

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.