

Housing Opportunities in Mixed-use Areas (HOMA) Strike Draft
 Option B (voluntary affordable housing approach)
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20.20.010 Uses in land use districts dimensional requirements.

Chart 20.20.010 Uses in land use districts – Dimensional Requirements

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Uses in land use districts – Dimensional Requirements

Commented [A1]: Note: The Option B strike draft only contains sections of the draft that differ from Option A. The Option A HOMA strike draft contains all Land Use Code changes proposed through HOMA.

STD LA ND USE CO DE REF	LAND USE CLASSIFIC ATION	Professional Office	Office	Office/Limited Business	Office/Limited Business 2	Light Industry	General Commercial	Neighborhood Business	Mixed Use: 7 Story	Neighborhood Mixed Use	Community Business	Mixed Use: 16 Story	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		P O	O	OL B	OL B 2	LI	G C	NB	M U7	N M U	CB	MU 16	F1	F2	F3
	DIMENSIO NS	(2 1)	(2 1, 52, 54)	(2 1, 52)	(21 , 52, 54)	(2 1)	(2 1)	(21 , 52, 54)	(21 , 52, 54)	(21, 54)	(21, 52, 54)	(2 8)	(2 4, 34 , 52)	(21, 32, 52, 56)	
	Minimum Setbacks of Structures (feet) Front Yard (18) (20)	30	30 0	50 0	0	15	15	0	0	0	0	0	50	200	
	Rear Yard (17)-(18) (20)	25 (17) (20)	0 25 7	50 0	0	(2 17)	(2, 17)	0 (2)	0	0	0 (2)	0	30	50	

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	Depth Required in Lot (4)														
	Maximum in Building Height (feet) (10)	20	30	45	55 75	45	30	20 40 (25))	50	75	45	140		75	75/4 35 100 (33, 34)
	Maximum Lot Coverage by Structures (percent) (13) (14) (16)	35	35 (2 4)	35 (2 4)	35	50		35 (24)		35 (24)				35 (2 4)	40 (24)
	Maximum Hard Surface Coverage (percent) (37) (47)	85	85	85	85	90	85	80	85	85	85	85		85	85
	Maximum Impervious Surface (percent) (35) (37)	60	60	60	60	65	65	60	65	65 0	65	65		60	650

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Alternative Maximum Impervious Surface (percent) (35) (37) (39) (48)	80	80	80	80	85	85	80		80	85				80	80
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20.20.128 Affordable housing.

A. Purpose and Administration.

1. The purpose of this section is to promote the development of affordable dwelling units by establishing requirements, incentives, and fees for new development.

2. The Director shall adopt by rule affordable housing standards to govern the construction, repair, modification, and operation of affordable dwelling units created by operation of this title. Such standards shall be consistent with the requirements of this title. When adopting affordable housing standards, the Director shall consider each of the following:
 - a. Consistency with the City's Comprehensive Plan;
 - b. Whether consistency with the City's other, non-Land-Use-Code-based affordable housing programs is beneficial to the City;
 - c. Whether consistency with affordable housing standards adopted by neighboring jurisdictions is beneficial to the City;
 - d. The impact on the City's affordable housing goals;
 - e. The impact on the cost of development; and
 - f. The impact on the quality of life of residents of affordable units.

3. The following affordable housing standards shall apply to any affordable dwelling unit created by operation of this title. In the event of a conflict between a standard listed below and a standard included elsewhere in this title, the standard included elsewhere shall control.

Commented [A2]: Areas of gray text are being updated through the Wilburton LUCA and is subject to change.

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- a. The affordable dwelling units shall be generally distributed throughout the residential portions of a development and, where market-rate dwelling units are provided, intermingled with market-rate dwelling units. The Director shall define by rule the terms “generally distributed” and “intermingled” for the purposes of this subsection.
 - b. If all market-rate dwelling units in the development are for rent, then all affordable dwelling units shall also be for rent.
 - c. If all market-rate dwelling units in the development are for sale, then all affordable dwelling units shall also be for sale.
 - d. If the market-rate dwelling units in the development are a mix of dwelling units that are for rent and for sale, then the affordable dwelling units shall be a proportionate mix of rental and for sale units.
 - e. The affordable dwelling units shall consist of a mix of number of bedrooms that is in the same proportion as the bedroom mix of market-rate dwelling units in the overall development. The Director shall define by rule the term “bedroom” for the purposes of this subsection.
 - f. The affordable dwelling units shall be provided in a range of sizes comparable to the size of market-rate dwelling units in the development.
 - g. The materials, finishes, design, amenities, and appliances of affordable dwelling units shall have substantially the same functionality as, and be substantially comparable with, those of the other dwelling units in the development.
 - h. The affordable dwelling units shall remain affordable for the life of the project, which shall not be less than 50 years.
4. Legal Agreement. Whenever an affordable dwelling unit is created by operation of this title then, prior to issuance of a building permit for the development, the City and the owner of the site shall enter into an agreement, in a form approved by the City. Once fully executed, the agreement shall be recorded with the King County Recorder’s Office, on the title of the real property on which the development is located.
 - a. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs, and successors of the owner of the property.
 - b. If affordable dwelling units are later converted from being for rent to for sale, or for sale to for rent, then such dwelling units shall remain affordable to households at the same percentage area median income as required under the

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Director's original approval; provided, that the Director may approve different percentage area median incomes. Where different percentage area median incomes are approved in relation to a conversion, the Director shall require the owner to execute and record a revised legal agreement reflecting the new percentage area median incomes.

- c. The affordable dwelling units shall remain affordable to households at the same percentage area median income as required under the Director's original approval for the life of the project, which shall not be less than 50 years.
 - d. Through the agreement, the Director may agree to subordinate the agreement for the purpose of enabling the owner to obtain financing for development of the property; provided, that such subordination is consistent with the applicable requirements of this title.
 - e. The agreement shall address price restrictions, home buyer or tenant qualifications, phasing of construction, monitoring of affordability, and any other topics applicable to the construction, maintenance, and operation of the affordable dwelling units; provided, that the covenant shall be consistent with the applicable requirements of this title.
5. Annual Adjustments for Inflation. The Director is both authorized and directed to annually increase or decrease the fees listed below by an adjustment necessary to reflect the then-current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers:
- a. The in-lieu fees contained in Table 20.20.128.I.4; and
 - b. The in-lieu fee for nonresidential development contained in Chart 20.25Q.070.D.4.

B. Definitions.

1. "Mixed-income multifamily development" means a multifamily development project that includes both market rate and affordable housing units.
2. "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property as defined in RCW 35A.63.300, now or as hereafter amended.
3. "Affordable housing suffix" means a suffix consisting of AH and a number, enclosed in parentheses and appended to the Land Use District classification applied to a

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property. These suffixes correspond to alternate multifamily Land Use Districts which are applicable to affordable housing development when consistent with the requirements of subsection H of this section.

4. "Reference land use district" means the land use district located within 500 feet of a property eligible for an affordable housing suffix rezone used to determine the density available for the rezone. The reference land use district is identified using the criteria provided in subsection H.3 of this section.
5. "Affordable" means that a household eligible to rent or own the dwelling unit pays no more than 30 percent of household income for housing expenses.
6. "Area Median Income" means the median income for the Seattle-Bellevue, WA Housing and Urban Development Metro Fair Market Rent Area ("Seattle-Bellevue HMFA") as most recently published by the United States Department of Housing and Urban Development (the "HUD"). In the event that HUD no longer publishes median family income figures for Seattle-Bellevue HMFA or King County, the director may estimate the applicable median income, in such manner as the director shall determine by rule adopted following a public comment opportunity.

Part 20.25F1 Factoria 1

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20.25F1.040 Dimensional requirements (1)(2).

F1 Land Use District	Minimum Setback (23)(34)(45)			Building Height (56)	FAR	Stepback		
	Type A Street	Type B Street	Type C Street			Type A Street	Type B Street	Type C Street
DA I	N/A	N/A	N/A 30'	140' 60'	3.5	N/A	N/A	10' (6)

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F1 Land Use District	Minimum Setback (23)(34)(45)			Building Height (56)	FAR	Stepback		
	Type A Street	Type B Street	Type C Street			Type A Street	Type B Street	Type C Street
DA II	10'	N/A	10'	40' 75' 40' (7)	1.5	N/A	N/A	10' (8)N/A
DA III	N/A	N/A 10' 0' (9)	N/A 10'	140'75'	3.5	N/A	N/A 0' 10' (10)	10' (6)
DA IV	(11)	(11)	(11)	140'45'	3.5	N/A	N/A	N/A

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20.25F1.120 FAR Exemptions and bonuses.

The following exemptions and bonuses shall apply, provided all applicable Land Use Code requirements are satisfied:

A. Exempt Uses. One hundred (100) percent of the floor area reserved for the following uses. The applicant shall execute an agreement in a form approved by the City which shall be recorded with the King County Recorder's Office, or its successor organization, requiring the space be utilized for the exempted use to remain for the life of the building. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

1. Grocery stores.
2. Child care services.
3. Non-profit organizations.

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4. Affordable commercial space as defined 20.25R.050.D.2.h.

B. Affordable Housing.

1. For every 0.2 FAR of affordable housing provided on-site:

a. An additional 10 feet of building height is permitted, up to a maximum of 30 feet of building height; and

b. An additional 0.5 FAR is permitted, up to a maximum of 1.5 FAR.

2. 100 percent of the floor area reserved for affordable housing shall not be counted towards the overall FAR of the site.

C. Open Space. For every one (1) square foot of open space provided exceeding 30 percent of the total lot area, one (1) square foot of residential FAR can be exempted from the development's total FAR calculation, up to a maximum of 0.25 FAR exempt square footage.

Part 20.251 Community Retail-Mixed-Use Design District

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20.251.060 FAR exemptions and bonuses.

The following exemptions and bonuses shall apply, provided all applicable Land Use Code requirements are satisfied:

A. Exempt Uses. One hundred (100) percent of the floor area reserved for the following uses. The applicant shall execute an agreement in a form approved by the City which shall be recorded with the King County Recorder's Office, or its successor organization, requiring the space be utilized for the exempted use to remain for the life of the building. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

1. Grocery stores.

2. Child care services.

3. Non-profit organizations.

4. Affordable commercial space as defined 20.25R.050.D.2.h.

B. Affordable Housing.

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1. In the O, OLB, OLB2, NB and CB districts for every 0.2 FAR of affordable housing provided on-site:
 - a. An additional 10 feet of building height is permitted, up to a maximum of 20 feet of building height; and
 - b. An additional 0.5 FAR is permitted, up to a maximum of 1 FAR.
 2. In the NMU, MU7, MU16 and F3 districts for every 0.2 FAR of affordable housing provided on-site:
 - a. An additional 10 feet of building height is permitted, up to a maximum of 30 feet of building height; and
 - b. An additional 0.5 FAR is permitted, up to a maximum of 1.5 FAR.
 3. 100 percent of the floor area reserved for affordable housing shall not be counted towards the overall FAR of the site.
- C. Open Space. For every one (1) square foot of open space provided exceeding 30 percent of the total lot area, one (1) square foot of residential FAR can be exempted from the development's total FAR calculation, up to a maximum of 0.25 FAR exempt square footage.

Part 20.25P Eastgate Transit Oriented Development Land Use District

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20.25P.060 Dimensional requirements.

A. General.

This subsection (Chart 20.25P.060.A, Dimensional Requirements in Eastgate Transit Oriented Development Land Use District) sets forth the dimensional requirements for the district. The Dimensional Requirements of Chart 20.20.010 do not apply in the EG-TOD. Each structure, development, or activity in the EG-TOD shall comply with these requirements except as otherwise provided in this section. If a number appears in a box at the intersection of a column and a row, the dimensional requirement is subject to the special limitation indicated in the corresponding note.

Chart 20.25P.060.A Dimensional Requirements in Eastgate Transit Oriented Development District

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	Eastgate Transit Oriented Development Land Use District
LAND USE CLASSIFICATION	EG-TOD
DIMENSIONS	(¹)
Minimum Setbacks of Structures (feet) Front Yard	0 (²) (³) (⁴)
Minimum Façade Separation (feet) (setback/stepback)	10 (⁵)
Rear Yard (feet)	5-0 (²) (³) (⁴)
Side Yard (feet)	5-0 (²) (³) (⁴)
2 Side Yards	
Floor Area Ratio	2.50 (¹)
Maximum in Building Height (feet)	1460/55 (⁶)
Maximum Lot Coverage by Structures (percent) (⁷) (⁸) (⁹) (¹⁴)	35
Maximum Hard Surface Coverage (¹¹) (¹²)	85
Maximum Impervious Surface (percent) (¹⁰) (¹¹)	60
Alternative Maximum Impervious Surface (percent) (¹⁰) (¹¹) (¹³)	80

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B. Exceptions to Dimensional Requirements.

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2. Floor Area Ratio. A maximum of ~~2~~4.0 FAR (floor area ratio) may be exempted for affordable housing, public restrooms, open space, grocery stores, child care services, non-profit uses, and special dedications as provided below. Provided, ~~neither the combination nor~~ the singular use of any of these methods, other than affordable housing, shall exceed an exception of 1.0 FAR. Underground buildings as defined in LUC [20.50.050](#) are not structures for the purpose of calculating floor area.

a. In the EG-TOD land use district, for every 0.2 FAR of affordable housing provided on-site; up to 1.0 FAR of floor area dedicated to on-site affordable housing shall not be counted for the purposes of calculating the FAR of a project; provided, that:

i. An additional 10 feet of building height is permitted, up to a maximum of 30 feet of building height; and

ii. An additional 0.5 FAR is permitted, up to a maximum of 1.5 FAR.

~~i. The affordable housing is provided at a ratio of 2.5 market rate units to 1 affordable housing unit; and~~

~~ii. The bedroom mix and exterior finishes shall be comparable to the market rate units, but interior design, unit size, amenities and interior finishes may vary.~~

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c. In the EG-TOD Land Use District, up to 1.0 FAR of floor area dedicated to on-site grocery stores shall not be counted for the purposes of calculating FAR of a project; provided, that:

i. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the grocery store to remain for a minimum

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of 25 years. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

d. In the EG-TOD Land Use District, up to 1.0 FAR of floor area dedicated to on-site child care services shall not be counted for the purposes of calculating FAR of a project; provided, that:

i. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the child care use to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

e. In the EG-TOD Land Use District, up to 1.0 FAR of floor area dedicated to non-profit uses shall not be counted for the purposes of calculating FAR of a project; provided, that:

i. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the non-profit use to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.

f. In the EG-TOD Land Use District, up to 1.0 FAR of floor area dedicated to affordable commercial space as defined 20.25R.050.D.2.h. shall not be counted for the purposes of calculating FAR of a project; provided, that:

i. An agreement in a form approved by the City will be executed by the applicant and recorded with the King County Recorder's Office, or its successor organization, requiring the affordable commercial space to remain for the life of the project. This agreement shall be a covenant running with the land, binding on assigns, heirs, and successors of the applicant.