



Legislation Text

File #: LN-539, **Version:** 2

DEVELOPMENT REVIEW COMMITTEE

Meeting Date: FEBRUARY 21, 2024

911 E ATLANTIC

Request: Major Site Plan
P&Z# 23-12000043
Owner: JSA 911 Pompano LLC
Project Location: 911 E Atlantic Blvd
Folio Number: 484236050960
Land Use Designation: ETOC (East Transit Oriented Corridor)
Zoning District: TO-EOD (Transit Oriented East Overlay District)
Commission District: 3 (Alison Fournier)
Agent: Seth Yeslow (954-971-1010 / syeslow@slcarchitects.com)
Project Planner: Pamela Stanton (954-786-5561 / pamela.stanton.copbfl.com)

Summary

The site plan application is for a 78-unit mixed-use development, which includes 5 townhouse style units, 73 multi-family units, approximately 8,212 square feet of commercial/ retail uses on the ground floor, parking and amenities on a 1.297 acre lot. The project is in the TO/EOD, within the Center Sub-Area and the Edge Sub-Area. The portion of the building within the Center Sub-Area is proposed to be 5 stories (43’ in height), and the portion of the building within the Edge Sub-Area is proposed to be 3 stories (33’ in height). The project proposes to apply Density Bonus Options #1 and #2 to increase the allowable density from 38 units to 63 units for the portion of the project that is located within the Center Sub-Area.

Staff Comments

PLANNING

Plan Reviewer: Max Wemyss | max.wemyss@copbfl.com

Status: Authorized with Conditions.

1. Land use for this parcel is ETOC. An application requesting to construct 78-unit mixed-use development (Apartments), 8,212 square feet of retail/commercial, 651 square feet leasing office, and 20,661 square feet of amenities for residents. The ETOC land use requires affordable housing a minimum of 15% of the proposed units must be affordable housing, and in accordance with Resolution 2022-185, the applicant must utilize

Broward County Policy 2.16.3 or 2.16.4 for the residential entitlements. The property is 1.297 acres in size, but requires a dedication along Atlantic Blvd (estimated final site area 1.269 acres). The property is split between Mixed Use Main Street Optional Residential (0-60) [MM (0-60)] and Mixed Use Main Street Optional Residential (0-24) [MM (0-24)]. Additionally, the applicant is seeking density bonuses, to increase the number of units by 25 (additional 40 units per acre).

-Provide the unit mix on the site data and indicate the number of units reserved for affordable housing units, equally distributed across the unit mix.

2. The property is platted (First Addition to Pine Crest) recorded in the Broward County Records (PB 7, Pg 34). There do not appear to be any amendments to the original plat, and no plat notes restrict the use of the property.

3. Prior to building permit approval, a School Capacity Availability Determination (SCAD) letter from the Broward County School Board must be provided to confirm that student capacity is available.

4. The City has sufficient water and waste water treatment capacity to accommodate the proposal.

ENGINEERING DEPARTMENT

Plan Reviewer: David McGirr | david.mcgirr@copbfl.com <mailto:david.mcgirr@copbfl.com>

Status: Authorized with Conditions.

The following comments must be addressed prior to the submission of these plans to the Building Division for formal plan review and permitting:

1. Submit / upload the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management permit or exemption for the proposed paving and drainage shown on the civil engineering drawings.
2. Prior to the approval of the City Engineering division, the City's Planning and Zoning Division must approve these plans.
3. Prior to the approval of the City Engineering division, the City's Utilities Division must approve these plans.
4. Place note on landscape plan sheets 017 and 018 as per City Ordinance(s) §50.02(A) (4) and §100.35(E), that landscaping materials other than sod are not allowed within (5') five feet of any portion of City owned utilities within the public street right-of-way including meters, hydrants, service lines etc. Also, please note that no trees, shrubbery or obstruction shall be placed within a 3' radius of a City-owned sewer lateral cleanout or water &/or reuse meter. Show the location of all existing City owned and maintained potable water mains and services, sanitary sewer mains or laterals and storm drainage lines on the proposed landscape plans. Contact Tracy Wynn GIS Coordinator Engineering Div. for Utility information. 954-545-7007 tracy.wynn@copbfl.com Engineering Standard street tree detail 316-1 and 315-1.
5. Submit / upload the (FDEP) Florida Department of Environmental Protection NPDES General Permit for the proposed storm water discharge from the proposed site construction activities.
6. Submit / upload the (FDEP) Florida Department of Environmental Protection (NOI) Notice of Intent for the proposed storm water discharge from the proposed site construction activities
7. Submit / upload a copy of the (BCEPMGD) Broward County Environmental Protection and Growth Management Division Surface Water Management Approval for Construction Dewatering Activities
8. Submit / upload a copy of the (SFWMD) South Florida Water Management District Water Use Individual Permit - if dewatering of the water table aquifer is required to facilitate the construction of the proposed project.
9. Place proposed COPB sidewalk warning dome mat construction detail drawing on the plan sheet 029 CP 101 PGD. Detail 318-1 ADA detectable warning mats.

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

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

FIRE DEPARTMENT

Plan Reviewer: Jim Galloway | jim.galloway@copbfl.com <<mailto:jim.galloway@copbfl.com>>

Status: Authorized with Conditions.

This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

CRA

Plan Reviewer: Kimberly Vazquez | kimberly.vazquez@copbfl.com

Status: Authorized.

2/7/2024 - Review complete - No Comment.

UTILITIES

Plan Reviewer: Nathaniel Watson | nathaniel.watson@copbfl.com

Status: Comments not available as of February 7, 2024.

LANDSCAPE REVIEW

Plan Reviewer: Wade Collum | wade.collum@copbfl.com

Status: Authorized with Conditions.

1. Provide methodology for tree appraisal as all values appear to be low. All trees are to be appraised based on the Rule 14-40.030, Florida Administrative Code, provide worksheets for all the trees appraised.

2. As per 155.5204.E.b.i-iv; Mitigation is to be above and beyond required plantings.

3. As per 155.5203.B.2.ii. Based on the height of the building half of all required canopy trees are to be 16' tall and palms to be 22' OA, please adjust. This is not to include street trees.

4. As per 155.5204.F. No development, work, or demo activity shall be allowed within the dripline of a tree or tree protection area.

5. Provide a note on the plan describing fines and penalties for encroachment into the critical root zones and within the tree protection zone for existing trees to be protected and preserved.

6. For example; Penalties would be incurred by the contractor for damages to the existing trees on site from the contractor, the subcontractors, or employees. Any encroachment within the tree protection zone, failure to

maintain the tree protection zone, or any damage to the tree(s) or critical root zones will result in mitigation. The cause of damages would include, but not be limited to, storage of materials, placing fill or debris, disposal of paint or solvents, parking of machines under trees or tree protection zone encroachment. An example of this would be; Violations of this will result in a fine of \$1000.00 for the first offense, \$1500.00 for the second, and \$2000.00 for the third, etc. If physical damage is done to the tree, an appraisal of the damages and related fees will be determined by an ASCA Registered Consulting Arborist, and be based on all, or a percentage of, the established value assigned to the tree.

7. Provide a note that all existing trees will be pruned by an ISA Certified Arborist under the direction of a BCMA or ASCA Registered Consulting Arborist.
8. As per 155.5204.F.3.d; Underground utility lines shall be routed around the tree protection area where possible. If this is not possible, a tunnel made by a power-driven soil auger may be used under the tree.
9. The cross section detail provided of the proposed building footers / slab appears that it will encroach into the required foundation landscaping soil space at the footers of the building. Provide drawings and verification of the use of monolithic / eccentric footings as it relates to these areas. Note on the landscape plan and provide the sheet # where the comment has been addressed.
10. All tree work will require permitting by a registered Broward County Tree Trimmer.
11. Provide a comment response sheet as to specifically how comments have been addressed at time of resubmittal.
12. Additional comments may be rendered a time of resubmittal.

ZONING

Plan Reviewer: Pamela Stanton | pamela.stanton@copbfl.com <<mailto:pamela.stanton@copbfl.com>>

Status: Authorized with Conditions.

1. Previous comment: Clarify how the residential parking spaces will be isolated from the nonresidential parking spaces. **NEW:** The response described the locations of the commercial and the residential parking spaces, but did not sufficiently address the request for information: “possible” access-control is not a definitive description of how the residential spaces will be isolated from the commercial spaces
2. Provide a dimension on the building elevations for the height of the decorative canopy structure on the roof of the 3-story portion of the building.
3. The Sustainability Narrative includes Efficient Water Heating for 2 points via tankless water heaters or solar heaters. If using tankless, verify that the electrical system will be handle the demand/load generated by the tankless water heaters.
4. The Sustainability Narrative includes 4-100sf Rain Gardens for 4 points. The 4 Rain Gardens are delineated on the landscape plan, including 2 gardens located in the “front yard” of 2 of the Townhouse Style units. It is recommended to shift the 2 gardens from the front yards of the Townhouse Style units to an open “common area” where the longevity of the gardens will be better assured.
5. The Sustainability Narrative includes “Other” discretionary points for 3 E.V. charging stations and awnings/shade over “a substantial portion of south facing windows” for 4 points, which is a generous number of points, considering the Sustainability Options table provides for 2 points if all south windows

have overhangs. If consideration is given for a portion of the south facing windows, 1 point is awarded, leaving 1 point for each of the 3 E.V. charging stations, which is also an overly generous number of points. The “Other” options should be revised to propose a realistic set of options with a reasonably proportionate number of points.

6. Prior to submitting for the Architectural Appearance Committee hearing, provide details and specifications for the decorative faux windows with louvers, decorative faux green wall, and decorative aluminum perforated panel shown on the west elevation.
7. The following will be a condition of the Development Order: Provide a copy of the Final SCAD letter.
8. The following comment will be a condition of the Development Order: Pursuant to Section 155.3709.K, each residential development is required to set aside a minimum of 15% of their proposed units as affordable housing or contribute in-lieu-of fees of at least \$10,000 per unit in accordance with Chapter 154. Recently, the City adopted a policy to require the use of the County’s mixed income housing density bonus policies 2.16.3 or 2.16.4 for any project in the ETOC with 7 or more units. Payment of the in-lieu-of fees is not an option when applying policy 2.16.3.
9. The following comment will be a condition of the Development Order: Section 155.5509: In all new development, all overhead utilities located on the development site and/or along the public right-of-way fronting the development site must be placed underground to the maximum extent practicable-provided that the Development Services Director can waive this requirement where the relevant utility company demonstrates that undergrounding will be detrimental to the overall safety and/or reliability of the circuit.
10. The following comment will be a condition of the Development Order: A Unity of Title is required to unify the two parcels.
11. The following comment will be a condition of the Development Order: Provide a Plat Determination Letter from the Broward County Planning Council.

ENVIRONMENTAL SERVICES

Plan Reviewer: Beth Dubow | beth.dubow@copbfl.com <<mailto:beth.dubow@copbfl.com>>

Status: Authorized with Conditions.

1. Townhouse residents will be responsible for bringing their garbage to the trash room. No containers will be given to these units and no garbage collection service will be allowed in the right-of-way.

2. Provide access/doors to the service corridor for the retail commercial uses. The current site plan shows no access to the trash room except to walk it around the building and into the garage. Walking the trash around the building and through the garage is not acceptable.

NOTE: Additional safety precautions (such as pavement markings and convex mirrors) should be utilized/installed by the loading/staging areas.

NOTE: Recycling collection is not required, but it is highly encouraged. Recycling collection service may be obtained from a recovered materials hauler.

NOTE: Owners of a commercial property are responsible for securing garbage collection service directly from Coastal Waste & Recycling (as of October 1, 2022). Rental properties are considered commercial for garbage collection purposes.

NOTE: As stated in the Pompano Beach Code of Ordinances, Chapter 96, including Section 96.12(D)(1), all construction and demolition debris removal is the responsibility of the owner. All solid waste generated within the geographic boundaries of Pompano Beach shall be collected by the franchise collector (Coastal Waste &

Recycling at the time of this writing) and disposed of as directed by the city disposal agreement. All materials shall be generated from the property on which the materials are placed for removal. Information regarding container size and hauling costs may be found in Chapter 96, Section 96.13.

NOTE: Additional comments may be necessary based upon revisions, additional plans and/or documents. Contact Beth Dubow at 954-545-7047 or beth.dubow@copbfl.com should you have any questions or concerns regarding this review.

BUILDING DIVISION

Plan Reviewer: Todd Stricker | todd.stricker@copbfl.com

Status: Authorized with Conditions.

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. residential buildings shall comply with City Ordinance 152.29(C)(1)(A) and nonresidential buildings shall comply with City Ordinance 152.29(C)(1)(B).

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, 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 2020 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 2020 FBC.

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.

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.

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 the architect or engineer of record contain a statement that, to the best of the architect's or engineer's 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.

BSO

Plan Reviewer: Anthony Russo | Anthony_Russo@sheriff.org

Status: Authorized.

***** ATTENTION IMPORTANT *****

The services of an independent, and highly experienced, qualified and certified Security Crime Prevention/CPTED Consultant are highly recommended to achieve and maintain objective credible security review integrity, and to expedite processing.

***** DISCLAIMER *****

This safety and security review does not guarantee a crime will never occur; it is an effort to mitigate opportunities for crime and to help avoid any present and future security deficiencies, conflicts, threats, breaches, or liabilities that might occur without any review.

***** ATTENTION IMPORTANT *****

AS PER CODE 155.2407.E.9., AT THE TIME OF PERMIT SUBMITTAL, THE CPTED SECURITY STRENGTHENING DRAWING PLAN AND SEPARATE CPTED SECURITY STRENGTHENING DRAWING PLAN NARRATIVE SHALL BOTH BE SUBMITTED AS PART OF THE REQUIREMENTS FOR PLANNING & ZONING REVIEW AND APPROVAL.

*****ATTENTION IMPORTANT*****

Participation in the BSO No Trespassing Program is required. If this site is already on the program, then additional signage may be necessary along with an updated affidavit signed by authorized personnel. Please contact the BSO Pompano Beach C.P.T.E.D Advisor regarding placement of the No Trespass Signs.

PLEASE NOTE: Applications that require resubmission to the DRC have 45 days from the time of original DRC meeting in which to resubmit. Applications that fail to be resubmitted before the completion of these 45 days, or fail to receive a time extension from the Development Services Director, shall be considered withdrawn (§155.2304.B).