

U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

# Public Notice

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Applicant: LSB Seven  
Hills, LLC.

Published: March 14, 2016  
Expires: April 13, 2016

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Application No: 2016-00168  
Section: OH

All written comments should reference the above Application No. and be addressed to:  
**US Army Corps of Engineers, Buffalo District**  
**Regulatory Branch (Attn:) Andy Francisco**  
1776 Niagara Street  
Buffalo, NY 14207

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

**APPLICANT:** LSB Seven Hills, LLC.

**WATERWAY & LOCATION:** Federally jurisdictional wetlands and streams on a 31.24-acre parcel of land located south of Rockside Road and east of Crossview Road, in the City of Seven Hills, Cuyahoga County, Ohio (Sheets 1-2 of 8).

**LATITUDE & LONGITUDE:** Latitude North: 41.39912  
Longitude West: -81.66625

**EXISTING CONDITIONS:** The irregularly-shaped subject parcel is comprised mostly of forested and scrub-shrub habitat located in an area generally surrounded by residential and commercial development.

**Description of delineation of waters of the US, if applicable:** A wetland delineation was completed in August 2014 and USACE Corps staff verified delineated boundaries for 14 wetlands totaling 3.538 acres, 7 streams totaling 2,441 linear feet (LF), and 3 open water areas totaling 0.368 acres on a 58-acre parcel on December 2, 2014. The Project area boundaries were reduced subsequent to the issuance of an Approved Jurisdictional Determination on January 8, 2015. As such, the

amount of waters of the U.S. within the Project area are less than those documented on the Jurisdictional Determination.

**PROPOSED WORK:** The applicant is proposing to permanently fill 1.695 acres of federal wetlands and 461 LF of streams for mixed use development of the project consisting of commercial space, 165 multi-family structures comprised of flats, townhomes, and infrastructure including utilities, roads, and stormwater facilities (See Sheet 2 of 8).

**PROJECT PURPOSE**

**Basic:** Mixed use development

**Overall:** To construct a mixed-use development which includes commercial, retail, and residential uses within the City of Seven Hills or surrounding municipalities.

**Water Dependency Determination (*describe only if project affecting Special Aquatic Site*):**

The proposed project is not a water dependent activity. Therefore, it is presumed that practicable upland alternatives exist that are less environmentally damaging. It is the applicant's responsibility to demonstrate that there are no alternate sites that are less environmentally damaging that would allow the applicant to accomplish their project purpose. As part of the permit application, the applicant has considered off-site alternatives and one on-site alternative.

**AVOIDANCE AND MINIMIZATION INFORMATION:** The applicant stated that the proposed project (Plan of Record) is the Minimum Degradation Alternative (MDA) which limits impacts to waters of the U.S. to the extent practicable. The MDA reduces the amount of housing by 40 units and avoids impacts to 0.670 acre of scrub-shrub/forested wetlands, 479 LF of intermittent stream, and 171 LF of ephemeral stream. Conversely, the Maximum Build Alternative (MBA) would result in permanent impacts to 2.335 acres of federal jurisdictional wetland, 507 LF of intermittent stream, and 145 LF of ephemeral stream. The MBA would result in the avoidance of 0.030 acre of federal wetland, 247 LF of intermittent stream, and 212 LF of ephemeral stream.

**PROPOSED MITIGATION:**

**Wetland Mitigation -** To compensate for a total of 1.695 acres of wetland impacts, the applicant proposes to purchase a total of 3.9 acres of wetland mitigation credits as follows: 2.5:1 ratio for Category 2 forested wetland impacts and 2:1 ratio for Category 2 non-forested wetland impacts from the Nature Conservancy's In-Lieu Fee Program servicing the Cuyahoga River watershed.

**Stream Mitigation -** The applicant proposes to perform on-site stream relocation as mitigation for impacts to 186 LF of ephemeral Stream 2 and 59 LF of impacts to intermittent Stream 1 at a 1.5:1 ratio (See Sheets 3 and 4 of 8). Due to on-site constraints 122.5 LF of stream mitigation for Stream 1 and 2 impacts will be completed at the off-site mitigation location. The applicant proposes to perform off-site mitigation within the Cleveland Metroparks' West Creek Reservation located approximately 2 miles southwest of the Project site. The applicant proposes to restore a total of 554.5 LF (2:1 ratio) of an unnamed tributary to West Creek to compensate for impacts for a total of 216 LF (Streams 3 and 4) and the aforementioned 122.5 LF (Streams 1 and 2). See Sheets 5-7 of 8.

Lastly, the applicant proposes to preserve 4.41 acres of the project area in a conservation easement to be held by the West Creek Conservancy (See Sheet 8 of 8).

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Andy Francisco, who can be contacted at the above address, by calling (716) 879-4121, or by e-mail at: [Ernest.a.francisco@usace.army.mil](mailto:Ernest.a.francisco@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization is required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency

Based on preliminary findings resulting from the Corps internal resource review and additional information provided by the applicant, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP) within the permit area as shown on Sheets 1 and 2 of 8. As such, the Corps has determined that proposed project will have no effect on historic properties.

This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), Kirtland's warbler (*Setophaga kirtlandii*), Piping plover *Charadrius melodus*, and Red knot(Rufa) (*Calidris canutus rufa*) to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

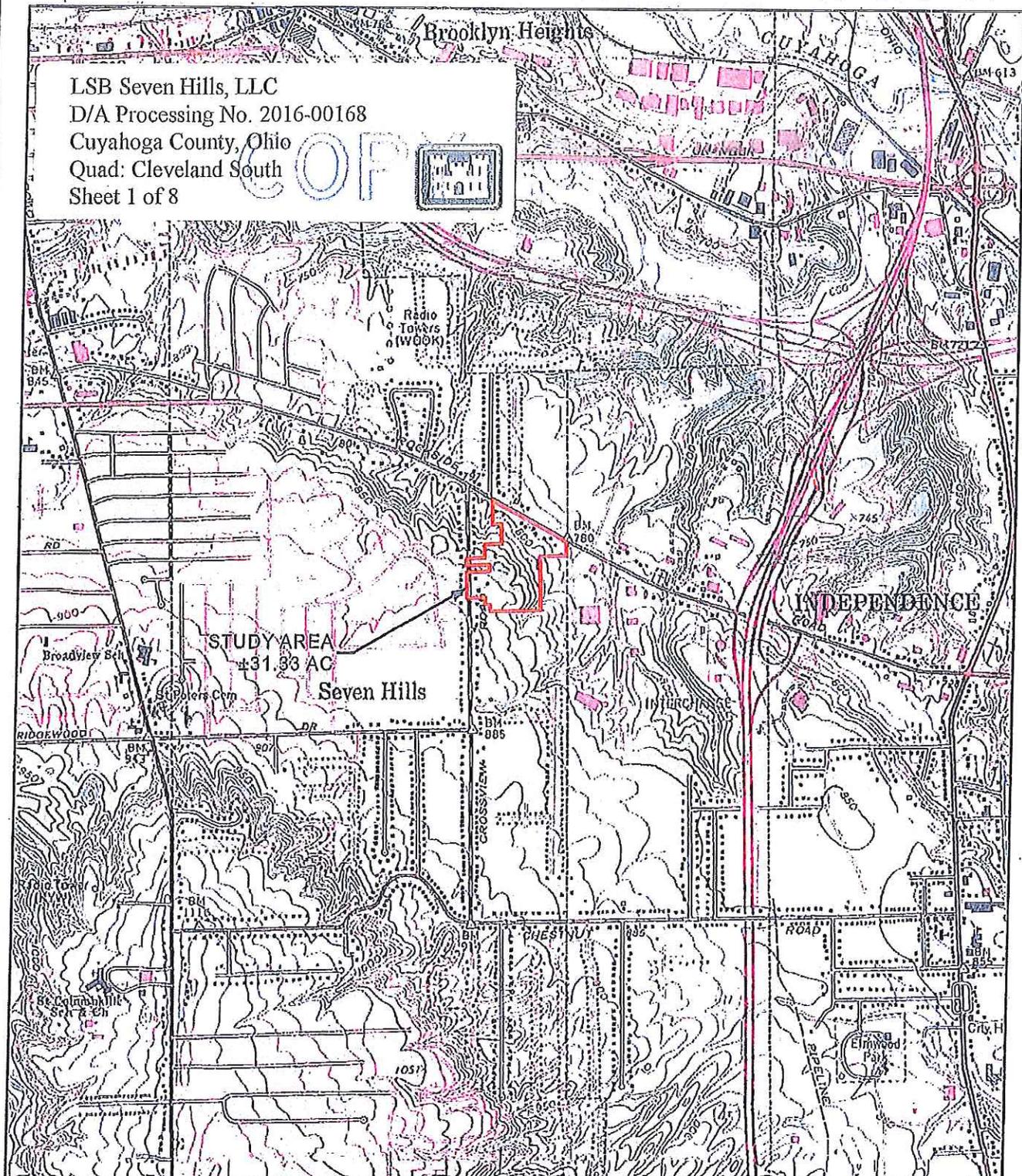
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SIGNED**

Diane C. Kozlowski  
Chief, Regulatory Branch

**NOTICE TO POSTMASTER:** It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

LSB Seven Hills, LLC  
 D/A Processing No. 2016-00168  
 Cuyahoga County, Ohio  
 Quad: Cleveland South  
 Sheet 1 of 8

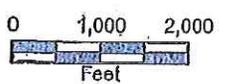


STUDY AREA (±31.33 AC)

FIGURE 1: SITE LOCATION MAP  
 SEVEN HILLS PUD  
 CITY OF SEVEN HILLS  
 CUYAHOGA COUNTY, OHIO

SOURCE: USGS 7.5 MIN TOPOGRAPHIC QUADRANGLE  
 CLEVELAND SOUTH, OHIO QUADRANGLE

PROJECT NO.: 12000647.01  
 DATE: 1/27/2016  
 DR: BS  
 GIS FILE: 12000647\_01\_SITE - Copy



1" = 2,000 FEET



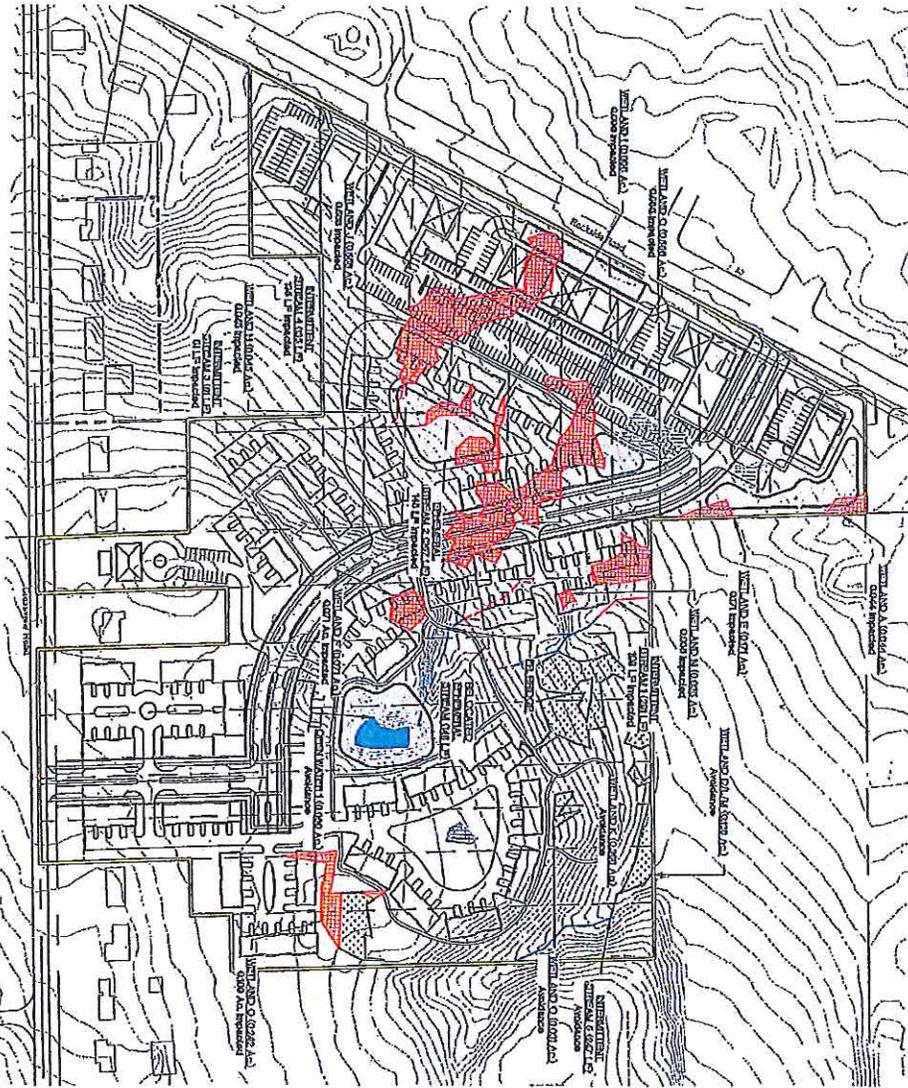
866.850.4200, www.atwell-group.com

COPY

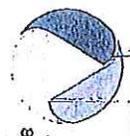


L:\PROJECT 000168\02 2/3/2016 4:35 PM JOHN OSTERHOFF

PROJECT DESIGN



DPT: 85  
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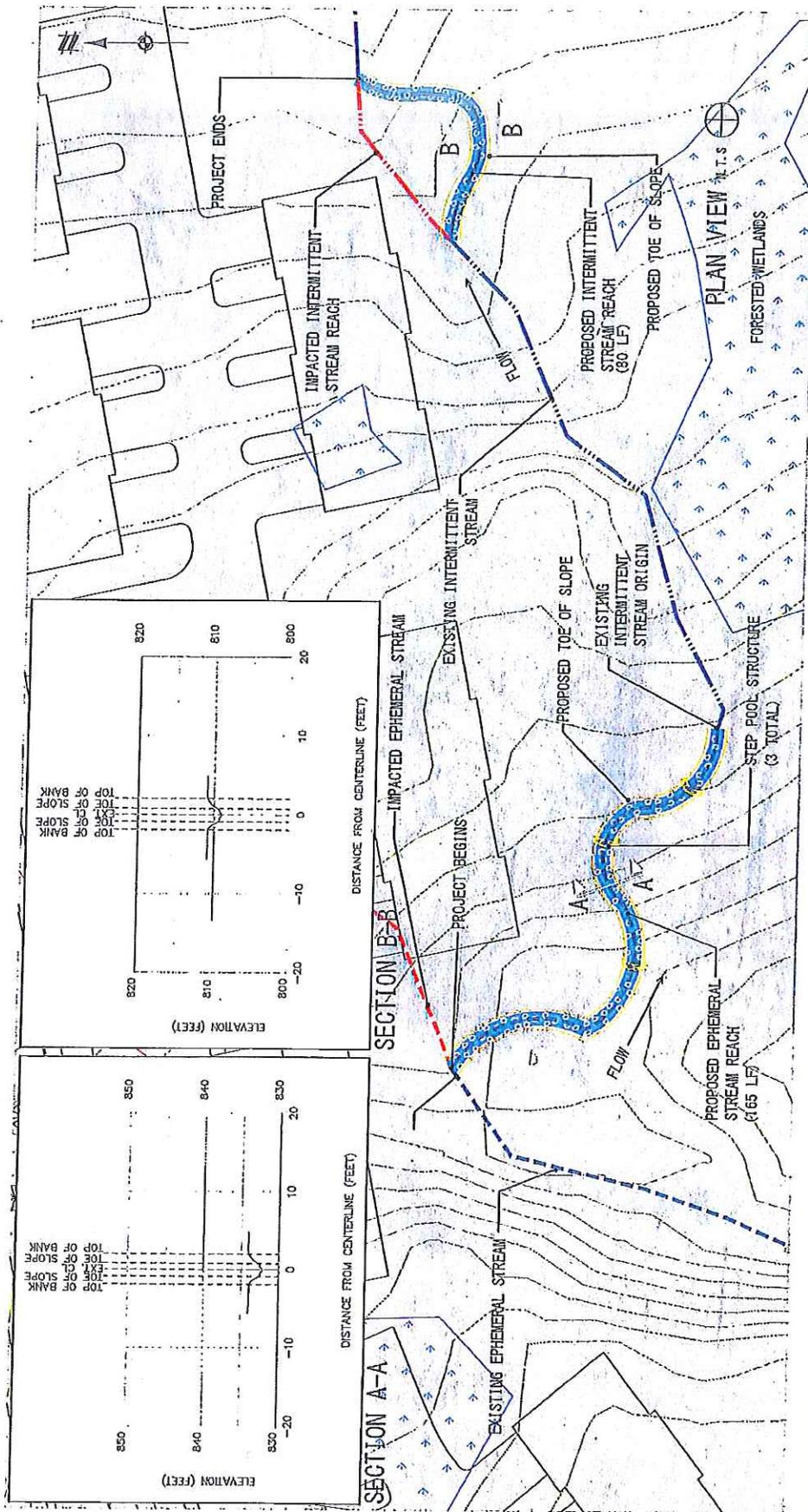


**ATWELL**  
 366.850.4200 [www.atwell-group.com](http://www.atwell-group.com)  
 7100 E. PLEASANT VALLEY RD., SUITE 220  
 INDEPENDENCE, OH 44131  
 440.349.2000

PROJECT NO.: 12000647  
 DATE: 2016/02/01

-  AVOIDED INTERMITTENT STREAM - 439 L.F.
-  IMPACTED EPHEMERAL STREAM - 282 L.F.
-  AVOIDED EPHEMERAL STREAM - 145 L.F.
-  RELOCATED EPHEMERAL STREAM - 148 L.F.
-  AVOIDED JURISDICTIONAL WETLANDS - 0.070 AC.
-  IMPACTED JURISDICTIONAL WETLANDS - 1.095 AC.
-  TOTAL JURISDICTIONAL WETLANDS - 2.265 AC.
-  EXISTING GREEN WATER - 0.090 AC.
-  PROJECT AREA - 31.33 AC.

SCALE: 1" = 200'



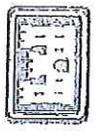
STREAM MITIGATION PLAN - ONSITE STREAM MITIGATION  
 VILLAGES OF SEVEN HILLS PUD - PROJECT NO. 12000647.01  
 FEBRUARY 17, 2016

PLAN VIEW & SECTIONS



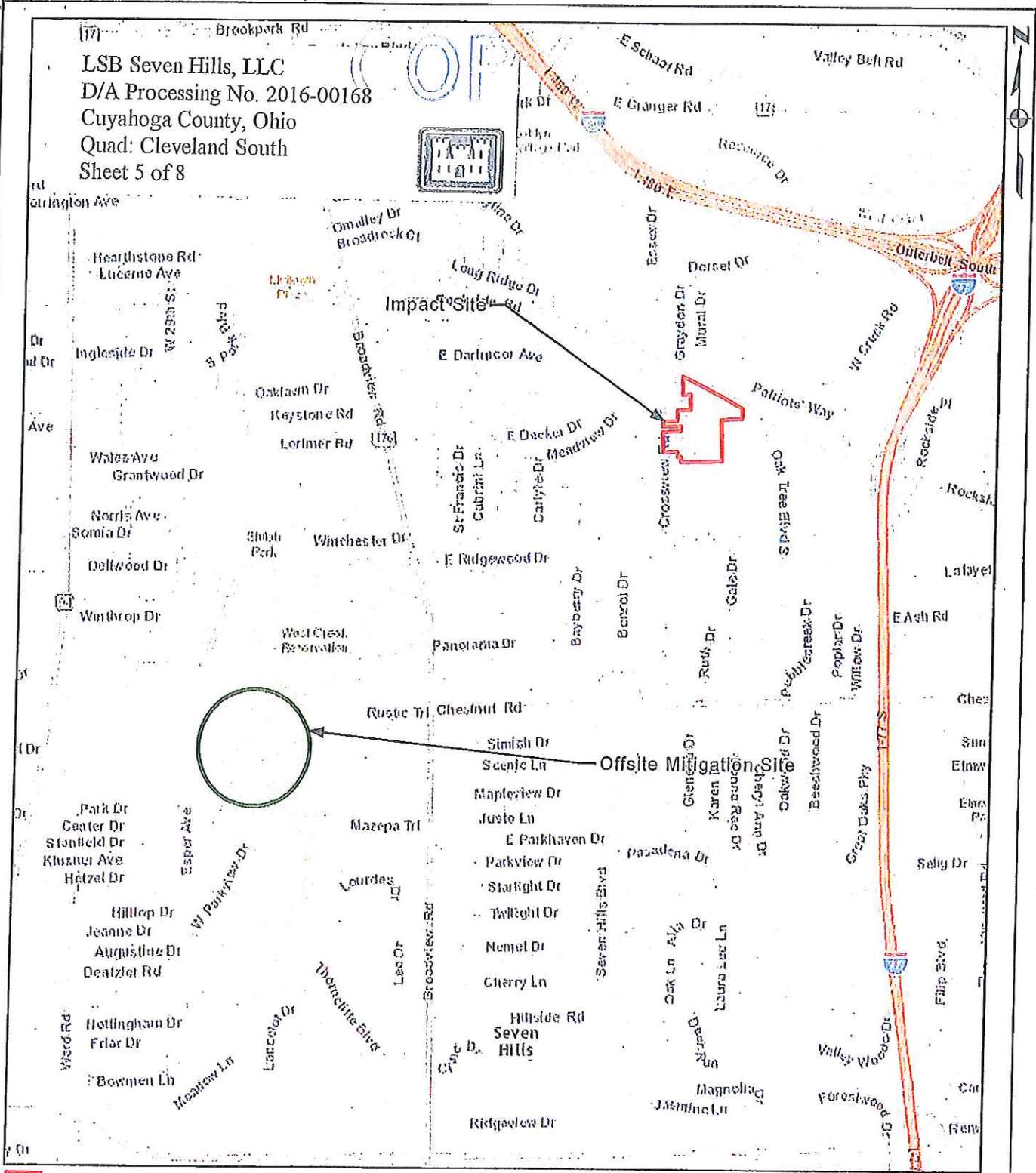
LSB Seven Hills, LLC  
 D/A Processing No. 2016-00168  
 Cuyahoga County, Ohio  
 Quad: Cleveland South  
 Sheet 3 of 8

COPY





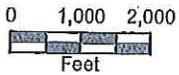
LSB Seven Hills, LLC  
 D/A Processing No. 2016-00168  
 Cuyahoga County, Ohio  
 Quad: Cleveland South  
 Sheet 5 of 8



STUDY AREA  
 OFFSITE MITIGATION SITE

IMPACT AND MITIGATION LOCATION MAP SEVEN  
 HILLS PUD  
 CITY OF SEVEN HILLS  
 CUYAHOGA COUNTY, OHIO

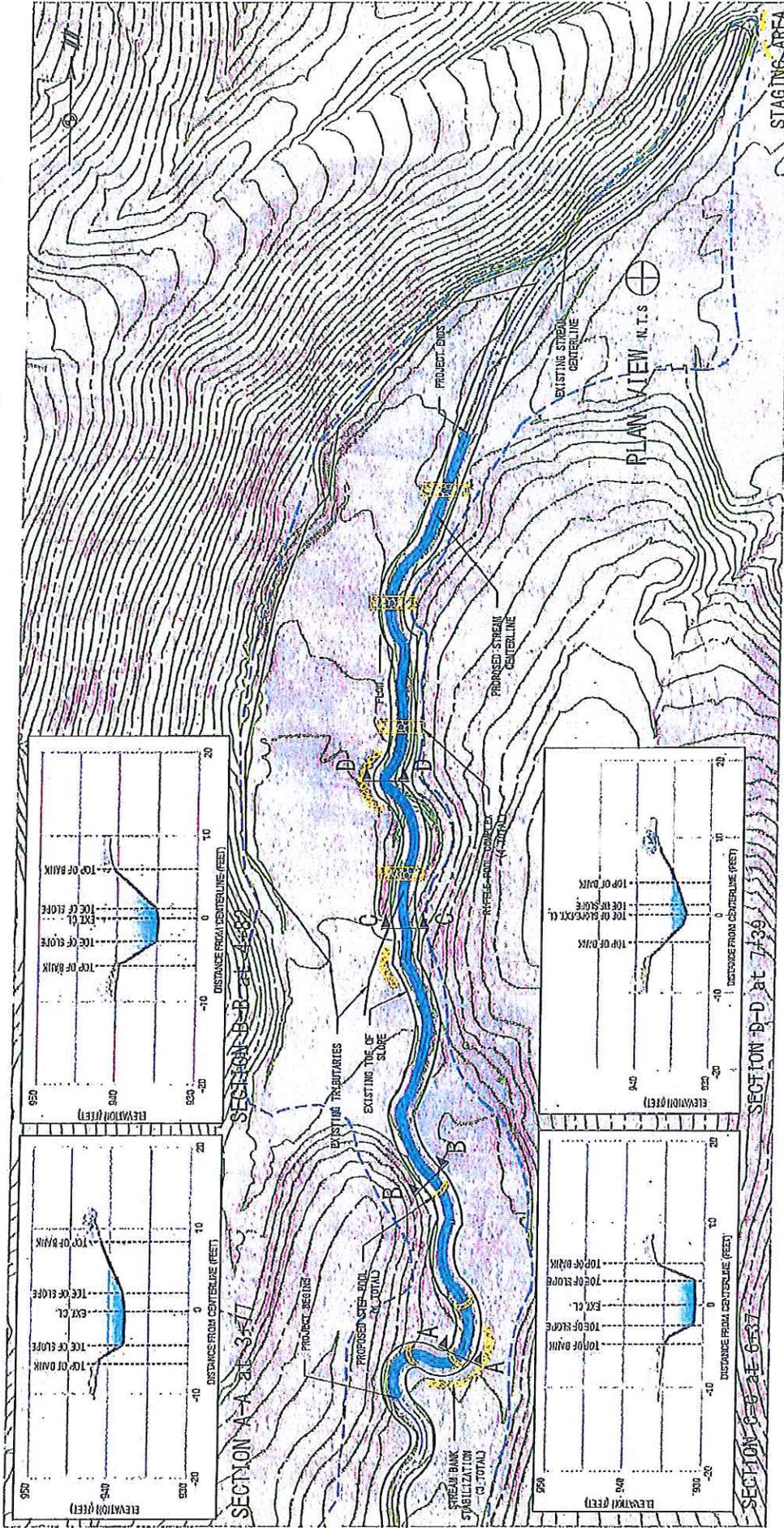
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 DATE: 2/18/2016  
 DR: BS  
 GIS FILE: 12000647\_03\_SITE



1" = 2,500 FEET



866.850.4200 www.atwell-group.com



**CONCEPTUAL STREAM MITIGATION PLAN - UNNAMED TRIBUTARY TO WEST CREEK  
SEVEN HILL PLANNED UNIT DEVELOPMENT - PROJECT NO. 12000647-01**

January 15, 2016



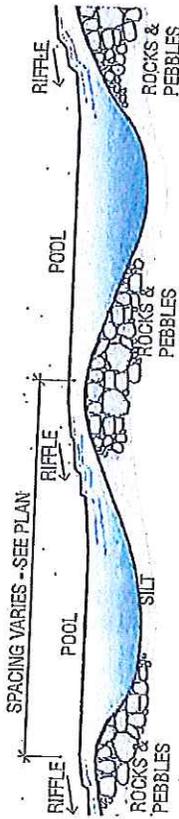
LSB Seven Hills, LLC  
D/A Processing No. 2016-00168  
Cuyahoga County, Ohio  
Quad: Cleveland South  
Sheet 6 of 8

COPY

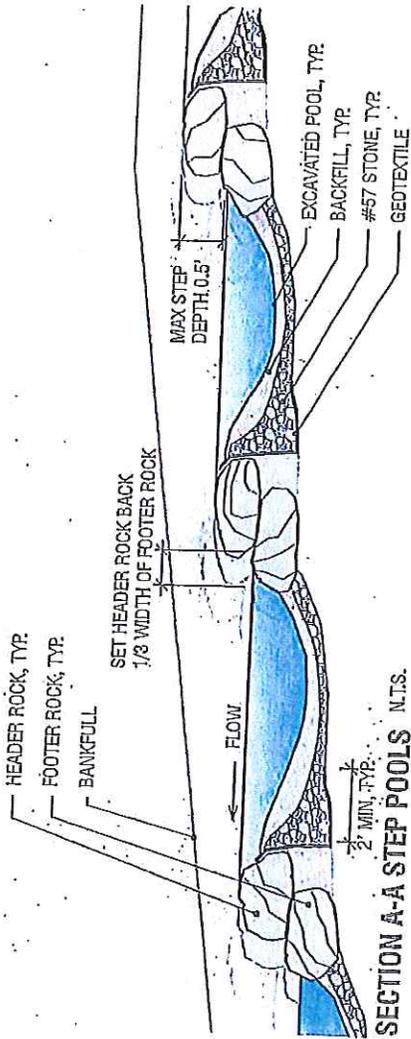


**NOTES**

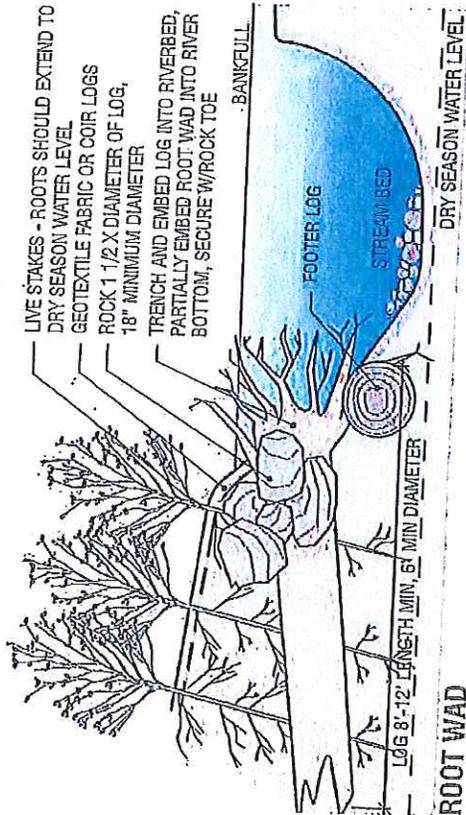
1. STEPS TO BE CLOSELY SPACED, BASED ON EXISTING FALL OF STREAM.
2. POOL DEPTHS AT BANKFULL ELEVATION SHALL BE TYPICALLY 2 TO 3 TIMES DEEPER THAN STEP DEPTHS AT BANKFULL ELEVATION.
3. STEP POOL DEPTH SHOULD BE 2 TO 3 TIMES BANKFULL DEPTH.
4. ADEQUATE NUMBER OF FOOTER BOULDERS TO BE USED IN ORDER TO HOLD UP THE HIGH ENERGY/HIGH FLOW EVENTS.



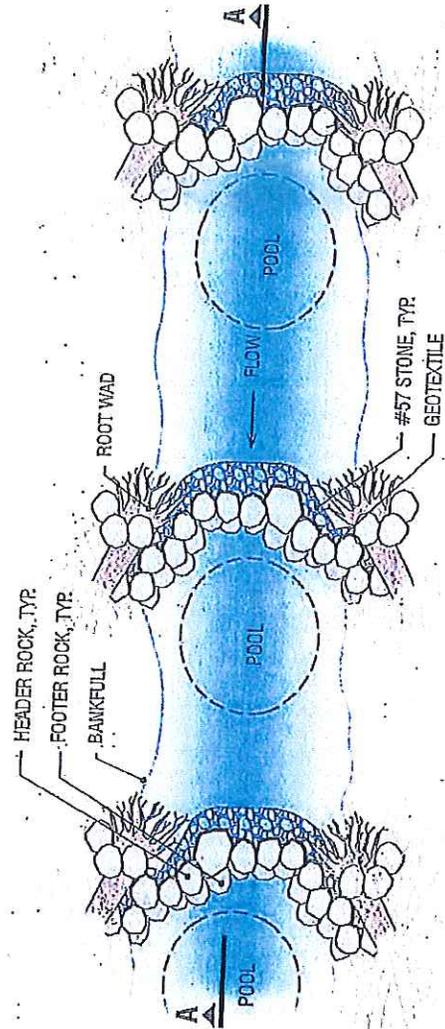
**RIFFLE & POOL N.T.S.**



**SECTION A-A STEP POOLS N.T.S.**



**ROOT WAD**



**PLAN - STEP POOLS N.T.S.**

**CONCEPTUAL STREAM MITIGATION PLAN - UNNAMED TRIBUTARY TO WEST CREEK SEVEN HILLS PLANNED UNIT DEVELOPMENT - PROJECT NO. 12000647-01**  
November 25, 2015



LSB Seven Hills, LLC  
D/A Processing No. 2016-00168  
Cuyahoga County, Ohio  
Quad: Cleveland South  
Sheet 7 of 8



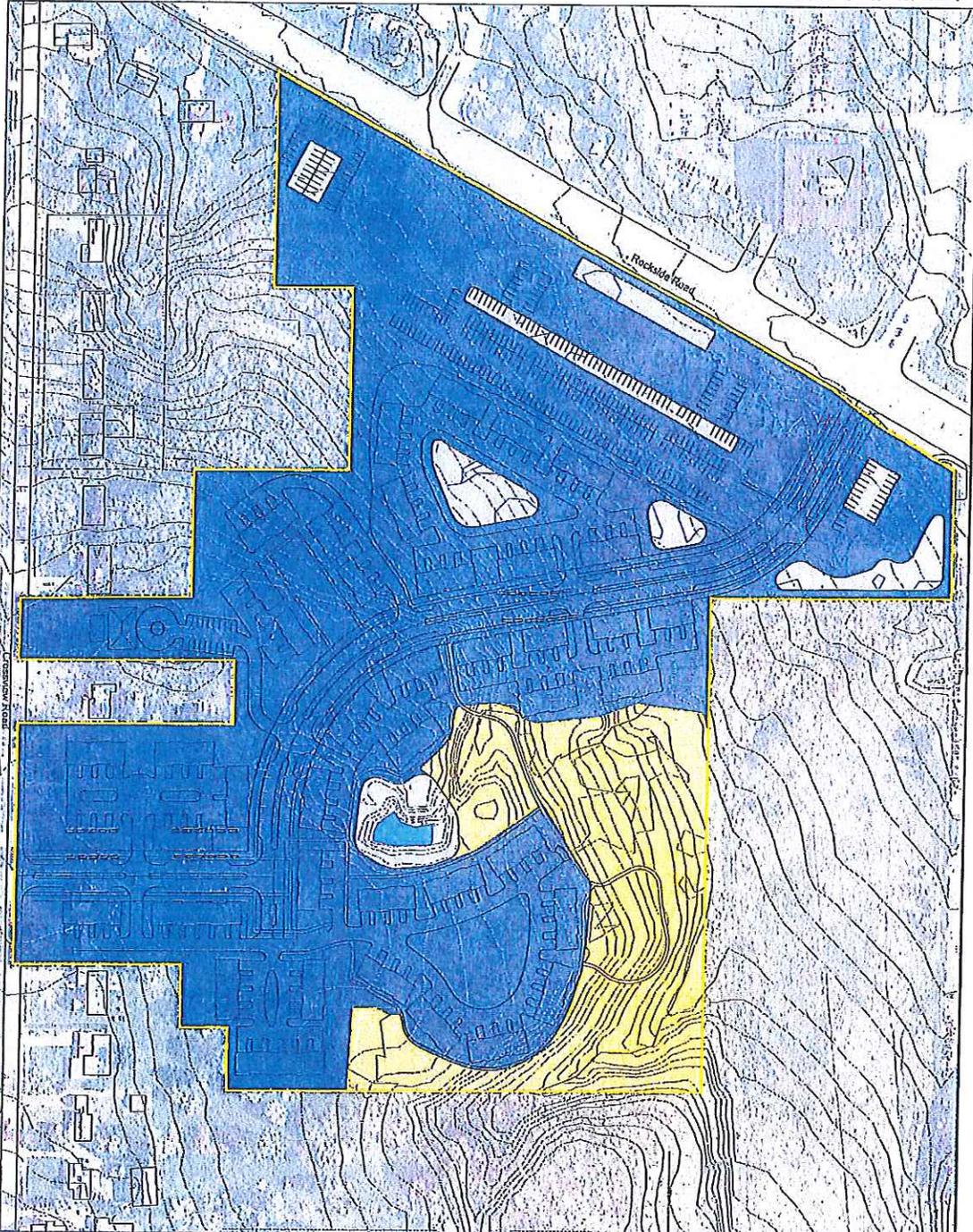
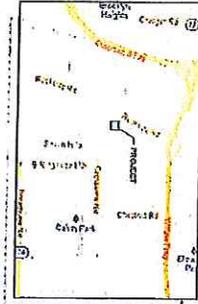
LSB Seven Hills, LLC  
 D/A Processing No. 2016-00168  
 Cuyahoga County, Ohio  
 Quad: Cleveland South  
 Sheet 8 of 8

COPY



WHERE  
 ORGANIC CONSTRUCTION PILING HAS  
 BEEN INSTALLED ALONG PRESERVATION  
 AREAS BY ATWELL, LLC

- CLEARING LIMITS (PLEASE AVOID)
- PRESERVATION AREA (441 ADRES)



<p>DATE: 10/10/16          DRAWN BY: [Name]          CHECKED BY: [Name]          PROJECT NO. 160000007          SHEET NO. EXHIBIT</p>	<p>LSB SEVEN HILLS, LLC          PRESERVATION EXHIBIT          PROPOSED DEVELOPMENT SITE          ROCKSIDE RD &amp; CROSSVIEW RD</p>	<p>CITY OF SEVEN HILLS          CUYAHOGA COUNTY, OHIO</p>	<p><b>ATWELL</b>          825.850.4200 www.atwell3-group.com          217 W. PARKWAY SUITE 210, BONE 210          CLEVELAND, OH 44111          (216) 231-2333</p>	<p><b>118</b>          THE CITY OF SEVEN HILLS          118 W. PARKWAY SUITE 210, BONE 210          CLEVELAND, OH 44111          (216) 231-2333</p>
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