



November 7, 2023

City of Calabasas
Community Development, Planning Division
ATTN: Glenn Michitsch, LEED AP
100 Civic Center Way
Calabasas, CA 9130

RE: Supplemental Information for the November 16th Planning Commission Meeting

Dear Mr. Michitsch,

At the public hearing before the Planning Commission on October 19, 2023, the Commission made a motion directing staff to draft a resolution approving The Commons Lane.

As part of the motion, the Planning Commission requested that Caruso work with the Planning Department to address outstanding questions raised by the Commission.

Our responses to the Commissions' questions are attached herein. We appreciate your time and consideration and are available to meet at your earliest convenience.

We look forward to the Planning Commission meeting on November 16th.

Sincerely,

Chris Robertson

Chris Robertson, AICP, LEED AP
Vice President, Planning, Government & Community Relations

Topic	Existing Draft Conditions (10/19/2023)	Volunteered Conditions/Response (11/2/2023)
GREEN BUILDING & LANDSCAPING		
<p>A. Green Building</p>	<p>9. The project must comply with the building codes of Title 15.04 of the CMC at the time of building plan check submittal.</p> <p>18. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code to the satisfaction of the Community Development Director. Compliance shall consist of achieving the equivalent of a “silver” rating (at a minimum) using the LEED (Leadership in Energy and Environmental Design) rating system version 2.0 developed by the United States Green Building Council for non-residential use components.</p> <p>19. To demonstrate compliance with Chapter 17.34 of the Calabasas Municipal Code (a.k.a. Green Building Ordinance), the applicant shall submit two documentation packages to the Community Development Department for review in the following manner:</p> <p style="padding-left: 40px;">a. Prior to issuance of a building or grading permit, the applicant shall submit to the Building & Safety Division, a documentation package documenting compliance with all design-related credits being sought. Review and approval of the documentation package is required prior to issuance of a building and grading permit. On a case-by-case basis, the Director may defer this submittal requirement until a later date for the following reasons: 1) If the applicant can demonstrate through the submittal of a contract that the project team includes a LEED Accredited Professional, 2) if the project team can demonstrate experience with completed development of at least one LEED rated project in California, and/or 3) the project is seeking a LEED “gold” rating or higher.</p>	<p>Response: As required per Draft COAs 18-19 and CMC Chapter 17.34, the commercial component of the buildings will, at a minimum, achieve the equivalent of a LEED silver rating. The residential buildings will be designed to comply with the 2022 California Building Energy Efficiency Standards (CalGreen), which may include even more stringent requirements for reducing building-related energy, water, and resource demand. Examples of green building design features that will be included pursuant to Code include but are not limited to:</p> <ul style="list-style-type: none"> • EV chargers and EV-ready parking spaces, • PV panels on Building B in compliance with the CBC, • energy-efficient & sound-reducing double-paned window/glazing systems, • a “cool roof” pursuant to CMC Chapter 17.20.090, • insulated exterior facades and roofs for thermal control • water-efficient landscaping, • MERV 13 air filters, • Low or No VOC (volatile organic compounds) materials and finishes, and • water conserving plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads).

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	<p>b. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a final documentation package to the Department of Building and Safety that documents compliance with all remaining undocumented LEED credits. Review and approval of the final documentation package is required prior to the issuance of a Certificate of Occupancy.</p> <p>41. The applicant must complete and submit a Local Storm Water Pollution Prevention Plan (L-SWPPP) prior to issuance of the grading permit. The SWPPP must be certified by a civil engineer licensed with the State of California. Guidance to prepare a Local SWPPP is available on city's website at: https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/environmental-standards-and-compliance Please submit a detailed site plan showing the extent of grading, proposed structures, the location of all applicable BMPs and the corresponding SWPPP fact sheet.</p> <p>42. The Owner/owner's agent shall ensure the following minimum requirements are effectively implemented at the construction sites:</p> <ul style="list-style-type: none"> a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs; b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff; c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled 	

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	<p>during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.</p> <p>43. The applicant and contractors shall implement all reasonable efforts to reuse and recycle 75% of construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.</p> <p>44. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." The list of trash hauling and disposal companies is available on the city's website at https://www.cityofcalabasas.com/government/public-works/environmental-igr-division/trash-hauling-and-disposal-companies</p> <p>45. Grading shall be prohibited from October 1st through April 15th, unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operation.</p> <p>46. During the term of the City permit, the contractor, their employees, and subcontractors shall implement appropriate Best Management Practices (BMPs) to prevent pollution to local waterways. Sediments, construction debris, paint, trash, concrete truck wash water and other chemical waste from construction sites left on the ground and streets unprotected,</p>	

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	<p>or washed into storm drains, causes pollution in local waterways via the storm drain system is against City Ordinance and State law. The BMPs implemented shall be consistent with City of Calabasas Municipal Code Chapter 8.28. Failure to implement appropriate BMPs shall result in project delays through City issued "Stop Work Notices" and/or fines levied against the owner/developer/contractor.</p>	
<p>B. Light Pollution & Dark Skies</p>	<p>20. All exterior lights are subject to the provisions set forth in the Lighting Ordinance Chapter 17.27 of the Land Use and Development Code. Prior to the issuance of grading or building permits, a final lighting and photometric plan must be reviewed and approved by the Planning Department. The lighting and photometric plan shall indicate the type of all outdoor lighting fixtures used, light intensity, location, and the height of each light fixture. The applicant shall use methods to minimize the amount of light and glare that spills over into neighboring properties and rights-of-way, such as limiting directional lighting intensity, limiting fixture height, use of cut-off type fixtures/glare shields and using ground level lighting wherever possible.</p>	<p>Response: The Lighting Plans shown on Sheets E101 through E104 are designed to comply with Chapter 17.27. Although Sheet E104 includes two low intensity upright fixtures (XGI – Tree Uplight and XU1 – Ingrade Uplight), XU1 has been removed from the plans. XG1 is primarily used for uplighting on the ground level with a few incorporated to uplight the façade features of Building B1. XG1 is in compliance with Chapter 17.27. To address the Commission’s concerns about light pollution beyond the requirements of Chapter 17.27, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <ol style="list-style-type: none"> Uplighting on the roof shall be prohibited.
<p>C. Native landscaping</p>	<p>21. Prior to the issuance of a grading or building permit, the applicant shall submit a complete final landscaping design and documentation package consistent with Chapter 17.26 of the Calabasas Municipal Code, to the Community Development Director for review and approval. The final landscape plan shall not include the use of any invasive plant species.</p> <p>22. This project meets the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Community Development Department staff for conformance with the standards and requirements specified within the State of California Model Water Efficient Landscape Ordinance (MWEL0) prior to the</p>	<p>Response: The Conceptual Landscape Plans shown on Sheets L100 through L404 are designed to comply with the City’s existing landscaping requirements as outlined in CMC Chapter 17.26. The design intent is to complement existing landscaping which predominately features drought-tolerant species. To address the Commission’s request to specifically include native species, Caruso volunteers the following conditions.</p> <p><u>Voluntary Conditions:</u></p> <ol style="list-style-type: none"> Planting of new invasive species shall be prohibited. The applicant shall incorporate a mix of native and drought-tolerant plantings that match or complement the existing tree and planting palette, subject to government approval.

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	<p>issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELD.</p> <p>23. All landscaping is to be installed by the applicant within 90 days of occupancy to the satisfaction of the Community Development Director or his designee. All landscaping will be consistent with the adopted City ordinance for landscape and water efficiency.</p> <p>24. Upon completion of landscaping work and prior to requesting a landscaping inspection (for each respective development phase), the project landscape architect shall certify that all landscaping has been installed in substantial conformance with the approved landscape plans.</p> <p>25. All planting within the traffic visibility area and around parking garage entrances will comply with Section 17.26.040(B)(2)(a)(i) of the CMC and shall not exceed 42" in height, as determined by the Public Works Director.</p>	<p>4. The open space plaza shall be planted with non-invasive drought-tolerant turf.</p>
D. Artificial Turf		<p>Response: Artificial turf is not proposed as part of the Conceptual Landscape Plan shown on Sheets L100 through L404. To address the Commission's concern regarding the use of artificial turf, Caruso volunteers the following condition.</p> <p>Voluntary Condition:</p> <p>5. Artificial turf shall be prohibited except in the case of significant drought conditions as established by State or local decree.</p>
E. Cyprus Tree Impacts		<p>Response: To construct Building B, the plan currently proposes to harvest/relocate or replace 14 Italian Cyprus trees along the existing pathway. An additional 15 Italian Cyprus trees that are located within the area of Building B will be protected in place. To address the Commission's</p>

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		<p>concern about displacing Italian Cyprus trees, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <p>6. Cyprus trees shall be replaced along the existing Cyprus walkway, subject to government review and approval.</p>
<p>F. Mature Tree Removal</p>		<p>Response: As encouraged by CMC §17.26.050.A(2), the proposed plan protects and preserves native species and natural site features. To minimize disturbance of non-native mature trees, the plan proposes to protect 64 trees in place and harvest/relocate or replace 22 trees.</p> <p>The plan requires the removal of 31 tree species including 18 carrotwoods, 9 Chinese Pistache, 1 Chinese elm and 3 redwoods. Additionally, as part of the plan, 167 trees will be planted on the ground level which results in a net increase of 136 trees. 48 new trees will also be included on the pool deck of Building A.</p> <p>None of the trees to be removed or relocated are protected or native trees. The redwoods proposed for removal adjacent to Building B are non-native and are not drought-tolerant as they are accustomed to dense coastal fog in Central and Southern California. In the recent past, Caruso has had to remove at least two because they became sick and is continuing to monitor the others.</p> <p>On October 19th, the Planning Commission asked whether the project’s proposed removal of mature trees is consistent with the General Plan.</p> <p>While Conservation Element Policy IV-10 calls for the preservation of mature trees, this policy must be considered in the context of other elements of the General Plan. Read literally, the policy would prohibit development on many sites, including the Commons. This would be inconsistent with goals and policies of the Housing Element to provide sufficient housing to meet the City’s RHNA obligations, including new housing on the Commons site. Because state law requires internal consistency between the elements of a General Plan, Policy IV-10 must</p>

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		<p>be construed as requiring preservation of mature trees, where feasible. As the project will preserve mature trees where feasible (by harvesting or replacing 22 trees, protecting 64 trees in place, and removing only 31 to accommodate the new housing), it is consistent with Policy IV-10.</p> <p>The Project would still be consistent with the General Plan even assuming, for argument’s sake, that Policy IV-10 is a blanket prohibition on mature tree removal. Under state law, a proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. More specifically, a project is considered consistent with the provisions and general policies of a General Plan if it is consistent with the overall intent of the plan and would not preclude the attainment of its primary goals. Generally, given that land use plans reflect a range of competing interests, a project must be consistent with a plan’s overall goals and objectives but need not be in perfect conformity with every plan policy. The consistency analysis demonstrates the Project would still be consistent with the General Plan, even under the most restrictive construction of Policy IV-10.</p> <p>Further, retention of all the trees would prevent development of the project. Imposing a condition requiring all trees to be retained would be, in effect, denial of the Project. As the Project is subject to the Housing Accountability Act (Govt. Code Section 65895.5), the City could only deny the project if it finds, based on a preponderance of the evidence, that the project will result in a “specific, adverse impact upon the public health or safety... based objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” The removal of a few mature trees would not constitute such a specific, adverse impact.</p>
SITE PLANNING & DESIGN		
G. Building A – Architecture		Response: To address the ARP’s comments, the workout amenity space on the roof deck has been relocated so that it setbacks over 108 feet from the library building. See Sheets A207 and L404. In addition, Caruso

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		<p>volunteers the following conditions to further set the building back from the library.</p> <p><u>Voluntary Conditions Introduced to Planning Commission on 10/19/2023:</u></p> <ol style="list-style-type: none"> 7. The first residential level façade adjacent to the existing Library, shall be setback a minimum of 10 feet 6 inches from the outermost façade at grade-level, as currently shown. For each ascending residential level, the façade shall setback at least an additional 3 feet. 8. The first residential level façade adjacent to the existing Oval Lawn, shall be setback a minimum of 30 feet from the outermost façade at grade-level, as currently shown. For each ascending residential level, the façade shall setback at least an additional 5 feet.
H. Building A - Design Compatibility		<p>Response: On October 19th, the Planning Commission asked if Caruso would consider re-designing Building A to be more compatible with the existing buildings, calling specific attention to the glass balconies. The project will fully comply with all objective development standards applicable to the project under state law. However, as a gesture of good faith, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <ol style="list-style-type: none"> 9. The design of Building A shall be modified to complement the existing Commons design with fewer glass handrails, added trims and finish elements.
I. Noise & Light Impacts to New Residents		<p>Response: As discussed on October 19th, Caruso is committed to creating a harmonious setting for a mixed-use concept. All residential units will be developed with building materials and finishes designed to reduce noise. Moreover, the Building Code requires noise attenuation to achieve an interior noise level of 45 dBA, which will be confirmed in plan check. However, to specifically address the Commission’s questions regarding noise and light impacts from landscaping and parking lot operation, Caruso volunteers the following conditions.</p>

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		<p><u>Voluntary Conditions:</u></p> <p>10. Gas-powered landscaping tools on the west side of Commons Way shall not operate before 7 a.m.</p> <p>11. The applicant shall incorporate design features to minimize light and glare trespass into the residential units such as (but not limited to) window coverings, shading co-efficient in the glass, or balcony details in the residential units.</p>
<p>J. Building B - Design</p>		<p>Response: As discussed with the Planning Commission on October 19th, the ARP recommended that the project “create a better connection of visual character, materials, and building massing between existing and proposed development [and] create an engaging pedestrian atmosphere on all sides of buildings and good connectivity between open spaces. As such, Caruso volunteered the following conditions.</p> <p><u>Voluntary Conditions Introduced to Planning Commission on 10/19/2023</u></p> <p>12. The residential shall be set back a minimum of 12 feet from the edge of the face of retail along the proposed paseos between buildings.</p> <p>13. The proposed paseos between buildings shall be an average of 20 feet wide.</p> <p>14. Architectural elements and/or show windows, shall be added along the proposed paseos between buildings to add visual interest.</p>
<p>PARKING</p>		
<p>K. Residential Parking Spillover</p>		<p>Response: As discussed with the Planning Commission on October 19th, residents of The Commons Lane will be required to park in the residential parking spaces so the surface parking area is available to guests of The Commons shopping center. To assure the Commission this will be adequately managed, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <p>15. The applicant shall include language in their residential lease agreements requiring the residents to park in the residential parking areas.</p>

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L. Guest Parking Spillover & Access		<p>Response: As discussed with the Planning Commission on October 19th, guests of the residents of The Commons Lane will be required to park in the residential parking spaces so the surface parking area is available to guests of The Commons shopping center. To assure the Commission this will be adequately managed, Caruso volunteers the following condition.</p> <p>Voluntary Condition:</p> <p>16. The applicant shall include a welcome packet to new residents advising them that guests shall park underneath the residential buildings.</p>
M. Employee Parking	<p>40. A reduction in the required commercial parking is approved pursuant to CMC Section 17.28.050. A minimum of 896 parking spaces shall be maintained in perpetuity for visitors of the shopping center, exclusive of the residential parking spaces, subject to updates to the shared parking study as a result of standard operations and re-tenanting and subject to review by the Community Development Director. <u>A reasonable effort shall be made to encourage employees of the Commons Shopping Center to park using the 91 parking spaces located behind (south of) the Shopping Center that are accessed from the southern Park Granada driveway.</u></p>	<p>Response: As discussed with the Planning Commission on October 19th, Caruso is in the process of moving employee parking to the spaces located along the service road. While not every employee of every tenant may be accommodated within the existing area, Caruso volunteers the following condition to address the Commission’s concern about the lack of objectivity in Draft Condition No. 40, which eliminates the use of “reasonable effort.”</p> <p>Voluntary Condition:</p> <p>17. The applicant shall include language in all new lease agreements for in-line tenants stipulating that the applicant has the authority to require employees to park along the existing service road.</p>
N. Additional Surface Road Parking		<p>Response: At the Planning Commission meeting on October 19th, the Commission asked if additional parking spaces could be located along the access road in the event parking demand exceeded supply. In order to accommodate additional spaces along the surface road, the dimension of these spaces would need to be reduced below the standards set forth in CMC Chapter 17.28. Although the Shared Parking Analysis demonstrates that there is an adequate supply of parking for commercial uses, Caruso volunteers the following condition which would enable the addition of parking in the event parking demand exceeds supply.</p> <p>Voluntary Condition:</p>

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		<p>18. The applicant may reduce the required parking stall dimensions along the service road to allow the addition of extra spaces, as may be needed in the future. In the event that the applicant adds parking spaces along the service road, the Community Development Director shall approve a Parking Layout Plan.</p>
<p>O. Restriping of Existing Parking Spaces Along Access Road</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission pointed out that the parking stalls along the service road were difficult to see. As part of routine maintenance, Caruso restripes the drive aisles and parking stalls; however, the parking spaces along the surface road are restriped less frequently. As such, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <p>19. The applicant shall stripe the existing parking spaces along the service road to make them more visible.</p>
<p>P. Parking Structure Safety</p>		<p>Response: To address the Commission’s concern regarding safety in the parking structures, Caruso volunteers the following conditions.</p> <p><u>Voluntary Conditions:</u></p> <p>20. Parking structures shall provide lighting to improve visibility and safety as allowed by current regulations.</p> <p>21. The applicant shall install emergency communication systems in the parking structure.</p>
<p>Q. Future valet</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission asked if Caruso would consider valet parking. Valet parking is an option Caruso is happy to provide if there is indeed a demand for it. However, Caruso remains committed to providing access to self-parking in the commercial surface lot. As such, we volunteer the following conditions.</p> <p><u>Voluntary Conditions:</u></p> <p>22. The applicant may provide a valet plan subject to review and approval by the Community Development Director. In the</p>

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		<p>event that the applicant includes valet parking, the Community Development Director may approve a Parking Operations Plan.</p> <p>23. Future valet services shall be optional to guests of The Commons.</p>
<p>R. Tandem Spaces</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission asked if the tandem spaces allowed under Government Code Sections 65915-65918 (Density Bonuses and Other Incentives) would be assigned and Caruso responded that they would be. As such, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p> <p>24. Tandem spaces shall be assigned to specific residences.</p>
<p>S. Accessible Parking spaces</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission asked if there were enough ADA spaces proposed. Caruso acknowledged that the spaces would be provided in compliance with the requirements in effect at the time of plan check as required by state law.</p>
<p>T. Building A – Parking stall width</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission asked if the reduced parking stall widths under Building A were wide enough to accommodate cars and SUVs. The spaces as designed comply with residential parking requirements for other jurisdictions such as the City of Los Angeles. As such, there is a preponderance of evidence that the stalls are adequately sized. Moreover, when Caruso moves into design, a certain amount of oversized spaces may be provided.</p>
<p>OTHER</p>		
<p>U. Fiber optic internet</p>		<p>Response: At the Planning Commission Meeting on October 19th, the Commission asked if fiber optic service would be provided. At this time, Caruso is unfamiliar with the status and availability of fiber optic service to The Commons and the Civic Center. However, if requested by the City, Caruso will engage in discussions with the City and fiber optic providers in order to explore the possibility of bringing fiber optic options to the project and the Civic Center, Library and Senior Center adjacent to the project. Additionally, Caruso volunteers the following condition.</p> <p><u>Voluntary Condition:</u></p>

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V. Offsite Alcohol Sales		<p data-bbox="1178 228 1745 256">25. The applicant shall install high-speed internet.</p> <p data-bbox="1129 261 1913 483">Response: At the Planning Commission Meeting on October 19th, the Commission asked staff for more details regarding the sale of alcohol. Although Caruso was not asked directly, it is Caruso’s intent to preserve the mode and character of alcohol sales at The Commons as it exists today. Future tenants would complement the family-friendly environment that is paramount to The Commons at Calabasas. As such, Caruso volunteers the following condition.</p> <p data-bbox="1129 521 1367 548"><u>Voluntary Condition:</u></p> <p data-bbox="1178 553 1885 641">26. Offsite alcohol sales shall be incidental to onsite sales or in connection with boutique retail tenants in compliance with ABC requirements.</p>