

FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

THE WASHINGTON STATE CONVENTION AND  
TRADE CENTER

PROJECT NO. 8900203  
C.F. NO. 297229

for Council Conditional Use approval  
pursuant to the provisions of  
Title 23, Seattle Municipal Code,  
as amended

ORDER SUPPLEMENTING  
RECOMMENDATION

Background

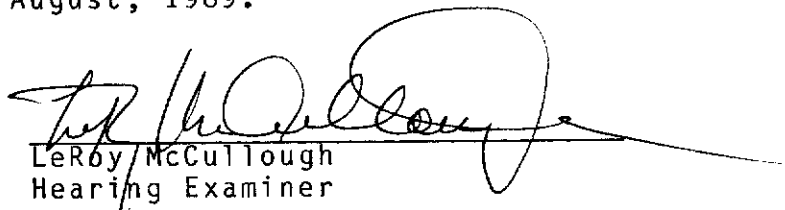
1. The Hearing Examiner issued a recommendation on this application on August 28, 1989 regarding property addressed as 800 Union Street.

2. A portion of Conclusion 23, page 9, and the complete text of Conclusion 24 did not print due to a technical error.

Order

It is therefore ordered that the Recommendation issued August 28, 1989 is hereby corrected to include the omitted portion of Conclusion 23 and the text of Conclusion 24 as attached hereto and underlined. See pages 9 and 10 of previously issued recommendation.

Entered this 29th day of August, 1989.

  
LeRoy McCullough  
Hearing Examiner

tial development in the vicinity of the project, including but not limited to, direct and indirect housing loss...

16. As proposed, the facility will expand westward, span the intervening alley and occupy much of the site presently occupied by the McKay Apartment building. The 72-unit McKay has been vacant since 1987. Estimates to renovate the facility vary. WSCTC asserts \$1 million; 1987 estimates are substantially less. The estimates do not include the land acquisition costs.

17. Applicant asserts that the McKay must be demolished to obtain objectives. The Hearing Examiner cannot so conclude from this record. Applicant proposes a reconfiguration and re-assignment of interior space, as well as improved, enhanced exiting capacity. Alternative methods of achieving the stated goals and objectives were not explored.

18. Thus, the proposal would eliminate a potential for housing at the McKay site without review of options.

19. The question, however, is whether WSCTC's facilitation of housing at other sites serves to offset the impact of eliminating the McKay as a site for low income housing.

20. The demolition of the McKay in particular was anticipated in the early stages of the original proposal. See City Council Findings No. 8 and No. 15, C.F. 293257 (1984). The demolition permit for the McKay was the subject of a specific Council condition which required 45 units on the William Penn Hotel parcel "within three years from the date a demolition permit is issued by the City for the McKay Apartment Building." Council's original approval also specified that the McKay be kept open and occupied "until the necessary permits and approvals have been issued for the demolition and replacement use." C.F. 293257 (1984). (The issue of enforcement of the condition requiring McKay occupancy is not before the Hearing Examiner in this matter for resolution.)

21. Further, Resolution 27907 (1988) specifies that the Oregon Hotel Project, to which WSCTC was required to pay \$750,000, "will satisfy the remaining housing mitigation requirements associated with the (WSCTC) and the demolition of the McKay apartment building (emphasis supplied)." The Resolution also provides that upon issuance of a certificate of completion for the Oregon Hotel project or posting of a specific bond,

...all housing mitigation requirements with respect to the WSCTC project, Eagles and McKay buildings shall be satisfied, and upon issuance of a master use permit for the expansion and conversion of the WSCTC, a demolition permit may be issued for the McKay Apartment building.

22. Since the application to demolish the McKay preceded the moratorium on demolition of downtown housing, the McKay demolition is not precluded by the moratorium.

23. Based on the foregoing, the Hearing Examiner cannot recommend preservation of the McKay as a condition of this proposal. Resolution 27907 is a legislated statement regarding a prior legislated action. It requires contribution to low income housing, albeit at another site, and requires substantial deference.

24. Therefore, while the proposal will eliminate one potential housing source, provisions are in place to facilitate low income housing in another structure.

25. Nothing stated herein shall be read to minimize the serious nature of the problem of homelessness in downtown Seattle and in Seattle in general.

26. Based on the record presented, the Hearing Examiner concludes that the public benefits of the proposed facility outweigh the adverse impacts of the project as conditioned in accord with DCLU recommendations, hereto attached as Appendix A. Particular attention is invited to DCLU-recommended Condition 6:

To ensure compliance with Resolution 27907 regarding housing mitigation requirements, the condition [is] that no demolition permit shall be issued for the McKay until: 1) issuance of the certificate of completion for the Oregon Hotel (housing) project; or 2) the posting of a bond, letter of credit or other security acceptable to the Director of the Department of Community Development...

#### Recommendation

In accord with the foregoing, the Hearing Examiner recommends that the Council conditionally approve the Council Conditional Use application.

Entered this \_\_\_\_\_ day of August, 1989.

\_\_\_\_\_  
LeRoy McCullough  
Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.

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Introduction

Applicant proposes to expand and reconfigure the existing Washington State Convention and Trade Center. The project street address is 800 Union Street in downtown Seattle.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code as amended, unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be conditionally granted.

This matter was heard before the Hearing Examiner on August 10 and 11, 1989.

Project applicant was represented at the hearing by Jerome L. Hillis, and T. Ryan Durkan of Hillis, Clark, Martin and Peterson, P.S. The Seattle Displacement Coalition, Operation Homestead was represented by John Fox and William Glover, pro se. The DCLU Director was represented by Corbett Loch, land use specialist and by Cliff Portman, senior land use specialist.

The Hearing Examiner, DCLU representatives, representatives of the WSCTC, and representatives of the Seattle Displacement Coalition engaged in a visit of the Convention Center and the adjoining McKay apartment building on August 14, 1989.

After due consideration of the evidence of record from DCLU, applicant, opponents and other witnesses, and subsequent to the aforementioned site visit, the following shall constitute the findings of fact, conclusions and recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The basic facts are undisputed. Particular emphasis will be given to factual and other issues that are controverted.

2. The subject property consists of the Washington State Convention and Trade Center development. The street address is 800 Union Street.

3. The proposal site spans a portion of the airspace above Interstate 5 and is adjacent to the north grounds of Freeway Park. The site is also bounded on the north by Pike Street and on the east and southeast by Hubbell Place and a segment of 9th Avenue.

4. The WSCTC site is bounded on the southwest by the Eagles Temple building (at 7th and Union Street) and on the northwest by the 4-story, 72-unit McKay Apartment building (at 7th and Pike Street). The McKay has been vacant since 1987. A vacated alley separates the Convention Center building and the McKay. The current WSCTC facility has approximately 1 million gross square feet of area.

5. The proposal site is within the Downtown Office Core 2 zone (DOC 2) with a 400 ft. height limit. Applicant's prior request to rezone the site to DOC 1 is pending before the City Council.

6. The existing WSCTC development has an extensive state and local legislative history. In brief, the Convention Center was conceived and designed to attract and accommodate mid-sized national and regional conventions. The state legislature created a Convention Center Corporation which, after deliberation, proposed the facility for downtown Seattle.

7. After a series of presentations before the Hearing Examiner and the City Council, the present site development was approved by a Council Conditional Use with extensive conditions on October 22, 1984.

8. In 1987, the State Legislature appointed a committee to review Convention center marketability. Based on reports from a consultant, the committee recommended to the Legislature that the Convention Center acquire functions and property that were previously held by private interests, e.g. acquire the McKay site from the now-defunct CHG International; increase the number of meeting rooms from 17 to 50; and convert some of the retail space to meeting room space. The Legislature adopted the committee recommendation and this present application followed.

9. The conversion/expansion is not intended to increase the size of conventions. It is designed to encourage "repeat" business and to increase the number of the kinds of conventions presently held. It would however, increase breakout space and allow a greater number of concurrent meetings or sessions. Additional general session space that would be subject to meeting room conversion would also improve efficiency of the operation.

10. The number of "event" days is expected to increase from 136 to 148. The number of events per year is expected to increase from 34 to 37. The expansion would foster a slight increase in the number of visitors and transportation modes and in the use of the adjacent Freeway Park. WSCTC employees would be increased by 5 for a total fulltime staff of 71. Exhibit 1. There will be no significant, unanticipated increase in delegates per convention or in the demand for hotel development.

11. In general, WSCTC proposes to convert 32,300 sq. ft. of internal retail space to meeting room space, demolish the McKay apartment building and convert some of the space to a landscaped area, and construct an additional 76,200 sq. ft. of building area. The Construction of a 7th floor area over a portion of the building is included within the 76,200 sq. ft.

12. The Seattle Displacement Coalition, Operation Homestead, objected in particular to the proposed demolition of the McKay. Their position, enchoed by several witnesses, is that there is an insufficient, dwindling supply of affordable housing for low income, downtown residents. SDC's further opinion is that it is also more economically prudent to rehabilitate the McKay.

13. Regarding the retail, the previously-approved space on Floor 1 ("300 level") would be unchanged. The second floor (level 400) retail along Pike Street would be retained; however, the retail areas along the interior shopping arcade would be converted to meeting room space. (Some second floor retail space within the 8th Avenue-Convention Place-Pike Street triangle would be converted to administrative offices. Per the application of record, if the space can be leased as retail, the WSCTC "may move the administrative office site." Exhibit 1.)

14. The third and fourth floor retail areas would also be converted to meeting room space. Convertible meeting room space would also be expanded on the 6th floor (900) level.

15. The retail space originally approved by Council totaled 74,300 sq. ft. The reduced amount would total 42,000 sq. ft. or

amenities. Concomitantly, the number of retail jobs will decrease.

16. One DCLU-recommended condition relating to preservation of retail space provides that:

Prior to the issuance of Construction/  
Demolition Permits:

1. To encourage public access to the galleria and ensure that a linkage of public amenities connects Freeway Park, Pike Street and the galleria, the property owner and/or responsible party(s) shall:
  - a. Revise the development plans to provide for a minimum of 900 square feet of retail use on the fourth floor...

17. Other DCLU-recommended conditions require installation and maintenance of specific interior signage of public space within the Convention Center. Further, the International Meeting Place at the south end of the second floor shall, per DCLU recommendation, remain available to the public "during all hours that the galleria is open." Further related is a condition that requires retention of retail spaces on the second floor facing Pike Street.

18. WSCTC proposes art displays throughout the galleria levels.

19. WSCTC is further proposing that the City Council approve hours of public access specified in an existing Operating Agreement. The agreement was struck pursuant to the 1984 Council approval of the Convention Center. The DCLU recommended condition addresses the request as follows:

To ensure significant levels of public access in and around the facility, the hours of public access should reflect the project's uses and linkage of pedestrian paths. The Hubble Place walkway shall be open to the public during the hours that the galleria is open. To encourage utilization of the facility by the public...the hours of public access shall be...1) 7:30 a.m. to 7:00 p.m. weekdays; and 2) 11:00 a.m. to 6:00 p.m. weekends. Access to the Hubble Place walkway and the Union Street steps shall be 7:00 a.m. to 7:00 p.m. daily. Under special circumstances, these hours may be modified as agreed upon by the WSCTC and the City of Seattle in an Operating Agreement as approved by the Director of DCLU.

20. The overall proposal calls for an additional 14,000 sq. ft. of entrances, stairwells and hallways on floors 1-5, and for a 12,700 sq. ft. seventh floor mechanical equipment room and clerestory. The expansion would also add 49,500 sq. ft. to the sixth floor for exhibit space and meeting rooms for the total increase of 76,200 sq. ft. The total expansion, approximately 7 percent net, is small compared to the existing WSCTC development and in consideration of the other hotel and other nearly commercial development. No transformers will be added and the new development will meet a more stringent energy code. The increase in energy consumption will be relatively insignificant. Further, the proposal will cause a negligible increase in the police, fire, water and similar public services.

21. The proposed expansion would be extended 35 ft. west into the area currently occupied by the McKay. The 49,500 sq. ft. of additional meeting room space referred to above would be created by adding to the existing 6th floor. A seventh floor addition will add ceiling height and cover a portion (150 ft. by

addition will add ceiling height and cover a portion (150 ft. by 180 ft.) of the sixth floor. Floors 1-5 would have approximately 2300 new square feet of space per floor. By relocating exits and other functions west, the amount of interior space available for breakout meeting rooms will be increased.

22. The proposed construction would generally match the existing construction. If the WSCTC west wall is extended to 7th Avenue, the pedestrian view to the site will be to a windowless, monolithic wall that offers some gradation of color and shading. While there will be a net increase of 10 ft. in height on the north side, there is an 8 ft. overall increase in height.

23. The WSCTC and DCLU concluded that demolition of the McKay is necessary to attain project objectives. According to the DCLU report,

The footprint of the McKay encroaches slightly into the adjacent...alley. The McKay's foundation extends several inches beyond the building's footprint into the vacated alley. The location of the exterior wall and foundation of the McKay require that the building be demolished to allow for the proposed construction. Minimum emergency exiting standards require that the proposed expansion be 16 feet in width. For these reasons, any expansion of the WSCTC between the existing building and the McKay will require that the McKay be demolished.

At page 4, Exhibit 2.

24. DCLU secured no independent architectural analysis before reaching the conclusion on this point.

25. WSCTC's "original" concept included expansion to the west. Therefore, per the WSCTC architect, no alternative scheme was developed to the present proposal which calls for conventioners to exit via newly created stairways to the west. The Hearing Examiner therefore is unable to find that the demolition of the McKay is required for improved egress or for interior reconfiguration. Although less desirable alternatives may be available, e.g., exits through a substantially renovated McKay building, or exits through redesignated retail or other areas, the proposal is a desired alternative but not one that is required.

26. The proposed demolition of the McKay is not a new concept. The City Council previously found that the prior proposal was to demolish existing structures "including the McKay Apartments..." Exhibit 11, Council Finding No. 7, (1984). At Finding 15, the Council noted that "213 units of low income housing will be affected by the proposed project: 55 in the Charleston, 82 in the Eagles, and 76 in the McKay." In Re the Application of the Washington State Convention and Trade Center, cc-84-010, C.F. 293257 (1984).

27. When the WSCTC acquired the McKay in December 1988, the apartment building was in very poor condition. It showed, for example, fire damage, loose asbestos and other problems. The WSCTC entity purchased the McKay property for roughly \$9 million, but only after their understanding that the property could be used for Convention Center purposes. This understanding was based on issuance by the City Council of Resolution 27907. WSCTC read the Resolution to mean that all required housing preservation/mitigation would be satisfactorily accomplished with a \$750,000 payment to help fund the Oregon Hotel for housing. WSCTC paid the \$750,000.

28. The \$750,000 contribution will facilitate availability of 81 units, 26 of which will be for "extremely low income" in the Oregon Hotel.

29. WSCTC estimates that it will cost \$350,000 to demolish the McKay. They further estimate that with removal of the asbestos, remodeling of the McKay would approach \$1 million (\$12-14,000/unit). The Seattle Displacement Coalition challenges this renovation estimate by pointing to 1987 estimates by the Department of Community Development (\$3682 per unit) and by the WSCTC (\$10,000 per unit). None of these unit costs include land acquisition costs.

30. As noted above, WSCTC proposes a landscaped area for the remaining McKay site and for a portion of the area lying between the McKay and its south adjacent Eagles Building. WSCTC estimates landscaping costs at \$50,000 for the 11,350 sq. ft. area.

31. Although WSCTC's application to DCLU shows the present McKay site as a parking area, Exhibit 1, page 2, the present proposal here is for landscaped open space. That space may be the subject of subsequent applications for another, more intensive use in the future.

32. The WSCTC has contributed funds to maintain housing for low-income residents of downtown and other areas. WSCTC would claim a contribution of \$3 million. The Seattle Displacement Coalition would say the maximum is \$2 million since \$1 million was paid for alley rights that the City set aside for housing. The Displacement Coalition disputes the true or absolute value of WSCTC contributions overall and also questions the WSCTC commitment to housing preservation. Of particular note is the asserted "3 year neglect and abuse" of the McKay. (SDC showed that DCLU cited CHG and WSCTC for allowing the McKay to deteriorate. SDC further questioned suspension of enforcement of the "anti-abandonment law.") After considering the evidence on this point, the Hearing Examiner considers the issue as tangential. The Hearing Examiner therefore declines to further specify or enter findings on the charges and replies except as entered herein.

33. It is undisputed that homelessness is a major problem particularly in downtown Seattle. The Morrison Hotel Director estimates that Seattle's homeless population approximates 17,000 and that some 2500-3000 people each night are homeless. It is also undisputed that the homeless lifestyle is a stressful one exacerbated by health and economic concerns. Further testimony in opposition stressed the need for social integration (conventioners with downtown low income residents) and for humanity in scale and purpose. SDC submitted a petition of approximately 350 signatures in opposition to the planned demolition of the McKay.

34. The economic and traffic impacts, including peak traffic are reasonably expected to be within the range of impacts previously anticipated. For the original proposal, the WSCTC developed a Transportation Management Plan (TMP) which was approved. The increased number of event days will increase local vehicular and pedestrian functions; however, the evidence of record shows that while TMP provisions may be activated more frequently, the requested expansion will create no need for a new transportation plan. Exhibit 12.

35. This Hearing Examiner enters no finding on the overall efficacy of the existing transportation plan particularly as it relates to present freeway traffic and access.

36. City Council approval of the initial WSCTC project was subject to several conditions. One series of conditions pertained to housing mitigation, i.e. the "Impacts of Project on Residential Development." The DCLU report, page 12, provides a succinct report of those conditions. Exhibit 2. See also Exhibit 6, letter from DCLU Director McLerran to Honorable Jane Noland, Chair, Council Housing and Human Services Committee.

37. Regarding parcels adjoining the WSCTC site, the Council approval required that 50 units of housing be rehabilitated within the Eagles Building within five years of issuance of the



WSCTC building permit. However,

As an alternative, these fifty units of very low income housing may be located elsewhere in the Downtown and First Hill areas...

Exhibit 11.

38. On May 27, 1986, the Council passed Resolution 27464, "A Resolution approving an alternative site for fifty units of very low-income housing required by the Council Conditional Use Approval for the Washington State Convention and Trade Center to mitigate indirect housing impacts." Exhibit 8. The reference was to 54 units in the Vine Court Apartments. (The project has been completed and a Certificate of Acceptance issued January 28, 1988.)

39. The Council approval named the McKay Apartments in several instances. It was provided, for example, that

Forty-five units of housing shall be constructed on one or more of the three parcels currently occupied by the vacant William Penn Hotel within three years from the date a demolition permit is issued by the City for the McKay Apartment Building...Prior to issuance of the demolition permit for the McKay Apartment Building, a bond, letter of credit, or other security...shall be provided in an amount sufficient to insure development of these residential units...

40. In another instance, Council provided as follows:

The WSCTC or the owner of the McKay Apartment building shall provide proof satisfactory to the Director of the Department of Construction and Land Use that the McKay Apartment Building shall be kept up and occupied until the necessary permits and approvals have been issued for the demolition and replacement use...

Exhibit 11.

41. December 27, 1988, the City Council passed Resolution 27907, "A Resolution approving alternatives to certain housing mitigation measures required by the Council conditional use approval for the (WSCTC)." The Resolution provided in particularly relevant part as follows:

WHEREAS, the Seattle City Council granted a conditional use permit for the development of the Washington State Convention and Trade Center; and

WHEREAS, the City Council, as a condition of its approval, required the Washington State Convention and Trade Center Corporation (WSCTC) to mitigate the indirect loss of residential units arising out of the location of the Convention Center at the freeway site; and

WHEREAS, among other housing mitigation provisions, the conditional use permit requires forty-five units of very low income housing, or in the alternative, the contribution of \$450,000 and 68 units of market housing; and...

WHEREAS, WSCTC has proposed to satisfy these housing obligations, through the contribution of \$750,000 toward the development of the Oregon Hotel project in the downtown area;...

Be it resolved...that...the City Council approves the Oregon Hotel project...and finds that the project will satisfy the remaining housing mitigation requirements

associated with the (WSCTC) and the demolition of the McKay Apartment building...

Site approval for the Oregon Hotel project shall not be construed as a waiver of any applicable permit requirements and that on (1) issuance of the certificate of completion for the Oregon Hotel project; or (2) posting of a bond, letter of credit or other security acceptable to the Director of the Department of Community Development, all housing mitigation requirements with respect to the WSCTC project, Eagles and McKay buildings shall be satisfied, and upon issuance of a master use permit for the expansion and conversion of the WSCTC, a demolition permit may be issued for the McKay Apartment building.

Exhibit 9.

42. The Seattle Displacement Coalition disagrees with applicant and DCLU on the effect of Resolution 27907. SDC urges that a permit requirement, which cannot be waived, is or should be preservation of the McKay.

43. The application to demolish the McKay preceded the effective date of the moratorium on demolition of downtown housing.

44. In the report presently before the Hearing Examiner, DCLU recommended a condition "to ensure compliance with Resolution 27907....," i.e. that

no demolition permit shall be issued for the McKay until: 1) issuance of the certificate of completion for the Oregon Hotel project; or 2) the posting of a bond, letter of credit or other security acceptable to the Director of the Department of Community Development...

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to the procedures of Title 23, Seattle Municipal Code.

2. The criteria for location and expansion of a public convention center were analyzed and reviewed in the former DCLU, Hearing Examiner and Council reports. Those criteria are now codified at Seattle Municipal Code Section 23.45.106F and appear in Exhibit 4 of this record.

3. The overall criterion, service of the public interest, is to be based on an evaluation of the adverse impacts against the public benefits. Per the legislation, the Council may "approve the facility only if it finds that public benefits outweigh the adverse impacts of the facility which cannot otherwise be mitigated."

4. The proposal to be reviewed is for the expansion of an existing use. Thus, the analysis should be more restricted. No relitigation of siting, economic impact or of other issues addressed by prior recommendations and decisions regarding this applicant are in issue.

5. Seattle Municipal Code Section 23.45.106F.2 specifies factors to be evaluated. The first concerns economic impacts. The expansion will decrease the amount of project retail space and attendant employees. On the other hand, the number of full-time WSCTC employees will increase from 66 to 71. The Hearing Examiner concludes in accord with the solid evidence of record that increased meeting room space will enhance marketability of the Convention Center and will therefore facilitate increased state and local tourism. The number of event days will increase from 136 to 148. This increase will yield secondary, positive impacts on the local lodging, hospitality, and transportation industry. The economic impact

criterion is met by the proposal.

6. The second evaluative criterion addresses public amenities "including...open spaces accessible to the public and improved pedestrian circulation systems." Seattle Municipal Code Section 23.45.106F.2.b. The present proposal calls for a substantial reduction in (public accessible) interior retail space from 74,300 to 42,000 sq. ft. The nature of the galleria will be altered.

7. The Hearing Examiner concludes that DCLU-recommended conditions reasonably address this diminished public amenity. A minimum of 900 sq. ft. of retail space is required for the fourth floor near the escalators or elevators. Second floor areas facing Pike would remain for retail use. Directional plaques are required to assist the public's identity and use of public areas. The International Meeting Place at the south end of the second floor would remain as a public space.

8. Further, regarding access, the Hearing Examiner concurs with DCLU's recommended change in the Operating Agreement hours of public access. The hours of public access through and around the facility should be 7:30 a.m.-7:00 p.m. weekdays and 11:00 a.m. - 6:00 p.m. on weekends. Hubble Place walkway and Union Street steps access would be permitted from 7:00 a.m.-7:00 p.m. daily. These hours and conditions will ensure that the Convention Center will be a "connective facility" through which members of the public will be able to traverse while enjoying public art displays, public spaces and various retail amenities. Flexibility in the hours would be allowed through the potential for modifications agreed to by WSCTC and the City of Seattle.

9. Of lesser benefit is the proposed landscaped area which will be of an unspecified tenure. The Hearing Examiner recommends adoption of DCLU revisions to the proposal including the recommendation to design the landscaped area as a "safe and comfortable place."

10. In sum, the project as conditioned will offer public, accessible spaces; improved signage; and an improved pedestrian linkage.

11. Regarding project relationship to its surroundings (height, bulk, scale, massing, aesthetics), there is some reasonable concern that the existing McKay building "squares off" the subject corner and provides some architectural variety. The proposal would demolish the McKay, extend the Convention Center some 35 ft. west and provide landscaping in the remaining area. The view to the new wall would be uninspiring notwithstanding the gradations of shading proposed.

12. On balance, however, the criterion is sufficiently met by the proposal. The height, bulk, scale and massing proposed will be compatible with immediate vicinity development. The 76,200 sq. ft. will be added to the 1 million sq. ft. center and spread through seven floors. The height increase will average 8-10 ft. on site and landscaping will increase. Seattle Municipal Code 23.45.106F.2.c.

13. The expansion of the facility will impact traffic, parking, street systems, transit and pedestrian circulation. 23.45.106F.2.d. This is because the number of event days will increase. There is no evidence of record, however, that the present systems, including the existing Transportation Management Plan, will be unable to respond to the comparatively minor increase in transportation demands.

14. Similarly, the impacts of the revision on noise and air quality will be relatively minor. Seattle Municipal Code 23.45.106F.2.g. Nor will local government, police, fire, utility and other functions be so adversely impacted that denial or further conditioning is required. Five new staff people and 76,200 sq. ft. will be added to the 1,000,000 sq. ft. area center. An increased number of event days will mean that more

visitors will be at the facility. However, no increase in population is expected beyond that originally projected. Seattle Municipal Code Section 23.45.106F.2.f. Nor will the cumulative effects be prohibitive. Section 23.45.106F.2.h.

15. Finally, Seattle Municipal Code Section 23.45.106F.2.e requires the Hearing Examiner and Council to consider the

Impacts of the facility on existing residential development in the vicinity of the project, including but not limited to, direct and indirect housing loss...

16. As proposed, the facility will expand westward, span the intervening alley and occupy much of the site presently occupied by the McKay Apartment building. The 72-unit McKay has been vacant since 1987. Estimates to renovate the facility vary. WSCTC asserts \$1 million; 1987 estimates are substantially less. The estimates do not include the land acquisition costs.

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18. Thus, the proposal would eliminate a potential for housing at the McKay site without review of options.

19. The question, however, is whether WSCTC's facilitation of housing at other sites serves to offset the impact of eliminating the McKay as a site for low income housing.

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...all housing mitigation requirements with respect to the WSCTC project, Eagles and McKay buildings shall be satisfied, and upon issuance of a master use permit for the expansion and conversion of the WSCTC, a demolition permit may be issued for the McKay Apartment building.

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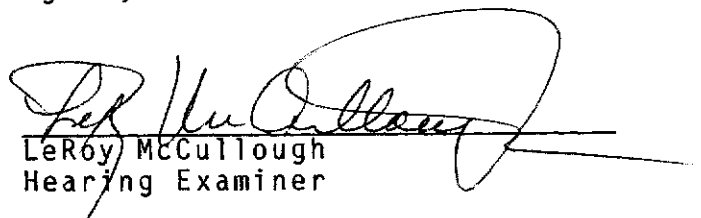
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#### Recommendation

In accord with the foregoing, the Hearing Examiner recommends that the Council conditionally approve the Council Conditional Use application.

Entered this 28th day of August, 1989.

  
Leroy McCullough  
Hearing Examiner

#### NOTICE OF RIGHT TO PETITION FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.