

May 10, 2022

MEMORANDUM

To: Transportation and Seattle Public Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120300 – 2001 6th Avenue Tunnel

On May 17, 2022, the Transportation and Seattle Public Utilities Committee (Committee) will discuss and possibly vote on [Council Bill \(CB\) 120300](#), which would renew and extend approval to 2001 Sixth, LLC, to maintain a utility tunnel under the alley on the block between Virginia and Lenora streets between 5th and 6th avenues (Council District 7). The tunnel connects the Westin Building Exchange at 2001 6th Avenue to a parking garage on the northeast corner of 5th Avenue and Virginia Street. The legislation would renew an existing permit for a 15-year term, which could be renewed once.

This memorandum describes the term permit renewal process and the utility tunnel.

Significant Structure Term Permit Renewals

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.” 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. [Seattle Municipal Code \(SMC\) Chapter 15.65](#) establishes the procedures and criteria for approval of and renewal of term permits for significant structures.

[SMC 15.65.073](#) states:

If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the renewal and establish the terms and conditions of that renewal consistent with [Section 15.65.080](#). Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.

[Section 15.65.080](#) provides the terms and conditions that may be included in a term permit ordinance. These 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.

The current practice of the Seattle Department of Transportation (SDOT) is to recommend longer terms for significant structure term permits and skybridge permits. Instead of a 10-year permit that may be renewed for two additional 10-year terms, SDOT recommends issuing permits for 15-year terms, renewable once. This shift responds to the volume of term permits, the amount of work required to process a permit renewal, and the rarity of significant changes to approvals during term permit renewals.

2001 6th Avenue Utility Tunnel

The Westin Building, a 34-story office tower, opened in 1981 across the street to the north of the Westin Hotel. At the time of its opening, it served as the headquarters of the Westin Hotel chain. Currently called the [Westin Building Exchange](#), the building is predominantly used as a co-location data center, with approximately 30 percent of its floor area remaining in office use.

A utility tunnel connects the building to the parking garage to the west across the alley. In addition, a skybridge provides a pedestrian connection between the garage and the Westin Building Exchange. That skybridge is the subject of a separate term permit.

Permission to build and use the utility tunnel was first granted in 1999 through [Ordinance 119437](#). In 2011, [Ordinance 123511](#) permitted the tunnel for an additional 10 years, eligible to be renewed for one additional 10-year term, ending in 2031. CB 120300 would amend Ordinance 119437 and renew the permit with a 15-year term, ending in 2037. This could be renewed for one additional 15-year term ending in 2052, after which the permit holder would need to apply to repermit the utility tunnel. This would result in a 50-year term for the permit first issued under Ordinance 119437.

Next Steps

If the Committee recommends approval of CB 120300 at its May 17 meeting, it could be considered by the City Council as early as May 24.

cc: Aly Pennucci, Deputy Director
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