



**TOWN OF LOS GATOS  
PLANNING COMMISSION AGENDA  
NOVEMBER 10, 2021  
110 EAST MAIN STREET  
LOS GATOS, CA**

*Kathryn Janoff, Chair  
Kendra Burch, Vice Chair  
Jeffrey Barnett, Commissioner  
Melanie Hanssen, Commissioner  
Jeffrey Suzuki, Commissioner  
Reza Tavana, Commissioner  
Emily Thomas, Commissioner*

**PARTICIPATION IN THE PUBLIC PROCESS**

**How to participate:** The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

**Effective Proceedings:** The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

**Deadlines for Public Comment and Presentations are as follows:**

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
  - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

**Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to: <https://www.kcat.org/government-meetings>**

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]**

## IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below). The live stream of the meeting may be viewed on television and/or online at:

<https://meetings.municode.com/PublishPage/index?cid=LOGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chambers.**

### PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:

<https://losgatosca.gov.zoom.us/j/88158124391?pwd=STlORmxCejZXeTFNeHJsUFRTY2g0QT09>.  
Passcode: 633705.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to

[PlanningComment@losgatosca.gov](mailto:PlanningComment@losgatosca.gov) with the subject line “Public Comment Item #” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

### REMOTE LOCATION PARTICIPANTS

*The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR KATHRYN JANOFF, VICE CHAIR BURCH, COMMISSIONER BARNETT, COMMISSIONER HANSSEN, COMMISSIONER SUZUKI, COMMISSIONER TAVANA, AND COMMISSIONER THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.*

**TOWN OF LOS GATOS  
PLANNING COMMISSION AGENDA  
NOVEMBER 10, 2021  
7:00 PM**

**MEETING CALLED TO ORDER**

**ROLL CALL**

**VERBAL COMMUNICATIONS** *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

**CONSENT ITEMS** *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Drafted Minutes of the October 27, 2021 Planning Commission Meeting
2. 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.

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

3. Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Vehicular Gate and Fencing within the Required Street-Side Setbacks, Traffic View Area, and Driveway View Area; and Construction of a Vehicular Gate with Reduced Setbacks on Property Located in the Almond Grove Historic District Zoned R-1D:LHP. Located at **103 Tait Avenue**. APN 510-18-038. PROPERTY OWNER: Ballou Ventures LLC. APPLICANT/APPELLANT: Kristi Ballou. PROJECT PLANNER: Sean Mullin.
4. Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. Located at **636 Blossom Hill Road**. APN 529-16-047 and 529-16-054. Conditional Use Permit U-21-016. PROPERTY OWNER: Blossom Hill Pavilion LP. APPLICANT: Greg Endom, Beverages and More, Inc. PROJECT PLANNER: Erin Walters.

**OTHER BUSINESS** (*Up to three minutes may be allotted to each speaker on any of the following items.*)

5. Review the Draft Updated Traffic Impact Policy and Provide Feedback.

**REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBCOMMITTEE REPORTS / COMMISSION MATTERS**

**ADJOURNMENT** (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

*Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.*

*Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.*



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 1

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**DRAFT  
MINUTES OF THE PLANNING COMMISSION MEETING  
OCTOBER 27, 2021**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 27, 2021, at 7:00 p.m.

**This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.**

**MEETING CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Present: Chair Kathryn Janoff, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, Commissioner Reza Tavana, and Commissioner Emily Thomas  
Absent: Vice Chair Kendra Burch

**VERBAL COMMUNICATIONS**

None.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

**1. Approval of Minutes – October 13, 2021**

**MOTION:** Motion by Commissioner Suzuki to approve adoption of the Consent Calendar. **Seconded** by Commissioner Tavana.

**VOTE:** Motion passed unanimously. 6-0 with Vice Chair Burch Absent.

## **PUBLIC HEARINGS**

### **2. 100 Alerche Drive**

APN 567-18-069

Property Owner/Applicant/Appellant: Anirudh Chauhan

Project Planner: Ryan Safty

Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Fence and Driveway Gate Located within the Required Front Yard Setback on Property Zoned HR-1.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Anirudh Chauhan (Owner/Applicant/Appellant):

- All the houses in the neighborhood have a fence except for three because of the high foot traffic and need for security. We need a fence to have security for our family because we have experienced at least five trespassing incidents. We need the fence height exception to protect my vineyard from deer and protect our property and family from trespassers.

Fred Faltersack, 125 Alerche Drive:

- I submitted written comment related to crime in the neighborhood. There are three additional points I would like to make. First, a majority of the neighborhood is not in compliance with the current Town Code and there is continuity with what the applicant is trying to do. Second, there are clear and justified needs for the applicant to have this exemption as the request is consistent with the Alerche Drive community as a whole. Third, crimes such as auto theft and burglaries are on the rise and every person has a right to protect and defend their loved ones and property.

Ron Czerny:

- The community supports this project. The property owner is trying to build the same fence as the neighbors. Alerche has heavy traffic, and the fence would be compatible with the neighborhood.

Stawsh:

- The discussion gives the impression that all the houses in the neighborhood have fences across the front, but that is not the case. The lower two-thirds of Alerche do not have front fencing and create an open vista.

Eugene Korsunsky, 117 Alerche Drive:

- One of the reasons I bought my current home on Alerche was because it was gated and fenced and I felt safe. Alerche gets a ton of foot traffic and not all of it is good foot traffic. The applicant is trying to match what everyone else already has and protect their property.

Anirudh Chauhan (Applicant/Appellant):

- I respect the ordinances and believe they are there for good reasons, and one of their principles is uniformity and conformity to the neighborhood. The proposed fence matches 11 out of 18 fenced houses in the neighborhood and conforms to the Town requirements except for the height. I have written support for the fence from 12 of the 14 houses on Alerche and the fence conforms to their fences.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Hanssen to grant the appeal of the Community Development Director decision to deny the fence height exception request for construction of a six-foot fence and driveway located within the required front yard setback on property zoned HR-1 located at 100 Alerche Drive and approve the fence height exception. **Seconded by Commissioner Barnett.****

**VOTE:**                    **Motion passed unanimously.**

**3. 56 Kimble Avenue**

Variance Application V-20-002

APN 529-33-035

Applicant: Jay Plett

Property Owner: Peter Lisherness and Kim Nguyen

Project Planner: Jocelyn Shoopman

Requesting Approval for a Variance from the Town Code for the Height of an Accessory Structure and Length of Driveway, and an Exception to the Hillside Development Standards and Guidelines for the Setbacks of an Accessory Structure on Property Zoned R-1:10.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Jay Plett (Applicant):

- We have designed an optimal structure to the existing conditions of the site. This project does not even require a grading permit. The structure has been placed to have minimal disturbance of the site. The design complements the companion house and other structures in the neighborhood of similar style. I believe we have done a good job in the spirit of the Hillside Development Standards and Guidelines, direction provided from the Town, and have shown respect to the environment in which the house and ADU below the garage would be situated.

Jay Plett (Applicant):

- The property owner has consulted with the neighbors and they support the project.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Barnett** to approve a Variance from the Town Code for the height of an accessory structure and length of the driveway and an exception to the Hillside Development Standards and Guidelines for the setbacks of an accessory structure on property zoned R-1:10 located at 56 Kimble Avenue. **Seconded by Commissioner Tavana.**

**VOTE:**                    **Motion passed unanimously.**

## **OTHER BUSINESS**

### **4. Review and Discuss the Commercial Cannabis Presentation Provided by the Town Attorney.**

Robert Schultz, Town Attorney, provided a presentation.

Opened Public Comment.

Phil Barry:

- I have worked for the past four years as a chief revenue officer for a significant marijuana company in California. I complimented the staff for putting together a comprehensive and professional proposal.

Closed Public Comment.

Commissioners discussed the matter.



**REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Joel Paulson, Director of Community Development

- The Draft 2040 General Plan is still out for public review.
- Staff and Consultants also keep Responses to Comments for the Draft Environmental Impact Report (EIR).
- A Housing Element Advisory Board meeting was held on October 21, 2021.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

**Housing Element Advisory Board (HEAB)**

Commissioner Hanssen

- The HEAB had its first meeting on October 21, 2021 where many members expressed that it is important to get substantially more community involvement than was had with the General Plan.
- New software is available to allow members of the HEAB or members of the public to see where housing might be that will be submitted to the HCD.
- The HEAB appointed Commissioner Hanssen as its chair and Chair Janoff as its vice chair.

**Historic Preservation Committee (HPC)**

Commissioner Suzuki

- The HPC met on October 27, 2021 and considered three items:
  - o 70 Ellenwood Avenue: Approved request to be removed from the historic resources inventory.
  - o 245 Johnson Avenue: Construction of exterior alterations.
  - o 333 University Avenue: Request for construction of exterior alterations on a second-story addition greater than 100 feet.

**ADJOURNMENT**

The meeting adjourned at 9:16 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 27, 2021 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin

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**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:

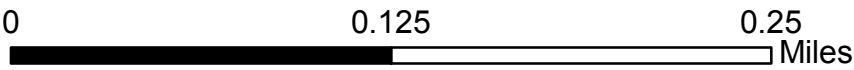
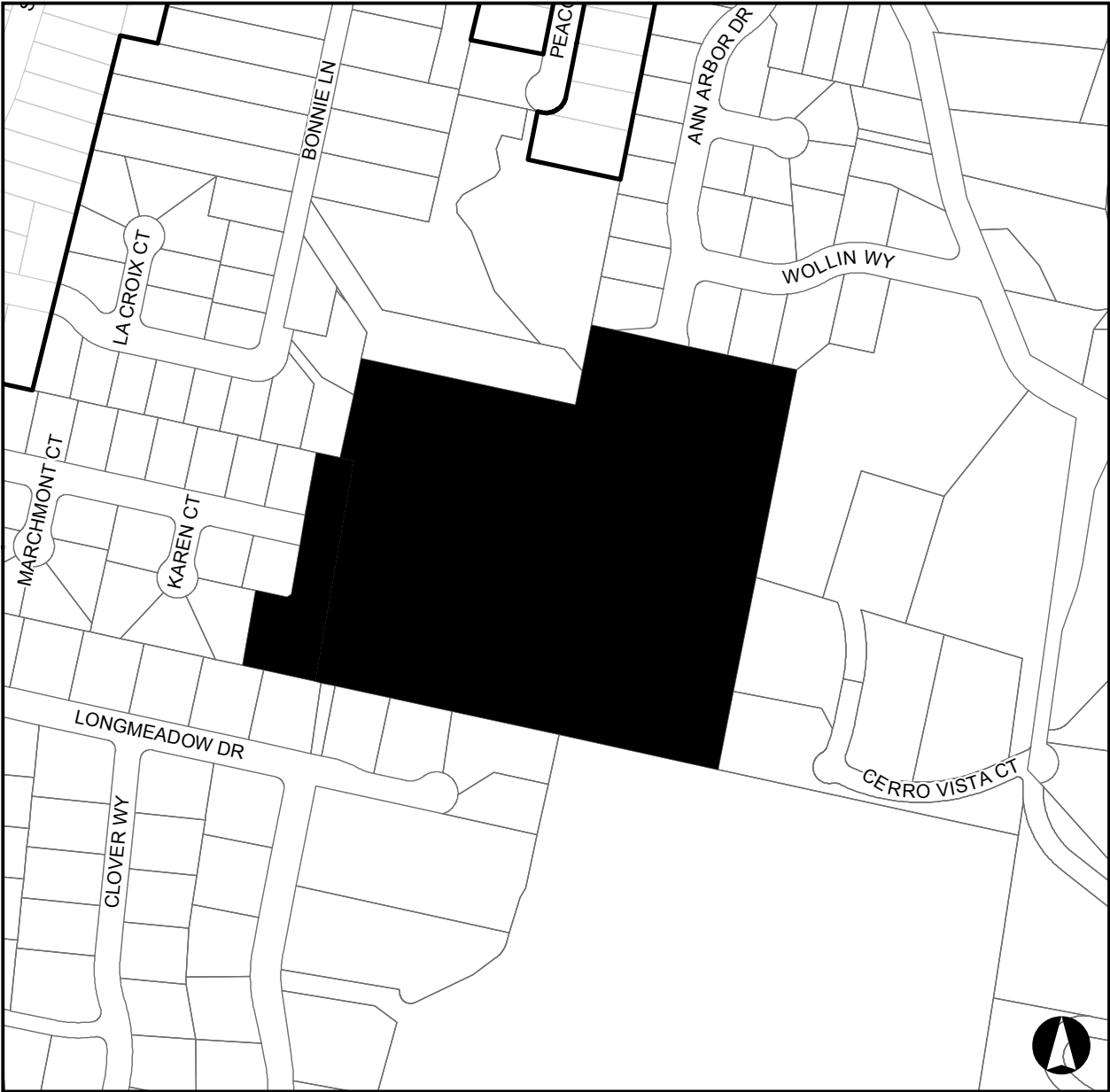
1. Continue the matter to a date certain with specific direction.

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



# 300 Marchmont Drive



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**PLANNING COMMISSION – November 10, 2021**  
**REQUIRED FINDINGS:**

**300 Marchmont Drive**  
**Conditional Use Permit Application U-12-002**

**Annual Review of an Approved Conditional Use Permit for an Existing Private School (Hillbrook School) on Property Zoned HR-1. APNS 532-10-001 and 532-11-011.**  
**PROPERTY OWNER/APPLICANT: Hillbrook School/Mark Silver**

**FINDINGS**

**Required finding for CEQA:**

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

**Required findings for compliance with Conditional Use Permit (U-12-002):**

- Find that Hillbrook School is in compliance with their Conditional Use Permit.

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**CONDITIONS OF APPROVAL – March 17, 2015**

**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.
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. Pursuant to Town Code Section 29.20.335 an approval is vested when the activity approved is commenced in a substantial, as distinguished from tentative or token, manner. For this Conditional Use Permit, substantial shall mean any increase in student enrollment above 315.
3. **USE:** The approved use is a junior kindergarten (JK) through eighth (8<sup>th</sup>) grade educational institution/private school, with ancillary after school activities, after school care, and after school sports.
  - a. **HOURS: STUDENTS** and their families may be on campus Monday through Friday, 7:30 a.m. to 6:00 p.m., during the academic calendar year (mid-August through mid-June).
  - b. **EXTENDED HOURS:** Up to 10 times per year, hours may be extended past 6:00 p.m. up to 9:30 p.m. The school's management and maintenance staff do not count towards the 10 times per year for extended hours.
4. **AFTER SCHOOL ACTIVITIES:** Enrichment programs including but not limited to arts, mechanics, engineering, and language for the school's students are permitted, up to 6:00 p.m., Monday through Friday, mid-August through mid-June.
5. **AFTER SCHOOL SPORTS AND COMPETITIONS:** Any sports, competitive or not, and other competitions with at least one participating team from this approved school are permitted up to 6:00 p.m., Monday through Friday, mid-August through mid-June. These competitions are permitted to occur a maximum 3 days per week, up to 2 days per week outdoors.
6. **AFTER SCHOOL CARE:** Childcare for the school's students is permitted up to 6:00 p.m., Monday through Friday, mid-August through mid-June.
7. **VOLLEYBALL AND BASKETBALL TOURNAMENTS:** A tournament is a series of contests/matches/games between two or more schools/teams one of which must be the approved school. Tournament hours are 7:30 a.m. to 3:30 p.m. Monday through Friday,

and Saturday. Vehicles must be off campus by 4:00 p.m. on Saturdays. These tournaments may occur up to 2 Saturdays, mid-August through mid-June.

8. **EVENING/NIGHTTIME AND WEEKEND EVENTS:** Evening/nighttime events are events that occur between 6:00 p.m. and 9:00 p.m. Evening/nighttime and weekend events are permitted up to 10 times per academic year, mid-August through mid-June. These events must be listed by August 1<sup>st</sup> on a publicly accessible online School Calendar.
9. **OPEN HOUSE:** One weekend Open House per calendar year is permitted 7:30 a.m. to 3:30 p.m. (vehicles off campus by 4:00 p.m.), Saturday only (not Sunday), mid-August through mid-June. This event does not count as one of the 10 exception days from the maximum number of daily vehicle trips.
10. **DELIVERY HOURS:** Deliveries shall only occur between 7:00 a.m. and 7:00 p.m., Monday through Friday.
11. **SUMMER SESSION:** A summer program is permitted between mid-June and mid-August for six contiguous weeks. Summer hours are limited to 8:30 a.m. to 1:00 p.m., Monday through Friday.
12. **PROFESSIONAL DEVELOPMENT/CONFERENCES:** Training for the parents of enrolled students and/or the school's faculty only is permitted from 7:30 a.m. to 6:00 p.m., unless designated as a nighttime exception, Monday through Friday, mid-August through mid-June. No other conferences are permitted.
13. **THIRD PARTY USE/RENTAL/LEASE:** Third party use is allowed. A third party use is defined as a school program run by an entity that is under a contractual partnership agreement with the school, payments for participation in the activity are paid directly to the school, and the school has control of the operations of the activity. Any such third party use will be subject to all of the conditions contained in this Conditional Use Permit.
14. **ADDITIONAL ACTIVITIES:** Any activity that is not expressly identified in this Permit is prohibited.
15. **NUMBER OF STUDENTS:** The maximum number of students shall be limited to 414 students over the life of the Conditional Use Permit with an increase over 315 students of up to 33 in year 2016-2017, up to an additional 33 in year 2017-2018, and up to an additional 33 in year 2018-2019. The right to add any additional students is contingent on the school's compliance with the traffic count requirements. The maximum number of students during the summer session is 150.
16. **INITIAL REVIEW:** Six months after the date of this approval, the Town Council shall review the school's compliance with the maximum number of daily vehicle trips. At a publicly noticed hearing, Town Council will consider whether there is merit to increase the number of students from 315 based on compliance with the maximum number of daily vehicle trips. This review shall be completed at the school's expense.
17. **MAXIMUM NUMBER OF DAILY VEHICLE TRIPS:** The maximum number of daily vehicle trips shall not exceed 880 pursuant to the following:
  - a. The school may designate 10 days per year that can be removed from the maximum calculation, which shall be referred to as "exception days."
  - b. Exception days shall not exceed 960 maximum daily vehicle trips.
  - c. Exception days must be identified on a publicly accessible online School Calendar by August 1<sup>st</sup>.
  - d. The maximum number of daily vehicle trips shall not exceed 300 during the summer session as defined in condition 11.

18. **MANDATORY TRAFFIC DEMAND MANAGEMENT PLAN:** The school shall implement, at its expense, a Mandatory Traffic Demand Management Plan consisting of any of the following means to limit daily vehicle trips: carpools, busing, shuttle buses, traditional school buses, bicycling, walking management plans, or other methods submitted by the school. The school must inform persons and entities, covered by the plan, that pickup and drop-offs are prohibited on public streets in the immediate vicinity of the school. The school is solely responsible for enforcement of and compliance with a Mandatory Traffic Demand Management Plan.
19. **TRAFFIC COUNT MONITORING:** The school shall monitor its compliance using the existing embedded counter and by installing tube counters as a backup. The data from the counters will be used to determine whether the school has complied with the traffic requirements contained in condition 17. The Town shall conduct ongoing traffic data validation by contracting for a random manual traffic count for three days, each semester. The data shall be compared with Sensys data (i.e, the embedded counter data) and results provided to the Town Traffic Engineer. If the Town Traffic Engineer finds the school out of compliance, the Town shall contract for additional data collection, with a one week mechanical (hose) traffic count to verify the counts. The school shall be considered out of compliance 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. If the Sensys data continues to demonstrate ongoing non-compliance, the discrepancy shall trigger the compliance proceedings portion of the CUP. The school is required to reimburse the Town for all staff and contract services associated with this condition.
20. **BUS STOPS:** The school may continue to use bus stop locations negotiated with private businesses. Any existing or new bus stop must be approved by the Los Gatos Parks and Public Works Department as a suitable and safe place for a bus stop.
21. **PARKING:** All parking shall be accommodated onsite.
22. **PICK-UP AND DROP-OFF AREA:** A pick-up and drop-off area shall be maintained on school grounds.
23. **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 opened for construction access only if it is part of an approved construction plan for an Architecture and Site application.
24. **CURFEW AND NOISE:** The school shall comply with the Town Code governing curfew and noise levels with the exception of one amplified DJ event, mid-August through mid-June (not summer).
25. **ONGOING COMPLIANCE REVIEW:** Upon completion of the six-month initial review set forth in condition 16, the Planning Commission shall conduct an annual review to determine if the school is in compliance with this Conditional Use Permit. If, at any reviews, the Planning Commission finds that the school is in violation of this Conditional Use Permit or that new or more effective data collection methods are available to compute traffic counts, then the Conditional Use Permit may be modified and/or revoked as allowed under the Town Code. Compliance review shall be completed at the school's expense.
26. **PENALTIES FOR EXCEEDANCES OF THE MAXIMUM DAILY TRIP CAP:**
  - a. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap, the applicant shall pay a penalty of \$1,000 per day and \$100 per excess trip.

- b. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap for a second consecutive monitoring period, the applicant shall pay a penalty of \$2,500 per day and \$250 per excess trip.
  - c. If the Town's Traffic Consultant's review of the trip cap monthly monitoring reports reveals that the number of trips exceeds the maximum daily trip cap for a third consecutive monitoring period, the applicant shall pay a penalty of \$5,000 per day and \$500 per excess trip.
  - d. Penalty money shall be paid to the Town and used towards neighborhood traffic/pedestrian improvements as approved by the Town's Parks and Public Works Director.
  - e. The school is not subject to fines in the first six months after the date of this approval.
- 27. NEIGHBORHOOD COORDINATION: The school shall post a schedule of events on a website accessible to the public at the beginning of every academic calendar year.
  - 28. 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.
  - 29. 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.
  - 30. 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.
  - 31. 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.





June 3, 2021

Mr. Michael Vroman, TE  
Town of Los Gatos  
41 Miles Avenue  
Los Gatos, CA 95030

## Hillbrook School 2020-2021 Fall Trimester Monitoring

Dear Mr. Vroman;

As requested, W-Trans has prepared a summary of the Fall Trimester traffic monitoring of Hillbrook School in Los Gatos for the 2020-2021 school year. The purpose of this memo is to summarize the 2020 Fall Trimester daily vehicle trips and to note any discrepancies in the data collection. Hillbrook School exceeded the maximum number of daily trips on one occurrence during the Fall Trimester due to trips generated by a neighboring estate sale just outside of the school property.

### Existing Conditions

The Hillbrook School is located at 300 Marchmont Drive in the Town of Los Gatos. According to Condition 17 of the School's Conditional Use Permit, "the maximum number of daily vehicle trips shall not exceed 880." The School can identify up to 10 exception days where they are permitted to exceed the maximum number of daily trips, however, the total number of trips on these exception days shall not exceed 960. During the summer trimester "the maximum number of daily vehicle trips shall not exceed 300." The school maintains two Sensys magnetometer traffic counters embedded in the pavement of the exit lane outside the school's gate, approximately 30 feet apart. These magnetometers (Sensys counters) are calibrated to detect the presence of vehicles and motorcycles, but not bicycles or other non-motorized means of transportation.

Hillbrook School and Sensys staff continuously monitor the functionality of the system. The magnetometers are self-calibrating, self-tuning, and are upgraded remotely as new software is released. The sensors are to be calibrated and validated each trimester. Sensys staff have previously conducted an independent validation of the county system and concluded the daily counts are showing between 97% and 99.75% accuracy. Hillbrook School has implemented traffic control measures to improve the flow of vehicles over the sensors in order to maintain data accuracy, such as lane delineators along Marchmont Drive.

Hillbrook School has only one vehicular access point, and because of this it is assumed that all exit trips also made an entrance trip through this location. For reporting purposes, the maximum of either Exit A or Exit B is used to determine the number of daily trips. During previous trimesters, construction activity at adjacent properties has been detected by the Sensys system and parked vehicles have interfered with data collection. Since construction activity has ended, normal daily vehicle trips from the houses located adjacent to Hillbrook School on Marchmont Drive now have the potential to also be detected by the Sensys counters. The trips have the potential to be detected by one or both sensors, and thus could possibly increase in the number of days where the difference between sensors is larger than five percent.

The Conditional Use Permit also outlines the requirements of manual data collection in Condition 19 and "the school shall be considered out of compliance 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."

A permanent backup pneumatic tube counter, a MetroCount MC56000 Vehicle Classifier System, is located in both the entrance and exit lanes just outside of the School's gate. Pneumatic tube systems utilize rubber tubes placed across traffic lanes in specific configurations. When a vehicle travels over the tube the air pressure in the tube is compressed and this compression triggers an event recording. The system is programmed to classify vehicles based on the distance between the front and rear axle. The School's MetroCount system counts the total number of trips,

both entrance and exit trips. While the Sensys system can be accessed remotely online, the MetroCount system is local to the School's network. The School has agreed to, and continues to, actively provide W-Trans with backup data directly from the MetroCount system when necessary.

## 24-hour Manual Counts and Observations

Ordinarily, new traffic counts are conducted on Marchmont Drive to cover a variety of on-campus events. However, 2020 traffic counts were not conducted for the Fall trimester because the study area and surrounding region were, at the time of the analysis, observing a "shelter-in-place" order in response to the COVID-19 global pandemic. Hillbrook School, however, hosted students on campus between September 23 and November 19, 2020, and from December 14 through December 18, 2020.

## 2020 Fall Trimester Summary

- During the 2020 Fall Trimester, Hillbrook School exceeded the maximum number of daily trips (880) on one occasion. On November 6, 2020 the house adjacent to the school gate hosted an estate sale. The two Sensys magnetometer traffic counters embedded in the pavement of the exit lane outside the school's gate recorded midday trips that were not associated with the school. It was determined that the data discrepancy and out-of-compliance count date were due to drivers accessing the estate sale and not the school. Enclosed, in Table 1, is the daily summary of Sensys counts for the 2020 Fall Trimester.
- The highest number of daily vehicle trips was 1,142 trips and occurred on November 6, 2020 due to the neighboring estate sale.
- The average number of school day vehicle trips for the 2020 Fall Trimester was approximately 480 trips, which is fewer trips than the daily maximum of 880 trips allowed by the Conditional Use Permit.
- Excluding weekends and school holidays, there were 19 instances where the difference between Sensor A and Sensor B was greater than five percent (5%). The average difference between the Sensor A and Sensor B counts was seven vehicles.
- The cumulative percent difference between Sensor A and Sensor B for the 2020 Fall Trimester was 2.95%, which is within the allowable five percent outlined in the Conditional Use Permit.
- The largest daily difference between Sensor A and Sensor B was 35 vehicles on October 28, 2020. In August 2020 the average daily difference between Sensor A and Sensor B was four vehicles. The difference was approximately eight vehicles in September, nine vehicles in October, nine vehicles in November, and five vehicles in December.

## Conclusions

Overall, Hillbrook School was out of compliance with Condition 17 of the School's Conditional Use Permit on one occasion for the school year 2020-2021 Fall Trimester due to trips recorded for a neighboring estate sale not associated with the Hillbrook School. All other days during the Fall Trimester were in compliance, as the average number of school day vehicle trips was approximately 480 trips. Additionally, the cumulative percent difference for the Fall Trimester was 2.95% which is within the allowable threshold as stated in the Conditional Use Permit.

The next monitoring report is the Spring Trimester Counts anticipated to be completed in June 2021, prior to the conclusion of Hillbrook School's Spring Trimester. We will continue to provide monthly downloads of Sensys data during the first week of each month.

Mr. Michael Vroman, TE

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June 3, 2021

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Allison Woodworth, EIT  
Assistant Engineer



Mark Spencer, PE  
Senior Principal



MES/akw/LGA004-12.L1

Enclosures: Fall Trimester Count Summary



**Table 1 – Daily Sensys Count Summary – 2020 Fall Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
08/31/20	Monday	95	91	4.3%	190	First Day of School
09/01/20	Tuesday	90	89	1.1%	180	
09/02/20	Wednesday	92	83	10.3%	184	Labor Day – Campus Closed
09/03/20	Thursday	87	86	1.2%	174	
09/04/20	Friday	93	94	1.1%	188	
09/05/20	Saturday	12	13	8.0%	26	
09/06/20	Sunday	18	18	0.0%	36	
09/07/20	Monday	14	16	13.3%	32	
09/08/20	Tuesday	102	94	8.2%	204	
09/09/20	Wednesday	107	102	4.8%	214	
09/10/20	Thursday	99	91	8.4%	198	
09/11/20	Friday	94	89	5.5%	188	
09/12/20	Saturday	19	22	14.6%	44	
09/13/20	Sunday	16	21	27.0%	42	
09/14/20	Monday	107	104	2.8%	214	
09/15/20	Tuesday	93	92	1.1%	186	
09/16/20	Wednesday	108	99	8.7%	216	
09/17/20	Thursday	123	120	2.5%	246	
09/18/20	Friday	142	139	2.1%	284	
09/19/20	Saturday	19	13	37.5%	38	
09/20/20	Sunday	17	17	0.0%	34	
09/21/20	Monday	116	108	7.1%	232	
09/22/20	Tuesday	112	110	1.8%	224	
09/23/20	Wednesday	345	331	4.1%	690	In-person classes resume
09/24/20	Thursday	314	294	6.6%	628	
09/25/20	Friday	326	312	4.4%	652	
09/26/20	Saturday	13	15	14.3%	30	
09/27/20	Sunday	18	17	5.7%	36	
09/28/20	Monday	336	315	6.5%	672	
09/29/20	Tuesday	332	318	4.3%	664	
09/30/20	Wednesday	317	315	0.6%	634	
10/01/20	Thursday	94	90	4.3%	188	

**Table 1 – Daily Sensys Count Summary – 2020 Fall Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
10/02/20	Friday	74	75	1.3%	150	
10/03/20	Saturday	32	34	6.1%	68	
10/04/20	Sunday	9	12	28.6%	24	
10/05/20	Monday	47	47	0.0%	94	
10/06/20	Tuesday	342	343	0.3%	686	
10/07/20	Wednesday	328	316	3.7%	656	
10/08/20	Thursday	296	290	2.0%	592	
10/09/20	Friday	255	246	3.6%	510	
10/10/20	Saturday	16	20	22.2%	40	
10/11/20	Sunday	14	16	13.3%	32	
10/12/20	Monday	382	367	4.0%	764	
10/13/20	Tuesday	374	376	0.5%	752	
10/14/20	Wednesday	358	352	1.7%	716	
10/15/20	Thursday	346	347	0.3%	694	
10/16/20	Friday	339	336	0.9%	678	
10/17/20	Saturday	18	18	0.0%	36	
10/18/20	Sunday	25	24	4.1%	50	
10/19/20	Monday	361	359	0.6%	722	
10/20/20	Tuesday	374	355	5.2%	748	
10/21/20	Wednesday	359	347	3.4%	718	
10/22/20	Thursday	376	366	2.7%	752	
10/23/20	Friday	365	359	1.7%	730	
10/24/20	Saturday	16	12	28.6%	32	
10/25/20	Sunday	19	20	5.1%	40	
10/26/20	Monday	359	344	4.3%	718	
10/27/20	Tuesday	349	346	0.9%	698	
10/28/20	Wednesday	395	360	9.3%	790	
10/29/20	Thursday	368	345	6.5%	736	
10/30/20	Friday	383	379	1.0%	766	
10/31/20	Saturday	22	23	4.4%	46	
11/01/20	Sunday	21	19	10.0%	42	
11/02/20	Monday	102	102	0.0%	204	
11/03/20	Tuesday	123	116	5.9%	246	
11/04/20	Wednesday	366	357	2.5%	732	
11/05/20	Thursday	384	376	2.1%	768	

**Table 1 – Daily Sensys Count Summary – 2020 Fall Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
11/06/20	Friday	571	563	1.4%	1142	Data discrepancy due to neighboring estate sale
11/07/20	Saturday	104	104	0.0%	208	
11/08/20	Sunday	18	20	10.5%	40	
11/09/20	Monday	375	350	6.9%	750	
11/10/20	Tuesday	380	357	6.2%	760	
11/11/20	Wednesday	379	376	0.8%	758	
11/12/20	Thursday	364	356	2.2%	728	
11/13/20	Friday	362	345	4.8%	724	
11/14/20	Saturday	8	8	0.0%	16	
11/15/20	Sunday	20	21	4.9%	42	
11/16/20	Monday	381	373	2.1%	762	
11/17/20	Tuesday	399	395	1.0%	798	
11/18/20	Wednesday	396	386	2.6%	792	
11/19/20	Thursday	413	413	0.0%	826	In-person classes end
11/20/20	Friday	52	50	3.9%	104	
11/21/20	Saturday	28	29	3.5%	58	
11/22/20	Sunday	15	13	14.3%	30	
11/23/20	Monday	24	22	8.7%	48	Thanksgiving Break – Campus Closed
11/24/20	Tuesday	17	14	19.4%	34	Thanksgiving Break – Campus Closed
11/25/20	Wednesday	20	22	9.5%	44	Thanksgiving Break – Campus Closed
11/26/20	Thursday	8	7	13.3%	16	Thanksgiving Break – Campus Closed
11/27/20	Friday	6	4	40.0%	12	Thanksgiving Break – Campus Closed
11/28/20	Saturday	14	11	24.0%	28	
11/29/20	Sunday	12	12	0.0%	24	
11/30/20	Monday	30	32	6.5%	64	
12/01/20	Tuesday	94	89	5.5%	188	
12/02/20	Wednesday	107	105	1.9%	214	
12/03/20	Thursday	56	56	0.0%	112	
12/04/20	Friday	26	25	3.9%	52	
12/05/20	Saturday	18	20	10.5%	40	

**Table 1 – Daily Sensys Count Summary – 2020 Fall Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
12/06/20	Sunday	11	16	37.0%	32	
12/07/20	Monday	43	42	2.4%	86	
12/08/20	Tuesday	35	35	0.0%	70	
12/09/20	Wednesday	39	32	19.7%	78	
12/10/20	Thursday	36	40	10.5%	80	
12/11/20	Friday	40	39	2.5%	80	
12/12/20	Saturday	20	22	9.5%	44	
12/13/20	Sunday	17	13	26.7%	34	
12/14/20	Monday	309	289	6.7%	618	In-person classes resume
12/15/20	Tuesday	305	301	1.3%	610	
12/16/20	Wednesday	324	323	0.3%	648	
12/17/20	Thursday	341	328	3.9%	682	
12/18/20	Friday	354	344	2.9%	708	In-person classes end

Note: Allowable percent difference less than five percent; daily trip cap 880 trips during school year. Red = value exceeds conditional use permit threshold

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October 28, 2021

Mr. Michael Vroman, TE  
Town of Los Gatos  
41 Miles Avenue  
Los Gatos, CA 95030

## Hillbrook School 2020-2021 Spring Trimester Monitoring

Dear Mr. Vroman;

As requested, W-Trans has prepared a summary of the Spring Trimester traffic monitoring of Hillbrook School in Los Gatos for the 2020-2021 school year. The purpose of this memo is to summarize the 2021 Spring Trimester daily vehicle trips and to note any discrepancies in the data collection. Overall, Hillbrook School did not exceed the maximum number of daily vehicle trips during the Spring Trimester.

### Existing Conditions

The Hillbrook School is located at 300 Marchmont Drive in the Town of Los Gatos. According to Condition 17 of the School's Conditional Use Permit, "the maximum number of daily vehicle trips shall not exceed 880." The School can identify up to 10 exception days where they are permitted to exceed the maximum number of daily trips, however, the total number of trips on these exception days shall not exceed 960. During the summer trimester "the maximum number of daily vehicle trips shall not exceed 300." The school maintains two Sensys magnetometer traffic counters embedded in the pavement of the exit lane outside the school's gate, approximately 30 feet apart. These magnetometers (Sensys counters) are calibrated to detect the presence of vehicles and motorcycles, but not bicycles or other non-motorized means of transportation.

Hillbrook School and Sensys staff continuously monitor the functionality of the system. The magnetometers are self-calibrating, self-tuning, and are upgraded remotely as new software is released. The sensors are to be calibrated and validated each trimester. Hillbrook School confirmed that the sensors were reviewed at the beginning of the 2020-2021 school year. Sensys staff have previously conducted an independent validation of the county system and concluded the daily counts are showing between 97% and 99.75% accuracy. Hillbrook School has implemented traffic control measures to improve the flow of vehicles over the sensors in order to maintain data accuracy, such as lane delineators along Marchmont Drive.

Hillbrook School has only one vehicular access point, and because of this it is assumed that all exit trips also made an entrance trip through this location. For reporting purposes, the maximum of either Exit A or Exit B is used to determine the number of daily trips. The trips have the potential to be detected by one or both sensors, and thus could possibly increase in the number of days where the difference between sensors is larger than five percent.

The Conditional Use Permit also outlines the requirements of manual data collection in Condition 19 and "the school shall be considered out of compliance 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."

A permanent backup pneumatic tube counter, a MetroCount MC56000 Vehicle Classifier System, is located in both the entrance and exit lanes just outside of the School's gate. Pneumatic tube systems utilize rubber tubes placed across traffic lanes in specific configurations. When a vehicle travels over the tube the air pressure in the tube is compressed and this compression triggers an event recording. The system is programmed to classify vehicles based on the distance between the front and rear axle. The School's MetroCount system counts the total number of trips, both entrance and exit trips. While the Sensys system can be accessed remotely online, the MetroCount system is local to the School's network. The School has agreed to, and continues to, actively provide W-Trans with backup data directly from the MetroCount system when necessary.

## 24-hour Manual Counts and Observations

For the 2021 Spring Trimester, traffic counts were obtained on Marchmont Drive on February 4<sup>th</sup>, April 14<sup>th</sup>, and May 4<sup>th</sup>. These dates were selected as random, non-consecutive days that did not include an athletic or other school event. The traffic counts based on video taken by W-Trans represent the total sum of entrance and exit trips for 24-hours, broken down into 15-minute intervals. The Sensys counts represent the exit trips for the same 24-hour period. In order to convert exit trips to both entrance and exit trips, the maximum count from either Exit A or Exit B was determined and then doubled (assuming one trip in is equivalent to one trip out). The data from the Exit A sensor was higher than the data from the Exit B sensor on February 4<sup>th</sup>; therefore, the Sensys counts, when compared to the video counts on that day, is the doubled number of counts from the Exit A sensor. On April 12<sup>th</sup>, a significant difference between the Exit A and Exit B sensors was detected. The Sensys Engineer noted "blips" in the Exit B sensor and directed only Exit A data to be used. For the remainder of the Spring Trimester, only Exit A data was reported. The raw Sensys data and video counts are attached. The manual counts were then compared to the Sensys data for the same time period in Table 1.

**Table 1 – Summary of 24-Hour Counts for Spring Trimester 2021**

Date	Day of the Week	Counts (Number of Vehicles)		Summary of Counts	
		Video	Sensys	Percent Difference	Difference in Trips
02/04/21	Thursday	750	762	1.59%	12
04/14/21	Wednesday	88	78	12.05%	10
05/04/21	Tuesday	796	816	2.48%	20
<b>Average</b>		<b>545</b>	<b>552</b>	<b>5.37%</b>	<b>14</b>

The manually counted video counts were reviewed to ensure accuracy. The average difference, overall and on each day, should be considered acceptable and within the margin of error. Additionally, none of the data points exceeded the Conditional Use Permit daily trip cap of 880 daily trips for normal school days or 960 daily trips for an exception day.

## 2021 Spring Trimester Summary

- Hillbrook School did not host any athletic or other school event during the Spring Trimester.
- On Tuesday, March 23, 2021, the Exit A sensor recorded 330 vehicles and the Exit B sensor recorded 741 vehicles. The percent difference between the two sensors was 76.75 percent. It is reasonable to assume that the recorded vehicle count at the Exit B sensor was a data anomaly. Thus, the count from the Exit A sensor was doubled to produce the total vehicle count for March 23, 2021.
- During the 2021 Spring Trimester, Hillbrook School did not exceed the maximum number of daily trips (880). Enclosed is the daily summary of Sensys counts for the 2021 Spring Trimester. There were no exception days during the 2021 Spring Trimester. The number of daily trips did not exceed the maximum number of daily trips (880) for a regular school day.
- The Exit B Count Station did not record vehicles between April 12, 2021 and the end of the Spring Trimester. For [MS1][AW2] those dates, the Exit A Count Station data was used to determine the number of daily trips. The Exit B Count Station came back online after the Spring Trimester concluded.
- The highest number of daily vehicle trips was 868 trips and occurred on March 9, 2021.

- The average number of school day vehicle trips for the 2021 Spring Trimester while school was in-session on-campus was approximately 543 trips, which is fewer trips than the daily maximum of 880 trips allowed by the Conditional Use Permit.
- Excluding weekends and school holidays, and the days following the switch to only Exit A Count Station data, there were 13 instances where the difference between Sensor A and Sensor B was greater than five percent (5%). The average difference between the Sensor A and Sensor B counts was seven vehicles.
- The cumulative percent difference between Sensor A and Sensor B for the 2021 Spring Trimester was 1.36%, which is within the allowable five percent outlined in the Conditional Use Permit.
- The largest daily difference between Sensor A and Sensor B was 59 vehicles on April 2, 2021. In January 2021 the average daily difference between Sensor A and Sensor B was approximately six vehicles. The difference was approximately four vehicles in February, eight vehicles in March, and 30 vehicles in April.

### Conclusions

Overall, Hillbrook School was in compliance with Condition 17 of the School's Conditional Use Permit for the school year 2020-2021 Spring Trimester. The next monitoring report is the Fall 2021 Trimester Counts anticipated to be completed in December 2021, prior to the conclusion of Hillbrook School's Fall Trimester. We will continue to provide monthly downloads of Sensys data during the first week of each month.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,



Allison Woodworth, EIT  
Associate Engineer



Mark Spencer, PE  
Senior Principal



MES/akw/LGA004-12.L2

Enclosures: Spring Trimester Count Summary



**Table 1 – Daily Sensys Count Summary – 2021 Spring Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
01/04/21	Monday	22	24	8.7%	48	
01/05/21	Tuesday	143	140	2.1%	286	
01/06/21	Wednesday	111	109	1.8%	222	
01/07/21	Thursday	127	126	0.8%	254	
01/08/21	Friday	23	22	4.4%	46	
01/09/21	Saturday	0	0	N/A	0	
01/10/21	Sunday	0	0	N/A	0	
01/11/21	Monday	24	25	4.1%	50	
01/12/21	Tuesday	31	36	14.9%	72	
01/13/21	Wednesday	34	28	19.4%	68	
01/14/21	Thursday	30	26	14.3%	60	
01/15/21	Friday	32	31	3.2%	64	
01/16/21	Saturday	12	17	34.5%	34	
01/17/21	Sunday	15	14	6.9%	30	
01/18/21	Monday	21	22	4.7%	44	MLK Day - Campus Closed
01/19/21	Tuesday	382	370	3.2%	764	
01/20/21	Wednesday	414	406	2.0%	828	
01/21/21	Thursday	358	347	3.1%	716	
01/22/21	Friday	372	363	2.4%	744	
01/23/21	Saturday	14	17	19.4%	34	
01/24/21	Sunday	19	17	11.1%	38	
01/25/21	Monday	359	354	1.4%	718	
01/26/21	Tuesday	396	375	5.4%	792	
01/27/21	Wednesday	42	43	2.4%	86	
01/28/21	Thursday	392	382	2.6%	784	
01/29/21	Friday	399	402	0.7%	804	
01/30/21	Saturday	16	16	0.0%	32	
01/31/21	Sunday	18	15	18.2%	36	
02/01/21	Monday	219	216	1.4%	438	
02/02/21	Tuesday	389	390	0.3%	780	
02/03/21	Wednesday	376	370	1.6%	752	
02/04/21	Thursday	381	378	0.8%	762	

**Table 1 – Daily Sensys Count Summary – 2021 Spring Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
02/05/21	Friday	368	366	0.5%	736	
02/06/21	Saturday	13	10	26.1%	26	
02/07/21	Sunday	18	16	11.8%	36	
02/08/21	Monday	372	373	0.3%	746	
02/09/21	Tuesday				713	Backup Tube Counter Data
02/10/21	Wednesday	360	352	2.2%	720	
02/11/21	Thursday	366	355	3.1%	732	
02/12/21	Friday	364	363	0.3%	728	
02/13/21	Saturday	8	18	76.9%	36	
02/14/21	Sunday	9	8	11.8%	18	
02/15/21	Monday	17	18	5.7%	36	February Break - No School
02/16/21	Tuesday	53	55	3.7%	110	February Break - No School
02/17/21	Wednesday	50	59	16.5%	118	February Break - No School
02/18/21	Thursday	56	56	0.0%	112	February Break - No School
02/19/21	Friday	46	47	2.2%	94	February Break - No School
02/20/21	Saturday	14	21	40.0%	42	
02/21/21	Sunday	17	18	5.7%	36	
02/22/21	Monday	248	250	0.8%	500	
02/23/21	Tuesday	126	126	0.0%	252	
02/24/21	Wednesday	49	61	21.8%	122	
02/25/21	Thursday	61	60	1.7%	122	
02/26/21	Friday	70	68	2.9%	140	
02/27/21	Saturday	18	20	10.5%	40	
02/28/21	Sunday	9	11	20.0%	22	
03/01/21	Monday	59	56	5.2%	118	
03/02/21	Tuesday	73	78	6.6%	156	
03/03/21	Wednesday	401	390	2.8%	802	
03/04/21	Thursday	384	381	0.8%	768	
03/05/21	Friday	414	392	5.5%	828	
03/06/21	Saturday	25	25	0.0%	50	
03/07/21	Sunday	12	13	8.0%	26	
03/08/21	Monday	433	409	5.7%	866	
03/09/21	Tuesday	434	416	4.2%	868	
03/10/21	Wednesday	370	360	2.7%	740	
03/11/21	Thursday	79	83	4.9%	166	

**Table 1 – Daily Sensys Count Summary – 2021 Spring Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
03/12/21	Friday	68	72	5.7%	144	
03/13/21	Saturday	17	16	6.1%	34	
03/14/21	Sunday	10	12	18.2%	24	
03/15/21	Monday	374	369	1.3%	748	
03/16/21	Tuesday	340	356	4.6%	712	
03/17/21	Wednesday	332	323	2.7%	664	
03/18/21	Thursday	347	352	1.4%	704	
03/19/21	Friday	325	326	0.3%	652	
03/20/21	Saturday	21	23	9.1%	46	
03/21/21	Sunday	14	16	13.3%	32	
03/22/21	Monday	320	326	1.9%	652	
03/23/21	Tuesday	330	741	76.8%	660	Exit B Data Anomaly
03/24/21	Wednesday	297	291	2.0%	594	
03/25/21	Thursday	319	322	0.9%	644	
03/26/21	Friday	317	312	1.6%	634	
03/27/21	Saturday	13	11	16.7%	26	
03/28/21	Sunday	16	22	31.6%	44	
03/29/21	Monday	326	323	0.9%	652	
03/30/21	Tuesday	339	336	0.9%	678	
03/31/21	Wednesday	317	308	2.9%	634	
04/01/21	Thursday	336	336	0.0%	672	
04/02/21	Friday	339	398	16.0%	796	
04/03/21	Saturday	19	18	5.4%	38	
04/04/21	Sunday	7	7	0.0%	14	
04/05/21	Monday	29	34	15.9%	68	Spring Break - Campus Closed
04/06/21	Tuesday	23	23	0.0%	46	Spring Break - Campus Closed
04/07/21	Wednesday	22	24	8.7%	48	Spring Break - Campus Closed
04/08/21	Thursday	42	40	4.9%	84	Spring Break - Campus Closed
04/09/21	Friday	27	32	16.9%	64	Spring Break - Campus Closed
04/10/21	Saturday	17	13	26.7%	34	
04/11/21	Sunday	20	15	28.6%	40	
04/12/21	Monday	158			316	
04/13/21	Tuesday	172			344	
04/14/21	Wednesday	39			78	

**Table 1 – Daily Sensys Count Summary – 2021 Spring Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
04/15/21	Thursday	59			118	
04/16/21	Friday	59			118	
04/17/21	Saturday	6			12	
04/18/21	Sunday	10			20	
04/19/21	Monday	349			698	
04/20/21	Tuesday	374			748	
04/21/21	Wednesday	363			726	
04/22/21	Thursday	374			748	
04/23/21	Friday	350			700	
04/24/21	Saturday	0			0	
04/25/21	Sunday	0			0	
04/26/21	Monday	254			508	
04/27/21	Tuesday	347			694	
04/28/21	Wednesday	355			710	
04/29/21	Thursday	363			726	
04/30/21	Friday	363			726	
05/01/21	Saturday	7			14	
05/02/21	Sunday	16			32	
05/03/21	Monday	367			734	
05/04/21	Tuesday	408			816	
05/05/21	Wednesday	345			690	
05/06/21	Thursday	348			696	
05/07/21	Friday	329			658	
05/08/21	Saturday	8			16	
05/09/21	Sunday	6			12	
05/10/21	Monday	349			698	
05/11/21	Tuesday	365			730	
05/12/21	Wednesday	325			650	
05/13/21	Thursday	367			734	
05/14/21	Friday	159			318	
05/15/21	Saturday	24			48	
05/16/21	Sunday	24			48	
05/17/21	Monday	342			684	
05/18/21	Tuesday	369			738	

**Table 1 – Daily Sensys Count Summary – 2021 Spring Trimester**

Date	Day of the Week	Sensys Counts (# of Vehicles)		Summary of Sensys Counts		Notes
		Exit A	Exit B	Percent Difference	Daily Trips	
05/19/21	Wednesday	330			660	
05/20/21	Thursday	309			618	
05/21/21	Friday	333			666	
05/22/21	Saturday	12			24	
05/23/21	Sunday	17			34	
05/24/21	Monday	353			706	
05/25/21	Tuesday	287			574	
05/26/21	Wednesday	318			636	
05/27/21	Thursday	295			590	
05/28/21	Friday	282			564	
05/29/21	Saturday	19			38	
05/30/21	Sunday	13			26	
05/31/21	Monday	15			30	Memorial Day - Campus Closed
06/01/21	Tuesday	106			212	8th Grade Graduation
06/02/21	Wednesday	134			268	8th Grade Graduation

Note: Allowable percent difference less than five percent; daily trip cap 880 trips during school year. **Red** = value exceeds conditional use permit threshold





## HILLBROOK SCHOOL

### **San Jose AM Route Bus Stops**

Arrives at: 7:15 AM

1309 Willow Street, San Jose, 95125

Willow & Camino Ramon VTA bus stop

Arrives at: 7:20 AM

1405 Dry Creek Road, San Jose, 95125

Dry Creek & Hicks Road

Arrives at: 7:26 AM

3053 Meridian Ave, San Jose, 95124

Front of Wells Fargo parking lot

Arrives at: 7:30 AM

Meridian & Corte De Callas

VTA bus across the street from Lunardi's

Arrives at: 7:38 AM

14184 Blossom Hill Rd, Los Gatos, 95032

Blossom Hill Square Shopping Center (behind US Bank)\*

Arrives at 7:45 AM

16445 Shannon Rd, Los Gatos, 95032

Blossom Hill Park

AM bus on this route reaches Hillbrook at 7:50 AM

**San Jose PM Route Bus Stops**

PM bus on this route departs Hillbrook at 3:10 PM

Arrives at 3:15 PM

16445 Shannon Road, Los Gatos, 95032

Blossom Hill Park

Arrives at 3:25 PM

14184 Blossom Hill Rd., Los Gatos, 95032

Blossom Hill Square Shopping Center (behind US Bank)

Arrives at: 3:33 PM

Meridian Ave. & Branham

VTA bus stop in front of CVS/Lunardi's shopping center

Arrives at: 3:35 PM

3053 Meridian Ave, San Jose, 95124

Wells Fargo (front parking lot)

Arrives at: 3:43 PM

1405 Dry Creek Road, San Jose, 95125

Dry Creek & Hicks Road

Arrives at: 3:48 PM

1309 Willow Street, San Jose, 95125

Willow & Camino Ramon VTA stop

**Los Altos AM Route Bus Stops**

Arrives at: 7:10 AM

1975 Grant Rd., Los Altos, 94024

Woodland Branch Library

Arrives at: 7:20 AM

12988 Saratoga Sunnyvale Rd Suite A., Saratoga, 95070

Argonaut Shopping Center (near Union Bank)

Arrives at: 7:25 AM

20390 Park Place, Saratoga, 95070

Village School of Saratoga

Arrives at: 7:33 AM

276 N Santa Cruz Ave., Los Gatos, 95030

Public Parking Lot near Manresa Bread

Arrives at: 7:38 AM

106 E Main Street, Los Gatos, 95030

Los Gatos Civic Center (VTA stop)

Arrives at: 7:43 AM

16880 Kennedy Rd. at Gem Ave., Los Gatos 95032

AM bus on this route arrives at Hillbrook at 7:48 AM.

**Los Altos PM Route Bus Stops**

PM bus departs Hillbrook at 3:10 PM.

Arrives at: 3:15 PM

16929 Kennedy Rd./Ferris Ave., Los Gatos 95032

Kennedy & Ferris

Arrives at: 3:20 PM

151 E Main Street, Los Gatos, 95030

High School Court/Main Street, Los Gatos, CA 95030

Arrives at 3:25 PM

140 Saratoga Los Gatos Rd., Los Gatos, 95032

(near Chase Bank & Coldwell Banker) Public Parking Lot

Arrives at: 3:35 PM

20390 Park Place, Saratoga, 95070

Village School of Saratoga

Arrives at: 3:40 PM

12988 Saratoga Sunnyvale Rd Suite A., Saratoga, 95070

Argonaut Shopping Center (near Union Bank)

Arrives at: 3:55 PM

1975 Grant Rd., Los Altos, 94024

Woodland Branch Library

**Saratoga AM Bus Stops**

Arrives at 7:20 AM

18764 Cox Ave, Saratoga, CA 95070

Quito Village Shopping Center

Arrives at: 7:28 AM

14107 Winchester Blvd., Los Gatos 95030

Vasona Station (Aldo's parking lot)

Arrives at: 7:33 AM

15861 Winchester Blvd, at Via Sereno, Monte Sereno, 95030

(VTA stop)

Arrives at 7:40 AM

15545 Los Gatos Blvd., Los Gatos (FedEx Kinkos parking lot)

AM bus on this route arrives at Hillbrook at 7:50 AM.

**Saratoga PM Route Bus Stops**

PM bus departs Hillbrook at 3:10 PM.

Arrives at: 3:15 PM

20 Cherry Blossom Ln. Los Gatos, 95032

Shir Hadash

Arrives at: 3:25 PM

14107 Winchester Blvd., Los Gatos 95030

Vasona Station (Aldo's parking lot)

Arrives at 3:35 PM

18764 Cox Ave, Saratoga, CA 95070

Quito Village Shopping Center

**Late Afternoon PM Shuttle Stops\***

Late Afternoon Courtesy Shuttles for students participating in afterschool athletics, activities and enrichment classes.

Departs Hillbrook	4:15 PM	4:30 PM	4:45 PM	5:00 PM
Shir Hadash	4:20 PM	4:35 PM	4:50 PM	5:05 PM
Willow & Camino Ramon				5:25 PM

Shir Hadash-20 Cherry Blossom Lane, Los Gatos, 95032

Willow & Camion Ramon-1309 Willow Street, San Jose, 95125

Dear Commissioners,

The following is our annual update to the Planning Commission. This update details our compliance with the conditional use permit. As the Planning Commission is aware, the Town Council approved a new CUP for the school in March 2015. Since that approval six years ago, the school has been in full compliance.

We feel Hillbrook remains fully in compliance with the new CUP. In particular, the school has:

- posted the exception days and a list of the evening events for the 2021-22 school year on our publicly accessible neighborhood section of our website as of August 1, 2021 - [link here](#). See below for the full list of exception days and events.
- reorganized our athletic program so that we only have athletic contests on campus at most three days a week and only two days outside
- maintained a robust and mandatory Traffic Demand Management plan (TDM plan). Highlights of the plan can be found on our website - [link here](#).
- Installed and continued to monitor the traffic count monitoring system as approved by the Town of Los Gatos.
- Worked with the Los Gatos Parks & Public Works department to ensure approval of any new bus stops as explained in the CUP.
- Enrolled no more than the 414 maximum number of students for the 2018-19 school year. As of the first day of school, September 1, we had 360 students enrolled.
- Reduced our summer programs to be in compliance with the requirements described in the CUP.

Over the last few years, we have implemented measures to manage our traffic and to ensure our compliance with the CUP. We have an extensive Traffic Demand Management Plan (TDM plan), that includes:

- A clear expectation for all families that they bike, walk, shuttle, or carpool to school each day.
- A Transportation Coordinator who oversees our TDM and ensures that families understand the expectations and are given support in meeting the requirements.
- Three shuttles that bring students to and from school each day. For the first few weeks of the school year, we averaged 146 students taking the shuttle in the morning and 136 students taking the shuttle in the afternoon. Overall, more than 40 percent of students are consistently using the shuttles.
- An active carpooling program, that includes online maps that help families identify carpool buddies. The Transportation Coordinator supports families looking for carpool matches.
- A traffic and safety monitor who provides a daily presence in the neighborhood as well as extensive signage that reminds people to drive slowly through the neighborhood (25 mph on Lower Marchmont and 15 mph on Upper Marchmont).
- Active participation in Safe Routes to School. Hillbrook is the only private school in Los Gatos that is an active member of this important organization.
- Various measures to encourage employee carpooling and alternative transportation options, including financial incentives for using alternative forms of transportation.

The following are the exception days for the 2021-22 school year (days in which the school can have up to 480 cars exiting campus):

- First Day of School - September 1, 2021
- Back To School Night\*** - September 14, 2021
- Halloween/Fall Festival - October 29, 2021
- Winter Concert\*** - December 15, 2021
- Admission Open House - January 29, 2022
- 8th Grade Musical\*** - March 23, 2022
- 8th Grade Musical\*** - March 24, 2022
- New JK/K Family Event - May 20, 2022
- Alumni Celebration\*** - May 13, 2022
- Middle School SIL Impact Summit\*** - May 26, 2022

The following are the evening & weekend events for the 2021-22 school year:

- Back To School Night - September 14, 2021
- Board/Employee Dinner - September 29, 2021
- New Family Event - September 30, 2021
- Winter Concert - December 15, 2021
- Open House - January 29, 2022
- 8th Grade Musical - March 23, 2022
- 8th Grade Musical - March 24, 2022
- Alumni Celebration - May 13, 2022
- SIL Impact Summit - May 26, 2022
- 8th Grade Recognition Ceremony - June 6, 2022

The Planning Commission will see when it reviews our traffic from the 2020-21 school year that we are successfully meeting the expectations of the daily cap of 880 cars (or 440 cars exiting campus). We had no violations of the daily cap during the 2020-21 school year. This is particularly noteworthy given that we were operating the school during the pandemic (school opened in mid-September 2020), and yet even with the COVID-instituted restrictions on carpooling and limiting bus ridership, we managed to remain below the cap.

As an additional note, there were two days during the 2020-21 school year where situations outside the gates caused the counter to inaccurately capture the number of cars entering and exiting our campus. On November 6, 2020, an estate sale was held at the house directly next to the school. As a result, numerous cars used our campus as a turnaround spot. We sent video footage to the Town on that day. On February 9, a tow truck parked outside the gate between approximately 2:30 -3 pm, forcing cars to drive through the exit lane when they entered campus (thus doubling the count). We sent video footage of this incident to the Town on that day.

We feel confident that the measures we have implemented these past few years will ensure we remain in compliance with the traffic conditions as we increase our enrollment this year. We have worked hard



to prepare for the successful implementation of this new CUP, and we continue to make a concerted effort to be a positive member of the greater Marchmont neighborhood and the Los Gatos community.

Sincerely,

Mark Silver  
Head of School

Chuck Hammers  
Chair, Board of Trustees

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 2

ADDENDUM

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DATE: November 9, 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.

REMARKS:

Exhibit 8 includes a public comment received between 11:01 a.m., Friday, November 5, 2021, and 11:00 a.m., Tuesday, November 9, 2021.

EXHIBITS:

Previously received with the November 10, 2021 Staff Report:

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

Received with this Addendum Report:

8. Public Comment Received between 11:01 a.m., Friday, November 5, 2021 and 11:00 a.m., Tuesday, November 9, 2021

PREPARED BY: JOCELYN SHOOPMAN  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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From: NANCY C DERHAM [REDACTED]  
Sent: Monday, November 8, 2021 8:30 PM  
To: Planning Comment <[PlanningComment@losgatosca.gov](mailto:PlanningComment@losgatosca.gov)>  
Subject: Public Comment #2 Hearing on 11.10.21

Dear Planning Commissioners,

I am speaking on behalf of the Ann Arbor/ Wollin Way neighborhood regarding the Conditional Use Permit for Hillbrook School.

We continue to be aware of the Permit and continue to be an active neighborhood in monitoring the compliance issues. Hillbrook has been doing a good job with their transportation plans and we hope they can continue to have success.

Thank You,

Nancy Derham  
[REDACTED]

Sent from my iPhone

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 3

**DATE:** November 5, 2021  
**TO:** Planning Commission  
**FROM:** Joel Paulson, Community Development Director  
**SUBJECT:** Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Vehicular Gate and Fencing within the Required Street-Side Setbacks, Traffic View Area, and Driveway View Area; and Construction of a Vehicular Gate with Reduced Setbacks on Property Located in the Almond Grove Historic District Zoned R-1D:LHP. Located at 103 Tait Avenue. APN 510-18-038. PROPERTY OWNER: Ballou Ventures LLC. APPLICANT/APPELLANT: Kristi Ballou. PROJECT PLANNER: Sean Mullin.

**RECOMMENDATION:**

Deny the appeal of a Community Development Director decision to deny an exception to the Town’s fence regulations on property zoned R-1D:LHP, located at 103 Tait Avenue.

**PROJECT DATA:**

General Plan Designation: Medium Density Residential  
Zoning Designation: R-1D:LHP – Single-family residential downtown with a Landmark and Historic Preservation overlay  
Applicable Plans & Standards: General Plan, Residential Design Guidelines  
Parcel Size: 6,677 square feet  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D:LHP
South	Residential, Religious institution	Medium Density Residential	R-1D; R-1D:PD
East	Residential	Medium Density Residential	R-1D:LHP
West	Residential	Medium Density Residential	R-1D:LHP

**PREPARED BY:** SEAN MULLIN, AICP  
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures. The project proposes new fencing and a vehicular gate.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the northwest corner of Tait and Bean Avenues in the Almond Grove Historic District (Exhibit 1).

On September 6, 2021, the property owner applied for an exception to the Town's fence regulations to construct a vehicular gate and fencing on the subject property, portions of which deviate from the Town Code fence regulations for height and setbacks (Exhibit 4). The property owners' request was based on concerns related to privacy and security on the corner lot.

On September 17, 2021, staff contacted the property owner to discuss concerns with the proposed plan and explore potential options available. Staff outlined concerns related to pedestrian safety and consistency with the Town Code.

On September 23, 2021, the Town denied the exception request because the location of the solid fencing relative to the driveway creates a safety concern as vehicles exit the driveway and cross over the sidewalk and into the roadway and the reduced setback of the vehicular gate would not allow for vehicles to clear the travel lanes while queuing (Exhibit 5).

On October 4, 2021, the decision of the Community Development Director to deny the exception request was appealed to the Planning Commission (Exhibit 6).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the northwest corner of Tait and Bean Avenues in the



PROJECT DESCRIPTION (continued):

Almond Grove Historic District (Exhibit 1). The property is surrounded by medium-density residential properties and Saint Mary's Church to the southeast.

B. Project Summary and Zoning Compliance

The property owner is appealing the Community Development Director decision to deny a request for an exception to the fencing regulations of the Town Code to construct a vehicular gate and fencing. Except for the items discussed below, the proposed project complies with all other Town Code requirements.

DISCUSSION:

A. Fence Height Exception

The property owner requested an exception to the fence regulations to construct a vehicular gate and fencing exceeding the three-foot height limitation when located in a required street-side setback, traffic view area, and driveway view area; and a vehicular gate that does not meet the 18-foot setback requirement as measured from the edge of the street (Exhibit 4).

Per Town Code Section 29.40.0315 (a)(3), fences, walls, gates, and hedges may not exceed a height of three feet when located within a required front or side yard abutting a street, driveway view area, or traffic view area unless an exception is granted by the Town Engineer and Community Development Director. This regulation is intended to minimize conflicts between pedestrians, cyclists, and cars by ensuring fences, walls, gates, and hedges do not obstruct the view from a car as it exits a driveway and crosses over a sidewalk to enter the roadway. Limiting the height of fences and gates to no more than three feet in these areas allows drivers and pedestrians a view of each other while continuing to afford property owners the opportunity to define the boundaries of their property. The required street-side setback in the R-1D zone is 10 feet. A traffic view area is the area which is within 15 feet of a street and a driveway view area is a triangular area at the intersection of driveways and sidewalks and street intersections having sides 10 feet in length (Exhibit 7). Staff has prepared an exhibit showing the locations of these areas and the proposed fencing and vehicular gate (Exhibit 8). The proposed six-foot tall vehicular gate would be setback approximately 18-inches from the property line and the proposed six-foot tall solid fencing adjacent to the driveway would be set at the property line.

Per Town Code Section 29.40.0315 (c)(3), vehicular gates shall be set back from the edge of the adjacent street a minimum of 18 feet. The intent of this regulation is to allow for vehicles to clear the travel lanes while queuing as the gate is opening. The required

DISCUSSION (continued):

vehicular setback is shown on Exhibit 8. The proposed vehicular gate would be setback approximately eight feet from the edge of the street.

Town Code Section 29.40.0320, provided below, allows an exception to any of the fence regulations if a property owner can demonstrate that one of the following conditions exist.

*Sec. 29.40.0320. - Exceptions.*

*An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:*

- (a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.*
- (b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:
  - (1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or*
  - (2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.**
- (c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.*
- (d) A special security concern exists that cannot be practically addressed through alternatives.*
- (e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.*

The property owner requested an exception due to security and privacy concerns (Exhibit 4). The security concerns were related to the property's proximity to Saint Mary's Church and N. Santa Cruz Avenue, citing multiple trespassing incidents. Regarding the privacy concerns, the property owner cited the nature of the small corner lot limiting their backyard area and the setback requirements of six-foot tall privacy fencing further reducing the size of the backyard.

Staff was unable to support the proposed exceptions as the location of the solid fencing relative to the driveway creates a safety concern as vehicles exit the driveway and cross over the sidewalk to enter the roadway. Additionally, the location of the vehicular gate would not allow for vehicles to clear the travel lanes while queuing. Parks and Public Works

DISCUSSION (continued):

reviewed the proposal and could not support the exception requests regarding the driveway view area and vehicular gate setback, citing the heavy pedestrian traffic along the street. The Town denied the exception request on September 23, 2021 (Exception 5).

B. Appeal Analysis

The decision of the Community Development Director to deny the Fence Height Exception application was appealed by the property owner on October 4, 2021 (Exhibit 6). In their appeal, the property owner reiterates and details their safety and privacy concerns. The property owner also states that the exception request is compatible with the neighborhood, providing photos of examples of similar fencing on nearby properties. Further, the applicant indicates that if they complied with Town Code, their limited private outdoor space would be further reduced.

C. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At time of preparation of this report, no public comment has been received.

CONCLUSION:

A. Summary

The property owner is requesting that the Planning Commission reconsider the Community Development Director's decision to deny the exceptions to the fence regulations to construct a vehicular gate and fencing exceeding the three-foot height limitation when located in a required street-side setback, traffic view area, and driveway view area; and a vehicular gate that does not meet the 18-foot setback requirement as measured from the edge of the street.

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the Community Development Director, and deny the exceptions to the Town's fence regulations:

CONCLUSION (continued):

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2); and
2. Deny the appeal of a Community Development Director decision to deny the exceptions to the Town's fence regulations.

C. Alternatives

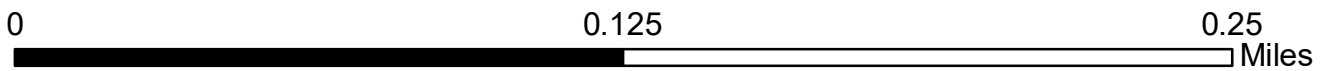
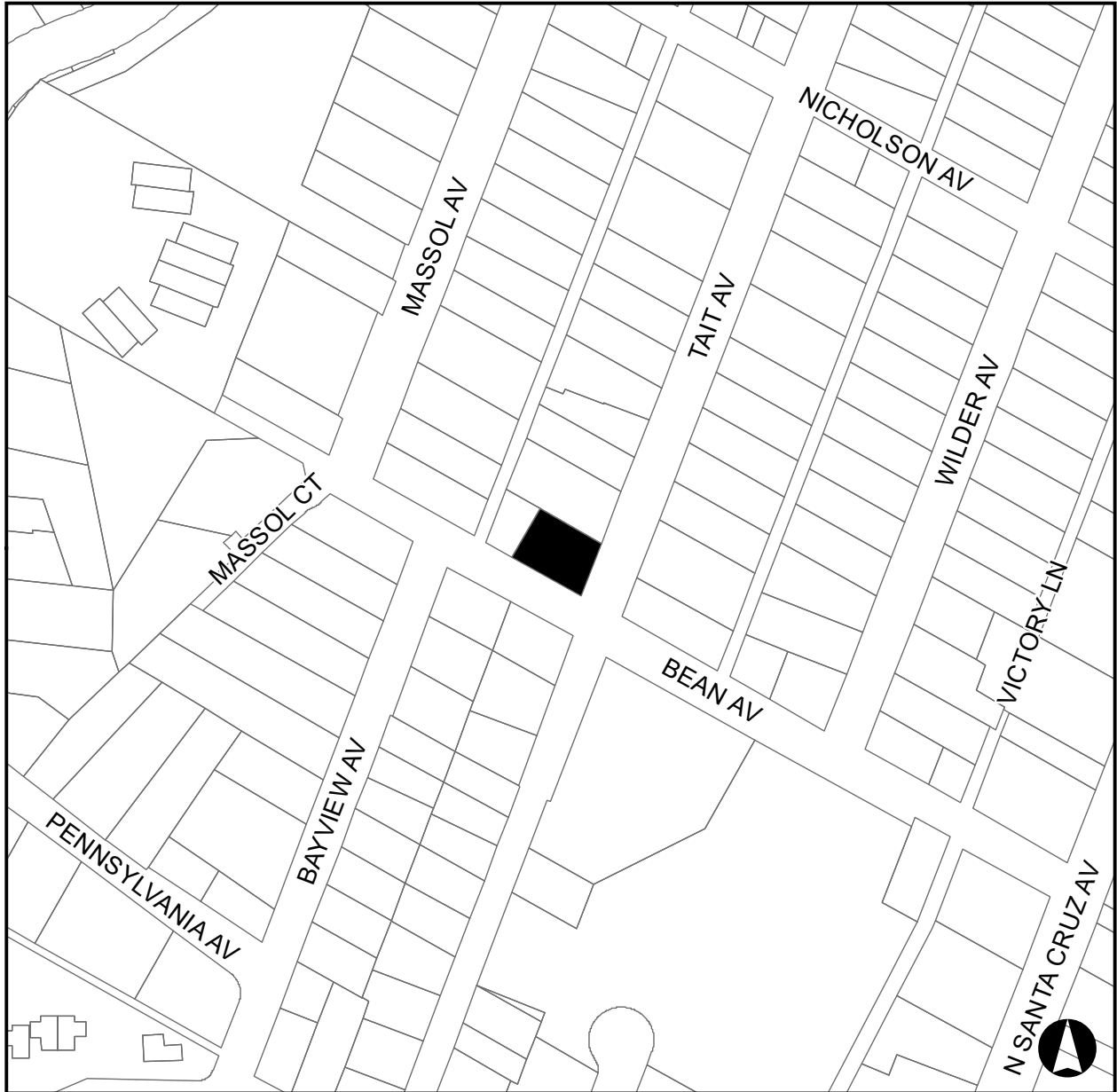
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeal and approve the exceptions to the Town's fence regulations with the draft conditions provided in Exhibit 3; or
3. Grant the appeal with additional and/or modified conditions.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval if Appeal is Approved
4. Fence Height Exception Request, dated September 5, 2021
5. Fence Height Exception Denial Letter, dated September 23, 2021
6. Appeal of Community Development Director Decision, received October 4, 2021
7. View Area Diagrams
8. Annotated Site Plan by staff

# 103 Tait Avenue



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**PLANNING COMMISSION –November 10, 2021**  
**REQUIRED FINDINGS FOR:**

**103 Tait Avenue**  
**Fence Height Exception FHE-21-010**

**Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Vehicular Gate and Fencing within the Required Street-Side Setbacks, Traffic View Area, and Driveway View Area; and Construction of a Vehicular Gate with Reduced Setbacks on Property Located in the Almond Grove Historic District Zoned R-1D:LHP. Located at 103 Tait Avenue. APN 510-18-038. PROPERTY OWNER: Ballou Ventures LLC. APPLICANT/APPELLANT: Kristi Ballou. PROJECT PLANNER: Sean Mullin.**

**Required finding for CEQA:**

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

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**PLANNING COMMISSION – November 10, 2021**  
**CONDITIONS OF APPROVAL**

**103 Tait Avenue**  
**Fence Height Exception FHE-21-010**

**Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Vehicular Gate and Fencing within the Required Street-Side Setbacks, Traffic View Area, and Driveway View Area; and Construction of a Vehicular Gate with Reduced Setbacks on Property Located in the Almond Grove Historic District Zoned R-1D:LHP. Located at 103 Tait Avenue. APN 510-18-038. PROPERTY OWNER: Ballou Ventures LLC. APPLICANT/APPELLANT: Kristi Ballou. PROJECT PLANNER: Sean Mullin.**

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.
2. EXPIRATION: The Fence Height Exception approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. BUILDING PERMIT: The proposed vehicular gate requires a Building Permit.
4. VEHICULAR GATE: The vehicular gate must open inward, towards the residence or slide parallel to the street.
5. TREE PROTECTION: At the discretion of the Town Arborist, tree protection fencing shall be installed prior to Building Permit issuance.
6. 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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September 5, 2021

RE: 103 Tait Ave., Los Gatos - Letter of Justification for fence variance – code 29.40.0320

To whom it may concern,

Kristi and I just completed building our new home at 103 Tait Ave in the Almond Grove District. The property is at the corner of the intersection of Tait and Bean.

We are now preparing to start the landscape.

The variance being requested is to construct a 6' fence and 6' driveway gate parallel to the Bean sidewalk. The fence/gate would run from a point near the rear corner of the home to the neighbor's property line.

The need for the variance is for both security and privacy in our backyard, especially since the property is located adjacent to Saint Mary's Church and just two blocks off Santa Cruz Avenue. Due to the small lot size and the placement of the home on the lot, we only have an exposed side yard (Bean) and a very small back yard. Please see attached photos.

In just the two months since moving into our home, we have had several incidents of people walking onto our property.

Your consideration of our request is appreciated.

Regards,

Michael and Kristi Ballou  
103 Tait Ave, Los Gatos

EXHIBIT 4

PRELIMINARY LANDSCAPE MASTER PLAN  
**BALLOU RESIDENCE**

103 TAIT AVE.

LOS GATOS, CA

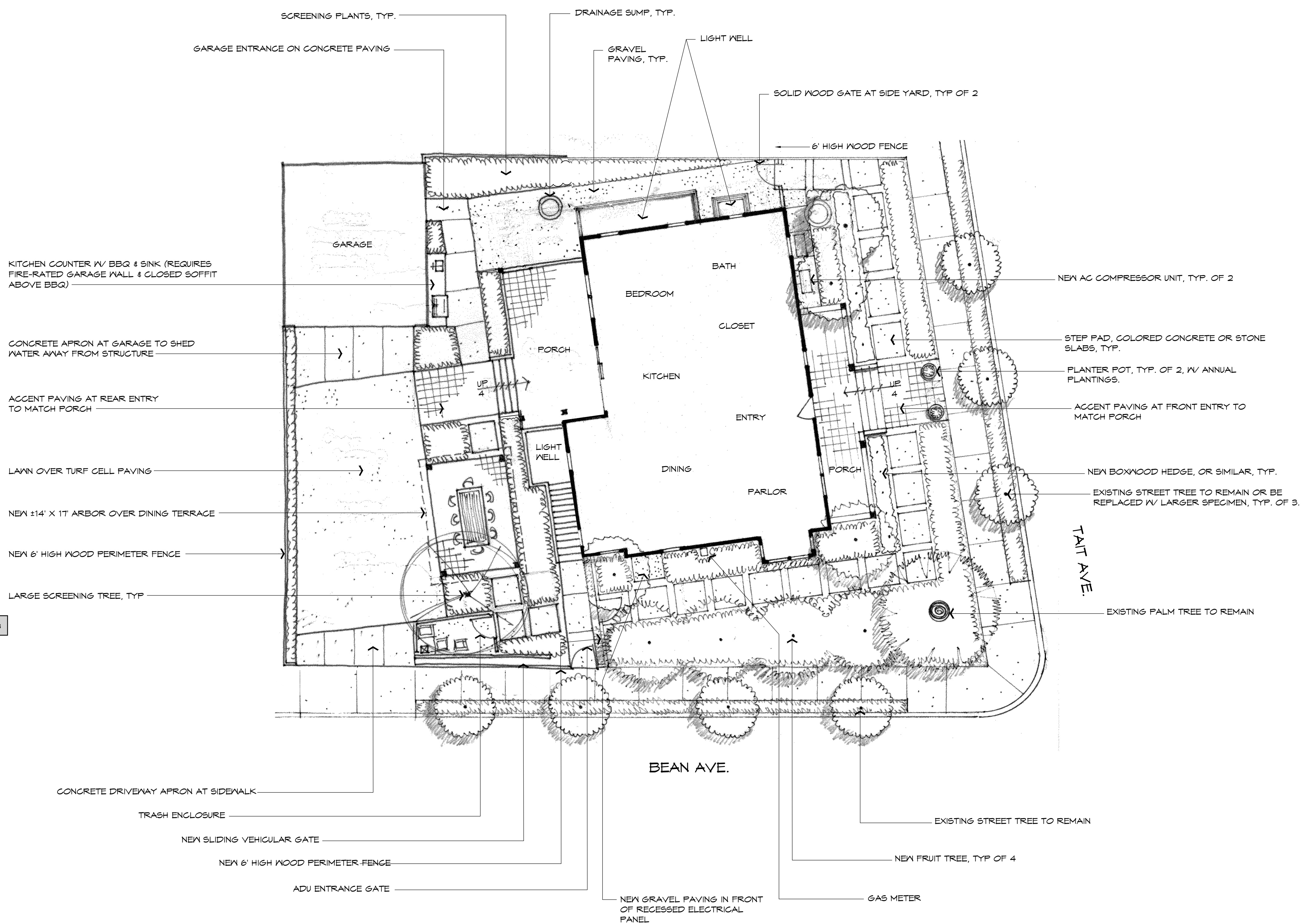


Kikuchi + Kankel Design Group  
 Landscape Architecture • Site Planning • Environmental Design  
 61 East Main Street, Suite C  
 Los Gatos, CA 95030  
 (408) 356-5980  
 www.kkdesigngroup.com



MARCH 25, 2021

1/8" = 1'-0"



THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION IN ANY WAY. USE OF THIS DRAWING FOR INSTALLATION OF ANY FEATURES INDICATED OR IMPLIED SHALL BE AT THE DISCRETION OF THE OWNER. KIKUCHI + KANKEL DESIGN GROUP WILL NOT BE RESPONSIBLE FOR FUTURE DEVELOPMENT OF DRAWINGS OR SPECIFICATIONS RELATED TO THE PROPERTY NOR CONSTRUCTION BASED ON DIRECTION BY OTHERS.





YARDZEN





Solid Fence  
 Perpendicular to house  
 and parallel to sidewalk at Bean Ave.

Solid Fence  
 to begin here





Solid  
Fence  
Co.

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## TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER  
110 E. MAIN STREET  
LOS GATOS, CA 95030

September 23, 2021

Michael and Kristi Ballou  
103 Tait Avenue  
Los Gatos, CA 95030

**RE: 103 Tait Avenue**  
Fence Height Exception (FHE-21-010)

Requesting approval for a constructed a vehicular gate with reduced setbacks; six-foot tall vehicular gate and fencing within the required front and street-side setbacks, traffic view area, and driveway view area; and solid fencing within the required front yard setback in an Historic District on property zoned R-1D:LHP. APN 510-18-038.  
PROPERTY OWNER/APPLICANT: Michael and Kristi Ballou

The Los Gatos Community Development Department has reviewed the referenced application for a fence height exception pursuant to Section 29.40.0320. On September 23, 2021, the Los Gatos Community Development Department has **denied** the request.

PLEASE NOTE: Pursuant to Section 29.20.255 of the Town Code, this decision may be appealed to the Planning Commission within 10 days of the denial date. Any interested person may appeal this decision to the Planning Commission. Appeals, with the completed Appeal Form and appeal fee payment, must be submitted within 10 days from the date of denial, or by 5:00 p.m., October 4, 2021.

If you have any questions concerning this decision, please contact Project Planner Sean Mullin at (408) 354-6823 or via email at [SMullin@logatosca.gov](mailto:SMullin@logatosca.gov).

Sincerely,

Sean Mullin, AICP  
Associate Planner

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TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT

110 E. Main Street
Los Gatos, CA 95030

PAID
OCT 04 2021
TOWN OF LOS GATOS

APPEAL OF THE DECISION OF
DIRECTOR OF COMMUNITY DEVELOPMENT

BP32514

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DIRECTOR OF COMMUNITY DEVELOPMENT as follows:

DATE OF DECISION: 9/23/21

PROJECT/APPLICATION: 103 Tait Avenue

LOCATION: 103 Tait Avenue, Los Gatos

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Planning Commission any decision of the Director.

Interested person means:

- 1. Residential projects. Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. Non-residential and mixed-use projects. Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

See Attached

IMPORTANT:

- 1. Appeal must be filed within ten (10) days after the date of mailing of written notification of the decision. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter anew and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: Kristi Ballou

SIGNATURE: Kristi Ballou

DATE: 10/4/21

ADDRESS: 103 Tait Ave

PHONE: 408 656-1203

EMAIL: kmballou7@gmail.com

\*\*\*\*\*

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING:

COMMISSION ACTION: 1. DATE: 2. DATE: 3. DATE:

PLAPPEAL \$ 221.00 Residential
PLAPPEAL \$ 882.00 Commercial
PLAPPEAL \$ 90.00 Tree Appeals

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Property is located on the busy corner of Tait Ave and Bean Ave across from Saint Mary's Church.

Maximize small backyard (accessed from Bean) as property is a small corner lot (6,275 sf) with minimal front yard and fully exposed side yard.

Security is a paramount concern due significant vehicle and foot traffic in the Almond Grove District, adjacent to St Mary's Church and just two blocks from Santa Cruz Avenue.

Having a private backyard / rear porch for the same reasons above.

Lastly, Our request is line with other properties in our neighborhood on corner lots.

- Provide any specific security issues that have occurred.**  
*Since we do not have privacy fencing currently at our home, I have been surprised once or twice since we moved in to the home May 2020 by 2 different individuals walking into our back yard/driveway toward our back porch to look at our home. They were well onto our property / to the back porch . It was startling to say the least when I walked out my back door and saw someone standing there like it was public property or a parking lot. Also, right after we moved in ( May 26th to be exact) was an attack by an armed gunman traveling in a car on Bean Avenue. A masked man got out of his car at 12:10pm and hit my neighbor in the face with a gun while trying to steal her purse.*
- Describe how alternative fence placement/heights that adhere to the fence regulations create an undue hardship:**  
*We have a small lot and would like to maximize the privacy space in our back yard. If we follow the guidelines the town is asking, we are reducing our private usable space considerably.*
- Provide examples of other properties in the neighborhood on corner lots in a similar situation that have fencing similar to what you are requesting. Photos are helpful.**  
*See attached photos.*
- Address staffs' concerns related to the pedestrian safety issue created by the proximity of the fencing and vehicular gate to the sidewalk and street.**  
*I think whether it's 18' or 12' or 6', 3' pedestrian safety is always a concern. Our current plan is a gate which opens slowly so to allow for a car to approach the sidewalk and then proceed with caution to the street after looking both ways as we always do when backing out of our driveway.*
- A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.**  
*Location and height of fence provide security to our property along the bean avenue side. Due to our small lot being on the corner we have a unique circumstance.*







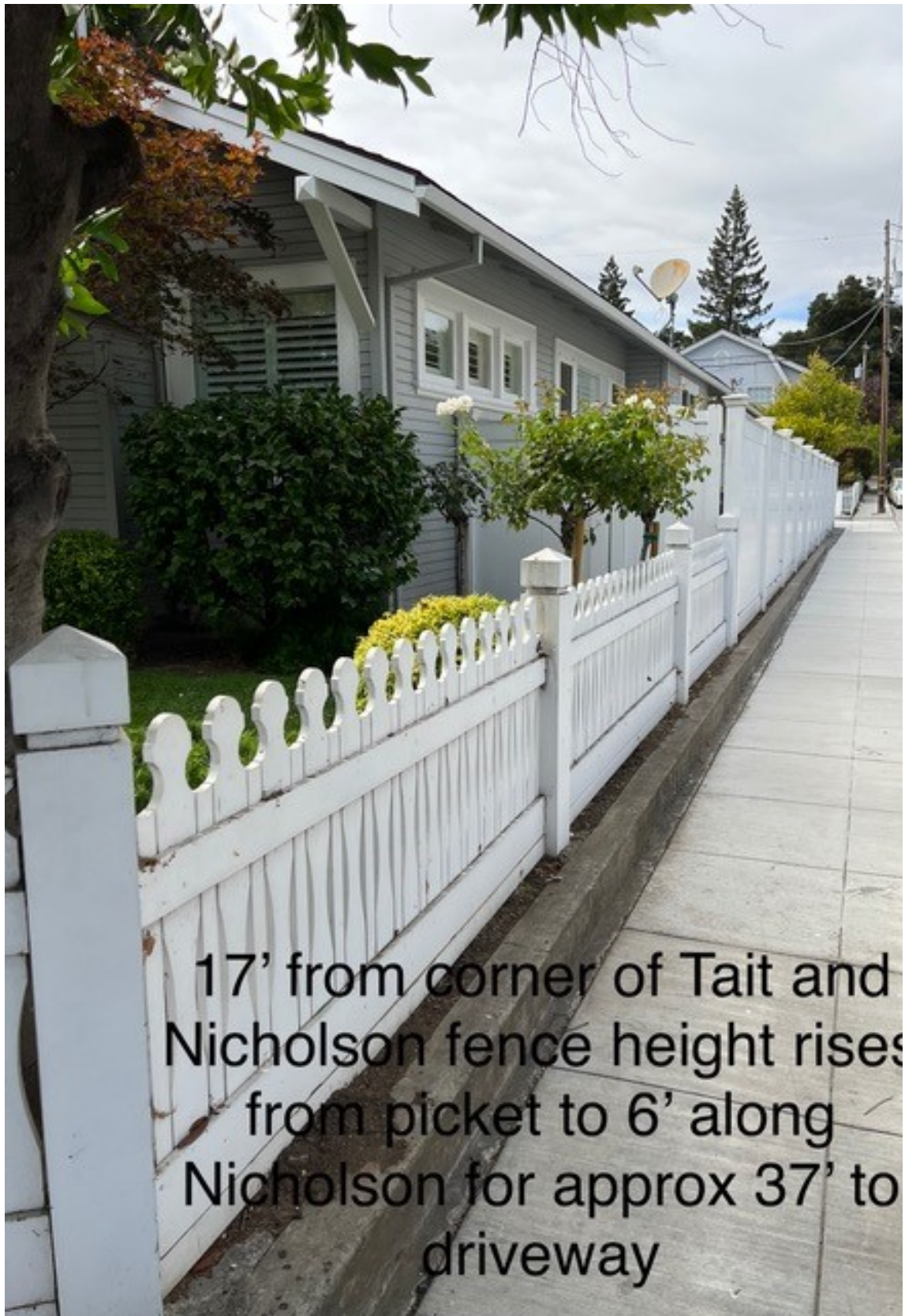


Corner of Tait and  
Bachman ...picket  
fence along Tait Ave  
and then at 21' from  
corner fence height  
rises to 6'



21 feet from corner of  
Tait and Bachman  
photo taken on Tait  
Ave





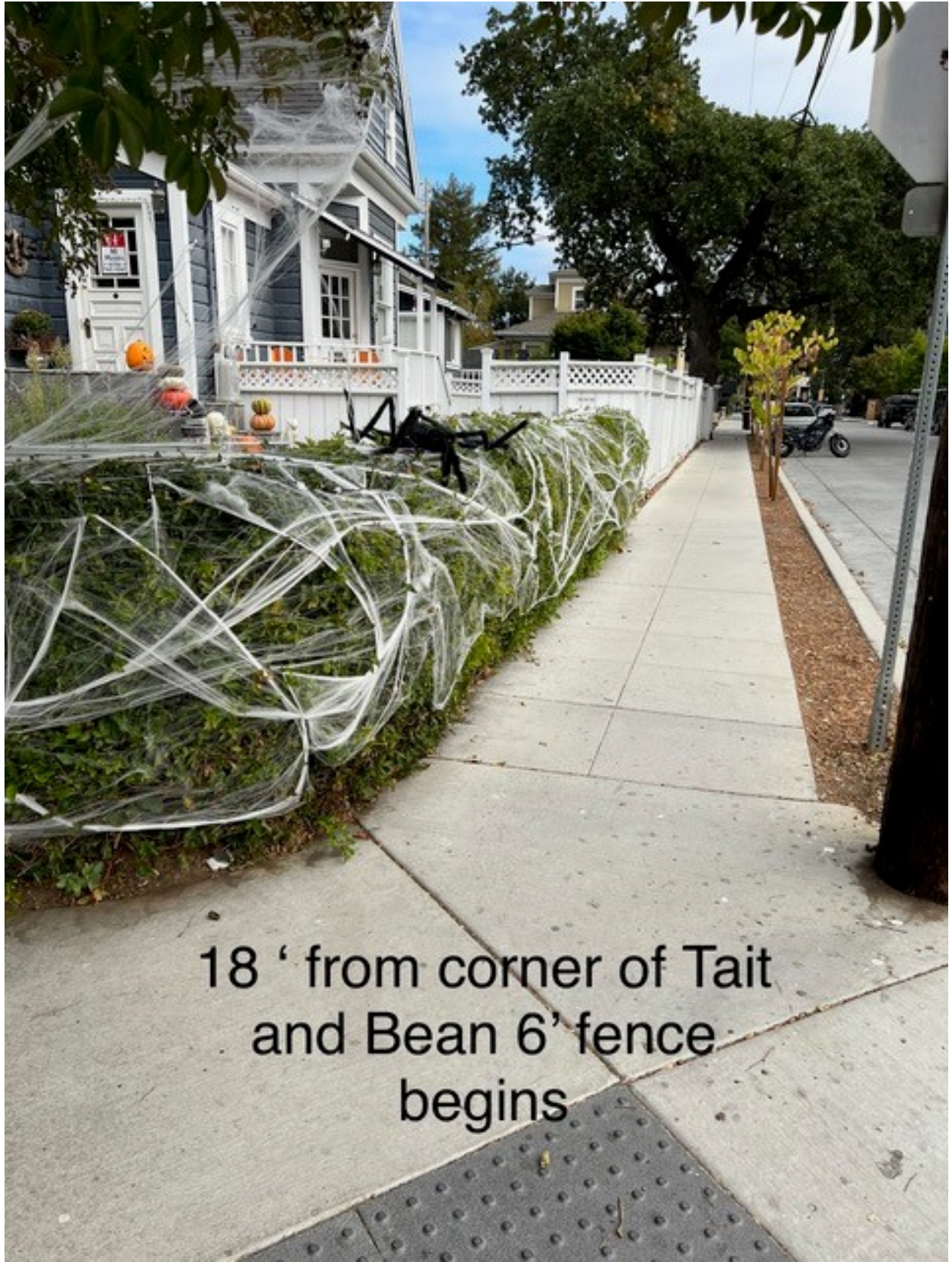
17' from corner of Tait and  
Nicholson fence height rises  
from picket to 6' along  
Nicholson for approx 37' to  
driveway



15' from street to  
garage door







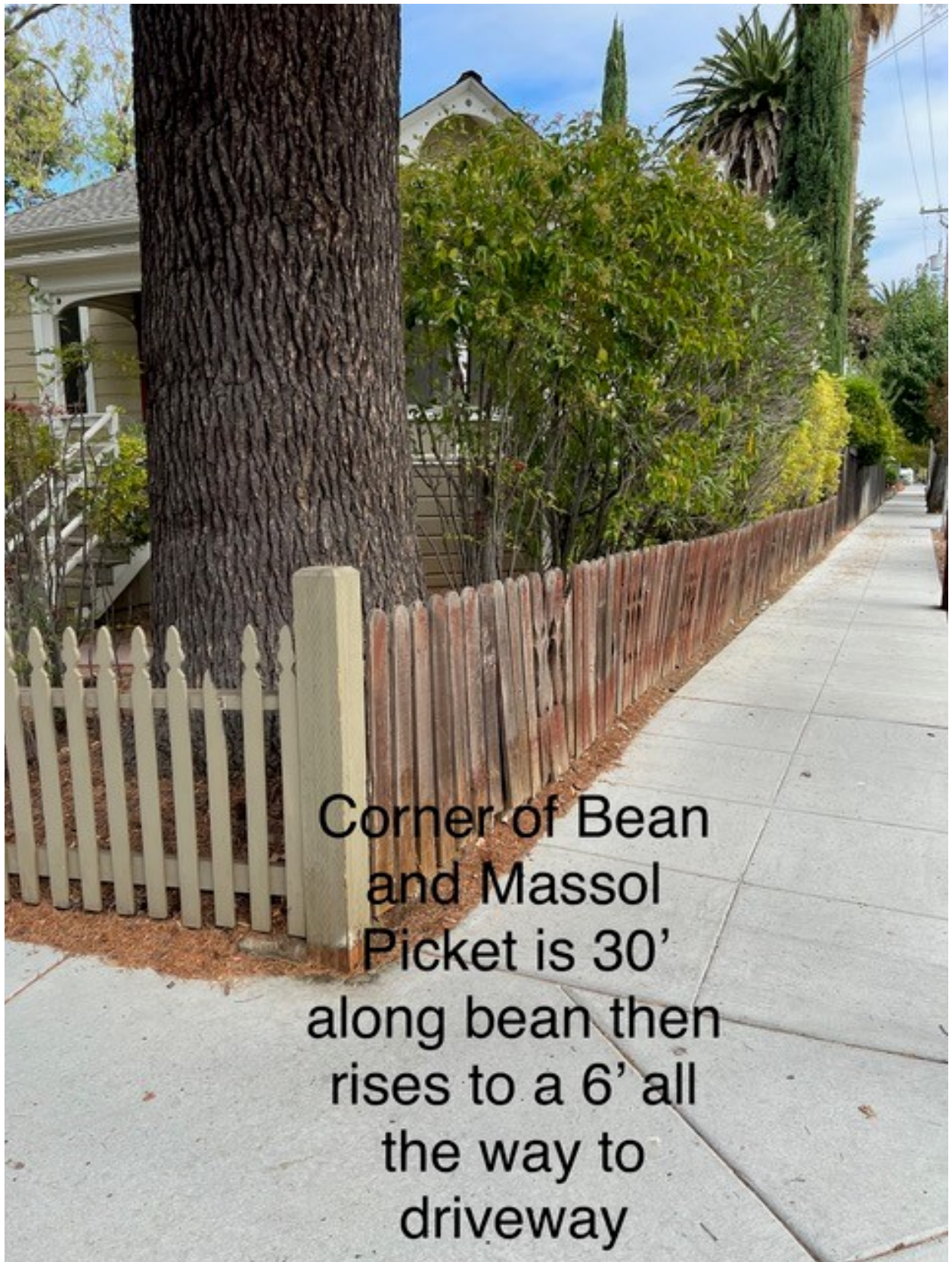
18 ' from corner of Tait  
and Bean 6' fence  
begins



45' of fence in front of  
driveway extending along  
Bean toward corner  
Fence is in front of driveway

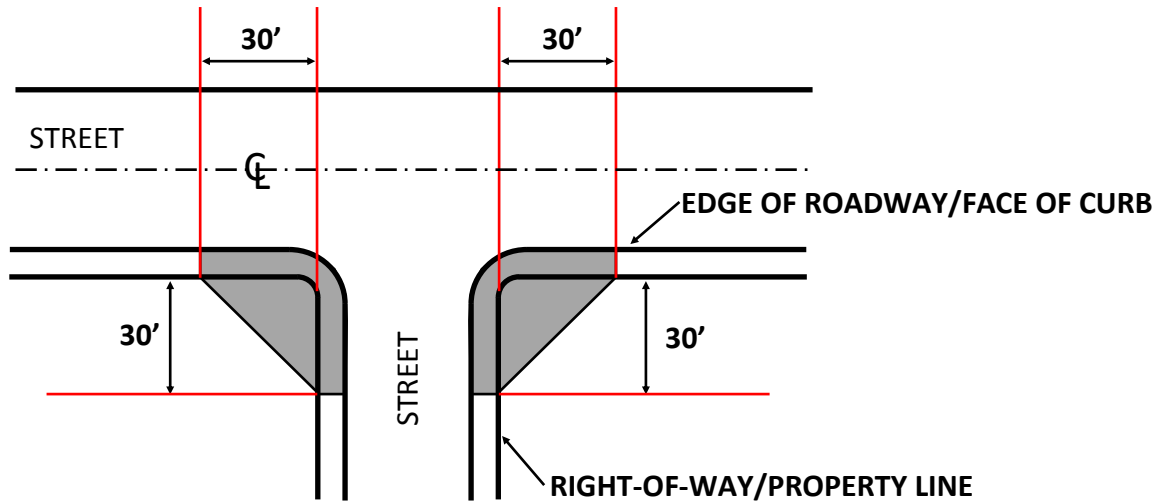


6' fence bean Avenue  
From driveway to picket  
fence which is 30' to  
corner




Corner of Bean  
and Massol  
Picket is 30'  
along bean then  
rises to a 6' all  
the way to  
driveway

# CORNER SIGHT TRIANGLE

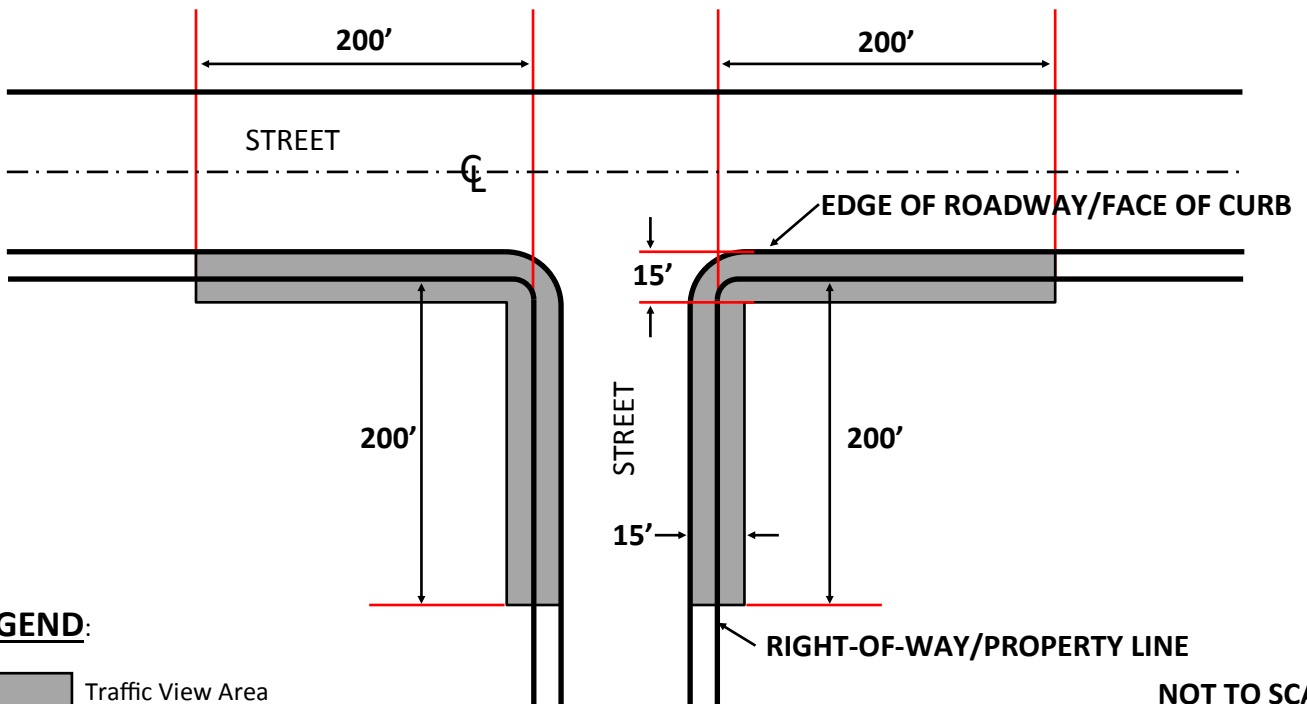


## LEGEND:

 Corner Sight Triangle

NOT TO SCALE

# TRAFFIC VIEW AREA

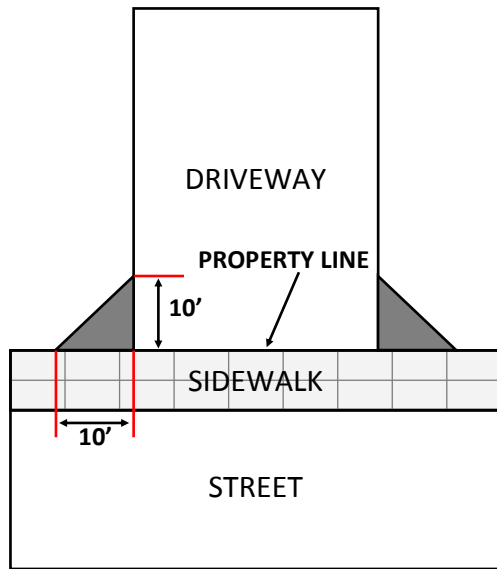


## LEGEND:

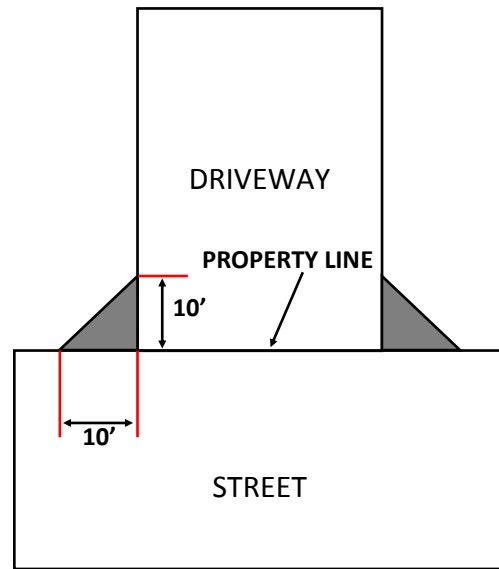
 Traffic View Area

NOT TO SCALE

## DRIVEWAY VIEW AREA



**Sidewalk Example**



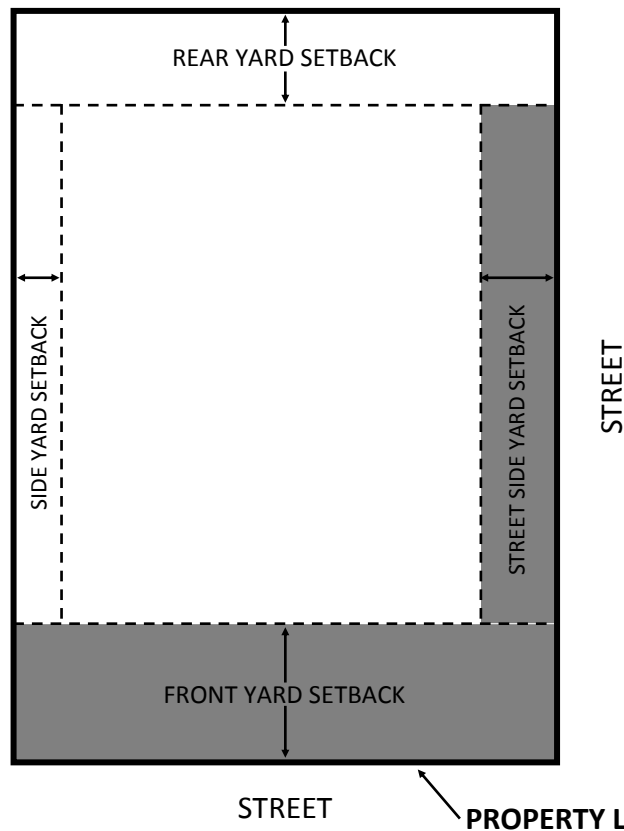
**No Sidewalk Example**

**LEGEND:**

Driveway View Area

NOT TO SCALE

## FRONT AND STREET SIDE YARD AREA



**LEGEND:**

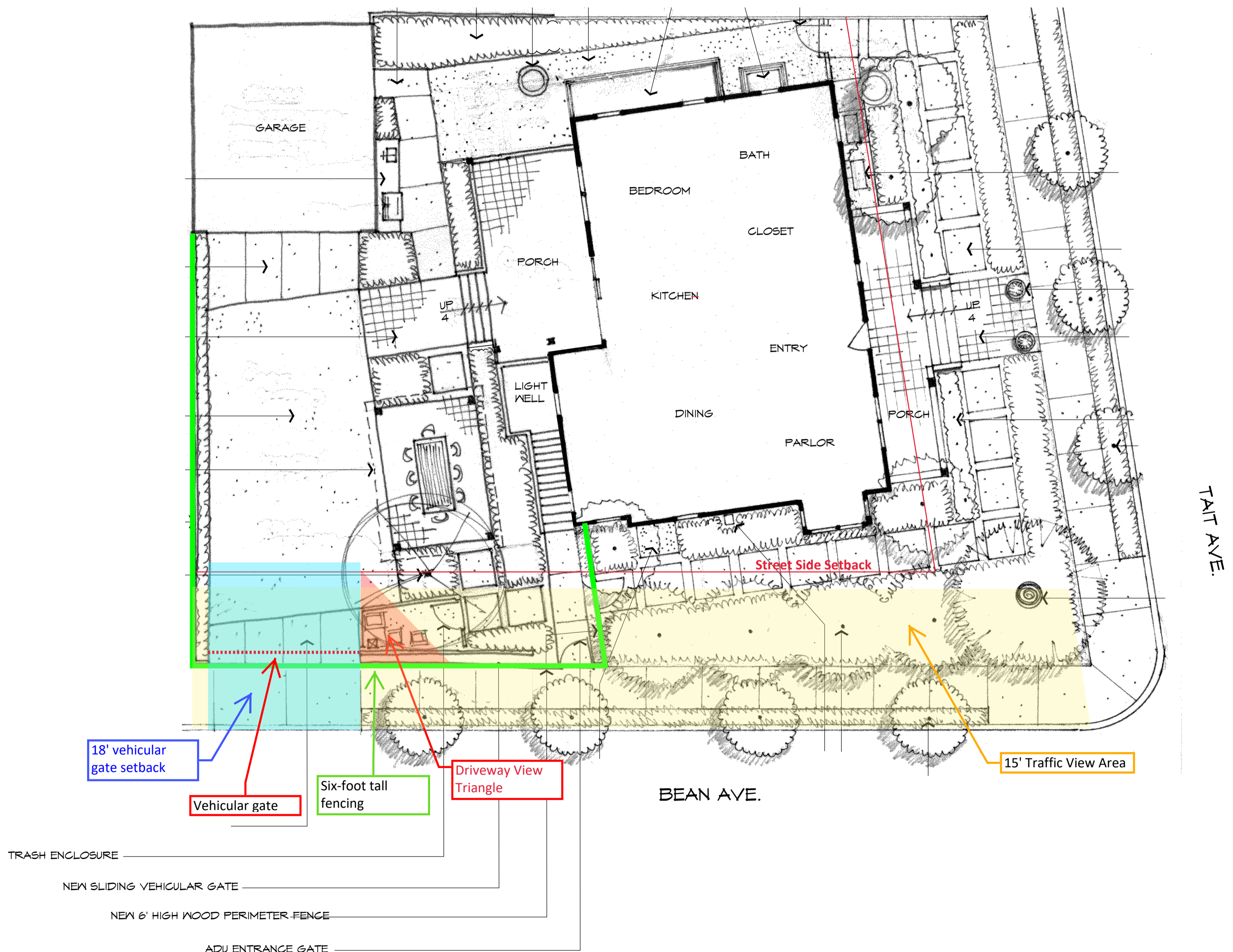
Front and Street Side Yard Area

NOT TO SCALE

# PRELIMINARY LANDSCAPE MASTER PLAN BALLOU RESIDENCE

103 TAIT AVE.

LOS GATOS, CA



TAIT AVE.

BEAN AVE.

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 4

DATE: November 5, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. **Located at 636 Blossom Hill Road.** APN 529-16-047 and 529-16-054. Conditional Use Permit U-21-016. PROPERTY OWNER: Blossom Hill Pavilion LP. APPLICANT: Greg Endom, Beverages and More, Inc. PROJECT PLANNER: Erin Walters.

RECOMMENDATION:

Consider approval of a request for a Conditional Use Permit to allow a formula retail business with alcohol sales and tasting, and including 24-hour delivery on property zoned CH located at 636 Blossom Hill Road.

PROJECT DATA:

General Plan Designation: Mixed Use Commercial  
Zoning Designation: CH, Restricted Commercial Highway  
Applicable Plans & Standards: General Plan, Town Code  
Parcel Size: 1.95 acres  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial/Residential	Mixed Use Commercial	CH:PD
East	Commercial	Mixed Use Commercial	C-1
South	Commercial	Mixed Use Commercial	CH
West	Commercial	Mixed Use Commercial	CH

PREPARED BY: Erin Walters  
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- As required by Section 29.20.190 (a) of the Town Code for granting a Conditional Use Permit.
- As required by Section 29.20.190 (b) of the Town Code for approving a Conditional Use Permit for a formal retail business greater than six thousand (6,000) square feet.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The proposed business (BevMo!) requires a Conditional Use Permit (CUP) because it is a formula retail business greater than 6,000 square feet and is proposing to: sell alcohol for off-site consumption; provide on-site alcohol tasting; and proposing 24-hour delivery of products.

The proposed use would occupy an existing tenant space within a commercial building, Blossom Hill Pavilion, that was occupied by a formula retail business, Pier 1 Imports, between 2002 and 2020.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project would be located at 636 Blossom Hill Road, on the southwest corner of Blossom Hill Road and Los Gatos Boulevard (Exhibit 1). The property located to the north, across Blossom Hill Road, is a mixed use Planned Development with residential and commercial uses. The properties located to the east, south, and west are commercial uses.

PROJECT DESCRIPTION (continued):

B. Conditional Use Permit

The applicant is requesting approval of a CUP to allow a formula retail business (BevMo!) with alcohol sales, on-site alcohol tasting, and 24-hour delivery of products in an existing commercial tenant space. There are no proposed exterior alterations to the building with the exception of the addition of a shopping cart corral, which will be reviewed for conformance with the Commercial Design Guidelines as part of a future building permit. Any signage would be reviewed through a future sign application.

When reviewing a CUP, the deciding body should consider the information in the applicant's business plan; however, the key consideration should be the proposed use since the business plan can change from owner to owner. The CUP runs with the land, and the deciding body should review the application based on the use described in the recommended Conditions of Approval (Exhibit 3) as opposed to the applicant or applicant's business plan.

C. Zoning Compliance

The zoning designation allows a formula retail business greater than 6,000 square feet with alcohol sales, on-site alcohol tasting, and 24-hour delivery of products, subject to the approval of a CUP. The proposed project meets Town Code parking requirements.

DISCUSSION:

A. Project Summary

The proposed business (BevMo!) would occupy an existing 11,212-square foot vacant tenant space within the shopping center, Blossom Hill Pavilion. The business would sell alcohol products including wine, spirits, beer, gourmet food, and related items such as glassware, and other wine accessories. The business would also provide educational beer and wine tasting in-store on Friday and Saturday afternoons, with an occasional special tasting event during the week. Tasting samples would be approximately one ounce in size and limited to customers 21 years and older. The business proposes to provide a 24-hour delivery of products, including pre-packaged foods, beverages, ice cream, snacks, hand sanitizer, pet food, toilet paper, diapers, and COVID-19 rapid tests to on-line customers 24 hours a day, seven days a week. Alcohol deliveries are limited to 6:00 a.m. to 2:00 a.m. Drivers, who are independent contractors, will provide deliveries in their personal vehicles. The Town's Police Department has reviewed this application and business plan and have no comments.

DISCUSSION (continued):

The proposed hours of operation are the following:

- Store Hours – 7:00 a.m. to 11:00 p.m., seven days a week.
- Non-Alcohol Product Deliveries – 24 hours, seven days a week.
- Alcohol Deliveries – 6:00 a.m. to 2:00 a.m., seven days a week.

The applicant provided a project description and letter of justification (Exhibit 4), site photographs (Exhibit 5), and development plans (Exhibit 8). Hours of operation are included in the recommended Conditions of Approval (Exhibit 3).

B. Formula Retail

Pursuant to Town Code Section 29.20.185(1)(o), a formula retail business greater than 6,000 square feet can be located in the CH zone with approval of a CUP. Pursuant to Town Code Section 29.10.020 the definition of formula retail business means a retail business which, along with seven (7) or more other business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise; services; décor; uniforms; architecture; colors; signs; or other similar features. There are approximately 161 BevMo! locations in the United States, with 145 locations in California. The applicant's justification for the new formula retail business is included in Exhibit 4.

As noted above, a formula retail business operated in this commercial tenant space until 2020.

C. Alcoholic Beverage Sales for Off-Site Consumption

Pursuant to Town Code Section 29.20.185(1)(l), alcoholic beverage sales for off-site consumption can be located in the CH zone with approval of a CUP. The applicant's justification for the off-site alcohol sales, and proposed alcohol delivery hours of 6:00 a.m. to 2:00 a.m., is included in Exhibit 4.

D. On-Site Alcohol Tasting

Pursuant to Town Code Section 29.20.185(1)(k), an establishment selling alcoholic beverages for consumption on the premises can be located in the CH zone with approval of a CUP. The applicant proposes ancillary beer and wine tasting within the formula retail business. The applicant's justification for beer and wine tasting is included in Exhibit 4.

DISCUSSION (continued):E. 24-Hour Delivery

Pursuant to Town Code Section 29.20.185(11)(c), a business operating between the hours of 2:00 a.m. and 6:00 p.m. can be located in the CH Zone with approval of a CUP. The proposed use includes 24-hour delivery from the formula retail business. The applicant's justification for 24-hour deliveries is included in Exhibit 4.

Store hours, open to the public, will be limited to, 7:00 a.m. to 11:00 p.m., seven days a week, per the applicant's project description included in Exhibit 4.

F. Parking

The proposed use requires 48 parking spaces within the center. The parking analysis below summarizes the total number of required parking spaces per Town Code and based on both the existing and proposed uses. A total of 107 parking spaces are required and the center provides a total of 109 parking spaces on-site; therefore, the proposed use would comply with Town Code Requirements for parking.

<b>Blossom Hill Pavilion Shopping Center Parking Analysis</b>						
<b>Tenant</b>	<b>Address</b>	<b>Use</b>	<b>Square Feet</b>	<b>Doctors</b>	<b>Rate</b>	<b>Parking Spaces Req.</b>
Starbucks	624 Blossom Hill Road	Restaurant	2,500	N/A	1:235 s.f.	18
Jamba Juice	628 Blossom Hill Road	Restaurant	1,352	N/A	1:235 s.f.	4
AT&T	630 Blossom Hill Road	Retail	1,124	N/A	1:235 s.f.	5
Chipotle	640 Blossom Hill Road	Restaurant	3,021	N/A	1:235 s.f.	14
Urgent Care	640A Blossom Hill Road	Medical Office	4,203	3	1:250 or 6 per Doctor	18
(P) BevMo	636 Blossom Hill Road	Retail	11,212	N/A	1:235 s.f.	48
			<b>23,412</b>			
<b>Total Required Parking Spaces</b>						<b>107</b>
<b>Total Parking Spaces Provided</b>						<b>109</b>

G. Shopping Carts

The applicant proposes the use of shopping carts and has proposed a shopping cart corral, enclosed by a four-foot wall, located at the front of the tenant space under the building's covered overhang as shown in Exhibit 8. Condition of Approval 8 has been included in Exhibit 3, requiring shopping carts to be stored inside the designated parking corral and the parking lot to be monitored so that the carts are brought into the designated parking corral when not in use. Review of the design for compliance with the Commercial Design Guidelines will be part of a future building permit review.

DISCUSSION (continued):

H. Traffic

In 2018, the Town's Traffic Impact Fee Policy was modified to address changes in use within existing shopping centers. Changes in use are considered a continuation of the previously applied shopping center rate. No additional fees will be charged as the use from an ITE perspective, will remain the same. Since no additional square footage is proposed for the project, no traffic study or traffic mitigation fee is required for the CUP.

I. Store Deliveries

Condition of Approval 6 has been included in Exhibit 3, allowing store deliveries only between 12:00 a.m. and 6:00 a.m. and requires that they must be from the parking lot in front of the tenant space. No deliveries to the store shall be made from Blossom Hill Road or Los Gatos Boulevard and no delivery trucks shall stop on Blossom Hill Road or Los Gatos Boulevard.

J. Conditional Use Permit Findings

Pursuant to Town Code Section 29.20.190(a), in order to grant approval of a CUP, the deciding body must make the following findings:

- (1) The proposed use of the property is essential or desirable to the public convenience or welfare; and
- (2) The proposed use would not impair the integrity and character of the zone; and
- (3) The proposed use would not be determinantal to public health, safety, or general welfare; and
- (4) The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

In regards to finding one, the use is essential or desirable to the public convenience because it would provide convenient and unique retailing and delivery options for residents and visitors in an existing shopping center at a major intersection in Town. In regards to the second finding, the proposed use would not impair the integrity of the zone, in that the proposed use is a commercial use and it would be located in a commercial zone. In regards to the third finding, the proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit would maintain the welfare of the community. In regards to the final finding, the proposed use would be in conformance with the Town Code and General Plan because it would contribute to the variety of commercial uses, reduce vehicle miles traveled for goods by bringing the products directly into the community, and provide employment opportunities in the CH zone.

DISCUSSION (continued):

In addition to the required findings for the CUP, pursuant to Town Code Section 29.20.190 (b). The deciding body, on the basis of the evidence submitted at the hearing, may deny a conditional use permit for a formula retail business greater than six thousand (6,000) square feet if any of the following findings are made:

- (1) The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
- (2) The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located;
- (3) The proposed use would create an over-concentration of similar types of businesses; or
- (4) The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

None of the above findings could be made to deny the application. Alternatively, the following findings can be affirmed:

In regards to finding one, the proposed use of the property is in harmony with the with specific provisions or objectives of the General Plan and the purposes of Chapter 29 of the Town Code. In regards to finding two, the proposed use will not detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located as this location was previously occupied by a formula retail business. In regards to finding three, the proposed use would not create an over-concentration of similar types of businesses as this would be the first BevMo! in the Town. In regards to finding four, the proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality as it will be located in a vacant tenant space within an existing shopping center previously occupied by a formula retail business.

K. General Plan

The applicable goals and polices of the 2020 General Plan include, but are not limited to:

- Policy LU-2.1 – Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.
- Policy LU-9.2 – Maintain a variety of commercial uses, including a strong Downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers to meet the shopping needs of residents and to preserve the small-town atmosphere.

DISCUSSION (continued):

- Policy LU-9.6 – Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use polices of the Town.
- Goal LU-12 – To ensure an appropriate mix of land use types along Los Gatos Boulevard in order to maintain the economic vitality of the corridor and continue to serve the needs of Town residents.
- Policy LU-12.9 – Encourage replacement of vacated business south of Los Gatos-Almaden Road and north of Roberts Road/Shannon Road with neighborhood commercial, multi-family, or office uses.

L. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

PUBLIC COMMENTS:

Written notice of the Planning Commission hearing was sent to property owners and tenants within 300 feet of the subject property. The applicant has reached out to the neighboring tenants and property owners and provided the project scope of work (Exhibit 6). Written comments of support have been received regarding the proposed project (see Exhibit 7).

CONCLUSION:

A. Summary

The project would allow a formula retail business with alcohol sales and tasting, and including 24-hour delivery to operate in a currently vacant space. The project meets all zoning regulations, if approved through a CUP, and meets the objectives of the 2020 General Plan.

B. Recommendation

Based on the analysis above, staff recommends approval of the Conditional Use Permit subject to the recommended Conditions of Approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:



CONCLUSION (continued):

1. Make the finding that the proposed project is categorically exempt, pursuant to Section 15301 (Exhibit 2);
2. Make the required findings as required by Section 29.20.190(a) of the Town Code for granting approval of a CUP (Exhibit 2);
3. Make the required findings as required by Section 29.20.190(b) of the Town Code for granting approval of a CUP for a formula retail business greater than six thousand (6,000) square feet (Exhibit 2); and
4. Approve CUP Application U-21-016 with the conditions contained in Exhibit 3, and the plans in Exhibit 8.

C. Alternatives

Alternatively, the Commission can:

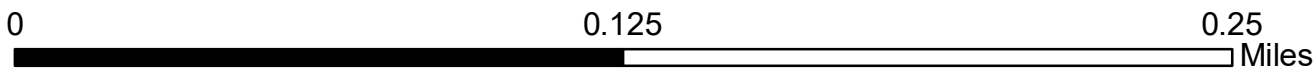
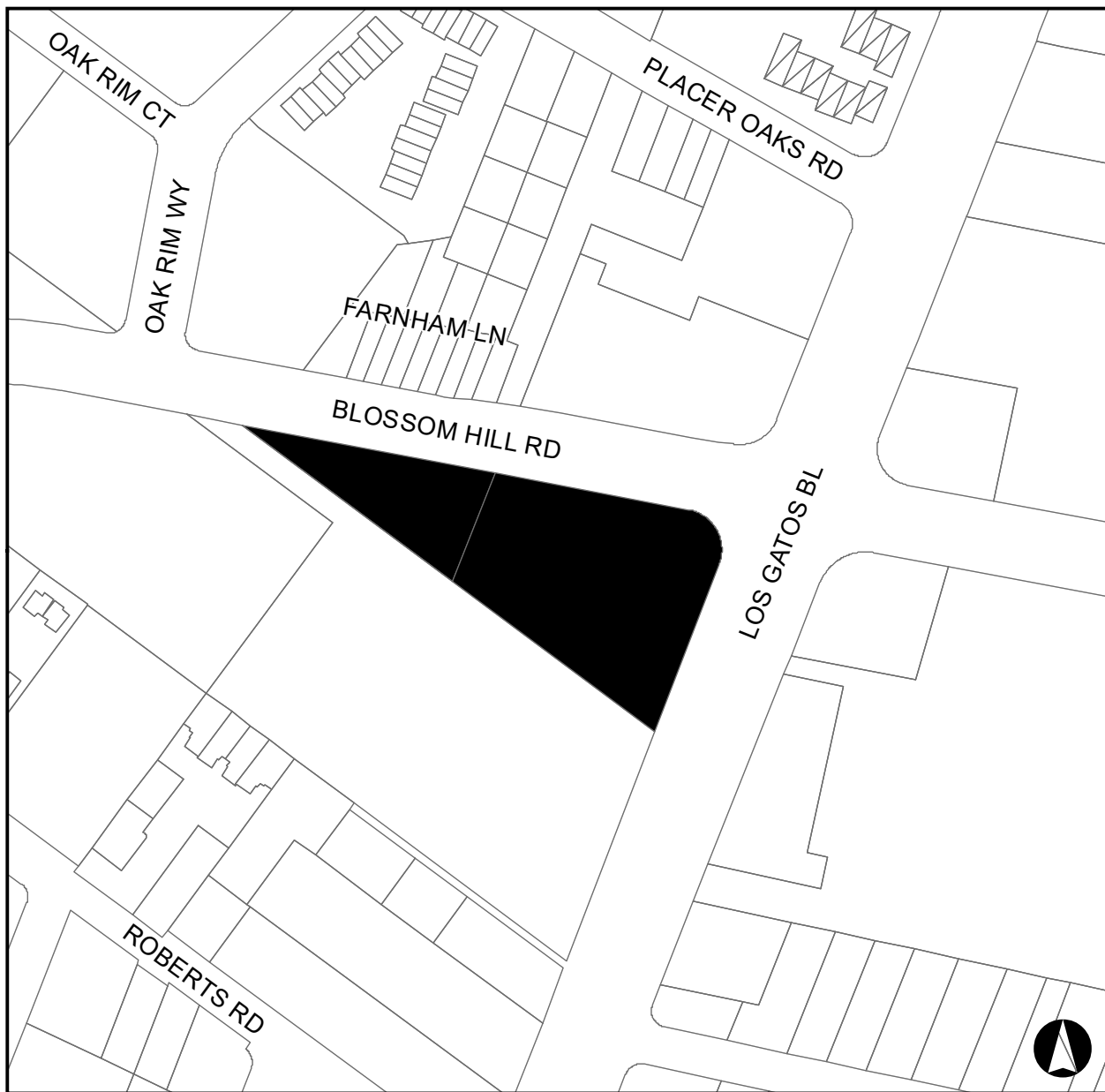
1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification
5. Site Photographs
6. Applicant Outreach
7. Public Comments
8. Development Plans

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# 636 Blossom Hill Road



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**PLANNING COMMISSION – November 10, 2021**  
**REQUIRED FINDINGS:**

**636 Blossom Hill Road**  
**Conditional Use Permit Application U-21-016**

**Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. APN 529-16-047 and 529-16-054.**

**PROPERTY OWNER: Blossom Hill Pavilion LP**

**APPLICANT: Greg Endom, Beverages and More, Inc.**

**FINDINGS**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

**Required findings for a Conditional Use Permit:**

- As required by Section 29.20.190 (a) 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 this chapter if it finds that:

1. The proposed use is desirable to the public convenience because it provides on-site alcohol service associated with existing dining services for residents and guests at an existing senior residential community; and
2. The proposed use would not impair the integrity of the zone.
3. The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community; and
4. The proposed use is in conformance with the Town Code and General Plan.

In regards to finding one, the use is essential or desirable to the public convenience because it would provide a convenient and unique retailing and delivery options for residents and visitors in an existing shopping center at a major intersection in Town. In regards to the

EXHIBIT 2

second finding, the proposed use would not impair the integrity of the zone, in that the proposed use is a commercial use and it would be located in a commercial zone. In regards to the third finding, the proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit would maintain the welfare of the community. In regards to the final finding, the proposed use would be in conformance with the Town Code and General Plan because it would contribute to the variety of commercial uses, reduce vehicle miles traveled for goods by bringing the products directly into the community, and provide employment opportunities in the CH zone.

**Required findings to Deny the Conditional Use Permit Application for Formula Retail:**

- As required by Section 29.20.190 (b) of the Town Code the conditional use permit for a formula retail business greater than six thousand (6,000) square feet shall be denied if any of the following findings are made:
  1. The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter;
  2. The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located;
  3. The proposed use would create an over-concentration of similar types of businesses; or
  4. The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

**None of the findings could be made to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

1. The proposed use of the property is in harmony with specific provisions or objectives of the General Plan and the purposes of Chapter 29 of the Town Code;
2. The proposed use will not detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located as this location was previously occupied by a formula retail business;
3. The proposed use would not create an over-concentration of similar types of businesses as this would be the first BevMo! in the Town; and
4. The proposed use will not detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality as it would be located in a vacant tenant space within an existing shopping center previously occupied by a formula retail business.

**PLANNING COMMISSION – November 10, 2021**  
**CONDITIONS OF APPROVAL**

**636 Blossom Hill Road**  
**Conditional Use Permit Application U-21-016**

**Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. APN 529-16-047 and 529-16-054.**  
**PROPERTY OWNER: Blossom Hill Pavilion LP**  
**APPLICANT: Greg Endom, Beverages and More, Inc.**

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 and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: The approved use is a formula retail business with alcohol sales for off-site consumption, on-site alcohol tasting, and including 24-hour delivery.
5. HOURS OF OPERATION: The hours of operation shall be limited to the following:
  - Store Hours – 7:00 a.m. to 11:00 p.m., seven days a week.
  - Non-Alcohol Product Deliveries – 24 hours, seven days a week.
  - Alcohol Deliveries – 6:00 a.m. to 2:00 a.m., seven days a week.
6. DELIVERIES: Deliveries shall occur between 12:00 a.m. to 6:00 a.m. and must be from the parking lot in front of the tenant space. No deliveries shall be made from Blossom Hill Road or Los Gatos Boulevard. No delivery trucks shall stop on Blossom Hill Road or Los Gatos Boulevard.
7. TRASH AND RECYCLING DISPOSAL HOURS: Trash and recycling from the business shall only be emptied between 9:00 a.m. and 9:00 p.m. to limit the noise impacts.
8. SHOPPING CARTS: Shopping carts shall be stored inside the designated parking corral. The parking lot shall be monitored so that the carts are brought into the designated parking corral when not in use.

EXHIBIT 3

9. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
10. ROOFTOP EQUIPMENT: Any new or modified roof mounted equipment shall be fully screened prior to issuance of an occupancy permit.
11. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
12. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
13. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
14. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
15. 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.
16. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

#### *Building Division*

17. PERMITS. No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official.
18. ACCESSIBILITY. In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities".

#### *Santa Clara County Fire Department*

19. PERMITS. This approval shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. No work requiring issuance of Santa Clara County Fire Department (SCCFD) permits can commence without issuance of any required SCCFD permits.



Additional Agency Review

20. **ADDITIONAL REQUIREMENTS.** Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.

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1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6074 • F 925.798.7150 • www.bevmo.com

**Sent Via Email**

October 1, 2021

Kathryn Janoff, Chair  
Planning Commission

*In care of*  
Erin Walters  
Planner  
Town of Los Gatos  
110 East Main Street  
Los Gatos, CA

RE: 636 Blossom Hill Road, Los Gatos CA 95032  
Conditional Use Permit (CUP No. U-21-016)

Dear Chair Janoff:

As an introduction and overview of the proposed Conditional Use Permit hearing request in which we will seek approval from the Planning Commission for our proposed store, I wanted to provide some information and overview as part of the background for your consideration of the pending application.

Beverages & More, Inc. (“BevMo!”) proposes to establish a store in the Blossom Hill Pavilion Shopping Center located at the intersection of Los Gatos Boulevard and Blossom Hill Road, in the space formerly occupied by Pier 1 Imports (“Project Site”) in the Town of Los Gatos as a high-end retailer for in-store purchases of beer, wine, and related goods.

Sales of alcohol at the proposed BevMo! store would be authorized by liquor licenses issued by the California Alcohol Control Board (ABC) –Type 21 (Off-Sale General) and Type 42 (On-Sale Beers and Wine Public Premises) and Type 86- Instructional Tasting License.

**Closest BevMo!** Currently BevMo! does not have any stores within the Town of Los Gatos. The closest store is located at 14800 Camden Avenue, San Jose, approximately 3.2 miles driving distance from the Project Site. The Camden BevMo! store has been in its current location since 1996 but due a shopping center redevelopment planned at the Camden Center; this BevMo! store may close within the next 12-18 months.

**Proposed Space** The existing vacant Pier 1 space is 11,212 square feet (sf), located in the approximate middle space of the existing Blossom Hill Pavilion Shopping Center, a 23,412 sf neighborhood retail center. The shopping center building fronts both major arterial streets with parking behind. The center provides 109 parking spaces, compared to the code requirement of 107 spaces. Parking is shared among the existing retail tenants with no exclusive or reserved

spots. Handicap spaces are provided as required by code (6 stalls within the 109 total). The remaining three corners of the intersection have retail uses including Lunardi's anchored shopping center, Whole Foods anchored shopping center and a small neighborhood retail center with food/coffee and quasi-office uses.

The other tenants located at Blossom Hill Pavilion include Starbucks, Jamba Juice, AT&T Mobile Phone store, Chipotle Restaurant and Care Now, a drop-in urgent care provider.

**About BevMo!** BevMo! is the largest specialty retailer of wine in California and was awarded Retailer of the Year in 2006 by Wine Enthusiast, and in 2009 was awarded the Market Watch Leader Award for management. BevMo! offers a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food and related items such as glassware and other wine accessories, not easily found elsewhere. BevMo! offers over 3,000 wines (1,000 from California), 1,200 specialty spirits, 600 beers including many "craft" beers and over 2,000 "& More" products. The store will provide residents with a convenient new place to shop in a well-lit and maintained facility.

### **Responsible Contributing Member of the Community**

The store will have a positive influence on the local economy by providing jobs and retail tax revenue to the Town of Los Gatos, as well as competitive pricing to the consumer.

- BevMo! will employ approximately 15-20 local residents, with the possibility of additional help hired during the holidays.
- BevMo! is committed to the responsible marketing of alcoholic beverage products, which is demonstrated by:
  - Our company policy prohibiting the sale of cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, screw-top fortified wines and pints or half-pints of spirits).
  - Our company policy prohibits the use of video or pinball games, sales of pornographic materials, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store.
  - Our company posts and maintains a professional quality sign stating, "No Loitering", "No public drinking of alcoholic beverages", and "Stop you must be 21 to enter unless accompanied by an adult".
  - It is store policy to card anyone who appears to be under the age of 50.
  - We operate our own decoy sale-to-minor program and implement extensive ID check training of our employees.

Our policies have led to an excellent track record with the California Department of Alcoholic Beverage Control.

### California Alcoholic Beverage Control (CA ABC) Licenses Required

In addition to a license type 21 for the off-premises sale of alcoholic beverages, BevMo! requires a license type 42 (On-Sale Beer and Wine, Public Premises) for educational beer and wine tastings as well as a license type 86 (Instructional Tasting of Distilled Spirits). Beer and wine tastings will be offered in-store on Friday and Saturday afternoons, with an occasional special tasting event during the week. Unlike the type 42 license, tastings falling under the type 86 license have additional rules provided by the Department of Alcoholic Beverage Control. The license holder must have the tasting event hosted by an industry representative only (Distiller, Brewery, Winery Representative), cannot charge for the tasting event, and is strictly limited in the amount of alcohol served (no more than three- ¼ ounce pours).

The size of the tasting area is typically 10' x 10', and there are no furnishings or seating in the area. All samples must take place within the boundaries of the tasting area. A sign is posted stating that no one under 21 is allowed in the tasting area. Customers are also not allowed to bring in spirits or shopping carts of any kind into the area. Service in the area is by winemakers, vendor representatives, and trained store staff. Samples are approximately 1 oz in size, served in disposable plastic tasting cups, and a nominal fee is charged for each sample as required by the ABC. Tastings are also arranged by appointment for wedding product selection and corporate event planning. These follow the same standards as noted above.

**Changes to the Premises** No changes are proposed to the exterior of the building. The existing storefront and entryway would remain in its current location, along with the existing double man doors which are used for receiving goods. A short 4' high screen wall is proposed on the right side of the existing storefront to screen shopping cart storage. The screen wall will be constructed to match the existing building finishes.

The interior of the store would be renovated to provide for the needed electrical and plumbing to accommodate new store fixtures, shelving and coolers. The existing store has a number of show windows allowing for graphics and other product presentations. These would be expanded where needed, to screen any shelving or fixtures located in the window area. The show windows would not be full height and would allow natural light to enter the store along the top of the show window area.

**Exterior Lighting** – No changes are proposed to the exterior lighting.

**Established Customer Base** An analysis of all BevMo shoppers based upon internal customer membership data indicates that there is a large portion of the Los Gatos population that frequents BevMo stores in general and the Camden store in particular. Specifically, BevMo! realized in excess of 15,000 customer visits from residents living in the 95032-zip code area to the entire BevMo store chain and specifically in excess of 9,000 visits to the Camden store alone (data from 2019, last full normalized year of sales data). The proposed location in Los Gatos will decrease drive times and increase convenience to the existing customer base as well as introduce a specialty grocer and alcoholic beverage outlet in a community not served by such a retailer.

**Online Ordering** To enhance the customer experience, BevMo! s CUP application includes the hours of operation to allow customers to purchase alcohol and non-alcoholic consumer goods via its online and mobile platforms for delivery. In-store sales would remain the same as stated

above, with the retail storefront closing no later than 11:00 p.m. daily, but online sales and deliveries of non-alcoholic goods would occur 24 hours/day and online sales and deliveries of alcohol would occur between 6:00 a.m.- 2:00 a.m.

In practice, the store hours that would be open for walk in business during the majority of the year would be closer to 9:00 AM to 9-10 PM with increased hours of operation during the months of November and December as businesses flex to accommodate holiday shopping. For simplicity, the CUP application request walk in hours of 7:00 AM to 11:00 PM daily.

**Operational Overview for Delivery** Consumers would select items available from BevMo! via mobile app or online interface. The types of goods anticipated to be available for delivery include pre-packaged food and beverage products, beer, wine, ice cream, snacks, hand sanitizer, pet food, toilet paper, diapers, and COVID-19 rapid tests through BevMo!’s partnership with Purlab. Most of these items would also be displayed on shelves in the store for purchase by walk-in customers, but a few items, such as dog food, would be available only for delivery. BevMo! anticipates that approximately 25 to 35 percent of the retail floorspace will be dedicated to non-alcohol items.

When an order is placed, BevMo! employees would bag the items and place the bags in bins containing orders from one to four customers. Drivers, who are independent contractors, would pick up the bins for delivery to customers, with a goal of delivering items within 30 minutes of purchase to customers located within a fixed delivery radius usually 2-5 miles from the store. Driver partners would be able to use any parking spaces in the shopping center, but it is anticipated most will use the available spaces closest to the entrance doors.

All driver partners delivering age-restricted products must 1) be at least 21 years of age; 2) complete alcohol beverage service training; and 3) sign an alcohol delivery service policy. BevMo! uses robust age verification and identification scanning technology to prevent age-restricted products from being delivered to minors. Before an online or mobile app order is completed, the driver partner must scan the customer’s valid U.S. government-issued identification. Using advanced optical scanning identification verification technology, the driver partner must verify the identification at the site of the delivery. Finally, if the identification is verified by the system, the order can be completed, and a signature is captured.

After the store closes to walk-in sales, it is anticipated that no more than five employees would be in the store at any particular time to service online orders for delivery. Based on sales projections, BevMo! initially anticipates approximately 50-100 deliveries per day, with the heaviest volumes on Friday and Saturday evenings.

Proper lighting (already existing) will be maintained to ensure employee and driver-partner safety at all times. The delivery entrance door will remain locked with an electric strike lock for controlling access to the building. Driver-partners will be identified by employees inside of the building via camera before being granted access inside the store for deliveries.

Additional security measures include security camera systems with footage that can be accessed by the General Manager and any Shift Lead in the store. This footage is typically stored for 30 days or longer, depending on how much activity is on a specific camera. The store also includes

a telephone for calling 911 and a monitored alarm system with a hold-up panic button for employees in the case of an emergency.

**Conditional Use Permit Requirements** The Los Gatos Town Code requires a Conditional Use Permit for the following uses in this zone:

- Grocery formula retail business greater than 6,000 s.f.
- 24-hour businesses or businesses open between the hours of 2:00 a.m. and 6:00 a.m.
- Establishment selling alcoholic beverages for consumption off-premises
- Alcohol service – Tasting

**Quoting from the Town Code Sec. 29.20.190. Findings and decision.**

(a) 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 this chapter if it finds that:

- (1) The proposed uses of the property are essential or desirable to the public convenience or welfare.

*As already demonstrated above, there is a large population of BevMo shoppers within the area where the store is located which would decrease their travel times as well as be provided increased convenience and added delivery options with the establishment of the store.*

- (2) The proposed uses will not impair the integrity and character of the zone.

*BevMo!’s long (since 1994) and successful track record of being a responsible retailer of a regulated product demonstrates that it can operate in a neighborhood retail setting without disruption or negative impacts to the area. The operation is contained entirely within the existing building, with parking and public access screened by the site layout to the nearby residential.*

- (3) The proposed uses would not be detrimental to public health, safety or general welfare; and

*The proposed use offers improvements in the health, safety and general welfare of the surrounding population by decreasing travel times for services and well as providing a quick, safe alternative to receive goods via online delivery without the need to leave one’s residence. As we have seen from the impacts of the Covid pandemic, a safe and efficient contactless delivery option has become a real necessity in meeting the everyday needs of the population. The proposed BevMo! store will provide a quick and safe delivery alternative (30 minutes or less) for securing everyday needs not currently offered in the community. In fact, since the space being occupied by the proposed use is vacant, the establishment of the business will not displace any existing business and in practice increase employment, availability and selection of retail goods.*

- (4) The proposed uses of the property are in harmony with the various elements or objectives of the general plan and the purposes of this chapter.

The proposed use of the building is both compatible with the existing zoning of the property as well as the Mixed-Use Commercial designation in the General Plan.

In addition to being compatible with the zoning and General Plan designations of the Project Site, the proposed use specially addresses [General Plan Policy LU-2.1](#) which states, “*Minimize*

*vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.”*

General Plan Policy LU-9.8 states *Retail sales tax “leakage” should be kept to a minimum by providing in-town convenience and comparative shopping opportunities.*

The addition of the proposed store will both minimize miles traveled for goods by bringing the products directly into the community being served and also offer a quick and convenient delivery option to the nearby residents.

- (5) A hazardous waste facility proposal is subject to the California Health and Safety Code, Article 8.7, Section 25199—25199.14 and shall be consistent with the Santa Clara County Hazardous Waste Management Plan.

*This is not applicable to the Proposed Conditional Use Permit application.*

- (b) The deciding body, on the basis of the evidence submitted at the hearing, may deny a conditional use permit for a formula retail business greater than six thousand (6,000) square feet or a personal service business if any of the following findings are made:

- (1) The proposed use of the property is not in harmony with specific provisions or objectives of the general plan and the purposes of this chapter.

*The proposed use is consistent with the objectives of the General Plan and specific zoning of the property along with specially addressing a number of the General Plan goals as noted above.*

- (2) The proposed use will detract from the existing balance and diversity of businesses in the commercial district in which the use is proposed to be located.

*The proposed use does not exist in the community today and will offer a new and diverse product selection, supplementing the existing food and beverage outlets. As evidenced by the existing customer shopping patterns, many of the area residents are currently traveling outside the Town limits to procure their specialty alcohol products.*

- (3) The proposed use would create an over-concentration of similar types of businesses, or

*While there are other licensed premises offering alcohol in the area, there are no specialty businesses that offer the breath and diversity of the products found in the proposed BevMo along with the product knowledge and educational tasting program offered at the store. In addition, no business exist in the Town of Los Gatos that offers the diversity of products, all available within a thirty (30) minute delivery time.*

- (4) The proposed use will detract from the existing land use mix and high urban design standards including uses that promote continuous pedestrian circulation and economic vitality.

*The proposed use is consistent with the zoning designation and operation of the business being contained 100% within the existing building structure with no changes to the design or structure of the building. The business operation promotes pedestrian visits given the option to have larger, bulky purchases delivered within 30 minutes of a visit to the store, thereby eliminating any need for a car to transport your purchases home.*

In summary, allowing BevMo! to establish its operation which includes online orders and delivery at the Project Site helps ensure the shopping center remains fully leased without a



substantial vacancy with a substantial tenant that can contribute to the success and vitality of the center. Moreover, the delivery of online orders will provide opportunities to expand employment and provide additional presence in the shopping center outside traditional operating hours, which is expected to enhance public safety.

Extended operating hours also will allow BevMo! to meet the current demands of residents by providing an option for an on-demand delivery service at any time of the day, with orders fulfilled within 30 minutes of ordering. This service provided by BevMo!'s delivery operation will benefit residents who may be unable to visit a physical retail store, including those unable to visit during current operating hours, and those who wish to acquire goods to be delivered. During the past Covid 19 disruptions, we found the delivery service welcomed by a great percentage of our customer base.

### **Community Outreach**

I have personally contacted all of the adjacent or abutting tenants/property owners and provided my contact information along with a description and outline of the business and proposed timeline for operation.

I indicated in my correspondence that I am available to meet, as requested by any person having questions or wishing further information.

The parties contacted include:

- Both abutting commercial car dealership neighbors,
  - The retail and commercial tenants located directly north across the street in the multi-tenant building,
  - The property owners of the other three commercial corners and
  - All of the residential neighbors/owners and occupants fronting onto Blossom Hill Road north to Oak Rim Way.
- 
- Of all the letters and outreach completed only one resident responded with questions via email. I was able to answer all of his questions satisfactorily and also provided this information to Planning Staff for their records.
  - In addition, as a follow-up to my July 20/21, 2021, letter noted above, I have also posted the front of the storefront with the required State of California, Department of Alcoholic Beverage Control Notice indicating that Beverages & More, Inc, has applied for a Type 21, 42 and 86 license to be used at 636 Blossom Hill Road. The posting was placed in the storefront on August 30, 2021 and remained up for the required thirty (30) consecutive day posting period. No letters of opposition were received by the Department of Alcoholic Beverage Control with respect to this application.

I look forward to the opportunity to present the proposed project to you at the upcoming Planning Commission hearing.

Thank you for your time and consideration. Please call if additional information is needed.

Sincerely,  
Beverages & More, Inc.

/s/ Greg Endom

Greg Endom  
925-550-8082

cc: *All provided in care of Erin Walters, Planner*  
Kendra Burch, Vice Chair  
Jeffrey Barnett, Commissioner  
Melanie Hanssen, Commissioner  
Jeffrey Suzuki, Commissioner  
Reza Tavana, Commissioner  
Emily Thomas, Commissioner



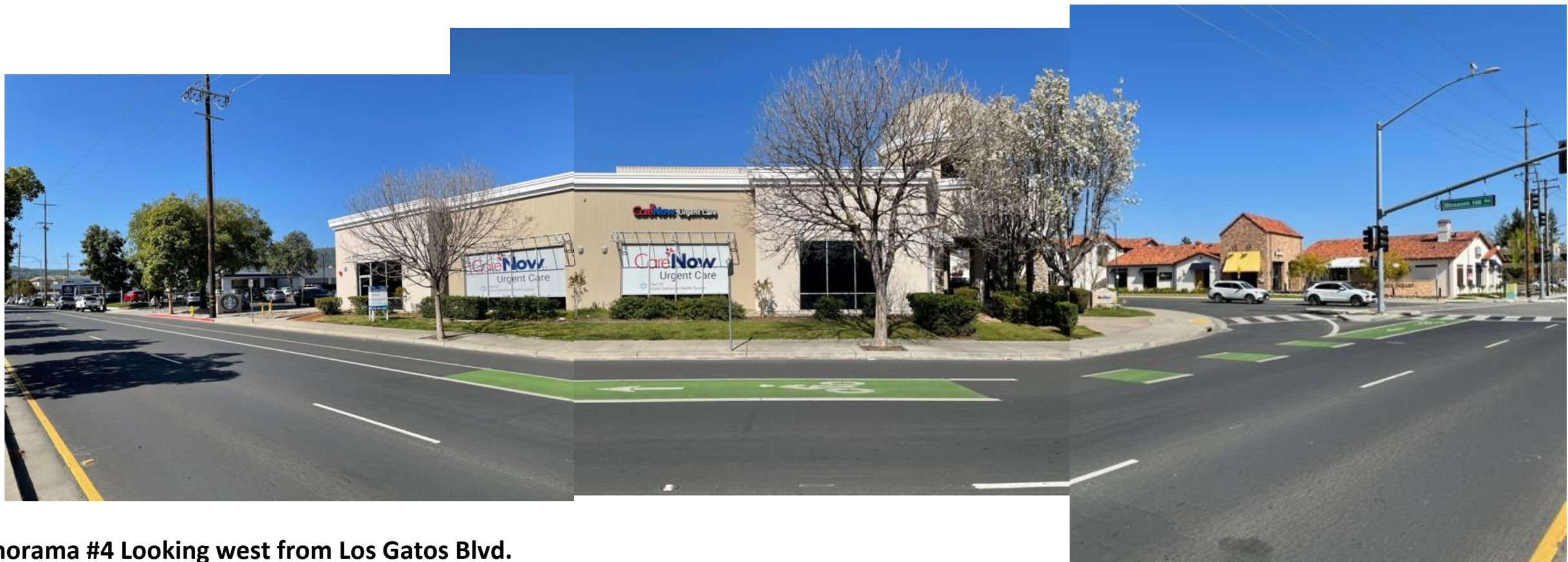
**Panorama #1 – View from Front door of 636 Blossom Hill Road**



**Panorama #2 – View from parking lot- western end of shopping center.**



**Panorama #3 – Looking west from Los Gatos Blvd.**



**Panorama #4 Looking west from Los Gatos Blvd.**



**Panorama #5 Looking South on Blossom Hill towards Shopping Center**



**Photo #6 View of Corner of Center at Blossom Hill Road and Los Gatos Blvd.**



**Photo #7 Existing Monument Sign Blossom Hill Road**



**Photo #8 Existing Monument Sign Los Gatos Blvd. to be used by Applicant**



**Panorama #9 – Looking north from east end of parking area within center**

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1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • T 925.609.6074 • F 925.798.7150 • www.bevmo.com

September 2, 2021

Town of Los Gatos  
Community Development Department  
110 E. Main St.  
Los Gatos, CA 95030  
Attention: Erin Walters

*Submitted Via Online System*

**RE: Beverages & More, Inc. 636 Blossom Hill Road, Los Gatos CA 95032  
Application for Conditional Use Permit U-21-016  
Detail of Community Outreach**

Dear Ms. Walters:

As a result of social distancing and Covid protocols, in person meetings were not held with individual neighbors. I have contacted all of the adjacent or abutting tenants/property owners and provided my contact information along with a description and outline of the business and proposed timeline for operation.

I indicated in my correspondence that I am available to meet, as requested by any person having questions or wishing further information. A sample of the letter sent to each neighbor is attached as Attachment 1.

1. (a) The parties contacted include:
  - Both abutting commercial car dealership neighbors,
  - The retail and commercial tenants located directly north across the street in the multi-tenant building,
  - The property owners of the other three commercial corners and
  - All of the residential neighbors/owners and occupants fronting onto Blossom Hill Road north to Oak Rim Way.
  - A list of the neighbors who were sent a letter is included below.
- (b) Of all the letters and outreach completed only one resident responded with questions via email. Mr. David Yu, a resident living on Blossom Hill Road, contacted me via email and we exchanged a series of emails on questions he had. The complete exchange is included as Attachment 2.
- (c) No neighbors were not contacted.  
Letter sent to each individual address via US Postal Service First Class Mail, noted above on July 20, 2021, and July 21, 2021.
- (d) In addition, as a follow-up to my July 20/21, 2021 letter noted above, I have also posted the front of the storefront with the required State of California, Department

of Alcoholic Beverage Control Notice indicating that Beverages & More, Inc, has applied for a Type 21, 42 and 86 license to be used at 636 Blossom Hill Road. The posting was placed in the storefront on August 30, 2021 and will remain up for a minimum of thirty (30) consecutive days.

Please call if additional information is needed.

Sincerely,  
Beverages & More, Inc.

/s/ Greg Endom

Greg Endom  
925-550-8082

**Beverages & More, Inc. 636 Blossom Hill Road, Los Gatos CA 95032**  
**Application for Conditional Use Permit U-21-016**  
**Detail of Community Outreach**

The specific parties contacted by letter on July 20-21, 2021 were:

- 657 Blossom Hill Road, Los Gatos, CA 95032
- 653 Blossom Hill Road, Los Gatos, CA 95032
- 637 Blossom Hill Road, Los Gatos, CA 95032
- 649 Blossom Hill Road, Los Gatos, CA 95032
- 645 Blossom Hill Road, Los Gatos, CA 95032
- 641 Blossom Hill Road, Los Gatos, CA 95032
- 633 Blossom Hill Road, Los Gatos, CA 95032
- 625 Blossom Hill Road, Los Gatos, CA 95032
- 627 Blossom Hill Road, Los Gatos, CA 95032
- 663 Blossom Hill Road, Suite 200, Los Gatos, CA 95032
- 15991 Los Gatos Blvd., Bldg. 3, Los Gatos, CA 95032
- 681 Blossom Hill Road. #1, Los Gatos, CA 95032
- 681 Blossom Hill Road, #102, Los Gatos, CA 95032
- 16151 Los Gatos Blvd., Los Gatos, CA 95032
- 620 Blossom Hill Blvd., Los Gatos, CA 95032
- 105 Stoneybrook Road, Los Gatos, CA 95032
- 100 Oak Rim Way, # 1, Los Gatos, CA 95032
- 100 Oak Rim Way, # 2, Los Gatos, CA 95032
- 100 Oak Rim Way, # 3, Los Gatos, CA 95032
- 100 Oak Rim Way, # 4, Los Gatos, CA 95032
- 100 Oak Rim Way, # 5, Los Gatos, CA 95032
- 100 Oak Rim Way, # 6, Los Gatos, CA 95032
- 100 Oak Rim Way, # 7, Los Gatos, CA 95032
- 100 Oak Rim Way, # 8, Los Gatos, CA 95032
- 100 Oak Rim Way, # 9, Los Gatos, CA 95032
- 100 Oak Rim Way, # 10, Los Gatos, CA 95032
- 100 Oak Rim Way, # 11, Los Gatos, CA 95032
- 100 Oak Rim Way, # 12, Los Gatos, CA 95032



Attachment 1- Sample of Letter  
mailed to Neighbors 7-21-20

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • Direct 925.609.6031 F 925.798.7150 • [www.bevmo.com](http://www.bevmo.com)

July 21, 2021

(  
1  
Los Gatos, CA 95032

Dear

I want to introduce myself. My name is Greg Endom. I am overseeing the work to establish a new BevMo! in the former Pier 1 space located in the Blossom Hill Pavilion Shopping Center.

I wanted to reach out to you as one of my future neighbors to introduce myself and the future business and provide my name and contact info should you have any questions about our project.

The future BevMo! will offer a convenient and unique store for local residents to browse an extensive inventory of wine, spirits, beer, gourmet food, everyday convenience items and related items such as glassware and other wine accessories, not easily found elsewhere. In fact, with the recent addition of an enhanced delivery systems that will deliver a customers' online order within 30 minutes of it being placed, BevMo has expanded its "&more" department to include a wide assortment of food items, non-alcoholic drinks, dairy items, snacks, everyday food staples, non-prescription medicines and other everyday household essentials. In addition, BevMo! offers over 3,000 wines (1,000 from California), 1,200 specialty spirits, 600 beers including many "craft" and imported beers.

The store will be open for in-store shopping similar hours to the other surrounding retail supermarket business, opening around 7:00 AM and closing around 11:00 PM. These hours will flex during the time of year with possible less hours during January to October and the fuller hours during the holiday times. In addition, the store will offer a 30-minute delivery of online orders year-round, in the immediate area on a 24-hour basis for a \$2.00 per order fee. Similar to other BevMo stores, this store will offer an education tasting program from time to time highlighting new products or holiday releases. BevMo! operates the tasting program in a manner consistent with educating the customer—it is not intended to be a bar or lounge atmosphere. No seating in the tasting areas will be provided. Sample sizes (1oz samples of beer and wine, and a maximum of three ¼ oz samples of spirits samples per customer) and hours for tastings are limited (typically tastings are conducted on Friday evening and Saturday afternoon, with occasional tastings during the week). In addition, we will offer private scheduled tastings for future wedding and corporate event planning.

BevMo! is committed to the responsible marketing of alcoholic beverage products, which is demonstrated by:

- 1) Our company policy prohibiting the sale of cigarettes and products of abuse (such as 40 oz. of malt liquor, low-priced, and screw-top fortified wines.
- 2) Our company policy prohibits the use of video or pinball games, sales of pornographic literature, pay telephones, lottery tickets, newspaper stands and other items that would encourage loitering or minors patronizing the store.
- 3) Our company posts and maintains a professional quality sign stating, "No Loitering", "No public drinking of alcoholic beverages", and "Stop you must be 21 to enter unless accompanied by an adult".
- 4) It is store policy to request identification for anyone who appears to be under the age of 50.
- 5) We operate our own decoy sale-to-minor program and implement extensive ID check training of our employees.

Our policies have led to an excellent track record with the California Department of Alcoholic Beverage Control.

In establishing the store, no changes are planned to the exterior of the existing Pier 1 space. We will remodel the interior of the existing building. The planned opening is late in 2021 or early 2022.

I look forward to meeting you on a one on one basis and am available to answer any questions you may have about our future business.

All the best.

Beverages & More, Inc.



Greg Endom  
[endomg@bevmo.com](mailto:endomg@bevmo.com)  
925-550-8082

Greg Endom

---

**From:** David Y <david.yu@gmail.com>  
**Sent:** Saturday, August 07, 2021 7:53 AM  
**To:** Greg Endom  
**Subject:** Re: BevMo in Los Gatos: Question regarding delivery hours and hours of operation

Hi Greg,

Thanks for answering my questions and taking those concerns seriously. I appreciate it. Your response has been helpful to understand what type of business BevMo is and how it's and will be run. There may always be some start up problems when moving into a new location. Are you the best point of contact if there are noise issues that need to be addressed?

David



On Wed, Aug 4, 2021 at 11:20 AM Greg Endom <[endomg@bevm.com](mailto:endomg@bevm.com)> wrote:

David:

Sorry it took a while to respond. I wanted to do some research on your questions.

With regards to BevMo's Delivery partners, while we have in the past used Door Dash, Instacart and others for delivery, going forward we will be focused on using drivers via our parent company Go Brands. While they are still contract divers, they commit to shifts for delivery and prefer to deliver for us as the delivery distances are short and reliable compared to an Uber trips which could take someone far out of their neighborhood. With the Go Brands drivers, we train and verify them on procedures and processes for general delivery activities as well as the delivery of alcoholic products. Any violation by a driver in the delivery of alcohol goes against the licensee BevMo! so it is important that we have reliable, trained drivers partnering with us on the delivery side. Overall delivery volumes seem to lessen after alcohol can no longer be sold at 2:00 AM but even then we have fewer orders later in the evening. In urban settings like Los Angeles, or San Francisco, the order pattern is very different.

We have opened a number of similar facilities. The sales amounts are low but we see the greatest share of orders from 8:00 to 11:00 PM, and then it tails off. You are correct that we will have people in the store longer hours than the actual "open to the public" hours to organize stock and fill orders. While the goal of each location is to have the right to operate 24 hours for deliveries, demand for most suburban locations is not at the 24 hour range and operating hours are adjusted to what customers are seeking, now something less than a full 24 hour schedule. While employees are in the store after closing hours to the public, they are

also doing usual inventory task (stocking, arranging product) which frees them up during open to the public hours to assist customers. We have also found that with employees in the store longer hours, this dissuades individuals from "hanging out" in the parking lot after hours, reducing loitering, graffiti and vandalism.

Deliveries occur during limited daytime hours, usually early morning (7:00 AM-9:00 AM) and during the weekdays only. There will be no evening or nighttime deliveries. You are correct that there will be specific conditions on hours for delivery and while many retailers stretch these requirements, BevMo!, like many of its other operating principles, strictly adheres to the requirements of the local government.

It is in our nature given our responsibility to be a professional, responsible beverage retailer.

We have done everything we can to distance ourselves from the traditional "liquor store" image.

We do that by

- Not offering problem products for sale (pornography, newspapers, cigarettes, cheap fortified wines),
- Increased our staff training (we have our own internal secret shopper program) as well as our
- Hiring practices (we only hire those over 21 years of age (as opposed to hiring folks 18-21). This reduces peer pressure and the possibility of sales to minors.
- We also have an electronic age verification system that is strictly followed to take the guesswork and discretion out of guessing someone's age.

David, I have tried to answer your questions but welcome an opportunity to meet if needed for further dialog. We do not have a mountain of data on delivery patterns, having only started this program in February March, and the numbers are pretty small. I hate to quote these as they may or may not be representative of a mature store or a specific location.

Stay safe.

Greg

Greg Endom



YOUR NEIGHBORHOOD BEVERAGE STORE

**Senior Vice President**

1401 Willow Pass Rd.

9<sup>th</sup> Floor

Concord, CA 94520

T: 925-609-6031

[www.bevmo.com](http://www.bevmo.com)

[endomg@bevmo.com](mailto:endomg@bevmo.com)

---

**From:** David Y

**Sent:** Saturday, July 31, 2021 2:35 PM

**To:** Greg Endom <[endomg@bevmo.com](mailto:endomg@bevmo.com)>

**Subject:** Re: BevMo in Los Gatos: Question regarding delivery hours and hours of operation

Hi Greg,

Thanks for getting back to me so quickly.

There is no need to speak with the property owner in regards to trash pickup or power washing the parking lot. I brought those up as past examples of late night/early morning noise concerns. With the drought in CA, no one is power washing their parking lots anytime soon.

The main concern is noise between 11pm to 6am. Some additional questions in regards to the hours for your delivery service. I'm assuming BevMo is partnering up with services such as Instacart, DoorDash, GrubHub for the delivery service? Or does BevMo employ their own delivery drivers? It sounds like BevMo will run a 24 hour convenience store. While your store is not open to the general public, it is still operational in some capacity. Is it possible to share some delivery data from other



stores similar in size? I don't want to assume there is a lot of demand for deliveries of alcoholic (up to 2am) or non-alcoholic items (24/7), but this is the unknown factor. If there is a lot of demand, there will be consistent traffic coming and leaving the square at all hours.

The other major concern is how often the store itself receives delivery and the hours the delivery takes place. Delivery trucks are loud (opening or doors, banging of the lifts, blaring music). I'm guessing this part will be mandated in the CUP, but not all stores adhere to those mandated delivery hours in the CUP.

Regards,

David

On Thu, Jul 29, 2021 at 12:42 PM Greg Endom <[endomg@bevmo.com](mailto:endomg@bevmo.com)> wrote:

David:

Let me try and address your questions...

Yes, in the application (and the letter I sent to you) I noted the hours were 7:00 AM to 11:00 PM. When I seek approval from a local municipality, I have found it to be simpler to show the possible maximum holiday hours rather than break it up by season.

Our general plan is to operate from 9:00 AM to 9 or 10:00 PM during the majority of the year much like the Cambrian store does). Then in November we start to extend our hours based upon the holiday shopping patterns, finishing up on January 1, when we revert back to the regular 9 to 9 hours. Since Starbucks was in the center and opens early, I did not think 7:00 AM would be a problem. I believe they open at 6:00 AM. David, there was no intent to be open materially different hours than the nearby retailers, only to simplify the application and provide for the holiday period.

My notes indicate that Lunardi's opens at 7:00 AM, along with Nob Hill, Rite Aid and CVS. Whole Foods opens at 8:00 AM. With our 9:00 to 9:00 hours for the bulk of the year, this will actually be less than these retailers. I was not able to see what hours they operate during the holidays but my guess is they extend a little bit as we do.

Deliveries of alcohol can occur up to 2:00 AM as allowed by State law. While not the bulk of the business by any means, the busiest time is up to 10:00 pm, (maybe 35 deliveries between 5:00 PM and 10:00 PM). It is our plan to offer deliveries of non-alcohol products (snacks, ice cream, over the counter medicine 24 hours per day as I indicated in my letter. The reality is that business tails off around 3-3:30AM. Our delivery area around each store is limited to a 10-13 minute drive from the store so not a wide range and really only serving the local residents.

With regards to deliveries, we have the flexibility to schedule them at hours that work for our neighbors. Typically they come in the morning, after 7:00 AM, and generally occur during the week (except for deliveries of ice during the summer months, occasionally on the weekends. We do not do any power washing nor set up trash pickup. I can relay that to the property owner to see if they have some flexibility in their scheduling.

I hope I have addressed your questions. If you would like to meet face to face, I can come down to the center, at your convenience.

Greg

Greg Endom



**Senior Vice President**

1401 Willow Pass Rd.

9<sup>th</sup> Floor

Concord, CA 94520

T: 925-609-6031

[www.bevmo.com](http://www.bevmo.com)

[endomg@bevmo.com](mailto:endomg@bevmo.com)

---

**From:** David Y

**Sent:** Wednesday, July 28, 2021 11:16 PM

**To:** Greg Endom <[endomg@bevmo.com](mailto:endomg@bevmo.com)>

**Subject:** BevMo in Los Gatos: Question regarding delivery hours and hours of operation

Hi Greg,

I received a letter from you in regards to BevMo taking over space that used to belong to Pier 1. Your letter states that the hours of operation will be from 7:00 AM to 11:00 PM. If this is the store hours, when are the delivery hours? I live directly across the street from Blossom Hill Pavilion. Homeowners have had issues in the past in regards to being woken up to loud sounds for early morning delivery, garbage trucks and power washing.

The local grocery stores (Safeway, Whole Foods, Lanardi's) open at 8am and close at 10pm, despite your letter stating otherwise. The BevMo in Cambrian Park opens at 9am and closes at 9pm Mo-Thu and 9am to 10pm Fri, Sat and 9am to 8pm Sun. What was the decision behind the LG location to open at 7am and close at 11pm? Are these hours store hours or general public hours? All your local competitors in the area that sells alcohol have hours shorter than your proposed hours. (i.e. Enoteca Direct off of N Santa Cruz hours are mostly 10am to 7pm). Of course I understand that your competitors are small businesses versus BevMo a large chain company, but the letter I received seems to indicate everyone has similar hours yet this is not the case.

The CUP application submitted in April states that delivery through your app or online runs from 6am to 2am? Does this mean there is traffic constantly coming and leaving from your store in regards to delivery?

Regards,

David

September 30, 2021

Mr. Erin Walters  
Associate Planner  
Community Development Department  
110 E. Main Street  
Los Gatos, CA 95030

RE: Application of Beverages & More: 636 Blossom Hill Road @ Los Gatos Blvd, Los Gatos, CA.

Dear Erin,

As a resident of the Town of Los Gatos, I am pleased to see the possibility of a Beverages & More retail store coming to our Town. I have been a client of Beverages & More for many years and always have been pleased with the depth of their wine selection, the knowledge of their employees and the look and feel of their Store. Beverages & More is not a liquor store in that they do not sell lottery tickets , pints of hard liquor or individual cans of beer in a brown paper bag. They are a specialty retailer of party items, cigars, fine crystal and spirits.

It would be great to have this service in our hometown and myself like many of my friends will no longer have to leave the Town of Los Gatos for these specialty items.

My only regret is that Beverages & More will not be open for this Holiday Season.

Sincerely,



**Romy Zeid**

[REDACTED]  
LOS GATOS, CA 95032

Executive Vice President | [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

September 30, 2021

Mr. Erin Walters  
Associate Planner  
Community Development Department  
110 E. Main Street  
Los Gatos, CA 95030

RE: Application of Beverages & More: 636 Blossom Hill Road @ Los Gatos Blvd, Los Gatos, CA.

Dear Erin,

As a resident of the Town of Los Gatos, I am pleased to see the possibility of a Beverages & More retail store coming to our Town. I have been a client of Beverages & More for many years and always have been pleased with the depth of their wine selection, the knowledge of their employees and the look and feel of their Store. Beverages & More is not a liquor store in that they do not sell lottery tickets , pints of hard liquor or individual cans of beer in a brown paper bag. They are a specialty retailer of party items, cigars, fine crystal and spirits.

It would be great to have this service in our hometown and myself like many of my friends will no longer have to leave the Town of Los Gatos for these specialty items.

My only regret is that Beverages & More will not be open for this Holiday Season.

Sincerely,



**JOHN MACHADO**

[REDACTED]  
LOS GATOS, CA 95030

Executive Vice President | [REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Nick Goddard [REDACTED]  
**Sent:** Friday, October 01, 2021 8:34 AM  
**To:** Erin Walters <EWalters@losgatosca.gov>  
**Subject:** BevMo LGB

EXTERNAL SENDER

I am a resident at Bayview Ave, Almond Grove district and am fully supportive of the application for Bevmo and their CUP application for the former Pier One space.

BevMo is a marked difference from a liquor store, but since the closure of the two remaining stores, we have had no retail outlets for alcohol in the whole town. Supermarkets and their limited offerings don't really count.

They are a well known and professional operator and do not attract urban blight in any way, shape or form.

Please fast track their applications

Regards

Nick Goddard

RECEIVED

OCT 11 2021

TOWN OF LOS GATOS  
PLANNING DIVISION

October 4, 2021

Mr. Erin Walters  
Associate Planner  
Community Development Department  
TOWN OF LOS GATOS  
110 E. Main Street  
Los Gatos, CA 95030

RE: Application of Beverages & More: 636 Blossom Hill Road @ Los Gatos Blvd, Los Gatos, CA.

Dear Mr. Walters,

As a resident of the Town of Los Gatos, I am pleased to see the possibility of a Beverages & More retail store coming to our Town. I have been a client of Beverages & More, in particular the store in at Cambrian Plaza, for many years and always have been pleased with the depth of their wine selection, the knowledge of their employees and the look and feel of their Store.

It would be great to have this service in our hometown.

Hopefully, the Town will view the addition of a BevMo as an addition to our community.

Sincerely,



**Stephen J. Gibson**

[REDACTED]  
LOS GATOS, CA 95030

Executive Vice President | [REDACTED]  
[REDACTED]



October 5th, 2021

Mr. Erin Walters  
Associate Planner  
Community Development Department  
110 E. Main Street  
Los Gatos, CA 95030

RE: Application of Beverages & More: 636 Blossom Hill Road @ Los Gatos Blvd, Los Gatos, CA.

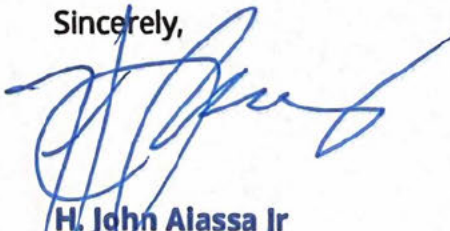
Dear Erin,

As a 30-year resident in the Town of Los Gatos, I am pleased to see the possibility of a Beverages & More retail store coming to our Town. I have been a client of Beverages & More for many years and always have been pleased with the depth of their wine selection, the knowledge of their employees and the look and feel of their Store. Beverages & More is not a liquor store in that they do not sell lottery tickets, pints of hard liquor or individual cans of beer in a brown paper bag. They are a specialty retailer of party items, cigars, fine crystal and spirits.

It would be great to have this service in our hometown and myself like many of my friends will no longer have to leave the Town of Los Gatos for these specialty items.

My only regret is that Beverages & More will not be open for this Holiday Season.

Sincerely,



H. John Alassa Jr

Los Gatos CA 95030

**From:** George Montanari [REDACTED]  
**Sent:** Wednesday, October 06, 2021 7:17 AM  
**To:** Erin Walters <EWalters@losgatosca.gov>  
**Subject:** RE: Application of Beverages & More: 636 Blossom Hill Road @ Los Gatos Blvd, Los Gatos, CA.

**EXTERNAL SENDER**

Dear Erin

I strongly approve the Application of beverages and more moving into Blossom Hill Road in Los Gatos.

As a long time resident of Los Gatos, my family and I would find this as a convenient and logical addition to our town.

Myself, my family, and all my neighbors fully endorse this application and look forward to shopping and keeping our dollars here in Los Gatos.

Thank you

George and Jill Montanari

[REDACTED]

Los Gatos, CA 95032

**George Montanari**

Sales Manager

[REDACTED]

Top Producer since 1980

Nationally 1% Wall Street Journal

[REDACTED]

[REDACTED]

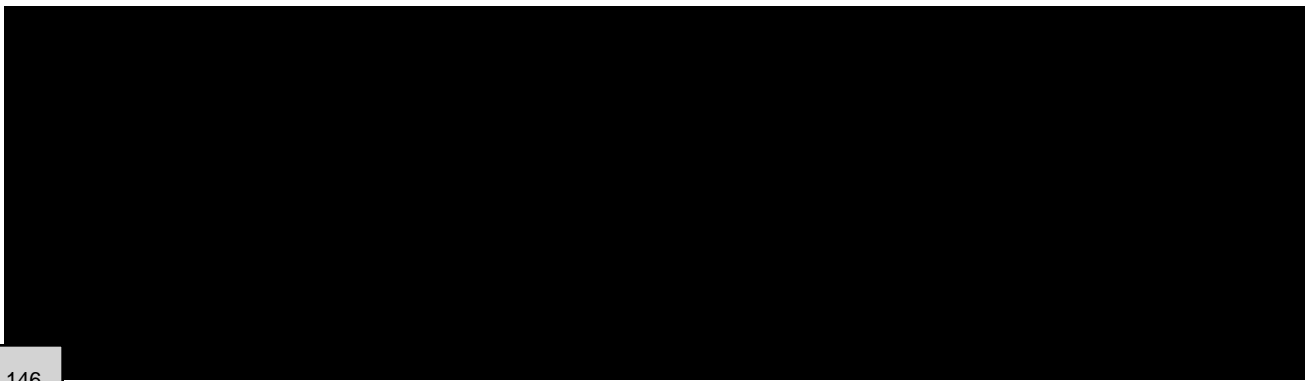
[REDACTED]

[REDACTED]

[REDACTED]

Click Here:

[Learn how George can help sell your home faster and for a higher price with Concierge.](#)



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

From: Julie's Comcast <[REDACTED]>  
Sent: Tuesday, October 12, 2021 7:33 AM  
To: Erin Walters <[EWalters@losgatosca.gov](mailto:EWalters@losgatosca.gov)>  
Cc: Rick DiNapoli <[REDACTED]>  
Subject: Beverages & More

EXTERNAL SENDER

Dear Erin,

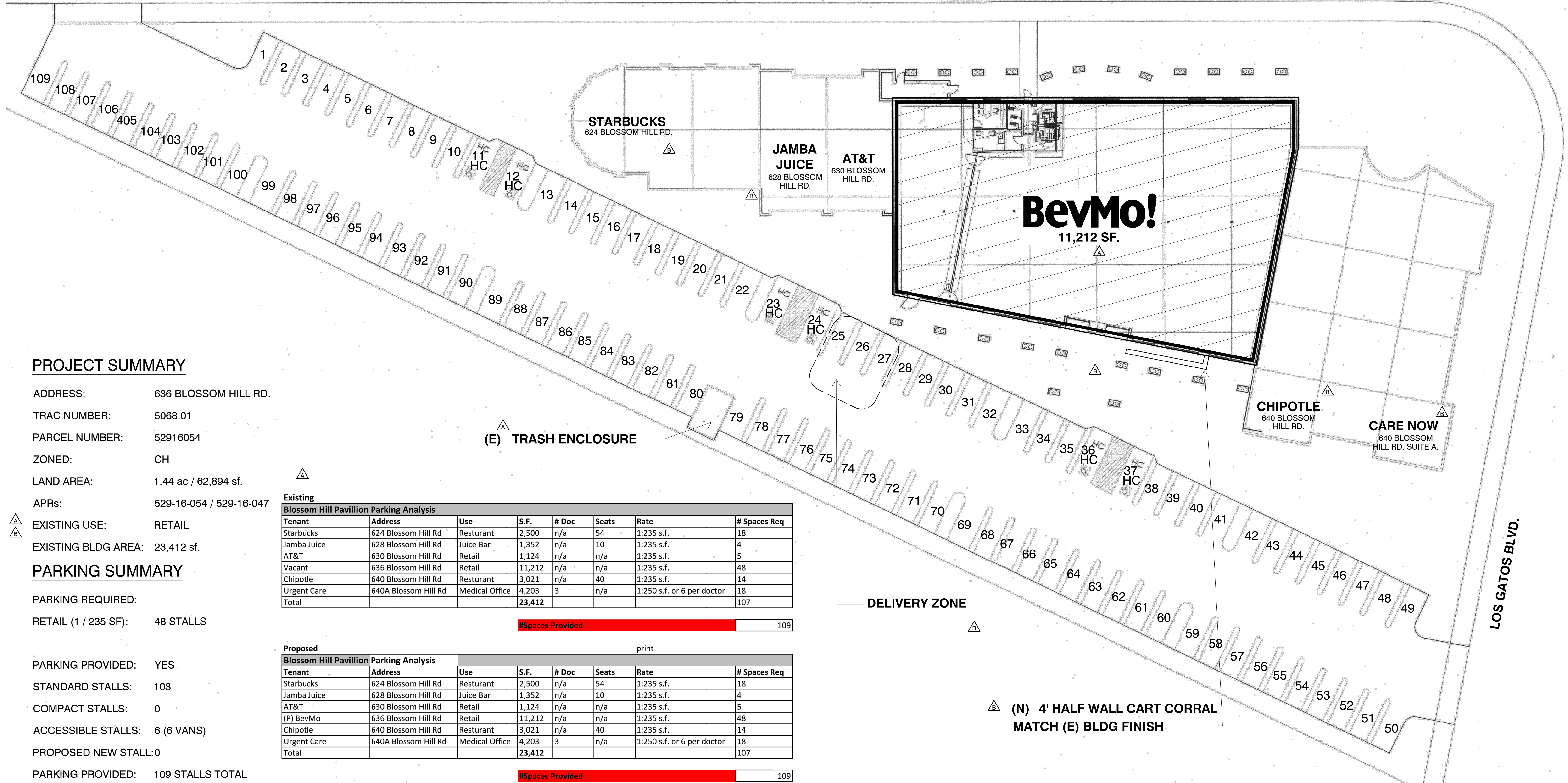
As longtime residents of Los Gatos for over thirty years we fully support having BevMo as a tenant on Blossom Hill/LG Blvd.  
Such a great store and a great convenience for the town. In addition, the sales tax revenue will be a big benefit.  
Two thumbs up!!

Best regards,  
Julie and Rick DiNapoli

Sent from my iPhone

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BLOSSOM HILL ROAD



**PROJECT SUMMARY**

ADDRESS: 636 BLOSSOM HILL RD.  
 TRAC NUMBER: 5068.01  
 PARCEL NUMBER: 52916054  
 ZONED: CH  
 LAND AREA: 1.44 ac / 62,894 sf.  
 APRs: 529-16-054 / 529-16-047

EXISTING USE: RETAIL  
 EXISTING BLDG AREA: 23,412 sf.

**PARKING SUMMARY**

PARKING REQUIRED:  
 RETAIL (1 / 235 SF): 48 STALLS  
 PARKING PROVIDED: YES  
 STANDARD STALLS: 103  
 COMPACT STALLS: 0  
 ACCESSIBLE STALLS: 6 (6 VANS)  
 PROPOSED NEW STALL: 0  
 PARKING PROVIDED: 109 STALLS TOTAL

Existing  
**Blossom Hill Pavillion Parking Analysis**

Tenant	Address	Use	S.F.	# Doc	Seats	Rate	# Spaces Req
Starbucks	624 Blossom Hill Rd	Resturant	2,500	n/a	54	1:235 s.f.	18
Jamba Juice	628 Blossom Hill Rd	Juice Bar	1,352	n/a	10	1:235 s.f.	4
AT&T	630 Blossom Hill Rd	Retail	1,124	n/a	n/a	1:235 s.f.	5
Vacant	636 Blossom Hill Rd	Retail	11,212	n/a	n/a	1:235 s.f.	48
Chipotle	640 Blossom Hill Rd	Resturant	3,021	n/a	40	1:235 s.f.	14
Urgent Care	640A Blossom Hill Rd	Medical Office	4,203	3	n/a	1:250 s.f. or 6 per doctor	18
<b>Total</b>			<b>23,412</b>				<b>107</b>

#Spaces Provided 109

Proposed  
 Blossom Hill Pavillion Parking Analysis

Tenant	Address	Use	S.F.	# Doc	Seats	Rate	# Spaces Req
Starbucks	624 Blossom Hill Rd	Resturant	2,500	n/a	54	1:235 s.f.	18
Jamba Juice	628 Blossom Hill Rd	Juice Bar	1,352	n/a	10	1:235 s.f.	4
AT&T	630 Blossom Hill Rd	Retail	1,124	n/a	n/a	1:235 s.f.	5
(P) BevMo	636 Blossom Hill Rd	Retail	11,212	n/a	n/a	1:235 s.f.	48
Chipotle	640 Blossom Hill Rd	Resturant	3,021	n/a	40	1:235 s.f.	14
Urgent Care	640A Blossom Hill Rd	Medical Office	4,203	3	n/a	1:250 s.f. or 6 per doctor	18
<b>Total</b>			<b>23,412</b>				<b>107</b>

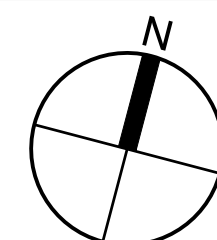
#Spaces Provided 109

636 BLOSSOM HILL RD.  
 Los Gatos, CA 95032

STORE #:  
 DATE: AUGUST 19, 2021  
 MCG JOB #: 20.474.01

**SITE PLAN**

Scale: 1/16" = 1'0"



DATE	REVISIONS
12-29-20	CLIENT REVISION
06-09-21	CITY COMMENTS
08-19-21	CITY COMMENTS

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 NOTE: This information is conceptual in nature and is subject to adjustments pending further verification and Client, Tenant, and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.

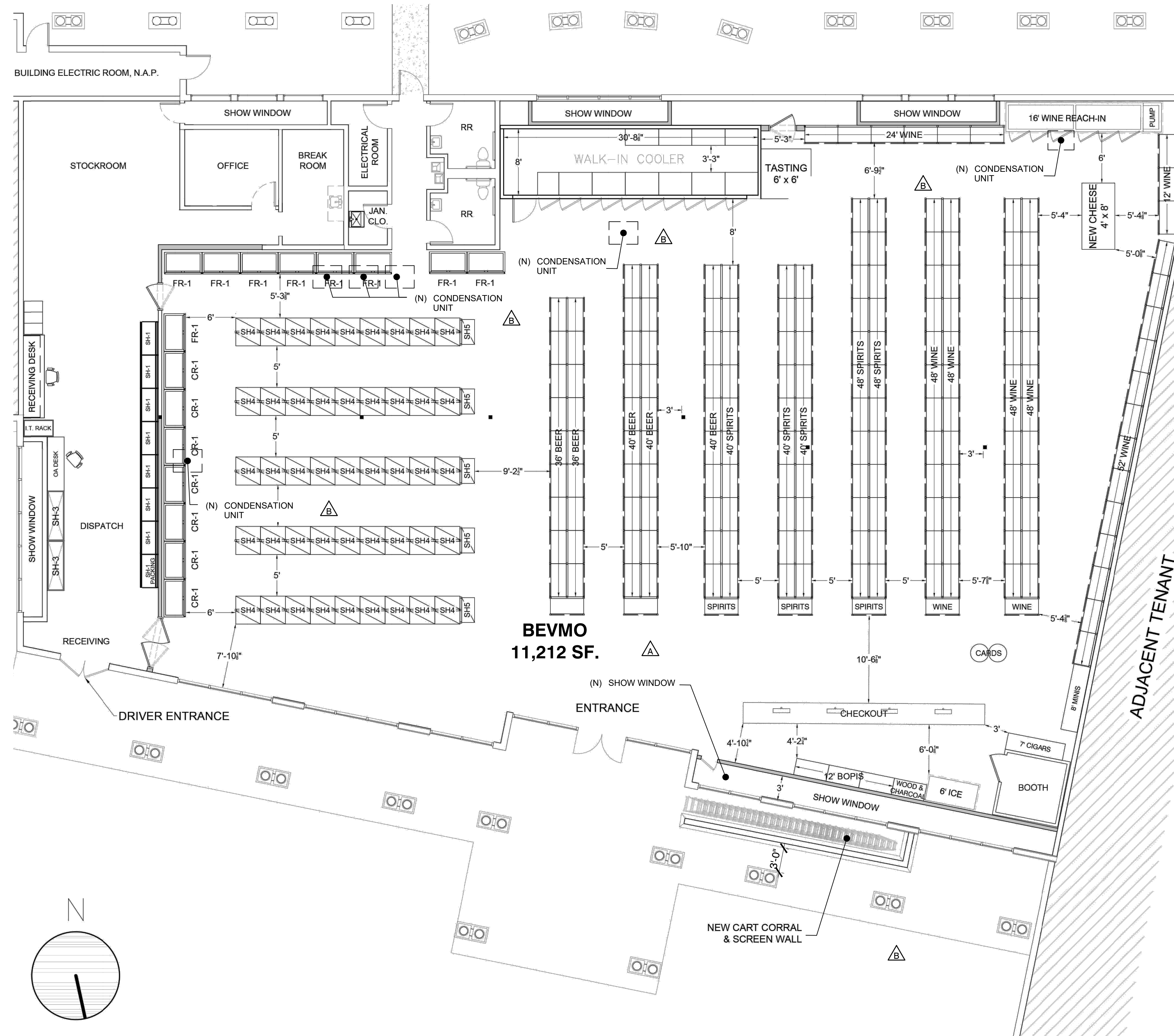
**BevMo!**

A-1

CLEVELAND  
 DENVER  
 GLENDORA  
 IRVINE  
 SAN FRANCISCO



mcgarchitecture.com  
 EXHIBIT 8



636 BLOSSOM HILL RD.  
Los Gatos, CA 95032

A-2

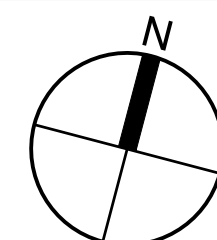
STORE #:  
DATE: AUGUST 19, 2021  
MCG JOB #: 20.474.01

FLOOR PLAN

Scale : 1/8" = 1'0"

DATE	REVISIONS
12-29-20	CLIENT REVISION
06-09-21	CITY COMMENTS
08-19-21	CITY COMMENTS

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**BevMo!**

CLEVELAND  
DENVER  
GLENDORA  
IRVINE  
SAN FRANCISCO

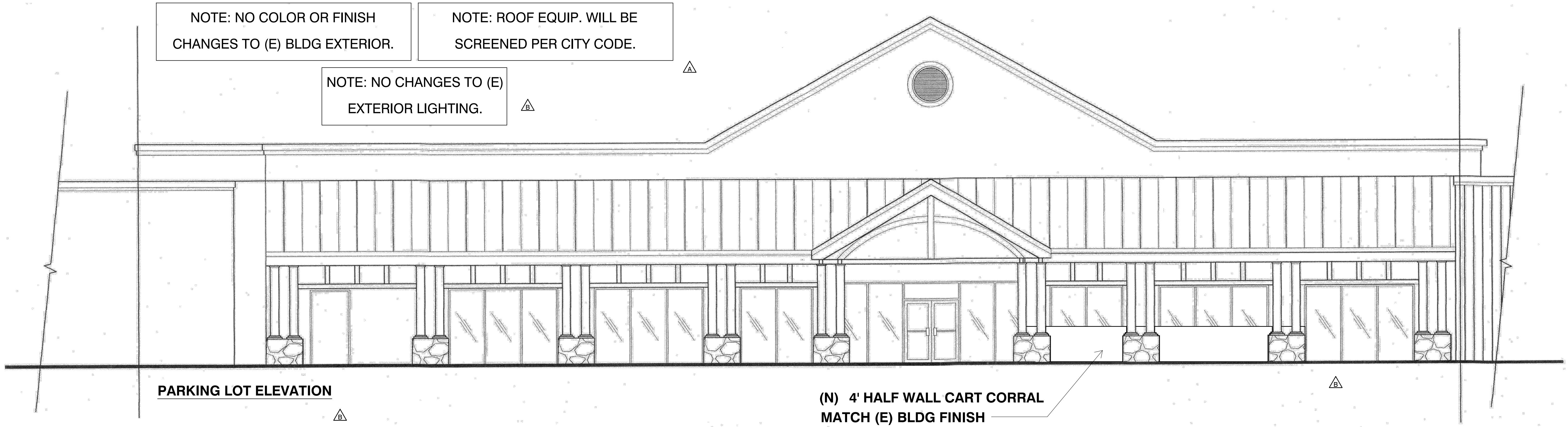


mcgarchitecture.com

NOTE: NO COLOR OR FINISH CHANGES TO (E) BLDG EXTERIOR.

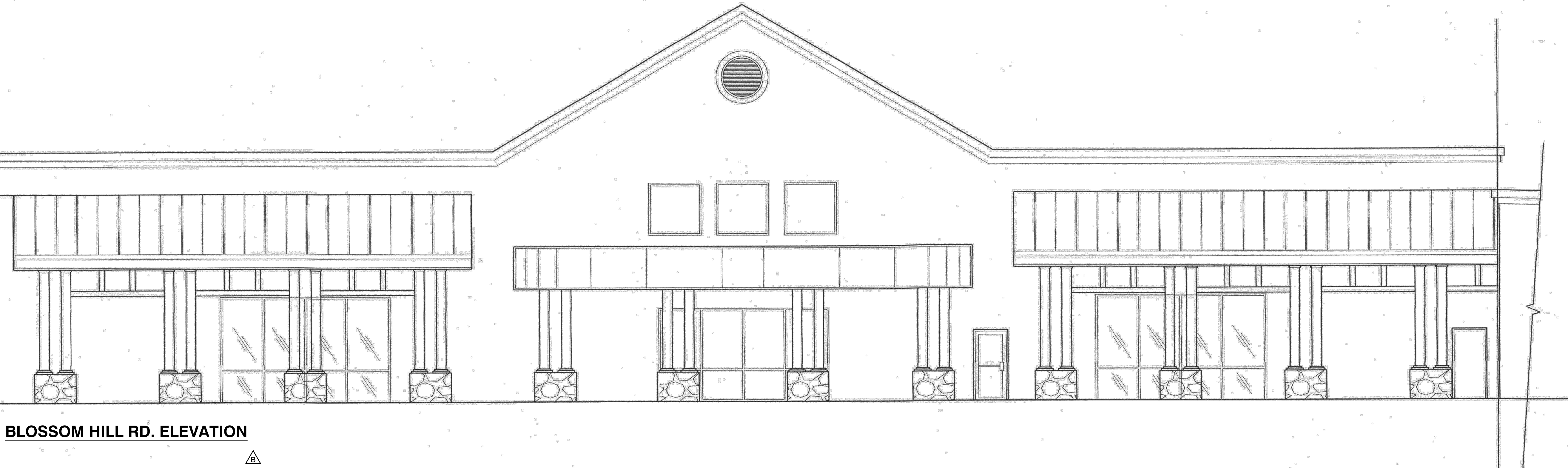
NOTE: ROOF EQUIP. WILL BE SCREENED PER CITY CODE.

NOTE: NO CHANGES TO (E) EXTERIOR LIGHTING.



PARKING LOT ELEVATION

(N) 4' HALF WALL CART CORRAL  
MATCH (E) BLDG FINISH



BLOSSOM HILL RD. ELEVATION

636 BLOSSOM HILL RD.  
Los Gatos, CA 95032

A-3

STORE #:  
DATE: AUGUST 19, 2021  
MCG JOB #: 20.474.01

ELEVATIONS

Scale : 3/16" = 1'0"

DATE	REVISIONS
12-29-20	CLIENT REVISION
06-09-21	CITY COMMENTS
08-19-21	CITY COMMENTS

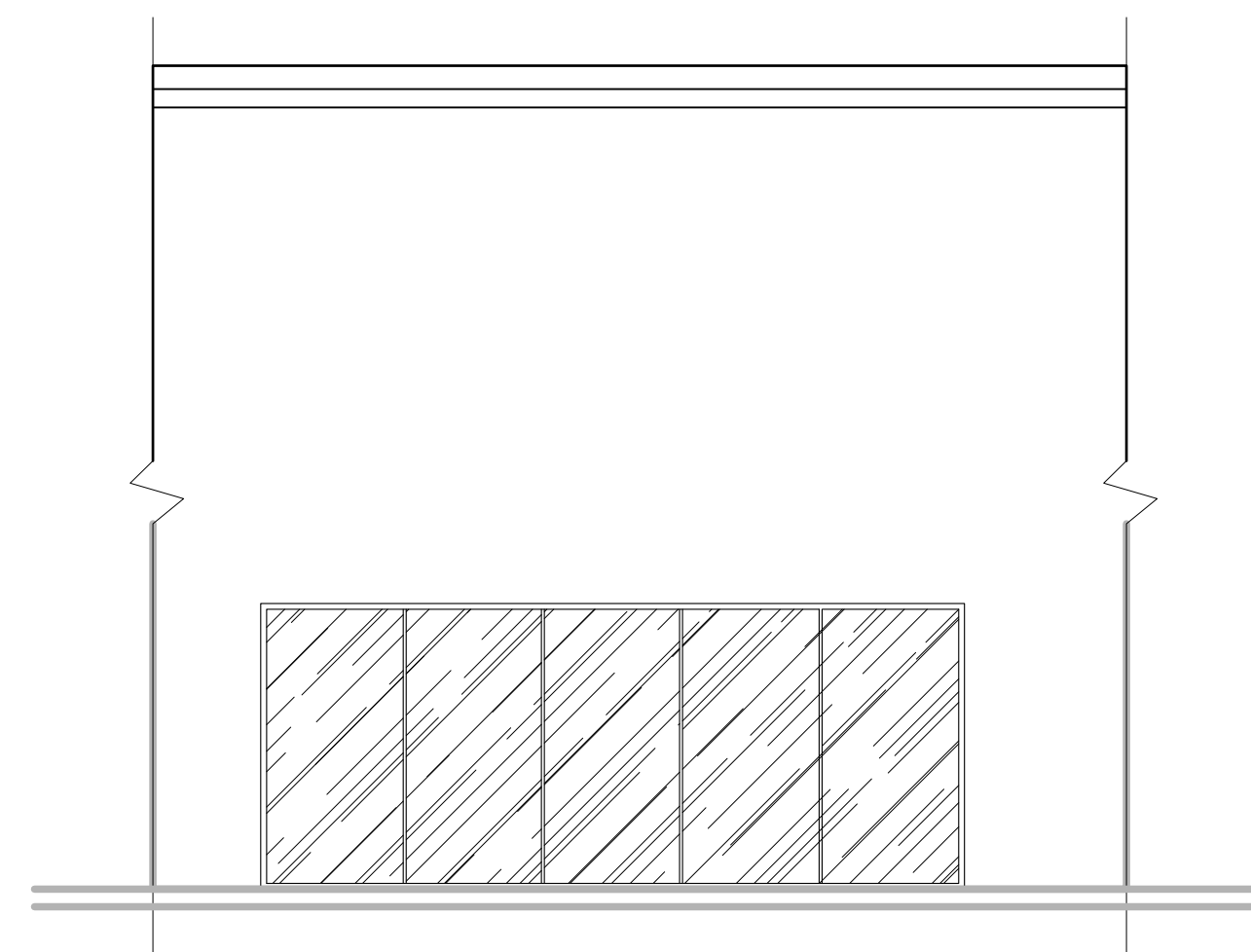
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**BevMo!**

CLEVELAND  
DENVER  
GLENDORA  
IRVINE  
SAN FRANCISCO



mccarchitecture.com



**EAST ELEVATION**

NOTE: NO COLOR OR FINISH  
CHANGES TO (E) BLDG EXTERIOR.

NOTE: ROOF EQUIP. WILL BE  
SCREENED PER CITY CODE.

NOTE: NO CHANGES TO (E)  
EXTERIOR LIGHTING.



**636 BLOSSOM HILL RD.**  
Los Gatos, CA 95032

**ELEVATIONS**

Scale : 3/16" = 1'0"

**A-4**

STORE #:  
DATE: AUGUST 19, 2021  
MCG JOB #: 20.474.01

DATE	REVISIONS
12-29-20	CLIENT REVISION
06-09-21	CITY COMMENTS
08-19-21	CITY COMMENTS

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GLENORA  
IRVINE  
SAN FRANCISCO



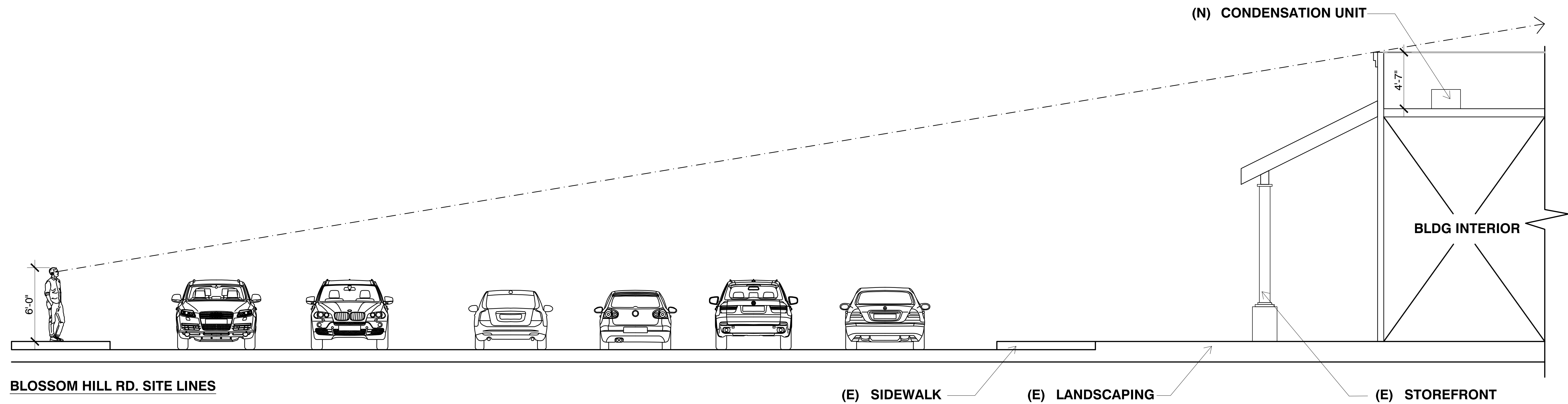
mcgarchitecture.com

**BevMo!**





NOTE: PARKING LOT SITE LINES ARE SIMILAR TO BLOSSOM RD. ALL OTHER UNITS ARE OUT OF SITE AND DO NOT REQUIRE ADDITIONAL SCREENING.



**BLOSSOM HILL RD. SITE LINES**

(E) SIDEWALK

(E) LANDSCAPING

(E) STOREFRONT

636 BLOSSOM HILL RD.  
Los Gatos, CA 95032

A-6

STORE #:  
DATE: AUGUST 19, 2021  
MCG JOB #: 20.474.01

DATE	REVISIONS
12-29-20	CLIENT REVISION
06-09-21	CITY COMMENTS
08-19-21	CITY COMMENTS

**SITE LINES**

Scale : 1/4" = 1'0"

**BevMo!**

CLEVELAND  
DENVER  
GLENDORA  
IRVINE  
SAN FRANCISCO



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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 4

ADDENDUM

---

DATE: November 9, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. **Located at 636 Blossom Hill Road.** APN 529-16-047 and 529-16-054. Conditional Use Permit U-21-016. PROPERTY OWNER: Blossom Hill Pavilion LP. APPLICANT: Greg Endom, Beverages and More, Inc. PROJECT PLANNER: Erin Walters.

REMARKS:

The applicant has requested that Condition of Approval 6 (Exhibit 3) be modified to specify deliveries to be described as merchandise deliveries, and to shift the merchandise delivery hours to 12:00 a.m. to 8:00 a.m. to accommodate delivery vendors. The following language has been prepared by staff:

6. MERCHANDISE DELIVERIES: Deliveries shall occur between 12:00 a.m. to ~~6:00 a.m.~~ 8:00 a.m. and must be from the parking lot in front of the tenant space. No deliveries shall be made from Blossom Hill Road or Los Gatos Boulevard. No delivery trucks shall stop on Blossom Hill Road or Los Gatos Boulevard.

In addition, a petition of support was submitted by the applicant after preparation of the staff report and is included as Exhibit 9.

PREPARED BY: Erin Walters  
Associate Planner

---

Reviewed by: Planning Manager and Community Development Director

---

PAGE 2 OF 2

SUBJECT: 636 Blossom Hill Road/U-21-016

DATE: November 9, 2021

EXHIBITS:

Previously received with the November 10, 2021 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification
5. Site Photographs
6. Applicant Outreach
7. Public Comments
8. Development Plans

Received with this Addendum Report:

9. Additional Materials Submitted by the Applicant

# BevMo!

1401 Willow Pass Rd, Suite 900 • Concord, California 94520 • Direct 925.609.6031 F 925.798.7150 • [www.bevmo.com](http://www.bevmo.com)

Sent Via FedEx and via email to [ewalters@losgatosca.gov](mailto:ewalters@losgatosca.gov)

November 8, 2021

Kathryn Janoff, Chair  
Planning Commission  
*In care of*  
Erin Walter  
Planner  
Town of Los Gatos  
110 East Main Street  
Los Gatos, CA

**RE: 636 Blossom Hill Road, Los Gatos CA 95032  
Conditional Use Permit (CUP No. U-21-016)**

Dear Chair Janoff:

In connection with the above noted Conditional Use Permit application, I enclose five pages of signatures from Town residents indicating support for the proposed BevMo location. This Conditional Use Permit request will be heard at the Planning Commission meeting on November 10, 2021.

In addition, to the other various emails and letters of support already received by the Town in support of our proposed store, the attached petition list an additional 46 Town residents who have indicated their support for the new store.

I look forward to presenting our proposal to you this week at the Planning Commission hearing.

Very Truly Yours,  
Beverages & More, Inc.



Greg Endom

## Support for Proposed BevMo!

**636 Blossom Hill Road @ Los Gatos Boulevard, Los Gatos CA 95032**

**WE, the undersigned, as residents of the Town of Los Gatos, indicate our support for the proposed BevMo! store in the Blossom Hill Pavilions Shopping Center and welcome the opportunity to be served within our community by a responsible retailer such as BevMo offering a variety of products both for instore shopping and extended hours for delivery.**

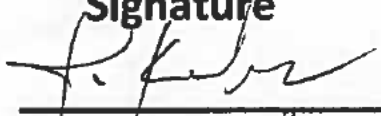

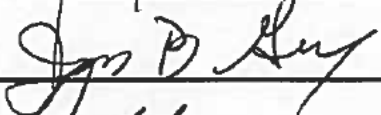
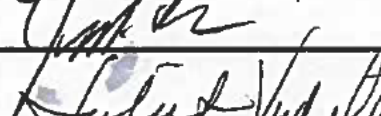
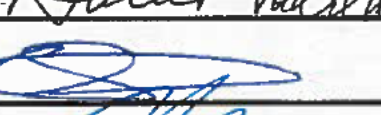




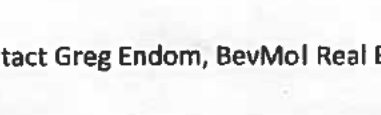


Date	Print Name	Signature	Address	Town	Zip
	ROBERTO KONAN			Los Gatos-	95032
	Tina VanHousen			Los Gatos-	95030
	Igor Shevchenko			Los Gatos-	95030
	Richard Mills			Los Gatos-	95032
	Linda DeSalvo			Los Gatos-	95033
	Allan DeSalvo			Los Gatos-	95033
	Jennifer Filice			Los Gatos-	95030
	Erin Winkler			Los Gatos-	95032
	Helen Cadore			Los Gatos-	95031
	Jeremy Jones			Los Gatos-	95031

For more information Contact Greg Endom, BevMo! Real Estate email: [endomg@bevmo.com](mailto:endomg@bevmo.com), Tel. 925-550-8082

## Support for Proposed BevMo!

**636 Blossom Hill Road @ Los Gatos Boulevard, Los Gatos CA 95032**

**WE, the undersigned, as residents of the Town of Los Gatos, indicate our support for the proposed BevMo! store in the Blossom Hill Pavilions Shopping Center and welcome the opportunity to be served within our community by a responsible retailer such as BevMo offering a variety of products both for instore shopping and extended hours for delivery.**

Date	Print Name	Signature	Address	Town	Zip
10/12	John Kowen			Los Gatos	95032
10/12	Jess B. Guy			Los Gatos	95032
10/12	Joel Huston			Los Gatos	95032
10/12	JULIET VANILAVICH			Los Gatos	95032
10/12	CHRIS TEDFORD			Los Gatos	95032
10/15	Jeff Hickey			Los Gatos	95032
10/15	HARWAN BERREMAN			Los Gatos	95032
10/17	Grainne Variot			Los Gatos	95032
10/16	Mannon Rice			Los Gatos	95032
10/14				Los Gatos	95032

For more information Contact Greg Endom, BevMo! Real Estate email: [endomg@bevmo.com](mailto:endomg@bevmo.com), Tel. 925-550-8082

## Support for Proposed BevMo!

**636 Blossom Hill Road @ Los Gatos Boulevard, Los Gatos CA 95032**

**WE, the undersigned, as residents of the Town of Los Gatos, indicate our support for the proposed BevMo! store in the Blossom Hill Pavilions Shopping Center and welcome the opportunity to be served within our community by a responsible retailer such as BevMo offering a variety of products both for instore shopping and extended hours for delivery.**

Date	Print Name	Signature	Address	Town	Zip
10/8/21	Chris Knorr			Los Gatos	95033
10/9/21	Shaun Harmeny			Los Gatos	
10/9/21	Kim Haskell			Los Gatos	95030
10/9/21	ERFAN MODIR			Los Gatos	95030
10/9/21	KIMBERLY BARCA			Los Gatos	95124
10/13/21	DON McKeel			Los Gatos	95030
10/11	Jane Stephens			Los Gatos	95030
10/11	TOM HASTINGS			Los Gatos	95030
10/12	RANDY CBBB			Los Gatos	95030
10-15-21	C. Press			Los Gatos	95030

For more information Contact Greg Endom, BevMo! Real Estate email: [endomg@bevmo.com](mailto:endomg@bevmo.com), Tel. 925-550-8082



## Support for Proposed BevMo!

**636 Blossom Hill Road @ Los Gatos Boulevard, Los Gatos CA 95032**

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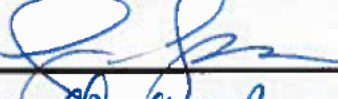




Date	Print Name	Signature	Address	Town	Zip
10/17	MEGINANNI			Los Gatos	95124
10/17	Michael J. Noye			Los Gatos	95020
10/17	Patrick Ennis			Los Gatos	95020
10/17	Daniel Trish			Los Gatos	95033
10/17	BARBARA WEBER			Los Gatos	95032
10/18	Gayle Gustafsson			Los Gatos	95020
10/22	Steve Machado			Los Gatos	95082
10/24	Ginger Withers			Los Gatos	95050
10/27	Janet Radovich			Los Gatos	95032
10/28	Phil Yammori			Los Gatos	95032

For more information Contact Greg Endom, BevMo! Real Estate email: [endomg@bevm.com](mailto:endomg@bevm.com), Tel. 925-550-8082

## Support for Proposed BevMo!

**636 Blossom Hill Road @ Los Gatos Boulevard, Los Gatos CA 95032**

**WE, the undersigned, as residents of the Town of Los Gatos, indicate our support for the proposed BevMo! store in the Blossom Hill Pavilions Shopping Center and welcome the opportunity to be served within our community by a responsible retailer such as BevMo offering a variety of products both for instore shopping and extended hours for delivery.**

Date	Print Name	Signature	Address	Town	Zip
10/28/21	Walter Coursey			Los Gatos	95032
10/28/21	Jennifer Tomason			Los Gatos	95032
10/29/21	Linda Hamp			Los Gatos	95032
10/29/21	Felicia Doring			Los Gatos	95032
10/29/21	ROBERT TRAN			Los Gatos	95032
11-4-21	PAUL BATTAGLIA			Los Gatos	95032
				Los Gatos	
				Los Gatos	
				Los Gatos	
				Los Gatos	

For more information Contact Greg Endom, BevMo! Real Estate email: [endomg@bevmo.com](mailto:endomg@bevmo.com), Tel. 925-550-8082



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 4

DESK ITEM

---

DATE: November 10, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. **Located at 636 Blossom Hill Road.** APN 529-16-047 and 529-16-054. Conditional Use Permit U-21-016. PROPERTY OWNER: Blossom Hill Pavilion LP. APPLICANT: Greg Endom, Beverages and More, Inc. PROJECT PLANNER: Erin Walters.

REMARKS:

Exhibit 10 includes a public comment received between 11:01 a.m., Friday, November 5, 2021, and 11:00 a.m., Wednesday, November 10, 2021.

EXHIBITS:

Previously received with the November 10, 2021 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification
5. Site Photographs
6. Applicant Outreach
7. Public Comments
8. Development Plans

Previously received with November 9, 2021 Addendum Report:

9. Additional Materials Submitted by the Applicant

PREPARED BY: ERIN WALTERS  
Associate Planner

---

Reviewed by: Planning Manager and Community Development Director

---

PAGE 2 OF 2

SUBJECT: 636 Blossom Hill Road/U-21-016

DATE: November 10, 2021

Received with this Desk Item Report:

10. Public Comment Received between 11:01 a.m., Friday, November 5, 2021 and 11:00 a.m.  
Wednesday, November 10, 2021

**From:** Katie Piro [REDACTED]  
**Sent:** Wednesday, November 10, 2021 7:00 AM  
**To:** Planning Comment <[PlanningComment@losgatosca.gov](mailto:PlanningComment@losgatosca.gov)>  
**Subject:** Public Comment Item #4. Requesting Approval of a Conditional Use Permit to Allow a Formula Retail Business with Alcohol Sales and Tasting, and Including 24-hour Delivery (BevMo!) on Property Zoned CH. Located at 636 Blossom Hill Road.

EXTERNAL SENDER

To the planning commission and town council: Please hear us, who live here in this town. Please do not approve this project.

There are 3 major reasons that this project should not be here.

**1-The Traffic.** Our town has suffered and suffered with new projects, especially on Los Gatos Blvd. The beach traffic is so bad on Los Gatos Blvd and on Blossom Hill Rd during the summer. To add the additional traffic of a large chain store in an already overcrowded area would be detrimental to the residents. Yes Pier 1 was a chain store, but did not have a stream and consistency of traffic that a discount liquor store would.

**2- The kids at Fisher.** All you have to do is drive by this location at 330pm on a weekday to see the number of our middle school children that spend time here. It would be dangerous for the kids. We cannot change the proximity to a middle school- but we can keep the traffic of a large liquor store from being the choice to occupy that space.

**3. Our Local businesses that have supported us for years.** Ray Lunardi is always the first to step up to local schools and has never denied donations when my fellow volunteer moms and I have asked. Jiffy mart is the highlight of our Christmas Parade each year. These and many other local businesses have supported our community for years. Bevmo does not care about us, or our town.

There is a Bevmo not 15 minutes away near Camden and Union. Another in the mall in Saratoga- both large areas equipped for this. We do not need this in a residential/school area with 2 locations already so close. This location is not equipped for a store of this size, and it would be a detriment to our neighborhood, our children, and our town.

Thank you,

Katie Piro  
Mom, small business owner, long time LG resident

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 5

---

DATE: November 5, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review the Draft Updated Traffic Impact Policy and Provide Feedback.

**RECOMMENDATION:**

Review the Draft Updated Traffic Impact Policy (Draft Policy) and provide feedback.

**BACKGROUND:**

California Senate Bill (SB) 743, which was signed into law by Governor Brown in 2013, changes the way that public agencies evaluate the transportation impacts of projects under the California Environmental Quality Act (CEQA), recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact. At its November 17, 2020 meeting, the Town Council adopted a resolution designating the use of vehicle miles traveled (VMT) as the metric for conducting transportation analyses pursuant to CEQA and establishing the thresholds of significance to comply with SB 743.

The transition to using VMT as the metric for transportation analyses pursuant to CEQA has necessitated an update to the current Traffic Impact Policy. The draft 2040 General Plan Implementation Program identifies a program called Transportation Analysis Guidelines: “Develop and adopt transportation analysis (TA) guidelines that define the VMT analysis methods, significant impact thresholds, Travel Demand Management programs, and mitigation programs consistent with the requirements of SB 743.”

At its June 10, 2020 meeting, the Planning Commission received an update on the VMT transition for CEQA analysis.

**PREPARED BY:** Ying Smith  
Transportation and Mobility Manager

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Reviewed by: Parks and Public Works Director, Planning Manager, and Community Development Director

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DISCUSSION:

The Draft Updated Traffic Impact Policy (Exhibit 1) includes major updates to the current policy. The new content in the Draft Policy is simplified by separating out the different elements of the Draft Policy. The proposed revisions, including supporting documents, also enhance the details used to determine what projects are subject to the Draft Policy and subsequently the technical requirements used in preparing analyses.

The Draft Policy is organized as follows:

Section I. General Conditions and Applicability: This includes the language in the current policy in sections II-1, II-2, VII-2, and VII-3. Minor edits were provided for clarity and consistency.

Section II. Traffic Impact Mitigation Fees: This includes the original language in sections III-1, 2, 3, 4, and V.

Section III. VMT Mitigation Measures: This is a new addition specific to VMT.

Attachment 1 - Transportation Analysis (TA) Guidelines: This new document provides detailed guidance in conducting analyses.

Attachment 2 - Town of Los Gatos Traffic Mitigation Improvements Project List: No change was made to the current Attachment 1. The attachment was re-numbered.

Attachment 3 - VMT Reduction Actions for the Town of Los Gatos: This new attachment provides supporting documentation for mitigation actions projects will need to take. This attachment is not all inclusive, but rather provides categories and examples.

Attachment 4 - Definitions: This list of definitions was expanded and modified to be consistent with the definitions in the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees, and Resolution 2020-045.

Attachment 1, TA Guidelines, was prepared to reflect Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743. The Town continues to require Level of Service (LOS) analysis to assess impacts from new developments on the local roadway performance.

The TA guidelines have many technical details therefore it is more appropriate to be included as an attachment to the Draft Policy. The key elements and changes from the current policy are that it:



1. Explains the different requirements for transportation analyses for different project types: land use entitlements, land use projects; and transportation improvements.
2. Establishes different analysis guidelines per the CEQA Guidelines, Congestion Management Program compliance, and Town's transportation policies.
3. Establishes the different procedures to evaluate land use projects that are compliant with the General Plan and those that are not.
4. Establishes the VMT analysis methods and provides guidance for projects to propose VMT mitigation measures.
5. Establishes the guidelines for CEQA analysis for transportation projects.
6. Enhances the guidelines for LOS analysis for land use projects and provides guidance on proposing transportation improvements to address a deficiency caused by a project.

To complete the VMT transition work the Town will need to complete the environmental review for the General Plan update and complete the update to the Town's Traffic Impact Mitigation Fees program.

The Town is in the process of updating the General Plan and the Draft Environmental Impact Report (DEIR) for the 2040 General Plan was released for public review in July 2021. The 2040 General Plan DEIR identifies significant but unavoidable transportation impacts and the mitigation measures. The Town is taking a townwide approach for VMT impact mitigation. The Draft Policy includes the VMT Reduction Actions that provides a framework for mitigating VMT in the Town.

One of the implementation actions would be to update the Traffic Impact Mitigation Fees program and prepare a nexus study to incorporate the VMT reduction strategies. As an immediate next step, staff is planning to bring a recommendation to the Town Council to issue a Request for Proposals to select a consultant for the services. Updating the Traffic Impact Mitigation Fees program will be required to provide a path for land use projects to complete CEQA clearance.

CONCLUSION:

Staff recommends the Planning Commission review the Draft Updated Traffic Impact Policy and provide feedback.

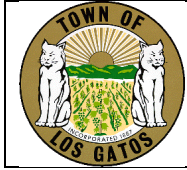
ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

EXHIBIT:

1. Draft Updated Traffic Impact Policy

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**COUNCIL POLICY MANUAL**  
*Small Town Service    Community Stewardship    Future Focus*

<b>TITLE:</b> Traffic Impact Policy		<b>POLICY NUMBER:</b>
<b>EFFECTIVE DATE:</b> December xx, 2021		<b>PAGES:</b> 3
<b>ENABLING ACTIONS:</b> 1991-174; 2014-017, 2016-068; 2017-011; 2021-xx	<b>REVISED DATES:</b> 8/5/91; 3/24/14; 12/6/16; 3/21/17; xx/xx/21	
<b>APPROVED:</b>		

**PURPOSE**

To provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees, and mitigate California Environmental Quality Act (CEQA) transportation impacts.

**SCOPE**

This Policy is applicable to all land use entitlements, land use projects, and transportation improvements Town-wide.

**POLICY**

**I. GENERAL CONDITIONS AND APPLICABILITY**

1. Projects that are determined by the Town to generate one or more new net Average Daily Trips (ADT) are subject to this Policy.
2. An Accessory Dwelling Unit (ADU) shall be exempted from the requirements of Transportation Analysis and the Traffic Impact Fees.
3. The Town Council may exempt housing developments for very low, low, and moderate income residents (as defined by Town Ordinance, General Plan, or statute) from all or a portion of the traffic impact mitigation fee upon making a finding that the development provides a significant community benefit by meeting current needs for affordable housing.

<b>TITLE:</b> Traffic Impact Policy	<b>PAGE:</b> 2 of 3	<b>POLICY NUMBER:</b>
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4. Attachment 1 - Transportation Analysis (TA) Guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. The TA Guidelines serve three primary purposes:

- Provide an evaluation for the California Environmental Quality Act (CEQA) significant impacts and mitigation as a part of the environmental analysis process.
- Evaluate a project’s consistency with the Town’s General Plan.
- Evaluate a project’s consistency with the Santa Clara County Congestion Management Program (CMP).

**II. TRAFFIC IMPACT MITIGATION FEES**

1. All Projects that generate one or more new Average Daily Trips are required to pay Traffic Impact Mitigation Fees.
2. All required Traffic Impact Mitigation Fees shall be paid in full to the Town in association with and prior to issuance of a building permit. If no building permit is required, the fee shall be paid in full prior to issuance of a certificate of use and occupancy, or similar entitlement. The amount due shall be calculated based on the fee in place as approved by the Town Council by resolution at the time the fee is paid.
3. The per trip amount of the fee shall be as set forth by the Town Council by resolution, pursuant to Town Municipal Code, Chapter 15, Article VII, Traffic Impact Mitigation Fees.
4. Fees shall be calculated by multiplying net new ADT by the per trip amount in place at the time the fees are paid.
5. Credit against Traffic Impact Mitigation Fees due shall be granted up to the amount of the Estimated Project Cost shown on Attachment 2, Town of Los Gatos Traffic Mitigation Improvements Project List, for any listed projects for which the developer, as a condition of approval, is required to either construct at the developer's sole cost or contribute a fixed or percentage amount of funding toward future construction of the listed improvement. Where construction is fully funded and completed by the developer, said credit shall be equal to the Project Cost as shown in Attachment 2. Where payment is a fixed amount or a percentage of Project Cost, credit shall be equal to the actual amount due, whether the project is constructed by the developer or others.
6. No credit shall be given for any public right-of-way dedication required for

<b>TITLE:</b> Traffic Impact Policy	<b>PAGE:</b> 3 of 3	<b>POLICY NUMBER:</b>
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completion of projects listed on Attachment 2.

7. Credit will be given on a case-by-case basis and shall not exceed the impact fee payable. Any request for credit shall be made prior to the payment of the Traffic Impact Mitigation Fees. No credit shall be given for installation of Town-standard frontage improvements, Project access improvements, or internal circulation improvements.
8. Credit shall only be granted for payment of costs or construction of projects listed in Attachment 2, unless otherwise approved by the Town Council.

### **III. VEHICLE MILES TRAVELLED MITIGATION MEASURES**

1. To mitigate VMT impacts, the project may be conditioned for implementation of measures in the following:
  - Modify the project's built environment characteristics to reduce VMT generated by the project;
  - Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project; and/or
  - Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.
2. The Town is taking a townwide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town.
3. Evaluation of VMT reductions should be conducted using state-of-the-practice methods, recognizing that many of the TDM strategies are dependent on building occupant performance over time. As such, actual VMT reduction cannot be reliably predicted, and monitoring may be necessary to gauge performance related to mitigation expectations.

APPROVED AS TO FORM:

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Robert Schultz, Town Attorney

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<b>TITLE: Traffic Impact Policy</b> Attachment 1 - Transportation Analysis Guidelines	<b>PAGE:</b>	<b>POLICY NUMBER:</b>
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# Town of Los Gatos

## Transportation Analysis Guidelines (DRAFT)

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DRAFT



# 1. Introduction

Transportation Analysis (TA) Guidelines are routinely established by jurisdictions to assess potential transportation effects of proposed projects on the local transportation system. These guidelines are intended to provide a clear and consistent technical approach to evaluating both land use and transportation infrastructure projects within Los Gatos.

These guidelines establish a process to comprehensively and accurately analyze potential project effects (adverse and beneficial) on transportation facilities and services in the Town of Los Gatos and other jurisdictions. This information is essential for decision-makers and the public when evaluating land use development and transportation infrastructure projects. These TA Guidelines serve three primary purposes:

- Provide an evaluation for the California Environmental Quality Act (CEQA) significant impacts and mitigation as a part of the environmental analysis process.
- Evaluate a project’s consistency with the Town’s General Plan.
- Evaluate a project’s consistency with the Santa Clara County Congestion Management Program (CMP).

## 1.1 Intent of TA Guidelines

The Town of Los Gatos General Plan 2040 seeks to “provide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.” The TA Guidelines support this goal by evaluating new projects against the policies of the latest General Plan. The TA Guidelines are intended to provide guidance to Town staff and the development community in implementing the provisions of the Town Municipal Code, Chapter 15, Article VII – Traffic Impact Mitigation Fees. Additionally, the TA Guidelines are used to determine consistency with Santa Clara County’s CMP and compliance with the *California Environmental Quality Act (CEQA) Statute & Guidelines*.

For CEQA-based environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the surrounding environment. Town staff completed an SB 743<sup>1</sup> implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

The TA Guidelines present the Town’s approach for determining the need for a transportation analysis, its content, and identifying acceptable transportation improvements for land use and

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<sup>1</sup> Senate Bill 743 (SB 743) changed some of the transportation significance criteria under the California Environmental Quality Act (CEQA) CEQA. Specifically, vehicle level of service (LOS) is no longer used as a determinant of significant environmental impacts, and a vehicle miles traveled (VMT) analysis is required.

transportation projects proposed within Los Gatos. The TA Guidelines establish a transportation analysis protocol for the following:

- Environmental analysis
- General plan consistency
- Town’s traffic impact policy and level of service
- Congestion Management Program (CMP) evaluation
- Mobility deficiency criteria and thresholds
- Guidance on acceptable transportation improvements

Town staff will review transportation studies and reports based on the process presented in the TA Guidelines. However, each project is unique, and the TA Guidelines are not intended to be prescriptive beyond practical limits. Not all criteria and analyses described in the TA Guidelines will apply to every project. Early and consistent communication with Town staff is encouraged to confirm the type and level of analysis required for each study.

## 1.2 Environmental Evaluation

The TA Guidelines outline the methods and thresholds with which to evaluate projects consistent with the latest *CEQA Statute & Guidelines*.

The latest *CEQA Statute & Guidelines* include revised Appendix G Checklist questions for transportation impact evaluation. The four questions are as follows:

Would the project:

- a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*
- b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?*
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- d) Result in inadequate emergency access?*

## 1.3 Project Types

A TA is prepared for a project before a discretionary action is taken. The following types of projects, which involve development activity or infrastructure changes in and around the Town of Los Gatos and affect the adjacent transportation system, should be evaluated for TA requirements.

- **Land use entitlements** or changes in use requiring discretionary approval by Los Gatos, which include General Plan amendments, specific plans (and related amendments), zoning changes, use permits, planned developments, and tentative subdivision maps; or any modifications of use that would generate 20 or more new Peak Hour (vehicle) Trips or at the discretion of the Town’s Traffic Engineer

- **Land use activity** advanced by agencies other than Los Gatos that is subject to jurisdictional review under state and federal law, such as school districts, Santa Clara Valley Transportation Authority (VTA) Board of Directors, and others; or advanced within Los Gatos by agencies other than the Town and inconsistent with the Town’s General Plan.
- **Transportation infrastructure modification or expansion**, including capital improvement projects on Town roads, county roads, and state highways that may impact Town facilities and services.

The *Determining the Level of Transportation Analysis* section identifies specific project parameters or “triggers” that may necessitate a TA.

### 1.4 CEQA and Non-CEQA Terminology

To distinguish the CEQA analysis from the non-CEQA analysis (i.e., the local transportation analysis) the analyses apply different terminologies as summarized below in **Table 1**.

<b>CEQA Term</b>	<b>Non-CEQA Term</b>
CEQA Transportation Analysis	Local Transportation Analysis
Significance criteria	Threshold or performance standard
Significant impact	Deficiency
Mitigation measure	Mitigation improvement
Baseline Conditions	Existing Conditions and Background Conditions
Future Year Cumulative Conditions	Cumulative Conditions

## 2. Determining the Level of Transportation Analysis

Unless explicitly waived by the Town, a TA may be required when any one of the following conditions is met.

- A project has the potential to create a significant transportation environmental impact under CEQA.
- A project has the potential to generate daily vehicle miles traveled greater than the Town’s General Plan future year VMT projections.
- For local transportation analysis, a project has the potential to generate 20 or more new Peak Hour (vehicle) Trips.

- A project that is not consistent with the latest General Plan or Zoning Code.
- A non-Town project will alter physical or operational conditions on a Town pedestrian facility, bicycle facility, transit facility or service, or other transportation facility.
- An Accessory Dwelling Unit (ADU) shall be exempted from the requirements of Transportation Analysis and the Traffic Impact Fees.

In general, a TA is applicable for two to five years. After two or more years of inactivity, a TA may need to be updated to reflect changes in the study environment, including traffic growth and other circulation issues.

Nothing in the Traffic Impact Policy shall prohibit or restrict a Project applicant from completing a traffic study for a Project anticipated to generate less than 20 new Peak Hour trips.

### 2.1 CEQA Relief for Projects Consistent with General Plan or Zoning

Projects consistent with a general plan, zoning action, specific plan, and certified environmental impact report (EIR) would not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects. Additionally, projects consistent with a general plan, zoning action, or specific plan where cumulative impact(s) were adequately addressed in a prior EIR would not require further analysis under cumulative conditions.

### 2.2 CMP Consistency Screening

Projects should reference the most recent *VTA Transportation Impact Analysis (TIA) Guidelines* to determine the need for a transportation impact analysis. In most cases, projects that generate fewer than 100 net new peak hour vehicle trips are not required to conduct VTA's CMP transportation analysis.

### 2.3 Recommended Process and Documentation

In coordination with Town staff, the project applicant shall retain a transportation professional to conduct the TA. The transportation consultant should seek Town acceptance of the scope of work before initiating the analysis. In some cases, review by other affected jurisdictions will be required. **Appendix A: Transportation Analysis Report Format Outline** contains a recommended outline for the TA document.

Each TA will begin by preparing a scope of work that describes the project description, site location, analysis methods, area-wide assumption, study elements, study time periods, and traffic data collection methods. To finalize a TA scope of work, the project applicant will provide an estimate of the project trip generation, trip distribution, and vehicle miles traveled. These estimates and scope of work should be shared with Town staff to finalize the scope of services. Overall, the TA report will address: 1) environmental analysis, 2) project site access and circulation, and 3) other traffic impacts.

## 2.4 Contact with Appropriate Town Staff

To minimize the potential for delays in project processing, it is important for the TA to be prepared in coordination with Town staff. Timely coordination will also ensure that potential transportation improvements and environmental consequences are considered as early as possible in the planning process, as deficiencies and corresponding improvement costs can have a substantial effect on project costs. Coordination should include the following:

- A pre-application meeting, which will include a discussion of the TA requirements.
- Development of an approved scope of work, which includes trip generation, study area, analysis scenarios and parameters, data requirements, and provisions for pedestrians, bicyclists, and transit users.
- Approval of the project trip generation (person and vehicle), trip distribution, and vehicle miles traveled estimates.
- Review of all assumptions and the results of Existing Conditions analysis.
- Review of the administrative draft report, with adequate time for comments.
- Review of a draft report, with adequate time for comments.

If the TA report information will be incorporated into the transportation and circulation section of an environmental document (e.g., Initial Study, Mitigated Negative Declaration, or Environmental Impact Report), the format of this report may need to be discussed with the environmental consultant, a peer reviewer, and/or Town staff. Upon circulation of the draft environmental document, the format of the final TA report may need to be discussed with the environmental consultant.

## 2.5 Consultation with Other Jurisdictions

If the study area overlaps with other jurisdictions, staff from other jurisdictions must be consulted to verify study locations, the impact significance criteria, and to consider any current development applications. Section 15086 of the *CEQA Statute & Guidelines*<sup>2</sup> shall be followed as the basis for satisfying consultation requirements. In most cases, overlap will occur for roadway system analysis, but may also include impact analysis of active transportation modes (bicycling and walking), as well as transit system facilities and services.

## 2.6 Project Trip Generation and Trip Reductions

Person and vehicle trip generation rates are a way to estimate the number of expected pedestrian, bicycle, transit, and vehicle trips that a proposed development will generate. These rates establish the basis of analysis for a proposed project and its effects on the transportation network. Person trip generation should be reported for walking, bicycle, and pedestrian trips, and vehicle trip generation should be reported for single-occupant, and carpool.

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<sup>2</sup> *California Environmental Quality Act Statute & Guidelines, 2020.*

Methodologies to estimate project trip generation and trip reductions shall be prepared consistent with the latest Transportation Impact Analysis (TIA) Guidelines adopted by the VTA, with the exceptions described in the Guidelines.

### 2.6.1 Vehicle Trips

Consistent with Transportation Impact Analysis (TIA) Guidelines adopted by the Santa Clara County Transportation Authority (VTA) Congestion Management Program, Pass-by Trips shall not be considered in calculating the 20 new Peak Hour Trip threshold that triggers the requirement for conducting a comprehensive traffic impact analysis report.

The Institute of Traffic Engineers (ITE) Trip Generation Manual trip generation rates for Specialty Retail Center shall apply to all Specialty Retail uses as defined in this policy.

Uses within the Central Business District (C-2 Zone) are expected to change periodically as part of the natural business cycle. For the purpose of Traffic Impact Fees, changes in use without changes in net building square footage within the C-2 Zone shall not be considered to create a traffic impact, shall be exempt from this policy, and no fees shall be charged for a change in use. Any increases in building square footage shall pay impact fees at the ITE Shopping Center rate or comparable equivalent rate for the expanded area, as determined by the Town Traffic Engineer.

The Town reserves the right to require the project sponsor to conduct local trip generation surveys for select projects, depending on land use and conditions in the field.

### 2.6.2 Person Trips

Person trip generation rates should be developed from empirical studies, person travel survey data, or conversion of vehicle trip rates to person trip rates using a vehicle occupancy factor. In addition, person trip generation by mode may be derived using an approved analysis tool that incorporates data from local trip generation surveys or published trip generation rate data.

### 2.6.3 Establishing Trip Generation Rates for an Unspecified Use

For projects where the ultimate land use is not certain (for example, a large subdivision of flexible commercial-industrial parcels), there are two options for establishing the trip generation rates.

- Option 1: Town staff will recommend the use of the highest traffic intensity among all permitted uses to establish traffic impacts.
- Option 2: Estimates can be made using a lower traffic intensity use if the Town and developer establish a maximum trip allowance. Once a proposed land use has been identified, then: 1) the subdivision trip generation allowance must be monitored by the Town as development occurs; and 2) the TA report may need to be updated.

#### 2.6.4 Credit for Existing Trips

The estimate of new trips generated by the proposed development project may include credit for trips associated with existing uses on the site. Uses are considered as existing if they are actively present on the project site at the time that data is gathered for the transportation impact analysis. Similarly, if a planned (but not constructed) use was already permitted for the site and an improvement(s) was identified and funded, the new TA only needs to assess the effects of additional trips above and beyond the trips for the permitted use. Additionally, certain commercial land uses attract vehicle traffic that currently exists on the roadway, rather than generating new trips.

Understanding there are permitted reductions that may be taken under the circumstances listed above, the Town requires that any reductions in project vehicle trip generation are applied according to the latest *VTA TIA Guidelines*.

In calculating new Peak Hour Trips for purposes of determining whether or not a traffic impact analysis report is required pursuant to this Policy, trip credit shall be granted for an existing use or the most recent former use.

In calculating new Average Daily Trips for purposes of determining the amount of the Traffic Impact Mitigation Fee due, trip credit shall be granted for an existing use or the most recent former use.

Where the property is vacant, the most recent former use shall be used.

Where a portion of the space is changing use, credit will apply to the proportionate square footage of the space under review.

Where the change in use results in fewer trips than the existing or former use, no credit or refund will be due the applicant.

#### 2.7 Vehicle Miles Traveled Methods

Although the calculation of VMT is simply the number of cars multiplied by the distance traveled by each car, VMT performance measures can be reported differently. At a minimum, the VMT analysis for Los Gatos will be prepared for two purposes:

- Greenhouse gas and air quality analysis using project generated VMT on a VMT per service population basis (residents + employment).
- Environmental evaluation by land use and/or transportation project.

The project generated VMT from new population and employment growth and the boundary (total) VMT for a specific geographic area will be prepared using the latest Santa Clara Valley Transportation Authority (VTA)-City/County Association of Governments of San Mateo County (C/CAG) Bi-County Model ("VTA Travel Model"). Because emissions rates vary by vehicle speed,

the project generated VMT and total VMT should be disaggregated by speed bin (typically in five mile an hour increments of speed from 0 to ~80 miles per hour) to allow different emissions factors to be applied at different speeds, which allows for the preparation of a more refined emissions analysis.

### 3. Transportation Analysis (CEQA) for Land Use Projects

For an environmental analysis, these TA Guidelines incorporate the use of vehicle miles traveled (VMT) to disclose the effects of the project on the environment. Town staff completed an SB 743 implementation process, which included the preparation of the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package. The document package provides detailed technical information pertaining to the options and data considered by the Town of Los Gatos to implement VMT as an impact criterion.

At its November 17, 2020 meeting, the Town Council adopted Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743.

Based on the Town's implementation of SB 743, the following methods should be used to determine VMT impact thresholds and mitigation requirements for land use projects.

#### 3.1 VMT Analysis Methods

The Town elected to conduct a complete VMT analysis consistent with the General Plan future year VMT projections based on long-term expectations for air quality and GHG expectations as part of its General Plan EIR, so that it could make specific use of *CEQA Statute & Guidelines* Section 15183 to streamline project-specific CEQA analysis that is consistent with its General Plan and other Town documents. For the Town of Los Gatos, addressing transportation VMT impacts in the Town General Plan EIR is a useful way of understanding VMT impacts and how VMT reduction should be balanced against other community values related to the environment, social justice, and the community. By conducting a Townwide VMT impact analysis, the Town is able to develop a program-based VMT mitigation approach. The concept of a 'program' approach to impact mitigation is commonly used in a variety of technical subjects, including transportation, air quality, GHG, and habitat. Absent a new program-level VMT mitigation approach, there are limited feasible mitigation options for project sites, and as a result limited ability to reduce VMT. Also, practically speaking, without feasible mitigation, significant VMT impacts would be significant and unavoidable (SAU). Under these circumstances, a project must prepare an EIR, thus adding time and cost to environmental review compared to an initial study/negative declaration (IS/ND) that relies on streamlining offered in the *CEQA Statute & Guidelines*.

Should a project not be consistent with the General Plan, or for some other reason unable to benefit from streamlined CEQA review under *CEQA Statute & Guidelines* Section 15183, the



following sections provide details on how to conduct a complete VMT analysis for land use plans and projects in the Town of Los Gatos.

### 3.1.1 Regional Transportation Plan/Sustainable Communities Strategy and General Plan Consistency

The first step in assessing project impacts is to determine if the project land use is contained within the Town of Los Gatos residential and non-residential land use allocations in the current Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and if the project is consistent with the latest General Plan. If the project is not consistent with the RTP/SCS and/or the latest General Plan, amendments to those documents or the project would be needed prior to proceeding with the project review.

### 3.1.2 VMT Assessment

Projects not consistent with the current RTP/SCS or the latest General Plan are required to complete a VMT analysis using the VTA Travel Model to determine if there would be a significant VMT impact. The tools and methodology of the VMT analysis shall be approved by PPW Director (or Traffic Engineer). The impact analysis includes two types of VMT:

1. **Total Project Generated VMT** – Daily VMT of all vehicle trips, vehicle types, and trip purposes for all project land uses, presented as a total project generated VMT.
2. **Project's Effect on VMT within the Town of Los Gatos.** VMT that occurs within the Town of Los Gatos by any type of vehicle. This captures all on-road vehicle travel on a roadway network for any purpose, and includes local trips as well as trips that pass through the area without stopping.

If the land use control totals increase between the without and with project conditions in the travel model, these VMT metrics will need to be expressed on a per service population (residents, employees, and other populations generating the VMT) basis to understand the effects of the project between scenarios.

The types of VMT analysis are evaluated for the following scenarios:

- **Baseline Conditions** – Conditions in the baseline year for the CEQA analysis, which is most often chosen as the time of notice of preparation (NOP) of an environmental document, but may be chosen as the baseline year of the VTA Travel Model, if land use and transportation network conditions can be considered largely unchanged between the model baseline year and the date of the NOP. For compliance with the *CEQA Statute & Guidelines* Section 15125(a), the transportation impact analysis must include a description of the physical environmental conditions near the project, as they exist at the time the NOP is published, or if no NOP is published, at the time environmental analysis is commenced, from both a local and regional perspective. Baseline VMT estimates will be prepared using the most recent base year VTA Travel Model.

- **Baseline with Project Conditions** – The project land use is added to the project TAZ, or a separate TAZ may be created to contain the project land uses. A full model run is performed and VMT changes (by metric of choice) are isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured. If this scenario results in a less-than-significant impact, then additional cumulative scenario analysis may not be required.
- **Future Year Cumulative Conditions** – Conditions requiring an RTP/SCS and/or General Plan amendment are also required to evaluate the project effect on VMT under Future Year Cumulative Conditions. This scenario buildout of the region’s land use and transportation system also provides the long-range view of future travel patterns. Future Year Cumulative Conditions VMT estimates should be based on the horizon year of the most recent VTA Travel Model, ensuring the model does not already contain the land uses or transportation improvements associated with the project.
- **Future Year Cumulative with Project Conditions** – The project land use is added to the project TAZ, or a separate TAZ is created to contain the project land uses. The addition of project land uses may be accompanied by a reallocation of a similar amount of land use from other TAZs throughout the model area (focusing on Santa Clara County), especially if the proposed project is significant in size such that it would potentially reduce the potential for development throughout the rest of the model area. Land use projects will generally not change the Future Year Cumulative Conditions control totals for population and employment growth within the model area. Instead, they will influence the land use supply through changes in General Plan land use designations and zoning. If project land uses are simply added to the Future Year Cumulative Conditions scenario, then the analysis should reflect this limitation in the methods and acknowledge that the analysis may overestimate the project’s effect on VMT. A full model run is performed and VMT changes (by metric of choice) would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured.

The model output should include the two VMT metrics listed earlier: 1) total project generated VMT, and 2) project’s effect on VMT using the total boundary VMT. Emissions vary by speed bin; disaggregating VMT by speed bin allows different emissions factors to be applied at different speeds, which allows for the preparation of a more refined emissions analysis. The total boundary VMT is needed as an input for air quality, greenhouse gas (GHG), and energy impact analysis, while the project generated VMT metrics are used for the transportation impact analysis.

Both “with project” scenarios noted above will summarize the two types of VMT and be compared to the without project condition.

Project generated VMT should be extracted from the VTA Travel Model by combining either the origin-destination (for total VMT) or production-attraction (for the other metrics) trip matrices

and congested skims (travel distances for each origin-destination pair in the travel mode) from final assignment. The VMT should be adjusted to reflect trips that extend beyond the model boundary. The project's effect on VMT should be estimated using the Town limit boundary and extracting the total link-level VMT for both the without and with project conditions. Additional VMT metric specifications may be found in the *SB 743 Implementation for the Town of Los Gatos* (July 2020) document package.

If a project is mixed-use (i.e., composed of both residential and retail/office uses), project generated VMT should be extracted for both the total VMT and VMT per service population (residents and employees).

### 3.2 VMT Significance Thresholds

The Town Council adopted Resolution 2020-045, Designating the Use of Vehicle Miles Traveled as the Metric for Conducting Transportation Analyses Pursuant to the California Environmental Quality Act and Establishing the Thresholds of Significance to Comply with California Senate Bill 743. The thresholds balance the Town's priorities with respect to competing objectives, including Los Gatos's geographic and transportation context, greenhouse gas reduction goals, interest in achieving the state's greenhouse gas reduction goals, and the latest General Plan goals and policies related to land use mix, economic development, and housing provision.

### 3.3 VMT Mitigation Measures

To mitigate VMT impacts, the following choices are available to the applicant:

1. Modify the project's built environment characteristics to reduce VMT generated by the project;
2. Implement transportation Demand Management (TDM) measures to reduce VMT generated by the project; and/or
3. Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if they exist) to reduce VMT from the project or other land uses to achieve acceptable levels.

The 2040 General Plan Draft Environmental Impact Report (DEIR), released for public comments in July 2021, identifies significant but unavoidable transportation impacts and the mitigation measures:

Impact T-2. Development and population growth facilitated by the 2040 General Plan would increase VMT in Los Gatos. VMT per service population in 2040 would exceed applicable thresholds specific to the Town. Therefore, the 2040 General Plan would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impacts would be significant and unavoidable.

T-1 VMT Reduction Strategies. For projects that would generate VMT, one or more VMT reduction strategies included in the SB 743 Implementation Decisions for the Town of Los Gatos (July 2020) document shall be required to reduce VMT of the project.

Examples of VMT reduction strategies that shall be implement are provided in Section 4.15, Transportation.

As part of the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020), key TDM measures that are appropriate to the Town of Los Gatos were identified. The Town is taking a townwide approach for VMT impact mitigation. Attachment 3, VMT Reduction Actions for the Town of Los Gatos, provides a framework for mitigating VMT in the Town.

Evaluation of VMT reductions should be conducted using state-of-the-practice methods, recognizing that many of the TDM strategies are dependent on building occupant performance over time. As such, actual VMT reduction cannot be reliably predicted, and monitoring may be necessary to gauge performance related to mitigation expectations.

## 4. Transportation Analysis (CEQA) for Transportation Projects

Transportation Analysis for transportation projects shall follow the latest CEQA Guidelines and related technical advisories from the Governor's Office of Planning and Research (OPR).

Town Resolution 2020-045 established the Thresholds of Significance for all Transportation Projects:

A significant impact would occur if the project is inconsistent with the Regional Transportation Plan/Sustainable Community Strategy Plan (Plan Bay Area).

Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact.

In 2020 Caltrans adopted its guidance under SB 743. The department's *Transportation Analysis Framework* and *Transportation Analysis for CEQA* provide guidance for assessing induced travel impacts from prospective projects on the State Highway System. CEQA analysis for proposed transportation projects on the State Highway System should also follow Caltrans guidance.

## 5. Transportation Analysis per the Town's Transportation Policies

The contents and extent of a transportation analysis per the Town's General Plan and per the Traffic Impact Policy (No. 1-05) depend on the location and size of the proposed development, the prevailing transportation conditions in the surrounding area, and questions from decision-makers and the public. The Town is committed to a well-connected transportation system that enables safe access for all modes of travel. The methods presented in this chapter include robust data collection and analysis techniques for pedestrian, bicycle, and transit networks, in addition to vehicle circulation.

## 5.1 Study Area

The study area is determined by evaluating the project location and how it may affect all transportation modes and facilities. It is not simply a map showing where the project is located. Rather, the study area is the area of influence of a project. Each local transportation analysis will consider the adjacent transportation system for site access and circulation of land development projects and street modifications for transportation projects. To properly assess the site access, the Town may require off-site intersection analysis and/or other multimodal analysis.

The study area may include the nearest CMP facility to evaluate the proposed project's conformity with the CMP facilities.

Applicants should consult with Town staff early regarding the need for a local transportation analysis based on local or site-specific issues, especially those related to pedestrians, bicyclists, and transit users.

## 5.2 Key Study Elements

The extent and complexity of a local transportation analysis will vary on the project attributes. **Table 2** summarizes the basic requirements for a local transportation analysis for every project requiring a complete transportation analysis. Specific significance criteria for each of the listed elements are described in further detail in *the Transportation Analysis (CEQA) for Land Use Projects* and *Transportation Analysis (CEQA) for Transportation Projects* sections. To avoid substantial off-site improvements or changes to the project site plan/description after the transportation analysis is completed, a preliminary site plan shall be included for a "fatal flaw" evaluation.

<b>Study Element</b>	<b>Evaluation Criteria</b>
<b>General Plan Consistency</b>	Evaluate the project against goals, policies, and actions set forth in the latest General Plan and other applicable Town plans.
<b>Parking</b>	Compare the project parking plan with Town and local specific plan standards and discuss how the proposed supply will affect demand for walking, bicycling, and transit modes. If a mix of land uses is proposed on site, or complements adjacent land uses, justify how the development will make use of shared on-site parking.
<b>On-Site Circulation</b>	Review and evaluate site access locations, turning radii, truck loading areas, emergency access, and other site characteristics with respect to operations and safety for all modes of transportation.
<b>Pedestrian Facilities</b>	Identify any existing or planned pedestrian facilities that may be affected by the project. Document how the project will affect local pedestrian circulation (e.g., disclose how widening a road or adding a driveway will affect pedestrian safety and walking time).

<b>Study Element</b>	<b>Evaluation Criteria</b>
<b>Bicycle Facilities</b>	Identify any existing or planned facilities that may be affected by the project.
<b>Transit</b>	Identify any existing or planned transit facilities that may be affected by the project. If appropriate, document how the project improves access to or utilization of transit. For system planning, use crush load as capacity, not seated capacity.
<b>Safety Assessment</b>	Evaluate project trips added to safety enhancement projects within the study area that are proposed as part of other future safety studies by the Town or other agencies.
<b>Trucks (or Other Large Vehicles)</b>	For relevant industrial projects, identify the number of truck trips that will be generated, and design facilities necessary to accommodate these trucks.
<b>Automated Vehicles or Transportation Network Company Pick-up/Drop-Off</b>	For projects where automated vehicles and/or transportation network companies may have a large concentration of pick-up/drop-off, the project site circulation and pick-up/drop-off areas must be reviewed to identify opportunities and constraints of the project site. Modifications to the site circulation and/or pick-up/drop-off may be recommended.
<b>Off-Site Traffic Operations</b>	All roadway facility analysis and Level of Service should be conducted using the latest version of the <i>Highway Capacity Manual</i> (HCM).
<b>Intersection Traffic Control</b>	Evaluate unsignalized intersections located within the study area to determine appropriate traffic control. Analysis should include documentation of the appropriateness of a roundabout as an alternative or replacement to a traffic signal.
<b>Other Issues</b>	Consider other issues on a case-by-case basis (e.g., construction deficiencies, queuing between closely spaced intersections, emergency access, special event traffic)
<b>Other Jurisdictional Requirements</b>	In situations where several agencies must approve a development or are responsible for affected roadways, the applicant must contact lead and responsible agencies to determine issues to be addressed, scope of study, etc. In general, the applicant will be responsible for analyzing project impacts against appropriate jurisdictional thresholds; however, the analysis method will be determined by the Town in compliance with CEQA, and the impacts will be mitigated consistent with Town standards.

### 5.3 Data Collection

Accurate data is essential to achieve a high level of confidence in local transportation analysis results. Existing transportation data shall be collected using the requirements set forth below. Data should be presented on maps or figures where appropriate. To address the specific needs of each project, the extent of data collected shall be at the discretion of Town staff.

- **Pedestrian/Bicycle Facilities** – Document the existing pedestrian and bicycle facilities serving the project site. Elements will include presence and width of sidewalks, curb ramps, crosswalks, or other pedestrian facilities providing access to the nearest attractors of the project site, such as transit stops, neighborhood attractors and/or complimentary land uses, and bicycle facilities (e.g., routes, lanes, or shared-use paths) within a two-mile bicycling distance of the project site. Document barriers, deficiencies, and high pedestrian-demand land uses, including schools, parking, senior housing facilities, and transit stops or centers. The report will note any deficiencies or enhancements planned or recommended in the latest General Plan or future planning documents.
- **Transit Facilities and Ridership** – Document transit lines nearest to the project site, including stop locations, frequency of service, and any capacity issues. It will also describe transit stop amenities (e.g., benches, shelters, etc.).
- **Multimodal Peak-Period Turning Movement Counts** – Turning movement counts, including vehicles, bicycles, and pedestrians, will be collected for each study time period at all study intersections. The following parameters will be followed (fall and spring days while school is in session are preferred):
  - Data collection will cover at least two hours to ensure the peak hour is observed.
  - As applicable, 48-hour machine counts will be used to identify the peak period before conducting other counts or analysis.
  - Traffic volumes should not be influenced by a holiday, weather, construction, or other temporary change.
  - The percent of traffic that consists of heavy trucks will be noted/estimated during data collection.
  - Some projects may require vehicle classification or occupancy counts. Consult with Town staff on a case-by-case basis.
  - Traffic counts that are older than two years at study initiation will not be used without consultation and approval by Town staff. These counts may need to be adjusted to reflect current year traffic volumes.
- **Daily Traffic Counts** – Collect data for all study roadway segments using the parameters described above for peak period turning movement counts, with the exception of bicycle and pedestrian volumes. Daily counts are used to size facilities (e.g., 2-lane vs. 4-lane) and to identify temporal changes in traffic.
- **Roadway Geometry** – Document existing roadway and intersection geometries and lane configurations. Information from aerial photography and street views should be verified based on a site visit(s).
- **Intersection Controls and Signal Timings** – For use in intersection analysis, intersection control types and signal timings and phasing should be based on signal timing sheets (available from Los Gatos or Caltrans) and verified during site visits.
- **Five-Year Collision Data** – Obtain Statewide Integrated Traffic Records System (SWITRS) through the local California Highway Patrol or through the following web site: [www.chp.ca.gov/switrs](http://www.chp.ca.gov/switrs).

- **Mode Split** – Summarize daily and peak hour mode split for the study area land uses. Data could include U.S. Census journey-to-work data, empirical surveys, or any other available surveys.

#### 5.4 Project Site Access and Circulation Review

A detailed site plan review is required for all projects. The local transportation analysis should include a review and summary of findings of the following qualitative and quantitative features.

- Roundabout xxx
- Existence of any current traffic problems in the local area, such as a high-collision location, non-standard intersection or roadway, or an intersection in need of a traffic signal.
- Applicability of context-sensitive design practices compatible with adjacent neighborhoods or other areas that may be impacted by the project traffic.
- Proximity of proposed site driveway(s) to other driveways or intersections.
- Adequacy of the project site design to convey all vehicle types.
- Number and type of parking provided, including vehicle and bicycle parking.
- On- and off-street loading requirements.
- Adequacy of on-site vehicle, bicycle, and pedestrian circulation and provision of direct pedestrian paths from residential areas to school sites, public streets to commercial and residential areas, and the project site to nearby transit facilities.

An important aspect of a TA is to provide sufficient information for the Town to determine that a project is consistent with the latest General Plan and other applicable Town policies, plans, and standards. As such, individual projects must be reviewed against relevant policies contained in the latest General Plan or other plans and policies. Applicants should review the full policy statements in the latest General Plan Mobility Element.

If the study area extends into an adjacent jurisdiction, the applicant may be responsible for analyzing project generated operational impacts in these jurisdictions. These include intersection or segment locations in any other jurisdiction, including Caltrans-maintained facilities. The applicant shall refer to current policies in the respective jurisdiction to identify the appropriate significance criteria.

#### 5.5 Analysis Scenarios

The range of scenarios includes Existing Conditions, Background Conditions, and Cumulative Conditions. Projects consistent with the latest General Plan will only be required to complete the Existing and Background conditions analysis; where Existing Conditions looks at the effect of the proposed project on the existing system within the next year or two, Background Conditions typically looks at a longer time frame of about three to five years. Inclusion of all three analysis conditions (e.g., Existing, Background, and Cumulative), would typically occur for large development projects, General Plan amendments, specific plans (and related amendments), with Cumulative Conditions having a time horizon of 10 to 20 years.



The following analysis scenarios will document existing or future conditions, any deficiencies, and identify deficiencies that will result from the addition of the project. Each scenario will include a qualitative description of transportation facilities for all modes (and any planned enhancements), traffic volumes, and a quantitative analysis of intersection LOS. Key study elements are identified in the *Multimodal Analysis Methods* section of this chapter. Details regarding each local transportation analysis scenario are presented below.

- **Existing Conditions** – These conditions are based on recent field observations and recent traffic count data.
- **Existing with Project Conditions** – Traffic volume forecasts for roadway analysis reflecting Existing Conditions with traffic generated by the proposed project. For reuse or conversion projects, this may involve accounting for any existing use of the site that remains or will be removed. It should also qualitatively describe how the project will affect transportation for other modes, including compliance or relation to other Town documents.
- **Background Conditions** – Traffic volume forecasts for roadway segment and intersection analysis should reflect Existing Conditions with growth due to approved development that is expected to be operational before or concurrently with the proposed project. This scenario may not be needed if the study area has limited or no approved developments.
- **Background with Project Conditions** – This scenario represents the Background Conditions with vehicle trips added by the proposed project. It provides decision-makers and the public with a view of conditions with all recently approved development and physical improvements, including the proposed project.
- **Future Year Cumulative Conditions** – This scenario represents transportation conditions for all travel modes in the study area reflecting all approved projects, pending projects, or expected development of other areas of Los Gatos designated for growth under the latest General Plan or specific plan. In most cases, the project site will likely be vacant under this scenario. In some cases, this scenario may need to account for any existing uses on the site that could continue, and potential increases in development allowed by ministerial approvals.
- **Cumulative with Project Conditions** – This scenario represents the cumulative future transportation conditions with anticipated changes to the transportation system and the additions of project trips, and provides the long-range view of future traffic operations.

## 5.6 Analysis Time Periods

Based on the land use of the proposed project and upon consultation with Town staff, the study shall analyze traffic operations during the peak one hour of the following time periods:

- Weekday morning peak (7:00 – 10:00 AM)
- Weekday evening peak (4:00 – 7:00 PM)

For some projects, the Town may substitute or require additional peak hour analysis for the following time periods as approved or requested by the Town’s Traffic Engineer:

- Weekday afternoon peak (2:00 – 4:00 PM)
- Friday evening peak (4:00 – 7:00 PM)
- Weekend midday peak (11:00 AM – 1:00 PM)
- Sunday or holiday evening peak (4:00 – 7:00 PM)

For example, retail commercial projects should evaluate operations for Saturday midday peak hour conditions, in addition to the standard weekday morning and evening peak periods. The determination of study time periods should be made separately for each proposed project, based upon the peaking characteristics of the project generated traffic and peaking characteristics of the adjacent street system and land uses.

## 5.7 Multimodal Analysis Methods

The report should provide a quantitative and/or qualitative evaluation of the project’s potential adverse or beneficial effects on transportation facilities and services related to pedestrians, bicyclists, and transit users.

For some projects, more detailed multimodal analysis may be required. Such analysis shall be decided upon in consultation with Town staff and consider new tools, methods, and performance measures, such as those listed below.

- **Multimodal LOS** – The latest *Highway Capacity Manual* (6th Edition) contains methods for multimodal LOS.
- **Tiered Level of Service Policy** – A tiered level of service (LOS) standard uses standard vehicle LOS metrics but applies different standards depending on the context of the transportation system and adjacent land uses. Often a more rigorous standard will be applied in residential neighborhoods to prioritize relatively low traffic volumes, while a more lenient standard will be applied in downtowns or active commercial areas to allow for slower travel speeds, higher traffic volumes, and encouragement of transit and active modes.
- **Person Delay** – Simulation models can be used to measure system performance in terms of overall person-delay for all modes within a transportation network. This method provides a better decision-making tool for developing improvements to promote efficient movement of people, rather than a particular type of vehicle.
- **Safety Assessment** – Evaluate whether the project adds vehicle trips to a safety improvement identified within the study area. (If a project may affect a Caltrans facility, a safety assessment may be needed for CEQA purposes as well.)
- **Bicycle Level of Stress (LTS)** – Evaluate LTS for all bicycle facilities within a two-mile bicycling distance of the project site. There are several methods for evaluating LTS for bicycle facilities, which generally rely on street widths/number of vehicle lanes, vehicle speeds, daily volumes, and type of bicycle facility to evaluate “low stress” bike

networks. The *Low-Stress Bicycling and Network Connectivity* (2012) report and the National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide, Second Edition* (2014) contains methods for LTS.

- **Pedestrian Level of Stress (LTS)** – Evaluate LTS for all pedestrian facilities providing access to the nearest attractors (e.g., transit stops, neighborhood attractors and/or complimentary land uses) of the project site. Compared to bicycle LTS, there are parallel methods for calculating pedestrian comfort using best practices from the NACTO *Urban Street Design Guide* (2013) and pedestrian safety research. As with bicycle comfort, pedestrian comfort is based on a variety of factors ranging from the quality and presence of sidewalks to the conditions of the adjacent roadway (speed, number of travel lanes, frequency of trucks).
- **Activity Connectedness** – Travel time for each mode (e.g., walking, bicycles, transit, and vehicles) between the project and surrounding land uses can be used to gauge the degree of accessibility for a project. The Town desires to minimize travel time to necessary destinations while minimizing unnecessary vehicle travel. Tools such as geographic information systems or online tools (e.g., Index and Walk Score) can be used to gauge this measure specifically for walking. The main idea is to evaluate activity centers and destinations around projects to ensure that walk times to necessary destinations are minimized and the walking experience is comfortable.

## 5.8 Traffic Operations Analysis

Traffic operational deficiencies shall be analyzed using standard or state-of-the-practice professional procedures. The main issues related to traffic operations analysis are the method, input data, and assumptions. These three items influence the level of confidence and the associated level of defensibility of the local transportation analysis. For traffic operations, this requires following the procedures and techniques published in the most recent *Highway Capacity Manual* (HCM).

Traffic Operations Analysis should be conducted according to the latest *VTA Traffic Level of Service Guidelines*.

## 5.9 Mobility Deficiency Criteria

The overall guiding principal of the General Plan 2040 Mobility Element is to, “[p]rovide a well-connected transportation system that enables safe access for all transportation modes, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.” Los Gatos evaluates each transportation mode to identify deficiencies. Local transportation analyses evaluate intersection operations focused on specific traffic issues such as queuing and safety. A greater emphasis is placed on pedestrian, bicycle, and transit facilities and services, in part to reduce traffic congestion and air quality impacts associated with automobile use. **Table 5** outlines deficiency criteria for each mode. The mobility deficiency criteria can be used to identify conflicts with existing or planned multimodal facilities.

<b>Study Element</b>	<b>Deficiency Determination</b>
<b>Parking</b>	Project increases off-site parking demand above a level required by the Town Zoning Code and/or desirable by the Town.
<b>On-Site Circulation</b>	Project designs for on-street circulation, access, and parking fail to meet Town standards. Where Town standards are not defined, industry standards [ <i>Highway Design Manual, California Manual on Uniform Traffic Control Devices (MUTCD)</i> , etc.] should be referenced, as appropriate. Failure to provide adequate accessibility for service and delivery trucks on site, including access to loading areas. Project will result in a hazard or potentially unsafe conditions without improvements.
<b>Pedestrian Facilities</b>	Project fails to provide safe and accessible pedestrian connections between project buildings and adjacent streets, trails, and transit facilities.
<b>Bicycle Facilities</b>	Project disrupts existing or planned bicycle facilities or is otherwise inconsistent with the latest General Plan, Bicycle and Pedestrian Master Plan, or other related plans. Project adds bicycle trips along project frontage to an existing facility that needs improvements per the latest BPMP.
<b>Transit</b>	Project disrupts existing or planned transit facilities and services or conflicts with Town adopted plans, guidelines, policies, or standards.
<b>Heavy Vehicles (Trucks and Buses)</b>	A project fails to provide adequate accommodation of forecasted heavy traffic or temporary construction-related truck traffic consistent with Town or industry standards ( <i>Highway Design Manual, MUTCD</i> , etc.).
<b>Off-Site Traffic Operations</b>	95 <sup>th</sup> percentile vehicle queues exceed the existing or planned length of a turn pocket. The proposed project introduces a design feature that substantially increases safety hazards.
<b>Signalized Intersection Traffic Control</b>	Addition of project traffic causes a signalized intersection to 1) drop more than one level overall or at the worst individual approach delay if it is at LOS A, B, or C or 2) drop at all overall or at the worst individual approach delay if it is at LOS D or below.
<b>Unsignalized Intersection Traffic Control</b>	Addition of project traffic causes an all-way stop-controlled or side street stop-controlled intersection to 1) operate at LOS E or F overall or the worst-case movement, and 2) meets the Caltrans signal warrant criteria.
<b>General Plan Consistency</b>	Evaluate the project against mobility, safety, and other related goals, policies, and actions set forth in the latest General Plan.
<b>Other Subject Areas</b>	Consider other areas on a case-by-case basis (e.g., construction impacts, queuing between closely spaced intersections, emergency access, special event traffic, etc.).
<b>Requirements for Other Jurisdictions</b>	The project exceeds established deficiency thresholds for transportation facilities and services under the jurisdiction of other agencies.

## 5.10 CMP Deficiency Criteria

To determine consistency with the CMP, off-site intersection analysis may be needed and should be applied according to the latest *VTA TIA Guidelines*.

## 5.11 Mitigation Improvements

All project deficiencies should be addressed consistent with the policies of the latest General Plan Mobility Element. Under these circumstances, the applicant should meet with Town staff to identify transportation improvements that address the deficiencies. **Table 6** shows example types of improvements to address transportation deficiencies.

Potential improvements may require a more detailed review, often including traffic operations, to demonstrate how they address a specific deficiency.

Selected improvements should be identified whether they will be implemented under Existing Conditions, Background Conditions, or Cumulative Conditions. Background Conditions generally reflect conditions at the time of full occupancy of a project.

If a transportation improvement is selected to address a deficiency, it should include a description of the benefit to traffic reduction generated by a proposed development and how the improvement contributes to the multimodal transportation system in Los Gatos. In addition, all transportation improvements need to consider whether they have secondary effects to VMT [i.e., whether the improvement is VMT inducing per guidance in the *OPR Technical Advisory* (December 2018, Pages 20-21)].

The improvement shall not unreasonably degrade bicycle, pedestrian or transit access, and circulation. If a project proposes improvements in response to auto LOS deficiency involving a change to existing roadway or intersection geometry, or changes to signal operations, the TA shall analyze and disclose secondary effects on other modes, i.e., whether the mitigation would affect pedestrian or bicycle conditions or increase transit vehicle delay, per the methodologies in 5.7.

<b>Study Element</b>	<b>Improvement</b>
<b>Project Modifications and Transportation Demand Management</b>	<ul style="list-style-type: none"> <li>• Alter density or diversity of project uses or integrate affordable housing</li> <li>• Encourage telecommuting and alternative work schedules</li> <li>• Provide ride-sharing programs to encourage carpooling and vanpooling</li> <li>• Provide local shuttle service</li> <li>• Provide employer-sponsored vanpools or shuttles</li> <li>• Provide pedestrian network improvements</li> <li>• Provide traffic calming measures and low-stress bicycle network improvements</li> </ul>

	<ul style="list-style-type: none"> <li>• Implement car-sharing (e.g., ZipCar) program</li> <li>• Limit parking supply</li> <li>• Unbundle parking costs from property costs</li> <li>• Institute on-street market pricing for parking</li> </ul>
<b>Pedestrian and Bicycle Facilities</b>	<ul style="list-style-type: none"> <li>• Provide for access to, from, and through the development for pedestrians and bicyclists</li> <li>• Construct Class I bicycle paths, Class II bicycle lanes, and other facilities</li> <li>• Provide secure bicycle parking and shower amenities</li> <li>• Reduce travel lanes on a street to install a two-way left-turn lane and Class II bicycle lanes</li> <li>• Add corner bulbouts, reduce curb radii, add pedestrian refuges, or implement other walking-related improvements</li> </ul>
<b>Transit Facilities</b>	<ul style="list-style-type: none"> <li>• Provide bus turnouts, bus shelters, additional bus stops, and park-and-ride lots</li> <li>• Fund increases in transit service</li> </ul>
<b>Parking Facilities</b>	<ul style="list-style-type: none"> <li>• Design parking facilities to allow free-flow access to and from the street</li> <li>• Provide off-street parking per Town standards or recommendations</li> <li>• Implement shared parking among complementary land uses</li> </ul>
<b>Traffic Control Modifications</b>	<ul style="list-style-type: none"> <li>• Provide for yield or stop control</li> <li>• Evaluate unsignalized intersections with substandard LOS for conversion to roundabout intersection control or for signalization</li> <li>• Provide coordination/synchronization of traffic signals along a corridor</li> <li>• Provide turn-lane channelization through raised islands</li> <li>• Restrict selected turning movements</li> </ul>
<b>Street Operations Modifications</b>	<ul style="list-style-type: none"> <li>• Optimize location of access driveway(s)</li> <li>• Provide improvements to traffic signal phasing, or lengthen existing turning pocket</li> <li>• Provide additional through traffic lane(s), right-turn lane(s), and left-turn lane(s) if they do not adversely impact other modes or induce additional vehicle travel</li> <li>• Reduce travel lanes on a street to install a two-way left-turn lane</li> <li>• Address congestion pricing on roads or within a specific area</li> </ul>

# Appendix A: Transportation Analysis Report Format Outline

## Sections for All Transportation Analysis Reports

### 1. Introductory Items

- Front Cover/Title Page
- Table of Contents, List of Figures, and List of Tables
- Executive Summary

### 2. Introduction

- Project description
- Project sponsor/contact info
- Type and size of development
- Site plan (include proposed driveways, roadways, traffic control, parking facilities, emergency vehicle access, and internal circulation for vehicles, bicyclists, and pedestrians)
- Location map (include major streets, study intersections, and neighboring zoning and land uses)
- Scope of transportation analysis

### 3. Current Conditions

- Description of existing street system within project site and surrounding area
- Location and routes of nearest public transit system serving the project
- Location and routes of nearest pedestrian and bicycle facilities serving the project
- Vehicle Miles Traveled Assessment
  - Description of baseline VMT estimates (may include site and regional VMT estimates)
- Intersection Analysis for Site Access and Circulation Evaluation and CMP Evaluation
  - Figure of study intersections with peak hour turning movement counts, lane geometries, and traffic control
  - Map of study area showing average daily traffic (ADT) of study roadways
  - Table of existing peak hour average vehicle delay and level of service (LOS)

4. Vehicle Miles Traveled and Project Trip Generation
  - Table of project generated vehicle miles traveled estimates
  - Table of project generated trip estimate
  - Figure/map of trip distribution (in percent)
5. Project Site Access and Circulation Evaluation
  - Summary of a detailed site review for all modes of travel
  - Mobility deficiency analysis and summary to vehicle, transit, bicycle, and pedestrian facilities (under Project Conditions and Cumulative Conditions)
  - Summary of transportation improvements

#### **Transportation Analysis (CEQA) Report Section**

6. Vehicle Miles Traveled Assessment
  - Summary of project generated VMT under Baseline Conditions
  - Summary of project's effect on VMT under Future Year Cumulative Conditions
  - Identification of significant impacts
  - Discussion of mitigation measures
  - Evaluation of impacts of mitigation measures
7. Other CEQA Requirements
  - Summary of conflicts with a plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian paths. Present mitigation measures, as needed.
  - Evaluation of hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Present mitigation measures, as needed.
  - Emergency access evaluation. Present mitigation measures, as needed.

#### **Local Transportation Analysis (Non-CEQA) Report Section (Project Requiring Off-Site Analysis)**

8. Existing with Project Conditions



- Maps of study area with applicable peak hour turning movements (Project Only and Existing with Project Conditions)
- Table of Existing Conditions and Existing with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
- Traffic signal and other warrants
- Changes/Deficiencies to bike, pedestrian, and transit networks
- Findings of project deficiencies
- Improvements for project deficiencies (include a map showing physical improvements)
- Scheduling and implementation responsibility of improvements
- Deficiencies of proposed improvements

#### 9. Background Conditions

- Table of trip generation for approved project(s)
- Figure and/or table of approved projects trip distribution (in percent)
- Map of study area with applicable peak hour turning movements (Background Conditions)
- Table of intersection peak hour average vehicle delay and LOS (or other multimodal performance measure) (including queue lengths, etc)
- Changes/deficiencies to bike, pedestrian, and transit networks
- Traffic signal and other warrants

#### 10. Background with Project Conditions

- Similar content to Existing with Project Conditions

#### 11. Cumulative Conditions and Cumulative with Project Conditions

- Map of study area with Cumulative Conditions peak hour turning movements
- Map of study area with Cumulative with Project Conditions peak hour turning movements
- Table of Cumulative Conditions and Cumulative with Project Conditions intersection peak hour average vehicle delay and LOS (or other multimodal performance measure)
- Changes/Deficiencies to bike, pedestrian, and transit networks
- Traffic signal and other warrants

- Findings of project deficiencies
- Improvements for project deficiencies (include a map showing physical improvements)
- Scheduling and implementation responsibility of improvements
- Deficiencies of proposed improvements

### **Additional Sections for Transportation Analysis Report**

#### 12. Construction Deficiencies

- Trips due to construction workers
- Truck trips and truck access routes

#### 13. Phasing Deficiencies (For Large Projects Only)

#### 14. Appendices

- List of references
- List of authors
- Pedestrian, bicycle, and vehicle counts
- Technical calculations for all analyses

## Town of Los Gatos Traffic Mitigation Improvements Project List

Source	Description	Estimated Project Cost (2014 \$)	Growth Related Project Cost Share	Mitigation Impact Fee Eligible Cost
GP/VTP 2035	Blossom Hill Rd and Union Ave Intersection Improvements	\$ 1,200,000	90.00%	\$ 1,080,000
GP/VTP 2035	Los Gatos - Almaden Rd Improvements	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Los Gatos Blvd Widening - Samaritan Dr to Camino Del Sol - Road widening, new sidewalks and bike lanes	\$ 4,000,000	50.00%	\$ 2,000,000
GP/VTP 2035	Union Ave Widening and Sidewalks - complete ped and bike routes	\$ 3,000,000	50.00%	\$ 1,500,000
GP/VTP 2035	Wood Rd Gateway on Santa Cruz Ave - roundabout	\$ 1,200,000	50.00%	\$ 600,000
GP/VTP 2035	Central Traffic Signal Control System	\$ 750,000	9.68%	\$ 72,600
GP/VTP 2035	Hwy 9 Los Gatos Creek Trail connector - new path and bridge for ped/bike	\$ 1,000,000	50.00%	\$ 500,000
GP/VTP 2035	Hwy 9/N. Santa Cruz Ave Intersection Improvements	\$ 1,400,000	90.00%	\$ 1,260,000
CIP	Roberts Road Improvements from bridge to University	\$ 600,000	50.00%	\$ 300,000
CIP	Pollard Road Widening from Knowles to York Avenue	\$ 2,500,000	50.00%	\$ 1,250,000
CIP	Sidewalks infill - Van Meter, Fischer and Blossom Hill Schools	\$ 1,000,000	50.00%	\$ 500,000
CIP	Winchester Blvd/Lark Avenue Intersection Improvements	\$ 850,000	90.00%	\$ 765,000
CIP	Westbound Lark to Hwy 17 northbound ramps - add two right-turn lanes	\$ 3,750,000	90.00%	\$ 3,375,000
CIP	Unfunded Deferred Street Maintenance (Annual PMS Survey)	\$ 10,500,000	9.68%	\$ 1,016,400
GP	Lark/Los Gatos Intersection Improvements - Add Third Left Turn Lanes for Eastbound and Northbound Approaches	\$ 1,200,000	90.00%	\$ 1,080,000
GP	Complete Street Improvements - Lark from Garden Hill to Los Gatos Blvd	\$ 2,100,000	50.00%	\$ 1,050,000
GP	Complete Street Improvements - SR 9 from University to Los Gatos Blvd	\$ 650,000	50.00%	\$ 325,000
GP	Complete Street Improvements - Blossom Hill Road from Old Blossom Hill Road to Regent Drive	\$ 3,000,000	50.00%	\$ 1,500,000
GP	Complete Street Improvements - Knowles from Pollard to Winchester	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Complete Street Improvements - Winchester from Blossom Hill to Lark	\$ 1,500,000	50.00%	\$ 750,000
GP	Blossom Hill Road widening over Highway 17	\$ 2,000,000	50.00%	\$ 1,000,000
GP	Local Bikeway Improvements	\$ 750,000	50.00%	\$ 375,000
<b>Total</b>		<b>\$ 47,950,000</b>		<b>\$ 22,799,000</b>

Notes:

VTP = Valley Transportation Plan, 2035 by Santa Clara Valley Transportation Authority.

Town CIP = Town of Los Gatos, Capital Improvement Program and pending construction project list.

Source: Town of Los Gatos.

## VMT REDUCTION STRATEGIES

For projects that would generate VMT, one or more VMT reduction strategies included in the *SB 743 Implementation Decisions for the Town of Los Gatos* (July 2020) document shall be required to reduce VMT of the project. Examples of VMT reduction strategies that shall be implement are provided below. The VMT reduction strategies are organized by their relative scale for implementation (i.e., individual site level, Town-wide level, and regional level).

### INDIVIDUAL SITE LEVEL

- **Encourage Telecommuting and Alternative Work Schedules:** This strategy relies on effective internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. This strategy would reduce commute VMT but also result in a change in VMT for other travel purposes; thus, this strategy should consider the net change in the Town's project-generated VMT.
- **Provide Ride-Sharing Programs:** This strategy focuses on encouraging carpooling and vanpooling by project site/building tenants.
- **Provide Local Shuttles:** This strategy focuses on providing local shuttle service. The local shuttles would provide service to transit hubs, schools, commercial centers, and residential areas to improve transit connectivity and address the "first/last mile" problems. Alternatively, a demand responsive service could be provided as subsidized trips by contracting to private transportation network companies (TNCs) or taxi companies. Note that implementation of this strategy would require regional or local agency implementation.
- **Provide Employer-Sponsored Vanpool/Shuttle:** This strategy relies on employers purchasing or leasing vans or shuttles, and often subsidizing the cost of at least program administration, if not more. Vanpools typically service employee's commute to work, while shuttles service nearby transit stations and surrounding commercial centers. Scheduling and rider charges, if any, are within the employer's purview.

### TOWN-WIDE LEVEL

- **Provide Bicycle and Pedestrian Network Improvements:** This strategy focuses on creating a comprehensive bicycle and pedestrian network within the project and connecting to nearby destinations. Projects in Los Gatos tend to be smaller so the emphasis of this strategy would likely be the construction of network improvements that connect the project site directly to nearby destinations. Alternatively, implementation could occur through an impact fee program or benefit/assessment district based on regional or local plans such as the *Bicycle and Pedestrian Master Plan* and *Connect Los Gatos*.
- **Provide Traffic Calming Measures:** This strategy combines the California Air Pollution Control Officers Association (CAPCOA) research focused on traffic calming with new research on providing a low-stress bicycle network. Traffic calming creates networks with low vehicle speeds and volumes that are more conducive to walking and bicycling. Building a low-stress bicycle network produces a similar outcome. One

potential change in this strategy over time is that ebikes (and e-scooters) could extend the effective range of travel on the bicycle network, which could enhance the effectiveness of this strategy.

- **Implement Car-Sharing Program:** This strategy reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for those trips where vehicle use is essential. Examples include programs like ZipCar, Car2Go, and Gig.
- **Limit Parking Supply:** When combined with companion TDM measures, reduced parking supply discourages driving by limiting easy and convenient parking options. Implementation of this strategy may require reducing (or removing) minimum parking requirements and allowing developers to use shared parking strategies.
- **Unbundle Parking Costs from Property Cost:** Unbundling separates parking costs from property cost, for instance by not including a parking space in a residential unit's rent, or by requiring employers to lease each parking space separately from the building owner. This strategy ensures that the user understands that the cost of driving includes parking and can encourage people to use an alternative mode to save money.
- **Implement Market Price Public Parking (On-Street):** This strategy focuses on implementing a pricing strategy for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage "park once" behavior and may also result in area-wide mode shifts.

## REGIONAL LEVEL

- **Increase Density:** This strategy focuses on increasing density of land uses, where allowed by the General Plan and/or Zoning Ordinance, to reduce distances people travel and provide more travel mode options. This strategy also provides a foundation for many other strategies. For example, densification increases transit ridership, which justifies enhanced transit service.
- **Increase Diversity of Urban and Suburban Developments:** This strategy focuses on inclusion of mixed uses within projects or in consideration of the surrounding area to minimize vehicle travel in terms of both the number of trips and the length of those trips.
- **Increase Transit Accessibility:** This strategy focuses on encouraging the use of transit by locating a project with high density near transit. A project with a residential/commercial center designed around a bus station is referred to as a transit-oriented development (TOD).
- **Integrate Affordable and Below Market Rate Housing:** This strategy provides greater opportunities for lower income families to live closer to job centers since income effects probability that a commute will take transit or walk to work.
- **Increase Transit Service Frequency/Speed:** This strategy focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Los Gatos, this strategy may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. Note that implementation of this strategy would require regional or local agency implementation, substantial changes to current transit

practices, and would not likely be applicable for individual development projects.

- **Implement Area or Cordon Pricing:** This strategy focuses on implementing a cordon (i.e., boundary) pricing scheme, where a cordon is set around a specific area to charge a toll to enter the area by vehicle. The cordon location is usually the boundary of an area with limited points of access. The cordon toll may be constant, applied during peak periods, or be variable, with higher prices during congestion peak periods. The toll can also be based on a fixed schedule or be dynamic, responding to real-time congestion levels. Note that implementation of this strategy requires alternative modes of travel that are available and reliable, such as high-quality transit infrastructure.

<b>TITLE: Traffic Impact Policy</b> Attachment 4 - Definitions	<b>PAGE:</b> 1 of 2	<b>POLICY NUMBER:</b>
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**DEFINITIONS:**

*Land use entitlements* shall mean entitlement changes in use requiring discretionary approval by Los Gatos, which include General Plan amendments, specific plans (and related amendments), zoning changes, use permits, planned developments, and tentative subdivision maps.

*Land Use Projects or Development* shall mean residential or nonresidential improvements on a site.

*Existing development* shall mean any already existing habitable residential or nonresidential building or projects which rebuild or remodel the existing development without increasing the trips generated. No fee shall be charged for development already existing.

*Expansion of use*, to determine traffic increases, shall include any increase in the number of living units, gross floor area in a nonresidential development and/or any intensification of use which increases trips generated.

*Transportation improvements* shall mean those improvements to the transportation facilities and related actions necessary to implement the transportation element of the Town's general plan and any applicable specific plan.

*Site* shall mean a plot of ground consisting of one (1) or more lots or parcels on which a common improvement is proposed or exists.

*Trip generation rate* shall mean the number of vehicle trips over a weekday twenty-four-hour period generated by a particular type of land use and shall be expressed in terms of the number of acres or square feet of land for each land use category. The Town Engineer may exercise reasonable discretion to establish recommended trip generation rates for land use categories consisting of groupings of land uses having similar use and functional characteristics. When the trip generation rate is multiplied by the amount of land, the number of trips, both incoming and outgoing, shall be estimated.

*Average Daily Trips* shall mean the total number of trips, both in-bound and out-bound, within a 24-hour weekday period, generated by a particular use or development.

*Pass-By Trip:* Trips generated by the proposed Project that would be attracted from traffic passing the proposed project site on an adjacent street that contains direct access to the Project.

*Peak Hour Trips* shall mean vehicle trips, both in-bound and out-bound, occurring during a 60-minute period either during the A.M. Peak (7 A.M. to 9 A.M.) or the P.M. Peak (4 P.M. to 6 P.M.), generated by a particular use or Project.

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*Specialty Retail.* Specialty Retail uses are defined as walk-in and impulse businesses such as juice bars, yogurt shops, coffee shops, donut shops, and similar uses which do not generally serve meals and have limited or no seating. Specialty Retail uses are defined under this policy for purposes of establishing trip generation data and this definition does not provide any land use or zoning guidance.

*Use* shall mean the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged or for which either a site or a structure is or may be occupied or maintained.

*Vehicle Trip End* shall mean an incoming or outgoing trip going to or coming from anywhere within the Town or outside the Town.

*CEQA* shall mean the California Environmental Quality Act. These terms are reserved for definitions per the CEQA Guidelines: significance criteria, significant impact, and mitigation measures.

*Local Transportation Analysis* shall mean analysis to assess potential mobility deficiencies caused by new developments on the local roadway performance, following the Town's transportation policies. These terms are reserved for Local Transportation Analysis: threshold or performance standard, deficiency, and mitigation improvement.

*VMT* is defined as vehicle miles traveled.





**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/10/2021

ITEM NO: 5

DESK ITEM

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DATE: November 10, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review the Draft Updated Traffic Impact Policy and Provide Feedback.

**REMARKS:**

The Vehicle Miles Traveled (VMT) project webpage includes additional documents and the Town Council's past decisions that are relevant to this item:

<https://www.losgatosca.gov/2563/Vehicle-Miles-Traveled---VMT>

**EXHIBIT:**

Previously received with the November 10, 2021 Staff Report:

1. Draft Updated Traffic Impact Policy

PREPARED BY: Ying Smith  
Transportation and Mobility Manager

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Reviewed by: Parks and Public Works Director, Planning Manager, and Community Development Director

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