



MEETING DATE: 03/18/2013

ITEM NO: 4

DESK ITEM B

COUNCIL AGENDA REPORT

DATE: MARCH 18, 2013

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER *PLA*

SUBJECT: HILLBROOK SCHOOL PUBLIC DISCUSSION
DISCUSS NEIGHBORHOOD CONCERNS AND STAFF INTERPRETATION
OF HILLBROOK SCHOOL'S EXISTING CONDITIONAL USE PERMIT.

REMARKS:

Excerpts of the Town Council and Planning Commission meeting minutes regarding Hillbrook School's previous conditional use permit hearings are included as Attachment 9.

Attachments 1-3 (previously received with staff report):

1. Chronological History for 2011
2. Conditional Use Permit Table of Violations received April 26, 2012 (nine pages)
3. Resolution 2001-48 (Architecture and Site Conditions are excluded from the attachment) with Exhibit A (Conditional Use Permit Conditions of Approval)

Attachments 4-7 (previously received with Addendum):

4. Two Code Compliant Complaints, received February 6 and 26, 2013.
5. Letter and attachments from Barbara Dodson, received March 11, 2013 (122 pages).
6. Letter and attachments from Barbara Dodson, received March 13, 2013 (42 pages).
7. Public Comment received by the Town Council and Town Manager for the period of October 1, 2012 through March 15, 2013.

Attachments 8 (previously received with Desk Item A):

8. Public Comment from Joseph J. Sordi, received March 18, 2013 (12 pages).

Received with this Desk Item B:

9. Excerpts from Town Council and Planning Commission Meeting Minutes from Previous Hillbrook School Conditional Use Permit Application, April 12, 2000, through June 12, 2002 (196 pages).

Todd Capurso
PREPARED BY: Todd Capurso, Director of Community Development

Reviewed by: _____ Assistant Town Manager *PLA* Town Attorney _____ Finance

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**TOWN OF LOS GATOS
CALIFORNIA
PLANNING COMMISSION MEETING
April 12, 2000
Minutes
ADOPTED**

COMMISSION

The Planning Commission of the Town of Los Gatos met in the Town Council Chambers, 110 E. Main Street, at 7:30 p.m., Wednesday, April 12, 2000 in regular session.

ROLL CALL

Present: Commissioners Paul Bruno, Jim Lyon, Suzanne Muller, Leonard Pacheco, and Lee Quintana.

Absent: Commissioner Laura Nachison (Excused).

Vacant: One.

Others: Director of Community Development, Paul Curtis, Town Attorney Orry Korb, Associate Planner Sandy Baily, Senior Deputy Clerk MarLyn Rasmussen.

MINUTES OF MARCH 22, 2000

Motion by Commissioner Lyon, seconded by Commissioner Muller, to adopt the Minutes of March 22, 2000 with corrections.

Carried unanimously. Commissioner Nachison absent.

WRITTEN COMMUNICATIONS

1. "Mixed-Use Gains Momentum", by John McCloud.
2. Invitation received from former Planning Commissioner, Mike Abkin.
3. Information regarding "Heritage Grove" submitted by Vice Chairman Bruno.

DESK ITEMS

1. Report from DRC regarding Item #1, 15691 Los Gatos Boulevard.
2. Report from DRC regarding Item #2, 130 Nina Court.

VERBAL COMMUNICATIONS

Vice Chairman Bruno announced that this was the time and place to address the Commission on matters not on this evening's agenda.

Ray Davis, spoke regarding traffic concerns relating to regulation of land use issues.

REQUEST FOR CONTINUANCES

Vice Chairman Bruno stated that Item #3 is requesting a continuance.

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Commissioner Mueller questioned if approval of this application would set a precedence.

Mr. Korb explained the grounds for granting a variance, the required findings, and stated that the fact that an error may, or may not, have occurred is not part of the physical condition of the property. Mr. Korb stated that each variance application must be considered individually and the Commission has the discretion to approve or deny, based on the findings that must be made, pursuant to Town Code and State Law.

Commissioner Lyon questioned how the height was determined.

Ms. Baily explained that it is measured by existing grade or finished grade; whichever has the lower profile and accessory structure are measured the same way.

Motion by Commissioner Quintana, seconded by Commissioner Lyon, to return 15690 Gum Tree Lane/U-00-1/V-00-1 to DRC for redesign to meet the height requirements.

COMMISSION COMMENTS

Commissioner Quintana stated that she understands the emotions that the applicants are experiencing, however, based on the findings that are required for a variance, and acknowledging that the Town grants very few variances, returning this application to DRC is necessary. Ms. Quintana questioned Item #3, relating to the building height, of the conditions of approval for the CUP, and stated she is not comfortable bifurcating the application.

Mr. Korb explained the procedure, relating to the conditions of approval, and the bifurcating of the application.

Carried unanimously. Commissioner Nachison absent.

Motion by Vice Chairman Bruno, seconded by Commissioner Lyon, to continue this matter to June 14, 2000.

Carried unanimously. Commissioner Nachison absent.

MARCHMONT DRIVE, 300/PRJ-99-062/PRJ-99-063. (00.10)

Requesting approval of a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1. PROPERTY OWNER/APPLICANT: Hillbrook School.

Vice Chairman Bruno disclosed that his son attends Hillbrook School but he does not feel he needs to recuse himself because he has no financial interest in the school.

Mr. Korb stated that the Political Reform Act has been examined and it has been determined that there is no conflict of interest on the part of Mr. Bruno.

The following people from the audience spoke regarding this matter.

Jim Hilton, 300 Marchmont Drive, representing the school, stated that the building is non ADA compliant and

April 12, 2000

Adopted

needs to be retrofitted to meet earthquake standards. He gave an overview of the project and the proposed master plan for the entire school.

Commissioner Quintana questioned the increased enrollment at the school.

Mr. Hilton stated that the use permit is based on 315 students and their enrollment has always been between 283-305 and they have never been above the 315 persons.

Commissioner Muller stated she is concerned about the traffic and speeding problems that exist and impact the surrounding neighborhood. Ms. Muller stated that this is an ongoing problem and questioned how the applicant planned to mitigate these concerns, especially during the construction periods.

Mr. Hilton stated that they are constantly working on this concern by educating the parents, contacting the Police Department, erecting signs, reconfiguring the parking lot to get the drop off traffic off the residential streets, and advocating car-pooling. He explained how they have restricted the construction traffic in the past.

Vice Chairman Bruno questioned the fire road and the bridge access and if it would be safer and easier to have construction traffic use the Anne Arbor gate.

Mr. Hilton stated that he would welcome the use of this access during construction because he would have better control over the contractors and it would be safer.

Commissioner Quintana clarified that the number of classrooms being demolished and rebuilt remains the same.

Arthur Myers, 293 Marchmont Drive, submitted information from Dr. Charles Bass, who had to leave these proceedings prior to this hearing. Mr. Myers explained his concerns regarding the number of students and the possible increase of students. He referred to the pictures of prior construction, and construction vehicles, which he has submitted for the record, and reiterated his concerns regarding construction vehicles. Mr. Myers explained the impact that also occurs during the evening and week-end hours due to the abundance of extra curricular activities that occur at the school. He stated that on Family Fun Night, the Disc Jockey was so loud that they had to leave their home and stay elsewhere, and reiterated that the noise and safety issues from the traffic is paramount.

Elaine Myers, 293 Marchmont Drive, explained the type of traffic and people problems that they experience and the increase activity during holiday times. Ms. Myers feels the situation is hopeless and she would like to see the gate at Anne Arbor Drive opened to relieve the construction impact on Marchmont.

Jim Hilton concluded by stating that they have done everything they can to mitigate the neighbors' concerns and will continue to work on the problems. Mr. Hilton stated that they have addressed the DJ issue and will do everything they can to work with the neighbors.

Commissioner Lyon questioned the hours relating to the gardening service, the amplified music, and the number of extra curricular activities that occur on the campus.

Mr. Hilton stated that they have addressed the gardening noise issues by moving the work time frame, will move the music to the middle of the campus, have athletic events which conclude by 5:00 p.m., and dances which conclude by 9:30 p.m. He stated that the campus is not rented to any outside group.

Commissioner Quintana referred to the conditions of approval and questioned if the applicant would agree to having only one amplified, outdoor event, per year.

Mr. Hilton stated they would agree to this condition.

There was no one else in the audience to speak to this matter.

Vice Chairman Bruno closed the Public Hearing.

Commissioner Muller questioned opening the gate at Anne Arbor during construction which she feels would be a solution for the construction that will occur on that side of the campus.

Vice Chairman Bruno questioned what restrictions could be placed to disallow stacking of construction vehicles on neighborhood streets.

Mr. Curtis explained that there can be a construction plan put forth by the school to eliminate these problems. He stated that the key is to disallow any stacking or queuing off site and this can be added as a condition of approval.

Commissioner Quintana questioned why both entrances have not been open for both students and construction. Mr. Curtis explained that the neighbors have opposed it in the past.

Commissioner Muller questioned adding conditions which are more stringent regarding the extra curricular activities. Ms. Muller would like to see a plateau set so there is no increase in activities.

Mr. Curtis explained that a school is a permitted use in a residential zone and the Town has the right to apply any conditions they feel appropriate.

Motion by Commissioner Lyon, seconded by Vice Chairman Bruno, to approve 300 Marchmont Drive/PRJ-99-062/PRJ-99.063 with the following considerations, conditions, and findings.

CONSIDERATIONS

As required by Section 29.20.150 of the Town Code for Architecture and Site applications, the Commission deems that these considerations have been addressed.

CONDITIONS:

300 Marchmont Drive

Project Application PRJ-99-062 (Conditional Use Permit)

Project Application PRJ-99-063 (Architecture and Site)

Requesting approval of a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1.

PROPERTY OWNER/APPLICANT: Hillbrook School

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

(To the Satisfaction of the Director of Community Development)
(Planning Section)

1. **EXPIRATION.** This approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code unless the application is vested. Vesting for the Master Site Plan includes

April 12, 2000

Adopted

the demolition and reconstruction of the new classroom building under Architecture and Site Application PRJ-99-063. Once the application is vested, there are no further time limits to for the Master Site Plan.

2. EMERGENCY ACCESS ROAD. The emergency access road to Ann Arbor Drive shall not be opened up at any time to public or school use. The road may be opened for construction access only if it is part of the approved construction plan for an Architecture and Site application.
3. CAR-POOLING. The applicant shall maintain and promote (at least quarterly) a car-pooling program for their students.
4. ENROLLMENT. The enrollment shall be limited to 315 students.
5. EMPLOYEES. The after school maximum number of employees on site during activities in the gymnasium which draws an audience shall not exceed 12.
6. NIGHTTIME ACTIVITIES. There shall be no more than two nighttime activities per year; all nighttime activities shall conclude by 10:30 P.M. Nighttime activity is defined as any activity continuing past 9:00 P.M. All activities which draw an audience to the gymnasium shall take place after hours.
7. GYMNASIUM DOORS AND WINDOWS. The loading doors on the Ann Arbor side shall be closed at all times whenever activities are being held inside the gymnasium. The other doors and windows in the gymnasium shall be allowed to remain open during activities.
8. MUSIC. Music from live bands shall not be amplified. One amplified DJ event is permitted per year.
9. LEASE/RENTALS. No lease or rental of the gymnasium shall be permitted to third parties.

(To the Satisfaction of the Director of Parks and Public Works)
(Parks and Forestry Section)

10. BUILDING FOOTPRINTS. The footprints of the future buildings may be required to be modified during the Architecture and Site approval process to reduce tree impacts.

ARCHITECTURE AND SITE CONDITIONS OF APPROVAL

(To the Satisfaction of the Planning Director)
(Planning Section)

1. EXPIRATION. This approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code unless the application is vested.
2. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
3. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
4. DEMOLITION. The existing classroom building shall be demolished prior to final occupancy of the new classrooms.
5. CONSTRUCTION PLAN. A construction plan shall be submitted to and approved by the Town prior to the issuance of a building permit. The plan shall include that construction vehicles shall park on campus during construction, there shall be no stacking or queuing of construction vehicles on neighborhood streets and no unloading of heavy vehicles shall occur on neighborhood streets. Vehicles of construction employees shall be parked on campus. The Ann Arbor Drive emergency access road

may be opened and used for construction access only.

(Building Section)

6. **PERMITS REQUIRED.** A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
7. **CONDITIONS.** The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
8. **PAD CERTIFICATION.** A building pad certificate shall be prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify that the building pad elevation and on-site retaining wall locations and elevations are in accordance with the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
9. **TITLE 24 ENERGY COMPLIANCE.** California Title 24 Energy Compliance forms CR- IR and MF-IR shall be printed on the construction plans.
10. **PLANS.** The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
11. **DEMOLITION PERMIT REQUIREMENTS.** Contact the Bay Area Air Quality Management District (415) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
12. **TITLE 24 ACCESSIBILITY - COMMERCIAL:** On site parking facility shall comply with the latest California Title 24 Accessibility Standards for the disabled.
13. **TITLE 24 ACCESSIBILITY - COMMERCIAL:** On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
14. **TITLE 24 ACCESSIBILITY - COMMERCIAL:** The building shall be upgraded to comply with the latest California Title 24 Accessibility Standards for the disabled. Necessary work shall be first investigated by the design architect then confirmed by the Town staff.
15. **NON-POINT SOURCE POLLUTION STANDARDS.** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program specification sheet shall be part of plan submittal. The Specification sheet (Size 24" x 36") is available at the Building Department service counter.
16. **ADDITIONAL AGENCY APPROVALS REQUIRED:** The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Los Gatos School District: 395-5570

Note: Obtain the school district forms from the Town Building Department, after the Building Department has approved the building permits.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS
(Parks and Forestry Section)

17. **NEW TREES.** A total of 18 15 gallon Town approved trees shall be planted on the east side of the property as shown on the approved site plan. The specie of tree shall be approved by the Parks Superintendent. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted

- prior to final occupancy.
18. FINAL TREE PLANTING PLAN. The final approved tree planting plan shall be submitted with the building permit with copies provided to the Planning and Parks and Forestry Section.
 19. IRRIGATION. All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and shrubs.
 20. AERATION TUBES. Any impervious area encroaching under the dripline of existing trees shall have aeration tubes installed.
 21. GENERAL. All existing trees to remain and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
 22. WATER EFFICIENCY. This project is subject to the Town's Water Efficient Landscape Ordinance, Chapter 26, Article IV of the Town Code. A review fee based on current resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review, prior to the issuance of a building permit.
 23. PROTECTIVE FENCING. Prior to any building permits being issued, the applicant shall meet with the Parks Superintendent concerning the need for protective fencing around existing trees. Such fencing shall be installed prior to issuance of a building permit and shall be maintained during construction.
 24. FOUNDATION. Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize tree impacts.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

25. REQUIRED FIRE FLOW. Required fire flow is 1500 GPM at 20 psi. residual pressure.
26. FIRE LANE MARKING REQUIRED. Provide marking for all roadways within the project. Markings shall be per fire department specifications. Installation shall also conform to Local Government Standards and Fire Department Standard.

FINDINGS

As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit, the Commission finds:

1. The proposed use of the property is essential or desirable to the public convenience or welfare because an existing school and the continued use of that school is desirable to the public convenience and welfare.
2. The proposed use will not impair the integrity and character of the zone because the school already exists and by Town code this use is acceptable in the zone.
3. The proposed use would not be detrimental to public health, safety or general welfare because it is an existing use and is allowed in the zone.
4. The proposed use of the property is in harmony with the various elements or objectives of the general plan and the purposes of the Town code because it is an existing use and the use is in harmony with the general plan and the Town Code.

As required by Section 15314 of the State Environmental Guidelines as adopted by the Town, the Commission finds that this project is Categorical Exempt.

COMMISSION COMMENTS

Commissioner Lyon requested that the school work more closely with the neighborhood to mitigate their concerns. Adopted

Commissioner Quintana stated that she feels approval of this matter is premature because she would like to revisit the traffic situation and the use of the Anne Arbor gate. Ms. Quintana would rather see the application continued until additional information can be presented regarding the negative/positive impacts relating to the use of both campus gates. Ms. Quintana stated that she is not opposed to the school, but would just like to see the traffic concerns addressed.

Carried 4-1-1. Commissioner Quintana voting no. Commissioner Nachison absent.

POINT OF ORDER

Appeal rights recited by Mr. Korb.

Motion by Vice Chairman Bruno, seconded by Commissioner Quintana, to continue the meeting past 11:30 p.m.

Carried unanimously. Commissioner Nachison absent.

CONTINUED OTHER BUSINESS

Vice Chairman Bruno stated there was no continued other business for tonight's agenda.

NEW OTHER BUSINESS

Sub-Committee Reports (00.11)

1. Commissioner Bruno reported on the General Plan Committee.
2. Commissioner Lyon reported on the Architectural Standards Committee.

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**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
June 5, 2000/Minutes**

TOWN COUNCIL

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:07 p.m., Monday, June 5, 2000, in joint regular session including study session.

ROLL CALL

Present: Randy Attaway, Jan Hutchins, Linda Lubeck,
Joe Pirzynski and Mayor/Chairman Steve Blanton.
Absent: None.

PLEDGE OF ALLEGIANCE

Given by all in attendance.

STUDY SESSION/SANTA CLARA COUNTY TRANSPORTATION AGENCY (00.40)

Mayor Blanton introduced Michael Evanhoe, Director of Congestion Management & Highway Programs, who discussed the Proposed Highway 17 Construction Program. He delineated designs and proposals for widening Highway 17 through Los Gatos; reconfiguring Highway 17 and Highway 85 interchange at Lark Avenue; and modifying the clover leaf at Highway 9 and Highway 17, including the addition of traffic lights in that location.

Council Consensus:

The configuration of the interchange between Highway 85 South to Highway 17 at Lark is working and accidents do not seem to be prevalent. If something is done in this location the height of the ramping should be no higher than it is now, and if at all feasible the tennis courts should be impacted as little as possible. The 5.6ML can be allocated to improving the highway south of The Cats for alleviating accident clean up.

There were three council members in favor of widening Highway 17, believing that commuters would remain on the highway and off town streets if the traffic movement was eased.

A different access to Highway 17 at Highway 9 and additional traffic lights on Highway 9 did not seem to warrant the expense for the amount of traffic that might be diverted from downtown.

The savings from the Highway 9 project and the Lark Ave. proposal could be better spent adding improvements to the mountain section of Highway 17 improving areas prone to accidents and improving conditions which would allow more speedy removal of accidents from the mountain highway. These improvements would keep through traffic moving on the highway and off the Los Gatos streets.

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JOINT MINUTES OF MAY 1, 2000 (16A.V)

Motion by Mr. Hutchins, seconded by Mr. Pirzynski, that Council/Agency approve the Minutes of May 1, 2000 Joint Council/Agency Regular Meeting as submitted. Carried unanimously.

JOINT MINUTES OF MAY 22, 2000 (16B.V)

Motion by Mr. Hutchins, seconded by Mr. Pirzynski, that Council/Agency approve the Minutes of May 22, 2000 Joint Council/Agency Regular Meeting as submitted. Carried unanimously.

VERBAL COMMUNICATIONS

Pedestrian Safety:

Ray Davis, resident, spoke about stop signs and crosswalks being kept up for visibility and safety.

Bear Creek Open Space Preserve:

Pete Denevi, 129 Vista Real Court, spoke about the proposed Los Gatos Country Club above Lexington Dam, and noted the potential litigation against Mid-Pen and asked that Council consider any monetary donations to this open space request being clearly defined as going toward land acquisition and not litigation costs.

Skateboard Park in Los Gatos:

Steve Glickman, 145 Maricopa Drive, School Board Member, spoke about the skateboard proposal for our town, and noted the activities begone to bring it to fruition. The Park Commission has been working on it and the location that has been suggested is Oak Meadow Park. Council will watch for a recommendation from the Parks Commission before making its assessment of the proposal.

Review of the Planning Commission:

James McIlvain, 15331 Francis Oaks Way, submitted an analysis of the actions taken by the Planning Commission..

HEARINGS

MARCHMONT DRIVE 300/HILLBROOK SCHOOL/APPEAL (17.09)

Mayor Blanton stated that this was the time and place duly noted for public hearing to consider an appeal of a Planning Commission decision approving applications for a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1. Project Application PRJ-99-062 (Conditional Use Permit). Project Application PRJ-99-063 (Architecture and Site). Property Location: 300 Marchmont Drive. Property Owner/Applicant: Hillbrook School. Appellant: Elaine and Arthur Myers.

The following people from the audience addressed this issue:

Martin Durmer, 255 Marchmont Drive, spoke of traffic, noise and safety issues. Carpooling should be mandated. Late night events generating noise and traffic overflow should be regulated.

Jim Hilton, business manager for Hillbrook, 718 Ashby Drive, Palo Alto, spoke of the application to replace an existing building that is not earthquake proof nor ADA compliant. The noted that the

enrollment will not be increased due to these upgrades, nor will traffic increase. The school is willing to work with the neighbors regarding these issues.

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL/CONT.

Speakers continued:

Art Myers, 293 Marchmont Drive, spoke of traffic volume and increase noise level. He made reference to a neighborhood petition. The increased extra curricular school events have added to the impacts on the neighborhood.

Judy Ardizzone, 16414 Hilow, wanted the traffic in the area to be dealt with

Milton Clound, Marchmont Drive, spoke of the smaller school at the top of the hill thirty years ago, and he noted the large increase to this school and the great increase in the traffic in this area. He asked that Ann Arbor be opened for foot traffic and bicycle traffic.

Mul Aiway, 16734 Marchmont Drive, asked that the traffic for this school be shared among the other neighborhoods and not just funneled up Marchmont.

Lee Higginson, 127 Ann Arbor Drive, noted that the project does not generate additional traffic or usage and therefore there is no need to request access to Ann Arbor.

Judy Ardizzone, 16414 Hilow Road, asked for mitigation methods for the traffic problem.

Milton Macloud, 285 Marchmont Drive,

Jeffrey Barnett, 101 Wollin, believed there was a legal basis to grant the appeal.

Barbara Dotson, 239 Marchmont Drive, asked for use of the viable alternative to the traffic impact, and have traffic move in a one way direction through Marchmont and then out Ann Arbor Drive.

Patti Elliot, 269 Marchmont Drive, Marchmont, children can not ride their bikes with all the school generated traffic. Marchmont should insist that mitigation methods be used for this problem, such as car pooling and smaller cars.

Diane Hembry, 201 Marchmont Drive, spoke of requirement of bus use by Hillbrook to keep traffic down. She asked for a moratorium at Hillbrook until the traffic issue is solved.

Dan Natchison, 115 Ann Arbor Drive, does not want the gate open to through traffic due to traffic safety issues at the corner of Shannon and Ann Arbor.

Greg Moss, 16788 Littlefield Lane, spoke about the Englewood neighborhood being impacted by the traffic generated by Hillbrook School.

Barry Bakken, 111 Wolin Way, ask Hillbrook how to solve the problem.

Bob Derham, 100 Wollin Way, lived 27 years on Ann Arbor, dealt with Hillbrook all this time, watched parents picking up children that climb through the gate. Gate should remain closed.

Raol Workhouff, 269 Marchmont Drive, do not allow additional construction or remodeling until traffic mitigation plan is developed. One way traffic flow; commercial lot used for bus shuttle to the school; car pooling established; and a formal cap on the enrollment.

Stu Brewster, 16425 Hilow Road, spoke about safety on this road and traffic mitigation.

Marty Salazar, 16602 Marchmont Drive, opposed to any change in the use permit

Michael Taylor, 119 Ann Arbor, opening the gate on Ann Arbor will just create another set of problems.

Della Dodds, 256 Marchmont, spoke to the issue and asked that all people be allowed to speak and give new ideas. She asked for a cap to be placed on enrollment.

Ray Davis, resident, spoke about general plan, traffic policies, original land use permit, traffic studies, and the need for CEQA study.

Sandy Forbes, 123 Ann Arbor Drive, did not want the traffic through the back gate. Asked for different times for the students to arrive at school.

Hal Chase, 107 Ann Arbor Drive, no use of the back gate, consider the activities that are allowed

on campus, use of bussing, and limit late night noise.

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL/CONT.

Speakers continued:

Dave Culbertson, 16528 Marchmont Drive, spoke of walkers, joggers, going through both ways. He suggested opening the gate one hour in the morning and one hour in the afternoon. Asked for speed signs.

David Hembry, 201 Marchmont, asked for a traffic study.

Charle Best, 149 Longmeadow, asked when Hilow would be on the street improvement list.

Jim Randall, 260 Marchmont Court, lived there 27 years, noted the young families with children and the traffic safety issues impacting the surrounding neighborhoods. The school needs to address this issue and find solutions for the traffic problem. He suggested use of alternate routes and bussing.

Diana Daughters, 145 Burgoyne Street, former teacher at Hillbrook, asked for some additional time to work out the issues that have been discussed tonight.

Art Myers, 293 Marchmont Drive, spoke again about traffic and the need to find solutions.

Jim Hilton, business manager for Hillbrook, addressed some ways of mitigating the traffic.

Sarah Bayne, 300 Marchmont Drive, Hillbrook Administrator, noted willingness to participate in any traffic study which would help alleviate these problems. She noted that the school had cut their late night activities by nearly one half last year. She was willing to ensure that all evening functions would be ended by 9:30 p.m. so that traffic noises would be over by 10:00 p.m.

No one else from the audience addressed this issue.

Motion by Mr. Attaway, seconded by Mr. Pirzynski, to close the public hearing. Carried unanimously.

Council Comments:

Mr. Attaway asked that the school submit a parking plan and traffic mitigation plan and requested that the school work with the neighbors and the staff.

Mrs. Lubeck reviewed the request for a master plan for the school which opens up the conditional use permit of the school and allows Council to look at these issues and make requirements of the school. Requirements of schools are based on the square footage of the buildings and numbers of teachers and not on the numbers of students. There are 86 striped on site parking spaces at this time which is not sufficient for the needs. She suggested using Town's traffic engineer to review this problem and offer some solutions for the school and neighbors. She asked that bicycle and pedestrian use on Ann Arbor be reviewed. She thinks the Planning Commission needed to look more carefully at the Master Plan and the placement of the buildings for the CUP. She would like this item returned to the Planning Commission and ask that the Master Plan be looked at in this perspective. That the Commission ask for a traffic study and request that the applicant participate in the costs for arriving at some traffic calming solutions.

Mr. Pirzynski supported the previous statements, noting that the minutes of the Planning Commission did not reflect the neighborhoods' concerns and the breadth of the issues involved.

Motion by Mr. Pirzynski, seconded by Mrs. Lubeck, to grant the appeal and return this issue to the Planning Commission on the basis of new information that has been generated and which is

significant enough for them to continue to work on the proposal and request a traffic study.
(Motion includes the following comments to the Planning Commission.)

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL/CONT.

Continued Council Comments:

Mr. Pirzynski did not want this issue to play one neighborhood against another. He asked for a study that would be orientated toward mitigation measures that are workable.

Council noted that there are not only traffic issues but other extreme problems in this area. Council spoke of the Shannon Road traffic impacting on Ann Arbor and the need to include this neighborhood in the study. Council asked that the Ann Arbor gate be considered for pedestrian and bicycle access. The number of parking spaces for day time use and evening and special event use be evaluated. Mandatory bussing and car pooling considered as options. Limit the number of events and the time of the events. Hold community meetings so that the school, parents and neighbors can work out the solutions to these problems. There are competing goods at issue which must be reconciled. Take the comments, the issues, the potential mitigation options, and the consensus resolutions back to Planning Commission. Order a traffic calming study and scope of work from the budget which will be in sync with the neighbors. Begin the process within the next six weeks keeping all interested parties informed. Motion includes comments to Planning Commission. Carried unanimously.

NINA COURT 130/RESIDENTIAL DEVELOPMENT/APPEAL (18.09)

Mayor Blanton stated that this was the time and place duly noted for public hearing to consider an appeal of a Planning Commission decision denying applications to subdivide a residential parcel into four lots and to demolish a pre-1941 single family residence on property zoned R-1:10. Subdivision Application M-99-18. Architecture and Site Application S-99-40. Property location: 130 Nina Court Property Owner: Jerrell Wilson, Paul Boone. Applicant: Dividend Homes, Inc. Appellant: Dividend Homes, Inc.

The following people from the audience addressed this item:

Skip Spiering, representing Dividend Homes, spoke about the grading needed for this project and noted that the Causey Lane area has sufficient frontage rights. Documents were submitted to show Causey is a private road and he spoke of legal access. A presentation was given showing sufficient parking provided for on site, and noting that this configuration gives a better buffer zone between properties.

Willis Flood, 131 Pinta Court, listed many items of this project that were inconsistent with the Hillside Specific Plan and asked that the neighbors be given time to review the newly submitted plans presented this evening.

Bob Bixler, 104 Pinta Court, approved the original plan for this subdivision. Housing fits into the neighborhood the way that it should.

**TOWN OF LOS GATOS
CALIFORNIA
PLANNING COMMISSION MEETING
OCTOBER 25, 2000
Minutes
Adopted**

COMMISSION

The Planning Commission of the Town of Los Gatos met in the Town Council Chambers, 110 E. Main Street, at 7:30 p.m., Wednesday, October 25, 2000 in regular session.

ROLL CALL

Present: Commissioners Peggy Marcucci, Suzanne Muller, Leonard Pacheco, Lee Quintana, and Chair, Paul Bruno

Absent: Commissioner Jim Lyon (Excused)

Leave: One

Others: Director of Community Development, Paul Curtis, Town Attorney Orry Korb, Associate Planner Sandy Baily, Senior Deputy Clerk MarLyn Rasmussen.

MINUTES OF OCTOBER 11, 2000

There were no Minutes for adoption this evening due to staff illness. The Minutes of October 11, 2000 and October 25, 2000 will be adopted on November 8, 2000.

WRITTEN COMMUNICATIONS

1. Letter from Don and Dana Langley regarding 215 Belmont.

DESK ITEMS

1. Report from DRC regarding Item #2, 615 Blossom Hill Road and Placer Oaks Drive.
2. Report from DRC regarding Item #6, 300 Marchmont Drive.
3. Two letters regarding Item #6, 300 Marchmont Drive.
4. Report from DRC regarding Item #9, 10 Monroe Court.
5. Two reports from DRC regarding Item #12, Zoning Code Amendment A-00-2.

VERBAL COMMUNICATIONS

Chair Bruno announced that this was the time and place to address the Commission on matters not on this evening's agenda.

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NEW PUBLIC HEARINGS

MARCHMONT DRIVE, 300/PRJ-99-063/PRJ-99-063. (00.06)

Requesting approval of a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1. PROPERTY OWNER/APPLICANT: Hillbrook School.

Chair Bruno explained that this matter was being heard on remand from the Town Council and the Planning Commission was given specific evaluations to consider.

Chair Bruno stated that although he can legally participate in this matter, he would refrain from discussion and would abstain on any motion. Mr. Bruno explained that this was in fairness to the neighborhood because he has a child who is now attending Hillbrook School. Mr. Bruno reiterated that he is under no legal restraints regarding this hearing but has chosen not to participate out of fairness.

The following people from the audience spoke regarding this matter.

Sarah Bayne, representing Hillbrook School, explained in detail what the school has done to address the neighbors concerns regarding traffic and speeding. Ms. Bayne stated that they will continue to educate their parents of the needs to adhere to the rules and regulations. Ms. Bayne explained that the use of car pooling has increased by over 40% this year and they are researching additional alternatives. She referred to the traffic study that the school has done voluntarily and stated that they have limited evening events to no more than six per year which is a significant decrease and have required the evening events end by 9 p.m. Ms. Bayne explained the three neighborhood meetings that were held in June, July, and September and stated that she believes the measures that have been taken meet the recommendations of the Town Council. Ms. Bayne stated that they have also elected to make the following good will gestures to their neighbors: 1) prohibited all Hillbrook parking on Marchmont Drive permanently; 2) increased their on site parking spaces by 20; 3) met with ALTRANS and are reviewing their proposal; 4) are researching the possibility of busing students; and, 5) limited week-end use of the campus and prohibit any non Hillbrook use of the gym or field. Ms. Bayne explained in detail the school's master plan and goals and stated that they do not plan to ask for any change in the number of students which are presently permitted under their CUP which is 315 students.

Commissioner Quintana questioned which outside groups used the Hillbrook campus.

Ms. Bayne stated that soccer teams, Girl Scouts and Boy Scouts, and several churches used the campus.

Barry Bakken, 111 Wollin Way, would like to see what the impact of the changes produce; and, is concerned that by adding 7,500 square feet, the school may want to increase its enrollment. Mr. Bakken does not feel that Ann Arbor should be used for access.

Glenn Brown, 205 Marchmont Drive, has gone to all the neighborhood meetings and feels that Hillbrook is

not responding to the neighborhood concerns. Mr. Brown feels that the Town needs to also help with the traffic problems throughout the Town and in this neighborhood.

Nancy Stengele, 104 Ann Arbor Court feels that Hillbrook is trying to pit neighborhood against neighborhood in order to divert attention from the real issue. Ms. Stengele is not in favor of having the Ann Arbor gate opened for any reason.

James Finkle, 111 Ann Arbor Drive, gave a history of the closure of the Ann Arbor gate and stated that he would like to see car-pooling initiated and required and an assembly area defined to assist with busing the children.

Martin Dermer, 255 Marchmont Drive, feels that Hillbrook has increased their enrollment which has increased the neighborhood problems. Mr. Dermer would like to see the Ann Arbor gate opened and everyone share the burden. He would also like to see mandatory carpooling.

Dan Nachison, 115 Ann Arbor Drive, feels the opening of the Ann Arbor gate will create a tremendous mess. Mr. Nachison explained the traffic pattern in the area and stated that he would like to see specific, mandatory action taken by the school to help solve the problem and whether we can require TDM mitigation.

Jeffrey Barnett, 101 Wollin Way, objects to the traffic report and gave his reasons why. Mr. Barnett feels that people will be driving into his neighborhood if pedestrian traffic is allowed via the Ann Arbor gate. He stated that he believes that approximately 90 cars would be diverted to his neighborhood if the gate were opened.

Michael Taylor, 119 Ann Arbor Drive, feels the traffic situation in his area is evolving and the traffic problems on Marchmont are created specifically by Hillbrook. Mr. Taylor explained the scenario that can happen if homes are developed on Shannon Road.

Sandy Forbes, 123 Ann Arbor Drive, would like to see the students bussed to Hillbrook because she believes this is possible and would reduce the traffic problems. Ms. Forbes gave examples of other schools or organizations that use buses to alleviate the traffic problems.

Elaine Myers, 293 Marchmont Drive, submitted a petition and requested that no decision be made until the traffic problems have been resolved. Ms. Myers is also concerned that the school enrollment will increase. She explained the type of traffic and speeding problems that occur.

Ray Davis, feels that a shuttle bus would solve the problems.

Jeanne Aikman, 48 Whitney Avenue, feels there is a bigger problem within the school than traffic. Ms. Aikman explained how she thought the campus would be altered by the proposed new class rooms and stated that she believes that busing is possible.

Della Dodds, 256 Marchmont Ct., stated that there is no mutual agreed upon traffic mitigation plans. Ms. Dodds read from the traffic study and stated that she finds it difficult to believe that the Town would allow the CUP without specific traffic mitigation.

POINT OF ORDER

Motion by Chair Bruno, seconded by Commissioner Muller to continue this meeting to 2:00 a.m., Thursday, October 26, 2000.

Carried unanimously. Commissioner Lyon absent.

Jimmye Mollin, 5903 Dry Oak Ct., San Jose, teacher at Hillbrook school stated that the teachers had input into the strategic plan for the school.

Candy Braken, 111 Wollin Way, did her own cross traffic evaluation and feels that the traffic problems will increase. Ms. Braken feels that Hillbrook has to find a solution to the traffic concerns.

Patti Elliot, 269 Marchmont Drive, would like to see this as an opportunity for Hillbrook to deal with the problem. Ms. Elliot feels that Hillbrook should be required to deal with the problem before receiving their CUP. She explained the different methods available to solving the problems via car pooling or the use of buses.

Devin Derham-Burk, 100 Wollin Way, emphasized that the Town Council's directives have not been met by Hillbrook and she feels that full, good faith, compliance with each of the directives should be met before approval is given.

Barbara Dodson, 239 Marchmont Drive, believes that the increase in traffic constitutes a change of circumstances that should compel the Town to reconsider the closure of the back entrance of the school. Ms. Dodson feels that this would also reduce traffic community wide and she does not feel that Marchmont Drive should be forced to take the entire burden of this traffic problem.

Robert Dunne, 124 Hilow Court, President of the Board of Trustees for Hillbrook School, stated that changes have been made to address the traffic concerns and approval of this application will not deter them from continuing to work with the neighborhood to alleviate the traffic problems. Mr. Dunne explained that they are evaluating all alternatives.

Lucille Weidman, 215 Carlester Drive, suggested that any CUP granted should contain a required six month, or one year, formal review of the CUP; to cap the number of vehicles traversing Marchmont Drive per day; to cap the number of the present enrollment of 315; to mandate the use of a professional initiated carpool program, school bus service, and shuttle bus service of all school events at a staging area away from either neighborhood. Ms. Weidman further requested that no master plan approval be given until the traffic volume is significantly reduced and all other traffic related problems have been solved. Ms. Weidman stated that the staging of the dismissal time only prolongs and agony and this should also be considered. Ms. Weidman gave other suggestions to solve the concerns.

Diana Weissman, 118 Mill Road, stated that it has been made very clear to all parents that they have to help with the problem and many parents are now car pooling.

David Guimarin, 48 Jackson Street, stated that there are only 310 students presently enrolled at Hillbrook which constitutes 244 families. Mr. Guimarin explained that Hillbrook has been in this location for 60 years.

Ken Arendt, stated that there are two neighborhoods and a business in between which is creating an environmental impact on the neighborhood. Mr. Arendt feels that the business does not need to spread the problem, or move the problem, it needs to solve the problem.

Jim Hilton, 300 Marchmont Drive, project Manager for the school, stated that the increase in square footage for the facility is required due to ADA requirements. Mr. Hilton explained that carpooling has increased over 40% and the school is working to solve the problem.

Ms. Bayne concluded that the school was not trying to pit one neighborhood against the other but was truly trying to make the school compliant and improve the standards and regulatory classrooms for its students. Ms. Bayne clarified the reason why they had the staggered dismissal times, and stated that they have no plans to increase their enrollment.

There was no one else in the audience to speak to this matter.

Chair Bruno closed the Public Hearing.

Discussion followed regarding continuing this matter to a future date.

Commissioner Muller is concerned that if this is approved the incentive to carpool or find other traffic solutions may disappear. Ms. Muller questioned if the Town can require or mandate carpooling or busing or initiate a review process.

Mr. Curtis stated that in this instance the Town probably cannot require carpooling or busing but it can be voluntary. If the applicant will voluntarily agree to provide carpooling, then it can be included as a condition of approval. He explained that a six month review can be required

Commissioner Muller stated that she would also like to see the neighborhood pull together and approach the Town for some traffic calming measures.

Motion by Commissioner Muller, seconded by Commissioner Marcucci to approve 300 Marchmont Drive/PRJ-99-062/PRJ-99-063 with the following considerations, conditions, and findings.

CONSIDERATIONS

As required by Section 29.20.150 of the Town Code for Architecture and Site applications, the Commission deems that all considerations have been reviewed during the course of this application.

CONDITIONS

300 Marchmont Drive

Project Application PRJ-99-062 (Conditional Use Permit)

Project Application PRJ-99-063 (Architecture and Site)

Requesting approval of a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to

the old building on property zoned HR-1.

PROPERTY OWNER/APPLICANT: Hillbrook School

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:
(Planning Section)

1. **EXPIRATION.** This approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code unless the application is vested. Vesting for the Master Site Plan includes the demolition and reconstruction of the new classroom building under Architecture and Site Application PRJ-99-063. Once the application is vested, there are no further time limits to for the Master Site Plan.
2. **EMERGENCY ACCESS ROAD.** The emergency access road to Ann Arbor Drive shall not be opened up at any time to public or school use with the exception for pedestrian and bicycle access during school hours of operation and for school functions. The road may be opened for construction access only if it is part of the approved construction plan for an Architecture and Site application.
3. **CAR & VAN-POOLING.** The Town accepts the voluntary offer of Hillbrook School to maintain and promote (at least quarterly) a car and van-pooling program for their students.
4. **ENROLLMENT.** The enrollment shall be limited to 315 students.
5. **EMPLOYEES.** The after school maximum number of employees on site during activities in the gymnasium which draws an audience shall not exceed 12.
6. **NIGHTTIME ACTIVITIES.** All activities shall conclude by 9 P.M. All activities which draw an audience to the gymnasium shall take place after school hours.
7. **WEEKEND ACTIVITIES.** During the weekend the campus shall be closed to any use by outside leagues or youth groups, the gym shall only be used for Hillbrook School activities and the weekend use shall be limited to an Open House event in October, and volleyball and basketball tournaments for Hillbrook School only.
8. **GYMNASIUM DOORS AND WINDOWS.** The loading doors on the Ann Arbor side shall be closed at all times whenever activities are being held inside the gymnasium. The other doors and windows in the gymnasium shall be allowed to remain open during activities.
9. **MUSIC.** Music from live bands shall not be amplified. One amplified DJ event is permitted per year.
10. **LEASE/RENTALS.** No lease or rental of the gymnasium shall be permitted to third parties.
11. **SIX MONTH REVIEW.** This application shall be reconsidered by the Planning Commission six months from the date of approval.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS
(Parks and Forestry Section)

12. **BUILDING FOOTPRINTS.** The footprints of the future buildings may be required to be modified during the Architecture and Site approval process to reduce tree impacts.

300 Marchmont Drive

Project Application PRJ-99-062 (Conditional Use Permit)

Project Application PRJ-99-063 (Architecture and Site)

Requesting approval of a Conditional Use Permit for a Master Plan of Hillbrook School and approval of an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1.

PROPERTY OWNER/APPLICANT: Hillbrook School

TO THE SATISFACTION OF THE PLANNING DIRECTOR:
(Planning Section)

1. EXPIRATION. This approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code unless the application is vested.
2. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
3. RECYCLING. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
4. DEMOLITION. The existing classroom building shall be demolished prior to final occupancy of the new classrooms.
5. CONSTRUCTION PLAN. A construction plan shall be submitted to and approved by the Town prior to the issuance of a building permit. The plan shall include that construction vehicles shall park on campus during construction, there shall be no stacking or queuing of construction vehicles on neighborhood streets and no unloading of heavy vehicles shall occur on neighborhood streets. Vehicles of construction employees shall be parked on campus. The Ann Arbor Drive emergency access road may be opened and used for construction access only.
6. PARKING. The parking spaces proposed to be added shall be reviewed by the Development Review Committee prior to issuance of a building permit for the parking improvements.

(Building Section)

7. PERMITS REQUIRED. A building permit application shall be required for each proposed structure. Separate Electrical/Mechanical/Plumbing permit shall be required as necessary.
8. CONDITIONS. The Conditions of Approval shall be stated in full on the cover sheet of the construction plan submitted for building permit.
9. PAD CERTIFICATION. A building pad certificate shall be prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector upon foundation inspection. This certificate shall certify that the building pad elevation and on-site retaining wall locations and elevations are in accordance with the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 - a. Pad elevation
 - b. Finish floor elevation
10. TITLE 24 ENERGY COMPLIANCE. California Title 24 Energy Compliance forms CR- IR and MF-IR shall be printed on the construction plans.
11. PLANS. The construction plans for this project shall be prepared under direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
12. DEMOLITION PERMIT REQUIREMENTS. Contact the Bay Area Air Quality Management District (415) 771-6000 and complete their process as necessary before obtaining a demolition permit from the Town Building Department. No demolition work shall be done without first obtaining a demolition permit from the Town.
13. TITLE 24 ACCESSIBILITY - COMMERCIAL: On site parking facility shall comply with the latest California Title 24 Accessibility Standards for the disabled.

14. **TITLE 24 ACCESSIBILITY - COMMERCIAL:** On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
15. **TITLE 24 ACCESSIBILITY - COMMERCIAL:** The building shall be upgraded to comply with the latest California Title 24 Accessibility Standards for the disabled. Necessary work shall be first investigated by the design architect then confirmed by the Town staff.
16. **NON-POINT SOURCE POLLUTION STANDARDS.** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program specification sheet shall be part of plan submittal. The Specification sheet (Size 24" x 36") is available at the Building Department service counter.
17. **ADDITIONAL AGENCY APPROVALS REQUIRED.** The project requires the following agencies approval before issuance of a building permit:
 - a. West Valley Sanitation District 378-2407
 - b. Santa Clara County Fire Department: 378-4010
 - c. Los Gatos School District: 395-5570

Note: Obtain the school district forms from the Town Building Department, after the Building Department has approved the building permits.

**TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS
(Parks and Forestry Section)**

18. **NEW TREES.** A total of 18 15 gallon Town approved trees shall be planted on the east side of the property as shown on the approved site plan. The specie of tree shall be approved by the Parks Superintendent. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior to final occupancy.
19. **FINAL TREE PLANTING PLAN.** The final approved tree planting plan shall be submitted with the building permit with copies provided to the Planning and Parks and Forestry Section.
20. **IRRIGATION.** All newly planted landscaping shall be irrigated by an in-ground irrigation system. Special care shall be taken to avoid irrigation which will endanger existing native trees and shrubs.
21. **AERATION TUBES.** Any impervious area encroaching under the dripline of existing trees shall have aeration tubes installed.
22. **GENERAL.** All existing trees to remain and newly planted trees shown on the plan are specific subjects of approval of this plan and must remain on site.
23. **WATER EFFICIENCY.** This project is subject to the Town's Water Efficient Landscape Ordinance, Chapter 26, Article IV of the Town Code. A review fee based on current resolution shall be paid when the landscape, irrigation plans and water calculations are submitted for review, prior to the issuance of a building permit.
24. **PROTECTIVE FENCING.** Prior to any building permits being issued, the applicant shall meet with the Parks Superintendent concerning the need for protective fencing around existing trees. Such fencing shall be installed prior to issuance of a building permit and shall be maintained during construction.
25. **FOUNDATION.** Any buildings under the dripline of existing trees shall have a foundation built from pier and grade beam to minimize tree impacts.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

26. **REQUIRED FIRE FLOW.** Required fire flow is 1500 GPM at 20 psi. residual pressure.
27. **FIRE LANE MARKING REQUIRED.** Provide marking for all roadways within the project. Markings

shall be per fire department specifications. Installation shall also conform to Local Government Standards and Fire Department Standard.

FINDINGS

As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit the Commission finds:

1. The proposed use of the property is essential or desirable to the public convenience or welfare in that this CUP is for a school that has existed for almost sixty years in the Town of Los Gatos for the education and development of children. In addition, substantial open space is maintained and riparian corridors are protected.
2. The proposed use will not impair the integrity and character of the zone based upon the uninterrupted use of the property as a school and in that the school pre existed certain residents surrounding the school.
3. The proposed use would not be detrimental to public health, safety or general welfare because during the sixty years that the school has been in existence it has proven to promote public health, safety and general welfare.
4. The proposed use of the property is in harmony with the various elements and objectives of the general plan and the purposes of the Town Code if the conditions of approval, Items 1 through Item 6 are maintained.

As required by Section 15314 of the State Environmental Guidelines as adopted by the Town, the Commission finds that this project is Categorically Exempt.

Chair Bruno reopened the Public Hearing to question the applicant.

Chair Bruno questioned if Hillbrook school would voluntarily create, institute, and mandate a carpooling program for the parents.

Sarah Bayne, representing Hillbrook school stated that the school voluntarily will create, institute, and mandate a carpooling program.

Chair Bruno closed the Public Hearing.

COMMISSION COMMENTS

Commissioner Quintana stated that she would like to see more specifics regarding the carpool policies that they will be implemented and how those policies will be enforced. Ms. Quintana would also like to see consideration given to Vanpooling and a report regarding the number of non Hillbrook activities by other groups. Ms. Quintana believes there is a certain amount of community benefit to providing the facilities to groups that have difficulty finding places to meet. She feels it is important to have this information prior to acting on the application.

Chair Bruno clarified that the entire matter can be reviewed in six months and to the extent that a condition is violated or to the extent that a program is not implemented, the consequence is back to the Commission.

Commissioner Marcucci questioned if condition #7 could be removed because it didn't seem fair that an overall community benefit be removed in the interest of improving traffic on the week days. Ms. Marcucci stated that soccer and baseball fields are limited resources in the area and other groups do benefit from the use of these playing fields.

Commissioner Muller stated that condition #7 will give relief to the Marchmont neighborhood and this will lighten the load on the weekend. Ms. Muller explained that she had considered this condition long and hard and is sad that this is at a cost of a community benefit but, at the same time, she is mindful of the Marchmont residents.

Carried 3-1-1-1. Commissioners Marcucci, Muller, and Pacheco voting yes. Commissioner Quintana voting no. Chair Bruno abstaining. Commissioner Lyon absent.

Appeal rights recited by Mr. Curtis.

POINT OF ORDER

Motion by Chair Bruno, seconded by Commissioner Pacheco to continue this meeting past 2:30 a.m., Thursday, October 26, 2000.

Carried 4-1-1. Commissioner Quintana voting no. Commissioner Lyon absent.

ELM STREET, 42/U-00-26 (00.10)

Requesting approval to modify a conditional use permit to serve beer and wine with meals on property zoned C-2. PROPERTY OWNER: Creamery It Investors LLC. APPLICANT: Farhad and Belghis Proushani.

Commissioner Pacheco stated that the CUP which was granted in 1994 was for a restaurant without beer and wine and also restricted the number of seats to twelve. Mr. Pacheco questioned why a beer and wine license was necessary.

Belghis Proushani, Owner of the coffee shop, explained the type of operation and stated that they are losing lunch time customers because they don't serve beer and wine. Ms. Proushani explained that they have no kitchen and are not a full restaurant. She stated that they only have 900 square feet of space and serve mostly quiche and sandwiches and are more of a European type coffee shop.

Commissioner Muller stated that it was unfortunate that the seating is limited to twelve people and the establishment is actually seating approximately thirty-four people.

Commissioner Pacheco stated that there is a need to clean up the violation before making a decision or recommendation on the beer and wine issue.

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**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
December 18, 2000/Minutes**

TOWN COUNCIL

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:30 p.m., Monday, December 18, 2000, in joint regular session.

ROLL CALL

Present: Randy Attaway, Steven Blanton, Sandy Decker,
Steve Glickman and Mayor/Chairman Joe Pirzynski.
Absent: None

PLEDGE OF ALLEGIANCE

Given by all in attendance.

PRESENTATIONS

Mayor Pirzynski made presentations from the Town to two resigning Planning Commissioners, Paul Bruno and Laura Nachison, for their years of service to the Town while serving on the Commission. Mrs. Nachison was present to receive her commendation and thanked Council for the opportunity to have served our Town.

Mayor Pirzynski presented a commendation from the Town to Paul Curtis for his service as Director of Community Development. Mr. Curtis thanked the Town for the opportunity to have served our community.

Mr. Davis, new to the community, offered his comments on these presentations.

CLOSED SESSION

Town Attorney, Orry Korb, announced that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54956.9, concerning Pending Litigation of Julie Dunn vs. Town of Los Gatos, et al., Santa Clara County Superior Court, Action CV779496. There was no final action taken.

Pursuant to Government Code Section 54957, regarding Public Employee Performance Evaluation (Town Manager). Council has not completed this evaluation at this time.

SCHEDULE OF PUBLIC HEARINGS (01.28)

Informational report regarding currently scheduled public hearings was received and filed.

**PLANNING COMMISSION/PLANNING DEPARTMENT MONTHLY STATUS REPORT
(03.38)**

Informational report regarding activity of Planning Commission and Department was received and filed.

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unanimously.

Motion by Mr. Blanton, seconded by Mrs. Decker, to remand this proposal to the Design Review Committee for redesign without penalty; finding that the present plan is inconsistent with the General Plan; there is an expressed desire to work with the neighborhood to obtain an acceptable architectural style; and that this is new information that had not been available to the Planning Commission. Council asked that the applicant work with the present neighborhood in developing a compatible architectural style. Carried unanimously.

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL MASTER PLAN/APPEAL (17.15)

Mayor Pirzynski announced that this was the time and place so noted for public hearing to consider appeal of the decision of the Planning Commission to approve a Conditional Use Permit for a Master Plan of Hillbrook School and to approve an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1. Project Application PRJ-99-062 (Conditional Use Permit). Project Application PRJ-99-063 (Architecture and Site). Property Location: 300 Marchmont Drive. Property Owner/Applicant: Hillbrook School. Appellants: Martin D. Dermer and Michael W. Taylor.

The following people from the audience spoke to this issue.

Michael Taylor, 119 Ann Arbor Drive, appellant spoke about traffic and traffic counts and asked that the Ann Arbor gate not be opened. He asked for a mandatory program; quantitative targets for compliance; and a review and policing process.

Martin Dermer, 255 Marchmont Drive, he asked for less traffic in the area and proposed a hundred car limit for students and fifty for employees accessing the school at one time. He also asked for no parking of people associated with the school in the surrounding neighborhoods; no evening events past 9:00 p.m. Gates be closed by 9:30 p.m. No weekend events.

Patti Elliot, 269 Marchmont Drive, speaking as part of appellants' time, spoke of curtesy being offered by the parents and drivers on the Hillbrook property. She spoke of petitions from the neighborhood submitted for the record. Carpooling is requested. She spoke of her personal traffic study and the impacts she observed due to the traffic generated by the parents and students.

Sarah Bayne, Head of Hillbrook School, thanked Council for its interest. The non compliant class room buildings need to be upgraded per regulations from the California Education Code requirements. She spoke of 60% of parents using carpooling and asking that certain students that live nearby walk to school. She said the improvements would lead to an increase in the availability of program rather than increase in student numbers. On hearing of these concerns, the school immediately prohibited parking on Marchmont and asked parents to work with the suggested restrictions. The CUP has limited the school to 315 students during the last 15 years.

193 students are residents of Los Gatos. Shuttle busses are used for night time events. 13 to 18 children have been considered for the use of Ann Arbor gate.

Jolie Houston, Berliner Cohen, representing Hillbrook School, spoke of the conditions that have been reviewed, no error or abuse of discretion, number of parking spaces, traffic study and traffic

calming, use of car pooling, and working with the conditions of approval that have been approved twice. This project does not increase the traffic. The school will enforce the CUP for car pooling. The school is in compliance with the General Plan and is implementing traffic calming measures at this time.

Debora Wagner, 16374 Hilow Road. She spoke of the CUP, and asked that the numbers of vehicles be documented.

Della Dodds, 256 Marchmont Court, asked for specific and measurable ways of checking traffic and safety on Marchmont.

Ed & Valerie Lozowicki, 223 Rosalie Court, both came forward to express the safety issues as they see and live with them. Spoke of the two blind curves on Marchmont. Asked that specifics be added to the CUP. Spoke of the larger and heavier vehicles that are now being driven by families and the safety issues related to them on a narrow winding street like Marchmont.

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL MASTER PLAN/CONT.

Speakers continued:

Reuel Warkov, 269 Marchmont Drive, asked for the safety needs to be addressed as a condition of the CUP. The school is asking for special consideration and the neighborhood requests the same consideration from Council regarding traffic safety issues.

Donald J. Housman, 16369 Hilow Road, spoke of traffic safety and the near misses of accidents in this area.

Robert Dunne, 124 Hilow Court, President of the Board of Hillbrook School, spoke of the efforts of the parents and the school to ease the problems in the neighborhood. He lives in the area and has children at the school. The school will have no more than 315 students on site. They find the 100 car limitation too restrictive. A reduction of cars to 60% is what they think is attainable and possible to track.

Ric Giardina, 16190 Harwood Road, cars have been moved off Marchmont, on site cars have been reduced, they need the buildings rehabilitated.

Ray Davis, newly arrived, spoke about site use and the need to reduce traffic and observe safety issues.

Laura Nachison, 115 Ann Arbor, spoke of protecting the existing neighborhoods and working more diligently on ways to augment carpooling options.

Diane Hembry, 201 Marchmont Drive, asked for traffic control in the Marchmont area and help from Council concerning the safety of the neighborhood children and pedestrians.

Sue Murphy, 6070 Riding Court, mother of child in school noted that she is respectful of the neighborhood. She enjoys being able to park on campus; spoke of participating with the neighborhood; and asked that the two communities co-exist and co-operate over these difficult circumstances.

Judy Ardizzone, 16414 Hilow Road, spoke of the paving of Hilow, a one way street. She noted that the pot holes acted as a barrier to speeding traffic, and now cars are going through there so fast that the residents will be asking for the installation of speed bumps.

Dennis McEvoy, 81 Reservoir Road, spoke of traffic in all of Los Gatos during the time that children arrive and depart from school. He noted that all neighborhoods adjacent to schools must make accommodations for that traffic. He is a parent at Hillbrook and noted that the parents were trying to meet the needs of the Marchmont neighborhood.

Kim Wolsencroft, 81 Reservoir Road, on Board of Directors of Hillbrook, spoke of different communities trying to live together. Spoke of living with a school in her own neighborhood and the accommodations that both the residents and the school cooperated on.

Christopher Sanders, 106 Ann Arbor Court, asked for bussing to be used at the school.

Roger Sanford, 55 Roberts Road, Hillbrook parent, asked for approval of the rehabilitation of school buildings and some understanding from the Marchmont neighborhood.

Paul Grams, 16126 Peacock Lane, opposes the opening of the gate on Ann Arbor.

Chris Bearden, 112 Ann Arbor Court, willing to open the gate if it solves some of the problems, and offers 20 students ingress and egress. He asked that bussing be reinstated for some students and carpooling be required for others.

Harvey Sackett, 16015 Short Road, spoke against drop off points for bussing because of the dangers facing the children in the unsupervised locations.

HEARINGS CONTINUED

MARCHMONT DRIVE 300/HILLBROOK SCHOOL MASTER PLAN/CONT.

Speakers continued:

Sandy Forbes, 123 Ann Arbor Drive, spoke in support of bussing for traffic relief.

Sarah Bayne, Head of Hillbrook School, noted that the 1988 Hillbrook CUP limited the number of students to 315; that 93 families are residents of Los Gatos; shuttle busses are used for evening events; there are liability issues involved in dropping off students to shuttle bus to the school; she noted that the carpooling information came from the school directory in identifying those students who live within a half-mile of each other; that information was used to estimate the 60% reduction.

Martin Dermer, 255 Marchmont, wants a review every six months; no parking on Marchmont; no weekend event; and the school close down after 9 p.m. with no more traffic after 9:30 p.m.

Della Dodds, 256 Marchmont Drive, addressed traffic; asking for 100 vehicles only per day; or at least a specific number that can be worked toward and evaluated and reviewed every six months.

Jolie Houston, of Berliner Cohen, representing Hillbrook School, spoke of peak hours and percentages. She notes that numbers are hard to track, but percentages do work and are what are used in traffic reports.

Michael Taylor, 119 Ann Arbor Drive, appellant, asked that the school focus its attention on traffic reduction and work with the neighborhood on solutions.

No one else from the audience addressed this item.

Motion by Mr. Blanton, seconded by Mrs. Decker, to close the public hearing. Carried unanimously.

Motion by Mrs. Decker, to continue this item to April to try to reduce the impact by at least 50%.

Continue the conditional use hearing to April 2, 2001. The Town to take a count of vehicles during that period of time and check the numbers of cars to a measurable number in the range of 80 to 110 in a day. Motion dies for lack of a second.

Motion by Mr. Blanton, seconded by Mr. Glickman, To have a six month review first and an annual review thereafter. A 60% reduction will be worked toward. Motion to uphold the Planning Commission decision and approve the Conditional Use Permit, and the Site and

Architecture Application with the additional conditions and the conditions reflected in the staff report; Remove item 6 and 9 from the CUP which limited weekend activities and the ability for other parties to use the facility; The traffic problem on Marchmont must be addressed by our Town and reviewed by our Council; There must be a reduction of traffic due to Hillbrook School's efforts; Ann Arbor is too small a gain to be opened; The County needs to participate in the traffic calming measures in its jurisdiction. Motion failed with 2 ayes from Mr. Blanton and Mr. Glickman. Mr. Pirzynski, Mr. Attaway and Mrs. Decker voted no.

Motion by Mr. Attaway, seconded by Ms. Decker, that the Ann Arbor gate remain closed; a quantifiable number of vehicles be established with Hillbrook to identify a specific number of trip reductions per day; or a percentage of reduction be established if data can be gathered to quantify this approach; staff will spot check the number of car trips for the next three months; and the public hearing will be continued to April 16, 2001, unless Hillbrook desires an earlier hearing and works out details with staff, such as staff reports and appropriate noticing. Carried unanimously.

**FEES/DEVELOPMENT APPLICATIONS/DIRECTOR OF COMMUNITY DEVELOPMENT
DEVELOPMENT REVIEW COMMITTEE DECISIONS/RESOLUTION (18.09)**

Mayor Pirzynski announced that this was the time and place so noted for public hearing to consider adopting resolution establishing fees for development applications that are referred back to the Planning Commission and a fee for appeals of Director of Community Development and Development Review Committee decisions.

Speaker Davis, in his new community, happily spoke of the well represented public will, and the honest people in this town. His history of local government, cities, counties and state have shown him well established land use processes. He spoke of the adeptly established system of appeals demonstrated in Orinda.

Council Comments:

- is it too easy to appeal in this town?
- make it clear that if the appeal is frivolous it will be turned down promptly
- include a provision that with rare circumstances council can choose to waive the fee if they find that the conditions warrant it
- send a questionnaire asking for comments from those who have completed the planning process for their project
- request of staff to return with a process that can evaluate the system

Motion by Mr. Attaway, seconded by Mrs. Decker, that Council adopt Resolution entitled, RESOLUTION OF THE TOWN OF LOS GATOS ADOPTING FEES FOR DEVELOPMENT APPLICATIONS THAT ARE REFERRED BACK TO THE PLANNING COMMISSION BY THE TOWN COUNCIL AND ESTABLISHING APPEAL FEES FOR APPEALS OF DIRECTOR OF COMMUNITY DEVELOPMENT AND DEVELOPMENT REVIEW COMMITTEE DECISIONS. Motion abandoned.

Motion by Mr. Blanton, seconded by Mr. Attaway, to continue this item to January 8, 2000 and direct staff to return with a modified resolution allowing discretionary authority to Council to

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
April 16, 2001/Minutes**

TOWN COUNCIL

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:05 p.m., Monday, April 16, 2001, in special joint regular session.

ROLL CALL

Present: Randy Attaway, Steven Blanton, Sandy Decker,
Steve Glickman, and Mayor/Chairman Joe Pirzynski.
Absent: None.

PLEDGE OF ALLEGIANCE

Given by all in attendance.

CLOSED SESSION

Town Attorney, Orry Korb, reported that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54957.6 to discuss Labor Negotiations. Lead Town Negotiator: Gary Rogers, Human Resources Manager. Employee Organization: American Federation of State, County and Municipal Employees - Local 101 (AFSCME). Council gave direction. There was no reportable action taken.

SCHEDULE OF PUBLIC HEARINGS (01.28)

Informational report regarding currently scheduled public hearings was received and filed.

COUNTY REFERRALS (02.47)

Motion by Mr. Blanton, seconded by Mr. Attaway, that Council accept the report concerning County Referrals:

NUMBER	LOCATION	APPLICATION	REQUEST	RECOMMENDATION
8065	16388 Los Gatos-Almaden	Hibberd	Building Site	Approval/No Conditions
Carried unanimously.				

PLANNING COMMISSION/PLANNING DEPARTMENT MONTHLY STATUS REPORT (03.38)

Informational report regarding activity of Planning Commission and Department was received and filed.

CODE COMPLIANCE/QUARTERLY REPORT (04.38)

Informational report from the Code Compliance Officer regarding abatement of code violations was received and filed.

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HEARINGS CONTINUED

FRANCIS OAK WAY 15451/ROAD SAFETY/CONT.

Speakers continued:

Jim McIlvain, 15331 Francis Oaks, asked that the turnouts be approved, but that Council not take away the option to widen the road. Submitted document for the record.

Ray Davis, resident, asked Council to make this a safe road.

Virginia Fanelli, closed with noting the complete cooperation of her client in working with the neighbors in improving the road conditions.

Dave Weissman, asked for precise diagrams of where the improvements will be made, and noted that there would be legal filings if this project was approved without clear and agreed upon road improvements.

No one else from the audience addressed this issue.

Motion by Mr. Blanton, seconded by Mrs. Decker, to close the public hearing. Carried unanimously.

Council Comments:

Mr. Glickman would like to have seen the road widened if the parties could have come to an agreement. This issue has been undecided for too long and Council needs to move forward with a decision.

Mr. Blanton suggested that the neighbors continue their dialogue. He asked that Council not try to determine how this road should be modified, but to rely on staff for the appropriate road design.

Director of Community Development, Bud Lortz, explained that staff would continue to work with the applicant, neighbors and Director of Public Works on the road widening and turnouts until such time as staff believes a satisfactory decision has been reached. He noted that the issue of clear sight distance at Francis Oaks will be contemplated through the Capital Improvements Program separate from this specific application.

Motion by Mr. Glickman, seconded by Mr. Blanton, to uphold the Planning Commission's decision and deny the appeal. The turnouts will be placed where staff originally indicated them or where the Director of Public Works determines they should be placed after some further considerations. Carried unanimously.

RECESS CALLED

The Mayor called a ten minute recess.

MARCHMONT DRIVE/HILLBROOK SCHOOL/CONSTRUCTION/APPEAL (24.15)

Mayor Pirzynski announced that this was the time and place so noted for public hearing to consider appeal of the decision of the Planning Commission to approve a Conditional Use Permit for a Master Plan of Hillbrook School and to approve an Architecture and Site application to demolish an existing classroom building and to construct a new classroom building adjacent to the old building on property zoned HR-1. Project Application PRJ-99-062 (Conditional Use Permit). Project Application PRJ-99-063 (Architecture and Site). Property Location: 300 Marchmont Drive. Property Owner/Applicant: Hillbrook School. Appellants: Martin D. Dermer and Michael W. Taylor.

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HEARINGS CONTINUED

MARCHMONT DRIVE/HILLBROOK SCHOOL/CONT.

The following people from the audience addressed this issue:

Michael Taylor, resident of Ann Arbor Drive, had questions regarding the gate being opened between the school and Ann Arbor during school hours and during construction.

Martin Dermer, 255 Marchmont Drive, spoke about traffic safety, congestion, noise and the great impact to a residential neighborhood due to a commercial enterprise. He submitted a letter for the record.

Sarah Bayne, 300 Marchmont Drive, Director of Hillbrook School, spoke of the dedicated work of families and parents who have been working on the traffic problems, and finding measures to mitigate them.

Alison Humphries, 19969 Garnett Court, Saratoga, spoke as the car pooling chairman of the mitigation methods that the parents have worked together to put in place. She noted that 60% of the parents are now car pooling. She committed to being car pooling chairman next year, and noted that the parents are willing to commit to car pooling in the future. She showed slides to demonstrate her presentation, and spoke of a cap of 165 cars entering the property each day.

Patti Elliot, 269 Marchmont Drive, spoke in support of the efforts of the school to mitigate the traffic problems which they generate, and she believes they have done a good job. She requested that the Town support these efforts with doing traffic spot checks.

Elaine Myers, 293 Marchmont Drive, spoke of the efforts expended on mitigating the traffic impacts of the school. She asked for the Town's support on patrolling the speeders.

Diane Hemby, 201 Marchmont Drive, mentioned the ongoing concerns that the school presents. She noted that the school also runs summer camps and the neighborhood has these traffic problems all year long.

Patti Connery, 16015 Short Road, spoke in support of the school and all the work they have done to mitigate their problems with traffic.

Ray Davis, resident, spoke against the Hillbrook School construction project.

Heather Cranc, 1697 Don Ave, San Jose, as a parent she spoke in support of the schools mitigating measures.

Ric Giardina, 16190 Harwood Road, noted that the school is not a profit making enterprise.

James Richardson, 15310 Kennedy Road, spoke of the great traffic improvements that have been made by the school.

Athena Philippides, 350 Bella Vista Ave, spoke in support of all the efforts the school has made and the solutions that have been instituted.

Melissa Eldredge, 973 Cherrystone Drive, as a parent supported the school project.

Steve Blaz, 1508 Bouchard Drive, supported the school's efforts and proposals.

Laura Nachison, 115 Ann Arbor, asked if the Ann Arbor gate was going to be opened for construction of this project. She noted that Ann Arbor is presently being used as a staging area for construction projects in the area.

Rob Dunne, 124 Hilow Court, President of the Board of Trustees at the Hillbrook School, asked again for a cap of 165 cars which will be used as a maximum number as the school continues to look for ways to lower its traffic impact on the neighborhood.

David Guimarin, 48 Jackson Street, asked for approval of the CUP.

HEARINGS CONTINUED

MARCHMONT DRIVE/HILLBROOK SCHOOL/CONT.

Speakers continued:

Lucille Weidman, 215 Carlester Drive, spoke about evening events and construction traffic.

Dennis McEvoy, Hillbrook parent, asked that the number of cars be flexible due to some school events.

Craig Moorhead, 341 Los Gatos Blvd., supports the proposal and the need for construction on the old building. Asked for safe buildings for the children

Judy Ardizzone, 16414 Hilow Road resident, spoke against the number of cars which pass by her house daily. Asked if the County was working on this situation with the Town.

Jolie Houston, of Berliner Cohen, Ten Almaden Blvd, 11th floor, San Jose, spoke specifically about CUP requirements. She noted that the CUP requires traffic counts twice a year for traffic analysis and noted the condition that the road may be open for construction access as part of an approved construction plan.

Sarah Bayne spoke again concerning the cap of 165 cars. She clarified that this is the number of cars leaving the site between 7:30 a.m. and 8:30 a.m. and is a number which does not include staff who are remaining on site at that time. She feels that this is a number which the school is committed to.

Martin Derner, Marchmont, wanted more stringent numbers placed upon the number of cars which will be traveling the road. He asked that campus be free of rental to third parties and that there be unannounced car checks and traffic monitoring.

No one else from the audience addressed this issue.

Motion by Mr. Glickman, seconded by Mr. Blanton, to close the public hearing. Carried unanimously.

Council Comments:

Mr. Blanton asked if the school would agree to the stipulation of no third party activities permitted on campus. The school agreed, noting that that is now their present policy.

Mr. Glickman stated that there is a shortage of facilities in Town for youth activities, and he would suggest eliminating #7 from the CUP because the school could serve as a Town asset.

Mr. Blanton, **Mr. Glickman** and **Mr. Attaway** agreed to the cap of 165 student cars and periodic spot checks to be done by the Town to ensure that the school is complying to this condition. Town should install traffic signs stating radar enforcement and send an officer during peak hours.

Mr. Pirzynski and **Mrs. Decker** believe a cap of 165 for students is far too high considering there are also 55 staff cars on site. They asked that staff use mitigating methods for themselves also. They appreciate the efforts made by the school and would like to see these methods used by other Town schools that are suffering with traffic congestion and neighborhood impacts. The car pooling efforts were applauded but the possibility of van pooling was strongly encouraged to continue the reduction of neighborhood traffic impacts.

HEARINGS CONTINUED

MARCHMONT DRIVE/HILLBROOK SCHOOL/CONT.

Motion by Mr. Glickman, seconded by Mr. Blanton, to move approval of the application and adoption of the CUP with the following amendments: A cap of 165 outbound parent vehicles; Item 10) No lease or rental shall be permitted to third parties of campus facilities and striking the term "of the gymnasium;" Item 6) All night time activities are not to exceed ten events a year and shall conclude by 9 p.m. with all vehicles off the property by 9:30 p.m. and all activities which draw audience to the gymnasium taking place after school hours; Item 13) Radar signs to be deferred until Town has the opportunity to observe the traffic pattern; Item 11) Unannounced traffic count inspections will occur twice a year in March and October to observe compliance of the not to exceed 165 outbound parent vehicles; Condition 5 of Architecture and Site Approval) to set the hours of construction at 8 a.m. to 5 p.m., Monday through Friday, with the full construction plan on file with the Town. Carried by a vote of 3 ayes. Mrs. Decker and Mr. Pirzynski voted no indicating that the outbound vehicle count could have been reduced further to 150.

PUBLIC DIALOGUE CONSORTIUM/COUNCIL & PLANNING RETREAT (25.28)

Mayor Pirzynski announced that this was the time and place so noted to consider final report from Public Dialogue Consortium on the Town Council and Town Council/Planning Commission retreats.

Ray Davis, resident, spoke against the current land use process and asked for consistency in following the General Plan.

Council Comments:

That Council should set specific dates to meet with the Planning Commission in study sessions so that the meetings address issues and concerns before they become problems. That Council have consistent monthly meetings with the Commission to keep a progressive dialog going. Council requested periodic updates of how the measures in the summary were moving along.

**COMMUNITY HOUSING DEVELOPERS/LOCAL DEVELOPMENT CORPORATION
LOS GATOS CREEK VILLAGE/MILES AVENUE 31 (26.15)**

Mayor/Chairman Pirzynski announced that this was the time and place so noted to consider:

- a. Accepting report of Seifel Consulting Incorporated "due diligence analysis of funding request for Los Gatos Creek Village"
- b. Making a finding that Los Gatos Creek Village provides a significant community benefit by meeting current needs for affordable housing, and exempt Los Gatos Creek Village from the traffic impact mitigation fee
- c. Providing conceptual approval of a loan of \$233,800 to Community Developers - Local Development Corporation from Redevelopment Agency housing set-aside funds

COMMUNITY HOUSING DEVELOPERS/LOCAL DEVELOPMENT CORPORATION CONT.

Community Services Director, Regina Falkner, addressed the issue and gave a review of the projects history.

Ann Simpson, Managing Consultant, representing Siefel Consulting, Inc. gave some specific answers on funding and associated costs.

Bonni Bamberg, Development Director of New Housing Development for Community Developers Local Development Corporation spoke of a submitted letter and clarified the connection with Community Housing Developers.

Bill Zaloris, Project Manager, spoke of the progress of certain construction loans through CHFA.

Council Comments:

Council agreed that its exposure in this circumstance requires further review and consideration. Town desires to protect its assets and public monies and needs to look at the benefits to the town regarding affordable housing and security of resources.

Council Consensus to request that staff reconsider ways of ensuring protection of the Town's funds in the best way possible. This may mean attempting to secure a second position on all three properties. In the future the Town should always ensure a contingency plan for its affordable housing projects. Council requested that staff return with a report itemizing the protections and options for the Town.

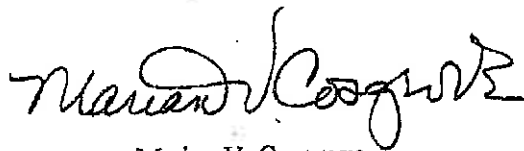
COUNCIL COMMITTEE REPORTS (27.28)

Mayor Pirzynski noted that he would be going to Sacramento to lobby legislators with other city mayors from the county to address housing, traffic, energy and other issues.

ADJOURNMENT

Motion by Mr. Blanton, seconded by Mr. Attaway, to adjourn this evening's meeting at 11:20 p.m.
Carried unanimously.

ATTEST:



Marian V. Cosgrove
Town Clerk

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
May 7, 2001/Minutes**

TOWN COUNCIL

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:08 p.m., Monday, May 7, 2001, in special joint regular session.

ROLL CALL

Present: Randy Attaway, Steven Blanton, Sandy Decker,
Steve Glickman, and Mayor/Chairman Joe Pirzynski.
Absent: None.

PLEDGE OF ALLEGIANCE

Given by all in attendance.

CLOSED SESSION

Town Attorney, Orry Korb, reported that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54957.6 to discuss Labor Negotiations. Lead Town Negotiator: Gary Rogers, Human Resources Manager. Employee Organization: American Federation of State, County and Municipal Employees - Local 101 (AFSCME). Council gave direction. There was no reportable action taken.

INTRODUCTION OF TOWN FINANCE DIRECTOR/STEVE CONWAY

Mrs. Figone, Town Manager, introduced the Town's new Finance Director resident, Steve Conway. Mr. Conway thanked Council for the opportunity to serve the Town.

INTRODUCTION OF CUB SCOUT PACK 556

Mayor Pirzynski introduced Cub Scout Pack 556 who had interviewed the Mayor recently. He noted that the Pack would be assisting in this year's July 4th festivities.

ARTS COMMISSION/APPOINTMENT/GLORIA ALABASTER (00.12)

Mayor Pirzynski announced that no applications had been received for the two vacancies on the Arts Commission. These vacancies will be re-advertised.

BOARD OF APPEALS/APPOINTMENTS (00.12)

Mayor Pirzynski announced that no applications had been received for the two vacancies on the Board of Appeals. These vacancies will be re-advertised.

COMMUNITY SERVICES COMMISSION/STUDENT APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one student member vacancy on the Community Services Commission. This vacancy will be re-advertised.

COMMUNITY SERVICES COMMISSION/APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one vacancy on the Community Services Commission. This vacancy will be re-advertised.

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE/APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one vacancy on the Housing & Community Development Advisory Committee. This vacancy will be re-advertised.

NEWSRACK COMMITTEE/APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one vacancy on the Newsrack Committee. This vacancy will be re-advertised.

PARKING COMMISSION/APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one vacancy on the Parking Commission. This vacancy will be re-advertised.

PARKS COMMISSION/APPOINTMENT (00.12)

Mayor Pirzynski announced that one application from Gary Schloh had been received for the one vacancy on the Parks Commission. Voting was held and Mr. Schloh was re-appointed to term ending 4/1/05.

PERSONNEL BOARD/APPOINTMENT (00.12)

Mayor Pirzynski announced that no applications had been received for the one vacancy on the Newsrack Committee. This vacancy will be re-advertised.

RENT ADVISORY COMMISSION/APPOINTMENT (00.12)

Mayor Pirzynski announced that one application from Susan Fish had been received for the one vacancy on the Rent Advisory Commission. Voting was held and Ms Fish was re-appointed to term ending 3/1/04.

SCHEDULE OF PUBLIC HEARINGS (01.28)

Informational report regarding currently scheduled public hearings was received and filed.

COUNCIL CALENDAR OF MEETINGS (02.28)

Informational item presenting future Town Meetings for Council and other Town Boards and Commissions was received and filed.

ACCOUNTS PAYABLE/RATIFICATION/MARCH 2001-APRIL 2001 (03.V)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council ratify the accompanying check registers for accounts payable invoices paid on April 13, 2001, and April 13, 2001 in the amount of \$576,658.63. Carried unanimously.

RATIFICATION OF PAYROLL/APRIL 2001 (04.V)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council ratify check register for the payroll of April 1 through April 14, 200, paid on April 20, 2001, in the amount of \$494,551.63. Carried unanimously.

TREASURER'S REPORT (06.02)

Informational report submitted by the Treasurer to the Council for the month ended March 31, 2001 was received and filed.

LOCAL GOVERNMENT ANNUAL REPORT/HISTORIC PRESERVATION/ FY 2000 (07.31)

Informational report on Town's historic preservation activities submitted to the State Office of Historic Preservation, meeting the requirements of a Certified Local Government, was received and filed.

**STORM WATER MANAGEMENT BUDGET/PROGRAM RELATED FEES (08.40)
WEST VALLEY SANITATION DISTRICT**

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council approve the FY 2001-2002 Storm Water Management Budget, and authorize the West Valley Sanitation District to collect program related fees on behalf of the Town. Carried unanimously.

MONTE SERENO/POLICE SERVICES CONTRACT/RESOLUTION 2001-43 (10.36)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Resolution 2001-43 entitled, RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE FIRST AMENDMENT OF THE MONTE SERENO POLICE SERVICES CONTRACT. Carried unanimously.

NICHOLSON AVENUE 310/VINYL WINDOWS INSTALLED/RESOLUTION 2001-44 (11.15)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Resolution 2001-44 entitled, RESOLUTION OF THE TOWN OF LOS GATOS DENYING APPEAL OF THE PLANNING COMMISSION DECISION DENYING A REQUEST TO INSTALL VINYL WINDOWS ON PROPERTY ZONED R-1D:LHP. Carried unanimously.

FRANCIS OAK WAY 15451/RESIDENTIAL CONSTRUCTION/RESOLUTION 2001-45 (12.15)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Resolution 2001-45 entitled, RESOLUTION OF THE TOWN OF LOS GATOS DENYING APPEAL OF THE PLANNING COMMISSION DECISION APPROVING CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE ON PROPERTY ZONED HR-1. Carried unanimously.

SANTA CRUZ AVENUE S. 20/WILLOW STREET PIZZA/RESOLUTION 2001-46 (13.15)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Resolution 2001-46 entitled, RESOLUTION OF THE TOWN OF LOS GATOS GRANTING APPEAL OF THE PLANNING COMMISSION DECISION DENYING A REQUEST TO APPROVE FULL LIQUOR LICENSE (WILLOW STREET WOOD FIRED PIZZA.) Carried unanimously.

DEMOLITIONS OF HISTORIC & NON-HISTORIC STRUCTURES/ORDINANCE 2083 (15.31)

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Ordinance 2083 entitled, ORDINANCE OF THE TOWN OF LOS GATOS AMENDING TOWN CODE SECTION 29.10.020 (DEFINITIONS FOR HISTORIC STRUCTURES AND DEMOLITIONS OF HISTORIC AND NONHISTORIC STRUCTURES); SECTION 29.10.09030 (DEMOLITIONS); SECTION 29.10.150 (PARKING FOR PROPERTIES WITH AN LHP OVERLAY ZONE AND EXEMPTIONS FOR PARKING REQUIREMENTS FOR MAJOR ADDITIONS TO SINGLE FAMILY DWELLINGS); SECTION 29.20.255 AND SECTION 29.20.265 (APPEAL PROCESS); SECTION 29.80.265 (APPLICATIONS FOR BUILDING PERMIT); AND SECTION 29.80.275 (NOTICE PROCESS). Carried unanimously.

VERBAL COMMUNICATIONS (00.28)

Ray Davis, resident, commented on report filed with the District Attorney's Office and his actions during a specific Council meeting. He also commented on Town's land use policy.

PUBLIC HEARING

UNIVERSITY AVENUE 75/RESIDENTIAL UNIT/COMMERCIAL ZONE/APPEAL (20.15)

Mayor Pirzynski announced that this was the time and place so noted for public hearing to consider an appeal of the Planning Commission to deny a request to construct a new commercial building with accessory living quarters and to reduce the required setbacks on property zoned C-2:LHP. Architecture and Site Application S-00-9. Conditional Use Permit U-00-10. Variance Application V-00-2. Property Location: 75 University Avenue. Property Owner-Applicant/Appellant: Kumiko Iwasawa Vadas.

The following people from the audience addressed this issue:

Skip Spiering, representing the appellant, showed a scale model of the site with the existing tree. He gave the history of the project over a twelve year time span, and noted that the Planning Commission and Historic Committee had recommended approval in 1993. He explained that the original design is harmonious with the site and the existing building, also any change in the design would destroy the integrity and symmetry of the two buildings and the individual buildings together, thereby upsetting the Japanese cultural style and design of. He agreed to work with staff on softening the effect of the north wall.

Sherwood Sullivan, 103 University, spoke against the proposal but asked that there be a redesign of the project with a higher elevation on the commercial side and a lower elevation situated on the residential side.

Melissa Havercroft, 111 University Ave., asked that the building be redesigned so that it is lower on the residential side.

Molly Sullivan, 103 University, spoke against the proposal and the loss of view from her home if the project is built with this design.

No one else from the audience spoke to the issue.

Motion by Mr. Glickman, seconded by Mr. Blanton, to close the public hearing. Carried unanimously.

Motion by Mrs. Decker, seconded by Mr. Glickman, to grant the appeal of Architecture and Site Application S-00-9; Conditional Use Permit U-00-10; and Variance Application V-00-2 with the following findings:

For granting Conditional Use Permit:

- The proposed uses of the property are essential or desirable to the public convenience or welfare creating an asset and extension of a cultural opportunity with the Netsuke Society which is something the Town has never seen before or may never have available again.
- The proposed uses will not impair the integrity and character of the zone as this is a dense transitional zone, and offers an interface between the commercial and the residential sections, which is reflected in similar locations throughout the Town.
- The proposed uses would not be detrimental to public health, safety or general welfare in that the shadow studies show negligible impact to the residents to the north.
- The proposed uses of the property are in harmony with the various elements and objectives of the General Plan, Downtown Specific Plan and the purposes of the Town Code by offering a live-work situation that supports a small resident owned/resident serving business which is encouraged in the General Plan.

HEARING CONTINUED

UNIVERSITY AVENUE 75/RESIDENTIAL UNIT/COMMERCIAL ZONE CONT.

For granting a Variance:

- The variance was granted in 1993 due to the dedication of private property to the adjacent public parking lot by Ms Vadas.
- The protected and historic tree existing on this property limits the possibilities of architectural designs.
- If the footprint of the building is moved to the south, a firewall would have to be built between the existing and proposed buildings, and cause loss of continuity of design.
- It forms a graceful transition between dense urban and residential use.

For Community Benefit per Traffic Policy:

- This project generates five peak hour trips which is offset by the expressed cultural value of the proposal and the architectural character that is unique to the downtown.

Consistent with the Redevelopment Plan and the uses of the Central Business District.

Categorically Exempt from the State Environmental Guidelines.

Considerations for work in Historic District that the proposal will not adversely affect its surroundings.

For Architecture and Site Application Conditions of Approval: There are 33 items considered by the Planning Commission and by Council which will have to be met

Planning Commission did not err, but this an issue and policy which Council has the opportunity and discretion to find above and beyond the Commission, in that Council can grant this variance.

Plans for Construction to include a directive to the contractor to notify the construction crew to take precautions to protect the historic oak tree and that there will be a fine if the tree dies.

North Elevation of project will be addressed by the Applicant and the Community Development Director to mitigate its lack of style.

Motion: Carried unanimously.

MINUTES OF APRIL 16, 2001 (05.V)

Ray Davis, resident, asked that additional comments from the audience be included in the minutes.

Motion by Mr. Glickman, seconded by Mr. Blanton, that Council approve the Minutes of April 16, 2001, Town Council/Redevelopment Agency Meeting, as submitted. Carried unanimously.

GENERAL PLAN/DEBORAH UNGO-MC CORMICK, AICP/RESOLUTION 2001-47 (09.31)

Ray Davis, resident, asked for further information concerning slope density to be included in this document. (Mr. Lortz, Community Development Director, explained that this subject is very important to the Town and that the Town itself will be handling that subject and not the consultant.)

Motion by Mr. Blanton, seconded by Mrs. Decker, that Council adopt Resolution 2001-47 entitled, RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH DEBORAH UNGO-MC CORMICK CONSULTING FOR CONTRACT PLANNING SERVICES FOR THE GENERAL PLAN IMPLEMENTATION. Carried unanimously.

MARCHMONT DRIVE/HILLBROOK SCHOOL/RESOLUTION 2001-48 (14.15)

The following people from the audience spoke to the issue.

Martin Dermer, 255 Marchmont Drive, asked for careful review of the traffic counts arriving and leaving the campus. He favored announced counts done by the Town.

Patti Elliot, 269 Marchmont Drive, spoke in support of the efforts of the school to mitigate the traffic problems which they generate, and she believes they have done a good job. She requested that the Town support these efforts with doing traffic spot checks.

MARCHMONT DRIVE/HILLBROOK SCHOOL/CONT.

Speakers continued:

Jolie Houston, Berliner Cohen, spoke of the reviews that address the cup. And asked for approval. Sarah Bayne, 300 Marchmont Drive, Director of Hillbrook School, answered questions concerning an Art Show that overlapped on weekends. She noted that after this approval is given the school will have its gates locked on weekends.

Ray Davis, resident, spoke against the new cap of 165, and requested that the word "final" be included in the master plan. Spoke of sighting distance from the Elliot's driveway.

Patti Elliot, 269 Marchmont Drive, noted that the current numbers which were given, only give the neighborhood a 7 car relief. The Town's traffic checks should be given at no specific times. Van pooling should be added to the resolution. 150 cars is reasonable and should be reconsidered. No one else from the audience addressed the issue.

Mr. Attaway asked that the school and staff keep in mind that Council wants to see continued efforts in reducing the traffic count. He would prefer the school work toward a cap of 150 cars and to realize that the 165 cap was a definite maximum

Motion by Mr. Glickman, seconded by Mr. Attaway, that Council modify Item #12 of the CUP to read, "Traffic counts are at the applicants expense. The Town shall conduct traffic counts at the Marchmont Drive of Hillbrook School twice a year during appropriate months chosen by the staff." Carried unanimously.

Mr. Glickman noted that all the responsibility to make the traffic counts diminish rests with Hillbrook School.

Mayor Pirzynski affirmed that the parties should not be in an adversarial position but in a cooperative mode of working together toward traffic calming in the neighborhood. He stated that the quality of life for the neighbors will be enhanced through the efforts of the school to continue to support its car pool program in a rigorous fashion and to look for alternative mitigating measures to reduce the neighborhood's traffic, such as van pooling for students and staff. This cooperation should lead to rebuilding a sense of community among the parties.

Bud Lortz, Community Development Director, reaffirmed that the six month review for the traffic count would be addressed at the Planning Commission

Motion by Mr. Glickman, seconded by Mrs. Decker, that Council adopt Resolution 2001-48 entitled, RESOLUTION OF THE TOWN OF LOS GATOS DENYING APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR A MASTER PLAN OF HILLBROOK SCHOOL AND TO APPROVE AN ARCHITECTURE AND SITE APPLICATION TO DEMOLISH AN EXISTING CLASSROOM BUILDING ON PROPERTY ZONED HR-1, with amendment to Item #12 as reflected in prior action. Carried unanimously.

TOWN PLAZA RENOVATION PROJECT/RESOLUTIONS 2001-49/2001-3RD (16.33)

Speakers and Council Comments:

Les White, Interim Public Works Director, discussed the Town Plaza Park Plans, noting that the bathrooms would remain optional at the Plaza; that there was sufficient funding for the fountain design plans; that there was no funding for construction of the bathrooms; and Council could decide after further consideration if it would like to include public facilities.

Mr. Blanton spoke in favor of incorporating rest room facilities in the park due to a shortage of public facilities in the downtown area.

TOWN PLAZA RENOVATION PROJECT/CONT. (Item 16 continued)

Speakers and Council Comments continued:

Mrs. Decker would like the rest room issue studied further as other interested parties have kept that from occurring over the years for various reasons which may no longer be viable considerations at this time. She also brought up the issue of the fountain and safety concerns associated with its depth and design. She asked what the time line was for completion of the new fountain and if the Town needed to keep the existing fountain in operation during this time.

Mr. White noted that the fountain would remain empty for about a year before the new one is operational. This is due to the high cost of electrical repair. Staff will review the safety issues involving this fountain and consider filling in the structure until the new one is ready to be built.

Mr. Pirzynski asked that consideration for user friendly, low risk water facilities that children can enjoy themselves at be explored.

Mr. Attaway asked that the present fountain be treated as we did the fire truck in Oak Meadow. He noted that he has never seen a claim involving Plaza fountain and he does not want to deprive the community of there fountain this summer while waiting for the new construction.

Mr. Glickman requested acceleration of the project for safety reasons.

Mr. White reported that staff would return to Council with various options concerning the treatment of the existing fountain.

Ray Davis, resident, spoke of the hazards of using recycled water in a public fountain and the health concerns associated with young children playing in this type of environment.

Lewis Hernandez, 180 Calle Margarita, asked for bathrooms and baby changers for people with children in the park or at least a place to wash your hands. A sterile bathroom in the park for transients would be appreciated.

Shirley Henderson, Antiquarium on Main, asked that Council please leave the fountain until after the Music in the Plaza Program. Asked that this fountain be recharged but that Town move forward on the new fountain.

Ms Figone, Town Manager, noted that the safety issues involving the fountain would be reviewed and a report would return to Council. The subject of bathrooms would be deferred at this time but might return to Council for consideration in the future.

Motion by Mr. Attaway, seconded by Mrs. Decker, that Town Council/Redevelopment Agency adopt joint Resolution 2001-49/2001-3RD entitled, RESOLUTION OF THE TOWN OF LOS GATOS/REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE DESIGN OF THE TOWN PLAZA PROJECT. (Mesiti-Miller Engineering). Carried unanimously.

DOWNTOWN BEAUTIFICATION/RESOLUTIONS 2001-50/2001-4RD (17.31)

Les White, Interim Public Works Director, noted that the 4 way stop at Bachman and Santa Cruz had been removed from the plans by Council in February when the plans had been approved. Traffic reports had shown that this configuration would cause grid lock in the downtown.

Motion by Mr. Attaway, seconded by Mr. Glickman, that Town Council/Redevelopment Agency adopt joint Resolution 2001-50/2001-4RD entitled, RESOLUTION OF THE TOWN OF LOS GATOS/REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE DESIGN OF THE SANTA CRUZ AVENUE/BACHMAN AVENUE INTERSECTION AND GRAYS LANE IMPROVEMENTS. (Mesiti-Miller Engineering). Carried unanimously.

3% at 50/RETIREMENT BENEFITS/POLICE OFFICERS/RESOLUTION 2001-51 (22A.06)
Motion by Mr. Blanton, seconded by Mrs. Decker, that Council adopt Resolution 2001-51 entitled, RESOLUTION OF THE TOWN OF LOS GATOS OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN COUNCIL OF LOS GATOS. Carried unanimously.

3% at 50/RETIREMENT BENEFITS/POLICE OFFICERS/ORDINANCE INTRO. (22B.06)
Motion by Mr. Blanton, seconded by Mr. Glickman, that Council waive the reading of the Proposed Ordinance. Carried unanimously.

The Town Clerk read the Title of the Proposed Ordinance.

Motion by Mr. Blanton, seconded by Mr. Glickman, that Council introduce Proposed Ordinance entitled, ORDINANCE OF THE TOWN OF LOS GATOS AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. Carried unanimously.

USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED/ORDINANCE INTR. (23.36)
The Town Clerk read the Title of the Proposed Ordinance.

Motion by Mr. Attaway, seconded by Mr. Glickman, that Council waive the reading of the Proposed Ordinance. Carried unanimously.

Motion by Mr. Attaway, seconded by Mr. Glickman, that Council introduce Proposed Ordinance entitled, ORDINANCE OF THE TOWN OF LOS GATOS AMENDING CHAPTER 15, SECTION 15.40.065(A) OF THE LOS GATOS TOWN CODE, REGARDING "USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED." Carried unanimously.

ENERGY CONSERVATION MEASURES/RESOLUTION 2001-52 (24.39)

Ms Figone, Town Manager, presented a comprehensive overview of the energy situation including the Town's past and present conservation actions. LED bulbs are replacing the Town's traffic lights and the emergency generator is being refurbished. Community education is included in the Town's Website including energy related links to other websites. A business orientated energy conservation newsletter has been developed to coordinate with the Chamber of Commerce to distribute to the business community. The legislative activity concerning this issue is also being tracked and reviewed.

Mr. Glickman, spoke of a workshop on Energy Crisis Impacts, First Responders, which will be held in Alameda, May 11th. He asked that someone from Town attempt to attend this meeting. He feels that loss of emergency services is a far greater impact than the rolling blackouts has been.

Ray Davis, resident, spoke of land use issues, large homes and their relationship to energy conservation. Requested required use of energy efficient roofing materials and solar panels.

Motion by Mr. Glickman, seconded by Mr. Blanton, that Council adopt Resolution 2001-52 entitled, RESOLUTION OF THE TOWN OF LOS GATOS ON ENERGY CONSERVATION MEASURES. Carried unanimously.

COUNCIL COMMITTEE REPORTS (25.28)

There were no reports given this evening.

TOWN MANAGER REPORTS (26.28)

A-Consider Report on Leadership Los Gatos (26A.12)

Mayor Pirzynski recognized the 600 volunteers who have contributed to our community. He noted the leadership evolving from the General Plan Task Forces I & II. He spoke of continuing opportunities for the community to take part in local government and the need to identify volunteers and encourage their participation. This proposal suggests ways to develop a strong leadership component within our community.

Town Manager Figone addressed the Leadership Los Gatos Program. Staff will work with the Chamber of Commerce on a leadership program which will include a candidate selection process and related volunteer identification program which will reach out to other community organizations and agencies. The budget for the program will be carefully reviewed and the scope of services will return to Council for final approval.

Mr. Hernandez, 180 Calle Margarita, spoke about leadership and children. Facilities for people with children, including baby changing tables, would be helpful in the course of conducting business with the Town. (Baby stations and a place to sit with children can be looked into as suggested by and Mr. Blanton.)

Informational Report on Leadership Los Gatos was considered by Council, accepted and filed

B-Consider Verbal Report on Skateboard Park (26B.33)

Town Manager Figone provided Council with an update on the status of the skateboard park. She noted that staff had work with County Supervisor Gage's office on addressing the feasibility of siting the facility in Vasona Park. There is cooperation from the County, and an initial assessment of a site is underway. The goal is to return to Council June 4th with a preliminary feasibility report. At that time the siting of the Lydon Cupola bandstand in Oak Meadow Park will also be considered. There is a high level review of the Vasona Park location taking place at this time. After Council next reviews the proposal there will be time to incorporate the community in bringing the project to fruition. Funding will take place through agencies and public participation

PUBLIC HEARING

CAPITAL IMPROVEMENT PROGRAM FOR 2001-2006/HEARING (21.09)

Mayor Pirzynski stated that this was the time and place duly noted for public hearing to consider proposed Town Capital Improvement Program (CIP) 2001-2006.

Town Manager Figone addressed the 15.7 million dollars of capital expenditures for the next five years. She noted that 12.9 will be expended the first two years, and emphasized the 15 million that has been budgeted for resurfacing over a five year period. After completion of the recommended infra structure needs assessment the Town will have a clearer picture of the condition of its infra structure and can identify a more systematic way to identify and schedule capital improvement projects and more fully evaluate alternative methods for funding the capital needs.

Assistant Town Manager gave an overview of the CIP delineating the projects and funding sources.

Council Comments:

Mr. Pirzynski, Mr. Blanton and Mrs. Decker favored the aggressive five year plan for the street improvements and resurfacing program.

Mr. Attaway would prefer to see the three budgets together before making allocation decisions. He asked why the undergrounding of utilities and new storm drain on Santa Cruz Ave is no longer in the CIP. He believes the budget that has been presented is very aggressive, and he asked for confirmation from staff that these projects could be completed as outlined. He spoke of using the undergrounding

CAPITAL IMPROVEMENT PROGRAM CONT.

Council Comments Continued:

money on Lot 6, and asked if the manager's conference room could still be considered. He would like to have a method of keeping a prioritized list of projects that have been identified, even though there is no available funding at the present time. He felt strongly that the next budget needs to look at downtown parking structures.

Mr. Pirzynski approved of those projects identified in the CIP and which are delineated on their own merits. The undergrounding projects should be put on hold until the PG&E issues are resolved. If there are projects that have been eliminated from this budget that Council would like reevaluated, Council should bring them up for discussion. He spoke of the study session last summer which addressed the street resurfacing program and believes this is an aggressive program which can be successful. He asked that staff monitor the projects for success and if there appears to be any problems that Council be notified immediately. He asked for ongoing status reports.

Mr. Glickman & Mrs. Decker requested consideration of undergrounding of utilities on Los Gatos Blvd. in a more comprehensive manner than one project at a time as development occurs.

Mr. Piper noted that PG&E has requested the ability to withhold their undergrounding funds until they have stabilized their company. In the mean time, Town allocations will continue to grow and be made available when the next viable project presents itself.

Public Works Director, Les White noted that data would be obtained from the Sanitation District on the condition of the sanitary sewer system, and from San Jose Water Company on the condition of the water main on North Santa Cruz Ave. Public Works Department will schedule the resurfacing of North Santa Cruz Ave. after any underground utility work has been completed.

Mr. Glickman requested further information regarding the infrastructure needs assessment and what exactly the Town would gain from this study. Town Manager Figone explained that the scope of services would return to Council before any funds would be expended. Mr. Glickman requested that the report be made available to Council for a longer period of time than the weekend before the Council Meeting. He also requested a prioritization of the CIP projects as they relate to the overall Town's funding capabilities, as a safety net for completion of projects, if the projection for funding falls short of expectations.

The following people spoke to this issue.

Ray Davis, resident, spoke on air quality in the Civic Center and the need for improvements. He addressed the fact that Shannon and Hicks are too narrow for main arterials. Water pressure and availability must be improved throughout Town.

Mr. Hernandez, 180 Calle Margarita, spoke of the railroad tracks down by Wedgewood and the need for maintenance and clean up of the property.

No one else from the audience spoke to this issue.


Town Manager Figone noted that the discussion regarding funding for undergrounding of utilities on North Santa Cruz Ave. would return to Council with the Redevelopment Agency Budget.

Council Consensus to close the public hearing and return the Capital Improvement Program to Council for adoption May 21, 2001.

ADJOURNMENT

Motion by Mr. Blanton, seconded by Mr. Glickman, to adjourn this evening's meeting at 12:00a.m. Carried unanimously.

ATTEST:

 Marian V. Cosgrove, Town Clerk

TOWN OF LOS GATOS
PLANNING COMMISSION MEETING

PUBLIC HEARING

**CERTIFIED
ORIGINAL**

Town Council Chambers
110 East Main Street
Los Gatos, California
Taken on
November 7, 2001

#6048

Advantage *ARS* Reporting

Services, LLC

1083 Lincoln Avenue, San Jose, California 95125, Telephone (408) 920-0222, Fax (408) 920-0188

A P P E A R A N C E S:

Los Gatos Planning
Commissioners: Lee Quintana, Chair
Jeanne Drexel
Paul Dubois
Suzanne Muller

Director of
Community
Development: Bud N. Lortz

Transcribed by: ADVANTAGE REPORTING SERVICES
BY: LISA A. GLANVILLE,
CSR 9932
1083 Lincoln Avenue
San Jose, CA 95125
(408) 920-0222

--oOo--

1 CHAIRWOMAN QUINTANA: All those opposed.
2 Passes unanimously.

3 MR. LORTZ: Anybody dissatisfied with the
4 Planning Commission may appeal the decision to the
5 Town Council. The appeal must be filed within ten
6 days in the Clerk's office on forms available in the
7 Clerk's office, and there is a fee for filing an
8 appeal.

9 CHAIRWOMAN QUINTANA: And I thank staff for
10 making that much, much easier with the desk item.

11 MR. LORTZ: Thank you for your assistance.
12 Also, as this evolves, because of the Commission's
13 interest in this project being the best that we can
14 have, we will make you aware of when the subdivision
15 improvement drawings are available for review and let
16 you come in and take a look at those.

17 I did speak with Mr. Biashi about the
18 discussion of the grading issue, and he understands
19 the intent of that and will work to make sure that
20 happens.

21 CHAIRWOMAN QUINTANA: Thank you. We have no
22 continued other business. And so we are going to go
23 on to new other business. Item eight is 300
24 Marchmont, a review of the conditional use permit,
25 PRJ-99-062.

1 And just -- I don't know if this is
2 necessary, but I was just going to give a little
3 background in that the staff has informed the
4 applicant that they were in violation of the CUP and
5 is therefore holding up submitting the A and S
6 application to the Commission until after
7 December 5th.

8 The issues that I think we need to address
9 is how major is the violation, and what we can do to
10 fix it in a long-term manner.

11 And with that, I'll call the applicant,
12 Roger Stamford. Oh, you're speaking -- you're the
13 applicant, okay. There is no applicant, okay. There
14 is -- wait a minute. I need clarification. We don't
15 have an applicant because this is a review?

16 MR. LORTZ: It's just a review. This is a
17 review.

18 CHAIRWOMAN QUINTANA: So we just have
19 speaker cards. Have you completed a speaker card?
20 Well, I'm going to call Roger Sanford first, since I
21 do have his speaker card. Three minutes each.

22 ROGER SANFORD: I'm Roger Sanford, 55
23 Roberts Road, Los Gatos, long time Los Gatos resident,
24 and I'm speaking on behalf of the Hillbrook School.

25 I am a Hillbrook parent, and I have to tell

1 you that the school has endeavored to conform with all
2 the regulations. Parents and children alike have
3 rallied around the carpooling. There has been a
4 significant increase in understanding throughout the
5 Hillbrook community and support of the neighbors'
6 issues of traffic.

7 I think that the mitigation measures have
8 gone far. I'm sure there's some issues. There always
9 are, but the reality is that you've been following
10 this for a long time. Usually it's been a very large
11 turnout from the Marchmont neighborhood, and it's a
12 smaller turnout tonight. I think that's a good sign
13 that probably the mitigation is working.

14 As a parent, I can speak wholeheartedly of
15 how the carpooling and how the other situations have
16 been working out and the children have been embracing
17 the change. The parents have been rallying to the
18 cause.

19 As you know, the realities, the practical
20 realities of life sometimes cause people to have to
21 change schedules. I'm a single parent, and there are
22 times that my four-year-old can't get it together to
23 get my nine-year-old to Hillbrook to get to the
24 carpool, so I will have to drive up there. That is
25 just the practical realities of life.

1 I ask you, when you hear of the things that
2 have happened here tonight, to try and keep it in
3 perspective. The school has been an active member of
4 this community for many years and has educated our
5 children in a very positive way.

6 As a parent, as a resident, may I ask you to
7 please support Hillbrook in its efforts. The building
8 that is going on is making it a better place for my
9 children, a safer place. Thank you.

10 CHAIRWOMAN QUINTANA: Thank you. Are there
11 any questions from the Commission? Thank you. Sarah
12 Bayne.

13 SARAH BAYNE: Good evening. As the letter
14 from Jolie Houston submitted to you all at the end of
15 last week indicates, it is our belief that we have
16 been and remain in full compliance with the
17 conditional use permit.

18 Our -- our reasons for that are that on the
19 evening when the count was conducted by the Town, we
20 had seven faculty members who left earlier than the
21 3:45 time, and two other staff members who left. I
22 would respectfully remind the members of the
23 Commission that in the many, many months of
24 negotiation over the conditional use permit,
25 discussion about the legal necessity of exempting

1 staff and faculty from the count was what resulted in
2 an exit count versus an entrance count.

3 Therefore, it is our belief, and it is
4 consistent with the 18 counts, which we have
5 respectfully conducted over the past three months,
6 that we remain within compliance of the conditional
7 use permit. And that also includes all the other many
8 restrictions, which Hillbrook was willing and
9 voluntarily submitted to and continues to submit to in
10 order to get along with our neighbors.

11 So, having said that, I would also welcome
12 the Town to conduct as many traffic counts as they are
13 interested in performing to verify the counts which we
14 consistently perform.

15 Our count in the afternoons is always going
16 to be slightly higher than that of the morning for the
17 very reasons that Mr. Sanford represented, which is
18 it's much harder under human circumstances for parents
19 to carpool in the afternoon. Having said that, that
20 one day apparently was the only time in all of the
21 counts that we performed when we were over the limit.

22 Thank you. I'd be happy to answer any
23 questions if you have any.

24 CHAIRWOMAN QUINTANA: Do we have any
25 questions from the Commission? Commissioner Muller.

1 COMMISSIONER MULLER: Yes, I have a couple.
2 In the agreement, was there any reason why you could
3 exceed your limits? Were there excuses or
4 justifications for going over your limits?

5 SARAH BAYNE: No. There was a lot of -- a
6 lot of discussion in the entire carpooling system,
7 which we established over the past year and a half,
8 which has been told to us is a model for other
9 schools, that there was a legal reason and -- for the
10 exemption of employees of the school to be required to
11 carpool and, therefore, their entire existence was
12 meant to be exempt from the count.

13 So that was what we understood, which was
14 why the entrance count, for example, in the morning
15 was never one that was ever considered. It was the
16 exit count because of the assumption that employees
17 arrive at the school, and they do not exit between the
18 hours of 7:30 and 8:30.

19 And employees of the school also exit after
20 3:45 in the afternoon.

21 COMMISSIONER MULLER: So you're saying --
22 excuse me. You're saying there's some discrepancy in
23 the -- on how the count is decided, that there's a
24 misunderstanding about this?

25 SARAH BAYNE: No. I'm saying that on the

1 particular day, an extremely rare occurrence, which
2 was faculty members remaining -- leaving school to
3 return for an evening meeting --

4 COMMISSIONER MULLER: Okay. Excuse me
5 again, I --

6 SARAH BAYNE: -- resulted in their leaving
7 early --

8 COMMISSIONER MULLER: -- guess what I'm
9 looking for is do you understand that you have a
10 limit --

11 SARAH BAYNE: Yes.

12 COMMISSIONER MULLER: -- that is not to be
13 exceeded? And we're not looking for excuses here, I
14 just want to make sure that you understand.

15 SARAH BAYNE: Absolutely.

16 COMMISSIONER MULLER: Okay. My second
17 question is there was a reference here that said that
18 Kiddy Cab turned you down because you didn't have
19 enough people interested. However, in the letter
20 it -- Kiddy Cab says that you contacted them and told
21 them that you didn't have enough people interested,
22 and there's kind of two different versions here.

23 SARAH BAYNE: They're both the same.
24 They're the same conversation, which was that Kiddy
25 Cab told our contact, who was Allyson Humphries, the

1 carpool coordinator, the parent volunteer carpool
2 coordinator, that she would need -- this is -- Kiddy
3 Cab exists in Sunnyvale, and that she would need a
4 significant pod of parents in a certain neighborhood
5 in order to make it worth their while to provide a
6 service.

7 So the conversation that was had with her
8 was Allyson Humphries telling her that we'd only been
9 able to come up with three or four parents in, for
10 example, the Willow Glen neighborhood, and two or
11 three parents in the Saratoga neighborhood, and
12 therefore, we would not be able to take advantage of
13 their services.

14 So the same -- it's two different ways of
15 looking at it, but either way, our carpooling system
16 was working so effectively that parents were not
17 choosing to use a system that they had to pay money
18 for basically.

19 COMMISSIONER MULLER: Okay. And you're
20 retaining them on reserve in case --

21 SARAH BAYNE: Uh-huh.

22 COMMISSIONER MULLER: -- the enthusiasm
23 for --

24 SARAH BAYNE: Absolutely. And we will --

25 COMMISSIONER MULLER: -- this program falls

1 apart.

2 SARAH BAYNE: -- negotiate that whole thing
3 next spring.

4 COMMISSIONER MULLER: Thank you.

5 CHAIRWOMAN QUINTANA: I have a follow-up
6 question on that just to make sure I understand.
7 You're saying that there weren't parents who were
8 willing to use the service in these pods that would
9 make it viable --

10 SARAH BAYNE: For Kiddy Cab.

11 CHAIRWOMAN QUINTANA: -- to use the
12 service. Are there enough parents or students living
13 within those pods to make it a viable option if they
14 all chose to avail themselves of it?

15 SARAH BAYNE: Probably. But they're all
16 carpooling together is what has happened is that, for
17 example, there are probably out of 10 or 12 children
18 who live in the Willow Glen area, they're all arriving
19 in probably two cars in the mornings.

20 I should just note that we are not required
21 by our conditional use permit to van pool. It was
22 recommended that we look into it, which we absolutely
23 have and will continue to do.

24 CHAIRWOMAN QUINTANA: Okay, thank you.
25 Patti Elliot.

1 PATTI ELLIOT: I'm Patti Elliot. I live at
2 269 Marchmont Drive. I'm one of the neighbors.

3 One of the reasons that there's so few of us
4 here tonight is that we actually didn't get notice. I
5 received an e-mail from the co-appellant, Martin
6 Dermer (phonetic), who only learned of this hearing I
7 guess late last week, by which time he was already in
8 Australia. He sent me an e-mail when he got word of
9 it asking that I put on the record that he received
10 insufficient notice and would like to have the hearing
11 continued to a time that he could attend and express
12 his concerns.

13 So please don't take this small number of
14 people here as any indication that the neighborhood is
15 not involved or interested.

16 The Town Council, in reaching the 165 limit,
17 made it very clear that that was an absolute maximum,
18 a very generous number for the school, and in fact,
19 that number included consideration for staff vehicles
20 leaving at various times.

21 So I don't -- I don't understand what the --
22 what the justification is, the excuse. The rain
23 excuse, I mean, we have a rainy season here, and the
24 school has to take that into consideration.

25 Beyond that, I -- I don't believe that

1 the -- that exceeding the cap was an isolated
2 incident. The school's numbers that they show in
3 their hand count don't even match the numbers that the
4 Town took on the day of the count by the Town and in
5 fact shows that the school undercounted according to
6 the Town's numbers.

7 In addition to that, one of my neighbors
8 counted on September 21st and counted 190 cars exiting
9 the school during the relevant time period in the
10 afternoon. That date doesn't show up on the school's
11 counts, either.

12 There's been zero van pooling, which was an
13 issue that I thought the Council was very interested
14 in. The school insisted that they were pursuing
15 vigorously, and nothing has happened with that. So I
16 think that that is something that the Town should
17 follow up on and now require the school to require the
18 parents to gather together and to take advantage of
19 that service so that they can consistently come well
20 below the cap that was imposed.

21 In addition to that, there continues to be
22 speeding cars. Just in the last two weeks, as I was
23 attempting to pull into my driveway, a car tried to go
24 around me and pass me on the left over the double
25 yellow line and almost crashed into me as I was trying

1 to make my left-hand turn into my driveway. It sped
2 away so fast up the hill that I wasn't able to get a
3 license plate, but there are still big issues there.

4 CHAIRWOMAN QUINTANA: Could you sum up,
5 please.

6 PATTI ELLIOT: Thank you.

7 CHAIRWOMAN QUINTANA: Are you finished?

8 PATTI ELLIOT: I'm done. Thank you.

9 CHAIRWOMAN QUINTANA: Thank you. And the
10 last card I have is Elaine Myers. Oh, excuse me. I
11 need to ask if the Commission has any questions. No?
12 Okay. The last card is Elaine Myers. Next to last
13 card.

14 ELAINE MYERS: Elaine Myers, 293 Marchmont
15 Drive. I hope you received my desk item today. Is
16 that (inaudible), and I hope you had a chance to read
17 it.

18 Just the one hour in the morning and the one
19 hour in the evening for outgoing traffic doesn't
20 represent the overall traffic problem that we have.
21 There are trucks, and there's a lunch period, and
22 there's after school care and all kinds of activities
23 that go on.

24 Many years ago, when we moved here, 36, the
25 first 30 -- 30 years were great, and people would ask

1 us if -- if it bothered us to live so close to a
2 school, but there were only a hundred students, and it
3 was no problem until they -- Hillbrook put in
4 so-called pick up lanes. And it reduced the
5 congestion on the street, but it just turned Marchmont
6 Drive into a speedway.

7 Referring to the November 2nd letter from
8 Ms. Houston from Berliner Cohen law firm, in that she
9 said that Hillbrook has complied with all of the CUP's
10 rules, and we don't agree with that. You've probably
11 seen my list of five times when the school was -- the
12 campus was still in use until 10:50 one night and
13 12 -- let's see, 10:50 and 9:30, and it just goes on.

14 So I wish we would be protected by the CUP,
15 which doesn't seem to be enforced.

16 There have been definite improvements in the
17 traffic situation, and I really appreciate the fact
18 that Hillbrook has prevented its visitors from parking
19 on Marchmont in there. They have to park on the
20 campus, and it really has improved the situation so
21 much. It also helps the mail delivery people, because
22 they used to park in front of Mailboxes, Et Cetera.

23 Since we're still having so much problem
24 with the speeders, in the attachment number 21 of the
25 Council agenda report of April 12th of this year,

1 there was a suggestion of speed boards that have
2 helped other cities. And I hope that maybe we can get
3 them to slow down a bit.

4 CHAIRWOMAN QUINTANA: Thank you.

5 ELAINE MYERS: Thank you.

6 CHAIRWOMAN QUINTANA: Jolie Houston. I hope
7 I pronounced that right. Houston. I'm pronouncing it
8 New York wise.

9 JOLIE HOUSTON: Yeah, that's it. That's the
10 East Coast wise. Jolie Houston with Berliner Cohen.

11 I would just like to address a few things,
12 specifically the car counts that we did on the 30th
13 that seem to be out of compliance with the Town's car
14 count. I think the discrepancy there is the school
15 does 2:30 to 3:30, not to 3:45, and I think that could
16 be the discrepancy there.

17 The one thing that has been brought up
18 consistently, it was brought up consistently at the
19 City Council meetings, the Town Council meetings, is
20 speeding, and we really cannot control the speeding
21 with the CUP. That's a Town enforcement issue. But I
22 do know that the school has been very diligent with
23 sending letters notifying parents to slow down, and I
24 have even heard from other neighbors that the speed
25 has slowed down, along with the traffic issues.

1 We're not making excuses. We're just
2 pointing out why we were over that one day. Our
3 counts have been consistently under. I think the
4 school has really worked diligently. Even the
5 neighbors have commended the school for taking in
6 account and reducing traffic.

7 The rainy day issue, I think that was a
8 significant issue. It was the first rainy day. The
9 informal type carpooling had not been established. I
10 know Sarah has sent out e-mails and letters, I think
11 e-mails to the parents about picking up the slack on
12 the days where kids that would normally ride or walk
13 may be -- may be driven and not be part of the formal
14 carpooling.

15 There's another issue that we do believe
16 we're in compliance with the CUP. We have worked very
17 hard. Our records, which have been taken daily, and
18 it's not just one count, it has been several counts.
19 I think it's up to 18 now. At the time I wrote my
20 letter, it was lower. The daily logs do show
21 compliance.

22 Further, we're -- we're subject to the CUP.
23 It runs with the land. We're always subject to car
24 counts. We're always subject to traffic or nighttime
25 violations. We know that. We are -- we are aware of

1 that, and that is the control on this. But one thing
2 that we do ask tonight, that we can go forward, and we
3 do get to go forward with our master plan, and that we
4 can show you at any time that we were in compliance.

5 And if you have any questions, I'd be free
6 to answer any of them.

7 CHAIRWOMAN QUINTANA: Any questions from the
8 Commission? Commissioner Muller.

9 COMMISSIONER MULLER: Yes, somewhere there
10 was a reference to a different plan per rainy day, a
11 rainy day plan. Has that been established? It said
12 that you were working on it and we're getting close
13 to --

14 JOLIE HOUSTON: I think Sarah --

15 COMMISSIONER MULLER: -- and we're getting
16 close to the rainy time.

17 JOLIE HOUSTON: -- said that she e-mailed
18 parents I think saying that now that the rainy days
19 have come, we have to even, you know, be more aware of
20 carpooling. I don't think it's part of the formal
21 carpooling program, but it is -- they are requesting
22 that just because it -- it's raining, all of a sudden
23 the carpooling goes, you know, haywire.

24 I think Sarah can address that because she
25 was the one that sent the e-mails. (Inaudible.)

1 COMMISSIONER MULLER: I must say only if you
2 have something to add to that, but if she stated it,
3 that's fine.

4 JOLIE HOUSTON: Because, you know, we think
5 this is a very organized system, and then there's
6 also -- when there's also failsafe methods like on
7 these rainy days, you know, if you're going to be
8 taking one kid that usually rides his bike with a few
9 other kids, they're encouraging kids to, you know,
10 hey, get in the same car and go to the school. And so
11 they are trying very hard with even the informal
12 carpooling.

13 CHAIRWOMAN QUINTANA: Thank you.

14 JOLIE HOUSTON: Thank you.

15 CHAIRWOMAN QUINTANA: Mr. Davis.

16 MR. DAVIS: Comments in the public
17 interest.

18 I'm going to help the charming little lady
19 over there that spoke from the neighborhood and
20 others.

21 One thing the female attorney didn't mention
22 was that -- and some of you being new may not realize,
23 use permits are subject to revocation at any time for
24 due cause, okay. This is serious business tonight.
25 If they don't comply significantly, they can have --

1 they can lose their school, period, okay. So please
2 be aware of that.

3 I'd also point out that I'm a little
4 chagrinned that you're only talking about car counts.
5 What about the other -- rest of the conditions for the
6 use permit? Come on, that's -- the whole thing is
7 supposed to be reviewed, not just car counts.

8 And I want you to understand the DRC. These
9 people showed up, and that guy there, particularly,
10 showed up with the architect with a plan for an
11 administration building that was 700 foot over the
12 approved master plan by the Council, legislative act
13 approved, and they had the audacity, the unmitigated
14 gall to show up at the DRC with a building that is 700
15 square foot over the approved size and think they're
16 just going to bully their way through or do the wear
17 down bit. You've heard of wear down before. All
18 right.

19 So I think you ought to continue this and
20 discuss all of the conditions. That's your job.
21 That's your -- what you're required to do, and I think
22 Mr. Lortz kind of missed the boat here on the staff
23 report. Should have been the whole damn thing, okay.

24 And, you know, I don't want to have to
25 appeal this to the Town Council with that complaint.

1 You don't want to see me do that.

2 CHAIRWOMAN QUINTANA: You're on your 30
3 seconds for wrap up.

4 MR. DAVIS: I would urge you in the best
5 interest of the Town -- you know, there's a --
6 reviewing the case, while it goes back to 1960,
7 nothing but abuse by this private interest group. The
8 public interest always -- the tail wagged the dog.
9 The last 30, 40 years, it's only recently that the
10 Town Council decided the dog is going to wag its own
11 tail, okay.

12 And if I may suggest, you need to carry it
13 through, okay. 'Cause that's what you swore to do
14 when you took the job on as Planning Commissioners,
15 uphold the public interest and not be partisans for
16 the private interests.

17 Thank you.

18 CHAIRWOMAN QUINTANA: Thank you. I have no
19 other cards. I'm -- unless the Commission has a
20 question, the public hearing is closed. Thank you.

21 Public hearing is closed, as I said, and I'm
22 going to return the question to the Commission for
23 questions of staff, comments and a motion.

24 And I'm going to start it off with a
25 question to staff.

1 Mr. Lortz, could you comment on the points
2 that were brought up regarding whether teachers who
3 are exempt from the count and how the 165 figure of
4 cars leaving the school was arrived at, entering or
5 leaving the school is arrived at by Council.

6 MR. LORTZ: The -- no, there's no
7 exemptions. Basically, the 165 is the number that
8 must be satisfied. The number was arrived at after
9 extensive public input both from the neighborhood, as
10 well as from the school.

11 At one point the number was going to be 150,
12 but the feeling was that that gave the school no
13 latitude for extenuating circumstances, so there was a
14 lot of discussion that resulted in the number going
15 from 150 to 165.

16 This is serious. It was very disappointing,
17 I think for everyone, to see the traffic count came
18 out high on the p.m. And as a result, we're holding
19 up the master plan until this issue gets resolved.
20 We're suggesting that this -- or recommending that
21 this item be rescheduled at the December 5th meeting
22 to allow us to do probably another couple counts
23 between now and then unannounced, unadvertised, and
24 then I would also say that the neighbors, if they do
25 notice that there is activity after 9:30, and in

1 violation of the use permit, that they call the
2 police department.

3 And I will make the police chief aware that
4 that's what I suggested happen. And that we will then
5 take evidence through the police department in terms
6 of any recorded violations that have occurred in terms
7 of late night activities. Because I did read the desk
8 item and the letter indicating that there was some
9 late night activities.

10 Further, the third item was speeding, and
11 the traffic speed signs are something that we are
12 exploring. We're having to make sure that those are
13 done in a way that is going to be easily implemented,
14 something that -- this is a capital improvement item,
15 so it's a fairly costly improvement. We have not yet
16 placed those signs anywhere in Town, and this will be
17 one neighborhood that we'll look at installing them if
18 and when the Council approves their use.

19 So the -- the traffic count is over. And we
20 wanted to give the school an opportunity to correct
21 the situation by whatever means are necessary through
22 the school's extensive e-mail system or very
23 aggressive carpooling program and come back on
24 December 5th, after we've had an opportunity for them
25 to take corrective measures as necessary, and see what

1 the traffic counts result in.

2 This next meeting, when we have a check to
3 see, a six month review, that is typically not a
4 public hearing. But we will for the next meeting, and
5 the next time, it is not going to be a public hearing,
6 but it will -- is a public meeting. Everybody is
7 invited to testify, and we will notify the
8 neighborhood.

9 I was hopeful, and this report came to me
10 about two days before it was going to be sent out to
11 the Planning Commission, because we were waiting until
12 the last second to do the car count, and then when the
13 report came to me and the number was over, I was very
14 discouraged. And so that's why we're holding up the
15 master plan, and we want to make sure -- in fact, we
16 cannot take to the Planning Commission any type of
17 project while there's a violation on that property.

18 So this is not --

19 (End of Tape Two, Side Two.)

20 (Beginning of Tape Three, Side One.)

21 A VOICE: (Inaudible.)

22 CHAIRWOMAN QUINTANA: Thank you.

23 Commissioner Dubois. Dubois, sorry (pronunciation).
24 My eastern pronunciations again. I'm going to have to
25 do first a movement -- a motion to extend our hearing

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1 past 11:00 o'clock. Do I have a second? All those in
2 favor. Motion carries, okay. Go for it.

3 COMMISSIONER DUBOIS: I have a question,
4 Mr. Lortz. Did the Hillbrook School submit the
5 written letter regarding their carpooling
6 participation in September as required by conditional
7 use permit?

8 MR. LORTZ: I'd have to check the file. I
9 believe they did, but I would have to check the file
10 on that, and we'll bring that information back to you
11 on the 5th of December.

12 And that goes along with any other
13 conditions of approval. If the neighbors are aware of
14 any other violations, they really are our eyes and
15 ears, and so we will have the police department go up
16 there and do some surveillance. But if they do notice
17 activities past 9:30, the best way to deal with that
18 is to call it in, and we'll -- it'll be recorded, and
19 then it will be brought forward at the December
20 meeting.

21 CHAIRWOMAN QUINTANA: Thank you. Any other
22 questions? Comments or a motion?

23 COMMISSIONER MULLER: I just have a
24 comment. It looks like the school is making attempts
25 to comply here. At the same time, what I'm also

1 seeing here, if a student comes to you and they don't
2 have their homework, you don't want to hear my dog ate
3 it, or I lost it. You want to hear possibly some
4 responsibility for it, some acceptance and some
5 proactive comments about how they will get that home
6 to you.

7 And I am hearing some excuse making here,
8 and I didn't appreciate that. I don't want to hear
9 the excuses. We've got not to exceed numbers here.
10 What we are looking for is accountability.

11 CHAIRWOMAN QUINTANA: I'd just like to make
12 one comment, and that is I'm concerned that the counts
13 that the school is going by are not accurate and, in
14 fact, all of them may be higher than recorded by the
15 school because their count is only for an hour rather
16 than the hour and 15 minutes.

17 Commissioner Drexel.

18 COMMISSIONER DREXEL: I move to continue the
19 review of conditional use permit PRJ-99-062 for
20 Hillbrook School to December 5th. The continuance is
21 to allow Hillbrook School to develop a strategy to
22 reduce the afternoon traffic count.

23 Independent vehicle counts will be conducted
24 unannounced prior to the next hearing. When the
25 conditional use permit was granted, a maximum of 155

1 afternoon trips were allowed, which it was decided
2 would provide a 15 trip margin for error for unusual
3 situations. Hillbrook should develop a strategy that
4 would reduce the number of afternoon trips typically
5 to 150.

6 CHAIRWOMAN QUINTANA: Is there a second?
7 I'll second the motion. Are there any comments,
8 discussion? Call the question. All those in favor.

9 (Ayes.)

10 CHAIRWOMAN QUINTANA: All those opposed.
11 Carries unanimously.

12 A VOICE: And as Mr. Lortz said, this is not
13 a public hearing item, however, the community
14 development -- development department will send out
15 notices to the neighborhood to notify them of the next
16 meeting date on December 5th.

17 CHAIRWOMAN QUINTANA: The next item on our
18 agenda is item nine, which is amendment to the Town
19 residential development standards to address
20 demolitions, replacement structures and significant
21 remodels.

22 Discussion by the Commission? Any
23 comments?

24 A VOICE: Pardon me?

25 CHAIRWOMAN QUINTANA: We're on item nine.

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TOWN OF LOS GATOS
PLANNING COMMISSION MEETING

PUBLIC HEARING

**CERTIFIED
ORIGINAL**

Town Council Chambers
110 East Main Street
Los Gatos, California
Taken on
December 5, 2001

#6148

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A P P E A R A N C E S:

Los Gatos Planning
Commissioners:

Jim Lyon, Chair
Jeanne Drexel
Paul Dubois
Peggy Marcucci
Phil Micciche
Suzanne Muller
Lee Quintana

Director of
Community
Development:

Bud N. Lortz

Town Attorney:

Orry Korb

Transcribed by:

ADVANTAGE REPORTING SERVICES
BY: LISA A. GLANVILLE,
CSR 9932
1083 Lincoln Avenue
San Jose, CA 95125
(408) 920-0222

--oOo--

1 CHAIRMAN LYON: Okay. Commissioners, it has
2 been moved and seconded for approval of A and S
3 application S-00-70. Is there any discussion? Seeing
4 none, I will call the question. All those in favor of
5 approval of architecture and site application
6 S-00-70.

7 (Ayes.)

8 CHAIRMAN LYON: Aye. Opposed. None.
9 Passes unanimously.

10 MR. KORB: Anybody dissatisfied with the
11 decision of the Planning Commission may appeal
12 the decision to the Town Council. The appeal
13 must be filed within ten days. It must be filed
14 in the clerk's office on forms available in the
15 clerk's office, and there is a fee for filing an
16 appeal.

17 CHAIRMAN LYON: Okay. Next item on our
18 agenda is item three, which is the review of the
19 conditional use permit PRJ-99-0602.

20 From the last meeting there was specific
21 direction to -- from the Commission to gather
22 additional data relative to traffic by the staff. And
23 I do have a number of speaker cards associated with
24 this item. So we will be taking public testimony on
25 this.

1 The first speaker card I have is for
2 Ms. Hembry.

3 DIANE HEMBRY: Hi, I'm Diane Hembry. I live
4 at 201 Marchmont Drive in Los Gatos.

5 Sometime I would like to be the last speaker
6 on this subject. I always get my arguments brought
7 down by Hillbrook, and so sometime I'd like to be the
8 one who replies to those arguments.

9 I've been coming here. We've lived at the
10 same house for 19 years. We've been here for every
11 meeting we've been notified of. I was very distressed
12 to read in the paper the comments by some of Hillbrook
13 people saying there must not be a lot of interest in
14 this because there aren't a lot of neighbors here.
15 Well, I was not notified of the meeting last time, and
16 there were several meetings I have not been notified
17 of.

18 Okay. Also, what I'm seeing in this is
19 we've kind of over the years that we've been here on
20 this issue is we see this cycle happening is the rules
21 are made. Hillbrook breaks the rules. The neighbors
22 come and object. Hillbrook puts forth some excuses
23 like it was raining, or it was a week before holidays
24 or something.

25 So then the counts go down. We sit around

1 for a while. We start counting again. The counts go
2 up. We come back, we complain, blah, blah, blah.

3 Okay. I'm tired of it. It's a waste of my
4 time. It's a waste of their time. So I would like to
5 see the conditional use permit withdrawn until such
6 time as Hillbrook can meet the standards and keep
7 them. I don't think we should have to keep coming
8 back here time and time again to do this.

9 My son and I counted cars in September
10 before he went away to college, and we started one
11 morning during the rush hour and got 178 cars. The
12 limit was set at 165. We quit counting. That wasn't
13 the end of rush hour. So the count has been exceeded
14 for a long period of time.

15 Okay. Probably -- and also about 90 percent
16 of the cars continue to speed on our road. Okay.
17 Both of those are issues we need to take care of. I
18 haven't counted the cars recently.

19 I feel like I'm dealing with a teenager.
20 I own my own personal teenager, so I don't need to
21 deal with another teenager, and I would like to, you
22 know, just see it resolved. And I'd like everybody
23 to, you know -- there have been other things
24 happening. People have been dropped off in
25 cul-de-sacs, rather than going through the gates of

1 Hillbrook and whatnot.

2 So I think if the rules are established,
3 they should be met. If they're not met, then I think
4 the conditional use permit should be withdrawn. It's
5 very simple.

6 And as I said, I've been involved in this
7 for a long time having lived there for 19 years. And
8 I've come to every meeting I've known about. So
9 please keep notifying me about the meetings.

10 CHAIRMAN LYON: Thank you. Any questions
11 for Ms. Hembry?

12 DIANE HEMBRY: Yeah.

13 CHAIRMAN LYON: Commissioner Dubois.

14 COMMISSIONER DUBOIS: Yes, Ms. Hembry, with
15 respect to the speeding --

16 DIANE HEMBRY: Uh-huh.

17 COMMISSIONER DUBOIS: -- conditions that you
18 have observed, when you have observed those
19 conditions, have you reported them to Los Gatos Police
20 Department?

21 DIANE HEMBRY: I have not. Okay. And the
22 reason I have not is over the years I've made a lot of
23 reports, okay. And it -- it's becoming to the point
24 of being an annoyance.

25 I can start calling the police every time I

1 see somebody speed if you want me to, but the thing is
2 I basically don't see a lot of action happening. Why
3 doesn't the police come -- why don't the police come
4 out there and patrol more? Why don't they surprise
5 people on that road? They could pick people up every
6 single day if they were in, you know, not in marked
7 cars.

8 They'd probably pick up my husband as well.

9 COMMISSIONER DUBOIS: It's -- it's helpful
10 from our standpoint to have some statistical data when
11 there are calls from the neighborhood --

12 DIANE HEMBRY: Uh-huh.

13 COMMISSIONER DUBOIS: -- of, you know,
14 speeding and that type of activity going on. That way
15 we know the police have been notified, and there is
16 response. That's why I asked the question.

17 DIANE HEMBRY: Right. No, I understand
18 that. And I used to call in every single violation.
19 And it was taking over my life.

20 And I guess that's why I just want to see --
21 I just want it solved, you know, because I keep coming
22 back here and coming back here, and I have all these
23 wonderful geometry tests I'd much rather be grading
24 tonight than, you know, sitting here, so anyway,
25 that's my story.

1 CHAIRMAN LYON: Thank you, Ms. Hembry.
2 Ms. Elliot.

3 PATTI ELLIOT: I'm Patti Elliot. I live at
4 269 Marchmont Drive.

5 I don't have quite as long a tenure as
6 Diane, but continue to see a lot of speeding, continue
7 to see a whole lot of traffic. Have seen people
8 dropping off in the cul-de-sacs, which I can only
9 interpret as an attempt to keep the numbers down given
10 that they're counting cars coming out of the gate. So
11 if the parents are dropping off in the cul-de-sac,
12 obviously those cars don't get counted.

13 I can't run out of my house every day and,
14 you know, try to run up the hill and take down the
15 license plates. It's just not feasible, and I have
16 called and sent e-mails a number of times, and I don't
17 see any specific response. Maybe they're out there
18 patrolling in unmarked cars, and I don't see it.

19 In any event, I think Diane's point is well
20 taken, that when the heat is on, the numbers come down
21 through whatever method, and again I think part of
22 that is the cul-de-sac dropping off. In addition to
23 people dropping off lower down on Marchmont, I've seen
24 that as well. That doesn't solve the problem.

25 I think what really needs to happen is a

1 specific requirement for numbers of cars coming into
2 the neighborhood at all in addition to which I think
3 that the Council or the Commission needs to take
4 action on the van pooling issue and require the school
5 to implement van pooling, because if they would do
6 that in addition to the cooperative parents who are
7 carpooling, I think that would go a long way towards
8 solving the problem.

9 Thank you.

10 CHAIRMAN LYON: Thank you. Any questions
11 for Ms. Elliot? Commissioner Dubois.

12 COMMISSIONER DUBOIS: Same question as I
13 asked before. Have you made calls to the police
14 department regarding speeding --

15 PATTI ELLIOT: I have in the past --

16 COMMISSIONER DUBOIS: -- and the traffic
17 conditions?

18 PATTI ELLIOT: -- I haven't recently.

19 COMMISSIONER DUBOIS: Thank you.

20 CHAIRMAN LYON: Thank you.

21 Ms. Dodds.

22 DELLA DODDS: Hi. I'm Della Dodds. I live
23 at 256 Marchmont Court, and I just want to acknowledge
24 I think Hillbrook has made some good efforts to try to
25 reduce the speeding when there's a sign that goes out

1 every day to help remind the parents to slow down, so
2 just to provide a balance.

3 I think the school has tried, and I know
4 that the school has tried to get parents to carpool,
5 but I -- I think the reality is that in -- in our
6 car -- or our car life that we lead that, you know,
7 not enough people are carpooling, and so we are in
8 this repetitive thing that the rates are higher until
9 the heat comes on, and then, you know, there's that
10 push, and it drives the volume of cars down. But we
11 end up right back in front of you again.

12 So I -- you know, perhaps some of you have
13 experience in other situations like this, but I don't
14 know how we're going to get out of this repetitive
15 cycle of just we've exceeded the limits, and so we're
16 back in front of you, and then the pressure gets on
17 the parents, and then they bring it down for a while.
18 Unless there's something very much more programmatic
19 that's required.

20 We've brought up many suggestions over the
21 number of months we've been in front of you in terms
22 of van pooling, other drop off spots and other things.
23 I don't know if it's really the resident's position to
24 say exactly what that is, but I think it is within the
25 Commission's prerogative to require that that be part

1 of the conditional use permit, that some systematic
2 programmatic traffic planning and reduction is made.

3 So that is my request, is something that is
4 required as part of the conditional use permit that is
5 a programmatic thing that can get measured so that we
6 don't keep coming in front of you and spending our
7 time doing this.

8 CHAIRMAN LYON: Thank you, Ms. Dodds. Any
9 questions for Ms. Dodds?

10 Actually, I have one, ma'am, relative to
11 number of cars or speeding. Which do you see as the
12 larger problem in your neighborhood?

13 DELLA DODDS: It's -- for me it's the
14 volume.

15 CHAIRMAN LYON: It's the volume? Okay. Not
16 the speed?

17 DELLA DODDS: Correct.

18 CHAIRMAN LYON: Okay. Thank you, ma'am.
19 Mr. Dermer.

20 MARTIN DERMER: Thank you. I was one of the
21 original appellants for this matter, which came out of
22 the Planning Commission and went to the Town Council.
23 I too was not notified of the meeting that occurred in
24 November. In fact, I think I was notified, but it
25 came about one week before, and I think I was in

1 Australia at the time.

2 One of the things that has come up here that
3 I've always noticed is that the -- as the main
4 appellant, I felt that I should be given as much time
5 to speak as the school, since I was the -- one of the
6 main reasons that it got brought back to the Council
7 in the first place. I object to the idea of being
8 limited to a few minutes.

9 Back in the seventies, the school had a
10 hundred or so students, and it had a van, minivans
11 that traveled up and down the Marchmont hill. There's
12 some reluctance now by the school to bring back the
13 minivans. And I don't see the reason for that.
14 They -- they could do it then, they can do it now. It
15 would severely reduce the volume of cars, which is the
16 main problem on Marchmont.

17 For a small street, we've counted on a
18 continuing basis with videotape, so we've got the
19 proof, 900 cars approximately pass my door daily. 900
20 cars.

21 There's only 15 houses to 17 houses beyond
22 me. So it's not the current -- the residents above me
23 that are causing the volume of traffic. It's
24 Hillbrook School.

25 What we've got is a monumental problem. The

1 school increased in enrollment from 100 plus about 25
2 up to 315 students without any thought of the
3 residents that live on Marchmont. And we put up with
4 it long enough.

5 We don't want -- I don't want personally, I
6 don't know if I speak for everybody, I want to see the
7 construction continue. I don't like unsafe buildings
8 where children have to go to school. So I think that
9 perhaps the CUP should be allowed to go -- to allow
10 the people, allow Hillbrook to build their properties,
11 but put the safeguards on reduce the amount of cars
12 that Hillbrook can bring up and down through my
13 neighborhood, through my street.

14 Your duty first and foremost has always been
15 to protect the neighborhood against all
16 encroachments. If you look in your -- in your guides
17 and in the government codes, that's what your duty
18 is. That's what your prime directive is. We'd like
19 you to follow that prime directive, to protect us
20 against 900 cars coming up and down my street.

21 And I'm -- again, I do object to the three
22 minutes, since I was the major -- the appellant on
23 this. But you've got to do something also. We had an
24 agreement with the school and with the Town Council
25 that the -- there would be no weekend events. We now

1 see a schedule of --

2 CHAIRMAN LYON: Mr. Dermer, I'm going to
3 hold you up there. We've got comments relative to the
4 weekend events in a desk item. Commissioners -- and
5 you were limited to three minutes, and I have to be
6 fair to everybody else who's speaking on this item.

7 Commissioners, do you have any other
8 questions for Mr. Dermer at this point?

9 Thank you, sir.

10 MARTIN DERMER: Okay. Thanks for allowing
11 me to speak.

12 CHAIRMAN LYON: Ms. Myers.

13 ELAINE MYERS: Elaine Myers, 293 Marchmont
14 Drive.

15 I see you have my letter in your -- as a
16 desk item. I don't want to take your time up by going
17 over it, although I was hoping that they would be more
18 specific in the CUP number six about the time limits,
19 whether that involved just the nighttime activities as
20 parties and dances and all that sort of thing, or
21 what -- what everyone has to stay out of.

22 And I guess I made it clear that the
23 cleaning personnel didn't bother us, but you'll
24 probably notice in -- that there were a couple of
25 Saturday nights when people came up at 1:00 o'clock

1 and at 9:50, that sort of thing, and I hope you'll
2 notice that I did talk to some of our neighbors on the
3 other streets, Highlow and Robin, and they haven't
4 noticed any difference in the speed.

5 And if I could answer any questions for you.
6 Otherwise the letter is there.

7 CHAIRMAN LYON: Commissioners, questions for
8 Ms. Myers?

9 Thank you, ma'am.

10 ELAINE MYERS: Okay.

11 CHAIRMAN LYON: Appreciate your letter as
12 well.

13 ELAINE MYERS: Thank you.

14 CHAIRMAN LYON: Ms. Bayne.

15 SARAH BAYNE: Sarah Bayne, head of Hillbrook
16 School. Here we are. I believe that this hearing is
17 about our compliance to the CUP. I believe that at
18 this time we are in compliance with the conditional
19 use permit, which was finally formed through an
20 incredibly long and arduous process for the school.

21 We live in the neighborhood and have worked
22 incredibly hard to not only comply with the CUP, but
23 also to get along with our neighbors.

24 In particular, I wanted to speak to one of
25 the items that Mrs. Myers spoke about in her letter.

1 Our art show, which previously was scheduled on
2 weekends, was not held on weekends last year because
3 our conditional use permit had just changed, and is
4 not scheduled for a weekend. It starts on a Thursday
5 and continues again on the next Monday.

6 So on the school calendar, it shows the art
7 show, but there are no -- there are no attendees.
8 It's a children's art exhibit. But parents and
9 visitors will not be permitted to be on the campus. I
10 hope that answers that question.

11 We have been counting daily both mornings
12 and afternoons and expect that we will continue to do
13 so. Our parents have launched a huge carpool campaign
14 to include afternoons as well, and if you asked any
15 parent, they would tell you that they are carpooling.
16 The effort has been gargantuan, and I believe that
17 this community deserves a lot of credit for having
18 worked as hard as they have.

19 I just wanted to remind the Commission also
20 that within the conditional use permit are safeguards
21 to assure our compliance, including random car counts
22 that are written into the conditional use permit. So
23 were we to be found in compliance tonight, there would
24 be assurances that we would not do all the things of
25 which the neighbors seem to be accusing us.

1 We continue to speak to our parents about
2 speeding and will continue to do so. I know it's a
3 problem for the entire community. I know that
4 Highlow Road contains a lot of high school traffic
5 that go cut out and avoid Los Gatos Boulevard, but
6 we will continue to make sure that our neighbors
7 and our parents know that they are supposed to be
8 in compliance with the laws of the state and the
9 town.

10 Thank you.

11 CHAIRMAN LYON: Thank you, Ms. Bayne.
12 Questions? Commissioner Dubois.

13 COMMISSIONER DUBOIS: In earlier testimony
14 this evening, someone indicated that perhaps in an
15 attempt to get around the numbers they're dropping off
16 people on the cul-de-sacs. Would you respond to that,
17 please.

18 SARAH BAYNE: Very few children walk to
19 school, to Hillbrook, in through the gate. We know
20 the parents of those children, and know that there is
21 one parent who parks down on Englewood and walks his
22 children the three blocks up to Marchmont. There's
23 another child who lives on Marchmont Drive who attends
24 the school. I know of no -- no parking in the
25 cul-de-sac.

1 On the other hand, our -- if that had been
2 the case for one or two parents, our numbers have been
3 very comfortably below the limit such that were that
4 to be the case, we would certainly speak to them,
5 'cause that's not the -- that's not the sense of
6 what -- of what the exit counts are.

7 COMMISSIONER DUBOIS: My concern is that the
8 parents may be understanding the intent, but looking
9 for a way around it, and if that is in fact
10 occurring --

11 SARAH BAYNE: If that's the case --

12 COMMISSIONER DUBOIS: -- it is impacting the
13 neighborhood.

14 SARAH BAYNE: Absolutely. I totally agree
15 with you and understand both the intent and the method
16 of tracking what our actual counts are.

17 CHAIRMAN LYON: Commissioner Marcucci.

18 COMMISSIONER MARCUCCI: One of the earlier
19 neighbors mentioned a van pool program or a minivan
20 program that used to exist with the school. Can you
21 address the feasibility, and have you looked at doing
22 something like that again?

23 SARAH BAYNE: We have -- this came up in the
24 earlier Planning Commission meeting. It was
25 suggested, but not placed into the conditional use

1 permit, that we explore van pooling, which we did in
2 detail.

3 What we discovered was that it was not
4 economically feasible for the van pool to engage us as
5 clients, because we could not provide large enough
6 pods of children in certain neighborhoods who -- to
7 fill -- to fill a van and make it economically
8 feasible for them.

9 We will continue -- we are in a good
10 relationship with Kids Cab and will continue to see if
11 it will be possible in the future. I totally agree
12 that it would be great to have that happen, but I
13 think it is a measure of how successful our carpooling
14 has been that parents are choosing to carpool together
15 and packing their cars full of kids.

16 CHAIRMAN LYON: Commissioner Drexel.

17 COMMISSIONER DREXEL: Was the reason that
18 the van pooling didn't work because parents chose not
19 to participate in it, so there wasn't a large enough
20 pool available for van pooling in different areas
21 because it wasn't mandatory, or you weren't making it
22 mandatory? Have you explored mandatory carpooling
23 with the van pool?

24 SARAH BAYNE: We have -- we have not made
25 carpooling mandatory, but we have made it a -- we are

1 a carpooling school basically, and I would say that we
2 have an overwhelming majority of parents who are
3 carpooling.

4 We have not made van pooling mandatory
5 because it costs money. We've made it available to
6 parents. And we have -- our parents are spread over a
7 fairly -- fairly large geographical distance, and even
8 if it were to be mandatory, it would not be -- it
9 would not be feasible for parents to have their
10 children travel all over the place in order to get to
11 school.

12 Does that -- does that answer your
13 question?

14 CHAIRMAN LYON: Commissioner Muller.

15 COMMISSIONER MULLER: Two questions. One on
16 the follow-on on that. If you used to have a van
17 pooling, you never did have.

18 SARAH BAYNE: No. What the school had --
19 the school had two buses which were highly underused
20 and cost the school -- the school lost about \$25,000 a
21 year on the maintenance of those -- of those buses,
22 because there were not enough children to fill the
23 buses and get them to school in a timely fashion.

24 In other words, the kids lived too far away,
25 and so children would be traveling over 45 minutes.

1 COMMISSIONER MULLER: Okay. My second
2 question is could you address the opinion here of
3 some of the neighbors that a large effort precedes
4 or surrounds the times when you're under the gun, so
5 to speak, when your CUP is coming up for review, and
6 then it seems that there's sort of a sliding,
7 backsliding when you're not under the gun, and then it
8 ramps up again, this sort of cyclical problem that's
9 going on.

10 Could you address that, how -- what do you
11 have in force to make this more consistent?

12 SARAH BAYNE: What we had in place was a
13 regular morning count. And we knew from the time that
14 we launched this huge effort and network of carpooling
15 starting in the winter of last year, that in the
16 morning we had -- we had mastered an excellent
17 carpooling program.

18 We were caught by surprise in being four
19 cars over our limit in the afternoon. And what we
20 realized was we had to launch an all out effort to get
21 carpooling into place in the afternoon. And that's
22 what we seem to have done by our counts.

23 But our method, our own safeguard is to
24 count every single day and to make sure that we are
25 far below where the CUP permits us to be.

1 COMMISSIONER MULLER: So you conduct daily
2 counts?

3 SARAH BAYNE: Yeah. We've been conducting
4 daily counts.

5 COMMISSIONER MULLER: And you plan to do
6 this into the future?

7 SARAH BAYNE: We are investigating and have
8 been investing in a laser counter, because it's hard
9 to devote human labor just standing out there and
10 counting, which is what we have been doing.

11 But I think that that's where we're going,
12 is getting a laser counter so we can be assured that
13 our counts are always below. We can't afford it. The
14 school is too important. And the school is too
15 important to our parents and to these children to ever
16 be in violation. We learned that very clearly.

17 COMMISSIONER MULLER: Thank you.

18 CHAIRMAN LYON: Commissioner Dubois,
19 follow-up question.

20 COMMISSIONER DUBOIS: Yes. Is there in
21 existence today a formal mechanism between you and the
22 neighborhood for communications? Do you have a
23 committee? Is there any formal talk between members
24 of the neighborhood and the school that we can address
25 issues more rapidly and face to face as opposed to

1 continually coming into the public forum here? Does
2 that exist today?

3 SARAH BAYNE: It does not exist today.
4 We -- Hillbrook hosted many meetings with the
5 neighborhood over the last two years. I underline
6 many.

7 And we would continue to ask and have that
8 available if the Commission thought that that was
9 important. They weren't always productive meetings,
10 but that was not through lack of effort on our part.

11 CHAIRMAN LYON: Commissioners, any other
12 questions for Ms. Bayne?

13 Thank you, ma'am.

14 The next card I have is from Ms. Houston.

15 JOLIE HOUSTON: Yes, good evening, Jolie
16 Houston, Berliner Cohen.

17 Actually, I'm just here to answer any
18 further questions, but I do want to emphasize that
19 this is a CUP, and it is not something that the school
20 has to comply with when they're only under the gun.
21 It applies every day that the school is open. It's
22 their business license. It's something that they have
23 to do to operate.

24 And we did look into van pooling, and I do
25 want to emphasize, because at the last meeting we

1 submitted a letter from Kids Cab showing that we had
2 looked into it. We promised Town Council. We
3 promised last year that we'd look into it. We did
4 look into it. Again, next year they will look into
5 it.

6 Every year they have to submit their
7 carpooling program. Twice a year they're subject
8 to random car counts. I don't believe that what
9 has happened or what we're being accused of doing
10 is getting under the gun and coming under
11 compliance.

12 This van pooling is an option that will
13 be -- may be used in the future, but the carpooling is
14 really there to stay. They are looking into figuring
15 out how they can do the counts more effectively and
16 keep on top of it.

17 And I know the noise or speed, those are
18 issues that the school would need to be notified
19 also. And, you know, we apologize about the speeding,
20 but that -- that is really not the CUP -- a CUP
21 issue. You know, they can call the police, or they
22 can, you know, work on it.

23 I believe if the speeding is still an issue,
24 they need to notify the school and let the school know
25 so the school can send out more letters and let

1 everybody know on the street, you know, hey, slow
2 down.

3 And if there's any more questions, we'd be
4 happy to answer any questions. Do you have any
5 questions of me?

6 CHAIRMAN LYON: Any questions for
7 Ms. Houston?

8 Thank you, ma'am.

9 Commissioner Dubois.

10 COMMISSIONER DUBOIS: Would you elaborate a
11 little bit on your effort each year to explore your
12 van pooling? I mean, are you going back to the same
13 company each year looking for another bid, or are you
14 going out trying to find other alternatives --

15 JOLIE HOUSTON: I believe Kids Cab was the
16 only one that we could look into. I think Sarah could
17 talk to that issue more, but that was the one that was
18 an option.

19 I know this goes way back to the Council,
20 meetings. When we were before Council, Councilmembers
21 wanted us to look into dropping kids off at certain
22 parking lots. We explored that option, but the
23 property owners did not want to incur liability. So
24 we did look into many, many options, and then we got
25 down to really focusing in on carpooling, something

1 that works, something that's within the school's
2 control.

3 And I think what you have to see here is the
4 carpooling does work because the school can control
5 it. It's within their control. It's the parents that
6 care, and it's the school that cares. And some of
7 these other ideas I think failed because they didn't
8 have enough control over them.

9 So we will look into van pooling, and if
10 there's other businesses out there that provide, I'm
11 sure they'll look into those, too.

12 CHAIRMAN LYON: Thank you, Ms. Houston. I
13 don't see any other questions.

14 The next speaker card I have is for
15 Mr. Davis.

16 RAY DAVIS: Yes. Don't live in the
17 neighborhood. I am concerned about the public
18 interest in Los Gatos, okay.

19 I would beg to differ with Ms. Houston that
20 this is -- isn't much of -- the impact of this hearing
21 really isn't much.

22 I say different. I know for a fact, and I
23 know you know that a use permit is -- can be revoked
24 at any time completely for due cause.

25 The traffic issue, based on all the public

1 testimony I've heard right from the get go, is the
2 critical factor in the use permit of -- for this
3 school. If they fail to satisfy the terms of the use
4 permit on the traffic, they fail 100 percent in my
5 opinion. And that is one of the things that you will
6 be asked to weigh I'm sure. Okay.

7 As I said before, there's been a history of
8 abuse by this school going back to 1966. You go
9 through the file, and you can see the special
10 privilege that the Town has extended to these people
11 at the expense of the neighbors. It's a horror story
12 of special privilege. And, you know, here it wants to
13 be continued again, okay.

14 I read in the paper the weekend in the
15 Mercury News about the district attorney,
16 Mr. Kennedy's opinion of Ms. Bayne, less than
17 favorable if you read that same article. In fact, he
18 described her quite succinctly as a liar.

19 So, you know, I think the issue of potential
20 moral turpitude with anyone that is involved in a use
21 permit is germane to the issue, okay. And should be
22 considered on your part. 'Cause you're trying --
23 you're being asked to take her word that it will
24 happen, and I submit to you her word isn't worth a
25 tinker's dam.

1 District attorney's opinion is what I've
2 heard. Proof positive of that is the fact that right
3 now they have an application before the Town for an
4 administration building that is 700 square foot larger
5 than what was approved in the master plan by you folks
6 and the Town Council, approved.

7 And they could care less about the -- what
8 was approved and the wishes of the Town Council and
9 you folks. That's -- it's just so clear they're going
10 to bully their way through anything they can. If they
11 can get an extra, you know, 700 -- it was a 2,000
12 square foot building, and they want to grow it by 700
13 square foot on their own. Just because they submit a
14 plan.

15 It is not to be believed how these people
16 operate.

17 CHAIRMAN LYON: Thank you --

18 RAY DAVIS: I sit here, and it makes me mad.

19 CHAIRMAN LYON: Thank you, Mr. Davis.

20 RAY DAVIS: And that's what I say is true.

21 CHAIRMAN LYON: Next speaker card I have is
22 for Ms. Neidman. I believe. Need -- did I -- did I
23 get -- did I say it wrong, ma'am? I'm sorry. Okay.

24 LUCILLE WEIDMAN: That's okay.

25 CHAIRMAN LYON: My vision this evening.

1 I apologize.

2 LUCILLE WEIDMAN: Or my handwriting.

3 Lucille Weidman, 215 Carlester Drive, Los
4 Gatos.

5 I'd just like to address a few issues that
6 were brought up regarding the cul-de-sac issue. I
7 have been videotaping the traffic over the last, I
8 guess about a year now.

9 I visually saw the children being dropped
10 off at the Karen Court in the afternoon between the
11 hours of 2:00 and 4:00 o'clock, anywhere between four
12 and six vehicles. They would go up the street, go
13 into Karen Court, and then I would see the children
14 come out of the school, go into Karen Court, and then
15 the cars would come out.

16 So it's anywhere between four and six
17 vehicles that I observed doing this on a -- every once
18 in a while I would go out and check between Oct --
19 September and the end of October.

20 Another point. The van pool, I was speaking
21 with Ms. Sandy Bailey, and she mentioned that the
22 parents were going to be carpooling in the Almaden
23 area and in the Fremont area, and it was just a matter
24 of another week before that could get started, and
25 that was back in September. The parents were going to

1 individually hire a service to take their children
2 from the Fremont area and from the Almaden area.

3 In my observation, I don't see any private
4 companies coming or going from the school either
5 visually or on the take, like say A and E or any of
6 the other transportation services in the area. So I
7 don't know what happened with that plan that
8 Ms. Bailey was speaking to.

9 Also, the Hillbrook family demographics that
10 was produced -- that was brought out in the April
11 meeting references the fact that there are 93 students
12 in Los Gatos, 43 in Saratoga, 11 in Monte Sereno.
13 Just in the -- and ten in Campbell, just in the
14 immediate area. So one would think they could at
15 least van pool with these specific children so that
16 the area -- I'm not saying -- it is quite diverse.
17 I'm not saying that's not true, 'cause she has
18 children coming as far as Watsonville.

19 But you have a high number, 93 in Los Gatos,
20 that could be a carpool program. 11, 43, and 10 in
21 just the Monte Sereno, the Saratoga and the Campbell
22 areas. That could be easily van pooled either with
23 Kid Cab or one of the other local companies that are
24 in -- in fact, there's a company in Campbell that van
25 pools children.

1 But my main concern was I just wanted
2 clarification on the fact that children are being
3 dropped off at cul-de-sacs. What happened to the van
4 pool program that was going to be started for the
5 Almaden and the Fremont children?

6 And in my observation, I see mainly one
7 child per vehicle. Some children two per -- two
8 children in a vehicle, and one vehicle had three
9 children. So I don't see where there's a van pool
10 situation going on right now, but I -- I can see by
11 their numbers alone that was presented at the April
12 meeting that they could at least carpool in the areas
13 of Los Gatos, Monte Sereno, Saratoga and Campbell.
14 That's quite a high number of children.

15 Thank you so much.

16 CHAIRMAN LYON: Thank you, ma'am. Any
17 questions?

18 Seeing none, thank you.

19 I have no other speaker cards for this
20 item. At this time I will close the public hearing,
21 return this item to the Commission for comments,
22 questions of staff or a motion.

23 Commissioners, we have received public
24 testimony on this item, and this is a discussion
25 whether we --

1 (End of Tape One, Side One.)

2 (Beginning of Tape One, Side Two.)

3 COMMISSIONER MARCUCCI: -- comments last
4 question, because we've been through this a couple of
5 times, and we have information in front of us that
6 says that they're in compliance. The neighbors are
7 giving us different information that says that they're
8 not in compliance. And so we're sort of stuck in the
9 middle between the two pieces of information. And
10 we've been stuck in the middle between the two pieces
11 of information now for -- ever since the CUP I think
12 has begun it feels like.

13 So I'm curious what we can do to put an end
14 to this sort of circular hearing that we're having,
15 and I don't know if staff can address that, or if we
16 need to adjust the CUP or whatever it is, but I think
17 we need to take some kind of action so that we don't
18 continuously move in this circle.

19 CHAIRMAN LYON: I mean, I -- go ahead.

20 MR. KORB: Mr. Chair, the car count you have
21 is the car count that was mandated by Council. It's
22 the only objective car count that we're aware of. It
23 was performed by the Town using an independent means
24 of counting the number of cars.

25 You know --

1 A VOICE: But wasn't that count done --

2 MR. KORB: Excuse me --

3 CHAIRMAN LYON: I'm sorry, ma'am, you don't
4 have the opportunity to address the Commission. The
5 public hearing has been closed. Continue, Mr. Korb.

6 MR. KORB: We cannot -- I cannot satisfy or
7 confirm, based on the information we have, the
8 testimony of the individual speakers tonight. It's
9 essentially their perspective of what's occurring.

10 You -- even -- this is not a hearing where
11 you're being asked to make a determination about the
12 evidence that you're presented with, but ultimately if
13 you were in a hearing environment, you would have to
14 weigh the evidence that you have and determine which
15 evidence you believe deserves greater weight and
16 decide based on that evidence appropriately.

17 You know, the reality is the Council made a
18 decision based on a number of different
19 considerations, and it is very clear that pressure was
20 placed on the school to come up with a method of
21 reducing the amount of traffic, and that was their --
22 essentially a compromise that was imposed upon them,
23 and the neighbors got that as a condition placed on
24 the application.

25 But whether that will ever ultimately

1 satisfy either the school or the neighbors, I can't
2 say. This is the most objective means we have of
3 counting the traffic.

4 COMMISSIONER MARCUCCI: Thank you.

5 CHAIRMAN LYON: Commissioner Muller.

6 COMMISSIONER MULLER: Do we automatically
7 review this every six months? No. We can condition
8 it to come back in six months?

9 MR. KORB: You can't place a condition, but
10 you certainly request that staff bring it back within
11 six months.

12 COMMISSIONER MULLER: The -- where I'm going
13 with this is the neighbors have not been reporting
14 speeders to the police, and that might be another
15 subjective arena we can get some data, and if that
16 falls off, maybe that would at least alleviate some of
17 the danger involved with the traffic if there's better
18 monitoring of that aspect.

19 CHAIRMAN LYON: Commissioner Dubois.

20 COMMISSIONER DUBOIS: Follow-up to
21 Commissioner Muller's comments.

22 I agree. I am of the opinion -- and I could
23 be -- as a Commissioner, I certainly could, if the
24 evidence were present, vote to revoke a conditional
25 use permit, 'cause a conditional use permit is

1 actually putting conditions on the business for
2 operating in a neighborhood. There isn't, I don't
3 believe at this point, sufficient evidence that we can
4 make that kind of a finding tonight.

5 What troubles me most, however, is there is
6 a lot of anecdotal evidences coming in tonight from
7 the neighborhood that's pointing out things that
8 potentially there are -- such as the cul-de-sac
9 dropping off of children. Parents who were -- are
10 users of the school. We're not even sure that they
11 are people going to school, but I can make the
12 assumption that they're dropping off kids to get
13 around this traffic count. That's a potential
14 problem.

15 There's certainly been testimony tonight of,
16 you know, 900 cars in front of a house. I'm not sure
17 that that's all the school's, but again, those are
18 things that are raising concerns here.

19 The other thing that I can see, I think
20 it's -- that is really missing in this whole mix
21 is a communications between the neighborhood
22 and the school. I would like to see someone from
23 the neighborhood or the neighborhood have a --
24 form a committee of representatives to have --
25 create dialogue, direct dialogue between the school

1 and neighborhood.

2 Now, maybe it's been done in the past, and
3 it hasn't worked, but I think that it's worth trying,
4 because I think you folks need to start talking.

5 The neighborhood has got complaints. The
6 school needs to respond, and not respond two months,
7 three months or six months later in front of this
8 Commission. It needs to be dealt with now, because
9 the frustrations are just building and building and
10 building. 'Cause we're going to keep coming back for
11 CUP reviews if we don't start addressing this.

12 So I would really like to see the neighbors
13 and the school take the effort to step forward and
14 start talking. I would also like to encourage the
15 neighbors that when there are speeding problems to
16 start calling Los Gatos Police Department so that we
17 at the next -- at the next hearing can see evidence
18 from another -- another source that's saying yeah,
19 we're writing speeding tickets over on Marchmont in
20 front of this school. We're seeing this, we're seeing
21 that. That's what the police department does. They
22 do enforce traffic laws out there. And if they're
23 occurring, you should be calling them, and we would
24 encourage you to do so.

25 That's where I'd like to see this go. I

1 would really like to see this come back through the
2 Commission. I know everybody's tired of hearing these
3 things, but I think there's enough concern here
4 tonight that we have an obligation to review, to get
5 some good evidence to find out where evidence does
6 exist if there is a violation of this conditional use
7 permit.

8 If it does exist, then this Commission
9 perhaps has to take action on that, and we need to
10 have some independent evidence to look at that --

11 CHAIRMAN LYON: Commissioner Marcucci.

12 COMMISSIONER MARCUCCI: Is there a way that
13 we can enlist the police department to do some traffic
14 monitoring actions like they did on Daves Avenue? I'm
15 not sure what you call it, but the thing that you
16 drive by that tells you what your speed is when you go
17 past it.

18 MR. LORTZ: We will ask the police chief to
19 put additional surveillance out there. It is a
20 balancing act. There's only so many officers in the
21 town at any one time, and they balance their -- the
22 peak responsibilities. But I will ask the police
23 chief to do that.

24 I will also ask the engineering department,
25 when they do their counts, to make surveillance about

1 drop offs at inappropriate locations, that sort of
2 thing.

3 All evidence that's been received tonight
4 will be factored into how we look at the counts and
5 how we do surveillance, how we do capital improvement
6 projects and whether we do speeding signs out there,
7 radar signs, all of those things.

8 COMMISSIONER MARCUCCI: Thank you.

9 CHAIRMAN LYON: Okay. Commissioner Drexel.

10 COMMISSIONER DREXEL: How often do we do a
11 count, a traffic count, or how often does the planning
12 department do a traffic count?

13 MR. LORTZ: It's the engineering department
14 does the counts, and they do them, I believe it's
15 twice a year under the conditions of approval.

16 COMMISSIONER DREXEL: So there isn't any way
17 we can increase that number to get a more --

18 MR. LORTZ: The Council approved the
19 conditional use permit, and they said twice a year.

20 COMMISSIONER DREXEL: All right. Thank you.

21 MR. LORTZ: We will do spot checks from time
22 to time.

23 CHAIRMAN LYON: Okay Commissioners. I, too,
24 given the testimony this evening would like to see
25 this CUP come back and be re-reviewed.

1 I would also like staff to -- I would make
2 the recommendation that staff do additional traffic
3 counts including cul-de-sac drop offs so that we can
4 monitor the situation.

5 I would also encourage the residents to call
6 the police if they do see speeding or traffic
7 violations. Please use the non-emergency line,
8 though.

9 Additionally, I will -- as Commissioner
10 Dubois mentioned, there needs to be a dialogue between
11 the neighborhood and the school. We have had other
12 situations with neighbors and establishments under
13 conditional use permits that they have met in good
14 faith, worked through their problems that once seemed
15 that there was no way they could come together and
16 finally, you know, work through those -- those
17 problems and came together, were in mutual agreement
18 of solutions. And I think that is something that
19 needs to happen here.

20 Additionally, I would also encourage the
21 school to submit a -- you know, keep updated the
22 neighbors on its calendar of events. Hand it out,
23 mail it to your neighbors so they know what's going
24 on. It's a way that, you know, you can demonstrate to
25 them that you are self policing by not having

1 activities that would violate your conditional use
2 permit and keep the neighbors informed of what is
3 going on.

4 They can also be, you know, your best friend
5 if there are activities going on on campus that are
6 not sanctioned and keep you informed if that is
7 happening.

8 So Commissioners, other comments or -- at
9 this point? Commissioner Quintana.

10 COMMISSIONER QUINTANA: I'll be real short
11 since all the rest of the Commissioners expressed most
12 of my thoughts already.

13 However, I did want to emphasize that in
14 asking staff when the traffic counts are done that the
15 count be designed somehow to catch all the school
16 related traffic, whether it be through the entrance,
17 through the cul-de-sac or drop offs nearby that still
18 affect the traffic in the neighborhood.

19 CHAIRMAN LYON: Okay. With that, I will
20 just ask for a consensus of the Commission if they're
21 willing to accept the report as delivered by staff,
22 that based on the vehicle counts, the objective
23 evidence we have that Hillbrook is compliant with
24 their conditional use permit.

25 Is there consensus with that? We'll accept

1 the staff report and re-visit this item at a later
2 date? Is there a consensus?

3 A VOICE: Yes.

4 COMMISSIONER MULLER: Yes.

5 A VOICE: (Inaudible.)

6 CHAIRMAN LYON: We're actually not taking
7 any specific action on this item. And --

8 A VOICE: (Inaudible.)

9 CHAIRMAN LYON: Can we put this on a --

10 MR. LORTZ: We can bring it back to you in
11 six months.

12 CHAIRMAN LYON: Okay.

13 MR. LORTZ: So --

14 CHAIRMAN LYON: Then let's bring this back
15 in six months and appropriately notice the
16 neighborhood as well.

17 Thank you, Mr. Lortz. We will then, with
18 consensus of the Commission, adopt the -- accept the
19 report from staff.

20 And we'll move on to our next item, which is
21 item four, 16840 Cypress Way, conditional use permit
22 U-01-3, and A and S application S-01-50.

23 I'm going to wait a minute for the -- okay.

24 Ladies and gentlemen, those of you who are
25 leaving after item three, if I could ask you to please

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TOWN OF LOS GATOS
PLANNING COMMISSION MEETING

PUBLIC HEARING

**CERTIFIED
ORIGINAL**

Town Council Chambers
110 East Main Street
Los Gatos, California
Taken on
January 23, 2002

#6304

Advantage *ARs* Reporting

Services, LLC

1083 Lincoln Avenue, San Jose, California 95125, Telephone (408) 920-0222, Fax (408) 920-0188

A P P E A R A N C E S:

Los Gatos Planning
Commissioners:

Jim Lyon, Chair
Jeanne Drexel
Paul Dubois
Peggy Marcucci
Phil Micciche
Suzanne Muller
Lee Quintana

Town Attorney:

Orry Korb

Director of
Community
Development:

Bud N. Lortz

Transcribed by:

ADVANTAGE REPORTING SERVICES
BY: LISA A. GLANVILLE,
CSR 9932
1083 Lincoln Avenue
San Jose, CA 95125
(408) 920-0222

--oOo--

1 COMMISSIONER QUINTANA: It's an addendum to
2 the EIR.

3 CHAIRMAN LYON: It is a, I'm sorry, an
4 addendum to the EIR.

5 MR. KORB: And what we would recommend is
6 that the motion recommend certification of the
7 addendum.

8 CHAIRMAN LYON: Okay. I would then move to
9 recommend certification of the addendum to the EIR
10 under the auspices that the previous EIR was adopted
11 and all impacts were mitigated to less than
12 significant. Is there a second?

13 COMMISSIONER QUINTANA: Second.

14 COMMISSIONER MULLER: Second.

15 CHAIRMAN LYON: All those in favor?

16 (Ayes.)

17 CHAIRMAN LYON: Aye. Passes unanimously.

18 MR. KORB: Anybody following this matter, it
19 will be -- this is a recommendation to the Town
20 Council, which means that a hearing will be scheduled
21 for the Town Council and will be separately noticed.

22 CHAIRMAN LYON: At this point we will take a
23 ten minute recess and reconvene --

24 (Interruption in tape.)

25 CHAIRMAN LYON: -- Marchmont Drive. This is

1 an Architecture and Site Application. It is not a
2 conditional use. It is focused strictly on
3 replacement of existing buildings.

4 Will the owner-applicant please come
5 forward.

6 SARAH BAYNE: Sarah Bayne, head of Hillbrook
7 School. Are you ready for me to start?

8 Good evening. We are here to hopefully
9 complete the final stage of preparing to complete our
10 master plan for Hillbrook.

11 I'd like to spend most of the time answering
12 specific questions that you have, but before I open it
13 up to you, I just wanted to bring several items to
14 your particular attention.

15 First of all, the plan that we have
16 submitted, the architecture and site plan, is one that
17 maintains the very low and modest profile
18 architecturally over all the buildings present and
19 planned for Hillbrook. We have been able to produce a
20 square footage plan which is in compliance with our
21 conditional use permit and also fits the needs and
22 requirements of the school going forward.

23 There has been, I'm sure you have noticed,
24 some change in square footage from one building to the
25 other. That has been done to meet the requirements of

1 our accreditation for the addition of an additional
2 lavatory and nurse's station in the administration
3 building. In exchange, we have reduced square footage
4 in other parts of the campus, so therefore our
5 actual -- even though the master plan was deemed
6 conceptual in its writing at the Commission level last
7 spring, we have submitted a plan which is of reduced
8 square footage to that plan.

9 There was a question raised in the staff
10 report, which I wanted to just address up front for
11 you, which is one about the stucco versus wood siding
12 in the art building. Our recommendation for the
13 stucco siding for the art building was that stucco was
14 also close in -- and the building closest to the art
15 building. However, if the Commission deems it
16 appropriate, as other buildings, including the library
17 and the administration building, are wood sided, we
18 would be more than happy to go in that direction.
19 This is not an issue that we have a particular stance
20 on.

21 Finally, at the recommendation of the
22 Commission in December, we have held a neighborhood
23 meeting, and I know that you have a desk item from
24 Mrs. Myers about a construction plan, which for this
25 project and the project being completed that was

1 started in the year 2000, we have a construction
2 plan. In the year 1999, which forms the substance of
3 most of her comments, there was no construction plan.
4 So this is going forward. We of course have a very
5 full conditional use permit with very specific
6 restrictions, which the school works daily to meet.

7 And at this time I would be happy to answer
8 any questions that you might have about the projects.

9 CHAIRMAN LYON: Commissioners, questions.
10 Commissioner Marcucci.

11 COMMISSIONER MARCUCCI: In your neighborhood
12 meeting, did you discuss the master plan as we have
13 before us tonight? I'm just wondering if the
14 neighbors had any particular comments or brought up
15 that had already been addressed.

16 SARAH BAYNE: The neighbors -- the issues
17 brought up -- actually there's a letter that you
18 received as a desk respond -- basically summarizing
19 the issues that the neighbors brought up in the
20 meeting, which had to do with car speed, location of
21 signs, telling Hillbrook parents to slow down and
22 not -- not specifically about the buildings, which
23 actually, quite frankly, have not been the center of
24 their concerns. Their concerns in general have been
25 the impact of Hillbrook traffic on the neighborhood.

1 COMMISSIONER MARCUCCI: Thanks.

2 SARAH BAYNE: Yeah.

3 CHAIRMAN LYON: Commissioner Quintana.

4 COMMISSIONER QUINTANA: Would you consider
5 sort of a compromise on the stucco building and have
6 that building itself be a transition building between
7 the two? What I'm -- what I mean is --

8 SARAH BAYNE: Part stucco and part --

9 COMMISSIONER QUINTANA: Part stucco and
10 maybe part stone or wood to sort of tie it together.

11 SARAH BAYNE: Sure. Absolutely. Absolutely.

12 CHAIRMAN LYON: Commissioners, other
13 questions? Commissioner Drexel.

14 COMMISSIONER DREXEL: I just have one little
15 question. I notice the size of the administration
16 building has gotten larger, and I just want to assure
17 your neighbors that you do not intend to be hosting
18 conferences or enlarging your -- your activities
19 through this larger administration building.

20 SARAH BAYNE: No, no. Not in any way.
21 And it -- the increase in square footage is almost
22 to the -- to the foot precisely, the increase of
23 a nurse's station, a separate lavatory and an ADA
24 ramp.

25 CHAIRMAN LYON: Okay, Commissioners,

1 any other questions? Seeing none, we will go to
2 comments --

3 SARAH BAYNE: Thank you.

4 CHAIRMAN LYON: -- from the public. I have
5 two speaker cards on this item. The first card I have
6 is from Mr. Davis.

7 RAY DAVIS: Yes. As you all know, I have
8 followed this right from the get go, and I appear
9 before you tonight in a greatly disturbed fashion. I
10 know you don't find that unusual. But Mr. Lortz over
11 there has made a Staff Report available to you that,
12 you know, it has a -- only I can say it has an odor to
13 it. What an odor. I mean, talk about Enron, woo.
14 The Enronization of Los Gatos thank to Mr. Lortz. He
15 attempted Enronization.

16 Let me draw your attention to page 3.
17 The last paragraph above the table. He says the
18 conditional use permit did not specify the square
19 footages in the report to the Planning Commission
20 for conditional use permit stated the master plan
21 is conceptual. The report to the Commission is the
22 Staff Report by employees. They don't dictate set
23 policy in any town that I know of. Maybe in
24 Afghanistan when the Taliban was around, but not here
25 in Los Gatos, okay. This is an absurd statement on

1 its face, Mr. Lortz.

2 And I would also point out that the master
3 plan had a architectural drawing with a designated
4 square footage by scale. So don't tell me it wasn't
5 conclusive, Mr. Lortz. I am so disgusted with you,
6 sir. In fact, I'm going to take away the sir. I am
7 flat out disgusted, and I'm going to make the
8 statement that you are in bed, in bed with the
9 applicant. I'm not going to say the sheets are
10 shaking yet, but there -- you are in bed. Shame on
11 you.

12 Master plan has -- delineates 2,200 square
13 foot, period, for the administration building. And
14 you have no choice, if you have any integrity,
15 personal integrity -- as I said right along since I
16 started public speaking in the public arena, there can
17 be no public integrity without public -- personal
18 integrity first.

19 So I wanted -- this is a wonderful
20 opportunity for the Planning Commission to get on
21 board, okay. And of course, we've got two women over
22 there that are just too busy with their own personal
23 conversations to hear the public comments. Or are you
24 listening? You're not even listening.

25 COMMISSIONER MARCUCCI: I'm actually waiting

1 for you to finish so I can address some of your
2 comments.

3 RAY DAVIS: Excuse me?

4 COMMISSIONER MARCUCCI: I said I'm actually
5 just waiting for you to --

6 CHAIRMAN LYON: Commissioners.

7 COMMISSIONER MARCUCCI: -- finish so I can
8 address some of your comments.

9 CHAIRMAN LYON: Mr. Davis, please finish
10 your -- Mr. Davis, please finish your comments.

11 RAY DAVIS: Well, that would be wonderful to
12 have a little dialogue, you know, and make sure the
13 public interest is served.

14 So I want to point out that you have a duty
15 to --

16 CHAIRMAN LYON: Thank you, Mr. Davis, your
17 three minutes are now up.

18 RAY DAVIS: The master plan is quite
19 specific on the square footage, and this plan before
20 you is in violation of it.

21 CHAIRMAN LYON: Thank you, Mr. Davis.

22 RAY DAVIS: Okay. Well, let's see where the
23 integrity is.

24 CHAIRMAN LYON: Before you walk away,
25 Mr. Davis, I have a couple questions for you, sir.

1 RAY DAVIS: Wonderful.

2 CHAIRMAN LYON: The first off would be the
3 applicant here has exceeded the square footage of the
4 administration building by 743 square feet.

5 RAY DAVIS: Yes.

6 CHAIRMAN LYON: And as the applicant stated,
7 that was to insert a nurse's station and an ADA
8 required ramp. Now, would it be your -- I mean, from
9 your position, would you not want them to add those
10 features to the administration building?

11 RAY DAVIS: Well, you know, if the 700
12 square foot increase has to do with a ramp and a ramp
13 only, that's the first I've heard of it. Okay. And I
14 can tell you right off the bat that is immaterial to
15 what I consider the validity of the master -- of the
16 master plan.

17 So if that 700 square foot is in fact a ramp
18 and what -- what else was there?

19 CHAIRMAN LYON: A nurse's station, a nurse's
20 room.

21 RAY DAVIS: Well, now that's a different
22 story, okay. I mean --

23 CHAIRMAN LYON: Thank you, Mr. Davis.

24 RAY DAVIS: I assume that they should
25 have -- in the beginning they should have -- when they

1 came forward with the master plan, they should have
2 considered that. But I guess they had additional
3 thoughts, and so they're before you on bended knee, I
4 assume, asking for consideration for these additional
5 rooms.

6 CHAIRMAN LYON: Thank you, Mr. Davis.

7 RAY DAVIS: So --

8 CHAIRMAN LYON: Any other questions of
9 Mr. Davis? Commissioner Quintana.

10 COMMISSIONER QUINTANA: Along that same
11 line, Mr. Davis, on the middle school, the square
12 footage has actually reduced almost by a thousand
13 square feet from that on the approved plan. Would you
14 propose that we need to increase that square footage
15 back to the original?

16 RAY DAVIS: Ms. Quintana, that is a very
17 silly question, and it isn't worth an answer.

18 CHAIRMAN LYON: Thank you, Mr. Davis. The
19 next card I have on this item is Mr. Roley.

20 RAY DAVIS: Am I all through?

21 CHAIRMAN LYON: You're done, sir. Thank you
22 very much.

23 RAY DAVIS: Oh, okay. Love to give you
24 opinions. You know that.

25 SUTTON ROLEY: Sutton Roley. I'm a neighbor

1 who lives and owns property in close proximity to the
2 subject property.

3 I -- my wife and I had the opportunity to
4 visit the campus, see the story poles, review the
5 plans, and we think the improvements that are planned
6 are very reasonable in scope.

7 We have a good idea of what Hillbrook is
8 planning to do and the reasons that they are planning
9 to do that, and we're in support of the application.

10 We understand that this application's been
11 ongoing for some time, and we would like to urge the
12 Commission to approve the application, and we are in
13 support of improving all school campuses in the
14 Township.

15 Over and above construction of single family
16 homes, we think these -- these types of school
17 improvements are necessary and should be the top
18 priority for our Town. Thank you.

19 CHAIRMAN LYON: Thank you. Any questions
20 for Mr. Roley? Thank you, sir.

21 Ms. Nachison.

22 LAURA NACHISON: Good evening. Laura
23 Nachison, 115 Ann Arbor in Los Gatos. We are the
24 neighbors on the other side, but we are the access to
25 the construction for this project.

1 And I have to say for the most part
2 Hillbrook has been fairly good about respecting our
3 neighborhood, except for today when a truck was parked
4 out there for quite some time and used the street for
5 staging, which we're hoping they won't do any more.

6 My question really, believe it or not, sort
7 of ties into what Mr. Davis' concerns were, but I do
8 have a question, and that is if the square footages
9 are to be established tonight, does that establish the
10 square footages for perpetuity? In other words, for
11 example, on the middle school, where the approved CUP
12 allowed 5,200 square feet, Hillbrook looks like it's
13 borrowing from that to put on to the administration
14 building and then taking away to build a middle
15 school.

16 But then does that then allow Hillbrook in
17 the future to submit for additional improvements that
18 would increase square footages so as to say
19 accommodate increased student body, or once these
20 square footages are established tonight at A and S,
21 does that put a cap on the size of the buildings?

22 And I think that to maintain an appropriate
23 balance between buildings on that site and open space,
24 it would be appropriate to lock in the sizes as they
25 are now represented. Also will prevent these poor

1 neighbors from having to come back.

2 That's my question. I mean, you don't have
3 to answer me right now, that could be --

4 CHAIRMAN LYON: Actually, Ms. Nachison, what
5 I'll do is I'll have our Town Attorney address that.

6 LAURA NACHISON: I have his papers, I'm
7 sorry.

8 MR. KORB: Oh, my gosh. The master plan
9 sets out the ultimate -- ultimate, the intensity of
10 use of the site in terms of square footage. So long
11 as the construction that has occurred or will occur is
12 within the square footage required by the master plan,
13 then it -- then it's okay.

14 Now, the plan currently is for a certain
15 amount of square footage, and if they wanted to add
16 subsequently an additional thousand square feet --
17 excuse me, 34 square feet -- I don't have the -- I
18 didn't have the matrix in front of me --

19 LAURA NACHISON: Well, it's --

20 MR. KORB: -- they could add 34 more square
21 feet supposedly under an A and S process. But if they
22 wanted to in fact increase the size of any of the
23 buildings and ultimately increase the total square
24 footage above and beyond that which is approved in the
25 master plan, then that would be an intensification of

1 the site. It would require a new CUP to amend the
2 existing master plan.

3 Also, you mentioned more students. The
4 existing CUP sets forth the maximum number of students
5 on site. In order to add more students independent of
6 any work on the buildings, that would also be an
7 intensification and would require a modification of
8 the CUP.

9 LAURA NACHISON: And in that case, how --
10 how is that monitored? I know for building, they
11 would have to go through a process. But if the -- if
12 the square footage were there -- in other -- I guess
13 my question is can they go up to, for example, 5,200
14 on the middle school?

15 MR. KORB: They can go up to the total
16 square footage that is allowed under the master plan.

17 LAURA NACHISON: Okay. So tonight, if it's
18 established that the administration building needs the
19 extra square footage, that then caps the size of the
20 middle school?

21 MR. KORB: That's correct.

22 LAURA NACHISON: Okay. Okay, thank you.

23 CHAIRMAN LYON: Thank you, Ms. Nachison. I
24 have no other cards on this item.

25 Ms. Bayne, do you want to come back up and

1 address anything that you have heard? And answer any
2 final questions that the Commission might have.

3 SARAH BAYNE: I'm available to answer any
4 questions.

5 CHAIRMAN LYON: Do you want to address
6 anything that you've heard? Okay. Commissioners, any
7 final questions of Ms. Bayne? I don't think so.

8 So given that, I'm going to close -- I'm
9 going to allow you to sit down. I'm going to close
10 the public hearing, return this item to the Commission
11 for comments, questions of staff or a motion.

12 Commissioner Quintana.

13 COMMISSIONER QUINTANA: Two questions of
14 staff regarding the conditions, condition five and
15 six. On condition five, it's just a clarification in
16 terms of the logistics of carrying this out. If the
17 administration building is being relocated to the
18 upper school building, and the upper school building
19 has to be demolished prior to the occupancy of the new
20 administration building, where does the administration
21 go in the interim between moving out and moving in?
22 Yeah.

23 MR. LORTZ: I think applicant can address
24 that.

25 COMMISSIONER QUINTANA: Yeah.

1 MR. LORTZ: I'm not even sure I understand
2 the question.

3 COMMISSIONER QUINTANA: Yeah. What I'm
4 saying is --

5 CHAIRMAN LYON: I need to reopen the public
6 hearing, as Ms. Bayne just stepped to the podium, and
7 Commissioner Quintana has a question for you relative
8 to the conditions of approval.

9 COMMISSIONER QUINTANA: Or an understanding.

10 CHAIRMAN LYON: An understanding.

11 COMMISSIONER QUINTANA: You're going to move
12 the administration function to the upper building.
13 Are you going to leave the existing administration
14 building there until --

15 SARAH BAYNE: No.

16 COMMISSIONER QUINTANA: You're going to
17 demolish the existing --

18 SARAH BAYNE: Because the --

19 COMMISSIONER QUINTANA: -- building?

20 SARAH BAYNE: -- the new building is on the
21 footprint of the old building. So we are relocating
22 offices partly to the upper school building. And I
23 mean, part of -- it's like dominos. People will be in
24 temporary quarters until such time, as for example,
25 the library gets built. You know, we're going to

1 relocate the library into another classroom, that
2 person's going to go into another classroom.

3 COMMISSIONER QUINTANA: So in fact, you do
4 have the ability --

5 SARAH BAYNE: Yes, we do.

6 COMMISSIONER QUINTANA: -- to move the
7 administration building prior to the --

8 SARAH BAYNE: Yes.

9 COMMISSIONER QUINTANA: -- its demolition --

10 SARAH BAYNE: Yes.

11 COMMISSIONER QUINTANA: -- and you still
12 have an administrative function?

13 SARAH BAYNE: Yeah.

14 COMMISSIONER QUINTANA: Okay.

15 COMMISSIONER MARCUCCI: So you're not using
16 any portable trailers.

17 SARAH BAYNE: No, no. That was really
18 the -- the domino effect was caused by our decision in
19 respect to the neighborhood and numerous other
20 concerns not to put a portable on the premises.

21 CHAIRMAN LYON: Okay.

22 COMMISSIONER QUINTANA: Okay. I was just
23 concerned we were giving you a condition that was
24 impossible to meet, but you've explained that
25 otherwise.

1 My second question --

2 CHAIRMAN LYON: Hang on. Commissioner
3 Quintana, I need to re-close the public hearing,
4 return this item to the Commission for comments or
5 questions. Commissioner Quintana.

6 COMMISSIONER QUINTANA: Sorry. This is also
7 just a clarification. On condition six, is the
8 intention that the applicant would get approval from
9 the Town for extended hours or days of construction
10 prior to actually notifying the affected residents?

11 MR. LORTZ: If possible. Sometimes
12 emergencies arise in construction, and they have to
13 deal with something. And so from time to time, a
14 special pour is required because of threat of rain.
15 It'll cause a wash out. Any of a number of things can
16 occur.

17 It is our desire to make sure that any
18 changes in the construction schedule follow through a
19 information process to the neighborhood.

20 COMMISSIONER QUINTANA: Okay.

21 CHAIRMAN LYON: Okay. Commissioners, any
22 other comments? Commissioner Marcucci.

23 COMMISSIONER MARCUCCI: Just following along
24 with that. The construction plan should, as far as
25 noise and hours, et cetera, should be very close to

1 the conditional use permit that's in place today,
2 except in cases of emergencies like you just
3 described.

4 MR. LORTZ: Yes, the --

5 COMMISSIONER MARCUCCI: (Inaudible.)

6 MR. LORTZ: -- what we have is two animals
7 walking side by side. We have the conditional use
8 permit, which still runs with the land --

9 COMMISSIONER MARCUCCI: Right.

10 MR. LORTZ: -- it's still valid, as well as
11 the conditions of approval on the architecture and
12 site approval, as well as the noise ordinance.

13 COMMISSIONER MARCUCCI: Okay.

14 CHAIRMAN LYON: Commissioner Drexel.

15 COMMISSIONER DREXEL: I just wanted to throw
16 my two bits worth in about the art center and --

17 (End of Tape Two, Side Two.)

18 (Beginning of Tape Three, Side One.)

19 COMMISSIONER DREXEL: -- stucco, half
20 shingled sided building would look like, so I think
21 that that maybe would be a -- maybe a safer way to
22 go.

23 CHAIRMAN LYON: Okay. Any other comments,
24 Commissioners, final questions of staff, or a motion?

25 COMMISSIONER QUINTANA: Motion. I move to

1 approve Architectural and Site Application S-01-55.

2 And I'll make the findings that the project is
3 categorically exempt pursuant to Section 15314 of the
4 State Environmental Guidelines as adopted by the Town,
5 and that in reviewing the application we have taken
6 into consideration Section 29.20.150 of the Zoning
7 Code.

8 And then I would add that I think the
9 project is consistent with the master plan, and it was
10 clarified that the intensity of development cannot
11 exceed the square footage that was approved by the
12 master plan, and this one doesn't. In fact, this
13 project, as it's currently proposed, probably is --
14 decreases the mass of several of the buildings. Takes
15 one from a two story down to a one story and breaks up
16 the mass of the library and the arts building, as well
17 as saving some of the trees.

18 I would also like to say that I'm impressed
19 by the fact that they have managed to keep these
20 buildings as low as they have. I wish some of the
21 people coming in for houses in the hillsides would use
22 them as an example, and that the building is
23 appropriate to the site.

24 CHAIRMAN LYON: Is there a second?

25 COMMISSIONER MARCUCCI: Second.

1 CHAIRMAN LYON: Okay. It's been moved and
2 seconded. Is there any additional comments?
3 Commissioner Muller.

4 COMMISSIONER MULLER: Would the maker of the
5 motion consider adding a condition that the art
6 building match that of the library with the wood
7 siding?

8 COMMISSIONER QUINTANA: You know, I will add
9 that if you insist, but I sort of think of it the
10 other way around, that if we do that, then we have one
11 building on campus that doesn't match any other
12 building on campus, and it might be better to at least
13 have two matching or -- you know, as a transition.
14 But if it's a question of the motion passing or
15 failing, I'll put it in.

16 CHAIRMAN LYON: Does the seconder accept
17 that?

18 COMMISSIONER MARCUCCI: I'll accept that.

19 CHAIRMAN LYON: Okay. I mean, if I could
20 make a comment, a compromise might be to do the stone
21 as they have it, with stucco above --

22 COMMISSIONER MULLER: Yeah.

23 CHAIRMAN LYON: -- as a transition
24 building.

25 COMMISSIONER QUINTANA: That's what I like.

1 COMMISSIONER MULLER: That would be fine.
2 COMMISSIONER QUINTANA: Okay. I ---
3 CHAIRMAN LYON: So would the make --
4 COMMISSIONER QUINTANA: I like that better.
5 CHAIRMAN LYON: Okay. So the maker of the
6 motion amends the comment on the art building such
7 that the external finishes would be stone in the lower
8 and stucco above that.
9 COMMISSIONER QUINTANA: Yes.
10 CHAIRMAN LYON: Okay.
11 COMMISSIONER MARCUCCI: I'll accept that as
12 well as the seconder.
13 CHAIRMAN LYON: Okay.
14 COMMISSIONER MARCUCCI: (Inaudible.)
15 CHAIRMAN LYON: So it has been moved and
16 seconded with additional conditions for approval of
17 Architecture and Site Application S-01-55. All those
18 in favor?
19 (Ayes.)
20 CHAIRMAN LYON: Aye. Opposed? None. It
21 passes unanimously.
22 MR. KORB: Anyone dissatisfied with the
23 decision of the Planning Commission may appeal the
24 decision to the Town Council. The appeal must be
25 filed within ten days. It must be filed in the

1 clerk's office on forms available in the clerk's
2 office. There is a fee for filing an appeal.

3 CHAIRMAN LYON: Okay. The next item on the
4 agenda is 227 Almendra Avenue, Zone Change S-01-4,
5 Architecture and Site Application S-01-72. And
6 Mr. McElroy, I see you standing at the podium, and you
7 didn't fill out a card for me. But that's okay. I'll
8 have you fill one out later.

9 And we'll give everybody a chance here to
10 exit before we get you started.

11 All right, Mr. McElroy, you're up.

12 TERRY MCELROY: Terry McElroy, 123 Loma Alta
13 Avenue.

14 I'm applying for a permit to construct a
15 single family home on a vacant lot that's currently
16 zoned office, where the general plan is medium density
17 residential. The property happens to be in the Almond
18 Grove District, and it's got the historic district
19 overlays on there.

20 Now, in the process of making the decision
21 whether I build an office building or a single family
22 house, I went back 30 or 40 years, when the Town
23 favored expanding the commercial district into our
24 historic residential neighborhoods. They encouraged
25 the conversion of single family houses into office

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TOWN OF LOS GATOS
PLANNING COMMISSION MEETING

PUBLIC HEARING

**CERTIFIED
ORIGINAL**

Town Council Chambers
110 East Main Street
Los Gatos, California
Taken on
June 12, 2002

#6871

Advantage *ARs* Reporting
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A P P E A R A N C E S:

Los Gatos Planning
Commissioners:

Lee Quintana, Chair
Michael Burke
Paul Dubois
Phil Micciche
Joanne Talesfore
Morris Trevithick

Assistant Director
of Community
Development:

Tom Williams

Town Attorney:

Orry Korb

Transcribed by:

ADVANTAGE REPORTING SERVICES
BY: LISA A. GLANVILLE,
CSR 9932
1083 Lincoln Avenue
San Jose, CA 95125
(408) 920-0222

--oOo--

1 which brings us to new public hearings.

2 And before we go into the first of those,
3 I'd just like to say that the procedure that we follow
4 is that the applicant and his team can come up, and
5 they have five minutes to present their project.

6 Excuse me? Oh, there is no -- this is in general, not
7 Marchmont in particular, for public hearings.

8 Then the public has -- members of the public
9 have three minutes each to present their discussion.
10 There -- on the podium is a light that shows green
11 when you begin. When you have 30 seconds left, the
12 green light flicks to the middle. Please try and keep
13 track and start summing up at the green light. And
14 then the red light goes on, and the buzzer sounds when
15 your three minutes is up.

16 If there's an applicant, then the applicant
17 has a -- and his team have a three-minute rebuttal
18 period.

19 So with that, we will go to the first item
20 on the agenda, which is 300 Marchmont Avenue,
21 Hillbrook School. And this is for a six months review
22 that was requested by the Planning Commission in
23 December. And we have a Staff Report that indicates
24 that the traffic counts are in compliance with the
25 Conditional Use Permit.

1 Before I see if there are any speakers on
2 this subject, I'd like to ask if Staff has anything
3 that they'd like to add to the Staff Report? Thank
4 you. Do we have any speakers on this issue?
5 Mr. Davis.

6 RAY DAVIS: I would prefer to speak after
7 the neighborhood if you don't mind.

8 CHAIRWOMAN QUINTANA: Okay. Lucille
9 Weidman. Sorry about that. Lucille Weidman.

10 LUCILLE WEIDMAN: Yes.

11 CHAIRWOMAN QUINTANA: Did I pronounce that
12 right?

13 LUCILLE WEIDMAN: Yes.

14 CHAIRWOMAN QUINTANA: Thank you. Go ahead.

15 CHAIRWOMAN QUINTANA: Good evening. My name
16 is Lucille Weidman. I'm here on behalf of Art and
17 Elaine Myers and Marchmont Drive, the residents of
18 Marchmont Drive and Ann Arbor Way.

19 On June 5th -- I'm sorry. Thank you. I'm
20 here on behalf of Art and Elaine Myers of Marchmont
21 Drive, the residents of Marchmont Drive and Ann Arbor
22 Way.

23 On June 5th and 6th of this year, I
24 videotaped the Hillbrook traffic from 7:00 a.m. to
25 7:00 p.m. I have supplied the Commission with a copy

1 of the data I recorded, and I have the videotapes with
2 me this evening for the Commission and/or Staff to
3 review to verify the accuracy of the data.

4 At the April 16th, 2001 Town Council
5 meeting, it was established that the cap for the
6 outbound vehicles in the morning and afternoon was not
7 to exceed 165 vehicles. On June 6th, 2002, the
8 outbound traffic exceeded the cap by five vehicles.

9 I am not here this evening to extract
10 penalties for this infraction. I am here to ask the
11 Commission to review the cap of 165 with the request
12 to lower the cap to a number within the range of 130
13 to 150.

14 The unannounced traffic count data supplied
15 to the Commission attests to the fact that Hillbrook
16 has lowered the number of outbound vehicles to
17 maintain the cap of 165. The indication being the
18 carpool-vanpool program is a success.

19 At the April 16, 2001 Town Council meeting,
20 Miss Humphreys, Hillbrook School carpool coordinator,
21 made a request for a 50 percent cushion increasing the
22 cap from 150 to 165, as the carpool program was in
23 place for only a few months.

24 In March and April of last year, the two --
25 the Town conducted two unannounced traffic counts.

1 The number of outbound vehicles had been very
2 consistent, just under 150. Miss Humphreys stated we
3 feel confident that we can maintain those kinds of
4 numbers. The request was approved.

5 In light of the data showing a reduction in
6 inbound vehicles over the past year, the residents of
7 Marchmont and Ann Arbor are asking that the cap be
8 placed no higher than 150 with consideration to as low
9 as 130.

10 Thank you for your consideration of this
11 request.

12 CHAIRWOMAN QUINTANA: Thank you,
13 Ms. Weidman. Are there any questions from the
14 Commission? The next speaker is Ray Davis.

15 RAY DAVIS: Yes. I have an continuing
16 interest, because I've participated in this right from
17 the beginning.

18 The thing that stands out to me is I read
19 the Staff Report, and I notice that it talked about
20 ongoing twice a year counts, but they left out the key
21 word unannounced. Unannounced. If they're not
22 unannounced, they of course are worthless. So let's
23 get on top of that real quick.

24 I also want to point out that I'm sure most
25 of you are not aware that Town of Los Gatos was held

1 by a Superior Court to be negligent in its use of land
2 use permits in terms of living up to the terms of the
3 conditions involved said permits. They found in the
4 case of Auto Mall about a year ago that Town was not
5 living up to its responsibilities, and the grand jury,
6 along with the judge of the Superior Court -- I forget
7 his name -- told the Town to get your act together or
8 else.

9 The Town responded we will get our act
10 together, and we will set up a -- a system so that any
11 citizen can complain, okay, on any land use permit
12 condition or lack of enforcement. I went down today
13 to see if that had been done. Ladies and gentlemen,
14 there's no -- no application for a permit on the file
15 down below.

16 And I checked six months ago, the same
17 situation, okay. I did pick up the handout on the
18 Conditional Use Permit. Also on one on code
19 compliance. Not one word, as the court directed, that
20 there be an avenue for the average citizen to voice
21 their complaint on failure to observe how conditions
22 of land use permits are either carried out or not
23 carried out.

24 And I say that is terribly pertinent to
25 this, because if Mr. Lortz doesn't do his job, there

1 is an avenue for the average citizen to complain as
2 delineated by the courts, okay. And the Town of Los
3 Gatos is negligent and by not following, in my
4 opinion, contemptuous of the Superior Court order.

5 So I just want to put it on public notice,
6 okay. Also, two homes up there, right -- as I
7 mentioned before, right under the brow of that hill on
8 Marchmont, I think it's about 260 -- number 265,
9 something like that. I mentioned that before, that
10 absolute engineering abomination there. Someone is
11 either going to have a terribly serious accident or be
12 killed because of that tremendous traffic coming down
13 that street and coming off the top of that little
14 bluff that should be eliminated --

15 CHAIRWOMAN QUINTANA: Thank you, Mr. Davis.

16 RAY DAVIS: -- before somebody, as I say, is
17 killed or seriously injured.

18 CHAIRWOMAN QUINTANA: Martin Dermer.

19 MARTIN DERMER: I'm Martin Dermer, 255
20 Marchmont Drive, Los Gatos.

21 I think I have to echo some of the
22 statements here from the prior two speakers about
23 inaccurate reporting. The very fact of calling
24 Marchmont Drive Marchmont Avenue is -- is just one
25 indication of that. It clearly is -- it's Marchmont

1 Drive and has been for the 40 years that I've been
2 here and on that drive.

3 I want to point out that the -- the actual
4 Staff Report last year, as presented to the Town
5 Council in the -- when the parlimentation was made,
6 Bud Lortz asked for 150 cars as a maximum. The
7 Council, in reviewing it, turned around and said we'll
8 give them 165 so long as they work towards 150 cars.
9 The 165 was a grant of a ten percent overage so that
10 they could get -- the Hillbrook School could get their
11 act in order.

12 So far as I can see, except for the slight
13 decline in enrollment that they've had, they're still
14 in violation of the 165 rule to some degree, and
15 certainly in violation of the 150 rule, which to some
16 degree they've tried to ameliorate by spreading out
17 the people coming and going by having people come 15
18 or 20 minutes later to try and get them outside the
19 hour and a quarter limitation, which is the car count
20 that we're doing, the one hour and a quarter in the
21 morning and one hour and a quarter in the evening.

22 But the car counts that Lucille Weidman put
23 together show clearly that there's still 900 cars
24 passing my door every day that Hillbrook is in
25 session. They go 450 up, 450 back. Still 900 cars

1 passing from morning till night, which is much too
2 much for a small street.

3 The only thing I want to point out is that
4 we have here a continuous situation, a flowing
5 situation, and no pun intended. But if we do nothing
6 at this point, then we're relegating this to appeals,
7 complaints and probably courts.

8 What I'm suggesting that you do is that we
9 take it from the Council that was wise enough to say
10 give it a review for six months, and if you do nothing
11 else at this meeting, let's set a date to review the
12 situation again six months from now and also to have
13 the Town Planning Department continue unannounced
14 monitoring of the auto traffic entering and leaving
15 Hillbrook.

16 CHAIRWOMAN QUINTANA: Thank you. Jolie --

17 MARTIN DERMER: I timed that pretty good.

18 CHAIRWOMAN QUINTANA: Yes, you did. Almost
19 to the second. Jolie Houston.

20 JOLIE HOUSTON: Yes, good evening. Jolie
21 Houston, Berliner Cohen, on behalf of Hillbrook
22 School.

23 Essentially we're here to answer questions
24 tonight. I'd like to emphasize that we -- we have
25 really tried hard with this carpooling program, and I

1 think we've been very successful with that program.
2 And again, the Council, when they set the 165, that
3 was a term of our condition of our CUP. That was not
4 part of any of the motions that were presented.

5 We have 165 as our number, and we are
6 striving to meet that.

7 Currently the school is using an electronic
8 car counter that they purchased so they can maintain
9 carpooling to make sure their carpooling is working.
10 And, again, I think we've done -- we've done what
11 we've been asked to do. This is our second six month
12 review and, again, I would just say we are here to
13 answer any questions.

14 And, again, we've submitted evidence that
15 the enrollment has not dropped. That's why -- and if
16 there's any other questions, I'd be happy to answer
17 it.

18 CHAIRWOMAN QUINTANA: Commissioners, do you
19 have any questions?

20 JOLIE HOUSTON: We have some people --

21 CHAIRWOMAN QUINTANA: Commissioner Burke.

22 JOLIE HOUSTON: -- from staff to help out
23 here, too.

24 COMMISSIONER BURKE: Okay. What incentives
25 do you give to the parents of the students to

1 carpool? Any, or is it just -- or is it just kind of
2 a please do this?

3 JOLIE HOUSTON: It's -- well, we -- we -- we
4 don't -- we require it, or we have -- I guess we just
5 ask for them to help us with the -- to keep the cars
6 down, and we carpool. I guess I'd have to ask staff.

7 Judy, do you -- it's just -- it's all
8 volunteer. And every fall and every spring there's a
9 big campaign to get the carpooling going. There's no
10 monetary incentive or anything. It's just please help
11 us keep the car count down, and they -- they do it.

12 COMMISSIONER BURKE: And are there any
13 requests to have people arrive outside the count
14 window?

15 JOLIE HOUSTON: Not that I'm aware of.

16 COMMISSIONER BURKE: Okay.

17 CHAIRWOMAN QUINTANA: Any other questions?
18 Commissioner Talesfore.

19 COMMISSIONER TALESFORE: Good evening.
20 Would you --

21 MR. KORB: Please turn off your telephones.

22 COMMISSIONER TALESFORE: Thank you. Would
23 you please describe the carpool plan, your program
24 that you have? You call it a program. I'd like to
25 hear -- I'd like to have that described to me.

1 JOLIE HOUSTON: I think staff, Ann, or Judy
2 or --

3 COMMISSIONER TALESFORE: Oh, may I ask one
4 other question. What is your position?

5 JOLIE HOUSTON: I'm the attorney for the
6 firm, and I've worked with them. I can explain the
7 carpooling, but we have a very intensive -- they have
8 a web site every fall that they --

9 COMMISSIONER TALESFORE: Okay.

10 JOLIE HOUSTON: -- they calculate where
11 people live. They draw parameters around -- within
12 certain Radiuses, and they contact people. They --

13 COMMISSIONER TALESFORE: Well, who could
14 describe the program for me?

15 JOLIE HOUSTON: Yeah, I would say Ann can.

16 BETH HOBBS: I'm Beth Hobbs. I'm president
17 of the board of trustees at Hillbrook School.

18 We started approximately two years ago
19 trying to put together a car pooling program. And it
20 consists of, first of all, putting together a database
21 of where all our families live, and it is on the
22 computer, and it's for them to access. And they can
23 see who else in their area lives close to them that
24 they might set up carpools with.

25 In addition, we designated a person to run a

1 committee and a parents' association at the school to
2 make sure that this indeed was happening, and that
3 people were carpooling, and that the word was out, and
4 all during the year we promote carpooling.

5 We promote carpooling by signs on the street
6 asking people to slow down and by signs at the school
7 asking for carpooling. In addition, we submit to the
8 Town the documents each year indicating who drives
9 with who. We submit a list of all of the -- all the
10 families at the school, and then each of them have to
11 fill out and return to the school a sheet of paper
12 that shows who they're carpooling with, and we also
13 send all of those into the Town.

14 We think we've been quite successful so far
15 with these arrangements. And we've worked quite hard
16 at it. We've put in a counter so that we could keep
17 track and make sure that we weren't going over, and so
18 far I think we've kept it under.

19 We've -- in addition, we've continued to
20 push carpooling. As we took in new students this
21 year, we indicated on admissions, through the
22 admissions office, they had to carpool, that we are a
23 carpool school, and that they were to make those
24 arrangements to carpool.

25 And even the pre-schoolers, you will now

1 often see the little seats that goes -- go in cars,
2 the car seats, as parents take them out of cars and
3 switch to another car. You'll see them sitting along
4 the sidewalk at school for carpool arrangements.

5 So those are some of the things that we've
6 done.

7 COMMISSIONER TALESFORE: And you think
8 you've been successful with that?

9 BETH HOBBS: Well, yes. We're certainly
10 much, much better than we ever were. We do not
11 provide financial incentives, however, a number of
12 parents have found social incentives to continue the
13 carpooling, as the children have actually enjoyed it,
14 and it's much easier on parents if they only have to
15 drive one way.

16 COMMISSIONER TALESFORE: Okay. And have you
17 met with the neighbors? Do you meet with them
18 periodically, regularly, every month --

19 BETH HOBBS: We've met with neighbors a
20 number of times, and I can't tell you how many over
21 the last three years or so. We had a meeting --
22 I can't remember when our last one was, maybe
23 December, January, that we met with the neighbors,
24 and our business manager, Judy Parks, is in charge
25 of facilitating those meetings periodically with

1 the neighbors, yes.

2 COMMISSIONER TALESFORE: I'm wondering if
3 there needs to be more of a -- you know, so that
4 the -- it's a little more than just periodically, but
5 I would like to see more of an effort. I don't know
6 if you have, you know, a scheduled meeting in the
7 fall, and one in the -- you know, middle of the year
8 just to see how things are going.

9 BETH HOBBS: Okay.

10 COMMISSIONER TALESFORE: Might be --

11 BETH HOBBS: We don't have them scheduled
12 that far. No, there are not set dates like every six
13 months, but --

14 COMMISSIONER TALESFORE: Maybe they have --
15 well, I -- no.

16 CHAIRWOMAN QUINTANA: Okay. Can -- if you
17 haven't filled out a card, would you fill out a card
18 and bring it up --

19 BETH HOBBS: I will do that.

20 CHAIRWOMAN QUINTANA: -- to us. Thank you
21 very much. Oh, one more question from Commissioner
22 Micciche.

23 COMMISSIONER MICCICHE: What's the sibling
24 count at the school right now? No, not -- sibling.

25 BETH HOBBS: How many children are

1 siblings? I -- I'm sorry --

2 COMMISSIONER MICCICHE: You haven't got that
3 number?

4 BETH HOBBS: -- I can't answer that. I
5 don't know.

6 A VOICE: There's a total of 315 students,
7 159 girls and 156 boys.

8 COMMISSIONER MICCICHE: (Inaudible.)

9 A VOICE: No. Sorry.

10 CHAIRWOMAN QUINTANA: Okay.

11 A VOICE: I'll wake up here.

12 CHAIRWOMAN QUINTANA: Thank you. The next
13 speaker, unless there are any more questions from the
14 Commissioners? Thank you. The next speaker is Elaine
15 Myers.

16 ELAINE MYERS: My name is Elaine Myers, 293
17 Marchmont Drive. In Mr. Lortz's report to the
18 Planning Commission dated the 6th of June, the first
19 paragraph states that Hillbrook was in compliance with
20 the Conditional Use Permit concerning the number of
21 vehicles that are permitted.

22 However, evidently some vehicle counts are
23 prevented from exceeding the limit in order to make it
24 appear that they are -- they are in compliance with
25 the CUP's 165 limit. One way this was done is to

1 delay vehicle departures from Hillbrook grounds.

2 On Thursday, May the 9th at 3:40, I was
3 pruning in my courtyard and overheard a staff member
4 at the gate advising two incoming drivers to delay
5 their departure from the parking lot because the count
6 was high at 163.

7 And subsequently, even more vehicles began
8 arriving. Between 3:45 and 4:00 p.m., 16 vehicles
9 left the school. What will Hillbrook come up with
10 next? We residents believe that the 165 count
11 performed only twice a day is still too many vehicles.

12 Some vehicles aren't even counted are the
13 ones that are at noon and many of the late -- the
14 after school traffic, which goes on to 6:00 p.m. and
15 sometimes later.

16 At the second page of Mr. Lortz's letter,
17 under conclusion, it states the complaint stating that
18 people are not carpooling and are dropping children
19 off at the end of the street appears to be unfounded.
20 Some of these are being carpooled as far as the
21 neighboring streets as a way to keep the car count
22 lower from Hillbrook benefit.

23 At the closing of the December 5 Planning
24 Commission review, Commissioner Dubois recommended
25 that residents get together with Hillbrook in an

1 effort to solve problems that we have. Hillbrook
2 initiated such a meeting on January 7th, and seven of
3 its neighbors, three Hillbrook board members, and two
4 Hillbrook administrative members have such -- had such
5 a meeting.

6 Judy Parks is a business manager and
7 neighborhood liaison, and she has been helpful to me
8 as has Ann Morrissey and Alan Bronson, who is the
9 maintenance supervisor. I very much appreciate their
10 assistance.

11 In December I called the Los Gatos traffic
12 sergeant and remarked that it was very difficult to
13 get license numbers from speeders. He said to call
14 anyway. And I regret that I have been neglecting the
15 call, even though I see many speeders several times a
16 day. But I don't want to be calling all the time.

17 But the busy December and 11 medical
18 appointments in January and February that I had, I
19 failed to make the calls, and I just noticed in the
20 packet that was sent to me that --

21 CHAIRWOMAN QUINTANA: Please come to a
22 conclusion, thank you.

23 ELAINE MYERS: Yes, I will. I have noted
24 that some repeat violators -- I have noted some of the
25 repeat violators' license number, and I'll keep them

1 for future use. Thank you.

2 CHAIRWOMAN QUINTANA: Thank you,
3 Mrs. Myers. Are there any questions for Mrs. Myers?
4 Commissioner Burke.

5 COMMISSIONER BURKE: You seem to have, I'll
6 say, two accusations. One was cars were held at the
7 gate so they weren't counted as outgoing traffic.

8 ELAINE MYERS: Yes.

9 COMMISSIONER BURKE: And the other is that
10 children were dropped off probably at the base of the
11 hill of Marchmont Drive there or --

12 ELAINE MYERS: Not at the base of the hill,
13 but I have been talking to people on the surround --
14 in the surrounding neighborhood. Oh, and also, I
15 for -- sorry, I forgot to bring up -- my memory is
16 gone today.

17 COMMISSIONER BURKE: Okay.

18 ELAINE MYERS: I had a handout passed out to
19 show that the -- the construction company is way off
20 on keeping to the 8:00 to 5:00 routine. They come
21 early and leave early, too.

22 COMMISSIONER BURKE: I guess my question to
23 you, though, is the two items you raised, how would
24 you ask the Town to monitor that?

25 ELAINE MYERS: I don't know.

1 COMMISSIONER BURKE: Okay.

2 ELAINE MYERS: I hope something can be done
3 about keeping to the 8:00 to 5:00 schedule for the
4 workers.

5 COMMISSIONER BURKE: Okay. No further
6 questions.

7 ELAINE MYERS: Okay.

8 CHAIRWOMAN QUINTANA: Thank you. Excuse me,
9 Mrs. Myers, there is a further question from
10 Commissioner Dubois.

11 COMMISSIONER DUBOIS: Mrs. Myers, I'm sorry
12 I have to call you back up here. On these violations
13 of the work hours, had you notified Town of these, or
14 is this the first notification?

15 ELAINE MYERS: That's the first notification.

16 COMMISSIONER DUBOIS: Okay. That F is --

17 ELAINE MYERS: Well, I didn't -- is listed
18 in that first item on April the 1st. I did call the
19 police, yes.

20 COMMISSIONER DUBOIS: Okay. Okay.
21 Secondly, in your meeting with the school that you
22 had, and I think you said in January, or December --

23 ELAINE MYERS: Yes.

24 COMMISSIONER DUBOIS: -- have subsequent
25 meetings been scheduled? Is there a plan for there to

1 be regular contact between the neighborhood and the
2 school to work on issues that are bothering both of
3 you?

4 ELAINE MYERS: No. But I can understand
5 that it's difficult to find time. Many people are
6 working. My husband is retired, and we could go
7 probably at any time, and we've always gone to the
8 Hillbrook meetings, but for people who are working --
9 and for the staff of Hillbrook, it's unfair for them
10 to work long hours and -- into the evening. I don't
11 know how it can be fixed.

12 COMMISSIONER DUBOIS: Okay. Thank you.

13 CHAIRWOMAN QUINTANA: Commissioner
14 Talesfore.

15 COMMISSIONER TALESFORE: Hi. I do have a
16 question of you. You said that seven neighbors went
17 to -- oh, excuse me, -- the first meeting. Now, are
18 you appointed, or is it just volunteer? Is this a --
19 I'm trying to get at is this an organized effort
20 between a neighborhood group and the school, or is it
21 just whoever shows up?

22 ELAINE MYERS: No, it isn't. Hillbrook has
23 a listing of all the residents, and they are the ones
24 that invite us to meetings. But we have no proof of
25 residents that meet at all.

1 CHAIRWOMAN QUINTANA: I have a question.
2 Have you contacted Hillbrook School about the list for
3 the construction that you handed us?

4 ELAINE MYERS: Well, they know about the
5 first one. I haven't.

6 CHAIRWOMAN QUINTANA: Thank you.

7 ELAINE MYERS: I don't think. Well, I did
8 call Judy Parks about the radios that they play
9 sometimes, but I haven't really --

10 CHAIRWOMAN QUINTANA: Thank you.

11 ELAINE MYERS: -- complained that much.

12 CHAIRWOMAN QUINTANA: Are there any -- thank
13 you, Mrs. Myers. Are there any other speakers from
14 the audience? Seeing none, I am going to close the
15 public testimony and turn this over to the Commission
16 for discussion.

17 Before doing that, I just would like to say
18 that my understanding is that this is a review, and
19 there's no formal action that the Planning Commission
20 will take, that, as the Staff Report indicates, the
21 Hillbrook School is in compliance with the conditions
22 of their permit as were monitored and is open for
23 discussion, and then I'll try a consensus motion.

24 After discussion from the Commission, I'll
25 try a consensus motion. Any discussion? Okay.

1 Commissioner Dubois.

2 COMMISSIONER DUBOIS: Do -- are we precluded
3 this evening from requesting another hearing in six
4 months?

5 MR. KORB: You're not precluded from asking
6 Staff to schedule another review. You can certainly
7 do that if you wish to, and Staff can address the
8 issue if Staff wishes to do so.

9 However, just to echo the statements made by
10 the Chair, you do know that this is a situation where
11 there is an existing use permit. A use permit is a
12 property entitlement. And we -- and there is no basis
13 today, no entitlement on the part of the Commission
14 and no proceeding for the Commission today to make any
15 kind of adjustment to the conditions, and there is a
16 specific procedure under our code for doing so, but
17 that requires evidence that there has been a clear
18 violation and -- and any kind of adjustment would have
19 to be measured to that violation. And, again, as the
20 Chair has noted, Staff Report, at least based on the
21 objective traffic studies, do not indicate a
22 violation.

23 We do note that there is a condition of
24 approval concerning construction hours that is always
25 a problem with larger projects. And Staff is on

1 notice, and I'm sure Staff will send inspectors out to
2 insure that the construction companies are meeting the
3 time requirements, and they may have to do so a number
4 of times, and Hillbrook School is on notice also that
5 they're responsible for insuring that their
6 construction contractors do meet the schedules, and
7 we'll do our best to make sure that that disruption to
8 the neighborhood is terminated.

9 CHAIRWOMAN QUINTANA: Commissioner Dubois.

10 COMMISSIONER DUBOIS: Well, I'm not inclined
11 to make a motion to modify Conditional Use Permit, but
12 there appears to be continuing evidence, and this
13 is -- you know, I've heard this twice I think now,
14 these problems. There appears to be continuing
15 evidence that we haven't completely solved the
16 problem.

17 And in the last meeting I did request that a
18 regular dialogue occur between the school and the
19 neighborhood so that we don't have to keep coming back
20 here to try and solve these problems. They should be
21 solved on a communications level.

22 I am concerned by the -- we're getting now
23 report from the police department, there are being
24 reports made, whether they've caught anybody speeding
25 out there or not, that's a police traffic issue out

1 there, but it may also be a traffic calming issue that
2 perhaps the neighborhood themselves needs to
3 initiate.

4 There's some evidence coming in tonight,
5 although albeit from the neighborhood itself, that we
6 have counts that may not necessarily be accurate, even
7 though are unannounced are showing them in
8 compliance. And that would kind of lead me to want to
9 see this again in six months just for another review
10 and strongly encourage the neighborhood again to
11 establish a regular dialogue, because I think that --
12 I think it's a shame that things like this
13 construction noise was not addressed when it started
14 first showing it. It should be dealt with right
15 away.

16 That traffic issues, obviously something
17 happened on February 5th, 'cause you've got three
18 traffic calls out there, and the police department was
19 out there, and I think we need to look at what is
20 going on out there. And I think we can start with
21 neighborhoods talking with Hillbrook. And perhaps it
22 may be even necessary for the neighborhood and
23 Hillbrook to meet with a representative of the Los
24 Gatos Police Department or from the traffic calming
25 person of the Planning Department to start looking at

1 what are the issues, the traffic issues that are
2 affecting this neighborhood.

3 So I'd really like to see it come back, if
4 we can at all possibly do that, and have the
5 neighborhood follow the recommendations I'm trying
6 to --

7 CHAIRWOMAN QUINTANA: Commissioner
8 Micciche.

9 COMMISSIONER MICCICHE: Let me just ask one
10 question. The statement is no additional reviews are
11 recommended based on the following, because they've
12 met the count and so forth. What would happen if
13 during on one of our testing periods they didn't meet
14 the count? What's the procedure for that?

15 MR. KORB: Well, generally, the procedure is
16 for Staff to notify the holder of the use permit that
17 they are in violation of the use permit and to give
18 them notice that they have to come into compliance,
19 and to schedule another unannounced count to see if
20 they're back into compliance. We don't usually pull
21 the trigger and execute anybody for, you know, one
22 violation. We, you know, like all reasonable
23 jurisdictions, try to bring people into compliance.
24 And that's what would happen in this situation as
25 well.

1 COMMISSIONER MICCICHE: It wouldn't
2 automatically come back to the Planning Commission --

3 MR. KORB: No. Well, there is -- there is
4 a condition of approval that I believe -- I think it's
5 a condition of approval, but I'm not certain, so I
6 don't want to misspeak, but I understand that Staff is
7 supposed to, if they find any, I guess, significant
8 violations of the use permit, to schedule revocation
9 hearings immediately.

10 So when we make a report, and this is one of
11 the reasons why I believe Staff is not recommending,
12 though of course we can have another review, but not
13 recommending it, and that is because if a violation
14 does occur in any of the reviews, the -- or, excuse
15 me, any of the studies, that will continue concerning
16 the traffic issues or, like I say, we meet with any
17 difficulty dealing with Hillbrook School regarding
18 construction noise in excess of the hours that are
19 allowed and that type of thing, then Staff is under an
20 obligation to automatically schedule a revocation
21 hearing, and Hillbrook doesn't want to go there, nor
22 do we.

23 CHAIRWOMAN QUINTANA: Commissioner Burke.

24 COMMISSIONER BURKE: Couple questions. It
25 seems like the noise violations are after hours.

1 They're either before 8:00, they're after 5:00,
2 they're on weekends. What can the neighbors do other
3 than call the police, or is that the standard
4 procedure --

5 MR. KORB: The standard proceed -- the
6 standard procedure for any off hour potential
7 violation of any code, whether it be grading, noise,
8 construction, et cetera, is to contact the police
9 department. The police department is knowledgeable
10 about what they are supposed to do. They will go out,
11 they'll check it.

12 As you can see, they do record their
13 visits. And if there is an issue that does involve
14 another department, they are to notify the other
15 department.

16 COMMISSIONER BURKE: Okay. 'Cause, you
17 know, I know when my neighbor jackhammers at 8:00
18 o'clock on Saturday morning, I'm reluctant to call the
19 police, 'cause I figure they have something more
20 important to do, but --

21 MR. KORB: Well, that's your choice.

22 COMMISSIONER BURKE: Well, right. I can
23 just see people have similar kinds, okay. Our traffic
24 counts are random. Do they involve the hoses across
25 the street where they're obvious that they're going

1 on, or unscheduled, not random?

2 MR. KORB: I can't answer that question.

3 MR. WILLIAMS: I think they're manual visual
4 counts.

5 COMMISSIONER BURKE: Manual visual counts?

6 MR. WILLIAMS: That's correct.

7 COMMISSIONER BURKE: Would it be possible,
8 I'm just curious, 'cause, you know, a couple comments
9 were made that, you know, cars were held at the gate,
10 could we count both ingoing and outgoing cars? I know
11 we only for the permit count outgoing. But I think if
12 we look at numbers and we see a bunch of cars, you
13 know, bunch up right before they're supposed to go
14 out, we might see that happening, or if it doesn't,
15 we'll see definitely it's not happening.

16 MR. KORB: Well, we -- I mean, we could
17 certainly count all sorts of things, but the -- you
18 know, the permit conditions do state what constitutes
19 a violation. And, you know, for instance, you know,
20 there may be a question of good faith on the part of
21 the school, if they're holding cars back and, you
22 know, that's just, you know, a suggestion by some of
23 the neighbors. But if they -- if those cars are not
24 counted during the time, they're not technically in
25 violation.

1 The -- the terms set in the conditions are
2 compromises. They're not perfect. I -- I note
3 Commissioner Dubois's statement about trying to
4 make -- you know, find a solution that makes everybody
5 happy, and the reality is in this process that will
6 never happen.

7 COMMISSIONER BURKE: I understand.

8 MR. KORB: And Commissioner Dubois is
9 absolutely correct that the way that that -- that we
10 get closer to happiness among all the parties was for
11 the parties to find that happiness amongst
12 themselves. We can only, you know, exercise
13 regulation within reasonable limits.

14 But within the confines of the conditions,
15 we do count, and if they're in violation of those
16 conditions, that's what we bring to your attention.

17 COMMISSIONER BURKE: But we could count
18 incoming and outgoing, but just not towards the
19 permit?

20 MR. KORB: Yeah. I'm not --

21 COMMISSIONER BURKE: (Inaudible.)

22 MR. KORB: I'm not say that we're going to
23 do that. That's something that Staff can take up.

24 COMMISSIONER BURKE: Okay.

25 MR. KORB: But that's something we can do,

1 but it's not going to provide any evidence of a
2 violation.

3 COMMISSIONER BURKE: I understand. And the
4 third thing is -- or the third question is does the
5 Town have any sort of photo radar apparatus if there
6 is a speeding issue on that street? I mean, even if
7 it was not to issue violations, but to issue warnings
8 or whatever, you know, a photo radar device.

9 MR. KORB: I don't know. I don't think we
10 do, but I don't know for certain. Imad is -- is
11 nodding his head that we do not.

12 COMMISSIONER BURKE: Thank you.

13 CHAIRWOMAN QUINTANA: Commissioner
14 Talesfore.

15 COMMISSIONER TALESFORE: I have a question
16 of Staff as well. Have you, or has anyone on the
17 Staff met with both groups together? I mean, is that
18 something that you would do, could do, can't do? It's
19 not feasible?

20 MR. KORB: Well, oftentimes when a -- a
21 major application is in the process of being
22 considered and there are issues of, you know,
23 importance to the neighborhood that affect the
24 processing of the application, there have -- I
25 shouldn't say oftentimes -- there have been times when

1 Staff has been allocated to help facilitate a
2 process.

3 I don't recall whether that was done with
4 regard to Hillbrook School. We certainly are not
5 doing it at this time, because this application has
6 long since acted on, and Staff, you know -- as you
7 know, in the Town is fairly lean and is allocated
8 according to the projects that we have to deal with
9 right now.

10 And as I said, I do believe I misspoke when
11 I said oftentimes. We have done it in the past, but I
12 don't think it's the norm.

13 MR. WILLIAMS: I would just add to that one
14 of the recommendations I'm hearing tonight is take a
15 look at traffic calming. That is a possibility that
16 through that process we would have dialogue with --
17 with both parties certainly in that effort as well,
18 so --

19 MR. KORB: And also, I may just suggest to
20 any member of the neighborhood that is interested in
21 discussing traffic calming, you may want to corner
22 Imad. That program is administered initially by the
23 Department of Parks and Public Works, and he can give
24 you information about how to go about getting that
25 program considered for this neighborhood.

1 CHAIRWOMAN QUINTANA: Commissioner Dubois.

2 COMMISSIONER DUBOIS: If I remember a
3 section in the vehicle code correctly, I think in
4 order to enforce radar, there would have to be a
5 survey conducted on streets every so often. Has -- is
6 that true in the Marchmont area, and has --

7 (End of Side A-I.)

8 (Beginning of Side B-I.)

9 MR. KORB: We're attempting to work with the
10 owners of the auto mall and, in fact, had successfully
11 done so. I believe that the ultimate concern that the
12 person had was the time it took for that to happen,

13 That person, in his frustration, complained
14 to the grand jury. And the grand jury did send
15 several of its members in to investigate how we go
16 about dealing with conditional -- conditions of use
17 permits and enforcing those conditions.

18 And what the grand jurors determined, and
19 what their report said, was that they didn't really
20 see any clear evidence that we weren't enforcing our
21 conditions, but they did have a concern about first,
22 whether we had a policy regarding how will we go about
23 enforcing those conditions when a complaint comes in.

24 In other words, how we intake the complaint
25 and how long, you know, what time periods are in which

1 we are to respond. And also some frustration in
2 trying to understand the -- the relationship between
3 the police department and the Community Development
4 Department, each of which has, as we've already
5 discussed here, its own role in responding to these
6 complaints.

7 Because a record may be taken in the police
8 department, that may not necessarily come back to the
9 Community Development Department and vice versa. And
10 so in terms of somebody coming in and saying I want to
11 see how many complaints you've received, that kind of
12 evidence was a little difficult to present to the
13 grand jurors, and so they wanted to see better
14 communications, and if possible, some modification of
15 our record keeping system.

16 The response, which was approved by the Town
17 Council and sent back to the presiding judge who's
18 responsible for the grand jury, was that we were -- we
19 certainly agreed that we should have a written
20 policy. One was adopted and was also approved by
21 Council and was forwarded to the presiding judge to
22 notify them that we had followed that ultimate
23 recommendation of the grand jury.

24 With regard to the communications issue, we
25 certainly agreed that the communications between the

1 two departments should be maintained at the highest
2 level possible. We didn't agree that we weren't doing
3 it, but we certainly agreed that it should be
4 maintained at that level.

5 With regard to record keeping, we said we
6 would look at the kind of record keeping that is done
7 in the police department and make modifications if
8 possible. But what the grand jurors did not know, and
9 what we ultimately reported to the grand jury, was
10 that the police department uses an off-the-shelf
11 software program which it uses to record everything
12 that it does, and that it's not a system that's easily
13 modified. And as a consequence, the cost and the kind
14 of confusion that would be ultimately associated with
15 modifying it didn't justify doing it. So we weren't
16 going to change it. And we reported that ultimately
17 to the grand jury as well.

18 There was never a case. There was never a
19 finding that we weren't complying -- or we weren't
20 requiring compliance with our conditions, and I
21 believe that we did everything that the grand jury
22 required of -- or at least recommended that we do, and
23 that we met the requirements of the law with regard to
24 reporting back to the presiding judge.

25 CHAIRWOMAN QUINTANA: Okay. I guess it's --

1 excuse me, Mr. Davis, you're out of order. I will add
2 my comments now.

3 While I sympathize with the neighborhood, I
4 feel that based on the objective evidence in the
5 Staff's Report at the current time, that Hillbrook is
6 in compliance with their CUP, and that when they are
7 not in compliance, based on the unannounced surveys of
8 the traffic, monitoring of the traffic into the school
9 or out of the school two times a year, it would be
10 brought back to us.

11 So I am not convinced that having a review
12 before the Planning Commission every six months is a
13 productive use of our time. However, at the same
14 time, I would urge that the neighbors take some
15 initiative with creating a dialogue with the school,
16 that -- there were several other things that I was
17 thinking of.

18 That when there are problems with the
19 construction, to notify the police and the Planning
20 Department.

21 And that in addition, I might suggest --
22 this is just my personal suggestion -- that the County
23 has a mediation service that, from my understanding,
24 is very successful in working out these kind of
25 problems that are long-term and between parties. And

1 I think it's a little bit easier to do that and come
2 to some understandings and compromises when there's a
3 third party involved who is not -- is not a
4 stakeholder on either side. So that's just a
5 suggestion from my part.

6 So what I'm going to do is to ask that the
7 Commission reach a consensus that we accept this
8 report and that the -- that Hillbrook School is in
9 compliance with their CUP, and then I'm -- I thought I
10 had taken notes on the comments that Commissioner
11 Dubois had made that sounded like good suggestions
12 that be followed up by planning and/or the neighbors.
13 Could you repeat those? They took notes on it? Could
14 you repeat them?

15 MR. WILLIAMS: Sure. One, it was monitoring
16 the construction activity. Two, it was the traffic
17 calming request that would need to come from the
18 neighbors to Parks and Public Works. And three is
19 look at the speed study so we could implement radar
20 enforcement.

21 CHAIRWOMAN QUINTANA: Okay. Commissioner
22 Dubois.

23 Excuse me. You're out of order. I'm sorry,
24 Commissioner -- were there comments from
25 Commissioners? Commissioner Talesfore.

1 COMMISSIONER TALESFORE: Well, within the
2 constraints of what we're working with here, I would
3 urge -- agree with Commissioner Dubois, but I would
4 also urge the school to take action as far as meeting
5 with neighbors. You both have to live in the same
6 neighborhood. It's extremely important that you both
7 be positive about working this out. These are the
8 figures that we have in front of us now, but things
9 can sometimes flip or change or whatever.

10 This is not a scientific -- this isn't a --
11 how do I say it? This isn't a definite number here at
12 any given time. But what's definite and what's
13 important in my mind is that you work it out
14 together.

15 CHAIRWOMAN QUINTANA: Commissioner Burke.

16 COMMISSIONER BURKE: I'm going to
17 respectfully disagree with the Chairman. I think that
18 this hour has been probably been very valuable. I
19 mean, this is a tough situation for the neighbors and
20 the school both.

21 And to just say we're going to have another
22 hearing if there's a violation I don't think is -- is
23 necessarily the right thing to do. I don't know if we
24 need one every six months, you know, maybe once a
25 year, maybe more towards maybe the middle of the

1 school year, like in April or March. But -- and not
2 necessarily every year, but I think we ought to have
3 at least one more and see how the progress is going
4 and maybe look at a few numbers and see how the
5 traffic calming issues come up from the standpoint
6 there are going to be other situations like this
7 throughout the Town. It think it's very valuable.

8 CHAIRWOMAN QUINTANA: Respectfully, in my
9 experience, the Hillbrook School has come before the
10 Planning Commission at least three or four times while
11 I've been on the Commission, and I didn't hear
12 anything new tonight. The issues are all the same.
13 They're existing. They're not within the scope of the
14 Conditional Use Permit, and like I said, while I feel
15 for the neighbors, I -- I will reiterate that there is
16 some responsibility on the part of the neighbors to
17 initiate themselves some of the solutions that can be
18 looked at through the traffic calming, through
19 reporting to the school when you find violations, et
20 cetera.

21 Commissioner Micciche.

22 COMMISSIONER MICCICHE: I'm going to agree
23 with the Chair, though. I'm going to agree that the
24 fact is I think there's an effort being made to do
25 carpooling. It's reported -- has to be reported to

1 the Planning Department on a periodic basis. They do
2 the reports. I'm not sure what we could add to it.

3 CHAIRWOMAN QUINTANA: Yeah, that's my
4 other -- my other concern is that we could have a
5 review every six months. We can find them in
6 compliance every six months, and we haven't changed
7 anything because we have to work within the boundaries
8 in the Conditional Use Permit.

9 So with that, before that, Commissioner
10 Dubois.

11 COMMISSIONER DUBOIS: Well, I'm going to be
12 one of the dissenters here because, as you've pointed
13 out, we haven't heard anything new, and that's what
14 bothers me is we keep hearing evidence coming in.
15 It's that there are violations in numbers, there are
16 violations of the Conditional Use Permit. It's not
17 the evidence that our Staff went out and gathered. It
18 was evidence coming from the neighborhood, but
19 nonetheless, it's not any less valuable than any
20 evidence that we've had presented before us.

21 I think that if we take no action, that this
22 will continue to exacerbate in this community. I
23 think that it's good to encourage dialogue to occur
24 between this neighborhood and this school. I think
25 that we should take a proactive approach with our --

1 from our Staff to try and solve real traffic problems,
2 real neighborhood problems and real problems they
3 believe are within the scope of this Conditional Use
4 Permit.

5 And so I disagree. I personally would like
6 to see this back in front of us in six months. I
7 personally would like to see us make a super effort to
8 try and solve this problem, and frankly, would
9 volunteer my time as not part of this Commission to
10 assist in doing that if I could. That's how strong I
11 feel about it.

12 CHAIRWOMAN QUINTANA: Okay. I guess a
13 consensus means everybody. Is that my understanding
14 what a consensus is? Am I wrong? So we don't have a
15 consensus. What do we do now?

16 MR. KORB: Well, this is not an action
17 item --

18 CHAIRWOMAN QUINTANA: Action item, so --

19 MR. KORB: -- so you're not required to take
20 any action whatsoever. If you do have a -- if you
21 can come to a consensus on whether to -- whether you
22 want -- if a majority of you want to have a follow-up
23 review, then it probably would be a good idea to tell
24 us, because otherwise there won't be one.

25 CHAIRWOMAN QUINTANA: Okay. So --

1 MR. KORB: So we need to know that.

2 CHAIRWOMAN QUINTANA: -- let's poll us on
3 whether we want to have a six month review or not.
4 Those who would like a six month review?

5 COMMISSIONER BURKE: Would we start with a
6 review and set a time frame, rather than necessarily
7 six months?

8 CHAIRWOMAN QUINTANA: Okay. That's a good
9 idea. A review. How many would like a review? Those
10 opposed? Well, that didn't solve anything. So given
11 that, I'm going to try something else.

12 I would suggest that we direct Staff to go
13 forward with the suggestions that have been made in
14 terms of what Staff can do, and ask the school and the
15 neighborhood to please try again and -- we will be
16 having more traffic counts in the next six months, in
17 a year and a year and a half, and if there is no
18 compliance, then the issue will be back to us.

19 Do we have agreement on that? That's a
20 consensus.

21 MR. KORB: Madam Chair, if I may, just -- I
22 need to just cover a couple more issues on that
23 question you asked me before.

24 The first one is I -- there was a -- we did
25 receive a letter from the -- it was the grand jury or

1 from the court reminding us with regard to the grand
2 jury report that we had not made a response, which we
3 were required to do within a period of time. And we
4 were required to do that. We were late. And we had
5 to get that in. We apologize to the court, and we did
6 get that response in. But again, the response was
7 consistent with what I told you.

8 And the second point is, I'm speaking from
9 memory, so my memory may be flawed on any one of these
10 points, but I think that was the essence of what
11 occurred as I recall it.

12 CHAIRWOMAN QUINTANA: Okay. With that, I
13 think we will now go on to Item 2.

14 MR. WILLIAMS: Commissioner --

15 CHAIRWOMAN QUINTANA: Excuse me?

16 MR. WILLIAMS: -- I just have one comment
17 here. What we can also do, if it would be helpful, is
18 provide the Commission with an item of interest that
19 indicates the results of the traffic count --

20 CHAIRWOMAN QUINTANA: Yeah.

21 MR. WILLIAMS: -- so you get the information
22 of what the traffic count numbers are every six
23 months --

24 CHAIRWOMAN QUINTANA: I think that's a very
25 good idea.

1 MR. WILLIAMS: -- and then we keep you
2 informed. We can do that.

3 CHAIRWOMAN QUINTANA: The second item on the
4 agenda is 111 Church Street, and this is a request for
5 a Conditional Use Permit to legalize a use that has
6 been on the site for 135 years. An Architectural and
7 Site Application permit for some minor architectural
8 modifications, which include five items; a bell tower,
9 a Tower of Jerusalem, which is a play structure and
10 also used to cover up proposed mechanical equipment, a
11 deck around, I believe, an oak tree, which would be
12 about 150 square feet, an elevator to make access
13 easier from the first and second floors, and roll-up
14 doors on the existing gymnasium.

15 COMMISSIONER TREVITHICK: Madam Chairman,
16 may I excuse myself from this?

17 CHAIRWOMAN QUINTANA: Yes, you may.

18 COMMISSIONER TREVITHICK: I live within that
19 area.

20 CHAIRWOMAN QUINTANA: Thank you. With that,
21 I will ask the applicant to please come forward.

22 LAURA FORBES: Madam Chair, Members of
23 Planning Commission, my name's Laura Worthington
24 Forbes. I am a representative of RBF Consulting, and
25 I'm here tonight representing Los Gatos United

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