

SUMMARY and FISCAL NOTE*

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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

- a. **Legislation Title:** AN ORDINANCE relating to the Central Waterfront Project; authorizing a second amendment of the Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront Project between The City of Seattle and the Seattle Aquarium Society.
- b. **Summary and background of the Legislation:** This legislation authorizes amendment of the Memorandum of Understanding (“MOU”) with the Seattle Aquarium Society (“SEAS”) concerning the renovation and expansion of the Seattle Aquarium previously authorized by Ordinance 124121.

In 2009, the City adopted Ordinance 123205, authorizing the Department of Parks and Recreation to enter into an Operations and Management Agreement with the Aquarium, a key element of which was a requirement that a Master Plan be developed consistent with the City’s overall waterfront planning.

In 2012, the City adopted Resolution 31399 relating to the Central Waterfront Concept Design and Framework Plan based on the citizen advisory Central Waterfront Committee’s Strategic Plan recommendation. The Strategic Plan recommendation included a major new Aquarium facility over water, renovation of Pier 60 and potential Aquarium use in what was then identified as Building C of Overlook Walk.

In 2013, the City signed the MOU which appropriated \$1 million to SEAS for design and planning of an Aquarium expansion located over water to the south of Pier 59. The MOU directed the Office of Waterfront and Parks Department to coordinate design efforts with Aquarium, so that a potential expansion would be consistent with the overall central waterfront design and vision. The MOU also had a section on funding that identified a potential City contribution of up to \$45 million toward the partner project contingent on LID and/or city-wide property levy as potential funding sources.

In 2014, the City’s contribution to the Aquarium expansion project was reduced to \$34 million as shown in the adopted 2015-16 City budget and CIP.

In 2015, the City approved SEAS’s Master Plan, which introduced a new potential location for an Aquarium expansion at the Overlook Walk Location, different from the direction set forth in the MOU executed in 2013. By approving the Master Plan, the City Council directed the Office of the Waterfront and Parks Department to advance the design and environmental review of the Aquarium expansion at the Overlook Walk

Location.

Also in 2015, the City adopted Ordinance 124908, amending the MOU to increase the City's maximum compensation to SEAS for 50 percent of its expenditures for the Aquarium Expansion Project engineering, design, and consultant services incurred beginning January 1, 2013 from \$1,000,000 to \$1,800,000.

The purpose of this amendment is to re-confirm the City and SEAS' mutual commitment to an Aquarium expansion project as described in their Master plan, and to clarify how our mutual work will advance. The proposed amendment states the following:

- The City supports the Aquarium's expansion and its advancement of the Ocean Pavilion project to a 30% design milestone.
- The City will make its waterfront design team available to ensure close coordination between the Overlook Walk and Ocean Pavilion designs.
- Both parties continue their commitment to the 1:1 funding match for design funding.
- SEAS will provide the necessary funding to reach 30% design and a 1:1 match.

For the purposes of updating the original intent of the legislation, the following clarifications are made:

- The Aquarium understands and agrees that both projects will be designed and constructed as independent projects.
- The City and SEAS will develop a comprehensive funding plan for the Ocean Pavilion project and acknowledge that a future City commitment of funding will be determined based on this funding plan.
- An amended Memorandum of Understanding ("amended MOU") will be forwarded for City Council's consideration in 2018. This amended MOU will confirm the funding plan, project budget and scope based on the completed 30% design and will make additional City funds available to help in completing the project's design subsequent to its approval by Council.
- The parties expect to complete 60% design in 2018, following approval of the amended MOU.
- Once the Ocean Pavilion has been approved following environmental review, the Parties will negotiate a PDA and forward it for City Council's consideration in 2019 to advance the project to construction.

2. CAPITAL IMPROVEMENT PROGRAM

a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ___x___ No

This legislation states the intent of the City Council for SEAS's and City staff to develop a funding plan that would identify an appropriate City contribution to the Ocean Pavilion project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ___ Yes ___X_ No
- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This legislation does not have direct financial impacts on the City of Seattle, however it does outline the process to carryout future actions to fund design and construction of the Ocean Pavilion project.

- c. Is there financial cost or other impacts of *not* implementing the legislation?

Not implementing this legislation could jeopardize the ability of SEAS to move forward on its Ocean Pavilion design, thus endangering a key element of the Central Waterfront Improvement Plan.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
This legislation affects Seattle Parks and Recreation.

- b. Is a public hearing required for this legislation?
No.

- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
No.

- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

- e. Does this legislation affect a piece of property?
No.

- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation supports the provision of improved public spaces along Seattle's Waterfront that encourages use by people of all ages, incomes, and abilities, and supports free expression. The Seattle Aquarium offers extensive free and discounted programming to disadvantaged communities through its partnerships with the Seattle School District; this expansion project once completed will support and expand that programming

- g. If this legislation includes a new initiative or a major programmatic expansion:

What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This legislation supports the City's long-term goal to improve Seattle's Central Waterfront and to include an Aquarium expansion as a key element of this goal.

h. Other Issues:

List attachments/exhibits below: