

Holland & Knight

SMART, CLEAN AND SAFE INFILL DEVELOPMENT
THROUGH
**THE CALIFORNIA LAND REUSE
AND REVITALIZATION ACT**

Corner Briefing: April 2016



Brownfields are where your projects are.

Predictability is of first importance...

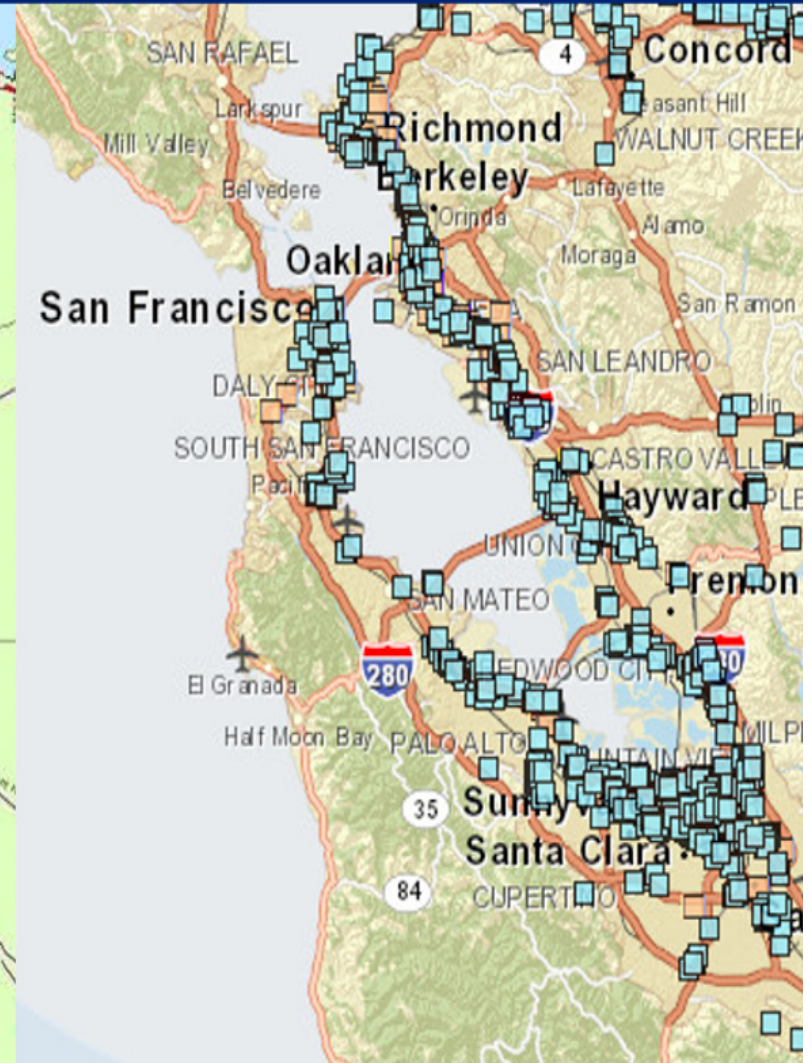
Control for:

- Timing
- Costs
- Regulatory requirements
- Underwriting
- Assurance for downstream buyers

Priority Development Areas



EPA Hazardous Release Sites





California Land Reuse and Revitalization Act (CLRRRA) Enhances Stability and Benefits Infill Projects:

- » establishes qualified environmental immunities
- » streamlines environmental plans, while retaining public engagement opportunities
- » provides better certainty of schedules and costs
- » protects downstream owners/lessees



Who Is Eligible to Use CLRRRA?

- » Applicant must qualify for defenses to federal environmental liability (e.g., *Bona Fide Prospective Purchasers*)
- » Applicant commits to and pursues cleanup
- » Applicant owns/leases or is in contract for site
- » Projects must be located in an infill location
- » Site is not a Superfund or state-listed site



Issues to Consider for Efficient Cleanup (not necessarily CLRRRA specific)

- » Alignment of entitlements, clean-up planning, California Environmental Quality Act (CEQA) processing and public engagement
- » Integration of cleanup with development to maximize cost-efficient strategies
- » Insurance acquisition to bracket risk
- » Use of state and federal grants and low-cost loans

A nighttime photograph of a city skyline with several illuminated skyscrapers. In the foreground, there is a large, modern building with a curved facade and a series of columns. The scene is reflected in a body of water. A semi-transparent blue overlay with a grid pattern is centered over the image, containing the text.

CLRRRA is a Versatile Tool

Case Examples

Example: 401 First Street, Richmond (industrial incubator)

Expansion of usable industrial workspace to 66,000 square feet included:

- » facilitated refinancing to capture equity for reinvestment
- » California Environmental Protection Agency (CalEPA) funding through the U.S. Environmental Protection Agency (EPA) Revolving Loan Fund Program
- » green remediation for a solar-powered, pump-and-treat system

Example: Mixed-Use Development (developer client)

Renewal of 60-plus acres for office, retail and residential use included:

- » high-quality development that was Leadership in Energy and Environmental Design (LEED) certified in a Priority Development Area
- » improved jobs/housing balance
- » increased open space, access to trails and transportation



Example: Neighborhood Park (nonprofit client)

Revitalization of an 8-acre blighted and vacant lot included:

- » establishing a neighborhood park in a disadvantaged community
- » extensive community planning
- » EPA reasonable steps letter and Technical Assistance Grant (TAG)
- » public-private partnership that leveraged public and private funds



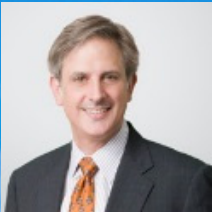


Brownfields Prospects in 2016

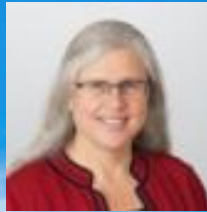
- » Legislative: CLRRRA reauthorization
- » Case Law: Consideration of hazards under CEQA
- » Regulatory: Risk assessment associated with vapor intrusion
- » Administrative: Grant and low-cost loan funding opportunities

Holland & Knight

CONTACTS



Nicholas Targ
Partner
415.743.6926
nicholas.targ@hklaw.com



Jennifer L. Hernandez
Partner
415.743.6927
jennifer.hernandez@hklaw.com

