

July 28, 2021

## MEMORANDUM

**To:** Public Assets and Native Communities Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120139: Arena Tunnel and Tie Back Term Permit

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On August 3, 2021, the Public Assets and Native Communities Committee (Committee) will consider and may vote on [Council Bill \(CB\) 120139](#), which would grant final approval for a significant structure term permit to Seattle Arena Company to build, operate and maintain a pedestrian tunnel under Thomas Street between Warren Avenue N and 1st Avenue N, and tiebacks beneath Thomas Street between 1st Avenue N and 2nd Avenue N to support the redevelopment of the Climate Pledge Arena in Uptown, Council District 7.

The tunnel connects Climate Pledge Arena to a parking facility on the south side of Thomas Street. It will be the sole access point for trucks and commercial vehicles to access the loading dock adjacent to the lower levels of the arena. The tiebacks provide structural stability to the arena.

Conceptual approval for the tunnel was granted under [Resolution 31857](#) on December 14, 2018. Resolution 31857 was amended by [Resolution 31888](#) to include approval of the tiebacks. The Seattle Department of Transportation has negotiated the provisions of the term permit consistent with the conditions of Resolution 31857 and 31888. CB 120139 would grant approval for the term of the Arena lease, which is in place for 39 years with two optional additional 8-year extensions.

This memorandum summarizes the term permit approval process and describes the conditions of approval under CB 120139.

### **Significant Structure Term Permits**

A significant structure is a structure that has “a long anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee.” Examples include tunnels below streets that provide utility, pedestrian or vehicular access; public art placed in right-of-way; and overhead structures attached to buildings. SMC Chapter 15.65 establishes the procedures and criteria for approval of term permits for significant structures.

Recently, the City has granted approval for a fifteen-year term, renewable one time for a total term of thirty years.

[SMC 15.65.040.C](#) identifies ten issues that are considered when reviewing whether approve a significant structure:

1. Adequacy of horizontal, vertical, and other clearances;
2. View blockage and impacts due to reduction of natural light;
3. Construction review is at 60% conceptual approval;
4. Interruption or interference with existing streetscape or other street amenities;
5. Effect on pedestrian activity;
6. Effect on commerce and enjoyment of neighboring land uses;
7. Availability of reasonable alternatives;
8. Effect on traffic and pedestrian safety;
9. Accessibility for the elderly and handicapped; and
10. The public benefit mitigation elements provided by the proposal, to the extent required based on the nature of the structure.

Once the Director of the Seattle Department of Transportation (SDOT) reviews the term permit petition, the SDOT Director transmits a recommendation to the City Council for conceptual approval. The Council's review of the proposal considers the ten items noted above in order to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. The Council may provide conceptual approval, conditional conceptual approval or deny the term permit through a resolution.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT forwards a bill to the City Council for its final decision to grant or deny the application for a proposed new structure permit.

### **Climate Pledge Arena Tunnel and Tie Backs**

As part of the redevelopment of the Climate Pledge Arena, Seattle Arena Company is building a tunnel under Thomas Street to provide vehicular access to below-grade loading areas within the Arena. Seattle Arena Company has also built permanent tensioned tiebacks under Thomas Street to stabilize the Arena structure.

CB 120139 would grant a significant structure term permit for the Arena tunnel and tiebacks. Resolution 31888 placed the following conditions that the permit seeker would need to meet prior to receiving a term permit:

- (1) Provide engineering and plans for additional review and permitting to SDOT, which the Director will circulate for review and comment to other City departments and to public

and private utilities that may be affected by the installation of the tunnel and the permanent tensioned tie-backs;

- (2) Provide a surety bond, indemnification agreement, and public liability insurance naming the City as an additional insured or self-insurance, all of which are subject to approval by the City's Risk Manager;
- (3) Pay all City permit fees;
- (4) Obtain all necessary permits;
- (5) Maintain and inspect the tunnel and permanent tensioned tie-backs; and
- (6) Upon expiration of the permit remove the tunnel and tie-backs and restore the right-of-way to as good condition for public use as existed prior to constructing the tunnel and permanent tensioned tie-backs and in at least as good condition in all respects as the abutting portions of the public place, as required by SDOT right-of-way restoration standards or as specified by the Director or by the City Council pursuant to the provisions of the final term permit ordinance.

Seattle Arena Company has met conditions (1) through (4). Provisions in CB 120139 would ensure that Seattle Arena Company would meet conditions (5) and (6) for the term of the permit.

### **Next Steps**

If the Communities recommends approval of CB 120139 at August 3, 2021 meeting, it could be considered by the City Council as early as August 9.

cc: Dan Eder, Interim Director  
Aly Pennucci, Policy and Budget Manager