

TRACIE DAVIES
Director

February 8, 2021

Jeffrey Lonchor, P.E.
CESO, Inc.
2800 Corporate Exchange Dr., Suite 400
Columbus, OH 43231

RE: Stormwater Drainage Manual (SWDM) Type III Variance Request – Del Taco, 1466 Harrisburg Pike,
Columbus OH 43223

Mr. Lonchor:

This letter is in response to the subject variance request to the SWDM Section 1.3 – 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 2,418 sq. ft. fast-food restaurant with a drive-thru, outdoor dining area, dumpster enclosure and a surface parking lot which encroaches into the Early Run SCPZ existing on the site.

The request was submitted to the City on January 15, 2021. The Variance Review Committee met and reviewed the subject Variance Request on February 5, 2021. As part of the Variance review process, the subject Variance request was posted on the City website on January 19, 2021 to solicit public comments. By the due date of February 2, 2021 no public comments were received.

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.

Under the Full Compliance Alternative, no work will be performed within the SCPZ. Approximately 0.33 acres of the parcel would be affected by construction (about 37%). This alternative would provide no functional site circulation plan acceptable to the applicant. It will also provide only 3 parking spaces on-site, while Del Taco's typical business model requires 20 to 30 on-site parking spaces. Lack of parking spaces would significantly impact indoor dining revenue, resulting in expected annual revenue being reduced by about 25% vs. the Preferred Alternative. This will make the project unviable. If the adjacent parcel is purchased and used for additional site parking, the total number of parking spaces could potentially be increased to 24. However, this option would negatively impact site circulation patterns and cause site safety issues. Therefore, even using both parcels for development is viewed by the applicant as infeasible.

Under the Minimal Impact Alternative, the scope of the proposed improvements within the SCPZ would be significantly reduced vs. the Preferred Alternative. No direct impact to the stream is proposed. The total on-site development footprint is approximately 0.55 acres of the parcel (about 62%). Total SCPZ impact is 0.16 acres. This alternative will provide 9 total parking spaces, and result in an estimated 15%-20% annual revenue loss vs. the Preferred Alternative. This Alternative was also found by the applicant to make the project unviable.



Under the Preferred Alternative, slightly more expanded improvements are proposed within the SCPZ vs. the Minimal Impact Alternative. This Alternative will also cause no direct impact to the stream. The total on-site development footprint is approximately 0.61 acres of the parcel (about 69%). Total SCPZ impact is 0.23 acres. This alternative will provide 24 total parking spaces and improved site circulation, and is thus aligned well with the Del Taco corporate business model.

The applicant proposes to mitigate the proposed under the Preferred Alternative 0.23 acre SCPZ impact by on-site mitigation. Additional 0.23 acre SCPZ will be created, in accordance with the required on-site mitigation 1:1 ratio. The mitigation work is proposed on an adjacent parcel to be purchased by the applicant specifically for the SCPZ mitigation purpose. Native plant species will be used for the mitigation area. Invasive species control is proposed for both remaining on-site SCPZ and for the mitigation area. Any non-invasive species trees proposed to be removed will be replaced as part of the mitigation plan. The remaining SCPZ on the main parcel, as well as the existing SCPZ and the proposed mitigation area on the adjacent parcel will be permanently protected by a conservation easement. The mitigation proposal will comply with and exceed the SWDM requirement of creating SCPZ equivalent to the disturbed SCPZ.

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 argumentation that both the Full Compliance and the Minimal Impact Alternatives would impact business viability of the proposed development 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 existing remaining SCPZ outside the limits of the proposed development on both affected parcels, and the proposed mitigation SCPZ will require a conservation easement to protect these areas in perpetuity.
- The applicant must comply with the City Tree Policy in the proposed revegetation/reforestation plan.

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,



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

pc: Variance Review Committee
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