

Notice of Final Supplemental Environmental Impact Statement (FSEIS) Availability - SEP2007-40000090529

Notice is hereby given as to the availability of the FSEIS for the Point Ruston Project. The purpose of the FSEIS is to identify and evaluate probable significant environmental impacts that could result from the proposed action and the alternative and to identify measures to mitigate those impacts. An analysis of the potential impacts of the proposed action on global climate change per State of Washington Executive Order No. 07-02 is also attached. This FSEIS is a disclosure document; it evaluates the direct, indirect and cumulative impacts of the Proposed Action, as well as construction-related impacts. The FSEIS does not authorize or recommend a specific action or alternative. Rather, it is one of the key documents that will be considered in the decision-making process for the Point Ruston Project.

The DSEIS was issued for a public comment period from January 16, 2008 through February 14, 2008. Comments that were received regarding the DSEIS are addressed in this FSEIS. Where applicable, amendments and clarifications regarding the DSEIS have been incorporated into this FSEIS.

The FSEIS provides additional site-specific information and analysis concerning the proposed Point Ruston development but does not substantially change the analysis of significant impacts and alternatives that are described in the Master Development Plan EIS. The 1997 Draft and Final EISs for the Master Development Plan are adopted for purposes of SEPA compliance, pursuant to WAC 197-11-630 and City of Tacoma Environmental Code Chapter 13.12.

Copies of this FSEIS are available for review at City of Tacoma, Public Works Department, Building and Land Use Services Division, Room 345, 747 Market Street, Tacoma, WA 98402, Tacoma Public Library Main Branch, 1102 Tacoma Avenue South, Tacoma, WA 98402, and Tacoma Public Library Wheeler Branch, 3722 North 26th Street, Tacoma, WA 98406. The FSEIS may also be reviewed in electronic form at <http://wspwit01.ci.tacoma.wa.us/govME/Permits/Inter/Landuse/Landuse.aspx>.

As of the Issue/Publication Date below, the project proponent has a building permit application pending before the City Building Official. Action on this permit application (or any other "underlying action" for which this FSEIS has been required) may not be taken by the City until after 15 days following the Issue/Publication Date. Appeals of this FSEIS must be filed in conjunction with an appeal of an underlying action. Therefore, if and when the permit is issued, you may file an appeal of this FSEIS in conjunction with an appeal of the underlying action on the permit. Appeals of this FSEIS may be filed with the Superior Court of Washington for Pierce County within 21 days after the City issues the permit. Appeals to Superior Court shall be taken in accordance with procedures and limitations set forth in RCW 43.21C.075, and RCW 36.70C. In addition, a copy of the appeal shall be filed with the Building and Land Use Services Division of the Department of Public Works and the City Attorney's Office, 747 Market Street, Tacoma, WA 98402.

The City of Tacoma does not discriminate on the basis of disability in any of its programs or services. Upon request, special accommodations will be provided within five (5) business days by contacting 591-5363 (VOICE) or 591-5070 (TTY).

Issue/Publication Date: March 27, 2008.



*Final Supplemental
Environmental Impact
Statement*

to the

ASARCO SMELTER SITE
*Master Development Plan
Final EIS*



*Final Supplemental
Environmental Impact Statement*

to the

ASARCO SMELTER SITE

**Master Development Plan
Final EIS**

prepared for

POINT RUSTON

Project File Number:
40057182/BLD2007

March 2008

City of Tacoma
Public Works Department

*Final Supplemental
Environmental Impact Statement*

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ASARCO SMELTER SITE

**Master Development Plan
Final EIS**

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POINT RUSTON

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40057182/BLD2007**

**City of Tacoma
Public Works Department**

This Final Supplemental Environmental Impact Statement (FSEIS) has been prepared in compliance with the State Environmental Policy Act of 1971 (Chapter 43.21C, Revised Code of Washington); the SEPA Rules, effective April 4, 1984, as amended (Chapter 197-11, Washington Administrative Code); and Tacoma's Environmental Code (Chapter 13.12, City of Tacoma Municipal Code), which implement SEPA. Preparation of this FSEIS is the responsibility of the City of Tacoma, Public Works Department who has determined that this document has been prepared in a responsible manner using appropriate methodology and has directed the areas of research and analysis that were undertaken in preparation of this document. This FSEIS is not an authorization for an action, nor does it constitute a decision or recommendation for an action; as a Final SEIS – it will accompany the Proposed Action and will be considered in making final decisions concerning the proposal.

Date of Issuance of the FSEIS:.....March____, 2008

Date of Issuance of the DSEIS:January 16, 2008

PREFACE

The purpose of this Final Supplemental Environmental Impact Statement (FSEIS) is to identify and evaluate probable significant environmental impacts that could result from the *Proposed Action* and the alternative and to identify measures to mitigate those impacts. As such, this FSEIS is a disclosure document. It evaluates the direct, indirect and cumulative impacts of the *Proposed Action*, as well as construction-related impacts. By its nature, this FSEIS does not authorize a specific action or alternative nor does it recommend for or against a particular course of action; but rather, the FSEIS is one of several key documents that will be considered in the decision-making process for this project. A list of expected licenses, permits and approvals is contained in the *Fact Sheet* to this FSEIS (page *iii*). This FSEIS will accompany applications specifically associated with those permit processes and will be considered as the final environmental (SEPA) document relative to those applications.

This document supplements the 1997 ASARCO Smelter Site Master Development Plan EIS.¹ The 1997 EIS is a non-project EIS that identifies and evaluates the probable impacts that could result from four possible alternatives – a No Action Alternative and three project development alternatives of high, middle, and low intensity. This *Point Ruston* document is a project-level EIS and is intended to supplement the 1997 EIS by analyzing new information to address changes in conditions since 1997 and changes in the *Proposed Action*. This FSEIS utilizes the middle intensity development alternative contained in the 1997 EIS as its *No Action Alternative* to focus on the changes.

The environmental elements that are analyzed in this FSEIS were determined as a result of the formal, public EIS scoping process, which occurred October 26, 2007 through November 16, 2007. Comments received during the EIS Scoping period were considered by the City of Tacoma, Department of Public Works in determining the issues and alternatives to be analyzed in the DSEIS and this FSEIS. Seven broad areas of environmental review are evaluated in this FSEIS; they include: *land use*; *aesthetics* (viewshed); *housing*; *environmental health*; *public parks, recreation and open space*; *public services and utilities*; and *transportation*.

The DSEIS was issued for a public comment period from January 16, 2008 through February 14, 2008. Comments that were received regarding the DSEIS are addressed in this FSEIS. Where applicable, amendments and clarifications regarding the DSEIS have been incorporated into this FSEIS. The Table of Contents for this FSEIS is contained on pg. *vii* of this *Fact Sheet*. In general, this FSEIS is organized into five major sections:

- **Fact Sheet** (immediately following this *Preface*) provides an overview of the *Proposed Action* and the *No Action Alternative*, identifies the SEPA responsible official and contact person, notes expected permits/approvals that will be required, provides information concerning the availability of this FSEIS, and it contains the Table of Contents for this document (page *vii*).
- **Section I** (beginning on pg. 1-1) is a comprehensive summary of the *Proposed Action* and the *No Action Alternative* (more so than provided in the *Fact Sheet*), together with a summary of significant environmental impacts, mitigation measures, and unavoidable adverse impacts.

¹ Town of Ruston, 1997a and Town of Ruston, 1997b; please refer to the *References* section of this DSEIS for the complete citation.

- **Section II** (beginning on pg. 2-1) provides a detailed description of the *Proposed Action* and the *No Action Alternative*.
- **Section III** (pg. 3-1) contains an analysis of probable significant environmental impacts that could result from implementation of the *Proposed Action* or the *No Action Alternative* – in terms of each of the seven environmental parameters noted above. This section also identifies possible mitigation measures and unavoidable adverse impacts.
- **Section IV** (pg. 4-1) includes all written comment letters regarding the DSEIS and responses to the substantive comments that are raised in the letters.

FACT SHEET

Name of Proposal ***Point Ruston***

Proponent Point Ruston LLC

Location The *Proposed Action* would be located on Commencement Bay within the City of Tacoma and the Town of Ruston. The project site is the former ASARCO property that is located along Ruston Way. The Tacoma address of the site is 5005 Ruston Way and the Ruston address is 5211 N. Bennett St. The site encompasses an area of approximately 82 ac., of which, approximately 16 ac. are submerged tidelands. This includes Pierce Co. Assessor parcel numbers 8950003310 (City of Tacoma portion) and 0221231000 and 0221231033 (Town of Ruston portion).

Proposed Action At full build-out, *Point Ruston* would involve development of a mixed-use community consisting of approximately 130,000 to 228,000 sq.ft. of retail and commercial space, a 150-room hotel, an estimated 800 to 1,000 dwelling units, approximately 50 acres of publicly accessible parks, recreation areas (including a waterfront promenade that would average 100-feet in width), open space, view corridors and public access with parking (predominantly structured although supplemented with on-street and surface parking lots) for an estimated 3,700 vehicles. In addition, a converted ferry would serve as the sales and leasing office for the project. It is anticipated that the total development may include 30-35 buildings on-site with an estimated total square footage of 1.0 million to 1.3 million sq.ft.

With regard to infrastructure improvements, the *Proposed Action* would involve realignment of Ruston Way (both dedication and vacation), removal of the existing vehicle tunnel, and reconnection to Baltimore Street. In addition, utility improvements (and/or relocations or extensions) would occur in conjunction with the Ruston Way realignment and planned street improvements.

Point Ruston would be a phased development with implementation occurring over an estimated 8 to 10-year timeframe. The initial building -- which would commence in spring 2008 -- includes development of approximately 21,000 sq.ft. of professional office space over first floor retail in a three-story structure approximately 45 feet in height with parking for at least 73 vehicles.

A comprehensive list of required and potentially required project approvals are noted below. Other than the proposed sales and leasing center that would occupy a portion of the *Point Ruston* ferry, which would be converted for that purpose, all planned development

would occur landward of the Ordinary High Water Mark with no in-water construction.

As noted, the project site is the former ASARCO property, which is undergoing continuing environmental remediation, based on the Second Amendment to the ASARCO Consent Decree with EPA. All buildings and improvements that were formerly located on-site have been removed, consistent with terms of the ASARCO Consent Decree, and the site is being capped per the Second Amendment to the Consent Decree.

One alternative is evaluated in this FSEIS – the *No Action Alternative* which is presumed to involve redevelopment of the project site consistent with the Medium Intensity Alternative in the 1997 EIS which was the alternative used as the basis for the adoption of the ASARCO Smelter *Master Development Plan* by the Town of Ruston (Ord. 1002).

SEPA Lead Agency	City of Tacoma, Public Works Department
Responsible Official	Peter Katich , Land Use Administrator Building and Land Use Services Division Public Works Department City of Tacoma 747 Market St., Rm. 345 Tacoma, WA 98402-3769
Contact Person	Karie Hayashi , Land Use Planner Building and Land Use Services Division Public Works Department City of Tacoma 747 Market St., Rm. 300 Tacoma, WA 98402-3769 Telephone: 253.591.5387 Fax: 253.591.5433 E-Mail: khayashi@cityoftacoma.org
Final Action	Approval of a Building Permit and utility permits for that portion of <i>Point Ruston</i> that is located within the City of Tacoma. Development of subsequent buildings as part of the proposed <i>Point Ruston</i> project may require one or more permits noted below.

Final
Supplemental
EIS

This FSEIS provides additional site-specific information and analysis concerning the proposed *Point Ruston* development, but does not substantially change the analysis of significant impacts and alternatives that are described in the *Master Development Plan* EIS. The 1997 Draft and Final EISs for the *Master Development Plan* are adopted for purposes of SEPA compliance, pursuant to WAC 197-11-630 and City of Tacoma's Environmental Code (Chapter 13.12, Tacoma Municipal Code).

Permit File
Numbers

Information concerning the proposed *Point Ruston* project is contained in the City of Tacoma project file No. 40057182/BLD2007, & permit file No. MPD 2008 - 40000110671

Required
Approvals

The following permits and/or approvals could be required for various elements of the *Proposed Action*. Additional permits/approvals may be identified during the review process.

City of Tacoma

City Council

- Street Vacation (partial)
- Preliminary and Final Plat or Binding Site Plan

Public Works Department

Permits/approvals associated with the proposed project, including:

- Joint Aquatic Resource Permit (JARPA)
- Critical Area Review
- Building Permits
- Mechanical Permits
- Plumbing Permits
- Energy Permits
- Concurrency Authorization
- Certificates of Occupancy
- Grading, Excavation and Erosion Control Permits
- Sign Permits
- Street Improvements (*i.e.*, sidewalks, curbcuts, etc.)
- Street Vacation and Dedication of Right-of-Way (processing)
- Utility Extensions
- Street Use Permits (temporary – construction related)

Tacoma Public Utilities

Permits/approvals associated with the proposed project, including:

- Electrical Permits
- Utility Extensions

Town of Ruston

Permits/approvals associated with the proposed project, including:

- Road Vacation
- Shoreline Master Plan Amendment (possibly required)
- Shoreline Substantial Development Permit
- Land Use Regulation Amendments
- Joint Aquatic Resource Permit (JARPA)
- Preliminary and Final Plat, Short Plat or Binding Site Plan
- Building Permits
- Mechanical Permits
- Plumbing Permits
- Certificates of Occupancy
- Grading, Excavation and Erosion Control Permits
- Sign Permits
- Street Improvements (*i.e.*, sidewalks, curbcuts, etc.)
- Utility Extensions
- Street Use Permits (temporary – construction related)

Washington State Department of Ecology

- Joint Aquatic Resource Permit (JARPA) – jointly with the City of Tacoma/Town of Ruston
- NPDES Permit

U.S. Environmental Protection Agency

- Continued compliance with terms of the Consent Decree

U.S. Army Corps of Engineers – Seattle District

- Section 10 Permit (possibly required)
- Section 404 Permit (possibly required)

Authors and
Principal
Contributors to
this FSEIS

The *Point Ruston* FSEIS has been prepared under the direction of the City of Tacoma Public Works Department. Research and analysis were provided by the following consulting firms:

- **Blumen Consulting Group, Inc.** – lead environmental consultant; project management; document compilation; analysis relative to: aesthetics/viewshed, land use and public service impacts;
- **ESM Consulting Engineers, LLC** – viewshed analysis; utility analysis, surveying;
- **Transportation Solutions Inc.** – transportation, parking and circulation.

Location of Background Data	City of Tacoma Public Works Department Building and Land Use Services Division City of Tacoma, Public Works Department 747 Market St., Rm. 300 Tacoma, WA 98402-3769 Blumen Consulting Group, Inc. 720 Sixth St. S., Suite 100 Kirkland, WA 98033 (425) 284-5401 ESM Consulting Engineers, LLC 33915 1st Way S., Suite 200 Federal Way, WA 98003 Transportation Solutions, Inc. 8250 – 165th Ave. N.E. Redmond, WA 98052-6628 (425) 883-4134
Date of Issuance of this FSEIS	March __, 2008
Date of Issuance of the DSEIS	January 16, 2008
Date DSEIS Comments are Due	February 14, 2008
Date of Issuance of the Final EIS	<i>ASARCO Smelter Site Master Development Plan Final EIS – October 10, 1997</i>
Date of Issuance of the Draft EIS	<i>ASARCO Smelter Site Master Development Plan Final EIS – May 16, 1997</i>

Availability of
this FSEIS

Copies of this FSEIS (hardcopy or compact disc) have been distributed to agencies, organizations and individuals noted on the Distribution List (*Appendix A* to this document).

Copies of this FSEIS are available for review at the following locations:

- **City of Tacoma Public Works Department**, Building and Land Use Services Division, which is located in Room 300 of Tacoma Municipal Building (745 Market St.); at the
- **Tacoma Public Library** – Main Branch (1102 Tacoma Avenue South); and at the
- **Tacoma Public Library** -- Wheelock Library (3722 North 26th Street).

In addition, a limited number of complimentary hardcopies of this FSEIS are available (while the supply lasts) from the City of Tacoma Public Works Department. Additional copies may be purchased at Public Works for the cost of reproduction. The Public Works Department is open 8 AM to 5 PM Monday through Friday. This FSEIS is also available on CD at no cost from the Public Works Department.

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SECTION I

SUMMARY

SECTION I

SUMMARY

1.1 BACKGROUND

An application has been submitted to the City of Tacoma requesting approval of a building permit for the initial building within the proposed *Point Ruston* development.

The *Point Ruston* property is privately-owned by Point Ruston LLC, who purchased the property out of bankruptcy from ASARCO LLC. The project area is currently being restored as part of the CERCLA-Superfund¹ remediation process. The majority of environmental remediation has occurred, with the remainder to be completed as the proposed development is built out. Because remediation activities are conducted under the oversight of the Environmental Protection Agency (EPA), these actions are not subject to the requirements of the State Environmental Policy Act (SEPA). The remediation was the subject of an extensive public involvement and planning process prior to this approved SEIS. This SEIS has been prepared to address development issues and related environmental issues that directly relate to redevelopment of this property following the bankruptcy of ASARCO and discharge of its obligations under the Definitive Agreement and related responsibilities.

Remediation of the property consists of the removal and disposal of soils containing hazardous substances located on the property. An On-site Containment Facility (OCF) has been constructed for excavated soils and slag materials that will remain on the property. The remaining soil material will be re-graded and the entire site will be capped with a protective layer of imported fill. This cap will then be covered with clean backfill to achieve the final surface configuration. Other remediation activities include demolition of remaining buildings and structures on the site, replacement of the surface water drainage system, shoreline armoring, monitoring of surface and groundwater, and development of a program of institutional controls to ensure that development activities do not interfere with the long-term effectiveness of site remediation measures.

The proponent indicates that the proposed *Point Ruston* development would result in the development and construction of an urban village neighborhood where people would live, work, shop and play. A focus of the development is to create a neighborhood that integrates a mix of land uses with public spaces. Within this neighborhood four defined “districts” are envisioned, each with a different concentration of land uses.

Point Ruston is proposed to include residences, shops, restaurants, offices, and a hotel, together with parks, trails and shoreline amenities along Commencement Bay. The completion of this project would also mark the successful remediation of the property to the residential occupancy standards set by the EPA and certification of the project under both the Master Builder Association’s BuiltGreen™ and EPA’s Energy Star programs.

¹ USC, Title 42 Chapter 103

It is anticipated that full build-out of *Point Ruston* could occur within an 8 – 10 year timeframe in phases by district.

Purpose of this FSEIS

The purpose of this Final Supplemental Environmental Impact Statement (FSEIS) is to fulfill applicable environmental requirements of SEPA relative to the analysis of possible environmental impacts associated with the proposed *Point Ruston* development. In essence, impact analysis that is contained in this FSEIS is compared with impacts described in the Draft Environmental Impact Statement (DEIS) for the *ASARCO Smelter Site Master Development Plan* in May 1997 and the Final Environmental Impact Statement (FEIS), published in October 1997, hereby referred to as the 1997 EIS. In addition, this FSEIS contains comment letters received regarding the *Point Ruston* DSEIS with responses to the comments (*Section IV*).

Impacts under this FSEIS are assessed in a comparative manner against those impacts anticipated under the 1997 EIS, particularly concentrating on the following seven areas of the environment that were identified during the SEIS Scoping process, including: *Land Use; Aesthetics/Viewshed; Housing; Environmental Health; Public Parks, Recreation and Open Space; Public Services and Utilities; and Transportation*. The intent of this FSEIS is to enable an area-wide assessment of these key factors, as well as recognize site-specific development constraints. Assumptions for *Point Ruston's* impacts are made under a maximum build-out of the development. If future project-specific actions fit within these maximum development assumptions, this FSEIS should be used to meet SEPA requirements under the *Proposed Action*.

Throughout this FSEIS, mitigation is proposed to impacts that are identified. Future development would be completed under this SEIS and conditioned with appropriate mitigation measures.

1.2 PROJECT DESCRIPTION and ALTERNATIVES

This FSEIS evaluates the environmental impacts of the *Proposed Action* and the *No Action Alternative*. The development baseline for environmental analysis is not an undeveloped site, but rather the development that was approved as the *ASARCO Smelter Site Master Development Plan* and is described as the *No Action Alternative*. It should be remembered that the site continues to undergo Superfund remediation from over 100 years of industrial uses that occurred at the site as the first step toward redevelopment.

Proposed Action

The *Proposed Action* consists of full build-out of the proposed *Point Ruston* development. At full build-out, the project would include the following:

- 800 to 1,000 multifamily units, for sale and for rent, with floor plans ranging from single story to townhome-style units. It is anticipated that full development of the residential component of the project may entail 1,300,000 sq.ft. in living/leasable space in buildings that would range from single story to eight stories in height (25 to 80 ft. above-grade);

- A 150-room hotel complex including at least one restaurant of 5,000 to 6,000 sq.ft, approximately 6,000 sq.ft. of conference/banquet facilities and hotel amenities (e.g., lobby area, exercise room, pool; the building complex would extend to a height of 60 ft.;
- Approximately 100,000 sq.ft. of retail shops, grocery, and food and beverage;
- A 70,000 sq.ft. wellness/fitness center and related retail and services;
- An estimated 60,000 of commercial office space;
- Use of a converted ferry boat as a sales and leasing office for the project;
- Approximately 50 acres of publicly-accessible open space consisting of view corridors, vehicular and pedestrian access, public art and recreational facilities (including a waterfront promenade averaging 100 feet in width); and
- Estimated 3,700 parking spaces (predominantly structured although supplemented with surface parking) for residents, shoppers, guests and the public.

No Action Alternative

The *No Action Alternative* is derived as a result of the previously adopted 1997 EIS for the *ASARCO Smelter Site Master Development Plan*. The 1997 EIS accompanied the *ASARCO Smelter Site Master Development Plan* through the review and approval process.

The 1997 EIS is a non-project EIS that identifies and evaluates the probable significant environmental impacts that could result from four possible alternatives – a *No Action Alternative* and three development alternatives. That EIS divided the site into seven sub-areas (ranging from approximately 3 ac. to 8 ac.) and applied different intensities of development to each sub-area, based on the alternatives. As an overview, the development alternatives included the following:²

- *High-Intensity Alternative* – approximately 1.9 million sq.ft. of development and parking for 6,650 vehicles;
- *Middle-Intensity Alternative* – approximately 991,500 sq.ft. of development and parking for 2,977 vehicles; and
- *Low-Intensity Alternative* -- approximately 241,200 sq.ft. of development with 724 parking spaces.

Subsequent to the completion of the 1997 EIS, the Town of Ruston passed Ordinance 1002 adopting a modified *Middle-Intensity Alternative* to the *ASARCO Smelter Site Master Development Plan* so as to “guide future land use and regulatory amendments and interlocal agreements”. The City of Tacoma adopted zoning code provisions to regulate that portion of the site that is within its jurisdiction.

² See discussion later in this section regarding specifics of each alternative.

The 1997 EIS notes that whereas office use was selected for purposes of the worst-case scenario (highest traffic generating use), “[I]n reality, a different mix of uses could occur.”³ The mix of land uses that were considered for each alternative included: retail, office, light industrial and office business park, as well as outdoor storage or display.

As a non-project document, the environmental analysis that is contained in the 1997 EIS is largely qualitative and based on the general types of environmental impacts that could occur -- with relatively little definitive site-specific impact analysis provided. This approach is appropriate for a non-project EIS where typically less detailed (project specific) information is available. The focus of a non-project EIS involves a comparative analysis of probable impacts between various alternatives -- with less detailed quantitative information provided for any one option. It has been determined that the probable, significant environmental impacts of the four possible future re-development alternatives identified in 1997 were adequately evaluated in the *Master Development Plan* EIS.⁴ That EIS forms the basis for this more detailed project level EIS.

³ Draft 1997 EIS, pg. 2-9

⁴ No challenge to the adequacy of the *Master Development Plan* EIS was raised.

1.3 SUMMARY: IMPACTS and MITIGATION MATRIX

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Land Use	<i>No Action Alternative</i>	Significant environmental impacts of possible future re-development alternatives were adequately evaluated in the <i>Master Development Plan</i> EIS.	- Project specific design for the site should consider the compatibility of potential land uses. - All build alternatives would be consistent with State and Local regulation of this property.	With mitigation, no significant adverse impacts would occur to land uses.
	<i>Proposed Action</i>	The proposed land use impacts are comparable to those described in the 1997 FEIS and more compatible to surrounding land uses than the 100 years of industrial uses at the site .	- No land use impacts are anticipated and no additional mitigation is deemed necessary in either the City of Tacoma or Town of Ruston; - All development under the Proposed Action shall be in compliance with applicable land use regulations at the time of application which will further ensure compatibility.	No significant adverse impacts would occur to land uses.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Aesthetics – Viewshed	No Action Alternative	Potential view blockages could occur in adjacent areas as buildings are constructed. The visual character of the site could change depending on the character, mass, height, scale, and design of the proposed development. View blockage of the near shoreline is probable at points along Ruston Way and lower elevations. Minimal obstruction of existing views of far shoreline and skyline (Commencement Bay, the Puget Sound, Vashon Island, Maury Island, and the mountains beyond) could occur.	- Height limits or zoning criteria already adopted will help protect existing views. - Terracing or stepping buildings away from the waterfront will protect some existing views. - View corridors through the site will protect existing views. - Public access to the near shoreline will provide views of the near shoreline and provide waterfront recreation that serves the public good.	All development would alter the existing visual character of the site. With mitigation, no significant adverse impacts will occur to aesthetics.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
	<i>Proposed Action</i>	- View blockage will actually be reduced from historic impacts of industrial use. - The proposed development would be consistent with the impacts described in the 1997 EIS. View blockage of the near shoreline is probable at points along Ruston Way and lower elevations. Minimal obstruction of existing views of far shoreline and skyline (Commencement Bay, the Puget Sound, Vashon Island, Maury Island, and the mountains beyond) could occur.	- Conformance with height limits or zoning criteria already adopted will help protect existing views. - Terracing or stepping buildings away from the waterfront will protect existing views. - View corridors through the site will protect existing views. - Public access to the near shoreline for views and recreation opportunities. - Landscaping and building design to reduce building dominance and provide a positive aesthetic to improve the visual quality of the area. - Adoption of a Development Plan in Ruston, if required under the code.	- All development would alter the existing visual character of the site. With mitigation, no significant adverse impacts will occur to aesthetics. - Assuming adoption of a Development Plan in the Town of Ruston, no significant impacts would occur.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Housing	<i>No Action Alternative</i>	Housing-related impacts were not evaluated in the 1997 EIS.	None were proposed.	None
	<i>Proposed Action</i>	- No housing is being removed, new housing is being provided. 800-1000 market rate residential units would be provided, including approximately 150-200 market-rate apartments and senior rental housing.	- Make 10-15 percent of the for-rent units to be available and affordable to households earning 80 percent of the Annual Median Income. . - Research programs and grants, as well as community partnerships to expand affordable housing opportunities ,	No significant adverse impacts would occur to housing.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Environmental Health	<i>No Action Alternative</i>	Implementation associated with the <i>No Action Alternative</i> (1997 EIS) would involve site remediation in accordance with the approved EPA Consent Decree.	- Remediation and installation of a site wide cap including placement of building foundations and utility corridors - Superfund compliance with EPA oversight.	No significant unavoidable adverse impacts are anticipated.
	<i>Proposed Action</i>	- The <i>Proposed Action</i> would result in completing all remaining on-site remediation (and significant portions of off-site remediation) to meet the Second Amendment to the Asarco Consent Decree - Remediation/ building phases would be completed and released for occupancy and use following requirements of the Second Amendment to the ASARCO Consent Decree.	- Per Paragraph 17J 30c of the Consent Decree, the proponent will submit design addenda for the remedial action to be performed in phases. - Based on EPA review and under ongoing oversight, the proponent will complete phased remediation and development. - BuiltGreen™ and Energy Star certification of eligible aspects of development and new building construction to reduce potential greenhouse gas emissions	No significant unavoidable adverse impacts are anticipated.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Public Parks, Recreation and Open Space	<i>No Action Alternative</i>	The 1997 EIS indicated thirteen main park components occurring in areas both within the real property boundaries of the site and outside the property boundaries. Parks and recreational areas that were planned included: Viewpoint Park, which would be located on the southernmost portion of the property, a South Shore Promenade, various publicly accessible view corridors located throughout the property, a Crescent Park, an artistic Roundabout feature on Ruston Way, and the Bennett Street Promontory. Off-site park and recreational improvements included the Boat Basin View Corridor, Peninsula Park, Breakwater Marina and Promenade, and a Public Boat Ramp Improvement project.	Conformance with the <i>No Action Alternative</i> would provide mitigation to impacts on Parks and Recreational opportunities.	No significant adverse impacts to parks and recreational facilities would be anticipated to result from the proposed <i>No Action Alternative</i>.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
	<i>Proposed Action</i>	The <i>Proposed Action</i> would provide substantially increased recreational and open space opportunities on-site in the form of new public parks, trails, and waterfront access with approximately 50 acres of parks and open space proposed in 12 distinct park and recreation areas. The <i>Point Ruston</i> development would include public and private recreation opportunities, including public parks, private health clubs, over 9 acres of Promenade, as well as assorted other pocket parks. In total, 26 acres of open space, parks, view corridors and public accesses including major thoroughfares are planned within the City of Tacoma and 24 acres are planned within the Town of Ruston.	Conformance with the <i>Proposed Action</i> would substantially exceed quantitative guidelines for Public Parks, Recreation, and Open Space, as required by Tacoma or Ruston code.	With implementation of the mitigation measures, no significant adverse impacts to parks and recreational facilities would be anticipated from the proposed <i>Point Ruston</i> development.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
Transportation	<i>No Action Alternative</i>	▪ The <i>No Action</i> alternative would generate 1,304 PM peak hour trips. Mitigation is based on the impact of these project generated trips on the local road network. ▪ Short-term impacts associated with site development would include traffic generated by construction workers and the delivery of materials.	▪ Mitigation would be the same as the <i>Proposed Action</i>. (See below)	▪ With the recommended mitigation in place, development of the <i>No Action</i> alternative would not result in significant adverse impacts.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
	<i>Proposed Action</i>	▪ The <i>Proposed Action</i> would generate 1,376 PM Peak hour trips, similar in number to the <i>No Action</i> alternative but provide a more balanced distribution between inbound/ outbound volumes. Mitigation is based on the impact of these project generated trips on the local road network. ▪ Short-term impacts associated with site development would include traffic generated by construction workers and the delivery of materials.	Ruston Way Mitigation 1. Reconstruct Ruston Way to a two lane cross section with curb and gutter on both sides of the street and planting strip and sidewalk on the project side of the street. Provide a center turn lane at stop controlled access along the frontage. 2. Provide bicycle lanes on both sides of the street between the north terminus of the Ruston bicycle/pedestrian trail and the proposed intersection at Baltimore/ Ruston Way. Provide a marked pedestrian crossing on Ruston Way to provide a link between the southbound bicycle lane and the Ruston bicycle/pedestrian trail.et. 3. Decommission the existing tunnel on Ruston Way. 4. Provide a roundabout at the proposed intersection of N. Baltimore Street/ Ruston Way. The roundabout shall be designed to operate at level-of-service D or better at full project build out and year 2014. 5. Provide a roundabout at the proposed intersection southeast of N. Baltimore Street/ Ruston Way. The roundabout shall be designed to operate at level-of-service D or better at full project build out and year 2014.	▪ With the recommended mitigation in place, development of the <i>Proposed Action</i> would not result in significant adverse impacts.

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
	<i>Proposed Action</i>		6. Provide a stop controlled access with separate outbound turn lanes at the secondary site access to the south of the primary access. 7. Extend the Ruston Way center turn lane starting from the center line of North Alder Street north for approximately 1630 feet to reduce delays for through traffic and to facilitate left turns to parking lots. Extend the Ruston Way center turn lane starting from the center line of North Alder Street south for approximately 930 feet to provide a refuge for northbound left turns into the existing parking lots. To protect existing parking facilities, the City reserves the right to reduce the length of the new center turn lanes required for mitigation. 8. Ruston Way & N Alder Street – Signalize the intersection of North Alder Street and Ruston Way to improve intersection operation from level-of-service F to level-of-service D or better for any movement. 9. Ruston Way & McCarver Street – Modify the vehicle signal head for the westbound (Ruston Way) left-turn onto McCarver Street from a permissive left-turn to a protected/permissive left-turn. 10. Ruston Way & N 49th Street – Signalize the intersection of Ruston Way and North 49th Street if an analysis indicates the delay for any movement exceeds level of service 'D' and/or meets accident warrants. The traffic signal will reduce delays experienced by left-turning vehicles and will increase pedestrian safety. 11.	

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
	<i>Proposed Action</i>		<u>Baltimore Street Mitigation</u> 1. Provide a two-lane roadway with bike lanes to reconnect N. Baltimore Street with Ruston Way. 2. Provide curb and gutter on the west side of Baltimore Street north of N. 49th Street where needed. (Improvements to the east side of the street are provided as part of the Stack Hill development.) 3. Provide curb, gutter, and sidewalk between N. 49th Street and N. 46th Street where needed. 4. Upgrade existing or add new street lighting to meet current arterial street standards. 5. Develop a channelization plan for the segment of Baltimore between N. 49th Street and N. 46th Street that provides for a single travel lane in each direction, additional road width for bicycles, and accommodates parallel parking within the usable right of way. The plan should minimize impacts to existing land uses. Review and refine plan with City staff and construct improvements. 6. N. 46th Street & N. Baltimore Street - Provide eastbound and westbound left turn lanes and a southbound right turn lane. Reconstruct the sidewalks/curb ramps at the corners of the intersection to meet current road standards. Provide a marked pedestrian crossing on N. 46th Street with warning signs and beacons as per City street standards.	

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
			<u>Non-Motorized Improvements</u> 1. Pedestrian and bicycle access to the waterfront for the general public will be improved with the proposed waterfront promenade that will connect the north terminus of the Ruston bicycle/pedestrian trail with the proposed Peninsula Park. 2. Bicycle lanes will be provided on Ruston Way between N. Baltimore Street and the north terminus of the Ruston bicycle/pedestrian path. 3. A bicycle route will be included with improvements to the segment of N. Baltimore Street between Ruston Way and N. 46th Street. 4. Provide secure bicycle parking facilities to accommodate a minimum of 75 bicycles. <u>Other Improvements</u> 1. Design the internal roadway to provide for a future access to Peninsula Park when it is developed. 2. In coordination with Pierce Transit, design the internal roadway to provide for future transit service.	

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
			<u>Schedule for Making Improvements</u> The proponent will commit to providing the identified frontage improvements on Ruston Way and Baltimore Street by the time the project generates 450 PM peak hour trips (30% of the total trips forecasted). All other improvements will be in place by the time the project site generates 600 PM peak hour trips (40% of the total trips forecasted). This commitment will ensure that all of the mitigation is in place by the time 40% of the forecasted PM peak hour project generated trips materialize.	

Element of the Environment	Alternative	Impacts	Mitigation Measures	Unavoidable Significant Adverse Impacts (after mitigation)
			4. Provide secure bicycle parking facilities to accommodate a minimum of 75 bicycles. <u>Other Improvements</u> 1. Design the internal roadway to provide for a future access to Peninsula Park when it is developed. 2. In coordination with Pierce Transit, design the internal roadway to provide for future transit service. <u>Schedule for Making Improvements</u> The proponent will commit to providing the identified frontage improvements on Ruston Way and the connection to Baltimore Street by the time the project generates 450 PM peak hour trips (30% of the total trips forecasted). All other improvements will be in place by the time the project site generates 600 PM peak hour trips (40% of the total trips forecasted). This commitment will ensure that all of the mitigation is in place by the time 40% of the forecasted PM peak hour project generated trips materialize.	

SECTION II

PROJECT DESCRIPTION and
ALTERNATIVE

SECTION II

PROJECT DESCRIPTION and ALTERNATIVE

2.1 PROPONENT/PROJECT LOCATION

2.1.1 Proponent

Point Ruston is sponsored by Point Ruston LLC, which is located at 5219 North Shirley St., Suite 100, Ruston, WA 98407

2.1.2 Project Location

The *Proposed Action* would be located along Commencement Bay with a portion of the site in the City of Tacoma and another portion in the Town of Ruston (see Figures 1 and 2). The project site is the former American Smelting and Refining Co. (ASARCO) property that is located on Ruston Way and is proximate to Ruston Way Park and the Tacoma Yacht Club. The site encompasses an area of approximately 82 acres – of which, 66 acres are landward of the Ordinary High Water Mark (OHWM) and 16 acres are submerged tidelands. The portion of the site that is located within the City of Tacoma is 44.4 acres and approximately 37.8 acres are located within the Town of Ruston. The project site includes a shoreline area with roughly 4,800 lineal feet of shoreline and along Commencement Bay; a segment of this shoreline is in the City of Tacoma and a segment is in the Town of Ruston. The upland area beyond is also divided between the two jurisdictions.

Other project identifiers include:

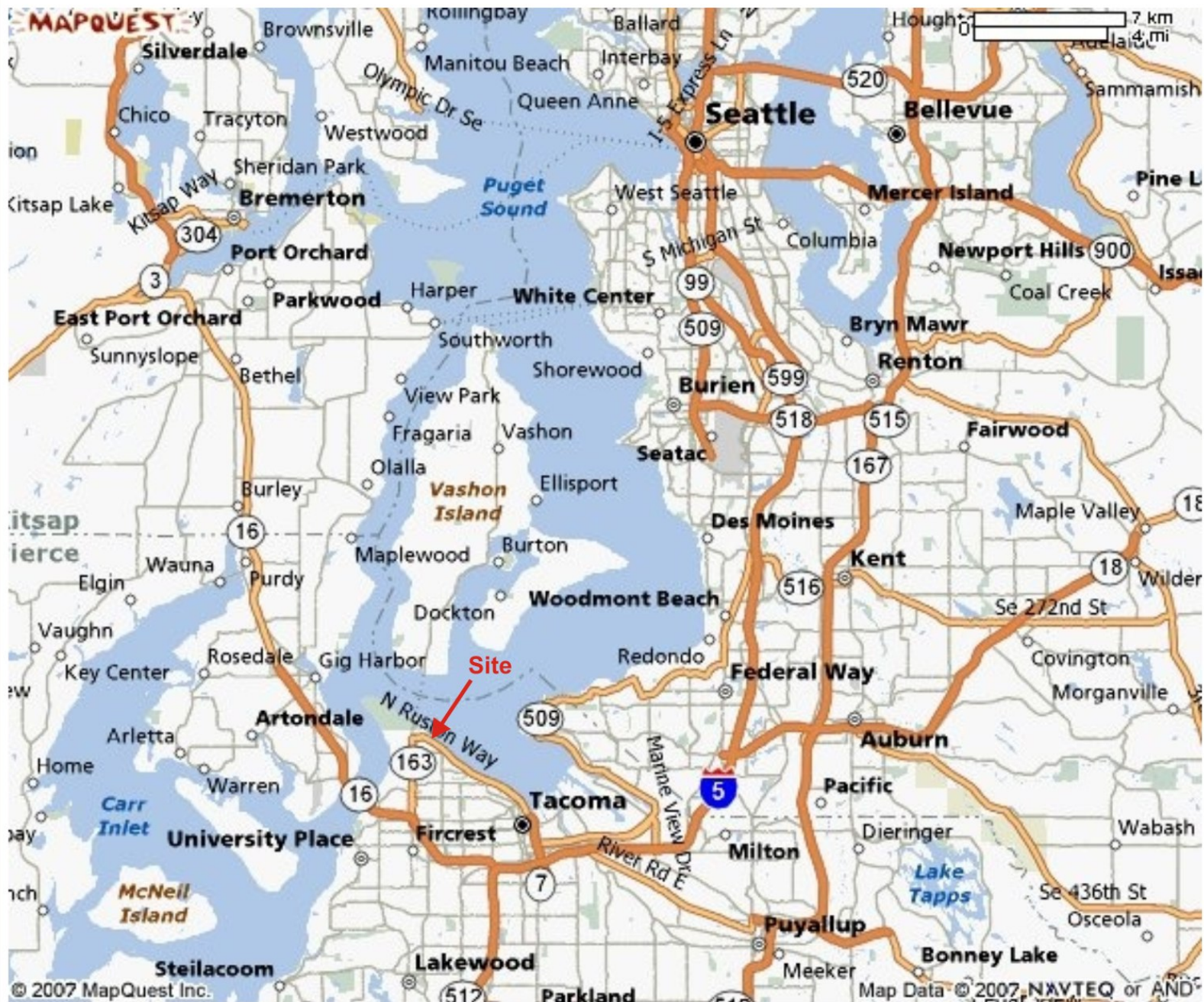
Address:

- City of Tacoma -- 5005 Ruston Way
- Town of Ruston -- 5211 N. Bennett St.

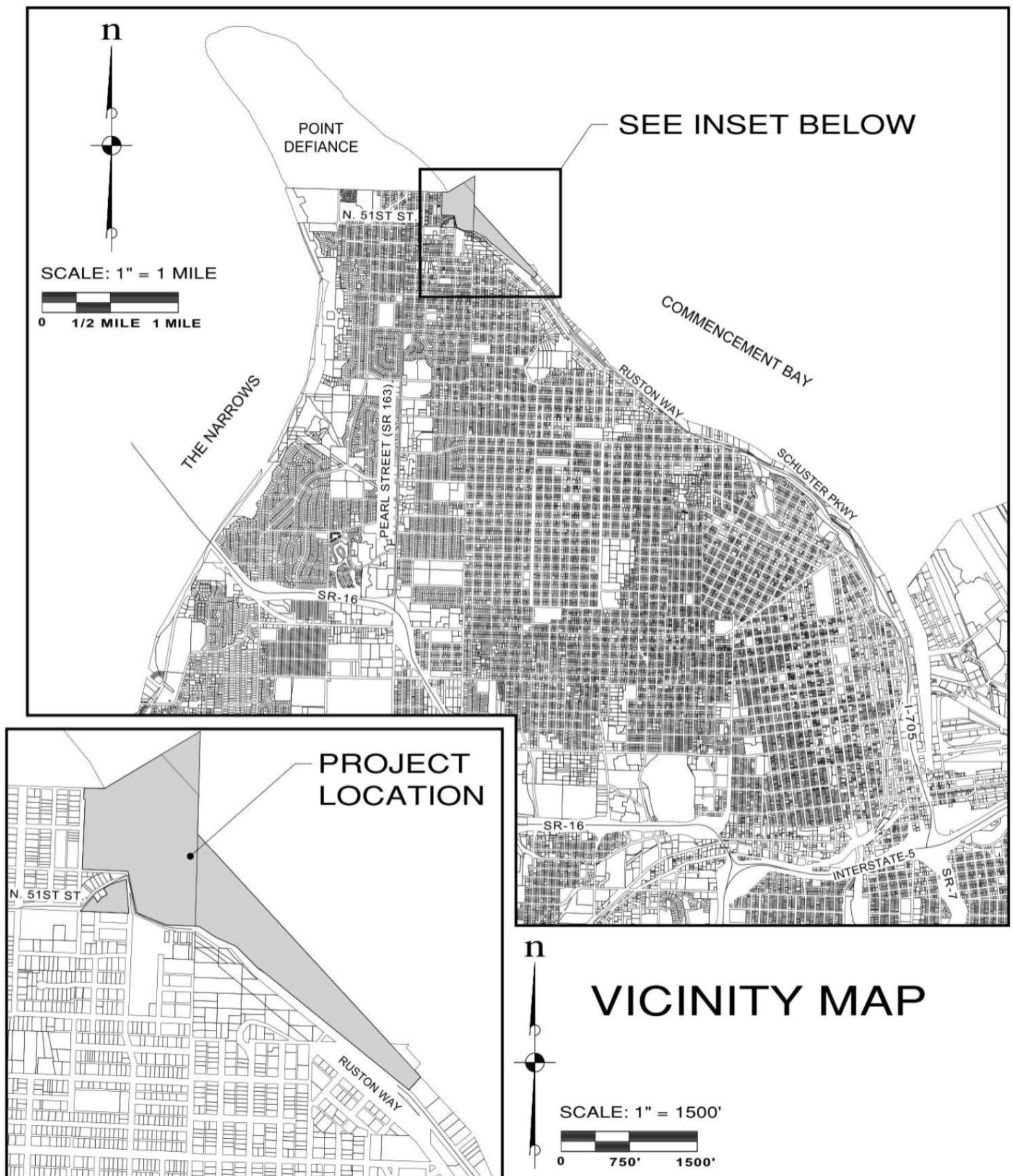
Pierce Co. Assessor Parcel Numbers:

- City of Tacoma Portion of the Site -- 8950003310
- Town of Ruston Portion of the Site -- 0221231000 and 0221231033

Legal Description: The complete legal description of the Point Ruston property is contained in Appendix F.



Source: Mapquest, 2007



Source: ESM, 2007

2.2 PROJECT OVERVIEW

Point Ruston LLC has formulated a master plan for long-term redevelopment of the project site. The *Proposed Action* would transform the former ASARCO Superfund site into a new mixed-use neighborhood where people would live, work, shop and play. A focus of the development is to create an urban village neighborhood that integrates a mix of uses with public spaces. Within this neighborhood four defined “districts” are envisioned each with a different concentration of land uses.

As outlined below, *Point Ruston* would include residences, shops, restaurants, offices, a hotel together with parks, trails and shoreline amenities along Commencement Bay. The completion of this project would also mark successful remediation of the property to the residential occupancy standards set by the EPA. In addition, the proponent endeavors to make *Point Ruston* a model of environmentally responsible development and has committed to seeking certification under both the Master Builder Association’s BuiltGreen™ and EPA’s Energy Star programs.

When implemented, the master plan would provide substantial new opportunities for public enjoyment and access to the waterfront that do not currently exist and have not existed for over the last 100 years.

At full build-out, the project would include the following:

- 800 to 1,000 multifamily units, for sale and for rent, with floor plans ranging from single floor to townhome-style units; it is anticipated that full development of the residential component of the project may entail 1,300,000 sq.ft. in living/leasable space in buildings that would range from single story to eight stories in height (25 to 80 ft. above-grade);
- 150-room hotel complex including at least one restaurant of 5,000 to 6,000 sq.ft, approximately 6,000 sq.ft. of conference/banquet facilities and hotel amenities (e.g., lobby area, exercise room, pool; the building complex would extend to a height of 60 ft.;
- approximately 100,000 sq.ft. of retail shops, grocery, and food and beverage;
- 70,000 +/- sq.ft. wellness/fitness center and related retail and services;
- an estimated 60,000 of commercial office space;
- use of a converted ferry boat as a sales and leasing office for the project;
- approximately 50 acres of publicly-accessible parks, open space, view corridors, vehicular and pedestrian thoroughfares, public art and recreational facilities, including a waterfront promenade (with an average width of 100-feet); and an
- estimated 3,700 parking spaces (predominantly structured, supplemented with on-street and surface parking lots) for residents, shoppers, guests and the public.

It is anticipated that full build-out of *Point Ruston* could occur within an 8 – 10 year timeframe in phases by district (described below). The first buildings would be located in the Viewpoint District within the City of Tacoma at the southeast end of the project site. Construction of the first building would commence in spring 2008 and would include approximately 21,000 sq.ft. of commercial space and parking for approximately 73 vehicles.

2.3 BACKGROUND INFORMATION

This portion of the SEIS provides an overview of factors that influence the *Proposed Action*, including: site history, the 1997 EIS, the ASARCO *Master Development Plan*, SEPA considerations, remediation status and existing site conditions.

2.3.1 Site History

ASARCO and its predecessors¹ operated a smelting and refinery operation at the site beginning in 1888.² That operation continued for nearly 100 years until 1985 when the plant was closed.

Ore that was processed at the plant included lead and copper. By-products of the smelting operation were further refined to produce other marketable products including: arsenic, liquid sulfur dioxide and slag. Ore was transported to the site and processed from mining operations that occurred throughout the U.S., as well as worldwide.

In 1983, the plant was included on a list of over 300 businesses and nearly 500 point and non-point sources within a 12 sq. mile area of Tacoma (Commencement Bay Nearshore/Tideflats Site – EPA ID# WAD980726368). The list, known as the National Priorities List,³ is for informational purposes and identifies

“facilities and sites or other releases that appear to warrant remedial action. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government actions in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.”⁴

In an Administrative Order of Consent signed by EPA in 1986, ASARCO agreed to perform immediate site stabilization activities and begin site investigation. In 1992, EPA and ASARCO signed a Consent Decree for demolition of site structures including the smelter stack. ASARCO completed the site investigation that was used to develop the final site remedy and demolished the stack in 1993. Additional structures were demolished in 1993/1994, with the final building being demolished in 2004.

Between 1993 and 1994, the key stakeholders⁵ achieved an agreement with ASARCO regarding the general approach to remediation and re-use of the former plant site. In 1995, the U.S. Environmental Protection Agency (EPA) issued a Record of Decision (ROD) that described the remediation necessary for “soil, slag and surface water, for on-site placement without

¹ Tacoma Milling and Smelting Co. (1888), Tacoma Smelting and Refining Co. (1890) and American Smelting and Refining Co. (1905)

² Prior to the smelter and refinery operation, a portion of the site was used as a sawmill.

³ National Priorities List of Contaminated Superfund Sites – part of the National Contingency Plan pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9657 (“CERCLA”)

⁴ <http://www.epa.gov/superfund/sites/npl/f830908.htm>

⁵ ASARCO, City of Tacoma, Town of Ruston and the Metropolitan Park District

treatment of soils with elevated concentrations of arsenic and other metals, demolition debris, and residential soils associated with the Smelter Site.”⁶ Key aspects of the ROD included:

- excavation of approximately 160,000 cubic yards (cy) from the five most contaminated source areas on the Smelter Site;
- construction of the On-site Containment Facility (OCF) on the property and disposal of the excavated soils and slag, plus approx. 80,000 cy of demolition debris, in the OCF;
- capping of the Smelter Site;
- demolition of the remaining buildings and structures on the property;
- replacement of the surface water drainage system at the Smelter Site;
- shoreline armoring, to the extent required, following shoreline erosion evaluations;
- monitoring of Smelter Site groundwater and surface water; and
- development of a program of restrictions and guidelines to ensure that development activities do not interfere with the long-term effectiveness of the remedy.

These elements formed the basis of the Consent Decree that was negotiated between EPA and ASARCO which was entered in U.S. District Court on January 3, 1997. The Consent Decree outlines the work, plans, reports and other submittals and deliverables required by EPA for the upland remediation. A ROD for the sediments and groundwater cleanup was issued in 2000. The major elements of the plan called for dredging the contaminated sediments in the yacht basin and capping contaminated sediments in the nearshore/offshore area (approx. 18 ac.) adjacent to the upland portion of the site. In order to accommodate the in water capping the existing docks placed in the DNR tidelands will also be removed. Groundwater is addressed by reducing water contact with the site’s contaminated soils by capping the site as required in the 1997 Consent Decree for upland remediation. EPA issued a unilateral order to ASARCO in 2002 for the sediment work. ASARCO completed the remedial design for the sediments work under the order, but not the cleanup.

Upland site cleanup by ASARCO began in 1998, consistent with terms of the 1997 Consent Decree. Cleanup of the site, originally scheduled for completion in 2003, was delayed as a result of ASARCO’s limited funding availability. Sale of the Tacoma Smelter site was already in progress when ASARCO filed for bankruptcy in August 2005. As of 2005, the OCF had been constructed, all of the source area material had been placed in the OCF, and it had been capped. The last buildings on the site were demolished and much of the shoreline armoring was completed.

As part of the sale of ASARCO’s assets in bankruptcy, the site was sold through a nationwide auction in 2006 to MC Construction Consultants, Inc. MC Construction Consultants, Inc. assigned its interest to Point Ruston, LLC. As a condition of the sale agreement, Point Ruston, LLC is responsible for the remaining smelter cleanup work, as well as cleanup of some adjacent lands – capping the slag peninsula, capping offshore sediments, and excavating shallow sediments in the yacht basin. Residential soils from the ongoing Ruston/North Tacoma yard remediation project will continue to be accepted at the site for placement under the site-wide cap. EPA, the U.S. Department of Justice and Point Ruston LLC negotiated a settlement – the Second Amendment to the ASARCO Consent Decree (2006 Consent Decree) – for the remaining cleanup work. EPA held public meetings in August 2006 to discuss the sale and cleanup of the ASARCO Smelter site and invited public comments. Point Ruston, LLC began remediation in 2006 with acceptance and placement of residential soils, continued site monitoring, and placement of the offshore portion of the nearshore/offshore sediment cap.

⁶ Draft EIS, pg. 1-4

Point Ruston, LLC will complete remediation of the upland smelter, cap the slag peninsula, complete capping of the offshore sediments, and excavate the shallow sediments in the yacht basin, as specified in the 2006 Consent Decree and associated Scope of Work. As described in these documents, remediation and development will be completed concurrently with construction of hard surfaces on-site (e.g., building foundations, roadways, pathways and the promenade), serving as part of the site cap.

Remediation work is being conducted under provisions of the federal Superfund Program with EPA oversight and, as such, has undergone a lengthy and comprehensive public review and involvement process. As a federal action, remediation is not subject to the procedural requirements of SEPA.⁷ Oversight of initial remediation during the redevelopment process and the future operations and maintenance of the remedy remains under the authority of the EPA.

2.3.2 Master Development Plan EIS

A Draft Environmental Impact Statement (Draft EIS) was published for the *ASARCO Smelter Site Master Development Plan* in May 1997 and the Final Environmental Impact Statement (Final EIS) for that project was published in October 1997. These documents are collectively referred to as the “1997 EIS.”

The 1997 EIS is a non-project⁸ EIS that identifies and evaluates the probable significant environmental impacts that could result from four possible alternatives – a *No Action Alternative* and three development alternatives. The EIS, using prototypical development plans arranged in seven subareas of the site (ranging from approximately 3 ac. to 8 ac.) applied different intensities of development to the property based on the alternative. As an overview, the development alternatives included the following:⁹

- *High-Intensity Alternative* – approximately 1.88 million sq.ft. of development and parking for 6,650 vehicles;
- *Middle-Intensity Alternative* – approximately 991,500 sq.ft. of development and parking for 2,977 vehicles; and
- *Low-Intensity Alternative* -- approximately 241,200 sq.ft. of development with 724 parking spaces.

The *High-Intensity Alternative* is important from a SEPA standpoint in that it presents a possible worst-case analysis with regards to potential adverse environmental impacts.

The 1997 EIS notes that whereas office use was selected for purposes of the worst-case scenario (highest traffic generating use), “(i)n reality, a different mix of uses could occur.”¹⁰ The mix of land uses that were considered for each alternative included: retail, office, light industrial and office business park, as well as outdoor storage or display.

⁷ WAC 197-11-250

⁸ A non-project SEPA document is one that is broader than a single site-specific proposal and may include plans, development with multiple alternatives, etc. (see also WAC 197-11-774).

⁹ See discussion later in this section regarding specifics of each alternative.

¹⁰ Draft EIS, pg. 2-9



Source: GoogleEarth, 2007

As a non-project document, the environmental analysis that is contained in the EIS is largely qualitative and based on the general types of environmental impacts that may occur with relatively little definitive site-specific impact analysis provided. This approach is appropriate for a non-project EIS where typically less detailed (project specific) information is available. The focus of a non-project EIS involves a comparative analysis of probable impacts between various alternatives -- with less detailed quantitative information provided for any one option. It has been determined that the probable, significant environmental impacts of possible future re-development alternatives were adequately evaluated in the 1997 EIS which then provides the basis for the more detailed project specific analysis of the Point Ruston proposal. Within this FSEIS.¹¹

The proposed *Point Ruston* development encompasses an area of approximately 82 acres -- roughly 16 ac. of which are submerged tidelands. In addition to the area associated with *Point Ruston*, the *Master Development Plan* also included adjacent Metropolitan Park property (approx. 30+ ac.). While the park property will benefit from *Point Ruston* -- as a result of additional access points and utility extensions through *Point Ruston* -- development of the Metropolitan Park property is not part of the proposed *Point Ruston* development.

All components of the proposed project are either within the range of actions and impacts that were evaluated as part of the *Master Development Plan* EIS or are evaluated within this FSEIS. Residential uses which are a part of this proposal were contemplated by the Stakeholders and conditioned upon ASARCO's approval in the *Master Development Plan*.¹² Subsequently, the S-6 zoning adopted in Tacoma and Resolution 333 in Ruston support the inclusion of residential uses as a part of the project. ASARCO's approval has also been received by Point Ruston, LLC (see letter at *Appendix C* of this FSEIS).

Environmental parameters that were evaluated in conjunction with the 1997 EIS include the following:

■ Earth	■ Air Quality
■ Water	■ Plants and Animals
■ Wetlands	■ Energy and Natural Resources
■ Noise	■ Hazardous Materials
■ Aesthetics	■ Transportation
■ Land Use	■ Consistency with Land Use Plans and Policies
■ Population, Housing and Employment	■ Light, Glare and Shadows
■ Recreation	■ Historic and Cultural Resources
■ Public Services and Utilities	

¹¹ No challenge to the adequacy of the 1997 EIS was raised.

¹² See *Master Development Plan*, Section D.1.6.5

Each of the parameters listed above were evaluated in light of the following alternatives.

- **Alternative 1 -- No Action:** This alternative, which is required by SEPA, involved no new on-site development – other than completion of remediation activities and pre-development activities (e.g., roadways and the creation of building pads). The site area would be capped, consistent with terms of the Consent Decree, and the site prepared for development, including:
 - building pad sites would be created for future development;
 - finished roads would be provided to serve the building pad sites and include lighting and sidewalks;
 - a roundabout would be constructed to serve the site, as well as provide a viewing area to Commencement Bay, Mount Rainier, and both near and distant viewpoints;
 - Ruston Way would be realigned to intersect with the roundabout and the automobile tunnel would be abandoned and either removed or filled;
 - a Peninsula Park Road would be provided to link the project site to the Breakwater Peninsula Park and Yacht Club;
 - two view corridors would be provided in the south-half of the project site, a Viewpoint Park in the southernmost portion of the site, and a Boat Basin View Corridor in the north portion of the site;
 - modifications and improvements to nearby roadways would be provided; and
 - a 25-foot wide, concrete Pedestrian Promenade would be provided along the shoreline linking Ruston Way with the promenade at the shore of Point Defiance Park.
- **Alternative 2 – Low-Intensity Alternative:** This alternative would build on the site preparation work and improvements associated with the *No Action Alternative*. Specific elements of this alternative include:
 - the mix of land uses could include retail, office, light industrial, and office business park;
 - approximately 241,200 sq.ft. of development would be possible with this alternative;
 - overall site Floor Area Ratio (FAR):¹³ approximately 0.15;
 - an estimated 724 parking spaces could be provided;
 - all parking would be surface parking;
 - building height assumed a maximum height of four stories; and
 - no new off-site infrastructure improvements (e.g., roads, utilities, etc.) would be necessary.

¹³ This is the ratio of the amount of total square footage associated with on-site development compared with the total site area.

- **Alternative 3 – Medium - Intensity Alternative:** This alternative would also build on the site preparation work and improvements associated with the *No Action Alternative*. Specific elements of this alternative include:
 - same potential mix of land uses as outlined for Alternative 2 -- retail, office, light industrial, and office business park;
 - approximately 991,500 sq.ft. of development would be possible with this alternative;
 - Floor Area Ratio: approximately 0.75
 - an estimated 2,977 parking spaces could be provided;
 - assumed that a portion of the parking would be located on decks or beneath the buildings;
 - it was assumed that the maximum building height would be sixty feet;¹⁴ and
 - additional off-site infrastructure improvements (e.g., roads, utilities, etc.) would be necessary.

- **Alternative 4 – High-Intensity Alternative:** This alternative would also build on the site preparation work and improvements associated with the *No Action Alternative*. Specific elements of this alternative include:
 - same potential mix of land uses as outlined for Alternative 2 -- retail, office, light industrial, and office business park;
 - approximately 1,883,360 sq.ft. of development would be possible with this alternative;
 - overall site FAR: approximately 1.17;
 - an estimated 6,650 parking spaces could be provided;
 - most parking would be in parking structures, either free-standing or included as part of a building;
 - it was assumed that some buildings would be taller than four stories and that specialized foundations might be utilized (e.g., pilings or caissons); the EIS site plan that accompanied the description of this alternative (Fig. 2-4) depicted development at 3-9 stories; most, however, were shown at 6-7 stories; and
 - additional off-site infrastructure improvements (e.g., roads, utilities, etc.) would be necessary.

2.3.3 Master Development Plan

The ASARCO *Master Development Plan*, with modifications and additions (dated December 8, 1997), was adopted by the Town of Ruston as Ordinance No. 1002 to “*guide future land use and regulatory amendments and interlocal agreements*” (Ord. 1002). Ordinance 1002 contained Addendum A, which stated desired modifications and additional considerations in reference to the site plan, allowed uses, infrastructure, parks and open space, and on-site development.

The City of Tacoma did not adopt the ASARCO *Master Development Plan* -- instead relying on the comprehensive regulations embodied in the S-6 zoning, which applies to the project site.

¹⁴ The EIS site plan that accompanied the description of this alternative (Fig. 2-3) depicted development at 3-4 stories.

2.3.4 Development Strategy Team

The City of Tacoma, Town of Ruston, Metro Parks, and ASARCO formed a stakeholders group in 2000 called the Development Strategy Team (DST). The DST was supportive of speeding up the schedule for site remediation, removing barriers to redevelopment, and achieving economic development goals, such as job creation and tax revenues. The DST met on a frequent basis until 2005 and addressed numerous issues including the introduction of residential development as an appropriate land use and necessary changes to local zoning code and associated environmental analysis, grants and funding proposals to cover maintenance and operation of open spaces and shoreline promenade, and interlocal agreements for utilities, etc.

In May, 2001, the DST formed a subcommittee to review a series of redevelopment options such as an office campus, mixed-use neighborhood with housing, office, retail, etc. As a stakeholder, the City of Tacoma's Economic Development Department contracted with DeLoitte Touche/Fantus to assess the feasibility of an office or light-industrial campus to accommodate numerous employers or a single, large employer with office and light-industrial operations such as a Microsoft or Intel. The Fantus team toured competitive regional commercial/industrial properties and held interviews with stakeholders and utility providers over a two-day period. Their conclusion was that the ASARCO site, when measured against common site location parameters used by companies seeking to relocate or expand their operations, would have difficulty competing with properties that are located on an interstate highway, have existing infrastructure and significant utility capacity, are located within one permitting jurisdiction, are not subject to environmental requirements, are available for purchase -- rather than lease, and are less expensive to develop.

At the recommendation of the Development Strategy Team, each of the public stakeholders brought to their governing councils the issue of adding residential development to the project site as an appropriate land use and received unanimous support for the concept.

2.3.5 Current Project Status

As noted previously, in 2005 ASARCO filed for bankruptcy. As part of the sale of ASARCO's assets, a nationwide auction was held in spring 2006 and the purchase awarded to MC Construction Consultants, Inc., the high bidder, which assigned the contract to Point Ruston, LLC. Simultaneously with the purchase of the property, Point Ruston, LLC assumed liability for continuing the remediation of the site and some adjacent property under the Second Amendment to the ASARCO Consent Decree with the EPA. Master planning and design for the development was coordinated with remedial tasks and schedule required by the consent decree as development will require oversight and approval by the EPA.

Application

Applications (i.e., preliminary plat, shoreline substantial development permit, street vacation) for that portion of the proposed *Point Ruston* development that would be located within the City of Tacoma was submitted to the City on February 19, 2007. Included with that submittal were site plans, supporting information, and an environmental checklist that included supplemental analyses relative to traffic, cultural resources and viewshed impacts. Subsequently, a Building Permit application was submitted for the initial building within the proposed development and,

because of timing associated with development that triggered the need for the other permits (i.e., preliminary plat, shoreline substantial development permit, street vacation), those permit applications were withdrawn.

SEPA Compliance

Coordination between the City of Tacoma and the Town of Ruston ensued to confirm the role of each agency relative to SEPA Lead Agency responsibilities for the project. Since the initial application was submitted to the City and given that the greater area of the site is located in the City, it was concluded by the City of Tacoma that it would assume Lead Agency with the responsibility of complying with the procedural requirements of SEPA.

In April, the City transmitted the Environmental Checklist together with application materials associated with the preliminary plat and the shoreline substantial development permit to 24 public agencies and organizations, including various City departments, the Town of Ruston, Metro Parks, the Tacoma School District, the Puyallup Tribe of Indians, and key resource agencies. Written comments were received from 14 agencies and City and Town departments, one organization and two individuals.

The City of Tacoma considered the issues raised by commenting agencies, organizations and individuals and concluded that the *Proposed Action* “is likely to have a significant impact on the environment.” On October 26, 2007, as SEPA Lead Agency, the City of Tacoma Public Works Department issued a Determination of Significance (DS)/Scoping Notice. The City required that a Supplemental EIS (supplement to the 1997 EIS) be prepared to accompany the permit applications through the review processes.

The DS was also an adoption notice – adopting the 1997 EIS that was prepared for the *Master Development Plan*. The notice indicated that the environmental document that is to be prepared for the *Point Ruston* development is a Supplemental EIS. A Supplemental EIS adds information and analysis to supplement information contained in a previous EIS. In part, the Supplemental EIS relies on environmental analyses contained in another EIS. It may address new alternatives, new areas of possible significant adverse impact, or add additional analysis or better site specific information to supplementing analyses contained in the previous EIS. The Supplemental EIS follows the same requirements as an EIS -- in that a Supplemental Draft EIS is prepared and issued, there is a public comment period associated with the Supplemental Draft EIS, and a Supplemental Final EIS is prepared. Like the EIS process, agency decision-making is based on the Supplemental Final EIS.

Issuance of the DS initiated two actions:

- it established an appeal period concerning the Determination of Significance, which ended November 9, 2007; and it
- established a Scoping period¹⁵ associated with the Supplemental EIS, which ended November 16, 2007.

During the DSEIS Scoping period, 22 comment letters were received by the City of Tacoma from agencies, organizations and individuals. These comments are included in the project file

¹⁵ Scoping is an optional process for a Supplemental EIS.

(refer to the project number noted in the *Fact Sheet* of this FSEIS). Following the conclusion of the EIS Scoping period and review of the comments received, the City of Tacoma determined the alternatives that were to be evaluated in the DSEIS and the range of environmental parameters.

2.3.6 Existing Site Characteristics

The project site is depicted in Figure 3. As noted, the proposed *Point Ruston* development project would be located on the former site of ASARCO. The site has been cleared of all buildings and structures, all upland portions of the property continue to be fenced,¹⁶ and the site continues to undergo remediation in compliance with EPA Consent Decrees (see discussion in 2.3.1 above). On-going site activities include grading and capping, which consists of adding a 3-foot thick soil cap that includes a 1-foot thick impermeable layer and a 2-foot layer of clean soil, or its equivalent as determined by EPA. The site has been built up over previous years with soil imported from the remediation of surrounding residential properties. As the EPA continues to remediate residential yards, soil continues to be brought to the site for placement under the cap. Stock piles of soil from residential yards, as well as imported clean soils to accomplish the final capping are present on the site. Final grading to control drainage will result in a slope of 2 to 2.75 percent rising from the shoreline of Commencement Bay to Ruston Way.

¹⁶ A 6-foot high cyclone fence surrounds the upland portion of the site. This fence replaced the site fencing that occurred when the ASARCO plant was operational.

2.4 PROJECT OBJECTIVES

The following are the proponent's objectives for the proposed *Point Ruston* development project. The objectives for this project are based in large part on the proponent's accepted responsibility to meet obligations of the EPA Consent Decrees mandating the completion of remediation activities on the property,¹⁷ as well as additional off-site obligations and significant public amenities required as part of redevelopment of the project site. Specific objectives include:

- complete redevelopment of the former ASARCO Tacoma Smelter property in a feasible manner that enables remediation work to occur concurrent with phased redevelopment of the property, consistent with the Consent Decree and schedule agreed upon by EPA;
- provide for the redevelopment of the site from a major industrial contributor to greenhouse gas emissions to a mixed-use development that utilizes BuiltGreen® and Energy Star development and construction techniques;
- construct a viable mixed-use urban village neighborhood on the site of the former ASARCO smelter with districts accommodating a mix of residential units in a variety of sizes and floor plans, a hotel complex, and retail and commercial office space in addition to public amenities, access and parking, open space and green space (e.g. park/park-like areas);
- subdivide, condominiumize or otherwise segregate the project site into lots or units for potential, future individual resale and establish a Community Association to manage the long term operation and maintenance of the entire development;
- the impacts should be generally consistent with the level of impacts assessed in the earlier adopted EIS;
- relocate and modify that portion of Ruston Way proximate to the project site consistent with the alignment recommended by the Development Strategy Team along the southern edge of the property eliminating the vehicle tunnel, reconnecting Baltimore Street;
- provide vehicular, bicycle and pedestrian connections and utility stubs to the Metropolitan Park District's Yacht Basin property and Peninsula Park serving as a connection between the existing Ruston Way Parks and Point Defiance Park; and
- to achieve financial feasibility, the first buildings to be built should be within the View Point District at the southeast end in the upland portion of the project site where they may be permitted to commence and be occupied, utilizing existing infrastructure prior to completion of the realignment of Ruston Way and major infrastructure extensions into the balance of the site; and
- develop a project that meets the needs of the market and provides adequate financial return to pay for significant public amenities and for current and future investors.

¹⁷ The requirements of the EPA and the Consent Decree are not a subject of this proposal, but they are related in that commitments made by the proponent as a bona fide prospective purchaser were based on the expectation of the ability to redevelop the property in a manner generally consistent with the current codes and with impacts similar to those previously analyzed as part of the *Master Development Plan* process.

2.5 DESCRIPTION OF THE PROPOSED ACTION

2.5.1 Project Overview

At full build-out, *Point Ruston* would involve development of an urban village neighborhood. organized into four identifiable mixed use districts, including the following; each is depicted in Figure 4.

- **Viewpoint District** – This area would be located within the south one-third of the site;
- **Promenade District** – located centrally within the site;
- **Baltimore District** – This area would be located in the west-central portion of the site (near the intersection of Baltimore and Ruston Way); and
- **Marina District** – This area would be located in the north one-third of the site, adjacent to the Metropolitan Park's Yacht Basin containing the Tacoma Yacht Club and Breakwater Marinas and Metro's Peninsula Park property.

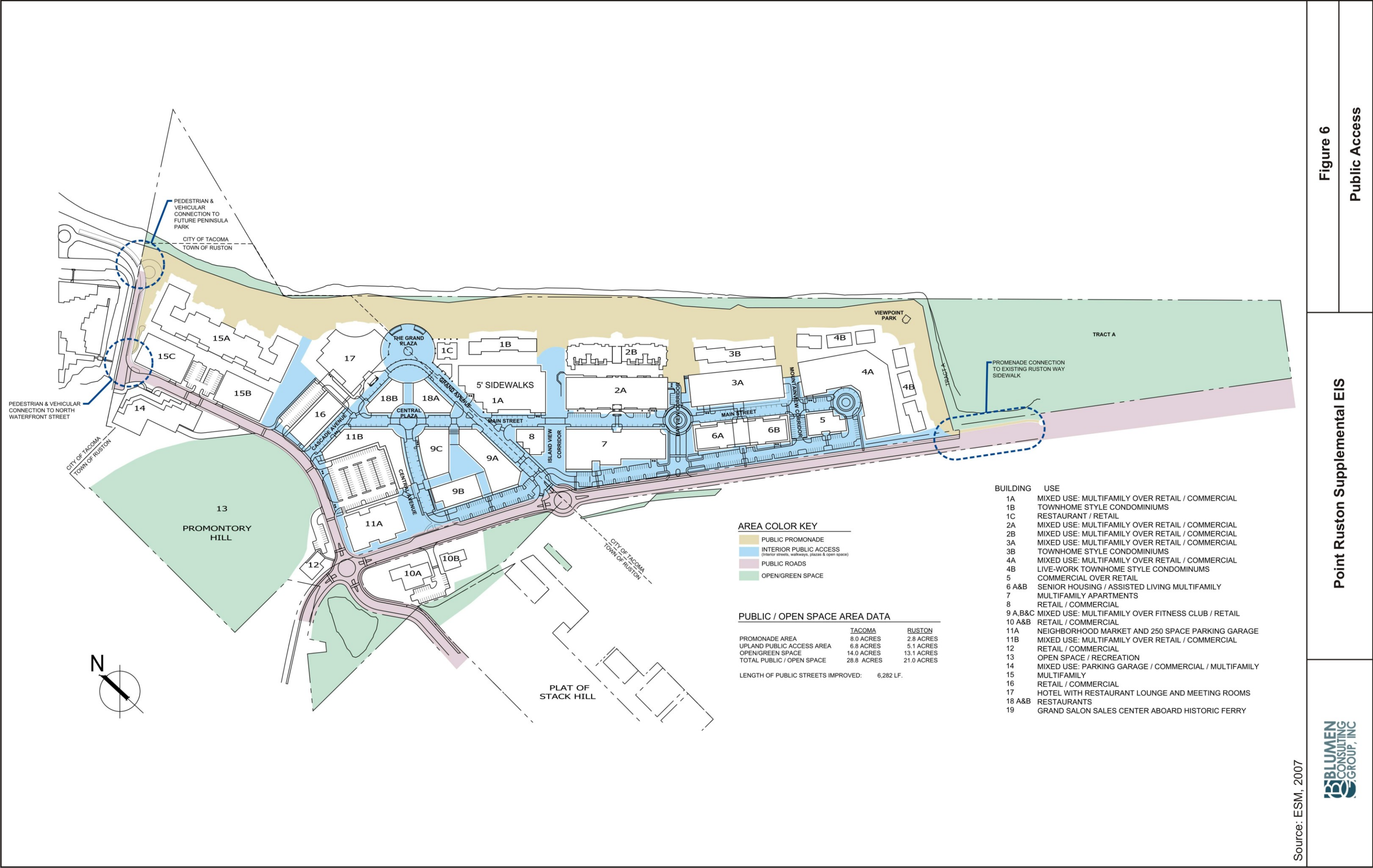
The proponent indicates that dividing the project site into distinguishable districts would provide diversity and uniqueness among areas of the site. In addition, dividing the site into districts would help organize project phasing including infrastructure improvements, park construction and other mitigation measures that would be required for the project. Throughout the development, a range of land uses would be provided including: residential dwellings, a hotel complex, retail space, restaurants, commercial office space, publicly-accessible parks and open space, recreational facilities, and parking.

Another central concept associated with the urban village neighborhood is that it would define private areas within the overall publicly-accessible property -- as opposed to designating public spaces within private property as is more typical of "conventional" residential developments. Public accessibility is critical to viability of the retail and commercial uses proposed along the streets and parks throughout the development. It is also in keeping with policies applicable to the shoreline area (Figure 5). This general public accessibility is illustrated in Figure 6, which depicts the various buildings and their courtyards as "islands" within the public open spaces. These public open spaces would accommodate vehicular and pedestrian access, view corridors, landscape recreational activities, amenities and art. The proponent indicates that it is intended that this approach would provide a much greater proportion of public spaces than would occur otherwise and that these guiding design concepts are aimed at creating interesting districts within the overall neighborhood where people can live, work, shop, gather and recreate.

The following is an overview of the total development that is proposed, the districts and phasing of the project and with more-specific information regarding the initial buildings.







2.5.2 Point Ruston Districts and Phasing

As noted, *Point Ruston* would be a mixed-use development that is implemented over a period of 8 to 10 years. Figure 7 depicts the site plan for the entire *Point Ruston* development at full build-out and indicates the portion of the development that would be located within the City of Tacoma and the portion located in the Town of Ruston. As shown, the development would largely be located between Ruston Way and the shoreline, extending a distance of approximately 4,800 lineal feet along Commencement Bay. Other than the proposed use of a converted ferry boat as a residential sales office (described below), all development would be on land above the OHWM and the bulk of the development other than the shoreline promenade is outside of the shoreline area. The 13.2 acre portion of the site ("Tract A") located immediately south of the main development portion of the site includes approximately 1,200 of the 4,800 lineal feet of shoreline and would be maintained as open space and shoreline promenade connecting the site from existing facilities along Ruston Way.

An estimated 800 to 1,000 dwelling units are proposed as part of the *Point Ruston* development including a variety of floor plans and unit types, predominately located in mixed use buildings, and "townhome" style condominiums which may be live-work units as a 25-foot to 35-foot high façade on the shoreline side of larger structures. Residential units would be a mix of owner occupied condominiums, apartments, potentially including senior housing/assisted living. It is anticipated, based on present market conditions, that approximately 77 percent of the units would be condominiums, 3 percent townhomes, 10 percent apartments, and 10 percent senior housing. The majority of the residential units would be located over retail/commercial space and structured parking.

As noted above in the Project Overview, the phasing of this project is related to the four organizing districts described in more detail below. The levels of phasing are:

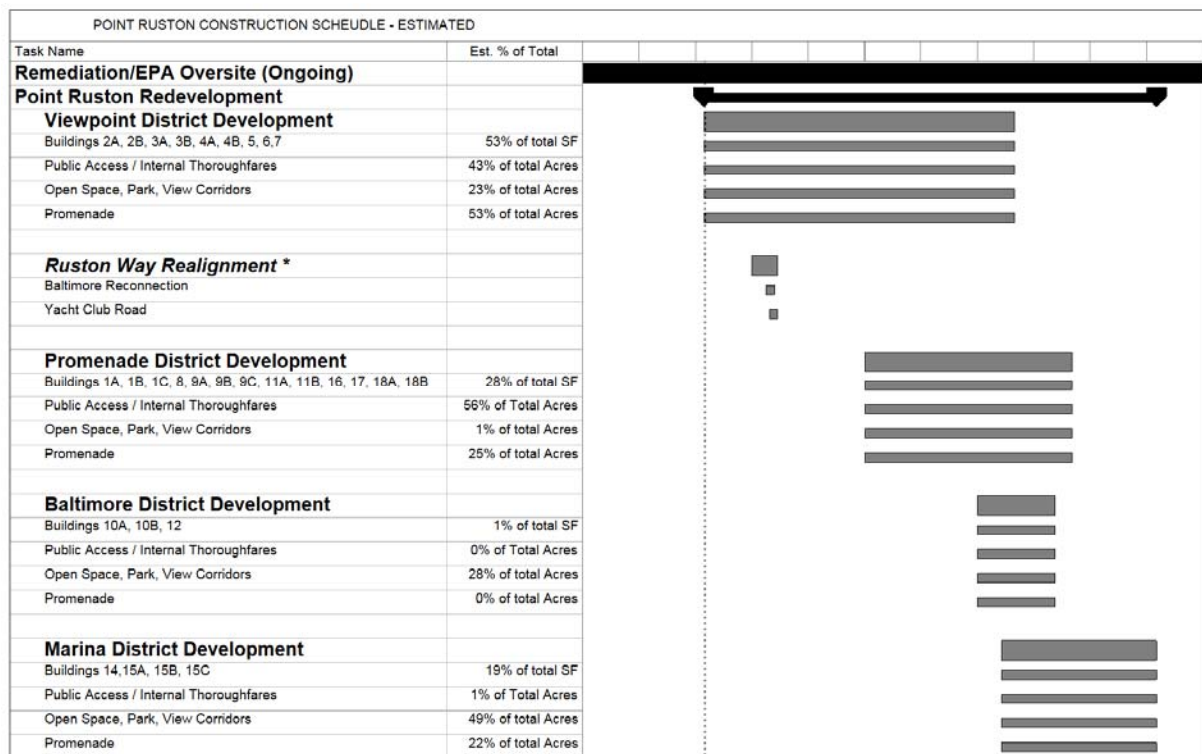
- Each building will be required to provide basic utilities (water, sewer, power, etc.) sufficient to meet the additional demand and will receive approval for occupancy by the local jurisdiction and EPA;
- Within each district, infrastructure will be accomplished in a "looped" fashion with utilities brought back to mains and roadways, the promenade and access connections to the promenade brought back to Ruston Way;
- Every district, upon its completion, will be generally "self-sufficient" in the sense that the roads, utilities and open space, parks, promenade, view corridors and major thoroughfares within each district are completed progressively as the buildings of that district are constructed to be 100% complete when the final building is occupied;
- Later districts build upon infrastructure extended during previous development of earlier districts.

One major component of the project which is not expected to be phased by building or by district is the proposed realignment of Ruston Way which would be done either at one time if coordination between the City of Tacoma and Town of Ruston on a developer's LID is approved; otherwise the portion in Tacoma would be completed prior to the first development within the Promenade District. Notwithstanding the foregoing, the entire realignment through Tacoma and Ruston and including the reconnection and improvement of Baltimore would be completed prior to occupancy of 50% of the residential development or 30% of the commercial development as indicated by the traffic analysis.

The first district to be developed, the Viewpoint District, is not dependent on the completion of the Ruston Way realignment for its initial development. Infrastructure is sufficient with the existing alignment to permit the construction to commence and even the first few buildings completed within that district while the major offsite road improvements are being planned and implemented.

The next district, the Promenade District would, however, require Ruston Way to be realigned at least to the Tacoma/Ruston municipal boundary for its development to begin and the entire realignment through Ruston and reconnection of Baltimore Street before the district could be complete. The Baltimore District would also depend on the Ruston Way realignment being complete prior to its development. The Marina District would require the Ruston Way realignment and Yacht Club Road to be complete, and would require utilities to be extended through the Promenade District – at least sanitary sewer, probably power and water as well. The effect of these phasing considerations is that the Districts are anticipated to be developed in the order shown on the schedule illustrated below. This schedule also indicates the approximate percentage of development square footage and the approximate areas of open space, park, view corridors, public accesses and water front promenade contained within each phase which would be constructed concurrently with its development.

Table 2.5.2-1
POINT RUSTON ESTIMATED CONSTRUCTION SCHEDULE



*Source: Point Ruston LLC

* Assumes approval of interlocal Developer's LID to allow realignment to be accomplished at once and as an earlier phase of the project. Later phase timing approximate and could be sooner

It should be recognized that this is an approximate sequencing schedule with the purpose of illustrating the anticipated progression of the project as opposed to specific dates which will finally be determined by market factors, availability of required permits and approvals and other factors. From the discussion of the considerations of phasing, it should be recognized that

some phases could occur earlier than indicated: for instance, the Baltimore District could be developed shortly after the Ruston Way Realignment is completed, if approvals were available and conditions permitted. Due to the phasing sequence, mitigation and improvements will be provided on a district by district basis commensurate with the additional and cumulative impacts. The timing of specific improvements and mitigation is discussed in the section for each element (traffic, public services, etc).

The following is a description of each of the four districts beginning with the first district where construction will begin.

2.5.2.1 Viewpoint District – Located in the southeast portion of the upland area of the project site, this district is intended to be the first developed over the next three to six years progressing building by building as market conditions warrant. Infrastructure is generally available along the frontage of Ruston Way sufficient to serve initial development in this portion of the property.

The Viewpoint District would be comprised of approximately ten buildings and a number of smaller “townhome” style condominiums located along the shoreline promenade. These smaller two-to-three story structures would utilize the parking garages in adjacent buildings for parking. It is anticipated that these units would be of a “live-work” variety incorporating the possibility of commercial/retail-related spaces on the ground floor facing the promenade with living areas for the proprietor above. The primary uses in this portion of the property would be residential with commercial and retail on the street levels. A relatively small amount of commercial/retail space would be included as part of this District in comparison to the retail core within the Promenade District.

The first two buildings within this district will be provided with utilities from the current Ruston Way alignment. Building 5 is anticipated to be the first project and would access Ruston Way via a temporary driveway approach. None of the private or public roadways would be constructed with this building project. Building 2A is anticipated to be the second project. This would also precede the construction and realignment of Ruston Way and the realignment of the utilities. The private roadway to access this building would be constructed as a part of the scope of this building. As previously mentioned, Ruston Way is considered a separate project with separate approval processes and these first projects are not dependent on its construction. These first two buildings would tie into the permanent improvements upon completion of such improvements. Mitigation discussed in Section 3 of this document would not be triggered by the construction of the first buildings. Mitigation would be phased in as discussed in Section 3.

Frontage improvements to Ruston Way would be deferred for individual buildings within this District as the realignment of Ruston Way is anticipated to be done in larger sections, preferably at once, to minimize temporary construction impacts and road closures. This District is not significantly affected by the proposed realignment of Ruston Way, as the road would remain in its approximate current alignment at the south end of the property and the traffic impacts of the first several buildings do not require the completion of this mitigation. Nonetheless, while not necessarily required to serve this District, it is anticipated that the Ruston Way realignment, frontage and infrastructure improvements for at least the Tacoma portion of the site would be completed prior to first residential occupancy. As discussed below, the creation of a single party developer LID has been proposed to accomplish this realignment as one of the first development activities of the Project. The proponent's goal is to begin the realignment project in early 2009.

Building 2A has been designed to contain 99 dwelling units. It would be located in the upland zone of the property, outside the shoreline district. Parking for this building would be entirely within the building. Three parking levels would be provided -- one level below-grade, one at-grade, and one above-grade. The at-grade and above-grade levels of parking would be obscured from the street by the storefronts of the 17,500 sq.ft. retail/commercial space in the building and residential entry lobby. The building would be approximately 80 feet in height. It is anticipated that Building 2A would be the second building constructed and that construction may commence prior to completion of the Ruston Way realignment. This building may, therefore, utilize a temporary access and utility connections to the existing Ruston Way infrastructure in anticipation of permanent connections to be provided at the time of the realignment.

Building 2B would be located east of the larger 2A and would contain approximately 44 dwelling units. This building, which would be within the shoreline area, is planned to have a height of up to 50 feet. A single story bistro/retail establishment accessed from the promenade would span between the north and south components of this building complex. A private courtyard would be maintained between the structures comprising 2B and the upland building 2A. It is envisioned that small secured courtyards in the development, such as this between Buildings 2A and 2B, could serve as play areas for resident children, as well as garden areas.

The Building 3 complex would be setback at least 200 feet from the shoreline in the upland area and would range in height from 50 to 80 feet. This structure would contain approximately 120 multifamily units on the floors above street level with total living area of approximately 145,000 sq.ft. A total of approximately 18,500 sq. ft. of leasable ground floor retail and commercial space would be accommodated within the building facing the street. Two levels of parking, one below street grade and one behind the commercial space at street level, would accommodate approximately 320 parking spaces with another 10 to 20 spaces located on the street. Facing the promenade, a façade 8 to 13 of the townhome-style condominiums approximately 25 to 35 feet in height (indicated collectively as 3B) would be located approximately 150 feet back from the shoreline.

Building 4A would have a modulated roof line with distinct building sections, would range in height from 50 to 80 feet in height, and in the upland area maintain a setback from the shoreline of at least 200 feet. It is anticipated that this building would accommodate approximately 140 multifamily units with about 180,000 sq.ft. of living space and an estimated 13,000 sq.ft. of commercial or retail space at the street level. Two levels of structured parking are proposed within this building; one level would be below street grade and one at-grade located behind the storefronts of the commercial spaces and residential lobby. Parking in this complex would accommodate approximately 350 cars with another 20 spaces available on street. As many as 23 of the townhome-style live-work units (indicated collectively as 4B) would present a 25 to 35 foot tall façade to the promenade setback 100 to 150 feet back from the shoreline.

Building 5 is anticipated to be the first building constructed on the site and a building permit application has been submitted for a three story building approximately 45 feet in height with about 21,000 sq. ft. of total floor area. The first floor is designed as retail space and the second and third floor are designated as commercial/office space. Parking is provided at surface lots adjacent to the building. The location of this building and adequacy of existing utilities to serve a building of this size in advance of the completion of the Ruston Way realignment and major



Source: ESM, 2008



infrastructure relocation and extension into the site make this a financially practical first building to construct. The access on Ruston Way will be temporary in anticipation of the final access provided as a part of the Ruston Way realignment project. The utilities may also involve a temporary connection to those existing within the current Ruston Way alignment again in anticipation of a permanent connection following the Ruston Way realignment and associated relocation of utility mains.

Building 6A/6B is intended as an assisted living/senior housing facility, which would combine smaller multifamily units with supporting care facilities and associated administrative offices. This structure would have a height of approximately 80 feet with parking for approximately 150 vehicles provided below-grade and supplemented by on street and surface parking.

Building 7 is anticipated to be an apartment building with approximately 100 rental units in a range of floor plans and sizes with potentially a small amount of retail or commercial office space located at the ground level. Resident parking would be predominately in a garage located below grade and supplemented by surface guest parking; a total of approximately 120 to 200 parking spaces would be included with this structure.

This District would be accessed from Ruston Way via the southeastern-most of the three proposed access points, as well as internally connected to the Promenade District.

2.5.2.2 Promenade District – Located centrally in the widest portion of the site, this District would serve as the retail core of the urban village neighborhood and be split between Tacoma and Ruston. Access would primarily be via the Point Ruston Blvd., which would be located along the boundary between the two municipalities and extend from the main entrance of the development on Ruston Way to a 200-foot wide central gathering space referred to as the Grand Plaza. This District would contain the greatest concentration of retail and commercial uses within the *Point Ruston* development – developed predominately with retail shops at street level and residential or office space located above. It is anticipated that some smaller professional service offices may be included among the retail. This District would consist of 8 to 10 buildings ranging from 1 to 7 stories in height (25 to 80 feet).

Unlike the Viewpoint District, which would most likely develop building by building, it is anticipated that the retail core would be constructed in a coordinated fashion with potentially 75 percent of the buildings constructed simultaneously. The infrastructure, roads, plazas and promenade in this District would be completed at the same time. The utilities would likely connect to those extended into the site during development of the Viewpoint District to the southeast and utilize relocated and upgraded utilities constructed during the relocation of Ruston Way. It is anticipated that construction would begin within this District in two to three years subsequent to the infrastructure development in the Viewpoint District and the Ruston Way realignment. The Promenade District is anticipated to be open to the public and fully operational approximately two years after construction in the District begins.

This retail core would be anchored by a 150-room hotel proposed for the east-central portion of the project site (Building 17), within the Town of Ruston. The hotel would contain at least one restaurant, a lounge, conference/meeting rooms and typical fitness and spa facilities. It is anticipated that the hotel would be a maximum of 60 feet in height and set back from the shoreline at least 100 feet. Parking would be accommodated within and under the building with an off-street porte-cochere valet drop-off at the front entrance. Provisions for service vehicles and loading areas are to be made from the surface parking lot at the rear of building.

Also adjacent to the Grand Plaza would be at least two free standing restaurants (Buildings 18A & 18B). These structures would be 1 to 2 stories in height and contain an estimated 6,000 to 8,000 sq.ft. each, with outdoor seating on the water-side toward the plaza. Parking for these restaurants would be provided in a multiple-level parking garage located across Main Street under and behind the neighborhood market (Building 11A), which is intended as the main retail parking structure supplemented by on street parking throughout the District. The restaurants, hotel and spa/fitness facility may provide valet service utilizing portions of that garage.

Building 1C also adjoins the Grand Plaza. Another restaurant would be located within the end of the building, adjacent to the plaza. This structure would be 1 to 2 stories in height and set back 100 to 150 feet from the shoreline. It would also utilize its relationship to the Grand Plaza in permitting outdoor seating. Building 1A would be in the upland area at least 200 feet from the shoreline and range from 50 to 80 feet in height. It would contain approximately 127 multifamily units with about 150,000 sq. ft. of living space located above around 17,000 sq. ft. of street level retail. Parking for approximately 240 cars would be provided in two parking garage levels, one below-grade and one at ground level behind the retail storefront spaces. Approximately 11 townhome-style condominiums (1B), each two or three stories tall and up to approximately 35 feet in height, would be located in the shoreline area setback approximately 150 feet from the shoreline.

Building 8 would be a small “four corners” building that would be located between Grand Avenue, the main street into this Promenade District and the Island View Corridor, a 100-foot wide pedestrian-dedicated direct link between the Ruston Way, Main Street and the promenade. This is intended to be a small 1 or 2-story retail structure up to 35 feet in height that contains approximately 6,000 sq. ft. of leasable space. This structure would depend on street and surface parking located along adjacent streets to meet its required parking of approximately 30 spaces.

Building 9A/9B/9C would be a regional wellness center complex that includes a fitness facility and associated spa, health facility and recreational or athletic related retail. This building may consist of multiple structures with an interior courtyard, as shown. The storefronts located along the roadways may include -- in addition to the fitness center -- establishments such as a juice bar, day spa, physical therapy, boutique sporting goods retailers and/or outdoor outfitters. The parking for this complex would be provided below-grade, beneath the complex and the courtyard. The garage parking would be supplemented by surface parking located around the building. Potentially 10- 15 multifamily lofts or a similar amount of commercial space would be located in 1 or 2 floors above the facilities at street level – extending to a maximum height of up to 45 feet.

Building 11A, at the corner of Yacht Club Road and Ruston Way, is envisioned as a neighborhood grocery and produce market with an associated deli. It would be one or potentially two stories in height (maximum height of 45 feet) and built over a below grade parking garage of 1 or 2 sub-grade stories that would span beneath the market and the adjacent “surface” parking lot. In addition to meeting the parking requirements for the market and adjacent retail, this facility would serve as a general public parking lot for the retail core, supplementing what is provided by each establishment. It is anticipated that the hotel, restaurants and wellness center could use portions of this garage for valet parking, as well. Building 11B would have street level retail along Central Avenue and potentially retail above

facing the surface parking lot above the garage. It could also contain 8-10 multifamily units located above the retail to a height of approximately 45 feet above grade.

Building 16 is assumed to provide an additional 10,000 to 15,000 sq. ft. of retail space at street level with potentially up to 2 stories of multifamily units located above (maximum height of 45 feet).

2.5.2.3 Baltimore District – This area consists of two or more potential building sites in proximity to the intersection of Ruston Way and the Baltimore Street reconnection to the south and Yacht Club Road to the north. These sites would be located across the street from the retail core and have high visibility from Ruston Way and convenient access. The development of this District would necessarily depend on the prior relocation of Ruston Way and construction of Yacht Club Road from which access and utilities would be provided. It is anticipated that these sites would be developed concurrently with the development of the Promenade District or soon thereafter.

The Building 10 site would be created as a result of the relocation of Ruston Way onto the *Point Ruston* property. It consists of property remaining on the south-side of the new alignment combined with the existing right-of-way, which is proposed to be vacated at the time the new right of way is dedicated. Development of this building site would create a small commercial or retail space in the range of 4,000 to 8,000 sq.ft. (e.g., potential community bank branch). This structure would be 1 or 2-story structure up to 35 feet in height.

Building 12 would be located on the north-side of the Ruston Way and Yacht Club Road intersection, at the base of Promontory Hill. This building site would also be the result of property remnants following relocation of Ruston Way and vacated existing right-of-way that would no longer be utilized as part of the new alignment. This site could support one or more small, single-story commercial uses (e.g., office/credit union) 3,000 to 5,000 sq.ft. in size and up to 25 feet in height.

2.5.2.4 Marina District – The fourth District would be located at the northwest end of the property, at the base of Promontory Hill Park and adjacent to the Metropolitan Park District's Yacht Basin housing the Tacoma Yacht Club and Breakwater Marinas. Depending on infrastructure that would be extended through the Promenade District, it would most naturally develop following completion of the retail development in that District. This portion of the property is relatively narrow and somewhat isolated from the adjacent retail core accessed from Yacht Club Road.

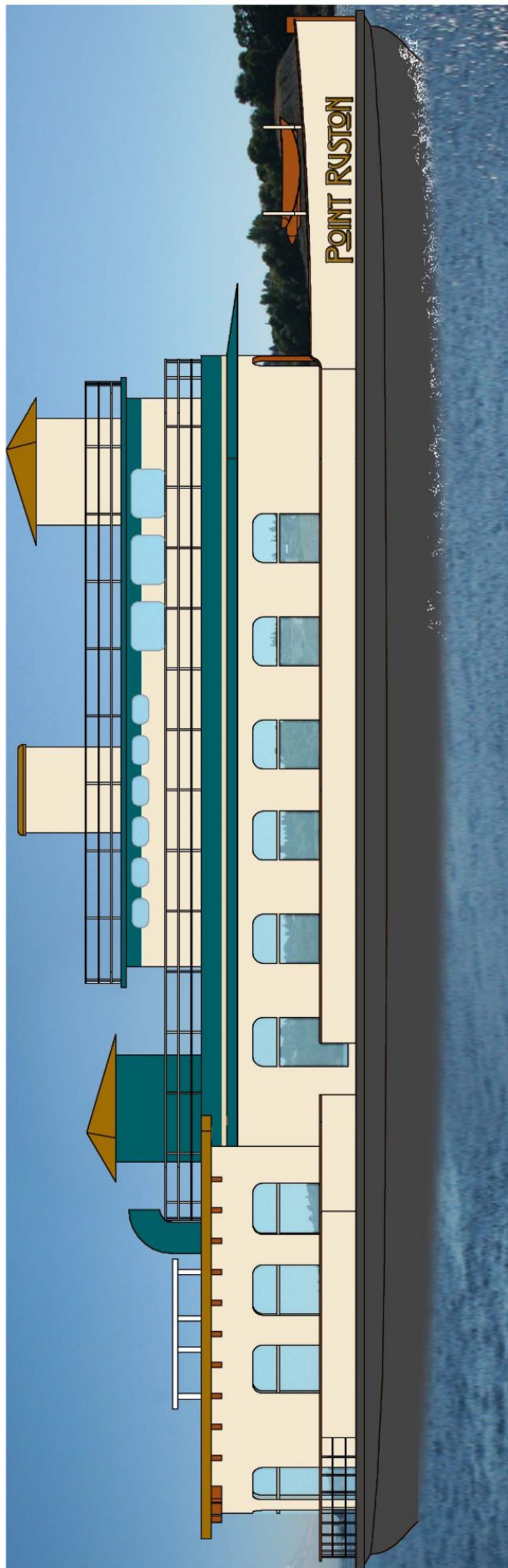
Building 14 is envisioned as additional structured parking and potentially could be developed with additional office/commercial space or multifamily units above. Also located at the base of the Promontory Hill Park, even at a maximum height of 60 feet, the building would not be taller than the grade at the top of the hill.

Building 15 is envisioned as a multifamily complex with potentially 200 – 240 units. The building would be about 60 feet in height and contain approximately 250,000 sq. ft. of living space. Parking would be provided within the structure, potentially as shown in two upland buildings located behind the waterfront structure, with supplemental street and surface parking for guests.

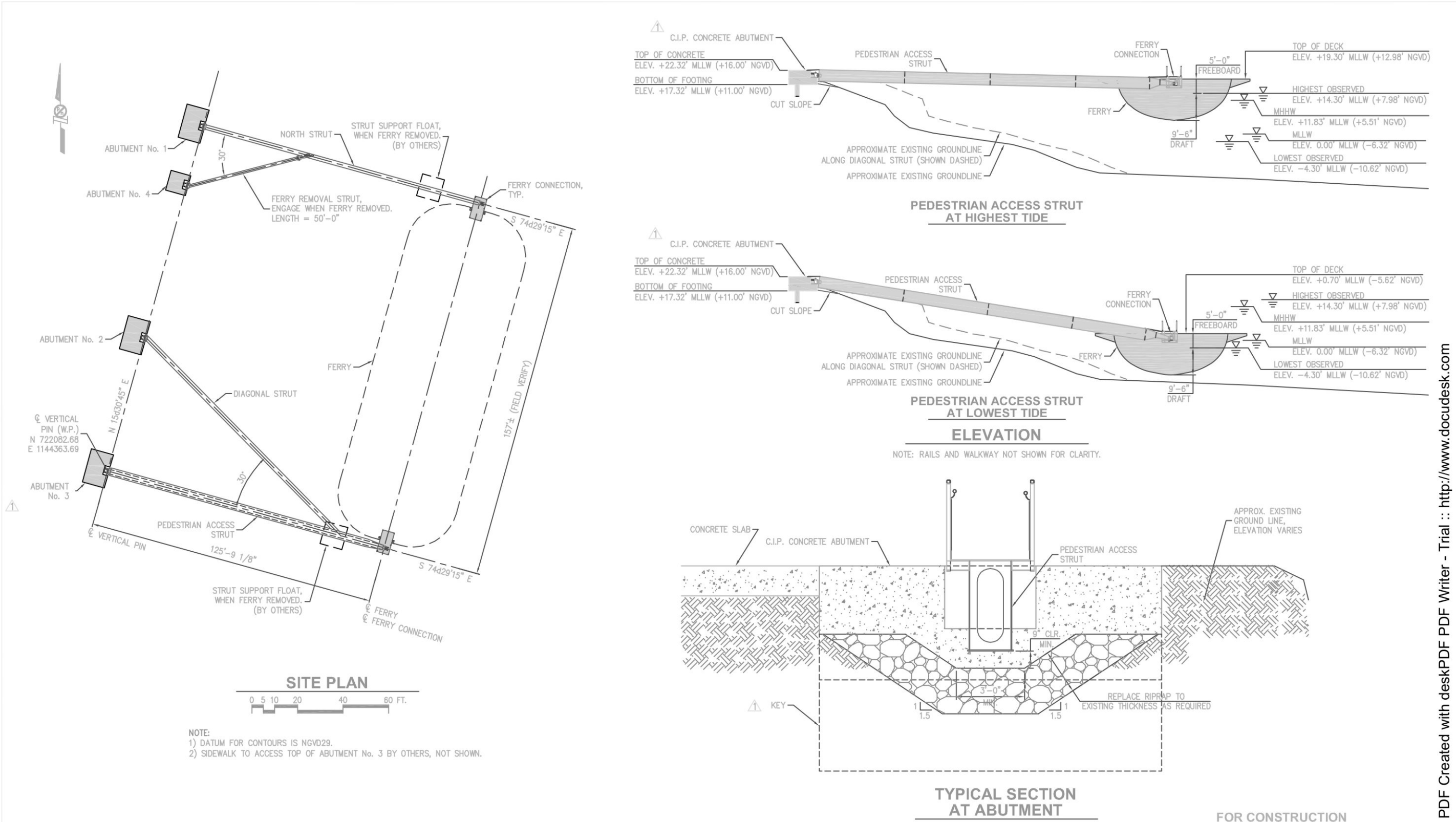
2.5.2.5 *Sales and Leasing Office – Additional Retail*

As depicted in Figure 8, it is proposed that a former ferry boat be converted for use as a temporary sales and leasing office or otherwise as office or retail space (such as a design center) associated with the development of the project. The boat would be moored in Tract A (Point Ruston LLC-owned in-water property), south of Building 4. No in-water dredging or filling would be necessary, however, a Shoreline Substantial Development permit would be required prior to moorage in this location and the intended usage.

The **Point Ruston** ferry, formerly the **Steilacoom**, is 150 ft. in length, has a 60-foot wide beam and a maximum draft of 8 ft. 6 inches. Making the vessel accessible for use as an office or retail space would involve placement of a gangway at the stern of the vessel for pedestrian access and utility connections (power, phone, cable). A crane placed upland of the Ordinary High Water Mark would be used to install the moorage and gangway system. Figure 9 depicts the proposed moorage and gangway system.

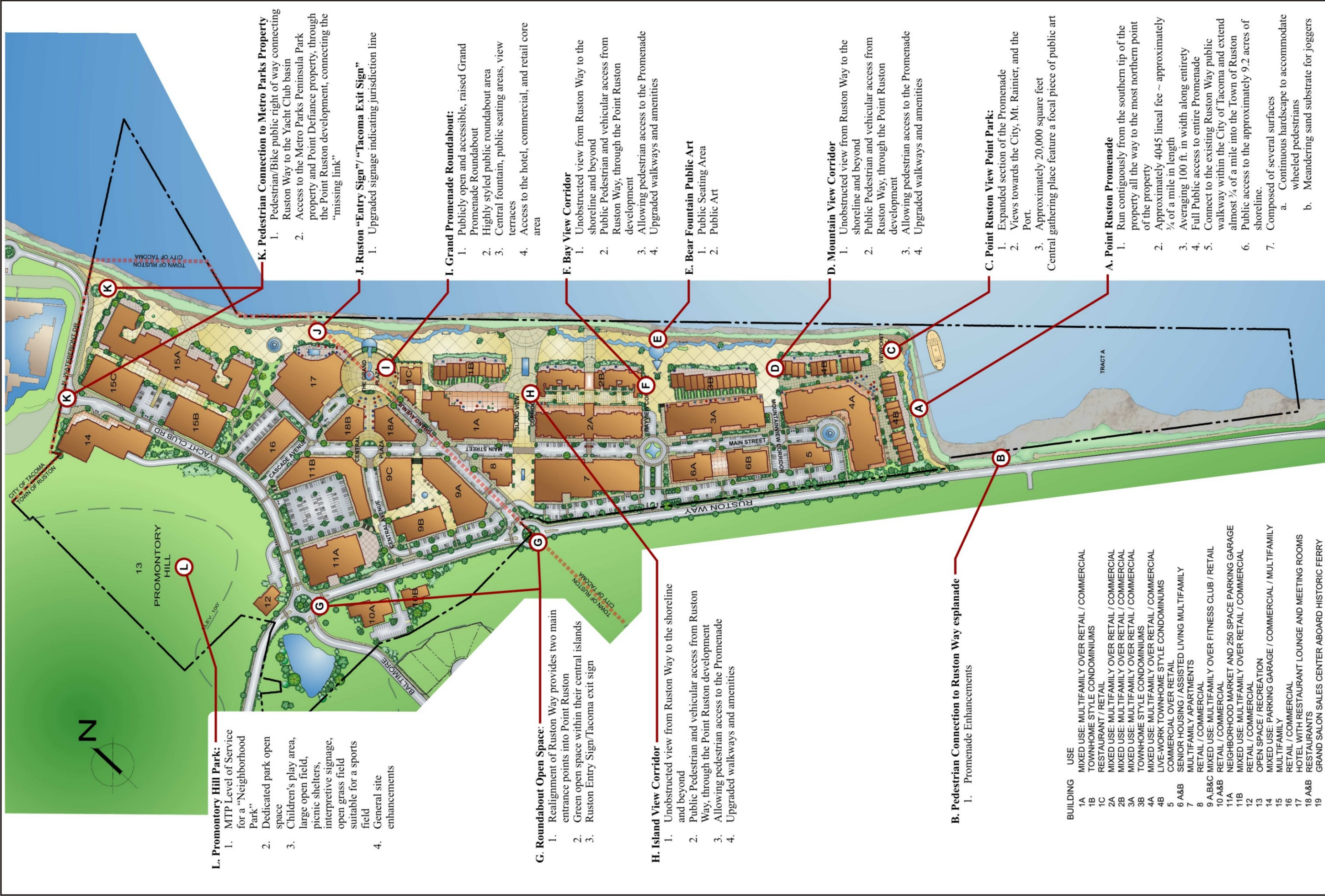


Source: Point Ruston, 2007



2.5.2.6 Open Space – Approximately 50 acres – or 61% of the total area of the *Point Ruston* project site – would be maintained as publicly accessible parks, recreation areas, open space, view corridors and public access including major thoroughfares. These areas, depicted in Figure 10, include the following; each is discussed in more detail in Section 3.4.

- A 100-foot (average width) promenade would be located adjacent to the shoreline beginning at the existing terminus of the sidewalk along Ruston Way and extending along the shoreline of the site to the Metropolitan Park District's Peninsula Park/Yacht Club property. The proposed promenade is to be designed to accommodate access for a broad range of potential users (e.g., runners, walkers, bicyclers, roller-blades, strollers, etc) with additional areas in "pocket parks" out of the traffic flow for other activities (e.g. viewing, picnics, etc.) as illustrated at Figure 10. The promenade would be a combination concrete/hardscape and sand along the shoreline armoring with landscaping along the shoreline and in islands and planters. Much of the hardscape would feature designs and colored surfaces accenting public art pieces, pocket parks and play areas constructed throughout the development.
- Additional open space would be provided within the interior of the development including retail plazas and corridors between and around buildings.
- Courtyards would be provided between buildings providing small more private areas for the residents with landscape, garden spots and play areas for younger children.
- Sidewalks would be provided along all internal roads within the development and pathways would be provided throughout the development linking open spaces and the promenade. Sidewalks along Main Street, Central Avenue and Grand Avenue (in particular) would be on average 10 feet wide and up to 20 feet wide, allowing abutting retail establishments to have a strong presence on the street.
- Tract 'A' (approx. 13.2 ac.) would be maintained as open space and a shoreline promenade with parking connecting existing facilities along Ruston Way to the development. As noted in section 2.5.2.1, a small portion of this area would serve as temporary moorage for the ferry/sales center.
- Green space tracts would be provided such as the hillsides across Ruston Way and on the sides of Promontory Hill Park, as well as the pond at the intersection of the Baltimore Street reconnection and Ruston Way.
- Active recreational areas would be provided such as the top of Promontory Hill and at the wellness center courtyard.



Source: ESM, 2008



Point Ruston Supplemental EIS

Figure 10

Park Enhancements

2.5.2.7 Roadways, Access and Parking – Several key improvements are proposed with regard to street access and parking, as outlined below. These are depicted in Figure 6 and Figure 11; the focus of Figure 11 involves connections -- including vehicle, non motorized and pedestrian -- to and through the project.

■ **Roadways**

- The principal arterials that would serve *Point Ruston* are Ruston Way and Pearl Street. Ruston Way provides connections to downtown, Tacoma and Ruston, I-705 and I-5 via Schuster Parkway and connections to Pearl Street (SR- 16) via Gallagher Way and N. 51st Street. Pearl Street is the principal north-south arterial separating Tacoma and Ruston.
- It is proposed that Ruston Way be realigned to within the boundaries of the *Point Ruston* development in order to straighten the existing curves (horizontal and vertical) and eliminate the existing vehicle tunnel. A portion of Point Ruston property would be dedicated and a corresponding portion of current right of way vacated for the purpose of re-aligning Ruston Way. The realignment would include two 11-foot wide travel lanes, two 7.5-foot wide bike lanes, a sidewalk along the north side of the roadway connecting to existing facilities at both ends, and roundabouts at the two northern access points associated with Point Ruston. The grade of Ruston Way would be raised to approach the grade of the Point Ruston property which is currently as much as 14 feet higher than the road. This will provide view opportunities to the shore through view corridors which would otherwise not exist because of the current grade difference.
- It is also proposed that the Baltimore St. connection be re-engineered and re-connected at the traffic circle at the Yacht Club Road intersection as a part of the realignment of Ruston Way.

■ **Vehicular Access** -- Three points of ingress and egress associated with *Point Ruston* are proposed from Ruston Way.

- The southernmost access point would be located within the City of Tacoma, approximately 2,225 feet northwest of the southeast boundary of the site (Viewpoint District).
- The second access point would be in conjunction with a roundabout that would be located on the boundary between Tacoma and Ruston; this access would serve the central portion of the site (Promenade District).
- The third access would be a traffic circle located near the north-end of the project site. In addition to serving Point Ruston, this access would also serve Peninsula Park and the Tacoma Yacht Club and Baltimore Street reconnection (Baltimore District).

An estimated 5,200 lineal feet of streets are projected as part of the proposed *Point Ruston* development. Paving width would be from 20 to 32 feet wide with 5 to 20-foot wide sidewalks. Narrower roads and wider sidewalks are specific design elements important to the urban village development concept as are traffic calming measures

giving primacy to pedestrians circulating through the development, particularly in the retail core within the Promenade District. Portions of roads would be without curb (to provided flexibility for special activities utilizing portions of closed roadway for events) with removable bollards to otherwise provide protection against vehicular intrusion.

A central street paralleling Ruston Way within the development would connect each of three access roads (described below) from Ruston Way. Internal streets within the development would be developed and maintained as private streets (e.g., not dedicated to the City or the Town) with the exception of the Yacht Club Road, which provides access to Metropolitan Park District's property.

- **Bicycle Access** – Provisions are made for “commuter” cyclists with bike lanes along Ruston Way, Baltimore Street from the reconnection to 46th Street and Yacht Club Road to the Metropolitan Park District property. A more scenic route is provided along the shoreline promenade.
- **Public Transportation Access** – Provisions are being made for a transit stop along Ruston Way (shown next to the neighborhood market, Building 11A) and within the retail core of the Promenade District in a manner and location to be coordinated with Pierce County Transit. Special programs such as flex cars and carpools are also being discussed.
- **Parking** -- An estimated 3,700 parking spaces would be provided as part of *Point Ruston*, as described in the District discussion. They include parking structures, surface lots and on-street parking along internal streets.

A majority of the buildings within the complex would include one or more levels of structured parking below grade beneath the residential or behind the retail/commercial uses with storefronts along the street. Except for entrances, the presence of the parking garages will be obscured from the street and walkways.

In addition to on-street parking, surface parking lots along Ruston Way, internal roads and adjacent to upland buildings provide convenient and identifiable public parking. As depicted by Figure 4, right-angle parking is proposed for the westernmost north-south street and the south one-third of the central north-south street – Main Street. Parallel parking is proposed for the central portion of the Main Street and within the retail core of the Promenade District.

The proponent indicates that all phases would provide -- at a minimum -- the amount of parking that is necessary to satisfy zoning code requirements associated with the development of each phase of *Point Ruston* including the appropriate proportion of spaces dedicated for public parking.



Source: ESM, 2008



2.5.2.8 *Project Design and Architecture*

The proponent indicates that buildings should be largely “transparent” at street level with retail and commercial storefronts and lobbies facing broad sidewalks along the streets and/or plazas. More private uses like residential and corporate commercial offices would be vertically integrated into the buildings above street-level with parking garages below and/or behind the storefronts.

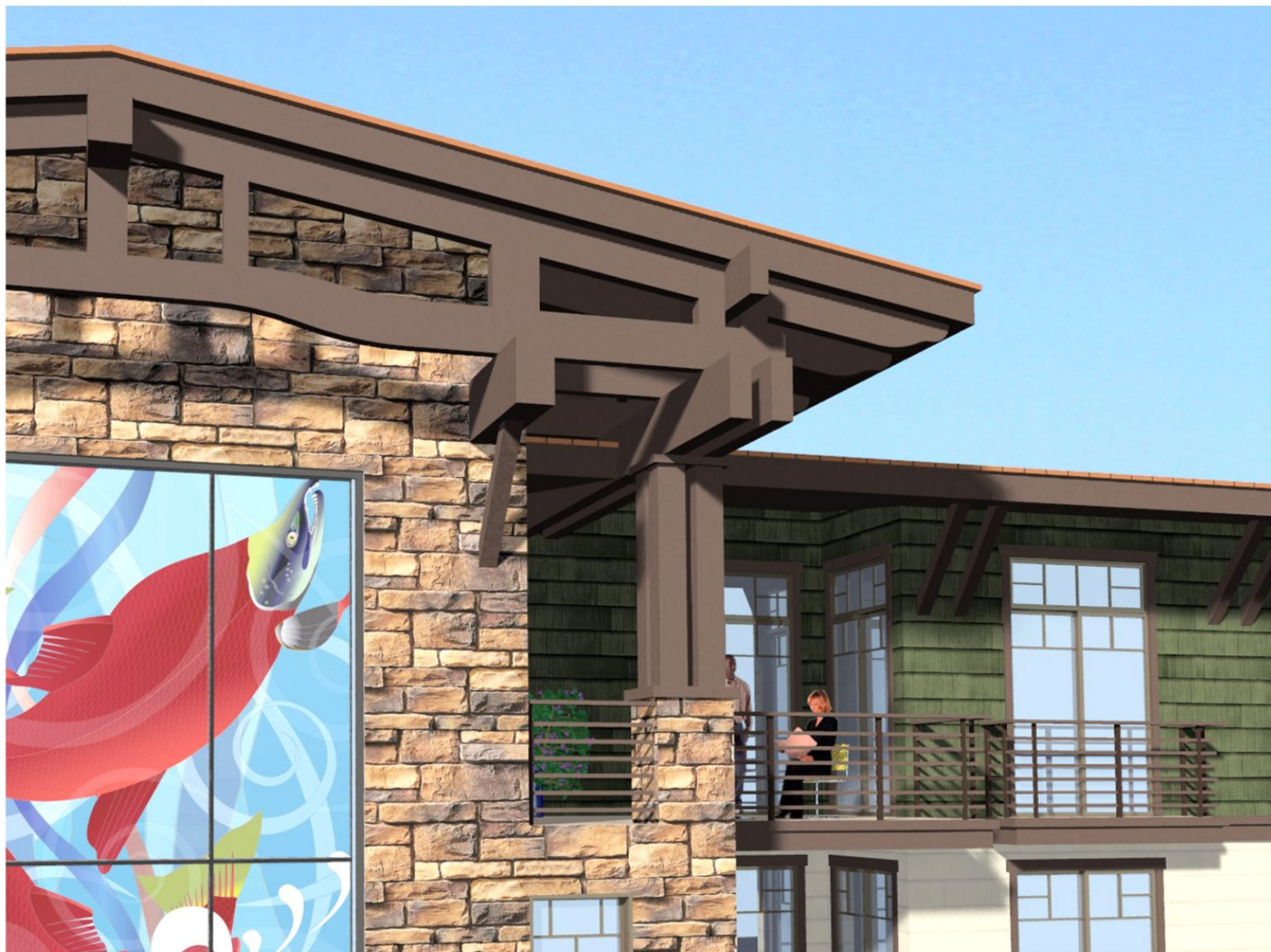
Internal streets within the development have been designed to be “pedestrian friendly.” Such includes narrower vehicular travel lanes, frequent and well defined crosswalks – even mid-block on longer blocks -- and traffic calming structures (e.g., traffic bulbs, traffic circles at intersections, etc.). It is intended that these overriding design precepts enforce the primacy of the pedestrian and slow vehicular speeds. Internal streets without curbs could accommodate the occasional closure of sections of the street for special gatherings or entertainment events in which the roadway becomes an active part of the venue. At other times, decorative but protective bollards would protect the sidewalk from adjacent traffic. Figure 12 is an illustration of a street scene at the Grand Plaza viewed across the Promenade.

The proponent indicates that *Point Ruston* would prepare and adopt design standards and architectural covenants that establish and maintain a consistent architectural theme for the entire complex. The proposed theme is characterized as Northwest Craftsman, a modern interpretation of the craftsman and prairie styles that is suited for the region. Prominent features of this style include the use of heavy timber, stone and masonry accents with shingles, as depicted in Figure 13. Coloration would depict muted natural or earth tones. “High Design” elements such as stained glass windows and custom iron grills and railings would be employed to provide interesting, artistic focal points against the more subdued background features of the building. Figures 14, 15 and 16 illustrate project details including a large stain glass window with a salmon motif that is being designed as such a focal point. These design features and motifs would also be incorporated into project amenities, such as picnic shelters, fire pits, water features, and public art. Figure 17 illustrates a conceptual design for a decorative iron gate to a parking garage; it features an Orca pod. Figure 18 is a preliminary design for a public fountain with bronze bears and salmon.

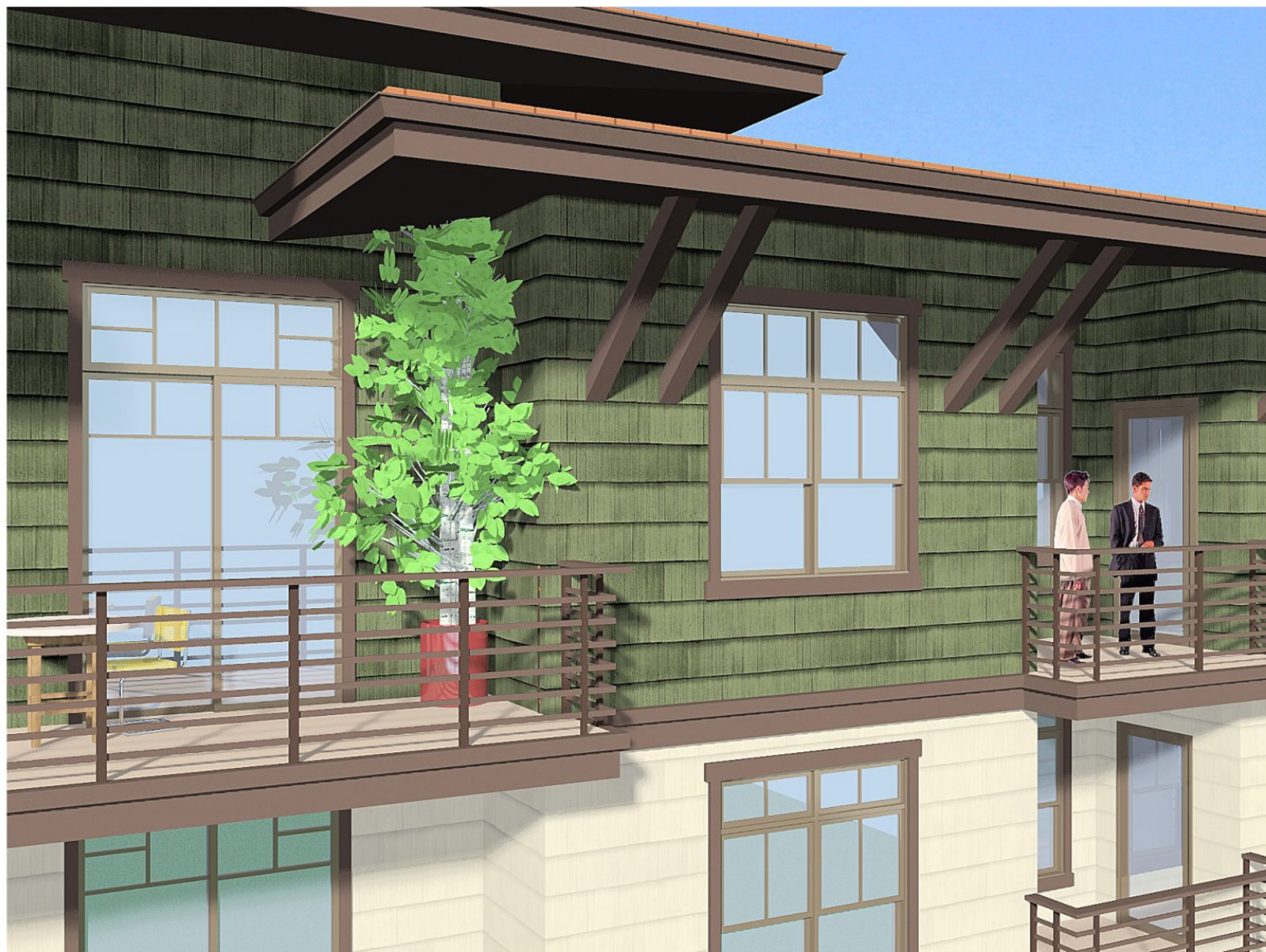
This style of architecture would feature “residential”-style rooflines with shingles or standing seam metal and low pitches, rather than commercial flat roofs with parapets. Viewed from above -- which is how the project will be seen by many¹⁸, it is intended that these roofs and hidden mechanical equipment will be more aesthetically pleasing and result in less glare than the more typical commercial roofs. “Green roofs” comprised of a thin layer of enriched soils and vegetation above the roof membrane are being explored as an alternative in locations where flat roofs are required with the additional benefit of stormwater management and credit toward environmental certifications being sought by the development.

¹⁸ The surrounding topography is approximately 100 to 200 feet higher than the site.





Source: Point Ruston, 2007



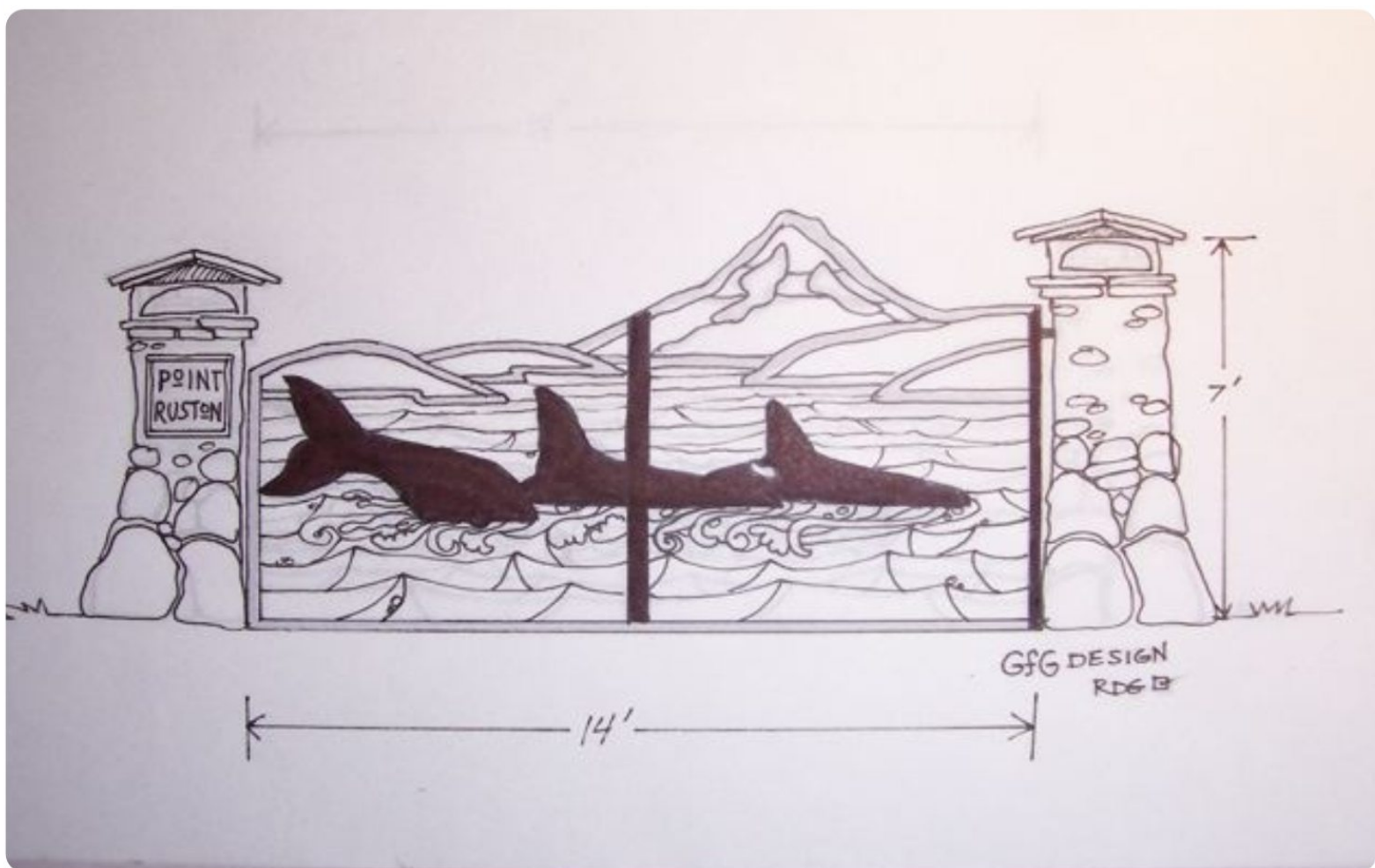
Source: Point Ruston, 2007



Source: Point Ruston, 2008



Source: Point Ruston, 2007



Source: Point Ruston, 2007



Source: Point Ruston, 2007

Point Ruston LLC recently received notification from the Master Builder Association of Pierce County that Built Green™ certification has been awarded to *Point Ruston* in two categories: a “community” designation for the entire waterfront development as master planned and a “building” designation for the first building. The Built Green™ program certifies that communities and buildings are energy and resource-efficient, utilize durable materials, protect the environment and are cost-effective to own and operate. In addition to the community certification for *Point Ruston*, each individual building at *Point Ruston* would be certified as well.

The proponent indicates that *Point Ruston* is taking an additional step toward environmental stewardship by adhering to principles of an ENERGY STAR¹⁹ community. ENERGY STAR is a joint program of the U.S. Environmental Protection Agency (EPA) and the US Department of Energy. The program is meant to help consumers save money and protect the environment through the use of environmentally friendly products and building practices.

2.5.3 Point Ruston – Initial Building Development

As noted previously, *Point Ruston* would be a phased development with implementation occurring over an estimated 8 to 10-year timeframe. It is anticipated that construction would begin in the View Point District. Building 5 along Ruston Way has been selected as the first structure. As described in the previous Districts section, this building is designed as a dedicated commercial office building of three stories and about 45 feet in height with about 21,000 sq. ft. of office space and 70 parking stalls with a combination of below-grade parking garage and surface lots adjacent to the building. The location of this building and adequacy of existing utilities to serve a building of this size in advance of the completion of the Ruston Way realignment and major infrastructure relocation and extension into the site make this a practical first building to construct as it can be completed while the major infrastructure is still under construction.

It is anticipated that development associated with this initial building complex would commence in 2008. Site remediation in this portion of the project site, per terms of the Consent Decree, consists of final capping which will be completed concurrently with building construction and site development in this portion of the *Point Ruston* site. As with all phases of *Point Ruston*, EPA will monitor site construction and certify the phase for occupancy upon successful completion of the cap and other required measures for the protection of human health.

¹⁹ ENERGY STAR qualified homes can save homeowners as much as 30 percent on their energy bills. According to EPA, the ENERGY STAR program has shown amazing results nationally with an estimated \$14 billion saved on utility bills in 2006 and the avoidance of greenhouse gas emissions equivalent to that of 25 million cars.

2.6 ALTERNATIVES

SEPA requires analysis of “reasonable alternatives” as part of an EIS and defines reasonableness as “actions that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation.”²⁰ Goals and objectives for this project have been identified by the proponent and are noted in *Section 2.4* of this FSEIS.

This document supplements the *1997 ASARCO Smelter Site Master Development Plan* EIS. The *1997* EIS is a non-project EIS that identifies and evaluates the probable impacts that could result from four possible alternatives – a No Action Alternative and three project development alternatives of high, middle, and low intensity. This *Point Ruston* document is a project-level EIS. It is intended to supplement the *1997* EIS by analyzing additional areas and new information to address changes in the *Proposed Action* since 1997. This FSEIS utilizes the middle intensity development alternative contained in the *1997* EIS as its No Action Alternative. In order to focus on the changes since 1997, this FSEIS presumes that if, for some reason the *Proposed Action* is not implemented, the development that was authorized by the *Master Development Plan* could occur. The following describes that alternative; environmental impacts associated with this alternative is evaluated – along with the *Proposed Action* – in *Section III* of this FSEIS.

2.6.1 No-Action Alternative

Analysis of this alternative is required by SEPA.²¹

The *No Action Alternative* in this FSEIS, the same as the middle intensity alternative of the *1997* EIS, would involve development as currently authorized by the *Master Development Plan*. Specifically elements of this alternative include the following:

- potential mix of land uses -- retail, office, light industrial, and office business park;
- approximately 991,500 sq.ft. of development is authorized as a result of this alternative;
- Floor Area Ratio: approximately 0.75;
- an estimated 2,977 parking spaces could be provided;
- it is assumed that a portion of the parking would be located on decks or beneath the buildings;
- building height would be 60 feet;²² and
- additional off-site infrastructure improvements (e.g., roads, utilities, etc.) would be necessary.

The *No Action Alternative* in this FSEIS is the same as the middle intensity alternative in the *1997* EIS.

²⁰ WAC 197-11-440(5)

²¹ WAC 197-11-440(5bii)

²² The EIS site plan that accompanied the description of this alternative (Fig. 2-3) depicted development at 3-4 stories but listed 60 feet as the maximum height allowed.

2.6.2 Benefits and Disadvantages of Delaying Implementation

Another aspect of the *No-Action Alternative* involves the possibility of delaying implementation of the *Proposed Action* to some future time. As required by SEPA, the following outlines possible benefits and disadvantages of such delay.

Benefits of Deferral

- The advantage of deferral is that environmental impacts noted with regard to the *Proposed Action* and the *No Action Alternative* would not occur at this time, but would be delayed until project implementation.
- Future potential re-development options for the site would not be foreclosed.

Disadvantages of Deferral

- Deferral would not eliminate or lessen the severity of environmental impacts that have been identified, but merely postpone them. In some situations, this could result in greater cumulative impacts (e.g., traffic, noise, aesthetics, etc.) as a result of redevelopment, due to changes in background conditions.
- In all probability, deferral would add to the capital cost associated with individual development projects. Depending upon the amount of delay, deferral could result in a less operationally efficient complex or even abandonment of some development projects.

This course of action would not meet the proponent's objectives (refer also to discussion in *Section 2.4* of this FSEIS). Specifically, the proponent's commitments to EPA under the consent decree would be made more difficult, if not impossible to meet, if development of the site does not commence in 2008 as anticipated in the Consent Decree.

The completion of the remediation and planning for redevelopment of the property has been in process for more than fifteen years. The public has generally anticipated the redevelopment and there is a benefit to the community to return the property to the tax rolls, as well as the removal of this area from the Superfund list of the most contaminated properties in the country. Considerable public effort and investments have been made in the clean-up and redevelopment of the Thea Foss Waterway at the southern-end of this Commencement Bay shoreline. The completion of *Point Ruston* would be the "other book end" to that effort.

SECTION III

AFFECTED ENVIRONMENT,
SIGNIFICANT IMPACTS,
MITIGATION MEASURES, and
SIGNIFICANT UNAVOIDABLE
ADVERSE IMPACTS

SECTION III

AFFECTED ENVIRONMENT, SIGNIFICANT IMPACTS, MITIGATION MEASURES, and SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

This section of the FSEIS analyzes significant environmental impacts and mitigation measures associated with the *Proposed Action* and the *No Action Alternative*.

The environmental elements that are analyzed in this section of the FSEIS were determined by the City of Tacoma Public Works Department (SEPA Lead Agency) as a result of the formal, public EIS scoping process, which occurred from November 9 through November 16, 2007. Comments received during the EIS Scoping period were considered by the City of Tacoma in determining the issues and alternatives to be analyzed in this DSEIS. Seven broad areas of environmental review are evaluated; they include:

- Land Use and Shoreline Use;
- Aesthetics – Viewshed;
- Housing;
- Environmental Health;
- Public Parks, Recreation and Open Space;
- Public Services and Utilities; and
- Transportation.

3.1 Land Use and Shoreline Use

This section evaluates two major aspects of land use – land use patterns (Section 3.1.1) and the consistency of the *Proposed Action* and the *No Action Alternative* with adopted land use plans, policies and regulations (Section 3.1.2). Key documents that are summarized and evaluated as part of the consistency analysis include the State Growth Management Act, State Shoreline Management Act, the City of Tacoma and the Town of Ruston's Comprehensive Plans, Shoreline Management Plans and zoning/land use regulations in the City of Tacoma and the Town of Ruston.

3.1.1 Land Use Patterns

3.1.1.1 Affected Environment

As noted previously in this FSEIS, the project site has been cleared of all buildings and structures, all upland portions of the property continue to be fenced,¹ and the site continues to undergo remediation, in compliance with EPA Consent Decrees (see discussion in Section 2.3.1). On-going site activities include grading and capping per the Scope of Work, under the terms of the Second Amendment to the ASARCO Consent Decree. Previously, soil has been imported to the *Point Ruston* property from the remediation of surrounding residential properties. As residential yard remediation continues as funded through the Environmental Trust established by Asarco and the EPA, soil will continue to be brought to the site for placement under the final site-wide cap. Stockpiles of this material, as well as imported clean soils to accomplish the final capping, are present on the site. Final grading will result in a slope of 2 to 2.75 percent from the shoreline of Commencement Bay to Ruston Way.

The pattern of land uses in the vicinity of the site include the Tacoma Yacht Club and Breakwater Marina and Metro Parks Peninsula Park property immediately north of the site, single family residential development generally west of the site, a steep hillside/greenbelt southwest of the site, open waters of Commencement Bay east of the site, as well as the Ruston Way commercial and restaurant corridor to the south of the site.

3.1.1.2 Significant Impacts of the Proposal

The *Proposed Action* assumes development of the entire *Point Ruston* site, with final build-out consisting of 800 - 1,000 new multi-family dwelling units and 130,000 - 228,000 sq. ft. of commercial/retail space. Full development is projected to occur over an 8 to 10-year timeframe. It is anticipated that the total development may include 30-35 buildings on-site with an estimated total combined square footage of 1.0 million to 1.3 million square feet. The project would also involve the proposed use of a converted ferryboat, a portion of which would serve as the sales and leasing office for the project. Other than the ferry to be moored over owned submerged land, all development would be located on the upland portion of the site. Parking would be predominantly structured, although supplemented with surface parking, to accommodate an estimated 3,700 vehicles.

¹ A 6-foot high cyclone fence surrounds the upland portion of the site. This fence replaced the site fencing that occurred when the ASARCO plant was operational.

Upon full build-out of the *Point Ruston* development, 12 distinct areas comprising approximately 50 acres will be developed including publicly accessible parks, recreation areas, open space, view corridors and public access including major thoroughfares.

Of the 800-1,000 multifamily units that are proposed, approximately 77 percent of the units would be condominiums, 3 percent would be town homes, 10 percent apartments, and 10 percent senior housing. Units would range from approximately 500 sq. ft. to 3,000 sq. ft. or more. The majority of the residential units would be located over retail/commercial space or structured parking in “mixed-use” buildings. Of the 130,000 – 228,000 sq. ft. of commercial/retail space, it is anticipated that approximately 20,000 sq. ft. would be developed for food and beverage use, 18,000 sq. ft. as grocery, 70,000 sq. ft. wellness/fitness; 60,000 sq. ft. as retail, and 60,000 sq. ft. for commercial/office space.

While the proposed land uses would differ from that which presently exists at the site, the site continues to undergo Superfund remediation from over 100 years of intense industrial uses that occurred at the site. The development baseline, therefore, is not an undeveloped site, but rather the development that was approved as the *ASARCO Smelter Site Master Development Plan* and described as the *No Action Alternative* in this FSEIS.

Districts and Upland & Shoreline Zone

As noted in **Section II** of this FSEIS, development of *Point Ruston* would occur across four distinct districts, as well within two distinct zones, as described in **Table 3.1.1** and displayed in **Figure 4 (Section II)**.

Table 3.1.1
POINT RUSTON LAND USE BY DISTRICT AND ZONE

DISTRICT	Jurisdiction, Zoning Code	Proposed General Use	Building # (see Figure 1)	Shoreline/ Upland Zones	Building #
Viewpoint District	Tacoma, S-6	Light Commercial/ Residential	2A, 2B, 3A, 3B, 4A, 4B, 5, 6A, 6B, 7	Shoreline ²	2B, 3B, 4B
				Upland ³	2A, 3A, 4A, 5, 6A, 6B, 7
Promenade District	Tacoma/Ruston, S-6/MPD	Retail/Commercial Core	1A, 1B, 1C, 8, 9A, 9B, 9C, 11A, 11B, 16, 17, 18A, 18B	Shoreline	1B, 1C, 17
				Upland	1A, 8, 9, 11A, 11B, 16, 18
Marina District	Ruston, MPD	Residential Mixed Use	14, 15A, 15B, 15C	Shoreline	15
				Upland	14
Baltimore District	Ruston, MPD	Neighborhood Commercial	10A, 10B 12	Shoreline	-----
				Upland	10,12

² Shoreline zone extends 200 feet landward from the Ordinary High Water Mark (OHWM).

³ The Upland zone includes all other property not within the project Shoreline zone.

The following is a discussion of the land use patterns that would comprise each of the four proposed districts within the project site.

Viewpoint District – The Viewpoint District would occupy the south portion of the site, completely within the jurisdiction of the City of Tacoma. This District is divided between the shoreline zone and upland zone of the project with structures planned for both the shoreline area and the upland area of the site. All structures built within the shoreline zone would be of a mixed-use nature. The promenade in this District would be built in conjunction with the construction of the structures in the shoreline zone.

The Viewpoint District would be comprised of approximately ten buildings and a number of smaller “town home” style condominiums creating located along the shoreline promenade as a façade to the larger buildings behind. These smaller two-to-three story structures would utilize the parking garages in the buildings immediately adjacent to them for parking. These units would be of a “live-above-work” nature, incorporating retail-related spaces on the ground floor facing the promenade with living areas above. The primary uses in this District would be mixed-use with residential, retail, and commercial. For a comparison of uses within each building and the jurisdictional locale of each building, refer to **Tables 3.1.2** and **3.1.3**.

This district would be accessed from Ruston Way via the southeastern-most of the three proposed access points and would be connected internally within the development to the retail core (Promenade District). It is anticipated that the first development will occur in this district, utilizing proximity to existing infrastructure, and will develop over the course of two or three years, building by building, as market conditions warrant.

Promenade District – Located centrally in the widest portion of the project site, this District is split between the jurisdictions of Tacoma and Ruston. This District is also divided between the shoreline zone and upland zone of the site. Access would primarily be via Point Ruston Blvd., located along the boundary between the two municipalities and extending from the main entrance of the development to the 200-foot wide Grand Plaza. This District would contain the greatest concentration of retail uses within the *Point Ruston* development – developed predominately with retail shops at street level and residential or office space located above. It is anticipated that some smaller professional service offices may be included among the retail. This District would consist of 8 to 10 buildings ranging from 1 to 7 stories in height (25 to 80 feet).

It is anticipated that the retail core would to be constructed in a coordinated fashion with potentially 75 percent of the buildings completed simultaneously. Infrastructure, roadways, plazas and the promenade in this District would be completed for the Grand Opening. The Grand Plaza, promenade, and other public amenities would likely be built in conjunction with construction of the proposed hotel (Building 17). It is anticipated that construction would begin within this District in two to three years and be operational approximately two years later.

Baltimore District – This District is within the jurisdiction of the Town of Ruston, and consists of two potential building sites proximate to the intersection of Ruston Way and the Baltimore Street reconnection to the south and Yacht Club Road to the north. These sites would be located across the street (Ruston Way) from the retail core but have high visibility from Ruston Way, as well as convenient access. Development of this District would be dependent on the prior relocation of Ruston Way and construction of Yacht Club Road from which access

and utilities would be provided. It is anticipated that these sites would be developed concurrently with the development of the Promenade District or soon thereafter.

Marina District – The Marina District would be located at the northwest-end, within the jurisdiction of Ruston, adjacent to the Tacoma Yacht Basin and at the base of Promontory Hill. Depending upon the infrastructure that would be extended through the Promenade District, it would most naturally develop following completion of the retail core of the Promenade District. This portion of the property is relatively narrow, is somewhat isolated from the adjacent retail core, and would be accessed from Yacht Club Road.

Residential Sales/Additional Retail - As depicted in Figure 8 (**Section II**), it is proposed that a former ferry boat be converted for use as a temporary residential sales office. The boat would be moored in Tract “A” (Point Ruston LLC-owned in-water property), south of Building 4. No in-water dredging or filling would be necessary.

Table 3.1.2
POINT RUSTON SQUARE FOOTAGE PER USE

DISTRICT	Residential Net Sq. Ft.	Jurisdiction/ Code	Commercial Net Sq. Ft.	Building # (see Figure 1)
Viewpoint District	611,200	Tacoma	71,500	2A, 2B, 3A, 3B, 4A, 4B, 5, 6A, 6B, 7
Promenade District	217,400	Tacoma/ Ruston	144,000	1A, 1B, 1C, 8, 9, 11A, 11B, 16, 17, 18
Marina District	242,000	Ruston	2500	14, 15
Baltimore District	-	Ruston	10,000	10, 12
	1,070,600		228,000	

Source: Point Ruston LLC

**Table 3.1.3
COMPARATIVE ANALYSIS OF PLANNED USE BY BUILDING**

POINT RUSTON PLANNED USE BY BUILDING			
DISTRICT/ BLDG. #		Description	JURISDICTION
VIEWPOINT	2A	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 2A will contain approximately residential 99 units in five stories above the parking and commercial levels, and 17,500 sq. ft. retail/commercial. Parking would be located predominately within the garages accessed from either end of the structure. This building is setback more than 200' from the ordinary high water mark of the site. One level of parking would be below street level and two levels would be above street grade and hidden from the street by the retail/commercial space and residential entry lobby. In total, approximately 350 to 360 interior spaces would be provided plus 20 to 30 surface spaces adjacent to the building. The building would be approximately 80 feet in height.	Tacoma
VIEWPOINT	2B	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 2B is a mixed-use building set back between 100 and 150 feet from the ordinary high water mark and will contain 44 total units. It will have a height of up to 50 feet with a single story bistro/retail area between the two sections, accessed from the Promenade. A private courtyard would be maintained between Buildings 2A and 2B.	Tacoma
VIEWPOINT	3A	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 3A would be setback at least 200 feet back from the shoreline and would range in height from 50 to 80 feet. This structure would contain approximately 120 multifamily units on the floors above street level with total living area of approximately 145,000 sq. ft. A total of about 18,500 sq. ft of leasable retail and commercial space would be accommodated within the building. Two levels of parking, one below street grade and one behind the commercial space at street level, would accommodate approximately 320 parking spaces with another 10 to 20 spaces located on the street.	Tacoma
VIEWPOINT	3B	RESIDENTIAL: Between Building 3A and the Promenade, 8 to 13 of the town home-style condominiums, approximately 25 to 35 feet in height would be located 150 feet back from the shoreline utilizing the parking garage in Building 3A for parking.	Tacoma
VIEWPOINT	4A	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 4A would range in height from 50 to 80 feet in height and would be setback at least 200 feet from the shoreline. It is anticipated that this building would accommodate approximately 140 multifamily units with about 180,000 sq. ft. of living space and an estimated 13,000 sq. ft. of commercial or retail space at the street level. Two levels of structured parking are proposed within this building; one level would be below street grade and one at-grade located behind the storefront commercial spaces. Parking in this complex would accommodate approximately 350 cars with another 20 spaces available on street.	Tacoma
VIEWPOINT	4B	MIXED USE - LIVE/WORK TOWNHOMES: As many as 23 of the town home style live-above-work units would be located between Building 4A and the Promenade with a setback of 100 to 150 feet from the shoreline.	Tacoma

POINT RUSTON PLANNED USE BY BUILDING			
DISTRICT/ BLDG. #		Description	JURISDICTION
VIEWPOINT	5	RETAIL/COMMERCIAL: Building 5 is proposed as a dedicated water dependent or water enjoyment retail/commercial building approximately 45 feet in height with three stories. Approximately 73 parking stalls as required by code would be provided adjacent to the building. This building is setback about 400' from the ordinary high water mark. The first floor retail is approximately 9,000 sq. ft., and the second and third floor commercial space is floor 8000 sq. ft., and 4000 sq. ft., respectively, for a total of about 21,000 sq. ft.	Tacoma
VIEWPOINT	6	RETAIL/COMMERCIAL: Building 6A/6B is intended as an assisted living facility, which would combine smaller multifamily units with supporting care facilities and administrative offices. This structure would have a height of approximately 80 feet with parking provided below grade and supplemented by surface parking; a total of approximately 150 parking spaces would be included with this structure.	Tacoma
VIEWPOINT	7	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 7 is anticipated to be an apartment with approximately 100 rental units and a small amount of retail or commercial space located at the ground level. Resident parking would be predominately in a garage located below grade and supplemented by surface guest parking; a total of approximately 150 to 200 parking spaces would be included with this structure.	Tacoma
PROMENADE	1A	MIXED USE - RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 1A would range from 50 to 80 feet in height and consist of approximately 127 multifamily units with about 150,000 sq. ft. of living space located above about 17,000 street level retail and parking for 240 cars. Building 1A adjoins the Grand Plaza.	Tacoma
PROMENADE	1B	RESIDENTIAL: Between Building 1A and the Promenade, approximately 11 town home-style condominiums, 25 to 35 feet in height would be located 150 feet back from the shoreline utilizing the parking garage in Building 1A for parking.	Tacoma
PROMENADE	1C	RETAIL: A restaurant or food and beverage establishment would be within Building 1C adjacent to the plaza. This structure would be 1 to 2 stories in height and set back 100 - 150 feet from the shoreline. It could utilize its relationship to the Grand Plaza to provide outdoor seating in summer months.	Tacoma
PROMENADE	8	COMMERCIAL/RETAIL: Building 8 would be a small, decorative "four corners" building that would be located between Grand Avenue, the main street into this Promenade District and the Island View Corridor, which would provide a 100-foot wide pedestrian link directly between the Promenade, Ruston Way and Main Street. This is intended to be a small 1 or 2-story retail structure up to 35 feet in height that contains approximately 6,000 sq.ft. This structure would depend on surface parking located along the fronting streets.	Tacoma

POINT RUSTON PLANNED USE BY BUILDING			
DISTRICT/ BLDG. #		Description	JURISDICTION
PROMENADE	9A, 9B & 9C	MIXED USE – RESIDENTIAL/COMMERCIAL OVER RETAIL. Building 9 would be a regional wellness center that includes a fitness facility and associated spa, health facility and recreational-oriented retail. This building may consist of multiple structures with an intervening courtyard, as shown. The storefronts located along the roadways may include -- in addition to the fitness center -- establishments such as a juice bar, day spa, physical therapy, boutiques, sporting goods and/or outdoor outfitters. The parking for this complex would be provided below-grade, beneath the complex and the courtyard. The garage parking would be supplemented by surface parking located around the building. Potentially 10 to 15 multifamily lofts or a similar amount of commercial space would be located in 1 or 2 floors above the facilities at street level – extending to a height of up to 45 feet.	Ruston
PROMENADE	11A	RETAIL: Building 11A, at the corner of Yacht Club Road and Ruston Way, is envisioned as a neighborhood grocery and produce market with an associated deli. It would be 1 or potentially 2 stories in height (maximum height of 45 feet) and built above a below grade parking garage of 1 or 2 sub-grade stories that would span beneath the market and the adjacent "surface" parking lot. This facility would serve as general public parking lot for the retail core, supplementing what is provided by each establishment. It is anticipated that the hotel and restaurants could use portions of this garage for valet parking, as well.	Ruston
PROMENADE	11B	MIXED USE- RESIDENTIAL ABOVE RETAIL. Building 11B would have street level retail along Central Avenue and potentially retail above facing the surface parking lot above the garage. It could also contain 8-10 multifamily units located above the retail to a height of approximately 45 feet above grade.	Ruston
PROMENADE	16	MIXED USE – RESIDENTIAL OVER RETAIL/COMMERCIAL: Building 16 is assumed to provide an additional 10,000 to 15,000 sq. ft. of retail/commercial space at street level might possibly have up to 2 stories of multifamily units located above (maximum height of 45 feet).	Ruston
PROMENADE	17	HOTEL: The Promenade District would be anchored by a 150-room hotel that is proposed in the east-central portion of the project site, within the Town of Ruston. The hotel would contain at least one restaurant, a lounge, conference/meeting rooms and typical fitness and spa facilities. It is anticipated that the hotel would be a maximum of 60 feet in height and set back from the shoreline at least 100 feet. Parking would be accommodated within and under the building with valet drop-off at the porte cochere built at the street entrance and service and loading from the surface parking lot at the rear of building.	Ruston
PROMENADE	18A 18B	RETAIL: Buildings 18A and B are proposed to be two distinct free standing restaurant sites for buildings approximately 30-45 ft. in height, sitting alongside the publicly accessible Grand Plaza and Promenade. It is envisioned that outdoor seating would be included along the streets or utilizing a portion of the Grand Plaza.	Ruston

POINT RUSTON PLANNED USE BY BUILDING			
DISTRICT/ BLDG. #		Description	JURISDICTION
MARINA	14	MIXED USE: Building 14 is envisioned as additional structured parking and potentially could be developed as additional commercial space or multifamily units above. Building 14 will be approximately 60 feet in height and is nestled at the base of the OCF on the northwestern side.	Ruston
MARINA	15	RESIDENTIAL: Building 15 is envisioned as a multifamily structure with potentially 200 – 240 units. The building would be about 60 feet in height and contain approximately 250,000 sq.ft. of living space. Parking would be provided within the structure, potentially in two sections of the building located behind the main portion of the structure, as illustrated in Figure 6, with supplemental surface parking for guests.	Ruston
BALTIMORE	10	COMMERCIAL/RETAIL: The Building 10 site would be created as a result of the relocation of Ruston Way onto the project property. It consists of property remaining on the on the south-side of the new alignment combined with the existing right-of-way, which is proposed to be vacated at the time the new right of way is dedicated. Development of this building site would create a small commercial or retail space in the range of 4,000 to 8,000 sq.ft. (e.g., potential community bank branch). This structure would be 1 or 2-story structure up to 35 feet in height.	Ruston
BALTIMORE	12	COMMERCIAL/RETAIL: Building 12 would be located on the north-side of the Ruston Way and Yacht Club Road intersection, at the base of Promontory Hill. This building site would also be the result of property remaining following relocation of Ruston Way and vacated existing right-of-way that would no longer be utilized as part of the new alignment. This site could be a small commercial use (e.g., office/credit union) and possibly a single story structure, 3,000 to 5,000 sq. ft. in size.	Ruston
Residential Sales – Additional Retail			
Ferry		As depicted on the site plans and Figures 8 and 9, it is proposed that a portion of a former ferry boat be converted for use as a temporary sales and leasing office. The boat would be moored above Point Ruston LLC-owned in-water property south of the Viewpoint District. No in water dredging or filling would be necessary.	Tacoma

Source: Point Ruston LLC

3.1.1.3 Significant Impacts of the No Action Alternative

A Draft EIS was published for the *ASARCO Smelter Site Master Development Plan* in May 1997 and the Final EIS for that project was published in October 1997. These documents are collectively referred to as the “*Master Development Plan* (or MDP) EIS” and they accompanied the *ASARCO Smelter Site Master Development Plan* through the review and approval process.

The 1997 *Master Development Plan* EIS is a non-project EIS that identifies and evaluates the probable significant environmental impacts that could result from four possible alternatives – a *No Action Alternative* and three development alternatives. The 1997 EIS divided the site into seven sub-areas (ranging from approximately 3 ac. to 8 ac.) and applied different intensities of development to each sub-area, based on the alternatives. As an overview, the development alternatives included the following:⁴

⁴ See discussion later in this section regarding specifics of each alternative

- *High-Intensity Alternative* – approximately 1.9 million sq.ft. of development and parking for 6,650 vehicles;
- *Middle-Intensity Alternative* – approximately 991,500 sq.ft. of development and parking for 2,977 vehicles; and
- *Low-Intensity Alternative* -- approximately 241,200 sq.ft. of development with 724 parking spaces.

Subsequent to the completion of the 1997 MDP EIS, the Town of Ruston adopted the *ASARCO Smelter Site Master Development Plan* as the controlling land use regulation for the property – with a focus on the *Middle-Intensity Alternative*. The City of Tacoma also adopted zoning code provisions to regulate that portion of the site that is within their jurisdiction.

The 1997 *Master Development Plan* EIS notes that whereas office use was selected for purposes of the worst-case scenario (highest traffic generating use), “(i)n reality, a different mix of uses could occur.”⁵ The mix of land uses that were considered for each alternative included: retail, office, light industrial and office business park, as well as outdoor storage or display.

As a non-project document, the environmental analysis that is contained in the 1997 EIS is largely qualitative and based on the general types of environmental impacts that could occur -- with relatively little definitive site-specific impact analysis provided. This approach is appropriate for a non-project EIS where typically less detailed (project specific) information is available. The focus of a non-project EIS involves a comparative analysis of probable impacts between various alternatives -- with less detailed quantitative information provided for any one option. It has been determined that the probable, significant environmental impacts of the four possible future re-development alternatives identified in 1997 were adequately evaluated in the *Master Development Plan* EIS.⁶

3.1.1.4 Mitigation Measures

- Within the City of Tacoma -- the *Point Ruston* development proposes construction of approximately 775 residential units, 94,500 sq. ft. of commercial/retail space, and development of an estimated 26 acres of public park, recreation areas, open space, view corridors, and public access including major thoroughfares. Conformance with all applicable land use regulations and allowed uses and development regulations within the City of Tacoma is required, and as such, no land use impacts are anticipated and no additional mitigation is deemed necessary.
- Within the Town of Ruston -- the *Point Ruston* development proposes construction of approximately 200 to 250 residential units, 133,500 sq.ft. of commercial/retail space, and the development of approximately 24 acres of public parks, recreation areas and open space. Conformance with all applicable land use regulations and allowed uses and development regulations within the Town of Ruston is required, and as such, no land use impacts are anticipated and no additional mitigation is deemed necessary.

⁵ Draft EIS, pg. 2-9

⁶ No challenge to the adequacy of the *Master Development Plan* EIS was raised.

3.1.1.5 Significant Unavoidable Adverse Impacts

Implementation of the *Point Ruston* development as proposed is not expected to result in any significant adverse environmental impacts nor cause any significant unavoidable adverse impacts.

3.1.2 Land Use – Consistency With Plans and Regulations

3.1.2 Background

Regulatory Control

The *Point Ruston* site consists of 82 acres with approximately 4,800 lineal feet of shoreline along Commencement Bay. An estimated 80 percent of the site (66 acres) are upland areas⁷ and the remaining 20 percent (16 acres) are submerged tidelands. As indicated above, approximately 54 percent of the site area is located within the City of Tacoma and 46 percent is within the Town of Ruston. Figure 7 (*Section II* of this FSEIS), depicts those portions of the project site within each jurisdiction. The property within each jurisdiction ranges in width from approximately 200 feet wide in the Town of Ruston to 800 feet in width in the City of Tacoma.

The City of Tacoma and the Town of Ruston are the two jurisdictions that have primary land use regulatory control over the *Point Ruston* project site. The City of Tacoma exercises authority over the south 44 acres of the site and the Town of Ruston exercises regulatory control over the north 38 acres. In addition, two other agencies also have some direct or indirect authority over land use considerations relative to the site -- the U.S. Environmental Protection Agency and the State of Washington (through the Department of Ecology).

- **EPA** -- Currently, the proposed *Point Ruston* development site is undergoing environmental remediation under the Second Amendment to the ASARCO Consent Decree with EPA, under CERCLA/Superfund.⁸ Ongoing remediation activities include grading and capping per the terms of the Consent Decree. These activities are explicitly exempt from SEPA analysis and local regulation exercises control relative to compliance with the Consent Decree and exercises indirect control over shoreline portions of the site.
- **State of Washington/Department of Ecology** -- The Shoreline Management Act jointly confers jurisdiction over the shoreline zone of the project site to the State and local jurisdictions (in this case Tacoma and Ruston) and development activities in this zone must conform to applicable State law under the Act.⁹ As described later in this section of the FSEIS, the City of Tacoma and the Town of Ruston have each developed Shoreline Management Plans for property within their jurisdictions. Those plans and any subsequent amendments must be approved by the Department of Ecology in their capacity under the Shoreline Management Act. In addition, the Department of Ecology reviews all approved shoreline substantial development permits.

⁷ Upland of the Ordinary High Water Mark (OHWM)

⁸ USC, Title 42 Chapter 103

⁹ RCW 90.58 Shoreline Management Act of 1971

3.1.3 Planning-Related Documents

3.1.3.1 State of Washington Plans and Policies

3.1.3.1.1 **Growth Management Act**

Summary: *The Growth Management Act (GMA) (RCW 36.70A), adopted in 1990 and subsequently amended, provides a comprehensive framework for managing growth and coordinating land use planning with the provision of infrastructure. The general goals of the GMA include, in part: directing growth to urban areas; reducing sprawl; encouraging economic development consistent with adopted comprehensive plans; protecting private property rights; providing efficient multi-modal transportation systems; encouraging a variety of housing types and densities affordable to all economic segments of the population; protecting the environment; and ensuring that public facilities and services necessary to support development meet locally established minimum standards at the time development is in place (RCW 36.70A.020).*

Jurisdictions subject to GMA must prepare and adopt: countywide planning policies; comprehensive plans containing policies with specific elements for land use, transportation, housing, capital facilities, utilities, rural lands, and economic development; and development regulations implementing those plans.

The Growth Management Act also requires that each city and county in Washington comprehensively review and revise its comprehensive plan and development regulations, as necessary every seven years to ensure that they comply with the GMA .

Discussion: *Consistent with the GMA, the City of Tacoma has adopted a Comprehensive Plan to guide future development and fulfill the City's responsibilities under GMA. The Proposed Action and the No Action Alternative, as identified in **Section II** of this FSEIS, would encourage economic development and provide a variety of housing types and densities within the Urban Growth Boundary, consistent with the GMA goals and policies outlined above. The relationship of the Proposed Action and the No Action Alternative to the City of Tacoma's Comprehensive Plan, as well as the Town of Ruston's Comprehensive Plan, is discussed below, under City of Tacoma and Town of Ruston Comprehensive Plans.*

3.1.3.1.2 **Shoreline Management Act**

Summary: *The Shoreline Management Act (SMA) of 1971 (RCW 90.58) is intended to protect the public interest associated with shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. The primary implementing tool of the SMA is the adoption by local jurisdictions of Shoreline Master Programs, which must also be approved by the Department of Ecology (Ecology). The SMA establishes two basic categories of shoreline: "Shoreline of State-wide Significance," which are identified in the SMA; and "shorelines," which includes all of the water areas of the state and their associated wetlands, together with the lands underlying them. The Commencement Bay shoreline is classified as a "Shoreline of State-wide Significance" under SMA (RCW 90.58.030).*

Discussion: *The SMA is implemented in the City of Tacoma through the City's Shoreline Master Program (SMP). Similarly, SMA is implemented in the Town of Ruston through its Shoreline Management Plan. The consistency of the Proposed Action and the No Action*

Alternative with the City of Tacoma's SMP and the Town of Ruston's SMP is discussed below under City of Tacoma and Town of Ruston Shoreline Management Plans.

3.1.3.2 City of Tacoma and Town of Ruston Comprehensive Plans

3.1.3.2.1 **City of Tacoma Generalized Land Use Plan**¹⁰

Summary: *The City's Generalized Land Use Plan is the land use element of the City's Comprehensive Plan, as required by the Growth Management Act. This Plan is a policy document and the policies guide future growth within the City. The Plan document also contains a generalized land use map, which depicts that area of the project site within the City as High Intensity Use. The following policies are applicable to the Point Ruston development.*

LU-RDHI-2 Maximize Marine View

Locate new high-rise, high-density residential development within and in areas adjacent to the downtown in order to take maximum advantage of the marine and territorial views.

Discussion: *Point Ruston is consistent with each of this policy in that the site is located on Commencement Bay and as shown by Figure 7 (**Section II**) proposed development is sited in order to maximize marine and territorial views.*

LU-RDHI-3 Locate Near Open Space

Locate high-rise, high-density residential development near public open spaces and parks within high intensity areas.

Discussion: *The Proposed Action is consistent with this policy. The Proposed Action site is designated High Intensity and located proximate to public open spaces including Peninsula Park, the Ruston Way corridor and Point Defiance. In addition, as noted previously in this FSEIS, approximately 50-acres of the project site (61 percent of the total site area) would be maintained as public parks, recreation areas, open space, view corridors, and public access including major thoroughfares. Key aspects include: publicly-accessible open space (e.g., view corridors, vehicular and pedestrian access, etc.), public art, and recreational facilities (Figures 5 and 6). Included with this would be a 100-foot wide (average width) Promenade located along the entire length of the shoreline portion of the project site, which would be connected to the trail system associated with Ruston Way, Peninsula Park, and Point Defiance Park.*

LU-RDHI-4 Housing for a Variety of Incomes

Encourage the construction of high, medium and low-income residential developments within high intensity areas.

Discussion: *As described in **Section II** of this FSEIS and with regard to Housing (Section 3.3) Point Ruston would include a range of housing types and plans to accommodate a range of incomes.*

LU-RDHI-5 Open Space and Building Use

Encourage the use of areas under and on top of buildings in high intensity residential areas for open space, recreation, parking and other related purposes.

¹⁰ Ord. No. 27295 of November 16, 2004

Discussion: As described in **Section II** of this FSEIS the *Proposed Action* would incorporate parking, as well as retail and commercial uses within the proposed mixed-use structures and, as shown by Figure 10, would integrate open space and recreational facilities within the proposed complex.

LU-RDHI-6 Mixed-use

Promote residential development for the upper floors of commercial buildings to achieve greater densities and support transit use.

Discussion: See comments above with regard to LU-RDHI-5.

LU-RDHI-7 Special Amenities

Encourage innovations in the development of high intensity residential areas to include such conveniences as grade-separated pedestrian crossings, public transit connections and mixed-use development within high-rise structures in order to meet the needs of residents in these areas.

Discussion: The *Proposed Action* would be consistent with this policy in that it would integrate a mixed-use development with open space and recreational facilities, as well as site access improvements associated with Ruston Way. Refer also to the discussion of Open Space (2.5.2.6) and Roadways, Access (2.4.2.7) in this FSEIS.

Neighborhood Element –West End Neighborhood: Area Vision

The overall vision is a community with attractive neighborhoods, flourishing business areas, excellent schools, safe and attractive streets with places to walk and ride bicycles, viable public areas; well maintained and constructed single-family homes and apartments; good building design as well as protected natural areas and attractive parks accessible by all residents... The potential redevelopment of the Titlow/Day Island area into a mix of commercial and residential should be considered, as well as facilitating the redevelopment of the former ASARCO property.

Discussion: The *Proposed Action* would be mostly consistent with this policy in that it would integrate a mixed-use development with commercial and retail opportunities, improved site access with the improvements associated with Ruston Way, ample parks, open space and recreational facilities, pedestrian friendly corridors, and apartment/multi-family style living, all while accomplishing the redevelopment of the former Asarco site. Refer also to the discussion of Project Overview (2.5.1), Open Space (2.5.2.6), Roadways, Access and Parking (2.4.2.7) and Project Design and Architecture (2.5.2.8), in this FSEIS.

WE-1 Residential

Maintain the area's mix of single-family and multifamily housing while preserving the unique features of the West End area. Multifamily residential uses range from small duplexes and triplexes to large apartment complexes. It is intended that medium density multifamily residential use continue and that future development be encouraged along major transportation corridors such as Pearl Street, 6th Avenue, and Mildred Street and within mixed-use centers.

Discussion: The project is consistent with this policy by proposing to provide 1000+/- residential units in a mixed-use project in multi family style buildings.

WE-1.3 Ruston/Jane Clark Park - Residential Infill

Support infill housing in the Ruston/Jane Clark Park area focusing on property adjacent to the former ASARCO site to encourage added investment and support population growth.

Discussion: The *Proposed Action* is consistent with this policy. In present dollars the potential total investment for the Proposed Action to be built out on the ASARCO site is over \$1billion, with 1000+/- housing units proposed. This will support the population growth that the Town anticipates, spurred on by this investment.

WE-2 Commercial

Maintain and enhance the economic viability and employment opportunities of the former ASARCO smelter site as it redevelops on land located within the City of Tacoma and the Town of Ruston.

Discussion: The *Proposed Action* is consistent with this policy, as approximately 100,000 sq. ft. of retail shops, grocery, and food and beverage, 70,000 +/- sq. ft. wellness/fitness center and related retail and services, and an estimated 60,000 of commercial office space is proposed, creating economic viability and stimulating employment opportunities in both the City of Tacoma and Town of Ruston

WE-3 Recreation & Open Space

*Maintain and enhance parks, open space and other recreational facilities located within walking distance of existing residents. **Policy Intent** – Recreational and open space opportunities continue as a priority for the West End Neighborhood Council given the diversity of its neighborhoods. While Point Defiance Park represents a large 700-acre recreational area, it is located at the far north end of the area and primarily serves a regional population. Existing neighborhood level recreational needs are generally served by public school playgrounds, Titlow Park, Baltimore Park, east end of the Tacoma Community College campus and a few natural areas such as China Lake.*

Discussion: The *Proposed Action* is consistent with this policy, as the *Proposed Action* calls for 50+/- acres of open space, park, and recreation facilities to be constructed, including 12 distinctive park areas, all fully accessible to the public, including interactive art and other public amenities. Further, the Promenade, which is approximately 10 acres in size, averages approximately 100 ft. in width and spans the entire length of the Point Ruston property.

WE-3.4 Ruston Way Pedestrian Promenade

Complete the pedestrian promenade along Ruston Way through the ASARCO redevelopment site to connect to Point Defiance Park.

Discussion: The *Proposed Action* is consistent with this policy, as the *Proposed Action* calls for the construction of a fully publicly accessible Promenade, with public art and other amenities, approximately 10 acres in size, and averaging approximately 100 ft. in width, spanning the entire length of the Point Ruston property, connecting at the south-east with the existing Ruston Way walkway and continuing onto the property border of the Metropolitan Parks' Department.

WE-4 Transportation

Maintain and/or improve street and street related circulation systems including sidewalks, trails, bicycle routes throughout the West End.