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Judge allows Barrio Logan zoning referendum to remain on June ballot

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SAN DIEGO (CNS) - A community group Friday lost its bid to get a referendum on an updated zoning plan in Barrio Logan removed from the June 3 ballot.

The Environmental Health Coalition showed that one of three arguments made to prospective petition signers by the zoning plan's opponents was misleading, but it was not enough to keep voters from weighing in on the issue, Superior Court Judge Randa Trapp ruled following oral arguments.

The judge said she legally had "very limited power" to remove a ballot item.

Maritime industry executives who oppose the zoning plan update -- the first for Barrio Logan in 35 years -- collected enough petition signatures to force the City Council to place the issue on the ballot. But the Environmental Health Coalition, which played a key role in developing the plan, filed a lawsuit aimed at preventing the public vote.

The new zoning plan, which is on hold pending the electoral outcome, seeks to separate industrial and residential land uses that are intermingled in the economically disadvantaged neighborhood south of downtown San Diego.

Supporters, which include the coalition, call the zoning update a "compromise" that would reduce pollution for residents. But maritime industry executives fear a buffer zone created to enable the separation will eventually drive suppliers out of the area, raising costs.

The judge agreed with EHC attorney Marco Gonzalez that petition signature-gatherers misled prospective signers by claiming the new zoning regulations would lead to 46,000 job losses and \$14 billion in lost revenues. But she said he failed to meet his burden regarding other claims made by the signature-gatherers -- that the Navy could eventually leave San Diego and that

residential development could encroach on industrial areas.

Gonzalez said their "fundamentally flawed" statements presented a "misleading image" of the impact of the new regulations.

Brad Hertz, an attorney for the San Diego Ship Repair Association -- which sponsored the petition drive -- said the statements were the "subjective view" of the plan's opponents, who fear a domino effect that would hurt an industry critical to the region's economy.

"Democracy is the remedy," Hertz told the judge. "We have two months in which the Environmental Health Coalition can raise any issue they want to."

After the hearing, Gonzalez said the coalition will campaign against the referendum and let voters know that the industry claims were found to be misleading. He also said the coalition would consider its appellate options.