



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: JUNE 10, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: MATTHEW SUMMERS, CITY ATTORNEY
KINDON MEIK, CITY MANAGER**

SUBJECT: CONSIDERATION OF A PROPOSED ORDINANCE OF THE CITY OF CALABASAS TO PROTECT OPEN SPACE IN THE CITY BY REQUIRING TWO-THIRDS VOTER APPROVAL OF DEVELOPMENT ON LANDS DESIGNATED OPEN SPACE – RESOURCE PROTECTION (OS-RP) BY THE LAND USE MAP OF THE CALABASAS GENERAL PLAN, WITH CERTAIN EXCEPTIONS.

MEETING

DATE: JUNE 19, 2024

EXECUTIVE SUMMARY:

The City’s existing voter-approved open space protection measure, Calabasas Municipal Code section 17.16.030, prohibits a General Plan amendment of any lands designated Open Space-Recreational (OS), Open Space-Resource Protection (OS-RP), or Public Facilities-Recreational (PF-R) in the Calabasas General Plan for non-open space uses without two-thirds voter approval, subject to limited exceptions.

The proposed ordinance strengthens the City’s current open space protections by definitively prohibiting development within any lands designated OS-RP, subject to limited exceptions.

The proposed ordinance would also prohibit any amendment to the Calabasas General Plan changing any land designated OS-RP by the Land Use Map of the Calabasas General Plan as of its effective date, to any other open space land use designation, subject to limited exceptions.

The Open Space Taskforce (Taskforce) recommends that the proposed ordinance eventually be submitted to the voters for approval. Presently, however, the Taskforce's recommendation is for the City Council to adopt the proposed ordinance after additional feedback from the public, affected residents and property owners, and the Planning Commission to allow the City Council an opportunity to refine the City's open space regulations before submitting to the voters.

Additionally, this proposed ordinance requires a concurrent remapping of certain already developed parcels designated OS-RP to other appropriate land use designations and zones. Therefore, prior to the adoption of the proposed ordinance, the Taskforce recommends the City Council take these actions:

- Direct the Taskforce and staff to hold a public workshop and informational meetings with affected residents and property owners to refine the list of parcels needing to be remapped/rezoned; and
- Consider revising the language of the proposed ordinance, based on public and owner/resident feedback, if any; and
- Present the proposed ordinance (with any revisions) and the revised land use designation and zoning maps to the Planning Commission for consideration at a public hearing; and
- Present a final draft of the ordinance and the revised land use designation and zoning maps, inclusive of the aforementioned feedback, to the City Council for consideration in a public hearing.

If the City Council adopts the open space protections ordinance and revised land use designation and zoning maps, then the City Council may later submit said ordinance to the City's voters in the next special or general election to strengthen the protections. As an alternative, the City Council could, at the June 26, 2024 meeting, submit the proposed ordinance to the voters at the November 5, 2024 election.

DISCUSSION/ANALYSIS:

Background

Calabasas voters and the City Council have long protected open space, including by adopting Measure D in 2005 to require two-thirds voter approval before any land designated open space in OS-RP, OS-R, or PF-R in the General Plan, can be redesignated to a non-open space land use. In 2015, the Council asked, and the City's voters approved, Measure O to remove the sunset date of Measure D, making permanent the requirement to protect and preserve the existing areas of open space designated OS-RP, OS-R, or PF-R in the General Plan unless their redesignation for non-open land uses is approved by two-thirds of the City's voters.

In an effort to enhance the City's open space protections, the City Council directed the Taskforce to evaluate opportunities to strengthen the preservation of open space areas and promote the protection of native habitat conditions.

Open Space Taskforce – Preparation of Proposed Open Space Ordinance

The Taskforce met with City staff, the City Attorney, and Sunny Soltani and Pam Lee of Aleshire & Wynder as outside counsel, and wrote the attached draft ordinance to strengthen the City's open space protections.

The proposed ordinance directly prohibits development on land designated Open Space-Resource Protection (OS-RP) in the City's General Plan. "Development" under the proposed ordinance includes, among others, grading or construction activity, soil disturbance, changes in density or intensity of land use, and alterations in terrain or vegetation. If any development on such land is proposed, it must first obtain two-thirds voter approval.

Understanding that there will be instances related to public health, safety, or welfare necessitating action prior to obtaining a two-thirds voter approval, the proposed ordinance allows for the following narrow set of exceptions:

- Development necessary to respond to a declared emergency or imminent threat to public health, safety, or welfare;
- Development in support of open space uses (such as fencing, trails, restrooms, etc.), development for public purpose uses for land owned by a public agency or a public utility, the repair/maintenance of existing utility

facilities, or nuisance abatement activities, provided that such action is first approved by a two-thirds majority of the City Council;

- Vegetation removal for fire prevention/fuel modification, as ordered by the Los Angeles County Fire Department or other public agencies; and
- Development necessary to avoid a taking, existing vested rights, and certain development.

Moreover, the proposed ordinance also prohibits changing land designated OS-RP in the City's General Plan to another land use designation without first obtaining two-thirds voter approval.

In addition to this proposed ordinance, the General Plan land use designation map will need to be amended to change the General Plan land use designation and zoning of some parcels, for the new ordinance to achieve the intended effect – preserving natural, undisturbed, undeveloped hillsides and open spaces, but not preventing changes to existing homes and developed recreational and public facilities.

There are certain parcels in the OS-RP land use designation with existing single-family homes that would be changed to residential land use designations and zoning. Other parcels in the OS-RP land use designation are existing public and private recreational and utility facilities that would be changed to recreational or public facility land use designations and zoning. The Community Development Department is preparing the list of specific affected parcels and proposed new land use designations and zoning districts for public review and comment.

Taskforce Recommended Next Steps – Public Workshop and Informational Meetings, Hearings, and Ordinance Adoption, then Voter Approval to Follow

The Taskforce recommends the City Council direct the Taskforce and staff to move this forward by next holding a public education workshop and meetings with owners of affected parcels. The workshop and meetings would explain the purpose and effect of the proposed ordinance and the specific parcels proposed to be remapped, and provide a forum for community members and residents to ask questions and understand how the proposed ordinance will help the City better protect open space while not adversely affecting current residents.

Once the public workshop and informational meetings are completed, and taking into consideration the feedback from community stakeholders, staff will further refine the proposed revised General Plan land use designations and zoning designations of affected parcels and the proposed ordinance. From there, the City will hold public hearings at the Planning Commission and City Council regarding the proposed new open space protection ordinance and revised General Plan land use designations and zoning maps, ending with adoption of the ordinance by the City Council, as desired.

Adopting the proposed open space protection ordinance as a Council-adopted ordinance will allow the City to fine-tune the City's open space protections before submitting it to the voters. Once all refinements to the ordinance are adopted, as applicable, the City Council can submit the open space protection ordinance to voters at a future general or special election. Once adopted by the City's voters, the ordinance can be changed only by the City's voters.

As an alternative, the City Council could, at the June 26, 2024 meeting, submit the proposed ordinance to the voters at the November 5, 2024 election.

REQUESTED ACTION:

Direct the Open Space Taskforce and Staff to Move Forward with informational meetings and a public workshop and Public Hearing Consideration of a Proposed Ordinance of the City of Calabasas to Protect Open Space in the City by Requiring Two-Thirds Voter Approval of Development on Lands Designated Open Space – Resource Protection (OS-RP) by the Land Use Map of the Calabasas General Plan, Subject to Certain Exceptions.

ATTACHMENT:

Draft Proposed Open Space Protections Ordinance