

May 1, 2024

MEMORANDUM

To: Transportation Committee
From: Lish Whitson, Analyst
Subject: Council Bills 120764 and 120765: Fred Hutchinson Cancer Center Skybridge and Tunnel permit renewals

On May 7, 2024, the Transportation Committee will consider Council Bills (CB) [120764](#) and [120765](#), which would renew and amend approval for the Fred Hutchinson Cancer Center's (Fred Hutch) skybridge and tunnel over and under Eastlake Avenue E in Council District 7. The skybridge and tunnel connect Fred Hutch's Eastlake Building to the rest of the Fred Hutch campus. Both bills would provide for a twenty-year term after adoption.

This memorandum describes the skybridge and tunnel, and the changes requested. Attachments 1 and 2 describe the relevant City regulations that guide the Council's consideration of amendments to the permits.

Eastlake Building skybridge and tunnel

In 2012, the City Council adopted [Ordinance 123918](#), which granted Fred Hutchinson permission to build a tunnel under Eastlake Avenue E between Fred Hutch's Eastlake Building, on the east side of Eastlake, and the main Fred Hutch campus. The following year, the City Council adopted [Ordinance 124240](#), which permitted a skybridge over and across Eastlake Avenue E.

The skybridge and tunnel are located directly above and below each other. The stretch of Eastlake that they bridge runs between Aloha Street and Galer Street for a quarter mile without cross streets. The bridge and tunnel are located approximately halfway along this stretch.

The Eastlake Building houses Fred Hutch's Vaccine and Infection Diseases section. The tunnel provides a private utility and service personnel connection between the Eastlake Building and Fred Hutch's Weintraub Building. The skybridge provides a pedestrian connection for employees, staff and patients. As part of the skybridge approval, Fred Hutch agreed to provide: a public connection from Eastlake Avenue E and Fairview Avenue N, with an overlook plaza; a pedestrian crosswalk across Eastlake Avenue E; a sculpture on Eastlake; enhanced sidewalk and landscaping on the west side of Eastlake, including a pocket park with public seating; and an improved and expanded landscaped area on the east side of Eastlake.

Initial approval of the tunnel and skybridge were for ten-year terms, with the option to renew the permit for an additional two ten-year terms. After 30 years, the permits would expire, and new permits would be required. The City is currently applying a 15-year term to skybridge and significant structure permits. Fred Hutch has requested one additional 20-year term for each structure, rather than needing to renew the permit in ten years. CBs 120764 and 120765 would grant that request, consistent with other recent term permit renewals. The bills comply with the terms and conditions required under the Seattle Municipal Code.

Attachments:

1. Skybridge Permit Renewals and Repermitting
2. Significant Structure Term Permit Renewals and Repermitting

cc: Ben Noble, Director
Aly Pennucci, Deputy Director

Attachment 1

Skybridge Permit Renewals and Repermitting

Property owners who seek to build a new pedestrian bridge that would encroach over and above a public place¹ must seek skybridge permit approval from the City Council under Seattle Municipal Code (SMC) [Chapter 15.64](#).

The current practice of the Seattle Department of Transportation (SDOT) is to recommend 15-year permits that can be renewed for an additional 15-years for a total term of approval of 30 years. After that 30-year period, the skybridge's owner will need a new permit from the Council to continue operating the skybridge. The code provides for two different times when the Council may be called on to review an existing term permit: at the expiration of a term or during the renewal of a term permit if amendments are proposed.

Renewals

The code allows for renewals of a skybridge permit only if permitted in the original ordinance. [SMC 15.64.083](#) provides authority to the Director of the Seattle Department of Transportation (SDOT) to recommend amendments at term renewal. Amendments may only be made if consistent with the following terms and conditions listed in [SMC 15.64.090](#) and are made via ordinance:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the skybridge;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

¹ A "public place" is defined as: "public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned." ([SMC 16.02.046](#))

Repermitting

If, at the end of a permit's term, the skybridge owner determines that they want to continue to operate the skybridge, they must request a new permit. SDOT will review the proposal, including any public benefits to be provided to offset impacts to the public realm. [SMC 15.64.087](#) provides the following requirements for Council consideration of the renewal of a skybridge permit:

Upon completion of final review of an application to continue to maintain and operate an existing skybridge upon expiration of the term of the permission (including any authorized renewals), the Director of Transportation shall transmit a final recommendation to the City Council for its decision to grant or deny the application for a term permit to continue to maintain and operate an existing skybridge. The Council shall include in its consideration those elements set out in [Section 15.64.086.C](#). The City Council shall not approve an application to continue to maintain and operate an existing skybridge upon term expiration unless it finds that continued maintenance and operation of the skybridge is in the public interest and no reasonable alternative to the skybridge exists.

Section 15.64.086.C indicates that the Council should consider these elements in its review of whether to repermit a skybridge:

1. Adequacy of horizontal and vertical clearance;
2. Any known conflicts with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects;
3. View blockage;
4. Interruption or interference with existing streetscape or other street amenities;
5. Impacts due to reduction of natural light;
6. Reduction of and effect on pedestrian activity at street level;
7. Number of pedestrians that currently use the skybridge;
8. Effect on commerce and enjoyment of neighboring land uses;
9. Availability of reasonable alternatives;
10. Changed conditions in the vicinity since original installation;
11. Effect on traffic and pedestrian safety;
12. Accessibility for the elderly and handicapped; and
13. The public benefit mitigation elements, or changes to the existing public benefit mitigation elements, provided by the proposal.

As with permit renewals, new permits for an existing skybridge must be consistent with the terms and conditions described in SMC 15.64.090, listed above.

Attachment 2

Significant Structure Term Permit Renewals and Repermitting

Significant structures are structures that have “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.” (Seattle Municipal Code (SMC) [15.65.010.B.](#)) Examples include tunnels below streets that provide utility, pedestrian, or vehicular access between private properties; public art placed in right-of-way; and overhead structures attached to buildings. [SMC Chapter 15.65](#) establishes the procedures and criteria for permitting – and repermitting – significant structures under fixed terms (“term permits”).

The current practice of the Seattle Department of Transportation (SDOT) is to recommend 15-year permits that can be renewed for an additional 15-years for a total term of 30 years. After that 30-year period, the permittee will need a new term permit from the Council to continue. The code provides for two different times when the Council may be called on to review an existing term permit: at the expiration of a term or during the renewal of a term permit if amendments are proposed.

Renewals

If, at the time of renewal, SDOT determines that amendments should be made to the original permit, changes and amendments may be made by the City Council. The Council adopts changes by ordinance. Changes must be consistent with the terms and conditions in [Section 15.65.080](#). These terms and conditions include, but are not limited to:

- the term of years that permission is granted and renewal periods, if any;
- provision for regular inspection of and procedures for closure or removal of the structure;
- requirements for performance bonds, public liability insurance, indemnification, conformance with other laws, and annual fees;
- prohibition against assignment without City consent;
- a requirement for execution and recording of a covenant ensuring that obligations and conditions imposed on the permittee run with the land, where applicable;
- public benefit mitigation elements; and
- timely acceptance of permission.

Repermitting

If, at the end of the most recent term, the permit holder determines that they want to continue to occupy the City's right-of-way with a significant structure, they must request that a new permit be issued. SDOT will review the proposal, including any public benefits to be provided to offset impacts to the public realm. [SMC 15.65.077](#) states:

Upon completion of final review of an application to continue to maintain and operate an existing significant structure upon expiration of the term of the permission (including any authorized renewals), the Director of Transportation shall transmit a final recommendation to the City Council for its decision to grant or deny the application for a term permit to continue to maintain and operate an existing significant structure. The Council shall include in its consideration those elements set out in subsection [15.65.076.C](#). The City Council shall not approve an application to continue to maintain and operate an existing significant structure upon term expiration unless it finds that continued maintenance and operation of the structure is in the public interest and no reasonable alternative to the structure exists.

Section 15.65.076.C indicates that the Council should consider these elements in its review of whether to repermit a significant structure:

1. Horizontal, vertical, and other clearances are adequate;
2. Any known conflicts with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects;
3. View blockage and impacts due to reduction of natural light;
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, or modifications to the existing public benefit mitigation elements.

As with term permit renewals, repermitting a significant structure requires consistency with the terms and conditions in SMC 15.65.080 listed above.