



The City of Seattle

Landmarks Preservation Board

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LPB 241/24

MINUTES

Landmarks Preservation Board Meeting

City Hall, Room L2-80

Hybrid Meeting

Wednesday, September 18, 2024 - 3:30 p.m.

Board Members Present

Dean Barnes

Roi Chang, Vice-Chair

Ian Macleod, Chair

Lora-Ellen McKinney

Lauren Miles

Lawrence Norman

Katie Randall

Becca Pheasant-Reis

Harriet Wasserman

Staff

Sarah Sodt

Erin Doherty

Rebecca Frestedt

Melinda Bloom

Absent

Taber Caton

Matt Inpanbutr

Padraic Slattery

Chair, Ian Macleod called the meeting to order at 3:30 p.m.

ROLL CALL

091824.1

PUBLIC COMMENT

Ms. Doherty noted that a late letter of public comment was sent to the Board around lunchtime.

Jeff Murdock, Historic Seattle commented on the briefing for the emergency demolition of the former Mama's Mexican Kitchen building. He said this is something that should never have happened. He noted it happened once when he was on the board, with the Seattle Times building and that was just as disappointing. Mr. Murdock quoted Webster's definition of an emergency as a serious situation or occurrence that happens unexpectedly and demands immediate attention. He said this is far from an emergency, and the purposeful demolition by neglect of Mama's has been going on since its designation in 2017. He said it only became a public nuisance after it became a landmark under the stewardship of this current owner. He said the property owner may not have thought Mama's was a landmark when he bought it, but it was unanimously nominated, unanimously designated and there was a crowd of community advocates in the room who cheered at the designation hearing. After designation, he said there were numerous ARC briefings where a volunteer board of professionals spent hundreds of hours working with the owner's team to develop a project that met his needs but also respected the landmark. He said all of those volunteer hours were just a waste of time. He said the owner's attorney blames this occurrence in part on "the added complexity and time required in the landmarks review process", which we met with five times before between 2017 and 2020. He said we all know that repeated ARC meetings typically result from a lack of responsiveness, not just the process itself. He said if they had followed the standards, the landmark's approval could have happened within a matter of couple of months. And according to an article in yesterday's Daily Journal of Commerce, he said the owner believes that "the best solution for Belltown is to demolish the structure as soon as possible". Mr. Murdock said he is a resident of Belltown and can tell you that this is the opposite of the case. He said the best solution would have been to take care of the landmark building, solve the issues that came up when the Wayne Apartments were demolished, and keep Mama's as an active part of our neighborhood. Instead, he noted that the owner and his consultants have imposed blight on community and are now being financially rewarded for their actions. And Erin, I wanted to comment on the second item as well, is that ok? Mr. Murdock said - On a more positive note, that he wanted to offer comments in support of the designation of the University Way apartments at 4750 University Way. He said the property meets criterion B, and noted Bruce Lee as an iconic figure in Seattle's history. He said Mr. Lee's dojo on the Ave is the most public and recognizable connection to this history. The photos and the nomination report of Bruce Lee and the school in this location document this. He said the building also meets criterion D. He said there is increasing research in modern apartments in Seattle, and this is a good example from the late 1950s. The asymmetrical façade is clad in corrugated steel and stone projects a sense of the optimism of 1958. He said looking at the building today, you could still recognize it as the home of Bruce Lee's dojo. Regarding the storefront, he said past board members have acknowledged numerous times that storefronts are built to be altered to reflect the needs of current retail. He said the change storefront does not impact the building's overall integrity.

Colleen McAleer spoke of her concern about the demolition of Mama's Mexican restaurant. She said much time was spent to save it and build housing around it - a great plan. She said the South Lake Union neighborhoods are examples that have benefited in their streetscapes by mixing the combination of the old and the new structures to retain some of that original historic character with hybrid plans. She urged the landmarks board not to allow the emergency demolition of this unique Belltown icon and require some basic safety and preservation measures instead to be implemented. She said if the board allows an emergency demolition here, it creates incentives for all owners in many of the landmark buildings to allow their properties to deteriorate until the city condemns them. She said the demolition order is not the intent of a Seattle landmark preservation designation.

Abe Santos, instructor at the Jun Fan Gung Fu Academy, a school that's affiliated with the Institute of which he was a member of beginning in 1983. He said he was one of the senior students. He said it's important to preserve the place where Bruce Lee actually lived and actually had his first formal dojo. He said it's very important to try to preserve that as much as possible because Bruce Lee was here a short period of time and he wasn't in one location for very long time, but he was here in Seattle and the Seattle is where he considered his home.

Sue Kay said she is an 80-year-old retiree. In 1963 she had the opportunity to take classes from Bruce Lee and she said she was amazed at the following and the reverence that the world has for him. She said at the age of 16, she had never learned in school anything about Jun Fan Gung Fu. She said what Mr. Lee gave her was an aura of safety. She said he taught her self-defense, which in those days was not popular. She said the space in the University District is really special to her because they first learned in the basement of one of the buildings in Chinatown. She said she introduced Linda to Bruce Lee and she is supportive of this designation.

091824.2 MEETING MINUTES

July 17, 2024 Deferred.

091824.3 CERTIFICATES OF APPROVAL

The first two items were reviewed out of agenda order.

091824.32 3835 S Edmonds Street – Columbia City Landmark District
Proposed fencing and landscaping w/ plantings & fountain.

Ms. Frestedt stated that the Columbia City Review Committee (CCRC) reviewed the application on September 3. The Committee inquired about the design influence of the proposed fencing. A member noted the existing white fencing on the west side of the home and said ideally there would be design uniformity between the two fences, but he acknowledged added cost and that the existing fence is not part of this proposal. There were no concerns about the proposed paving, fountain or plantings. Staff stated that the Design Guidelines do not provide specific guidance for fencing design and that the work is reversible. She said, that application had been updated regarding the western boundary, in response to public comments.

Andrew Levins, homeowner, provided context of the site within the district and neighborhood. He explained the goals, including to discourage trespassing, create safe enclosed space for their dog, improve landscaping and hardscaping to complement the home's design. Detailed rendering and photos were provided. He explained desire to extend fence to 'T' off neighbor's building and requested approval with the hope they would gain the neighbor's approval.

Mr. Macleod appreciated the design and said there is precedent around the neighborhood for the fencing. He said it is a challenge being near the commercial district.

Mr. Levins noted no perennials would be taller than 3'-4'.

Ms. Chang said the low fence is a nice touch and she appreciated the thoughtfulness of the design.

Ms. Wasserman said it was a good solution and she had no concerns.

Action: I move that the Landmark Preservation Board recommend approval of a Certificate of Approval for exterior alterations for fencing and landscaping at 3835 S. Edmunds St, as proposed.

This decision is based on consideration of the application submittal and discussion at the September 3, 2024 public meeting of the Columbia City Review Committee.

This action is based on the following applicable Design Guidelines and Secretary of the Interior Standards:

GUIDELINES/SPECIFIC

6. Landscaping. Landscaping is encouraged but not required. Approval of the use of landscaping, including window boxes and planters, shall be based on the applicant's desire and ability to maintain the landscaping.

Secretary of the Interior's Standards

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

MM/SC/LE/DB

8:0:1

Motion carried. Mr. Norman abstained.

091824.31 3834 S Edmonds Street – Columbia City Landmark District
Proposed fencing

Ms. Frestedt explained the request for fencing and said the Columbia City Review committee (CCRC) reviewed the application and recommended approval at its meeting on September 3.

Rachel Seymour, homeowner, explained the 4' high ornamental metal fence would be added around front portion of house/yard; there would be 4" gaps between the posts. Three gates are proposed: one in the front with an arch, one on the west, and one on the northeast side. She said on the west side, the fence would be west of the paved path. She said that adornments can be added to the fence at any time and showed examples. Detailed plans and photos were provided.

Mr. Macleod said the transparency is nice and the height is appropriate. He appreciated the proposal.

Action: I move that the Landmark Preservation Board recommend approval of a Certificate of Approval for exterior alterations for fencing at 3834 S. Edmunds St, as proposed.

This decision is based on consideration of the application submittal and discussion at the September 3, 2024 public meeting of the Columbia City Review Committee. This action is based on the following applicable Secretary of the Interior Standards: Secretary of the Interior's Standards

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

MM/SC/LE/HW

9:0:0

Motion carried.

091824.33 Seattle Center Playhouse and Exhibition Hall
201 and 301 Mercer Street
Proposed temporary signage plan

Christian Mower, Seattle Center provided context of the site and noted that they host over 14,000 events each year, and that temporary signage is needed. He provided detailed renderings and photos of conditions and hardware types including wall brackets and eye hooks.

Mr. Mower said all signage will remain in place for no more than 60 days but no more than 12 months. All art and signage can be installed and removed without damage to the designated features. Proposed uses of existing colonnade hardware to support temporary art and signage may apply to various locations at both the North and South Colonnade. Signage/art installed using brackets or eye hooks will make use of pre-existing, already installed hardware at fixed locations. This plan does not propose installing any additional eye hooks or brackets to the structure. Movable, freestanding signage may be displayed at various locations around the site without mechanical attachments

He provided details for temporary signage/art Conditions 1 – 21.

He provided temporary lighting conditions. Lighting will remain in place for the duration of events, up to a maximum of 6 months. Lighting equipment can be removed without changing the building or site and without requiring repair. Possible lighting conditions include theatrical lights on roof of colonnade focused on surrounding plaza grounds, and lighting in trees, shrubs, and planters on the site.

Mr. Mower said that ARC asked how temporary lighting would be attached to structure. He said it would be attached to a metal truss, not to the roof. Any needed repair would be done by their in-house maintenance team. He said he would be in touch with Ms. Doherty prior to any repair work.

Mr. Macleod said ARC didn't have much more to add. He noted appreciation for confirmation of status quo.

Ms. Pheasant-Reis said everything she has seen was thorough. ARC was supportive of the overall plan. She said the approach is respectful of the building and should cause no damage.

Ms. Randall appreciated the procedures being documented.

Action: I move that the Seattle Landmarks Preservation Board approve the application and issue a Certificate of Approval for the proposed temporary signage and art plan at the Seattle Center Playhouse and Exhibition Hall, 201 and 301 Mercer Street, as per the attached submittal.

This action is based on the following:

1. With regard to SMC 25.12.750 A, the extent to which the proposed alteration or significant change would adversely affect the features or characteristics described in Ordinance 125643. a. The proposed temporary signage and art appear to have little or no impact and are easily reversible.
2. With regard to SMC 25.12.750 B, the reasonableness or lack thereof of the proposed alterations or significant change in light of other alternatives available to achieve the objectives of the owner and the applicant.

a. No alternatives were provided as they did not seem necessary, and none were requested by the Board.

3. The factors of SMC 25.12 .750 C, D and E are not applicable.

4. The proposed work as presented is consistent with the following Secretary of Interior's Standards for Rehabilitation as listed below:

Standard #9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Standard #10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired

MM/SC/BP/DB

9:0:0

Motion carried.

091824.4 DESIGNATION

091824.41 University Way Apartments
4750 University Way NE

Philip Lipson explained Bruce Lee spent five years in Seattle and went to school at Edison Tech (now Seattle Central) and then the University of Washington. He said Lee's third dojo was at the subject building, at 4750 University Way NE.

Charlette LeFevre said the architect was Samuel G Morrison who also designed the landmarked Seattle Children's Theater at Seattle Center. She said the University Way Apartment has clean lines, and noted the construction was finished in 1958. She said the building has retained a lot of the features including the stone façade. Bruce Lee's studio/dojo was in the entire ground floor tenant space. She said Mr. Lee arrived in Seattle in 1959. His first student was Jesse Glover who met here in Seattle. She said Mr. Lee would teach in many locations around Ruby Chow's restaurant where he lived upstairs. He started teaching in the basement of the Ho Ho Restaurant in the Chinatown-International District. His second dojo was at the 'Noodle Bar' building on 8th Avenue. She said Mr. Lee started his school, the Jun Fan Gung Fu in Seattle in the Chinatown-International District.

Sue Kay, former student of Mr. Lee said the subject location was special and it was new. She said a lot of wonderful memories and lessons occurred there. She said it was a student gathering space.

Ms. LeFevre said looking at the architectural style of Morrison's, this is a very clean style that is indicative of the late fifties and early sixties. She hoped the studio would be restored in a compatible way. She said Bruce Lee was enrolled at the University of Washington at a time when not very many Asians attended, and he was very active. She said Mr. Lee was serious as a young entrepreneur and focused. He occupied the entire 3,000 square foot space of the ground floor, it had showers, and he lived in a back room. She said Sue Kay was a high-ranking female student and Taky Kimura who was of Japanese heritage. Ms. LeFevre said Lee had a diversity of students which she said was remarkable because the Chinese martial artists did not teach outside their communities, and that would be underlined also by Doug Palmer when he went and visited Hong Kong.

Ms. LeFevre provided photos which she believed were inside the studio and noted the structure and layout. She indicated an opening to the right in the back is what led to maybe the hallway and the restrooms. She said Taky Kimura put in his book that it's very important according to the customs in etiquette of martial arts to put up a photo of your sifu. Mr. Lee sent him his photo to hang when on the wall when he wasn't there. Mr. Kimura continued the school when Mr. Lee moved to Hollywood. She said it's a custom and a universal gesture of respect in the martial arts community to bow out, but not only to your instructors but also to your fellow students and the dojo itself. She provided recent photo of a portion of the ground floor retail and pointed out what she thought were original columns and a back room that may have been Mr. Lee's bedroom.

Ms. Doherty said she asked the building owner for a tour of the site, and asked if he would share some photos, but he said no to both requests. She shared archival blueprints of the ground floor space that she found in Seattle Department of Construction and Inspections (SDCI) records. She shared a floor plan from 1958, and said it is believed that this is what the space looked like. She went over changes to the space over time including the removal of the entire angled storefront and the Seattle Blood Plasma Corporation's occupation of the space for several years.

Dr. McKinney wondered given all of the history that's taken place inside the space, what the plans are for making it clear that, that this was an essential multi-racial, multi-gendered, unique place in the history of the city.

Ms. Doherty clarified that while the nominators have expressed what they would like to see happen to the space in the future, she understands that the property owner has no plans to build a museum or do any kind of interpretation of the history.

Ms. LeFevre said hopefully landmark designation will create more awareness about what they want to do.

Abe Santos said Bruce Lee is bigger around the world than inside the United States and people make a pilgrimage to Seattle. There are visitors that are aware of Bruce Lee that know that Mr. Lee had a school here at the university area, and even locally.

Dr. McKinney said she wondered how the information gets transmitted given the owner of the building is not planning to do those kinds of things that would connect the information to the building.

Mr. Santos said he has workshops planned at Wing Luke Museum and at the Waterfront to be more out in the community, so people are more aware of what Bruce Lee was about, not just appealing to martial arts, but appealing to people on the waterfront.

Ms. LeFevre said they are thinking of filing for national landmark status.

Mr. Barnes said he appreciated the contribution that Mr. Lee brought to martial arts, and what he did for relationships between people of different backgrounds. He expressed concern whether the actual property itself should be landmark. He said that Bruce Lee's first dojo was in the basement of a building in the Chinatown-International District; the second one was in that neighborhood as well. He said that Mr. Lee moved to the University location and lived in the storage area. He said Mr. Lee was in this location for 14-15 months; from October 1963 when he started the institute to July 1964 when he left, and Mr. Kimura continued the institute there until the end of 1964. He said the institute was in business for only 14 months at this location with Mr. Lee.

Dr. McKinney said Mr. Lee was only in the building for nine of the 14 months the institute was there.

Ms. Pheasant-Reis said there was some discussion in the presentation about also trying to include the building as a good example of the architectural style, and the only kind of information that really seemed to come across is that it was of its time that if you looked at it, you'd probably say oh yeah that's from the fifties. She asked if there was any information more about the architectural style that would make it more feel like a bit more landmarkable for that.

Ms. LeFevre commented on Bruce Lee's role in martial arts in general and his renown more specifically in Seattle.

Ms. Pheasant-Reis said it didn't sound like the architecture itself was a reason for designation. She said she didn't hear anything specifically saying why this is a good example or an exceptional example of an architectural style that would reach a level of being landmarked for that purpose.

Ms. Chang said the biggest question for her and possibly a few other board members was how significant this building is and how well does it hold this as a significant building. She said it was the third of Mr. Lee's three dojos in Seattle and he was there for such a short period of time. She questioned if this is enough.

Ms. Randall said she thinks the story is significant enough to take action. She wondered if preserving the building with the tools that we have under Seattle's

code is the right or the best way to do that, and does the building convey its significance adequately. She said there's no doubt in her mind about the location, about the significance of Bruce Lee and the relationship between him and this space. She said that it already exists as a significant space that people travel to and have a relationship with. She said it meets that bearing for enough significance to be dealt with as a landmark in some way. She said she was conflicted with whether the tools that we have under Seattle's landmarks code are a good fit with this building. She said this building was a great example of the limitations of the code. She questioned if regulating the building was the right way to manage and tell the story. She said she was just over the line that the building is able to convey its significance. There is enough about the facade that is unchanged. She said the interior has changed and there aren't any finishes left, or anything recognizable in the interior so she wouldn't include it in the proposed designated features. She cited Criterion B.

Ms. Wasserman said it was hard because she didn't think this building was wonderful, but she agreed that it meets the Criterion B, the significant person, and that's one of the criteria and all it has to do is meet one. She said it's been changed, and that it's really hard to go along with just that criterion and then not include the first-floor interior, as that is where all this activity took place. She said by stretching to support preserving the building because of that, but thinks it also really needs that first-floor interior kept in as it is in the nomination.

Mr. Norman said he agreed with Ms. Wasserman. He said Bruce Lee changed a lot over his time. He had a short life, but he created Jun Fan Jeet Kune Do. He said if this is the home of Jeet Kune Do for that period that's pretty significant. He said the exterior is very recognizable. The interior space has changed some, but he could still see it so would support Criteria B, and include the exterior and first floor.

Mr. Barnes did not support designation. He said the difficulty was that Lee wasn't in the building very long and then the building changed, and the space was altered. He said he wasn't sure how to landmark something that isn't there. He said the difficulty was being able to say how the building exterior meets the criteria other than Mr. Lee's significance. He said it is important to recognize his contributions, but he wasn't sure this building meets the criteria because of the limitation of the time he had in it, and there has been so much change.

Dr. McKinney concurred and said she wondered how the story could be conveyed and didn't think the exterior could do that.

Ms. Pheasant-Reis concurred with Ms. Randall that what the board would be landmarking is basically a regulation on development of the property. She said she struggled with whether or how the building conveys the significance that Bruce Lee's dojo being here imparted to it. She said there should be recognition that this is one of the locations that where he developed his style and potentially also the location where he created, what the style that he became known for before he left.

Mr. Norman said it was humble beginnings for Bruce Lee and the building still is in a humble state. He said he didn't think it has really changed all that much. He said that designating it could maintain that historical significance of that period of time.

Ms. Randall spoke about the limitations of the code with a building whose significance is event based and how the building could convey that.

Ms. Miles said that despite the limited length of time that Mr. Lee spent in the space and although there have been so many changes that have occurred, she said that Criterion B is met.

Mr. Macleod commented on the integrity and said that while storefronts change, there's not a whole lot of historic material in this storefront. He talked about intangible culture and preserving intangible places which reminded him of the Licton Springs designation. He said it was landmarked as a place that has changed, is evolving and the significance was about the place of it, not necessarily the physical historic material. He said what is important about this structure is it's a place that people pilgrimage to, it is the existence of the building more so than the specific materials. He said the architectural style of this building is unique for the University District and he noted the materiality, and interesting façade. He said the building as a whole has material integrity. He supported designation.

Mr. Barnes reiterated that he did not support designation. He said that Liberty Bank was the first and only Black-owned bank in Seattle, in fact in the northwest. He said that building had significance because of what it had done for the Black community, but was not designated. He said they honored the history in different ways. He said that Mr. Lee's 14 months in this building doesn't seem like enough of a connection for the criteria.

Discussion ensued about intangible history and vernacular architectural gems that are sometimes hard to capture.

Dr. McKinney said her father was one of the founders of Liberty Bank.

Ms. Pheasant-Reis said she struggled to see how landmarking is the right tool for what is trying to be accomplished. She questioned whether it is the right tool for what the desired outcome is and whether or not another path forward to recognize this location would be better suited, and which we don't have control over as opposed to landmarking the building.

Dr. McKinney said she was leaning towards no, but she is someone who does not like to disconnect story from place, if at all possible. She said this is not a perfect tool, but if it's the way that we can preserve this place, then she will do that. She said if it's a place that can teach the story of a remarkable man who did it a very unique thing that started here. She said she would support designation.

Ms. Chang did not support designation and said without knowing the story, the building wouldn't be able to convey it.

Action: I move that the Board approve the designation of the University Way Apartments at 4750 University Way NE for consideration as a Seattle Landmark; noting the legal description above; that the designation is based upon satisfaction of Designation Standard B; that the features and characteristics of the property identified for preservation include: the exterior of the building.

MM/SC/KR/DB

6:3:0

Motion failed. Mr. Barnes and Mmes. Chang and Pheasant-Reis opposed.

091824.5 BOARD BRIEFING

091824.51 Mama's Mexican Kitchen Building

2234 2nd Avenue

Briefing from SDCI Director on emergency demolition

Nathan Torgelson, director of the Seattle Department of Construction and inspections (SDCI). Tim Munnis, Fire Marshall, the Seattle Fire department.

Nathan Torgelson: SDCI will be granting an exemption from the requirements of Seattle municipal Code 23 40 008 that allows for the immediate issuance of demolition permit for 2234 2nd Avenue otherwise known as Mama's Mexican kitchen. Additionally, SDCI believes that this building meets the criteria for emergency State Environmental Policy Act (SEPA) exemption and that's pursuant to Seattle Municipal Code 25 05 880. So I just want to state up front that I do not take this decision lightly. SDCI has only done this once before in the last eight years for a landmark structure, and unfortunately Seattle is experiencing a vacant building crisis right now. This building has been vacant for some time. This building has been assessed by public safety officials and found to present a significant health and safety risk, and you'll hear from a Fire Marshall Munnis in just a minute. This building suffers from structural instability. This building is a single-story unreinforced masonry structure with wood joist and heavy timber beams and posts. There are no unreinforced masonry wall anchors, which means the building lacks a solid connection between the roof and the brick walls. DCI engineers, not to be mistaken with SDCI. DCI engineers is a private engineering company. They submitted the Report that came into the city late Tuesday. I appreciate that Board members probably haven't had time to review that report yet. But that report says that the quality of the brick walls was poor when the structure was originally constructed and that demolition of the building, with an attempt to preserve the facades or the walls would be at a cost of about a million dollars. We're also awaiting a report, that if the structure walls were taken down and then reconstructed with a new building that would be constructed at the site. That that would also be similar in cost, but we are still awaiting that report. The owner of the building has spent more than \$75,000 on fencing locks and plywood to deter trespassers and other damage to the site. Within 24 hours of the owner putting up the new fencing trespassers had tunneled from the adjacent vacant lot to the south, which is under separate ownership, that vacant lot, to the south has also

experienced tents and other damage. Since the owner has put in the investment in the fencing locks and plywood, and after the break in there have been additional break ins and occupation of even below the structure by trespassers. SDCI believes that the owner has used all reasonable efforts to deter trespassing. There has been a lot of illegal activity around the building. There have been multiple fire and emergency responses. The fire department has declared the building a public nuisance, and has declared building is unsafe and in dangerous health and the safety of the public, neighboring buildings and fire department personnel. A building permit has not yet been submitted for the redevelopment of site and that is due to current financial markets. We do not anticipate construction will happen anytime soon. That however, does not exempt the owner from obtaining a certificate of approval from the landmarks board for any future development on the site. And I know that the property owner does plan to do development on the site at some point in the future, but that point is undetermined right now.

Fire Marshall Munnis said all I can provide is that just to kind of give clarification, you do have the documents that the Seattle Fire Department issued SDCI Nathan's shop there. We have our own compliance in the fire prevention division. We generally become aware of these buildings, as it was mentioned before, it is super important that we keep these buildings occupied because once they become vacant. Unfortunately, this type of behavior can happen. So the way the fire department usually becomes aware of these is it is a vacant building that either it catches fire or transient activity within that causes us to respond to that building for medical runs and those type of things and once that happens, we declare that derelict, we bind the owner, we issue an order to comply, which I believe you have, and then the public and then there's a chance to abate, there's a chance to remodel all types of different avenues they can take, but at this point, I agree with the Director Torgelson that you know we've done all we can. You know, we write these orders comply to secure the building, and we continue to do those. We take multiple complaints, we've taken multiple complaints on this building, and I also believe that the owner has done the best they possibly can to secure the facility. It's just a very difficult thing to ask with the activity that happens around that structure. So if there's any questions on the paper we have, I'll answer.

Mr. Macleod said he saw owner's counsel Ian Morrison on the call earlier and asked if he would make a statement on behalf of the ownership.

Ian Morrison said the owner concurs with SDCI and the fire department's conclusions about the immediate safety risk here. This is an incredibly rare and unfortunate circumstance, and that one that is challenging as the owner of the property. He said they have been working in good faith with the Landmarks Preservation Board and staff over multiple meetings and ARC to try to entitle a project keeping the facade. However, a series of circumstances outside of the control of the city, or the applicant or the broader community, including the emergence of COVID, the high spike in interest rates and construction costs and the general issues around public safety and downtown, including that this area is within what the council just recently as of yesterday identified as a high crime area with the stay out of drug area Ordinance, has presented a challenge for any owner in

trying to maintain vacant buildings. And as, as Director Torgelson mentioned, this owner has worked with the city, attempting in good faith, all reasonable measures, locks, hardening, fencing. We received some of the public comments. They did, in conjunction with SDCI fire and police, installed fencing on the party wall that was not reinforced. Within 24 hours, trespassers had jack hammered or used materials to break out the concrete and as, as the assistant chief mentioned, chasing that is a hundred and 5 ft long facade and the challenges of trespassers choosing to do illegal activity on adjacent property that the owner does not control to demolish that property to tunnel under this property, the owner agrees with the city's determination.

Mr. Macleod appreciated the statement from Mr. Morrison and the ownership. He said this is not an item we are voting on, and honestly not a type of briefing he has ever seen on his time on the board.

Mr. Barnes said from what he read it sounded like based on the structural description that it was not built properly. At that time it's probably what was being built. He said some of the comments that we've got from the community about trying to maintain it, they they're asking about whether or not that building could be supported in other ways, some of the facades etc. Could you talk a little bit about that? He asked for a description of what that means or what that would look like.

Ms. Randall said she thinks we can probably all agree that getting to this point is a sad circumstance, it does really seem like a lot of external factors really together on this one. She is curious whether there are any lessons learned from the last several years in terms of trying to, to manage a landmark building and manage security that could be carried forward regarding issues with vacant buildings. What can we learn to try to help manage the situation going forward?

Mr. Morrison said with all due respect to the Board, he would share a perspective from the ownership. He said he wanted to note that there has been, in the comments that were received that were shared by the landmark staff a threat of litigation by stakeholders in the community to attempt to restrain the issuance of the building permit. He said that given the threat of litigation and the liability issues that the owner and city may be facing if the ability to abate what has been determined to be an immediate public safety threat constrains the ability – he said he just wanted to be acknowledged that that threat is existing. However, and he would also acknowledge that as director Torgelson mentioned and in the communication, the decision from SDCI as the owner understands it is proceeding under the clause of 203-40-0008 B that says unless the director is faced with a threat to public health and safety, that in an imminent to us to preclude all deliberations. He said he wants to be mindful of the posture of the decision that has been conveyed and director told us and please chime in if SDCI has a different position. However, as to the question of trying to work in good faith with the city to show that all reasonable options have been exhausted, as we noted in our letter, the project is currently financially infeasible and cannot secure construction loans. It is approximately a 6,200 sq ft lot, and as the city has multiple departments police, fire and SDCI have required us to require the owner to abate the building, we do

not, the owner does not have the ability to secure a construction loan. And so the cost of financing or the cost of, of funding, a million dollar approximately estimated cost for bracing as a component of an imminent public safety demolition permit is disproportionate and we believe unreasonable especially because of the inability to access the capital markets at this time. That is the distinction between our earlier efforts which with the facade preservation in the C of A that we were pursuing, the owner was pursuing in good faith, that was pursuing that we would be able to secure a commercial really reasonable construction loan that would be able to factor in the financing and funding of bracing during construction. Given the posture we are in and the inability to secure a commercial reasonable funding loan for the demolition, that request is unsustainable, and we believe disproportionate for the emergency demolition request.

Ms. Randall noted earlier problems with her headphones and apologized. I think it sounds like Mr. Morrison's response just now addressed part of my question is there are set limits around to ability to answer my question, which is completely fine.

Mr. Barnes said he appreciated Messrs. Torgelson and Munnis coming and explaining it to the board. He said t's a very difficult decision to demolish a building particularly with the historical aspect that the Mama's Mexican has, it's been there for 40 some years. He said he used to work in Belltown and went there for lunch every once in a while. He said he appreciated the difficulty that of the situation.

Mr. Norman said he agreed with that. He used to go there too, and this reminds him of a nearby restaurant which he used to love to go to. He said there was a flood and then it was vacant and then the whole building burned up. He said he understood the public health risk and said it is unfortunate.

Mr. Macleod said he recalled this building came up on his time on the Board a couple times for extensions for controls and incentives and it was, it was occupied by a new incarnation of Mama's, and then there was some sort of health drink company renting the space. When was it last occupied and in a sort of a, a viable state, if you recall?

Mr. Morrison said he would provide approximate dates, Mama's Mexican continued after the sale of the building in 2015, and then after that lease expired or terminated in approximately 2018. In 2019 there was a cannabis retail facility that was there. He noted the challenge of the pandemic emerging in Q2 of 2020 which was a major unanticipated shock to the occupancy of the building and of obviously all of the city and the retail vibrancy there. He said post COVID has been a challenge and there was theft and trespassing that occurred. He said the completely unanticipated global pandemic was one of the catalyzing factors that made this more challenging, not only from the theft issues, but as the city has worked to recover in downtown, even as of this quarter, this year downtown's retail vacancy level is approximately four times the general regional level as of, as right now it's about 13.5 %, so there is over a hundred and 70,000 sq ft of vacant retail downtown that is being sought to be filled. He said while this owner has tried to work in good

faith to find interim tenants, the challenges of being competitive in the retail space when there is so much vacancy downtown and there's still an emerging return to work and activity on the downtown. It makes tenancing retail spaces incredibly challenging coming out of the pandemic.

Mr. Macleod asked when the last time it was available for lease or in a leasable state.

Mr. Morrison said he didn't know the answer with specificity. I

Mr. Macleod said this is rather unprecedented and sort of came as a shock to all of us involved and he agrees with the sentiments that some of our public commenters shared with us. It's a tragic story, and he doesn't have any constructive feedback at this moment. Hopefully other folks on the board might.

Ms. Randall said it's important to emphasize it seems that this is rising out of a particular confluence of circumstances that made both redeveloping the sites and occupying it in its current states are really difficult. She said as SDCI is monitoring similar situations in the future, the ongoing importance of making sure that the owner is operating in good faith, which it does seem that the owner was doing here. She said she appreciated how all the parties tried to work with it.

Mr. Macleod said the only time he recalled something like this happening, was for the Seattle Times building that was long before his time on the board. He asked Mr. Torgelson what he would want to see change to prevent this in the future?

Mr. Torgelson said the Seattle Times building in South Lake Union and this particular circumstance are the only two landmark structures that have been in this circumstance. He said unfortunately Seattle has a vacant building crisis and also have public health risk. He said drug use in downtown in particular has some very problematic locations that unfortunately lead to this kind of challenge with some of our vacant buildings. He said as has been mentioned in the commentary, Seattle has gone through a very difficult period with retail vacancy at the ground level and again some parts of downtown are in much worse shape than other parts of downtown. He said SDCI has a vacant building monitoring program, where they are working in close coordination with the police and the fire departments and other departments and meet on a regular basis where these vacant buildings are monitored. He said in some cases, there are issues that are outside of their control.

Mr. Macleod appreciated the response and the concern for public safety. He said earlier this summer there was new legislation relating to vacant building demolition. He asked if that legislation changes anything.

Mr. Torgelson said that legislation was intended for uncooperative property owners and building owners. He said one of the things that was brought to their attention early on during the legislation was to make sure that everybody knows the Historic Preservation Program and relevant board or commission should always be involved in that process even if we determine that building to be unsafe, so it doesn't change

it. He said unfortunately, there are some limited circumstances where there are uncooperative property owners. In this case the property owner worked in good faith with the city.

Mr. Macleod asked if any other board members had comments. He appreciated the detailed information provided. He said it's deeply unfortunate that it has come to this, and that the board doesn't want these circumstances to occur in the future.

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BOARD BUSINESS