

CHRONOLOGY AND DOCUMENTS REGARDING SEATTLE OFFICIALS' DECISIONS ON THE FUTURE OF THE FORMER NOAA SITE

As a March 23, 2013 *Seattle Times* article reports, internal City documents obtained under the state Public Disclosure Act show that the Office of Economic Development and the Department of Planning and Development, with the involvement of Mayor McGinn, thwarted a 1999 City Council resolution requiring a public planning process for the ten-acre NOAA site if NOAA were to leave (as it did in 2011). OED shared the internal correspondence on this effort with Ride the Ducks and its attorneys before the public even learned of that company's interest in the site. Contrary to public claims that the promised planning process could not go forward because of a lack of funds, OED spent huge amounts of staff time assisting Ride the Ducks. Rather, OED, DPD, and the Mayor wanted to avoid the planning process because it would consider open space and recreational uses and would consider the welfare of the nearby houseboats.

Following are the documents, preceded by a chronology and a list of the participants.

CHRONOLOGY

- April 12, 1999. City Council unanimously passes Resolution 29932, which in adopting the Eastlake Neighborhood Plan, commits the City as follows:

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 uses, shoreline habitat and floating home community." The priority is listed as "high as re-development becomes more likely." The Office of Economic Development is listed as the lead implementor, with other participants being the community, Department of Neighborhoods, and DPD (listed then as DCLU). The executive comments are: "It will be important for the City and the community to work together on this issue and plan ahead. The property owners should be included in any planning for the site.

- Aug. 4, 2009 -- Seattle Times reports that NOAA has decided to move its Pacific Marine Operations Center from Seattle's Lake Union to Newport, Oregon.
- Nov. 17, 2010 -- GVA Kidder Matthews lists the former NOAA site for sale
- Nov. 23, 2010 -- Eastlake Community Council sends an e-mail (below) reminding the Office of Economic Development of its obligation to conduct a public planning process regarding future uses of the NOAA site.
- Sept. 16, 2011 -- Eastlake Community Council sends a follow-up e-mail (reprinted below) to the Office of Economic Development reiterating news our request for the City to conduct the planning process it had committed to do if NOAA were to leave.
- May 1, 2012 ECC receives its first news that Ride the Ducks has purchased the property--not from the City or Ride the Ducks, but from a *Puget Sound Business Journal* article.
- Nov. 8, 2012 At an ECC public meeting, Ride the Ducks makes a presentation at ECC's invitation

NAMES IN THE DOCUMENTS

Michael Patrick McGinn -- Mayor of Seattle
Ethan Raup -- staff to the Mayor
Steve Johnson -- Director of the Seattle Office of Economic Development
Roque Deherrera -- staff person with the Seattle Office of Economic Development
Diane Sugimura -- Director of the Seattle Department of Planning and Development
Marshall Foster -- Planning Director, Department of Planning and Development
Alan Justad, Brian K. Surratt, & John Skelton -- staff at DPD
Mike Smith -- Pacific Engineering Technology (consultant to Ride the Ducks)
Brian Tracey -- owner of Ride the Ducks
Jack McCullough -- Ride the Ducks' attorney (firm of McCullough Hill Leary)
Jessica Clawson -- Ride the Ducks' attorney (firm of McCullough Hill Leary)
Chris Leman -- President, Eastlake Community Council

THE DOCUMENTS

From: Chris Leman [<mailto:cleman@oo.net>]
Sent: Friday, September 16, 2011 3:06 PM
To: Steve Johnson (steve.johnson@seattle.gov)
Cc: Deherrera, Roque
Subject: Carrying out the City's commitment to conduct a planning process, jointly with the property owners and the community, for redevelopment of the former NOAA site at 1801 Fairview Ave. E.

Steve and Roque—

It has been nearly a year since I sent you the following e-mail, calling your attention to the City's adopted policy designating OED as the lead in producing a "plan for re-development of NOAA and other major properties along the Fairview shoreline in a way that strengthens Eastlake's existing industrial maritime uses, recreational uses, shoreline habitat and floating home community," and for the city to conduct this process in a way the includes the community as a partner. As numerous potential buyers have been actively looking at the property and may well have contacted OED, it is urgent for OED to affirm its commitment to conduct this planning process, and in an open and participatory way. I look forward to talking with one or both of you soon about your intentions.

Chris Leman (206) 322-5463
President, Eastlake Community Council

From: Chris Leman [<mailto:cleman@oo.net>]
Sent: Tuesday, November 23, 2010 4:07 PM
To: 'Deherrera, Roque'
Subject: Carrying out the City's commitment to conduct a planning process, jointly with the property owners and the community, for redevelopment of the former NOAA site at 1801 Fairview Ave. E.

To the Office of Economic Development—

In the Eastlake Neighborhood Plan's Approval and Adoption Matrix that was adopted unanimously by City Council Resolution 29932 on April 12, 1999, there is on page 20 the following activity #CD-15:

“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 uses, shoreline habitat and floating home community.” The priority is listed as “high as re-development becomes more likely.” The Office of Economic Development is listed as the lead implementor, with other participants being the community, Department of Neighborhoods, and DPD (listed then as DCLU). The executive comments are: “It will be important for the City and the community to work together on this issue and plan ahead. The property owners should be included in any planning for the site.”

In view of the extensive past efforts of the Eastlake Community Council to help OED to try to keep NOAA in Seattle, we would deeply appreciate OED's help in ensuring that possible re-development of the former NOAA site is planned for by the City in partnership with the community and the property owners (whomever they turn out to be) in accordance with the goals stated in work item CD-15.

Chris Leman, President
Eastlake Community Council
(206) 322-5463

From: Deherrera, Roque
Sent: Tuesday, December 13, 2011 5:04 PM
To: McCullough, Jack_DPD
Cc: Brian Tracey
Subject: FW: OED to conduct a planning process for redevelopment of the former NOAA site at 1801 Fairview Avenue East?

Jack,

This email is for you and Brian only. Please do not distribute. Brian, this is something to be aware of but not necessarily something to worry about. It may help in your negotiations for the property.

Please see the email chain below. We have no interest in conducting a planning process for the NOAA site, but you should know that Eastlake wants to expand Terry Pettus Park onto the northern “notch” portion of the site. See CD15 on Page 18. The approval and adoption matrix was approved by City Council Resolution 29838 in December, 1998. Neither the approval adoption matrix nor the resolution mention the park expansion specifically. I got that news from Chris Leman by telephone.

<http://www.seattle.gov/neighborhoods/npi/matrices/pdf/eastlke.pdf>

<http://clerk.seattle.gov/~scripts/nph->

brs.exe?s1=&s2=&s3=&s4=conlin%5Bspon%5D+and+%40dtir%3E%3D19980000+and+%40
dtir%3C1999
0000&Sect4=AND&l=200&Sect2=THESON&Sect3=PLURON&Sect5=RESN1&Sect6=HITOF
F&d=RESN&p=
1&u=%2F~public%2Fresn1.htm&r=11&f=G

The owners are aware of this issue, as are their brokers. However, I previously conveyed the same message to them, that we don't have an interest in pursuing a planning process for this site, unless it's something the owners want to pursue or it's part of another action (e.g., rezone).

Thanks,
Roque

From: Deherrera, Roque
Sent: Friday, December 02, 2011 11:50 AM
To: Foster, Marshall; Sugimura, Diane; Justad, Alan
Subject: RE: OED to conduct a planning process for redevelopment of the former NOAA site at 1801 Fairview Avenue East?

Some more context on the NOAA site. See below.

Also, it's strange that the NOAA owners were never, according to them, engaged about a potential planning project on their site. Is it possible that the Eastlake Neighborhood Plan recommendation assumed that NOAA owned the property? It would seem odd for us to force a planning process on a site where the ownership doesn't want it... of course, if the future owner pushes for a rezone, that's a different story. I've talked to three potential buyers of the site. Two of the three said they would build under the existing zoning... for whatever that's worth.

Roque

From: Johnson, Steve
Sent: Thursday, October 13, 2011 10:09 AM
To: Sugimura, Diane
Cc: Surratt, Brian K.; Deherrera, Roque; Skelton, John
Subject: RE: OED to conduct a planning process for redevelopment of the former NOAA site at 1801 Fairview Avenue East?

Very helpful context. My purpose for the alert was to make sure the Mayor was not caught off guard and make promises that we cannot deliver on. I want OED to hug DPD closely on this one so we can manage both the politics and the policy.

We know there is a lot of developer interest in the property so there might be a request that the City work with the current owner and prospective purchaser about community benefit in exchange for changes in allowable uses. I doubt that discussion, if we even wanted to entertain it, would be in the manner that Chris Leman imagines.

Steve Johnson | steve.johnson@seattle.gov | 206 733 9889

START | GROW | GREEN Your Business @ www.growseattle.com

From: Sugimura, Diane
Sent: Thursday, October 13, 2011 8:57 AM
To: Johnson, Steve
Cc: Surratt, Brian K.; Deherrera, Roque; Skelton, John
Subject: RE: OED to conduct a planning process for redevelopment of the former NOAA site at 1801 Fairview Avenue East?

Here are comments from John Skelton. And I would add that since OED was designated, it seems to imply that it would continue in some economic use!:

While it is true that we indicated a willingness to work with the community to plan for this eventuality, there was always the hope until just recently that NOAA would stay. However, nothing in the provision cited by Mr. Leman indicates that anyone agreed back then to work with the community to preserve this site as open space, as tempting as that might be. We simply agreed to work with them in strengthening the industrial maritime, recreational and floating home community use of the shoreline.

Diane M. Sugimura, Director
Dept. of Planning and Development
700 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
206-233-3882

From: Johnson, Steve
Sent: Wednesday, October 12, 2011 5:42 PM
To: McGinn, Michael Patrick
Cc: Raup, Ethan; Sugimura, Diane; Surratt, Brian K.; Deherrera, Roque
Subject: FW: OED to conduct a planning process for redevelopment of the former NOAA site at 1801 Fairview Avenue East?

Mayor,

FYI on a brewing issue as summarized in this attached email from Chris Leman. Now that the former NOAA site is vacant, some of the neighborhood activists want the City to repurpose the land to extend the adjacent park, as apparently was requested of us in the 1999 Nhood Plan. A complicating factor, in addition to time and resources, is the fact that the site is privately owned.

I will not be at the jobs subcabinet this Friday but Brian Surratt and Diane Sugimura will be prepared to spend 5 minutes to give you more background. No need for action or decision at this time – this is just a heads up.

Also, great job at the White House roundtable this morning. You were right on with your message and tone and you did a great job moving the discussion along.

Steve

From: Leman, Chris

Sent: Tuesday, November 23, 2010 4:07 PM

To: Deherrera, Roque

Subject: Carrying out the City's commitment to conduct a planning process, jointly with the property owners and the community, for redevelopment of the former NOAA site at 1801 Fairview Ave. E.

To the Office of Economic Development—

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In view of the extensive past efforts of the Eastlake Community Council to help OED to try to keep NOAA in Seattle, we would deeply appreciate OED's help in ensuring that possible re-development of the former NOAA site is planned for by the City in partnership with the community and the property owners (whomever they turn out to be) in accordance with the goals stated in work item CD-15.

Chris Leman, President
Eastlake Community Council
(206) 322-5463

From: Deherrera, Roque

Sent: Wednesday, March 14, 2012 3:25 PM

To: Mike Smith

Cc: McCullough, Jack_DPD; btracey@seattleducktours.net; Clawson, Jessie

Subject: Cheshiahud Lake Union Trail and Driveway Access

Attachments: Fairview Ave E Street Profile.pdf

Brian, Jack, and Mike,

A few things – one FYI and some answers regarding paving and access to the site:

1. Cheshiahud Lake Union Trail (FYI) – SDOT/Parks is planning to improve the pedestrian pathway adjacent to the site as part of the Cheshiahud Lake Union Trail. I talked with David Graves of the Seattle Parks Department. Here's what I learned:

- A. There isn't much detail provided in the master plan about specific improvements that will occur adjacent to the site;
- B. The improvements will be for a walking path, not a bike path, which means that the width of the path will be along the lines of a standards sidewalk;
- C. SDOT and Parks would want to work with any property owner to ensure that, if street improvements are proposed, they are consistent with plans for the Cheshiahud Loop improvements;
- D. Property access for business and land owners is a priority; and
- E. No budget exists to finish the Cheshiahud Loop improvements, so the timing for improvements is unknown.

http://www.seattle.gov/parks/LakeUnionLoop/CLUL_master_plan.pdf

- 2. Access from Fairview Ave E – We can discuss on-site on Friday.
- 3. Future Street Grade – I took a few minutes today and stopped by “The Vault” at SDOT. I found the street profile for Fairview Ave E (attached), but it's useless. According to SDOT, in order to determine future street grade, we must have survey points for the center of the street, directly in front of where the ramp intersects the street property line. Do you know a different way to achieve this?
- 4. Paving/Drainage Questions – Per my earlier email, your contact at SPU to answer paving and drainage questions is Cristofer (Cris) Horbelt. He can be reached at 206-233-2527 or Cristofer.Horbelt@seattle.gov.

Thanks,

Roque

From: Deherrera, Roque
Sent: Thursday, January 26, 2012 2:04 PM
To: McCullough, Jack_DPD; Brian Tracey
Subject: Ride the Ducks: Terry Pettus Park and Passenger Terminal

Brian and Jack,

1. Terry Pettus Park. This park is actually the East Newton Street End and belongs to SDOT. There is an agreement between SDOT and the Parks Department to allow the park. Street ends are essentially underwater streets and Ride the Ducks can use 100% use the street end to travel from a boat ramp on private property to open water without charge or permit. I'm working to get a copy of the agreement between SDOT and Parks, and working to get a letter from SDOT stating that RTD can use the street end for Duck travel.

Street Ends Map:

http://www.seattle.gov/transportation/stuse_stends_map.htm

Applicable Code Sections:

16.04.070 Fairway

[http://clerk.seattle.gov/~scripts/nph-](http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s2=fairway&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=2&Sect6=HITOFF&f=G)

brs.exe?s1=&s2=fairway&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=2&Sect6=HITOFF&f=G

16.04.170 Submerged Street Area

[http://clerk.seattle.gov/~scripts/nph-](http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=4&Sect6=HITOFF&f=G)

brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=4&Sect6=HITOFF&f=G

16.40.010 Submerged Street Area – Unlawful Uses

[http://clerk.seattle.gov/~scripts/nph-](http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=9&Sect6=HITOFF&f=G)

brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=9&Sect6=HITOFF&f=G

16.40.020 Submerged Street Area – Use Permit

[http://clerk.seattle.gov/~scripts/nph-](http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=10&Sect6=HITOFF&f=G)

brs.exe?s1=&s2=submerged+street+area&S3=&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=1&u=%2F~public%2Fcode1.htm&r=10&Sect6=HITOFF&f=G

2. Passenger Terminal. “Passenger terminals” are permitted outright on waterfront lots in the UM shoreline environment and permitted outright by the underlying IG1 U/45 zone. However, after reviewing the definition for passenger terminal, it may or may not be the appropriate use classification. It may be more advantageous to permit the site as water-dependent outdoor storage (boats/ducks) with an accessory boat ramp. In any case, I’m optimistic that we can find a use that’s appropriate and permitted outright.

Applicable Code Sections:

23.60.720 Uses permitted outright on waterfront lots in the UM Environment

[http://clerk.ci.seattle.wa.us/~scripts/nph-](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.60.720.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

brs.exe?d=CODE&s1=23.60.720.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G

23.50.012 Permitted and Prohibited Uses

[http://clerk.ci.seattle.wa.us/~scripts/nph-](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=23.50.012.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G)

brs.exe?d=CODE&s1=23.50.012.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=/~public/code1.htm&r=1&f=G

23.84A.038 "T"

[http://clerk.ci.seattle.wa.us/~scripts/nph-](http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?s1=&s2=%22passenger+terminal%22&S3=Title+adj+23&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=2&u=%2F~public%2Fcode1.htm&r=24&Sect6=HITOFF&f=G)

brs.exe?s1=&s2=%22passenger+terminal%22&S3=Title+adj+23&Sect4=AND&l=20&Sect3=PLURON&Sect5=CODE1&d=CODE&p=2&u=%2F~public%2Fcode1.htm&r=24&Sect6=HITOFF&f=G

Call me if you have questions.

Thanks,

Roque Deherrera
Office of Economic Development

Direct 206 684 4538
Mobile 206 255 0927
Email roque.deherrera@seattle.gov

From: Deherrera, Roque
Sent: Wednesday, December 21, 2011 5:00 PM
To: McCullough, Jack_DPD; Brian Tracey
Cc: Jessica Clawson
Subject: RE: RTD Follow Up

Brian and Jack,

Below are updates for my follow up items. Jack, feel free to add these to your list as you see fit. I think

the meeting with DNR is our most critical next step:

1. Roque to call Nathan Torgelson, Seattle Parks and Recreation Department – I called Nathan on 12/21/2011 and left a message.
2. Roque to call Chris Rogers, Point 32 to ask about his interest in the NOAA property – I called Chris on 12/21/2011 and left a message.
3. Roque to call Tara Austin, DNR to inquire about DNR lease issues – I talked with Tara at 3:56 PM on 12/21/2011. She said that, even if the property is sold, the DNR lease would remain the responsibility of the Freeman's until a redevelopment plan is in place and construction is ready to begin. She also noted that there are other issues with the property she would like to discuss with Brian. She didn't elaborate on what she meant by "other issues." Tara is ready to meet with us whenever we are ready, except that she is out of the office between Christmas and New Years.

Also, I did an on-line search of 1801 Fairview Ave E and 1949 Fairview Ave E and found 0 Notice of Violations? I stopped short of contacting DPD staff to ask about it. Does anyone have any more information on the NOV or on the potential condemnation issue? After talking with Tara Austin, I think DNR may be the group driving the issue, not the City of Seattle Department of Planning and Development.

Thanks,

Roque Deherrera
Office of Economic Development

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Mobile 206 255 0927
Email roque.deherrera@seattle.gov