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May 31, 2024

Councilmember Robert Kettle
Seattle City Council
Seattle City Hall
600 4th Ave
Seattle, WA 98104
Sent via email to Robert.Kettle@seattle.gov

Subject: Request for Revision of Proposed “Dangerous Buildings” Ordinance to Protect Historic Landmarks

Dear Councilmember Kettle,

I am writing on behalf of Friends of Historic Belltown and the Belltown community to ask for your help in protecting some much-loved historic Belltown buildings from the proposed “dangerous buildings” ordinance¹. The ordinance would declare an emergency and allow for the immediate demolition of any building deemed “dangerous” by the Seattle Fire Department.

STATEMENT OF CONCERN

In reviewing the draft ordinance, we noticed that the City’s Landmarks Preservation Ordinance (LPO, SMC Chapter 25.12) was not mentioned. We believe this to be a serious omission because many vacant buildings that may be subject to immediate demolition under the emergency ordinance are either already designated city landmarks or are historic buildings that may meet the criteria for such landmark designation.

We are specifically concerned about the landmarked Mama’s Mexican Kitchen (2nd and Bell) and the Franklin Apartments (4th and Bell) as well as the historic but not yet landmarked Haddon Hall Apartments (built 1910) and the Heiden Building (1914), both located on 3rd Avenue near Virginia Street. There may be other historic buildings at risk as well.

While we understand that public safety is a priority over historic preservation, we believe that there are alternatives to demolishing these buildings that should

¹ <https://harrell.seattle.gov/2024/04/18/as-fires-surge-in-vacant-buildings-mayor-harrell-proposes-emergency-legislation-for-faster-demolition-and-remediation-of-risks/>

“It Starts on Second”

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be considered, both collectively and on a case-by-case basis. Rather than a broad-brush authorization to destroy all vacant buildings in the city deemed to be a risk, we hold that each building should be evaluated individually based on risks, public values, and available alternatives to demolition. We believe the city has a duty to conduct this due diligence regarding historic buildings under the LPO and that the city can use its regulatory authorities to create an expedited process for reviewing historic vacant buildings. We believe such an expedited process – funded by property owners – would ensure that public safety concerns are promptly addressed, consistent with the LPO and the City’s fiduciary duty to protect important community assets.

DETAILS REGARDING CONCERNS

In addition to the overall concern that historic buildings will be demolished, we have three primary concerns regarding the emergency ordinance:

CONCERN #1: LACK OF FAIRNESS

From a fairness perspective, property owners bear the primary duty to protect both public safety and historic properties that hold public values, as required under the LPO. The proposed ordinance allows property owners to destroy historic properties and potentially increase their asset valuations by eliminating what buyers may see as a liability. Thus, under the proposed ordinance as written, property owners can profit at the direct cost to the community. We believe that property owners are already unfairly increasing their asset valuations with minimal maintenance investment at the cost of the community by allowing historic properties to decay and pose a risk to the community, as well as creating visual blight, while they wait for the most profitable time to sell or develop. We view the ordinance as a continuation of these unfair financial benefits to property owners, essentially rewarding them for their negligence at the cost of destroying valuable community assets.

CONCERN #2: POSSIBLE LEGAL ERRORS

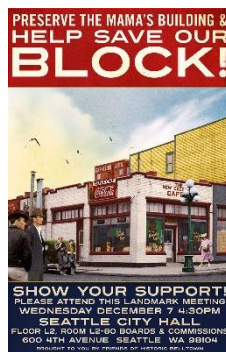
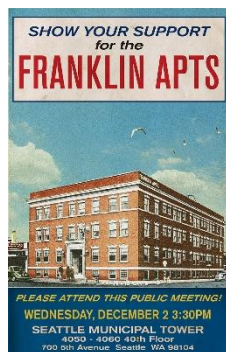
From a legal perspective, we believe this ordinance to be a significant departure from existing city policies regarding landmarks and likely to result in significant adverse impacts on the Belltown environment. This may trigger SEPA review, including the requirement for identification, consideration, and public disclosure of significant adverse impacts and any alternatives considered to avoid such impacts.

It is important to consider that SEPA applies even to emergency actions, and that significant harms done by such actions must be considered, particularly when concerns regarding such harms have been clearly raised by concerned citizens.

Additionally, we believe that historic buildings are community assets held in trust by the City through the LPO. Allowing the unnecessary destruction of these assets would not align with the city's fiduciary responsibility to the Belltown community to take reasonable measures to protect historic properties, including designated landmarks. This concern is particularly relevant given the City's current challenges in adequately enforcing public safety regulations regarding vacant buildings, which underscores the responsibility of the City to protect historic community assets from owner negligence.

CONCERN #3: DIRECT HARM TO COMMUNITY

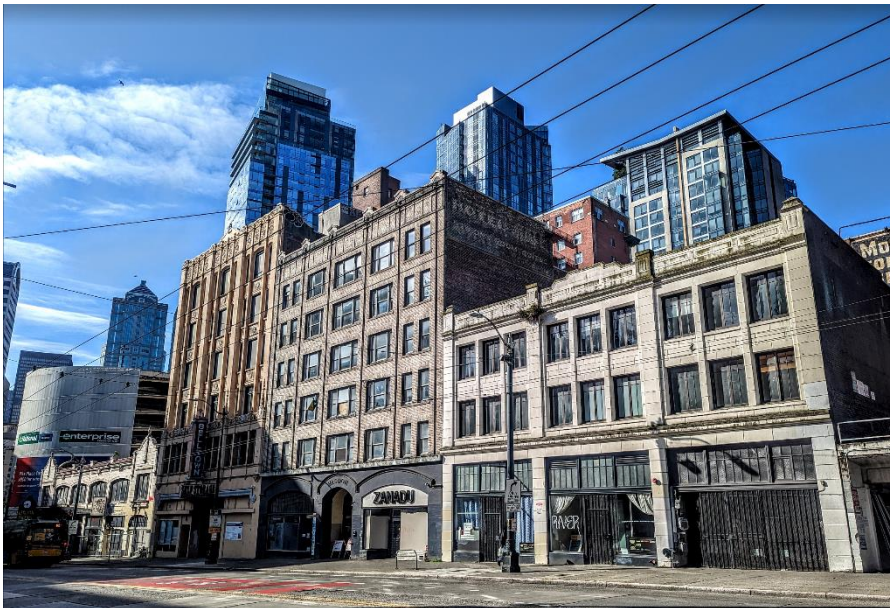
Perhaps most importantly, from a community perspective, we believe the loss of the historic buildings noted above would harm the Belltown community by demolishing highly valued community assets. Mama's Mexican Kitchen is a much-loved building that was designated a City Landmark following a major upwelling of community support. This building is located at the heart of Belltown and is a symbol of community strength and provides a direct physical connection to our community's strong blue-collar workforce history and character. Similarly, the Franklin Apartments landmark nomination was strongly supported by the Belltown community for the building's aesthetic beauty and its importance as one of the first places in the city of Seattle that provided housing to single women entering the downtown workforce. This building is a physical symbol of the strong historic connection between Belltown and the downtown Seattle workforce.



Community support for landmarks like Mama's Mexican Kitchen and the Franklin Apartments showcases the Belltown community's commitment to learning about and honoring our history. These buildings are a major source of community pride and sense of history, identity, and place.



Regarding the buildings on 3rd Avenue that are not currently designated landmarks, the Heiden Building, together with Haddon Hall, create a unique and historic set of buildings that significantly contribute to the historic and aesthetically appealing character of this area. Considered collectively with the adjacent and already landmarked Bergman’s Luggage building and the White Garage, we believe these buildings create a solid block that presents a strong, visual, historic gateway between Belltown and the downtown retail core. Our group believes that demolition of these buildings under the proposed ordinance would be a major and completely avoidable loss to Belltown and the downtown neighborhoods.



The Heiden Building (built 1914, right in photo) and Haddon Hall Apartments (built 1910, second on right) complement the already landmarked White Garage and Bergman’s Luggage buildings on 3rd Avenue near Virginia Street. These historic buildings are at risk of immediate demolition under the proposed emergency “dangerous building” ordinance.

RECOMMENDATIONS

As detailed in the previous discussion, Friends of Historic Belltown believes that the proposed emergency ordinance may result in the unnecessary loss of historic assets of high value to the Belltown community. We believe that this loss would unfairly harm our community while benefiting out-of-state, corporate property owners who are ultimately liable for the current situation. We consider such destruction to be avoidable and have developed the following recommendations for your consideration. We hope that you find a way to revise the ordinance to meet the immediate needs for public safety while avoiding the unnecessary, unfair, and *permanent* loss of highly valued community assets.

RECOMMENDATION 1: REVISE ORDINANCE TO ADDRESS CONSISTENCY WITH THE LPO

We recommend the ordinance be revised to exempt designated landmarks from demolition under the ordinance. We believe that owner-based solutions (see Recommendation 3) should be used to address public safety concerns on designated city landmarks, and we believe that the city has a clear duty to compel owners to take action. Please see Attachment for some suggested language to bring the ordinance into compliance with the LPO.

RECOMMENDATION 2: DEVELOP A STREAMLINED AND EXPEDITED REVIEW PROCESS FOR THE LANDMARKS BOARD

Related to Recommendation 1, we recommend that the City Council and the Mayor’s Office work with the Department of Neighborhoods and the Department of Construction and Inspections (SDCI), and the Seattle Fire Department (SFD) to develop an expedited process for reviewing vacant buildings that potentially met the criteria for landmark designation defined in the LPO. This would allow the city to meet its fiduciary responsibilities of protecting historic resources of high public value.

The expedited process should be paid for by the owners of subject properties. The process could utilize contracted professional services consultants that report to the Department of Neighborhoods to prepare information to brief Landmark Board members. To expedite reviews, we recommend developing a structured decision process that includes a clear, systematic screening process to quickly remove from consideration any buildings that clearly do not meet the landmark designation standards defined in the LPO. Such a process could include batched sorting and screening of potential buildings for quick processing and review. Documentation could be standardized as well to improve efficiency.

RECOMMENDATION 3: REVISE ORDINANCE TO REQUIRE PROPERTY OWNERS TO ADDRESS PUBLIC SAFETY AND AESTHETICS

As stated above under the discussion of fairness, we believe that the City Council should use its regulatory authorities and jurisdiction to compel the owners of vacant and dangerous buildings to address the concerns, consistent with the LPO. We propose that the ordinance include provisions requiring property owners to take immediate measures to secure and maintain their properties, thereby mitigating risks to public safety and preserving the historical integrity of our community. This could involve:

- Increasing penalties for non-compliance (in the range of \$5 thousand or more a day) to ensure timely action. The proposed ordinance fails to hold property owners accountable for the deterioration of historic properties and associated loss of public values. Enforcement measures have been inadequate, with fines and penalties for neglect being too lenient – incentivizing property owners to neglect care of landmarks. By increasing penalties for non-compliance and using the City’s authority to compel property owners to take immediate measures to secure and maintain their properties, the City can ensure that historic buildings are preserved for future generations – and that unfair harms to the community are avoided. This approach would not only address public safety concerns but also uphold the principles of fairness and accountability.
- Offer incentives for owners of vacant landmarks to support pop-up uses under the “Seattle Restore” program, thereby enhancing both public safety and community value. (We believe the Mama’s building to be particularly viable for such uses, due to its good condition and prime central location in the heart of the neighborhood).

CONCLUSION

Friends of Historic Belltown asserts that the proposed ordinance would unfairly reward negligent property owners, undermine the city's fiduciary duty to protect historic properties, and directly harm the Belltown community by demolishing highly-valued community assets. We believe that a more balanced approach, incorporating stricter enforcement and preservation incentives, is essential to protect the community's interests and uphold the values enshrined in the LPO.

Historic buildings in Belltown are not just architectural treasures; they are vital links to our community’s past, helping us define our sense of place and identity amidst rapid change. The preservation of landmarks like Mama's Mexican

Kitchen and the Franklin Apartments exemplifies the community’s dedication to honoring both our neighborhood’s history and our collective achievements. These buildings’ landmark status is a testament to the community’s active involvement and pride, reflecting our shared values and aspirations.

Allowing the demolition of such landmarks provides a temporary solution to a pressing issue but at the cost of permanent and irreversible harm to our community. It would unjustly reward negligent landowners by enabling them to profit from the destruction of assets that hold immense value to the community. The Seattle LPO emphasizes that the protection and perpetuation of historically significant sites are crucial for the prosperity, civic pride, and general welfare of our city. Destroying these historic buildings undermines these principles and erases the tangible connections to our collective past.

Thank you for considering our concerns and recommendations. We are confident that with reasonable revisions to align with the LPO, the emergency ordinance can effectively and fairly address the urgent public safety concerns posed by vacant buildings while preventing the unnecessary destruction of valued community assets.

FRIENDS OF HISTORIC BELLTOWN, INC

Tiffany Jorgensen | PRESIDENT

Steve Hall | DESIGNATED REPRESENTATIVE

ATTACHMENT: SUGGESTED ADDITIONS TO THE DANGEROUS BUILDINGS ORDINANCE TO ENSURE ADEQUATE PROTECTION OF HISTORIC PROPERTIES

Add to introduction:

WHEREAS, the preservation of historic buildings and landmarks is essential for maintaining the cultural, architectural, and historical fabric of our community, as outlined in the Seattle Landmarks Preservation Ordinance (LPO), which emphasizes the need to protect, enhance, and perpetuate sites and structures of historical significance for the prosperity, civic pride, and general welfare of the public;

Add to Ordinance:

[NEW] Exemptions for Historic Buildings.

- No building that is designated as a landmark under the Seattle Landmarks Preservation Ordinance (Seattle Municipal Code Chapter 25.12) or currently under consideration for such designation shall be subject to demolition under this ordinance.
- Before any action is taken under this ordinance on buildings over 50 years of age, a mandatory review shall be conducted by the Landmarks Preservation Board to determine if the building meets the criteria for landmark designation as outlined in SMC 25.12.350. If the Board designates the building as a landmark, it shall be protected from demolition. If it is not designated as a landmark, it may proceed to demolition.

[NEW] Expedited Review Process for Historic Buildings.

- The City Council and the Mayor's Office shall work with the Department of Neighborhoods and the Department of Construction and Inspections to develop an expedited process for reviewing vacant buildings of potential historic value.
- The expedited process shall be completed within 30 calendar days and shall be funded by the property owners. Property owners shall deposit the required funds into a special account designated for this purpose or through a contracted mechanism arranged by the Department of Neighborhoods.
- The process may include contracted professional services staff reporting to the Department of Neighborhoods to prepare information for the Landmark Board.
- The Department of Neighborhoods shall develop a structured and transparent decision process with clear screening guidelines to be used

to quickly assess buildings that do not meet landmark designation standards, with standardized documentation for the legal record.

[NEW] Owner Responsibilities and Penalties.

- Property owners shall take immediate measures to secure and maintain their properties to mitigate risks to public safety and preserve historical integrity.
- Penalties for non-compliance shall be increased to a minimum of \$5,000 per day to ensure timely action. Funds from penalties shall be redirected back to the community for public safety and beautification projects.
- Incentives shall be offered for owners of vacant landmarks to support temporary uses under the “Seattle Restore” program, enhancing public safety and community value.