

TO: Andrew P. Powers, City Manager

FROM: Kelvin Parker, Community Development Director

DATE: February 22, 2022

SUBJECT: Extension of Urgency Ordinance and Initiation of Municipal Code Amendment Regarding Self-Storage Facilities

RECOMMENDATION:

1. Adopt urgency ordinance extending for 10 months, 15 days (total of 1 year) the urgency ordinance adopted on January 25, 2022, that declared 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. (Requires four-fifths vote.)
2. Find this report to be the written description of measures taken to alleviate the condition which led to the adoption of the ordinance, as required by California Government Code Section 65858(d).
3. Adopt resolution to Initiate Municipal Code Amendment (MCA) to consider new and/or revised development standards, processes, and findings for new or modified self-storage facilities.
4. Find that this interim urgency ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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:

On January 25, 2022, City Council adopted an interim urgency ordinance to impose 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. The urgency ordinance was adopted pursuant to Government Code Section 65858. Unless extended, the moratorium will end on March 11, 2022.

The moratorium was adopted to maintain the status quo while the City evaluates the appropriateness of existing standards and processes related to self-storage facilities. Some analysis has been performed; however, to provide staff adequate time to perform a comprehensive analysis, an extension of the moratorium is necessary.

Government Code Section 65858 provides authority for extending this moratorium. Section 65858(a), in pertinent part, reads as follows: "Without following the procedures otherwise required prior to adoption of a zoning ordinance the legislative body of a... City, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time. The urgency measure shall require a four-fifths vote of the legislative body for adoption. ...After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted."

As part of the decision to adopt an urgency ordinance, City Council expressed concerns related to existing self-storage facility applications and impacts on these requests as a result of the moratorium, specifically on process delays. In turn, City Council encouraged staff to limit the moratorium to a maximum of one extension, for a total of one year. In an effort to adhere to this one-year timeframe, staff is recommending initiation of a Municipal Code Amendment in conjunction with adoption of the extension.

DISCUSSION/ANALYSIS:

Extension of Moratorium

The extension of the moratorium is necessary, since the reasons for adopting the moratorium still exist. Accordingly, this public hearing has been scheduled to consider adoption of the attached Ordinance (Attachment #1), extending the moratorium through January 25, 2023, the end of the one-year period from its original adoption. There is continued concern that the current development standards and processing procedures for consideration of requests for new self-storage facilities or modifications to existing operations do not provide appropriate discretion or explicit development standards to properly regulate these unique uses.

If the extension of the interim urgency ordinance is adopted, the moratorium will last an additional 10 months and 15 days, expiring on January 25, 2023, unless an additional extension is adopted, if necessary. During that time, the status quo will be maintained while staff evaluates contemplated changes to development and processing standards to consider self-storage requests. No application for new or modified self-storage facilities would be considered during the moratorium period.

During the extended time, staff will continue to study and analyze issues related to self-storage facilities and consider potential modifications to development standards and procedures for this use.

According to Section 65858 of the California Government Code, the legislative body must issue a report explaining the steps taken to alleviate the conditions that led to adoption of the urgency ordinance. The report is provided below.

Report on Measures Taken During the Moratorium

As directed by City Council at its meeting of January 25, 2022, and as further described below, staff has taken steps during the interim period to evaluate the subject matter and proposed Municipal Code amendment. During this time, staff evaluated existing Thousand Oaks Municipal Code (TOMC) provisions for development within the three zoning categories that could accommodate self-storage: 1) Highway and Arterial Business (C-2); 2) Industrial Park (M-1), and Light Manufacturing (M-2) zones.

Staff has also engaged with CSG Consultants to assist in conducting research, including compiling a list of regulations related to self-storage facilities in other

jurisdictions. This research could be used to assist the City in crafting regulations for future consideration by the Planning Commission and City Council.

Municipal Code Amendment

Authority for Initiation

Per TOMC Section 9-4.2902, a proposed amendment to the Zoning Regulations (Title 9, Chapter 4) may be initiated by City Council by adoption of a resolution (Attachment #2) requesting that the Planning Commission set the matter for hearing, report, and recommendation back to City Council. City Council would then take final action on the proposed amendment. Initiation of Municipal Code amendments does not constitute approval nor obligate City Council to adopt the proposed amendments. This action would only allow staff to study the issues and bring back draft amendments for consideration.

Purpose of Municipal Code Amendment Initiation

Should City Council extend the interim urgency ordinance, maintaining the moratorium, staff will evaluate the existing TOMC regulations, as well as standards applied by other jurisdictions, for self-storage facilities. City Council expressed concerns regarding the moratorium extending beyond a one-year period. Therefore, to expedite the process, staff is recommending that City Council initiate a Municipal Code Amendment at this time. Recommended changes to the Code will be brought back at a future date for consideration by City Council.

Exemption from the California Environmental Quality Act (CEQA)

The proposed interim urgency ordinance for a moratorium on self-storage applications, which halts development and construction of self-storage facilities, is not an activity that would affect the environment. CEQA Guideline 15061 (b) (3) provides a “common sense” exemption from further environmental analysis for matters where there is no possibility that the project would have the potential for causing a significant effect on the environment. The extension of the interim urgency ordinance to protect the status quo and provide the City time to study and recommend modifications to the TOMC is an action that falls under such an exemption.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goal(s):

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 – Interim Urgency Ordinance Declaring Extension of a Moratorium

Attachment #2 – Resolution Initiating Municipal Code Amendment

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