



### For consideration at Full Council

**Committee:** Sustainability & Transportation  
**Council Bill Number:** CF 312905  
**Short Title:** Petition of WSA Properties, et al. to vacate Occidental Avenue South  
**Full Council Date:** May 2, 2016  
**Analyst:** Dan Eder, Deputy Director

#### Overview

WSA Properties, et al. has applied for the vacation of Occidental Avenue South between South Massachusetts Street and South Holgate Street in order to facilitate the development of a 750,000 square foot 18,000-20,000 seat arena that can accommodate professional basketball and hockey games. Street vacations are reviewed by the City Council pursuant to the City's Street Vacation Policies and environmental policies, which are found in Clerk File 310078, and the State Environmental Policy Act (SEPA).

#### History of Legislation

On April 19, 2016, the Committee voted to recommend approval of the Clerk File by the Full Council.

**Yes** 4 (O'Brien, Burgess, Harrell, Johnson)  
**No** 1 (Bagshaw)

The Committee held a public hearing on the proposed Clerk File on March 15, 2016. Additionally, the Committee met to discuss and consider action on a recommendation on March 15, 2016; April 5, 2016; and April 19, 2016.

#### Majority Position (CMs O'Brien, Burgess, Harrell, Johnson)

According to the City's Street Vacation Policies, the Council may approve vacation requests if the Council decides that the vacation is in the public interest. The Street Vacation Policies provide for the analysis of three parts of the public's interest in the right-of-way: (1) the public trust, (2) land use impacts and (3) public benefits.

##### 1. Public Trust

The FEIS analyzed the circulation and access functions of the street to be vacated. Compared to nearby north-south avenues, Occidental Avenue S does not carry much traffic, and is primarily used to access adjacent properties or as a diversion route during times of congestion at nearby intersections. The vacation will not create any emergency access issues; however, the Seattle Fire Department has asked that access be maintained until abutting buildings are demolished. The FEIS notes that if a planned

private access drive along the east side of the property is made available to the Safeco Field garage and surface parking lot, access to and from that facility is enhanced.

According to the FEIS, negative effects of removing the street from the circulation system can be mitigated through (1) planned enhancements to Massachusetts Avenue South, (2) a new pedestrian bridge along S Holgate Street, (3) allowing traffic from the Safeco Field parking garage to use an access road on the east side of the site and (4) maintaining a wider than normal sidewalk in front of the Arena along 1<sup>st</sup> Avenue South clear of obstructions on event days. All of these mitigation efforts will be paid for by the applicant for the street vacation, ArenaCo.

According to the FEIS, as an underdeveloped industrial street, this block of Occidental Avenue S provides no significant light, air, open space or views to the general public. The resulting block configuration would be consistent with the large blocks found in the Duwamish Manufacturing/Industrial Center. The proposed Arena will provide a public plaza at the corner of 1<sup>st</sup> Avenue South and S Massachusetts Street and wide sidewalks with public seating along 1<sup>st</sup> Avenue South, providing more usable open space and mitigating any light, air or open space impacts of the vacation.

## 2. Land Use Impacts

This part of the analysis determines whether the proposed use is appropriate given the City's plans and the area's zoning.<sup>[1]</sup> Instead of two office buildings, which could be built under current zoning, one spectator sports arena would be built as a result of the vacation. The FEIS found no significant adverse land use impacts from the project.

The street vacation policies also state that the Council should consider whether a development project that is facilitated by a street vacation is consistent with land uses envisioned by the Comprehensive Plan. The Plan expressly states that the City's zoning should allow sports stadiums within the Duwamish Manufacturing Industrial Center.<sup>[2]</sup> The Council implemented that Plan policy when it adopted the Stadium Transition Overlay zoning district in 2000. Sports stadiums are a land use that is permitted outright within that zone.<sup>[3]</sup> Because the Plan specifically allows sports stadiums as a permitted use, the Arena is consistent with the land uses envisioned by the Comprehensive Plan.

## 3. Public Benefits

The proposed street vacation includes the following public benefits, which are illustrated in a presentation prepared for the Sustainability and Transportation committee meeting on April 19, 2016:

- A 31,800 square foot publicly-accessible open space, including public restrooms;
- A "living machine" to treat and allow for the reuse of blackwater and greywater on-site through biofiltration, with features to educate the public about the living machine;

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<sup>[1]</sup> Policy 4.

<sup>[2]</sup> Comprehensive Plan policy GD-P20.

<sup>[3]</sup> SMC 23.50.012.

- Street improvements along Massachusetts Avenue South, including moving the street bed north to better align the right-of-way with the exit to the Safeco Field parking garage and the right-of-way west of 1<sup>st</sup> Avenue South;
- Enhanced right-of-way improvements along 1<sup>st</sup> Avenue South, including off-site streetscape improvements;
- Enhanced right-of-way improvements along S Holgate Street, including off-site streetscape improvements;
- A public art program including permanent and temporary art on site and on the pedestrian bridge connecting the project site to 3<sup>rd</sup> Avenue S.;
- Off-site bicycle network improvements, including greenway improvements along Utah Avenue S, off-street bicycle facilities on S Holgate and S Atlantic streets, shared-use facilities on Occidental Avenue S and S Massachusetts Street, and a bicycle signal; and
- Off-Site wayfinding improvements including directional signs in 15 locations and a kiosk.

These public benefit features exceed requirements of the Code and the Street Improvement Manual and are not required for mitigation of environmental impacts under SEPA, nor are they required under the Memorandum of Understanding. All of these public benefits will be paid for by the applicant for the street vacation, ArenaCo.

Based on our analysis of the three considerations of public interest from our Street Vacation Policies, we believe the proposed street vacation of Occidental Ave South is in the public interest.

In addition to consideration of the street vacation policies, our decision is informed by the FEIS and SEIS and the substantive policies contained in the City's SEPA ordinance. The vacation should be approved subject to compliance with the mitigation conditions described in the SDOT recommendation and the conditions added by the City Council.

### **Minority Position (CM Bagshaw)**

I oppose the vacation of this portion of Occidental Avenue South. Without the assurance of an NBA team, without improved transportation conditions and the careful consideration of the impact on the Port, and without a serious look at the viability of a rebuilt Key Arena, we are giving away the store without getting the appropriate public benefits a project such as this should bring to Seattle. I urge you to reconsider your position on this and vote NO for the street vacation.

First, this vacation is not timely. When we negotiated the MOU nearly four years ago, we all believed that the Sacramento Kings would be sold to Mr. Hansen and Mr. Ballmer, and that our SuperSonics would return to Seattle. I admit that I shared the enthusiasm.

Since then, there has been a great deal of speculation but no team has materialized. Mr. Ballmer left the partnership and bought the Clippers. And, based on the NBA Commissioner's words, **they have no intention to** expand the NBA at this time, and there are no teams for sale.

Please refer to [this article](#) from the Seattle Times, published on Thursday, April 21, 2016. Commissioner Silver states, "***Whether or not the arena is shovel ready is not a factor that we are considering in terms of whether or not we expand at this point.***"

I know we are all getting considerable pressure from our favorite sports fans who believe "If Chris builds it the NBA will come." But the NBA tells us that's simply a fantasy. They have no intention of expanding no matter how much we wish for the return of the SuperSonics.

"The Club" is neither selling a team nor expanding the league for Mr. Hansen. So, why are we handing him a street vacation now?

Second, the proposed street vacation does not address the increased traffic problems that would impact buses, cars, and freight in SODO. The expected increase in traffic, the probable impacts on the Port and family wage jobs and the additional congestion on cars, buses and freight should not be ignored. The traffic problems are real on 1<sup>st</sup> Avenue and 4<sup>th</sup> Avenue right now; on any given game-day, congestion is bad. Add a Monday night football game, and Downtown traffic is at a stand-still. Imagine adding up to 200 more events in the SODO area without addressing congestion and we have a serious problem on our hands...for no conceivable benefit to the taxpayers, businesses, workers, or residents.

I believe this decision is truly an economic justice issue: why would we jeopardize middle class, family-wage jobs and quality of traffic throughput Downtown when there is no team and the proposal does not address the forecasted traffic problems?

Third, we have not given Key Arena a serious look on property that WE own. The recent AECOM study indicated that we can create an arena in which the NBA and NHL would love to play, and NBA commissioner Silver said he hasn't ruled out anything. "For me, it's a fresh start. Nothing's a closed deal," Silver said of a Key Arena renovation option. "Especially with what an arena renovation looks like these days compared to the old days. It's very different. And so, when somebody talks about renovating KeyArena — depending on how much was invested — it could look just like a new arena, frankly....."And so, the devil is in the details there."

Yes, the devil is in all of these details. Imagine how many people would be delighted to take light rail to Seattle Center when it is completed, in bold contrast to having to take a 20-minute walk from the proposed SODO arena site to light rail which will never get to 1<sup>st</sup> Avenue? Maybe you and I would walk that far on a dark and rainy night, but really --- how many others?

Lastly, while you are taking these arguments into consideration please re- read what the Port has written about their efforts to keep our trade-dependent region competitive with Prince Rupert, B.C. And please also re-read the letter signed by 36 legislators, urging us not to give away this street because "the site of the proposed street vacation represents the crossroads of international trade, manufacturing, and transportation interests that together form a key economic engine for our state."

Until an NBA team is assured, let's dig deeply into cost/benefit analysis raised in the AECOM study and seriously consider what could be done at Key Arena and what actions would promote Seattle Center. Let's consider the political implications with our partners at the Port, and with our friends in the legislature with whom we need to work.

Let's vote no on this street vacation. There's no legal obligation for the city to give up a street under this proposal at this time. We can do better when and if the time comes.

Thank you for reconsidering and doing what's best for Seattle, the Port and our taxpayers. Many thanks for your support and thoughtfulness.