



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 2

DATE: November 5, 2021  
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 532-10-01 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) 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 approved 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 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.

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

DISCUSSION (continued):

- 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
- 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 (Exhibit 3);
- Installed and monitored the traffic count monitoring system as required by Condition 19 (Exhibit 3);
- 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 the maximum of 414 students for the 2020-2021 school year as required by Condition 15 (Exhibit 3) (as of August 30, 2021, 360 students were enrolled); and
- Reduced the School's summer programs as required by Condition 11 (Exhibit 3).

B. Traffic

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. On June 3, 2021, the Town's traffic consultant, W-Trans, submitted the Traffic Monitoring Report for the fall 2020 semester (Exhibit 4). Due to the Santa Clara County Public Health Office order and per direction from the Parks and Public Works Department, the consultant did not complete a video review comparison with the Sensys data of the traffic count for three, non-consecutive days. However, W-Trans continued to provide monthly traffic count data which was posted on the Town's website on a monthly basis. In review of the Sensys data, the Town's traffic consultant, W-Trans did note that on November 6, 2020, the maximum number of daily vehicle trips was 1,142, exceeding the maximum of 880; however, this was due to an adjacent house hosting an estate sale in which the two Sensys magnetometer traffic counters embedded in the pavement of the exit lane outside of the school's gate recorded excess trips that were not associated with the school. The fall 2020 report found Hillbrook School to be in compliance with Condition 17 (Exhibit 3).

On October 28, 2021, the Town's traffic consultant, W-Trans, submitted the Traffic Monitoring Report for the spring 2021 semester (Exhibit 5). The consultant completed a video review of the traffic count for February 4, April 14, and May 4, 2021 as required by Condition 19 (Exhibit 3). It should be noted that Hillbrook School did not host any athletic or school events during the spring 2021 semester. As detailed in the report, on February 4, April 14, and May 4, 2021 the vehicle trips (750, 88, and 796, respectively) did not exceed the maximum of 880 daily vehicle trips as allowed by Condition 17 (Exhibit 3). The average

DISCUSSION (continued):

difference between the video count and Sensys data for the three-day period was approximately five percent (5.37 percent). The Town Traffic Engineer reviewed the 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).

CONCLUSION (continued):

C. Alternatives

Alternatively, the Commission can:

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

EXHIBITS:

1. Location Map
2. Required Findings
3. Conditional Use Permit U-12-002
4. Fall 2020 Traffic Monitoring Report
5. Spring 2021 Traffic Monitoring Report
6. Hillbrook School Bus Stops for 2020-2021 School Year
7. Hillbrook School Letter of Justification