

**ITEM 14 ATTACHMENT 1  
ORDINANCE NO. 2017-353**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF CALABASAS, CALIFORNIA, ESTABLISHING A SAFE  
DISTANCE SITING STANDARD OF 300 FEET FROM THE  
VENTURA FREEWAY FOR PLAYGROUNDS AND OTHER  
OUTDOOR ACTIVITY AREAS FOR CHILDREN**

**WHEREAS**, the City Council of the City of Calabasas has determined that it is a matter of critical concern to protect our children from undue and potentially harmful exposure to excessive noise, air pollution, and other health safety hazards; and,

**WHEREAS**, the purpose of the Calabasas 2030 General Plan Noise Element is “to limit the exposure of the community to excessive noise levels,” and that traffic along the Ventura Freeway corridor is described within the General Plan Noise Element as being “by far the greatest source of noise affecting Calabasas residents”, and further documents that noise levels within 300 feet of the Ventura Freeway reach or exceed 75 decibels (CNEL) on average (ref. General Plan Figure VIII-2); and,

**WHEREAS**, community noise exposure policies, as presented in Figure VIII-3 and Policy No. VIII-1 within the Calabasas 2030 General Plan Noise Element, stipulate that it is “clearly unacceptable” to locate or develop playgrounds within areas subjected to noise levels of 75 decibels and higher and that the City shall not approve any project which falls into the “Clearly Unacceptable” noise exposure category; and,

**WHEREAS**, the Calabasas 2030 General Plan Noise Element states in Policy VIII-3 that the City shall locate and design noise-sensitive land uses in such a manner that noise objectives will be maintained, and per Noise Element Policy VIII-9, that the City shall proactively address noise along the Ventura Freeway; and,

**WHEREAS**, the Calabasas 2030 General Plan Conservation Element identifies young children among the segments of the population particularly vulnerable to periodic exposure of poor air quality, and that automobile traffic is the primary source of air pollution in Calabasas; and,

**WHEREAS**, the Ventura Freeway accommodates more than 180,000 vehicles per day, a traffic volume nearly eight times greater than the volume carried by the next most heavily traveled roadway in the city; and,

**WHEREAS**, the Ventura Freeway, inclusive of the freeway segment traversing the City of Calabasas, is a designated hazardous materials haul route,

which introduces the potential for additional health hazard exposure risks to vulnerable segments of the city's population, including young children;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CODE AMENDMENT.** The following is hereby added to Title 8 of the Calabasas Municipal Code as a new chapter:

## **CHAPTER 8.07**

### **Safe Siting of Playgrounds and Outdoor Activity Areas for Children**

**Section 8.07.010: Purpose.** The purpose of this chapter is to protect children in the community – especially where they congregate and play outdoors, including on playgrounds and other outdoor activity spaces -- from undue and potentially hazardous exposure to excessive levels of noise, air pollution and other health hazard exposure risks associated with a major freeway.

#### **Section 8.07.020: Definitions.**

- A. Playground or Other Outdoor Activity Space. As used in this chapter, Playground or Other Outdoor Activity Space means any outdoor play space designed and constructed for use and enjoyment by groups of children 12 years of age or under for play and recreation (organized or unorganized), and which may include playground equipment and any combination of soft and hard surfaces.
- B. Freeway. As used in this chapter, Freeway means the Ventura Freeway, which is also known as U.S. Highway 101, for the entire length traversing the City, whether entirely or partially located within the city limits.
- C. Freeway Edge. As used in this chapter, the Freeway Edge means the outside limit of the outermost lane of traffic on the freeway, as delineated by the lane line. Freeway merge lanes, shoulders, walls, slopes and landscape areas fall outside of the freeway edge.

#### **Section 8.07.030: Standards for the Safe Siting of Playgrounds and Outdoor Activity Areas for Children.**

Any proposal to develop or locate a playground or outdoor activity area for children shall not develop or locate such facility on any site or in any manner that will result

in any portion of the playground or outdoor activity area being closer than three hundred (300) feet from the nearest freeway edge.

**Section 8.07.040. Exceptions.**

The following types of playgrounds or outdoor activity areas for children shall be excepted from the requirements set out in Section 8.07.030:

- A. A playground or outdoor activity area for children 12 years of age or under which is proposed in association with, and on the same property as, a single-family residence or mobile home, and which is accessory to that residence for customary use by household occupants and their guests;
- B. A playground or outdoor activity area for children 12 years of age or under which is a component of a land use governed by sections **17.12.070.B**, **17.12.070.C** or 17.12.090 of Title 17 in this municipal code.

**SECTION 2. SEVERABILITY.**

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions hereof are declared to be severable.

**SECTION 3. CONSTRUCTION.**

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the Calabasas Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

**SECTION 5. CERTIFICATION.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this 26<sup>th</sup> day of April, 2017.

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Mary Sue Maurer, Mayor

ATTEST:

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Maricela Hernandez, MMC  
City Clerk

APPROVED AS TO FORM:

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Scott H. Howard, City Attorney  
Colantuono Highsmith & Whatley