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Subject: MUP 3012525 - Summary to assist your Decision of the Director
Date: Monday, March 18, 2013 11:28:00 AM
Attachments: [Argument Outline & Bibliography 13-03-18.pdf](#)

When you are considering producing the Decision of the Director for MUP 3012520, Blanchet High School's stadium, the attached outline summary of the arguments in our many submittals, footnoted to their locations in submittals, may be helpful to you.

***Concerned Blanchet Neighbors
c/o Lee Bruch, co-chair***

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Concerned Blanchet Neighbors (CBN)
OUTLINE SUMMARY OF OUR ARGUMENTS TO DATE

March 18, 2013

This document summarizes our arguments against MUP 3012525, the recent proposal to light Blanchet’s stadium.

The applicant has tended to portray the proposal as merely to allow lights to allow 4 or 5 football games a year and shifting attendance from Saturday afternoons to Friday evenings. But in fact, the proposal is the last of 6 projects with cumulative impacts, and it would provide for greatly expanded use of the facility, including use of lights until 10:00 5 days per week and until 6 PM the remaining 2 days per week. There would be more user groups using the stadium, and attendance at night games would likely increase above the current day games.

Also see the summary on p. 3 of our Dec. 4, 2012 Neighborhood Reply to Blanchet’s Response to City’s Correction Notice # 2.

References are explained at foot of outline below.

Item	Reference
A. City Wide Significance / Precedents	CBN Submittal 12-11-20 pp. 6 - 7
1. High schools in Seattle don’t have their own stadiums – the few that exist are all public multi-user stadiums used by the public beyond one school’s use.	CBN Submittal 12-11-20 pp. 6 - 7
2. Stadiums are not ordinary Athletic Fields and should be treated differently	CBN Submittal 12-11-20 pp. 6 – 7 CBN Submittal 12-11-20 pp. 45 – 47 CBN Submittal 12-12-19 pp. 13-14
3. Per Decision of the Director for 300339 there is a tripping point at which an ordinary athletic field ceases to be an accessory to a school. We assert that a lighted stadium used 5 to 7 nights a week, including use by others not part of the school, exceeds that tipping point.	CBN Submittal 12-12-04 p. 5-6 & its Exhibit E pp. 5 & 6.
B. Cumulative Actions Require Seattle SEPA Review	CBN Submittal 12-11-20 pp. 8-10
1. This stadium result of 6 incremental actions since 2000	CBN Submittal 12-11-20 p. 8
2. SMC 25.05.330.C requires (uses word “shall”) related (cumulative) impacts to be considered	CBN Submittal 12-11-20 pp. 11-12 CBN Submittal 12-12-19 pp. 13-14
3. SMC 25.05.670 requires cumulative effects to be considered	CBN Submittal 12-11-20 pp. 9-10
4. SMC 25.05.665.C.7 allows cumulative effects to be reviewed	CBN Submittal 12-11-20 pp. 12-14
5. Categorical exemptions: DPD reviewer asserts it is categorically exempt	DPD Correction Notice # 3
6. Categorical exemptions: we assert not categorically exempt, doesn’t fall under any of the exemptions	Leon email 13-03-02 incl attachment
7. Categorical exemptions: per SMC 25.05.305.A.2.b: categorical exemptions do not apply to cumulative actions	CBN Submittal 12-11-20 p. 10 Bruch email 13-03-01
C. City SEPA (25.05) Review Appropriate if Unique or Use Not Addressed in Code	CBN Submittal 12-11-20 pp. 11-19
1. SMC 25.05.665.C 1 & 4 & 7 allows review under Seattle SEPA if use unique or not	CBN Submittal 12-11-20 pp. 12-14

identified in SMC, or impacts because of cumulative effects	
2. School Stadiums are not ordinary athletic fields – their very nature and impacts are different – and they should be considered differently – code doesn’t address them	CBN Submittal 12-11-20 pp. 45-47
3. Per Decision of the Director for 300339 there is a tripping point at which an ordinary athletic field ceases to be an accessory to a school. We assert that a lighted stadium used 5 to 7 nights a week, including use by others not part of the school, exceeds that tipping point.	CBN Submittal 12-12-04 p. 5-6 & its Exhibit E pp. 5 & 6.

D. Variance Criteria Not Met	CBN Submittal 12-11-20 pp. 21-24
1. Precedent: prior field lighting was not allowed until the city passed Ordinance # 120266 to alter the code to permit light standards higher than 30’ for PUBLIC facilities ONLY. Evidence: prior Director’s decisions & wording of ordinance	Bruch email 13-03-01 incl. attached Director’s Decision & wording of Ordinance
2. SMC 23.40.020 required all 5 variance criteria to be met. Proposal does not meet any.	CBN Submittal 12-11-20 pp. 21-24
1) No unusual conditions applicable to subject property	CBN Submittal 12-11-20 pp. 21-22
2) The requested variance WOULD grant a special privilege contrary to the criteria	CBN Submittal 12-11-20 p. 22
3) The variance WOULD be detrimental to the area contrary to the criteria	CBN Submittal 12-11-20 p. 23
4) There are no undue hardships: school has operated sports program for years	CBN Submittal 12-11-20 p. 23
5) The request WOULD be contrary to the spirit & purpose of the code for the area	CBN Submittal 12-11-20 pp. 23 -24

E. Administrative Conditional Use Criteria Not Met	CBN Submittal 12-11-20 pp. 24-32
1. Noise SMC 23.44.022.H	CBN Submittal 12-11-20 p. 25 CBN Submittal 12-11-20 Exhibit B
a. SMC 25.05.675.L directs noise impacts to be assessed and proposals to be denied or mitigated based on that assessment	CBN Submittal 12-11-20 p. 38
b. Not in compliance w/ noise ordinance 25.08 Actual Crowd noise measured at double amount allowed by 25.08.410 for daytime	CBN Submittal 12-11-20 pp. 25 & 39 & Exhibit B CBN Submittal 12-12-4 p. 6
c. Applicant has not addressed impact of increased noise likely because of probable larger crowds in evening than during day	CBN Submittal 12-11-20 p. 39
d. Applicant has not addressed increased impact of noise in the evening/night as opposed to during day	CBN Submittal 12-11-20 p. 39
e. likely loud crowd noise past the 10:00 start of night-time restriction - Longest games = 3 hr, if start at 7:00 then over at 10:00 ... AVERAGE game = 2.5 hr over at 9:30. So 50% of games would end after 9:30 The applicant’s latest schedule (10/29/2012) showed 4 events with lights on ‘til 10:30, extending event hubbub past the 10 PM start of night noise restrictions.	Blanchet Response to Correction Notice #2 (Transportation) p.1 & its Exhibit B CBN Submittal 12-12-4 pp. 6-7
f. Sounds exempt per SMC 25.08.540 do not apply ... apply only to PUBLIC events and events that are specially sanctioned (not frequent & on-going)	CBN Submittal 12-11-20 Exhibit B
2. Light & Glare SMC 23.44.022.J	CBN Submittal 12-11-20 p. 26 CBN Submittal 12-11-20 pp. 35-37 CBN Submittal 12-11-20 Exhibit D
a. SMC 25.05.675.K directs light and glare impacts to be assessed and proposals to be denied or mitigated based on that assessment	CBN Submittal 12-11-20 pp. 35-36
b. Impacts & alternatives not adequately addressed by applicant	CBN Submittal 12-11-20 pp. 36-37 CBN Submittal 12-11-20 Exhibit D p. 11

c. No analysis by applicant of glare and spill light from alternative fixtures	CBN Submittal 12-11-20 pp. 36-37 CBN Submittal 12-11-20 Exhibit D pp. 12-20
d. No analysis by applicant of sight lines to/from lighting fixtures	CBN Submittal 12-11-20 pp. 36-37
e. No analysis by applicant of potential for glare to blind westbound motorists on 85th	CBN Submittal 12-11-20 p. 36
f. Nature and affects of area lighting and fixtures not addressed by applicant	CBN Submittal 12-11-20 p. 36
g. Applicant's analysis of spill light intensities at property lines failed to include the additional light from area lights	CBN Submittal 12-11-20 p. 36
3. Parking SMC 23.44.022.L	
a. SMC 25.05.675.M directs parking impacts to be assessed and proposals to be mitigated based on that assessment, including via a Transportation Management Program	CBN Submittal 12-11-20 p. 40
b. Issues re parking were discussed in our various submittals	CBN Submittal 12-11-20 pp. 40-41 & its Exhibit C
c. The applicant submitted a proposed TMP on Feb. 22, 2013 for varsity football games only. This should be made a verifiable, enforceable, and permanent condition of use.	Blanchet Proposed TMP 13-02-22
d. For additional comments re parking and transportation, see item 4, Transportation Plan below.	
4. Transportation Plan SMC 23.44.022.M	
a. The current Blanchet TMP is ill-defined and subject to confusion. Even Blanchet seems not aware. In the applicant's response to Land Use Correction Notice # 1 they included as their current TMP a letter written in 1997. However, that letter has been outdated as shown below. Additionally, that letter falls far short of current TMP standards. The 1997 TMP also commits Blanchet to use stadium parking in its parking lot during special events – a provision that appears to be not currently followed.	Blanchet Response to Cycle 1 corrections for LAND USE CBN Submittal 12-12-04 pp. 11-14, 16-17, & its Exhibit C
b. In 2003 the informal TMP was amended striking out some provisions and adding others. A Director's Decision required Blanchet to maintain this revised TMP. But no future verification or reporting mechanism was established.	CBN Submittal 12-12-17 its Exhibit F CBN Submittal 12-12-04 pp. 16-17 & Exhibit D
c. Since 2003 Blanchet has added 7,867 sq. ft. of structure area to the institution, triggering the 4,000 sq. ft. trigger of SMC 23.44.022M for a new TMP	CBN Submittal 12-12-04 p. 17
d. The current TMP falls far short of the standards for TMP's enunciated in Directors Rule 10-2012, incl. failure to (1) contain enunciated and measurable goals, (2) prepare TMP per standard City form, (3) install commuter info center, (4) to have a transportation coordinator, (5) to submit regular reports of the City, (6) to conduct a biennial survey of TMP effectiveness, (7) registration w/ King County, amongst other requirements	CBN Submittal 12-12-04 p. 17 & Exhibit F
e. The applicant submitted a proposed TMP on Feb. 22, 2013 for varsity football games only, but this failed to (a) meet the requirements of Director's Rule 10-2012, (b) only addressed varsity football games and not other uses of the stadium, (c) did not address day parking or other school events, and (d) no future verification or reporting mechanism was established..	Blanchet Proposed TMP 13-02-22
F. Adverse Impacts	CBN Submittal 12-11-20 pp. 33-44

1. Livability It would greatly affect the peace and livability of our quickly improving single family neighborhood.	CBN Submittal 12-11-20 p. 33
2. Frequency & Intensity of Use	
a. The applicant's proposal greatly increases frequency & intensity of use per below:	CBN Submittal 12-11-20 pp. 33-34
b. Lights would be used from 119 to 127 nights per yr (33% of nights in a year, 73% of nights in Sept, Oct, Nov, Mar, & April)	CBN Submittal 12-12-04 p. 7-8 & its Exhibit B
c. Blanchet has not defined the users, continually left open-ended by using terms such as "including" and "in the past"	CBN Submittal 12-12-04 pp. 4-6, & 7
d. It is likely that moving events into the evening will allow Blanchet to schedule more & other events during the vacated day slots.	
3. Land Use Per SMC 25.05.675.J City policy is to avoid incompatible land use	CBN Submittal 12-11-20 pp. 34-35
4. Lights & Glare See item E2 above, ACU Criteria, Lights & Glare	
5. Noise See item E1 above, ACU Criteria, Noise	
6. Parking See item E3, ACU Criteria, Parking & Item E4, Transportation Plan above.	
7. Traffic See item E3, ACU Criteria, Parking & Item E4, Transportation Plan above.	
8. Public View Protection City Codes have been written for view protection during the day, but are regrettably silent re view protection at night, when views are dominated by lights	CBN Submittal 12-11-20 p. 43
9. Energy Per SMC 25.05.675.E it is city policy to promote energy efficiency. Blanchet has not estimated the electric usage of the lights. It is inefficient to move activities which could be conducted during daylight to night uses.	CBN Submittal 12-11-20 pp. 43-44
10. Public Safety Per SMC 25.05.675.O it is city policy to minimize or prevent adverse impacts to public services, incl. fire, police, & health. Our neighborhood is somewhat unique because of the freeway and topography that limits access and breaks the regular urban street grid. Emergency vehicle access is already restricted and could be even more restricted with event congestion. Further, there could be traffic and pedestrian hazards created by the activity intensification, especially along 85 th adjacent to the stadium at night.	CBN Submittal 12-12-04 p. 12
11. Ancillary Disruptions Around Stadiums A stadium is likely to foster additional disturbances: (a) noise of cars incl. doors & boom boxes (b) boisterous revelry, (c) litter, (d) liquor drinking, (e) graffiti, etc.	

G. Code Violations by Blanchet	
1. Violation 1: Sound Amplification System installed during 2006	?
a. City Staff has ruled this not a violation since it meets the Leq (sound level) established by code	
b. We assert that the under terms of the permit and the Director's Decision for MUP3003339 & SMC 23.90.002; the approved MUP drawings, and Seattle Bldg. Code (2003 edition) 106.6.2 & the approved Constrn drawings, the installed system does not conform to the approved documents hence is a violation.	CBN Violation Complaint 1 CBN Submittal 12-12-4 pp. 6-7 CBN Submittal 12-12-17, pp. 6-8 & its Exhibits A, B, C, & D

<p>2. Violation 2: Press Box on West Bleachers Without Permits DPD confirmed the violation - Case 1029119 – Compliance due April 6, 2013 City is acting on the lack of Bldg. Permit only. We assert that it should also require a new MUP?</p>	<p>CBN Violation Complaint 2 CBN Submittal 12-12-17, pp. 8-9</p>
<p>3. Violation 3: Institutions Expansion into N 1815 & 1819 82nd St Without Permits DPD confirmed the violation Cases 1029024 & 1029025, Compliance Due Mar 11, 2013</p>	<p>CBN Violation Complaint 3 CBN Submittal 12-12-17, pp. 9-10</p>

FOOTNOTE & REFERENCE LIST

Blanchet Response to Cycle 1 corrections for LAND USE	March 13, 2012
CBN Submittal 12-11-20	Nov 20, 2012
Blanchet Response to Correction Notice #2 (Transportation)	Nov. 20, 2012
CBN Submittal 12-12-04	Dec 4, 2012
CBN Submittal 12-12-17	Dec 17, 2012
CBN Violation Complaint 1	Jan 24, 2011
CBN Violation Complaint 2	Jan 24, 2011
CBN Violation Complaint 3	Jan 24, 2011
DPD Correction Notice # 3	Feb 2, 2013
Blanchet Proposed TMP 13-02-22	Feb. 22, 2013
Bruch email 13-03-01	Mar 1, 2013
Leon email 13-03-02	Mar 3, 2013