

ORDINANCE NO. _____

AN ORDINANCE of the City of Federal Way, Washington, relating to Public Transportation Facilities; amending FWRC 19.05.120, 19.05.200, and 19.105.020; and adding new sections to Chapters 19.225 and 19.240 FWRC. (Amending Ordinance Nos. 17-834, 15-804, 09-630, 09-610, 09-593, and 97-295)

WHEREAS, the City of Federal Way (“City”) recognizes the need to periodically modify Title 19 of the Federal Way Revised Code (“FWRC”), “Zoning and Development Code,” in order to conform to state and federal law, codify administrative practices, clarify and update zoning regulations as deemed necessary, and improve the efficiency of the regulations and the development review process; and

WHEREAS, this ordinance, containing amendments to development regulations and the text of Title 19 FWRC, has complied with Process VI review, Chapter 19.80 FWRC, pursuant to Chapter 19.35 FWRC; and

WHEREAS, it is in the public interest for the City Council to adopt a new permitted land use for the City Center Core (CC-C) and Commercial Enterprise (CE) zones and establish development regulations for Light Rail or Commuter Rail Transit Facilities within the City; and

WHEREAS, the Central Puget Sound Regional Transit Authority (“Sound Transit”) is proceeding to implement their Sound Transit 3 (“ST3”) light rail system expansion, with two light rail stations planned within the City; and

WHEREAS, the Federal Way Link Extension (“FWLE”) portion of ST3 is currently under construction, with a new light rail station being built at the Federal Way Transit Center (“FWTC”) in the CC-C zone; and

WHEREAS, the planned parking facility expansion, designed to accommodate the new added demand from light rail users at the FWTC, has not yet been constructed; and

WHEREAS, the Tacoma Dome Link Extension (“TDLE”) is currently in the planning phase; and

WHEREAS, a preferred alternative route alignment and station location has been identified by Sound Transit in the CE zone in South Federal Way; and

WHEREAS, the demand for parking for transit-related parking proximate to the new stations will occur as soon as the stations are in operation; and

WHEREAS, there are no public parking facilities available to accommodate the parking demand created by the transit stations; and

WHEREAS, the proposed use is already generally allowed in the City as an essential public facility; and

WHEREAS, the City’s comprehensive plan vision, goals and policies strive to ensure transit station areas develop into efficient transportation centers that serve all travel modes, including cars; and

WHEREAS, adding Light Rail or Commuter Rail Transit Facilities to the City’s development regulations will help ensure that stations are developed in a complete and functional manner, not piecemeal; and

WHEREAS, the City’s measurement of transit level of service (“LOS”) considers the provision of adequate parking at transit stations to be necessary in order to meet minimum LOS standards; and

WHEREAS, an Environmental Determination of Nonsignificance (“DNS”) was properly issued for the Proposal on August 27, 2021, and no appeals were received and the DNS was finalized on October 1, 2021; and

WHEREAS, an Addendum To Environmental Determination of Nonsignificance (“DNS”) was properly issued on February 1, 2022, to incorporate minor modifications to the zone charts for City Center Core (CC-C) and Commercial Enterprise (CE), and an added definition for Transit Station; and

WHEREAS, the Planning Commission properly considered these code amendments on September 15, 2021, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the Land Use & Transportation Committee of the City Council considered these code amendments on October 4, 2021, and recommended adoption of the text amendments as recommended by the Planning Commission; and

WHEREAS, the City Council properly conducted a duly noticed public hearing on these code amendments on February 15, 2022, and March 1, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City of Federal Way makes the following findings with respect to the proposed amendments.

(a) The above recitals are hereby restated and adopted as findings.

(b) These code amendments are in the best interest of the residents of the City and will benefit the City as a whole by ensuring that transit stations are developed in a complete and functional manner, become an amenity to the people they serve, and do not burden local businesses and communities.

(c) These code amendments comply with Chapter 36.70A RCW, the Growth Management Act.

(d) These code amendments are consistent with the intent and purpose of Title 19 FWRC and will implement and are consistent with the applicable provisions of the Federal Way Comprehensive Plan.

(e) These code amendments bear a substantial relationship to, and will protect and not adversely affect, the public health, safety, and welfare.

(f) These code amendments have followed the proper procedure required under the FWRC.

Section 2. Conclusions. Pursuant to Chapter 19.80 FWRC and Chapter 19.35 FWRC, and based upon the recitals and the findings set forth in Section 1, the City Council makes the following Conclusions of Law with respect to the decisional criteria necessary for the adoption of the proposed amendments:

(a) The proposed FWRC amendments are consistent with, and substantially implement, the following Federal Way Comprehensive Plan goals and policies:

NEG12 Promote land use patterns and transportation systems that minimize air pollution and greenhouse gas emissions.

TP6.4 The City will continue to cooperate with regional and local transit providers to develop facilities that make transit a more attractive option.

CCG9 Provide a balanced transportation network that accommodates public transportation, high occupancy vehicles, pedestrians, bicyclists, automobiles, and integrated parking.

CCG15 Work with transit providers to develop a detailed HCT plan for the City Center. Identify facilities, services, and implementation measures needed to make transit a viable and attractive travel mode. Tailor the plan to meet local needs through rapid transit, express buses, and/or demand-responsive service.

CCP29 Integrate the high capacity transit system with other transportation modes serving Federal Way and the region.

CCP33 Encourage public and private parking structures (below or above ground) in lieu of surface parking. As redevelopment occurs and surface parking becomes increasingly constrained, consider a public/private partnership to develop structured parking in the downtown commercial area.

CCP34 Encourage the provision of structured parking.

(b) The proposed FWRC amendment bears a substantial relationship to the public health, safety, and welfare because it will ensure that transit stations are developed as complete and effective public facilities, with a greater ability to provide the public with a faster, safer, and cleaner mode of transportation, while reducing congestion on the public roadways.

(c) The proposed amendment is in the best interest of the public and the residents of the City of Federal Way because it helps to ensure that transit stations are developed in a complete and functional manner, becoming a multi-modal amenity to the people they serve.

Section 3. FWRC 19.05.120 is hereby amended to read as follows:

19.05.120 L definitions.

“Land division” means any process by which individual lots, parcels, or tracts are created for the purpose of sale, lease, or transfer. Land divisions include, but are not limited to, conventional subdivisions (both short and long plats), binding site plans, cluster subdivisions, cottage housing, zero lot line townhouse development, and small lot detached development.

“Landscaping” means the planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

“Landward” means toward dry land.

“Legal nonconformance” means those uses, developments, or lots that complied with the zoning regulations at the time the use, development, or lot was created or established, but do not conform with current zoning regulations. This definition shall be applied to legal nonconforming lots, uses, and developments as defined in this chapter.

“Light rail or commuter rail transit facility” means a structure or other improvement of a regional light rail or commuter rail transit system, which includes ventilation structures, traction power substations, utilities serving the regional transit system, transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, parking garages, park and rides, tunnel portals, storage track and support facilities, and transit station access facilities.

“Linear frontage of subject property” means the frontage of the subject property adjacent to all open, improved rights-of-way other than Interstate 5. If the subject property is not adjacent to an open, improved right-of-way, “linear frontage” means the frontage of the subject property on any public access easements or tracts which serve the subject property and adjacent unopened and/or unimproved rights-of-way.

“Lobby” means a central hall, foyer, or waiting room at the entrance to a building.

“Lot” means a parcel of land, of sufficient area to meet minimum zoning requirements, having fixed boundaries described by reference to a recorded plat, to a recorded binding site plan, to metes and bounds, or to section, township and range.

“Lot area” means the minimum lot area per dwelling unit based on the underlying zone. For single-family lots, the area of a vehicular access easement, private tract, flagpole, or access panhandle shall not be credited in calculation of minimum lot area.

“*Low density use*” means a detached dwelling unit on a subject property that contains at least five acres.

“*Low density zone*” means the following zones: SE and comparable zones in other jurisdictions.

“*Low impact development (LID)*” means a stormwater management strategy that emphasizes conservation and use of existing features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings.

Section 4. FWRC 19.05.200 is hereby amended to read as follows:

19.05.200 T definitions.

“*Temporary personal wireless service facility*” means a personal wireless service facility which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.

“*Tenant improvement*” means any work, improvement or remodeling completely within the interior of a building necessary to meet the varied requirements of continuing or succeeding tenants.

“*Threshold determination*” means the decision by the responsible official (the community development services director) whether or not an environmental impact statement (EIS) is required for projects that are not categorically exempt under the State Environmental Policy Act (SEPA).

“*Topping*” means a pruning cut to the main stem of a mature tree. Such cuts can result in serious decay and/or forcing out growth of weakly attached upright sprouts below the cut. Topping also results in permanent alteration of tree architecture. For purposes of this chapter, topping shall be treated the same as tree removal.

“*Topsoil*” means the uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.

“*Townhouse*” means a type of attached multifamily dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. See definition of “dwelling unit, townhouse.”

“*Trade school*” means a post-secondary institution that trains persons for qualification in specific trades or occupations, i.e., mechanics; construction trades such as carpentry, HVAC, and wiring; electronics repair and service including computers; plumbing; chefs and culinary training; upholstery; bartending.

“*Traffic control devices*” means signs, signals, stripes and other mechanical or graphic items which control the flow, direction or speed of vehicular and pedestrian traffic.

“*Transit Station*” means an off-street at-grade, under-, or above-street-level rail or light-rail, ferry terminal, bus hub, or bus transfer facility for stopping of transit vehicles to pick up and drop off passengers. A transit station usually has boarding/alighting platforms, waiting area(s), fare collection, information, and related facilities.

“*Transparent glass*” means windows that are transparent enough to permit a reasonable level of visibility of the activities within a building from nearby streets, sidewalks and public spaces.

“*Tree*” means any self-supporting perennial woody plant characterized by one main stem or trunk of at least six inches in diameter measured four and one-half feet above ground, or a multi-stemmed trunk system with a definite crown, maturing at a height of a least 20 feet above ground level.

“Tree unit” is a measurement to give value to the number of trees retained on a site. Table 19.120.130-2 assigns tree unit credits based upon the size of the existing or newly planted trees. For new trees, tree units vary depending on the size that the trees will reach at maturity (smaller size at maturity, fewer tree unit credits).

“Trees, deciduous” means trees that shed or lose their foliage at the end of the growing season.

“Trees, evergreen” means trees that retain their leaves for more than one growing season.

Section 5. FWRC 19.105.020 is hereby amended to read as follows:

19.105.020 Essential public facilities.

(1) *Generally.* The review and siting of essential public facilities shall conform to the following:

(a) Class I facilities shall be reviewed under the zoning provisions found in their respective zoning districts, as well as the special provisions outlined in subsection (2) of this section.

Review of Class I facilities shall be under process IV, hearing examiner decision~~under process IV, hearing examiner decision. Project review shall also include those special provisions outlined in subsection (2) of this section.~~

(b) Class II facilities shall be reviewed under the zoning provisions and processes found in their respective zoning districts, unless they are found to be exempt under the Federal Fair Housing Act, in which case such exemption does not imply an exemption from applicable building or structural standards.

(2) *Site evaluation criteria.* The following criteria will be utilized in evaluating siting proposals made by sponsoring agencies or organizations seeking to site Class I essential public facility in Federal Way. These criteria encompass an evaluation of regional and/or local need and local site suitability for the proposed facility. Findings concerning the proposal’s conformance with each criteria shall be included in the documentation of any city decision relative to the project.

(a) *Demonstration of need.* Project must establish the need for their proposed facility. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities, and an assessment of demand for this type of essential public facility.

(b) *Relationship of service area to population.* The facility should service a share of Federal Way's population within the city. The proposed site should also be in a location that reasonably serves its over-all service area population.

(c) *Minimum site requirements.* Project sponsors shall submit documentation showing the minimum site requirement needs for the facility. Site requirements may be determined by any or all of the following parameters: Minimum size of the facility, access, necessary on-site support facilities, topography, geology and soils and mitigation requirements. The sponsor shall also identify any future expansions of the facility.

(d) *Alternative site selection.* The sponsor shall document whether any alternative site have been identified that meet the minimum site requirements of the facility. Where a proposal involves expansion of an existing site, the documentation should indicate why relocation of the facility to another site would be infeasible.

(e) *Concentration of essential public facilities.* In considering a proposal, the city shall examine the overall concentration of these facilities within the city to avoid placing undue burden on any one neighborhood.

(f) *Public participation.* Sponsors shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings.

(g) *Proposed impact mitigation.* The proposal must include adequate and appropriate mitigation measures for the impacted area and neighborhood. Mitigation measures may include, but are not limited to, natural features that may serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures should be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

Section 6. Chapter 19.225 Sections is hereby amended to read as follows:

Chapter 19.225

CITY CENTER CORE (CC-C)¹

Sections:

- 19.225.010 Office use.**
- 19.225.015 Breweries, distilleries, and wineries.**
- 19.225.020 Retail use.**
- 19.225.030 Retail shopping center, regional.**
- 19.225.040 Entertainment.**
- 19.225.050 Hotel, convention or trade centers.**
- 19.225.060 Parking garages.**
- 19.225.070 Multifamily dwelling units, senior citizen, or special needs housing.**
- 19.225.080 Hospital – Convalescent centers – Nursing homes.**
- 19.225.090 Schools – Day care facilities, commercial.**
- 19.225.100 Government facility, public parks, public transit shelter.**
- 19.225.105 Public transportation facilities.**
- 19.225.110 Public utility.**
- 19.225.120 Personal wireless service facility.**
- 19.225.130 Churches.**
- 19.225.140 Urban agriculture.**

Section 7. Chapter 19.225 of the Federal Way Revised Code is hereby amended to add a new section 19.225.105 to read as follows:

19.225.105 Public transportation facilities.

The following uses shall be permitted in the commercial enterprise (CE) zone subject to the regulations and notes set forth in this section:

USE ZONE CHART										
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS										
<u>USE</u>	<u>REGULATIONS</u>	<u>Required Review Process</u>	<u>Minimums</u>			<u>Maximum Height of Structure</u>	<u>Min. Required Parking Spaces</u>	<u>ZONE</u> <u>CC-C</u>	<u>SPECIAL REGULATIONS AND NOTES</u>	
			<u>Lot Size</u>	<u>Required Yards</u>						
				<u>Front</u>	<u>Side (each)</u>					<u>Rear</u>
Light Rail or Commuter Rail Transit Facility	Process IV. See note 17.	None	0 ft.	0 ft.	0 ft.	75 ft. above average building elevation (AABE) See notes 1 and 2	500 Spaces for light rail or commuter rail facilities with transit stations. See notes 13, 14, 15, 16, and 17.	<ol style="list-style-type: none"> 1. If approved by the director, the height of a structure may exceed 75 ft. above average building elevation (AABE), if the increased height is necessary to accommodate the structural, equipment, or operational needs of the use. 2. Building height may not exceed 75 ft. AABE when located within 100 ft. of a Single-family residential zone. 3. The proposed development will be consistent with the adopted comprehensive plan policies for this zone. 4. Minor and supporting structures constructed as a functional requirement of a facility may be allowed at the same height as the primary structure, provided the Director of Community Development Services determines that the facility and any related supporting structures will not significantly impact adjacent properties. 5. The subject property must be designed so that truck parking, loading, and maneuvering areas; areas where noise generating outdoor uses and activities may occur; and vents and similar features are located as far as possible from any residential zone, conforming residential use, or natural systems. 6. The streets, utilities, and other infrastructure in the area must be adequate to support the proposed development. 7. No maximum lot coverage applies. Instead, the buildable area will be determined by other site development regulations, i.e., required yards, landscaping, surface water facilities, etc. 8. For regulations pertaining to outdoor use, activity and storage, refer to FWRC 19.125.170. 9. For community design guidelines that apply to the project, see Chapter 19.115 FWRC. 10. For landscaping requirements that apply to the project, see Chapter 19.125 FWRC. 11. For sign requirements that apply to the project, see Chapter 19.140 FWRC. 12. For other provisions of this chapter that may apply to the subject property, see Chapter 19.265 FWRC. 13. A reduction to the minimum required parking spaces may be allowed provided a transit station access and parking study is submitted as part of the development application for City-issued land use approval to inform any decisions regarding the reduction of parking. The scope of the study may include, but is not limited to: the existing supply, utilization, and availability of publicly accessible on-street and off-street parking, projected changes to transit ridership, traffic (vehicle trip generation), and area parking availability likely to result from any interim or alternative station access and parking scenarios. The director may grant, after consultation with the City Traffic Engineer, a modification to the minimum number of parking spaces based upon the result of the transit station access and parking study and the approval criteria in FWRC 19.130.080(2). 		

				<p>14. Provision of parking may be phased consistent with a phased parking plan included and analyzed in the transit station access and parking study. The phased parking plan must specify the percentage of required transit parking access to be accommodated at the time of Certificate of Occupancy issuance for the transit station, any applicable milestone years for provision of additional parking, and the frequency at which particular land use or transportation conditions will be evaluated for potential updates to the phased parking plan. The phased parking plan must be consistent with the findings of the access and parking study and the approval criteria in FWRC 19.130.080(2). An agreement shall be executed between the city and applicant, prior to issuance of building permits, to ensure station access and parking services are provided consistent with the phased parking plan.</p> <p>15. In general, surface parking shall not be permitted. Surface parking may be permitted if the director determines that the proposed surface parking achieves comprehensive plan and/or subarea plan goals and policies, and:</p> <p>a. Structured parking cannot adequately accommodate the provision of limited purpose parking such as ADA parking spaces, short term parking spaces, and electric charging stations; or</p> <p>b. The proposed location of surface parking is on land with low redevelopment potential, such as under a railway, where structured parking would be impractical; or</p> <p>c. The potential exists for the future conversion of the proposed surface parking, including parking provided in accordance with a phased parking plan under Note 14, to structured parking as part of a transit-oriented development, public private partnership, or similar means of redevelopment, and the applicant and the City have executed an agreement specifying the date when, or conditions under which, the surface parking shall be converted to structured parking if no redevelopment occurs.</p> <p>16. Parking required by this chapter shall be no more than 800 feet from the proposed transit station. The distance shall be measured along a city-approved pedestrian path from the transit station entrance to the closest public pedestrian entrance to the parking facility. The director may grant a modification to the maximum distance between parking required and the proposed transit station based on consideration of how pedestrian weather protection, crosswalk improvements, lighting, street trees, sidewalk width, and wayfinding are able to facilitate seamless access integration, as well as the approval criteria of FWRC 19.130.090. Notwithstanding the foregoing, the applicant may enter into a shared parking agreement with another property owner to utilize existing surplus parking on properties located within 800 feet of the facility, or where a direct transit link (e.g. bus, shuttle, etc.) will be provided between the parking and the transit facility, to satisfy a portion or all of the parking requirement. Shared parking is subject to the approval criteria of FWRC 19.130.120. Shared parking is not subject to the requirements of Note 15.</p> <p>17. Project will be reviewed as a Class I Essential Public Facility, refer to FWRC 19.105.020(2).</p>
<p>Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.</p>				<p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p> <p>For details of what may exceed this height limit, see FWRC 19.110.050 et. seq.</p> <p>For details regarding required yards, see FWRC 19.125.160 et seq.</p>

Section 8. Chapter 19.240 Sections is hereby amended to read as follows:

Chapter 19.240

CITY CENTER CORE (CC-C) ¹

Sections:

- 19.240.010 Manufacturing and production, general.
- 19.240.020 Warehouse – Distribution – Storage facilities – Truck stops – Automotive emissions testing facilities.
- 19.240.030 Commercial photography – Communications – Product testing – Industrial laundry facilities.
- 19.240.040 Hazardous waste treatment and storage – Chemical manufacturing – Gravel batch plant – Transfer station.
- 19.240.050 Vehicle, boat, equipment, and outdoor storage container sales, rental, service, repair – Self-service storage – Tow and taxi lots.
- 19.240.060 Retail – Bulk retail.
- 19.240.070 Retail, general and specialty – Manufacturing and production, limited.
- 19.240.080 Office uses.
- 19.240.090 Hotels – Motels.
- 19.240.100 Business, vocational, trade schools – Day care facilities, commercial – Animal kennels.
- 19.240.110 Entertainment – Generally.
- 19.240.115 Breweries, distilleries, and wineries.
- 19.240.120 Entertainment – Adult entertainment, activity, retail, or use (adult uses).
- 19.240.125 Public utility.
- 19.240.130 Government facilities, public parks, public transit shelter.
- 19.240.135 Public transportation facilities.
- 19.240.140 Personal wireless service facilities.
- 19.240.160 Churches.
- 19.240.170 Urban agriculture.
- 19.240.180 Group homes.

Section 9. Chapter 19.240 of the Federal Way Revised Code is hereby amended to add a new section 19.240.135 to read as follows:

19.240.135 Public transportation facilities.

The following uses shall be permitted in the commercial enterprise (CE) zone subject to the regulations and notes set forth in this section:

<u>USE ZONE CHART</u>							
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS							
<u>USE</u>	<u>REGULATIONS</u>	<u>Minimums</u>			<u>Maximum Height of Structure</u>	<u>Min. Required Parking Spaces</u>	<u>ZONE</u> <u>CE</u> <u>SPECIAL REGULATIONS AND NOTES</u>
		<u>Lot Size</u>	<u>Required Yards</u>				
			<u>Front</u>	<u>Side (each)</u>			
	<u>Required Review Process</u>						

Light Rail or Commuter Rail Transit Facility	Process IV. See note 17.	None	0 ft.	0 ft.	0 ft.	50 ft. above average building elevation (AABE) See notes 1 and 2	500 Spaces for light rail or commuter rail facilities with transit stations. See notes 13, 14, 15, 16 and 17.	<p>1. If approved by the director, the height of a structure may exceed 50 ft. above average building elevation (AABE), if the increased height is necessary to accommodate the structural, equipment, or operational needs of the use.</p> <p>2. Building height may not exceed 50 ft. AABE when located within 100 ft. of a Single-family residential zone.</p> <p>3. The proposed development will be consistent with the adopted comprehensive plan policies for this zone.</p> <p>4. Minor and supporting structures constructed as a functional requirement of a facility may be allowed at the same height as the primary structure, provided the Director of Community Development Services determines that the facility and any related supporting structures will not significantly impact adjacent properties.</p> <p>5. The subject property must be designed so that truck parking, loading, and maneuvering areas; areas where noise generating outdoor uses and activities may occur; and vents and similar features are located as far as possible from any residential zone, conforming residential use, or natural systems.</p> <p>6. The streets, utilities, and other infrastructure in the area must be adequate to support the proposed development.</p> <p>7. No maximum lot coverage applies. Instead, the buildable area will be determined by other site development regulations, i.e., required yards, landscaping, surface water facilities, etc.</p> <p>8. For regulations pertaining to outdoor use, activity and storage, refer to FWRC 19.125.170.</p> <p>9. For community design guidelines that apply to the project, see Chapter 19.115 FWRC.</p> <p>10. For landscaping requirements that apply to the project, see Chapter 19.125 FWRC.</p> <p>11. For sign requirements that apply to the project, see Chapter 19.140 FWRC.</p> <p>12. For other provisions of this chapter that may apply to the subject property, see Chapter 19.265 FWRC.</p> <p>13. A reduction to the minimum required parking spaces may be allowed provided a transit station access and parking study is submitted as part of the development application for City-issued land use approval to inform any decisions regarding the reduction of parking. The scope of the study may include, but is not limited to: the existing supply, utilization, and availability of publicly accessible on-street and off-street parking, projected changes to transit ridership, traffic (vehicle trip generation), and area parking availability likely to result from any interim or alternative station access and parking scenarios. The director may grant, after consultation with the City Traffic Engineer, a modification to the minimum number of parking spaces based upon the result of the transit station access and parking study and the approval criteria in FWRC 19.130.080(2).</p> <p>14. Provision of parking may be phased consistent with a phased parking plan included and analyzed in the transit station access and parking study. The phased parking plan must specify the percentage of required transit parking access to be accommodated at the time of Certificate of Occupancy issuance for the transit station, any applicable milestone years for provision of additional parking, and the frequency at which particular land use or transportation conditions will be evaluated for potential updates to the phased parking plan. The phased parking plan must be consistent with the findings of the access and parking study and the approval criteria in FWRC 19.130.080(2). An agreement shall be executed between the city and applicant, prior to issuance of building permits, to ensure station access and parking services are provided consistent with the phased parking plan.</p> <p>15. In general, surface parking shall not be permitted. Surface parking may be permitted if the director determines that the proposed surface parking achieves comprehensive plan and/or subarea plan goals and policies, and:</p> <p>a. Structured parking cannot adequately accommodate the provision of limited purpose parking such as ADA parking spaces, short term parking spaces, and electric charging stations; or</p>
		Except 20 ft. along Single-Family residential zones						

				<p>b. The proposed location of surface parking is on land with low redevelopment potential, such as under a railway, where structured parking would be impractical; or</p> <p>c. The potential exists for the future conversion of the proposed surface parking, including parking provided in accordance with a phased parking plan under Note 14, to structured parking as part of a transit-oriented development, public private partnership, or similar means of redevelopment, and the applicant and the City have executed an agreement specifying the date when, or conditions under which, the surface parking shall be converted to structured parking if no redevelopment occurs.</p> <p>16. Parking required by this chapter shall be no more than 800 feet from the proposed transit station. The distance shall be measured along a city-approved pedestrian path from the transit station entrance to the closest public pedestrian entrance to the parking facility. The director may grant a modification to the maximum distance between parking required and the proposed transit station based on consideration of how pedestrian weather protection, crosswalk improvements, lighting, street trees, sidewalk width, and wayfinding are able to facilitate seamless access integration, as well as the approval criteria of FWRC 19.130.090. Notwithstanding the foregoing, the applicant may enter into a shared parking agreement with another property owner to utilize existing surplus parking on properties located within 800 feet of the facility, or where a direct transit link (e.g. bus, shuttle, etc.) will be provided between the parking and the transit facility, to satisfy a portion or all of the parking requirement. Shared parking is subject to the approval criteria of FWRC 19.130.120. Shared parking is not subject to the requirements of Note 15.</p> <p>17. Project will be reviewed as a Class I Essential Public Facility, refer to FWRC 19.105.020(2).</p>
<p>Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.</p>				<p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p> <p>For details of what may exceed this height limit, see FWRC 19.110.050 et. seq.</p> <p>For details regarding required yards, see FWRC 19.125.160 et seq.</p>

Section 10. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

Section 11. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 12. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 13. Effective Date. This ordinance shall be effective five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Federal Way this _____ day of March, 2022.

CITY OF FEDERAL WAY:

JIM FERRELL, MAYOR

ATTEST:

STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:

J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____