

Jennifer Savage

From: Jane Dodge <janecarmel@yahoo.com>
Sent: Monday, August 11, 2014 3:27 PM
To: Jennifer Savage
Subject: Fw: Update on CUP Application

Los Gatos Planning Commissioners
% Town of Los Gatos Planning Staff
Attention: Jennifer Savage
110 E. Main Street
Los Gatos, CA 95030

Dear Commissioners:

We are writing in support of changing Hillbrook School's Conditional Use Permit. Hillbrook is a gem of a school, a school we are proud to have in the South Bay. Los Gatos offers a remarkable range of educational options, all extraordinary, from the excellent public schools to spiritual-based schools such as St. Mary's and Yavneh Day and the independent Hillbrook School on Marchmont Avenue. After over 75 years providing a unique program, it's time for Hillbrook to balance its middle school classes with its lower school. Adding 99 students to our current roster would give the school the balance it needs to stay as competitive as it is.

We request the Los Gatos Planning committee work with Hillbrook to find a way to let the school increase its enrollment that works for the town. The parents are dedicated to keeping neighborhood traffic to a minimum. We wouldn't support the school's expansion unless we were confident it wouldn't negatively affect the nature of the school or the neighborhood we so appreciate. Please vote to keep all of Los Gatos schools able to provide their best educational experience possible.

Sincerely,

Jane and Michael Dodge

EXHIBIT 17

Jennifer Savage

From: Paula Bowen <belucky@hotmail.co.uk>
Sent: Tuesday, August 12, 2014 3:00 AM
To: Jennifer Savage
Subject: HILLBROOK SCHOOL CUP APPLICATION

**H28 Aventino
200 Winchester Circle
Los Gatos 95032**

12th August, 2014

Dear Sir/Madam

Ref: Hillbrook School CUP Application

We are writing with reference to the above application by Hillbrook School. We feel the increased enrollment is vital not only to the school but the community as a whole. Being new residents we have just been through the process of finding a school with varied and strong educational choices.

We found many of the public school to be overcrowded and allowing Hillbrook to maximize its existing classrooms will take a lot of the strain. They have a lot of unused space due to the enrolment cap.

We have been impressed by the School's regard to local residents concerns regarding transport and the School has a mandatory transportation program that requires all parent participation from carpooling, shuttling, buses, walking and cycling all year round, not just term time. We feel they make the effort to go above and beyond with the all day traffic count, reducing the peak period traffic flow and the summer car count. It was one of the many things that endeared us to the school was their commitment to work alongside the local community.

The school supports children from all over the community and the increase would allow a more varied curriculum and student intake, which will create a stronger middle school giving families and students further education options.

If you would like to talk to us further on any of the above please email us at belucky@hotmail.co.uk or sbowen@pushtechology.com . We thank you in advance for your time with the above request.

Yours sincerely
Sean & Paula Bowen

Jennifer Savage

From: Nancy H. Paduano <nancy@aboundingharvest.com>
Sent: Tuesday, August 19, 2014 4:47 PM
To: Jennifer Savage
Subject: Mountain Residents Support Hillbrook Expansion

To: Dick Sparrer, Editor, Los Gatos Weekly Times Letter to the Editor
cc: Chair Smith and Town of Los Gatos Planning Commission Members

We are writing this letter in support of Hillbrook School's expansion effort. As mountain residents who reside in Los Gatos (95033), we appreciate having an independent school available to our children that embodies our values. Since we enrolled at Hillbrook, the school administration has constantly and consistently focused on reducing traffic and improving safety in the surrounding neighborhoods. Being good neighbors is the first message given to every family who joins the Hillbrook community. The school encourages carpooling, buses, shuttles, walking and biking. Drivers are asked to slow down by road signs posted throughout the neighborhood and by staff members, who are stationed at intersections during peak hours. Hillbrook should be commended for their success in reducing the school's traffic and environmental impact, and for their stated commitment to this goal going forward.

Hillbrook, established in 1935, has been a part of the Los Gatos community for the past 78 years and has a historical legacy. We believe that the neighborhood, which grew up around the school, should be tolerant and accepting of an institution that offers a uniquely positive education to children. The campus is large enough to provide parking and adequate resources to support additional students. Hillbrook School not only benefits the immediate neighborhood, but all of Los Gatos zip codes, including mountain families looking for an alternative to public schools.

Daniel & Nancy Paduano
831-621-6206

Re: Hillbrook
cc: LAUREL PREVETTI
JENNIFER SAUAGE

August 15, 2014

RECEIVED

AUG 25 2014

Mr. Steven Leonardis, Mayor of Los Gatos

Dear Mayor Leonardis,

MAYOR &
TOWN COUNCIL

As a long time resident and retired public school teacher and administrator, I know, value and support both public and private education. As a resident of Los Gatos, I also value quality life and a neighborhood with a reasonable amount of traffic. This week, we received a letter from Hillbrook School, outlining the schools continued effort to increase the size of the school. As an Englewood Ave resident, a street along with Marchmont, that absorbs the most Hillbrook traffic, I for one am opposed to increasing the size of the school and traffic impact on the west side of the school by 25%. This increase would impact our both our quality of life and the amount of traffic on our street.

The 25% increase is the problem, I propose the following solution, to include the Ann Arbor neighborhood, in Hillbrook Schools PUC, to include the following recommendation: Grades K-3, plus the current two buses, uses the Marchmont school drop off point. Grades 4-8 use Ann Arbor, as the school did years ago, at the Hillbrook gated entrance on Ann Arbor.

This would reduce the impact on the neighbors west of the school, and share the increase school size with the neighbors on the other side of campus. Since Hillbrooks own Environmental impact Report (EIR) stated that increase traffic would cause no "significant impact on the neighborhood", the same should hold true for the folks on the other side of campus.

With split drop off points, I would be inclined to support the proposed increase in school size, traffic and funding base.

Thank You,



Steve Lopez
16520 Englewood Ave
Los Gatos, CA, 95032

Slopez0801@aol.com

Joseph J. and Sheila M. Sordi
212 Marchmont Drive
Los Gatos, Ca 95032
August 24, 2014

Los Gatos Planning Commission
110 East Main Street
Los Gatos, California 95030

RECEIVED

AUG 25 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Subject: Misrepresentations By Hillbrook School Officials

Dear Commissioners:

In a recent undated postal letter to neighbors, Hillbrook school officials continue to insult neighbors and the Los Gatos community in general with continued misrepresentations of facts. Of particular concern is a statement in the letter that the total "summer car count would be cut in half...". Yet, in a July 16, 2014 attachment to a letter from Mark Silver, Head of School to Jennifer Savage, the school proposed a full day limit of an average of 480 vehicle trips. My wife Sheila and I have lived on 212 Marchmont Drive for 37 years, and we can attest that summer traffic has been far below 480 vehicles for each typical summer day. Even on summer days when camps were in session, traffic was very light compared to regular school year traffic. There was and still is no summer traffic problem during normal summers.

On many summer days there are no camps or other activities on campus. On those days, school traffic is virtually zero. By averaging such low volume days with days when there are scheduled activities, traffic counts on many days can far exceed 480 without causing the average limit to be exceeded. In effect, Hillbrook is proposing no limit on summer traffic at all.

In another obvious distortion of the truth, the letter states that, "We have recognized from the beginning that our desire to increase enrollment needs to be done without creating an increase in traffic in our neighborhood". One has only to read the original Letter of Justification dated February 1, 2012 to recognize that falsehood. In that letter the school proposed for the AM/PM peak periods an increase from the CUP each day exit limit of 165 to an average exit limit of 185 taken over each trimester. Furthermore, no full day exit limit was proposed in even the last Letter of Justification. So it's hard to image how school officials can claim they always knew they had to plan for no increased traffic in the neighborhood.

Finally, in a typical Hillbrook obfuscation, the letter states that the school is proposing "a reduction of the AM/PM peak period maximum of outgoing vehicles from 165 to an average of 150". It compares the current each day limit of 165 to the proposed average limit of 150. As a matter of fact, the school has had to attain historical averages of just 146 and 149 for the A.M. and P.M. peak periods respectively in order not to exceed the each day limit of 165.

It's these kinds of claims that causes neighbors to completely mistrust school officials. In the face of all this, it is particularly galling to read repeated claims by the school that they are making an effort to be a good neighbor. The result is a polarizing effect that prevents any meetings where a compromise agreement could be reached. It's sad to see this on a continuing basis at this late date, more than 2 years since the original application.

Joe Sordi Sr

RECEIVED

AUG 25 2014

TOWN OF LOS GATOS
PLANNING DIVISION

16615 Englewood Avenue
Los Gatos, CA 95032
August 23, 2014

Ms. Jennifer Savage
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Re: Proposed Hillbrook School CUP Revisions

Dear Planning Commissioners,

I cannot attend the Planning Commission meeting on Hillbrook School expansion in September. I would like to voice my concerns by this letter.

As a member of the residential community surrounding Hillbrook School, I am appalled at the lack of concern shown by the Town to safeguard our neighborhood from even more reckless traffic from outside our area.

The Town has already diverted enough reckless drivers to our residential neighborhood from Los Gatos Boulevard and Blossom Hill Road in the name "relieving congestion" on those streets. Sure, traffic engineers can tell you (what you want to hear) about how great traffic is on Los Gatos Boulevard at Kennedy Road. But be advised, 25 MPH on Los Gatos Blvd. and more stoplights only forces "in-a-hurry" (ie., reckless) drivers to cut through our neighborhoods to avoid the congestion. When does it stop? When will it be enough?

Now, the Town wants to add even more commuters to our residential neighborhoods to help increase revenues for a Business. Yes, I think of Hillbrook as a private business that has a primary goal of increasing revenues and profits. Much the same as Kieth Holland Guitars and Templar Sports are businesses. They were surely put through the Town's

wrath not that long ago for similar concerns. However, I would gladly welcome them before seeing more Hillbrook rush hour traffic on my street.

Page 2

Ms. Jennifer Savage

Does someone have to get killed before we stop feeding the fire? My street, which carries all Hillbrook commuters, is 19 feet wide (without a centerline) and has a posted 25MPH speed limit. Eighty percent (80 %) of all drivers, at the Hillbrook peak periods, exceed that speed! Meanwhile the 19 foot wide street has to accommodate all that moving traffic, parked vehicles, pedestrians, parents pushing wheelchairs, runners, mothers with baby strollers, children playing, dog walkers, small children on tricycles, all ages of kids walking or riding bikes/skateboards to school, elderly residents walking for exercise, etc. I would be happy to provide photographs of all these residential activities dodging moving cars at Hillbrook peak commute periods.

Did I mention the County Bicycle Route that takes bicyclists off Blossom Hill Road @Cherry Blossom along the full length of Englewood Avenue and back onto Los Gatos Blvd. @ Kennedy Road. This posted Bicycle Route runs both directions and lacks the painted "lane lines" the Bicycle Lanes on the wider Los Gatos Blvd and Blossom Hill Road enjoy. Surely the Town assumes some liability in diverting safer "Bicycle Lane" users to the less safe "Bicycle Route" on Englewood Avenue, especially when considering increasing the commuter/cut-thru traffic through our neighborhood. Its just a matter of time that failure to recognize these facts, will surely produce a situation very similar to the horrible accident involving a DUI driver striking a women opening her trunk while parked at the edge of Blossom Hill Road at Baggersly Park (Blossom Hill Park). We all know the results of that very commonly used parking area and the re-active "corrective action" that was taken by the Town. It only takes one irresponsible person.

Now is the time to be proactive. Since the last Hillbrook CUP (which we were told was to be the "final" CUP), we got "No Trucks Allowed" signs on Englewood Avenue. What will it be this time? No offense to engineers, but please don't rely solely on traffic engineers to advise you of our neighborhood needs. We enjoy our residential neighborhood as the quiet, peaceful and safe place to raise a family that brought us here more than fifty years ago. We don't want more broken promises from our elected officials or the businesses they regulate.

I would invite any Commissioner or Council member to sit on my front porch and watch what I watch daily and then tell me there in no Life Safety concern here.

Very Truly Yours

A handwritten signature in black ink, appearing to read "David L. Shade". The signature is fluid and cursive, with a large initial "D" and "S".

David L. Shade

RECEIVED

August 28, 2014

AUG 28 2014

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

TOWN OF LOS GATOS
PLANNING DIVISION

**SUBJECT: DIFFERENCES BETWEEN CUP PROPOSALS FROM HILLBROOK SCHOOL
AND FROM NEIGHBORS**

Dear Planning Commissioners:

In an effort to make clear the ways in which neighbors and Hillbrook School still differ on what should go into a new Hillbrook CUP, I am providing the table below. The last column in the table refers to our "Neighborhood Justification for CUP Modifications: Hillbrook School" document, which includes the reasoning behind the neighbors' CUP proposals and rebuttals to many of the Hillbrook proposals. Please refer to that document for details.

As background, on July 16, Hillbrook submitted to the Town a new list of proposed conditions for its CUP. According to the Hillbrook cover letter, at the May 27 meeting with neighbors, neighbors "responded favorably to the ADT maximums, the enforcement protocols, and the mandatory nature of the TDM program." This was certainly NOT the case.

- There was strong opposition to the 960 *average* daily limit; neighbors clearly stated that the number was too high and that the use of averages rather than limits was unacceptable.
- Neighbors told Hillbrook that the enforcement protocols were a start but needed to include penalties for additional kinds of violations, such as overenrollment.
- Neighbors asked for details about the "mandatory" TDM program. None were available. As it turns out, nothing in the new Hillbrook CUP proposals calls for a mandatory program. The program remains voluntary, just as it was in 2001. Parents can choose whether or not to participate. The mandatory nature of the program relates to Hillbrook providing busing and recommending carpooling based on recommendations in the Final Transportation Demand Management Plan (TDM). This TDM "plan" is not so much a *plan* as an evaluation of the situation and a group of recommendations. (The proposed condition itself is condition 14F under "14. Traffic Conditions.")
- Neighbors clearly opposed evaluating compliance with traffic limits on only a trimester basis. We are asking for monthly reports to check on compliance. Please note that Hillbrook's own traffic consultants, Nelson\Nygaard, in the Final TDM also recommended monthly checks.

A COMPARISON OF CUP CONDITION PROPOSALS FROM HILLBROOK AND NEIGHBORS

MAIN ISSUES

ISSUE	HILLBROOK PROPOSAL	NEIGHBORHOOD PROPOSAL	NEIGHBORHOOD EXPLANATION IN "NEIGHBORHOOD JUSTIFICATION FOR CUP MODIFICATIONS"
School-year enrollment	414 students (an increase of 99)	315 students (no increase)	pp. 12-20
Summer enrollment	414 participants	100 participants	p. 20
School-year full day traffic counts	Average of 960	Limit of 485; allowance for count up to 650 for 8 special event days, such as grandparents day, and for 10 days with nighttime events	pp. 27-38; pp. 41-44
Summer traffic limits	Average of 480	Limit of 160	pp. 38-39; pp. 44-45
Participation in carpooling, busing, or other mitigation	Probably voluntary, but this is unclear. School says participation is mandatory, but does not mention mandatory participation in the CUP proposals.	Mandatory; provision for emergencies	pp. 43-48
School year: enforcement of mandatory participation in carpooling and busing	No plan at the moment; will be monitored by the traffic coordinator	Plan needed before CUP approval	pp. 45-46
Summer: traffic mitigation	No plan	Mandatory plan for parent/student participation	pp. 38-39
Third-party use	Use allowed to "third party providers of educational programs consistent with the Hillbrook School's philosophy and mission ..."	No third-party use	pp. 24-26
Ann Arbor gate	Closed	Open to Hillbrook traffic	pp. 8-12

Calculating traffic	Use averages	Use limits	p. 43
Reporting to monitor compliance	3 times a year	Monthly	p. 40; pp. 47-48
Times of use	All days throughout the 365-day year; 1 open house and unlimited tournaments on weekends	All weekdays during school periods only; 1 weekend day for an open house; 6 contiguous weeks during the summer	p. 19; p. 22
Traffic limit on days with nighttime activities	None	650	p. 40
End time for after-school activities	7 PM	5:30 PM; all vehicles off campus by 6 PM; gates locked at 6:15	pp. 22-23
Penalties for Trip Cap Violations	First offense: \$1,000 per excess trip over the average during a trimester Second offense: \$5,000 per excess trip over the average during a second, contiguous trimester Third offense: \$10,000 per excess trip over the average during a third, contiguous trimester Reversion to the first level of penalties if a subsequent monitoring reveals no violation.	First offense: \$1,000 for each car trip over the limit per month Second offense: \$5,000 for each car trip over the limit per month Third and continuing offenses: \$10,000 for each car trip over the limit per month On the occasion of the third traffic offense during a one-year period: student enrollment reduced for the following year by 10 students	pp. 40; p. 48
Penalties for Non-Trip-Cap Violations	None	Exceeding enrollment limit: Hillbrook shall pay a \$58,000 penalty or twice the cost of tuition for that school year, whichever is greater All other violations: \$5,000 penalty per violation	pp. 56-57

OTHER ISSUES

ISSUE	HILLBROOK PROPOSAL	NEIGHBORHOOD PROPOSAL	NEIGHBORHOOD EXPLANATION IN "NEIGHBORHOOD JUSTIFICATION FOR CUP MODIFICATIONS"
Number of employees	No limit	Limit of 69 (the number in school year 2012-2013)	p. 21
Weekend tournaments	Unlimited interschool basketball and volleyball tournaments on weekends	No interschool tournaments	pp. 23-24
Counts to be used in assuring compliance	Daily counts are posted but cannot be used to determine compliance	Daily counts can be used to assure compliance	p. 45
Conferences	Yes	No	p. 6
Teacher training/interns	Yes	No	p. 7
Shuttling	Yes. Every day between 3:45-5:00; 4 shuttle buses (8 trips); runs every 20 minutes when students are present	No	pp. 55-56
Student pickup and dropoff	Any time	Three specific time periods only, except for emergencies	p. 41
Daily posting of traffic counts	Posted by Hillbrook on the Hillbrook website	Posted by a third party on the third party website	p. 39; p. 45
After-school interschool sports events on Hillbrook campus	Unlimited	No more than 3 per week	pp. 51-54; pp. 61-63
Bus size	Capacity for 78 students	Capacity for 30 students	p. 55
Shuttling	4 shuttles (8 passes) every afternoon between 3:45-5:00; unspecified other events	For one Family Fun Night only	p. 55
Enrollment verification	Roster submitted 2 months from the first day of school	Documentation supplied on a quarterly basis, at the end of December, March, June, and September for the next three months	p. 12

Definition of nighttime hours	School year only: Commence at 6 PM or prior and extend beyond 7 PM	School year only: Extend beyond 6 PM	pp. 22-23
Days included in traffic counts	Using averages: All school days except days around holidays, minimum days, and rainy days	Using limits: All school days	pp. 47-48
Content of traffic counts	Exiting traffic only	Both entering and exiting traffic	p. 39
Summer peak periods/pickup and dropoff times	None given	8:00 A.M.-9:00 A.M.; 12:30 P.M.-1:30 P.M.	p. 38

Thank you for taking the time to consider this difficult issue.

Sincerely,

Barbara Dodson for LG CATS (Los Gatans Concerned About Traffic and Safety)

LOS GATANS CONCERNED ABOUT TRAFFIC AND SAFETY ("LG CATS")

LG CATS PROPOSED CONDITIONS OF APPROVAL

Hillbrook School, 300 Marchmont Drive, Los Gatos, California 95032

(Updated August 28, 2014)

RECEIVED

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

AUG 29 2014

**TOWN OF LOS GATOS
PLANNING DIVISION**

For additional information, contact Barbara Dodson (btdodson@aol.com) or Patricia Elliot (elliottlaw@mail.com).

The neighbors on the streets providing access to Hillbrook School, as represented by Los Gatans Concerned About Traffic and Safety ("LG CATS"), an unincorporated public interest organization, object to a large number of Hillbrook's ("Applicant") proposed new conditions for approval of its CUP, and ask that the following conditions be considered and approved instead. The Neighbors' grounds for objecting to Applicant's proposed Conditions are stated in two other documents: a short document titled "LG CATS Proposed Conditions of Approval with Brief Comments and a second, lengthier document, "Neighborhood Justification for CUP Modifications: Hillbrook School," both submitted separately.

For the convenience of commissioners, this updated version of LG CATS Proposed Conditions of Approval has been revised to follow the order of Applicant's Proposed Conditions as submitted on July 16, 2014. Applicant Proposed Conditions on which LG CATS have no disagreement or comment are so indicated.

1. **APPROVAL AND RESTRICTION ON NEW CONSTRUCTION.** This use permit shall be applied and administered in accordance with all conditions of approval listed below and in substantial compliance with the Town's General Plan, land use policies and ordinances, and other laws. No further construction under the Master Site Plan pursuant to Architecture and Site Application PRJ-99-063 from 2001 shall be allowed. Specifically, the allowable 5.4% of square feet remaining from the master site plan approval in 2001 shall not be used for new construction or expansion of facilities unless Applicant has first obtained approval from the Town of Los Gatos. In such event an application for modification to the current Hillbrook Conditional Use Permit shall be required.
2. **USE.** Hillbrook School shall operate solely as a junior kindergarten through eighth grade (JK-8) private school. Its activities shall be limited solely to those that directly serve its enrolled students, their parents, faculty and staff. The school shall not be used as a recreation facility, conference center, adult education or professional development center for other persons except those persons invited on campus for interschool sports or social events. No fee-based conferences, seminars, or other adult education for individuals not employed at Hillbrook shall be conducted on the Hillbrook campus. No teacher-training program for non-employed teaching staff is to be conducted on the Hillbrook campus. After-school sports activities shall be open only to Hillbrook-enrolled students and students from schools with which Hillbrook competes. All after-school activities shall conclude by 5:30 P.M. All students and vehicles shall be off campus by 6:00 P.M.
3. **TRAFFIC THROUGH THE ANN ARBOR GATE.** The Ann Arbor access gate shall be opened to Hillbrook traffic, subject to the conditions of approval in this permit.

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 (A). SCHOOL-YEAR ENROLLMENT. The school-year enrollment shall be limited to 315 students. The term *student* means “a child enrolled at any time in Hillbrook’s school year academic program, JK-8.” The “school year” is defined as the academic year running roughly from mid-August to early June. Documentation listing the number of students enrolled at Hillbrook School during the school year shall be supplied to the Town on a quarterly basis, at the beginning of September, December, and March for the following three months.

5(B). SUMMER-SESSION ENROLLMENT. The summer-session total enrollment shall be limited to 100 JK to 8th grade students. Documentation listing the number of students enrolled at Hillbrook School in the summer session shall be supplied to the Town at least 2 weeks before the beginning of the summer session.

6. NUMBER OF EMPLOYEES. The after school maximum number of employees on site during activities in the gymnasium which draw an audience shall not exceed 12. The maximum numbers of staff/faculty employed by Hillbrook at any one time shall not exceed 69. All employees identified as “interns” shall be included in the count.

7. HOURS OF OPERATION & TIMES OF USE

7(A) DAYTIME WEEKDAY HOURS. Daytime, weekday hours shall begin at approximately 7:00 a.m. when faculty and staff start to arrive and end at 5:30 P.M. All vehicles shall be off campus by 6 P.M. except as specified below under nighttime activities. The Hillbrook campus shall be in use only during regularly scheduled school days and for six contiguous weeks during the summer except as described in 7C and for one open house on one weekend. No activities will be scheduled during fall break, winter break, “ski week,” spring break, or outside of the 6-week summer session.

7(B) NIGHTTIME HOURS. The maximum number of nighttime activities is limited to ten per calendar year regardless of the number of participants. No nighttime use of the campus is permitted during the summer. Nighttime activities are defined as any activities that extend beyond 6:00 P.M. All nighttime 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. On or before August 15th each year, Hillbrook School shall provide to the Town and neighbors a list of the dates of all projected nighttime activities for the school year. On all evenings not included in this list, the Hillbrook gates will be locked by 6:15 P.M.

COMMENT: Applicant’s proposed condition defines nighttime activities as “those activities which ... extend beyond 7 P.M. Neighbors believe that “nighttime” begins at 6 P.M. and after that time Neighbors have a reasonable expectation of quiet. Any activity extending beyond 6 P.M. should be counted as one of Hillbrook’s ten allowed nighttime activities. Further, Applicant’s proposal also does not provide for notice of nighttime activity to the neighbors. The Neighbors Proposal requires such a notice at the beginning of the school year.

7(C). **WEEKEND ACTIVITIES.** During the weekend the campus shall be closed, except for faculty and staff access. However one weekend Open House in October is permitted. No interschool sports tournaments or youth groups shall be permitted on the weekends.

8. **NEIGHBORHOOD COORDINATION:** No objections to Applicant's proposal.

9. **NEIGHBORHOOD COMMITTEE:** No objections to Applicant's proposal.

10. **GYMNASIUM DOORS AND WINDOWS.** No objections to Applicant's proposal..

11. **MUSIC.** No objections to Applicant's proposal.

12. **NO THIRD PARTY USE OF THE CAMPUS.** No use of campus facilities shall be permitted to "partners," third parties, co-sponsors, "joint operators," or outside groups described in any other way. Applicant will not rent, lease, gift, or otherwise allow use of any part of the Hillbrook campus to any outside entity at any time.

13. **COMPLIANCE REVIEW.** This application shall be reconsidered by the Planning Commission six months from the date of approval to ensure that there has been compliance.

14. **TRAFFIC CONDITIONS**

14 (A). Neighbors have no proposal corresponding to the Applicant's Condition 14.A.

14 (B). **DAILY TRAFFIC LIMITS.** The maximum number of vehicles entering and leaving the campus at the Marchmont Drive gate on a daily basis shall not exceed 485 vehicle passes ("Trip Cap") during each semester term, namely First Term (Fall/Winter) and "Second Term" (Winter/Spring"). The Trip Cap is defined below and shall be calculated as provided herein.

14 (C). **SUMMER SESSION TRAFFIC LIMITS.** During the summer session the maximum number of vehicles entering and leaving the Hillbrook campus at the Marchmont Drive gate shall not exceed 160 vehicle passes. The summer session, if any, shall occur over 6 contiguous weeks between the end of one school year and the beginning of the next. Summer session activities may occur only on Monday through Friday from 8:30 A.M. to 1:00 P.M. Drop-off and pickup shall each be limited to a one-hour periods of 8:00 A.M.-9 A.M. and 12:30 PM.-1:30 P.M.

14 (D). **TRIP CAP DEFINITION.** The total daily Trip Cap at the Marchmont Drive gate for regular school days during the regular school year shall be 485 vehicle passes (vehicles entering and vehicles exiting the campus) during each 24-hour day during the Fall/Winter and Winter/Spring Terms. The total daily Trip Cap for Summer session days at the Marchmont Drive gate during the 6-week Summer session shall be 160. The total daily Trip Cap at the Marchmont Drive gate for special event days (no more than eight) during the regular school year and for days with nighttime activities (no more than ten) during the regular school year shall be 650 vehicle passes.

14 (E) **TRAFFIC COUNTING DEVICE.** A permanent traffic counting device shall be installed and maintained by a third party vendor retained by the Town but at Hillbrook School's expense to count traffic entering and exiting at the Marchmont Drive school gate and any other school gate for each full 24-hour calendar day for the full 365-day year. Traffic counts, including cumulative totals as the day goes on and for the full day, shall be posted on the website of the third party vendor in real time to be accessible to Town officials and the general public.

14 (F) **TRAFFIC DEMAND MANAGEMENT:** School Year: Applicant shall create mandatory traffic mitigation measures that will result in no more than 485 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Fall/Winter and Winter/Spring Terms. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval.

Summer Session: Applicant shall create mandatory traffic mitigation measures that will result in no more than 160 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Summer session. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval. No nighttime activities are permitted during the summer. No third party shall be allowed to operate a summer program on the Hillbrook campus.

14 (G). **TRAFFIC COORDINATOR:** No objections to Applicant's proposed condition 14 (G).

14 (H). **MONITORING PROTOCOL.** To monitor compliance with the Trip Cap, an independent third party vendor retained by the Town but paid by Applicant shall collect data from the vendor's installed sensors at the end of each calendar month. The independent third party vendor shall analyze data to evaluate compliance with the Trip Cap and report the results of its analysis to the Town and make such available on its website. The applicant shall be responsible for paying all costs related to this monitoring protocol.

14 (I). **TRAFFIC ALLOWANCE FOR SPECIAL EVENTS.** Applicant shall be permitted to exceed its traffic limits for days with special daytime events such as graduation and grandparents' day. Applicant shall specify these daytime special events at the beginning of each school year. Such daytime special events shall not exceed 8. The Trip Cap for days with daytime special events shall be increased to a limit of 650. Applicant shall also be permitted to exceed its traffic limit for 10 days with nighttime activities that are specified before the beginning of the school year and occur only during the school year. The traffic limit for days with such nighttime activities shall be 650.

14 (J) **PENALTIES FOR TRIP CAP VIOLATIONS.** To monitor compliance with the Trip Caps, an independent third-party vendor shall submit per day traffic counts to the Town at the end of each month. Staff will review the counts to ensure that they are in compliance with the CUP. Staff will assess penalties in accordance with these Conditions. If Applicant exceeds a Trip Cap on any day, then it will be in violation of these Conditions. In the event that Applicant exceeds the Trip Cap for either school-year or summer sessions, Applicant shall pay the following penalties to the Town of Los Gatos within thirty days: First offense: \$1,000 (one thousand dollars) for each vehicle trip over the Trip Cap; subsequent second offense: \$5,000 (five thousand dollars) for each vehicle trip over the Trip Cap; third consecutive and continuing offenses: \$10,000 (ten thousand dollars) for each vehicle trip over the Trip Cap. If during a subsequent (consecutive) monitoring period, the applicant is in compliance with the Trip Cap, no penalty shall apply and the penalty shall revert to the base level of \$1,000. Penalties shall be adjusted annually starting in 2015 per the Consumer Price Index for All Urban Consumers in

the San Francisco-Oakland-San Jose area. In the event of a third consecutive Trip Cap violation during a one-year period, Applicant shall be required to reduce the school year student enrollment for the following school year by 10 students.

14 (K). **PICKUP AND DROP OFF.** Applicant shall have specific pickup and drop off periods for students during the school year. No pickup or drop off will occur outside of these periods, except for emergencies and other reasonable exceptions. The periods will be as follows: 7:30-8:30; 2:30-3:15; 4:40-5:10. Bus transportation shall occur within these periods.

15. **COMMERCIAL TRAFFIC.** No commercial traffic shall be permitted into or out of the Applicant gate before 7 A.M. or after 5 P.M. on weekdays or weekends or after 5 P.M.

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.

18. **AFTER-SCHOOL HOME GAMES.** Applicant shall host no more than three after-school interschool sports event per week. No event shall last beyond 5:30 P.M. All vehicles shall be off campus by 6:00 P.M.

19. **SIZE AND USE OF TRANSPORT FOR TRAFFIC MITIGATION.** Applicant will use buses or vans sized to hold no more than 30 students. A maximum of 4 buses or vans shall operate during the morning drop-off and a maximum of 4 buses or vans shall operate during the afternoon pick-up.

20. **SHUTTLING.** Hillbrook School shall not use shuttling to move people back and forth during the school day or evening. "Shuttling" shall be defined as "having buses go up and down Marchmont Drive for three or more round trips in an hour." Hillbrook's traditional family fun night shall be the only activity exempt from this condition.

21. **DAYCARE HOURS.** The school shall be permitted to operate before and after school daycare for the students of the school only. The daycare hours shall be limited to 7:30-8:30 am and 3:15-6:0 pm, Monday-Friday.

22. **PENALTIES FOR NON-TRIP-CAP VIOLATIONS.** In the event that Applicant exceeds its enrollment limit for the school year or the summer session, Applicant shall pay a \$58,000 penalty or twice the cost of tuition for that school year, whichever is greater, to the Town of Los Gatos for each extra student or child. In the event that Applicant exceeds its nighttime school year cap of 10 nighttime activities, Applicant shall pay a \$5,000 (five thousand dollars) penalty to the Town of Los Gatos for each violation. All other violations shall carry a fine of \$5,000 (five thousand dollars) per violation per day.

Jennifer Savage

From: Ellen Dempsey <ellendem@gmail.com>
Sent: Thursday, August 28, 2014 1:29 PM
To: Jennifer Savage
Cc: Sean Dempsey
Subject: Support for Hillbrook School's application to modify its CUP

Attn: Jennifer Savage, Town Planning Staff
jsavage@losgatosca.gov

Subject: Support for Hillbrook School's application to modify its CUP

Dear Chair Smith and Town of Los Gatos Planning Commission Members,

We are writing to express our support of Hillbrook School's application to modify its Conditional Use Permit.

In all of the discussions about this project over the last three years, the objections have overwhelmingly boiled down to one issue: TRAFFIC.

Hillbrook has responded to this concern in a diligent and thoughtful way:

- Hillbrook has held nearly two dozen neighborhood meetings throughout this process. Input from neighbors has been solicited, heard, and addressed every step of the way.
- Hillbrook has responded to neighbors' concerns by agreeing to an all-day traffic count. This will assure neighbors that traffic for after-school activities will remain low.
- The AM/PM "peak period" counts have been reduced from the current CUP. The current traffic demand management program (shuttle/carpool/walking/biking) has been so successful that peak traffic has been **reduced 20-30%**. Even with additional students, Hillbrook will be able to cut peak period morning and afternoon traffic.
- Hillbrook is proposing an aggressive enforcement and penalty system to ensure compliance to these car counts.

Importantly, in your deliberations, we ask that you allow Hillbrook to decide what activities are allowed on campus. Hillbrook is agreeing to strict car counts and serious penalties. Within these guidelines, Hillbrook should have the flexibility to decide what events to have on campus. Specifically, we are referring to activities like the sports tournaments, teacher collaborations and conferences that have been an issue for some neighbors. Hillbrook should not be isolated from the community. Please let Hillbrook decide how to manage and allocate the car counts. The entire community will benefit.



Lastly, Hillbrook parents embrace the need to mitigate traffic impacts in the neighborhood. The understanding of the need to work together to mitigate traffic is fully integrated into the community of parents. We want to be good neighbors, we want a safe trip for everyone to and from school or work, and are committed to supporting necessary traffic mitigation plans.

Respectfully,

Sean and Ellen Dempsey
1530 Awalt Court
Los Altos, CA 94024

**Neighborhood Justification for CUP Modifications:
Hillbrook School**

RECEIVED

AUG 29 2014

**TOWN OF LOS GATOS
PLANNING DIVISION**

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- Current and Historic Traffic Issues
- Hillbrook CUP Violations: 2001-2013

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Neighborhood Justification for CUP Modifications: Hillbrook School

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)

For additional information, contact: Barbara Dodson (btdodson@aol.com) or Patricia Elliot (elliottlaw@mail.com).

INTRODUCTION

In February 2012, Hillbrook School ("Hillbrook") submitted a Letter of Justification requesting modifications to its Conditional Use Permit. The submission of this document opened the Permit to suggestions for modifications from others, including a neighborhood group, Los Gatans Concerned About Traffic and Safety (LG CATS), referred to as the "Neighbors" in the following materials.

Hillbrook's most recent submission, titled "Hillbrook School Conditional Use Permit Modification Request," is dated July 16, 2014. This document represents Hillbrook's most recent requests for new conditions. The material that follows responds to these most recent requests.

Hillbrook presented these new conditions at a neighborhood meeting on May 27, 2014. In its July 16, 2014 document, Hillbrook states that neighbors "responded favorably to the ADT maximums, the enforcement protocols, and the mandatory nature of the TDM program." This is not the case. In fact, strong objections were raised to many proposals, particularly the proposed 960 ADT number. As can be seen in neighbors' separate request for new CUP conditions and in the material below, Hillbrook and its neighbors are still very far apart on what a new CUP should contain.

This document presents conditions that LG CATS want to see in the new CUP and provides reasons why these conditions should be included. This document also provides arguments against a number of the conditions Hillbrook proposed Hillbrook in the July 16, 2014 permit modification request.

BRIEF HISTORY OF HILLBROOK SCHOOL

The property on which Hillbrook School currently rests has been in use since the 1930s. However, it was not until 1960 when the Children's Country School became Hillbrook School. In 1960, access to the school was via a long paved lane. This lane was on school property and ran from the corner of Marchmont and Hilow to the school buildings. Around that time, the school sold the land around upper Marchmont to developers, and the upper Marchmont neighborhood came into existence soon after. The access lane to Hillbrook was relocated, made wider, and became an extension of Marchmont Drive.

At this time, enrollment at Hillbrook was about 160 or fewer, and school traffic was not a problem. Traffic during the summers was so low as to be unnoticeable. The Ann Arbor neighborhood came into existence on

former school property beginning in 1974. Since enrollment at the school was around 85 and the school seemed moribund, there was no consideration of a second access at the end of Ann Arbor.

Hillbrook's first CUP in 1984 established an enrollment cap of 315. However, not until the 1990s did Hillbrook reach its 315 enrollment, and traffic increased significantly on not only upper Marchmont but also Hilow, Cardinal, lower Marchmont, and other neighborhood streets. The 315 student limit has remained in place for 30 years for good reason. The school's location deep within a residential neighborhood with only one access point precludes any further growth.

In the 1990s, traffic became a serious problem. In 2000-2001, when Hillbrook sought to rebuild its campus, the traffic issue was raised as part of the consideration for a new CUP. A traffic study recommended opening the Ann Arbor gate to spread traffic more evenly, but strong lobbying from Ann Arbor neighbors and weaker lobbying from the Marchmont side resulted in the access remaining closed. Marchmont neighbors reluctantly accepted the status quo on the basis of strong promises from the school that it would not seek an enrollment increase and that the school would make a strong effort to mitigate traffic.

Marchmont neighbors have no wish to close the school, only to limit traffic on upper Marchmont Drive. If the school is allowed an enrollment increase, breaking the 30 year moratorium and breaking past promises, then the promise to keep the Ann Arbor gate closed no longer carries any weight.

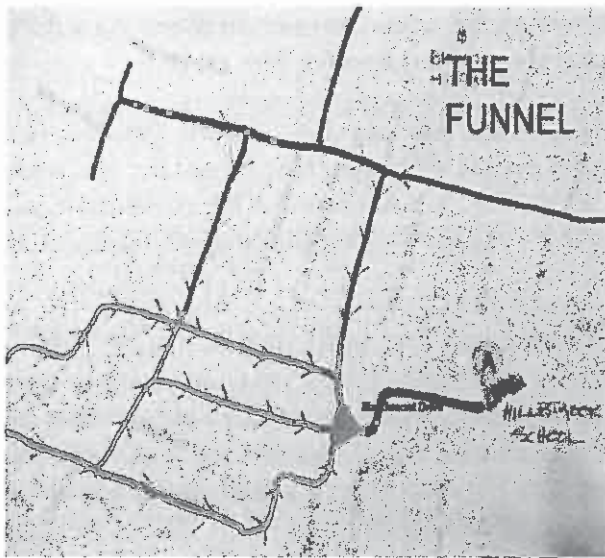
One possible solution, if the school wishes to grow, is to create an adjunct campus. Otherwise, if the school is allowed an increase in enrollment at its current location, then the Ann Arbor gate must be opened and Ann Arbor neighbors must share some of the traffic burden that has been entirely that of the Marchmont neighborhood in the past.



CURRENT AND HISTORIC TRAFFIC ISSUES

Hillbrook is on a property zoned HR-1. The school has ambitious plans to increase enrollment, significantly expand after-school and summer activities, function as a teacher training and professional development center, and do new building for new students. Unfortunately, the only access to Hillbrook is via upper Marchmont Drive (Marchmont east of Hilow), a two-lane, single-access, purely residential street with no sidewalks or bike lanes. All traffic heading for Hillbrook must travel from Shannon, Kennedy, or Los Gatos Boulevard through Stonybrook, Englewood, Hilow, lower Marchmont, Topping, Spencer, Loma, and/or Cardinal to reach the funnel that is the Marchmont/Hilow/ Hilow/Cardinal intersection. Hillbrook's plans will significantly add to already very heavy morning and afternoon school traffic on upper Marchmont and these feeder streets.

A 2000 TJKM traffic study concluded that the volume of peak period Hillbrook traffic on neighborhood streets like Marchmont and Hilow exceeded the recommended guideline of the town traffic calming policy. Specifically, on upper Marchmont, it found school traffic during the peak A.M. hour to be about 267% of



Upper Marchmont Drive functions like a funnel. Traffic moves from major streets into residential streets—Englewood, lower Marchmont, Stonybrook, Topping, Cardinal, Spencer, Loma, and Hilow—and meets at the head of the funnel, the beginning of upper Marchmont Drive.

the traffic calming criteria upper limit. Over the last two years, Hillbrook has managed to reduced its peak hour traffic (though not its overall traffic). But, the more recent 2012 TJKM traffic study estimates that an enrollment increase of 99 students will add 98 peak hour A.M. trips. This requested enrollment increase would raise traffic at that hour to counts higher than in 2000, more than wiping out all traffic mitigation practices Hillbrook has put in place.

Unlike the 2000 study, the 2012 study does not measure traffic volume on local roads or make judgments on whether traffic volumes are too high on these roads. It measures Level of Service (LOS) at intersections around Hillbrook. However, LOS measures only how well traffic flows, not the impact of traffic on surrounding streets. Traffic may flow quite well through an intersection but still spill a high volume of traffic onto connecting streets. That is exactly what happens throughout the neighborhood and particularly at the Marchmont-Hilow intersection. Traffic flows freely through intersections but is nevertheless quite heavy, both with existing Hillbrook traffic and with increases projected for added enrollment. In addition, Hillbrook has added multiple programs that bring excessive traffic to neighborhood streets throughout the afternoon.

Traffic counts taken by neighbors show that on school days Hillbrook generates daily traffic of up to 1,103 vehicle passes. (See Attachment 1 for traffic counts taken since 2001.) The neighborhood cannot safely absorb this volume of traffic. A widely used formula from the Institute for Transportation Engineers puts the appropriate level of traffic for Marchmont Drive at 485 daily trips. A second source, the TIRE index, states that residential streets with 891 or more daily trips exhibit a **“significantly impaired residential environment.”** This same index gives 90-890 daily vehicle trips as a “moderate” amount of traffic for a neighborhood street. (See Attachment 3 on page 65 for TIRE Index Ranges.) We hope that decision makers will look at numbers that represent moderate traffic rather than pushing the limits and continuing to allow until Hillbrook to create a “significantly impaired residential environment.”

Neighbors are asking that Hillbrook traffic be limited to 485 daily vehicle trips, and they have given the Town and Hillbrook scenarios showing how even lower traffic levels could be achieved.

Traffic on the heavily traveled Marchmont side of the neighborhood could be reduced with the opening of a second access on the less traveled side. A second access exists at the end of Ann Arbor Drive. In 2000, TJKM engineers recommended opening this access. Then Head of School Sarah Bayne supported the idea. The Planning Commission approved opening the access for pedestrian and bike traffic. Unfortunately, the Town Council rejected even this limited use. We believe the gate opening was not approved only because the Marchmont side of the neighborhood was underrepresented at the hearings while the Ann Arbor/Wollin Way residents came out in force. We hope that this entire issue will be reevaluated and that there will be a different outcome with the new CUP.

The Town should deny Hillbrook's application for an additional 99 students for the reasons given above. Furthermore, the Town should deny the application because Hillbrook has failed even to honor its current CUP. In fact, Hillbrook has violated 7 of its 13 current conditions and, in general, dramatically intensified the use of its campus in violation of Town Code Section 29.20.200 Conditional use modification.

TABLE I: HILLBROOK CUP VIOLATIONS: 2001-2013

CONDITION FROM THE 2001 CUP	VIOLATIONS
2. Emergency Access Road	Hillbrook opened this road at least once to our knowledge by allowing delivery trucks to use it for a family fun night in September 2013.
3. Carpooling	Failed to submit required carpool participation reports between 2008 and 2012.
4. Enrollment (315 cap)	<u>Academic years.</u> Exceeded the 315 enrollment cap for all but 2 years since 2001. <u>Summers.</u> Allowed use of the campus by more than 900 campers during summer 2011.
6. Nighttime Activities (limit of 10)	2010-2011. Held at least 29 nighttime activities. 2011-2012. Held at least 18 nighttime activities.
7. Weekend Activities (none allowed except for one Open House and tournaments for Hillbrook School only)	<ul style="list-style-type: none"> • Held numerous weekend tournaments involving other schools. • Numerous non-permitted weekend uses shown on past school calendars, including theater performances, ISEE testing, family photo day, and JK/K screening. • May 21-22, 2011. TJKM traffic study documented 112 vehicles on Saturday and 72 on Sunday.
9. Amplified Music permitted only once per year	Neighbors on the Marchmont and Longmeadow edges of campus report many more instances of amplified music than just one.
10. Lease/Rentals (none permitted)	Leased or rented the campus to or "partnered with" at least 8 outside groups.
Intensifications of Use in violation of Town Code Section 29.20.200 Conditional use modification	Teacher-training/internship program with potential for 13 participants, started in 2011; 27 new after-school programs offered starting in 2010; increased scheduling of interschool sports events on weekends and weekdays since 2010

NEIGHBORHOOD PROPOSALS FOR MODIFICATIONS AND ADDITIONS TO THE HILLBROOK CUP

CONDITION 1. APPROVAL AND RESTRICTION ON NEW CONSTRUCTION

Neighborhood Proposed Condition 1. APPROVAL AND RESTRICTION ON NEW CONSTRUCTION. This use permit shall be applied and administered in accordance with all conditions of approval listed below and in substantial compliance with the Town's General Plan, land use policies and ordinances, and other laws. No further construction under the master Site Plan pursuant to Architecture and Site Application PRJ-99-063 from 2001 shall be allowed. Specifically, the allowable 5.4% of square feet remaining from the master site plan approval in 2001 shall not be used for new construction or expansion of facilities unless Applicant has first obtained approval from the Town of Los Gatos. In such event an application for modification to the current Hillbrook Conditional Use Permit shall be required.

EXPLANATION: Hillbrook did not use all the building allowances it was granted in 2001. The 2001 CUP allowed a total of 55,715 square feet of buildings and to date Hillbrook has a building square footage of 52,683 square feet. Hillbrook's statement in its Letter of Justification that "Hillbrook can accommodate the requested 414 student enrollment within the 55,715 square feet provided by the approved master plan" indicates Hillbrook plans to begin additional construction. It should be noted that when Mark Silver spoke to the neighborhood in January 2012, he stated that no new construction would be needed to accommodate an increased enrollment. He now appears to be going back on his January 2012 commitment to Neighbors.

In 2001 the Town gave Hillbrook the building allowances in exchange for a commitment not to increase enrollment beyond 315. Now that Hillbrook is, in fact, asking for an enrollment increase, we ask that Hillbrook be required to seek new permission for all new construction and improvements.

Furthermore, Hillbrook's Strategic Plan 2015 under Goal #2 indicates that one of the school's goals is to create "a new campus master plan ... with an eye towards improved facilities for performing arts, athletics, science, and the Middle School." This also indicates an interest in new construction and, thus, further expansion.

On another note, since Mark Silver became Head of School in 2009, Hillbrook has significantly increased the number and scope of its programs and activities, bringing ever increasing amounts of traffic to the neighborhood. This intensification of use was undertaken by Hillbrook with no neighborhood input or permission from the Town. We as Neighbors are concerned that Hillbrook has long-term plans to further increase its activity level and its facilities and that it eventually will also try to increase its student body by much more than the currently requested 99 students. We believe it is important to stop any plans for new construction right now.

In a May 2012 meeting attended by Mark Silver and trustee Chuck Hammers along with numerous Neighbors, when neighbors expressed concern that the school's expansion plans might eventually even include a high school, Chuck Hammers claimed that there was not enough space for new facilities. Hillbrook does, in fact,

have plenty of space to build and expand. In a statement by Sarah Bayne, Head of School in a July 2, 2001 letter to Senior Town Planner, Sandy Baily, there is this information:

The question was raised by the public at DRC about the percentage of Land Use involved in these improvements to Hillbrook. Hillbrook stands on 15 acres, or 653,000 square feet. The total permissible Land Use percentage of 40% would use 261,000 square feet. Its actual proposed total square footage including all buildings will be only 55,000 square feet, or 11.8%. Given the rustic and beautiful nature of the Hillbrook campus, this balance between open space and up to date facilities is one which the school holds as of the highest importance and will maintain well beyond our years.

CONDITION 2. USE

Neighborhood Proposed Condition 2. USE. Hillbrook School shall operate solely as a junior kindergarten through eighth grade (JK-8) private school. Its activities shall be limited solely to those that directly serve its enrolled students, their parents, faculty and staff. The school shall not be used as a recreation facility, conference center, adult education or professional development center for other persons except those persons invited on campus for interschool sports or social events. No fee-based conferences, seminars, or other adult education for individuals not employed at Hillbrook shall be conducted on the Hillbrook campus. No teacher-training program for non-permanent teaching staff is to be conducted on the Hillbrook campus. After-school sports activities shall be open only to Hillbrook-enrolled students and students from schools with which Hillbrook competes. All after-school activities shall conclude by 5:30 P.M. All students and vehicles shall be off campus by 6:00 P.M.

EXPLANATION: Hillbrook's proposed condition 2 about Use is ambiguous. In our condition, we try to pin down what is and is not permitted.

Fee-based conferences, seminars or other adult education for individuals not employed at Hillbrook.

Chapter 29 of the Town Code contains a Table of Conditional Uses permitted in different zones, including HR-1 zones. According to the introduction that appears above this table, "Activities listed in this table are only allowed ... where the activity is specifically listed in the permitted uses for the zone." Thus, if a use is not checked for a zone in the table, the use is not permitted in that zone. In the Table of permitted uses, use as a conference center and center for large meetings are not even listed. Thus, these uses are clearly not permitted on a property with HR-1 zoning.

Hillbrook, with its HR-1 zoning, has held fee-based conferences largely aimed at non-employees. Third parties ran these conferences. Both the conferences themselves and the fact that they were run by third parties clearly violated the CUP. Town Council definitively put a stop to conferences in March 2013.

Hillbrook's conferences disrupted the neighborhood with unwelcome, unexpected traffic, and noise at times when Neighbors were used to no activities on the Hillbrook campus. They were relocated to the Toll House and Hakone Gardens, which are appropriately zoned venues with much better public access.

Our new condition makes absolutely clear that Hillbrook cannot use its campus as a conference center or adult education center in the future. In general, the CUP should make clear that any program aimed at the public and only incidentally available to Hillbrook employees is not permitted on the Hillbrook campus.

Teacher Training Program. Hillbrook began a Resident Teacher Program in fall 2012, called the Center for Teaching Excellence. The school never submitted this program to the Town for approval, and never informed Neighbors about it. According to Town Code Section 29.20.200 Conditional use modification, this use required Town approval because:

A use authorized by conditional use permit shall not be modified unless a modification to the permit is approved. The following changes in use are modifications:




- (1) Intensification of use. Changes of use that will result in an increase of five (5) or more peak hour trips.

The program currently has more than 9 participants and is planned for a total of 13. It is thus an "intensification of use" under Town Code Section 29.20.200. The program was also started in violation of the Town's Traffic Impact Policy, which states that "If a project generates additional traffic of five or more peak hour trips the burden is on the applicant to cite economic or housing benefits to the Town and/or specific sections of the General Plan and any applicable Special Plan that demonstrate the project's benefit to the Community which outweighs the traffic impact. The deciding body must make specific findings which demonstrate that the benefit(s) of the project outweigh the impact in order to approve the project." Here is Hillbrook's description of the program.

Center for Teaching Excellence

The Center for Teaching Excellence is an innovative learning institute that raises the level of teaching quality and education experience for children in both public and private institutions. The CTE supports the interest of lifelong learning by creating a dynamic environment that is committed to collaborative teaching and teacher development.

The CTE has three main components:

-  1. A resident teaching program that allows university graduates who are bright aspiring teachers to be paired with master teachers to receive hands on learning.
-  2. Education conferences where thought leaders in education collaborate and exchange ideas on cutting edge practices impacting teaching and educational excellence in Silicon Valley.
-  3. A speaker series designed to appeal to teachers, parents and students with a variety of interesting topics delivered by a phenomenal and diverse pool of thought leaders in the educational community as well as professionals from Silicon Valley's dynamic academic, business and non-profit sectors (including select Hillbrook parent superstars).

In addition to being concerned with the number of added faculty and staff involved in this program, we are concerned by the inclusion of conferences and a speaker series. Given Hillbrook's past history of generating traffic without considering its impact on the neighborhood, we worry that the conferences and speaker series will occur at Hillbrook and bring unknown numbers of people through our streets, possibly during evenings.

We believe Hillbrook needs specific permission for this program before it can be permitted.

After-School Activities. The 2001 CUP specifically acknowledged that any after-school non-interschool sports programming was offered only to Hillbrook students. This condition reiterates that Hillbrook's after-school non-interschool sports programming is open to Hillbrook students only and must end by 5:30 P.M.

Since 2009, Hillbrook has dramatically expanded after-school activities. It has offered its activities to its own students as well as to non-Hillbrook students and to adults. This has made afternoon carpooling almost nonexistent and created excessive traffic throughout the afternoon and into the evening.

By clarifying that only Hillbrook students can take part in after-school non-interschool sports activities, this condition eliminates traffic that non-Hillbrook students would generate coming to campus. Hillbrook should not be permitted to function like a recreation department, especially since the recreation department for Los Gatos and Saratoga offers an exceptional array of programming that Hillbrook students and others can use in properly zoned locations where there is no adverse impact on residential neighborhoods.

Hillbrook states in its Strategic Plan 2015 that it will plan after-school activities largely to "enable the school to diversify its revenue streams." The Town should not permit Hillbrook to continue to degrade the quality of life in our neighborhood because it wants to increase its revenues. And in practical terms, the Town should not allow Hillbrook to compete with the Town's recreation department for non-Hillbrook participants and make profits from a function from which the Town itself generates needed revenue.

CONDITION 3. TRAFFIC THROUGH THE ANN ARBOR GATE

Neighborhood Proposed Condition 3. TRAFFIC THROUGH THE ANN ARBOR GATE. The Ann Arbor access shall be open to Hillbrook traffic, subject to the conditions of approval in this permit.

EXPLANATION: For reasons relating to safety and fairness, residents on the Marchmont side of the neighborhood want to see the Ann Arbor gate opened to Hillbrook traffic. Ann Arbor Drive is a public, not private, street and should be just as accessible to Hillbrook traffic as is Hilow Avenue and Marchmont Drive. There is no reason why the gate on Ann Arbor Drive cannot be open to traffic.

Recently, the lawyer representing Ann Arbor residents claimed that the Ann Arbor access could not be opened because of a 1 ft. easement owned by the Town of Los Gatos at the end of Ann Arbor Drive. According to the Los Gatos Town Attorney, however, the Town Council can and often does allow public use of easements of this kind. It appears, therefore, that there is no legal reason why the Ann Arbor access cannot be opened to traffic.

Here is some history. In the early 1970s, when the Ann Arbor neighborhood was built, Hillbrook had 85 students and was in danger of closing. There was no reason to open a school access at the end of Ann Arbor.

By 2000, the Marchmont side of the neighborhood was experiencing heavy traffic. In its September 18, 2000 letter "Re: Traffic Calming Measures—Hillbrook School" to Jim Hilton of Hillbrook School, TJKM Transportation Traffic Engineer Gary E. Kruger, P.E. wrote the following

The issue, obviously, is the need to distribute school traffic to more access routes to reduce the pressure on Marchmont Drive. Hillbrook School is part of the community in all directions, so the obvious supplemental access route is Ann Arbor Drive leading onto Shannon Road. By reviewing the addresses of the students, you estimated that a vehicle drop-off and pick-up of students on Ann Arbor Drive would reduce about 90 vehicles per hour on Marchmont Drive. Combined with the foot traffic gate onto the same drive, about 105 to 110 vehicles per hour could be eliminated per hour on Marchmont Drive. If this could be accomplished, the traffic patterns on Marchmont Drive and other nearby streets including Englewood Avenue could be reduced to almost normal traffic patterns. Clearly, equity in accommodating school access traffic would be best achieved by the use of Ann Arbor Drive for a fair share of school access traffic.

In an October 2000 letter to the Planning Commission, Head of School Sarah Bayne wrote the following:

We agree with the finding outlined in the letter of Gary Kruger of TJKM Transportation Consultants", and "As stated both at the June 5 Town Council meeting and the September 26 neighbor meeting, we are willing to off-set the traffic burden onto Ann Arbor Drive by using the Ann Arbor entrance and exit to the school. As stated at both meetings, detailed research has shown that the result could be that approximately 90 children could use that entrance, of which 20 children presently could be pedestrian traffic. Additionally, our research has shown that we have ample turn-around and staging space on campus for the drop off and pick up spot, and ample supervision while also meeting fire lane regulations".

In 2000, the Planning Commission recognized, at least in part, the validity of Mr. Kruger and Ms. Bayne's arguments and agreed to open the Ann Arbor access to pedestrians and bike riders. However, the Town Council overruled the Planning Commission decision.

The closure of the Ann Arbor gate is just a condition of the Conditional Use Permit. It is legally binding only as a condition in the permit. Now that the CUP is being modified, this condition is open to modification just like all other conditions in the permit.

Using the Ann Arbor gate offers advantages to both Marchmont residents and Hillbrook while requiring relatively little of Ann Arbor and Wollin Way residents. It is also the fair way to address the situation. For traffic scenarios showing what could happen if both the Marchmont and Ann Arbor accesses were used, see pages 35, 36, and 38..

SAFETY

- Traffic on Marchmont Drive, Hilow, Englewood, and other neighborhood streets would be much lighter, making it much safer for parents and students walking/biking to both Hillbrook and public schools.
- Ann Arbor and Wollin Way provide a safer route than Marchmont. They have sidewalks and no sight line issues. The Marchmont side of the neighborhood has no sidewalks, a steep hill (10% grade) on upper Marchmont that hides oncoming traffic, and a number of blind S-curves.
- Traffic exiting onto Ann Arbor and Wollin Way would move onto Shannon Road in areas where traffic is much lighter and flows much more freely than on the Marchmont side.
- Using Marchmont and Ann Arbor would diffuse traffic so that it would not be so heavily concentrated in one residential area at one time. Traffic would be more spread out.

FAIRNESS

- Hillbrook operates under a conditional use permit because it is located in a residential area. It's only fair that the excess traffic that Hillbrook brings be distributed equitably among surrounding neighborhoods.
- The TJKM 2000 traffic study recommended opening up the Ann Arbor side of campus to traffic, and this was supported by then Head of School Sarah Bayne. This logical way to share traffic more equitably was not approved only because a large number of people from the Ann Arbor side lobbied against it.
- Residents of Ann Arbor and Wollin Way often argue that they bought their homes with the understanding that there would be no increase in traffic related to Hillbrook. This argument fails to take into account that residents on the Marchmont side bought their homes with the same understanding. Many people on the Marchmont side bought their homes more than 30 years ago when Hillbrook traffic was substantially lower than it is today. We bought our homes with the same expectation as Ann Arbor and Wollin Way residents—that there would be no increase in traffic related to Hillbrook.

GENERAL

- The Marchmont side of the campus is located in a much larger residential area than is the Ann Arbor/Wollin side. Heavy volumes of traffic—cars, bikes, and pedestrians— occur during school drop-off and pickup periods in residential areas on the Marchmont side because of the near proximity of Blossom Hill, Van Meter, and Fisher schools.
- To access the Hillbrook campus, Hillbrook parents need to pass many more houses on the Marchmont side than on the Ann Arbor side. Using the Ann Arbor side would result in far less disturbance, noise, and pollution for the neighborhood overall. See the table on the next page for the numbers of houses passed using potentially available and currently available routes.

**TABLE II: NUMBERS OF HOUSES PASSED USING ANN ARBOR VS. THE MARCHMONT
SIDE OF THE HILLBROOK CAMPUS**

	Route After Turning Off Kennedy, Shannon, or Los Gatos Boulevard	Number of Houses Passed
ANN ARBOR SIDE	Ann Arbor to Hillbrook	13
Via Shannon		
	Wollin Way to Ann Arbor to Hillbrook	11
MARCHMONT SIDE	Englewood to Marchmont (upper + lower) to Hillbrook	85
Via Shannon		
	Englewood to Topping to Hilow to upper Marchmont to Hillbrook	79
	Hilow to Marchmont to Hillbrook	51
Via Kennedy	Englewood to Marchmont (upper + lower) to Hillbrook	59
	Stonybrook to Cardinal to upper Marchmont to Hillbrook	38
Via Los Gatos Blvd.	Spencer to Ferris to Loma to Topping to Hilow to upper Marchmont to Hillbrook	83

There is a particular need for the Ann Arbor access to be opened to pedestrian and bike traffic. Increased Hillbrook School foot and bike traffic has introduced a serious safety issue for both Hillbrook and local public school students. Hillbrook has of late attempted to reduce school traffic by encouraging children to walk and bike to the school located at the end of Marchmont Drive. Many parents drop their children at Blossom Hill Park parking lot on Shannon Avenue. From there the children proceed by foot or bike onto Hilow Ave and Marchmont Drive to the Hillbrook School. A number of parents accompany their children from this point and from other points in the neighborhood, adding to the foot traffic.

While we hope that an ever increasing number of Hillbrook students will continue to walk and bike to school, this has introduced a very serious problem. Hillbrook is putting its own students in harm's way by having them walk and bike on roads with no sidewalks and with very heavy auto traffic going to both Hillbrook and local public schools. The school is also adding to the danger for local students proceeding on foot and bike to public schools.

A clear solution is to open the Ann Arbor gate to foot and bike traffic as soon as possible. Both Ann Arbor Drive and Shannon Road have sidewalks. Students dropped off at the Blossom Hill Park parking lot can proceed on sidewalks east on Shannon Avenue to sidewalks on Ann Arbor Drive, and then through the Ann Arbor gate. Students leaving after school by foot and on bikes can use the same route.

This route has the further advantage of directing student foot traffic away from local public schools, thus having the added feature of improving safety for public school students walking and biking on Hilow Avenue and Shannon Avenue to local public schools.

.....
Neighbors have no comments on Hillbrook's proposed condition 4 and no alternative version.

CONDITION 5A. SCHOOL-YEAR ENROLLMENT

Neighborhood Proposed Condition 5A. SCHOOL-YEAR ENROLLMENT. The school-year enrollment shall be limited to 315 students. The term *student* means "a child enrolled at any time in Hillbrook's school year academic program, JK-8." Documentation listing the number of students enrolled at Hillbrook School during the school year shall be supplied to the Town on a quarterly basis, at the beginning of December, March, and September for the next three months.

EXPLANATION: Hillbrook began as a small quiet country day school and grew to a larger enrollment in the 1980s and 1990s after the neighborhood had grown up around it. From 1991 through 2001, the average enrollment, including a preschool with 48 part-time students (just Monday-Wednesday-Friday or just Tuesday-Thursday), was 301. By 2000, Hillbrook had eliminated the preschool and had become a school of 315 full-time JK-8 students. The resultant increase in traffic triggered major concern in the neighborhood about heavy school traffic.

See Table III for the history of Hillbrook enrollment from 1991 through 2001.

The 2001 CUP protections were designed specifically to address the increased traffic burden Hillbrook's expansion placed on the neighborhood. The enrollment cap (at 315, in place since 1984) was reiterated, and Hillbrook that assurances that it would NOT seek to expand. The neighborhood was concerned that Hillbrook's ultimate motive in building new, larger buildings was to expand its enrollment. The school gave repeated assurances that this was not the case.

TABLE III: Hillbrook School Enrollment Over Ten Year Period

1991-1992	296*	1996-1997	305*
1992-1993	288*	1997-1998	308
1993-1994	288*	1998-1999	302
1994-1995	295*	1999-2000	315
1995-1996	304*	2000-2001	315

Average Enrollment over ten year period: 301
 Total approximate increase from lowest year: 9%

*Approximately 48 students were pre-schoolers enrolled for either two days or three days a week.

Hillbrook's current application to increase enrollment is a major breach of faith with the neighborhood.

Here is what then Head of School Sarah Bayne wrote in a letter dated October 2000, addressed to the Planning Commission.

There has been continued suggestion that the school's master plan indicates its interest in increasing its population and overall size of the school. At no point has Hillbrook ever requested a change in its Conditional Use Permit, which limits the school's population to 315. (Emphasis in the original.)

People buy homes in the neighborhood with an understanding that the cap will remain in place. Just as Neighbors must accept the burdens of living with Hillbrook's traffic, noise, and pollution, Hillbrook must accept that it cannot continue to cause deterioration to its neighbors' peace and enjoyment by intensifying the uses of its campus and expanding its programs and activities beyond what is reasonable for the neighborhood. Because of the location of and the limited access to the Hillbrook campus, the school must be limited to its current maximum enrollment.

We also seek a definition of "students." In one of its lists of conditions submitted to the Town, Hillbrook submitted a version of Condition 4 that would allow anyone, including adults and students not enrolled in Hillbrook's regular school year session, to take part in afterschool (non interschool sports) programs. Based on this definition, Hillbrook could "enroll" anyone in after-school activities and outside educators in fee-based conferences. In order to maintain some control over the number of people who use the Hillbrook campus and thus the number of people who use neighborhood streets to get to campus, school year "enrollment" must be limited to the 315 school-year-enrolled children.

Before new leadership took over, the school recognized that Condition 4 limited attendance in any school-year Hillbrook program or activity to school-year-enrolled Hillbrook students. In the October 2000 letter from Sarah Bayne to the Planning Commission regarding traffic concerns, Ms. Bayne wrote, "All school programs and activities after the six hour day have increased nationwide over the past 15 years. Day care, for example, was unheard of as part of school programs, as well as the other activities Hillbrook, as with all schools, now provides for its students. Day care and all after-school programs are only offered to Hillbrook students." (Emphasis in the original).

HILLBROOK HAS VIOLATED ITS 315 ENROLLMENT CAP IN ALL BUT TWO YEARS SINCE 2001. The State requires Hillbrook and all other private schools to report their enrollment to the California Department of Education every year (<http://www.cde.ca.gov/ds/si/ps/>). In filing its reports, Hillbrook has self-reported itself in its affidavits as being in violation of its enrollment cap four times since 2001.

2006-2007	320 students
2007-2008	321 students
2008-2009	325 students
2009-2010	316 students

We believe that, in fact, Hillbrook has violated its enrollment cap in all but two years since 2001. Evidence that this is the case comes from Hillbrook's required state reports, in which the school has failed in all but one year to include the number of pre-K students it enrolls. It is assumed, unless otherwise stated, that Hillbrook's JK classes had 12 students each year.

Table X shows the numbers Hillbrook reported for K-8 students only (with the exception of 2008-2009; see note in table) and what the total enrollment would have been if Hillbrook had reported its junior kindergarten students. Over-enrollment ranged from 1 extra student to 23 extra students. This again shows how little respect Hillbrook has shown in the past for its CUP.

TABLE IV: HILLBROOK OVERENROLLMENT FROM 2001 TO 2014

School Year	Reported Enrollment: K-8 Only	Unreported Enrollment: Junior Kindergarten	Actual Enrollment
2001-2002	305	11	316
2002-2003	302	12	315
2003-2004	312	12	324
2004-2005	314	12	326
2005-2006	311	12	323
2006-2007	320	12	332
2007-2008	321	12	333
2008-2009	325	<i>13 reported under "total ungraded" in state report; may be junior kindergarten</i>	325
2009-2010	316	12	328
2010-2011	315	23* (JK +unreported 8 th graders)	338
2011-2012	315	12	327
2012-2013	307	12	319
2013-2014	315	0	315

*Hillbrook reported 20 8th graders, but its graduation picture shows 31 students in the 8th grade.

REBUTTAL TO HILLBROOK PROPOSED CONDITION 5: ENROLLMENT

Hillbrook Proposed Condition-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 students 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.

EXPLANATION: LG CATS oppose this condition for numerous reasons.

- Hillbrook's Letter of Justification cites as a reason for needing to expand its middle school that it wants to broaden social opportunities. This stated reason does not justify the neighborhood degradation this expanded use would cause. The community, including the Los Gatos-Saratoga Recreation Department and numerous athletic clubs and teams, offer innumerable opportunities to middle school students for extracurricular activities and social opportunities. Hillbrook's middle school students have thrived over the decades without the expanded enrollment Hillbrook is requesting.
- Hillbrook's Letter of Justification also cites as a reason for an expansion that it needs to provide more academic flexibility and enhance co-curricular offerings. Students in general use tutors when they want to pursue special offerings, such as Chinese, that are not offered by their school. Again, this stated reason does not justify the neighborhood degradation an increase in the student population would cause.
- The "Evening Out" Process. Hillbrook claims it wants to add enrollment during the school year to complete an "evening out" process begun in the late 1990's. Based on documents from 1999 and 2000, we found that this claim had no basis in fact. In the 1960s, when Hillbrook sold a large amount of its property to residential developers, the school enrolled roughly 140 students. In the 1980s, school enrollment dramatically increased. In the 1990s, Hillbrook closed its preschool and redistributed its numbers among grades preK-8. That change added significant traffic with all students now attending five days per week. Following this redistribution, in a letter dated June 25, 2000, then head of school Sarah Bayne stated that "a reconfiguration of the school's population throughout the grades with the elimination of the preschool ... is totally complete." In a letter dated October 2000, Ms Bayne also stated that the school was not seeking to increase enrollment. There was absolutely no mention of a further need to add to enrollment to complete the "evening out process" that Hillbrook claims was begun in the late 90s.

As further evidence, Jim Hilton, then school Business Manager, stated in a December 28, 1999 letter to the Town of Los Gatos that "Our school structure will remain the same two classes for each grade kindergarten through eight for a total of 315 students" and "It is not Hillbrook's intent to increase enrollment but to have a safe up-to-date educational facility for our students and campus that fits in with the Los Gatos Community and neighborhood."

- Violation of the Town of Los Gatos Traffic Impact Policy. According to the January 2012 TJKM traffic study, an increase in enrollment of 99 students would result in an increase in traffic of 98 A.M. peak hour

trips and 84 P.M. peak hour trips (almost 30% and more than 25% respectively). According to the Town of Los Gatos Traffic Impact Policy, the Town “may approve a project with twenty or more additional A.M. or P.M. peak hour trips only if it is determined that the benefits of the project to the Town outweigh the impact of increased traffic ...”

As quoted previously, the Traffic Impact Policy goes on to state the following: If a project generates additional traffic of five or more peak hour trips the burden is on the applicant to cite economic or housing benefits to the Town and/or specific sections of the General Plan and any applicable Special Plan that demonstrate the project’s benefit to the Community which outweighs the traffic impact. The deciding body must make specific findings which demonstrate that the benefit(s) of the project outweigh the impact in order to approve the project.

In its Community Benefit letter of July 26, 2012, Hillbrook states that having the school in Town is itself the community benefit. Hillbrook does not cite any economic or housing benefits to the Town of its proposed more than 31% expansion, nor does it cite specific sections of the General Plan or any Specific Plan. While the neighbors agree that Hillbrook, as an institution, has a role to play in the Town and are supportive of the school’s purpose, Hillbrook has, in the past several years, neglected its obligations to the neighborhood and had a significant detrimental impact on its neighbors.

- Violations of the Los Gatos 2020 General Plan. Hillbrook’s expansion—with the resulting increases in traffic and noise and the increased safety hazards of even more traffic—would violate many provisions of the Los Gatos 2020 General Plan, which assures neighborhoods that the Town will protect quality of life and public safety. Specifically,

Section b of Section 29.20.150 of the Town Code specific states the following:

“Any project receiving Town determination subsection ... (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific plan.

An increase in enrollment at Hillbrook would be out of compliance with numerous provisions of the 2020 General Plan as shown in the table that follows.

**TABLE V: LOS GATOS 2020 GENERAL PLAN -- HOW AN ENROLLMENT INCREASE
WOULD VIOLATE TOWN POLICIES**

WHAT THE 2020 GENERAL PLAN SAYS	PROBLEMS WITH THE HILLBROOK ENROLLMENT INCREASE
The Town will:	
Policy TRA-2.5 Discourage single access roads of extended length, and restrict development along such roads.	<p>Marchmont Drive is a single access—or dead-end—road. Hillbrook School is at the end of this road. To access Hillbrook, all traffic must go up Marchmont and back down again.</p> <p>New development at Hillbrook, meaning the addition of students and activities, should be restricted.</p>
Policy LU-6.1 Protect existing residential areas from the impacts of nonresidential development.	Hillbrook is a nonresidential development in a solely residential area. Surrounding streets are already heavily impacted by Hillbrook traffic. The neighborhood needs Town protection from increased traffic generated by this nonresidential use.
Policy LU-6.4 Prohibit uses that may lead to the deterioration of residential neighborhoods, or adversely impact the public safety . . .	Hillbrook’s intensification of use has already resulted in significant neighborhood deterioration. For example, people are already afraid to have their children walk or bike to school. Neighbors ask that current conditions be mitigated to make our streets, which have no sidewalks and no bike lanes, safe for neighborhood residents. Any traffic increase will clearly “adversely impact the public safety.”
Policy LU-4.2 Allow development only with adequate physical infrastructure (e.g. transportation, . . . and social services (e.g. . . .public safety, etc.).	Hillbrook already generates too much traffic for neighborhood streets. All this traffic funnels into one street. There is NOT “adequate physical infrastructure” for Hillbrook’s current traffic, much less any increase in traffic.
Action TRA-2.2 Adopt street standards that reflect the existing character of the neighborhood, while taking into account safety and maintenance considerations.	The neighborhood around Hillbrook is entirely residential. The addition of traffic changes the existing character of the neighborhood, reduces safety, and degrades the streets so that maintenance is required. Marchmont Drive itself is a Town street, requiring Town maintenance. Other Town streets carrying a heavy load of Hillbrook traffic include Cardinal, Stonybrook, and Kennedy Road.
Policy TRA-9.1 Make land use decisions that encourage walking, bicycling, and public transit use.	Neighborhood streets are already hazardous when Hillbrook traffic is present. Current traffic already discourages residents from walking and biking. Parents—including Hillbrook parents—are already afraid to have their children walk or bike to school. (In a 2012 survey, 25% of Hillbrook parents said they would not let their children walk to Hillbrook because the traffic was

	too dangerous.) Increased enrollment at Hillbrook would result in even fewer residents walking or biking in the area. Higher enrollment and thus higher traffic will just make the situation worse.
Policy TRA-3.12 The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.	Hillbrook continues to generate traffic of up to 1,100 trips per day. All of its traffic mitigation programs are voluntary. A voluntary program can in no way be considered "maximum mitigation," and the continuing high level of traffic points to the ineffectiveness of its current voluntary program.
Policy LU-4.3 Only approve projects for which public costs can be justified by the overall benefit to the community.	<p>There are no benefits to Los Gatos of a Hillbrook expansion. As a nonprofit, the school pays no property or income taxes. According to the Hillbrook website, two-thirds of the students come from outside of Los Gatos, so Hillbrook offers little relief to overcrowded Town schools.</p> <p>Public costs for the project include excessive traffic, reduced public safety, increased air and noise pollution, degraded streets, reduced quality of life, and significant municipal liability.</p>
Policy TRA-3.7 All traffic reports shall include analyses of nearby uses with unusual or unique traffic generation factors or peak hours (e.g. pre-schools, faith communities, private clubs, quasi-public uses).	<p>The 2012 TJKM traffic study that is used to justify an enrollment increase at Hillbrook fails to include analyses of the traffic associated with these nearby schools and institutions: Blossom Hill School, Van Meter School, Fisher Middle School, the preschool run by the Presbyterian Church-Los Gatos, and Shir Hadash.</p> <p>It also fails to address traffic at the intersections used by Blossom Hill School parents, the heavily impacted intersection at Shannon and Cherry Blossom, and the heavily impacted intersection at Blossom Hill Road and Cherry Blossom.</p>
Policy LU-6.5. The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.	The intensity of Hillbrook's land use fit into the neighborhood while the school retained its small country day school character. Now that it has drastically expanded its activities, the property use is no longer consistent with the immediate neighborhood. Any further growth in enrollment will make the school even less consistent with the character of the neighborhood.
Goal LU-1. To preserve, promote, and protect the existing small-town character and quality of life within Los Gatos.	The traffic from an enrollment increase will detract from the small-town character of Hillbrook's surrounding neighborhood. It will further turn streets that were once walkable into dangerous thoroughfares.
Policy LU-6.2. Allow non-residential activity in	Hillbrook traffic, particularly in the afternoons, is

residential areas only when the character and quality of the neighborhood can be maintained.	disrupting the character of the neighborhood and compromising quality of life. Dog walkers, bike riders, and pedestrians no longer feel safe or comfortable on local streets because of the heavy Hillbrook traffic. Hillbrook traffic needs to be restricted and reduced to restore the character and quality of life in the neighborhood.
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- Neighbors think it is important to note that no private school would be allowed to be built at Hillbrook's current location. According to Policy TRA-2.5 ("Discourage single access roads of extended length, and restrict development along such roads."), since the property is at the end of a single access, residential street rather than a main artery road, no school would be permitted. Since under current circumstances no school would be permitted, the Town should not permit any increase in the use of the property.
- Increase at the middle school level will have a disproportionate traffic impact. According to the Hillbrook website, 90% of its middle school students participate in after-school sports. Since Hillbrook wants the increased enrollment in the middle school, it logically follows that there would be a large increase of visiting school student and parent traffic on top of the parents of the additional Hillbrook students coming to the neighborhood as spectators for these activities. This "collateral damage" should be considered in any evaluation of Hillbrook's request.
- An increase of 99 students on the Hillbrook campus will create not only additional student drop-off and pickup traffic. It will also cause an increased number of parent trips for meetings, appointments, and other activities, and substantial increases in traffic and noise during afternoon activities.
- Lack of limitation in times of use. This condition by stating that it can enroll 414 students "at any time during any portion of the year when the regular school session is not occurring" demonstrates Hillbrook's clear intention to expand its activities outside of normal school days and a short summer session. We ask that times of use of the campus be restricted as proposed in our Condition 4B. Times of Use (below).
- Insufficient submission of verification of enrollment. Hillbrook wants to submit enrollment numbers only once a year. Because Hillbrook has violated its enrollment cap so frequently since 2001, we ask that enrollment be verified more frequently—at the beginning of December, March, June, and September for the next three months.

Hillbrook Argument That Enrollment Should Not Matter So Long as Traffic Is Limited. People may argue that Hillbrook should be allowed to increase its enrollment so long as it keeps its traffic to a low level. This argument has several problems.

1. In the past, during counting days, people have parked on surrounding streets and walked into the school to avoid being counted. This creates traffic problems in the surrounding neighborhood while helping Hillbrook meet its numbers. With an enrollment increase, such behavior is likely to multiply on surrounding streets on a daily basis despite prohibitions against neighborhood parking.

2. Hillbrook's parking of "kiss and ride" buses on Shannon and on Kennedy during rush hours has already had negative impacts. Cars line up behind the buses. Sometimes, drivers become impatient and drive around the bus—thus moving into the lane for oncoming traffic—or drive through the Blossom Hill Park parking lot on Shannon. Bike riders heading to school often go around the buses, putting themselves closer to oncoming traffic. Any increased use of these bus stops will just make the situation worse.
3. In the past, Hillbrook parents have not participated in busing and carpooling in any major way. To allow themselves to drive their individual children to and from school, they are likely to come up with strategies for using their cars but not getting counted at the Hillbrook gate. One of the existing, and highly dangerous, strategies is to drive up the hill, drop off a student, and then make a U-turn. This behavior will also occur more frequently the more students there are enrolled at Hillbrook.
4. Hillbrook is using this argument in hopes of using the campus all year round – during fall, winter, and spring breaks and throughout the summer. Neighbors object to this expansion in times of use.

In sum, Hillbrook and its parents have "gamed" the counting system in the past and are likely to do so in the future. The only way to be sure that traffic is limited is to make sure that enrollment is limited.

CONDITION 5B. SUMMER-SESSION ENROLLMENT

Neighborhood Proposed Condition 5B. SUMMER-SESSION ENROLLMENT. The summer-session total enrollment shall be limited to 100 JK to 8th grade students. Documentation listing the number of students enrolled at Hillbrook School in the summer session shall be supplied to the Town at least 2 weeks before the beginning of the summer session.

EXPLANATION: Hillbrook's 2001 CUP does not permit any summer programs. However, over the years, Hillbrook has conducted small summer camps with fewer than 100 campers. These have been typical camps featuring arts and crafts, horseback riding, sports, swimming, and the like. Neighbors have not objected to these programs even though they are not, strictly speaking, permitted. Unfortunately, in the past several years, Hillbrook's new leadership has dramatically expanded the use of Hillbrook's campus during the summer. In 2011, in particular, it allowed Steve & Kate's Camp, a private camp with many other locations, to have 900 campers on its site, and at the same time it rented its campus to other third parties.

Our condition makes clear that we want Hillbrook to hold only small summer programs as it did before 2009.

CONDITION 6. NUMBER OF EMPLOYEES

Neighborhood Proposed Condition 6. EMPLOYEES. The after school maximum number of employees on site during activities in the gymnasium which draw an audience shall not exceed 12. The maximum number of staff/faculty employed by Hillbrook at any one time shall not exceed 69. All employees identified as “interns” shall be included in the count.

EXPLANATION: It is customary for school CUPs to limit the number of employees since employees generate traffic just as students do.

In its report to the California Department of Education for 2012-2013 (<http://www.cde.ca.gov/ds/si/ps/>), Hillbrook reported that it employed 69 people. For comparison, for 2013-2014, Fisher Middle School listed 90 employees for its 1,006 students. With its 435 students in 2013-2104, Louise Van Meter School had 48 employees. With its 315 students, St. Mary’s is limited to 53 staff. With its 360 students, Bentley School in Oakland is allowed 71 employees. The new Harker at Union has a limit of 600 students; for these 600 students, it is limited to 100 employees.

With its 315 students, Hillbrook should not need to increase its number of employees beyond the level reported in 2012-2013. Furthermore, the school claimed during neighborhood meetings that it would not need to increase its staff even if it increased its student body. If the school is permitted to continue its teacher-training program, all teacher trainees should be included in the staff/faculty count.

For your reference, Table VI shows how the number of Hillbrook employees has increased since 2001.

TABLE VI: Growth in Number of Employees at Hillbrook--2001-2014

Year	Full-time Teachers	Part-time Teachers	Admin	Other	Total
2013-2014	44	4	18	10	76
2012-2013	39	7	17	6	69
2011-2012	39	4	6	9	58
2010-2011	42	3	5	10	60
2009-2010	37	5	7	5	54
2008-2009	39	7	7	8	61
2007-2008	45	5	6	8	64
2006-2007	40	2	6	6	54
2005-2006	37	4	8	6	55
2004-2005	35	2	6	8	51
2003-2004	34	3	5	8	50
2002-2003	33	4	6	4	47
2001-2002	33	5	6		44

From 2001 to 2104, Hillbrook increased its staff by 32 employees—all with no approved enrollment increase and without any CUP amendment.

7. HOURS OF OPERATION AND TIMES OF USE

CONDITION 7A. DAYTIME WEEKDAY ACTIVITIES

Neighborhood Proposed Condition 7A: DAYTIME WEEKDAY HOURS Daytime, weekday hours begin at approximately 7:00 A.M. when faculty and staff start to arrive and end at 5:30 P.M. All vehicles shall be off campus by 6 P.M. except as specified below under nighttime activities. The Hillbrook campus shall be in use only during regularly scheduled school days and for six contiguous weeks during the summer except as described in 7C and for one open house on one weekend. No activities will be scheduled during fall break, winter break, "ski week," spring break, or outside of the 6-week summer session.

EXPLANATION: By 6 P.M., the neighborhood should be quiet. All Hillbrook traffic should be finished. Because of this, Neighbors ask that the CUP mandate all school activities to be ended by 5:30 P.M. and all cars to be off campus by 6:00 P.M. The exceptions would be the 10 or fewer nighttime activities that Hillbrook has submitted to the Town in August before the beginning of a school year as described below in (6B). It is reasonable that daytime activities should end by 5:30, and the demarcation between daytime and nighttime be 5:30 P.M. Any activity beginning at or after 5:30 P.M. or starting before 5:30 P.M. and extending to 6:00 P.M. or beyond should be counted as a Nighttime Activity.

Times of Use. Hillbrook's condition 5 (enrollment) states that enrollees will be able to use the campus "at any time during any portion of the year when the regular school session is not occurring." Hillbrook has already allowed use of its campus for tournaments during winter break and has extended its summer usage to include the entire summer. We ask that limits be placed on when the Hillbrook campus can be used. The school should be open only during weekdays during the regular school year and for six weeks during the summer with the exception of one weekend open house as it was before the new administration took over in 2009. Neighborhood Proposed Condition 7A would prevent use of the campus during winter break, ski week, spring break, and periods during the summer. These are times when residents around public schools get a reprieve from traffic. Neighbors around Hillbrook would like the same kind of reprieve.

Hillbrook's list of conditions contains no condition for times of use. This is another clear indication that Hillbrook plans to use its campus for as many non-school and non-Hillbrook-campus uses as it can. This extended land use—beyond uses in effect in 2001 and beyond times when the campus was in use in 2001—is not appropriate for Hillbrook's zoning and location.

CONDITION 7B. NIGHTTIME HOURS

Neighborhood Proposed Condition 7B. NIGHTTIME ACTIVITIES. The maximum number of nighttime activities is limited to ten per calendar year regardless of the number of participants. No nighttime use of the campus is permitted during the summer. Nighttime activities are defined as any activities that extend beyond 6:00 P.M. All nighttime 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. On or before August 15th each year, Hillbrook School shall provide to the Town and neighbors a list of the dates of all projected nighttime

activities for the school year. On all evenings not included in this list, the Hillbrook gates will be locked by 6:15 P.M.

EXPLANATION: Hillbrook has routinely violated its current nighttime activity cap of 10. Its calendar for 2010-2011, for example, listed 29 nighttime activities and failed to include all of the nighttime activities actually held. For example, four dances were held on campus during evenings until last year; these were not listed in the calendar.

The 2001 cap of 10 nighttime activities was put in place to safeguard the neighborhood against excessive nighttime on-campus activity and excessive street noise and traffic. The neighborhood statement of the condition would maintain some peace and quiet in the neighborhood during the night while letting neighbors know in advance when to anticipate nighttime traffic and noise.

Difference Between the Hillbrook Condition and the Neighborhood Condition. Hillbrook's condition related to nighttime hours, condition 7B, defines nighttime activities as "those activities which commence at or after 6:00 p.m., or prior and extend beyond 7:00 P.M." Neighbors would like to see all cars off campus by 6 P.M. on most days; therefore, we ask that nighttime activities be defined as "activities that extend beyond 6:00 P.M."

CONDITION 7C. WEEKEND ACTIVITIES

Neighborhood Proposed Condition 7C. WEEKEND ACTIVITIES. . During the weekend the campus shall be closed, except for faculty and staff access. However, one weekend Open House in October is permitted. No interschool sports tournaments or youth groups shall be permitted on the weekends.

EXPLANATION: Hillbrook has been routinely violating the weekend activity condition by holding numerous non-permitted activities on Saturdays and Sundays. Examples shown on the school calendar include: ISEE testing, a garden work party, family photo day, and JK-K screening for new applicants. However, Neighbors have often seen streams of cars leaving the Hillbrook campus on weekends, indicating that there have been many weekend events not shown on the calendar. On the weekend of May 21-22, Hillbrook's January 2012 Traffic Study documented 112 vehicles entering and leaving the school on Saturday and 72 vehicles entering and leaving the school on Sunday. This was a weekend on which there were no permitted activities. Since the school has violated this condition with impunity and there is no way to practically and effectively enforce this condition, the school should be closed on weekends and the gate should be locked.

Hillbrook's illegal use of its campus for interschool tournaments caused major disruptions in the neighborhood on Friday afternoons and on weekends, generally from 8 A.M. through about 1 P.M. Therefore, we ask that permission to use the campus for tournaments be denied.

REBUTTAL TO HILLBROOKS PROPOSED CONDITION 7C. WEEKEND ACTIVITIES

Hillbrook's Proposed Condition 7C: 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.

Residents have a right to continued quiet weekends. LG CATS oppose this condition for these reasons:

- The 2001 expressly prohibited weekend interschool tournaments. Hillbrook held a large number of such tournaments in defiance of the CUP and only stopped such tournaments when the Town Council, in March 2013, ordered that they be stopped. Hillbrook should not now be permitted this use.
- Weekend tournaments create large amounts of traffic on what should be quiet weekend mornings-- usually continually from 8 A.M. to 1 P.M.--and should not be allowed.
- If tournaments are allowed, the number should be limited to 1 volleyball tournament and 1 basketball tournament. Hillbrook plays against 14 other schools, and additional tournaments can be held at these other schools.

.....
Neighbors have no comments on Hillbrook's proposed conditions 8, 9, 10, and 11 and no alternative versions.
.....

CONDITION 12 . NO THIRD PARTY USE OF THE CAMPUS

Neighborhood Proposed Condition 9. NO THIRD PARTY USE OF THE CAMPUS. No use of campus facilities shall be permitted to "partners," third parties, co-sponsors, "joint operators," or outside groups described in any other way. Hillbrook will not rent, lease, gift, or otherwise allow use of any part of the Hillbrook campus to any outside entity at any time.

EXPLANATION: Hillbrook's numerous violations of the Rent/Lease condition and the way it has sidestepped Current Condition 10 make clarification of this condition necessary. Neighbors believe that our revision of this condition leaves no doubt as to what can and cannot be done with the campus.

The 2001 condition was meant to preclude the use of the Hillbrook campus by all outside entities. We have amplified and clarified the condition to prevent Hillbrook from engaging in any further deliberate attempts to skirt its intent. The increase in third party usages allowed by Hillbrook has added to the traffic burdens in the neighborhood. As an example, in summer 2011, Hillbrook rented its campus to Steve & Kate's Camp, which enrolled more than 900 children and inundated the neighborhood with cars as drivers picked up and dropped off children on a flexible schedule throughout the day and into the evening.

Hillbrook's disrespect for the CUP is reflected in the way it reacted to the Town ordering it to stop holding conferences. Hillbrook held conferences in summer 2011. In fall 2011 and then again in spring 2012, the Town told Hillbrook that its CUP did not allow conferences. Hillbrook persisted and did not agree to relocate its planned conferences until the last minute, June 2012, when the Town was forced to give the school an

ultimatum. At that point, it moved one conference to Hakone Gardens and a second conference to the Toll House, all the while protesting that conferences were permitted under its CUP.

REBUTTAL TO HILLBROOKS PROPOSED CONDITION 12. LEASE/RENTALS

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

Hillbrook refers to this revision of Current Condition 10 as a “clarification” and a “minor change.” In fact, Hillbrook’s proposal represents a significant change with major impact to Neighbors.

The way in which Hillbrook has allowed third party providers to use its campus has been a major source of contention between Hillbrook and Neighbors. As background, since 2009 Hillbrook violated the lease/rental condition by claiming that clear third party relationships were “partnerships” or “joint operations.” It had “partnerships” or “joint operations” with at least eight third parties, including Saso High School Prep, Breakthrough Silicon Valley, Santa Fe Leadership Center, California Association of Independent Schools, Way to Go Foundation, and Steve & Kate’s Camp.

Hillbrook’s “minor change” is the addition of the words “*except for third party providers of educational programs consistent with Hillbrook’s philosophy and mission.*” This creates a wide open field for Hillbrook to rent or lease its property to almost anybody since almost anything can be considered “an educational program.” This condition should be much more closely worded, with a clear description of what educational programs Hillbrook has in mind, before it can even be considered.

In March 2013, the Town Council disallowed all conferences and other third party uses except for a hybrid permission to host the Breakthrough Silicon Valley program. This prohibition on third party uses should continue in effect and be stated in a clear and unequivocal way.

In its application, Hillbrook claims that the old Condition 10 was intended only to preclude Hillbrook from hosting weddings and social gatherings. There is no evidence to support this claim. In fact, the lease/rental limitation was put in place to prevent the school from offering its campus for use by any group other than Hillbrook, thereby limiting the traffic impacts to Hillbrook programs and activities only. In her October 2000 letter to the Planning Commission, then Head of School Sarah Bayne wrote, “Increased weekend use of the campus was cited by several neighbors as a source of concern.” That concern resulted in the provision barring use of Hillbrook by “outside leagues or youth groups” on weekends and the prohibition of any lease or rental of Hillbrook facilities to any third party.

Those provisions, coupled with Ms. Bayne’s guarantee that “all day care and all after school programs” were to be “only offered to Hillbrook students” were designed to prevent Hillbrook from imposing traffic on the neighborhood except that which was generated by programs and activities only for the 315 Hillbrook-enrolled students.

In a previous letter of justification, Hillbrook implied that a prohibition on leases and rentals would limit the school's ability to support its educational mission. That is certainly not the case. Here is the school's mission statement as presented as part of its Form 990 for 2011 (the school's most recent filing):

Hillbrook School is an independent junior kindergarten through 8th grade school whose program uniquely balances academic rigor with a humanistic approach to learning.

Hillbrook provides an extraordinary educational experience that fosters a love of learning in our students and helps them develop the knowledge, skills, and confidence to achieve their highest individual potential in school and in life. At Hillbrook, students are known, respected and valued as individuals and every day is a journey of self-discovery, imaginative thinking, creative problem solving, laughter, and friendship.

Condition 10 as currently written and Neighborhood Proposed Condition 12 in no way limit Hillbrook's ability to fulfill its mission and to provide educational programs for its own 315 enrolled students. The school is free to hire teachers, staff, and temporary contractors to fulfill its stated mission.

In its explanation, Hillbrook says that "questions were raised about the school's partnership with several organizations, including Steve & Kate's." Calling the relationship with Steve & Kate's a "partnership" shows the kind of double-talk Hillbrook has been using with the Town and neighbors for years. In the Steve & Kate's example, the fact is that Steve & Kate's Camp is a for-profit organization with at least 24 other locations in the Bay Area and locations in Washington State. It seems unlikely that Steve & Kate's did not pay Hillbrook for use of its campus. And even if no payment were involved, this kind of third party activity involves an "intensification of use" that is in clear violation of the Town Code.

CONDITION 13. COMPLIANCE REVIEW

Neighborhood Proposed Condition 13. COMPLIANCE REVIEW. This application shall be reconsidered by the Planning Commission six months from the date of approval to ensure that there has been compliance.

CONDITION 14. TRAFFIC CONDITIONS

.....
Neighbors have no Condition 14A.
.....

CONDITION 14B. DAILY TRAFFIC LIMITS.

Neighborhood Proposed Condition 14B. DAILY TRAFFIC LIMITS. The maximum number of vehicles entering and leaving the campus at the Marchmont Drive gate on a daily basis shall not exceed 485 vehicle passes (“Trip Cap”) for each semester term, namely First Term (Fall/Winter) and “Second Term” (Winter/Spring). The Trip Cap is defined and shall be calculated as provided herein.

EXPLANATION: WHY WE ARE ASKING FOR A 485 DAILY TRAFFIC LIMIT. Neighbors request that Hillbrook School be limited to no more than 485 vehicle trips entering and exiting the campus during any 24-hour day during the school year. This is for two key reasons: (1) the neighborhood in general has many safety problems that heavy traffic only makes worse; and (2) upper Marchmont is a single-access, dead-end street and thus has particular safety issues.

- 1. The neighborhoods around Hillbrook presents a uniquely dangerous situation in town not experienced in any other neighborhoods hosting a school or other heavily used facility.**
 - There are **no sidewalks** and **no bike lanes** on upper Marchmont, lower Marchmont, Englewood, Topping Way, Stonybrook, Cardinal, or Hilow—the main and feeder streets leading to the school.
 - Drop-off times at Hillbrook and the local public schools, Blossom Hill, Van Meter, and Fisher are very close, putting children walking to school on the same roads as Hillbrook drivers.
 - Since 2001, more families with children have moved into the general neighborhood. On upper Marchmont and its adjacent courts alone, there are more than 30 children. The majority of these children attend Blossom Hill, Fisher, or Los Gatos High School. Most want to walk bike, or skateboard to school. However, parents report that they no longer can allow their children to do so because of the heavy, hazardous traffic.
 - Every vehicle into and out of the school has to traverse upper Marchmont’s sharp S-curve and its steep hill (with a 10% grade).
 - Stonybrook Road, another access street leading to Marchmont, is very narrow with S-curves. Cars usually park on the street, making the roadway even narrower.
 - Another blind curve is located on Cardinal Way. Drivers face this blind curve as they go from Kennedy to Cardinal to Marchmont—and when they do this drive in reverse.
 - On Friday trash pickup days, West Valley Collection demands that residents put their trash cans partway into the street. This narrows the street for cars and creates another obstacle for bikers and pedestrians, putting them into the street and into the way of cars.



Photo: January 25, 2012, 7:55

There is often heavy traffic at the S-curve on upper Marchmont Drive.

- In the mornings and afternoons, with the sun lower in the sky, drivers are virtually blinded going up or down the hill in front of several homes.



Photo: October 24, 2012, 7:45 AM

As Hillbrook parents drive their children to school, the blinding sun at the Marchmont hill creates unsafe conditions at many times of the year.

- In the afternoons and on weekends, the hill attracts bikers, skate boarders, and roller bladers who seek out the challenge of speeding down the hill and around the S-curve. Countless near misses have occurred. Neighborhood children's safety is compromised when doing such simple things as walking a dog or riding a bike. An additional blind curve exists where drivers leave the Hilow bottleneck heading toward Shannon.
- **Traffic at the Hilow-Marchmont-Cardinal intersection** is exceptionally heavy during the morning peak traffic period. At this time, children are using the intersection to walk and bike to five different schools—Blossom Hill, Van Meter, Los Gatos High, Fisher Middle School, and Hillbrook—while adults are also driving their children to school or hurrying to work. This makes for a very hazardous intersection. The 2012 TJKM traffic study found that during the most heavily traveled 15 AM minutes, traffic at this intersection was 175 vehicles. In the most heavily traveled 15 PM minutes, intersection traffic was 128. See Table VIII for statistics.

**TABLE VII: 4-WAY TRAFFIC DATA: THE HILOW-MARCHMONT-CARDINAL
INTERSECTION -- MORNINGS: 7:30 A.M. - 8:30 A.M.**

Existing + approved	376	2012 TJKM Traffic Study
Existing + project	473	2012 TJKM Traffic Study
5/12/2011	376	2012 TJKM Traffic Study
1/7/2013	318	Neighbor
1/15/2013	331	Neighbor
1/24/2013	340	Neighbor
3/1/2013	316	Neighbor
3/15/2013	362	Neighbor
3/25/2013	316	Neighbor
5/15/2013	336	Neighbor

AFTERNOONS: 2:30 P.M. – 3:30 P.M.

5/12/2011	342	2012 TJKM Traffic Study
Existing + approved	342	2012 TJKM Traffic Study
Existing + project	425	2012 TJKM Traffic Study

- The bottleneck between Hilow and the Hilow-Marchmont-Cardinal intersection creates special problems, especially during peak-traffic periods. Many drivers use this one-way bottleneck to reach Marchmont and then Hillbrook. During peak periods, traffic often backs up at the ends of the bottleneck. Harried drivers often turn this one-way road into a two-way road to get to their destinations faster.



The Hilow bottleneck, shown to the left, is a heavily traveled way to get from Shannon to Kennedy. It is a narrow one-way street. Traffic frequently piles up at both ends of the bottleneck during peak hours. Notice how cars ignore the one-way sign and use the street as if it were a two-way street. This is a frequent, and dangerous, occurrence. Additional traffic on this bottleneck will increase the dangers in an already dangerous area, especially for children walking to school from Topping Way.

2. **Upper Marchmont Drive is a single access, dead-end street. Such streets have particular traffic issues.** The dead-end street is a passage that is open only at one end. In the case of upper Marchmont, the open end is at the Hilow-Cardinal-Marchmont intersection. The Hillbrook School parking lot functions as a turnaround for school traffic. There are no other streets extending from the turnaround. All traffic must go up upper Marchmont, turn around, and then go back down upper Marchmont.

Traffic volume standards for dead-end streets like upper Marchmont generally are generally between 250 and 500 vehicle trips per day. For examples, see the table below. Hillbrook School currently generates more than double this amount of traffic. **The school should not, all by itself, be permitted to exceed a limit of 485 daily vehicle trips.**

TABLE VIII: TRAFFIC VOLUME STANDARDS FOR DEAD-END STREETS IN A REFERENCE WORK AND OTHER TOWNS, COUNTIES, CITIES, AND TOWNSHIPS

SOURCE	STREET IDENTIFICATION	AVERAGE DAILY TRAFFIC (ADT)
Residential Streets Functional Definitions http://www.nh.gov/oep/resourcelibrary/referencelibrary/c/culdesacs/pasmemo.htm	Cul-de-sac	"Cul-de-sac's are special residential access streets limited to an ADT of 400 (40 single family homes)"
County of San Diego Department of Public Works: Public Road Standards http://www.sdcountry.ca.gov/dpw/docs/pbrdstds.pdf	Residential cul-de-sac	Fewer than 400
Town of Truckee Public Improvement and Engineering Standards (May 2003) http://www.townoftruckee.com/Modules/ShowDocument.aspx?documentid=1813	Dead end road or local road	Fewer than 500
City of San Marcos, California, Engineering Division, Cul-de-Sac & Single Access Policy Resolution http://www.ci.san-marcos.ca.us/Modules/ShowDocument.aspx?documentid=851	Cul-de-sac/single access road	Fewer than 500
Clinton Township Subdivision and Land Development Ordinance (2009) http://www.myclintontwp.net/media/November_2009_Clinton_SALDO.pdf	Cul-de-sac/Dead end street	0-250 maximum for dead-end street
Hudson County Land Development Regulations http://www.hudsoncountynj.org/Data/Sites/1/dept/planning/docs/landdevelopmentpt2.pdf	Cul-de-sac	250 maximum

Dead-end streets pose particular dangers and problems. Here are some of them as identified in "Standards for Dead-End Streets"

(<http://www.nh.gov/oep/resourcelibrary/referencelibrary/c/culdesacs/pasmemo.htm>) by Carol J. Thomas, AICP. (This document also maintains that on dead-end streets “for nonresidential areas or uses, number of vehicle trips should not exceed 100 per day”.)

- Access to interior lots can be blocked at the open end of a dead-end street or along the cul-de-sac "spine" by an accident, stalled car or truck, fallen tree, snow pile, or construction.
- Traffic at the open end can be excessive if the street is long and access is provided to a large number of lots or buildings.
- Traffic has to double back, which is especially inefficient for delivery people, emergency equipment, and service vehicles.
- Fire equipment, trucks, and public works equipment have difficulty maneuvering.
- The first equipment arriving at a fire may block equipment arriving later or interfere with the maneuvering of equipment.

Please note that in February 2012, the Los Gatos Police Department reviewed Hillbrook’s CUP application. On February 13, 2012 Sergeant Kerry Harris wrote: “

The one area of concern to the Department is the impact on traffic and pedestrian safety resulting from the increase in vehicle trips through the Englewood and Marchmont neighborhood. The Department would urge the applicant to investigate ways to reduce the number of vehicle trips through the residential neighborhood, developing traffic demand management strategies to achieve that end, or to study alternate ingress and egress to the Hillbrook campus.

ADDITIONAL SUPPORT FOR THE 485 DAILY TRAFFIC LIMIT

ITE TRAFFIC STANDARDS. The Institute of Transportation Engineers (ITE) provides support for a daily limit of 485 total trips for Hillbrook traffic. The ITE’s *Trip Generation Manual* is the most widely used source for traffic standards. We did not find information for long dead-end streets like upper Marchmont. As a result, here we are using the formula for local, residential streets in the *Trip Generation Manual*, 8th Edition.

In the 8th edition ITE manual, the relevant ITE formula multiplies the number of single family residences by 10.1. Based on that formula, daily traffic volume on upper Marchmont should not exceed 485 vehicle trips. (Since this material was written, the 9th edition has become available. This puts the multiplier at 10; the daily traffic number using this multiplier would be 480.)

Here is the math:

- There are 34 single-family detached homes on Upper Marchmont Drive and its adjoining courts. 34
 - Based on the Los Gatos 2020 General Plan, there could be 14 single-family residences on Hillbrook's 14-acre property with its HR-1 zoning. 14
- 48 residences
- The ITE multiplier is 10.1. 48 x 10.1 = 485

Hillbrook generates more than this daily amount of traffic. Again, as stated above, **Hillbrook should not, all alone, be permitted to exceed the 24-hour accepted standard for traffic for the street.**

Other towns have addressed this issue. Pleasanton's 2003 Baseline Traffic Report uses what it calls "quality of life Level of Service," and comes up with 500 as the appropriate daily traffic rate for local streets. Here are additional numbers for local, residential streets from other towns and counties.

TABLE IX: SAMPLE STANDARDS FOR AVERAGE DAILY TRAFFIC ON LOCAL NON-DEAD END STREETS SIMILAR TO UPPER MARCHMONT DRIVE

City of Sacramento	240-480
Township of Girard, Pennsylvania	480 if street has 48 homes
Lexington County, South Carolina	480 if street has 48 homes
Cumberland, Maine	480 if street has 48 homes
Tucson, Arizona	480 if street has 48 homes
Jefferson County, Oregon	up to 400
Frederick County, Virginia	up to 400
Gorham, New Hampshire	1-250
Augusta, Georgia	no more than 500

OTHER EXPERT ADVICE ABOUT TRAFFIC LEVELS FOR RESIDENTIAL STREETS. The TIRE Index Analysis used in the DEIR lists 100 as the appropriate level of total daily traffic for a 2-lane minor street like Marchmont. According to TIRE, the appropriate level of traffic for 2-lane collector and arterial streets is 1,000. Hillbrook is asking to be allowed to generate almost the level of traffic appropriate for collector and arterial streets.

Furthermore TIRE gives as 891 the number of daily trips above which a street exhibits a "significantly impaired residential environment." Hillbrook daily traffic is almost always above 891.

WHY PARENT/STUDENT PARTICIPATION IN A HILLBROOK TRAFFIC MITIGATION PROGRAM SHOULD BE MANDATORY. Hillbrook claims that voluntary participation in its traffic mitigation program will control traffic. Unfortunately, based on what happened in the past, there is no reason to believe this. Hillbrook made voluntary commitments to traffic management in 2001 but completely failed to honor these commitments. Here are some of the commitments from 2001.

- In its Conditional Use Permit Application received by the Town of Los Gatos on April 6, 2001, Hillbrook committed to traffic mitigation measures that included coordinating “vanpools through private companies to transport children from areas with high concentrations of families to school” and establishing a carpool coordinator. *No vanpooling ever occurred.*
- Through its law firm Berliner Cohen, Hillbrook committed itself in a letter to the Mayor and Town Council dated December 15, 2000 to achieve a 60% carpool participation by families of Hillbrook students. And the then head of school Sarah Bayne stated in a January 2001 letter to Hillbrook parents, “...we have no choice but to insist that 60% of our families carpool together.” *A carpooling level of 60% has never been achieved.*
- The school committed to 100% carpool participation over time by requiring an agreement to carpool during the enrollment process. In the Council Agenda Report of April 12, 2001, based on a guarantee Ms. Bayne made to the Town, Director of Community Development Bud N. Lortz stated that “Each new family to Hillbrook will be accepted if they agree to carpool.” *Clearly, 100% carpooling has never been achieved.*

Only recently, as it has once again become relevant to Hillbrook's application to increase its enrollment cap, has the school evidenced a focused effort to support and revitalize their carpooling program. Before that, although some carpooling existed, the program appears to have been largely moribund. For example, even though the current CUP requires Hillbrook to file twice annual carpool reports with the Town, Hillbrook did not bother to submit any reports from 2008 through January 2012. (When Neighbors pointed out this lapse, Hillbrook retroactively submitted a report for October 2011 in January 2012.)

Hillbrook has now initiated a Kiss and Ride program, but participation in both carpooling and the Kiss and Ride program is voluntary; there is no indication that parents will participate in either over the long term. Without mandatory, enforceable traffic mitigation provisions in its CUP, Hillbrook's promises are illusory.

It is noteworthy that the Town's official figures show that Hillbrook peak period traffic has already increased since the voluntary traffic mitigation program began in fall 2012. The Town collected numbers in fall 2012, spring 2013, and fall 2013. According to these numbers, morning peak period **exiting** traffic on the three count days was 91, 107, 108; afternoon peak period **exiting** traffic was 112, 125, 123. (**Total** peak period traffic—entering and exiting—was 197, 223, 243 in the morning and 200, 251, 239 in the afternoon.) These numbers do not, of course, include the heavy afternoon traffic that occurs after 3:45. This is just another data point showing that neighbors cannot depend on a voluntary program for long-term traffic reductions.

As traffic has increased since fall 2012, participation in Hillbrook's TDM program has declined. Transportation reports submitted to the Town by Head of School Mark Silver between September 2012 and February 2014 show that in that time period, participation in busing declined from 110 students in the morning and 60 in the afternoon to 73 students in the morning and 47 in the afternoon. Sign-ups for carpooling dropped from 106 families to 103. (These signups do not represent a commitment to carpooling every day. They represent some interest in some carpooling.)

SCENARIOS FOR TRAFIC REDUCTION. Hillbrook claims a 485 daily traffic limit is unattainable. In order to refute this, we have created five scenarios showing how the goal of a 485 daily limit can be achieved. As an aside: Using any of these scenarios would bring Hillbrook into compliance with the Town’s 2020 General Plan, which includes the following policy: **Policy TRA-3.12 The maximum level of mitigation measures shall be required for transportation impacts adjacent to sensitive receptors, including residences, schools, and hospitals.**

We are not asking Hillbrook to follow any of these scenarios. We are simply supplying them to show that it is possible for Hillbrook to keep traffic below 485 daily trips on either of the two streets that provide access. Three of these scenarios involve the Ann Arbor access.

TABLE X: How Hillbrook Can Achieve a Count of No More Than 485 Total Vehicle Passes (Vehicles Entering and Exiting Campus) on Any Street in a 24-Hour Period

**Scenario 1: PreK-5th Grade Students, Visitors, Faculty, Staff—Marchmont Gate
6th-8th Grade Students, Deliveries—Ann Arbor Gate**

Result: 284 passes on Marchmont, 70 passes through the Ann Arbor Gate

Scenario 2: Students and Visitors on Marchmont Side, Trucks and Faculty/Staff on Ann Arbor Side

Result : 296 passes on Marchmont, 168 passes on Ann Arbor

Scenario 3: Carpooling Plus Busing on Marchmont Side Only

Result: 374 passes on Marchmont

Scenario 4: Busing for All Students/Traffic on Marchmont Side Only

Result: 258 passes on Marchmont

Scenario 5: One Way Traffic Down Marchmont, Through Campus, and Exiting at the Ann Arbor Gate

Result: max. 485 passes on Marchmont, max. 485 passes on Ann Arbor

Scenario 1: PreK-5th Grade Students, Visitors, Faculty, Staff—Marchmont Gate
6th-8th Grade Students, Deliveries—Ann Arbor Gate

Result: 284 Total Vehicle Passes on Marchmont

70 Total Vehicle Passes through the Ann Arbor Gate

Since most of Hillbrook's middle school buildings are closer to the Ann Arbor side of campus, this scenario proposes that middle school students be dropped off on the Ann Arbor side of campus.

Purpose	Transport	Marchmont: Total Vehicle Passes/In-Out	Ann Arbor: Total Vehicle Passes/In-Out
15 Students / AM	Walk/Bike	0	0
90 PreK-5 th Grade Students /AM	Buses 3*	6	0
30 6 th -8 th Grade Students/AM	Bus 1*	0	2
140 PreK-5 th Grade Students/AM	Carpool/min. 3 students	47	0
55 6 th -8 th Grade Students /AM	Carpool/min. 3 students	0	18
69 Staff /AM	Individual cars	69	0
15 Students /PM	Walk/Bike	0	0
90 PreK-5 th Grade Students /PM	Buses 3*	6	0
30 6 th -8 th Grade Students/PM	Bus 1*	0	2
140 PreK-5 th Grade Students/AM	Carpool/min. 3 students	47	0
55 6 th -8 th Grade Students /PM	Carpool/min. 3 students	0	18
69 Staff /PM	Individual cars	69	0
15 Trucks	Individual trucks	0	30
20 Visitors	Individual cars	40	0
Totals per 24 hours		284	70

*Buses have a capacity for a maximum of 30 students each. Larger buses are too big for the neighborhood.

**Scenario 2: Students, Visitors--Marchmont Gate
Faculty, Staff, Deliveries—Ann Arbor Gate**

**Result: 296 Total Vehicle Passes on Marchmont
168 Total Vehicle Passes through the Ann Arbor Gate**

Purpose	Transport	Marchmont: Total Vehicle Passes/In-Out	Ann Arbor: Total Vehicle Passes/In-Out
15 Students / AM	Walk/Bike	0	0
120 Students /AM	Buses 4*	8	0
180 Students /AM	Carpool/min. 3 students	120	0
15 Students / PM	Walk/Bike	0	0
120 Students/PM	Buses 4*	8	0
195 Students/ PM	Carpool/min. 3 students	120	0
69 Staff /AM	Individual cars	0	69
69 Staff /PM	Individual cars	0	69
15 Trucks	Individual trucks	0	30
20 Visitors	Individual cars	40	0
Totals per 24 hours		296	168

*Buses have a capacity for a maximum of 30 students each. Larger buses are too big for the neighborhood.

Scenario 3: Carpooling Plus Busing/Marchmont Side Only**Result: 372 total vehicle passes**

Purpose	Transport	Total Vehicle Passes/Marchmont: In/Out
15 Students / AM	Walk/Bike	0
120 Students /AM	Buses 4*	8
180 Students /AM	Carpool/min. 3 students	120
120 Students/PM	Buses 4*	8
15 Students/ PM	Walk/Bike	0
195 Students/ PM	Carpool/min. 3 students	120
69 Staff /AM	Min 3 staff carpool	23
69 Staff /PM	Min 3 staff carpool	23
35 Trucks/Visitors		70
Total per 24 hours		372

Scenario 4: Busing for All Students/Marchmont Side Only**Result: 256 total vehicle passes**

Purpose	Transport	Total Vehicle Passes/Marchmont: In/Out
315 Students/AM	Buses 12*	24
315 Students/PM	Buses 12*	24
69 Faculty/staff AM., PM	Car/no carpooling	138
35 Trucks/Visitors		70
Total per 24 hours		256

*Buses have a capacity for a maximum of 30 students each. Larger buses are too big for the neighborhood.

Scenario 5: All Traffic Going One-Way

Enter at Marchmont Gate, Exit at Ann Arbor Gate

Result: No more than 485 vehicle passes on Marchmont, no more than 485 vehicle passes on Ann Arbor

One way of meeting a 485 daily limit on Marchmont Drive would be to have one-way traffic enter the school from Marchmont and exit through the gate at Ann Arbor Drive. Our thinking is that traffic entering the school on Marchmont would move through the current drop-off area. From there, instead of exiting at the Marchmont gate, it would turn right through the parking lot onto a newly created short road along the northern edge of the campus that connects to the Ann Arbor gate.

As a result, Marchmont would receive 50% of Hillbrook traffic. Ann Arbor and Wollin Way could each receive just 25% of total Hillbrook traffic. An alternative to exiting onto Ann Arbor would be to have the new road go directly to a new exit at Shannon Road, bypassing the Ann Arbor gate.

Having all traffic move in just one direction creates a safer situation especially at the Hilow bottleneck, where traffic usually backs up during the morning drop-off period.

As also indicated previously, in the past car counts have been based only on cars leaving the campus. This has not captured the true extent of the traffic since peak period counts of cars entering the campus have always been greater than peak period counts of cars leaving the campus. Therefore, to get a more accurate measure of the traffic impact, the counts should be of the number of cars both entering and leaving the campus throughout the day and night.

CONDITION 14C. SUMMER SESSION TRAFFIC LIMITS

Neighborhood Proposed Condition 14C. SUMMER SESSION TRAFFIC LIMITS. During the summer session the maximum number of vehicles entering and leaving the Hillbrook campus at the Marchmont Drive gate shall not exceed 160 vehicle passes. The summer session, if any, shall occur over 6 contiguous weeks between the end of one school year and the beginning of the next. Summer session activities may occur only on Monday through Friday from 8:30 A.M. to 1:00 P.M. Drop-off and pickup shall each be limited to a one-hour periods of 8:00 A.M.-9A.M. and 12:30 PM.-1:30 P.M.

EXPLANATION: This condition would make clear that neighbors do not object to Hillbrook operating its own small summer camps during the summer. However, we DO ask that the times of programming be clearly stated and limited to six contiguous weeks so that the neighborhood can have real relief from traffic at least during a small period during the summer. We ask that traffic be limited to roughly 1/3 of the school-year traffic and that a traffic program be in place to control traffic. We also ask that no third-party usages be permitted. This condition will also confine traffic during the summer to one-hour peak periods so that neighborhood will not have to face lengthy periods of traffic.

Hillbrook's explanation for its own proposed condition claims that the school has historically provided summer programming that "compliments (sic) "its educational focus during the school year. Hillbrook on its

own has never offered academic programming to its students during the summer, and summer enrollment through 2010 was always extremely low. We object to Hillbrook's pretending that there has ever been any real summer programming to complement Hillbrook's "educational focus."

CONDITION 14D. TRIP CAP DEFINITION

Neighborhood Proposed Condition 14D. Trip Cap Definition. The total daily Trip Cap at the Marchmont Drive gate for regular school days during the regular school year shall be 485 vehicle passes (vehicles entering and vehicles exiting the campus) during each 24-hour day during the Fall/Winter and Winter/Spring Terms. The total daily Trip Cap for Summer session days at the Marchmont Drive gate during the 6-week Summer session shall be 160. The total daily Trip Cap at the Marchmont Drive gate for special event days (no more than eight) during the regular school year and for days with nighttime activities (no more than ten) during the regular school year shall be 650 vehicle passes.

CONDITION 14E. TRAFFIC COUNTING DEVICE

Neighborhood Proposed Condition 14E. TRAFFIC COUNTING DEVICE. A permanent traffic counting device shall be installed and maintained by a third party vendor retained by the Town but at Hillbrook School's expense to count traffic entering and exiting at the Marchmont Drive school gate and any other school gate for each full 24-hour calendar day for the full 365-day year. Traffic counts, including cumulative totals as the day goes on and for the full day, shall be posted on the website of the third party vendor in real time to be accessible to Town officials and the general public.

EXPLANATION: The Hillbrook proposal requests approval for a permanent traffic counting device. Neighbors welcome such a device. To avoid questions about the validity of the numbers, Neighbors request that the process of counting and posting the numbers be handled entirely by a third party vendor selected by the Town. Furthermore, the school does not specify when reports will be posted. We ask that numbers be posted in real time so that violations can be quickly recognized and dealt with. Since *entering* traffic is almost always higher than *exiting* traffic, especially during the morning drop-off period, we also request that numbers for entering traffic also be posted. Finally, since we are requesting a daily cap on traffic, we ask that daily total counts for complete 24-hour periods also be posted each day.

Note that Hillbrook's Final TDM Plan agrees with neighbors, not Hillbrook, on who should collect traffic data. Here is what the Nelson\Nygaard Final TDM says:

Hillbrook will make take (sic) the following steps to alter their data collection and traffic monitoring practices. The school will:

- Begin having a **third-party vendor** (emphasis added) collect data on vehicles leaving campus on a daily basis ...

Hillbrook Final TDM Plan, p. 18

CONDITION 14F. TRAFFIC DEMAND MANAGEMENT

Neighborhood Proposed Condition 14F. TRAFFIC DEMAND MANAGEMENT: School Year. Applicant shall create mandatory traffic mitigation measures that will result in no more than 485 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Fall/Winter and Winter/Spring Terms. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval.

Summer Session. Applicant shall create mandatory traffic mitigation measures that will result in no more than 160 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Summer session. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval. No nighttime activities are permitted during the summer. No third party shall be allowed to operate a summer program on the Hillbrook campus.

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Neighbors have no comments on Hillbrook's proposed condition 14G and no alternative version.
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CONDITION 14H. MONITORING PROTOCOL

Neighborhood Proposed Condition 14H. MONITORING PROTOCOL. To monitor compliance with the Trip Cap, an independent third party vendor retained by the Town but paid by Hillbrook shall collect data from the vendor's installed sensors at the end of each calendar month. The independent third party vendor shall analyze data to evaluate compliance with the Trip Cap and report the results of its analysis to the Town and make such available on its website. The applicant shall be responsible for paying all costs related to this monitoring protocol.

EXPLANATION: Hillbrook's Final TDM Plan created by Nelson\Nygaard traffic consultants agrees with neighbors, not Hillbrook, that traffic data should be evaluated monthly. (See Final TDM Plan, p. 19.) Hillbrook is asking the data be collected and analyzed three times a year—every four months. We strongly believe that collecting and analyzing data only every four months leaves too long a period during which violations can go unaddressed.

CONDITION 14I. TRAFFIC ALLOWANCE FOR DAYS WITH NIGHTTIME EVENTS OR SPECIAL EVENTS

Neighborhood Proposed Condition 14I. TRAFFIC ALLOWANCE FOR DAYS WITH NIGHTTIME EVENTS OR SPECIAL EVENTS. Hillbrook shall be permitted to exceed its traffic limits for special events such as

graduation and grandparents' day. Hillbrook shall specify these special events at the beginning of each school year. Such special events shall not exceed 8. The traffic limit for special events days shall be 650. Hillbrook shall also be permitted to exceed its traffic limit for 10 days with nighttime activities that are specified before the beginning of the school year and occur only during the school year. The traffic limit for days with such nighttime activities shall be 650.

EXPLANATION: We recognize that Hillbrook needs to have more traffic on certain days. These days should be identified and limited; that is what this condition does.

Furthermore, Hillbrook is proposing unlimited traffic on days when it has nighttime events. We ask that limits be placed on daily traffic even on days with nighttime activities.

CONDITION 14J. PENALTIES FOR TRIP CAP VIOLATIONS.

Neighborhood Proposed Condition 14J. PENALTIES FOR TRIP CAP VIOLATIONS. To monitor compliance with the Trip Caps, an independent third-party vendor shall submit per day traffic counts to the Town at the end of each month. Staff will review the counts to ensure that they are in compliance with the CUP. Staff will assess penalties in accordance with these Conditions. If Hillbrook exceeds a Trip Cap on any day, then it will be in violation of these Conditions. In the event that Hillbrook exceeds the Trip Cap for either school-year or summer sessions, Hillbrook shall pay the following penalties to the Town of Los Gatos within thirty days: First offense: \$1,000 (one thousand dollars) for each vehicle trip over the Trip Cap; subsequent second offense: \$5,000 (five thousand dollars) for each vehicle trip over the Trip Cap; third consecutive and continuing offenses: \$10,000 (ten thousand dollars) for each vehicle trip over the Trip Cap. If during a subsequent (consecutive) monitoring period, the applicant is in compliance with the Trip Cap, no penalty shall apply and the penalty shall revert to the base level of \$1,000. Penalties shall be adjusted annually starting in 2015 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area. In the event of a third consecutive Trip Cap violation during a one-year period, Hillbrook shall be required to reduce the school year student enrollment for the following school year by 10 students.

EXPLANATION: Neighbors' 14J differs from the Hillbrook proposal only in asking for a reduction in enrollment after the third offence. Our reasoning is that if Hillbrook is out of compliance with its traffic cap for three consecutive periods, this clearly shows Hillbrook's enrollment is too high. Hillbrook's enrollment should be reduced if this happens.

CONDITION 14K. PICKUP AND DROPOFF

Neighborhood Condition 14K: Pickup and Dropoff. Hillbrook shall have specific pickup and drop off periods for students during the school year. No pickup or drop off except for emergencies and other reasonable exceptions will occur outside of these periods. The periods will be as follows: 7:30-8:30; 2:30-3:15; 4:40-5:10. Bus transportation shall occur within these periods.

EXPLANATION: Before 2009, Hillbrook had few afternoon activities and little post 3:45 traffic. Since 2009, the number of afternoon activities has dramatically increased. Neighbors are concerned about the non-stop flow of traffic between about 2:30 and 5:15; traffic continues after that but tends to be lower.

Parents are now allowed to pick up their children at any time throughout the afternoon. Previously, pickup was limited to the 2:30-3:45 period with a small amount of later pickup from daycare.

Neighbors have suggested to Hillbrook that it could address this situation by creating specific pickup times and telling parents that they cannot pick up their children at any other times. Such an approach could have the added benefit of increasing carpooling since all students would be picked up and dropped off at the same time. Busing could also occur within these periods. Our goal as a neighborhood is to reduce the amount of traffic Hillbrook generates on our streets and to confine this traffic to limited periods.

REBUTTAL TO HILLBROOK PROPOSED TRAFFIC CONDITIONS (14A, 14B, 14C, 14E, 14F, 14H, 14J)

Hillbrook Proposed Condition 14A. 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 150 vehicles per peak period.

We oppose this condition. To begin with, there is no research basis for the number 150 and the experiential basis—the years since 2001 during which Hillbrook has averaged traffic in the 140s during peak periods and neighbors have seen an increase in safety hazards and a decrease in quality of life—has clearly demonstrated that this number is too high. During the 2000-2001 hearings, the number 150 was simply pulled out of the air as a number that seemed ok because it represented roughly half the student enrollment number of 315. It was then increased to 165.

Now that neighbors have experienced peak-period traffic that historically averaged in the 140s, they can say with certainty that this level of traffic is dangerous and inappropriate for neighborhood conditions. Neighbors deserve better than to have to live with a number that was pulled out of the air and then, over time, proven to be too high. Current exiting peak period levels, according to Hillbrook, are 99 in the morning and 112 in the afternoon. If there are peak period limits, Hillbrook should commit to lower levels like these.

Hillbrook claims that it has compromised by modifying its proposed condition from an average of 185 to an average of 165 and now to an average of 150. PLEASE RECOGNIZE THAT THIS “COMPROMISE” DOES NOTHING TO IMPROVE THE SITUATION AND LEAVES THE NEIGHBORHOOD WITH WAY TOO MUCH TRAFFIC. And Hillbrook has used the age-old bargaining approach of starting with a number that is way too high, in hopes of getting it; then going to a lower number; and then going to an even lower number – recognizing full well that none of the numbers meet what the neighborhood has clearly asked for over and over again.

As a comparison with the Hillbrook proposal, Harker on Union recently was the subject of a plan for traffic mitigation. The following information is from a City of San Jose report dated November 2, 2012. (http://www.sanjoseca.gov/planning/eir/Nd2/2012/PD12-027_harker/traffic_responses.pdf)

The TDM is an adaptive mitigation measure that contains multiple tools to meet the target driveway count of 370 inbound and outbound AM peak hour trips including 20 shuttle trips. The tools could include but are not limited to carpool, shuttle, teacher incentive, pay to drive, etc. All the details of the TDM program have not been determined but the overall goal is defined. The project will be required to demonstrate conformance through monthly driveway counts. If the driveway counts exceed traffic reduction goals two consecutive months, the project will have two months to meet traffic reduction goals by employing any of the tools available. If the project fails to meet traffic reduction goals subsequently, then enrollment shall be reduced for the following school year. (emphasis added)

Proportionally, if Harker's 7-9 AM peak period traffic limit of 370 vehicle passes for 600 students were used with Hillbrook's 315 students, the result would be 195 total trips, or 97 trips entering the campus and 97 trips exiting the campus during a 2-hour peak period. With 414 students, the numbers would be 255, or 128 trips entering the campus and 128 trips exiting the campus.

Note that neighbors are not proposing peak period limits. Rather, we are focused on the daily limit. We believe that achieving a reasonable daily limit will result in lower peak period traffic.

Hillbrook Proposed Condition 14B. 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 terms (i.e., "First Term" (Fall/Winter) and "Second Term" (Winter/Spring).

WHERE DOES HILLBROOK'S 960 NUMBER COME FROM? Board Chair Chuck Hammers worked with Town traffic engineer Jessie Pu to come up with a traffic number. Unfortunately, it turns out that this number has no basis.

Two neighbors met with Mr. Pu on August 31, 2014 to find out how Mr. Pu calculated the 960 number. Mr. Pu was unable to reproduce the results and discovered that his original calculations were incorrect. The number 960 is therefore just one more number that is unsupported by research. Experience, on the other hand, shows that the number is way too high.

PROBLEMS WITH AVERAGES. We oppose Hillbrook's proposal to use averages to calculate compliance with traffic caps over a period of time. We have not seen any nearby schools that use averages. The standard way to deal with traffic for nearby schools is through limits.

Shifting from caps to averages creates a situation in which on any particular day the count may be significantly higher than the limit. This is unfair to the neighbors, who have a right to know what kind of traffic to expect. Furthermore, the purpose of the Trip Cap is to reduce the risk of hazards and injury to the public. Using averages undercuts this. Neighbors propose that penalties be triggered when the Trip

Cap is exceeded on any given day. This is a transparent, simple, straightforward approach that gets rid of discussion and misunderstanding about what days should and should not be included in an average.

Averages are also too easy to manipulate. Here is an example of how averaging can be unfair to the neighborhood. The school can be out of compliance most of the time, as long as it reduces the number of cars from time to time so that it can manipulate the "average." For example, say that the average limit is 150 during the peak period over a week. The school can have more than 150 cars every day of that week, as long as it has a day when it goes way below it—like a day during which half the school leaves on a field trip and returns to a different location—to "average" itself into compliance.

960 Monday	950 Tuesday	1101 Wednesday	1048 Thursday
750 (upper grades on a trip to Washington) Friday			

In this example week, the school "averaged" 960 vehicle trips for the week, but was out of compliance on Wednesday and Thursday. And, the neighborhood had to put up with those two days when the school was way out of compliance! Instead of using averages, we encourage Hillbrook to create a mandatory traffic mitigation plan that has leeway for days when more traffic is needed. With a traffic limit of 485 daily trips, for example, the school could plan its traffic mitigation program to generate just 350 trips on a normal day.

HILLBROOK SHOULD SHOW NUMBERS. IF IT IS PLANNING TO HAVE A MANDATORY TRAFFIC MITIGATION PROGRAM, HOW WOULD THIS PROGRAM IMPACT TOTAL TRAFFIC? Hillbrook could limit its traffic to a level far below 960, even with 414 students. As indicated elsewhere, the 960 level:

- Is roughly the same as the current level off 900-1,000 daily vehicle trips. This level is dangerous and reduces quality of life in the neighborhood.
- Has been identified by the experts who created the TIRE Index as a level that creates a **"significantly impaired residential environment."**

At its May 27, 2014 neighborhood meeting, Hillbrook said that it would institute a mandatory traffic program. To us, "mandatory" means Hillbrook requires all families to participate. If all parents participated in a mandatory traffic mitigation program using busing and carpooling and if roughly 30 students walked or biked, we estimate that Hillbrook traffic with 414 students would be roughly 546 daily trips. It would be nowhere near the 960 being requested. See the table that follows for details.

TABLE VII: DAILY TRAFFIC FOR 414 STUDENTS USING MANDATORY TRAFFIC MITIGATION

Suppose 30 students walked/biked and the remaining 384 students were **bused** to and from campus. Here is the daily traffic that would result:

30 students walk/bike	no vehicles	no vehicle trips
384 students	25 students per bus (in buses that carry 30)	64 round trips
69 staff/faculty	1 staff/faculty member per car	138 round trips
60 visitors/trucks	1 driver per vehicle	120 round trips

TOTAL: 322 daily vehicle trips

Suppose 30 students walked/bike and the remaining 384 students were in **carpools** of 3 or more students. Here is the daily traffic that would result:

30 students walk/bike	no vehicles	no vehicle trips
384 students	3 students per vehicle	512 round trips
69 staff/faculty	1 staff/faculty member per car	138 round trips
60 visitors/trucks	1 driver per vehicle	120 round trips

TOTAL: 770 daily vehicle trips

A combination of busing, carpooling, and walking/biking could result in daily traffic of roughly 546 vehicle trips (322 + 770/2).

Hillbrook Proposed Condition 14C. 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.

LG CATS have these problems with this condition:

- Prior to 2009, when the school was in summer recess, Neighbors observed that traffic into and out of the school was barely noticeable and paled in comparison to traffic during the regular school year. The school used the campus only for 6-week summer sessions. Residents in the area around Hillbrook had a welcome and well-deserved respite from the excessively heavy school year traffic. The neighborhood should be allowed to continue to enjoy quiet summers.
- By proposing its new condition, Hillbrook makes clear its intention to hugely increase and lengthen summer use of the campus. In fact, Hillbrook has already done this since 2010, significantly intensifying use of the campus.

- Hillbrook's condition contains no limit on student enrollment. Indeed, Hillbrook plans to have 414 enrollees, the same as for the school year. We ask that enrollment for the summer be 1/3 of school-year enrollment, or 100 enrollees to ensure that summers are quiet.
- Hillbrook's proposed condition clearly implies that the school plans to use the campus for the entire summer. We ask that summer use be limited to 6 weeks, as it was in the past.
- Hillbrook's condition fails to indicate dropoff and pickup periods. This implies that Hillbrook will be having anytime dropoff and pickup. Neighbors do not want to see continuous traffic and ask that there be specific hours during which dropoff and pickup are permitted.

Hillbrook Proposed Condition 14E. TRAFFIC COUNTING DEVICE. A permanent 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.

We welcome Hillbrook's offer to measure daily traffic and have the traffic numbers posted although, we want to have a third party post the counts. However, we do not understand why this condition includes the statement that *"in no event shall this traffic data be used to determine Trip Cap compliance."* We believe that all Hillbrook numbers should be collected by a third party and be accurate, reliable, and available for use in assessing compliance. We ask that the last part of this proposed condition be removed.

Hillbrook Proposed Condition 14F. Transportation Demand Management ("TDM") Plan. The applicant shall take all necessary measures to ensure that the Trip IP 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.

There are numerous problems with this condition.

- It is not actually a plan or program. It is survey materials plus a group of recommendations. It does not describe any required actions or traffic reduction outcomes. Here is what the TDM plan contains:
 - Pp. 2-3: A description of what Hillbrook is currently doing (online carpool matching program; school shuttle service; education in the importance of limiting traffic; staff monitoring of pickups and drop-offs to ensure smooth movement in and out of the school; staggered afternoon pickups).
 - Pp. 3-13: a survey of conditions that existed prior to September 2012 based on parent responses to questionnaires (including a survey that showed that 25% of parents who responded would not let their children walk or bike to school because they "worry about traffic safety.")
 - Pp. 14-19: **RECOMMENDED** transportation demand management strategies
- It does not make participation in traffic mitigation mandatory.
- Since there is no actual plan, there is also no enforcement of a plan.
- It does not include any provision for traffic mitigation during the summer.

- It incorporates the use of speed signs. Neighbors have objected over and over again to the use of these signs, which get in the way of walkers and bikers and insult the neighborhood by referring to it as a “Hillbrook School Zone.” The Town has posted adequate speed signs in the neighborhood.

LACK OF MANDATORY PARTICIPATION. At the May 27, 2014 neighborhood meeting, Board Chair Chuck Hammers promised that Hillbrook will begin mandatory traffic mitigation. To people in the room, the word “mandatory” meant *required*. It indicated the parents would be required to participate in shuttling, carpooling, busing, walking/biking, or other forms of traffic mitigation.

Nothing in the Final Transportation Demand Management Plan describes a mandatory program. Everything in the program is voluntary. This CUP condition leaves neighbors in the same place they were in in 2001. Parents will be encouraged to carpool or use other forms of traffic mitigation, but they will not have to. They will be free to drive their individual children in their individual cars to and from campus just as they have done in the past.

At a July 25 meeting with neighbors, Mr. Hammers said he “hoped” 90% of parents would participate in the TDM program. Hope is not a good basis for traffic reduction. We ask that Hillbrook be required to create a mandatory traffic mitigation program that calls for full parent participation and provide the details of such a program to the Town and to neighbors. The description of such a mandatory program should include information about how many vehicle trips will result from implementation of the program. It should also include penalties for parents who fail to live up to their commitment to carpooling, busing, or some other form of traffic mitigation and describe how the traffic program will be enforced.

OTHER PRIVATE SCHOOLS HAVE MANDATORY PARTICIPATION IN TRAFFIC MITIGATION. WHY NOT HILLBROOK? Other private schools in California have mandatory traffic mitigation programs. Since voluntary programs at Hillbrook have not worked in the past, in order to be effective future programs must involve mandatory participation.

As an example, below is a description of the traffic management program at Crystal Springs Upland School in Belmont, California from Trustee Wendy Buckley.

Everything in the traffic management program is mandatory. The school will commit to a maximum number of vehicle trips during peak am and pm hours in the Development Agreement, and then will have to live within those limits. Parents who are interested in sending their children to CSUS will have to commit to participating in the bus/carpool/shuttle program. This is something that independent schools can do that public schools cannot—make participation in this sort of program a condition of enrollment. I have seen it work at another school in Menlo Park. Carpooling was not optional; it was mandatory to stay within certain trip limits. The school’s compliance with the traffic management program will be monitored regularly (at the school’s expense), with fines and other penalties for non-compliance.

Below are excerpts from the plan for traffic mitigation for the Harker Elementary School Project on Union Avenue from a City of San Jose report dated November 2, 2012.

(http://www.sanjoseca.gov/planning/eir/Nd2/2012/PD12-027_harker/traffic_responses.pdf)

The TDM will ... require data collection of Average Daily Traffic (ADT) volumes prior to the occupation of the school and ADT volumes during the school session.

Vehicle trips will be counted at both the entrance and exit of the Harker site in order to measure project traffic levels. The Transportation Demand Management Plan is a traffic mitigation, not a voluntary program. It mitigates environmental impacts identified as a result of project traffic. Failure to conform to the TDM plan will result in a reduction of student enrollment, which will affect the viability of the school. As part of the California Environmental Quality Act (CEQA), the mitigation monitoring program requires aggressive monitoring of traffic to ensure conformance on an annual basis.

LACK OF A PLAN FOR SUMMER TRAFFIC MITIGATION. Hillbrook is asking for 414 participants for summer programs and an average daily summer traffic limit of 480. The school should provide a plan for traffic mitigation during the summer to ensure that traffic is kept at a low level. A report to the Town of TDM measures for the summer should be required. Note that Hillbrook's Final TDM talked only about the school year; it never looked at the summers.

Please note that while Hillbrook claims it cannot achieve the neighborhood's recommended traffic level of 485 during the school year, it claims that it can achieve the slightly lower 480 level with 414 children in the summer. Why is Hillbrook able to achieve a 480 level in the summer but NOT in the school year?

Hillbrook Proposed Condition 14H. MONITORING PROTOCOL. To monitor compliance with the Trip Cap, traffic data shall be collected from the sensors install 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 day 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 relating to this monitoring protocol.

Here are problems LG CATS has with this condition.

- This condition does not specify who collects the data. We ask that the monitoring protocol state that an independent third party vendor—not Hillbrook itself—will collect the data.
- Like Nelson\Nygaard Traffic Consultants in the Hillbrook Final Traffic Plan, neighbors want data collected monthly—not three times a year—to ensure compliance. The checking of data every four months allows violations to go undetected and uncorrected for too long a time.

- As stated elsewhere, LG CATS opposes the use of averages. Averages create a situation in which on any particular day the count may be significantly higher than the limit. This is unfair to the neighbors, who have a right to know what to expect in terms of traffic. Averages are also too easy to manipulate. Neighbors want absolute limits for all days and ask that Hillbrook plan its traffic management so that it can easily have traffic below the limits.
- Days with “inclement weather” should not be excluded from any count. Very few children walk or bike to school. We have not seen any major increases in traffic on rainy days.
- The “reliability factor for the margin of error” should be explicitly identified in this condition.

Hillbrook Proposed Condition 14 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 \$1,000 per excess trip (adjusting 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.

Here are problems LG CATS has with Hillbrook’s penalty condition.

- It deals only with Trip Cap violations. Since 2001, Hillbrook has violated 7 out of its 13 conditions. Six of these have nothing to do with traffic. Penalties are needed for all kinds of violations. (See Neighborhood Proposed Condition 22 for additional penalties that should be included in this CUP.)
- If Hillbrook is out of compliance with its traffic cap for three consecutive periods, this clearly shows Hillbrook’s enrollment is too high. Hillbrook’s enrollment should be reduced if this happens.

Hillbrook Proposed Condition 14I. 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.

LG CATS would like to see a limit of 650 daily vehicle trips for days with nighttime activities. We would like to avoid any days on which Hillbrook is permitted to have unlimited traffic.

CONDITION 15. COMMERCIAL TRAFFIC

Neighborhood Proposed Condition 15. COMMERCIAL TRAFFIC. No commercial traffic shall be permitted into or out of the Hillbrook gate before 7 A.M. or after 5 P.M. on weekdays or weekends or after 5 P.M.

EXPLANATION: Hillbrook's Proposed Condition 15 calls for no commercial traffic into or out of the Hillbrook gate before 7:00 A.M. We ask that our condition, which includes the provision that there also be no commercial traffic after 5 P.M., be used instead of the Hillbrook condition.

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Neighbors have no comments on Hillbrook's proposed conditions 16 and 17 and no alternative versions.
.....

REBUTTAL TO HILLBROOK'S COMMUNITY BENEFIT STATEMENTS

(HILLBROOK'S) CONDITION 00. COMMUNITY BENEFIT (FOUND IN DOCUMENTS OTHER THAN THE LATEST PROPOSED CONDITIONS OF APPROVAL.)

Hillbrook Proposed Condition 00. COMMUNITY BENEFIT. The Town of Los Gatos recognizes that schools are themselves a significant community benefit, and that the applicant's increase in enrollment will provide an opportunity for more Los Gatos students to obtain a private school education. The applicant has offered the following additional community benefit to offset the minimal traffic impacts created by the proposed amendment to its use permit: The applicant will work on an ongoing basis with its neighbors and all applicable local regulatory agencies with the Safe Routes to School Program. Further, the applicant offers supervised use of its recreational facilities, provided that any impacts to the surrounding area from such use are addressed by the organizations utilizing the applicant's facilities.

EXPLANATION: Neighbors do not think that the "opportunity for more Los Gatos students to obtain a private school education" can be thought of as a *community benefit*. At the most, it is a "benefit" to a handful of children. We certainly do not think this "benefit" outweighs the extreme detrimental impact on the neighborhood of a 99-student increase and the resulting traffic.

Please note that, before it began its campaign for an increase in enrollment, Hillbrook's emphasis was on increasing the enrollment of students from outside the area. In its Strategic Plan: Vision 2015, Hillbrook proudly families coming from outside the Los Gatos area." The Plan goes on to say that Hillbrook hopes to "attract a population that is more diverse geographically ..."

Only recently has Hillbrook changed its tune and tried to portray itself as more of a local school. The administration now claims that 46% of Hillbrook students come from Los Gatos. It is likely that many of those Los Gatos residents are in the Union School District and do not therefore offset the problem of large class sizes in the Los Gatos School District. Hillbrook appears to be trying to inflate the number of Los Gatos residents who attend Hillbrook just for the moment while, over the long term, it prefers to attract students from the larger Silicon Valley area.

FACILITY USE BY OUTSIDE GROUPS. Hillbrook's offer to open its fields, gymnasium, and other recreational facilities to community use once again demonstrates Hillbrook's inability to empathize with neighborhood concerns about traffic and safety. In the past, some suggested that the Hillbrook fields should be opened up for weekend use by the community. The Town Council firmly rejected that proposal in order to protect the

surrounding neighborhoods from excessive traffic all week long. The Town Council understood that neighborhood residents are entitled to some degree of quiet enjoyment of this lovely and very quiet neighborhood in the absence of Hillbrook-related traffic.

Furthermore, according to the Town's Community Benefit Policy (effective November 4, 2002), "a community benefit offering is intended to add to the merits of a project. ... (I)t is intended to provide applicants ... a means of offsetting the negative impacts of these projects." The negative impact of Hillbrook's proposed expansion is increased traffic, noise, pollution, and a significant reduction in the quality of life in the neighborhoods surrounding the school. The "additional community benefit" that Hillbrook offers—use of its recreational fields by outside parties—will only worsen traffic, noise, pollution, and a general reduction in the quality of life in the neighborhood. It is difficult to see how the first negative impact—too much traffic—is offset in any way by the impact of the "additional community benefit—more traffic. Further, this "additional community benefit" fails to outweigh "the cumulative impacts caused by the project" (Community Benefit Policy, Item 4).

NOTE: On December 4, 2012, Head of School Mark Silver offered an additional community benefit in exchange for a new CUP. In his letter, Dr. Silver said the school would pay for a \$70,000 sidewalk project at the corner of Los Gatos Boulevard and Kennedy Road. Here is our response to that offer.

FUNDING IMPROVEMENTS AT THE KENNEDY/LOS GATOS BOULEVARD INTERSECTION. It is fine that Hillbrook will help fund work at the Kennedy/Los Gatos Boulevard intersection. Curbs, gutters, sidewalks and other improvements there will provide some measure of safety for some individuals, but the benefit will clearly be very limited. This improvement will have no impact on safety and quality of life in the neighborhood surrounding Hillbrook since the intersection itself is on the very outside edge of this neighborhood.

In offering to pay \$70,000 to fund this project, Hillbrook is planning a very smart investment. With just one year's worth of increased enrolment, Hillbrook will make a profit on this investment of \$2,459,450 (Hillbrook enrollment cost \$25,550 x 99 - \$70,000).

Finally, Dr. Silver's statement that "this project specifically addresses one of the aspects of the TJKM Hillbrook Expansion Traffic Study" is NOT ACCURATE. The project would improve *safety* at the Kennedy/Los Gatos Boulevard intersection. The TJKM study (unfortunately) never addresses safety at this intersection. It addresses *traffic and level of service (LOS)*; the project improvements would have no impact on traffic or LOS.

CONDITION 18. AFTER-SCHOOL HOME GAMES

Neighborhood Proposed Condition 18. AFTER-SCHOOL HOME GAMES. Hillbrook shall host no more than three after-school interschool sports events per week. No event shall last beyond 5:30 P.M. All vehicles shall be off campus by 6:00 P.M.

EXPLANATION: Before at least 2009, Hillbrook had minimal involvement in interschool sports events. Since 2009, Hillbrook has intensified its involvement in such after-school sports events. According to Hillbrook's calendar, the school has held more than 100 sports events against other schools in its gym or fields in all academic years since 2010-2011. This was more than ¾ of all events in which it played.

In 2011-2012, Hillbrook competed with at least 14 different schools (Valley Christian, Crystal Springs Uplands School, St. Andrews, Los Gatos Christian School, Merryhill, Apostles Lutheran School, Yavneh, Stratford School, Carden, San Jose Christian School, Old Orchard, St. Victor's, St. Christopher, St. Leo the Great School, King's Academy). Logically only 1/14th of the school's interschool games should have been held at Hillbrook; that would have been 9 games total (since the total number of games was roughly 130). Hillbrook should certainly be called on to share hosted sports events more equitably with the schools with which it competes.

To see the extent of Hillbrook's afternoon league sports, see the list below for just January 2012.

JANUARY 2012 Home Basketball Games (30 + 2 tournaments)	1/4, 4 PM
	1/4, 5 PM
	1/5, 3:45 PM
	1/5, 4:45 PM
	1/6, 3:45 PM
	1/9, 3:45 PM
	1/9, 4:45 PM
	1/10, 3:45 PM
	1/11, 3:45 PM
	1/11, 4:45 PM
	1/12, 3:45 PM
	1/12, 4:45 PM
	1/13, 3:45 PM
	1/13, 4:45 PM
	1/17, 3:45 PM
	1/17, 4:45 PM
	1/18, 3:45 PM
	1/18, 4:45 PM
	1/19, 3:45 PM
	1/19, 4:45 PM
	1/23, 4 PM
	1/23, 5 PM
	1/24, 4 PM
	1/26, 3:45 PM
	1/26, 4:45 PM
	1/27, 3:45 PM
	1/27, 4:45 PM
	1/28 tournament
	1/28 tournament
	1/30, 3:45 PM
	1/30, 4:45 PM
	1/31, 4:45 PM

Note that in January 2012 many games started at 4:45 or 5 P.M. and lasted long enough to be considered nighttime activities. A game on March 1 started at 7 PM, so was clearly a nighttime activity. Hillbrook is limited to 10 nighttime activities per year (Condition 6) and has not counted any of these games among its

nighttime activities. For a more complete list of Hillbrook's home games in school year 2011-2012, see the attachment at the end of this document titled "Home Sports Events Held on the Hillbrook Campus During the Calendar Year 2011-2012."

The situation is only getting worse. In October 2012 Hillbrook hosted even more home games—31 plus 2 tournaments. On 4 afternoons, the school hosted 3 games; on 8 afternoons it hosted 2 games. We can only anticipate that the number of afternoon home games and afternoon will continue to rise. See the October 2012 schedule below.

OCTOBER 2012 Home Football Games (8)	10/1, 3:45 P.M. 10/2, 4:00 P.M. 10/10, 3:45 P.M. 10/15, 4:00 P.M. 10/16, 4:00 P.M. 10/17, 3:45 P.M. 10/18, 3:45 P.M. 10/29, 3:45 P.M.
Home Volleyball Games (24)	10/1, 3:45 P.M. 10/1, 4:45 P.M. 10/2, 3:45 P.M. 10/2, 4:45 P.M. 10/3, 3:45 P.M. 10/3, 4:45 P.M. 10/4, 3:45 P.M. 10/4, 4:45 P.M. 10/10, 3:45 P.M. 10/10, 4:45 P.M. 10/15, 3:45 P.M. 10/16, 3:45 P.M. 10/18, 3:45 P.M. 10/19, 3:45 P.M. 10/19, 4:45 P.M. 10/22, 3:45 P.M. 10/22, 4:45 P.M. 10/23, 3:45 P.M. 10/24, 3:45 P.M. 10/24, 4:45 P.M. 10/25, 3:45 P.M. 10/25, 4:45 P.M. 10/27, tournament, no time given 10/27, tournament, no time given
Cross Country Meet (1)	10/22, 4:00 P.M.

Here are some numbers for academic year 2012-2013 and then numbers for September 2013-February 2014.

TABLE XII: HILLBROOK AFTER-SCHOOL GAMES: SEPTEMBER-MAY 2012-2013

Month	Home Games	Away Games
September	6	2
October	31 + 2 tournaments	13 + 2 tournaments
November	2	0
December	11	1
January	20 + 2 tournaments during winter break	6
February	18 + 4 tournaments	2
March	5 tournaments	0
April	6	1
May	2	1
Totals	95 home games + 13 home tournaments	26 away games + 2 away tournaments
Percents	At Hillbrook: 79% of games, 87% of tournaments	Away from Hillbrook: 21% of games, 13% of tournaments

TABLE XIII: Hillbrook Athletic Games Sept. 2013-February 2014

	Home	Away
Volleyball Sept.-Nov.	32	10
Football Sept.-Nov.	15	7
Cross Country-Sept.-Oct.	1	3
Basketball- Dec.-Feb.	34	4
Totals-Sept.-Feb.	82 (77%)	24 (23%)

League events bring visiting team players, other Hillbrook and non-Hillbrook students, Hillbrook and visiting team parents, and other onlookers to the Hillbrook campus. This adds to the heavy afternoon traffic. Having so many of these after-school events causes disruption and safety hazards in the neighborhood at the same time neighborhood children are coming home from school and want to enjoy playing in their own neighborhood.

The 2001 CUP and the discussions surrounding it did not address weekday afternoon interschool sports events because Hillbrook was not hosting a significant number of such events at that time. The sheer number

of after-school sports events occurring now and during the past five years is clearly a violation of the Los Gatos Town Code Section 29.20.200-Conditional use modification because it represents (1) an “intensification of use”; (2) is the commencement of new activities “with material adverse impact” on the neighborhood; and (3) is a change that is “a substantial departure from plans which were the basis of the conditional use permit approval.”

Another piece of information that should be part of this discussion is a comparison with a local school, Fisher Middle School. As we’ve said, in academic year 2011-2012, Hillbrook hosted approximately 100 of its roughly 130 league sports events (basketball, football, volleyball, cross-country, etc.). This is 77% of the school’s interschool sports events. In comparison, in the same time period Fisher Middle School, with its approximately 1,100 students, hosted fewer than 50% of its interschool sports events (approximately 67 of roughly 139 interschool sports events).

TABLE XIV: COMPARISON OF NUMBERS OF HOME AND AWAY GAMES AT HILLBROOK AND FISHER MIDDLE SCHOOL-2011-2012

	# of Middle School Students	# of Home Games	# of Away Games	Percent of Home Games
Hillbrook School	c. 90	c. 100	c. 30	77%
Fisher Middle School	c. 1,100	c. 72	c. 67	52%

We ask that the number of games Hillbrook hosts be limited to 3 per week and that all such events end by 5:30 P.M. so that neighbors can enjoy their homes during the evening.

CONDITION 19. SIZE AND USE OF TRANSPORT FOR TRAFFIC MITIGATION

Neighborhood Proposed Condition 19. SIZE AND USE OF TRANSPORT FOR TRAFFIC MITIGATION. Hillbrook will use buses or vans sized to hold no more than 30 students. A maximum of 4 buses or vans shall operate during the morning drop-off and a maximum of 4 buses or vans shall operate during the afternoon pick-up.

EXPLANATION: In its efforts to reduce traffic, Hillbrook uses buses supplied by Durham School Services that are much too large, and therefore inappropriate for the neighborhood. These buses, which according to the Durham School Services website can hold 76 school-aged children, cannot successfully navigate the S-curve at the beginning of upper Marchmont and almost always go over the yellow center lines as they move through this curve. Further, although they could carry up to 76 children, in academic year 2011-2012, according to Hillbrook the average ridership the buses carried was far lower. For example, according to Hillbrook, the average ridership on the first route was 28 in the morning and 9 in the afternoon and on the second route, 26 in the morning and 15 in the afternoon. (The ridership observed by Neighbors is even lower than this.)



Neighbors request that Hillbrook be required to use buses or, better yet, vans, that are more appropriate to the neighborhood and that in no case should these buses or vans be sized to hold more than 30 students. Neighbors also seek to limit the number of trips these buses make up and down our streets during the day. It should be noted that a sign on Englewood near Shannon prohibits trucks from using Englewood. The Hillbrook buses are as large or larger than commercial trucks. Like trucks, they should not be allowed in the neighborhood.

CONDITION 20. SHUTTLING

Neighborhood Proposed Condition 20. SHUTTLING. Hillbrook School shall not use shuttling to move people back and forth during the school day or evening. "Shuttling" shall be defined as "having buses go up and down Marchmont Drive for three or more round trips in an hour." Hillbrook's traditional family fun night shall be the only activity exempt from this condition.

EXPLANATION: In 2012, Hillbrook held a walkathon during the school day that created ongoing busing throughout the day. Buses drove up and down the street from approximately 9 A.M. to approximately 2:30 P.M., making at least three round trips per hour. In its TDM Plan, as part of its "Neighbor Communication Program," Hillbrook says that "In the case of special events where shuttles are being used, the School will notify neighbors in advance." This suggests that Hillbrook anticipates having many events requiring shuttling.

Now Hillbrook, despite neighbors' requests not to use shuttling and without consulting neighbors, has begun a shuttling program using smaller buses between 3:45 and 5:00. Buses run back and forth every 15 minutes between Hillbrook and the Shir Hadash parking lot on Cherry Blossom, supposedly only when there are students to ride them.

This program is only in its pilot stages, but so far these buses go up and down our streets empty or near empty. As a result, not only are we inundated with cars with just single drivers and single students; we also have empty shuttle buses.

Whether or not these buses are empty or full, shuttling is entirely inappropriate for the residential streets that provide access to Hillbrook School. The neighborhood needs protection from buses going up and down

its streets all day long and during evenings. Neighbors have accepted the once-a-year shuttling for Family Fun Night. That is all the neighborhood should be asked to accept.

CONDITION 21. DAYCARE HOURS

Neighborhood Draft Condition 21. DAYCARE HOURS. The school shall be permitted to operate before and after school daycare for the students of the school only. The daycare hours shall be limited to 7:30-8:30 am and 3:15-6:0 pm, Monday-Friday.

EXPLANATION: This condition makes clear that Hillbrook can only offer daycare to Hillbrook-enrolled students.

CONDITION 22. PENALTIES FOR NON-TRIP-CAP VIOLATIONS

Neighborhood Proposed Condition 22. PENALTIES FOR NON-TRIP-CAP VIOLATIONS. In the event that Hillbrook exceeds its enrollment limit for the school year or the summer session, Hillbrook shall pay a \$58,000 penalty or twice the cost of tuition for that school year, whichever is greater, to the Town of Los Gatos for each extra student or child. In the event that Hillbrook exceeds its nighttime school year cap of 10 nighttime activities, Hillbrook shall pay a \$5,000 (five thousand dollars) penalty per violation to the Town of Los Gatos for each violation. All other violations shall carry a fine of \$5,000 (five thousand dollars) per violation per day.

EXPLANATION: Because Hillbrook has failed to respect many of the conditions in the 2001 CUP, Neighbors believe serious penalties need to be put into place to force the school into compliance.

The penalties described in Condition #21 for exceeding traffic caps are modeled on penalties used at the Buckley School, a prominent K-12 school in Sherman Oaks, California and at Menlo School, a 6-12 school in Menlo Park, California. Both include significant fines and/or reductions in student enrollment.

Below we quote penalties used to ensure compliance with traffic mitigation requirements put into place in 2007 at the Buckley School.

Mitigation Measure J-8: ... In the event that the applicant is not in compliance with the trip ceilings in the spring Compliance Report, the applicant shall be required to pay a \$1,000 (one thousand dollars) penalty to the City of Los Angeles for each A.M. and School P.M. trip that the School generates in excess of its trip ceilings or reduce the student enrollment for the following school year an amount equal to the number of A.M. and School P.M. trips exceeded during the previous year. ...

(<http://cityplanning.lacity.org/eir/Buckley/FEIR/Buckley%20School%20FEIR-Main%20Document.pdf>).

Below we quote penalties used to ensure compliance with traffic mitigation requirements at the Menlo School after it requested an enrollment increase from 750 to 795 students in 2011.

If as a result of the annual monitoring conducted in Spring 2013 it is determined that the School is not in compliance with Mitigation Measures #3A and #3B above the school shall be required to reduce its enrollment to a maximum of 755 students by the school year beginning in the Fall of 2016. If the school is found to be out of compliance with Mitigation Measures #3A and #3B above in any two successive years after 2013 the School will be required to reduce its enrollment to a maximum of 755 students by the Fall three calendar years later.

--From Memo from Planning Department, Town of Atherton, "Early Transmittal of June 22, 2011 Planning Commission Meeting Materials Related to Menlo School Enrollment Increase," June 13, 2011

The Archer School for Girls in Los Angeles also faces penalties involving monetary fines and a loss of enrollment for CUP violations. Specifically, "the School must maintain an "average vehicle ridership" (AVR) of at least three Archer students per vehicle. If we are found to have an AVR under three, the School will be faced with heavy monetary fines and a loss of enrollment for the following year." (from Student/Parent Handbook 2011-2012, The Archer School for Girls)

Attachment 1: TOTAL DAILY TRAFFIC COUNTS—2001-2014

Date	Total Daily Counts		Taken By
	In/Out	Total In/Out	
02/13/01	512/521	1033	Myers
04/03/01	258/202	466	Myers (½ day)
04/04/01	569/452	1021	Myers
04/05/01	613/487	1100	Myers
04/06/01	492/492	984	Myers
04/16/01	469/468	937	Myers
04/17/01	503/502	1005	Myers
04/18/01	488/489	977	Myers
04/19/01	255/204	459	Myers(1/2 day)
04/20/01	482/453	935	Myers
06/05/02	524/502	1016	Myers
06/06/02	483/473	956	Myers
05/18/11	459/465	924	TJKM 2012 Traffic Study
05/19/11	469/464	933	TJKM 2012 Traffic Study
05/23/11	426/435	861	TJKM 2012 Traffic Study
05/24/11	395/405	800	TJKM 2012 Traffic Study *
03/06/12	484/486	970	Campbell Traffic Engineer (at the gate)
03/07/12	561/552	1113	Campbell Traffic Engineer (at the gate)
05/14/12	533/537	1070	Campbell Traffic Engineer (at the

			gate)
05/15/12	489/492	981	Campbell Traffic Engineer (at the gate)
05/16/12	501/500	1001	Campbell Traffic Engineer (at the gate)
10/25/12	462/466	928	Terry Anderson - at the gate
01/10/13	525/498	1023	Marchmont Neighbors
01/14/13	524/525	1049	Marchmont Neighbors
01/15/13	554/549	1103	Marchmont Neighbors
01/24/13	511/529	1040	Marchmont Neighbors
02/12/13	537/504	1041	Marchmont Neighbors
02/26/13	496/515	1011	Marchmont Neighbors
03/01/13	517/532	1049	Marchmont Neighbors
03/15/13	491/507	998	Marchmont Neighbors
03/18/13	471/470	941	Baymetrics Raw Data/DEIR/Location 6*
3/18/13	401/473	874	Baymetrics Raw Data/DEIR/Location 7*
03/19/13	441/438	879	Baymetrics Raw Data/DEIR/Location 6*
3/19/13	409/422	831	Baymetrics Raw Data/DEIR/Location 7*
3/21/13	397/403	800	Baymetrics Raw Data/DEIR/Location 6*
3/21/13	371/375	746	Baymetrics Raw Data/DEIR/Location 7*

3/22/13	436/455	881	Baymetrics Raw Data/DEIR/Location 6*
3/22/13	390/414	804	Baymetrics Raw Data/DEIR/Location 7*
03/29/13	450/467	917	Marchmont Neighbors
04/22/13	474/478	952	Marchmont Neighbors - at the gate
05/06/13	529/495	1024	Marchmont Neighbors
05/15/13	483/468	951	Marchmont Neighbors
11/09/13	431/436	967	Marchmont Neighbors -- at the gate
12/16/13	428/428	856	Marchmont Neighbors -- at the gate
01/09/14	473/445	918	Marchmont Neighbors -- at the gate
04/15/14	439/449	918	Marchmont Neighbors -- at the gate
05/13/14	467/460	927	Marchmont neighbors -- at the gate

Attachment 2: Home Sports Events Held on the Hillbrook Campus During the School Year 2011-2012

Below are "home" sports events listed on the calendar for 2011-2012. Neighbors consider the traffic that these events generate to be excessive and object to the sheer number of these events.

SEPTEMBER Home Volleyball Games (8)	9/20, 4 PM 9/20, 5 PM 9/26, 3:45 PM 9/27, 3:45 PM 9/28, 3:45 PM 9/28, 4:45 PM 9/29, 3:45 PM 9/29, 4:45 PM
Home Football Games (1)	9/29, 4 PM
OCTOBER Home Volleyball Games (16)	10/4, 4:45 PM 10/5, 3:45 PM 10/5, 4:45 PM 10/6, 4 PM 10/6, 5 PM 10/11, 3:45 PM 10/12, 3:45 PM 10/12, 4:30 PM 10/17, 4 PM 10/17, 5 PM 10/18, 3:45 PM 10/20, 3:45 PM 10/20, 4:45 PM 10/25, 3:45 PM 10/25, 4:45 PM 10/27, 3:45 PM
Home Football Games (10)	10/3, 4 PM 10/4, 3:45 PM 10/5, 3:45 PM 10/6, 3:45 PM 10/13, 3:45 PM 10/17, 4 PM 10/18, 4 PM 10/20, 3:45 PM 10/24, 3:45 PM

	10/25, 3:45 PM
Hillbrook Cross Country Meet (1)	10/19, 4 PM
Hillbrook Volleyball Tournaments (2)	10/29, Girls A and B, no time given
NOVEMBER Home Basketball Games (4)	11/29, 3:45 PM 11/29, 4:45 PM 11/30, 3:45 PM 11/30, 4:45 PM
DECEMBER Home Basketball Games (2)	12/1, 3:45 PM 12/1, 4:45 PM
Winter Indoor Soccer Tournaments (3)	12/19, 9 AM-3 PM (during winter break) 12/20, 9 AM-3 PM (during winter break) 12/21, 9 AM-3 PM (during winter break)
JANUARY Home Basketball Games (32)	1/4, 4 PM 1/4, 5 PM 1/5, 3:45 PM 1/5, 4:45 PM 1/6, 3:45 PM 1/9, 3:45 PM 1/9, 4:45 PM 1/10, 3:45 PM 1/11, 3:45 PM 1/11, 4:45 PM 1/12, 3:45 PM 1/12, 4:45 PM 1/13, 3:45 PM 1/13, 4:45 PM 1/17, 3:45 PM 1/17, 4:45 PM 1/18, 3:45 PM 1/18, 4:45 PM 1/19, 3:45 PM 1/19, 4:45 PM 1/23, 4 PM 1/23, 5 PM 1/24, 4 PM 1/26, 3:45 PM 1/26, 4:45 PM 1/27, 3:45 PM 1/27, 4:45 PM

	1/28 tournament, no time given 1/28 tournament, no time given 1/30, 3:45 PM 1/30, 4:45 PM 1/31, 4:45 PM
FEBRUARY Home Basketball Games (12)	2/2, 3:45 PM 2/2, 4:45 PM 2/6, 3:45 PM 2/8, 3:45 PM 2/8, 4:45 PM 2/9, 3:45 PM 2/9, 4:45 PM 2/13, 3:45 PM 2/13, 4:45 PM 2/16, 4:45 PM 2/27, 3:45 PM 2/27, 4:45 PM
MARCH Home Basketball Games (6)	3/1, 3:45 PM 3/1, 4:50 PM 3/1, 7 PM 3/3, 10:05 AM 3/3, 11:10 AM 3/3, 12:15 PM
APRIL Home Volleyball Game	4/26, 3:45 PM
Home Softball Game	4/30, 4 PM
MAY Home Volleyball Games (3)	5/8, 3:45 PM 5/10, 3:45 PM 5/15, 3:45 PM
Home Softball Games (3)	5/2, 3:45 PM 5/16, 3:45 PM 5:30, 3:45 PM
ACADEMIC YEAR 2012-2013	
SEPTEMBER 2012 Home Football Games (2)	9/26, 4:00 P.M. 9/27, 4:00 P.M.
Home Volleyball Games (4)	9/26, 3:45 P.M. 9/26, 4:45 P.M. 9/27, 3:45 P.M. 9/27, 4:45 P.M.

Attachment 3

According to the experts who created the TIRE (Traffic Infusion in Residential Environments) Index, residential streets that have Tire Index levels of 3.0 or above have a “significantly impaired residential environment.” As shown in the table, this 3.0 level begins with traffic of 891 daily vehicle trips. At this time, Hillbrook almost always has more than 891 vehicle trips on any given school day.

TIRE Index Ranges

TIRE Index	Start Daily Volume	End Daily Volume	Volumes to Cause +0.1 Change in TIRE Index			Traffic Volume Description	Recommended Purpose
			Start	Mid	End		
1.5	29	35	7	8	9	Low	Residential
1.6	36	44	9	11	12	Low	Residential
1.7	45	56	12	13	14	Low	Residential
1.8	57	70	14	17	19	Low	Residential
1.9	71	89	19	20	21	Low	Residential
2.0	90	110	21	26	30	Moderate	Residential
2.1	111	140	30	35	40	Moderate	Residential
2.2	141	180	40	40	40	Moderate	Residential
2.3	181	220	40	50	60	Moderate	Residential
2.4	221	280	60	65	70	Moderate	Residential
2.5	281	350	70	85	100	Moderate	Residential
2.6	351	450	100	105	110	Moderate	Residential
2.7	451	560	110	130	150	Moderate	Residential
2.8	561	710	150	165	180	Moderate	Residential
2.9	711	890	180	195	210	Moderate	Residential
3.0	891	1,100	210	255	300	High	Residential
3.1	1,101	1,400	300	350	400	High	Residential
3.2	1,401	1,800	400	400	400	High	Residential

Jennifer Savage

From: Liza Lee <lizatlee@gmail.com>
Sent: Friday, August 29, 2014 5:18 PM
To: Jennifer Savage
Subject: Hillbrook School CUP

Chair Smith and Town of Los Gatos Planning Commission Members

Attention: Jennifer Savage

RE: Hillbrook School Conditional Use Permit Modification

Dear Planning Commissioners:

As a new family to Hillbrook School last year, I am writing to support the amendment to their Conditional Use Permit for I am very surprised to find any opposition toward the betterment of a community.

We moved to Los Gatos from the Peninsula last summer upon our child's acceptance to Hillbrook. This unique school is the sole reason for our move. Granted Los Gatos is an ideal town to raise a family in we also coveted other cities in the Bay Area including Los Altos, Palo Alto, Menlo Park, Hillsborough, etc. However, given many of the independent schools in these areas Hillbrook stood out for us, and when our child is ready to move on from Hillbrook we will change residences again. Los Gatos is lovely, but there is only one Hillbrook that can contribute in making Los Gatos a better community. After our first school year, we are assured we made the right choice to relocate here. Hillbrook has left an indelible impression with our son at the age of 8, and he immediately distinguishes children with "Hillbrook characteristics" over others. This is because he recognizes the school's core values (Be kind. Be curious. Take risks. Be your best.) in others when they are present especially during summer camps or upon meeting others during our travels. Perhaps I am the only one who finds it interesting that a child takes note of that?

Hillbrook School deserves recognition and approval for its efforts to minimize traffic in the neighborhood, fully comply with the CUP application process, and the fact that the results of the EIR bear no negative impact to the community. Unlike other independent schools, a bus service is offered for the students as well as for special school events, and we have used it 99.9% of the time. This is a far cry from the previous public school we attended where arriving by car, bike or walking were the only options, and we have easily embraced Hillbrook's commitment toward being a good neighbor. We can also relate to concerns over traffic for we have in the past and still do live down the street from a public school. We fully understand there will be cars parked up and down our cul-de-sac during school events, and the daily line-up during drop off and pick up due to no bus service all the while our child does not attend this particular school. We consider the activity a small trade off because great schools make great communities. After all, we prefer to live next to a school to a retail outlet or correctional facility. Then again, there are other neighborhoods in the area to reside in if we decide to live farther from a school zone. There are choices for residents and why one would choose to live near a school, but not expect any activity from it is not clear to me.

Schools educate future leaders who will be shaping our world and deserve so much more support than they are given. In today's technology driven world, apps are now being designed to provide accurate school information as a priority data point for real estate activity. Great schools are invaluable to any community and, in my search, I cannot tell you how disappointed I am to find so few. Cities that are fortunate enough to have them recognize their contributions to a community and the next

generation. Other independent schools I have visited have already expanded by providing lower and upper campuses. Los Gatos is known for providing well-respected private and public school options in the Bay Area, and approving the school's CUP modification will further enhance this wonderful community. Hillbrook was founded in 1935 and its campus has had capacity for more student headcount since. Is it fair to choke Hillbrook's ability to grow just like all the other schools in our Los Gatos community? All quality schools should be supported and allowed to function as intended. Please allow this special school that has grown through the Great Depression and Second World War to continue to flourish as part of Los Gatos' legacy and rich history. Their CUP modification, at the very least, serves to increase value to Los Gatos real estate and relieve over enrollment in the public schools. I urge you to support this need.

Sincerely,

Liza Lee & Nic Kelpé

Los Gatos, CA

Jennifer Savage

From: Leslie Wood <lesliewood24@yahoo.com>
Sent: Sunday, August 31, 2014 11:18 AM
To: Jennifer Savage
Subject: Fwd: Letter to the Editor regarding Hillbrook School's CUP

My apologies, I just realized I had a typo in my email address to you.

Regards,
Leslie
Begin forwarded message:

From: Leslie Wood <lesliewood24@yahoo.com>
Subject: Fwd: Letter to the Editor regarding Hillbrook School's CUP
Date: August 13, 2014 at 3:38:28 PM PDT
To: savage@losgatosca.gov

Hi Ms. Savage,

I will also be sending this letter to Chair Smith and the Town of Los Gatos Planning Commission but wanted to email you a copy as well.

Kind regards,
Leslie Wood

Begin forwarded message:

From: Leslie Wood <lesliewood24@yahoo.com>
Subject: Letter to the Editor regarding Hillbrook School's CUP
Date: August 13, 2014 at 3:32:48 PM PDT
To: dsparrer@community-newspapers.com
Cc: bbabcock@community-newspapers.com

Dear Mr. Sparrer,

I'm writing in support of Hillbrook School's request to increase its enrollment cap. My husband and I currently have a son in 2nd grade and a daughter in 1st grade at Hillbrook. We moved here before starting our family because of the outstanding reputation of the Los Gatos school district. Although we chose Hillbrook for our children's education we continue to support the local school system because we believe education and all the options Los Gatos provides are good for the town and its residents.

This is our fourth year at Hillbrook and in that time I have witnessed all that the school has done to try and minimize the impact of traffic in the neighborhood by expanding its shuttle service, helping parents coordinate carpools, encouraging biking and walking, setting out traffic signs and having staff on the street to help manage traffic. We utilize the bus to get the kids to school and when we need to be on campus we make sure to carpool.

At the same time Hillbrook, in an effort to be a good neighbor, has reduced or even eliminated activities offered on campus such as sport tournaments, school dances, conferences, summer camps, etc., many of the things that make a school a school. No other school in Los Gatos has the same restrictions despite the fact that they are surrounded by family neighborhoods. As new housing developments continue to be built and create extra demand and traffic in the surrounding school neighborhoods Hillbrook can serve as an example of how to implement effective traffic demand management programs and provide another excellent educational option for local families.

We ask that the town council and planning commission approve Hillbrook's request to amend its CUP and continue to add to Los Gatos' excellent educational options.

Sincerely,
Leslie and Mike Wood

Jennifer Savage

From: Steve Benjamin <steve@stromiga.com>
Sent: Monday, September 01, 2014 8:33 AM
To: Jennifer Savage
Subject: Hillbrook CUP Modification Application

Jennifer – please add the letter below to the record for the Planning Commission Meeting on September 10. Thanks for all your help working through this process.

Steve

Dear Chair Smith and Town of Los Gatos Planning Commissioners,

I am writing in support of Hillbrook's CUP modification application. As a parent since 1996, and a 14 year Trustee including seven years as Board Chair I am well acquainted with this application and Hillbrook's operation. From the start we have wanted to increase our enrollment so that we could improve the quality of the education we offer and ensure our long term sustainability, while not creating any further impacts on the neighborhood. Two of the principals we try to teach the children at Hillbrook is to "take risks" and "be kind" so it is important to us that we figure out a way to improve the school and improve our relations with our neighbors.

Increased enrollment will allow us to even out our class sizes to 18 to 20 students, and increase the number of middle school students (grades 6 to 8). Our current cap of 315 has caused very uneven class sizes. We have some grades with two sections of 18 children and other grades where each section has only 13, even though we could accommodate up to 20. And more importantly having 18 to 20 children per section would actually improve the education program. As a non-profit institution we're totally reliant on tuition and charitable gifts to sustain our operation. Having more children would also improve our sustainability, and allow us to offer even broader programs.

During this more than three year process we've had an opportunity to develop and pilot a TDM program. This program has greatly reduced our traffic, well below our current CUP limit of 165 cars exiting the campus during the morning peak and afternoon peak. In fact, because we have changed the traffic patterns so much we are confident we can add the 99 students and also agree to 150 cars exiting the campus during each of the two peaks. Our TDM program is costing the school a great deal of money, and likely would not be sustainable without the increased enrollment. However, we wanted to be sure we could meet the higher standards with more students before making the commitment to the Town and the neighbors.

We also learned from our neighbors their concern is about traffic during the non-peak morning and afternoon. So we've agreed to an all-day traffic count of 960, which we understand from Town Staff is below the norm for a school like ours. Some neighbors have claimed that we just shifted our traffic out of the peak to meet the current CUP requirement. We have never done that. By agreeing to the all-day cap we hope to allay the fears some in the neighborhood might have.

We have also agreed to greatly reduce our traffic during the summer, in fact to half of what it would be during the school year. We did this because it became clear to us in our discussions with the neighbors how important this was to them. We want to increase enrollment to improve our school, and we are willing to give up summer flexibility to do so, in an effort to further demonstrate to our neighbors that we are listening and acting.

We have also agreed to a mandatory TDM program. We have heard repeatedly from neighbors that whatever we do it must be mandatory. It is important to us that our parents also "be kind," so asking them to agree to participate in some

way with the TDM program is in-keeping with our school ethos. To ensure we hold ourselves accountable we have also agreed to a substantial penalty should we exceed the cap.

We believe that by making Hillbrook even stronger we also strengthen the Town. Many people come to Los Gatos for the schools, both public and private. We know the public schools are experiencing increased enrollments which is causing stress on the system. Hillbrook can add 99 seats in Los Gatos without building more buildings or adding more traffic.

I was gratified to read the Final EIR report indicating that Hillbrook's request has no significant impacts. Since the DEIR said this I was confident the FEIR would say this as well, especially since between the DEIR and the FEIR we made our proposal even more stringent.

My hope is that the Planning Commission will approve our application without significant modification so that we can achieve Hillbrook's full potential as an outstanding Independent School that the entire Town can be proud of. We have demonstrated that we can add these children without adding to traffic and in fact we are confident that we can now agree to even more stringent requirements.

Respectfully submitted,

Steve Benjamin
21184 Michaels Drive
Saratoga, CA 95070

Jennifer Savage

From: Nancy Yu and Jeff Marks <jnmarks@sbcglobal.net>
Sent: Monday, September 01, 2014 8:47 AM
To: Jennifer Savage
Subject: Hillbrook School: Supporting 414 Student Enrollment

Dear Town of Los Gatos

I am writing in support for Hillbrook School to increase student enrollment to 414. It is critical for families to have options to support their children's educational goals and needs. The town of Los Gatos has a strong local school system for both public and private schools. With the public schools increasing in student enrollment it becomes even more important to have additional enrollment for Hillbrook School to meet the ongoing educational needs of Los Gatos. This increase is beneficial for both the town of Los Gatos and Hillbrook for several reasons.

1) Support Los Gatos Residence with "Choice"

46% of Hillbrook's community live in Los Gatos. There are several students that start Hillbrook each year that come from Los Gatos public schools such as Daves and Van Meter. These families made this decision based upon their children's educational needs.

2) Efforts to be a good neighbor

We continue to work with our neighbors surrounding Hillbrook school to help mitigate traffic by providing shuttles, encouraging carpool, biking and walking. Also Hillbrook Los Gatos residence embrace the town of Los Gatos and are active residents that support many local efforts. Several Hillbrook families were advocates and participants in building the Los Gatos Library and continue to support the town in all their efforts.

3) Support Los Gatos Community and local economy

Many new international families, families from the United States, the Peninsula and San Jose have purchased homes or are renting homes in Los Gatos to attend Hillbrook. Hillbrook families support local merchants and restaurants and also own businesses within the town of Los Gatos.

For these reasons I think increasing the student enrollment will benefit both the town of Los Gatos and Hillbrook School. I look forward to the Planning Commission meeting and hope we can help support the Town of Los Gatos in achieving educational excellence.

Best Regards,
Nancy Yu

Jennifer Savage

From: thomas.archer@us.pwc.com
Sent: Monday, September 01, 2014 4:53 PM
To: Jennifer Savage
Subject: Letter to the Planning Commission in support of Hillbrook School

Chair Smith and Town of Los Gatos Planning Commissioners:

I write to you today expressing my very strong support for the CUP modification application of Hillbrook School.

I am a resident of Monte Sereno/Los Gatos with my wife Julie and our three children, Mackenzie, Jason and Graham. Mackenzie and Jason graduated from Hillbrook after seven and nine years, respectively. Graham is currently in the seventh grade at Hillbrook and in his eighth year. Hillbrook provides an amazing educational experience to so many Los Gatos/Monte Sereno residents and provides options for residents to a very strong public education system in town.

Mackenzie graduated from Los Gatos High School in 2014 with a 4.1 GPA and four years of participation on the Varsity Soccer team. Hillbrook and LGHS afforded Mackenzie the skills, training and experiences to excel and mature into a confident young adult ready to be a servant leader in society. She is currently a first year student at the University of Virginia.

Having been a member of the Hillbrook community since 2003, I have witnessed the impact that Hillbrook has had on so many children. Additionally, I have served on Hillbrook's Board of Trustees since 2008. Increasing the enrollment of Hillbrook will provide more options and available space for Los Gatos residents to send their children to elementary and middle school. Additionally, it will enable the school the opportunity to create an even better middle school experience. Internal and external studies have shown that the proposed increase in enrollment will not result in increased traffic and will not create any significant environmental impacts. Hillbrook is a unique asset of our Los Gatos/Monte Sereno community.

Please approve the CUP modification application of Hillbrook School.

Regards,
Tom

Thomas and Julie Archer
15632 Oak Knoll Drive
Monte Sereno, CA 95030
4083161558

Thomas Archer

PwC | US Technology Industry Leader
Office: 408.817.3836 | Mobile: 408.316.1558 | Fax: 813.329.9246
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488 Almaden Boulevard, San Jose, CA 95110
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Jennifer Savage

From: Chuck Geiger <chuck@cheegg.com>
Sent: Monday, September 01, 2014 9:42 PM
To: Jennifer Savage
Subject: Hillbrook CUP

To the Planning Commission for your consideration.

I am a 11 year Trustee on the Hillbrook Board with two children that have gone from K-8 at the school. I'm dismayed by the poor and unearned PR that Hillbrook receives week after week via the Marchmont neighbors' negative letters-to-the-editor, and thus feel compelled to write in support of Hillbrook.

We as a board and as a community have taken many steps of good faith to include the neighborhood and truly listen to their concerns. As a San Jose resident, my family, along with many other San Jose Hillbrook families, spend a lot of time in Los Gatos, not only at the school, but in the downtown as well. We consider it an amazing community.

I was a key driver to the shuttle service from Willow Glen to Los Gatos, primarily to help with the flow of traffic through the Marchmont community. We as a board have implemented many programs like the shuttle service, including:

- Ensuring the mandatory carpool for families who cannot use the shuttle service.
- Placing Hillbrook signage all through the neighborhood.
- Placing traffic guards during heavy traffic flow.
- Eliminating summer programs

We are making every effort to be a good neighbor and to reduce traffic.

I thought you should know there is a very strong San Jose constituency that considers Los Gatos as part of their community, with Hillbrook at the center.

With kind regards,
Chuck Geiger

Jennifer Savage

To: Janette Judd
Subject: RE: Do Not Approve Hillbrook School Expansion

From: Suzanne Cochran [<mailto:smb.cochran@gmail.com>]
Sent: Tuesday, September 02, 2014 12:31 PM
To: Council
Subject: Do Not Approve Hillbrook School Expansion

Hello Town Council Members,

Please do not approve the expansion of Hillbrook School.

I have lived in Los Gatos since 1968, living on Marchmont Drive as a child until 1975. I still remember the volume of cars going up and down the street. The idea of increasing the amount of students and cars doesn't support one entrance to the school through the Marchmont, Hilow, StonyBrook neighborhoods.

I have read all the justifications for expansion by the supporters of the for "profit" school. I recommend they go back to the drawing board and manage the school with the current enrollment allowed. The school like the neighbors bought into the school size and neighborhood and should leave it status quo.

Thank you for the consideration.

Regards,

Suzanne Cochran
60 Rogers Road
Los Gatos, CA 95030
408-607-7172

LOS GATANS CONCERNED ABOUT TRAFFIC AND SAFETY ("LG CATS")

RECEIVED

**LG CATS PROPOSED CONDITIONS OF APPROVAL
with brief comments**

SEP - 2 2014

TOWN OF LOS GATOS
PLANNING DIVISION

**Hillbrook School, 300 Marchmont Drive, Los Gatos, California 95032
(Updated August 28, 2014)**

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

For additional information about this document, contact Ed Lozowicki (elozowicki@comcast.net) or Barbara Dodson (btdodson@aol.com).

The neighbors on the streets providing access to Hillbrook School, as represented by Los Gatans Concerned About Traffic and Safety ("LG CATS"), an unincorporated public interest organization, object to a large number of Hillbrook's ("Applicant") proposed new conditions for approval of its CUP, and ask that the following conditions be considered and approved instead. The Neighbors' grounds for objecting to Applicant's proposed Conditions are stated in the Comments accompanying the Neighbors' proposed conditions as well as in a separate, lengthier document, "Neighborhood Justification for CUP Modifications: Hillbrook School," submitted separately. The Neighbors' proposals are sometimes referred to as being submitted by "LG CATS" or "Neighbors" depending on context.

For the convenience of commissioners, this updated version of LG CATS Proposed Conditions of Approval has been revised to follow the order of Applicant's Proposed Conditions as submitted on July 16, 2014. Applicant Proposed Conditions on which LG CATS have no disagreement or comment are so indicated.

1. **APPROVAL AND RESTRICTION ON NEW CONSTRUCTION.** This use permit shall be applied and administered in accordance with all conditions of approval listed below and in substantial compliance with the Town's General Plan, land use policies and ordinances, and other laws. No further construction under the Master Site Plan pursuant to Architecture and Site Application PRJ-99-063 from 2001 shall be allowed. Specifically, the allowable 5.4% of square feet remaining from the master site plan approval in 2001 shall not be used for new construction or expansion of facilities unless Applicant has first obtained approval from the Town of Los Gatos. In such event an application for modification to the current Hillbrook Conditional Use Permit shall be required.

COMMENT: 1) Applicant's proposed condition No. 1 incorporates "applicant's letter of XX, XX (attached as Exhibit A) and other Applicant documents. Incorporating such documents which are not specified and are not conditions of approval in the Conditions of Approval, would lead to ambiguity and inconsistency. Rather, the Town's General Plan, land use policies and ordinances should govern any matters not specified in the proposed conditions. 2) Further, Hillbrook's proposed condition permits construction or expansion of facilities by an additional 5.4% of square feet in its original master Site Plan. If there is new construction or expansion, that could result in additional activities or traffic not currently permitted. Such should not be allowed without further approval from the Town.

2. USE. Hillbrook School shall operate solely as a junior kindergarten through eighth grade (JK-8) private school. Its activities shall be limited solely to those that directly serve its enrolled students, their parents, faculty and staff. The school shall not be used as a recreation facility, conference center, adult education or professional development center for other persons except those persons invited on campus for interschool sports or social events. No fee-based conferences, seminars, or other adult education for individuals not employed at Hillbrook shall be conducted on the Hillbrook campus. No teacher-training program for non-employed teaching staff is to be conducted on the Hillbrook campus. After-school sports activities shall be open only to Hillbrook-enrolled students and students from schools with which Hillbrook competes. All after-school activities shall conclude by 5:30 P.M. All students and vehicles shall be off campus by 6:00 P.M.

COMMENT: Applicant's proposed condition provides for uses which are extraordinarily broad and ambiguous. It would permit uses "including but not limited to all activities associated with typical operations of a JK through 8th grade private school such 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 ...". This language permits, for example, educational programs for parents from other schools in other cities, and faculty conferences for teachers from other schools in other cities, or other states for that matter. Further the term "typical operations" is not defined and could include sports tournaments with non-league teams. Such an expansion of uses is not consistent with the residential character of the neighborhood and would result in increased traffic, noise and pollution. In addition, conferences should be specifically prohibited because the Table of Conditional Uses in Town Code secs. 29.40.390 and 29.20.185 does not permit conference facilities on HR-1 zoned property. Finally, Hillbrook's Community Benefit Statement offers the use of school facilities to outside groups as a "community benefit". For clarity this condition should expressly exclude such uses since they would only exacerbate existing traffic and increase safety hazards.

3. TRAFFIC THROUGH THE ANN ARBOR GATE. The Ann Arbor access gate shall be opened to Hillbrook traffic, subject to the conditions of approval in this permit.

COMMENT: Applicant's proposed condition continues the current closure of the Ann Arbor gate even though it proposes an 32% increase in enrollment and continued excessive traffic, all of which would be "funneled" onto upper Marchmont Drive, a local dead-end residential street about 25 feet wide with no sidewalks, "an "S Curve" and steep hill, and adjacent feeder streets. Poor sight-lines and congestion are already experienced by the neighbors. Ann Arbor Drive, on the other hand, has sidewalks and runs with unobstructed sight-lines from Shannon Road to the North Gate of Hillbrook's campus. The current "funneling" of all traffic to upper Marchmont and adjacent streets is simply discriminating unfairly against the neighbors on those streets by allocating all of the traffic hazards and noise to them alone. This is not consistent with Land Use Policy TRA 2.5, which states that the Town should "Discourage single access roads of extended length and restrict development along such roads" (2020 General Plan). Finally, Ann Arbor Drive is a public street and, according to the Town Attorney, with whom LG CATS met, the Town can allow traffic to cross the currently Town-owned 1-foot easement that separates Ann Arbor Drive from Hillbrook School.

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.

COMMENT: No objection to this proposed Condition.

5 (A). **SCHOOL-YEAR ENROLLMENT.** The school-year enrollment shall be limited to 315 students. The term *student* means “a child enrolled at any time in Hillbrook’s school year academic program, JK-8.” The “school year” is defined as the academic year running roughly from mid-August to early June. Documentation listing the number of students enrolled at Hillbrook School during the school year shall be supplied to the Town on a quarterly basis, at the beginning of September, December, and March for the following three months.

COMMENT: The Applicant’s proposed conditions increase the number of students to 414, an increase of 32%. The current enrollment already generates an excessive amount of traffic and danger to public safety as documented in the engineering report of Boster Kobayashi & Associates, dated March 23, 2014 (attached to the Provencher & Flatt letter of the same date). Applicant’s proposed conditions, by purporting to mitigate traffic, impliedly recognize that the proposed increase in enrollment will add to the current excessive traffic. Because of the hazards to public safety, the proposed increase should be rejected. Further, the proposed increase would violate a number of Los Gatos land use policies, notably Land Use Policy LU-6.1, which states “Protect existing residential areas from the impacts of non-residential development”, and LU-6.4, “Prohibit uses that may lead to the deterioration of residential neighborhoods or adversely impact the public safety.” The proposed increase would also violate a number of Los Gatos transportation policies, notably Transportation Policy TRA-2.5, which states “Discourage single access roads of extended length, and restrict development along such roads,” and Transportation Policy TRA-9.1, which states “Make land use decisions that encourage walking, bicycling, and public transit use.” (2020 General Plan).

5(B). **SUMMER-SESSION ENROLLMENT.** The summer-session total enrollment shall be limited to 100 JK to 8th grade students. Documentation listing the number of students enrolled at Hillbrook School in the summer session shall be supplied to the Town at least 2 weeks before the beginning of the summer session.

COMMENT: Applicant proposes the same enrollment for the Summer Session as during the regular school year, namely 414 students. This represents a huge increase over past Summer enrollments. No justification is given for such a dramatic enrollment increase. Further, Applicant provides no details about Summer programming, Summer hours, length of session, or pickup and drop-off hours. If permitted the Neighborhood could have unacceptable Summer traffic and resulting safety hazards. Such is unreasonable and contrary to the Town’s Land Use Policies and Transportation Policies as noted in the above Comment 5A. Past Summer enrollments have been significantly lower than those in the regular school year. For this reason, Neighbors propose a lower limit for the Summer Session of 100 students.

6. **NUMBER OF EMPLOYEES.** The after school maximum number of employees on site during activities in the gymnasium which draw an audience shall not exceed 12. The maximum numbers of staff/faculty employed by Hillbrook at any one time shall not exceed 69. All employees identified as “interns” shall be included in the count.

COMMENT: Applicant fails to propose any limit on the number of faculty and staff on campus. Providing such limits is a convention of CUPs for private schools since such persons also drive and contribute to traffic and other impacts. The neighbors propose a limit on staff and faculty based on the 2012-2013 number at the school.

7. HOURS OF OPERATION & TIMES OF USE

7(A) DAYTIME WEEKDAY HOURS. Daytime, weekday hours shall begin at approximately 7:00 a.m. when faculty and staff start to arrive and end at 5:30 P.M. All vehicles shall be off campus by 6 P.M. except as specified below under nighttime activities. The Hillbrook campus shall be in use only during regularly scheduled school days and for six contiguous weeks during the summer except as described in 7C and for one open house on one weekend. No activities will be scheduled during fall break, winter break, "ski week," spring break, or outside of the 6-week summer session.

COMMENT: Applicant's proposal does not provide any limitation on the times of use during summer vacation or during holiday breaks in classes. As drafted, it would permit all activities on those days. It is not reasonable to subject the neighborhood to traffic hazards and other impacts during breaks and throughout the entire summer as well as during normal school sessions.

7(B) NIGHTTIME HOURS. The maximum number of nighttime activities is limited to ten per calendar year regardless of the number of participants. No nighttime use of the campus is permitted during the summer. Nighttime activities are defined as any activities that extend beyond 6:00 P.M. All nighttime 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. On or before August 15th each year, Hillbrook School shall provide to the Town and neighbors a list of the dates of all projected nighttime activities for the school year. On all evenings not included in this list, the Hillbrook gates will be locked by 6:15 P.M.

COMMENT: Applicant's proposed condition defines nighttime activities as "those activities which ... extend beyond 7 P.M. Neighbors believe that "nighttime" begins at 6 P.M. and after that time Neighbors have a reasonable expectation of quiet. Any activity extending beyond 6 P.M. should be counted as one of Hillbrook's ten allowed nighttime activities.

7(C). WEEKEND ACTIVITIES. During the weekend the campus shall be closed, except for faculty and staff access. However one weekend Open House in October is permitted. No interschool sports tournaments or youth groups shall be permitted on the weekends.

COMMENT: The Applicant's proposal permits unlimited inter-school volleyball and basketball tournaments on weekends. Such were expressly prohibited by the 2001 CUP because they increase traffic and safety hazards and reduce the quality of neighborhood life on the weekends. However Hillbrook held numerous weekend tournaments in defiance of this prohibition and only stopped such tournaments when the Town Council, in March 2013, ordered that they be stopped. This prohibition should be continued.

8. NEIGHBORHOOD COORDINATION: No objections to Applicant's proposal.
9. NEIGHBORHOOD COMMITTEE: No objections to Applicant's proposal.
10. GYMNASIUM DOORS AND WINDOWS. No objections to Applicant's proposal.
11. MUSIC. No objections to Applicant's proposal.

12. NO THIRD PARTY USE OF THE CAMPUS. No use of campus facilities shall be permitted to “partners,” third parties, co-sponsors, “joint operators,” or outside groups described in any other way. Applicant will not rent, lease, gift, or otherwise allow use of any part of the Hillbrook campus to any outside entity at any time.

COMMENT: The Applicant’s proposal prohibits leases and rentals of its facilities except to “third party providers of educational programs consistent with the Hillbrook School’s philosophy and mission.” The latter term is vague and ambiguous. This condition is an example of “the exception swallowing the rule.” Under the proposed condition Applicant could rent to a third party vendor of summer day camps for non-Hillbrook students; or to sponsors of sports tournaments with non-league teams from other cities; or to conference organizers who bring in teachers or administrators from other cities or, for that matter, other states. The latter is not a use permitted by Town Code sec. 29.40.390 and 29.20.185, which does not permit conference facilities on HR-1 zoned property.

13. COMPLIANCE REVIEW. This application shall be reconsidered by the Planning Commission six months from the date of approval to ensure that there has been compliance.

COMMENT: The Applicant’s proposal provides for a compliance review by the Planning Commission within six months, but with no consequences for non-compliance. In light of the already excessive traffic and safety impacts to the neighborhood, the CUP approval should be subject to reconsideration so that adjustments can be made if Applicant is not in compliance with the conditions of approval.

14. TRAFFIC CONDITIONS

14 (A). Neighbors have no proposal corresponding to the Applicant’s Condition 14.A.

COMMENT: However, Neighbors note that no research or other basis is given for the number 150. Furthermore, Applicant’s proposed condition is based only on the number of vehicles “leaving” the campus. Since the number of vehicles entering the campus during the peak periods is often greater than the number leaving, and because at present there is only one gate for entering and leaving, the actual number of parents’ vehicles delivering students and passing through the neighborhood during peak periods would be above 300 for each peak period (2 x 150). This creates dangerous and excessive traffic during a 1-hour time period in the morning and a 1 ¼ hour time period in the afternoon.

14 (B). DAILY TRAFFIC LIMITS. The maximum number of vehicles entering and leaving the campus at the Marchmont Drive gate on a daily basis shall not exceed 485 vehicle passes (“Trip Cap”) during each semester term, namely First Term (Fall/Winter) and “Second Term” (Winter/Spring). The Trip Cap is defined below and shall be calculated as provided herein.

COMMENT: Applicant’s proposed “trip cap” of 960 vehicles per day would continue the already excessive volume of traffic and resulting safety hazards now taking place. Since Hillbrook operates at the same 900-1,000 daily traffic level that it had in 2001, residents will have seen no improvement since that time despite Hillbrook promises.

Furthermore, the Applicant states in its cover letter dated July 16, 2014 that the cap of 960 vehicles was “(derived in collaboration with the Town of Los Gatos staff from a blend of ITE trip generation rates for private k-8 and K-12 schools)”. This 960 figure does not have a valid foundation for

the following reasons: 1) Two representatives of the neighborhood met with the Town Engineer who provided this figure on July 31, 2014 to discuss his methodology for 960 vehicles, but he could not reproduce from his notes the calculation which results in 960 vehicles; 2) the same engineer said that his calculation was an extrapolation of ITE averages for the entire USA without regard to whether the streets carrying the traffic were residential or commercial, or two-lane or four-lane, or had sidewalks or not; and 3) the same engineer said expressly that he did not take safety into account in making this calculation. There is no valid engineering support for the figure 960. On the other hand the Neighborhood's proposed cap of 485 vehicle trips is based on ITE standards for residential traffic. It is also consistent with Applicant's proposed Trip Cap of 480 vehicles for its proposed Summer enrollment of 414 students. The latter enrollment is the same as Applicant has proposed for the regular school year. If a Trip Cap of 480 vehicles is feasible for 414 students in the Summer, it should be feasible for 414 students during the regular school year also.

14 (C). SUMMER SESSION TRAFFIC LIMITS. During the summer session the maximum number of vehicles entering and leaving the Hillbrook campus at the Marchmont Drive gate shall not exceed 160 vehicle passes. The summer session, if any, shall occur over 6 contiguous weeks between the end of one school year and the beginning of the next. Summer session activities may occur only on Monday through Friday from 8:30 A.M. to 1:00 P.M. Drop-off and pickup shall each be limited to a one-hour periods of 8:00 A.M.-9 A.M. and 12:30 PM.-1:30 P.M.

COMMENT: Applicant proposes a Summer Trip Cap of 480 vehicles but does not provide any support for this figure. The 480 vehicle count would represent a significant increase over traffic in previous summers. No justification is given for such an increase. The neighborhood proposes that the Trip Cap should be significantly reduced to 160 vehicles during the Summer since children in the neighborhood are on Summer break and playing in the streets, riding bikes, and so forth which increases their exposure to any traffic and the resulting risks to their safety.

14 (D). TRIP CAP DEFINITION. The total daily Trip Cap at the Marchmont Drive gate for regular school days during the regular school year shall be 485 vehicle passes (vehicles entering and vehicles exiting the campus) during each 24-hour day during the Fall/Winter and Winter/Spring Terms. The total daily Trip Cap for Summer session days at the Marchmont Drive gate during the 6-week Summer session shall be 160. The total daily Trip Cap at the Marchmont Drive gate for special event days (no more than eight) during the regular school year and for days with nighttime activities (no more than ten) during the regular school year shall be 650 vehicle passes.

COMMENT: Applicant proposes that the Trip Cap be defined "collectively by the AM and PM peak period counts and daily counts established in Sections 14 (A-C)." This definition actually increases the Trip Cap because it combines the peak period counts (4x150) with the ADT count (960). The result is a new Trip Cap of 1560 (600 + 960) which is inconsistent with the maximum of 960. The Neighborhood's definition resolves this inconsistency.

14 (E) TRAFFIC COUNTING DEVICE. A permanent traffic counting device shall be installed and maintained by a third party vendor retained by the Town but at Hillbrook School's expense to count traffic entering and exiting at the Marchmont Drive school gate and any other school gate for each full 24-hour calendar day for the full 365-day year. Traffic counts, including cumulative totals as the day goes on and for the full day, shall be posted on the website of the third party vendor in real time to be accessible to Town officials and the general public.

COMMENT: Applicant proposes that it install a traffic counting device and post data daily on its website, but that the counts shall not be used to determine compliance with the Trip Cap. If the data could not be used for compliance purposes, then it is presumably unreliable. The Neighborhood proposes that any such device be installed and maintained by the same third-party vendor that would monitor and analyze the data for compliance purposes. It makes no sense to have two separate sets of data from two different parties one of which, Applicant, is not independent.

14 (F) TRAFFIC DEMAND MANAGEMENT: School Year: Applicant shall create mandatory traffic mitigation measures that will result in no more than 485 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Fall/Winter and Winter/Spring Terms. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval.

Summer Session: Applicant shall create mandatory traffic mitigation measures that will result in no more than 160 vehicle passes (vehicles entering and vehicles exiting the campus) through the Marchmont Drive gate during each 24-hour day during the Summer session. Applicant shall provide a detailed description of the parent and student participation that it will require and a description of how it will enforce its mandatory traffic mitigation program as an Addendum to these conditions of approval. Approval of the Addendum by the Commission is a further condition of approval. No nighttime activities are permitted during the summer. No third party shall be allowed to operate a summer program on the Hillbrook campus.

COMMENT: Applicant's proposal refers to traffic mitigation measures described in the "Final Transportation Demand Management Plan" attached to the draft EIR. This plan, however, does not require any specific measures be taken, and is not part of the Conditions of Approval. Whatever specific plan Hillbrook intends to undertake should be spelled out in detail as one of the Conditions of Approval. The Neighborhood's proposal calls for such to be submitted as an Addendum to the Conditions.

14 (G). TRAFFIC COORDINATOR: No objections to Applicant's proposed condition 14 (G).

14 (H). MONITORING PROTOCOL. To monitor compliance with the Trip Cap, an independent third party vendor retained by the Town but paid by Applicant shall collect data from the vendor's installed sensors at the end of each calendar month. The independent third party vendor shall analyze data to evaluate compliance with the Trip Cap and report the results of its analysis to the Town and make such available on its website. The applicant shall be responsible for paying all costs related to this monitoring protocol.

COMMENT: Applicant's proposal is not acceptable for two reasons: 1) It calls for collecting traffic data from sensors installed and operated by its own vendor. Such is not reliable because Applicant has stated several times that it has already been collecting such data for two years, but has refused to provide it to the neighbors or LG CATS. Because it has failed to be transparent with its data, Applicant should not be allowed to control its collection for compliance purposes. The Neighbors propose that an independent vendor selected by the Town be retained for this purpose to assure the integrity of data collection and

analysis. And 2) Applicant's proposed protocol requires use of an average of daily traffic counts for the entire school term. So the Trip Cap for the Winter Term, for example, using this protocol would average the daily traffic counts for as many as 12-14 weeks. As a result, if the traffic volume on a given day were, for example, 1,500 vehicle passes, such would not be a violation of the Trip Cap even though it greatly exceeds the Cap because the 12-14 week average could be within the cap. In short, the proposed methodology dilutes the Trip Cap and its intended ability to reduce the risks to public safety. The Neighbors propose that the Trip Cap be measured day-by-day. There is no reason to use averages to dilute the incentive which the Trip Cap provides for serious traffic mitigation efforts.

14 (I). TRAFFIC ALLOWANCE FOR SPECIAL EVENTS. Applicant shall be permitted to exceed its traffic limits for days with special daytime events such as graduation and grandparents' day. Applicant shall specify these daytime special events at the beginning of each school year. Such daytime special events shall not exceed 8. The Trip Cap for days with daytime special events shall be increased to a limit of 650. Applicant shall also be permitted to exceed its traffic limit for 10 days with nighttime activities that are specified before the beginning of the school year and occur only during the school year. The traffic limit for days with such nighttime activities shall be 650.

COMMENT: Applicant proposes an exclusion from the Trip Cap for special nighttime events which it defines as "not typical of the normal operations of Hillbrook School and will likely involve more than Hillbrook School families and employees." This definition is overly broad and ambiguous. It would permit, for example, theatrical events or conferences to which persons from other cities not connected to Applicant would attend. Since the event would be excluded from Trip Cap, it's possible that 1,000 cars could be using the local streets at nighttime for such events. Such an expansion of uses is not consistent with the residential character of the neighborhood and would result in increased traffic, noise and pollution. In addition, such an expansion of uses is contrary to Town Code sec. 29.40.390 and 29.20.185, which does not permit conference facilities on HR-1 zoned property. The Neighborhood proposes a specific limit on traffic for nighttime events of 650 vehicle passes.

14 (J) PENALTIES FOR TRIP CAP VIOLATIONS. To monitor compliance with the Trip Caps, an independent third-party vendor shall submit per day traffic counts to the Town at the end of each month. Staff will review the counts to ensure that they are in compliance with the CUP. Staff will assess penalties in accordance with these Conditions. If Applicant exceeds a Trip Cap on any day, then it will be in violation of these Conditions. In the event that Applicant exceeds the Trip Cap for either school-year or summer sessions, Applicant shall pay the following penalties to the Town of Los Gatos within thirty days: First offense: \$1,000 (one thousand dollars) for each vehicle trip over the Trip Cap; subsequent second offense: \$5,000 (five thousand dollars) for each vehicle trip over the Trip Cap; third consecutive and continuing offenses: \$10,000 (ten thousand dollars) for each vehicle trip over the Trip Cap. If during a subsequent (consecutive) monitoring period, the applicant is in compliance with the Trip Cap, no penalty shall apply and the penalty shall revert to the base level of \$1,000. Penalties shall be adjusted annually starting in 2015 per the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose area. In the event of a third consecutive Trip Cap violation during a one-year period, Applicant shall be required to reduce the school year student enrollment for the following school year by 10 students.

COMMENT: Applicant's proposed penalties are not triggered until the four-month average traffic Trip Cap is exceeded. By basing the penalty on a four month average the effect of the Trip Cap is diluted since using

averages by definition allows for multiple days on which the Trip Cap can be exceeded and then offset by lower traffic volume on other days. The purpose of the Trip Cap, which is to reduce the risk of hazards and injury to the public, would effectively be undercut and the possibility of penalties effectively eliminated. This is no incentive for compliance. Applicant's proposed use of a four-month average also runs counter to the recommendation of its own traffic consultant, Nelson/Nygaard, which recommends monthly reports and compliance reviews. The neighbors propose monthly reporting and that penalties be applied for any days when the Trip Cap is exceeded. This will provide more assurance of compliance.

14 (K). **PICKUP AND DROP OFF.** Applicant shall have specific pickup and drop off periods for students during the school year. No pickup or drop off will occur outside of these periods, except for emergencies and other reasonable exceptions. The periods will be as follows: 7:30-8:30; 2:30-3:15; 4:40-5:10. Bus transportation shall occur within these periods.

15. **COMMERCIAL TRAFFIC.** No commercial traffic shall be permitted into or out of the Applicant gate before 7 A.M. or after 5 P.M. on weekdays or weekends or after 5 P.M.

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.

18. **AFTER-SCHOOL HOME GAMES.** Applicant shall host no more than three after-school interschool sports event per week. No event shall last beyond 5:30 P.M. All vehicles shall be off campus by 6:00 P.M.

COMMENT: Hillbrook hosts more than 100 of its approximately 130 inter-school games. This creates excessive afternoon traffic and resulting safety hazards. Since Hillbrook plays against at least fourteen other schools, Neighbors ask that other schools host more of the games and that Hillbrook's hosting of home games be limited.

19. **SIZE AND USE OF TRANSPORT FOR TRAFFIC MITIGATION.** Applicant will use buses or vans sized to hold no more than 30 students. A maximum of 4 buses or vans shall operate during the morning drop-off and a maximum of 4 buses or vans shall operate during the afternoon pick-up.

COMMENT: The current 76-person buses used by Hillbrook are too large for the neighborhood, often not being able to stay on the correct side of the double-yellow line when they go around the curves on upper Marchmont Drive. Furthermore, many of the buses, especially the 5 P.M. buses go out empty or almost empty. Such huge vehicles only exacerbate the unsafe conditions on the street. Smaller buses should be used and indeed are already used by Applicant for its "Shuttling Program."

20. **SHUTTLING.** Hillbrook School shall not use shuttling to move people back and forth during the school day or evening. "Shuttling" shall be defined as "having buses go up and down Marchmont Drive

for three or more round trips in an hour." Applicant's traditional family fun night shall be the only activity exempt from this condition.

COMMENT: Having buses, even small ones, go up and down a residential street over and over again is disruptive, a safety hazard, and so far ineffective as a traffic mitigation. Despite Neighbors' requests, written and spoken, that it not use shuttling, Hillbrook went ahead last spring and instituted a shuttle program between 3:45 and 5:00 P.M. Typically eight shuttle bus trips occurred during the 1 ¼ hour. To date, like the large buses, these shuttle buses were usually empty or almost empty. (N.B. Despite LG CATS' requests, Hillbrook School has refused to provide copies of its bus and shuttle-bus ridership reports.) The use of shuttle buses violates Town Land Use Policy LU-6.1, which states "Protect existing residential areas from the impacts of nonresidential development" and Town Land Use Goal 1, which states "To preserve, promote, and protect the existing small-town character and quality of life within Los Gatos."

21. DAYCARE HOURS. The school shall be permitted to operate before and after school daycare for the students of the school only. The daycare hours shall be limited to 7:30-8:30 am and 3:15-6:0 pm, Monday-Friday.

22. PENALTIES FOR NON-TRIP-CAP VIOLATIONS. In the event that Applicant exceeds its enrollment limit for the school year or the summer session, Applicant shall pay a \$58,000 penalty or twice the cost of tuition for that school year, whichever is greater, to the Town of Los Gatos for each extra student or child. In the event that Applicant exceeds its nighttime school year cap of 10 nighttime activities, Applicant shall pay a \$5,000 (five thousand dollars) penalty to the Town of Los Gatos for each violation. All other violations shall carry a fine of \$5,000 (five thousand dollars) per violation per day.

COMMENT: Applicant has not proposed penalties for exceeding enrollment limits or for any other violations. Because Applicant has violated seven out of its current thirteen CUP conditions without any consequences, it is necessary to incentivize compliance with the CUP by providing penalties for any violation of the CUP.