



CITY OF DEL MAR

October 8, 2020

Dr. Dena Harris, Head of School
The Winston School
215 Ninth Street
Del Mar, CA 92014

Sent via US Certified Mail and Email

Re: 90-Day Notice to Cure

Dear Dr. Harris:

On September 24, 2020, the attached letter was sent to the Winston School communicating that the City is amenable to accepting the School's development concept as its redevelopment under the terms of the ground lease subject to several conditions. Per the lease, the original due date for submittal of a complete development application was December 31, 2019. Per correspondence from the City on June 2, 2020, the adjusted due date was October 2, 2020.

Since the October 2, 2020 milestone deadline has passed and a complete development application was not submitted, the City has no other alternative than to provide you with this 90 day notice pursuant to Section 3 of the ground lease between the City of Del Mar and the Winston School. Should you fail to submit a complete development application within the 90-day notice period, the City will pursue its options set forth in Section 3 of the ground lease. The 90-day notice period will expire on January 6, 2021.

Sincerely,


C.J. Johnson
City Manager

Attachment

cc: Winston School Board of Directors
Del Mar City Council
Leslie Devaney, City Attorney
Kristen M. Crane, Assistant City Manager



CITY OF DEL MAR

September 24, 2020

Dr. Dena Harris, Head of School
The Winston School
215 Ninth Street
Del Mar, CA 92014

Dear Dr. Harris:

This letter is sent in regards to the Winston School's proposed redevelopment plan.

The Winston School submitted a concept plan to the Planning Department June 15, 2020. The plan is high level and the City has inquired several times for additional detail and to confirm if it is the School's intent for this concept to serve as its "redevelopment" under the terms of the lease¹.

The City Council has indicated that they are amenable to considering the School's proposed development concept as its "redevelopment" under the terms of the lease, subject to the following:

- Since it was envisioned at the time of the lease that the school buildings would be demolished and rebuilt, and recognizing the School's long-term lease through 2063, the redevelopment plan must include bringing all of the buildings up to current codes as adopted by the City of Del Mar Municipal Code Chapter 23.12, particularly with respect to the 2019 edition of the California Building, Fire, Electrical, Plumbing, Mechanical, Energy, and Green Building Codes. Additionally, ADA standards must be met and hazardous materials abatement must be completed in compliance with all health and safety standards.
- The redevelopment plan must identify how the School will meet its parking requirement within the leasehold area, based on the metrics of the Parking Code in Chapter 30.80.030.C of the Del Mar Municipal Code. This code section addresses the required number of parking spaces for a school based on the number of students or staff, depending on the level of the school. Please include the School's planned number of required spaces based on assumed student enrollment and faculty based on the Parking Code metrics.

¹ Section 3(b) of the Ground Lease defines "redevelopment" as the demolition, removal and replacement (or major remodel) of the Improvements on the Premises.

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- Receipt of a complete Development Application submitted to our Planning Department, including all pertinent information and fees required for the processing of applicable development permits, including but not limited to design review and coastal development permitting.

Per the lease, the original due date for submittal of a complete development application was December 31, 2019. Per correspondence from the City June 2, 2020, the adjusted due date is October 2, 2020.

In attempting to separate the Planning review process from the lease requirements and landlord/tenant relationship, attached is a letter from the Planning Department identifying what needs to be submitted for the application to be considered a "complete development application." The letter also includes requirements from our Building Division for what will be required in order to bring the structures up to current City Construction Codes.

Ultimately, the City Council, acting in its capacity as landlord under the Ground Lease, will need to formally accept the School's proposal as a "redevelopment" under the terms of the lease and authorize me as the City Manager to sign the application on their behalf as the property owner in order for the public review process to begin. This would be the appropriate time for you to make the public presentation which you have requested in your emails dated September 22 and 23, 2020.

Sincerely,



CJ Johnson
City Manager

Attachment



September 24, 2020

Jon Dominy, AIA (Domusstudio Architecture)
2800 Third Avenue
San Diego, CA 92103

SUBJECT: Submittal Requirements for Proposed Remodel of Winston School

Mr. Dominy,

Thank you for your submittal of preliminary materials for a proposed remodel of the Winston School. The Planning and Community Development Department has conducted a cursory review and has the following feedback to provide. This information is being provided to facilitate a future submittal for entitlements, is based only on the limited materials provided to date, and accordingly should not be considered exhaustive. Only when a formal application is provided and all associated fees paid, will staff be able to conduct a full review and provide a determination of project compliance with applicable standards of development.

If you have any questions or need further clarification of the information herein, please contact me at (858) 793-6144 or via elangan@delmar.ca.us.

Sincerely,

A handwritten signature in black ink that reads 'Evan Langan'. The signature is written in a cursive style and is enclosed within a thin rectangular border.

Evan Langan, AICP
Associate Planner

GENERAL

1. From submitted materials, it appears the proposed scope of work would require approval of (first) an Administrative Design Review Permit (ADR), and subsequently, a Building Permit for construction. Standards for review of an ADR may be found in Section 23.08.035 of the Del Mar Municipal Code (DMMC), and; an application (including a checklist of required materials) may be found via the City's website at: <http://www.delmar.ca.us/138/Development-Applications-Guides>. The fee for review of an ADR is \$1,108.00, in addition to the cost of public notice. Note that until all required materials have been provided, and the application deemed "complete," the ADR would not be eligible for administrative determination.

When all materials have been provided in accordance with the ADR checklist, please contact me to arrange a date for electronic submittal. In addition to all information noted in the ADR checklist, site and remodeling plans should include the following, specific information:

- A complete scope of work, including a full listing of all proposed improvements, including (but not limited to) any railings proposed to be changed, new retaining walls, HVAC equipment, landscaping or other surface improvements, detached/accessory structures, new or replacement (exterior) lighting elements, etc.
- Project plans should identify all existing and proposed elements (including any surface improvements as landscaping), and for any lighting in particular, provide illustrative renderings or cut sheets as well as performance information (Kelvin rating, lumens, etc.).
- All new retaining walls or other structures should include dimensions/elevations, as well as notations of color and materials.
- If new surfacing is proposed on buildings, please identify color and materials.

Note that with formal submittal of materials, if it should be determined that the proposed scope of work in fact requires approval of a Design Review Permit (DRB), differing materials, fees, and ultimately a decision on the request by the Design Review Board (not staff) at a public hearing would be required. Thresholds for requirement of a DRB may be found in DMMC Chapter 23.08.

PARKING COMPLIANCE

1. Please include with the ADR submittal, a parking analysis against standards enumerated in DMMC Section 30.80.030 (C)(1), as well as a site plan which illustrates compliant parking located entirely within the school's lease area.

BUILDING CODE CONFORMANCE

1. As a component of the broader remodel of the school, existing buildings must be brought into compliance with current code, as adopted pursuant to DMMC Chapter 23.12. Submit detailed construction drawings (prepared by a licensed architect), including necessary structural plans, details and reports (prepared by a licensed structural engineer, Mechanical Electrical Plumbing (MEP) specialists and other disciplines as deemed necessary. Submitted plans and reports shall include a detailed list of deficiencies with Chapter 23.12 as applicable, and include a plan for how those deficiencies will be upgraded to current codes per the proposed improvements. The City's Codes include the 2019 edition of the California Building, Fire, Electrical, Plumbing, Mechanical, Energy, and Green Building Codes.

The City's Building Division is available to assist in the early review of these requirements and materials. If requested, early review can be provided through payment of a deposit to the City. At minimum, plans would be reviewed as part of the City's building plan check process. Payment of building plan check, permit, and inspection fees would be required.