

**Staff Report to the Hearing Examiner
Curry Accessory Dwelling
Conditional Use Permit
CUP 16-04**

I. General Information

A) Applicant:

Anne Curry
2605 North Warner Street
Tacoma, WA 98407

B) Site Address/Parcel Number:

5402 Park Avenue, Ruston, WA

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 an accessory dwelling above a detached garage to be constructed adjacent to the alley at the rear of the subject site and along the Park Avenue frontage. The accessory dwelling unit is proposed to be approximately 600 square feet in area and includes a kitchenette, living room, full bath and one bedroom. The unit also includes a porch along the Park Avenue frontage along with landscape area which are intended to be dedicated as outdoor open space for the accessory dwelling unit.

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 has determined that this proposal qualifies as a minor land use decision and is therefore categorically exempt from SEPA review as per WAC 197-11-800(6)(b).

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 accessory dwelling units as a permitted use to provide more affordable housing choices and options for accommodating growth. Provide architectural examples.
- 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-7
Design developments to encourage access by modes of travel other than driving alone, such as walking, bicycling and transit, and provide connections to the non-motorized system.
- 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.

- q. Capital Facilities CF-5
Seek opportunities to reduce impervious surfaces with pervious surfaces to improve water quality.

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 an accessory dwelling unit upon a parcel that is currently undeveloped. This infill development increases the City’s density by two residential units by constructing an attached single family home and accessory dwelling. Additionally, the provision of a porch facing Park Avenue and construction of a sidewalk connecting the pedestrian entrance to the Park Avenue sidewalk creates additional open space and enhances pedestrian connectivity.

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 25.01.040(j) – Residential (RES) Zoning Standards (Accessory Dwellings)

Ruston Municipal Code 25.01.040(j) states the following:

RMC 25.01.040(j) Accessory Dwellings. Accessory dwellings may be conditionally allowed following review and approval by the City Hearing Examiner subject to the following conditions.

- (1) A lot may have not more than one accessory dwelling.*

Staff findings and analysis:

Staff finds that the proposal is consistent with this requirement as only one accessory dwelling is being proposed and none currently exist on the site.

- (2) The owner must occupy either the principal structure or the accessory dwelling.*

Staff findings and analysis:

Staff finds that since the applicant is the current owner of record, and that the applicant intends to occupy either the primary residence or the accessory dwelling, the proposal is consistent with this requirement.

(3) *Parking must meet the requirements of Section 25.01.090.*

Staff findings and analysis:

Staff finds that the proposal includes at least the three required on-site parking stalls, (with one additional stall) – two located within the garage and two within the driveway running parallel to the alley along the rear of the subject site, and is therefore consistent with this requirement.

(4) *Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design or is shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.*

Staff findings and analysis:

Staff finds that the proposal is consistent with this requirement in that both of the proposed structures include coordinated siding materials, roof design and window style/placement which will result in an integrated design which provides the appearance of a single family dwelling and detached garage.

(5) *Enforcement. If a unit cannot be legalized because it fails to meet the standards herein and the unit cannot or will not be brought into conformance with these standards, the use will have to be discontinued. The City may cite owners of illegally occupied units who do not apply for legalization. Owners who do not apply for a permit will be subject to civil penalties and other enforcement penalties under Chapter 25.03 of this Code.*

Staff findings and analysis:

Staff finds that since this proposal does not include conversion or alteration of an existing non-conforming structure or existing accessory dwelling unit that this approval criteria item is not applicable.

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 accessory dwelling will be located within a building which is of similar mass and scale; and which is designed with similar architectural elements existing upon buildings in the surrounding neighborhood.

(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 right of way, including Park Avenue, Bennett Street and the adjacent alley to the rear of the subject site.

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

Staff findings and analysis:

Staff finds that the proposal includes at least the three required on-site parking stalls, (with one additional stall) – two located within the garage and two within the driveway running parallel to the alley along the rear of the subject site, and is therefore 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.

(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 accessory dwelling.

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.

(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

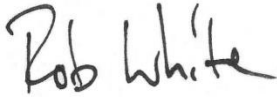
Staff concludes that given the findings and analysis detailed above that the proposal is consistent with the City's Comprehensive Plan and applicable zoning regulations for consideration of a conditional use permit and therefore recommends that the Hearing Examiner approve the proposed accessory dwelling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

A) The owner must occupy either the primary residence or the accessory dwelling.

- B) Prior to occupancy of the proposed accessory dwelling the final Hearing Examiner decision and a copy of a the site plan, must be recorded with the Pierce County Auditor in accordance with RMC 25.01.110(b)(3)(B).
- C) 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).
- D) 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 14 days prior to the public hearing date of January 12, 2017, as required by RMC Title 19.



January 6, 2017

Rob White,
Planning Director

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

Application Materials (Exhibit A)