

CenterPoint Properties

Memorandum of Understanding

Background

- **Nov. 2010: Certified EIR for Master Plan**
- **Mar. 2019: Application for Container Yard 2**
- **May 2019: Planning Commission (PC) Public Hearing**
 - **PC Conditions Hours of Operation – 6:00 a.m. to 8:00 p.m.**
- **Jun. 2019: CenterPoint submits timely appeal**
- **Jul. 2019: City Council (CC) Public Hearing**
 - **CC Limits Hours of Operation – 8:00 a.m. to 5:00 p.m.**
- **Sep. 2019: CenterPoint asks Council to Consider Memorandum of Understanding**

Concerns

- **Planning Commission: Conditioned a Site Plan Approval**
 - Project did not require a conditional use permit
- **City Council: Further restricted hours of operation to mitigate a condition that needed no mitigation**
- **Acoustical Study – Bollard Acoustical Consultants**
 - Project-generated noise predicted to satisfy General Plan Standards
 - Project-generated noise expected below measured background noise (at nearest existing residences)
 - Conclusion: No adverse noise impacts to the nearest residences to the project site.

Conclusions

The CenterPoint Container Yard 2 Project complies with:

- **1. The General Plan,**
- **2. The Northwest Airport Way Master Plan, and**
- **3. The Certified Environmental Impact Report**

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Key Points:

- 1. Further negotiations leading to Dev. Agreement
- 2. CenterPoint will continue to work with the UPRR
- 3. CenterPoint will work with SSJID & the Army Corps of Engineers (SSJID Drain 3)
- 4. CenterPoint will construct Intermodal Way
- 5. MOU will defer PFIP Transportation Fees
- 6. CenterPoint & Staff will pursue an Area of Benefit to reimburse the PFIP Transportation Fund

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Key Points (continued):

- **7. Removal of Operating Hours Restriction**
 - Temporary Truck Traffic on Airport Way
 - Improvements to Airport Way to minimize truck noise
 - CY2 still needs to comply with MMC T17 Noise Ordinance
- **8. Intermodal Way dedication by UPRR (future)**
- **9. Intermodal Way dedication by CenterPoint (future)**
- **10. Community Facilities Maintenance District**
- **11. Intention of Parties to facilitate timely preparation of a Development Agreement**

Recommendation

- **Community Development Staff recommends that the City Council approve the Memorandum of Understanding that will allow CenterPoint to move forward with Container Yard 2 while at the same time providing a mechanism to construct Intermodal Way.**