



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119086

Record No.: CB 119086

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125422

In Control: City Clerk

File Created: 08/29/2017

Final Action: 09/29/2017

**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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Ex A - Amendment 2 to MOU with Seattle Aquarium

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/05/2017	Mayor's leg transmitted to Council	City Clerk			
	<b>Action Text:</b>	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	<b>Notes:</b>						
1	City Clerk	09/05/2017	sent for review	Council President's Office			
	<b>Action Text:</b>	The Council Bill (CB) was sent for review. to the Council President's Office					
	<b>Notes:</b>						
1	Council President's Office	09/07/2017	sent for review	Parks, Seattle Center, Libraries, and Waterfront Committee			
	<b>Action Text:</b>	The Council Bill (CB) was sent for review. to the Parks, Seattle Center, Libraries, and Waterfront Committee					

Notes:

- 1 Full Council 09/18/2017 referred Parks, Seattle Center, Libraries, and Waterfront Committee
- 1 Parks, Seattle Center, Libraries, and Waterfront Committee 09/21/2017 pass Pass
- Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
- Notes:
- In Favor: 3 Chair Juarez, Vice Chair Bagshaw, Member Harrell
- Opposed: 0
- 1 Full Council 09/25/2017 passed Pass
- Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- Notes:
- In Favor: 7 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember O'Brien, Councilmember Sawant
- Opposed: 0
- 1 City Clerk 09/28/2017 submitted for Mayor's signature Mayor
- 1 Mayor 09/29/2017 Signed
- 1 Mayor 09/29/2017 returned City Clerk
- 1 City Clerk 09/29/2017 attested by City Clerk
- Action Text: The Ordinance (Ord) was attested by City Clerk.
- Notes:
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**CITY OF SEATTLE**

**ORDINANCE** 125422

**COUNCIL BILL** 119086

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.

WHEREAS, The City of Seattle (“City”) owns the Seattle Aquarium (“Aquarium”), located on Piers No. 59 and No. 60 on the Central Waterfront, which is widely recognized as a world-class aquarium and a regional marine conservation resource; and

WHEREAS, via an agreement with the Department of Parks and Recreation, the Seattle Aquarium Society (“SEAS”) operates and maintains the Aquarium; and

WHEREAS, in 2003, in conjunction with the removal of the Alaskan Way Viaduct and replacement of the aging Elliott Bay Seawall, the City began developing a community vision for the central city that resulted in the adoption of Resolution 31264, stating Guiding Principles for the Central Waterfront that include reconnecting downtown Seattle to its waterfront; and

WHEREAS, between 2003 and 2012 the City Council adopted a series of resolutions and ordinances stating principles related to future Aquarium development, including that Aquarium development should be consistent with the Central Waterfront Master Plan in effect at the time of the proposed development; and

WHEREAS, on August 13, 2012, the City Council unanimously adopted Resolution 31399 (the “Waterfront Resolution”), with the Mayor’s concurrence. This resolution encouraged partnerships with the Pike Place Market and Aquarium for key expansions of these two

1 long-standing Seattle institutions, consistent with the Central Waterfront Concept Design,  
2 Framework Plan, and Strategic Plan that were endorsed as part of that resolution; and  
3 WHEREAS, on February 25, 2013, the City Council unanimously adopted Ordinance 124121,  
4 with the Mayor’s concurrence, authorizing the execution of a Memorandum of  
5 Understanding between the City and SEAS to serve as the basis for both the City and  
6 SEAS to proceed with the Aquarium renovation and expansion design; and

7 WHEREAS, on August 3, 2015, the City Council unanimously adopted Resolution 31603 (the  
8 “Master Plan Resolution”), with the Mayor’s concurrence, approving the SEAS Master  
9 Plan for the purposes of further review and analysis, including environmental review of a  
10 potential on land Aquarium expansion at the Overlook Walk Location, and directing the  
11 Office of the Waterfront and the Department of Parks and Recreation to coordinate  
12 environmental review of the Aquarium expansion with SEAS; and

13 WHEREAS, on November 23, 2015, the City Council unanimously adopted Ordinance 124908,  
14 with the Mayor’s concurrence, authorizing execution of an amendment to the MOU  
15 authorized under Ordinance 124121. This amendment increased the City’s maximum  
16 compensation to SEAS for 50 percent of its expenditures for the Aquarium Expansion  
17 Project engineering, design and consultant services incurred beginning January 1, 2013  
18 from \$1,000,000 to \$1,800,000; NOW, THEREFORE,

19 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

20 Section 1. Amendment 2 to the Memorandum of Understanding Concerning Renovation  
21 and Expansion of the Seattle Aquarium and Development of the Central Waterfront Project,  
22 attached to this ordinance as Exhibit A, is approved. The Director of the Office of the Waterfront

1 and the Superintendent of the Department of Parks and Recreation are hereby authorized to  
2 execute this amendment with the Seattle Aquarium Society and implement its terms.

3

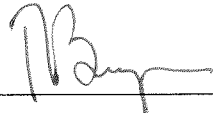
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after the presentation,  
3 it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 25<sup>th</sup> day of September, 2017, and  
5 signed by me in open session in authentication of its passage this 25<sup>th</sup> day of  
6 September, 2017.

7   
\_\_\_\_\_

8 President \_\_\_\_\_ of the City Council

9 Approved by me this 29<sup>th</sup> day of September, 2017.

10   
\_\_\_\_\_

11 Tim Burgess, Mayor

12 Filed by me this 29<sup>th</sup> day of September, 2017.

13   
\_\_\_\_\_

14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Exhibits:  
17 Exhibit A – Amendment 2 to the Memorandum of Understanding Concerning Renovation and  
18 Expansion of the Seattle Aquarium and Development of the Central Waterfront Project  
19

AMENDMENT 2  
MEMORANDUM OF UNDERSTANDING  
CONCERNING RENOVATION AND EXPANSION OF THE SEATTLE  
AQUARIUM AND DEVELOPMENT OF THE CENTRAL WATERFRONT PROJECT  
EFFECTIVE AS OF \_\_\_\_\_

Definition

- The term “Aquarium Expansion Project,” whose definition encompassed renovations of Pier 59 and Pier 60; a new structure on the Aquarium Plaza; and a new south wing in the original “Memorandum of Understanding Concerning Renovation and Expansion of the Seattle Aquarium and Development of the Central Waterfront Project,” shall now be described as “Ocean Pavilion” and shall only apply to the construction of a new building on the Aquarium Plaza at the base of Overlook Walk.

The Seattle Aquarium is a key element of the Waterfront Seattle vision, and the Seattle Aquarium Society (SEAS) has been an important part of the civic effort behind the waterfront from its inception. The City of Seattle remains committed to its long-standing partnership with SEAS and supports an expansion that will broaden its services to residents and visitors to the city. In the short term, the City supports the Aquarium’s efforts to expand in the following ways:

Design Collaboration and Support

- The City supports the Aquarium’s expansion and will support the advancement of the Ocean Pavilion to 30% design. Advancement of the design to the 30% level is consistent with the purposes of Master Plan adoption in Resolution 31603 by enabling development of information sufficient for initiating environmental review. A decision on whether to approve the proposed Ocean Pavilion would only be made following completion of environmental review of the project.
- To assist with development of the 30% design, the City will make the waterfront design team and its consultants available to ensure close coordination and collaboration between the Overlook Walk design and the design of the Ocean Pavilion concept, for the benefit of the parties and the public that will utilize each facility. Among the benefits from a coordinated design is the ability to enhance the transportation functions of the site via the Ocean Pavilion project.
- In a 2013 Memorandum of Understanding (MOU), approved by the Seattle City Council in Ordinance 124121, the City and Aquarium committed to a 1:1 match for engineering, design and consultant services through the completion of the Aquarium Expansion Project “concept” design. The Aquarium will provide the necessary funds to complete a 30% design for the Ocean Pavilion, as defined above, and achieve a 1:1 match of City and SEAS investment in the design, making possible future contributions by the City following authorization of City Council.

- The Aquarium recognizes that the City shall continue to advance the Overlook Walk according to the City's current schedule. Both parties understand and agree that the Overlook Walk and Ocean Pavilion will be designed and constructed as independent projects.
- The Office of the Waterfront and SEAS commit to regular practical reporting and communication between their respective executives.

#### Funding Plan

- The City and SEAS will work in partnership to develop an overall funding plan for the Ocean Pavilion concept that incorporates a combination of public and philanthropic sources. A City commitment of funding for the project will be determined based on this funding plan.
- This commitment of City funding, together with an acknowledgment of the planning and design expenses previously expended by both parties, will be memorialized in an amended or new MOU in early 2018 and a subsequent Project Development Agreement (PDA) will be developed between the City and SEAS.

The City and SEAS agree to the following general timeline for the work described above:

- Complete a 30% design of the Ocean Pavilion by December 2017. During that time, the parties will also work to develop a funding plan.
- Negotiate an amended MOU and forward it for the City Council's consideration in early 2018. The parties anticipate that this MOU will memorialize an agreement between the City and SEAS on the funding plan and project budget and scope based on the completed 30% design for the Ocean Pavilion, for the purpose of allowing environmental review and permitting to proceed for the Ocean Pavilion. The parties anticipate this MOU will also make additional City funds available to help in completing the project's design.
- Complete 60% design in 2018, following approval of an amended MOU.
- If 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.



DATED this \_\_\_\_ day of \_\_\_\_\_, 2017.

**THE CITY OF SEATTLE,**  
a Washington municipal corporation

By

\_\_\_\_\_  
Marshall Foster  
Director, Office of the Waterfront

By

\_\_\_\_\_  
Jesús Aguirre  
Superintendent, Seattle Parks and Recreation

**SEATTLE AQUARIUM SOCIETY,**  
A 501(c)3 non-profit organization

Concurring

\_\_\_\_\_  
Robert Davidson  
CEO, Seattle Aquarium Society