



Public Services

Engineering
212 Operations Center Drive
Wilmington, NC 28412
910 341-7807
910 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

COMPREHENSIVE STORMWATER MANAGEMENT PERMIT

HIGH DENSITY REDEVELOPMENT

SECTION 1 – APPROVAL

Having reviewed the application and all supporting materials, the City of Wilmington has determined that the application is complete and the proposed development meets the requirements of the City of Wilmington's Comprehensive Stormwater Ordinance.

PERMIT HOLDER: **RSE Independence, LLC**
PROJECT: **Independence Mall**
ADDRESS: **3500 Oleander Drive**
PERMIT #: **2019052**
DATE: **August 21, 2019**

Therefore, the above referenced site is hereby approved and subject to all conditions set forth in Section 2 of this approval and all applicable provisions of the City of Wilmington Comprehensive Stormwater Management Ordinance.

This permit shall be effective from the date of issuance until August 21, 2029 and shall be subject to the following specified conditions and limitations:

Section 2 - CONDITIONS

1. This approval is valid only for the stormwater management system as proposed on the approved stormwater management plans dated August 20, 2019.
2. The project will be limited to the amount and type of built-upon area indicated in Section IV of the Stormwater Management Application Form submitted as part of the approved stormwater permit application package, and per the approved plans.
3. This permit shall become void unless the facilities are constructed in accordance with the approved stormwater management plans, specifications and supporting documentation, including information provided in the application and supplements.
4. The runoff from all built-upon area within any permitted drainage area must be directed into the permitted stormwater control system for that drainage area.

5. The permittee shall submit a revised stormwater management application packet to the City of Wilmington and shall have received approval prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to any item shown on the approved plans, including the stormwater management measures, built-upon area, details, etc.
 - b. Redesign or addition to the approved amount of built-upon area or to the drainage area.
 - c. Further subdivision, acquisition, lease or sale of any part of the project area.
 - d. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
 - e. Construction of any permitted future areas shown on the approved plans.
6. A copy of the approved plans and specifications shall be maintained on file by the Permittee.
7. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately.
8. All areas must be maintained in a permanently stabilized condition. If vegetated, permanent seeding requirements must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual unless an alternative is specified and approved by the City of Wilmington.
9. All applicable easements pertaining to each stormwater treatment system shall be referenced on the final plat and recorded with the Register of Deeds upon final plat approval. If no plat is recorded for the site the easements shall be recorded with the Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching standards.
10. The stormwater management system shall be constructed in its entirety, vegetated and operational for its intended use prior to the construction of any built-upon surface unless prior approval is obtained. City Staff must be notified of any deviation prior to construction of the built-upon surface. Any deviation request shall include justification and must propose an alternative timeline or construction sequence. Notification shall not constitute approval. Any alternative timeline approved by City staff shall become an enforceable component of this permit.
11. The permittee shall at all times provide the operation and maintenance necessary to assure the permitted stormwater system functions at optimum efficiency. The maintenance must include, but is not limited to:
 - a. Sediment removal.
 - b. Mowing and revegetation of slopes and the vegetated areas.
 - c. Maintenance of landscape plants, including those within the landscape buffer.
 - d. Immediate repair of eroded areas, especially slopes.
 - e. Debris removal and unclogging of catch basins and/or piping.
12. Records of inspection, maintenance and repair for the permitted stormwater system must be kept by the permittee for at least 5 years from the date of record and made available upon request to authorized personnel of the City of Wilmington. The records will indicate the date, activity, name of person performing the work and what actions were taken.

13. Upon completion of construction, before a Certificate of Occupancy shall be granted, and prior to operation or intended use of this permitted facility, the applicant shall submit to the City of Wilmington as-built plans for all stormwater management facilities. The plans shall show the final design specifications and the field location, type, depth, invert and planted vegetation of all measures, controls and devices, as-installed. A certification shall be submitted, along with all supporting documentation that specifies, under seal that the as-built stormwater measures, controls and devices are in compliance with the approved stormwater management plans. A final inspection by City of Wilmington personnel will be required prior to issuance of a certificate of occupancy or operation of the permitted facility.
14. This permit is not transferable except after application and approval by the City of Wilmington. In the event of a change of ownership, name change or change of address the permittee must submit a completed Name/Ownership Change form to the City of Wilmington at least 30 days prior to the change. It shall be signed by all applicable parties, and be accompanied by all required supporting documentation. Submittal of a complete application shall not be construed as an approved application. The application will be reviewed on its own merits by the City of Wilmington and may or may not be approved. The project must be in compliance with the terms of this permit in order for the transfer request to be considered. The permittee is responsible for compliance with all permit conditions until such time as the City of Wilmington approves the transfer request. Neither the sale of the project nor the conveyance of common area to a third party should be considered as an approved transfer of the permit.
15. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement action by the City of Wilmington, in accordance with Sections 18-52 and 18-53 and any other applicable section of the Land Development Code.
16. The City of Wilmington may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the City of Wilmington for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the City of Wilmington that the changes have been made.
17. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state, and federal) having jurisdiction.
18. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the City of Wilmington, such as the construction of additional or replacement stormwater management systems.
19. The permittee grants City of Wilmington Staff permission to enter the property during normal business hours for the purpose of inspecting all components of the permitted stormwater management facility.



Public Services

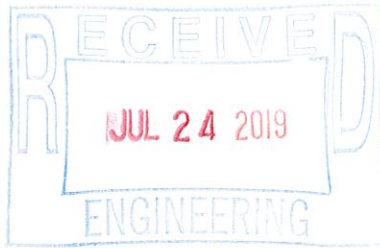
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20. The permit issued shall continue in force and effect until revoked or terminated by the City of Wilmington. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance or termination does not stay any permit condition.
21. The approved stormwater management plans and all documentation submitted as part of the approved stormwater management permit application package for this project are incorporated by reference and are enforceable parts of the permit.
22. The permittee shall submit a renewal request with all required forms and documentation at least 180 days prior to the expiration date of this permit.
23. If any one or more of the conditions of this permit is found to be unenforceable or otherwise invalidated, all remaining conditions shall remain in full effect.

Stormwater Management Permit issued this the 21st day of August, 2019.



for Sterling Cheatham, City Manager
City of Wilmington



*unless otherwise
noted

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STORMWATER MANAGEMENT PERMIT APPLICATION FORM (Form SWP 2.2)

I. GENERAL INFORMATION

1. Project Name (subdivision, facility, or establishment name - should be consistent with project name on plans, specifications, letters, operation and maintenance agreements, etc.):

Independence Mall

2. Location of Project (street address):

3500 Oleander Drive

City: Wilmington

County: New Hanover

Zip: 28403

3. Directions to project (from nearest major intersection):

The main entrance to Independence Mall and the future redevelopment site is located approximately 1000 ft east-southeast(ESE) of the intersection of Independence Boulevard and Oleander Drive.

II. PERMIT INFORMATION

1. Specify the type of project (check one): Low Density ☒ High Density
Drains to an Offsite Stormwater System Drainage Plan Other
If the project drains to an Offsite System, list the Stormwater Permit Number(s):

City of Wilmington: _____

State – NCDENR/DWQ: _____



2. Is the project currently covered (whole or in part) by an existing City or State (NCDENR/DWQ) Stormwater Permit? ☒ Yes No

If yes, list all applicable Stormwater Permit Numbers:

City of Wilmington: 2000007

State – NCDENR/DWQ: _____

3. Additional Project Permit Requirements (check all applicable):

CAMA Major ☒ Sedimentation/Erosion Control

NPDES Industrial Stormwater 404/401 Permit: Proposed Impacts: _____

If any of these permits have already been acquired please provide the Project Name, Project/Permit Number, issue date and the type of each permit:

III. CONTACT INFORMATION

1. Print Applicant / Signing Official's name and title (specifically the developer, property owner, lessee, designated government official, individual, etc. who owns the project):

Applicant / Organization: RSE Independence, LLC

Signing Official & Title: Gregory Lynch, Senior Vice President

- a. Contact information for Applicant / Signing Official:

Street Address: 350 N Orleans St, Suite 300

City: Chicago State: IL Zip: 60654

Phone: (312)960-2783 Fax: _____ Email: gregory.lynch@

Mailing Address (if different than physical address): brookfieldpropertiesretail.com

City: _____ State: _____ Zip: _____

- b. Please check the appropriate box. The applicant listed above is:

☒ The property owner (Skip to item 3)

Lessee* (Attach a copy of the lease agreement and complete items 2 and 2a below)

Purchaser* (Attach a copy of the pending sales agreement and complete items 2 and 2a below)

Developer* (Complete items 2 and 2a below.)

2. Print Property Owner's name and title below, if you are the lessee, purchaser, or developer. (This is the person who owns the property that the project is on.)

Property Owner / Organization: _____

Signing Official & Title: _____

- a. Contact information for Property Owner:

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

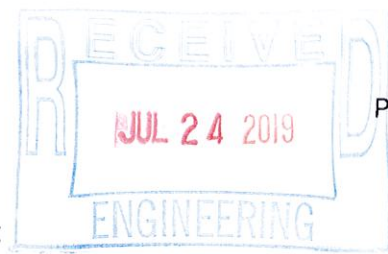
Mailing Address (if different than physical address): _____

City: _____ State: _____ Zip: _____

3. (Optional) Print the name and title of another contact such as the project's construction supervisor or another person who can answer questions about the project:

Other Contact Person / Organization: RSE Independence, LLC

Signing Official & Title: Jennifer Chaplin, Construction Director



a. Contact information for person listed in item 3 above:

Street Address: 350 N Orleans St, Suite 300

City: Chicago State: IL Zip: 60654

Phone: (312)960-2798 Fax: _____ Email: _____

Mailing Address (if different than physical address): _____

City: _____ State: _____ Zip: _____

IV. PROJECT INFORMATION

1. In the space provided below, briefly summarize how the stormwater runoff will be treated.

Stormwater runoff will be collected through a network of drainage structures and piping.

2. Total ~~Property~~ ^{Project} Area: 976,666 square feet

3. Total Coastal Wetlands Area: 0 square feet

4. Total Surface Water Area: 0 square feet

5. Total ~~Property~~ ^{Project} Area (2) – Total Coastal Wetlands Area (3) – Total Surface Water Area (4) = Total Project Area: 976,666 square feet

6. Existing Impervious Surface within ~~Property~~ ^{Project} Area: 944,586 square feet

7. Existing Impervious Surface to be Removed/Demolished: 709,044 square feet

8. Existing Impervious Surface to Remain: 235,542 square feet

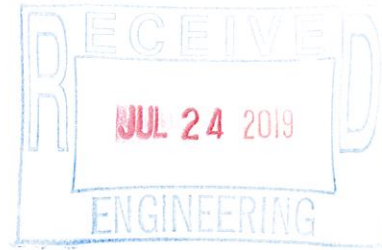
9. Total Onsite (within property boundary) Newly Constructed Impervious Surface (*in square feet*):

Buildings/Lots	167,050
Impervious Pavement	401,731
Pervious Pavement (adj. total, with % credit applied)	0
Impervious Sidewalks	48,926
Pervious Sidewalks (adj. total, with % credit applied)	0
Other (describe) <u>Seat wall</u>	115
Future Development	
Total Onsite Newly Constructed Impervious Surface	617,822

10. Total Onsite Impervious Surface

(Existing Impervious Surface to remain + Onsite Newly Constructed Impervious Surface) = 853,364 square feet

11. Project percent of impervious area: (Total Onsite Impervious Surface / Total Project Area) x100 = 87.4 %



12. Total Offsite Newly Constructed Impervious Area (improvements made outside of property boundary, in square feet): * Offsite impervious that will be constructed is not new but a replacement for existing impervious that will be impacted by development of this project.

Impervious Pavement	
Pervious Pavement (adj. total, with % credit applied)	
Impervious Sidewalks	
Pervious Sidewalks (adj. total, with % credit applied)	
Other (describe)	
Total Offsite Newly Constructed Impervious Surface	*See note above

13. Total Newly Constructed Impervious Surface

(Total Onsite + Offsite Newly Constructed Impervious Surface) = 617,822 square feet

14. Complete the following information for each Stormwater BMP drainage area. If there are more than three drainage areas in the project, attach an additional sheet with the information for each area provided in the same format as below. Low Density projects may omit this section and skip to Section V.

Basin Information	BMP #	BMP #	BMP #
Receiving Stream Name	N/A	N/A	N/A
Receiving Stream Index Number			
Stream Classification			
Total Drainage Area (sf)			
On-Site Drainage Area (sf)			
Off-Site Drainage Area (sf)			
Total Impervious Area (sf)			
Buildings/Lots (sf)			
Impervious Pavement (sf)			
Pervious Pavement (sf)			
Impervious Sidewalks (sf)			
Pervious Sidewalks (sf)			
Other (sf)			
Future Development (sf)			
Existing Impervious to remain (sf)			
Offsite (sf)			
Percent Impervious Area (%)			

15. How was the off-site impervious area listed above determined? Provide documentation:

V. SUBMITTAL REQUIREMENTS

1. Supplemental and Operation & Maintenance Forms - One applicable City of Wilmington Stormwater BMP supplement form and checklist must be submitted for **each** BMP specified for this project. One applicable proposed operation and maintenance (O&M) form must be submitted for **each type** of stormwater BMP. Once approved, the operation and maintenance forms must be referenced on the final plat and recorded with the register of deeds office.
2. Deed Restrictions and Restrictive Covenants - For all subdivisions, outparcels, and future development, the appropriate property restrictions and protective covenants are required to be recorded prior to the sale of any lot. Due to variability in lot sizes or the proposed BUA allocations, a table listing each lot number, lot size, and the allowable built-upon area must be provided as an attachment to the completed and notarized deed restriction form. The appropriate deed restrictions and protective covenants forms can be downloaded at the link listed in section V (3). Download the latest versions for each submittal.

In instances where the applicant is different than the property owner, it is the responsibility of the property owner to sign the deed restrictions and protective covenants form while the applicant is responsible for ensuring that the deed restrictions are recorded.

By the notarized signature(s) below, the permit holder(s) certify that the recorded property restrictions and protective covenants for this project, if required, shall include all the items required in the permit and listed on the forms available on the website, that the covenants will be binding on all parties and persons claiming under them, that they will run with the land, that the required covenants cannot be changed or deleted without concurrence from the City of Wilmington, and that they will be recorded prior to the sale of any lot.

3. Only complete application packages will be accepted and reviewed by the City. A complete package includes all of the items listed on the City Engineering Plan Review Checklist, including the fee. Copies of the Engineering Plan Review Checklist, all Forms, Deed Restrictions as well as detailed instructions on how to complete this application form may be downloaded from:

<http://www.wilmingtonnc.gov/PublicServices/Engineering/PlanReview/StormwaterPermits.aspx>

The complete application package should be submitted to the following address:

City of Wilmington – Engineering
Plan Review Section
212 Operations Center Dr
Wilmington, NC 28412

VI. CONSULTANT INFORMATION AND AUTHORIZATION

1. Applicant: Complete this section if you wish to designate authority to another individual and/or firm (such as a consulting engineer and /or firm) so that they may provide information on your behalf for this project (such as addressing requests for additional information).

Consulting Engineer: Richard A. Moore, PE

Consulting Firm: McKim & Creed

- a. Contact information for consultant listed above:

Mailing Address: 243 North Front Street

City: Wilmington State: NC Zip: 28401

Phone: (910)343-1048 Fax: _____ Email: ramoore@mckimcreed.com

VII. PROPERTY OWNER AUTHORIZATION (If Section III(2) has been filled out, complete this section)

I, (print or type name of person listed in Contact Information, item 2) _____, certify that I own the property identified in this permit application, and thus give permission to (print or type name of person listed in Contact Information, item 1) _____ with (print or type name of organization listed in Contact Information, item 1) _____ to develop the project as currently proposed. A copy of the lease agreement or pending property sales contract has been provided with the submittal, which indicates the party responsible for the operation and maintenance of the stormwater system.

As the legal property owner I acknowledge, understand, and agree by my signature below, that if my designated agent (entity listed in Contact Information, item 1) dissolves their company and/or cancels or defaults on their lease agreement, or pending sale, responsibility for compliance with the City of Wilmington Stormwater Permit reverts back to me, the property owner. As the property owner, it is my responsibility to notify the City of Wilmington immediately and submit a completed Name/Ownership Change Form within 30 days; otherwise I will be operating a stormwater treatment facility without a valid permit. I understand that the operation of a stormwater treatment facility without a valid permit is a violation of the City of Wilmington Municipal Code of Ordinances and may result in appropriate enforcement including the assessment of civil penalties.

SEAL

Signature: _____

_____ Date: _____

I, _____, a Notary Public for the
State of _____, County of _____, do
hereby certify that _____

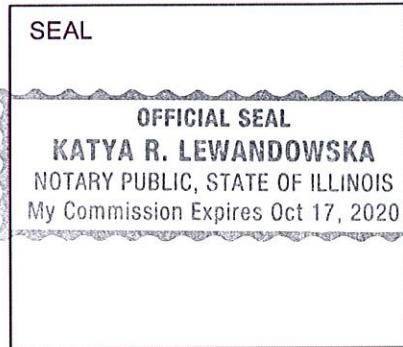
personally appeared before me this day of _____, _____,

and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal,

My commission expires: _____

VIII. APPLICANT'S CERTIFICATION

I, (print or type name of person listed in Contact Information, item 1) Gregory Lynch* certify that the information included on this permit application form is, to the best of my knowledge, correct and that the project will be constructed in conformance with the approved plans, that the required deed restrictions and protective covenants will be recorded, and that the proposed project complies with the requirements of the applicable stormwater rules under.



Signature: [Signature]
Date: 6/6/19

I, Katya R. Lewandowska, a Notary Public for the State of Illinois, County of Cook, do hereby certify that Gregory R. Lynch personally appeared before me this 6th day of June, 2019, and acknowledge the due execution of the application for a stormwater

permit. Witness my hand and official seal,

My commission expires: 10-17-2020

*, not individually, but solely in my capacity as Assistant Secretary for RSE Independence, LLC,