



Legislation Details (With Text)

**File #:** CB 119635    **Version:** 1    **Name:** CB 119635  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 9/30/2019

**Final Action:** 10/11/2019    **Ord. No.** Ord 125960

**Title:** AN ORDINANCE relating to the City Light Department and the Office of Housing; transferring jurisdiction of the former Loyal Heights and Phinney Substation properties from the City Light Department to the Office of Housing for the purpose of developing permanently affordable home ownership.

**Sponsors:** Teresa Mosqueda

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Summary Ex 1 - Map of Loyal Heights Substation, 3. Summary Ex 2 - Map of Phinney Substation, 4. Disposition of Seven Properties in NW Seattle, 5. Appendix of City Department and Public Comments, 6. Transfer of Properties Presentation, 7. Memo - Seattle City Light's Transfer of NW Seattle Properties, 8. Signed Ordinance 125960, 9. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/11/2019	1	City Clerk	attested by City Clerk	
10/11/2019	1	Mayor	returned	
10/4/2019	1	Mayor	Signed	
10/3/2019	1	City Clerk	submitted for Mayor's signature	
9/30/2019	1	City Council	passed	Pass
9/24/2019	1	Housing, Health, Energy, and Workers' Rights Committee	pass	Pass
9/9/2019	1	City Council	referred	
9/5/2019	1	Council President's Office	sent for review	
9/3/2019	1	Mayor	Mayor's leg transmitted to Council	
9/3/2019	1	City Clerk	sent for review	

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the City Light Department and the Office of Housing; transferring jurisdiction of the former Loyal Heights and Phinney Substation properties from the City Light Department to the Office of Housing for the purpose of developing permanently affordable home ownership.

WHEREAS, the City Light Department of The City of Seattle ("City Light"), in compliance with Resolution 31424, has notified other City departments and other public agencies about the former Loyal Heights

and Phinney Substation properties being excess to City Light's needs and available for sale and transfer, with the Office of Housing being the sole City entity to express its interest in acquiring both properties for permanently affordable home ownership; and

WHEREAS, the Office of Housing has a track record of investing in affordable housing, including permanently affordable homeownership; and

WHEREAS, access to publicly owned land for use as affordable housing at key locations furthers the City's fair housing goals and offers cost savings that increase project viability; and

WHEREAS, there are very limited opportunities for first-time, low-income homebuyers at or below 80 percent of Area Median Income to purchase a home within The City of Seattle; and

WHEREAS, Ordinance 125571 allows for strategic land acquisition by the Office of Housing to purchase property and secure it for critical long-term affordable housing development opportunities; and

WHEREAS, City Light, in compliance with Resolution 31424, has conducted a robust community outreach to solicit public input on the potential disposition of the former Loyal Heights and Phinney Substation properties, and has submitted a report on its efforts, comments received, and recommendations on the disposition of the property to the City Council after first notifying the interested public of this same information; and

WHEREAS, City Light has taken many steps to inform the public of the possible disposition of the properties and of the public's opportunity to comment, above and beyond those required by Resolution 31424; and

WHEREAS, the Washington State Legislature adopted Third Substitute House Bill 2382 with an effective date of June 7, 2018, which provides that sale or transfer of public utility surplus property may be carried out at low or no cost for the purpose of providing affordable housing for low-income households at or below 80% of the median income where the affordable housing is located, in compliance with locally

adopted implementing rules; and

WHEREAS, on July 30, 2018, the City Council adopted Resolution 31829 which established the required local implementing rules to carry out the authority of Third Substitute House Bill 2382 and established a priority of dedicating surplus City Light property for the development of affordable housing; and

WHEREAS, Resolution 31829 provides that those City Light properties that have completed the public outreach process that was previously required are not required to restart the public outreach process; and

WHEREAS, in accordance with Third Substitute Bill 2382 and Resolution 31829 City Light and the Office of Housing have agreed upon no-cost transfers of the former Loyal Heights Substation property and the former Phinney Substation property for the purpose of developing permanently affordable home ownership; and

WHEREAS, the Office of Housing has conducted a competitive process to select developers of the former Loyal Heights and Phinney Substation properties to build permanently affordable home ownership;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City of Seattle (City) approves the steps taken by the City Light Department as documented in “The Disposition of Seven Seattle City Light Properties in NW Seattle: A Report and Recommendation in Response to the Requirements of Resolution 31424”, to evaluate and determine the appropriate disposition for the following described excess City Light properties in King County, Washington:

Former Loyal Heights Substation, 7750 28<sup>th</sup> Ave. N.W., Seattle: Lots 13 and 14, Block 2, Loyal Heights Division No. 6, an addition to The City of Seattle, according to the plat thereof recorded in Volume 19 of Plats, page 82, Records of King County, Washington, Tax Parcel Number: 444380024505.

Former Phinney Substation, 6109 Phinney Ave. N., Seattle: Lots 7,8,9 and 10, Block 81, Supplemental Plat of Woodland Park Addition to The City of Seattle, according to the plat thereof recorded in Volume 5 of Plats, page 19, in King County, Washington; except the north 5 feet of Lot 7 as conveyed by deed recorded under recording No. 4291156; and except the south 20 feet of the east 50 feet of Lot 7; and except the east 50 feet of Lots 8 and 9, all as conveyed by deed recorded under Recording No. 4306574, Tax Parcel Number: 952310129004.

Section 2. Pursuant to RCW 35.94.040 and after public hearing, the former Loyal Heights and Phinney

Substation properties described in Section 1 are declared to be surplus to the City’s electric utility needs and no longer required for providing continued public utility service.

Section 3. Jurisdiction over the former Loyal Heights Substation property described in Section 1 is hereby transferred at no cost as of the effective date of this ordinance from the City Light Department to the Office of Housing for the purpose of developing permanently affordable home ownership for low-income households at or below 80 percent of the median income.

Section 4. Jurisdiction over the former Phinney Substation property described in Section 1 is hereby transferred at no cost as of the effective date of this ordinance from the City Light Department to the Office of Housing for the purpose of developing permanently affordable home ownership for low-income households at or below 80 percent of the median income.

Section 5. Upon transfer of title to the property, the Office of Housing shall require the transferee to accept the property “as-is, where-is, with all faults” and to release, indemnify, and hold the City harmless from any future claims regarding the condition of the property, including but not limited to any and all claims related to environmental conditions.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)