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Newsletter

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SUIT CHALLENGES LEGALITY OF OVER-THE-WATER APARTMENT BUILDING PERMIT: A law suit challenging the legality of the building permit issued to the John King Co. for the construction of a 66-unit over-the-water apartment at 2307 Fairview Ave. E. has been filed in the King county superior court by the Flo-Villa Corp. and the Floating Homes Assn. In addition to the John King Construction Co. defendants in the action are Mr. and Mrs. Harland O. Hansen, the City of Seattle, the State of Washington and Bert Cole in his capacity as State Land Commissioner.

The complaint charges that the state lease and the building permit for the apartment at 2307 Fairview Ave. E. as well as the application for a permit to build a similar structure at 2217-25 Fairview Ave. E. are in violation of the City Zoning Code, the State Public Lands Act, and the State Constitution. Derrill T. Bastian, attorney for the plaintiffs, says he will seek an early trial date on the issues. The complaint asks the court to:

1. Declare null and void the state lease and the building permit for the apartment now under construction at 2307 Fairview Ave. E.
2. Issue an order enjoining the City of Seattle from issuing a permit for a similar structure at 2217-25 Fairview Ave. E. on property adjacent Flo-Villa's floating home moorage.
3. Enjoining the defendants from proceeding with the present building "until such time as the plans and specifications for such apartment house are revised to comply with Ordinance No. 86330" (City Zoning Code.)
4. That the defendants be ordered to "remove the portions of the apartment house already constructed" which are in violations of the law.
5. That the defendants be enjoined from "placing any illegal structures upon the land leased from the State of Washington.

The law suit flows from two "interpretations" of the Zoning Code which the complaint alleges violate the law. These involve the elimination of all side-yard requirements demanded of residential structures in Commercial General Zones and the provisions that such structures must not cover more than 40 per cent of the lot surface. (See Special NEWS LETTER, March, 1969.)

The suit charges that the defendants "used the land leased from the state to induce the City of Seattle to overload the land they owned.." By this device the John King Co. overloaded the property at 2307 Fairview by 22 apartment units and propose to overload the structure to be built at 2217-25 by 36 units.

The Zoning Code requires residential side-yard setbacks ranging from a minimum of five feet (one story) to 15 feet for a 60-foot structure. However the builder was allowed to cover all his property with an over-the-water steel and concrete structure which serves both as a parking platform and the foundation for the apartment house. The basis for this "interpretation" was that this part of the building is "commercial" and not residential. This led Architect Victor Steinbreuck to warn that "Lake Union will be a puddle in the middle of a concrete jungle." (P I 2/11/69)

The elimination of side-yard set-backs for the apartment is in striking contrast to the ruling of the Board of Adjustment in approving Flo-Villa's moorage. The Board required 15-foot set-backs on both sides of the floating home installation. If the apartment house builder, the complaint says, is allowed to build to the line the adjacent property "will be substantially reduced in value...and they will be required to live in the shadows of the defendant's ugly docks and other structures."

The Floating Homes Assn. points out that the ruling in the apartment house case in respect to the combination foundation and parking platform is also in sharp contrast to its ruling that the floats and piers of a floating home moorage are part of the "residence" and come under the City's Minimum Housing Code. The Association agrees with this ruling but wonders why it is not also applied to the "parts" and "appurtenances" of a high-density apartment house. The suit will seek an answer to that and other questions.

The Seattle Post-Intelligencer is running a series of articles by reporter Fergus Hoffman on the mounting opposition to high-rise structures on shorelands over an area ranging from Hood Canal to Seattle's navigable lakes. If the precedent is set, the reporter wrote (3/31/69) "...all land developers to follow suit. The public be damned. With land grabbers bidding against one another for precious waterfront, prices would go out of sight. Assessed valuations would skyrocket and small holders would be driven into the arms of the real estate men to avoid prohibitive taxes."

Many believe that this is exactly what will happen on Lake Union, not just to floating homes but also to marinas, boat sales, service and repairs and other small businesses which must be on the shorelands or die. The suit is being financed by contributions to the Associations Special Emergency & Legal Fund.

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ASSOCIATION TO SPONSOR JAZZ CONCERT CRUISE, FRIDAY MAY 2nd: The Floating Homes Assn. will add something interesting and unusual to the opening of the "official" boating season this year. It is sponsoring an evening musical cruise aboard the MV SIGHTSEER featuring the GREAT EXCELSIOR JAZZ BAND. The cruise ship will cast off from its usual mooring behind the LANDING restaurant at the foot of Yesler St. on Lake Washington Blvd. at 8 p.m. Friday, May 2nd and return at midnight. (We hope) Tickets are available on a first come, first served basis by mail from the Association. Proceeds will go to the Emergency & Legal Fund.

THE GREAT EXCELSIOR JAZZ BAND is nationally recognized as recording artists not only as a leading exponent of traditional jazz but also for its motto: "A man never stands so tall as when he stoops to help a starving musician." Members are: Ray Skjelbred, Leader and Pianist; Mike Duffy, Bass; Bob Jackson, Cornet; Dick Adams, Clarinet; Bill Lovy, Guitar and Howard Gilbert, Drums.

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ATTORNEY WILL SPEAK AT ANNUAL BUSINESS MEETING FRIDAY, MAY 16th: Attorney Derrill T. Bastian will speak at the seventh annual business meeting and election of officers to be held in the Blue Flame Room of the Seattle Gas Co. Building, 815 Mercer St. on the evening of Friday, May 16th. A coffee time starting at 7 p.m. will precede the business session. Mr. Bastian will speak on the law suit he has brought on behalf of the Flo-Villa Corp. and our Association and answer questions.

An explanation of the law suit will set the stage for what the Association hopes will be a lively and informative discussion on the future of Lake Union Shorelands. Member including professional planners and architects, will present some illustrated concepts for the use of the lake in a manner that will enhance rather than destroy its unique marine environment. All members in good standing will soon receive by mail the official call to the meeting including reports of the Finance and Nominations committees.

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SIX FIRE CALLS TO FLOATING HOME MOORAGES IN 1968: There were only six floating home fire calls in 1968 according to the official report sent to the Association by Fire Chief Gordon Vickery. Since official records have been kept the number of fires have been: 1965, eight; 1966, seven and 1967, five. Chief Vickery's report said: "Five of the foregoing fires caused damage estimated to be less than \$100; one caused damage estimated at \$400.00."

Causes of the fires were: (1) Ornamental Christmas candle (2) overheated stove (3) cigarette in davenport (4) thawing water pipe with torch (5) electric short circuit in wall fixture and (6) defective smokepipe for oil heating stove. Four of the fires were on Fairview Ave. E.; one on Westlake N. and one on the Ship Canal. For the fourth consecutive year there has been no fire damage in the entire Portage Bay floating home area. The Fire Department has furnished the Association with a supply of stickers for phones with the number to dial to report a fire. These are being mailed to members with dues receipts along with a message urging householders to report a fire immediately.

FLOATING HOMES ASSOCIATION
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