

Winston, Del Mar enter mediation, trial delayed

By Laura Place

DEL MAR — Officials with the City of Del Mar and The Winston School have entered mediation and agreed to postpone a planned jury trial related to allegations of the city's unfair lease termination, allowing the school to remain a tenant at least through mid-2024.

The Winston School, a nonprofit special education institution serving around 100 students annually, has operated at its site at Shores Park since 1988. In mid-2021, Del Mar officials issued a lease termination notice stating that Winston failed to submit a proper redevelopment plan as required by the lease and ordering them to vacate the site by July 2023.

School officials filed a lawsuit against the city in October 2021, alleging unfair lease termination, and a trial in the case was initially scheduled to begin on March 3. However, according to San Diego County court filings, it has since been rescheduled to Aug. 25.

Del Mar officials said at a Feb. 13 meeting that both parties approved the delay to allow negotiations and added that the school could remain onsite for an additional year.

"The city of Del Mar and the Winston School have agreed to postpone the upcoming trial related to the litigation to give both parties time to negotiate in good faith and determine upon a path forward," Assistant City Manager Clem Brown said. "The Winston School will remain a tenant on site until at least July 1 of 2024 while we work on those negotiations."

Winston School officials said they are grateful to be negotiating with the city and eager to move for-

ward with their planned improvements to the school's campus.

"The Winston School is pleased the mediation is resulting in the opportunity for both sides to meet in a productive manner. Winston has always believed that a community partnership would also benefit the residents of Del Mar. Features of the new campus will do just that," said school spokesperson Maureen Kendrick. "We are grateful for the support we have received from our neighbors and residents for the past 35 years."

In 2008, the two parties entered into a memorandum of understanding stating that the school would help the city fundraise to buy the Shores Park property in exchange for a long-term lease to continue the school's operation. Winston School would end up contributing \$3 million toward the \$8.5 million purchase price, which was used as a rent credit for the school.

A resulting 55-year lease between the city and Winston School in 2010 required the school to submit plans for significant site redevelopments, focused on a sweeping redesign of the outdated campus, by specific deadlines.

The Winston School requested multiple extensions for these plans due to the COVID-19 pandemic. Between 2019 and 2021, 13 different design plans were rejected by the city for failing to meet various standards that the school claimed were unreasonable.

Kendrick said meetings between the city and the school would begin "very soon" and that updates from those meetings would be shared with the public.