

September/October 2000

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Next Main Public Meeting and Board Elections

October 10 (Tuesday) 7-9 p.m. TOPS-Seward Library. ECC annual meeting and elections. Come hear presentations and help debate for and against important ballot measures on City parks and monorail funding, Metro County bus funding, and Initiative 745 (which would divert funds away from buses and transit and towards more roadbuilding)

Louisa Arborway

Input from the July and September public meetings has produced proposals for subdued lighting, and installation of a metal trellis to support the overhead bushes. Drawings will be on display at Lake Union Mail for public comment. For questions, contact Carolyn Krall, 720-4792, krallc@oo.net.

North-end Shoreline Improvements

In 1999, residents of Portage Bay Place East and the Eastlake Community Council and Portage Bay/Roanoke Park Community Council reached a settlement with Brad Decker regarding the office development at 3302 Fuhrman Ave., just southwest of the University Bridge. Decker agreed to donate \$20,000 cash and \$7000 construction services for shoreline public access within one-quarter mile of the site. The Olmsted-Fairview Park Commission is jointly hosting with Portage Bay Place East residents a community process to reach consensus on where to make the improvements. Leading candidates so far have been South Passage Point Park and the area under the south end of the University Bridge. For questions, call Myrna Cordova (323-8415), Bob Kerr (324-8949), or Robert Rudine (325-3839).

Letters Still Needed for Pedestrian Crossing Under I-5

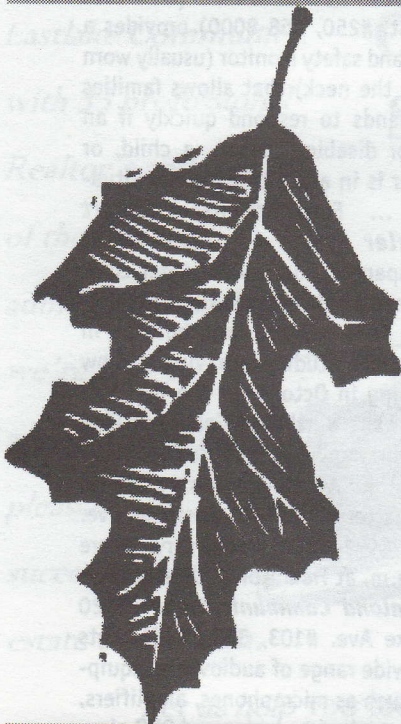
You'd think that an unprecedented 350 petition signatures, dozens of citizen letters and e-mails, and a feature story on King-5, would have done it, not to mention a great letter from City Council Transportation Committee Chair Richard McIver (please thank him for that—address below). But City and State transportation departments ignored all this and failed to file an August 25 application for federal funds for stairs and a multi-use trail under I-5 reconnecting Capitol Hill and Lake Union. SEATRAN and WSDOT now claim that the absence of this corridor from the City Comprehensive Plan shows that it is not a high City priority.

Continued on Page 4

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is a bi-monthly
publication of
the Eastlake
Community
Council, to
inform the
community of
issues concerning
the Eastlake area

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Business Notes

The neighborhood offers sympathies this summer to two leading Eastlake organizations that lost their founders, both to cancer. **R. David Adams** landscape architecture firm (2200 Eastlake Ave, 324-9492), which has donated designs for several green spaces in the neighborhood, lost its namesake owner at age 63. And **United Indians of All Tribes Foundation** (1945 Yale Place E., 325-0070), Eastlake's largest social service provider, lost its leader **Bernie Whitebear** at age 62, just a day after Upper Skagit elder **Vi Hilbert** had told a park dedication about his courage. ... Good for **Pazzo's** (2307 Eastlake Ave., 329-6558) and **Video Quest** (2234 Eastlake Ave., 325-930) for their recent promotion offering a free video rental for each large pizza. What are some other Eastlake businesses that could boost one another this way? ... Congratulations to local artist **Brad Ingham** for recent mention in Jean Godden's newspaper column. A 25-year Eastlake resident, Ingham's best-known work is the Kidd Valley "burger babe," but his hundreds of other hand-painted signs have graced the region's best restaurants, hotels hydroplanes, and race cars. Brad's "Eastlake for Parks" banner (see photo) is often seen at community events. ... **Café Ambrosia** (325-7111, www.cafeambrosia.com) will open in mid-October in the former Carina space at 2501 Fairview Ave. E., with an international menu specializing in gourmet, organic vegetarian cuisine. ... **Clearpoint** (214 E. Galer, Suite 300, 324-6800) works with businesses like Interwest Bank and the Ackerley Group to help manage their medical, dental, life, disability and 401(k) plans.

Movement Systems Physical Therapy (1165 Eastlake Ave. #401, 405-1864) is a private physical therapy practice that serves pediatric and adult orthopedic patients who have complex, acute, or chronic pain syndromes that require more time than can be provided in a standard out-patient clinic. ... **Northwest Health Watch** (214 East Galer St. #250, 568-8000) provides a health and safety monitor (usually worn around the neck) that allows families and friends to respond quickly if an elder or disabled person, a child, or another is in a life-threatening situation. ... Furniture maker **Robert Spangler** (328-1649; www.rspangler.com), who under commission makes beautiful wooden tables, chairs, beds, shelves, and bureaus in his Eastlake studio, is having a show beginning in October at the Bellevue store of the Northwest Gallery of Fine Woodworking. ... **City Calvary** Chapel Pastor John Aydelott and his staff are headquartered at 1520 Eastlake Ave. #210 (709-9416). Sunday services are at 10 a.m. at Hamilton Middle School. ... **Maland Communications** (1520 Eastlake Ave. #103, 323-5166) rents out a wide range of audiovisual equipment such as microphones, amplifiers, mixers, projectors, video and DVD players and recorders, screens, computers, and fax machines. ... **Flatiron Properties** (323-3727), **Grousemont Associates** and **Wright Property Development** are the new occupants of the sleek, prize-winning 1960 office building at 1264 Eastlake Ave. The **Guide to Architecture in Washington State** describes this Steinhart, Theriault, and Associates design as a "Miesian glass box on a stone pedestal dramatically cantilevered over a manicured garden on the slope below."

Business Notes-Continued

Eastlake continues to be an internet and software leader. ... **Enix** (1520 Eastlake Ave. #205, 861-1274, www.enix.com) develops and sells game software to users of Nintendo Gameboy, Sony Playstation, and other game platforms. It is a subsidiary of a Japanese company. ... **Montana Banana** (2226 Eastlake Ave. #120, www.montanabanana.com) has developed web sites for Enix and other firms. Montana Banana's owner Stewart McCullough is an Eastlake resident who also co-owns **YiXing.com**, (117 E. Louisa #286, www.yixing.com), a leading distributor of the much-prized teapots made in the Chinese city of YiXing, where teapots were invented. ... **iShow.com** (1530 Eastlake Ave., 323-7995, www.ishow.com) produces video/audio or animation programs for broadcast over the internet. Through a merger, it brought experience with trade shows and associations to longtime Eastlake businesses **National Video Profiles** and the **Internet Power Company**. ... **Astanetworks** (1199 Eastlake Ave., 295-4937, www.astanetworks.com) develops software to help internet users prevent denial-of-service attacks and other security problems. ... **ISNetworks** (1530 Eastlake Ave. #207, 399-7314, www.isnetworks.com) develops software for online security and digital signatures, such as for credit cards. ... **Totallivingchoices.com** (www.TLChoices.com, 709-2801) helps seniors find home services and remodeling help to allow them to stay in their present home, or helps them choose a senior community. Its services are completely free to seniors and their families, paid for by senior living facilities and home services providers. ... **Cochran Special Projects** (1520 Eastlake Ave. #208, 709-8040, www.cochran-inc.com) is the industry leader in specialized electronics wiring for these companies and many others.

Send your business news to Chris Leman (cleman@oo.net), 85 E. Roanoke street, Seattle 98102-3222.

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Continued from Front Page

But in its 1999 approval of the Eastlake Neighborhood Plan, the City Council recognized the Capitol Hill-Lake Union reconnection as a high priority and assigned SEATRAN to negotiate it with WSDOT! SEATRAN sat on its hands for two years, and passed up all opportunities to tell us that it would ignore this assignment unless the connection was in the Comprehensive Plan. OK, it's a bit late to tell us, but we'll work fast to get this project added! And as another federal deadline won't come along for at least another two years, the City and State must budget some of their own funds for this needed project. How you can help:

- Urge inclusion of the existing Blaine and Howe Street stairs, and the proposed stairs and multi-use trail under I-5 just west of them, in the Urban Trails System map in the City's Comprehensive Plan. Point out that the Blaine and Howe staircases are among Seattle's longest, widest, most scenic, and most heavily used, yet are not on the Trails map (it's a complete blank on Capitol Hill). The stairs and their proposed stairs-and-trail connection under I-5 are needed to connect Capitol Hill to Lake Union, areas with major housing density, employment, and recreation opportunities. Send these sentiments to Mayor Paul Schell, mayors.office@ci.seattle.wa.us, 600 Fourth Avenue Seattle 98104; and (because the Mayor's proposals went to the City Council without this needed change) especially to the City Council, whose common address is 600 Fourth Avenue 11th floor, Seattle 98104. Councilmembers' names and e-mails: jim.compton@ci.seattle.wa.us; richard.conlin@ci.seattle.wa.us; jan.drago@ci.seattle.wa.us; nick.licata@ci.seattle.wa.us; richard.mciver@ci.seattle.wa.us; judy.nicastro@ci.seattle.wa.us; margaret.pageler@ci.seattle.wa.us; peter.steinbrueck@ci.seattle.wa.us; and heidi.wills@ci.seattle.wa.us.
- Vote and campaign for Proposition One, a November 7 citywide property tax levy that would allocate \$1.82 million to turn this specific area under I-5 from a wasteland into multi-use Colonnade Park, including partial funding for the stairs and trail. This ballot measure has been endorsed by the Eastlake Community Council board and the Olmsted-Fairview Park Commission. To get involved in the campaign, contact Neighbors for Seattle Parks, 342-9988, www.parksforall.com, info@parksforall.com or drop in at the headquarters at 313 Minor Avenue N. (one block east of Fairview Avenue N., near the Seattle Times building).
- Urge Mayor Schell to waive the traffic signal warrants that are blocking a pedestrian-actuated stop light to allow safe crossing of the I-5 on-ramp at Boylston Ave. E. where Lakeview Blvd. crosses under I-5. The Lake Union District Council supports funding for this stop light, but SEATRAN says that not enough pedestrians are trying to cross and not enough have been injured or killed to justify the stop light! Did it occur to them that people are afraid of that crossing and tend to avoid it? Also urge that the City's crash cushion at that crossing be moved forward to protect pedestrians rather than just be something for them to be squashed against; and that the City get WSDOT to move its ramp meter (stop light) closer to the intersection so that drivers onto the ramp are not encouraged to speed until they get to it far away (and it's too close to I-5 anyway, not allowing cars to reaccelerate back to freeway speeds. Write to Mayor Paul Schell, with copies to the City Council (addresses listed above); and to SEATRAN Director Daryl Grigsby, 600 Fourth Avenue, 4th floor, Seattle 98104, daryl.grigsby@ci.seattle.wa.us.

Thank you to the many who have taken the time to send letters or e-mails, or sign petitions. You are making a difference. For more information, or to volunteer: Chris Leman, 85 E. Roanoke Street, Seattle 98102-3222, cleman@oo.net, phone-fax 322-5463.

Part of Eastlake's Past Gone Forever

by Chris Leman

The century-old Victorian duplex and twin mansard-roofed homes at 1140 Eastlake Avenue were demolished in September after a long but fruitless community effort to save them. In 1997 the property owner gave office developers an option to buy the property though he knew the Eastlake Community Land Trust was trying to piece together a financial package to save the houses as low-income housing. Once a majority of the City's Landmarks Preservation Board failed in 1998 to designate the houses for preservation in place, the options were bleak. Moving them across the Eastlake Ave. or Fairview Ave. trolley wires would have been prohibitively expensive, and a nearer resting place—even a temporary one—was never found. Thanks to Annette Brigham, Nancy H. Jones, and Sarah Clementson Yaeger whose 1999 donations made possible the continued efforts of the land trust and the Eastlake Community Council to save the houses. And thanks to Landmarks Preservation Board member Lawrence Kreisman, whose writings on the houses in his recent book and in **Pacific Magazine** sustained our efforts and now will memorialize the loss of this irreplaceable part of Eastlake's past.



Vi Hilbert, honored guest and Robby Rudine, chair of the Fairview-Olmstead Park Commission enjoy a quiet moment after speaking at the July 15 park dedication.



A "No Trespassing Sign" under I-5 bars access between Lake Union and the popular Blaine and Howe street stairs up to Capitol Hill.



Mayor Paul Schell and his wife, Pam join the July 15 park dedication parade.



Parks for All was very present during our Good Turn Park dedication.



Dave Moore, Carol Anderson and Mary Kay Gillespie join SeattleWorks volunteers in getting Good Turn Park ready for the September 26 dedication.



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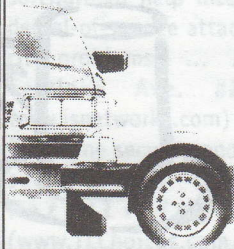
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Continued from Front Page

**Good Turn Park dedicated
Sept. 26**

At 11 a.m. Tuesday, Sept. 26 the city dedicate Good Turn Park. This shoreline park is dedicated to the memory of Homer Bergren and Jim Nordstrom, who footed the entire cost of the first phase. With a naturalistic design by Tom Zachary, the park was completed last year with \$14,832.33 in Seattle Neighborhood Matching Funds and more than \$65,000 in donated cash, materials, and labor from many, many businesses and volunteers. Volunteers are needed to keep the park in top shape; call Marcella Harrold, 325-5251. Also wanted are photos of wildlife; for example, a heron was recently seen in the park.

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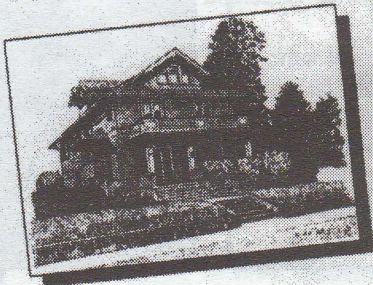
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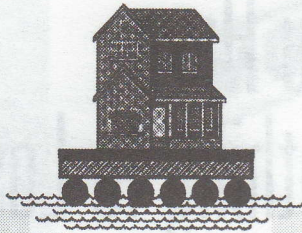
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City Moves to Close Down and Remove Lake Union Crew

The Facts about Lake Union Crew

During the past month, the City Department of Design, Construction and Land Use determined that Lake Union Crew was not in compliance with a May 1999 Settlement Agreement signed by the City, LUC and the Eastlake Community Council, Floating Homes Association and 3100 Fairview Condominium Owners' Association. Under the Agreement, the remedy for LUC's failure to comply with the Agreement is closure of the facility and removal of the structures.

DCLU moved to enforce closure and removal, and ECC supported this action. A dispute resolution process was convened on the compliance issue, and an independent decision-maker ruled in favor of DCLU. Despite clear language in the Settlement Agreement prohibiting an appeal of the dispute resolution decision, LUC filed a lawsuit against the City that includes a request for an injunction to stop the closure and removal. The lawsuit names ECC, Floating Homes Association and the Condominium Association as co-defendants. LUC also filed a request for a temporary restraining order to keep the City from closing and removing the structures. As of early October, LUC is allowed to continue limited operation of its facility pending resolution of the preliminary injunction and TRO request, which should happen by the end of October.

At the heart of the issue is 1) compliance with an agreement signed by all parties, 2) after more than a year, LUC was never able to provide the minimum amount of parking that is required by the Land Use Code for a rowing club use, and 3) fair and equal application of development regulations. All proposed developments have to obtain permits before they can be built and operated. All proposed developments have to meet the minimum parking requirements in the Code, and most new Eastlake developments also have to provide enough parking spaces to meet their actual demand (LUC's parking demand is substantially more than the minimum Code requirement). LUC has very little land available for parking, and tried to find off-site parking for 19 spaces just to meet its minimum Code requirement. DCLU and our neighborhood groups waited for more than a year while LUC offered one parking site after another to keep its permit application alive. In the end, none of the proposed sites were viable or available for LUC's use.

Even though LUC never had permits to build its structures and operate its rowing club, the City and our community groups agreed to allow LUC limited use of its facility if it complied with a schedule for submitting a complete permit application, timely and fully responded to DCLU correction notices, and was able to obtain permits. According to the Settlement Agreement, which was signed by LUC, failure to do so required closure and removal of the structures.

It is essential that the closure and removal provisions of the Settlement Agreement be enforced. ECC will be supporting the City and defending against LUC's lawsuit. We will need money to do this and we are once again asking for contributions to help pay our legal costs. Contributions can be sent to ECC via Carol Eychaner, 2348 Franklin Ave. E., Seattle, WA 98102. If you would like your contribution to be a charitable tax deduction, make your check out to the "Seattle Community Council Federation/ECC"; if you do not want this tax deduction, please make your check out to the "Eastlake Community Council." Please note "Lake Union Crew" on all checks.

A chronology of the facts that led to DCLU's enforcement action and LUC's lawsuit are on the back of this page.

Lake Union Crew Settlement Agreement Chronology

January 1998: LUC floated in structures at 11 E. Allison St. The structures did not have any City land use and environmental approvals, including no shoreline substantial development permit.

February/March 1998: The City issued a Notice of Violation to LUC for failing to obtain applicable City permits and comply with development regulations. A DCLU Director's Review sustained the NOV.

April/May 1998: Claiming that the structures were vessels that are exempt from City land use permits and regulations, LUC appealed the City's NOV to King County Superior Court (the lawsuit was later moved to Federal Court). ECC, the Floating Homes Association and 3100 Fairview Condominium Association intervened in the lawsuit in support of the City's NOV. The lawsuit also sought damages and other remedies.

March 1999: Federal Court Judge Barbara Rothstein ruled against LUC's vessel claim, stating LUC was "unable to demonstrate that the rowing club structures were designed for navigation" and "that the structures did not fall within the vessel exemption" of the City's shoreline Code.

April 1999: LUC, the City and the community group intervenors all signed a Settlement Agreement that, among other things, required LUC to apply for permits for the structures and allowed LUC limited operation of the rowing club during the application process. The Agreement gave LUC 40 days to submit a complete application (which must include a valid parking proposal) and 21 days to respond to DCLU correction notices requesting more information. If LUC failed to respond to a correction notice within 21 days, DCLU was to issue a letter once again requesting the information, which was to be provided by LUC within 24 hours of the letter. If the information was still not provided in the 24-hour period, LUC would be in violation of the Agreement. The penalty for the violation was closure of the unpermitted facility and removal of the unpermitted structures within 5 days. The Agreement gave the City the authority to close and remove the structures if LUC failed to do so.

At LUC's request, the Settlement Agreement also included a detailed dispute resolution process as an alternative to a lawsuit for resolving disputes arising from the Agreement. If the dispute resolution process was invoked, the decision of the dispute resolution decision-maker was to be "binding on all parties." The Agreement explicitly stated that "there shall be no right to appeal" the dispute resolution decision.

May 1999: LUC submitted an initial application for permits to DCLU. LUC needed off-site parking to meet its minimum parking requirement in the Land Use Code. The Code states that off-site parking must be within 800' of the use requiring the parking and that a signed parking covenant must be submitted with the application. LUC proposed to have parking at Ward's Cove Packing Co., but details about the parking location and distance from LUC property were not provided with the application. LUC abandoned the Ward's Cove parking site after DCLU requested information about the number of parking spaces available, their location and distance from Lake Union Crew, and a signed covenant.

June 1999 to June 2000: During this time, LUC proposed at least four other off-site parking locations, which prompted additional DCLU correction notices. None of these proposals resulted in valid parking.

June 22, 2000: DCLU issued a Correction Notice requesting information about LUC's last parking proposal, which was to put parking on single-family zoned land under the freeway along Harvard Ave. E (more than 800' from LUC). This property is state land that is managed by the Washington State Department of Transportation. One of the items requested by DCLU was a lease and authorization from WSDOT to use the site.

July 13, 2000: WSDOT denied LUC's request to lease the Harvard Ave. E. freeway site.

August 18, 2000: Having received no timely, complete response from LUC to its June correction notice, DCLU sent LUC the 24-hour notice letter required by the Settlement Agreement, once again requesting the information in the June 22 Correction Notice. LUC did not timely respond and was found by DCLU to be in violation of the Agreement. Within days, LUC initiated the dispute resolution process.

September 15, 2000: The independent decision-maker for the dispute resolution process ruled in favor of DCLU. In addition to not meeting the deadline for responding to DCLU correction notices, he noted that LUC's initial permit application was not complete with respect to parking and thus also appeared to be in conflict with the Settlement Agreement.

Sept/Oct 2000: LUC filed a lawsuit requesting, among many things, more than \$10 million in damages. Even though the Settlement Agreement signed by LUC explicitly prohibits an appeal of the dispute resolution decision, LUC's lawsuit asks the court to reverse this decision and seeks an injunction against City enforcement of the Agreement (closure/removal of structures).