SOUNDTRANSIT

Resolution No. R2023-38

Kent Des Moines North TOD Property surplus declaration

Meeting:	Date:	Type of action:	Staff contact:
Executive Committee	12/07/2023	Final action	Brooke Belman, Deputy CEO, Chief Expansion Delivery Officer Don Billen, Executive Director, PEPD **Mara D'Angelo, Deputy Director, TOD** **Heather Burns, Senior Project Manager, TOD**

Proposed Action

Approves the chief executive officer's declaration that a portion of parcel FL-209 as part of the Kent Des Moines Transit Oriented Development Sites, is surplus and available for disposition or redevelopment upon completion of Federal Way Link Extension construction.

Key Features Summary

- In accordance with Sound Transit's Real Property Excess, Surplus and Disposition Policy, a property can be declared surplus when it is determined by the chief executive officer (CEO) that it is no longer needed for present or future transit purposes. If the fair market value of such real property exceeds $200,000, approval by the Board Executive Committee is required. If the fair market value exceeds $5,000,000, Board approval of the declaration is required.
- In August 2022, the Board approved Resolution No. R2022-23, concerning 2 transit-oriented development (TOD) sites (North and South) totaling approximately four acres adjacent to Kent Des Moines Station. The North and South TOD sites were comprised of portions of sixteen tax parcels. Resolution No. R2022-23 declared portions of fifteen parcels as surplus, declared the TOD sites suitable for the development of housing, and authorized staff to offer the TOD sites first to qualified entities for the development of affordable housing.
- Resolution No. R2022-23 further authorized staff to offer the TOD sites at a discounted land value purchase price to facilitate affordable housing outcomes and noted that the CEO may declare one additional parcel surplus at a later date.
- This action approves the CEO's declaration that a portion of that additional parcel is surplus.
- The property identified in this requested action is depicted in Exhibit A.

Background

Property and TOD

Sound Transit acquired multiple parcels for the construction of Kent Des Moines Station, the Federal Way Link Extension, a parking garage and street improvements. What remains following the capital project will be two transit-oriented development sites separated by S. 236th Street, representing approximately four acres that will be developable following easements and restrictions. The sites were appraised for $6.7 million (TOD North) and $6.4 million (TOD South) in 2022.

Surplus of FL-209

In August 2022, through Resolution No. R2022-23, the Sound Transit Board approved the chief executive officer's declaration of surplus for the North and South TOD Sites adjacent to the Kent Des Moines Link Light Rail Station. The staff report for the Board resolution noted that the CEO may declare one additional parcel (Portion of FL-209, depicted in Exhibit A) surplus at a later date. At the time, Sound Transit had possession and use of FL-209 but had not completed the acquisition process. Acquisition was completed in March of 2023.

FL-209 was approximately 27,178 sq. ft. at the time of acquisition. A portion of the parcel will have a permanent transit footprint for the guideway and new street rights-of-way. The Utilization Committee determined that approximately 6,300 square feet of the parcel will not be needed for a transit use after completion of construction of Federal Way Link Extension. On November 17, 2023, the CEO has determined that a portion of FL-209, can be declared as surplus. The fair market value of the parcel exceeds $200,000, and therefore approval by the Executive Committee is required.

Future Board Involvement

The key business terms for the TOD North site are concurrently before the Board under a separate action through Motion No. M2023-107.

Fiscal Information

This action does not have a budget or financial impact to the agency or any of its programs.

Disadvantaged and Small Business Participation

Not applicable to this action.

Public Involvement

Sound Transit conducted community engagement around the site Kent Des Moines TOD sites, inclusive of this parcel, starting in spring 2020. Engagement included two online surveys (May 2021 and November 2021) that collected approximately 1350 responses, roundtable discussions and direct engagement with community-based organizations operating in the Kent Des Moines area, as well as a virtual open house focused on topics identified in earlier surveys.

Time Constraints

A one-month delay may jeopardize the time-sensitive advancement of key business terms for the project proposed for the North TOD site.

Prior Board/Committee Actions

Resolution No. R2022-23: (1) Approved the chief executive officer's declaration that fifteen parcels, as part of the Kent Des Moines Transit Oriented Development Sites, are surplus upon completion of the Federal Way Link Extension construction; (2) declared the TOD Sites as suitable for development as housing; (3) authorized staff to offer the TOD Sites first to qualified entities to create mixed-use, mixed-income project outcomes that prioritize and maximize affordable housing; (4) authorized staff to offer property within the TOD Sites at below market value to facilitate affordable housing outcomes.

Resolution No. R2017-34: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension.

Resolution No. R2017-16: Authorized the chief executive officer to acquire certain real property interests, including acquisition by condemnation to the extent authorized by law, and to reimburse eligible relocation and reestablishment expenses incurred by affected owners and tenants as necessary for the Federal Way Link Extension

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Environmental Review – KH 11/20/23

Legal Review – JV 11/29/23

SOUNDTRANSIT

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A RESOLUTION of the Executive Committee of the Central Puget Sound Regional Transit Authority approving the chief executive officer's declaration that a portion of parcel FL-209, as part of the Kent Des Moines Transit Oriented Development Sites, is surplus and available for disposition or redevelopment upon completion of Federal Way Link Extension construction.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008, and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit acquired the subject property, currently identified as a portion of the Kent Des Moines Transit Oriented Development Sites located in Kent, WA for the Kent Des Moines Station project in 2023; and

WHEREAS, RCW 81.112.350 requires Sound Transit to "develop and seek voter approval for a system plan, … to implement a regional equitable transit-oriented development strategy for diverse, vibrant, mixed-use and mixed-income communities consistent with transit-oriented development plans developed with community input by any regional transportation planning organization within the regional transit authority boundaries"; and

WHEREAS, on June 23, 2016 the Sound Transit Board adopted Resolution No. R2015-16 approving the Sound Transit 3 Regional Transit System Plan (the "ST3 Plan") and on November 8, 2016 the voters approved the ST3 Plan. The ST3 Plan provides (at page 12), "Sound Transit will implement a regional equitable TOD strategy for diverse, vibrant, mixed-use and mixed income communities adjacent to Sound Transit stations that are consistent with transit-oriented development plans developed with the community by the regional transportation planning organization within Sound Transit's boundaries. … Sound Transit will use such plans as the 2013 Growing Transit Communities Strategy to inform the content and implementation of its TOD strategy"; and

WHEREAS, unless certain exceptions apply, RCW 81.112.350 requires that the agency offer for transfer at no cost, sale, or long-term lease at least 80 percent of its surplus properties that are suitable for housing first to qualified entities (local governments, housing authorities, and non-profit developers) that agree to develop affordable housing on the property, and if accepted, at least 80 percent of the housing units created on the property must serve those whose adjusted income is no more than 80 percent of the adjusted median income for the county in which the property is located; and

WHEREAS, on April 26, 2018, the Sound Transit Board adopted Resolution No. R2018-10 adopting an Equitable TOD Policy to reflect the ST3 Plan and RCW 81.112.350 direction to implement a regional equitable TOD strategy during planning, design, construction and operation of the high-capacity transit system; and

NOW, THEREFORE, BE IT RESOLVED by the Executive Committee of the Central Puget Sound Regional Transit Authority that:

Section 1. The chief executive officer's declaration that a portion of parcel FL-209, as part of the Kent Des Moines Transit Oriented Development Sites, is surplus and available for disposition or redevelopment upon completion of Federal Way Link Extension construction is approved.

ADOPTED by the Executive Committee of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on December 7, 2023.

Dave Somers
Executive Committee Vice Chair

Attest:

Kathryn Flores
Board Administrator

Resolution No. R2023-38
Exhibit A

Kent Des Moines TOD Sites (Portion of FL-209)

