



## STAFF REPORT

DATE: April 12, 2023

TO: Chair Ferris and Members of the Planning Commission

FROM: Nick Whipple, Planning Manager, 452-4578  
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*Development Services Department*

**SUBJECT:** Public Hearing on a Land Use Code Amendment (LUCA) to establish criteria and procedures in the Land Use Code (LUC) for certain properties owned by religious organizations and located in single family land use districts to be rezoned to allow permanently affordable multifamily housing. The LUCA advances the City's Affordable Housing Strategy (AHS) Action C-1. File No. 23-100486-AD.

### I. BACKGROUND

The proposed LUCA will amend provisions in chapters 20.10, 20.20, and 20.30B LUC to establish criteria and procedures for certain properties owned by religious organizations and located in single family land use districts to be rezoned to allow permanently affordable multifamily housing. Affordable housing is defined in LUC 20.50.010<sup>1</sup>. Attachment A is a strike-draft of the proposed LUCA.

The AHS established a goal of adding up to 2,500 affordable homes in Bellevue within 10 years of implementation. Action C-1 is one of 21 actions identified under the five AHS strategy areas. Action C-1 calls for "increasing development potential on suitable land owned by public, non-profit housing, and faith-based entities for affordable housing" and can make a significant contribution to achieving the AHS goal.

In 2020, the City adopted Ordinance No. 6562 adding Policies HO-33, HO-34 and HO-35 in the Comprehensive Plan Housing Element to advance AHS Action C-1 and to respond to RCW 35A.63.300. RCW 35A.63.300, adopted by the Washington State Legislature in 2019, requires the City to offer a density bonus for affordable housing development on property owned by religious organizations. The 2020 Comprehensive Plan policies call for implementation of a density bonus and modifications to other standards and requirements in the LUC for eligible properties, in order to increase affordable housing development. On December 6, 2021, as a first step in implementing the 2020 CPA, the City Council adopted Ordinance No. 6626 implementing a 50 percent density bonus for affordable housing developments meeting Action C-1 ownership criteria.

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<sup>1</sup> "Housing used as the primary residence of an affordable housing qualified household. Unless otherwise specified, the price of affordable units is based on that amount a household can afford to pay for housing, when household income is less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area, and when the household pays no more than 30 percent of household income for housing expenses."

During the process of reviewing the 2021 density bonus, the Planning Commission and City Council both noted that some religious organizations' properties in single-family land use districts have location characteristics that could support higher densities and multifamily housing, and that this was an opportunity to accommodate increased affordable housing. This opportunity could not be fulfilled without additional amendments to the Comprehensive Plan. Council directed a second phase of work to further increase capacity for affordable housing on these properties through a second Comprehensive Plan Amendment (CPA), LUCA and rezone.

On December 12, the City Council adopted Ordinance No. 6708, adding a note to the City's Land Use Map and two new Housing Element policies necessary to implement this second phase of work. The map note makes it possible to rezone certain properties in single family land use districts consistent with the project purpose, while the comprehensive plan policies establish general ownership and location eligibility criteria for rezones. The ownership and location eligibility criteria are as follows:

1. One hundred percent of the housing being developed will be permanently affordable housing; and
2. The property is owned or controlled by a religious organization; and
3. The property is located near high capacity transportation infrastructure and services; and
4. The property is located near other multifamily residential or commercial use districts.

## **II. PROPOSED LUCA**

This LUCA establishes eligibility criteria for properties to be rezoned and introduces a new mechanism for rezoning with an Affordable Housing (AH) Suffix. This section describes the major components of the LUCA.

### AH Suffix

The intent of this LUCA is to allow eligible properties to be rezoned to allow housing density consistent with that of multifamily land use districts, on the condition that any multifamily housing developed on these properties is 100% permanent affordable housing. At the same time, the intent is to provide multifamily affordable housing development as an additional option for eligible property owners while retaining their ability to maintain their existing development and develop as allowed under their existing single family land use districts. If properties are simply rezoned to multifamily, there is no mechanism to ensure that future multifamily development is affordable. In order to accomplish the intent of the Land Use Map note and Policy HO-36, the proposed LUCA introduces the use of an Affordable Housing (AH) suffix.

The proposed AH suffix consists of AH and a number, enclosed in parentheses and appended to the land use district classification applied to a property. The suffix numbers correspond to alternate multifamily Land Use Districts which are applicable to affordable housing development when consistent with the requirements established with the proposed LUCA. If a property is rezoned from R-5 to R-5 (AH-2), for example, the property may be developed consistent with the R-15 land use district when all proposed housing units are permanent affordable housing. The property may still develop consistent with R-5 when not meeting this requirement.

Owners of rezoned property will be under no obligation to build affordable housing or redevelop at all. The rezone would ensure that building permanent affordable multifamily housing is a readily available, additional option for these properties.

### Eligibility Criteria

The proposed LUCA will amend LUC 20.20.128 to establish ownership and location criteria for properties to be eligible for an AH suffix rezone. To be eligible for a rezone, the property must be:

- Owned or controlled by a religious organization; and
- Located in any Single-Family Residential Land Use District; and
- Located on an arterial street; and
- Located within one-half mile of a transit stop that receives services at least four times per hour for 12 or more hours per day or a future light rail or bus rapid transit station scheduled to begin service within two years, or within one-quarter mile of a transit stop that receives service at least two times per hour for 12 or more hours per day; and
- Located within 500 feet of a Land Use District where multifamily housing or commercial uses are permitted.

### AH Suffix Designation Criteria

The AH Suffix will designate the multifamily land use district available for an eligible single family property when building permanent affordable housing. The specific AH suffix applied to a property is determined by a “reference land use district”, which is selected based on the multifamily or commercial land use districts located near the eligible property. When there are multiple parcels in contiguous ownership, the contiguous parcels are treated as one property for the purposes of establishing the reference land use district and AH suffix. The LUCA proposes the following methods for selecting the reference land use district:

1. Contiguous Land Use District. If the eligible property is contiguous with a multifamily or commercial Land Use District, the reference district is the multifamily or commercial Land Use District sharing the longest portion of the eligible property’s property line.
2. Closest Land Use District. If the eligible property is not contiguous with a multifamily or commercial Land Use District, the reference district is the closest multifamily or commercial Land Use District, measured from the property line.
3. Director’s Discretion. The Director may determine the reference land use district when the selection is unclear.

The reference land use district will correspond to the AH suffix available for the property rezone. Reference land use districts are grouped based on density level or maximum building height, in the case of land use districts without a density maximum defined in terms of units per acre.

Once a property has been rezoned with an AH suffix, the property owner may apply for multifamily development following the development regulations of the multifamily land use district associated with their AH suffix, provided the proposal meets all affordability requirements. All relevant permitting and review requirements will apply to the proposal.

At the public hearing, the Planning Commission will evaluate changing the designation criteria to instead select the most intensive land use district within 500 feet of the eligible property. Other proposed procedures would remain the same if the Planning Commission recommends the alternate criteria.

### Applicable Procedures

The proposed LUCA does not change the procedural requirements previously in place. Once a property is rezoned, an application to develop affordable multifamily housing consistent with the provisions of LUC 20.20.128 will be processed through the required land use review.

Religious facilities are conditional uses in all of Bellevue's single family and multifamily Land Use Districts. When an approved conditional use such as a church is being completely redeveloped, the city's historic practice has been to require a new conditional use permit (CUP). CUPs are Process I quasi-judicial decisions made by the Hearings Examiner, and add time and complication to proposals. The city has an alternative through the Administrative Conditional Use Permit (ACUP) process, which allows modifications to approved CUPs through an administrative process when certain conditions are met.

The proposed LUCA includes a provision that proposals including a religious facility which will replace an existing religious facility are eligible for review through the ACUP process instead of the CUP process when the new facility is not larger than the facility being redeveloped.

### **III. REVIEW PROCESS**

The content of the LUCA was divided into four topics for review: (1) Affordable Housing (AH) Suffix; (2) Eligibility Criteria; (3) AH Suffix Designation Criteria; and (4) Applicable Procedures. In the February 8 Study Session, the Planning Commission was introduced to the proposed LUCA, and considered Topics 1 and 2. The Planning Commission raised comments and questions about the rationale behind the eligibility criteria and opportunities to expand the criteria; potential parking impacts; partnership opportunities for affordable housing development; opportunities to encourage deeper affordability levels; and the process of enforcing affordability requirements long term.

In the March 8 Study Session, the Planning Commission considered Topics 3 and 4, as well as additional information in response to previous comments and questions. The Planning Commission expressed interest in reviewing the impact of changing the process for designating the AH Suffix and reviewing options to provide flexibility to include properties only missing one of the eligibility criteria. Under the proposal presented on March 8, the level of density available to eligible properties for permanent multifamily affordable housing after a rezone would be determined based on either the multifamily or commercial land use district sharing the longest portion of the property's boundary, or the closest multifamily or commercial land use district. The Planning Commission requested to review the effect of changing designation criteria to determine density based on the highest-density Land Use District located within 500 feet. After discussion, the Planning Commission directed staff to schedule the required public hearing for this proposed LUCA. Staff will present the Planning Commission's requested alternatives for review on that date.

This Staff Report provides an analysis of the proposed LUCA so that the public may comment and the Planning Commission may consider the entirety of the LUCA. Following the public hearing, the Planning Commission will be asked to make a recommendation to approve the proposed LUCA, with or without the alternate AH suffix designation criteria and/or other modifications, for transmittal to the City Council. The City Council is anticipated to consider the LUCA and the Planning Commission Recommendation at a future meeting.

#### **IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The application for SEPA review was noticed together with the notice of public hearing for the proposed LUCA on March 23, 2023. The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the LUCA. The City's SEPA Responsible Official is issuing a Determination of Non-Significance (DNS) pursuant to the threshold determination requirements in WAC 197-11-310.

#### **V. PUBLIC ENGAGEMENT**

##### Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application, was published in the Weekly Permit Bulletin on January 19, 2023, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing and SEPA determination was published in the Weekly Permit Bulletin on March 23, 2023, along with availability of this staff report. The notice of public hearing was also provided to those individuals who have subscribed to receive these notices and those who have expressed interest on this topic.

##### Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on March 13, 2023, and a copy of both documents is available for review in the code amendment file. No comments have been received by Commerce as of the date of this report.

##### Enhanced Public Engagement

In addition to the requirements of LUC 20.35.415 *et seq* for City Council Legislative Actions, staff has provided enhanced public outreach for this LUCA to include an online presence. A webpage was launched for this LUCA to provide opportunity for the public to learn about the LUCA, with sections on public information messages regarding the LUCA progression, and staff contact information to submit written comments.

Staff has met with representatives of religious organizations and the affordable housing development community to discuss the proposed LUCA. In addition, staff held an online information session on January 31 to share information and answer questions with the general public.

As of the date of this staff report, staff have received numerous comments and feedback. Most comments received to date have been supportive of this effort, including all eligible religious organizations which have commented on the proposals. Commentors opposed to the proposal have shared concerns including changes to single family neighborhoods, ensuring services and transportation are adequate to serve new units, potential tree removal associated with development, and the pace of the CPA and LUCA review.

## VI. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the LUC. Those criteria, and the relationship of these proposed amendments to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

**Finding:** The proposed LUCA is consistent with the Comprehensive Plan. The amendment will increase capacity for affordable housing on any qualifying property owned or controlled by a religious organization. The LUCA includes eligibility criteria and procedures consistent with the Comprehensive Plan. The proposed LUCA is supported by the following Comprehensive Plan policies:

**Policy LU-15.** Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

**Policy HO-7.** Encourage the development of affordable housing through incentives and other tools consistent with state-enabling legislation.

**Policy HO-26.** Provide incentives and work in partnership with not-for-profit and for-profit developers and agencies to build permanent low- and moderate-income housing.

**Policy HO-30.** Ensure that all affordable housing created in the city with public funds or by regulation remains affordable for the longest possible term.

**Policy HO-33.** Implement Affordable Housing Strategy C-1 by providing bonuses and incentives to increase permanently affordable housing on any qualifying property owned by faith-based or non-profit housing entities, or on surplus property owned by public entities.

**Policy HO-34.** Implement the bonuses and incentives for qualifying properties to respond to the different conditions of multifamily and single family land use districts that are outside of Downtown, BelRed, and Eastgate TOD.

**Policy HO-36.** Allow properties in single family designated areas on the Comprehensive Land Use Plan map to reclassify to multifamily when they meet all the following criteria:

1. one hundred percent of the housing being developed will be permanently affordable housing; and
2. the property is owned or controlled by a religious organization; and
3. the property is located near high capacity transportation infrastructure and services; and
4. the property is located near other multifamily residential or commercial use districts.

B. The amendment enhances the public health, safety or welfare; and

**Finding:** The proposed LUCA will enhance the public health, safety and welfare of people in the City. Adding to the Affordable Housing supply is an identified need and priority. This LUCA is anticipated to encourage affordable housing development and increase the affordable housing supply in the City. Increased density is only available to development proposals where all housing units are permanent affordable housing.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

**Finding:** The proposed LUCA is not contrary to the interests of citizens and property owners of the City as the criteria proposed to determine increased multifamily housing capacity on eligible properties respond to Land Use Districts located near eligible properties. The proposed eligibility criteria limit eligible locations to those areas best suited to support multifamily housing. The proposal ensures that eligible property owners are not obligated to build affordable housing, and may develop consistent with their single family Land Use District if not fulfilling all affordability requirements.

## VII. RECOMMENDATION

Staff has concluded that the C-1 Phase 2 LUCA to establish criteria and procedures for certain properties owned by religious organizations and located in single family land use districts to be rezoned to allow permanently affordable multifamily housing, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends that the Planning Commission directs staff to prepare the LUCA for recommendation to Council.

### ATTACHMENTS:

A. Proposed LUCA Strike-Draft

**20.10.180 Single-Family Residential Estate Districts (R-1, R-1.8).**

Single-Family Residential Estate Districts provide for a low density residential environment (1 and 1.8 dwellings per acre) which may serve to protect steep slopes or unstable land from overdevelopment and may include agricultural uses and activities compatible with low residential density.

[Properties in this district with an affordable housing \(AH\) suffix may provide attached residential dwellings when consistent with the requirements of LUC 20.20.128.](#)

**20.10.200 Single-Family Residential Districts (R-2.5, R-3.5, R-4, R-5, R-7.5).**

Single-Family Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4, 5 and 7.5 dwellings per acre), and permit compatible, related activities.

[Properties in this district with an affordable housing \(AH\) suffix may provide attached residential dwellings when consistent with the requirements of LUC 20.20.128.](#)

**20.10.440 Land use charts.**

**Chart 20.10.440 Uses in land use districts**  
Residential – Residential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units per Structure (6)	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	PD (19) <a href="#">(20)</a>	P	P	P	P
	Five or More Dwelling Units per Structure (6)	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	PD <a href="#">(20)</a>	P	P	P	P

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**Notes: Uses in land use districts – Residential:**

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[\(20\) Multiple dwelling units per structure are permitted without a planned unit development on properties with an AH suffix when consistent with the requirements of LUC 20.20.128.I.](#)



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## 20.20.128 Affordable Housing

### A. Purpose.

The purpose of this section is to encourage development of affordable housing by providing density bonus, dimensional standard modification, and modification of other requirements for affordable housing projects.

### 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 property. These suffixes correspond to alternate multifamily Land Use Districts which are applicable to affordable housing development when consistent with the requirements of subsection I 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 I.3 of this section.

### C. Applicable Procedures.

An application to utilize the provisions of this section shall be processed through the required land use review for the project. If a land use approval is not required for the project, the application shall be processed through the Building Permit review.

### D. Eligibility.

1. Density Bonus. The following residential development, including both new development and rehabilitation projects, shall be eligible to receive a density bonus and other modifications as provided in this section:

- a1. Mixed-Income Multifamily Development. Mixed-income multifamily development in any applicable land use district when the development includes affordable housing; and

b2. Affordable Housing Development. The following ownerships and locations of residential development when all housing units are affordable housing:

ia. Owned or controlled by a religious organization and located in Single-Family Residential Land Use Districts; and

ii. Owned or controlled by a religious organization, nonprofit organization, or public agency, except for Bellevue Parks Department, Bellevue Community Development Department, or any public utility entity, and located in all land use districts in which multifamily dwellings are permitted, including property with an affordable housing suffix.

2. Affordable Housing Suffix Rezone. The following ownerships and locations of property shall be eligible to be rezoned under Part 20.30A LUC, adding an affordable housing suffix for multifamily development and other modifications as provided in this section:

a. Owned or controlled by a religious organization and located in any Single-Family Residential Land Use District; and

b. Located on an arterial street; and

c. Located within 500 feet of a Land Use District where multifamily housing or commercial uses are permitted; and

d. Located:

i. Within one-half mile of a transit stop that receives service at least four times per hour for 12 or more hours per day; or

ii. Within one-half mile of a future light rail or bus rapid transit station scheduled to begin service within two years; or

iii. Within one-quarter mile of a transit stop that receives service at least two times per hour for 12 or more hours per day.

e. Exceptions.

i. Property owned by a religious organization but not meeting all other eligibility requirements shall be eligible to be rezoned when:

(1) Part of a contiguous ownership including property meeting all eligibility requirements; and

(2) Not separated from contiguous eligible property by rights-of-way.

ii. The Director is authorized to determine that a property does not meet the eligibility criteria when access to the arterial street is not possible.

**E. Density Bonus.**

1. Mixed-income multifamily development as provided in subsection D.1.a of this section may exempt 1 bonus market rate unit for each equivalent-sized affordable unit provided, up to 15 percent above the maximum density allowed in the underlying land use district.
2. Affordable housing development as provided in subsection D.1.b2 of this section may receive a bonus of 50 percent above the maximum density allowed in the underlying land use district.

**F. Dimensional Standard Modification.**

1. Mixed-Income Multifamily Development as provided in subsection D.1.a of this section may replace the dimensional requirements in LUC Chart 20.20.010 with Chart 20.20.128.F.1. Applicable dimensional requirements in LUC Chart 20.20.010 but not included in Chart 20.20.128.F.1 shall continue to apply, including applicable footnotes.

**Chart 20.20.128.F.1 Modified Dimensional Requirements for Mixed-Income Multifamily Development**

	Residential										
LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10	R-15	R-20	R-30
<b>DIMENSIONS</b>											
Minimum Lot Area (Thousands of Sq. Ft.)	30.4	17.4	11.7	8.7	7.4	6.3	4.1	8.5	8.5	8.5	8.5
Dwelling Units per Acre	1.2	2.1	2.9	4.0	4.6	5.8	8.6	11.5	17.3	23.0	34.5
Maximum Lot Coverage by Structures (percent)	35	35	35	35	40	40	40	40	40	40	40
Maximum Hard Surface Coverage (percent)	75	75	75	75	80	80	90	90	90	90	90
Maximum Impervious Surface (percent)	45	45	45	45	55	55	55	70	70	70	70

	Residential – Nonresidential Districts						
LAND USE CLASSIFICATION	O	OLB	OLB 2	NB	CB	F2	F3
<b>DIMENSIONS</b>							
Dwelling Units per Acre	23.0	34.5		17.3	34.5	34.5	34.5
Maximum Lot Coverage by Structures (percent)	40%	40%	40%	50%		40%	40%

Maximum Building Height	45	60	75	30	60	75	75/135
Floor Area Ratio			1.15				

- Affordable housing development as provided in subsection D.21.b of this section may replace the dimensional requirements in LUC Chart 20.20.010 with Chart 20.20.128.F.2. Applicable dimensional requirements in LUC Chart 20.20.010 but not included in Chart 20.20.128.F.2 shall continue to apply, including applicable footnotes.

**Chart 20.20.128.F.2 Modified Dimensional Requirements for Affordable Housing Development**

LAND USE CLASSIFICATION	Residential										
	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5	R-10 <sub>2</sub> AH-1	R-15 <sub>2</sub> AH-2	R-20 <sub>2</sub> AH-3	R-30 <sub>2</sub> AH-4
<b>DIMENSIONS</b>											
Minimum Lot Area (Thousands of Sq. Ft.)	23.3	13.3	9.0	6.7	5.7	4.8	3.1	8.5	8.5	8.5	8.5
Dwelling Units per Acre	1.5	2.7	3.8	5.3	6.0	7.5	11.3	15.0	22.5	30.0	45.0
Maximum Lot Coverage by Structures (percent)	35	35	35	40	40	40	40	40	40	40	40
Maximum Hard Surface Coverage (percent)	75	75	75	75	80	80	90	90	90	90	90
Maximum Impervious Surface (percent)	45	45	45	55	55	55	65	70	70	70	70

LAND USE CLASSIFICATION	Residential – Nonresidential Districts						
	O	OLB	OLB 2	NB	CB	F2	F3
<b>DIMENSIONS</b>							
Dwelling Units per Acre	30.0	45.0		22.5	45.0	45.0	45.0
Maximum Lot Coverage by Structures (percent)	40%	40%	40%	50%		40%	40%
Maximum Building Height	45	60	75	30	60	75	75/135
Floor Area Ratio			1.5				

**G. Modification of Other Applicable Requirements.**

For eligible residential development as provided in as provided in subsection D of this section, the following requirements of this Code may be modified through the procedures outlined in subsection C of this section, to the extent necessary to accommodate affordable housing units on site:

- Parking Requirements.** The percent of compact parking stalls may be increased up to 75 percent of the total required parking. Tandem parking stalls are permitted to the extent feasible to satisfy required parking ratios.

2. Building Height. Except in transition areas and the Shoreline Overlay District, the maximum building height in R-10, R-15, R-20, and R-30 Land Use Districts [and for properties with an AH suffix](#) may be increased by up to 12 feet for those portions of the building(s) at least 20 feet from any property line.
3. Open Space. The open and recreation space requirement within a residential planned unit development may be reduced to 35 percent of gross land area. All other requirements of LUC 20.30D.160 shall continue to apply.

**H. Attached Housing Within Subdivisions.**

Affordable housing development as provided in subsection D. [1.b2](#) of this section may be permitted as attached multifamily dwelling units in single-family land use districts when meeting the following criteria:

1. The attached multifamily dwelling units shall be reviewed through a subdivision, Chapter 20.45A LUC, or short subdivision, Chapter 20.45B LUC, process, provided nothing in this subsection shall affect the allowance to build attached multifamily dwelling units through a planned unit development, Part 20.30D LUC;
2. Multifamily dwelling units within a subdivision or short subdivision may be considered as unit lot subdivision, with each lot accommodating attached multifamily dwelling units as a parent lot and individual unit lots created for the attached multifamily dwelling unit, and shall also be reviewed for compliance with LUC 20.45A.065 for subdivisions or LUC 20.45B.057 for short subdivisions;
3. A proposal to create a Unit Lot Subdivision with a Parent Lot and Unit Lots may be reviewed as part of a single proposal for a subdivision or short subdivision;
4. An attached multifamily dwelling unit shall not be placed on or across any parent lot line within the subdivision or short subdivision;
5. The attached multifamily dwelling units may only be duplexes and triplexes;
6. No more than 50 percent of the units within the subdivision or short subdivision shall be attached multifamily dwelling units; and
7. The attached multifamily dwelling structure shall comply with all applicable dimensional requirements.

**I. Affordable Housing Suffix.**

1. [Purpose. The purpose of the affordable housing suffix is to allow multifamily affordable housing development subject to the requirements of this subsection.](#)

2. Applicability.

- a. This subsection applies to properties meeting the eligibility criteria of subsection D.2 of this section and properties with an affordable housing suffix.
- b. Increased density provided by this subsection is only available to development proposals meeting the requirements of this subsection on property with an affordable housing suffix.

3. Rezone Criteria. Owners of property meeting all eligibility criteria of subsection D.2 of this section may apply for a rezone appending an affordable housing suffix to the property’s existing Land Use District.

- a. Reference Land Use District. The affordable housing suffix shall be determined based on the eligible property’s reference Land Use District. The reference Land Use District shall be selected in the following order:
  - i. Contiguous Land Use District. If the eligible property is contiguous to multifamily or commercial Land Use Districts, the reference Land Use District is the multifamily or commercial Land Use District sharing the longest total property line, contiguous or across a right-of-way, with the eligible property.
  - ii. Closest Land Use District. If the eligible property is not contiguous to multifamily or commercial Land Use Districts, the reference land use district is the closest multifamily or commercial Land Use District to the eligible property, measured from the property line.
  - iii. Director’s Discretion. The Director may determine the appropriate reference land use district when the selection is unclear.
- b. Suffix Available for Rezone. Chart 20.20.128.I.1 identifies the affordable housing suffixes associated with reference Land Use Districts. The applicant may request up to the highest affordable housing suffix associated with the eligible property’s reference Land Use District.

**Chart 20.20.128.I.1. Affordable Housing Suffix Eligibility**

<u>Reference Land Use District</u>	<u>Associated Affordable Housing Suffix</u>
<u>R-10, PO</u>	<u>(AH-1)</u>
<u>R-15, NB</u>	<u>(AH-2)</u>
<u>R-20, O, GC</u>	<u>(AH-3)</u>
<u>R-30, BR-CR, BR-ORT, BR-RC, CB, DT (Any), EG-TOD, EM (Any), F1, F2, F3, LI, NMU, OLB, OLB 2, NMU</u>	<u>(AH-4)</u>

4. Development with Suffix.

a. Increased Density. Development on a property with an affordable housing suffix may conform to the associated multifamily Land Use District identified in Chart 20.20.128.I.2, including associated dimensional standard modifications identified in subsection F.2., instead of the underlying Land Use District when all housing units are affordable housing.

**Chart 20.20.128.I.2. Alternate Land Use Districts Associated with Affordable Housing Suffixes**

<u>Affordable Housing Suffix</u>	<u>Associated Land Use District</u>
<u>(AH-1)</u>	<u>R-10</u>
<u>(AH-2)</u>	<u>R-15</u>
<u>(AH-3)</u>	<u>R-20</u>
<u>(AH-4)</u>	<u>R-30</u>

b. Religious Facilities. The Director may administratively consider, approve or disapprove the redevelopment of an existing religious facility subject to the criteria set forth in Part 20.30E LUC for an Administrative Conditional Use, provided the following criteria can be met:

- i. The proposed religious facility is part of a proposal that meets all requirements of this section; and
- ii. The square footage of the new religious facility is equal to or less than the square footage of the religious facility it will replace.

**20.30B.175 Modification or addition to an approved project or decision.**

A. There are three ways in which to modify or add to an approved conditional use: process as a new decision, process as a Land Use Exemption, or process as an administrative amendment.

**B. General.**

Except as provided in subsections C and D of this section or as provided in LUC 20.20.128.I.4.b, an amendment of a previously approved project or decision is treated as a new application.

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