



Prop. debated

# Prop. 99 passage could affect future of Baldwin Park development

By Dan Abendschein, Staff Writer

Article Launched: 06/04/2008 11:11:39 PM PDT

## Election 2008



2008 Election Special Section



Blog: Election Countdown



Voters Guide to the June Election

- Presidential contenders

Californians easily passed an eminent domain ballot measure Tuesday that will protect some residential properties from being seized by the government.

Proposition 99's passage could affect the future

of a proposed multimillion-dollar project in Baldwin Park that could include a hotel, a 1,000-student charter school and luxury housing.

Marko Mlikotin, president of the California Alliance to Protect Private Property Rights, said that what happens with that project could determine how Proposition 99 is implemented.

"Right now Baldwin Park is ground zero for the state in determining what kind of protections Proposition 99 offers," said Mlikotin, adding that he was concerned that the city might find ways around the new law.

More than 200 businesses and homes would be forced to relocate for the 125-acre project along Maine Avenue and Ramona Boulevard.

Affected residents and homeowners had been hoping that voters would pass Proposition 98, which would have protected businesses, homes, farms and churches from seizures.

That ballot measure was voted down by a little more than 60 percent of voters, about the same amount who voted for Proposition 99.

The same groups that opposed Proposition 98 backed Proposition 99, which restricts protections just to homes that are not being rented out and also does not apply to people who have owned their home for less than a year.

Prop. 99 will not protect the businesses from being taken for the project, and opinions vary on what protection it gives homes.

Advertisement

# sgvtribune.com

SAN GABRIEL VALLEY

# (800) 788-1200

## Subscribe today!

[www.sgvtribune.com/subscribe](http://www.sgvtribune.com/subscribe)



Print Powered By FormatDynamics™



Mlikotin said his group hopes to close "loopholes" in the proposition through legislation.

A representative of the company behind the Baldwin Park project, Bisno Development Co., said he expected that the proposition would not change the project's scope.

"We're just glad that 98 was properly defeated," said John DeClercq, Bisno's Chief Operating Officer and Executive Vice President. "We'd anticipated that (Prop.) 99 would be successful and we expect the plan to go forward."

The text of Prop. 99 would seem to protect the homes: one of its amendments says that "local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person." It establishes that a development company would qualify as a private person.

However, one exception to the rule would be for a public-works project, like a school, which could be included in Baldwin Park's development.

The law also says that property can be taken for "public use," which in the past has been interpreted to mean economic redevelopment, according to a ballot analysis by the state's Legislative Analyst's Office.

Brandon Castillo, a campaign consultant for Proposition 99, said the measure ensures the safety of Baldwin Park homes.

"I would absolutely suggest that Baldwin Park residents use their new constitutional protections in court if the city does not follow the new rules," said Castillo.

James Treasure, the president of a coalition of business owners and residents who oppose the plan, said he is not reassured by the passage of Proposition 99.

"The struggle continues for us," said Treasure, a Baldwin Park business owner who supported Proposition 98. "But right now we expect the city to prevail."

Baldwin Park city officials said they were uncertain what Proposition 99 will mean for the project, though all were happy that Proposition 98 was defeated.

"The way Proposition 99 is presented it appears to protect the homeowners," said Mayor Manuel Lozano. "I'm just elated that 98 was defeated."

Lozano said the city would seek an opinion from its attorney on whether residences will be protected from eminent domain seizures.

Baldwin Park is not the only local city to have faced opposition for eminent domain seizures. Arcadia residents voted last year in a city ordinance, Measure B, to stop the city from seizing local businesses or homes for economic development.

Manny Romero, the owner of a bar and grill on Huntington Drive, was one of several business

Advertisement

**sgvtribune.com**  
SAN GABRIEL VALLEY

**(800) 788-1200**

**Subscribe today!**

[www.sgvtribune.com/subscribe](http://www.sgvtribune.com/subscribe)



Print Powered By FormatDynamics™



owners who balked at giving up his business for the expansion of a local auto dealer. He sponsored a more-extensive proposition, Measure A, that would have banned auto dealers from the block altogether.

Though Measure A failed, the publicity from the issue attracted enough attention to get Measure B passed, and Romero's business is now safe. He laments that Proposition 98 failed.

"I'm sad about the loss of Proposition 98, because what happened to me could happen to others," said Romero. "My business is safe but it was very hard... it cost me a lot of money, stress and time."

[dan.abendschein@sgvn.com](mailto:dan.abendschein@sgvn.com)

(626) 962-8811, Ext. 2105

Advertisement

# sgvtribune.com

SAN GABRIEL VALLEY

## (800) 788-1200

### Subscribe today!

[www.sgvtribune.com/subscribe](http://www.sgvtribune.com/subscribe)

Print Powered By FormatDynamics™