

7-11 Surplus Property Committee

May 3, 2022

Welcome & Roll Call

Richard Lowenthal, Committee Chair

Introductions

Public Comment Guidelines

- Submit an online Comment Card via the link in Chat Box prior to the start of the item
- When Staff calls your name, raise your hand in Zoom
- When the Committee Chair calls your name and invites you to speak, Staff will enable your Zoom audio
- Unmute yourself and proceed with your comment

Public comments are limited to three (3) minutes per person unless there are too many people requesting to speak, in which case the Committee Chair may limit comments to less than three (3) minutes per person.

Public Hearing

Approval of Agenda (Committee Member Motion & Second w/Roll Call Vote)

1. CALL TO ORDER [6:00 PM]
2. WELCOME & ROLL CALL [6:01 PM]
3. PUBLIC COMMENT GUIDELINES [6:06 PM]
4. PUBLIC HEARING [6:10 PM]
5. APPROVAL OF AGENDA [7:15 PM]
6. APPROVAL OF MINUTES APRIL 5, 2022 [7:20 PM]
7. SUMMARY OF PROGRESS [7:25 PM]
8. STAFF REPORT/DISCUSSION [7:40 PM]
 - a. PARKING LOT
9. DISCUSSION ON SHAPING RECOMMENDATION [8:00 PM]
 - a. Committee Reflection on Public Hearing Feedback
 - b. Ed Code requirements will be reviewed for reference
10. ACTION ITEMS [8:50 PM]
 - a. Continue Electronic Meetings During a State of Emergency pursuant to Government Code Section 54953(E) for next 30 days.
 - b. Motion to add a meeting on Thursday, June 2, 2022 from 6-8pm to finalize recommendation to the Board.
11. ADJOURNMENT [9:00 PM]
12. FUTURE MEETINGS
 - a. May 24, 2022 6-8pm via Zoom
13. AFFIDAVIT OF POSTING

Committee Mission:

Establish a priority list of possible uses of the Meyerholz, Regnart, and Montebello properties to generate the property's highest and best use value and with the stipulations that the Meyerholz and Regnart properties be leased and the Montebello property be sold or used in an exchange.

Approval of Minutes April 5, 2022

Committee Member Motion & Second
w/ Roll Call Vote

Summary of Progress

1. Mission of the Committee and the expectation from the Board of Education

Committee Mission:

Establish a priority list of possible uses of the Meyerholz, Regnart, and Montebello properties to generate the property's highest and best use value and with the stipulations that the Meyerholz and Regnart properties be leased and the Montebello property be sold or used in an exchange.

2. Review site details of each location

3. Review enrollment data

4. Review Definitions of Surplus Property & Highest/Best Use

Surplus Land:

"Means land owned in fee simple by any local agency for which the local agency's government body takes formal action in a regular public meeting declaring that the land is surplus and not necessary for the agency's use."

Legal Definition:

"The highest and best use is the most profitable legally permissible use for which the property is physically, geographically, and economically adaptable." (County of San Diego v. Rancho Vista Del Mar, Inc. (1993) 16 Cal. App.4th 1289,1288)

The highest and best use is defined as 'that use, among the possible alternative uses, that is physically practical, legally permissible, market supportable, and most economically feasible...The appraiser must make a determination of highest and best use as part of the appraisal process.' (San Diego Gas & Electric Co v. Schmidt (2014) 288 Cal. App.4th 1046,1058)

5. Review District Needs

District Office (approximately 20,000 sq feet and 56 parking spaces)

*Does not include space for CEEF

Central Kitchen

6. Determine any Encumbrances

Regnart – City of Cupertino

Meyerholz, Montebello – None

District Office @ Mary – Lease De Anza Properties

7. Review Zoning & Acceptable Uses

Regnart - 1170 Yorkshire Drive, Cupertino Assessor’s Parcel Number 362-08-001, the property is zoned BA – Public Building

Meyerholz - 6990 Melvin Drive, San Jose Assessor’s Parcel Number 98448001, the property is zones R-1-8 - Residential Housing

Montebello - Santa Clara County Unincorporated, Assessor’s Parcel Number 351-24-011, the property is zoned HS-d1-sr

8. Community Input

9. Board Recommendation

BOLD = Completed

Italics = Tonight’s Meeting 5/3/22

Staff Report/Discussion

Chris Jew - Chief Business Officer

- Parking Lot Review
 - Clarification on:
 - Surplus Property Designation - Is the only way for the District to lease out properties.
 - District Need can utilize surplus property at any given time.

Discussion on Shaping our Recommendation to the Board

Led by Facilitator Jacki Horejs

Education Code 17390

The school district advisory committee shall do all of the following:

- (a) Review the projected school enrollment and other data as provided by the district to determine the amount of surplus space and real property.
- (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community.
- (c) Cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings of community input to the committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Section 17458.
- (d) Make a final determination of limits of tolerance of use of space and real property.
- (e) Forward to the district governing board a report recommending uses of surplus space and real property.

Action Items

Committee Member Motion & Second Roll Call Vote

- a. Continue Electronic Meetings During a State of Emergency pursuant to Government Code Section 54953(E) for next 30 days.
- b. Add a Meeting on June 2, 2022 from 6-8pm to finalize Recommendation to the Board.

Adjournment

Next Meeting: May 24, 2022 6-8pm via Zoom