

DRAFT

RESOLUTION 20xx-xxx

RESOLUTION GRANTING CONCEPT APPROVAL TO MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, pursuant to Board of Port Commissioners (BPC) Policy No. 357 preliminary plans for proposed new tenant development or alterations to existing facilities shall be presented to the BPC for approval if the project is estimated to cost more than \$500,000, makes a significant change in silhouette or appearance of the area or District staff determines review by the BPC should be conducted; and

WHEREAS, Mitsubishi Cement Corporation (Mitsubishi), as the project applicant and proponent, proposes to construct and operate a bulk cement warehouse and loading facility within Warehouse C on the Tenth Avenue Marine Terminal (TAMT) which includes two separate phases of improvements to Bays C-7 through C-10 on the western end of Warehouse C for the receipt, storage, and distribution of up to 600,000 metric tons per year (MT/yr) of cement and cementitious materials (Proposed Project or Project); and

WHEREAS, the Project involves the improvements to existing marine terminal facilities at the Project site at a cost of \$11,000,000; and

WHEREAS, the operational lifetime of the Proposed Project is anticipated to be 15 years following District approval of a lease.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners (BPC) of the San Diego Unified Port District (District) does hereby grant concept approval to Mitsubishi Cement Corporation for the proposed Mitsubishi Cement Corporation at Warehouse C: Bulk Cement Warehouse and

20xx-xxx

Loading Facility Project; provided, however, the effectiveness of the BPC's grant of the concept approval is expressly conditioned on the execution of the lease or definitive agreement between the District and the Mitsubishi Cement Corporation.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 23rd day of June, 2020, by the following vote: