

CITY OF SEATTLE

RESOLUTION 31829

A RESOLUTION related to the City Light Department (“City Light”); adopting revised procedures for the disposition of surplus properties under the jurisdiction of City Light.

WHEREAS, in January of 2013, the City Council adopted policies and procedures in Resolution 31424 to provide for an orderly, transparent, and inclusive process for determining the appropriate disposition of properties owned by Seattle City Light (“City Light”) deemed surplus to the department’s needs; and

WHEREAS, there is a significant need for affordable housing in the City for those households with incomes under 80 percent of area median income (AMI), and in particular, those with incomes from 0 to 30 percent of AMI; and

WHEREAS, given the need for affordable housing, the City desires to prioritize the use of available surplus City Light–owned properties for this purpose and to provide the largest number of affordable units at or below 80 percent of AMI, prioritizing housing that can be developed at or below 30 percent of AMI, by using surplus City Light properties for this purpose; and

WHEREAS, Third Substitute House Bill 2382, enacted by the Legislature as Chapter 217, Laws of 2018 of the Washington State Legislature, and effective June 7, 2018, authorizes state or local governments to dispose of surplus property for the development of affordable housing, but requires the governing body to enact rules to regulate such dispositions; and

1 WHEREAS, the City desires to adopt rules consistent with what is required to implement the
2 provisions of Third Substitute House Bill 2382 by revising the policies and procedures
3 adopted in Resolution 31424; NOW, THEREFORE,

4 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE**
5 **MAYOR CONCURRING, THAT:**

6 Section 1. The Procedures for Circulation, Public Outreach, and Public Hearings for
7 Disposition of Surplus Properties under the Jurisdiction of Seattle City Light, adopted by
8 Resolution 31424, are hereby amended and revised as shown in Exhibit A to this resolution. The
9 changes included in Exhibit A meet the requirement of Third Substitute House Bill 2382 enacted
10 by the Legislature as Chapter 217, Laws of 2018 of the Washington State Legislature, and
11 effective June 7, 2018 (“Third Substitute House Bill 2382”) to enact rules to regulate the
12 disposition of surplus Seattle City Light (“City Light”) properties for affordable housing
13 purposes.

14 Section 2. All dispositions of City Light surplus properties for purposes of affordable
15 housing shall be authorized by ordinance of the City Council and shall be consistent with
16 Sections 3 and 4 of Third Substitute House Bill 2382 and the Procedures for Circulation, Public
17 Outreach, and Public Hearings for Disposition of Surplus Properties under the Jurisdiction of
18 Seattle City Light adopted by Resolution 31424, as amended and revised by Exhibit A to this
19 resolution (the “Revised Procedures”).

20 Section 3. If adopted by Council and unless otherwise provided by applicable ordinance
21 or other law, the amendments and revisions shown in Exhibit A to this resolution are to apply to
22 properties currently going through the procedures for disposal of surplus City Light properties, as
23 well as future dispositions of surplus City Light properties. However, the Council does not

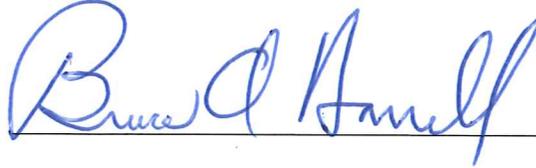
1 intend that each City Light property that has completed the public outreach process that was
2 previously required must restart the process in order to comply with these amendments and
3 revisions.

4 Section 4. No transfer, sale, lease, or other disposition of City Light surplus property
5 made pursuant to any other provision of law prior to the effective date of this resolution may be
6 construed to be invalid solely because the parties thereto did not comply with the procedures of
7 Third Substitute House Bill 2382 or the Revised Procedures.

1 Adopted by the City Council the 30th day of July, 2018,

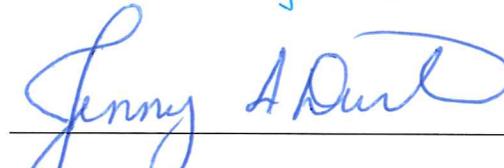
2 and signed by me in open session in authentication of its adoption this 30th day of

3 July, 2018.

4 

5 President _____ of the City Council

6 The Mayor concurred the 3rd day of August, 2018.

7 

8 Jenny A. Durkan, Mayor

9 Filed by me this 3rd day of AUGUST, 2018.

10 

11 Monica Martinez Simmons, City Clerk

12 (Seal)

13 Attachments:

14 Exhibit A – Revised Procedures for Circulation, Public Outreach, and Public Hearings for
15 Disposition of Surplus Properties under the Jurisdiction of Seattle City Light

**Revised Procedures for Circulation, Public Outreach,
and Public Hearings
For Disposition of Surplus Properties under the
Jurisdiction of Seattle City Light**

The purpose of these procedures is to build on the successful experience of the Seattle City Light Surplus Property Disposition Pilot Project, and to provide effective procedures for vetting and making recommendations for the disposition of surplus City Light properties.

The objectives of these procedures are: a) to provide other City departments, other public agencies, and other interested parties an opportunity to acquire surplus properties under the jurisdiction of City Light; b) to provide an opportunity for neighboring owners, residents, and community groups to provide input on the proposed disposition of these properties; c) to provide recommendations to the Seattle City Council for the eventual disposition of these properties; d) to the extent practicable, prioritize disposition of surplus properties for Affordable Housing purposes; and e) to enact rules for the disposition of surplus properties for Affordable Housing purposes pursuant to Chapter 217, Laws of 2018 of the Washington State Legislature, effective June 7, 2018. “Affordable Housing” is defined as housing that is predominantly affordable to low- and very-low income households at or below 80 percent of Area Median Income for the Seattle-Bellevue, WA HUD Metro FMR Area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 program or successor program, with adjustments to household size in a manner determined by the Director of the Office of Housing.

The City will review the prioritization of surplus properties for use as Affordable Housing in 2023 to determine if this priority should remain or be changed.

These procedures are intended to replace the procedures in Resolution Nos. 29799 and 30862, and revise procedures in Resolution No. 31424 for disposition of surplus properties under the jurisdiction of City Light, to improve the community outreach process, and to provide interested citizens and community groups with additional information on disposition issues.

Grouped Processing of Properties

City Light's surplus properties will be vetted in small groups based on geographic locations. In addition to more efficient use of City staff time, the Surplus Pilot Project demonstrated that such groupings can provide individual citizens and community groups with a wider perspective and better appreciation of surplus properties and disposition opportunities in their neighborhoods.

Circulation to City Departments, and Other Public Agencies,

The use of City surplus properties for development of Affordable Housing, to the extent practicable, will have priority over any other proposed uses. City Light will circulate complete descriptions of the surplus properties to all City departments. Other City departments will have priority to acquire a surplus property to meet City needs and priorities. Descriptions of surplus properties will also be circulated to other public agencies. Other public agencies will have priority after City departments to acquire a City Light surplus property to meet public needs.

Non-profit housing developers, open space preservation groups, and other interested community members will be provided information about available properties through the public outreach process described below.

Purchase Price, Payments, and Timing

The requesting City department, other public agency, or other party interested in purchasing surplus property must identify a funding source for payment for the property, and there must be a reasonable expectation that the transfer can be completed within the next budget cycle after the property is identified. However, disposition of surplus properties for use as Affordable Housing may be delayed if authorized by ordinance of the City Council until funding can be secured by a qualified development partner. For City Light surplus properties proposed for use or development for Affordable Housing, as defined under Chapter 217, Laws of 2018 of the Washington State Legislature, effective June 7, 2018, a sale or transfer of such surplus property shall be at a price and on other terms and conditions as negotiated by City Light and approved by the City Council through ordinance authorizing the disposition. The Office of Housing will assist City Light in the development of a purchase and sale agreement for property that will be transferred to another entity for the development of Affordable Housing. In the event funding for development is not readily available, but the property is deemed appropriate for housing development, City Light may hold the property for a reasonable time so that funding and a qualified development partner can be secured.

Public Outreach Process and Community Information Meetings

City Light will coordinate its community outreach with the Department of Neighborhoods (DON) and will attend a meeting of each community group recommended by DON having representation within the geographic area of the surplus properties being considered for disposition. At the community meetings, City Light will advise the member community groups of the proposed disposition, opportunities for public comment, and the upcoming public hearing concerning such disposition.

City Light will attend a meeting of any DON recommended community group making such request to discuss any proposed dispositions in their

neighborhoods. The DON District Coordinators would be expected to recommend other interested stakeholders as well.

City Light will host at least one community information meeting, in addition to attending District Council meetings and meetings with individual community groups as requested, prior to conducting a formal public hearing.

City Light will invite the Department of Parks and Recreation (Parks), the Seattle Department of Construction and Inspections (SDCI), the Office of Housing, and the Seattle Department of Transportation (SDOT) to provide representatives at each community information meeting. The Parks representative would discuss and answer questions about how the need for new parks is determined, and how new parks and park development are funded. The SDCI representative would answer any questions about development under existing zoning and land use permitting. The SDOT representative would answer questions about traffic and parking impacts. The Office of Housing representative would answer any questions about the development of affordable housing.

At each community meeting and at the public hearing, City Light will advise the attendees of:

****** The history of each surplus property proposed for disposition within the hearing area, why the property is surplus to City Light needs, and the results of circulation to other City departments and other public agencies; and

****** The requirements of RCW 43.09.210, the State Accountancy Act, the requirements of RCW 35.94.040, pertaining to sales of utility properties, City Charter provisions pertaining to the disposal of City property, Resolutions 31424 and [new Resolution #], and the disposition procedures authorized by Chapter 217, Laws of 2018 of the Washington State Legislature, effective June 7, 2018. ****** Opportunities to speak and how to submit written comments. City Light will maintain a record of all public testimony, written comments, and attendance and speaker sign-in sheets.

****** City Light will inform the attendees that they may also contact the City Council directly with any concerns and will provide contact information.

City Light Website

City Light will publicize each disposition process on the City Light website in the City of Seattle Public Access Network (PAN). The website will provide descriptions of the properties, a schedule of informational meetings and public hearings, and a means for submitting public comments.

Public Hearings

Following circulation to other City departments and other public jurisdictions, and after the community information meetings, City Light will conduct one

public hearing to solicit public comments for each geographic group of surplus properties. These hearings are intended to fulfill the City's obligation pursuant to RCW 35.94.040 to conduct a public hearing prior to the sale or other conveyance of real property originally acquired for a public utility purpose.

At least one month prior to each public hearing, City Light will provide written notification of the surplus status, disposition process, and opportunities for public comment, to each person owning property or living within 700 feet of a surplus property proposed for disposition. A sign will be posted on each property to provide the same notification. A notice of the hearing will be published on two separate dates in a newspaper of record.

Reconsideration of Non-Utility Public Uses

At the conclusion of each public hearing, if any uses are proposed which would require the transfer of a property to another City department, such as for use as Affordable Housing, a park, a community garden, or other non-utility use, City Light shall request such department to consider such proposal (to reconsider its determination in the earlier circulation), particularly with regard to how the proposed use would be consistent with citywide or local needs, and the availability of funds to effect a transfer.

Support to be Provided by Finance and Administrative Services

Seattle City Light will coordinate with the Department of Finance and Administrative Services (FAS) to obtain support in performing these procedures to the fullest extent that FAS staff resources and expertise will permit.

Recommendations to the City Council

After each public hearing, and following reconsideration of any proposals for Affordable Housing or other non-utility public uses, City Light will submit a report to the City Council on the circulation, community outreach, and community comments and suggestions, together with a recommendation for disposition of each specific property, and the necessary legislation to implement those recommendations.

All members of the public and all community groups which have participated in the review of a surplus property shall be advised of the findings and recommendations of City Light regarding such property, before the report on such findings and recommendations is submitted to the City Council.

STATE OF WASHINGTON -- KING COUNTY

--SS.

365022

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

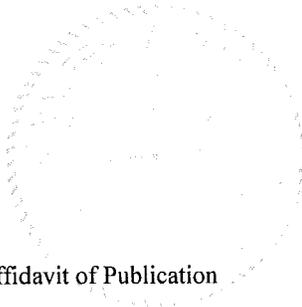
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:RESOLUTION 31829

was published on

08/16/18

The amount of the fee charged for the foregoing publication is the sum of \$32.33 which amount has been paid in full.



Affidavit of Publication

A handwritten signature in black ink is written above the first signature line.

Subscribed and sworn to before me on

08/16/2018

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on July 30, 2018, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Resolution 31829

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