

Seattle Department of Parks and Recreation

Seattle Board of Park Commissioners Meeting Minutes May 12, 2011

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

Also, view Seattle Channel tapes of meetings, June 12, 2008-most current, at
<http://www.seattlechannel.org/videos/watchVideos.asp?program=Parks>

Board of Park Commissioners

Present:

Antoinette Angulo
John Barber
Diana Kincaid, Vice-chair
Terry Holme, Chair
Donna Kostka

Excused:

Jourdan Keith
Jackie Ramels

Seattle Parks and Recreation Staff:

Christopher Williams, Acting Superintendent
Sandy Brooks, Coordinator

This meeting was held at Seattle Park Headquarters at 100 Dexter Avenue North. Commissioner Holme, Chair, called the meeting to order at 7:00 pm and reviewed the meeting agenda. **Commissioner Barber moved approval of the May 12 agenda, acknowledgement of correspondence, and minutes from the March 10, March 24, and April 14 meetings. [The April 28 meeting was cancelled.] The motion was seconded by Commissioner Kincaid. The vote was taken and the motion approved.**

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=5591142> and move cursor to position 1.00.

Budget Schedule: Last week Mayor McGinn sent out a letter regarding options he is exploring to find efficiencies in how the City operates some services and programs. In his letter, the Mayor wrote he had asked most departments (including Parks) to reduce their General Fund dependence by 4%-8%. Since the 2012 Endorsed Budget included \$84.1 million of General Fund support for Parks, this represents a reduction of between \$3.4 and \$6.7 million in the 2012 budget. These reductions are especially hard to face following the major cuts to the Department's 2011 budget and the mid-year 2011 reductions that are anticipated.

Parks presented its mid-year 2011 cut proposal to the Mayor at the end of April and anticipates hearing his decisions by the end of May. Parks will submit its package of 2012 reductions on May 16. The Department is working hard to identify cuts that have the smallest possible impact on the services provided to the public, but at this level of reductions, there will be impacts to the public and employees.

Cascade Neighborhood Center: Earlier this year, the Department issued a request for proposals for operation of this facility. The Metro YMCA and Cascade Neighborhood Council submitted proposals, with the

YMCA selected as winner. The Department received over 200 e-mails from people upset that the CNC didn't win and the CNC filed a letter of appeal. Kathy Nyland of Councilmember Sally Bagshaw's office, Department of Neighborhoods Director Bernie Matsuno, and Acting Superintendent Williams reviewed the appeal and upheld the decision. Parks met with CNC yesterday to notify them of the determination.

Volunteer Park Conservatory: The Conservatory is on the proposed budget cut list for 2012. The Friends of the Conservatory are working on a capital campaign. Acting Superintendent Williams stated the site needs operation and maintenance funding, rather than improvements.

Volunteers: Commissioners received a copy of the Department's 2010 volunteer report, illustrating volunteer service in parks, programs, and facilities. Parks and recreation staff supported 43,768 volunteers in providing 360,698 hours of service. Volunteer hours increased 33,932 over 2009, but the total number of volunteers is down. Youth make up 35% of the total volunteer corps, more than twice their share of the population!

Environmental Education Summit: The Environmental Education Summit was held Friday, April 29, at the Northwest African American Museum. The event was a collaborative effort between Seattle Parks, IslandWood, and the Seward Park Environmental and Audubon Center. There were about 100 attendees from various community-based organizations and other City departments. Dean Lisa Graumlich of the University of Washington's College of the Environment spoke during lunch about the role of environmental education in the lives of youth, the ethic of social justice, and the values of access and inclusion.

Next Steps:

- Create and maintain a supportive network of individuals, organizations, and communities involved in environmental education.
- Identify service gaps.
- Leverage partnerships to expand and enhance services lost in budget reductions.
- Explore ways to increase culturally-relevant programs that provide connections to nature and environmental education for persons of color, immigrants, refugees, and other underserved populations.

Viretta Park: Parks staff recently toured this site with park neighbors who have voiced concerns with how the park is being used. Tour buses drive by the park and drop off visitors, due to its proximity to Curt Kobain's former home. Parks will continue working with the neighbors on their concerns.

Parks Naming Update: The process for submitting naming suggestions for Thornton Creek Park #1, #2, #6, the Ravenna Ave site on Thornton Creek and the park located at 12th Avenue and East James Court closed last week. The Park Naming Committee will meet next week and forward their recommendations to the Superintendent.

Rob Drydek Foundation Donation: Mr. Drydek of MTV visited Seattle last week and signed a Memorandum of Agreement to donate \$75,000 to Seattle Parks. These funds will be used for the Roxhill skatepark, scheduled to open in 2012. Design and construction is estimated to cost \$50,000, with the remaining \$25,000 to be used for skating elements.

Current Seattle Skateparks:

Skateparks Now Open	Skateparks in the Planning or Construction Phase
Ballard Commons Park	Crown Hill Park (fall 2011)
Dahl Playfield	Delridge Playfield (winter 2011)
Lower Woodland Park	Hubbard Homestead (Phase 2, not funded)

Summit Slope	Jefferson (fall 2011)
	Judkins (fall 2012)
	Roxhill (2012)

Park Openings: Over the last few weeks the opening of several new parks has been celebrated, including Hubbard Homestead Park, Myrtle Reservoir Park, Thomas C. Wales Park, and Summit Slope Park.

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. Four people testified during this segment and five more testified after the Magnuson Park update briefing. All commented on the Magnuson Park Building 11 lease amendment. A brief summary of their testimony follows. To hear the full testimony, see <http://www.seattlechannel.org/videos/video.asp?ID=5591142> and move cursor to position 17.00.

Gail Chiarello: Ms. Chiarello voiced concerns with the Building 11 lease amendment. She asked the Park Board to review the original Request for Proposal and compare that to where the process is now.

Bill Bradburd: Mr. Bradburd is a member of the Seattle Community Council Federation and stated there are a number of Northeast Seattle community organizations opposed to the Building 11 lease amendment, as it has veered wildly from the original intent. He asked the Board to help ensure that the terms of the lease are complied with.

Bill Fuller: He is a neighbor to Magnuson Park, on the board of Sail Sand Point, and is a member of the Building LLC. He last testified to the Park Board in 2006. The LLC is not wavering on its commitment; the new proposal helps avoid mothballing the building. The LLC has a website with information on the lease amendment.

Bob Scully: He is a member of Sail Sand Point and stated that the rehabilitation costs are a fraction of what has been previously stated. Now, the non-profits are being squeezed out of the park. It is possible that Starbucks, bagels, and other businesses could also apply for a shoreline waiver and locate in the park. He is appalled with the change of direction. The Board of Park Commissioners is advisory; however, its recommendations do carry weight. He asked the commissioners to weigh all sides of the issue.

Briefing/Public Hearing: Summit Slope Park Skatedot

Linda Hubert, Seattle Parks Major Maintenance Manager, presented a briefing on the Summit Slope Park Skatedot. Prior to this meeting, Commissioners received a written briefing, included below and posted on the Board’s web page for the public. To hear Ms. Hubert’s presentation and the public hearing, see <http://www.seattlechannel.org/videos/video.asp?ID=5591142> and move cursor to position 26.00.

Written Briefing

Requested Board Action

Parks is requesting a Board recommendation on whether or not to keep or disable a skateboard feature (skatedot) in a new park on Capitol Hill, Summit Slope Park, located at 200 Summit Avenue E. A briefing and public hearing is scheduled for the Board’s May 12 meeting, and Parks requests a recommendation from the Board at the May 26 meeting.

Staff Recommendation

Parks Planning and Development Division staff recommend keeping the Summit Slope skatedot for the youth and families of the neighborhood. The only other areas for recreational skaters to practice tricks on Capitol Hill are streets and sidewalks.

Project Description and Background

In 2007, Parks successfully negotiated the purchase of a former parking lot at Summit E and E John St. for use as a park. A public process ensued to solicit ideas on turning this and another parcel on Capitol Hill (E Howell) into parks from funding available from the 2000 Pro Parks Levy. The first meeting was held to discuss both parcels on November 8, 2007. A total of 9,072 fliers were sent advertising the meeting and 31 people attended.

Soon after the public meeting, the design consultant Mithun was hired. A second public meeting was held April 3, 2008, solely focused on the Summit Slope site; 22 people attended. Also, the Skateboard Park Advisory Committee (SPAC) first included the potential for a skatedot at Summit on their May 12, 2008 agenda.

A third public meeting was held June 4, 2008, with Mithun presenting a schematic design for the park. Mailings went to 2,211 people and 16 people attended. There was only money in the project budget for a "basic park" with lawn and a couple of benches. However, the community suggested P-Patches be included, and a local skateshop business owner raised the idea of a skatedot as part of realizing the goals in the Citywide Skatepark Plan (January 2007).

At the fourth and final public meeting at on September 10, 2008, Mithun presented two final designs options. Postcards advertising this meeting went to 2,239 households and 17 people attended, including the Chair of SPAC. One design was for the "basic park," which could be developed within the project budget. The other design was for a park which included P-Patches and a skatedot, should additional money become available. The more complex design was preferred and well received at this meeting.

The .21 acre park is now complete and, due to a favorable bid climate, consists of P-Patches, picnic area with grill, two small lawn areas, a bench and a skatedot (a 22 inch high, 20 foot long concrete bench with a grind rail shown in Attachment A).

Public Involvement Process

A project sign with contact information was installed on site in September 2008. There were four public meetings, described above. At the meetings there were some comments about the potential for noise from skateboarding and some comments regarding perceived "exclusive use" of public land by P-Patchers. Generally, the comments on the design were positive.

Issues

Opposition to the skatedot was directed to the Project Manager about one week before project completion. It was reported that skaters were moving the temporary fencing and using the skatedot before the park was open to the public. When the park opened, calls and e-mails began coming in from five adjacent neighbors who reported inappropriate use of stairs, railings and planter edges for skating. Noise issues, graffiti, trash, and the potential for collisions with pedestrians were all brought to Parks attention. Parks responded with a number of mitigating actions, including review by the Parks Health and Safety Specialist, along with Seattle Police Department, Seattle Department of Transportation, Mithun, SPAC, and neighbors.

Some of the actions taken thus far to mitigate skatedot impacts include:

- Furnishing trash receptacles
- Installing a sign with skate rules and identifying pedestrian right of way
- Affixing skate stoppers and skate turtles on the stair approaches and railings
- Cementing rubber edging on the metal planter rims

- Placing bollards at either end of the skate bench area to slow down skaters
- Adding a fence behind the skate bench to stop out of control boards from entering the sidewalk
- Reducing park hours by changing closing from 11:30pm to 10:00pm
- Ordering spot visits from the Park Rangers to monitor the site for inappropriate behaviors.

Budget

The total budget for Summit Slope Park was \$497,000. The original estimate for the skatedot was \$50,000 and was not part of the original project budget. However, overall project bids came in \$58,755 below the engineer's estimate. After winning the contract for park construction, the construction firm bid the skatedot at \$12,990. A change order was issued to build the dot as shown in the final design, since it had become affordable due to the favorable bid climate.

Mitigation measures have added about \$8,000 to the total cost. If the skatedot were to be disabled, the cost would be approximately an additional \$400 for skate stoppers, labor, and sign removal. If bollards and fence were removed, additional labor would cost \$800. These costs would be paid by the Skatepark Implementation Fund.

Schedule

If a decision is made to disable the skatedot, ordering and installing the skate stoppers should not take longer than 3-5 weeks, depending on product availability.

Additional Information

Linda Hubert: 206-386-1959 or linda.hubert@seattle.gov

Project information can be reviewed on the web at

<http://seattle.gov/parks/ProParks/projects/JohnSummitParkDevelopment.htm>

ATTACHMENT A



Verbal Briefing

Ms. Hubert introduced herself and Kelly Davidson, currently the project manager for Summit Slope Park. She next reviewed information in the briefing paper. When Parks began receiving complaints of noise and safety issues with the skate dot, it did mitigation and added fencing to keep the skaters out of the street, installed bollards and traffic buttons, and installed stoppers on the stair railings. None of these helped with the noise. Parks staff are asking the Board to hear the testimony and make a recommendation to the Superintendent whether to keep the skatedot at the park.

Commissioner Barber asked if the design included any proposals to reduce the skatedot noise. Ms. Hubert responded that it did not. Commissioner Kincaid asked for a definition of the skate elements of a skatedot (one small element in a park for skating), and skatepark (larger site that is focused on skating). [For more information on the definitions, see [Skatedot](#) - less than 1,500 square feet; [Skatespot](#) - 1,500 to less than 10,000 square feet; [District](#) - 10,000 to less than 30,000 square feet; and [Regional](#) - Above 30,000 square feet.] Commissioner Holme noted that the City has an online Citywide Skate Plan, <http://www.seattle.gov/parks/Projects/Skatepark.htm>.

Commissioner Kincaid attended the recent opening of Summit Slope Park and complimented this new park. She asked if the skatedot concept was added later in the public meetings and Ms. Hubert answered that it was lobbied for at the third public meeting and Parks staff showed designs at the fourth meeting that included a P-Patch and skatedot. Parks gave the community the option of fundraising for the park and attendees agreed to do so. However, in the interim the 2008 Parks and Greenspaces Levy was approved by voters and the park received funding. There was a time lag of approximately 20 months between the design meetings and

construction. She noted that some neighbors who participated in the design process moved away in the interim and some new park neighbors were unaware of the design.

Public Hearing

The public hearing began. All who requested to speak were allotted two minutes each to testify, asked to speak at the podium, and timed. The Chair requested anyone with additional comments to e-mail their testimony to the Board's coordinator. 27 people testified. A very brief summary follows and includes the speaker's name and whether or not they support or oppose the skatedot at Summit Slope Park.

Amy Broderick: Opposes. She is representing the owner of the condo at 205 Summit Avenue and has opposed the skatedot since it was first suggested. Her concerns have been ignored. Nearby owners and tenants want a say in this. The building has lost tenants due to the skatedot noise and must deal with the litter. Skaters ignore the signs stating the park is closed at 10:00 pm and sometimes skate until 3:00 am. This is unfair to the nearby residents.

Dan Burton: Opposes. He is the manager of the Skandia apartment building and is representing the owner. The skatedot is a nice idea in theory and awful when put into practice. The tenants are frustrated and shouldn't have to deal with this noise. Some people who were involved in the design process no longer live in the area and he believes the input from those meetings is no longer valid. The fence that was recently installed next to the skatedot is an eyesore and doesn't match the other park fencing.

Ryan Anderson: Opposes. He lives across the street from the park and stated he is a prisoner in his own home from the skatedot noise. There is constant noise and yelling which he can hear even above running water and when wearing earplugs. The skatedot noise is unlike other neighborhood noises, as those come and go. He cannot listen to music, watch television, or work at home due to the noise.

Ginette Hamilton: Opposes. She bought a condo near the park and would not have done so, had she known about the noise from the skatedot. The noise is sometimes constant, even as late as 1:00-3:00 am. She believes this is a public nuisance and read from the City's noise ordinance. This negatively affects her property value.

Barbara Metz: Opposes. Her condo is 64 ft. from the skatedot. She has lived at her condo for ten years and believes the skatedot is too close to park neighbors' homes and is a very bad decision. She discussed this with Matthew Johnson of the Skatepark Advisory Committee (SPAC) and he was very sympathetic. He stated that Parks staff did not involve SPAC in the skatedot design. She believes that Parks didn't follow its own policy when it installed the skatedot feature at this park.

Scott Shinn: Supports. He is a member of SPAC and believes he is witnessing an important transformation in skateboarding in Seattle. He distributed a DVD on skating to the Park Board and asked that they watch it. He believes that the primary issue at Summit Slope Park is not about the noise or safety aspects, but about providing public space for skateboarding.

Jasper Dohrs: Supports. He has lived in Seattle 14 years and thanked Parks for building skateparks. He and his friend use the Summit skatedot, which is located in a noisy area, and they don't yell, litter, or endanger others. He believes skaters help keep crime down, as they are a presence in the parks. He asked that the focus be placed on real problems and that skaters not be picked on.

Matthew Lee Johnston: Supports. He is known as the "Father of Seattle Skatedot". He wrote the concept paper idea to take skatedots to pocket parks so skaters wouldn't have to skate in the streets. Seattle is light years ahead of other cities in providing these and other skating amenities. He is a sound engineer and tested the sound level at Ballard Skatepark during the controversy over that facility. Summit skatedot is located in a park with transient noises of all types. He asked the Board to protect it.

Larry Dohrs: Supports. He has lived in the area for 25 years and is not a skater. The park is in a noisy area and dealing with the noise is a tradeoff for living on Capitol Hill. There are many quiet areas to live in and people should move to those if they can't tolerate noise.

Ryan Barth: Supports. He is chair of SPAC and has been involved in it since 2004. He attended the Summit Slope Park first and second meetings. At the second meeting, he proposed the skatedot and heard no concerns voiced by attendees. He also attended the third meeting and heard no concerns there, either. The largest concentration of skateboarders in Seattle live on Capitol Hill. After the Summit Slope Park skatedot came into use, a small group of neighbors filed a public disclosure request on the skatedot.

Forrest Weamone: Opposes. He lives four blocks from the skatedot and can hear the noise from the skatedot while in his home.

Tony Davies: Supports. He is a Seattle resident and skateboarder. This is a big city and is noisy.

Kate Martin: Supports. Her kids are skaters and she installed a skatedot in her front yard in Greenwood. She used to live on Capitol Hill. She wants healthy recreation for kids and asked for public tolerance of the skating and for celebration of the sounds of these kids being active.

Glenn MacGilvra: Supports. He lives six blocks from the park and visits it often. He enjoys watching both the P-Patch gardeners and the skaters and appreciates the diversity of uses in this small park.

Nancy Chang: Supports. Kids want a legal place to skate.

Elizabeth Chan: Supports. She moved here recently from New York City, and was excited to see the skatedot. She enjoys watching the skaters and finds it therapeutic. She voiced sympathy for those who do not enjoy the sound of skating. She suggested the demographics may change and people who enjoy skating and the noise will move into the nearby dwellings.

Tageraven: Supports. Last summer one of the women who is opposed to the skatedot and testified earlier verbally harassed him and several other skaters and called the police. The officers instructed her to stop harassing the skaters. He is a University of Washington student and is tired of being treated like a criminal because he is a skater. This is discrimination.

Flip: Supports. He is 21 and skates every day. He has heard many good things about the skatedot. It provides a safe place to skate that isn't in the streets.

Jason Stephens: Opposes. He lives across from the skatedot and is a skater himself. However, this noise isn't transient. He likes the noise from kids skating, but he also likes some quiet in his home, too. The skatedot is too loud for the neighborhood. He also has concerns about its safety, as the ramp is located adjacent to the sidewalk.

John Curtin: Supports. He lives in a condo across the street and has a P-Patch at Summit Slope. His partner is a skater. It isn't just kids who use the skatedots; there is a first and second generation of skaters, with kids being the second generation. He previously e-mailed the Board photos of kids learning to skate. This is a healthy and wholesome sport. Most people on Capitol Hill do not have backyards and use the parks for that purpose.

Heather Pope: Supports. She is also a skate mom and takes her son to skateparks seven days a week. They live near Ella Bailey Park on Magnolia. It has a couple of skatedots and there is a great mix of kids and adults skating. She has been amazed at the many role models among the skaters.

David Forsyth: Supports, but asked that Parks mitigate the noise. He has been a skateboarder since 1966. He is sympathetic to the neighbors who are disturbed by the noise from the skatedot. He hopes it is preserved and that the Board's recommendation to do so include noise mitigation.

Brice Nielson: Supports. He helped build the SODO skate park and believes skateboarding is an art form.

Ed Wilson: Supports. He owns a skateboard company and works with at-risk kids. Providing skate facilities shows that the City cares about its youth. Kids go to the skate sites to build self esteem. If the City removes this facility, it sends a message to its youth that it doesn't care about them.

Jason Singler: Supports. He is working on his arts degree and has skated for 11 years. He loves skateboarding as an individualistic and creative sport. The two skate moms who testified earlier are right on point. He suggested that the recently-installed fence be converted into a sound wall similar to those along freeways. Please find a solution.

Kristen Ebeling: Supports. She is the director of Skate Like A Girl and stated that lots of girls skateboard. She has had great experiences at the Summit skatedot and finds the P-Patch and skatedot very compatible. Many people who don't live in the nearby apartments and condos use this park. The skateboarders are not delinquents. Let's talk solutions.

Josh Becker: Supports. He is 30 years old and a skater. Kids need places to skate. He agreed that the noise is an issue.

The public hearing closed at 8:30 p.m. The Board will accept written testimony through Friday, May 20. Commissioner Holme thanked all those who attended the meeting and testified.

Update Briefing: Magnuson Park Building 11

Commissioner Holme noted that the Board of Park Commissioners has been discussing Building 11 for several years. Commissioners appreciate the complexity of the issue. Mr. Torgelson introduced himself and reviewed information in the written briefing paper. Copies were also made available to the public.

To hear Mr. Torgelson's presentation and the Board's discussion, see <http://www.seattlechannel.org/videos/video.asp?ID=5873>.

Written Briefing

Requested Board Action

The Board has requested a background briefing on Building 11 at Magnuson Park and the proposed lease amendment. The Board may want to make a recommendation on next steps for the project.

Project Description and Background

In 2005 Parks issued a Request for Proposals (RFP) to find organizations interested in developing indoor recreation opportunities in Building 11. The intent of the RFP process was to identify service providers that could offer parks and recreation programs to the public and achieve the vision for the development of Magnuson Park, preserve the integrity of the Sand Point Historic District and relieve the City of the financial liability associated with the buildings.

Building 11 Investors LLC (Building 11 LLC; made up of Darrell Vange, Bill Fuller and Chris Raftery) was the only entity that submitted a qualified proposal in response to the RFP for Building 11. A review committee assessed the proposal, and determined it met the City's requirements. The Superintendent concurred, and Building 11 LLC was selected as the building developer.

In October 2008, the City Council approved a lease agreement with Building 11 LLC for the renovation of Building 11 at Magnuson Park (Ordinance 116313). This lease is currently in effect. Building 11 LLC is proposing to invest more than \$9 million in the renovation (basic building upgrades and tenant improvements) of the building, with an additional \$2 million for design, engineering, permits and project management costs. Parks is providing no financial outlay to the project other than rent credits for the capital costs of renovating the building. Rent credits are also available to the developer for public programs offered by its tenants.

Several tenants are proposed in Building 11, including a new daycare, new restaurants, new pediatric doctors' offices, and Sail Sand Point (existing tenant).

The current lease, as adopted by City Council, established a term of 30 years with options to extend for three additional terms of five years. The Lease allows Building 11 LLC to reduce its rent based on the value of its initial capital improvements. The lease also requires that Building 11 LLC must provide a minimum of 16,890 square feet of primary park and recreation uses, which includes at least 8,000 square feet of the building for water-related recreation activities at rents of no more than 80 percent of the average of market rents in the building. In addition, Building 11 LLC is required to provide public benefits equal to at least 10 percent of their total rent payment annually. Up to 23 percent of the value of the public benefit is also eligible for rent offsets. Building 11 LLC is responsible for paying for all minor and major maintenance and utilities during the term of the lease.

To provide revenue that will fund essential building repairs and maintenance, Building 11 LLC was given approval to use a portion of the building for commercial uses (no more than 25,000 square feet). Commercial uses were not allowed under the restrictions set forth in the 1999 deed conveying the property from the federal government to the City. The United States Government allowed the removal of the restrictions on the commercial use of the property in exchange for similar restrictions being placed on another property of equal or greater value in Seattle. This transfer occurred and was approved by Seattle City Council (Ordinance **123073, August 2009**).

Current legislative proposal

Parks and Building 11 LLC have negotiated several amendments to the existing lease that are subject to City Council approval. Through the lease amendment the City was able to negotiate protections and benefits for the community and the City. The lease amendment:

- Adds a requirement that a minimum of 5,000 square feet of artist studio space be available for the life of the term, and reduced the water-related use requirement from 8,000 to 5,000 square feet. The amendment adds a requirement, however, that the 5,000 square feet of water use is for the life of the term.
- Changes definition of Premises to include two outdoor play areas and an outdoor restaurant seating area. The outdoor play area is for the exclusive use of the daycare while the daycare is in operation, and for public use when the daycare is not open (evenings and weekends). Use of the restaurant deck area is non-exclusive.
- Changes term structure to ensure eligibility for federal historic tax credits. Total length of term with extensions from original to amendment stays at 45 years. The amendment allows the City to get 75 percent of the value of the historic tax credits; decreases the capital expenditure offset by more than \$1 million, meaning more than \$1 million in additional rent for the City over the life of the lease term.
- At the request of Sail Sand Point, the proposed daycare and the proposed pediatric doctor's office, the City agrees to sign non-disturbance agreements, meaning that the City will assume these existing leases in the event that Building 11 LLC defaults.

Issues

There is significant community opposition to the City's lease with Building 11 LLC and the proposed lease amendment. Much of the opposition concerns the original lease and the proposed commercial uses of part of the building and the rent structure.

Sail Sand Point and the artists have not signed leases with Building 11 LLC to stay in the building. The City and Sail Sand Point have signed a separate five-year concession agreement that guarantees at least 69,000 square feet of outdoor boat storage and use of three small buildings near Building 11 for \$1 a year.

Parks issued 60-day eviction notices to the existing tenants in Building 11 on March 16, 2011, in order to continue to work in good faith with Building 11 LLC under the spirit and intent of the original lease agreement. Building 11 LLC received financing approval from US Bank in February 2011, contingent on the lease amendment, and has received a shell and core building permit from the Department of Planning and Development. Given the current uncertainty of the lease amendment, Parks has also requested proof of financing under the existing lease agreement and additional information about tenant commitments. Pending Parks approval of this additional information, Parks will issue the final 14 day notices to the existing tenants, which will push their eviction beyond the original May 16 deadline.

Budget/Schedule

The Mayor has not yet sent the lease amendment to City Council for review

Additional Information

For more information, please contact Nathan Torgelson at nathan.torgelson@seattle.gov or (206) 684-0343.

Verbal Briefing

Mr. Torgelson introduced himself and reviewed the information in the written briefing. Acting Superintendent Williams reminded commissioners that the Department is not asking for a policy recommendation on this issue, as the City signed a legally binding contract with the LLC. He met twice with Mayor McGinn today and the mayor is now deliberating the amendment.

Responding to a question from Commissioner Kostka on how the square footage in the amendment differs from the original lease, Mr. Torgelson explained the formula. The building is 58,000 sq. ft. and the amount of park and recreation use does not change in the amendment. Commissioner Kincaid asked what guarantees the water use for 5,000 sq. ft. Mr. Torgelson responded that the LLC is required by the lease to rent the space for water-related uses – it cannot be leased for other purposes.

Commissioner Barber referred to testimony received today that includes a three-page tax statement. Commissioner Holme noted that the Board had received a high volume of e-mails over the past few days and all commissioners and staff may not have time to read all the materials forwarded to the Board, including the referenced document. Commissioner Kostka asked if there will be sirens on vehicles going to the Virginia Mason Clinic. Mr. Torgelson answered that the facility would consist of pediatric offices and isn't a hospital. Commissioner Holme added that if there is an emergency on site, possibly a vehicle with a siren would come to the clinic; however, it wouldn't be routine.

Commissioner Kincaid asked about the part of the lease that allows artists to pay 75-80% of the Building 11 going rate. Mr. Torgelson stated that both the artists and water related sports pay a lower rent. He noted that Building LLC is negotiating all the tenant leases, except that of Sail Sand Point.

Responding to a question from Commissioner Barber on why the daycare isn't included in the lease, Mr. Torgelson answered that the daycare is defined as fitting other parks and recreation uses, as is restaurants and artist studios. Commissioner Barber understood that the daycare would be for the use of park visitors and believes a private daycare is a commercial use of the park. Mr. Torgelson stated the lease does not define daycares any further. Acting Superintendent Williams added that Seattle Parks operates 30 daycare facilities. Commissioner Holme agreed; however, all those are operated by the Department's partner organization, the Associated Recreation Council, and ARC will not be the operator for the Magnuson Park daycare.

Commissioner Holme stated that this issue is in the hands of the Mayor and City Council; however, the Board could make a statement tonight. Commissioner Barber stated he is hearing from other Commissioners that the City should stay with the original terms of the lease.

Commissioner Barber moved that the Board of Park Commissioners recommend that the City stay within the terms of the current lease agreement. Commissioner Kincaid seconded. Commissioner Kostka made a friendly amendment, which was accepted, to be sure the public benefits in the lease agreement are upheld. The vote was taken and was unanimously approved. Parks staff will prepare the letter and forward to the Mayor and City Council.

Commissioners thanked Mr. Torgelson for the update and asked for continued updates on the lease amendment.

Oral Communications – Continued

To hear the remainder of testimony, see <http://www.seattlechannel.org/videos/video.asp?ID=5873> and move cursor to position 29.00.

Morgan Collins: He is the Sail Sand Point director; they are working very hard with Building 11 LLC. It is very important that Sail Sand Point remain at Magnuson Park.

Chris Raftery: He is a member of Building 11 LLC and a sailor. They want to keep Sail Sand Point at Magnuson Park and are also working hard to do so. The lease amendment helps with this. Earlier testimony stated that the needed upgrades to the building would not cost \$9 million, as had been calculated when the original lease was signed. He disagreed with the statement, as the upgrades include meeting ADA and seismic requirements, removing hazardous materials, and adding triple-glaze panes to the windows. He also noted that the pediatric clinic has been in the nearby neighborhood for 20 years.

Jim Pridgeon: He is an artist and has had his studio at Magnuson Park for some time. Rents are becoming too expensive for artists in Seattle and are being raised by 1/3 at the park, while the amount of artist space is being reduced from 8,000 to 5,000 sq. ft. He stated that Sail Sand Point and the artists provide \$290,000 in annual revenues. When this park was turned over to the City of Seattle by the Navy, a portion of it was designated as an arts resource. He believes that trust is now being abrogated.

Sally Raftery: This has been a very long process for the Building LLC members. It was an exciting process at the beginning with her husband, Chris, brainstorming ways to bring the proposal to the community. At that time, the artists were to be housed in Building 30 and the City has not followed through on that commitment.

Pat DeCaro: She is an artist at Building 11 and an art educator. She wants to be assured that a portion of Building 11 is used for artists. She loves having her studio at the park, believes that arts in parks is a fabulous idea, and hope they remain.

Commissioner Holme thanked everyone for testifying and asked that they now lobby the City Council. The Board of Park Commissioners has a limited role in this process and must focus its time on other issues. He did ask that Parks staff prepare a future briefing regarding the Department's commitments and plans to provide for the arts at Magnuson Park.

Old/New Business

To hear this segment of the meeting, see <http://www.seattlechannel.org/videos/video.asp?ID=5873> and move cursor to position 45.00.

New York City Park Security: Commissioner Barber recently visited a number of the largest parks in New York City. While there, a local newspaper headline read "Keep Out of Parks" due to the crime level. He learned that

Battery Park has 22 full-time security staff and there are numerous other security staff for other parks. In addition, NYC parks maintenance staff wear uniforms to give an additional presence in the parks. He realized that it is very costly to maintain parks in densely-populated areas. He also noted that New York parks have movable chairs, fenced-off natural areas, a lending library, and restrooms with a foyer, fresh flowers, and attendants. Acting Superintendent Williams responded that the New York City park system has many public-private enterprises.

There being no other new business, the meeting adjourned at 9:35 p.m.

APPROVED: _____

Terry Holme, Chair
Board of Park Commissioners

DATE _____