

May 14, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120061 – Northwest Kidney Center Tunnel Term Permit

On May 5, 2021, the Transportation and Utilities Committee will discuss and possibly vote on [Council Bill \(CB\) 120061](#), which would renew and extend approval to the Northwest Kidney Center to maintain a tunnel under Broadway, north of Cherry Street. The tunnel connects the Northwest Kidney Center’s facility at the northeast corner of Broadway and Cherry Street to Swedish Medical Center, on the west side of Broadway. The legislation would provide a new fifteen year term for the term permit, which could be extended once.

The Seattle Department of Transportation (SDOT) is proposing that the terms of significant structure term permits and skybridge permits be extended. Instead of a ten-year term renewable twice for a maximum term of 30 years before a new permit is required, SDOT proposes to move to a 15-year term, renewable for one additional 15-year term. 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. As a result of this shift, this bill would extend the maximum term of the permit by 11 years, to 2051.

Permission to build and use the tunnel was first granted through [Ordinance 107876](#), in 1978. In 2010, [Ordinance 123367](#) regranted that approval for ten years, eligible to be renewed for two additional ten-year terms. CB 120061 would amend Ordinance 123367 to allow the approval to run for a new 15-year term, which could be renewed for one additional 15 year term.

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.

Northwest Kidney Center Tunnel

The Northwest Kidney Center is a nonprofit kidney care and research organization, with locations throughout the central Puget Sound. Haviland Pavilion, located at the northeast corner of Broadway and Cherry Street, includes a dialysis center, a museum on the history of dialysis, a research facility, pharmacy and administrative offices. Since 1978, a tunnel has connected this facility to Swedish Hospital's main campus on the west side of Broadway.

CB 120061 would amend Ordinance 123367, which granted approval to operate the tunnel between 2008 and 2018. Ordinance 123367 provided for up to two additional ten-year terms, requiring renewal in 2018 and 2028 and requiring re-permitting in 2038. CB 120061 would extend approval to Northwest Kidney Centers to operate the tunnel for a new 15-year term, starting in 2021. Permission to operate the tunnel could be renewed for an additional 15-year term running to 2051, after which time the Northwest Kidney Center would need to seek a new permit.

Next Steps

If the Transportation and Utilities Committee recommends approval of CB 120061 at its May 19 meeting, it could be considered by the City Council as early as May 24.

cc: Dan Eder, Interim Director
Aly Pennucci, Policy and Budget Manager