Preliminary Recommendation Report On Reuse and Disposal of the Greenwood Senior Center 525 North 85th Street/PMA 145 (hereinafter, the "<u>Property</u>") June 2017

Authority Underlying the Preparation of this Preliminary Recommendation Report (the "Report")

This Report is presented pursuant to the directives set forth in Seattle City Council resolution 29799 (hereinafter, "**Resolution 29799**") - later modified by resolution 30862, with respect to the disposition of excess real property. These resolutions adopted *Procedures for the Evaluation of the Reuse and Disposal of the City's Real Property* (the "**Disposition Procedures**"). Specifically, Disposition Procedures section 8 provides for the preparation of a pair of reports – preliminary and final, documenting a department's analysis and recommendation with respect to the reuse or disposal of real property once such property has been declared excess.

FAS Recommendation

FAS recommends that the Property be transferred to its tenant - the Phinney Neighborhood Association, a Washington non-profit corporation (the "<u>PNA</u>"). In return, the PNA would take the Property subject to covenants whereby it must both (a) use the Property to provide certain senior services; and (b) obtain the consent of the City's Office of Housing prior to the re-development of the Property. The PNA will also need to enter into a HUD-mandated, sub-recipient agreement, whereby the PNA cannot change the use of the Property for a set term of years. This requirement originates from the regulations implementing HUD's Community Development Block Grant ("<u>CDBG</u>") program, the primary source of funds for the purchase of the Property.

Background

The Property is roughly rectangular. The long side of the Property – about 210 feet in length - adjoins North 85th street, a principal arterial. Improvements to the Property consist of a two-story, approximately 9,600 square foot, brick façade building, most of which was constructed in 1950 for use as a medical clinic.

See the excess property description set forth in <u>Attachment A</u>. See <u>Attachment B</u> for the Property's tax parcel map.

The City of Seattle acquired the Property in 1978 for use as a senior center. In 1984, the Greenwood Senior Center - a Washington non-profit corporation then in possession of the Property, constructed a \$128,000 addition to the building, funded in part with donated labor and materials. In late 1987 the Greenwood Senior Center also purchased the 3,171-square-foot parcel adjoining the Property's easterly boundary.

In early 1987, the City entered into a long-term lease with the Greenwood Senior Center, a non-profit corporation and operator of the Property.¹ Not unlike other leases with non-profit organizations, the City's lease with the Greenwood Senior Center was structured as a mutually-offsetting benefit – or "<u>MOB</u>", lease. MOB leases were developed by FAS's predecessor – the Department of Administrative Services, pursuant to a 1987 resolution adopted by the Seattle City Council. The basic framework of an MOB lease is that in exchange for providing services to the public, a non-profit tenant pays little or no cash rent, the City is typically responsible for normal repairs to the roof, walls, foundation and building systems necessary to maintain the building in a tenantable condition, and the non-profit tenant takes care of everything else.

The lease expired in 2003. The Greenwood Senior Center held over as tenant. In 2006, the PNA and Greenwood Senior Center merged. Pursuant to the merger agreement, the PNA stepped into the Greenwood Senior Center's shoes as the holdover tenant on the Property. Like the Greenwood Senior Center, the PNA pays no cash rent.

As is the case with other MOB properties, the lack of cash rent from the Property means that the City lacks a dedicated revenue stream to fund maintenance and repairs, let along upgrades. In response to a 2012 Seattle City Council *Statement of Legislative Intent*, in March 2012 FAS assessed the condition of each of six MOB properties in its portfolio and reiterated the lack of a dedicated source of funds to pay for the maintenance of and repairs to the MOB properties. The proposed strategy in the FAS's 2013 Mutual and Offsetting Benefit Lease Policy Report (SLI 58-1-A-2 Part II) was to negotiate a transfer of the Greenwood Senior Center property to the PNA for continued operation of a senior center.

Reuse or Disposal Options Evaluation Guidelines

Section 1 of Resolution 29799 requires the Executive to make its recommendation for the reuse or disposal of any property that is not needed by a department using the following guidelines:

A. Consistency

The analysis should consider the purpose for which the property was originally acquired, funding sources used to acquire the property, terms and conditions of original acquisition, the title or deed conveying the property, or any other contract or instrument by which the City is bound or to which the property is subject, and City, state or federal ordinances, statutes and regulations.

As discussed in City of Seattle ordinance 107016 dated December 27, 1977, the Property was acquired for use as a senior center. Based upon a review of historical records, FAS estimates that the City's approximately \$230,000 purchase price was funded as follows:

¹ The lease listed both the Greenwood Senior Center and Senior Services of Seattle-King County as tenants. If and when Senior Services of Seattle-King County's interest in the leasehold was terminated is unclear.



The statutory warranty deed conveying title to the City contained no restrictions, reservations or covenants. See <u>Attachment C</u> for a copy of the deed. While part of the Property's acquisition price was funded with monies from the state of Washington's Social and Health Services Facilities 1972 bond issue (authorized by Referendum 29), the contract governing the award of the grant to the City expired long ago.

Re-use and disposition options for the Property are subject to applicable federal regulations governing CDBGs. A change in use of the building would trigger redeployment of the CDBG's pro-rata share of the proceeds to another national objective. If the City were to displace the PNA from the Property and repurpose the property for a non-human services use, or if FAS sold the Property to a private developer, the City would then have to re-deploy 72% of the net proceeds of the sale to another (HUD-defined) national objective. In effect, the City's role with respect to the CDBG funds deployed to fund the Property's acquisition is much like that of a trustee.

The City's intention is to have the Property continue to serve as a senior center through several covenants, and agreement which will satisfy these federal and state requirements.

B. Compatibility and Suitability

The recommendation should reflect an assessment of the potential for use of the property in support of adopted Neighborhood Plans; in support of low-income housing and/or affordable housing; in support of economic development; for park or open space; in support of Sound Transit Link Light Rail station area development; in support of child care facilities; and in support of other priorities reflected in adopted City policies.

The Greenwood/Phinney Ridge Neighborhood Plan (dated April 1999) did not mention the presence of a senior center. Continued use of the building as s senior center limits the potential for developing park or open space on the site. The Property is not close to any existing or proposed Sound Transit Link Light stations. A child care facility could be incorporated into a potential future redevelopment project. While it

is unlikely that the transfer of the Property to the PNA will have any direct impact on economic development, the redevelopment of the Property – if and when it occurs – could spur economic development on and around the Property. FAS worked with the City's Office of Housing and the PNA to evaluate the feasibility of adding housing to the site through a joint development project or similar effort. While the Property's existing zoning – NC2-40 - accommodates housing of all types - including what might be considered affordable housing, the resulting analysis was that both economic and operational factors limited the feasibility of a project at this time. For this reason, the City is recommending that the City retain some rights to be involved in a future development project when and if the PNA considers a redevelopment opportunity.

C. Other Factors

The recommendation should also consider:

• *the highest and best use of the property.*

Given the Property's NC2-40 zoning designation, the Property's highest and best use is probably multi-family (e.g., apartments) over commercial space.

• compatibility of the proposed uses with the physical characteristics and with surrounding uses.

The PNA's proposed use of the Property – continuation of the existing use as a neighborhood senior center – is consistent with the Property's physical characteristics and with surrounding uses.

• *timing and term of the proposed use.*

The timing for the PNA's use of the Property as a neighborhood senior center is immediate, given that such use represents a continuation of an existing use. Pursuant to the proposed subrecipient agreement, the Property must be used as a senior center for an extended term.

appropriateness of the consideration to be received.

Consideration to the City for the transfer of the Property will be in the form of (a) covenants running with the land, and (b) the PNA's entering into a sub-recipient agreement. The PNA will pay no cash consideration. Given that a sale of the Property to a for-profit entity would almost certainly trigger a change in use and thus require the City to re-deploy 72% of the net proceeds to another (HUD-defined) national objective, in this case, consideration to the City in the form of the covenants and the sub-recipient agreement, is deemed adequate.

• *unique attributes that make the property hard to replace (e.g., size, location).*

The City's Human Services Department takes the position that the Property is well-located for purposes of serving the needs of seniors in the nearby community. Additionally, the Property's ample parking makes it accessible to seniors who wish to drive to the senior center.

 potential for consolidation with adjacent public property to accomplish future goals and objectives of the City. Aside from adjacent public right of way, there are no adjacent properties under public ownership and thus there exists no potential for consolidation.

• Conditions in the real estate market from the perspective of a property seller.

While conditions in the current real estate market clearly favor the City as seller and thus would normally favor an outright sale, the constraints imposed by HUD regulations, the strong institutional capacity of the PNA, and the appropriateness of the consideration in the form of covenants/sub-recipient agreement favor the transfer of the Property to the PNA.

known environmental factors that might affect the value of the property.

In the early stages of negotiations with the PNA over the terms and conditions of a transfer, the PNA raised concerns over an abandoned, underground heating oil tank on the Property. This prompted FAS to commission a limited subsurface investigation to determine whether heating oil was present in the subsurface area around the underground heating oil tank. No unacceptable levels of contaminants were found.

D. Sale

The recommendation should evaluate the potential for selling the property to non-City public entities and to members of the general public.

The Property has been in continuous use as a senior center for over 30 years, and the City wishes to continue to see a senior center serve Greenwood and surrounding neighborhoods.

In addition, as addressed above, selling the Property to either a non-City public entity (other than the PNA) or a member of the general public would likely trigger a change in use. In such case, HUD regulations dictate that the City re-deploy approximately 72% of the net proceeds to another (HUD-defined) national objective. Given these complications, FAS has concluded that there is little to be gained by the City in a sale or transfer of the Property to a party other than the PNA.

Notifications and Public Involvement

As required pursuant to the Disposition Procedures, FAS notified City departments and public agencies of the Property's availability, and has sent notices to all owners and residents within 1,000 feet of the Property. Responses were generally in favor of FAS transferring the Property to the PNA.

More specifically, in May 2015 FAS distributed the excess property notice to representatives of various City departments and public agencies. See <u>Attachment D</u> for the form of this excess property notice and <u>Attachment E</u> for the notice's distribution list. None of these departments or agencies expressed interest in the Property.

In the summer of 2016, Lacy & Par, Inc. distributed a second excess property notice, this one to 1,530 owners and residents with property interests situated within 1,000 of the Property. FAS received forty-one comments. Almost without exception, the comments were supportive of the City transferring the Property to the PNA. The one exception was an inquiry from an owner of an adjacent property. The inquiry pertained to what constraints on the Property's future development would be imposed on the

PNA. See <u>Attachment F</u> for the form of this second excess property notice. See <u>Attachment G</u> for a summary of comments received in response to the second excess property notice.

Classification – Simple of Complex

The Disposition Procedures require that FAS classify the disposition as either simple or complex, guiding the remaining steps in the disposition process. Where the estimated fair-market value of a property exceeds \$1 million, the disposition is automatically considered complex. As the estimated market value is over \$2,500,000 (see section 12 of the Excess Property Description set forth in Attachment A), the disposition is automatically classified as complex.

[Attachments begin on the following page]

Attachment A – Excess Property Description

2017 Disposition of the Greenwood Senior Center 525 North 85th Street/PMA 145 Excess Property Description

1.	Property Management Area Name and Address	Greenwood Senior Center 525 North 85 th Street	
2.	Legal description	The north half of Lot 2; and the east 60 feet of Lot 3; Block 19, Osner's Second Addition to Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 3, in King County, Washington, EXCEPT the south 110 feet of said portion of Lot 3 (hereinafter, the " Property ").	
3.	Certain identifying numbers and Property particulars	 PMA: 145 King County Assessor's number: 643050-0322 Subject Parcel Number (per RPAMIS): A50532 Zoning: NC2-40 Land area: 21,987 	
4.	Photographs	Will be furnished when weather permits.	
5.	Brief history of Property	 The building on the Property was constructed in 1950 to house the medical practice of Clayton Noonan, MD. In 1978, utilizing grant funding from a federal (HUD) Community Development Block Grant, federal revenue sharing and state of Washington Referendum 29, the City purchased the Property from Dr. Noonan and his wife, Sherleen, for approximately \$230,000. Shortly after the City's acquisition of the Property, the Greenwood Senior Center became the City's tenant. In 1984 the Greenwood Senior Center constructed a \$128,000 addition to the building, funded in part with donated labor and materials. 	
		With the 2006 merger of the Phinney Neighborhood Association, a non-profit corporation (" <u>PNA</u> ") and the Greenwood Senior Center, the PNA became the City's tenant.	
6.	Copy of each ordinance pertaining to the Property's acquisition	See Ordinance 107016, pertaining to the Property's acquisition.	
7.	Citation of ordinances, statutes and regulations which particularly or uniquely affect or apply to the Property	See Ordinance 113285, pertaining to the Property's 1987 mutual offsetting benefits lease. See 24 CFR 570.	
8.	Current easements, covenant and restrictions (as flagged in RPAMIS)	None	

9.	Recommended easements, covenants and restrictions upon transfer	FAS Real Estate Services recommends that the PNA be required to execute two additional agreements:		
		 a HUD-mandated (CDBG) sub-recipient agreement, including a provision whereby the PNA must pay to the City approximately 72% of the Property's fair-market value if there is a change in use of the Property during the term of the sub-recipient agreement. 		
		2. A covenant whereby the PNA, for a fifteen-year term (commencing at the date of transfer), must:		
		a. Use the property to furnish senior services.		
		b. Obtain the consent of the City's Office of Housing before securing any re-development permits.		
10.	Jurisdictional department's opinion on any current code or ordinance violations or delinquencies	FAS Real Estate Services offers no opinion.		
11.	Fund to which sale proceeds would accrue	Not applicable.		
12.	Jurisdictional rough estimate of market value, expressed as a range of value, and basis for conclusion	The Property's estimated market value is approximately \$2,530,000. FAS Real Estate Services assigns no value to the Property's improvements. The estimated market value approximates the product of the square footage of the Property's land area – about 22,000 square feet, and a land value of \$115 per square foot. The per square foot land value was derived from the 2016 Assessment Roll as published by the King County Department of Assessments, specifically, the typical land value for NC2-40 zoned land in the Greenwood neighborhood, area 19-40. Note that a 2013 broker opinion of value as prepared by Chiles & Company Inc. assigned a value of \$1,000,000 to the Property.		
13.	Any potential problems and any possible measures that could be taken to mitigate or prevent recurrence of problems	Located on the Property is an abandoned, 1,000-gallon heating oil underground storage tank. In early 2015 FAS commissioned SoundEarth Strategies, Inc. to conduct a limited subsurface investigation. The investigation revealed no evidence of petroleum-contaminated soil near the abandoned heating oil underground storage tank.		
14.	Other	In 1987, the PNA's predecessor-in-interest – the Greenwood Senior Center, acquired the 3,171 square-foot parcel adjoining the Property's eastern boundary. Title to this parcel was vested in the PNA pursuant to its 2006 merger with the Greenwood Senior Center. This parcel facilitates circulation and parking for the Property's building.		



Location of the Property

Attachment C – Copy of Statutory Warranty Deed whereby title to the Property was conveyed to the City

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		Statutory Warranty Deed						
	THE GRANTOR C.T. NOONAN, a. D. NOONAN, hus							
	for and in consideration of TEN DOLLARS AN	ND OTHER GOOD AND VAL	LUABLE CONSIDERATION					
	in hand paid, conveys and warrants to CITY OF	SEATTLE						
	the following described real estate, situated in the Co	ounty of KING	State of Washington:					
	The north half of Lot 2; and 4 Osner's Second Addition to Sec recorded in Volume 12 of Plats EXCEPT the south 110 feet of s	the east 60 feet of I attle, according to t s, page 3, in King Co	Lot 3, Block 19, the plat thereof punty, Washington:					
		15	EXCISE TAX NOT REQUIRED					
	Dated November 17,	77 By	GX an -					
	Dated to to back 247	, ₁₉ 77 上头	Deputy					
	Clayton T. Noonan							
	11.1	1 hours						
	Sherleen D. Noonan Akula	the day is descent						
	STATE OF WASHINGTON COUNTY OF King ss.	STATE OF WASHINGTON	} ss.					
	On this day personally appeared before me	COUNTY OF	Jotary Public in and for the State of Wash					
	Clayton T. Noonan and Sherleen D. No to me known to be the individual described in and	onan ington, duly commissioned and s	lotary Public in and for the State of Wash- sworn, personally appeared					
	who executed the within and foregoing instrument	and	in a second constraint and a second					
	and acknowledged that they signed the same as their free and voluntary act and deed,	to me known to be the respectively, of	President and Secretary					
	for the uses and purposes therein mentioned.	the corporation that executed t the said instrument to be the fre	he foregoing instrument and acknowledged e and voluntary act and deed of said corpor-					
	GIVEN under my hand and official seal this	ation, for the uses and purposes authorized to c	therein mentioned, and on oath stated that					
	day of Derryken 197	annea is the corporate seat of sal	a corporation. al seal hereto affixed the day and year first					
	Notary Public in and for the State of Wash-		I for the Class of W. At					
	ington. residing at Sea Utt	residing at	and for the State of Washington.					
	WN-29							

Attachment D – Form of excess property notice as sent to representatives of various City departments and public agencies



Department of Finance and Administrative Services

EXCESS PROPERTY NOTICE

DATE: May 11, 2015

TO: Departments within the City of Seattle and local public agencies

FROM: Robert C. Farrell, City of Seattle Department of Finance and Administrative Services/Real Estate Services

Certain real property under the jurisdiction of the City of Seattle's Department of Finance and Administrative Services is considered excess to the needs of that department. We are asking for your review and comment in accordance with the *Procedures for the Evaluation of the Reuse and Disposal of the City's Real Property*, as adopted by the Seattle City Council pursuant to resolution 29799 (referred to elsewhere in this notice as the "**Reuse and Disposition Procedures**").

The subject property is currently operated as the Greenwood Senior Center. Its street address is 525 North 85th Street, Seattle, WA 98103. Its King County Assessor parcel number is 643050-0322. The property consists of approximately 22,000 square feet of land area and is zoned NC2-40. The Greenwood Senior Center property is currently leased to the Phinney Neighborhood Association. The lease is characterized as a mutual and offsetting benefit ("<u>MOB</u>") lease. In lieu of paying the City cash rent, the Phinney Neighborhood Association instead provides services to the public.

In its response to City Council Statement of Legislative Intent 58-1-A-2, FAS took the position that when a property is subject to a MOB lease and the tenant has demonstrated the capacity to manage the property on a long-term basis, title to the property should be transferred to the tenant. Here, given that (a) the Greenwood Senior Center is subject to a MOB lease, and (b) the tenant has demonstrated the capacity to manage the property on a long-term basis, FAS now expects to propose that title to the property be transferred to the Phinney Neighborhood Association.

Please complete and return the attached *Excess Property Response Form.* Be sure to indicate what interest – if any - your department or agency has in acquiring either the property or jurisdiction over it, as well as whether your department or agency has or needs facilities, utilities or access rights on, through or over the property. Be sure to include any comments your department or agency has regarding the property's disposal or reuse. If your agency or department is interested in acquiring the property, please complete and return the attached *Excess Property Proposed Use Form.*²

Please note that pursuant to section 8.1 of the Reuse and Disposition Procedures, a department or public agency may request a delay in the City's disposition of an excess property -a hold, so as to allow such department or agency time to take steps (e.g., secure funding) necessary for its acquisition of the property. But you should also note that a request for a hold is subject to Real Estate Services' review and approval.

All responses must be signed by a director or authorized designee of your department or agency, and be received on or before June 11, 2015.

Please send your response to:

Robert C. Farrell, Senior Real Property Agent Real Estate Services/Department of Finance and Administrative Services Seattle Municipal Tower 700 Fifth Avenue, Suite 5200 P.O. Box 94689 Seattle, WA 98124-4689

For further information regarding either this property in particular, or the City's Reuse and Disposition Procedures in general, contact Robert C. Farrell, Senior Real Property Agent with FAS Real Estate Services group, at 206-684-7154.

² Excess Property Proposed Use Form omitted from the October 2016 report.

Attachment E – Distribution list for excess property notice as sent to representatives of various City departments and public agencies

royal.a@portseattle.org; Astrein, Ken <Ken.Astrein@seattle.gov>; Bresnahan, John <John.Bresnahan@seattle.gov>; Bretzke, Daniel <Daniel.Bretzke@seattle.gov>; Carpenter, Pree <Pree.Carpenter@seattle.gov>; claire.christian@kingcounty.gov; Cross, Judith < Judith.Cross@seattle.gov>; danw@kcha.org; DeFazio, Patti <Patti.DeFazio@seattle.gov>; Deherrera, Roque <Roque.Deherrera@seattle.gov>; denise.hauck@kingcounty.gov; Devore, Jennifer <Jennifer.Devore@seattle.gov>; Hamilton, Hillary <Hillary.Hamilton@seattle.gov>; Harris, Donald <Donald.Harris@seattle.gov>: Hooper, Rick <Rick.Hooper@seattle.gov>; Huff, Vickie <Vickie.Huff@seattle.gov>; Huggins, Larry <Larry.Huggins@seattle.gov>; jensenjl@wsdot.wa.gov; Jung, Mary <Mary.Jung@seattle.gov>; kjjohnson@seattleschools.org; ken.smith@gsa.gov; Kent, Mike <Mike.Kent@seattle.gov>; Lester, Catherine L <Catherine.Lester@seattle.gov>; linda.holecek@kingcounty.gov; Macdonald, Rich <Rich.Macdonald@seattle.gov>: Gardner, Marilynne < Marilynne.Gardner@spl.org>; campagnaro.m@portseattle.org; Noble, Ben <Ben.Noble@seattle.gov>: Potter, Chris < Chris.Potter@seattle.gov>; Richter, Matthew <Matthew.Richter@seattle.gov>; roger.hansen@soundtransit.org; Roskin, Miriam <Miriam.Roskin@seattle.gov>; Sheldon, John <John.Sheldon@seattle.gov>; John.Skelton@seattle.gov; Takahashi, Ken <Ken.Takahashi@seattle.gov>; Watson, Wendy < Wendy. Watson@seattle.gov>; Yamamoto, Nancy <Nancy.Yamamoto@seattle.gov> Lee Harper <leeh@phinneycenter.org>

Attachment F – Form of excess property notice as sent to owners and residents with property interests situated within 1,000 feet of the Property



City of Seattle Edward B. Murray, Mayor

Finance and Administrative Services Fred Podesta, Director

July 15, 2016

Greenwood Senior Center Transfer of City-Owned Property Notice 525 N. 85th St.

Dear Neighbor,

The City of Seattle's Department of Finance and Administrative Services (FAS) is moving forward with a recommendation to transfer ownership of the Greenwood Senior Center (GSC) to the Phinney Neighborhood Association (PNA). The GSC has been in the building since 1979, when the City purchased it, and GSC has been a program of the PNA for the last ten years. As planned, essentially all functions, classes, programs and other services that are provided at the senior center will remain in place under the PNA's ownership. The transfer of the property to the PNA will allow the PNA to develop a more complete, long-range plan for the senior center.

FAS is contacting community groups, property owners and residents within approximately 1,000 feet of the senior center, as well as users of the center, to inform them of this possible transfer of ownership from the City to the PNA. The Seattle City Council must approve the transfer of the property. As the senior center provides a welcome public benefit, FAS will propose to the Seattle City Council that the City transfer this property at no cost to the PNA, so as long as it, or a successor non-profit organization, continues to use the property primarily for social or health services.

The City has an extensive disposition procedure that invites public comment regarding the reuse and/or disposition of its properties. For more information about this process, please visit our website at <u>www.seattle.gov/real-estate-services/property-reuse-and-disposition-overview</u>. The City also stresses transparency and the availability of information for interested parties to have access, and will post information on our website at <u>www.seattle.gov/real-estate-services</u>.

The City welcomes feedback on this proposed transfer of property. You may provide feedback by contacting me at 206-684-7154 (telephone), <u>Robert.farrell@seattle.gov</u> (email), or via the mail, care of:

Robert Farrell City of Seattle Department of Finance and Administrative Services P.O. Box 94689 Seattle, WA 98124

Please be aware that any written comments become part of the public record.

Sincerely Robert Parrel Real Estate Services

Department of Finance and Administrative Services 700 Fifth Avenue, 52nd Floor P.O. Box 94689 Seattle, Washington 98124-4689 Tel (206) 386-0041 Fax (206)684-7898 Hearing Impaired use the Washington Relay Service (7-1-1) http://www.seattle.gov/FAS Attachment G - Summary of comments received in response to excess property notice as sent by Lacy and Par, Inc. to owners and residents with property interests situated within 1,000 feet of the Property.

Telephone calls	3	Two supportive of the transfer, with one inquiry as to the PNA's plans for the Greenwood Senior Center site
Post cards	26	Almost all were supportive, and none were opposed
Letters	1	Supportive
Emails	11	All supportive
Total	41	