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**RE: RIDE THE DUCKS FACILITY PROPOSED AT 1949 FAIRVIEW AVENUE EAST**

To the Department of Planning and Development and the Seattle Department of Transportation:

The Eastlake Community Council believes that, as currently proposed, a Ride the Ducks facility for 1949 Fairview Avenue E. is not compatible with Fairview's character as a shoreline street to be shared by pedestrians, bicyclists, and vehicle traffic and parking. Fairview runs adjacent to Lake Union and provides access to many residences and businesses as well as views and recreational opportunities.

ECC has been working for more than 40 years to protect and improve Fairview, for example by helping found Seattle's largest concentration of street-end parks. Long before the City identified the Cheshiahud Lake Union Loop, shoreline walking and bicycling routes had been established on Fairview Ave. E. beginning in 1975 with Ordinance 104613 and then via the 1994 Eastlake Transportation Plan and 1998 Eastlake Neighborhood Plan--plans both done by the community in partnership with City agencies. It was also at ECC initiative that in 1998 the City constructed the walking path on the shore side of Fairview Ave. E. that extends from south from the proposed Ride the Ducks site along the old NOAA site; and south from there to Fairview Ave. N., the ECC, with some City funds, several years later constructed the shoreline pathway that the SDOT recently expanded.

The Seattle Design Commission has honored Fairview as a "Street That Works," for balancing the needs of pedestrians, bicycles, traffic, and public parking. But this balance is a fragile one, and Fairview's greatest challenge is the danger to pedestrians and bicyclists from motor vehicle traffic. In response to the Eastlake Neighborhood Plan, the City by Ordinance 119322 classified Fairview between Fuhrman and Hamlin streets and between Roanoke and Newton streets as a Green Street, and ECC is working on a Street Design Concept Plan for SDOT that will define the street standards and improvements for these segments of Fairview to protect it as a "street that works".

ECC is therefore concerned that, as presently proposed, the proposed Ride the Ducks facility may exacerbate the problems associated with the motor vehicle traffic that is already problematic for Fairview Avenue E. Our concerns include:

**Safety for bicycling, pedestrians, and local traffic.** Ride the Ducks advertises itself as a "crazy captain with a party on wheels," and there has been a serious injury accident involving a Duck and a motorcyclist that is now in litigation. The peak 75 round trips daily by Duck amphibious trucks pose a serious safety issue for bicyclists and pedestrians who will also be at peak numbers during good weather, as well as for local residential and business vehicles. The growing pedestrian and bicycle use of the Cheshiahud shoreline loop is directly threatened by the Duck route, which would cross the existing pathway at a dangerous oblique angle.

For bicycle and pedestrian safety, the Sunnyside Ave. N. public boat launch (on N. Northlake Way), which Ride the Ducks currently uses to access Lake Union, is far superior to the proposed Fairview site. Because the Cheshiahud Lake Union Loop follows the Burke-Gilman Trail (which is across Northlake Way from the lake), the Ducks entering and leaving the lake do not cross the bicycle and pedestrian route. No site in Eastlake has this advantage. If the main reason that Ride the Ducks is moving its operation is to avoid paying the fees required for using the Sunnyside public boat launch, we suggest that Ride the Ducks and the Parks Department explore a negotiated reduction in fees, as the Sunnyside site is far preferable in every other way to the proposed new site on Fairview.

**Private driveway conflicts with public parking and access on Fairview Ave. E. right of way.** Ride the Ducks is proposing to DPD and SDOT a driveway that is not only a connection between its private property and the developed roadway, but is also a continuation of the ramp structure on the public right of way itself. The latter does not seem to be an appropriate use of public right of way, especially in that it necessitates the loss of five or more much-used public parking spaces. It also seems unnecessary, because Ride the Ducks has not availed itself of a route for the ramp that would be on private property that it once owned but has since sold to the abutting property owner, United States Seafoods. Ride the Ducks should pursue a lease or a land exchange to allow it achieve access on private land without sacrificing public parking, and with the added benefit of moving its vehicles' access to the lake away from Terry Pettus Park and the adjoining houseboat colony.

**Increased Noise and Pollution.** We are also concerned about increases in noise and air and water pollution that Ride the Ducks it will bring. Diesel and gasoline exhaust from the Ducks will be a negative for pedestrians and bicyclists as well as for nearby residents such as houseboaters, and especially for users of the park, which is a popular place for swimming and enjoying the lake views and breezes. At the very least the Ducks should be converted to a cleaner fuel such as natural gas.

The Ducks have powerful sound systems and are without windows. The City noise ordinance, SMC 25.08.515, prohibits vehicle sound systems from being operated at a volume that "could be clearly heard by a person of normal hearing at a distance of seventy-five feet or more from the vehicle itself." Unfortunately, the City simply does not enforce this standard on the Ducks, whose loud commentary and music regularly and drastically exceeds legal noise standards on City streets. DPD's environmental analysis must not assume the fiction that the Ducks obey the noise ordinance, when the reality is that noise levels are far higher.

**Department of Natural Resources leasing.** It seems to ECC that now that the property has changed hands, the submerged portion west of the proposed Ride the Ducks ramp (80' wide by 200' deep) that provides lake access may need to be re-leased, a process that will involve the opportunity for technical and public review. We suggest that DPD and SDOT not act on the requested permits until this issue of DNR leasing is resolved.

**Lack of planning.** Ride the Ducks is proposing its facility on and near the site formerly occupied by NOAA. Recognizing the possibility that NOAA could leave, the Eastlake Neighborhood Plan obtained a unanimous commitment from the City as follows (p. 20 of the attachment to Res. 29932 adopted by the Mayor and City Council in 1999): "Plan for the re-development of NOAA and other major properties along the Fairview shoreline in a way that strengthens Eastlake's existing industrial maritime uses, recreational users, shoreline habitat and floating home community."

In the referenced attachment to Res. 29932, the Mayor and City Council in 1999 assigned to the City's Office of Economic Development the lead for this promised planning process. But when NOAA made the decision to leave, the Office of Economic Development continuously and completely abdicated in its responsibility, refusing to undertake this public planning role. And to make matters worse, this same Office of Economic Development instead worked secretly with Ride the Ducks to make its land purchase a "done deal" before the community could learn of the new owner or use.

The consequent lack of planning and public involvement shows glaringly in the Ride the Ducks proposal, which fails to address the welfare of recreational users and of the floating home community--stakeholders specified in the City legislation. On land, the Ducks vehicles would bring constant collision danger, pollution, and noise to those walking or bicycling along the Lake Union shoreline; and in the water, would bring similar danger, pollution, and noise to park users and to the houseboats. Had the required planning process occurred, it would never have allowed constant truck traffic (whether on land or in the water) so close to recreational users or to floating homes.

**Conclusion.** It is our hope that the Department of Planning and Development and SDOT will fully consider the issues highlighted above. We urge DPD and SDOT to stand behind, and not undermine, the planning and improvements that have made Fairview Avenue E. so friendly to pedestrian and bicycle travel, and such a good place to live, work, and visit.

Sincerely,



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