



Regulations Pertaining to Conversion of a Demolished Non-Conforming Structure's Footprint to Parking (TMC 18.44.110.G.6.d)

CONCLUSION:

Conversion Eligibility

- The footprint of a demolished non-conforming structure in the shoreline buffer may only be converted to parking under TMC 18.44.110.G.6.d where the demolished structure was *landward* of an existing, legally established parking area on the same site.
- A structure situated waterward or lateral to a site's existing parking does not qualify for conversion under this provision.

Directional Limitation

- The phrase "landward of existing parking areas" is a one-directional limitation: the converted parking area must be located entirely on the inland side of the site's existing parking area, opposite the water/buffer. It is not sufficient for the new parking to avoid being closer to the water, and placement beside, or lateral to, the existing parking within the buffer does not satisfy this standard either. The existing parking area must remain the waterward-most improvement on the site both before and after conversion, with the new parking added only behind it, further from the water/buffer. A conversion that would place new parking waterward of or alongside the existing parking lot within the buffer does not meet this standard.

Contiguity

- The converted parking area must be directly contiguous with the existing parking area it is extending. It may not be a separate or disconnected parking area elsewhere on the site.

Accessory Use Requirement

- Conversion is only permitted where a legally established principal use remains on the site following demolition. If the demolished structure was the sole principal use the parking served, there is no remaining use for the new parking to be "accessory to," and Section D does not apply.

WHY WAS THIS INTERPRETATION DEVELOPED?

Background

Questions have arisen regarding the scope of TMC 18.44.110.G.6.d, which allows the footprint of a demolished non-conforming structure to be converted to parking under certain conditions. Specifically, the question is whether the provision authorizes conversion of any demolished non-conforming structure's footprint to parking, or only those in a specific spatial relationship to a site's existing parking, and whether it permits the entire elimination of a site's principal structure in favor of parking.

TMC 18.44.110.G.6.d states:

"The area beneath a non-conforming structure may be converted to a contiguous parking lot area if the non-conforming structure is demolished and only when the contiguous parking is accessory to a legally established use. The converted parking area must be located landward of existing parking areas."

This question is particularly relevant to sites where a non-conforming structure is located within a shoreline and where demolition and replacement with parking has been proposed.

Discussion

Section D contains two conditions beyond demolition: the resulting parking must be (1) contiguous with existing parking, and (2) landward of that existing parking. These conditions work to establish the spatial relationship between the demolished structure and the site's existing parking relative to the water/buffer.

The main question in such a scenario is where the demolished structure sat relative to the existing parking. If the structure was landward of the existing parking, its footprint can be added to the lot, because doing so extends the parking away from the water; the existing parking remains the waterward-most improvement on site, and the buffer is not further encroached upon. If the structure was waterward of, next to, or at the same distance from the water/buffer as the existing parking, converting its footprint to parking would not extend the site's parking landward of the existing parking area. What guides this is the position of the specific footprint being converted relative to the existing parking it would join.

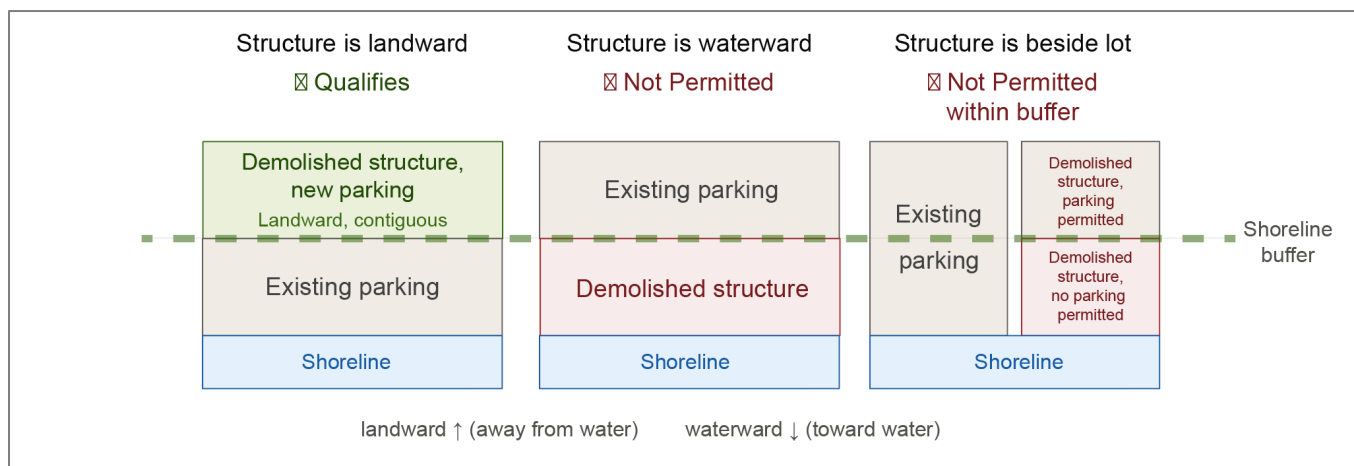


Fig. 1: Section D permits new parking landward of the existing lot only.

Where the demolished structure is beside the existing lot, only the portion outside the buffer may convert.

The accessory-use requirement further confirms this reading. Accessory use is by definition subordinate to a principal use; the provision presupposes that a legally established principal use remains on site after demolition, for the new parking to serve. It does not contemplate removing the structure that is the primary use itself and leaving parking as the resulting use of that footprint. Neither does it contemplate establishing a new principal use after demolition of the existing for the parking to be accessory to in a scenario of whole site redevelopment.

This reading is consistent with the general treatment of non-conforming uses and structures, which are conventionally construed to bring sites into greater conformity over time rather than to expand or relocate an existing non-conformity into a new configuration. It is also consistent with the purpose of shoreline and critical

area buffers, which is to prevent encroachment near the water. A scenario that would allow any demolished buffer structure to be replaced with parking, irrespective of its position relative to existing improvements, would permit exactly the kind of encroachment the buffer exists to prevent.

Interpretation:

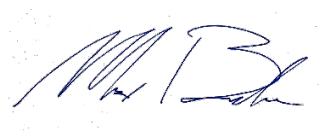
For the purposes of this interpretation, the following apply:

- "Landward of existing parking areas" means the converted parking area must be located entirely on the inland side of the site's existing parking, opposite the water/buffer, not beside it, and not at an equal or closer distance to the water/buffer.
- A demolished structure only qualifies for conversion under this section if it was landward of an existing parking area on the same site prior to demolition.
- "Contiguous" requires the converted area to physically adjoin the existing parking lot it is extending, not merely be located elsewhere on the same site.
- "Accessory to a legally established use" requires that a principal use remain in operation on the site after demolition; conversion is not permitted where the demolished structure was the sole or defining principal use the parking would serve.

JUSTIFICATION FOR THESE INTERPRETATIONS

Shoreline buffers are established to protect water quality, habitat, and shoreline function from encroachment by development, consistent with the no-net-loss principle applied under the Shoreline Management Act. An interpretation of Section D that permitted demolition-and-replacement of buffer structures with parking, without regard to the resulting parking area's position relative to the water or existing improvements, would undermine that purpose by allowing impervious surface to remain within the buffer through redevelopment indefinitely.

Non-conforming use and structure provisions are generally applied narrowly, in favor of reducing rather than perpetuating or relocating non-conformities. Reading Section D to require the converted parking to be strictly landward of existing parking ensures the provision remains consistent with that general approach, while still allowing the ability to utilize a demolished structure's footprint as parking where doing so does not result in the site's parking area encroaching further into the buffer or towards the water line.



Signature of Interpreter

Date: 7/27/2026



Approved by Director of Community Development

Date: 7/27/2026