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8 ORANGE COUNTY SUPERIOR COURT  
9 CENTRAL JUSTICE CENTER

10  
11 WILLIAM FURNISS, an individual,  
12  
13 Petitioner,

14 vs.

15 PAT HEALY, INTERIM CITY CLERK OF  
16 THE CITY OF RANCHO SANTA  
17 MARGARITA; NEAL KELLEY,  
18 REGISTRAR OF VOTERS OF THE  
19 COUNTY OF ORANGE; THE BOARD OF  
20 SUPERVISORS OF THE COUNTY OF  
ORANGE, and DOES 1 through 10,  
inclusive,

21 Respondents.

22 JESSE PETRILLA, an individual;  
23 DONALD CHADD, an individual;  
24 JAMIE CASSIDY, an individual; and  
25 JOSEPH DAICHENDT, an individual; and  
DOES 11 through 20, inclusive,

26 Real Parties In Interest.

Case No.:

**Verified Petition For Writ of Mandate**

**\*ELECTION MATTER PRIORITY\***  
**[Election Code § 13314(a)(3)]**

**Petition Filed: August 18, 2014**

**[Code of Civil Procedure §§**  
**1084-1088.5; Elections Code §§**  
**9295, 13314]**

27 Petitioner WILLIAM FURNISS (“Petitioner”), by this verified petition (“Petition”),  
28 petitions this court for a Writ of Mandate directed to Respondent Pat Healy (“Respondent”),

1 Interim City Clerk of the City of Rancho Santa Margarita, and by this Petition alleges as  
2 follows:

3 **INTRODUCTION**

4 1. The acts complained of which are the subject of this Petition occurred in the  
5 County of Orange, State of California, therefore, venue for this action is properly in this court  
6 in the County of Orange.

7 2. Pursuant to Elections Code § 13314(a) (3), this Petition “shall have priority over  
8 all other civil matters.”

9 **PARTIES**

10 3. Petitioner is, and at all relevant times was, a registered voter and elector residing  
11 within the City of Rancho Santa Margarita in the County of Orange, State of California, and is  
12 authorized under California Code of Civil Procedure § 1084-1088.5 and California Elections  
13 Code §§ 9295 and 13314 to bring this action.

14 4. Respondent PAT HEALY is the Interim City Clerk and elections official of the  
15 City of Rancho Santa Margarita. Respondent is charged with overseeing the voter pamphlet in  
16 the City of Rancho Santa Margarita and is required by the Elections Code to be the  
17 Respondent in this action.

18 5. Respondent NEAL KELLEY is the Registrar of Voters (“Registrar”) and  
19 elections official of the County of Orange. Respondent is charged with overseeing the voter  
20 pamphlet in Orange County and is required by the Elections Code to be the Respondent in this  
21 action.

22 6. Respondent THE BOARD OF SUPERVISORS OF THE COUNTY OF  
23 ORANGE (“County”) is the legislative and governing body for the County of Orange and  
24 charged with managing the Registrar. County is sued pursuant to Election Code sections 9295  
25 and 13314 in its capacity as a political subdivision of the State of California charged with  
26 managing the Registrar.

27 7. Real Party in Interest JESSE PETRILLA (“Petrilla”) is a registered voter and  
28 elector residing in the City of Rancho Santa Margarita.



1           16. On August 8, 2014, the Real Parties in Interest submitted an “Argument in Favor  
2 of Measure Z” consistent with the privileges granted with the provisions of California Election  
3 Code Section 9282, for inclusion by Respondents in the voter pamphlet to be printed and  
4 mailed to all voters prior to the November 4, 2014, election, a true and correct copy of which  
5 is attached as Exhibit “A”.

6           17. Registrar has a mandatory, ministerial duty specially enjoined under the  
7 California Election Code to assure that material which is false, misleading or inconsistent with  
8 the requirements of the California Election Code is removed from the official election  
9 materials before those materials are mailed to voters.

10           18. Pursuant to California Elections Code § 9295(b)(1), Petitioner is expressly  
11 authorized to bring this petition for writ of mandate against the Registrar for the purpose of  
12 securing a judicial determination as to whether any of the statements contained in Real Parties’  
13 “Argument in Favor of Measure Z” are false, misleading or inconsistent with the requirements  
14 of the Election Code. (Election Code § 9295(b)(2)).

15           19. If any statements contained in Real Parties’ “Argument in Favor of Measure Z”  
16 are false, misleading or inconsistent with the requirements of the Election Code, Petitioner is  
17 entitled to a preemptory writ of mandate, directed to the Registrar, commanding that the  
18 offending material be removed from the official election materials before they are mailed to  
19 voters.

20           20. If any of the statements contained in Real Parties’ “Argument in Favor of  
21 Measure Z” which are false, misleading or inconsistent with the requirements of the Election  
22 Code are printed, in violation of Elections Code Section 9295, an error or omission is about to  
23 occur in the printing of a ballot, sample ballot, voter pamphlet, or other official matter.

24           21. If any of the statements contained in Real Parties’ “Argument in Favor of  
25 Measure Z” which are false, misleading or inconsistent with the requirements of the Election  
26 Code are not removed or amended, a neglect of the Registrar’s ministerial duty to assure  
27 removal of material which is false, misleading or inconsistent with the requirements of the  
28 Elections Code before they are mailed to voters is about to occur.



1 \$10,000,000 in damages shortly after the City Council rejected their request for a zone change  
2 on January 8, 2014.

3 28. For these reasons, Petitioner respectfully requests the court strike the words  
4 “Property Owner” from Real Parties’ Argument in Favor of Measure Z.”

5 29. Real Parties’ “Argument in Favor of Measure Z” contains the following  
6 statement:

7 **Even though the property is located at the busiest intersection in RSM (Santa**  
8 **Margarita Pkwy/Empresa), 3 auto dealerships closed at the location...**

9 30. This statement violates Elections Code section 9295(b)(2) because it is false  
10 and/or misleading. Three auto dealerships have not previously opened and then subsequently  
11 closed at this location. Only one Nissan dealership ever failed and closed at the subject  
12 property – Family Nissan – which closed on May 16, 2008. Therefore, this statement in Real  
13 Parties’ “Argument in Favor of Measure Z” misrepresents history and creates the false and  
14 misleading impression that there is a long history of three auto dealerships that failed and  
15 closed at this location.

16 31. From 2002 (when the original Nissan dealership at the subject property opened  
17 for business) until 2008, a Nissan dealership operated continuously at the subject property.  
18 Prior to the date Family Nissan began operating the Nissan dealership at the subject property,  
19 two other ownership teams had on a continuous basis operated this Nissan automobile  
20 dealership (Superior Nissan and Spirit Nissan). Superior Nissan sold this Nissan dealership to  
21 Spirit Nissan – and Spirit Nissan subsequently sold the dealership to Family Nissan in 2006.  
22 Neither Superior Nissan nor Spirit Nissan failed and closed – a transfer of ownership is not the  
23 same thing as a failed business that has closed.

24 32. This statement is also misleading because it is inconsistent with the content of  
25 the proposed Ordinance included in Measure Z, which describes only the closure of one  
26 former Nissan Dealer in 2008.

27 33. For these reasons, Petitioner respectfully requests the court strike this statement  
28 from Real Parties’ “Argument in Favor of Measure Z.”

1           34. Real Parties’ “Argument in Favor of Measure Z” contains the following  
2 statement:

3                   **...and the site is in its 7<sup>th</sup> year of Vacancy, despite the extensive**  
4                   **efforts to attract a new dealership.**

5           35. This statement violates Elections Code section 9295(b)(2) because it is false and  
6 misleading. This statement attempts to create the false implication that the property is vacant.  
7 The property is not vacant – and has not been vacant for at least the past 18 months. Since  
8 February 2013, a U-Haul neighborhood vehicle dealership has been operating continuously at  
9 the site. A Conditional Use Permit was issued to the operator of the U-Haul neighborhood  
10 vehicle dealership business in October 2013 following a hearing before the City’s Planning  
11 Commission, at which a representative of Rancho Canyon, LLC, the property owner, spoke in  
12 favor of the operator’s application. In addition to the U-Haul rental and sales business, the  
13 Conditional Use Permit authorized incidental and temporary outdoor storage of recreational  
14 vehicles and boats to customers who rent vehicles. Furthermore, in June 2014, the owner of  
15 the U-Haul business informed the City he was interested in opening a new business at the  
16 property selling recreational vehicles – and he requested the City provide a zoning  
17 confirmation related to such use.

18           36. For these reasons, Petitioner respectfully requests the court strike this statement  
19 from Real Parties’ “Argument in Favor of Measure Z.”

20           37. Real Parties’ “Argument in Favor of Measure Z” contains the following  
21 statement:

22                   **Auto industry experts, including one hired by the City, all**  
23                   **agree that no automobile manufacturer is interested in re-**  
24                   **occupying the site and this situation is not going to change.**

25           38. This statement violates Elections Code section 9295(b)(2) because it is false  
26 and/or misleading. It is false to suggest that “**all**” auto industry experts “**all agree**” that no  
27 automobile manufacturer is interested in re-occupying the site and that this situation is not  
28 going to change. For example, the auto industry expert hired by the City (the London Group)

1 did not conclude that no automobile manufacturer was interested in re-occupying the site. The  
2 London Group issued a formal report confirming the subject property was viable for auto-  
3 related uses and there was no basis to change the existing zoning. Furthermore, there is  
4 nothing in the record that supports the inference that Real Parties' have sought confirmation of  
5 these facts from "all" auto industry experts.

6 39. With respect to the statement, "including one hired by the City" Real Parties  
7 appear to be referring to a August 8, 2013 email message sent by Greg Reuel of GCR  
8 Marketing Network ("City's Marketing Consultant") to Nate Farnsworth, an employee of the  
9 City.

10 40. City's Marketing Consultant is not an auto industry expert.

11 41. The City's Marketing Consultant was retained by the City primarily to update  
12 the City's general marketing materials, to enhance the demographic information on the City's  
13 website, and to create a "space available" application on the City's website. The City never  
14 delivered a task order or gave direction to the City's Marketing Consultant to analyze the  
15 viability of the subject property as an auto dealership, the viability of the City's Auto Center,  
16 or whether it was likely that an auto dealer would ever be interested in opening a dealership at  
17 the subject property.

18 42. Although the City's Marketing Consultant is not an auto industry expert, it  
19 should be noted the proponents of Measure Z included a quote from the City's Marketing  
20 Consultant's August 8, 2013 email message to City employee Nate Farnsworth within the  
21 body of the proposed Ordinance, wherein the City's Marketing Consultant stated that "*market  
22 and economic conditions have made the reuse of the [Subject Property] as an auto  
23 dealership a difficult task for the current owner.*" (emphasis added). This statement  
24 demonstrates that even if the City's Marketing Consultant was deemed an auto industry expert  
25 (which they are not), the City's Marketing Consultant did not "agree" that no automobile  
26 manufacturer is interested in re-occupying the site and that this situation was never going to  
27 change (it would only be a "difficult task"). Accordingly, this statement in Real Parties'  
28



1 “Argument in Favor of Measure Z” is misleading because it contradicts statements included in  
2 the initiative proponents’ proposed Ordinance.

3 43. Neither the City’s auto industry expert (the London Group) nor the City’s  
4 Marketing Consultant have “agreed” that no automobile manufacturer is interested in  
5 occupying the site. Finally, none of the experts hired by the property owner or by the City  
6 have concluded that “this situation is not going to change.” This portion of the Real Parties’  
7 statement creates the false and misleading impression this statement is attributable to a  
8 unanimous conclusion of “**all**” auto industry experts. Rather, the statement appears to be the  
9 Real Parties’ opinion rather than a statement of fact.

10 44. For these reasons, Petitioner respectfully requests the court strike this statement  
11 from Real Parties’ “Argument in Favor of Measure Z.”

12 45. Real Parties’ “Argument in Favor of Measure Z” contains the following  
13 statements:

14 **The City then unlawfully refused to place this measure on the**  
15 **ballot and had to be ordered to do so by the Orange County**  
16 **Superior Court. The vote on the Council to block the**  
17 **productive use of this property was not unanimous: three of**  
18 **the five Council members are wasting your tax dollars and**  
19 **wanted to deny you a right to vote.**

20 46. These statements violate Elections Code section 9295(b)(2) because they are  
21 false and/or misleading.

22 47. The City has never unlawfully refused to place Measure Z on the ballot. There  
23 has been no finding that the City "**unlawfully**" refused to place the Measure Z initiative on  
24 the ballot. Under Elections Code Section 9205 the initiative proponents were required to  
25 publish their notice of intent to circulate the initiative petition in a newspaper which has been  
26 adjudicated as a newspaper of general circulation within the City of Rancho Santa Margarita.  
27 By an order of the Orange County Superior Court, the Coto de Caza News has been  
28 adjudicated as such a newspaper. However, the initiative proponents published their notice of

1 intent only in the Orange County Register (which has not been adjudicated as a newspaper of  
2 general circulation in the City).

3 48. Pursuant to state law the City Clerk has a mandatory ministerial duty to reject  
4 initiative petitions which do not comply with the formal requirements of the Elections Code.  
5 Because the initiative proponents published in the wrong newspaper, she rejected the initiative  
6 petition. The initiative proponents sued the City Clerk and sought a writ directing her to accept  
7 the initiative petition. The initiative proponents contended that they technically complied with  
8 the Elections Code, but if not, that the court should find they substantially complied. While the  
9 court issued the writ, it made no finding the City Clerk unlawfully rejected the initiative  
10 petition. A City Clerk is not authorized to determine whether there was substantial compliance  
11 with the Elections Code -- only the court can make that determination. It was within the  
12 court's authority to issue the writ even if it found that the City Clerk lawfully rejected the  
13 initiative petition. Thus, the initiative proponent's statement that the refusal to place the  
14 initiative on the ballot was unlawful is false.

15 49. There is no basis for the statement that "**three of the five Council**  
16 **members...wanted to deny you the right to vote.**" On July 23, 2014, the one and only time  
17 the City Council was ever asked to consider whether to put the initiative petition to a vote, a  
18 unanimous City Council (4-0) voted to put Measure Z on the November 4, 2014 General  
19 Election ballot. At that meeting, the City Council had two choices per the Elections Code (and  
20 the writ) -- to either adopt the initiative as presented or place it before the voters for a vote.  
21 Rather than denying the City's voters the right to vote on Measure Z, a unanimous City  
22 Council ensured the City's voters would have the right to vote on the Measure in the  
23 November General Election. It should be noted that Real Party Daichendt (one of the  
24 initiative proponents) was actually the person who publicly was calling upon the City Council  
25 to deny the City's voters the right to vote, as he published letters urging the City Council not to  
26 place Measure Z upon the ballot (and instead urging the City Council to simply adopt the  
27 initiative without an election). No member of the City Council played any role in the City  
28 Clerk's decision to not accept the initiative petition. Thus, the statement that three Council

1 members, let alone any council members, wanted to deny the City's voters the right to vote on  
2 the initiative is false.

3 50. For these reasons, Petitioner respectfully requests the court strike this statement  
4 from Real Parties' "Argument in Favor of Measure Z."

5 51. There is also no basis for the statement that there was a **"vote on the Council to**  
6 **block productive use of this property..."** This statement violates Elections Code section  
7 9295(b)(2) because it is false and/or misleading. Rancho Santa Margarita is a planned  
8 community. Representatives of the property owner seeking this rezoning admit the property  
9 owner purchased this property with knowledge of the existing Auto Center zoning and admit it  
10 took a calculated risk and made a mistake in doing so. The City Council has only had two  
11 opportunities to vote on an agenda item relating to the subject property – and on neither  
12 occasion did the City Council **"block the productive use of this property."** On January 8,  
13 2014 -- the City Council merely voted to reject the property owner's application for a re-  
14 zoning (thereby keeping in place the existing Auto Center zoning which is 100% consistent  
15 with the Rancho Santa Margarita master plan as the subject property was always master  
16 planned to be part of the Auto Center and has never been utilized for any other purpose).  
17 Similarly, on July 23, 2014, the City Council voted unanimously to place Measure Z on the  
18 November 4, 2014 ballot. Neither of these actions can be construed as a vote to **"block the**  
19 **productive use of this property."**

20 52. There is also no basis for the statement that **"three of the five Council**  
21 **members are wasting your tax dollars..."** -- This statement violates Elections Code section  
22 9295(b)(2) because it is false and/or misleading. This statement simply makes no sense, is  
23 personally insulting to the City Council members and is inflammatory with no basis in fact.  
24 As set forth above, On January 8, 2014 -- the City Council merely voted to reject the property  
25 owner's application for a re-zoning (thereby keeping in place the existing Auto Center zoning  
26 which is 100% consistent with the Rancho Santa Margarita master plan as the subject property  
27 was always master planned to be part of the Auto Center and has never been utilized for any  
28 other purpose) – and on July 23, 2014, the City Council voted unanimously to place Measure

1 Z on the November 4, 2014 ballot. Thus, the statement that three Council members, let alone  
2 any council members, are “**wasting your tax dollars...**” is false. This statement in Real  
3 Parties’ “Argument in Favor of Measure Z” improperly creates the false implication that City  
4 Council members have engaged in waste, corruption or official misconduct (which is not true)  
5 – and this statement is not germane or related to the merits of the specific Measure Z rezoning  
6 initiative.

7 53. Real Parties’ “Argument in Favor of Measure Z” contains the following  
8 statement:

9 **The existing zoning that narrowly restricts the property to**  
10 **vehicle-related uses has failed.**

11 54. This statement violates Elections Code section 9295(b)(2) because it is false  
12 and/or misleading. The existing zoning applicable to this property has not “**failed.**”  
13 Businesses consistent with the existing zoning are currently operating on the subject property.  
14 Furthermore, additional parties have expressed interest in opening a vehicle sales dealership at  
15 this site – with one submitting a written offer. The existing zoning has succeeded in achieving  
16 the City Council’s policy goal of preserving the Rancho Santa Margarita Auto Center.

17 55. Businesses consistent with the existing zoning are currently operating on the  
18 subject property. Since February 2013, a U-Haul neighborhood vehicle dealership business  
19 consistent with the current zoning has been operating continuously at the site. A Conditional  
20 Use Permit was issued to the operator of the U-Haul neighborhood vehicle dealership business  
21 in October 2013 following a hearing before the City’s Planning Commission, at which a  
22 representative of Rancho Canyon, LLC, the property owner, spoke in favor of the operator’s  
23 application. In addition to the U-Haul rental and sales business, the business owner also  
24 engages in the business of renting outdoor storage of recreational vehicles and boats to  
25 customers at the subject property.

26 56. If the existing zoning had truly “**failed**” – then how is it that business operations  
27 that comply with the existing zoning are currently operating at the subject property?  
28

1           57.     Furthermore, multiple additional parties have expressed interest in opening a  
2 vehicle sales dealership at this site consistent with the existing zoning – with one submitting a  
3 written offer:

- 4           a.     On July 29, 2013, RSM Motors, LP submitted to the property owner an  
5 offer to purchase the subject property. RSM Honda submitted to the City  
6 a letter dated December 16, 2013 confirming that their entity, RSM  
7 Motors, LP had submitted the July 29, 2013 offer to purchase and that  
8 they wanted to acquire the subject property for the purpose of opening a  
9 new automobile dealership at the subject property.
- 10          b.     In June 2014, Rancho Santa Margarita RV's & Vehicle Sales LLC  
11 informed the City it was interested in opening a new business at the  
12 property selling recreational vehicles – and it delivered to the City a  
13 Property Use Verification For Vehicle Dealers License and requested the  
14 City provide a zoning confirmation related to such use. On July 9, 2014,  
15 Rancho Santa Margarita RV's & Vehicle Sales LLC submitted to the City  
16 an application seeking to open a new retail used RV and vehicle sales  
17 business at the subject property.
- 18          c.     The owner of Santa Margarita Toyota sent a letter to the City on April 1,  
19 2014, and most recently on August 11, 2014, reaffirming his continuing  
20 desire to relocate his existing Toyota dealership to the subject property.  
21 The City responded in writing to the owner of the Toyota dealership on  
22 Friday, August 15, 2014.
- 23          d.     On January 8, 2014, the City received a letter from Joe Scala confirming  
24 his interest in acquiring the subject property for the purpose of opening an  
25 automotive business at the subject property.

26           58.     If the existing zoning had truly **“failed”** – then why have multiple parties  
27 expressed an interest in opening new automotive businesses at the subject property that are  
28 consistent with the existing zoning?

1           59. Finally, the existing zoning has succeeded in achieving the City Council’s policy  
2 goal of preserving the Rancho Santa Margarita Auto Center. Rancho Santa Margarita is a  
3 planned community. Representatives of the property owner seeking this rezoning admit the  
4 property owner purchased this property with knowledge of the existing Auto Center zoning  
5 and admit it took a calculated risk and made a mistake in doing so. The existing Auto Center  
6 zoning is 100% consistent with the Rancho Santa Margarita master plan as the subject  
7 property was always master planned to be part of the Auto Center and has never been utilized  
8 for any other purpose. Other automobile dealerships operating within the City’s Auto Center  
9 benefit from the existing Auto Center zoning because it helps to preserve the synergy created  
10 by having multiple dealerships clustered together. More than 90% of Orange County  
11 automobile dealerships today are clustered together in similar auto centers. The City and its  
12 50,000 residents also benefit from the existing zoning because the #1 source of revenue for the  
13 City of Rancho Santa Margarita is sales tax – and the City’s Auto Center is the #1 generator of  
14 sales tax. The City uses these sales taxes to provide residents with vital services such as  
15 emergency response/police, street re-surfacing, street cleaning, etc.). As a result, the existing  
16 zoning on this subject property (and on the rest of the Auto Center) has not failed – to the  
17 contrary, it is ensuring the continuing success and viability of the City’s Auto Center (and  
18 thereby, the continuing success and viability of the City itself).

19           60. For these reasons, Petitioner respectfully requests the court strike this statement  
20 from Real Parties’ “Argument in Favor of Measure Z.”

21           61. Pursuant to Elections Code section 13313 Petitioners are entitled to a  
22 peremptory writ of mandate ordering Respondent to strike the foregoing statements from Real  
23 Parties’ “Argument in Favor of Measure Z.”

24           62. Petitioners do not have a plain, speedy or adequate remedy, in the ordinary  
25 course of law because the voter ballot pamphlet is to be printed in the very near future.

26           63. Petitioner is entitled to judicial review, and this procedure for a writ of mandate  
27 is the appropriate procedure for obtaining judicial review.  
28

1 **SECOND CAUSE OF ACTION**

2 **[Petition for Writ of Mandate -**

3 **Real Parties’ “Argument in Favor of Measure Z”**

4 **- Election Code § 13314]**

5 **[Against Respondents and Real Parties in Interest]**

6 64. Petitioner re-alleges and incorporates by reference the allegations of paragraphs  
7 1 through 63.

8 65. An error or omission is about to occur in the printing of a ballot, sample ballot,  
9 voter pamphlet, or other official matter, and a neglect of the Registrar’s duty is about to occur,  
10 if the foregoing statements in Real Parties’ “Argument in Favor of Measure Z” are not  
11 amended or removed as required by the Elections Code

12 66. Petitioners do not have a plain, speedy or adequate remedy, in the ordinary  
13 course of law because the voter ballot pamphlet is to be printed in the very near future.

14 67. Petitioner is entitled to judicial review, and this procedure for a writ of  
15 mandate is the appropriate procedure for obtaining judicial review.

16  
17 WHEREFORE, Petitioners pray that this court:

18 1. Issue an alternative writ of mandate directing Respondents to remove the  
19 statements from the Real Party’s “Argument in Favor of Measure Z” that violate Elections  
20 Code section 9295 or to show cause before this court at a time and place specified by this court  
21 why they have not done so and why a peremptory writ should not issue;

22 2. After hearing on this Petition, issue a peremptory writ commanding  
23 Respondents to remove the statements from the Real Party’s “Argument in Favor of Measure  
24 Z” that violate Elections Code section 13307;

25 3. Require a return to this Petition, and set this matter for a hearing at the earliest  
26 available dates, so that the issuance of the writ will not substantially interfere in the printing  
27 and distribution of the ballot and voter pamphlet;

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- 4. Award Petitioner their attorneys' fees and costs reasonably incurred in this action under Code of Civil Procedure section 1021.5 and other applicable code sections; and
- 5. Grant Petitioner any other and further relief as may be just and proper.

Dated: August 18, 2014

WINSTEN LAW GROUP

By: Michael S. Winsten  
Michael S. Winsten  
Attorney for Petitioner







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**EXHIBIT A  
REAL PARTIES'  
"ARGUMENT IN FAVOR OF MEASURE Z"**

CITY OF  
RANCHO SANTA MARGARITA

2014 AUG -8 PM 4: 54

Argument in Favor of Measure \_

Vote "Yes" on Measure \_ 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), 3 auto dealerships closed at the location and the site is in its 7<sup>th</sup> year of Vacancy, despite the extensive efforts to attract a new dealership. Auto industry experts, including one hired by the City, all 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 unlawfully 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 the productive use of this property was not unanimous: three of the five Council members are wasting your tax dollars and wanted to deny you a right to vote.

VOTE "YES" ON MEASURE \_!

More information: [www.FreeRSM.com](http://www.FreeRSM.com)

Dated: August 8<sup>th</sup>, 2014

  
Joseph Daichendt, Property Owner

  
Jesse Petrilla, RSM City Council Member

  
Jamie Cassidy, RSM Voter

~~NO SIGNATURE~~  
  
Steve Baric, RSM City Council Member

  
Donald Chadd, RSM City Council Candidate