



**FOR IMMEDIATE RELEASE**

## **Cardiff School District Contends with Temporary Restraining Order to Potentially Halt Cardiff School Construction Again**

CARDIFF BY THE SEA (June 27, 2020) – Cardiff School District (“District”) announced today that a temporary restraining order (TRO) is now being sought by the same small handful of residents who live across the street from Cardiff School. If granted, the TRO would halt construction within the old boundary area of the campus and would prevent critical portions of the campus from being completed in time for school to start this fall, including the new site utilities, parking lot, drop-off/pick-up area, play fields and ADA accessible walkways. Current public health guidelines require schools to fully utilize campuses for social distancing, and any space constraints imposed on the site by a TRO would negatively affect the District’s ability to safely educate students. This could potentially impact all students and families, 93% of whom want their children to return to campus for in-person learning in the fall.

The move comes just three months after settling their original lawsuit in state court with Cardiff School District. The same neighbors also recently filed a [second lawsuit](#) on June 12th, aimed at stopping construction on the new school campus. The new federal lawsuit, captioned Save the Park and Build the School v. National Park Service, United States District Court, Southern District of California, Case No. 20cv1080-LAB-AHG, names the National Park Service (NPS), California Department of Parks and Recreation (DPR) and Cardiff School District (District) as defendants. It seeks to undo [NPS’s final approval of the District’s boundary adjustment](#) for the project which was issued in April 2020.

The boundary adjustment granted in April was needed from NPS to bring the campus into compliance with an old grant funding agreement requiring approval of improvements to the school’s play fields which were subject to the grant. The condition was tied to a \$160,000 Land and Water Conservation Fund grant the City of Encinitas applied for and the District cosigned in 1993 to make improvements to the school’s play fields. The full boundary approval process took two years to complete and included a thorough evaluation by NPS and DPR, as well as extensive due diligence exercised by the District.

The amended boundary results in a net gain of more than 23,000 square feet of additional dedicated public recreation space. The school's play fields, known as George Berkich Park, are wholly owned by the District, and are the students' outdoor recreation area. They are open to the public when not in use by the school. This will continue once the school reopens.

"We are frustrated that once again the Cardiff School rebuild is being challenged by the small group of neighbors who appear to be on a never-ending quest to stop this project and force the District into altering the plans for the school which were designed with student safety at the forefront," said Superintendent Jill Vinson. "They have never shown a willingness to compromise regarding the school's design. The District made every effort to find a middle ground during the design phase by modifying the site plan several times to address their concerns, yet it still wasn't enough to satisfy their narrow personal interests."

The requested TRO and lawsuit has the potential to impact the school opening this fall and add more legal expenses to the \$4 million the District has already spent on construction delays and legal fees defending and settling the original lawsuit filed by the same group. That lawsuit was settled in March 2020 and included a \$500,000 payment to the plaintiffs in exchange for a dismissal of all claims against the District, allowing construction to resume. An express condition of the opponents' settlement position was the right to challenge any NPS approval of the proposed boundary adjustment, which was still pending at the time of the settlement. Absent this carve out, the District would not have been able to settle the prior lawsuit and immediately recommence construction of the Project, which was in the best interest of students.

"The irony in all of this is that at the end of the day, we are actually improving, enhancing and adding dedicated space to the school play fields which are available for public recreation when they are not in school use," explained Siena Randall, Board President. "So, the argument that this is 'about the park' is disingenuous, and the motives of this group in repeatedly suing the District are certainly not in the best interest of the students or the community."

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