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TO: Staff

FROM: Amy J. Bodek, AICP 
Director of Regional Planning

**SUBDIVISION AND ZONING ORDINANCE INTERPRETATION NO. 2026 -05
NONCONFORMING BUILDING PARKING REGULATIONS IN THE METRO PLANNING
AREA STANDARDS DISTRICT MIXED USE DEVELOPMENT ZONES**

PURPOSE

This memorandum provides guidance regarding the parking requirements for nonconforming; non-residential buildings located on sites that are zoned Mixed Use Development (MXD) within the Metro Planning Area Standards District (PASD).

APPLICABILITY

This memorandum is applicable to all MXD zoned parcels within the Metro PASD and is effective as of the date of this memorandum.

BACKGROUND

Under County Code Section 22.172.010, nonconforming, non-residential (commercial) buildings across various zones require additional parking for any building expansion, increase in occupant load, or intensified use pursuant to the provisions of Section 22.112 (Parking). In accordance with that section, intensification is defined as a change in a building's use that generates a higher parking requirement than the site's existing or prior use.

With the adoption of the Metro Area Plan and the accompanying Metro PASD, reduced parking requirements for nonconforming buildings in commercially zoned lots (County Code Section 22.364.070.B.1.b) were carried over from the previous Community Standards District (CSD) regulations. However, the new PASD did not account for the rezoning of many commercially zoned properties to mixed-use zoning, and lacked direction on how to handle parking for nonconforming buildings in zone MXD.

Within nonconforming buildings in commercial zones, the Metro PASD does not impose additional parking requirements for (1) new or expanding uses so long as the proposed new

commercial use is listed in Table 22.364.070-A and proposed within a structure built legally prior to September 22, 1970, or (2) the intensification of use on the ground floor when the building's gross floor area is not increased.

The PASD's silence on parking reductions was not meant to prohibit parking reductions for nonconforming buildings in MXD zones. In fact, if the PASD required new or expanding uses in MXD zones to conform to current parking standards, this would contradict the Metro Area Plan's intention to promote more transit-oriented housing and economic development in the Metro Planning Area communities by limiting development opportunities.

The MXD zone was established to integrate a variety of housing densities, community-serving commercial uses, and promote compact development that enhances walkability and transit ridership. Extending the Metro PASD's flexible parking provisions to nonconforming buildings on MXD-zoned lots is therefore also necessary to align with the Planning Area's transit-oriented vision for MXD-zoned lots as called out in the following goal and policies:

Goal TOD 1: Residents can live, work, learn, and recreate in a transit-oriented community.

- Policy TOD 1.4: Incentivize development that incorporates desired uses such as affordable housing, job-generating uses, community-serving retail and services, entertainment venues, or other uses that meet the public's daily needs. Incentives can include reduced parking requirements...or other methods.
- Policy TOD 1.5: Promote high-quality urban design and active ground floors through design standards and a variety of allowed uses on major mixed use and commercial corridors

INTERPRETATION

The parking provisions for nonconforming, non-residential buildings in the commercial zones within the Metro PASD shall be applicable to the MXD zones within the Metro PASD.

Furthermore, all additional parking, loading areas, and landscaping requirements for nonconforming buildings applicable to all commercial zones within the Metro PASD shall be applicable to the MXD zones within the Metro PASD.

This memorandum will remain in effect until such time that Title 22 is amended to clarify these provisions.

AJB:CC:ER:TF:AM:lj