

Academy of Our Lady of Peace had the tenacity to fight

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by [Randy Bright](#)



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I have been writing lately about the need for churches to fight to maintain their place within their communities. It is vital that churches begin to understand that they are literally in a fight for their lives as churches continue to be made unwelcome in their own communities.

Last fall, a long legal battle came to an end in San Diego, California, when the Academy of Our Lady of Peace, a Catholic girl's school, won their battle against the city to build new facilities.

OLP is a 130-year-old school that built its present location in San Diego in 1925. In 2007, after exhausting the adaptive reuse of several homes on its property, it announced plans to modernize its facilities by building new classrooms, a science lab, a library and a media center. Three homes were to be torn down to make room for the new facilities and additional parking, all on property that the church owned.

The school had not built any new facilities since 1965, and the modernization was considered to be imperative to the school's commitment to academic excellence, a goal shared with thousands of other schools that conduct the same kinds of improvements to their facilities.

In 2007, OLP submitted its plans to the City of San Diego, which were recommended to be approved by city planners to the City Council. They also held meetings with neighboring residents to inform them of the school's needs and of their plans to modernize their facilities.

But the neighborhood residents objected to the project and lobbied the city planners not to approve it.

In September of 2008, the Planning Commission asked OLP to go back to its neighbors to see if it could change their opposition to the project. After meeting with the neighbors again, they were unable to change their minds.

Despite the opposition, the City of San Diego Development Services Department and the Planning Commission unanimously approved the project, but later rescinded the decision when

city councilman Todd Gloria claimed that the homes that the school planned to demolish were historic and were protected from demolition under the California Environmental Quality Act.

In October of 2008, the school received approval from the Planning Commission, but the neighbors filed an appeal to the City Council. When the City Council heard the appeal, it requested that the school go back to the neighbors again in an attempt to settle their differences before making a final decision. The school did so, but was unsuccessful.

In the meantime, city staff researched the claims by the neighbors that the homes were historic, but found no evidence that they were any different than thousands of other similar homes in the area that were not considered to be historic.

When the City Council met again for their final decision, the vote was split. The effect was that it restrained the school from doing anything with its property and that the neighbors had literally gained control of all of their buildings.

Another councilman, Ben Hueso, stated that denying the school the ability to modernize its facilities would violate the law and that it would be violating the school's rights under RLUIPA. He predicted that it would expose the city to another lawsuit, having just lost a similar lawsuit under RLUIPA.

In May of 2009, OLP filed suit against the City of San Diego, claiming that their rights had been violated under RLUIPA and Federal and State Constitutions.

In April of 2011, OLP and the city came close to a settlement deal to end the case, but the City Council breached the agreement.

In January of 2012, a city staff planner claimed that pressure was being placed on him to reverse his findings that had been in favor of the school, and to find instead that the project was inconsistent with development planned for the neighborhood.

On October of 2012, a jury trial awarded the school \$1,111,622 in damages, ordering the city to relocate two of the three homes and to demolish the third. The award also included an order to the city to limit permit and inspection fees to \$100,000, to fast-track reviews and approvals for the school, and to pay the school an additional \$500,000 settlement.

This is a case in which most of the city government officials wanted to do what was right, but were influenced by one zealot in city government and neighbors who wanted to limit the rights of others. But it is also another example of a church that had the tenacity to fight and win.

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