

RESOLUTION NUMBER R- 305861

DATE OF FINAL PASSAGE JUN 09 2010

WHEREAS, the Port of San Diego (Port) has two marine terminals: the 10th Avenue Marine Terminal, which consists of 96 acres adjacent to the Barrio Logan area of San Diego; and the National City Marine Terminal, which consists of 125 acres; and

WHEREAS, the City of San Diego (City) historically has supported Port maritime activities; and

WHEREAS, for years the City has sought to achieve a “win-win-win” solution – for the City, the Port, and the region – to the inequities arising from the region’s use of the City’s bayfront for the 10th Avenue Marine Terminal; and

WHEREAS, negative impacts to the City resulting from maritime activities on the City’s bayfront include lack of parking; increased truck and rail traffic, resulting in increased wear and tear to infrastructure, especially streets, maintained by the City; an increase in negative air impacts due to increased diesel emissions from ships, trains, and trucks; increased large truck traffic, creating safety concerns about the mingling of local and regional traffic, as well as the mingling of truck traffic and pedestrian traffic; and

WHEREAS, other impacts to the City resulting from these maritime activities are the loss of recreational and public access to the bayfront in this area; the loss of bayfront lands on which to develop tourist and commercial uses to provide a more aesthetically pleasing community; and the loss of potential revenues such as sales, property, and transient occupancy taxes; and

WHEREAS, other impacts to the City from these maritime activities include increased noise and visual blight; a prohibition against waterfront development of housing and commercial uses; and the area’s (92113 zip code) designation as an Environmental Justice Community by the

U.S. Environmental Protection Agency, San Diego County Air Pollution Control District, and SANDAG; and

WHEREAS, Port capital spending targeted to terminal projects in the City has not created the quality of life improvements or municipal revenues experienced by other member cities; and

WHEREAS, there is an increased need for the City to have personnel, equipment, and specialized training to respond to potential emergencies and disasters due to the presence of the marine terminals and heavy industry; and

WHEREAS, the common law Public Trust Doctrine requires that Port lands and funds be used in the best interests of the people of the State; and

WHEREAS, the State Lands Commission has recognized that Port funds may be expended, consistent with the Public Trust Doctrine, to mitigate various impacts resulting from Port maritime activities; and

WHEREAS, California State Senator Denise Ducheny has introduced Senate Bill 1039 (SB 1039) to provide that, in implementing the Port Master Plan, the Port consider the inclusion of cooperative infrastructure and capital projects that directly address maritime impacts in the cities that host maritime industrial activities, and that are consistent with the Public Trust Doctrine; and

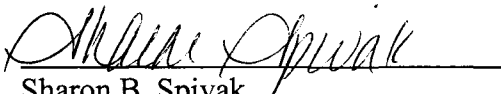
WHEREAS, SB 1039 would apply to the five-member Port of San Diego and would clarify the San Diego Port Act regarding the use of Port funds to mitigate the impacts of maritime activities upon the cities that host those activities; and

WHEREAS, goals of SB 1039 are to protect the 10th Avenue Marine Terminal by providing an incentive to the City to support a maritime bayfront, and to provide resources to the City to support and enhance the Terminal and maritime uses; to maintain consistency with the

Port's strategic objectives to promote maritime industries to stimulate regional economic vitality; to enhance and sustain a dynamic and diverse waterfront; to protect and improve environmental conditions of San Diego Bay and the Tidelands; and to ensure a safe and secure environment for people, property, and cargo; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego hereby supports the passage of California State Senate Bill 1039, sponsored by Senator Denise Ducheny.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
05/13/2010
Or.Dept: Council President Hueso

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 18 2010

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6.9.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor