



## THE CITY OF FIRCREST

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### FIRCREST PLANNING AND BUILDING DEPARTMENT STAFF REPORT Whittier Elementary Replacement Issued March 25, 2026

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#### SECTION 1 – GENERAL INFORMATION

**CASE NO:** CONDITIONAL USE PERMIT 25-CU0002  
MAJOR HEIGHT VARIANCE 25-VP0001  
MAJOR COVERAGE VARIANCE 25-VP0002

**APPLICANT:** Tacoma Public Schools, Kellie Bauer (Representative)  
**OWNER:** Tacoma Public Schools

**PROPOSAL:** Conditional Use Permit to construct a new elementary public school k-3; major variance to exceed the 30-foot maximum allowable building height; and major variance for impervious surface coverage up to 59.2%.

**LOCATION:** 777 Elm Tree Lane

**PARCEL ID:** 0220114002

**NOTICE OF COMPLETENESS:** **November 12, 2025**

**NOTICE OF APPLICATION:** **November 25, 2025**

**NOTICE OF PUBLIC HEARING:** **March 19, 2026**

**ZONING:** R-4

**2024 COMPREHENSIVE PLAN DESIGNATION:** Public and Quasi-Public Facilities

**ENVIRONMENTALLY SENSITIVE AREAS:** None

**ADJACENT LAND USE:** The subject property is located at 777 Elm Tree Lane in the City of Fircrest within the R-4 Single-Family Residential zoning district. The surrounding area is primarily developed with single-family residential uses and community-serving public facilities.

Properties located north of the site across Elm Tree Lane are developed with single-family residential homes. Properties south of the site are developed with single-family residential uses. Properties east of the site include Whittier Park and associated recreational facilities. Properties west of the site include residential development.

The surrounding neighborhood is characterized by established residential development interspersed with public facilities including parks and schools.

**SITE  
CHARACTERISTICS:**

The subject property is located at 777 Elm Tree Lane in the City of Fircrest and contains the existing Whittier Elementary School campus originally constructed in 1961, with an addition completed in 1970 ([Exhibit B](#)). The site is approximately 4.96 acres in size and is developed with the existing school buildings, paved circulation areas, parking areas, and outdoor playfields associated with the elementary school campus.

The property contains a topographic elevation change of approximately 50 feet across the site, sloping from the west at the highest point to the east at the lowest point ([Exhibit D](#)). The site contains mature vegetation, including a grove of evergreen trees located in the southwest portion of the property, and is directly adjacent to Whittier Park, which contributes to the site's physical context and neighborhood character.

Primary access to the campus is currently provided from Elm Tree Lane, a local residential street serving the surrounding neighborhood.

**ENVIRONMENTAL  
DETERMINATION:**

Environmental review for the proposed project was conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the SEPA Rules, Chapter 197-11 WAC.

Because Tacoma Public Schools is the project proponent and qualifies as a public agency under SEPA, Tacoma Public Schools served as the lead agency for environmental review of the proposal.

Tacoma Public Schools issued a Determination of Nonsignificance (DNS) on October 10, 2025 for the proposed Whittier Elementary School Replacement project. The DNS determined that the proposal would not have a probable significant adverse impact on the environment.

Following issuance of the DNS, the responsible official for Tacoma Public Schools reviewed the environmental record and any

comments received during the SEPA comment period. After consideration of the record, the responsible official determined that the DNS remained appropriate.

Accordingly, on November 6, 2025, Tacoma Public Schools issued a Determination to Retain the DNS pursuant to WAC 197-11-340.

The Conditional Use Permit and Major Variance applications before the Hearing Examiner rely upon the environmental determination issued by Tacoma Public Schools as lead agency. [Exhibit D](#).

**PROPOSAL SUMMARY:**

The applicant, Tacoma Public Schools, has submitted applications for a Conditional Use Permit and two Major Variances associated with the redevelopment of the existing Whittier Elementary School campus located at 777 Elm Tree Lane in the City of Fircrest.

The subject property is located within the R-4 Single-Family Residential zoning district and has historically operated as a public elementary school serving the surrounding community. The proposal involves demolition of the existing school structure and construction of a new elementary school facility and associated site improvements.

The proposed redevelopment includes construction of a new two-story school building, outdoor play areas, circulation improvements, parking areas, landscaping, and stormwater management facilities. The project is intended to modernize the existing school campus and improve the functionality of the site while maintaining its long-standing use as a public educational facility.

Because accredited public schools are permitted in residential zoning districts subject to approval of a Conditional Use Permit, the applicant has submitted an application requesting approval of a Conditional Use Permit to allow continued operation of a public elementary school at the site.

The applicant has also requested approval of two Major Variances from the development standards of the Fircrest Municipal Code:

- Major Variance – Building Height. The applicant proposes construction of a school building with a maximum height exceeding the zoning district height limitation of thirty (30) feet.
- Major Variance – Lot Coverage. The applicant proposes a level of lot coverage exceeding the maximum lot coverage standard established for the R-4 zoning district.

According to the applicant, the requested variances are necessary to accommodate the programmatic requirements of a modern elementary school facility while preserving outdoor activity space, maintaining tree retention where feasible, and accommodating phased construction while the existing school remains operational.

The redevelopment of the campus must occur while maintaining ongoing educational services for Whittier Elementary students. Tacoma Public Schools has indicated that relocation of students during the construction period is not supported by the parent community and is working with the City of Fircrest to utilize some public lands during construction to ensure reduced disruption to the students. As a result, the project must be constructed in phases while portions of the campus remain operational, which constrains the available construction area at any given time.

The Conditional Use Permit and Major Variance requests are evaluated in this report based on the applicable approval criteria of the Fircrest Municipal Code.

**PUBLIC COMMENTS:**

The City received one written public comment during the notice of application comment period from a nearby property owner located on Paradise Lane across from the subject site. The comment expressed concerns regarding the proposed building height and massing, potential privacy impacts from second-story windows, removal of existing trees and vegetation that currently provide visual screening, potential spillovers from exterior building lighting, and operational impacts including trash collection and construction activities. The commenter also requested additional landscaping buffers, lighting controls, and operational limitations if the project proceeds. See [Exhibit H](#).

The City received one written public comment during the notice of hearing from a nearby property owner. The comment expressed the importance of retaining the existing trees and natural environment of the site, and its park like setting. See [Exhibit N](#).

These comments were reviewed by staff and are addressed within the Conditional Use Permit and Major Variance analyses contained in this report.

**SECTION 2 – CONDITIONAL USE PERMIT ANALYSIS**

Pursuant to FMC 22.68.003, the Hearing Examiner shall approve a Conditional Use Permit only if the proposal satisfies the approval criteria set forth in FMC 22.68.003(a) through (d). Each criterion is addressed below based on the information contained in the application materials and exhibits included in the record.

**FMC 22.68.003**

**(a) The proposed use will not be detrimental to the public health, safety, and welfare;**

**injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.**

*Applicant Statement:* “The proposed project includes the full replacement of Whittier Elementary School on its existing site, thereby maintaining the long-standing educational use that has served the community for over 60 years.

The scope includes constructing a new two-story school in the portion of the site currently occupied by the play areas. New site amenities, including all-weather play areas, a synthetic turf play field, and a covered play structure, will then be located within the footprint of the existing school structure. Existing trees will be preserved to the greatest extent possible, including the grove of evergreens at the southwest corner and the large hemlock along Elm Tree Lane. The new building is designed to fit into the context of the surrounding neighborhood.

Traffic flow will be improved to enhance safety and efficiency with plans to separate buses and cars. Car drop-off is directed to the private road portion of Annapolis Street and bus drop-off is accommodated with a new bus pull-off from Elm Tree Lane.

The proposed project will also significantly improve pedestrian wayfinding and accessibility. Adjacent intersection crossings will receive new bulb-outs for pedestrian visibility, new striping and crosswalks, and new compliant curb ramps. On-site, a network of accessible pathways and ramps will connect the surrounding neighborhood to the building entrances, parking areas, and new outdoor amenities, ensuring safe and convenient access throughout the campus.”

See [Exhibit B](#).

Staff Analysis: Staff reviewed the proposal for potential impacts to public health and safety, including traffic circulation, pedestrian safety, and neighborhood traffic conditions associated with school operations.

Traffic conditions associated with the proposed redevelopment were evaluated through the Traffic Impact Analysis prepared by Heath & Associates dated October 15, 2025. The analysis evaluated existing traffic volumes, projected school-related traffic generation, and roadway operations during peak school travel periods.

The Traffic Impact Analysis concluded that the surrounding roadway network would continue to operate within acceptable levels of service following redevelopment of the school campus and implementation of the proposed circulation design. The analysis also evaluated vehicle queuing, parking demand, and on-site circulation associated with school pick-up and drop-off operations. See [Exhibit E](#).

The proposal was reviewed by the Fircrest Chief of Police, Public Works Director, and Parks and Recreation Director. The Chief of Police provided comments regarding traffic safety concerns related to school drop-off and pick-up activity within surrounding residential streets. Specifically, the Chief identified concerns regarding the potential for parents or guardians to stop vehicles in a manner that may impede traffic flow along neighborhood streets during peak school travel periods. See [Exhibit L](#).

Staff recognize that construction of the new school facility will occur while the existing school remains operational. During the construction period, on-site circulation constraints may temporarily affect school access and parent drop-off operations.

To address these concerns, staff recommends a condition of approval requiring Tacoma Public Schools to coordinate with the City of Fircrest Police Department and Public Works Department to implement temporary traffic management measures during the construction period. Staff recommends a condition of approval requiring Tacoma Public Schools to coordinate with the City of Fircrest Police Department and Public Works Department to implement temporary traffic management measures during the construction period. These measures may include traffic control personnel, temporary signage, or other traffic management strategies necessary to prevent obstruction and queuing on public streets and maintain safe traffic circulation during school arrival and dismissal periods.

In addition, the applicant provided a Walking Routes Map identifying recommended pedestrian routes for students traveling to and from the school campus, which supports pedestrian safety planning within the surrounding neighborhood. See [Exhibit F](#).

Staff also reviewed the written public comment expressing concerns regarding exterior lighting, operational noise, and trash collection associated with the proposed school redevelopment. Exterior lighting associated with the project is subject to review through the Administrative Design Review process pursuant to FMC 22.64, 22.65, and 22.66, which includes evaluation of lighting placement, shielding, and compatibility with adjacent residential development. Operational activities such as refuse collection and service access will occur within designated service areas on the campus and are subject to review through the final design review and construction permitting process.

Based on the Traffic Impact Analysis, agency review comments, and proposed mitigation measures, staff finds the proposal will **not be detrimental to the public health, safety, or welfare**, consistent with **FMC 22.68.003(a)**.

#### **FMC 22.68.003**

**(b) The proposed use will meet or exceed all applicable development, design and performance standards and guidelines required for the specific use, location, or zoning classification.**

Applicant Statement: The proposed project for Whittier Elementary School is designed to meet or exceed all applicable development, design, and performance standards required for its use, location, and R4 zoning classification. Two variances have been formally requested to address site constraints related to building height and impervious surface coverage.

The project incorporates stormwater management, landscaping, and tree preservation strategies to comply with environmental and municipal requirements, preserving significant trees and enhancing overall site sustainability. The school provides bicycle and vehicle parking per the standards and proposes traffic and pedestrian circulation that prioritizes pedestrian safety and walkability.

The new design addresses the design guidelines set by FMC Chapter 22.64. For more information, see the Design Review submittal.

Staff Analysis: Accredited public schools are permitted within the R-4 Single-Family Residential zoning district subject to approval of a Conditional Use Permit pursuant to FMC Title 22.

The proposed project involves redevelopment of the existing Whittier Elementary School campus, which has historically operated as a public school within the City of Fircrest. The proposed redevelopment maintains this established use while modernizing the school facilities and associated site improvements.

The project has been reviewed through the City's Administrative Design Review process pursuant to FMC 22.64 (Design Review), FMC 22.65 (Design Review Process), and FMC 22.66 (Design Review Criteria). The applicant received Step 1 Administrative Design Review approval for the conceptual site layout, architectural massing, and overall site design associated with the proposed school redevelopment. See [Exhibit I](#).

The Conditional Use Permit and Major Variance applications before the Hearing Examiner establish the land use entitlement and dimensional relief necessary for redevelopment of the site.

Following approval of the Conditional Use Permit and Major Variances, the applicant will submit final permitting plan sets for Step 2 Design Review approval. The final design review submittal will include detailed architectural, landscape, civil, and site development plans demonstrating compliance with applicable design standards and conditions of approval.

Staff recommends a condition of approval requiring Tacoma Public Schools to coordinate with the City of Fircrest Police Department and Public Works Department to implement temporary traffic management measures during the construction period. These measures may include traffic control personnel, temporary signage, or other traffic management strategies necessary to prevent obstruction and queuing on public streets and maintain safe traffic circulation during school arrival and dismissal periods.

Final construction permits will not be issued until the project receives final design review approval and demonstrates compliance with all applicable conditions of approval.

The applicant has also submitted requests for Major Variances related to building height and impervious surface coverage, which are evaluated separately in this report under the applicable variance criteria of the Fircrest Municipal Code.

Staff finds the proposal meets, with conditions, the applicable development, design, and performance standards of the Fircrest Municipal Code. The proposal therefore satisfies **FMC 22.68.003(b)**.

**FMC 22.68.003**

**(c) The proposed use will be consistent and compatible with the goals, objectives and policies of the comprehensive plan.**

Applicant Statement: The project aligns with the goals and policies of Fircrest's Comprehensive Plan, including Policy LU-3.1 and Goal LU-7, by providing essential public facilities in appropriate locations. By utilizing the existing site, which has functioned as an educational facility for decades, the project maintains continuity of use while the new design improves programmatic and community amenities.

Multiple sustainable and energy-efficient features support Policy LU-1.3, promoting long-term benefits through green building practices. These include: LED lighting throughout; natural daylighting with integrated lighting controls; occupancy sensors & time clock controls to automatically turn off lighting during unoccupied periods; low-flow plumbing fixtures; highly-insulated building envelope; Electric Vehicle charging stations; and a Photovoltaic array, with infrastructure in place to support future rooftop solar panels. Additionally, the project will require the contractor to develop a Construction Waste Management Plan to ensure that a minimum of 75% of construction and demolition waste is diverted from the landfill to be recycled, salvaged and reused.

Exterior lighting is designed with dark-sky compliant fixtures to prevent direct-beam illumination from leaving the site. Fixtures are selected for low glare and comfortable horizontal illumination and are positioned to prevent light trespass onto adjacent properties, ensuring neighborhood compatibility.

See [Exhibit C](#), various sheets.

Staff Analysis: The Fircrest Comprehensive Plan (2024) designates the subject property Public and Quasi-Public Facilities. Public schools are specifically identified as public and quasi-public facilities under the Comprehensive Plan and are considered appropriate community-serving uses within residential neighborhoods when designed to minimize impacts.

The proposed redevelopment replaces the existing Whittier Elementary School facility while maintaining the established school use at this location.

The record establishes that redevelopment of the school campus must occur while the existing school remains operational. Temporary construction staging and operational logistics will require coordination between Tacoma Public Schools and the City of Fircrest, including temporary use of portions of Whittier Park during construction. The City and Tacoma Public Schools are negotiating an Interlocal Agreement (ILA) addressing temporary park use, restoration of affected park areas, and mitigation measures associated with construction activities.

The proposal is consistent with the following Goals and Policies contained in multiple elements of the Fircrest Comprehensive Plan, including the Land Use Element, Interjurisdictional Planning policies, and Parks, Recreation and Open Space (PROS) policies.

The project also incorporates landscaping and tree preservation strategies evaluated through the Administrative Design Review process intended to maintain neighborhood compatibility and provide visual buffering between the school campus and adjacent residential properties.

Goal/Policy:	
LU-7	Allow essential public facilities in locations appropriate for the services provided and the people served, and where they fit in with the natural features of the surrounding development, land, and vegetation.
LU-7.3	Locate public facilities intended to serve the entire city, such as community parks, schools, government offices, and similar facilities, to provide convenient and equitable access for residents who must frequent them, prioritizing historically underserved communities. Large facilities that serve the entire city

	and are not frequented by residents, such as power substations, water wells, and sewer lift stations, should be located where they will not disrupt the urban landscape or disturb residential and commercial areas with noise, glare, dust, or other types of pollution.
LU-10	Guide land uses and development and redevelopment projects to preserve and improve the natural environment as well as the built environment and protect development from climate change impacts.
LU 13	Ensure that decisions, policies, and activities of other governmental and advisory agencies that may affect Fircrest are consistent with the goals and policies of the Comprehensive Plan. Encourage cooperative, coordinated inter-jurisdictional efforts consistent with this goal, including coordination with interested Indigenous tribes.
LU-13.3	Develop and adopt interlocal agreements to address concerns relating to land use, new development, and redevelopment. Attempt to reach agreements with adjacent jurisdictions to ensure that land uses adjacent to Fircrest are compatible with Fircrest land uses. Annually review University Place and Tacoma Six-Year Transportation Improvement Program (TIP) projects to understand impacts to Fircrest. Seek agreements with adjacent jurisdictions to minimize and mitigate the negative impacts to Fircrest of land uses and development in adjacent jurisdictions.
P-1.1	Provide parks with activities for all age groups and abilities. Seek to fill gaps in parks, trees, and trails in underserved areas.
P-10	Where possible, ensure that access to parks and the Community Center prioritize residents of Fircrest when user space is limited.
CF-1	Provide and maintain adequate public facilities to meet the needs of existing and new development, including identifying capital improvements needed to achieve and maintain level of service standards.
CF-1.2	Require transportation, stormwater, sewer, and water facilities concurrent with development. Other public facilities such as schools and parks will be provided based on adopted plans and development schedules.
CF-1.3	Issue no development permits (such as a building permit or a land use approval associated with a building permit) unless sufficient capacity for facilities exists or is developed concurrently to meet the minimum level of service for both existing and proposed development.
CF-1.4	If necessary public facilities are not already provided at the level of service for facilities identified in CF1.2, or if the development proposal would decrease the level of service below the locally established minimum, require the development applicant to: 1. Provide the public facilities and improvements; 2. Delay development until public facilities and improvements are available; or 3. Modify the project, including a reduction or modification to the number of lots, units, or scope, to eliminate the need for public facilities and improvements.
T-1	Develop, maintain, and operate a multi-modal transportation system that provides for the safe, efficient, and reliable movement of people, goods, and services.
T-2	Provide transportation improvements for alternative and multi-modal transportation choices that ensure equitable and accessible mobility choices for all people. This involves providing special attention to the needs of those with special needs, including persons with disabilities, the elderly, young, and low-income populations, and racially and socio-economic diverse community members.

T-2.1	Ensure compliance with Americans with Disabilities Act (ADA) requirements by making all street sidewalk and curb ramp areas accessible to all pedestrians, including those with disabilities, by constructing new pedestrian facilities in compliance with the ADA (at a minimum), and upgrading existing facilities to remove barriers and improve accessibility. Improvements should include appropriate pavement markings and signalization and facilitate the use of transit. Prepare an ADA Transition Plan for City facilities for certification from the Washington Department of Transportation.
T-2.4	<p>Ensure pedestrian facilities are designed consistent with ADA guidelines and that existing infrastructure is updated per the city’s ADA Transition Plan to accommodate users of all ages and abilities. Design curb cuts, ramps, and other facilities to accommodate pedestrians with a disability or mobility challenges.</p> <p>In Pierce County, 14% of the population has a disability. In 2022, the percentage of people with a disability in Pierce County whose household earned below the poverty level was 14.9%, compared to a county-wide rate of 9.0%.</p>

**Land Use Policies**

The proposal maintains the long-standing educational use of the Whittier Elementary School campus, which is designated **Public and Quasi-Public Facilities** under the Fircrest Comprehensive Plan. Continued operation and modernization of the school supports the policies of the Land Use Element encouraging appropriate siting of essential public facilities and coordination between public agencies.

**Community Facilities Policies**

Redevelopment of the Whittier Elementary School campus represents continued investment in an essential public educational facility serving the community. The proposal maintains the existing institutional use of the site while improving the functionality and safety of the facility for students and the surrounding neighborhood.

**Parks, Recreation, and Open Space Policies**

The project site is adjacent to Whittier Park and has historically functioned in coordination with surrounding recreational facilities. Tacoma Public Schools and the City of Fircrest are coordinating regarding temporary construction activities and potential park use during the construction period. This coordination supports policies encouraging responsible stewardship of park resources and collaboration between public agencies.

**Transportation Policies**

The project includes circulation improvements intended to improve traffic operations and pedestrian safety in the vicinity of the school. The proposed design separates bus and passenger vehicle circulation and includes pedestrian improvements such as enhanced crossings and accessible pedestrian pathways connecting the school campus to the surrounding neighborhood.

Based on the analysis above, staff finds the proposed redevelopment of the Whittier Elementary School campus consistent with the applicable goals and policies of the Fircrest Comprehensive Plan related to land use, community facilities, parks, recreation and open space, and transportation goals and policies. The proposal therefore satisfies the requirements of FMC 22.68.003(c).

**FMC 22.68.003**

**(d) All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.**

Applicant Statement: “The proposed project includes the full replacement of Whittier Elementary School on its existing site, thereby maintaining the long-standing educational use that has served the community for over 60 years.

The scope includes constructing a new two-story school in the portion of the site currently occupied by the play areas. New site amenities, including all-weather play areas, a synthetic turf play field, and a covered play structure, will then be located within the footprint of the existing school structure. Existing trees will be preserved to the greatest extent possible, including the grove of evergreens at the southwest corner and the large hemlock along Elm Tree Lane. The new building is designed to fit into the context of the surrounding neighborhood.

Traffic flow will be improved to enhance safety and efficiency with plans to separate buses and cars. Car drop-off is directed to the private road portion of Annapolis Street and bus drop-off is accommodated with a new bus pull-off from Elm Tree Lane.”

See [Exhibit B](#).

Staff Analysis: The subject property has historically operated as the Whittier Elementary School campus, and the proposed redevelopment maintains this long-standing institutional use within the surrounding residential neighborhood.

The project replaces an aging school facility with a modern building while maintaining the existing educational function of the site. The proposed building design, site layout, and landscaping were reviewed through the City’s **Administrative Design Review process pursuant to FMC 22.64, 22.65, and 22.66**, which evaluated compatibility with the surrounding neighborhood character.

The redevelopment includes improvements to site circulation intended to enhance traffic safety and operational efficiency during school drop-off and pick-up periods. The project separates bus circulation from passenger vehicle circulation and includes pedestrian safety improvements such as enhanced crosswalks, accessible pathways, and improved pedestrian connections to the surrounding neighborhood.

The proposal was also reviewed by the Fircrest Chief of Police, [Exhibit L](#), who raised concerns regarding potential traffic congestion associated with school drop-off and pick-up activity, particularly during the construction period when portions of the site may be temporarily constrained. In response to these concerns, staff recommends conditions of approval requiring Tacoma Public Schools to coordinate with the City of Fircrest Police Department and Public Works Department to implement temporary traffic management measures during construction to minimize impacts to surrounding residential streets.

Additionally, construction of the new school facility will occur while the existing school remains operational in order to maintain uninterrupted educational services for Whittier Elementary students. This construction sequencing creates temporary constraints on site circulation and staging areas. Staff finds that coordination between Tacoma Public Schools and the City of Fircrest regarding construction staging, traffic management, and potential temporary use of nearby public lands will be necessary to mitigate temporary construction-related impacts.

Staff reviewed the written public comment received during the Notice of Application period expressing concerns regarding building height and potential privacy impacts to adjacent residential properties. These concerns are addressed through the building design review process and are evaluated in greater detail within the Major Variance analysis contained in this report.

With implementation of the recommended conditions of approval and continued coordination between Tacoma Public Schools and the City of Fircrest, staff finds that the proposed redevelopment will remain compatible with the surrounding residential neighborhood and will not create undue adverse impacts.

Based on the applicant materials and staff analysis, the proposed redevelopment of the Whittier Elementary School campus will remain compatible with the surrounding neighborhood and will not create undue adverse impacts. The proposal therefore satisfies **FMC 22.68.003(d)**.

### **SECTION 3 – ANALYSIS – MAJOR VARIANCE - HEIGHT**

The applicant requests approval of a Major Variance to exceed the maximum building height permitted in the R-4 Single-Family Residential zoning district in order to construct the proposed Whittier Elementary School building.

FMC 22.32.005 R-4 Development Standards establishes a maximum building height of 30 feet within the R-4 zoning district.

The applicant also references FMC 22.58.007(c) Height Exceptions, which provides that:

“A public... structure may be erected to a height necessary for proper use. For proposed structures above 45 feet, the city shall require the applicant to submit certification from a qualified and licensed engineer that the proposed height is the minimum necessary for utility purposes.”

The proposed school building includes building heights ranging from 40 feet to 49 feet 6 inches, with approximately 72 percent of the building height below 45 feet.

Limited portions of the building exceed 45 feet, which the applicant states occur where the building footprint intersects with areas of significant existing topographic change across the site.

Pursuant to FMC 22.72.010, the Hearing Examiner may approve a Major Variance only if the proposal satisfies the variance approval criteria. Each criterion is addressed below.

#### **FMC 22.74.003(a)**

**(1) There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or classes of use in the same vicinity and zoning classification.**

Applicant's Statement: *The combination of existing site conditions and school space needs constitute special circumstances that are unique to this property. Due to community request to replace the school on its existing site, there is limited site area that can accommodate the new school building without disrupting the existing school that will remain in operation until the new school is built. To fit the required school program within this area, a two-story structure is necessary. The proposed design also maximizes open space for recreation and playgrounds for outdoor learning and play.*

See [Exhibit J](#).

Staff Analysis: *The subject property contains the existing Whittier Elementary School campus, which has been operating at this location since approximately 1961. The site is 4.96 acres in size and contains an elevation change of approximately 50 feet across the property, sloping generally from west to east.*

*The record establishes that redevelopment of the school must occur while the existing school remains operational. This construction sequencing limits the available area for new building construction and requires the new school facility to be constructed within the southern portion of the site prior to demolition of the existing building.*

*Because of these site constraints, the proposed building design concentrates the educational program within a two-story building configuration to maintain adequate space for outdoor play areas, circulation, and required site improvements.*

*The applicant also identifies the influence of the site's topography on building height. Portions of the building exceed 45 feet where the building footprint occurs at the downhill portion of the site. While the roofline remains consistent across the structure, the change in grade results in increased building height at certain locations along the slope.*

*The applicant has provided certification from the project design team indicating that the limited portions of the building exceeding 45 feet represent the minimum height necessary to accommodate structural and mechanical systems associated with the building design while responding to the site's topographic conditions.*

*Based on the topographic conditions of the site, the operational requirement to maintain school operations during construction, and the programmatic needs of the proposed educational facility, staff finds that strict application of the 30-foot height standard established in FMC 22.32.005 would constrain redevelopment of the property for its long-standing institutional use.*

*Special circumstances related to the topography of the site and the operational constraints associated with redevelopment of the occupied school campus create conditions under which strict application of the height standard would limit reasonable redevelopment of the property.*

Staff Conclusion: *The criterion of FMC 22.74.003(a)(1) is satisfied.*

**(2) The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.**

*Applicant's Statement: Residential properties in the R-4 zone are able to fully utilize their lots, as typical residential structures are often under 30 feet without issue. In contrast, strict enforcement of the 30-foot height limit would prevent the school from accommodating the required program within the limited developable area of the site and continue to provide its essential educational services to the community.*

*Staff Assessment: The subject property has historically operated as a public elementary school serving the Fircrest community. Redevelopment of the school campus allows Tacoma Public Schools to modernize the educational facility while maintaining the established institutional use of the site.*

The requested height variance allows the building design to accommodate modern classroom layouts, shared educational spaces, mechanical systems, and accessibility requirements while maintaining the site functions necessary for safe school operations.

Without the requested height variance, the educational program would require a substantially larger building footprint, which could reduce available outdoor play areas, increase site disturbance, and limit the ability to maintain school operations during construction.

The requested height variance allows continued operation and modernization of the Whittier Elementary School campus consistent with the long-standing institutional use of the property.

*Staff Conclusion: The criterion of **FMC 22.74.003(a)(2)** is satisfied.*

**(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.**

*Applicant's Statement: The proposed building height is limited to the minimum necessary to accommodate the school's program within the constrained site, balancing functional needs with community compatibility. The building is carefully sited to maintain adequate setbacks and the overall campus scale and massing remain consistent with the existing neighborhood context. Furthermore, the project supports the positive role that high-quality schools play in enhancing communities, fostering safe, active, and engaged neighborhoods, and contributing to overall community wellbeing.*

*Staff Analysis: The proposed building height is limited to the minimum necessary to accommodate the school program within the constrained portion of the site available for redevelopment. The building is located outside required setback areas and incorporates architectural design elements intended to maintain compatibility with the surrounding residential neighborhood. The proposed redevelopment replaces an aging facility while maintaining the long-standing public school use of the site and therefore does not introduce a new or incompatible use within the surrounding area.*

The proposed building massing, architectural design, and site layout were reviewed through the City's Administrative Design Review process pursuant to FMC 22.64 (Design Review), FMC 22.65 (Design Review Process), and FMC 22.66 (Design Review Criteria). The design incorporates architectural modulation, material variation, tree preservation, landscaping, and building placement intended to reduce the visual scale of the structure and maintain compatibility with surrounding residential development.

Staff also reviewed the written public comment received during the notice period expressing concern regarding building height, massing, and potential visibility of the proposed two-story building from residences located on Paradise Lane. See [Exhibit H](#). In response to this comment, staff required the applicant to provide additional visual renderings and building perspectives illustrating the proposed structure as viewed from adjacent public rights-of-way and nearby residential vantage points. These materials were submitted as part of the applicant's revised submittal and were reviewed through the City's Administrative Design Review process pursuant to FMC 22.64 (Design Review), FMC 22.65 (Design Review Process), and FMC 22.66 (Design Review Criteria) to evaluate the potential visual impacts of the proposed height and massing on surrounding residential properties. See [Exhibit J](#).

Staff Conclusion: The criterion of **FMC 22.74.003(a)(3)** is satisfied.

**(4) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.**

Applicant Statement: Students will continue to attend the existing school while construction occurs, so careful siting is required to maintain safe and functional learning environments. Strict enforcement of the 30-foot height limit would create a practical difficulty because the existing site has limited developable area that can accommodate the new school building without disrupting ongoing school operations. Enforcing the height limit would force a larger building footprint to accommodate all school programming. This would reduce outdoor recreation and playground areas and compromise the school's ability to operate safely and efficiently during construction.

Staff Analysis: The record indicates that approximately **72 percent of the building height remains below 45 feet**, with only limited portions exceeding that height due to site topography and coordination of building systems.

The proposed building height reflects the minimum relief necessary to accommodate the structural, mechanical, and programmatic requirements of the building while responding to the topographic conditions of the site and the construction constraints associated with redevelopment of the occupied campus.

Redevelopment of the Whittier Elementary School campus must occur while the existing school remains operational. This constraint limits the portion of the site available to accommodate the replacement school building and requires careful siting of the new structure to maintain safe school operations during construction. Strict enforcement of the **30-foot height limit established in FMC 22.32.005 (R-4 Development Standards)** would require expansion of the building footprint to accommodate the full educational program, reducing available outdoor recreation, and tree preservation areas and creating operational challenges during phased construction.

Staff Conclusion: The criterion of **FMC 22.74.003(a)(4)** is satisfied.

**(5) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)**

*Applicant Statement:* The existing site layout, circulation patterns, and topography were established long before current zoning standards and are inherent to the property. The proposed design responds to these conditions to minimize disruption during construction and accommodate the future needs of the school. The school's operational and educational needs—including classroom space, library, gathering areas, bus and vehicle circulation, and outdoor play and learning areas—are intrinsic to its public institutional use.

*Staff Analysis:* The need for the height variance arises from the physical characteristics of the subject property, including site topography and the existing development pattern of the Whittier Elementary School campus. These conditions predate the current redevelopment proposal and are inherent to the long-standing institutional use of the property as a public school. The requested variance is therefore not the result of deliberate actions of the applicant.

*Staff Conclusion:* The criterion of **FMC 22.74.003(a)(5)** is satisfied.

**(6) The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies.**

*Applicant Statement:* Granting this variance is consistent with Fircrest's Comprehensive Plan to provide essential public facilities, such as schools, within the community while ensuring convenient and equitable access to residents. It also aligns with the objective of enhancing residential neighborhoods with public amenities, including schools and play areas. Finally, the variance does not conflict with other applicable codes or guidelines, as setbacks and design standards will be met to fit in with the surrounding neighborhood context.

*Staff Analysis:* The subject property is designated Public and Quasi-Public Facilities under the Fircrest Comprehensive Plan and is zoned R-4 Single-Family Residential. The proposal maintains the long-standing use of the property as a public elementary school while modernizing the facility and improving campus safety and functionality. The proposed building design, massing, and site layout were also reviewed through the City's Administrative Design Review process pursuant to FMC 22.64, FMC 22.65, and FMC 22.66, which evaluated compatibility with surrounding residential development. Staff therefore finds the requested height variance is consistent with the purpose and intent of the zoning classification and Comprehensive Plan designation and does not conflict with other applicable codes or design standards.

*Staff Conclusion:* The criterion of **FMC 22.74.003(a)(6)** is satisfied.

#### **SECTION 4 – ANALYSIS – MAJOR VARIANCE – IMPERVIOUS SURFACE**

FMC 22.32.005 – R-4 Development Standards establishes a maximum impervious surface coverage of 50 percent within the R-4 zoning district.

The applicant requests a Major Variance to allow approximately 59.2 percent impervious surface coverage associated with redevelopment of the Whittier Elementary School campus. The existing campus currently contains approximately 60 percent impervious surface coverage, and the proposed redevelopment represents a slight reduction in overall impervious area.

Major variances are evaluated under the criteria established in FMC 22.74.003 — Variances — Approval Criteria.

**FMC 22.74.003(a)**

**(1) There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or classes of use in the same vicinity and zoning classification.**

*Applicant Statement:* Unlike nearby residential properties, this site houses a public school with conditions that are not typical within the R4 zoning district. The school requires paved areas for bus and vehicle circulation, accessibility, playgrounds, play field, and outdoor learning spaces. These necessary functions contribute to a higher percentage of impervious surfaces. Additionally, the existing site configuration, infrastructure, and topography limit opportunities to reduce impervious areas without adversely affecting campus safety, accessibility, or educational programming.

See [Exhibit K](#).

*Staff Analysis:* The Fircrest Comprehensive Plan designates the subject property Public and Quasi-Public Facilities. The proposal maintains the long-standing institutional use of the property as Whittier Elementary School while replacing aging facilities with a modern school building.

The subject property is developed as the Whittier Elementary School campus, which is an institutional use requiring site infrastructure that is not typically associated with single-family residential development in the R-4 zoning district. School operations require bus circulation areas, student drop-off and pick-up areas, parking for staff and visitors, ADA-accessible pedestrian pathways, and outdoor play and activity areas. These operational requirements necessitate a greater amount of paved and accessible surface area than is typically required for residential uses.

The existing campus development pattern reflects these operational requirements and currently contains approximately 60 percent impervious surface coverage. The proposed redevelopment results in approximately 59.2 percent impervious surface coverage, which maintains a development pattern substantially consistent with the long-standing condition of the site.

In addition, redevelopment of the campus must occur while the existing school remains operational, which limits opportunities to significantly reconfigure circulation areas or reduce impervious surface coverage without affecting safe school operations.

These conditions represent special circumstances related to the institutional use of the property and the existing campus development pattern, which do not generally apply to other properties in the same vicinity and zoning classification.

*Staff Conclusion:* The criterion of **FMC 22.74.003(a)(1)** is satisfied.

**(2) The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.**

*Applicant Statement:* Strict compliance with the code limits would place undue constraints on the subject property's ongoing use as a public school. Granting the variance ensures the school

can continue to operate safely and effectively, preserve its educational and functional use, and provide safe, equitable access to this community asset.

Staff Analysis: The subject property has historically operated as the Whittier Elementary School campus and contains infrastructure necessary to support that institutional use, including bus circulation areas, student drop-off and pick-up areas, parking areas, accessible pedestrian pathways, and playground facilities. These operational features require impervious surface coverage beyond that typically associated with single-family residential development in the R-4 zoning district.

The existing campus development currently contains approximately 60 percent impervious surface coverage. The proposed redevelopment results in approximately 59.2 percent impervious surface coverage, which represents a slight reduction in impervious coverage compared to existing site conditions. The variance therefore allows redevelopment of the campus while maintaining a development pattern that is substantially similar to the long-standing condition of the site.

Staff also notes that several higher-intensity residential and neighborhood zoning districts within the City of Fircrest allow impervious surface coverage of 65 percent or greater, demonstrating that the level of coverage proposed for the school campus is not inconsistent with development standards applied to other institutional or higher-intensity land uses within the City.

Strict application of the R-4 impervious surface standard would require removal or significant reconfiguration of circulation areas, parking areas, and accessible pedestrian pathways necessary for safe school operations. In addition, redevelopment of the campus must occur while the existing school remains operational, which constrains the available area for redevelopment during the phased construction process.

Staff Conclusion: The criterion of **FMC 22.74.003(a)(2)** is satisfied.

**(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.**

Applicant Statement: Granting this variance will not create a material detriment to the public welfare or nearby properties. The proposed impervious surface coverage of 59.2% is slightly below existing conditions (currently 60%), meaning that overall site runoff and impervious area will remain essentially unchanged. Further, the proposed design benefits the surrounding community by enhancing site safety, providing fully accessible routes, and minimizes vehicular conflicts by improving drop-off and pick-up periods.

Staff Analysis: The subject property has historically operated as the Whittier Elementary School campus and currently contains approximately 60 percent impervious surface coverage. The proposed redevelopment results in approximately 59.2 percent impervious surface coverage, which represents a slight reduction compared to existing site conditions. As a result, the variance does not increase the overall level of site coverage or intensify development on the property.

The proposal incorporates updated site circulation design that separates bus circulation from passenger vehicle drop-off and pick-up areas and improves pedestrian access throughout the

campus. These improvements are intended to enhance traffic operations and pedestrian safety associated with school operations.

In addition, the redevelopment will incorporate modern stormwater management infrastructure consistent with applicable stormwater management regulations and development standards, which will manage runoff generated by impervious surfaces on the site.

Because the proposal maintains a level of impervious surface coverage generally consistent with the existing campus condition and incorporates improvements to circulation, safety, and stormwater management, staff finds the requested variance will not create material impacts to surrounding residential properties or the public welfare.

Staff Conclusion: The criterion of **FMC 22.74.003(a)(3)** is satisfied.

**(4) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.**

Applicant Statement: Reducing impervious surfaces would require significant removal or reconfiguration of the existing parking areas which would be costly and could force bus circulation into less optimal areas creating conflicts with vehicular traffic. It would also reduce space for play areas and outdoor learning, which are essential to the school's educational program. Finally, maintaining fully accessible pathways is critical to ensure all members of the public can safely use this community resource.

Staff Analysis: Strict application of the R-4 impervious surface standard would require removal or significant reconfiguration of existing circulation and parking infrastructure necessary for safe school operations. The Whittier Elementary School campus must accommodate bus circulation, student drop-off and pick-up areas, accessible pedestrian pathways, and outdoor activity areas necessary to support the educational program. Reduction of impervious surface coverage to meet the R-4 standard would constrain these operational functions and reduce available space for play areas and outdoor learning environments. Staff therefore finds strict enforcement of the development standard would create a practical difficulty in redeveloping the occupied school campus.

Staff Conclusion: Staff finds the criterion of **FMC 22.74.003(a)(4)** is satisfied.

**(5) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)**

Applicant Statement: The existing site layout, circulation patterns, and topography were established prior to the current zoning standards or are inherent to the property. The proposed design responds to these conditions to minimize disruption during construction and accommodate the future needs of the school. The school's functional and operational needs - including bus and vehicle circulation, play areas, outdoor learning spaces, and accessible pathways - are intrinsic to its public institutional use.

Staff Analysis: The Whittier Elementary School campus has historically operated with circulation infrastructure, parking areas, pedestrian pathways, and outdoor activity areas necessary to support school operations. These site conditions and operational requirements predate the

current redevelopment proposal and are inherent to the long-standing institutional use of the property as a public school. The requested variance arises from the existing campus development pattern and operational needs of the site rather than deliberate actions taken by the applicant to create the need for the variance.

Staff Conclusion: The criterion of **FMC 22.74.003(a)(5)** is satisfied.

**(6) The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies.**

Applicant Statement: Granting this variance is consistent with Fircrest's Comprehensive Plan to provide essential public facilities, such as schools, within the community while ensuring convenient and equitable access to residents. It also aligns with the objective of enhancing residential neighborhoods with public amenities, including schools and play areas. Finally, the variance does not conflict with other applicable codes or guidelines, as stormwater management requirements will be met.

Staff Analysis: The subject property is designated Public and Quasi-Public Facilities in the Fircrest Comprehensive Plan and is zoned R-4 Residential. The continued operation and modernization of the Whittier Elementary School campus is consistent with the Comprehensive Plan designation for public and quasi-public facilities. The proposal maintains the long-standing use of the property as a public elementary school while replacing aging facilities with a modern school building and associated site improvements.

The requested impervious surface variance allows redevelopment of the campus while maintaining necessary circulation infrastructure, accessible pedestrian routes, and outdoor play areas required for school operations. The proposal has also received Step 1 Administrative Design Review approval pursuant to FMC 22.64, 22.65, and 22.66, and final design review approval will be required prior to issuance of construction permits.

Stormwater management and site development will be required to comply with applicable municipal code requirements and development standards.

Staff Conclusion: The criterion of **FMC 22.74.003(a)(6)** is satisfied.

Based on the applicant materials, staff analysis, and the findings above, staff concludes the request for a **Major Variance to allow approximately 59.2 percent impervious surface coverage satisfies the approval criteria of FMC 22.74.003(a).**

## **SECTION 5 – CONDITIONS OF APPROVAL**

**The following conditions are recommended to ensure compliance with the Fircrest Municipal Code and to mitigate potential impacts associated with the proposed Conditional Use Permit and Major Variances. Failure to comply with any condition of approval may result in enforcement action consistent with the Fircrest Municipal Code.**

### **A. General Conditions**

1. The development shall be constructed in substantial conformance with the plans and materials identified in the record as [Exhibit C](#), except as modified by the conditions of approval contained in this decision.
2. Tacoma Public Schools shall comply with all applicable provisions of the Fircrest Municipal Code, including all conditions of approval associated with this Conditional Use Permit and Major Variances.
3. Approval of this Conditional Use Permit and Major Variances does not relieve the applicant from obtaining all other required permits or approvals from the City of Fircrest or other applicable regulatory agencies.

#### **B. Conditional Use Permit Conditions**

1. Prior to issuance of building permits, the applicant shall obtain Final Design Review approval consistent with the requirements of FMC 22.64, FMC 22.65, and FMC 22.66, demonstrating compliance with the Step 1 Administrative Design Review approval and all applicable design standards.
2. Exterior site lighting shall utilize fully shielded, downward-directed fixtures designed to minimize light spillover onto adjacent residential properties. Final lighting plans shall be submitted for review and approval during final design review and building permit review.
3. Tacoma Public Schools shall coordinate with the City of Fircrest Police Department and Public Works Department to implement traffic management measures during construction and school operations to minimize traffic congestion and ensure safe vehicle and pedestrian circulation associated with school drop-off and pick-up activities.
4. Prior to commencement of construction, the applicant shall submit a construction management plan for review and approval by the City identifying construction staging areas, traffic control measures, delivery routes, and worker parking areas. Construction staging, traffic control, and site access shall be managed to maintain safe school operations while the existing Whittier Elementary School remains operational during construction.
5. Landscaping and site screening shall be installed in accordance with the approved Design Review plans and shall maintain compatibility with surrounding residential development and provide visual buffering along residential street frontages. Black vinyl-coated mesh fencing is approved for perimeter security and maintenance gates due to the nature of the essential public facility.
6. Landscaping and tree retention shall comply with the approved Design Review plans and all applicable requirements of FMC 22.64, FMC 22.65, and FMC 22.66. Required landscaping shall be installed prior to final occupancy unless otherwise approved by the City.
7. All landscaping and irrigation systems shall be continuously maintained and irrigated year-round, including during periods when school is not in session. Landscaping shall be always maintained in a healthy condition. Any dead,

damaged, or failing plant material shall be replaced within thirty (30) days of written notice from the City in accordance with the approved landscape plan.

8. Refuse and service areas shall be screened and located consistently with approved site plans and applicable design review requirements to minimize visual and operational impacts on adjacent residential properties.
9. Pursuant to FMC 22.68.007, the Hearing Examiner may require Tacoma Public Schools to provide a performance bond or other financial guarantee acceptable to the City Attorney to ensure completion of required improvements and conditions of approval associated with this Conditional Use Permit.

#### **C. Major Variance – Building Height**

1. The approved building height variance shall apply only to the school building configuration depicted in the submitted plans identified as [Exhibit C](#), Sheet CUP-003.
2. Building height shall not exceed the maximum height represented in the approved plans submitted in support of the variance request.

#### **D. Major Variance – Impervious Surface**

1. Impervious surface coverage on the site shall not exceed 59.2 percent as represented in the approved plans and application materials.
2. Stormwater management and site development will be required to comply with applicable municipal code requirements and development standards.

### **SECTION 6 – STAFF RECOMMENDATION**

Based on the application materials, staff analysis, public comment(s) received, and the record developed for this proposal, staff finds that the application satisfies the approval criteria for a Conditional Use Permit pursuant to FMC 22.68.003 and the approval criteria for Major Variances pursuant to FMC 22.74.003(a)(1) through (6).

The record demonstrates that redevelopment of the Whittier Elementary School campus will maintain the long-standing public school use of the site while modernizing school facilities and improving circulation, safety, and accessibility for students, staff, and the surrounding community. The requested variances for building height and impervious surface coverage are supported by special circumstances associated with the redevelopment of an occupied public school campus, including constrained redevelopment area, operational circulation requirements, and the need to maintain school operations during construction.

Staff further finds that the proposal will not be materially detrimental to the public welfare or injurious to surrounding properties and is consistent with the Fircrest Comprehensive Plan designation of Public and Quasi-Public Facilities and the goals and policies of the Comprehensive Plan.

Accordingly, staff recommends the Hearing Examiner approve the following applications, subject to the conditions of approval contained in this report:

- Conditional Use Permit – Case No. 25-CU0002
- Major Variance – Building Height – Case No. 25-VP0001
- Major Variance – Impervious Surface – Case No. 25-VP0002

## **SECTION 7 – EXHIBIT LIST**

[Exhibit A – Conditional Use Permit Application Form](#)

[Exhibit B – Project Narrative dated 20260203](#)

[Exhibit C – CUP Site Plan and Drawing Set dated 20260203](#)

[Exhibit D – Determination to Retain DNS & SEPA Environmental Checklist with Exhibits dated 20251106](#)

[Exhibit E – Traffic Impact Analysis Report dated 20251015](#)

[Exhibit F – Walking Routes Map dated 20251015](#)

[Exhibit G – Notice of Application issued 20251105](#)

[Exhibit H – Notice of Application Public Comments](#)

[Exhibit I – Administrative Design Review Step 1 Approval Dated 20260212](#)

[Exhibit J – Major Variance Application Form – Height](#)

[Exhibit K – Major Variance Application Form – Impervious Surface](#)

[Exhibit L – Chief's Comments dated 20260305](#)

[Exhibit M – Notice of Public Hearing issued 20260319](#)

[Exhibit N – Notice of Public Hearing Public Comments received by 20260324](#)