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Wednesday, Nov 27, 2013

The shipyard is falling!

Kevin Faulconer stands by legally challenged signature drive

By [Joshua Emerson Smith](#)


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A signature gatherer outside of Trader Joe's in Hilcrest displays a sign falsely stating that a referendum would prevent "re-zoning the shipyard."

- Photo courtesy of Coast Law Group

On his way to pick up some groceries at Trader Joe's in Hillcrest a few weeks ago, David Lundin overheard several people talking about a plan to build condominiums on San Diego's shipyard while they were gathering signatures for a petition. One of the signature gatherers said the petition would stop the development, save more than 40,000 jobs and keep the Navy from leaving.

Believing the facts to be grossly inaccurate, Lundin asked the man where he got his information, but the signature gatherer refused to answer. A woman also collecting signatures said the petition was for a referendum to prevent the city from closing a Navy repair facility and to save jobs, but she would not elaborate.

Stories of conniving signature gatherers have lately not been hard to come by. Besides numerous accounts in the media, Lundin's story is one of more than 40 signed declarations collected in two weeks by the Coast Law Group for a lawsuit on behalf of the Environmental Health Coalition. The sworn testimonies represent incidents at more than a dozen locations.

The lawsuit contends that signature gatherers tricked numerous residents into signing a referendum petition by claiming that the recently approved update of the Barrio Logan Community Plan would cause the shipyard to close and be built over with condominiums, push out the Navy and result in the loss of 46,000 jobs.

"I don't think there's ever been a case of voter fraud in California quite this bad, in particular where we have evidence of it," said Livia Borak, the attorney handling the case. "This isn't one or two signature gatherers. This is ubiquitous."

Mayoral candidate and San Diego City Councilmember Kevin Faulconer, who's collected at least \$36,650 in campaign contributions from the shipping industry and related interests since September, has embraced the referendum and even helped collect signatures for it as part of his quest to become mayor. He declined multiple requests for an interview regarding the false claims being made by signature gatherers, but, in an email statement, he stood by the referendum campaign despite the allegations of fraud.

"I've been upfront with San Diegans about the great uncertainty this plan poses for the shipyard suppliers that contribute to the employment of thousands of San Diegans, and I encourage everyone talking about this issue to do the same," he wrote. "I'm hopeful the court will not stand in the way of San Diegans voting on this plan if the City Council does not rescind it."

The Environmental Health Coalition (EHC), a nonprofit organization that has over the years focused much of its work on Barrio Logan, filed the lawsuit earlier this month, asking a San Diego Superior Court judge to throw out the referendum due to election-code violations. If the court disagrees and allows the process to continue, the City Council must decide whether to nix the community-plan update or send it to the voters.

It's not clear what signature gatherers have been instructed to say, but Chris Wahl, spokesman for the referendum campaign, said the claims aren't lies at all.

"EHC says so because they are taking the literal interpretation of direct jobs at the shipyards," he said. "Our interpretation is that virtually all maritime jobs in [San Diego] are tied to the Navy, and this flawed plan directly threatens the naval presence in the region."

Lawyers for EHC said that the claims constitute deception because signature gatherers expressed their opinions as fact. The plan, they argue, cannot directly affect the shipyard because it's located on port tidelands, which are regulated by the state, not the city. At the same time, the Navy has publicly taken a neutral stance on the community-plan update, and the city estimates that the area could see an increase of about 4,800 jobs.

The Faulconer campaign maintains that the plan could eliminate "thousands of jobs" but recently abandoned a claim that it threatens 46,000 jobs—a number that includes all maritime-related industries, such as marine recreation, biomedicine, fishing, weather science, even some jobs at waterfront hotels and restaurants.

"The 46,000 figure was an initial figure," said Tony Manolatos last week before leaving his position as Faulconer's campaign spokesman. "We since have revised. It's not accurate."

Manolatos expressed skepticism about widespread lying by signature gatherers but agreed that several specific statements were inaccurate. "I don't think the Navy's going to pull out of San Diego. I don't think the port's going anywhere."

However, Wahl said the community-plan update allows residential development that will eventually push the shipping industry out completely.



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"Whether that housing is one, two or three blocks away, once the housing is there, there's no turning back," he said. "You can build housing anywhere in the city. You can't put the shipyards anywhere."

Located adjacent to the neighborhood of Barrio Logan, San Diego's shipyard employs roughly 7,000 workers. There are also a handful of maritime-related businesses located between the working waterfront and the neighborhood's roughly 4,300 residents.

Everyone agrees the situation is less than ideal.

The three shipping giants that control the waterfront—General Dynamics NASSCO, BAE Systems and Continental Maritime of San Diego—raised concerns that as the neighborhood grows, homeowners and renters will increasingly complain about noise and pollution, pressuring industry to scale back.

At the same time, residents already complain about their proximity to pollution. Circumscribed by the maritime industry to the west and Interstate 5 to the east, Barrio Logan's children are hospitalized for asthma at 2.5 times the county average.

To address the issue, San Diego City Councilmember David Alvarez, who is also running for mayor, brokered a deal between the shipping industry and the residents of Barrio Logan.

In the end, the City Council approved the plan with a "transition zone," located along Harbor Drive and Main Street between Sigsbee and 28th streets, to separate residential and industrial with commercial uses.

The industry lobbied hard to prohibit any residential from being allowed in the zone, and, after negotiations, Alvarez agreed.

"I've acknowledged that that was a legitimate concern with the previous versions that were out there," he said. "Look, we want to defend the working waterfront, and you don't want to lose those jobs."

To protect the neighborhood from potential sources of pollution, Alvarez also included a provision requiring new industrial businesses to go through a rigorous permitting process before locating in the transition zone. The plan grandfathers in the fewer than a dozen maritime-related businesses already located in the transition zone, allowing them to expand by 20 percent or less without a new permit.

However, the shipping industry took offense to the requirement and launched the referendum campaign, citing concerns about residential encroachment.

"I think it comes down to a group of individuals who are so entrenched in wanting to win, and have spent so much money trying to win, that if they do not win, they lose credibility," Alvarez said. "This is not about winning. That's why there was a compromise."

The referendum campaign is expected within the next week to turn in the necessary number of signatures to force a vote on the issue. If the City Council overturns the plan, it cannot be re-approved for at least a year, unless substantial changes are made.

Kelly Davis contributed research to this story.

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Scott Sandel · Landscape Architect at Now ell & Associates
Misinformation is bad. The revised community plan should move forward!
Reply · 3 · Like · November 27 at 6:37pm



Pat McArron · Top Commenter · Grossmont College
The referendum process in California is fraught with problems. I stopped signing referendums and petitions on the street - for one simple reason I do not trust the signature gatherers.
Reply · 2 · Like · November 27 at 2:20pm



Gordon Wagner · Top Commenter · Works at Being Less Abrasive
I've never seen so many signature gatherers for anything, ever, before this. Sh*tloads of corporate money, is what it seems like...
Reply · 2 · Like · November 27 at 7:46pm



Victor Roman · Top Commenter · low a State
They did this with the Wal-Mart ordinance. A signature gatherer told me the petition was in favor of "increased consumer choice" and when I asked him if it was the Wal-Mart petition and he responded yes, I replied "I do not support Wal-Mart's petition on this issue." He then replied that the petition was "against" Wal-Mart and in favor of consumers. I asked to see the petition, read it and sure enough it was the petition to repeal of the ordinance which required an EIR for large shopping buildings (like Wal-Mart Supercenters).

There's no accountability with these signature gatherers and the companies that pay them.
Reply · 1 · Like · November 27 at 11:52pm



Nathan Arnold · Outelligence Officer at Activist Marijuana Legalization
Check out the petition to legalize marijuana in California.
The California Cannabis Hemp Initiative is available for the public to sign, today.

Allow sales to adults 21+ following the Beer & Wine Model of the State as a means of regulating and taxing recreational use.
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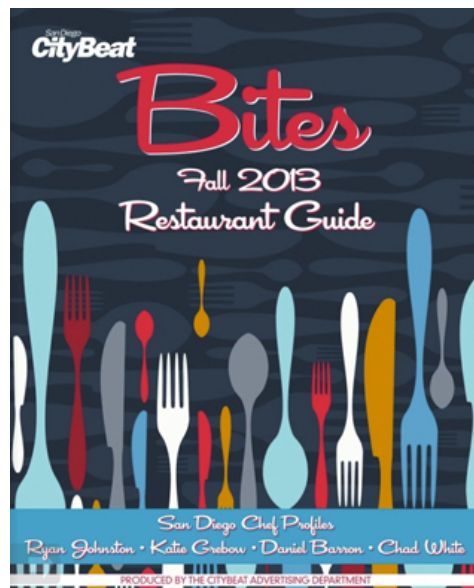
Bill Ray Drums · Top Commenter · San Diego, California · 192 subscribers
I don't sign anything. Ever.
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Lauri Kaunitz-Kaunitz · Waterford Township High School, Waterford, MI
TOTAL BULLSHIT! THERE IS NOTHING I HATE MORE THAN A LIAR!
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