Homeowners are outraged by threat of demolition

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The debate over the government's right to take private property prompted by a recent U.S. Supreme Court ruling hovers at the very doorstep of Jody Carey and Dennis Wood, who live in a 1,000-square-foot house at the edge of a canyon in City Heights.

No sooner did they buy the property for $260,000 last year and spend $200,000 rebuilding it -- complete with a built-in beer keg tap in the kitchen, two limestone-trimmed spa bathtubs and maple floors throughout -- than they received a notice from a little-known agency that their home and 187 others nearby might be demolished.

"It doesn't sound right," Carey said. "We bought and fixed it up and they're talking about taking it away. It's not the American way."

Carey's ire was raised even more last week when he read that legislators in Sacramento, including Sen. Christine Kehoe, D-San Diego, are trying to rein in eminent domain in the wake of the Supreme Court's June 23 decision allowing governments to take private property for private redevelopment. In California, such condemnation is permitted if blight is declared.

Kehoe introduced Senate Bill 53, aimed at protecting homeowner rights, but Carey said her bill would not help him.

He blamed Kehoe for a bill she spearheaded in 2002 that expanded eminent domain powers to an unelected agency planning a redevelopment project in City Heights. If it moves forward, Carey and others could face the loss of their homes without recourse to the San Diego City Council or other elected officials.

"I'm a lifelong Democrat," he said. "I'm gay; she's one of five gay members of the Legislature. "I love her. Up until this day, I supported everything she's done."

Now, Carey is supporting a state constitutional amendment, SCA 15, authored by a Republican, Sen. Tom McClintock, R-Northridge, to bar government agencies from taking private property unless it is for a public purpose. Supporters are hoping to place it on the June ballot.

Kehoe said her 2002 bill was intended to help revitalize a section of City Heights, not to reduce the property rights of affected homeowners.

"Things have been delayed to a substantial amount," she said. "It proves my point that the uncertainty of redevelopment plans needs to be kind of tightened up."
At the center of the growing controversy is the San Diego Model School Development Agency, created to guide revitalization around a new school planned in City Heights.

The school is Florence Griffith-Joyner Elementary, a $47.5 million project for 700 students due for completion in fall 2006. Construction began last month at the site west of Fairmount Avenue at Myrtle Avenue.

What is unnerving City Heights residents are plans to build replacement housing for the 120 homes that were demolished to make way for the school. The agency proposes to take 188 more homes on 30 acres and then build up to 509 apartments, condominiums and townhomes.

Not only do the affected residents complain that they have not been kept informed, but they also argue that residents in the affected area are upgrading their homes.

Archison Lazarus, 32, who immigrated from South Africa 10 years ago with $20 in his pocket and a Red Cross blanket on his back, said he has spent upward of $20,000 on the home he bought for $334,000 in 2003 without realizing he might face condemnation.

"We do have to preserve our houses -- that's the main goal," Lazarus said.

Nearby are three single-family homes built by Habitat for Humanity last year that also face demolition.

Cheryl Keenan, executive director of the faith-based housing agency, said she would help the Habitat buyers relocate but would not have halted the project even if she had known about the redevelopment plans.

"I'd love to see redevelopment," Keenan said. "That's how cities grow and get better."

Echoing her thoughts was former San Diego City Manager Jack McGrory, one of the three school district appointees to the model-school board. McGrory cautioned against doing away with the power of eminent domain.

"If all the public agencies say they're not going to do condemnation, that's virtually the end of urban redevelopment," McGrory said. "The comeback of American cities was largely the result of redevelopment efforts of the last 20 to 30 years that allowed blighted properties to be condemned and replaced with significantly enhanced properties that really revitalized the urban core."

While they await further action, the homeowners' ability to sell their homes has been hurt by the threat of demolition.

Linda Chase, the real estate agent who helped Carey, Wood and Lazarus buy their homes, said she is now steering clients away from the area.
"I wouldn't sell to anyone if I know eminent domain is in the path," Chase said. "I'd recommend going somewhere else."

The warning may last a long time. The latest schedule calls for new housing to open no earlier than 2009 and the cost, from $135 million to $250 million, is hampered by limited funding and rising real estate values. Environmental analysis is taking longer than anticipated.

The consulting project manager, Greg Shannon, recently announced his resignation; a search for a master developer was suspended; and former San Diego Councilman William Jones, who submitted one of three development proposals as head of City Link Investments, was brought on to rethink the feasibility of the project.

Jay Powell, executive director of the nonprofit City Heights Community Development Corp., has been following the rebuilding proposal closely and had hoped his agency would get the go-ahead to develop the block immediately east of the school site.

"Especially in the last six or seven months, the process has just come down to a crawl," Powell said.

Jones has met with residents over the past few weeks and tentatively decided to recommend excluding several properties from the plan, including those of Lazarus and Carey and Wood. A presentation on the proposed revisions is expected next month.

Carey said he is not backing down from fighting the proposed demolition just because his house no longer may be affected.

"What kind of person would I be if it doesn't affect me and I shut up now?" he said. "I wouldn't be a good person or neighbor if I allowed my neighbors, who don't speak English and don't understand their rights, to be taken advantage of."

Sal Salas, chairman of the model-school agency board and the San Diego Housing Commission, said the plan may have to be scaled back.

As for the question of eminent domain, Salas acknowledged that his unelected board has the power to condemn private property and owners have no right of appeal to the City Council or school board.

"Are we cavalier about that? Absolutely not," he said. "I'm not that way. . . . You have the legal right (to condemn) and then there's the reality."

Deputy Mayor Toni Atkins, who represents the area, said she has growing concerns about the project and may reassess her support after an upcoming briefing. Atkins also may ask the City Council or one of its committees to take a fresh look.
"Now that we have all these discussions about eminent domain and the Supreme Court ruling, we can't create new situations (of unfair condemnation)," she said. "That wasn't the original intent of why this was set up."

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Caption: 2 PICS 1 MAP
1. City Heights resident Jody Carey, who stood in front of three houses built by Habitat for Humanity last year that face demolition, said he could lose his home without recourse to the City Council. 2. Dennis Wood (left) and Jody Carey, who bought a home in City Heights last year and spent $200,000 rebuilding it, received a notice from the San Diego Model School Development Agency that said their home might need to be demolished. 3. Homes facing demolition 1,2. David Brooks / Union-Tribune 3.


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