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COMMISSION

AGENDA MEMORANDUM Item No. 10b

ACTION ITEM Date of Meeting October 24, 2023

DATE : September 25, 2023

TO: Stephen P. Metruck, Executive Director

FROM: Sarah Ogier, Director-Maritime Environment & Sustainability

Jon Sloan, Sr. Manager-Maritime Environment & Sustainability

Danielle Butsick, Environmental Program Manager

Julie Yun, Capital Project Manager

SUBJECT: 8th Avenue S/Gateway Park North Memorandum of Agreement with City of Seattle  
& Project Funding Authorization (C801270)

Amount of this request: \$317,128

Total estimated project cost: \$2,600,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to (1) sign a Memorandum of Agreement (MOA) with the City of Seattle enabling the Port to provide funding up to \$500,000 and approximately \$50,000 in-kind support for site characterization, design, and permitting of the 8th Avenue S/Gateway Park North Project; and (2) authorize funding in the amount of \$317,128 to support City-led site characterization, design and permitting tasks. Note that \$232,872 was previously authorized for this project.

EXECUTIVE SUMMARY

The Gateway Park North Project site is along the right bank of the Duwamish River adjacent to the Georgetown neighborhood. The site includes a City of Seattle street-end and has for decades provided informal water access for the community. The uplands of the site are adjacent to and surrounded by industrial land. However, the Georgetown community has envisioned this site as its only river access park, to include restored shoreline habitat, attractive and accessible landscaping, and corridor improvements. Today's action builds on years of Port engagement with community members and cooperation with the City of Seattle. City and Port staff have discussed options for making these improvements and believe the best approach is for the City to lead project management and for the Port to contribute funds and in-kind support.

This Memorandum of Agreement commits the Port of Seattle to contribute up to \$500,000 plus approximately \$50,000 in in-kind support including staff time to the City of Seattle's 8th Avenue S/Gateway Park North public access project for site characterization, design, and permitting

Template revised January 10, 2019.

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tasks. The project site is on the Duwamish River in Georgetown and consists of a City of Seattle Parks Department parcel, City of Seattle Department of Transportation right-of-way, and a portion of the former Commercial Waterway District #1 property. This site has been envisioned as a park by the Georgetown community for over 40 years. The Port's support of this City of Seattle park project delivers on a commitment the Port made in the Duwamish Valley Community Benefits Commitment (2019) and also contributes to Century Agenda objectives related to equity, diversity and inclusion, as well as habitat restoration in the Green-Duwamish Watershed.

JUSTIFICATION

This Memorandum of Agreement supports the following Century Agenda goals and objectives:

1) Goal 4: Be the greenest and most energy-efficient port in North America;

Objective 12: Restore, create, and enhance 40 additional acres of habitat in the Green-Duwamish

2) Goal 5: Become a model for equity, diversity, and inclusion;

Objective 14: Ensure that all internal and external programs, structures, and practices provide equitable opportunities for all

This Memorandum of Agreement delivers on a commitment that was included in the Duwamish Valley Community Benefits Commitment, which identifies the 8th Avenue S/Gateway Park North project as an action area to improve public parks and green space under the Healthy Environment and Communities goal. Support for the 8th Avenue S/Gateway Park North project is also a priority for the Port Community Action Team (PCAT), along with selection of a Port liaison to the project,

accomplished via the in-kind support commitment in the MOA.

Diversity in Contracting

Not applicable.

#### DETAILS

The project site is on the Duwamish River in Georgetown and consists of a Seattle Parks Department parcel, Seattle Department of Transportation right-of-way, and a small portion of former Commercial Waterway District #1 property. This site has been envisioned as a public access site by the Georgetown community for decades. The Port's support of this project delivers on the item pertaining to the 8th Avenue S site in the Duwamish Valley Community Benefits Commitment and may contribute to the Century Agenda objective to restore, create, and enhance 40 additional acres of habitat in the Green-Duwamish Watershed.

The Memorandum of Agreement (MOA) between the Port of Seattle and the City of Seattle will define roles and responsibilities for completing site characterization, design, and permitting tasks for the Georgetown community-driven 8th Avenue S/Gateway Park North public access project. The MOA commits the Port of Seattle to contribute up to \$500,000 for these tasks. Additionally, in-kind contributions include use of the Port's Duwamish River Community Hub for project team and public outreach meetings; staff technical expertise for permitting and habitat

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restoration design; and provision of habitat materials such as large wood, native plants, topsoil, and mulch. The City of Seattle has already initiated site characterization, design, and permitting for the project, and will be responsible for managing and funding consultant contracts and all permit fees. Note that this MOA is specific to the initial phase of work and does not include funding for project construction. Staff anticipates that the City is likely to request additional port contribution for construction support in the amount of approximately \$2 million plus further inkind support of up to \$50,000; if so a second MOA will be prepared at that time and brought to Commission for approval. A rough estimate of the total project cost including construction is approximately \$15 million to \$20 million (funded primarily by the City of Seattle).

#### Scope of Work

The MOA articulates roles and responsibilities for Phase 1 of the 8th Avenue South/Gateway Park North project, including contracting, site characterization, design, permitting, interagency coordination, and public outreach tasks associated with the planned public access, shoreline restoration, and corridor improvements.

The Funding Authorization request, if approved, will provide Public Expense funds to the City of Seattle to undertake design and permitting tasks associated with the 8th Avenue S/Gateway Park North public access project, per the terms of the MOA. The funding authorization request in the amount of \$317,128, combined with previously authorized amount of \$232,872, will account for both the \$500,000 contribution to the City of Seattle per the MOA as well as \$50,000 in Port inkind support.

This is the first of two potential MOA's; this MOA pertains primarily to the design, and permitting phase, while a second MOA (or amendment) is anticipated to provide construction support which is currently estimated at approximately \$2 million of the total project cost. The decision regarding whether and how much support to provide for construction will be part of a future Commission authorization request. This agreement terminates in 2028 if not amended.

#### Schedule

Design of the Project, by the City, is expected to start in Q4 2023 with a goal of completion of site characterization, design and permitting tasks by Q4 2025. Permitting is likely to take a substantial amount of time for this project due to complex site ownership and in-water work components. Future likely construction dates are shown for reference only and are not part of this phase of work.

#### Activity

Commission authorization for MOA and Q4 2023  
funding

Design start by City Q4 2023

Commission authorization for MOA and Q3 2026  
construction funding

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Construction start by City Q3 2026

In-use date Q4 2028

Cost Breakdown \* This Previous Total Project

Request Authorizations

Design \$317,128 \$232,872 \$550,000

Construction \$0 \$0 \$2,050,000\*

Total \$0 \$0 \$2,600,000

\*Estimated Port of Seattle costs only. City of Seattle's total project cost is approximately \$15-\$20m.

#### ALTERNATIVES AND IMPLICATIONS CONSIDERED

The following alternatives were evaluated pertaining to the 8th Avenue S/Gateway Park N project:

Alternative 1 – Proceed with design, permitting and construction of the bankline habitat restoration work independently of and parallel to the City's public access project.

Cost Implications: \$2,700,000

Pros:

(1) Port maintains control over the contracting, design, and construction of the bankline habitat restoration project.

(2) Depending on timing, Port may have an opportunity to use habitat restoration on the site as mitigation for construction projects with endangered species or wetland impacts.

Cons:

(1) Highest cost alternative; significant costs relative to project scope and benefits.

(2) Significant uncertainties due to permitting, property ownership, and parallel design process for upland public access project.

(3) Inefficiencies in design and construction due to separate upland and in-water projects.

This is not the recommended alternative.

Alternative 2 – Do nothing.

Cost Implications: None

Pros:

(1) Lowest cost alternative; no Port expenditure required.

(2) Resources may be allocated to other bankline habitat restoration projects.

Cons:

(1) Would not fulfill the 8th Ave S/Gateway Park N commitment to the Duwamish Valley community stipulated in the Duwamish Valley Community Benefits Commitment, Resolution 3767 (2019).

This is not the recommended alternative.

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Alternative 3 – Authorize Executive Director to sign Memorandum of Agreement with City of Seattle to provide up to \$500,000 funding and approximately \$50,000 in in-kind support for City-sponsored 8th Avenue S/Gateway Park N project. Authorize additional expense funds to support the permitting and design phase of the project.

Cost Implications:

Current Request: \$317,128

Future Total: \$2,050,000 (pending future request for contribution from City of Seattle and separate Commission authorization)

Pros:

(1) Supports Century Agenda objectives related to equity, diversity and inclusion as well as habitat restoration in the Green-Duwamish Watershed.

(2) Supports a commitment in the Duwamish Valley Community Benefits Agreement (Resolution 3767) to improve habitat and public access on the 8th Avenue South/Gateway Park North site.

(3) Improves efficiency and cost-effective use of public funds compared to stand-alone bankline habitat restoration project alternative constructed in parallel with City project.

(4) Leverage's Port's habitat restoration and permitting expertise to be used in City public access project for community benefit.

(5) Reduces permitting risk and costs relative to stand-alone bankline habitat restoration project alternative due to combined permitting efforts.

Cons:

(1) Port supporting rather than leading the project reduces opportunity for design input; Port does not direct consultant work.

2) Project may not advance to construction if design and permitting phase uncovers fatal flaw.

This is the recommended alternative.

#### FINANCIAL IMPLICATIONS

The following summarizes the cost implications of the recommended alternative, including previous authorizations and the current request. It also reflects future funding authorization requests.

Cost Estimate/Authorization Summary Capital Expense Total

#### COST ESTIMATE

Original estimate \$0 \$0 \$0

#### AUTHORIZATION

Previous authorizations 0 \$232,872 \$232,872

Current request for authorization 0 \$317,128 \$317,128

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Total authorizations, including this request 0 \$550,000 \$550,000

Remaining amount to be authorized (Est.) \$0 ~\$2,050,000 ~\$2,050,000

The current authorization request is for the permitting and design phase only. Further funding authorizations will be needed in the future to support construction of the habitat and public access site.

#### Annual Budget Status and Source of Funds

The Approved 2023 Budget includes \$150,000 for this project and the draft 2024 Budget includes an additional \$250,000 for this project. The project was included in the 2023 Capital Plan under C801270 Gateway Park North with a total project cost of \$2,700,000 (Public Expense).

This project will be funded by the Tax Levy.

#### Financial Analysis and Summary

N/A

#### Future Revenues and Expenses (Total cost of ownership)

If the design and permitting phase is successful and the Port and City choose to proceed with the project, a request for an approximately \$2 million additional contribution from the Port is anticipated, along with approximately \$50,000 in in-kind support, including staff time. Any future project constructed as a result of the present design and permitting effort would be owned and maintained by the City of Seattle.

#### ATTACHMENTS TO THIS REQUEST

(1) Draft Memorandum of Agreement

(2) Presentation

#### PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

N/A

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