newspaper of general circulation, published, and circulated in the City of Thousand Oaks.

Section 8. **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 anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED THIS 22nd day of February, 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:
Office of the City Attorney

Patrick J. Hehir, Chief Assistant 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.