

May 16, 2018

Constance C. Holland, AICP
Director, Office of State Planning Coordination
State of Delaware
122 Martin Luther King Jr. Blvd. South
Haslet Armory – Third Floor
Dover, DE 19901

RE: Project No. 11664.CA (Duffield Associates)
PLUS review 2018-03-03
East Lebanon Road
Senior Living Facility

Dear Ms. Holland:

We are in receipt of your PLUS comment letter dated April 20, 2018. The following is our point-by-point response to your comments

Strategies for State Policies and Spending

- This project is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future.

Response: Duly noted.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the site fronts on Delaware Route 10, which in this area is part of the Harriet Tubman Underground Railroad byway, it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. As such, the applicant should expect or anticipate the following restrictions and requirements:
 - No new billboards, variable message boards, or electronic changing message sign(s) would be permitted within 660' of edge of right of way (i.e. any closest right of way edge).
 - DelDOT's Development Coordination Section will likely require one by way auto tour sign to be located in the Route 10 right-of-way.

Response: Noted.

Please see

<http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9> for a Byways map and more information.

- The site access on Delaware Route 10 must be designed in accordance with DelDOT's Development Coordination Manual; a copy of the Manual is available at <https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

Response: The deceleration lane and entrance will comply with current DelDOT standards.

- Section 1.2.1 of the Manual addresses, in general terms, how DelDOT determines what access to permit and where to do so. Preliminarily, the project shall have a right in/right out access at a single point. DelDOT anticipates requiring a channelizing island to discourage drivers from cutting across westbound Route 10.

Response: A de facto right-in/right-out entrance is proposed. No additional median breaks are requested.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The 800 vehicle trip ends per day shown on the PLUS application may be high. Treating all 196 units in the facility as Assisted Living per the Institute of Transportation Engineers' (ITE) Trip Generation Manual would predict 510 vehicle trip ends per day and 51 vehicle trip ends per hour in the weekday evening peak hour. With these numbers, the applicant may be eligible to pay the Area Wide Study Fee, per Section 2.2.2.2 of the Manual, in lieu of doing a TIS. Payment of the fee would not exempt the applicant from the need to perform a Traffic Operational Analysis (TOA) if DelDOT determines that one is needed in their review of the plan or from the need to make off-site improvements that DelDOT identifies as necessary. DelDOT will further evaluate the need for a TIS when they receive a plan for review.

Response: The site is a mix of Assisted Living (109 units - Land use Code 254) and Congregate Independent Living (87 units - LUC 253) Trip Generation data. This composite sums to 459 vehicle trips per day and 44 peak PM trips. We will work with DelDOT on a warrant for a TOA.

- Per Section 2.3.2 of the Manual, Traffic Operational Analyses (TOA) may be required for developments generating more than 200 vehicle trip ends per day.

Response: Noted.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether a right turn lane is warranted at the site entrances and how long that lane should be. The worksheet can be found at <https://www.deldot.gov/Business/subdivisions/index.shtml> .

Response: A right-turn lane is warranted and will be provided with the Commercial Entrance Plans.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards.

Response: Sight distance triangles will be provided with the Entrance Plan/Record Plan submittal.

Department of Natural Resources and Environmental Control- Contact Michael Tholstrup 735-3352

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

Response: Noted.

State Historic Preservation Office -Contact Carlton Hall 736-7404

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

Response: Noted. Should remains be unearthed during construction, a study will be performed.

- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery .can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and

such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development.

Response: Noted.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers (ACOE) permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds.

Response: No Federal funding is proposed. No ACOE permit will be required.

Delaware State Fire Marshal's Office - Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1000 GPM for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

Response: Adequate flow and pressure will be provided. Hydrants will be placed on site per Code.

- Where a water distribution system is proposed for healthcare sites or multi-family sites,

the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Response: Final design drawings will be provided to the County and State Fire Marshal (SFMO) for review.

Fire Protection Features

- All structures over 10,000 Sq. Ft. aggregate and all buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.

Response: The building will have a sprinkler system.

- All buildings that have a floor above the first floor over 10,000 square feet gross floor area will require a Standpipe system.

Response: A Standpipe system will be provided.

- All buildings that over three (3) stories and all buildings that are over 35 feet in height will require a Standpipe system.

Response: The structure will have four stories and exceed 35 feet in height. A Standpipe system will be provided.

- Buildings greater than 10,000 GSF, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

Response: Fire lane markings will be provided with the Construction Drawings and submitted to the SFMO for approval.

- Show Fire Department Connection (FDC) location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

Response: The FDC will be indicated on the Construction Drawings and submitted to the SFMO for approval.

- Show Fire Lanes and Sign Detail as shown in DSFPR

Response: Fire lanes and signage will be indicated on the Construction Drawings and submitted to the SFMO for approval.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access to the main entrance cannot be impeded by the presence of the main canopy. Any canopy in the path of fire department access must be a clear height of at least 13 feet above finished grade.

Response: Access will be provided. The canopies will have a clearance to the pavement surface exceeding 13 feet.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

Response: Access will be provided as required.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

Response: No speed bumps are proposed.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Response: No gates are proposed at this time.

Gas Piping and System Information

- Provide type of fuel proposed, and show locations of bulk containers on plan.

Response: No containers are proposed on site.

Required Notes

- Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"

Response: The note will be indicated on the Construction Drawings and submitted to the SFMO for approval.

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Response: All notes will be indicated on the Construction Drawings and submitted to the SFMO for approval.

Recommendations / Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Response: Noted.

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online.

Response: Noted. Plans will be submitted via PDCA.

- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of October 11, 2017.

Response: The latest notes will be added to the Entrance plans.

Delaware State Fire Marshal's Office – Contact Duane Fox 259-7037

- The facility may be required to be licensed by the Department of Health and Social Services (DHSS), specifically the Office of Health Facilities Licensing & Certification (OHFLC). Additionally, the Center for Medicare and Medicaid Services (CMS) may impose additional requirements if applicable. Suggest that you contact Corrina Getchell of OHFLC for additional information at (302) 283-7220.

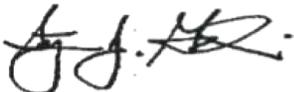
Response: Noted.

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment.

Response: We met with the Kent County SFMO in January 2018 to review our Concept Plan. The design was acceptable in Concept.

Very truly yours,

DUFFIELD ASSOCIATES, INC.



Stephen J. Gorski, P.E.
Senior Project Manager