

# THE LITTLE PARK THAT COULD

## A Case Study: Toledo's UpTown Green

October 27, 2015

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# KEYS TO SUCCESSFUL COORDINATION WITH THE AGENCY

- Providing Ohio EPA with an understanding of the project objectives, funding constraints, and timelines
  - Emphasis on avoiding unnecessary delays
- Establishing lines of communication with Ohio EPA during the planning and implementation stages
  - Collaborative partnership as opposed to “Regulated versus Regulator”

# KEYS TO SUCCESSFUL COORDINATION WITH THE AGENCY

- Ohio EPA perspective as opposed to the CP's best professional judgment
  - Not "right versus wrong" but merely a matter of interpretation
- Understanding the Ohio EPA's structure
  - District Offices, Central Office, DDAGW, Legal
    - Resources involved in NFA Letter review process span multiple Offices and Divisions/Programs

# AN IMPORTANT URBAN TOLEDO LOCATION



**UpTown**  
2009 Aerial Photography

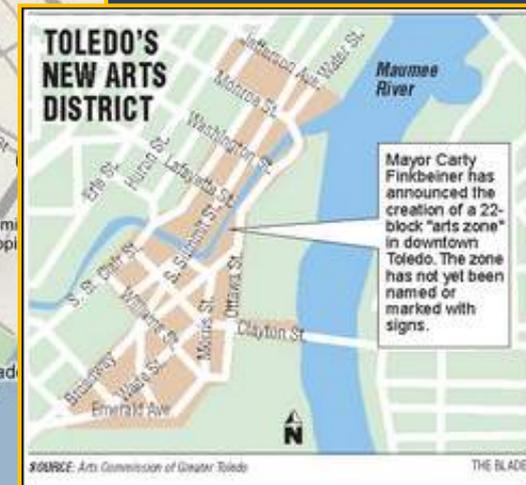
# BACKGROUND

Toledo's UpTown neighborhood has been an important part of our city's history for over 150 years. It was originally developed with stately mansions for Toledo's wealthiest residents.

Today, the Toledo Public Library Main Branch, the Mercy Health Partners Main Campus, and the award-winning Toledo School for the Arts help anchor the community, which has struggled with urban blight for nearly three decades.



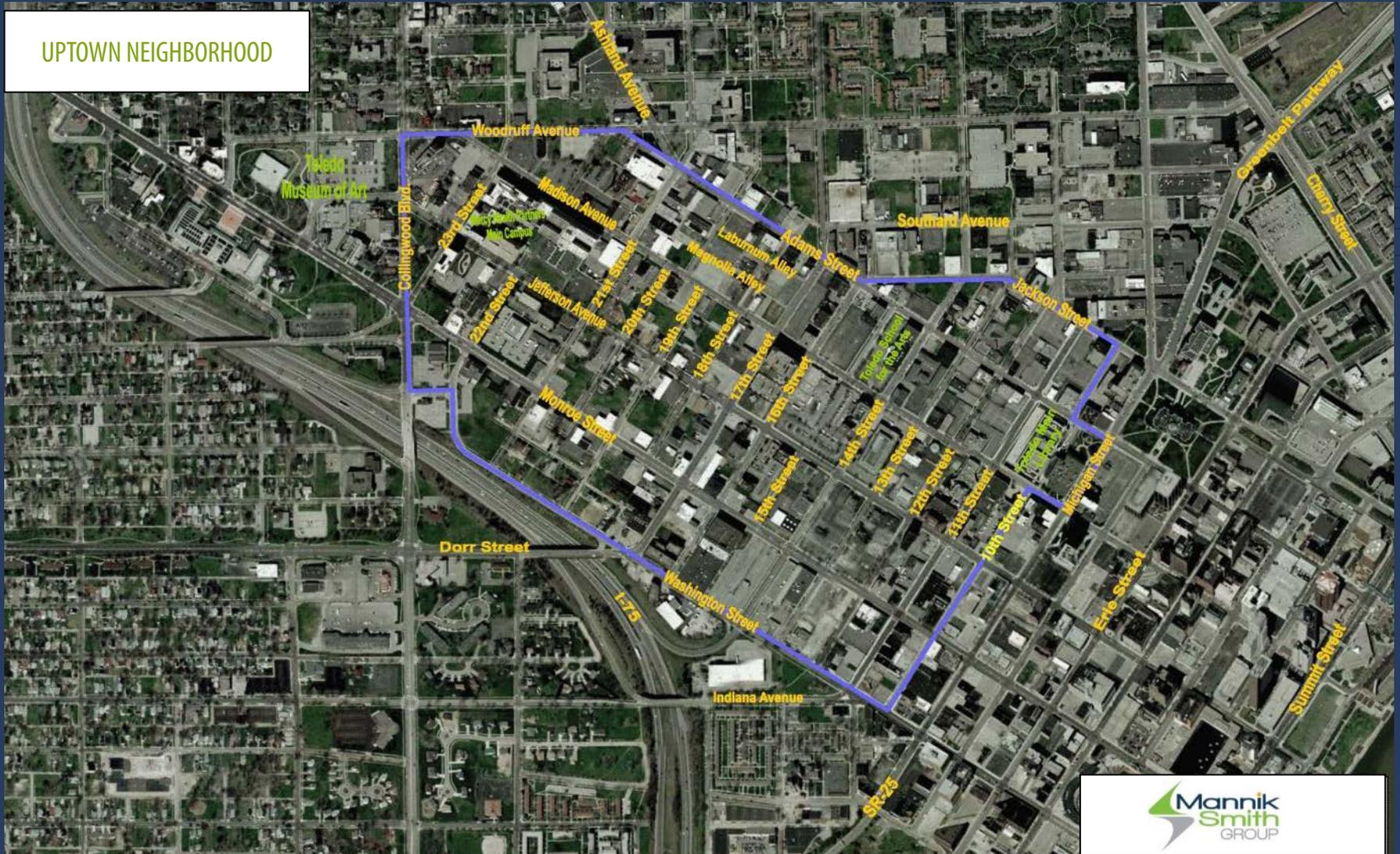
# LOCATION



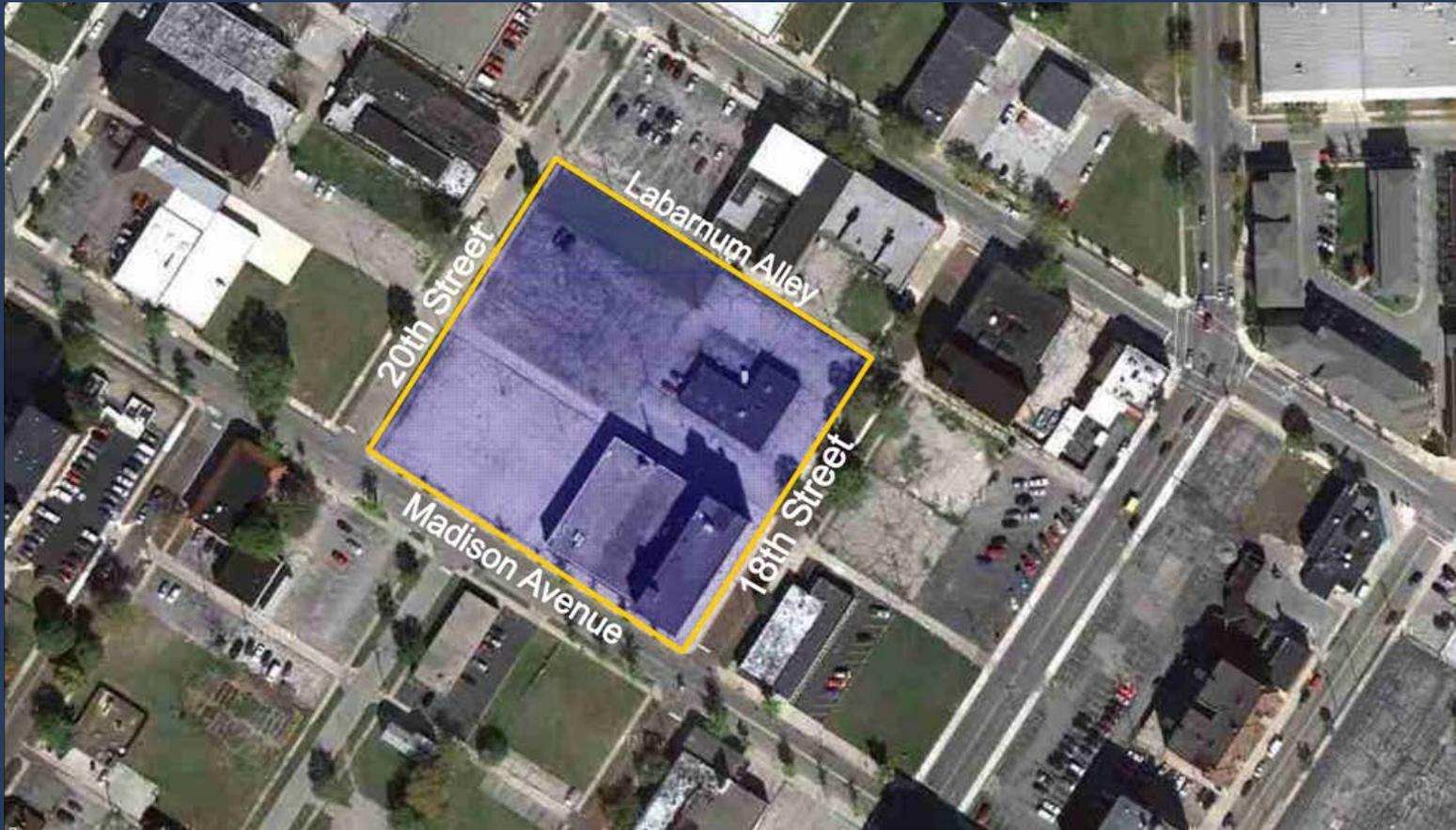
Ideally situated between the Warehouse District Art Zone, and the Toledo Museum of Art, the UpTown Neighborhood is home of the Avenue of the Arts and is widely recognized as Toledo's up-and-coming creative enterprise community.

# TOLEDO'S UPTOWN NEIGHBORHOOD

UPTOWN NEIGHBORHOOD



# THAT WAS THEN...



 = Proposed Park



# PROPERTY HISTORY

- In the 1930s and 1940s the property was developed with a mix of residences and commercial establishments including a gasoline filling station, a chemical laboratory, an automotive repair shop, and a furniture repair shop that included spray lacquer applications.
- Three buildings remained on the property and each contained friable asbestos; two buildings were in extreme disrepair.
- Two USTs were located on the property in the area of the former filling station and a third was discovered during park construction.



# ENVIRONMENTAL CONDITIONS

- The project property comprises approximately 2.5 acres and over the years, was used for varied purposes that included the handling of hazardous substances and petroleum products.
- VAP-compliant Phase I & II Property Assessments indicated the presence of:
  - two (~1,000 gallons each) underground storage tanks (USTs);
  - confirmed asbestos containing materials in the three on-site buildings;
  - soils exhibiting elevated readings of volatile organic compounds.
- Redevelopment hindered by presence of two dilapidated buildings and deteriorated parking lots and remnant concrete foundations and slabs.



# PROJECT GOALS

- The City of Toledo was awarded \$1.5 million from the Clean Ohio Revitalization Fund (CORF) Sustainable Reinvestment Track to create a signature park in the heart of UpTown
  - Create green space
  - Connect to nearby residential community and attract business investments to the neighborhood
  - Preserve historic building on the corner of the property and convert it to flexible publicly-accessible space that meets the needs and supports the intended character of the neighborhood
  - Improve stormwater quality with the use of:
    - rooftop stormwater harvesting into an onsite cistern
    - bioswales
    - a raingarden
    - native vegetation



CleanOhioFund  
Brownfield Revitalization

# THIS IS NOW...

## PARK AMENITIES

- |                                 |                                 |
|---------------------------------|---------------------------------|
| A. Lawn and stage viewing area  | H. Interactive water feature    |
| B. Elevated stage with backdrop | I. Rain garden area             |
| C. Main entrance archway        | J. Artwork display area         |
| D. Plaza walkway                | K. 311 18th Street building     |
| E. Mounded lawn area            | L. Overhead trellis and seating |
| F. Crushed limestone surface    | M. Bicycle parking              |
| G. Water cistern                |                                 |



# SUSTAINABLE DESIGN & BEST MANAGEMENT PRACTICES



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# SUSTAINABLE DESIGN & BEST MANAGEMENT PRACTICES



# STORMWATER BEST MANAGEMENT PRACTICES



# SUSTAINABLE DESIGN & BEST MANAGEMENT PRACTICES



# PROJECT SURPRISES | UNANTICIPATED CHALLENGES

- Site access complicated by motorcycle club inhabitation and out-of-town owners
- Torched building
- Threat of additional arson
- Points-of-Compliance | Sampling
- Impacts from USTs
  - Additional USTs located then moved by contractor
- Environmental Covenant (EC) and Covenant Not to Sue (CNS) Particulars

# SITE ACCESS COMPLICATED BY MOTORCYCLE CLUB INHABITANCE

- Wolfpack Motorcycle Club was using a building on the site for their clubhouse
- Used as a motorcycle “chop shop”
  - A Pitbull provided added security
- Police escort for Phase I site reconnaissance
  - Five vehicles in parking lot identified as stolen
  - Inhabitants not happy when the police towed away the stolen vehicles



# TORCHED BUILDING

A vacant building went up in flames just after midnight Tuesday on 18th Street in the Uptown District. The building was located between Madison and Adams.

Flames were so intense that crews had to stay outside the building. A part of the roof and a wall soon collapsed.

"As soon as we got a truck crew up on the roof, we discovered that there was already a partial collapse," said Chief Sally Glombowski. "That's when we pulled our crews out, ordered them out of the building and went defensive on this fire."

The fire is being ruled suspicious by arson investigators who are looking for the cause. The building will be torn down.

~ WTOL

November 22, 2011



# THREAT OF ADDITIONAL ARSON

- Site buildings were not well secured – additional arson threat existed
- City used \$170,000 of what would have been granted demolition monies to demolish a building prior to the grant agreement to avoid damage to the building intended to be renovated



# POINTS-OF-COMPLIANCE

- Phase II PA focused on evidence of contamination
  - Samples selected based on PID readings, depth of sample, or visual or olfactory contaminant indicators
  - All Phase II samples analyzed from greater than 10 feet in depth
- During CORF review process, Ohio EPA / ODOD identified the lack of samples within the POCs to be a deficiency
  - Required supplemental samples be collected during the cure period



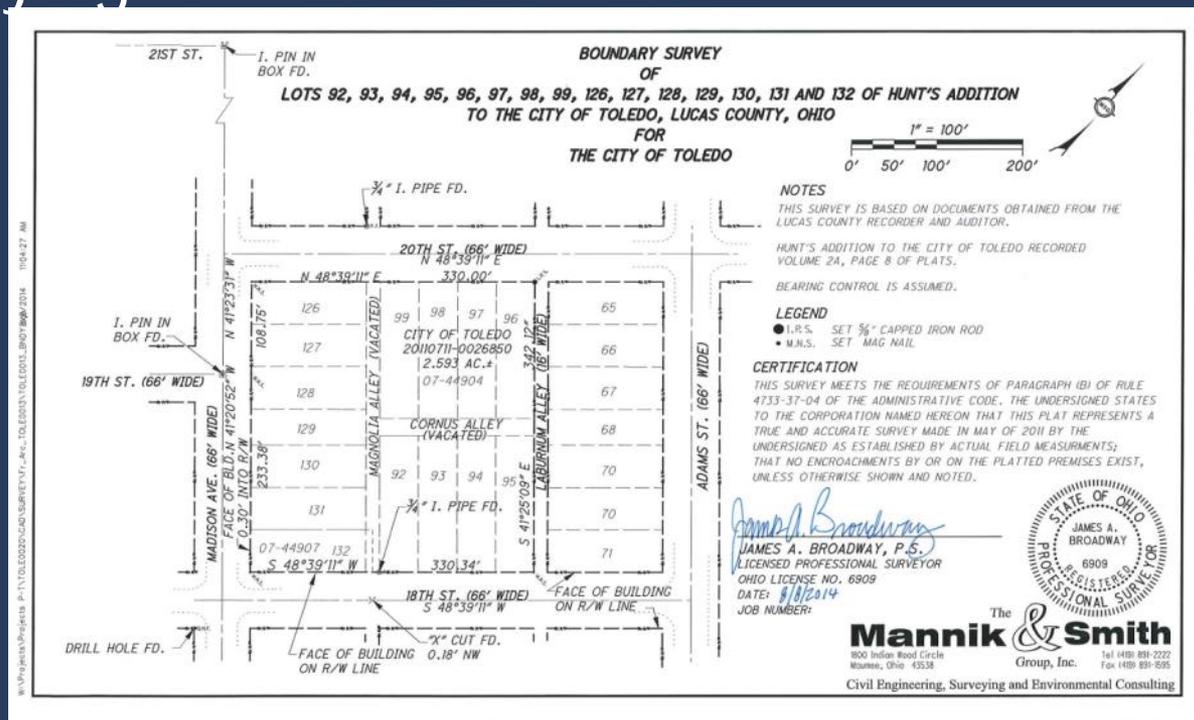
# IMPACTS FROM USTs

- Two USTs were identified during Phase I
  - Phase II did not identify remnant petroleum in vicinity of USTs
  - Determined to be “scrap metal in the ground”
  - Were found to have leaked when excavated
  - Required Volunteer to get BUSTR Class D Determination
- Additional UST unearthed and excavated by contractor during park development
  - Addressed via contractor affidavit & post-removal confirmation sampling



# EC AND CNS PARTICULARS

- Property acreage cited in NFA Letter was greater than what was listed in the CORF Grant Application
  - Determined to result from vacated public rights-of-way
  - Required coordination with VAP legal and ODSA
- Clarifying restrictions of future use



# AGENCY COORDINATION & PLANNING

- Threat of additional arson and use of demolition monies prior to Grant Agreement
  - What are to ramifications in terms of Phase II investigation activities, etc.?
- Points of Compliance
  - CORF process allowed resolution as part of the “cure” but what if this NFA Letter was not part of that process?
    - INOD deficiency? Would site conditions allowed for the additional sampling with INOD/FNOD timeframe?

# AGENCY COORDINATION & PLANNING

- Impacts from USTs
  - Potential for an additional Identified Area(s) based upon excavation activities
    - Determining next steps to ensure regulatory concerns are adequately addressed
      - BUSTR Class C determination
      - Contractor affidavit and confirmation sampling and analysis

# AGENCY COORDINATION & PLANNING

- Additional acreage via vacated alleys
  - Vacating the alleys was anticipated but the affect of the acreage increase was not and resulted in a NFA Letter where the acreage did not match the CORF application
    - Coordination with Ohio EPA and Development Services Agency required to resolve discrepancy
      - Coordination with Agency avoided a delay

# RESULTS

- Covenant Not to Sue (CNS) Issued July 2015
- ProMedica Purchase of 311 Building
  - Renovation of Property
  - Opening 2016



The Ebeid Institute for Population Health will be on the corner of Madison Avenue and 18th Street in the UpTown community. The building is across the street from the Lucas County Democratic Headquarters and adjacent to the UpTown Green Park, which opened this summer. ~ Toledo Blade, 10/29/2014

# QUESTIONS?

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