

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF RANCHO SANTA MARGARITA
MEASURE Z**

Measure Z is an initiative submitted to the voters which was placed on the ballot by a petition signed by the requisite number of voters. Measure Z will change the zoning on the property located at 29901 Santa Margarita Parkway in the City of Rancho Santa Margarita.

The property that is the subject of the proposed initiative measure is the site of the former Nissan automobile dealership located at 29901 Santa Margarita Parkway in the City of Rancho Santa Margarita and is approximately 4.75-acres. The purpose of the proposed measure is to change the zoning on the property from its current zoning classification of Auto Center/Auto Center Overlay ("AC/AC-O") to Commercial General/Auto Center Overlay ("CG/AC-O"). The proposed measure would also confirm the property's General Plan land use designation is General Commercial ("C").

The City's current zoning and land use policies permit the property to be used as an auto dealership site or for other auto-related uses as part of the RSM auto center. The RSM auto center is comprised of the former Nissan automobile dealership site, the adjacent Honda automobile dealership, and the Ford automobile dealership, which parcels are clustered together in the same part of the City and are in close proximity to the Toyota automobile dealership. The proposed measure would change the current zoning on the property in order to allow the former Nissan automobile dealership site to be converted from an auto dealership site to one or more other commercial general uses or to a mix of commercial retail and service uses.

A "Yes" vote means that you favor changing the zoning on the property in order to allow the property to be used for one or more commercial general uses or for a mix of commercial retail and service uses, thereby allowing the property to be used for non-auto-dealership and non-auto-related uses.

A "No" vote means that you favor maintaining the current auto center zoning classification on the property as well as the City's current land use policies, which permit the property to be used as an auto dealership site or for other auto-related uses as part of the RSM auto center.

If approved by the voters, the new zoning of the property cannot be changed in the future except by voter approval.

s/ Gregory E. Simonian
City Attorney, City of Rancho Santa Margarita

The above statement is an impartial analysis of Measure Z. If you desire a copy of the measure, please call the elections official's office at 949-635-1806 and a copy will be mailed at no cost to you.

ARGUMENT IN FAVOR OF MEASURE Z

Vote "Yes" on Measure Z to eliminate an eyesore and restore the former Nissan automobile dealership property to productive uses.

"Yes" means new businesses, jobs, and increased tax revenues to support police, fire, and other vital public services.

A "Yes" vote will AFFIRM THE VISION for the property set forth in the City's existing General Plan and RESTORE the original Commercial General zoning to the property.

A "Yes" vote brings NEW AMENITIES to RSM. Potential tenants in discussion to occupy the site include Five Guys Burgers, Coffee Bean & Tea Leaf, LA Fitness, Stater Brothers, Chipotle, Whole Foods, and Mother's Market.

New businesses bring new jobs and well over \$100,000/year in new local tax revenues.

The existing zoning that narrowly restricts the property to vehicle-related uses has failed. Even though the property is located at the busiest intersection in RSM (Santa Margarita Pkwy/Empresa), the Nissan dealership closed in 2008, the site was then vacant for approximately 5-1/2 years, and no new auto dealership has opened there despite the owner's extensive efforts to attract one. Many auto industry experts agree that no automobile manufacturer is interested in re-occupying the site and this situation is not going to change.

WE NEED YOUR VOTE! Nearly 4,200 City voters signed the petition to rezone the property. The City then improperly refused to place this measure on the ballot and had to be ordered to do so by the Orange County Superior Court. The vote on Council to block productive use of this property was not unanimous: three of the five Council members are wasting your tax dollars.

VOTE "YES" ON MEASURE Z!

More information: www.FreeRSM.com

s/ Joseph Daichendt
Property Owner

s/ Jamie Cassidy
RSM Voter

s/ Jesse Petrilla
RSM City Council Member

s/ Donald Chadd
RSM City Council Candidate

ARGUMENT AGAINST MEASURE Z

As your Mayor and City Leaders, we believe this initiative to re-zone a portion of the RSM Auto Center is the single greatest threat to our City's award-winning master plan and your quality of life – ever.

****PLEASE -- VOTE NO ON MEASURE Z!****

This proposed re-zoning has already been thoroughly analyzed and rejected by the RSM Planning Commission and by those you elected to protect your City and your quality of life – the RSM City Council.

This re-zoning seeks to change our City's master plan in a manner that would harm the long-term viability of our City and the quality of life of every resident.

THE OUT-OF-TOWN DEVELOPERS SEEKING THIS RE-ZONING:

- Have sued your City for \$10,000,000;
- Admit they understood the current zoning when they bought the property;
- Claim no auto dealer is interested in opening a dealership here – **which is false**. (Multiple dealers have expressed interest in opening at this location; with one submitting a written offer!)

CITY REVENUES PROVIDE RESIDENTS VITAL SERVICES:

- Emergency Response
- Police
- Street Cleaning/Re-surfacing
- Youth Programs
- Senior Services
- Free Community Events

Our City's #1 source of revenue is sales tax – auto dealers are the #1 sales tax generators!

NEGATIVE IMPACTS:

- ✓ Traffic Congestion on Santa Margarita Parkway would increase by 3,200+ cars daily
- ✓ Potential \$540,000 annual loss of City revenues (\$5,400,000 over 10 years).
- ✓ Loss of this dealership site would compromise the continuing viability of the remaining Auto Center.
- ✓ Potential \$1,500,000 annual loss of City revenues if the entire Auto Center closes (\$15,000,000 over 10 years).
- ✓ Your City could be forced to consider **raising taxes** and **cutting vital services** to residents!

EVERY MAYOR IN RSM'S HISTORY URGES YOU TO VOTE NO:

- Carol Gamble
- Tony Beall
- Jerry Holloway
- Gary Thompson
- Jim Thor
- Debra Lewis
- Neil Blais

No More Traffic! No More Taxes! **NO ON MEASURE Z******

www.SaveRSM.com

s/ Carol Gamble
Mayor, City of Rancho Santa Margarita

s/ Tony Beall
Former Mayor and Current Council Member,
City of Rancho Santa Margarita

s/ Brad McGirr
Mayor Pro-Tem, City of Rancho Santa Margarita

s/ Mike Vaughn
Chairman of the Planning Commission,
City of Rancho Santa Margarita