



May 5, 2023

VIA EMAIL: [hearing.examiner@cityoftacoma.org](mailto:hearing.examiner@cityoftacoma.org) and [sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org)

Hearing Examiner  
City of Tacoma  
747 Market Street, Room 720  
Tacoma, Washington 98402

**RE: NOTICE OF APPEAL  
FILE NO: LU21-0125  
BNSF Tacoma (Bridge Industrial)  
MDNS and Critical Area Development Permit**

**Decision Being Appealed**

This is an appeal of the Mitigated Determination of Nonsignificance (MDNS) and Critical Area Development Permit for Bridge Point Tacoma, LLC, File No. LU21-0125, issued by the City of Tacoma Planning and Development Services Department on April 21, 2023. Copies of the MDNS and decision approving a Critical Area Development Permit are attached to this Notice of Appeal.

**Parties to the Appeal**

Appellants, and their principal places of business and mailing addresses, are as follows:

350 Tacoma  
311 Puyallup Ave., Ste. A.  
Tacoma, WA 98421-1314

South Tacoma Neighborhood Council  
P.O. Box 112196  
Tacoma, WA 98411

Respondent: City of Tacoma

Respondent (Applicant): Bridge Industrial

The following attorneys will serve as representatives of both Appellants:

Molly Tack-Hooper  
Marisa Ordonia  
Earthjustice  
810 Third Avenue, Suite 610  
Seattle, WA 98104  
(206) 343-7340 | Phone  
[mtackhooper@earthjustice.org](mailto:mtackhooper@earthjustice.org)  
[mordonia@earthjustice.org](mailto:mordonia@earthjustice.org)

### **Introduction and Summary of Grounds for Appeal**

Appellants 350 Tacoma and South Tacoma Neighborhood Council challenge the City of Tacoma's decision not to require an Environmental Impact Statement for Applicant Bridge Industrial's project to build one of the largest warehouse complexes in the world in a neighborhood that is already overburdened by air pollution and other environmental harms.

The City's decision complies with neither the letter nor the spirit of Washington's State Environmental Policy Act (SEPA). SEPA is intended to ensure that government decisionmaking is informed by a full and transparent examination of likely environmental impacts, with an opportunity for the public to comment on those impacts.

Here, the record reflects a huge public outpouring of concern about the project's environmental impacts. But many of the documents from the developer that the City relied on in issuing its MDNS were submitted after the public comment period closed, meaning that the public did not have an opportunity to evaluate or respond to those materials. The City's issuance of an MDNS under the circumstances here undermines SEPA's core purposes of transparency and public engagement.

As Appellants will demonstrate, even with the proposed mitigation, the project is likely to have a "probable, significant adverse environmental impact" on many elements of the environment covered under SEPA, including traffic, air quality, climate and energy, environmental health, water and public water supplies, fish and fish habitat, housing, aesthetics, noise, light and glare, and recreation and parks. RCW 43.21C.031(1); WAC 197-11-444. Accordingly, an Environmental Impact Statement (EIS) is required, and it was unlawful to approve Bridge Industrial's application for a Critical Area Development Permit prior to the completion of an EIS.

The City's decision to issue an MDNS is not supported by adequate information and analysis or adequate evidence that the proposed mitigation will reduce the project's impacts to non-significance.

In many sections of its analysis, the City concludes that, because the project is subject to other regulations, there will be no significant impacts. But SEPA does not allow the City to substitute future regulatory review for a factual analysis of the project's impacts. Nor does SEPA allow the City to issue an MDNS based on the assumption that significant impacts can be mitigated through other permitting processes. The City's supposition that impacts can be mitigated later is neither legally nor factually accurate.

### **Factual Background about the Project**

Bridge Industrial seeks to convert 147.5 acres of present greenspace into a 2.5 million square foot, four-building warehouse. The project site sits atop a remediated Superfund site containing contaminated soil and above the South Tacoma aquifer. Developers propose to build truck courts and parking spaces for 1,436 vehicles to accommodate the traffic moving in and out of the site, including both passenger cars and heavy-duty diesel trucks. Associated site work for this industrial development will result in paved surfaces replacing a natural rainwater infiltration and absorption system with impervious surfaces.

The mega-warehouse will be nestled between several residential areas adjacent to the development site. The development site will be less than three miles away from elementary, middle, and high schools; less than two miles away from two early childhood centers and daycares; and less than one mile away from at least four churches and faith centers, and at least three assisted living homes and rehabilitation centers.

The STAR Center, a frequently visited South Tacoma community hub for meetings, recreation, and services, is only 1.1 miles away from the site. Four public parks are all 2.1 miles or less from the development site. And the South End Recreation Area (SERA) and its adjacent baseball field, a place for both South Tacoma and South End residents to enjoy the outdoors, is just .8 miles from the development site.

The City notified residents of its preliminary determination to issue an MDNS on February 8, 2022. Hundreds of individuals and over 30 organizations, including environmental advocates, Tacoma students, and labor union members, voiced their opposition to the development and urged the City to require an EIS. In over 11,000 pages of public comments, only a few comments expressed support for the proposed MDNS and permit.

### **Explanation of How Appellants Are Aggrieved by the Challenged Decisions**

Appellant 350 Tacoma is a nonprofit organization and a local independent partner of 350.org, an international grassroots people-powered movement seeking rapid transformation of society to end the age of fossil fuels through community-led energy solutions.

350 Tacoma is aggrieved by the City's decision not to require an EIS for the Bridge Industrial warehouse project because the project's probable environmental impacts will undermine 350 Tacoma's mission. Bridge Industrial's proposal to build new fossil fuel infrastructure—

including piping for gas heaters—and to create more than 1,000 new heavy-duty diesel truck trips every day, emitting greenhouse gases, is at odds with 350’s climate goals. In addition, because the City did not require an EIS, 350 Tacoma members had to spend time and organizational resources educating themselves and the community about this development’s likely adverse environmental impacts and advocating over the course of a year for the City to conduct a full environment review and health impact assessment.

Appellant South Tacoma Neighborhood Council is a non-profit organization formed by residents of South Tacoma to address neighborhood issues and concerns. STNC’s purpose is to empower residents and improve the livability of South Tacoma by creating a forum for discussion of City programs and policies that affect the neighborhood and by raising neighborhood concerns and priorities with the City.

The South Tacoma Neighborhood Council is aggrieved by the City’s decision primarily because the proposed Bridge Industrial warehouse could have serious detrimental impacts on the lives of many South Tacoma residents that have not been adequately studied and shared with the community. The South Tacoma Neighborhood Council represents frontline residents who live near the project site. These neighbors include elderly people, people with disabilities, and children—all of whom are disproportionately at risk of serious health complications from the project’s likely environmental impacts, including increased air pollution and heat deserts.

The Council has also been forced to divert its organizational resources and time away from other programming and priorities to focus on advocating for a full environmental assessment of the warehouse’s probable environmental impacts that will be felt first and foremost by these neighbors. The South Tacoma Neighborhood Council has written public comments and letters to City staff urging the City to require an EIS and canvassed and door-knocked to raise awareness about the proposed warehouse.

### **Traffic**

The City’s MDNS rests on Bridge Industrial’s estimates of the additional traffic that will be generated by the site—estimates that are based on an explicit assumption, unsupported by any evidence, that the massive warehouse complex, close to I-5 and the Port of Tacoma, will not be used as an e-commerce distribution or fulfillment center. Instead, Bridge Industrial’s traffic estimates assume the site will be used as a traditional warehouse or an industrial park—use categories that are not associated with facilities this large, and that have lower levels of traffic associated with them.

This is a clear mistake. The City should either have analyzed the environmental impacts of the vehicle traffic that would be associated with the project’s likely use as an e-commerce distribution or fulfillment center or used a phased SEPA review to delay evaluation of the project’s traffic impacts until after Bridge Industrial identified tenants. *See WAC 197-11-060(5)* (phased review). Instead, the City issued an MDNS based on inadequate analysis of the project’s

impacts and inadequate mitigation that fails to ensure that the traffic impacts will not be significant.

As a result of these and other legal and factual errors related to traffic analysis, the City's assessment of the project's likely impacts on air and climate pollution as well as local transportation systems, movement of people, traffic hazards, emergency response, and public services and utilities, are all skewed.

### **Air, Climate, and Energy**

Bridge Industrial's proposed project would cause significant air pollution impacts by introducing thousands of new passenger vehicle and heavy-duty diesel trucks trips into the project site and neighborhoods that abut the facility, emitting deadly air pollution and greenhouse gases. The proposed project would also create new fossil fuel infrastructure for gas heaters, unnecessarily increasing the climate and air impacts associated with the project's on-site energy use.

The City failed to adequately analyze the project's impacts on air, climate, and energy and associated health impacts. The City failed to consider the full range of impacts required under SEPA, including direct, indirect, and cumulative impacts, and both long-term and short-term impacts, for a range of known pollutants associated with the project. The City also erred by relying on Bridge Industrial's air quality studies, which, among other errors, used inappropriately conservative estimates for the vehicle trips that will be generated by the project, and applied incorrect standards for assessing the significance of the emissions caused by the project, conflating the analysis required under various regulatory programs with the question of whether an EIS should be conducted due to probable significant impacts.

The City also did not consider how the project would affect ambient air quality, even though the area has a history of exceedances and violations of National Ambient Air Quality Standards (NAAQS). Despite noting that "the site is located within an area of human health concerns, which warrants further analysis," MDNS at 4, ¶ 16, the City did not conduct any further analysis of health impacts or consider how pollution associated with the project would impact sensitive populations prior to issuing an MDNS.

The City also drew incorrect and unsupported conclusions about the likely air and climate impacts that were not consistent with the information in the record. For example, the MDNS largely ignores the project's climate impacts, even though Bridge Industrial's analysis—which understates the warehouse project's true impacts—shows that the project will create more than 24,000 tons of CO<sub>2</sub>e per year. *See* MDNS Ex. K at 7 (Table A-5).

The City's required mitigation is also not sufficient to reduce the project's impacts to non-significance. Notably, the City declined to incorporate most of the mitigation proposed by EPA for reducing the project's air and climate impacts.

### **Environmental Health and Equity**

The project's impacts on air, water, heat, noise, and traffic also pose significant health risks to people who live and work in the area—an area that is already facing disproportionate health risks from environmental harms.

Throughout Washington, port cities such as Tacoma experience the worst diesel particulate matter pollution in the state. The Washington Environmental Health Disparities Map shows that diesel emissions are most often concentrated in communities with a higher percentage of people of color. The area surrounding the Bridge Industrial project site is comprised largely of low-income families and Black, Indigenous, and People of Color communities, and is disproportionately exposed to environmental harms and health disparities. The census block group containing the project site has more people of color than 80-95% of the rest of Washington State. The people living near the project site already have a greater risk of cancer due to exposure to air toxics than 90-95% of people in Washington State. The census tract containing the project site has a lower life expectancy than 95-100% of the rest of Washington State. The City of Tacoma's Equity Map gives the area surrounding the project site an Equity Index rating of "LOW," an Environmental Health Index rating of "LOW," and a livability rating of "VERY LOW."

The City did not adequately analyze these impacts or support its conclusion that the project's impacts on environmental health have been mitigated to non-significance.

### **Water**

The City's analysis and conclusions regarding the warehouse project's impacts on water are flawed in several ways. Among other errors, the City failed to adequately assess the project's impacts on municipal water supply by failing to analyze the project's probable impacts on the South Tacoma Aquifer; failed to adequately assess the project's impacts on stormwater; and failed to adequately assess the project's indirect impacts on fish and fish habitat.

#### **I. The City Failed to Analyze Probable Impacts to the South Tacoma Aquifer From Paving Over Undeveloped Land and Contaminated Soil.**

The project site is located in the South Tacoma Groundwater Protection District, atop the local recharge area for the South Tacoma Aquifer. The project would vastly decrease the permeable surface at the site, which the City acknowledges may impact aquifer recharge currently occurring at the site by way of infiltration. Yet the MDNS and Critical Area Development Permit decision fail to account or mitigate for impacts to the South Tacoma Aquifer from paving over 75 percent of the approximately 150-acre project site.

The aquifer is "extremely important" to the City of Tacoma for "future growth, supplemental supply, and emergency response." TMC 13.06.070(D)(2). In a "normal" weather year, the South Tacoma Aquifer supplies about five percent of Tacoma's drinking water and, according to

the Tacoma-Pierce County Health Department, the aquifer may supply up to 40 percent of the city's drinking water supply during peak demand. As we've seen in recent years, "normal" weather is increasingly rare due to climate change and more extreme weather events are projected for Western Washington. Importantly, the City has acknowledged that Tacoma's freshwater availability is vulnerable due to declining snowpack and seasonal drought from climate change. As such, contamination of the aquifer and/or reduction of the aquifer's recharge capabilities could be devastating for the City of Tacoma and its residents.

Despite the lack of analysis of project impacts on the South Tacoma Aquifer, the MDNS concludes that compliance with the city's Stormwater Management Manual, Critical Areas Ordinance, and other City regulatory requirements related to stormwater "will ensure that runoff from the proposed development will not adversely impact groundwater, aquifer, or wetlands." MDNS at 5, ¶19. SEPA requires more than just asserting that future compliance with existing laws and regulations will provide sufficient mitigation and the City simply does not have enough information to issue an MDNS or a Critical Area Development Permit.

The MDNS is deficient in at least the following ways:

- Failed to consider climate change in evaluating project impacts on the South Tacoma Aquifer, even though SEPA requires consideration of short-term and long-term effects, and Washington is projected to have increased drought and low stream ground water flow;
- Failed to analyze how paving over the project site will impact the South Tacoma Aquifer's recharge rate and overall water quantity in the South Tacoma Groundwater Protection District;
- Failed to consider population growth and increasing demand on the aquifer despite anticipated growth in the region;
- Failed to analyze how contaminants in stormwater will impact the aquifer generally and nearby production wells specifically;
- Failed to analyze the probability of failure of stormwater treatment methods, or the consequences therefrom, on the aquifer;
- Failed to adequately describe how contaminated soils will be prevented from mobilizing into groundwater; and
- Relies on a conclusory hydrological assessment that is mostly raw data and does not connect the data to any of the opinions expressed in the assessment.

## **II. The City Failed to Adequately Analyze the Project's Stormwater Impacts.**

The MDNS states (without evidence) that the project will comply with the Stormwater Management Manual and other regulatory requirements. But SEPA requires project-specific review of impacts and, if the impacts are probably significant, then SEPA requires adequate

mitigation or further analysis in an EIS. The City cannot rely on a stormwater general permit, or any other future regulatory processes, to mitigate project-specific impacts.

Among other errors, the applicant's stormwater analyses used unreliable models that fail to connect the data to their conclusions. For example, the Terra Associates, Inc. Pilot Infiltration Testing (PIT) and Mounding Analysis (2022), MDNS Ex. L, includes three pages of text, 46 pages of raw data, and then 43 pages of computer output showing the simulated mounds of groundwater that would develop below the infiltration galleries under a large number of assumptions. However, although the computer output is summarized in the text, there is no attempt to connect the output with any particular conclusion. The stormwater models' reliability is further undermined by the failure to consider the uncertainty in the input data and the fact that the models have neither been validated nor calibrated. Moreover, all the stormwater model results are expressed only as single values with no discussion of the uncertainty in those values.

In addition, the MDNS and the documents on which the decision relies fail to adequately analyze the stormwater pollutant profile or quantity of runoff. As a result, the City cannot accurately judge whether the planned size of the stormwater retention ponds and modular wetland systems will be sufficient to treat stormwater onsite.

Furthermore, the applicant's stormwater analyses fail to account for climate change impacts in Western Washington, which are projected to include increased average winter precipitation, more extreme precipitation, and more frequent and extensive flooding. While the Preliminary Floodplain Study Update, MDNS Ex. O, does consider a 100-year flood event, the MDNS contains inadequate study and consideration of flooding, including potential impacts to onsite infiltration facilities, given that climate change is causing more frequent and intense precipitation events.

Because of these and other analytical failures, the City does not have adequate information about stormwater impacts and has not proposed adequate mitigation to issue an MDNS for this project.

### **III. The City Failed to Analyze the Indirect Impacts to Fish and Creeks.**

The City's MDNS failed to analyze off-site stormwater impacts to fish in Leach Creek, Flett Creek, and Chambers Creek in violation of SEPA's mandate to assess a proposal's indirect impacts to fish, fish habitat, and fish migratory routes. Bridge Industrial's Stormwater Site Plan and the Biological Evaluation are inadequate and incomplete analyses of stormwater's indirect impacts for at least two reasons.

First, this proposal will undoubtedly result in additional passenger car and industrial truck (including diesel truck) traffic. The additional thousands of daily trips to and from the warehouse site will likely contribute unassessed contaminants to the city stormwater feeding into Flett Creek. One such contaminant is 6PPD-q, a transformation chemical of 6PPD, a highly reactive chemical used in almost all commercial and passenger tires. 6PPD-q is considered the



second most toxic chemical to aquatic species ever evaluated, and causes “urban runoff mortality syndrome.” The introduction of thousands more vehicle trips each day into the area will result in 6PPD-q being transported through stormwater runoff from roadways and streets near the project site into surrounding creeks and streams that are home to several chemical-sensitive species, including Coho Salmon, Puget Sound Chinook, and Puget Sound Steelhead Trout.

Second, the project’s impacts to fish in Flett Creek are not the only fish and fish habitat impacts the City must consider: Leach Creek also has a southerly flow and empties into Chambers Creek. Stormwater runoff from the area surrounding the project site into both creeks will expose fish in Chambers Creek—as well as fish swimming upstream through Chambers Creek into Flett Creek and Leach Creek to spawn—to 6PPD-q and other pollutants that might degrade fish habitat and cause mortality in some species. But the Biological Evaluation does not even address Coho salmon—the species most sensitive to 6PPD-q—and contains inadequate analysis of the project’s impacts on Steelhead Trout.

SEPA demands more: a threshold assessment must consider not only the project’s direct impacts on fish and fish habitat but also the project’s indirect impacts to fish and fish habitat resulting from increased tire chemicals polluting stormwater runoff to surrounding creeks.

### **Community Impacts**

The project is also likely to have other significant impacts on aspects of the environment that affect the surrounding community, including housing, aesthetics, noise, light, heat, and recreation.

For example, introducing thousands of new daily vehicle trips into the neighborhood—including by heavy-duty trucks—will significantly increase noise in the area, not only at the project site but also indirectly because of the increased vehicle presence in the area. Noise is an environmental consideration under SEPA not only because it makes life less pleasant, but because it also carries significant health impacts.

Additionally, paving over green space could create or exacerbate a “heat desert” in the area by replacing vegetation with concrete that does not absorb heat as effectively as natural landscapes.

The project will also have significant impact on aesthetics by replacing open green space with concrete and 49-foot buildings, as well as lighting impacts as a result of replacing the current site’s darkness with artificial lighting sufficient to support a massive industrial site. All of these changes to the neighborhood will have indirect impacts on the built environment and quality of life for people who live and work in the area, including impacts on housing and recreation.

The City did not adequately study these impacts on the community, and the City’s conclusion that these impacts have been mitigated to non-significance is incorrect and not adequately supported by evidence.

NOTICE OF APPEAL  
FILE NO: LU21-0125  
Hearing Examiner  
May 5, 2023  
Page 10

**Requested Relief**

Appellants respectfully request that the Hearing Examiner reverse the City's decision and vacate the MDNS and Critical Areas Development Permit, order preparation of an EIS, and grant additional relief as appropriate.

In the alternative, Appellants respectfully request that the Hearing Examiner attach conditions necessary to mitigate the probable, significant adverse environmental impacts in order to make the City's actions consistent with law.

The undersigned representatives of the Appellants have read the contents of this notice of appeal and believe them to be true and correct, to the best of our knowledge.

Submitted this 5<sup>th</sup> day of May, 2023.

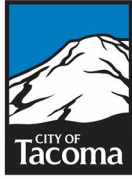


---

Molly Tack-Hooper  
Marisa Ordonia  
Earthjustice  
810 Third Avenue, Suite 610  
Seattle, WA 98104  
(206) 343-7340 | Phone  
[mtackhooper@earthjustice.org](mailto:mtackhooper@earthjustice.org)  
[mordonia@earthjustice.org](mailto:mordonia@earthjustice.org)

*Representatives for Appellants 350 Tacoma and the  
South Tacoma Neighborhood Council*

Enclosures: CAPO DECISION  
MDNS



**CRITICAL AREA  
DEVELOPMENT PERMIT  
APPLICATION FOR:**

**FILE NO: LU21-0125**

Bridge Point Tacoma, LLC  
10655 NE 4<sup>th</sup> Street, Suite 210  
Bellevue, WA 98004

**SUMMARY OF REQUEST:**

A Critical Area Development Permit for an industrial park which will include construction of four (4) buildings totaling approximately 2,500,000 square feet and associated site work improvements, several parking areas and truck courts, utility extensions, access roadway improvements and franchise utilities. Several critical areas are located on the site including wetlands, a stream, Fish and Wildlife Habitat Conservation Areas (Biodiversity Areas) and floodplains.

**LOCATION:**

5024 South Madison Street, Parcel Numbers:  
022024-1001  
022013-1131, 1132, 4004, 4800, 4011  
278301-0090, 0100, 0110, 0120  
374000-0086, -0140, 0181  
573500-0070, 0110, 0120, 0130, 0140

**SUMMARY OF DECISION:**

The request for a Critical Area Development Permit is **Approved**, subject to conditions.

**Notes:**

The appeal period on this decision closes **May 5, 2023** and the effective date of this decision is the following business day, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

The Director has jurisdiction in this matter per Tacoma Municipal Code (TMC) 13.05.080.A.6. The applicant bears the burden of proof to demonstrate the proposal is consistent with the provisions of the TMC, the applicable provisions and policies of the City's Comprehensive Plan, and other applicable ordinances of the City.

**FOR ADDITIONAL INFORMATION CONCERNING THIS  
LAND USE PERMIT PLEASE CONTACT:**

Shirley Schultz, Principal Planner  
Planning and Development Services Department  
747 Market Street, Room 345, Tacoma, WA 98402  
[sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org) | 253-345-0879

## SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

- A. Site plan
- B. Technical Memorandum, provided by Karla Kluge, Senior Environmental Specialist, dated February 13, 2023
- C. Mitigated Determination of Nonsignificance (MDNS) - State Environmental Policy Act (SEPA)

Exhibits<sup>1</sup>:

- A. Accela Online Application Information: Barghausen Consulting Engineers, May 28, 2021
- B. Building Elevations: Synthesis PLLC, December 9, 2021
- C. **Inadvertent Discovery Plan: Barghausen Consulting Engineers, December 10, 2021**
- D. **Bridge Point Tacoma, Updated Transportation Impact Analysis, December 10, 2021, TENW**
- E. **Joint Aquatic Resources Permit Application: Soundview Consultants, February, 2022**
- F. **Biological Evaluation, May 2021, Soundview Consultants**
- G. **Geotechnical Report: Terra Associates, Inc., March 20, 2022**
- H. **Amendment to operations and Maintenance Plan south Tacoma Field Site, soil Management Plan for Property Development, March 24, 2022, TRC**
- I. Site Noise Study: SSA Acoustics, 2022-05-23
- J. Air Quality Study Addendum: TRC, 2022-05-24
- K. Air Quality Study: TRC, 2022-07-15
- L. Stormwater Retention Facilities (Infiltration/ Mounding) Report: Terra Associates, Inc., August 3, 2022
- M. **Tree Retention Plan, August 5, 2022, Soundview Consultants**
- N. Stormwater Site Plan: Barghausen Consulting Engineers, August 9, 2022
- O. Preliminary Floodplain Study: West Consultants, August 9, 2022
- P. Photometric Site Calculations: TLG, August 18, 2022
- Q. **Wetland Delineation Report, Part 2, BNSF Property, July 17, 2007, Barghausen Consulting Engineers**
- R. Critical Areas Mitigation BQW: Soundview Consultants, November 16, 2022
- S. **Wetland and Fish and Wildlife Habitat Assessment Report, BNSF Report, Revised November 2022, Soundview Consultants**
- T. **Mitigation Plan, BNSF Tacoma, Revised November 2022, Soundview Consultants**
- U. **Technical Memorandum, November 29, 2022, Soundview Consultants**
- V. Response to EPA Air Quality Comments: McCullough Hill Leary, November 30, 2022
- W. **FEMA Site Plan Exhibit: Barghausen Consulting Engineers, December 12, 2022**
- X. Civil Engineering Plans: Barghausen Consulting Engineers, December 2, 2022

---

<sup>1</sup> All Exhibits are contained in Planning and Development Services Department File No. LU21-0125. They are referenced and incorporated herein as though fully set forth. The file listing is combined with the file listing for the SEPA determination; since the full SEPA file listing contains more items the studies in **bold** are the ones most relevant to this permit.

- Y. Fourth Submittal Comment Response Letter: Barghausen Consulting Engineers, December 2, 2022
- Z. City of Tacoma Staff Subject Matter Expert Comments
- AA. Agency Comments
- BB. Public comments
- CC. Distribution List

The Director of Planning and Development Services (Director) enters the following Findings and Conclusions based upon the applicable criteria and standards set forth in the TMC, as well as the attachments and exhibits listed above.

## **FINDINGS**

### **Proposal:**

1. The applicant requests a Critical Area Development Permit for an industrial park which will include construction of four (4) buildings (Buildings A – D) totaling approximately 2,500,000 square feet and associated site work improvements, several parking areas and truck courts, utility extensions, access roadway improvements and franchise utilities. The proposal's Site Plan is attached to this report and decision as Attachment A.
2. A detailed description and analysis of the site's critical areas and their delineation are provided within the Technical Memo provided by the City's Senior Environmental Specialist (SES), Karla Kluge, attached to this report and decision as Attachment B. In summary, four wetlands (Wetlands A, B, C, and D), a stream – Stream Z, Fish and Wildlife Habitat Conservation Areas (Biodiversity Areas) and a FEMA 100-year floodplain were identified on the site.
3. No direct impacts to the Biodiversity Areas are expected.
4. Stream Z will be relocated/shifted slightly westward along its alignment adjacent to Building D. There will be minor, temporary construction impacts to Stream Z when the bottomless crossings to access Building D are constructed.
5. Wetland and stream buffer averaging is proposed along the eastern portions of the buffers associated with Wetlands A and B and Stream Z, resulting in a net gain of buffer area for Wetland A (18,301 square feet), Wetland B (23,902 square feet), and Stream Z (141,781 square feet). While site design revisions were made to substantially reduce the indirect impact area from 22,614 square feet to 230 square feet for Wetland B, there will be about 143,383 square feet of temporary buffer impacts needed for slope grading for full buffer restoration and about 600 sq ft of permanent buffer impacts for a stormwater trench.
6. Of the 68 protected Garry Oaks identified on the project site, one is proposed to be removed.
7. Finally, the project will be within portions of the site's 100-year floodplain areas, for which the project will provide the required floodplain compensation area to result in no net loss of base flood storage capacity.
8. Mitigation for the project is proposed and will include wetland and stream buffer restoration and enhancement, the re-establishment of historic wetlands, FEMA floodplain compensation areas within the wetland buffer areas to achieve the required "no net rise" criteria for floodplain development, and while not mitigation per se, the proposal was modified to create

the need to impact only one of the site's 68 protected Garry Oaks, where seven were initially identified to be impacted.

### **Project Site:**

9. The project site is vacant and generally located along the east and west sides South Madison Street between South 56<sup>th</sup> Street and South 37<sup>th</sup> Street. It contains 18 parcels within about 150 acres of land. Active BNSF railroad tracks are parallel the site to the east and serve several properties along South Burlington Way.
10. Wetlands A – D, Stream Z and the FEMA 100-Year Floodplain are all located along the western portion of the site.
11. The entire site is contained within the “M-2 -STGPD-ST/M/IC” Heavy Industrial District with South Tacoma Groundwater Protection and Manufacturing Industrial Center Overlays. A small portion of the westerly parcels (along South Tyler Street) is zoned “T” Transitional District; this area will remain undeveloped.
12. Primary truck and auto access to the site is proposed via a new road running from the northeast portion of the site and connecting to South 35<sup>th</sup> Street. Auto access is also proposed from South 56<sup>th</sup> Street at South Madison Street and South Burlington Way.
13. Vegetation onsite primarily consists of non-native invasive species including scotch broom (*Cystus scoparius*), butterfly bush (*Buddleja davidii*), Himalayan blackberry (*Rubus armeniacus*), annual ryegrass (*Lolium perenne multiflorum*), and reed canarygrass (*Phalaris arundinacea*).

Additionally, a forested patch spans the western boundary of the subject property dominated by Douglas fir (*Pseudotsuga mensiezii*), Pacific madrone (*Arbutus mensiezii*), red alder (*Alnus rubra*) and black cottonwood (*Populus balsamifera*), with an understory composed of beaked hazelnut (*Corylus cornuta*), Oregon grape (*Mahonia nervosa*), non-native invasive English holly (*Ilex aquifolium*), non-native invasive Himalayan blackberry, swordfern (*Polystichum munitum*), non-native invasive reed canarygrass, and trailing blackberry (*Rubus ursinus*).

### **Surrounding Area:**

14. The site is located within the South Tacoma Neighborhood, toward the south end of the Nalley Valley, in an area of historic industrial use. Much of the surrounding area is zoned “M2” Heavy Industrial District, and is entirely developed with high-intensity shipping, industrial, and manufacturing activities.
15. The areas to the west of the site are located uphill from the site along South Tyler Street and are zoned “T” Transitional District. This area is developed with storage/contractor supply on the south end and with multifamily residential on the north end; the central portion is undeveloped.
16. There is an area of residentially-zoned property abutting the northwest portion of the site. The nearest residential parcels are approximately 250 feet away from the development area; there are a substantial number of residences within one-fourth mile of the site, both in the Oakland-Madrona Neighborhood and the Tacoma Mall Neighborhood.

### **Applicable Code / Analysis:**

17. TMC 13.11.220 Application Types.

- A. This chapter allows three types of Critical Area applications, which result in the issuance of an administratively appealable decision consistent with TMC chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under with the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.070.

\*\*\*

- B. 3. Development Permit. A decision will be issued where the Director determines that avoidance and minimization have not eliminated all impacts and compensatory mitigation will be required as a result of the proposal.
- i. The applicant must meet the requirements of one of three legal tests: No Practicable Alternatives, Public Interest or Reasonable Use, and
  - ii. Demonstrate Mitigation Sequencing, and
  - iii. Provide mitigation as required in accordance with the Chapter.

A Development Permit is required for the following:

- impacts to the onsite stream (Stream Z) due to required frontage improvements and the widening of South Madison Street;
- impacts to the buffers of Wetlands A and B as well as Stream Z, due to buffer averaging;
- an additional 230 square feet of indirect impacts to the buffer of Wetland;
- temporary buffer impacts due to construction and grading;
- buffer impacts for a stormwater trench;
- temporary impacts for bottomless crossings of Stream Z; and
- removal of one Garry Oak.

#### 18. TMC 13.11.240 Legal Test(s)

The applicant has provided a response to the Legal Tests in TMC 13.11.220 as noted in B.3.i, above. The Director finds that the following two legal tests are applicable (the applicant must meet the requirements of one).

- A. No Practicable Alternatives. An alternative is considered practicable if the site is available and the project is capable of being done after taking into consideration cost, existing technology, infrastructure, and logistics in light of overall project purposes. No practicable alternatives need be considered if the applicant can demonstrate all of the following:
1. The project cannot be reasonably accomplished using one or more other sites in the general region that would avoid or result in less adverse impact to the Critical Areas.
  2. The goals of the project cannot be accomplished by a reduction in the size, scope, configuration or density as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the Critical Area; and,
  3. In cases where the applicant has rejected alternatives to the project as proposed, due to constraints on the site such as inadequate zoning, infrastructure or parcel size, the applicant has attempted to remove or accommodate such constraints, unless the applicant can demonstrate that such attempt would be futile.

**Analysis:** The applicants have provided information in their Mitigation Plan (Exhibit T) stating that there is no other appropriate property for the proposed development. The Director would note that the property is zoned for heavy industrial uses, including warehousing, and has been historically used for industrial purposes. Further, the size of

the site makes large-scale operations possible and desirable. Due to the spatial requirements for the infrastructure on the site, including safe emergency access to all portions of the site and in order to allow efficient use of as much of the site as possible, modifications to the buffer and realignment of the stream are unavoidable. The Director would note that multiple revisions to minimize impacts have been made to the proposal, and finds that, overall, this test has been met.

- C. Public Interest. In determining whether a proposed use or activity in any Critical Area is in the public interest, the public benefit of the proposal and the impact to the Critical Area must be evaluated by the Director. The proposal is in the public interest if its benefit to the public exceeds its detrimental impact on the Critical Area. In comparing the proposal's public benefit and impact, the following should be considered:
1. The extent of the public need and benefit;
  2. The extent and permanence of the beneficial or detrimental effects of the use or activity;
  3. The quality and quantity of the Critical Area that may be affected;
  4. The economic or other value of the use or activity to the general area and public;
  5. The ecological value of the Critical Area;
  6. Probable impact on public health and safety, fish, plants, and wildlife; and
  7. The policies of the Comprehensive Plan.

**Analysis:** A proposal is in the public interest if its benefit to the public exceeds the detrimental impacts on the wetland, stream, and Biodiversity Areas. In this case, the stream and the wetlands do not provide much functional value due to the degradation on the site. The Director finds that the restoration of the stream and wetlands, as well as the creation of additional wetland areas, will have a high probability of improving all the natural functions in the area. This will result in a net benefit that is in the public interest and this legal test has been met.

#### 19. TMC 13.11.250

- A. General permit standards. No regulated activity or use shall be permitted in or adjacent to a Critical area or buffer, management area, or geo-setback without prior approval and without meeting the provisions of this section.
1. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;
  2. The result of the proposed activity is no net loss of Critical Area functions;
  3. The existence of plant or wildlife species appearing on the federal or state endangered or threatened species list will not be jeopardized;
  4. The proposal will not lead to significant degradation of groundwater or surface water quality; and
  5. The proposal complies with the remaining standards of this chapter, which include those pertaining to wetland compensation and the provision of bonds.
  6. The alteration is the minimum necessary to allow reasonable use.

The analysis of this section is in the following findings.

#### 20. TMC 13.11.270 General Mitigation Requirements.

- F. Mitigation Sequencing. When an alteration to a critical area or its buffer/management area/geo-setback is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference.



1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitoring the required mitigation and taking remedial action where necessary.

**Analysis:** The applicant has provided the appropriate mitigation sequencing report in Exhibit T. The mitigation report has been reviewed by Karla Kluge who is the City's expert in critical areas. Ms. Kluge concurs with the reasoning in the report, concluding that impacts have been avoided where possible, minimized in all other cases, and mitigated appropriately. See Attachment B.

- L. Critical Area Enhancement as Mitigation. Impacts to critical area functions may be mitigated by enhancement of existing significantly degraded critical areas, but should be used in conjunction with restoration and/or creation where possible. Applicants proposing to enhance critical areas or their buffers must include in a report how the enhancement will increase the functions of the degraded critical area or buffer and how this increase will adequately mitigate for the loss of critical area and function at the impact site. An enhancement proposal must also show whether any existing critical area functions will be reduced by the enhancement action.
- M. Innovative Mitigation. The Director may approve innovative mitigation projects that are based on best available science including but not limited to activities such as advance mitigation and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of critical area functions and values than would be provided by the strict application of this chapter. Such mitigation proposals must demonstrate special consideration and protection measures for anadromous fishes. The Director shall consider the following for approval of an innovative mitigation proposal.
1. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
  2. The applicant demonstrates that long-term protection and management of the habitat area will be provided;
  3. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
  4. Mitigation according to TMC 13.11.270.E is not feasible due to site constraints such as parcel size, stream type, wetland category, or excessive costs;
  5. A wetland of a different type is justified based on regional needs or functions and values;
  6. The replacement ratios are not reduced or eliminated; unless the reduction results in a preferred environmental alternative; and
  7. Public entity cooperative preservation agreements such as conservation easements are applied.

**Analysis:** The applicant has provided a response to the criteria for innovative mitigation, stating that the increased and improved critical areas as well as long-term maintenance

and protection of the site will result in equal or better critical area functions and values.

The Director would note that innovative mitigation is primarily used for buffer reductions or stream impacts in excess of the code standard requirements and that in this case, the primary need to demonstrate Innovative Mitigation would be for the 230 square feet of Wetland B buffer reduction that exceeds code standard requirements. (Other requirements are being met through approved restoration and enhancement ratios or standards.) In this case 11,789 square feet of wetland creation is being proposed for the loss of 230 square feet of indirect impacts to Wetland B.

### **Wetland Buffers and Buffer Modification**

#### 21. TMC 13.11.320 Buffers

- A. General. A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. Buffers adjacent to wetlands are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured horizontally from the delineated edge of the wetland. The buffer shall be vegetated with the exception of areas that include development interruptions as described within this chapter.

#### TMC 13.11.330 Wetland Buffer Modifications

- C. Buffer Averaging. The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for buffer reductions.
2. Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following are met:
- a. There are no feasible alternatives to the site design that could be accomplished with the standard buffer averaging; and
  - b. The averaged or reduced buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert; and
  - c. The total area of buffer after averaging is equal to the area required without averaging; and
  - d. The buffer at its narrowest point is never less than  $\frac{3}{4}$  of the required width.

**Analysis:** The applicant has provided an accurate and thorough response for each buffer modification criteria used. The applicant notes that the project was designed to avoid and minimize impacts to the critical areas, that there are net increases in buffer areas, and that the buffers are not reduced more than 25 percent, except for the 230-square-foot impact to the buffer of Wetland B.

The buffer averaging proposal has avoided direct impacts to the wetlands and continued modification of the development proposal resulted in further reducing the indirect impacts to a portion of the buffer from 22,614 square feet to 230 square feet. The mitigation proposed will provide a fully functioning wetland and stream buffers even though the buffers have been modified through averaging. The 230 square feet of indirect wetland impacts occur due to the reduction of the wetland buffer further than allowed through TMC 13.11.C. However, the additional creation of wetland area

proposed through innovative mitigation will provide heightened wetland functions directly.

22. TMC 13.11.340 Wetland Mitigation Requirements

- A. The applicant shall avoid all impacts that degrade the functions and values of wetland and their buffers. Unless otherwise provided in this Title, if alteration to the wetland or its buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values.
- B. All wetland mitigation will comply with applicable mitigation requirements specified in 13.11.270, including, but not be limited to, mitigation plan requirements, monitoring and bonding.
- C. Preference of Mitigation Actions. Methods to achieve compensation for wetland functions shall be approached in the following order of preference:
  - 1. Restoration (re-establishment and rehabilitation) of wetlands on upland sites that were formerly wetlands.
  - 2. Creation (Establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.
  - 3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
- D. Mitigation ratios.
  - 1. The ratios contained within Table 5 shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.

Table 5. Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site***				
Category and Type of Wetland	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment of Creation (R/C) and Enhancement (E)	Enhancement Only
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
All Other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1

**Analysis:** Per the Technical Memorandum from Karla Kluge (Attachment B): The applicant has proposed in-kind, and on-site mitigation (Exhibit T) that will increase the functions and values of the wetland using buffer averaging ratios and wetland standards contained in the code, including innovative mitigation.

Mitigation for the unavoidable impacts is proposed by reestablishing a historic wetland area as well as enhancing or restoring wetland buffer through the planting of native trees, shrubs, and grasses. The mitigation proposal will restore functions to the wetland and buffer by increasing vegetative structure and diversity, and providing cover to the wetland resulting in additional habitat. The remaining enhanced buffer will provide

vegetative structure, plant diversity and a native plant community for wildlife, compared to the existing condition of the site, which is comprised of unconsolidated fill material, grasses and weeds, debris, refuse and at times, homeless encampments.

Elevated functions within the existing wetlands and stream will not only replace functions as those lost, but the reestablished area will add functional capacity to an area that is degraded. And, the replacement functions will include additional functions such as habitat, stormwater quality and runoff control, and aesthetic value to a highly degraded undeveloped area that was historically a highly functioning wetland.

The proposed mitigation site is located where a historic wetland (Tacoma Swamp) was once found and is currently significantly impacted by filling and deposition of refuse over a long period of time.

The applicant is proposing to mitigate fully on site and has provided a mitigative hierarchy analysis as required by TMC Section 13.11.340. A reduced-scale development which would avoid all wetland, wetland buffer and stream channel impacts was determined to be cost prohibitive in comparison to land cost and required size of buildings given the likely use and traffic and parking considerations. Various development scenarios resulted in complete wetland impact avoidance and mitigation for wetland buffer and stream channel impacts that will result in habitat improvements while still allowing successful development of the project site.

The mitigation proposal includes the re-establishment of high-quality wetland area in order to compensate for the additional reduction of Wetland B buffer (230 square feet ) that will result in a loss of functions of Wetland B due to the elimination of buffer area. This action is referred to as an indirect impact which means that while the actual wetland area is not physically filled, the resultant functional loss within the remaining wetland is treated as though wetland area is lost and mitigation is proposed that will satisfy actual loss of wetland area.

The wetland creation mitigation proposal will replace wetland buffer loss with additional wetland area, and the buffer enhancement and restoration will also provide mitigation for the stream relocation and culverts needed for crossing by complete re-establishment of the stream channel and stream buffer planting.

In summary, the Director finds that the wetland creation mitigation will meet and exceed the requirements in the TMC. The area is currently low-functioning and highly degraded; the proposed mitigation will result in the re-establishment of high-quality Category II wetland adjacent to a restored stream.

### **Stream Modification/Buffers**

#### **23. TMC 13.11.420 Stream Buffers.**

- A. General. A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Buffers adjacent to streams are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. The buffer shall be measured horizontally from the edge of the ordinary high water mark.
- B. Minimum Requirement. 1. Streams. Stream buffer widths shall be established according to the following table which is based on stream classification:

Table 6. Stream Types	
Stream Type	Buffer (feet)
Type Ns2 (Not connected to S, F, or Np)	25

24. TMC 13.11.430. B Stream buffer Averaging and Reduction.

Stream buffer averaging may be permitted when the following conditions are met:

1. The stream buffer areas that are reduced through buffer averaging will not reduce stream or habitat functions, including those of nonfish habitat;
2. The stream buffer areas that are reduced will not degrade the habitat, including habitat for anadromous fish;
3. The total area contained in the stream buffer of each stream on the development proposal site is not decreased;
4. The recommended stream buffer width is not reduced by more than twenty-five (25) percent in any one location;
5. The stream buffer areas that are reduced will not be located within another critical area or associated buffer;
6. The stream buffer areas that are reduced and required mitigation are supported by best available science; and
7. When averaging the stream buffer, the proposal will provide additional habitat protection by including more highly functioning areas and reducing the buffer only in the low functioning areas.

The applicant states that the entire existing onsite stream buffer area is severely degraded (see Exhibit F). All buffer averaging will occur along contiguous buffer area between the stream and proposed development so that adequate protection is maintained, and a net gain in buffer area is proposed. In addition, all onsite buffer areas will be restored from their degraded conditions, resulting in a net gain in ecological functions.

The Director notes that buffer averaging will result in 7,366 square feet of buffer decrease and 33,203 square feet of buffer increase, resulting in a net gain of buffer area. In addition, all onsite buffer areas will be restored from their degraded conditions, resulting in a net gain in ecological functions. The areas where buffer impacts are more than 25 percent are considered permanent impacts requiring mitigation, which will be provided (see Finding 22, above).

25. TMC 13.11.440 Stream Standards.

- A. Type F1, F2, Np, and Ns1, and Ns2 streams may be relocated or placed in culverts provided it can be demonstrated that:
  1. There is no other feasible alternative route with less impact on the environment;
  2. Existing location of the stream would prevent a reasonable economic use of the property;
  3. No significant habitat area will be destroyed;
  4. The crossing minimizes interruption of downstream movement of wood and gravel;
  5. The new channel or culvert is designed and installed to allow passage of fish inhabiting or using the stream and complies with WDFW requirements;
  6. The channel or culvert also complies with the City of Tacoma current Stormwater Management Manual.
  7. The applicant will, at all times, keep the channel or culvert free of debris and

- sediment to allow free passage of water and fish;
8. Roads in riparian habitat areas or buffers shall not run parallel to the water body;
  9. Crossing, where necessary, shall only occur as near to perpendicular with the water body as possible;
  10. Road bridges are designed according to 2013 Washington Department of Fish and Wildlife Water Crossing Design Guidelines, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossing, 2000.

**Analysis:** The applicant has noted that the project will require the relocation/shift of a segment of Stream Z along South Madison Street to accommodate required frontage improvements and road expansion to meet current road standard and safe site access (Exhibits S and T). In addition, two new bottomless crossings for Stream Z are proposed. Use of South Madison Street and the relocation of Stream Z allows for reasonable economic use of the property, as South Madison Street is a primary entry to Building D, and is required for development of the site.

The proposed relocation of a portion of Stream Z will ensure 1:1 replacement ratio for no net loss of stream length. The entire onsite buffer areas adjacent to the proposed development will be fully restored to increase ecological functions onsite over the existing degraded conditions. All road and crossing designs will meet all requirements of the TMC and other regulations. Further, the stream will be maintained in a functional condition. Therefore, the Director finds that the criteria for stream relocation have been met.

#### 26. TMC 13.11.450 Stream Mitigation Requirements.

All proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category, where riparian wetland exists. In the event stream corridor alterations or relocations, as specified above, are allowed, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:

1. Creation of natural meander patterns and gentle side slope formations;
2. Creation of narrow sub channel, where feasible, against the south or west bank;
3. Provisions for the use of native vegetation;
4. Creation, restoration or enhancement of fish spawning and nesting areas;
5. The proposed reuse of the prior stream channel;
6. Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Director stating the new channel complies with the provisions of this chapter; and
7. When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.

The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

**Analysis:** The restoration of the stream buffer will improve the stream and also increase the function of the wetlands on site. The improvement of plantings, the removal of refuse, and the control of stormwater will result in improvements to the full wetland/stream system. Improvements to the full system will mean that the mitigation/restoration project has a greater chance of being successful in the long term.

In addition, the proposal includes stream re-alignment and culvert placement as impacts, while some of these impacts will result in control of water flow and duration as well as habitat improvements. The associated floodplain areas will also be mitigated through compensatory storage areas that empty into the wetlands and stream during periods of heavy inundation thereby improving the water transfer system within the critical areas. In sum, the applicant has met the stream modification requirements.

### **Other Critical Areas**

#### 27. TMC 13.11.550.E. Fish and Wildlife Habitat Conservation Area Standards

The applicant has provided additional tree assessments completed in March 2022 (revised in August, 2022, Exhibit M), which determined that only the identified area adjacent to Wetland B met the criteria as a biodiversity corridor; the remainder of intact tree groves along the western portion of the site were too small to be classified as such. All proposed development will remain outside of the designated biodiversity corridor; however, the proposed wetland creation actions will take place within a small area of the biodiversity corridor to the west of Wetland B. Per TMC 13.11.550.E, the following shall apply for proposed modifications within or affecting biodiversity areas and corridors:

1. In determining which areas are least sensitive to development impacts, the following criteria shall apply:
  - A. A minimum of 65 percent of the Biodiversity Area and Corridor area shall be left in an undisturbed natural vegetated state. The undisturbed area set aside shall contain all other Priority Habitats, Priority Species, and Critical Areas and Buffers that may be present, per applicable standards.
  - B. A contiguous Biodiversity Corridor with a width of 300-feet shall be retained connecting onsite and offsite Priority Habitats and Critical Areas including shorelines, as well as significant trees per the definition below. The minimum 300 feet shall be a contiguous area that enters and exits the property.
  - C. Retain exceptional trees and rare or uncommon plant species or habitat types as identified by the City or by state or federal agencies. Conifers and Madrone are considered exceptional trees.

The applicant states that the proposed project will maintain and improve the potential biodiversity area and corridor which contains a small portion of the west-central portion of the site primarily around Wetland B, associated intact buffer, and additional contiguous forested areas. The remainder of the proposed development actions will take place outside of the identified FWHCA. The entire onsite wetland and stream buffer areas adjacent to development will also be fully restored to increase ecological functions as they are currently severely degraded due to the presence of gravel fill, homeless encampments and associated trash and debris, and dominance of non-native invasive species. As such, the proposed project will not adversely affect the degraded biodiversity area and corridor, and instead will result in additional protection and function of this area.

**Analysis:** The applicant has proposed no impacts to the identified Biodiversity Areas on site, as identified through tree surveys, tree “stand” identification, and numerous site visits by the applicant’s consultants and City staff. Treed areas that exist within the wetland and stream buffers will be enhanced and restored through planting of native trees, shrubs and herbaceous material which will likely increase the extent of Biodiversity Areas on site. The future community type identified by the applicant at

approximately 10 years include mature forested and scrub shrub areas. Preservation of Garry Oaks and associated tree species will provide a mixed forest community ideal for common urban species to utilize. The creation of a forested wetland with tree hummocks will enhance the diversity of the Biodiversity Area and provide greater environmental benefits through restoration and long-term monitoring. Therefore, the Director finds that the TMC for Biodiversity Areas has been met.

28. TMC 13.11.620 Flood Hazard Areas Standards.

All development proposals shall comply with Sections 2.12.040 through 2.12.050, Flood Hazard and Coastal High Hazard Areas, and Chapter 12.08 Surface Water Management Manual of the TMC for general and specific flood hazard protection. Development shall not reduce the base flood water storage ability. Construction, grading, or other regulated activities which would reduce the flood water storage ability must be mitigated by creating compensatory storage on- or off-site. Compensatory storage provided off-site for purposes of mitigating habitat shall comply with all applicable wetland, stream, and fish and wildlife habitat conservation area requirements. Compensatory storage provided off-site for purposes of providing flood water storage capacity shall be of similar elevation in the same floodplain as the development. Compensatory storage is not required in Coastal A and V Zone flood hazard areas or in flood hazard areas with a mapped floodway but containing no functional salmonid habitat on the site. For sites with functional connection to salmonid bearing waters that provide a fish accessible pathway during flooding, compensatory storage areas shall be graded and vegetated to allow fish refugia during flood events and their return to the main channel as floodwater recede without creating flood stranding risks. Base flood data and flood hazard notes shall be shown on the face of any recorded plat or site plan, including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

**Analysis:** Regarding Flood Hazard Areas, the applicant states that all FEMA floodplain compensation areas will be located within the onsite stream and wetland buffer areas as necessary to meet the floodplain development requirements (no net rise). Areas within the onsite buffers will be graded to accommodate up to the 100-year modeled flood event, and will be planted and maintained to function as standard buffers and occasionally as flood compensation areas.

The associated floodplain areas will also be mitigated through compensatory storage areas that empty into the wetlands and stream during periods of heavy inundation thereby improving the water transfer system within the critical areas. The criteria for flood hazard areas in TMC 13.11 have been met.

**Additional Information:**

29. Karla Kluge conducted visits at the site and surrounding area and is very familiar with area. Ms. Kluge reviewed the proposal materials provided by the applicant and provided a Technical Memorandum indicating that the proposal complies with the requirements of TMC 13.11. The Director would note that substantial weight is given to Ms. Kluge's review of the proposal for potential impacts on critical areas; her comments are included in Attachment B and in some cases are repeated verbatim herein.

30. The applicant has submitted requests for development permits associated with this Critical Area Permit and the associated review under SEPA. While these permits are under review, none have been approved. In particular, the Director would note that the civil engineering plans for stormwater management have not been finalized and that the City's Environmental



Services Department has indicated a need for stream access to maintain stormwater facilities (see Exhibit Z). As those plans are finalized it is likely that final modification and mitigation plans will also be created. The Director would note that revisions to permits are addressed in TMC 13.05.130; any changes exceeding Minor Modification thresholds may require additional permitting.

31. The construction techniques will not have permanent negative impacts, as best management practices (BMP's) including site protection while work is being conducted at the site will be employed.

### **Environmental Review:**

32. The City of Tacoma, acting as Lead Agency for the purposes of SEPA is issuing a MDNS related to the proposal. The MDNS is included as Attachment C and includes mitigation for impacts not related to critical areas.

### **Notification and Comments:**

33. The application was submitted in May 2021, and determined to be complete for review on January 3, 2022.
34. Public notice of the proposal was distributed on February 8, 2022. A public information meeting regarding the proposal, per TMC 13.05.070.I was held March 21, 2022. The public comment period closed April 21, 2022. Hundreds of public comments were received (see Exhibit BB to the SEPA MDNS). The majority of comments were related to items outside the scope of critical areas review (e.g., traffic, air quality, water quality).
35. Comments regarding the Critical Area related to slope stability on the western portion of the site, flood plain capacity, wetland and buffer impacts, tree retention, and the applicability of TMC 13.11 to the South Tacoma Groundwater Protection District. Responses to questions regarding critical areas are incorporated herein. In particular, the Director would note that the Public Interest and No Practicable Alternatives Tests for impacts and mitigation are reviewed in light of existing zoning and development codes, as well as the Comprehensive Plan and other policy documents of the City of Tacoma. These tests have been found to be adequately met by the proposal.
36. Advisory comments received from City plan reviewers are included below as appropriate and are included as Exhibit Z.

### **Conclusion of Law as Finding of Fact:**

37. Any conclusion of law herein stated which may be deemed a finding of fact herein is hereby adopted as such.

## **CONCLUSIONS<sup>2</sup>**

1. The Director of Planning and Development Services (Director) has jurisdiction in this matter. See TMC 13.05.030.

---

<sup>2</sup> Conclusions are based upon the applicable criteria and standards set forth in the (TMC), the policies of the One Tacoma: Comprehensive Plan, and the Attachments and Exhibits listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

2. The applicant bears the burden of proof to demonstrate the proposal's consistency with the policies of the One Tacoma: Comprehensive Plan, including its implementing regulations set forth in TMC Chapter 13.11, and other applicable City ordinances.
3. The applicant has met the requirements for issuance of a Critical Area Development Permit as the impacts to the buffers of Wetlands A and B and Stream Z cannot be avoided. Further, the legal test requirement was satisfied under the Public Interest Test and the No Practicable Alternatives Test and the applicant has provided an appropriate mitigation proposal that will include a larger, re-established, protected wetland area in a historic wetland area currently highly degraded through deposition of fill, refuse, and the establishment of homeless encampments.
4. The applicant's proposal will result in the re-establishment and restoration of a historic wetland area that will not only replace the functions lost with the indirect impacts of Wetland A and Wetland B; it will add to the functional benefits of the Type Ns2 stream and downstream systems including Wetlands C and D and provide long-term highly functioning habitat for the existing Category II and Category III wetlands found on site as well as the proposed Category II created wetland that is proposed. The site conditions will be stabilized, flood waters will be controlled, critical areas will be restored and enhanced, and the 10-year mitigation monitoring will be conditioned to ensure that the created wetland area meets the three-parameter wetland criteria.
5. Based on the above findings and compliance with construction BMP's, the proposal is consistent with the policies of the TMC 13.11 Critical Areas Preservation Ordinance with the following recommended conditions.

### **DECISION**

Based upon the above findings and conclusions, the request for a Critical Areas Development Permit is **Approved**, subject to the following conditions:

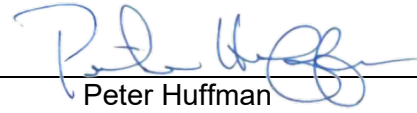
#### **Conditions:**

1. Notice on Title. The applicant must record Notice on Title per TMC Section 13.11.280 prior to the issuance of all development permits.
2. In order to ensure consistency with the above analysis and with the TMC, the applicant shall conduct mitigation, monitoring and maintenance in accordance with the approved, signed plan based upon the Mitigation Plan, BNSF Tacoma, Revised November 2022, prepared by Soundview Consultants and the Tree Retention Plan, 8/5/2022, prepared by Soundview Consultants with the changes/corrections highlighted by the City. A final plan incorporating the highlighted changes/corrections shall be provided to the City prior to issuance of any development permits. This final plan shall include any changes required to allow stream access for maintenance and shall show how mitigation proposed is sufficient to offset any permanent or temporary impacts from access.
3. Invasive species found within the wetlands and/or stream shall be removed to prevent downstream seed transfer.
4. The Garry Oaks along South Madison Street will be retained and protected as provided in the updated Mitigation Plan. The one removed Garry Oak shall be replaced at a 3:1 ratio, and any failure to preserve the Garry Oaks along South Madison Street shall also be replaced at a 3:1 ratio. In addition, all invasive species within the wetlands must be removed and any barren areas restored to prevent transfer of seeds within the wetland/stream

system downstream.

5. Sureties (Performance and Monitoring) shall be provided per TMC 13.11.290 prior to issuance of any development permits.
6. Plant Installation Requirements. The applicant shall inform the City SES when the plantings will be installed. The applicant shall have a qualified wetland specialist on site during the plant installation. The applicant shall provide to the City a Year 0, or an "as-built", of the vegetation on site following planting along with the associated fee.
7. Barricade and silt fencing-placement and removal-need construction sequencing. The applicant shall provide a barricade fence along the perimeter of the wetlands and stream buffer following the removal of refuse, debris and grading and placement of soil amendments to protect the area from impacts during development of the remaining areas on site. The applicant shall erect silt fencing on the development side of the barricade fence along the barricade fence and inform the City SES and the City Building Inspector when the fence is erected in order to allow the City SES and the City Building Inspector to inspect the silt fence prior to beginning site development work. The applicant shall ensure that once the development is complete and erosion control is no longer needed, the barricade and silt fence must be removed.
8. Monitoring Period and Reporting. The applicant shall provide vegetative maintenance and monitoring of the entire mitigation area for a period of 10 years and provide annual monitoring reports and associated review fees to the City of Tacoma Planning and Development Services Department during years 1, 2, 3, 5, 7 and 10 with the report due by October 1st each year.
9. Monitoring of Reestablished Wetland. The monitoring report for year 10 shall contain a wetland map and wetland delineation data sheets demonstrating that the newly created wetland area meets the three parameters of the wetland definition. If the newly created area does not meet the wetland definition, appropriate contingency actions and potentially additional mitigation must be taken to ensure final compliance with the proposed development and intended mitigation.
10. Fencing and Signage. Permanent fencing such as a split rail fence or approved walls or other fence design shall be constructed along the outside perimeter of the wetland and stream buffer and signage shall be attached to the fence to alert the public of the boundary limits of the Critical Area. The applicant shall use the approved sign template of the City of Tacoma and signs shall be placed approximately every 50 feet where large open areas border the wetland or stream.
11. A Conservation Easement shall be placed on the remaining critical areas including the wetlands, streams, and Biodiversity Areas on the subject site prior to the issuance of any development permits.
12. The applicant shall provide a copy of permits required from the Washington Department of Fish and Wildlife Hydraulic Project Approval (HPA) and Army Corp of Engineers (ACE), or concurrence that a permit is not required, prior to issuance of any development permits.

**ORDERED this 21<sup>st</sup> day of April, 2023.**



---

Peter Huffman  
Director, Planning and Development  
Services Department

**FULL DECISION TRANSMITTED** this 21<sup>st</sup> day of April, 2023 by electronic mail to:

Applicant: Matt Gladney, Bridge Industrial  
Cheryl Ebsworth, Barghausen Consulting Engineers  
Jon Pickett, Soundview Consultants LLC  
Additional recipients as noted in Exhibit CC

**SUMMARY OF DECISION TRANSMITTED** by first class mail to the following:

All property owners within 1000 feet of the subject site  
Additional recipients as noted in Exhibit CC

**PURSUANT TO RCW 36.70B.130, YOU ARE HEREBY NOTIFIED THAT AFFECTED PROPERTY OWNER(S) RECEIVING THIS NOTICE OF DECISION MAY REQUEST A CHANGE IN VALUATION FOR PROPERTY TAX PURPOSES CONSISTENT WITH PIERCE COUNTY'S PROCEDURE FOR ADMINISTRATIVE APPEAL. TO REQUEST A CHANGE IN VALUE FOR PROPERTY TAX PURPOSES YOU MUST FILE WITH THE PIERCE COUNTY BOARD OF EQUALIZATION ON OR BEFORE JULY 1ST OF THE ASSESSMENT YEAR OR WITHIN 30 DAYS OF THE DATE OF NOTICE OF VALUE FROM THE ASSESSOR-TREASURER'S OFFICE. TO CONTACT THE BOARD CALL 253-798-7415 OR < WWW.PIERCECOUNTYWA.GOV/5920/BOARD-OF-EQUALIZATION>.**

## **RECONSIDERATION/APPEAL PROCEDURES**

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before **May 5, 2023**.

### **RECONSIDERATION:**

Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. The fee for reconsideration is **\$300.00**. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision.

A request for RECONSIDERATION of the Director's decision in this matter must be submitted in writing by e-mail to [sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org). Filing of the reconsideration shall not be complete until both the reconsideration request and required filing fee are received. **THE FEE SHALL BE REFUNDED SHOULD THE RECONSIDERATION REQUESTOR PREVAIL.** (Pursuant to Section 2.09.020 of the TMC, fees for reconsideration shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

### **APPEAL TO THE HEARING EXAMINER:**

Any decision of the Director may be appealed by any aggrieved person or entity as defined in Section 13.05.050 of the TMC, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Director's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

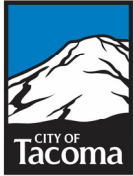
An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee of **\$1,200.00**. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee has been received. **THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.** (Pursuant to Section 2.09.020 of the TMC, fees for appeals shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

The Notice of Appeal must be submitted in writing by e-mail to [sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org) and [hearing.examiner@cityoftacoma.org](mailto:hearing.examiner@cityoftacoma.org). The Notice of Appeal shall contain the following:

1. A brief statement showing how the appellant is aggrieved or adversely affected.
2. A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
3. The requested relief, such as reversal or modification of the decision.
4. The signature, mailing address and telephone number of the appellant and any representative of the appellant.

"The Rules of Procedures for Hearings" may be viewed at:

[https://cms.cityoftacoma.org/hex/HEX\\_RULES\\_of\\_PROCEDURES\\_Adopted\\_11.20.19.pdf](https://cms.cityoftacoma.org/hex/HEX_RULES_of_PROCEDURES_Adopted_11.20.19.pdf)



City of Tacoma  
Planning and Development Services

## Mitigated Determination of Nonsignificance (MDNS)

File Number: LU21-0125

**To:** All Departments and Agencies with Jurisdiction

**Subject:** Mitigated Determination of Nonsignificance

In accordance with Washington Administrative Code (WAC) 197-11-350, a copy of the Mitigated Determination of Nonsignificance (MDNS) for the project described below is transmitted.

**Applicant:** **Barghausen Consulting Engineers on behalf of Bridge Industrial**

**Proposal:** Development of an approximately 150-acre site with a multi-building industrial development (about 2.5 million square feet) and associated site work to include parking for approximately 1,242 vehicles, fill and grade amounts of approximately one million cubic yards, and modification of a critical area buffer and stream. The site is zoned M2 – Heavy Industrial, STGPD South Tacoma Groundwater Protection District, with an overlay of M/IC – Manufacturing Industrial Center.

**Location:** The primary address is 5024 South Madison, Tacoma, WA  
**Parcels:** 022024-1001

022013-1131, 1132, 4004, 4800, 4011  
278301-0090, 0100, 0110, 0120  
374000-0086, 10140, 0181  
573500-0070, 0110, 0120, 0130, 0140

**Lead Agency:** City of Tacoma

**City Contact:** Shirley Schultz, AICP  
Principal Planner  
Planning and Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402  
253.345.0879 | [sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org)

The Responsible Official for the City of Tacoma hereby makes the following findings and conclusions based upon a review of the environmental checklist and attachments, other information on file with the City of Tacoma, and the policies, plans, and regulations designated by the City of Tacoma as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) pursuant to RCW 43.21C.

## **Findings of Fact:**

### **General:**

1. The applicant proposes development of an approximately 150-acre site with a multi-building industrial development (about 2.5 million square feet) and associated site work to include parking for approximately 1,242 vehicles, fill and grade amounts of approximately one million cubic yards, and modification of a critical area buffer and stream. The development is speculative; no specific tenants have been identified by the applicant.
2. The site is zoned M2 – Heavy Industrial District, with the development standards and uses set forth in Tacoma Municipal Code (TMC) 13.06.060. Further, the site is within two separate overlay districts. The STGPD South Tacoma Groundwater Protection District is addressed in TMC 13.06.070.D, and the M/IC – Manufacturing Industrial Center is addressed in TMC 13.06.070.B.

The site is located within the South Tacoma Neighborhood, toward the south end of the Nalley Valley, in an area of historic industrial use. The site is currently vacant and mostly surrounded by industrial and intensive commercial uses. There is an area of residentially-zoned property abutting the northwest portion of the site. The nearest residential parcels are approximately 250 feet away from the development area; there are a substantial number of residences within one-fourth mile of the site, both in the Oakland-Madrona Neighborhood and the Tacoma Mall Neighborhood.

The census tract where the site is located, as well as the neighboring census tracts, are considered areas of “low” to “very low” opportunity per the City’s Equity Index<sup>1</sup>, which analyzes data across five measures: livability, accessibility, economy, education, and environmental health. Further, South Tacoma (based on zip code) is a Community of Focus for the Tacoma-Pierce County Health Department, based on health indicators such as reduced life expectancy, chronic health conditions and other indicators of poor health<sup>2</sup>.

3. An environmental review is required for the proposal in accordance with SEPA, RCW 43.21C, WAC 197-11, and TMC 13.12 Environmental Code.
4. The following materials constitute the record for this MDNS and are included as attachments or exhibits as noted.

#### Attachments:

- A. SEPA Checklist: Barghausen Consulting Engineers, 2022-08-09
- B. Architectural Site Plan: Synthesis PLLC, 2022-08-09

#### Exhibits:

- A. Accela Application Information: Barghausen Consulting Engineers, May 28, 2021
- B. Building Elevations: Synthesis PLLC, December 9, 2021
- C. Inadvertent Discovery Plan: Barghausen Consulting Engineers, December 10, 2021
- D. Bridge Point Tacoma, Updated Transportation Impact Analysis, December 10, 2021, TENW
- E. Joint Aquatic Resources Permit Application: Soundview Consultants, February, 2022
- F. Biological Evaluation, May 2021, Soundview Consultants
- G. Geotechnical Report: Terra Associates, Inc., March 20, 2022
- H. Amendment to operations and Maintenance Plan south Tacoma Field Site, soil Management Plan for Property Development, March 24, 2022, TRC

---

<sup>1</sup> <https://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=175030>

<sup>2</sup> <https://www.tpchd.org/healthy-people/health-equity/communities-of-focus>



- I. Site Noise Study: SSA Acoustics, 2022-05-23
  - J. Air Quality Study Addendum: TRC, 2022-05-24
  - K. Air Quality Study: TRC, 2022-07-15
  - L. Stormwater Retention Facilities (Infiltration/ Mounding) Report: Terra Associates, Inc., August 3, 2022
  - M. Tree Retention Plan, August 5, 2022, Soundview Consultants
  - N. Stormwater Site Plan: Barghausen Consulting Engineers, August 9, 2022
  - O. Preliminary Floodplain Study: West Consultants, August 9, 2022
  - P. Photometric Site Calculations: TLG, August 18, 2022
  - Q. Wetland Delineation Report, Part 2, BNSF Property, July 17, 2007, Barghausen Consulting Engineers
  - R. Critical Areas Mitigation BQW: Soundview Consultants, November 16, 2022
  - S. Wetland and Fish and Wildlife Habitat Assessment Report, BNSF Report, Revised November 2022, Soundview Consultants
  - T. Mitigation Plan, BNSF Tacoma, Revised November 2022, Soundview Consultants
  - U. Technical Memorandum, November 29, 2022, Soundview Consultants
  - V. Response to EPA Air Quality Comments: McCullough Hill Leary, November 30, 2022
  - W. FEMA Site Plan Exhibit: Barghausen Consulting Engineers, December 12, 2022
  - X. Civil Engineering Plans: Barghausen Consulting Engineers, December 2, 2022
  - Y. Fourth Submittal Comment Response Letter: Barghausen Consulting Engineers, December 2, 2022
  - Z. City of Tacoma Staff Subject Matter Expert Comments
  - AA. Agency Comments
  - BB. Public comments
  - CC. Distribution List
5. Public notice of the proposal was distributed on February 8, 2022. A public information meeting regarding the proposal, per TMC 13.05.070.I, was held March 21, 2022. The public comment period closed April 21, 2022. Hundreds of public comments were received (see Exhibit BB). To the extent applicable, response to comments is included in this MDNS; additional responses are included as a separate memorandum (Exhibit Z).
  6. Comments were received from multiple reviewing staff, agencies with jurisdiction, and agencies with expertise. See Exhibits Z-AA. Responses to agency comments are incorporated herein.

**Earth:**

7. The project proposes to comply with all regulations, including the International Building Code (IBC) Appendix J (Grading) as adopted and amended by the City of Tacoma, as well as TMC Chapter 13.06 Zoning and Title 11 Critical Areas Ordinance. Fill and grade quantities may approach one million cubic yards, with any imported fill coming from an approved source. To the extent possible, earthwork will be balanced on the site.
8. A geotechnical assessment, prepared by Terra Associates and dated May 2021, was submitted to and reviewed by Planning and Development Services (PDS) in association with this project. The results of the review confirmed the absence of any geologically hazardous areas on the project site as defined and regulated by TMC Chapter 11 Critical Areas Ordinance. The development site is relatively flat, with steeper slopes defining the Habitat Area on the west of the site.
9. All construction on the site will utilize best management practices (BMPs) to manage dust emissions.

10. Soil contamination issues are addressed in the Environmental Health subsection of this document.

**Air:**

11. Air (and air quality) affects both natural resources and human health. Air quality is impacted by criteria pollutants (e.g. particulate matter) and greenhouse gases (e.g., carbon dioxide)<sup>3</sup>. The primary sources of air pollution from the proposal will include dust emissions during construction, particulate matter from vehicle traffic, and greenhouse gas emissions (direct or indirect) from energy use at the site. Emissions from individual tenant operations are not known at this time and would be reviewed with further development permitting.
12. Comments related to Air Quality and Environmental Justice were received from the Environmental Protection Agency (EPA), Tacoma-Pierce County Health Department (TPCHD) and Washington State Department of Health (DOH). See Exhibit AA.
13. The applicant has provided an Air Quality Study and Construction Addendum, prepared by TRC Companies, Inc. The studies are dated May and July, 2022.
14. Construction: Watering of exposed soil during construction to suppress dust will ensure that no impacts to ambient air quality will result from the project. Construction will be monitored for fugitive dust emissions.
15. Operation: Vehicle emissions were analyzed by the applicant (see Exhibits J-K) for impacts to the surrounding area, based on assumptions about diesel vehicles and routes of travel, both for the construction and operations phases of the project. Modeling based on weather patterns for the area and assumed truck traffic showed that on-site Diesel Particulate Matter (DPM) impacts were greatest within a few hundred feet of the site, and at those locations the DPM is likely not to be significant if truck idling on site is minimized and circulation is designed for efficient movement of trucks. Emissions from vehicles off site was found to be insignificant in terms of established thresholds.
16. Despite the lack of identified probable significant impacts, the site is located within an area of human health concerns, which warrants further analysis. In addition, the speculative nature of the project means that ultimate users and improvements at the site have not yet been identified and additional review will be necessary at the time of permitting for individual tenant improvements. The City of Tacoma and the Puget Sound Clean Air Agency retain full authority under applicable regulations to review and mitigate proposed tenant improvements for emissions and odor impacts beyond those analyzed in this MDNS.
17. The Comprehensive Plan sets forth the following goals and policies related to air quality and climate resiliency:
  - GOAL DD-4 Enhance human and environmental health in neighborhood design and development. Seek to protect safety and livability, support local access to healthy food, limit negative impacts on water and air quality, reduce carbon emissions, encourage active and sustainable design, and integrate nature and the built environment.
  - GOAL DD-5 Ensure long-term resilience in the design of buildings, streets and open spaces, including the ability to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.
  - GOAL DD-7 Support sustainable and resource efficient development and redevelopment.

---

<sup>3</sup> See <https://www.epa.gov/environmental-topics/air-topics> for a description and discussion of these pollutants.

- GOAL EN–1 Ensure that Tacoma’s built and natural environments function in complementary ways and are resilient to climate change and natural hazards.
- Policy EN–1.11 Coordinate and partner with federal, state, regional and local governmental jurisdictions and the public to manage the City’s environmental assets.
- Policy EN–1.14 Continue to partner with other public and non-profit organizations to inform citizens of the stewardship needs of Tacoma’s environmental assets, and to develop, offer and support restoration training opportunities and practical information resources.
- Policy EN–1.17 Assess and periodically review the best available science for managing critical areas and natural resources and utilize the development of plans and regulations while also taking into consideration Tacoma’s obligation to meet urban-level densities under the Growth Management Act.
- Policy EN–1.27 Assess the risks and potential impacts on both City government operations and on the community due to climate change, with regard to social equity.
- GOAL EN–3 Ensure that all Tacomans have access to clean air and water, can experience nature in their daily lives and benefit from development that is designed to lessen the impacts of natural hazards and environmental contamination and degradation, now and in the future.
- Policy EN–3.2 Evaluate the potential adverse impacts of proposed development on Tacoma’s environmental assets, their functions and the ecosystem services they provide.
- Policy EN–3.3 Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for project impacts.
- GOAL EN–4 Achieve the greatest possible gain in environmental health City-wide over the next 25 years through proactive planning, investment and stewardship.
- Policy EN–4.7 Ensure that plans and investments are consistent with, and advance, efforts to improve air quality and reduce exposure to air toxics, criteria pollutants and urban heat island effects. Consider air quality related health impacts on all Tacomans.
- Policy EN–4.8 Achieve criteria air pollutant reductions in both municipal operations and the community.
- Policy EN–4.41 Support the reduction of Tacoma’s greenhouse gas emissions consistent with the City’s adopted targets.
- Policy EN–4.45 Encourage energy efficient buildings and installation of renewable energy sources and technologies.

18. The City’s 2030 Climate Action Plan<sup>4</sup> notes that heating and cooling buildings accounts for approximately one-fifth of the City’s overall greenhouse gas emissions and states as a goal to reduce the use of natural gas in heating buildings.

**Water:**

19. The project will meet all requirements of the current and any future revisions to the Stormwater Management Manual (SWMM), the Critical Areas Ordinance and other City regulatory requirements related to stormwater. Compliance with these regulations will ensure that runoff from the proposed development will not adversely impact groundwater, aquifer, or wetlands.

20. The applicant has provided a Geotechnical Report, Hydrogeological study, Stormwater Retention analysis, Stormwater Site Plan, Floodplain Study, and Mounding Study to assess

---

<sup>4</sup><https://www.cityoftacoma.org/cms/one.aspx?pagelId=193914>

the groundwater and stormwater at the site. The studies have been reviewed by the City of Tacoma engineers for Site Development and conditions/comments have been provided. See Exhibit Z for comments and conditions from Trevor Perkins, PE, Site Development reviewer.

21. The site is located within the South Tacoma Groundwater Protection District (STGPD). All stormwater on the site will be captured and treated prior to infiltration or discharge to the stream/wetland system. Work on the site will be subject to both City of Tacoma Surface Water Management, SWMM, and TPCHD permitting. Of note, the project is subject to specific infiltration controls, including enhanced treatment of stormwater and continuous monitoring of the site<sup>5</sup>.
22. The STGPD is also a portion of the City’s aquifer recharge area. Review by the Tacoma Water Division of Tacoma Public Utilities indicates no probable adverse impacts from the proposal related to water supply or water quality, provided surface water regulations are complied with. See Exhibits L, N, X, and Y.
23. The project will meet all flood hazard requirements of TMC 13.11 and Sections 2.12.040 and 2.12.050.
24. The site contains wetlands and streams. The proposal is therefore subject to TMC 13.11 Critical Areas Protection Ordinance.

Wetland/ Stream	Size/Length (approx.)	Category / Type	Buffer
Wetland A	30,080 s.f.	III	75 ft
Wetland B	123,270 s.f.	II	150 ft
Wetland C	28,380 s.f.	III	75 ft
Wetland D	2,500 s.f.	III	75 ft
Stream Z	6,360 l.f.	Ns2	25 ft

25. A Wetland and Fish and Wildlife Habitat Assessment Report, prepared by Soundview Consultants and dated November 2022, was submitted to and reviewed by PDS in association with this project (Exhibit S).
26. Pursuant to TMC 13.11 AND 13.12, the applicant is required to obtain a Wetland Development Permit prior to any site development occurring on the site. All development occurring on the site must comply with TMC 13.11 and 13.12 and with the terms of the Wetland Development Permit as applicable. Compliance with the Wetland Development Permit approval will adequately mitigate for any significant adverse environmental impacts to the wetlands. Of note, the compliance with the permit includes:
  - Preservation and protection of the critical area in perpetuity;
  - Mitigation, monitoring, and maintenance of the critical area and restoration areas, with sureties (bonds);
  - Removal of invasive vegetation;
  - Retention and protection of mature Garry Oak trees internal to the development site (i.e., outside the critical area) with replacement at 3:1 ratio if removed;
  - Employing management practices during construction; and

<sup>5</sup> See the general requirements for infiltration at <https://www.tpchd.org/home/showpublisheddocument/886/636427358251970000>.

- Securing all other required permits from Department of Fish and Wildlife and US Army Corps of Engineers, if applicable.

See the associated Critical Areas Development Permit under LU21-0125 for full conditions.

**Plants:**

27. The Critical Areas Protection Ordinance requires preservation, enhancement, and protection of both critical areas and their buffers on the site. In addition, certain species of trees are protected by the Critical Areas Protection Ordinance. Compliance with the Ordinance and the requirements of the associated development permit will require removal of invasive species and planting of native species appropriate for critical areas. A planting plan is provided in Exhibit T.
28. The proposed project will meet TMC 13.06.090.B Landscaping/Buffering Standards. The landscaping standards are applicable to all areas outside the critical areas and their buffers and require a minimum of five percent of the area parking areas be landscaped. Street trees are required along all pedestrian walkways and along all improved streets (private or public).
29. The site is located within the South Tacoma area, where tree canopy coverage and vegetation is lower than most other areas in the city<sup>6</sup>. A 2017 inventory showed tree canopy coverage in this census tract as approximately nine percent. This is far below the adopted policy goal of 30 percent tree canopy coverage, even when considering that the tract is largely industrial and commercial in nature with low planting opportunity.
30. The proposal was reviewed by the City’s Urban Forester, Mike Carey, and comments from Mr. Carey are included in Exhibit Z.
31. One Tacoma, the City’s Comprehensive Plan, states the following regarding vegetation and tree canopy:
  - Goal EN–4 Achieve the greatest possible gain in environmental health City-wide over the next 25 years through proactive planning, investment and stewardship.
  - Policy EN–4.2 Encourage landscaping designed to complement local wildlife and native or climate adapted vegetation and help offset the loss of wildlife habitat areas resulting from past development practices.
  - Policy EN–1.23 Assess and reassess Tacoma’s tree canopy coverage on a regular basis so as to be able to track the potential implications on environmental health and inform future policies and practices with regard to preservation and targeted tree planting efforts.
  - Policy EN–1.24 Develop environmental protection plans, programs and regulations that focus on high value natural resources and the types of protections to be applied, based on best available science, and on an evaluation of allowing conflicting uses.
  - Policy EN–4.29 Ensure that plans and investments are consistent with and advance efforts to improve the quantity, quality and equitable distribution of Tacoma’s urban forest:
    - a. Strive to achieve a citywide tree canopy cover of 30 percent by the year 2030 (“30-by-30”)
    - b. Require or encourage the preservation of large healthy trees, native trees and vegetation, tree groves and forested areas as an element of discretionary land use reviews

---

<sup>6</sup> For more information about tree canopy, with links to how this affects opportunities and equity, see the Urban Forestry web page at <https://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=35885>.

- c. Coordinate plans and investments with efforts to improve tree species diversity and age diversity
- d. Invest in tree planting and maintenance, especially in low canopy areas, neighborhoods with underserved or under-represented communities and within and near Open Space Corridors
- e. Promote the restoration of native trees and vegetation in Open Space Corridors, buffers and shorelines
- f. Encourage planting of native or climate adapted trees and vegetation generally, especially in Open Space Corridors
- g. Identify priority areas for tree preservation and planting in the development of subarea, neighborhood and watershed plans
- Policy EN-4.38 Encourage the selection of project, location and site condition appropriate species as well as a diverse set of plant species, especially those that support wildlife habitat.

**Animals:**

- 32. The applicant has provided a biological evaluation (Exhibit F) which demonstrates that no state or federal candidate, threatened or endangered plant or animal species, or habitat has been identified on the project site.
- 33. Restoration, enhancement, and protection of the critical area and buffer will provide additional habitat for migratory birds and other urban wildlife species.

**Energy and Natural Resources:**

- 34. The proposed project will comply with the City’s Energy Code. Because the tenants are unknown at this time, all buildings will have both natural gas and electric service, and will be designed to be solar-ready for rooftop installation. The development will include parking for electric vehicles, with the ability to expand EV infrastructure for electrified fleets, depending on tenants. The Air section of this Determination discusses building heating in more depth as it relates to climate change and climate resiliency.

**Environmental Health:**

- 35. The TPCD, Ecology and the EPA have been provided information regarding contaminant levels on the site.
- 36. The site is located in the South Tacoma Field Site (STF) portion of the former Commencement Bay/South Tacoma Channel Superfund site<sup>7</sup>. The site has undergone extensive investigation and remediation activities since the 1990s and has been de-listed as an active Superfund site. The site is subject to a consent decree and institutional controls which control both uses and development activities at the site. Per EPA requirements, the applicant has prepared a Soil Management Plan (Exhibit H) regarding the handling and management of soils during development. The EPA has approved the Soil Management Plan. All soil handling and management during redevelopment will be evaluated by the EPA to ensure that the final conditions of the site as or more protective of human health and the environment than current conditions. All contaminated soils will be consolidated and capped under an impermeable cover, which will be substantially more protective of human health and the environment than the current cap and containment system. The plan for the updated cap and containment system has been reviewed and approved by the EPA.

---

<sup>7</sup><https://cumulis.epa.gov/supercpad/cursites/csinfo.cfm?id=1000979>

37. The City's Comprehensive Plan provides the following policy guidance relative to environmental health:

- Policy EN-1.14 Continue to partner with other public and non-profit organizations to inform citizens of the stewardship needs of Tacoma's environmental assets, and to develop, offer and support restoration training opportunities and practical information resources.
- Policy EN-1.21 Encourage the identification and characterization of all contaminated sites which adversely affect the City's shoreline areas, surface waters, groundwater and soils.
- Goal EN-3 Ensure that all Tacomans have access to clean air and water, can experience nature in their daily lives and benefit from development that is designed to lessen the impacts of natural hazards and environmental contamination and degradation, now and in the future.

**Land Use:**

38. The project is a permitted use within the M2-STGPD-M/IC District and will not require a discretionary land use permit. The proposal does, however, impact an identified Critical Area per TMC 13.11 and will require review for compliance with the Critical Areas Protection Ordinance, including mitigation and restoration of the site.

39. The Comprehensive Plan Future Land Use designation for the site is heavy industrial. Per the Comprehensive Plan, "this designation is characterized by higher levels of noise and odors, large-scale production, large buildings and sites, extended operating hours, and heavy truck traffic. This designation requires access to major transportation corridors, often including heavy haul truck routes and rail facilities. Commercial and institutional uses are limited and residential uses are generally prohibited."

Further, the site is located in the South Tacoma Manufacturing/Industrial Area, which are "intended to be well-served by major transportation facilities including rail, interstate and transit systems. Many of the industrial uses are land intensive in nature. To preserve land at these centers, large retail, residential or nonrelated office uses are discouraged."

40. The Army Corps of Engineers, Ecology, the Washington State Department of Fish and Wildlife Service, and Natural Resources have limited jurisdiction and require permits for some types of activities when occurring within the waters of the state. It is the sole responsibility of the applicant to secure all permits required for this project.

**Housing:**

41. The project will provide no units of housing. No adverse impacts to the provision of or availability of housing will result from the proposal.

42. Per the Institutional Controls and Environmental Covenants from the EPA South Tacoma Fields site, the area may not be redeveloped for residential use.

**Aesthetics:**

43. The proposed project will meet TMC 13.06.100 Building Design Standards, TMC 13.06.090.B Landscaping/Buffering Standards, and TMC 13.06.090.J Residential Compatibility Standards as applicable in the M-2 zoning district.

44. The project site is primarily surrounded by industrial development and infrastructure (railroad, arterial streets) that separates it from commercial and residential uses. The site abuts residential property on its northwest boundaries, with the proposed buildings being

located approximately 150 feet from the closest residential parcel. Topography and the intervening critical area landscaping will further buffer the residential uses. That being said, the site will be visible from some of the surrounding properties. Views are expected to be mostly parking areas and rooftops of the buildings.

45. The Comprehensive Plan contains the following policies pertaining to views:

- Policy Design Guidelines – Site Layout – Compatibility of the proposed uses with the character and scale of nearby residential single-family areas is important. Buildings designed with a sense of height and bulk not substantially different from that of nearby one-family dwellings should be located on the perimeter and near adjacent single-family areas.

#### **Light and Glare:**

46. The applicant has provided a lighting study for the building shells, showing the expected lighting impacts on the critical area and nearby residential uses. Most lighting will be screened by topography and vegetation. In addition, all lighting will be directed downward and away from both critical areas and residential areas. All residential transition standards of the TMC will be met.

#### **Recreation:**

47. The project will not be developed on property designated as open space or public recreation area. More than 20 acres of open space, as biodiversity area and wetland, will be preserved and enhanced as part of the proposal.

48. The project will provide a multi-use path through the site, providing a pedestrian/bike connection to the west of the railroad tracks. Pedestrian connections at South 50<sup>th</sup> and South 56<sup>th</sup> Streets will increase access to other infrastructure and to South Park to the east. No adverse impacts to recreation will result from the proposal.

#### **Historical and cultural preservation:**

49. The project is not located within or adjacent to any property listed on the Tacoma, Washington State or National Registers of Historic Places, and is not within proximity to any known archaeological site or archaeological site that is inventoried by the State of Washington Department of Archaeology and Historic Preservation. Additional review of impacts to cultural resources may be required for projects under the jurisdiction of federal agencies under Section 106 of the National Historic Preservation Act (36 CFR 800).

50. While it is unlikely that historic or archaeological resources will be encountered, historic sites may be exposed when the project is undertaken. An Unanticipated Discovery Plan will be provided to all contractors and included in all permits. Should there be unanticipated discovery of an archaeological find during construction the Unanticipated Discovery Plan shall be implemented immediately. Further, additional review of impacts to cultural resources may be required for projects under the jurisdiction of federal agencies under Section 106 of the National Historic Preservation Act (36 CFR 800).

#### **Transportation:**

51. The project will comply with TMC 13.06.090.C Off-street parking and storage areas.

52. A traffic impact analysis (TIA) for the project was prepared by Traffic Engineering Northwest (TENW) dated December, 2021 (Exhibit D). The TIA projects significant volumes of new traffic to be generated at the site when it is fully occupied. This new traffic includes 4,980 additional daily vehicle trips of which 1,411 are estimated to be truck trips.



The applicant notes that primary vehicle access to/from the site would be from a new connection to South 35th Street, leading to Union Avenue and then to State Route 16. Additional access would be provided via improved roadways at South Madison and South Burlington Streets. Finally, an improved vehicle and pedestrian crossing at South 50<sup>th</sup> Street provides access to South Tacoma Way.

The traffic analysis bases trip generation estimates on the trip generation manual for an industrial park use. Because the proposed development is speculative, this use was chosen as a conservative estimate over “warehousing”, with the acknowledgement that higher-generating uses may require further analysis on a tenant-by-tenant basis.

53. The traffic analysis has been submitted to and reviewed by the Public Works Engineering Division, which has deemed the analysis reasonable. Review indicates that the traffic volumes generated by the project may result in significant adverse impacts to the City’s street system. See Exhibit Z for comments and conditions.
54. The Comprehensive Plan contains the following policies pertaining to traffic and circulation:
  - Policy DD–1.8 Enhance the pedestrian experience throughout Tacoma, through public and private development that creates accessible and attractive places for all those who walk and/or use wheelchairs or other mobility devices.
  - Policy DD–4.5 Provide sufficient rights-of-way, street improvements, access control, circulation routes, off-street parking and safe bicycle paths and pedestrian walkway for residential developments.
  - GOAL – Multimodal System: Prioritize the movement of people and goods via modes that have the least environmental impact and greatest contribution to livability in order to build a balanced transportation network that provides mobility options, accessibility, and economic vitality for all across all neighborhoods.
  - Policy 2.3 Improve Safety: Strive to reduce traffic deaths and serious injuries in Tacoma to zero by 2030 as part of the State of Washington’s traffic safety efforts using education, enforcement, engineering, emergency medical services, and leadership / policy. Emphasize providing safety along routes used to access schools, including pursuing grants to fund improvements.
  - Policy 2.4 Promote Health: Improve the health of Tacoma’s residents and local ecology by implementing a transportation network that reduces auto mode share, increases the number of active travelers and transit riders of all ages and abilities, and improves safety in all neighborhoods. Work with the Tacoma-Pierce County Health Department and other agencies to promote active lifestyles through educational programs and safe and accessible routes for active travelers of all ages and abilities in all neighborhoods.
  - Policy 3.1 Complete Streets / Layered Network: Develop and maintain a safe, accessible, and clean transportation network that accommodates all users, whether moving by an active mode, transit, truck, or car, while recognizing that not all streets provide the same quality of travel experience. Apply the Layered Network adopted as a part of the Traffic Management Plan (TMP) in the planning and design for new construction, reconstruction, and major transportation improvement projects on all streets. The Layered Network and Complete Streets principles shall also be used to create over time a system of streets that meets user needs while recognizing the function and context of each street by evaluating potential transportation projects and amending or revising design manuals, regulations, standards, and programs as appropriate.

- Policy 3.2 Green Hierarchy: Elevate active travelers and public transit riders in the planning and design of streets using the Green Transportation Hierarchy.
- Policy 3.4 Level of Service Standards: The City will build the transportation system as defined in the TMP at a rate equal or ahead of the pace of development during the planning horizon and will also address existing deficiencies. This system completeness level of service standard is measured against the proportion of the transportation network that is constructed and will be accompanied by performance measures that track the transportation system's progress toward meeting the policy goals set forth in this document.
- Policy 3.5 Concurrency: Ensure that the transportation network adequately serves existing and projected land use growth allocations by performing periodic review and monitoring (every 2-4 years). If adequate service levels are not maintained, pursue improvements to the transportation systems, mitigations of impacts, or modifications to the land use assumptions, where appropriate.
- Policy 3.6 Street System Design: Facilitate transit and active transportation connections by encouraging street system design in a rectangular grid pattern with smaller block sizes, frequent interconnections, and clear wayfinding; strongly discourage cul-de-sacs or dead-end streets and only allow them in new locations if a short multi-use path will connect the dead end to another street.
- Policy 3.7 Special Needs of Transportation Users: Recognize and accommodate the special transportation needs of the elderly, children, and persons with disabilities in all aspects of transportation planning, programming, and implementation. Satisfy the community's desire for a high level of accommodation for persons with disabilities using local, state, or federal design standards.
- Policy 3.9 Pedestrian Facilities: Make all streets in Tacoma safe for walking and traveling with assistive devices using context sensitive designs for sidewalks, crosswalks, trails, and other pedestrian walkways or facilities. Pedestrian priority areas, transit corridors, recreational trails, streets experiencing frequent collisions involving pedestrians or other pedestrian safety problems, and streets connecting pedestrian-oriented land uses shall receive high quality pedestrian facilities and amenities that meet standards set by the United States Access Board as funding is available.
- Policy 3.10 Bicycle Facilities: Complete and maintain a safe bicycling system that connects all parts of Tacoma and accommodates all types of bicyclists. Achieve the highest-level Bicycle Friendly Community status as designated by the League of American Bicyclists, or an equivalent designation.
- Policy 3.15 Intermodal Conflict: Address infrastructure gaps, inadequate design, safety hazards, and at-grade railroad crossing conflicts to increase safety, capacity, and timeliness of both over-land and rail freight, especially on identified heavy haul corridors using appropriate programs, regulations, and design standards. Design active transportation facilities in manufacturing industrial centers in a manner that minimizes potential conflicts with trucks and trains to allow for the safe and efficient movement of both freight and people.
- Policy 3.16 Moving Freight: Strengthen Tacoma as a primary hub for regional, Alaskan, military, and international goods movement and as a gateway to national and international markets by integrating the development and operation of air, trucking, rail, and maritime terminal facilities to enhance the freight transportation

system and strengthen the City's economic base. Consider the needs for delivery and collection of goods at local businesses by truck.

- Policy 3.18 Roadway Capacity: Support multimodal mobility by assessing roadway capacity on the basis of a facility's total people-carrying capacity and only increasing physical capacity when absolutely needed.

**Public Services/Public Utilities:**

55. Project concurrency certification or an appropriate mitigation will be completed at the building permit review stage.
56. The project will comply with emergency vehicle circulation requirements.
57. Fire protection must be provided in accordance with the requirements of TMC 3.02 Fire Code.

**CONCLUSION OF THE RESPONSIBLE OFFICIAL:**

Existing regulations contained within the TMC address many of the potential environmental impacts associated with this project. These are noted on the environmental checklist for the project and in the MDNS. Potential environmental impacts identified during the project review that are not fully addressed by these or other existing regulations may be subject to mitigation through the adoption of additional conditions based upon the project's consistency with applicable policy guidance set forth in the City's Comprehensive Plan. Based upon the policies set forth in the Findings of Fact above, additional mitigating measures are necessary to address potential impacts associated with the proposal.

**Mitigation Measures:**

The following mitigation measures are required by the City and outside regulatory agencies to address and mitigate for the potential impact created by the proposed project.

**1. Air Quality and Greenhouse Gases**

The following mitigation measures are intended to address concerns about human and environmental health related to air quality and greenhouse gases as discussed in the City of Tacoma Comprehensive Plan, the City's Equity Index, and the 2030 Climate Action Plan.

- a. Construction equipment shall meet Tier 4 standards for fuel efficiency and emissions, unless it can be demonstrated that such equipment is not reasonably available or that exigent circumstances require use of other equipment.
- b. The applicant shall meet or exceed all best practices for fugitive dust emissions as provided in the applicant's soil management report. Any soil loads removed from the site shall be covered. All grading/filling activity shall maintain soils on site – watering soils, or halting work during windy/dry weather.
- c. The site shall have signage and tenant agreements implementing a strict no-idling policy for all vehicles on site.
- d. Current permits and this environmental review do not vest the site/buildings to gas heat. Any new service shall be considered under the codes in place at that time, including a requirement for electric heat, if applicable.

**2. Urban Forestry / Vegetation:**

The following mitigation measures are in addition to all conditional requirements of the Critical Area Development Permit. The intent of the mitigation is to address air quality and aesthetic concerns, as well as to meet the City's Environmental Goals for tree canopy.

Further, adding plantings will begin to address the disparities in health and economic outcomes for this part of Tacoma.

- a. The development area (all portions of the site outside identified critical areas and buffers) shall achieve 30 percent tree canopy coverage as calculated by estimated mature canopy size per the City of Tacoma Urban Forest Manual and TMC 13.06.090.B.3.d. The project will comply with landscaping and parking requirements established by Code.
- b. If 30 percent cannot be met as part of the final landscape plan approval, then the final landscape plan will identify the deficient canopy area and the equivalent number of large trees needed to provide an equivalent amount of canopy area. Before issuance of any certificate of occupancy for the proposal, the Applicant shall provide the money necessary to fund tree planting at a cost of \$750 per tree. This amount (\$750 multiplied by the number of large trees needed to provide the deficient canopy area) shall be provided to one of, or allocated among, the following organizations: Tacoma Urban Forestry program, Metro Parks Tacoma, or Tacoma Tree Foundation, for tree planting within half mile of the site.
- c. The applicant shall exceed the code requirement for native species that is set forth in the TMC. A minimum of 25 percent of species shall be native plants, site wide, with native species concentrated to the western side of the site. Where there is sufficient growing space, Garry Oaks are encouraged.
- d. All trees shall be the minimum size at planting – two inch caliper for deciduous trees and a minimum of six feet tall for evergreens.
- e. Development site landscaping shall be added to the monitoring contract for the vegetation at the wetland/critical area. A separate, concurrent report shall be filed annually with the City, for three years after the signing of the monitoring contract, containing an inventory of plants required by the landscaping plan and indicating whether any have been removed or are not viable due to damage or disease. Any plants that have been removed or rendered non-viable shall be replaced.

### **3. Environmental Health**

- a. Prior to final inspection of any Site Development Permit, and prior to Certificate of Occupancy on any building, the applicant shall provide confirmation from the EPA regarding the applicant's compliance with the Soil Management Plan for all of (or the relevant portion of, in the case of phasing) the site.
- b. All tenant improvements (e.g. for mechanical equipment) will be reviewed for potential noise generation and impacts pursuant to the requirements of the tenant improvement permitting process and other Code regulations as applicable.

### **4. Traffic Conditions – Monitoring:**

The trip generation estimates documented in the TIA are based on the ITE *Trip Generation* manual for an "Industrial Park" land use code 130. Because the development does not have specific identified tenant(s), this land use type was chosen as a conservative estimate over general "warehousing" with the acknowledgement that higher traffic-generating uses may require further traffic analysis. The following conditions are necessary to ensure that mitigation is appropriate for traffic impacts that are realized once the building areas are occupied.

- a. Traffic Monitoring based on Land Use Types

- 1) At approximately 1.2 million square feet (50 percent) occupancy of the total site building area, the following shall be required:
    - i. Applicant or property owner shall supply to City of Tacoma Public Works Department a comprehensive list of building tenants and land use types.
    - ii. If City and applicant or property owner determine that building tenants are consistent with the description of land use types identified in the “Industrial Park” land use category (per ITE *Trip Generation Manual*), or are one of the following land uses that generate a lower rate of trip generation than Industrial Park, then no further action shall be required:
      - High-Cube Cold Storage Warehouse
      - High-Cube Transload/Short-Term Storage Warehouse
      - High-Cube Fulfillment Center (non-sort)
    - iii. If City and applicant or property owner determine that one or more building tenants are consistent with the ITE description of the following land uses, then a trip generation study (defined in *section B* below) shall be completed:
      - High-Cube Parcel Hub
      - High-Cube Fulfillment Center (sort)
  - 2) The same requirements in item 1) above shall be required at the following additional occupancy timelines:
    - i. Approximately 75 percent occupancy of total site building area (approximately 1.8 million square feet).
    - ii. 100 percent occupancy of total site building area.
- b. Trip Generation Study
- 1) Per *section a.1)iii.* above, if a trip generation study is required, then the following steps shall be completed.
  - 2) Weekday daily and PM peak period (from 4:00 to 6:00 PM) traffic volumes entering and exiting the site will be collected over three consecutive weekdays for the first two weeks of two consecutive months.
  - 3) The traffic volumes collected for the 12 full weekdays will be summarized to establish an average daily and average weekday PM peak hour trip rate per 1,000 square feet of occupied building area.
  - 4) The resulting average weekday daily and PM peak hour site-generated traffic volumes will be calculated and compared to the weekday daily and PM peak hour trip generation analyzed in the TIA (4,980 weekday daily and 842 PM peak hour trips).
    - i. If site-generated weekday daily and PM peak hour traffic volumes are less than analyzed in the TIA, then no further action shall be required.
    - ii. If site-generated weekday daily or PM peak hour traffic volumes are greater than analyzed in the TIA, then the following shall occur:
      1. The applicant or property owner shall be given a three-month period to work with tenant(s) to reduce vehicular site-generated trips during the weekday daily and/or PM peak hour.
      2. A new trip generation study as outlined in *section b.2) through 4)* above shall be conducted at the end of the three-month period.
        - a. If site-generated weekday daily and/or PM peak hour traffic volumes are less than analyzed in the TIA, then no further action shall be required.
        - b. If site-generated weekday daily and/or PM peak hour traffic volumes are greater than analyzed in the TIA, then additional traffic analysis per *section C* (Additional Traffic Analysis) shall be required.

- c. Additional Traffic Analysis
  - i. Per *section b.4)ii.2.b* above, if additional traffic analysis is required, then the following shall be completed:
    - 1. The applicant or property owner shall work with the City of Tacoma Public Works Department to establish a scope of work for the additional traffic analysis. The scope of work may include weekday PM peak hour level of service analysis at some or all of the 11 signalized study intersections evaluated in the TIA.
    - 2. If the additional traffic analysis shows that any of the 11 signalized study intersections are operating at LOS F during the weekday PM peak hour, then additional intersection mitigation to improve the LOS F to LOS E may be required.

#### **5. Traffic Conditions - Intersection Modifications and New Signals:**

When fully occupied, the TIA estimates that the site will generate up to 4,980 new weekday daily vehicle trips and 842 weekday PM peak hour trips of which 1,411 weekday daily trips and 99 weekday PM peak hour trips are estimated to be truck trips. The following conditions must be met prior to 100 percent occupancy of the site to ensure that intersections can continue to operate at acceptable levels of service for all modes under the projected traffic conditions.

- a. A new traffic signal shall be constructed to City of Tacoma standards at the intersection of the North Access Road and South 35th Street.
- b. A new traffic signal shall be constructed to City of Tacoma standards at the intersection of South 56th Street and South Madison Street.
- c. The intersection at South Union Ave and South 35th Street shall be modified to accommodate new traffic patterns. Modifications may include the following: relocation of signal poles and equipment, new push buttons, new signal heads, new timing, modification of curbing and sidewalk to accommodate turning movements by large trucks, and appropriate separation of pedestrian and bicycle traffic from turning traffic to enhance the safety of vulnerable road users. Additional modifications not listed may be required as necessary to ensure design standards are met for safe traffic operations at the intersection.
- d. The intersection at South Tacoma Way and South 35th Street shall be modified to accommodate new traffic patterns. Modifications may include relocation of signal poles and equipment, new push buttons, modification of curbing and sidewalk to accommodate large truck turning movements, and appropriate separation of pedestrian and bicycle traffic from turning traffic to enhance the safety of vulnerable road users. Additional modifications not listed may be required as necessary to ensure design standards are met for safe traffic operations at the intersection.
- e. The traffic signals at South 35th Street and South Union Avenue, North Access Road, and South Tacoma Way shall have interconnection installed with each other and with the South 35th Street railroad crossing signal. Rail pre-emption shall be included where necessary.

#### **6. Traffic Conditions – Street Connections and Sections:**

When fully occupied, the TIA estimates that the site will generate up to 4,980 new weekday daily vehicle trips and 842 weekday PM peak hour trips of which 1,411 weekday daily trips and 99 weekday PM peak hour trips are estimated to be truck trips. The following conditions

must be met prior to 100 percent occupancy of the site to ensure that vulnerable road users are appropriately separated from heavy vehicle traffic, that the site is accessible to people using all modes of transportation, and that connectivity is maintained in the public street network.

- a. Bicycle lanes shall be striped on both sides of South 35th Street between South Union Avenue and South Tacoma Way. This re-striping shall include all necessary improvements to establish bike lanes to City of Tacoma standards. Improvements may include, but shall not be limited to the following: stripping, signs, replacement of catch basin grates, or removal of on-street parking (i.e. curb to curb width to remain unchanged).
- b. South Madison Street shall be improved along the site frontage and beyond the site to South 56th Street to match the existing width at the intersection of South Madison Street and South 56th Street to accommodate turn lanes. North of the turn lanes the road width shall generally be 32 feet wide from flow line to flow line, with some narrowing for constrained right-of-way. Sidewalk shall be constructed on one side of the proposed right-of-way improvements and must be extended from the site frontage (public-private transition) to the existing sidewalk on South 56th Street.
- c. In accordance with TMP Policy 3.6 and RW Design Manual Ch4-6.1, a public right-of-way shall be dedicated, and a new public segment of South 48th Street must be constructed, to connect South Madison Street and South Burlington Way. This connection must be consistent with all standards for public streets in the City of Tacoma Right-of-Way Design Manual and the City of Tacoma Standard Plans.
- d. In accordance with the North Access Road Agreement, the North Access Road is to be a public right-of-way. The City of Tacoma Right-of-Way Design Manual Chapter 4-6.9 does not allow dead end streets longer than 500 feet in length. To avoid a public dead-end street, and for consistency with TMP Policy 3.6 and RW Design Manual Ch4-6.1, a public right-of-way must be dedicated and a new continuous public street must be constructed from South 35th Street to the future intersection of South 48th Street and South Burlington Way. This will require additional right-of-way dedication south of the Tacoma Public Utilities property covered by the North Access Road Agreement. This condition may be waived by the City Engineer if the North Access Road Agreement is modified to allow a private road, or if an acceptable alternative design is developed to serve public access.
- e. Sidewalk shall be constructed on the east side of South Burlington Way from South 56th Street to the existing sidewalk to the north. This connection will complete the pedestrian access route between the site and the Sound Transit Sounder Commuter Rail station.
- f. Sidewalk shall be constructed along the South 50th Street site frontage and crossing the rail tracks to connect to existing sidewalk on South 50th Street east of the tracks. This sidewalk connection shall only be required on the north side of South 50th Street. This connection will complete the pedestrian access route between the site and the nearest bus routes on South Tacoma Way.
- g. The site, all driveways, and all new private and public roads proposed as part of the project shall be designed to direct truck traffic to and from the North Access Road connection at South 35th Street and away from southern public street connections at South 56th Street and South 50th Street.
- h. The walkway along the North Access Road through the site shall remain open to the public during all open hours of the site.

**Issuance of MDNS:**

This MDNS is issued under WAC 197-11-350 (2) and WAC 197-11-355. The decision incorporates comments received during the Optional DNS notice period associated with the Critical Area Development Permit.

The City of Tacoma has determined that, if mitigated appropriately as described herein, this project does not have a probable significant adverse impact on the environment. The proposal will have no significant adverse environmental impacts to fish and wildlife, water, noise, transportation, air quality, environmental health, public services and utilities, or land and shoreline use. Therefore, an environmental impact statement is not required under RCW 43.21C.030(2). This decision was made after review of a completed environmental checklist and other information on file with the lead agency as noted in the Record.

As noted previously, the applicants have also filed for a Critical Area Development Permit as well as other development permits (Site Development, Work Order, and Building Permits). In order to receive approval of this permit the applicant will be required to demonstrate that the project will meet the applicable requirements of the TMC. If approved, the City’s decision regarding the requested Development Permits will include conditions of approval that address necessary utility upgrades, street and sidewalk improvements, street lighting, grading and erosion control measures, and stormwater controls.

You may appeal this final determination along with an appeal of the underlying Critical Area Permit. The Notice of Appeal must be submitted in writing by e-mail to [sschultz@cityoftacoma.org](mailto:sschultz@cityoftacoma.org) and [hearing.examiner@cityoftacoma.org](mailto:hearing.examiner@cityoftacoma.org); the contents of the appeal as outlined in TMC 13.05.100 and 13.12.820; and a \$1,200 filing fee, within 14 days after the issue date of this determination and the associated permit.

“The Rules of Procedures for Hearings” may be viewed at:  
[https://cms.cityoftacoma.org/hex/HEX\\_RULES\\_of\\_PROCEDURES\\_Adopted\\_11.20.19.pdf](https://cms.cityoftacoma.org/hex/HEX_RULES_of_PROCEDURES_Adopted_11.20.19.pdf)

Responsible Official: Peter Huffman

Position/Title: Director, Planning and Development Services

Signature:  \_\_\_\_\_

SEPA Officer Signature:  \_\_\_\_\_

Issue Date: April 21, 2023 \_\_\_\_\_

Last Day to Appeal: May 5, 2023 \_\_\_\_\_

**NOTE:** The issuance of this SEPA Determination does not constitute final project approval. The applicant must comply with all other applicable requirements of the City of Tacoma Departments and other agencies with jurisdiction prior to receiving construction permits.

cc: Applicant: Matt Gladney, Bridge Industrial  
Cheryl Ebsworth, Barghausen Consulting Engineers



Jon Pickett, Soundview Consultants LLC  
Additional recipients as noted in Exhibit CC