

Seattle Department of Parks and Recreation

Seattle Board of Park Commissioners
Meeting Minutes
July 28, 2011

Web site: <http://www.seattle.gov/parks/parkboard/>
(Includes agendas and minutes from 2001-present)

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<http://www.seattlechannel.org/videos/watchVideos.asp?program=Parks>

Board of Park Commissioners

Present:

Antoinette Angulo
John Barber
Jourdan Keith
Diana Kincaid
Donna Kostka
Jackie Ramels

Excused:

Terry Holme, Chair

Seattle Parks and Recreation Staff

Christopher Williams, Acting Superintendent
Sandy Brooks, Park Board Coordinator

City Council Parks and Seattle Center Committee Staff

Philip Roewe, Legislative Aide to Councilmember Sally Bagshaw

This meeting was held at Seattle Park Headquarters at 100 Dexter Avenue North. Prior to the meeting Parks Property Management staff led Commissioners on a tour to see where several encroachments on park land have been removed and to view several new acquisitions of park land.

Commissioner Holme, Chair, was out of town. Vice-chair Kincaid called the meeting to order at 7:00 pm and reviewed the meeting agenda. **Commissioner Keith moved approval of the July 28 agenda and July 14 minutes. Commissioner Kostka seconded. Commissioner Barber abstained from voting, as he was not present at the July 14 meeting. The vote was taken and the motion carried.**

Superintendent's Report

Acting Superintendent Williams reported on the following topics. To listen to the report, see <http://www.seattlechannel.org/videos/video.asp?ID=5591161> and move cursor to position 4.24.

Magnuson Park Updates:

Building 11: Building LLC has proposed an amendment to its current lease. City Councilmember Bagshaw is taking the lead in initiating Council amendments to the LLC's proposal. Council will discuss the amendments at its August 4 Parks and Seattle Center Committee meeting.

Circulation Plan: The Magnuson Park Advisory Committee (MPAC), Councilmember Bagshaw, and Seattle Parks are working on this plan, which will be developed by a consultant.

Westlake Green Street: Acting Superintendent Williams and Seattle Department of Transportation Director Peter Hahn are looking at ways to connect South Lake Union to Westlake Park, based loosely on the Commons Plan. The two departments will bring interested groups together to continue the discussions on greening up this area.

Amy Yee Tennis Center: The Center's Advisory Council has submitted a \$14 million proposal to fundraise to build eight new courts. Parks staff will discuss their fundraising plan with Mayor McGinn and possibly reduce the plan, as \$14 million may be out of their reach. Parks wants the Mayor's support on this proposal before it moves ahead.

Parks Staffing Update: Michele Finnegan has been the director of the Department's Human Resources (HR) Unit for the past 18 months, with the unit part of Parks' Budget Office. Following a recent, and budget neutral realignment, the HR unit is now a separate division.

Community Center Performance Plan: Parks and City Council staff, with representatives from other areas of the City, labor unions, and the public have been looking at many changes to the Department's community centers. Significant operational changes are expected for the next 25-30 years. The mayor's proposed 2012 budget will be announced in September; the outcome of this study will be announced in conjunction with the budget. The changes affect employee accountability, customer service, business principles, and other aspects of running the centers.

South Lake Union Off-leash Area: The Department has been approached to add an off-leash area in the Lake Union area, possibly at Denny Park or Lake Union Park. Acting Superintendent Williams has made the decision that it will not be at Denny Park, the City's oldest park. He has had discussions with Seattle Parks Foundation on allowing the new Lake Union Park to be off-leash for certain hours of the day as a way to deter the Canada geese problems there. Cascade Park is another possible site.

Acting Superintendent Williams has also begun discussions with Seattle Department of Transportation on the possible closure after 5:00 pm of some downtown streets in the Lake Union area for off-leash areas. He will report the outcome of these discussions back to the Board.

Medical Marijuana in P-patches: Following inquiries whether P-Patches may be used to grown medical marijuana, the Law Department has responded that federal law prohibits this use. The City is preparing policy language to reflect this.

Weddings at the Japanese Garden: Acting Superintendent Williams and other Parks staff met today with the Japanese Garden Advisory Council on the proposal to hold weddings at the Japanese Garden. Fees for this use will be more costly than the Department's other wedding sites. A plan will be developed soon.

Kudos to Parks Staff: Recently a Southeast woman was shot and killed and her family requested the memorial be held at a non-Seattle community center, which turned down the request. The family approached Parks and with only 24 hours notice, Southwest Community Center hosted the memorial with 300-400 people present. Acting Superintendent Williams thanked Parks staff for their quick response and willingness to help the family.

Mayor Tours New Waterfront Park Site: Mayor McGinn recently toured the Bryant Marina Site, located near the University of Washington. This site is proposed as a new waterfront park as part of the SR 520 mitigation for project impacts to the Arboretum, McGraw, and other parks. This site will be a wonderful new waterfront park.

SDOT Accidentally Mows Down Volunteer Restoration Project: Early this week Seattle Department of Transportation (SDOT) mistakenly mowed a section of Lake Washington Boulevard that is the site of a volunteer restoration project. SDOT quickly accepted responsibility for the problem, has met with the community onsite, and will replant the area. Parks will work with SDOT to coordinate crew assignments to help avoid a recurrence.

Parks & Green Spaces Levy Inflation Allowance: At the July 25 Citizens Levy Oversight committee meeting, the Committee voted to recommend \$10 million of the Levy's inflation funds be allocated for the staff-recommended package of Parks major maintenance projects. The projects include several building roof replacements, comfort station renovations, tennis court lighting, boiler and electrical improvements at Loyal Heights CC, renovation of the Rainier Beach PF play area and the Seward Park water system replacement.

Seattle Times Coverage of Park Events: The Department has had great press coverage of its events through a successful partnership with The Seattle Times newspaper. Parks staff , Adrienne Bailey and Victoria Schoenberg, have done a great job scheduling events in, and leveraging publicity for, Seattle's downtown parks. Their efforts have helped activate many parks and change the public's image of the parks to a more positive one.

Discovery Park Updates:

Pow Wow: Acting Superintendent Williams attended the recent Pow Wow at Discovery Park where Bernie Whitebear Way was dedicated.

Capehart Property: The Department recently received a \$6 million grant payment for Capehart property.

National Park Proposal: Congressman Jim McDermott recently proposed legislation to the federal Department of the Interior to designate a portion of Discovery Park as a national park. Seattle Parks supports the idea, with the property being located in the historic Ft. Lawton area.

Jose Rizal Off-Leash Area: Commissioners received several e-mails about the reduction in size of this off-leash area, which has raised some citizen concern. Parks staff prepared an information sheet, as follows:

- In early June, WSDOT notified Parks that they would be starting construction on a bicycle pedestrian trail adjacent to Jose Rizal Park which will connect with the Mountains to Sound Greenways trail. Construction has begun and will be completed by the end of August or early September.
- This project is funded with State and Pro Parks Levy funding. This trail will border the current off-leash area in Jose Rizal Park, and the State has offered to re-fence the off-leash area upon completion of the trail project.
- The dog park was created in 2005 largely in response to Amazon whose headquarters at the time were across the street from the park. Amazon has a policy that allows employees to bring their dogs to work. Since Amazon has moved its headquarters to the South Lake Union neighborhood, use of the dog park has diminished almost to nothing. The dog park also borders The Jungle, so named because of homeless encampments and a high occurrence of illegal activity. It is the hope that the new bicycle trail will increase safety in the park. Currently the park does not have an off-leash steward due to the perceived danger in the park.
- Parks staff view this as an opportunity to improve park safety by modifying the size of the dog park from 1.6 acres to .5 acres using the flattest section of the park where there is a water spigot. The new fencing will also provide a barrier separating the dog area from the bicycle trail.
- Citizens for Off-leash Areas (COLA) is supportive of this action and is eager to get the neighborhood reinvested in the dog park.
- This information is also posted on the Department's public website.
- Seattle Parks' public involvement policy states that it is Parks policy to "invite and encourage direct public involvement in its planning efforts and in the review of its funded capital projects and any proposal that would, in the judgment of the Superintendent, substantially modify the property's use of appearance." Given that this is somewhat of an urgent timeline, Parks will work with the Department of Neighborhoods to inform the community of its proposed action at the next Beacon Hill Community Council meeting.

Oral Requests and Communication from the Audience

The Chair explained this portion of the agenda is reserved for topics that have not had, or are not scheduled for, a public hearing. Speakers are limited to two-to-three minutes each, will be timed, and are asked to stand at the podium to speak. The Board's usual process is for 10 minutes of testimony to be heard at this time, with

additional testimony heard after the regular agenda and just before Old/New Business.
<http://www.seattlechannel.org/videos/video.asp?ID=5591161> and move cursor to 27.00.

Donna Hartmann-Miller: Ms. Hartmann-Miller testified on her concerns with the proposed Smith Cove land swap. She also voiced concern on the possibility of land being “banked” for the future. This may discourage neighborhoods from applying for Neighborhood Matching Funds for park projects. The applicants need to develop an early plan when they are applying for funds. She urged Parks to notify the public of the criteria that determines when a design will, or will not, move ahead due to future maintenance concerns.

Sharon Levine: Ms. Levine voiced strong concern that the off-leash area at Jose Rizal is being reduced by the Parks Department from four acres to .5 acres – with no public involvement or notice. The Department is also trying to change some language in the off-leash area policy adopted by City Council. The Department’s public involvement policy requires notice of this type of change in park use. Ms. Levine read her testimony and submitted a copy to the Board.

Lucy Flannagan: Ms. Flannagan also voiced concerns about the reduction of the off-leash area. The Mountains-to-Sound Trail is being expanded and will run by the park, thus Parks’ efforts to reduce the off-leash area. The Trail is very helpful to the park and may encourage new people to visit the park. She understands the Department’s enthusiasm, but questions whether it is taking advantage of the short deadline to avoid its own public involvement process. She believes if Jose Rizal Park [home of “The Jungle” encampment] is made safer, more people will use it. She understands the pressure to reduce the off-leash area; however, the legislation requires that Parks compensate citizens if the off-leash areas are taken. She also submitted written testimony.

Briefing: Parks and Green Spaces Levy Acquisition Program

Donald Harris, Seattle Parks Property and Acquisitions Manager, presented a Powerpoint briefing on the Department’s Parks and Green Spaces Levy Acquisition Program. To view and listen to the presentation, see <http://www.seattlechannel.org/videos/video.asp?ID=5591161> and move cursor to position 37.00.

Mr. Harris reviewed the history of the Parks and Green Spaces Levy and asked the question “why does the Department keep buying land if it has no funds to build facilities?” He answered that the Department acquires land with a 100-year plan in mind and will bank the sites and develop when the economy turns around.

Acting Superintendent Williams added that Mr. Harris and his staff procure all property for the department, and are the property archivists. He thanked them for their professionalism and hard work. Mr. Harris complimented all the Property and Acquisitions staff and recognized Mr. Dunning’s extensive knowledge and institutional memory of Parks’ property.

Acquisitions Completed

- Ballard: 14th Avenue NW between NW 59th and NW 61st
- Belltown: First to Fifth Avenue
- Capitol Hill: Federal Avenue East and East Republican Street
- Fremont: Addition to A.B. Ernst Park at 723 North 35th Street
- Lake City: 12510 33rd Ave NE

Acquisitions in Negotiation (site selected, in final negotiation)

- Bitter Lake: Seattle School District property adjacent to Bitter Lake Playfield
- First Hill: 8th Avenue, between Marion and Columbia
- Greenwood/Phinney: 8100, 8102 and 8104 Greenwood Avenue North
- International District: 1224 South King Street, 1227 South Jackson Street
- Morgan Junction: 6311 California Avenue SW, 5911 42nd Avenue Southwest

- North Rainier: 3656 34th Avenue South
- Wedgwood: Northwest corner of 35th Avenue Northeast and Northeast 86th Street
- West Seattle: 4043 California Avenue Southwest

Working with Community to Identify Preferred Sites

- 12th Avenue
- Denny Triangle
- University District
- Westwood

No Acquisitions Recommended

- Beach Drive
- Commercial Core
- Ravenna

Acquisition – Greenspaces \$6.0 million

Closed on 9 properties

in negotiation on 6 properties

- Duwamish Head Greenbelt
- Me-Kwa-Mooks Natural Area
- Thornton Creek Watershed
- Other Areas: Piper’s Creek; Fauntleroy Park; Taylor Creek Headwaters: Waldo Woods

Smith Cove Park Property

Mr. Harris next presented Powerpoint slides on the potential for a public land swap between the Port of Seattle and Seattle Parks Department at Smith Cove Park, with photos of the park and Terminal 91 as they look today.

Land Swap Activities to Date:

12/3/2010: Port Commissioner Briefing

2/16/2011: Informal briefing to Seattle City Council Parks and Seattle Center Committee Chair

Public Outreach

- Neighbor’s Advisory Committee (NAC)
 - Queen Anne & Magnolia residents
 - Monthly discussions October 2010-February 2011
 - NAC resolution supporting land swap discussion – November 2010
- Magnolia Community Club Board – January 18
- Parks/Port/King County Community Meeting – March 3
- Magnolia Community Club Meeting – March 10

Agency Objectives

Park

- Room for (2) 50 x 80 yard playfields
- Shoreline/Water access
- Adequate parking
- Accommodation for launching human-powered watercraft

Port

- A developable site suitable for economic development
- Support development compatible with community interests

Interagency

- Cashless exchange based on 1-for-1 value
- Cost neutral or limited to no expense
- Ease of implementation; limited to no contingent actions

Additional Considerations

Siting of Combined Sewer Overflow Facility Infrastructure

- Cost of road and utility upgrades/construction
- Efficient roadway circulation
- Bike/pedestrian access to park
- Impact of new Magnolia Bridge

Environmental

- View corridor
- Steep slope limitations

Land Swap: Next Steps

1. Refine Concepts (March-April)
 - Analyze each land swap concept against agency objectives
 - Consider stakeholder input received to date
 - Identify any fatal flaws
2. Feasibility Analysis/Due Diligence (April-June)
 - Real estate appraisals
 - Environmental site assessments
 - Title research
 - Survey
3. Identify preliminary preferred concept (June-July)
 - Additional stakeholder outreach on preferred land swap concept
 - Port Commissioner briefing
 - Seattle Mayor and City Council briefings
4. Agency Coordination/Negotiations (August-September)
 - Continued coordination with King County CSO project
 - Agencies outline terms/conditions of land exchange

Park Development: Next Steps

If the land swap is determined to be feasible and beneficial to the public, the Parks and Recreation Department will develop a public involvement process to design the park

A design program will be drafted in conjunction with King County's design of the CSO facility and a series of public meetings held to develop a design for the new park

Comments can be submitted to:

<http://seattle.gov/parks/ProParks/projects/smithcove>

Discussion

Commissioners had several questions and comments on the proposed Smith Cove Park land swap. They voiced concerns with parkland being used for CSOs and believe the Department should stand strong to avoid odors in the parks. Mr. Harris responded that Parks is part of the City government and there are limited places to install the CSOs; however, Parks staff protect the parklands as much as possible. To hear the discussion, see <http://www.seattlechannel.org/videos/video.asp?ID=5591161> and move cursor to position 77.00.

Briefing: Enforcement Actions for Encroachments

Terry Dunning, Seattle Parks Major Transactions Manager, briefed the Board on the Department's enforcement actions for encroachments on park land. Prior to this meeting, Commissioners received a written briefing, included in the minutes and posted to the Board's web page for the public. The written briefing is included below. To hear the full presentation and the Board's discussion, see <http://www.seattlechannel.org/videos/video.asp?ID=5942> and move cursor to position .50.

Written Briefing

Requested Board Action

The following material is for informational purposes only and does not require a vote of the Park Board.

Policy Description and Background

The current legal tools related to enforcement actions against encroachments and other unauthorized use of park lands are lacking in several ways. Parks Property and Acquisition staff have been working with the Law Department on legislation to improve enforcement. This briefing describes the proposed revisions and the reasons for making these changes.

In July 1996, the City Council adopted Resolution 29475 in support of the Parks and Recreation Policy regarding Non-Park Uses of Park Lands. The preamble to that Policy includes the following: "It is the policy of the Department to eliminate and prevent unauthorized non-park uses." During the 15 years since the adoption of the policy, the Department has learned that the current enforcement language of Title 18 of the Seattle Municipal Code (the Parks Code) is neither efficient nor equitable regarding encroachment enforcement, and usually cannot be used when voluntary compliance with encroachment removal is unsuccessful.

A summary of the proposed changes follows.

- 1. Assure that persons subjected to enforcement actions are provided adequate due process rights.** There are no specific provisions in the current code providing review of staff actions by a Hearing Examiner. As a result many of our actions seem to go on endlessly with no formal point of administrative decision which can be used effectively by the Law Department when further action is needed. Administrative review, with its clear finality, should provide impetus for encroachers or other violators of Title 18 to correct the problems they have created and avoid the cost of expensive litigation. In those few cases when legal action is pursued, we anticipate a much greater prospect of winning with administrative review processes in place.
- 2. Create consistency with other City Codes which address similar or related issues.** Title 23 (Land use Code) and Title 15 (Street Use Code) each have much more detailed and effective regulations related to similar situations.
- 3. Create new definitions and categories that more directly relate to the issues at hand.** An example would be a definition of a "Violation" and linking this definition to "cures", "notices of violation" and subsequent legal actions pertaining to that violation. Categories of violations may be created, for example "dumping" would be separated from normal encroachments and subject to different outcomes such as summary judgment if it gets to court.
- 4. Create provisions such that revenue from fines, penalties and judgments would accrue to the Park Fund rather than the City's General Fund.**
- 5. Create clear authority for staff to issue "Stop Work Orders" where violations are observed.** Current authority is implied, but not specified.

Public Involvement

Public involvement for the proposed code revisions includes a presentation to the Park Board and City Council review and approval of legislation. The proposed legislation is consistent with existing policy directives. Should subsequent policy changes be necessary to facilitate any parts of the revised code, they will be subject to the appropriate public review.

Budget

It is estimated that the new regulations will result in modest increases of revenue with some small increases in cost due to the additional due process requirements. Also, staff believe that that clearer and stronger regulations will result in fewer disputes and an increased likelihood of settlement short of litigation.

Schedule

Work on the code changes is underway, with the legislation scheduled to be presented to the City Council in the fall.

Additional Information

Terry Dunning: terry.dunning@seattle.gov

Verbal Briefing and Discussion

Mr. Dunning introduced himself and stated he began work for the City in 1994 and began working on encroachments soon after. He noted that the Property Management section is small, with four staff members including Mr. Harris and himself, MaryLou Whiteford, and Richard Firth. Parks staff do not know how many encroachments are located on Parks' property – it is an ever changing number. However, the Department has had considerable success in their removal. Whenever possible, Seattle Parks tries to resolve unauthorized uses of park land, without resorting to legal recourse. He noted the former encroachment sites the Park Board viewed today took two years to resolve.

Each of the City's departments has its own section in the Municipal Code, with Title 18 the Park Departments' section. Each title is then broken down to chapters and sections, and cover many issues (see <http://clerk.ci.seattle.wa.us/~public/toc/t18.htm>.) Seattle Parks is proposing a change to Title 18 to deal with encroachments. He noted that Parks authorizes many encroachments with Revocable Use Permits or have adopt-a-park groups who do vegetation management, etc. If the uses occur without Parks' sanction, the uses are illegal. He added that Parks staff are also reviewing its permit process while revising the Municipal Code.

Board Discussion

Commissioner Kostka referred to a comment during the encroachment tour that Parks staff are sometimes unsuccessful in removing encroachments and wondered how revising the Municipal Code will help with this. Mr. Dunning explained the current Parks policy doesn't involve the Hearing Examiner and the revised language will include him/her. This change will make it very similar to the Department of Planning and Development (DPD) and Seattle Department of Transportation's (SDOT) Municipal Code. When an issue is taken to the Hearing Examiner for a ruling, the City's Law Department can step in and that will help Parks' position greatly. He added that the encroachments that take a long time to resolve usually occur when a number of City departments are involved. He gave an example as a person requesting and receiving a permit from another Department, based on information the requester presented. When Parks tries to remove the encroachment, the person may show the permit as proof they were allowed to encroach. Parks staff are working with SDOT and DPD staff to develop regulations that will be more uniform. This process was instigated both by Parks staff wanting to improve the process and advice from the City Attorney's office.

Responding to a question from Commissioner Ramels whether the Department has long-term encroachments it has given up on, Mr. Dunning answered that staff don't give up and keep going back to try to resolve. One encroachment on Queen Anne took nearly ten years to mostly resolve.

Acting Superintendent Williams asked Mr. Dunning to describe how the Department determines which encroachments will be dealt with next. Capital project are a very high priority, as they must be kept on

schedule and within budget and any encroachments on the property must be resolved quickly. These are the easiest to resolve. In addition, when private properties are being sold – and part of the property listed for sale is an encroachment on park property – it becomes a high priority for property management staff to resolve.

Mr. Dunning expects the revised Municipal Code and permit process will result in many people with encroachments coming forward and asking Parks to use the property, rather than fighting the Department. Some of the encroachments include houses, pools, and decks that aren't always practical to remove. Legitimizing the encroachment is the sensible and legal way to handle these types of encroachments, with the encroacher paying rent for using the City's property, and the funds coming to Seattle Parks Department and not into the City's General Fund.

Commissioner Angulo asked what are the steps in changing the Municipal Code. Ms. Dunning answered that Parks staff are currently preparing language for the Law Department's review which will be an ordinance. Once it has been approved by City Council, it becomes part of the City's Municipal Code. The goal is to get the legislation to Council during its December meetings. He feels positive about the legislation being adopted, as the change does not cost the City and will increase revenues.

Board members thanked Mr. Harris and Mr. Dunning for the excellent tour and briefings. The Board stated its support of their efforts to deal with encroachments on park land and will write a letter of support when the Mayor and City Council considers the legislation.

Old/New Business

To hear the Board's discussion, see <http://www.seattlechannel.org/videos/video.asp?ID=5591154> and move cursor to position 61.00.

Future Discussion: The Board asked for a discussion on how the Department decides to land bank new acquisitions for future development or move ahead with a design.

August 11 Meeting: Commissioner Ramels requested an update on Jose Rizal Park and its off-leash area. Acting Superintendent Williams has directed Parks staff to review its process to ensure it did due diligence.

There being no other new business, the meeting adjourned at 8:55 p.m.

APPROVED: _____

Terry Holme, Chair
Board of Park Commissioners

DATE _____