

September 20, 2021

Chris Fleming, PE
Partner/Project Manager
Korda/Nemeth Engineering, Inc.
1650 Watermark Drive
Columbus, Ohio 43215

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Brookwood Apartments

Mr. Fleming:

This letter is in response to the subject variance request to the SWDM Sections 1.3.2 *Permanent Protection of the Stream Corridor* and 1.3.3 *Prohibited Uses in the Stream Corridor Protection Zone*. More specifically, SWDM Section 1.3.2 provides for permanent protection of the Stream Corridor Protection Zone (SCPZ), and Section 1.3.3 lists specific activities and facilities prohibited within the SCPZ, which include commercial business activities, filling, excavation and other changes in topography within the SCPZ. A variance is requested to allow construction of a four story 106-unit senior living apartment building, associated green- and hardscapes, parking areas, and a parkland dedication area. The proposed redevelopment of a former church site will result in the permanent Bliss Run SCPZ impact of 0.62 acres.

The request was initially submitted to the City on February 3, 2021, with a subsequent final resubmission on August 26, 2021. The Variance Review Committee met and reviewed the subject Variance Request and additional information submitted by the applicant and Columbus Recreation and Parks Department (CRPD) on several occasions between April and September of 2021, with the final review on September 8, 2021. As part of the Variance review process, the subject Variance request (its initial and final versions) was posted on the City website on May 6 and September 2, 2021 to solicit public comments. No public comments were received by the posted due dates.

The submitted Variance Request was found by the Variance Review Committee to be in compliance with the SWDM Stream Protection Type III Variance application requirements.

Three alternatives were considered within the application for the requested Section 1.3 variance - Full Compliance, Minimal Impact and the Preferred Alternative.

- Preferred Alternative – a four-story apartment building with 106 units, along with associated parking areas and hardscapes, will be constructed on the west side of Bliss Run. The total disturbed area for this option is approximately 3.20 acres, of which 0.62 acres of disturbance within the SCPZ, which includes asphalt and concrete pavements, grading activities, long term mowing of lawn areas, and a



portion of the proposed apartment building. Will maximize the space available for development, while not impacting the 100-year floodplain.

- Minimal Impact Alternative – Minimized improvements within the SCPZ. No direct impact to the stream. 0.25 acres of SCPZ impact. The proposed building is reduced in size vs. the Preferred Alternative, from 106 to 88 units.
- Full Compliance Alternative – no improvements within the SCPZ. Total disturbed area is about 1.90 acres. Existing site features within SCPZ remain, amounting to 0.45 acres (vs. 0.53 acres of the ex. encroachment). The proposed building is significantly reduced in size vs. the Preferred Alternative, from 106 to 71 units.

The applicant proposes to mitigate the Preferred Alternative impact by providing both on-site and off-site mitigation. The on-site mitigation will consist of improvements to the 0.94 acres of the remaining SCPZ, consisting of invasive species removal, native species planting and a 0.94 acre conservation easement to protect the remaining SCPZ in perpetuity. The off-site mitigation will include streambank stabilization on Alum Creek near Harbour Pointe as described in CRPD Three Streambank Stabilization Projects updated Report dated June 21, 2021, and the Variance Request dated August 26, 2021.

Upon reviewing and discussing the application submitted by the applicant, the Variance Review Committee agreed with the applicant that the Preferred Alternative with the proposed SCPZ mitigation plan represents the development team's good faith effort to comply with the SWDM stream protection requirements to the maximum practical extent. The Committee further agreed with the applicant's argument that both the Full Compliance and the Minimal Impact Alternatives would impact functional and economic viability of the proposed senior living project to a point of making it infeasible.

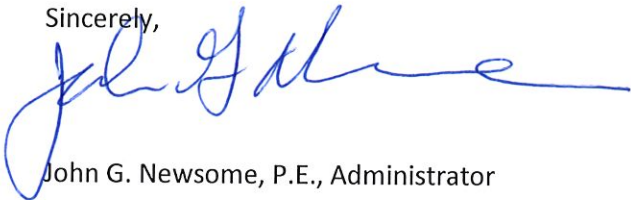
In light of the above, the subject Variance Request (Type III SWDM Section 1.3), Preferred Alternative is conditionally approved contingent upon the following stipulations:

- Storm CC-Plans and Stormwater Management Reports (on-site and off-site) must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described within this letter and in the variance application.
- The remaining existing on-site SCPZ will require a conservation easement to protect these areas in perpetuity.
- As part of on-site CC-plan preparation, the applicant must demonstrate that the proposed on-site mitigation scope provides reforestation and revegetation plan consistent with the appropriate City requirements as stated in the SWDM and City Tree Policy. Such reforestation/revegetation plan will also account for permitted stream/SCPZ impacts as required by the SWDM.
- Off-site mitigation should follow recommendations of the updated report dated June 21, 2021.
- The applicant should submit off-site milestone dates for review and approval by CRPD prior to the approval of the final off-site CC-plan. The City's intent is to have the required streambank repair CC-plans completed in 2021 and construction completed in 2022.

- The applicant should designate a primary Point of Contact for communication with CRPD throughout the design and construction of the off-site CC-plan. CRPD representative shall participate in design review, preconstruction, progress meetings and other similar project events.
- CRPD must be invited to review and comment on the construction contract and the selection of the contractor(s) or subcontractor(s) performing the work, and CRPD input shall be considered in good faith by the Owner.
- CRPD should have the right to access the site and inspect the work throughout construction. This does not relieve the Owner of any obligation for their own and other required inspection and adherence to the design documents and permit requirements.
- A Stormwater Management Bond for the off-site mitigation project, which will cover the estimated costs of CC-plan preparation, construction work, construction inspection and the required permitting must be prepared in cooperation with the City and executed by the Owner prior to approval of the on-site CC-plans.

No approval contained herein relieves or absolves the applicant of any provisions of applicable state or federal laws. Please contact Plan Review Section Manager Greg Fedner, P.E. at 614-645-8072 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John G. Newsome", written over a horizontal line.

John G. Newsome, P.E., Administrator
Division of Sewerage and Drainage

pc: Variance Review Committee
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