



May 29, 2009

Mayor Mark Nielsen  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675

**RE: CARE – Review of Lease Agreement (6/2 Agenda item H1)**

Honorable Mayor and Council Members:

In 2001, the City Council leased to Capistrano Animal Rescue Effort (CARE) a small portion of raw land deemed excess land that was acquired as part of the Open Space land purchase in the early 1990s. Most of the other excess parcels were sold off to private parties in the last few years. This site has been designated for an Animal Adoption & Rescue Center to be operated by CARE.

In our pursuit of constructing such a facility on this site, CARE, at its expense, has processed the required land development permits through the City as well as the appropriate State and Federal Resource Agencies. Additionally, we have had over \$130,000 in site grading and geotechnical analysis and work donated. The site has also been fenced and “hydro-seeded” at CARE’s expense to prevent erosion. We estimate our hard costs at between \$25,000 and \$30,000. Pending preparation of more detailed plans, the site is ready for construction.

As was discussed at the Council meeting of Feb. 2, 2009, the City is considering the Creekside Buffer Ordinance that essentially renders our site unusable for its leased purposes. Additionally we understand the Council is reviewing CARE’s lease agreement in consideration of establishing an alternative use for the site as a Dog Park.

CARE has acted in good faith and relied upon the City’s representations (and lease agreement) in undertaking the expensive and time-consuming work to create a buildable site on the leased land. If the City intends to eliminate the lease and development rights for this land, CARE and its donors would hope that the City also intends on making the organization whole.

P. O. Box 1089  
San Juan Capistrano, CA 92693  
949-240-1735  
Tax I.D. #33-0923931  
CARE is a Non-Profit 501(c)(3) Charitable Organization

Letter to Council re: Lease Agreement  
Page 2

As our primary goal remains to serve the animal community in San Juan Capistrano, we are open to various options for achieving this objective and look forward to guidance from the Council on its intentions in this regard.

Sincerely,

**Capistrano Animal Rescue Effort**

Matt Gaffney  
President