

Tabor Commons to Café Au Play, Portland, Oregon: A U.S. EPA Brownfields Sustainability Pilot ¹

By Christopher De Sousa

SITE HISTORY

The brownfields that often frustrate communities the most are the underused or abandoned gas stations that linger on corners and advertise a sense of neighborhood blight to all who drive past. The Tabor Commons site located at 5633 S.E. Division St. in inner southeast Portland, Oregon was such a brownfield. The small, 14,040-square-foot property, which includes a one-story, 967-square-foot structure and a tool shed, lies in a quiet residential neighborhood directly across the street from two local schools. The property was used from the late 1920s until the 1980s as a gas station and, after that, was owned by a series of different members of the same family who ran a variety of businesses, including mini-markets, a video arcade, and a used car lot.

Community members were increasingly concerned about recurring criminal activity on the property, which included drug deals, loitering, a stabbing, laundering of food stamps, vandalism, arson, and the sale of cigarettes to minors.



Café au Play (Tabor Commons), 2009

PROJECT VISION

In the early 1990s, then-Atkinson Elementary School principal John Withers championed the idea of turning the site into a community gathering place. The opportunity to realize this vision arrived in 2003 when the property owner was arrested by federal agents for illegally selling pseudo-ephedrine to local methamphetamine labs. The community immediately

¹ Methodological note: Information for this case study was obtained from available project reports and from a telephone interview with the project coordinator. The project is ongoing and the information here is current up until September 2011. For any questions, please contact Christopher De Sousa, Associate Professor, Director, School of Urban and Regional Planning, chris.desousa@ryerson.ca. Research assistance provided by Jason Tillidetzke and Kevin Duffy, University of Wisconsin-Milwaukee.

contacted the U.S. Attorney's office in Portland to work on having the property transferred to community ownership. The U.S. Marshals Service took ownership of the property when the owner was sentenced on February 7, 2005. The Southeast Uplift Neighborhood Program subsequently took ownership of the site from the U.S. Marshals on behalf of the Atkinson Parent Teachers Association and Mt. Tabor and South Tabor Neighborhood Associations that formally represent the community, with the condition that community members find and pay for adequate liability insurance to cover the property.²

In November 2004, prior to site acquisition, a series of community meetings was organized to flesh out a vision for the property. In April of 2005, community members, local design firms, government officials, and urban planning students from Portland State University further explored and refined the community's vision for designing the site and buildings. The project received extensive coverage in the local media. The project vision that emerged involved creating a vibrant and active facility that fosters relationships between the school and local residents, including low-income and immigrant families. Community members identified three key priorities for the project: (1) Community center/gathering place; (2) Activity space and meeting rooms; and (3) Showcase for innovative environmental design features.³ Part of the vision also involved green job training by a local nonprofit (Oregon Tradeswomen) that provides training in building, construction, mechanical, technical, and utility fields.

The coordinator for the project noted that the community pressed from the outset for innovative environmental design that reflected the culture of the community. He also pointed to the simple fact that "this is just how things are done in a progressive place like Portland." A few minor, but significant, barriers to the project did arise during the visioning process. Unknown environmental liability was considered the principal challenge early on, but this was dealt with via the negotiation of a prospective purchaser agreement with Oregon's Department of Environmental Quality.⁴ Obtaining general insurance for the property also proved to be costly, but this was mitigated somewhat through the management of environmental liability. Another concern included some push-back from the local business association about community ownership of a commercial property, which was managed by working with the support of the association's president to ease the concern of members. Last, but not least, the project was faced with a challenge that is common to brownfields redevelopment - identifying funding sources to pay for site remediation.

² United States Environmental Protection Agency 2009a *Building a Sustainable Future: A Report on the Environmental Protection Agency's Brownfields Sustainability Pilots*. Washington D.C.: Office of Brownfields and Land Revitalization EPA-506-F-09-500; United States Environmental Protection Agency 2009b *Green Jobs Training Curriculum for Nonprofit in Portland* Washington D.C.: Solid Waste and Emergency Response EPA-560-F-09-509

³ Southeast Uplift Neighborhood Program, Inc. 2005 *Application for Property Transfer under the Operation Goodwill Initiative*. US Federal Department of Justice.

⁴ According to the Oregon Department of Environmental Quality (<http://www.deq.state.or.us/lq/cu/ppa.htm>), "A Prospective Purchaser Agreement is a legally binding agreement between DEQ and a prospective purchaser or lessee of real property. A PPA limits the purchaser's or lessee's liability to DEQ for environmental cleanup of the property. In return for this liability release, the PPA must provide the state with a substantial public benefit. The PPA does not provide protection from liability a purchaser or lessee may have under federal law or from liability for any new contamination that may occur after the purchaser or lessee acquires the property. A PPA must be negotiated with DEQ before the purchaser or lessee acquires an interest in the property."

PROJECT CHARACTERISTICS AND DEVELOPMENT

Soon after the U.S. Marshals seized the property in June 2004, the City of Portland's Bureau of Environmental Services conducted a preliminary investigation of the site to examine past uses, obtain any relevant documents, and assess the likelihood of contamination. The Bureau sent a letter to the Justice Department stating that cleanup costs for the site might exceed \$200,000, which dropped the value of the property below \$50,000. This made it possible for the property to



Tabor Commons Site, Before (Courtesy of Paul Leistner, Mt. Tabor Neighborhood Association)

become part of the Federal Department of Justice's Operation Goodwill initiative, which allows the Marshals Service's Asset Forfeiture Division to transfer property to state and local government agencies or their designated non-profit organizations.

A limited Phase II environmental site assessment of the property conducted in December of 2004 found petroleum-contaminated soils. Consultants working with the Portland Brownfield Program prepared an Analysis of Brownfield Cleanup Alternatives (ABCA) to outline potential approaches for cleaning up the property in preparation for redevelopment.⁵

Neighborhood leaders worked with the Portland Brownfield Program and Oregon's Economic and Community Development Department to secure grant resources for environmental

cleanup. Project coordinators also attempted to raise funds via an insurance archeologist, but abandoned this effort once funding became available from the State of Oregon. In 2008, underground storage tanks and 200 tons of petroleum-contaminated soil were removed from the site using funds from the U.S. EPA, Oregon Economic and Community Development Department, and Portland's Bureau of Environmental Services.⁶ A Notice of Completion of Remedial Measures was granted from Oregon's Department of Environmental Quality on April 30, 2009. It should be noted that, even though the cleanup process went very smoothly, the application and reporting process required to obtain the necessary approvals and reimbursements from the state government were considered very complex for a community nonprofit to navigate.

Opsis Architecture and GreenWorks, a Portland-based design firm, worked with community members to generate concepts for a two-phase redevelopment of the Tabor Commons site. The first phase, completed in summer 2010, transformed the original structure into the Café au Play coffeehouse/community center and replaced the asphalt with sustainable landscape features and a public terrace (see figure on page 1). Phase II will add a large community building on the eastern portion of the site to accommodate meetings, classes, events, conferences, receptions and more.

Green design was central to the community's vision for the property. Central to planning and implementing this were the developer, community members, the City Bureau of Environmental Services, and the City stormwater program (in addition to state and federal involvement with site remediation). Given that the site lies in a combined sewer neighborhood, one of the key desires was to design the property to manage stormwater and help educate the community about the issue. The developers have thus replaced impervious surface with green and porous pavement, increased canopy cover, and installed

⁵ GeoEngineers. *Analysis of Brownfield Cleanup Alternatives Former Service Station 5633 SE Division Street Portland Oregon* (Portland: Report prepared for the City of Portland Bureau of Environmental Services, 2007a).

⁶ GeoEngineers. *Proposal for Remediation of Petroleum-Contaminated Soil* (Portland, Oregon: Oregon Department of Environmental Quality Prospective Purchaser Agreement, document provided by Paul Leistner, 2007b).

bioswales to capture stormwater generated on site and from adjacent streets.

Initially, the community project leaders hoped to qualify for LEED (Leadership in Energy and Environmental Design) Gold Certification through the U.S. Green Building Council for the renovation. They later abandoned this goal because of the added cost. The project still involved the recycling of renovation materials, installation of bicycle parking, energy-efficient lighting and appliances, and includes many visible environmental education components, such as the bulletin board with a green roof (see photo on page 1). Another green roof is being installed on the garbage/recycling structure built on the site. Other environmental elements that were considered but not implemented were a radiant floor, due to lack of funds, and an eco-roof, due to the limited strength of the structure.

The primary goal for the project was to create a community gathering space and to remove the negative impact of the property on the neighborhood. Having the planning and development process administered by a community-based nonprofit with a steering committee made up of several local community groups kept this mission front and center. In addition to providing a meeting space, the building now hosts a variety of community-oriented education activities, such as classes in prenatal and infant care, child development, positive parenting techniques, nutrition, finance/budgeting, conflict resolution, and career exploration. There are also various community support groups for diverse parent populations, as well as workshops in arts and crafts, and yoga. The building and the outdoor area also provide space for local artists and musicians to put on exhibits and performances.

In addition to facilitating community economic revitalization, another primary objective of the project was to provide a model of community development and ownership, with local and sustainability principles. Neighborhood groups worked with local businesses to manage early resistance to the idea of community ownership of the project and retail venture. The main building now houses Café au Play, a nonprofit organization that operates a coffeehouse with children's play areas and activities for kids, caregivers, and the community. Proceeds from the coffee business help provide funding for Café au Play (originally projected to have four employees), while patrons design and lead activities, and families connect to services and support networks. In the summer of 2011, Café au Play started a weekly Saturday community farmers' market on the site.

Another economically oriented function of the project is workforce training, via the local high school, in non-profit business management, child care, and the creation of family-focused businesses. This seven-week program is free, and each week participants spend one day in the classroom, one "hands on" day in the field, and one field trip day where they apply their newly acquired skills. Café au Play has also created the "Volunteer Barista" program that trains high school students in the skills needed to work in a coffee shop, in exchange for their volunteer help. Through its Brownfields Sustainability Pilots program, the U.S. EPA funded a consultant to assist in developing a green job training curriculum with Oregon Tradeswomen, a nonprofit that was founded on the principle that women could gain economic self-sufficiency through pursuing careers in the trades.⁷ The curriculum covers topics such as energy efficiency, passive solar design, solar panels, green roofs, solar thermal panels, stormwater management, the effects of water pollution, natural resource conservation, and building life cycle. Job training participants are also instructed on a variety of green building certifications, and learn about green building elements such as recycled materials, installing energy-efficient heating and cooling, weatherization, and avoiding volatile organic compounds. The curriculum covers necessary job skills, potential employers, as well as information on how to identify sources of financial support for integrating green features into site planning.⁸ Oregon Tradeswomen piloted the curriculum on

⁷ United States Environmental Protection Agency. *Building a Sustainable Future: A Report on the Environmental Protection Agency's Brownfields Sustainability Pilots*. (Washington D.C.: Office of Brownfields and Land Revitalization EPA-506-F-09-500, 2009a); United States Environmental Protection Agency. *Green Jobs Training Curriculum for Nonprofit in Portland* (Washington D.C.: Solid Waste and Emergency Response EPA-560-F-09-509, 2009b).

⁸ International City/County Management Association, Oregon Tradeswoman, Flying Hammer Productions. *Tabor Commons Green Jobs Program*. (Washington, D.C.: US Environmental Protection Agency, Brownfields and Land Revitalization, 2009), http://www.epa.gov/brownfields/sustain_plts/reports/Tabor_Commons_Green_Jobs_Training.pdf

a group of over 20 people, and has since offered additional classes. During the training, participants practice their skills on properties owned by nonprofits such as Tabor Commons. Indeed, students from this program built the eco-roof on the existing informational kiosk in front of the site.

In terms of project financing, the initial \$50,000 to purchase the site was raised via local individuals, businesses, and a local philanthropist. Additional costs consisted of:

-	<i>Payment to US Marshals for their costs</i>	<i>\$8,000</i>
-	<i>Multnomah County back property taxes</i>	<i>\$26,000</i>
-	<i>Insurance</i>	<i>\$5,000</i>
-	<i>Utilities</i>	<i>\$2,000</i>
-	<i>Contingency</i>	<i>\$12,000</i>

Grant funds were also obtained from various groups to pay for a variety of elements, including:

•	<i>Underground Storage Tank cleanup, \$60,643, State of Oregon Business Development Department and \$14,043, City of Portland Bureau of Environmental Services</i>
•	<i>City of Portland Brownfield Program (BIF fund) , \$34,000</i>
•	<i>Green job curriculum, \$25,000, U.S. EPA Brownfields Sustainable Pilots grant and U.S. EPA Brownfields Job Training grant</i>
•	<i>Building renovation, \$12,000, City of Portland "Vision into Action" grant</i>
•	<i>Bio-swales & landscape features, \$37,000, City of Portland Bureau of Environmental Services</i>
•	<i>Replacement of asphalt parking lot with pervious pavers, \$22,000, East Multnomah (County) Soil and Water Conservation District</i>
•	<i>Expansion of the capacity of stormwater swales to handle runoff from public streets, \$8,294, City of Portland Bureau of Environment Services Community Watershed Stewardship Program</i>
•	<i>Eco-roof on the garbage/recycling structure, \$375, City of Portland Bureau of Environmental Services as part of the city's \$5/sq. ft. eco-roof incentive</i>

- *Decommissioning of unused driveways from former drive-through operation and to channel stormwater runoff from the public street under the sidewalk and into the stormwater swale system on the site (scheduled for Feb. 2012), \$47,000, City of Portland Bureau of Environment Services "1% for Green" Program*

Services were also donated by a litany of volunteers who provided labor, in-kind resources, and professional services including legal advice, electrical, plumbing, civil engineering services, concrete work, installation of doors and water heaters, and performed many other tasks (see <http://cafeauplay.org/> for photos of volunteers in action).

BENEFITS, BARRIERS, AND LESSONS LEARNED

Information gathered for this case study reveals obstacles encountered at virtually every stage of the redevelopment process, from site acquisition to business programming. Several barriers appeared during the project visioning stage, when members of the local business association were skeptical about community ownership and operation of the facility. Community members, however, were able to overcome this by working closely with the association president to build support for the project. Another key barrier early on was the difficulty of obtaining insurance for a contaminated property, which was managed somewhat via the negotiation of a prospective purchaser agreement with Oregon's Department of Environmental Quality.

The primary obstacles identified for the Tabor Commons project overall include the complexity of the cleanup and redevelopment process, the difficulty of obtaining insurance for a contaminated property, and challenges in gaining ownership of the site. Another challenge was the organization's capacity to administer the process, which required a significant learning curve and long-term commitment. Nevertheless, patient and committed leadership from local community leaders and the long-term dedication of key project champions kept the process moving forward in a manner consistent with the community's sustainability vision. Strong community support, along with the coming together of different community groups, helped enhance the groups' overall capacity to deal with issues and expand support networks for the project. Site acquisition would have been impossible without the federal government's Operation Goodwill program, although it should be noted that the program's rules could be revisited so that it is less concerned with the price of a property and more with the likelihood that the proposed future use will deal with the negative blight a property has imposed on the community.

Implementation of many of the project's environmental features, including remediation and stormwater management, required significant administrative and financial support from government agencies at the federal, state and local levels. Portland's progressive Bureau of Environmental Services was very active in supporting and facilitating the project via its Sustainable Stormwater Program, which has received international praise for its efforts to integrate stormwater into building and site development (<http://www.portlandonline.com/bes/index.cfm?c=34598>). The "culture of support" from city agencies in Portland in particular helped move individual components of the project forward. This helped the community overcome the permitting process, which often stifles the implementation of innovative sustainability features in favor of approving conventional measures. In all, the combination of determined community leadership to address a longstanding blight to the

neighborhood and committed government support allowed the project to overcome barriers to sustainable development.

Key Policies and Programs

	<ul style="list-style-type: none">• U.S. Marshals Service, Asset Forfeiture Division, "Operation Goodwill" (http://www.justice.gov/marshals/oca/newsletter/index.html)<ul style="list-style-type: none">- The United States Marshals Service manages the Asset Forfeiture program of the Department of Justice. The Operation Goodwill program allows the Marshals Service's Asset Forfeiture Division to transfer certain real property to state and local government agencies or their designated non-profit organizations. In addition to disposing of hard-to-sell properties, the program aims to help bring life to previously undesirable neighborhoods, deter crime, bring community cost savings, and positively impact local communities.
	<ul style="list-style-type: none">• Stormwater Management Program, Portland (http://www.portlandonline.com/bes/index.cfm?c=31892)<ul style="list-style-type: none">- The city of Portland's Environmental Services Division operates an extremely progressive stormwater management program. The city works with citizens, businesses, and property owners to increase public awareness of stormwater issues and promote private stormwater management efforts. The city takes a more "sustainable approach to stormwater management," by supporting and facilitating the implementation of stormwater management systems that mimic nature by integrating stormwater into building and site development via natural systems like landscaped planters, swales, rain gardens, and eco-roofs.
	<ul style="list-style-type: none">• Oregon Department of Environmental Quality Prospective Purchaser Agreement (http://www.deq.state.or.us/lq/cu/ppa.htm)<ul style="list-style-type: none">- A Prospective Purchaser Agreement is a legally binding agreement between the Oregon Department of Environmental Quality and a prospective purchaser or lessee of real property. A PPA limits the purchaser's or lessee's liability to the DEQ for environmental cleanup of the property. In return for this liability release, the PPA must provide the state with a substantial public benefit. A PPA must be negotiated with DEQ before the purchaser or lessee acquires an interest in the property.

The project coordinator noted that the primary benefit associated with redeveloping this brownfield in a more sustainable manner was to establish a model that incorporates community partnerships, nonprofit leadership, and more environmentally conscious redevelopment. He also added the provision of environmental educational opportunities, more social sustainability, and providing an opportunity for individuals to volunteer.

A grant proposal written for the project provides a comprehensive list of benefits that different partners felt the project would bring about.⁹ The local elementary school believed that the space would be useful for meetings and allow it to enhance its environmental education and adult language programs. The building could also be a place where community members can

⁹ Southeast Uplift Neighborhood Program. "Application for Property Transfer under the Operation Goodwill Initiative, 57th and Division School/Neighborhood Community Center Portland, Oregon." (Portland, Oregon: US Federal Department of Justice, Document provided by Paul Leistner, 2005), Can also be found at http://www.mttaborpdx.org/documents/goodwill_program.pdf.

have access to computers, library books, and garden produce offered via existing community programs. The direct benefits to the community included the creation of a meeting and gathering place for events, an environmental education opportunity, and a potential space for affordable office incubator space and/or affordable housing on one or more upper floors. As for broader community benefits, the proposal lists enhancing relationships, quality of life, and the pedestrian environment, as well as support for the local economy, ecological design and environmental sustainability.

To facilitate the inclusion of sustainability in future brownfields efforts, experience with this project points to the need for the following:

- *Case studies and best practices outlining how to do it, with information on real risks and actions;*
- *Education of the private sector about risks related to these sites and their redevelopment;*
- *Funding;*
- *Continuation of modifications to the permit process to foster the implementation of innovative measures;*
- *Enhancement of the capacity of the city to support and facilitate community-led development projects;*
- *Continuation of the EPA's Pilot process for linking brownfields and sustainability;*
- *Additional technical and financial support, especially for cleanup; and*
- *Greater support for forward movement on these issues.*

In all, the Tabor Commons project is a model for community-led and sustainable redevelopment of small brownfield sites. Socially, the redevelopment provides a gathering space and various educational opportunities (e.g., English as a second language, Spanish, computer training, environmental education, green jobs). Environmentally, the project showcases an array of green technologies and features that improve the site and surrounding neighborhood. Economically, the project removes blight and brings positive activity back to a derelict space. The project also adds to a growing list of sustainable brownfields projects in Portland that all point the way for other interested developers.

TIMELINE

YEAR	DESCRIPTION
1999	Community members successfully oppose the liquor license application of the property owner after he is caught several times selling cigarettes to minors.
June 2003	Police raid the property as part of an investigation of a multi-state drug ring that acquires psuedoephedrine and distributes it to meth labs. Community members contact U.S. Attorney's office to express interest in gaining community ownership of the property. MTNA, STNA and Atkinson PTA and other community members form a steering committee to pursue community ownership of the property.
June 2004	The U.S. Marshals Service seizes the property.
September 2004	City of Portland Bureau of Environmental Services examines the site.
Oct. 2004	U.S. Department of Justice considers Goodwill Initiative.
November 2004	Community Forum held to determine goals/vision for the property. Neighbors hold community meetings to discuss using the site as a community center in the future and to share ideas of how to redevelop the property.
December 2004	City of Portland Bureau of Environmental Services completes limited Phase II Environmental Site Assessment report.
February 2005	Property owner pleads guilty and is sentenced to 135 months in federal prison. The U.S. Marshals take formal ownership of the property.
April 2005	Community Forum held.
Summer 2005 - Spring 2006	Neighbors successfully raise \$49,000 in donations to cover the costs of the property transfer and initial holding costs, securing it as a community-owned space.
Winter 2005	Portland State University student team studies the cleanup and makes recommendations.
Fall 2005-2006	Prospective Purchaser Agreement (PPA) negotiated.
2006	Intensify search for underground tank cleanup funding via insurance archeologist and government programs.
June 2006	PPA filed with county government. U.S. Marshals transfer ownership of site to Southeast Uplift Neighborhood Coalition.
July 2006	Neighbors clean up, paint and renovate building and hold an open house. White House "Drug Czar" visits site and presents Community Anti-Drug Excellence awards to the Mt. Tabor and South Tabor Neighborhood Associations, Atkinson Elementary PTA, and Southeast Uplift Neighborhood Coalition.
October 2006	Community Forum held.
2007	Some funding acquired to assess and remediate the site.
Feb. 2008	Additional grants awarded.
2008	Site remediation carried out.
May 2009	State DEQ formally states SEUL met PPA requirements.

YEAR	DESCRIPTION
August 2010	Grand Opening Community Celebration event attended by over 800 community members.

REFERENCES

- GeoEngineers. *Analysis of Brownfield Cleanup Alternatives Former Service Station 5633 SE Division Street Portland Oregon*. Portland, Oregon: Report prepared for the City of Portland Bureau of Environmental Services, 2007a.
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