

July 28, 2021

MEMORANDUM

To: Transportation and Utilities Committee
From: Lish Whitson, Analyst
Subject: Clerk File 314477, Council Bill 120133, and Council Bill 120134: Swedish First Hill term permits and alley vacation extensions and approval

On Wednesday, August 4, the Transportation and Utilities Committee (Committee) will meet and discuss three pieces of legislation at the request of Swedish First Hill (Swedish). In 2016, Swedish received conditional approval for an alley vacation, a tunnel and a skybridge to facilitate the development of a new medical office and support service building pursuant to Swedish's 2005 [Major Institution Master Plan](#). Construction of the building has been delayed. On January 12, Swedish [requested](#) that approval of the vacation, skybridge and tunnel be extended. The legislation in front of the Committee would extend the terms of approval or grant final approval as follows:

- [Clerk File \(CF\) 314477](#) would extend the Council Conditional Approval of the vacation of the alley located on the block between Columbia Street, Minor Avenue, Cherry Street, and Boren Avenue, previously approved under [Clerk File 314304](#).
- [Council Bill \(CB\) 120133](#) would grant approval of a term permit for a pedestrian tunnel under Minor Avenue, conceptual approval for the tunnel was granted under [Resolution 31700](#).
- [CB 120134](#) would extend the Council's approval of a skybridge over Minor Avenue, between Columbia Street and Cherry Street, previously approved under [Ordinance 125142](#).

This memorandum describes the proposed project and discusses the approval processes and conditions for each of these proposed pieces of legislation.

Swedish First Hill and Block 95 development

The Swedish First Hill Major Institution Master Plan was adopted in 2005. The plan authorized the development of a building that would combine medical support and offices on "Block 95." Block 95 is the block bounded by Boren Avenue on the west, Columbia Street on the north, Minor Avenue on the east and Cherry Street on the South. Until recently, it contained a parking garage and small apartment building on the west side of the block and a two- to three-story medical office building on the east side of the block. Those buildings have been demolished in advance of development of the proposed development.

The Master Plan supports the vacation of the alley on Block 95 and provides for its redevelopment with a combination of central support, medical offices, research, and parking

uses. This project, identified as “Building E” in the Master Plan, would be connected to the rest of the Swedish campus across Minor Avenue through a skybridge to be used by patients and a tunnel to be used by employees to support the rest of the hospital campus.

Alley Vacation extension (CF 314477)

On August 8, 2016, the Council provided conceptual approval to Swedish for the vacation of the alley on Block 95 to facilitate the project described above.

Conditions placed on the vacation included provision of the following public benefits:

- Street improvements on several First Hill streets and intersections to implement the “First Hill Mile” – a string of pedestrian improvements to create a one-mile pedestrian walking route, with a design that prioritizes and enhances the pedestrian experience. Swedish will provide widened sidewalks, extended curb bulbs, landscaping, art, and wayfinding that identifies the route.
- Funding for improvements to [First Hill Park](#).
- Additional streetscape improvements at and near the site.

The Council’s conditional approval was limited to five years, which will end in August 2021. Swedish has requested an extension of that approval for an additional eight years, ending in August of 2029. The Council has wide latitude in setting the term of approval for a street vacation.

A proposed set of updated conditions are attached as Attachment 1. The sole change in these updated conditions is a statement that “The City Council extends its grant of approval of the Swedish Health Services petition contained in Clerk File 314304 and approved August 8, 2016, for eight years to August 8, 2029...” If the Committee agrees with the request to extend approval, it should direct staff to add these conditions to CF 314477 for action at the City Council.

Tunnel Term Permit (CB 120133)

On September 26, 2016, the Council passed Resolution 31700, which granted conceptual approval to Swedish Health Services to build a tunnel under Minor Avenue, between Columbia and Cherry streets. The tunnel would be used by employees of the hospital to move equipment and supplies between Block 95 and the rest of the Swedish First Hill Campus.

CB 120133 would grant a fifteen-year significant structure term permit for the Block 95 tunnel. Resolution 31700 placed the following conditions that the permit seeker would need to meet prior to receiving a term permit:

- (1) Provide engineering plans for additional review and permitting by the Seattle Department of Transportation, which the Director will circulate to other City

departments and any public and private utilities affected by the installation of the proposed Project;

- (2) Provide (i) a surety bond, (ii) covenant agreement, and (iii) 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 land use or building permits;
- (5) Maintain and inspect the Project; and
- (6) Remove the Project and restore the public right-of-way to its original condition 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.

Swedish has met conditions (1) through (4). Provisions in CB 120133 would ensure that Swedish would meet conditions (5) and (6) if the tunnel is built. If approved, CB 120133 would grant approval to Swedish to operate the tunnel for fifteen years, with one additional 15-year renewal term.

Skybridge Permit renewal (CB 120134)

On September 26, 2016, the Council adopted [Ordinance 125142](#), which granted Swedish permission to construct, maintain, and operate a pedestrian skybridge over and across Minor Avenue, between Columbia and Cherry streets. The skybridge would be used by patients to move between the development on Block 95 and the rest of the Swedish First Hill campus. Public benefit features proposed as part of the skybridge project include a public garden with art at Minor Avenue and Columbia Street and streetscape improvements under the skybridge.

Because construction has been delayed, Swedish has requested an extension of the deadline to build those improvements for an additional eight years, ending in August of 2029. CB 120134 would amend Ordinance 125142, increasing the fees based on changes in the real estate market in the last five years and extending the term of approval from ten years to fifteen years from the adoption of Ordinance 125142, extending approval to September 2031.

Next Steps

If the Committee votes to recommend approval of Clerk File 314477, CB 120133 and CB 120134 at its August 4 meeting, they could be considered by the City Council as early as August 8.

Attachments:

1. Draft updated conditions for Clerk File 314477

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

IN THE MATTER OF THE REQUEST OF SWEDISH HEALTH SERVICES TO EXTEND THE GRANT OF APPROVAL FOR THE PETITION OF THE VACATION OF THE ALLEY IN BLOCK 95, TERRY'S SECOND ADDITION, WITHIN CITY COUNCIL DISTRICT 3, IN THE BLOCK BOUNDED BY COLUMBIA STREET, MINOR AVENUE, CHERRY STREET, AND BOREN AVENUE

**CLERK FILE 314304
CLERK FILE 314477**

The City Council extends its grant of approval of the Swedish Health Services petition contained in Clerk File 314304 and approved August 8, 2016, for eight years to August 8, 2029, for the vacation of:

The alley lying within Block 95, Terry's Second Addition to the City of Seattle, according to the Plat thereof recorded in Volume 1 of Plats, Page 87, Records of King County, Washington; Containing an area of 3,841 square feet or 0.0882 Acres, more or less; Situate in the City of Seattle, King County, Washington

Clerk File 314477 is granted subject to the following:

The vacation is granted upon the Petitioner meeting the following conditions as contained in Clerk File 314304. The Petitioner shall demonstrate that all conditions imposed on the vacation by the City Council have been satisfied: all utility work relating to the vacation including easements or other agreements is completed; all public benefit elements have been provided; any other agreements or easements have been completed and recorded as necessary; and all fees paid, prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the Petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose. The project must be substantially in conformity with the proposal reviewed by the Sustainability & Transportation Committee in August of 2016.
2. All street improvements shall be designed to City standards, as modified by these conditions to implement the Public Benefit requirements, and be reviewed and approved by the Seattle Department of Transportation; elements of the street improvement plan and required street improvements to be reviewed include:

Street improvement plan showing sidewalks, street trees, bike racks, street furniture, lighting, art or artist-made elements, and landscaping around the site and the off-site public benefit features, including but not limited to these specific elements:

- Marion to Madison sidewalk and plantings;
- Minor & Seneca curb bulbs, sidewalks, furnishings & plantings;
- University & Summit traffic circle;
- Boylston & Seneca curbs bulbs, sidewalk, furnishings, & plantings;
- Boylston & Marion curb bulbs & sidewalk;
- Broadway Avenue plantings;
- Wayfinding signs and street tree replacement;
- Public art in the ROW along the First Hill Mile;
- Columbia & Cherry expanded and enhanced pedestrian streetscape;
- Pedestrian controlled signal at Boren & Cherry; and
- Pedestrian controlled signal at Minor & James.

3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioner shall work with the affected utilities and provide for the protection of the utility facilities. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the Petitioner. Utilities impacted may include:

- Seattle City Light;
- Seattle Public Utilities;
- Puget Sound Energy; and
- CenturyLink Communications.

4. It is expected that development activity will commence within approximately 2 years of this approval and that development activity will be completed within 5 years. In order to insure timely compliance with the conditions imposed by the City Council, the Petitioner shall provide the Seattle Department of Transportation with Quarterly Reports, following Council approval of the vacation, providing an update on the development activity, schedule, and progress on meeting the conditions. The Petitioner shall not request or be issued a Final Certificate of Occupancy (C of O) until SDOT has determined that all conditions have been satisfied and all

fees have been paid as applicable.

5. Access to the buildings for vehicle parking, services, bicycles, and patient drop-off shall be provided as follows, changes to this proposal shall require the review of SDOT: three access points will be allowed; two driveways on Cherry Street with one providing an in/out driveway to the parking garage and one providing an entry to the truck loading dock; one exit-only driveway on Columbia Street will be allowed for freight vehicles exiting the parking garage.
6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA review and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
7. The Petitioner is a health care facility, for which maintaining a healing environment is paramount. In the context of maintaining the healing environment, free speech activities such as hand billing, signature gathering, and holding signs, all without obstructing access to the space, the building, or other adjacent amenity features, and without unreasonably interfering with the enjoyment of the space by others, shall be allowed within the vacation public benefit features; however, the Petitioner shall retain the right to preclude any such activities in the event they interfere with the provision of healthcare services in a healing environment. Members of the public may be asked to leave for conduct that unreasonably interferes with the enjoyment of the space by others or unreasonably interferes with the provision of healthcare services in a healing environment that includes but is not limited to, activities that create noise that interferes with patients' rest and recovery, and interfere with access to care including emergency care and physician services. Signage clearly identifying public access and allowed free speech activities is required at the public open space elements and shall require the review and approval of SDOT Street Vacations. Signage shall be consistent with signage provided for public amenity space, if any, on the site. Any violation of these conditions will be enforced through Chapter 15.90 of the Seattle Municipal Code.
8. The Petitioner shall develop and maintain the public benefit elements as defined by the City Council. A Property Use and Development Agreement (PUDA) or other binding mechanism shall

be required to ensure that the public benefit elements remain open and accessible to the public 24 hours per day, with temporary closures permitted for reasons such as maintenance, safety, or private functions and to outline future maintenance obligations of the improvements. Signage shall be provided as described in Condition 7. The final design of the public benefit elements shall require the review and approval of SDOT Street Vacations. SDOT may request additional review by the Design Commission of the implementation of the public benefit elements or the pedestrian enhancements, as necessary. Public benefit elements in the right-of-way require additional SIP review, street use permits and indemnification; public and private areas must be clearly distinguished and markers in the sidewalk shall be required. The public benefit requirements include the following features as well as corresponding development standards, including approximate square footage dimensions, which shall be outlined in the PUDA:

Block 95 Alley Vacation Proposal

PUBLIC BENEFIT	DESCRIPTION	QUANTITY	ESTIMATED COST
1 First Hill Mile	Sidewalk & pedestrian crossing improvements <ul style="list-style-type: none"> • Marion to Madison sidewalk and plantings • Minor & Seneca curb bulbs, sidewalk, furnishings and plantings • University & Summit traffic circle • Boylston & Seneca curb bulbs, sidewalk, furnishings and plantings • Boylston & Spring traffic circle • Boylston & Marion curb bulbs and sidewalk • Broadway Avenue plantings Wayfinding signs Street tree replacements	4,800 SF 2,650 SF 925 SF 3,870 SF 1,130 SF 2,715 SF 830 SF 11 39	\$1,300,000

2 First Hill Park Contribution	Contribution toward improvements to First Hill Park	\$500,000	
3 Public Art	Public art in the ROW along the First Hill Mile	\$300,000	
4 Minor Avenue Voluntary Setback	Setback along Minor Avenue	1,700 SF	\$125,000
5 Boren Avenue Voluntary Setback	Setback along Boren Avenue	1,200 SF	\$90,000
6 Columbia St. Row Improvements	Expanded and enhanced pedestrian streetscape	980 SF	\$40,000
7 Cherry St. Row Improvements	Expanded and enhanced pedestrian streetscape	560 SF	\$70,000
8 Pedestrian Controlled Signal	Pedestrian controlled signal at Boren & Cherry	1	\$200,000
9 Pedestrian Controlled Signal	Pedestrian controlled signal at Minor & James	1	\$200,000
		TOTAL	\$2,825,000

Signed by me in open session this _____ of _____, 2021.

 President _____ of the City Council