



ADMINISTRATIVE ORDER#PLN18-0028-030118
CODE INTERPRETATION

CODE SECTION: SMC 20.50.410(B)

I. ISSUE

Do the surfacing requirements in SMC 20.50.410(B) apply to the replacement parking lots for City parks? The parking design standards requirements contained in SMC 20.50.410(A) and (B) address applicability to residential and commercial uses, but are silent regarding parking for other non-residential uses that are also not commercial, such as a public facility or park.

II. FINDINGS

Shoreline Municipal Code (SMC) Section 20.50.410(A)

“All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.”

- A City park is not a single-family detached dwelling or duplex use, therefore SMC 20.50.410(A) would not be applicable.

SMC Section 20.50.410(B)

“All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.”

- A park is not a multifamily use, however it is a non-residential use that is provided to customers coming to use the public facility. Parks and other non-commercial public facilities have more in common with commercial uses than residential, in that it requires a parking lot to serve activities that occur at a park, the primary difference is how the services provided are funded.

- New or replacement parking lots for parks or other public facilities are also normally located in the same development area (e.g. park) that the parking is intended to serve.

III. CONCLUSIONS

SMC Subchapter 2. Permitted Uses categorizes the uses into the following tables: Residential Uses, Nonresidential Uses, Other Uses, Campus Uses and Station Area Uses. Parks are listed in the "Other Uses" Table 20.40.140. SMC 20.50.410 Parking Design standards addresses surfacing requirements for single-family detached dwellings, duplexes, multifamily and commercial uses. The SMC does not specifically include surfacing requirements for "other uses" including Parks.

A Park is clearly not a single-family detached dwelling, a duplex or multi-family. Commercial is not defined in the SMC 20.20, nor is it a category of uses in SMC 20.40. SMC 20.10.060 Interpretation of Terms states: "Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's International Dictionary of the English Language shall be considered in determining ordinarily accepted meanings." Commercial is defined as 1. Of, relating to, or engaged in commerce. 2. Designed for profit. Even after applying the common definition to the term "commercial", SMC 20.40.410 does not specify what type of surface cars must be parked for many uses including Parks.

SMC 20.10.050 Roles and Responsibilities states that: "The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements." Therefore, the Director in accordance with SMC 20.10.050 must make a determination with regard to the applicability of SMC 20.40.140, specifically SMC 20.40.140 (A) and (B) to parking surfaces for Park uses.

A Park is more like a commercial use than a single-family detached dwelling or duplex use, so SMC 20.50.410(A) would not be applicable. In addition to being similar to a commercial use, new or replacement parking lots for parks or public facilities also would meet the vehicle parking location standard contained in SMC 20.50.410(B).

IV. DECISION

A new or replacement parking lot for a City park or public facility would be subject to the standards contained in SMC 20.50.410(B) as they are a non-residential uses, similar to commercial uses.

Note: This decision does not vest a project and is subject to the code in effect at the time of this action.



Director's Signature

3-1-18

Date