

From: John Shepardson <[REDACTED]>
Sent: Thursday, September 26, 2024 7:57 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: 220 Belgatos Rd. For 10/23/24 PC Meeting

[Download full resolution images](#)

[Available until Oct 26, 2024](#)

Dear Ms. Shoopman:

Please include the following information for the PC 10/23/24 meeting.

I respectfully urge the PC to reject approval of a GP amendment required for the project. Open Space is scarce in LG. Once it's gone, it's forever.

We don't need another 10 or 12 4.5M homes. Let's partner with other agencies, keep the fields open for sports, gardens, play, and use the buildings for a community center.

Kids need areas where they can meet and simply play outdoors. Kids are getting obese and mental health declines without viable play areas.

Respectfully,

JAS

John Shepardson (and Los Gatos Resident)

Attorney at Law

[REDACTED]

Office [REDACTED]

Cell [REDACTED]





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Mayor and Council:

Additional Info:

<https://www.csda.net/blogs/vanessa-gonzales/2023/11/27/2024-new-laws-series-part-4-surplus-land-act-amend>

The Surplus Land Act (SLA) applies when a local public agency disposes of property that it no longer needs. In 2019, the SLA was significantly amended to encourage the disposition of property for housing projects. This year, the SLA was amended by [Senate Bill 747 \(Caballero\)](#) and [Assembly Bill 480 \(Ting\)](#), but Assembly Bill 480 contains the operative amendments because it was chaptered last. In general, the amendments change the scope of the SLA, what may be declared as “exempt surplus property,” and the process for compliance with the SLA. Additionally, [Senate Bill 229 \(Umberg\)](#) amended the SLA to increase oversight and enforcement if the Department of Housing and Community Development (“HCD”) issues a notice of violation.

The SLA applies to local agencies, including cities, counties, and all special districts, including school, sewer, water, utility, and park districts, joint powers authorities, successor agencies, housing authorities, and any “other political subdivision” of the state. Thus, all local agencies, including special districts, should carefully review the requirements of the SLA when seeking to sell or otherwise dispose of property.

Declaration of Exempt Surplus Land by Notice and Publication

Under the SLA, a declaration of “exempt surplus” land is ordinarily done by adopting a resolution at a public meeting. As amended, a declaration of exempt surplus may be done by notice and publication for certain properties, including land sold for affordable housing, smaller lots, former streets or right of way, land granted by the state in trust, land disposed of for specified educational purposes, and property owned by a public airport where residential use is prohibited.

To take advantage of this new process, the agency must identify the land in a notice that is (1) published, and (2) available for public comment. The statute does not provide guidance for how to publish the notice or accept public comment; those details may be provided by HCD in updated guidelines. After completing the notice and publication, the agency must wait 30 days for the exemption to take effect. Local agencies will want to consider what process should be required to authorize a declaration of exempt surplus under this authority.

Changes to the Definition of Exempt Surplus Land

As amended, the SLA generally broadens the meaning of “exempt surplus land” to provide greater flexibility for agencies disposing of certain surplus land. These changes include the following:

- The exemption for disposition of certain small properties was changed to include land that is less than one-half acre in area (or 21,780 square feet). The amendments also remove the requirement to dispose of property to a contiguous property owner.
- The exemption for transfer of property to another agency allows a transfer to a “third-party intermediary,” provided that the receiving agency’s use must be contained in a legally binding agreement at the time of transfer to the third-party intermediary.

- Exemptions for affordable housing are expanded, provided that the project meets specified criteria. For some projects, the requirement to make the property available pursuant to an open, competitive bid is removed. The amendments specify that qualifying projects may occur on multiple parcels. These exemptions should be reviewed carefully to evaluate the specific housing requirements.
- Clarification that an existing exemption for property subject to valid legal restrictions that prohibit housing, includes but is not limited to (1) existing constraints under ownership rights or contractual rights if the constraints were agreed to prior to September 30, 2019, (2) restrictions from conservation or other easements or encumbrances, existing leases, or other contractual obligations or restrictions, as specified, and (3) funding source restrictions, as specified. As amended, a declaration of exemption under this provision shall be supported by documentary evidence establishing the valid legal restriction, as specified.
- Land transferred to a community land trust that meets specified conditions.

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sla-guidelines-final.pdf>
https://www.calcities.org/docs/default-source/annual-conference---session-materials/09.2021-lapeyrolerie-ac-paper-impacts-of-recent-changes-to-the-surplus-land-act.pdf?sfvrsn=25f70389_6

Section 54221(f)(1)(G) exempts property that is subject to a valid legal restriction that prohibits housing that is not imposed by the local agency. The City has argued that the lease, which has been in place in one form or another since 1966, limits the use of the property to uses that prohibit housing.

USD 2/11/24 Meeting

<https://www.parentsquare.com/feeds/29460512>

USD Land Redevelopment Update: Mirassou and Cinnabar

Union School District has historically been underfunded in comparison to other school districts. This underfunding has highlighted the need for additional resources to adequately support USD's students and programs. To address this funding shortfall and secure sustainable, local revenues, in 2020 the District began exploring possible options to use underutilized properties owned by the district as long term revenue sources that would benefit the community as well as supplement the district's operating budget.

Staff provided an update on two surplus District properties: Mirassou and Cinnabar. Staff provided an update on the Request for Qualifications/Proposals (RFQ/P) process for the Mirassou site, outlining the committee's recommendation to advance Robson Homes as the preferred developer. Additionally, a presentation from Robson Homes was provided detailing the developers proposal and plans for the site. Based on a potential exchange value of \$11.5 million dollars, the exchange would generate an estimated \$575,000 in annual ongoing resources for the district. (emphasis added)

Board Approves Resolution No. 23-24-07 Intent to Exchange Interests in Real Property (Mirassou A)

Per the direction from the Board of Trustees, a new RFQ/P was issued on November 27, 2023, to solicit offers from developers to acquire by exchange the approximately four acre field area of the Mirassou Site (known as Mirassou A).

In addition to public notices published in the San Jose Mercury News, San Jose Post Record and the Los Gatos Times, the RFQ/P was directly sent out directly to 75 regional developers. On December 13, 2023 USD responded to questions posed by several developers. By the conclusion of the RFQ/P deadline on January 12, 2024, the district received three proposals.

On January 23, 2024, a committee comprising staff, Board members, and consultants conducted interviews with the three prospective developers. The committee recommended advancing negotiations with Robson Homes as the preferred exchange partner whose proposal includes 12 total single family homes on expanded lot sizes emphasizing neighborhood compatibility.

[The Board unanimously passed the resolution](#) which declares the district's intent to pursue an exchange for the Mirassou A property with Robson Homes. Negotiations for the final exchange agreement are ongoing, with the agreement scheduled for Board consideration on March 11, 2024. Pending negotiations, the potential exchange value is estimated at \$11.5 million dollars and would yield approximately \$575,000 in annual ongoing resources for the district.

<https://www.parentsquare.com/feeds/30649890>

Board Meeting Highlights | March 11, 2024

Exchange Agreement and Joint Escrow Instructions between Robson Homes, LLC and Union School District for the Mirassou School Site A (emphases added)

In an effort to increase funding to support students, staff and programs, Union School District continues to pursue additional long term revenue streams from underutilized District owned properties. Since 2020, USD has explored several land use opportunities to maximize property use on non-active school sites. By exchanging underutilized property for another property of equal value that generates ongoing revenues, the District can generate resources to support the students and programs in USD. One of the areas identified is a section of the Mirassou site.

The exchange agreement is for approximately 4.28 acres of unimproved land (a portion of the Mirassou Site) located at 220 Belgatos Road in Los Gatos. This land was previously deemed “excess surplus land” and has been approved by the California Department of Housing and Community Development as exempt from the provisions of the California Surplus Lands Act.

Per the direction from the Board of Trustees, an RFQ/P was issued on November 27, 2023, to solicit

offers from developers to acquire (by exchange) the approximately 4.28 acre field area of the Mirassou (known as Mirassou A). In addition to public notices published in the San Jose Mercury News, San Jose Post Record and the Los Gatos Times, the RFQ/P was directly sent out directly to 75 regional developers. On December 13, 2023 USD responded to questions posed by several developers. By the conclusion of the RFQ/P deadline on January 12, 2024, the district received three proposals.

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On February 11, 2024, the Board passed Resolution No. 23-24-07, Intent to Exchange Interests in Real Property (Mirassou A), declaring the district's intent to pursue an exchange for the Mirassou A property with Robson Homes. On February 22, 2024, Robson Homes conducted an informational session with the Preserve Belwood Association to discuss the proposed development and address any inquiries from the community.

The Board of Trustees approved the [Exchange Agreement and Joint Escrow Instructions between Robson Homes, LLC and Union School District for the Mirassou School Site A](#) thanking staff and Mr. Robson for their commitment to continuing to work with the community throughout the project.

The exchange value is \$12,722,100 with options for additional financial consideration for school impact fees and if the Town approves an off-site below market price home.

At a five percent annual return this would generate approximately \$636,105 annually in revenue beginning in Q2 2026 and the exchange asset continues to be fully retained.

<https://casetext.com/statute/california-codes/california-government-code/title-7-planning-and-land-use/division-1-planning-and-zoning/chapter-4-zoning-regulations/article-2-adoption-of-regulations/section-658529-development-of-unused-school-sites>

Section 65852.9 - Development of unused school sites(a) The Legislature recognizes that unused schoolsites represent a potentially major source of revenue for school districts and that current law reserves a percentage of unused schoolsites for park and recreational purposes. It is therefore the intent of the Legislature to ensure that unused schoolsites not leased or purchased for park or recreational purposes pursuant to Article 5 (commencing with Section 17485) of Chapter 4 of Part 10.5 of the Education Code can be developed to the same extent as is permitted on adjacent property. It is further the intent of the Legislature to expedite the process of zoning the property to avoid unnecessary costs and delays to the school district. However, school districts shall be charged for the administrative costs of this rezoning.(b) If all of the public entities enumerated in Section 17489 of the Education Code decline a school district's offer to sell or lease school property pursuant to Article 5 (commencing with Section 17485 of Chapter 4 of Part 10.5 of the Education Code, the city or county having zoning jurisdiction over the property shall, upon request of the school district, zone the schoolsite as defined in Section 39392 of the Education Code,

consistent with the provisions of the applicable general and specific plans and compatible with the uses of property surrounding the schoolsite. The schoolsite shall be given the same land use control treatment as if it were privately owned. In no event shall the city or county, prior to the school district's sale or lease of the schoolsite, rezone the site to open-space, park or recreation, or similar designation unless the adjacent property is so zoned, or if so requested or agreed to by the school district.(c) A rezoning effected pursuant to this section shall be subject to any applicable procedural requirements of state law or of the city or county.(d) A school district that requests a zoning change pursuant to this section shall, in the fiscal year in which the city or county incurs costs in effecting the requested zoning change, reimburse the city or county for the actual costs incurred by it.

Cal.Govt.Code.° .21418;6

Amended by Stats 2006 ch 538 (SB 1852),s 314, eff. 1/1/2007.

<https://www.kqed.org/news/11927941/california-eases-zoning-laws-to-pave-way-for-affordable-teacher-housing>

The law is meant to keep city and county governments from putting up roadblocks to new projects by adding restrictions over and above the standard zoning, said Troy Flint, spokesperson for the California School Boards Association, which co-sponsored the legislation. Newsom signed the bill on Wednesday.

“I am thrilled that Gov. Newsom has signed AB 2295 and demonstrated his support for education workforce housing,” said Vernon M. Billy, executive director of CSBA. “Our members across the state have expressed a strong and growing interest in creative efforts to address the teacher shortage.”

<https://www.sfchronicle.com/bayarea/article/california-schools-real-estate-18197486.php>

“Districts are increasingly being forced into the position both financially and practically to look at how they manage these assets,” said attorney Harold Freiman, who has represented Bay Area and other school districts in resource management, including what to do with their vast real estate holdings. “We’re seeing both more districts selling properties and more districts leasing properties.”

That’s a shift from decades past when the vast majority of districts clutched their land like family heirlooms. Once gone, it’s gone for good, officials have repeated like a mantra, especially given the value and relative scarcity of real estate in many urban areas.

Respectfully,

JAS

John Shepardson

Attorney at Law

[REDACTED]

Office [REDACTED]

Cell [REDACTED]

Mayor & Council:

I strongly suggest you reject the GP amendment. I talked to Joel about this. They must have a GP amendment. Denying it will stop the 4 to 4.5M homes project and help keep the land open for a park &/or recreation. Union School District owns the land. Let's have them offer up the entire school grounds at no more than 25% of FMV per Naylor Act.

Then, use the land to create a world class community center.

Perhaps secure additional funding from City of SJ or County.

John Shepardson, Esq.



220 Belgatos Road

Application Number

Subdivision Application M-24-011

General Plan Amendment Application GP-24-002

Application Summary

Requesting Approval for Subdivision of One Lot into Two Lots and a General Plan Amendment to Change the Land Use Designation of Parcel A from Public to Low Density Residential On Property Located at 220 Belgatos Road. APN: 527-25-005. Determination of CEQA Review is Pending.

Date Filed

05/23/2024

Project Status

Special General Plan Committee Meeting - 06/26/2024

Dear Mayor and Council:

FYI. Documents presented at Union School District for approval to build out 220 Belgatos Road (the old Mirassou Elementary School).

[Click to Download](#)

doc05399020240803190123.pdf

5.2 MB

Respectfully,

JAS

Dear Supervisor Joe Simitian:

I am emailing you about the county providing funding for the purchase from the Union School District of 220 Belgatos Road, Los Gatos, property (presently the old Mirassou School grounds) with its open space fields and existing buildings. The property is also a staging ground for hiking into the hills. If the Union School District follows the Naylor Act, they must offer the property at 25% of the its FMV (purchase for say \$8M) (I believe they got it for free from the developer in 1963.). With some renovation of the property, say \$2M, there could be a first class or world class community center, that could serve Los Gatos, San Jose, and the broader county citizens. The fields could be kept for youth and adult sports activities. It seems to me kids' physical and mental health is declining by staying inside in front of computers, and video games and their phones.

Copy and paste from <https://www.siliconvalleycf.org/about/news-media/blog/nonprofit-leader-spotlight-qa-with-marico-sayoc-of-cassy>

5. How can we as a community work together to ensure that all young people have access to the appropriate resources and services to support their mental well-being?

Ensuring that all young people have access requires meeting children where they are at physically and emotionally. Supporting youth mental well-being indeed takes a village. U.S. Surgeon General Vivek Murthy calls youth mental health the “defining public health crisis of our time,” requiring a “whole-of-society” effort to address the well-being of young people. Experts universally recommend schools as the ideal place to address youth mental health. (emphasis added)

Below my public comments speech to the council last night.

JAS

Madam Mayor and Council:

Please reject a general plan amendment 220 Belgatos Road, for three basic reasons:

- 1) Changing open space playing fields for 4.5M homes violates the general plan.
- 2) Rejecting the amendment encourages the Union School District to offer up the fields and perhaps the adjacent existing school buildings for 25% of their FMV under the Naylor Act.
- 3) The entire school property could potentially be a world class community center purchased and developed at a fraction of the cost of an alternative location.

The proposal violates the general plan because:

1) Section 2 of the GP promotes environmental justice and the project does not promote such justice.

2) Section 7.1 of the GP promotes open space:

To enhance the quality of life for residents and visitors, the Town of Los Gatos actively participates in the acquisition of properties as open space. (emphasis added)

The proposed project does the exact opposite and elements.open.space_1 repeat: the proposal does the exact opposite of what the GP calls for.

3) Section 8 of the GP promotes the environment and sustainability.

Residents of the Town of Los Gatos are vitally interested in retaining the charm and character of their community, conserving natural resources, and reducing waste. (emphasis added)

The project forever eliminates the open space fields.

4) Environmental Standard 16.8 states:

Require that open space and recreation is the priority land use designation for lands immediately adjacent to reservoirs, creeks, and streams.

The fields are close to the Belgatos creek.

Second, by rejecting the amendment, we encourage the USD to first offer up the fields to the Town and other agencies at no more than 25% of its FMV. This a deal, a sale of the century.

Third, by rejecting the amendment, and message to USD compliance with the Naylor Act, perhaps the Town can acquire the entire school grounds, save the open space and turn the existing site buildings into a world class community center, with the existing main office, cafeteria, multi-purpose room, classrooms and day care area. Let's think long-term rather than short-term. That can be your favorable legacy to the Town's benefit.

Thank you and I'm available for any questions.'

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- Land transferred to a community land trust that meets specified conditions.

<https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/sla-guidelines-final.pdf>

https://www.calcities.org/docs/default-source/annual-conference---session-materials/09.2021-lapeyrolerie-ac-paper-impacts-of-recent-changes-to-the-surplus-land-act.pdf?sfvrsn=25f70389_6

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Board Meeting Highlights | March 11, 2024

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In an effort to increase funding to support students, staff and programs, Union School District continues to pursue additional long term revenue streams from underutilized District owned properties. Since 2020, USD has explored several land use opportunities to maximize property use on non-active school sites. By exchanging underutilized property for another property of equal value that generates ongoing revenues, the District can generate resources to support the students and programs in USD. One of the areas identified is a section of the Mirassou site.

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Section 65852.9 - Development of unused school sites(a) The Legislature recognizes that unused schoolsites represent a potentially major source of revenue for school districts and that current law reserves a percentage of unused schoolsites for park and recreational purposes. It is therefore the intent of the Legislature to ensure that unused schoolsites not leased or purchased for park or recreational purposes pursuant to Article 5 (commencing with Section 17485) of Chapter 4 of Part 10.5 of the Education Code can be developed to the same extent as is permitted on adjacent property. It is further the intent of the Legislature to expedite the process of zoning the property to avoid unnecessary costs and delays to the school district. However, school districts shall be charged for the administrative costs of this rezoning.(b) If all of the public entities enumerated in Section 17489 of the Education Code decline a school district's offer to sell or lease school property pursuant to Article 5 (commencing with Section 17485 of Chapter 4 of Part 10.5 of the Education Code, the city or county having zoning jurisdiction over the property shall, upon request of the school district, zone the schoolsite as defined in Section 39392 of the Education Code, consistent with the provisions of the applicable general and specific plans and compatible with the

uses of property surrounding the schoolsite. The schoolsite shall be given the same land use control treatment as if it were privately owned. In no event shall the city or county, prior to the school district's sale or lease of the schoolsite, rezone the site to open-space, park or recreation, or similar designation unless the adjacent property is so zoned, or if so requested or agreed to by the school district.(c) A rezoning effected pursuant to this section shall be subject to any applicable procedural requirements of state law or of the city or county.(d) A school district that requests a zoning change pursuant to this section shall, in the fiscal year in which the city or county incurs costs in effecting the requested zoning change, reimburse the city or county for the actual costs incurred by it.

Cal.Govt.Code.° .21418;6

Amended by Stats 2006 ch 538 (SB 1852),s 314, eff. 1/1/2007.

<https://www.kqed.org/news/11927941/california-eases-zoning-laws-to-pave-way-for-affordable-teacher-housing>

The law is meant to keep city and county governments from putting up roadblocks to new projects by adding restrictions over and above the standard zoning, said Troy Flint, spokesperson for the California School Boards Association, which co-sponsored the legislation. Newsom signed the bill on Wednesday.

“I am thrilled that Gov. Newsom has signed AB 2295 and demonstrated his support for education workforce housing,” said Vernon M. Billy, executive director of CSBA. “Our members across the state have expressed a strong and growing interest in creative efforts to address the teacher shortage.”

<https://www.sfchronicle.com/bayarea/article/california-schools-real-estate-18197486.php>

“Districts are increasingly being forced into the position both financially and practically to look at how they manage these assets,” said attorney Harold Freiman, who has represented Bay Area and other school districts in resource management, including what to do with their vast real estate holdings. “We’re seeing both more districts selling properties and more districts leasing properties.”

That’s a shift from decades past when the vast majority of districts clutched their land like family heirlooms. Once gone, it’s gone for good, officials have repeated like a mantra, especially given the value and relative scarcity of real estate in many urban areas.

Dear Mayor and Council:

Is the exchange of the fields for \$4.5M homes in conformity with the town's general plan?

Respectfully, I suggest not. Why?

1. GP calls for long-term focus on protecting open spaces.
2. GP calls for long-term sustainability.
3. GP calls for social and environmental justice.
4. GP calls for small town character, safety and family-oriented.
5. GP calls for pedestrian friendly.
6. GP calls for a strong sense of community.
7. GP calls for meeting the present and future needs of residents.

Respectfully,

John A. Shepardson, Esq.

=====

§5.7.100: CALIFORNIA GOVERNMENT CODE SECTION 65402 REQUIREMENT.

Pursuant to the requirement of California [Government Code](#) Section 65402, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the Planning Commission as to conformity with the City's adopted General Plan. The Planning Commission shall render its report as to conformity within forty (40) days after the matter is submitted to it, or such longer period of time as may be designated by the City Council.

=====

https://www.losgatosca.gov/DocumentCenter/View/31979/1-LGGP_2040_Introduction

The General Plan is not to be confused with zoning. Although both the General Plan and the zoning ordinance

designate how land may be developed, they do so in different ways. The General Plan has a long-term outlook.

It identifies the types of development that will be allowed, the spatial relationships among land uses, and the

general pattern of future development. Zoning regulates development through specific standards such as lot size, building setbacks, and allowable uses. However, the land uses shown on the General Plan diagrams will typically be reflected in the local zoning maps as well, as they are both

required to be consistent per State law. Development must not only meet the specific requirements of the zoning ordinance, but also the broader policies set forth in the General Plan.

Vision. The Town of Los Gatos is a welcoming, family-oriented, and safe community nestled in the beautiful foothills of the Santa Cruz Mountains. The Town takes pride in its smalltown character, historic neighborhoods, local culture and arts, excellent schools, and a lively and accessible downtown. The Town is pedestrian friendly and offers a choice of mobility options, housing opportunities, and superior public facilities and services, governed by an open and responsive local government that is fiscally sound. The Town includes a mix of businesses throughout Town that serve all residents, workers, and visitors. A dynamic and thriving community, Los Gatos is committed to racial, social, and environmental justice and underscores its commitment to long-term well-being by embracing sustainability.

Guiding Principles

- Community Vitality

Invigorate Los Gatos as a special place for community gathering, commerce, and other activities for residents and visitors. Foster the economic vitality of all Los Gatos business locations. Preserve and enhance the Town's historic resources and character while guiding the community into the future.

- Connectivity

Emphasize the importance of connecting all facets of the Town to build a strong sense of community through building design, walkability, and safe streets.

- Diverse Neighborhoods

Foster appropriate investments to maintain and enhance diverse neighborhoods, housing opportunities, and infrastructure to meet the needs of all current and future residents.

- Fiscal Stability / Responsibility

Provide high quality municipal services to the Los Gatos community while sustaining long term fiscal well-being.

- Government Transparency

Conduct governmental processes in an open manner and encourage public involvement in Town governance.

1-6 2040 General Plan June 2022, adoption

- Inclusivity

Value the importance of and promote ethnic, cultural, and socio-economic diversity and equity to enhance the quality of life in Los Gatos.

- Mobility

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.

- Promote Public Safety

Maintain and enhance Los Gatos as a safe community through preparation and planning, education, and community design that is responsive to the full range of potential natural and man-made hazards and safety issues.

- Protect Natural Environment

Protect and enhance the natural environment and biotic communities that define Los Gatos, including but not limited to open space preserves, recreational trails, surrounding hillsides, and natural waterways.

- Sustainability

Manage, conserve, and preserve Los Gatos' natural environment for present and future generations. Identify and provide opportunities to enhance the Town's sustainability policies and practices.

=====

JAS--The USD board naturally is serving its constituents interests and cleverly has avoided the Naylor act with the exchange. The Naylor act required offering the property various local agencies at no more than 25% of the FMV.

The exchange avoids that requirement. The USD board has acted as a prudent financial manager. Respectfully, there is no one looking out for the short and long-term interests of the town residents and children.

Where are they going to play? In the street? 30% of California children are obese. Where do they get their exercise? USD and LGSD can CONTINUE to avoid the Naylor Act. I predict the USD will sell off the rest of Mirassou School with another exchange in the not to distant future.

The developer's interest naturally is in building homes and making profits. We are moving from at town to a city. Would we sell Yosemite to balance a budget? Nope. Local play areas are children's "Yosemite." and used more often than a trip there.

I think the law should be changed to eliminate the Naylor Act exemption regarding exchanges for income-producing properties.

=====

<https://resources.finalsite.net/images/v1699894010/nmusdus/baxkjtuzt2rnq8qia3m5/3-AdvisoryCommitteeMtgSurplusPropertyHandout429261611.pdf>

A well-run business treats any of its assets in a manner which secures the most value for its shareholders. Similarly, a prudent school district, in dealing with its surplus real estate, will be responsible for securing value from these assets for the benefit of its constituents.

Kristine:

Thank you for timely responding.

I am not aware of any county funding at this time. County funding would need to be secured. Perhaps the City of San Jose, the State of California, or the federal government could contribute.

Community centers, with libraries, pools, and rooms for activities seem to pay big dividends in the short and long run.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3709358/>

<https://hmcarchitects.com/news/the-role-of-community-centers-and-why-we-need-them-now-more-than-ever/>

<https://www.countyhealthrankings.org/strategies-and-solutions/what-works-for-health/strategies/community-centers>

<https://www.madisonct.org/DocumentCenter/View/5280/EconomicBenefitsOfaMadisonCommunityCentertoDowntown?bidId=>

<https://www.sciencedirect.com/science/article/abs/pii/S187734352200001X>

Respectfully,

John

JAS











<https://www.lozanosmith.com/docs/resources/SurplusChecklist.pdf>

VIII. Exceptions

The District may bypass the above described notification and bidding procedures in several situations, including, but not limited to the following:

Land Exchanges (Ed. Code § 17536): The exchange of real property is exempt from the surplus property procedures described herein. An exchange of properties with a private person or entity may be accomplished by a resolution adopted by a two-thirds majority of the Board. Due to an apparent error made when the Education Code was reorganized, exchanges with public agencies are no longer as clearly addressed in the Education Code; legal counsel should be consulted regarding those requirements.

All property sales (Govt. Code § 65402(c)): The District must notify the local city or county planning agency, if such city or county has adopted a general plan which affects or includes the area where the property is located.

<https://techservices.vusd.org/boardpolicies/BP3280.pdf>

<https://www.pusd.us/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=8&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=19647&PageID=1>

RFQ ISSUED FOR PROPERTY EXCHANGE

Pasadena Unified Issues Request for Qualifications for District Headquarters Property Exchange

Pasadena, CA -- The Pasadena Unified School District (PUSD) has issued a request for qualifications (RFQ) from parties and/or individuals interested in acquiring the District's headquarters through a property exchange. With the release of the RFQ, PUSD begins a two-phase process that will result in the selection of an interested party with whom it can exchange the District's current headquarters for revenue-producing properties. The two-stage approach helps to both streamline the process and to gather information about interested parties.

"The introduction of the RFQ is a milestone for Pasadena Unified and represents the next step in making the most of our assets to benefit students and learning," said Superintendent Brian McDonald.

The District property is located at 351 S. Hudson Avenue in Pasadena. It consists of approximately 4.5 acres of real property and includes office buildings currently used to house the District's administrative staff and Rose City High School. The District's administrative offices and Rose City High School would move to other district-owned sites.

Responses to the RFQ must be submitted by December 21, 2018, at 2:00 p.m. The RFQ and more information can be found at www.pusdrfp.com

After reviewing responses to the RFQ, the District will issue a Request for Proposals that establishes specific requirements for the district property to qualified parties. The anticipated exchange of property must comply with state law (Education Code 17536, et.seq.) and be approved by the Board of Education.

For additional information, interested parties should contact the District's representative:

Sam Manoukian, CCIM
Director of Commercial Division
RE/MAX OPTIMA
333 E. Glenoaks Blvd. Suite 100, Glendale, CA 91207
Dir: 818-547-6324 Fax: 818-450-0712
Email: remaxglendale@msn.com

<http://savepacificview.org/wp-content/uploads/2014/02/History-of-Pacific-View-Through-January-2014.pdf>

https://pusd.granicus.com/MetaViewer.php?view_id=15&clip_id=664&meta_id=105024

2022 California Code
Government Code - GOV
TITLE 7 - PLANNING AND LAND USE
DIVISION 1 - PLANNING AND ZONING
CHAPTER 3 - Local Planning
ARTICLE 7 - Administration of General Plan
Section 65402.

Universal Citation: [CA Govt Code § 65402 \(2022\)](#)

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats; 7530; Ch; 366;)

[Click to Download](#)

general-plan-conformance-application.pdf

1.3 MB

Leaders:

By the way, I made a mistake. The money apparently is approximately \$500K forever, not a one-time \$11M. It is a one-off in the sense that the property fields will not be sold again. Perhaps the land where the school is next???? And then it will all developed and where do the kids

play their sports? Drive to some area outside of the neighborhood, which means more traffic. Many factors are at play. Teachers' salaries, affordable housing, state cuts in funding for wealthier communities, Prop 13, changing laws, and NIMBYs.

1. Did USD offer land to public agencies first? Town? Parks & Rec? County? I think it could be sold to them at no more than 25% of FMV. Any reach outs to county supervisors? I ASSUME UNION SCHOCL DISTRICT COMPLIED WITH.

2. They have apparently already sold land worth \$10M and \$4.5M. \$14.5M is not enough?

3. Any soils studies done? I imagine there are some old creek beds in the area.

4. Can district only use proceeds, \$500K for one-time operational use? Then after must only use for facilities? And yet Measure J was \$128M for facilities. What happened to that money?

5. Simply: trading remote risk of losing parcel tax for green space?

5. If Belwood supports citizen backed parcel tax at say \$500. Get a simple majority. District brings in about \$6M/yr. 12 x sale of Belwood fields. Use developed fields for rental to community and to the private school.

7. Raise parcel tax to even \$335/yr like LGUSD, generates \$3.6M/year, rather than \$1.2M/year. This dwarfs the \$500K/yr. from sale of Belwood fields.

Los Gatos Union School District, California, Measure B, Educational Parcel Tax (November 2021)

Los Gatos Union School District Measure B



Election date

[November 2, 2021](#)

Topic

[California parcel tax](#) and [Local school tax](#)

Status



Approved

Type

[Referral](#)

Origin

[Lawmakers](#)

Los Gatos Union School District Measure B was on the ballot as a [referral](#) in [Los Gatos Union School District](#) on [November 2, 2021](#). It was approved.

A “yes” vote supported authorizing for 8 years an annual parcel tax of \$335 per parcel to replace an existing parcel tax, thereby generating an estimated \$3,200,000 per year for the Los Gatos Union School District.

A “no” vote opposed authorizing for 8 years an annual parcel tax of \$335 per parcel, thereby allowing the existing \$290 parcel tax to expire without being replaced.

A [two-thirds \(66.67%\) vote](#) was required for the approval of Measure B.

Election results

Los Gatos Union School District Measure B		
Result	Votes	Percentage



Yes	6,532	75.98%
No	2,065	24.02%

A “yes” vote supported authorizing for 8 years an annual parcel tax of \$335 per parcel to replace an existing parcel tax, thereby generating an estimated \$3,200,000 per year for the Los Gatos Union School District.

ISSUE: Is Union School District's attempted sale of Mirassou Open Space for \$4-\$4.5M homes comply with town's GP?



II. PROPOSAL FOR LOSS OF OPEN SPACE

SITE PLAN

With the additional proposed areas:

- Neighborhood compatibility
 - Lot sizes 11,000 sf to 13,000 sf
- 12 total single family detached homes
 - One onsite below market rate homes



III. AGUMENT

- Sale fails to meet these GP standards:
- Long-term focus on protecting open spaces.
- Long-term sustainability.
- Social and environmental justice.
- Small town character, safety and family-oriented.
- Pedestrian friendly.
- Strong sense of community.
- Meeting the present and future needs of residents.

IV. DUTY

- COUNCIL'S DUTY TO ENFORCE THE GENERAL PLAN. USD BOARD HAS NO SUCH DUTY.

IV. OTHER FACTORS SUPPORTING DENIAL

- USD can seek a parcel tax of \$300 & raise \$3.6M annually, 7 times income of sale of Mirassou Open Space.
- Deny sale & lead USD to compile with Naylor Act, so local agencies can get land at 25% of FMV.
- Get agencies to partner with USD to renovate fields.
- NOT affordable housing.
- Bad precedent. Next sell fields at Daves Avenue?
- My understanding: land donated to USD in early 60s.

Open Space: Happier and Fitter Humans

- <https://www.unicef.org/armenia/en/stories/necessity-urban-green-space-childrens-optimal-development>
 - *Green spaces can significantly benefit children's physical, mental and social development – from infancy to adulthood.*
- <https://www.childhealthdata.org/docs/nsch-docs/california-pdf.pdf>
- 30.5% of California children considered either overweight or obese.

In Sum:

- **COUNCIL PLEASE DO ITS DUTY TO ENFORCE GP & NOT ALLOW DESTRUCTION OF THE MIRASSOU OPEN SPACE.**

To Mayor & Council:

8/1/24

ROBSON HOMES

June 5, 2024

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

Re: Mirassou School - Union School District & Robson Homes
General Plan Land Use Change

Dear Planning Department Staff:

This letter is submitted with the development application for 220 Belgatos Road, owned by the Union School District (USD), in which Robson Homes is applying to change the General Plan designation for a 4.3-acre portion of the property from Public to Low Density Residential. The subject portion is a fenced-off, unused area of the former Mirassou School site, which closed in 1989. Concurrently, we have applied for the subdivision of the property into two parcels. The remaining portion of the school site, currently leased to the Stratford School and Bright Horizons Preschool, will retain its Public designation. This request is consistent with the goals and policies of the Town's General Plan, supports local schools, and provides quality new housing, including Below Market Rate homes.

In order to create a much-needed new revenue stream, USD entered into a Land Exchange Agreement with Robson Homes for the development of this portion of their property. USD has stated that they are the most underfunded District in Santa Clara County and lack adequate means to operate and repair existing schools, and to continue providing a high-quality education to its students. Our plan is to build low-density, single-family homes consistent with the surrounding neighborhood. This supports General Plan Goal LU-7: "To use available land efficiently by encouraging appropriate infill development" and specifically Policy LU-7.1: "Allow redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services."

The subject property has an underlying zoning of R-1-10 and is surrounded on all sides by Low-Density Residential. Our new homes will comply with the property's underlying CCR's allowing for only single-family detached homes on lots no smaller than 10,000 square feet. Policy LU-6.5 states that, "The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood." Additionally, Policy LU-6.8 calls for "new construction, remodels, and additions (to) be compatible and blend with the existing neighborhood."

We have engaged with USD on this development since the summer of 2023 and have spent the better part of a year conducting due diligence and performing extensive neighborhood outreach, including neighborhood open house meetings, meetings with the Belwood HOA Board and members, door knocking efforts, and individual meetings with neighbors. Additionally, we met with Town Staff and Town Councilmembers on multiple occasions. We listened to concerns and refined our development plan to design a project the community supports. General Plan Policy LU-1.1: "Encourage developers to engage in discussions as early as possible regarding the nature and scope of the project and possible impacts and mitigation requirements."

1st step - respectfully request not approving GP amendment. Let's keep park & open space. Once gone - not coming back.

Respectfully,
John Dwyer
John Dwyer, P.S.E.

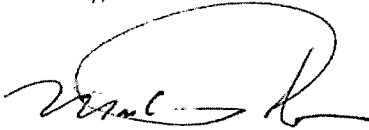
Key's find a way to entice school to convert an amazing grounds to an amazing community center

- Response
- ① I like & respect work.
 - ② In my view the proposal is inconsistent with the GP.
 - ③ I suggest not amending the GP & encourage USD to sell land @ 25% RMD by Naylor Act.

ROBSON HOMES

This property has the potential to be a great residential neighborhood, and Robson Homes is committed to creating an enclave of wonderful new homes here, homes that will speak to the character and high design standards of the Town. We ask for the Town's support of this General Plan Amendment to create a project that not only financially assists the Union School District, but also provides a practical land use change that is supported by the community and is additive to the Town's housing inventory.

Sincerely,



Mark Robson
President
Robson Homes