

May 10, 2022

## MEMORANDUM

**To:** Transportation and Seattle Public Utilities Committee  
**From:** Calvin Chow, Analyst  
**Subject:** Dunn Lumber Term Permit Resolution

---

On Tuesday, May 17, 2022, the Transportation and Seattle Public Utilities Committee will consider Resolution 32053, which would grant conceptual approval for Dunn Lumber Company to construct a communication conduit under and across Latona Avenue Northeast in District 4. The proposed conduit would allow for private communication between Dunn Lumber Company's facilities, including a new warehouse to be constructed at 3800 Latona Avenue Northeast. The conduit would be wholly underground while within the street right-of-way.

Because the conduit would exist within street right-of-way, the proposal requires a Significant Structure Term Permit administered through the Seattle Department of Transportation (SDOT). Pursuant to [Seattle Municipal Code \(SMC\) Chapter 15.65](#), a significant structure is a structure that has "a long-anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee." Examples include tunnels below streets that provide access to utility, pedestrian, or vehicular access; public art placed in right-of-way; and overhead structures attached to buildings. Conceptual approval of the proposal by resolution is the first step of Council's engagement in the term permit process.

SMC 15.65.040.C identifies ten issues that are considered when reviewing whether to approve a significant structure:

1. Adequacy of horizontal, vertical, and other clearances;
2. View blockage and impacts due to reduction of natural light;
3. Construction review is at 60 percent conceptual approval;
4. Interruption or interference with existing streetscape or another 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.

SDOT has reviewed Dunn Lumber Company's term permit petition and has transmitted Resolution 32053 to the City Council to authorize conceptual approval. In reviewing the proposed legislation, the Council should consider the ten items noted on page one in order to determine whether the structure is in the public interest and that no reasonable alternative to the structure exists. The Council may provide conceptual approval, conditional conceptual approval or deny the term permit by resolution.

Resolution 32053 would also establish the following conditions on Dunn Lumber Company:

1. Provide engineering and utility plans for additional review and permitting by the Seattle Department of Transportation ("SDOT"), which the Director of SDOT ("Director") will circulate to other City departments and any public and private utilities affected by the installation of the Communication Conduit;
2. 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;
3. Pay all City permit fees;
4. Obtain all necessary permits;
5. Maintain and inspect the Communication Conduit; and
6. Remove the Communication Conduit and restore the right-of-way to in as good condition for public use as existed prior to construction of the Communication Conduit 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.

If conditional approval is granted, and once SDOT determines that the construction plans are consistent with the Council's approval or conditional approval in the resolution, SDOT will transmit a bill to the City Council for a final decision to grant or deny the application for the new structure permit.

cc: Aly Pennucci, Deputy Director  
Brian Goodnight, Lead Analyst