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# Barrio referendum challenged

## Environmental Health Coalition claims plan opponents 'lied'

By [Roger Showley \(/staff/roger-showley/\)](#) 2:21 P.M. NOV. 14, 2013 [PRINT](#)  
2013 Updated 3:51 P.M.

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Diane Takvorian and supporters announce lawsuit to stop Barrio Logan plan referendum. - Roger Showley

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Barrio Logan community plan supporters struck back against shipyard interests Thursday.

Led by the Environmental Health Coalition (<http://www.environmentalhealth.org/index.php/en/>), they took the city to court to stop a shipyard referendum, filed against the plan that the City Council adopted Sept. 17.



1 COMMENTS

The plan affects 500 acres of the 1,000-acre neighborhood, half of which is controlled by the Navy and the San Diego Unified Port District. The roughly 4,300 residents, mostly Hispanic, have complained for decades about unhealthy conditions around homes near the shipyards and supplier companies.

"That plan was adopted by the City Council and voted on twice, and the people participated in a community planning process that lasted for five years and 50 meetings," coalition executive director Diane

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Takvorian said. "They played by the rules and now the ship repair association can't get the voters of San Diego to sign their petitions by telling the truth, so they're lying to them."

The suit, filed Monday but only revealed Thursday, charges that the **Port of San Diego Ship Repair Association's**



<p>Document</p>  <p><a href="http://documents.2013.nov/shipyards/reply/">//documents/2013/nov/shipyards/reply/</a></p> <p><b>Shipyards' reply</b></p> <p><a href="http://documents.2013.nov/14/shipyards/reply/">//documents/2013/nov/14/shipyards/reply/</a></p> <p>DOWNLOAD .DOCX</p> <p>(<a href="http://media.utsandiego.com">HTTP://MEDIA.UTSANDIEGO.COM</a>)</p>	<p>Document</p>  <p><a href="http://documents.2013.nov/logan-lawsuit/">//documents/2013/nov/logan-lawsuit/</a></p> <p><b>Barrio Logan lawsuit</b></p> <p><a href="http://documents.2013.nov/14/barrio-logan-lawsuit/">//documents/2013/nov/14/barrio-logan-lawsuit/</a></p> <p>DOWNLOAD .PDF</p> <p>(<a href="http://media.utsandiego.com">HTTP://MEDIA.UTSANDIEGO.COM</a>)</p>
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(<http://sandiegoshiprepair.com/>) referendum statement misstates the facts on the community plan and that petition circulators stretched the truth about the plan's implications.

Livia Borak, attorney at the Coast Law Group, said such actions violate the state election code and if a judge agrees, the referendum would be nullified and could not be revived. A second referendum by the shipyards is under way to overturn the implementing ordinances that control the zoning and building standards.

Derry Pence, president of the ship repair association, called the lawsuit "frivolous" and "nothing more than a veiled attempt ... to silence the will of the voters."

"More than 80,000 registered voters have signed petitions in less than 45 days to overturn this flawed plan, because it represents a dangerous first step toward the elimination of the shipyards," he said in a statement issued by the shipyards' Protect Our Jobs Coalition.

Gina Coburn, spokeswoman for City Attorney Jan Goldsmith who would have to defend the city in the referendum challenge, said, "The right to referendum is a constitutional right in California and a right embedded in our city charter. The city will follow the law and stay out of the politics."

The shipyards turned in about 53,000 signatures, 20,000 more than required, and the city clerk has asked the county registrar of voters to verify them. If the petitions are valid, the council would have to rescind the plan or put it on the June 2014 city ballot. The second referendum has been signed by more than 25,000 voters so far, a spokesman said.

Borak's lawsuit seeks a temporary restraining order to stop the verification process and a writ of mandate against the city to stop the referendum from going forward. She said similar legal actions have been taken elsewhere, such as a referendum against a proposed San Francisco 49ers stadium in 1999.

The lawsuit says the shipyards incorrectly claim that property nearest the industrial area will "increase residential development." A shipyard spokesman declined to respond to the lawsuit point by point.

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