

**Maricela Hernandez**

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**Subject:** FW: Connect with Calabasas - Planning Commission Agenda of September 2, 2021  
**Attachments:** image005.jpg; image004.jpg; image003.jpg; image002.jpg; image001.jpg; ~WRD156.jpg

**From:** Michael Piszker <[mpiszker1@yahoo.com](mailto:mpiszker1@yahoo.com)>  
**Sent:** Wednesday, October 27, 2021 11:57 AM  
**To:** Tom Bartlett <[tbartlett@cityofcalabasas.com](mailto:tbartlett@cityofcalabasas.com)>  
**Cc:** Teal Pacyna <[tpacyna@cityofcalabasas.com](mailto:tpacyna@cityofcalabasas.com)>; Maureen Tamuri <[mtamuri@cityofcalabasas.com](mailto:mtamuri@cityofcalabasas.com)>  
**Subject:** Re: Connect with Calabasas - Planning Commission Agenda of September 2, 2021

Tom,

Thanks for your detailed responses. I could continue the dialog but, at this late time before the Council meeting, I don't know if it would help much.

There is one major point that I left out in my earlier email about what is sometimes referred to as "sizing". In LA County, a 50-year storm is about 7-inches per hour on average and the 100-year storm is just under 9 inches. Requiring an infiltration rate of 10-inches per hour provides for a storm that has less than a 1 percent chance of occurrence in any year. It seems the proposed criteria is excessive.

Although ASCE and ASTM documents are referenced, keep in mind that they are often global or theoretical. I think it would be much more practical to adjust the infiltration rate requirement to meet local conditions, and a more realistic storm rate such as a 5 or 10-year storm.

After re-watching the P.C. hearing from Sep 2, I think LID should have been discussed more. Keep in mind that LID addresses both water quality and quantity. (I think something to the contrary may have been stated, but I could not fully understand). Also, pools are considered permeable for LID purposes (which address the first 3/4-inch or 85th percentile), but are not considered permeable for larger storms when their freeboard is exceeded and overflow either goes to the surrounding area or is pumped to the street via a drain.

Finally, as a person who prepares site plans, grading and drainage plans and LID plans, I think there are some issues with the construction realities and the certification process.

Although there is not a statutory deadline for these revisions, I anticipate that it will be passed tonight. If it is not passed, and there is direction for some changes, I would be happy to work with you on it. I especially would like to use some real examples as "litmus tests" as we did when working on revisions to the Oak Tree Ordinance almost 20 years ago.

Thanks, again.

Mike

On Tuesday, October 26, 2021, 04:12:52 PM PDT, Tom Bartlett <[tbartlett@cityofcalabasas.com](mailto:tbartlett@cityofcalabasas.com)> wrote:

Hello Mike –

I'm not quite sure what you want to discuss with me... It seems that you've already asked the questions which were on your mind, so I'll simply do my best to answer them.

1. You stated: "I believe there may be some unintended consequences associated with the proposed changes. More specifically there could be conflicts with the Oak Tree Ordinance and impacts to oaks and other trees." **Possible impacts to oak trees are a fundamental consideration for all projects we process and review, and such potential impacts are handled on a case-by-case basis in accordance with the City's adopted policies and standards. The strengthened definitions for "Pervious Surfaces" and "Permeable Paving" will not promote or increase oak tree impacts universally because they do not create any increase or decrease in the required amounts of pervious surface area.**

2. You stated: "There are also environmental impacts associated with the increased disruption of the soil and possible hauling to and from construction sites." **On their own, the updated and strengthened definitions would not trigger any increase in soil removal, grading patterns, or hauling (export) requirements. Any potential environmental impacts caused by soil removal, grading extents, or hauling (soil export) would be specific to individual development projects and would be evaluated on a case-by-case basis.**

3. You stated: "LA County has an LID ordinance that I believe Calabasas has adopted, and LA City has extensive manuals pertaining that work well and Calabasas could consider and adopt. In particular, LA City documents accept and make the distinction between permeable paving that handles incidental rainfall and thicker cross sections that are intended to accept water from other impervious surfaces on a property for stormwater mitigation." **First, I'm confused about whether you are referring to Los Angeles County regulations or City of Los Angeles regulations because you mention/reference both. Nonetheless, and assuming you're actually interested in only the County regulations,... A) the City of Calabasas has indeed adopted and regularly imposes upon qualifying development projects the County's LID standards; B) Having read the thresholds, standards, and requirements of the LID ordinance, I can tell you that the proposed updates and strengthening of the two definitions within the Land Use and Development Code are not in conflict with the LID.**

4. You stated: "In short, although it may not seem like it, this is a fairly complex topic. Permeability is based on several factors and the amount of water that can be absorbed in a certain area can be adjusted with engineering techniques to achieve various goals." **We agree, and nothing about the strengthened definitions for the two terms would prevent this.**

5. You asked: "If a particular area can only have water penetration say up to 12 inches, is the intended result to say it is "not permeable", or would the City be willing to say it is simply less pervious?" **The 12-inch depth aspect incorporated into the updated definition for Permeable Paving comes from the industry standard (per the American Society of Civil Engineers). When a project includes permeable paving surfaces which are intended to contribute to the percentage of required pervious surface area, any contributing permeable paving surface may be designed to have whatever appearance the developer/owner desires, provided the permeable paving system has been designed and engineered in accordance with the ASCE parameters (which by the way will now be non-arbitrary, unlike how the definition of permeable paving is currently constructed and worded).**

6. You asked: "If a [sic] existing site is proposing modifications and the site plan shows existing permeable surfaces, if those areas do not meet the proposed new criteria, are they going to be considered impervious or will they be grandfathered?" **Existing non-conforming conditions are a common occurrence in any city, including Calabasas, and such non-conformities are addressed in Chapter 17.72 of the Calabasas Municipal Code. In general, a pre-existing and legal non-conforming condition may be continued, and may even be modified to a minimal extent; however such legal non-conforming status is relinquished once 50% or more of the structure (or property in this case) is redeveloped.**

- Tom

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**From:** Michael Piszker <[mpiszker1@yahoo.com](mailto:mpiszker1@yahoo.com)>

**Sent:** Wednesday, October 20, 2021 7:14 PM

**To:** Tom Bartlett <[tbartlett@cityofcalabasas.com](mailto:tbartlett@cityofcalabasas.com)>

**Subject:** Re: Connect with Calabasas - Planning Commission Agenda of September 2, 2021

Tom,

Are you interested in going over this with me prior to the Council meeting?

Mike

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On Friday, September 3, 2021, 01:38:48 PM PDT, Maricela Hernandez <[mhernandez@cityofcalabasas.com](mailto:mhernandez@cityofcalabasas.com)> wrote:

Hi Mike,

Your email was received too late to be distributed to the Planning Commission last night. However, it was distributed this morning.

Regards,

Mari Hernandez, MMC, CPMC

City Clerk

Sent from my iPhone

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On Sep 2, 2021, at 6:17 PM, Michael Piszker <[mpiszker1@yahoo.com](mailto:mpiszker1@yahoo.com)> wrote:

Hello Maricelo,

Please confirm receipt of this email and let me know if you are able to get this to the Planning Commission before agenda item 3 commences.

Due to my work schedule, I was not able to put time into a more detailed comments for item 3 re permeable paving and pervious surfaces. I would like to request the Planning Commission continue this item so that I can spend some time with our staff on some clarifications and possible revisions. I would prefer to work at the planning level now as opposed to initially bringing up detailed concerns with the Council.

As proposed, I believe there may be some unintended consequences associated with the proposed changes. More specifically there could be conflicts with the Oak Tree Ordinance and impacts to oaks and other trees. There are also environmental impacts associated with the increased disruption of the soil and possible hauling to and from construction sites. LA County has an LID ordinance that I believe Calabasas has adopted, and LA City has extensive manuals pertaining that work well and Calabasas could consider and adopt. In particular, LA City documents accept and make the distinction between permeable paving that handles incidental rainfall and thicker cross sections that are intended to accept water from other impervious surfaces on a property for stormwater mitigation.

In short, although it may not seem like it, this is a fairly complex topic. Permeability is based on several factors and the amount of water that can be absorbed in a certain area can be adjusted with engineering techniques to achieve various goals. A couple questions to consider moving forward include:

1) If a particular area can only have water penetration say up to 12 inches, is the intended result to say it is "not permeable", or would the City be willing to say it is simply less pervious?

2) If a existing site is proposing modifications and the site plan shows existing permeable surfaces, if those areas do not meet the proposed new criteria, are they going to be considered impervious or will they be grandfathered?

Thank you.

Mike

Michael J. Piszker, P.E.

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