

**City of San Juan Capistrano Public Notice**

RESOLUTION NO. 20-06-02-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY (LOWER ROSAN RANCH), DECLARING ITS INTENT TO SELL SUCH PROPERTY, AND SETTING A HEARING DATE FOR CONSIDERATION OF PROTESTS –  
**Approved June 2, 2020**

WHEREAS, the City of San Juan Capistrano (“City”) currently owns in fee that certain real property, Lower Rosan Ranch, owned by the City generally located on Stonehill Drive between the railroad tracks and San Juan Creek in the City of San Juan Capistrano (APN: 121-240-39, 121-240-073, 121-240-76, 121-253-13, and 121-253-15) and legally described in Exhibit “A” attached to this resolution and incorporated by reference herein (the “Property”); and

WHEREAS, the City desires to sell the Property by entering into a Purchase and Sale Agreement (“PSA”) with Ganahl Lumber Company, a California corporation for purposes of economic development (the “Project”); and

WHEREAS, California Government Code Sections 37420 through 37430 authorize the City to dispose of property; and

WHEREAS, California Government Code Section 37421 provides that when the legislative body of a city finds that the public interest and convenience require the sale of public buildings and sites, it must adopt a resolution so finding and giving notice of its intention to sell such property; and

WHEREAS, California Government Code Section 37422 provides that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance; and contain an accurate description of the property to be conveyed; and

WHEREAS, in accordance with Government Code section 65402, the proposed disposition of the Property under the PSA must be and was presented to the City’s Planning Commission (“Planning Commission”), and the Planning Commission found that the conveyance of the Property from City to Ganahl Lumber Company is in conformance with the City’s general plan; and

WHEREAS, the City wishes to declare its intent to dispose of and convey the Property pursuant to the terms of the PSA, fix a time for the hearing of any protests to the disposition, provide for publication of the notice of said hearing, and fix the time for final action on the disposition of the Property and approval of the PSA.

WHEREAS, the City prepared a Draft Environmental Impact Report (“DEIR”) that analyzed the proposed Project’s environmental impacts in compliance with the provisions of the California Environmental Quality Act (“CEQA”). The DEIR was made available to the public for review and comment for 45 days between January 6, 2020, and February 19, 2020. During and following the close of the public review period, the City received numerous comment letters and e-mails on the

project. For those letters and e-mails that raised CEQA-related issues, the City has prepared Response to Comments as required by CEQA, which are included in the Final EIR. The Final EIR determined that the proposed Project could result in potentially significant and unavoidable impacts to traffic as a result of the Project. The Project would result in potentially significant impacts at two roadway segments: Stonehill Drive between Camino Capistrano and Project driveway and between Project driveway and Del Obispo Street. In addition, the proposed Project would also result in potentially significant impacts at the intersection of Del Obispo Street/Stonehill Drive. Further, the impacted intersection is located within the City of Dana Point, and mitigation cannot be enforced within another jurisdiction outside of the City of San Juan Capistrano. No feasible mitigation is available to reduce the impacts on these two roadway segments and intersection. The Final EIR demonstrates that all other environmental impacts can be reduced to a level of less than significant through the incorporation of mitigation measures. The Draft EIR and Final EIR for the project are available on the City's website at: [http://sanjuancapistrano.org/Departments/Development -Services/Planning](http://sanjuancapistrano.org/Departments/Development-Services/Planning). The Final EIR was certified by the City Council prior to the Council's consideration of this resolution; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1.            Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2.            Findings. The City Council of the City hereby finds and determines that public convenience and necessity require the sale of the Property. The factors demonstrating that the public convenience and necessity require the sale of the Property include, but are not limited to the following: for purposes of economic development, the Property will consist of a Ganahl Lumber hardware store and lumber yard, future drive-through restaurants and short term vehicle parking, which will create jobs within the City, alleviate conditions of economic and physical blight in the City, and create an increase in sales and property taxes, all of which benefit the health, safety and welfare of the City.

SECTION 3.            Declaration of Intent to Sell; Fixing of Hearing. The City Council of the City hereby declares its intent to sell the Property pursuant to the PSA and fixes June 16, 2020, at 5:00 P.M. or as soon thereafter that the matter can be heard at the City of San Juan Capistrano, City Council Chambers, located at 32400 Paseo Adelanto, San Juan Capistrano, California 92675 as the date, time and location for hearing any protests to the proposed sale of the Property, approval of the PSA, and as the final action date.

SECTION 4.            Publication and Posting. In compliance with California Government Code Section 37423, the City Council of the City hereby directs City staff to publish this resolution at least once in a daily newspaper prior to June 16, 2020, and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous places upon the Property prior to June 16, 2020.

SECTION 5.            CEQA. The City prepared a Draft Environmental Impact Report ("DEIR") that analyzed the proposed Project's environmental impacts in compliance with the provisions of the California Environmental Quality Act ("CEQA"). The DEIR was made available to the public for review and comment for 45 days between January 6, 2020, and February 19, 2020. During and following the close of the public review period, the City received numerous comment letters and e-mails on the project. For those letters and e-mails that raised CEQA-related issues, the City has

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SECTION 6.                    Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

SECTION 7.                    Effective Date. This Resolution shall become effective immediately upon its adoption.

The City Clerk of the City of San Juan Capistrano shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED 2<sup>nd</sup> day of June 2020.

AYES:        COUNCIL MEMBERS: MARYOTT, FARIAS, TAYLOR, AND MAYOR BOURNE  
NOES:        COUNCIL MEMBERS: NONE  
ABSENT:     COUNCILMEMBERS: REEVE

"Exhibit A" is available at the Office of the City Clerk, please e-mail [cityclerk@sanjuancapistrano.org](mailto:cityclerk@sanjuancapistrano.org).

Dated: June 3, 2020

/s/ Maria Morris, City Clerk  
Publish: Capistrano Valley News, June 11, 2020