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# Dan Walters: San Diego case hits right note on redevelopment

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The timing could not have been more perfect – or more ironic.

As the Legislature mulls Gov. Jerry Brown's proposal to abolish local redevelopment activities, a San Diego judge has issued a denunciation of one redevelopment agency for running rough- shod over private property owners in its zeal to underwrite a big condominium.

National City, a suburb of San Diego, wanted to seize their property under eminent domain to facilitate construction of a 24-story condominium building. To make the seizure legal, the city declared the property to be blighted and needing to be cleared for new construction.

Taking property in that way was given broad clearance by the U.S. Supreme Court in its now-famous – or infamous – Kelo decision having to do with a similar case in Connecticut. But to exercise that power, National City still had to meet the state's requirement that it prove blight.

One property owner, the Community Youth Athletic Center, resisted and challenged the city's blight designation. The center, which gives boxing lessons to underprivileged youth, received support from groups opposed to the broad exercise of eminent domain. And San Diego Superior Court Judge Steven Denton sided with the gymnasium as well.

Last month, Denton issued a 50-page ruling that found National City's claim of blight to be bogus. "Because most or all of the conditions cited as showing dilapidation or deterioration are minor maintenance issues, the court cannot determine with reasonable certainty the existence or extent of buildings rendered unsafe to dilapidation or deterioration," he wrote.

Dana Berliner, a lawyer for the Virginia-based Institute for Justice, an anti-eminent domain organization that backed the Community Youth Athletic Center, put it this way: "Their blight designation was a total sham."

Denton's decision, if it survives, is important because it indirectly upholds state redevelopment reform laws that have tightened up the definition of "blight" and compelled local redevelopment agencies to prove its existence to continue their activities.

Redevelopment agencies have chafed at those reforms, fearing that they won't be able to comply as they seek to renew redevelopment projects facing expiration. And that's become

an issue in the legislative wrangle over Brown's proposal.

The governor wants the property tax money that redevelopment agencies skim off the top of the local tax pool. The redevelopment industry has offered, in effect, to give the state some money if the state will ease the blight requirements on project extensions. But Brown's not biting, at least so far.

The National City decision offers a cogent example of why redevelopment should either be abolished, as Brown proposes, or redirected toward cleaning up real blight, not the imaginary kind.

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