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BEFORE THE HEARING EXAMINER
OF THE CITY OF SEATTLE

In the Matter of the Appeal of
PROTECT VOLUNTEER PARK.,
of a Determination of Non-Significance
Certificate of Approval issued by the
Department of Construction and
Inspections for Construction in Volunteer
Park

Hearing Examiner File: MUP 17-015

Department Reference: 3024753

DECLARATION OF JOHN
COLWELL

I, JOHN COLWELL, declare as follows:

1. I am a resident of the City of Seattle, Washington and a member of Protect Volunteer Park. I live in the vicinity of Volunteer Park. I am over the age of 18 years and am competent to testify herein. I make this declaration based on my personal knowledge.

2. Volunteer Park and the Asian Art Museum are a stone's throw from my house. I visit the field behind the museum most every day, year-round. It's where I play games with any of my four children, where I walk with my dogs, where I go to relax, or where I pass through en route to other parts of the park. It is the closest portion of the park to my home. I consider this the "front" of the park, while museum literature and advocates promoting building expansion often call it the

1 "back" of the park. In the context of pro-expansion arguments, this portion of the park is widely
2 disparaged as being shaded, muddy, unused and prone to crime, homelessness and drug use.

3 3. All of these claims are relevant to my use of the park, largely because each of them
4 would be exacerbated by the planned building expansion. Of particular relevance is shading, because
5 land use code prohibits construction casting shade on public parks. The impact of the proposed
6 museum wing in this regard would be quite significant. Speaking strictly as a lone park user, I can
7 assure you my familiarity with sun and shade patterns in the park is deeply ingrained. I have been
8 visiting the field behind the museum for approximately 25 years.

10 4. The existing building is profoundly detrimental to the park in terms of shade; the
11 addition would add grave insult to injury. Whereas the crest of the park was once a public garden
12 allowing unimpeded sunset views, the current building obliterates all late-evening sun. Starting in
13 early afternoon, depending on time of year and the angle of the sun, museum shade begins
14 descending across the east lawn. In spring, with warmer weather and lengthening daylight hours,
15 large portions of the lawn are entirely shaded by early evening when after-work apartment dwellers
16 and others begin to gather for their picnics. Those picnicking can be seen moving as the shade
17 approaches. With the new construction – and according to the data presented in SEPA review by
18 project applicants – spring and summer evenings will see shade envelop the lawn in its entirety far
19 earlier than it does now. This is not a trivial impact. Quantifying the increased square footage of
20 shadow would be informative. I am not aware of the applicants providing such information.

23 5. Further, if one measures the impact of the project's planned overhanging glass-
24 walled walkway, a complete removal of sunlight will be observed. A new 40-foot deep, 50-foot tall
25 north facing wall with third-floor overhang will create shade and cover entirely beyond existing
26 impacts. There is but the remote possibility of morning sunlight reaching this location during a short

1 period surrounding the summer solstice. By the project's landscaper's own admission, a lightless
2 dead zone will be created, purely for the enjoyment of museum patrons seeking to interact with the
3 tree canopy from an enclosed space. This feature, at the least, should be rejected outright for its
4 detrimental impacts.

5
6 6. The city planner reviewing the museum permit application acknowledges the impact
7 of new shading, but says in his review the impacts are non-significant because they "fail to render
8 large swaths of space unusable." This argument is disingenuous in the extreme, flaunting the
9 obvious intention of city code. By this measure, shade, no matter how total, would never be a
10 significant impact, because shade will never make a space "unusable." But in the context of
11 Northwest environs, it can come fairly close.

12
13 7. The other concerns of mud, low use, homelessness and crime, while minimal relative
14 to the significance applicants bestow on them to support their expansion, are all directly related to
15 the lack of sunlight. I know this park location in all seasons at all times of day and night. Any
16 pronounced addition to a building that is already broad, tall and opaque, would be a remarkable
17 disservice to public park space.

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19 8. If this project were to proceed as planned, the impacts to myself and my family
20 would be significant.


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22 9. In late afternoon, the shadows begin their journey across the east lawn, pushing park
23 users in their path.

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 11 day of May, 2017, at Seattle, Washington.



JOHN COLWELL