

**MINUTES OF THE TOWN COUNCIL/SUCCESSOR AGENCY MEETING
MARCH 18, 2013**

The Town Council of the Town of Los Gatos conducted a Special Meeting in the Town Council Chambers on Monday, March 18, 2013 at 7:00 P.M.

STUDY SESSION – 5:30 P.M.

Discussion of code enforcement abatement for the Woodshed at Keith Holland Guitars (16905 Roberts Road)

Jennifer Savage, Associate Planner, presented the staff report.

Open the public hearing.

Mr. Olivet

- Expressed support for the Woodshed at Keith Holland Guitars.

Ms. Barnett

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Jacob

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Frost

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Metzger

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Thorvund

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. White

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. LaFrance

- Expressed support for the Woodshed at Keith Holland Guitars.

Study Session - Continued

Mr. Newlon

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Rola

- Expressed support for the Woodshed at Keith Holland Guitars.

Mr. Holland

- Expressed support for the Woodshed at Keith Holland Guitars.
- Based on Council's questions, affirmed that he could comply with the conditions related to classes and performances as stated in the staff report.

Closed the public hearing.

MOTION:

Motion by Council Member Diane McNutt to direct staff to abate code enforcement on this business and to allow the sales, services and performances that have been offered to the community with abatement to expire April 1, 2014. Performances must end by 10 p.m. with no more than 6 performances per month, no more than 80 attendees or no more attendees than parking provided and no alcoholic beverages allowed. Amplification is allowed so long as it is consistent with what operator described as currently happening. The motion also incorporates the following sections from page 3 of the staff report:

HOURS OF GROUP INSTRUCTION: Group instruction is permitted only when the retail and repair business is not operating to meet parking requirements.

NUMBER OF STUDENTS AND STAFF: The maximum number of students and staff allowed on site at any given time shall not exceed the limits based on available parking. The business is allotted 15 parking spaces. Required parking is one space for every three students plus one space for each staff member. An example of permitted student /staff participation is three staff members (three parking spaces) and 36 students (12 parking spaces). These limits must be calculated in conjunction with other uses, including facility use by community groups.

HOURS OF COMMUNITY GROUP USE: Use of the facilities for community groups is permitted only when the retail and repair business is not operating, to meet parking requirements.

Motion for Study Session - Continued

NUMBER OF COMMUNITY GROUP MEMBERS: The maximum number of community group members allowed on site at any given time shall not exceed the limits based on available parking. The business is allotted 15 parking spaces. Required parking shall be one space for every three group members. An example of permitted community group member participation is 45 participants (15 parking spaces). These limits must be calculated in conjunction with other uses, including group instruction.

Seconded by Council Member Marcia Jensen.

VOTE: **Motion passed unanimously.**

MEETING CALLED TO ORDER - 7:00 P.M.

ROLL CALL

Present: Mayor Barbara Spector, Vice Mayor Steven Leonardis, Council Member Marcia Jensen, Council Member Diane McNutt, and Council Member Joe Pirzynski.
Absent: None.

PLEDGE OF ALLEGIANCE

Isaac Li from Alta Vista Elementary School led the Pledge of Allegiance. The audience was invited to participate.

COUNCIL/TOWN MANAGER REPORTS

There was no Council Reports or Manager Reports for this meeting.

PRESENTATIONS

- Chief Kim Raney, Covina Police Department, President, California Police Chiefs Association thanked outgoing President, Chief Scott Seaman, Los Gatos/Monte Sereno Police Department, for his year of service and commented on some of Chief Seaman's accomplishments as President.
- Mayor Spector announced that the meeting would adjourn in memory of Peter Carter. The audience viewed a slide show of his photography.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Council minutes of March 4, 2013
2. Resolution approving and authorizing the adoption of California Fair Political Practices Commission Form 806 listing the agency's report of public official appointments
3. PPW Job No. 12-13 - Pavement Rehabilitation - Crack Seal Project 811-9903
Approve plans and specifications for pavement rehabilitation - crack seal project and authorize staff to advertise the project for bid

MOTION: **Motion by Council Member Marcia Jensen to approve Consent Items #1-3. Seconded by Council Member Joe Pirzynski.**

VOTE: **Motion passed unanimously.**

VERBAL COMMUNICATIONS

Mr. Grigsby

- Expressed concern about the speed of traffic on University Avenue.

Ms. Morrison-Keffer

- Expressed concern about the speed of traffic on University Avenue.

Mr. McAbee

- Expressed concern about the speed of traffic on University Avenue.

Ms. Jacobs

- Commented that staff contacted the speakers.

Ms. Robinson

- Expressed concern about the location of story poles on Albright project and presented a petition.

Ms. Carter

Thanked the Council and staff for the tribute to her late husband, Peter Carter.

OTHER BUSINESS

4. Hillbrook School Public Discussion Discuss neighborhood concerns and staff interpretation for Hillbrook School's existing conditional use permit

Jennifer Savage, Associate Planner, presented the staff report.

Council Questions

- Requested clarification about the impact of Council's direction tonight.
- Requested clarification about how did K-8 get defined outside of CUP.
- Requested clarification about Hillbrook School's CUP modification application.

Ms. Savage

- Commented that this meeting was for a review of staff's interpretation of Hillbrook School's conditional use permit (CUP)
- Commented that the CUP is not detailed so it is necessary to look to other documents from the public record
- Commented that some environmental review is expected to be completed in the fall.

Open the public hearing.

Ms. Ehrhardt

- Expressed concern about traffic near Hillbrook School.

Ms. Hammers

- Expressed support for Hillbrook School.

Ms. Anderson

- Expressed support for Hillbrook School.

Ms. Kennedy

- Expressed support for Hillbrook School.

Ms. Aguilera

- Expressed support for Hillbrook School.

Ms. Cardona

- Expressed support for Hillbrook School.

Ms. Andrea Moore

- Expressed support for Hillbrook School.

Item #4 - Continued

Mr. Dodson

- Expressed concern about the interpretation of Hillbrook School's CUP.

Ms. Vindasius

- Expressed concern about the interpretation of Hillbrook School's CUP.

Ms. Gretchen Moore

- Expressed concern about traffic near Hillbrook School.

Ms. Willey

- Expressed concern about traffic near Hillbrook School.

Mr. Khani

- Expressed concern about traffic near Hillbrook School.

Mr. Sordi

- Expressed concern about the interpretation of Hillbrook School's CUP.

Mr. Alberts

- Expressed concern about traffic near Hillbrook School.

Ms. Dal Cielo

- Expressed concern about traffic near Hillbrook School.

Ms. Wagner

- Expressed concern about traffic near Hillbrook School.

Ms. Dodson

- Expressed concern about traffic near Hillbrook School.

Mr. Prezo

- Expressed concern about traffic near Hillbrook School.

Mr. Taylor

- Expressed concern about traffic near Hillbrook School.

Mr. Beritzhoff

- Expressed concern about traffic near Hillbrook School.

Item #4 - Continued

Mr. Orkoff

- Expressed concern about traffic near Hillbrook School.

Mr. Driscoll

- Expressed concern about traffic near Hillbrook School.

Ms. Beritzhoff

- Expressed concern about the adult education programs at Hillbrook School.

Mr. Nissen

- Expressed concern about traffic near Hillbrook School.

Mr. Jamieson

- Expressed concern about traffic near Hillbrook School.

Ms. Regan

- Expressed concern about traffic near Hillbrook School.

Ms. Richards

- Expressed support for Hillbrook School.

Ms. Greene

- Expressed support for Hillbrook School.

Mr. Wood

- Expressed support for Hillbrook School.

Mr. McEvoy

- Expressed support for Hillbrook School.

Ms. Ball

- Expressed support for Hillbrook School.

Ms. Brown

- Expressed support for Hillbrook School.

Ms. Wilcox

- Expressed support for Hillbrook School.

Item #4 - Continued

Mr. Connelly

- Expressed support for Hillbrook School.

Mr. Fox

- Expressed support for Hillbrook School.

Ms. Herman

- Expressed support for Hillbrook School.

Ms. Meyers

- Expressed concern about traffic near Hillbrook School.

Ms. Edwards

- Expressed support for Hillbrook School.

Mr. Shea

- Expressed support for Hillbrook School.

Ms. Thorton

- Expressed support for Hillbrook School.

Ms. Rice

- Expressed support for Hillbrook School.

Ms. Milo

- Expressed support for Hillbrook School.

Ms. Patterson

- Expressed support for Hillbrook School.

Ms. Bodner

- Expressed concern about traffic near Hillbrook School.

Mr. Rossi

- Expressed support for Hillbrook School.

Ms. Kaur

- Expressed support for Hillbrook School.

Item #4 - Continued

Ms. Zafiropoulo

- Expressed support for Hillbrook School.

Ms. Elliott

- Expressed concern about traffic near Hillbrook School.

Ms. Decker

- Expressed concern about traffic near Hillbrook School.

Mr. Lokteff

- Expressed support for Hillbrook School.

Ms. Amber Shaw

- Expressed support for Hillbrook School.

Mr. Mulcahy

- Expressed support for Hillbrook School.

Ms. Yu

- Expressed support for Hillbrook School.

Mr. Bennett Shaw

- Expressed support for Hillbrook School.

Mr. Queiroz

- Expressed support for Hillbrook School.

Mr. Silver

- Expressed support for Hillbrook School.

Item #4 – Continued

Council Questions

- Questioned what is meant by "professional development" and why it cannot be held off-site.
- Requested clarification about the sports tournaments.
- Requested clarification regarding the Breakthrough program.
- Requested clarification regarding the school's efforts to reduce traffic.
- Questioned whether Hillbrook School coordinates transportation with other schools during the sports tournaments.
- Requested clarification about what weekend activities are allowed on campus.
- Requested clarification about student enrollment.
- Questioned whether a student who attends Hillbrook as a Breakthrough student during summer would be enrolled in Hillbrook School.

Mr. Silver

- Commented that professional development means many different things and there is an advantage to holding the sessions in an educational setting at the school.
- Commented that the tournament is an old tradition and is specifically mentioned in the CUP for Saturday campus use.
- Commented that Breakthrough Silicon Valley is an independent non-profit which partners with Hillbrook School to help students.
- Commented that students carpool, walk to school, and use busses.
- Commented that the school is engaged in the Safe Routes to School program and that an average of 92 students ride the bus each day.
- Commented that there was no coordination among schools during sports tournaments but this idea can be explored.
- Commented that during the school year there are 315 students enrolled, but this number differs during the summer.
- Commented that a basketball tournament, a volleyball tournament, and an open house are allowed in the CUP for weekend campus use.
- Commented that the Breakthrough students would be similar to those who attend any other summer program and would not necessarily be enrolled in Hillbrook.

Mayor Spector requested a recess at 10:03 p.m. The meeting resumed at 10:10 p.m.

Council Consensus

- Decided that there may be a maximum of 315 enrolled students.
- Decided that professional development should be provided for Hillbrook School faculty only and that conferences with outside people are not allowed on campus.
- Decided that no outside schools may visit the Hillbrook campus for sports tournaments.
- Decided that all students from Breakthrough Silicon Valley or any program must be within the 315 enrolled student maximum.

ADJOURNMENT

The meeting adjourned at 10:42 p.m. Prior to adjournment, Mayor Spector requested a moment of silence in honor of Peter Carter, longtime Los Gatos resident, member of Los Gatos/Monte Sereno Police Foundation Board of Director, Member of Los Gatos Music and Arts Committee, and Community Photographer.

Attest:

/s/Mazarin Vakharia, Clerk Administrator

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RESOLUTION 2001 - 48

ADOPT RESOLUTION 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.

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.

WHEREAS:

A. This matter came before Council for public hearing on April 16, 2001, on an appeal by Martin D. Dermer and Michael W. Taylor, appellants, from a decision of the Planning Commission and was regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report dated December 14, 2000, April 12, 2001, and April 13, 2001, the Addendum dated December 14, 2000 and December 15, 2000 and the Desk Item dated April 16, 2001, along with subsequent reports and materials prepared concerning this application.

C. The applicant is requesting Architecture and Site approval to demolish a 4,650 square foot building and to construct three one-story buildings connected by breeze ways totaling 6,986 square feet. The buildings will contain eight classrooms, a teacher's workroom, conference room, restrooms, two offices and a storage room. The applicant is also requesting approval of a

Conditional Use Permit for the Master Site Plan which includes the plan for demolition and reconstruction of the classrooms for the Architecture and Site Application.

D. Planning Commission considered this matter on April 12, 2000 and approved the applications subject to conditions. The decision of the Planning Commission was appealed. Town Council considered the appeal on June 5, 2000 and remanded the matter to the Planning Commission with directions that the plans and design be evaluated for traffic study and calming measures, enrollment limitations, and student activity scheduling.

E. Planning Commission reconsidered the matter on October 25, 2000 and approved the applications subject to conditions.

F. Appellants claim that the Planning Commission erred or abused its discretion and erroneously failed to consider traffic issues and that this was an issue or policy over which the Commission did not have discretion to modify or address, but which was vested in the Council for modification or decision. Appellant Dermer is concerned with traffic impacts on Marchmont Drive while appellant Taylor is concerned with the opening of the Ann Arbor gate and traffic impacts on Ann Arbor Drive.

G. Council finds as follows pursuant to Town Code section 29.20.300 that decision of the Planning Commission was correct, but that additional time was necessary to determine the efficacy of traffic volume control measures instituted by the applicant and to set appropriate numerical goals and other enforcement mechanisms as conditions of approval for the use permit and architecture and site approval.

RESOLVED:

1. The appeals of the decision of the Planning Commission on Project PRJ-99-062 and PRJ-99-063 are denied. Attached hereto as Exhibit A are Revised Conditions of Approval for Use

Permit PRJ-99-062, and as Exhibit B are Revised Conditions of Approval for Architecture and Site Approval PRJ-99-063.

2. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by State and Federal law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, on the 7TH day of May, 2001 by the following vote.

COUNCIL MEMBERS:

AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None

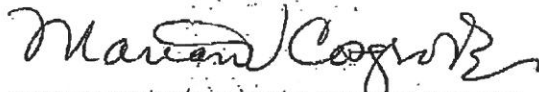
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

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. 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. 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. CARPOOLING. The Town accepts the voluntary offer of Hillbrook School to maintain and promote a carpooling program for their students. Hillbrook School shall submit to the Town, a written report summarizing the carpool participation. This report shall be submitted twice a year for the months of February and September.
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. The maximum number of nighttime activities is limited to ten per calendar year. All activities shall conclude by 9 P.M and all vehicles belonging to persons participating in these activities shall be off the school premises by 9:30 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 campus facilities 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 (Engineering Section)

12. TRAFFIC COUNTS. At the applicant's expense, the Town shall conduct traffic counts at the Marchmont Drive gate of Hillbrook School twice a year, during appropriate months chosen by staff.. The maximum number of vehicles leaving the school during each of the hours of 7:30 AM to 8:30 AM and and 2:30 PM to 3:45 PM shall not exceed 165 vehicles.

(Parks and Forestry Section)

13. 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.

RECEIVED

Letter of Justification for CUP Modification
Hillbrook School

CCT - 1 2012

TOWN OF LOS GATOS
PLANNING DIVISION

Purpose

Hillbrook School is seeking to fully enroll its campus as envisioned in the Master Site Plan previously approved by the Town. Hillbrook's existing facilities can accommodate the enrollment level sought. Hillbrook has been part of the Los Gatos community for over 75 years, and 46 percent of current students are Los Gatos residents. Each year we turn away qualified applicants, including many Los Gatos residents, due to increasing demand for our program. Through an iterative application process that has enabled the viewpoints of different stakeholders to be heard, the school has been able to create a proposal that allows the school to increase enrollment without adding any incremental traffic through the neighborhood. Hillbrook will adopt an aggressive Traffic Demand Management plan, parts of which the school has already proactively implemented. As a part of this modification, Hillbrook also seeks to clarify and add transparency to a number of existing conditions of its CUP in order to improve neighborhood relations.

Hillbrook seeks approval to:

- Increase our enrollment from 315 to 414 students (Condition #4);
- Modify peak period traffic from a maximum of 165 to an average of 165 per peak period each trimester (New Condition #11A);
- Increase peak period traffic times to two hours in the summer with traffic limited to an average of 165 per peak period (New Condition #11B);
- Increase transparency of traffic counts by having a third party report average daily count of peak period cars as opposed to a twice yearly traffic count (New Condition #11C);
- Make minor changes to current Conditions 1, 10 and 11 to clarify their intent.

Background

Founded more than 75 years ago, Hillbrook School offers an extraordinary educational experience that prepares students for school and for life. Originally known as The Children's County School, the school served as a boarding school for wards of the state throughout the 1930s and 1940s. In the early 1950s, the school evolved into an independent day school and then changed its name to the Hillbrook School in 1960. Since then, the school has evolved into one of the leading independent schools in the Bay Area.

During the past 10 years, the school campus has been rebuilt and modernized, retaining its historical look and feel while bringing the school facilities up to date. The program has also evolved and expanded, balancing rigorous academics with a focus on social emotional learning and service to the community. The school is a vital part of the Los Gatos community, not only serving many families who live in Los Gatos and surrounding communities but also through the service efforts of our students and families. In just the past year, for example, students have volunteered at Live Oak Adult Day Services, participated in a telethon for "The Venue," and hosted a number of special needs students from the local public schools.

EXHIBIT 1 4

History of the CUP

The original CUP was approved in the late 1980s by the Planning Commission when the school sought to build Founder's Hall (the gym). To address neighborhood concerns that the Hall might be used for weddings and similar activities, Hillbrook agreed to limit Founder's Hall usage to school activities. The school also agreed to build a new access road and gate off of Ann Arbor to provide emergency access to the Middle School side of campus, but to limit the Ann Arbor access to emergency vehicles and construction equipment. (Condition #2). The school also agreed to limit enrollment to 315 students. (Condition #4).

In the late 1990s the CUP was amended as part of the school's application to rebuild the campus. The school's facilities had become dilapidated and were not earthquake safe. The new CUP conditions addressed neighborhood concerns about traffic. The school agreed to adopt a voluntary carpool program, and also agreed to limit car counts to 165 cars leaving campus during the two high impact traffic windows 7:30 – 8:30 am and 2:30 – 3:45 pm. (Condition #12)

In 2001 Hillbrook received ASA approval of a master site plan to rebuild the facilities on campus (PRJ-99-063). That approved master plan allows a total of 55,715 square feet of buildings. Since obtaining that approval, Hillbrook has renovated, rebuilt or replaced most of the buildings on site. Currently, the building square footage on the campus is 52,683 (see attached data table). Hillbrook can accommodate the requested 414 student enrollment within the 55,715 square feet provided by the approved master plan.

Our Program & Campus Usage

The educational program integrates rigorous academics with strong arts, athletics, and service learning. The school day begins at 8 am for grades 1-8 and 8:15 am for JK/K. Dismissal times are staggered, with JK/K ending at 2:45 pm, 1-4 at 3 pm, and 5-8 at 3:15 pm.

The school also offers after school programs for students. After School Enrichment offerings include dance, Lego engineering, woodworking, Introductory Spanish for JK/K, and drama. We also have a full range of competitive sports programs for our Middle School students, including volleyball, flag football, cross country, basketball, and lacrosse. Our Extended Care program to support working parents runs until 6 pm.

During the day, the school holds regular meetings of the Board of Trustees and the Hillbrook School Parent Council, and periodically hosts parent education speakers. The school hosts a limited number of evening events, including Back to School Nights for both Lower School and Middle School, parent education programs, Hillbrook School Parent Council meetings, a winter holiday concert, and Family Fun Night (a beginning of year celebration which involves the entire school community).

Weekend use is limited to a girls volleyball tournament typically in October, a boys and girls basketball tournament typically in February and/or March and an admission Open House in November. In addition, faculty and administrators come on campus to complete work, and grounds maintenance services are provided.

During the summer, the school operates a summer program, which includes various opportunities for students from JK-8. Programs have included a soccer camp, Camp Acorn for children in grades JK-1, a drama camp, and a Spanish immersion camp. The school also works with Breakthrough Silicon Valley, a non-profit that serves under-resourced Middle School students, to provide a rigorous, college preparatory program for Middle School students.

The school also holds periodic professional development opportunities for teachers and school leaders throughout the year. For example, last year the school hosted several groups of teachers and administrators from both public and private schools interested in learning about the school's iPad program.

Our Efforts to be a Good Neighbor

As a school, we work hard to be good neighbors. We send regular updates about school activities and strive to keep open lines of communication.

The biggest impact the school has on the neighborhood is in the form of traffic. As a school, we have taken a number of steps to mitigate traffic. Our Traffic Demand Management plan includes:

- A strong and consistent message to our parents to carpool and to obey all traffic laws in the neighborhood
- The creation of a web-based resource for parents that facilitates the creation of carpools
- Two bus lines (one that travels down Hwy 9, one from Willow Glen/Rose Garden neighborhood – over 100 students participating) that minimize the number of cars coming to and from campus
- The placement of portable signs in the neighborhood reminding parents of the speed limit and the importance of slowing down
- The regular presence of school staff in the neighborhood
- Regular requests of the Los Gatos/Monte Sereno police department to place portable electronic speed signs in the neighborhood and to be a presence in the neighborhood
- To address the summer traffic concerns expressed by neighbors, we are proposing a new condition to our use permit to regulate that traffic.

As part of our pre-application process, we decided in consultation with the Town of Los Gatos that a traffic study would be beneficial to verify that our request to increase enrollment would be viable. TJKM, the traffic consultant commissioned by the Town, performed its initial site observations and traffic counts in May of 2011, and performed a follow-up observation in December of 2011. As part of its initial observations, TJKM recommended the school add an additional stacking lane (from four lanes to five) and additional pick up/drop off spots (from four to six) in order to improve the traffic flow on campus. The school made this change in August 2011, and the impact has been extremely positive with traffic easily contained within the school site. Following our original submission in February, we hired Nelson\Nygaard, an internationally known traffic consulting firm, to help us craft a more aggressive Traffic Demand Management Plan. That new plan, which was completed in September 2012, includes changes to our shuttle system to increase ridership which we have already implemented.

Proposal

- **Increase Enrollment To Improve Quality of Educational Program**

Current Condition #4: ENROLLMENT. *The enrollment shall be limited to 315 students.*

Proposed Revised Condition #4: ENROLLMENT. *The enrollment shall be limited to 414 students.*

Explanation:

The school's current enrollment cap of 315 was set back in the late 1980s. At the time, the school was structured differently, with a pre-school program of 45-50 children and a JK-8 program that hovered around 250 students. In the late 1990s, the school dissolved its pre-school program and moved to a structure with two classes (or sections) at each grade level. The school had increasing demand for its JK-8 and wanted to begin to even out the enrollment at each grade level within the constraints of the CUP.

Today, the school is seeking to increase the enrollment to 414 for two reasons. First, we hope to complete the process of evening out our classes begun in the late 1990s (see attached chart). By increasing our enrollment, we can have consistent enrollment (2 classes of 20 students) in our lower grades.

In addition, increasing our enrollment will enable us to achieve a signature piece of Vision 2015 – the school's strategic plan – allowing us to strengthen our Middle School by providing more academic flexibility, enhancing our co-curricular offerings (dance, music, athletics, robotics), broadening social opportunities, and bringing in new students and families who will add an exciting energy to our community. To accomplish this goal, we need to increase our Middle School enrollment from two classes to three classes. (see attached chart)

- **Replace Condition #12 with Condition #11A, B and C**

Current Condition #12: TRAFFIC COUNTS. *At the applicant's expense, the Town shall conduct traffic counts at the Marchmont Drive gate of Hillbrook School twice a year, during appropriate months chosen by staff. The maximum number of vehicles leaving the school during each of the hours of 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:45 P.M. shall not exceed 165 vehicles.*

Proposed Revised Condition #11.A: SCHOOL YEAR TRAFFIC COUNTS. *During the school year, the maximum number of vehicles leaving the campus during each of the periods of 7:30 A.M. to 8:30 A.M. and 2:30 P.M. to 3:45 P.M. shall not exceed an average of 165 vehicles per period each trimester. A permanent traffic counting device shall be installed and maintained by Hillbrook School to measure exiting traffic during these periods, with the records of traffic counts preserved electronically. Reports of the traffic leaving the campus during these periods shall be provided by Hillbrook School to the Town promptly after the end of each trimester.*

Explanation:

Based on the analysis of Nelson\Nygaard, Hillbrook would recommend that the condition be modified slightly to read an average of 165 cars. We believe we can continue to operate within our current condition, but would recommend a shift to an average in conjunction with the installation of a permanent counting device. Hillbrook's transit service, staggered schedule, and efforts to promote carpooling have been extremely successful: As reflected in the Town traffic study (dated December 2011), our community typically generates an average of 135 vehicle exits during the peak periods. We recognize that to determine average exiting traffic, a permanent traffic counting mechanism would be necessary. Hillbrook is prepared to provide that system and has included the requirement in the proposed revised language of the condition (see #11C).

Additionally, for the reasons described in the next section, we are proposing that Condition #11A be limited to school year traffic, and that a new condition #11B be added to address summer campus traffic.

- **Clarify the Traffic Requirements Associated with Summer Use of Hillbrook's Campus**

Proposed New Condition #11B: SUMMER TRAFFIC COUNTS. *During the period between the end of one school year and the beginning of the next school year, the maximum number of vehicles leaving the campus during each of the periods of 7:30 A.M. to 9:30 A.M. and 2:30 P.M. to 4:30 P.M. shall not exceed an average of 165 vehicles during either period. A permanent traffic counting device shall be installed and maintained by Hillbrook School to measure exiting traffic during these periods, with the records of traffic counts preserved electronically. Reports of the traffic leaving the campus during these periods shall be provided by Hillbrook School to the Town promptly after the beginning of the new school year.*

Explanation:

As described above, Hillbrook has historically provided summer programming that compliments its educational focus during the school year. For the summer of 2010, we created new programs, including partnering with "Steve & Kate's" to jointly operate a camp and extended care program with a flexible drop-off and pick-up schedule. As the summer progressed, the programs grew in popularity, and with it, additional traffic throughout the day, until both well exceeded what was experienced in prior summers.

This became a source of confusion within the neighborhood, as the Hillbrook traffic was not following the school-year pattern due to the open drop-off and pick-up times and with day to day drop-in services. We believe it would be prudent to add a condition to the CUP to specifically address summer traffic, to more accurately reflect typical summer drop-off and pick-up times, which tend to occur over a slightly longer period than during the school year. We believe this condition will benefit the neighborhood by assuring that summer traffic during peak periods will be less concentrated than during the school year.

Proposed New Condition #11C: TRAFFIC COUNTING DEVICE: *A permanent traffic counting device shall be installed and maintained by the applicant to measure exiting traffic during*

the periods described in Conditions 11A and 11B, with the records of traffic counts preserved electronically and promptly posted to the applicant's website to be accessible to Town officials and the general public.

Explanation:

The permanent traffic counting device would provide a transparent and convenient way for the school, the Town of Los Gatos and the general public to monitor Hillbrook's daily traffic counts.

Proposed New Condition #11D: TRANSPORTATION DEMAND MANAGEMENT PLAN: *The applicant shall take all necessary measures to ensure that the traffic counts describe in Conditions 11A and 11B are not exceeded, including utilizing as needed measures such as carpooling, shuttles, off-site "kiss-and-ride" programs, speed signs and the use of a traffic coordinator, all as described in the Transportation Demand Management Plan prepared by Nelson Nygaard and dated September 14, 2012. The applicant shall submit to the Town, a written report summarizing its traffic management measures twice a year for the months of February and September.*

- **Make Minor Changes to Other Permit Conditions to Clarify Them**

We believe that three of the Permit conditions would benefit from rewording to clarify their intent, without changing that intent. Those conditions are discussed in this section.

Current Condition #1: EXPIRATION. *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 not further time limits to for the Master site Plan.*

Proposed Revised Condition #1: EXPIRATION. *Vesting for the Master Site Plan pursuant to Architecture and Site Application PRJ-99-063 has occurred and substantial work has been completed. Accordingly, there are no further time limits applicable to the Master Site Plan.*

Explanation:

When this condition was written, the Master Site Plan had not vested. It has vested now, and so the condition should be modified to reflect that.

Current Condition #10: LEASE/RENTALS. *No lease or rental of the campus facilities shall be permitted to third parties.*

Proposed Revised Condition #9: LEASE/RENTALS. *No lease or rental of the campus facilities shall be permitted to third parties, except for third party providers of educational programs consistent with Hillbrook's philosophy and mission.*

Explanation:

Last summer, questions were raised about the school's partnerships with several organizations, including Steve & Kate's, and whether these partnerships violated Condition #10. The condition as originally conceived and imposed was intended to preclude Hillbrook from hosting weddings and

other social gatherings that were unrelated to Hillbrook's educational purpose. As a school, we do not believe that our current usage violates this condition, but we are amenable to clarifying this condition in order to eliminate future confusion.

Current Condition #11: *SIX MONTH REVIEW. This application shall be reconsidered by the Planning Commission six months from the date of approval.*

Proposed Revised Condition #11: *Intentionally deleted.*

Explanation:

As this condition related to the previous amendment to the CUP and has been satisfied, it serves no continuing purpose and should be deleted.

Application Process

On May 9, 2011, the school held an open meeting for the greater Marchmont neighborhood to share our plans for improving our Middle School. One week earlier we provided notice of the meeting to everyone within 300 feet of the school as well as all of the neighbors along the full extension of Marchmont (from the school to Englewood). Sixteen people attended the meeting. We placed details about our plan on our website in order to allow all interested members of the community to learn more about our vision.

In mid-May of 2011, as part of our quarterly neighborhood newsletter, we included an invitation to all neighbors to meet with the school to share their thoughts about the proposed plans. As a result of that outreach we had three meetings with interested neighbors as well as one phone conversation.

As a part of our pre-application process, the Town of Los Gatos commissioned a traffic study. TJKM, the traffic consultant commissioned by the Town, performed its initial site observations and traffic counts in May of 2011, and performed a follow-up observation of the reconfigured stacking lanes in December 2011. The final traffic study issued by TJKM concludes that the increase in enrollment and increase in peak period exits sought by Hillbrook will not result in significant traffic impacts to the local streets. Following receipt of the study, we prepared our formal application to modify the CUP.

As part of our neighborhood outreach in May of 2011, we committed to hosting a meeting to review our CUP modification application before submission to the town. We held that neighborhood meeting on January 18, 2012, to share our plans and to receive feedback. Two weeks prior to the meeting we again noticed everyone with 300 feet of the school as well as all neighbors along Marchmont. 51 people signed in at the meeting. During the meeting, we heard concerns about the impact of traffic in the neighborhood as well as concerns about our summer usage. Since the meeting, we have had additional communication with interested neighbors and remain open to working with neighbors to find ways to address their concerns.

Revised and Submitted September 20, 2012

See our two Responses to the Town of Los Gatos dated July 26, 2012 and September 20, 2012 for additional information about our neighborhood outreach following the original submission in January.

Conclusion

As part of our effort to create the strongest educational program possible and to best serve the community, we are asking to have our CUP modified to increase our enrollment from 315 to 414 students, to change our peak period exiting vehicle limitation to an average of 165 per peak period each trimester, to add a condition regulating summer traffic associated with Hillbrook's campus, and to make the other minor changes to three existing permit conditions described above.

Sincerely,

Mark Silver
Head of School
Hillbrook School

	Grade	Max Class Size	Sections
JK	12	12	1
K	40	13	3
1	40	20	2
2	40	20	2
3	40	20	2
4	40	20	2
5	40	20	2
6	54	18	3
7	54	18	3
8	54	18	3
Totals	414		

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HILLBROOK
SCHOOL

RECEIVED

July 16, 2014

Jennifer Savage, Associate Planner
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

JUL 16 2014
TOWN OF LOS GATOS
PLANNING DIVISION

RE: Hillbrook School Conditional Use Permit Modification Request

Dear Ms. Savage:

On behalf of the Board of Trustees of the Hillbrook School ("Hillbrook"), we submit to you this revised request for modifications to our existing Conditional Use Permit ("CUP"). In September 2012, we submitted a Letter of Justification in support of our request for the approval of an enrollment increase from 315 students to 414 students ("Project"). Since that time, our application has been the subject of an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act ("CEQA"), and we have conducted extensive outreach with the neighborhood to better understand their concerns. We are very pleased with the EIR's conclusion that our Project will have no significant environmental impacts. Nevertheless, we have refined our proposed conditions of approval to directly respond to our neighbors' concerns.

I. **Proposal Overview**

The following briefly sets forth these refinements to the Hillbrook proposal, which are reflected in the conditions of approval attached hereto.

A. **Enrollment**

- Increase enrollment from 315 to 414 students;

B. **Trip Caps**

- Modify peak period traffic from a maximum of 165 outbound vehicles to an average of 150 outbound vehicles for the AM and PM peak periods;
- Establish an average daily traffic ("ADT") maximum of 960 vehicles during the school year (derived in collaboration with Town of Los Gatos staff from a blend of ITE trip generation rates for private K-8 and K-12 schools);

- Establish an ADT maximum of 480 vehicles during the Summer (June to August);

C. Enforceability

- Provide for independent, third party verification of traffic count averages over the course of three, defined monitoring periods: First Term (Fall/Winter), Second Term (Winter/Spring), and Summer Term;
- Establish penalty system for non-compliance;
- Direct penalty monies toward neighborhood traffic/pedestrian improvements, as determined by the Neighborhood Committee in coordination with Town staff;

D. Transportation Demand Management ("TDM")

- Implement mandatory Final TDM program with a bi-annual reporting requirement to the Town;
- Require mandatory commitment from Hillbrook parents to TDM (i.e. carpools or shuttles) memorialized as part of the school's enrollment process. Parental commitments will be monitored by the Traffic Coordinator with a reporting requirement to the Neighborhood Committee;

E. Neighbors

- Restrict Hillbrook parking on neighborhood streets;
- Submit list of annual events to neighbors at beginning of each school year;
- Form Neighborhood Committee comprised of Traffic Coordinator, school administrators, Board members, and neighborhood representatives that will meet quarterly;
- Host annual neighborhood meeting;
- Restrict commercial traffic prior to 7 a.m. daily;
- Post daily trip data on Hillbrook website (with recognition that such posting shall not be used to determine compliance);
- Provide crossing guard at Marchmont/Hilow intersection and continue to participate in Safe Routes to School program (or other equivalent community safety effort);

F. Campus Activity and Uses

- No additional evening/weekend events beyond the 10 specified in the conditions of approval;
- Keep campus closed on weekends with the exception of the existing two carve-outs for the open house events and tournaments;
- Commit to no evening events in the Summer.

II. Neighborhood Outreach

As a school community, we strive to be good neighbors. We proactively have engaged our neighbors in open dialogue even before we filed our request to modify our CUP in 2012. Over the years, we have held several large meetings with interested neighbors to discuss Hillbrook's proposal, as well as concerns about traffic. We also have engaged in many smaller meetings and maintain frequent contact with certain neighbors in an effort to be responsive to concerns. During the Fall of 2013, when the EIR was in the midst of being prepared, Hillbrook redoubled its efforts and launched an ambitious neighborhood outreach program with the goal of reaching out to as many people as possible to listen to their concerns and to emphasize our commitment to being a good neighbor. The following is a list of these meetings:

- October 28, 2013: Longmeadow Neighbors
- November 6, 2013: Topping Neighbors
- November 14, 2013: Englewood Neighbors
- November 17, 2013: Ann Arbor Neighbors
- November 21, 2013: Hilow Neighbors
- December 2, 2013: Lower Marchmont Neighbors
- December 4, 2013: Cardinal Lane Neighbors
- December 9, 2013: Upper Marchmont Neighbors

We also held a neighborhood-wide meeting on May 27, 2014 to re-engage with the community to present the refinements to our proposal that are described above. The meeting was well attended and we found that a large number of our neighbors appreciated the changes to our proposal and have responded favorably to the ADT maximums, the enforcement protocols, and the mandatory nature of the TDM program. As you can imagine, not all of our neighbors are satisfied with our proposed changes. We do believe that we have made a sincere, meaningful effort to address their concerns. We will remain fully engaged with our neighbors going forward as proposed in our application.

In closing, we hope that this description of our refined proposal assists the Town's planning staff as you prepare for the upcoming Planning Commission public hearing. As always, we are available to help with any questions or concerns. We look forward to moving this application forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Silver".

Mark Silver
Head of School

Attachment

Hillbrook School

Proposed Conditions of Approval

1. Approval. This use permit shall be applied and administered in accordance with all conditions of approval listed below and in substantial compliance with the applicant's letter dated XX, XX (attached as Exhibit A) and other applicant documents described below. Any changes or modifications to the approved use, beyond the allowable 5.4% of square feet remaining from the master site plan approval in 2001 (PRJ-99-063) shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. Use. The approved use is a junior kindergarten (JK) through eighth grade private school, including but not limited to all activities associated with typical operations of a JK through 8th grade private school, such as after class and after school programs involving sports, drama, and other student activities, festivals, dances, and similar activities for the student population, as well as educational opportunities for parents of current students, which are open to other interested parents, and educational opportunities for current faculty, which are open to other faculty, all subject to the limitations set forth within these conditions of approval.
3. 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 the Architecture and Site application.
4. Parking. There shall be no Hillbrook-related parking on upper or lower Marchmont Drive, its adjacent courts, Hilow Road, Stonybrook Road, Englewood Avenue, Robin Way, Cardinal Lane, or Topping Way. There shall be no picking up or dropping off of students on the above-named streets.
5. Enrollment. The enrollment (i.e. the number of students who have been granted admission to attend any program on the campus) shall be limited to 414 at any time during the regular school session and 414 at any time during any portion of the year when the regular school session is not occurring. The applicant shall submit a copy of the student enrollment roster to the Town's Planning division for verification. The roster shall be submitted annually two months from the first day of the school year.
6. Employees. The after school maximum number of employees on site during the activities in the gymnasium which draws an audience shall not exceed 12.

7. Hours of Operation.

A. Daytime Weekday Hours. Daytime, weekday hours begin at approximately 7:30 A.M. when the students start to arrive for class and end at 6:00 PM, when the last of the programs for students [continuously] on campus concludes.

B. Nighttime Hours. Nighttime activities are those activities which commence at or after 6:00 P.M., or prior, and extend beyond 7:00 P.M. All nighttime activities shall conclude by 9:00 P.M. and all vehicles belonging to persons participating in these activities shall be off school premises by 9:30 P.M. The maximum number of nighttime activities is limited to ten per calendar year. No nighttime activities (after 6:00 P.M.) shall be allowed during the Summer Term (as defined below).

C. 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 between Hillbrook School and other schools only.

8. Neighborhood Coordination. As part of the Hillbrook School's ongoing coordination efforts with its neighbors, a schedule of special events shall be provided to the neighborhood at the beginning of every school year. In addition to on-going and continual neighborhood outreach, the applicant shall conduct an annual neighborhood meeting to engage the surrounding neighborhood in discussions related to the operation of the school site and any concerns the area residents may have. Notification of the neighborhood meeting shall include notices mailed to owners and occupants on upper or lower Marchmont Drive, its adjacent courts, Hilow Road, Stonybrook Road, Englewood Avenue, Robin Way, Cardinal Lane, and Topping Way. Any resident wishing to receive notifications by mail and/or email can submit a written request to the Hillbrook School Traffic Coordinator.

9. Neighborhood Committee. Hillbrook School shall establish a Neighborhood Committee comprised of two Hillbrook School Trustees, the Head of School, the Traffic Coordinator and four representatives from the neighborhood. The Neighborhood Committee shall meet quarterly to discuss issues of concern and maintain meeting minutes for the public or the Town's review.

10. 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.

11. Music. Music from live bands shall not be amplified. One amplified DJ event is permitted per year.

12. Lease/Rentals. No lease or rental of the campus facilities shall be permitted to third parties, except for third party providers of educational programs consistent with the

Hillbrook School's philosophy and mission and in strict accordance with the Traffic Conditions set forth in Section 14 herein.

13. Compliance Review. After the first enrollment cycle of increased enrollment, a compliance hearing shall be held by the Planning Commission to review Hillbrook's compliance with the provisions of this permit.

14. Traffic Conditions.

(A). School Year Traffic Counts. During the school year, the maximum number of vehicles leaving the campus during each of the periods of 7:30 AM to 8:30 AM and 2:30 PM to 3:45 PM shall not exceed an average of 150 outbound vehicles per peak period.

(B). Average Daily Traffic ("ADT") Count. The maximum number of vehicles entering and leaving the campus on a daily basis shall not exceed an average of 960 vehicles for each semester term (i.e. "First Term" (Fall/Winter) and "Second Term" (Winter/Spring)).

(C). Summer ADT Count. During the period between the end of one school year and the beginning of the next school year ("Summer Term,") the maximum number of vehicles entering and leaving the campus on a daily basis shall not exceed an average of 480.

(D). Trip Cap Definition. The Trip Cap shall be defined collectively by the AM and PM peak period counts and daily counts established in Sections 14(A-C) herein for the First Term, Second Term, and Summer Term.

(E). Traffic Counting Device. A permanent traffic counting device shall be installed and maintained by the applicant to measure traffic during the AM and PM peak periods, as well as daily trips, with the records of traffic counts preserved electronically. These records of traffic counts shall be posted daily on the Hillbrook website, but in no event shall this traffic data be used to determine Trip Cap compliance.

(F). Transportation Demand Management ("TDM") Plan. The applicant shall take all necessary measures to ensure that the Trip Cap is not exceeded, including utilizing measures such as carpooling, shuttles, off-site "kiss and ride" programs, and speed signs, as described in the Final Transportation Demand Management Plan attached to the Draft Environmental Impact Report as Appendix D. The applicant shall submit to the Town a written report summarizing its TDM measures twice a year at the end of the First Term and the end of the Second Term.

(G). Traffic Coordinator. The applicant shall designate and provide a traffic coordinator, whose responsibilities shall include overseeing traffic operations and facilitating outreach with the public, employees, and parents. The Traffic Coordinator shall establish a working group of staff, trustees, and parents to discuss and address neighborhood issues on an ongoing basis. Annually, the Traffic Coordinator shall inform parents of designated routes of travel to and from the Hillbrook campus, as well as promote the elements of the TDM program.

(H). Monitoring Protocol. To monitor compliance with the Trip Cap, traffic data shall be collected from the sensors installed by Sensys Networks at the Hillbrook School three times a year, in December, May and August, which shall reflect the counts for the First Term, Second Term, and Summer Term, respectively. This data shall be provided to an independent, third-party vendor for analysis of the applicant's compliance with the Trip Cap. The resulting traffic count shall be the average of the counts collected over the course of each of the three school terms. This average shall avoid days immediately before or after holidays, minimum days, and days with inclement weather conditions. The analysis also shall take into account a reliability factor for the margin of error inherent in the vehicle counting sensors, as well as any operational or mechanical issues that arise. The applicant shall be responsible for paying all costs related to this monitoring protocol.

(I). Special Nighttime Event Exclusions. To account for special nighttime events occurring after 6:00 PM, Hillbrook School may have up to 10 special nighttime event exclusions per year or 10 days on which the ADT trip limitation is exceeded, but not considered a violation. These special nighttime events do not represent typical operations of the Hillbrook School and shall be defined as an evening activity that is not typical of the normal operations of the Hillbrook School and will likely involve more than Hillbrook School families and employees.

(J). Penalty. If the averaging of the traffic count data shows that any variation of the traffic volumes (AM, PM, or ADT) exceeds the Trip Cap, the applicant shall pay a penalty of \$1000 per excess trip (adjusted annually starting in 2015 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area). Penalties shall escalate by \$5,000 per excess trip for each subsequent monitoring period the Trip Cap is exceeded and shall increase to \$10,000 per excess trip if the applicant is out of compliance for three consecutive monitoring periods. If a subsequent monitoring period confirms that the applicant is in compliance with the Trip Cap, no penalty shall apply and the penalty shall revert to the base level of \$1000. Any penalty monies shall be used toward neighborhood traffic/pedestrian improvements as determined by the Neighborhood Committee in coordination with Town staff.

15. Commercial Traffic. No commercial traffic shall be permitted into or out of the Hillbrook gate before 7:00 A.M. on weekdays or weekends.

16. Building Footprints. The footprints of future buildings may be required to be modified during Architecture and Site approval process to reduce tree impacts.

17. Indemnity. Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.