

# **SCHOOL USE ADVISORY COMMITTEE**

SSD #1  
Received

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Property Mgmt. Office

## **CEDAR PARK SCHOOL USE MODIFICATION DIRECTOR'S DETERMINATION**

**OCTOBER 1993**

This report is produced pursuant to City of Seattle Ordinance 109084, SMC 23.78, AND documents the determination of the Director of the Department of Neighborhoods for modifications to the 1982 Zoning Criteria and Permitted Uses at the Cedar Park Elementary School.



**City of Seattle  
Department of Neighborhoods**

## **DIRECTOR'S REPORT AND DECISION**

### **REVISED CEDAR PARK SCHOOL USE ADVISORY COMMITTEE CONDITIONS**

#### **I. Overview**

In late August 1993, the reconvened Cedar Park School Use Advisory Committee forwarded their recommendations concerning changes to the 1982 Cedar Park School Use Advisory Committee Report (SUAC). The Committee recommendations are:

- 1) Access to the kitchen by Cedar Park Art Center tenants has not been requested by the tenants and is not a building/use requirement, therefore kitchen access by the tenants is a non-issue and no changes are recommended.
- 2) The Cedar Park SUAC list of uses will include artist studio dwellings with the following conditions.
  - a) Limit studio dwelling units to nine.
  - b) The manager shall live on site.
  - c) The tenants shall apply for a building/use permit within 90 days of the SUAC process, or a new lease, whichever comes first.
  - d) Parking is to be located in the designated north parking lot (on site). Nine new parking spaces for the artist studio dwellings are required and should be located in the lower play field within 85 feet of the property line on North 135th Street. The inner court should be limited to loading access only.

Under the provisions of the City Land Use Code, the Director of the Department of Community Development (now Department of Neighborhoods) is responsible for making a final determination of school use advisory committee conditions, based in part on the recommendation of the school use advisory committee.

In making my determination I have considered the following to be key questions.

1. What was the intent of the neighborhood when drafting the 1982 Cedar Park School Use Advisory Committee Conditions in terms of community use of the school?

2. What public benefit accrues from amending the list of allowable uses for the Cedar Park Elementary School?
3. What conditions should be placed upon any amendment to the list of allowable uses at the Cedar Park Elementary School?

## **II. Analysis and Determination**

### **A. Acceptability of Artist Studio Dwellings as a Component of the Uses of the Building**

#### **1. Conclusions of the 1993 Reconvened School Use Advisory Committee**

The School Use Advisory Committee for Cedar Park School was reconvened in part in recognition that the present use of the building for artist studio dwellings did not conform with the provisions of the 1982 Cedar Park School Use Advisory Committee Conditions. The Committee was specifically charged with recommending whether the 1982 Conditions should be changed.

The Committee conducted a rigorous review of the issue, including public meetings and hearings. While it is clear from a review of public testimony that there is community sentiment on both sides of this issue, significant weight must be given to the conclusion of the reconvened School Use Advisory Committee that the list of permitted uses at the school should be changed.

#### **2. Conformance with the Provisions of the Land Use Code**

It is clear that the use of the Cedar Park School for artist studio dwellings would fulfill the purposes stated for the School Use Advisory Committee process. Section 28.21 of the Land Use Code identifies the following as the purposes of the School Use Advisory Committee process:

- (a) To increase the economic feasibility of continued operation of the public school.
- (b) In a specific school building, to establish conditions for non-school use which are designed to minimize and mitigate any adverse impacts of such use, including changes in parking demand, on the health and safety of the neighborhood.

(c) To maintain buildings and school properties in such condition that they may revert to school use.

(d) To increase the range of community and social services and educational, cultural, social, and housing opportunities.

While not specifically stated in the code, it is also clear that the emphasis on neighborhood participation in the process was intended to grant the neighborhood a degree of local control over the programming of alternative uses in closed schools. This was partly to lessen the negative impact of closure of a neighborhood school on the surrounding area.

Continued use of the facility for residences meets the purposes stated in Section 28.21 of the Land Use Code in the following ways:

(a) The security provided by 24 hour surveillance of the site by residents of the artist studio dwellings promotes the maintenance of the building in such a condition that the school could revert to school use.

(b) The \$25,000 lease payment to the Seattle School District, while somewhat less than applicable market rates for similar sized joint use commercial/residential facilities, increases the economic feasibility of continued operation of the public school.

(c) Lease arrangements provide opportunities for affordable artist studio housing in what is otherwise a moderate to high cost area and increases the range of housing opportunities in the area. Such space is at a premium and displacing the current residents could cause severe hardship on them.

### 3. Determination

Based on the above factors, I concur with the basic recommendation of the reconvened Cedar Park School Use Advisory Committee to allow artist studio dwellings. Section 2. Uses Permitted at Cedar Park School shall be changed to modify subsection "s" of the 1982 Cedar Park School Use Advisory Committee Conditions to read:

**s. *Artist studio dwellings Upon the conditions listed in Section 3 - Restrictions upon Artist Studio Dwellings.***

In addition a new section (Section 3 - Restrictions upon Artist Studio Dwellings) shall be added to the 1982 Cedar Park School Use Advisory Committee Conditions with conditions as established below.

**B. Public Benefit, Conditions and Mitigations for Impacts**

While I have determined that continued use of the site for artist studio dwellings is justified, I also have concluded that there is sufficient testimony regarding surrounding neighbors' concerns regarding lack of community access, public benefit and adverse impacts of uses at the site to warrant consideration of additional conditions upon use of the structure.

One of the key intents of the School Use Advisory Committee process was to lessen the negative impact of the closure of a neighborhood elementary school by assuring that the future use of the facility met neighborhood as well as community goals. Testimony at the public meetings indicates that many community members question the degree to which the neighborhood has benefited from the school's current operations. There were concerns over traffic and parking, noise, inadequate maintenance, compliance with applicable health, safety and building codes, keeping of small animals, hours of operation, and lack of public access.

While clearly listing acceptable uses in 1982 (community center, daycare, supervised youth programs, etc.) did not assure that any of these uses would be located in the structure, it is equally clear that the community reasonably believed that some such uses would be located in the facility.

I have reviewed and considered possible conditions and mitigations in the following areas: (1) conformance with health, safety and building codes; (2) residential density; (3) traffic and parking; (4) hours of operation; and (5) public access and benefit.

**1. Conformance with health, safety, and building codes**

The reconvening of the Cedar Park School Use Advisory Committee was precipitated in large part by charges of code

violations in the building. Lack of proper separations between living areas, and other building code violations may exist in parts of the structure. It is not my intention to indicate that any code requirements should be reduced, waived, or ignored in facilitating continued use of the building for artist studio dwellings.

I therefore determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following condition as Subsection A of Section 3 - Conditions Upon Artist Studio Dwellings:

A. *That any studio dwelling units approved for the structure meet all health, safety, and building codes with the exception of parking requirements as modified in Section 4 (following), and that the building manager or owner shall apply for a building/use permit within 90 days of the effective date of the revision of the list of allowable uses contained in the Cedar Park School Use Advisory Committee Conditions, or renewal of any individual or master leases, whichever comes first.*

2. **Residential Density**

The surrounding neighborhood is zoned primarily single family with minimum lot sizes of 5,000 to 7,200 square feet. The school and its associated yards (not including the lower play field) occupy about 45,000 square feet of the larger School District owned site and are zoned for similar low density single family use. If the sites were sold and redeveloped for single family housing, compatible with the surrounding neighborhood, they would accommodate approximately 9 dwelling units.

I therefore concur with the recommendation of the Cedar Park School Use Advisory Committee and determine that 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following condition as Subsection B of Section 3 - Conditions Upon Artist Studio Dwellings:

**B. *That the number of studio dwelling units in the structure is limited to a maximum of 9.***

### **3. Traffic and Parking**

There was some public testimony concerning the negative impacts of traffic and parking particularly along 8th Avenue NE and in the inner asphalt play court on the south margin of the school. The major concern was with heavy traffic on the poorly improved driveway leading from NE 38 along the south margin of the property to the inner asphalt court. The adjacent owner complained of noise, dust, and excessive traffic.

The drive appears to be only partially improved and is very near the south property line of the building. It was initially designed as a pedestrian walkway for children entering the elementary school grounds and is inadequate for auto use.

For these reasons, the Cedar Park School Use Advisory Committee recommended that use of this lot for drive and the inner play court for parking be terminated and that, instead, an additional nine spaces be located in the lower play field.

There appear to be credible arguments favoring and opposing this recommendation. On the favorable side removal of parking from the inner court to the lower play area would reduce the length of vehicle travel from the closest major arterial and it would eliminate conflicts with the immediate neighbor to the south.

On the negative side, the lower lot is less convenient to the school, and permanently locating required parking in the lower lot would preclude future separations of the site. Information provided by the Seattle School District indicates that the District would like to maintain the option of separating the lower and upper portions of the site. Their intent would be to consider a future separate lease of the lower play field.

I therefore determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following conditions as Subsection C of Section 3 - Conditions Upon Artist Studio Dwellings:



- C. *Parking, except for occasional loading, shall be prohibited in the inner play court located on the south margin of the site. The court and walkway leading to it shall be secured with a bollard or similar mechanism to preclude vehicle access, which shall be secured at all times, and which can be opened only by the building manager, or the manager's designee, for the purposes of loading only.*

*In the event that the Seattle School District sells or enters into a separate lease for the lower play field, parking may be re-established in the inner court provided that:*

- 1. Modifications are made to the present walkway to meet current driveway and setback requirements;*
- 2. A landscaping plan is developed with review and involvement of property owners within 100 feet of the drive way, to screen adjacent properties from the driveway; and*
- 3. Parking in the lot be limited to a total of nine (9) spaces and restricted to resident parking and loading only.*

In addition I determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following conditions as Subsection D of Section 3 - Conditions Upon Artist Studio Dwellings:

- D. *A minimum of 9 on site parking spaces associated with the artist studio dwellings shall be temporarily located in the lower play field within 85 feet of property line on NE 135th Street, with the remainder in the north parking lot. This use shall be maintained so long as parking is prohibited in the inner play court.*



During staff review of the parking situation it has been determined that the present 21 on-site parking spaces do not meet current code requirements. Therefore, if the current tenants are required to obtain applicable City permits they would have to establish additional on-site parking.

The School Use Advisory Committee Section of the Seattle Land Use Code allows conditions to be placed on parking. In other situations this has included allowing the Director of the Department of Construction and Land Use to issue permits where there are fewer than the code mandated number of on-site parking spaces. Since the site has been used ten years with the current number of parking spaces, and since no change is being proposed for the mix of uses in the facility, it appears reasonable to continue this situation.

I therefore determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following new of Section 4 - Parking:

**Section 4. Parking**

*The Director of the Department of Construction and Land Use shall be permitted the discretion to reduce on-site parking requirements to a minimum of 21 spaces.*

**4. Public Benefit and Access**

The Committee included additional recommendations to the Seattle School District outside the formal school use advisory committee provisions. One of these recommendations was:

*"For a fee (determined by the tenant) the gymnasium will be reserved for community use two days/evenings per month. If interested in using the gymnasium, the community (group) will reserve the space by notifying the tenant at least two weeks (14 days) in advance of the actual meeting dates. If no requests are made 14 days in advance, the tenant can rent the facility to another party."*

In reviewing transcripts of the meetings, and other material contained in the present and past school use advisory committee files it appears that there was considerable concern on the part of some residents that there was little benefit accruing to the neighborhood from the current operations at the school. While this is not absolutely true, that the concern exists is significant given the implicit intent of the school use advisory committee process to allow the surrounding neighborhood to help determine future use of the building.

Therefore, in order to maximize public benefit, I determine that the requirements for public access to the gymnasium shall be formally included in the Cedar Park School Use Advisory Committee Conditions as conditions upon the location of artist studio dwellings in the structure.

I therefore determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following condition as Subsection D of Section 3 - Conditions Upon Artist Studio Dwellings:

*D. So long as artist studio dwellings are located at Cedar Park elementary school, the gymnasium shall be made available on a non-fee basis one week day evening (6:00 PM to 11:00 PM) of each month for the use of the Cedar Park Neighborhood Coalition, or in the event that the Coalition ceases to exist, to the general membership organization (community council) representing the Cedar Park Neighborhood, for the purposes of monthly constituent meetings.*

**5. Resident Manger**

One of the recommendations of the Cedar Park School Use Advisory Committee is that the resident manager live on site. A resident manager would provide greater management and security on site and provide a formal contact with the neighborhood residents. The manager need not necessarily be an artist and in the event that the manager is not an artist the manager's unit shall be included as one of the nine dwelling units allowed.

I therefore determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to include the following condition as Subsection E of Section 3 - Conditions Upon Artist Studio Dwellings:

*E. A resident manager shall live on site. The manager need not be an artist but in the event that a non-artist manager lives on site the manager's residence shall constitute one of the 9 artist studio dwellings so that the total number of residential units in the building does not exceed 9.*

In addition, to clarify that a single unit shall be set aside for a resident manager, to manage and protect the building, Section II, Subsection k of the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to read as follows:

*k. One housing unit required to manage and protect the building*

In all other respects I concur with the recommendations of the reconvened Cedar Park School Use Advisory Committee and specifically endorse the following recommendation to the Seattle School District concerning maintenance of the site, contained in the 1993 Cedar Park SUAC Recommendations:

1. A specific agreement needs to be in place regarding who is responsible for grounds and building maintenance. Additionally, mechanisms should be instituted for periodic reviews between the landlord (School District) and the lessees, along with semi-yearly (twice a year) reviews between the District and the Cedar Park Action Committee. The first meeting will be coordinated by the Cedar Park SUAC residents (Jim Scott, Jerry Haining, Phyllis Johnson, Mark Von Walter, and Anne Paisley).
2. A copy of the lease agreement will be provided to the Department of Construction and Land Use.

### III. SUMMARY OF REVISED CEDAR PARK SCHOOL USE ADVISORY COMMITTEE CONDITIONS

*I determine that the 1982 Cedar Park School Use Advisory Committee Conditions shall be amended to read as follows:*

April 2, 1982  
(Amended September 22, 1993)

#### **CEDAR PARK SCHOOL**

##### **Zoning Criteria and Permitted Uses**

###### **Section 1. Intent**

The following zoning criteria and permitted uses were recommended by the Cedar Park School Use Advisory Committee (SUAC) or added to the already established list during a 1993 review of the SUAC conditions, and approved by the Director of the Department of Neighborhoods, and are intended for the reuse of Cedar Park School located at 3737 NE. 135th Street.

###### **Section 2. Uses Permitted at Cedar Park School**

- a. Public and private daycare
- b. Children's programs such as pre-school, co-op nursery and well-baby clinic
- c. Supervised youth programs
- d. Programs for the elderly
- e. Public health clinic
- f. Educational and vocational training for the disabled
- g. Community cultural activities including theater, dance and folk groups
- h. Administrative offices of civic, social service, government and religious organizations
- i. Non-profit agencies providing community services and goods
- j. Community center
- k. One housing unit required to manage and protect the building
- l. Public and private college
- m. Technical school
- n. Arts and crafts school
- o. Trade and business school
- p. Adult community school
- q. Job seminars and other similar educational uses

- r. Professional or other offices with limited numbers of people or traffic
- s. Artist studio dwellings upon the conditions listed in Section 3 - Restriction Upon Artist Studio Dwellings.
- t. Private hall provided that the use of on-site parking is encouraged by proper lighting, signing, striping and that user groups provide a parking guide
- u. Food preparation, catering and cafeteria services
- v. One-room cottage type light manufacturing
- w. Church
- x. Museum
- y. Library

### **Section 3. Restrictions Upon Artist Studio Dwellings.**

Whenever any artist studio dwelling is located in the building, the following conditions shall apply:

- A. That any studio dwelling units or other residential units approved for the structure meet all health, safety, and building codes with the exception of parking requirements as modified in Section 4 (following), and that the building manager or owner shall apply for a building/use permit within 90 days of the effective date of the revision of the list of allowable uses contained in the Cedar Park School Use Advisory Committee Conditions, or renewal of any individual or master leases, whichever comes first.
- B. That the number of studio dwelling units in the structure is limited to a maximum of 9.
- C. Parking, except for occasional loading, shall be prohibited in the inner play court located on the north margin of the site. The court and walkway leading to it shall be secured with a bollard or similar mechanism to preclude vehicle access, which shall be secured at all times, and which can be opened only by the building manager, or the manager's designee, for the purposes of loading only.

In the event that the Seattle School District sells or enters into a separate lease for the lower play field, parking may be re-established in the inner court provided that:

- 1. Modifications are made to the present walkway to meet current driveway and setback requirements;

2. A landscaping plan is developed with review and involvement of property owners within 100 feet of the drive way, to screen adjacent properties from the driveway; and
  3. Parking in the lot be limited to a total of nine (9) spaces and restricted to resident parking and loading only.
- D. A minimum of 9 on site parking spaces associated with the artist studio dwellings shall be temporarily located in the lower play field within 85 feet of property line on NE 135th Street, with the remainder in the north parking lot. This use shall be maintained so long as parking is prohibited in the inner play court.
- E. So long as artist studio dwellings are located at Cedar Park elementary school, the gymnasium shall be made available on a non-fee basis one week day evening (6:00 PM to 11:00 PM) of each month for the use of the Cedar Park Neighborhood Coalition, or in the event that the Coalition ceases to exist to the general membership organization (community council) representing the Cedar Park Neighborhood, for the purposes of monthly constituent meetings.
- F. A resident manager shall live on site. The manager need not be an artist but in the event that a non-artist manager lives on site the manager's residence shall constitute one of the 9 artist studio dwellings so that the total number of residential units in the building does not exceed 9.

The restrictions listed above, except for 3a, shall not apply to the resident manager unit established under Section II 1 above.

#### **Section 4. Parking**

The Director of the Department of Construction and Land Use shall be permitted upon the Director's discretion to reduce on-site parking requirements to a minimum of 21 spaces.

#### **Section 5. Hours of Building Operation**

Groups of ten (10) or more shall not operate later than 11:00 p.m. on weekdays or 1:00 a.m. on weekends.

#### **Section 6. Operation of Facility**

If a petition signed by fifty (50) or more community residents concerned about building or grounds use is presented to the School District, then the School District must hold a public hearing to discuss the issue.

**Section 7. Other Requirements**

All other requirements for the reuse and occupation of Cedar Park School shall be governed by existing zoning and building code requirements.

By:

\_\_\_\_\_  
Jim Diers  
Director, Department of Neighborhoods

\_\_\_\_\_  
Date of Signature 1993





April 29, 1992

Mr. Jim Diers, Director  
Department of Neighborhoods  
Arctic Building  
700 Third Avenue  
Seattle, WA 98104-1848

Re: Cedar Park S.U.A.C.  
3737 NE 135th  
Seattle, WA 98125

Dear Mr. Diers:

The Seattle School District requests that the School Use Advisory Committee (S.U.A.C.) for Cedar Park be reconvened.

As you may be aware, the original S.U.A.C., which was completed in 1982, allows residential use at this facility. The wording for this use is unclear and has raised questions about the type and extent of residential activities that are permitted. There is also a similar problem regarding community kitchen/catering service activities.

Our understanding is that the S.U.A.C.'s work can be limited to these two topics and that reconsideration or review of the entire range of allowable uses for Cedar Park will not be necessary.

At this time the City's Department of Construction and Land Use is holding in abeyance any action against the District regarding a possible code violation pending the completion of the S.U.A.C.

We do appreciate the patience of the Department of Construction and Land Use in regard to this matter. We also understand the need to act in a reasonable timeframe. Consequently, any assistance you can provide to expedite the reconvening of the S.U.A.C. would be appreciated.

**BUILDING COMMITMENT TO THOSE WE SERVE**

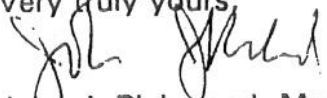
**SEATTLE SCHOOL DISTRICT**  
4141 4th Avenue South • Seattle, WA 98134 • 298-7500 • FAX 298-7505

Mr. Jim Diers  
April 29, 1992  
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For your information, Melvin Smith is the staff person assigned to this committee. If you or your staff need to contact either of us, we can be reached at 298-7630.

Thank you for your assistance and cooperation.

Very truly yours,



John J. Richmond, Manager  
Property Management

JJR:krr  
PM:L-JD1

cc: Melvin Smith  
Steve Sheppard  
Jan Kumasaka

*File 2 Cedar Park*

**Your  
Seattle  
Community Development**

I. Dean Mosier, Director  
Charles Royer, Mayor

**RECEIVED**  
**MAR 18 1982**  
**PROPERTY MANAGEMENT**



**MEETING AGENDA FOR CEDAR PARK SUAC**

**Wednesday, March 24, 1982 - 7:30 p.m.**

**Cedar Park School**

**3737 N. E. 135th Street**

- 7:30 p.m. I. Introductions: Rich Smith, Department of  
Community Development (DCD)
- 7:40 p.m. II. Continue review and adoption from  
Broad List of Uses
- 8:45 p.m. III. Discuss and adopt conditions for building  
use
- 9:30 p.m. IV. Adjournment

**Rich Smith, Department of Community  
Development, 625-4492**

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Yesler Bldg., 400 Yesler Way, Seattle, Washington 98104 (206) 625-4537

COMMENTS FROM 3/10/82 SUAC MEETING

Uses adopted

- Public and private daycare
- Children's programs such as pre-school, co-op nursery and well-baby clinic
- Supervised youth programs
- Programs for the elderly
- Public health clinic
- Educational and vocational training for the disabled
- Community cultural activities including theatre, dance and folk groups
- Administrative offices of civic, social service, government and religious organizations
- Non-profit agencies providing community services and goods delivery
- Community fund-raising activities
- Community center
- Housing as required to manage and protect the building

Discussion of conditions

- Uses must comply with applicable residential noise standards and restrictions
- It is the intent of the SUAC to encourage the availability and opportunity for use of the facility by local community groups
- Use of on-site parking is required for groups over (x) in number
- The building management shall be responsible for notifying groups over (x) number of participants that the use of on-site parking is required.

o/c - Should a petition containing 50 or ↑ signatures of ~~board~~ concerned community citizens contest <sup>in</sup> ~~an~~ <sup>any</sup> bldg use ~~activity~~, a hearing shall be held to discuss the issue to SSD