

March 19, 2025

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

Re: 220 Belgatos Road
Applications for standard Subdivision, General Plan Amendment, and Architecture & Site and Approval

Dear Planning Department Staff,

Robson Homes, LLC submits this Letter of Justification in support of our application for a standard Subdivision Development, General Plan Amendment, and Architecture and Site Review for 220 Belgatos Road, located within the Belwood neighborhood. The 9.1-acre site, owned by the Union School District, was formerly home to Mirassou Elementary School. In 1980, the District identified the property as surplus, and in 1989, they ceased school operations. Since that time, portions of the site have been leased to private school operators. Currently, a 4.8-acre portion on the northern side of the property, which encompasses all school facilities, parking, and play areas, is leased to Stratford Elementary School and Bright Horizons Preschool. The remaining 4.3-acre portion of the property is a vacant, fenced-off field that serves no functional purpose for the District.

Our proposal seeks to subdivide the 9.1-acre property and build a 13 home subdivision on the 4.3-acre vacant portion of the property. The leased 4.8-acre parcel will remain under District ownership with no change in use. This proposal aligns with the goals and policies of the Town's General Plan, matches the development pattern of the surrounding neighborhood, and contributes to the community by delivering high quality housing, including ADUs and Below Market Rate homes. The project will also support the continued viability of local schools and enhance the area by transforming an underutilized parcel into a well-planned residential neighborhood.

The Union School District states that they are the most underfunded School District in Santa Clara County and lack adequate means to operate and repair existing schools and to continue to provide a high-quality education to their students. Subject to the success of this application, the District will exchange an underutilized portion of their property with Robson Homes, in return acquiring an income producing property that will provide a critical source of long-term funding for its schools.

- **General Plan Policy LU-7.1:** *"Allow redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services."*
- **General Plan Goal LU-7:** *"To use available land efficiently by encouraging appropriate infill development"*

The Union School District entered into a Property Exchange Agreement with Robson Homes in February 2024 following a public bidding process and with unanimous approval from the School Board. *Note, pursuant to California Education Code section 17536 et seq. a property exchange does not require compliance with any other provisions of the Education Code, including the Naylor Act, upon two-thirds approval from a district's governing board.* This, as well as the property's exemption from the Surplus Land Act, is further explained in the October 29, 2024 letter from the Union School District. (See attached exhibit A)

The District's decision to select Robson Homes as a development partner was based in part on our experience delivering high-quality neighborhoods within the Town, but also on our ability to work with the surrounding community and stakeholders. Since the summer of 2023, we have engaged with neighbors, the Belwood Homeowner's Association, and Town Staff regarding this site. These efforts have had a substantial impact on

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our proposal, which is a reflection of the community's desire to see this property developed consistent with the surrounding residential neighborhood.

- **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".*
- **General Plan Goal CD-6:** *"To promote and protect the physical and other distinctive qualities of the residential neighborhoods"*

The proposed residential development aligns with the Town's applicable zoning standards and objective Design Guidelines, and it is compatible with the surrounding neighborhood. The site is zoned R-1:10 and is bordered on all sides by Low-Density Residential, reinforcing its suitability for single-family homes. Our plan respects the property's underlying CCRs, providing detached residences on lots no smaller than 10,000 square feet (our average lot size is over 12,800 square feet). The homes will be two-stories with extended single-story elements that blend with the surrounding mix of one- and two-story homes. The new homes will feature high-quality craftsmanship, authentic architectural detailing, and premium materials, contributing to the neighborhood's enduring character and overall appeal.

- **General Plan Policy LU-6.5:** *"The type, density and intensity of new land use shall be consistent with that of the immediate neighborhood"*
- **General Plan Goal CD-1:** *"Preserve and enhance Los Gatos's character through exceptional community design."*
- **General Plan Goal CD-6:** *"To promote and protect the physical and other distinctive qualities of residential neighborhoods."*
- **General Plan Goal LU-6:** *"To preserve and enhance the existing character and sense of place in residential neighborhoods."*
- **Development Policy for In-Fill Projects (Resolution 1993-62):**
 - *"Infill projects should contribute to the further development of the surrounding neighborhood (i.e. improve circulation, contribute or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life)."*
 - *"An in-fill project should be designed in context with the neighborhood and surrounding zoning"*

There have been public comments regarding the proposed change of use of the property, suggesting that the Town should purchase it for Open Space or a Community Center. The Town's Open Space Element 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." This property is located less than 300 feet from Belgatos Park, a 17-acre park which offers over 2 miles of trails, a playground, restrooms, picnic tables, expansive lawn area, and a dedicated parking lot. The park also provides access to the Heintz Open Space, Santa Rosa Open Space, and Shannon Valley Open Space. In addition, the Belwood HOA's Cabana Club is walking distance from the property, offering members use of a large pool, gathering rooms, picnic areas, BBQ pits, and basketball and bocce courts. (See attached Exhibit B).

All 13 proposed homes feature an ADU of 800 square feet or less (11 attached and 2 detached), providing smaller, affordable by design housing options for the Town. ADUs provide future homeowners the flexibility to generate rental income or offer housing for multi-generational households.

- **2040 General Plan LU3.3:** *"Encourage developers to include development with small and micro-dwelling units, 1,000 sq. ft. or less, that provide increased affordable housing options for the community."*
- **Housing Element Section 10.1.5:** *"Through staff's engagement with the public at the Farmers' Market, staff has heard community support for: housing options to meet the needs of seniors and large families"*

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The Town's Affordable Housing policy requires the proposed project to provide one for-sale below market rate (BMR) unit. We propose to enter a housing agreement whereby we agree to purchase two(2) two-bedroom off-site market-rate condominiums or townhomes and convert them into BMR units and deed restrict them for sale to moderate income level households for 30 years. We believe this is a more effective way to contribute to the Town's affordable housing goals as it not only doubles the number of affordable homes provided, but also ensures that the homes are more practical and sustainable for low-income households. A home on a nearly 1/3rd acre lot presents significant maintenance and utility costs that could burden a low-income buyer. By contrast, two smaller units in established multi-family communities near services and transit with lower maintenance and utility costs will provide better long-term affordability.

As an additional community benefit associated with this development, Robson Homes proposes to contribute \$350,000 toward the design and installation of a new traffic signal at the intersection of Belgatos Road and Blossom Hill Road (total costs are estimated to be \$600,000). Through our neighborhood outreach, we learned that this is a highly desired safety element in the area. Many children in the neighborhood cross Blossom Hill daily to attend Noddin Elementary School, Union Middle School and Leigh High School. Signalization of this intersection mitigates risks to pedestrians and may improve traffic safety and circulation to and from the Belwood neighborhood.

- **General Plan Goal CD-5:** *"To design a built environment that keeps Los Gatos safe."*

In conclusion, our proposal represents a unique opportunity to provide substantial, lasting community benefit through the financial support for the Town's schools, greater affordable housing opportunities, and new, high-quality homes. The proposed land use change aligns with the Town's General Plan goals and policies, and it will contribute positively to the character of the Town. We look forward to continuing our partnership with the Town and the broader community to bring this vision to life.

Sincerely,

Mark Robson, President
Robson Homes

For Further Information you may contact:

Jack Robson – Project Manager
Phone: 408-345-1767
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EXHIBIT A



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EXHIBIT B



CLARISSA R. CANADY

Attorney at Law

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San Francisco

October 29, 2024

VIA EMAIL

Town of Los Gatos Planning Commission
110 E. Main Street
Los Gatos, CA 9503

Re: 220 Beltatos Road, Los Gatos, California
Our File No. 1765.1103

Dear Honorable Members of the Planning Commission:

Our client Union School District ("District") respectfully submits this correspondence in response to questions raised during the October 23, 2024 Planning Commission Meeting regarding Robson Homes, LLC's application for a General Plan Amendment for APN 527-25-005 ("GP24-002"). Robson Homes, LLC ("Robson") is the project applicant for GP24-002, and the District is the land owner. Robson and the District are parties to a Property Exchange Agreement entered into pursuant to Education Code section 17536 et seq. ("PEA"). As set forth of the PEA, Robson is responsible for securing necessary approvals, including GP-024-022.

As part of Robson's application process, GP24-002 was placed on the Planning Commission's most recent agenda. However, Town staff recommended the item be post-proposed. At the meeting, even though the item was not fully heard, there were at least a few comments noted by the Planning Commission regarding the applicability of the Surplus Lands Act and the Naylor Act. As explained below, the District has complied with all applicable requirements under the Education and Government Code with respect to the PEA. We hope that by addressing these items, the matter can be placed back on the Planning Commission's meeting schedule.

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DWK DMS 3636524v1

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A. The District's Project is Legally Compliant

1. The Naylor Act

As noted above, 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.)

Here, the Naylor Act, codified in the Education Code, is inapplicable to this transaction. The PEA was adopted by unanimous vote of the Board in accordance with the property exchange statutes. As explained above, those statutes expressly state that the District need not comply with any other provisions of the Education Code, including the Naylor Act. Thus, no public offerings under the Naylor Act were required.

2. AB 1486 Surplus Land

The Surplus Land Act, codified in Government Code section 54220 et seq., generally applies to land owned by local agencies, unless the agency's land is deemed "exempt surplus land." (See Gov't Code §54222.3.) Government Code section 54221 subdivision (f) sets forth numerous types of "exempt surplus land." Specifically, subdivision (f)(1)i) establishes an exemption for "Land that is subject to Sections 17388, 17515, 17536, 81192, 81397, 81399, 81420, and 81422 of the Education Code and Part 14 (commencing with Section 53570) of Division 31 of the Health and Safety Code, unless compliance with this article is expressly required."

If a local agency, such as the District, determines that its land is exempt from the Surplus Lands Act, it must either: (1) declare the exemption through a resolution, supported by findings, and submit the same to the California Department of Housing and Community Development ("HCS") for approval; or (2) declare the exemption pursuant to a new notice and publication process¹. (See HCD Surplus Land Act Guidelines.) As noted above, property that is deemed "exempt surplus land," it is not subject the Surplus Lands Act. (Code §54222.3.)

Here, the District adopted Resolution No. 23-24-07, attached, which declares the property exempt surplus land within the meaning of the Surplus Lands Act. The District submitted the Resolution to HCD and HCD approved the exemption. Accordingly, the project site is not subject to the provisions of the Surplus Lands Act, nor any of the notice, offering or other requirements thereunder.

¹ The notice and publication option for declaring property exempt surplus land" was not in effect at the time the District entered into the PEA.

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The District trusts that this correspondence thoroughly addresses the comments and questions regarding this project, and anticipates that Planning Commission support for the District will be demonstrated by the approval of GP24-002.

If you have any questions, please do not hesitate to contact me.

Sincerely,

DANNIS WOLIVER KELLEY



Clarissa R. Canady

CRC:RKB

cc (via email only): Dr. Carrie Andrews, Superintendent, Union School District
Kirsten Perez, Chief Business Official, Union School District
Scott Shelton, Terra Realty Advisors

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