

City Council Takes Key Action to Approve Garden Del Mar Project for the Ballot

On Monday, July 28th, the city council unanimously voted to introduce the ordinance that, upon second reading and adoption next week, will give approval for the Specific Plan for the Garden Del Mar Project to be placed on the November ballot for a final up or down vote by Del Mar voters. The council also approved a series of resolutions geared toward placing the project on the ballot, and scheduled final approval of the project EIR for next Monday, allowing the rest of this week for public review of some minor last minute additions to the traffic and related sections of that document. While, technically, the actions will not be final until council action next week, it seems clear that this week's council action was key, that the project has the support of the council, and that it will be heading for the November ballot.

The issue of "Exceptional Public Benefits" ("EPBs") was finally successfully resolved at the meeting. Measure B, which requires a public vote on this project, also requires that the project provide EPBs to offset the increase in floor area included in the project. Some controversy was generated on this issue on July 21, when the council subcommittee of Druker and Earnest, after private meetings with the developers, brought back a recommended package of EPBs that appeared different from the package recommended by the Project Steering Committee following its 65 public meetings.

Members of the steering committee appeared before the council at its July 21st meeting to question the changes, to reiterate support for the steering committee recommendations, and to express concern for what they perceived to be a weakening of the EPBs. Then, in the early morning hours of July 22, the developers sent an email to the City indicating they were withdrawing the project and canceling the vote due to what they perceived as division in the ranks. This led to a special meeting of the steering committee on July 24, called by Druker and Earnest, where all these issues were aired and discussed with considerable public input, with a new consensus recommendation on EPBs emerging. Following this meeting, the council subcommittee and the developers had further private negotiations, and the final package of EPBs proposed at the July 28 meeting contained important revisions and had the support of the Council and the developers, with no opposition.

In brief the final EPBs are:

1. A \$35 per month fee, inflation adjusted, will be paid to the City for 30 years by each of the 43 condo units in the project, to be allocated to the City's housing assistance fund. This revenue stream has a present value in excess of \$300,000. Review of how this revenue stream is expended will occur in 20 years by the City. In addition to this 20 year mandatory review, per the terms of the Specific Plan, allocation of these funds can be redirected at any time by super-majority vote of the council should there no longer be need in the housing assistance fund.

2. The provision of three public plazas in the project and the dedication of public easements thereon in favor of the public.
3. The project's LEED environmental conservation design aspects.
4. Three dedicated public parking spaces above and beyond all required parking in the parking garage.
5. Sharing of paid parking revenues 1/3 to the City and 2/3 to the project starting five years after voter approval of the Specific Plan if a paid parking program for the on-site garage is in place. A paid parking program will only be in place if (1) a permit parking program is in place to protect the neighborhood and (2) the paid parking program receives City approvals as required by the Specific Plan. If the paid parking program is not in place in five years, then the project will pay \$125,000 to the city in installments over 5 years. All these funds will be dedicated to park improvements in the City.

So, final action is expected by the council next Monday, and after that the project will be headed for the ballot, including its proposed EPBs, for voter approval or rejection.