



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 01/22/2025

ITEM NO: 3

DATE: January 17, 2025  
 TO: Planning Commission  
 FROM: Joel Paulson, Community Development Director  
 SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Subdivision of One Lot into Two Lots on Property Zoned R-1:10. **Located at 220 Belgatos Road.** APN 527-25-005. Subdivision Application M-24-011. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions. Property Owner: Union School District. Applicant: Robson Homes, LLC. Appellant: Mary Cangemi. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Deny the appeal of a Development Review Committee decision approving a subdivision of one lot into two lots on property zoned R-1:10, located at 220 Belgatos Road, finding that none of the reasons for denying a proposed subdivision as set forth in Government Code Section 66474 are present.

PROJECT DATA:

General Plan Designation: Public  
 Zoning Designation: R-1:10  
 Applicable Plans & Standards: General Plan  
 Existing Parcel Size: 9.10 acres

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:10
South	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10
West	Residential	Low Density Residential	R-1:10

PREPARED BY: Jocelyn Shoopman  
 Senior Planner

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

PAGE 2 OF 9

SUBJECT: 220 Belgatos Road /M-24-011

DATE: January 17, 2025

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions. The project proposes to subdivide one lot into two lots. No development is proposed at this time.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.
- As required by Section 66474 of the Subdivision Map Act.

ACTION:

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

BACKGROUND:

The subject parcel is 9.10 acres and located south of Blossom Hill Road, situated between Belgatos Road and Belvue Drive (Attachment 1). The property was previously occupied by Mirassou Elementary School which closed in 1989. Presently, the site is leased by the Union School District to the Stratford School and Bright Horizons Preschool.

The application proposes to subdivide the 9.10-acre property into two lots, resulting in an approximate 4.3-acre parcel (Parcel A) and an approximate 4.8-acre parcel (Parcel B). The existing school uses would remain on Parcel B. No development is proposed with this application.

On June 10, 2024, the applicant submitted a Subdivision application to subdivide one lot into two lots.

On October 23, 2024, the Planning Commission continued a request for a 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 to a date uncertain to allow for the environmental review to be completed. The applicant chose to pause processing of the General Plan Amendment application in order for the application to be processed concurrently with a future Architecture and Site application and to proceed only with the Subdivision application. At this time, an Architecture and Site application for the subject property has not been submitted to the Town.

Pursuant to Section 29.20.745(13) of the Town Code, the Development Review Committee (DRC) shall determine and issue zoning approval for minor subdivisions of land consisting of four lots or less.

On December 10, 2024, the DRC approved the Subdivision application (Exhibit 7).

On December 20, 2024, the decision of the DRC was appealed to the Planning Commission (Exhibit 8).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject parcel is located south of Blossom Hill Road, situated between Belgatos Road and Belvue Drive (Exhibit 1). The surrounding properties are low density single-family residences.

B. Project Summary

The applicant is proposing to subdivide one lot into two lots at the property located at 220 Belgatos Road.

C. Zoning Compliance

The proposed lot configurations would comply with the minimum lot size, lot depth, and setback requirements for the R-1:10 zone.

DISCUSSION:

A. Subdivision Analysis

The application is proposing to subdivide the 9.10-acre property into two lots, resulting in an approximate 4.3-acre parcel (Parcel A) and an approximate 4.8-acre parcel (Parcel B).

Parcel A and Parcel B as proposed by the Subdivision application are both in compliance with the minimum requirements as described in the table on the following page. No development is proposed at this time.

	Lot Area	Lot Frontage	Lot Depth
R-1:10 Requirements	10,000 sf	80 feet	100 feet
Parcel A	186,242 sf	223.6 feet along Belgatos Road and 155 feet along Belvue Drive	774 feet
Parcel B	210,269 sf	375.6 feet along Belgatos Road and 351.5 feet along Belvue Drive	712 feet

B. Development Review Committee

On December 10, 2024, the DRC found that the Subdivision application was in compliance with the Town Code and Subdivision Map Act (SMA). Based on the findings, the DRC approved the proposed project, subject to the conditions of approval (Exhibit 3). Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

C. Appeal to Planning Commission

On December 20, 2024, the decision of the DRC to approve the Subdivision application was appealed to the Planning Commission by an interested person (Exhibit 8). On the appeal form, the appellant states the following reasons, listed below, why the appeal should be granted. Additional correspondence after the filing of the appeal was provided by the appellant and is included in Exhibit 9. A response to the appeal was provided by the applicant and is included as Exhibit 10, as well as a response to the additional correspondence provided by the appellant in Exhibit 11. A summary of the specific reasons listed in the appeal form are provided below as verbatim excerpts, followed by the applicant’s verbatim response in italic, and staff’s response.

1. Protect open space.

*Applicant’s Response: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."*

Staff Response: The existing General Plan land use designation for the property is Public. The Public land use designation identifies public facilities in the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations. The subject property does not have a land use designation of Open Space.

2. Town policies protect open space.

*Applicant's Response: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."*

Staff Response: The subject property has a General Plan land use designation of Public. The Public land use designation identifies public facilities in the Town such as the Civic Center, courthouse, schools, parks, libraries, hospitals, churches, and fire stations. The subject property does not have a land use designation of Open Space.

3. Potentially part of community center like Campbell.

*Applicant's Response: There is an existing community center within the immediate neighborhood via the Belwood HOA's actively managed and well sized recreation facility called the Cabana Club. This facility includes indoor gathering/meeting rooms, picnic/BBQ pits, pool facilities, bocce courts, basketball court and regularly scheduled youth organized sporting events and club organized/holiday festivities. This community center is walking distance to the property.*

Staff Response: Staff has not received direction from the Town Council regarding a community center on this site that would prevent the property owner from proceeding with a Planning application.

4. General Plan amendment required and Town Council approval should be required.

*Applicant's Response: A General Plan Amendment is not required for this application, nor is Town Council approval. Approval of an application to change the land use for housing could require a General Plan Amendment. The subject property is-zoned Public/Quasi-Public in the Town's General Plan because of its historical use as a School District Facility location. The property is the former Mirassou School site, which closed in 1979 and was identified as Surplus Land in 1980. The field portion of the property has not been accessible to the public for many years, and it no longer serves a functional or financial purpose for the School District. General Plan Policy LU-7.1 allows for the "redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services." The surrounding uses of the property are residential.*

Staff Response: The proposal for a Subdivision application to subdivide one lot into two lots does not require a General Plan amendment. Should an Architecture and Site application

for development of the property be submitted in the future, a General Plan amendment would be required. No development is proposed at this time.

5. Kids need a place to play and adults to walk.

*Applicant's Response: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."*

Staff Response: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

6. Obesity a national problem.

*Applicant's Response: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."*

Staff Response: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

7. Mental health benefits.

*Applicant's Response: The subject property is located less than one block from Belgatos Park, which provides a playground area, fields, parking lot and trail access to the Santa Rosa and Heintz Open Space areas. General Plan Policy OSPR 6.1 directs the Town to "Acquire and develop more publicly accessible active and passive community recreation spaces and/or facilities, with priority given to locations not currently within one-half mile of an existing park."*

Staff Response: The subject property is owned by the Union School District and has a General Plan land use designation of Public. The subject property does not have a land use designation of Open Space.

8. \$4.5 million homes fill not great need in Los Gatos.

*Applicant's Response: There are no homes proposed in this application. A housing proposal will be subject to separate discretionary review by the Town, including application of the Town's Affordable Housing Policies.*

Staff Response: The proposal is for a Subdivision application to subdivide one lot into two lots. No development is proposed at this time.

9. Land donated by developer.

*Applicant's Response: The Union School District is the landowner.*

Staff Response: The Union School District and Robson Homes entered into an agreement to have the District dedicate the subject property to Robson Homes in exchange for Robson Homes to dedicate a property to the District pursuant to Education Code Section 17536 et seq.

10. School district can get money from parcel tax.

*Applicant's Response: Exchanging District property for other valuable assets through a Property Exchange Agreement (PEA) is a legally recognized and fiscally responsible way for a School District to monetize their property assets. A Parcel Tax is restricted money for very specific purposes, while income generated from an exchange process can be used to support all educational purposes. In this case, the District is exchanging an unutilized piece of property for an income producing property that will provide ongoing funding for schools, teachers and students. The statutory provisions that govern the PEA are codified in Education Code section 17536 et seq. Specifically, section 17536 of the Education Code authorizes the District's Governing Board ("Board") to exchange any of its real property interests for that of another person or private business firm upon such terms and conditions as the Parties may agree, and in accordance with the procedural requirements of Education Code section 17536 et seq. A property exchange under these provisions can be made without complying with any other provisions contained in the Education Code, so long as the school district's governing board approves the property exchange by a two-thirds vote in favor of a resolution declaring the intention to exchange real property. (See Ed. Code, §§ 17536, 17537.) In this case, the PEA was adopted by unanimous vote of the Board in accordance with the property exchange statutes.*

Staff Response: The subject property is owned by the Union School District, who has entered into an exchange agreement with Robson Homes pursuant to Education Code Section 17536 et seq.

D. Revised Conditions of Approval

Exhibit 4 contains revised recommended conditions of approval for the project, based on proposed modifications to condition #13 by the Engineering Division to add additional clarity to the required improvements to be installed by the applicant.

E. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions. The project proposes to subdivide one lot into two lots. No development is proposed at this time.

PUBLIC COMMENTS:

A summary of the applicant's neighborhood outreach is included as Exhibit 6. Written notice of the DRC public hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Following the appeal, written notice of the Planning Commission hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. At the time of preparation of this report, no additional public comment has been received.

CONCLUSION:

A. Summary

The applicant is requesting approval of a Subdivision application to subdivide one lot into two lots on property located at 220 Belgatos Road. No development is proposed with this application. None of the findings from Section 66474 of the SMA could be made to deny the application (Exhibit 2).

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Subdivision application:

1. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions (Exhibit 2);
2. Make the required findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and



3. Approve Subdivision application M-24-011 with the revised conditions contained in Exhibit 4 and the project plans in Exhibit 12.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Subdivision application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Conditions of Approval
4. Revised Recommended Conditions of Approval
5. Project Description
6. Summary of Neighborhood Outreach
7. December 10, 2024, Development Review Committee Meeting Minutes
8. Appeal of the Development Review Committee
9. Supplemental Correspondence from the Appellant
10. Applicant's Response to Appeal
11. Applicant's Response to Supplemental Correspondence from the Appellant
12. Project Plans

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