

**CITY OF SEATTLE**

**PROCEDURES  
FOR EVALUATION OF REUSE AND DISPOSAL OF THE  
CITY'S REAL PROPERTY**

September 6, 2018

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## 1.0 DEFINITIONS

When the terms defined here appear in text, they are capitalized.

Affordable Housing	Housing that is predominantly affordable to low and very low income households at or below 80 percent of Area Median Income (AMI) 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 (OH).
Disposal	The Trade or Sale of Real Property in which the City has a fee interest to a non-City entity.
Easement	A right to use land owned by another for a special purpose.
Encumbrance	Any claim, lien, charge, or liability attached to and binding on Real Property, including those that affect the physical condition of the property and those that affect the title, which may lessen its value, or burden, obstruct, or impair its use but not necessarily prevent transfer of title.
Excess Property	Real Property that the Jurisdictional Department has formally determined it no longer needs for the Department's current or future use.
Fully Utilized Municipal Use Property	Municipal Use Property that is actively being used for municipal purposes to the fullest capacity possible under any required restrictions on its Municipal Use.
Hold	The period of time for which final legislative action on an Excess Property is delayed to give the proposed Transferee time to complete conditions necessary to the conclusion of the Transfer or Transfer of Jurisdiction.
Interim Use	The use of property for a non-municipal use(s) on a short-term basis during the period of time prior to its being used for its proposed future Municipal Use.

Joint Use	The shared use of City-owned Real Property by two or more City departments or by a City department(s) and one or more Public Agencies or private parties.
Jurisdiction	The mechanism by which the City allocates primary responsibility and authority for Real Property as assigned by ordinance.
Jurisdictional Department	The City department or departments with responsibility for a specific parcel of Real Property as assigned by City Council.
Managing Department	The City department to which all or a portion of the management responsibility for a specific property has been delegated by agreement with the Jurisdictional Department and/or by ordinance.
Mixed-Use Development	A development that includes Affordable Housing and other uses, including, but not limited to: child care and learning centers; health care facilities; grocery stores; community centers; small commercial spaces; open space; and other public services.
Municipal Use	Active or passive use of Real Property to carry out general purposes of the City or to accomplish City goals and objectives.
Public Agency	A federal, state, or local (other than The City of Seattle) governmental entity, including but not limited to school districts; port districts; fire, sewer, and water districts; and public development authorities.
RES	See Real Estate Services.
Real Estate Oversight Committee (REOC)	A committee comprised of City department heads (or their designees) appointed by the Mayor and the Chair of the Council Budget Committee, chaired by the Deputy Mayor or other Mayoral designee that has the authority to review and make recommendations to Departments or to the Executive on Real Property matters.
Real Property	Fee-owned land and appurtenances to land, including buildings, structures, fixtures, fences, and improvements erected upon or affixed to the same that is not under the jurisdiction of the City Light department.

Real Property Asset Management Information System (RPAMIS)	A comprehensive database of information cataloging Real Property owned by the City.
Real Estate Services (RES)	City organization in the Finance and Administrative Services Department (FAS) that is responsible for strategic or “corporate” management of City Real Property, except for those properties outside Seattle, those properties under the jurisdiction of the City Light Department, those properties under the control of the Seattle Public Utilities Department, those properties under the control of the Seattle Center, and properties for which the City Charter specifically provides for jurisdiction by a specific department other than FAS.
Reuse	The use of an Unused Property or Underutilized Property, after review and assessment of the property’s potential uses. Such uses may be facilitated by Transfers, Transfers of Jurisdiction, or Transfers of Partial Jurisdiction, and such uses may entail Interim Uses and Joint Uses.
Sale	The conveyance to a non-City entity of all or a portion of a parcel of Real Property for consideration.
Surplus Property	Excess Property formally designated by the City Council as not needed to carry out any recognized goal or policy of the City.
Trade	The exchange of one or more parcels of Real Property for other Real Property.
Transfer	The conveyance to a non-City entity of all or a portion of the rights associated with a parcel of Real Property.
Transfer of Jurisdiction	The internal process by which the City changes the department that has responsibility for a parcel of Real Property.
Transfer of Partial Jurisdiction	The internal process by which the City changes responsibility for a portion of the property rights associated with a parcel of Real Property.

Transferee	The City department to which all or a portion of property rights or jurisdiction over a property is assigned, or the Public Agency or private entity to which all or a portion of property rights are conveyed.
Underutilized Property	Municipal Use property that could support additional and/or more intensive uses without interfering with the primary use of the property.
Unused Property	Property owned by the City that is not currently in Municipal Use, that has not been declared Excess Property or Surplus Property and that is not being rented, leased, or otherwise used under an agreement with the City.

## 2.0 PURPOSE

These procedures establish a uniform evaluation process for the Reuse or Disposal of Real Property owned in fee simple by The City of Seattle ("City"). In addition, it establishes the development of Affordable Housing as a priority for use of City-owned Excess Property and Unused Property, including Mixed-Use Development projects. Finally, the procedures provide direction about the use of proceeds from the sale of City Surplus Property when such properties cannot be developed as Affordable Housing.

## 3.0 SUMMARY

Following standard procedures described below, each City department should classify every property under its jurisdiction, review that classification regularly, and report all changes to Real Estate Services (RES). When suitable and compatible, additional uses should be implemented for Real Property that is not fully utilized for Municipal Uses. City departments should also consider whether development of Affordable Housing can be considered along with current Municipal Uses. Unused Property should be utilized for municipal purposes to the fullest extent possible, with Interim Uses identified and implemented if the property is needed for a future Municipal use. Failing identification of a current or future Municipal Use, any Unused Property should then be considered by the Office of Housing (OH) for development as Affordable Housing using criteria included in Section 6.3. The City should seek to partner with an appropriate non-profit or for-profit housing entity to develop the property as Affordable Housing if it is determined to be suitable for Affordable Housing. OH consideration for development as Affordable Housing shall be done at OH's cost when borne by the City. If such Unused Property is located in a neighborhood deemed at high risk for displacement, OH will seek to partner with a local non-profit, low-income housing organization that is culturally relevant and historically rooted in that neighborhood. For the purposes of these partnerships,

organization staff and board composition should reflect the community they purport to serve, and meet other guidelines as defined by the funding criteria for the Equitable Development Initiative. If the Unused Property is not deemed appropriate for development of Affordable Housing, it may be disposed of following standard procedures to notify and solicit proposals from prospective users, including other City departments, Public Agencies, and private parties. Classifications and uses of all Real Property owned in fee simple by the City are maintained in a central inventory administered by RES.

#### **4.0 SCOPE**

These procedures apply only to Real Property where the City owns a fee interest, whether located inside or outside the boundaries of the City, unless the Real Property was acquired as a street right-of-way or is under the jurisdiction of City Light. All City departments and agencies, excluding City Light, are subject to these procedures unless superseded by City Charter, other City policy, state law, or federal law; e.g., the Seattle Public Library (per RCW 27.12.210 and 27.12.300).

#### **5.0 GUIDING PRINCIPLES FOR THE REUSE AND DISPOSAL OF REAL PROPERTY**

- A. It is the intent of the City to strategically utilize Real Property in order to further the City's goals and to avoid holding properties without an adopted municipal purpose.
- B. The Executive's recommendation for the reuse or disposal of Real Property should reflect assessment of the potential use of the Real Property consistent with City priorities, including:
  - Affordable Housing
  - Park and open space
  - Child care and early learning facilities
  - Education
  - Sound Transit Link Light Rail station area development
  - Community and Economic Development
  - Other priorities reflected in adopted City policies or plans.
- C. Given the shortage of Affordable Housing, it is the intent of the City to prioritize use of available City-owned Real Property for development of Affordable Housing. When authorizing the use of City-owned Real Property for Affordable Housing, the City desires to maximize the number of affordable units developed at or below 80 percent of Area Median Income (AMI), with a goal of increasing the production of housing for households from zero to 30 percent of AMI. The City will consider models that achieve these goals through partnerships with non-profit or for-profit housing developers. Such models could include the use of alternative construction methods and materials such



- as modular or cross-laminated timber. In addition, it could include the disposition or alternatively, the long-term lease, of City Real Property so long as Affordable Housing is guaranteed for a minimum of 50 years. The prioritization for Affordable Housing shall be reviewed in 2023.
- D. Decisions regarding Reuse or Disposal of the City's Real Property should be made on a case-by-case basis using the policy guidance provided in Resolution 31837.
  - E. So that Real Property decisions are made within a City-wide context, the Executive's recommendations to City Council on such matters should be made by the Real Estate Oversight Committee (REOC) to the extent not otherwise prohibited. The REOC includes the Director of Finance and Administrative Services, the Director of the Office of Planning and Community Development, the Director of the OH, the General Manager and CEO of Seattle Public Utilities, the Director of the Department of Neighborhoods, the Director of the Office of Economic Development, the Superintendent of Parks and Recreation, the Director of the Department of Construction and Inspections, the Director of the Seattle Department of Transportation, and the Chair of the Council Budget Committee, or their designees, and includes the directors of successor department(s), if any. Lead responsibility for analysis of Reuse and Disposal of Real Property is assigned to RES, unless delegated.
  - F. Except as otherwise delegated by ordinance, final decisions regarding the disposal of Real Property rights shall be made by the City Council. Any negotiations entered into by the City prior to final authorization by City Council, when needed, shall clearly communicate that the final decision is to be made by the City Council.
  - G. The decision-making process described in these procedures and the resulting decisions should be interpreted and applied in a manner to comply with federal, state, and local laws and regulations.
  - H. These procedures are intended as guidelines for City decision-making in the Reuse and Disposal of property. No express or implied rights or responsibilities are intended to be created for any party. Failure to comply with these procedures will not give any party the right to change, rescind, or delay any decision or transaction related to exchange of use or ownership of City property or provide any claim for damages or other relief.
  - I. The Law Department should be consulted as needed in the process and at minimum, on the following matters: (1) compliance of proposed Reuse and Disposal actions with local, state, and federal ordinances, statutes, regulations, plans, and policies; (2) the need for environmental analyses, including environmental due diligence and review required under the State

Environmental Policy Act (adopted by Seattle Municipal Code ch. 25.05); and (3) the form and substance of any proposed legislation and transaction documents.

- J. These procedures are not intended to supersede those adopted by the City Council that exclusively outline a Reuse or Disposal process for a specific property or type of property. In cases where inconsistencies or conflicts occur between the two, the specific policies adopted by City Council for the property in question shall prevail. This may apply, in particular, when responding to a state of emergency that requires rapid action by the City to address emergent needs.
- K. These procedures are intended to encourage community participation and to be coordinated with and to support neighborhood planning efforts.

## **6.0 CLASSIFICATION AND REPORTING OF REAL PROPERTY**

This section provides guidance on classification, periodic review, and reclassification of Real Property that is owned in fee simple by The City of Seattle, except as noted in Section 4.0 (Scope).

### **6.1 CLASSIFICATION**

- Jurisdictional Departments will classify each of their properties into one of the following categories to reflect the degree and character of current use and potential future use, per the definitions in Section 1.0:
  - Fully Utilized Municipal Use Property
  - Underutilized Property
  - Interim Use Property
  - Unused Property
  - Excess Property
  - Surplus Property, when previously so determined by Council action.

All classification data will be maintained in the RPAMIS database by RES.

The Fully Utilized Property and Underutilized Property categories reflect a level of Municipal Use. Interim Use Property reflects a short term non-municipal use for a property which has a planned future Municipal Use. Real Property in the Unused Property category has no current use, but reflects the possibility of future Municipal Use; for example, a property that could be slated for future Municipal Use, but has not yet been so identified, would be classified as Unused Property. The Excess Property category reflects a Jurisdictional Department's explicit decision that it no longer needs the property for a Municipal Use. Excess Property that is deemed suitable for Affordable Housing development but awaits funding and a development partner is a subcategory of Excess Property. Such Excess Property may be retained in City ownership until funding and a development partner are identified as outlined in Section 8.4.3. The Surplus Property category reflects the City Council's explicit decision and approval of legislation authorizing the disposition of property.

### **6.2 PERIODIC REVIEW**

The status of each property will be reviewed regularly to consider the suitability of each property for its current use and to consider Reuse or Disposal of Underutilized Property and Unused Property, including review of properties for Council priorities, such as the development of Affordable Housing. Properties characterized as Fully Utilized should be evaluated every five years or less, and those classified as Underutilized Property, Interim Property, or Unused Property should be evaluated annually. Table 1 identifies the purpose and the elements of review for each classification. Excess Property is treated separately in accordance with Section 8.

Surplus Properties are not subject to these review requirements because the Council has previously made a determination as to their disposition.

The Mayor, City Council, or RES staff may request that a specific property be reviewed by the Jurisdictional Department at any time. Other parties may also ask for an unscheduled review. RES will evaluate the most recent property review to decide whether a new review is needed. If it is not, RES will provide a brief explanation to the requester.

### **6.3 CRITERIA FOR ASSESSING SUITABILITY FOR AFFORDABLE HOUSING DEVELOPMENT**

It is the intent of the City to prioritize use of City-owned Real Property for Affordable Housing Development, including Mixed-Use Development, over other potential uses.

In determining if a property is suitable for development of as Affordable Housing, the following criteria will be used:

- Current Use;
- Zoning or rezone opportunities;
- Size and Site Configuration;
- Topography;
- Presence of Contamination/Hazardous materials;
- Infrastructure;
- Presence of existing City Light or Seattle Public Utility facilities;
- Existing Improvements and condition of existing improvements;
- Location; alignment with City Priorities;
- Originating Fund Source/Restrictions on Use; and
- Ability to create Mixed-Use Development.

OH will assist in evaluating the use of City-owned Real Property for Affordable Housing development. OH will provide information collected as part of such assessments for suitability for Affordable Housing to organizations requesting such information.

On an annual basis, RES, with the assistance of OH, will review ~~the~~ Excess Property ~~that are~~ being held for development of Affordable Housing to update the timeline for development of such Excess Property.

## 6.4 REPORTING

For purposes of maintaining the accuracy of the RPAMIS database, Jurisdictional Departments are to report all changes in the status of Real Property. The changes are to be reported to RES within 15 –days of the change. Such changes include acquisitions, Disposals, Transfers (including Transfers of Jurisdiction or Partial Jurisdiction), and changes in current or potential future use.

Every year, the Jurisdictional Department should review RPAMIS information for each of its properties—classification, current use, and any potential future use with its projected starting date. A written confirmation of accuracy is due by February 15 to RES.

By March 31 of every year, a status report for all City Real Property covered by these procedures is due from RES to the REOC and City Council. For each property, this *Real Property Status Report* should list current classification, current use, potential for Joint Use or Interim Use, potential use for Affordable Housing, and any other intended future uses with their projected starting dates.

In addition, ~~the~~ OH will include in the Annual Investment Report information on City Surplus Property, if any, that ~~were-was~~ disposed of in the prior year for development as Affordable Housing. Information to be included in this report includes but is not limited to: The number of Surplus Property or properties disposed of for development ~~as of~~ Affordable Housing; the number of planned or developed units for each Surplus Property; other facilities planned or developed along with the Affordable Housing, such as child care or health care facilities, commercial spaces, etc., and information that supports inclusion of such facilities to meet existing community needs; and the name of the organization selected to develop each Surplus Property.

## 7.0. REVIEW OF PROPERTIES

To make more efficient use of City resources, changes may be made in the use of properties that a department has not declared Excess Property. Specifically:

- Underutilized Property and Unused Properties should be used more intensively for Municipal Use (Reused) or, to the extent possible, Affordable Housing
- Jurisdiction of Fully Utilized Municipal Use Properties may be transferred between departments to better align their missions with their responsibilities in accordance with the Local Government Accounting Act (RCW 43.09.210).

All such changes, which are initiated by the Jurisdictional Department, require review by RES before they can be approved by the City Council. When RES does not concur with the Jurisdictional Department's recommendation, either party may refer the matter to the REOC for resolution. Law Department approval is required for all proposed legislation authorizing any change.

## 7.1 ADDING USES TO UNDERUTILIZED OR UNUSED PROPERTY

Underutilized Property and Unused Property may have the potential for more intensive use. Real Property that can accommodate more than one Municipal Use or a Municipal Use and one or more non-municipal uses, including Affordable Housing and Mixed-Use Development, can be classified as being in Joint Use. Unused Property that has a future Municipal Use but is currently not being used for a Municipal Use is classified as having an Interim Use. This section describes procedures for identifying, evaluating, approving, and implementing Joint Use and Interim Use.

### 7.1.1 Identification and Solicitation of Additional Uses

#### *Underutilized Property*

The Jurisdictional Department is responsible for reviewing each Underutilized Property to identify potential additional uses on an annual basis. The Jurisdictional Department should utilize policy guidelines on reuse and disposal of City property outlined in Resolution 31837 when analyzing the feasibility of proposed Joint Use and Interim Uses. This shall include looking at specific Real Property to determine if development as Affordable Housing is feasible. Results of the review are to be reported on the *Underutilized Property Review Form* (Appendix A).

Real Property that may be feasible for Affordable Housing Development should be reviewed by OH and recategorized, as appropriate. For Real Property that doesn't meet the suitability test for Affordable Housing, the Jurisdictional Department with RES's help if needed, will announce the availability of the Underutilized Property for Joint Use to other City Departments, Public Agencies, private parties, and the public, including open space preservation groups, and is to invite proposals for Joint Use. The notice to the public must provide a minimum of 30 days to submit comments and suggestions. Underutilized Property deemed suitable for development as Affordable Housing is excluded from the notice requirements of this section. Notice will be provided when the Preliminary Recommendation Report on Reuse or Disposal of Excess Property is distributed, as required under section 8.4.4.

The Jurisdictional Department should notify those members of the public who responded to the public notice when a final decision is made regarding the use of the Excess Property, or when legislation seeking final approval of a decision is sent to the Council.

#### *Unused Property*

If a future Municipal Use is or has been identified for Unused Property, the Jurisdictional Department should analyze possible Interim Use for the Real Property, if any. The notification and solicitation procedures that apply to

Underutilized Property may be followed. Unused Property for which no future Municipal Use is identified should be reclassified as Excess Property.

### 7.1.2 Review and Approval

If a proposed Joint Use or Interim Use is acceptable to all entities involved, including RES and non-jurisdictional departments, the Jurisdictional Department should prepare legislation and/or other required documents to establish the arrangement, to be submitted for City Council approval. RES may request copies of the documents for itself and the REOC.

Additional review should be undertaken if the Jurisdictional Department's recommended Joint Use or Interim Use is questioned. If questioned by a non-jurisdictional department, the matter should be taken up by RES, who should forward its findings to the REOC. If questioned by RES, the matter should be taken up directly by the REOC. Upon resolution, legislation should be prepared by the Jurisdictional Department for City Council approval.

Any expenses associated with environmental due diligence may be negotiated by the Jurisdictional department and the entities involved in the Joint Use or Interim Use. In addition, the entities implementing the Joint Use or Interim Use should bear the costs of implementing and removing such use; alternative arrangements may be negotiated with the Department of Finance and approved by the REOC. Consideration, if any, should be consistent with the Local Government Accounting Act (RCW 43.09.210) and other applicable laws and regulations. If consultation with the Law Department reveals that SEPA review is needed, the Jurisdictional Department should conduct the review. When the evaluation of proposals is complete, the Jurisdictional Department should forward its recommendation to RES for review and approval.

## 7.2 CHANGING JURISDICTION OF FULLY UTILIZED MUNICIPAL USE PROPERTY

When the Jurisdictional Department, in consultation with RES, believes that jurisdiction of a parcel of Real Property should be transferred to another City department, it should contact the other department to discuss such factors as compensation, current or potential revenue associated with the property, estimated costs associated with a Transfer of Jurisdiction, and the physical condition and maintenance requirements of the Real Property. The two departments should negotiate the terms of any Transfer of Jurisdiction and consult with the Law Department as needed.

### 7.2.1 Notification and Comment

When a tentative agreement has been reached, the Jurisdictional Department should notify RES, which in turn should notify all property-managing departments of the proposed Transfer of Jurisdiction. Responses are due 2

weeks later. At a minimum, the responses should specify utilities, easements and access agreements that are on or are needed on the Real Property; other comments are invited.

### 7.2.2 Evaluation

On the basis of responses received, RES may concur with, recommend against, or place conditions upon the proposed Transfer of Jurisdiction. If RES concurs with the proposed Transfer of Jurisdiction, the required legislation is prepared by RES for City Council approval. In the absence of concurrence, the Jurisdictional Department may ask the REOC for resolution and RES will prepare legislation in accordance with the resolution of the REOC.

## 8.0 CHANGES IN EXCESS PROPERTY

When a Jurisdictional Department declares a parcel of Real Property Excess Property, other City departments, Public Agencies and the public are to be notified of its availability, asked to identify their interest in it—particularly less-than-fee-simple rights the City should keep, such as utility Easements—and invited to propose Municipal Uses for it. Information received as part of this process will be evaluated in a two-tiered process. The Jurisdictional Department first examines the information and makes a recommendation, which is then evaluated by RES. As part of its evaluation, RES then classifies the proposed decision as “simple” or “complex.” “Complex” decisions require an additional public involvement process and additional City review. Before being submitted to the City Council for action, all proposed Reuse or Disposal actions must be approved by RES and, for “complex” decisions, the REOC. Except for notice to City Light and Seattle Public Utilities regarding presence of existing utility facilities, Excess Property determined to be suitable for development as Affordable Housing is excluded from this notice requirement. Notice will be provided when the *Preliminary Recommendation Report on Reuse or Disposal of Excess Property (Preliminary Report)* is distributed, as required under section 8.4.4.

### 8.1 INITIAL NOTIFICATION AND RESPONSE

8.1.1 When a Jurisdictional Department declares a property Excess Property, it should complete an *Excess Property Description* (Appendix B) and send the form to RES. On receipt, RES should prepare an *Excess Property Notice* (Appendix C) and distribute the notice to all City departments, to Public Agencies that RES determines may be interested in the property, and to Public Agencies whose regulatory or policy responsibilities affect the property. In addition, the notice should be given to residents, community groups, open space preservation groups, and other interested parties, as provided in Section 8.6.2. Except for notice to City Light and Seattle Public Utilities regarding presence of existing utility facilities, Excess Property determined to be suitable for development as Affordable Housing is excluded from this notice requirement. Notice will be provided when the Preliminary Recommendation



Report on Reuse or Disposal of Excess Property is distributed, as required under Section 8.4.4.

With the *Excess Property Notice*, RES should also distribute an *Excess Property Response Form* (Appendix D) and an *Excess Property Proposed Use Form* (Appendix E). Both are due back to RES within 30 days of the date of the Excess Property Notice. At its discretion, RES may grant an extension upon receipt of a written request indicating the reason for the extension and a proposed revised due date. Completed Excess Property Response Forms should be copied and sent to the Jurisdictional Department.

All City departments or Public Agencies should return a completed *Excess Property Response Form*, even if they have no explicit interest in the Real Property. The nature of each department's response is detailed in Table 2. To protect the interests of the City as a whole, it is especially important to provide complete and accurate information on this response form. Any entity interested in acquiring the Real Property must also return an *Excess Property Proposed Use Form* signed by the director or designee, submit an implementation plan, and specify a funding source.

In their *Excess Property Proposed Use Forms*, City departments and Public Agencies may request a delay in the implementation of a Reuse or Disposal decision—a Hold—until certain steps can be completed (e.g., obtain funding). The request for a Hold will be evaluated by RES during its review.

## 8.2 FIRST-TIER EVALUATION BY JURISDICTIONAL DEPARTMENT

Within 15 days of receiving copies of completed *Excess Property Proposed Use Forms*, the Jurisdictional Department should analyze the proposed uses, review and consider any public comments or input received in response to the Initial Public Notice mailed pursuant to 8.6.2, and forward its recommendation for Reuse or Disposal to RES. The recommendation should summarily describe the number and substance of the public comments received, describe the preferred Reuse or Disposal, and if appropriate, propose a Transferee or method for selecting a Transferee.

The Jurisdictional Department may recommend one of several options:

- Establishment of Interim Use until identified and recommended future Municipal Uses are implemented
- Transfer for implementation of a Municipal Use
- To another City department
- To a specific non-City Transferee
- To a non-City Transferee that has not yet been identified
- Designation as Surplus property to be transferred

- To a specific non-City Transferee
- To a non-City Transferee that has not yet been identified.

### 8.3 SECOND-TIER EVALUATION BY REAL ESTATE SERVICES

#### 8.3.1 Evaluation Factors

RES's evaluation of alternative uses for Excess Properties should include the factors identified in adopted Council policy for reuse and disposal of City property, included in Resolution 31837.

#### 8.3.2 Options

RES may recommend any of the options identified through the process outlined in Section 8.2, even if it differs from the option recommended by the Jurisdictional Department.

If a specific Transferee is recommended and that Transferee has requested a Hold, RES may suggest that the Jurisdictional Department retain the property for 1 year so that the prospective Transferee may obtain funding or complete other necessary steps. For Excess Property that is proposed for development as Affordable Housing, the Excess Property may be retained for longer than one year in order to secure funding and/or a development partner. Any Hold so recommended is to be reviewed as part of and will take effect following the City Council's review of a proposed use for the Excess Property. The responsibility for maintenance costs during the period of the Hold should be explicit in RES's recommendation.

#### 8.3.3 Complexity

As part of the second-tier evaluation process, RES should classify each proposed Reuse or Disposal decision as "simple" or "complex," using the following factors:

- The potential presence of conflicting proposals;
- The type and amount of consideration proposed or necessary for the property;
- The estimated fair market value of the Real Property, as determined by an appraisal generally performed within the last 6 months;
- Change in zoning requirements required by the proposed action;
- Whether the City will retain any property rights;
- Community interest in the property;
- Use of property for affordable housing.

The City intends to prioritize the use of Surplus Property for the development of Affordable Housing and shall expedite such dispositions to create more Affordable Housing as quickly as possible. Therefore, regardless of any other factor, if OH has proposed that a Real Property be transferred to an entity for

the development of Affordable Housing or be retained in City ownership until funding and a development partner can be secured for Affordable Housing development, such Real Property will follow the disposition process as described in 8.5.1.

OH and RES shall brief the relevant City Council Committee regarding the proposed use of the property for Aaffordable Housing, including number, type, and affordability level of the housing, prior to the preparation of the Preliminary Recommendation Report on Reuse or Disposal of Excess Property.

Additionally, regardless of any other factor (except in the case of properties designated for Aaffordable Housing), the decision will automatically be classified as “complex” if either of the following applies:

- The estimated fair market value of the property exceeds \$2 million
- A “complex” designation has been requested by the Jurisdictional Department, REOC, or City Council.

RES’s decision regarding the complexity of the proposed action should be recorded on a *Property Review Process Determination Form* (Appendix F).

#### 8.3.4 Documentation and Distribution of the Preliminary Report

RES should document its analysis and recommendation in a *Preliminary Recommendation Report on Reuse or Disposal of Excess Property (Preliminary Report)*, a summary of which will then be circulated to the REOC, to all City departments and Public Agencies that expressed an interest in the Excess Property, and to members of the public as provided in Section 8.6.3. No decision should be made on the recommendations in the Preliminary Report and it should not be transmitted to Council until at least 30 days after circulation of the notice to the public as provided in Section 8.6.3 in order to allow members of the public an opportunity to comment on the Preliminary Report. The *Property Review Process Determination Form* should be included with the summary of the *Preliminary Report*.

## 8.4 SIMPLE V. COMPLEX DECISIONS

### 8.4.1 Simple Decisions

After the *Property Review Process Determination Form* and the summary of the *Preliminary Report* have been distributed as provided in Section 8.4.4, the process for “simple” and “complex” decisions diverges. For “simple” decisions, legislation is prepared by RES, reviewed and approved by the Law Department and Department of Finance, and sent to the City Council, together with a copy of the *Preliminary Report* incorporating a report on the public involvement efforts described in Section 8.6.7. If the City Council decides to hold a public

hearing on the legislation, notice of the public hearing should be mailed or e-mailed as provided in Section 8.6.8.

#### 8.4.2 Additional Requirements for Complex Decisions

“Complex” decisions require the following additional steps before a Final Recommendation and legislation are prepared for submission to Council:

8.4.2.1 RES submits the *Preliminary Report* and a proposed public involvement plan process to the REOC. The purpose of the plan is to actively solicit and obtain the input of neighbors and the general public on the development of the recommendations for the Excess Property. The public involvement plan is to be tailored to the specific facts, location and complexities of the individual Excess Property.

8.4.2.2 After REOC approval of the proposed public involvement plan, RES sends a copy of the proposed public involvement plan to the Jurisdictional Department and other City Departments and Public Agencies that expressed an interest in the Excess Property and sends a public notice of the proposed public involvement plan pursuant to Section 8.6.4. RES allows 14 days for comment on the proposed plan prior to briefing the appropriate City Council committee on both the Preliminary Report and the proposed public involvement plan, including any comments received on the public involvement plan. After reviewing the proposed public involvement plan and suggesting any appropriate modifications, the Council Committee approves the public involvement plan for the particular Excess Property.

8.4.2.3 RES will begin implementation of the public involvement plan approved by the appropriate City Council Committee or full Council within 15 days.

8.4.2.4 After carrying out the public involvement plan, RES prepares a *Final Recommendation Report* (Final Report) to update the *Preliminary Report* and revise recommendations. The Final Report should either incorporate the provisions of the public involvement report described in Section 8.6.7 or have a separate public involvement report that complies with Section 8.6.7 attached to the Final Report.

8.4.2.5 RES submits the *Final Report* to the REOC for approval. After approval by the REOC, the Final Report is submitted to the City Council with any legislation necessary for the proposed Disposition. RES provides a notice of the Final Report or Transmittal of the Legislation to Council pursuant to 8.6.5 and allows a 30-day comment period on the Final Report prior to any briefing of the City Council. A summary of the number and substance of the comments received during the 30-day

comment period should be provided to Council prior to or at the first briefing of the Council on the legislation.

#### 8.4.3 City Council Proceedings.

The City Council generally will hold a public hearing before taking action on any “complex” decision and may do so on a Simple Decision. If the Council decides to hold a hearing, Council will advise RES of the date and time of the proposed public hearing, and RES will provide a public notice of the Council hearing pursuant to Section 8.6.8.

### 8.5 PUBLIC NOTIFICATION

#### 8.5.1 Application of the Notice Process

Excess Property that is 2,000 square feet or less in size is exempt from the public notification requirements in this section 8.6.

#### 8.5.2 Initial Public Notice

8.5.2.1 When RES circulates the Excess Property Notice, Response and Proposed Use Forms, the Jurisdictional Department or RES should mail notice to all owners, lessees, and residents within 1,000 feet of the Excess Property; to all district councils established by Resolution 27709; and to such other persons and groups that, in the opinion of RES may have an interest in the Reuse or disposal of the Excess Property. The Jurisdictional Department shall consult with RES to determine which groups to notify and the geographic location of the potentially interested groups. RES shall consider the size and location of the Excess Property and the range of potential uses for the Excess Property in determining who should be notified. Types of groups RES should consider include, but are not limited, to community and neighborhood associations, local chambers of commerce, and non-profit housing, environmental and open space preservation groups.

8.5.2.2 This initial notice should describe the location of the Excess Property; explain its status as Excess Property; briefly describe the Reuse and Disposition Process; explain that this notice is part of the initial stage of determining what the City should do with the Excess Property, in which the Jurisdictional Department makes a recommendation about the Excess Property; generally explain potential alternatives such as reuse by another department or public entity or sale to the public or others; and invite comments, suggestions and recommendations from the public for a period of 30 days after the notice, on what should happen with the Excess Property. The notice should also explain that failure to comment or participate at this stage may preclude further notice at a later stage in the process.

### 8.5.3 Notice of Preliminary Report.

When RES prepares its Preliminary Report and circulates it to City Departments and Public Agencies, RES should provide the public an opportunity to comment on the Preliminary Report.

8.5.3.1 RES should mail or e-mail a notice, along with a copy of the summary of the Preliminary Report being circulated, to those persons and entities who responded to the Initial Public Notice. This notice should advise that RES and REOC will consider comments on the Preliminary Report for 30 days after mailing of the Notice and the summary of the Preliminary Report and advise the recipient where and to whom any comments should be addressed. In addition, RES should post one sign visible to the public at each street frontage abutting the Excess Property except, when there is no street frontage or the Excess Property abuts an unimproved street, RES may post signs at alternative posting locations on or as near to the Excess Property as possible so that notice is clearly visible to the public. The sign should contain a map showing the Excess Property, advise the public of the general recommendation for disposal of the Excess Property contained in the Preliminary Report and where and how a complete copy of the Preliminary Report may be obtained, advise the public that comments on the Preliminary Report received by a date certain no less than 30 days after the posting of the sign will be considered before the Council makes any final decision, and advise the public where and to whom any comments should be addressed. The sign should be at least 11 inches by 14 inches in size, with headings that can be read from a distance of 75 feet by persons of normal visual acuity.

### 8.5.4 Notice of Proposed Public Involvement Plan — (Complex Decisions Only)

At least 14 days prior to briefing the appropriate City Council committee on the proposed public involvement plan as described in Section 8.5.2.1, RES will mail or e-mail a notice to those persons and entities who had submitted comments pursuant to Initial Public Notice or pursuant to the Notice of the Preliminary Report. This notice should describe the Excess Property and the disposal disposition process, explain that a Preliminary Report has been developed, outline the proposed public involvement plan for reviewing and providing input on the Preliminary Report and where to obtain a copy of the proposed public involvement plan (if there is a separate plan), explain that there is a 14-day comment period on the proposed public involvement plan, and advise how and to whom to send comments on the proposed public involvement plan.

#### 8.5.5 Notice of Final Report or Transmittal of Legislation

When legislation is transmitted to the City Council that incorporates or includes a recommendation on disposal of Excess Property in a Simple Decision or when RES submits the Final Report and any necessary legislation to City Council in a Complex Decision, a notice should be mailed or e-mailed to the persons and entities that provided comments in response to the Initial Public Notice, the Notice of the Preliminary Report or the Notice of the Proposed Public Involvement Plan (Complex Decision only). The notice should advise that legislation regarding the Excess Property (and a Final Report in the case of a Complex Decision) is being transmitted to Council, outline the next steps in the legislative decisionmaking process, include the RES/REOC recommendation for disposition of the Excess Property, and describe where and how one can submit comments on the legislation or Final Report. In the case of a Final Report, the notice should advise that there is a 30-day period in which to provide comments on the Final Report before the City Council will take action.

#### 8.5.6 Renotification

If a Final Report (in the case of a Complex Decision) or legislation containing a disposal recommendation has not been sent to the City Council for approval within 18 months of the date that the Initial Public Notice was sent, then RES shall again notify the public about the status of the Excess Property in the disposal process using mailed notice to those parties described in Section 8.6.2. This notice should describe whether a Preliminary or Final Recommendation Report on reuse or disposal has been completed; whether negotiations are underway with any interested Transferee; and that the Excess Property continues to be available for transfer, purchase or for other use or disposal.

#### 8.5.7 Public Involvement Report.

As part of the Preliminary Report (in a Simple Decision) and the Final Report (in a Complex Decision) sent to the City Council, the REOC shall include a report on the public involvement process. The report should describe the public notification process used to comply with the provisions of this Section 8.6, as applicable, and include a list of all persons and entities notified by mail or e-mail, the date of the notice(s) and of the posting, the dates and locations of any public meetings, a copy of the notice(s) sent, and a summary of the number and substance of the public comments received.

#### 8.5.8 Notice of Council Public Hearing.

If the City Council decides to hold a public hearing on the disposal of the Excess Property, RES will provide a notice of the public hearing at least 14 days prior to the hearing, by mailing or e-mailing a notice to those persons or entities who have submitted comments or responses in response to the notices previously

provided regarding the disposal of the Excess Property, advising of the time and date of and opportunity to submit comments to the City Council at the Public Hearing about the proposed disposal of the Excess Property.

#### 8.5.9 RES Website Information.

RES will maintain a website with current information on the status of all Excess Properties under active consideration for reuse and disposal, including information on which step in the Excess Property reuse and disposal process each such property is in, links to any relevant reports, a map that includes the locations of excess properties, and contact names of staff in the relevant City department(s) who can provide additional information and respond to questions from the public.

### 8.6 IMPLEMENTATION AFTER CITY COUNCIL APPROVAL

After the City Council has approved the disposal, the Jurisdictional Department or other department authorized by the City Council should proceed with implementation.

If a Hold was approved, the REOC may allow a 1-year extension of the Hold. This extension may be granted only upon submittal of evidence that the transaction is still viable and progress has been made towards completing the conditions for which the Hold was granted.

If the conditions of the Hold have not been met following the expiration of the second year, if the proposed Transferee did not seek an extension of the Hold, or if such request was denied by the REOC, notice of the property's availability will be recirculated consistent with the process outlined under Initial Notification and Response in Section 8.1.

### 8.7 USE OF PROCEEDS FROM DISPOSITION OF SURPLUS PROPERTIES

Unless otherwise directed by ordinance or required by law, 80 percent of the net proceeds from the disposition of every City ~~S~~surplus ~~P~~property not intended for the development of Affordable Housing shall be deposited into the Low-Income Housing Fund (16400) to be used for the development of Affordable Housing that can include mixed-use developments, and/or the Equitable Development Initiative Fund to be used for costs directly related to the construction of an ~~A~~affordable ~~H~~housing project



**Appendix A**  
**UNDERUTILIZED PROPERTY REVIEW FORM**

<b><i>PROPERTY MANAGEMENT AREA (PMA) NAME, as found in RPAMIS:</i></b>
<b><i>ADDRESS:</i></b>
<b><i>LEGAL DESCRIPTION:</i></b>
<b><i>KING COUNTY TAX I.D.#:</i></b>
<b><i>CURRENT USE:</i></b>
<b><i>EXCESS CAPACITY:</i></b> Please provide a description of the Excess Capacity of this PMA, e.g., available land, type of building space available, amount of usable building space available, or time-of-day availability.
<b><i>POTENTIAL JOINT USES:</i></b>
<b><i>RESTRICTIONS ON USE and Source of Restrictions:</i></b>
<b><i>ORGANIZATIONAL POLICIES/DIRECTIVES REGARDING USE:</i></b>
<b>Jurisdictional Department:</b> _____
<b>Reviewer:</b> _____ <b>Date:</b> _____

## **Appendix B**

### **EXCESS PROPERTY DESCRIPTION**

The Jurisdictional Department should provide the information listed below to RES with its declaration of Excess Property. The RES will incorporate selected information in a circulation notice to City departments and Public Agencies.

1. Property Management Area (PMA) Name and Address.
2. A map that shows the location of the property.
3. Legal Description.
4. Tax Parcel I.D. Number(s), Property Management Area (PMA) I.D. and Subject Parcel ID's (as found in RPAMIS).
5. Snapshots or aerial photo of property, including current structures if any.
6. Brief history of property, including the original fund source and the reason The City acquired it
7. Copies of ordinance(s) authorizing acquisition, and any amendments or updates to that ordinance(s).
8. Citation of ordinances, statutes and regulations that particularly or uniquely affect or apply to this specific property.
9. Current easements, covenants and restrictions (as flagged in RPAMIS).
10. Recommended easements, covenants and restrictions upon transfer.
11. Jurisdictional Department's opinion on any current code or ordinance violations or delinquencies.
12. Fund to which Sale proceeds would accrue.
13. Jurisdictional Department's rough estimate of market value, expressed as a range of value, and basis for conclusion and/or original purchase price.
14. Any potential problems and any possible measures that could be taken to mitigate or prevent recurrence of problems

The Jurisdictional Department should attach copies of the following documents to this form: Copies of conveyance documents, leases, contracts, easements, title reports and surveys.

**Appendix C**  
**EXCESS PROPERTY NOTICE**

DATE:

TO:

FROM: Real Estate Services

SUBJECT: Property Name, Address

The attached described Real Property under the jurisdiction of the Department of \_\_\_\_\_ is considered excess to the needs of that department. City departments and Public Agencies are being informed of its potential availability in accordance with the *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

Further information regarding this property can be obtained from \_\_\_\_\_ phone: \_\_\_\_\_). For questions regarding the City's Excess Property circulation and review process, please call Real Estate Services , (phone: \_\_\_\_\_).

By completing the attached response form, please indicate whether your agency or department is interested in acquiring the property or jurisdiction over it, whether it has or needs facilities, utilities or access rights on, through or over the property, or include the Department's comments concerning the property's Disposal or Reuse. If your department or Public Agency is interested in acquiring the property or jurisdiction over it, an *Excess Property Proposed Use Form* must be attached to your response and signed by the Director or authorized designee of your organization.

All responses must be signed and dated. Responses must be received by \_\_\_\_\_.

**Appendix D  
CITY OF SEATTLE  
EXCESS PROPERTY RESPONSE FORM**

**Date:**

**PROPERTY NAME, ADDRESS:**

**LEGAL DESCRIPTION:**

**KING COUNTY TAX I.D.#:**

**PMA ID#:**

**SUBJECT PARCEL ID#'s:**

**Department/Public Agency:** \_\_\_\_\_

\_\_\_\_\_ We have no interest in this property.

\_\_\_\_\_ We are interested in acquiring the property or jurisdiction over it. A completed *Excess Property Proposed Use Form* is attached to this response.

\_\_\_\_\_ We have facilities on the property or access rights through or across the property as described below (add additional sheets as necessary):

\_\_\_\_\_ We need facilities on the property or access rights through or across the property as described below (add additional sheets as necessary):

\_\_\_\_\_ We have identified the following plans, policies, objectives, limitations or other factors as found in adopted or proposed City plans and policies that may affect the Reuse or Disposal of the property (add additional sheets as necessary):

\_\_\_\_\_ We have the following comments regarding the proposed Reuse or Disposal of this property (add additional sheets as necessary):

\_\_\_\_\_  
**Reviewer**

\_\_\_\_\_  
**Department**

\_\_\_\_\_  
**Date**

**Appendix E**  
**EXCESS PROPERTY PROPOSED USE FORM**

<b>PROPERTY NAME, ADDRESS</b> <b>LEGAL DESCRIPTION:</b> <b>KING COUNTY TAX I.D.#:</b> <b>PMA ID#:</b> _____ <b>SUBJECT PARCEL ID#'s:</b> _____	
<b>RESPONDING DEPARTMENT/AGENCY</b> _____	
<b>CONTACT PERSON:</b> _____ <b>PHONE:</b> _____	
<b>PROPOSED USE:</b> Describe the proposed use for the property, including information on potential improvements, users, tenure, impact on neighborhood such as parking, traffic volumes. (Attach additional pages as necessary).	
<b>EST. IMPLEMENTATION DATE:</b> _____ <b>EST. COST :</b> _____ <b>EXPECTED TERM OF USE:</b> _____ <b>FUND SOURCE(S):</b> _____ Are funds appropriated? <u>YES</u> <u>NO</u> . If no, when will funds be appropriated? _____	
<b><u>BENEFITS TO THE CITY OF SEATTLE FROM THIS PROPOSAL:</u></b>     	
<b><u>SUPPORTING POLICIES.</u></b> List the adopted plans and policies (itemize specific sections in major documents) which support, or are implemented by, this proposed use.     	
<b>Signature of Department/Agency Director or designee</b> (Printed or typed name)	<b>Date</b>

## Appendix F PROPERTY REVIEW PROCESS DETERMINATION FORM

Property Name: _____	
Address: _____	
PMA ID: _____	
Dept./Dept. ID: _____ / _____	Current Use: _____
Area (Sq. Ft.): _____	Zoning: _____
Est. Value: _____	

### PROPOSED USES AND RECOMMENDED USE

Department/Governmental Agencies: _____	Proposed Use: _____
_____	_____
Other Parties wishing to acquire: _____	Proposed Use: _____
_____	_____

RES'S RECOMMENDED USE: \_\_\_\_\_

Note: If the Office of Housing proposes the excess property be transferred to an entity for the development of **A**ffordable **H**ousing it will automatically follow the steps for "Simple Decisions" described in 8.4.1.

### PROPERTY REVIEW PROCESS DETERMINATION (circle appropriate response)

1.) Is more than one City dept./Public Agency wishing to acquire?	No / Yes	15
2.) Has the community submitted an independent proposal for the use of the property?	No / Yes	15
3.) Have individuals, community groups and/or other interested parties contacted the City regarding any of the proposed options?	No / Yes	15
4.) Will consideration be other than cash?	No / Yes	10
5.) Is Sale or Trade to a private party being recommended?	No / Yes	25
6.) Will the proposed use require changes in zoning/other regs?	No / Yes	20
7.) Is the estimated Fair Market Value between \$500,000-\$2,000,000?	No / Yes	10
8.) Is the estimated Fair Market Value over \$2,000,000?	No / Yes	45

Total Number of Points Awarded for "Yes" Responses: \_\_\_\_\_

Property Classification for purposes of Disposal review: \_\_\_\_\_ Simple / Complex (circle one)  
 (a score of 45+ points results in "Complex" classification)

Signature \_\_\_\_\_ Department \_\_\_\_\_ Date \_\_\_\_\_

**TABLE 1.  
PROCEDURES FOR PERIODIC REVIEW OF REAL PROPERTY BY JURISDICTIONAL DEPARTMENT <sup>a</sup>**

<b>Property Classification</b>	<b>Minimum Frequency <sup>b</sup></b>	<b>Purpose</b>	<b>Elements of Review</b>	<b>Comments</b>
Fully Utilized Municipal Use	Every 5 years, with 1/5 annually <sup>c</sup>	Recommend retention for current use, transfer of jurisdiction to another department, or reclassification	Criteria and factors in adopted Council policy.	--
Underutilized	Annually	Identify potential additional uses	Additional uses the property can accommodate, including Affordable Housing (Jurisdictional Department may ask RES or OH for help) Compatibility of such additional uses with existing or planned use. Criteria and factors in adopted Council policy	Requires use of Underutilized Property Review Form.  Jurisdictional Department to solicit proposals for Joint Use of Underutilized Property.
Interim Use	Annually	Review status	Status of proposed future use Potential municipal uses for short or long term	--
Unused	Annually	Identify future uses or reclassify as Excess	Priorities, Criteria, and factors as included in adopted procedures and policy guidelines included in Resolution 31837	If needed for future Municipal Use, consider Interim Use. If no identified current or future Municipal Use, declare as Excess

<sup>a</sup> Upon notification to RES, review function may be delegated to Managing Department or to RES.

<sup>b</sup> Unscheduled review of a specific property may be requested by Mayor, City Council, or RES staff. City departments, Public Agencies, or private entities may also ask for review, but must direct request to RES.

<sup>c</sup> Exceptions possible if so granted by RES, for properties with deed restrictions that specify or limit use

**TABLE 2.  
DETAILS TO BE REPORTED ON THE  
EXCESS PROPERTY RESPONSE FORM**

SOURCE	RESPONSIBILITY
All departments and Public Agencies	<p>Identify plans or policies—whether adopted or proposed— that may affect the Reuse or Disposal of the Excess Property, and specify relevant planning objective or limitations therein.</p> <p>Describe utilities or facilities, specific to respondent, currently on the Excess property.</p> <p>List property rights specific to respondent (such as Easements) across, to, or through the Excess property that may be needed.</p> <p>Search records going back 3 years to provide information received about the specific property from Public Agencies, individuals, or other entities.</p> <p>Identify any interest in acquiring the property.</p>
Seattle Public Utilities Department	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Seattle City Light	Identify Easement rights that should be reserved for existing or future utilities if the property is transferred to a non-City entity.
Law Department	<p>Assist in identifying restrictions on Reuse or Disposal. Help resolve any Encumbrance issues.</p> <p>Note: The Jurisdictional Department and Real Estate Services should provide relevant documents for this purpose.</p>
Office of Planning and Community Development	Identify planning and management goals for the area in which the property is located, as identified in the Comprehensive Plan and other adopted plans and policies.
Department of Neighborhoods	<p>Identify any neighborhood plans, urban design framework or other community planning document, that has been adopted for the area in which the property is located.</p> <p>Identify whether a proposal for acquisition, use, or Disposal of the property has been developed as part of an adopted neighborhood plan, an urban design framework, or other community planning document.</p>