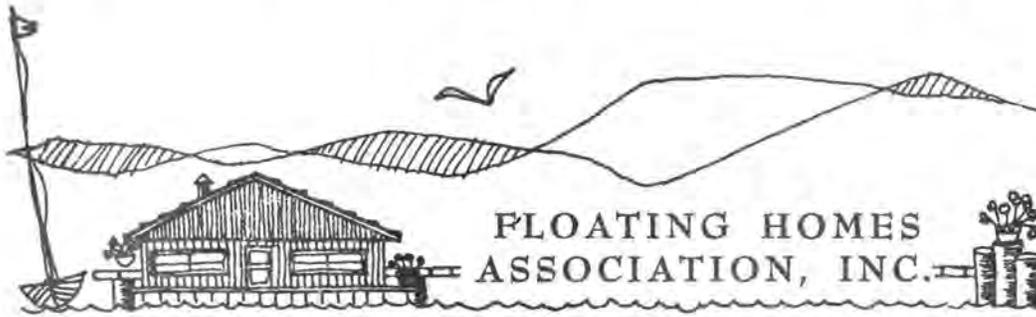


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# STATE GETS DELAY IN APARTMENT SUIT



2329 Fairview East

Seattle, Washington 98102

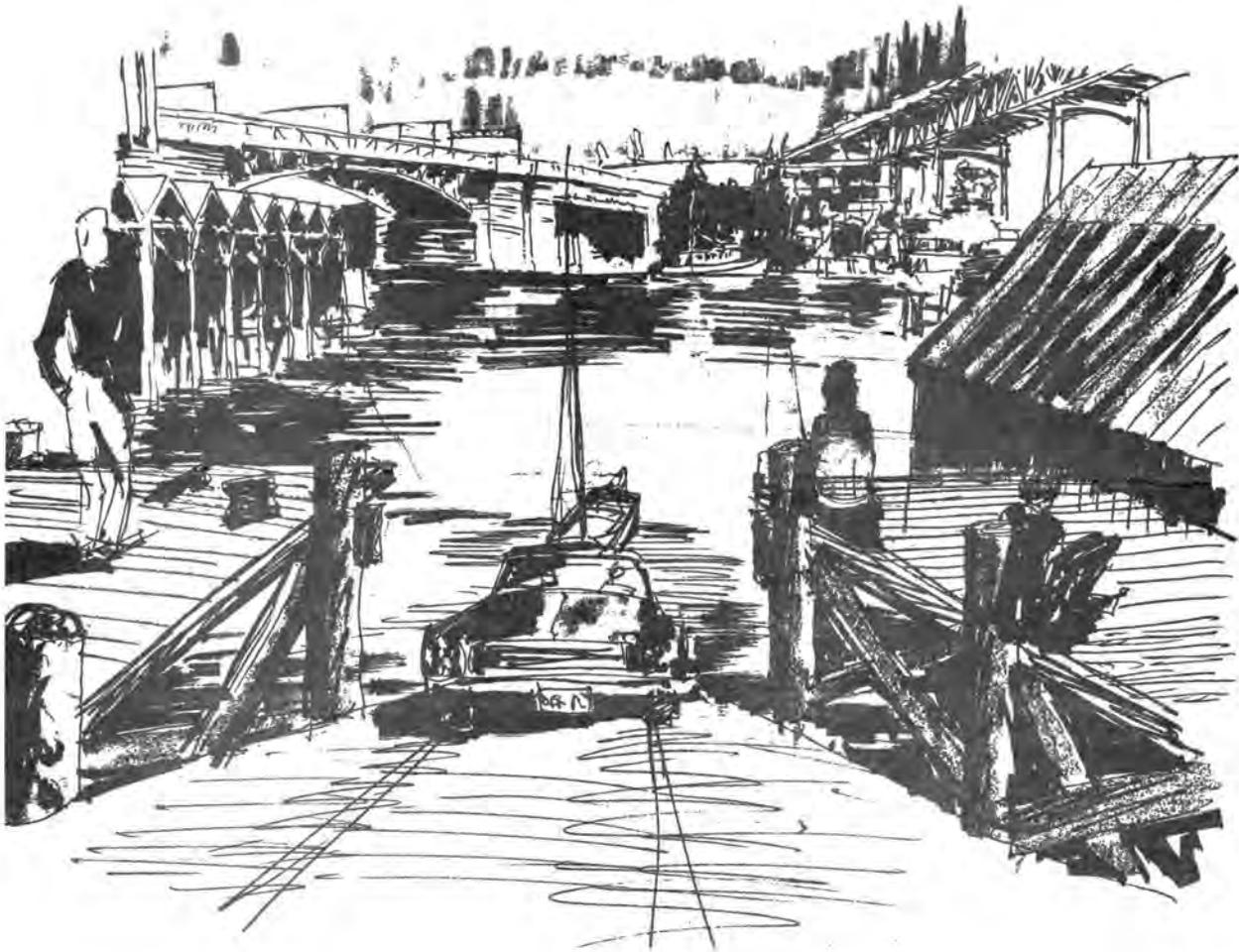
Phones: EA 5-1132 or EA 9-1517

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Newsletter

OCTOBER, 1969

## DESIGN CONCEPT FOR STATE WATERWAY NO. 14



An example of how one of the 19 state-owned waterways dotting the shorelands of Lake Union could be developed for public use, is shown on the above design concept for Waterway No. 14 located at the foot of 7th Avenue N.E. (See Plot Plan on page 3.) The suggested development, to include a boat-launching ramp with piers for viewing, fishing and transient boat moorage, is the work of Robert Goodwin, a member of the Association's Planning & Design Committee. Mr. Goodwin, now in Europe, will return to the University of Washington in the winter quarter to continue work on a doctoral degree in Urban Planning.

Waterway No. 14 is within walking distance of the U. of W. and the area could provide the parking space necessary for a boat-launching facility. The Planning and Design Committee points out that in addition to the 19 State Waterways there are also 33 Street Waterways on Lake Union and Portage Bay which could be developed in a variety of ways, from simple view-points to more elaborate installations, "to provide the people, at reasonable costs, with a series of exciting glimpses into the delightful world of Lake Union."

With the acquisition by the city of the Gas Plant park site in 1972, various governmental units, municipal, state and federal will own one-third of all the Lake Union-Portage Bay shorelands. The Floating Homes Association believes that any plan for the area should include the development of these state and city waterways for the benefit of the public and that permitted uses of privately owned property should halt the des. ruption of the lake by the proliferation of high-rise over-the water, office buildings, apartments and parking platforms.

The State Waterways are under the jurisdiction of the Department of Natural Resources. They range in width from 100 to 260 feet for a total of 3,477 feet. Although owned by the people they have served no public purpose and through years of neglect have only contributed to the "visual blight" on the Lake Union scene. The 33 Street Waterway (sometimes called street ends) are smaller. None have been developed for public use, even as view-points.

Over the years the state has disposed of three waterways: No. 12 and No. 13 on Portage Bay and No. 7 on Fairview N. The last was sold in 1962 to George Gunn Jr. and was the scene of the controversial fill with dirt from the free-way construction. This caused an upheaval in the bottom of the lake and threatened to make the adjacent waters into a mud hole. It is opposite the City Light standby plant and has remained undeveloped.

The Planning and Design Committee, headed by Grant Copeland, has taken color photographs of the State Waterways from the water and from shore. These are included in an illustrated program which includes design concepts and proposals for the development of both public and privately owned shorelands so as to preserve, improve and enlarge the marine environment of an area that could become a priceless civic asset.

SUIT CHALLENGING HIGH-RISE APARTMENT NOW SET FOR NOVEMBER 17TH: Scheduled to be heard Sept. 15, the suit brought by the Floating Homes Assn. and Flo Villa, challenging the use of state leased land to increase the permitted bulk of an over-the-water apartment, has been postponed until Nov. 17th. At a pre-trial hearing before Superior Judge Lloyd Shorett on Sept. 11th, the State Attorney General unexpectedly asked for the delay.

The suit named as defendants the City of Seattle, the John King Co. (builders of the controversial structure at 2207 Fairview E.) and State Land Commissioner Bert Cole. One of the basic issues is an interpretation of the Zoning Code to permit the builder to compute the leased under-water property to increase the number of units on a privately owned lot. Derrill Bastian, attorney for the plaintiffs, said the state asked for the delay in order that all parties could go into some matters relating to state leases which could have some bearing on the case.

Shortly after the suit was filed the John King Co. applied for another lease in order to increase the bulk of a proposed apartment in the 2200 block on Fairview Ave. E. Commissioner Cole rejected the application and made the following ruling:

"In regard to leases on the beds of navigable waters, we wish to point out that such leases, if and when issued, will be limited to the purpose or purposes stated in the Department of the Army notice. In conjunction with this policy, future leases in areas where circumstances will warrant, will carry a clause to the effect that the areas covered thereby may not be used for the fulfilling of zoning or other land use requirements so as to qualify adjacent lands for construction or enlargement of a multi-story residence." (Our emphasis)

During the summer two joint public hearings were held by the City Council Planning Committee and the Planning Commission on proposals to incorporate this ruling into the Zoning Code. Incorporation of the "Bert Cole Ruling" into the Code was supported by the Floating Homes Assn. and the Lake Union Assn. As a result Ordinance No. 97998 was enacted by the City Council, signed by Mayor Miller and went into effect Sept. 6th. Section 22.12 of the Ordinance reads:

"Submerged land leased from the State of Washington shall not be used for the purpose of computing floor area ratio, minimum lot area per dwelling unit, required side yards or maximum lot coverage for waterfront lots on sale water in any R Zone, or for waterfront lots on fresh water in any R, B, CG or M Zone."

ASSOCIATION OFFERS ASSISTANCE IN SPEEDING UP SEWER CONNECTIONS: While substantial progress has been made in connecting floating homes to city sewers, most of the past difficulties have been overcome and the Executive Committee has announced that it will make completion one of its top priority objections in the coming months. One of the obstacles, that of finding people to do the highly specialized work of installing underwater systems, has been mostly resolved.

"While we have succeeded in doing what many said could not be done, the Executive Committee statement said "We cannot be satisfied with the rate of progress. There are some instances of feet dragging. This cannot continue. However, in some instances the fault clearly lies with the failure of city government to end the uncertainty over the use of shoreland property. In such instances we believe special consideration must be given to avoid hardship to innocent parties."

The statement followed consideration of a detailed survey made by the Association of all floating home moorages on Lake Union and Portage Bay served by the lateral sewer installed under a Local Improvement District. Contrary to widespread belief no Metro funds were involved. The survey shows that as of Oct. 1 there were 408 floating homes at these moorages. Of these moorages with 153 floating homes have completed the sewer connection. Work is in various stages of completion at moorages with 127 floating homes. At moorages with 128 floating homes no apparent start has been made.

The Association has asked that the various governmental agencies concerned make public all the sources of pollution and work out a comprehensive plan to bring about acceptable water standards. The need for such an approach was highlighted at the Sept. 30th hearing conducted by the State Pollution Control Commission on water standards for Lake Union and the Ship Canal. The Commission has cited a number of industrial establishments and has given them five years to comply. The Commission said the Ship Canal has the most heavily polluted waters in the King and Snohomish county area.

Some of the pollution sources in Lake Union were listed by the Health Department in an official communication to the City Council on June 7, 1963, in support of the L.I.D. Cited were 540 floating homes (there has been a decline since then) some 50 commercial establishments and "additionally 12 overflow lines of the City sewer system ranging in size from 10 to 42 inches are discharging sewage either continuously or intermittently into this body of water."

The statement pointed out that floating homes moorages, marinas and other water level installations face very real obstacles in making use of the sewer they are paying for. These include:

(Continued on page 3)

### "MYRTLE EDWARDS" URGED AS NAME FOR NEW LAKE PARK

Endorsement of the proposal to name the park planned for the Gas Plant site the "Myrtle Edwards Park" has been voted by the Executive Committee. Mrs. Edwards was president of the City Council at the time of her accidental death. For years she served as Chairman of the Parks and Public Grounds Committee.

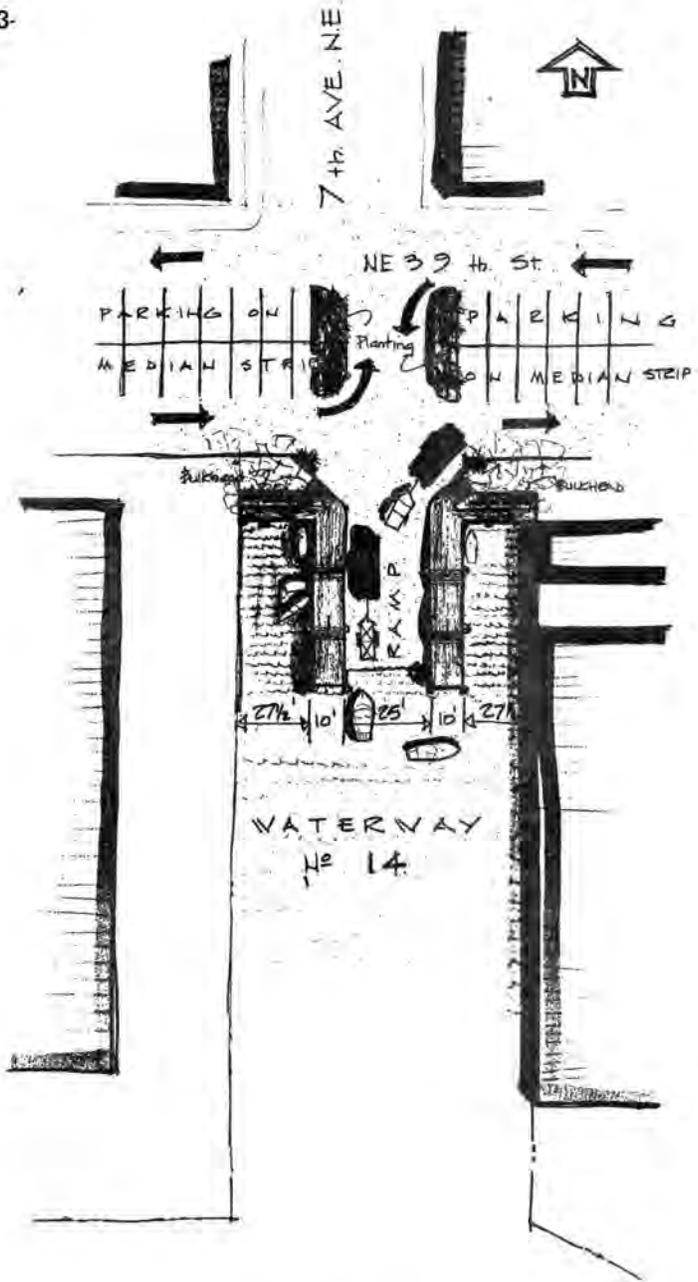
The proposal to name the park for Mrs. Edwards has been made by Councilman M. B. Mitchell who said that the suggestion for acquiring the site was made by Mrs. Edwards years ago. The City will acquire the property in 1972.

### "SAVE-THE-LAKE" CRUISE FATTENED OUR LEGAL FUND

The "Save-The Lake" Cruise Sept. 13th aboard the SS VIRGINIA V was a musical, social and financial success netting our "Emergency and Legal Fund" \$360.00. Kenneth Kennedy and Verna Cameron were cochairmen of the affair. The Seattle Folklore Society furnished three bands - the Tradition Keepers, Dixie Dudes and Trashville Sound and balladeers Maggie Unruh, Bob Nelson, Stan James and John and Sally Ashford.

#### NOTE THESE DATES:

Our sixth annual Christmas Cruises are set for Friday, December 19th and Sunday, December 21st. More information to come.



### ASSOCIATION OFFERS SEWER CONNECTION ASSISTANCE: (Continued)

**THE SEWER INSTALLATION:** The 8-inch line around the lake can be used by gravity flow only by the upland property. Water level installations, although they pay the same assessment must install expensive collection and pumping systems. Many believe the sewer was installed to efficiently serve only the kind of high-rise, over-the-water structures which have created considerable controversy.

**UNCERTAINTY AS TO ZONING:** Installation of these systems by marine users means a substantial capital investment which must be amortized. Pressure for such investment comes at a time when the future of the lake is uncertain and speculation in shoreland property is rampant. In spite of years of hand-wringing and a series of "studies", city government has failed to act. In 1963 the Planning Commission's "Lake Union Study" proposed the creation of a "Commercial Waterfront Zone" to replace the "Manufacturing Zone" which includes some 85% of all shorelands. More recently the Council Planning Committee asked consideration be given to a "Design Zone" to preserve and improve the marine environment. This has received a chilly reception from the Planning Department.

In a "Manufacturing Zone" almost anything goes except residences. This zone includes unimproved property being held by speculators. Property owners are understandably reluctant to sell or lease for marine uses when the "highest and best" formula for tax purposes would permit a high rise structure. How marine uses are being driven off the Lake Union shorelands is illustrated by the 10-story office building being constructed by the Association of General Contractors at 1200 Westlake North and by the Bartell Drug Company's 7-story structure being built at 1700 Westlake North. The Bartell Company will use a considerable portion of its 400 foot of frontage for a 200 car over-the-water concrete parking platform. In the Manufacturing Zone marine businesses, whose leases have expired, are now on a month-to-month basis. One floating home moorage is in that situation. Rentors, who can be kicked out on a 30-day notice, are not in a position to make the substantial capital investment the sewerage system requires.

The situation in the small Commercial General Zone (about eight blocks) was relatively stable until about two years ago. Then overnight there developed a "Florida land boom". Owners of floating home moorage property in particular were pressured to sell fast on the grounds that the "City is going to kick out the houseboats." There were three such "panic" sales. In the space of a few months five property owners applied for apartment house building permits. One of these parcels was being used as a boat repair business, one a marina and boat sales and three for floating homes. The reason for the boom surfaced when it was learned that the Building Department would permit state leased land to be used to compute bulk coverage on privately owned lots. One building (the John King apartment house at 2307 Fairview) was built before State Land Commissioner Bert Cole refused to allow state leases to be used for that purpose. Two floating home moorages are

owned and operated by developers who planned such structures. What will happen now is anybody's guess.

The basic problem of Lake Union is zoning. No water-needing use can co-exist with high rise, over-the-water structures. Seattle can have a commercial boating center - a recreational lake that will contribute an appealing marine environment to enhance the livability of the entire community - or it can do nothing and let the shorelands disappear under acres of concrete. Ross Cunningham posed the problem in the Seattle Times (7/26/69) when he wrote:

"If planning is to have any real meaning, it very well may require a meat-ax approach to the customary concept of 'property rising to its highest economic value' by giving environmental consideration higher values than dollar domination of the use of property. If the idea is revolting so is what is being done to the environment revolting."

An answer to the question "What is Lake Union For?" is long overdue. The problem is on the doorstep of the Lake Union Advisory Commission, the newly created Department of Community Development, the City Council and the Mayor.

**NEWS BRIEFS:** Association survey shows 460 floating homes at legal moorages: Fairview Avenue East, 192; Portage Bay Area, 131; Westlake North, 75; North Northlake Way, 10; Ship Canal, 52. Dozen or so in dead storage (unoccupied) for lack of moorage . . . . Some interesting news received in a round-about fashion. In France last month Jim and Norma Wandesforde happened to meet an employee of LOOK who says the magazine plans a floating home feature come spring. . . . In one of her last letters to the Association the late Mrs. Harlan H. Edwards said our advocate plan for the Gas Plant park site "Sounds like a grand idea." . . . . The California legislature has passed and Governor Reagan has signed a bill placing the 256 miles of the San Francisco-Oakland Bay shoreland in a "Design Zone". Property must be used for marine and recreational purposes . . . . Governor Evans told the recent symposium of the Washington Environmental Council he will ask legislature to create a Department of Environmental Quality . . . . Duck population showed sharp decline this summer. Oil slick from storm drains and sewers took heavy toll of ducklings . . . . Ivar Haglund's new Lake Union restaurant will be named "The Salmon House" and will be open any time now . . . . Floating Homes continue to chalk up a good fire safety record. In past four years only two fires had damages in excess of \$500. However, we are still discriminated against in fire insurance rates and propose to do something about it . . . . Office would appreciate knowing about any rental possibilities. As usual being swamped with calls.

PLEASE NOTIFY THE OFFICE OF ANY CHANGE OF ADDRESS:

KNOW SOMEONE WHO WOULD BE INTERESTED IN THIS COPY OF THE NEWS LETTER? TURN IN THE NAME. WE WILL MAIL.

FLOATING HOMES ASSOCIATION  
2329 FAIRVIEW AVENUE EAST  
SEATTLE, WASHINGTON 98102