

Director's Rule 1-2019

Applicant: City of Seattle Seattle Design Commission Office of Planning and Community Development	Page 1 of 5	Supersedes: NA
	Publication: March 7, 2019	Effective: April 5, 2019
Subject: Seattle Design Commission recruitment and appointment process for subcommittees that evaluate public benefit packages for street and alley vacations.	Code and Section Reference: 3.58.100	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.14.992.H	
Index: Street and Alley vacations	Approved	Date <u>original on file 4/4/2019</u> Samuel Assefa, Director, Office of Planning and Community Development

BACKGROUND

Seattle Municipal Code (SMC) Section 3.58.080.D establishes that the Seattle Design Commission (SDC) makes recommendations to the City Council on a petition to vacate a street, alley, or public place, including a proposed public benefit package associated with that petition.

SMC 3.58.030 establishes that Commissioners are comprised of members of the architecture, planning, and design communities. The SDC is not required to have members with specific experience in affordable housing, social services, job training, and similar non-physical improvements that can qualify as a public benefit authorized by SMC 3.58.100.A.

The City Council adopted updated Street and Alley vacation policies in May 2018 (Resolution 31809) that elevated race and social equity as a public benefit in a street or alley vacation petition.

RULE

1. Purpose

SMC 3.58.100B authorizes the Commission to adopt a rule that establishes the recruitment and appointment process for subcommittees that evaluate public benefit packages for street and alley vacations that do not include physical improvements to the right of way or creation of open space. This rule provides guidance on the formation of such a subcommittee with experts in the funding and implementation of programs outlined in SMC 3.58.100.A.

2. Applicability

This rule is applicable when a public benefit package proposal for a street or alley vacation is submitted that includes funding or other commitments to race and social equity programs that constitute a *substantial* portion of the overall public benefit package. The term *substantial* generally means that the funding commitment of wage and social equity programs is at least 1/3 of the overall financial commitment reflected in the public benefit package.

There may be other circumstances that would necessitate the review by this subcommittee of a public benefit package where funding of non-physical improvements is *less* than 1/3 of the overall financial commitment. The SDC will consider such public benefit proposals upon a request by the Seattle Department of Transportation or the City Council.

3. Definitions

a. Affordable housing (SMC 3.58.100.A)

For the purposes of this rule, 'affordable housing' means either:

- i. providing housing for renter households no higher than 60 percent of area median income, in accordance with a regulatory agreement approved by the Office of Housing; or
- ii. providing a cash payment to be used by the Office of Housing for low-income housing, consistent with the Housing Funding Policies adopted and as may be amended by City Council.

b. Workers' rights (SMC 3.58.100.B)

For the purposes of this rule, 'workers' rights' means individuals advocating for working conditions that promote livable wages, benefits, transparent work scheduling, employment protections, and other similar efforts.

4. Recruitment and appointment of subcommittee members

The subcommittee appointment process will begin once an applicant has disclosed to Seattle Department of Transportation (SDOT) that a public benefit package will include non-physical improvements outlined in SMC 3.58.100.B, including the provision of affordable housing, financial payments to social service agencies, or financial payments to City agencies or other similar entities that provide job training or other similar programs. Disclosure of a public benefit package typically occurs when a petition to vacate a street or alley is filed under SMC 15.62. In some cases, it may be disclosed before the submission of a petition including during the early design guidance process in SMC 23.41 or concurrent with SDC review of a capital improvement project.

SMC 3.58.100 requires a subcommittee to be comprised of Commission members, City staff, and additional members with expertise in community development, low-income housing, workers' rights, or other relevant areas of experience.

The goal is to create a subcommittee with a balance of viewpoints to best inform the SDC's recommendations to the City Council on the relative merits of a public benefit package with funding of non-physical improvements consistent with those elements detailed in SMC 3.58.100.A. To meet this goal, subcommittees will be created as follows:

- a. At least 2 commissioners will be appointed to join any subcommittee formed under SMC 3.58.100. No more than 4 commissioners will be appointed, as SMC 3.58.100.B indicates that the subcommittee cannot constitute a quorum of SDC commissioners. 5 SDC commissioners constitutes a quorum.
- b. City staff will be recruited to join the subcommittee based on the public benefit issue before the commission. For example, the City staff representative would be from the Office of Housing for an affordable housing proposal, the Human Services Department for social services proposals, and the Office of Economic Development for job training proposals. The intention is to have one City staff member on each subcommittee with expertise in the item(s) considered for funding. However, given the complexity of a proposal, additional City staff may be needed.
- c. To meet the SMC 3.58.100.B requirement for "additional members," the commission will use a variety of methods to conduct outreach to find individuals who are qualified and willing to serve on the subcommittee. Notice of the opportunity will be provided to a range of stakeholders including:

- Mayor and City Council
 - Seattle Department of Neighborhoods and other City departments
 - Public agencies (e.g. County, SHA, PDA's, etc.)
 - Non-profits, including social service organizations and affordable housing developers
 - Community-based organizations and equity advocates
 - Business and labor organizations
- d. If a proposal includes more than one of the types of public benefits authorized by SMC 3.58.100.A, then separate subcommittees will be formed to evaluate each of those benefits.
- e. The goal of the recruitment process is to find a balance of opinions on an issue before the commission. SDC will put emphasis on finding members of the subcommittee(s) who are representative of those most impacted by the issues the public benefit is directed towards. For example, for affordable housing proposals, efforts will be made to include both individuals that advocate for low-income housing funding alongside professionals that develop affordable housing. In its search for people to serve on subcommittees, SDC will emphasize finding representatives from the public and private sectors who demonstrate an understanding of race and social equity and collectively provide a range of views in their approach to the advocacy for and/or provision of public benefits.

The goal is to form a subcommittee within 60 days of the applicants' disclosure to Seattle Department of Transportation that the proposed public benefit package will include elements outlined in SMC 23.58.100.A. Once a subcommittee is created, the subcommittee will be chaired by one member that is selected by a majority of the other subcommittee participants.

SDC staff will support the work of the subcommittee in preparing, developing, and distributing background materials. SDC staff will also arrange for meeting locations and provide public notice of any subcommittee meeting that is consistent with the Open Public Meetings Act.

The SDC delegates authority for the recruitment and appointment process for subcommittees under 3.58.100 to the SDC's Executive Director, in a manner consistent with this Rule. Any member of a subcommittee may be removed at the discretion of the Executive Director or the SDC on a majority vote of commissioners.

5. Term of subcommittee appointment

The term of appointment will be from the date of the approved appointment through the time when the commission forwards its recommendations on the overall adequacy of a public benefit package on a street or alley vacation.

6. Subcommittee recommendation

A subcommittee will make their recommendation to the full Commission regarding the adequacy of a public benefit package that includes proposals outlined in SMC 3.58.100.A. The recommendation will be made following the review and evaluation of the proposed public benefit, any presentation materials developed by the applicant, staff briefings and other materials, and following deliberation by subcommittee members. The recommendation will be forwarded in a written report to the Executive Director by the Chair of the subcommittee and will include any opposing or minority views about the proposed public benefit.