



# City of San Antonio

## Agenda Memorandum

### File Number:

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**Agenda Item Number:** 56

**Agenda Date:** December 15, 2022

**In Control:** City Council A Session

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

Municipal Setting Designation: Gray Street Light, LP

**SUMMARY:**

An ordinance to conduct a public hearing and consider approving a Municipal Setting Designation (MSD) prohibiting the use of designated groundwater beneath a tract of land containing 2.692-acres described in the application as the former SA Light Building located in and around 420 Broadway in San Antonio, Texas; and supporting certification of a Municipal Setting Designation by the Texas Commission on Environmental Quality (TCEQ) at the request of Gray Street Light, LP.

**BACKGROUND INFORMATION:**

Gray Street Light, LP is seeking an MSD for a 2.692-acre tract of land described in the application as the former SA Light Building located in and around 420 Broadway in San Antonio, Texas. In 2003, the Texas Legislature authorized the creation of a Municipal Setting Designation (MSD), which designates an area with contaminated groundwater as prohibited for use as potable water. This law is administered by the TCEQ and requires local City support to designate an MSD. The legislation intends to encourage the redevelopment of vacant or abandoned properties while protecting public health and the environment. City Council approved and adopted a MSD Policy

and Guidelines under Ordinance 2016-04-07-0247 on April 7, 2016. The ordinance allows property owners to request an MSD, as authorized by Chapter 361 of the Texas Health and Safety Code.

An MSD allows municipalities to have jurisdiction of a property with known historical groundwater contamination. The MSD designation certifies that designated groundwater at the property will not be used as potable water and is prohibited from future use because the shallow groundwater is contaminated in excess of the applicable potable-water protective concentration level.

The groundwater contamination consists of trichloroethylene (TCE). The subject property formerly operated as a newspaper publishing and printing press facility since at least 1930 under San Antonio Light and, more recently, San Antonio Express-News ownership and is commonly referred to as the “Light Building.” GrayStreet Light, LP (the Applicant) acquired ownership of the property on December 16, 2016, and is currently renovating the existing on-site structures for proposed commercial use. In April 2021, as requested by the City and SAWS, supplemental groundwater information was requested from the applicant regarding plume delineation and stability. A review of the supplemental groundwater information confirmed plume delineation and stability. The groundwater information was approved by City and SAWS representatives. A portion of the public right-of-way adjacent to the designated property is also included in the MSD. An MSD resolution of support is anticipated by the SAWS Board of Trustees and will be considered for review and approval upon City Council approval.

A licensed Professional Geologist has certified that the area of groundwater contamination has been thoroughly investigated, is fully delineated, and is stable.

## **ISSUE:**

This ordinance conducts a public hearing and considers approving a Municipal Setting Designation (MSD) prohibiting the use of designated groundwater beneath a 2.692-acre tract of land described in the application as the former SA Light Building located in and around 420 Broadway in San Antonio, Texas; and supports the certification of a Municipal Setting Designation by the TCEQ at the request of Gray Street Light, LP.

Gray Street Light, LP, is seeking an MSD for this property to restrict access to groundwater, protecting the public against possible exposure to the contaminants. A public drinking water supply system meeting state requirements supplies drinking water to the MSD property and all properties within one-half mile of the MSD property. An in-person public meeting was held on September 16, 2021, and a briefing was provided to the Community Health and Equity Committee in a virtual meeting on December 14, 2021. Both meetings are part of the City’s MSD public involvement process before the City Council considers support.

The MSD ordinance, as authorized by Chapter 361 of the Texas Health and Safety Code, prohibits the use of designated groundwater at the site and prevents exposure to affected groundwater by preventing water well installation and groundwater use in a specific area through a deed restriction. Approval of the MSD for a 2.692-acre tract of land described in the application as the former SA

Light Building located in and around 420 Broadway is consistent with the City of San Antonio's MSD Policy and Guidelines.

**ALTERNATIVES:**

City Council could choose not to approve this ordinance; however, the property owner will not be able to complete the MSD application with the TCEQ. TCEQ would require further assessment, and future development would likely be delayed. This will result in additional time and costs for the applicant and possibly conflict with the City's MSD Policy and Guidelines.

**FISCAL IMPACT:**

There is no fiscal impact associated with the approval of this Ordinance.

**RECOMMENDATION:**

Staff recommends conducting a public hearing and the approval of an ordinance for an MSD prohibiting the use of designated groundwater beneath a tract of land containing 2.692-acres described in the application as the former SA Light Building Property located in and around 420 Broadway and supporting certification of a Municipal Setting Designation by the TCEQ at the request of Gray Street Light, LP.