



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: September 30, 2014

ITEM NO:
DESK ITEM

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

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

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

APPLICANT/
PROPERTY OWNER: Hillbrook School/Mark Silver

CONTACT PERSON: Mark Silver

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

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

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

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

2. Draft Environmental Impact Report, dated February 2014

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

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

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

4. Final Environmental Impact Report/Comments and Responses

Previously received with the September 24, 2014 Staff Report:

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

Previously received with the September 24, 2014 Desk Item:

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

Received with this Desk Item:

22. Bus Information and Routes
23. Pedestrian and Bicyclist Information and Map
24. Vicinity Map
25. Street Dimension Aerial Map
26. Mulberry School CUP

27. Public Comments received from 11:01 a.m. September 24, 2014 to 11:00 a.m. September 30, 2014

STAFF REMARKS:

The Planning Commission continued the proposed Hillbrook School Conditional Use Permit modification from the September 24, 2014 Planning Commission meeting to September 30, 2014 because the public testimony portion of the public hearing was not completed. The Commission also requested additional information from staff on the topics below.

A. Provide information or suggest caps on traffic (Maximum Daily versus Average Daily Trips).

The Planning Commission requested information regarding maximum traffic caps compared to average traffic caps. The following statistical analysis relating to the proposed Conditional Use Permit (CUP) traffic limits is based on weekday daily counts and peak period counts as noted in the January 2012 Traffic Impact Analysis (TIA) report by TJKM and their subsequent January 2014 Addendum (Appendices B and C of Exhibit 2, respectively):

Statistical Analysis of Trips						
	Weekday Daily		AM Peak Period** (Outbound)		PM Peak Period** (Outbound)	
Trips	Spring 2011 † (315 Students)	Extrapolated Limits (414 Students)	2006-2010 † (315 Students)	Extrapolated Limits (414 Students)	2006-2010 † (315 Students)	Extrapolated Limits (414 Students)
Average	880	960	146	150	149	150
Maximum	933	1,018	158	162	164	165
Minimum	800	873	111	114	130	131
Standard Deviation*	62	68	13	14	10	10

*Measure of the average data spread from the mean average

**AM Peak Period is 7:30 a.m. to 8:30 a.m.; PM Peak Period is 2:30 p.m. to 3:45 p.m.

† Limited size of data set

Traffic is dynamic and an average traffic count is the industry standard for best determining how traffic is operating. Based on a concern that extremely high counts may occur, a maximum daily limit and maximum peak period limit could be included in the CUP. Two options are provided (or a combination of these may be used) from the above chart. A third option is available based on the Traffic Infusion on Residential Environment (TIRE) analysis as discussed in the January 2014 Traffic Addendum (Appendix C of Exhibit 2):

Option 1 – Use the results of the statistical analysis and select the maximum number of trips related to the proposed CUP:

- Weekday Daily Maximum – 1,018 trips
- AM Outbound Peak Period Maximum – 162 trips
- PM Outbound Peak Period Maximum – 165 trips

Option 2 – Use the results of the statistical analysis with the proposed average plus the standard deviation:

- Weekday Daily Maximum – 1,028 trips
- AM Outbound Peak Period Maximum – 164 trips
- PM Outbound Peak Period Maximum – 160 trips

Option 3 – TIRE analysis:

- Weekly Daily Maximum – based on the TIRE methodology, a “noticeable increase” above the 960 proposed Average Daily Traffic (ADT) limit would be 240 trips giving a total maximum of 1200 daily trips.
- AM Outbound Peak Period Maximum – based on the TIRE methodology a “noticeable increase” above the proposed 150 average limit would be 40 giving total maximum peak period trips of 190.
- PM Outbound Peak Period Maximum – same as the AM Outbound Peak Period Maximum.

B. Can an increase in the number of students happen at the same level or with a reduction in traffic?

The Planning Commission requested a discussion regarding whether the student population at Hillbrook School could be increased while maintaining the same traffic levels. The Planning Commission could require the following conditions to increase student enrollment by 99 students without increasing school trips:

- Reduce the proposed average peak period trip limit of 150 trips by 4 trips to 146 trips, bringing the number of trips back to the 2006-2010 average level noted in the TIA report (Appendix C of Exhibit 2); and
- Reduce the proposed average daily trips by 80 trips to 880 average daily trips, bringing the average daily trips back to 2011 levels.

C. Add modifications to the CUP to delay enrollment to ensure that the traffic plan (TDM measures) works.

If the Planning Commission finds merit to delay an enrollment increase to allow the applicant to show additional evidence that the proposed Transportation Demand Management (TDM) Plan works, the Commission should consider modifying recommended condition number 4 to (deletions ~~stricken~~, additions underlined):

NUMBER OF STUDENTS: The maximum number of students shall be limited to 315 before August 2016, on campus at any given time or enrolled in concurrently occurring activities, whichever is more restrictive. If the school maintains average daily traffic trips below 814 vehicles through July 2016 (measured for Fall semester, Spring semester, and Summer), the maximum number of students shall be limited to 414 on campus at any given time or enrolled in concurrently occurring activities, whichever is more restrictive, beginning August 2016. The maximum number of students includes all concurrent programs conducted at the same time. For the purposes of this condition, the Town's traffic consultant shall conduct a one week count in the Fall 2015 and in the Spring 2016, and review the school's electronic counter data at least 120 days prior to August 2016. Staff shall report the findings of the Town's traffic consultant to the Planning Commission at least 90 days prior to August 2016.

D. What does it take to do counts at the bottom of Marchmont?

The Town hires TJKM to take manual counts at the school gate once per semester as required by the existing CUP requirements. Hillbrook School bears the cost. Traffic counts collected for the intersection of Marchmont Drive and Hilow Road are included in the January 2012 TIA report (Figure 3 of Appendix B of Exhibit 2).

Traffic counts are taken manually or with electronic equipment. Manually counts are typically used for a period of limited hours, such as a peak hour. Machine counts are typically used for longer periods of a day or more. Depending on the purpose for collecting the data, the Town could collect manual or machine counts at Marchmont Drive, east of Hilow Road. However, installation of a permanent counter would be expensive because installation would require power, construction, communication, and maintenance.

Staff does not recommend establishing vehicular trip limits at the intersection of Marchmont Drive and Hilow Road because the school has no control over the residential traffic in and out of Marchmont Drive. The residential traffic may vary with certain residential activities such as birthday parties and construction projects. Staff would not be able to monitor the school traffic at the intersection with unknown residential activities.

E. Schedule of delivery trucks.

Residents were concerned about delivery trucks traveling to Hillbrook School along residential streets in the early morning hours (see page 4.4-11 of Exhibit 2). The residents and Hillbrook School were amenable to requiring deliveries to occur after 7:00 a.m.

F. One foot easement at the end of the Ann Arbor Drive gate.

Staff researched the issue of the Ann Arbor Gate and the one-foot dedication to the Town during the approval of Tract 5333. The Town approved the Subdivision for Tract 5333 in 1972. The original Tentative Map submitted by Bearden Construction Company (the property owner) provided for a possible future street connection where the Ann Arbor gate is currently located. During review of the Subdivision application, the County of Santa Clara Fire Protection District, Town Planning Department, Town Public Works Department, Town Architectural Committee, and Planning Commission agreed to explore creating additional access to Hillbrook School by obtaining right-of-way over the unincorporated lanes between El Dorado Place (Ann Arbor Dr.) and Bonnie Lane when the adjacent land was developed. The land at 16466 and 16500 Bonnie Lane and 16433 Peacock Lane remained unchanged and, therefore, the potential right-of-way was never established or constructed.

Based upon the Tract Map 5333 and the historical documents for the Subdivision, there are no restrictions on the Town's use of the one-foot dedication. The current Conditional Use Permit (CUP) for Hillbrook School prohibits the use of the Ann Arbor gate for school access and the Applicant has not proposed to alter school access at the gate. Since additional access was not requested and no significant traffic impacts were found on Marchmont Drive, the EIR rejected the Ann Arbor secondary access alternative and there was no further evaluation completed on that alternative. If Planning Commission desires to pursue the possibility of the Ann Arbor gate as a secondary access point, further analysis and study for traffic and environmental impacts would be required.

Additionally, there are no restrictions for developing a public street over the one-foot dedication for a residential development should Hillbrook School vacate the property. The existing CUP would not apply to a future residential development. Therefore, the CUP restriction of emergency and construction access only at the Ann Arbor gate would not apply. It is possible that vehicle access through the Ann Arbor gate would be requested if the property were developed with residences.

G. Provide maps showing (a) where buses congregate, (b) bus routes and stops, and (c) kiss and ride locations.

The applicant provided an exhibit that includes bus passenger size, the number of students at each bus stop, and maps for each bus route (Exhibit 22).

The Town does not prohibit bus stops in residential neighborhoods. In fact, the Town's General Plan encourages alternative modes of transportation and transit services, specifically for school children. Stopping buses do not require any review or permit from the Town. If the applicant proposed street improvements, the applicant would need to

obtain an encroachment permit from the Parks and Public Works Department. Residents raised concerns regarding Hillbrook School bus stops. The Los Gatos Monte Sereno Police Department visited the bus stops along Shannon Road during pickup and drop-off and found no unsafe conditions. In addition, the Town's traffic consultant found no unsafe conditions during their review of Hillbrook operations and traffic, as indicated in the Traffic Impact Analysis Addendum (Appendix B of Exhibit 2).

In 2013, the Town received concerns about a Google bus stopping in the red zone in front of the Presbyterian Church along Shannon Road, blocking the bike lane. Google agreed to stop the bus within the church parking lot to address the concerns. However, since then, the Google bus moved their stop to another location.

H. Size of buses.

See above.

I. Number of students picked up by buses at each stop.

See above.

J. Where are the pedestrians coming from? Are parents parking (if so, where) and then walking the students?

The applicant provided a map and information regarding pedestrians and bicyclists (Exhibit 23).

K. Clarification of where buses are picking up and if there are issues with those locations from a Traffic Engineer's perspective.

There are two Hillbrook School bus stop locations within the Town that appear to receive most of the concerns: one on Shannon Road at Shady View and the other on Kennedy Road at Gem Avenue. At the Shannon/Shady View location, there is sidewalk on the north side of Shannon and no sidewalk on the south side. At the Kennedy/Gem location, there is no sidewalk on either side. Based on staff observation, when the school buses stopped and displayed the bus' "stop" sign (located on the left side of the bus), traffic stopped in both directions. Staff did not observe unsafe conditions although the stopped bus caused a temporary traffic flow interruption. When the school buses arrived early and waited, the stop sign was not displayed and traffic flow continued as usual.

Both Shannon and Kennedy Roads lack continuous sidewalks and pedestrians walk along the roadway shoulders. There are no reported pedestrian accidents on Shannon and

Kennedy Roads. Shannon and Kennedy Roads are flat and straight with good visibility at the bus stops. Staff did not observe any unsafe conditions.

L. How did the 960 trips come about?

Staff initially used a multiplier that resulted in a lower estimate of daily trip rates that yielded 960 trips per day. Subsequent review resulted in a higher rate, 1,108 trips per day, based on the ITE trip generation manual. However, the more initial rate of 960 trips per day was retained by the school as part of their efforts to reduce traffic.

M. How did the limitation on the number of staff come about?

Pursuant to Town Code, elementary and junior high schools require one parking space for each employee. The TDM Plan notes there are 80 marked parking spaces. This limits the number of employees to 80 on campus at any given time. The school has less than 80 staff at this time.

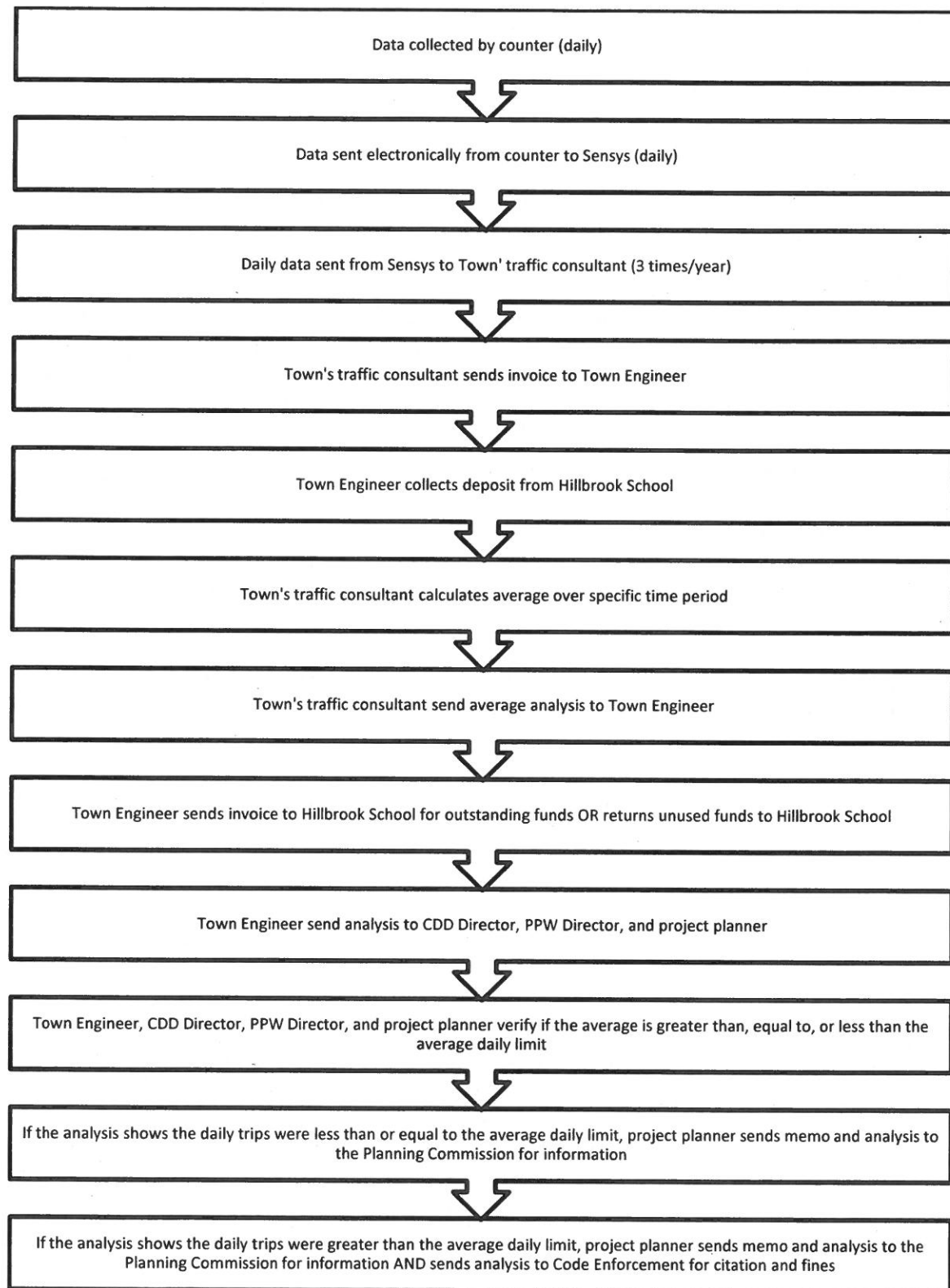
N. How does staff envision enforcement? Where will the count information go? What are the pros and cons of monthly versus weekly versus every semester review?

Staff envisions the enforcement process to proceed as shown in the chart on the next page. The count information would go to the Town's traffic consultant, Town Engineer, Director of Community Development, Director of Parks and Public Works, Planning staff, a Code Compliance officer, and the Planning Commission.

While an advantage to weekly counts might be increased accountability, the disadvantage of weekly counts is staff capacity. The Town does not have the staff resources to monitor one establishment on a weekly basis in addition to the Town's other business.

While an advantage of monthly counts might be more frequent monitoring, the disadvantage of monthly counts is that a single month may not reflect the seasonality of the school year. If the school anticipates that one rainy month, for example November, would result in less bussing, walking, and biking, the school could reduce trips in earlier months of the Fall semester through increased bussing, walking, and biking, such as September when the weather is more conducive to bussing, walking, and biking.

The advantages of semester averages are accounting for seasonality of the school year (as discussed above) and ensuring that Town staff has the capacity to monitor the averages and address compliance as needed (as discussed above).



O. What harm is there in making data from ongoing traffic counts publicly available?

Hillbrook School is amenable to making the daily counts publicly available on the Hillbrook School website. However, there are two foreseeable issues with making daily traffic counts publicly available. The first is the likelihood the public may rely on the daily traffic counts to determine compliance. If the Commission finds merit with averaging daily traffic trips, daily traffic counts would not correctly show whether the school is meeting the average daily traffic trips.

The second issue is that the Town does not have the resources to monitor any single establishment, including Hillbrook School, every day. It is unrealistic to assume a Code Compliance Officer would have the capacity for daily monitoring and complaints for one specific entity. In addition, the Town Council sets the expectations for the Town's Code Compliance services, which range from life safety to quality of life concerns.

P. Provide ranges and standard deviation for trips.

See Section A.

Q. Understand reach of impact – vicinity map – for all streets including Kennedy and Shannon Roads.

A vicinity map showing existing and proposed bike lanes (colored to match the General Plan Bikeways and Multi-Use Trails Map, Figure TRA-2), County roads, and sidewalks is attached as Exhibit 24.

R. For Town streets, identify which streets have bicycle facilities and which do not.

See Exhibit 24.

S. For Town streets, identify which streets have sidewalks and which do not.

See Exhibit 24.

T. Evaluation of trips as if the site were developed as residential. What would trips be based on current traffic use of streets? What would trips be based on the use of Ann Arbor Drive as well as current streets?

Staff analyzed the subject site to determine what the Average Daily Trip (ADT) change would be if the property were developed for residential use. Currently the property is zoned HR-1 which allows one to five acres for each dwelling unit. Properties along Marchmont Drive are zoned R-1:10; properties along Ann Arbor Drive are zoned R-1:10

and R-1:8. Staff analyzed the trip generation rates for the subject site with one-acre lots and with 10,000-square foot lots. The table below shows the net decrease in number of trips that would occur based on Institute of Transportation Engineers rates (ITE) if the property were developed into residential lots. It should be noted that this analysis does not suggest or guarantee lots of this size would be approved for the subject site.

	Land Use	Source	Size	ADT Rate	ADT Total
Existing	Private School (K-8)	ITE 534	315 Students	2.68	844
Proposed	Residential 1 Acre lots (HR-1)	ITE 210	14 Homes	9.52	133
Proposed	Residential 10k SF lots (R-1:10)	ITE 210	62 Homes	9.52	590
Net Decrease	Residential 1 Acre lots (HR-1)				(711)
Net Decrease	Residential 10k SF lots (R-1:10)				(254)

U. Have school safety officer available at next meeting.

The School Safety Officer is not available to attend the meeting on September 30, 2014. The Community Development Director and Parks and Public Works Director will be available to answer questions. If the matter is continued to a date certain, appropriate Police staff should be available to answer questions after the public hearing portion of the meeting.

V. Provide roadway measurements at upper Marchmont and Hilow near Topping.

The existing right-of-way (ROW) on Marchmont Drive between Hillbrook School and Hilow Road is 60 feet. The existing paved street width, including the concrete rolled curb, is 36 feet.

The existing right-of-way on Hilow Road north of the narrow section is 60 feet. The existing right-of-way on Hilow Road between Marchmont Drive and the narrow section is 50 feet. The existing paved street width varies between 12 feet and 40 feet.

- W. Is it possible to use dedicated ROW beyond the width of the current street to allow for sidewalks and bike paths on Marchmont from Hilow to Hillbrook? Are there other opportunities in existing paved roadway for a bike path or sidewalk on Marchmont?

Within the existing paved roadway it would be possible to replace the existing on-street parking with bike lanes. Alternatively, the Town could keep the existing on-street parking and add "sharrows," or bike legends, which indicate the travel lane is also to be used by bicyclists.

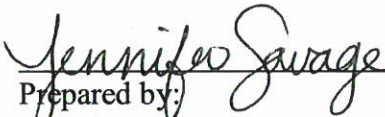
In order to provide on-street parking and a dedicated Class II bike lane, or to provide on-street parking, bikes lanes, and sidewalks, five to 12 feet of right-of-way beyond the existing paved roadway would be required. The right-of-way locations have been landscaped by most residents. Attachment 25 provides an aerial view of Marchmont Drive and identifies the existing right-of-way locations and existing street area.

- X. Are there traffic data from Mulberry School that could help in the analysis?

No current traffic data are available for Mulberry School. The CUP for Mulberry School is attached as Exhibit 26.

PUBLIC COMMENTS:

The Town received additional public comments (Exhibit 27).


Prepared by:
Jennifer L. Savage, AICP
Senior Planner


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

LRP:JLS:nl

San Jose Bus Route (68 passenger bus)	Morning	Afternoon
Hoover Middle School	2 students	3 students
Newport/Glenwood Avenue	6 students	6 students
E Campbell Ave & Kocher	7 students	6 students
Camden Comm Center	3 students	2 students
Union Ave/Blossom Hill Rd	9 students	7 students
Shannon Rd/Blossom Hill	17 students	8 students
TOTAL	38 avg (44 sign-ups)	24 avg (32 sign-ups)

Saratoga Bus Route (68 passenger bus)	Morning	Afternoon
Village School of Saratoga	4 students	3 students
La Hacienda Inn	6 students	4 students
Public Parking Lot @ Hult's	30-40 students	30 students
Kennedy Road/Gem Ave	12 students	8 students
S. Mary Ave, Sunnyvale	no service	1 student
TOTAL	54 avg (63 sign-ups)	32 avg (46 sign-ups)

Los Altos Bus Route (42 passenger bus)	Morning Only
S Mary Ave, Sunnyvale	1 student
Courtside Club overflow lot	17 students
TOTAL	18 avg (21 sign-ups)

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TOWN OF LOS GATOS
PLANNING DIVISION

LS 3:05 Shuttle	Afternoon Only
Shir Hadash Early Childhood Center	18 students
TOTAL	14 avg (18 sign-ups)

Late Shuttle (4, 4:20, 4:40, 5 pm)	Afternoon Only
Shir Hadash Early Childhood Center	20 students
Public Parking Lot near Hult's	4 students
TOTAL	16 avg (30 sign-ups)

San Jose San Jose Route

Hoover Middle School

of students:

2-AM

2-PM

Burbank

Fruitdale

Williams Rd

Newport/ Glenwood Ave

of students:

6-AM

6-PM

E Campbell Ave & Kocher

of students:

7-AM

6-PM

San Tomas

Union / Cambrianna

of students:

3-AM

2-PMn Ave

**Shannon Rd/
Blossom Hill Park***

of students:

17-AM

8-PM

Hillbrook School

Union Ave/ Blossom Hill Road*

of students:

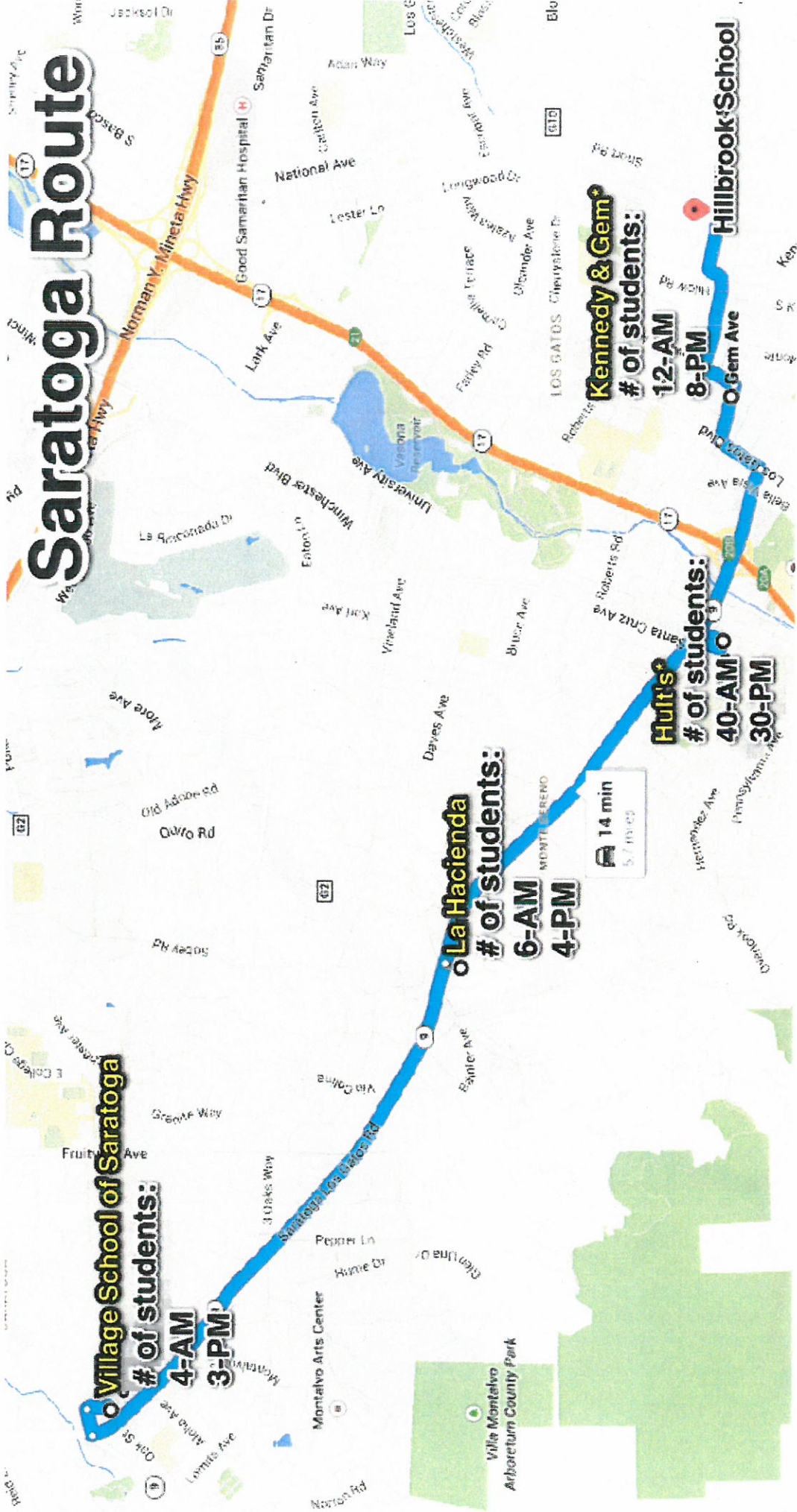
9-AM

7-PM

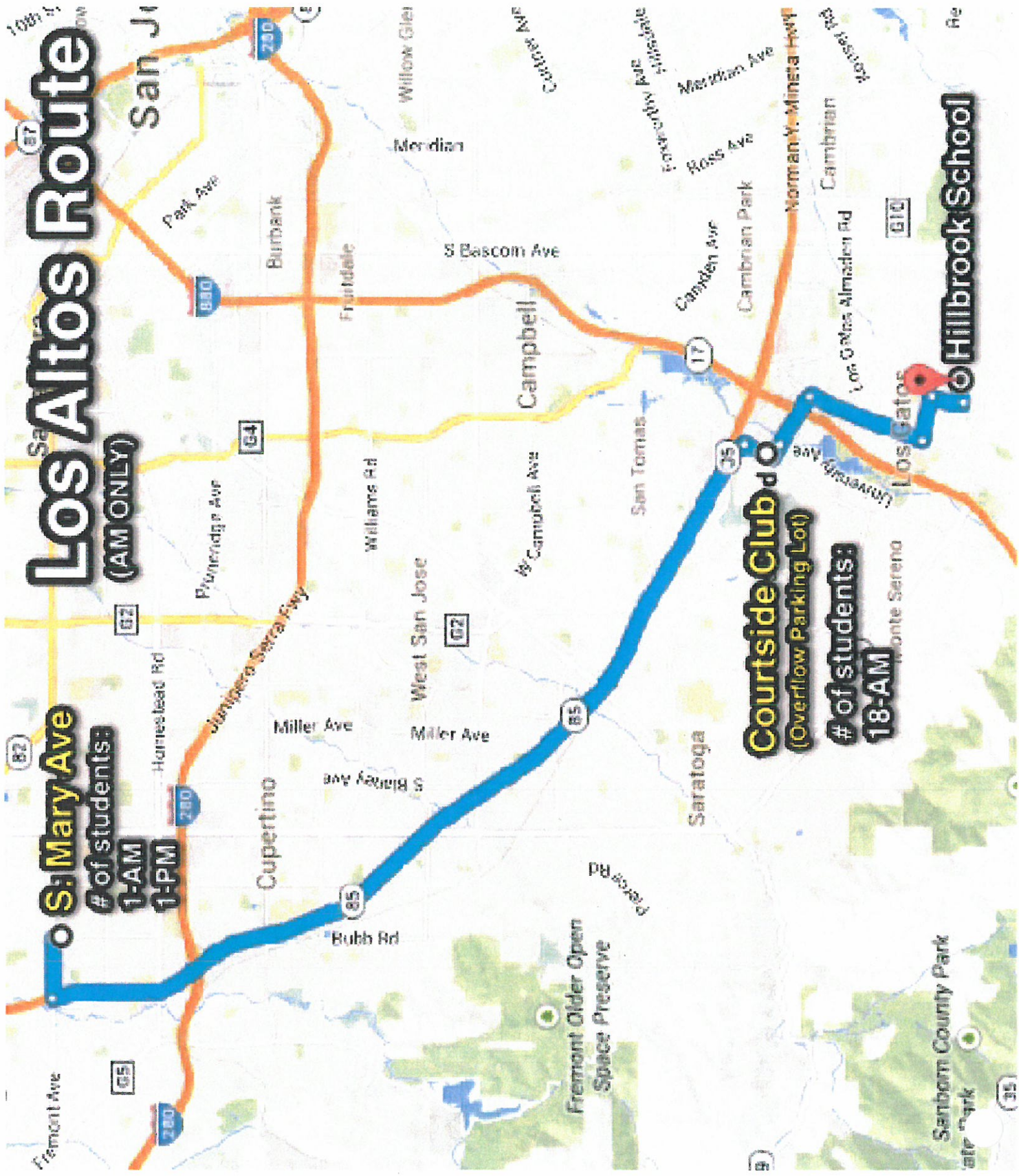
Redwood Ave

Wooden Ave

Saratoga Route



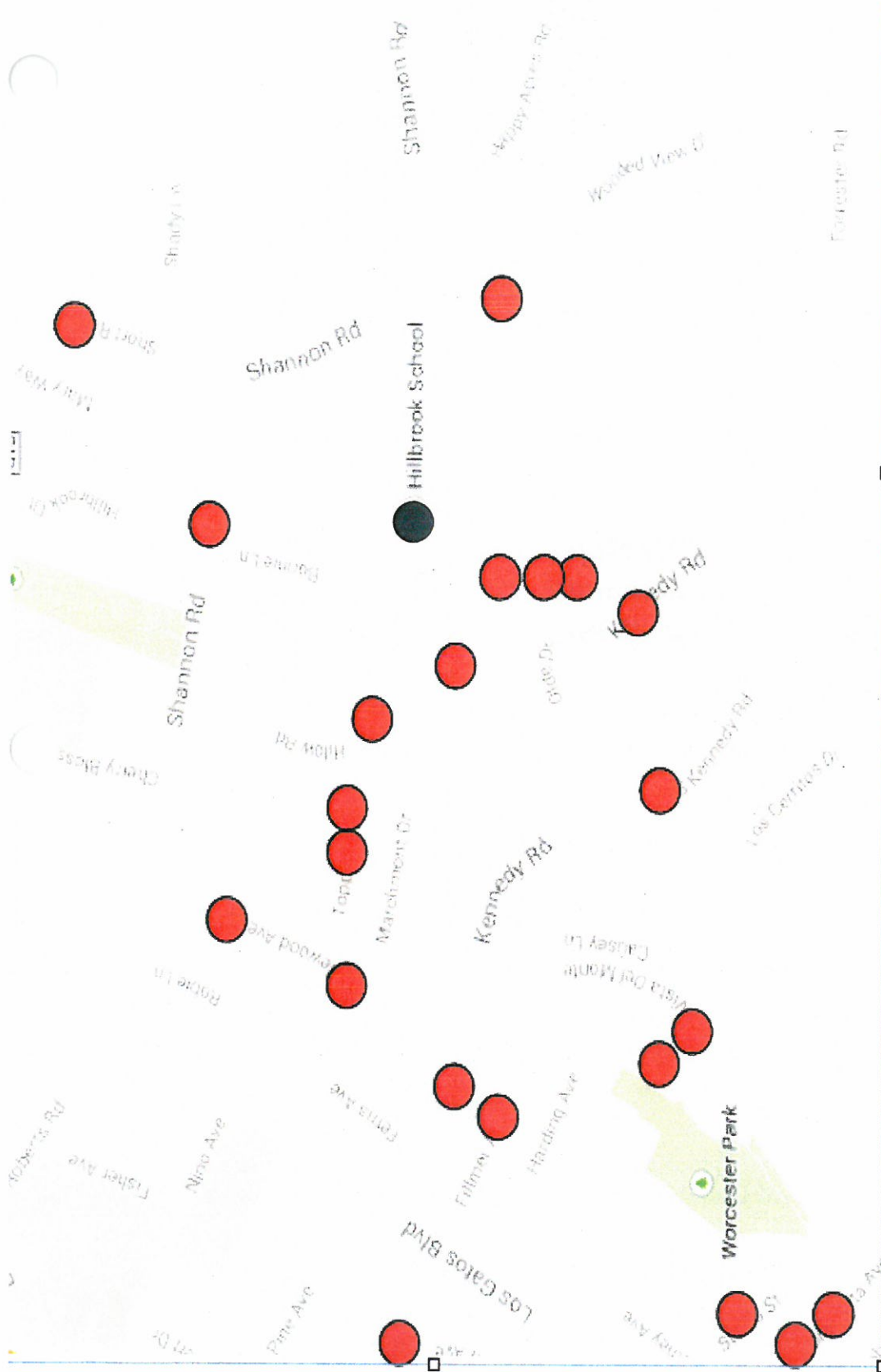
Hillbrook School



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SEP 29 2014

TOWN OF LOS GATOS
PLANNING DIVISION

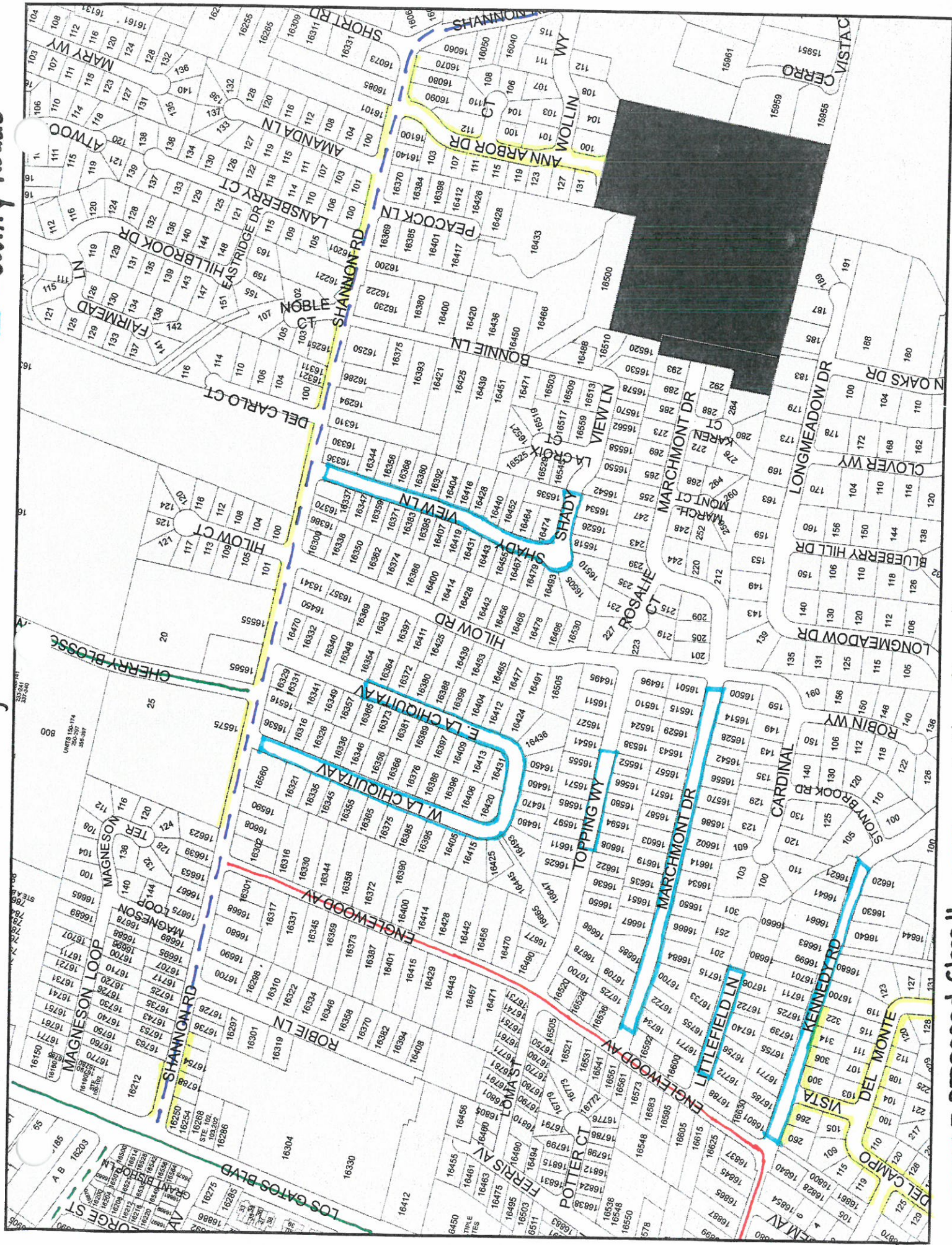


Total Hillbrook Students who bike or walk from their homes = 34*

- * 10-15 students walk or bike nearly everyday; the others bike or walk a few days each week and utilize carpool or shuttle on alternate days.
- * 10-20 students use the kiss and ride at Blossom Hill Park to participate in "Marching Mondays"
- * 5-10 students regularly use the kiss and ride at Blossom Hill to walk and scooter to school nearly everyday

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CHERRY BLVD

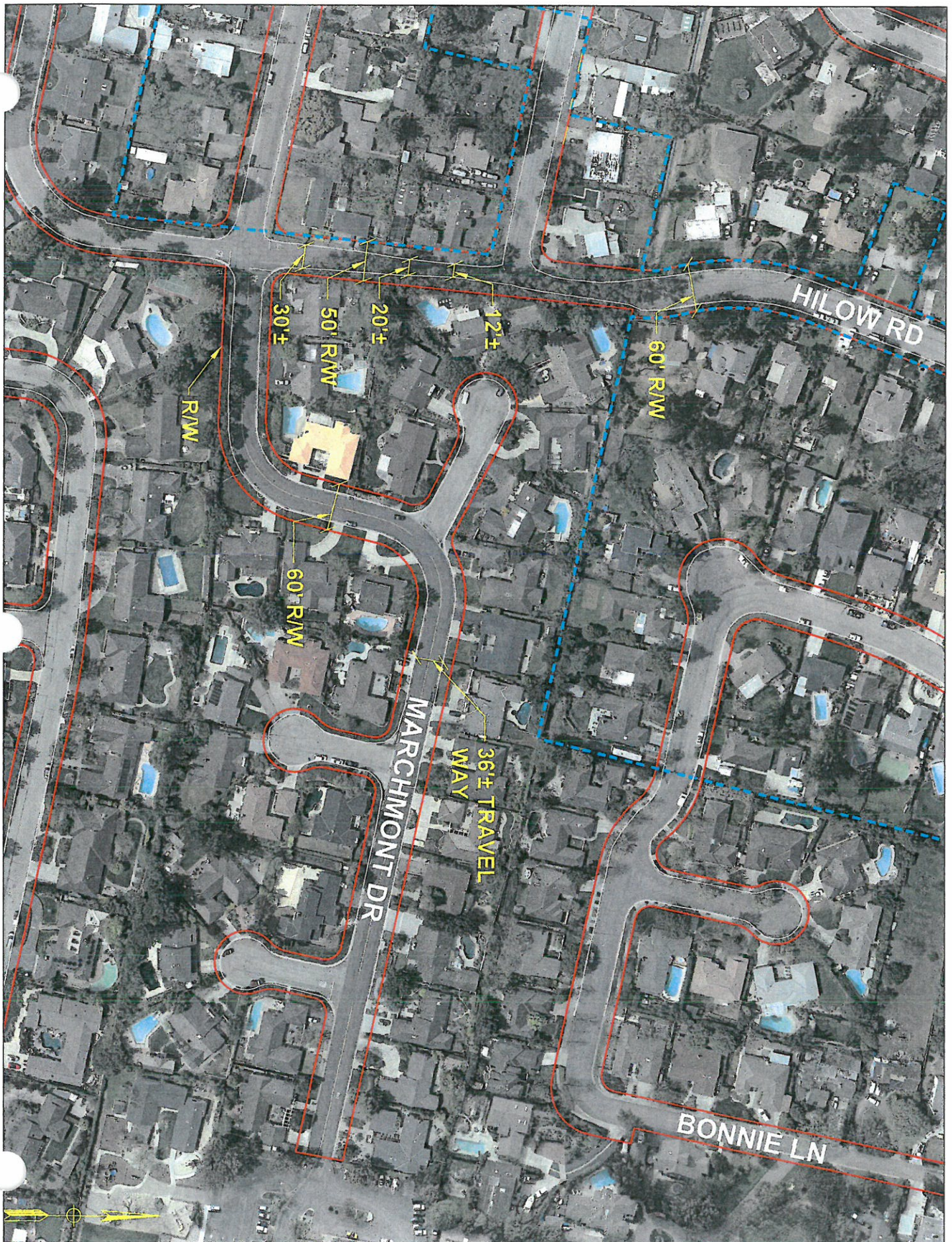


■ = 300 Marchmont

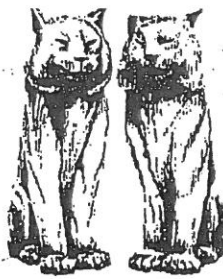
— = existing Class II

- - - = proposed Class II

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**TOWN of LOS GATOS
PLANNING DEPARTMENT
(408) 354-6872**

December 14, 1992

Los Gatos Academy
220 Belgatos Road
Los Gatos, CA 95032

RE: 220 Belgatos Road
Conditional Use Permit Application U-92-18

Requesting permission to operate a private school facility from pre-school to high school grades and to permit up to 20 students in the high school program on property in the R-1:10,000 zone.

PROPERTY OWNER: Union School District

APPLICANT: Los Gatos Academy

At its meeting of December 9, 1992, the Town of Los Gatos Planning Commission approved the above referenced application, subject to the following conditions:

TO THE SATISFACTION OF THE PLANNING DIRECTOR:

Planning Section

1. The maximum number of high school students shall not exceed 20.
2. The maximum number of staff shall be 19 unless additional parking is provided.
- * 3. Access to the school site shall be restricted to Belgatos Road.
4. The hours of the pre-school shall not extend beyond 6 P.M.
5. There shall be no weekend use of the facility.

Engineering Section

6. All on-site drain inlets shall be cleaned and cleared of debris to allow proper on-site drainage and all irrigation systems shall be repaired within 30 days. An inspection shall be scheduled for clearance.

TO THE SATISFACTION OF THE CENTRAL FIRE PROTECTION DISTRICT:

7. Provide an approved fire alarm throughout the school.
8. Provide an approved fire alarm key box.

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Jennifer Savage

From: Stephen Beritzhoff <steve.beritz@gmail.com>
Sent: Wednesday, September 24, 2014 11:05 AM
To: Jennifer Savage; Stephen Beritzhoff
Subject: HILLBROOK SUMMARY OF TRAFFIC STUDIES By Steve Beritzhoff for HB record

Follow Up Flag: Follow up
Flag Status: Flagged

Review of three ATD Traffic counts reported in DEIR				
date	week of March 18 2011	week of March 18 2011	week of March 18 2011	week of March 18 2011
location	not known	west of HB gate	West of Marchmont	HB gate
counting method	actual (unknown)	Loc 7 method not specified	Loc 6 Baymetrics hose count	Sensys wireless (out bound x2)
students	315	315	315	315
full day weekly average (4 days)	880	814	878	851
ave weekly trips per student	2.79	2.58	2.79	2.70
location in Document	DRAFT ENVIRONMENTAL IMPACT REPORT 4.3-2 Comparative Summary of Weekday ADT Volume (2011 vs. 2013) 4.3-5	DRAFT ENVIRONMENTAL IMPACT REPORT 4.3-2 Comparative Summary of Weekday ADT Volume (2011 vs. 2013) 4.3-5	Chart 1 page 8 Hillbrook School Outbound Daily Traffic Volume Comparison Bay Metrix vs Sensys	Chart 1 page 8 Hillbrook School Outbound Daily Traffic Volume Comparison Bay Metrix vs Sensys

EXHIBIT 27

Jennifer Savage

From: Stephen Beritzhoff <steve.beritz@gmail.com>
Sent: Wednesday, September 24, 2014 11:19 AM
To: Jennifer Savage; Stephen Beritzhoff
Subject: Location 7 HB traffic count summary shows significant less in going traffic and is not reliabil

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer this summary shows problem with this location 7 traffic count. It should be eliminated for consideration in the reports traffic mitigation comparisons

Location 6 and HB sesyn count is more realistic for a turn a round traffic pattern.

In and outgoing traffic should be less than 1% different.

Your staff should have picked this up.

Steve

location 7. ON MARCHMONT DRIVE, WEST OF THE GATE summa page 693 pdf

total traffic	mon	tues	weds	thur	frial	less wed	4 day ave
from	18-Mar	19-Mar	20-Mar	21-Mar	22-Mar		
east (In)	401	409	329	371	390	1571	393
west (out)	473	422	345	375	414	1684	421
total	874	831	674	746	804	3255	814
Deta	-72	-13	-16	-4	-24	-113	-28
						-3.5%	-3.5%
Wednesday was not counted as regular school was closed				Average weekday trips per student			2.58

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To: Margaret Smith, Planning Commission Chair and Members of the Planning Commission
From: Lee Quintana
Re: CUP U-12-002 - 300 Marchmont Drive

SEP 24 2014
TOWN OF LOS GATOS
PLANNING DIVISION

The applicant is requesting a modification to the existing CUP for the Hillbrook School including an increase in the number of students, allowed uses/activities, modifying how trip caps are counted as well as other modifications. A request for modification opens the entire CUP to review.

My recommendation to the Commission is to:

- 1) Reaffirm the maximum number of students at a maximum of 315 registered students
- 2) Modify the Conditions of Approval to explicitly state the uses/activities allow under the CUP, including the timing of these uses and any exceptions. (State law states if use is not explicitly stated it is not part of CUP - I interpret this to mean that there is very little wiggle room for future interpretation of what is and what isn't allowed.)
- 3) Return the CUP to Planning Commission for a 1 year review and further modification of the CUP's Conditions of Approval
- 4) In the interim direct staff, the applicant and the neighbors to work together to mutually solve traffic and safety problems. I would further recommend that a professional mediator be involved (at the applicant's expense) in this process.
- 5) Additional studies:
 - Study options for opening the Ann Arbor Entrance:
 - Does the Town's easement allow opening the Ann Arbor gate.
 - How would opening the gate to pedestrians, bikes and/or buses reduce overall car trips on Marchmont?
 - Evaluate a number of options for limited use (limit to hour s)of the Ann Arbor entrance. How would they reduce traffic on Marchmont and at the same time minimize the number of trips to or through the Ann Arbor entrance
 - Develop a mandatory TDM program.
 - Study whether (mandatory) busing for Students who live within two to four miles of the school, where the concentration of Hillbrook students is the highest, would reduce car trips. Would this be more effective than shuttles from more distant places.
 - Identify locations where shuttles can pick up students off of roadways and where there is ample room for temporary parking.
 - Look at the San Jose example discussed in the detailed letter from CATS (7th letter of Exhibit 17)
 - Develop programs to test agreed on solutions before they are incorporated into the Conditions of Approval or the number of allowed students are increased

6. Develop clear criteria for when the school is not in conformance with all aspects of the Conditional Use Permit.

The EIR and the TIRE studies may not be the appropriate studies to address traffic, safety and quality of life issues raised by this application. The eye witness accounts of concerned neighbors also qualify as substantial evidence on these subjects. I request that neighbors observations be given consideration along with the quantitative studies.

Thank You,

Lee Quintana

Jennifer Savage

From: Scott Urban <scott@urbancomputer.com>
Sent: Wednesday, September 24, 2014 3:55 PM
To: Jennifer Savage
Cc: Michael Mulcahy
Subject: Letter in Support of Hillbrook

Jennifer Savage
101 E. Main Street, Los Gatos, CA 95030

Jennifer, I essentially copied my comment from the petition and copied it for this letter. I want to make sure it's made available at this evenings meeting.

We built and live in our dream house of three years at the intersection of Marchmont and Englewood Ave; a thoroughfare to Hillbrook School.

I've neither experienced traffic problems nor bothersome school activity that have in any way been unpleasant or unexpected.

Buses, cars, children on their bikes, and parents with the family dog and their children walking to the campus is synonymous with any school and Hillbrook is no exception. However, with Hillbrook, traffic activity appears to be controlled within time confinements (the start and end of the school day) without a noticeable amount of activity at other times.

I'm not surprised you have been subjected to strong resistance from a group of my neighbors; it was my displeasure to have this group introduce themselves to us over a year ago outside of our home.

My educated guess is they really aren't against the expansion of less than 100 students over the next 5 years, but the larger picture is they are against the mere existence of the school; of course very irrational !

Excluding this tiny group, I know of no neighbors against the proposal by the school.

You are welcome to contact me for any reason.

A quick addendum to my previous comment: a flyer by the "anti-hillbrook" group was left in my mailbox last night. It claims, the additional "99 students will increase traffic congestion by 30%.", yet the Town of Los Gatos employed an independent third party with results saying there should be no impact on traffic. Did the anti-hillbrook group hire a third party to support their claims of a 30% increase? If yes, I'd like to review the report.

As a member of the Hillbrook community of 3 generations of students, it is my personal experience that the faculty and administrative staff and all decision makers on behalf of the school are honest to both the school and the community. I have no reason over the years to believe anything else.

Sincerely,
Scott Urban

Jennifer Savage

From: Sara Moufarrige Doepke <saramoufarrige@mac.com>
Sent: Wednesday, September 24, 2014 6:30 PM
To: Jennifer Savage
Subject: Hillbrook School

Hello,

My name is Sara Doepke. My 5.5 year old twin girls just started Kindergarden at Hillbrook. We appreciate the concerns the neighbors have about the traffic. However we feel that to really balance the school and make it as competitive as possible to surrounding schools like say Harker, it is important that they are allowed to increase the number of families.

Doing so allows other families in the surrounding LG area and San Jose to have the opportunity to get the best possible access to a private school. The school and parents do their best to minimize traffic.

Letting the school expands also encourages families like ourselves to want to move to LG to be nearer our school and community.

LG attracts lots of diverse families looking for a quality education. It would be sad not to allow these families to join hillbrook because there is a cap limit.

Do you apply these strict caps on public schools that are near the residence? I don't think so. Do residence near the public school make parents feel guilty for parking around the neighborhood ? They seems to impose rather unfair restraints on us. It is a public road. If I want to walk with my kids after I park the car, I should be able to. I can't as esidence don't like it!

We also have to keep in mind that the school was there way before many residence were around. It is part of the LG heritage and history. Something to be proud about. If people were so worried, why move right next to a school ?

We choose hillbrook not only for its beautiful campus but for the quality of teaching and the community feel u get from it. It takes a village to raise a child. Since we have no family in America, hillbrook is our new family.

They have been gracious, kind and inclusive. My kids love it after just 3 weeks. That is the affect that hillbrook has. I would like to think that other kids will get such enjoyment out of this school.

We want to have a great school that is as diverse as it's community. We feel that by increasing the student cap , will help built a strong and competitive school that makes people want to come to LG.

Thank you for your time.

Sara Doepke

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September 29, 2014

RE: Hillbrook School (300 Marchmont Drive) Conditional use Permit U-12-002

RECEIVED

SEP 29 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Follow-up to Questions from Planning Commissioners – Potential Pedestrian Traffic

Dear Planning Commissioners,

Thank you very much for your intense listening and thoughtful questions during the September 24th meeting. It was clear that you were all trying to get a deeper understanding of the issues to enable you to make the right decisions on this contentious issue of Hillbrook's CUP application to grow enrollment.

I wanted to follow-up on the question that Commissioner O'Donnell asked me regarding our neighborhood's views on the possibility of pedestrian and bike traffic through the Ann Arbor gate.

As context, as we expressed during the meeting, our neighborhood understands that our Marchmont neighbors would like to see stronger traffic mitigation measures. We genuinely empathize with them on this point.

We believe strongly that the key to any stronger mitigation measures is that they reduce vehicle traffic and remove cars from Los Gatos neighborhoods. We believe reducing cars is the key to not only improving the quality of life of Los Gatos residents, but more importantly, the key to improving safety for our children.

As I mentioned when Chair Smith asked how our children get to school. Sadly, although we are within walking distance of my 9 year old son's school, Blossom Hill and my 13 year old daughter's school, Fischer, my wife drives them to school most days as Shannon road is too dangerous to safely walk them to school. It's not just that there aren't enough sidewalks or crosswalks, it's that there are way too many cars driving up and down Shannon, especially during the school and work commute period.

With regard to our concerns of the possibility of having pedestrian and bike traffic through the Ann Arbor gate, there are 4 major concerns:

1. It would have very minor traffic benefit, it would not reduce any vehicle traffic and would be unsafe for the children

We don't believe that it would make a meaningful impact on reducing vehicle traffic, and vehicle traffic at the Marchmont gate is the major issue that affects both quality of life and safety. As an example, I've attached an excerpt from the Final EIR that addresses this.

- It analyzed the locations of Hillbrook families within walking distance of the school and found that there are 22 families where the Marchmont gate is closer and safer and only 4 families that would have closer access through the Ann Arbor gate
- They also conclude *"Allowing children to enter through this gate on bicycle or on foot would have a very minor traffic benefit at most."*

Additionally, if it were to be considered that the pedestrians would be coming from kiss-and-ride or kiss-and-walk drop off points

- Again it would not have any impact on vehicle traffic at the Marchmont gate, as those vehicles had already dropped their children off at the stop
- It's definitely no safer for the children, given the dangerous traffic on Shannon road

Again it's not just that there aren't enough sidewalks or crosswalks, it's that there are way too many cars driving up and down Shannon. This is particularly true at the entrance to Ann Arbor Drive as there is a blind hill coming up from the intersection of Shannon and Short roads. Cars coming up that hill will not see children crossing until the last minute.

2. It would inevitably add car traffic to Ann Arbor and Wollin Way that would exponentially decrease our quality of life and lead to significant safety risks.

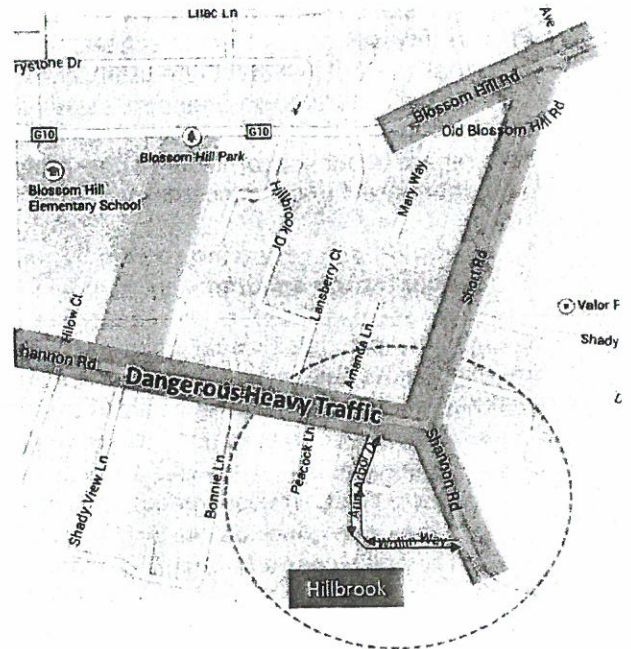
If the gates were to be open for pedestrian & bike traffic, it would be inevitable that cars would still drive down Ann Arbor and Wollin Way to drop kids off close to the gate.

This would happen under many scenarios, on rainy days, when parents are running late, etc. They would either make a U-turn at the dead-end in front of the gate or cut-through down Ann Arbor and up Wollin Way or vice versa, resulting in dangerous traffic going in both directions while some try to make U-turns and gridlock as they try to exit onto an already dangerously busy Shannon Rd. In fact it's not possible to make a U-turn at the dead-end, so it would result in even more dangerous 3 point turns. Many driving on Shannon already use Ann Arbor and Wollin Way as a cut-through to avoid the stop signs at the Short-Shannon intersection. Also, Wollin Way is a steep and dangerous hill and there has been a history of accidents at the Wollin-Shannon intersection.

We'd also expect parents to arrive early and park along our streets while they wait to pick up their children.

The diagrams below show the general area. The red highlights indicate very heavy dangerous traffic that travels down Shannon Rd and across Short Rd feeding onto Shannon to avoid heavy traffic on Blossom Hill Rd.

The yellow highlights show the immediate area of Ann Arbor & Wollin Way leading to the dead-end at Hillbrook.



3. It would decrease the value of the homes that we purchased, many with the primary purpose of living in a quieter neighborhood

We purchased our homes in this neighborhood because it was a quiet neighborhood with a cul-de-sac and dead-end. We researched the situation with the gate and were assured by the Town that the gate was only for emergency access.

It is inevitable that if the gates were to be opened, even for pedestrian and bike traffic only, it would materially reduce the value of our homes. Potential buyers would know that it would be inevitable that there would be significant car traffic as it would be likely that the gate would be used as a drop-off point as I described above.

In fact, one of our neighbors currently has their home on the market and a potential buyer is holding off on moving forward due to the potential of the gate being opened. This is not a hypothetical situation, this is real.

4. It is illegal to open the gate, due to the 1 foot strip reservation

As one of my neighbors discussed at last week's meeting, there is the reservation of a 1 foot strip across the emergency gate as documented in the Owner's Certificate on Tract Map No. 5333.

Prior to the Draft EIR hearing, we submitted a letter from our lawyers, Silicon Valley Law Group, analyzing this restriction and considering that it is an impediment to opening the gate to public use.

We appreciate the Commission asking the Town staff to provide additional information on this matter.

In summary, we strongly believe the key to any stronger traffic mitigation and safety measures is to reduce the number of cars in our Los Gatos neighborhoods.

If the gate were to be opened for pedestrian and bike traffic it would not reduce any vehicle traffic and would be unsafe for the children. It would inevitably lead to car traffic that would be dangerous, negatively impact the quality of life in our neighborhood exponentially, and decrease our home values. In addition, it would be illegal to do so, due to the 1 foot strip reservation.

We firmly believe that any traffic problem needs to be addressed at the source and that there's no benefit to the Los Gatos community as a whole in shifting a traffic problem from one neighborhood to another, this could also be a bad precedent.

Thank you for wanting to more deeply understand our neighborhood concerns and for your service to our great Los Gatos community.

David DeMaria
131 Ann Arbor Drive
Los Gatos

ATTACHMENT – Excerpt from EIR on Pedestrian Traffic

Below is the response one of many letters from Barbara Dodson and Patti Elliot asking for the Ann Arbor gate to be opened, in this instance, for pedestrian traffic.

Response to Comment I_DodsonB-ElliotP-38: The Commenter's description of Hillbrook parents dropping off their children at the Blossom Hill Park parking lot on Shamon Road, and then students proceeding by foot or bike to school is the "Marching Monday" program (part of the Safety Routes to School program), which is described on DEIR p. 4.3-11 (last row/paragraph). Hillbrook School and the Town have no record of accidents or reported problems related to implementation of this program.

The locations of Hillbrook families that are within walking distance of the school are indicated in the map below. A review of Hillbrook School enrollments indicates that there are 22 families living to the west and south and the Marchmont gate provides closer and more direct access for any students of these families choosing to walk or bike to school. It would not make sense to make these students, who are walking on residential streets with lower traffic volumes to be required to walk farther and cross Shannon Road twice, a road with higher traffic volumes, in order to access the Ann Arbor gate. There are only four families that would have closer access via the Ann Arbor gate. Allowing children to enter through this gate on bicycle or on foot would have a very minor traffic benefit at most.

HILLBROOK SCHOOL CUP MODIFICATIONS EIR

8.5-76

AUGUST 2014



Jennifer Savage

To: Janette Judd; ssusick@comcast.net
Subject: RE: Hillbrook DEIR/CUP

From: Shannon Susick [mailto:ssusick@comcast.net]
Sent: Monday, September 29, 2014 1:17 PM
To: Planning
Cc: Town Manager
Subject: Hillbrook DEIR/CUP

Good Morning Commissioners & Staff,

Please find recommendations, observations, suggestions & conclusions below. Please consider them in your decision regarding the Hillbrook request to modify their Conditional Use Permit and accept the DEIR.

Recommendations-

1. CUP modification should be denied and existing permit not be renewed until compliance is met for a minimum 2 year period with current CUP.
2. DEIR should be rejected and a new DEIR be ordered by an independent firm not associated with any current Los Gatos projects & incorporating valid traffic studies including all proposed projects (entire Town of Los Gatos.)
3. A new traffic study should be done by an independent firm with reliable counters throughout the neighborhood and on side access streets and main roads.

Observations-

1. The application does not take into account valid traffic issues within the neighborhood and town- the applicant has violated the current CUP repeatedly the past 13 years.
2. There is no compliance or regulation of the current CUP or the claims from the applicant regarding mandatory carpooling, busing and hours of activities and special events. For example-; counters have been moved, used during inappropriate days and months and Hillbrook parents drop children throughout the neighborhood having them walk to avoid the counters at the gate.
3. There is no noted approval from the town for the bus stops- the Hillbrook kiss and ride program. There doesn't appear to be any permits or permission obtained and these stops, in particular the one on Shannon Road by Blossom Hill Park that stops in the crosswalk and bike lane are hazardous. Children that live in the neighborhood and adults must go into the street to ride their bikes or cross the roads.
4. The current traffic impact on the neighborhood and surrounding neighborhoods from either cars or busses is significant at present; the town doesn't have the infrastructure to support additional stress.
5. The applicant is a non-profit business/corporation operating in a Hillside Residential Zone that has outgrown its existing space; offering no benefit to the town in tax revenue or any other form while adversely affecting the quality of life for residents, adding strain to the town's infrastructure & creating tension between neighbors.
6. The majority of supporters are not residents of Los Gatos nor do they live in the Los Gatos School District; the Town is not obligated to meet their needs but is required to meet those of the residents & taxpayers as noted in their oaths, the General Plan and Town Code.
7. A diversion has been created by the Ann Arbor residents who do not want an existing gate opened because of staff recommendations & find the requests permissible as long as there is no impact on their street. Opening Ann Arbor Way, erecting sound walls and other substantial changes to the environment are not valid responses to the issue & CUP requests.

8. The staff is paid to assist the Planning Commission and the Town Council & the residents to ensure that their needs are met. Current CUP violations merit inquiry by the staff into whether it should be revoked.

Suggestions-

1. A satellite campus for the elementary or middle school; many private schools have done this when they have outgrown their location (Harker for example.)
2. Mandatory busing; carpooling is not effective according to the neighbors and there is no regulation as noted in the recent hearing by the applicant.
 - a. Bus stops could be created by leasing space from the nearby Houses of Worship or the owner of the land at the end of Shannon Road (currently Artisan Wine Depot.)
 - b. Some of the site slated for development at LG Almaden/LG Blvd could be used for parking/shuttles for Hillbrook and other developments for present or future demands.
3. Hillbrook could sell the parcel and have the land returned to conforming HR zoning with development of appropriate homes or open space & use the proceeds to purchase a new campus.
4. Give Hillbrook 1st right of refusal for parcel on the North 40 site for a new or satellite campus
5. Tolls for non-residents on Marchmont & all surrounding streets during school hours (fast track)
6. Staff and Planning must follow the code and General Plan and mandate that Hillbrook is in compliance with the current CUP or a minimum of 2 years prior to considering modification.
7. Hillbrook should be required to disclose residency of students and traffic and carpool/busing statistics & methodology for gathering the data.

Conclusions-

The current impact on the Hillbrook neighborhood is significant and adverse in terms of traffic, noise and congestion; increasing enrollment at present should not be a consideration of the staff or the Planning Commission.

Compliance with the current CUP and sanctions for violating it is supported by the conditions of the CUP, the town code and the General Plan; these are specific rules and conditions-there is no gray area.

The HR zoning calls for orderly, harmonious development of the foothills and mountains. Hillbrook School is a non-conforming commercial business operating in a residential neighborhood-home to Los Gatos residents and taxpayers, the only valid conclusion due to current conditions and infractions is to deny the CUP modification and reject the current DEIR.

Thank you,

Shannon Susick
(408) 316-9559

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

September 29, 2014

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

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Hand Delivered

SEP 29 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Subject: Lack of Clear, Enforceable CUP Conditions for Hillbrook School

Reference: Hillbrook School Staff Report

Dear Commissions:

On Page 11 of the referenced report it is stated, "The Town's, school's, and neighbors' goals are to provide clear, enforceable conditions regarding the school's operation". We would add "complete" to that list of goals.

Unfortunately, Proposed Conditions provided by both town staff and the Hillbrook School do not meet those goals, particularly with regard to traffic management and violation penalties. The following addresses only deficiencies in staff proposed conditions 8, 9, 10, and 14. There is considerable concern over the conditions relating to monitoring and penalties that are not addressed here.

STAFF CONDITIONS OF APPROVAL DEFICIENCIES

Notably absent from these proposed conditions is one that addresses the school's proposal to require a mandatory commitment to carpooling/busing by Hillbrook parents as discussed by Chuck Hammers during his opening remarks of the Sept 24 Planning Commission meeting. Commensurate with this absence is any condition that specifies how Hillbrook would enforce such commitments, how parents would be penalized as promised by Mr. Hammers for not honoring their commitment, and how adherence to mandatory traffic mitigation by the school would be monitored by town staff.

8. NUMBER OF VEHICLE TRIPS – PEAK PERIOD

This condition specifies an average limit of 150 vehicles leaving the school during peak periods. First, placing a limit only on exiting traffic is meaningless. Second, requiring a limit of averages, particularly taken over such an extensive period of time as a full semester means that there may be many single days when traffic far exceeds the average. Even the TDM recommends an average taken over each month, not over each semester.

It is the entirety of traffic, both entering and exiting the school, that is of grave concern because of the high volume of both Hillbrook and public school traffic during peak periods when so many school aged children on foot, bicycle, and skateboard are intermingled with that traffic. Averaging does not

effectively mitigate that danger. There can be no single day when children are put in harms way because of extremely high Hillbrook traffic.

Potential solutions include 1) Requiring all staff vehicles to enter before 7:30 and leave after 3:45. Staff can also ride a bus. 2) Opening the Ann Arbor gate to foot traffic and to staff traffic only. 3) Require heavier reliance on bus transportation.

9. NUMBER OF VEHICLE TRIPS – SCHOOL YEAR DAILY TRIPS.

- 1). In 9.a, averaging over a period of an entire semester is contrary to the school's own TDM, which requires averaging over each month.
- 2). In 9.b, Nelson/Nygaard, the traffic consultant that created the TDM, suggests that weekdays when the Hillbrook school is not in full session be excluded from the computation of the average. There are no such exception provided here. That means, when days when the school is not in full session for whatever reason, low traffic counts will skew the averages unreasonably lower.
- 3). In 9.c. Even if the intent here is to exclude up to 10 days per year from computation of the averages, it cannot apply. The proposed averages are over each semester and summer. From which average are the up to 10 days to be excluded ?
- 4). In 9.c, the phrase, "which are not representative of typical operations, consistent with this Conditional Use Permit" is vague and can be interpreted in many ways. It should be stricken from the condition.
- 5). In 9.c, Limiting the traffic on exception days to twice the number of vehicle ostensibly means twice 960 or 1920 trips ! That far exceed traffic calming maximums even at the school gate, to say nothing of what it would do to traffic on Marchmont Drive.
- 6). In 9.d. If the maximum is dependent upon the enrollment starting at 315, and the enrollment limit at 315 shall be 880, then the limit for 315 enrollment is 880, not 960 as stated earlier in this condition. If the traffic limit is to increase from 880 commensurate with an increase in enrollment up to 414, than an increase in enrollment to 414 would mean an increase in the 880 minimum by 30 % which would be 1144, far in excess of the 960 limit. If it is meant that the increase shall be only up to 960, that means the limit would vary from 880 to 960, depending upon the enrollment - hardly worth bothering about.
- 7). In addition to an average daily limit, there should be a high single day limit of perhaps 1200. There should be no day single day that exceeds 1200.

10. NUMBER OF VEHICLE TRIPS – SUMMER DAILY TRIPS:

- 1) There are many days during the summer when there is no significant activities at the school. Including those days in an average taken over the entire summer would make the limit entirely meaningless. There could be many days when traffic vastly exceeds 480, yet would not cause the average to be higher than 480.
- 2) The 480 average is entirely arbitrary. Long time neighbors will attest that historical summer traffic is much, much lighter than 480. A generous estimate would be 150 total in/out traffic for a typical summer day and an average far lower than that because of the many days when there is little or no summer activity at the school. The school has 2 full summers of counts for 2013 and 2014, summers. Limits should be based on those counts.

14. TRANSPORTATION DEMAND MANAGEMENT PLAN. This condition states that the school shall implement all measures in the TDM. The TDM calls for averages on a monthly basis. Proposing averages over a semester is a contradiction of this condition. The school relies entirely on the TDM to improve traffic mitigation; therefore, averages should all be on a monthly basis.

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

September 29, 2014

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

RECEIVED

SEP 29 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Hand Delivered

Subject: Nelson/Nygaard Memorandum dated September 14, 2014 with Subject: Traffic Analysis for Proposed Enrollment Increase at the Hillbrook School.

Reference: Nelson/Nygaard Memorandum dated December 2, 2012 with Subject: Traffic Count Analysis

Dear Commissioners:

There are a number of critical omissions and misrepresentation of facts that essentially invalidate the subject analysis as detailed in the following.

Under Average Daily Traffic on page 1.

Near the bottom of page 1, Nelson/Nygaard (N/N) claims that during the 2013/14 school year, full day exit traffic at the school gate averaged 425.5 over the entire school year; however, daily counts used to compute the average are not given in the Memorandum. In the referenced N/N Memorandum, N/N did give all the counts used in computing averages. Three months of daily peak period exit counts taken from September through November of 2012 were given in Appendix A of that document. Also, in the referenced document, numerous days were excluded from the computation of averages – days such as for early dismissal from classes, low volume days such as for Grandparent's Day, days when the counter equipment was down for maintenance, etc. By comparison, there are no statements in the subject document that any full day counts have been omitted for any reason, such as for Grandparent's Day.

Even though Hillbrook has been willing to release selected full day Sensys counts for the N/N Memoranda and for TJKM traffic studies, it has steadfastly refused repeated requests from neighbors for such counts, even though it had promised "transparency" in revealing those counts. Neighbors were forced into taking periodic counts of their own in order to get some idea if full day Hillbrook traffic has indeed been reduced by Hillbrook traffic mitigation measures. Samples of full day exit counts taken by neighbors over the 2013/14 averaged **444** (see exhibit A), higher than **425.5** average given in the recent N/N analysis, even though the neighborhood counts were taken only from 7:00 AM to 6:00 PM.

Since there is such a disparity between the sample neighbors average and the N/N average, and since there is no way of knowing if abnormally low full day counts were included in the N/N averages, it is imperative that N/N publish full day counts for 2013/14 if any credence is to be given to this analysis.

On page 2, N/N states that “the projected trip generation rate for private schools with an enrollment of 414 is 1107 average daily trips”. First, the 1107 is not a rate, it is a daily limit. Second, N/N cites the 1107 as a standardized “rate” for K-8 private schools, but the Los Gatos town traffic engineer and the Hillbrook EIR state that there is no K-8 ADT rates available in the ITE Trip Generation Manual, 9th ed. Instead the K-12 rate of 2.48 is used. Even then the K-12 ITE data carries the notation, “**Caution – Use Carefully – Small Sample Size.** Only 2 widely disparate samples are averaged to compute the 2.48 rate. In fact, an average determined from a sufficient number of samples could just as well be lower than 2.31, which would result in an ADT lower than 960. The conclusion stated that the proposed 960 limit is much lower than the ITE rate is simply not true.”

Under Proposed Trip Cap in Context on page 2.

The report compares the Hillbrook private school traffic located in a very low neighborhood traffic location, to public school traffic located in a very high public traffic location, which is ridiculous. Any increase in Hillbrook traffic will have a relatively much greater impact on local traffic than it would in other compared locations. In Figure 1 on page 3, all the schools compared are public schools, except for St. Mary's. Where are the comparisons to other private schools located in low traffic neighborhoods like that around Hillbrook ?

On the bottom of page 3, it is stated that, “put in the larger context of Los Gatos traffic, Hillbrook's actual traffic volumes are much lower than for streets in adjacent to schools in Los Gatos”, but Hillbrook is not located in the larger context. It is located in an area of very low volume neighborhood traffic. Hillbrook traffic dominates the neighborhood much more so than it would in other neighborhoods with higher volumes of non school traffic. Consider what would happen if the Ann Arbor gate was opened to Hillbrook traffic and the Marchmont gate were closed. Would one say that relative to other neighborhoods, traffic on Ann Arbor was low and school traffic had relatively little impact ?

Under Using Average Counts on page 4.

Nelson/Nygaard is approving averages taken over each semester, even though in the TDM, which they originated, it is recommend averages taken over each month. In effect, they are violating their own TDM by approving averages over semesters.

N/N notes that it excludes exit counts from those days when the school is not in session when computing the average. One would certainly hope so. It does not, however, state that it would exclude low volume traffic counts from computing the average, even though there are plenty of days when not all classes are in session on campus, resulting in low volume counts. Some classes are simply given days off when other classes are not. Other times, classes meet off campus for reasons such as field trips or combined sessions with other schools at other locations. There is also the question of abnormal low counts taken for a variety of other reasons such as equipment malfunction for all or part of a day, partial or full day planned shut down for maintenance, external tampering with equipment, deliberate avoidance of the counter, etc.

N/N uses Figure 2 on page 5 to demonstrate how it would omit weekends and holidays from computing the average. Suppose Wednesday in that table was a day when the middle school was not in session. Traffic for that day might be 600 rather than 921. The average computed then would be **825**, not **926**. In other words, the day when not all classes were in session skewed the average abnormally low. Hillbrook officials themselves, in meetings with neighbors, have said that such low count days should be excluded from computing averages.

Under Effective Transportation Demand Management on page 6.

Hillbrook has not implemented a pilot TDM program over the past decade as stated in this section. That is a false statement. Hillbrook simply began a more vigorous carpooling program in 2001, on the occasion of the school seeking to modify its CUP. This graph is really a comparison of Hillbrook traffic between 2000 and 2001, not between 2000 and 2011. Traffic counts between 2001 and 2011 showed no significant change.

The "three legged stool" discussed on page 7 is in reality a one legged stool. If there is no accurate computation of counts, there will be no penalties. Hillbrook has not proved that it "hired" a Traffic Coordinator or that it has plans to do so in the future. It may very well simply assign an additional duty to a current employee, meaning that employee has duties other than being the traffic coordinator. What is more, there is absolutely no job description detailing the duties of the Traffic Coordinator.

Chuck Hammers stated in the applicant address to the Planning Commission at the Sept 24 hearing that the school would require a mandatory "commitment" to carpooling and busing by parents, and that there would be penalties levied against parents if they did not fulfill their commitment. Yet there is no mention anywhere in the Proposed Conditions of a mandatory commitment to penalties levied against parents. Note that a mandatory "commitment" to carpooling is not the same as mandatory carpooling on a daily basis. A parent might carpool only on rare occasion; thus fulfilling his or her commitment.

Joe Sordi Sr

Appendix A

Taken By Hillbrook Neighbor at the Marchmont gate:

Date	In/Out	Total
11/19/13	431/436	967
12/16/13	428/428	856
01/09/14	473/445	918
04/15/14	439/449	888
05/13/14	467/460	927

Average count of 5 days = 447/444 – 891

Date	7:00-7:30	7:30-8:30 AM PEAK	8:30-2:30	2:30-3:45 PM PEAK	3:45-6:00 AFTER	In/Out	Comments
						Total	
11/19/13	16/4	153/94	73/20	93/104	96/142	431/436	15 Bike/Walk
						967	
12/16/13	28/2	157/93	73/102	121/123	49/100	428/428	14 Bike/Walk
						856	
01/09/14	22/12	155/121	63/59	140/119	93/122	473/445	11 Bike/Walk 7 in 4 out
						918	
04/15/14	23/1	125/95	88/82	118/108	86/163	439/449	20 Bike/Walk USE OF MINIBUSES
						888	
05/13/14	23/4	138/112	91/81	121/114	94/149	467/460	17 Bike/Walk
						927	

Jennifer Savage

From: Robb Walker <rnwalker1@comcast.net>
Sent: Monday, September 29, 2014 3:18 PM
To: Jennifer Savage
Subject: Sept. 30 Plan.Comm. Meeting

*****Please forward this to members*****

This is not only a Marchmont issue. Allowing changes in Hillbrook's CUP brings more "traffic" on the Town's overburdened streets. This is a "traffic" issue plain and simple. Sit and listen to residents at various spots in Town and to a person they are fed up with officials voting for what will bring more "traffic." Enough is enough. We (you) have to start somewhere. Let it be here. Sometimes there is a winner and a loser. That's life.

My children attended Hillbrook years ago. I liked it. They liked it. That is irrelevant now and makes not one bit of difference.

Hillbrook caters to "many" not even living in our Town. They couldn't care less about our "traffic" concerns. You all are representing me and all of Los Gatos. Do what is right for us.

Sincerely, Robb Walker 16791 Loma St.

Sent from my iPad

Jennifer Savage

From: susan buxton <ssbuxton@yahoo.com>
Sent: Monday, September 29, 2014 3:49 PM
To: Jennifer Savage
Subject: Hillbrook Public Hearing

Dear Planning Commission Members,

Last Wednesday I spoke about the impact the increased enrollment proposed for the summer session, from the end of school in June, to the beginning of school in August, would have on the neighborhoods around Hillbrook School. The CUP proposes 414 students, and includes provision for Professional Development Activities year round. Both would have an incredible impact on the neighborhood as follows:

- Not only have the number of students, and the number of days been increased year round, but so have the hours of operation to 7:30 to 6:00 for students and to 9 PM for Professional Development Activities.
- It is proposed that both programs include non-Hillbrook students and non-Hillbrook teachers.
- Third party use is being requested.
- **Neither** student nor adult summer activities were considered in the EIR and are not mentioned in the TDM, even though both are completely new proposals.
- There no data provided on summer traffic levels, increased noise levels from more outdoor summer activities, or increased summertime pollution.

Because the proposed conditions do not protect our existing residential area from impact (policy LL 6.1) or preserve and enhance the existing character of our neighborhood (General Plan Goal LU-6), I urge you to reject the EIR for insufficient information, and deny the proposed CUP.

Thank you for your time and attention.

Susan Buxton
118 Robin Way
Los Gatos, CA 95032

Jennifer Savage

From: BS Nissen <bsnissen@gmail.com>
Sent: Monday, September 29, 2014 4:44 PM
To: Jennifer Savage
Subject: Planning Commission Meeting Sept 24,2014

Dear members of the Planning Commission,

While I think your job is difficult and it was nice that the children from Hillbrook attended the meeting, I feel that the request for not having outward emotion displays was not enforced.

The children rushed in, sat in all the available chairs in the 'lobby'. There were many seniors in attendance who had to stand.

One gentleman with canes had difficulty finding a seat. Someone had to bring him one from somewhere else.

None of the children offered their seat to the handicapped or the elderly.

They clapped loudly at least two times.

I felt like I was at a pep rally.

There were no comments from the Commission in regard to these outbursts.

The experience left me with a negative feel for how Hillbrook is trying to drum up support. They had a rally in front of the chambers before the doors opened. They certainly have a right to do that. Pushing ahead of others to get in and be seated leaves a very negative view of how they seem to be encouraging their students to appear.

Please expect them to act as you request others in the audience to do.

Respectfully,

Susan Nissen

Jennifer Savage

To: Planning
Subject: RE: Hillbrook Expansion

-----Original Message-----

From: B Chris [mailto:chrisbev4@gmail.com]
Sent: Monday, September 29, 2014 6:33 PM
To: Planning
Subject: Hillbrook Expansion

Los Gatos Planning Commission,

Please do not approve the proposed expansion plan by Hillbrook School. It will only serve to be detrimental for our community and especially those who live around the Hillbrook school. I live on Kennedy Road and every morning must fight the traffic to get out of Kennedy to Los Gatos Blvd. The school is nice but does not need to increase in size in any fashion. Please do not let them violate the agreement they signed years ago. It is a shame that the school is even considering putting more traffic pressure on an already impacted area. The neighbors have signs up every day asking Hillbrook drivers to be considerate and to slow down...unfortunately these signs are ignored for the most part as parents race up the street to get their late kids to school each morning.

Thank you for your time,

Best,

Be Christensen

Jennifer Savage

From: Jeff Loughridge <lokrij@comcast.net>
Sent: Tuesday, September 30, 2014 8:06 AM
To: Jennifer Savage
Cc: 'Patricia Elliot'; 'Barbara Dodson'
Subject: Error in my public comment to the Planning Commission

Jennifer L. Savage, AICP
Senior Planner
Town of Los Gatos Community Development Department

Dear Planning Commissioners and Jennifer,

I would like to correct an error in my comments to you last Wed. night regarding the Hillbrook School issue. I mentioned that neighbors said there were "No kids" who left Hillbrook during the Planning Commission site visit on September 17, 2014 from 2:30 p.m. to 3:30 p.m. That was not exactly what neighbors told me. I would like to apologize to both the Commission and the neighbors for my misstatement in my comments to the Commission.

What I was told by neighbors who were present at the Planning Commission site visit on Sept. 17th is that: The first dismissal time (2:45 p.m.) came and went and "virtually" no cars left the campus; the second dismissal time (3:00 p.m.) came and went and there was a trickle of cars (maybe 10) that left. After the third dismissal time, there was another relatively small number of vehicles that left the school along with the buses.

By 3:30 p.m., when the site visit ended, neighbors stated that there had been dramatically fewer cars coming to or leaving the campus than on any typical day. Neighbors also told me that it appeared that far more kids than usual got on the buses that day.

Neighbors have informed me that they conducted a car count on September 16th, the day before the site visit, with the following results:

From 2:30-3:45 p.m. neighbors counted 96 vehicles entering the Hillbrook gate and 106 vehicles exiting the Hillbrook gate.

From 3:45-5:00 p.m., there were another 65 vehicles that entered the gate and 79 that exited.

From 5:00-6:00 p.m., there were an additional 29 vehicles that entered and 67 that exited Hillbrook's gate.

On September 16th from 2:30 p.m. to 6:00 p.m. there were 190 vehicles that entered and 252 vehicles that exited the Hillbrook gate.

That includes ALL the carpooling and all the buses for Hillbrook's 220 families.

Of course you will draw your own conclusions, but it seems obvious that Hillbrook altered its normal patterns to show the Planning Commission a far lower amount of traffic on Sept 17th than what neighbors say they are typically subjected to. That seems wrong to me and that is what I was attempting to convey in my remarks.

I hope that clears things up.

Best regards,

Jeff Loughridge

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16615 Englewood Avenue
Los Gatos, CA 95032
September 29, 2014

RECEIVED
SEP 30 2014
TOWN MANAGER
HAND DELIVERED
8:50 AM

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

Re: Proposed Hillbrook School CUP Revisions and the
New State Law regarding Giving Right Of Way to Bicyclists

Dear Planning Commissioners,

I cannot attend the Planning Commission meeting on Hillbrook School expansion on September 30th. I would like to add this letter to the Commissioner's packet for tomorrow's meeting.

As a member of the residential community surrounding Hillbrook School, I am concerned about more car traffic on the narrow Englewood Avenue. In a previous letter, I raised concern for the all the street users and more Hillbrook vehicle traffic.

Now the State of California has issued New Regulations for Motor Vehicles and Bicycles. A newspaper article is enclosed. This will place even more liability on the Town by directing bicyclists down the narrow paved undivided street (Englewood) if it allows additional uncontrolled car traffic. The 3 foot clearance that **must** be given to bicyclists will further restrict the ability for everyone to "share the road".

Most of the residents feel 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. I would invite any Commissioner or Council member to personally walk or ride a bike with your most loved family member during the morning and afternoon commute to see the problem for yourself. Thank You.

Very Truly Yours



David L. Shade

San Jose Mercury News » Tuesday, September 16, 2014

LOCAL NEWS

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SECTION B

Scot ancestor may have been spot on

Near the edge of the red and blue Persian rug in my living room is a pear-shaped spot, maybe a foot in diameter, that has whitened and thinned over the years, much like the whiskers of an aging dog.

I cherish that spot. I'd rather convert my house into a direct-mail warehouse for fondue pots than repair the rug. Without that flaw, I would not have the same understanding this week of one of the most important events in the history of

3-FOOT RULE

Advocates hope state standard will reduce crashes, ease tensions

By Denis Cuff

dcuff@bayareanewsgroup.com

A new California law to prevent car-versus-bike crashes goes into effect Tuesday, requiring motorists to keep a 3-foot buffer when passing cyclists.

A long-standing law required drivers passing cyclists to maintain a safe distance, but it failed

to define just how big that space had to be. Now California joins 24 other states that have similar laws.

The law doesn't require motorists to stay behind cyclists until a narrow road ends or widens — but allows a driver to pass within 3 feet if he slows to a safe speed, California Highway Patrol Officer Mike Harris said.

Bike advocates say they hope the law will reduce accidents and

See **BIKE LAW**, Page 4

Law gives bikes a buffer



Bicyclists ride in Castro Valley on Monday. A state law that takes effect Tuesday requires cars to leave a 3-foot buffer when passing bicyclists.

AP/C CRAB/STAFF

Bike law

Continued from Page 1

ease tensions between bikes and drivers who share urban and rural roads.

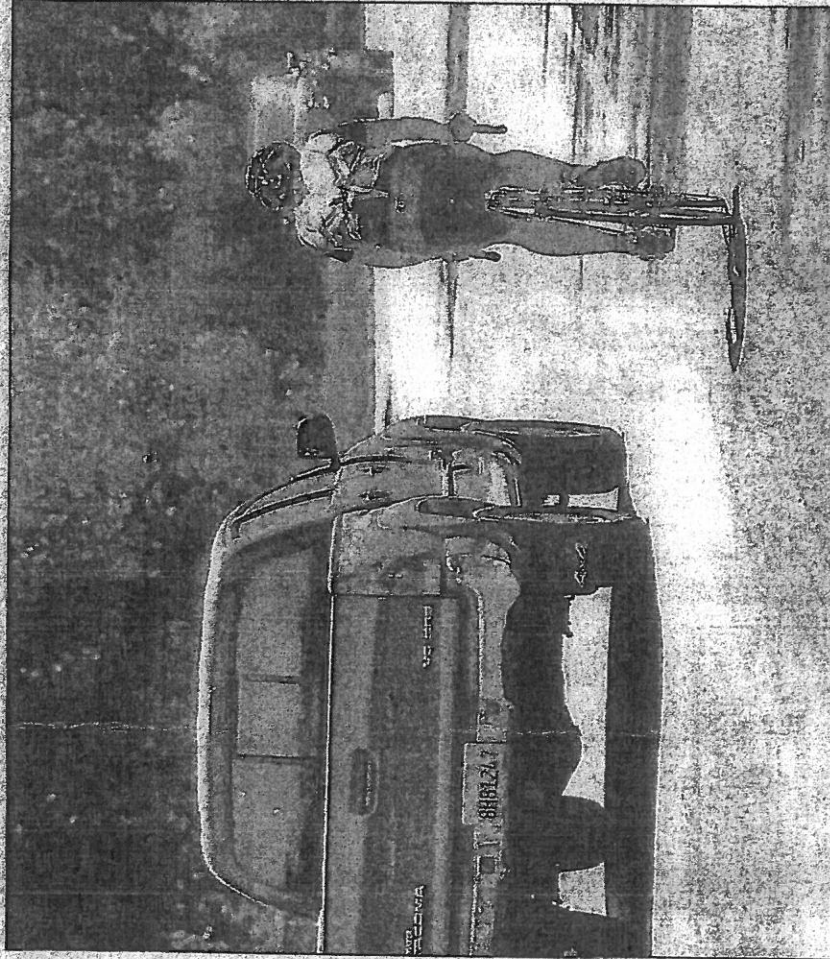
"More and more Californians are discovering that bikes are an easy, healthy and fun way to get around, but it's unnecessarily dangerous when a motorist passes too closely," said Dave Snyder, executive director of the California Bicycle Coalition.

In 2012, some 153 bicyclists in the state died in accidents — both solo and in collisions with autos, a 7 percent increase from the previous year, according to state data. Those deaths accounted for 5 percent of the total collision fatalities in California in 2012.

Bike crashes are especially risky for youngsters 5 to 14, who are more likely to be seen in America's emergency rooms for injuries related to cycling than for any other sport, according to SafeKids.org.

The fine for violating the 3-foot rule is \$35, plus court costs, which can amount to about \$200. If a bicyclist is injured, however, the basic fine rises to \$233, plus court costs that can be as high as \$750.

The CHP says it's prepared to enforce the law but is not gearing up for any big crackdown on and ticket-writ-



JIM STEVENS/STAFF

A cyclist makes his way southbound along Danville Boulevard in Alamo on Monday. A new law goes into effect Tuesday that requires motorists to give at least 3 feet of clearance to a cyclist while passing.

ing campaign to catch motorists a few inches inside the 3-foot space.

"If we see a high occurrence of accidents in an area, we can focus more resources there," Harris said.

How much the law makes the road safer depends entirely on whether people get the message to share the road, said Robert Prinz,

education director for Bike East Bay, formerly known as the East Bay Bicycle Coalition.

"It's a great educational tool for people to share the road," Prinz said, "but the law will only be as effective as people allow it to be."

The law clarifies the legal rights of cyclists to ride on roads even if there are not

designated bike lanes there, Prinz said.

Contact Denis Cuff at 925-943-8267.

Water

Continued from Page 1

hard-hit areas.

But the law will take years to implement. Agencies in the most over-pumped basins will be required to submit plans to the state by January 2020. It could be decades, experts say, before the most depleted groundwater basins are replenished.

The legislation, sponsored by Sen. Fran Pavley, D-Agoura Hills, and Assemblyman Roger Dickinson, D-Sacramento, is designed to halt over-pumping by directing local public agencies to establish groundwater entities that will develop management plans. If local agencies don't take action, the State Water Resources Control Board can step in and do it.

"The basic philosophy of this approach is the idea that you give local agencies the authority that they need to be able to do that — monitoring, getting access to records and the ability to regulate pumping, if they need to," said Ellen Hanak of the Public

Agencies in the most over-pumped basins will be required to submit plans to the state by January 2020.

Policy Institute of California. "And then you have a state backstop," she said. "If local agencies are given authority but don't use it, there is the possibility that the state can do it for them or compel them to do it."

Brown and Democratic legislative leaders backed the proposal, but Republicans and Central Valley Democrats argued it was too sweeping and would hurt farmers already struggling amid the ongoing drought. Farmers blamed cuts in surface water deliveries for the increased reliance on groundwater.

"A solution is definitely needed, but these bills do not provide the right tools for a comprehensive solution," said Cannon Michael of Bowles Farming Co. in Los Banos.

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Jennifer Savage

From: Jeff Loughridge <lokrij@comcast.net>
ent: Tuesday, September 30, 2014 8:57 AM
To: Jennifer Savage
Subject: Need for residential traffic policy in Los Gatos

Jennifer L. Savage, AICP
Senior Planner
Town of Los Gatos Community Development Department

Dear Planning Commissioners and Jennifer,

Some of the processes in our town government don't work as well as they should. Many need to be revised.

The CUP process is one of those that is being revised.

I must admit though, that I have never seen a process fail as badly as the CUP process has for the Marchmont neighborhood. The Marchmont neighborhood consists of over 50 residences. Multi-million dollar homeowners in a rural hillside area of Los Gatos, who have a quality of life expectation just like any other resident in Los Gatos has. The only different is that they live on the same street that that a business does. Hillbrook private school uses Marchmont for both their entrance AND exit.

Let's be clear. Hillbrook **Private** School is a business, a non-profit business, but still one solitary business. Just about like any other business in town. And should be treated as a business.

Hillbrook DOES HAVE another gate, which if used, would cut the negative effects on Marchmont in half. One would have ask why then, is that gate not opened? Why would the concerns of the neighbors in the Ann Arbor neighborhood carry more weight than Marchmont? Opening the Ann Arbor gate to Hillbrook would solve most of the CURRENT neighbor complaints. Is there a threat of a lawsuit? Is there some other reason the town is not disclosing?

The fact that there is currently no residential traffic policy in Los Gatos doesn't help anything at all. It makes it difficult if not impossible for town officials to determine if there is TOO MUCH traffic. Applying the town's intersection level of service, which is the closest staff has come to labeling neighborhood traffic, is absolutely the wrong direction to go. Where a level of service at an intersection can degrade to a D rating, according to town officials, a LOCAL neighborhood street in town should by definition have an A rating. Anything less is irresponsible.

A conditional use permit is a discretionary permit and is granted at the discretion of the Planning Commission and is revocable. It's a process which provides for public input and review of certain uses which require special consideration because of their unique site development requirements and operating characteristics. CUP is a means of regulating the use of property in a zone where they are not permitted by right. The Planning Commission grants a CUP which is discretionary permit granted subject to conditions to ensure compatibility with surrounding land uses. So why, after numerous neighbor complaints, is this modified CUP being considered?

Not only should it not be considered, but a process needs to be put into place that insures that Hillbrook stays in compliance with its current CUP.

That may sound extreme except for the fact that Hillbrook has a tendency to manipulate the system. They can, overnight, contact parents and get them to change the method that children are brought to school. At the most recent Planning Commission onsite screening, when school let out, far fewer cars and children left the school than is the norm, prompting the Planning Commissioners to wonder, "Doesn't seem to be a problem here to me". The fact that primary in Hillbrook's request is that they want to have traffic "AVERAGED" and only reported three times a year is evidence that they don't want to play by the rules. If you do the math, it results in much different traffic allowed than if a DAILY cap were to be applied, AND ENFORCED.

The Planning Commission needs to impose strict conditions upon which Hillbrook is allowed to operate. Failure to comply daily with these conditions should trigger more severe penalties with each offense, and could ultimately result in the conditional use permit being revoked. This EIR is flawed. The modified conditional Use Permit request should be denied.

Best regards,
Jeff Loughridge

Jennifer Savage

From: Jeff Loughridge <lokrij@comcast.net>
ent: Tuesday, September 30, 2014 9:03 AM
To: Jennifer Savage
Subject: Need for a reasonable residential traffic policy

Jennifer L. Savage, AICP
Senior Planner
Town of Los Gatos Community Development Department

Dear Planning Commissioners and Jennifer,

Our town consists of different classification of streets. Each one is classified this way because of the intended traffic. We have Arterial Streets, collector streets, neighborhood collector streets, hillside collector streets and local streets. But our documents are strangely silent in regards to what traffic volume is appropriate for each kind of street in a town like Los Gatos. Remember, we are not Sunnyvale, Cupertino, or San Jose.

Local streets provide for neighborhood traffic movement with direct access to abutting property. These streets carry traffic from individual properties to collector and arterial streets, and are designed to discourage through traffic. Most of the streets in Los Gatos fall into this category.

Incredibly, our Town has determined that it's ok to have one thousand, five hundred car trips on a local dead end street. This is way too high for most 2-lane local streets and certainly too high for a 2-lane single access street like, say, upper Marchmont Drive.

The fact that there is currently no residential traffic policy in Los Gatos doesn't help anything at all. It makes it difficult if not possible for town officials to determine if there is TOO MUCH traffic. Applying the town's intersection level of service, which is the closest staff has come to labeling neighborhood traffic, is absolutely the wrong direction to go. Where a level of service at an intersection can degrade to a D rating, according to town officials, a LOCAL neighborhood street in town should by definition have an A rating. Anything less is irresponsible.

- The TIRE index states that traffic above 891 daily trips creates a "significantly impaired residential environment."
- The Town of Pleasanton studied residential traffic and came up with quality of life traffic standards. They came up with the number 500 as the maximum number of appropriate daily vehicle trips in residential neighborhoods. I would like to see how some of you would react to that volume of traffic on your street.

The Town has recognized the need for residential traffic standards in the 2020 General Plan with two action items. However, it has not taken action on either of them.

Action TRA-2.2. Adopt street standards that reflect the existing character of the neighborhood, while taking into account safety and maintenance considerations.

Action LU-6.1. Develop standards for traffic, noise, intensity, and overall size for non-residential uses in residential zones.

The Trip General Manual published by the Institute of Transportation Engineers was used, for example, in the DEIR for the North Forty to evaluate traffic that would be generated by the residential units being considered there. Perhaps the Town could consider using this resource, at least as a starting point, for creating reasonable standards for residential streets.

Our town needs a residential traffic policy that makes sense.

Best regards,

Jeff Loughridge

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September 30, 2014

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

RECEIVED

SEP 30 2014

TOWN OF LOS GATOS
PLANNING DIVISION

**SUBJECT: NOTES ON SUBJECTS THAT CAME UP AT THE SEPTEMBER 24, 2014
PLANNING COMMISSION MEETING**

Dear Commissioners:

Below are brief notes that I hope will clarify some issues raised at last Wednesday's meeting about the Hillbrook agenda item.

1. **THE NUMBERS 1,410 AND 880.** Chuck Hammers in his opening remarks said that "Ten years ago, our traffic was awful. The traffic study done 10 years ago showed 1,410 cars a day." The number 1,410 is not Hillbrook traffic. It was collected in 2000 and is a number that shows counts for Marchmont "east of Hilow," which means it includes residential traffic as well as Hillbrook traffic.

The source of the number is a letter from TJKM traffic engineer Gary Kruger to Hillbrook School Manager Jim Hilton, dated September 18, 2000 (so 14 years ago, not 10 years ago). The letter says: "The most affected street is Marchmont Drive east of Hilow Avenue with 1,410 vehicles daily, just 90 cars less than the maximum traffic count for a local access street."

The full letter is attached. (Attachment 1.) The quoted sentence appears on page 2.

Mr. Hammers then claimed that Hillbrook had dropped its traffic to 880 in 2011.

- The 880 number is an average from May 2011. It is for Hillbrook traffic alone, so the 1,410 number and the 880 number are not comparable.
- Below are the numbers used to reach this average. As you can see, the average is skewed downward by the abnormally low 800 account. (This 800 count is actually the result of combining the morning numbers from one day—May 17—and the afternoon numbers from a different day—May 24—so is not a true one-day count.)

05/18/11	924	TJKM 2012 Traffic Study
05/19/11	933	TJKM 2012 Traffic Study
05/23/11	861	TJKM 2012 Traffic Study
05/24/11	800	TJKM 2012 Traffic Study *

- Neighbors hired Campbell Traffic Engineers for full-day counts at the Hillbrook gate in March 2012 and May 2012. This data shows that (1) the TJKM numbers from 2011 may not be typical and (2)

Dodson Notes on Subjects That Came Up at the September 24, 2014 Planning Commission Meeting

Hillbrook's claims that it reduced its traffic after 2011 are not supported by other professionally collected data.

03/06/12	970	Campbell Traffic Data Services
03/07/12	1113	Campbell Traffic Data Services
05/14/12	1070	Campbell Traffic Data Services
05/15/12	981	Campbell Traffic Data Services
05/16/12	1001	Campbell Traffic Data Services

2. **INFORMATION ABOUT SUMMERS.** In Jennifer Savage's summary, she did not talk about plans for the summer. Can she be asked to explain what the plans are for times of use, hours of operation, and activities for summers? Before 2009, summer activity was very light with fewer than 100 campers. Camps ran for 6 weeks and ended by 3 PM. Since 2009, times of use, hours of operation, and activities in the summer have dramatically increased so that it has become a problem, largely for neighbors on the Longmeadow side of the neighborhood.

Also, in summer 2012, the Town set up a mediation that focused exclusively on summers. Jennifer Savage was at that mediation, so she is aware that there are different considerations for summer use versus school year use.

3. **THE NUMBER 960.** The number 960 has no basis in ITE research or any other research. Here is some history.

Board Chair Chuck Hammers worked with Town traffic engineer Jessy Pu to come up with a traffic number. Chuck presented the number 960 as an ITE-based number during a May meeting with neighbors. Since I knew that there was no ITE trip generation formula for K-8 private schools and also knew that the number 960 was not the ITE trip generation number for K-12 private schools, I just wanted to know where the number came from. Chuck wouldn't give me the information, so Ed Lozowicki and I made an appointment with Jessy Pu. We met with Mr. Pu on July 31, 2014.

To be clear, Ed and I went to see Mr. Pu just to find out how the number was computed, not to debunk the number. We had no idea that there was anything wrong with the number.

Mr. Pu was unable to reproduce the calculations that produced the 960 number and said he had made a mistake. We were both very surprised. He said he would contact both the school and Jennifer Savage about the mistake he had made.

4. **THE SITE VISIT.** Jeff Loughridge did indeed misspeak when he said that there was no traffic during the site visit on Wednesday, September 17. However, the level of traffic on that day was significantly lower than usual and was certainly not typical. I was present at the site visit, so I can attest to this.

To support this, let me give you traffic numbers neighbors collected on Tuesday, September 16, just the day before the site visit. As you may or may not know, Hillbrook has been collecting traffic

data through automatic counters at the Hillbrook gate since September 2012. Neighbors have asked Hillbrook to share this data, but Hillbrook has refused.

As a result, a group of neighbors have periodically counted traffic on school days between 7 AM and 6 PM. (We have counts for about 20 days.) **On Tuesday, September 16, the day before the site visit, 202 vehicles entered and exited at the Hillbrook gate. This was certainly much more traffic that you observed the following day during the site visit.** The full-day count for the day was 805 vehicle trips (entering and exiting).

Hillbrook has been on very good behavior since school began this year. It has significantly lowered its traffic from its usual 900-1,100 to roughly the 800 level. We are glad to see this, but we don't think that we can count on this continuing unless a mandatory traffic program is put in place that has a full day maximum traffic limit significantly below the 960 being requested.

5. **A MODEL FOR A RIGOROUS TRAFFIC MITIGATION PROGRAM.** The Archer School for Girls is a grade 6-12 private school in Los Angeles with an enrollment of 480. Archer's CUP requires the school to have an aggressive Traffic Management Program. Attached you will find the school's description of its program. (Attachment 2.) Here are just a few key details.

- The School must maintain an "average vehicle ridership" (AVR) of at least three Archer students per vehicle.
- If the school is found to have an AVR under three, the School has to pay a heavy fine and have a decrease in enrollment the following year.
- Each student must register her mode of travel with the Transportation Coordinator. Once a student chooses an option, she must use that option on a daily basis.
- Parent-driven carpools. The Transportation Coordinator gives every carpool a specific number. Each family in a carpool receives a permit with the carpool's number on it. The permit must be displayed upon entry to campus and must remain displayed while the vehicle is on campus. (There are also student-driven carpools; this, of course, would not apply to Hillbrook.)
- There is also a school bus.

6. **NUMBERS TO THINK ABOUT.** I assume people will be seeking either an average number or a maximum number. Here are numbers that have come up.

Hillbrook's requested number	960 average daily trips
TIRE Index range of moderate traffic	90-890 trips per day
TIRE traffic level that creates a "significantly impaired residential environment"	above 890 daily trips
EIR average daily traffic in 2011	880 daily trips
EIR average daily traffic in 2013	814 daily trips

ITE trip generation number for a K-12 school with 315 students (multiplier is 2.48)	781 daily trips
ITE trip generation number for a K-12 school with 414 students (multiplier is 2.48)	1,027 daily trips
ITE trip generation number (8 th edition) for a street like upper Marchmont that has 34 low density single family homes on the street plus the adjoining courts	343 daily trips
ITE trip generation number (8 th edition) for the Hillbrook property, with HR-1 zoning and its 14 acres, if it had 14 homes	141 daily trips
Pleasanton "quality of life" desirable level of traffic for two-lane local streets http://sf-now.com/sf-bike/Pleasanton_Residential_LOS.pdf	500 daily trips
Barbara Dodson estimate of daily traffic if most students are bused (enrollment of 315)	270 daily trips
Barbara Dodson estimate of daily traffic if most students are in carpools of 3 or more students (enrollment of 315)	630 daily trips
Barbara Dodson estimate of daily traffic if there is a combination of busing, carpooling, and walking/biking (enrollment of 315)	450 daily trips

Sincerely,

Barbara Dodson
239 Marchmont Drive, Los Gatos
btdodson@aol.com



September 18, 2000

Mr. Jim Hilton
Hillbrook School
300 Marchmont Drive
Los Gatos, CA 95032

RE: Traffic Calming Measures - Hillbrook School

Dear Mr. Hilton:

You have asked TJKM Transportation Consultants what traffic calming measures might be implemented to mitigate Hillbrook School-related traffic on nearby local streets. Additionally, you sent us data collected by Multitrans including traffic counts on Marchmont Drive, Hilow Avenue, and Stony Brook Road. TJKM, of course, has also conducted counts and other studies on Englewood Avenue, Ferris Avenue, Shannon Road and Kennedy Road.

You have also described the measures you will be implementing to reduce traffic coming to and from Hillbrook School including:

- Increased staging lanes in your parking lot so traffic will have less potential for backing up on Marchmont Drive.
- Staggering dismissal times.
- Limiting night-time activities according to how late the activities last.
- Proposing a foot-traffic gate onto Arbor Drive that would reduce vehicle traffic on the approach routes to and from the west by approximately 15 to 20 cars in the morning and afternoon peak hours.
- Promotion of carpool and outside bus service.

As we discussed, traffic calming measures, according to the adopted Traffic Calming Policy of the Town of Los Gatos has several objectives:

- Controlling vehicle speeds to below 29 miles per hour average on local access and residential collector streets.
- Controlling the maximum number of vehicles daily on local access (1,500 vehicles per day - vpd) and residential collector streets (3,000 vpd).
- Prohibition of truck traffic on local access and residential collector streets.
- Reduction of parking spill-over from commercial districts into residential areas.
- Provision of safe pedestrian and bicycle crossings of collector and arterial routes bounding residential areas.

In the case of Hillbrook School, the relevant traffic calming measures have been identified, but not entirely implemented on some streets in the neighborhood including Ferris Avenue, Spencer Avenue and Englewood Avenue. Our findings on these streets included very high speeds (Ferris and Englewood Avenues), truck traffic (Englewood Avenue), and cut-through traffic (both Englewood and Ferris Avenues). None of these streets had traffic volumes that were considered

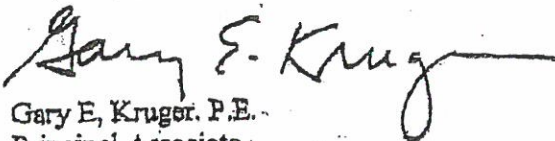
too high for local access and residential collector streets. However, we did find traffic volume characteristics on local streets that had significantly higher than normal peak hour volumes. This means that during the morning and afternoon peak hours, the amount of peak hour traffic is more consistent with streets with traffic volumes double or triple the actual daily count, so for two hours daily, the traffic volumes actually do exceed the recommended guidelines of the town's traffic calming policy.

The same holds true for the counts conducted by Multitrans for Hillbrook School. The least affected street, Stony Brook Road, had only 666 vehicles per day on average, with about 15% of the daily traffic during the a.m. peak hour. The normal peak hour percentage is closer to 10% for most streets, so for the morning peak hour, Stony Brook Road traffic is closer to what would be normally experienced on a street with about 1,000 vehicles per day. This is well under the 1,500 vehicles daily in the calming policy. The most affected street is Marchmont Drive east of Hilow Avenue with 1,410 vehicles daily, just 90 cars less than the maximum traffic count for a local access street. However, the a.m. peak is 28% of the daily traffic, or almost three times the normal peak traffic. The a.m. peak hour is 392 vehicles, and this is equivalent to a daily traffic volume of about 4,000 vehicles, or 267% of the maximum. This traffic is correctly perceived by the Marchmont Avenue residents as too high, even though the daily traffic volumes are within the calming policy guidelines.

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.

As we also discussed, state law prohibits a jurisdiction from requiring traffic demand management for any development proposals. This means that the Town of Los Gatos may not impose requirements for mandatory carpooling and bussing of students as mitigation of traffic impacts. In our opinion, the school and town can best mitigate school access traffic through following the already excellent program you have suggested plus provision for both foot traffic and vehicle loading access for the school on Ann Arbor Drive.

Very truly yours,


Gary E. Kruger, P.E.
Principal Associate

STUDENT/PARENT HANDBOOK 2011-2012



A R C H E R

THE ARCHER SCHOOL FOR GIRLS

11725 Sunset Boulevard Los Angeles, CA 90049

www.archer.org • 310-873-7000

Violations of this policy include, but may not be limited to:

- Sharing of personal login information with those unaffiliated with the Archer community.
- Use of school directory information for purposes other than those directly related to School-approved business or official volunteer efforts of the Archer Parent Association.
- Unauthorized appropriation of Archer's web-based graphic assets for personal or business correspondence.
- Inappropriate submissions to group pages and posts to online message boards.
- The School reserves the right to remove or edit any user-supplied content that violates the parameters of this Responsible Website Use Policy. In addition, the School reserves the right to revoke the privilege of accessing the School's website or using School's directory information or online group email lists if the student/family fails to comply with the School's rules.

Photo/Video Usage

Archer uses images of students for educational and/or promotional purposes throughout the year in a variety of mediums. This includes, but is not limited to, still photography, electronic publications, website postings, video and audio recordings. If you have specific concerns about the use of student images, please contact Director of Communications Christina McIntosh, at cmcintosh@archer.org.

Traffic Management Program

Hours of Operation

The school is open Monday through Friday from 7:00 a.m. to 6:00 p.m. and on Saturday from 9:00 a.m. – 5:00 p.m. The campus is closed on Sundays and holidays.

Archer is required by the terms of our Conditional Use Permit (CUP) to implement an aggressive Traffic Management Program ("Program"). 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. The specifics of the Program are spelled out below. Each student and parent must sign an agreement promising to abide by all aspects of the Program.

Available Student Travel Modes

All students must register their mode of travel to and from school with the Transportation Coordinator. Available travel modes include the following: riding the bus, carpooling, public transit, walking and bicycling. Families who live far from campus are urged to utilize the bus pick-up point closest to their home.

We ask families to plan all appointments and extracurricular activities in ways that ensure compliance with the Traffic Management Program. The School understands that unforeseen situations will arise and we will work with families to develop reasonable solutions.

Acceptable modes of travel and the criteria for their use are listed below:

School Bus

Students will be offered both regular and late-afternoon bus services to allow them to participate in after-school activities. Students are expected to ride the bus for which they are registered. If a student will be traveling from two different households during the week, this should be noted on the transportation registration form.

Bus Pass: If an appointment requires that a student take a different afternoon bus than the one they are registered for a Bus Pass must be requested **prior to noon** on the desired date. All bus pass requests should be made through the front office 310-873-7000. Available for use in the afternoons only, Bus Passes will be issued on a first-come, first-served basis, contingent on available space. If the request is granted, your daughter will need to pick up the pass from the Front Office.

Parent-driven Carpools

Parent-driven carpools must consist of at least three Archer students. Carpools will drop off and pick up students at the back of the school.

Every carpool will be designated a specific number by the Transportation Coordinator. Each family in a carpool will receive a permit with the carpool's number on it. The permit must be displayed upon entry to campus and must remain displayed while the vehicle is on campus.

Student-driven Carpools

The CUP stipulates that student drivers are limited to juniors and seniors only. Student-driven carpools must have at least four students per car. Each member of a student-driven carpool must enter and depart campus together.

Please note that under California Law, restrictions are issued for drivers under the age of 18 who have been issued a provisional driver's license (DL) on or after January 1, 2006 OR students who already hold a provisional DL issued on or after January 1, 2005.

The CUP prohibits students parking on campus or neighborhood streets. Student parking is available at the Barrington VA parking lot for a monthly fee and payment arrangements are to be made there. Proof of a monthly parking pass will be collected at the beginning of each month.

Walking/Bicycling

This option is only permitted for students who live within one-half mile of campus. Walkers are not permitted to go home during the day. Bike racks will be provided for cyclists.

Public Transit

If a student chooses to take public transit, she must indicate which route she will utilize. The School will then issue the student a walking pass.

Once a student has chosen an option, she will be expected to uphold her registered travel arrangements on a daily basis. She is committed to her choice unless she receives permission from the Transportation Coordinator to adopt a new travel mode. If you have any questions about transportation at Archer, please feel free to contact the Transportation coordinator at 310-873-7003.

Monitoring

The City has stipulated that the School maintain an aggressive monitoring program to ensure that all parents and students are complying with the Traffic Management Program. At certain times throughout the year, Archer is subjected to random traffic counts to ensure compliance with the city's regulations.

Traffic Violations

Vehicles

Any carpool that has more than one vehicle enter campus will be subject to the penalty system (described below). Likewise, any vehicle that enters campus to drop off or pick up a student that does not have a permit will be held accountable.

If a student or parent carpool is missing a student due to illness, then the carpool will not be considered out of compliance.

Foot Traffic

Any student who enters campus on foot without a permit will be found in violation of the Program.

Penalty System

Parents and students found to be in violation of the School's Traffic Management Program will be subject to a progressive disciplinary system. Penalties may include suspension of driving privileges, required use of the school bus, or other disciplinary action.

Archer reserves the right to use other penalty measures should the above prove inadequate, up to and including dismissal from the School, given the importance of program compliance to the well being of the School.

Campus Entry and Exit Points

The only entry point to campus for all vehicles, bicycles and walkers is the easternmost Sunset Blvd. driveway. The only exit point is the westernmost exist, also located on Sunset Blvd.

Special Note on Accessing Campus by Foot or Bicycle

- Our CUP restricts everyone – whether student, parent or visitor – from parking on the adjacent neighborhood streets while on the campus. Anyone driving to Archer must park on campus or at another School-designated lot (as may be arranged for special events). Our CUP also requires passengers to be dropped off and picked up within the campus. No one can park on adjacent neighborhood streets for school events or activities.
- Please be aware that our neighbors have a "hotline" to call with complaints or concerns. Parents and students will be subject to disciplinary action if Archer finds that a student's or parent's violation of the rules is the source of the complaint.

Arrival and Departure by Bus

Morning Student Arrival

School bus passengers will be dropped off at the front entrance to the School building.

Afternoon Student Departure

School buses will line up in front of the main entrance, and students may begin boarding their buses at 3:05 p.m. Buses will depart the campus at 3:15 p.m. Students who need or wish to leave campus later in the day can make use of the "late bus" service that is available and leaves at 5:30 p.m. Buses will not return to School to retrieve a student who has missed her bus. She will be expected to provide for her own transportation home.

Parking

All visitors to campus must park on campus in the parking lot in specified visiting spots. Prior to special events, parents and students will be notified of permissible off-site parking locations. **There is absolutely no parking on neighboring streets.**

Safety & Emergency Procedures

The following procedures are designed to safeguard students, staff, and visitors in our building. Parents and students should familiarize themselves with the procedures outlined below.

Fire, Earthquake and Evacuation Procedures

The School has a documented safety preparedness plan based on a crisis team model. Students will receive instruction in procedures during the opening months of school. They will practice evacuation procedures during regularly scheduled drills that include earthquake, fire, and lockdown.

During an evacuation drill, students and adults are expected to walk outside the building in single file, quickly and silently, through the nearest exit. Exit routes are posted in every room. Students proceed to the front lawn or the athletic field accordingly, for role call and further instruction.

In the event of an emergency, the elevator should not be used. Always proceed to the nearest stairs and out of the building through the first available exit.

PETITION AGAINST INCREASED ENROLLMENT AND TRAFFIC FROM HILLBROOK SCHOOL

About this petition

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

Signatures 272-275 are new since the previous group of signatures was submitted.

Barbara Dodson

272. Name: Robert Macartney on 2014-09-24 15:17:16
Comments:

273. Name: Mark Stefan on 2014-09-24 21:12:29
Comments:

274. Name: Amy Boyd on 2014-09-25 21:30:43
Comments:

275. Name: Gil Decker on 2014-09-29 17:11:01
Comments: As pointed out, Hillbrook has violated its CUP in the past. Also, adding 99 more students will undoubtedly ncrease an already traffic mess in the neighborhood. The EIR was poorly prepared.

September 30, 2014

Los Gatos Planning Commissioners:

I am writing to express my concern about increased traffic if the proposed changes to the Hillbrook School conditional use permit are adopted by the commission. I have tried to remain silent on the issues but when I recall our shock at the traffic on our first weekday in Los Gatos in May of 1990, I feel I have to speak out.

Traffic on lower Marchmont, as it is referred to, has varied over the years because of the Hillbrook traffic. Several years ago it improved to its current level with car pools, driver awareness of the residents and slower driving. This level is usually tolerable to me where I live, although I can't imagine what upper Marchmont traffic is like with three roads converging to the school.

In a typical school year the Hillbrook traffic normalizes a bit after a few weeks when parents get the message to slow down and to carpool. The traffic is mostly confined to certain time periods and weekdays.

I am absolutely opposed to any increase in traffic, whether on weekdays, weekends or summer. Many alternatives have been proposed by Hillbrook and the surrounding neighborhoods and I don't profess to know which might be better. I can tell you I am skeptical of 'averages' since they can be manipulated so easily. I know that at one time, before we moved to the neighborhood, the Ann Arbor entrance was open. That access may make sense because so many of the students are not from Los Gatos and a flow through the school would lower the Marchmont traffic significantly. (50% ?) As you know, all of upper Marchmont and Ann Arbor are Los Gatos Town residents.

I will state that I am particularly concerned about weekend and summer traffic as it represents more drivers who are unfamiliar with the neighborhoods and more random traffic surges.

Thank you for considering my position on this matter. I cannot attend the Tuesday meetings but will answer any questions if you contact me by email at mmaher358@verizon.net

Michael Maher
16614 Marchmont Drive
Los Gatos, CA 95032

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SEP 30 2014

TOWN OF LOS GATOS
PLANNING DIVISION

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Patricia Elliot

269 Marchmont Dr.
Los Gatos, CA 95032

Tel: 408.623.6634
Fax: 408.358.4494

Email: Elliotlaw@mail.com

September 30, 2014

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

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TOWN OF LOS GATOS
PLANNING DIVISION

Re: Follow up to Hillbrook School Hearing September 24, 2014

Dear Planning Commissioners,

I spoke before you on September 24, 2014 during the public comments on the Hillbrook school matter. Unfortunately, I was unable to complete the comments I had intended to make in the allotted time.

For the record, here are the comments I intended to make, as well as the overheads I displayed during my talk.

Unauthorized Intensification of Use: This Commission should closely evaluate how dramatically Hillbrook has intensified the use of its property since 2001, all without seeking or obtaining any permission to do so, as required by Town Code.

That will show you just how excessive Hillbrook's traffic has become.

(overhead 1)

Town Code Sec. 29.20.200. Conditional use modification.

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.
- (2) Commencement of new activities that could have a material adverse impact on the surrounding area.
- (3) Any change that is a substantial departure from plans which were the basis of the conditional use permit approval.

1. Since 2001, Hillbrook increased its staff by or over 42% from 44 (2001) to 76 in 2014
-All without any CUP amendment.

This staff expansion alone creates an additional **32 peak period vehicle trips per day or 64 daily trips** and should not have been allowed because Hillbrook sought no CUP amendment.

2. Hillbrook exceeded its Enrollment Cap 11 out of the last 13 years. Under Mr. Silver they overenrolled every year except last year when neighbors brought this issue to light. In 2010-11, they exceeded the enrollment cap by least 23 students. This isn't just a significant intensification of use, it also blatantly violates the CUP. (overhead #2)

Hillbrook School Over-Enrollment 2001-2013¹

Year	Un-Graded JK	K	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	Total in Affidavit	Additional Enrolled	Total Enrolled	Total Over Enrolled
2001-2002	0	37	35	36	34	31	37	38	27	30	305	(JK 11)	316	1
2002-2003	0	31	37	32	37	37	37	34	35	22	302	JK	315	0
2003-2004	0	33	31	34	32	34	39	40	34	35	312	JK	324	9
2004-2005	0	34	33	35	34	34	36	38	36	34	314	JK	326	11
2005-2006	0	33	35	34	35	37	32	35	36	34	311	JK	323	8
2006-2007	0	49	35	35	35	33	36	28	33	36	320	JK +5	332	17
2007-2008	0	45	38	33	36	37	33	37	29	33	321	JK +6	333	18
2008-2009	13	36	33	38	33	37	37	33	37	28	325	10	325	10
2009-2010	0	35	39	35	39	32	38	31	31	36	316	JK +1	328	13
2010-2011	0	42	40	37	37	40	37	35	27	20	315	JK +11	338	23
2011-2012	0	14	38	38	38	38	38	37	37	37	315	JK	327	12
2012-2013	0	28	35	31	35	38	34	40	30	36	307	JK	319	4

¹ California law (California Education Code Section 33190) requires private schools offering or conducting a full-time elementary or secondary level day school for students ages 6 - 18 to file a "Private School Affidavit" with the California Department of Education. A Private School Directory website lists private schools that filed the annual Private School Affidavit at: <http://www.cde.ca.gov/ds/si/ps/>

3. Since 2009, **Hillbrook created a large Recreation Department-style afterschool program** consisting of 25 After-School classes, each lasting 10 weeks, with approximately 100 participants.

So, almost 1/3 of the kids do not depart the campus during the PM peak period because of this intensification. **All of that traffic comes later in the afternoon when neighbors had expected quiet conditions.**

None of the other local schools run Recreation Departments; that's what the Recreation Department does.

Hillbrook should not be permitted to expand its school to become a Recreation Department as well.

4. **Hillbrook also significantly expanded the number of Afterschool Sports Teams and Participants— All of these teams for around 140 kids... (overhead #3)**

According to Hillbrook, 95% of its 5th - 8th students play on:

7 Basketball Teams
6 Volleyball Teams
2 Football Teams
Girls Softball
Girls Soccer

Boys Lacrosse
Track & Field
Cross Country
Running Club

None of the local elementary schools have athletic teams for their 5th graders.

On September 24th, we heard Hillbrook supporters say they need more middle school students to fill out their teams. In a neighborhood meeting last year, a Hillbrook Trustee made the same plea, saying that her son doesn't get to rest during their Basketball games.

The obvious solution is to have fewer teams. Hillbrook now has as many or more Basketball, Volleyball and Football teams than does Fisher with its approximately 1200 students.

Hillbrook's sports teams had **149 athletic contests from Sept. 2013- May 2014.**

Beyond that, Hillbrook added a large number of home games-against other schools, bringing excessive amounts of traffic in the mid and late afternoons, from vehicles, including large buses not affiliated with Hillbrook or accustomed to the dangers of the neighborhood streets. Visitors to these events frequently speed and run the stop signs.

Last school year Hillbrook hosted over 115 HOME games for its 5th – 8th graders. 77% of the athletic contests were hosted at Hillbrook.

Athletic Contests	Home	Away
Volleyball Sept.-Nov.	32	10
Football Sept.-Nov.	15	7
Cross Country-Sept.-Oct.	1	3
Basketball- Dec.-Mar.	55	12
Volleyball- April-May	12	2
Totals-Sept.-May	115	34

This not only results in fewer kids on the bus or in carpools in the afternoons, but also large amounts of traffic later in the day from both Hillbrook's and the opposing teams and spectators.

IN the EIR- The Consultants acknowledge that None of the traffic from those home athletic events is accounted for in the EIR.

None of the full-day traffic counts relied on in the EIR were taken on any days during which there were these afterschool home games.

As a result, all of the so-called Average Daily Counts are skewed far lower and the EIR failed to adequately measure the impact of Hillbrook's current traffic, let alone a proposed increase.

That is only one of many major flaws in the EIR.

The Town has not prohibited or even monitored Hillbrook's Unauthorized Intensifications of Use and that is why neighbors have been subjected to the excessive traffic we currently experience that Hillbrook now acknowledges has been 960+ vehicle trips per day on Upper Marchmont Dr.

Take a step back and understand that all of the traffic we experience NOW is for Hillbrook's currently enrolled 220 families. Where is the mitigation that Hillbrook claims?

These intensifications of use substantially interfere with neighbor's use and enjoyment and quality of life and should be rolled back to restore the neighborhood to the HR-1, Low Density Character is it supposed to be.

An enforced Maximum Daily Trip count of 485 will do that.

PLEASE, Reject the EIR and Deny the 99.

That is what I was trying to say all in under three minutes!

Thank you so much for your careful evaluation of these and the MANY other issues neighbors are concerned with.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Patti Elliot', written in a cursive style.

Patti Elliot

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185 Longmeadow Dr.
Los Gatos, CA 95032

Planning Commission
Town Hall
Los Gatos, CA 95032

September 29, 2014

RECEIVED

SEP 30 2014

TOWN OF LOS GATOS
PLANNING DIVISION

Dear members of the Planning Commission;

I am deeply concerned about the changes requested from Hillbrook School in regards to the existing conditional use permit (CUP). My back fence borders Hillbrook's elementary school playground.

My husband and I purchased our home in 2011. When visiting the house prior to purchase, the children were playing on the playground. My husband asked me if, as a stay-at-home mom, I'd be okay with the noise. I hadn't even noticed it! The noise of elementary school children playing during recess is far different than the noise from evening events, summer events, or landskeeping at 7:30 AM on a Saturday morning. The noise includes bullhorns during the summer at 8 AM when camps are conducted, gas blowers on Saturday mornings, school events with parents and students, and the children playing during recess, lunch and before and after school. The latter two of which I was aware when we purchased our home, therefore, is of minimum concern.

My concerns:

- **Third-party events during the summer:** I am concerned about **noise** (Hillbrook is requesting a 7:30AM – 6 PM timeframe) and **safety**. Although I can lock my gate, which opens to Hillbrook's playground, fences can be scaled. I have no worries about Hillbrook's students or parents. However, I doubt highly that they will vet everyone who leases their property during the summer. This is worrisome. I have three children including a teen-age daughter. I know my neighbors, but I won't be able to know who is leasing their property during the summer. Also – my **property value**. When we bought our home, there was no reason to worry about noise during the summer. Hillbrook is proposing an unsightly sound wall to combat noise. Not only would this potentially lower our property value, but it might not even work. We are caught in a "catch-22:" put up with the noise during the school year and summer or look at a sound wall and perhaps decrease the value of our home. A study needs to be done in this area to see how the surrounding homes' values are impacted.
- **Traffic:** I have three teen-agers, two who drive. An increase in traffic is a concern for everyone living in the vicinity of Hillbrook. There are children of

all ages getting to school in a myriad of ways at the same time (skateboard, on foot, bike, and by car). An increase in enrollment will only exacerbate the problem of congestion and safety. The school did not comply by the previous guidelines to the CUP. As residents of this area, what assurances do we have that they will comply with the new CUP?

Please consider the impact the above will have on my family, my neighbors, and our property values. As a new resident of Los Gatos, I'm curious to how Hillbrook contributes to our town. Do they have the same rate of property tax as my husband and I do? Is the majority of their students' families Los Gatos residents? Has Hillbrook ever explored the possibility of a second campus, much like Harker?

Thank you for the opportunity to express my concerns. Please do not approve the proposed provisions of the CUP that will increase enrollment and thus traffic and do not approve the EIR, which proposes the unreasonable sound wall as a "solution" to the noise problem.

Sincerely,

Monica Herzi

To: The Los Gatos Planning Commission and the Town of Los Gatos
Planning Staff.

From: Bill and Esther Puterbaugh, 183 Longmeadow Drive

Subject: Hillbrook School's application for a new CUP

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SEP 30 2014

TOWN OF LOS GATOS
PLANNING DIVISION

We are the home specifically mentioned in the DEIR report about noise. Our concerns with the new application revolve around these issues:

1. Nighttime activities
2. Summer activities
3. After hours activities

We acknowledge the noise that is currently part of our life as a neighbor of the kindergarten, first and second grade playground! We have the noise. It's "kids' noise" and, yes it can be cheerful. However, we don't want that noise or other noise to continue or grow during the evening, summer or after-hours. Our trade-off is we get the noise but when it most matters to our quality of life, there is no noise—evening, weekends and summers.

We support the Staff's recommendations for Permitted Activities for "daytime" and "nighttime". We strongly disagree with the provisions outlined by Staff in the event that the Commission agrees to expand those activities.

Specifically:

1. Third Party Usage. There should be no 3rd party usage of Hillbrook School. It should be specifically prohibited by the Town and the new (if adapted) CUP. Third party usage specifically increases noise during the times that are critical to us—nights, weekends and summers. It is not our responsibility to augment Hillbrook's budget to our detriment.
2. Professional Development Activities for non-Hillbrook parents, students or faculty. Again, these activities would cause more noise during our important times—nights, weekends and summers.

The Wall. The Commission noted the comment in the DEIR regarding the possible construction of a "sound wall" to block the noise coming from Hillbrook. This comment was noted as a possible solution for two houses—ours and our neighbors, the Herzis. In fact, 6 residents on Longmeadow are affected by Hillbrook's noise.

We strongly object to any further consideration of a sound-wall because:

1. It would be unsightly and out of place
2. Based on one study, the wall would reduce the value of our property by approximately 11%.
3. It wouldn't work. Hillbrook's noise comes from many places—not only the playground but the field and campus as well.

4. If the Commission follows the recommendations of Staff, there should not be a need for such a wall.

We ask that the Staff and Commission ask themselves the same question that we ask: If a school was in your backyard would you permit an increase in evening, nighttime and summer noise and usage, and a sound-wall? Both Staff and Commission have stated the same goal—a balance between the needs of Hillbrook and the needs of its neighbors. There is no "balance". All the "harm" is on us and all the "benefit" is for Hillbrook. Our quality of life would be dramatically diminished.

Jennifer Savage

From: Lee Quintana <leeandpaul@earthlink.net>
Sent: Tuesday, September 30, 2014 10:47 AM
To: Jennifer Savage; Laurel Prevetti
Subject: Hillbrook School Conditions of Approval:
Attachments: Conditions of approval staff.pdf

To: The Planning Commission

From: Lee Quintana

Re: Hillbrook School Conditions of Approval

Agenda Item 1, September 30, 2014

Attached are my comments on the Conditions of Approval.

Thank you for your consideration.

Lee Quintana

300 Marchmont Drive



EXHIBIT 5

REQUIRED FINDINGS FOR:

300 Marchmont Drive

Conditional Use Permit U-12-002

Environmental Impact Report EIR-13-001

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

PROPERTY OWNER/APPLICANT: Hillbrook School/Mark Silver

FINDINGS

Required finding for CEQA:

- That the Final Environmental Impact Report entitled "Hillbrook School Conditional Use Permit Modifications, 300 Marchmont Avenue, Los Gatos, California" (2014) is complete and legally adequate pursuant to the California Environmental Quality Act.

Required findings for a Conditional Use Permit:

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

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

- (1) The proposed use of the property are essential or desirable to the public convenience or welfare in that it would allow a youth education facility to expand and continue operation; and
- (2) The proposed use will not impair the integrity and character of the zone in that the use is in a residential zone where a school is allowed subject to a CUP; and
- (3) The proposed use would not be detrimental to public health, safety or general welfare in that the recommended conditions of approval would mitigate potential impacts; and
- (4) The proposed use will meet the objectives of the General Plan and Town Code as discussed in the September 24, 2014, Planning Commission staff report.

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1. **DELETE** Delete the second sentence. Recommend that all changes go back to Planning Commission. This is too high a profile and polarizing project for changes to be determined at staff level.

3. USE AND HOURS OF OPERATION

a. DELETE AND REWRITE:

"USE AND HOURS OF OPERATION: The approved use is a junior kindergarten (JK) through eighth grade (8th) private school. Activities and hours are limited to those listed in the table below and are subject to the further limitations contained within these conditions of approval." All other uses and activities are prohibited.

REASON: As written it is too open ended. Per California law uses allowed by a CUP need to be explicit.

b. Suggest organizing table by during school hours, after school, evening and weekend events and clearly dividing table between regular academic year and summer session.

c. SCHOOL SPORTS:

Limit on the number of teams competing.
Limit to Hillbrook students or limit the number of times per week for outside teams

REASON: Reduce after school traffic.

COMMENTS ON CONDITIONS OF APPROVAL FOR HILLBROOK CUP

FROM LEE QUINTANA

CONDITIONS OF APPROVAL – September 24, 2014

300 Marchmont Drive

Conditional Use Permit U-12-002

Environmental Impact Report EIR-13-001

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

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. **EXPIRATION:** The Master Plan approved May 7, 2001 (Resolution 2011-048) is vested. The Conditional Use Permit modification will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested. Operation of the school is considered vesting.
3. **USE AND HOURS OF OPERATION:** The approved use is a junior kindergarten (JK) through eighth grade (8th) private school, including activities associated with operations of a JK through 8th private school listed in the table below and subject to the limitations contained within these conditions of approval.

Hillbrook's Permitted Activities				
Activity Type	Description	Hours	Days of the Week	Time of Year
School Instruction	Instruction to children in junior kindergarten through grade eight	7:30 a.m. to 6:00 p.m.	Monday through Friday	Mid-August to Mid-June
After School Activities	Programs including but not limited to dance, Lego engineering, woodworking, Spanish, and drama for enrolled Hillbrook students.	After class, up to 6:00 p.m.	Monday through Friday	Mid-August to Mid-June
After School Sports	Any sports, competitive or not, with at least one participating team from Hillbrook	After class, up to 6:00 p.m.	Monday through Friday	Mid-August to Mid-June

3. Continued:

- How will the 6:00 limit be monitored and enforced?
- Clarify that an event that starts before 6:00 but ends after 6:00 is defined as an Evening/Nighttime Event.

c. Evening/Nighttime Events:

- Is there a way to make the description more generic (ie. don't list specific events) but clearly limit these events to Hillbrook students and their families?
- For example: Would after school sports events that went past 6:00 be included as on of the 10 evening events? Are the weekend events included in the time of 10 evening events?

Volleyball and Basketball Tournaments:

- Is there a limit on the number of teams? Three teams would have less trips than if 10 teams participated. Does this need limits?
- Are there other types of sports tournaments that could be held? Should this be more generic? i.e. Sports Tournaments (Saturday and Sunday) two weekends per academic year?

Hillbrook's Permitted Activities				
Activity Type	Description	Hours	Days of the Week	Time of Year
After School Care	Childcare for students enrolled at Hillbrook School	After class, up to 6:00 p.m.	Monday through Friday	Mid-August to Mid-June
Daytime events	Board of Trustees meetings, Hillbrook School Parent Council meetings, speakers for Hillbrook parents, speakers for Hillbrook faculty	7:30 a.m. to 6:00 p.m.	Monday through Friday	Year-round
Evening/Nighttime Events	Including but not limited to back to School Nights, Hillbrook parent education programs, Hillbrook School Parent Council meetings, winter holiday concert, Family Fun Night. Maximum of ten per calendar year.	6:00 p.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Monday through Friday	Mid-August to Mid-June
Open House	One weekend Open House per calendar year.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Saturday and Sunday	October
Volleyball Tournaments	A tournament is a series of contests/matches/games between two or more schools/teams one of which must be Hillbrook School.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Saturday and Sunday	One weekend per academic year
Basketball Tournaments	A tournament is a series of contests/matches/games between two or more schools/teams one of which must be Hillbrook School.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Saturday and Sunday	One weekend per academic year

3. Continued

Hillbrook-run programs. ns may change over time so denning what makes a summer program consistent with the CUP provides more clarity than naming a specific Camp or activity.
Is Breakthrough Silicon Valley a Hillbrook-run program or a third party program?

4. NUMBER OF STUDENTS:

a. DELETE, MODIFY AS FOLLOWS:

The maximum number of registered Hillbrook students shall be limited to 414.

REASON:

- If I understand this correctly the actual number of Hillbrook students could be more than 414 (say 475) but there could not be more than 414 on the campus at any one time.

- This would difficult to monitor and enforce, and

- Traffic analysis Trips was based on 414 students not 414 on-site at one time. Tr

Hillbrook's Permitted Activities				
Activity Type	Description	Hours	Days of the Week	Time of Year
Grounds and facilities maintenance	Including but not limited to gardening and janitorial services. These activities do not count against the maximum ten per calendar year for evening/nighttime events.	Pursuant to Town Code	Pursuant to Town Code	Pursuant to Town Code
Hillbrook Faculty/Administrator Weekday Work	Hillbrook faculty/administrator work, including Hillbrook faculty/administrator meetings is permitted after hours during the weekdays, but must conclude by 9:00 p.m.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Monday through Friday	Year-round
Hillbrook Faculty/Administrator Weekend Work	Weekend work for Hillbrook faculty and Hillbrook administrators. No classes, instruction, meetings, conferences or other group activities.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Saturday and Sunday	Year-round
Summer Program	Hillbrook-run programs including but not limited to soccer camp, Camp Acorn, drama camp, Spanish immersion camp, and Breakthrough Silicon Valley.	7:30 a.m. to 6:00 p.m.	Monday through Friday	Mid-June to Mid-August
Professional Development	Training for Hillbrook parents and Hillbrook faculty only.	7:30 a.m. to 9:00 p.m. (vehicles off campus by 9:30 p.m.)	Monday through Friday	Year-round

4. NUMBER OF STUDENTS: The maximum number of students shall be limited to 414 on campus at any given time or enrolled in concurrently occurring activities, whichever is more restrictive. The maximum number of students includes all concurrent programs conducted at the same time.

5. NUMBER OF EMPLOYEES:

a. The second and third sentences relate to parking and events at the gym. Is there a more appropriate place for those conditions?

6. DELIVERY HOURS:

Modify hours to be consistent with school operation hours.

7. THIRD PARTY USE/RENTAL/LEASE

a. Given the concerns of CAT clearly define third party use, given the concerns of CAT.
b. How does this relate to Summer Programs (Breakthrough Silicon Valley or Accorn Camp etc. Condition 3 above?

9. NUMBER OF VEHICLE TRIPS – SCHOOL YEAR DAILY TRIPS: 960:

REFER TO CAT COMMENTS

9. ITEM c. Exception QUESTIONS:

Clarify what event/activities not representative of typical operations listed? Condition 3 implies uses listed in the Permitted Activities Table are typical of school operations.

- Why is exception twice the allowed 960? That seems really high. That's almost 2000 trips a day!

- Why would the Town allow exceptions for events NOT REPRESENTATIVE with typical operations? How can non-typical operations be consistent with this CUP? How does these uses relate to the uses

9. ITEM d: PLEASE CLARIFY:

- Does this mean that 960 is a maximum cap, but the actual cap (or functional cap) starts at 880 for 315 students and increases .32 for each additional 10 student?
- This would add 278 trips (31.62% to 880) when the enrollment hits 414).
- THIS WOULD RESULT IN A TOTAL OF 1228 DAILY TRIPS AND WOULD CONFLICT WITH THE STATED MAXIMUM OF 960 TRIPS.

2. Why is 2011 used as the baseline?

11. Placing at school entrance may not capture all school trips as some parents drop kids off before the gate. Is there an alternative?



5. NUMBER OF EMPLOYEES: Maximum number of employees/teachers/interns shall not exceed 80. If parking is required to accommodate guests, visitors, or events, staff shall be limited to a number that can be accommodated based on Town Code parking requirements. Of this number, the afterschool maximum number of employees on site during activities in the gymnasium which draws an audience shall not exceed 12.

6. DELIVERY HOURS: Deliveries shall occur between 7:00 a.m. and 9:30 p.m., seven days a week.



7. THIRD PARTY USE/RENTAL/LEASE: Any third party use, rental, and/or lease of the campus is prohibited.

8. NUMBER OF VEHICLE TRIPS – PEAK PERIOD: The maximum number of vehicles leaving the school is limited to an average of 150 vehicle trips during peak periods. Peak periods, for the purposes of this condition, are 7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 3:45 p.m.

a. Compliance with this condition will be evaluated three times a year – Fall semester, Spring semester, and Summer. Within each period – Fall semester, Spring semester, and Summer – the school shall not exceed an average of 150 vehicle trips for each peak period.

b. Calculations shall include all weekdays except for weekdays when no school is held.



9. NUMBER OF VEHICLE TRIPS – SCHOOL YEAR DAILY TRIPS: The total number of vehicles entering and exiting the campus shall not exceed an average of 960 per day (480 vehicles each way).

a. Compliance with this condition will be evaluated twice a year – Fall semester and Spring semester. Within each period – Fall semester and Spring semester – the school shall not exceed an average of 960 vehicle trips.

b. Evaluation shall include all weekdays except for weekdays when no school or activities are held.

c. Exception: The school may exceed the school year daily trips up to 10 times per year to allow events/activities, which are not representative of typical operations, consistent with this Conditional Use Permit. These exceptions may not exceed twice the Number of Vehicle Trips – School Year Daily Trips.

d. The increase of school year daily trips shall be commensurate with the increase in enrollment compared to the existing maximum of 315 students. If the school adds 10 students to the existing maximum of 315 for 325 students, the additional 10 students would represent a 3.2% increase in the number of students and the number of school year daily trips may increase by 3.2% compared to the 2011 average daily trips (880), or 28 trips.

10. NUMBER OF VEHICLE TRIPS – SUMMER DAILY TRIPS: The total number of vehicles entering and exiting the campus shall not exceed an average of 480 (240 vehicles each way).

a. Compliance with this condition will be evaluated once a year – Summer. Within this period, the school shall not exceed an average 480 vehicle trips.

b. Calculations shall include all weekdays except for weekdays when no summer activities are held.



11. TRIP CAP MONITORING: At the applicant's expense, the trip caps will be monitored in the following manner:

12. NEIGHBORHOOD COORDINATION

Neighborhood coordination and communication are always good. However, discussing concerns is not meaningful unless they will be resolved. Recommend: Require a professional mediator at the meetings (paid by Hillbrook, arranged by Town).

The School, Marchmont and most surrounding neighborhoods, and the Arbor Way neighborhood are so polarized on the traffic issues that mediation would be a good idea.

14. TRANSPORTATION DEMAND MANAGEMENT PLAN

a. This condition is OK. However, the TDM is not adequate or clearly mandatory.

b. How can the TDM be enforced and monitored?

3. Is there a specified period in which to achieve results? What if they are not met?

This is all pretty loosey-goosey.

What constitutes non-compliance?

Short distance shuttle stop should not be allowed along Shannon Road. School should be required to make arrangement for off street stop with short term parking available for parents.

6. Students are concentrated in north and east LG why not make a shuttle mandatory for students within 2 to 4 mile radius? Was that option explored?

13. NEIGHBORHOOD COMMITTEE

Neighborhood Committee: Again, as with 12, a good idea by no requirement for any action or resolution of concerns.

17. PICK-UP AND DROP-OFF AREA

Modify to read: HILLBROOK ON SITE PICK-UP AND DROP-OFF AREA.

- a. An electronic, underground counter shall be installed that transmits vehicle counts to a third party.
- b. The third party shall send the data to the Town three times a year (December, May, and August).
- c. The Town's traffic consultant shall review the data to determine compliance with the Number of Vehicle Trips - Peak Period, Number of Vehicle Trips - School Year Daily Trips, and Number of Vehicle Trips - Summer Daily Trips.
- d. The Town shall invoice the applicant to pay for the traffic consultant's work.
- e. This monitoring is required for the duration this Conditional Use Permit is in effect.

12. NEIGHBORHOOD COORDINATION: The applicant shall communicate and coordinate with neighborhood in the following ways:

- a. A neighborhood newsletter shall be provided by mail, email, and/or on a publicly accessible area of the Hillbrook School website.
- b. A schedule of events shall be provided to the neighborhood, by posting on the Hillbrook website accessible to the public, at the beginning of every school year. The applicant may choose to mail the schedule of events.
- c. The applicant shall conduct an annual neighborhood meeting to engage the surrounding neighborhood in discussion related to the operation of the school site and any concerns the area residents may have. Notification of the neighborhood meeting shall include notices mailed to owners and occupants on upper and lower Marchmont Drive, its adjacent courts, Hilow Road, Stonybrook Road, Englewood Avenue, Robin Way, Cardinal Lane, Topping Way, Ann Arbor Drive, and Wollin Way.
- d. Any resident wishing to receive notifications by mail and/or email can submit a written to the Hillbrook School Traffic Coordinator.

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

14. TRANSPORTATION DEMAND MANAGEMENT PLAN: The applicant shall implement all measures in the Transportation Demand Management Plan (attached as Exhibit A) prepared by Nelson/Nygaard and dated September 14, 2012. Any revisions to the plan shall require review and approval by the Director of Community Development and the Town Engineer.

15. CARPOOLING: The Town accepts the voluntary offer of Hillbrook School to maintain and promote a carpooling program for their families.

16. PARKING: All parking shall be accommodated onsite. Parking at and shuttling from Calvary Church is permitted provided Calvary Church's Conditional Use Permit continues to allow it.

17. PICK-UP AND DROP-OFF AREA: The pick-up and drop-off area must be maintained with five (5) lanes.

18. GYMNASIUM DOORS AND WINDOWS: The loading doors on the Ann Arbor side shall be closed at all times whenever activities are being held inside the gymnasium. The other doors and windows in the gymnasium shall be allowed to remain open during activities.

19. EMERGENCY ACCESS ROAD

Opening the gate for bikes and pedestrians during the peak traffic hours and do a trail run for several months to evaluate effectiveness and impacts.

20. MUSIC

Clarify whether live music (non-amplified) and DJ event (amplified) are allowed out side or are to be confined to Gym with windows/doors facing Ann Arbor closed.

25. PENALTIES FOR EXCEED(ING) THE TRIP CAPS:

These penalties will allow trips to exceed the caps essentially ever other term with minimal monetary penalty.

1) Does payment of fines constitute compliance with the CUP for trip Caps? If that is the case there is essentially no mechanism to find the school out of compliance with the CUP for traffic (trips), which also relates to safety and quality of life, the biggest concerns of the neighborhoods surrounding Hillbrook. or

2) Does an exceedence, in and of itself, non-compliance (even if the penalties are paid).

26. ONE YEAR REVIEW:

1) If this CUP is approved suggest both a one and two year review with the ability to make modification to conditions if PC thinks it is necessary.

2) Add an expiration date to the CUP expires in 5 years. If no complaints on Consent Calendar. If complains or periods of non-compliance full hearing on new CUP.



19. EMERGENCY ACCESS ROAD: The emergency access road to Ann Arbor Drive shall not be opened up at any time to public or school use. The road may be used for construction access only if it is part of approved construction plans for an Architecture and Site application.



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

21. NOISE BARRIER: If desired by the homeowners of 183 and 185 Longmeadow Drive, in order to reduce excess noise from playground activity at the school, a six-foot high acoustically-effective barrier shall be constructed along the property line contiguous with 183 and 185 Longmeadow Drive. The barrier height is in reference to the nearest playground ground elevation. The applicant shall submit building permits for the noise barrier.

22. SQUARE FOOTAGE: The maximum structural square footage is 55,715 square feet as approved by the Master Plan on May 7, 2001 (Resolution 2011-048). The existing campus is currently 52,683 square feet and an additional 3,032 square feet is permitted in the library and cafeteria/art classrooms with an approved Architecture and Site application.

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

24. NONCOMPLIANCE PROCESS: If Hillbrook violates any of the conditions of approval, staff shall enforce the Conditional Use Permit pursuant to the Town Code, or a new compliance process established by Town Council, whichever is more restrictive.



25. PENALTIES FOR EXCEED THE TRIP CAPS:

- a. If the Town's Traffic Consultant's review of the trip cap monitoring reports reveals that the number of trips exceeds the trip caps (a.m. peak period, p.m. peak period, or ADT), the applicant shall pay a penalty of \$1,000.00 per excess trip.
- b. If the Town's Traffic Consultant's review of the trip cap monitoring reports reveals that the number of trips exceeds the trip caps (a.m. peak period, p.m. peak period, or ADT) for a second consecutive monitoring period, the applicant shall pay a penalty of \$5,000.00 per excess trip.
- c. If the Town's Traffic Consultant's review of the trip cap monitoring reports reveals that the number of trips exceeds the trip caps (a.m. peak period, p.m. peak period, or ADT) for a third consecutive monitoring period, the applicant shall pay a penalty of \$10,000.00 per excess trip.
- d. If the Town's Traffic Consultant's review of the trip cap monitoring reports reveals the applicant is in compliance with the trip caps, no penalty shall apply and the penalty amount shall revert back to the \$1,000 level, and the fine increase mentioned above for consecutive violations.
- e. Penalty money shall be paid to the Town and used toward neighborhood traffic/pedestrian improvements as determined by the Town's Community Development Director and Town Engineer in coordination with the Neighborhood Committee.



26. ONE-YEAR REVIEW: Staff shall review the use for compliance with the Conditional Use Permit one year from the date of approval. Staff shall determine if there are any issues with the use and report their findings to the Planning Commission. The Planning Commission may choose to require a subsequent one-year review.

27. TOWN 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.

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