



October 14, 2020

To: The City of Del Mar Attorney, Members of the Del Mar City Council and City Staff

The Winston School's response to the City of Del Mar City Manager letter of October 8, 2020 - 90-Day Notice to Cure.

I have received the City Manager's above-referenced letter. There are several points I wish to raise regarding our redevelopment application. Most specifically, the revised City Survey on The Winston School leasehold is yet to be completed making it impossible to complete our submission accurately.

The Winston School has also not received a response from the City regarding a Title Insurance claim timeline request for design, legal and other construction-related costs incurred due to discrepancies in the leasehold Legal Description. I have sent several emails to the Assistant City Manager and City Manager to address this in writing.

Multiple lease discrepancies will need to be amended, including the Legal Description, recalibration of the financial terms and timelines required to occur before redevelopment. These are not atypical requests from the School, given the disparities. Once the City addresses these items, we can move forward to revise the redevelopment timeline.

Furthermore, the Lease terms protect tenants during periods where circumstances beyond the tenant's control (Acts of God, war, epidemics, riots) impede adherence. The Lease very specifically extends redevelopment deadlines during such periods.

Affordable Housing appears to be the only goal

As efforts are underway to address Del Mar's affordable housing shortfall, the Shores Park is being protected and valued as a part of the Del Mar landscape but clearly not The Winston School. Since the new City Manager came on board earlier this spring, The Winston School is simply referred to as "the tenant."

It is clear that the City *still* intends for The Winston School to leave Del Mar in order for the City to fulfill its affordable housing quota. This objective was made clear once again by the actions taken during the last City Council meeting on October 5, 2020, that places the Public Facilities land, including The Winston School, back on the affordable housing list.

During that meeting, Councilmember Dwight Worden motioned to exclude Shores Park parcels and tennis courts from the 6th Cycle Housing Element EIR as candidate housing sites. The public was assured for years that these properties were safe from housing development.

However, the approved 6th Cycle Housing Element allows housing development as a permitted use in the PF zone (Shores Park, The Winston School and tennis courts) according to the following provision (Chapter 4-9 & 10):

Housing Program 1H: Public Facility Zoning Amendments

Within 36 months of City Council adoption of the Housing Element, the City will amend the Public Facilities (PF) Zone in the City of Del Mar Municipal Code and Local Coastal Program to allow residential development. The PF zone applies to City-owned properties, many of which were identified by the 6th Cycle Housing Element Ad-Hoc Citizens' Task Force as preferred housing sites. This zone currently does not allow residential as an allowed primary use in the City of Del Mar Municipal Code or Local Coastal Program. An amendment to the Community Plan would not be necessary. The change in allowed uses would facilitate future projects in the PF Zone as needed to meet the City's unmet Residential Housing Needs Allocation obligation.

Councilmember Worden has suggested numerous times to keep "the school" portion of the Shores Park on the consideration list for affordable housing. He demonstrated a classic bait and switch move that never refers to The Winston School by name, no only demeaning the School but suggesting to the community that the Shores Park is protected from zoning changes and implying that it is inclusive of the School.

Regarding the City Manager, our first and only phone call took place on May 1, 2020, where you, in your new role, had very decisively stated your prerogative that The Winston School should leave. This way, the City could proceed quickly (within three years) to implement their "22 in 5" Affordable Housing Strategy and execute the 5th & 6th cycles of the task force with "the tenant" out of the way.

The City is neither working in good faith nor under the terms of the agreement as the City has unilaterally decided to convert the land to affordable housing in defiance of neighborhood wishes.

Once this occurs, there will be no way to recover our students' and community members' lives that we have committed to serving for more than 30 years--a social injustice that will remain embedded in the history of Del Mar. Its impact on generations of families and students who have often been marginalized and forgotten cannot be overestimated. I will, therefore, continue to work with our neighbors, who have shown their steadfast support and have been critical of the City's tactics.

Regards,



Dr. Dena Harris
Head of School and Executive Director