

Portside Project & Lease Expectations
Prepared by AB 617 Portside Community Steering Committee
Subcommittee on CERP Implementation & Funding

Background

The Portside Community Steering Committee (CSC) is committed to improving the air quality in the communities of Barrio Logan, Logan Heights, Sherman Heights, and West National City. The Portside neighborhoods are designated as some of California’s most pollution-burdened neighborhoods. The Portside CSC is concerned that projects in the Portside communities and prospective lease agreements at the Port of San Diego can put at risk gains made in advancing the Community Emissions Reduction Program (CERP) and Maritime Clean Air Strategy (MCAS). This is a CERP and MCAS affirming document. Like the CERP and MCAS, this document is not a regulatory document, but a set of community expectations for project and lease agreements in the Portside communities and the governing bodies that approve them. ***This document can be used by project or lease proponents, public agency staff, and the CSC to improve transparency and better understand the scope and potential impacts of projects or lease agreements. At its core it is a tool to support transparency and communication.***

The purpose of this document is to ensure that waterfront activities do not worsen the impacts on already-burdened communities, but rather contribute to the improvement of air quality and quality of life of residents and workers in the Portside Communities. This document also acknowledges the economic growth that entities such as the Port of San Diego bring to the community, and it provides expectations for how the community’s workforce should also benefit directly from that economic growth and employment opportunities. Additionally, this document can be used by the CSC to determine support for Port leases or projects in the Portside communities. Lastly, the expectations outlined can provide guidance to the Port of San Diego, the City of San Diego, and City of National City, as part of the discretionary process for project and lease review. The following expectations are outlined in this document: ***community outreach and engagement process; portside project and port lease emissions reduction; employer and workplace; and community benefits.***

Community Outreach & Engagement Expectations

Although the CERP makes clear that outreach and engagement are deep values of the CSC, the document primarily focuses on actions for SDAPCD to implement.¹ However, in recent years of CERP implementation, the community has shared a desire for community outreach and engagement related to proposed projects and leases in the Portside area to be more meaningful and accessible, and occur early and often. In the spirit of valuing community outreach and engagement, the following expectations have been developed to assure transparency of potential impacts of proposed lease or projects in the Portside area. The City of San Diego’s draft EJ element (page EJ-22, Section A, Inclusive Public Engagement in City Decisions) reinforces the benefits of these outreach and engagement expectation in the statement: “Ensuring access to information and opportunities to provide feedback that will be considered as part of the planning process can establish trust between the City and community members.”

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
The City, Port and/or project lead/lease applicant informs the community of project or lease proposals through presentations at the Portside CSC, BLCPG, or National City Planning Group prior to the Preliminary Project Review Meeting at the Port or comparable first stage at the City of San Diego and National City. The presentations to Portside CSC members highlight project/lease features and what is known regarding air quality/ health risk impacts of the proposed project and/or lease agreement. The presentation must also highlight, with best available information, how the project/lease is				

¹ Action A2 of the CERP required that the San Diego Air Pollution Control District develop and implement a Public Participation Plan to enhance the effectiveness of its public outreach and engagement activities in disadvantaged communities and other communities throughout the region.

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consistent with the implementation of both CERP and MCAS goals and objectives. During said meeting, the residents are allowed to voice concerns and possible amendments to the project/lease.				
At least 30 days before the Port Board/City Council approval or denial of projects or leases, the agency must present again to AB 617 committee and local planning groups (BLCPG, National City Planning Group). This presentation must highlight how the project/lease supports CERP and MCAS goals, actions, and corresponding CSC expectations. Additionally, the presentation must highlight modifications that may have been made to the project or lease language from the original proposal that will further the CERP and MCAS goals. If no changes are made, the lead agency must explain justifications as to why resident recommendations were (or were not) implemented in the final project design and or lease language.				

Portside Project & Port Lease Emissions Reduction Expectations

Any private or public project and elements in lease agreements must not hinder but contribute toward the successful implementation of CERP and MCAS goals, strategies, and timeline for transitioning to cleaner equipment and technologies. All of the expectations outlined in the “Portside Project and Port Lease Emissions Reduction Expectations” section can help contribute to the advancement of CERP and MCAS goals and strategies. Some of these expectations are directly from the “strategies and course of actions” listed in the CERP and other expectations listed provide more details about opportunities that can be pursued to support and advance CERP goals and actions. ***Expectations that are directly listed in the CERP’s “strategies and course of actions” are shown in italics and bold in the tables below.*** Each section is divided by type of emission source (i.e., harbor craft, trucks, cargo handling equipment, etc.) and includes specific CERP and MCAS goals, strategies, actions that are applicable to reducing emissions from that particular source. The CERP goals and actions supported by these expectation include the following:

- GOAL 1. By 2031, reduce Diesel PM from 2018 levels by 80% in ambient air at all Portside Community locations.
- GOAL 8. By 2026, reduce cancer risk below 10/million for each permitted stationary source, including portable equipment, in the Portside Environmental Justice Community.
- Action G7: Promote adoption of ZE technologies by Port tenants, truckers, and other users of equipment.

Harbor Craft & Ocean Going Vessels

CERP

- Action G2: Reduce Emissions from Ships at Berth.
- Action G3: Reduce emissions from harbor craft.
- Action G4: Reduce DPM and NOx emissions from portable air compressors and other diesel sources at shipyards.

MCAS

- Goal for Harbor Craft: Tugboat related Diesel Particulate Matter (DPM) emissions identified in the Port’s Emissions Inventory (2019) will be reduced by half by 2030 by transitioning to ZE/near-zero emission (NZE) technologies and/or other lower-emitting engines or alternative fuels.

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- Goal for Ocean-going Vessels: Equip marine terminals with shore power and/or an alternative technology to reduce ocean-going vessel emissions for ships that call to the Port.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
<i>Emission reductions from ship hoteling or innovative concepts.</i>				
<i>Utilizes existing ship-to-shore power infrastructure to shut down main and auxiliary engines.</i>				
<i>Operating all in-ported ships on ship-to-shore power and shutting down their main and auxiliary diesel-fired engines.</i>				
<i>All new excursion vessels' transition to zero emission capable hybrid technologies by January 1, 2025</i>				
<i>Existing fuel docks with the transition to renewable diesel.</i>				
<i>Short-run ferry-operators' transition to ZE technologies for all their new and in-use short run (<3 nm) ferries by January 1, 2026.</i>				
<i>Shipyards require portable air compressors on site to be powered by ZE technology or Tier 4 engines.</i>				
<i>Shipyards will continue ongoing actions to reduce emissions from on and off-road diesel equipment. Actions to reduce emissions may include retirements, replacements (to cleaner fuel or higher engine tier), exhaust retrofits, or electrification.</i>				

Heavy-Duty Trucks

The following expectations are in alignment with and would support the advancement of the following CERP Goals, Actions, and MCAS Goals.

CERP

- GOAL 2. Medium-Duty and Heavy-Duty trucks servicing Portside Community to be 100% ZEV 5 years ahead of the California state requirements.
- GOAL3. Establish ZEV HD/MD truck charging infrastructure in Portside, by specified dates in Action E1, with 4 sites operational by 2026.
- GOAL 4. Reduce emissions from HD/MD trucks servicing indirect sources by 100% 5 years in advance of regulatory requirements.

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- Action E1: Advance the deployment of heavy-duty on-road electric trucks to demonstrate operational feasibility and reduce emissions within the Portside Community and other disadvantaged communities.
- Action E4: Increase the number of truck parking and staging facilities with electric charging capabilities to address regional parking needs and alleviate the truck parking burdens within the Portside Community.

MCAS

- Goal for Trucks: In advance of the State’s goals identified in EO No. N-79-20, attain 100% ZE truck trips by 2030 for all trucks that call to the Port’s two marine cargo terminals.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
Port tenant or project proposal commits to the use of zero-emission heavy-duty trucks in their operation.				
Project commitments or lease contractual language requires that transportation services contracted are zero-emission.				
Tenant lease agreements and/or projects exclusively use zero-emission light and medium-duty trucks.				
<i>Installation of charging facilities to support deployment of on-road electric trucks.</i>				
<i>Implementation a community (Off Port) Operators Mitigation Strategy to coordinate with other operators for their transition to Zero Emission Vehicles (ZEV), infrastructure, truck routes and truck operations.</i>				
<i>The project or lease agreement increases the number of truck parking facilities and/or electric charging facilities.</i>				

Cargo Handling Equipment

The following expectations are in alignment with and would support the advancement of the following CERP Goals, Actions, and MCAS Goals.

CERP

- Action G1: Reduce Diesel Emissions from cargo handling equipment (CHE) (i.e., Reduce cargo handling equipment DPM emissions by 80% and NOx 89%).

MCAS

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- Goal for Cargo Handling Equipment: In advance of the State’s goals identified in EO No. N-79-20, transition diesel cargo handling equipment to 100% ZE by 2030.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
Project commitment and/or contractual language in tenant lease agreements requires use of the cleanest technologies available (forklifts, top handlers, stackers etc.), and provision of the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.				

Construction Equipment

As stated in the CERP, “Construction equipment is a major contributor to air pollution, especially when large construction projects are adjacent to neighborhoods. To address this source of air pollution, CARB adopted the nation’s first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. The off-road regulation requires off-road fleets to meet fleet average emission standards and be equipped with best available control technology (BACT) (page 125).”

CERP

- GOAL 1. By 2031, reduce Diesel PM from 2018 levels by 80% in ambient air at all Portside Community locations.
- Action G7: Promote adoption of ZE technologies by Port tenants, truckers, and other users of equipment.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
Use zero-emission technology whenever available. If not readily available, parties should use, at a minimum, Tier 4 diesel engines on all engines 25 HP and higher.				
Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.				
All off-road diesel-powered equipment used during construction must be equipped with ZE or Tier 4 or cleaner engines.				
Off-road equipment with a power rating below 19 kilowatts (e.g plate compactors, pressure washers) used during project construction must be battery powered.				

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All heavy-duty trucks entering the construction site during the grading and construction phases will be ZEV or motor model year 2014 or later.				
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Community Health

CERP

- GOAL 8. By 2026, reduce cancer risk below 10/million for each permitted stationary source, including portable equipment, in the Portside Environmental Justice Community.
- Action F1: Support land uses that serve as a buffer between industrial and residential uses in the Portside Community.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
Contractual language in tenant lease agreement or proposed project should include requirements to install vegetative walls or other effective barriers that separate industrial operations and people living or working nearby.				
The proposed project or lease agreement will not create another Air Toxic Hotspot in the Portside Communities. ²				
If applicable, the project/lease operational Health Risk Assessment does not reveal a potential exposure >10 cancers/million.				

² The Air Toxic Hotspots program is a program that regulates facilities in the county that expose residents and workers to elevated levels of cancer causing pollution. Currently, communities like Barrio Logan and West National City have a concentration of Air Toxic Hotspots – with 3 Hotspot facilities within 1.5 miles of one another. This is particularly concerning given that many of these facilities have cancer-risk isopleths that overlap with one another, resulting in compounding exposure to cancer-causing pollution for residents who live in certain pockets of the community.

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Employer and Workplace Expectations

Employee Transportation

CERP

Action G6: Reduce emissions from shipyard employee transportation.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
<i>The project continues ongoing programs and partnership with SANDAG iCommute to promote and increase participation in alternative transportation.</i>				

Good jobs, not just any jobs

There are no general CERP or MCAS goals or strategies related to this item, however, it has been identified as an important element by members of the CSC in recognition of the economic engine that industry can be in the community.

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
Restrictions on the use of temporary and part-time employment by all employers.				
Restriction of use of staffing agencies and contractors.				
Tenants agree not to disrupt or interfere with communications between labor unions and workers.				
All jobs within the Portside communities will pay workers a living wage and provide quality health care benefits.				

Construction work for the project or lease will be covered by Community Workforce Agreements (CWA)

There are no general CERP or MCAS goals or strategies related to this item, however, it has been identified as an important element by members of the CSC in recognition of the economic engine that industry can be in the community.

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Expectation(s)	Yes	No	N/A	Notes
Pay the state prevailing wage.				
Local hire with the majority of workers and apprentices residing in the city of San Diego or National City with a preference for residents of disadvantaged communities in the Portside area (West National City, Barrio Logan, Sherman Heights, Logan Heights).				
Utilize apprentices enrolled in state-approved craft apprenticeship programs that provide a career ladder for the community and include residents experiencing barriers to employment, including single parents, at-risk youth, economically disadvantaged, former foster youth, veterans, chronically unemployed, formerly incarcerated, or recipients of public benefits.				
Use the Helmets to Hardhats program that provides career employment, training, and local hire to veterans.				
A comprehensive and coordinated safety program.				
Establish formal labor-management procedures.				

The creation of a Jobs Center that will be the first source for employment for projects or leases.

There are no general CERP or MCAS goals or strategies related to this item, however, it has been identified as an important element by members of the CSC in recognition of the economic engine that industry can be in the community.

Expectation(s)	Yes	No	N/A	Notes
A significant share of workers hired for the projects or leases will be residents experiencing barriers to employment, including single parents, former foster youth, veterans, chronically unemployed, formerly incarcerated, or recipients of public benefits.				
Job training funds for general Portside jobs will be collected and invested in a Jobs Center, as well as local public high schools and colleges to support paths to local employment opportunities.				

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Job training funds for electrification jobs, including but not limited to cargo, medium duty/heavy duty infrastructure and equipment will be collected and invested in apprenticeship programs and certified technical education programs to support the electrification of the Portside.				
Tenants and operators on the site will not undertake background checks of employees unless required by law.				

Community Benefits Expectations

The list below is not a comprehensive list of supported community benefits, but rather a starting point for community benefits conversations.

CERP

- GOAL 10. By 2031 increase tree canopy in the Portside Community to 35%.
- GOAL 11. Develop a new vision for park/green space for the Portside Community to increase park space by 30% by December 2022.
- Action B3: Develop and implement a residential air filtration and air monitoring program.
- Action F2: Reduce exposures for sensitive receptors within 500 feet of Port, freeways, and industries.
- Action F3: Urban Greening.
- Action F4: Public school exposure reduction.
- Action F6: Neighborhood Resiliency & Housing Stability.

Does the project or lease agreement support any of the following community benefits in the CERP goals, actions, or other items listed?

<i>Expectation(s)</i>	<i>Yes</i>	<i>No</i>	<i>N/A</i>	<i>Notes</i>
<i>Increasing tree canopy in the Portside Community.</i>				
<i>Increasing park/green space for the Portside Community (i.e., Directing significant funds in green and public spaces, including vegetative barriers along designated truck routes).</i>				
<i>Supporting public school exposure reduction efforts and technologies as defined in the CERP (i.e., electric school buses, air filtration systems, trees, etc.).</i>				
<i>Supporting efforts to ensure neighborhood resiliency and housing stability as defined in the CERP.</i>				

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<i>Supporting residential air filtration and air monitoring program.</i>				
<i>Directing significant funds for improved infrastructure to deal with truck traffic.</i>				
<i>Directing significant funds toward public transit improvements to connect residents to jobs and mitigate traffic congestion.</i>				
Mitigation efforts that reduce noise from truck traffic.				
Working with local, minority, and women-owned businesses for opportunities in future retail/commercial space within the project or lease.				
Funds directed toward studying the air quality health effects of operations on surrounding communities.				
Directing significant funds toward the construction of a sizable indoor youth center.				
Funds for a neighborhood improvement fund (controlled by a regional monitoring board led by surrounding community residents).				
Funds for arts programs in local schools.				
Portside access to the bay for aquatic activities and Kumeyaay cultural activities.				