

September 10, 2019

MEMORANDUM

To: Finance and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: 213 South Main Street, Old Cannery Building – Determination of Blight (Resolution 31906) and Authorization to Acquire (Council Bill 119645)

On September 11, 2019, the Finance and Neighborhoods Committee will discuss [Resolution 31906](#) and [Council Bill \(CB\) 119645](#). Both pieces of legislation are related to a potential condemnation of a property located at 213 South Main Street in the Pioneer Square Neighborhood. The property is commonly known as the Old Cannery Building. The City would potentially acquire the property through condemnation authority provided through [RCW Chapter 35.80A](#), which allows local governments to condemn and transfer properties that meet a statutory test for a “blight on the surrounding neighborhood.”

This memorandum describes: (1) the property and its condition; (2) the findings and declarations in Resolution 31906; and (3) the authorization to acquire the property provided by CB 119645.

213 South Main Street – The Old Cannery Building

The Old Cannery Building is located at 213 South Main Street in the Pioneer Square neighborhood. The approximately 5,790 square foot site is zoned Pioneer Square Mixed 100 / 100-120. The site is developed with a single-story building that has not been occupied since 1989. Silme Domingo and Gene Viernes of Cannery Workers ILWU Local 37 were murdered in the building on June 1, 1981.

The Old Cannery Building is in a deteriorated condition and cannot be safely occupied. The site has been the subject of relatively recent permit activity. In 2017, the Seattle Department of Construction and Inspections issued a Master Use Permit decision for seven story, 54-unit mixed use building for the site.¹ However, that project has not proceeded to construction. The site is owned by Ron and Edel Amundson.

Resolution 31906 – Acquisition Necessary to Address Neighborhood Blight

The Office of Intergovernmental Relations (OIR) coordinated review of the site to determine whether it meets statutory factors for condemnation for blight. Specifically, RCW 35.80A.010 allows for condemnation for blight when the conditions of a property meet two of the following three factors:

¹ Master Use Permit Application Number 3018428.

(1) If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more; (2) the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town, or the designee of the executive authority; or (3) the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.

OIR's findings and recommendations are contained in the June 2019 report *Old Cannery Building: Determination of Blight Report Under Chapter 35.80A RCW* (Attachment 1). That report concludes that the conditions of the Old Cannery Building meet at least two criteria for a determination of blight: (1) the property has not been occupied for more than a year and (2) due to its deteriorated condition, the site is a threat to the public health, safety, or welfare of police and firefighters who may need to enter the building. Additionally, Chief of Police Best in a letter to OIR contained in the report notes that the building is "associated with a concentrated area of criminal activity."

A resolution declaring that acquisition of the property is necessary to eliminate the blight is a statutory pre-condition to proceeding with condemnation. Resolution 31906 makes findings and declarations consistent with those in OIR's report and declares that acquisition of the property is necessary to eliminate the blight.

CB 119645

CB 119645 authorizes the Director of the Department of Finance and Administrative Services to negotiate the purchase of the property and authorizes the Seattle City Attorney to begin condemnation proceedings to acquire the property. Acquisition would need to be for the fair market value of the property. The Council may consider adding specific appropriation authority or supplementing existing appropriation authority to acquire the property as part of consideration of the Mayor's proposed 2020 budget.

Next Steps

Full Council action on the potential condemnation cannot proceed until the City has met procedural requirements for notifying the owner and the public. Councilmember Bagshaw's office has been in regular contact with the owner. If Council passes CB 119645, the City would not proceed with acquisition if the owner is diligently pursuing redevelopment of the property to address blighted conditions.

Attachments:

1. *Old Cannery Building: Determination of Blight Report Under Chapter 35.80A RCW*, June 2019.

cc: Kirstan Arestad, Exec Director
Aly Pennucci, Supervising Analyst

OLD CANNERY BUILDING:

DETERMINATION OF BLIGHT REPORT

UNDER CHAPTER 35.80A RCW



City of Seattle, Office of Intergovernmental Relations

June 2019

Section 1: Introduction

The following draft report, "*Old Cannery Building: Determination of Blight Report under Chapter 35.80A RCW*" was initiated in 2019. The purpose of this work is to determine if the Old Cannery Building, located at 213 So. Main Street, Seattle, WA constitutes a "blight on the surrounding neighborhood." State law requires that before any condemnation of blighted property occurs, the local government must determine a finding of blight under the criteria outlined in RCW 35.80A.010. In addition, the condemnation process requires the Seattle City Council to adopt a resolution declaring that the acquisition of the real property is necessary to eliminate neighborhood blight.

Definition of Blight on the Surrounding Neighborhood

For the purposes for condemning "blighted property," the criteria is set forth in Chapter 35.80A RCW. Specifically, RCW 35.80A.010 allows condemnation of allegedly blighted property only on proof of any two of the following three "blight" factors:

- (1) If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more;*
- (2) the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town, or the designee of the executive authority; or*
- (3) the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.*

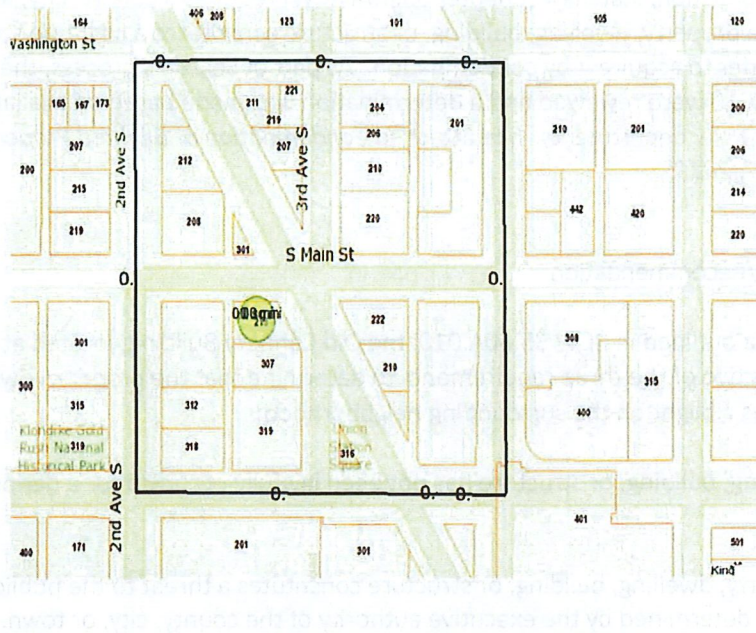
The "*Old Cannery Building: Determination of Blight Report Under Chapter 35.80A RCW*" presents an analysis of the three criteria. State law only requires that two of the three criteria must be met in order to make a determination that the property, dwelling or structure is a blight on the surrounding neighborhood.

Section 2: Property Location and Data

Property Location

The Old Cannery Building is located at 213 So. Main Street within a area of the City of Seattle known as Pioneer Square. Pioneer Square is a neighborhood in the southwest corner of Downtown Seattle. It was once the heart of the city: Seattle's founders settled there in 1852, following a brief six-month settlement at Alki Point on the far side of Elliott Bay. The early structures in the neighborhood were mostly wooden, and nearly all burned in the Great Seattle Fire of 1889. By the end of 1890, dozens of brick and stone buildings had been erected in their stead; to this day, the architectural character of the neighborhood derives from these late 19th century buildings, mostly examples of Richardsonian Romanesque. See Property Location Map.

Property Location Map



Property Data

- Address:** 213 South Main Street
Seattle, WA 98104
- Location:** Southwest corner of the intersection of South main Street, 3rd Avenue South and 2nd Avenue Extension
- Tax ID Number:** 524780-0880
- Legal Description:** Lot 8, Block 14, D S Maynard Plat Less Street
- Construction Date:** ca. 1900 (original construction)
- Later Dates:** ca. 1929 (east façade) and ca. 1950-51 (upper floors removed)
- Size:** 5,740 square foot building, 0.13-acre site (King County Assessor's property record card)
- Current Use:** Vacant
- Present Owner:** Ron Amundson

Section 3: Blight Determination

As noted in the introduction, state law (Chapter 35.80A RCW) requires a county, city, and town to make a determination if the property, dwelling, building, or structure constitutes a blight on the surrounding neighborhood in order to acquire it by condemnation. As part of Seattle's process, the three criteria under RCW 35.80A.010 were reviewed and a determination was made based on available information or written responses by city departments. See attached *Condemnation of Blighted Property Determination Matrix, dated June 7, 2019*.

Staff Determination/Recommendation

Based on the criteria outlined in RCW 35.80A.010, the Old Cannery Building, located at 213 South Main Street clearly meets two of the three requirements to determine that the property, dwelling, building, or structure constitutes a blight on the surrounding neighborhood:

- The dwelling, building, or structure has not been lawfully occupied for a period of one year or more; and
- The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town.

Staff Recommendation:

It is recommended that City of Seattle adopt a resolution declaring that the acquisition of the Old Cannery Building, located at 213 So. Main Street, is necessary to eliminate neighborhood blight.

Next Steps

The next steps in the process are outlined in Title 8 RCW (Eminent Domain by Cities). In general, the City will be required to:

- Adopt a resolution declaring that the property, dwelling, building, or structure constitutes a "blight on the surrounding neighborhood;"
- Meet the notice requirements and other procedures for condemnation that include:
 - Filing a petition for condemnation in Superior Court that identifies decree of public use/necessity, amount of compensation, and transfer title for property;
 - Issuing and serving a summons upon the person(s) named as defendant (property owner(s)), this also includes publication in official newspaper;
 - Court determination that condemnation of property was a public use and its acquisition by the City is of public necessity; and
 - Payment of just compensation by City to property owner(s) as per the condemnation agreement.

- Follow the procedures for transfer or disposition of blighted property as outlined in RCW 35.80A.020 or RCW 35.80.030 respectively.

APPENDICES

Appendix 1 – Condemnation of Blighted Property Determination Matrix, dated June 7, 2019.

Appendix 2 – Seattle Police Reports and Calls for Service around 213 S. Main Street, Jan 1 – Dec. 31, 2017 & 2018, dated February 6, 2019.

Appendix 3 – Seattle Fire Department Identification of 213 So. Main Street as Derelict Building, Chief Harold Scoggins, dated June 5, 2019.

Appendix 4 – Seattle Police Department Identification of 213 So. Main Street as Safety Risk to the Public and First Responders, Chief Carmen Best, dated June 7, 2019.

Appendix 5 – Chapter 35.80A RCW – Condemnation of Blighted Property

Condemnation of Blighted Property Determination Matrix
Chapter 35.80A RCW
 June 7, 2019

Property: Old Cannery Building, 213 So. Main Street, Seattle, WA, 98104

Status: Vacant / Derelict

Owner/Taxpayer: Ron E. Amundson

Taxpayer Address: P.O. Box 9263, Seattle, WA 98109

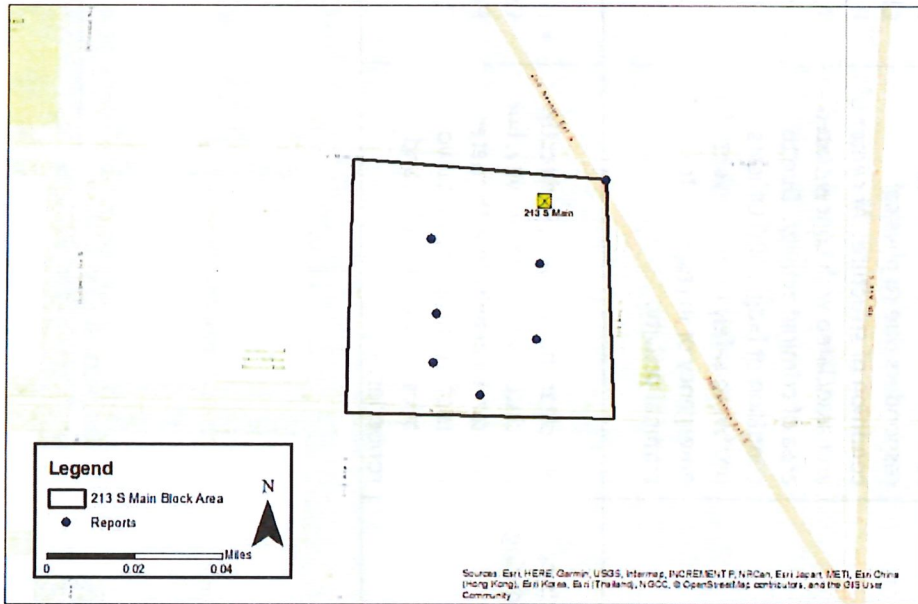
Criteria (RCW 35.80A.010)	City Determination	Source	Meets Criteria (Must meet 2 of 3)
1. The dwelling, building, or structure has <u>not</u> been lawfully occupied for a period of one year or more.	<ul style="list-style-type: none"> • Vacant since 1989. • Hazardous correction notice issued in 1998. • Building perimeter walls enclosed in 2004. 	<ul style="list-style-type: none"> • Historical Report, 213 So. Main Street, Pioneer Square Historic District, Seattle, Prepared by BOLA Architecture & Planning. 12/3/2014 (revised) • Letter from Harold D. Scoggins, Fire Chief, Seattle Fire Department, June 5, 2019. 	Yes
2. The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town.	Identified as "Derelict Bldg." Vacant over two decades and in disrepair. Collapsed/open floors and roof, & unstable exterior -- bulging walls & loose brick. SFD personnel instructed not to enter bldg. in event of fire or other emergencies.	<ul style="list-style-type: none"> • Letter from Harold D. Scoggins, Fire Chief, Seattle Fire Department, June 5, 2019. 	Yes

Condemnation of Blighted Property Determination Matrix
Chapter 35.80A RCW
June 7, 2019

		<p>Safety risk to public and first responders due to physical condition of structure. At center of and associated with concentrated area of criminal activity. Due to condition of bldg., SPD Officers unable to safely enter in event of an emergency or in response to criminal activity.</p>	<ul style="list-style-type: none"> Letter from Carmen Best, Chief of Police, Seattle Police Department, June 7, 2019. 	
<p>3. The property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.</p>		<p>Not clear that property is directly associated with illegal activity, but substantial activity in a 15-meter radius of the property that involve narcotics activity, assaults, and robberies.</p>	<ul style="list-style-type: none"> Letter from Carmen Best, Chief of Police, Seattle Police Department, June 7, 2019. 	<p>Unable to Clearly Determine</p>

Note: See Attached Letters.

Seattle Police Reports¹ and Calls for Service² around 213 S Main Street
(Jan 1-Dec 31, 2017 & 2018)



¹ Report counts are based on the primary offense within a single incident, and do not represent the number of victims, or associated offenses within an incident. Crime data is dynamic and will change based on reporting and investigative updates. All data is for SPD Reporting Area (Census Block) #12799.

² CAD data includes total officer-generated and citizen-generated calls for service (CFS). CFS are calls received by the 911 operating system, the 7-digit emergency number, and non-emergency phone lines. Duplicate and cancelled calls are excluded. All data is for SPD Reporting Area (Census Block) #12799.

Seattle Police Report Data

There was an overall 62% (+13) increase in reports from 2017 to 2018 for the one block area containing 213 S Main St. Most notable increases were in Theft (+7) and Collision (+7) reports.

REPORT TYPE	REPORT DESCRIPTIONS	2018	2017	Amount Change	Percent Change
VIOLENT CRIME	ASSAULT (SIMPLE & AGGRAVATED)	2	2	0	0%
	ROBBERY	0	2	-2	-100%
	SEX OFFENSE (NOT RAPE; INCLUDES FAIL TO REGISTER)	1	0	1	
	Total	3	4	-1	-25%
PROPERTY CRIME	BURGLARY (INCLUDES SEC. PARKING)	1	2	-1	-50%
	THEFT	8	0	8	
	Total	9	2	7	350%
SOCIETY	CRISIS	0	1	-1	-100%
	DISTURBANCE & DISPUTE	2	0	2	
	FRAUD & EMBEZZELMENT	2	2	0	0%
	HARASSMENT	0	2	-2	-100%
	LOITERING	0	1	-1	-100%
	NARCOTICS (INCLUDES SELL, POSSESSION)	0	1	-1	-100%
	PROPERTY (INCLUDES LOST, STOLEN)	0	4	-4	-100%
	PROPERTY DAMAGE	1	1	0	0%
	THEFT	2	0	2	
	TRESPASS	4	0	4	
	Total	11	12	-1	-8%
COLLISIONS	COLLISION	10	3	7	233%
	TRAFFIC	1	0	1	
	Total	11	3	8	267%
Grand Total		34	21	13	62%

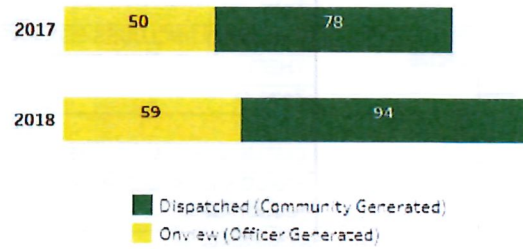
Seattle Police Calls for Service

There was an overall 20% (+25) increase in calls for service from 2017 to 2018. Community-generated calls increased by 21% (+16) and Officer-generated calls increased by 18% (+9). Highest call types include: Traffic, Disturbance, Mischief & Nuisance, and Suspicious Circumstance.

Call Volume 2017-2018

	2017	2018
Person	4	5 25%
Property	9	14 56%
Society	43	53 23%
Suspicious Circ	10	13 30%
Miscellaneous	24	26 8%
Traffic	27	34 26%
Administrative	11	8 -27%
Grand Total	128	153 20%

Officer Generated vs Community Generated



	2017	2018
Traffic	27	34 26%
Disturbance	16	21 31%
Mischief & Nuisance	6	16 167%
Suspicious Circumstances	10	13 30%

2018 Call Time of Day/Day of Week Detail

	0000	0100	0200	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300
Mon			1				1	2	3		1	2		2	2	1		1		1		1
Tue					1	1	1	1	4	1	1		3		1	1	1				1	1
Wed	1			1	2	3	2	1	3	1	2	4	3			1	1	1		2		1
Thu		1		1	1	2	2	1	2	2	2	2	1	1	1		1	2			2	1
Fri			1	1		1		4	1	2		3			2	1						2
Sat	1	1					3	2	2	2	2	3					2			2	2	
Sun	1	2	3	1		1	1	2		2	2		1	1			2		1	1		

2017 Call Time of Day/Day of Week Detail

	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300
Mon						2	3		1	1		2	3		1	1				1	2	2	1	1
Tue						1	1	1	1	3	1	1	2	1	2		1			1			1	1
Wed	2					1	1	1	1	1	1	2	3	2	2	1	1		1	1		1		1
Thu	2				1	1	1		1		1	2	3	2	1	1	1	1	1	1		1		1
Fri	1	1			1			1			1	1	1		1	1		1	1	1		1	1	1
Sat	1	1	1		1		1			1	1	1		1	1	1		1	1	1	1	1	1	1
Sun	1	1	1		1									1	1	1		1	1	1	1	1	1	1



City of Seattle

Mayor Jenny A. Durkan

June 5, 2019

Kenny Pittman, Senior Policy Advisor
Office of Intergovernmental Relations

Dear Mr. Pittman,

The Building in question has been identified as a derelict building by the Seattle Fire Department. This structure has been vacant for over two decades and in a condition of disrepair. Because of the buildings condition with collapsed/open floors and roof, and the unstable exterior of the building, it presents a very challenging environment for our personnel to do any interior firefighting activities if required. Our personnel have been instructed not to enter this building in the event of a fire or other emergency.

Sincerely,

A handwritten signature in black ink that reads "Harold D. Scoggins".

Harold D. Scoggins, Fire Chief
Seattle Fire Department

HDS:db

cc: Brian Chu, Legislative Assistant to Councilmember Bagshaw



Seattle
Police Department

June 7, 2019

Kenny Pittman
Office of Intergovernmental Relations
600 Fourth Ave
Seattle, WA 98104

RE: Safety Concerns at 213 South Main Street

Dear Kenny Pittman:

I want to thank you for your work on addressing the issues in and around 213 South Main Street.

In addition to the safety risk posed to the public and to first responders due to the physical condition of the structure, the Building at issue is at the center of and associated with a concentrated area of criminal activity. Within the past year, for example, within a 15-meter radius around this location, SPD has entered a total of 42 reports, multiple of which involved individuals in crisis, but a substantial number of which comprised narcotics activity, assaults, and robberies. Due to the condition of the building, SPD Officers are unable to safely enter in the event of an emergency or in response to criminal activity.

Sincerely,

Carmen Best

Chief of Police
Seattle Police Department

CC:

Councilmember Sally Bagshaw, District 7

Chapter Listing | RCW Dispositions**Chapter 35.80A RCW****CONDEMNATION OF BLIGHTED PROPERTY****Sections**

35.80A.010	Condemnation of blighted property.
35.80A.020	Transfer of blighted property acquired by condemnation.
35.80A.030	Disposition of blighted property—Procedures.
35.80A.040	Authority to enter blighted buildings or property Acceptance of financial assistance.

RCW 35.80A.010**Condemnation of blighted property.**

Every county, city, and town may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood. A "blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors: (1) If a dwelling, building, or structure exists on the property, the dwelling, building, or structure has not been lawfully occupied for a period of one year or more; (2) the property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the executive authority of the county, city, or town, or the designee of the executive authority; or (3) the property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months. Prior to such condemnation, the local governing body shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

[1994 c 175 § 1; 1989 c 271 § 239.]

RCW 35.80A.020**Transfer of blighted property acquired by condemnation.**

Counties, cities, and towns may sell, lease, or otherwise transfer real property acquired pursuant to this chapter for residential, recreational, commercial, industrial, or other uses or for public use, subject to such covenants, conditions, and restrictions, including covenants running with the land, as the county, city, or town deems to be necessary or desirable to rehabilitate and preserve the dwelling, building, or structure in a habitable condition. The purchasers or lessees and their successors and assigns shall be obligated to

comply with such other requirements as the county, city, or town may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such property required to make the dwelling, building, or structure habitable. Such real property or interest shall be sold, leased, or otherwise transferred, at not less than its fair market value. In determining the fair market value of real property for uses in accordance with this section, a municipality shall take into account and give consideration to, the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee.

[1989 c 271 § 240.]

RCW 35.80A.030

Disposition of blighted property—Procedures.

A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer.

[1989 c 271 § 241.]

RCW 35.80A.040

Authority to enter blighted buildings or property—Acceptance of financial assistance.

Every county, city, or town may, in addition to any other authority granted by this chapter: (1) Enter upon any building or property found to constitute a blight on the surrounding neighborhood in order to make surveys and appraisals, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; and (2) borrow money, apply for, and accept, advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, a county, or other public body, or from any sources, public or private, for the purposes of this chapter, and enter into and carry out contracts in connection herewith.

[1989 c 271 § 242.]

