

AN ORDINANCE **2016-04-07-0241**

**APPROVING AND ADOPTING A BROWNFIELD REDEVELOPMENT
POLICY AND PROGRAM GUIDELINES FOR THE CITY OF SAN
ANTONIO TO PROVIDE ASSISTANCE TO PROPERTY OWNERS
WITH ASSESSMENT, CLEANUP AND REDEVELOPMENT OF SITES
WITH POTENTIAL ENVIRONMENTAL CONTAMINATION**

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WHEREAS, a brownfield is a property on which expansion, redevelopment, or reuse may be complicated by the possibility of environmental contamination; and

WHEREAS, the City has been involved in brownfield assessment and redevelopment efforts over the past two decades through various programs and funding sources, including grants from the U.S. Environmental Protection Agency (EPA) to assess potential brownfield sites in San Antonio; and

WHEREAS, in 2015, the City of San Antonio was awarded federal funding for brownfield assessment and cleanup activities; and

WHEREAS, an official policy and guidelines are necessary to guide the brownfields activities, communicate the public benefits and necessity of a Brownfield Redevelopment Program, and better position the City to secure future grant funding for brownfield activities; and

WHEREAS, the proposed Brownfield Redevelopment Policy outlines the City's commitment to identify, assess, clean-up, and redevelop brownfield sites; details the public benefits of such activities, presents the policy goals, strategic approach, implementation plan, and measures to gauge program performance; and

WHEREAS, the proposed Brownfield Redevelopment Program Guidelines outline the types of assistance available, project eligibility, and the application process; and

WHEREAS, this Ordinance approves and adopts the proposed Brownfield Redevelopment Policy and Program Guidelines to assist with the identification, assessment, cleanup, and redevelopment of sites with potential environmental contamination; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council approves and adopts the Brownfield Redevelopment Policy and Program Guidelines as presented by the City Manager and the Director, Center City Development & Operations Department (CCDO), for the City's Brownfield Redevelopment Program. A copy of the approved Brownfield Redevelopment Policy and Program Guidelines is

attached as **Exhibits "A" and "B,"** respectively, and made a part hereof and incorporated herein for all purposes.

SECTION 2. The City Manager, or her designee, or the Director, Center City Development & Operations Department (CCDO), or his designee, is authorized to develop all necessary procedures to implement the Brownfield Redevelopment Program in accordance with the Brownfield Redevelopment Policy and Program Guidelines approved by the City Council. The Director, or his designee, shall administer the Brownfield Redevelopment Program for the City and is authorized to develop all necessary forms, applications and other required documents, and to require the submission of any information necessary to review and develop a Brownfield Redevelopment Program application.

SECTION 3. Substantive modifications to the Brownfield Redevelopment Program Guidelines will be reviewed and approved by the appropriate Council Committee.

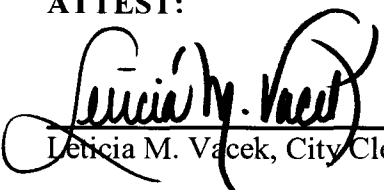
SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

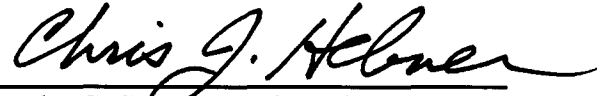
PASSED and APPROVED this 7th day of April, 2016.


M A Y O R
Ivy R. Taylor

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Martha G. Sepeda, Acting City Attorney

Agenda Item:	13 (in consent vote: 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 19, 20)						
Date:	04/07/2016						
Time:	11:21:42 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving the City of San Antonio Brownfield Redevelopment Policy and Program Guidelines to assist with identification, assessment, cleanup, and development of sites with potential environmental contamination. [Lori Houston, Assistant City Manager; John Jacks, Interim Director, Center City Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1	x					
Alan Warrick	District 2		x			x	
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				x
Ray Lopez	District 6	x					
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

CITY OF SAN ANTONIO

BROWNFIELD REDEVELOPMENT POLICY

1. POLICY STATEMENT

A brownfield is a property on which expansion, redevelopment, or reuse may be complicated by the possibility of environmental contamination. These sites are usually abandoned, vacant, or underutilized properties. Examples can include abandoned gas stations, dry cleaning facilities, junkyards, old car dealerships, abandoned factories, landfills, and other potentially contaminated properties. As sites remain abandoned and unmarketable, they increase inner city blight and perpetuate the perception that infill development is risky and expensive. Brownfields decrease property values, hurt local economies, and can threaten community and human health and the environment. Brownfield sites present unique development challenges that require a creative and multifaceted approach to address.

In 2011, the City of San Antonio established the Brownfields Program to foster redevelopment of these sites. Program activities include environmental site assessments, cleanup plans, and cleanup of environmental contaminants to prepare a property for safe and productive use. Brownfields initiatives have resulted in the successful redevelopment of several potentially contaminated sites into productive community assets.

It is the policy of the City of San Antonio to identify, assess, remediate, and facilitate the redevelopment of brownfield sites that would otherwise inhibit or delay the positive growth and development of the City and the prosperity of its citizens.

2. PUBLIC BENEFITS

The cleanup and subsequent reuse of brownfield sites produces several community benefits including:

Community Revitalization: Areas blighted by brownfields degrade the sense of community, project a perception of neglect, and can contribute to civic disengagement. Apart from the economic disinvestment generated from such decline, blighted areas undermine the level of comfort and safety of the surrounding neighborhood. Transforming such sites, however, demonstrates not only a financial commitment, but a commitment of genuine attention that inspires renewed community interest and vitality.

Improved Human and Environmental Health: Brownfields represent potential public health and safety hazards. Cleaning brownfield sites aims to remove harmful substances in the environment and encourages environmental stewardship of the land. This ensures improved health and well-being of San Antonio residents.

Infill Development: Every reused brownfield site absorbs a project that might otherwise contribute to urban sprawl. The EPA reports that for every acre of reused brownfields, an estimated 4.5 acres of unused green space is preserved. Revitalizing blighted, abandoned, and vacant properties and converting them to productive use protects undeveloped land on the periphery of the city by creating more developable land in central areas with existing infrastructure and services. This provides a more sustainable alternative to the proliferation of urban sprawl.

Economic Development: By federal standards, every dollar invested in brownfields programs leverages \$18 in redevelopment benefits. The economic impact of putting a former brownfield back into productive use can be catalytic for a neighborhood considering the introduction of jobs, investment, increased tax revenue, and injection of disposable income to the area.

3. POLICY GOALS

The Brownfield Redevelopment Program aims to accomplish the following goals:

- Identify potential brownfield sites in and around the Center City.
- Assess brownfield properties to determine the level of contamination or to dispel suspicions of environmental contamination.
- Remediate and cleanup contamination to prepare the site for redevelopment.
- Redevelop cleaned sites to return them to safe and productive use.

4. STRATEGIC APPROACH AND IMPLEMENTATION

The Brownfield Redevelopment Program will coordinate with and leverage local, state, federal, and private resources for brownfield identification, assessment, cleanup, and redevelopment to maximize the positive benefits of brownfield redevelopment.

Implementation of this strategy may include such program activities as:

- Reaching out to private property owners of suspected brownfield sites
- Marketing the program through industry associations and membership organizations
- Applying to leverage local, state, and federal funding opportunities to advance program goals
- Match proposed projects with other non-brownfield assistance programs to maximize project success and positive community impact

- Facilitate/conduct educational sessions on brownfield identification and redevelopment

5. BROWNFIELD PROGRAM GUIDELINES

Brownfield Redevelopment Program staff will further develop the City of San Antonio Brownfield Redevelopment Program Guidelines to implement the intent and goals of this policy. Such guidelines will focus on and prioritize the assistance and attention of the program to sites and projects based on the following factors:

- Public benefit
- Level of investment
- Location in a priority area
- Elimination of blight
- Abatement of public health contaminant
- Preservation of natural resources
- Alignment with neighborhood and community plans and public agency objectives

The Brownfield Redevelopment Program Guidelines, as well as subsequent substantial changes, will be reviewed and approved as necessary by the appropriate subcommittee of the City Council.

6. PROGRAM PERFORMANCE MEASURES

Although the community benefits of the reutilization of former brownfields are in many ways intangible and unquantifiable, the following indicators can be measured to determine the effectiveness of the Brownfield Redevelopment Program for purposes of evaluation and ongoing program improvement:

- Number of vacant lots redeveloped
- Number of inactive buildings returned to productive use
- Level of investment on otherwise neglected sites (dollars leveraged)
- Public health hazards abated (contamination identified and cleaned up)
- Increase in taxable value
- Number of properties assessed
- Number of new housing units created
- Number of square feet of commercial or retail space redeveloped

CITY OF SAN ANTONIO

BROWNFIELD REDEVELOPMENT PROGRAM GUIDELINES

1. PURPOSE

A brownfield is a property on which expansion, redevelopment, or reuse may be complicated by the possibility of environmental contamination. These sites are usually abandoned, vacant, or underutilized properties. As sites remain abandoned and unmarketable, they increase inner city blight and perpetuate the perception that infill development is risky and expensive. Brownfields decrease property values, hurt local economies, and can threaten community and human health and the environment. Brownfield sites present unique development challenges that require a creative and multifaceted approach to address.

It is the policy of the City of San Antonio to assist with and facilitate the identification, assessment, remediation, and redevelopment of suspected brownfield sites. To this end, the City's Brownfield Redevelopment Program will seek to secure and leverage resources to provide financial, technical, and regulatory assistance to convert brownfields into productive community assets, thereby stimulating reinvestment in disinvested areas.

2. PROGRAM BENEFITS

Eligible projects may receive the following assistance either directly or indirectly through the Brownfield Redevelopment Program:

- Technical and regulatory assistance in assessing and developing brownfield sites.
- Assistance for Phase 1 and Phase 2 Environmental Site Assessments (ESA), clean-up plans, and site remediation.
 - *Phase I Environmental Site Assessment:* A Phase I ESA uses historical data and research to determine the potential for environmental contamination on a property. It may include an asbestos survey and lead paint survey if necessary. This research can take 4 to 6 weeks and may recommend further site analysis through a Phase II ESA if contamination is suspected based on historical use of the property or surrounding properties. If approved for a Phase I ESA, staff will engage environmental consultants to conduct the work with written consent of the property owner. Eligible projects may receive up to 100% of the related cost covered by the Brownfield Redevelopment Program.

- *Phase II Environmental Site Assessment:* A Phase II ESA entails soil and water sampling on the property that can take three to four months to complete. The resulting report will detail the extent of environmental contamination on the property and may recommend corrective actions to clean the site prior to redevelopment. If approved for a Phase II ESA, staff will engage environmental consultants to conduct the work with written consent of the property owner. The Brownfield Redevelopment Program may cover up to 100% of the related cost for qualifying projects.
- *Clean-Up Assistance:* Financial assistance is available to assist with environmental cleanup required on the site prior to redevelopment. This may include clean up plans as well as assistance with actual site remediation. The applicant must be enrolled in the appropriate corrective action program with the Texas Commission on Environmental Quality in order to receive assistance through the City's Brownfield Redevelopment Program.

The level of assistance will be determined by the location and type of project. Assistance of any type is subject to funding availability.

3. PROGRAM GOALS

All activities of the Brownfield Redevelopment Program, including project evaluations, will aim to accomplish and support the following policy goals:

- Identify potential brownfield sites in and around the Center City.
- Assess brownfield properties to determine the level of contamination or to dispel suspicions of environmental contamination.
- Remediate and cleanup contamination to prepare the site for redevelopment.
- Redevelop cleaned sites to return them to safe and productive use.

4. ELIGIBILITY

Projects eligible for assistance under the Brownfield Redevelopment Program must:

- Be located within the applicable program area, which may vary depending on the funding source.
- Have a history or proximity of use that suggests the potential for environmental contamination.
- Provide a redevelopment plan for the property.

The following factors will also be considered in evaluating projects for purposes of prioritizing program resources for program goals:

- Public benefit
- Level of investment
- Location in a priority area
- Blight elimination
- Abatement of public health contaminants
- Natural resource preservation
- Alignment with neighborhood and community plans and public agency objectives

5. APPLICATION AND PROCESS

Applicants may apply for assistance through the Brownfield Redevelopment Program by submitting an application to the Center City Development and Operations Department.

- Staff will review applications to ensure that projects meet the goals and objectives of the pertinent funding source used to conduct brownfields activities on the subject property.
- After review, staff will schedule an appointment to obtain additional information and to discuss the level of assistance available based on the project details.
- If approved, staff will work with the applicant and the property owner to secure a right of entry agreement (if applicable) prior to commencing any work on the property.
- Once work is complete, the applicant and property owner (if different than applicant) will receive a copy of any resulting reports or documentation. All assessments and related reports conducted under the City's Brownfield Redevelopment Program are available to the public and regulatory agencies by request, regardless of the results.

Any and all records from any work funded through the City of San Antonio's Brownfield Redevelopment Program are subject to the disclosure requirements of the Texas Public Information Act.

6. NOTICE OF LIABILITY

Should the environmental site assessment reveal contamination at levels requiring additional investigation or remediation actions as mandated by the Texas

Commission on Environmental Quality (TCEQ), the owner/operator shall be responsible for providing notification to the Texas Commission on Environmental Quality (TCEQ) regarding any findings of contamination. Participation in the City of San Antonio's Brownfield Redevelopment Program does not constitute notice to any public agency that may be required under law, nor does the Brownfield Redevelopment Program provide such services. Liability for notice under any law, statute, court order, etc. is the sole responsibility of the site owner and/or applicant.

DRAFT