



2329 Fairview East

Seattle, Washington 98102

Phones: EA 5-1132 or EA 9-1517

Number 36

June, 1969

**STATE CURBS USE OF LEASED SHORELANDS FOR APARTMENT STRUCTURES:** Use of leased state underwater property for the purpose of increasing the number of residential units on privately owned shorelands will not be permitted in the future, according to a regulation issued by State Land Commissioner Bert Cole. The restriction was announced in denying the application by the John King Co. for a lease of state land in the 2200 block on Fairview Avenue E.

The John King Co. used a state lease in the construction of the controversial over-the-water apartment building at 2307 Fairview. A copy of the letter informing the builder of the state's policy was sent to Derrill Bastian, attorney for the Floating Homes Assn. and Flo-Villa Corp., who have challenged the legality of the building permit for the present structure. This suit may go to trial in July or August. Commissioner Cole's letter said in part:

"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 warrant, will carry a clause to the effect that the areas covered thereby may not be used for the purpose of fulfilling zoning or other land use requirements so as to qualify adjacent lands for construction or enlargement of a multi-story residence."

The ruling apparently blocks the proposed construction of a 71 unit apartment house in the 2200 block which the law suit alleges would be 35 units in excess of what the Commercial General Zoning provides for. In his application to the state for a state lease abutting his property at 2307 Fairview, the John King Co. said it was for the purpose of boat moorages and a swimming pool. However, the City permitted the builder to compute the state land in determining the number of units in the structure on private property. The suit charges that this overloading violates the Zoning Code. In addition the builder was permitted to cover the entire surface of his underwater lot with a concrete parking platform. No side-yard set backs were required on the grounds that the parking area is "commercial" and not "residential". The suit also challenges the legality of this ruling.

The City Council Planning Committee and the Seattle Planning Commission are now considering a variety of restrictions on over-the-water construction including prohibiting the use of state lease lands to increase building density. The Association regards the ruling by Commissioner Cole as the first fruits of its law suit. The litigation is being financed by a special "Emergency & Legal Fund". Contributions should be made payable to the Floating Homes Association.

\* \* \*

**CLARA KENNEDY ELECTED PRESIDENT AT 7TH ANNUAL MEMBERSHIP MEETING:** Mrs. Clara Kennedy, recording-secretary for the past five years, was elected president of the Association at the general membership meeting May 16th. Mrs. Kennedy is a supervising public health nurse with the Seattle-King Co. Department of Health. Robert Brown, retiring president, did not seek re-election.

Other officers elected are: Esther Carhart, 2207 Fairview E., recording-secretary; John Southern, 2207 Fairview E., Trustee; James Donnette, 2331 Fairview E.; Robert Goodwin, 2770 Westlake N. and George Levin, 2019 Fairview E., members of the Executive Committee. Vice President Mark Freeman has submitted his resignation. Mr. Freeman is also president of the Lake Union Assn. and considers it undesirable to serve as an officer in both organizations. His resignation was accepted with regret and the Executive Committee will fill the vacancy.

A report on the law suit was presented by Attorney Bastian who answered questions from the floor. An outstanding feature of the meeting was the presentation of an illustrated report by a team from the Association's "Development & Design Committee" prepared by Grant Copeland, planner; Mr. Donnette of the U. of W. School of Archi-

ecture & Urban Planning; Richard Wagner, architect and Mr. Goodwin, graduate student in urban planning.

Illustrated by color slides and design concepts the report included a comprehensive plan for a marine-oriented park on the Gas Plant property by Mr. Wagner; some suggestions for the public development and use of state waterways by Mr. Goodwin and diversified uses of shoreland property, including floating homes, by Mr. Copeland. Members unanimously voted support for the park concept as outlined by Mr. Wagner and urged the Park Department and the City to give it serious consideration. (Future issues of the NEWS LETTER will have more on these reports.)

In addition to the above officers the Executive Committee includes: Verna Cameron, 2822 Boyer E., Treasurer; Terry Pettus, 2035 Fairview E., Administrative Secretary; Mr. Copeland, 1214 E. Hamlin; Mrs. Gladys Mattson, 3136 Portage Bay Place E.; Kenneth Kennedy, 3200 Portage Bay Place E. and Mr. Wagner, 2770 Westlake N., holdover Trustees.

\* \* \*

ASSOCIATION ASKS CITY TO PRESERVE MARINE ENVIRONMENT OF LAKE UNION: A statement asking the City to adopt an official policy to preserve the marine environment of Lake Union and to set new zoning standards adapted to "water uses" was presented to the City Council Planning Committee and the Seattle Planning Commission at a joint hearing May 22nd. The policy statement was adopted at our general membership meeting May 16th and submitted by President Clara Kennedy and Administrative Secretary Terry Pettus.

Municipal government was asked to "come to grips with the total problem of Lake Union" by "clearly enunciating a policy that reflects the broad public interest. Only then can other groups, in cooperation with municipal government, have a frame of reference in which to take constructive and meaningful action."

The statement pointed out that in 1964 the Puget Sound Governmental Conference has this to say:

"Conflicting uses of water are likely to increase in future years...zoning for the uses of water may become as common as zoning for the uses of land. What precise forms these measures and controls may take is unknown...But as problems of water user conflicts increase legislative bodies will react."

The Association urged the city to apply a new element, "environmental need" in zoning Lake Union shorelands. There could also be "many related uses that could and should compliment marine installations. We believe that we can have diversity and economic viability without destroying the marine environment."

The hearing was one of two on vague proposals to restrict over-the-water construction in only the very small (about seven blocks) Commercial General zone. One of these "restrictions" would permit the paving of the entire underway lot surface provided the platform was only four feet above water. This was vigorously opposed. On June 2 the City Council voted to create a "Lake Union Advisory Commission" to assist the City in setting goals and direction for Lake Union Development. The Association has asked that it be represented on this Commission by President Clara Kennedy.

(Copies of the Association's Policy Statement are available on request.)

NEWS BRIEFS: The Association is selling "SAVE THE LAKE" buttons with proceeds to the Emergency & Legal Fund. Plenty available...The papers of Judge Thomas and Caroline Burke at U. of W. reveal there was a "Houseboat & Home Protective League" in 1910 or thereabouts. The Burkes were members. Houseboats were having their problems even then. Head of the League was Roland B. Winn whose houseboat was located at 1501 Fairview. We will have more on this organization in later issues.

FLOATING HOMES ASSOCIATION  
2329 FAIRVIEW AVENUE EAST  
SEATTLE, WASHINGTON 98102