

Catholic school sees land-use victory in San Diego

By MONICA CLARK

SAN DIEGO - A nearly five-year struggle by the Academy of Our Lady of Peace to get city approval for the removal of three houses on its 23-acre property to make way for new classrooms ended successfully for the school on Feb. 12.

But the victory came only after the all-girls Catholic high school filed a federal lawsuit in 2009 against the city of San Diego for rescinding the initial approval of the city's Planning Commission in 2008. The school won a jury verdict last year that included a \$1.1 million award.

In lieu of a city appeal to that decision, San Diego and the school reached last month's settlement, which gives the school \$500,000 and requires the city to pay for removal of two of the houses and razing of the third. The school had used the houses as rentals.

As part of the settlement, the city must limit the cost of all permits and inspections for construction of the new classroom building to \$100,000 and expedite all its processes so the school can break ground by June 2014.

The conflict started when neighbors objected to the removal of the rental properties, saying they had

historic significance and needed to be preserved at their present location. Their city councilman presented their position to the full council, which agreed that the school's permit application should not go forward.

Lawyers for Our Lady of Peace argued that the city's denial was a violation of the federal Religious Lands Use and Institutionalized Persons Act of 2000, which protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. They said the contested homes were similar to many others in the neighborhood and did not have landmark significance.

In a statement announcing the final agreement, Daniel Dalton, the school's attorney, praised the city for agreeing to resolve the dispute in ways that give the school "what it needs to move forward to continue educating the young women of San Diego." The school currently has 750 students and does not plan to increase its enrollment.

The school, established by the Sisters of St. Joseph of Carondelet in 1882, moved to its current location after the sisters purchased the Vandruff Estate in 1925. No new academic facilities have been added to the campus since 1965. With the final go-ahead secure, it now plans to build state-of-the-art science labs, an enhanced library and media center, additional classrooms and provide off-street parking for faculty and students.

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