

# **TRAFFIC CONGESTION IN THE LIBERTY STATION AREA**

## **SUMMARY**

The 2011/2012 San Diego County Grand Jury (Grand Jury) received a citizen complaint alleging the unauthorized street closure of Truxtun Road each Sunday in the Liberty Station area of Point Loma. The complaint alleged excessive vehicular and pedestrian traffic, parking regulation abuses, noise and littering – all attributed to members of a church located in an area of Liberty Station. That area is designated for educational purposes only by the Local coastal Program Land Use Plan.

The church in question moved from Serra Mesa to its current location in Liberty Station in August 2007. The growth of the congregation and subsequent church attendance since then has caused significant pressure on the traffic flow into and out of the Liberty Station area. It has also caused stress on the available parking in the immediate area of the church resulting in overflow into the neighboring residential neighborhoods.

Development of the Liberty Station area was subject to the NTC Reuse Plan approved by the San Diego City Council. The NTC Precise Plan and Local Coastal Program was then developed from the City's NTC Reuse Plan. The Precise Plan then had to be approved by the California Coastal Commission before development could start.

The City of San Diego Development Services Department (the City) issued a Conditional Use Permit (Permit) to The Rock Church for a church and school in the Liberty Station area. The Grand Jury has concluded that the Permit may have been issued for a use that is not consistent with the NTC Reuse Plan, the NTC Precise Plan, and Coastal Commission approval.

## **INTRODUCTION**

In response to a citizen complaint, the Grand Jury initiated an investigation into the issues regarding the City's issuance of a conditional use permit to a church to be located in a Liberty Station area designated for educational purposes only and the resulting problems associated with it.

## **PROCEDURE**

The Grand Jury reviewed:

- Correspondence between the Corky McMillin Company, and The Rock Church;
- Conditional Use Permit No. 20373 for the Rock Church at its Serra Mesa location (from 2003 through summer of 2007);
- Conditional Use Permit No. 295989, Rock Church, PTS No.91635 (Amendment to Conditional Use Permit No. 20373);

- Notice of Civil Penalty Hearing document issued by the City of San Diego August 18, 2006;
- The Conditional Use Permit No. 14125 for the Rock Church at its Liberty Station location;
- The Conditional Use Permit Planner's Training Series from the Governor's Office of Planning and Research;
- The NTC Precise Plan and Local Coastal Program;
- The Recommendations Report by the California Coastal Commissions' Coastal Program Analyst.

The Grand Jury performed a site visit and interviewed citizens from the Liberty Station area, members of the Point Loma Community Planning Board, a representative of The Rock Church, a San Diego City Councilman, a San Diego Police Department official, and officials from the Mayor's office of Special Events.

## ***DISCUSSION***

Liberty Station was the location of The Naval Training Center San Diego (NTC) from 1922 to 1997. In 1993, the U. S. Navy declared its intention to close the base under the terms of the Base Closure and Realignment Act of 1990. The City of San Diego began planning for reuse of the base in 1993. A 26-member Naval Training Center Reuse Planning Committee was established to work with City staff to develop the NTC Reuse Plan. Pursuant to California Community Redevelopment Law, the site was established as a redevelopment area in 1997. The City adopted the NTC Reuse Plan in 1998. The City Council adopted the NTC Precise Plan and Local Coastal Program on July 17, 2001. (The Naval Training Center is located within the California coastal Zone. The NTC Precise Plan, along with zoning and other development regulations constitute the Local Coastal Program Land Use Plan.) The Precise Plan became effective following certification by the California Coastal Commission on September 17, 2001.<sup>1</sup>

The San Diego City Development Services Department issued a Conditional Use Permit (Permit) to the Rock Church to operate as the Rock Academy and Church in Liberty Station in January 2005. The Church now occupies the site of the former Technical Training Center at Service School Command San Diego (Building 94, constructed 1969).

The Precise Plan calls for the division of Liberty Station into specific use areas. The Rock Academy and Church is currently located within the educational area. The Precise Plan has specific governing policies for the educational area, which state:

- The goal is to create an eclectic mix of educational institutions that will serve a cross-section of the community. Student diversity is anticipated in terms of age, culture, economic background, values, previous education, and skills.

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<sup>1</sup> NTC Precise Plan and Local Coastal Program, September 2001.

- Priority uses within the educational area are educational and vocational training, including but not limited to traditional and non-traditional classroom instruction, corporate training, public and charter public schools, private for-profit and not-for-profit institutions, and incubator businesses.
- Other uses include retail support services such as educational supplies and services (e.g., bookstores, art stores, computer stores, copying facilities), eating establishments (e.g., cafeterias or student union type facilities), and transient occupancy facilities comparable to European pensions. These uses are allowed as support uses to the educational facilities, not as primary uses. Other acceptable uses may include office/R&D and warehousing operations for small start-up companies.<sup>2</sup>

The Precise Plan's Educational Area Design Features section states that "educational uses are expected to utilize existing classroom and instruction facilities for education-related purposes. There are seven buildings containing nearly 500,000 square feet of space in the Educational Area." This section also states that "If all buildings within the Educational Area are used for classroom instruction, there will be insufficient parking space adjacent to each of the educational buildings to accommodate demand. Therefore, a parking structure in the Mixed Use Area may be shared with educational users. As such, care must be taken in design of vehicular circulation, pedestrian routes, cross walks, and signage to properly direct students, faculty and tenants."<sup>3</sup> There is no parking structure in the area.

Church records show that as of September, 2011 the total enrollment of the Rock Academy (grades K–12) was 426. The Church, however, averages 12,000 members in attendance each week. This large number of people and their vehicles entering Liberty Station each weekend to participate in Church activities has contributed to traffic and parking problems in the area. After The Rock Church began its operation, San Diego Police Department personnel evaluated the site and determined that Truxtun Road should be closed to vehicular traffic on Sundays due to the large volume of traffic and related safety issues.

The Conditional Use Permit Application states the application is for the "Rock Academy and Church" in that specific order. The Rock Academy and Church are located within the Precise Plan's educational zone which has specific governing policies for use. Based upon the current use by the Rock Academy and Church within the education zone, the Grand Jury has concluded that the San Diego City Development Services Department

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<sup>2</sup> NTC Precise Plan and Local Coastal Program, September 2001, II: Land Use, sec. D, Educational Area (Governing Policies)

<sup>3</sup> NTC Precise Plan and Local Coastal Program, September 2001, II: Land Use, sec. D Educational Area (Design Features)

may have issued the Permit for a use that is not consistent with the provisions of the Precise Plan and its governing policies.

## **FACTS AND FINDINGS**

**Fact:** Development of the Liberty Station area is subject to the NTC Precise Plan and Local Coastal Program approved by the California Coastal Commission.

**Fact:** The Precise Plan is specific concerning the use and development of the Educational Area at Liberty Station.

**Fact:** The San Diego City Development Services Department issued a Conditional Use Permit to the Rock Academy and Church.

**Fact:** The traffic congestion, street closure, parking problems, and other issues are caused by the large number of persons who enter the Liberty Station area each Sunday to participate in Church activities.

**Finding 01:** A church is not a compatible use within the Liberty Station Precise Plan educational area.

**Finding 02:** The City's issuance of a Conditional Use Permit to a church to operate in the educational area is not allowed by provisions of the Precise Plan.

**Finding 03:** Traffic congestion, parking problems, the need for a street closure, and other issues alleged in the original complaint are directly related to a church not being compatible for the Liberty Station area.

## **RECOMMENDATIONS**

**The 2011/2012 San Diego County Grand Jury recommends that the Mayor of the City of San Diego direct the Development Services Department to:**

**12-41: Suspend the current Conditional Use Permit for the Rock Academy and Church pending a review for compliance and compatibility with the NTC Precise Plan and Local Coastal Program report (September 2001) and determine the Church's appropriateness for that area.**

## **REQUIREMENTS AND INSTRUCTIONS**

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or

agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<b>Responding Agency</b>	<b>Recommendations</b>	<b>Date</b>
<b>Mayor, City of San Diego</b>	<b>12-41</b>	<b>8/22/12</b>

**Filed: May 24, 2012**