



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/13/2019

ITEM NO: 3

DATE: October 30, 2019

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Conditional Use Permit Application U-12-002. Project Location: **300 Marchmont Drive**. Applicant/Property Owner: Mark Silver/Hillbrook School. Project Planner: Jocelyn Shoopman.
Annual review of an approved Conditional Use Permit for an existing private school (Hillbrook School) on property zoned HR-1. APNs 532-10-01 and 532-11-011.

RECOMMENDATION:

Accept this report for the annual review of the Conditional Use Permit (CUP) as required by condition 25 (Exhibit 3).

PROJECT DATA:

General Plan Designation: Hillside Residential and Low Density Residential
Zoning Designation: HR-1, Hillside Residential
Applicable Plans & Standards: General Plan
Parcel Size: 14 acres
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8, R-1:10, and R-1:20
South	Residential	Low Density Residential & Agriculture	R-1:10, R-1:12, and RC
East	Residential	Hillside Residential & Open Space	R-1:10, R-1:12, and RC
West	Residential	Low Density Residential	R-1:8 and R-1:10

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

CEQA:

An Environmental Impact Report (EIR) was certified by the Planning Commission on October 6, 2014 and no further environmental review is required.

FINDINGS:

- An EIR was prepared for the CUP and was certified by the Planning Commission on October 6, 2014 and no further environmental review is required; and
- Compliance with CUP U-12-002.

ACTION:

Accept this report for the annual review of the CUP as required by condition 25 (Exhibit 3).

BACKGROUND:

On October 6, 2014, the Planning Commission certified the EIR and a request to modify a CUP to increase school enrollment and modify operations of Hillbrook School.

On March 17, 2015, the Town Council adopted Resolution 2015-018 approving the request to modify the CUP to incrementally increase school enrollment and modify operations of Hillbrook School subject to modified conditions of approval (Exhibit 3).

On November 3, 2015, the Town Council held a public hearing for the initial six-month review of the CUP to determine whether there was merit to increase the number of students based on Hillbrook School's compliance with the maximum number of daily trips. The Town Council approved the initial review and request to increase the school enrollment by 33 students for a maximum of 348 students for the 2016-2017 school year. On August 31, 2016, Hillbrook School vested their CUP by increasing the number of students by an additional 23 students for the 2016-2017 school year as allowed by condition 2 (Exhibit 3).

On October 17, 2016, the Planning Commission held a public hearing for the annual review of the CUP as required by condition 25 (Exhibit 3) to determine whether there was merit to increase the number of students based on Hillbrook School's compliance with the maximum number of daily trips. The Planning Commission approved the annual review and request to increase the school enrollment by an additional 33 students for a maximum of 381 students for the 2017-2018 school year.

On September 27, 2017, the Planning Commission held a public hearing for the annual review of the CUP as required by condition 25 (Exhibit 3) to determine whether there was merit to increase the number of students based on Hillbrook School's compliance with the maximum

BACKGROUND (continued):

number of daily trips. The Planning Commission approved the annual review and final request to increase the school enrollment by an additional 33 students for a maximum of 414 students for the 2018-2019 school year. Additionally, the Planning Commission provided the following recommendations for inclusion in future annual reviews:

1. Urge Hillbrook School to be diligent about ascertaining the operation of the monitoring systems and to that end to incorporate suggestions made by W Trans for calibration;
2. Urge Hillbrook School to follow the updated Data Collection Workflow from W-Trans; and
3. Select three sporadic, non-consecutive days, including at least one sports event day, and conduct future counts in a 24-hour day period.

On October 24, 2018, the Planning Commission held a public hearing for the annual review of the CUP as required by condition 25 (Exhibit 3). The Planning Commission found Hillbrook School to be in compliance with the CUP and approved the annual review.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project is located at 300 Marchmont Drive (Exhibit 1), at the east end of Marchmont Drive, south of Shannon Road and east of Los Gatos Boulevard.

B. Zoning Compliance

The zoning designation, Hillside Residential (HR), allows a school pursuant to the approved Conditional Use Permit.

DISCUSSION:

A. Conditional Use Permit Annual Review

The applicant has provided a letter of justification (Exhibit 7) describing the actions taken to comply with the CUP as outlined below:

- Posted a list of the School's exception days and evening events on their publicly accessible website as required by condition 27 (Exhibit 3); and
- Re-organized the School's athletic program so that athletic competitions are held on campus only three days per week, including no more than two days per week outside, as required by condition 5 (Exhibit 3); and

DISCUSSION (continued):

- Maintained a mandatory Traffic Demand Management Plan (TDM) as required by condition 18 (Exhibit 3); and
- Installed and monitored the traffic count monitoring system as required by condition 19 (Exhibit 3); and
- Worked with the Parks and Public Works Department to ensure approval of existing and proposed bus stops (Exhibit 6) as required by condition 20 (Exhibit 3);
- Enrolled no more than 414 students for the 2019-2020 school year as required by condition 15 (Exhibit 3) (as of August 30, 2019, 384 students were enrolled); and
- Reduced the School's summer programs as required by condition 11 (Exhibit 3).

B. Traffic

On July 15, 2019, the Town's traffic consultant, W-Trans, submitted the Traffic Monitoring Report for the spring 2019 semester (Exhibit 4). The consultant completed a video review of the traffic count for March 28, April 26, and May 15, 2019 as required by condition 19 (Exhibit 3). On March 28, 2019, Hillbrook School held their eighth-grade musical during the evening, an exception day as noted by Hillbrook School's calendar. April 26, 2019 was a typical school day with no on-campus events and on May 15, 2019, Hillbrook School had the opening day of their afterschool art show. As detailed in the report, on April 26 and May 15, 2019 the vehicle trips (757 and 767, respectively) did not exceed the maximum of 880 daily vehicle trips as allowed by condition 17 (Exhibit 3), and on March 28, 2019 the vehicle trips (878) did not exceed the maximum of 960 daily vehicle trips for an exception day as allowed by condition 17 (Exhibit 3). The average difference between the video count and Sensys data for the three-day period was less than one percent (0.25 percent). The Town Traffic Engineer reviewed the Traffic Monitoring Report and found Hillbrook School to be in compliance with condition 17 (Exhibit 3).

On October 24, 2019, the Town's traffic consultant, W-Trans, submitted a Traffic Monitoring Report for the fall 2019 semester (Exhibit 5). The consultant completed a video review of the traffic count on September 18, October 1, and October 17, 2019 as required by condition 19 (Exhibit 3). On October 1, 2019, Hillbrook School held after school athletic games, an exception day as noted by Hillbrook School's calendar. September 18 and October 17, 2019 were typical school days with no on-campus events scheduled. As detailed in the report, on September 18 and October 17, 2019 the vehicle trips (752 and 748, respectively) did not exceed the maximum of 880 daily vehicle trips as allowed by condition 17 (Exhibit 3), and on October 1, 2019 the vehicle trips (784) did not exceed the maximum of 960 daily vehicle trips for an exception day as allowed by condition 17 (Exhibit 3). The average difference between the video count and Sensys data for the three-day period was less than five percent (4.84 percent). The Town Traffic Engineer reviewed the

DISCUSSION (continued):

Traffic Monitoring Report and found Hillbrook School to be in compliance with condition 17 (Exhibit 3).

Condition 19 of the CUP states that Hillbrook School shall be considered out of compliance with their CUP if any mechanical readings exceed the Sensys counts by more than five percent, and where the readings are above the maximum number of daily vehicle trips. In the reports provided by W Trans (Exhibits 4 and 5), for both monitoring systems (video review and Sensys counts), Hillbrook School did not exceed the maximum number of daily trips of 880 or 960 (Exhibit 3, Condition 17) and was found to be in compliance with their CUP. The Town's traffic consultant, W Trans will be available at the meeting to answer any questions from the Planning Commission.

C. CEQA Determination

An EIR was previously certified by the Planning Commission on October 6, 2014 and no further environmental review is required.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 500 feet of the property.

CONCLUSION:

A. Conclusion

Based on the information in this report, staff has determined that Hillbrook School is in compliance with their CUP.

B. Recommendation

Based on the analysis above, staff recommends accepting this report for the annual review of the CUP. If the Planning Commission finds merit with the request, it should:

1. Find that no further environmental analysis is required (Exhibit 2); and
2. Find that Hillbrook School is in compliance with their CUP (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location map
2. Required findings (two pages)
3. Conditional Use Permit U-12-002 (four pages)
4. Spring 2019 traffic monitoring report, received on July 15, 2019 (15 pages)
5. Fall 2019 traffic monitoring report, received on October 24, 2019 (15 pages)
6. Hillbrook school bus stops for 2019-2020 School Year (eight pages)
7. Hillbrook school letter of justification, received October 16, 2019 (two pages)