

# OPEN SPACE ORDINANCE DISCUSSION

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CITY *of* CALABASAS

# BACKGROUND

## Current Open Space Protection Measure

- Calabasas Municipal Code § 17.16.030 **prohibits** changing General Plan land use designations from Open Space-Recreational (OS-R), Open Space-Resource Protection (OS-RP), or Public Facilities-Recreational (PF-R) to any **non-open space** uses unless there is **two-thirds voter approval**, subject to limited exceptions
- Current measure fails to protect open space from potentially harmful developmental alterations (such as grading or habitat modifications) for projects still considered “open space” uses under the current code

# BACKGROUND

## Open Space Taskforce

- Formed to strengthen the preservation of open space areas and promote the protection of native habitat conditions which includes:
  - Preserving precious resources to contribute to health and overall quality of life
  - Ensuring open space is left in most natural, least altered form
  - Maintaining outdoor recreational uses of preserved open spaces
  - Limiting construction to promote safety and character of the City
  - The PEOPLE, the voters, have the ultimate say on the alteration of open space
- In meeting with Aleshire & Wynder, LLP as outside counsel – a new Open Space Ordinance was drafted to fix the hole in development code

# THE ORDINANCE

## The Ordinance does the following:

- **Prohibits** development on any **Open Space-Resource Protected (OS-RP)** lands unless there is **two-thirds voter approval**, subject to limited exceptions
  - Development defined as any grading or construction activity, such as:
    - Construction, alteration, or demolition of any structure
    - Soil disturbance
    - Change in density or intensity of land use
    - Subdivision of land, except for permanent open space preservation
    - Alterations in terrain or vegetation
  - Structure defined as any building, road, pipe, drain, transmission line, etc.
- **Prohibits** changing land designation from OS-RP (even to OS-Recreational)

# EXCEPTIONS

Exceptions: 2/3 voter approval not necessary, but only for the following public health, safety, or welfare purposes:

- (1) Development necessary to respond to a ***declared emergency*** or ***imminent threat*** to public health, safety, or welfare
- (2) Development in support of open space uses (e.g., fencing, trails, restrooms, etc.), development for public purpose uses for land owned by a public agency, repair/maintenance of existing utility, or nuisance abatement activities → ***BUT any of these actions must first obtain 2/3 approval of the City Council***
- (3) Vegetation removal for fire prevention/fuel modification, as ordered by the Los Angeles County Fire Department or other public agency
- (4) Development necessary to avoid a taking, existing vested rights, and certain development



# FINDINGS

## The Ordinance provides greater clarity on how to implement existing open space regulations within the Code

- (1) *General Plan Open Space Element objectives***: maintains an open space system that conserves natural resources, preserves scenic beauty, and protects public safety
- (2) *Open Space Element Policy III-3***: limits development to avoid significant impacts to sensitive environment, such as woodlands, wildlife habitats, and riparian areas
- (3) *Open Space Element Policy III-5***: limits landform modifications and preserves ridgelines and other significant landforms
- (4) *Public health, safety, and convenience***: limits development in areas of high fire severity zones and allows for vegetation removal for fuel modification purposes
- (5) *Improves the quality of life of the community***: ensures maintenance of passive recreational use and protection of important environmental resources



# REMAPPING / REZONING

- The Ordinance would change land designation of affected properties located within current **zones** in **OS-RP** to not ban such properties from performing reasonable maintenance
  - Currently, **OS-RP** designations include lands zoned as **OS** (open space), **HM** (hillside/mountainous), **REC** (recreation), **RC** (rural community), **RR** (rural residential), and **PF** (public facility) allowing residential and/or recreational uses
  - Designation would be changed to **OS-R** (recreational) or **R-SF** (residential – single family) or **HM** (hillside mountainous) or **RC** (rural community) to remove them from the reach of the proposed ordinance



# ACTION TIMELINE

## We recommend the City Council take the following actions:

- Hold public workshop and multiple informational meetings with affected residents and property owners regarding remappings/rezonings
  - Community members provide input for City to consider and make informed decisions to help City protect open space without adversely affecting residents
  - Staff can further refine the land use maps and zoning of affected parcels
- Refine the language of the proposed Ordinance to address concerns, if any
- Present the proposed Ordinance (with any revisions) and revised land use maps/rezonings to Planning Commission
- Present the proposed Ordinance (with any revisions) and revised land use maps/rezonings to the City Council for final approval
- Then submit the Ordinance as initiative to voters at general or special election





# QUESTIONS

