



NEWS TICKER | NORTH PARK



San Diego city council surrenders in costly Catholic school case

Closed session council vote approves \$500,000 payment and authorizes permits for controversial Our Lady of Peace expansion

Matt Potter, February 17, 2013

The Academy of Our Lady of Peace in Normal Heights [See update at bottom of item] will finally be allowed to proceed with its controversial expansion plans, and pick up \$500,000 of taxpayers' money for its trouble, according to a report of a closed session held by the San Diego city council February 12.

[As we were the first to report](#), the council voted in December of last year to appeal a \$1.1 million verdict that had been awarded against the city:

According to a closed session report from the meeting of December 4, the council voted 9-0 on a motion by First District councilwoman Sherri Lightner, seconded by the Ninth District's Marti Emerald, to authorize the

City Attorney to pursue the city's battle against the verdict, which held that the city violated the Catholic all-girl high school's religious rights when it refused to grant permits for expansion.

The school on Oregon Street was seeking to tear down historic structures to make way for new classrooms, a media center, and a parking garage, but ran into fierce opposition from neighbors and community activists.

After the city blocked the expansion, the school filed suit in federal court under the Religious Land Use and Institutionalized Persons Act. When settlement efforts failed, the case went to trial, and a jury sided with the school.

"The Academy of Our Lady of Peace is elated with the verdict, and now looks forward to putting this case in the past and continuing to provide the highest quality education to the young women of San Diego," the academy's attorney Daniel Dalton said in a news release posted on Christian Newswire after the decision.

According to the release, the San Diego case was only the third time the religious land use law had been before a jury.

City Attorney Jan Goldsmith appears to be up against a formidable and potentially costly legal foe in the Bloomfield Hills, Michigan-based Dalton, a specialist in religious land use law who has prevailed in dozens of cases on behalf of churches and other religious institutions around the country, according to his website.

The council's December resolve to fight the academy didn't last long.

According to last week's closed session report, [the council voted 6 to 2](#), with Councilmembers Todd Gloria and Sherri Lightner voting "No" and the fourth district seat vacant, to "authorize the entry of the consent decree by the Court in full and for final settlement of the case."

The Consent Decree will order the City to issue a Permit for the Modernization Project and pay a monetary settlement to OLP in the amount of \$500,000.

The Permit will allow OLP to construct a two-story classroom building and a two-story parking structure; will allow OLP to demolish a single family dwelling owned by OLP on Uvada Street without any further discretionary review by the City; will allow the removal of two other houses, one on Collier Street and one on Copley Street, owned by OLP; and will allow, through a conditional use permit, student enrollment of 750 students on campus.

Upon notice by OLP, the City will remove the Collier single family dwellings and the Copley single family dwellings from the OLP property. The removal must occur by May 1, 2014, unless a new date is agreed to by OLP, the City, and approved by the Court. The City will be responsible for all aspects of the removal of the two homes. OLP will retain no legal interest in, or responsibility for, the Copley and Collier single family homes following their removal from OLP's property.

The City will limit the cost to OLP for processing further permits needed for the Modernization Project to no more than One Hundred Thousand Dollars.

All further permits needed for OLP's Modernization Project will be processed through the City's Express Plan Check Process at no extra cost to OLP.

Other than payment of the Settlement Funds, each party will bear their own costs and fees associated with the Action.

[As reported here by Dorian Hargrove in April 2011](#), the school's [lobbyist Paul Robinson - who also works for U-T San Diego owner and publisher Douglas Manchester](#) - warned the council that the academy would proceed with its lawsuit if the city failed to settle, bringing a stinging retort from councilwoman Marti Emerald:

"We shouldn't sit here and waive permanent rules of council because somebody wants to bully us in court. Bring it on."

Emerald made the motion to approve last week's settlement, the record shows.

UPDATE: Our commenters below have disputed the school's self-designated locale of Normal Heights. A city map shows it to be in North Park, and the Reader's official neighborhood online map is being changed accordingly.

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