

Locals push leaders to keep Del Mar Shores site public

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DEL MAR — Local residents urged City Council members April 17 to “stand fast” in difficult negotiations with the Del Mar Union School District regarding the purchase of the Del Mar Shores Site.

“The council remains committed to the city’s primary objective of preserving the entire parcel for public use,” Mayor Crystal Crawford said. “However, we have not made significant progress in negotiations because of price.”

The mayor disclosed the details of negotiations in order to gather public input on whether to continue the pursuit of purchasing the school site. The city has been in serious negotiations with the school district since fall 2005, shortly after the district deemed the 5-acre property as “surplus” to its educational needs.

The lot, which is zoned for public facility use, has primarily served as a recreational area alongside The Winston School, which opened on the property in 1988 and has since leased the property from the school district.

Recently The Winston School and the city of Del Mar reached a memorandum of understanding stating that the school would raise half of the necessary money for the parcel and would enter into a long-term lease with the city should it purchase the property.

Community support for preservation of the land has been strong. A large group of community members joined together to form Friends of Del Mar Parks, which has been actively fundraising since January.

Crawford disclosed that since the negotiations began with the district, the city’s desire to build a city hall on the property has ceased, and its sole purpose in purchasing the land is to keep it as a recreational open space for the community.

Crawford said that the property was commissioned for appraisal by the city in 2004 with an estimated value of \$4.4 million. Knowing that the appraisal is now two years old, the city offered the district a price of \$6 million, however Crawford said the district steadfastly insisted on a price of no less than \$12 million.

Crawford said that while the Naylor Act allows a city to purchase a portion of a school’s surplus property at 25 percent of market value, that amount would only equal roughly an acre of land.

Furthermore, Crawford said that the city and the district disagree over the applicability of the Naylor Act, and the two have entered into a special agreement until May 1 known as a Tolling agreement to preclude a lawsuit over the matter.

Crawford said that because the school district expressed concern that the city might one day rezone the property and realize a higher price, the city offered to impose a 20-year deed restriction on the property. This would revert the property back to the district if it were rezoned during the period, however, the district declined the offer.

The city offered to front all costs of a Tier One Environmental Review of all of the Winston School buildings on the property.

In addition, it offered to make the district's administration building and daycare facility on the shores site rent-free for five years in order to facilitate the transition of the district to another location.

Crawford said the district was not swayed by any of the additional terms to the \$6 million price.

The city then offered to retain mutually independent appraisers to determine the current value of the property. They would also handle the submission of any further negotiations to mediation or a complete change of negotiating teams.

"All of these overtures have been declined by the district," Crawford said.

Crawford said that the city must decide by May 1 whether to end the negotiations, agree to the \$12 million purchase price, or pursue legal action for a judicial determination of fair market value.

More than 15 residents came out, urging the council to proceed with the negotiations.

"The community expects you to stand fast on this matter because ultimately it will be the community's money going into the purchase of this land," said resident Joel Holliday, a member of the Friends of Del Mar Parks committee.

The Winston School's Headmaster Mike Peterson spoke on behalf of the school, urging the school district and the city to reach an agreement.

"This can be a family friendly, win-win situation if only we can work together to find a solution," Peterson said.

Some residents voiced concern that the city may in fact change the zoning of the property in the future, putting the recreational uses of the park in jeopardy.

"Such a rezoning would never be supported by the citizens of Del Mar," said Laura DeMarco, cofounder of the Friends of Del Mar Parks.

According to City Attorney Tamara Smith, the zoning of the land could only be changed by a four-fifths vote, and because Councilman Dave Druker must abstain from all shores property discussions because of his home's proximity to the property, the vote would have to be unanimous.

"I would like to go on record stating that I would never agree to the rezoning of this land," said Henry Abarbanel said.

Abarbanel also suggested that the council consider putting a measure on the November ballot that would ask Del Mar residents if they would be in support of permanently zoning the area as a public-use facility.

"If this passed, it could give some assurance to the public that the area will be preserved until at least another public vote takes place," Abarbanel said.

The council voted to continue the item to next month's meeting May 1, and they encouraged the public to listen to the school district's point of view on the negotiations during the Del Mar Union School District's next meeting at 6 p.m. April 25 in the Del Mar Hills Academy auditorium.

"This has been a very long and difficult process," Crawford said. "And we truly appreciate the community coming out and encouraging us to move forward."