



## **PRESS RELEASE**



### **The Winston School Fights Back Against City of Del Mar Abuse of Power**

Del Mar, CA - October 8, 2021 - The Winston School of San Diego has filed legal action against the City of Del Mar. The lawsuit was filed Thursday afternoon, October 7, 2021, with the California Superior Court for the County of San Diego. Having exhausted every option to reach a resolution with the City, the School had no other choice than to take legal action to protect its lease rights and home of 34 years.

The Del Mar City Council exploited its dual position as both landlord and regulatory authority to improperly force the School into lease default in an attempt to evict the School from the Shores Park location where it has been educating special needs students since 1988.

Dr. Dena Harris, Winston's Head of School stated, "Winston has gone above and beyond its obligations under the lease, at great cost, only to have the City engage in bad faith tactics to prevent Winston from succeeding."

### **The Winston School was essential to the City acquiring Shores Park.**

The School occupies 1.8 acres of the 5.3 acre Shores Park site the City purchased from the Del Mar Union School District in 2007. The School was integral to the purchase, raising \$3 million of the \$8.5 million needed to secure the acquisition and fulfill the deed restriction that a school remains on the site. The School raised a third of the funds and occupies a third of the Park acreage.

In 2010, Winston signed a 55-year lease agreement with the City. The Winston School agreed to redevelop the campus originally built in 1947 within a stated time frame as part of this lease. The School has been working towards that goal for years, looking forward to facilities that will better support 21st-century technology and accessibility requirements.

With the outbreak of the pandemic in 2020, Winston needed to change its plans to address the health and safety concerns of operating a school in a COVID environment. The School had hoped to break ground during the summer of 2020 so it could complete much of the work while students were remote learning.

### **The City Council overreaches its authority.**

However, the City Council implemented a systematic strategy to obstruct the School's efforts and declare Winston in default of the lease. They eliminated the checks and balances established in the lease by allowing the City Council, as landlord, to insert itself into the standard planning department process.

This put the City Council in the position to delay the progress of the School's development application while simultaneously holding the School accountable for lease deadlines.

The City (as municipality) stated that without the approval and signature of the City Council (as landlord), the application the School filed with the planning department in June 2020 could not move forward in the review process. The City Council (as landlord) then established requirements that violated lease terms and exceeded its own municipal code and standard development approval procedures. This circular logic and abuse of power put the School in an impossible situation.

### **The City Council ignores the School's negotiated lease rights.**

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The City Council then used this unilateral authority to deny the School its lease protections and rights. For example, the lease defers redevelopment deadlines during critical periods such as a pandemic. The City Council has refused the School this protection even though the State of California mandated schools across the State shut down on March 13, 2020. In addition, Winston was forced to scrap its existing design and start from scratch with plans that would function in the ever-changing COVID environment.

The School has done everything in its power to avoid this legal action, submitting plans that meet even the excessive requirements imposed by the City. However, the City Council has continually blocked the School's efforts with a series of well-documented and deliberate decisions that ensured, no matter what Winston did, they could not meet both the landlord's and City planning requirements. The City even rejected the School's call for mediation as granted in the lease agreement.

The School has met the requirements of the lease; therefore, the City Council's vote on August 11, 2021, to terminate the lease and evict the School is invalid. Based on the City's recent actions, additional allegations may be forthcoming.

The Winston School has been educating students with learning disabilities on this site for 34 years and will continue to do so. The School appreciates the strong support it has received from both the Winston community and its Del Mar neighbors, who have supported the School for decades.

#### Facts about The Winston School:

- Founded in 1988, The Winston School is a registered non-profit 501(c)(3).
- The Winston School serves students with learning differences in grades 6-12 whose needs are not met in traditional school settings.
- The Winston School serves up to 115 students each year. Since its inception, thousands of students have graduated from The Winston School, with 95% being accepted into two- and four-year colleges.
- The Winston School serves students from Del Mar and all of San Diego County.
- To learn more about The Winston School, please visit <https://www.thewinstonschool.org/>.

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