

**Staff Report to the Hearing Examiner
Kapustin Fourplex Development
Conditional Use Permit
CUP 24-035**

I. General Information

A) Applicant:

Filipp Kapustin
PO Box 2010
Milton, WA 98354

B) Site Address/Parcel Number:

5114 N 49th Street, Ruston, WA
APN 365000700

C) Zoning Designation: Residential (RES)

II. Project Description

The proponent has applied to the City of Ruston for approval of a conditional use permit to construct a multi-family (fourplex) on the site with detached garage at back alley. The units are approximately 1,300 square feet each and the total building area is approximately 5,600 square feet. The application currently states the units include approximately 80 sq/ft exterior deck, which is intended to be dedicated as outdoor open space.

Please see the application materials attached to this report as Exhibit A for additional information.

III. Staff Analysis, Findings, and Conclusions

A) State Environmental Policy Act (SEPA) Analysis

The City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the proposal on January 27, 2023 (SEPA 23-003).

B) Comprehensive Plan

This section of the staff report provides a listing of relevant Comprehensive Plan goals and/or policies and provides staff findings and analysis as to how the proposal complies with them.

1) Relevant Comprehensive Plan Goals/Policies

- a. Growth Management Act Goal #2
Reduce Sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- b. Growth Management Act Goal #4
Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- c. Framework Policy FW-6
Design development to be architecturally compatible with the traditional arts and crafts style, including: scale; mass; or modulation of adjacent and nearby homes. Emphasis should be placed on the form of structures over their use.
- d. Framework Policy FW-14
Encourage and integrate: multifamily; accessory dwelling; and live-work housing types when appropriate, into neighborhoods. Design their forms to fit-in with neighborhood character and environmental characteristics.
- e. Framework Policy FW-23
Encourage multifamily, accessory dwelling units, and live-work units when their form is designed to be compatible with surrounding uses.
- f. Framework Policy FW-29
Pursue affordable housing whenever possible, primarily through: multifamily; accessory dwelling; and live-work housing types. Promotion of these housing types will also help Ruston meet their goals for “fair share” housing.
- g. Community Character Policy CC-4
Allow development that encourages pedestrian-oriented architecture.
- h. Community Character Policy CC-5
Allow infill development when lot and home size are in proportion, similar to existing neighborhood character.

- i. Community Character Policy CC-6
Design residential developments with arts and crafts-style homes (i.e. Craftsman, Tudor, and Pacific Northwest Timber Frame). Visible building materials should reflect human handicraft (cedar lap siding or shingles) over plywood siding such as T-111.
- j. Community Character CC-16
Create an excellent pedestrian experience through the use of safely defined walkways, landscaping, architecture and art. Pedestrian connections are important and should be required between all uses, encouraging a more walkable and healthful community.
- k. Community Character Policy CC-23
Encourage low-impact infill development such as accessory dwelling units by simplifying the permitting process. Provide architectural examples of accessory dwelling units that show good integration with the existing neighborhood.
- l. Land Use Policy LU- 5
Encourage infill development on suitable vacant parcels and redevelopment of underutilized parcels. Ensure that height, bulk and design of infill and redevelopment projects are compatible with their surroundings.
- m. Land Use Policy LU-13
Encourage affordable housing in appropriate areas where there is convenient pedestrian access to local stores and services. Affordable housing development should not detract from the established small-town atmosphere of the community of block defined scenic view corridors.
- n. Land Use Policy LU-15
Development should be designed to be environmentally sensitive, energy-efficient, and aesthetically pleasing.
- o. Housing Policy HO-1
Support a fuller range of housing types in Ruston's neighborhoods that offer housing for a variety of income levels and family sizes.
- p. Housing Policy HO-8
Achieve more affordable housing options in Ruston mainly through multifamily, accessory dwelling and live-work units.

2) Staff Findings Regarding Consistency with the Comprehensive Plan

Staff finds that the proposal is consistent with the City's Comprehensive Plan as it proposes to construct a multi-family development upon a parcel that has adequate space for additional density. This infill development increases the City's density by constructing a fourplex that traditionally would have only contained a single-family residence. Additionally, the use of chosen architectural design elements integrates well with the surrounding neighborhood.

All of the features described above work in concert to create a very livable, affordable and connected, infill housing unit in Ruston, which is consistent with the City's Comprehensive Plan policies listed in the section above.

C) Ruston Municipal Code

This section of the staff report provides a listing of relevant portions of the City's zoning regulations and provides staff findings and analysis as to how the proposal complies with them.

1) RMC Title 25 – Zoning

Staff findings and analysis:

Staff finds that the proposed use is consistent with the current zoning in the Residential (RES) zone. The proposed use can be found in the Land Use Matrix – RMC 25.07.020 – as a conditioned use. The designation for the Dwelling, Multi-Family in the RES zone is conditionally permitted subject to the conditional use permit review procedures and criteria specified in RMC 25.01.110.

2) RMC 25.01.110(b) – Conditional Uses

Ruston Municipal Code 25.01.110(b) states the following:

RMC 25.01.110(b) Conditional Uses.

(1) Purpose of Conditional Use Permit. It is the purpose of this chapter to establish review and approval procedures for unusual or unique types of land uses which due to their nature require consideration of their impact on the neighborhood and land uses in the vicinity. The purpose of the conditional use permit is to allow certain uses in zoning districts that would normally be prohibited, when the requested use is consistent with the goals and policies of the Comprehensive Plan or zoning code and is deemed consistent with the existing and potential uses within the

zoning district. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of this section.

A conditional use permit is a mechanism by which the City may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible, the proposal shall be denied. The City's Hearing Examiner may grant conditional use permits only if all applicable provisions of this code are fulfilled:

(A) The proposed use will not be injurious to the neighborhood or otherwise result in substantial or undue adverse economic, aesthetic, or environmental effects on adjacent property.

Staff findings and analysis:

Staff finds that the proposed use is both architecturally and aesthetically consistent with the character of the surrounding neighborhood and does not anticipate any undue adverse economic, aesthetic, or environmental effects to result. The proposed fourplex will be located amongst residences of similar mass and scale; and which is designed with similar architectural elements existing upon buildings in the surrounding neighborhood.

It is staff's opinion that one element in need of improvement in this application is the quantity and type of open space provided. In typical single-family developments in the vicinity, there exists a significant amount of both semi-private open space constructed with active recreation in mind, (i.e. patios, porches, etc.), and passive open space, (i.e. lawns, gardens and general landscaping). Both of these types of open space deserve extra emphasis in terms of intentionality and quality, particularly when allowing increased density upon a traditionally sized residential lot. Therefore, staff believes that each unit should have an adequate amount of both private and shared open space, on a per unit basis for the overall project. On past projects of this nature – duplexes or accessory dwellings, for example, proponents have been required to provide at least 100 sq/ft of private open space, per unit.

In this case, the same should be required, plus another 100 sq/ft of shared, improved open space given that more than two units will be sharing common yards. Doing so will help to cause the project to be more architecturally and aesthetically consistent with the character of the surrounding neighborhood and to prevent any undue

adverse economic, aesthetic, or environmental effects to result.

(B) The proposed use will not create a hazard for pedestrian or vehicular traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use shall not be detrimental to the existing and proposed allowable uses in the zoning district. The traffic and circulation patterns shall assure safe movement in the surrounding area.

Staff findings and analysis:

Staff does not anticipate significant traffic impacts to result from the proposal.

(C) Adequate access will be available for emergency vehicles.

Staff findings and analysis:

Staff finds that adequate emergency vehicle access is provided via existing adjacent right of way.

(D) Adequate off-street parking will be provided to prevent congestion of public streets.

Staff findings and analysis:

RMC 25.01.090(a)(3) states: *All multiple unit dwellings hereafter erected or structurally altered shall be so designed as to make provision for off-street automobile parking equivalent to two parking stalls for each residential unit therein.*

Therefore, the total number of parking spaces required for the development is eight. The applicant proposes five parking stalls adjacent the alley with a four slip garage and one open air parking stall and three additional spaces must be accounted for. RMC 25.01.040 states: *Lots which include both (1) the provision of vehicle access via an alley; and (2) are adjacent to on-street public parking, may decrease the total number of required parking stalls for the lot by one stall for every 20 lineal feet of street frontage providing on-street parking.*

The lot at 5114 N. Pearl Street has a street frontage length of 80 feet and adequately addresses the need for three additional parking spaces (60 feet required) and is consistent with this requirement.

(E) The bulk and lot coverage of the proposed use shall be compatible with the surrounding property, or shall be conditioned so as to not impose an adverse impact upon the surrounding property.

Staff findings and analysis:

Staff finds that the bulk and scale of the proposed use is typical for the zone in which it is located and therefore does not impose an adverse impact upon surrounding properties.

(F) Building and structure heights shall conform to the requirements of the surrounding zoning district. Bell towers, public utility antennas or similar structures may exceed the height requirements, provided that they are conditioned so as to not impose an adverse impact upon the surrounding community.

Staff findings and analysis:

Staff finds that the proposed structure is within the allowable maximum height established for the Residential Zone, as shown on sheet A2.0 of the application materials attached to this report.

(G) Potential noise, light and glare impacts relating to the proposed use shall not unduly impact nor detract from the surrounding properties in the zoning district. The Hearing Examiner shall find that the potential noise, light and glare shall not deter from the surrounding properties in the zoning district.

Staff findings and analysis:

Staff does not anticipate any adverse noise, light and glare impacts resulting from the proposed fourplex. Impacts would be typical for other similar uses in the zone and do not need any further mitigation beyond what the City's codes already require, (i.e. RMC 25.01.103 – Outdoor Lighting, for example).

(H) Hours of Operation. The hours of operation shall not create intrusive impacts into the neighborhood.

Staff findings and analysis:

Hours of operation limitations are intended for non-residential conditional uses and are not applicable to this proposal.

(2) Landscaping. Landscaping shall be provided in all areas not occupied by buildings or paving. The Hearing Examiner may require exceptional landscaping as a condition.

Staff findings and analysis:

Staff is of the belief that passive lawn or landscaping would not be sufficient for this intended use. The proposed common outdoor space should be actively sought-after and used by the occupants of all four units. Sufficient common outdoor amenities may include: outdoor patio, raised garden beds, gazebo, outdoor fireplace, BBQ shelter, etc.,

(3) Effect of Conditional Use Permit.

(A) Once the conditional use permit is approved, no building or development shall occur contrary to that specified in the conditional use permit.

(B) The owner shall record a declaration with the Pierce County Auditor showing the land to be bound by a conditional use permit.

(i) The declaration shall reference the official files of the City through which the permit was granted.

(ii) The declaration shall be a covenant running with the land.

(iii) No building permit shall be issued unless such declaration is recorded.

(iv) No building permit shall be issued for structures other than those specified in the permit.

IV. Staff Conclusion and Recommendation

Staff concludes that given the findings and analysis detailed above that the proposal is consistent with the City's Comprehensive Plan and applicable zoning regulations for consideration of a conditional use permit and therefore recommends that the Hearing Examiner approve the proposed fourplex conditional use permit subject to the following conditions:

A) Prior to building permit issuance, the proposal shall be revised to include a minimum of 100 sq/ft of private open space adjacent to each individual unit. The preferred method for providing the private open space shall be with a covered porch, covered patio or covered balcony. Landscaping may be adjacent to, or integrated into the open space feature, but does not count toward the 100 sq/ft per unit floor area requirement. Private outdoor open space shall be functionally and visually separate for each unit.

B) Prior to building permit issuance, the proposal shall be revised to include a minimum of 100 sq/ft of improved common open space, per unit, for a total of 400 sq/ft. The preferred method for providing the improved common open space

shall be with an *outdoor entry courtyard, patio, raised garden beds, gazebo, outdoor fireplace, BBQ shelter or other similar form of common open space designed for active or intentional recreation*. Landscaping may be adjacent to, or integrated into the open space feature, but does not count toward the 100 sq/ft per unit floor area requirement.

- C) Prior to occupancy of the proposed fourplex the final Hearing Examiner decision and a copy of the site plan, must be recorded with the Pierce County Auditor in accordance with RMC 25.01.110(b)(3)(B).
- D) No building or development shall occur contrary to that which is specified in this proposal, as required by RMC 25.01.110(b)(3)(A).
- E) Expiration of approval. If the applicant does not satisfy the above stated conditions within 24 months of granting this conditional use permit, the approvals shall lapse and be of no further effect. The Planning Director may extend the period of approval for not more than two years, provided that the request is submitted to the City by the property owner prior to the expiration date.

V. Public Notice

Public notice was provided at least 14 days prior to the public hearing date of May 22, 2024, as required by RMC Title 19.



Charles McKenna,
Associate Planner

May 21, 2024

The following documents pertinent to your review are either attached or available for review in the City's file:

Application Materials – Proponent Narrative of Project; 3D Renderings; Site Plan; Recent Site Photographs; SEPA 23-003