



TOWN OF RUSTON

PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-6597

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Planning Commission Findings and Recommendation Point Ruston Master Development Plan

I. General Information

A) Applicant:

Point Ruston LLC
5219 North Shirley, Suite 100
Ruston, WA 98407

B) Contact/Agent:

Gary Pedersen
(253)-617-8544

C) Site Address/Parcel Number:

5211 North Bennet Street
Ruston, WA 98407
Parcel Number 0221231000

D) Zoning Designation: Master Planned Development (MPD)

II. Project Description

The proponent, Point Ruston LLC, proposes to develop the property on that portion of the property formally owned by ASARCO that lies within the Town of Ruston. The Project will be a mixed-use project consisting of approximately 16 buildings in Ruston, including all utilities, public streets, private vehicle and pedestrian access and internal circulation, landscaping, open space improvements and shoreline improvements. This Development Plan will govern all improvements and the mitigation described in the 2008 Final Supplemental Environmental Impact Statement and Appendix for this project and will become a part of this plan.

It is intended that the Point Ruston Master Development Plan (MDP) will replace and supersede the Asarco Master Development Plan and Ruston Ordinance 1002.

III. Project Background

"Point Ruston" is a proposed master planned redevelopment project on the site of the former ASARCO Tacoma Smelter located in the City of Tacoma and the Town of

Ruston, Pierce County, Washington. Overall, the Commencement Bay waterfront site is approximately 82.24 acres in size with approximately 4800 linear feet of shoreline. Approximately 16.3 acres of the site are submerged tidelands.

Point Ruston LLC purchased the property in November 2006 in bankruptcy court approved sale from ASARCO and is charged with completing all remaining remediation required by the Environmental Protection Administration.

Point Ruston is anticipated to be one of the most significant Superfund redevelopment projects in the country. The site was listed on the first National Priorities List as a Superfund site in 1983. Site stabilization activities began in 1987 with demolition of the facilities in the stack area. The smelter stack was demolished on January 17, 1993 and phase 2 of building demolition followed. Site remediation has been ongoing since. Remaining remediation tasks will be completed under EPA supervision. The development when completed shall satisfy the EPA requirements contained in the Second Amendment to the Asarco Consent Decree. EPA will maintain authority over the site during construction.

Pierce County Tax Parcel Number 0221231000 is located at the western end of the site that is located within the Town of Ruston and is the subject of this application. In accordance with the FSEIS, the address for this site is 5211 North Bennett Street. The site consists of approximately 37.81 acres of which 34.14 acres are uplands above the Ordinary High Water Mark (OHWM). This site specific Development Plan is based upon the master plan proposal currently being reviewed in the City of Tacoma.

The site of this proposed Development Plan is located within the Master Planned Development (MPD) zone of the Town of Ruston. The MPD zone was established to facilitate development of large areas of land in which a variety of uses were appropriate in accordance with a specific development plan.

IV. Analysis, Findings, and Conclusions

A) SEPA Analysis

A Final Supplemental Environmental Impact Statement (FSEIS) was issued on March 27, 2008, and is hereby adopted by reference along with all required mitigation and appendixes.

B) Comprehensive Plan

The applicant has provided an extensive analysis of the Town's Comprehensive Plan detailing how the Point Ruston MDP relates to and/or complies with all pertinent goals and policies contained therein. Please refer to the attached document titled "Ruston Comprehensive Plan Review", (Exhibit D), for a complete explanation.

C) Ruston Municipal Code

RMC 25.01.060 (D) Master Planned Development Zone Required Findings

Findings are required before approval or denial of an application for a proposed MPD district. Before approval or modified approval of an application for a proposed MPD district, the Planning Commission and the Town Council must find:

- 1) That the development proposed is in substantial harmony with the Comprehensive Plan of the Town of Ruston, and can be coordinated with existing and planning development of surrounding areas, and will produce a living and working environment and landscape quality to benefit the Town and the public.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q". Also, as stated above in section IV.(B) of this report, the applicant has prepared a detailed analysis of the Town's Comprehensive Plan detailing how the Point Ruston MDP relates to and/or complies with all pertinent goals and policies contained therein.

Planning Commission Findings:

The Planning Commission finds that the applicant's response and submitted materials adequately address the approval criteria for RMC 25.01.060 (D)(1). In order to ensure that elements of the design that have been described in the comprehensive plan review, project narrative, and illustrated in the conceptual site plan and architectural renderings are implemented, the Planning Commission finds that additional language is necessary within the Point Ruston MDP specifically describing standards for pedestrian connectivity, safety, and comfort, all of which contribute to a design which is in harmony with the character of the surrounding area, and are essential to a development that benefits the Town and the public.

- 2) That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q"

Planning Commission Findings:

The Planning Commission finds that the applicant's response adequately addresses the approval criteria for RMC 25.01.060 (D)(2).

- 3) That the MPD has been reviewed under the State Environmental Policy Act, according to the procedures specified therein.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q"

Planning Commission Response:

The Planning Commission finds that the criteria for RMC 25.01.060 (D)(3) has been met as SEPA analysis has been completed as described in Section IV.(A) of the report.

- 4) The Planning Commission and Town Council shall further find that the facts submitted with the application and presented at the hearing establish that:
 - a) In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and that the sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q"

Planning Commission Findings:

The Planning Commission finds that the applicant's response and submitted materials adequately address the approval criteria for RMC 25.01.060 (D)(4)(a). In order to ensure that elements of the design that have been described in the project narrative, and illustrated in the conceptual site plan and architectural renderings are implemented, the Planning Commission finds that additional language is necessary within the Point Ruston MDP specifically describing standards for pedestrian connectivity, safety, and comfort, all of which contribute to a design which is in harmony with the character of the surrounding area, and are essential to a residential environment of sustained desirability and stability.

- b) In the case of proposed light industrial or research uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that the design and development standards are such as to create an environment of sustained desirability and stability.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q"

Planning Commission Findings:

The Planning Commission finds that the applicant's response and submitted materials adequately address the approval criteria for RMC 25.01.060 (D)(4)(b). In order to ensure that elements of the design that have been described in the project narrative, and illustrated in the conceptual site plan and architectural renderings are implemented, the Planning Commission finds that additional language is necessary within the Point Ruston MDP specifically describing standards for pedestrian connectivity, safety, and

comfort, all of which contribute to a design which is in harmony with the character of the surrounding area, and are essential to light industrial or research uses of sustained desirability and stability.

- c) In the case of proposed commercial, institutional, recreational and other nonresidential uses, that such development will be appropriate in area, location and overall planning to the purpose intended, and that such development will be in harmony with the character of the surrounding areas.

Applicant Response:

Please See the "Project Narrative" portion on page 2 of the attached application submitted by Point Ruston LLC and labeled as "Exhibit Q"

Planning Commission Findings:

The Planning Commission finds that the applicant's response and submitted materials adequately address the approval criteria for RMC 25.01.060 (D)(4)(c). In order to ensure that elements of the design that have been described in the project narrative, and illustrated in the conceptual site plan and architectural renderings are implemented, the Planning Commission finds that additional language is necessary within the Point Ruston MDP specifically describing standards for pedestrian connectivity, safety, and comfort, all of which contribute to a design which is in harmony with the character of the surrounding area.

RMC 25.01.060 (E) Approved Development Plan

An approved development plan shall be kept on file by the Town and if no construction has begun within 18 months of the approval of said plan, or within the time frame established within the approved plan, the plan shall lapse and be of no further effect. The Town Council may extend the period for the beginning of construction prior to the expiration date, if requested by the applicant.

Applicant Response:

Point Ruston will be a mixed-use development that is implemented over a period of 8 to 10 years. Upon approval of the PRMDP the development plan is intended to remain in effect for the duration of the project and further govern future remodels, additions, and modifications to the site. RMC 25.01.060 (e) states that the approved development plan shall lapse if no construction has begun within the 18 month timeframe stipulated in the plan. The 18-month timeframe is arbitrary in nature and therefore, the timeframe for construction is stipulated herein as follows: 1) the project duration is governed by market conditions and will remain in effect as the entitlements for the property are being obtained; and, 2) construction will begin as market conditions allow with no time limit for beginning construction.

Planning Commission Findings:

The Planning Commission agrees that the code stated 18 month timeframe is arbitrary and has no objections to the applicant's request for a longer timeframe to begin construction. However, the Planning Commission does

feel that an unlimited timeframe is not appropriate and suggests a maximum timeframe of 36 months to begin construction. Also, as stated in RMC 25.01.060(E), the applicant may request timely extensions from the Town Council. Once construction begins, the MDP will remain in effect indefinitely and serve as a guide for future remodels, additions, and modifications to the site.

D) Shoreline Master Program

The goals and policies of Ruston's Shoreline Master Program are applicable to the proposed residential, recreational, commercial and hotel uses, (as defined by RMC 25.01.020), proposed on portions of this project that lie within two-hundred feet of the shoreline. These uses shall require approval of a Shoreline Substantial Development Permit which will be required prior to building permit issuance.

V. Public Hearing Summary

The Planning Commission conducted an open record public hearing as required by Ruston Municipal Code Title 19 on August 7, 2008. The hearing was properly noticed in accordance with RMC Chapter 19.03.010. The procedures for an open record public hearing as enumerated in Chapter 19.04.020 were generally followed. The applicant presented the proposal to the commission. A staff presentation was made. Members of the public gave testimony before the Planning Commission on the subject proposal and provided written comments through August 7, 2008. The Planning Commission continued deliberation in additional meetings held on August 8, 2008 and August 13, 2008.

VI. Recommendation

The Planning Commission hereby unanimously recommends that the Town Council approve the Point Ruston Master Development Plan subject to the following conditions:

- A) Additional language shall be included within the Point Ruston MDP to describe project phasing. All improvements within a district shall be completed prior to issuing a certificate of occupancy for the last building built in each district.
- B) The applicant shall provide additional language within the Point Ruston MDP that specifies that review for compliance with the Point Ruston MDP and all other applicable codes by the Town Planner is required for each building prior to building permit issuance. Additionally, the second sentence in the note under Point Ruston MDP Section 7.0, item #2 shall be modified to read, "Compliance with landscape requirements shall be deemed having been met when the

Landscaping Plan is stamped by a licensed landscape architect and approved by the Town Planner.”

- C) Parking requirements as described in Point Ruston MDP Section 5.1 Parking and Table 4.3-1 for multi-family shall be modified to require 1 parking stall for studio units, 1.5 stalls for one bedroom units, and 2 stalls for units with two or more bedrooms.
- D) The first sentence in Point Ruston MDP Section 12, item #13 requiring shoreline permits to be submitted concurrently with sign permits for the project shall be deleted.
- E) Design requirements as described in Point Ruston MDP Section 7 shall be modified to include the following language:

“Orient vehicle drive-through driveways and service and delivery areas away from Main Street and Grand Avenue street frontages. Restaurant or bank style drive-through driveways and service and delivery bays/loading docks may not be located within building facades facing on either Main Street or Grand Avenue.”

- F) Design requirements as described in Point Ruston MDP Section 7 shall be modified to include the following language:

“Coordinate all common area and street frontage outdoor lighting fixtures, benches, trash receptacles and tree grates. All pole light fixtures, benches, trash receptacles and tree grates within common areas and upon street frontages shall be of a common and substantially similar design. All outdoor lighting shall be downward directional with recessed light source to reduce unnecessary glare to adjacent properties and the night sky. This requirement does not preclude individual tenants to utilize their own outdoor furnishing within customer seating areas that protrude out into common areas and street frontages.”

- G) Design requirements as described in Point Ruston MDP Section 7 shall be modified to include the following language:

“Provide continuous pedestrian links between buildings, sites, promenade, open spaces and public rights of way within and adjacent to the Point Ruston project. Pedestrian path layouts shall be designed to provide convenient connections between common areas, public greens, building entrances, shorelines, and the public right of way. This may require pedestrian paths between buildings or through parcels in addition to typical street-side walkways. Where walkways cross vehicle driveways or roads they shall be

illuminated and constructed of paving materials that are visually distinct from asphalt paving.”

- H) Design requirements as described in Point Ruston MDP Section 7 shall be modified to include the following language:

“Provide a minimum of 25% of the total façade lengths of buildings upon Main Street and Grand Avenue with covered walkways. Twenty-five percent of all walkways adjacent to buildings along both Main Street and Grand Avenue shall have coverings to provide for pedestrian protection from the weather, (i.e. 100 lineal feet of façade length would require 25 lineal feet of covered walkway). Particular attention should be given to building entrances and store front window displays. Projecting signs limited to the size requirements stated in Point Ruston MDP Section 12.1 are encouraged below awnings and covered walkway areas.”

- I) Design requirements as described in Point Ruston MDP Section 7 shall be modified to include the following language:

“Nonfunctional and back-lit awnings are not allowed. Awnings shall be limited to traditional locations over windows, walkways, and entrances or over other architectural features where weather protection is needed. Awnings may not be back-lit or otherwise illuminated from behind unless the awning fabric is completely opaque so that it blacks out all light.”

- J) The proposal shall be subject to the mitigation contained in the March 27, 2008, Final Supplemental Environmental Impact Statement (FSEIS) for this project.

- K) No structure shall exceed the 90 foot elevation of the On-Site Containment Facility (OCF), except as allowed in the Point Ruston Master Development Plan Section 4.2(C) regarding mechanical equipment, parapets, elevator runs and other appurtenances. Additionally, prior to building permit issuance, the applicant shall submit a revised grading/topography plan labeling elevation contours at higher elevations, in addition to the lower elevations already labeled.

- L) Prior to occupancy of building 17, a 50 foot wide path shall be constructed along the shoreline connecting Peninsula Park with the Tacoma water front park. The remainder of the promenade shall be constructed as depicted on the conceptual site plan, (Exhibit C), in accordance with the phasing plan described in condition “A” above.

- M) The Point Ruston project shall recognize the important function that Yacht Club road makes to public access of the future Peninsula Park, Point Defiance Park, promenade, and the Tacoma waterfront park.

N) Way finding signage shall be provided to direct the public to the parking lots fronting on Ruston Way, the parking structure on Yacht Club Road, and the on-street parking upon Grand Avenue and Main Street, indicating that they are available to the public for shoreline access.

O) Section 7.0 of the master development plan shall be modified to include language that requires permanent irrigation for all landscaping within the project. Alternatively, a xeriscape plan may be designed by a licensed landscape architect.

P) The following language shall be added to the Point Ruston MDP to describe the duration of approval:

"An approved development plan shall be kept on file by the Town and if no construction has begun within 36 months of the approval of said plan, the plan shall lapse and be of no further effect. The Town Council may extend the period for the beginning of construction prior to the expiration date, if requested by the applicant."



Kevin Moser,
Planning Commission Chairman

August 14, 2008

Date

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

Point Ruston Master Development Plan (Exhibit A)

2008 Final Supplemental Environmental Impact Statement (Exhibit B)

Conceptual Site Plan (Exhibit C)

Analysis of Ruston Comprehensive Plan (Exhibit D)

Parks and Open Space (Exhibit E)

Topographic Grading Plan (Exhibit F)

Additional View Analysis not included in the FSEIS (Exhibit G)

Vicinity Plan (Exhibit H)

Conceptual Utility Plan (Exhibit I)

Draft Covenants, Conditions, and Restrictions (CCR's) (Exhibit J)

Architectural Renderings (Exhibit K)

Existing Conditions (Exhibit L)

Legal Description (Exhibit M)

ASARCO Letter (Exhibit N)

District Map (Exhibit O)

Second Amendment to EPA Consent Decree (Exhibit P)

Application for Development Plan (Exhibit Q)