

Response to comments – Plan Review Comments

Date: 08/29/2025
To:
From: Dorsky + Yue International
Description: Modera Pompano Beach
Project #: DY202515

DESCRIPTION: Project Name: PZ25-12000028- Comments received dated 07/29/2025

Ref#1 – Cycle 1 - BUILDING DIVISION (Todd Stricker)

Advisory Comments

A preliminary examination of the documents has been performed; additional comments may apply when completed plans and/or specifications have been submitted for permitting to the building department.

Buildings shall comply with all local, state and federal codes in effect at time of application, including FEMA Floodplain, NPDES and HVHZ regulations.

FBC_BCA 105.2.3 Public service agencies/other approvals. The building official shall require that the laws, rules and regulations of any other regulatory AHJ, and where such laws, rules and regulations are applicable and are known to the building official, shall be satisfied before a permit shall be issued. The building official shall require such evidence, as in his or her opinion is reasonable, to show such other approvals.

City Ordinance 53.16(A)(1) Construction sites and construction activities. construction sites and operations shall be required to maintain during and after all construction, development excavation or alteration operations, structural and non-structural best management practices with the intent to reduce pollutants and sediment in stormwater runoff.

City Ordinance 152.06(A): If applicable, contractor shall provide temporary screened fence complying with City Ordinance 152.06(B) through 152.06(G).

FBC 3306.1 Pedestrians shall be protected during construction, remodeling and demolition activities as required by this Chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

City Ordinance 152.25(A) Site plans and construction documents, Information for development in areas with base flood elevations. The site plan or construction documents for any development subject to the requirements of the floodplain regulations shall be drawn to scale and shall include, as applicable to the proposed development all sections from: City Ordinance 152.25 (A)(1) thru City Ordinance 152.25 (A)(7). Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development, etc. Non- residential and residential buildings shall comply with City Ordinance 152.29(C)(1)(A) .

FHA Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act, prohibits discrimination in the sale, rental, and financing of dwellings based on race, color,

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religion, sex, and national origin. In 1988, Congress passed the Fair Housing Amendments Act. The Amendments expand coverage of Title VIII to prohibit discriminatory housing practices based on disability and familial status. Now it is unlawful to deny the rental or sale of a dwelling unit to a person because that person has a disability.

FBC A201.1 This code establishes standards for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation and commercial facilities subject to this code shall comply with 2017 FBC Accessibility.

FBC A221.1.1 Florida vertical accessibility. Nothing in this code relieves the owner of any building, structure, or facility governed by this code from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the ADA standards for accessible design require an elevator to be installed in such building, structure or facility.

FBC A206.2.1 Site arrival points. At least one accessible route shall be provided within the site from accessible parking spaces complying with FBC A502 and accessible passenger loading zones complying with FBC A209; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.

FBC_BCA 107.3.4.0.6 Compliance with the specific minimum requirements of this code shall not be in itself deemed sufficient to assure that a building or structure complies with all of the requirements of this code. It is the responsibility of the architect and/or engineer of record for the building, structure or facility to determine through rational analysis what design requirements are necessary to comply with 2017 FBC.

Response: Acknowledged.

Ref#2 – Cycle 1

Comment

1.FBC_BCA 107.1 As per the building official, separate building applications will be required for erosion control, site work, temporary fences, monumental signage and miscellaneous site structures.

2.FBC [F] 903.2 The enforcing agency will require that all provisions for an approved automatic sprinkler systems in new buildings and structures be provided in the locations described in sections 903.2.1 through 903.2.12 if applicable.

3.FBC 701.1 The enforcing agency will require that the provisions of this chapter, governing the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings, comply with this section of the code.

4.FBC 703.2 Fire-resistance ratings. Where materials, systems or devices that have not been tested as part of a fire-resistance-rated assembly are incorporated into the building element, component or assembly, sufficient data shall be made available to the building official to show that the required fire-resistance rating is not reduced. Materials and methods of construction used to protect joints and penetrations in fire-resistance-rated building elements, components or assemblies shall not reduce the required fire-resistance rating.

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5.FBC 1003.1 The enforcing agency will require that all general requirements specified in sections 1003 through 1013, applicable to all three elements of the means of egress system, in addition to those specific requirements for the exit access, the exit and the exit discharge, comply with this section of the code.

6.FBC 1029.1 In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in Group R-2 Occupancies in accordance with Tables 1021.2(1) and 1021.2(2) and Group R-3 Occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening in accordance with this section.

7.FBC_BCA 107.1.1 The enforcing agency will require a life safety plan illustrating the floor area with proposed alterations with each room labeled. indicate construction type, fire rated walls, occupancy type: (current and proposed), occupancy load, means of egress, common path/travel distance/dead end corridor limits, accessibility accommodations including areas of refuge if applicable, emergency lighting, exits/exit signage, fire extinguishers, smoke alarms, fire suppression system and pull stations if applicable. Also provide tested design from accepted agency for rated walls and penetration details.

8.FBC_BCA 107.3.5.6 The enforcing agency will require product approvals be reviewed and approved by the building designer prior to submittal to verify that such products comply with the design specifications. Reviewed and approved product approvals shall then become part of the plans and/or specifications. Product approval shall be filed with the building official for review and approval prior to installation.

9.FBC_BCA 107.3.5.2 The enforcing agency will require that all shop drawings, (i.e. components attached to building structure, trusses/joists, window walls, railings, awnings, chutes etc), necessary to show compliance with applicable codes; shall be approved by the architect or professional engineer and submitted to the building official prior to installation.

10.F.S. 481.221(2) The enforcing agency will require digital signature panel to be active on all documents submitted for review to authenticate the serial number matches the submitted ESA. F.A.C. 61g1-16.005 Each sheet is required to be digitally or electronically signed, and bear the impress seal of, an architect or engineer (FBC_BCA 107.3.4.0.1).

11.FBC_BCA 107.3.4.0.8 All plans and/or specifications prepared by an architect or an engineer pursuant to the requirements of this code shall be hand signed, dated and sealed.

12.FBC_BCA 110.10.1 The enforcing agency will require a special inspector for various components of the building as determined by the building official. Building dept. will require special inspector form be completed and submitted for approval.

13.FBC_BCA 110.7 For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

14.FBC_BCA 110.8.1 The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building.

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15.FBC 1512.3.1 The enforcing agency will require that all new roofing construction, including recovering and reroofing, repair or maintenance shall have A HVHZ uniform roofing permit application, as established by the authority having jurisdiction, completed and executed by a licensed contractor.

Fbc 1512.3.2 The uniform roofing permit shall include calculations in accordance With Chapter 16 (High-Velocity Hurricane Zones) of this code, unless the roofing assembly is less than the height/pressure threshold allowed in the applicable protocols herein.

16.FBC A208.2 Minimum number. Parking spaces complying with 502 shall be provided in accordance with table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

17.FBC A208.2.3.3 Parking for guests, employees, and other non-residents. Where parking spaces are provided for persons other than residents, parking shall be provided in accordance with table 208.2.

18.FBC A502.6 The enforcing agency will require parking space identification comply with the following code: signs shall include the international symbol of accessibility complying with FBC A703.7.2.1. Signs identifying van parking spaces when required By FBC A502.2 shall contain the designation Van Accessible. Reference Engineering Standard 300-5.

19.If Applicable, FBC R802.1.7.1 [IRC R802.10.1] Truss design drawings, prepared in conformance with section R802.1.7.1, shall be provided to the building official and approved prior to installation.

20.FBC 3303.5 Water Accumulation. The enforcing agency will require provisions be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

21.1804.4 Site Grading. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet of horizontal distance, a 5-percent slope shall be provided to an approved alternative method of diverting water away from the foundation. Swales used for this purpose shall be sloped a minimum of 2 percent where located within 10 feet of the building foundation. Impervious surfaces within 10 feet of the building foundation shall be sloped a minimum of 2 percent away from the building.

22.FBC_BCA 110.13.2.1 It shall be the joint responsibility of any owner of real property upon which construction is occurring, and any contractor responsible for said construction, to ensure that all road rights-of-way remain free at all times of all construction waste and trash resulting from such construction, and that all waste and trash resulting from the construction are contained on the real property upon which the construction occurs.

23.FBC_BCA 109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems.

24.FBC_BCA 110.8.5.4 All plans for the building which are required to be signed and sealed by

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the architect or engineer of record contain a statement that, to the best of the architects or engineers knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and chapter 633, Florida Statutes.

Response: Acknowledged.

Ref#3 – Cycle 1 – ENGINEERING DEPARTMENT (David McGirr)

Submit/upload a conceptual civil plan design. Make sure it does not lack essential details. It requires meticulous attention to detail and specific delineation of the adjacent City mains, sizes, and connection characteristics.

Response: Civil drawings have been included in this submittal.

Ref#4 – Cycle 1 (David McGirr)

Comment

Submit/upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption for any proposed paving and drainage shown on the civil engineering drawings.

Response: Civil will submit proposed paving and drainage plans to BCEPMGD for a permit.

Ref#5 – Cycle 1 (David McGirr)

Comment

Submit/upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption for any proposed paving and drainage shown on the civil engineering drawings.

Response: Refer to comment response #4

Ref#6 – Cycle 1 (David McGirr)

Submit/upload the (FDEP) Florida Department of Environmental Protection (NOI) Notice of Intent for the proposed stormwater discharge from the proposed site construction activities.

Response: NOI has been prepared and is pending SWPPP plans for submission.

Ref#7 – Cycle 1 (David McGirr)

Any construction in or on S. Fed. HY. will need FDOT approval.

Response: Acknowledged

Ref#8 – Cycle 1 (David McGirr)

The City Utilities Division must approve these plans before the City's Engineering Division can.

Response: Acknowledged

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Ref#9 – Cycle 1 (David McGirr)

The City Planning and Zoning Division must approve these plans before the City's Engineering Division can.

Response: Acknowledged

Ref#10 – Cycle 1 (David McGirr)

PLEASE PROVIDE A NARRATIVE RESPONSE TO THESE REVIEW COMMENTS (IF APPLICABLE) TO DEMONSTRATE UNDERSTANDING AND INTENT TO ADDRESS THEM, SEE MARKUPS (IF REFERENCED) AND CLEARLY SHOW CHANGES ON PLANS USING CLOUDED DETAILS AND DELTA REVISION MARKS AS NECESSARY.

**** Please note - the City Engineering Division may issue additional review comments throughout the remainder of the permitting process while the civil engineering plans are finalized for this project

Response: The responses are provided for your review.

Ref#11 – Cycle 1 BSO (Anthony Russo)

Development Review Committee Date Reviewed: 07/25/2025
Subject: CPTED and Security Strengthening Report: PZ#: 25-12000028
Name: MODERNA / POMPANO REAL ESTATE INVESTMENTS LLC
Address / Folio: 855-909 S Federal Highway, Pompano Beach, FL Type: PAM (Major Site Plan)

Reviewer: BSO Deputy T. Russo for the City of Pompano Beach
Reviewer: BSO Deputy D. Cappellazo for the City of Pompano Beach
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ATTENTION

Please complete the Affidavit for CPTED Compliance & upload it into the DRC Documents Folder for review.

Response: The Affidavit for CPTED Compliance is provided.

NOTE

No CPTED & Security Strengthening documents or diagrams were uploaded for review.

Response: CPTED & Security Strengthening drawing sheet is provided, refer to ES101.

Ref#12 – Cycle 1 – PLANNING (Jean Dolan)

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1. Approach to Entitlements:

Policy 2.16.4 makes residential a permitted use in Commercial land use and does not specify maximum density. It allows 6 bonus units for every moderate-income (80-120% of AMI) affordable unit without limitation on total units.

Policy 2.16.4 does not specify net versus gross acreage, therefore, net acreage is assumed to apply whenever acreage is referenced. The net site acreage proposed for the Modera site is 3.88 acres, therefore, the non-accessory commercial requirement under 2.16.4 is for a site less than 5-acres which is 50% of the ground floor for the portion of the buildings facing Federal Highway.

The Applicant is proposing to rezone the property to PD. Per the City's land development code, the PD zoning district may use gross acreage to calculate density. The Modera site to the centerline of Federal Highway is 5.04 acres which also includes the area to the centerline of the adjacent Nancy Canal. Section 155.4202 of the City's Code allows 69 du/ac for properties with commercial land use using Policy 2.16.4 for entitlements. The City Engineer has determined that the Nancy Canal is NOT considered part of the Primary Drainage System and, therefore, can be counted towards density, this results in a density limitation for the PD of 347 units based on the gross acreage.

Response: Noted.

Ref#13 – Cycle 1 (Jean Dolan)

2. Provide the calculation of the amount of commercial use required by 2.16.4 and 155.4202 based on 50% of the ground floor of the buildings facing Federal highway to a 20' depth. If this is greater than the 10,651 square feet of commercial building space provided, adjust the commercial use space accordingly

Response: The exhibit is provided on sheet A106.

Ref#14 – Cycle 1 (Jean Dolan)

3. If the breezeway between the two commercial buildings is the "outdoor" retail space noted, please specify and provide information in the drawings on how this passage will be designed to create a pedestrian friendly and welcoming connection to the Federal Highway sidewalk to the east and the proposed parking lot to the west.

Response: Provided, see Landscape Plans.

Ref#15 – Cycle 1 (Jean Dolan)

4. Provide a new survey of just the 3.88-net acre site to the center-line of Federal Highway showing elevations including that of the centerline of Federal Highway.

Response: Please refer to survey provided.

Ref#16 – Cycle 1 (Jean Dolan)

5. Modify the access easement as necessary for the property to the south remaining after acquisition of the 3.88-acre site.

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Response: Access easement has been modified. Refer to Civil drawings.

Ref#17 – Cycle 1 (Jean Dolan)

6. Provide finished floor elevations for the ground floor units and the highest standard that is based on (FEMA; 18" above the Centerline of Federal Highway; Broward County Flood Elevation Map; or other). Discuss the natural shoreline and SLR projections as it relates to the future flood potential of the site.

Response: Finished floor elevation determination is pending topographic survey.

Ref#18 – Cycle 1 (Jean Dolan)

7. Show any changes proposed to the natural shoreline and if dockage is proposed it must be reviewed and approved separately by Engineering.

Response: Acknowledged

Ref#19 – Cycle 1 (Jean Dolan)

8. Discuss the community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD district.

Response: Please refer to justification statement.

Ref#20 – Cycle 1 (Jean Dolan)

9. The PD zoning district requires additional graphics for the master site plan review demonstrating the following:

- a. Projects with structures greater than 35 feet in height, the shadowing on adjacent properties at the following times: two hours after sunrise, noon, and two hours before sunset during the winter solstice, spring equinox, summer solstice, and fall equinox.
- b. The impacts to view corridors of any adjacent properties of natural resources, including but not limited to, beaches, shores, waterways, recreation spaces and conservation spaces.

Response: The shadow study is included in the submittal.

Ref#21 – Cycle 1- ZONING (Pamela Stanton)

Provide a copy of the Plat.

Response: A copy of the plat is included with the application.

Ref#22 – Cycle 1 (Pamela Stanton)

If the existing property will be formally divided into two parcels, such as a north parcel and a south parcel the division must be configured so that nonconformities are not created or increased on the south parcel and compliance with requirements such as perimeter landscape strips and other spatial items is met.

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Response: Noted. The parcels will be divided into two parcels. The applicant is continuing to review requirements related to the southern parcel to ensure nonconformities are not being created.

Ref#23 – Cycle 1 (Pamela Stanton)

Clarify whether improvements to the natural waterfront shoreline will be proposed. Improvements, if proposed, must be shown on the plans.

Response: The proposed retaining wall along the shoreline is reflected in civil and landscape plans.

Ref#24 – Cycle 1 (Pamela Stanton)

Provide the required stacking lane distance for parking lot entrance driveways, pursuant to Table 155.5101.G.8.B, where 100 is required for 500 parking spaces or more + 15 feet for every additional 50 spaces beyond 500.

Response: Refer to sheet A101 for stacking distances.

Ref#25 – Cycle 1 (Pamela Stanton)

Compliance with all applicable Vehicular Use Area Landscaping requirements, including but not limited to perimeter landscaping strips, landscape islands and medians for all rows of parking, landscape areas between vehicular use areas and the building, pursuant to Section 155.5203.D.

Response: Provided. Vehicular Use Areas are included on the Landscape Legend and Plan.

Ref#26 – Cycle 1 (Pamela Stanton)

If the existing entrance driveway will be shared between the proposed mixed-use development and the auto dealership to the south, a shared-access agreement must be formalized.

Response: Acknowledged. A shared-access agreement will be provided prior to formal subdivision and permitting.

Ref#27 – Cycle 1 (Pamela Stanton)

Additional comments will be provided upon review of a complete submittal, including but not limited to architectural plans, landscape plans, civil plans, and public safety security plan, in accordance with the Development Application Checklist.

Response: Noted.

Ref#28 – Cycle 1 – FIRE DEPARTMENT (Jim Galloway)

Fire apparatus access roads; Minimum 20ft wide, edge of roadway no closer than 10ft off and no further than 30 feet to buildings. All turns must meet minimum clear turning radius of 30ft inside and 50ft outside. Such lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons. All Fire hydrants and exterior fire protection devices need to be accessible from this fire lane. (Florida Fire Prevention Code 8th ed, NFPA 1 2021ed Chapter 18).

Response: Refer to C-500 fire access plan and sheet FDA-1.

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Ref#29 – Cycle 1 (Jim Galloway)

- () Provide fire department apparatus access to within 50ft of front entry door required. (NFPA 1 2021ed Chapter 18 section 18.2.3.2)
- () Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150ft from fire department access roads as measured by an approved route around the exterior of the building or facility. If the building is protected with an approved automatic fire sprinkler system permitted to be increased to 450 ft. (NFPA 1 20121ed chapter 18 sections 18.2.3.2.2 and 18.2.2.2.1)

Response: Refer to C-500 fire access plan and sheet FDA-1.

Ref#30 – Cycle 1 (Jim Galloway)

Submit site/civil plans showing location of existing or proposed water mains (including size) and fire hydrants in area. Refer to NFPA 1 2018ed Chapter 18 for required fire flow, minimum number of hydrants and spacing.

Response: Refer to C-400 water and sewer plan for existing utilities surrounding the project and proposed water infrastructure serving the project and proposed fire hydrants.

Ref#31 – Cycle 1 (Jim Galloway)

Provide Required Fire Flow Data for each proposed structure (this flow will either be the total flow required for a non-fire sprinklered building or the fire sprinkler/standpipe demands): Fire flow calculations are determined from square footage and construction type of structure. Refer to NFPA 1 chapter 18 for required fire flow, number/spacing of fire hydrants. Depending on the hydrant flow test results additional fire protection systems or change in construction type maybe required for project (NFPA 1 2021 ed chapter 18). This information must be provided at DRC to evaluate current water supply conditions.

Response: Fire flow test application will be submitted in order to determine water supply conditions, and the results will be provided.

Ref#32 – Cycle 1 (Jim Galloway)

Documentation of purchase for fire service backflow and meter assemblies must be provided to City of Pompano Utilities and Fire Prevention before underground inspections of water mains. Installation of assembly as per backflow/meter specifications and following standards:
NFPA 13 Standards of Installation of Fire Sprinklers,
NFPA 25 Standards for Inspection, Testing, and Maintenance of Water Based Fire Protection Systems.

Response: Acknowledged

Ref#33 – Cycle 1 (Jim Galloway)

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Indoor Radio Propagation Signal Strength Model: This structure may require a Bi-Directional Amplifier system. A qualified BDA designer/installer with local knowledge shall be needed to review this proposed plan. A computer generated color heat map showing anticipated unenhanced signal strengths within all areas of the proposed structures shall be required as part of this site plan review. If this computer-generated heat map reveals that there will be insufficient signal strength to support the City's public safety radio communications network, a Bi-Directional amplifier system will be required. Plans for system will be required at building permit. Structures requiring a BDA system will not be issued a TCO or CO until this system is installed, tested and functional. System must be approved by Broward County: Office of Regional Communications and Technology, 115 S Andrews Av, #325 | Ft Lauderdale, FL 33301, Tel: 954-357-8570 or 954-357-8673 (NFPA 1 chapter 11 section 11.10.1, NFPA 72 chapter 24, Florida Building Code Broward County Amendments Chapter 1, Section 118)

Response: Acknowledged. BDA system design will be provided for permit application.

Ref#34 – Cycle 1 (Jim Galloway)

Provide a Hydrant Flow Test to determine the available water supply to this project. This test must be performed by a qualified company of the builder's choice. In addition, the static pressure at the water main shall be determined by a recorded method (ie. water wheel) for a minimum twenty-four (24) hour period. The actual flow test must be witnessed by, and recorded data sent to City of Pompano Beach Fire Prevention.

Response: Fire flow test application will be submitted in order to determine water supply conditions, and the results will be provided.

Ref#35 – Cycle 1 (Jim Galloway)

Emergency Command Centers for high rise buildings: Must meet location, size, fire rating, and all required components referenced in Florida Fire Prevention Code 7th Edition (NFPA 1 chapter 11 section 11.8) and Florida Building Code 7th Edition (Chapter 9 section 911).

Response: The proposed building is a low- rise where the last occupiable floor is under 75'-0" AFF. (73'-0") Refer to sheet A001 and building sections on A310.

Ref#36 – Cycle 1 (Jim Galloway)

Provide life safety page for most demanding occupant load floor level. Plan should include conceptual floor plan layout, label each room and occupancy type, maximum occupant load, sufficient exits, travel distance and egress for maximum occupant load. If above level of exit discharge provides information showing sufficient egress capacity and discharge.

Response: Life Safety plan has been included. Refer to page A001.

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