

From: [Dan Thompson](#)
To: [Planning Commission](#)
Cc: [Parks & Rec Commission](#); [Council](#); [Ryan Daly](#); [Jessi Bon](#)
Subject: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments
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Dear Planning Commission, please consider these my public comments for tonight's first meeting on the new parks zone. As many know, I have pursued a distinct parks zone for over a decade, and feel very passionately about this zone, and whether it is a Trojan Horse or actually protects our park zoning and the development allowed within our parks. My post on ND plus replies can be found at https://nextdoor.com/p/8mZHSHggsrHK?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1706132013117

1. Process At The Parks Commission.

This process was originally planned to occur *before* the vote on renewing the parks levy, but apparently there was not time until now. However, despite the very long delay, the parks dept. first presented the draft zone to the parks commission on Dec. 28, three business days before the parks commission's only opportunity to review and comment on the draft parks zone. The citizens received virtually no notice which is reflected in the absence of comments at the parks commission despite this being a hot button issue for over a decade.

I have complained about this, and it is my understanding the Mayor will call for a joint parks--planning commission meeting on this zone. I think that is appropriate because the parks commission is more knowledgeable about the age old tension between passive and active (recreational) space within the parks boundaries, while the planning commission is more knowledgeable about zoning and regulatory limits (including the parks dept.).

I am also disappointed at the combative and defensive responses from the city to the questions asked by the planning commission, and hope a joint meeting will loosen the city up to modifications to its draft zone.

2. Two Absolutely Critical Elements To The New Parks Zone.

If there are only two key elements to a parks zone they are:

A. A binding policy of no new net impervious surfaces, which is the parks commission informal policy today. This is the one policy that will protect our parks, and the one policy the city is already backtracking on.

B. A heightened standard for the council to change the zoning of a park in the zone. The motivation for a parks zone is past efforts by councils to rezone parks, or allow non-park

related development, for commuter parking lots, MICA, marina's, golf courses, the Tully's project, development of the (polluted) parcel next to Haps, and so on. **My preference is a vote of the citizens is required. My second choice is a unanimous council.** I have lived on MI since 1970 and I can't remember a single time the citizens supported rezoning a park, or allowing non-park related development in a park.

3. What Is A Parks Zone?

The short answer is any zone is nothing but designations on the land use and zoning maps. Here are the three key issues for what is **IN** the parks zone:

A. Which parks are put in the zone. This is unclear from the agenda packet, except the entire Aubrey Davis PARK is not in the zone. The city has also floated the idea of a bifurcated parks zone with some parks getting more protection than others. IMO any parcel with the name "parks" in it needs to be in the zone or this process will look phony. Any "park" omitted will raise suspicion the city and council plan non-park related development in the park and stir up a hornets nest for no reason.

B. The regulatory limits in the park zone including allowed uses.

C. How hard it is for the council to rezone park land in the zone. Ideally it would require a vote of the citizens.

4. Problems With The City's Draft Parks Zone.

The first question is whether the proposed parks zone provides less protection for our parks than today, let alone enhanced protections. Right now I am afraid the answer is no, except for the parks commission's desire that there be no new net impervious surfaces which staff's report misinterprets and misquotes.

4. Impervious Surface Limits.

Impervious Surface Limits. According to staff's report: "Impervious Surfaces

- No net new impervious surfaces unless authorized by an adopted City plan, and
- Emergency vehicle lanes, public trails, and synthetic turf athletic fields are exempt".

I have fought for 10 years for a no new net impervious surface rule, and the parks commission adopted that informally. But exempting synthetic turf is a massive loophole that covers huge portions of the parks and fundamentally changes their character. The only park I know of today that has synthetic turf is Island Park, and the other synthetic turf is on school property, where it belongs. I think synthetic turf should be eliminated, or at the very least limited to existing synthetic turf.

I also don't know what "authorized by an adopted City plan" means. Is the city referring to the PROS plan?

5. ALLOWED USES.

The key for any park is that the uses be "park related". For example, a parking lot at Luther Burbank to serve park users is park related; a commuter parking lot is not.

The park zone should define and restrict the uses allowed in the zone as all zones do, which is critical. The general rule is a "use" must be "park related".

Four proposed uses that concern me without further definition are:

- Government offices and government services.
- Public parking, parking structures, and underground parking.
- Transit stops.
- Wireless communications facilities.

Re: parking, I think it must be clear that any parking must be limited to serving park users, although staff's report does state,

"• Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan". **This should inform the planning commission on how important a prohibition on any new net impervious surfaces is in this new zone, as a backstop protection.**" Underground parking seems pointless to me due to the cost and the fact it can only serve park users when surface parking is cheaper.

I also think any "government offices" should be limited to existing structures in a park, such as Luther Burbank, and not allow new buildings or structures. I don't want to see a new city hall in Luther Burbank because the land is "free".

A transit stop really is not necessary WITHIN a park on MI that I can fathom, and it should be clarified any stop is on the perimeter of the park, and not a "transit facility" or transit structure. A transit stop is on a *street*, and so does not need to be included as a use in the parks zone.

Finally, I don't think wireless communications facilities should be allowed in parks. That is like giving our park land to private vendors. There are plenty of rights of way on MI for wireless facilities that are not in parks.

The one park this becomes confusing is Luther Burbank due to YFS. Ideally, YFS would not need park buildings, and the buildings at Luther Burbank would be reserved for park use. In any case, any parks zone should restrict uses to park related uses, and if necessary grant a conditional use to *existing* uses, but not to any new uses. If a new city

hall is built YFS can move there.

6. Regulatory Limits.

The current rule is the regulatory limits applicable to a park reflect the zone in which the park sits because that is the *zone*. Nearly every park on MI sits in a residential zone, so the RDS applies to any development in a park (**which as the city notes will be virtually zero new development based on the no new net impervious surface limit**).

Unfortunately, the draft park zone increases regulatory limits beyond those allowed in the RDS.

2. Regulatory Limits. Height. Staff's report states:

"Building Height: 35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center."

This isn't true. Most if not all parks sit in the residential zone which has a 30' height limit. The Commercial/Office zone outside the town center has a 36' height limit (and town center buildings that are commercial only are limited to two stories). The rule today is the regulatory limits for a park must mimic those of the zone it sits in, and I think that rule should be followed. If a park sits in a residential zone, which nearly all do, then the height limit should be 30'. Parks don't need a height limit applicable to Commercial/Office zones. The new park zone would actually INCREASE maximum height of buildings compared to today.

7. Ability To Rezone Parks. In the past, THIS council has voted to rezone parks for the Tully's project and next to Haps. Past councils were worse, which is why many of us have fought so long for a dedicated park zone. I would like to see a heightened standard for rezoning park land, either a super majority vote on the council or a vote of the citizens. My ultimate goal was to remove the ability to rezone our parks or use them for non-park related development from the city or council without express citizen approval. What is the point of a new "park zone" if the council can rezone parks the same as in the past?

Daniel Thompson

Thompson & Delay

Attorneys at Law

80th Avenue Professional Building

2955 80th Ave SE, Suite 202

Mercer Island, WA 98040

Phone: (206) 622-0670

Fax: (206) 622-3965