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Shipyard group sued over referendum

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After spending at least \$156,600 on a two-part petition drive to overturn the recently enacted Barrio Logan Community Plan, San Diego shipyards face a new challenge: a lawsuit saying that the petitions and the signature-gatherers aren't telling the truth to potential signers.

Among other things, the suit — filed by the Environmental Health Coalition — charges that petition campaigners are falsely telling voters that the community plan would replace the shipyards with condominiums and that the Navy has said it would leave town if the plan is enacted.

In contrast, the community plan would not allow residences near the area already set aside by the shipyards. And the Navy has assured the City Council that it is neutral about the community plan.

Derry Pence, president of the Port of San Diego Ship Repair Association, one of the sponsors of the referendum, calls the suit "frivolous" and adds that before the signature-gathering began, the collectors were handed fact sheets and were warned against "any behavior that does not involve communicating the true facts" about the community plan.

Pence accused City Councilman David Alvarez, the author of the plan, who is running for mayor, of working with the coalition to "silence the will of the voters."

But the coalition says the petition campaign has violated the California Election Code by giving false information to potential signers.

The referendum campaign was touched off when the City Council enacted a community plan for Barrio Logan to establish a five-block commercial buffer zone between residential areas and the industrial zone of the ports. The 5-4 majority that backed the plan said it was designed to maintain the current industrial space and prevent encroachments by homes, while protecting residents from industrial pollutants.

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But the shipyard owners complained the plan would require costly new licenses for their suppliers in the commercial zone and would enact other restrictions that would force them to leave the area, which would hamper the shipyards' ability to do business, which would in turn lead the Navy to look elsewhere for repairs.

"The plan eliminates a substantial amount of industrial land and converts the blocks closest to the shipyards to neighborhood and commercial uses designed to increase residential development," reads the petition in favor of the referendum.

The lawsuit calls that charge untrue, since the community plan would ban residential development from the blocks closest to the shipyards.

To distribute the petition, the shipyards hired a small army of signature gatherers through National Petition Management in Roseville, which has conducted petition drives throughout the country.

"Our staff has attained a near-perfect track record in the worst of conditions and shortest time frames on a wide range of issues," the firm's website says.

But the suit — as well as recent news reports — alleges that the signature gatherers have been misleading voters.

Scott Lewis, CEO of Voice of San Diego, has posted a video of his confrontation with a signature gatherer who had been telling signers that the Navy would leave if the community plan were enacted.

When Lewis said that was untrue, the gatherer said, "They are (going to leave). Who told you they're not?"

"The Navy went to the City Council...."

"... and said they would leave," the gatherer interrupted.

"...and said they were neutral on the issue," Lewis said.

"That's not true."

The referendum has become a focal point in the current mayoral campaign, with Alvarez defending his plan, Kevin Faulconer supporting the shipyards and Nathan Fletcher criticizing both for failing to lead the City Council to devise a better plan.

As recently as Wednesday, Faulconer took time off from the mayoral campaign to gather signatures for the petitions at the Albertson's store in Allied Gardens. Faulconer said the petition gatherers were getting out the right message — that

jobs could be lost if the plan were enacted.

But KPBS Radio taped petition gatherers at the Albertson's site as saying the backers of the community plan "want to build condos and force out the shipyards," which is not what the plan says.

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