

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)  
January 3, 2025

**Chapter 20.20: General Development Requirements****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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**Mixed-Use Land Use Districts**

<u>Development Type</u>	<u>UC</u>		<u>MU-H</u>		<u>MU-M</u>	<u>MUR-M</u>
	<u>Nonres.</u>	<u>Res.</u>	<u>Nonres.</u>	<u>Res.</u>	<u>All</u>	<u>All</u>
<u>Base Height</u>	<u>250'</u>	<u>250'</u>	<u>100'</u>	<u>160'</u>	<u>N/A</u>	<u>N/A</u>
<u>Max Height</u>	<u>450'</u>	<u>450'</u>	<u>250'</u>	<u>250'</u>	<u>100'</u>	<u>100'</u>
<u>Base FAR</u>	<u>2.0</u>	<u>2.5</u>	<u>2.0</u>	<u>2.5</u>	<u>1.5</u>	<u>1.5</u>
<u>Max. FAR</u>	<u>10.0</u>	<u>Unlimited</u>	<u>8.0</u>	<u>Unlimited</u>	<u>6.0</u>	<u>6.0</u>
<u>Maximum Floor Plate</u> <u>Above 55' Where</u> <u>Building Exceeds 100'</u>	<u>30,000 gsf</u>	<u>16,000 gsf</u>	<u>30,000 gsf</u>	<u>16,000 gsf</u>	<u>N/A</u>	<u>N/A</u>

**Notes: Dimensional Requirements in Mixed-Use Land Use Districts**

- (1) Refer to LUC 20.25R.040.B.2 and LUC 20.20.525 for allowable projections above the maximum height limits.
- (2) For purposes of applying FAR and height limits, a single building is considered residential if more than 50 percent of the gross floor area is devoted to residential uses. The maximum floor plate shall be determined based on whether more than 50 percent of the gross floor area of an individual tower is dedicated to residential or nonresidential use.
- (3) Refer to LUC 20.25R.040.B.3 for exceptions to this requirement.
- (4) Hotels and motels and other transient lodging shall be considered nonresidential uses for purposes of this Chart 20.20.010.

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**20.20.128 Affordable housing.****A. Purpose and Administration.**

1. The purpose of this section is to ~~encourage~~ promote the development of affordable housing dwelling units by establishing requirements, incentives, and fees providing density bonus, dimensional standard modification, and modification of other requirements for affordable housing projects new development.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)

January 3, 2025

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.

  - 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.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)  
January 3, 2025

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 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.J.4; and

b. The in-lieu fee for nonresidential development contained in Chart 20.25Q.070.D.4.

B. Definitions. The following definitions are specific to this section. Where a term defined below is used in this section its meaning shall be as defined below.

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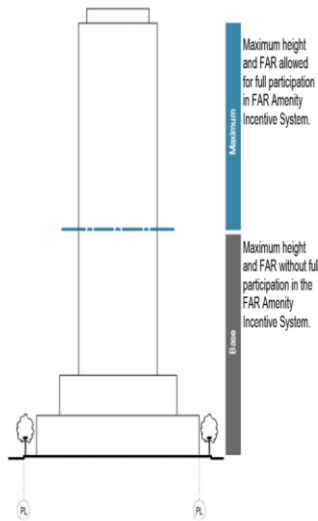
**Commented [A1]:** January 3: Included language requiring annual adjustments based on inflation for specified affordable housing fees, consistent with our practice in BelRed, East Main, and Downtown.

- 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.

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**20.25R.050 Amenity incentive system.**

- A. General. A Building may exceed the base Floor Area Ratio or base building height permitted for development within a Mixed-Use Land Use District pursuant to LUC 20.20.010 only if it complies with the requirements of this section.



- B. Review required. The Director may approve an amenity that complies with subsection D of this section if all the specific amenity system requirements are satisfied and established design criteria for the amenity have been met.
- C. FAR exemptions. The following amenities shall be exempt from a development’s total FAR calculation, provided all applicable Land Use Code requirements are satisfied:

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)

January 3, 2025

1. Active use spaces. Except for market-rate residential units and where provided by the terms of this Code, an exemption from calculation of the maximum floor area of up to 1.0 FAR is allowed for each square foot of active use space that complies with the following design requirements:

- i. Transparency. 75 percent minimum;
- ii. Weather Protection. 75 percent minimum, 6 feet deep;

2. Affordable commercial spaces; and

3. Affordable housing;

D. Amenity Incentive Program.

1. General.

a. In no event may a development within a project limit exceed its base height or base FAR allowance as described in LUC 20.20.010 unless providing amenities as follows:

- i. Additional building floor area, up to the maximum for the Land Use District described in LUC 20.20.010, may be obtained through bonus points earned through the provision of amenities as detailed in LUC 20.25R.050.D.2.
- ii. The total number of bonus points earned equals the total additional building floor area available to the development, up to the maximum for the Land Use District described in LUC 20.20.010.
- iii. No development may exceed the base FAR described in LUC 20.20.010 unless at least 75 percent of all bonus points are earned by operation of LUC 20.25R.050.D.2.a.
- iv. After fulfilling the requirements of LUC 20.25R.050.D.1.a.iii, a development may earn bonus points through the provision of any of the amenities described in LUC 20.25R.050.D.2.
- iv. Any development receiving additional floor area under subsection D.1.a of this section may increase its height to the maximum allowed for the Land Use District as described in LUC 20.20.010.

b. In a multi-building development within a project limit, amenities may be allocated among all buildings within the project limit; provided, that such allocation shall be approved by the Director through a Master Development Plan.

- i. If the multi-building development is to be phased, each phase shall provide for a proportionate or greater installation of amenities as established in an approved Master Development Plan phasing plan. No phase may depend on the future construction of amenities.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)  
January 3, 2025

2. Bonus points. The below amenities qualify for -bonus points as described below.

a. Affordable housing.

i. On-site affordable housing: 4 bonus points for every one (1) gross square foot of affordable housing subject to the following conditions:

(1) To earn bonus points under this subsection D.2.a.i, affordable housing shall meet all applicable requirements of LUC 20.20.128.

(2) Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection D.2.a.

ii. Deeper affordability. Bonus points may be earned by providing dwelling units at deeper levels of affordability as follows:

(1) 6 bonus points for every one (1) gross square foot of on-site dwelling units that are affordable to households earning up to, and including, 60 percent of the Area Median Income.

(2) 8 bonus points for every one (1) gross square foot of on-site dwelling units that are affordable to households earning up to, and including, 50 percent of the Area Median Income.

(3) Affordable dwelling units earning bonus points under subsection D.2.a.ii.a or D.2.a.ii.b are ineligible to receive bonus points under subsection D.2.a.i.

(4) For the purposes of this subsection D.2.a.ii, the terms "affordable" and "Area Median Income" shall have the meaning provided in LUC 20.20.128.A.

(5) To earn bonus points under this subsection D.2.a.ii, affordable dwelling units shall meet all applicable requirements of LUC 20.20.128.

(6) Affordable dwelling units created exclusively by operation of Chapter 4.52 BCC are ineligible to earn bonus points under this subsection D.2.a.ii

iii. Pioneer Provision. To encourage the development of affordable housing in Mixed-Use Land Use Districts, as defined in LUC 20.10.398, the first 200 dwelling units of affordable housing shall receive 8 points for every (1) gross square foot of affordable housing subject to the following conditions:

(1) Bonus points are only earned under this subsection D.2.a.iii when a building permit is issued for development that includes affordable housing on-site.

(2) For phased development, bonus points are only earned for affordable housing included in the phase for which the building permit has been issued.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)

January 3, 2025

- (3) If, at the time of issuance of a building permit, 200 dwelling units of affordable housing have already earned bonus points for other development utilizing this pioneer provision, then no bonus points shall be awarded under this subsection D.2.a.iii.
- (4) After the 200th dwelling unit of affordable housing has earned bonus points under this subsection D.2.a.iii, all subsequent affordable housing, either within the same development or within another development, is ineligible to earn bonus points under this subsection D.2.a.iii, but may earn bonus points as otherwise provided by this subsection.
- (5) Affordable housing earning bonus points under this subsection D.2.a.iii is ineligible to earn bonus points under subsection D.2.a.i.
- (6) Bonus points earned by providing deeper affordability under subsection D.2.a.ii may be stacked with bonus points earned under this subsection D.2.a.iii.
- (7) Affordable housing created exclusively by operation of Chapter 4.52 BCC is ineligible to earn bonus points under this subsection D.2.a.iii.
- (8) To earn bonus points under this subsection D.2.a.iii, affordable housing shall meet all applicable requirements of LUC 20.20.128.
- (9) This pioneer provision does not apply to development consisting entirely of affordable dwelling units. For the purposes of this subsection, development consists entirely of affordable dwelling units even where the development also contains one or more manager's units, provided that the manager's units are reserved exclusively for occupancy of an onsite manager serving the project and said manager's household.

iv. In-Lieu Fee.

(1) Residential – Urban Core: \$72.00 per bonus point

(2) Residential – all other Land Use Districts: \$52.00 per bonus point

(3) Fee-in-lieu for nonresidential is \$96.00 per bonus point

b. Family-sized housing. Dwelling units with three or more bedrooms earn one (1) bonus point for every one (1) gross square foot of the dwelling unit.

c. Open space.

i. 0.5 bonus points for every one (1) square foot of open space provided pursuant to LUC 20.25R.030.

d. Eastrail corridor improvements.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)

January 3, 2025

- i. 16 bonus points for every one (1) square foot of designed and constructed mixing zones.
- ii. 16 bonus points for every one (1) square foot of frontage paths adjoining the Eastrail corridor designed and constructed in accordance with the applicable requirements contained in this Part 20.25R LUC.
- e. Grand Connection improvements.
  - i. 16 bonus points for every one (1) square foot of Grand Connection area that has been designed, constructed, and then dedicated to the City.
- f. Access and Connectivity
  - i. 8 bonus points for every one (1) linear foot of local streets that have been designed, constructed, and then dedicated to the City in accordance with the applicable requirements of this Part 20.25R LUC.
  - ii. 4 bonus points for every one (1) square foot of Flexible Access Corridor or Active Transportation Access Corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25R LUC. Square footage for purposes of calculating bonus points shall not include vehicle or loading drive surfaces.
  - iii. 2 bonus points for every one (1) square foot of Pedestrian Corridor that have been designed and constructed in accordance with the applicable requirements of this Part 20.25R LUC.
- g. Green building.
  - i. Green building certification as provided under LUC 20.20.420 may receive bonus points as follows:
    - (1) Tier 1, 0.3 points per gross square foot of certified building; and
    - (2) Tier 2, 0.4 points per gross square foot of certified building.
  - ii. The Director shall determine which tier of green building certification programs established under LUC 20.20.420 may qualify for each tier of bonus points established above..
- h. Affordable commercial space.
  - i. 2 bonus points may be earned for every one (1) square foot of commercial space that is leased to a qualified business at a total rate below that is less than or equal to 1.5 times the operating expenses of that qualified business, as determined by the Director.



**Wilburton LUCA**

Option B (Voluntary Affordable Housing)  
January 3, 2025

- ii. The Director shall define by rule what constitute "operating expenses" and "qualified business" for the purposes of subsection 2.h of this section.
- iii. The Director may approve a total rate exceeding 1.5 times operating expenses up to a maximum of 2.0 times operating expenses to provide for repayment of owner-financed tenant improvements. The Director shall specify by rule the conditions under which a higher total rate may be approved under this subsection, not to exceed the specified maximum.
- iv. To receive bonus points under this subsection qualifying commercial space shall:
  - (1) Be no less than 500 square feet in gross floor area;
  - (2) Be located on the ground floor or within an active use space as described in this Part 20.25R LUC; and
  - (3) Comply with any other requirements for qualifying commercial spaces that the Director adopts by rule.
- v. When adopting any rule to implement this subsection, the Director shall consider, and be consistent with the City's economic development goals, including those specified in the City's Economic Development Plan and Comprehensive Plan.
- i. Critical area restoration and enhancement.
  - i. 66.7 points for every \$1,000 spent on critical area restoration or enhancement beyond the minimum mitigation requirements for the development as set forth in Part 20.25H LUC and as determined by a qualified professional.
  - ii. A restoration plan shall be developed by a qualified professional and approved by the City to determine the required bonus points.
  - iii. The restored or enhanced area shall be within the development project limit and at least 10,000 square feet or 10 percent of the site area, whichever is larger.
  - iv. The property owner shall provide an easement, in a form acceptable to the City, allowing City access to the restored or enhanced area for maintenance, monitoring, and trail construction where applicable.
- j. Public Art.
  - i. 25 bonus points per every \$1,000 of appraised art value.
  - ii. Public art means any form of permanent artwork that is outdoors and publicly accessible or visible from a public place. The purpose is to create a memorable civic experience and affinity between artist and community.
  - iii. Shall be located outside in areas open to the general public or visible from the adjoining access corridor.

**Wilburton LUCA**

Option B (Voluntary Affordable Housing)  
January 3, 2025

- iv. Public art can include murals, sculptures, art elements integrated with infrastructure, and special artist-designed lighting.
- v. Standalone or landmark artworks shall be at a scale that allows them to be visible at a distance.
- vi. Value of the art shall be determined through an appraisal acceptable to the City.
- vii. Maintenance of the art is the obligation of the owner of that portion of the site where the public art is located for the life of the project.

k. Park Dedication.

- i. 45 bonus points for every \$1,000 of the appraised value of property donated for park purposes.
- ii. The need for such real property in the location proposed shall be consistent with City-adopted policies and plans.
- iii. The size of the real property dedicated for park purposes must be at least 4,000 square feet.
- iv. The real property must be located within the Wilburton TOD area but need not be contiguous with the site for which development is proposed.
- v. The City must accept the dedication of the real property for park purposes.

l. Child Care Services.

- i. 8 bonus points for every one square foot of Child Care Service up to a maximum of 15,000 square feet.
- ii. The floor area delineated for Child Care Service shall be required to remain dedicated to Child Care Service for the life of the project.
- iii. No other uses shall be approved for future tenancy in those spaces dedicated for Child Care Service.

E. Recording. The total amount of bonus floor area earned through the Amenity Incentive System for a project, and the amount of bonus floor area to be utilized on site for that project, shall be recorded with the King County Recorder's Office. A copy of the recorded document shall be provided to the Director.