



February 12, 2024 5:00 p.m.
Las Ramblas Surplus Property
7-11 Advisory Committee
District Office Board Room

MEETING MINUTES

Voting Members

Toni Caron
Nick Cipriano
Jaime Conde, Co-Chair
Deven Dustin, Chair
Mike Exstrom
David Hennings
Michael Hodson
Larry Mandell
Greg Merwin
Garrett Milton
Bob Presby

1. PRELIMINARY

a. Call to Order

Deven Dustin called the meeting to order at 5:41 p.m.

Motion made by: Devin Dustin

Motion seconded by: Jaime Conde

b. Roll Call

Present:

Nick Cipriano
Jaime Conde, Co-Chair
Deven Dustin, Chair
David Hennings
Michael Hodson
Bob Presby

Absent:

Toni Caron
Greg Merwin
Mike Exstrom
Garrett Milton
Larry Mandell

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF THE AGENDA

Motion made by: Devin Dustin

Motion seconded by: Jaime Conde

4. COMMENTS FROM THE PUBLIC

- a. No members of the community attended the second meeting to make comments, or otherwise.

5. APPROVAL OF MINUTES OF JANUARY 9, 2024 MEETING

Motion made by: Deven Dustin

Motion seconded by: Jaime Conde

6. PUBLIC HEARING ON DISTRICT'S LAS RAMBLAS PROPERTY AND PRIORITY USE LIST

- a. The Committee received an introductory presentation by legal counsel restating the 7/11 Committee process.
- b. Public Hearing opened at 5:43 p.m.

The public is allowed to express itself regarding the Las Ramblas Property. No members of the community attended the second meeting to make comments, or otherwise.

- c. Public Hearing closed at 5:45 p.m.

7. SUMMARY OF JANUARY 9, 2024 MEETING AND DISTRICT'S LAS RAMBLAS PROPERTY, AND DISCUSSION OF PROPERTY AND PRIORITY USE LIST

- a. The Committee reviewed the summary of property discussion and requested information including information related to the Office of Public School Construction' Unused Site Program.
- b. The Committee discussed the priority use list.

8. DISCUSSION AND POSSIBLE REVISIONS TO DRAFT REPORT AND RECOMMENDATION

- a. The Committee reviewed the First Revised Draft Report.
- b. Revisions to the proposed draft report, and plan to develop/finalize report to district governing board are:

- i. Miscellaneous revisions throughout confirming there were no members of the community present or speakers at this third meeting.
- ii. Page 6, Final Determination & Recommendation, Section 2, add the word “*sale*”:

That should the Governing Board decide to pursue the surplus property procedures for the Property, the Governing Board should pursue a *sale* of the Property pursuant to California law at the Property’s highest and best use value in order to generate substantial one-time sale proceeds.

- iii. Page 6, Final Determination & Recommendation, Section 2, last paragraph, change to section 4, and remove the word, “*Finally*”:

~~*Finally*~~, The Advisory Committee also discussed the option of seeking a waiver from the State Board of Education (“SBE”), which would allow for direct negotiations with interested entities for the sale or lease of the Property instead of requiring a public auction. The Advisory Committee considered the waiver and believes seeking a waiver is a prudent course of action should the Governing Board seek to sell or lease the Property, and that direct negotiations could be beneficial rather than, or in addition to, the District conducting a public auction. Therefore, the Advisory Committee agrees and consents to such waiver process, and agrees it does not need to re-convene in the future to make any other determinations related to such waiver process.

- iv. Page 6, Final Determination & Recommendation, Section 2, add Section 5, final paragraph:

“Finally, the Advisory Committee also recommends that any development of the Property should, to the extent possible, mitigate any impact on the existing neighboring development, including traffic, ingress and egress, views, etc.”

- c. Approval of Revisions, Approval of Report (if applicable) and Next Steps

With the changes listed above, the Committee approved the Final Determination & Recommendation.

Motion made by: Deven Dustin

Motion seconded by: Jaime Conde

9. DISCUSSION OF PROPOSED NEXT COMMITTEE MEETING TOPICS AND TIMELINE (IF APPLICABLE)

- a. There will be no further meetings of the Committee.

10. COMMENTS FROM COMMITTEE MEMBERS

- a. As a courtesy, the Committee requested to be informed when the future RFP is issued for the sale or ground lease of the Property, if applicable.

11. ADJOURNMENT

- a. Motion made by: Deven Dustin
- b. Motion seconded by: Nick Cipriano

John Forney adjourned the meeting at 6:20 p.m.



John Forney
Chief Facilities Officer



Amy Strange
Facilities & Construction Specialist

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(Updated for 3rd Committee Meeting)

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AGENDA

Meeting No. 3

**CAPISTRANO UNIFIED SCHOOL DISTRICT
Surplus Property “7-11” Committee Meeting**

**February 12, 2024
5:00 pm – 6:30 pm**

1. PRELIMINARY

- a. Call to Order _____ p.m.
- b. Roll Call (Establishment of a Quorum); ____ Present; ____ Absent

1. Michael Hodson	Person with an ethnic, age group, and socioeconomic composition of the District
2. Mike Exstrom 3. Garrett Milton	Member of the Business Community
4. Deven Dustin - Chair	Landowner or Renter
5. David Hennings	Teacher
6. Greg Merwin 7. Bob Presby	Administrator
8. Toni Caron 9. Nick Cipriano	Parent of Student
10. Jaime Conde – Co-Chair 11. Larry Mandell	Person with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to knowledge of the zoning and other land use restrictions in District boundaries

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

- a. Motion By _____ Seconded by _____ Vote _____

4. COMMENTS FROM THE FLOOR

Persons wishing to make comments to the 7-11 Committee on non-agendized items may do so at this time. Each speaker is requested to limit their comments to no more than three (3) minutes. Please fill out a Speaker Card and turn it in to the Chair if you wish to address the Committee.

5. **APPROVAL OF MINUTES OF JANUARY 9, 2024 MEETING**

a. Motion By _____ Seconded by _____ Vote _____

6. **PUBLIC HEARING ON DISTRICT'S LAS RAMBLAS PROPERTY AND PRIORITY USE LIST**

a. Introductory Presentation Regarding 7/11 Committee Process

b. Public Hearing opened at _____ p.m.

The public is allowed to express itself regarding the Las Ramblas Property.

c. Public Hearing closed at _____ p.m.

7. **SUMMARY JANUARY 9, 2024 MEETING AND DISTRICT'S LAS RAMBLAS PROPERTY, AND DISCUSSION OF PROPERTY AND PRIORITY USE LIST**

a. Summary of Property Discussion and Requested Information

b. Discussion of Priority Use List and Public Hearing Comments (if any)

8. **DISCUSSION AND POSSIBLE REVISIONS TO DRAFT REPORT AND RECOMMENDATION**

a. Reference Tab 12 – First Revised Draft Report

b. Possible Revisions to Proposed Draft Report, and Plan to Develop/Finalize Report to District Governing Board

c. Approval of Revisions, Approval of Report (if applicable) and Next Steps

Motion By _____ Seconded by _____ Vote _____

9. **DISCUSSION OF PROPOSED NEXT COMMITTEE MEETING TOPICS AND TIMELINE (IF APPLICABLE)**

10. **COMMENTS FROM COMMITTEE MEMBERS**

11. **ADJOURNMENT _____ p.m.**

a. Motion By _____ Seconded by _____ Vote _____



January 9, 2024 6:00 p.m.
Las Ramblas Surplus Property
7-11 Advisory Committee
District Office Board Room

MEETING MINUTES

Voting Members

Toni Caron
Nick Cipriano
Jaime Conde
Deven Dustin
Mike Exstrom
David Hennings
Michael Hodson
Larry Mandell
Greg Merwin
Garrett Milton
Bob Presby

1. PRELIMINARY

a. Call to Order

John Forney called the meeting to order at 6:05 p.m.

b. Roll Call

Present:

Nick Cipriano
Jaime Conde
Mike Exstrom
David Hennings
Greg Merwin
Bob Presby

Absent:

Toni Caron
Larry Mandell
Deven Dustin
Michael Hodson
Garrett Milton

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF THE AGENDA

Motion made by: Nick Cipriano

Motion seconded by: David Hennings

4. INTRODUCTIONS

- a. 7-11 Committee Members (Committee) and District Staff were introduced.

5. COMMENTS FROM THE PUBLIC

- a. No members of the community attended the second meeting to make comments, or otherwise.

6. APPROVAL OF MINUTES OF DECEMBER 11, 2023 MEETING

Motion made by: Nick Cipriano

Motion seconded by: Mike Exstrom

7. SELECTION OF COMMITTEE CHAIRPERSON AND CO-CHAIRPERSON

- a. Selection of Committee Chairperson: **Devin Dustin**

Motion made by: Jaime Conde

Motion seconded by: Bob Presby

- b. Selection of Committee Co-Chairperson: **Jaime Conde**

Motion made by: Devin Dustin

Motion seconded by: Jaime Conde

8. SUMMARY OF DECEMBER 11, 2023 MEETING, DISTRICT'S LAS RAMBLAS PROPERTY AND SUPPLEMENTAL INFORMATION

- a. The Committee received a verbal summary from council of items discussed at the December 11, 2023 meeting
- b. The Committee received enrollment projections for the District
 - i. Districtwide - 2023-2024 enrollment is 40,824 and is projected to decline to 38,854 in 2031-2032

9. DISCUSSION AND DEVELOPMENT OF PRIORITY USE LIST

- a. The Committee reviewed and discussed the Sample Priority Use List:
 - i. Sale of the Property pursuant to California law at the Property's highest and best use value
 - ii. Ground Lease (and development) of the Property pursuant to California law at the Property's highest and best use value
 - iii. Exchange of the Property pursuant to California law at the Property's highest and best use value
 - iv. Leave the Property As-Is
 1. The Committee requested the timeline for the unused site-tax as well as the rate (legal counsel to provide)

- b. Discussion of Public Hearing comments
 - i. No members of the community were in attendance
- c. The Committee Approved the Following Priority Use List:
 - i. Sale of the Property pursuant to California law at the Property's highest and best use value
 - ii. Ground Lease (and development) of the Property pursuant to California law at the Property's highest and best use value

Motion made by: Jaime Conde

Motion seconded by: David Hennings

10. DISCUSSION AND DEVELOPMENT OF DRAFT REPORT AND RECOMMENDATION

- a. The Committee reviewed the Notice of Public hearing, Sample Report and Recommendation
- b. The Committee discussed possible revisions to proposed draft report, and plan to develop future final report to District Governing Board

11. DISCUSSION OF PROPOSED NEXT COMMITTEE MEETING AND TIMELINE

- a. The Committee reviewed and discussed topics and timing for the next Committee meeting/public hearing
 - i. Discussion of Priority Use List
 - ii. Discussion of possible revisions to draft report to District Board recommendation

12. COMMENTS FROM COMMITTEE MEMBERS

- a. The Committee did not have any comments

13. ADJOURNMENT

- a. Motion made by: Jamie Conde
- b. Motion seconded by: Devin Dustin

John Forney adjourned the meeting at 7:27 p.m.

John Forney
Chief Facilities Officer

Amy Strange
Facilities & Construction Specialist

CAPISTRANO UNIFIED SCHOOL DISTRICT
SURPLUS PROPERTY “7-11” ADVISORY COMMITTEE
(Las Ramblas Property)

FINAL REPORT AND RECOMMENDATION

February 12, 2024

Submitted by: Toni Caron
Nick Cipriano
Jaime Conde – Co-Chair
Deven Dustin - Chair
Mike Exstrom
David Hennings
Michael Hodson
Larry Mandell
Greg Merwin
Garrett Milton
Bob Presby

District Liaisons: Clark D. Hampton – Deputy Superintendent, Business and Support Services
John G. Forney – Chief Facilities Officer
Amy M. Strange – Facilities and Construction Specialist

Legal Counsel: Andreas C. Chialtas, Atkinson, Andelson, Loya, Ruud & Romo

Background & Process

Introduction and Process

Pursuant to Education Code Section 17388, et seq. (the “**Code**”), before excess real property is sold or leased, the governing board of a school district must appoint a district advisory committee (“**Advisory Committee**”) to advise the governing board on the disposition of such property. The Advisory Committee must consist of not less than seven (7) and not more than eleven (11) members, and must be represented by each of the following: (a) the ethnic, age group, and socioeconomic composition of the District; (b) the business community, such as store owners, managers, or supervisors; (c) landowners or renters, with preference to be given to representatives of neighborhood associations; (d) teachers; (e) administrators; (f) parents of students; and (g) persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to knowledge of the zoning and other land use restriction of the cities or cities and counties in which surplus space and real property is located. The Advisory Committee's task is to review data to determine the amount of surplus space or real property available, establish a priority list for its use, provide community input on acceptable uses, and forward its recommendations to the Governing Board.

On June 14, 2023, the Governing Board (“**Governing Board**”) of the Capistrano Unified School District (“**District**”), by way of Board Resolution No. 2223-49, took action to authorize the formation of an Advisory Committee. Such action included direction to seek committee members by way of an application process to interested community members, direction to review of submitted applications, and a delegation of authority to select seven to eleven community members to serve on the proposed committee. Ratification of the final Advisory Committee members occurred on January 17, 2023.

Based upon Governing Board’s authorization, the following individuals (serving various statutory-required roles) comprise the Advisory Committee:

1. Michael Hodson	Person with an ethnic, age group, and socioeconomic composition of the District
2. Mike Exstrom	Member of the Business Community
3. Garrett Milton	
4. Deven Dustin	Landowner or Renter
5. David Hennings	Teacher
6. Greg Merwin	Administrator
7. Bob Presby	
8. Toni Caron	Parent of Student
9. Nick Cipriano	
10. Jaime Conde 11. Larry Mandell	Person with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to knowledge of the zoning and other land use restrictions in District boundaries

Therefore, the Advisory Committee consists of eleven (11) individuals who, collectively, meet all the required categories of representation.

Between December 11, 2023 and February 12, 2024, the Advisory Committee held three (3) public meetings, including a public hearing, for the purpose of determining whether the Property (as defined below) should be declared “surplus,” and, if so, to establish a priority list of uses of the Property that would be acceptable to the community.

Summary of Potential Surplus Property Determination

Education Code section 17455 authorizes the governing board of school districts to sell or lease property deemed “surplus” which includes any property “which is not or will not be needed by the district for school classroom buildings at the time of delivery of title or possession.” Therefore, the District’s Board can declare any property surplus, and pursue a sell or lease, if it determines the property will not be needed by the District, even if the property is currently used by the District.

The Education Code establishes a detailed process that school districts must follow to declare a specific property surplus and pursue a sale or lease. In summary, this procedure begins with the appointment of a committee, such as this Advisory Committee, to assess the property needs of the District and provide a recommendation as found in this final report and recommendation (“Final Report and Recommendation”). The Board will then review the recommendation and decide whether to declare the property surplus and, if declared surplus, if and when the District can pursue a sale or lease.

Property Reviewed and Background Information

The Governing Board appointed the Advisory Committee for the purpose of reviewing the following District owned property (the “**Property**”):

Approximately 7.292 acres located at the north east corner of Camino Las Ramblas and Avenida California (the “Property”). The Property is depicted in **Exhibit A**, which is attached hereto.

The District does not currently use the Property. On March 1, 2016, in connection with certain mitigation agreement and community facilities district (CFD) transactions, the District entered into an agreement with Pacific Point Development Partners, LLC (PPDP) through which the District received the right to purchase the Property. Specifically, this PPDP Agreement, through amendments over time, allowed the District to acquire the Property by paying a total purchase price of \$6,000,000 on or before November 19, 2022.

The District initially sought to enter into a separate agreement with a third party in which the District would sell its right to purchase the Property by assigning the PPDP Agreement to the third party. Despite several negotiations and transactions, the District did not ultimately sell its option. Therefore, the District purchased the Property on November 16, 2022, and is its current owner.

The Advisory Committee also noted that the District’s total student population is currently 40,824 and is projected to decrease to 38,854 by 2031. Further, current District school sites have capacity if student population grows unexpectedly. Therefore, the District’s current and projected enrollment does not suggest that the District must acquire new property or maintain current real property to accommodate students now or in the foreseeable future. Also, even if the District needed additional space for student enrollment, the Property is not able to be used as a regular school site without a massive investment of funds necessary to construct a new school on the Property.

Again, as noted above, before the Property (or any portion thereof) can be disposed of, the Governing Board must first decide whether the Property, or any portion thereof, is surplus property. In connection therewith, the Governing Board has appointed the Advisory Committee to seek the input of the community and make recommendations to the Governing Board based on such input.

Public Meetings

The Advisory Committee held public meetings on December 11, 2023, January 9, 2024, and February 12, 2024 to discuss whether the Property should be declared to be surplus property and, if so, to establish a priority list of uses of the Property that would be acceptable to the community. The public meetings were properly noticed public hearings, which took place in the Capistrano Unified School District Board Room at 33122 Valle Road, San Juan Capistrano, CA 92675.

During the public meetings, the Advisory Committee reviewed current and projected Districtwide enrollment and capacity and discussed potential uses for the Property. The District provided “meeting minutes” for each of the public meetings which summarize the items discussed and information reviewed by the Advisory Committee, which are attached hereto as **Exhibit B**. Below is a summary of each meeting.

1. December 11, 2023 Meeting

No members of the community attended the first meeting to make comments, or otherwise.

During the first meeting (1 hour and 25 mins. in duration), eight of the eleven Committee Members were present. District staff provided an overview of the Property, including a map of the Property and a summary of the District's acquisition of the Property. District Staff provided an overview of the surplus property procedures and of the Advisory Committee's duties and obligations, as well as summaries of public meeting requirements under the Brown Act, applicable conflicts of interest law, and of the Form 700 Statement of Economic Interests.

Finally, the Advisory Committee discussed the Property, possible future uses, and the topics and information to be discussed at the next meeting. The Advisory Committee requested the property environmental report and the proposal for review.

2. January 9, 2024 Meeting

No members of the community attended the second meeting to make comments, or otherwise.

During the second meeting (1 hour and 22 mins. in duration), six of the eleven Committee Members were present. Committee Member Devin Dustin was voted Advisory Committee Chairperson, and Committee Member Jaime Conde was voted Advisory Committee Co-Chairperson. District staff also reviewed enrollment and capacity date of the school sites within the District. The District's current total student population is 40,824 and is projected to decrease to 38,854 by 2031. Members of the Advisory Committee also asked clarifying questions regarding the unused site-tax and the rate if the property was left as-is. In response, the District staff and facilitators noted that legal would provide the requested information.

District Staff provided a summary of the prior meeting, reviewed the legal requirements of the Advisory Committee and the surplus property procedures, and discussed the possible future actions of the Advisory Committee. Specifically, that the Advisory Committee would agree upon a "Priority Use List" and a "Final Report and Recommendation" which will summarize the Advisory Committee's recommendation to the Board which will then ultimately make a determination regarding the Property. District Staff also provided samples of such documents for the Advisory Committee to review.

The Advisory Committee then agreed on the following Priority Use List:

- i. Sale of the Property pursuant to California law at the Property's highest and best use value.
- ii. Ground Lease (and development) of the Property pursuant to California law at the Property's highest and best use value.

3. February 12, 2024 Meeting

The Priority Use List that was circulated prior to the February 12, 2024 meeting is attached hereto as **Exhibit C**.

During the public hearing, [REDACTED] () members of the community made comments to regarding the Property. These community members generally spoke in favor of [REDACTED]. The public comments are summarized in the "Public Comments" section below.

After the public hearing, the Advisory Committee continued the third meeting ([REDACTED] mins. in duration), at which [REDACTED] of the eleven Committee Members were present. District staff presented information previously requested by the Advisory Committee related to the California Office of Public School Construction’s Unused Site Program. In sum, the Unused Site Program provides that school district sites will be assessed a fee after an initial five or seven-year exclusion (or “grace”) period following acquisition by a school district of real property, and further provides that school districts report all property as “unused sites” by way of completing a Form SAB 423. Then, once the five- or seven-year time period expires, a fee will be assessed beginning in the fiscal year following the fiscal year that the district site is subject to the fee.

District’s Staff also discussed the Advisory Committee’s report, which includes the Advisory Committee’s recommendations to the Board. The Advisory Committee then reviewed the sections of the proposed draft report, including the discussion of the legal definition of surplus property, the Advisory Committee meeting summaries, and the Advisory Committee’s recommendations regarding whether the Property should be declared surplus and sold, leased, or retained by the District for some future use. The Advisory Committee was reminded that the final report could also include unlimited special considerations and recommendations based on public input, if any, and the thoughts of the Advisory Committee members. The Advisory Committee reviewed the proposed draft report, discussed various minor revisions, and voted to make the final recommendations noted below in this Final Report and Recommendation.

4. Summary of Meetings

Based on the summary above of each of the three (3) Advisory Committee meetings, it is clear that substantial information was provided to and much deliberation and discussion was had by the Advisory Committee regarding the Property, potential uses, and the surplus property procedures.

Public Comments

As noted above, the Advisory Committee invited and considered public comments during each public meeting. Below is a summary of the public comments during each meeting.

1. Public Comments during the December 11, 2023 Meeting

No members of the community attended the first meeting to make comments, or otherwise.

2. Public Comments during the January 9, 2024 Meeting

No members of the community attended the first meeting to make comments, or otherwise.

3. Public Comments during the February 12, 2024 Meeting

[REDACTED]. *[Insert as necessary]*

Consideration and Impacts

As provided in the meetings discussed above, the Advisory Committee considered, and was influenced by, the following:

1. comments from the community (*i.e.*, the lack thereof);
2. information regarding the possible future use of the Property;
3. statistics regarding the District enrollment history and forecast; and
4. personal experience.

The Advisory Committee recognizes and sincerely appreciates the community involvement during the final meeting as documented in the “Public Comments” section above. The Advisory Committee heard information and deliberated over three (3) public meetings, spanning over three (3) months, concerning the possible future use(s) of the Property. The Advisory Committee has considered the District-wide programmatic impacts and financial benefits associated with declaring the Property surplus, and [*i.e.*, *selling or leasing*] the Property may have on the District as a whole.

Final Determination & Recommendation

After careful consideration and deliberation, the Advisory Committee has determined that the District will have no educational, administrative, or operational need for the Property; therefore, the Property meets the statutorily-defined meaning of “surplus property.” Accordingly, on a [] to [] vote, the Advisory Committee makes the following recommendations regarding the Property:

1. That the Governing Board declare the Property surplus.
2. That should the Governing Board decide to pursue the surplus property procedures for the Property, the Governing Board should pursue a of the Property pursuant to California law at the Property’s highest and best use value in order to generate substantial one-time sale proceeds.
3. Further, as a second priority recommendation, that should the Governing Board decide to pursue the surplus property procedures for the Property but not sell the Property, the Governing Board should pursue a ground lease (and development) of the Property pursuant to California law at the Property’s highest and best use value in order to receive ongoing lease.

Finally, the Advisory Committee also discussed the option of seeking a waiver from the State Board of Education (“SBE”), which would allow for direct negotiations with interested entities for the sale or lease of the Property instead of requiring a public auction. The Advisory Committee considered the waiver and believes seeking a waiver is a prudent course of action should the Governing Board seek to sell or lease the Property, and that direct negotiations could be beneficial rather than, or in addition to, the District conducting a public auction. Therefore, the Advisory Committee agrees and consents to such waiver process, and agrees it does not need to re-convene in the future to make any other determinations related to such waiver process.

EXHIBIT A

**REAL PROPERTY LOCATED AT
NORTHEAST CORNER ON CAMINO LAS RAMBLAS AND AVENIDA CALIFORNIA
SAN JUAN CAPISTRANO**

Location of the Property

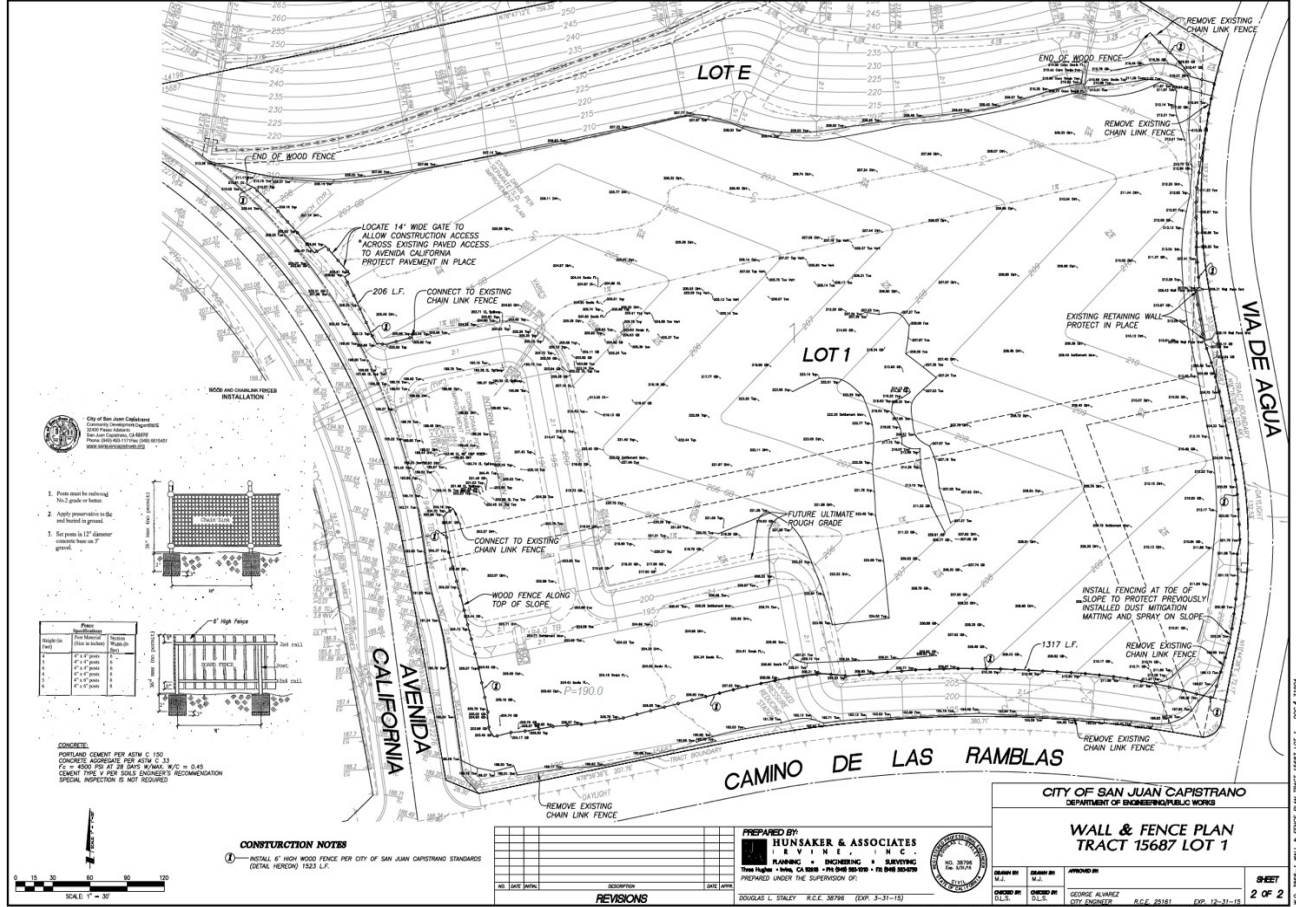


Aerial Photo of the Property

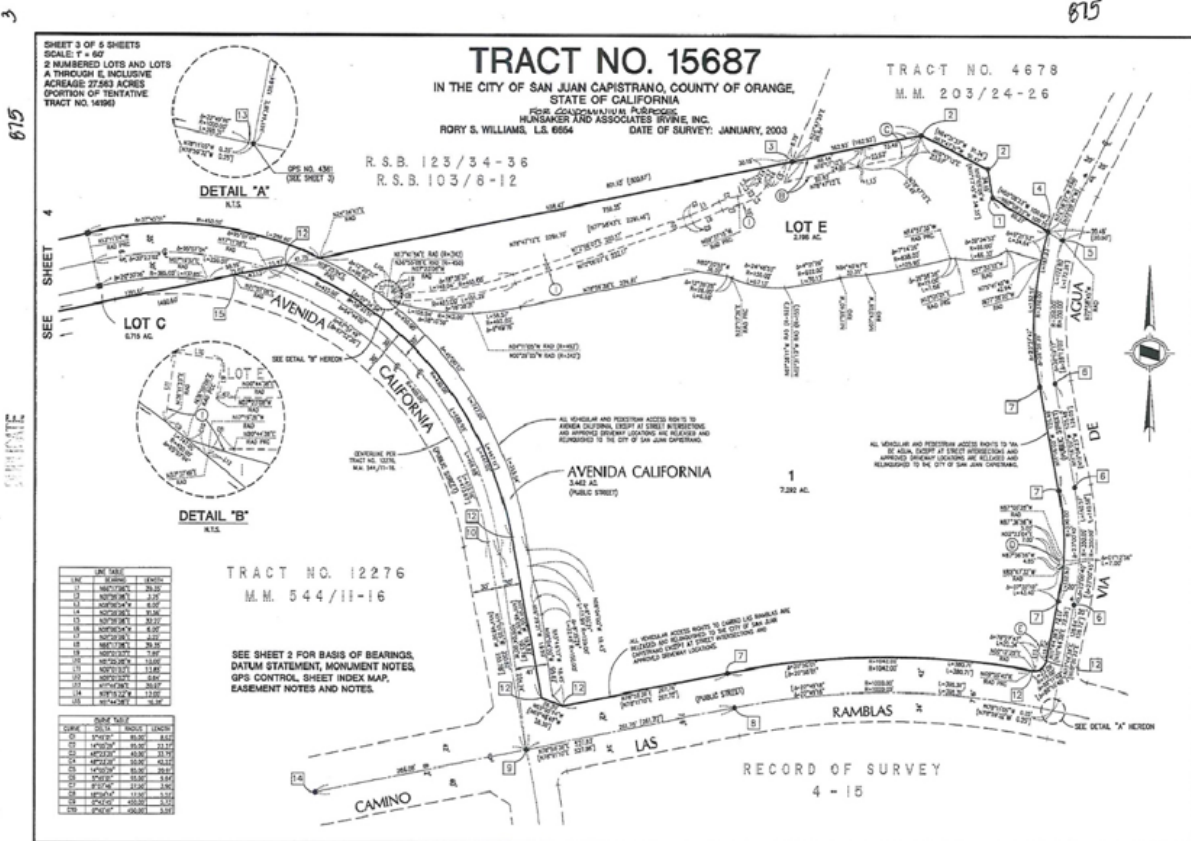


Legal Description of Property

- Legal Description:** LOT 1 OF TRACT NO. 15687, AS PER MAP RECORDED IN BOOK 875, PAGES 1 THRU 5, INCLUSIVE, OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



Map Depiction of Property – Tract Map No. 15687



PROJ

THE PROPERTY

Site Description:

- The Property is located in the incorporated City of San Juan Capistrano, northerly of the I-5 San Diego Freeway.
- This site is bounded by Avenida California to the west, Camino Las Ramblas to the south, Via De Agua to the east, and residential development to the north. Avenida California is fully built out including the sidewalk. Camino Las Ramblas is built out including the curb and gutter but no sidewalk, and Via de Agua is built out including curb and gutter, but no sidewalk.
- The Property is approximately 7.292 gross acres or approximately 317,640 square feet in size.
- The Property has been rough graded and there is no significant vegetation on the site.
- There are no structures on the Property.
- The Property slopes at approximately 1% from the northeast corner of the Property at elevation 210 to the southwest corner of the Property at elevation 190.
- Drainage currently flows across the Property to an interim desilting basin on the west side adjacent to Avenida California and from there into a storm drainpipe and offsite.

Legal Description:

- LOT 1 OF TRACT NO. 15687, AS PER MAP RECORDED IN BOOK 875, PAGES 1 THRU 5, INCLUSIVE, OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Assessor's Parcel Number:

- 675-081-17

Utilities:

- Potable Water: Waterlines exist in all the streets surrounding the Property. There is a 10-inch waterline in Via De Agua, an 8-inch waterline in Camino Las Ramblas and a 10-inch waterline in Avenida California from the intersection with Camino Las Ramblas that were installed as part of development in the 1960s. As part of the work done in 2004, a 12-inch waterline was installed the length Avenida California starting at Camino Las Ramblas and extending northerly up the length of the street to the adjacent residential development.

- Sewer: As part of the offsite improvements constructed in 2004, a new sewer system was installed in the roads surrounding the Property including a 10- inch diameter V.C.P. sanitary sewer in Via De Agua and a 15-inch diameter V.C.P. sanitary sewer in Camino Las Ramblas and Avenida California. This pipe then connects to the existing 15-inch diameter V.C.P. Sanitary sewer that flows through the Capistrano Pointe Apartment Community. Another branch of the sanitary sewer runs down Avenida California from the adjacent residential development and also ties into the existing 15-inch diameter V.C.P. sanitary sewer at the Capistrano Point Apartment Community. On this stretch of sewer, three 8-inch diameter P.V.C. laterals are provided to points behind the curb line adjoining the Property.
- Natural Gas: There is an existing Natural Gas line along the south side of Camino Las Ramblas and the west side of Via De Agua. Both were installed as part of the development in the 1960s.
- Telephone Service: There is an existing telephone line that runs along Camino Las Ramblas. There is a vault just to the west of the intersection with Via de Agua.
- Electrical Service: There is an existing electrical service the runs underground in Camino Las Ramblas and Via De Agua.

Geotechnical:

- The grading in the southern portion of the Property consisted of removals of existing fill approximately 180 feet above sea level and placing compacted fill to finish grade. As part of the rough grading work, a keyway was constructed on the Property as a buttress for the Southeast Window Hill Landslide which exists to the north of the Property. This keyway was constructed at the toe of the landslide and is approximately 45 feet deep and 55 feet wide. It extends from Avenida California across the Property in an east-west direction approximately to the easterly property line.
- Rough grading was essentially completed by 2006 except for the southwestern portion of the Property where a surcharge stockpile had been placed in order to enhance potential settlement in this area. Prior surcharge fills had been placed a long Camino Las Ramblas and then to the east of the current surcharge in order to enhance settlement of those areas. The initial surcharge fill along Camino Las Ramblas was removed after several months. The surcharge fill in the southeast corner of the Property was removed after 13 months based upon settlement monitoring that indicated the desired settlement had occurred. After 11 months monitoring the current surcharge fill, AMEC has recommended its removal.

Hydrology:

As part of the City approved rough grading plan for the Property, Interim Desilting Basin #2 was constructed on the western side of the Property adjoining Avenida California Street. Runoff collected in this basin is flows through an inlet into a 60-inch diameter steel pipe and then into the permanent storm drain system in Avenida California.

Environmental Assessment:

A Phase I Environmental Site Assessment was prepared (AEI Consultants October 2014) to assist the Property Owner in evaluating any identified environmental risks on the site resulting from existing or historical uses. Two abandoned oil wells were located on land in proximity to the Property. No on-site Controlled Recognized Environmental Conditions or on-site Historically Recognized Environmental Conditions were identified in the Assessment.

Current Zoning and CEQA Clearance:

- The Property has a General Plan Land Use Designation of “Planned Community.”
- The Property is part of the Forester Canyon Planned Community Comprehensive Development Plan (CDP 81-01). The site has a CDP District Designation of “School Site/Recreational Open Space” (PI/ROS).
- An Amendment to the existing CDP 81-01 Zoning and associated CEQA documentation will need to be processed through the City of San Juan Capistrano to obtain Residential land use for the Property.

EXHIBIT B
[Meeting Minutes for Each Meeting]

PROPOSED

EXHIBIT C

NOTICE OF PUBLIC HEARING

NOTICE OF ESTABLISHMENT OF A PRIORITY LIST
OF USE OF SURPLUS REAL PROPERTY
THAT WILL BE ACCEPTABLE TO THE COMMUNITY,
AND NOTICE OF PUBLIC HEARING BY THE SURPLUS PROPERTY
("7-11") ADVISORY COMMITTEE FOR THE
CAPISTRANO UNIFIED SCHOOL DISTRICT

Pursuant to the provisions of Education Code Section 17390(b), the Surplus Property ("7-11") Advisory Committee of the Capistrano Unified School District ("Committee") has prepared a priority list of use of surplus real property that will be acceptable to the community for the following property:

Approximately 7.292 acres located at the north east corner of Camino Las Ramblas and Avenida California (the "Las Ramblas Property")

The priority of uses for the Las Ramblas Property is as follows:

1. Sale of the Property pursuant to California law at the Property's highest and best use value.
2. Ground Lease (and development) of the Property pursuant to California law at the Property's highest and best use value.

The Committee previously held public meetings on December 11, 2023 and January 9, 2024, and has identified this Las Ramblas Property and corresponding priority uses. The Committee will hold a Public Hearing for the purposes of discussion of the priority use list set forth above. Said Public Hearing will be held on February 12, 2024 at 5:00 p.m., at the Board Room in the District Office located at 33122 Valle Road, San Juan Capistrano, CA 92675. Persons desiring additional information should contact John G. Forney, Chief Facilities Officer, at: (949) 234-9545; or Email: JGFORNEY@capousd.org

MEMORANDUM

TO: Surplus Property (“7-11”) Advisory Committee
CAPISTRANO UNIFIED SCHOOL DISTRICT

FROM: District Legal Counsel

RE: Office of Public School Construction’s Unused Site Program

This memorandum provides an overview of the applicability of the Unused Site Program to Capistrano USD’s Las Ramblas Property.

I. Summary of Applicable Law

The Unused Site Program, enacted in 1974, is governed by Education Code sections 17219 through 17224, and Title 2, Subgroup 10 of the California Code of Regulations commencing with sections 1864.1 through 1864.10. The Office of Public School Construction developed the Certification of Unused Sites, Form SAB 423, which is sent to all school districts annually. Each school district is required to complete and return the form to the Office of Public School Construction by July 1 of the current fiscal year.

Under Education Code section 17219 *et seq.*, a district site is “unused” unless it satisfies one the following criteria:

1. The site is currently used for the specific purpose for which it was acquired. This means use as an active K-12 school;
2. The site is currently used to house students for any California Department of Education program (including Adult Education) authorized by the Legislature, and operated by public school districts for which the district is receiving State School Fund apportionments;
3. The site is currently used to house special education students;
4. The site is currently used for district administration purposes, including support services such as warehousing and maintenance facilities;
5. The site is currently used for preschool or child care centers when operated by or under contract with a public school district or a county superintendent of schools;
or
6. The site is currently used for a community college if attendance is allowed for high school students who have been recommended by the district, accepted by the college, and the students are in the 11th and 12th grade.

Newly acquired sites (such as Las Ramblas Property which was acquired by the District in November of 2022) and previously used sites are ***not*** subject to assessment of a fee until after the following time periods:

Time Period	Newly Acquired Site	Previously Used Site
Five years from the date of acquisition for all elementary districts with any grade combination of K through 8. ... of acquisition of all unified districts with sites designated for K through 6 grade use.	... last used as an active school for one of the criteria listed above. This applies to all districts, regardless of grade level.
Seven years from the date of acquisitions for all unified high school districts with sites designated for 7 through 12 grade use.	

Even though school district sites will not be assessed a fee during the initial five or seven-year exclusion period, they must still be reported as “unused sites” in the completed Form SAB 423. Once the five- or seven-year time period expires, the fee will be assessed beginning in the fiscal year *following* the fiscal year that the district site is subject to the fee.

II. Fees for Unused Sites

If the State Allocation Board determines that a school district site is subject to a fee, the Board will certify to the State Controller the amount to be deducted from the district’s State School Fund apportionment. The fee is assessed on an annual basis and is equal to one percent (1%) of the adjusted value of the district site. The fee is deducted in four equal installments in February, March, April, and May in the fiscal year following the assessment year. However, the fee will not be withheld if it causes the school district to receive less than \$120 per pupil of average daily attendance in apportionments during the fiscal year the fees are being withheld.

Once an unused school district site is subject to a fee, there are provisions to *wave* the fee in the following circumstances:

1. The district submits documented evidence that the site will be used within a “reasonable” period of time for one of the criteria listed above;
2. The district may qualify for a one-year waiver if a good faith effort has been made to sell the site at fair market value, but no acceptable bid was received;

3. Waiver is automatically granted when the adjusted value of the site is less than an amount adjusted each fiscal year; or
4. A one-year waiver will be granted where the district submits documented evidence that the site is being used for at least $\frac{1}{2}$ of the fiscal year to a tenant who is paying possessory taxes for that fiscal year equal to or greater than one percent (1%) of the current estimated value of the site.

In addition, a fee may be *reduced* if a school district uses the site for one of the following purposes:

1. The fee may be reduced for a given fiscal year if the site is used by another district or any governmental agency, pursuant to an agreement with the District, for public school purposes as a civic center, community playground, playing field, or outdoor recreational purposes; the State Allocation Board, pursuant to an agreement with the District, to store State relocatable classrooms; or another district, or any public or private agency, pursuant to an agreement with the District, for a child care program; or
2. The fee shall be reduced, without regard to the fiscal year, by the amount of proceeds, resulting from the lease of district property that is subject to the fee and lease revenue expenses by the district property that is subject to the fee and the lease revenue expended by the district was for the payment of bond debt service costs that are directly related to the actual construction of school facilities.