



NEWS RELEASE

FOR IMMEDIATE RELEASE

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City of Del Mar's Violation of The Winston School Lease Leads to Legal Action

Del Mar, CA - The Winston School of San Diego has invoked the mediation clause of its lease with the City of Del Mar. The School is challenging the City's interpretation of several significant lease terms designed to protect the School's legal rights as a tenant. The Winston School is not seeking a financial settlement as part of this legal action.

"The City has forced our hand in this matter," stated Dr. Dena Harris, the Winston Head of School. "Their public declaration that the School has breached its lease terms is inaccurate and negatively impacts the operations of the School. In addition, their position that the worldwide pandemic has had no impact on schools is indefensible and frankly insulting to all students, parents, and teachers who have been through so much."

Winston's innovative education program gives students with learning differences the opportunity to succeed when they have struggled elsewhere. The small nonprofit school has been located on the former Del Mar Shores Elementary School site since 1988. In 2008, Winston worked closely with the Friends of Shores Park and contributed \$3 million of the \$8.5 million needed to purchase the land from the Del Mar Union School District. The Winston School then entered into a 55-year lease with the City of Del Mar as its landlord.

Lease terms require Winston to submit an application to redevelop the 70-year-old buildings within ten years. Schools built in that era do not offer the proper infrastructure to support today's technology-based education; therefore, Winston is anxious to start the process.

In 2020, new COVID-19 related health and safety considerations forced the School to abandon its existing plans and start over. The School's new \$6 million plan remodels the original buildings and creates a beautiful, modern campus. Neighbors appreciate this concept as it

FOR IMMEDIATE RELEASE - **City of Del Mar's Violation of The Winston School Lease Leads to Legal Action**

Page 2

July 6, 2021

does not increase scope or mass but still provides the School with an essentially new campus with critical requirements such as reconfigured classrooms and upgraded ventilation and bathrooms. The lease states that deadlines "shall be extended" when circumstances are beyond the tenant's control. The language references explicitly acts of God, such as an epidemic. The City has refused to honor this clause or provide legal justification for not doing so.

Winston School Board President, Laura Cunitz, commented, "The City Council has created a severe conflict of interest. Not only have they made demands that are impossible for the School to meet, but they also contradict both the existing lease and their own municipal code. When questioned, they deem themselves arbitrator to their own decisions."

The City of Del Mar is overreaching its authority and not following its own established procedures. Examples of these include (1) adding costly and unprecedented requirements beyond those of the planning department, (2) redefining "major redevelopment" from the 51% standard in the Del Mar Municipal Code, and (3) and altering parking requirements.

Cunitz further stated, "The School expects to follow the standard Del Mar planning process in a timeframe that was agreed to in the lease. The Municipal Code protects the City and our neighbors from inappropriate redevelopment and the lease already requires us to follow all applicable codes. There is no basis for the City Council to hold up our application, which was filed on June 15, 2020, for this extent of time."

The City of Del Mar has also made multiple inaccurate and defamatory statements related to The Winston School, negatively impacting the School's operations and reputation. The Winston School has documented the inaccuracies and requested the City retract the misleading statements to no avail.

The Winston School has called Del Mar home for over 30 years. We are thankful for the ongoing support from our neighbors and will continue to be a valued member of the Del Mar community. The Winston School plays a critical role in educating underserved students in the San Diego area. While parents across the country have experienced first-hand the stress related to the school shutdown, the past year has been especially challenging for special needs students and their families. The conflict with the City of Del Mar has unnecessarily diverted the School's time and energy from its core mission during this critical time.

Additional details, including relevant lease language and campus renderings, are available on The Winston School's website at thewinstonschool.org.

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