



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: September 24, 2014

ITEM NO: 3
DESK ITEM

PREPARED BY: Jennifer L. Savage, Senior Planner
jsavage@losgatosca.gov

APPLICATION NO: Conditional Use Permit U-12-002
Environmental Impact Report EIR-13-001

LOCATION: **300 Marchmont Drive** (at the east end of Marchmont Drive,
south of Shannon Road and east of Los Gatos Boulevard)

APPLICANT/
PROPERTY OWNER: Hillbrook School/Mark Silver

CONTACT PERSON: Mark Silver

APPLICATION SUMMARY: Requesting approval to modify a Conditional Use Permit to increase school enrollment and modify operations of an existing private school (Hillbrook School) on property zoned HR-1. It has been determined that this matter may have a significant impact on the environment and an Environmental Impact Report (EIR) has been prepared as required by the California Environmental Quality Act (CEQA). APNs 532-10-001 and 532-11-011.

EXHIBITS: Previously received with the November 30, 2012 Planning Commission Memorandum:

1. Public Comments received from August 6, 2012 to November 21, 2012 (228 pages)

Previously received with the February 7, 2014 Planning Commission Memorandum:

2. Draft Environmental Impact Report, dated February 2014

Previously received with the August 22, 2014 Planning Commission Memorandum:

3. Public Comments received from 4:00 p.m. November 22, 2012 to August 19, 2014 (305 pages)

Previously received with the August 29, 2014 Planning Commission Memorandum:

4. Final Environmental Impact Report/Comments and Responses

Received with the September 24, 2014 Staff Report:

5. Location Map
6. Required Findings
7. Recommended Conditions of Approval with Exhibit A
8. March 18, 2013 Town Council Report
9. March 18, 2013 Town Council Addendum
10. March 18, 2013 Town Council Desk Item A
11. March 18, 2013 Town Council Desk Item B
12. March 18, 2013 Town Council Meeting Minutes
13. Resolution 2001-48 for current Conditional Use Permit (Architecture and Site conditions excluded from the Exhibit)
14. Letter of Justification, received October 1, 2012 (nine pages)
15. Applicant's Proposed Conditions of Approval, received July 16, 2014 (eight pages)
16. Supplemental Letter of Justification, received September 17, 2014 (63 pages)
17. Public Comments received from 11:01 a.m. August 11, 2014 to 11:00 a.m. September 18, 2014
18. Resolution Certifying the Environmental Impact Report EIR-13-001 (three pages)
19. Site Plan, received February 9, 2012 (one page)

Received with this Desk Item:

20. Resolution Certifying the Environmental Impact Report EIR-13-001 (three pages)
21. Public Comments received from 11:01 a.m. September 18, 2014 to 11:00 a.m. September 24, 2014

STAFF REMARKS:

A. Traffic

The Staff Report distributed last week discusses allowing an increase in daily trips comparable with the increase in the number of students. The Staff Report wrongly compares student increases with the existing maximum number of students. The staff

report should compare the increase in traffic with the proposed increase of 99 students. Therefore, the text in the Staff Report should be changed as follows (deletions ~~stricken~~, additions underlined):

Staff recommends that the increase of school year daily ~~maximum trips~~ should be commensurate with the increase in enrollment ~~compared to the existing maximum of 315 students of 99 students.~~ For example, if the school adds 10 students to the existing maximum of 315 for 325 students of the proposed 99 students, the additional 10 students would represent a ~~3.2%~~ 10% increase in the number of the proposed students increase and the number of school year daily trips may increase by ~~3.2%~~ 10% compared to the ~~2011 average proposed increase~~ in daily trips (80), or ~~28~~ 8 trips.

Condition number 9 contains an exception for school year daily trips up to 10 times per year. Given that the project proposes to verify/comply/control the number of trips as an average over three periods (Fall Semester, Spring Semester, and Summer), it is likely that the school could exceed the average several times. The intent of the exception was to allow the school to remove 10 days of the year from the average calculation for the specific purpose of evening/nighttime events that do not reflect typical daily operations.

To address the incremental increase in traffic and to address the exception, condition number 9 should be changed as follows:

9. NUMBER OF VEHICLE TRIPS – SCHOOL YEAR DAILY TRIPS: The total number of vehicles entering and exiting the campus shall not exceed an average of 960 ~~per day~~ (480 vehicles each way) pursuant to all of the following:-
 - a. Compliance with this condition will be evaluated twice a year – Fall semester and Spring semester. Within each period – Fall semester and Spring semester – the school shall not exceed an average of 960 vehicle trips over the reporting period.
 - b. Evaluation shall include all weekdays except for weekdays when no school or activities are held.
 - c. Exception: The school may ~~exceed the school year daily trips up to~~ select 10 times days per year to remove from the average calculation in recognition of to allow evening/nighttime events/activities, which are not representative of typical daily operations, consistent with this Conditional Use Permit. For these 10 days, trips may not exceed 1,920 vehicle trips per day. These exceptions may not exceed twice the Number of Vehicle Trips—School Year Daily Trips.
 - d. Staff recommends that the increase of school year daily ~~maximum trips~~ should be commensurate with the increase in enrollment ~~compared to the existing maximum of 315 students of 99 students.~~ For example, if the school adds 10 students to the existing maximum of 315 for 325 students of the proposed 99 students, the additional 10 students would represent a ~~3.2%~~ 10% increase in the number of the proposed students increase and the number of school year daily trips may increase

by ~~3.2%~~ 10% compared to the ~~2011 average proposed increase~~ in daily trips (80), or ~~28~~ 8 trips.

B. Community Benefit

In August 1991, the Town adopted a Traffic Impact Policy that required the deciding body to recommend approval for a project that generates five or more peak hour trips only if the project's benefits to the community override the traffic impacts. In November 2002, the Town adopted a Community Benefit Policy that clarified the requirement for community benefit for the Traffic Impact Policy. In August 2014, the Town rescinded the 1991 Traffic Impact Policy and adopted Resolution 2014-059 for the current Traffic Impact Policy, which no longer requires community benefit for traffic impacts.

General Plan Policy LU-4.3 states that the Town may only approve projects for which public costs can be justified by the overall benefit to the community. This policy is one of many General Plan policies the deciding body should consider when evaluating any project. However, the policy does not necessary mean that a project should provide benefits beyond the project itself as previously required by the 1991 Traffic Impact Policy and 2002 Community Benefit Policy.

C. Environmental Review

If the deciding body should find merit to certify the EIR, a revised resolution with more robust findings is included as Exhibit 20.

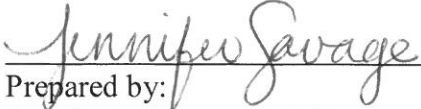
D. Site Visit

On September 17, 2014, the Planning Commission held a special meeting to conduct a site visit at 300 Marchmont Drive. A member of the public requested a list of the activities that occurred that afternoon and the number of attendees for those activities. Activities that occurred afterschool on September 17 are:

- 5th/6th Boys Football - 23 Students
- 6th Girls Volleyball - 11 Students
- Chess Club - 10 Students
- School of Rock - 5 Students
- Ballet & Tap - 8 Students

PUBLIC COMMENTS:

The Town received additional public comments (Exhibit 21).


Prepared by:
Jennifer L. Savage, AICP
Senior Planner


Approved by:
Laurel R. Prevetti
Assistant Town Manager/Director of Community
Development

LRP:JLS:nl

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RESOLUTION NO. _____

**RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF LOS GATOS
CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND MAKING CERTAIN
FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN
CONNECTION WITH ADOPTION OF CONDITIONAL USE PERMIT U-12-002. APNS
532-10-001 AND 532-11-011.
CONDITIONAL USE PERMIT: U-12-002
ENVIRONMENTAL IMPACT REPORT: EIR-13-001**

WHEREAS, the Applicant, Hillbrook School, proposes to modify an existing Conditional Use Permit (CUP) to increase school enrollment and modify operations of an existing private school (Hillbrook School) on property zoned HR-1. The project includes Conditional Use Permit U-12-002, and an Environmental Impact Report EIR-13-001; and

WHEREAS, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Hillbrook School project was issued on February 12, 2013. The NOP was sent to all responsible agencies, trustee agencies, adjacent property owners, and members of the public who had previously requested notice, in compliance with CEQA. The NOP comment period ended on March 14, 2013. All comments received during the scoping process were considered in preparing the EIR; and

WHEREAS, a Draft Environmental Impact Report (Draft EIR) to analyze potential impacts associated with the proposed project was prepared and issued for agency and public review and comment on February 7, 2014, for a 45 day review period. Copies of the Draft EIR were provided to all responsible agencies, trustee agencies, and members of the public who had previously requested a copy; and

WHEREAS, The Planning Commission held a duly noticed public hearing on March 12, 2014, at which time the Commission received public comments regarding the Draft EIR for the proposed project; and

WHEREAS, Pursuant to the California Environmental Quality Act and the implementing Guidelines adopted therefore (“CEQA”), the Town prepared a Final Environmental Impact Report (Final EIR), incorporating responses to comments on the DEIR which was issued on August 29, 2014; and

WHEREAS, The Planning Commission held a duly noticed public hearing on September 24, 2014, at which time the Commission considered the staff report prepared for that meeting (“Staff Report”), oral and written testimony received from members of the public and other public agencies, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings and all other documentation related to the proposed project and Final EIR; and

WHEREAS, The Final EIR identified no new significant impacts; and

WHEREAS, The location and custodian of the documents or other materials which constitute the record of proceedings upon which the Planning Commission’s decision is based is in the office of the Department of Community Development, 110 E. Main Street, Los Gatos, CA 95030.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds, certifies, determines and resolves as follows:

- 1) The above recitals are true and correct and reflect the independent judgment of the Planning Commission.
- 3) Notice of the Planning Commission hearings on the Hillbrook Project and the Draft EIR and Final EIR were given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, the State CEQA Guidelines and the Town’s Local Procedures for Implementing CEQA.

- 4) All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Hillbrook Project and the Draft EIR. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law, CEQA and the County's Local Procedures for Implementing CEQA.
- 5) All comments submitted during the public review and comment period on the Draft EIR were responded to adequately.
- 6) No new comments or information has been submitted during the Planning Commission hearings on the Hillbrook Project and the Final EIR that would change the analysis or conclusions of the Final EIR.
- 7) The Planning Commission has been presented with all of the information described in the recitals and has considered this information prior to adopting this Resolution.
- 8) The Final EIR has been prepared in compliance with CEQA, the State CEQA Guidelines and the Town's Procedures for Implementing CEQA, and reflects the Town's independent judgment and analysis.
- 9) Pursuant to CEQA Guidelines Section 15025(c), the Planning Commission has reviewed and considered the information in the Final EIR prior to making the recommendations
- 10) The Planning Commission hereby certifies the Final EIR. In certifying the Final EIR, the Planning Commission specifically finds that the EIR is adequate and complete for consideration in making a decision on the merits of the modification to the Use Permit and the Final EIR reflects the Town's independent judgment and analysis.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Los Gatos, California, held on the 24th day of September, 2014, by the following vote:

COMMISSION MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

CHAIR OF THE TOWN OF LOS GATOS
PLANNING COMMISSION
LOS GATOS, CALIFORNIA

ATTEST:

SECRETARY OF THE PLANNING COMMISSION OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

Jennifer Savage

From: Allison Railo <allison@railo.org>
Sent: Friday, September 19, 2014 12:25 PM
To: Jennifer Savage
Subject: Support of Hillbrook

Chair Smith and Town of Los Gatos Planning Commission Members,

My two children have attended Hillbrook School for six years. We love Los Gatos and moved here to be closer to our friends and join the community we feel we have been part of already. We use the Hillbrook shuttle, walk, bike and carpool to school.

When we purchased our home, we knew that our street has heavy school traffic. Witnessing the difficulty of entering and exiting driveways during Los Gatos school commute hours, I understand the frustration that led to the Marchmont neighbors' early complaints. I am happy to be a part of the Hillbrook solution to improve traffic conditions in their neighborhood as well as my own.

It is disheartening to read letters that accuse Hillbrook of increasing traffic locally when the opposite is true. Hillbrook has less traffic today than it did 5 years ago and it's the only school in town with a shuttle system keeping cars off local roads. This reduction in traffic helps all of Los Gatos. Why should the false complaints of one small group of residents carry so much weight against the good neighbors who have worked so hard to improve school traffic around Los Gatos?

Hillbrook has made a reasonable request of the town: to gradually add a modest number of students to its population without increasing traffic. I see no reason for controversy. I believe this is the type of growth Los Gatos should embrace: growth without additional buildings, without new traffic and without negative impacts on the community. Additionally, Hillbrook could happily ease the burden of local schools if more children were able to attend.

Over one-third of Hillbrook's students utilize a bus. Hillbrook is leading the way in improving our town's traffic problems - and can continue to do so even with more students. Hillbrook School deserves our support.

Many thanks,
Allison Railo
178 Loma Alta Ave.
Los Gatos, CA 95030
(408) 560-9280

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Jennifer Savage

From: Curt Walleen- Prime Selling Concepts <curt@primeselling.com>
Sent: Monday, September 22, 2014 8:00 AM
To: Jennifer Savage
Cc: jim.beall@sen.ca.gov; Steven Leonardis; cris.forsyth@sen.ca.gov; Town Manager
Subject: Please respect the residents of Los Gatos- who you represent on their behalf

**Please, do not let Hillbrook school expand with their financially motivated request
to add 99 more students.**

Hillbrook School is a BUSINESS operating in a quiet residential neighborhood. They need to be better neighbors and empathize with the 10 neighborhoods that surround the school that the neighbors just want safe streets, safety for children to walk or ride to the Los Gatos public schools, protection of the neighborhood character, and the rights for every neighbor to maintain their quality of life. Adding 400 cars a day (100 cars x2 trips x2 times a day), in spite of what Hillbrook might try to do to mitigate traffic, destroys everything about what the 10 neighborhoods want.

- **More than 80% of the students come from OUTSIDE Los Gatos.** Look it up in their student directory and look at the non Los Gatos addresses next to each name.
- **3 out of 36- 8th grade Hillbrook graduates in 2011- went on to attend LG High - that is only 8%- They were OUT OF DISTRICT!**
- **Increased traffic exposes** all, mostly children, to an increased possibility of an accident. Marchmont is currently a very difficult street to safely drive on.
- The **noise and constant flow of "Hillbrook" traffic** reduces quality of Los Gatos life.
- The neighbors should not be the ones helping pay for Hillbrook's **financially incentivized** plan to increase Hillbrook revenue **\$\$\$**. **Yes, 2.4 million dollars per year. \$24,000 x 100 students**
- **The buses run virtually empty! It's a joke and a lie that Hillbrook uses.**
- The number of students walking to Hillbrook averages less than 15 per day! We counted!
- **Hillbrook currently violates** the current CUP- this reflects their *past* void of integrity and assures that they will violate any new *future* CUP promises. Hillbrook has **violated their CUP** and certainly does not care about a "vehicle cap".
- 100 additional students mean an even **greater number of large trucks** that will service and support those additional students.
- Children will be exposed to **33% more vehicles zooming** in front of our house
- There is **no carpooling program** in place- just a "we encourage you" stipulation.
- They have an **"Extended Care" program that requires car trips at 7:30 and 6PM-** They have extended the times these huge number of vehicle trips are in front of neighborhood houses.

Please, don't let Hillbrook bully the Town of Los Gatos at the expense of Los Gatos residents who do not want the additional 100 students.

The Town of Los Gatos and the planning department should make a decision that benefits the residents of Los Gatos and not a decision that helps drive revenue to Hillbrook with a decision that benefits non Los Gatos residents who attend Hillbrook.

Just say no!

Curt and Becky Walleen
284 Karen Court Since 1986

Thank you

Curt Walleen
Prime Selling Concepts
408.358.0015
curt@primeselling.com

www.primeselling.com

Jennifer Savage

From: Marc Lehmann <marc_lehmann@rocketmail.com>
Sent: Monday, September 22, 2014 3:22 PM
To: Jennifer Savage
Subject: Hillbrook School

LG Planning Commission,

I would like to extend to you my pro-expansion stance for Hillbrook School. This is an incredible institution which is partnering with parents to create excellent people and future adults.

Hillbrook School and the the Hillbrook Community have bent over backwards to work with the neighborhood and satisfy their needs and wishes. No school in the area has done more. In fact, the LG Public School System has continued to expand and done nothing to alleviate the traffic and congestion in the town.

Having had children in the LG Public Schools and now Hillbrook School I can tell you unequivocally that we need more children and future productive citizens to attend schools like Hillbrook who focus on the entire child. Hillbrook works tirelessly to develop incredible children with character, not children shaped by political correctness and the "feel good" cause of the month. They (Hillbrook students) are thinkers, questioners, and problem solvers. A product our public schools are sadly lacking, I know, we fled them.

Hillbrook School has been in existence longer than all of the neighbors. The entire neighborhood is filled with adults who made conscious decisions to live there with complete knowledge of the school. Hillbrook is not the problem. Hillbrook works everyday to respect their neighbors, respect the environment, and be good custodians of the community. Hillbrook strives to foster that relationship by working with them to expand the school and keep the neighborhood needs in balance with the institutions.

Please vote for the expansion. Thank you.

Jennifer Savage

To: Janette Judd
Subject: RE: Voting NO to approving Hillbrook's expansion request

From: Hanan Arafah [<mailto:hharafeh@gmail.com>]
Sent: Monday, September 22, 2014 8:07 PM
To: Town Manager
Subject: Voting NO to approving Hillbrook's expansion request

Dear Manager @ Los Gatos,

We won't be able to attend the meeting tomorrow for voting on the Hillbrook expansion.
We're voting NO on that one. No more expansions. Too much noise, too much traffic, extra pollution for the neighboring houses.

Thanks

The Arafah Family

Jennifer Savage

To: Janette Judd
Subject: RE: Hillbrook Expansion

From: Shannon Susick [<mailto:ssusick@comcast.net>]
Sent: Monday, September 22, 2014 10:02 PM
To: Town Manager
Subject: Hillbrook Expansion

Planning Commission and Manager of the Town of Los Gatos,

I respectfully request that you vote no on the planned expansion by Hillbrook School to add additional students to their campus. In addition the DEIR should not be certified and the CUP should not be revised to accommodate their request there are issues with both at present.

*This more than just a neighborhood issue.....*Unfortunately, this is another example of a well-funded group from outside Los Gatos attempting to circumvent the Town Code and General Plan. It mystifies me as to why these issues continue to be brought forward after the extreme pressures & issues the staff, Planning Commission and Town Council experienced the past few years.

The traffic and impact on the quality of life for the entire neighborhood and town is significant; our neighborhood infrastructure can't handle 1 more vehicle, let alone 100. As it stands today the traffic generated by the enrollment at Hillbrook and the activities there is beyond what the neighborhood and the streets and citizens of Los Gatos can tolerate in terms of traffic, noise and safety. The current CUP has been violated by additional hours, activities, events and enrollment and needs to be addressed. The traffic counts & other items addressed in the DEIR need to be revisited with current data.

Increasing enrollment benefits none of the citizens of Los Gatos and will **decrease property values of all surrounding parcels**. As a Certified Residential Appraiser for the State of California I can attest that properties located on the subject street and surrounding side streets are adversely affected by traffic and I will speak to that Wednesday night. If a decrease in property values doesn't get the town's attention I don't know what will.

In addition this expansion could potentially cost the town in terms of traffic mitigation, handling of complaints from neighbors and potential lawsuits.

My personal suggestion is to incorporate any proposed expansion of the Hillbrook campus by giving their governing board first right of refusal for space in the North 40 and to return the site that Hillbrook currently occupies to either residential as zoned (R110), an open space park or perhaps to the Ohlone Indians; anything but an increase of an already intensified non-conforming use of our precious land.

Shannon Susick
16407 Shady View Lane
Los Gatos CA
(408) 316-9559

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John Mittelstet
443 Alberto Way, Unit B123
Los Gatos, CA 95032
(408) 356-5970

RECEIVED

SEP 23 2014

TOWN OF LOS GATOS
PLANNING DIVISION

September 22, 2014

Re: Hillbrook School's Request to modify their Conditional Use Permit ("CUP")

To the Town Planning Commission
Town of Los Gatos

Dear Commission Members:

My wife and I moved to 289 Marchmont Drive in April of 1979. We lived there in harmony with the Hillbrook School Community for over 34 years. Our daughter Claire lived there until her graduation from Los Gatos High in 1992. My wife lived there until her death in 2012, and I decided to downsize to Los Gatos Commons, and sold my house at 289 Marchmont in April of 2013. So I was happily there for all those 34 years.

We knew when we moved there that Hillbrook School was part and parcel of the neighborhood. We enjoyed the trade-off of twice-a-day weekday traffic (45 minutes to 1-hour in the mornings, and a couple of hours of more sporadic afternoon traffic after school) for the peace and quiet we experienced at night and on the week-ends. It was like being at the end of a very long cul-de-sac.

We did, of course, notice the noise of the traffic until we remodeled and installed double-pane windows. After that, unless we were outside, or looking out the window, we truly did not notice the morning or afternoon traffic.

To us, the knowledge that the land occupied by the school would likely continue as a school, was comforting, especially when contrasted to the other possible uses of the land which could have produced much more traffic, around the clock.

I hope, as a member of the Planning Commission, you can support the proposed change to the CUP, as I feel it will be a solution that will benefit Marchmont Drive homeowners for many years to come by keeping the land a school which can be self-sustaining with the proposed new maximum number of students.

Sincerely,



John Mittelstet

September 24, 2014

Planning Commission
110 E Main Street
Los Gatos, CA 95030

RECEIVED

SEP 23 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Planning Commissioners:

I am writing to voice our objection to raising the enrollment of Hillbrook School. We live on Hilow Road, one of the feeder streets to Hillbrook School. We, too, have school aged children and are concerned for our safety walking and biking to and from school with the additional traffic.

Even the current level of traffic is too much.

In April our beloved dog was struck and killed by a car right outside our home and devastated our family. Imagine if this was someone's child. I know of two children who have been hit by cars- one on Hilow and one on Shannon in the past few years. Our neighbor on the corner of Hilow and Shannon took space from her lot to build in a sidewalk because of the safety issues from all the traffic.

Our street is already a cut-through to and from Kennedy Road and should not have to bear the burden of additional school traffic. We also have the unique single road access which can become a real safety issue for all of our children- both Hillbrook and neighborhood.

I attended one of the Hillbrook informational meetings and was dismayed by the resistance to enforced traffic mitigation. Why can't they mandate busing? I would support increased enrollment if all the kids were bused in through our neighborhood instead of cars.

Hillbrook is a private school and therefore has the privilege of choice. They can choose to listen to the needs of neighbors. They claim to have lowered the traffic...bravo! Keep it low by not expanding; be responsible and continue to have carpools, busses, walkers and bikers. Keep the enrollment at 315.

As residents of Los Gatos, our needs and safety should come before the wishes of a private institution.

Thank you for your careful consideration,

Laura and Mark Bassani
16383 Hilow Road
Los Gatos

Joe Sordi, Sr.
212 Marchmont Drive
Los Gatos, Ca 95032

September 23, 2014 **RECEIVED**

Planning Commission Town of Los Gatos, CA
110 East Main Street
Los Gatos, California 95030

SEP 23 2014
TOWN OF LOS GATOS
PLANNING DIVISION

Subject: Suggested Modifications to the CONDITIONS OF APPROVAL submitted by staff as part of the Hillbrook School staff report recently submitted to the Planning Commission.

Dear Commissioners,

The following is a proposed set of conditions based on the CONDITIONS OF APPROVAL presented by staff as part of the staff report to the Planning Commission. The purpose is to provide a foundation set of conditions from which a final set can be negotiated. As such, variables are presented in the form n-subscript notation. Constant values to replace the variables need to be negotiated by all parties concerned. Variables which interested parties cannot agree upon can then be decided by the Planning Commission itself, after hearing arguments from all interested parties.

Conditions 1 thru 3 – no change.

4. ENROLLMENT LIMIT AND CAMPUS ACCESS: Enrollment for the regular school year is limited to n1. Hillbrook shall provide an enrollment count before the first day of class each fall.

4.a. Only fully enrolled Hillbrook students shall appear on the Hillbrook campus during the regular school year except for those attending interscholastic events involving Hillbrook students as specified in Condition 3.

4.b. During the course of the regular school year, Hillbrook may petition for a special meeting of the Neighborhood Committee (see Condition 13), seeking to schedule additional events when other than regularly enrolled students may appear on campus. Three of the 4 neighborhood members of the committee must agree.

Conditions 5 thru 7 – no change.

8. REGULAR SCHOOL YEAR PEAK PERIOD TRAFFIC LIMITS. Peak periods are from 7:30-8:30 AM and 2:30-3:45 PM. Peak period counts are to be taken on Marchmont Drive east of Hilow Road. The maximum number of vehicles entering and exiting the Marchmont Drive east of Hilow during each peak period shall not exceed n4. A third party selected by the town and paid for by the Hillbrook School shall obtain total peak period counts (both in and out) n2 times a year in the spring and fall. The Neighborhood Committee shall be informed one week in advance of when the counts are to be taken. Neighborhood members of the Neighborhood Committee may randomly designate up to n3 additional dates (not days) when such counts shall be taken by the third party.

Explanation: Peak period traffic is especially a concern because of the high volume of both Hillbrook and public school traffic during peak periods and because so many school aged children on foot, bicycle, and skateboard intermingled with that traffic. It's imperative that traffic be kept as low as

possible during peak periods each and every day because of the high safety risk. The peak period traffic most affected by Hillbrook School traffic is at the intersection of Marchmont and Hilow, not at the Hillbrook School gate.

It is not necessary to regulate peak period summer traffic because the same conditions do not occur during peak periods in the summer.

9. REGULAR SCHOOL YEAR TRAFFIC LIMIT. An average of full day exit counts at the Marchmont gate taken over each Fall and Spring semester shall not exceed n5 for each semester. Only full day exit counts that equal or exceed 90% of n5 shall be included when computing the average for each semester. The n6 highest full day exit counts taken over each semester shall be excluded when computing the average for the semester. Up to n7 "foul weather" days designated as such for any day during each semester when the weather so warrants, shall also be excluded when computing the average.

a. SINGLE DAY TRAFIC LIMIT. Each full day exit count shall not exceed n8.

Explanation: By excluding full day exit counts below 90% of n5, weekend days, days when classes are not in session or in partial session, and any other days when attendance is abnormally low are excluded from the computed average.

The school is allowed n6 days per semester and n7 optional "foul weather" days per semester to account for special events and bad weather than can bring higher than normal traffic to the campus. However, no full day exit count shall exceed n8. Although the town traffic calming maximum is 1500, conditions on Marchmont Drive and the fact that not all traffic on Marchmont east of Hilow is Hillbrook traffic warrant a limit of n8.

10. SUMMER SESSION TRAFFIC LIMIT. An average of full day exit counts, taken over the period from the end of each Spring summer up until the beginning of the following Fall summer session, shall not exceed 125. Only full day exit less than 100 shall be included when computing the average for each semester.

Explanation: There are no historical counts upon which to base a limit for summer traffic. The 125 limit is a generously high limit, based upon long time neighbors estimation of summer traffic. By excluding counts below 100 from being used when computing the average, weekend days and the many summer days when there is little or not activity on campus are automatically excluded.

Hillbrook has two full summers of counts from 2013 and 2014 that may be used to consider values other than 125 and 100.

11. EXIT TRIP COUNTS METHODOLOGY AND RETENTION.

a. A third party, selected and retained by town staff and paid for by the Hillbrook School, shall utilize highly reliable and accurate traffic counting technology to collect full day exit counts at Hillbrook gate on Marchmont Drive. Such data shall be collected and retained by the third party in 15-minute interval xls format.

b. Such data shall be made available by the third party to town staff at the end of each semester and summer session and at any other time at the request of town staff.

c. Such data shall be made available to members of the Neighborhood Committee at the end of each semester and summer session and up to n9 other times per semester or summer session as requested by

at least 3 neighborhood members of the Neighborhood Committee.

d. Daily totals of such counts shall be entered into the Hillbrook file at the end of each semester and summer session and made available to the general public.

e. All daily totals of such counts for the current semester or summer period shall be made available upon request from any member of the Neighborhood Committee at any time during a semester or summer session.

f. Hillbrook shall display a full day count on its web site on each day following the actual count.

Explanation: Town staff shall be responsible for selecting and monitoring the activity of a third party to collect and retain count data at the Marchmont gate. In order to obtain accurate exit counts, it may be necessary to embed sensors in both the exit and entrance lane at the gate in order to count all exit traffic. In this manner, the sensors cannot be eluded by exiting via the entrance lane. Such data shall be made available to neighbors and the Neighborhood Committee on a limited basis as specified in the condition.

Conditions 12 – no change.

13. NEIGHBORHOOD COMMITTEE: A Neighborhood Committee shall be established comprised of four Hillbrook School representatives and four neighborhood representatives. No member of the neighborhood committee may serve 2 consecutive years. The neighborhood committee shall meet quarterly and at any other time that either the Hillbrook School or the neighborhood representatives call for a special meeting.

Explanation: Self explanatory.

Conditions 13 thru 18 – no change.

19. ANN ARBOR GATE ACCESS: To be negotiated. Alternatives include:

1. Keeping the gate closed except for emergency situations.
2. Opening the gate to foot traffic in to be designated AM and PM periods.
3. Opening the gate to both foot traffic and staff traffic between designated AM and PM periods.
4. Building a road along the edge of the campus that will allow all traffic to enter on Marchmont Drive and exit on Ann Arbor.

Conditions 20 thru 24 – no change.

25. PENALTIES FOR COMPLIANCE VIOLATIONS:

At the end of each spring semester, a third party consultant selected by the town of Los Gatos and paid for by the Hillbrook School shall examine traffic data and enumerate any violations for the previous school year.

For each violation of Condition 8, the school shall be assessed the amount equal to the cost of one enrollment.

For one violation of Condition 9, the school shall be assessed the amount equal to the cost of one school enrollment. For two or more violations of Condition 9, the school shall be assessed the cost of two enrollments for each violation, and no new enrollments shall be allowed for the following year.

25.a. At the end of each summer session, a third party consultant selected by the town of Los Gatos and paid for by the Hillbrook School shall examine traffic data and determine if there was a violation for the previous summer session. If there was a violation, the school shall be assessed the cost of 2 enrollments, and summer session use of the campus for the following summer shall be suspended.

Explanation: Progressively higher penalties are levied for increasing number of violations. If more the school violates the traffic limit for both regular school sessions, no new enrollments will be accepted for the following year. If the school violates the summer traffic limit, summer session use of the campus for the following year shall be suspended.

Condition 26 – No change.

Joe Sordi Sr

Dan & Amber Shaw

15700 Winchester Blvd.
Los Gatos, CA 95030

RECEIVED

SEP 23 2014

TOWN OF LOS GATOS
PLANNING DIVISION

September 23, 2014

Dear Chair Smith and Members of the Planning Commission:

As residents of Los Gatos with our family for 18 years; a business owner that has located my company in LG since 2002; a parent of three graduates of Hillbrook; and a long time member/volunteer of the Hillbrook Board of Trustees, we are deeply concerned about many of the facts concerning the application for the modification of the CUP for Hillbrook School. We would like to briefly correct some distortions in the record.

- 1) Fiction: Hillbrook parents are not actually busing, carpooling, walking or biking.

FACT: The FEIR confirms that Hillbrook already has implemented 18 out of 22 recommended TDM measures from the Final TDM Plan, all of which have effectively and substantially reduced traffic in the neighborhood. Since our first day at the school, our family carpool included 5 students until the bus program started and all 5 kids in the carpool switched to the bus.

- 2) Fiction: Hillbrook has routinely violated its CUP.

FACT: This is flat out wrong. There is no evidence to support the claim that Hillbrook is in constant violation of its CUP. To the contrary, the DEIR shows that Hillbrook has never exceeded the limit of 165 outbound vehicles during the AM or PM peaks during the seven-year period from 2006 to 2013. Moreover, neither staff nor the Town Council have found that the school has ever been in violation. Further, the school has never been the subject of an enforcement or revocation hearing. Regrettably, this kind of exaggeration is being used against Hillbrook to generate hysteria and to distort the truth.

- 3) Fiction: Accusation that Hillbrook floods the neighborhood with traffic after 3:45 making the traffic cap meaningless.

FACT: This has never been the case. Families do pick up after 3.45 PM (end of PM peak traffic period) because children (like ours) participate in normal after school activities. In a sincere effort to directly address the neighborhood's concerns about non-peak period traffic (while decreasing the peak period limits from 165 to 150) Hillbrook has proposed a viable solution with a new condition for an all day, averaged, traffic count of 960 total vehicles. This accommodation to address this fictional accusation should satisfy the concern.

- 4) Fiction: Neighbors claim that 'experts' have identified daily traffic above 891 on a local street as creating "a significantly impaired residential environment."

FACT: There is no data or evidence to support this claim. In fact, the traffic analysis shows that existing and future traffic volumes on Marchmont Drive are and will stay below the Town's Traffic Calming Policy standard of 1,500 trips for a local street.

- 5) Fiction: A daily limit of 485 trips is the amount of traffic ITE considers appropriate for upper Marchmont.

FACT: Again, this is wrong. I met personally with the Town of Los Gatos Traffic Engineer who spent time with me, produced the ITE manual and calculated the ITE rate for a school like Hillbrook at an average of 1107 cars per day. Further, as confirmed by Nelson\Nygaard, a reputable traffic engineering firm, the 485 limit is not a reasonable expectation and it is not based on ANY established methodology for projecting trip generation—especially ITE. Therefore, a daily limit of 485 is bogus and not appropriate for Hillbrook school, and certain neighbors' reliance on ITE to support such a claim is completely misplaced and unfounded under the ITE guidelines.

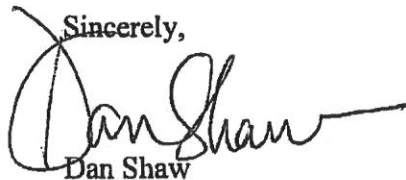
- 6) Fiction: The enrollment increase would be "disastrous" for the neighborhood.

FACT: Again, this hysteria is completely unsupported by the data before you. The DEIR concluded that the student enrollment increase would not cause any significant impacts under CEQA. The FEIR confirmed that the revisions to the Hillbrook proposal would further reduce these "less than significant impacts." The school's successful TDM program reduces daily trips to below the TIRE index's noticeability threshold, and the traffic analysis has evaluated the potential safety impacts every which way and concludes that the school and its proposed student increase **do not cause traffic safety impacts in the neighborhood.**

I ask that the Planning Commission find merit in the facts and approve Hillbrook's new and improved CUP as recommended by Town Planning staff. The school's proposal is honest, modest and data driven.

Hillbrook is a community school...a Los Gatos community school that needs to grow and help offer school choice in our community! Thank you for your consideration.

Sincerely,


Dan Shaw


Amber Shaw

Jennifer Savage

From: Gerrit Klaerner <gklaerner@tricida.com>
Sent: Tuesday, September 23, 2014 6:01 PM
To: Jennifer Savage
Subject: Hillbrook Conditional Use Permit

Dear Los Gatos Planning Commission,

I have been a Hillbrook parent for close to 7 years raising two kids in Los Gatos. Under Mark Silver's and Chuck Hammer's leadership, the school has been nothing short of spectacular in raising Los Gatos' profile for cutting edge education in Silicon Valley. Additionally, we all have worked together to limit traffic and be respectful and accommodating to the immediate neighbors.

Please allow Hillbrook to incrementally increase the student body; doing so will a) enable the necessary critical mass to further the innovative educational programs offered at the school and b) deploy the already existing resources to benefit more kids. This will pay off for the town of Los Gatos as more children will have access to the amazing learning experience and our kids will grow up learning that public transportation (school buses and car pools, which are common in many other countries) is the way to go. I do not believe that any of the other schools in Los Gatos (or Silicon Valley for that matter) have as comprehensive a school bus, car pool and bike/walk to school program.

The amount of time the administration and the Hillbrook community have spent bending over backwards to placate a few disgruntled neighbors who are pursuing the sole goal of sabotaging a good neighbor, a truly exceptional school and a model institution that is a credit to the town of Los Gatos, is not acceptable. Worst of all, the continued conflict is actually putting all the hard work that Mark and his team are doing at risk. Please continue Los Gatos' commitment to innovation and tolerance and do not give in to the "squeaky wheel."

Best,

Gerrit

Gerrit Klaerner, Ph.D.
Tricida, Inc. | CEO & President
7000 Shoreline Court, Suite 201, South San Francisco, 94080
tel. 415.988.1090 | gklaerner@tricida.com

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Jennifer Savage

To: Planning
Subject: RE: Hillbrook expansion

From: Julie [<mailto:jhlasher@aol.com>]
Sent: Wednesday, September 24, 2014 7:49 AM
To: Planning
Subject: Hillbrook expansion

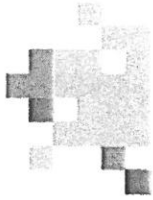
Hi Planning Commission,

I am not able to attend the meeting tonight but wanted to let you know that as a neighbor of Hillbrook, I would not like to see them expand. There are a two times a day (at the beginning and end of the school day) when the traffic around our neighborhood is already very bad and makes getting my kids to the public schools difficult. I do not think we should add more traffic to the mix to bring students to Hillbrook. I think there already is a traffic problem in Los Gatos and more students at Hillbrook would make it worse.

Thanks,

Julie Lasher
16443 Shady View Lane

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Patricia Elliot
Reuel Warkov

269 Marchmont Dr.
Los Gatos, CA 95032

Tel: 408.623.6634
Fax: 408.358.4494

Email: Elliotlaw@mail.com

September 24, 2014

Town of Los Gatos Planning Commission
110 E. Main Street
Los Gatos, CA 95030

RECEIVED

SEP 24 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Re: Hillbrook School Hearing September 24, 2014

Dear Planning Commissioners,

Please see the below comments regarding the Staff Report and Conditions of Approval submitted by staff dated September 24, 2014. This is only a partial list of concerns. There are additional issues raised by the September 24, 2014 staff report and associated exhibits. The time constraint of tomorrow's hearing prevents us from listing them here.

More Time is Needed to Evaluate the New Material Submitted- Please Do Not Close the Public Hearing on September 24th

Neighbors have not been given adequate time to review and assess the new material submitted with the Staff Report posted by the Town the afternoon of September 18, 2014. There are new detailed Proposed Conditions of Approval; an entirely new "Traffic Analysis for Proposed Enrollment Increase at Hillbrook School" dated September 15, 2014; and a vast amount of additional material on top of the "Final EIR" (704 pages).

In order to have a fair and reasoned analysis of all of this new material, the Planning Commission should keep the public comment portion of the public hearing slated to begin on September 24th open, for at least an additional two weeks, to allow all concerned, including the Commissioners, a fair opportunity to review, evaluate and comment on the vast amount of new material. To do otherwise, would deprive the public of any meaningful right to comment on these materials and prevent the Planning Commission from fairly considering the impact of what it is being asked to approve.

Further, because the public hearing is being held on Rosh Hashanah, the holiest of all Jewish holidays, an important segment of our community has been prevented from full participation in

this matter of great concern to many. No such hearing would ever be held on Christmas Eve or Christmas Day, if those holidays fell on a Wednesday night.

While it is understandable that there was a last-minute scramble to reschedule this hearing after discovering the error in the prior meeting notice, when it was brought to the Town's attention that September 24th is Rosh Hashanah, the Town should have scheduled this hearing for another date.

Members of our community should not be excluded from public participation in matters of great concern because of their religious beliefs. This is yet another important reason why the Planning Commission should continue, rather than conclude the public comment portion of the public hearing on this matter.

Hillbrook's and Staff's Recommended Trip Cap Fails to Require Hillbrook to Mitigate its Traffic

Hillbrook's proposal, that staff appears to endorse, to allow Hillbrook to subject the neighborhood to "an average of 960" vehicle trips per day on Marchmont Drive completely ignores the pleas of the vast majority of neighbors surrounding the school for the Town to implement significant enforceable traffic mitigation by Hillbrook.

Neighbors are counting on the Planning Commission to require Hillbrook to implement significant enforceable traffic mitigation. Allowing this nonconforming use to so significantly impair the integrity and character of our HR-1 "Low Density" Residential zone ignores the Town's General Plan, the Town Code and the decades of Hillbrook's failure to mitigate its traffic.

The proposal also defies basic common sense and puts both the Town and neighbors in an untenable situation.

The proposed Condition 9 would give Hillbrook the right to cause traffic on upper Marchmont Drive that would likely exceed the Town's Traffic Calming Policy and the Town would have no ability to address that.

According to Hillbrook's IRS 990 Form for the year end 2013, Hillbrook derives over \$31,000 per year, per child attending the school. At current levels, Hillbrook will derive an additional \$3.1 million per year if the Town permits its requested expansion.

Hillbrook doesn't need to expand its infrastructure or facilities in order to accommodate these additional students because it did so in 2001. Hillbrook has very little additional cost associated with the additional \$3.1 million in revenues.

With the revenue it would derive from its requested expansion, Hillbrook could afford to exceed the average trip count by 3000 trips before the cost in penalties outweighed the financial benefit to Hillbrook of adding the additional students.

Even if the violations continued for a second consecutive period and the Town imposed a fine of \$5000 per excess trip, it would take “an average” of 620 excess vehicle trips before the financial gain to Hillbrook would be outweighed by the penalties imposed.

All Hillbrook would have to do to reset the penalties back to the \$1,000 level is not exceed the trip count average for the summer period. That should be easy for Hillbrook to accomplish and is in its interest because the majority of its revenue comes from the school year fees. Hillbrook has undoubtedly factored in the cost of penalties as a cost of doing business.

Town staff and the EIR recommends that Hillbrook be allowed an “average” of 960 vehicle trips per day, justified by the fact that the Town’s Traffic Calming Policy is not triggered until a “local street” such as Upper Marchmont Dr. tallies 1500 vehicle trips per day.

However, the Town's calculations do not appear to take into consideration the residents’ use of the street. According to ITE trip rates for single-family residential, each home on upper Marchmont is likely to generate 10.1 vehicle trips per day. For the 34 homes, including the Courts, that amounts to 343 vehicle trips per day on Upper Marchmont for residential traffic. Therefore, even if Hillbrook incurs 960 vehicle trips per day, when residential traffic is added, the trips per day on upper Marchmont will amount to over 1300.

All it takes is for Hillbrook to exceed its vehicle trip count by 200 trips in order to trigger the Traffic Calming Policy. The probability of that is high, especially since the EIR shows that based on 2013 counts, the estimated volume of traffic due to the expansion will be 1155. EIR 8.2-3. When added to the residential traffic, that brings us to 1498 trips.

Given that the EIR numbers did not count days on which after school sporting events occur and did not weight the analysis to account for a higher trip rate for Middle School students who have more after school activities, we are virtually assured that the Traffic Calming Policy will be triggered. The use of “averages” in the counting method also makes it evident that Marchmont Dr. will experience in excess of 1500 vehicle trips on many days due to Hillbrook traffic.

However, under the proposed CUP conditions, if Hillbrook exceeds the 960 by 200 trips, the only repercussion to Hillbrook will be that it pays the Town \$200,000. That is the amount of revenue Hillbrook generates from just 6.45 students. For the second consecutive violation, the cost to Hillbrook is another \$1 million dollars or the equivalent revenue from 32.25 students. Hillbrook still comes out about \$2 million dollars ahead for the year.

But where does that leave the Town? Where does that leave the neighborhood? Once the Town has given Hillbrook “a vested right” to an “average of 960 vehicle trips per day” and the right to pay fines in order to exceed that number, the Town will have no right to require Hillbrook to mitigate its traffic in order to come beneath the Town's Traffic Calming Policy.

The only option at that point, it would seem, would be to have to open the Ann Arbor gate to bring the Hillbrook traffic on the Marchmont Dr. side of campus down to levels that meet the Town's Traffic Calming Policy. Does the Town really want to set us all up for this likely result?

It makes no sense that the Town would permit Hillbrook to subject the neighborhood to traffic levels that push us right up against the need for Traffic Calming, when there is the opportunity now to craft real, effective and enforceable traffic mitigation through adopting a set daily cap that would require Hillbrook students to be transported to and from school on buses and in carpools of three or more students.

Justification for The Neighbors' Proposal of a 485 Vehicle Daily Cap

Hillbrook requires all of the Breakthrough Silicon Valley students, whom they let use the campus in the summers (despite the CUP prohibition on third party use) to ride buses. Hillbrook should require the same of its own students. The "voluntary offer" to carpool that Hillbrook and Town staff propose to keep in the new CUP has proven utterly ineffective, as evidenced by the high vehicle trip counts we have had for Hillbrook's approximately 220 families for the last several years. Hillbrook has simply ignored the commitment it made in 2001 that it would require 100% carpooling, and hopes that the Town will forget all about that too.

The new Nelson/Nygaard "Traffic Analysis" Hillbrook submitted¹ states that the neighbors' proposal of a daily 400 trip cap (which neighbors have already raised to 485 to account for the additional "visitors" Hillbrook says it needs each day) is not feasible or reasonable, but Nelson/Nygaard supplies NO factual support for that statement.

The neighbors' proposal is both reasonable and feasible based on the evidence of the experience of the Breakthrough Silicon Valley program held at Hillbrook. Over 100 participants are required to arrive and leave the campus on two buses each day. The total daily trip count for those 100 students is 8.

Using that proven example, Hillbrook's daily student trip total at the current 315 enrollment would be fewer than 24. In that light, it is **more than reasonable to hold Hillbrook to a solid maximum 485 of daily trips.** That number would more than account for any individual circumstances, staff trips, deliveries and any activity related traffic.

Using an "Average" Trip Count is Inappropriate

While staff's proposal appropriately eliminates several of the more glaring loopholes Hillbrook proposes to include in this provision, as proposed by staff, there is still wide latitude for Hillbrook to routinely far exceed the daily trip cap, without exceeding its "average."

¹ Staff Report Exh. 16, Attachment 4.

First, the traffic counting device proposed to be used to collect the data on which compliance will be measured, is ripe for manipulation. According to the Staff Report at page 8, the proposal is that the counting device be installed only on the exit lane at the Hillbrook gate. Who will monitor whether vehicles exiting later in the day, or at any time when another vehicle is not entering at the school gate, actually uses the exit lane rather than exiting out the left side entrance lane which is not counted? Vehicles can simply use the left lane to exit, thereby not tripping the car counter.

Counting only the vehicles exiting at one of the two lanes at the gate would NOT provide an accurate or reliable trip count. **In order for this counting device to provide accurate and reliable information, it must be designed and required to count vehicles traveling in both directions at the Hillbrook gate.**

Second, the “average” calculation is proposed to include “all weekdays except for **weekdays when no school or activities** are held.” Condition #9 b. This language can be interpreted such that days on which there is no school but there are “activities” will be included in the “average” calculation.

In recent years, Hillbrook has been offering various “activities” on non-school days, during Christmas break, spring break, and other school holiday times. This year, for example, Hillbrook has no school the entire week of Thanksgiving and for two weeks at Christmastime. Hillbrook offers indoor camps, daycare and other “activities” during these non-school days.

As written, this provision actually encourages Hillbrook to continue to offer those “activities” during times when school is not in session. These non-school days on which only “activities” are offered, will result in a far lower traffic counts than on typical school days. As a result, including the weekdays on which there is no school, but just “activities” would dramatically affect the overall averages, allowing Hillbrook to far exceed the trip cap on many days when school is in session.

The concept of “average” will allow Hillbrook to alter its programming in order to manipulate its average counts. This will create ongoing disputes and consternation. If there is to be any enforceable traffic cap at any level, this loophole must be closed. The CUP should discourage activities on non-school days, and make clear that non-school days are not counted in any “average” calculation.

Better yet, there should be no “average” calculation to determine Hillbrook’s compliance with the trip counts. Hillbrook should be held to a set maximum trip count every weekday of the year and reported to the Town monthly. The trip count should be set at a level that preserves the wholly residential character of the neighborhood. Require that Hillbrook bring the students in and out in buses and carpools as was promised to neighbors in 2001. The carpooling promise dates back for over two decades. The penalties to be assessed should be assessed for each car trip that exceeds the cap each day of the year.

If Hillbrook violates the cap more than two months in one school year, Hillbrook should suffer a decrease in its permitted enrollment number.

Review and Enforcement On An Annual Basis Is Insufficient- Full Street Counts Are Needed.

As noted above, it is highly likely that if the 960 “average” is approved, the upper Marchmont neighborhood will be subjected to traffic levels that exceed the Town's Traffic Calming Policy. Given that it is foreseeable and likely that Hillbrook's traffic will cause a triggering of the Town's Traffic Calming Policy, neighbors should not have to wait a year before the Town addresses this issue. The twice annual traffic counts as part of the current CUP should still be conducted, without notice to Hillbrook, between the “S” curve and the Marchmont Dr. Hilow/Stonybrook intersection, to accurately count ALL traffic on Marchmont Dr.

Neighbors have had to wait far too long to get to this point where we have hope that the Town will finally implement effective traffic mitigation measures. The CUP should contain an explicit provision that the Planning Commission will conduct at least an annual review of all of the conditions in the Hillbrook CUP as long as the CUP is in effect.

Enforcement of other Conditions in the CUP is absent.

There is no provision in the penalties section for violations of other aspects of the CUP, including the number of nighttime activities, weekend activities and the enrollment cap. Given that Hillbrook has violated all of these provisions in the past, and is on notice that these mandatory CUP conditions must be honored, the Town should not only require verification and enforcement of these conditions, but also include significant financial penalties and reduction of enrollment numbers for any continued violations.

Nor is there any enforcement mechanism for the situation in which neighbors are awakened by Hillbrook traffic before dawn, which is a frequent occurrence. We are often awakened by loud trucks going up the hill in our silent neighborhood anywhere between 4:00 AM and 7:00 AM.

Each time we notify Mr. Silver of these occurrences, he replies that he will speak with the offending party and see that it does not happen again. Last week, we were awakened between 5:30 AM and 6:00 AM several times. We now have to wear ear plugs at night. Even then the trucks are loud enough to wake us. There should be a substantial fine for any Hillbrook related vehicle entering Marchmont Drive before 7:00 AM.

Delivery Hours

Proposed Condition 6, "Delivery Hours," is totally inappropriate for our quiet solely residential neighborhood. No deliveries should be permitted on weekdays after 5:00 PM and no deliveries should be permitted at any time on Saturdays or Sundays.

Hillbrook's Permitted Activities

Weekend Activities- No Sunday Use should be permitted- In the chart of Permitted Activities submitted by staff, staff suggests allowing Hillbrook to conduct various activities, open house, volleyball tournaments, basketball tournaments and Hillbrook faculty/administrator weekend work on both Saturday and Sundays. Staff's Recommended Conditions of Approval, September 24, 2014, p.2-3.

Except for weekend work by staff, none of these activities have ever been previously allowed on Sundays. Residents deserve at least one day during the week of peace from Hillbrook's activities, both from a traffic standpoint and from the standpoint of the noise Hillbrook's activities creates in the neighborhood.

Weekend Activities- No Nighttime Use should be permitted- In addition, none of these weekend activities, including Faculty/Administrator Weekend work, should be permitted to occur past 6:00 PM.

Hillbrook Faculty/Administrator Weekday Work- No Nighttime Use should be permitted- The CUP allows Hillbrook to have a staff of 80. Neighbors should not be subjected to nighttime weekday and weekend Hillbrook traffic of up to 80 vehicles, beyond the Ten permitted Nighttime Events.

Permitting these activities to occur past 6:00 PM expands the current limit of Ten Nighttime Activities to an unlimited number. **The campus should be quiet by 6:00 p.m., during the week and on weekends, except for the Ten permitted Nighttime Activities.**

"Evening/nighttime Events" and "Professional Development"- It should be made clear in the chart of "Hillbrook's Permitted Activities" that any "Professional Development" that occurs past 6:00 PM will be counted as among the 10 permitted "Evening/Nighttime activities." Staff's Recommended Conditions of Approval, September 24, 2014, p.3.

Thank you for your careful consideration of these matters. Your efforts and understanding are greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Patti' followed by a stylized flourish.A handwritten signature in black ink, appearing to be 'Reuel Warkov' followed by a long horizontal stroke.

Patti Elliot and Reuel Warkov

DONNA M. VENERUSO (d.'09)
LEILA H. MONCHARSH

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD RD., STE 10
OAKLAND, CALIFORNIA 94619
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RECEIVED

September 23, 2014

SEP 24 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Planning Commission
110 East Main Street
Los Gatos, CA 95030

Re: Conditional Use Permit U-12-002; EIR 13-001 – Hillbrook School

Dear Commissioners:

My law firm was retained by LG CATS to review the staff report and submit comments to your commission regarding Hillbrook School's (Hillbrook) application to increase its enrollment. I am a land use attorney with a master's degree in urban planning. Over the last 20 years, I have periodically analyzed projects where private schools have sought agency permits for their expansion plans. The staff report demonstrates a high level of planning skill, negotiations between Hillbrook and its neighbors, and some understanding by the planner of the different stakeholders' needs.

In this correspondence, I will focus on the "averages" in car trip conditions 9 and 10, and on the use of the Hillbrook property for leasing and renting (condition 7). (Exhibit 7 CUP proposed conditions). In my experience both of these requests are problematic as they invite conflict and problems between private schools and surrounding residents. **I recommend modifying the proposed condition so that the traffic vehicle count number is set at a specific number, not averaged, and denying Hillbrook's request to rent or lease to third parties.**

A. Background Information

As with many private schools in Northern California, there has been growing interest by parents wishing to enroll their children in Hillbrook, as opposed to public schools. To stay competitive with other private schools, and take advantage of that increased interest, Hillbrook has intensified the use of its campus, especially over the last 14 years. A quick review of the permit issuance history in the staff report demonstrates that in the 1980s there were only two Hillbrook requests for permits, none in the 1990s, and then five permits were issued between 2001 and 2007. In 2012, neighbors raised concerns about Hillbrook's compliance with its use permit and requested that the Town investigate various compliance issues. (Staff report, p. 4.) On page 11 of the staff report, the planner reported that during the EIR comment period, she verified that "in the past, Hillbrook School did exceed their enrollment limits" under their use permit.

The above history is very familiar as it is almost identical with problems posed by several private schools in the Oakland area. Expanding private schools in residential neighborhoods present challenges that are not immediately apparent to planning

Planning Commission
110 East Main Street
Los Gatos, CA 95030
Re: Hillbrook School
September 23, 2014
Page 2

commissioners. In the early part of the last century, most schools were "neighborhood-serving." Children walked, or rode bikes or busses to their school, which was typically not more than half an hour's ride from their homes. Residents not only used the local schools around them, but they did not mind the traffic since it was fairly limited.

The older school model is no longer true with Northern California private schools, which often compete for students outside of their own city or town boundaries. It is not unusual for busy parents to come speeding through a neighborhood with one child in the car, drop them off, and then speed back out of the neighborhood. In the competition for more students, the areas immediately around private schools become saturated and in order to attract more students, the school is forced to seek increased enrollment from considerable distances, which then invites more single occupancy vehicle trips.

Another difference is the management model that applies to private schools. Gone are the days when the school master lived on the campus and stood outside making sure that the parents and children all behaved properly as they came and left the school. Private school upper management is not answerable to a superintendent of the school district or a school district board. The head-of-school is generally completely in charge of day to day operations with little to no oversight. The board of trustees is limited to "making policy decisions" and even if the head is a poor manager, their only recourse is to fire him or her, under the school's bylaws. The board of trustees often consist of busy, professional parents who leave the board after two or three years, which does not allow for the kind of continuity that is necessary to really oversee operations, even if the bylaws allowed them to do so.

By increasing enrollment, the school then increases the amount of often speeding traffic in the morning and afternoon, the length of time for drop-off and pick-up, the number of deliveries including the size of trucks and hours of deliveries, the number of events, the number of staff, and the amount of noise that is experienced by the residents. Poor management and a disinterest in the residential community around the school all add to the school's incursion into the residential part of the neighborhood. The school in effect "institutionalizes" the neighborhood, which defeats the General Plan goals and policies for the residential zone.

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B. Traffic Management Planning Requires Using a Set Number of Vehicle Trips, and Not Relying on "Averages"

1. The TDM Is Vague and Without Specifics; Therefore, the School Is Not Required to Comply with Any Specific Permit Conditions Related to the TDM

The Nelson Nygaard Transportation Design Management Plan (TDM), dated September 14, 2012 correctly identifies a number of disincentives for parents to use transportation methods, other than taking one or two children to Hillbrook in a car. They include:

1. The cost of the shuttle in the form of an annual fee that is tacked on to the already high cost of the tuition at over \$28,000 per student. (TDM, pp. 2, 8, 10.)
2. Children who are too young for public transportation (TDM, p. 4.)
3. Parents wishing to have flexibility and independence (TDM, p. 8.)
4. After school activities (TDM, p. 8, 10.)
5. Inconvenient shuttle stops and slower shuttle rides than car rides (TDM p. 9.)
6. Distance between home and school is too long to walk or bike (TDM p. 9.)

The list is consistent with what we could guess using common sense will occur when you ask busy professional parents to choose between taking children to school in their own cars on the way to work versus using a different method. However, then the TDM fails to provide specific solutions which can be included in conditions of approval. For example, on page 14 of the TDM, the authors recommend "lower shuttle prices." However, that is not an incentive to ride the shuttle and it is vague – how much lower?" An example of an incentive that would cause parents to put their children on the shuttle would include a five or ten percent *reduction* in the tuition charge in exchange for a commitment to use the shuttle.

Incentives also tend to work best when both the parent and child are rewarded for using a shuttle, bus, or carpool. A discount at the school store, free tickets to sports events, a surprise gift after riding a certain number of times on the shuttle would be examples of incentivizing the child to turn down rides from parents and use the shuttle, bus or carpool. None of these incentives are in the conditions, and they should be.

Missing from the TDM is a GIS map showing with dots where all of the students live. If they all live in Los Gatos, there should not be any reason why bike, walking,

shuttle service, and public transportation are not sufficient for their transportation needs. Because that information is missing, there is no inclusion in the conditions of required pick-up and drop-off locations for the shuttle. Nor is there any evidence in the TDM of a carpool system that is specific enough to include in the conditions of approval.

On page 16 of the TDM, the authors suggest that Hillbrook requires flexibility to adjust shuttle sizes and routes. However, a condition of approval could require that the school produce a firm TDM now and provide any adjustments to the planner for review and approval. That would be an administrative task and not normally require a new permit. Yet, it is left up to Hillbrook as to how it chooses to adjust the shuttle sizes and routes.

Similarly, the suggestions regarding increasing carpool use are not mandatory. An example of a condition that would make them mandatory would require that Hillbrook include in its contract with each parent an agreement as to how their child will arrive and leave school 90% of the time, and that at least 40% of all parents must contract to use a carpool as a condition of enrollment at the school. (The numbers are random for purposes of the example.) I understand that the Head of School in 2001 promised the Town and neighbors in writing that, "We are informing each new family to Hillbrook that we expect that they will carpool as a part of their acceptance to the school." By now, Hillbrook should be a 100% carpooling school.

The result of a weak TDM is evident in the number of vehicle trips allowed under the proposed conditions. 480 vehicle trips each way appears to represent *little use of non-auto transportation*. A good TDM should reduce that number significantly by at least a third, assuming strong recommendations contained in use permit conditions.

2. Given the Weak TDM and No Specific Auto Trip Reducing Conditions, Averaging the Trips Compounds the Traffic Problems

In Oakland, Bentley School's use permit includes an "averaging" condition very similar to proposed Condition number 9. Our experience has been that instead of focusing on reducing car trips to and from the campus, the school focuses on "gaming the averages." All it takes to bring the school into compliance with the average vehicle trip count cap is for the school to have a half-day or a closed day of school to bring itself into compliance. The neighbors are unhappy because they see the daily violations and then complain to the planner that the average count does not adequately reflect the negative impact on their neighborhood from excessive car trips. It would have been far better to have a set number for the school to use as a "no more cars" rule that it must comply with than the averaging method.

Planning Commission
110 East Main Street
Los Gatos, CA 95030
Re: Hillbrook School
September 23, 2014
Page 5

Here, the use permit condition does not meet the real goal of reducing car trips and it allows for increasing the traffic impacts on the neighborhood. The neighbors were already complaining that the number of cars entering and leaving their neighborhood was inconsistent with a residential, single-family neighborhood. To add another 99 student load on this one neighborhood is inconsistent with the Los Gatos General Plan goals and policies:

Goal LU-1: To preserve and enhance the existing character and sense of place in residential neighborhoods

Policy LU-6.1: Protect existing residential areas from the impacts of non-residential development

Policy LU-6.2: Allow non-residential activity in residential areas only when the character and quality of the neighborhood can be maintained.

C. The Planning Department's Advice to Refuse Third Party Use, Rent, or Lease of Hillbrook's Facility Is Correct (Condition 7)

1. Hillbrook's Request Would Not be Permitted Under the Zoning Code or Would Require A Different CUP

Hillbrook's request to use the school facility for events outside the immediate school community comes up twice in the staff report: page 13 – Hillbrook's request to provide "adult education to a general audience" and on pages 16-17 – Third Party Uses. In both instances, the staff correctly advised the Planning Commission against granting the request. These two requests are not consistent with the permit application and if granted, would further add to the deterioration of the surrounding residential neighborhood due to traffic.

I have attached the Los Gatos Municode, section 29.20.185. While I was unable to find a code definition for "school," the code does indicate the types of uses allowed in each area of the town. The closest category that matches allowing a nonprofit or business to offer services to the general public would be "Community Services" and the specific use would probably be "community center." If the rentals involved outdoor activities, it might fall within "park." It also might qualify under the general category "Recreation" and the specific category "commercial recreation and amusement establishment" if Hillbrook intended to rent to organizations claiming to offer, for example, summer day camps for children. The later category is not permitted at all in the area of the school and the other two categories require a CUP.

Planning Commission
110 East Main Street
Los Gatos, CA 95030
Re: Hillbrook School
September 23, 2014
Page 6

According to section 29.20.190, attached, Hillbrook would have to show that the "proposed uses will not impair the integrity and character of the zone" and that they would not be detrimental to the general welfare. The uses would also have to be in harmony with the General Plan. Given that Hillbrook is already causing traffic congestion for the neighborhood, it seems highly unlikely that it could meet these criteria.

2. The Grant of the Use Permit to Include Third Party Rentals Is Inconsistent With the Zoning Code and the General Plan

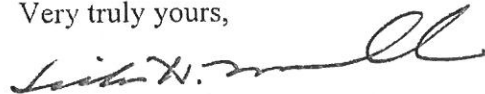
As shown above, Hillbrook's request for use of its facility by third parties would fall under a different zoning code activity designation than the designation for a school, and the request does not meet the findings in section 29.20.190. The request is also inconsistent with the General Plan goals and policies, listed above and on page 20 of the staff report detailing the importance of preserving a good quality of life for the residents living around the school.

3. The Grant of the Use Permit to Include Third Party Rentals Would Violate CEQA

An environmental impact report (EIR) must "discuss any inconsistencies between the proposed project and applicable general plans . . ." (California Code of Regulations, section 15125, subdivision (d).) Chapter 4, "Land Use and Planning" in the Draft EIR (DEIR) does not cover the inconsistencies between the General Plan goals and policies listed on page 20 of the staff report and the proposed use of the Hillbrook facility by tenants or other third parties. There is no specific project description for this use and no evaluation of the potential traffic impacts from allowing the use. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777. Therefore, the project would require at least a supplemental EIR to discuss the inconsistencies between the General Plan and allowing the Hillbrook facility to be leased by third parties.

Thank you for considering my comments.

Very truly yours,



Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

LHM:lm

cc: LG CATS

Sec. 29.20.145. Approval required.

Architecture and site approval is required in all zones for the following:

- (1) New construction of any principal building;
- (2) An exterior alteration that changes the architectural style of a single-family and two-family residence.
- (3) Any exterior alteration or addition to a building excluding:
 - a. Alterations or additions to a single and two family dwelling that do not require approval by the Planning Commission or Development Review Committee pursuant to the Residential Design Guidelines or the Hillside Development Standards and Guidelines;
 - b. Minor exterior alterations to commercial and multifamily buildings.
- (4) Intensification of land use. For the purposes of this section only, intensification of land use means all changes in use which require more parking and/or results in an increase in peak hour trips for mixed use, multi tenant commercial, industrial or multifamily development projects if the trips exceed the traffic generation factor assigned to the project at the time of approval and/or an increase of five (5) or more peak hour trips;
- (5) Residence conversions;
- (6) Any development in a floodplain as required by article IX of this chapter;

and as otherwise specified in this article.

(Ord. No. 1316, § 5.20.030, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1493, 3-17-81; Ord. No. 1521, 11-2-81; Ord. No. 1680, 3-17-86; Ord. No. 1736, 10-19-87; Ord. No. 1763, § III, 10-3-88; Ord. No. 1815, § III, 3-19-90; Ord. No. 1832, § I, 7-16-90; Ord. No. 2149, § I, 5-1-06)

Sec. 29.20.180. Conditional use permits.

The adoption of this chapter is based on the premise that there are uses which can be specified for each zone which, in practically all instances, will be mutually compatible. In addition, there are other uses which might be compatible with ordinarily allowed uses if properly located and regulated. These are called conditional uses. They are listed in section 29.20.185. However, the listing of a conditional use does not indicate that the use must be allowed. There will be locations or instances where a specified conditional use is inappropriate in a zone regardless of the extent of regulation.

(Ord. No. 1316, § 5.20.200, 6-7-76; Ord. No. 1363, 8-1-77)

*** * * Sec. 29.20.185. Table of conditional uses.**

An "X" indicates that an activity is allowed in a zone if a conditional use permit is issued. Activities listed in this table are only allowed where a conditional use permit is issued, or where the activity is specifically listed in the permitted uses for the zone.

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
(1) Commercial													

a.	Banks									X	X	X		
b.	Savings and loan office									X	X	X		
c.	Drive-up window for any business									X	X	X		
d.	Supermarket									X	X	X		
e.	Super drugstore									X	X	X		
f.	Department store									X	X	X		
g.	Shopping center									X	X	X		
h.	Motel										X	X		
i.	Hotel										X	X		
j.	Restaurant including those with outdoor dining areas or takeout food									X	X	X	X	X
k.	Establishment selling alcoholic beverages for consumption on premises													
1.	In conjunction with a restaurant									X	X	X	X	
2.	Without food service (bar)										X			
l.	Establishment selling alcoholic beverages for consumption off-premises (this provision only applies to establishments commencing or expanding off-premises sales after April 23, 1981)									X	X	X		
m.	Convenience market									X	X	X		
n.	Formula retail business										X			
o.	Formula retail business greater than 6,000 s.f.									X		X	X	
p.	Personal service businesses (as set forth in section 29.60.320)										X			
q.	New office building approved or constructed after May 1, 2006									X	X	X		
r.	New retail sales of firearms, ammunition and /or destructive devices as set forth in section 29.70.100												X	
(2)	Recreation													
* a.	Commercial recreation and amusement establishment									X	X	X	X	
b.	Theater										X			
c.	Outdoor entertainment										X			
d.	Swimming pool for non-incidental use	X	X	X	X	X	X		X	X	X	X	X	X
e.		X	X	X	X	X	X		X	X	X	X		

		Private sports recreation club																	
	f.	Golf course	X	X	X	X	X												
(3)		Community Services																	
	*	a.	Public building; police, fire, community center, library, art gallery, museum	X	X	X	X	X	X		X	X	X	X	X	X	X		
		b.	Club, lodge, hall, fraternal organization			X	X	X	X		X	X	X	X	X	X	X		
		c.	Church, monastery, convent, and other institutions for religious observance	X	X	X	X	X	X		X	X	X	X	X	X			
		d.	Mortuary, columbarium, mausoleum						X				X	X	X				
		e.	Public transportation and parking facilities	X	X	X	X	X	X		X	X	X	X	X	X	X		
	*	f.	Park, plaza, playground	X	X	X	X	X	X		X	X	X	X	X	X	X		
		g.	Nonprofit youth groups	X															
(4)		Schools																	
		a.	Public schools or college not otherwise specified	X	X	X	X	X	X		X	X	X	X	X				
		b.	Private school or college not otherwise specified; including a new private school or college to be located on grounds or within buildings formerly occupied by a public school	X	X	X	X	X	X		X	X	X	X	X				
		c.	Nursery school/day care center, provided that each shall be on a site not less than 20,000 square feet in area and in a building not less than 2,000 square feet in floor area	X	X	X	X	X	X		X	X	X	X	X				
		d.	Small family day care home								X	X	X	X					
		e.	Large family day care home								X	X	X	X					
		f.	Vocational or trade school										X	X	X				
		g.	Business or professional school or college								X	X	X	X	X				
		h.	Art, craft, music, dancing school								X	X	X	X	X				
(5)		Health Services																	
		a.	Hospital								X								

b.	Convalescent hospital			X		X	X		X	X	X	X		
c.	Residential care facility-small family home								X	X	X	X		
d.	Residential care facility-large family home	X	X	X	X	X	X		X	X	X	X		
e.	Residential care facility-group home	X	X	X	X	X	X		X	X	X	X		
(6)	Transmission Facilities/Utilities													
a.	Public utility service yard, station, transmission lines, storage tank, drainage or communication facilities	X	X	X	X	X	X		X	X	X	X	X	X
b.	Antenna facilities operated by a public or private utility for transmitting and receiving cellular telephone and other wireless communications	X	X	X	X	X	X		X	X	X	X	X	X
c.	Radio and/or broadcast studios								X	X	X	X	X	X
(7)	Automotive (Vehicle sales, service and related activities)													
a.	New vehicle sales and rental										X	X		
b.	Used vehicle sales only incidental to new vehicle sales and rental										X	X		
c.	Vehicle tires and accessories, sales, servicing, recapping											X	X	
d.	Vehicle body repair and painting											X	X	
e.	Vehicle repair and service (garage)											X	X	
f.	Service station									X	X	X	X	
g.	Parking lots or storage garages, not accessory to another use										X	X		
h.	Car wash											X		
i.	Truck terminal												X	X
j.	Alternating use of offstreet parking spaces	X	X	X	X	X			X	X	X	X	X	X
k.	Recreational vehicle and equipment storage yard											X	X	X
l.		X	X	X	X	X	X		X	X	X	X	X	X

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(Ord. No. 1316, § 5.20.205, 6-7-76; Ord. No. 1363, 8-1-77; Ord. No. 1367, 9-19-77; Ord. No. 1369, 10-3-77; Ord. No. 1375, 11-21-77; Ord. No. 1405, 9-5-78; Ord. No. 1417, 2-20-79; Ord. No. 1476, 9-15-80; Ord. No. 1483, 12-2-80; Ord. No. 1493, 3-17-81; Ord. No. 1506, 7-6-81; Ord. No. 1531, 4-20-82; Ord. No. 1546, 8-16-82; Ord. No. 1555, 10-25-82; Ord. No. 1571, 3-7-83; Ord. No. 1596, 10-24-83; Ord. No. 1654, 4-22-85; Ord. No. 1667, 12-2-85; Ord. No. 1701, 12-15-86; Ord. No. 1724, 5-18-87; Ord. No. 1725, 6-1-87; Ord. No. 1729, 6-15-87; Ord. No. 1732, 7-20-87; Ord. No. 1737, § V, 11-2-87; Ord. No. 1746, 3-21-88; Ord. No. 1835, § III, 7-16-90; Ord. No. 1842, § II, 4-1-91; Ord. No. 1896, § I, 4-6-92; Ord. No. 1961, § I, 11-15-93; Ord. No. 1993, § I, 1-3-95; Ord. No. 2006, § IIA, 11-6-95; Ord. No. 2011, § I, 3-4-96; Ord. No. 2107, § II, 11-4-02; Ord. No. 2115, § III, 9-15-03; Ord. No. 2131, § I, 5-3-04; Ord. No. 2132, § II, 5-17-04; Ord. No. 2149, § I, 5-1-06; Ord. No. 2220, § I(Exh. A), 10-7-13; Ord. No. 2222, § I(Exh. A), 10-21-13)

(a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:

- <https://library.municode.com/print.aspx?h=&clientID=11760&HTMRequest=https%3a%2f...> 9/6/2014

Jennifer Savage

From: Stephen Beritzhoff <steve.beritz@gmail.com>
Sent: Wednesday, September 24, 2014 10:39 AM
To: Jennifer Savage
Subject: Response to towns' NOPE response STEVE BERITZHOFF Comment I_BeritzhoffS-01: Final EIR

9-24-2014
Steve Beritzhoff
276 Karen Court
Los Gatos CA 05032

Los Gatos Planning Commission

110 East Main Street

Los Gatos, California 95030

Subject: Response to towns' NOPE response **STEVE BERITZHOFF**

Comment I_BeritzhoffS-01: Final EIR

8.4-54 my questions;

I would like know where the subject of this email. March 11-15 2013 Marchmont traffic count is in the Appendix C of the 20`4 TJKM report document. There several 2013 counts provided so I would like to understand where the March 11 weekly count is and review the raw data.

Comment I_BeritzhoffS-01:

STEVE BERITZHOFF

Comment I_BeritzhoffS-01:

The Staffs response; 8.5-38

Response to Comment I_BeritzhoffS-01: See the last two pages of Appendix A, Raw Traffic Data, of

the TIA Addendum, which is included as Appendix C of the Draft EIR. As indicated on DEIR p. 4.3-1,

first paragraph, the Commenter can view these data in the full TIA Addendum (with appendices) at the

Los Gatos Community Development Department (located at 110 East Main Street) during counter hours

(from 8:00 a.m. to 1:00 p.m., Monday through Friday) or online through the Town's website:

<http://www.losgatosca.gov/Hillbrook>. For the ease of review, the referenced ADT counts are included as **Appendix K** of this report

My additional comments 9-24-14: The staff responded that the location of the traffic count I reported on March 12 for the week of March 11 2013 was actual data for location 7. ON MARCHMONT DRIVE, WEST OF THE GATE a count starting the week of March 18th. It's clear from the date stamp of my original email and pictures the is was for the previous week to the reported data. That March 18 data showed a Monday Mach 18 incoming car count 73 cars than outgoing. This may have been from the tampered tube I reported Tuesday March 12. Please question staff on the where a bouts of the week of March 11 count? Was it used for what was reported as the March 18 West of the gate count?

Regards

Steve Beritzhoff

September 19, 2014

Planning Commission
110 E. Main Street
Los Gatos, CA 95030

RECEIVED

SEP 24 2014
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Commissioners:

My husband, Don Dodson, will be out of the country on the date of the Planning Commission hearing. He planned to make the comments below, so he submitted them in writing instead. However, only 1 of the 2 pages of the submission was included in your packet, so I am submitting the entire talk as a desk item.

COMMENTS TO THE PLANNING COMMISSION FROM DON DODSON, 239 Marchmont Drive, Los Gatos

Hillbrook supporters use a variety of arguments to justify an enrollment increase. I would like to rebut a few of these.

Parents often justify an increase based on the quality of education Hillbrook provides.

Neighbors are happy to grant the premise but not the conclusion. The issue is not whether Hillbrook provides a good education. The issue is one of land use: whether Hillbrook should be allowed to expand its non-conforming use within a residential neighborhood.

In letters Hillbrook parents say: Everyone carpools and uses the buses. We are controlling traffic.

Neighbors know this isn't true just from seeing Hillbrook cars go by with single children in them. And if it were true, traffic would be far below the current 900-to-1,000 level. Neighbors have provided documentation of how participation in carpooling, busing, and walking or biking would reduce current traffic to roughly 460 daily trips. If everyone is carpooling or using buses, where is all the extra traffic coming from?

People often say: Residents who bought houses in the neighborhood knew there was a school there, so they should have known what to expect.

We have lived in the neighborhood for 30 years. Thirty years ago the school had 160 children and very little traffic. Traffic occurred in just two periods—the drop-off and pick-up times. We could not have anticipated Hillbrook's sudden and dramatic growth. Hillbrook now hosts more than 100 interschool sports events and at least 25 afternoon activities. None of this was happening 30 years ago. More recent neighbors bought homes knowing that Hillbrook had a CUP. They expected Hillbrook to abide by this CUP, to remain the same size, and to limit its activities to conform with the feel of the neighborhood.

Hillbrook says: Increasing enrollment at Hillbrook will help the Los Gatos Schools.

According to the Hillbrook website, two-thirds of its students come from outside of Los Gatos, so Hillbrook offers little relief to overcrowded Town schools. These out-of-town students add cross-

town traffic at times when other school traffic and general traffic throughout town is already heavy. Furthermore, most parents who send their children to private school are not likely to look at the public schools. If they can't use Hillbrook, they will likely look at other private schools. Hillbrook will not reduce overcrowding at local schools.

Hillbrook says: Other Los Gatos public schools have expanded, so Hillbrook should be allowed to expand, too.

Private schools like Hillbrook can control their total enrollment and the students they enroll. Public schools can't. They can't turn away students. The public schools have not chosen to expand. They have been forced to expand. Furthermore, all public schools in Los Gatos are on main arterials, not on local winding two-lane single-access streets.

Public schools are zoned for their operations and traffic. Private schools operate under specific site requirements. When such an enterprise is in a residential neighborhood, it is all the more important to pay attention to its impact on safety, neighborhood character, quality of life, and property values. If Hillbrook wants to grow to serve the community, it should find another location that can support its growth.

Hillbrook says: Whatever it does to reduce traffic, neighbors are never satisfied. They just keep complaining.

The problem with this is that Hillbrook doesn't consult neighbors about its plans. Some of their plans have had bad results, like the traffic backups and dangers to bikers and pedestrians that the kiss-and-ride buses on Shannon and Kennedy create. Others like the late afternoon shuttles are approaches that neighbors specifically asked Hillbrook NOT to use. On the other hand, neighbors have made suggestions about carpooling and busing that Hillbrook has ignored.

And the bigger problem with this is that Hillbrook has NOT reduced its traffic. It has simply spread it out. Daily total traffic is the same as it has been since 2001 when Hillbrook agreed to bring its traffic level down.

Sincerely,

Barbara Dodson

PETITION AGAINST INCREASED ENROLLMENT AND TRAFFIC FROM HILLBROOK SCHOOL

RECEIVED

SEP 24 2014

TOWN OF LOS GATOS
PLANNING DIVISION

About this petition

We, the undersigned residents of Los Gatos, object in the strongest possible terms to Hillbrook School's request to increase its enrollment by 99 students (an almost 32% increase). We urge the Town to deny Hillbrook's application to modify its Conditional Use Permit to expand its student body and to deny an expansion in Hillbrook's summer programming. Hillbrook's traffic impact is already dangerously high and must be reduced. Neighborhood children walking, biking, and skateboarding to and from their local schools and residents running, biking, or walking already face significant physical danger from Hillbrook traffic. Higher levels of air and noise pollution from mostly non-resident vehicles also reduce quality of life in the neighborhood. We urge the Town to take steps to require Hillbrook to decrease both the number of vehicles and the span of time each day our neighborhoods are impacted. Hillbrook's traffic impact has increased in recent years to unacceptable levels and must be reduced for the safety of our children and the health and safety of all the Town's residents. We strongly urge the Town to reject Hillbrook's expansion plan.

This desk item contains petition signatures and comments gathered after September 16, 2014. Signatures 1-217 along with comments for this petition are included in your packet.

Barbara Dodson
btdodson@rol.com

218.	Name: Jay on 2014-09-16 20:29:34 Comments: I oppose the increase in enrollment @ Hillbrook school. I can no longer drive safely on our street or get in and out of my own driveway.
219.	Name: Mari on 2014-09-16 21:15:39 Comments: We oppose the increase @ Hillbrook school as it creates dangerous conditions and traffic for all who drive on and live in the surrounding streets.
220.	Name: Diana Darcy on 2014-09-17 03:38:01 Comments:
221.	Name: WALTER MOSS on 2014-09-17 14:36:10 Comments:
222.	Name: Greg Blum on 2014-09-19 06:51:28 Comments: The school is in an unfortunate location, tucked away on the end of a small court. It already is too large for the location. No other school in Los Gatos is in such a location.
223.	Name: Stephanie Young on 2014-09-19 12:08:09 Comments:
224.	Name: Natasha Belshaw on 2014-09-20 17:11:28 Comments:
225.	Name: Jill Fordyce on 2014-09-20 18:50:10 Comments:
226.	Name: Sandra Vauris on 2014-09-20 20:38:17 Comments: Traffic is bad everywhere in LG, but certain areas are worse than others. Hillbrook School is not an asset to LG and should not be allowed to negatively impact LG residents.
227.	Name: Janice Fok on 2014-09-20 21:17:21 Comments: Allowing any business (yes, it's a business) to increase in size while out of compliance with their current CUP is crazy. Hillbrook, meet the CONDITIONS of your current USE PERMIT before you ask for anything more of your neighbors and our town.
228.	Name: Richard Allen on 2014-09-20 21:33:39 Comments: Traffic is already bad beyond belief. Hillbrook's expansion will make a bad situation worse.

229. Name: Mark Alman on 2014-09-20 21:41:56
Comments:

230. Name: Patrick Dougherty on 2014-09-20 22:13:18
Comments:

231. Name: larry arzie on 2014-09-20 23:22:28
Comments: Intensification from any source increases traffics, be it housing or addition to schools. Growth is inevitable. Unplanned growth is not.

232. Name: Steve Markman on 2014-09-20 23:25:35
Comments:

233. Name: Alaina Beeman on 2014-09-21 00:34:21
Comments:

234. Name: Michelle Vaughan on 2014-09-21 02:08:06
Comments:

235. Name: shannon susick on 2014-09-21 03:01:02
Comments: although i don't live directly on a street used for hillbrook traffic, the "bus" they employed the past few months stopped in the middle of the intersection on Shannon Road by the park in a red zone and created havoc with traffic and parking and with numerous parents & children in uniform trying to cross the road. In addition all the residential streets that are already impacted & will be further by the future developments on Los Gatos Boulevard will have additional traffic and hazards. Speed bumps should be added to Shannon, Marchmont and HiLow to mitigate this issue. Conditional Use Permits and the General Plan have been disregarded by a private school located in a residential area; not acceptable.

236. Name: Tom Beck on 2014-09-21 04:27:36
Comments:

237. Name: cindy slain on 2014-09-21 05:02:02
Comments:

238. Name: karen bean on 2014-09-21 06:29:28
Comments:

239. Name: Mark willey on 2014-09-21 14:14:32
Comments:

240. Name: Jeff Loughridge on 2014-09-21 19:30:36
Comments: It is deplorable that Ann Arbor is not sharing the load on this issue. That should be the first gate opened. The fact that there have been multiple complaints regarding CUP violations and non-compliance by Hillbrook, should be reason enough to not allow ANY increase in capacity. It should result in some sort of penalty, like REDUCING the number of students allowed! The lifestyle of the residents of Los Gatos should have some sort of priority over the request by a single business. Neighborhood safety should have a higher priority in town. Plus the cumulative traffic added to the surrounding area needs to be addressed. Making this "voluntary" by Hillbrook is a HUGE mistake. It should be MANDATORY.
-
241. Name: David Greenfield on 2014-09-21 20:51:23
Comments:
-
242. Name: Karri Greenfield on 2014-09-21 20:55:10
Comments:
-
243. Name: Deborah Mar on 2014-09-21 21:47:51
Comments:
-
244. Name: Tao Wei on 2014-09-21 23:07:29
Comments:
-
245. Name: Thomas J. Ferrito on 2014-09-22 02:49:22
Comments:
-
246. Name: Noreen Hussain on 2014-09-22 03:29:22
Comments: The traffic is already too dangerous to the local community. An increase in enrollment would add to the issue
-
247. Name: Christina wilk on 2014-09-22 03:36:36
Comments:
-
248. Name: Kirsten Duggins on 2014-09-22 04:29:48
Comments:
-
249. Name: kim wheeler on 2014-09-22 04:44:39
Comments: Hillbrook parents say the bus takes away traffic, but the bus stops at the top of Blossom Hill Park on Shannon Road. This hugely impacts Shannon which is a main thoroughfare for kids going to Blossom Hill, Fisher and Los Gatos High in the morning. The cars bringing kids from outer areas and also the bus makes a vey dangerous road even more so. The bus may take traffic away from Marchmont, but just moves it a few blocks North. Please do not allow more kids. It's already too congested and precarious in this very tight area.
-

250. Name: Nancy Means on 2014-09-22 05:14:55
Comments:
-
251. Name: Mark Johnson on 2014-09-22 05:18:00
Comments:
-
252. Name: Ronald Jenkins on 2014-09-22 07:17:18
Comments: Simply put, the traffic since I grew up on Stonybrook has become insane. To add even more boggles the mind. My own family has already been involved in accidents on adjacent roads due specifically to the stop and go traffic created.
-
253. Name: Pauline Ferrito on 2014-09-22 14:43:52
Comments:
-
254. Name: jeff whalen on 2014-09-22 17:42:51
Comments: ...in addition to the proposed N40 development, the town just cannot absorb more traffic. having been born an raised here, I see traffic that is becoming unbearable.
-
255. Name: Russ and Julie Sheehan on 2014-09-22 21:26:26
Comments:
-
256. Name: Herb DeConte on 2014-09-22 21:40:34
Comments:
-
257. Name: Liz Crites on 2014-09-22 23:13:55
Comments:
-
258. Name: Sandy Jordan on 2014-09-23 20:16:42
Comments: Dear Hillbrook,
There is a nice piece of property up for grabs called the 'North Forty' that would be a nice place for you to expand...why don't you ask the town of LG for help with that?
-
259. Name: Elizabeth Dillon on 2014-09-23 20:21:35
Comments:
-
260. Name: Helene Dahl on 2014-09-23 21:02:56
Comments:
-
261. Name: Rosilene Martins on 2014-09-23 21:58:03
Comments:
-
262. Name: Henry on 2014-09-23 22:27:39

Comments: The town needs limits and when there are limits it needs BACKBONE to enforce them !

-
263. Name: George Wu on 2014-09-23 23:03:08
Comments: The school is situated in a town-like residential area and the increased enrollment or activities will surely impact the safety and health of children and all residents there
-
264. Name: BChris on 2014-09-23 23:09:45
Comments: We live on Kennedy road and see the issues in that neighborhood with the Hillbrook traffic. It's a zoo and stressful for joggers, walkers, kids on bikes going to school and people trying to get through. It's already dangerous and hectic. This expansion is unnecessary and in violation of their original agreement. Please do not approve any increased enrollment or expansion. It's not fair to those who live there.
-
265. Name: Susan Berry on 2014-09-24 00:36:37
Comments:
-
266. Name: Adrian Rodriguez on 2014-09-24 00:55:05
Comments: One question that would like answered is, what is the benefit of expanding Hillbrook to the neighbors? I don't see any upside for the local residents who do not have children attending Hillbrook.
-
267. Name: Mary Ellen Kaschub on 2014-09-24 01:47:24
Comments: Hillbrook should not be allowed to expand its enrollment. They have already violated their conditional use permit and shouldn't be allowed to expand at the expense of our town's livability. This town has plenty of traffic issues; these neighbors have suffered enough!
-
268. Name: Suzanne Cochran on 2014-09-24 02:12:52
Comments: No to expansion. I grew up on at 248 Marchmont Drive from 1968-1974. The traffic was a nightmare then and we couldn't be on the street during traffic times. Like the neighbors who bought into the neighborhood, Hillbrook needs to live within the current CUP. I have also sent message to town council.
-
269. Name: Lainey Richardson on 2014-09-24 02:14:54
Comments: Seriously? When does the growth / development stop? If I want San Francisco or San Jose....I will move there....
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Comments: The town needs limits and when there are limits it needs BACKBONE to enforce them !

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270. Name: Catherine Meehan on 2014-09-24 03:55:26
Comments:
-
271. Name: Brian Meehan on 2014-09-24 05:22:07
Comments:
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I am here tonight to urge you to deny Hillbrook's request to expand. I represent hundreds of families living around Hillbrook. This map should help you visualize just how overwhelming the opposition is in our section of Town. Every cone on this map is a Los Gatos household that signed a petition against the expansion of Hillbrook. This is not a vocal minority working against Hillbrook. This is a sea of people that are tired of the traffic and the noise and the pollution created by people commuting through our neighborhood. Hillbrook's impact on our neighborhood is just too high.

RECEIVED

SEP 24 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Over the past few months, Hillbrook has worked hard to reduce this traffic and their efforts are paying off. More and more people are walking and biking and bus ridership and carpooling is up. As someone who bikes my children to school every day, I am overjoyed to see the significantly improved traffic flow this year. Yet, the effective traffic mitigation that we see now is not reflected in the requested CUP conditions. The request is 960 average trips per day. That is enough trips for the TIRE index to label our neighborhood as "significantly impaired". That is higher than the traffic count averages of 814 and 880 taken last year. That is dramatically higher than the fewer than 800 cars that we see now.

The neighbors do not see how Los Gatos benefits from additional students at Hillbrook. The students will primarily be added to the middle school while the greatest overcrowding in Los Gatos is at the elementary level. The increase does not alleviate school crowding and does exasperate traffic. Although the traffic effect is extreme on Marchmont Drive, the impact can be felt throughout Los Gatos. A large contingent of students commuting to Hillbrook come into town via Highway 9, Los Gatos Boulevard and Blossom Hill Boulevard. These streets are already overwhelmed with traffic. It is hard to understand why we should continue to add cars to a town being overrun by traffic in favor of a non-tax paying school that is already thriving and financially sound.



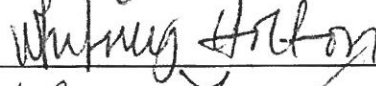
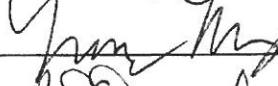
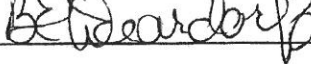
The neighbors need the Town to create a CUP that provides transparency into the activities allowed and the amount of traffic created by Hillbrook. Over the past 10 years, Hillbrook has intensified their use in a myriad of ways. They have dramatically expanded their afterschool programs including their sport programs. They have added a disproportionate amount of staff. They have significantly expanded their summer program. These additional activities add cars and noise to more and more hours in the week. The neighbors support Hillbrook activities for Hillbrook students and teachers. We do not support expanding the CUP to allow outside students and faculty or use by third parties.

So far, the most effective Traffic Management program for Hillbrook has been an open CUP process. Their Traffic Demand Management is a memo that has not changed for 2 years. The result is that their traffic is improving, but the neighbors do not know if it is due to real cultural changes or because of the heightened focus on traffic during the CUP process. Many of the neighbors were here for the last CUP modification process and they saw a dedication to carpooling and reducing traffic that evaporated when school priorities shifted. We had nine years with unmonitored and uncontrolled traffic. We want to ensure that this time the

PETITION AGAINST INCREASED ENROLLMENT AND TRAFFIC FROM HILLBROOK SCHOOL

We, the undersigned residents of Los Gatos, object in the strongest possible terms to Hillbrook School's request to increase its enrollment by 99 students (an almost 32% increase). We urge the Town to deny Hillbrook's application to modify its Conditional Use Permit to expand its student body and to deny any expansion in Hillbrook's summer programming.

Hillbrook's traffic impact is already dangerously high and must be reduced. Neighborhood children walking, biking, and skateboarding to and from their local schools and residents running, biking, or walking already face significant physical danger from Hillbrook traffic. Higher levels of air and noise pollution from mostly non-resident vehicles also reduce quality of life in the neighborhood. We urge the Town to take steps to require Hillbrook to decrease both the number of vehicles and the span of time each day our neighborhoods are impacted. Hillbrook's traffic impact has increased in recent years to unacceptable levels and must be reduced for the safety of our children and the health and safety of all the Town's residents. We strongly urge the Town to reject Hillbrook's expansion plan.

Printed Name	Signature	Address	Date
WJ Silva		100 Stonybrook Rd	9/9/14
MARK SHAHEEN		105 STONYBROOK RD	9/9/14
Whitney Horton		140 Stonybrook Rd	9/9/14
Nancy Kelly		110 Cardinal Lane	9/9/14
Bob Deardorff		123 Cardinal Ln.	9/9/14

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