



# SEATTLE CITY COUNCIL

## Transportation Committee

### Agenda

Tuesday, December 17, 2024

9:30 AM

Council Chamber, City Hall  
600 Fourth Avenue  
Seattle, WA 98104

Rob Saka, Chair  
Joy Hollingsworth, Vice-Chair  
Robert Kettle, Member  
Alexis Mercedes Rinck, Member  
Dan Strauss, Member

Chair Info: 206-684-8801; [Rob.Saka@seattle.gov](mailto:Rob.Saka@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Transportation Committee**  
**Agenda**  
**December 17, 2024 - 9:30 AM**

**Meeting Location:**

Council Chamber, City Hall, 600 Fourth Avenue, Seattle, WA 98104

**Committee Website:**

<https://www.seattle.gov/council/committees/transportation-x154110>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at

<https://www.seattle.gov/council/committees/public-comment>

Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Please submit written comments to all Councilmembers four hours prior to the meeting at [Council@seattle.gov](mailto:Council@seattle.gov) or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104.

*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

**1. SDOT Permitting Refresher Briefing**

Supporting Documents: [Presentation](#)

**Briefing, Discussion**

**Presenter:** Amy Gray, Seattle Department of Transportation (SDOT)

- 2. [Res 32158](#) A RESOLUTION granting conceptual approval to install, maintain, and operate a below-grade pedestrian tunnel under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.**

Supporting Documents: [Summary and Fiscal Note](#)  
[Summary Att A – Onni Boren Pedestrian Tunnel Area Map](#)  
[Central Staff Memo](#)  
[Presentation](#)

**Briefing and Discussion**

**Presenters:** Amy Gray, Seattle Department of Transportation (SDOT);  
Lish Whitson, Council Central Staff

3. [Res 32159](#) **A RESOLUTION** granting conceptual approval to install, maintain, and operate a below-grade private thermal energy exchange system under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.

Supporting Documents:

[Summary and Fiscal Note](#)

[Summary Att A – Onni Boren Utility Tunnel Area Map](#)

[Central Staff Memo](#)

[Presentation](#)

**Briefing and Discussion**

**Presenters:** Amy Gray, Seattle Department of Transportation (SDOT); Lish Whitson, Council Central Staff

4. [CB 120846](#) **AN ORDINANCE** granting Triton West LLC permission to maintain and operate a pipeline system in, under, along, and across 13th Avenue Southwest and Southwest Florida Street, for a twenty-year term; repealing Section 8 of Ordinance 123990; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

Supporting Documents:

[Summary and Fiscal Note](#)

[Summary Att A – Triton West Pipeline Area Map](#)

[Summary Att B – Triton West Pipeline Fee Assessment](#)

[Central Staff Memo](#)

[Presentation](#)

**Briefing and Discussion**

**Presenters:** Amy Gray, Seattle Department of Transportation (SDOT); Josh Lakomiak, Pacific Northwest Terminals Manager, Shell Pipeline Company LP; Lish Whitson, Council Central Staff

5.     [CB 120924](#)     **AN ORDINANCE granting Pike Place Market Preservation and Development Authority permission to continue maintaining and operating a pedestrian skybridge over and across Western Avenue, approximately 300 feet north of Pike Street; repealing Section 7 of Ordinance 114388; and providing for acceptance of the permit and conditions.**

*Supporting*

*Documents:*

[Summary and Fiscal Note](#)

[Summary Att A – Pike Place Market PDA Skybridge Area Map](#)

[Summary Att B – Pike Place Market PDA Skybridge Images](#)

[Summary Att C – Pike Place Market PDA Skybridge Annual Fee Assessment](#)

[Central Staff Memo](#)

[Presentation](#)

**Briefing and Discussion**

**Presenters:** Amy Gray, Seattle Department of Transportation (SDOT); Karin Moughamer, Executive Administrator, Pike Place Market PDA; Lish Whitson, Council Central Staff

6.     **SDOT Presentation on Winter Weather Preparedness**

*Supporting*

*Documents:*

[Presentation](#)

**Briefing and Discussion**

**Presenters:** Rodney Maxie and Darren Morgan, Seattle Department of Transportation (SDOT)

**E. Adjournment**



Legislation Text

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**File #:** Inf 2604, **Version:** 1

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SDOT Permitting Refresher Briefing

# Significant Structure and Skybridge Term Permits

Amy Gray, Senior Planning & Development Specialist, Term Permits, SDOT

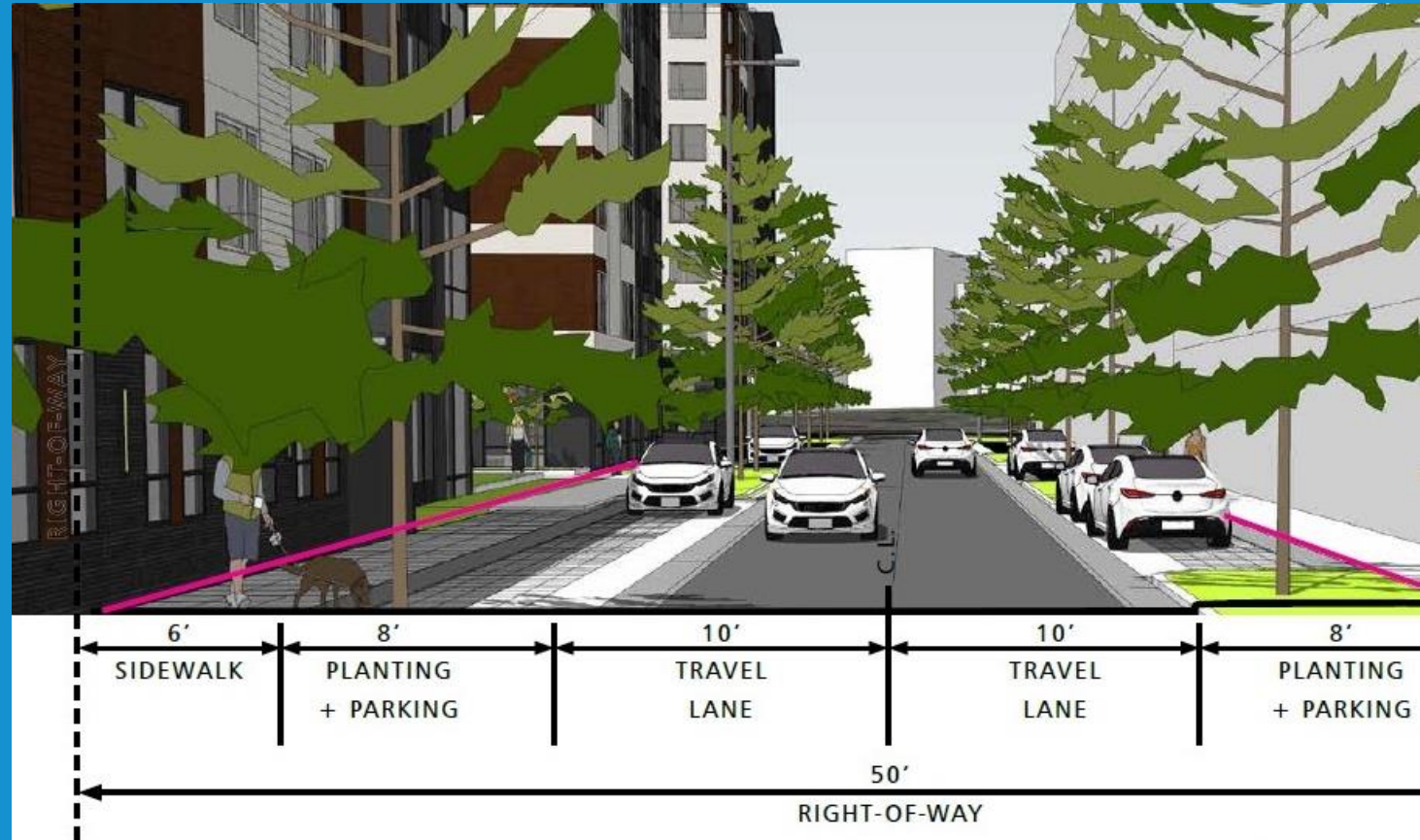


December 17,  
2024

# Right-of-way and permits

Right-of-way is property that has been dedicated or acquired for public transportation and utility use, including streets, alleys, and other public places.

A permit is needed to accommodate the temporary private use of this public asset by a private entity





# Significant Structure Term Permits

**Significant structures:** objects that have a long duration in ROW, impede City's or public's use of the public space, or necessary for functions of the adjacent property.

- Tunnels, pipelines, private utilities, plazas, and others.

City Council approves these objects by ordinance for a fixed time, or Term. Recommendation to Council following review by SDOT and the Seattle Design Commission (SDC), if required.

Public benefit mitigation may be required.



King County Alki Transformer

# Skybridge Term Permits

Seattle Municipal Code (SMC) defines the three types of skybridges:

- **Public use:** open to everyone and no access barriers
  - **Semi-public use:** open to everyone, but access may be limited or through a private structure
  - **Private use:** access is restricted for private users only
- The City discourages strictly private skybridges but has allowed skybridges for public or semi-public uses.
  - SDOT leads interdepartmental review through Skybridge Review Committee (SRC).
  - SDC reviews and makes recommendation to SDOT Director.
  - Public benefit mitigation required.



UW Skybridge

# Term Permit Process

- ❑ **Step 1:** Resolution – early conceptual approval for new projects and occurs after SDC review (if applicable). Identifies conditions to be met prior to final approval.
- ❑ **Step 2:** Ordinance – occurs at 100% design, after conditions have been met, and is the final approval.
  - **New structures** – set duration, terms and conditions.
  - **Term permit renewal** – at specified points, may amend existing ordinance or SDOT may renew administratively.
  - **Term permit expiration** – at end of term, continued use requires a new application.

City Council reviews final legislation.



Fremont Solar Collector

# Skybridge Review

SDOT and the SRC review for code compliance, technical feasibility, and policy objectives.

- Consider compelling need that cannot be accommodated on private property.
- Provide recommendation to SDC.

SDC reviews urban design implications, impact on surrounding streets, and merits of public benefit proposal.



Pike Place Market Skybridge



# Questions?

[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638

[www.seattle.gov/transportation](http://www.seattle.gov/transportation)





Legislation Text

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**File #: Res 32158, Version: 1**

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION granting conceptual approval to install, maintain, and operate a below-grade pedestrian tunnel under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.

WHEREAS, Onni Boren Ave Seattle LLC (“Onni”) applied for permission to construct, maintain, and operate a below-grade private pedestrian tunnel under and across Boren Avenue North, north of Denny Way (“Pedestrian Tunnel”); and

WHEREAS, the purpose of the Pedestrian Tunnel is to allow residents to move between the buildings located at 1120 Denny Way and 121 Boren Avenue North; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by Onni to construct the Pedestrian Tunnel and recommends that conceptual approval be granted; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:**

Section 1. The City Council finds that the pedestrian tunnel that would run under and across Boren Avenue North, north of Denny Way, as proposed by Onni Boren Avenue Seattle LLC, is in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the pedestrian tunnel, Onni Boren Avenue Seattle LLC shall:

A. Provide engineering and utility plans for additional review and permitting by the Seattle Department

of Transportation (“SDOT”), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the pedestrian tunnel;

B. Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City’s Risk Manager;

C. Pay all City permit fees;

D. Obtain all other necessary permits;

E. Maintain and inspect the pedestrian tunnel; and

F. Remove the pedestrian tunnel and restore the right-of-way to in as good condition for public use as existed prior to construction of the pedestrian tunnel 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 upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Section 3. After this resolution is adopted, SDOT will present to the Council a draft term permit ordinance identifying the conditions under which permission may be granted for the use of the right-of-way for the pedestrian tunnel. Permission to use the right-of-way is subject to the Council’s decision to approve, deny, or modify the draft term permit ordinance presented by the Director.

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the pedestrian tunnel, is granted.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Scheereen Dedman, City Clerk

(Seal)



## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Seattle Department of Transportation	Amy Gray	Christie Parker

### 1. BILL SUMMARY

**Legislation Title:**

A RESOLUTION granting conceptual approval to install, maintain, and operate a below-grade pedestrian tunnel under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.

**Summary and Background of the Legislation:** This resolution grants conceptual approval for a new construction pedestrian tunnel and outlines certain conditions for obtaining permission to construct the pedestrian tunnel. After this resolution is adopted, a draft term permit ordinance specifying all of the permit conditions will be submitted to the City Council by SDOT.

Onni Boren Ave LLC owns four buildings that contain residential, hotel, office, and retail uses. The pedestrian tunnel connects the building located at 121 Boren Avenue North and 1120 John Street. It provides a below-grade connection for the multiple uses of these buildings, including movement of equipment and staff for the operations of each building, reducing vehicular trips.

SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C: there is adequate clearance between the tunnel and existing and new utilities; the construction review is at 60% conceptual approval; there will be no interruption with existing streetscape or other street amenities; they will provide another accessible route for people with disabilities and other mobility concerns; and removing vehicular trips between the buildings reduces the opportunities for conflicts with pedestrians on the street.

### 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**  Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation have financial impacts to the City?**  Yes  No

#### 3.d. Other Impacts

**Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.**

No.

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

N/A

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

N/A

#### **4. OTHER IMPLICATIONS**

**a. Please describe how this legislation may affect any departments besides the originating department.**

N/A

**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

Yes, the property located at 121 Boren Avenue North.

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

**i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This legislation does not impact vulnerable or historically disadvantaged communities.

**ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

**iii. What is the Language Access Plan for any communications to the public?**

N/A

**d. Climate Change Implications**

**i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

This legislation is not likely to increase or decrease carbon emissions in a material way.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation will not increase or decrease Seattle’s resiliency to climate change in a material way.

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

## 5. CHECKLIST

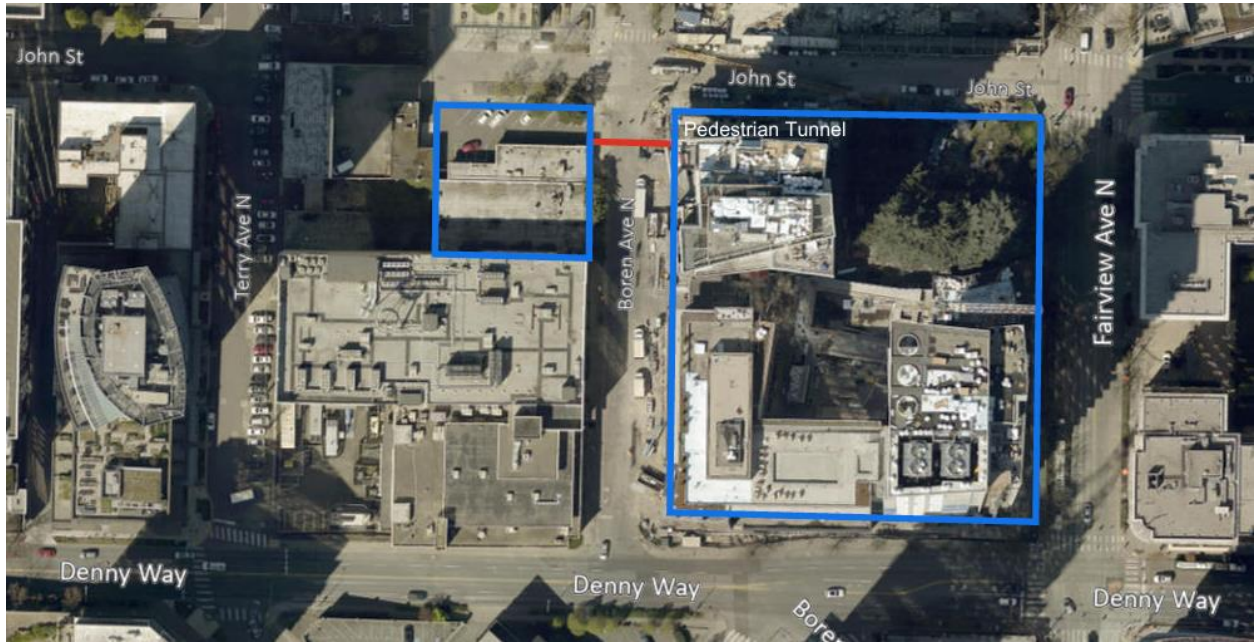
- Is a public hearing required?
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?

## 6. ATTACHMENTS

### Summary Attachments:

Summary Attachment A – Onni Pedestrian Tunnels Area Map

## Onni Boren Pedestrian Tunnel Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

December 10, 2025

## MEMORANDUM

**To:** Transportation Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Resolution 32158 and Resolution 32159 - Onni Boren Ave Tunnels

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On Tuesday, December 17, 2024, the Transportation Committee (Committee) will receive a briefing on two resolutions, Resolution [32158](#) and Resolution [32159](#), that would grant Onni Boren Avenue Seattle LLC (Onni) conceptual approval for new significant structure term permits for two tunnels under Boren Avenue N, north of Denny Way (Council District 7).

Because the proposed tunnels would occupy part of the city street, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.65 – Significant Structure Term Permits](#). Conditional conceptual approval of the term permit is the first step in approving the use of the street for this purpose. For more information on the term permit approval process, please see Attachment 1. According to SMC [15.65.055.B](#). “The City Council shall not grant conceptual approval... unless it finds that the structure is in the public interest and no reasonable alternative to the structure exists.”

This memorandum describes Resolutions 32158 and 32159 and identifies next steps.

### **Resolution 32158**

Resolution 32158 would grant conceptual approval for a pedestrian tunnel connecting a new 40-story residential tower at 121 Boren Avenue N to development owned by Onni across Boren Avenue N to the full-block development on the block bounded by Denny Way on the south, Boren Avenue N on the west, John Street on the north and Fairview Avenue N on the east. The tunnel will provide pedestrian passage and the movement of equipment and staff between the buildings, reducing the need for loading facilities at the new building, and allowing for more efficient deliveries to both sites.

In the summary and fiscal note for the Resolution, SDOT made the following comments regarding the issues in [SMC 15.65.040.C](#).

SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C:

- there is adequate clearance between the tunnel and existing and new utilities;
- the construction review is at 60% conceptual approval;
- there will be no interruption with existing streetscape or other street amenities;
- the tunnel will provide another accessible route for people with disabilities and other mobility concerns; and
- removing vehicular trips between the buildings reduces the opportunities for conflicts with pedestrians on the street.

Because the tunnel is below grade, and does not impact public use of the right-of-way, no public benefit is required.

### **Resolution 32159**

Resolution 32159 would grant conceptual approval for a utility tunnel across Boren Avenue N between the two projects. The utility tunnel would connect the residential tower at 121 Boren Ave N to a thermal heat exchange system that would also serve the block to the east, and the block to the northwest. The Council previously approved a utility tunnel connecting those blocks under [Ordinance 126135](#). The thermal heat exchange system facilitated by the utility tunnel would carry heat between office and residential buildings on these blocks, reducing energy demand. Combined, the heat exchange system would serve 2,500 residential units and up to 750,000 square feet of commercial uses.

In the summary and fiscal note for the Resolution, SDOT made the following comments regarding the issues in [SMC 15.65.040.C](#).

SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C:

- there is adequate clearance between the new utility tunnel for the thermal energy exchange system and other utilities;
- the construction review is at 60% conceptual approval;
- there will be no interruption with existing streetscape or other amenities; and
- there is no impact to traffic or pedestrian safety.

This use cannot be accommodated on private property or at-grade. Because the tunnel is below grade, and does not impact public use of the right-of-way, no public benefit is required.

### **Next Steps**

Resolutions 32158 and 32159 are scheduled for a briefing on December 17. They will return to Committee in January. They would each grant conditional conceptual approval to Onni for separate term permits allowing the construction of tunnels under Boren Avenue N. If approved, Onni would file construction permits and SDOT would prepare an ordinance reflecting the conditions in the resolutions for Council consideration. Approval of these resolutions is a required step in the term permit approval process and sets the terms of final approval.

### **Attachment**

1. Significant Structure Term Permits

cc: Ben Noble, Director  
Yolanda Ho, Deputy Director

## Attachment 1

### Significant Structure Term Permits

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 the right-of-way; and overhead structures attached to buildings. [SMC Chapter 15.65](#) specifies the procedures and criteria for allowing significant structures to occupy space in the right-of-way under fixed terms (“term permits”).

Term permit approval is a councilmanic decision. The Seattle Department of Transportation (SDOT) and other interested City departments, public, and private utilities review term permit applications and make a recommendation to Council. Applications for above-grade structures are also reviewed by the Seattle Design Commission (SDC) and require that the applicant provide public benefits to mitigate impacts of the significant structure on the public’s use of the right-of-way. Below-grade structures generally do not require public benefit mitigation because their impact on the public realm is minimal.

SMC 15.65.040.C lists ten elements for the Council to consider when reviewing whether to approve a significant structure in the right-of-way:

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 percent 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 SDOT and other agencies have reviewed the term permit application and have determined, based on review of the ten elements listed above, that approval is appropriate, SDOT transmits a Resolution for Council consideration that would grant conceptual approval of the term permit.

Under SMC 15.65.055, Council’s review of the proposal considers the ten items noted above to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. When ready, the Council “shall by resolution” provide conceptual approval for the term permit, deny it, or conceptually approve it with conditions.



Conceptual approval or conditional conceptual approval allows the petitioner to file construction plans for the structure.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT transmits a bill to the Council. At this stage, the Council may either grant or deny the permit. Council's decision to adopt the bill granting the permit must be grounded in whether the final plans are consistent with the conditional approval contained in the Resolution.

Typically, SDOT will recommend that the Council grant term permits for 15 years and will recommend allowing the permit to be renewed once for an additional 15 years. After 30 years, a new term permit is generally required.

An aerial photograph of a city skyline, likely Seattle, featuring a prominent white skyscraper with a dark top section. The sky is blue with scattered white clouds. The foreground shows a paved area, possibly a plaza or street intersection.

# **Onni Boren Ave Seattle LLC Pedestrian & Utility Tunnels**

**Council Transportation Committee  
Amy Gray, Senior Planning & Development Specialist  
December 17, 2024**

# Presentation overview



- Onni Boren Ave Seattle LLC conceptual approval for a pedestrian and a utility tunnel under Boren Ave N, north of Denny Way
- The pedestrian tunnel will connect the buildings located at 1120 Denny Way and 121 Boren Ave N (District 7)
- The utility tunnel will allow waste heat to be captured and distributed between the two buildings, reducing energy usage and carbon emissions
- SDOT recommends conceptual approval for the two term permits

# Term permit process – new permits

## Step 1: Resolution for Conceptual Approval

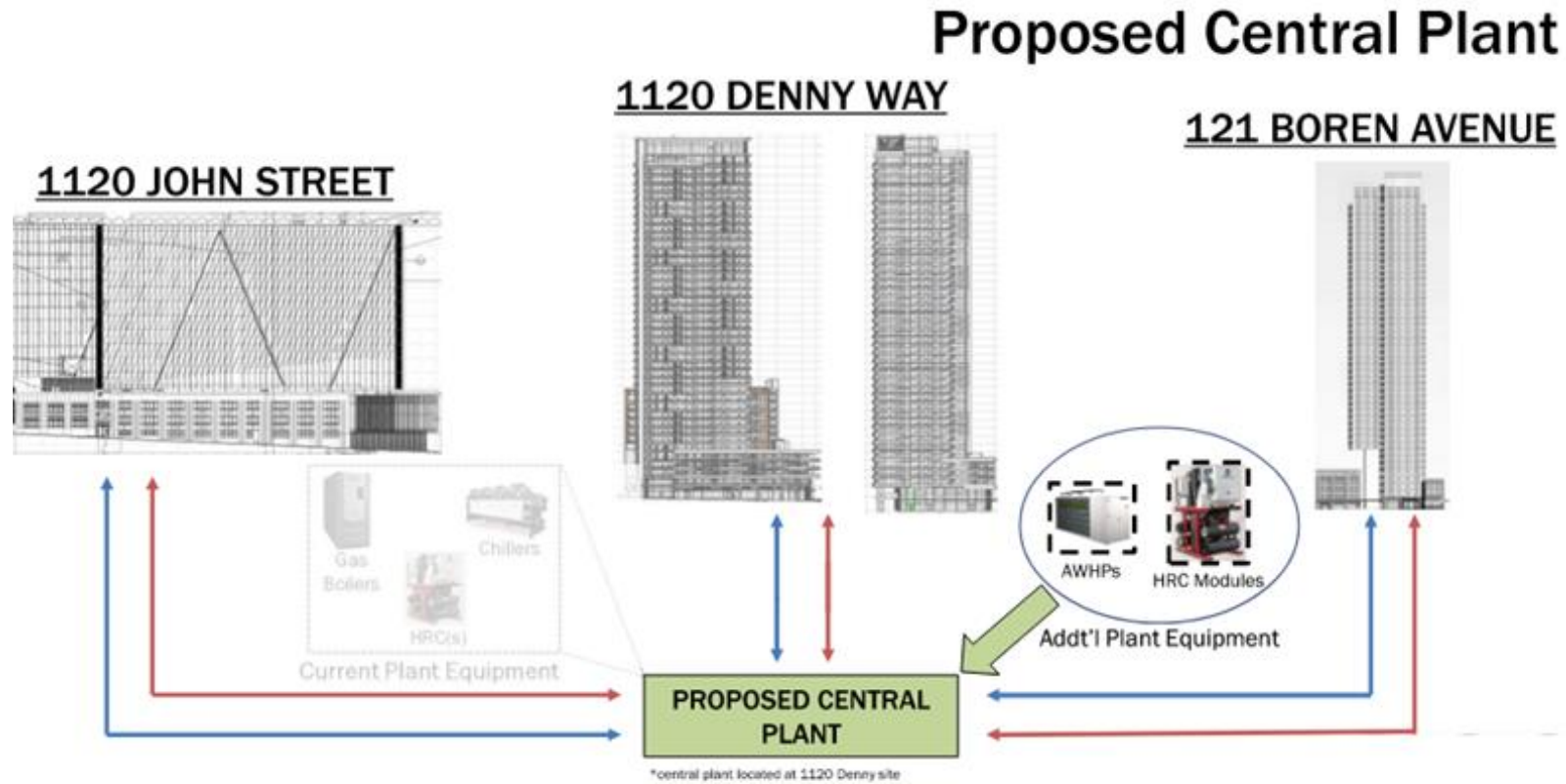
- At 60% design, identifies conditions to be met prior to final approval

## Step 2: Ordinance Passage:

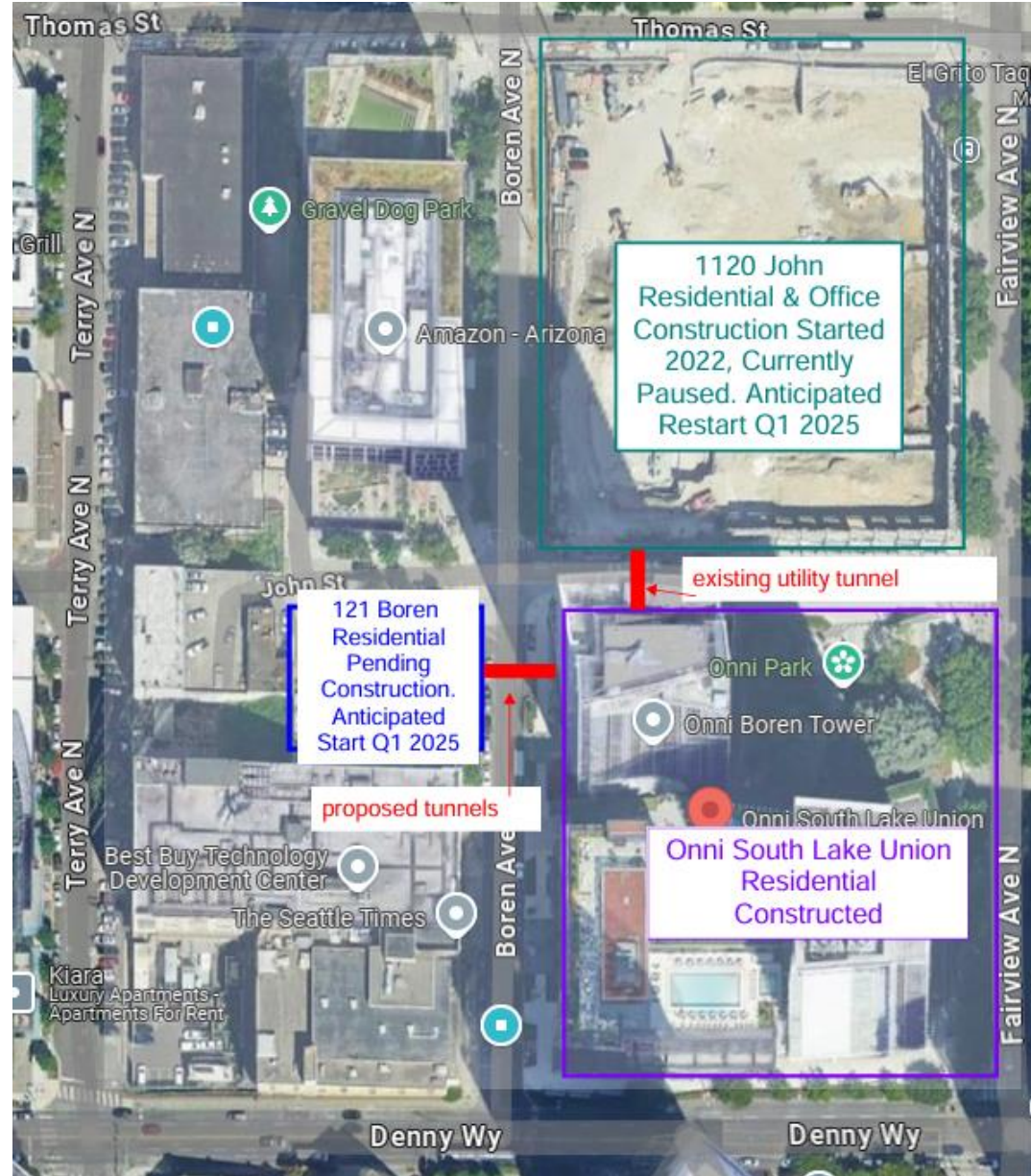
- At 100% design and after all conditions in the resolution are met
- Grants the permit for 15 years, with one renewable 15-year term
- Details the terms and conditions of the permit, including:
  - a) Annual fee & bond
  - b) Maintenance obligations
  - c) Indemnification, insurance, inspection, and maintenance requirements.



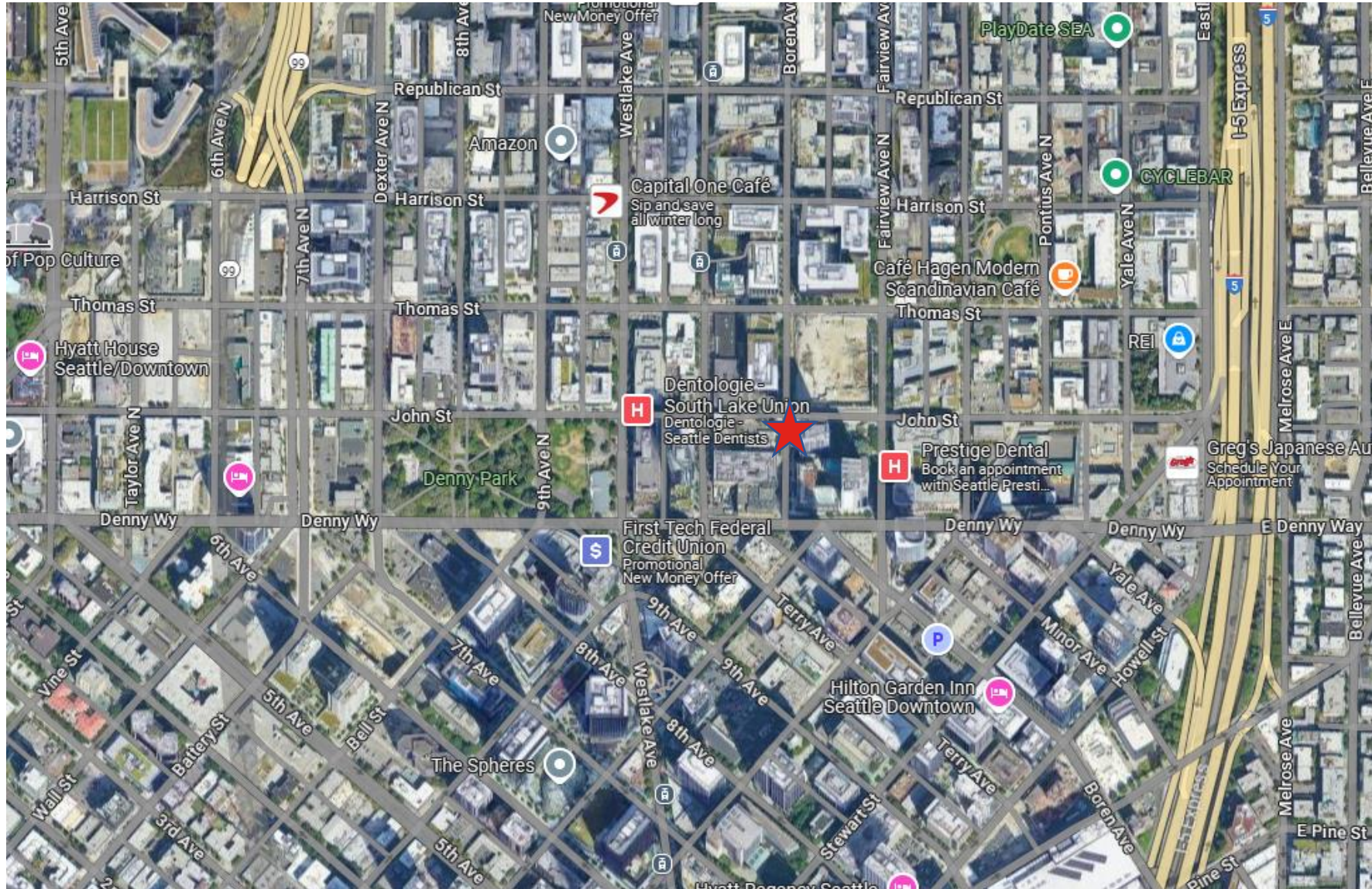
# Thermal Heat Exchange



# Area Map



# Project neighborhood –



# Requested action

SDOT recommends Council conceptually approve the proposed pedestrian and utility tunnels

If the resolutions are adopted, SDOT will prepare two term permit ordinances for Council consideration in 2025





[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638  
[www.seattle.gov/transportation](http://www.seattle.gov/transportation)



Legislation Text

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**File #:** Res 32159, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION granting conceptual approval to install, maintain, and operate a below-grade private thermal energy exchange system under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.

WHEREAS, Onni Boren Ave Seattle LLC (“Onni”) applied for permission to construct, maintain, and operate a below-grade private thermal energy exchange system under and across Boren Avenue North, north of Denny Way (“Thermal Energy Exchange System”); and

WHEREAS, the purpose of the Thermal Energy Exchange System is to capture waste heat and distribute between the buildings located at 1120 Denny Way and 121 Boren Avenue North, reducing energy usage and carbon emissions that would otherwise be discharged to the atmosphere; and

WHEREAS, in making a recommendation, the Director of the Seattle Department of Transportation (“Director”) considered the plans and application materials submitted by Onni to construct the Thermal Energy Exchange System and recommends that conceptual approval be granted; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council finds that the below-grade private thermal energy exchange system that would run under and across Boren Avenue North, north of Denny Way, as proposed by Onni Boren Avenue Seattle LLC, is in accordance with and in the public interest.

Section 2. As conditions for obtaining permission to construct the thermal energy exchange system, Onni Boren Avenue Seattle LLC shall:

A. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation (“SDOT”), which the Director will circulate to other City departments and any public and private utilities affected by the installation of the thermal energy exchange system;

B. Provide a surety bond, covenant agreement, and public liability insurance naming the City as an additional insured or self-insurance, as approved by the City’s Risk Manager;

C. Pay all City permit fees;

D. Obtain all other necessary permits;

E. Maintain and inspect the thermal energy exchange system; and

F. Remove the thermal energy exchange system and restore the right-of-way to in as good condition for public use as existed prior to construction of the thermal energy exchange system 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 upon expiration of the term permit, or at the direction of the Director or City Council in accordance with the provisions of the term permit ordinance.

Section 3. After this resolution is adopted, SDOT will present to the Council a draft term permit ordinance identifying the conditions under which permission may be granted for the use of the right-of-way for the thermal energy exchange system. Permission to use the right-of-way is subject to the Council’s decision to approve, deny, or modify the draft term permit ordinance presented by the Director.

Section 4. As recommended by the Director and the Mayor, conceptual approval for construction of the thermal energy exchange system is granted.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Seattle Department of Transportation (SDOT)	Amy Gray	Christie Parker

### 1. BILL SUMMARY

**Legislation Title:**

A RESOLUTION granting conceptual approval to install, maintain, and operate a below-grade private thermal energy exchange system under and across Boren Avenue North, north of Denny Way; as proposed by Onni Boren Ave Seattle LLC, as part of the construction of 121 Boren Avenue North, in the South Lake Union neighborhood.

**Summary and Background of the Legislation:** This resolution grants conceptual approval for a new below-grade private thermal energy exchange system and outlines certain conditions for obtaining permission to construct the energy exchange system. After this resolution is adopted, SDOT will submit a draft term permit ordinance specifying all of the permit conditions to the City Council.

The thermal heat exchange system connects two buildings with an energy plant that provides heating and cooling to 2,500 residential units and 750,000 square feet of commercial uses. Chilled and heated water pipes will run through a utility tunnel connecting the residential units and commercial space to a central plant located at 1120 Denny Way. City Council approved a private utility connection under John Street between Boren Avenue and Fairview Ave North by Ordinance 126135 in 2020. This is the final connection for the planned thermal heat exchange system, and it supports reducing carbon emissions from being released to the atmosphere.

All of the buildings and the energy plant are owned by Onni Boren Ave LLC. SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C: there is adequate clearance between the new utility tunnel for the thermal energy exchange system and other utilities; the construction review is at 60% conceptual approval; there will be no interruption with existing streetscape or other amenities; and there is no impact to traffic or pedestrian safety. This use cannot be accommodated on private property or at-grade.

### 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?  Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?  Yes  No

### 3.d. Other Impacts

**Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.**

No.

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

N/A

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

No.

### 4. OTHER IMPLICATIONS

**a. Please describe how this legislation may affect any departments besides the originating department.**

N/A

**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

Yes, the property located at 121 Boren Ave North

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

**i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This legislation does not impact vulnerable or historically disadvantaged communities.

**ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

**iii. What is the Language Access Plan for any communications to the public?**

N/A

**d. Climate Change Implications**

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

This legislation will decrease carbon emissions by capturing waste heat and circulating it through the two buildings.

- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation will increase Seattle’s resiliency to climate change by reducing carbon emissions into the atmosphere.

- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

**5. CHECKLIST**

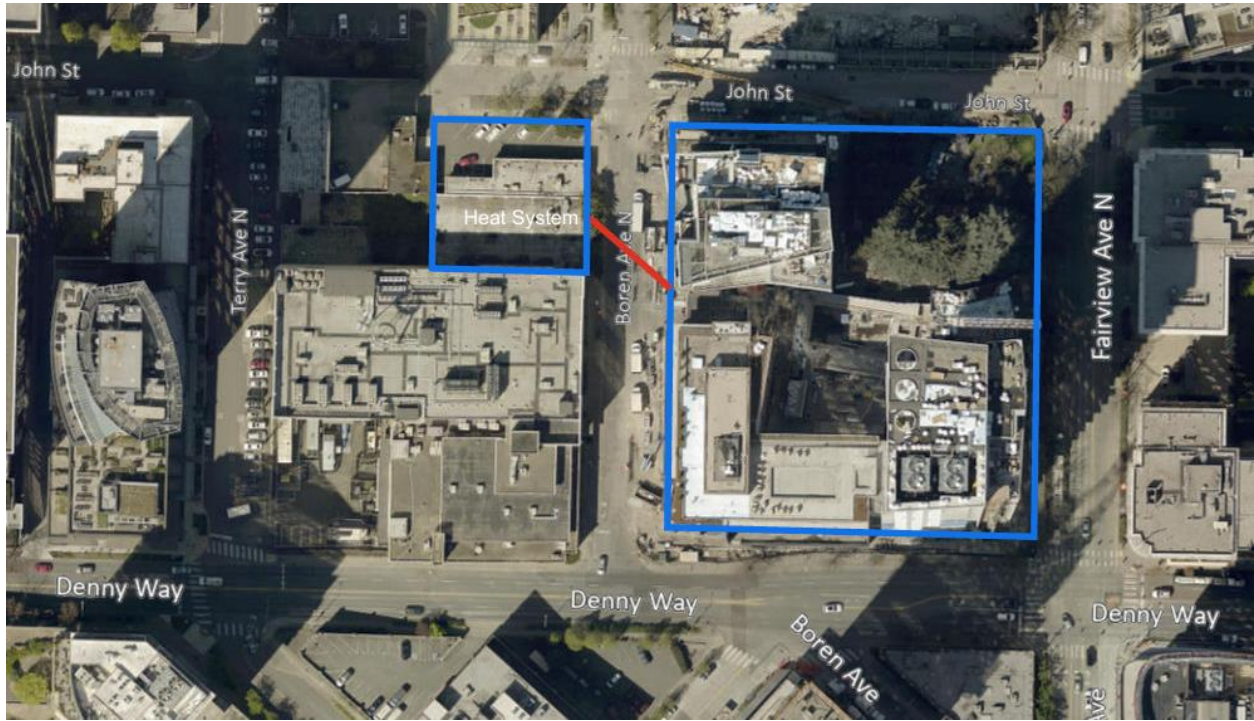
- Is a public hearing required?
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?

**6. ATTACHMENTS**

**Summary Attachments:**

Summary Attachment A – Onni Utility Tunnel Area Map

### Onni Boren Utility Tunnel Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.



December 10, 2025

## MEMORANDUM

**To:** Transportation Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Resolution 32158 and Resolution 32159 - Onni Boren Ave Tunnels

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On Tuesday, December 17, 2024, the Transportation Committee (Committee) will receive a briefing on two resolutions, Resolution [32158](#) and Resolution [32159](#), that would grant Onni Boren Avenue Seattle LLC (Onni) conceptual approval for new significant structure term permits for two tunnels under Boren Avenue N, north of Denny Way (Council District 7).

Because the proposed tunnels would occupy part of the city street, approval must be granted by the City Council pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.65 – Significant Structure Term Permits](#). Conditional conceptual approval of the term permit is the first step in approving the use of the street for this purpose. For more information on the term permit approval process, please see Attachment 1. According to SMC [15.65.055.B](#). “The City Council shall not grant conceptual approval... unless it finds that the structure is in the public interest and no reasonable alternative to the structure exists.”

This memorandum describes Resolutions 32158 and 32159 and identifies next steps.

### **Resolution 32158**

Resolution 32158 would grant conceptual approval for a pedestrian tunnel connecting a new 40-story residential tower at 121 Boren Avenue N to development owned by Onni across Boren Avenue N to the full-block development on the block bounded by Denny Way on the south, Boren Avenue N on the west, John Street on the north and Fairview Avenue N on the east. The tunnel will provide pedestrian passage and the movement of equipment and staff between the buildings, reducing the need for loading facilities at the new building, and allowing for more efficient deliveries to both sites.

In the summary and fiscal note for the Resolution, SDOT made the following comments regarding the issues in [SMC 15.65.040.C](#).

SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C:

- there is adequate clearance between the tunnel and existing and new utilities;
- the construction review is at 60% conceptual approval;
- there will be no interruption with existing streetscape or other street amenities;
- the tunnel will provide another accessible route for people with disabilities and other mobility concerns; and
- removing vehicular trips between the buildings reduces the opportunities for conflicts with pedestrians on the street.

Because the tunnel is below grade, and does not impact public use of the right-of-way, no public benefit is required.

### **Resolution 32159**

Resolution 32159 would grant conceptual approval for a utility tunnel across Boren Avenue N between the two projects. The utility tunnel would connect the residential tower at 121 Boren Ave N to a thermal heat exchange system that would also serve the block to the east, and the block to the northwest. The Council previously approved a utility tunnel connecting those blocks under [Ordinance 126135](#). The thermal heat exchange system facilitated by the utility tunnel would carry heat between office and residential buildings on these blocks, reducing energy demand. Combined, the heat exchange system would serve 2,500 residential units and up to 750,000 square feet of commercial uses.

In the summary and fiscal note for the Resolution, SDOT made the following comments regarding the issues in [SMC 15.65.040.C](#).

SDOT reviewed the proposal against the following criteria in SMC 15.65.040.C:

- there is adequate clearance between the new utility tunnel for the thermal energy exchange system and other utilities;
- the construction review is at 60% conceptual approval;
- there will be no interruption with existing streetscape or other amenities; and
- there is no impact to traffic or pedestrian safety.

This use cannot be accommodated on private property or at-grade. Because the tunnel is below grade, and does not impact public use of the right-of-way, no public benefit is required.

### **Next Steps**

Resolutions 32158 and 32159 are scheduled for a briefing on December 17. They will return to Committee in January. They would each grant conditional conceptual approval to Onni for separate term permits allowing the construction of tunnels under Boren Avenue N. If approved, Onni would file construction permits and SDOT would prepare an ordinance reflecting the conditions in the resolutions for Council consideration. Approval of these resolutions is a required step in the term permit approval process and sets the terms of final approval.

### **Attachment**

1. Significant Structure Term Permits

cc: Ben Noble, Director  
Yolanda Ho, Deputy Director

## Attachment 1

### Significant Structure Term Permits

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 the right-of-way; and overhead structures attached to buildings. [SMC Chapter 15.65](#) specifies the procedures and criteria for allowing significant structures to occupy space in the right-of-way under fixed terms (“term permits”).

Term permit approval is a councilmanic decision. The Seattle Department of Transportation (SDOT) and other interested City departments, public, and private utilities review term permit applications and make a recommendation to Council. Applications for above-grade structures are also reviewed by the Seattle Design Commission (SDC) and require that the applicant provide public benefits to mitigate impacts of the significant structure on the public’s use of the right-of-way. Below-grade structures generally do not require public benefit mitigation because their impact on the public realm is minimal.

SMC 15.65.040.C lists ten elements for the Council to consider when reviewing whether to approve a significant structure in the right-of-way:

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 percent 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 SDOT and other agencies have reviewed the term permit application and have determined, based on review of the ten elements listed above, that approval is appropriate, SDOT transmits a Resolution for Council consideration that would grant conceptual approval of the term permit.

Under SMC 15.65.055, Council’s review of the proposal considers the ten items noted above to determine whether the structure is in the public interest and no reasonable alternative to the structure exists. When ready, the Council “shall by resolution” provide conceptual approval for the term permit, deny it, or conceptually approve it with conditions.

Conceptual approval or conditional conceptual approval allows the petitioner to file construction plans for the structure.

If SDOT determines that the construction plans are consistent with the Council's approval or conditional approval, SDOT transmits a bill to the Council. At this stage, the Council may either grant or deny the permit. Council's decision to adopt the bill granting the permit must be grounded in whether the final plans are consistent with the conditional approval contained in the Resolution.

Typically, SDOT will recommend that the Council grant term permits for 15 years and will recommend allowing the permit to be renewed once for an additional 15 years. After 30 years, a new term permit is generally required.

An aerial photograph of a city skyline, likely Seattle, featuring a prominent white skyscraper with a dark top section. The sky is blue with scattered white clouds. The foreground shows a paved area, possibly a plaza or street intersection.

# **Onni Boren Ave Seattle LLC Pedestrian & Utility Tunnels**

**Council Transportation Committee  
Amy Gray, Senior Planning & Development Specialist  
December 17, 2024**



# Presentation overview

- Onni Boren Ave Seattle LLC conceptual approval for a pedestrian and a utility tunnel under Boren Ave N, north of Denny Way
- The pedestrian tunnel will connect the buildings located at 1120 Denny Way and 121 Boren Ave N (District 7)
- The utility tunnel will allow waste heat to be captured and distributed between the two buildings, reducing energy usage and carbon emissions
- SDOT recommends conceptual approval for the two term permits

# Term permit process – new permits

## Step 1: Resolution for Conceptual Approval

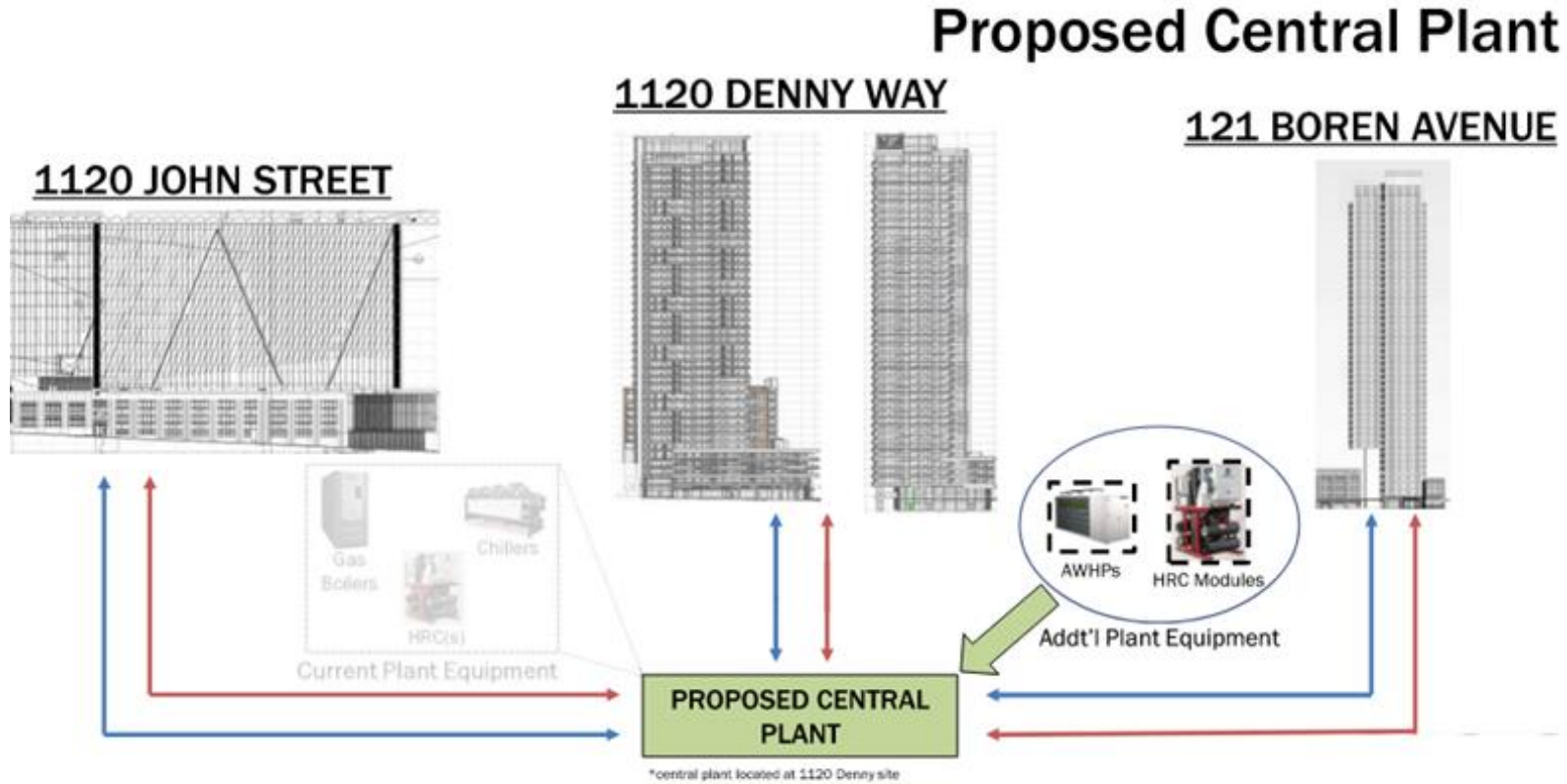
- At 60% design, identifies conditions to be met prior to final approval

## Step 2: Ordinance Passage:

- At 100% design and after all conditions in the resolution are met
- Grants the permit for 15 years, with one renewable 15-year term
- Details the terms and conditions of the permit, including:
  - a) Annual fee & bond
  - b) Maintenance obligations
  - c) Indemnification, insurance, inspection, and maintenance requirements.

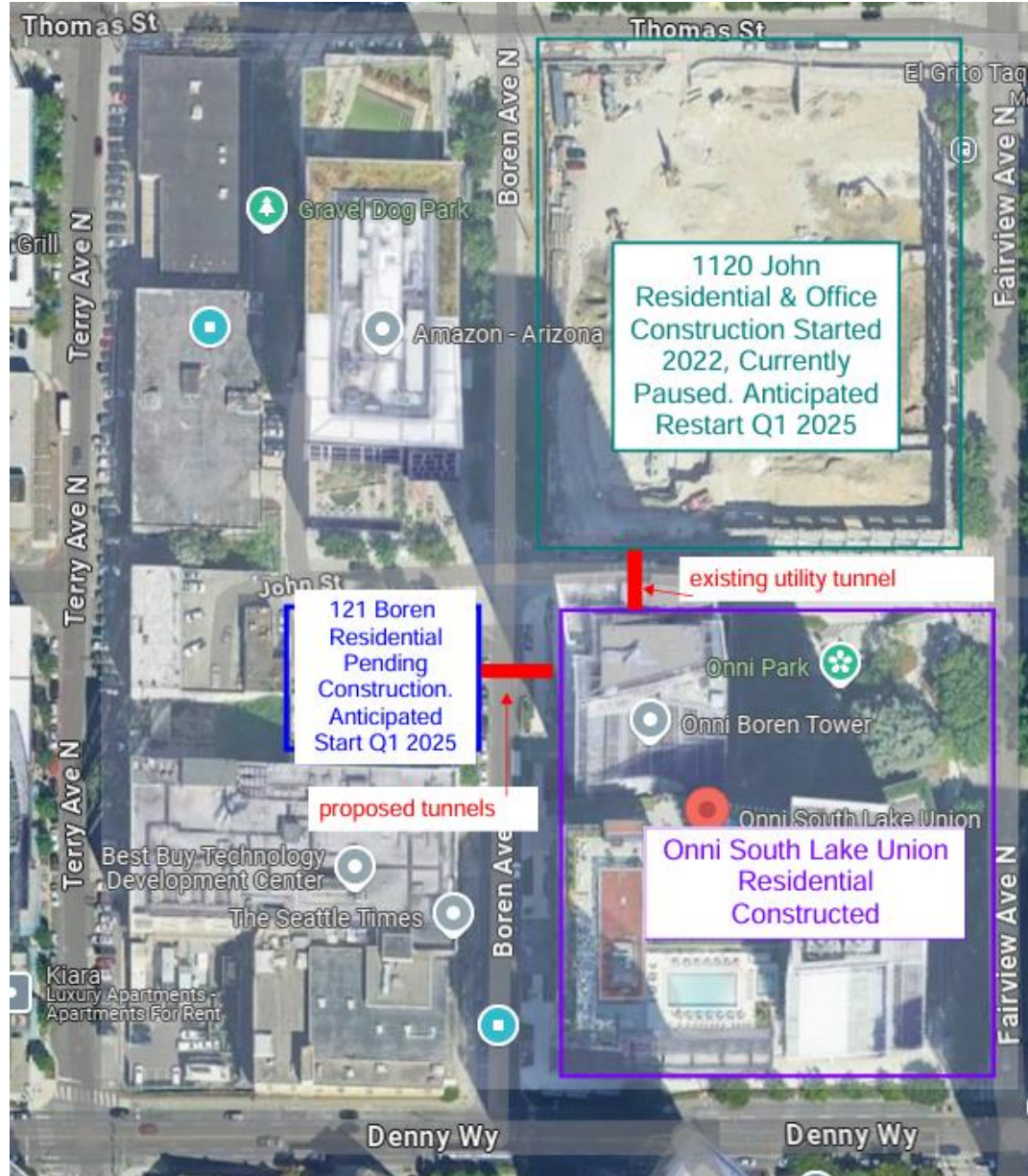


# Thermal Heat Exchange

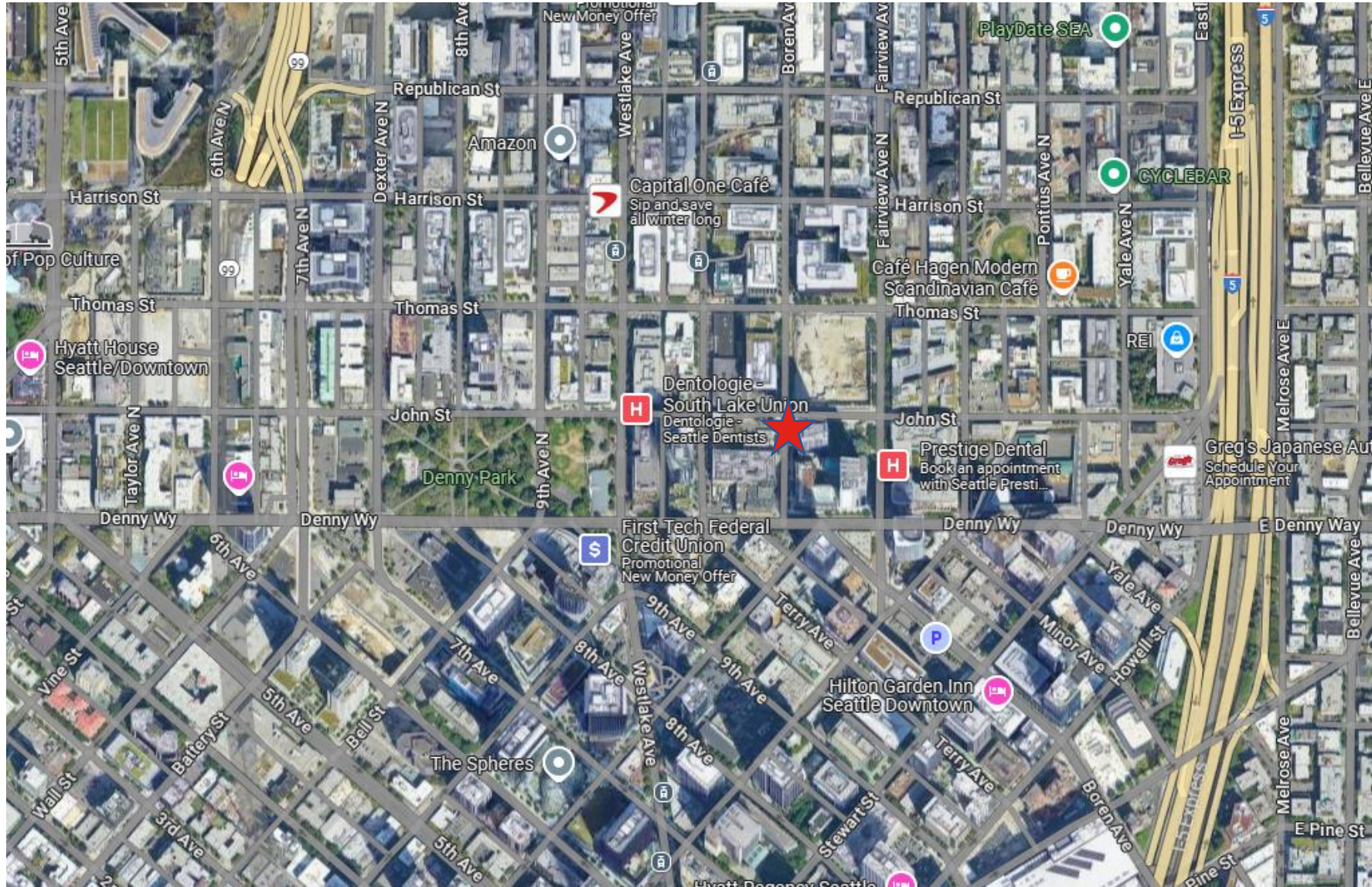




# Area Map



# Project neighborhood –



# Requested action

SDOT recommends Council conceptually approve the proposed pedestrian and utility tunnels

If the resolutions are adopted, SDOT will prepare two term permit ordinances for Council consideration in 2025



[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638  
[www.seattle.gov/transportation](http://www.seattle.gov/transportation)



Legislation Text

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**File #:** CB 120846, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE granting Triton West LLC permission to maintain and operate a pipeline system in, under, along, and across 13<sup>th</sup> Avenue Southwest and Southwest Florida Street, for a twenty-year term; repealing Section 8 of Ordinance 123990; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

WHEREAS, by Ordinance 123990, The City of Seattle (“City”) granted permission to Equilon Enterprises LLC dba Shell Oil Products US to maintain and operate a pipeline system in, under, and across 13<sup>th</sup> Avenue Southwest and Southwest Florida Street at Harbor Island; and

WHEREAS, Triton West LLC assumed ownership of property known as King County parcel number 7666702650 from Equilon Enterprises LLC in 2018; and

WHEREAS, the permission authorized by Ordinance 123990 ended on February 28, 2022; and

WHEREAS, the obligations of Ordinance 123990 remain in effect after the ordinance term expires until the encroachment is removed, or Triton West LLC is relieved of the obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, Triton West LLC has applied for permission to continue to maintain and operate the existing pipeline system in, under, along, and across 13<sup>th</sup> Avenue Southwest and Southwest Florida Street at Harbor Island, for the purposes of transmitting petroleum products between the oil storage plant and dock site on Harbor Island (“pipeline system”); and

WHEREAS, the existing pipeline system located in, under, along, and across 13<sup>th</sup> Avenue Southwest and

Southwest Florida Street (encroachment) has not been removed and remains in the right-of-way; and WHEREAS, the adoption of this ordinance is the culmination of the approval process for the pipeline system to legally occupy a portion of the public right-of-way; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. **Permission.** Subject to the terms of the ordinance, permission is granted to Triton West LLC (Permittee) and its successors and assigns, to maintain, operate a system of pipe lines, together with all manholes, valves, appurtenances and service connections, including telephone lines in conduits, used in connection with and necessary for the operation of the pipe lines (pipeline system), under, along, across, and in 13<sup>th</sup> Avenue Southwest and Southwest Florida Street, all within the following described property:

(a) a strip of land 20 feet in width, the center line of which is described as follows: Beginning at a point 21.58 feet due South of the Northeast corner of Lot 47, Block 403, Seattle Tidelands, as shown in the official records of the City of Seattle, County of King, State of Washington; thence North 76°42'13" East, a distance of 20.55 feet to a point; thence North 45°00' East, a distance of 84.85 feet; thence due North a distance of 232.65 feet to a point on the North boundary line produced, of Southwest Florida Street located 10.28 feet South 76°42'13" West of the Northeast corner of Southwest Florida Street and 13<sup>th</sup> Avenue Southwest; and

(b) a strip of land 13 feet in width, the center line of which is described as follows: Beginning at a point on the North boundary line produced, of Southwest Florida Street and located 6.68 feet South 76°42'13" West of the Northeast corner of Southwest Florida Street and 13<sup>th</sup> Avenue Southwest; thence due North parallel to the East line of 13<sup>th</sup> Avenue Southwest and distant westerly therefrom 6.5 feet, a distance of 862.2 feet more or less to a point in the South line of Lot 2, Block G, of the Frink Waterfront Addition, located 34.42 feet North 76°42'13" East of the Southwest corner of the above described Lot 2; and

(c) a strip of land 60 feet in width, the center line of which is described as follows: Beginning at a point on the North boundary line produced, of Southwest Florida Street which is 13.36 feet South 76°42'13" West of the Northeast corner of Southwest Florida Street and 13<sup>th</sup> Avenue Southwest; thence due North parallel with the East line of 13<sup>th</sup> Avenue Southwest and distant westerly therefrom 13 feet, a distance of 105 feet the true point of the beginning of the centerline; thence West 67 feet to the West line of 13<sup>th</sup> Avenue Southwest and the terminus of the centerline;

Connecting and adjacent in whole or in part to the properties described as:

Lot 47, Block 403, plat of Seattle Tidelands, King County, Washington as recorded in Special Warranty Deed No. 9904192410; and

That portion of Lot 1, Block F, lying east of the prolongation of the west line of 13<sup>th</sup> Avenue Southwest, Frink's Waterfront Addition, according to the plat recorded in Volume 12 of Plats, page 89, in King

County, Washington as recorded in Special Warranty Deed No. 9904192410.

Section 2. **Term.** The permission granted to the Permittee is for a term of twenty years, starting on the effective date of this ordinance, and ending at 11:59 on the last day of the twentieth year. This is the final term authorized by Ordinance 123990, subject to the right of the City to require the removal of the pipeline system or to revise by ordinance any of the terms and conditions of the permission granted by this ordinance. The Permittee shall submit any application for a new permission no later than one year prior to the expiration of the then-existing term.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support or relocation of existing utilities deemed necessary by the owners of the utilities and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the pipeline system, and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pipeline system, or any part thereof or installation on, in or under the public place, at the Permittee’s sole cost and expense in the event that:

- A. The City Council determines by ordinance that the space occupied by the pipeline system is necessary for any public use or benefit or that the pipeline system interferes with any public use or benefit; or
- B. The Director determines that use of the pipeline system has been abandoned; or
- C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety

of the public).

A City Council determination that the space is needed for, or the pipeline system interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to adjudicate the matter.

**Section 5. Permittee's obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pipeline system, the Permittee shall, at its own expense, remove the pipeline system and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pipeline system in as good condition for public use as existed prior to construction of the pipeline system and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pipeline system as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pipeline system and restore the public place at the Permittee's expense, and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification pursuant to Section 8 of this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of



the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The pipeline system shall remain the exclusive responsibility of the Permittee and the Permittee shall maintain the pipeline system in good and operational condition to ensure the continued use of the City's right-of-way for the traveling public. The Permittee shall not reconstruct or repair the pipeline system except in strict accordance with plans and specifications approved by the Director including but not limited to approved traffic management plans that ensure continued use of the rights-of-way during any construction or modification of the pipeline system. The Director may, in the Director's judgment, order the pipeline system reconstructed or repaired at the Permittee's cost and expense because of: the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; to ensure that individuals may continue to use the City right-of-way for travel or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct any unsafe conditions within the time stated in the notice, the Director may order that the pipeline system be closed or removed at the Permittee's expense if the Director deems that the pipeline system has become unsafe or creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Violation of any term or condition of the ordinance.** After written notice to the Permittee that a term or condition of this ordinance has been violated and failure of the Permittee to correct the violation within the time stated in the notice, the Director may order the pipeline system be decommissioned and closed-in-place or removed at the Permittee's expense.

Section 9. **Continuing obligation to remove and restore.** Notwithstanding termination or expiration of the permission granted, or closure or removal of the pipeline system, the Permittee shall remain bound by its obligation under this ordinance until:

- A. The pipeline system and all its equipment and property are removed from the street right-of-way;
- B. The area is cleared and restored in a manner and to a condition satisfactory to the Director; and

C. The Director certifies that the Permittee: (i) has fulfilled its removal and restoration obligations under this ordinance: and (ii) has discharged its obligations under this ordinance for occurrences after the date of the certificate.

Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 and 10 of this ordinance and shall remain liable for any unpaid fees assessed under Section 17 of this ordinance.

Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations to remove the pipeline system and its property and to restore any disturbed areas, including, for the avoidance of doubt, Permittee's obligations under Section 5 of this ordinance.

Section 10. **Release, hold harmless, indemnification, and duty to defend.** The pipeline system shall remain the exclusive responsibility of the Permittee, and the Permittee agrees to maintain the pipeline system in good and safe condition. The Permittee, by accepting the terms of this ordinance and the permission granted, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorney's fees, or damages of every kind and description arising out of or by reason of the pipeline system or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers, employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pipeline system;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pipeline system, or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 11. **Environmental Indemnity Agreement.** The permission granted is subject to the Permittee executing a separate Environmental Indemnity Agreement in a form provided by the City. The Permittee shall, within 60 days of the effective date of this ordinance, deliver to the Director upon a form to be supplied by the Director, an environmental indemnity agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee. The Director shall file the environmental indemnity agreement with the City Clerk.

Section 12. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 8 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at

its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

1. Reconstruction, modification, operation, maintenance, use, existence, or removal of the pipeline system, as well as restoration of any disturbed areas of the public place in connection with removal of the pipeline system;
2. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and
3. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

No Limitation of Liability - Insurance coverage and insurance limits of liability as specified herein are minimum coverage and limit of liability requirements only. Nothing in the City of Seattle's requirements for minimum insurance coverage shall be interpreted to limit or release liability of the Consultant or any of the Consultant's insurers.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to the provisions of this ordinance regarding self-insurance.

Permittee shall maintain in full force and effect at Permittee's sole cost and expense, and Permittee shall ensure that its contractors and subcontractors of all tiers contracted for reconstruction, modification, operation, maintenance, use, existence or removal of the pipeline system in accordance with this Ordinance shall maintain in full force and effect during the periods stated, minimum types of insurance coverages with such minimum limits of liability and meeting such general conditions as are set forth below.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; Contractual Liability and may be in any combination of primary and umbrella/excess liability policies. Coverage shall include the “City of Seattle, its officers, officials, employees and agents” as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

If the reconstruction, modification, operation, maintenance, use, existence, or removal of the pipeline system is contracted, applicable minimum coverages and limits of liability may be evidenced by any contractor or subcontractor provided that such insurance fully meets the applicable requirements set forth herein.

Notwithstanding, Permittee shall have authority to determine and adjust insurance coverage and limits for contractor or subcontractors contracted for reconstruction, modification, operation, maintenance, use, existence or removal of the pipeline system, provided that any adjustment or modification to subcontractor insurance requirements shall not reduce or modify Permittee’s obligations under this Agreement.

CGL insurance must include coverage for:

1. Premises/Operations;
2. Personal/Advertising Injury;
3. Contractual;
4. Independent Contractors; and
5. Stop Gap (unless insured as Employers Liability under Part B. of a Workers Compensation Insurance Policy).

Such insurance must provide a minimum limit of liability of \$1,000,000 each Occurrence Combined Single Limit Bodily Injury and Property Damage (CSL) except \$1,000,000 each Offense Personal/Advertising Injury and \$1,000,000 each Accident/ Disease - Policy Limit/ Disease - each Employee Stop Gap or Employers Liability. Permittee’s, and, if applicable, its contractor’s or subcontractor’s, CGL insurance must not exclude perils generally known as XCU (Explosion, Collapse and Underground Property Damage), Subsidence, Absolute Earth Movement (except as respects earthquake peril only) or any equivalent peril.

Automobile Liability for owned, non-owned, hired, and leased vehicles, as applicable, with a minimum limit of liability of \$1,000,000 CSL. If pollutants are to be transported, MCS 90 and CA 99 48 endorsements are required on the Automobile Liability insurance policy unless in-transit pollution risk is covered under a Pollution Liability insurance policy.

Permittee, and, if applicable, its contractors or subcontractors, must comply with Workers' Compensation coverage as required by Title 51 RCW (Industrial Insurance).

Permittee, and, if applicable, its contractors or subcontractors, shall provide a Pollution Liability policy for pollutants that are or may be remediated on or off-site covering claims, including investigation, defense, or settlement costs and expenses that involve bodily injury and property damage (including natural resources damages and loss of use of tangible property that has not been physically injured) covering:

1. Pollution conditions caused or made worse by Permittee, and, if applicable, its contractors or subcontractors, including clean-up costs for a newly caused condition or a historical condition that is made worse.

2. In-Transit Pollution Liability.

3. The vicarious liability of contractors or subcontractors of any tier (if applicable).

Such Pollution Liability insurance shall provide a minimum limit of liability of \$5,000,000 each claim with a minimum aggregate limit of 200 percent of each claim limit. With respect to any reconstruction project for the pipeline system, there shall be no requirement for a dedicated reconstruction project aggregate limit provided that Permittee, its contractors or subcontractors shall (1) cause to be submitted to the City prior to the Notice to Proceed date with its insurance certification a written statement from its authorized insurance representative that the full minimum aggregate limit is available and has not been impaired by any claims reserved on another project, and (2) thereafter, until the completion of the reconstruction project, Permittee, its contractors or subcontractors shall provide notice in writing to the City within ten days of Permittee's, contractor's or subcontractor's constructive knowledge of any pending or actual impairment of the aggregate

limit. If in-Transit Pollution Liability is required but it is not provided under the Automobile Liability, then Permittee, and, if applicable, its contractors or subcontractors, must provide evidence of In-Transit Pollution Liability transportation coverage under Permittee's, and, if applicable, its contractor's or subcontractor's, Pollution Liability policy.

Permittee, and, if applicable, its contractors or subcontractors, shall provide minimum Excess or Umbrella Liability coverage limits of \$5,000,000 each occurrence in excess of the primary CGL and Automobile liability insurance limits specified in Section 10. The minimum total limits requirement of \$5,000,000 may also be satisfied with primary CGL and/or Automobile liability insurance limits or any combination of primary and excess/umbrella limits.

Prior to mobilization on-site of its contractor or any subcontractor of any tier contracted for reconstruction of the pipeline system, Permittee shall maintain, or cause to be maintained by its contractor, not at City's expense, Builder's Risk Property insurance, and Permittee shall ensure that such insurance shall be in effect at all times during new construction or structural alteration and shall not be terminated until the physical completion thereof. Such insurance shall:

1. Cover all portions of the pipeline system subject to such reconstruction, including all new structures and existing structures that are to be structurally altered (but excluding existing structures to be demolished) and all materials, equipment, supplies and temporary structures being built or stored at or near the construction site, or while in transit;
2. Provide "All Risk" coverage in an amount equal to the current 100 percent completed value replacement cost of all property on the pipeline system subject to such reconstruction required to be covered, including the value of existing structures that have been structurally altered (including allowance for "soft costs") against loss from the perils of fire and other risks of direct physical loss not less broad than provided by the insurance industry standard Causes of Loss - Special Form CP 10 30;
3. If so required in writing by the City, include earth movement including earthquake and flood

perils and such other endorsements and coverages as the City may from time to time reasonably require and any other insurance required by law or by the terms of this ordinance;

4. Remain in force until coverage for Permittee's Permanent Property Insurance complying with this section is bound;

5. Provide that payment of deductibles are the responsibility of Permittee, and, if applicable, its contractor or subcontractors, except for: (i) earth movement including earthquake or flood claims: or (ii) all risks claims to the extent damage is not caused by the negligent acts of Permittee, and, if applicable, its contractor or any subcontractor;

6. Include the City of Seattle as loss payee as its interest may appear; and

7. Be endorsed to cover the interests, as they may appear, of contractors and subcontractors of all tiers (if applicable).

Failure on the part of Permittee, and, if applicable, its contractors or subcontractors, to maintain the insurance as required constitutes a material breach of this ordinance, on which the City may, after giving five business days' notice to Permittee, and, if applicable, its contractor or subcontractor, to correct the breach, may immediately terminate the ordinance or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand.

Unless otherwise approved in advance by the City's Risk Manager in writing, any deductible in excess of \$50,000 or self-insured retention (SIR) in excess of \$50,000 that is not fronted by an insurer must be disclosed and is subject to the City's Risk Manager's approval. Upon request by the City, Permittee, and, if applicable, its contractors or subcontractors, must furnish financial information that the City may reasonably require to assess Permittee's, and, if applicable, its contractor's or subcontractor's risk bearing capacity, and must provide a written statement that Permittee, and, if applicable, its contractors or subcontractors, will defend and indemnify the City against any claim within Permittee's, and, if applicable, its contractor's or subcontractor's, SIR and is responsible for the cost of any payments for defense and indemnity falling within



the SIR at least to the same extent that coverage would be afforded to the City under the relevant insurance policy meeting the requirements stated herein.

Insurers shall be licensed to do business in the State of Washington and shall maintain not less than an A - VII A.M. Best's ratings unless coverage is procured as surplus lines under chapter 48.15 RCW ("Unauthorized Insurers"). Coverage shall not be cancellable without at least 30 days' advance written notice of cancellation, except ten days with respect to cancellation for non-payment of premium. CGL, Auto, and Employer's Liability insurance required to be maintained by Permittee hereunder shall contain a waiver of subrogation in favor of the City. CGL insurance maintained by Permittee shall include the "City, its officers, elected officials, employees, agents, and volunteers" as additional insureds for primary and non-contributory limits of liability.

The Permittee shall each deliver to the City Certificates of Liability Insurance issued in conformance with prevailing established market practice evidencing compliance with the minimum levels of coverages and limits of liability and meeting general conditions stated herein, including but not limited to provision for notice of cancellation as specified herein. At any time upon the City's request, Permittee, and, if applicable, its contractors or subcontractors, must forward to the City a true and certified copy of any insurance policy(s).

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from an authorized representative of the Permittee may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-

insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City's Risk Manager may at any time revoke approval of self-insurance; provided that in order to make any such revocation, the City must, in its reasonable discretion, determine that circumstances exist that would materially and adversely affect Permittee's ability to sustain its previously approved self-insurance, and following such revocation, the City shall require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 16 of this ordinance.

Notwithstanding anything to the contrary contained herein, any of the insurance required to be held by Permittee pursuant to this ordinance may be covered under an umbrella, blanket, or similar policy.

**Section 13. Contractor insurance.** The Permittee shall contractually require that all of its contractors performing work on the pipeline system name the "City of Seattle, its officers, officials, employees and agents" as an additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. Permittee shall also include in all contract documents with its contractors performing work on the pipeline system a third-party beneficiary provision extending to the City construction indemnities and warranties granted to Permittee.

**Section 14. Performance bond.** Within 60 days after the effective date of this ordinance, the Permittee shall deliver to the Director for filing with the City Clerk a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington that is: in the amount of \$524,000 and conditioned with a requirement that the Permittee shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The Permittee shall ensure that the bond remains in effect

until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 8 of this ordinance. An irrevocable letter of credit approved by the Director in consultation with the City Attorney's Office may be substituted for the bond. In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the bond or letter of credit required under this section until the Director has approved the assignment or transfer pursuant to Section 16 of this ordinance.

Section 15. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 16. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 22 of this ordinance. Prior to transfer, the successor owner of the Property shall accept all of the terms and conditions of the permission granted by this ordinance and the new owner of the Property shall be conferred with the rights and obligations of Permittee by this ordinance. Other than a transfer to a new owner of the Property, Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity when the new owner has provided, at the time of the acceptance, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 16 and Section 18 of this ordinance. Upon the Director's approval of an assignment or transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the

pipeline system.

Section 17. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pipeline system during construction, reconstruction, repair, annual inspections, and at other times deemed necessary by the City. An inspection or approval of the pipeline system by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the pipeline system. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee. The Permittee shall pay the City the amounts charged by the City to review the inspection reports required by Section 18 of this ordinance.

Section 18. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the pipeline system;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of the ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the pipeline system, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pipeline system. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 19. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$20,809.86 or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 20. **Compliance with other laws.** Permittee shall maintain and operate the pipeline system in compliance with all applicable federal, state, County and City laws and regulations. Without limitation, in all matters pertaining to the pipeline system, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, Chapter 14.04, and Fair Contracting Practices code, Chapter 14.10 (or successor provisions).

Section 21. **Acceptance of terms and conditions.** The Permittee shall provide evidence of insurance coverage required by Section 12 of this ordinance, the bond as required by Section 14 of this ordinance, and the covenant agreement required by Section 22 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance.

Section 22. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the

property adjacent to the pipeline system and legally described in Section 1 of this ordinance (the “Property”), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder’s Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property, excluding, for the avoidance of doubt, any encumbrances previously granted by Permittee to be subordinated to the covenant agreement.

Section 23. **Repealing Section 8 of Ordinance 123990.** Section 8 of Ordinance 123990 is repealed.

Section 24. **Section titles.** Section titles are for convenient reference only and do not modify or limit the text of a section.

Section 25. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Scheereen Dedman, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE**

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Seattle Department of Transportation	Amy Gray	Christie Parker

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE granting Triton West LLC permission to maintain and operate a pipeline system in, under, along, and across 13<sup>th</sup> Avenue Southwest and Southwest Florida Street, for a twenty-year term; repealing Section 8 of Ordinance 123990; specifying the conditions under which this permit is granted; and providing for the acceptance of the permit and conditions.

**Summary and Background of the Legislation:**

This legislation allows Triton West LLC to continue maintaining and operating a pipeline system in, under, along, and across 13<sup>th</sup> Avenue Southwest and Southwest Florida Street. The pipeline system permit is for a period of twenty years, commencing on the effective date of the ordinance. The legislation specifies the conditions under which permission is granted.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?  Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation have financial impacts to the City?  Yes  No

<b>Expenditure Change (\$); General Fund</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
<b>Expenditure Change (\$); Other Funds</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>

<b>Revenue Change (\$); General Fund</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
<b>Revenue Change (\$); Other Funds</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
	<b>Annual Fee: \$20,809.86</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

<b>Number of Positions</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>



<b>Total FTE Change</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>

**3.b. Revenues/Reimbursements**

This legislation adds, changes, or deletes revenues or reimbursements.

**Anticipated Revenue/Reimbursement Resulting from This Legislation:**

<b>Fund Name and Number</b>	<b>Dept</b>	<b>Revenue Source</b>	<b>2024 Revenue</b>	<b>2025 Estimated Revenue</b>
Transportation Fund (13000)	SDOT	Annual Fee	\$20,809.86	TBD
<b>TOTAL</b>			<b>\$20,809.86</b>	<b>TBD</b>

**Revenue/Reimbursement Notes:**

The 2024 fee is based on the 2024 tax year land value as assessed by King County.

**3.d. Other Impacts**

**Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.**

No.

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

No.

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

If the legislation is not enacted by City Council, the City of Seattle will not receive the 2024 Annual Fee of \$20,809.86 and future annual fees.

**4. OTHER IMPLICATIONS**

**a. Please describe how this legislation may affect any departments besides the originating department.**

N/A

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**  
Yes, the Triton West LLC property legally described in Section 1 of the Council Bill.
- c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**
- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**  
This is a renewal of an existing pipeline and does not impact vulnerable or historically disadvantaged communities.
  - ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**  
N/A
  - iii. What is the Language Access Plan for any communications to the public?**  
N/A
- d. Climate Change Implications**
- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**  
This is a renewal of an existing pipeline and is not likely to increase or decrease carbon emissions in a material way.
  - ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
This is a renewal of an existing pipeline and no new actions are being proposed. It is unlikely that this renewal will increase or decrease Seattle’s ability to adapt to climate change.
- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**  
N/A

## 5. CHECKLIST

- Is a public hearing required?

- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

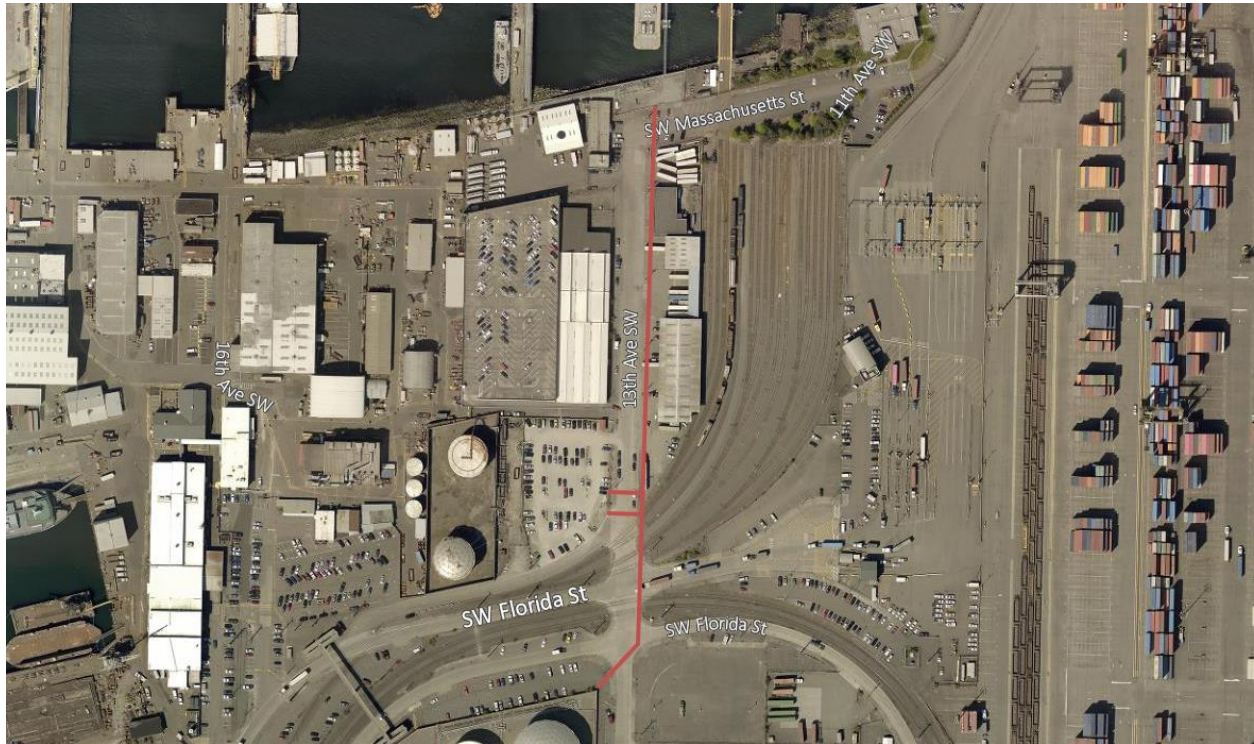
## **6. ATTACHMENTS**

### **Summary Attachments**

Summary Attachment A – Triton West Pipeline Area Map

Summary Attachment B – Triton West Pipeline Fee Assessment

## Triton West Pipeline Area Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

## Annual Fee Assessment Summary

### STREET USE ANNUAL FEE ASSESSMENT

Date: 4/4/2024

<p><u>Summary:</u> <b>Land Value:</b> \$42.06/SF <b>2024 Permit Fee:</b> <b>\$20,809.86</b></p>
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#### I. Property Description:

Existing pipeline system in, under, along, and across 13<sup>th</sup> Ave SW and SW Florida St. The pipeline system transports petroleum products below-grade to two oil plant facilities. The pipeline system area is **21,989.6 square feet**.

#### Applicant:

Triton West LLC

#### Abutting Parcels, Property Size, Assessed Value:

#### 2024

Parcel 7666702650; Lot size: 759,046 square feet  
Tax year 2024 Appraised Land Value \$34,157,000 (\$45/square foot)

Parcel 7671800251; Lot size: 106,100 square feet  
Tax year 2024 Appraised Land Value \$4,774,500 (\$45/square foot)

Parcel 7666702850; Lot size: 1,213,449 square feet  
Tax year 2024 Appraised Land Value \$40,351,800 (\$33.25/square foot)

Parcel 7671800250; Lot size: 56,688 square feet  
Tax year 2024 Appraised Land Value \$2,550,900 (\$45/square foot)

Average 2024 Tax Assessed Land Value: \$42.06/SF

#### II. Annual Fee Assessment:

The 2024 permit fee is calculated as follows:

$(\$42.06/\text{SF}) \times (21,989.6 \text{ SF}) \times (30\%) \times (7.5\%) = \boxed{\$20,809.86}$  where 30% is the degree of alienation for a below-grade structure and 7.5% is the annual rate of return.

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.

December 10, 2024

## MEMORANDUM

**To:** Transportation and Seattle Public Utilities Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120846 – Triton West Pipeline Renewal

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On December 17, 2024, the Transportation Committee (Committee) will discuss Council Bill (CB) 120846, which would repermit a pipeline system on Harbor Island in the 13th Avenue SW right-of-way between SW Florida Street and SW Massachusetts St (Council District 1). The pipeline system, owned by Triton West LLC, is located in a 10-foot-wide strip of land in, under, along and across SW Florida St on Harbor Island and supports an oil storage facility also owned by Triton. The legislation would renew an existing permit for a 20-year term.

This memorandum describes the pipeline permit. Attachment 1 to this memorandum describes the term permit repermitting process.

### **Triton West Pipeline System**

Triton West LLC operates an oil storage facility on Harbor Island located on the west side of 13th Avenue SW, south of SW Florida St. They currently have a term permit for a pipeline system that occupies a 20-foot wide section of the 13<sup>th</sup> Avenue SW street right-of-way and part of Florida Avenue SW, west of 13th Avenue SW. The proposed bill would allow Triton West LLC, or future assignees, to continue to operate the pipelines.

Permission for pipelines in the Florida Street right-of-way was first granted to The Texas Company in 1947 through [Ordinance 75817](#). Permission to maintain the pipeline system was granted to the Texaco Inc. in 1973 under [Ordinance 101844](#), which was amended by [Ordinance 102656](#). Approvals under these bills were further renewed under [Ordinance 123990](#) in 2012. The provisions of Ordinance 123990 remain in effect until the pipelines are removed by the permittee or the City requires removal of the pipelines. Between 2012 and today, ownership of the oil storage facilities and the pipelines transferred to Triton West LLC, who continue to operate the pipelines under Ordinance 123990.

This bill extends permission granted under Ordinance 123990 to maintain and operate the pipeline to its current owner, Triton West LLC. Permission would be for a 20-year term, after which a new permit would be required. The bill is comparable to other term permit bills, except that the insurance requirements in CB 120846 are higher than those for other types of term permits. For example, Section 12 of the bill requires that the permittee acquire a pollution liability insurance policy and provide it to the City.

**Next Steps**

The Committee will receive a briefing on the term permit renewal at its December 17 meeting and may act on the legislation in January 2025.

**Attachment:**

1. Significant Structure Term Permit Renewals

cc: Ben Noble, Director  
Yolanda Ho, Deputy Director

## Attachment 1

### 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 [SMC 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 wants 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.

SMC 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.

# **Triton West LLC Pipeline Renewal**

**Council Transportation Committee**

**Amy Gray, Senior Planning & Development Specialist**

**December 17, 2024**



# Presentation overview

- Triton West LLC seeks permission to renew a pipeline system term permit under, along, and across 13<sup>th</sup> Ave SW and SW Florida St (District 1)
- The pipeline system transmits petroleum products between the oil storage plant and dock site on Harbor Island
- SDOT recommends renewal of the term permit



# Term permit process – permit renewals

## Ordinance Passage:

- Renews the permit for 20 years
- Details the terms and conditions of the permit, including:
  - a) Annual fee
  - b) Maintenance obligations
  - c) Indemnification, insurance, and insurance requirements.



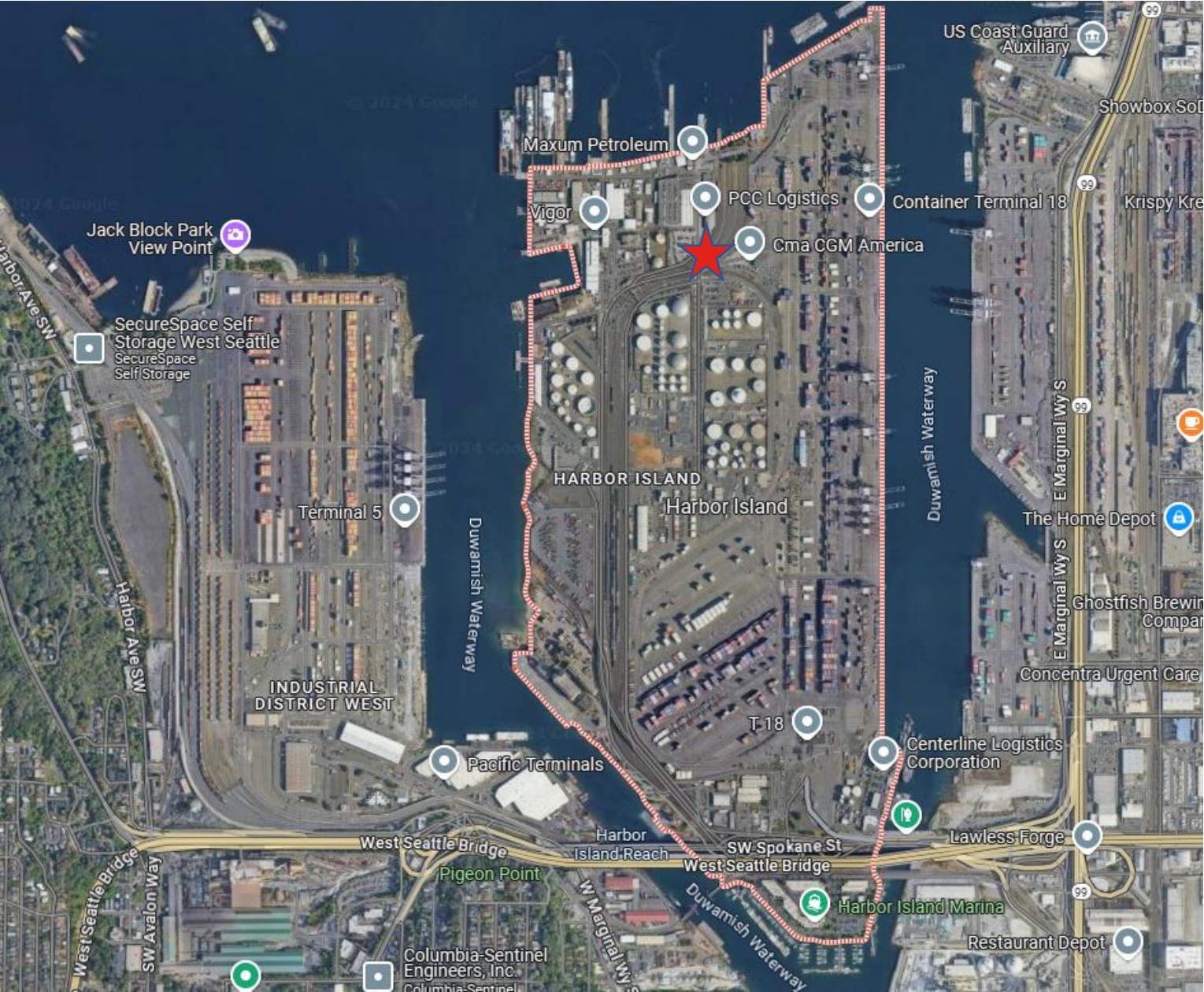
# Area Map



Location of pipeline system on Harbor Island

Originally permitted in 1947

# Project neighborhood – Harbor Island



# Requested action

SDOT recommends Council approval of this Council Bill for the existing pipeline system

If the ordinance is approved, the permit will be renewed through 2045



[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638  
[www.seattle.gov/transportation](http://www.seattle.gov/transportation)





Legislation Text

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**File #:** CB 120924, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE granting Pike Place Market Preservation and Development Authority permission to continue maintaining and operating a pedestrian skybridge over and across Western Avenue, approximately 300 feet north of Pike Street; repealing Section 7 of Ordinance 114388; and providing for acceptance of the permit and conditions.

WHEREAS, by Ordinance 114388, The City of Seattle granted Pike Place Market Preservation and

Development Authority permission to construct, maintain, and operate a pedestrian skybridge over and across Western Avenue, approximately 300 feet north of Pike Street, for a ten-year term, renewable for two successive ten-year terms; and

WHEREAS, the permission authorized by Ordinance 114388 was amended by Resolutions 29092 and 29955 and by Ordinance 123288; and

WHEREAS, the permission authorized by Ordinance 114388 was due for renewal on April 6, 2019; and

WHEREAS, Pike Place Market Preservation and Development Authority submitted an application to the

Director of Transportation to renew the permission granted by Ordinance 114388 for a 15-year term, renewable once for a successive 15-year term; and

WHEREAS, the obligations of Ordinance 114388 remain in effect after the ordinance term expires until the encroachment is removed, or Pike Place Market Preservation and Development Authority is relieved of its obligations by the Seattle Department of Transportation Director, or the Seattle City Council passes a new ordinance to renew the permission granted; and

WHEREAS, Pike Place Market Preservation and Development Authority is required to provide an elevator

upgrade replacing a hydraulic elevator with a new election traction elevator, new fire escape stairs to make them wider and compliant with the Americans with Disabilities Act, and four bike racks at the base of the new elevator and stairs near Alaskan Way as public benefit mitigation; and

WHEREAS, the adoption of this ordinance is the culmination of the approval process for the pedestrian skybridge to legally occupy a portion of the public right-of-way or other public place; and

WHEREAS, Pike Place Market Preservation and Development Authority has satisfied all the terms of the original authorizing ordinance, and the Director of Transportation recommends the term permit be renewed for 15 years subject to the terms identified in this ordinance; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. **Permission.** Subject to the terms and conditions of this ordinance, The City of Seattle (“City”) grants permission (also referred to in this ordinance as a permit) to Pike Place Market Preservation and Development Authority, and its successors and assigns as approved by the Director of the Seattle Department of Transportation (“Director”) according to Section 14 of this ordinance (the party named above and each such approved successor and assign are referred to as “Permittee”), to continue maintaining and operating a pedestrian skybridge over Western Avenue, approximately 300 feet north of Pike Street. The pedestrian skybridge is adjacent in whole or in part to the properties legally described as:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BLOCK G OF ADDITION TO THE TOWN OF SEATTLE, AS LAID OUT BY A.A. DENNY (COMMONLY KNOWN AS A.A. DENNY’S ADDITION TO THE CITY OF SEATTLE), AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 69, RECORDS OF KING COUNTY, SAID POINT BEING ON THE EASTERLY MARGIN OF WESTERN AVE:

THENCE SOUTH 29°59’02” EAST, ALONG SAID EAST MARGIN, 59.98 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE NORTH 59°57’10” EAST, ALONG SAID SOUTH LINE, 19.01 FEET TO THE WESTERLY MARGIN OF PIKE PLACE;

THENCE, AT RIGHT ANGLES TO SAID WESTERLY MARGIN, NORTH 42°53’02” EAST 10 FEET;

THENCE NORTH 47°06’58” WEST, PARALLEL WITH SAID WESTERLY LINE, 59.67 FEET TO THE SOUTHWESTERLY PRODUCTION OF THE SOUTHEASTERLY LINE OF PINE STREET;

THENCE SOUTH 59°56’52” WEST, ALONG SAID SOUTHEASTERLY LINE, 10.99 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING:  
BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF PINE STREET AND PIKE PLACE;  
THENCE SOUTHERLY, ALONG THE CENTERLINE OF PIKE PLACE, 34.52 FEET;  
THENCE WESTERLY, ALONG THE SOUTHERLY MARGINAL LINE OF PINE STREET PROJECTED, 24.05 FEET TO THE WESTERLY CURB LINE OF PIKE PLACE AND THE TRUE POINT OF BEGINNING;  
THENCE, CONTINUING ALONG THE SOUTHERLY MARGINAL LINE OF PINE STREET PROJECTED, 32.2 FEET;  
THENCE NORTHERLY, ALONG A LINE WHICH IS 53.8 FEET DISTANT FROM AS MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF PIKE PLACE AND PARALLEL THERETO, 274.8 FEET;  
THENCE NORTHERLY, ON AN ANGLE, 11.6 FEET TO A POINT ON A LINE WHICH IS 45 FEET WESTERLY FROM AND AT RIGHT ANGLES TO THE CENTERLINE OF PIKE PLACE;  
THENCE NORTHERLY, ALONG SAID LINE PARALLEL TO THE CENTERLINE OF PIKE PLACE, 55 FEET;  
THENCE EASTERLY, AT RIGHT ANGLES, 10.55 FEET;  
THENCE NORTHERLY, AT RIGHT ANGLES, 185.51 FEET TO THE SOUTHERLY MARGINAL LINE OF VIRGINIA STREET PROJECTED;  
THENCE EASTERLY, AT RIGHT ANGLES, 11.45 FEET;  
THENCE SOUTHERLY, AT RIGHT ANGLES ALONG THE WESTERLY CURB LINE OF PIKE PLACE, 532.11 FEET TO THE TRUE POINT OF BEGINNING;  
SAID DESCRIPTION INCLUDING ONLY THAT PORTION OF WESTERN AVENUE EXTENDING INDEFINITELY UPWARD FROM A PLANE, THE ELEVATION OF WHICH IS THE WESTERLY SIDEWALK ON PIKE PLACE, BETWEEN THE SOUTHERLY MARGINAL LINE OF PINE STREET PROJECTED WESTERLY AND A POINT 185.51 FEET SOUTHERLY FROM THE SOUTHERLY MARGINAL LINE OF VIRGINIA STREET, TOGETHER WITH THE AREA AND SPACE NECESSARY FOR PROPER COLUMNS AND SUPPORTS TO MAINTAIN AN OVERHANGING STRUCTURE OVER WESTERN AVENUE, AS VACATED UNDER ORDINANCE NO. 59602 OF THE CITY OF SEATTLE;

TOGETHER WITH THOSE AERIAL PORTIONS OF WESTERN AVENUE ADJOINING WHICH, UPON VACATION, ATTACHED TO SAID PROPERTY BY OPERATION OF LAW PURSUANT TO ORDINANCE NOS. 57510, 112655 AND 113048 OF THE CITY OF SEATTLE;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.

Section 2. **Term.** The permission granted to the Permittee is for a term of 15 years starting on the effective date of this ordinance, and ending at 11:59 p.m. on last day of the fifteenth year. Upon written application made by the Permittee at least one year before expiration of the term, the Director or City Council may renew the permit once, for a successive 15-year term, subject to the right of the City to require removal of the pedestrian skybridge, or to revise by ordinance any of the terms and conditions of the permission granted by

this ordinance. The total term of the permission, including renewals, shall not exceed 30 years. The Permittee shall submit any application for a new permission no later than one year before the then-existing term expires. Any new application would be subject to the fees and criteria in place at the time of the new application.

Section 3. **Protection of utilities.** The permission granted is subject to the Permittee bearing the expense of any protection, support, or relocation of existing utilities deemed necessary by the owners of the utilities, and the Permittee being responsible for any damage to the utilities due to the construction, repair, reconstruction, maintenance, operation, or removal of the pedestrian skybridge and for any consequential damages that may result from any damage to utilities or interruption in service caused by any of the foregoing.

Section 4. **Removal for public use or for cause.** The permission granted is subject to use of the street right-of-way or other public place (collectively, “public place”) by the City and the public for travel, utility purposes, and other public uses or benefits. The City expressly reserves the right to deny renewal, or terminate the permission at any time prior to expiration of the initial term or any renewal term, and require the Permittee to remove the pedestrian skybridge or any part thereof or installation on the public place, at the Permittee’s sole cost and expense if:

A. The City Council determines by ordinance that the space occupied by the pedestrian skybridge is necessary for any public use or benefit or that the pedestrian skybridge interferes with any public use or benefit; or

B. The Director determines that use of the pedestrian skybridge has been abandoned; or

C. The Director determines that any term or condition of this ordinance has been violated, and the violation has not been corrected by the Permittee by the compliance date after a written request by the City to correct the violation (unless a notice to correct is not required due to an immediate threat to the health or safety of the public).

A City Council determination that the space is needed for, or the pedestrian skybridge interferes with, a public use or benefit is conclusive and final without any right of the Permittee to resort to the courts to

adjudicate the matter.

Section 5. **Permittee's obligation to remove and restore.** If the permission granted is not renewed at the expiration of a term, or if the permission expires without an application for a new permission being granted, or if the City terminates the permission, then within 90 days after the expiration or termination of the permission, or prior to any earlier date stated in an ordinance or order requiring removal of the pedestrian skybridge, the Permittee shall, at its own expense, remove the pedestrian skybridge and all of the Permittee's equipment and property from the public place and replace and restore all portions of the public place that may have been disturbed for any part of the pedestrian skybridge in as good condition for public use as existed prior to construction of the pedestrian skybridge and in at least as good condition in all respects as the abutting portions of the public place as required by Seattle Department of Transportation (SDOT) right-of-way restoration standards.

Failure to remove the pedestrian skybridge as required by this section is a violation of Chapter 15.90 of the Seattle Municipal Code (SMC) or successor provision; however, applicability of Chapter 15.90 does not eliminate any remedies available to the City under this ordinance or any other authority. If the Permittee does not timely fulfill its obligations under this section, the City may in its sole discretion remove the pedestrian skybridge and restore the public place at the Permittee's expense and collect such expense in any manner provided by law.

Upon the Permittee's completion of removal and restoration in accordance with this section, or upon the City's completion of the removal and restoration and the Permittee's payment to the City for the City's removal and restoration costs, the Director shall then issue a certification that the Permittee has fulfilled its removal and restoration obligations under this ordinance. Upon prior notice to the Permittee and entry of written findings that it is in the public interest, the Director may, in the Director's sole discretion, conditionally or absolutely excuse the Permittee from compliance with all or any of the Permittee's obligations under this section.

Section 6. **Repair or reconstruction.** The pedestrian skybridge shall remain the exclusive responsibility

of the Permittee and the Permittee shall maintain the pedestrian skybridge in good and safe condition for the protection of the public. The Permittee shall not reconstruct or repair the pedestrian skybridge except in strict accordance with plans and specifications approved by the Director. The Director may, in the Director's judgment, order the pedestrian skybridge reconstructed or repaired at the Permittee's cost and expense: because of the deterioration of the pedestrian skybridge; because of the installation, construction, reconstruction, maintenance, operation, or repair of any municipally-owned public utilities; or for any other cause.

Section 7. **Failure to correct unsafe condition.** After written notice to the Permittee and failure of the Permittee to correct an unsafe condition within the time stated in the notice, the Director may order the pedestrian skybridge be removed at the Permittee's expense if the Director deems that the pedestrian skybridge creates a risk of injury to the public. If there is an immediate threat to the health or safety of the public, a notice to correct is not required.

Section 8. **Continuing obligations.** Notwithstanding termination or expiration of the permission granted, or removal of the pedestrian skybridge, the Permittee shall remain bound by all of its obligations under this ordinance until the Director has issued a certification that the Permittee has fulfilled its removal and restoration obligations under Section 5 of this ordinance, or the Seattle City Council passes a new ordinance to renew the permission granted and/or establish a new term. Notwithstanding the issuance of that certification, the Permittee shall continue to be bound by the obligations in Section 9 of this ordinance and shall remain liable for any unpaid fees assessed under Section 15 and Section 17 of this ordinance.

Section 9. **Release, hold harmless, indemnification, and duty to defend.** The Permittee, by accepting the terms of this ordinance, releases the City, its officials, officers, employees, and agents from any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description arising out of or by reason of the pedestrian skybridge or this ordinance, including but not limited to claims resulting from injury, damage, or loss to the Permittee or the Permittee's property.

The Permittee agrees to at all times defend, indemnify, and hold harmless the City, its officials, officers,

employees, and agents from and against all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City, that may accrue to, be asserted by, or be suffered by any person or property including, without limitation, damage, death or injury to members of the public or to the Permittee's officers, agents, employees, contractors, invitees, tenants, tenants' invitees, licensees, or successors and assigns, arising out of or by reason of:

A. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the pedestrian skybridge, or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the Permittee or any other person or entity;

B. Anything that has been done or may at any time be done by the Permittee by reason of this ordinance; or

C. The Permittee failing or refusing to strictly comply with every provision of this ordinance; or arising out of or by reason of the pedestrian skybridge or this ordinance in any other way.

If any suit, action, or claim of the nature described above is filed, instituted, or begun against the City, the Permittee shall upon notice from the City defend the City, with counsel acceptable to the City, at the sole cost and expense of the Permittee, and if a judgment is rendered against the City in any suit or action, the Permittee shall fully satisfy the judgment within 90 days after the action or suit has been finally determined, if determined adversely to the City. If it is determined by a court of competent jurisdiction that Revised Code of Washington (RCW) 4.24.115 applies to this ordinance, then in the event claims or damages are caused by or result from the concurrent negligence of the City, its agents, contractors, or employees, and the Permittee, its agents, contractors, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permittee or the Permittee's agents, contractors, or employees.

Section 10. **Insurance.** For as long as the Permittee exercises any permission granted by this ordinance and until the Director has issued a certification that the Permittee has fulfilled its removal and restoration

obligations under Section 5 of this ordinance, the Permittee shall obtain and maintain in full force and effect, at its own expense, insurance and/or self-insurance that protects the Permittee and the City from claims and risks of loss from perils that can be insured against under commercial general liability (CGL) insurance policies in conjunction with:

A. Construction, reconstruction, modification, operation, maintenance, use, existence, or removal of the pedestrian skybridge, or any portion thereof, as well as restoration of any disturbed areas of the public place in connection with removal of the pedestrian skybridge;

B. The Permittee's activity upon or the use or occupation of the public place described in Section 1 of this ordinance; and

C. Claims and risks in connection with activities performed by the Permittee by virtue of the permission granted by this ordinance.

Minimum insurance requirements are CGL insurance written on an occurrence form at least as broad as the Insurance Services Office (ISO) CG 00 01. The City requires insurance coverage to be placed with an insurer admitted and licensed to conduct business in Washington State or with a surplus lines carrier pursuant to chapter 48.15 RCW. If coverage is placed with any other insurer or is partially or wholly self-insured, such insurer(s) or self-insurance is subject to approval by the City's Risk Manager.

Minimum limits of liability shall be \$5,000,000 per Occurrence; \$10,000,000 General Aggregate; \$5,000,000 Products/Completed Operations Aggregate, including Premises Operations; Personal/Advertising Injury; Contractual Liability. Coverage shall include the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability subject to a Separation of Insureds clause.

Within 60 days after the effective date of this ordinance, the Permittee shall provide to the City, or cause to be provided, certification of insurance coverage including an actual copy of the blanket or designated additional insured policy provision per the ISO CG 20 12 endorsement or equivalent. The insurance coverage



certification shall be delivered or sent to the Director or to SDOT at an address as the Director may specify in writing from time to time. The Permittee shall provide a certified complete copy of the insurance policy to the City promptly upon request.

If the Permittee is self-insured, a letter of certification from the Corporate Risk Manager may be submitted in lieu of the insurance coverage certification required by this ordinance, if approved in writing by the City's Risk Manager. The letter of certification must provide all information required by the City's Risk Manager and document, to the satisfaction of the City's Risk Manager, that self-insurance equivalent to the insurance requirements of this ordinance is in force. After a self-insurance certification is approved, the City may from time to time subsequently require updated or additional information. The approved self-insured Permittee must provide 30 days' prior notice of any cancellation or material adverse financial condition of its self-insurance program. The City may at any time revoke approval of self-insurance and require the Permittee to obtain and maintain insurance as specified in this ordinance.

In the event that the Permittee assigns or transfers the permission granted by this ordinance, the Permittee shall maintain in effect the insurance required under this section until the Director has approved the assignment or transfer pursuant to Section 14 of this ordinance.

**Section 11. Contractor insurance.** The Permittee shall contractually require that any and all of its contractors performing work on any premises contemplated by this permit name the "City of Seattle, its officers, officials, employees and agents" as additional insureds for primary and non-contributory limits of liability on all CGL, Automobile and Pollution liability insurance and/or self-insurance. The Permittee shall also include in all contract documents with its contractors a third-party beneficiary provision extending to the City construction indemnities and warranties granted to the Permittee.

**Section 12. Performance bond.** In the event that the Permittee seeks to assign or transfer the permission granted by this ordinance, the Director in consultation with the City Attorney's Office, may determine that a performance bond is necessary to adequately protect the City's interests, in which case the

successor entity shall deliver to the Director for filing with the City Clerk, as a condition of approval of the assignment or transfer within 60 days of notification of such determination, a sufficient bond executed by a surety company authorized and qualified to do business in the State of Washington that is in the amount determined by the Director in consultation with the City Attorney's Office, and conditioned with a requirement that the successor entity shall comply with every provision of this ordinance and with every order the Director issues under this ordinance. The successor entity shall ensure that the bond remains in effect until the Director has issued a certification that the successor entity has fulfilled its removal and restoration obligations under Section 5 of this ordinance. An irrevocable letter of credit approved by the SDOT Director in consultation with the City Attorney's Office may be substituted for the bond.

Section 13. **Adjustment of insurance and bond requirements.** The Director may adjust minimum liability insurance levels and surety bond requirements during the term of this permission. If the Director determines that an adjustment is necessary to fully protect the interests of the City, the Director shall notify the Permittee of the new requirements in writing. The Permittee shall, within 60 days of the date of the notice, provide proof of the adjusted insurance and surety bond levels to the Director.

Section 14. **Consent for and conditions of assignment or transfer.** When the Property is transferred, the permission granted by this ordinance shall be assignable and transferable by operation of law pursuant to Section 20 of this ordinance. Continued occupation of the right-of-way constitutes the Permittee's acceptance of the terms of this ordinance, and the new owner shall be conferred with the rights and obligations of the Permittee by this ordinance. Other than a transfer to a new owner of the Property, the Permittee shall not transfer, assign, mortgage, pledge or encumber the same without the Director's consent, which the Director shall not unreasonably refuse. The Director may approve assignment or transfer of the permission granted by this ordinance to a successor entity only if the successor or assignee has provided, at the time of the assignment or transfer, the bond and certification of insurance coverage required under this ordinance; and has paid any fees due under Section 15 and Section 17 of this ordinance. Upon the Director's approval of an assignment or

transfer, the rights and obligations conferred on the Permittee by this ordinance shall be conferred on the successors and assigns. Any person or entity seeking approval for an assignment or transfer of the permission granted by this ordinance shall provide the Director with a description of the current and anticipated use of the pedestrian skybridge.

Section 15. **Inspection fees.** The Permittee shall, as provided by SMC Chapter 15.76 or successor provision, pay the City the amounts charged by the City to inspect the pedestrian skybridge during construction, reconstruction, repair, annual safety inspections, and at other times deemed necessary by the City. An inspection or approval of the pedestrian skybridge by the City shall not be construed as a representation, warranty, or assurance to the Permittee or any other person as to the safety, soundness, or condition of the pedestrian skybridge. Any failure by the City to require correction of any defect or condition shall not in any way limit the responsibility or liability of the Permittee. The Permittee shall pay the City the amounts charged by the City to review the inspection reports required by Section 16 of this ordinance.

Section 16. **Inspection reports.** The Permittee shall submit to the Director, or to SDOT at an address specified by the Director, an inspection report that:

- A. Describes the physical dimensions and condition of all load-bearing elements;
- B. Describes any damages or possible repairs to any element of the pedestrian skybridge;
- C. Prioritizes all repairs and establishes a timeframe for making repairs; and
- D. Is stamped by a professional structural engineer licensed in the State of Washington.

A report meeting the foregoing requirements shall be submitted within 60 days after the effective date of this ordinance; subsequent reports shall be submitted every two years, provided that, in the event of a natural disaster or other event that may have damaged the pedestrian skybridge, the Director may require that additional reports be submitted by a date established by the Director. The Permittee has the duty of inspecting and maintaining the pedestrian skybridge. The responsibility to submit structural inspection reports periodically or as required by the Director does not waive or alter any of the Permittee's other obligations under this

ordinance. The receipt of any reports by the Director shall not create any duties on the part of the Director. Any failure by the Director to require a report, or to require action after receipt of any report, shall not waive or limit the obligations of the Permittee.

Section 17. **Annual fee.** Beginning on the effective date of this ordinance the Permittee shall pay an Issuance Fee, and annually thereafter, the Permittee shall promptly pay to the City, upon statements or invoices issued by the Director, an Annual Renewal Fee, and an Annual Use and Occupation fee of \$3,568.40, or as adjusted annually thereafter, for the privileges granted by this ordinance.

Adjustments to the Annual Use and Occupation Fee shall be made in accordance with a term permit fee schedule adopted by the City Council and may be made every year. In the absence of a schedule, the Director may only increase or decrease the previous year's fee to reflect any inflationary changes so as to charge the fee in constant dollar terms. This adjustment will be calculated by adjusting the previous year's fee by the percentage change between the two most recent year-end values available for the Consumer Price Index for the Seattle-Tacoma-Bellevue Area, All Urban Consumers, All Products, Not Seasonally Adjusted. Permittee shall pay any other applicable fees, including fees for reviewing applications to renew the permit after expiration of the first term. All payments shall be made to the City Finance Director for credit to the Transportation Fund.

Section 18. **Compliance with other laws.** The Permittee shall construct, maintain, and operate the pedestrian skybridge in compliance with all applicable federal, state, County, and City laws and regulations. Without limitation, in all matters pertaining to the pedestrian skybridge, the Permittee shall comply with the City's laws prohibiting discrimination in employment and contracting including Seattle's Fair Employment Practices Ordinance, SMC Chapter 14.04, and Fair Contracting Practices code, SMC Chapter 14.10 (or successor provisions).

Section 19. **Acceptance of terms and conditions.** The Permittee shall provide evidence of insurance coverage required by Section 10 of this ordinance and the covenant agreement required by Section 20 of this ordinance within 60 days after the effective date of this ordinance. Continued occupation of the right-of-way

constitutes the Permittee’s acceptance of the terms of this ordinance.

Section 20. **Obligations run with the Property.** The obligations and conditions imposed on the Permittee by and through this ordinance are covenants that run with the land and bind subsequent owners of the property adjacent to the pedestrian skybridge and legally described in Section 1 of this ordinance (the “Property”), regardless of whether the Director has approved assignment or transfer of the permission granted herein to such subsequent owner(s). At the request of the Director, the Permittee shall provide to the Director a current title report showing the identity of all owner(s) of the Property and all encumbrances on the Property. The Permittee shall, within 60 days of the effective date of this ordinance, and prior to conveying any interest in the Property, deliver to the Director upon a form to be supplied by the Director, a covenant agreement imposing the obligations and conditions set forth in this ordinance, signed and acknowledged by the Permittee and any other owner(s) of the Property and recorded with the King County Recorder’s Office. The Director shall file the recorded covenant agreement with the City Clerk. The covenant agreement shall reference this ordinance by its ordinance number. At the request of the Director, Permittee shall cause encumbrances on the Property to be subordinated to the covenant agreement.

Section 21. **Public benefit mitigation.** Permittee shall maintain and operate the following public benefit mitigation for the term of this ordinance:

- A. Elevator upgrade replacing a hydraulic elevator with a new election traction elevator.
- B. Replacing the fire escape stairs to make them wider and compliant with the Americans with Disabilities Act.
- C. Four bike racks at the base of the new elevator and stairs near Alaskan Way.

Section 22. **Repeal of Section 7 of Ordinance 114388.** Section 7 of Ordinance 114388 is repealed.

Section 23. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by

me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE**

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Seattle Department of Transportation	Amy Gray	Christie Parker

**1. BILL SUMMARY**

**Legislation Title:**

AN ORDINANCE granting Pike Place Market Preservation and Development Authority permission to continue maintaining and operating a pedestrian skybridge over and across Western Avenue, approximately 300 feet north of Pike Street; repealing Section 7 of Ordinance 114388; and providing for acceptance of the permit and conditions.

**Summary and Background of the Legislation:**

This legislation allows the Pike Place Market Preservation and Development Authority to continue maintaining and operating a pedestrian skybridge over and across Western Avenue, approximately 300 feet north of Pike Street. The pedestrian skybridge permit is for a period of fifteen years, with one renewable fifteen-year term, commencing on the effective date of the ordinance. The legislation specifies the conditions under which permission is granted, including the following public benefit mitigation items:

- Elevator upgrade;
- Fire escape stair replacement; and
- Bike racks.

**2. CAPITAL IMPROVEMENT PROGRAM**

Does this legislation create, fund, or amend a CIP Project?  Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

Does this legislation have financial impacts to the City?  Yes  No

<b>Expenditure Change (\$); General Fund</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
<b>Expenditure Change (\$); Other Funds</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>

<b>Revenue Change (\$); General Fund</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
<b>Revenue Change (\$); Other Funds</b>	<b>2024</b>	<b>2025 est.</b>	<b>2026 est.</b>	<b>2027 est.</b>	<b>2028 est.</b>
	<b>Annual Fee \$3,568.40</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>

Number of Positions	2024	2025 est.	2026 est.	2027 est.	2028 est.
Total FTE Change	2024	2025 est.	2026 est.	2027 est.	2028 est.

**3.b. Revenues/Reimbursements**

This legislation adds, changes, or deletes revenues or reimbursements.

**Anticipated Revenue/Reimbursement Resulting from This Legislation:**

Fund Name and Number	Dept	Revenue Source	2024 Revenue	2025 Estimated Revenue
Transportation Fund (13000)	SDOT	Annual Fee	\$3,568.40	TBD
<b>TOTAL</b>			<b>\$3,568.40</b>	<b>TBD</b>

**Revenue/Reimbursement Notes:**

The 2024 fee is based on the 2024 tax year land value as assessed by King County.

**3.d. Other Impacts**

**Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.**

No.

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

N/A

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

If the legislation is not enacted by City Council, the City of Seattle will not receive the 2024 Annual Fee of \$3,568.40 and future annual fees.

**4. OTHER IMPLICATIONS**

**a. Please describe how this legislation may affect any departments besides the originating department.**



**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

Yes, the Pike Place Market PDA property legally described in Section 1 of the Council Bill.

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

**i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This is a renewal of an existing skybridge and does not impact vulnerable or historically disadvantaged communities.

**ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

**iii. What is the Language Access Plan for any communications to the public?**

N/A

**d. Climate Change Implications**

**i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

This is a renewal of an existing skybridge and is not likely to increase or decrease carbon emissions in a material way.

**ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This is a renewal of an existing skybridge and no new actions are being proposed. It is unlikely that this renewal will increase or decrease Seattle's ability to adapt to climate change.

**e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

## 5. CHECKLIST

Is a public hearing required?

- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

## **6. ATTACHMENTS**

### **List Summary Attachments:**

Attachment A – Pike Place Market PDA Skybridge Area Map

Attachment B – Pike Place Market PDA Skybridge Images

Attachment C – Pike Place Market PDA Annual Fee Assessment

### Pike Place Market PDA Skybridge Map



Map is for informational purposes only and is not intended to modify or supplement the legal description(s) in the Ordinance.

### Pike Place Market PDA Skybridge Images



From Western Ave



Looking east

## Annual Fee Assessment Summary

### STREET USE ANNUAL FEE ASSESSMENT

Date: 7/22/2024

<p><u>Summary:</u> <b>Land Value:</b> \$490/SF <b>2024 Permit Fee:</b> <b>\$3,568.40</b></p>
--

#### **I. Property Description:**

Existing pedestrian skybridge over Western Ave. Also, at-grade columns on the west side of Western Ave. The pedestrian skybridge is used by the public to move between the Pike Place Market and the Waterfront. The at-grade columns support the skybridge. The area for the skybridge is **931 square feet** and the area for the at-grade columns is **5 square feet**.

#### **Applicant:**

Pike Place Market PDA

#### **Abutting Parcels, Property Size, Assessed Value:**

#### **2024**

Parcel 1976200185; Lot size: 1,960 square feet  
Tax year 2024 Appraised Land Value \$960,400 (\$490/square foot)

Parcel 6598350000; Lot size: 48,971  
Tax year 2024 Appraised Land Value \$23,995.40 (\$489.99/square foot)

#### Individual condominium parcels:

Parcel 6598350010  
Tax year 2024 Appraised Land Value \$15,837,100

Parcel 6598350020  
Tax year 2024 Appraised Land Value \$6,238,800

Parcel 6598350030  
Tax year 2024 Appraised Lane Value \$479,900

Parcel 6598350040  
Tax year 2024 Appraised Land Value \$239,900

Parcel 6598350050  
Tax year Appraised Land Value \$1,199,700

Average 2024 Tax Assessed Land Value: \$490/SF

#### **II. Annual Fee Assessment:**

The 2024 permit fee is calculated as follows:

Pedestrian Skybridge

$(\$490/\text{SF}) \times (931 \text{ SF}) \times (10\%) \times (7.5\%) = \$3,421.40$  where 10% is the degree of alienation for a fully public pedestrian skybridge and 7.5% is the annual rate of return.

At-Grade Columns

$(\$490/\text{SF}) \times (5 \text{ SF}) \times (80\%) \times (7.5\%) = \$147.00$  where 80% is the degree of alienation for at-grade structures and 7.5% is the annual rate of return.

$$\$3,421.40 + \$147 = \$3,568.40$$

Fee methodology authorized under Ordinance 123485, as amended by Ordinances 123585, 123907, and 124532.

December 10, 2024

**M E M O R A N D U M**

**To:** Transportation and Seattle Public Utilities Committee  
**From:** Lish Whitson, Analyst  
**Subject:** Council Bill 120924 – Pike Place Market Skybridge Renewal

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On December 17, 2024, the Transportation Committee (Committee) will discuss on Council Bill (CB) [120924](#), which would repermit a skybridge that connects the Pike Place Market to the Market Garage over Western Avenue north of Pike Street (Council District 7). The skybridge provides a connection between the garage and the market at the main Pike Place level of the Market.

This memorandum describes the skybridge permit. Attachment 1 to this memorandum describes the skybridge repermitting process.

**Market Skybridge**

The Pike Place Market Preservation and Development Authority (Market PDA) owns a skybridge over Western Avenue that connects the Pike Place Market Parking Garage (Garage) to the Market. The garage has over 800 parking spaces, and the skybridge provides people parking in the garage with easy access to the main market.

In February 1989, the Council approved construction of the skybridge under Ordinance 114388. That approval ran out in 2019, but provisions of Ordinance 114388 allow the skybridge to continue to be in operation pending a new permit. The proposed bill would allow the Market PDA, or future assignees, to continue to operate the bridge for another 15 years, and would allow for one additional 15-year renewal of the permit.

Because a new permit is required, the Market PDA is required to show public benefit. In this case, the Market PDA will be upgrading the garage's elevator, which is accessible to the public and provides ADA access between the waterfront and the Market. The Market PDA will also provide new fire escape stairs, including ADA accessibility, and four bike racks along Alaskan Way.

The bill is comparable to other skybridge bills and includes requirements that the Market PDA remove the skybridge, if required to do so by the City. The bill also includes maintenance requirements, and indemnification and insurance provisions. The Market PDA would agree to pay standard term permit fees and pay the City for its costs to review skybridge inspection reports, which are required every other year.

**Next Steps**

The Committee will receive a briefing on the term permit renewal at its December 17 meeting and may act on the legislation in January 2025.

**Attachment**

1. Skybridge Permit Renewals

cc: Ben Noble, Director  
Yolanda Ho, 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 place<sup>1</sup> 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.

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<sup>1</sup> 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.



# Pike Place Market Skybridge Renewal

Council Transportation Committee

Amy Gray, Senior Planning & Development Specialist

December 17, 2024





Photos courtesy of the Pike Place Market

# Presentation overview

The Pike Place Market Public Development Authority seeks to renew a permit for an existing pedestrian skybridge over Western Avenue, north of Pike Street (District 1)

The skybridge connects the Pike Place Market and the waterfront by providing an accessible route through the parking garage

SDOT recommends renewal of the skybridge permit

# Term permit process – sky bridge permit renewals



## Ordinance Passage:

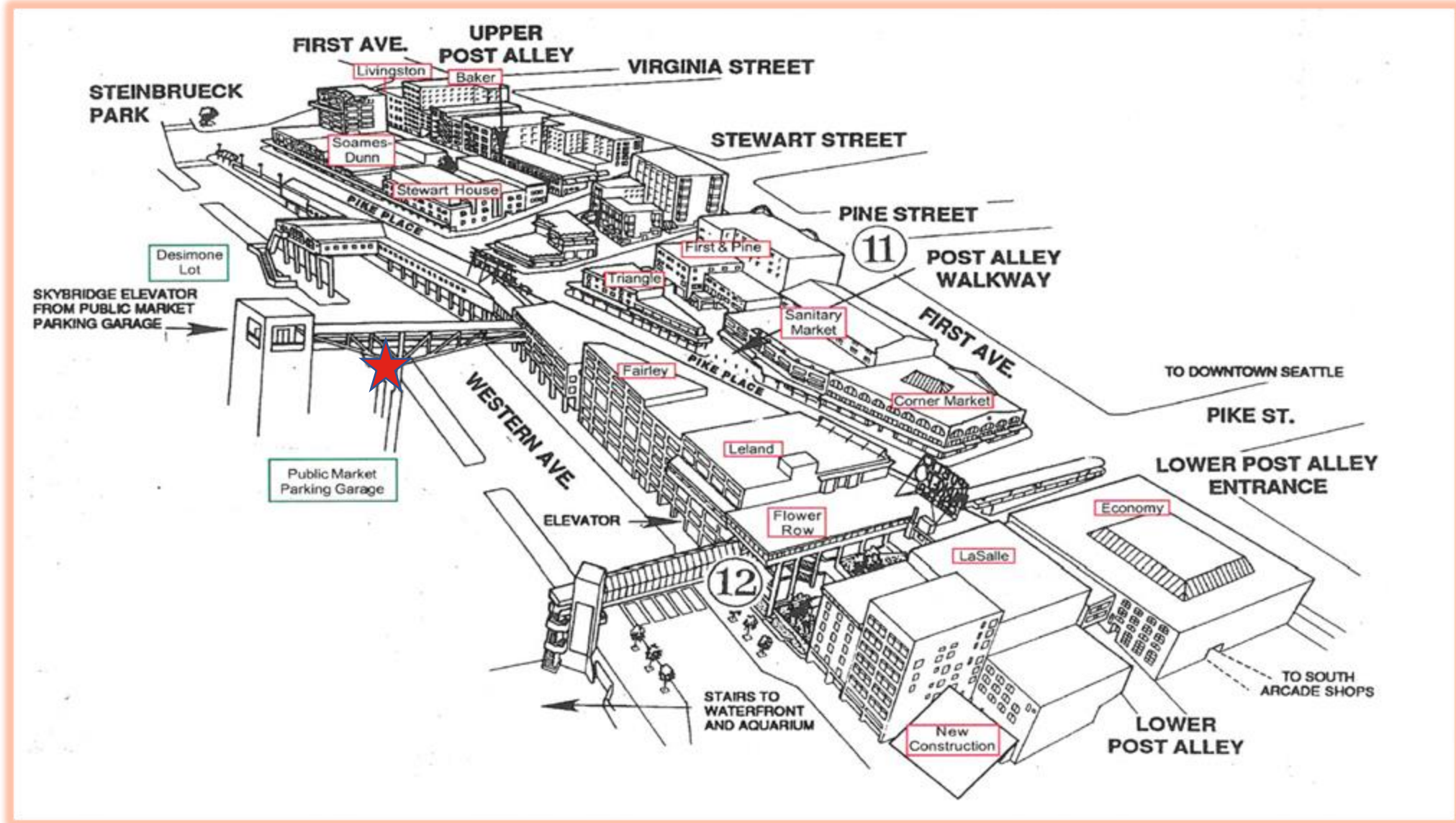
- Renews the permit for 15 years, with one additional 15-year term
- Details the terms and conditions of the permit, including:
  - a) Annual fee;
  - b) Maintenance obligations;
  - c) Inspection, indemnification, insurance requirements; and
  - d) Public benefit obligations

# Public Benefits

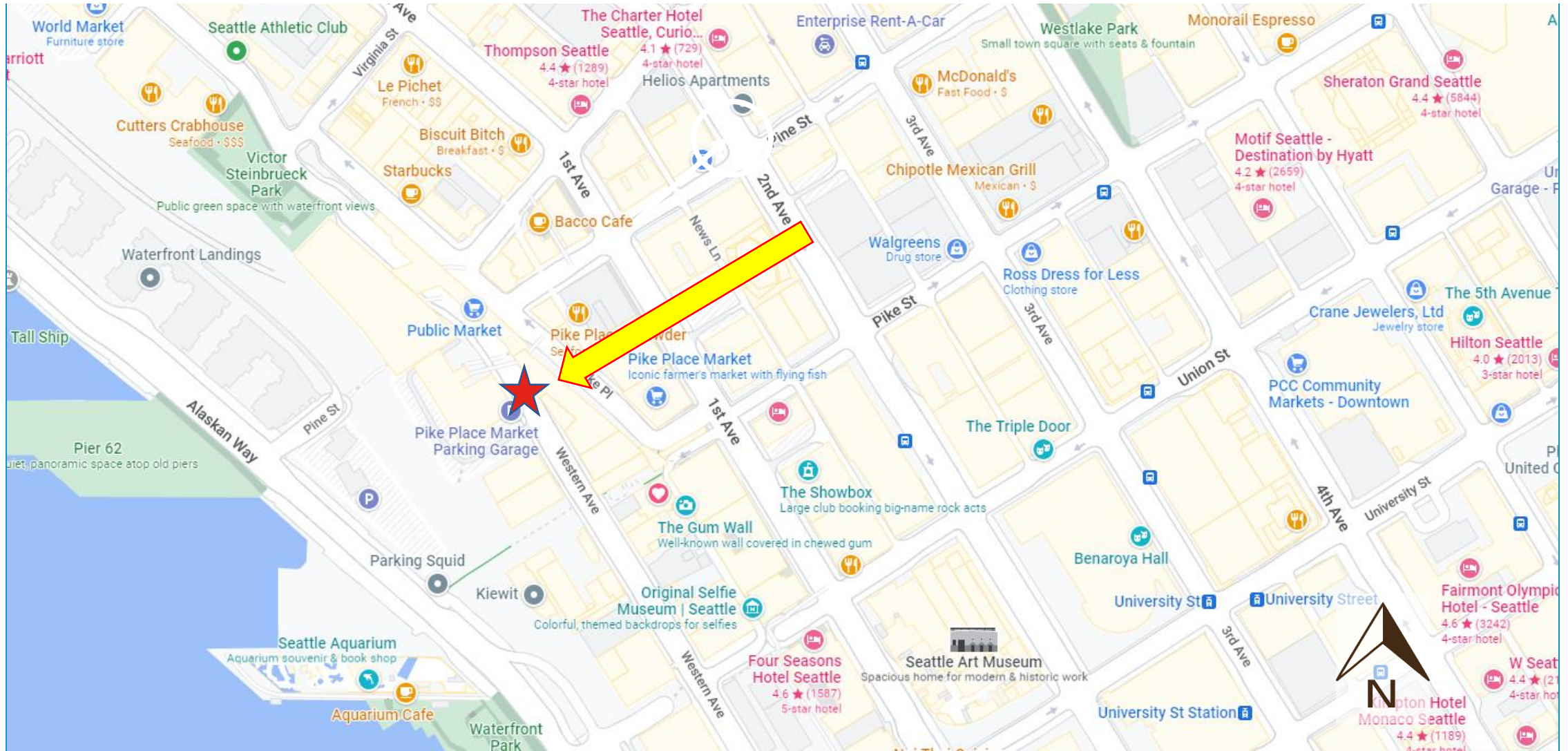
- Elevator upgrade
- New fire escape stairs
- 4 bike racks



# Skybridge Map



# Project neighborhood – Downtown





# Requested action

SDOT recommends Council approval of this Council Bill for the existing pedestrian skybridge

If the ordinance is approved, the permit will be in place until 2040

[amy.gray@seattle.gov](mailto:amy.gray@seattle.gov) | (206) 386-4638

[www.seattle.gov/transportation](http://www.seattle.gov/transportation)





Legislation Text

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**File #:** Inf 2605, **Version:** 1

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SDOT Presentation on Winter Weather Preparedness



# SDOT Winter Weather Response Plan

Seattle City Council Transportation Committee  
December 17th, 2024

# SDOT's Mission Essential Functions

- Maintain key arterial and waterway operations
- Mitigate hazards in the right of way (ROW)
- Issue permits authorizing use of the ROW
- Disseminate critical transportation information



# Delivering on our Mission

- Achieve specified service levels following a storm
- Distribute timely information to the public
- Prioritize clearing key arterial streets to provide access for first responders, transit, freight, and general travel
- Support Seattle Public Schools
- Remove snow from curb ramps and bridge overpasses to support equitable access and mobility
- Clear bike facilities during longer events

**Sidewalks and driveways are property owners' responsibility**



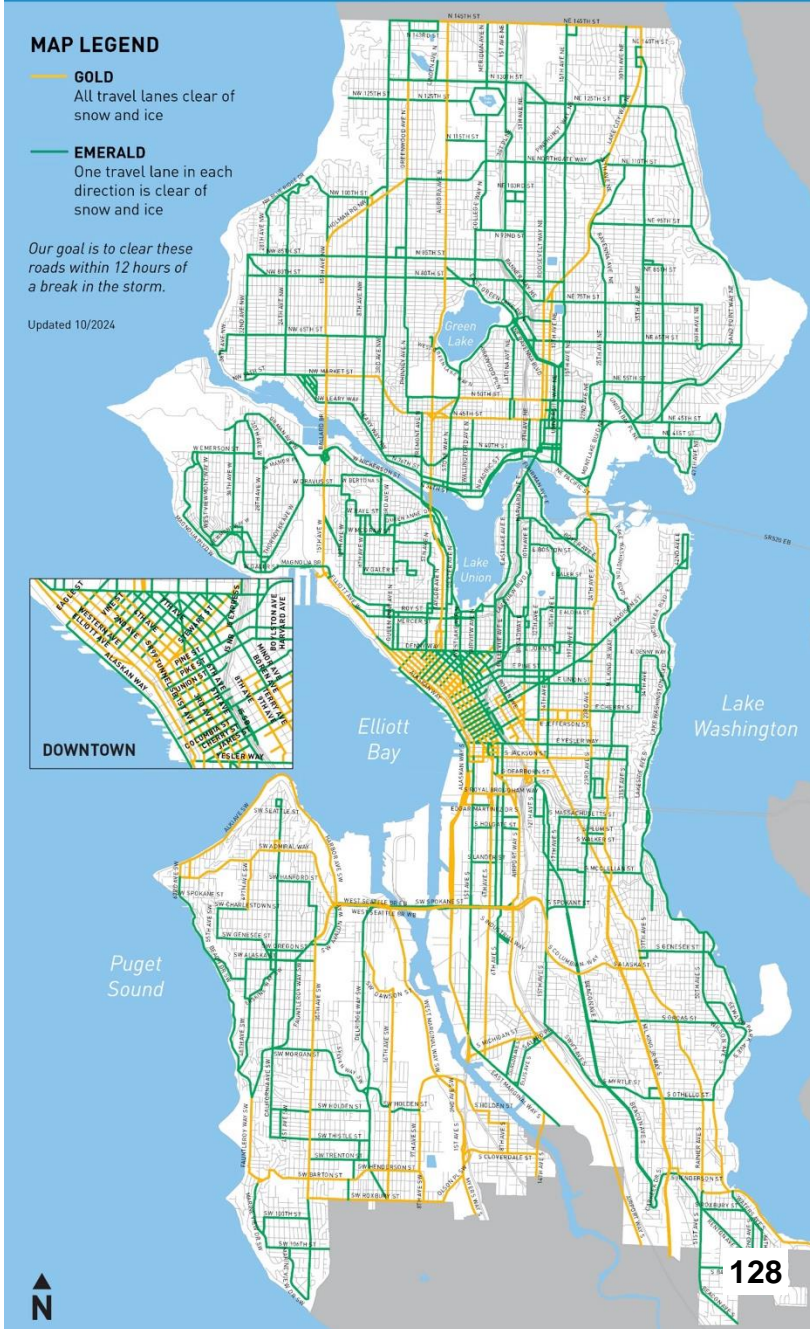
# Monitoring & Responding to All Weather Conditions

- **Snow and Ice Storms:** NWS winter weather advisory of freezing rain or snow in the Seattle urban area
- **Landslides:** NWS heavy rain advisory (2-3 inches in 24-hour period) and/or during conditions exceeding the USGS landslide threshold index
- **Winds:** NWS high wind advisory of sustained 25-39 mph winds or gusts to 57 mph

# Snow & Ice Routes

- Gold snow routes
  - Bare pavement all lanes within 12 hours of a lull in storm
- Emerald snow routes
  - Bare pavement one lane each direction within 12 hours of a lull in storm
- Plow only arterial streets
- Plow snow to the curb except at transit stops
- Inspect, engage, educate, and enforce sidewalk regulations

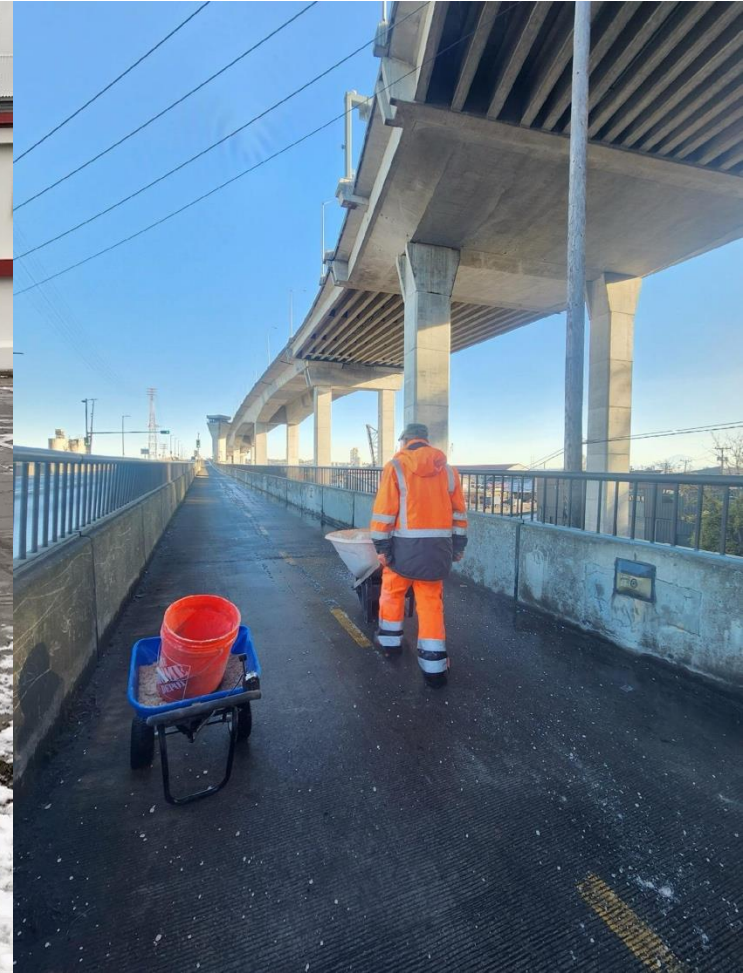
## SEATTLE SNOW PLOW ROUTES





# Access and Equity

- Mobility Branch
  - Overpasses/bridges
  - Staircases
  - Curb ramps
  - Protected bike lanes
  - Key pedestrian routes
- Smaller pieces of equipment for certain locations
- Sidewalk enforcement



# Plowing/Treating Resources

## Equipment & materials

- Variety of heavy and small trucks with plows and spreaders
- Road grader
- Front-end loaders
- Backhoes
- Street sweepers
- Liquid magnesium chloride
- Granular salt
- On-call contractors (equipment and staffing)

## Staffing

- SDOT Maintenance Operations
  - Truck Drivers
  - Equipment Operators
  - Maintenance Laborers
- Seattle Public Utilities / Seattle Parks and Recreation driver loan
- Metro Maintenance Operations



# Crews in the Field

- SDOT Response Operations Center is at Charles Street
- Maintenance Operations based at 4 facilities: Haller Lake, Charles Street, Sunny Jim, and West Seattle
- Pivot to two 12-hour shifts 24 hours a day during full weather response activations



# Materials for Snow & Ice Response

- Granular salt and liquid magnesium chloride brine
- Storage locations:
  - Central:** Charles St
  - SODO:** 8<sup>th</sup> S and S Forest
  - NW:** Haller Lake
  - SW:** 9200 8<sup>th</sup> SW
  - 2<sup>nd</sup> SW & SW Highland Park

Wy



# Year-Round Preparation

- Inventory and inspect materials, equipment, facilities before the winter season
- Review/update snowplow routes with King County Metro
- Plow operator training including “Dry Runs”
- Equipment orientation
- Vendor contract renewal for additional capacity
- Annual Interagency Winter Weather Conference
- Refresh public messaging and orient staff



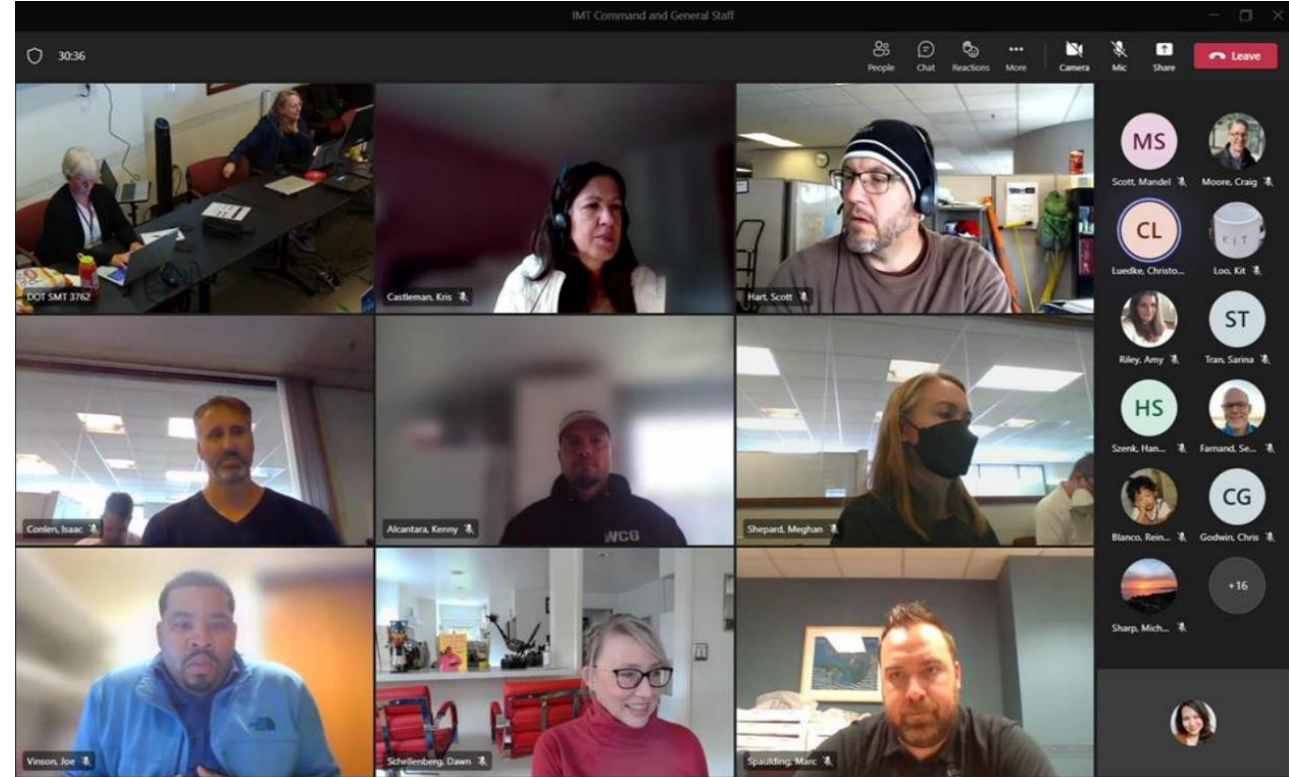
# IMT Activation Based on Forecast

- **3-5 days prior to forecasted event**
  - Monitor weather
  - Prepare for different scenarios
  - Communicate with vendors, partners
- **1-2 days prior to forecasted event**
  - Begin Incident Management Team (IMT) / Incident Command System (ICS) meetings
  - Ensure staff readiness
  - Vehicle and equipment checks



# Activation

- **Incident Management Team**
  - Daily Coordination Calls with Seattle Office of Emergency Management (OEM)
  - Command & General Staff
  - Tactics Calls
- **Response Operations Team**
  - Command & General Staff
  - Tactic Calls
  - Seattle Public Schools Coordination



# Coordinating City efforts and resources

- SDOT Customer Care Center:  
206-684-ROAD (7623)
- Find It, Fix It app ❄️ Snow & Ice  
category
- Charles Street Maintenance Operations  
Center 206-386-1218 (24/7)
- Transportation Operations Center  
staffed daily 24/7 in Seattle Municipal  
Tower





# Transportation Operations Center (TOC)

- Collect information using traffic cameras, sensors, SDOT and Seattle 911 dispatch, social media, and boots on the ground
- Assist with establishing detours and coordinating an interagency response
- Provide information to the public using X (Twitter), the Traveler Information Map, and Dynamic Message Signs



# Public Information

- Encourage **preparation** on website, blog, and social media streams.
- Work with community groups to distribute handout in many languages.
- Translate public service announcements and distribute to multicultural news outlets.
- Coordinate public messaging with regional partner agencies
- Promote video created with Rooted in Rights on importance of clearing sidewalks.

## 為冬季天氣做好準備



幫助您的鄰居。



注意保暖。為寒冷天氣做好準備。



準備好除雪工具用品。



準備好您的急救和應急用品。



熟悉街道清除積雪路線。



注意天氣預報。

TRADITIONAL CHINESE



訪問  
[seattle.gov/winterweather](http://seattle.gov/winterweather)  
了解更多信息



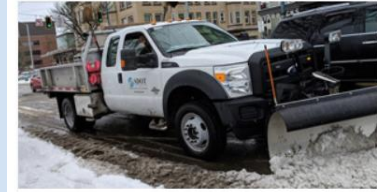
### Prepare for Winter Weather

How to prepare for storms, help neighbors, and keep sidewalks clear



### Getting Around

Travel tips for getting around in winter weather



### Snow Plow Routes

See our planned routes and real-time map



### SDOT is Prepared

Learn how we prepare and plan for winter weather

# Communications & Engagement

## Public engagement goals:

- People clean leaves from gutters and maintain trees
- People know which streets are plowed, when, and why, and to drive as little as possible
- People shovel sidewalks in front of their properties
- People are prepared with supplies and resources

## Tactics:

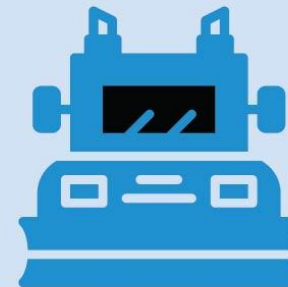
- Proactive / earned media
- Paid media ads
- Highlight preparation activities
- Social media and blogs
- Videos
- Information distribution with local organizations

## SAFETY TIPS & RESOURCES FOR WINTER WEATHER

Find out how to prepare and stay safe during snow and icy conditions.



Learn more at  
[seattle.gov/winterweather](http://seattle.gov/winterweather)



## SEE MAP OF ROADS WE'VE CLEARED

Find out how to prepare and stay safe during snow and icy conditions.



Learn more at  
[seattle.gov/winterweather](http://seattle.gov/winterweather)



# Sidewalk Emphasis Campaign

**Ongoing Focus:** Emphasize the public's responsibility to clear sidewalks in front of their homes and businesses

## Key Messages:

- We all have a responsibility to help keep our sidewalks clear
- It's not just the law, it's the right thing to do so everyone can travel safely during a snowstorm
- SDOT can't be everywhere all at once. With over 2,400 miles of sidewalks, we depend on the public to do their part
- Talk to your neighbors and work together to create a neighborhood sidewalk-clearing plan



# Questions?

Stay in touch:

[www.seattle.gov/transportation/winterweather](http://www.seattle.gov/transportation/winterweather)

[684-ROAD@seattle.gov](mailto:684-ROAD@seattle.gov) | (206) 684-ROAD [7623]

