



Seattle City Council

Central Staff - Memorandum

Date: April 13, 2016
To: Sustainability and Transportation Committee
From: Lish Whitson
Subject: The proposed Seattle Arena, Seattle's Street Vacation Policies, recommended Conditions and Councilmember amendments

WSA Properties, et al. has applied for the vacation of Occidental Avenue South between South Massachusetts Street and South Holgate Street in order to build a 750,000 square foot 18,000- to 20,000-seat arena that can accommodate professional basketball and hockey games. Street vacations are reviewed by the City Council pursuant to Seattle Municipal Code Chapter 15.62 and the City's Street Vacation Policies, which are found in [Clerk File 310078](#). The Council also applies the City's [State Environmental Policy Act](#) (SEPA) ordinance, SMC 25.05.

On November 30, 2015, the Seattle Department of Transportation (SDOT) issued a [recommendation](#) in support of the requested street vacation based on the City's Street Vacation Policies, with proposed conditions. This memo summarizes the Street Vacation Policies and the SDOT recommendation. Attached to the memo are the SDOT proposed conditions on the street vacation (Attachment A) and Councilmember proposed amendments to those conditions (Attachment B).

On [March 15](#), 2016, the Sustainability and Transportation Committee (Committee) held a public hearing and received a briefing on the project and the requested vacation of Occidental Avenue South. On [April 5](#), 2016, the Committee was briefed on transportation impacts analyzed in the [Final Environmental Impact Statement](#) (FEIS) and [Addendum](#) to the FEIS. On April 19, the Committee will receive a briefing on the proposed Public Benefit Features for the Arena project, will discuss the Department's recommendation to approve the Street Vacation, will consider amendments to SDOT's recommended conditions and may vote on the proposal.

Street Vacation Policies

There is no right to vacation of a public right-of-way and nothing in the Memorandum of Understanding with ArenaCo to build a multi-sport Arena requires the Council to approve vacation of Occidental Avenue S. The Council may only approve vacation requests when they are clearly 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 Council first considers the impact of a proposed vacation upon the “public trust functions” of the right-of-way: circulation, access, utilities, light, air, open space and views.

The first Street Vacation Policy requires that circulation and access to surrounding properties be maintained: “Vacations may be approved only if they do not result in negative effects on both the current and future needs for the City’s vehicular, bicycle or pedestrian circulation systems or on access to private property unless the negative effects can be mitigated.”¹

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 planned enhancements to Massachusetts Avenue South, a new pedestrian bridge along S Holgate Street, allowing traffic from the Safeco Field parking garage to use an access road on the east side of the site and maintaining a wider than normal sidewalk in front of the Arena along 1st Avenue South clear of obstructions on event days.

As a result of the proposed vacation, 60 on-street parking spaces on Occidental Avenue S will be removed and not replaced. Neither the FEIS nor the SDOT Director’s recommendation identified these spaces as “necessary” spaces that need to be replaced pursuant to the Street Vacation Policies.² However parking in the area is heavily used during events, and there will be a reduction of on-street parking as a result of the proposal.

Streets and alleys also provide space for utilities. When a street proposed for vacation contains current or future utility lines, those utility lines need to be protected through easements, relocation, or other agreements with the affected utilities.³ The proposed Arena would relocate utility lines to 1st Avenue South, a 100-foot wide right-of-way with adequate space for

¹ Policy 1 of the Street Vacation Policies

² Guideline 1.4

³ Policy 2

the proposed utilities. SDOT has recommended that the Council's action include a condition that would require continued coordination and that all utility issues are resolved.

Finally, rights-of-way provide other public functions, in particular, light, air, open space and views.⁴ 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 1st Avenue South and S Massachusetts Street and wide sidewalks with public seating along 1st Avenue South, providing more usable open space and mitigating any light, air or open space impacts of the vacation.

2. Land Use Impacts

After considering the public trust functions of the right-of-way to be vacated, the City then considers the land use impacts of the proposed vacation. By vacating a street or alley, the size of the abutting property typically increases and additional development capacity may accrue to the property owner. This part of the analysis determines whether any such additional development capacity is appropriate given the City's plans and the area's zoning.⁵

The proposed Arena project would have less floor area than the zoning currently allows to be built on the adjacent blocks. It would have different impacts than the likely development on the site without the vacation. Instead of two office buildings, which could be built under zoning, one spectator sports arena would be built as a result of the vacation. The Arena could make the surrounding area more attractive to stadium-related commercial businesses currently allowed under the zoning. The FEIS found no adverse land use impacts from the project.

The street vacation policies state that the Council should consider the City's Comprehensive Plan (the "Plan") when deciding whether to grant a street vacation.⁶ The Plan directly addresses the subject of street vacations in only two contexts: one policy states that potential impacts on designated view corridors in Downtown should be considered in the vacation process;⁷ another policy states that the vacation of rights-of-way containing stairways is discouraged⁸. Neither of these Plan policies applies to the proposed vacation of Occidental Avenue South.

⁴ Policy 3

⁵ Policy 4.

⁶ Guidelines 3.2 and 4.1 B.

⁷ Comprehensive Plan policy DT-UDP8.

⁸ Comprehensive Plan policy T32.

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.⁹ 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.¹⁰ Because the Plan specifically allows sports stadiums as a permitted use, the Arena is consistent with the land uses envisioned by the Comprehensive Plan.

Opponents of the Arena project have referred to other general policies in the Plan and argue that the Arena should not be allowed. For example, they argue that various policies in the Container Port Element of the Plan should prohibit the location of a third sports stadium within the Stadium Transition Overlay zoning district. However these and other Plan policies address the desirability of land uses generally and, unlike GD-P20, do not specifically address whether sports stadiums are allowed. Additionally, the Council adopted the Container Port Element after Plan policy GD-P20 and the Stadium Transition Overlay zoning district were adopted. The fact that the Council did not amend or repeal GD-P20 and the zoning that allow sports stadiums, after the Container Port Element was adopted, indicates the Council did not consider these policies and measures to be inconsistent. In short, various general policies in the Plan do not trump the specific Plan policy that expressly allows sports stadiums. Accordingly the proposed land use, a sports stadium, is consistent with the land uses envisioned by the Plan.

3. Public Benefits

In order to approve a street or alley vacation, Council must find that the vacation is in the public interest and that the public will receive a long-term benefit. According to the policies¹¹, a vacation petition must provide public benefits in addition to the payment of the fair market value for the right-of-way, and after meeting any requirements arising from applicable regulations, such as the Land Use Code, Right-of-way Improvement Manual, or environmental review. For example, if a project is required to widen sidewalks in order to meet environmental or transportation requirements, those widened sidewalks are not to be considered public benefits. A table attached to the [Council Central Staff memo](#) for the April 5 Sustainability and Transportation Committee meeting compares the proposed SEPA mitigation measures, public benefit features, and requirements contained in the Memorandum of Understanding between the City, King County and ArenaCo.

⁹ Comprehensive Plan policy GD-P20.

¹⁰ SMC 23.50.012.

¹¹ Policy 5

Street vacations may only be approved when they provide a long-term public benefit. In response to this public benefit requirement, vacation petitions often propose significant streetscape improvements, public plazas, public art, or mid-block pedestrian passages.

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;
- 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 1st Avenue South;
- Enhanced right-of-way improvements along 1st 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 3rd 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.

The street vacation and construction of the proposed Arena is in the public interest because it could bring a professional, National Basketball Association hometown team (e.g., Seattle Supersonics) to the City, thereby enhancing the City’s image as a world-class venue for sports and recreation.

Attachment A: Conditions proposed by the Seattle Department of Transportation

Note: On November 30, 2015, the Seattle Department of Transportation [recommended conditional approval](#) of the vacation, including the following conditions:

**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 NEIGHBHRHOOD OF SEATTLE**

CLERK FILE 312905

The City Council hereby grants 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.

Following a public hearing held on March 15, 2016 the City Council has reviewed the recommendation provided by the Seattle Department of Transportation (SDOT), the Street Vacation Policies, 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.

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 to allow the development of a 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.

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.

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.

RECOMMENDATION

It is recommended that the vacation 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 to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the City Council.
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. It is expected that development activity will commence within approximately 36 months of this approval and that development activity will be completed within 7 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) until SDOT has determined that all conditions have been satisfied and all fees have been paid as applicable.
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 1st Avenue South should traffic warrants be met by the arena and the proposed parking garage.
8. The Petitioner shall be required to provide a pro-rata contribution to the future grade separation of Lander Street based on the existing and future deficiencies identified in the FEIS. Such proportional share will be determined at a later date when the Lander Street project moves forward and may not be determined by the 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 4th 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. The Petitioner shall schedule events according to the scheduling principles outlined below and as defined under the Master Use Permit decision for the project in order

to avoid or closely overlap those events to avoid conflicts between egress and ingress of different events at different facilities. The arena and the other two facilities are strongly encouraged to enter into a Scheduling Agreement. The scheduling principles will include the following elements:

- Multiple events mean time-specific events occurring on the same day in the Ballpark, Stadium and/or Arena.
- Overlapping events mean events with the projected start times and/or the projected end times occurring within one hour of each other.
- Sequential events are events where the start of a second event follows the end of a first event.
- Sequential events involving an Arena event will be separated by a minimum of 3 hours between the projected end time of one event and the scheduled start time of the next event on any non-holiday weekday or weeknight. Reduced time separation between events may be considered if the combined reasonably anticipated actual attendance of the Arena and the Ballpark or Stadium is less than 45,000 attendees.
- There shall be no overlapping events involving three time specific events.
- No multiple, sequential, or overlapping events with a projected combined actual attendance exceeding 15,000 may start between 4:00pm and 7:00pm on non-holiday weekdays.
- There will be no exceptions from the threshold combined anticipated combined attendance thresholds for concurrent or overlapping weekday events involving arena events.
- Scheduling principles should be reviewed and updated periodically. Such scheduling principles should include a discussion of playoff schedules for potential NBA/NFL/NHL/MLB playoff participation.
- Final scheduling principles will be incorporated in the MUP decision for the project and such scheduling principles required under the Master Use Permit decision shall prevail over these principles.

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;
- Contribution to the funding of 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
- Contribution to the funding 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 as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall be required to ensure that the public benefit elements remain open and accessible to the public and to outline future maintenance obligations of the improvements. Signage clearly identifying public access is required at the public open space elements and shall require the review of SDOT Street Vacations. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. Additional Design Commission review will be required for review of the Public Art Plan and of the permanent and programmable elements of the Plaza and Living Machine. SDOT may request additional review by the Design Commission of the implementation of the public benefit elements or the pedestrian enhancements; and of the final design of 1st Avenue South, as necessary. Public benefit elements in the right-of-way require additional street use permits and indemnification, public and private areas must be distinguished and markers in the sidewalk shall be required. The public benefit requirements include the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

| Public Benefit | | Description |
|----------------|----------------|--|
| On Site | | |
| 1 | Living Machine | <ul style="list-style-type: none"> • On-site gray and black water treatment and reuse with 4 million gallon capacity • Explore the feasibility of including additional capacity to allow future other users to connect in a “District” fashion |
| 2 | Arena Plaza | <ul style="list-style-type: none"> • 31,800 s.f. of publicly accessible neighborhood open space <ul style="list-style-type: none"> ○ 2 water features |

| Public Benefit | | Description |
|------------------------|--|--|
| | | <ul style="list-style-type: none"> ○ 2 drinking fountains ○ Pedestrian lighting achieving 1 foot candle average ○ 300 l.f. of permanent public seating ○ Temporary public seating per programming needs ● Plaza will include public programming for non-event days with focus on equitable programming <ul style="list-style-type: none"> ○ Plaza includes utility connections (water, power) to facilitate programming flexibility ○ 500 s.f. event storage space for programming in arena building ● Provides Park-Hour access to arena public restroom during non-event days to facilitate programming |
| 3 | Public Art Plan | <ul style="list-style-type: none"> ● Art Program Budget is <u>1.5% of total project cost</u> <ul style="list-style-type: none"> ○ Program led by collaborating/lead artist ○ Art will be coordinated between arena building and pedestrian bridge ○ At least 1 piece of anchor art in plaza ○ Several other pieces of permanent integrated art ○ Temporary artworks, installations, programming as part of Art Plan <ul style="list-style-type: none"> ○ Project cost defined as construction cost plus consultant fees |
| Adjacent Public R.O.W. | | |
| 4 | S. Massachusetts ROW Realignment and Curbless Street | <ul style="list-style-type: none"> ● Dedication of 2,400 s.f. of private property to public ROW ● Creation of curbless street between 1st and Occidental <ul style="list-style-type: none"> ○ 16,000 s.f. of concrete and granite resurfacing, drainage, channelization and new signage ○ 15 street trees ○ 20 linear feet of seating |

| Public Benefit | | Description |
|--------------------------|---|---|
| | | <ul style="list-style-type: none"> ○ Pedestrian lighting 1 foot candle average |
| 5 | 1 st Ave S. Improvements on Property Frontage | <ul style="list-style-type: none"> ● Expanded and upgraded pedestrian streetscape, includes: <ul style="list-style-type: none"> ○ Rain garden/swale ○ Pedestrian lighting 1 foot candle average ○ Permanent pedestrian seating |
| 6 | S. Holgate Improvements on Property Frontage | <ul style="list-style-type: none"> ● Enhanced pedestrian streetscape, subject to SDOT design of S. Holgate St., includes: <ul style="list-style-type: none"> ○ Rain garden/swale ○ Pedestrian lighting 1 foot candle average |
| Off-Site Benefits | | |
| 7 | Implement Bicycle Master Plan Improvements | <ul style="list-style-type: none"> ● Complete public bicycle facilities from existing waterfront trail to arena site to Starbucks ● Improvements implement the Bicycle Master Plan <ul style="list-style-type: none"> ○ Improve Atlantic Street multi-use trail (600 l.f.) ○ Complete and repave Utah Avenue Neighborhood Greenway from S. Atlantic St. to S. Stacy (2,800 l.f.) ○ Complete S. Massachusetts multi-use trail (175 l.f.) ○ Complete S. Holgate St. multi-use trail (160 l.f.) ○ Bicycle wayfinding signage (12+ signs) ○ Bicycle signal at S. Atlantic St. Crossing to Waterfront Trail |
| 8 | S. Massachusetts ROW between Utah and 1 st Ave | <ul style="list-style-type: none"> ● Realignment of street, construction of curb & gutter, drainage, channelization and signage on both sides of S. Massachusetts St. <ul style="list-style-type: none"> ○ 12,500 s.f. of new asphalt resurfacing, curb & gutter, channelization and signage ○ 8 street trees ○ 2,600 s.f. of rain garden/swale |
| 9 | S. Holgate St. | <ul style="list-style-type: none"> ● Street realignment, asphalt resurfacing and repair, |

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

Attachment B: Proposed amendments to the proposed SDOT Conditions

Based on analysis of the Street Vacation policies and their authority to condition the project under the State Environmental Policy Act, Councilmembers have proposed a number of amendments to the proposed conditions. In addition, staff has identified a number of technical amendments to the proposed conditions. Language to be added is shown in underline. Language to be deleted is shown in ~~strikeout~~.

Councilmember Burgess proposed Amendments

Amendment 1.

Amend conditions 1 and 4 to require that the project be constructed in substantial conformance with the project description contained in the Memorandum of Understanding (MOU) between the City, County and ArenaCo approved by Ordinance 124019. If the project is not built in substantial conformance with the project as described and reviewed by the Council, the street vacation approval will no longer be valid. The amendment would also remove a proposed seven-year time frame and instead rely on the standard five-year time frame for conditional approval of the street vacation as described in Street Vacation Guideline 4.4 F.

1. The vacation is granted solely to allow the Petitioner to build a project substantially in conformance ~~conformity~~ with the project described in the Memorandum of Understanding (MOU) approved by Ordinance 124019 and presented to reviewed by the City Council and for no other purpose. ~~The project must be substantially in conformity with the proposal reviewed by the City Council.~~

* * *

4. ~~It is expected that development activity will commence within approximately 36 months of this approval and that development activity will be completed within 7 years. In order to insure timely compliance with the conditions imposed by the City Council, the~~ The Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, which describe the status of: providing an update on the development activity, the development schedule, and Petitioner's progress on toward meeting the vacation conditions. ~~The Seattle Department of Transportation shall determine that all conditions imposed by this vacation~~ The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) until SDOT has determined that all conditions have been satisfied, and that all fees required by City departments have been paid as applicable before the Petitioner may request or the Seattle Department of Construction and Inspection may issue a Final Certificate of Occupancy.

Amendment 2.

Amend Condition 10 to strengthen event-scheduling requirements to be incorporated into the Master Use Permit for the new Arena and reduce the number of event days with multiple large events, replacing “scheduling principles” with “scheduling requirements”:

10. ~~The Petitioner shall schedule Arena events~~ shall be scheduled according to the ~~scheduling principles~~ requirements outlined below and as defined under the terms of a Master Use Permit decision for the project, if approved, in order to avoid ~~or closely overlap those events to avoid~~ conflicts between egress and ingress of different events at different 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 (CenturyLink Field) and the Washington-King County Stadium Authority (Safeco Field), to minimize the number of conflicting and overlapping events held at the existing stadiums and the proposed Arena. The arena and the other two facilities are strongly encouraged to enter into a Scheduling Agreement. The scheduling principles will include the following elements: Event scheduling at the Arena shall comply with the following:

- Events at the Arena on any non-holiday weekday or weeknight shall be separated from other events at the Arena by a minimum of 3 hours between the projected end time of one event and the scheduled start time of the next event.
- No Arena event on any non-holiday weekday or weeknight may be scheduled to begin or end within one hour of the scheduled start or end time of any event at Safeco Field or CenturyLink Field, or both, if 1) the reasonably anticipated attendance at the Arena and one or more of those fields is more than 45,000 attendees, or 2) there would otherwise be three scheduled events starting or ending within an hour of each other at the Arena, Safeco Field or CenturyLink Field.
- No Arena event shall start between 4:00 pm and 7:00 pm on non-holiday weekdays if 1) the reasonably anticipated attendance at Safeco Field, CenturyLink Field, and the Arena would exceed 15,000 persons, and 2) the Arena event is otherwise scheduled to occur within an hour of the start or end times of events at Safeco Field or CenturyLink or both.
- These scheduling requirements may be reviewed and revised by the Seattle Department of Transportation and Seattle Department of Construction and Inspections, after consultation with Safeco Field, CenturyLink Field, and the Port of Seattle, if additional means of limiting transportation impacts are provided. There will be no exceptions from the combined attendance levels for concurrent

or overlapping weekday events involving Arena events. Amendments to the scheduling requirements may take into account playoff schedules for MLB/MLS/NBA/ NFL/NHL/WNBA games; and

- These scheduling requirements shall be incorporated in the MUP decision for the project, if approved.
- ~~Multiple events mean time-specific events occurring on the same day in the Ballpark, Stadium and/or Arena.~~
- ~~Overlapping events mean events with the projected start times and/or the projected end times occurring within one hour of each other.~~
- ~~Sequential events are events where the start of a second event follows the end of a first event.~~
- ~~Sequential events involving an Arena event will be separated by a minimum of 3 hours between the projected end time of one event and the scheduled start time of the next event on any non-holiday weekday or weeknight. Reduced time separation between events may be considered if the combined reasonably anticipated actual attendance of the Arena and the Ballpark or Stadium is less than 45,000 attendees.~~
- ~~There shall be no overlapping events involving three time specific events.~~
- ~~No multiple, sequential, or overlapping events with a projected combined actual attendance exceeding 15,000 may start between 4:00pm and 7:00pm on non-holiday weekdays.~~
- ~~There will be no exceptions from the threshold combined anticipated combined attendance thresholds for concurrent or overlapping weekday events involving arena events.~~
- ~~Scheduling principles should be reviewed and updated periodically. Such scheduling principles should include a discussion of playoff schedules for potential NBA/NFL/NHL/MLB playoff participation.~~
- ~~Final scheduling principles will be incorporated in the MUP decision for the project and such scheduling principles required under the Master Use Permit decision shall prevail over these principles.~~

Amendment 3.

In order to make sure that the proposed access drive is available for egress from the Safeco Field garage, and to provide 24/7 access for public safety emergency responders, add a new condition 18, as follows:

18. 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 road shall be constructed consistent with the plan for the road submitted in the Petitioner's Master Use Permit application. The primary, but not exclusive, purpose of the road is to provide access to the Arena parking and loading areas. The road will also provide public vehicular access to the Safeco Field garage and Safeco Field surface parking, and emergency and service vehicle access to the Arena site, the Safeco Field garage and Safeco Field surface parking.

Amendment 4.

In order to indicate the Council's intent to fully dedicate the street vacation fee that the City would receive based on the appraised value of the property to the SODO Transportation Infrastructure Fund, to be created pursuant to the Memorandum of Understanding between the City, King County and ArenaCo, add a new condition 19, as follows:

19. 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.

Councilmember O'Brien proposed Amendments

Amendment 5.

In order to mitigate transportation impacts and to reduce disincentives to transit use, add a new condition to require that ArenaCo improve lighting on the Key Pedestrian Routes identified in the Final Environmental Impact Statement to a 1 foot candle average, as follows:

20. 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.

Amendment 6.

Add a new condition to incorporate requirements from the Addendum to the Final Environmental impact Statement related to maintaining a clear sidewalk along 1st Avenue South during event days.

21. **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:
 - 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;
 - 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;
 - **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;
 - **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.
 - **On non-event days** (inclusive of all stadia and exhibition halls) the required unobstructed pedestrian zone shall be a minimum of 10 feet.

Amendment 7.

As requested by the Seattle Fire Department, add a new condition to require that Occidental Avenue S remain open to traffic until construction begins in order to ensure that life safety, water supply and emergency response is maintained, or until closure is approved by the Seattle Fire Department.

22. 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.

Proposed Technical Amendments:

Amendment 8.

In order to clarify the Council's intent; amend the introductory section to clearly identify the Council's Findings related to its review of the proposed vacation, as follows:

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. Following 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.

RECOMMENDATION CONDITIONAL APPROVAL

~~It is recommended that the~~ 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.

* * *

Amendment 9.

In order to clarify the responsibility of the Petitioner regarding various SEPA-related conditions, make the following amendments to proposed conditions 8 and 12:

8. The Petitioner ~~is shall be~~ required to provide a pro-rata ~~contribution~~ monetary payment to the ~~future grade separation of South Lander Street Grade Separation Project~~ based on the ~~existing and future deficiencies impacts~~ identified in the FEIS. The amount of payment ~~Such proportional share~~ will be determined at a later date when the Lander Street project moves forward and may not be ~~determined~~ known until after ~~by the~~ completion of the vacation process.

* * *

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:
 - a. Participation in the e-Park program and integration of the parking garage entrance/exit into the signal system;
 - b. ~~Contribution to the funding of~~ 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

- c. ~~Contribution to the funding for 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.
- d. Specific requirements for ITS contributions shall be identified in the Master Use Permit decision for the project.

* * *