

**FULL TEXT OF MEASURE R
CITY OF CYPRESS**

ORDINANCE NO. 1145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CYPRESS,
CALIFORNIA, ADOPTING ZONE CHANGE NO. 2014-02 AND THE
MACKAY PLACE SPECIFIC PLAN, CHANGING THE ZONING
CLASSIFICATION OF 6.8 ACRES OF THE PROPERTY LOCATED AT
8721 CYPRESS AVENUE FROM PS-1A PUBLIC & SEMI-PUBLIC TO
PC PLANNED COMMUNITY (PC-13)

WHEREAS, duly noticed public hearings for the consideration of the zone change and specific plan were held by the City Council of the City of Cypress on the 27th of May 2014; and

WHEREAS, the City Council of the City of Cypress has considered evidence presented by the applicant, the City staff, and other interested parties at the public hearing held with respect thereto; and

WHEREAS, the purpose of the Mackay Place Specific Plan is to provide the authority for designating the property located at 8721 Cypress Avenue (the "subject property") for development pursuant to a Specific Plan of sufficient specificity as to constitute the zoning requirements, standards, and criteria for said area; and

WHEREAS, the zone change and Mackay Place Specific Plan, as approved, are both consistent with the General Plan of the City of Cypress.

The CITY COUNCIL of the CITY OF CYPRESS DOES hereby ORDAIN as follows:

SECTION 1: The foregoing recitals are true and correct and incorporated herein.

SECTION 2: The subject 6.8 acre portion of the subject property located at 8721 Cypress Avenue is hereby re-zoned from PS-1A Public & Semi-Public to PC Planned Community (PC-13) and is included within the boundaries of the Mackay Place Specific Plan, a copy of which is on file in the office of the City Clerk, and by this reference is incorporated herein.

SECTION 3: The official Zoning Map of the City of Cypress is hereby amended to reflect the change of zone approved herein.

SECTION 4: The City Clerk is hereby authorized and directed to certify as the passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be posted in three (3) public places throughout the City.

SECTION 5: This ordinance shall not be in force or effect unless the same is approved by a majority of the voters casting a "yes" vote on a ballot measure, scheduled for the November 4, 2014 General Election, to rezone the subject property from its current zoning of PS-1A Public & Semi-Public to PC Planned Community (PC-13) to the zoning designation set forth herein.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF CYPRESS
MEASURE R**

Measure R, if approved by the voters, would re-zone the closed Mackay Elementary School Site, located at 8721 Cypress Avenue (the "Mackay Site"), from "PS-1A Public/Semi-Public" to "PC-13 Planned Community." A "yes" vote on this zone change, in conjunction with the conditional land use approvals previously authorized by the City Council, and described in this analysis, would: (1) allow the City to acquire a 2.9 acre park from the Cypress School District, and (2) permit the construction of 47 single family residential units on the remaining 6.8 acres of the Mackay Site (the "Mackay Project").

This measure is placed on the ballot in compliance with Measure D, set forth in Sections 5.28.020 and 5.28.050 of the Cypress Zoning Ordinance, which prohibits the rezoning of any real property designated as "Public/Semi-Public" (like the Mackay Site) without prior voter approval.

The proposed zone change to the Mackay Site was previously *conditionally* approved by the City Council on May 27, 2014, along with (1) an amendment to the Cypress General Plan, (2) an amendment to the Cypress Zoning Code, (3) Conditional Use Permit No. 2014-05, (4) Tentative Tract Map No. 17669 and (5) the "Mackay Place Specific Plan," which collectively permit the construction of the Mackay Project. The Council's conditional approval of this zone change will only take effect if a majority of those voting at the November 4, 2014 General Election cast a "Yes" vote in favor of Measure R.

Measure R has been placed on the ballot by the City Council, who worked in cooperation with the Cypress School District during the District's proposal and development of the Mackay Project. The Mackay Elementary School has been closed for over 20 years, and was closed in the summer of 1980.

A "**Yes**" vote means you approve the re-zoning of the Mackay Site from "PS-1A Public/Semi-Public" to "PC-13 Planned Community." A "**No**" vote means you oppose the re-zoning of the Mackay Site from "PS-1A Public/Semi-Public" to "PC-13 Planned Community."

This measure would take effect only if a majority of those voting on the ballot measure cast a "Yes" vote at the November 4, 2014 consolidated General Election.

The above statement is an impartial analysis of Measure R. If you desire a copy of the measure, please call the Cypress City Clerk's office at (714-229-6683) and a copy will be mailed at no cost to you.

Date: July 7, 2014

s/ William W. Wynder
City Attorney

ARGUMENT IN FAVOR OF MEASURE R

Measure R will PRESERVE our community's family-friendly quality of life by converting the long-abandoned Mackay school site into a new City Park and residential neighborhood.

Here's why local residents ask you to VOTE YES on Measure R:

ELIMINATES BLIGHT: The Mackay school site has been closed to the public for 33 years. Its vacant, graffiti-covered buildings have become a blighted eyesore that is lowering property values for residents in the surrounding neighborhoods.

NEW CITY PARK: Measure R will provide a new 2.9 acre city park for the enjoyment of all Cypress residents.

HELPS CYPRESS SCHOOLS: Our School District is suffering a decline in student enrollment. Measure R will eliminate the District's \$80,000 per year maintenance costs for the vacant school site – and generate additional local funding for our Cypress schools without raising taxes.

PROTECTS NEIGHBORHOODS: Measure R will protect the character of the adjacent neighborhoods by ensuring that quality single family homes are built here.

NO NEW TAXES: Measure R provides benefits through home builder fees, not taxes.

Fiscal conservative U.S. REPRESENTATIVE ED ROYCE ENDORSES MEASURE R because it brings so many benefits to Cypress without any new taxes.

WIDESPREAD SUPPORT: Our elected trustees of the Cypress School District have unanimously endorsed Measure R. At the May 27th City Council public hearing on this proposal, there was no public testimony against the plan. Due to overwhelming public support Measure R was placed on the ballot by the City Council on June 23rd.

Measure R represents the highest standards of smart growth planning to enhance our community's future while maintaining the family-friendly lifestyle that makes Cypress such a great place to call home.

Please join us in voting YES on MEASURE R.

www.aNewUseForMackay.com

s/ Rob Johnson
Mayor Pro-Tem, City of Cypress

s/ Candice Kern
Vice President, Cypress School District Board of Trustees

s/ Jacki Teschke
Principal, Luther Elementary School

s/ Tammy Hata
President, Cypress Council PTA

s/ Sung Yoon
Mackay Neighborhood Resident

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE R

While it's easy to understand the desire of the residents around Mackay to want to do something to eliminate blight and improve their property values, does it make sense to do so at ANY cost to all Cypress School District residents?

Through the 2008 bond measure, the District has created a debt structure that is estimated to cost taxpayers \$201 million for the \$41 million borrowed. If the District handled this transaction properly, the benefits of this development would extend to all residents in the Cypress School District.

By handling this transaction in the way the school district is planning, the District is passing on huge debt to the very children the District is trying to serve.

Unfortunately, the objective of the District is to be released from the voter-approved Measure D restrictions and continue their venture into the profit-generating land management business.

In the 33+ years since Mackay School has been closed, a park has never been needed on this site because there is a 14.5 acre park about 1/4 mile away. A 2.9 acre park a short distance away doesn't make sense. More parks are definitely needed in our city but our scarce financial resources need to be invested wisely.

The only way the District is going to get the message to sell the property rather than exchange it, is to vote no. Let's do this development but let's do it right.

Vote No on Measure R

s/ Steven K. Mauss
Director, Citizens for Responsible Development
Cypress Business Owner

s/ George A. Pardon
Retired, University Vice President for Administration

ARGUMENT AGAINST MEASURE R

In an attempt to get around voter-approved Measure D and come up with an unrestricted revenue source, the Cypress School District is getting into the property business. Instead of just selling property and using the money to pay off bond debt voted for in 2008, the District has created a series of complicated "land swaps". The bond debt issued will end up costing us, as taxpayers, over \$5 for every \$1 borrowed. That's like having a 17% mortgage on your home. Would you do that?

The District says they intend to use any additional funds generated toward more programs (like music, arts, etc.) but there is no guarantee that any future Board will do so; it all goes into the general fund to spend however they wish. In essence, you are being asked to exchange high cost bond money that had to be used for capital outlay and facility improvement for unrestricted money.

The District doesn't need to be in the profit generating land management business, they need to manage our schools.

The only way for voters to let the District know they don't want to pay \$5 for every \$1 borrowed is to vote No on Measure R.

s/ Steven K. Mauss
Director, Citizens for Responsible Development
Cypress Business Owner

s/ George A. Pardon
Retired, University Vice President for Administration

REBUTTAL TO ARGUMENT AGAINST MEASURE R

Opponents can't find fault with the many benefits resulting from your yes vote for Measure R. Instead, they're rehashing their displeasure with a school bond that passed with nearly 70% of the vote of Cypress residents in 2008. Measure R has nothing to do with school bonds. Contrary to opponent's false claims, this measure complies with Measure D, allowing Cypress voters to vote on this type of zoning change.

It is important to note, earlier this year the Orange County Grand Jury reviewed our School District and praised the leadership by stating, "The Grand Jury applauds Cypress Elementary School District for trying to fully utilize all available facilities revenue sources rather than issuing very expensive CABs" [Capital Appreciation Bonds]. They continued, "The Grand Jury was also very impressed with the renovations that have been completed by the Cypress District." The Grand Jury also noted, "The District has every reason to be proud of their new facilities."

YOUR YES VOTE ON MEASURE R WILL PROVIDE:

A NEW PUBLIC PARK: Replace decaying school buildings with a quality residential neighborhood and new city park.

IMPROVE PROPERTY VALUES: The Mackay school site has been vacant for 33 years, is an eyesore, and worsening safety hazard that reduces property values for homeowners in surrounding neighborhoods.

SAVES MONEY: The district will no longer be obligated to spend \$80,000 annually on maintenance and security for the abandoned school site.

PROTECT our neighborhoods. **SUPPORT** our schools. **PRESERVE** Cypress's quality of life. **VOTE YES** on Measure R.

s/ Rob Johnson
Mayor Pro-Tem, City of Cypress

s/ Candice Kern
Vice President, Cypress School District Board of Trustees

s/ Jacki Teschke
Principal, Luther Elementary School

s/ Tammy Hata
President, Cypress Council PTA

s/ Sung Yoon
Mackay Neighborhood Resident