

SCHOOL DEVELOPMENT STANDARD DEPARTMENT ADVISORY COMMITTEE

ROBERT EAGLE STAFF MIDDLE SCHOOL DESIGN DEPARTMENT RECOMMENDATIONS

Project #3029091

May 18, 2018

This report is produced pursuant to the City of Seattle Municipal Code (SMC 23.44.17 and 23.79) (the “Code”). The intent and purpose of this report is to document public testimony and make recommendations to the City for modifications to development standards in order to facilitate construction of the new Robert Eagle Staff Middle School located at 1330 N 90th St, Seattle, WA 98103.

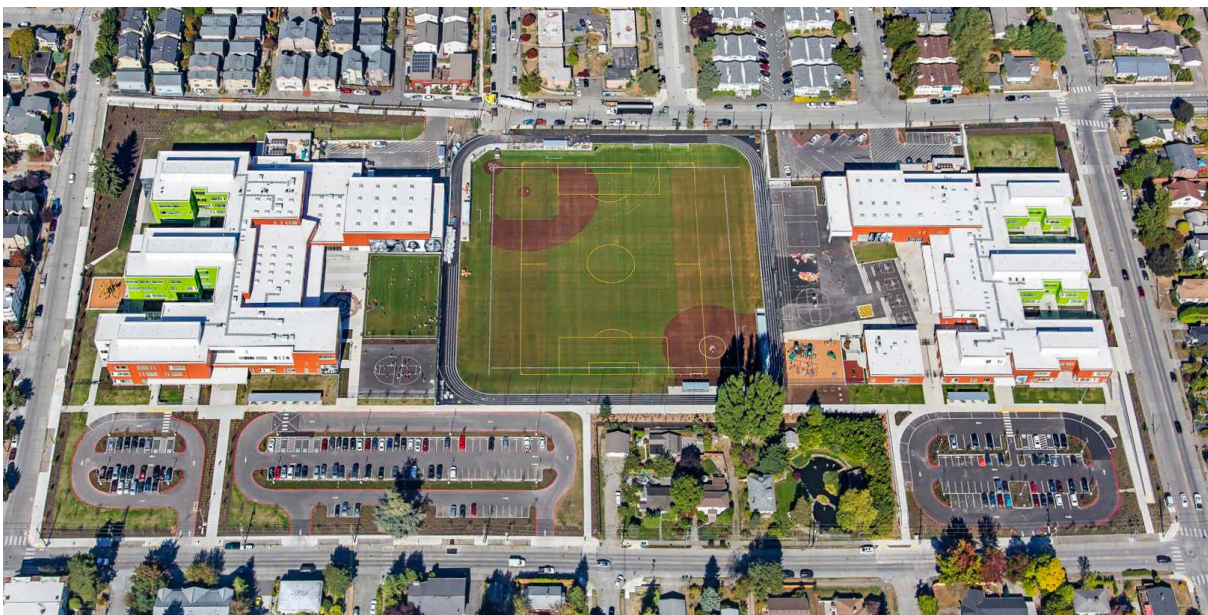


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Attachment 1: Meeting #1 Minutes, April 18, 2018

Attachment 2: Minority Report – Joseph Amman



**Robert Eagle Staff Middle School
Design Departure Advisory Committee
Report and Recommendations**

1. Background

1.1 Project Description

On October 10, 2017, the Seattle Public Schools (SPS) submitted a request for a departure from one (1) Seattle Municipal Code (SMC) Development Standards to accommodate the installation of field lighting poles at Robert Eagle Staff Middle School located at 1330 N 90th St., Seattle.

SPS is proposing to install athletic field lighting Robert Eagle Staff Middle School, in the Seattle School District (District). Lighting is being installed as mitigation for the impacts of SPS's changes in school start times and to meet the purposes of the current Joint Use Agreement to increase youth and community access to SPS facilities and grounds and to increase student access to Parks facilities and grounds.

SPS proposes to light the athletic field at Robert Eagle Staff Middle School from dusk until 10 p.m. to allow for both SPS use and community use. Events would be scheduled to end at 9:45 p.m. Anticipated uses of the field include multiple year-round sports events such as baseball, softball, soccer and ultimate Frisbee. In addition, the fields may be used as a practice (not competition) football field for Lincoln High School. The fields are also expected to be used for Parks community recreational events including youth soccer and adult soccer, lacrosse, ultimate Frisbee, flag football, and other events.

Lighting would consist of 10 field lighting poles—three each on the east and west sides (80-90 feet tall) and two each on the north and south sides (80-90 feet tall). The proposed lighting system at the athletic field would consist of 56-1,150-watt shielded LED floodlights. The height of the field lighting poles has been proposed to minimize light spillage outside the athletic complex. The lights would comply with the guidelines established by Parks (Parks, 2001).

The field may also be lit in the morning hours to allow high school practice. If the lights are used for morning practices, they would only be required for a brief period (approximately one hour in the morning before school) and for a limited number of days during the year.

The adjacent schools are not proposed to be altered for this project.

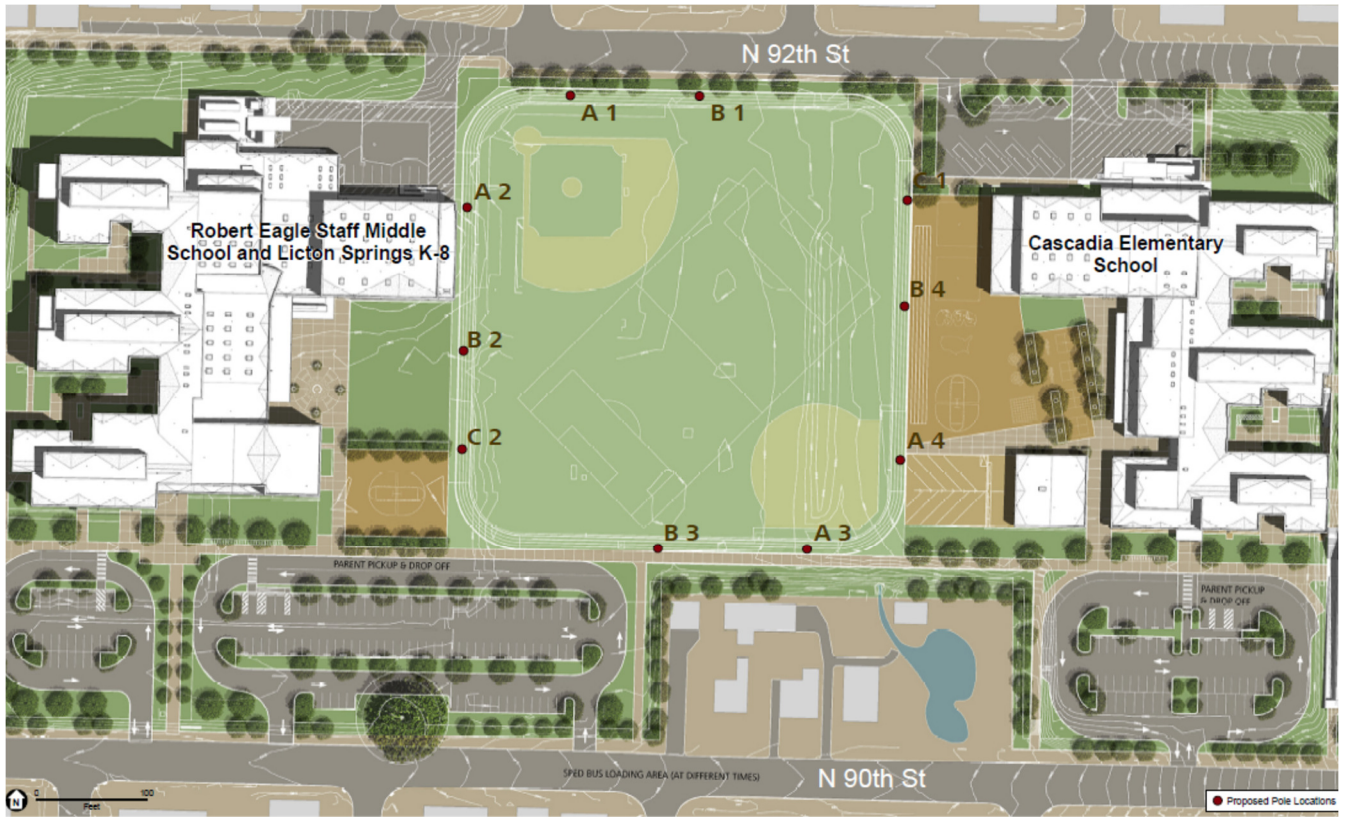


Exhibit 1 Proposed Site Plan

1.2 Neighborhood Characteristics

The proposed project is located at 1330 North 90th Street (Section 31, Township 26 North, Range 4 East). The project site is located north of Green Lake in the Licton Springs neighborhood. The site contains portions of parcels 3126049064 and 3517000005. The broader neighborhood is generally zoned for a mixed single family and low-rise residential development. The eastern 40% of the site abuts SF 5000 zoning while the western 60% abuts LR 3 zoning (generally three-story apartment development). The Aurora Avenue Commercial Strip lies about 600 feet west of the site

Robert Eagle Staff Middle School and Licton Springs K-8 School are located on the western boundary of the playfield, and Cascadia Elementary School is located on the eastern boundary of the playfield. The schools and playfield occupy one large city block.

1.3 Requests for Departure and Committee Formation

The City initiated the Development Standard Departure Process, pursuant to SMC 23.44.017 and 23.79. The Code requires that the Department of Neighborhoods (DON) convene a Development Standard Advisory Committee (hereinafter as the Committee) when the School District proposes a departure from the development standards identified under the Code. These standards are popularly referred to as the “zoning code.”

The purpose of the Committee is 1) to gather public comment and evaluate the proposed departure for consistency with the objectives and intent of the City’s land use policies to ensure that the proposed facility is compatible with the character and use of its surroundings; and 2) to develop a report and recommendation to the Seattle Department of Construction and Inspections (SDCI) from DON. (SMC 23.79.008)

Following completion of the Committee Report and its transmittal to SDCI, the Director of SDCI will publish a decision. The Director of SDCI will consider the recommendations of the Committee and will determine the extent of departure from established development standards which may be allowed, as well as identify all mitigating measures which may be required. The Director’s decision is appealable.

On November 11, 2017, DON sent notices to residents within 600 feet of the Robert Eagle Staff Middle School requesting self-nominations for membership on the Committee. Seven community members applied, and on March 7, 2018 the Committee was formed. The Committee is composed of seven voting members and two alternates, a representative from SDCI and a City non-voting Chair.

The Committee was appointed as follows:

Joseph Amann	Person residing within 600'
Jim Pettigrew	Person owning property or a business within 600'
Melanie Davies	Representative of the general neighborhood
Liz Kearns	Representative of the general neighborhood
Jeff Reibman	At large to represent citywide education issues
Shelly Denier	Representative of the Robert Eagle Staff MS PTSA
Sarah Ogier	Representative of the Robert Eagle Staff MS PTSA
Eric Becker	Representative of the Seattle School District
Robyn Meyer	Alternate
Clayton Beaudoin	Alternate
Holly Godard (Ex-officio)	Seattle Department of Construction and Inspections (SDCI)
Maureen Sheehan (Ex-officio)	Department of Neighborhoods (DON)

2. Departure

2.1 Specific District Requests

The Seattle School Board in 2016 and 2017 adopted later start and end times for middle and high schools. Due to the change in bell times, youth sport and community use on the playfield is limited. Voters approved the Building, Technology, and Academics/Athletics IV (BTA IV) Capital Levy funding for athletic field upgrades in 2016 to upgrade the athletic field and add lighting at Robert Eagle Staff.

Departure #1 – Reduced Setback

Existing Standard: SMC 23.51B.002 - PUBLIC SCHOOLS IN RESIDENTIAL ZONES

SMC 23.51B.002.E.4 - SETBACKS FOR ADDITIONS TO EXISTING PUBLIC SCHOOL STRUCTURES ON EXISTING PUBLIC SCHOOL SITES

- a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or the minimum setbacks according to the height of the school and the designation of the facing residential zone as shown in table e for 23.51B.002, whichever is less.

SMC 23.51B.002.E.5 – DEPARTURES

Departures from setback requirements may be granted or required pursuant to the procedures and criteria set forth in chapter 23.79 as follows:

- b. The minimum average setback may be reduced to 10' and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

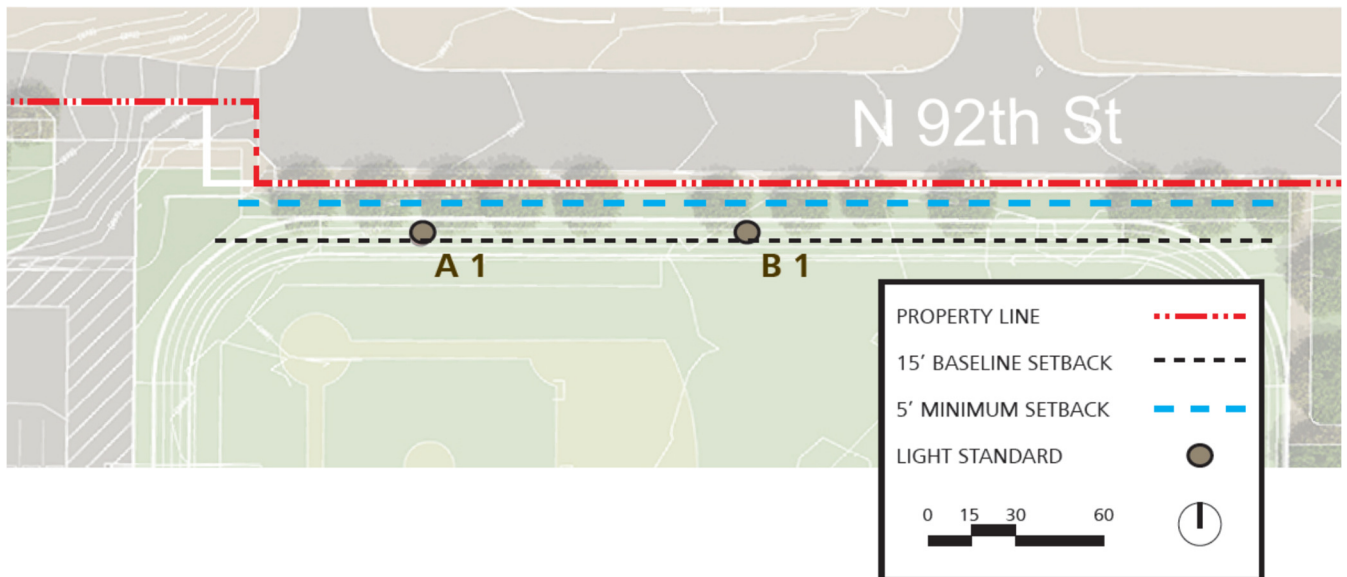


Exhibit 2 Proposed Setback

Departure Requested: 5-foot minimum setback

2.2 Committee Review and Recommendations

2.2.1 Process & Public Meeting

The Committee was convened in one public meeting at Cascadia Elementary School on April 18, 2018, approximately 7 people signed in, 5 of whom provided public comment. The common themes raised in public comment was support for a lit field in the neighborhood, concern that public access not be limited, noise/amplification impacting neighbors, and how and when the lights would be shut off.

2.2.2 Review Criteria

Section 23.79 of the Code directs the Committee to evaluate the requested departure for consistency with the general objectives and intent of the Code, and to balance the interrelationships among the following factors:

a. Relationship to Surrounding Areas:

- (1) Appropriateness in relation to the character and scale of the surrounding area
- (2) Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale.
- (3) Location and design of structures to reduce the appearance of bulk;
- (4) Impacts on traffic, noise, circulation and parking in the area; and
- (5) Impacts on housing and open space.

b. Need for Departure: The physical requirements of the specific proposal and the project's relationship to educational needs shall be balanced with the level of impacts on the surrounding area. Greater departure may be allowed for special facilities, such as a gymnasium, which are unique and/or an integral and necessary part of the educational process; whereas, a lesser or no departure may be granted for a facility which can be accommodated within the established development standards.

Section 23.51B.002 are the development standards related to single family and other low-rise residential zones.

2.2.3 Application of Review Criteria to Requested Departure and Committee Recommendations

The Seattle Municipal Code intent is to grant departures from the requirements of the Municipal Code to accommodate the educational needs of the programs to be located in single family zoned neighborhoods. The SPS has demonstrated that it cannot safely locate field lighting poles without granting a departure for reduced setback.

Need for Departure

The Committee recognized the need for additional lit play fields in the city limits. The play field is existing, and an asset to SPS and the neighborhood. As density increases and the need for play

fields by students and community organizations grows, the ability to use the fields after dark would enable SPS athletic teams as well as community groups to use the play field. A departure is needed for two of the 10 proposed field lighting poles. SPS can place eight field lighting poles on the field without a departure, where as if the two field lighting poles discussed here were placed within the setback, the function of the track would be compromised, and the field lighting poles would present a safety hazard for users of the field. There are also utilities located under the track that would need to be relocated if a departure was not requested.

LED lighting as well as aiming and mounting the lights in a way that safely lights the field is proposed to minimize light pollution and impacts on the residences.

Departure #1 – Reduced Setback

- 1) **Appropriateness in relation to the character and scale of the surrounding area** were considered by the Committee, and they did not have concerns about the reduced setback of 5 feet for field lighting poles having an impact on its relationship to the surrounding area which were addressed in the recommended conditions.
- 2) **Presence of edges (significant setbacks, major arterials, topographic breaks, and similar features) which provide a transition in scale** were considered by the Committee, and they did not have concerns about the reduced setback of 5 feet for field lighting poles having an impact on the transition in scale.
- 3) **Location and design of structures to reduce the appearance of bulk** were considered by the Committee, and they did not have concerns about the reduced setback of 5 feet for field lighting poles having an impact on the appearance of bulk which were addressed in the recommended conditions.
- 4) **Impacts on traffic, noise, circulation and parking in the area** were considered by the Committee, and they did not have concerns about the reduced setback of 5 feet for field lighting poles having an impact on traffic, circulation and parking the neighborhood.
- 5) **Impacts on housing and open space** were considered by the Committee, and they did not have concerns about the reduced setback of 5 feet for field lighting poles having an impact on housing and open space.

The Committee and community very much want to see the play field and track be open and accessible to the neighborhood, while also safe for users of the play field and track. The Committee reconciled the fact that field lighting poles and lighting would be installed at this location, the question was where two of the 10 field lighting poles would be located so the play field and track would still be usable and safe and without sacrificing the quality of life for the neighbors. Some Committee and community members were frustrated that SPS had not considered the possibility of field lighting poles when designing and installing the field less than 2 years ago. The project team did indicate that the school project site and buildings were planned and developed under the BEX IV levy approved by voters in 2013. The School Board changed the morning bell times after the project was designed and construction had begun. Planning and funding for field lighting was included in the BTA IV levy approved by voters in 2016.

The Committee contemplated conditioning their recommendation, such as restrictions on time of use, amplification, etc. but chose to rely on the SEPA process to address the concerns they were hearing from the community. This Committee is assigned to review the setback of those field lighting poles, and only that.

If the departure was approved by SDCI, the Committee was concerned with the safety of track and play field users and deliberated if they should condition their approval on the addition of safety measures, such as padding on the base of the field lighting poles and striping the outside lane a contrasting color to indicate the outside edge of the running area. Ultimately the Committee decided that putting conditions regarding safety is unnecessary and SPS can and will make the decision about safety, and they should focus on the issue of the departure.

After consideration of the above, the Committee recommends:

Recommendation 1 – That the departure to allow a reduced setback of 5 feet be GRANTED as requested by Seattle Public Schools with a preference for the design as presented and field lighting poles inside the fence.

For the Committee

Maureen Sheehan
Non-Voting Chair



Seattle Neighborhoods



Robert Eagle Staff Middle School Design Departure Advisory Committee

Members

- Joseph Amann
- Eric Becker
- Melanie Davies
- Shelly Denier
- Liz Kearns
- Sarah Ogier
- Jim Pettigrew
- Jeff Reibman
- Robyn Meyer (Alternate)
- Clayton Beaudoin (Alternate)

Ex-Officio Members

- Maureen Sheehan,
Department of Neighborhoods
- Holly Godard,
Seattle Department of Construction & Inspections

Robert Eagle Staff Middle School

Development Standards Design Departure Advisory Committee

Meeting Minutes

Meeting #1

April 18, 2018

Cascadia Elementary School
1700 N 90th St
Seattle, WA 98103

Members and Alternates Present

Joseph Amann	Liz Kearns	Robyn Myer (Voting Alternate)
Eric Becker	Jim Pettigrew	Clayton Beaudoin (Voting Alternate)
Melanie Davies	Jeff Reibman	

Staff and Others Present

Holly Godard	SDCI	Chester Weir	Mahlum Architects
Maureen Sheehan	DON	Chris Fote	Stantec
Rachel Huck	SDOT	Ethan Bernau	SOJ

I. Opening and Introductions

The meeting was opened by Ms. Maureen Sheehan from the City of Seattle, Major Institutions, and Schools Program. Ms. Sheehan welcomed all in attendance and briefly summarized the agenda. Brief introductions followed.

II. Overview of the Process

Ms. Sheehan stated that this process is governed by the Land Use Code Sections of the Seattle Municipal Code (SMC Title 23), which specifies how the process works. Ms. Sheehan noted that the City of Seattle does not have a school zone, subject to the development standards of the underlying zone. Since most schools are in residential neighborhoods zoned "single family," schools do not normally meet the underlying zoning requirements. Thus, the Land Use Code contains provisions that allow the Seattle School District to request departures from various development standards.

The Committee is meeting tonight to develop recommendations concerning the School District's requested departures for departures from provisions of the SMC related to land use.

The Committee receives information on the departures being requested from the Seattle Public Schools and its consultants, public testimony, and then the Committee discusses the requested departures.

The Committee may do one of the following:

- 1) Recommend granting the departure as requested;

- 2) Recommend granting the departure with modifications or specific conditions, or
- 3) Recommend denial of the departure.

Conditions or modifications identified should be clearly related to the requested departure and enforceable on the District.

The Committee may develop recommendations at this meeting, or if time does not allow, additional public testimony is desired, or additional information is needed, the Committee may hold up to two additional meetings. If the Committee concludes they have enough information and there is no further benefit from additional public testimony, the Committee can determine to move forward at the end of this meeting in establishing their recommendations; in that case, this would be the only public meeting.

Ms. Sheehan emphasized that the Committee's will make recommendations that will be put into a report that will be reviewed by the Committee and forwarded to Ms. Holly Godard of the Seattle Department of Construction and Inspections (SDCI), who will take it into consideration when drafting the Director's decision.

III. Presentation

The Project:

The project scope is to install ten field lighting poles around the existing field and track.

Mr. Ethan Bernau addressed why the field lighting is being proposed now as opposed to when the two new schools were permitted and developed. One reason was the bell times changed which affected school athletics including later practices and games and it also affected youth sports and community use. The other change was the budget programs were allocated for the building of two new elementary and middle schools, and a basic athletic field in between. There was no funding for an upgraded synthetic turf facility and no field lighting. The additional funding was added recently for athletic field upgrades in 2016 by a voter-approved levy.

Mr. Chester Weir of Mahlum Architects presented the constraints the Design Team encountered such as limited space, buried utilities, gas lines, etc. These are key factors to understand the departure request and the decision for the location of the lighting poles.

The project is to install ten poles that are evenly distributed around the field. Mr. Weir noted that Mr. Chris Fote of Stantec will describe the exact height and appropriate location of the poles that will provide the required illumination and safe operation. Mr. Weir showed examples of the proposed poles and mentioned that these poles incorporate the latest LED downlighting technology.

Summary of the Requested Departure:

1. Reduced setback for field lighting:

The underlying zoning prescribes a 25 ft. setback where the school site is immediately adjacent to a residential property and a 15 ft. setback where the school site is across the street from a residential property. The zoning code through this departure process provides for an adjustment up to a 5 ft. minimum setback. The project team is requesting a departure for a setback greater than 5 ft, but less than 15. The setback will only apply to the two poles at the north side at the edge of the field.

The departure request is for the two north poles be located at the outer edge of the existing track, to the north of the 15 ft. setback line, but keeping the poles to the south of the existing fence, which is setback approximately 10' from the property line. The project also proposes to restripe the track from 5 to 4 lanes.

Mr. Weir stated that the cost impacts for relocating utilities have not been fully quantified but are likely to be prohibitive.

If the poles are located to the south of the 15' setback it would put the poles in the middle of the track. There are existing gas lines that run below the middle of the track that would be expensive to move. If the poles are located further south, the poles will be on the field and could pose a hazard. Working

with the district, the design team determined that placing the poles north of the 15 ft. setback line makes the most sense.

Lighting Technology:

Mr. Weir introduced Mr. Chris Fote of Stantec to briefly discuss the lighting technology.

Mr. Fote noted that he prepared the proposal for the lighting project. The primary focus is to minimize impacts of light and glare on the community, and design to meet the City of Seattle's recommended guidelines for lighting. With the new LED flood lights, it provides high efficiency and better light control that leads to less energy. The downlight technology is also designed specifically to minimize any direct glare and spill impacts.

He provided photos and diagram of the proposed lights as well as analysis of the light levels with the proposed departure request. He also showed the light levels along the neighboring property line.

He evaluated the alternatives if the two non-conforming light poles were eliminated and if the requested departure is denied. The potential impact includes unsafe lighting condition on the field, the cost of relocating the poles and utilities, rebuilding the track, and safety.

IV. Committee Clarifying Questions

Ms. Sheehan opened the floor for Committee clarifying questions.

Ms. Melanie Davis asked why not place the poles at the 5 ft. setback. Mr. Weir responded that it could potentially work in some locations, but they were looking for consistency around the track. In addition, there are storm utilities in the planting bed that could be impacted by poles in this location.

She also wanted to hear more about who will be using the field besides the two schools and how is it going to be managed if it will be shared by both the schools and the community. The primary users of the field will be Robert Eagle Staff and Cascadia schools. Lincoln High School could potentially use the field for football practice. The field will also be used by community groups and athletic programs through Seattle Parks and Recreation. The makeup of the current conditions of the field will not change. The field is open for use until 10:00 pm.

The traffic analysis was done through the SEPA process. The noise and hours of operation are consistent with the other School District's policies. The field lighting is programmed to turn off at 10:00 pm and no other field activities are scheduled past 9:45 pm. These are self-imposed conditions that are in place and there will be no amplification or use of speakers to be use in the field.

Mr. Jeff Reibman noted that the width of 92nd street ROW is greater than 25 ft. He asked that the setback is not specific to lighting or any of the property onsite. Mr. Weir noted that they are asking for a departure only for the two light poles.

Ms. Robyn Myer asked if the track will be keep intact and will it hold any track meet. The track is not built to accommodate track competition. It is an asphalt track and the lane widths would be reduced slightly once it is restriped; it does not change the condition of the track.

Ms. Myer asked how the direction of the light is determined. Mr. Fote commented that the lights are pre-aimed when manufactured so it knows the angle of each light. There is a laser light on the poles that set the alignment of the lights. From time to time, the lights are checked as a requirement to make sure it follows the required light levels and adjust it as necessary. She also asked why the lighting levels are different behind A pole than B pole. He added that the A poles are much shorter because it serves infield lighting. The B poles are much higher since it covers a large distance and generates more light.

Mr. Jim Pettigrew had no questions.

Ms. Liz Kearns asked if the lighting will affect Pilling's Pond. Mr. Fote noted that with the recent technology, they did an analysis of the lighting and it calculates zero or no measurable light spills that is being delivered to the pond. She also asked if there are existing field restrooms outside the middle school building and the response was yes.

Mr. Joe Amman asked about community access to the field since he noticed lately that the gates are closed and locked. A response was made that the gate at the back-parking lot is secured for safety. The general approach is the field is open for community use if there are no scheduled school district events.

A question was asked if there are programmable options for the lights and if a timer can be set to turn off the lights when not in use. Mr. Fote responded that it is designed with a timer to turn off at 10:00 pm, and the lighting system is circuited, but it is controlled by a programmable time clock, and it is accessed by remote and wireless. The programming is controlled by the School District's building automation. Under the Joint-Use agreement, the Parks will work with the school and the lights will be turned off if the field is not in use. The School District controls and directs the light shut off.

Mr. Amman asked if there is a way that a heat map or elevation map be produced that shows the candle power. Mr. Fote mentioned that the most critical number is to identify the spill light and the highest intensity of the lights falls on the field. He added that the report was generated using these numbers for planning purposes. Mr. Amman also asked why the numbers are higher for the poles that are further away. Mr. Fote noted that the distribution of the light comes out from the fixture and it is not a perfect uniform circle.

Mr. Amman asked if there was SEPA analysis done for the neighborhood having a 90 ft. pole. Mr. Fote responded that there was a SEPA evaluation done and the poles were designed to minimize the bulk and light overflow. Bishop Blanchet High School was the first incarnation of the recent technology.

A question was asked about the cost difference of the project by having the proposed departure. A response was made that the proposed setback departure will cost less because there will be less relocation of the gas lines that are in the middle of the track as well as utilities that exist below the track.

Mr. Clayton Beaudoin asked about locating the poles outside the fence and its impact to the track. Mr. Fote mentioned that locating the poles outside the fence will be more visually exposed to the properties of the northside while having them inside the fence will hide it.

Mr. Eric Becker inquired what the current level of lighting was on the street. Mr. Fote mentioned as part of the Master Use Permit (MUP) process for the City of Seattle, a lighting report was prepared, and an analysis and evaluation was done regarding the existing lighting in the area. Samples of light level readings inside and outside the site were taken. The lighted parking lot generated a higher light level source as well as the street lighting.

Ms. Holly Godard asked if any of the bugs will be attracted to the lights. Mr. Fote mentioned that the lights will attract the bugs, but the buzzing sound is from an old technology. There will be no buzzing sound because of the newer technology.

Mr. Reibman noted that the question tonight is not about whether the field will get lit or not, that is being evaluated in the SEPA process. The clarifying question tonight is about the effect of the proposed setback departure and does it change the traffic, noise, circulation, and parking from the placement of the light poles and not whether they exist or not.

A comment was made that four years ago, the community pressed the issue about night time activities and the concern about parking in the area. She noted the amplification issue be discussed and included as a condition to grant the departure request. The School District issued a SEPA determination in January and a public meeting was held. The District's determination has been appealed. There is a condition already in place that there will be no amplification.

A comment was made if the location of the light poles will have any change in the character and scale of the poles and will the change in use impacts traffic, noise, and circulation and the response was there will be no impact.

A comment was made if there were any alternative analysis done with the different options regarding the outer lane of the track besides striping. The design team looked at the alternatives and they were conscientious about the school's budget and ensure that any disruptions are minimized.

A comment was made that if there were no scheduled events on the field, the lights are turned off. The answer was that any field event communication is between the Parks Department and the School District, and currently there has been a huge demand of the field every night.

A question was asked if the project is going to place the light poles within the standard setback if the departure was denied. To provide a safe illumination of the field, the design team is compelled to look at the location of the light poles. The team has not designed that scenario and it is hopeful that the Committee will evaluate the departure request and its impacts.

V. Public Comments and Questions

Ms. Sheehan opened the floor for public comments and questions.

(Editor's Note: The comments shown below are summaries of statements provided. They are not transcriptions and have been shortened and edited to include the major points raised. Full comments are retained in the files in voice recording (.mp3) form)

Comment from William Gerdes: Mr. William Gerdes commented about the locked fence and the accessibility of the field. He wants to make sure that there is accountability about ensuring that the lights are turned off at the appropriate time because the community will depend on them, and he felt that a lack of connection between the school and the community exist.

Comment from Lori Bienhoff: Ms. Bienhoff lives at 92nd and Woodlawn and she commented that the Committee should address the amplification. She noted that there is so much noise on the weekend because teams use noise makers and are very loud. Turning off the lights at 10:00 pm is too late for residents that have alternative work schedules. Parking is an issue and should require participants on the playfield should use the school's parking lot. She also would like to know who will be in charge turning off the lights when games are called due to rain. She also would like to have the lights installed inside the field on the concrete path.

Comment from Bill Farmer: Mr. Farmer is the board president of Friends of the Athletic Fields and he commented that this is a great project. He has been following this issue for a long time. He noted that the Wilson Pacific playfield was at this location and there were concerns that because of the school project, these playfields will be taken away. He added that having the two schools side by side and having synthetic turf allows the kids to play year-round and can handle heavy use, which is great. He mentioned that this project is good, and it is healthy for the community as it activates the space. He added that the departure request is insignificant.

Comment from Chris Jackins: Mr. Jackins, is a coordinator for the Seattle Committee to Save Schools provided a copy of a list that summarizes on why this Committee should reject the departure being requested.

Comment from Brian Jacoby-McCurdy: Mr. Jacoby-McCurdy commented that he supports the project. He mentioned that he was a former marching band member and participated in night practices and noted that the lighting makes all the difference. He would like to see the lighting be utilized.

Ms. Sheehan mentioned that she also received written comments over email and she shared it with the Committee members.

VI. Committee Deliberation

Ms. Sheehan opened the discussions for committee deliberation. She asked the Committee to deliberate on the need for the departure and then discuss on whether to recommend or deny with or without any conditions.

The Committee began their deliberation by discussing the requested departure.

1. Reduced setback for field lighting:

Mr. Pettigrew commented that he would approve the departure based on the initial presentation and the location of the poles does not make any difference since the lights will be on when SEPA approves them to be.

Mr. Reibman commented that he would approve the departure. He sees as an improvement because it utilizes the design that is less costly to the public and there is no negative impact.

Ms. Davies commented that she would approve the departure. She noted that there are a few management issues that needs to be addressed and it will be up to the community to pursue and meet with the school and the Parks Department to resolve any of the issues.

Mr. Beaudoin did not hear anything from the presentation that would have him deny the departure and there is nothing in the evaluation criteria is affected by the departure.

Mr. Becker said he will vote for the departure and if there are any questions regarding the issues, there are resources available that could clarify these issues including traffic, etc.

Mr. Amann commented that he is torn about the departure. The school district should have thought about this before everything was built. He is 60% in favor of not granting the departure.

Ms. Kearns and Myer and would both vote for the departure and they were comfortable with what was presented. Ms. Kearns noted that she was sensitive to the comments she heard from the public.

Ms. Godard commented her job is to ask and stimulate questions from the Committee to make sure they understand the issue regarding when to turn on and off the lights, the joint use of the field by the community, the school and the Parks Department and the location of the poles in question.

A comment was made if the SEPA process includes amplification and lighting on the field. A response was made that the SEPA and special exception are connected to allow or disallow this project to continue.

Mr. Reibman noted that the SEPA process that is under appeal is specific to the restriction, time of use, amplification, etc. He noted that they heard valid concerns from the public about these issues, and the SEPA process should address those issues. The SEPA appeal is scheduled on May 14th. The construction goal for this project is for this coming summer and the decision on the appeal may affect the timeline.

Ms. Sheehan noted that most of the Committee members supports the departure. There are questions regarding how to address the management issues, access to the field in relation with the Parks and school communication, frustrations from the initial school building planning. She asked that based on these questions, are there any conditions the Committee would like to propose.

A comment was made that any conditions added to the departure request may skew the process that is already happening. He suggested to have SEPA handle these conditions and focus on what the Committee is assigned to review.

Ms. Davies commented that the decision and how this Committee concluded should be presented in the report.

A comment was made that any commentary should focus on the location of the lights whether they are inside the track or where the poles exist rather than how these lights will be managed.

A suggestion was made to approve the departure to a minimum of 5 ft. inside the fence.

A question for the Design Team was if all the poles were located inside the track, is there a way to angle the lights to the track. Mr. Fote noted that the cut off will be dramatic that all the lights will be dumped offsite.

A comment was made that he does not hear from the Committee members imposing any specific conditions to the departure being requested.

VI. Committee Recommendations

Ms. Sheehan opened the discussion for Committee recommendations and noted that the Committee had deliberated on the departure being requested.

Mr. Reibman introduced a motion to approve the departure as requested with a preference for the design as presented and the lights inside the fence, and it was seconded.

There was a discussion about applying a distinct color paint to the missing lane from the rest of the track for safety reasons. A comment was made that any safety conditions attached to the departure request is necessary. The goal is to recommend an alternative solution that allow to have these light poles be put in a safe and consistent location outside the perimeter that the Code allows.

Mr. Becker commented that the School District will do what is best for the kids. He noted that adding any paint, stripe or contrasting colors may add more cost for the School District in the future. The School District may have to make a choice in maintaining the playfield versus something else.

A comment was made about padding for more safety than painting the lane.

Mr. Reibman suggested to have an amended motion to add a condition that the outside line of the track be striped in another color to indicate that is the edge of the running area.

A comment was made that he does not feel that putting any conditions regarding safety is necessary and have the School District make the decision about safety after they evaluated it further. He suggested that the Committee should focus on the issue and approve the departure without any conditions and allow the current process to move on.

Mr. Reibman reiterated that there is a motion to approve the departure as stated earlier. By show of hands, a quorum being present and the majority of those present having voted in the affirmative, the motion passed.

Ms. Sheehan mentioned that there is an opportunity to provide a minority report to the Committee's recommendation for those who voted against the majority.

VII. Adjournment and scheduling of next meeting

No further business being before the Committee, the meeting was adjourned.

**ROBERT EAGLE STAFF MIDDLE SCHOOL
DESIGN DEPARTURE ADVISORY COMMITTEE MINORITY REPORT #1
MAY 2018**

OVERVIEW

This minority report seeks to represent community members directly affected by, and opposed to, Seattle Public Schools' (SPS) requested departure (hereinafter referred to as "Departure") for the proposed Robert Eagle Staff Middle School (RESMS) and Cascadia Elementary Athletic Field Lighting Project (hereinafter referred to as "Project").

The rationale behind proffering the Design Departure Advisory Committee's (hereinafter referred to as "Committee") lone dissenting opinion can be summarized by these statements:

1. The Project itself is contrary to evaluation criteria under Seattle Municipal Code (SMC) 23.79.008.C.; therefore, the Departure is inherently contrary to evaluation criteria under SMC 23.79.008.C.,
2. SPS's contracted consultants are not forthcoming and/or their presentation and answers demonstrate lack of due diligence,
3. The Committee demonstrated lack of due diligence,
4. The Committee's legitimacy is questionable due to potential conflicts of interest, given 50% of its members are connected to SPS and/or RESMS as are the two alternate committee members (Department of Neighborhoods (DON) Committee by-laws define quorum as 51% of all voting members),
5. There is a lack of transparency in the City of Seattle's (hereinafter referred to as "City") process for School Departures Advisory Committees.

Supporting details for those statements follow:

1. The Project itself is contrary to evaluation criteria under SMC 23.79.008.C.; therefore, the Departure is inherently contrary to evaluation criteria under SMC 23.79.008.C..

a. Pursuant to: SMC 23.79.008.C.1.a. – Relationship to Surrounding Areas

The Project and Departure are inconsistent and inappropriate relative to the character and scale of the surrounding area. The surrounding area is zoned LR2 and SF 5000 residential in which the proposed 80- and 90-foot tall light poles are not authorized. As proposed, the poles would be outstandingly higher than any structure in the vicinity; thereby, violating the concept of "transition in scale". The addition of the poles would add the appearance of bulk as the vertical space where they are proposed is currently open and provides views of Mt. Rainier for residents immediately north of the Project site. Current noise levels from daytime activities on the field are tolerable with the knowledge that they diminish until ending around dusk. As proposed, the Project and Departure prolong the likelihood of daytime noise levels to 10:00PM year-round, effectively resulting in a significant increase in noise relative to existing conditions.

b. Pursuant to: SMC 23.79.008.C.1.b. – Need for Departure

A relationship of the Project and Departure to educational needs does not exist. Meeting personal growth and development needs through athletics is demonstrably different from meeting educational needs through academics. Educational needs cannot be met by providing lighting on an athletic field. As proposed, the Project will inordinately favor organized adult athletics through City Parks and Recreation, not SPS students.

2. SPS's contracted consultants are not forthcoming and/or their presentation and answers demonstrate lack of due diligence.

The consultants presented only three alternative analyses, yet there are many more potential lighting configurations that could be analyzed and presented. When asked by the Committee whether they could provide cost estimates for the design and construction of the alternatives, the consultants replied that they hadn't prepared any as they were waiting for the recommendations of the Committee before doing so. The consultants presented source and spill light intensity maps, but never discussed an analysis of reflected light. In talking about the lights, not once did the consultants mention that each proposed light pole will have a flood light mounted at a lower height aimed upward. A review of their analysis in an attachment to the SEPA DNS shows inconsistency as one section states each flood light will be mounted

on the poles 24-feet above ground, whereas another section states they will be mounted 15-feet above ground. Regardless of mounting height, the upward aim of the flood lights will contribute to sky glow and certainly add intensity and glare to the upward reflected light that will significantly impact residents nearest to the Project site. Also, as presented, the consultants implied that the specific location of *all* poles had yet to be finalized. This impression was further propagated by the project team in response to some Committee and community members' frustration "that SPS had not considered the possibility of field lighting poles when designing and installing the field less than 2 years ago". However, SPS's SEPA DNS suggests otherwise as it contains multiple references to previously installed casings into which the light pole bases will be installed. Omission of such a fact is tantamount to deception, if not negligence, as it suggests the Committee's recommendation was a foregone conclusion.

3. The Committee demonstrated lack of due diligence.

As a voting Committee member, I accept responsibility for my role in succumbing to the unspoken sense of urgency that a decision be made as soon as possible. Granted, this was my inaugural service on such a committee, but in hindsight, I regret I did not remind the Committee that there was no rush to come to a decision and that it might be best to adjourn, consider the deluge of information presented, do some individual research and discovery, and reconvene at a later date for further discussion and deliberation.

Furthermore, there are several issues of concern the Committee raised about SPS's management of the field which could have been utilized in a Conditional Approval of the Departure; however, the Committee assumed SPS would handle the issues favorably and in accordance with the Committee's wishes. The two most significant are:

- returning the field to open access for the benefit of the entire community after school hours, and
- raising concerns about the Project that the SEPA process is intended to address.

4. The Committee's legitimacy is questionable due to potential conflicts of interest, given 50% of its voting members are connected to SPS and/or RESMS as are the two alternate committee members (Department of Neighborhoods (DON) Committee by-laws define quorum as 51% of all voting members).

I am the only Committee member who lives within 600-feet of the Project; therefore, I will bear the brunt of the most significant impacts of the Project. One other Committee member owns property (i.e., landlord) within 600-feet of the Project, but doesn't live in Seattle. Fifty percent of the Committee's voting members are connected to SPS and/or RESMS (one is the SPS senior project manager for the entire \$118M RESMS and Cascadia Elementary Project) and quorum is 51%. Even if the other 50% of the Committee were united in denying the Departure, it would be nearly impossible to achieve quorum to enact that denial.

5. There is a lack of transparency in the City's process for School Departures Advisory Committees.

I informed the City's Major Institutions and Schools Coordinator (hereinafter referred to as "Coordinator") in early March that it would be very difficult for me to attend a Departure meeting on a Wednesday April 18, due to prior commitments. I never received a reply as to whether the meeting would be rescheduled or if I would simply be taken off the list of Committee members. A week later, I chatted with the two other nearby resident Committee members who also said they informed the Coordinator that it would be difficult to attend a Wednesday evening meeting. They also did not receive a reply. Interestingly, if none of us had shown up at the meeting, the Committee would have been even more SPS/RESMS-heavy as the Committee alternates are connected with the PTSA.

As part of the Committee selection process, I was interviewed by the Coordinator and a consultant to SPS. I was never informed of how many nearby residents applied to be self-appointed, only that there were 3 nearby residents who were also chosen to sit on the Committee. The DON by-laws state that a Committee must consist of a *minimum* of 8 voting members, 4 of which must be connected to SPS. Given the weighting of this Committee toward SPS interests, I am curious whether additional nearby residents did not apply, or others applied but the Coordinator and SPS consultant did not select them.

Each of the letters and emails in support of the project are from Seattle residents who do not live in the affected community. Most of the letters of support come from residents who live in some of the most affluent neighborhoods of Seattle who undoubtedly would like to have 80- to 90-foot tall lights for their children to play under until 10:00PM – as long as those lights are not in their back yard.

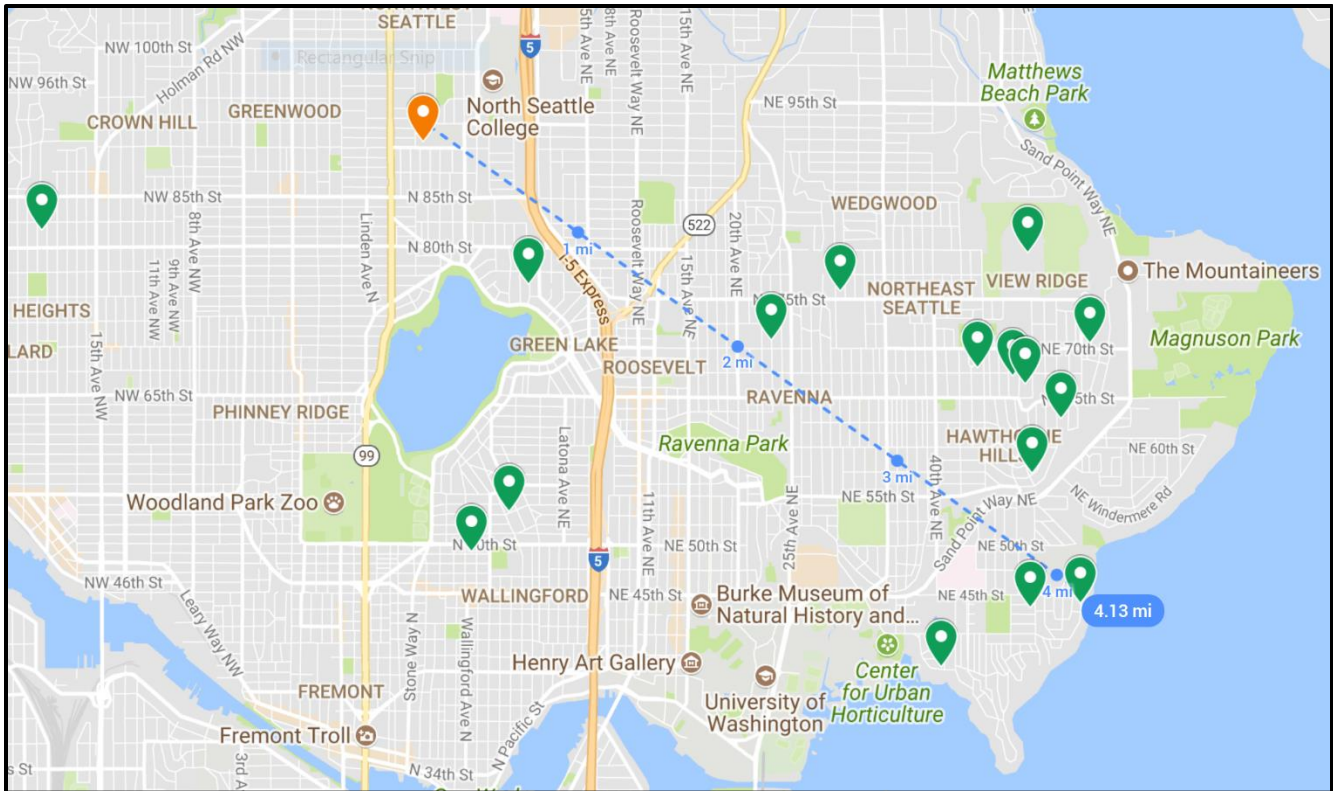


Exhibit 3 – Map of RESMS relative to letter of Project support locations.

Each of the 22 letters suggests that a form letter was circulated and the individual “authors” put their name and address on it before sending it to the Coordinator. The text of the form letter reads as follows: “I am writing in regards to the zoning modification necessary to install field lights at Robert Eagle Staff Middle School. I am unable to attend the public meeting on 4/18, but I wanted to make sure my voice was heard. I wholeheartedly support the zoning modification. The city is in need of additional field capacity due to population growth, but also because Seattle Schools has pushed bell times back effectively reducing capacity. Active recreation is critical for our youth and for the community as a whole. Lights are a logical solution to increase capacity especially during the dark winter months. Modern LED lighting, which you intend to install at this facility, is extremely targeted reducing the spillover impact to neighbors. The school also has adequate parking for evening use, which eliminates this potential impact on the neighboring properties. I applaud the efforts of Seattle Schools to increase field capacity for the benefit of the entire community. You have my support.”

The nature of their letters also makes apparent that they don’t live in the community, for if they did, they’d know the RESMS athletic fields are not a benefit to the entire community. Due to SPS’s sealing off the field’s only unrestricted access point back in mid-March, the taxpayer-funded field is now only of benefit to the affluent SPS students and Parks and Recreation sports programs.

I thank the DON Major Institutions and Schools Program for accepting this minority report. To meet its mission the Committee exists to “provide a way for neighbors of Seattle’s hospitals, universities, and colleges [and elementary and middle schools] to be directly involved in the development plans for those institutions to ensure neighborhood concerns are considered when those plans are made”.

Joseph Amann