



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 12/11/2024

ITEM NO: 2

DATE: December 6, 2024  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Annual Review of an Approved Conditional Use Permit for an Existing Private School (Hillbrook School) on Property Zoned HR-1. **Located at 300 Marchmont Drive.** APNs 532-10-001 and 532-11-011. Conditional Use Permit Application U-12-002. Applicant/Property Owner: Mark Silver/Hillbrook School. Project Planner: Jocelyn Shoopman.

**RECOMMENDATION:**

Accept this report for the annual review of the Conditional Use Permit (CUP) for an existing private school (Hillbrook School) on property zoned HR-1, located at 300 Marchmont Drive.

**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  
Senior 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 approved a request to modify a CUP to increase school enrollment and modify the operations of Hillbrook School.

On October 8, 2014, the Town received an appeal of the decision of the Planning Commission from the applicant, Mark Silver. On October 17, 2014, the Town also received an appeal of the decision of the Planning Commission from Elliot et al. The appeal was considered by the Town Council on January 13, 2015, February 17, 2015, and March 17, 2015.

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 the 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

BACKGROUND (continued):

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 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, and November 13, 2019, the Planning Commission held public hearings for the annual reviews 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 in both cases.

On March 16, 2020, Hillbrook School closed for in-person learning due to the Santa Clara County Public Health Office order and began distance learning. Hillbrook School resumed in-person learning on September 23, 2020, until the end of the school year on May 28, 2021. Due to the Santa Clara County Public Health Office order, an annual review of the CUP by the Planning Commission did not take place in the fall of 2020.

On November 10, 2021, November 9, 2022, the Planning Commission held public hearings for the annual reviews 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 in both cases.

On December 13, 2023, 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 their CUP with the exception of the maximum number of vehicle trips, which was addressed through payment of required penalties. In addition, the Planning Commission approved a request to modify Condition 17(c) and Condition 27 to allow Hillbrook School more flexibility in managing the 10 exception days, as allowed by Condition 17 (Exhibit 3).

BACKGROUND (continued):

Lastly, at the December 13, 2023, meeting, the Planning Commission suggested that Hillbrook School have a representative from Sensys visit the school to audit the sensors. Hillbrook School and the Town's Traffic Engineer both confirmed that a representative from Sensys visited the school to perform an audit of the sensors.

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 CUP.

DISCUSSION:

A. Conditional Use Permit Annual Review

The applicant, Hillbrook School, has provided a letter of justification (Exhibit 7) describing the actions taken to comply with the CUP (Exhibit 3) 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;
- No athletic competitions were held on campus as discussed in Condition 5 (Exhibit 3);
- Maintained a mandatory Traffic Demand Management Plan (TDM) as required by Condition 18;
- Installed and monitored the traffic count monitoring system as required by Condition 19;
- Worked with the Parks and Public Works Department to ensure approval of existing and proposed bus stops (Exhibit 6) as required by Condition 20;
- Enrolled no more than the maximum of 414 students for the 2023-2024 school year as required by Condition 15 (as of December 5, 2023, 353 students were enrolled); and
- Reduced the School's summer programs as required by Condition 11.

DISCUSSION (continued):

B. Traffic – Fall 2023 Semester

On December 3, 2024, the Town's traffic consultant, W Trans, submitted the Traffic Monitoring Report for the fall 2023 semester (Exhibit 4). The consultant completed a video review of the traffic count for December 12, December 14, and December 20, 2023, as required by Condition 19. On December 20, 2023, Hillbrook School held their "Middle School Winter Concert" during the evening, an exception day as noted by Hillbrook School's calendar. December 12, 2023, and December 14, 2023, were both typical school days. As detailed in the report, on December 12 and December 14, 2023, the vehicle trips (811 and 798, respectively) did not exceed the maximum of 880 daily vehicle trips as allowed by Condition 17, and on December 20, 2023, the vehicle trips (797) did not exceed the maximum of 960 daily vehicle trips for an exception day as allowed by Condition 17. The average difference between the video count and Sensys data for the three-day period was 3.75 percent.

Due to Hillbrook School being found to have exceeded the maximum number of vehicle trips as part of the December 13, 2024, annual review of the CUP, pursuant to Condition 17 an additional one-week mechanical (hose) traffic count was conducted to verify the traffic counts. The Town Traffic Engineer reviewed the mechanical (hose) traffic data and found Hillbrook School to be in compliance with Condition 17.

C. Traffic – Spring 2024 Semester

On December 3, 2024, the Town's traffic consultant, W Trans, submitted the Traffic Monitoring Report for the spring 2024 semester (Exhibit 5). The consultant completed a video review of the traffic count for May 7, May 9, and May 15, 2024, as required by Condition 19. On May 9, 2024, Hillbrook School held their "JK/K New Family Admissions Reception" event and on May 15 Hillbrook School held their "8<sup>th</sup> Grade Musical" event, both exception days as noted by Hillbrook School's calendar. May 7, 2024, was a typical school day. As detailed in the report, on May 7, 2024, the vehicle trips (843) did not exceed the maximum of 880 daily vehicle trips as allowed by Condition 17, and on May 9, 2024, and May 15, 2024, the vehicle trips (851 and 834, respectively) did not exceed the maximum of 960 daily vehicle trips for an exception day as allowed by Condition 17. The average difference between the video count and Sensys data for the three-day period was 3.55 percent.

Due to Hillbrook School being found to have exceeded the maximum number of vehicle trips as part of the December 13, 2024, annual review of the CUP, pursuant to Condition 17 an additional one-week mechanical (hose) traffic count was conducted to verify the traffic

PROJECT DESCRIPTION (continued):

counts. The Town Traffic Engineer reviewed the mechanical (hose) traffic data and found Hillbrook School to be in compliance with Condition 17.

To ensure accuracy of readings and reduce discrepancies between the two embedded Sensys sensors located in the pavement of the exit lane outside the school's gate, the Town's traffic consultant, W Trans is recommending that both Sensys Sensors be calibrated or checked by technicians to produce more consistent results. W Trans will be available at the meeting to answer any questions from the Planning Commission.

D. 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.

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SUBJECT: 300 Marchmont Drive/U-12-002

DATE: December 6, 2024

EXHIBITS:

1. Location Map
2. Required Findings
3. Conditional Use Permit U-12-002
4. Fall 2023 Traffic Monitoring Report
5. Spring 2024 Traffic Monitoring Report
6. Hillbrook School Bus Stops for 2024-2025 School Year
7. Hillbrook School Letter of Justification

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