



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

January 30, 2014

Bradford Williams
Associate City Attorney
Raleigh City Attorney's Office
P. O. Box 590
Raleigh, NC 27602

Subject: **DENR Approval of Restaurant Land Use – Blount Street Parking Deck**
(a.k.a. RBC Tower Parking Deck)
N.C. Brownfields Program Project # 11030-07-92

Dear Mr. Williams:

This letter responds to your request for correspondence from the North Carolina Department of Environment and Natural Resources (DENR) concerning the proposed restaurant land use on a portion of the Blount Street Parking Deck property.

In a May 14, 2013 email to me (in my role as N.C. Brownfields Program (NCBP) Project Manager for both the Parking Deck and the adjoining Edison project), Mr. Darin McClure, of Mid-Atlantic Associates, Inc., on behalf of the Prospective Developer for the adjoining Edison brownfields redevelopment project (N.C. Brownfields Project # 11038-07-92), explained that a restaurant wanted to lease one of the retail bays in the parking deck structure. He suggested that restaurant use fits into the definition of retail and noted that "Restaurant" is an approved use in the Brownfields Agreement (BFA) for the Edison site. He also noted that some subsequent BFAs had included the language "including restaurants and other food and beverage use" in the definition of "Retail" use. He requested an email confirmation from DENR that restaurant use falls within the meaning of "Retail" use as approved for the Parking Deck site.

While considering Mr. McClure's request, I noted that the Parking Deck and Edison sites share a very similar use history and that risk-management decisions for the two sites were based on site assessment data that included both properties... groundwater and soil sampling results that detected very few contaminants and at very low concentrations. In addition, as is typically the case, I noted that the approved land uses in the BFAs for these two properties simply reflect the specific uses that were proposed in the two applications for entry into the N.C. Brownfields Program. It was clear to me that the minor contamination identified at the Parking Deck site should not preclude restaurant land use at that site, and I surmised that restaurant use would certainly have been approved for the Parking Deck site had that use been explicitly proposed in the Parking Deck application as it had been in the Edison application.

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In my email response to Mr. McClure's request, I recounted some of the above consideration and concluded as follows:

"For those reasons, and in recognition that restaurant use is approved for the adjoining Edison property, with its similar use history and low-risk impacts, DENR hereby approves restaurant use for the RBC Parking Deck property without modification of the Brownfields Agreement in effect thereon."

Please advise if this correspondence fails to satisfy your needs regarding restaurant land use being a DENR-approved use at the Blount Street Parking Deck property. Thank you for your interest in the NCBP, and don't hesitate to contact me if you have questions or require additional information.

Sincerely,



Tony Duque
Brownfields Project Manager
tony.duque@ncdenr.gov
919-707-8380

cc RBC Tower Parking Deck file
Gregg Sandreuter, Hamilton Merritt, Inc. & Edison Land, LLC