



**City of Seattle**

Edward B. Murray, Mayor

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**Department of Planning and Development**

Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Numbers:** 3015956

**Applicant Name:** Gib Dammann for Seattle Pacific University

**Address of Proposal:** 3414 3<sup>rd</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Land Use Application to install six, 60 ft. tall light poles at Seattle Pacific University's athletic field (Wallace Field). Pedestrian lighting included on 3 poles located at the north end of the field. Review includes request for minor amendment to Major Institution Master Plan ("MIMP").

The following approvals are required:

**Request for a Minor Amendment, SMC 23.69.035 (Interpretation per SMC 23.88.020)**

**Shoreline Substantial Development** to allow development in the Urban Stable Shoreline environment. SMC 23.60.020.

**Shoreline Variance** to allow athletic field light poles to exceed the height in an Urban Stable Shoreline environment. SMC 23.60.036

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction

## **BACKGROUND**

### Site and Vicinity

The Project affects the eastern two-thirds of the block bounded by West Nickerson Street to the south, 3rd Avenue West to the west, the Lake Washington Ship Canal Trail to the north, and Queen Anne Avenue North to the east. The site is also located within the boundaries of the Seattle Pacific University (SPU) Major Institution Overlay (MIO) zone. The site is currently improved with a non-standard athletic field with an artificial turf playing surface surrounded by a rubberized track, both used by SPU for intermural recreation and practice for SPU intercollegiate athletics. The western third of the block contains the Royal Brougham Pavilion, which, although highlighted in the picture above, is not part of this application.



The entire site is zoned MIO with a 37-foot height limit. The underlying zoning is Commercial 2 with a 40-foot height limit. The site parallels the Lake Washington Ship Canal, and roughly the northeastern half of the field and track lies within 200 feet of the Ordinary High Water Mark (OHWM). The Shoreline Environment is Urban Stable (US), which carries a 30-foot height limit. A small portion of the eastern of the field and track come within 100 feet of OHWM.

### Proposal

SPU proposes to install athletic lighting consisting of six light standards on the perimeter of the track. Each light standard would support an array of shielded, directional light fixtures, not to exceed 60 feet in height. Three of the light standards would be installed in the shoreline, within the US environment.

Wallace Field is a recreational athletic field between West Nickerson Street and the Ship Canal Trail, between 3rd Avenue West and Queen Anne Avenue North. Since at least 1975, SPU has used Wallace Field for practices, intermural sports, and recreational activities. Wallace Field does not have sufficient size or shape to meet NCAA regulations for intercollegiate athletics and has insufficient land to accommodate spectator seating.

SPU proposes to install field lighting to allow the current uses to continue during periods of limited daylight. SPU's engineer, Sparling, designed the fixtures such that the light can be directed toward the field and shielded from neighboring properties, limiting light spillage and glare impacts. In addition, SPU intends to provide the minimum lighting necessary to ensure safe recreation. The lights are designed to provide only a "recreational" level of lighting, which, while adequate to allow safe play, is dimmer than "competition" lighting levels required for NCAA competition.

According to Sparling, for a field this size, shielding adequate to limit off-site light and glare impacts requires 60-foot-tall poles.

### Public Comments

Notice of the project was published on November 21, 2013. The required public comment period ended on December 20, 2013. DPD received one public comment during the official comment period:

Jay LaVasser wrote, both in his capacity as a neighbor and as a member of SPU's Standing Citizens' Advisory Committee (SAC), expressing his support of allowing extra height for the light poles as a means of lessening the light and glare impacts on offsite properties. Mr. La Vasser also supported the University's proposal to install pedestrian lighting on the Ship Canal trail. No comments were received in opposition to the proposal.

### **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The proposal is minor new construction categorically exempt from SEPA review. SMC 25.05.800. Any impacts of the existing use were reviewed in the Final Environmental Impact Statement for the Seattle Pacific University Major Institution Master Plan, published September 1999, as well as subsequent addenda and appendices, other technical environmental reports, and comments and responses associated with those documents.

### **APPLICABLE DESIGN STANDARDS**

Three height limits potentially govern the proposal: The MIMP and the underlying zoning apply to the entire field, and the SMP applies to the northern half. Under the Major Institutions Code at Ch. 23.69 SMC, a project within the MIO is subject to the design standards of the underlying zoning unless they are modified by an adopted MIMP. SMC 23.69.006.A. In this case, the MIMP adopts a height limit of 37 feet, MIMP at 41, Fig. 13, different from the underlying zoning. Thus, the MIMP height limit controls.

The SMP provides that a development within the shoreline "shall meet the development standards of the shoreline environment, any other overlay district in which it is located, as well as those of the underlying zone." SMC 23.60.014.B.1. In the event of a conflict between the SMP and the underlying zone, the SMP controls. *Id.* However, the SMP is silent on the question of which design standard controls in the event of a conflict between the design standards of the SMP and those of another applicable overlay. *Id.* Nevertheless, the SMP evinces an intent to select the lower of multiple applicable heights. *See* SMC 23.60.014.B.2 (addressing discrepancy between height limit of shoreline environment and underlying zoning). Given this intent, the Director concludes that in the event of a conflict between height limits specified in the SMP and another overlay, the SMP controls.

The applicable height limits, then, are 37 feet (MIMP) for the southern light standards and 30 feet (SMP) for the northern. As discussed below, the University requests a minor amendment to the MIMP height limit and a shoreline variance from the SMP height limit.

### **ANALYSIS – AMENDMENT TO MASTER PLAN**

On August 24, 2000, the City adopted SPU's Major Institution Master Plan ("MIMP") by enacting Ordinance Number 120074. The MIMP outlines the development program for the campus, establishes development standards for new buildings and provides for a transportation management program to reduce the number of single occupancy trips to the University and surrounding areas. In relevant part, the MIMP sets a height limit of 37 feet for the entire project site. MIMP at 41, Fig. 13.

#### **Requested MIMP amendment**

The University has requested a minor MIMP amendment to allow it to construct light standards taller than the 37-foot height limit set forth in the MIMP.

### Review process

The proposal requires a determination by the Director on compliance with SMC 23.69.035, Changes to master plan. Specifically, this code section requires “*a proposed change to an adopted master plan shall be reviewed by the Director and determined to be an exempt change, a minor amendment, or a major amendment.*” As part of the Amendment process, SMC 23.69.035.C and rules governing Notices of Interpretation under SMC 23.88.020.D requires Standing Citizen’s Advisory Committee participation but leaves the final decision to the Director:

[T]he Advisory Committee shall be given the opportunity to review a proposed minor or major amendment and submit comments on whether it should be considered minor or major, and what conditions (if any) should be imposed if it is minor. The Director shall determine whether the amendment is minor or major according to subsections D and E of this section . . . . SMC 23.69.035.C.

### Standing Citizen’s Advisory Committee recommendation

The University briefed its Standing Citizen’s Advisory Committee (“SAC”) on the Wallace Field lighting proposal at public meetings on June 3, 2013, and November 13, 2013. At the latter meeting, the SAC voted to recommend that the Director approve the proposal as a minor amendment. The SAC sent a letter to that effect on December 10, 2013. In light of the fact that the University requested the amendment to allow design of less-impactful lighting, the SAC letter requested no conditions to mitigate impacts associated with the proposal. The SAC did acknowledge that SAC members had asked the University to study the possibility of installing pedestrian scale lighting on the ship canal trail to the north of Wallace Field, and that the University had proposed to do so. The SAC felt that trail lighting would provide a significant public benefit. The Director reviewed and considered the SAC letter.

### Public Comments

DPD received one comment letter from SAC member Jay La Vassar regarding the proposed project. Mr. La Vassar expressed support for the project, but did not address the question of whether the proposed amendments were major or minor.

### Director’s Analysis

The following analysis includes a review of the proposed development against the criteria for Exempt Changes, Minor and Major Amendments listed in SMC 23.69.035 (requirements appear in *italics* with applicable details regarding the proposed development following each).

### Exempt Changes

1. *Any new structure or addition to an existing structure not approved in the master plan that is twelve thousand (12,000) square feet of gross floor area or less; or*
2. *Twenty (20) or fewer parking spaces not approved in the master plan; or*
3. *An addition to a structure not yet constructed but approved in the master plan that is no greater than twenty percent (20%) of the approved gross floor area of that structure or twenty thousand (20,000) square feet, whichever is less; or*
4. *Any change in the phasing of construction, if not tied to a master plan condition imposed under approval by the Council; or*
5. *Any increase in gross floor area below grade.*

SMC 23.69.035.B. Nothing in this language permits a proposed structure that requires a waiver from a development standard set out in the MIMP to be processed as an exempt change to the MIMP. An amendment, rather than an exempt change, is required.

Minor Amendments.

To qualify as a minor MIMP amendment, a proposed amendment must be “consistent with the original intent of the adopted master plan.” SMC 23.69.035.D. The project is consistent with the original intent of the adopted MIMP, which designates Wallace Field for “Recreation and Academic” uses. MIMP at 12 Fig. 4. Field lighting will support these designated uses.

Even if the proposal was not obviously consistent with the expressed intended uses of Wallace Field, the original intent of the MIMP was to provide a rough idea of the sizes and impacts of potential future development, and it anticipated changes to sites, sizes, and other features of potential development. MIMP at 24. The Seattle Municipal Code states that “[i]nformation about potential projects is for the purpose of starting a dialogue with the City and the community about potential development, and changes to this information will not require an amendment to the master plan.” SMC 23.69.030.E.10; accord MIMP at 24-25. The proposed change is consistent with the flexible intent of the MIMP.

In addition to consistency with the original intent of the MIMP, a proposal must satisfy one of the following three criteria:

1. *The amendment will not result in significantly greater impacts than those contemplated in the adopted master plan; or*

The amendment satisfies the criterion of SMC 23.69.035.D.1. The addition of field lighting will not change the character or intensity of the current uses of Wallace Field. Specifically, SPU cannot, and does not intend to, expand Wallace Field for intercollegiate competition or add spectator facilities such as bleachers. Adding lighting will simply allow the current uses to extend into the evening hours during periods of limited daylight. Thus, the project will create no new traffic or parking impacts, no new noise impacts, and due to the design of the light fixtures, minimal light and glare impacts.

2. *The amendment is a waiver from a development standard or master plan condition, or a change in the location or decrease in size of designated open space, and the proposal does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in which the Major Institution is located; or*

The amendment satisfies the criterion of SMC 23.69.035.D.2. The project requires a waiver from a development standard—the applicable height limit—for the limited purpose of allowing poles tall enough to ensure safe play while limiting offsite impacts. The amendment goes no further than necessary to afford relief. SPU’s lighting engineer established to the Director’s satisfaction that taller light poles allow the light to be directed downward and properly shielded, which reduces light and glare impacts on the neighborhood. SPU has also elected to provide the minimum light necessary to ensure safe play. This allowed fewer light fixtures, which reduces the visual impact. While typical fields require poles of 70-100 feet or more in height, the proposal’s goals can be achieved using only 60-foot poles.

Finally, the waiver will not be materially detrimental to the public welfare or injurious to property in the vicinity. To the contrary, the waiver will in fact benefit the public welfare. Because the taller light poles will reduce offsite light and glare impacts with a limited corresponding visual impact, the public welfare is better served by granting the amendment.

3. *The amendment is a proposal by the Major Institution to lease space or otherwise locate a use at street level in a commercial zone outside an MIO District, and within two thousand five hundred feet (2,500') of the MIO District boundary, and the use is allowed in the zone for but not permitted pursuant to Section 23.69.022. In making the determination whether the amendment is minor, the Director shall consider the following factors:*
  - a. *Whether an adequate supply of commercially zoned land for business serving neighborhood residents will continue to exist, and*
  - b. *Whether the use will maintain or enhance the viability or long term potential of the neighborhood-serving character of the area, and*
  - c. *Whether the use will displace existing neighborhood-serving commercial uses at street level or disrupt a continuous commercial street front, particularly of personal and household retail sales and service uses, and*
  - d. *Whether the use supports neighborhood planning goals and objectives as provided in a Council-approved neighborhood plan.*

Not applicable. The proposed development is not proposed in a location outside of the MIO District.

A proposal need satisfy only one of the three criteria listed above to qualify as a minor amendment. This proposal satisfies two. Because the proposal requires a waiver from a development standard that does not go beyond the minimum necessary to afford relief and will not be materially detrimental to the public welfare or injurious to property in the vicinity, and because the proposal would not produce significantly greater impacts than those considered in the MIMP, it should be processed and approved as a minor amendment.

#### Major Amendments

1. *An increase in a height designation or the expansion of the boundary of the MIO District; or*

Not applicable. The proposal does not propose an increase in the height designation. The height designation for Wallace Field will remain 37 feet. Neither does the proposal include expansion of the MIO District.

2. *Any change to a development standard that is less restrictive; or*

Not applicable. The proposed development does not propose a change to a development standard that is less restrictive. As above, all applicable development standards will remain the same; the proposal seeks only a waiver for the purpose of installing light standards, which is contemplated under SMC 23.69.035.D.2.

3. *A reduction in housing stock outside the boundary but within two thousand five hundred feet (2,500') of the MIO District, other than within a Downtown zone, that exceeds the level approved in an adopted master plan; or*

Not applicable. The proposed development does not involve a reduction to the housing stock outside the MIO.

4. *A change to the single-occupancy vehicle goal of an approved transportation management program that increases the percentage of people traveling by single-occupancy vehicle; or*

Not applicable. The proposed development does not propose a change to the single-occupancy vehicle goal of the approved transportation management program. Because the proposal does not involve additional vehicular trips or alteration of current uses, it should have no effect on transportation at all, let alone mode splits.

5. *A use that requires Council Conditional Use approval, including but not limited to a helistop or a major communication utility, that was not described in an adopted master plan; or*

Not applicable. The proposed development does not propose a helistop, major communication utility, or any other use requiring a Council Conditional Use permit.

6. *The update of an entire development program component of a master plan that was adopted under Code provisions prior to the 1996 Major Institutions Ordinance where the institution proposes an increase to the total amount of gross floor area allowed or the total number of parking spaces allowed under the institution's existing development program component within the MIO District.*

Not applicable. The proposed development does not propose to increase the gross floor area or total number of parking spaces allowed under the institution's existing development program.

An amendment can only be determined "major" if it is not an exempt change or a minor amendment. SMC 23.69.035.E. Because the amendment satisfies the requirements for a minor amendment, it is not a major amendment by definition. In addition, the project does not fit any of the enumerated criteria for a major amendment listed above. *Id.* Therefore, the proposed development does not qualify as a Major Amendment.

### **Conclusion**

Based upon a review of the proposal, the criteria under SMC 23.69.035, the review and comment by the SAC, and staff review of the proposal, the request for a Minor Amendment to allow the proposed development is hereby **APPROVED as a MINOR AMENDMENT.**

### **ANALYSIS – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

The Shoreline Master Program (SMP), Chapter 23.60 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts to implement the policy and provisions of the Shoreline Management Act of 1971(SMA) and the Shoreline Goals and Policies. The SMP requires that a Shoreline Substantial Development Permit (SSDP) be obtained prior to the undertaking of any substantial development within a shoreline environment, defined as a project that exceeds \$2500 in

value. The proposal will exceed this threshold and does not meet any exemption to the SSDP requirement, and therefore requires an SSDP. SMC 23.60.020; 23.60.022. The SMP includes criteria for evaluating a shoreline permit:

*A substantial development permit shall be granted only when the development proposed is consistent with*

- 1. The policies and procedures of Chapter 90.58 RCW*
- 2. The regulations of this chapter;*
- 3. The provisions of Chapter 173-27 WAC.*

SMC 23.60.030.A. The City may attach conditions to the approval of a permit as necessary to assure consistency of the proposed development with the SMP and the Shoreline Management Act at Ch. 90.58 RCW. SMC 23.60.030.B.

As discussed below, the proposal satisfies these criteria. The policies of Ch. 90.58 RCW speak to the importance of recreational opportunities within the shoreline. The proposal complies with the regulations of the SMP with the exception of height, for which the University has sought a shoreline variance (discussed below). Finally, the proposal Ch. 173-27 WAC generally defers to local SMP provisions, so satisfaction of the SMP satisfies the WAC.

*1. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW*

The State of Washington Shoreline policies encourage, among other things, public access to the shoreline and recreational opportunities within the shoreline. RCW 90.58.020(5), (6). The University proposes to add trail lighting to the existing Ship Canal trail to the north of Wallace Field, which will increase public access through and to the shoreline. The field lighting will also extend recreational opportunities within the shoreline for Wallace Field users.

More generally, the SMA policies and procedures provide for the control of pollution and prevention of damage to the natural environment, and for the protection of the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The SMA provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted its SMP, codified in the Chapter 23.60 SMC, that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the SMA and the local SMP. The SMA sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle SMP policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any

resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

As discussed below, the City's Shoreline policies encourage public access and discourage disrupting the shoreline environment. This proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

2. THE REGULATIONS OF CHAPTER 23.60

The regulations of SMC 23.60.064 (of the SMP) require that the proposed use: 1) be permitted in the shoreline environment and the underlying zoning district; 2) conform to all applicable development standards of both the shoreline environment and underlying zoning; and 3) satisfy the criteria of any needed shoreline variances.

Permitted Uses in the US Environment

The proposal does not change a use or create a new use. Rather, the proposal is to add lighting to an existing institutional use (Wallace Field) and an existing open space/recreational use (Ship Canal trail). Such uses are permitted outright on upland lots in the US Environment. SMC 23.60.608.A.2.f (Institutional use); .600.L (open space).

Shoreline Development Standards

The proposed project is located in the US Shoreline Environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is subject to the:

1. *general development standards (SMP 23.60.152);*
2. *development standards for uses in the US Environment (SMP 23.60.630)*

SMP 23.60.152 - General Development Standards for all Shoreline Environments

General standards for all uses and development in all shoreline environments are established in SMC Section 23.60.152. Generally, these standards require that all shoreline activity be designed, constructed, and operated in an environmentally sound manner consistent with the Shoreline Master Program and with best management practices for the specific use or activity, in order to have minimal impact on the shoreline environment. The following general development standards are relevant to the proposed project:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*

The proposal does not create any new impervious surface. Existing stormwater facilities have sufficient capacity to handle runoff.

- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*

N/A. Proposal does not create solid or liquid waste.

- C. *The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.*

Proposal does not involve hazardous materials. Construction equipment will be maintained in a safe condition.

- E. *All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers.*

Proposal does not create any new impervious surface. Current plans provide for the use of existing stormwater facilities.

- F. *All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.*

Proposal does not create any new impervious surface.

- G. *All shoreline developments and uses shall control erosion during project construction and operation.*

The University shall provide for the implementation of best management practices in order to control the potential for erosion during construction. The proposal will not result in potential shoreline erosion impacts. See conditions listed below.

- H. *All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*

DPD consulted with fish biologists with the United States Department of Fish and Wildlife, who confirmed that the proposal does have the potential to increase predation pressure on salmonids within the Fremont Cut, in particular during the out-migration of federally protected Chinook smolts during the months of May-July. In consultation with its own fish

biologist, the applicant proposes to minimize the effect of the lights through design (directional, shielded lights installed at a proper mounting height to limit spillage) and programming (prohibiting light usage after 11:00 PM, limiting light use without field programming, allowing only intermittent use during the summer months). The conditions below implement these proposals and others restricting dates and time of use, as well as configuration of the trail lighting component. As conditioned, the proposal adequately avoids or mitigates for such effects. See conditions listed below.

- I. *All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*

The proposed light fixtures are designed to minimize light spillage and glare through proper mounting height, which allows the lights to be directed toward the field and shielded from direct offsite view. The programmatic conditions described below will further reduce offsite light and glare.

The proposed trail lighting fixtures are designed to minimize light spillage and glare through proper mounting height, angle and location on the north side of the trail, which allows the lights to be directed away from the shoreline and are shielded from direct view.

- J. *All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.*

The proposed light fixtures are designed to limit light spillage and offsite glare impacts. In addition, SPU has proposed to restrict programming to further limit offsite impacts. See conditions listed below.

The proposed trail lighting fixtures are designed to minimize light spillage and glare through proper mounting height, angle and location on the north side of the trail, which allows the lights to be directed away from the shoreline and are shielded from direct view.

- K. *Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.*

N/A.

- L. *All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.*

The fixtures are specifically designed to limit offsite light and glare, eliminating any impacts to the travelling public within the shoreline and on the water.

The proposed trail lighting fixtures are designed to minimize light spillage and glare through proper mounting height, angle and location on the north side of the trail, which allows the lights to be directed away from the shoreline and are shielded from direct view.

*M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.*

N/A. The proposal will not require the implementation of such measures.

*N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.*

The proposal involves very little excavation, but overburden will be disposed of properly. See conditions listed below.

*O. Navigation channels shall be kept free of hazardous or obstructing development or uses.*

No in-water work will be conducted.

#### SMP 23.60.630 - Development Standards in the US Environment

In addition to development standards applicable to all environments contained in the General Provisions subchapter, developments in the US Environment may not exceed 30 feet in height, SMC 23.60.632. The proposal reaches 60 feet in height and requires a variance, analyzed below.

The proposal does not exceed the allowed FAR of one, SMC 23.60.633. The US environment allows 100% lot coverage, SMC 23.60.634. The proposal does not impinge any protected view corridors, SMC 23.60.636. Public access over public property will be unaffected or improved with the addition of lighting, SMC 23.60.638. The remaining US-specific development standards are inapplicable.

Therefore, with a shoreline variance for height, the proposal is consistent with the development standards of the US Shoreline Environment.

#### SMP 23.60.004 - Shoreline Policies

Policies governing approval of development in shoreline districts are set out in the Land Use Element of the Seattle Comprehensive Plan. Seattle's Comprehensive Plan Shoreline Goals and Policies encourage improved public access along shorelines. Goal LUG 44 encourages providing public access to the shoreline, and LUG 46 promotes development of "a transportation network that supports and enhances use of and access to the shorelines." The proposed lighting for an existing pedestrian and bicycle trail will allow for greater opportunities for the public to access and enjoy the shoreline environment along the Fremont Cut. As conditioned below, the project will not disrupt the functional or aesthetic qualities of the shoreline environment (LUG 47).

Policy LU 235 encourages the City to "[i]ncrease opportunities for substantial numbers of people to enjoy the shorelines by permitting non-water-dependent uses providing public access to locate in waterfront areas less suited for water-dependent uses." The Fremont Cut is steep and armored with riprap, and is thus not suitable for many water-dependent recreational uses. Lighting Wallace Field will allow more SPU students to recreate near the ship canal, and lighting the trail will allow non-motorized travel along the shoreline for substantial numbers of the public.

Finally, while not limited to shorelines, Policy LU 47 supports proper lighting of recreation areas while limiting offsite impacts.

### 3. THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments, and give the authority for administering the permit system to local governments. The State acts in a review capacity. The SMP incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of Ch. 173-27 WAC.

### **DECISION – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

As conditioned below, the proposal is compatible with SMP policies and development standards. The proposal is CONDITIONALLY GRANTED.

### **ANALYSIS – SHORELINE VARIANCE**

The proposal requires a variance from the height limitations of the US Environment. *See* SMC 23.60.632. Shoreline variance requests are evaluated under SMC 23.60.036, which incorporates WAC 173-37-170 by reference. The relevant requirements of the regulation are listed below in *italic* typeface, with the response in normal typeface.

*The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.*

The requested variance would grant relief from a specific dimensional standard: allowable height. The strict application of Shoreline Master Program height limits to restrict the height of light standards to 30 feet would limit reasonable and appropriate uses of an upland lot. The lot is currently and historically in recreational use associated with the University, and the addition of lighting will simply allow the University to extend that use into the afternoon and evening hours during periods of limited daylight.

Light fixtures installed at the lower height could not be adequately directed or shielded, which would cause significant light spillage onto the shoreline and adjacent properties. Taller poles that can be directed downward and shielded would provide adequate lighting for safe play while minimizing impacts to the shoreline and adjacent properties. Thus, strict application of the 30-foot SMP height limit not only “impose unnecessary hardships” on SPU, it actually produces *greater* impacts on the shoreline than granting the variance would.

The project does not affect public rights of navigation upon the waters of the state but will promote the public interest by increasing recreational opportunities within the shoreline. In addition to lighting the field and increasing play opportunities for students, the pedestrian-scale trail lighting will bolster public access to, and recreational use of, the shoreline without creating significant impacts on the shoreline. These uses are supported by the policies of Chapter 90.58 RCW, as discussed above.

- (1) *Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.*

Denying the variance will result in one of two undesirable outcomes, each inconsistent with the policies of Chapter 90.58 RCW. Either SPU will not install lighting and thus continue to limit recreational opportunities within the shoreline, or it will install lighting on 30-foot poles and create unnecessary light and glare impacts on the shoreline and adjacent properties. Granting the variance, by contrast, will allow SPU to design lighting to be more effectively directed to the field, reducing spillage of light and glare, thus increasing recreational opportunities through the most environmentally responsible lighting solution.

- (2) *Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:*

- (a) *That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;*

The 30-foot height limit in the US environment prevents construction of light standards capable of providing adequate field lighting without also producing excess light spillage and glare. This significantly interferes with an established, reasonable use of the upland lot.

- (b) *That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;*

The subject property is one of the largest, if not the largest, upland lot in the US Environment. The University did not cause the lot to be so large; it acquired the property largely in its current configuration decades ago. A lumber yard once occupied almost all of the area that is now Wallace Field. The University acquired the Royal Brougham site (the eastern portion of the property) in the 1940s and constructed the gym. The gym and the lumber yard were neighbors for a number of years before the lumber yard was consumed in a fire around 1962. The lumber yard site apparently lay unused until the University acquired it in the early 1970s and began using it (including the portion then owned by the Burlington Northern Railway) as a sports facility, complete with track and field, by 1975.

The property's large size creates the need for a variance. If the lot were smaller (say, a tennis or basketball court rather than a soccer field), shorter light standards could provide adequate lighting while continuing to minimize offsite light and glare impacts. As it is, the lights must be placed at a height of 60 feet both to provide a safe level of lighting for field users and to avoid or minimize offsite impacts.

- (c) *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;*

The US Environment extends to both the east and the west of the project site. The property immediately west is also an institutional recreational use within the MIO, the University's Royal Brougham Pavilion, the walls of which reach nearly fifty feet in height within the shoreline. The property to the east is zoned commercial and is currently in office use. The property between the site and the OHWM includes the South Ship Canal path, landscaping, and a footpath, which are recreational uses open to the public without restriction. The project includes separate, pedestrian-scale light fixtures to light the path, which will increase shoreline recreational opportunities for the public.

- (d) *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;*

All other properties near the project site within the shoreline are equipped with light fixtures capable of safely lighting their facilities and authorized uses without producing excessive light and glare impacts on the shoreline or neighboring properties. By contrast, due to the size of Wallace Field, the variance is necessary to provide the most environmentally sensitive lighting solution. Requiring 30-foot poles, by contrast, will produce excessive impacts to the shoreline.

The City's shorelines include athletic facilities, some of which already have lighting adequate to allow use in periods of low light. The Seattle Tennis Club, for example, has lighted tennis courts and a pool within the shoreline, although the light standards do not appear to exceed 30' in height—there is no need to, as conforming light standards can adequately light a tennis court without producing excess glare and spillage.<sup>1</sup> The requested variance would allow SPU to use its athletic facility during periods of low light, just like the Tennis Club.

Several other structures exceed 30 feet within the shoreline in the vicinity of the project site. Adjacent to and south of Wallace Field is SPU's Royal Brougham Pavilion, an institutional recreational use with exterior wall heights just under 50 feet. Electrical transmission lines span the Ship Canal supported by multiple towers that, by visual estimates, exceed 150 feet in height. On the south side of the Ship Canal, within the Urban Stable environment, one tower is just west of the project site (adjacent to Royal Brougham Pavilion) and one is southeast of the project site. Towers of similar height are within the shoreline on the north side of the Ship Canal. Nickerson Street, which borders the project site to the south (outside of the shoreline, but within the view of the shoreline), has electrical transmission lines mounted to poles reaching more than 50 feet above the grade of Nickerson, which itself is roughly five feet higher than the grade of Wallace Field. Views in the area are also framed by the Aurora Bridge to the east of the project site.

- (e) *That the variance requested is the minimum necessary to afford relief; and*

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<sup>1</sup> Other athletic facilities exist within the shoreline, as well. For example, the Montlake Playfield (turf football field and a tennis court), Smith Cove (soccer field), Lincoln Park (Colman Pool), and Lowman Beach Park (tennis court).

The University has established to the Director's satisfaction that sixty feet is the minimum necessary to afford relief. The University has elected to provide the minimum level of lighting necessary to ensure safe play, allowing shorter poles than would otherwise be needed, as well as fewer lights. This makes the light fixtures smaller and less visually intrusive.

The University's engineer designed standards as short as possible to provide adequate lighting while minimizing light and glare impacts on the shoreline and neighboring properties. While typical athletic field light standards in the City are 85 feet and sometimes reach more than 100 feet in height, the University's engineer was able to achieve adequate lighting with only 60-foot poles.

*(f) That the public interest will suffer no substantial detrimental effect.*

The public interest will suffer no detrimental effect from granting the variance. In fact, the variance will actually have a beneficial effect on the public interest. For example, light standards built to the 30-foot height limit of the US Environment would produce greater light impacts on the shoreline. The 60-foot poles also represent the most environmentally friendly approach to light the playing field.

Views of the shoreline will not be significantly affected by granting the variance. The Ship Canal path is between the project site and the Ship Canal, which means public views of the Canal from the path, will not be affected by the addition of light poles. Views of the shoreline from upland lots in the vicinity of the project site already include towers and poles that exceed 30 feet in height, in some cases by a factor of five, as well as the Royal Brougham Pavilion and the Aurora Bridge. Adding three new light poles within the shoreline will not significantly alter the visual landscape for upland viewers.

*(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark ....*

Not applicable. The project site is within an upland lot with no direct connection to the shoreline.

*(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.*

No lot in the area has a set of similar circumstances. This is one of the largest (if not the largest) upland lot in the US Environment, and the only one in recreational use as an athletic field.

*(5) Variances from the use regulations of the master program are prohibited.*

This is an established use. No change in use, or variance from the use regulations, is requested.

## **DECISION – SHORELINE VARIANCE**

The proposal satisfies the criteria of SMC 23.60.036 and WAC 173-37-170. The requested Shoreline Variance is hereby CONDITIONALLY APPROVED.

Information to be added to the Master Use Permit plans.

### Lighting Design

1. All light fixtures shall be designed to reduce, to the extent practicable, offsite light spillage and glare impacts. To achieve this design goal, the applicant shall employ the appropriate combination of the following design elements, and any others as necessary: directional light fixtures, shielding, and mounting height.
2. Pole height for field lights shall not exceed 60 feet.
3. Trail lighting design:
  - a. Any trail light fixtures shall be pedestrian-scale and designed to light only the trail.
  - b. Any trail light fixtures shall be installed on the north side of the trail and directed south, away from the water.
  - c. Light spillage associated with trail lights shall not exceed .01 foot-candles, measured at the OHWM.

### Programmatic Conditions

4. Field lights should be used only in conjunction with use of the track and/or field, that is, SPU should seek to avoid lighting the field/track when no uses are planned.
5. Field lights and trail lights shall be separately controlled such that the trail can be lighted without also lighting the field.

## **CONDITIONS**

The City may impose conditions on the approvals listed above under the authority granted in SMC 23.60.030 (SSDP) and .152 (general development standards). In response to the information described above and supplied in support of the application, the following conditions are imposed:

### For the Life of the Project

1. Field lights shall be extinguished by 11:00 PM.
2. In order to avoid impacts to Chinook salmon during the peak period of out-migration, no field lighting (i.e., for routine athletic activities) is allowed during the months of June and July. An exception for special events may be considered by the department in consultation with US Fish and Wildlife.

Signature: \_\_\_\_\_ (signature on file) Date: July 17, 2014  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development