KRISTEN L. ATHA
Director

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
PUBLIC UTILITIES

April 13, 2023

Michael J. Couvreur, PE, CPESC, LEED AP
Senior Engineer
The Kleingers Group
350 Worthington Rd., Suite B
Westerville, OH 43082

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Ohio State University Book Depository – 2700 Kenny Road PID# 010-204024

Mr. Couvreur:

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 an expansion of the existing Book Depository building and to construct asphalt loading area for delivery trucks south of the building. The proposed facility expansion project will require an encroachment into an existing stream's SCPZ south of the building.

The request was submitted to the City on March 21, 2023. As part of the Variance review process, the subject Variance request was posted on the City website on the same day to solicit public comments. Public comments from FLOW were received on April 4, 2023. The Variance Review Committee met and reviewed the subject Variance Request and public comments on April 12, 2023.

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.

- Full Compliance Alternative –Only minimal expansion of the existing truck loading/unloading/parking and turnaround area required tor the proposed building expansion would be possible south of the building to avoid SCPZ encroachment, making the proposed building expansion non-functional. A retaining wall would be required along the south edge of the parking area to accommodate the grade change from the loading area to the existing grade. Shifting more of the proposed footprint from south to east was evaluated, but found unfeasible due to existing site constraints. Due to these

concerns, the Full Compliance Alternative would result in major functionality issues making it non-viable.

- Minimal Impact Alternative – Would minimize the proposed encroachment into the SCPZ by reducing the proposed drive and loading area. While allowing the required truck movement, this alternative would also require a retaining wall due to grade differences of as much as four feet, creating safety concerns. Due to these concerns and increased costs this Alternative was also found to be non-viable.
- Preferred Alternative – Would provide the required functionality similarly to the Minimal Impact Alternative; however, utilizing 4:1 slope in lieu of a retaining wall would alleviate safety concerns present with the Minimal Impact Alternative.

The applicant proposes on-site mitigation to address the Preferred Alternative's permanent 4,580 sf SCPZ impact. The SCPZ buffer zone will be reestablished along the north and south sides of the stream, 3,280 sf along the north side and 6,000 sf along the south side. Additionally, the existing SCPZ will be expanded by adding an additional 4,800 sf into the proposed post-development SCPZ. All mitigation areas will be reseeded with native no-mow and/or meadow grasses. Additionally, one deciduous tree is proposed to be removed due to grade changes and will be replaced by one 2.5 inch caliper native species tree. The proposed work is evaluated by the applicant to be sufficient to mitigate the proposed permanent SCPZ impact. In accordance with the guidance provided by the Army Corps of Engineers/Ohio EPA's "The Guidelines for Stream Mitigation Banking and In-Lieu Fee Programs in Ohio" (March 2016), re-establishment of SCPZ buffer could provide equivalent mitigation for SCPZ impact with a ratio of 2:1.

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 owner's 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 viability of the proposed facility expansion 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-Plan and Stormwater Management Report must be submitted and approved by the City of Columbus. The plans shall include an SCPZ mitigation plan as conceptually described above and in the variance application.
- The remaining on-site SCPZ, including the SCPZ of the stream north of the building, and the additional proposed SCPZ will require a conservation easement to protect these areas in perpetuity, and SCPZ signage per SWDM 1.3.6.

Additionally, the Variance Review Committee felt that, while the proposed mitigation plan appears to meet the minimum mitigation requirements, particularly in terms of the proposed plantings (native grasses and a tree), a more robust replanting plan enhanced with native shrubs and trees would be suggested to improve the stream quality. Also, some channel improvements should also be considered (and are suggested) for this heavily impacted by previous developments stream.

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

Sincerely,

Robert S. Priestas, P.E., Administrator
Division of Sewerage and Drainage

pc: Variance Review Committee
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