City of Seattle
Edward B. Murray, Mayor

**Department of Transportation**
Scott Kubly, Director

November 30, 2015

Honorable Tom Rasmussen, Chair
Transportation Committee
Seattle City Council
600 Fourth Avenue
Seattle, Washington 98104

**Subject: 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**

Dear Councilmember Rasmussen and Honorable Members of the Transportation Committee:

We are returning the petition from WSA Properties, *et al.* ("Petitioner") for the vacation of the street 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.

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## BACKGROUND

The Petitioner is proposing to vacate a portion of South Occidental Street between Blocks 319 and 320 which is bounded by South Holgate Street to the south and South Massachusetts Street to the north, BNSF right-of-way to the east, and 1st Avenue South to the west. The street in the block runs north to south and the street is 60 feet wide with a length of approximately 680 feet. The Petitioner owns all the property on the block faces fronting both sides of the street and proposes to develop an approximately 750,000 s.f., 18,000 – 20,000 seat spectator sports facility on the site. The facility will be capable of hosting NBA games, NHL games, concerts and other events. A training facility for professional team is also proposed as part of the facility and on-site parking will be provide for the team and team management. Amenities proposed for the facility will include retail, restaurant and concession operations, a hall of fame, media and broadcast facilities, support areas including arena and team operation offices and facilities and locker rooms. The project would also realign South Massachusetts Street between Occidental and 1st Avenue South to align with the Mariners' garage entrance/exit. The site is generally flat.

The block currently contains surface parking and six buildings, including: the United Warehouse (a 54,000 s.f. warehouse building, built in 1954 and located on the entire eastern portion of the site), Showbox Sodo (a 20,747 s.f. entertainment/club building, built in 1935 and located on the northwest portion of the site), the former Glass Distillery building (a 18,000 s.f. warehouse building, built in 1927 and located on the west side of the site), the Bill the Butcher building (a 5,700 s.f. warehouse building, built in 1967 and located on the west side of the site), the 1st Ave Deli Mart (a 1,848 s.f. mini mart building, built in 1985 and located on the west side of the site), and Mac's Smokehouse and BBQ (a 3,978 s.f. vacant restaurant building, built in 1976 and located on the southwest corner of the site).

Vacation of the street is necessary to build the spectator sports facility. A portion of South Massachusetts Street, just to the north of the proposal site, was vacated in 1904 in Ordinance 10696 and ultimately provided a site adequate to build the current Seattle Mariners' garage facility. In 1994, in Ordinance 117034, a portion of north side of South Massachusetts Street was vacated a block west of the Mariner's garage for industrial purposes. In 1995, in Ordinance 117475, a portion of the south side of South Massachusetts Street was vacated. Occidental Avenue South continues one additional block to the north, to Edgar Martinez Boulevard. North of Edgar Martinez Boulevard, Occidental was vacated in 1999 in Ordinance 119534 in order to construct Safeco Field. North of Safeco Field, Occidental Avenue South reappears, and runs just west of the CenturyLink Field Event Center, and CenturyLink Field, until the street ultimately terminates at Yesler Way. To the south, Occidental Way South functions as somewhat of an alley; its function is limited by the existence of the railroad tracks to the east and the few east-west connections that occur because of the tracks. Occidental Way South terminates at South Horton Street.

Blocks 319 and 320 are located within Seattle's Stadium Transition Area Overlay District ("Stadium Overlay District"), which is a zoning overlay that was enacted to implement the City's Comprehensive Plan, including the neighborhood plan for the Greater Duwamish Manufacturing/Industrial Center. The Stadium Overlay District is centered on large sports

facilities and allows large spectator sports facilities and uses complementary to them. According to the Land Use Code, SMC 23.74.002.A, the Stadium District Overlay is intended to "contribute to a safer pedestrian environment for those attending events and permits a mix of uses, supporting the pedestrian-oriented character of the area as well as the surrounding industrial zone, while minimizing conflicts with industrial uses." Blocks 319 and 320 are also zoned Industrial Commercial with an 85 foot height limit, but the 85-foot height limit does not apply to spectator sports facilities in the Stadium Overlay District.

## REASON FOR VACATION

The existing Occidental Avenue South bisects the parcels owned by the Petitioner, making it more difficult to develop the site with a consolidated proposal. Without the vacation, the block could be developed with two 1/2 block rectangular buildings, with above- and below-grade parking, on each side of the existing street, similar to what has been developed at the Home Plate Center northwest of the proposal site. While this would provide office and retail space, it does not provide the amount of consolidated space necessary for the arena. Combining the two blocks owned by Petitioner through the proposed vacation will allow for the desired development, a spectator sports facility, including the following:

- Allows for a site large enough for an 18,000 – 20,000 seat spectator sports facility in the Stadium District Overlay, where the other two stadia also exist;
- Provides publicly accessible open space in a neighborhood, SODO, that sorely lacks public open space;
- Utilities are upgraded and undergrounded;
- Realigns S. Massachusetts Street to allow for better exit/entry from the Mariners' garage and an improved connection to 1st Avenue S.;
- Provides consolidated service access on a rear access road; and
- Creates only one curb cut (from S. Holgate Street).

The Petitioner proposes the vacation to allow it to develop the proposed spectator sports facility.

## DEVELOPMENT THAT COULD OCCUR WITH A NO VACATION ALTERNATIVE

Under a no-vacation alternative scenario, based on current zoning, two mixed-use office buildings could be built on each side of Occidental Avenue South totaling up to 810,000 s.f.. The buildings could provide street-level uses along 1st Avenue South, though no such uses are required by Code. The buildings would provide an 85' tall scale, consistent with the Code. The office buildings would be massed similar to the Home Plate Center, a block north of the project site. However, the no-vacation alternative would not provide any neighborhood publicly accessible open space to the SODO neighborhood, would not be required to underground or significantly upgrade power and other utilities, would not be required to provide street-level uses, and the parking needed to satisfy the buildings would need to be provided largely above-grade, given the high water table in the area. The office buildings would generate significant

peak hour traffic volumes that are associated with office development. Finally, the no-vacation alternative would not require any of the public benefits proposed with the arena proposal.

## PROJECT DESCRIPTION

The proposed development is an approximately 750,000 s.f., 18,000 – 20,000 seat spectator sports facility (plus training facility and on-site parking) that is capable of hosting NBA basketball, NHL hockey, other sporting events, concerts, family shows, and large assembly events. The proposal includes a 40,000 s.f. attached training facility with team offices and locker rooms, as well as player and team management parking. Amenities included in the facility will include a bike shop/valet, retail, restaurant and concession operations, ticket office, hall of fame, media and broadcast facilities, support areas including arena and team operation offices and facilities and locker rooms. The proposal would provide a year round restaurant with sidewalk café seating fronting 1st Ave. South that would serve the general public during non-event times, and would be converted to club/restaurant during events. Parking for the team management, players and some staff will be provided on-site within the facility. The large majority of the code-required parking for the facility, approximately 1,750 stalls, would be developed in a multi-level parking structure across Holgate Street to the south of the project, on a site controlled by the Petitioner. The exact number of parking stalls 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. A 31,800 s.f. publicly accessible plaza is proposed that will contain additional public benefits.

The public benefit proposal includes:

- A Living Machine for waste water treatment and re-use for project non-potable water supplies, with a 4 Million gallon per year capacity
    - Goal of exploring the feasibility of including additional capacity for potential future District connections
- 31,800 s.f. publicly accessible open space plaza
    - Per the Plaza Activation Plan, the Plaza will be programmed to host both neighborhood and regional activities; programming would be coordinated with representatives from SODO, Pioneer Square, International District, Boys and & Girls Clubs and other organizations serving youth, bicycle and trail users, sports enthusiasts and sustainability groups.
    - 500 s.f. storage within the building for event items is provided
    - Utilities are provided in the plaza to facilitate events and food trucks
    - Drinking fountains & Permanent and Temporary Public Seating
- A restroom accessible to the public is provided in the Arena for use during plaza hours
- Art Program Budget is 1.5% of Project Cost
    - Public Art Program led by collaborating/lead artist
    - Collaboration on plaza and pedestrian bridge design
    - Plaza anchor artwork
    - Integrated permanent installations

- Temporary installations, performances, projections
- Project cost defined as construction cost plus consultant fees

- Enhance SODO Bicycle Network
  - S. Atlantic Street multi-use trail
  - Utah Avenue Greenway from S. Atlantic to S. Stacy (connects to Starbucks headquarters)
  - S. Massachusetts St. multi-use trail
  - S. Holgate bike multi-use trail
  - Bike wayfinding signage
  - Bicycle signal at S. Atlantic Street crossing
- Realignment of S. Massachusetts Street/Creation of Curbless Street from 1st Avenue South to Occidental Avenue South
  - Facilitates better exit/entry from Mariners' Garage
  - Requires 2,400 s.f. dedication of private property to public right-of-way
  - Concrete and granite resurfacing, drainage, channelization
  - Street trees
  - Pedestrian lighting & seating
- Realignment and Improvement of S. Massachusetts Street between 1st Ave S and Utah Ave S
  - Asphalt resurfacing, curb & gutter, drainage, channelization and signage
  - Street trees
  - Rain garden
- 1st Avenue South enhanced right-of-way improvements on property frontage
  - Rain garden/swale
  - Pedestrian lighting, public seating elements
- 1st Avenue South enhanced right-of-way improvements off-property frontage to complete SDOT 1st Avenue South Street Concept Plan from S. Massachusetts St to Edgar Martinez Way on east side of 1st Avenue South
  - Sidewalk
  - Rain garden/swale
  - Pedestrian lighting
- South Holgate Street enhanced right-of-way improvements on property frontage
  - Rain garden/swale
  - Pedestrian lighting and seating
- South Holgate Street enhanced right-of-way improvements off property frontage
  - Street realignment, asphalt surfacing and repair, channelization and signage per SDOT requirements
  - Drainage improvements
  - Rain garden/swale
  - Street trees and sidewalk
- Neighborhood/Area-Wide Wayfinding for transportation and other major elements
  - 15 Wayfinding signs per SDOT standard and SDOT locations
  - Information kiosk per SDOT standard and SDOT location

## ARENA MEMORANDUM OF UNDERSTANDING

The City of Seattle and King County entered into a Memorandum of Understanding ("MOU") with WSA Properties III, LLC (referred to as "ArenaCo") on December 3, 2012, and contained in Ordinance number 124019. The MOU is a binding agreement setting forth the process for permitting of the Seattle Arena and for approving future transaction documents between the parties that incorporate the business terms and conditions outlined in the MOU. Under those business terms, ArenaCo will sell the Arena site to the City, and then ground lease the property back from the City for at least 30 years. ArenaCo is obligated to construct the Seattle Arena and ultimately transfer it to City/County ownership. Public financial contribution is capped at $200 million (of the $500 million+ project). No public financial participation is triggered until an NBA franchise is acquired and located in Seattle via a binding non-relocation agreement. If only an NBA team is acquired, public participation is capped at $125 million until an NHL team is acquired.

The public financial participation is designed to be self-financing and requires no new taxes or fees. The public financial participation will be repaid solely with Arena-generated revenues that would not otherwise exist. The MOU provides for guaranties of the ArenaCo obligations, and multiple reserve funds are established to protect the City from any Arena tax revenue shortfalls. The MOU establishes a separate fund from ArenaCo contributions and Arena revenues to finance ongoing maintenance and repair and future capital upgrades to the facility. The MOU also creates a $40 million fund to improve transportation infrastructure in the SODO area.

The MOU establishes a condition precedent that the Arena project requires preparation of an environmental impact statement (EIS) and issuance of a Master Use Permit, including potential mitigation conditions under SEPA.

## DRAFT and FINAL ENVIRONMENTAL IMPACT STATEMENT and ADDENDUM

A Draft (DEIS) and Final Environmental Impact Statement (FEIS) were prepared to analyze the environmental impacts of the arena proposal, including the impacts of the Street Vacation.[1] An Addendum was prepared to analyze specific pedestrian impacts related to 1st Avenue South. The DEIS was published on 8/15/2013, the FEIS was published on 5/7/2015, and the Addendum was published on 10/29/2015.

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 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

[1] The FEIS also analyzes several different development options, including the demolition and rebuilding of Key Arena and a no-action alternative, as required by the State Environmental Policy Act. Only those items that pertain to the proposal before the Council will be discussed here.

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 were identified by the FEIS. If the Council conditionally approves the Street Vacation proposal, the next step would be for DPD to review the Council action and determine which mitigation measures would be required as conditions of the arena's Master Use Permit. As with any proposal including an alley or street vacation, DPD cannot issue the Master Use Permit decision until after the Council conditionally approves the Street Vacation.

The following examples of potential mitigation measures were identified by the FEIS related to the current proposal:

General Mitigation Measures:

- Utilize certain construction techniques to minimize or eliminated geologic impacts
- Compliance with Puget Sound Clean Air Agency requirements and other measures to reduce construction-related air impacts
- Require a Construction Management Plan to reduce construction-related impacts on the area
- Implement engineering techniques to minimize impacts to groundwater during and after construction
- Keep the sewer main in S. Massachusetts available for maintenance and repairs
- Construction noise management including limiting the hours of construction
- Constructing temporary noise barriers to decrease noise levels at nearby sensitive receptors
- No mitigation for land use impacts is necessary
- No mitigation for historic resources is necessary as none of the on-site buildings appear to meet criteria for historic landmark status
- An Unanticipated Discovery Plan would be prepared for the project that provides for notification and consultation among the State Historic Preservation Office Department of Archaeology and Historic Preservation (DAHP), Tribes, and the City of Seattle related to discoveries of unknown archaeological materials or human remains

Transportation-Related Mitigation Measures:

- As part of the Construction Management Plan, identify anticipated street closures, the timing for street closures, and the detour routes and signing plan to guide drivers and pedestrians around these restrictions. This proposal would be reviewed and coordinated with SDOT, the Port of Seattle, and other nearby venues.

- Update the current Event Scheduling Agreement that exists between the two existing venues to add the Arena
- The Event Scheduling Protocol and Management. Considering the existing and proposed event venues, their potential effect on each other and cumulative traffic and freight impacts, establish a protocol for scheduling to minimize conflict with events. When two or more time specific events with the combined forecasted attendance of over 58,000 people appears to be scheduled, a basic approach for resolving potential conflicts would be identified. The separation of event start and end times would vary dependent on projected attendance levels, time of day, and the host facilities. As part of the process the Port of Seattle would be part of the protocol to work with facilities to advise them of when container ship loading and unloading requires double shifting so events and TMP activities can be adjusted to accommodate truck priority routes and/or time windows.
- Work with the Port of Seattle when events coincide with extended gate operations. Such coordination protocols include schedule adjustments, freight routing designations, event traffic routing, or other measures specifically tailored to support minimizing event traffic impacts on Port operations.
- An Event Transportation Coordinator would be identified to coordinate and manage the Transportation Management Plan (TMP) and Arena scheduling such that multiple event days with attendance in excess of identified thresholds would be eliminated.
- An event access guide would be developed to list alternatives to driving, preferred parking areas and other designated Arena parking areas that offer carpool incentives, neighborhood dinner/parking promotions, and other programs and resources to assist users with travel options
- The Event Transportation Coordinator would attend/be informed by the Maintenance of Traffic Task Force relating to utility and road projects that would potentially impact Arena and other event access in the area as well as regional projects like SR 520 and Mercer Corridor projects that shift traffic patterns.
- A Public Information Coordinator would be identified to coordinate and distribute transportation and parking information; a major role of this position would be to ensure that non-event attendees are aware of an upcoming event
- Develop a webpage incorporating the transportation access guide as well as additional transportation-related information
- Utilize social networking/other technology to broadcast alerts of travel options, real-time traffic incidents and congestion or safety issues
- A call center would be established for the Arena for transportation or parking information and referral
- The Arena would coordinate with its broadcast team for each major franchise to promote alternative modes of travel in advance of games and major events and to provide real-time information four hours prior to an event.
- The Arena would coordinate with regional transit agencies to identify express bus service that connects regional park and ride lots, with the intent to utilize under-capacity return routes at the end of the commuter peak, similar to what occurs currently for FC Sounder Games

- Provide shuttles to/from the Ferry Terminal, Link Light Rail stations, and other Transit Stations
- Subsidize transit fares and work with all transit agencies including the Ferry system to promote transit use
- Charter bus/meal/ticket packages and rail/lodging/ticket packages could be offered, with preferential charter bus parking and preferred exit routes following events
- Link Light Rail trains would be expanded from two to four cars during events; if the demand for Link Light Rail appears to exceed current forecasts, additional capacity would be added by adding an additional train
- Develop a preferred ingress and egress plan as a basis for guiding drivers to specific destinations
- Realign Massachusetts to improve the direct alignment of the street with the section immediately east of Occidental (proposed as part of the project).
- North-South service road on the east side of the arena would link S. Holgate Street with the extension of Massachusetts Street, with an easement from the Mariners.
- Periodic review of Arena Traffic Operations and TMP

Pedestrian-Related Mitigation Measures:

- Provide manual traffic control at the north-south crossing of S. Atlantic at Occidental during arena events, or provide a more permanent improvement such as a staircase to the south side of S. Atlantic Street connecting down to 3rd Avenue S.
- Active traffic and pedestrian management during pre-and post-event conditions to facilitate pedestrian movement, similar to current event scenario
- Construct a pedestrian bridge from the Arena along S. Holgate Street to the east spanning the railroad tracks; prior to the construction of the pedestrian bridge, operate a local shuttle system to connect Arena patrons to local transit and light rail stations
- Install a wayfinding system for pedestrians to get to and from the various venues
- Upgrade street lighting to enhance pedestrian safety in low-light areas

Bicycle-Related Mitigation Measures:

- Incorporate bicycle racks as part of arena design, locate racks near entrances in well-lit areas proximate to bike routes
- Participate in marketing and upgrading the bike routes system and prioritize bike lanes in the immediate vicinity of the site

Priority Loading/HOV Incentives:

- Identify two locations for limo/taxi/passenger drop off and pick up, one should be reserved for disabled attendees and located with barrier free access to the arena
- Drop off areas should be sized to accommodate charter or special bus services

- Coordinate with private and public parking operators to develop rates that discourage single occupant vehicles and encourage carpools; reserved parking associated with the Arena should be priced as high as practical.

Capacity and Safety:

- Revise signage between the freeway and other limited access facilities to incorporate the Arena, this would complement existing signage that currently exists for the existing facilities
- Implement a parking guidance system that provides direction and information regarding parking availability to drivers who do not pre-purchase parking
- Consider a contribution to the improvements to the SDOT Traffic Control Center including WSDOT and SDOT Traffic camera and posting of current conditions related to traffic incidents and congestion
- Consider upgrading traffic control equipment at signalized intersections in the Stadium District to increase reliability and communication with the SDOT Traffic Control Center
- Pro-Rata contributions such as the ITS Next Generation project list have been identified; the Arena will work with SDOT to consider upgrading such projects which give signals the flexibility to respond to unanticipated surges, interruptions, and/or shift in traffic flows due to collisions, road construction projects, and/or variation in tenant access patterns.

Parking:

- Expand signed and metered parking in selected commercial areas where businesses desire parking turnover
- Change parking rates and time limits during event hours
- Establish covenant parking agreements for off-street parking
- Parking opportunities for staff should be identified in areas that do not compete with attendee parking
- Promote pre-sold reserved Arena parking
- Establish a Shared Use Parking Protocol with other Stadium District Venue Owner

Services:

- Traffic—Intelligent traffic signal controls at signalized intersections would be installed
- Fire—The project would require an emergency evacuation plan
- Police—The arena would be responsible for maintaining security at construction and staging areas during construction
- Police—During events, high-volume traffic and pedestrian improvements would require additional police services to direct and control traffic and pedestrian movements
- Electrical—to the extent feasible, the overhead transmission power lines would be undergrounded

The MUP decision for the project will impose SEPA-related mitigation for the project.

The full FEIS can be viewed here: http://buildingconnections.seattle.gov/2015/05/07/seattle-arena-final-environmental-impact-statement-available/

The Addendum can be viewed here:
http://web6.seattle.gov/DPD/LUIB/Notice.aspx?BID=1080&NID=20858

## MEETINGS WITH CITY AND STAKEHOLDERS

The Petitioner met numerous times with City Staff and Stakeholders, including but not limited to the following meetings:

### Meetings and Process for MOU

- March 2012: Arena Review Panel (appointed by Mayor and County Executive) convened to evaluate the proposal
- April 4, 2012: Arena Review Panel issues its report
- May – July 2012: County Council's Budget and Fiscal Management Committee and the City Council's Government Performance and Finance Committee considered the proposal in several public meetings
- July 19, 2012: City and County Councils held a joint public hearing on the proposal
- July 23, 2012: full County Council took up consideration of the MOU with numerous revisions recommended by the County Council committee
- July 3, 2012: County Council approved the MOU, with revisions
- September 13, 2012: City Council committee voted to recommend approval of the revised MOU to the full City Council
- September 24, 2012: City Council made additional changes to the MOU and voted to approve the MOU with these changes
- October 15, 2012: City Council and County Council approved the MOU with all of the revisions made previously and additional technical changes and minor adjustments
- December 3, 2012: MOU was signed by the Mayor and County Executive

### Meetings with Stakeholders

- Meetings with the following stakeholders occurred from 2012 through the present date:
  - Stadium District Task Force
  - Public Facilities District
  - Seattle Mariners
  - Seattle Seahawks
  - Public Stadium Authority

### Design Review Board meetings

- EDG meeting November 27, 2012
- EDG meeting December 11, 2012
- EDG meeting January 22, 2012 (double meeting)

- EDG meeting March 5, 2013 (double meeting)
- Recommendation meeting August 6, 2013
- Recommendation meeting September 17, 2013
- Recommendation meeting September 1, 2015 (double meeting)

**Design Commission meetings**

- December 6, 2012
- January 17, 2013
- April 4, 2013
- May 2, 2013
- November 7, 2013
- April 16, 2015
- May 21, 2015
- June 18, 2015
- August 6, 2015
- September 3, 2015

**Meetings with SDOT staff/Street Improvement Permit meetings**

- Meeting with Calvin Chow January 1, 2013
- Meeting with Beverly Barnett March 14, 2013
- SIP kickoff meeting March 27, 2013
- SIP meeting April 17, 2013
- SDOT streetscape and urban design discussion April 22, 2013
- SIP meeting June 25, 2013
- SDOT 1st Avenue curbline meeting September 9, 2013
- SDOT 1st Avenue curbline/channelization meeting October 21, 2013
- Meeting with Susan McLaughlin, March 26, 2015
- SDOT public benefit meeting June 1, 2015
- Meeting with Beverly Barnett and John Shaw to discuss EIS July 10, 2015

**Meetings with Other Agencies, City Departments, or IDT meetings**

- Amtrak April 3, 2013
- King County Metro April 3, 2013
- IDT meeting May 1, 2013
- Office of Sustainability May 3, 2013
- Amtrak November 19, 2013
- SCL Transmission Line relocation meeting December 20, 2013
- SCL Transmission Line relocation meeting September 8, 2014
- Amtrak/BNSF joint meeting May 13, 2015
- IDT meeting June 22, 2015
- IDT meeting July 13, 2015
- SCL Power Undergrounding and Transmission Line meeting July 16, 2015

- IDT meeting August 24, 2015
- IDT meeting September 3, 2015
- IDT meeting September 21, 2015
- IDT meeting September 5, 2015
- IDT/TMP meeting October 8, 2015

**Public Hearings**

- MOU public hearing
- EIS Scoping public hearing November 8, 2012
- EIS Scoping public hearing November 14, 2012
- Draft EIS public hearing September 10, 2013
- Draft EIS public hearing September 19, 2013

**COMMENTS/ISSUE IDENTIFICATION (NOT ISSUE RESOLUTION)**

The comments received on this vacation petition are extensive in nature so the explanation of the comment process, the comments, and the Petitioner's response to some of the comments are highlighted by a box around each page in order to clarify and separate the comment section from the rest of the recommendation.

The proposed vacations were circulated to various City departments, outside agencies and community groups for comment. The vacation review process also includes review by the Seattle Design Commission. In addition to the vacation review, including the Design Commission, the project is subject to:

- Design Review Board review as required by DPD,
- Master Use Permit (MUP) review,
- Preparation of a Draft and Final Environmental Impact Statement,
- Street Improvement Plan (SIP) review, the SDOT process to review street design and utility issues, and
- Utility Major Permit, the process to review major utility changes.

The purpose of the broad review of the vacation petition is to identify issues that need to be addressed through the vacation process by changes to the project or vacation conditions. The comments, closely reproduced below, reflect the statements made by the reviewers and any issues identified during the initial portion of the review process. The comments reflect a "snapshot in time" when the comments were received and do not reflect any project revisions, updates or responses to comments. They also do not reflect the conclusions of the Final Environmental Impact Statement, which was not published at the time of these comments. All the comments received are a part of the record and are not revised or amended by Seattle Department of Transportation.

The public comments reflect the views and analysis of the group, organization, or individual for consideration by the City and do not reflect the analysis and conclusions of the City.

The comment section does not reflect the resolution of the issue or subsequent design changes or mitigation. The analysis section will focus on the resolution of any issues, recommended project changes, or conditions to address any issues or concerns. The Petitioner has responded to some of the comments received; due to the length and breadth of the comments the responses are brief and the Petitioner's responses are included at the end of the comment section.

The following comments were received:

**City Departments:**

**Seattle Police Department:** We have no issue with the closure of the street. We are concerned about the possible overlap of events at the various venues and our ability to facilitate the movement of vehicles and pedestrians.

**SDOT Traffic Management and Policy and Planning Divisions**: The Traffic Management and Policy and Planning divisions have reviewed the petition for vacation of a portion of Occidental Avenue South. Given the delayed timing of the release of the EIS, we would prefer to offer comments relative to the public benefit package once we are able to review the project impacts and proposed mitigation that will be identified in the EIS. In the meantime, we can offer the following comments:

- In general, we expect to see public realm improvements that will provide ongoing benefits to multiple audiences, not just attendees at arena events.
- Public realm improvements should be designed with aesthetics, maintenance and public safety in mind.
- The proponent should provide information that clearly identifies what elements of the project are design features, what elements are mitigation for impacts under SEPA, and what elements are proposed as public benefit related to the proposed street vacation. In reviewing other projects, we have found that a table describing all of the public realm improvements and indicating under what requirement or guideline they are being provided can be very helpful.

**Seattle City Light (SCL):** Based on the description provided by the petitioner, it looks like one of our transmission poles, located at the southwest corner of Occidental and Massachusetts, may be within the proposed vacation area. We would like to request that the petitioner mark the north boundary of the proposed vacation area on the ground with paint (we assume there has been some kind of survey) and then let us know when that is done. We will need to verify that the pole is in or out based on the identification of the north boundary. The map shows the south line of Mass produced east, and it appears that the base of the wood glue laminate pole is south of that line, but it is close.

**Seattle Department of Parks and Recreation (Parks):** The Department of Parks and Recreation has no comments or concerns about the proposed vacation of Occidental Avenue South between South Holgate Street and South Massachusetts Street.

**Seattle Public Utilities (SPU)**: Seattle Public Utilities (SPU) has reviewed the proposed vacation, and has identified the following concerns and has the following conditions:

SPU Sewer and Drainage: The petitioner's request has been reviewed and these revised comments are provided in November, 2015. There is an existing 15" PS combined sewer main in Occidental Ave S built in 1916 (vault plan number 66-92). There are also existing catch basins and inlets and pipes connecting the street drainage all within the proposed right of way to be relinquished. There are also side sewers that are shown on side sewer cards numbers 5157, 5158, and 5158-1.

Conditions required by the street vacation shall be as follows:

1. Petitioner to reroute the side sewer from south of S Holgate Street to the 15" PSS south of S Holgate street in Occidental Ave S flowing southbound. Petitioner to get permission from the property owner to reroute their side sewer connection
2. Remove or Abandon the sewer north of centerline of S Holgate St projecting from Occidental Ave S.
3. SPU to relinquish ownership of the sewer pipe, sewer maintenance hole and all drainage appurtenances in Occidental Ave S right of way to be vacated.
4. The petitioner is to install a new maintenance hole on the same sewer line (projecting north on Occidental Ave S) approximately 5 feet minimum from the north margin of the street vacation.

SPU Water: The existing 16" feeder main in Occidental Ave S is one of two alternate feeds to the Pioneer Square seismic backbone main from Beacon Hill Reservoir. If Occidental Ave S, between S Massachusetts St and S Holgate were to be vacated, the current ability to feed the 24" pioneer Square backbone main from either the Holgate St feeder or the 1st Ave S feeder will be lost.

To accommodate the loss of the 16" Occidental feeder in the proposed vacation area, the remaining 16" feeder in 1st Ave S would need to be upsized and reconstructed to be seismically resistant. The existing 16" Occidental feeder, severed by the street vacation at S Massachusetts, would need to be extended west to connect with the upgraded 24" seismically resistant feeder in 1st Ave S. Valving at the supply junction of 1st Ave S & S Massachusetts St would need to be arranged so that either the 16" feeder in Occidental Ave S or the 16" feeder in 1st Ave S- north of Massachusetts- could be supplied from the upgraded 24" feeder approaching Massachusetts from the south. Similarly, at 1st Ave S & S Holgate St, valving would need to be provided such that the single, seismically upgraded 24" feeder north of Holgate could receive two alternate supplies from the reservoir: from either the east (via Holgate) or from the south (via 1st Ave S).

Significant water system reconfiguration required by the street vacation would include:

- Approximately 800 LF of 24" seismically resistant feeder main in the 1700 block of 1st Ave S, including hydrant and water service laterals
- Retirement of the existing 16" main in the 1700 block of 1st Ave S
- Retirement of the existing 16" main in the 1700 block of Occidental Ave S
- Approximately 230 LF of 16" seismically resistant pipe in 1st Ave S, two line valves controlling the two alternate supply connections at Holgate
- Contiguous with the seismically resistant pipe in 1st Ave S,, two line valves controlling the two alternate supply connections at Massachusetts.

After reconfiguration of the existing distribution system grid, water service to the facilities located in the street vacation area would need to be established via new metered water service connection, per standard charges.

Recommendations: SPU recommends the Vacation Petition of Occidental Avenue South; Clerk File 312905 be approved with the enclosed conditions considered and met.

**Department of Planning and Development (DPD):** Please accept these DPD comments on the proposal of WSA Properties et al to vacate one block (Holgate to Massachusetts) of the above identified street. They are based upon the Land Use Policies section II of the Seattle Street Vacation Policies.

Background:
The development proposal includes 2 full, rectangular blocks of land, each about 150 x 680 ft, totaling 233,500 sf of site area, PLUS the 60 ft wide Occidental street ROW they flank, which totals 40,811 sf (+ 17.5% site area), totaling 274,311 sf for the combined parcel. Both blocks are located in the IC-85 Industrial Commercial zone (SMC 23.50), and are also fully within the Stadium Transition Area Overlay District (STAOD) (SMC 23.74).

The vacation proposal would allow construction of an arena with a floorplate dimension of approximately 390 x 500 ft, while the existing blocks at 150 and 187 ft wide cannot accommodate the floorplate. "Spectator Sports Facilities" are permitted outright in the IC zone. An EIS is being prepared for the project and will address traffic, land use and other effects of the vacation (Guideline 4.2.C); a Draft EIS is expected in mid-August of 2013.

Guideline 4.1 - Land Use Considerations:

A) The development potential of the combined two blocks plus the vacated street is theoretically increased, however the arena proposal is specifically less. Assuming 5 stories of development (within the 85 ft IC-85 height limit) the 2 blocks would generate 1.16 mil sf. The street ROW fully developed in a like fashion generates 204,000 sf. The 2 blocks plus vacation equals a total potential of 1.37 mil sf. The proposed arena is predominantly a rectangular volume, 75 ft tall, and contains 750,000 sf of net usable floor area, which is 54% of the total including ROW, and 64% of the total possible without the ROW vacation.

**B)** "Circulation, access, utility… and view functions of nearby public streets" will be evaluated in the EIS. In terms of "light, air and open space" the essential building volume is slightly less tall than the 85 ft maximum allowed, thus not blocking light, and the air and open space of the ROW are not critically linked to any larger urban design patterns. In terms of development scale, the long and short term impacts of the combined parcel are not considerable.

**C)** Consistency with the Seattle Comprehensive Plan and other policies including the Greater Duwamish Manufacturing/Industrial Center (MIC), will be evaluated in the DEIS, as will transportation aspects. No zoning change is proposed, and the combined site with vacation is fully within the STAOD, which "centers on large sports facilities and allows uses complementary to them"; the arena is complementary as a "similar major, regional attraction." The site is not within an Urban Center or Urban Village, and the vacation does not entail a boundary change of the STAOD.

**D)** In this existing Industrial Commercial zone, there is a wide range of development size, scale and character, and the arena on the proposed combined parcel would be compatible with existing development, and with development expected from the base IC zoning on similarly large parcels.

**E)** The existing "local pattern of land division" ranges from single lot buildings along First Avenue to full block warehouses along the nearby railroad tracks. The proposed arena on the combined site – even 390x 500 x 75 ft tall - represents a transition from long warehouses to the south, to the even larger stadiums to the north. The post-vacation lot size and configuration would not be disruptive to the local pattern. The Occidental ROW does not provide a boundary to a different zone; it is surrounded by IC zoning for at least 2 blocks on all sides, so the ROW does not need to be preserved as a transition or buffer.

Guideline 4.6 – Zone Specific Review

**E)** In Industrial Areas, the guiding policies come from the Comprehensive Plan. Consistency with the Seattle Comprehensive Plan and other policies including the Greater Duwamish Manufacturing/Industrial Center (MIC), will be evaluated in the DEIS.

Conclusion and Summary

DPD is not opposed to the proposed vacation on land use grounds. The development potential attributable to the vacation is consistent with adopted land use policies; in fact, as proposed, the floor area is 64% of what could be developed without a vacation. The potential development with vacation is consistent with the existing context and creates no significant land use incongruities. In both the short and long term there would appear to be no appreciable negative land use effects on the area from the proposed vacation.

**Seattle Design Commission (SDC):**

The Seattle Design Commission reviewed the Project on the following dates.

- December 6, 2012
- January 17, 2013

- April 4, 2013
- May 2, 2013
- November 7, 2013
- April 16, 2015
- May 21, 2015 (Urban Merit Action taken)
- June 18, 2015
- August 6, 2015
- September 3, 2015 (Public Benefit Action taken)

For brevity, only those meeting minutes for the meetings when the Urban Merit Action and Public Benefit Action were taken are included in this recommendation. The rest of the meeting minutes and presentations to the Design Commission are a part of the Clerk's File and can also be found at:
http://www.seattle.gov/dpd/cityplanning/designcommission/projectreviews/currentprojects/seattlearena/documents/default.htm

The SDC reviewed the project on May 21, 2015 and had the following comments and took the following action:

Summary of Discussion
The Commission organized its discussion around the following issues:

**Circulation and access**
The Commissioners began their discussion of urban design merit with circulation and access. They agreed that an essential component of the proposed circulation scheme was an agreement among stakeholders outlining shared use of the proposed access road east of the Arena. The Commissioners appreciated the widened sidewalks, voluntary setbacks, other efforts to implement the vision of the Stadium District Study Street Concept Plan. They also supported the proposal to table S Massachusetts St between 1st Ave S and Occidental Ave S to create a curbless, pedestrian-oriented environment. Due to lingering concern about pedestrian safety along S Holgate St and at the railroad tracks, the Commissioners recommended a condition requiring construction of the proposed pedestrian bridge and recommended other pedestrian improvements in the vicinity.

**Parking and utilities**
The Commissioners also discussed the proposed parking scheme as shown in the presentation. They continued to support a parking solution that uses existing parking facilities instead of construction a new parking garage. However, should a parking facility be constructed, the Commissioners agreed that incorporating an appropriate mix of uses, including potential industrial uses that complement the surrounding businesses, should be an essential part of the garage. The Commission also discussed utilities and expressed their preference for undergrounding utilities wherever possible in order to improve the pedestrian experience at and around the project site. The Commission continued to applaud the proposed approach to

managing stormwater on-site and encouraged the petitioner to develop this strategy as much as possible

**Open space**
Finally, the Commission considered the open space proposed at the northwest corner of the project site. They agreed that, from an urban design merit perspective, this open space serves to accommodate the pedestrian volumes that the Arena will generate. Should this plaza be included as part of a public benefit package, the Commissioners emphasized that it should benefit all people equitably and encouraged a variety of programming and activities to achieve that. They also identified lighting on non-event days as a key determinant of whether the plaza is a successful public space outside of its role accommodating pedestrian volumes on event days.

**Action**

The Design Commission thanked the project team for the urban design merit presentation. The Commission particularly recognized the attention given to the pedestrian realm, notably the sidewalk widening and landscaping proposed on 1st Ave S, and appreciated that the plaza and restaurant would be accessible to the public year-round.

With a vote of 8 to 0, the Commission approved the urban design merit of the petition to vacate Occidental Ave S between S Massachusetts St and S Holgate St. The Commission's recommendation of approval of urban design merit referenced the following recommended conditions:

1. Prior to the issuance of a Certificate of Occupancy for the Seattle Arena, the proposed pedestrian and bicycle bridge in the S Holgate St right-of-way shall be constructed and available for use by Arena attendees.
2. The petitioner shall finalize a shared-use agreement with the Public Facilities District that allows Safeco Field event attendees to use the proposed access road east of the Arena, in order to support the urban design vision of a) Occidental Ave S as a shared use street and b) the proposed design for S Massachusetts St between 1st Ave S and Occidental Ave S.
3. While the Commission continues to support a parking solution that uses existing parking facilities instead of construction of a new parking garage, if the petitioner proceeds with development of a parking structure at S Holgate St and Occidental Ave S as shown in Figure 2 of the May 21, 2015 meeting minutes, the Design Commission shall review and approve its exterior design prior to the issuance of a Master Use Permit.
4. If the petitioner proceeds with development of a parking structure at S Holgate St and Occidental Ave S as shown in Figure 2, the ground floor of the parking structure shall include ground-level uses that are a) independent of any uses needed to support Arena functions and b) designed to accommodate the range of uses permitted in its zone.

The Commission also recommended that the City Council adopt the following conditions if it grants concept approval:

1. If a shuttle system is implemented for Arena attendees, the shuttle shall not be an interim measure but a permanent project element, it order to provide greater access to King Street Station and other transit facilities, particularly for mobility-impaired attendees.
2. If a shuttle system is implemented for Arena attendees and becomes a permanent project element, an evaluation of shuttle performance shall be required within three years of commencing operations and the results provided to the City Council. The evaluation shall indicate the extent to which the service should be adjusted or modified to reflect or meet rider demand.

Should the petitioner determine that any of the aforementioned conditions are infeasible or if any changes occur to the site plan or components of the urban design merit review as presented today, the Commission requests that SDOT re-refer the petition to the Commission for additional review of urban design merit. Because the Commission will review any proposal for construction of the new pedestrian bridge in the S Holgate St. right-of-way, this urban design merit approval does not constitute approval of any particular bridge design elements shown in the presentation.

<u>The SDC reviewed the project on September 3, 2015 and took the following action to approve Public Benefit:</u>

**Summary of Discussion**
The Commission organized its discussion around the public benefit items in the order they were presented and as they were grouped:

1. Plaza Programming and Living Machine

The commissioners agree that the concept of the public plaza and living machine are understood, but more detail needs to be provided. More specifically, the design team should think about how the overall design of the plaza, including the size of the living machine, location of open space, and other design features, will facilitate the programmability of the plaza. The design team should research how to establish programming year round, not only during the summer months (May-Oct.), and should think about reaching out to other professional sports teams to leverage large events. In order to establish a diverse list of programs for the plaza, a broad and diverse group of stakeholders should be formed, including organizations such as the department of parks and recreations, the boys and girls club, Mariners and Seahawks organizations, as well as other regional groups.

2. S Massachusetts St ROW

With regard to the overall design and pavement material used, the commission supports a design that will terminate at the edge of the public plaza rather than extending across S. Massachusetts

St., which will use a curb-less street design. This approach will show a clear transition from the public plaza to the streetscape. The presence of large mature trees in front of the plaza along S. Massachusetts will also help in signifying the transition from plaza to street.

3.1st Ave S ROW

Although the commissioners have a few concerns about the design, which includes long linear rain gardens with few breaking points for access and eliminates on street parking, they agree the overall design of the rain garden, along with its ability to treat water along 1st Avenue is a huge asset for the city. The commission suggested breaking up the linear space, physically or perceptually, by incorporating small gathering spaces, different paving patterns, and a variety of plant species, which will also enhance the overall design of the rain garden.

4. S Holgate St ROW and Pedestrian Bridge

The commissioners support the realignment of S. Holgate Street, but are concerned with the number of designated vehicular lanes on Holgate. There is confusion regarding the number of lanes required for mitigation, as the environmental impact statement suggests five lanes while SDOT recommends three lanes. Although S. Holgate is not designated as a residential street, the commission recommends the pedestrian flow along Holgate be preserved. If significant changes are made to the design of Holgate Street that will affect the pedestrian flow then the design will come back to the commission for further review. In keeping with surrounding industrial uses, the commission recommends preserving the industrial feel of S. Holgate St.

5. Public Art Plan

The commissioners greatly appreciate the work Norie has done in creating the public art framework. As part of the framework, the temporary art program will serve as a way for young artists and agencies to display artwork and/or provide educational opportunities through temporary art exhibitions. Thought should be given to funding the temporary art program in a way that will provide a steady stream of income. Although the public plaza has been identified as a major area for displaying public art, this may conflict with other proposed programs. The design team should be flexible when it comes to designating space within the plaza for public art so it does not conflict with other programmable elements.

6. Bike Facilities

The commission commends the design team for providing a high level of detail within the design of the bicycle facility plan. The commission notes that the plan extends the furthest away from the project site and provides the clearest example of public benefit.

7. Off-Site Wayfinding

The commission appreciates the additional signage, but suggests the design team make clear that the 15 additional wayfinding signs and kiosk are in addition to the signs required for mitigation measures.

**Action**

The SDC thanked the project team for the detailed presentation of on and off –site public benefits related to the Arena street vacation.

The Commission voted to recommend approval of the public benefit package, 6 to 0, with the following conditions:

1. Prior to the issuance of a construction permit, the SDC shall review and approve permanent and programmable elements, in its totality, for the public plaza and Living Machine program.

2. Prior to the issuance of a construction permit, the SDC shall review and approve the proposed programming plan for the plaza. The SDC review shall include consultation with the City's Parks Department and Office of Arts and Culture.

3. Prior to the issuance of a construction permit, the SDC shall review and approve the proposed Public art plan. The SDC review shall include consultation with the Seattle Office of Arts and Culture and King County's 4culture office.

4. Prior to the issuance of any Street Improvement Permit, the SDC shall review and provide comment on the proposed designs of the S Holgate right of way, in particular on the urban design issues related to the street and its related improvements.

5. Prior to the issuance of a certificate of occupancy, install permanent art prior to opening of building. We are asking you come back with a detailed public art program prior to the issuance of construction permits.

In addition, the SDC also makes the following recommendations to enhance the design and function of the proposed public spaces:

1. The commission recommends the design team look at multi-seasonal programming within the public plaza

2. See efforts to differentiate treatment with plaza and street along S. Massachusetts St.

3. The commission recommends there be discussion related to how the temporary program can relate to the overall art program.

**Outside Agencies:**

**King County Wastewater Treatment Division:** Our pipe lies in the center of the Massachusetts right-of-way. Provided that the vacation aligns with parcel lines as shown on the map there is no impact.

**King County Metro:** King County Metro Transit has conducted a review of the above referenced street vacation. We've concluded that this vacation will have no effect on our facilities or operations in the vicinity of the subject street right of way. Thank you for providing Metro with the opportunity to comment.

**CenturyLink:** This letter is in response to the notice for all of the above referenced proposals. Please be advised that Qwest Corporation (d/b/a CenturyLink) currently has facilities in the area(s) addressed by these actions. These facilities and our needs have been identified by our Engineer with the Arena Development Team. At this time, Qwest (d/b/a CenturyLink) has no issues with the proposed vacations so long as provisions are made to retain our rights by either PUE or private easement to cover our existing & future facilities.

**Puget Sound Energy:** PSE has conducted a review of its existing gas facilities in the subject portion of Occidental Ave S. as described in Clerk File No. 312905. The subject vacation is being requested by WSA Properties. According to PSE's records, there is an existing 3" steel wrapped intermediate pressure natural gas main in 6" conduit located longitudinally along the full length of the proposed vacation area of Occidental Ave. S. Our maps also indicate the main feeds several properties abutting Occidental. PSE will require an easement in order to protect this natural gas main and allow for its safe and continuous operation in its current location.

**Community Comments:**

**Kevin Daniels, Nitze-Stagen & Co., Inc.:** While the proposal has the potential for many positive contributions, we hope the public benefit requirements of any street vacation approval will consider opportunities for pedestrian connections that enhance the SODO and Pioneer Square neighborhood. Also, the issues of traffic and parking will require special attention during the SEPA review, particularly the traffic at 1st and Edgar Martinez Way. Currently Occidental plays an important commute role in the AM commute (even if it's unintended) and the increased additional flow south onto First Avenue South caused by this proposal will need to be improved over what exists today. We understand the Draft EIS is expected to be out in June and hope that the information will assist with the analysis of the impacts associated with the area. We will reserve further comments until then.

**Geri Poor, Port of Seattle:** Thank you for the opportunity to review the proposed package for the vacation of Occidental Avenue South. In addition to drawing on a century of marine cargo operations in the Duwamish Manufacturing and Industrial Center (MIC), our comments are based on review of:

- "Seattle Arena, Seattle Design Commission, Occidental Ave Street Vacation, Urban Merit" 5/2/13
- Memorandum, "Proposed Vacation of Occidental Avenue South: Clerk File 312905," Gray, 4/17/13
- "Seattle Arena Street Vacation Petition," 3/12/13
- Port of Seattle Commission motion concerning siting of a sports facility in SoDo, adopted 8/7/12

- Seattle Planning Commission's "Review of the Proposed Sports Arena in the Duwamish Manufacturing and Industrial Center." 7/27/12
- City of Seattle Container Port comprehensive plan element, adopted 4/2/12

Our international gateway serves imports and exports by providing container port facilities for cargo transfers from ships to truck or train, using the very system where capacity would be reduced if the vacation of Occidental Avenue South were approved. The Duwamish/SoDo neighborhood is a symbiotic network of businesses and infrastructure that supports this economic driver.

The Port of Seattle is on record supporting the return of NBA basketball to our region. The Port, however, has raised concerns about the impacts of the proposed SoDo arena development on port operations and the economic vitality of the Duwamish industrial area.

The information provided by the applicant does not justify a street vacation and the loss of transportation capacity. The application does not demonstrate that the vacation is in the public interest, nor that its impacts can be addressed. The vacation would exacerbate the traffic operations in the Duwamish/SoDo neighborhood in ways that the proponents have not disclosed nor sufficiently analyzed. Further analysis of the concerns laid out below must be completed before a decision about the proposal can be made. Effective mitigation measures must be in place before any vacation could occur.

1. Occidental Avenue S between SR 519 (Edgar Martinez Drive) and S Holgate Street functions as a relief valve for the 1st Avenue S and S Atlantic Street intersection, serving through traffic in addition to adjacent properties. This intersection is the primary gateway for traffic between this neighborhood and Interstates 5 and 90. Losing the traffic carrying capacity afforded by Occidental Avenue will divert this traffic to adjacent streets, exacerbate congestion in the area, and affect access to and from the interstates.

2. The proposed vacation of Occidental risks adverse land use effects which are inconsistent with city policies.

3. Other street proposals presented in these documents further weaken the capacity of the street network in the Duwamish Manufacturing & Industrial Center (e.g., lane reductions on 1st Avenue, festival street uses), yet there is no corresponding discussion of viable and effective mitigation measures.

The following paragraphs provide additional information and examples of these three concerns.

1. Through traffic on Occidental: Occidental Avenue S is one of only three north-south streets located between the BNSF Railway mainline railroad tracks and the SIG Railyard, and is an important part of the limited grid of streets in this neighborhood. It currently serves traffic destined beyond the adjacent properties, among SR519 (Atlantic/Edgar Martinez Drive), S Holgate Street, and 1st Avenue S, in addition to providing local access

to adjacent properties. Some of the street vacation documentation refers to Occidental Avenue S as an alley, which it is not—it serves a much broader role for through trips as well, given the existing capacity deficiencies of the surrounding street system.

- Occidental Avenue S carries through traffic between SR 519 and S Holgate Street throughout the day, but its capacity is even more important during peak periods when the intersection at 1st Avenue South and Atlantic Street operates under failing (LOS F) conditions. In the morning, vehicles on westbound SR 519 will turn onto southbound Occidental to bypass this congested intersection, and in the afternoon, northbound vehicles will use Occidental instead of 1st Avenue S to access the interstate ramps.

- The Port understands that Occidental plays an important role for access to the Mariners garage as well. Impacts and delays compared to current operations due to the proposed vacation have not been analyzed (ref p. 9, Street Vacation Urban Merit, 5/2/13).

- When trains crossing Holgate block eastbound vehicle traffic, Occidental provides a through route to the SR519 (Edgar Martinez Drive) overpass which provides grade- separated access over the tracks.

Further data and analysis are needed to determine the volume of traffic that would be diverted to other streets, and to evaluate the impacts of those diversions due to the proposed street vacation. We do not see how these impacts can be mitigated given the current street configuration, existing structures, limited land availability and lack of funding. Yet, effective mitigation measures must be in place before any vacation could occur.

Mitigation measures will likely be necessary at locations such as 1st and Atlantic, 1st and Massachusetts, 1st and Holgate, as well as Occidental and Holgate, 4th and Holgate, Massachusetts and Atlantic, and at train crossing blockages. We note that Washington State Convention Center was built elevated over the freeway, to allow traffic to continue to flow.

2. <u>Inconsistency with City Policies</u>: The proposed vacation of Occidental is inconsistent with city policies as it risks adverse transportation impacts that the city's Container Port Element of the Comprehensive Plan is seeking to prevent, and to the City's Manufacturing and Industrial Center, resulting in increasing gentrification pressure and a negative impact on the city's economy.

- Approval of this proposed street vacation is inconsistent with the Container Port element of the City's comprehensive plan because it would impair the vital cargo transportation corridors that serve the Port's marine cargo terminals and put redevelopment pressure on nearby industrial lands. Among the policies in that element, Policy CP3 speaks directly to this situation: CP3: Discourage non-industrial land uses, such as retail and residential, in industrially zoned areas to minimize conflicts between

uses and to prevent conversion of industrial land in the vicinity of cargo container terminals or their support facilities."

- In 2007, the City held extensive study and stakeholder outreach regarding industrial lands as a city resource. It concluded that development of intense commercial uses near and within the industrial zones threatens the viability of industrial centers and their living wage jobs. At year end, the council passed Ordinance 122601 imposing significant limitations on developing commercial uses on industrially-zoned land. The proposed street vacation and the resulting development will put additional pressure on the remaining industrial lands base, which this ordinance was intended to prevent.

- The Seattle Planning Commission's "Review of the Proposed Sports Arena in the Duwamish Manufacturing and Industrial Center" (7/27/12), also notes that the proposed arena is likely to put further conversion pressure on nearby manufacturing and industrial businesses, as the additional non-industrial traffic makes industrial transportation to and from the area less efficient and more congested, weakening the long-term prospects for industrial growth.

- Further, from the same document, the potential loss of tax revenue and jobs from the Manufacturing and Industrial Sector puts at risk 36% of the City's total revenue from all sales tax receipts and 38% of the City's total business and occupation (B&O) tax revenue annually.

These impacts are not consistent with long-term public benefit.

3. Accounting for cumulative proposed street changes: Other street proposals presented in these documents further weaken the capacity of the street network in the Duwamish MIC, yet there is no corresponding discussion of viable and effective mitigation measures.

- The petition's First Avenue Street Section ("Street Vacation Petition," 3/12/13, p. 84) shows 1st Avenue reduced from three lanes in each direction (including parking) to 2 lanes (including parking) with a center turn lane. Adding this to the proposal to vacate Occidental must be thoroughly analyzed and mitigated.

- Festival Street use on Occidental, between Edgar Martinez Drive and Massachusetts, and on Massachusetts, between 1st and Occidental, must be part of the transportation analysis and mitigation planning, as well.

- An additional scenario to consider in the cumulative changes to the street use is how the proposed tolling of the SR99 Bored Tunnel will increase the traffic at the south portal to the tunnel, in this same SoDo/Duwamish neighborhood. Upon close review of the proponent's documents, we suggest some technical edits in the Technical Addendum below.

While we have expressed concerns about the proposal of a Seattle Arena in the Duwamish MIC, we support the concept of NBA basketball in the region and recommend alternate sites for the reasons which will become apparent when thorough transportation analysis is completed. We look forward to more information becoming available.

TECHNICAL ADDENDUM – recommended edits to proponent's graphics

p. 22 (Street Vacation Petition): Graphics showing "interstate access" (beginning on p. 22 of Street Vacation Petition and continuing throughout) reflect only the access to I-90 at the throat of the highway above Airport Way. In fact, those ramps connect to the city street system at 4th Avenue South (north of Royal Brougham), and at 3rd and 4th Avenues with SR519 (Edgar Martinez Drive). These locations, which are much more proximate to the proposed street vacation, should be shown.

p. 22 (Street Vacation Petition and ensuing): Base map graphics showing "BNSF Yard" (between Occidental and 3rd Avenue South on either side of Holgate), (beginning on p. 22, and as well p 34/35, of Street Vacation Petition, and p. 11 Urban Merit, 5/2/13) should reflect that this is a passenger train maintenance yard (Sounder, Amtrak) with heavy traffic crossings as well as the mainline rail through Seattle. There are frequent closures at the 14 Holgate rail crossings.

p. 16 (Urban Merit): Service Connections provided for PM peak, but given the permanency of the street vacation, AM and mid-day analysis is needed as well.

**Ann Kawasaki Romero, Washington State Public Stadium Authority and First & Goal, Inc.:**

The Washington State Public Stadium Authority ("PSA") and First & Goal Inc. ("FGI"), submit this joint initial comment letter regarding WSA Properties' ("WSA") petition to vacate Occidental Avenue South (Clerk File 312905). The PSA is the public owner of CenturyLink Field and Event Center (collectively "CenturyLink Field"), and FGI is the master tenant and facility operator for CenturyLink Field. As explained herein, the PSA and FGI believe that the City and all stakeholders should have better information regarding the impacts of the proposed street vacation and subsequent arena development *before* the City takes any action related to the vacation proposal. As those impacts are disclosed, the PSA's and FGI's goals are to ensure that the public's investment in CenturyLink Field is protected, and that the area surrounding the stadiums continues to function efficiently and develops to the benefit of all three major sports facilities.

City's Street Vacation Policies and Priorities.

The City's street vacation policies call for the City to consider three principal issues when reviewing a street vacation proposal. First, the City must consider the impact of the proposed street vacation on the right-of-way's public trust functions, including impacts to circulation and access. This includes ensuring that "circulation to properties on neighboring

streets is retained," and replacing all lost public parking spaces. Street Vacation Policies, p. 8, 11. The City's Street Vacation Policies require applicants to mitigate all adverse effects on these "public trust functions," and further provide that "[w]hat constitutes adequate mitigation will be determined ultimately by the City Council." *Id.* at 6.

Second, the City considers the land use impacts of the proposed development enabled by the street vacation. The proposed development must be consistent with the City land use policies for the area in which the right-of-way is located.

Third, the City considers the public benefit of the proposed street vacation and subsequent development. The City's street vacation polices require applicants to provide long term benefits to the general public above and beyond offsets and mitigation. The City's policies call for "significant public benefit from major projects, that is those that are large in scale…or those where the vacation contributes a significant increase in the scale of the project." (Street Vacation policies, p. 29) Due to size of the proposed arena project and the relative importance of the street vacation to arena development, the City should apply this policy to the arena. The PSA and FGI ask that the City evaluate the WSA's street vacation petition against each of these policies and ensure that the WSA provides appropriate mitigation and public benefits commensurate with the scale of the arena proposal and its impacts on the surrounding area, including the operation of CenturyLink Field.

Too Little Is Known About the Impacts of the Proposed Street Vacation and Subsequent Development for the City to Proceed with a Recommendation or Decision at this Time.

The WSA's initial street vacation petition does not provide adequate information to make an informed recommendation or decision regarding its street vacation proposal. The City's street vacation application checklist requires the applicant to "describe the transportation impacts and address both the impacts from the loss of the right-of-way currently and in the future as well as the transportation impacts from the new development." It goes on to require the applicant to "describe any impacts on the transportation system, which includes impacts to pedestrians, bicycles, transit and vehicles," and to "describe impacts to the street grid." WSA has not yet provided information responsive to these application requirements. The PSA and FGI acknowledge that WSA has stated it intends to provide this information with the Environmental Impact Statement (EIS) for the arena project. That is an acceptable approach provided the City (Planning Commission, SDOT or City Council) defer any recommendation or decision regarding the street vacation proposal until the EIS is complete.

The WSA's intended reliance on the EIS to meet its application requirements for the street vacation petition highlights the need to ensure that the EIS analysis is complete and accurate. It is not possible to complete the necessary EIS analysis without complete information regarding: (i) the terms of a coordinated events scheduling agreement as required by the City/Arena MOU; (ii) how the WSA intends to meet the parking requirement for the arena. To date, WSA has not initiated discussions with the PSA or

FGI regarding events coordination. Similarly, the street vacation petition does not include any information regarding how the WSA intends to coordinate events with CenturyLink Field and Safeco Field. The addition of the WSA is not contemplated by the current Scheduling Agreement between Safeco Field and CenturyLink Field. Adding an arena and additional events will require a new approach to scheduling and traffic mitigation that needs to be resolved before the City makes any recommendation or decision regarding WSA's street vacation petition. The City should facilitate the parties initiating negotiations on this agreement.

Further the WSA appears to have represented that it will use the Safeco Field Garage to meet its parking obligations for the new arena. The Safeco Field Garage, however, is already subject to parking agreements, including one with the PSA and FGI that significantly limits the available parking in the Garage at any given date/time. The PSA and FGI are committed to ensuring that CenturyLink Field patrons continue to have safe and convenient access to the Safeco Field Garage consistent with its existing agreement with the Mariners and the Washington State Major League Baseball Stadium Public Facilities District ("PFD"). The City should require the WSA to provide complete and accurate information regarding how it intends to meet its parking requirements, including replacing the parking spaces lost as a result of the street vacation.

Until the WSA has provided a complete application and description of its proposal, including the completed EIS, it is not possible for the PSA or FGI to evaluate and comment fully regarding the street vacation proposal. Consequently, the PSA and FGI anticipate that we will submit one or more additional comment letters as more complete information becomes available. More importantly, until there is a complete proposal, it is not possible for the City to adequately assess the impacts and the benefits of the proposed arena and apply the City's Street Vacation Policies.

<u>The City Should Ensure that the WSA and Arena Provide Comprehensive Mitigation and Appropriate Public Benefits as Conditions of Any Street Vacation Approval.</u>

The WSA's proposed arena would be the third professional sports facility to be constructed in the South Downtown neighborhood in the last fifteen years. The prior approvals for CenturyLink Field and Safeco Field provide useful templates in considering what types and amounts of mitigation and public benefit should be provided by the WSA as part of constructing the arena. We have attached a list of the conditions imposed by the City on the PFD when constructing Safeco Field and the PSA when constructing CenturyLink Field. These requirements have contributed to the successful development and operation of the existing facilities and should be considered as a starting point for mitigation and public benefit requirements for the arena. Furthermore, such requirements are needed to ensure that the arena development does not adversely affect the existing facilities.

The City should also consider the new Stadium District Concept Plan in determining the scope of mitigation and public benefits required for the new arena. The Stadium District Concept Plan, adopted by the PSA and PFD in December 2012, presents a vision for the Stadium District over the next decade intended "to dramatically and positively impact the

neighborhood." Particularly relevant to the proposed street vacation and arena proposal, the Stadium District Concept Plan calls for enhanced pedestrian and bicycle connections within the Stadium District, including way-finding signage and lighting to connect the District and events facilities to key parking facilities. Consistent with these objectives, the February 22, 2013, Design Review packet for the arena references a pedestrian bridge over the railroad tracks on Holgate. The Design Review packet, however, anticipates that this pedestrian overcrossing will be "constructed by others." The City's approvals for both CenturyLink Field and Safeco Field included obligations on the PSA and PFD to contribute to similar pedestrian overcrossings. The City should consider imposing a condition on the street vacation approval to require the WSA to contribute to the Holgate pedestrian bridge and other pedestrian improvements in the District. Further, the City should consider where the additional parking required for the arena would be located. The Stadium District Concept Plan calls for the development of an additional 2,000 parking spaces in the Stadium District to meet current and future demand even *before* the addition of the proposed arena.

Thank you for the opportunity to provide initial comments regarding the WSA's street vacation petition. The PSA and FGI look forward to the opportunity to comment further once the EIS for the arena development is completed, including an analysis of the impacts of the street vacation. Until then, we urge the City to defer any recommendations or decisions regarding the street vacation petition as premature.

**Melody McCutcheon, Seattle Mariners:**

On behalf of the Seattle Mariners, we offer the following comments on the Occidental Avenue South street vacation petition submitted in March, 2013, by WSA Properties, LLC, et al., for the proposed arena.

As outlined in this letter, the proposed vacation will have significant adverse impacts on traffic circulation that must be mitigated. Without very specific mitigation imposed as a condition of street vacation approval, the vacation would adversely affect: 1) access to and from the Safeco Field garage, surface parking lot, and service road; 2) emergency access to the ballpark and areas north; 3) use of the plaza west of the Safeco Field garage and Occidental Avenue north of the arena, for staging and other activities for the ballpark and Century Link. In addition to requiring mitigation for loss of the street, we have two primary concerns regarding the review process for the street vacation:

- The information presented in the street vacation petition is based on an inadequate understanding of current traffic conditions in the area. Basic data is lacking on how the streets are actually used. Traffic associated with the interplay of Safeco Field, Century Link, and the Exhibition Hall creates a complicated and unique situation. There must be careful consideration of the existing conditions and that information will not be available until an Environmental Impact Statement is prepared and vetted through a public process. In the absence of such critical information, action on the street vacation (by either SDOT or the Design Commission) is premature. We urge

SDOT to obtain the needed information prior to issuance of a recommendation on the vacation.

- A number of our concerns with the proposed vacation could be addressed if a scheduling agreement was worked out with the arena ahead of time. A scheduling agreement is essential that avoids or eliminates events in the arena that are concurrent with major events at Safeco Field or Century Link. The street vacation approval for the ballpark, and the permit approval for Century Link, both required the venues to coordinate their scheduling. If the arena street vacation is to be approved, a scheduling agreement must be required. In fact, this is so intrinsic to review of the arena proposal and street vacation, such an agreement should be required prior to issuance of SDOT's recommendation on the vacation.

Occidental and Massachusetts are Critical to Safeco Field and 'Related Uses'

The Mariners have been active participants in the public process related to the new arena. The Mariners have appeared and made constructive comments and suggestions at every design review meeting. Many of those suggestions have been incorporated to improve the arena design elements. Even before the petition was filed, the Mariners met with the applicants and SDOT on February 4, 2012 to explain existing conditions in the area so that planning for the arena could properly account for those existing conditions. The Mariners presented a significant amount of information explaining the use of the portion of Occidental Avenue that is south of Massachusetts Street that would become part of the arena site ("Occidental South"), the use of Occidental Avenue north of Massachusetts Street adjacent to the Safeco Field plaza and parking garage ("Occidental North"), and the use of Massachusetts Streets and the functioning of the Safeco Field garage and the adjacent plaza during the various events at Safeco Field and Century Link. A multi-colored chart summarizing the information was provided to the applicants and SDOT at the meeting. *See* enclosed chart in DEIS.

The chart summarizes the various street functions over the period of a year, and for each use assigns a color indicator of how necessary the streets are per month for a given use, with red being the most critical. As you can easily see, the streets are used *regularly* throughout the year for daily operation of Safeco Field for baseball games and other events. Occidental South and Occidental North, as well as Massachusetts Street, are critical for access to the Safeco Field garage. Based on permits and covenants, the garage serves as the required parking for Safeco Field and Century Link about 169 days per year. In addition, the immediate streets provide emergency vehicle access to the ballpark, and critical access to the surface parking area east of the garage, and to the service road and service compound on the southeast corner of the ballpark, that is essential for all the "back of house" functions (such as broadcast truck access, deliveries and loading docks, trash and recycling facilities, and security) for daily operation of Safeco Field.

The plaza area adjacent to the Safeco Field garage is committed as a staging area at least 100 days per year for events at Safeco Field and Century Link. Portions of the plaza provide

essential charter bus parking (often for school children or seniors), and the curb side area of Occidental North is used for ADA and senior drop off. Massachusetts and Occidental North are the necessary access streets for substantial truck and other vehicle activity associated with those uses. In sum, use of the streets is critical year round.

After having provided this detailed information to the applicant, however, we are surprised to find that none of it was included in or factored into the Street Vacation Petition. Among other things, we found particularly curious the statement on Page 21 of the Street Vacation Petition that "the only parcels that utilize this portion of Occidental are parcels that will become part of the development.Therefore, vacation will not impact direct access for any other property not included as part of the development." This statement is erroneous. It is similarly erroneous for the Street Vacation Petition on Page 39 to assert that Occidental and Massachusetts serve a "Minor" right of way vehicle circulation function.

As made clear in the information previously provided to the applicants, Occidental South, Occidental North, and Massachusetts are vitally important to Safeco Field and its related uses and functions year round. Information on existing conditions must be considered as part of the street vacation petition analysis; SDOT should insist on receiving accurate and complete information from the applicants. We also note from the City's Street Vacation Policies that: "[v]acation requests may be approved only when they are clearly in the public interest. Rights-of-way will be retained unless it can be shown that they are not required for a current or foreseeable public use." Street Vacation Policies, as contained in Clerk File No.310078 ("Policies"), Framework Policy – Public Interest, Page 6.

In order to have adequate information for SDOT's analysis, we urge you to consider information in the Draft and Final Environmental Impact Statement ("EIS"). In February 2013, in order to inform the EIS, we provided to DPD's John Shaw and to the outside consultant, Transpo, information relating to the traffic and parking needs of Safeco Field. *See* enclosed February 11, 2013 letter to John Shaw in DEIS. The information in the EIS will be critical to the City's street vacation impact analysis and recommendations on mitigation. Therefore, we urge SDOT to consider the EIS information before making a recommendation on the vacation. We would also note that the City Council may not consider the petition until the Final EIS has been published. Policies, Section II, Policy 4, Guideline 4.2.C, Page 19.

Access Road Mitigation

Loss of Occidental South will cause significant impacts to Safeco Field and its related uses. Such impacts will require mitigation. In recognition of the adverse effects of the proposed vacation, the arena applicant has been amenable to providing a private access road along the east side of the arena property to make up for the loss of right of way function due to the vacation. We appreciate the applicant's cooperation in that regard. Provision of an acceptably-designed access road, with appropriate operational safeguards, will go a long way toward mitigating the loss of Occidental South.

It is critical that this private access road be made a permanent requirement of the vacation for mitigation purposes, as the road is essential to the usability of the Safeco Field south garage entry/exit, surface parking area, service and operations compound, and service road. The private access road needs to be established as a perpetual easement granted to the ballpark property for access to and from Holgate. This access road will need to be continuously available to the ballpark, on a 24/7, 365-day basis, with full clearance for highway trucks and appropriate security provisions.

This requirement is consistent with the Policies: "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." Policies, Section I, Policy 1, Page 7. The private access road is critical mitigation for loss of Occidental South, and an agreement and easement for its use must be worked out prior to action on the proposed street vacation.

Mitigation for Impacts to Massachusetts Street

The function of Massachusetts Street will significantly change due to the arena. The arena's main entrance is off that street, and the proposal clearly intends for that area (including the street itself) to be a gathering space. Massachusetts Street is also critical for access to the Safeco Field garage.

The arena proposes to develop a small open space area on the arena-owned parcel on the north side of Massachusetts Street. However, more recently, it has been suggested (and supported by the arena applicant) that the Massachusetts Street right of way between Occidental and 1st Avenue South be moved north onto this arena-owned parcel, thereby squaring off the arena site on the north. Such a move would allow the arena's on-site plaza to accommodate a larger contiguous open space area in the critical location of the main entrance to the arena, thereby relieving pedestrian overflow that might otherwise have been forced into a busy street. It is an important safety improvement. This realignment would also improve the flow of traffic into and out of Massachusetts Street and the Safeco Field garage, and better align the right of way with Massachusetts Street west of First Avenue. The Mariners support this proposal and suggest it be required as mitigation, should the street vacation be approved.

Closure of Additional Streets as "Festival Streets"

In addition to the proposed street vacation, the applicant proposes in connection with arena events to close Occidental North and Massachusetts to traffic in order to create a public plaza and pedestrian circulation for thousands of people, under a so-called "Festival Street" permit. Street Vacation Petition, Pages 57 - 58. Such a closure would be an additional loss of right of way function with a direct and severe effect on ballpark operations that cannot be mitigated.

We also note that this particular proposal is not compliant with the rules for Festival Street permits. Such permits are not allowed for activities with "anticipated attendance of over 300 people." SDOT DR 2-2012, Section 6.3.

Thank you for considering our comments, and we would be happy to work with SDOT and the arena team regarding these issues and concerns.

**Ron Jay**

I am in favor of the new arena's location. I would ask that if Occidental is going to be vacated, there need to be some concessions. Third Ave. North from Holgate to Royal Brougham needs to be brought up to city street standards. Holgate east from 1st to Airport and Lander east from 1st to Airport is in need of desperate repair. I feel the Port of Seattle needs to get involved since they are the major loads on these streets and the reason they are in the condition they are. It's the same old problem, the people that beat up the streets don't have to get involved in maintaining them. Lanes are being taken away and given to the bicycles who pay nothing to use them. That's my two bits.

**Charley Royer, Washington State Major League Baseball Stadium Public Facilities District:**

The Washington State Major League Baseball Stadium Public Facilities District (PFD) appreciates the opportunity to comment on the petition for the vacation of Occidental Avenue S. for the proposed arena project. The ballpark PFD is the public entity that developed and owns Safeco Field. The PFD is responsible for overseeing this public asset and for ensuring that the public's investment in Safeco Field is not compromised. Safeco Field and its parking garage are located immediately to the north of the proposed SODO site for the arena, which includes the portion of Occidental Avenue S. to be vacated.

The PFD leases Safeco Field to The Baseball Club of Seattle, LLP (Seattle Mariners), which is our sole tenant. The Seattle Mariners are fully responsible for the operation and maintenance of the ballpark, and they have submitted a separate comment letter expressing their issues and concerns with the proposed street vacation. As detailed in their letter, Occidental Avenue S. currently serves as a major access point for ballpark fans and patrons, and its vacation will have significant adverse impacts that must be mitigated. The PFD has reviewed the Mariners' comment letter and joins in all of the issues raised by the team.

In addition to the team's comments, the PFD is concerned with the completeness of the street vacation petition and the timing of the City's review. Until environmental review of the arena proposal is complete—including an opportunity for public and agency comment—the true impacts of the street vacation will remain unknown and alternatives to the vacation will remain unexplored. Any City recommendation on the street vacation petition will be premature until the environmental process is finished, as described in more detail below. Accordingly, we urge that any staff recommendation on the street vacation petition be deferred until the final environmental documents for the arena project are completed.

If the City elects to proceed with the vacation after the environmental review is complete and the impacts of the vacation are fully disclosed, then we want to remind the City of important conditions imposed on the PFD and Safeco Field as part of the street vacation process that accompanied the development of Safeco Field. These conditions can provide a baseline for the

conditions that should be evaluated as part of the arena street vacation. Establishing similar conditions for both venues will help ensure operational consistency among these adjacent venues and will minimize conflicts in managing dual (overlapping) events in these adjacent venues.

Finally, we are concerned that the existing street vacation petition is not complete, because it does not fully address all the elements required for a petition. We encourage the City to ask the petitioner to supplement its application so that it addresses all of the City policies and guidelines for street vacations, and then circulate that supplement for additional public and agency review. All of these concerns are addressed in more detail below.

Any Recommendation on the Street Vacation Petition Should be Deferred Until the Arena Environmental Review is Complete.

Under the City's Street Vacation Policies (C.F. 310078; "Policies"), proposed street vacations may be approved only after considering all of the following:

1. the impact of the vacation on the "public trust functions" of the right-of-way,
2. the "land use impacts" of the vacation, and
3. the "long-term benefits to the general public."

(*See* Policies, pp. 5-6). For major projects such as the arena proposal, a "significant public benefit must be provided." (Policy 5.D.)

In reviewing a street vacation petition, the City must ultimately determine whether the vacation is in the public interest. In making this determination, the City is directed to weigh the public trust and land use impacts of the vacation, potential mitigating measures, and the public benefit provided by the vacation. (Policies, p. 7). This weighing process cannot proceed without first understanding the impacts of the proposal and potential mitigating measures.

The public trust and land use elements of a street vacation decision expressly require the consideration of project impacts. In evaluating the effect of the street vacation on Public Trust Functions, the City's Policies direct it to consider impacts on all of the following: "circulation, access, utilities, light, air, open space, and views provided by the right of way." (Policies, p. 5). These impacts are given "primary importance" in evaluating a vacation proposal, and specific policies are devoted to each impact area. (Policies, pp. 7-17). The Policies expressly require "mitigation of adverse effects on [each of] these public trust functions." (Id.). Similarly, the Policies require the City to consider the "land use impacts" of the proposed vacation and its consistency with City land use policies. (Policies, p. 6).

Unfortunately, at this stage in the arena review process, very little information has been provided regarding the project's impacts or proposed mitigation measures. We understand that this analysis is underway, with a draft environmental impact statement (EIS) scheduled to be issued for public comment this summer and a final EIS to be issued this fall. But until the environmental analysis is complete and all the impacts of the proposal are known, it will be

difficult for the City to conduct further meaningful review of the street vacation petition, or to conduct the required weighing to determine whether the vacation is in the public interest. Similarly, any evaluation or analysis of the "public benefits" of the proposal is premature before the environmental review is complete. Under the City's Policies, public benefit review must begin with an understanding of project impacts, recognizing "the loss of benefits provided by the right-of-way" being vacated and the "gains achieved" by the vacation. (Policy 5.C.). The public benefit must "balance what the public loses through the vacation with what the public will gain through the project." (Id.) While the petitioner has outlined the public benefits of the proposal, there is no analysis yet of project impacts and the public loss that will result from the vacation. As a result, the public benefit analysis cannot proceed, because only part of the benefits equation is known.

Without a final EIS it is also impossible for the City to fully evaluate the effects of a 'no vacation' alternative. Under the City's street vacation policies, the petitioner is required to evaluate both a vacation and no-vacation alternatives. (Policies, p. 19). While some details of the no-vacation alternative have been provided by petitioner, there is no impact analysis of the no-vacation alternative, which may include analysis of off-site alternatives. We understand that this analysis is forthcoming in the EIS, and we look forward to being able to review and comment on it once published.

Finally, we note that the sequence that we propose for further City review (environmental review first, followed by street vacation and permit review) is consistent with the approach used for the street vacation that was required to develop Safeco Field, and it need not result in project delays. For Safeco Field, the PFD completed the EIS process in nine months, including extensive public and agency comments on the draft EIS. The final EIS was published *before* the street vacation petition was submitted to the City, and prompt City review immediately followed. We encourage the City to follow a similar course here and to defer any recommendation on the street vacation petition until the environmental review process is complete.

If the Vacation is Granted, it Should be Subject to Conditions that Ensure the Safe and Smooth Operation of the Arena and its Neighbor Facilities, Safeco Field and CenturyLink Field and Exhibition Center.

Development of Safeco Field in the 1990s also required the vacation of a portion of Occidental Avenue South. As noted above, the PFD completed its EIS on the ballpark project before submitting its street vacation petition to the City. In the course of the City's review of the petition, careful consideration was given to the impacts of constructing and operating a major sports and event venue in this neighborhood, and appropriate mitigation measures were developed and imposed as conditions of the street vacation. Many of these conditions were later carried forward and imposed as requirements for CenturyLink Field and Exhibition Center. The PFD believes that the public would be well-served if similar conditions are also included as part of the street vacation for the arena project.

We know that City staff has copies of all of the Safeco Field street vacation materials and can use that information in conducting its analysis, but we want to call out a number of conditions that

have served the ballpark well and that are essential to smooth event operations. We believe that these conditions in particular would be essential to a well-operated arena functioning efficiently in the neighborhood:

- Provide a Community Liaison during the construction of the facility
- Prepare a Security and Emergency Access Plan and fund the additional public services required for events, including traffic and crows control, security, and emergency response
- Prepare a clean-up plan for post games and events and fund its implementation
- Provide route signing improvements, including variable and changeable message signs
- Work with project partners to ensure the construction of a pedestrian overcrossing of the BNSF tracks adjacent to the facility
- Provide traffic signals where warranted
- Study area-wide pedestrian improvements and help fund their implementation ($1.2M in 1996 dollars)
- Develop a Parking Management Plan to minimize the impact of event parking
- Develop a "dual events" scheduling agreement to help effectively manage and coordinate event scheduling and transportation management among the stadium venues. (Note: This is also a requirement of the City/County MOU for the arena project)
- Impose specific hour restrictions for events of a certain size, and limitations on daytime events.
- Require a Transportation Management Plan (TMP), including specific targets designed to reduce and manage traffic and parking demand along with accountability mechanisms for ensuring compliance. Require annual review and approval (with an opportunity for revisions) by SDOT and DPD.
- Provide support to the neighborhoods during construction ($90K/year for two years) and the three opening years of operation ($60K/year) (1996 dollars).

Given the certainty of overlapping events at Safeco Field and a SODO arena, it is essential that both facilities share similar operating requirements so that the cost of implementation is borne by the appropriate facility. If one venue is required to undertake these tasks and the other is not, then the burdened venue is likely to carry a disproportionate load. Common conditions should also make it easier for the venues to discuss efficiencies in operations and shared workloads. Accordingly, we urge that street vacation conditions similar to the conditions identified above be evaluated for the proposed arena.

The Vacation Petition is Not Yet Complete

In addition to the absence of the environmental impact analysis, the street vacation petition appears to be missing a number of key elements. For example, under the City's "Circulation and Access" policies, the petitioner is required to show that necessary on-street public parking will be replaced. (Policies, Guideline 1.4). The street vacation petition notes that the vacation will result in the loss of on-street parking along Occidental Avenue S., but no provisions for public replacement parking are described. Instead, the petition states that "No new parking facilities are proposed for the project." (Petition, p. 2). This position on replacement parking

also appears to be inconsistent with the City's own traffic study conducted in May 2012, which assumed that the project would develop "approximately 1,500 spaces new to the arena."

Another example of missing information or analysis relates to the issue of vehicular access. Guideline1.6 of the City's street vacation policies provides that vehicular traffic functions may *not* be provided by agreement across private property. The PFD supports the need to mitigate the loss of vehicle access to the Safeco Field parking garage caused by the vacation by creating a private access way across the arena property. But this alternative access may also need to be supported by the re-location of a portion of Massachusetts Avenue S. as described in the Mariners' comment letter. In any event, petitioner needs to better explain how this mitigation is consistent with City Policies.

Finally, an example of misleading information comes from the March 12, 2013, Street Vacation Petition packet submitted to the Seattle Design Review Board. The public benefit matrix on p. 57 of that packet, and the public benefit diagram on p. 58, both count as part of the project's public benefit the private replacement roadway that will likely be required in order to mitigate the circulation and access impacts that would result from the vacation of Occidental Ave. S. Under the City's Policies, mitigation of the adverse effects of a vacation do *not* constitute a public benefit. (Policies, p. 29). This is no small error, as the proposed access road represents a significant percentage of the proposed public open space on the project site. While later vacation documents do not appear to count this area as a public benefit, the record should be reviewed and revised to ensure that it is accurate. In addition, the petition should be corrected to delete the claimed public benefit for 'festival streets', which we understand have been deleted from the proposal.

While we have not completed a detailed review of petition as compared against all of the City's street vacation policies and guidelines, we suggest that it may be helpful if the City asks petitioner to supplement its petition to better respond to all of the elements of the City's policies and guidelines, including a demonstration of public interest and public benefit. If such a supplement is prepared, we would appreciate the opportunity for additional public and agency review and comment.

Again, we appreciate the opportunity to submit these preliminary comments. We look forward to submitting additional comments to the City as the environmental review for the arena proposal proceeds, and as additional detail regarding the proposed street vacation become available, including any agreements on event scheduling or parking.

## PETITIONER RESPONSES TO COMMENTS

### City Agency Comments

- **Seattle Police Department:** The event scheduling document and FEIS mitigation measures will manage event scheduling concerns. As with the other venues, the Arena team will pay for any additional police services that might be necessary.

- **SDOT Traffic Management and Policy and Planning Divisions:** The public benefit features will serve all, not just arena users, public realm improvements have been designed with aesthetics, maintenance and public safety in mind.
- **Seattle City Light:** The arena will underground the 26KV transmission line impacted by the vacation. This work is being coordinated with SCL through the SIP and the UMP processes.
- **Seattle Parks Department:** No comment.
- **Seattle Public Utilities:** The water mains will be rerouted and upgraded per SPU's direction. The sewer mains will be rerouted and upgraded per SPU's direction. All SPU conditions are met by the proposal; this work is being coordinated with SPU through the SIP and UMP processes.
- **DPD:** No comment. We agree that there would be no appreciable negative land use impacts as a result of the proposal.

**Outside Agency Comments**

- **King County Wastewater Treatment Division:** Agreed, no impacts to the main trunk sewer line as it is outside of the vacation area.
- **King County Metro:** Thank you for your comment, agreed, no impact to operations.
- **CenturyLink:** All dry utilities including CenturyLink facilities will be rerouted via 1st Avenue South; this work has been coordinated and checked with CenturyLink and is being generally coordinated through the SIP plan.
- **PSE:** The gas line will be decommissioned and rerouted in 1st Avenue South. This work has been coordinated and checked with PSE and is being generally coordinated through the SIP process.

**Design Commission Comments**

- **Urban Merit Comments:** Thank you for your action regarding Urban Merit. The arena will construct the pedestrian/bicycle bridge across the Holgate tracks, with an interim shuttle system in place if the pedestrian bridge is not yet constructed at the time of Arena opening. The Arena team also agrees with your comment related to reduction of structured parking facilities, but will build the parking necessary to meet Land Use Code requirements.
- **Public Benefit Comments:** Thank you for your action to approve our Public Benefit proposal. We acknowledge the conditions of approval and look forward to coming back to you with the requirement plans and documents.

**Public Comments**

- **Kevin Daniels, Nitze-Stagen:** Thank you for your comment. The EIS has fully analyzed traffic impacts at 1st Ave S. and S. Atlantic, as well as impacts of the loss of Occidental to the morning commute. The "cut-through" that currently occurs will remain, it will simply be moved one block south (right turn on Massachusetts from 1st, left onto the remainder of Occidental, right onto Edgar).

- **Geri Poor, Port of Seattle:** Thank you for your comment. The EIS concludes that the loss of Occidental Street does not have a significant adverse impact on transportation, or on freight mobility. You note that Occidental serves as a "relief valve" for the 1st and S. Atlantic intersection, serving through traffic as a short cut to SR519/Edgar Martinez Drive. However, the vacation of Occidental in the proposed location does not prevent this movement from occurring; there remains the same movement—right turn down Massachusetts, left on Occidental, and right onto SR 519.

  It should also be noted that the "Heavy Haul Route" legislation, passed by Ordinance 124890 in October 2015, only identifies Occidental Avenue South as a "Heavy Haul Route" from South Horton Street to South Holgate Street. The segment proposed to be vacated is not included in the Port's important Heavy Haul Network. This is a clear sign that Occidental is not necessary to freight movement or Port operations. The Port was obviously a necessary partner in passage of this legislation.

  You allege negative land use impacts that will occur as a result of the proposal. This allegation is not supported by the EIS or by the City's policies or zoning code. The EIS concludes that no significant adverse impact related to land use will occur as a result of the project. The project is located within the Stadium District Overlay which permits the arena use outright; the policy to potentially site a stadium in this location was made long ago, when the Overlay was put into place. Had the Council at the intended for no additional stadium/arena to be built in this location, it would have further restricted zoning. Instead, the arena is permitted outright by zoning in this location.

  Finally, the Festival Street proposal is no longer a part of the project. In addition, the 1st Avenue Street section was fully analyzed in both the FEIS and the Addendum to the FEIS and no significant adverse impacts related to those sections have been found.

- **Ann Kawasaki, Washington State Public Stadium Authority, and First & Goal, Inc.:** Thank you for your comments. A full FEIS and Addendum have been prepared to analyze impacts; no significant impacts to CenturyLink field or the Exhibition Center were identified. We agree that a Scheduling Agreement is necessary for the three facilities to co-exist. We understand that there is an existing Scheduling Agreement between you and the Mariners that can be amended, and we look forward to that discussion.

  Regarding parking, as stated above, the arena will provide the number of parking stalls required by the Land Use Code. We agree that this could be an issue resolved in any scheduling or other agreements beyond the three arena owners and their users.

  We have provided an extensive public benefit package which has been approved by the Design Commission, in addition to those items identified as mitigation by the EIS. We look forward to working with you in the future regarding these items.

- **Melody McCutcheon, Seattle Mariners:** A full FEIS and Addendum have been prepared to analyze impacts; no significant impacts to Mariners' operations were identified. We agree that a Scheduling Agreement is necessary for the three facilities to co-exist. We understand that there is an existing Scheduling Agreement between you and CenturyLink Field that can be amended, and we look forward to that discussion.

  Thank you for your statement that our voluntary realignment of S. Massachusetts Street to align with the Mariners' garage entry/exit is a benefit to the Mariners. We agree, and we are happy to help provide a well-designed front door to the Mariners' facilities and a great pedestrian experience leading to Occidental between S. Massachusetts and Edgar Martinez, which we know is well-used by Mariners' patrons.

  The vacation of Occidental for the arena will not negatively impact the Mariners' garage or staging operations. As you stated, the garage serves as the required parking for Safeco Field, and the plaza area adjacent to the garage is committed as a staging area at least 100 days/year for events at Safeco and CenturyLink. The vacation of Occidental south of this area does not impact the Mariners' use of this area in any way; there is still full access to this area via S. Massachusetts, which will remain.

  You request that the private service road to the east of the arena be made available for Mariners' garage exit during events, and continuously available to the Mariners will full clearance for large trucks, while allowing for appropriate security provisions for the arena. We have continuously stated that we are planning to allow the Mariners to access this road. We also look forward to discussions with the Mariners regarding the grant of an easement on the north end for the driveway. We presume that the discussion regarding the access road is a necessary part of the discussion related to the Scheduling Agreement, and again we look forward to that discussion with you.

  As noted above, the "Festival Street" proposal has been deleted. Massachusetts is proposed as a curbless street, and like any right-of-way, a street use permit would be required to be obtained in the event of any special closure. Such a street use permit would be necessarily coordinated with the Mariners and other facilities.

- **Ron Jay:** Thank you for your comments. The arena has proposed extensive improvement to the roadway system including pavement upgrades on Holgate, 1st Ave. S., S. Massachusetts St., and S. Utah Ave., and ultimately a bridge over the railroad tracks at Holgate for bicycles and pedestrians, with shuttle service provided to patrons to transit hubs provided in the interim.

- **Charles Royer:** Thank you for your comments. A full FEIS and Addendum have been prepared to analyze impacts; no significant impacts to Safeco Field operations were identified. We agree that a Scheduling Agreement is important for the three facilities to co-exist. We understand that there is an existing Scheduling Agreement between the two existing facilities that can be amended, and we look forward to that discussion.

Thank you also for your suggestion that the arena be required to include the same conditions as Safeco Field when Safeco Field vacated Occidental Avenue South. The petitioner is willing to include these conditions as may be relevant to the current proposal, as part of this vacation recommendation and approval process.

## CLOSE OF COMMENT SECTION AND RESPONSE TO COMMENTS FROM THE PETITIONER

## POLICY FRAMEWORK

Street vacation decisions are City Council decisions as provided by State statute and have not been delegated to any City department. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. Vacation of public right-of-way requires discretionary legislative approval that must be obtained from the City Council, and the Council may not vacate public right-of-way unless it determines that to do so is in the public interest. The decisions must assure that potential development and use of the vacated right-of-way is in the public interest. The Council may be guided by adopted land use policies, but the Council is not limited by land use policies and codes in making street vacation decisions and may condition or deny vacation as necessary to protect the public interest.

Rights-of-way are dedicated in perpetuity for use by the residents of Seattle for purposes of public travel and transportation of goods. The dedication carries with it certain public rights to circulation, access, utilities, light, air, open space, and views. City government acts as the public's trustee in administering streets and streets. The City Council first adopted Street Vacation Policies in 1986 in Resolution 27527. A few sections of the policies were revised in 1991 in Resolution 28387, 1993 in Resolution 28605 and again in 2001 in Resolution 30297. Significant revisions were made to the Vacation Policies in 2004 in Resolution 30702.

The Policies were again amended in 2009 in Resolution 31142 and the Policies are currently contained in Clerk File 310078.

## ANALYSIS

The City's Street Vacation Policies provide that vacation requests may be approved only when they significantly serve the public interest. The Street Vacation Policies provide for a three-step review of any vacation petition in order to determine if the vacation is in the public interest.

The Policies define the components of public interest as:

1. Protection of the public trust;
2. Protection from adverse land use impacts; and
3. Provision of public benefit.

The Street Vacation Policies provide that during the review of the petition, the public trust and land use effects of a vacation should be weighed against the mitigating measures and the public benefits provided by the vacation to determine whether the vacation is in the public interest. In balancing these elements of the public interest, primary importance should be placed upon protecting the public trust in rights-of-way.

**Protection of Public Trust:** The Policies define the public trust functions of rights-of-way as being circulation, access, utilities, light, air, open space, and views. Policy 1 of the Street Vacation Policies addresses the basic purpose of streets. Streets are created to provide for the free movement of people and goods throughout the City, to provide access to individual properties, and to provide space for utility services.

Through the vacation process, an adjacent property owner acquires public street right-of-way for private use or development purposes. Since the vacation is generally about the loss of some portion of a street, the review process must evaluate the loss of that street segment. The review normally looks at the impact on the grid pattern in the area, the impact on the provision of utility services, how the circulation pattern is altered and how that affects pedestrians, bicyclists, vehicular movements, emergency services, and commercial activity.

Transportation Impacts: Streets are intended to provide for access to adjacent properties, to provide for service functions such as loading bays and access to parking and to provide space for utility infrastructure. In reviewing street vacations the critical questions are whether the vacation pushes traditional street functions out onto the street or otherwise impairs the function ofthe adjacent streets.

The project is being designed so that typical transportation functions of the street will continue to be provided internal to the site and not on the public street. The project will include only one curb cut to S. Holgate Street which leads to a private access/utility drive that is similar to those types of utility drives provided by the other two sports facilities. The service drive will access an internal loading dock with capacity to serve the facility, and will access the parking provided on-site for team management and player functions.

There has obviously been much discussion regarding transportation related to this project. A full EIS was prepared related to the project, with the bulk of analysis lent to transportation impacts. An Addendum was also prepared related to impacts of the proposal on 1st Avenue South. The FEIS specifically analyzed the potential impacts of the vacation of Occidental, as well as the impacts of the arena on neighborhood traffic.

The FEIS shows that this portion of Occidental does not serve a critical function to the street grid. The FEIS reviewed traffic volumes along Occidental Avenue S. to identify the approximate number of vehicles that use Occidental Avenue S. as an alternative travel route to 1st Ave. S. Gathered data show that the diversion to Occidental is greatest during the weekday AM peak hour when approximately 200 westbound vehicles on S. Atlantic Street divert southbound onto Occidental to primarily turn right onto S. Holgate Street (150 vehicles). Hourly truck counts ranged from 0 trucks per hour to up to 10 trucks per hour,

depending on Port activities. Hourly traffic volumes collected along 1st Ave. S. demonstrated that additional capacity is available on 1st Ave. S, suggesting that the movements to Occidental may not be due to 1st Ave S. congestion. The EIS observed that westbound traffic on Edgar Martinez Drive can include truck traffic destined for the Port's Terminal 46 during loading/unloading times. When this happens, trucks will turn left onto Occidental, then right onto S. Holgate, then turning south onto 1st Ave. S.[2] It is important to note that this cut-through movement, while not determined to be necessary from a traffic standpoint, will still be able to occur with the vacation—vehicles can still turn off of Edgar to Occidental, and then turn right onto Massachusetts and turn left at a signalized 1st and Massachusetts intersection. The same is true for a reverse movement (headed north and east toward Edgar Martinez). Thus, the vacation of this section of Occidental Avenue S. will not result in the loss for the area of any cut-through function the street might serve.

The FEIS further summarizes the potential impacts of the vacation on transportation and other related issues. The vacation will not create any emergency access or Mariners' garage issues, and the FEIS notes that if the private access drive is made available to the Mariners' garage for exit during its use, transportation circulation is improved. Related to parking, the vacation of Occidental will result in the loss of approximately 60 on-street stalls. Finally, the FEIS notes that the vacation with the arena degrades the intersection of S. Holgate and 1st Ave S from LOS D to LOS F on event days with a capacity event at the arena, however the document notes that this impact may be mitigated with traffic routing and management, TMP and other measures. It should also be noted that the no-vacation scheme, which would result in approximately 810,000 s.f. of commercial development, would create fewer overall trips, but more consistent daily volumes during peak hours. The arena impact would not occur daily (as with an office building) but would only occur during event days.

There was concern raised by the Port regarding freight movements and the impact of the loss of Occidental to freight mobility. Again, the EIS shows that this portion of Occidental does not serve a critical function to maintain freight mobility; up to 10 trucks per hour were found using this segment of Occidental during peak Port operations. As stated above, to the extent that trucks use Occidental as a cut-through to SR519, they will continue to be allowed to do so following the street vacation. It must also be noted that the City Council passed Ordinance 124890 on October 30, 2015. This Ordinance was also known as the "Heavy Haul" Legislation and was supported by the Port of Seattle. The Legislation identifies those streets heavily impacted by Port truck/container traffic and sets a cost sharing mechanism for the Port to be able to haul overweight trucks on these important streets in exchange for payment of fees to help repair roadway damage from overweight trucks. The Ordinance designates 32 segments of roadway in the City as streets to be included in the Heavy Haul Network. Occidental Avenue South is identified in the network only from South Horton Street to South Holgate Street. The segment of South Occidental Street to be vacated is not included within the Heavy Haul Network.

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[2] For more detailed analysis regarding this issue, please see FEIS Appendix E, pp. 2-333 to 2-348.

The proposal also includes several other roadway network improvements that contribute to a better-functioning roadway network. The project proposes to straighten S. Massachusetts Street to align directly with the Mariners' garage exit/entry. It proposes to improve S. Massachusetts across 1st Avenue from the arena site to allow for full sidewalks and bike lane improvements. It proposes to improve 1st Avenue South along its frontage to accommodate pedestrian surge capacities from events at the arena and events elsewhere, and it proposes to improve 1st Avenue South along the eastern frontage between S. Massachusetts and S. Atlantic/Edgar Martinez (frontage not owned by the petitioner) in order to meet pedestrian surge conditions for both Mariners' games and arena events. It proposes full sidewalk improvements on both sides of S. Holgate Street. It proposes a public pedestrian bridge as EIS mitigation that will allow grade-separated crossings for pedestrians and bicycles, both the general public and event attendees, over the S. Holgate railroad tracks, with shuttle service provided to arena patrons to take them to transit hubs if necessary in the interim prior to bridge completion. Finally, it includes extensive bicycle improvements, completing the Greenway from S. Massachusetts to S. Stacy Street on Utah Avenue South (to Starbucks), and providing a bicycle activated light for the bicycle crossing at S. Atlantic Street. The Design Commission worked with the Petitioner to require and refine these improvements. Very few, if any, of these improvements would be provided with the no-vacation option.

Parking for the team management, players and some staff will be provided on-site within the facility. The large majority of the code-required parking for the facility, approximately 1,750 stalls, would be developed in a multi-level parking structure across Holgate Street to the south of the project, on a site controlled by the Petitioner. The size of this parking facility may be reduced to the extent alternative dedicated parking in the vicinity becomes available for use by the project. The City's Comprehensive Plan last amended in 2015 provides that the City should manage the parking supply with the goal of increasing other modes of transportation such as walking, biking, or taking the bus. The arena project must still meet Land Use Code minimum parking requirements, but the amount of parking provided (as well as flexibility to use shared parking facilities if available) is consistent with this policy.

SDOT includes in its recommended conditions of approval an aggressive Transportation Management Program (TMP). Specific TMP elements, including performance goals, will be set forth in the MUP approval. The overall goal of the TMP is to reduce automobile traffic traveling to the arena for events, particularly single occupant vehicles. The index that best reflects this is expressed in terms of cars per 1,000 attendees. The index incorporates both the increased non-auto mode split (transit pedestrians, bicycles, ferry, drop-off, etc.) and average vehicle occupancy (persons per car) into a single goal. This index is also used by CenturyLink Field and Safeco Field to determine compliance with their respective TMPs. In addition, increased transit access to the Arena is one of the TMP goals; thus a second performance goal related to transit mode split will also be established in the MUP decision. These goals should be reviewed and adjusted over time with phasing and timing of more aggressive goals corresponding to public transportation system capacity upgrades (such as the opening of the Northgate or East Link Extension for Sound Transit). No major goal modification should occur for the first five years of arena occupancy without such a capacity upgrade.

In addition, the TMP will include further details regarding physical and operational improvements, such as ITS Next Generation Signal System Upgrades, Parking Guidance Systems, as well as other more typical transportation management strategies for large event centers.

Finally, and most importantly, the TMP will include a Multiple Event Scheduling Principle framework. A completion of this framework through a Scheduling Agreement will be included in the MUP conditions of approval. Arena events will need to be scheduled to either avoid or closely overlap events at the other two nearby venues to avoid conflicts between egress and ingress of different events at different facilities. Principles that can guide such an agreement include, but are not limited to, the following:

- 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 actual 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.

The no-vacation alternative would have transportation impacts that would be related to a large office building development. Office buildings have more regular peak hour traffic impacts. SDOT does not find adverse transportation impacts associated with the vacation petition. SDOT supports the arena subject to implementation of an aggressive TMP that supports continued work to encourage walking, biking, and transit use for those attending all events at all of the event facilities.

Utility Impacts: In addition to the transportation purposes, street rights-of-way provide space for utility lines and facilities. The vacation review must consider the impact on any public utilities; both current and future impacts must be assessed. If any utilities are located in the right-of-way, it must be possible for the utility to relocate or terminate those facilities or the vacation is not feasible. The utility should not be negatively impacted in its ability to deliver services, now or in the future, to access its facilities for repair or maintenance, or to update or expand services. Any proposal to relocate or alter utility services must be satisfactory to the utility provider and the costs to accommodate the utility needs are the obligation of the Petitioner.

An important element of the review of downtown street vacations is making sure that there is adequate space for the relocation of utility infrastructure from the street to the adjacent street. While it is possible to relocate utilities, finding space for them is becoming more of a challenge. Relocating utilities to the street edge means that the utilities will now compete with other public elements that are located at the street edge such as planting strips, street trees, parking or loading areas, bus stops or bicycle facilities. Competition for space or changes in materials can have a major impact. For example, street trees do not thrive over drainages systems that keep tree roots wet. Newer requirements to develop natural drainage facilities to meet Green Stormwater Infrastructure requirements also require a lot of space. The street trees, drainage and City Light vaults all compete for space and all these needs must be kept separate.

The Petitioner proposes to relocate utilities into 1st Avenue South, including undergrounding of an SCL transmission line. The 1st Avenue South right-of-way is 100 feet wide and therefore has adequate capacity to accommodate the relocated utilities. The Petitioner and development team have been regularly coordinating utility relocation with all agencies and City staff and have addressed all identified concerns. The City will continue to monitor utility issues as the project moves through its SIP and UMP permit processes.

The vacations should be conditioned to require that this coordination work continue and the final plans address issues to the satisfaction of the City or other agency impacted by the vacation. SDOT does not identify any adverse utility impacts.

Light, air, open space and views: Because street right-of-way is open and undeveloped, streets and streets can have value as open space and can be important view corridors. Streets can provide important breathing space in dense urban areas. This street runs north-south and is 60 feet wide and approximately 620 feet in length. The street does not include sidewalks and street trees, if any, are intermittent. To the east of the project site are the BNSF rail lines and the Amtrak railyard. To the west of the project site is 1st Avenue South, which is a 100-foot wide right-of-way. The street two blocks to the north was already vacated for the construction of Safeco Field. While the street is open and improved so that the public can access the street and use the street for any street purpose, the street does not provide for important public views or open space on the block.

The no-vacation alternative would allow two large buildings of up to 85 feet in height along Occidental Avenue S. These buildings would themselves impact the availability of light, air, and

views along the right-of-way. In addition, any view of the downtown skyline is largely blocked by Safeco Field to the north. No open space requirements exist for office buildings developing under the IC zone, so it is not anticipated that open space would be provided on-site in the no-vacation alternative.

Following the vacation, the arena's height is not as tall as Safeco Field or CenturyLink. The arena will include a total of more than 32,000 square feet of publicly-accessible street-level open space, public plaza with a living machine and programming, pedestrian amenities, rain gardens/swales, and a fully improved pedestrian and bicycle network in the surrounding neighborhood. The block will have significantly more open space after the vacation than if the block was developed around the existing street. SDOT does not identify any adverse light, air, open space and view impacts.

**Protection from adverse land use impacts:** The second step in the review process is to evaluate the land use impacts of the proposed vacation and subsequent development. The land use portion of the Policies, Policy 4, is concerned primarily with ensuring that post-vacation development is consistent with the land use pattern in the area and with City policies and codes. The Policies specifically state that proposed vacations may be approved only when the development potential that is attributable to the vacation would be consistent with the land use policies adopted by the City Council. The vacation decision will be based on the policies applicable for the type of area where the development is proposed.

It is also important to assess whether the loss of the streets creates building sites that allow for projects that are out of scale with the area. The proposal site is zoned Industrial Commercial with a height limit of 85 feet. It is also included in the Stadium District Overlay, which permits spectator sports facilities to be unlimited in height. The arena is close to 85 feet in height, unlike Safeco Field and CenturyLink which are much larger. Following its review of the proposed vacation, DPD concluded that the development potential attributable to the vacation is consistent with adopted land use policies; in fact, as proposed, the floor area is 64% of what could be developed without a vacation. The potential development with vacation is consistent with the existing context and creates no significant land use incongruities. In both the short and long term there would appear to be no appreciable negative land use effects on the area from the proposed vacation.

An important element of the neighborhood is the two existing sports and entertainment facilities, both of which are significantly larger than the proposed basketball arena. The Mariner's ballpark can accommodate 47,500 fans; CenturyLink can accommodate 67,000 Seahawks fans and 43,000 fans for soccer. The proposed arena is significantly smaller and will be able to accommodate between 18,000 and 20,000 fans.

The Seattle Municipal Code (SMC) provides in Chapter 23.74 that the Stadium District Overlay's purpose is to implement the City's Comprehensive Plan, including the neighborhood plan for the Greater Duwamish MIC, by establishing a Stadium Overlay District. The Stadium District Overlay centers on large sports facilities and allows uses complementary to them; it is intended to contribute to a safer pedestrian environment for those attending events, and designed

to discourage encroachment on nearby industrial uses to the south. The Stadium District Overlay boundary coincides with the southern boundary of the proposal site; the District stretches north to include Safeco and CenturyLink Fields and terminates in the North Lot.

The vacation review looks at the neighborhood context for each proposal. In a sense the context of the neighborhood was set first when the Kingdome was constructed (vacating 2nd Avenue South), extended when Safeco Field was constructed (vacating Occidental Avenue South just two blocks north of the proposal site), and was reaffirmed with the construction of CenturyLink Field and the Event Center. The creation of the Stadium Overlay District further confirmed the land use of the neighborhood, including the proposal site. The Overlay was passed in 2000 in Ordinance 119962. The Overlay rezoned the properties contained within its boundaries, including the proposal site, to permit spectator sports facilities. There have been comments from the Port of Seattle stating that the proposal will facilitate gentrification or pressure on industrial lands to the south of the proposal site. However, the current land use code does not permit this. The Stadium District Overlay's boundary is the southern edge of the proposal site. South of Holgate Street, the standard industrial zone requirements apply. South of the proposal site is zoned IG-1 and IG-2; these zoning designations include a maximum size of use restriction on non-industrial uses. The size of use restrictions were instituted in 2007 with support from the Port of Seattle. Thus, proper zoning controls are already in place to prevent pressure on industrial uses. The building of the arena in this location would have no impact on this issue due to land use code controls.

It must also be noted that the arena's location makes sense from a transportation perspective. The arena is located near the most transit-heavy area in the City, within walking distance to light rail, heavy rail (King Street station), the future East Link, and the bus tunnel. The arena is also located within a long walk of downtown Seattle, which will provide ease of access for many downtown patrons. The arena is also located very close to major transportation thoroughfares for ease of automobile access—SR99, SR519, I-5 and I-90 are all a short distance away.

The no-vacation alternative would allow for two large office buildings on each side of Occidental. The permitted FAR for each building would be 3.0, resulting in 810,000 s.f. of office development. These land uses are permitted outright in the zone, and would have similar land use impacts to the arena, as they would also be similarly located close to transportation hubs.

The Petitioner has indicated that the goal of seeking a street vacation was to build a spectator sports facility/arena, which is consistent with the zoning and land use policies that have been in place in the neighborhood since 2000.

SDOT does not find adverse land use impacts associated with the proposed vacation.

**Provision of Public Benefit:** The Street Vacation Policies note that vacations must provide a long-term public benefit. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. It is anticipated that the public benefit will include specific and tangible physical elements as the Policies provide that facilitating economic development,

meeting code requirements for development or mitigating defined impacts is not a sufficient public benefit.

The Policies provide that there should be a balance between what the public gives up and what the Petitioner acquires through the vacation process. The review should consider the scale of the vacation, the scale of the project, and the identified impacts. If a project is significant in scale, if the vacation is large in size or if the project has significant impacts, then the Policies anticipate that the public benefit proposal must also be significant. By eliminating the street, the Petitioner can develop the entire block in a way that best suits its programmatic needs and can consolidate below-grade functions such as parking and loading. Since the vacations make an important contribution to a project that is significant in scale, the Policies require that a significant public benefit be provided.

In addition to addressing the scale or amount of public benefit that must be provided, the Policies are also clear that the public benefit elements proposed must clearly benefit the general public and not merely the tenants of the project. The Policies are also clear that the public benefit proposed for a vacation must be separate and above amenities provided to meet code or other requirements. The amenities listed on the public benefit chart below are not required for any other purpose.

The goal of the arena public benefit proposal is to provide neighborhood open space and a project that will benefit the neighborhood during both event- and non-event days. The arena project's public benefit package also completes several neighborhood amenities that may not have been funded in several years, such as the Neighborhood Greenway on Utah Avenue South between S. Atlantic Street and S. Stacy Street (connects the waterfront bike trail to Starbucks), as well as many other pedestrian and bicycle improvements in the neighborhood that are supported by the Stadium District Plan. The public benefit also focuses on sustainability expressed in a public way to create an opportunity for the public to learn about the systems provided on- and off-site.

While the following diagram details all the elements of the proposed public benefit, some items should have a more in depth discussion. The Petitioner proposes to provide a "Living Machine", a unique sustainable feature. The City Council has provided guidance on previous projects that sustainable features should be considered as part of the best practices for development and should not be considered as elements of the public benefit package. However, the Petitioner proposes to provide something that will be the first of its kind in the area and something of a scale that far exceeds any standard practice or best practice guideline. The project proposes to treat all of its waste with an ecological sewage treatment facility called a Living Machine. It is planned that the Living Machine will be located in the public plaza area and there will be signage explaining the Living Machine and how it works. Treated water will be re-used in the building for toilet flushing, landscape irrigation, and other uses. It is anticipated that the Living Machine will result in a 99% reduction in wastewater and remove 4 million gallons of sewer each year from the combined sewer system.

The Petitioner proposes pedestrian enhancements along 1st Avenue South adjacent to the proposed facility and on the block north of the proposed arena. The design for 1st Avenue South includes wide sidewalks, a rain garden/swale, pedestrian lighting, seating, some café seating adjacent to the arena, and street trees. The design for 1st Avenue South was reviewed and approved by the Design Commission. Subsequent to the review by the Design Commission an Addendum was prepared to the FEIS. The Addendum examined the pedestrian environment with the vacation of Occidental Avenue South and addressed the width of sidewalk necessary to accommodate the number of event attendees that may be leaving the venues.

Following the publication of the Addendum, SDOT is requiring that an additional amount of the 1st Avenue South sidewalk be a clear walk space area. On days with an event (inclusive of arenas, stadia, and exhibition halls) there must be 18.5 feet of clear walkway pedestrian space on the 1st Avenue South sidewalk. For event days where more than 15,000 attendees are expected, the Petitioner must remove all tables and chairs from the sidewalk within this 18.5-foot zone two hours before scheduled events and keep them off the sidewalk for 1.5 hours after such an event. With the removal of the café seating during events the sidewalk clear walk space will be at least 18.5 feet. There will be less café seating during events and it is also anticipated that the rain garden/swale dimension will shrink in some areas.

The Design Commission has expressed an interest in having the opportunity to review the final redesign of the pedestrian environment along 1st Avenue South.

The Petitioner is proposing to provide an art package as a portion of its public benefit. The Petitioner was able to provide the overall vision for the art plan but the proposal should be viewed by the Design Commission as the proposal is more fully refined. The art commitment is for a program that is 1.5% of the total project cost which is defined as construction cost plus consultant fees. To provide an estimate of the scale of the art obligation, if the final project cost is $450M, the art obligation would be $6.75M.

The chart below outlines the public benefit package.

| Public Benefit | | Description |
|---|---|---|
| On Site | | |
| 1 | Living Machine | • On-site gray and black water treatment and reuse with 4 million gallon annual capacity<br>• Explore feasibility of including additional capacity to allow future other users to connect in a "District" fashion |
| 2 | Arena Plaza | • 31,800 s.f. of publicly accessible neighborhood open space<br>o 2 water features<br>o 2 drinking fountains<br>o Pedestrian lighting achieving 1 foot candle average<br>o 300 l.f. of permanent public seating<br>o Temporary public seating per programming needs |

| | | |
|---|---|---|
| | | • Plaza will include public programming for non-event days with focus on equitable programming<br>o Plaza includes utility connections (water, power) to facilitate programming flexibility<br>o 500 s.f. event storage space for programming in arena building<br>• Provides Park-Hour access to arena public restroom during non-event days to facilitate programming |
| 3 | Public Art Plan | • Art Program Budget is 1.5% of total project cost<br>o Program led by collaborating/lead artist<br>o Art will be coordinated between arena building and pedestrian bridge<br>o At least 1 piece of anchor art in plaza<br>o Several other pieces of permanent integrated art<br>o Temporary artworks, installations, programming as part of Art Plan<br>o Project cost defined as construction cost plus consultant fees |
| Adjacent Public R.O.W. | | |
| 4 | S. Massachusetts ROW Realignment and Curbless Street | • Dedication of 2,400 s.f. of private property to public ROW<br>• Creation of curbless street between 1st and Occidental<br>o 16,000 s.f. of concrete and granite resurfacing, drainage, channelization and new signage<br>o 15 street trees<br>o 20 linear feet of seating<br>o Pedestrian lighting 1 foot candle average |
| 5 | 1st Ave S. Improvements on Property Frontage | • Expanded and upgraded pedestrian streetscape, includes:<br>o Rain garden/swale<br>o Pedestrian lighting 1 foot candle average<br>o Permanent pedestrian seating |
| 6 | S. Holgate Improvements on Property Frontage | • Enhanced pedestrian streetscape, subject to SDOT design of S. Holgate St., includes:<br>o Rain garden/swale<br>o Pedestrian lighting 1 foot candle average |
| Off-Site Benefits | | |
| 7 | Implement Bicycle Master Plan Improvements | • Complete public bicycle facilities from existing waterfront trail to arena site to Starbucks<br>• Improvements implement the Bicycle Master Plan<br>o Improve Atlantic Street multi-use trail (600 l.f.) |

| | | |
|---|---|---|
| | | o Complete and repave Utah Avenue Neighborhood Greenway from S. Atlantic St. to S. Stacy (2,800 l.f.)<br>o Complete S. Massachusetts multi-use trail (175 l.f.)<br>o Complete S. Holgate St. multi-use trail (160 l.f.)<br>o Bicycle wayfinding signage (12+ signs)<br>o Bicycle signal at S. Atlantic St. Crossing to Waterfront Trail |
| 8 | S. Massachusetts ROW between Utah and 1st Ave | • Realignment of street, construction of curb &gutter, drainage, channelization and signage on both sides of S. Massachusetts St.<br>o 12,500 s.f. of new asphalt resurfacing, curb & gutter, channelization and signage<br>o 8 street trees<br>o 2,600 s.f. of rain garden/swale |
| 9 | S. Holgate St. off-site (south side of S. Holgate) | • Street realignment, asphalt resurfacing and repair, channelization and signage, per SDOT direction<br>o Drainage improvements as required<br>o Sidewalks<br>o Rain garden/swale<br>o 8 street trees |
| 10 | 1st Ave. S. between S. Massachusetts and Edgar | • Construct new frontage improvements per SDOT approval<br>o New sidewalks<br>o Street trees<br>o Rain garden/swales<br>o Pedestrian lighting at 1 foot candle average |

The Policies require that the Petitioner provide some factual information about the project site to assist in the review of the public benefit proposal. The goal of including this information is to help in determining if there is an appropriate balance between what the developer achieves from the vacation and what is provided to the general public.

**Public Benefit Matrix**

| | |
|---|---|
| Zoning designation | IC/Stadium District Overlay, located within the Duwamish MIC |
| Street classification | Minor Arterial Street |
| Assessed value of adjacent property | The land is assessed at approximately $160.00 per square foot |
| Lease rates in the vicinity for similar projects | Retail rates vary but average NET Class A Average Asking Rental Rate: $25/SF/Yr. |
| Size of project, in square feet | 750,000 s.f. (plus training facility and |

| | |
|---|---|
| | parking on-site) |
| Size of area to be vacated, in square feet | 40,811 square feet |
| Contribution of vacated area to development potential | Site increases to 274,311 s.f., developable area increase by approximately 17.5%. |

The public benefit package was designed to add to the mitigation measures identified by the FEIS. The focus on the public street environment and character matches priorities that the City Council has established with other permitting actions for spectator sports facilities, including the vacation of Occidental approved for Safeco Field.

**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 0) 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 van pools 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 series 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 | • On-site gray and black water treatment and reuse with 4 million gallon capacity<br>• Explore the feasibility of including additional capacity to allow future other users to connect in a "District" fashion |
| 2 | Arena Plaza | • 31,800 s.f. of publicly accessible neighborhood open space<br>o 2 water features<br>o 2 drinking fountains<br>o Pedestrian lighting achieving 1 foot candle average<br>o 300 l.f. of permanent public seating<br>o Temporary public seating per programming needs<br>• Plaza will include public programming for non-event days with focus on equitable programming<br>o Plaza includes utility connections (water, power) to facilitate programming flexibility<br>o 500 s.f. event storage space for programming in arena building<br>• Provides Park-Hour access to arena public restroom during non-event days to facilitate programming |
| 3 | Public Art Plan | • Art Program Budget is <u>1.5% of total project cost</u><br>o Program led by collaborating/lead artist<br>o Art will be coordinated between arena building and pedestrian bridge<br>o At least 1 piece of anchor art in plaza<br>o Several other pieces of permanent integrated art<br>o Temporary artworks, installations, programming as part of Art Plan<br>o Project cost defined as construction cost plus consultant fees |
| Adjacent Public R.O.W. | | |
| 4 | S. Massachusetts ROW Realignment and Curbless Street | • Dedication of 2,400 s.f. of private property to public ROW<br>• Creation of curbless street between 1st and Occidental<br>o 16,000 s.f. of concrete and granite resurfacing, drainage, channelization and new signage<br>o 15 street trees<br>o 20 linear feet of seating<br>o Pedestrian lighting 1 foot candle average |
| 5 | 1st Ave S. Improvements | • Expanded and upgraded pedestrian streetscape, includes:<br>o Rain garden/swale |

| | | |
|---|---|---|
| | on Property Frontage | o Pedestrian lighting 1 foot candle average<br>o Permanent pedestrian seating |
| 6 | S. Holgate Improvements on Property Frontage | • Enhanced pedestrian streetscape, subject to SDOT design of S. Holgate St., includes:<br>o Rain garden/swale<br>o Pedestrian lighting 1 foot candle average |
| Off-Site Benefits | | |
| 7 | Implement Bicycle Master Plan Improvements | • Complete public bicycle facilities from existing waterfront trail to arena site to Starbucks<br>• Improvements implement the Bicycle Master Plan<br>o Improve Atlantic Street multi-use trail (600 l.f.)<br>o Complete and repave Utah Avenue Neighborhood Greenway from S. Atlantic St. to S. Stacy (2,800 l.f.)<br>o Complete S. Massachusetts multi-use trail (175 l.f.)<br>o Complete S. Holgate St. multi-use trail (160 l.f.)<br>o Bicycle wayfinding signage (12+ signs)<br>o Bicycle signal at S. Atlantic St. Crossing to Waterfront Trail |
| 8 | S. Massachusetts ROW between Utah and 1st Ave | • Realignment of street, construction of curb & gutter, drainage, channelization and signage on both sides of S. Massachusetts St.<br>o 12,500 s.f. of new asphalt resurfacing, curb & gutter, channelization and signage<br>o 8 street trees<br>o 2,600 s.f. of rain garden/swale |
| 9 | S. Holgate St. off-site (south side of S. Holgate) | • Street realignment, asphalt resurfacing and repair, channelization and signage, per SDOT direction<br>o Drainage improvements as required<br>o Sidewalks<br>o Rain garden/swale<br>o 8 street trees |
| 10 | 1st Ave. S. between S. Massachusetts and Edgar | • Construct new frontage improvements per SDOT approval<br>o New sidewalks<br>o Street trees<br>o Rain garden/swales<br>o Pedestrian lighting at 1 foot candle average |

Sincerely,

Scott Kubly
Seattle Department of Transportation

SK:bb

Enclosures

Appendix

**Comparison of arena facilities**
**(data provided by ArenaCo from public sources, including ESPN)**

| Facility | Safeco Field (built 1995) | CenturyLink Field and Event Center | Proposed Arena |
|---|---|---|---|
| Teams/Sports | Seattle Mariners Major League Baseball | Seattle Seahawks National Football League<br><br>Seattle Sounders Major League Soccer | TBD National Basketball Assoc.<br><br>TBD National Hockey League |
| Capacity (number of seats) | 47,500 seats maximum | 68,000 seats in stadium maximum<br><br>5,000 seats in event center | 18,000 – 20,000 seats |
| Average Attendance 2012 | 21,258 baseball only | 67,946 football only<br><br>43,144 soccer only | TBD |
| Total number of events 2012 | 81 home baseball games<br><br>129 non-baseball events | 10 home football games<br><br>24 home soccer games<br><br>116 concerts or trade shows at Event Center | TBD |

Appendix

**Project Timeline of Major Events**

| | |
|---|---|
| **March 2012** | Arena Review Panel appointed by Mayor and County Executive to evaluate arena proposal |
| **April 4, 2012** | Arena Review Panel issues report |
| **July 19, 2012** | City and County Councils hold joint public hearing regarding MOU |
| **October 15, 2012** | City and County Councils approve MOU |
| **November 27, 2012** | First Design Review Board meeting |
| **October 25, 2012** | Notice of EIS/scoping notice issued |
| **November 8 & 13, 2012** | EIS public scoping meetings held |
| **December 3, 2012** | Mayor and County Executive sign MOU |
| **December 6, 2012** | First Design Commission meeting |
| **March 12, 2013** | Street Vacation Petition submitted |
| **April 30, 2013** | Master Use Permit application submitted |
| **August 15, 2013** | Draft Environmental Impact Statement issued |
| **September 10 & 19, 2013** | DEIS comment public hearings |
| **May 15, 2015** | Final EIS issued |
| **May 21, 2015** | Design Commission recommends Urban Merit approval of street vacation |
| **September 1, 2015** | Design Review Board recommends approval of design (7 design review board meetings held) |
| **September 3, 2015** | Design Commission recommends Public Benefit approval of street vacation (10 total Design Commission meetings held) |
| **October 29, 2015** | Addendum to EIS |
| **November 30, 2015** | SDOT street vacation recommendation transmitted to Council |