

**IN THE MATTER OF THE PETITION OF WSA PROPERTIES, ET AL. TO VACATE  
OCCIDENTAL AVENUE SOUTH BETWEEN THE NORTH MARGIN OF SOUTH HOLGATE  
STREET AND A LINE PARALLEL AND 30 FEET SOUTH OF THE CENTERLINE OF SOUTH  
MASSACHUSETTS STREET IN THE SOUTH DOWNTOWN NEIGHBORHOOD OF SEATTLE**

**CLERK FILE 312905**

The City Council hereby grants conditional approval of the petition from WSA Properties, et al. (hereafter WSA or Petitioner) for the vacation of the Occidental Avenue South between the north margin of south Holgate Street and a line parallel and 30 feet south of the centerline of South Massachusetts Street in the South Downtown neighborhood of Seattle, described as:

**That portion of South Occidental Avenue South lying east of Block 320, and west of Block 319, Seattle Tide Lands, more particularly described as follows:**

**Beginning at the southwest corner of Block 319, Seattle Tide Lands, in King County, Washington, as shown on the official maps on file in the Office of Commissioner of Public Lands at Olympia, Washington;**

**Thence north 88°51'24" west along the westerly extension of the southerly line of said Block 319 for a distance of 30.00 to the centerline of Occidental Avenue South:**

**Thence north 88°49'39" west along the easterly extension of the southerly line of block 320 of said Seattle Tide Lands for a distance of 30.00 feet to the southeast corner thereof;**

**Thence north 01°08'29" west along the easterly line of said Block 320 and that portion of vacated South Massachusetts Street, City of Seattle Vacation Ordinance #117475 for a distance of 680.18 feet;**

**Thence south 88°50'27" east parallel and 30.00 feet southerly of the centerline of South Massachusetts Street 60.00 feet to the easterly margin of Occidental Avenue South;**

**Thence south 01°08'29" west 680.17 feet to the point of beginning.**

The street proposed for vacation includes approximately 40,811 square feet of right-of-way.

**FINDINGS**

- A. On March 7, 2013, WSA Properties, Inc. submitted a petition to vacate Occidental Avenue S. between S Massachusetts Street and S Holgate Street.
- B. The Seattle Department of Planning and Development (DPD) issued a Determination of Significance and Notice of Scoping on October 25, 2012 and on August 15, 2013

published a Draft Environmental Impact Statement (DEIS) analyzing the vacation of Occidental Avenue S and development of a multi-sport Arena. On May 7, 2015, DPD published a Final Environmental Impact Statement (FEIS) and on October 29, 2015, published an Addendum to that FEIS related to pedestrian impacts.

The FEIS found that the proposal would have no significant unavoidable adverse primary impacts to geology, air, water, scenic resources, noise, land use, historic and cultural resources, public services and utilities, street systems, public transportation, bicyclists, or bicycle corridors. The FEIS further found that the order of magnitude in change in traffic volumes associated with the proposal falls within the range of current event experience; there would be an increase in traffic volumes during peak conditions on event days, which would occur more frequently with an arena. On event days, delays to freight traffic may occur as a result of additional arena traffic, just as current delay occurs presently on event days. On event days, increased parking demand would occur as it does on current event days. Increased frequency of events and the proximity of the arena to the S Holgate Street rail crossing would increase the potential for conflict between pedestrians and rail, east of the site. Potential mitigation measures for those impacts were identified by the FEIS, and have been incorporated into the conditions for the street vacation.

- C. The Seattle Design Review Board held a number of public meetings to provide Early Design Guidance and to review the final proposed design of a multi-sport Arena, and on September 1, 2015 recommended approval of the proposed design and departures with conditions. Those conditions are required to be resolved before the Master Use Permit can be issued for the project.
- D. The Seattle Design Commission held a number of public meetings to review the urban design merit and the public benefit features related to the requested street vacation and on September 3, 2015 recommended conditional approval of the street vacation. Recommended conditions related to additional review of the Public Art Plan and of the permanent and programmable elements of the Plaza and Living Machine. Those conditions have been incorporated into the conditions for the street vacation.
- E. Based on review of the proposed vacation by the Seattle Design Commission, the Seattle Design Review Board, the FEIS and its addendum, review by City Departments and public and private utilities, comments from members of the public, the Port of Seattle, the Washington State Public Stadium Authority, the Washington State Major League Baseball Stadium Public Facilities District, the Seattle Mariners, First and Goal, Inc., on November 30, 2015, the Seattle Department of Transportation made a recommendation to approve the street vacation with conditions.
- F. On February 8, 2016, the City Council adopted Resolution 31650, setting March 15, 2016 as the date for a public hearing on the requested vacation. The Seattle City

Council's Sustainability and Transportation Committee held a public hearing held on March 15, 2016.

- G. The City Council has reviewed the recommendation provided by the Seattle Department of Transportation (SDOT), the Street Vacation Policies, the City's SEPA Ordinance, the comment letters and other documentation provided by community members and interested parties, the file forwarded by SDOT which contains the material from the review of the vacation petition, including all comment letters received.
- H. The City Council accepts and adopts the recommendation and analysis provided by SDOT as amended by the conditions. The City Council has determined that the petition is consistent with the Street Vacation Policies and that there is a compelling reason to grant the vacation; the development of sports and event arena to provide a facility for professional sports and concerts and other activities. The vacation serves the public interest in a significant way by creating a development site of sufficient size to accommodate the proposed arena.
- I. In reaching its decision the City Council has balanced all of the policy guidance and criteria outlined in the Street Vacation Policies. The Policies provide for three areas of review including:
  - 1. Protection of the public trust, defined as providing for circulation, access, utilities, light, air, open space, and views. The City Council has determined that the impacts from loss of the portion of the street and the subsequent development of the site are not significant and can be adequately mitigated.
  - 2. Protection from adverse land use impacts, defined as assuring that the project is consistent with City policies. The City Council has determined that the development of the project is consistent with the Comprehensive Plan goals, the Stadium Overlay District, and the zoning.
  - 3. Provision of public benefit, defined as providing a long-term public benefit for the general public. The City Council has determined that the public benefit proposal is adequate as balanced with what is achieved by the Petitioner.

Now, therefore, the vacation is granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate, to the satisfaction of the City, that all conditions imposed on the vacation by the City Council have been satisfied: all utility work relating to the vacation including easements or other agreements is completed; all public benefit elements have been provided; any other agreements or easements have been completed and recorded as necessary; and all fees paid, prior to the passage of the street vacation ordinance.

## **CONDITIONAL APPROVAL**

The vacation shall be granted upon the Petitioner meeting the following conditions. The Petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted solely to allow the Petitioner to build a project substantially in conformance with the project described in the Memorandum of Understanding (MOU) approved by Ordinance 124019 and reviewed by the City Council and for no other purpose.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation through a Street Improvement Permit.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted may include:
  - DOIT
  - SPU Sewer
  - SPU Water
  - PSE Gas
  - Seattle City Light; and
  - CenturyLink Communications.
4. Pursuant to the Street Vacation Policies, conditional approval of the vacation petition is effective for five years from the date of City Council conditional approval. The Petitioner shall meet all of the conditions imposed on the vacation, to the satisfaction of the City, within the five-year time frame. The Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, which describe the status of: the development activity, the development schedule, and Petitioner's progress toward meeting the vacation conditions. The Seattle Department of Transportation shall determine that all conditions imposed by this vacation have been satisfied, and that all fees required by City departments have been paid before the Petitioner may request or the Seattle Department of Construction and Inspection may issue a Final Certificate of Occupancy.

5. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
6. The Petitioner shall develop a parking garage in order to provide the Code-required parking for the facility. Parking should be developed in a multi-level parking structure across Holgate Street to the south of the project, on a site controlled by the Petitioner. It is anticipated that approximately 1,750 stalls would be provided; the exact number of parking stall will be determined by the formula in Seattle Municipal Code (SMC) 23.54.015, Table A. The size of this parking facility would be reduced to the extent alternative dedicated parking in the vicinity becomes available for use by the project as determined by the Master Use Permit. The Petitioner should work to identify parking opportunities for event staff in areas that do not compete with event attendee parking. The provision of parking shall include accommodation for modal options such as vanpools and other share transportation options (Uber, Lift, car2go, etc.) to the extent practicable. The Petitioner will be required to participate in the City's e-Park Program and should:
  - Provide a centrally coordinated event parking program that would allow fans to reserve and pre-purchase parking passes at convenient facilities;
  - Pre-sell parking and incorporate it as part of ticket packages.
7. The Petitioner shall provide for a new traffic signal at South Walker Street and 1<sup>st</sup> Avenue South should traffic warrants be met by the arena and the proposed parking garage.
8. The Petitioner is required to provide a pro-rata monetary payment to the South Lander Street Grade Separation Project based impacts identified in the FEIS. The amount of payment will be determined at a later date when the Lander Street project moves forward and may not be known until after completion of the vacation process.
9. The Petitioner shall develop a pedestrian bridge at South Holgate Street to provide a grade-separated means for event patrons and the general public to cross the rail lines in South Holgate Street. The pedestrian bridge shall provide for pedestrians and bicycles and shall be ADA compliant. The dimension, ramps, and location must be generally consistent with the pedestrian bridge presented to SDOT and to the Design Commission. In addition to SIP review, the pedestrian bridge will require a term permit from SDOT and an indemnification agreement. Development of the pedestrian overpass may require pedestrian enhancements at 4<sup>th</sup> Avenue South such as additional pedestrian lighting. Timing of implementation of the pedestrian bridge, and interim

shuttle service pending bridge completion, shall be set forth in the Master Use Permit decision for the project.

10. Both Safeco Field and CenturyLink Field currently operate in the Stadium District Overlay area. The Operators of those facilities (defined below) are party to an existing event scheduling agreement designed to minimize conflicts between events at their respective facilities. The Arena, if approved and constructed, will bring an additional event venue to this area. Arena events shall be scheduled according to the requirements outlined below in order to minimize overlapping events and to avoid conflicts between egress and ingress of same-day events at the several facilities. Under Section 21 of the MOU, ArenaCo is required to coordinate with the Seattle Mariners, the Seattle Sounders and the Seattle Seahawks, as well as the Washington State Public Stadium Authority ("PSA", the owner of CenturyLink Field) and the Washington State Major League Baseball Stadium Public Facilities District ("PFD", the owner of Safeco Field), to minimize the number of conflicting and overlapping events held at the existing stadiums and the proposed Arena. Event scheduling at the Arena shall comply with the following:

1. The Arena may schedule events, sporting or otherwise, of up to 5,000 attendees (cumulative total, if multiple smaller events at the Arena overlap) without regard to the scheduling requirements herein.
2. No Major Event at the Arena may start between 4pm and 7pm on a Weekday. The Seattle Department of Transportation may grant exceptions if required for playoffs or "premier" events (national or international), such as an All-Star Game, NCAA tournament game, etc., or otherwise up to three times per year if there are no Overlapping or Sequential Events at another venue.
3. No Major Event may occur at the Arena at any time where the Arena Major Event would overlap with both a Major Event at Safeco Field and a Major Event at CenturyLink Field, if the reasonably anticipated combined attendance at the Arena, Safeco Field and CenturyLink Field would exceed 45,000 attendees if on a Weekday and 55,000 attendees if on a Weekend. If the Arena has a Major Event that overlaps with Major Events at both Safeco Field and CenturyLink Field and is permissible because combined attendance is below these limits, the Arena will coordinate with the Operators of the other venues and with the City of Seattle on a traffic plan to manage the traffic flow in the best way possible.
4. Additional Rules for NBA Games:
  - a. For pre-season games: No NBA pre-season game may be scheduled as an Overlapping Event with an MLB, NFL or MLS regular season or post-season

home game at either CenturyLink Field or Safeco Field if the reasonably anticipated combined attendance at the several venues involved would exceed 45,000 on a Weekday, or 55,000 on a Weekend.

b. For regular season games:

i. No NBA regular season game may be scheduled as an Overlapping Event with (w) any Seahawks home game, (x) the Mariners' season home opener, (y) any Sounder's home game with an anticipated attendance of 45,000 or greater on a Weekday or 55,000 or greater on a Weekend, or (z) any other Major Event at CenturyLink Field with an anticipated attendance of 45,000 or greater on a Weekday, or 55,000 or greater on a Weekend.

ii. The Arena will make best efforts working with the NBA to avoid scheduling regular season home games as Overlapping Events with Mariners or Sounders home games or Major Events at CenturyLink Field (other than those specifically prohibited in 4.b.i above), recognizing that this may not be possible in all instances. To assist this, the Operator of Safeco Field and the Operator of CenturyLink Field will be asked to provide the Arena with a draft schedule as soon as it is reasonably reliable. In addition, the Arena shall provide the Operator of Safeco Field and the Operator of CenturyLink Field with a draft schedule as soon as it is reasonably reliable. The operators of the three venues are encouraged to coordinate on schedule setting. If the Arena is unable to avoid scheduling an Overlapping Event, the NBA game will start at least one hour after the start time of the Mariners or Sounders game or other Major Event at CenturyLink Field, and the Arena and the Operator of the venue involved will work together with the City of Seattle on a traffic plan to manage the dual event in the best way possible. The one-hour start time delay may be reduced to 30 minutes if mutually agreeable to the Operators of the venues involved, and approved by the City of Seattle.

c. For playoff games: It is assumed that NBA playoff games cannot be changed or rescheduled, and will proceed as the NBA dictates. If an Overlapping Event is unavoidable, the Arena will work together with the Operator of the venue involved and the City of Seattle on a traffic plan to manage the dual event in the best way possible. Staggered start times of at least one hour will be required, but may be reduced to 30 minutes if mutually agreeable to the Operators of the venues involved, and approved by the City of Seattle.

5. Additional Rules for Events Other than NBA Games:

- a. On a Weekday, an Arena Major Event (excluding NBA games, which are addressed in Section 4 above) cannot be scheduled as an Overlapping Event with a Major Event at Safeco Field or a Major Event at CenturyLink Field if the reasonably anticipated combined attendance at the venues involved would exceed 45,000.
  - b. On a Weekend, an Arena Major Event (excluding NBA games, which are addressed in Section 4 above) cannot be scheduled as an Overlapping Event with a Major Event at Safeco Field or a Major Event at CenturyLink Field if the reasonably anticipated combined attendance at the venues involved would exceed 55,000.
  - c. If the Operators of CenturyLink Field and Safeco Field provide the Arena with a schedule of non-sport Major Events at their respective venues at least 90 days in advance of such events, the Arena will make best efforts to avoid scheduling Major Events at the Arena as Overlapping Events with the identified events at Safeco Field or CenturyLink Field.
6. In the case of Sequential Events, the Arena shall ensure it allows at least 3 hours between the projected end of the first event and the scheduled start time of the second event.
  7. If the Arena becomes the host venue for a professional sports team other than an NBA team, the Additional Rules for Events Other than NBA Games shall apply until such time as the Arena can reach a mutually agreeable revision to these scheduling requirements with the Operators of CenturyLink Field and Safeco Field.
  8. Definitions Used:
    - a. *CenturyLink Field*: CenturyLink Field and Event Center, including the WAMU Theatre.
    - b. *Major Event*: an event of any kind with a fixed starting or ending time and which is reasonably anticipated to generate an aggregate attendance of 5,000 or more at the venue specified.
    - c. *Operator of CenturyLink Field*: the party granted authority to operate CenturyLink Field by the PSA, currently First & Goal Inc., which party shall have responsibility for coordinating with the Seahawks and Sounders.

- d. *Operator of Safeco Field*: the party granted authority to operate Safeco Field by the PFD, currently The Baseball Club of Seattle, LLLP, which party shall have responsibility for coordinating with the Mariners.
- e. *Overlapping Event*: an Arena Major Event that overlaps in time with a Major Event at Safeco Field or a Major Event at CenturyLink Field. Overlaps occur when the scheduled start time of one event is prior to the projected end time of another event.
- f. *Sequential Event*: an Arena Major Event that occurs on the same day, but not overlapping in time, with a Major Event at Safeco Field or Major Event at CenturyLink Field.
- g. *Weekday*: Monday through Friday, not including Seattle city holidays.
- h. *Weekend*: Saturday, Sunday or Seattle city holidays.

These scheduling requirements shall be incorporated in the MUP decision for the project, if approved. The Arena and the other teams and venues are encouraged to enter into further scheduling agreements that adopt and provide further detail to implement these requirements. The Seattle Department of Transportation may, from time to time, approve exceptions to these requirements for individual events if agreeable to Petitioner and to the Operators of CenturyLink Field and Safeco Field. These requirements may only be modified if agreeable to Petitioner and to the Operators of CenturyLink Field and Safeco Field, and approved by the Seattle Department of Transportation and Seattle Department of Construction and Inspections.

11. The Petitioner shall develop and implement a Transportation Management Plan (TMP), subject to the conditions set forth in the Master Use Permit (MUP) decision for the project in order to reduce and manage vehicular traffic and parking demand associated with the Arena as disclosed during the EIS process. The TMP shall include specific goals, objectives, and strategies to reduce the number of vehicles that travel to the venue, and facilitate and promote alternative transportation options to and from the arena. The TMP goals shall be established and included as specific conditions of approval of the MUP decision, and shall include two measures: a maximum number of vehicles per thousand attendees, and a transit mode split for weekday, weeknight and weekend events. The TMP goals shall be reviewed and adjusted over time to be commensurate with the level of transportation infrastructure and transit service, including rail, to and from the arena.
12. In addition to the goals, objectives, and strategies outlined in the TMP, the Petitioner should work on innovative Intelligent Transportation System (ITS) upgrades in the vicinity of the arena. The ITS elements should include:

- Participation in the e-Park program and integration of the parking garage entrance/exit into the signal system;
  - Help pay for advanced signal timing progression which allows signals to communicate with other signals based on data input, and Closed Circuit Television (CCTV) at three intersections (1st Avenue South & South Holgate Street; 1st Avenue South & South Massachusetts Street; and 4th Avenue South & South Holgate Street); and
  - Help pay for other ITS investments in the SODO area; this would likely include Dynamic Message Signs (DMS), Closed Circuit Television (CCTC), advanced signals and new technology as it develops.
  - Specific requirements for ITS contributions shall be identified in the Master Use Permit decision for the project.
13. The Petitioner shall, within one year after occupancy by a major tenant, be required to evaluate traffic conditions, assess the effects of arena-generated traffic on area intersections, conduct a comprehensive travel survey to better understand travel behavior of arena visitors and assess the transit service operations before and after events. The information will be provided to DPD and SDOT to determine whether the mitigation goals and strategies specified in the MUP must be adjusted either upward or downward. Following that assessment, the TMP, including goals, demonstrated performance, and strategies will be reviewed by the Parking and Access Review Committee (PARC) annually, similar to the reviews for the existing Safeco Field and CenturyLink Stadium. Goals shall be reviewed and strategies adjusted at least every 5 years to reflect goals commensurate with the transportation infrastructure and transit/rail service to and from the arena.
14. The Petitioner shall be required to participate as a member of the Parking and Access Review Committee (PARC), which was established to monitor TMP implementation for both Safeco Field and CenturyLink Stadium, to review their annual TMP reports and proposed TMP program changes and now should include the participation of the proposed arena.
15. In addition to the goals, the TMP, as set forth in the MUP conditions, should also include specific measures and strategies for meeting those goals, including but not limited to event coordination protocols and management strategy, event access guide, incentives, communication, marketing and outreach. Measures and strategies may include, but are not limited to:
- Communications, Marketing, and Outreach:
    - A dedicated public information coordinator to ensure accurate and consistent travel information provided over several medium;

- An Arena call center with a central phone number specifically for transportation and access, parking information and referral;
- A webpage that is up to date and easy to use incorporating information on multi-modal transportation options to the arena;
- An Event Access App to provide advance planning and real time travel options providing a range of information and links to alternate transportation modes to real-time information regarding congested routes and alternative access;
- An Event Access and Parking Guide listing alternatives to driving, parking areas that offer carpool incentives, neighborhood dinner/parking promotions and other programs to assist ticket holders with options for traveling to and from the area;
- Cross marketing with area businesses to extend arrival and departure times of fans traveling to and from the area;
- Use social media and mass email broadcasts to provide alerts of travel options and incidents and real-time congestion issues;
- Use of broadcast advisory to actively promote alternative modes of travel in advance of games and major events, and to provide real-time information within four hours prior to an event. Real-time information should be coordinated with WSDOT and SDOT traffic control centers;
- Provide direct notice to all affected area business and residents concerning event schedules, including periodic updates as necessary to inform about revisions to the schedule.
- Alternative Transportation Modes:
  - Coordinate with King County Metro and Sound Transit to identify express bus service that connects Park-and-Ride lots in Northgate, South Kirkland, Eastgate, and Federal Way with off-loading in the vicinity of the arena. Use under-capacity return routes at the end of the commuter peak. Stage coaches on Occidental Avenue north of the arena or south of Holgate;
  - Operate fixed route shuttles on a fixed headway that link the arena site to the Washington State Ferry Terminal, Link Light Rail, and Transit Stations;
  - Work with King County Metro, Sound Transit, and Washington State Ferries to offer attendees a discount to regular fares to encourage use of these travel modes;

- Work with neighborhood businesses and service providers to develop packages that involve meals, event admission, and charter bus transportation or for rail/lodging/meal packages with tickets for events at the arena;
- Work with Sound Transit to increase the capacity from two to four cars of regularly scheduled Link Light Rail prior to and following events, as feasible;
- Work with Washington State Ferries to promote use of ferries from Bremerton and Bainbridge. Explore the feasibility of operating a shuttle between the ferry terminal and the arena during winter months;
- Work with King County to extend ferry passenger service to and from West Seattle on major event days, as feasible;
- Discourage driving to events, except for carpools/vanpools. Provide high occupancy vehicle (rate to be determined in TMP) promotions such as parking or reserved parking at reduced rates in parking facilities close to the arena.
- Ensure easy access to bicycle parking racks and include a provision for a bicycle valet during events. If warranted, portable bike racks could be added during certain events.
- Work with the City to purchase and install at least 2 PRONTO bikeshare stations in the vicinity of the arena.
- Clearly identify areas within walking distance, north and south of the arena to accommodate buses, limos, and shared vehicles and passenger drop-off and pick-up.
- Specific TMP measures shall be identified in the Master Use Permit decision for the project.

16. The project shall conform to the following conditions that were imposed as part of the Safeco Field vacation of Occidental Avenue South:

- The Petitioner shall provide a community liaison position during the construction and operation of the arena. This role shall be filled by a person who is fully responsible for carrying out the task. This person will work with the neighboring businesses and residents to resolve traffic, parking, noise, and other environmental, construction, and operational issues arising from the project. This person will also be available to answer questions and keep the arena operator informed as to community issues. The liaison's contact information shall be distributed to neighborhood groups and stated on the project's website.
- Security and Emergency Access Plan. The Petitioner shall provide the city with a plan detailing security and emergency access procedures. The arena shall pay

the cost of developing such plan and shall coordinate with the Seattle Police Department, Seattle Fire Department, and other government agencies and adjacent communities. The plan, at a minimum, shall address security on adjacent streets before and after games and events, security at arena parking locations, emergency access to the arena and to the surrounding communities, and additional measures necessary for dual events. The emergency and security plan must be approved by SDOT and the plan shall be in place prior to the issuance of a C of O for the arena. A summary of the plan shall be publicly available and any substantive changes to the plan shall be publicized. The plan may be modified with approval by the Fire Chief.

- The Petitioner shall pay for equipment and services for security, emergency response, and crowd control that are over and above what is provided in the absence of arena events. Examples of such equipment and services include but are not limited to having crowd control around the arena, having paramedics on-site, and having adequate security inside the arena during events. When such equipment and services are provided by the City of Seattle, the arena shall reimburse the City annually for costs incurred by the City.
- Clean Up Plan. The Petitioner shall provide the City with a plan detailing clean-up procedures following games and events. The arena shall pay the costs of developing such a plan and shall coordinate with the City and the adjacent communities in preparing the plan. The arena shall review the area within a 3,000-foot radius from the arena site. Major pedestrian and vehicular routes shall be identified and a specific clean-up program with a defined radius and routes shall be prepared. The arena shall pay the costs of the clean-up activity after arena events. The arena is encouraged to provide such clean-up services by coordinating with the existing community clean-up programs/MID in Pioneer Square and/or the International District, or with the SODO BIA. The plan must be approved by SDOT and shall be in place prior to the issuance of the final C of O for the arena. The plan may be modified with the approval of SDOT.

17. The Petitioner shall develop and maintain the public benefit elements described below.

The Petitioner shall execute and record a Property Use and Development Agreement (PUDA) or other binding mechanism that ensures that the public benefit elements are open and accessible to the public 24 hours a day, except that temporary closures are permitted for reasons such as maintenance, safety, or to provide private functions. The PUDA shall describe maintenance obligations for the public benefit elements. The PUDA shall describe the approximate square footage dimensions of public benefit elements.

The Petitioner is required to allow free speech activities at the Arena Plaza. Those activities include but are not limited to hand billing, signature gathering, and holding

signs. The Petitioner may not ask persons engaged in free speech activities to leave the Plaza unless those persons are obstructing access to the Arena or adjacent areas, or unreasonably interfering with enjoyment of those spaces by others. The Petitioner shall provide signage that identifies areas open to public access and that describes free speech activity that is permitted. The signage is subject to approval by SDOT.

Additional Design Commission review is required for review of the Public Art Plan and of the permanent and programmable elements of the Plaza and Living Machine. When developing and implementing the Public Art Plan the Petitioner shall seek recommendations from artists, tribes and tribal artists from the area and across the state, and other members of communities in the vicinity of the Duwamish Manufacturing/Industrial Center (MIC), including the Chinatown/International District, Beacon Hill, Georgetown, South Park, and Delridge neighborhoods.

The final design of the public benefit elements requires review and approval by SDOT. SDOT may request additional review by the Design Commission of the implementation of the public benefit elements, pedestrian enhancements, or the final design of 1st Avenue South. Public benefit elements located in the right-of-way require street use permits and indemnification agreements. The Petitioner is required to place markers in the sidewalk to demarcate public and private areas. The public benefit elements are:

<b>Public Benefit</b>		<b>Description</b>
<b>On Site</b>		
1	Living Machine	<ul style="list-style-type: none"> <li>• On-site gray and black water treatment and reuse with 4 million gallon capacity</li> <li>• Explore the feasibility of including additional capacity to allow future other users to connect in a “District” fashion</li> </ul>
2	Arena Plaza	<ul style="list-style-type: none"> <li>• 31,800 s.f. of publicly accessible neighborhood open space               <ul style="list-style-type: none"> <li>○ 2 water features</li> <li>○ 2 drinking fountains</li> <li>○ Pedestrian lighting achieving 1 foot candle average</li> <li>○ 300 l.f. of permanent public seating</li> <li>○ Temporary public seating per programming needs</li> </ul> </li> </ul>

Public Benefit		Description
		<ul style="list-style-type: none"> <li>• Plaza will include public programming for non-event days with focus on equitable programming <ul style="list-style-type: none"> <li>○ Plaza includes utility connections (water, power) to facilitate programming flexibility</li> <li>○ 500 s.f. event storage space for programming in arena building</li> </ul> </li> <li>• Provides access to arena public restrooms during non-event days to facilitate programming</li> </ul>
3	Public Art Plan	<ul style="list-style-type: none"> <li>• Art Program Budget is 1.5% of total project cost <ul style="list-style-type: none"> <li>○ Program led by collaborating/lead artist</li> <li>○ Art will be coordinated between arena building and pedestrian bridge</li> <li>○ At least 1 piece of anchor art in plaza shall be provided with the participation of artists from communities in the vicinity of the Duwamish MIC as well as tribes and tribal artists from the area and across the state,</li> <li>○ Several other pieces of permanent integrated art</li> <li>○ Temporary artworks, installations, programming as part of Art Plan</li> <li>○ Project cost defined as construction cost plus consultant fees</li> </ul> </li> </ul>
Adjacent Public R.O.W.		
4	S. Massachusetts ROW Realignment and Curbless Street	<ul style="list-style-type: none"> <li>• Dedication of 2,400 s.f. of private property to public ROW</li> <li>• Creation of curbless street between 1<sup>st</sup> and Occidental <ul style="list-style-type: none"> <li>○ 16,000 s.f. of concrete and granite resurfacing, drainage, channelization and new signage</li> <li>○ 15 street trees</li> <li>○ 20 linear feet of seating</li> <li>○ Pedestrian lighting 1 foot candle average</li> </ul> </li> </ul>

Public Benefit		Description
5	1 <sup>st</sup> Ave S. Improvements on Property Frontage	<ul style="list-style-type: none"> <li>• Expanded and upgraded pedestrian streetscape, includes: <ul style="list-style-type: none"> <li>○ Rain garden/swale</li> <li>○ Pedestrian lighting 1 foot candle average</li> <li>○ Permanent pedestrian seating</li> </ul> </li> </ul>
6	S. Holgate Improvements on Property Frontage	<ul style="list-style-type: none"> <li>• Enhanced pedestrian streetscape, subject to SDOT design of S. Holgate St., includes: <ul style="list-style-type: none"> <li>○ Rain garden/swale</li> <li>○ Pedestrian lighting 1 foot candle average</li> </ul> </li> </ul>
<b>Off-Site Benefits</b>		
7	Implement Bicycle Master Plan Improvements	<ul style="list-style-type: none"> <li>• Complete public bicycle facilities from existing waterfront trail to arena site to Starbucks</li> <li>• Improvements implement the Bicycle Master Plan <ul style="list-style-type: none"> <li>○ Improve Atlantic Street multi-use trail (600 l.f.)</li> <li>○ Complete and repave Utah Avenue Neighborhood Greenway from S. Atlantic St. to S. Stacy (2,800 l.f.)</li> <li>○ Complete S. Massachusetts multi-use trail (175 l.f.)</li> <li>○ Complete S. Holgate St. multi-use trail (160 l.f.)</li> <li>○ Bicycle wayfinding signage (12+ signs)</li> <li>○ Bicycle signal at S. Atlantic St. Crossing to Waterfront Trail</li> </ul> </li> </ul>
8	S. Massachusetts ROW between Utah and 1 <sup>st</sup> Ave	<ul style="list-style-type: none"> <li>• Realignment of street, construction of curb &amp; gutter, drainage, channelization and signage on both sides of S. Massachusetts St. <ul style="list-style-type: none"> <li>○ 12,500 s.f. of new asphalt resurfacing, curb &amp; gutter, channelization and signage</li> <li>○ 8 street trees</li> <li>○ 2,600 s.f. of rain garden/swale</li> </ul> </li> </ul>

Public Benefit		Description
9	S. Holgate St. off-site (south side of S. Holgate)	<ul style="list-style-type: none"> <li>• Street realignment, asphalt resurfacing and repair, channelization and signage, per SDOT direction <ul style="list-style-type: none"> <li>○ Drainage improvements as required</li> <li>○ Sidewalks</li> <li>○ Rain garden/swale</li> <li>○ 8 street trees</li> </ul> </li> </ul>
10	1 <sup>st</sup> Ave. S. between S. Massachusetts and Edgar	<ul style="list-style-type: none"> <li>• Construct new frontage improvements per SDOT approval <ul style="list-style-type: none"> <li>○ New sidewalks</li> <li>○ Street trees</li> <li>○ Rain garden/swales</li> <li>○ Pedestrian lighting at 1 foot candle average</li> </ul> </li> </ul>

18. The Petitioner shall allow use of the Arena plaza for public events that are approved by the City. The Petitioner shall allow no fewer than 12 events per year. The Petitioner is not required to allow events that conflict with scheduled events or “hold dates.” The Petitioner may not charge a use fee for use of the Plaza but may charge a fee to pay for additional costs incurred by ArenaCo to accommodate the event.

19. The Petitioner shall construct and maintain a paved north-south road along the east side of the proposed Arena site, between South Holgate Street and the extension of South Massachusetts Street, parallel to the proposed vacated Occidental Avenue South. The primary, but not exclusive, purpose of the road is to provide access to the Arena parking and loading areas. The road shall also provide public vehicular access to the Safeco Field garage and Safeco Field surface parking, emergency and service vehicle access to the Arena and Safeco Field sites, and vehicular staging and access for Major Events at CenturyLink Field and CenturyLink Field Event Center. The road shall have a driving surface of at least 20 feet in width. The Arena shall keep the access road clear of obstacles, including parked vehicles, at least three hours before through at least two hours after any scheduled event that is anticipated to generate 500 or more cars in the Safeco Field garage/surface parking area and during load in and load out dates for Major Events at CenturyLink Field and CenturyLink Field Event Center; however, the access road may continue to be used for customary Arena use not creating an obstruction during these periods. Prior to the final street vacation approval by the City Council or the issuance of a certificate of occupancy for the Arena (whichever comes first), the Petitioner shall execute and record a permanent, non-exclusive

access easement containing these terms for the benefit of the Washington State Major League Baseball Stadium Public Facilities District and Washington State Public Stadium Authority properties.

20. It is the Council's intent that the Occidental Avenue South vacation fee will be fully allocated to the SODO Transportation Infrastructure Fund to be used to fund transportation improvements in the area south of Downtown Seattle, as provided in the MOU.
21. The Petitioner shall work with the Seattle department of Transportation to improve the illumination along the Key Pedestrian Routes with "Minimal" or "Poor" illumination as shown on Figure 2-53 of FEIS Appendix E - Transportation. Petitioner shall pay to improve lighting on these routes so that there is at least a 1 foot-candle average illumination along each block face.
22. **1st Avenue S. Street Frontage** – a pedestrian zone necessary to accommodate pedestrian flows shall be maintained on the east side of 1st Avenue S. between S. Massachusetts Street and S. Holgate Street, as follows:
  - a. 23 feet of contiguous unobstructed (no permanent intrusion) walking surface shall be provided between the building façade and any landscaped/tree/permanent street furniture zone;
  - b. The 23-foot unobstructed space may be located within the public right-of-way (public sidewalk) or on a combination of public sidewalk and private property;
  - c. **On days with events in excess of 15,000 attendees** (inclusive of the proposed Arena and all stadia and exhibition halls to the north) the 23-foot pedestrian zone shall be kept free of all temporary obstacles (such as chairs, tables, etc.) to allow for unimpeded pedestrian flow;
  - d. **On low-attendance event days** (equal to or less than 15,000 attendees at the Arena and all stadia and exhibition halls to the north) the required unobstructed pedestrian zone shall be a minimum of 18.5 feet. Any use of public sidewalk area for outside dining (tables, chairs, railing, etc.) must be approved through a street use permit issued by SDOT and will not be allowed to encroach upon the required minimum 18.5-foot pedestrian zone.
  - e. **On non-event days** (inclusive of all stadia and exhibition halls) the required unobstructed pedestrian zone shall be a minimum of 10 feet.
23. Occidental Avenue S shall not be altered and shall remain open for transportation purposes, including vehicles, pedestrians, and bicycles, until a construction management plan is approved by the Seattle Department of Construction and Inspections and all buildings on the blocks adjacent to Occidental Avenue S north of S

Holgate Street and south of S Massachusetts Street are demolished, or until the Seattle Fire Department approves closure of the street.

24. The Petitioner may not construct or operate the Arena in a manner that requires it to seek a permit from SDOT for any temporary closure of South Massachusetts Street that does not leave at least two travel lanes on S. Massachusetts St. east of 1st Ave. S open at all times. If the Petitioner seeks to close any other portion of S. Massachusetts St. for construction of the Arena and its associated improvements, the closure must be approved by a street use permit issued by SDOT. Before applying for a street use permit, the Petitioner shall consult with the operators of Safeco Field and CenturyLink Field and CenturyLink Field Event Center to determine if the proposed temporary closure would impair access to the Safeco Field driveway or impair access and staging for CenturyLink Field and CenturyLink Field Event Center. The Petitioner shall advise SDOT Street Use in writing of any concerns raised by the operators of Safeco Field and CenturyLink Field and CenturyLink Field Event Center regarding a temporary closure of a portion of S. Massachusetts St. Conditions may be imposed on the street use permit by SDOT as necessary to maintain access to the Safeco Field driveway and access and staging for CenturyLink Field and CenturyLink Field Event Center.
25. The Petitioner shall pay for the improvement of the north-south crossing of Atlantic Street at Occidental Avenue South in order to facilitate pedestrian travel to the Link Light Rail Stadium Station by constructing a staircase to the south side of S Atlantic Street connecting to 3rd Avenue S. If the Seattle Department of Transportation determines that a staircase is not feasible in this location, the Petitioner shall provide manual traffic control at the north-south crossing of S Atlantic Street at Occidental Avenue S.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Council President