

1 The neighbors noted that congestion at the Alameda/19th intersection is so bad they often have to
2 wait through more than one cycle to turn left when heading northbound from Alameda. The
3 Applicant’s traffic study didn’t address these areas, limiting analysis to intersections within
4 University Place, mainly along Mildred. Information is limited, but the preponderance of evidence
5 does establish that congestion impacts are within adopted levels for the intersections identified by the
6 neighbors. According to Figure 5 of the Applicant’s traffic report, Ex. 14, 60% of the trip generation
7 from the project goes through the Mildred/19th intersection and this amount of traffic only causes a 2
8 second delay during PM peak hour (presumably in the east/west direction that accommodates 40% of
9 trip generation). The most heavily impacted intersections to the south and east take a maximum of
10 5% of the project’s trip generation, leading to the reasonable conclusion that the 5% intersections will
11 be much less impacted than the 2 second delay of the Mildred/19th intersection. The Alameda/19th
12 intersection was not included in the traffic study. However, it takes less trip generation than the
13 Mildred/19th intersection (40% instead of 65%), leading to the conclusion that more likely than not it
14 too does not create a significant amount of traffic delay.

15 The most difficult issue to deal with is a proposed set of stairs located along the eastern property line.
16 The stairs connect the proposed 65th St. public street to an adjoining multi-family project. The multi-
17 family development will be separated from 65th by a twelve-foot-high retaining wall. The owners of
18 the multi-family development oppose the stairs because they fear it may make their development
19 more accessible to the homeless of the area. The concerns of the owners are well taken, as it on its
20 face it doesn’t appear equitable to force public access onto a private property owner who doesn’t want
21 it. At the same time, the fact that the owners have any privacy at all along 65th St. is a fortuitous
22 circumstance of the topography of the area – if the topography or grading plan for the project were
23 different 65th could have been built at the same grade as the multi-family development. Ultimately,
24 there is significant public need and benefit for the proposed stairs. As noted in the FBC, the
25 comprehensive plan vision for the area subject to the FBC is “compact, walkable and mixed
26 use...[t]he FBC allows a mix of uses within a walkable environment so that driving is an option, not a
necessity, to meet daily needs.” FBC I.1A. The owner’s multi-family development is located within
the FBC planning area subject to the “walkable” goals for that area. The 12-foot retaining wall along
the east side of the project site creates a two-block obstacle to pedestrian connectivity within this
“walkable” area. Given these circumstances, the stairway is found to be a necessary connection to
meet the walkable vision for the FBC planning area. It is noted, however, that the walkway is
presumably located within the 65th St. right of way. As such the City will likely maintain control of
the stairway. Should the walkway attract nuisance and/or criminal activity as feared by the owners,
the City will have the ability to gate the stairway closed.

Testimony

A computer-generated transcript is provided as Appendix A as a courtesy for those who wish an
approximate transcription of comments made at the hearing. The Fircrest Planning Department has a
recording of the hearing available to the public should a more accurate accounting of the hearing be
necessary.

Exhibits

The February 23, 2023 staff report along with its 22 attachments were admitted as Exhibit 1 during

1 the hearing. The following exhibits were also admitted during the hearing:

2 Exhibit 23: February 23, 2023 letter from Pierce County Planning and Public Works.

3 Exhibit 24: Google aerial of project site and adjoining parcels on east side

4 **FINDINGS OF FACT**

5 **Procedural:**

6 1. Applicant. Alliance Residential Company, represented by Jon Graves, Graves and Associates,
7 3110 Ruston Way Suite E, Tacoma WA 98402 .

8 2. Hearing. A hearing was held on the application at 3:00 pm on February 28, 2023 in the City
9 of Fircrest Council Chambers.

10 3. Project Description. Alliance Residential Company requests approval of a preliminary major
11 site plan to redevelop a 9.49-acre site located at 2119 Mildred St. W. for a mixed-use development
12 composed of four buildings containing 391 multifamily residential units and 9,968 SF of commercial
13 space. The design includes a centrally located plaza and other publicly accessible open space
14 totaling 47,275 SF (11.5% of the site area). Buildings A & B would be 5-story mixed-use buildings
with apartments, live-work units, and ground-floor commercial space. Buildings C & D would be 4-

15 story residential buildings with basement parking garages located at level 0 and fitness amenity/lobby
16 areas.
17 The current site plan shows a total of 493 parking stalls, including 288 private stalls within surface
lots, building courtyards, and parking garages, and 205 new public street stalls. Initially, motor
18 vehicle access to the site would be solely via Mildred Street West, which abuts the west side of the
19 project site and represents the jurisdictional boundary between Fircrest and University Place.

20 The project would dedicate five new public streets to the City of Fircrest. 21st Avenue, 22nd Avenue,
21 and 23rd Avenue would run east-west and connect directly to Mildred Street West. 65th Street and
22 66th Street would run north-south through the site and connect with 21st, 22nd, and 23rd streets.
Rights-of-way for each new street would extend to the project site property boundaries to allow for
23 future street connections or extensions to the north, east, and south as abutting properties redevelop.

24 An existing industrial building and related improvements (the former Metal Marine Pilot facility)
25 would be demolished to accommodate the project.

26 4. Surrounding Uses. As shown in Figure 2 of Ex. 11, adjacent properties to the north, south
and west are developed commercially and properties to the east are developed with multi-family
units. The adjoining parcels to the east are zoned Residential 30 and those to the north and south are
zoned either Mixed Use Neighborhood or Mixed Use Urban. The City of University Place is on the
west side of the project site.

1 5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. A
2 State Environmental Policy Act Mitigated Determination of Non-significance was issued for the
3 project on February 15, 2023 with no appeal. Pertinent impacts are more specifically addressed as
4 follows:

4 A. Compatibility. The proposal is fully compatible with surrounding uses. The proposed mix
5 of commercial and residential use serves as an appropriate mix of uses to adjoin the
6 surrounding mix of commercial and residential uses.

6 B. Hazardous Waste. The project site has hazardous waste containing soil and potential
7 arsenic contamination within its existing building as well. The Applicant has conducted
8 extensive studies to identify contaminants and to formulate a remediation plan. SEPA
9 Mitigation measures requiring conformance to Washington State Department of Ecology
10 remediation standards appropriately addresses hazardous waste impacts.

10 The property was formerly operated for the design and manufacture of marine automatic
11 pilots and other marine navigational aids (e.g., compasses) from approximately 1957 to
12 2000. Between the years 1972 and 2000, soil fill was deposited throughout the central and
13 eastern portions of the site. During operations at the property, there have been documented
14 releases of certain volatile organic compounds, primarily perchloroethylene (PCE) to the
15 ground east of the existing building. In addition, a release of paraffin oil from the north
16 adjoining property affected soil near the northern end of the property. Cleanup actions
17 were performed in 1993, 2000, and 2012 to remove and properly dispose of the
18 contaminated soil above the applicable cleanup levels in the affected areas. Low
19 concentrations (below cleanup levels) of PCE and paraffin oil may be present in these
20 areas. Perched groundwater in the vicinity and downgradient of these areas did not contain
21 contamination (PCE and/or paraffin oil) at concentrations exceeding cleanup levels. The
22 results of these cleanup actions were reported to the Washington Department of Ecology
23 (Ecology) under its Voluntary Cleanup Program (VCP). Ecology issued an opinion letter
24 in July 2015, indicating that the site meets the cleanup standards for PCE and petroleum
25 hydrocarbons in soil.

19 Previous investigations of the fill material present in the central and eastern portions of the
20 property indicated the presence of arsenic at concentrations exceeding mandated clean up
21 levels predominantly at depths of 15 feet or greater and widely dispersed. The property is
22 located in the Tacoma Smelter Plume (Asarco Area Wide Contamination Plume) and the
23 presence of arsenic at the property is attributed to the historic operation of the Asarco
24 Smelter Plant. The investigation also found arsenic in perched groundwater in 2 of the 6
25 wells tested at concentrations slightly exceeding the cleanup level. In Ecology's July 2015
26 opinion letter, Ecology stated that the source of the arsenic is likely attributed to the
former operation of the Tacoma Asarco Smelter Plant and the fill material that was
imported to the subject property as part of historical grading activities.

26 The current development design includes approximately 9,000 CYDs of cut/fill. If the
existing soil is not suitable for use as fill on the property, soil removed from the property

1 will require appropriate screening, segregation, and management to insure its proper
2 disposal. There are two concrete vaults located east of the existing building that were
3 previously used in the manufacturing operations which will be removed during
4 construction. Based on the date of construction, the existing building may contain
5 hazardous building material (e.g., asbestos or lead-based paint). Prior to construction, the
6 building will be assessed for the presence of hazardous building materials and
7 appropriately abated as needed.

8 Ecology has been contacted regarding the presence of arsenic in soil and perched
9 groundwater at the site resulting from impacts due to the Asarco Smelter Plume. A
10 Cleanup Action Plan is being prepared to address the arsenic consistent with the
11 requirements of Ecology's 2019 guidance document for cleanups conducted within the
12 Tacoma Smelter plume (Tacoma Smelter Plume Model Remedies Guidance, Sampling
13 and Cleanup of Arsenic and Lead Contaminated Soils. Publication Number 19-09-101).
14 Consistent with Ecology's guidance, the Cleanup Action Plan will utilize the impervious
15 surfaces created by the proposed project (approximately 90 percent of the property) to cap
16 and isolate soil containing arsenic at concentrations exceeding cleanup levels. The
17 Cleanup Action Plan will address impacts to groundwater through an environmental
18 covenant prohibiting the future use of groundwater at the property. The Cleanup Action
19 Plan will be submitted to Ecology for review and approval under the VCP. In addition to
20 the measures described above, the following measures will be implemented to control
21 potential environmental health hazards:

- 22 • A contaminated media management plan (CMMP) will be prepared that describes the actions that will be taken during the construction of the proposed development in response to the known soil contamination present at the property. The CMMP will include the following:
 - 23 - A requirement that the earthwork contractor performing excavation activities have a health and safety plan in place that describes worker protection methods if contaminated soils are encountered;
 - 24 - Procedures to properly decommission the existing concrete vaults and remove them from the property; and
 - 25 - Procedures to manage contaminated soil when it is encountered during construction.
- 26 • Preparation of a Construction Stormwater Pollution Prevention Plan.

At the conclusion of the implementation of the approved Cleanup Action Plan, removal and disposal of contaminated soil (if any), and removal of the concrete vaults, a report documenting the work completed will be prepared and submitted to the Department of Ecology consistent with applicable regulations and guidance.

The project MDNS includes a mitigation measure that addresses Ecology's contamination cleanup requirements consistent with the hazardous waste description above, which was taken

1 from the Applicant's SEPA Checklist. Ecology has reviewed the mitigation measure and
2 concurs with its content and approach.

3 C. Critical Areas. There are no known environmentally critical areas on the site according to the
4 Pierce County Public GIS Maps. The drainage report notes that the western portion of the
5 project site slopes down from west to east at a 30-40% slope with a vertical drop of 30 feet.
6 These slopes aren't identified by staff or in the geotechnical report as protected steep slopes,
7 presumably because they will be leveled out via grading of the project site.

8 D. Traffic/Circulation. The proposal conforms to the City's level of service and traffic design
9 standards and thus is found to adequately mitigate against all adverse traffic impacts.

10 The Applicant's traffic impact analysis, Ex. 14, identifies the following traffic impacts:

- 11 • The proposed project, constructing 412 multifamily homes and 12,000 square
12 feet of retail, is estimated to generate approximately 1,976 weekday net new
13 daily trips with 186 occurring in the AM peak hour and 208 occurring in the
14 PM peak hour.
- 15 • Project traffic would represent less than approximately 4 percent of the future
16 (2026) weekday peak hour traffic volumes at the study intersections during the
17 weekday PM peak hour with the exception of the main central site access,
18 where it would represent 12.9 percent.
- 19 • Project access points and affected intersections are within City of University Place
20 jurisdiction. According to the Applicant's traffic impact analysis, those access points and
21 intersections meet University Place level of service standards as follows:
 - 22 - All off-site intersections are forecast to operate at LOS D or better under future
23 (2026) with-project PM peak hour conditions, meeting the City of University
24 Place standards.
 - 25 - All site access points are forecast to operate at LOS B or better under future
26 (2026) with-project PM peak hour conditions, meeting the City of University
Place standards. This is under the assumption that access at the northern and
southern access points is restricted to right-in and right-out movements, and
the central access is signalized under with-project conditions.

Questions were raised at the hearing about traffic impacts in intersections that were not
included in the traffic report. Those issues are addressed in the introduction section of this
decision and adopted by this reference into this finding of fact. There was some skepticism
made about the findings in the traffic report in regard to PM peak hour traffic impacts. The
traffic report was written by qualified traffic engineers in close collaboration with University
Place. If the findings of the traffic report were not well founded, the traffic engineers of
University Place would likely have pointed this out to the City of Fircrest and requested
additional mitigation as necessary. No such additional input was made by University Place.

1 Given these circumstances and the absence of any expert testimony to the contrary, the
2 Applicant's traffic report is found to accurately assess and mitigate traffic impacts.

- 3 E. Drainage. The proposal complies with the City's detailed stormwater standards and is thus
4 found to adequately mitigate against stormwater impacts.

5 The proposal is subject to the 2019 Washington State Ecology Stormwater Management
6 Manual for Western Washington (Manual), which requires that the project not generate off-
7 site stormwater flows that exceed predevelopment, forested conditions and also imposes
8 water quality standards. City staff have reviewed the Applicant's preliminary stormwater
9 design as presented in its drainage report, Ex. 8, and found it consistent with the
10 requirements of the Manual. The Applicant proposes a stormwater detention vault to meet
11 the standards of the Manual.

- 12 F. Parking. The proposal meets City parking standards and thus provides for adequate parking.
13 A minimum of 416 parking stalls is required with a maximum of 499 stalls allowed. The
14 Applicant proposes 493 stalls, which is within the allowable range.

15 The current project design includes 391 multifamily units, for which a minimum of one off-
16 street space per unit (391 stalls) is required, per FMC 22.60.003(a). In addition, a combined
17 total of 9,895 SF of commercial space is proposed for Buildings A and B. FMC 22.60.003(b)
18 requires a minimum of one space per 400 SF of commercial use, which equates to 25 stalls.
19 Staff considers the live-work units in Buildings A and B to be "multifamily" for the purposes
20 of parking requirements, per FMC 22.60.003(g). Based on these numbers, a minimum of 416
21 stalls are required.

22 Under FMC 22.60.006 Maximum Parking Space Provisions, the number of stalls provided
23 shall not exceed 120 percent of the minimum required number of stalls specified in FMC
24 22.60.003, unless the Examiner approves a further increase when specified criteria are met.
25 Absent any Examiner approval for additional parking, the maximum number of stalls allowed
26 would be 499 (120% of 416 stalls). The preliminary site plan shows 493 stalls, which falls
just below the 120 percent limit. Staff anticipates this number may decrease slightly as minor
revisions, such as the replacement of some parking lot stalls with required tree peninsulas or
islands, are approved through the final site plan and design review processes.

The staff report identifies that although the proposal satisfies the number of parking stalls
required of the project, it fails to provide that number as all off-street parking as required by
FMC 22.60.007. 69% of the minimum parking spaces required are proposed as on-street
parking, as opposed to the required off-street parking. The staff report notes that the
Applicant originally proposed enough off-street parking to meet the off-street parking
requirement, but that staff persuaded the Applicant to convert a substantial amount of surface
parking space to public streets with on-site parking spaces, thus resulting in the current
reduced amount of off-street parking.

1 The staff report asserts that the conversion to more public streets was found necessary to
2 conform to the City's form-based land use code, FMC 22.57.005. The report thus
3 concludes that parking requirements of the form-based code conflict with those of Chapter
4 22.60 FMC (the City's parking standards). The staff report goes on to note that due to this
5 conflict, the lesser parking standards of the form-based code apply via FMC 22.60.003,
6 which provides that form-based standards may supersede conflicting FMC standards.

7 A problem with the staff report analysis is that there is arguably no conflict between the
8 form-based code and FMC parking standards. There is nothing in the form-based code
9 that mandates that a certain percentage of required parking be on-street parking. If an
10 Applicant must lose some proposed off-street parking to accommodate required public
11 streets, then the Applicant must find another place to accommodate the required off-street
12 parking. In point of fact, the FMC has already been designed to address this scenario.
13 The FMC already anticipates circumstances where developers are required to provide on-
14 street parking by authorizing a reduction in off-street parking if the Applicant provides a
15 parking study showing that on-street parking reduces the need for the off-street parking.
16 See FMC 22.60.004. The City's form-based code and FMC parking standards could have
17 been easily harmonized without finding a conflict using the parking study approach. The
18 parking study method could have only authorized a maximum 50% reduction in off-street
19 parking requirements, but likely would have resulted in an overall reasonable parking
20 requirement for the Applicant.

21 Despite the issues identified above with the staff report's reduction in off-street parking
22 requirements, deference will be given to staff's interpretation and application of its form-
23 based code. The form-based review process inherently involves some subjective design
24 determinations that require voluntary cooperation from the Applicant. In the absence of
25 any opposition to the reduced parking recommended in the staff report, the absence of any
26 apparent public detriment and the moderately persuasive argument that there is in fact a
27 conflict on parking standards, the form-based code is interpreted for purposes of this
28 project to conflict with FMC parking standards and to thus authorize the use of on-street
29 parking to meet FMC off-street parking requirements. However, should this issue come
30 up again staff should have a more defensible justification for its finding of a conflict
31 and/or use the parking study option to substitute on-street parking for off-street parking.

32 G. Adequacy of Infrastructure. The Applicant has demonstrated adequate infrastructure for
33 this conceptual level of review. Adequacy will be further addressed during final
34 development permit review. The City requires concurrency for arterial roads, transit,
35 fire/EMS, law enforcement, schools, and parks, based on available and planned capacity.
36 Concurrency is also required for water, power, sanitary sewer, fire flow, and stormwater
37 management, based only on available capacity. Concurrency determinations are required
38 in advance of the issuance of development permits, which the City interprets to mean
39 "final" development permits such as building, site development, and other construction
40 permits. The City's preliminary concurrency review for the Alliance Prose project has not
41 identified any capacity shortfalls in terms of the physical facilities and services needed to
42 serve the project or deficiencies hindering the project's ability to meet LOS standards.

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2 Pierce County Public Works submitted a letter, Ex. 23, identifying that the project area is
3 located within its sewer service area. It's letter further asserted that the application
4 materials erroneously identified the City of Fircrest as the sewer provider. The exhibits in
5 admitted into the record do not identify who will be providing sewer to the project. The
6 conditions of approval require that this issue be resolved prior to administrative site plan
7 approval.

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- H. Aesthetics. The proposal does not create any significant adverse aesthetic impacts since as conditioned it conforms to the City's landscaping and design standards.

Chapter 22.62 FMC and FBC standards comprises the City's landscaping standards. The Applicant has submitted an overall landscape plan and more detailed schematic landscape plans that generally meet the city's landscaping requirements with respect to the parking lot and street frontage landscaping. Final detailed landscape plans, subject to the final site plan and administrative design review approval, will need to be submitted to demonstrate code compliance in terms of final plant selection and location, walls, fencing, and other landscape elements. Additional attention will need to be paid to the locations and dimensions of the parking lot tree islands/peninsulas, parking lot and garage screening, planter strips, and plant selections that will complement off-site landscaping on the south side of 23rd Street. The final plans will need to demonstrate compliance with FBC street and open space landscaping standards as they apply to street frontage design and the urban design concepts required to be designed and constructed for the 22nd urban green street and the central plaza to be located south of 22nd Street and west of 66th Avenue.

Chapter 22.64 FMC and the FBC comprise the City's design standards. Administrative design review for this project consists of a two-step process that begins with a review of conceptual plans conducted concurrently with the Examiner's review of the preliminary site plan application. After Examiner site plan approval for the preliminary (conceptual) design, the Applicant will need to submit detailed plans for final design review by staff. This second review is intended to ensure that all design issues identified during the review of the conceptual plans are addressed prior to the issuance of building permits.

- I. Open space. The proposal conforms to the City's open space standards and thus provides for adequate open space.

FBC OS.1D requires projects over four acres to provide for a minimum of five percent of project area for open space. The proposed design would devote 11.5% of the project site area to open space. This greatly exceeds the 5% minimum required. Per OS.1D, the Applicant intends to provide this additional shared public open space in lieu of providing private open space for units in the development. The project will also provide 9,510 SF of private indoor open space in Buildings C and D.

Projects greater than four acres, including the Alliance Prose development, are required to generate urban design concepts for large-scale open spaces consistent with OS.2. This

1 provision requires the submittal of an urban green street design for 22nd Street and a
2 green, square, or plaza design with a minimum size of ½ acre to be located south of 22nd
3 Street (planned) and west of 66th Avenue (planned). Generally, the Applicant’s
4 conceptual designs meet the design goals and objectives described in OS.2(1) and
OS.2(3). However, more detailed plans will need to be submitted for final site plan review
approval and design review approval of specific elements.

5 J. Noise. Noise impacts are adequately addressed by the City’s noise and development
6 standards. There is nothing in the record to suggest that the proposed use will generate
7 any noise levels that differ from typical low intensity commercial and multifamily
8 development use. FMC 22.58.008g authorizes the City to require noise screening of roof
9 top heating and air conditioning equipment. The need for the acoustical treatment is
deferred to administrative site plan review. Chapter 9.74 FMC also regulates noise levels
both for construction and for activities at the project site after construction is complete.

10 K. Lighting. The proposal will be made to conform to the City’s light standards and thus
prevents significant adverse lighting impacts.

11 Outdoor lighting standards are governed by FMC 22.58.018. The Applicant submitted an
12 outdoor lighting electrical plan with photometric data and fixture schedule on February
13 17, 2023. Staff did not have sufficient time to review the lighting plan for code
14 compliance prior to the issuance of this report. The City typically conducts such reviews
through its final site plan review process.

15 L. Connectivity. An adjoining property owner raised concerns about a required stairway on
16 the east side of the project site. That issue is addressed in the Introduction section of this
decision and adopted by this reference as a finding of fact.

18 **Conclusions of Law**

19 1. Authority. Major Preliminary Site Plan applications qualify as Type III-A review pursuant to
20 FMC 22.05.003 Table A. As outlined in RMC 22.05.003 Table B, the Hearing Examiner is
21 authorized to hold hearings and issue final decisions on Type III-A applications subject to judicial
appeal

22 2. Zoning. The project site is zoned Mixed-Use Urban (MUU) and Mixed-Use Neighborhood
23 (MUN).

24 3. Review Criteria/Street and Parking Modification. FMC 22.72.004 provides that major site
25 plan review is required for mixed-use development projects over 2,000 square feet in size. FCC
26 22.72.006 governs the criteria for site plan approval. Applicable site plan standards are quoted below
in italics and applied through corresponding conclusions of law.

1 **FMC 22.72.006a:** *The proposed use and site design will not be detrimental to the public health,*
2 *safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the*
3 *established character of the surrounding vicinity.*

4 4. The criterion quoted above is met for the reasons identified in Finding of Fact No. 5.
5 Although some persons may find some of the project impacts such as traffic to be detrimental, they
6 have been mitigated to meet City adopted standards that address those impacts. Those adopted
7 standards represent a City Council determination of what level of impact is found acceptable.
8 Consequently, impacts that are mitigated to adopted standards are not found to be detrimental as
9 contemplated in the standard quoted above.

10 **FMC 22.72.006b:** *The proposed use and site design will meet or exceed all applicable development,*
11 *design and performance standards and guidelines required for the specific use, location, or zoning*
12 *classification.*

13 5. The criterion quoted above is met for the reasons identified in Finding of Fact No. 5 and the
14 reasons identified in the staff report in assessing this criterion.

15 **FMC 22.72.006c:** *The proposed use and site design will be consistent and compatible with the*
16 *goals, objectives and policies of the comprehensive plan.*

17 6. The criterion quoted above is met for the reasons outlined in the staff report in assessing this
18 criterion.

19 **FMC 22.72.006d:** *All conditions necessary to lessen any impacts of the proposed use are*
20 *measurable and can be monitored and enforced.*

21 7. The criterion quoted above is met. All required conditions of approval are sufficiently based
22 upon City standards to provide for objective and measurable compliance for monitoring and
23 enforcement. City monitoring and enforcement will occur and/or be conditioned during subsequent
24 permit review.

25 **DECISION**


26 The preliminary major site plan application approved subject to the following conditions:

1. The proposal shall comply with the mitigation measures adopted in the January 30, 2023 MDNS for the project.
2. The issue of who will provide sewer service to the project site shall be resolved prior to administrative site plan approval.
3. The proposal shall comply with the proposed design and all the recommendations in Exhibits 1-16, to the extent applicable to the proposed final site design.

1 4. The Applicant shall provide the City with additional detailed plans and supporting
2 documentation to demonstrate code compliance as outlined in the staff report discussions with
3 respect to:

- 4 • FMC 22.26 Sign Regulations.
- 5 • FMC 22.57 Form-Based Code.
- 6 • FMC 22.58.008 Performance Standards.
- 7 • FMC 22.58.018 Outdoor lighting.
- 8 • FMC 22.60 Parking and Circulation.
- 9 • FMC 22.62 Landscaping Regulations.
- 10 • FMC 22.64 Design Guidelines.

11 DATED this 14th day of March 2023.

12 
13 Phil A. Olbrechts

14 City of Fircrest Hearing Examiner

15 **Appeal Right and Valuation Notices**

16 This decision is a final land use decision of the City of Fircrest subject to appeal to Pierce County
17 Superior Court as governed by the Land Use Petition Act (LUPA), Chapter 36.70C RCW. LUPA
18 requires that the judicial appeals be filed and served within 21 days of the issuance of this decision
19 as required by RCW 36.70C.030.

20 Affected property owners may request a change in valuation for property tax purposes
21 notwithstanding any program of revaluation.
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