

ZONING ADMINISTRATOR INTERPRETATION

DATE: November 11, 2008

CODE SECTION: Section 17.80.030 – Definitions (Land Uses)

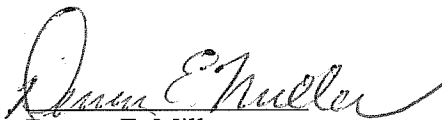
QUESTION NEEDING INTERPRETATION: Is a parking lot or structure that is used for commercial purposes during the off-hours of a business considered a “commercial off-street parking use” and subject to a conditional use permit requirement?

INTERPRETATION: An office building owner has approached the City regarding the use of the parking lot that serves the office building. During the hours when the building is for the most part not being used by office tenants (typically in the evenings and on weekends), the owner allows the lot to be used by the public. The public are charged a fee for parking in the lot. Does this constitute the establishment of a “commercial off-street parking use?”

In reviewing this issue, I have concluded that leasing the parking spaces in a lot which is underutilized during the evening hours and on weekends does not constitute the establishment of a new use. The spaces are being used for only the office building, not serving a different use and thus would not be subject to a shared parking Minor Conditional Use Permit. The owner is simply making them available for public use and charging a fee. The office tenants typically use the lot from 7 am to 6 pm., Monday through Friday. The amount of time that the spaces are available and actually used is a small portion of time.

Use of the existing parking during off-peak hours for general parking does not make the parking lot a Commercial off-street parking use, the parking still is accessory to the office building. Use of this available parking maximizes the use of available parking and makes such spaces available for general parking. This is consistent with the City’s intent to maximize the use of existing parking and not building additional parking in commercial areas.

The exception to this is that if a building is vacant and the owner wishes to lease the spaces, then this would be the establishment of a commercial off-street parking use. This is because there is no other use on the site so leasing the parking becomes the principal use on the site.



Denver E. Miller
Zoning Administrator