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Developer won't oust popular gym; he'll build project around it

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NATIONAL CITY – A developer proposing a block-long housing and retail project that includes a 24-story condominium tower has said he no longer wants to displace a popular National City athletic center. But that's not stopping the gym's lawyers from challenging the city's eminent domain authority.

Jim Beauchamp said this week that he would build around the Community Youth Athletic Center – a tutoring and mentoring program that trains young boxers – instead of continuing to try to buy its building.

The nonprofit center's board of directors, which has been fighting to either stay in its paid-for building or get a substantially higher offer from Beauchamp, reacted cautiously to the news.

“We have never seen this in writing,” board vice president Victor Nuñez said. “We do not know any details as to what exactly they mean by they're going to build around us.”

Beauchamp said he has tried to reach a deal with the center for three years.

“If they want to stay, we can design around them,” Beauchamp said Tuesday. “There's no sense in fighting; we have to move on. I've been more than willing to set up meetings and extend the olive branch for years.”

A similar situation played out in 2006 when a landowner up the street from the gym was on the brink of selling his corner property to an Australian development team. The owner, Daniel Ilko, eventually decided not to sell. The developer, Constellation Property Group, then decided to build around his property.

Earlier this month, the gym's plight reached a national platform after the center's high-profile lawyers, based in Virginia, sent news releases to hundreds of media organizations explaining their National City case.

The Institute for Justice was the law firm that represented homeowners in the *Kelo v. City of New London, Conn.*, eminent domain dispute in 2005. In that case, the U.S. Supreme Court ruled that governments could force private property owners to sell their land to spur economic development.

Some journalists and bloggers picked up the National City story, including *Sports Illustrated* and a syndicated Florida newspaper columnist.

For about 15 years, the gym's founders, Carlos Barragan Sr. and his son Carlos Jr., have been recruiting gang members and at-risk youths in National City. Hundreds of youths learned to box at the Barragans' center, which began in the elder Barragan's backyard.



The father and son instilled a sense of discipline in the boxers and mentored many who believed they were headed for prison or an early death.

Rick Reilly of *Sports Illustrated* wrote in his Aug. 13 column that “the city is threatening to seize their property through the right of eminent domain, which is bureaucratese for ‘we take your land and you watch.’ ”

To Mayor Ron Morrison, Reilly directed this comment: “And if you kick the Barragans out so some slick in Armani can buy a bigger yacht, I hope your car stereo gets jacked – weekly – by a kid who would've otherwise been lovingly coached on their jabs and their math and their lives.”

That's a hit below the belt, Morrison said, pointing out that so far the city has made good on its word not to use eminent domain to force the center to sell.

City officials have been working to relocate the center since 2005, which is more than its three neighbors got when the city began eminent domain proceedings against them in 2006. In the gym's case, city officials have considered it a valuable community resource worthy of relocation assistance.

“This is sleazy journalism,” Morrison said of Reilly's column. “For one thing, the gym isn't under eminent domain. They've never been threatened with eminent domain. We were working with them. We allowed them into that gym under the auspices that they would be leaving.”

That's where the case gets sticky.

When the gym first moved into the building in 2002, Morrison said the Barragans knew the building was in a redevelopment area slated for revitalization in a few years.

Youth center board members say that's not true. However, in 2005, Carlos Barragan Jr. said in an interview that he knew the building was in a redevelopment area. When asked again last month, he said he did not know.

Regardless, this case is about more than Beauchamp's development, said Jeff Rowes, an attorney for the Institute for Justice.

“If Mr. Beauchamp has indeed had a change of heart, that's great. We welcome that,” Rowes said. “But that doesn't change what the gym needs to do, which is challenge the blight designation now.”

To be seized through eminent domain, property must be considered blighted, described by state law as property that is not economically viable and is physically deteriorating.

The Institute for Justice contends that National City's method of designating blight was perfunctory and lacking detail. Its attorneys intend to file a lawsuit challenging the blight study, which they criticized last month when the city extended its eminent domain authority an additional 10 years.

“It's important to emphasize that this story isn't just about Jim Beauchamp,” Rowes said. “It's about eminent domain abuse, and that hasn't changed.”

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