City of Tacoma
Planning and Development Services
Report and Decision

Mitigated Determination of Nonsignificance (MDNS)

SEPA File Number: LU25-0147
Related File Numbers: LU25-0146, SDEV25-0168, SDEV25-0059

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: Mercy Housing and Tacoma Community Redevelopment Authority

Proposal: SEPA for a mixed-use site with 80 affordable units, 60 parking stalls, and a 4,100 square-foot commercial space.

Location: 3561 Pacific Avenue, parcel number 7470021282

Lead Agency: City of Tacoma

City Contact: Robin Bolster-Grant
Land Use Division Manager
Planning and Development Services
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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 Revised Code of Washington (RCW) 43.21C.

Findings of Fact:

General:

1. SEPA for a mixed-use site with 80 affordable units, 60 parking stalls, and a 4,100 square-foot commercial space.

   An environmental review is required for the proposal in accordance with SEPA, RCW 43.21C, Washington Administrative Code (WAC) 197-11, and Tacoma Municipal Code (TMC) 13.12 Environmental Code. The 20-unit threshold for residential structure and the 40-parking stall threshold are being exceeded (WAC 197-11-800(1)(c)); hence the proposed 80-unit building and 60 parking stall site requires a SEPA determination.

Earth:

1. 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 19 Critical Areas Ordinance.
2. This project falls within a geologically hazardous area as defined and regulated by Chapter 19 Critical Areas Ordinance. It was therefore necessary for the applicant to complete a geotechnical report consistent with TMC Section 2.02.260 Excavation and Grading. A geotechnical report, prepared by Aspect and dated February 7, 2025, was submitted to and reviewed and approved by Planning and Development Services (PDS). PDS has determined that implementation of the conditions recommended in the report will adequately mitigate any potential significant adverse impacts associated with development in and adjacent to the geologically hazardous area.
3. Soil contamination issues associated with the Asarco Plume are addressed in the Environmental Health subsection of this document.

Air:

4. Watering all exposed soil during construction to suppress dust will ensure that no impacts to ambient air quality will result from the project.

Water:

5. The project will meet all requirements of the current and any future revisions to the Stormwater Management Manual, the Critical Areas Ordinance and other City regulatory requirements related to stormwater.
6. No regulated wetlands, streams, or associated buffers have been identified on the project site pursuant to TMC 13.11 AND 13.12 Critical Areas Ordinance.
7. The site is not located within a flood hazard and/or coastal high hazard area as regulated by TMC 13.11 AND 13.12.06.040.J and Sections 2.12.040 and 2.12.050.

Plants:

8. The proposed project will meet TMC 13.06.090.B Landscaping/Buffering Standards.

Animals:

9. No State or federal candidate, threatened or endangered plant or animal species, or habitat has been identified on the project site.

Energy and Natural Resources:

10. The proposed project will comply with the City's Energy Code.

Environmental Health:

11. The subject property is located above a portion of a former deeply incised ravine that was filled with various soil materials and construction debris from the 1960s through the 1990s. The depth of the fill material ranges from approximately 80 feet (ft) thick on the west side of the subject property to 120 ft thick on the eastern side of the subject property. Contamination related to the fill material has been identified in an area of the subject property known as the "contaminated fill area". In addition, organic debris within the landfill material is generating methane, and methane concentrations exceeding the lower explosive limit (five percent by volume) have been recorded at the subject property.

12. A Remedial Investigation/Feasibility Study and Cleanup Action Plan (CAP) was prepared by Aspect and dated June 19, 2025, regarding known contamination on the site from a previous landfill (Exhibit B). The Tacoma-Pierce County Health Department (TPCHD) and Washington State Department of Ecology (ECY) have provided a response to the presence of contaminants found on site and have identified recommended measures to protect the environment and human health against potential impacts. The comments from TPCHD and ECY are marked as Exhibit C.

13. Due to conflicting direction provided by ECY and TPCHD, a third-party review was performed by Landau Associates, Inc. Landau agreed with ECY's opinion that soil and groundwater at the subject property have been adequately characterized. The proposed cleanup action in the CAP, in conjunction with the recommendations provided in ECY's August 6, 2025, opinion letter, is likely sufficient to protect future residents and workers from contaminated soil.

    With respect to the landfill gases (LFG), Landau concurred with the TPCHD's recommendation to monitor hydrogen sulfide in the three existing vapor probes installed on the subject property. If hydrogen sulfide is found to be present at potentially hazardous levels, the proposed LFG Mitigation System should address both methane and hydrogen sulfide. Landau included a series of mitigation recommendations for the LFG mitigation system, the vapor barrier, the building sub-slab depressurization system, building monitoring, utilities, and paved areas. Landau's Independent Third-Party Review and Opinion, dated October 8, 2025 is included as Exhibit D and recommendations are incorporated as mitigation measures as appropriate.

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

    - Goal EN–2: All Tacomans, especially those in historically overburdened communities, have access to a clean environment, including clean streets, neighborhoods, air, and water, and can experience nature in their daily lives.
    - Policy EN–2.26: Require all development permit applications to disclose known or suspected contamination in addition to any State Environmental Policy Act requirements and include remediation plans as part of permit applications.
    - Goal EN–4: Net gains in environmental health are experienced by all Tacomans, especially those located in historically overburdened communities.
    - Policy EN–4.1: Collaborate with federal, state, regional, local agencies, and community members to manage the city's environmental assets and enhance watershed health through coordinated planning and investments to maximize environmental benefits.

- Policy EN–4.36: Ensure that the State Environmental Policy Act mitigation measures evaluate and respond to both indoor and outdoor air quality impacts for new development.

15. All WAC noise levels shall be met.
16. Activities at the site shall comply with all applicable provisions of TMC 8.122 Noise Enforcement.

Land Use:

17. The project is a permitted use within the Community Commercial Mixed-Use District and will not require a discretionary land use permit.
18. The Comprehensive Plan Future Land Use designation for the site is a mixture of Parks and Open Space and Crossroads Mixed-Use Center.

Housing:

19. The project will provide 80 units of housing. No adverse impacts to housing will result from the proposal.

Aesthetics:

20. 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.

Light and Glare:

21. Lighting will be directed away from any neighboring residential uses.

Recreation:

22. The project will not be developed on property designated as open space or public recreation area. No adverse impacts to recreation will result from the proposal.

Historical and cultural preservation:

23. 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.

    However, a Cultural Resources Assessment report, prepared by ECY and dated December 18, 2024, has been submitted to and reviewed by PDS with documentation that it has been reviewed by the Washington State Department of Archaeology and Historic Preservation, Nisqually Tribe, Snoqualmie Tribe, and Suquamish Tribe. The Puyallup Tribe was sent the preliminary determination of the plan, but did not comment. (Exhibit A.)

    While it is unlikely that historic or archaeological resources will be encountered, historic sites may be exposed during the implementation of the project. Should an unanticipated archaeological discovery be made during construction, the Unanticipated Discovery Plan shall be implemented immediately. Furthermore, additional review of impacts on cultural resources may be required for projects under the jurisdiction of federal agencies, as outlined in Section 106 of the National Historic Preservation Act (36 CFR 800).

Transportation:

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

25. Review by the Public Works Engineering Division indicates that the traffic volumes generated by the project may result in significant adverse impacts to the City's street system. A traffic impact analysis for the project was prepared by Fehr & Peers and dated July 2025, and has been submitted to, reviewed, and approved by the Engineering Division. The Division has determined that implementation of the conditions recommended in the report will adequately mitigate any potential significant adverse impacts associated with the development.

Public Services/Public Utilities:

26. Project concurrency certification or an appropriate mitigation will be completed at the building permit review stage.
27. The project will comply with emergency vehicle circulation requirements.
28. 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 Number 18 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. **Environmental Health:**

   Gas Mitigation System

   a. Prior to issuance of a development permit, the applicant shall incorporate the following into documents for review and approval by the City Engineer:

      i. The Gas Mitigation System (including the vapor barrier, gas collection system, and sub-slab depressurization system) into design documents for review and approval by the City Engineer.

      ii. A basis of design report, including a vapor intrusion conceptual model; selected mitigation technologies; results of pre-design studies; a determination as to whether air permits or emission mitigation may be required; how vent placement was determined with consideration for preventing re-entrainment; inspection, testing, and monitoring procedures; and potential corrective actions.

      iii. Design documents should include vapor barrier design, gas collection system layout, system components, sub-slab depressurization system layout, system components, air intake and venting/exhaust details, specifications, warranties, and construction quality assurance.

iv. An Operation, Maintenance, and Monitoring Plan (OM&M plan) should be prepared by the design Engineer. The plan should consider building management structure and available personnel for operation and maintenance.

v. First floor indoor monitoring systems should be automated and use audible alarms to the maximum extent practicable, minimizing reliance on manual oversight to detect problems.

Vapor Barrier:

b. The selected vapor barrier should be rated for blocking methane and hydrogen sulfide with a permanence rating determined by ASTM International standard test method D1434 or an equivalent industry-approved testing method.

c. Following installation of the sub-slab vapor barrier, leak testing should be performed in accordance with the manufacturer's specifications to confirm that all areas of the membrane, including seams, joints, and utility penetrations, are properly sealed. Acceptable testing methods include smoke testing or other equivalent procedures capable of detecting breaches in the membrane. Leak testing must be completed before placing any overlying materials to ensure the integrity of the vapor barrier system.

Building Sub-slab Depressurization System

d. While a passive depressurization system may provide adequate mitigation, the system should be designed to accommodate at least one active blower in the event that monitoring data indicated the passive system is insufficient. Specifications and design for the blower(s) should be incorporated into the initial design and permitted so that they can be installed quickly in the event that air concentrations exceed acceptable levels. Blower(s) should be specifically designed with capacity to ventilate and create a negative pressure field beneath the entire building slab.

e. System design must provide for subsurface monitoring of vapor concentrations and differential pressure to confirm sub-slab soil gas conditions and the adequacy of the mitigation system.

f. The system should be tested and monitored under a range of atmospheric and heating, ventilation, and air conditioning (HVAC) operational conditions prior to building occupancy.

Building Monitoring

g. All spaces on the first floor of the building should be outfitted with methane alarms.

h. If problems arise with the performance of the gas collection system, consider outfitting upper floor apartment units with methane alarms.

i. Monitoring and recording of the sub-slab conditions and in spaces on the first floor should be conducted quarterly for at least the first two years and reported to the appropriate regulatory agencies.

Utilities

j. Trench dams or similar low-permeability material should be installed at appropriate locations along utility trenches to prevent migration of LFG.

k. Cracks and joints along utility pipes should be sealed to prevent infiltration of LFG.

l. Warning signs or plaques should be installed at the entrances to manholes and utility vaults to indicate the potential presence of explosive and hazardous gases, and to advise that air monitoring and intrinsically safe equipment is required prior to entrance.

Paved Areas

m. Installation of a passive gas collection and venting system is recommended beneath paved areas larger than sidewalks or pathways or other impermeable barriers outside of the building footprint to prevent buildup of LFG. Alternatively, monitoring could be conducted in these areas to demonstrate that buildup of LFG above the lower explosive limit is not occurring.

Other Mitigation

n. Prior to a development permit being issued by the City of Tacoma, the applicant shall attend a pre-construction meeting with representatives of the City and ECY.

Issuance of MDNS:

This MDNS is issued under WAC 197-11-350 (2). The City of Tacoma will not act on this proposal for 15 days from the date of issue. Comments must be submitted by closing of the comment deadline. The Responsible Official will reconsider the MDNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the MDNS. If the MDNS is retained, it will be final after the expiration of the comment deadline. No permits may be issued, and the applicant shall not begin work, until the comment deadline has expired and any other necessary permits are issued.

Additionally, the City of Tacoma has determined that 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. An environmental impact statement (EIS) 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. This information is available to the public upon request.

There is no administrative appeal opportunity for this Determination. Appeals may be filed at the Superior Court of the State of Washington for Pierce County within 21 days after the building permit is issued. Appeals to the Superior Court shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075. A copy of the appeal shall be filed with PDS, and with the City Attorney's Office, 747 Market Street, Tacoma, WA 98402.

Responsible Official: Peter Huffman

Position/Title: Director, Planning and Development Services

Signature: _____

SEPA Officer Signature: _____

Issue Date: October 16, 2025

Last Day to Comment: October 30, 2025

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.

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