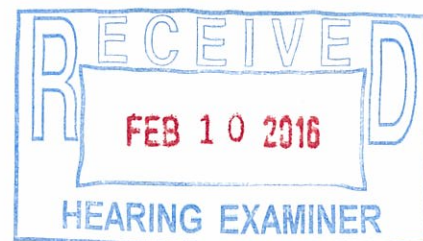


## EXHIBIT LIST

Page 1



**HEARING DATE:** February 18, 2016 at 9:00 a.m.

**FILE NUMBER & NAME:** (124.1357) Jagpal Basra

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	SUBMITTED BY	A	E	W	COMMENT
Ex. 1	Preliminary Staff Report	COT/RPS	X			
Ex. 2	Aerial Maps	COT/RPS	X			
Ex. 3	Ordinance No. 2130	COT/RPS	X			
Ex. 4	Hearing Examiner's Report for SV 124.1299	COT/RPS	X			
Ex. 5	Turnaround Plan Sheet	Petitioner	X			
Ex. 5a	Petitioner Letter, dated December 10, 2015	COT/RPS	X			
Ex. 5b	Real Estate Purchase and Sale Agreement and 1 <sup>st</sup> Amendment	COT/RPS	X			
Ex. 6	PW/Traffic Engineering Comments via email	COT/RPS	X			
Ex. 7	Tacoma Power/Click! comments via email	COT/RPS	X			
Ex. 8	Planning and Development/Site Review Comments via email	COT/RPS	X			
Ex. 9	Comcast Comments via email	COT/RPS	X			
Ex. 10	Tacoma Fire Comment via email	COT/RPS	X			
Ex. 11	Pierce Transit Comment via email	COT/RPS	X			
Ex. 12	Tacoma Water Comment via email	COT/RPS	X			

### KEY

A = Admitted

E = Excluded

W = Withdrawn

# ORIGINAL



## PRELIMINARY REPORT

### PREPARED FOR THE HEARING EXAMINER BY REAL PROPERTY SERVICES

For the Hearing to be Held  
Thursday, February 18, 2016 at 9:00 AM

**PETITIONER: JAGPAL BASRA**

**FILE NO. 124.1357**

#### **A. SUMMARY OF REQUEST:**

Real Property Services has received a petition to vacate the south 200 feet of the alley between Martin Luther King Jr. Way and South J Street, lying between South 10<sup>th</sup> and 11<sup>th</sup> Streets, for a mixed-use development. The area is shown on the attached map, Exhibit 2.

#### **B. GENERAL INFORMATION:**

##### **1. Legal Description of Vacation:**

That portion of the Southwest quarter of the Northeast quarter of Section 05, Township 20 North, Range 03 East, W.M. more particularly described as follows:

The alley abutting Lots 5 through 12, inclusive, Blocks 1020 and 1021, Map of New Tacoma, Washington Territory as recorded February 3, 1875, records of Pierce County Auditor;

Excepting therefrom that portion previously vacated by City of Tacoma Ordinance No. 2130

##### **2. Notification:**

9.22.060 NOTICE OF PUBLIC HEARING The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right of way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 300 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notice shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

**C. PUBLIC NOTICE:**

Real Property Services in conjunction with the City of Tacoma Clerk's office issued the following public notice:

The Public Hearing Notice was posted January 13, 2016 at approximately 10:15 a.m. at locations 1 and 2 described below; the remaining notices were posted in the afternoon of January 13th:

1. Placed yellow public notice sign 130 feet west of the southwest corner of the intersection of South J Street and South 10<sup>th</sup> Street.
2. Placed yellow public notice sign 130 feet east of the northeast corner of Martin Luther King Jr. Way and South 11<sup>th</sup> Street.
3. Public notice memo placed into the glass display case located on the second floor of the Municipal Building abutting the City Clerk's Office.
4. Public notice memo placed into the glass display case located on the first floor of the Municipal building abutting the Finance Department.
5. Public notice memo advertised on the City of Tacoma web site at address:  
<http://www.cityoftacoma.org/page.aspx?nid=596>
6. Public Notice advertised in the Daily Index newspaper.
7. Public Notice mailed to all parties of record within the 500 feet of vacation request.
8. Public Notice advertised on Municipal Television Channel 12.

**D. PURPOSE OF REQUEST:**

The Petitioner plans on acquiring the South 200 feet of the alley between Martin Luther King Jr. Way and South J Street, lying between South 10<sup>th</sup> and 11<sup>th</sup> Streets, for a mixed-use development.

**E. HISTORY:**

The City of Tacoma acquired the alley right of way proposed to be vacated within the Map of New Tacoma, Washington Territory as recorded February 3, 1875, records of the Pierce County Auditor.

A 10 foot section of the alley on each side was previously vacated in July 1904 by City of Tacoma Ordinance No. 2130.

The Martin Luther King Housing Development Authority previously petitioned to vacate this area in 2008 under File No. 124.1299; but, the petition did not make it to 2<sup>nd</sup> and final reading of the ordinance. Hearing Examiner's Report – Exhibit 4

The petitioner is currently purchasing the abutting property from the Washington State Department of Commerce. See Exhibit 5b. The scope of the proposed mixed-use development is described in the letter from Jon Graves architects, dated December 10, 2015. Exhibit 5a and depicted in the plan sheets in Exhibit 15.

**F. PHYSICAL LAND CHARACTERISTICS:**

The subject alley is 20 feet wide and has been improved with asphalt. It is generally level and perpendicular to the abutting streets which slope downhill toward the Foss Waterway. For some time, most of the abutting property has been vacant land; however, there are two buildings northerly of the northwest corner of the proposed vacation area and one at the southeast corner.

**G. APPLICABLE SECTIONS OF THE OFFICIAL CODE OF THE CITY OF TACOMA:**

9.22.010 PETITION TO VACATE AUTHORIZED: The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to RCW 35.79 or the City Council may itself initiate by Resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraisal value of the area vacated; provided that if the street or alley has been a public right of way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total revenue received hereunder shall be devoted to transportation projects in the tide flats area.

9.22.040 PUBLIC'S RIGHT TO TRAVEL – UTILITIES: Vacation of any portion of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public's right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

CRITERIA: Section 9.22.070 of the Official Code of the City of Tacoma. The following criteria have been considered:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035

**Regarding the above Criteria, Real Property Services finds the following:**

1. The vacation is a public benefit because:
  - a. It will return the property to the tax rolls; and
  - b. Facilitate a mixed-use development.
2. City of Tacoma Traffic Engineering has been consulted regarding this petition and does not object to the vacation because the petitioner will dedicate land for a reasonable public turnaround for the remaining public alleyway.
3. The proposed street vacation will not adversely affect future public use because the petitioner will dedicate a turnaround to the City.
4. Traffic Engineering has been consulted, and the proposed vacate area is not contemplated or needed for future public use.
5. No abutting owner becomes landlocked nor will their access be substantially impaired.
6. The vacate area is not close to a body of water as contemplated under RCW 35.79.035.

**H. ADDITIONAL INFORMATION:**

The area to be vacated has not been assessed for sanitary sewers and is subject to a Connection Charge In-Lieu-of-Assessment per T.M.C. 12.08.350. Should the petitioner wish to clear this item from title, please contact Sue Simpson of the Public Works Department, L.I.D. Section, at 591-5529 for the assessment amount. Please note that the ordinance establishing the rate of assessment is updated every few years, and the amount quoted may increase in the future. When the petitioner has submitted a development plan, an in lieu of amount will be computed.

**I. PROJECT RECOMMENDATIONS:**

As part of the City’s review process for street vacation petitions, notice of this application was mailed to various City departments as well as many outside quasi-governmental agencies. These agencies, as noted below, have provided comments and recommended conditions to the Real Property Services Division. These comments, where appropriate, have been incorporated in the “Recommended Conditions of Approval” section of this preliminary report.

- Preliminary Report – Exhibit 1
- Aerial Maps (2) – Exhibit 2
- Ordinance No. 2130 – Exhibit 3
- Previous Hearing Examiner’s Report for SV 124.1299 – Exhibit 4
- Plat Map – Map of New Tacoma (Not Available - too large to scan)
- Turnaround Exhibit - Exhibit 5
- Petitioner Letter, dated December 10, 2015 – Exhibit 5a
- Real Estate Purchase & Sale Agreement and 1<sup>st</sup> Amendment – Exhibit 5b
- Petitioner’s Mix-Use Development Plans – Exhibit 15

Recommended Conditions:

- PW/Traffic Engineering – Exhibit 6
- Tacoma Power/Click! – Exhibit 7
- Planning and Development Services/Site Review – Exhibit 8

Advisory Comments

- Comcast Communications – Exhibit 9
- Tacoma Fire – No Objection – Exhibit 10
- Pierce Transit – No Objection – Exhibit 11
- Tacoma Water – No Objection – Exhibit 12
- PW/LID – No Objection, In-Lieu fee due - Exhibit 13
- Puget Sound Energy – No Objection – Exhibit 14

**J. RECOMMENDED CONDITIONS OF APPROVAL:**

Should this street vacation request be approved, the Real Property Services Division recommends that the following conditions be made conditions of approval for this street vacation petition.

**1. PAYMENT OF FEES**

The petitioner shall compensate the City in an amount equal to the full appraised value of the area vacated. One-half of the revenue received shall be devoted to the acquisition, improvement and maintenance of public open space land and one-half may be devoted to transportation projects and /or management and maintenance of other City owned lands and unimproved rights-of-way. *TMC 9.22.010*

2. PW/TRAFFIC ENGINEERING

- a. Please contact Jennifer Kammerzell at (253) 591-5511 regarding Traffic's comments.
- b. Traffic has no objection; however, the petitioner must dedicate a turnaround to the City, and the area must be free of obstructions.

Note: Per Exhibit 6, the petitioner may be redesigning his mixed use building; but, the turnaround will still be required.

3. CITY EASEMENT RESERVATIONS:

Reservation of a utility easement over the entire vacate area for the City of Tacoma for maintenance, repair, construction, and replacement of existing and future above ground and underground utilities.

Note: This reservation is required to cover Tacoma Power and Click! Network comments.

4. PLANNING AND DEVELOPMENT SERVICES/SITE REVIEW

- a. Please contact Larry Criswell at (253) 591-5787 regarding Site Review's comments.
- b. Site Review has no objection; however:
  - A) South 11<sup>th</sup> Street Sanitary extension
    - Drop a new manhole (see diagram) to extend the sanitary west to the J-street sanitary system.
    - Sanitary extension needs to be offset 10-feet from the water line.
    - It may be necessary to add an additional manhole in the S. 11<sup>th</sup> and J Street intersection to connect to the J-street sanitary system – depending on where the existing J-street manhole is located relative to the waterline and extension crossing.
    - Restore the road (approximately 2 lanes due to the location of the new sanitary line) to current standards.
  - B) Intersection of South 11<sup>th</sup> Street and J Street
    - The sanitary line extension and road restoration impacts ½ of the intersection, so remove and replace curb ramps at the NW, NW, SE and SW corners of the intersection to current standards.
  - C) Alley sanitary line
    - If the alley is partially vacated, drop a manhole in the alley (approximately 150-feet from the S. 10<sup>th</sup> Street manhole). The sanitary line in the vacated portion of the alley will need to be abandoned between the new manhole and S. 11<sup>th</sup> Street.
  - D) Stormwater requirements per the 2012 SWMM.
  - E) Rights of Way Restoration per the policy as adopted by Tacoma June 2009.
    - For new improvements, 4' from face of curb to saw cut line.
    - Saw cut cannot be in wheel path of lane.



- Paving to current standards.
- F) Side Sewer and Sanitary Sewer Availability Manual.
- G) Copy of Monument Removal Permit from Professional Land Surveyor for any monuments disturbed per WAC 332-120-030(2).
- I) Requirements per the 2004 Design manual
- J) ADA Compliance shall be in accordance with CFR 28, Part 35 as supplemented by the Public Works Rights of Way Accessibility Guidelines (PROWAG).

**K. ADVISORY COMMENTS:**

5. COMCAST

- a. Please contact Aaron Cantrel at (253) 864-4281 regarding Comcast's comments.
- b. Comcast has no objection; however, Comcast has its facilities attached to TPU poles in this vacation area. Their easement is protected by the Master Pole Agreement with TPU and the Cable Act. Any relocation will be at the developer's/owner's expense.

6. NO OBJECTION

- a. No objection or additional comment was received from Tacoma Fire, Pierce Transit and Tacoma Water.

7. PW/LID

- a. Please contact Sue Simpson at (253) 591-5529 regarding LID's comments. LID has no objection; however, the petitioner must pay in the In-Lieu assessment of \$1,445.00 at this time or at time of development. If the petitioner chooses to wait, the amount due may increase.

8. PUGET SOUND ENERGY (PSE)

- a. Please contact Marilynn Danby at 253-476-6451 regarding PSE's comments.
- b. PSE has an existing 4 " steel main gas line (in casing) running from South 10 Street southerly along the alley for approximately 93 feet. It appears it stops just before the proposed vacate area (the south property line of 1007 Martin Luther King Way). Therefore since we have no facilities south of this property line – we have no objection to the vacate.

ATTACHMENT: Vacation Jacket containing all pertinent maps and papers.





ORDINANCE NO. 2130

By Hawley.

An ordinance reducing the alley lying between blocks 1020 and 1021, between "J" Street and "K" Street, in the City of Tacoma, to 20 feet in width, and vacating a portion thereof.

WHEREAS the owners of more than two-thirds of the property abutting upon the alley hereinafter described did, on May 18th, 1904, petition the City Council of the City of Tacoma to reduce the width of said alley to 20 feet and vacate a part thereof; and

WHEREAS said petition was regularly set for hearing for June 29th, 1904, and due and legal notice thereof has been given; and

WHEREAS, on said 29th day of June, 1904, at a regular meeting of said City Council, there being no objections made by anyone, and thereafter said City Council did decide to grant said petition; no therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the alley between Block 1020 and Block 1021, between "J" Street and "K" Street, in the City of Tacoma, be reduced to 20 feet in width; and that there be and is hereby vacated a strip of land 10 feet in width on each side of said alley, and the land so vacated is hereby surrendered and attached to the blocks above described which are bordering thereon respectively, as a part thereof, and all right or title of the City of Tacoma and of the Public in and to said portions of said alley so vacated shall and does hereby vest in the owners of said blocks on each side thereof as provided by chapter 84, pages 175 and 176, Laws of Washington, 1901.

Passed July 13 1904.

Attest:

L. W. Roys  
City Clerk

**Exhibit 3**

E. A. Koice

President of City Council.

Approved: July 14 1904.

**OFFICE OF THE HEARING EXAMINER**

**CITY OF TACOMA**

**REPORT AND RECOMMENDATION**

**TO THE CITY COUNCIL**

**FILE NO:** 124.1299

**PETITIONER:** Martin Luther King Housing Development Association

**SUMMARY OF REQUEST:**

A petition to vacate a portion of the air rights over that portion of the alleyway lying between South 10<sup>th</sup> Street and South 11<sup>th</sup> Street bounded by Martin Luther King Jr. Way and South "J" Street.

**RECOMMENDATION OF THE HEARING EXAMINER:**

The request is hereby recommended for approval, subject to conditions.

**PUBLIC HEARING:**

After reviewing the report of the Department of Public Works, examining available information on file with the petition, and visiting the subject site and the surrounding area, the Hearing Examiner conducted a public hearing on the petition on October 16, 2008.

## FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

### FINDINGS:

1. Martin Luther King Housing Development Association (MLKHDA) is requesting the vacation of air rights over a portion of the alley extending from South 10<sup>th</sup> Street to South 11<sup>th</sup> Street and lying between Martin Luther King Jr. Way and South "J" Street and more particularly described as follows:

Vacating a portion of air rights over Lots 5 through 12, Block 1021 and Lots 5 through 12, Block 1020, as contained within the plat of MAP OF NEW TACOMA, WASHINGTON TERRITORY, which was filed for record on February 3, 1875, records of Pierce County Washington, also inclusive of previous City of Tacoma Vacation Ordinance 2130, passed on July 13, 1904.

Said air rights shall begin at a minimum elevation of 20.0 feet above the finished grade of the alleyway based on City of Tacoma Datum, as determined by the City Engineer.

All land situate in the Northeast Quarter of Section 5, Township 20 North, Range 3 East, W.M..<sup>1</sup>

2. MLKHDA is proposing to develop a mixed use building on the east side of Martin Luther King Jr. Way. The building is proposed to bridge over the portion of the alley described above and extend onto another parcel of land located on the west side of South "J" Street. The proposed mixed use building would provide clearance above the alley surface of a minimum of 20 feet.<sup>2</sup> Present plans for the building envision a 60-foot high structure containing approximately 40,000 square feet of retail space, 100,000 square feet of office space, 17 to 30 Work Force housing units, and 113,000 square feet of off-street parking.

3. The Upper Tacoma Commercial District in which the MLKHDA mixed use development is proposed is an area that has seen some deterioration over the years and has little new development or other private investment. In order to stimulate development in the Upper Tacoma Commercial District, the state of Washington provided MLKHDA with a \$4 million grant for the project, along with a \$400,000 loan for remediation of contaminated soils on the site. Additionally, the federal Environmental Protection Agency has provided \$200,000 for environmental review.

4. The vacation petition presented represents a 100 percent joinder by owners of property abutting the alley air rights proposed for vacation.

<sup>1</sup> The foregoing legal description reflects the revised condition agreed to between MLKHDA and City of Tacoma, Department of Public Works, Environmental Services. See Finding 9.

<sup>2</sup> See Finding 10.

5. The alley right-of-way in question was dedicated for public alley purposes when the plat of MAP OF NEW TACOMA, WASHINGTON TERRITORY was filed for public record on February 3, 1875.

6. The subject alley right-of-way has a width of 20 feet, is generally flat, is improved with an asphalt surface, provides alley access to abutting properties, and is occupied by various utilities.

7. The air rights vacation sought by MLKHDA would not affect the use of the alley for public access purposes; however, some utility adjustments may be required. See conditions recommended herein. In the latter regard, for example, MLKHDA represents that it has engaged in substantial discussions with Tacoma Power concerning the existing aerial power lines located in the alley right-of-way and as a result of those discussions, is planning to place the aerial lines located within the alley underground.

8. The vacation request of MLKHDA has been reviewed by a number of governmental agencies and utility providers. The Department of Public Works, Environmental Services, objects to the approval of the requested air rights vacation unless MLKHDA relocates the public sewer that would be underneath MLKHDA's building as it bridges the alley. The Department of Works' Review Panel presents the same position. Exhibit 1 at 5 and 6 and Attachment B and F. Tacoma Power notes that it has aerial distribution lines and transmission in the alley and MLKHDA would either have to design its building to maintain required separation from Tacoma Power's equipment or relocate the lines or convert them to underground. Exhibit 1 at 5 and Attachment C. Both Puget Sound Energy and Comcast Communications both advise that they have utilities in the alley right-of-way but do not request any conditions. Exhibit 1 at 5 and Attachment D and E. Finally, the Department of Public Works advises that pursuant to *Tacoma Municipal Code (TMC) 9.22.010* MLKHDA would be required to pay to the City an amount of monies equal to the fair market value of the air rights.

9. The hearing record was left open until November 7, 2008, to permit MLKHDA an opportunity to discuss with the Department of Public Works, Environmental Services, Engineering Division's (Environmental Services) minimum clearance requirements above the City's existing sewer facilities in the alley and further discuss the conditions recommended in that regard. MLKHDA and Environmental Services have reached agreement on a condition that would provide a minimum building clearance of 20 feet above the alley surface in order to ensure adequate clearance for maintenance of sewer facilities located in the alley. Exhibit 3.

10. MLKHDA concurs in all conditions recommended, including the amended condition discussed in Finding 9 above, and further acknowledges its obligation to compensate the City for the air rights vacated.

11. No one appeared at hearing opposing MLKHDA's air rights vacation request. The pastor of a nearby church appeared in support of MLKHDA's petition and made inquiry as to the consequences in terms of air rights vacation should MLKHDA not proceed with its proposed mixed use project.

12. The requested vacation will provide a public benefit to the extent that it will return the unused air rights to the tax rolls of Pierce County.<sup>3</sup> In addition, the air rights vacation will allow a project within an area of the City which has suffered from a lack of private investment and development and for which both state and federal agencies have determined to be of importance to the area evidenced by substantial grants of public funds to facilitate such development.

13. The proposed air rights vacation, since it would not affect the surface use of the alley, would not adversely affect the street pattern or traffic circulation in the immediate area or the community as a whole.

14. The public need would not be adversely affected and the right-of-way is not contemplated or needed for future public use, provided the conditions recommended herein are complied with by the applicant, particularly those relating to the relocation or maintenance of existing utilities located within the alley.

15. No abutting property would become landlocked or have its access substantially impaired as a result of the air rights vacation.

16. The right-of-way neither abuts, nor is proximate to a body of water and, thus, the provision of RCW 35.79.035 are not implicated.

17. Pursuant to WAC 197-11-800(2)(h), the vacation of streets or roads is exempt from the threshold determination and Environmental Impact Statement requirements of RCW 43.21.C, the *State Environmental Policy Act (SEPA)*.

18. The DPW Preliminary Report, as entered into this record as Exhibit 1, accurately describes the proposed project, general and specific facts about the site and area, and applicable codes. The report is incorporated herein by reference as though fully set forth.

19. All property owners of record and adjacent to the proposed vacation have been notified of the October 11, 2007, hearing at least 30 days prior to the hearing, as required by *Tacoma Municipal Code (TMC)* 9.22.060 and all required posting of notices for the hearing have been accomplished.

20. Any conclusion hereinafter stated which may be deemed to be a finding herein is hereby adopted as such.

#### **CONCLUSIONS:**

1. The Hearing Examiner has jurisdiction over the parties and subject matter in this proceeding. See *TMC* 1.23.050.A.5 and 9.22.

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<sup>3</sup> The term "public benefit" as used in the street vacation context is construed broadly and may include the enrichment of the local economy, the facilitating of the providing goods and services to the community, and increasing property tax revenues. *Banchemo v. City Council of Seattle*, 2 Wn. App. 519, 524, 468 P.2d 724 (1970).



2. Proceedings involved in the consideration of petitions for the vacation of public rights-of-way are quasi judicial in nature. *State v. City of Spokane*, 70 Wn.2d 207, 442 P.2d 790 (1967).

3. Petitions for the vacation of public right-of-way are reviewed for consistency with the following criteria:

1. The vacation will provide a public benefit, and/or will be for public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes land-locked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That the vacation of right-of-way shall not be in violation of *RCW* 35.79.035.

*TMC* 9.22.070.

4. The petitioner must demonstrate by a preponderance of the evidence that its vacation request conforms to the foregoing criteria. *See TMC* 1.23.070.

5. Findings entered herein, based upon substantial evidence in the hearing record, support a conclusion that the requested air rights vacation conforms to the criteria for the vacation of street rights-of-way. *See* Conclusion 3.

6. Accordingly, the requested air rights vacation should be approved subject to the following condition:

**A. SPECIAL CONDITION:**

1. PUBLIC WORKS, ENVIRONMENTAL SERVICES

- a. The underside of the proposed building shall be constructed with a minimum of 20-feet of clearance above all parts of the alley.

2. TACOMA POWER

- a. Tacoma Power has 7.2/12.5 aerial distribution in the alley, with overhead transformers, aerial triplex/quad services. Tacoma Power shall maintain air rights and developer shall be required to maintain distances of 10 feet from aerial any conductors per NESC and Tacoma Power Standards, unless such facilities are relocated or converted to underground. Any relocation or conversion of Tacoma Power facilities shall be at owner or developer expense. Placement of any new facilities shall be on private property for pad mount equipment.

3. PUGET SOUND ENERGY

- a. Puget Sound Energy (PSE) does have gas main within the proposed vacated area; however, it will not be affected by vacating air rights. PSE has no objection to the vacate of air rights as long as the gas lines are not distributed within any foundations.

4. PUBLIC WORK REVIEW PANEL

- a. The petitioner shall obtain approval of Solid Waste Utility relative to solid waste pick-up for the proposed development.

**B. USUAL CONDITIONS:**

1. THE RECOMMENDATION SET FORTH HEREIN IS BASED UPON REPRESENTATIONS MADE AND EXHIBITS, INCLUDING DEVELOPMENT PLANS AND PROPOSALS, SUBMITTED AT THE HEARING CONDUCTED BY THE HEARING EXAMINER. ANY SUBSTANTIAL CHANGE(S) OR DEVIATION(S) IN SUCH DEVELOPMENT PLANS, PROPOSALS, OR CONDITIONS OF APPROVAL IMPOSED SHALL BE SUBJECT TO THE APPROVAL OF THE HEARING EXAMINER AND MAY REQUIRE FURTHER AND ADDITIONAL HEARINGS.
2. THE AUTHORIZATION GRANTED HEREIN IS SUBJECT TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, REGULATIONS, AND ORDINANCES. COMPLIANCE WITH SUCH LAWS, REGULATIONS, AND ORDINANCES IS A CONDITION PRECEDENT TO THE APPROVALS GRANTED AND IS A CONTINUING REQUIREMENT OF SUCH APPROVALS. BY ACCEPTING THIS/THESE APPROVALS, THE PETITIONER REPRESENTS THAT THE DEVELOPMENT AND ACTIVITIES ALLOWED WILL COMPLY WITH SUCH LAWS, REGULATIONS, AND ORDINANCES. IF, DURING THE TERM OF THE

APPROVAL GRANTED, THE DEVELOPMENT AND ACTIVITIES PERMITTED DO NOT COMPLY WITH SUCH LAWS, REGULATIONS, OR ORDINANCES, THE PETITIONER AGREES TO PROMPTLY BRING SUCH DEVELOPMENT OR ACTIVITIES INTO COMPLIANCE.

7. Accordingly, the vacation petition should be granted, subject to conditions set forth in Conclusion 6 above.

8. Any finding hereinbefore stated which may be deemed to be a conclusion herein is hereby adopted as such.

**RECOMMENDATION:**

The vacation request is hereby recommended for approval, subject to conditions contained in Conclusion 6.

**DATED** this 12<sup>th</sup> day of November, 2008.

  
\_\_\_\_\_  
**RÓDNEY M. KERSLAKE, Hearing Examiner**

COPY

## NOTICE

### RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION

#### RECONSIDERATION:

Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the office of the Hearing Examiner requesting reconsideration of a decision/recommendation entered by the Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Examiner's decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code 1.23.140*)

#### APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:

Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Examiner is based on errors of procedure, fact or law shall have the right to appeal the recommendation of the Examiner by filing written notice of appeal with the City Clerk, stating the reasons the Examiner's recommendation was in error.

**Appeals shall be reviewed and acted upon by the City Council in accordance with *TMC 1.70*.**

#### GENERAL PROCEDURES FOR APPEAL:

The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections heretofore cited:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
2. Any person who desires a copy of the electronic recording must pay the cost of reproducing the tapes. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.



City of Tacoma  
Hearing Examiner

November 12, 2008

Troy Stevens  
City of Tacoma  
Real Property Services.  
747 Market Street, Rm. 737  
Tacoma WA 98402

Martin Luther King Housing Development Assoc.  
ATTN: Dennis Flannigan  
1147 Tacoma Avenue  
Tacoma WA 98402

Re: Vacation Petition (Air Rights over Alley) File No. 124.1299

Enclosed please find your copy of the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation to the Tacoma City Council as a result of a hearing held on October 16, 2008.

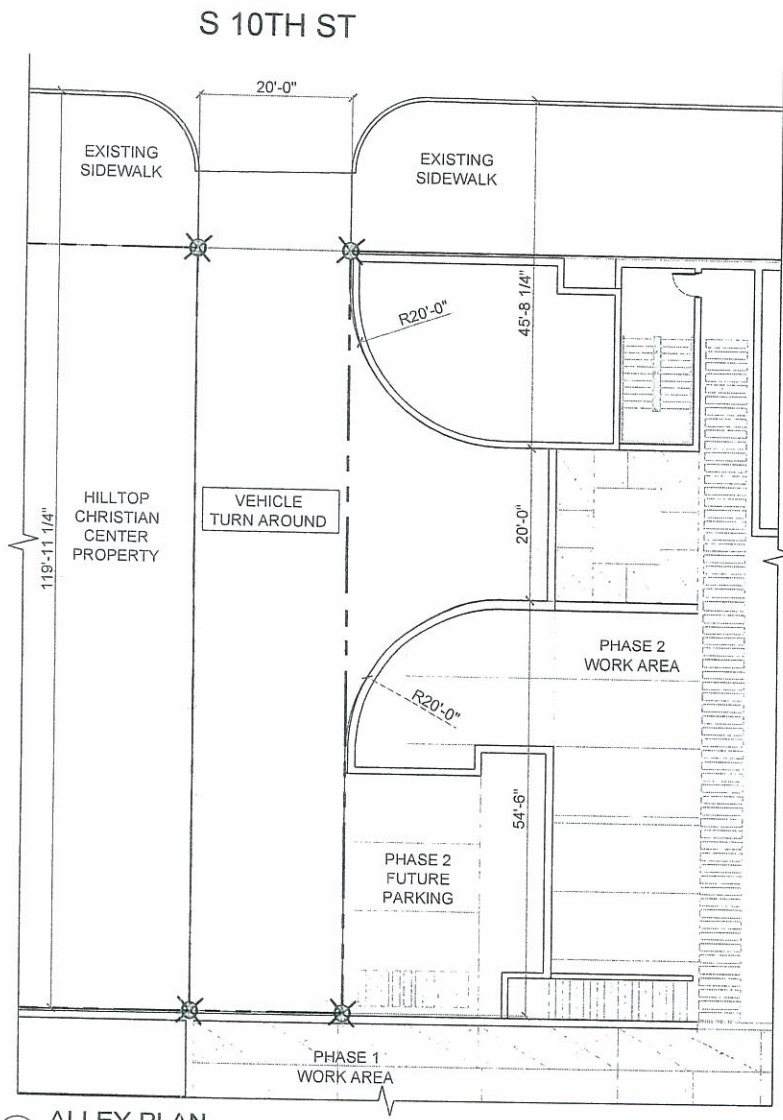
LOUISA LEGG  
Administrative Legal Secretary

Enclosure

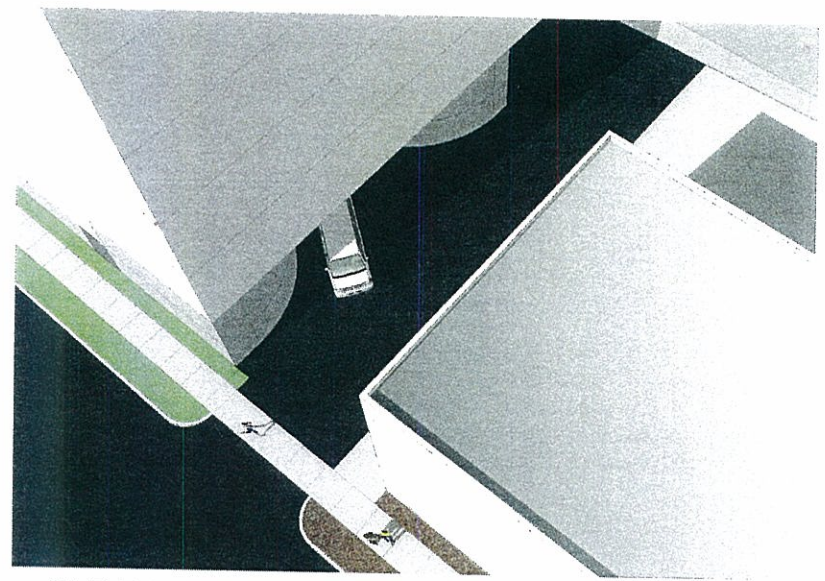
Cc: City Clerk (Clerk's Jacket)

Legal Department, Civil Division, City of Tacoma (T. Kropelnicki)  
Department of Public Works, City of Tacoma (Env. Svcs. Eng./Todd Ward)  
Department of Public Works, City of Tacoma (Solid Waste Mgmt./R. Coyne)  
Department of Public Works, City of Tacoma (BLUS/C. Haynes-Castro)  
Department of Public Works, City of Tacoma (Construction/LID/S. Simpson)  
Tacoma Fire Department, City of Tacoma (Carl Anderson, P.E.)  
Tacoma Power, City of Tacoma (Transmission & Distribution/J. Martinson)  
Tacoma Water, City of Tacoma (R. Oster)  
CEDD, City of Tacoma (L. Wung)  
Pierce County Assessor-Treasurer (Sally Barnes)  
Comcast, ATTN: Aaron Cantrel, 410 Valley Ave. NW, STE 12 (Bldg C),  
Puyallup, WA 98371  
Puget Sound Energy, Inc., ATTN: Marilyn Danby, R-o-W Representative II,  
3130 S. 38<sup>th</sup> Street, Tacoma, WA 98409  
Pana Mamea 1016 S. 10<sup>th</sup> Street Tacoma WA 98405  
747 Market Street, Room 720 ■ Tacoma, Washington 98402-3768 ■ (253) 591-5195 ■ Fax (253) 591-2003

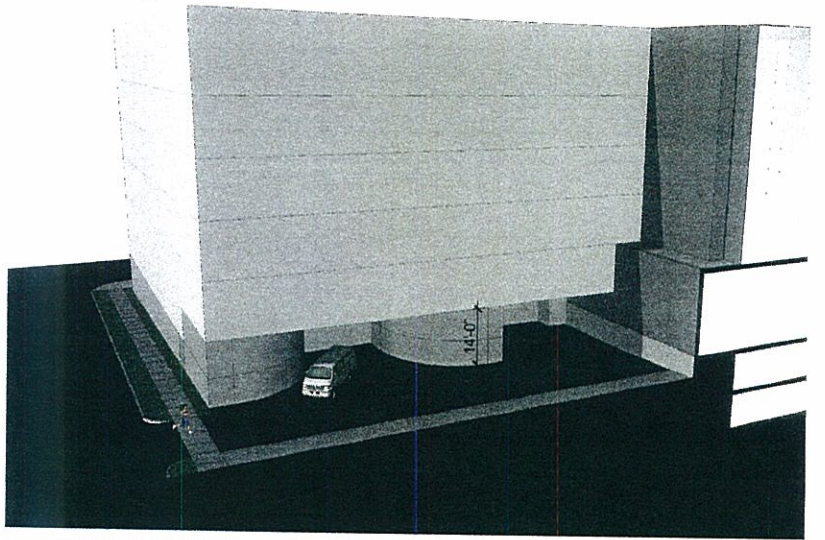




① ALLEY PLAN  
SCALE: 1/16" = 1'-0"



② ALLEY PERSPECTIVE  
SCALE: N.T.S.



③ ALLEY PERSPECTIVE  
SCALE: N.T.S.

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**JON GRAVES ARCHITECTS & PLANNERS**

3110 RUSTON WAY, SUITE E  
TACOMA, WA 98402  
Ph: 253-272-4214  
FAX: 253-272-4218



MARTIN LUTHER KING JR MIXED-USE  
1023 MARTIN LUTHER KING JR. WAY  
TACOMA, WASHINGTON 98402

PROJECT	1509
DRAWN BY	JM
PM	BC
DATE	
GROUP	DIAGRAMS

Sheet:  
**EX1**

## Stevens, Troy

---

**From:** Kidd, Brennan  
**Sent:** Tuesday, February 09, 2016 7:21 AM  
**To:** Stevens, Troy; Kammerzell, Jennifer  
**Subject:** RE: MLK Alley Sketch

Troy,

Jennifer's concluding email/remarks that you provided represent Traffic Engineering's position on the final proposal for the turnaround. However, from a follow-up meeting (1/21/16) we had with the applicant, it seemed that the vacation of alley might have a different purpose in their latest site planning. That new purpose of it simply being to provide land for their current/future development, rather than the alley needing to also serve as access, seemed to be the aim. That perceived plan was contingent on other access provisions to/from the site being approved by Planning and Public Works—the status of which is unknown to me at this time. Sorry to throw a wrench into the works, and maybe Jennifer can clarify further or confirm (we were both in the meeting I'm referring to).

Brennan

---

**From:** Stevens, Troy  
**Sent:** Monday, February 08, 2016 11:36 AM  
**To:** Kammerzell, Jennifer; Kidd, Brennan  
**Subject:** FW: MLK Alley Sketch  
**Importance:** High

Jennifer and Brennan,

I'm in the process of putting together my HEX report for the Basra HEX hearing on the 18<sup>th</sup>. It's due this Wednesday. We had A LOT of email traffic on the turnaround. I want to make sure I have your comments dialed in.

The latest email I have from Jon is below and I've attached your most recent email comments.

Thank you for your help,

### Troy Stevens

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

---

**From:** Jon Graves [<mailto:jcgraves@jgarchs.com>]  
**Sent:** Friday, January 08, 2016 12:02 PM  
**To:** Stevens, Troy  
**Cc:** Beard, Patricia  
**Subject:** FW: MLK Alley Sketch

**Exhibit 6**



Sorry it took so long to get this off. Attached is the turn around configuration proposed for the alley. The location of the turn out is slightly north of where Traffic Engineering diagram placed it. This would allow alignment with the probable grid layout for the future expansion. You can see from our diagram and the massing study that we would like to preserve the ability to build over the dedicated turn out. The loss of the area is simply too impactful for us should we loose rights to the areas over head. Can we craft a dedication that preserves the ability to use the area above and potentially below the turn out? There is actually one level of parking below the alley level as well.

I assume we are okay to continue this dialogue through the 12<sup>th</sup> and that any final details can be worked out moving forward?

Troy,

I believe you had conveyed to me that the work to get the property legals changed for the vacated part of the alley; the legal dedication of this part of the property; and the Owner's signature on easements for the power and cable could happen forward of the 12<sup>th</sup>. Could you also confirm the time of the council meeting for me?

Thanks.

Jon

**Jon Graves** | Principal in Charge & Project Architect  
**JON GRAVES ARCHITECTS**

3110 Fusion Way Suite E  
Tacoma, WA 98402  
P (253) 272-4214

This message, including any attachments, is privileged and may contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

## Stevens, Troy

---

**From:** Kammerzell, Jennifer  
**Sent:** Monday, January 11, 2016 11:39 AM  
**To:** Kidd, Brennan; Stevens, Troy  
**Subject:** RE: MLK Alley Sketch

Hi Troy,

Traffic has reviewed the proposed design and the modified turnaround would meet traffic's needs. The area of the turnaround will need to be available to the public for turnaround (through easement) with no obstructions.

If you have any questions, please let me know.

*Jennifer Kammerzell*

Senior Engineer  
City of Tacoma Public Works Engineering

---

**From:** Kidd, Brennan  
**Sent:** Monday, January 11, 2016 9:13 AM  
**To:** Stevens, Troy; Kammerzell, Jennifer  
**Subject:** RE: MLK Alley Sketch

Other than the width not being the prescribed 24 feet, which we might be able to work with, the sketch seemed to be meeting the intent of the standard branch turn-around design from the Manual.

Jennifer – did you see anything troubling?

Brennan

---

**From:** Stevens, Troy  
**Sent:** Friday, January 08, 2016 3:22 PM  
**To:** Kidd, Brennan; Kammerzell, Jennifer  
**Subject:** FW: MLK Alley Sketch

FYI

---

**From:** Jon Graves [<mailto:jcgraves@jgarchs.com>]  
**Sent:** Friday, January 08, 2016 12:02 PM  
**To:** Stevens, Troy  
**Cc:** Beard, Patricia  
**Subject:** FW: MLK Alley Sketch

Sorry it took so long to get this off. Attached is the turn around configuration proposed for the alley. The location of the turn out is slightly north of where Traffic Engineering diagram placed it. This would allow alignment with the probable grid layout for the future expansion. You can see from our diagram and the massing study that we would like to preserve the ability to build over the dedicated turn out. The loss of the area is simply too impactful for us should we loose rights to the areas over head. Can we craft a dedication that preserves the ability to use the area above and potentially below the turn out? There is actually one level of parking below the alley level as well.

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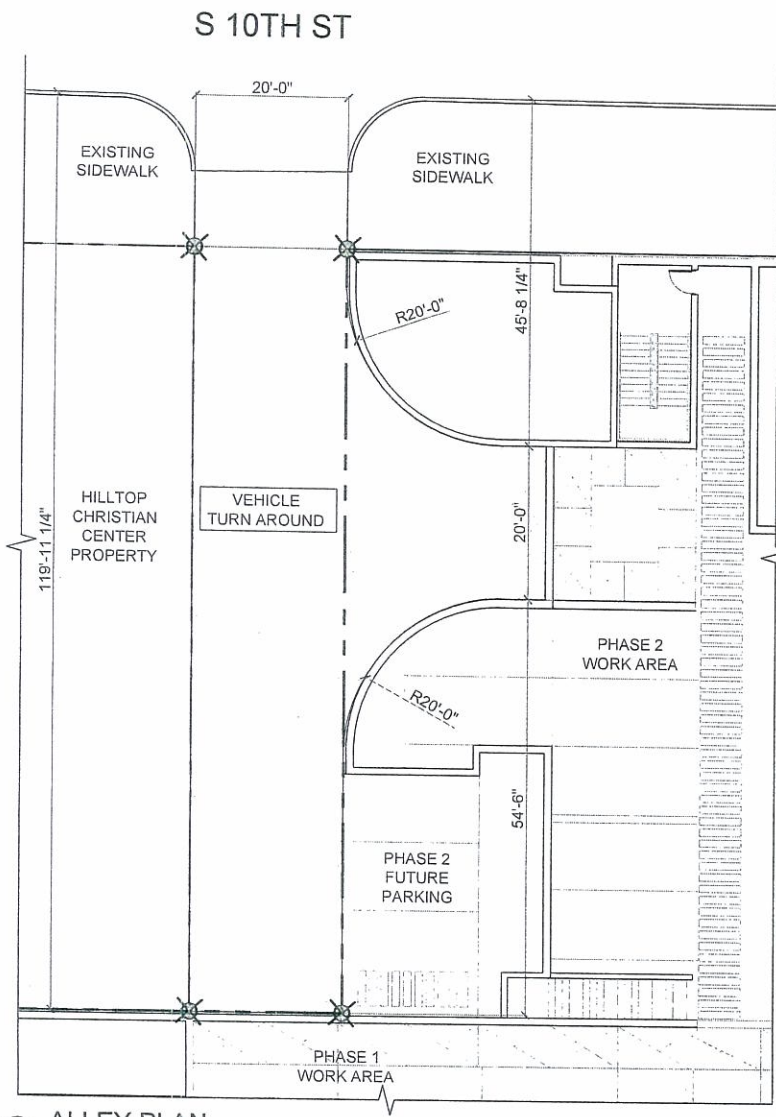
Thanks.

Jon

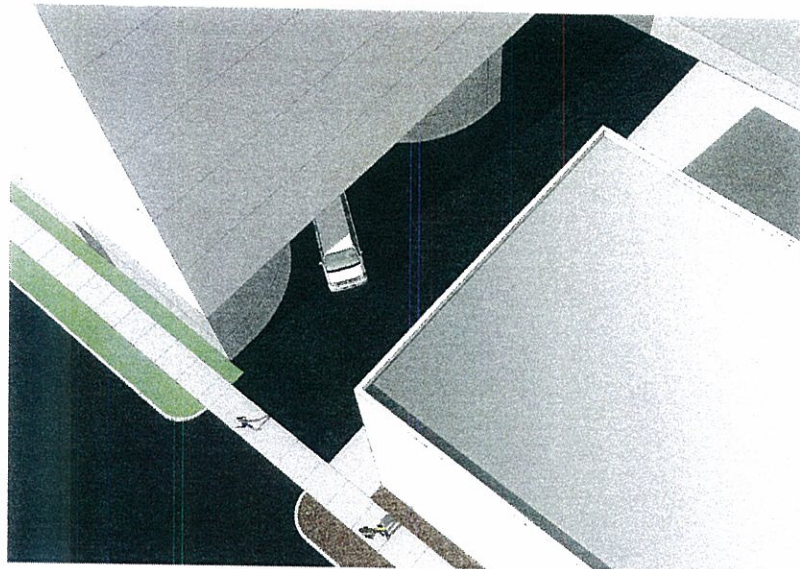
**Jon Graves** | Principal in Charge & Project Architect  
**JON GRAVES ARCHITECTS**

5110 Ruston Way, Suite E  
Tacoma, WA 98402  
P (253) 272-4214

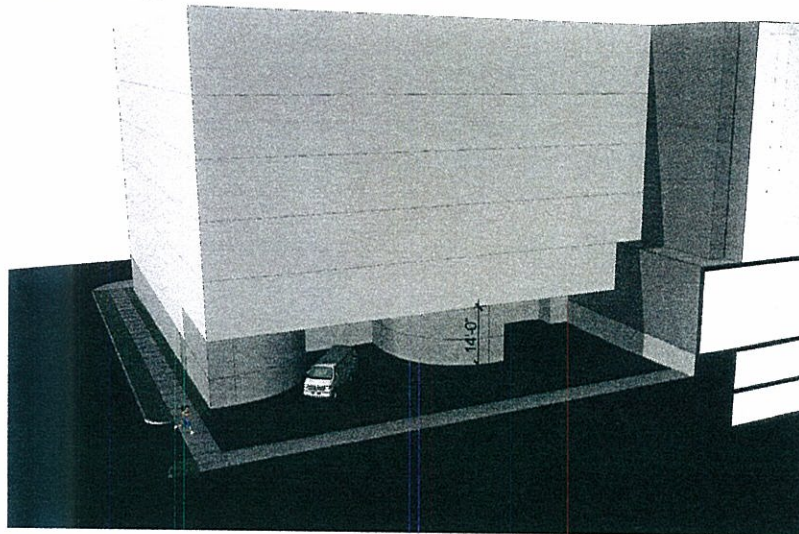
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1 ALLEY PLAN  
SCALE: 1/16" = 1'-0"



2 ALLEY PERSPECTIVE  
SCALE: N.T.S.



3 ALLEY PERSPECTIVE  
SCALE: N.T.S.

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FAX: 253-272-4218



MARTIN LUTHER KING JR  
MIXED-USE  
1023 M.L.K. JR. WAY  
TACOMA WASHINGTON 98402

PROJECT 1509

DRAWN BY JM

PM BC

DATE

GROUP DIAGRAMS

Sheet:  
**EX1**

## Stevens, Troy

---

**From:** Horodyski, Greg  
**Sent:** Tuesday, February 09, 2016 4:59 PM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Yes I can confirm that. We have already had some conversations with them so it shouldn't be a surprise.

Gregory J Horodyski, P.E.  
Tacoma Power | Central Business District  
253-502-8557

---

**From:** Stevens, Troy  
**Sent:** Monday, February 08, 2016 11:55 AM  
**To:** Horodyski, Greg  
**Subject:** FW: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Hi Greg,

I would like to confirm that you would like me to reserve an easement in the ordinance and then the petitioner will need to contact/work with TPU when the easement can be released.

Thank you,

### Troy Stevens

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

---

**From:** Horodyski, Greg  
**Sent:** Monday, September 28, 2015 4:08 PM  
**To:** Stevens, Troy  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Troy,

I apologize for the tardiness, I drafted the email last week but didn't hit send.

Our response is as follows: Tacoma Power and Click Network have no objections to the proposed street vacation providing all existing Tacoma Power/Click Network facilities are relocated and re-energized prior to the completion of the street vacation.

Tacoma Power has previously submitted a rough estimate/ design to the Jody Miller Construction describing what needs to be installed for Tacoma Power. That communication did not include any Click costs.

Let me know if you need anything else.

Gregory J Horodyski, P.E.  
Professional Engineer, Tacoma Power  
Central Business District  
[ghorodyski@cityoftacoma.org](mailto:ghorodyski@cityoftacoma.org)  
253-502-8557  
Tacoma Public Utilities  
3628 South 35<sup>th</sup> Street  
Tacoma, WA 98409-3192  
[www.mytpu.org](http://www.mytpu.org)

## Stevens, Troy

---

**From:** Fletcher, Gloria  
**Sent:** Tuesday, September 29, 2015 10:31 AM  
**To:** Horodyski, Greg  
**Cc:** Barrutia, Rich; Price, Richard; Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Thanks Greg and Rich,

Troy – assume you will reserve an easement with relocation conditions for both Tacoma Power and Click!.

Thanks,  
-Gloria

---

**From:** Horodyski, Greg  
**Sent:** Tuesday, September 29, 2015 10:15 AM  
**To:** Fletcher, Gloria  
**Cc:** Barrutia, Rich  
**Subject:** FW: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Per your phone inquiry today.

Gregory J Horodyski, P.E.  
Tacoma Power | Central Business District  
253-502-8557

---

**From:** Horodyski, Greg  
**Sent:** Monday, September 28, 2015 4:08 PM  
**To:** Stevens, Troy  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Troy,

I apologize for the tardiness, I drafted the email last week but didn't hit send.

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Tacoma Power has previously submitted a rough estimate/ design to the Jody Miller Construction describing what needs to be installed for Tacoma Power. That communication did not include any Click costs.

Let me know if you need anything else.

Gregory J Horodyski, P.E.  
Professional Engineer, Tacoma Power  
Central Business District  
[ghorodyski@cityoftacoma.org](mailto:ghorodyski@cityoftacoma.org)  
253-502-8557  
Tacoma Public Utilities

## Stevens, Troy

---

**From:** Criswell, Larry  
**Sent:** Monday, September 28, 2015 8:37 AM  
**To:** Stevens, Troy  
**Subject:** VAC of alley - comments from Site Review : 1023 MLK offsite improvements  
**Attachments:** Offsite requirements for 1023 MLK JR Way 9-4-2015.pdf; DownstreamSection[1].pdf

Troy,

See comments from below.

Larry Criswell

Construction Engineer  
Site Review  
Production and Delivery Center Division  
City of Tacoma, Planning and Development Services  
253-591-5787

---

**From:** Brock, Stephanie  
**Sent:** Friday, September 04, 2015 4:48 PM  
**To:** [bchilds@jgarch.com](mailto:bchilds@jgarch.com); [jcgraves@jgarchs.com](mailto:jcgraves@jgarchs.com)  
**Cc:** Beard, Patricia; Criswell, Larry  
**Subject:** 1023 MLK offsite improvements

Hi Ben,

Attached below is the list of updated offsite improvements based on our last meeting. The items listed below correspond to the items illustrated on the attached drawing.

I've also attached the downstream conveyance analysis for the Community Health project. However, it may not be much help because it is for a different conveyance system.

Please let me know if you have any more questions or need further clarification.

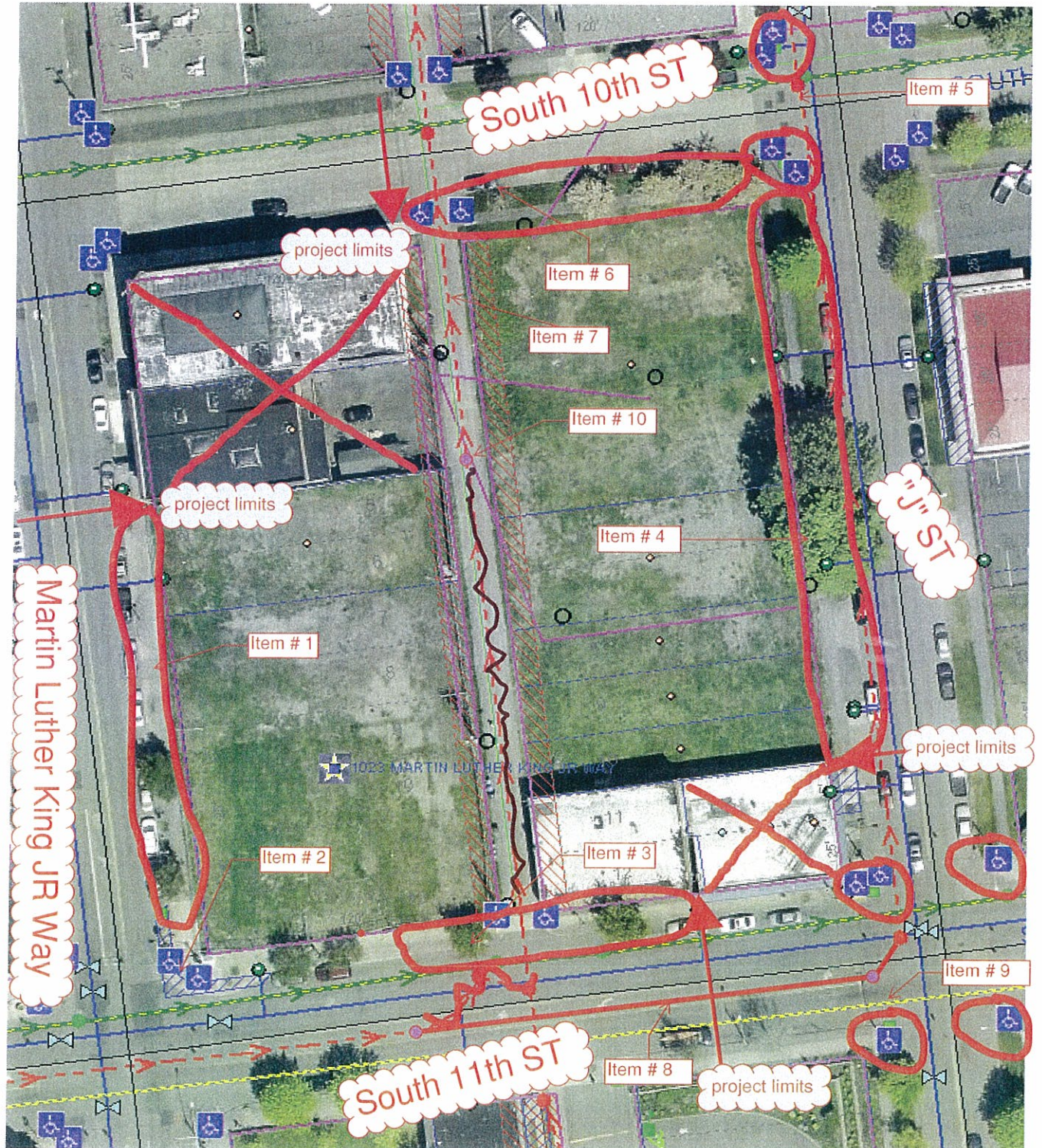
1. Martin Luther King JR Way
  - Remove and replace sidewalk, curb and gutter to current standards along the East side of MLK Jr Way.
  - Remove existing trees and replant per Tacoma's approved list.
2. South 11<sup>th</sup> ST & MLK Jr Way
  - New Detectable Warning Surfaces are to be installed at the NW and NE corners of the intersection per Tacoma Standard Plan SU-05G.
3. South 11<sup>th</sup> ST
  - Remove and replace sidewalk, curb and gutter to current standards along the North side of 11<sup>th</sup> ST.
  - Match into existing alignment and grade on the West and East limits.
  - If the alley is vacated, install driveway to current standards.
  - If the alley is not vacated, install alley approach to current standards.
4. South "J" ST
  - Remove and replace sidewalk, curb and gutter to current standards along the West side of "J" ST.
  - Remove existing trees and replant per Tacoma's approved list.



5. South 10<sup>th</sup> & "J" ST
  - Remove and replace curb ramps at the NW and SW corners of the intersection to current standards.
6. South 10<sup>th</sup> ST
  - Remove and replace sidewalk to current standards along the South side of 10<sup>th</sup> ST.
  - If the alley is vacated, install driveway to current standards.
  - If the alley is not vacated, install alley approach to current standards.
7. If alley vacation is not a complete vacation, a turnaround will need to be done.
  - Dedication for Rights of Way shall be needed.
  - Requirements meeting Fire Department and Traffic Engineering per the 2004 Design Manual.
  - Pave the alley and install alley approach to current standards.
8. South 11<sup>th</sup> Street Sanitary extension
  - Drop a new manhole (see diagram) to extend the sanitary west to the J-street sanitary system.
  - Sanitary extension needs to be offset 10-feet from the water line.
  - It may be necessary to add an additional manhole in the S. 11<sup>th</sup> and J Street intersection to connect to the J-street sanitary system – depending on where the existing J-street manhole is located relative to the waterline and extension crossing.
  - Restore the road (approximately 2 lanes due to the location of the new sanitary line) to current standards.
9. Intersection of South 11<sup>th</sup> Street and J Street
  - The sanitary line extension and road restoration impacts ½ of the intersection, so remove and replace curb ramps at the NW, NW, SE and SW corners of the intersection to current standards.
10. Alley sanitary line
  - If the alley is partially vacated, drop a manhole in the alley (approximately 150-feet from the S. 10<sup>th</sup> Street manhole). The sanitary line in the vacated portion of the alley will need to be abandoned between the new manhole and S. 11<sup>th</sup> Street.
11. Stormwater requirements per the 2012 SWMM.
12. Rights of Way Restoration per the policy as adopted by Tacoma June 2009.
  - For new improvements, 4' from face of curb to saw cut line.
  - Saw cut cannot be in wheel path of lane.
  - Paving to current standards.
13. Side Sewer and Sanitary Sewer Availability Manual.
14. Copy of Monument Removal Permit from Professional Land Surveyor for any monuments disturbed per WAC 332-120-030(2).
15. Requirements per the 2004 Design manual
16. ADA Compliance shall be in accordance with CFR 28, Part 35 as supplemented by the Public Works Rights of Way Accessibility Guidelines (PROWAG).

Thanks,  
Stephanie E. Brock, P.E.  
Principal Engineer  
City of Tacoma  
Site Review Group  
Site and Building Division  
253-573-2315  
[sbrock@cityoftacoma.org](mailto:sbrock@cityoftacoma.org)

Off site improvement requirements for 1023 Martin Luther King JR WAY. PRE4-248890 Scoping Meeting



## Stevens, Troy

---

**From:** Cantrel, Aaron R <Aaron\_Cantrel@cable.comcast.com>  
**Sent:** Monday, September 21, 2015 1:46 PM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170  
**Attachments:** Agency Comments - SV 124 1357 -Comcast.doc

Comments attached.

**From:** Stevens, Troy [<mailto:tstevens@ci.tacoma.wa.us>]  
**Sent:** Friday, September 11, 2015 11:41 AM  
**To:** Barnett, Elliott <[elliott.barnett@ci.tacoma.wa.us](mailto:elliott.barnett@ci.tacoma.wa.us)>; Bateman, Joy <[Joy.Bateman@CenturyLink.com](mailto:Joy.Bateman@CenturyLink.com)>; Ben Han <[bhan@piercettransit.org](mailto:bhan@piercettransit.org)>; Boczar, Sue <[SBoczar@ci.tacoma.wa.us](mailto:SBoczar@ci.tacoma.wa.us)>; Boudet, Brian <[BBOUDET@ci.tacoma.wa.us](mailto:BBOUDET@ci.tacoma.wa.us)>; Cantrel, Aaron R <[Aaron\\_Cantrel@cable.comcast.com](mailto:Aaron_Cantrel@cable.comcast.com)>; Cornforth, Ronda <[rcornforth@cityoftacoma.org](mailto:rcornforth@cityoftacoma.org)>; Coyne, Richard <[RCOYNE@ci.tacoma.wa.us](mailto:RCOYNE@ci.tacoma.wa.us)>; Danby, Marilyn <[marilynn.danby@pse.com](mailto:marilynn.danby@pse.com)>; Erickson, Ryan <[RErickso@ci.tacoma.wa.us](mailto:RErickso@ci.tacoma.wa.us)>; Fletcher, Gloria <[GFletcher@ci.tacoma.wa.us](mailto:GFletcher@ci.tacoma.wa.us)>; Howatson, James <[JHOWATSO@ci.tacoma.wa.us](mailto:JHOWATSO@ci.tacoma.wa.us)>; Jeff Lawrey <[R.Lawrey@CenturyLink.com](mailto:R.Lawrey@CenturyLink.com)>; Johnson, David (PDS) <[DJohnson2@ci.tacoma.wa.us](mailto:DJohnson2@ci.tacoma.wa.us)>; Kammerzell, Jennifer <[jkammerzell@ci.tacoma.wa.us](mailto:jkammerzell@ci.tacoma.wa.us)>; Larson, Chris <[CLARSON@ci.tacoma.wa.us](mailto:CLARSON@ci.tacoma.wa.us)>; Reynolds, Tanara <[tvreyno@qwest.com](mailto:tvreyno@qwest.com)>; Seaman, Chris <[cseaman@ci.tacoma.wa.us](mailto:cseaman@ci.tacoma.wa.us)>; Simpson, Sue <[SSIMPSON@ci.tacoma.wa.us](mailto:SSIMPSON@ci.tacoma.wa.us)>; Site Development Group <[SiteDevelopment@cityoftacoma.org](mailto:SiteDevelopment@cityoftacoma.org)>; Standley, Steven <[sstandley@ci.tacoma.wa.us](mailto:sstandley@ci.tacoma.wa.us)>; Trohimovich, Merita <[MPollard@ci.tacoma.wa.us](mailto:MPollard@ci.tacoma.wa.us)>  
**Cc:** Stevens, Troy <[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)>  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

Please review the attached request and exhibits for Street Vacation Petition SV 124.1357/15-170, as requested by Jagpal Basra and provide your written comments or questions **on or before September 25, 2015**. Comments not received on or before September 25, 2015 risk not being used in the evaluation of/or incorporation of conditions thereof.

Thank you,

### Troy Stevens

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)



**TO: ALL CONCERNED AGENCIES & DEPARTMENTS**

**FROM: TROY STEVENS  
PUBLIC WORKS /REAL PROPERTY SERVICES**

**SUBJECT: REQUEST FOR COMMENT - STREET VACATION PETITION NO. 124.1357**

**DATE: September 11, 2015**

Real Property Services has received a petition to vacate a 200' x 20' portion of the City's alley northerly of South 11<sup>th</sup> Street, between Martin Luther King Jr. Way and South "J" Street for a mixed use development.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by September 25, 2015**. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

Attachment(s)

- AT&T Broadband
- Pierce Transit
- Puget Sound Energy
- Qwest Communications
- Fire Department
- Police Department
- TPU/Power/T&D
- TPU/Water/LID
- PW/Director (3)
- PW/BLUS (2)
- PW/Construction
- PW/Engineering
- PW/Engineering/LID
- PW/Engineering/Traffic
- PW/Environmental Services
- PW/Solid Waste
- PW/Street & Grounds
- Tacoma Economic Development
- Click! Network

RESPONSE

No Objections

Comments Attached

9/21/15 \_\_\_\_\_ Date

Aaron Cantrell \_\_\_\_\_ Signature

Planning & Design \_\_\_\_\_ Department

- Comcast is attached to TPU poles in this Vacation area. This easement is protected by the Master Pole Agreement with TPU and the Cable Act. Any relocation would be at the developer / owner's expense.

## Stevens, Troy

---

**From:** Seaman, Chris  
**Sent:** Friday, September 25, 2015 9:03 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Troy,

TFD has no comments or conditions.

Regards,  
**CHRIS SEAMAN, P.E.**  
Senior Engineer  
Tacoma Fire Department | Prevention Division  
901 Fawcett Avenue | Tacoma, WA 98402  
253.591.5503 | [cseaman@cityoftacoma.org](mailto:cseaman@cityoftacoma.org)



---

**From:** Stevens, Troy  
**Sent:** Friday, September 11, 2015 11:41 AM  
**To:** Barnett, Elliott; Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita  
**Cc:** Stevens, Troy  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

Please review the attached request and exhibits for Street Vacation Petition SV 124.1357/15-170, as requested by Jagpal Basra and provide your written comments or questions **on or before September 25, 2015**. Comments not received on or before September 25, 2015 risk not being used in the evaluation of/or incorporation of conditions thereof.

Thank you,

### Troy Stevens

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

**Stevens, Troy**

---

**From:** Monica Adams <madams@piercetransit.org>  
**Sent:** Thursday, September 17, 2015 3:37 PM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Thank you. We have no comments.

*Monica Adams, PMP*

Senior Planner  
Transit Development  
Pierce Transit  
253.581.8130



---

**From:** Stevens, Troy [<mailto:tstevens@ci.tacoma.wa.us>]  
**Sent:** Friday, September 11, 2015 11:45 AM  
**To:** Monica Adams  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

Please review the attached request and exhibits for Street Vacation Petition SV 124.1357/15-170, as requested by Jagpal Basra and provide your written comments or questions **on or before September 25, 2015**. Comments not received on or before September 25, 2015 risk not being used in the evaluation of/or incorporation of conditions thereof.

Thank you,

**Troy Stevens**

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

## Stevens, Troy

---

**From:** Fletcher, Gloria  
**Sent:** Friday, September 25, 2015 3:19 PM  
**To:** Stevens, Troy  
**Cc:** Price, Richard  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Troy,

Tacoma Water has no supply or distribution facilities at this location and there has no objections or comments to this street vacation.

-Gloria

---

**From:** Stevens, Troy  
**Sent:** Friday, September 11, 2015 11:41 AM  
**To:** Barnett, Elliott; Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita  
**Cc:** Stevens, Troy  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

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Thank you,

### Troy Stevens

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Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

## Stevens, Troy

---

**From:** Simpson, Sue  
**Sent:** Wednesday, February 10, 2016 10:37 AM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170  
**Attachments:** 124.1357 - Basra.pdf

Please find attached the In Lieu of Assessment for 124.1357

*Sue Simpson*

Real Estate Specialist  
Public Works, Real Property Services  
747 Market Street Suite 737  
(253) 591-5529  
[ssimpson@cityoftacoma.org](mailto:ssimpson@cityoftacoma.org)

---

**From:** Stevens, Troy  
**Sent:** Wednesday, February 10, 2016 9:16 AM  
**To:** Simpson, Sue  
**Subject:** FW: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

FYI

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**From:** Stevens, Troy  
**Sent:** Friday, September 11, 2015 11:41 AM  
**To:** Barnett, Elliott; Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita  
**Cc:** Stevens, Troy  
**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

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Thank you,

**Troy Stevens**

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)





**TO: ALL CONCERNED AGENCIES & DEPARTMENTS**

**FROM: TROY STEVENS  
PUBLIC WORKS /REAL PROPERTY SERVICES**

**SUBJECT: REQUEST FOR COMMENT - STREET VACATION PETITION NO. 124.1357**

**DATE: September 11, 2015**

Real Property Services has received a petition to vacate a 200' x 20' portion of the City's alley northerly of South 11<sup>th</sup> Street, between Martin Luther King Jr. Way and South "J" Street for a mixed use development.

In order to be considered, your comments must be received by **Real Property Services, TMB, Room 737, by September 25, 2015**. If your comments are not received by that date, it will be understood that the office you represent has no interest in this matter.

- Attachment(s)
- AT&T Broadband
- Pierce Transit
- Puget Sound Energy
- Qwest Communications
- Fire Department
- Police Department
- TPU/Power/T&D
- TPU/Water/LID
- PW/Director (3)
- PW/BLUS (2)
- PW/Construction
- PW/Engineering
- PW/Engineering/LID
- PW/Engineering/Traffic
- PW/Environmental Services
- PW/Solid Waste
- PW/Street & Grounds
- Tacoma Economic Development
- Click! Network

RESPONSE

\_\_\_\_\_ No Objections

\_\_\_\_\_ Comments Attached

2/10/2015 Date

[Signature] Signature

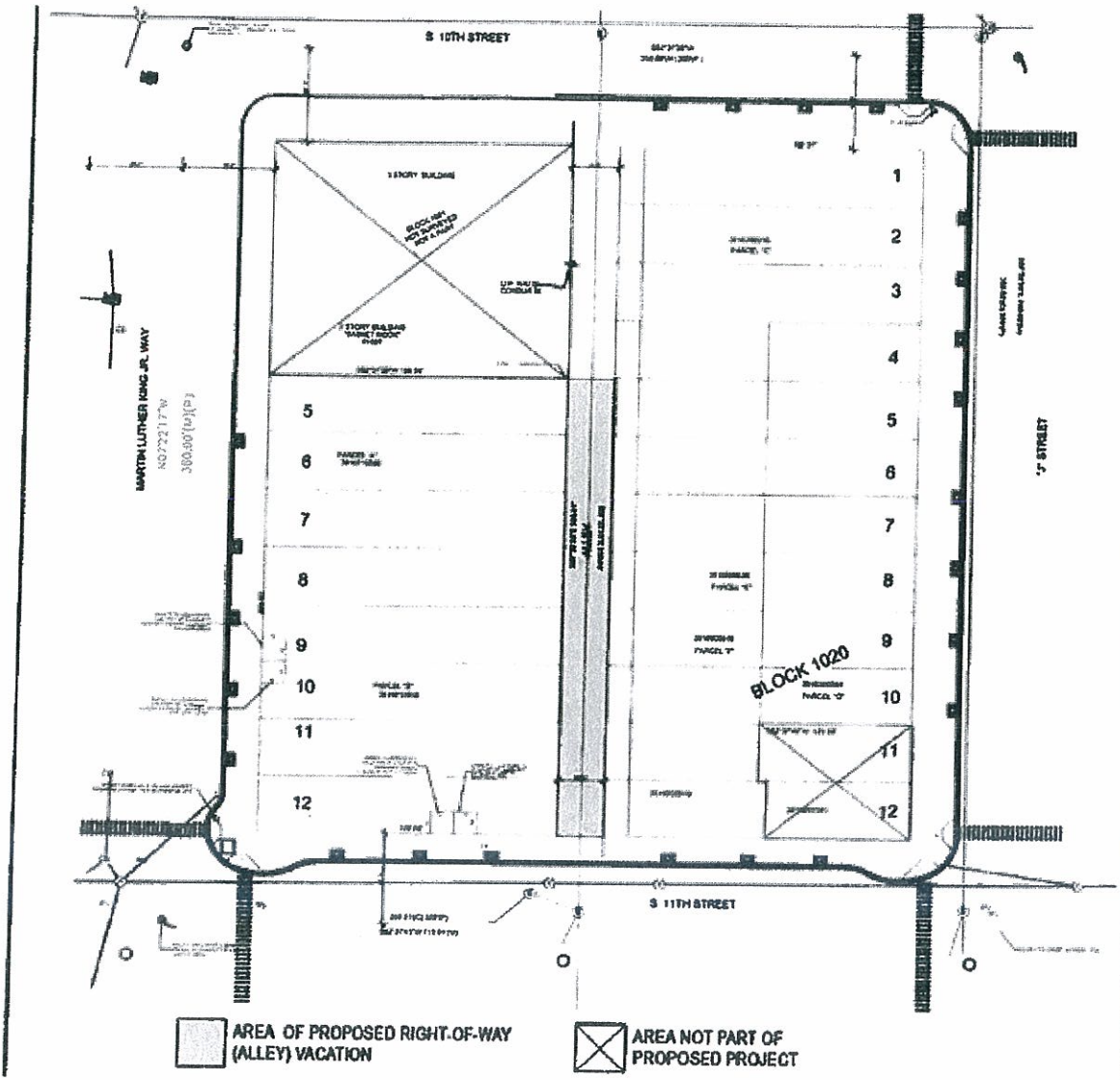
PW/RPS Department

*IN LIEU OF ASSESSMENT*  
*\$1,445.<sup>00</sup>*

**PARCELS:**

**2010210030  
2010210040  
2010200010  
2010200020  
2010200030  
2010200040  
2010200050  
2010200070**

1. The subject right-of-way is an alley located between Martin Luther King Jr. Way and South "J" Street from 10<sup>th</sup> to 11<sup>th</sup> Streets, also known as Martin Luther King Jr. Alley: 1000 Block. The right-of-way requested to be vacated is approximately 20 ft wide and 200 ft in length, starting from S. 11<sup>th</sup> street.
2. The subject right-of-way is an alley that provides site access, from South 10<sup>th</sup> Street and South 11<sup>th</sup> Street, to properties adjacent to it. This vacation request will help to accommodate off-street parking requirements necessary for development within this zoning district. At the same time, this vacation will promote future commercial growth that will not adversely affect "pedestrian-oriented" activities. As well, vacation of this right of way will adhere to the City's comprehensive plan to integrate parking facilities which serve to encourage components of economic development such as housing options, retail businesses, professional offices and service establishments. Any abutting owner will have access to the right-of-way and will not be landlocked or adversely affected by this vacation.



■ AREA OF PROPOSED RIGHT-OF-WAY (ALLEY VACATION)

⊠ AREA NOT PART OF PROPOSED PROJECT

## Stevens, Troy

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**From:** Danby, Marilyn M <marilynn.danby@pse.com>  
**Sent:** Wednesday, February 10, 2016 12:06 PM  
**To:** Stevens, Troy  
**Subject:** RE: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

OK PSE has an existing 4 " steel main gas line (in casing) running from S 10 Street down the alley for approximately 93 feet. It appears it stops just before the proposed vacate area ( the south property line of 1007 Martin Luther King Way). Therefore since we have no facilities south of this property line – we have no objection to the vacate.

*Marilynn*

Marilynn M. Danby SR/WA  
Senior Real Estate Representative  
Puget Sound Energy  
3130 South 38th Street  
Tacoma, Wa 98409  
Work: 253/476-6451  
Work Cell: 253/905-4668  
e-mail: [marilynn.danby@pse.com](mailto:marilynn.danby@pse.com)

---

**From:** Stevens, Troy [<mailto:tstevens@ci.tacoma.wa.us>]  
**Sent:** Wednesday, February 10, 2016 11:35 AM  
**To:** Danby, Marilyn M  
**Subject:** FW: Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Marilynn,

I'm hearing you should have sent me comments on this, is that true?

I'm turning my report in today. If you have infrastructure to protect, please get me comments right now.

Thank you,

### Troy Stevens

City of Tacoma, Public Works  
Sr. Real Estate Specialist  
(253) 591-5535  
[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)

---

**From:** Stevens, Troy  
**Sent:** Friday, September 11, 2015 11:41 AM  
**To:** Barnett, Elliott; Bateman, Joy; Ben Han; Boczar, Sue; Boudet, Brian; Cantrel, Aaron; Cornforth, Ronda; Coyne, Richard; Danby, Marilyn; Erickson, Ryan; Fletcher, Gloria; Howatson, James; Jeff Lawrey ; Johnson, David (PDS); Kammerzell, Jennifer; Larson, Chris; Reynolds, Tanara ; Seaman, Chris; Simpson, Sue; Site Development Group ; Standley, Steven; Trohimovich, Merita

**Cc:** Stevens, Troy

**Subject:** Request for Agency Comments - Jagpal Basra - SV 124.1357/15-170

Agency Reviewer:

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Thank you,

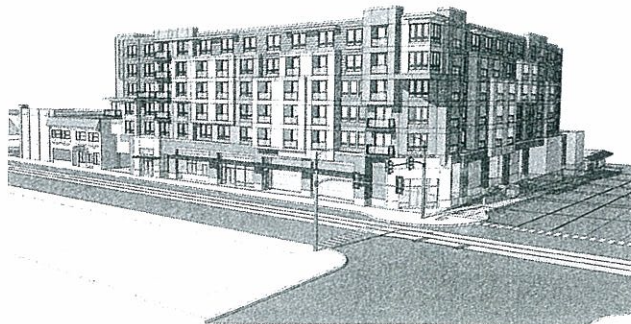
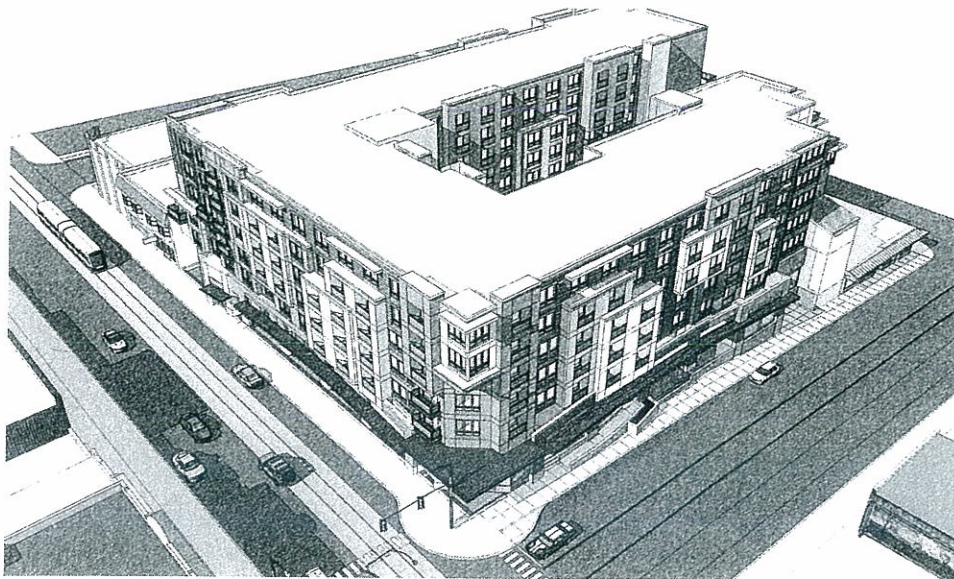
**Troy Stevens**

City of Tacoma, Public Works

Sr. Real Estate Specialist

(253) 591-5535

[tstevens@ci.tacoma.wa.us](mailto:tstevens@ci.tacoma.wa.us)



## SCHEMATIC

MLK JR. WAY MIXED USE  
SCHEMATIC DESIGN PRESENTATION  
TACOMA, WA

PREPARED BY:  
JEN CRAVES ARCHITECTS & PLANNERS PLLC  
310 BOSTON WAY, SUITE 6  
TACOMA, WA 98402  
WWW.JCARCH.COM



FEBRUARY 12, 2016

- Health Care**  
 A Group Health Tacoma Medical Center  
 B Tacoma General Hospital  
 C Mary Bridge Children's Hospital  
 D St. Joseph Family Medical Center  
 E Community Health Care
- Community**  
 F Tacoma Center YMCA  
 G Port of Tacoma
- Education**  
 H University of Washington Tacoma  
 I Bates Technical College  
 J Evergreen State College - Tacoma
- Government**  
 K City of Tacoma

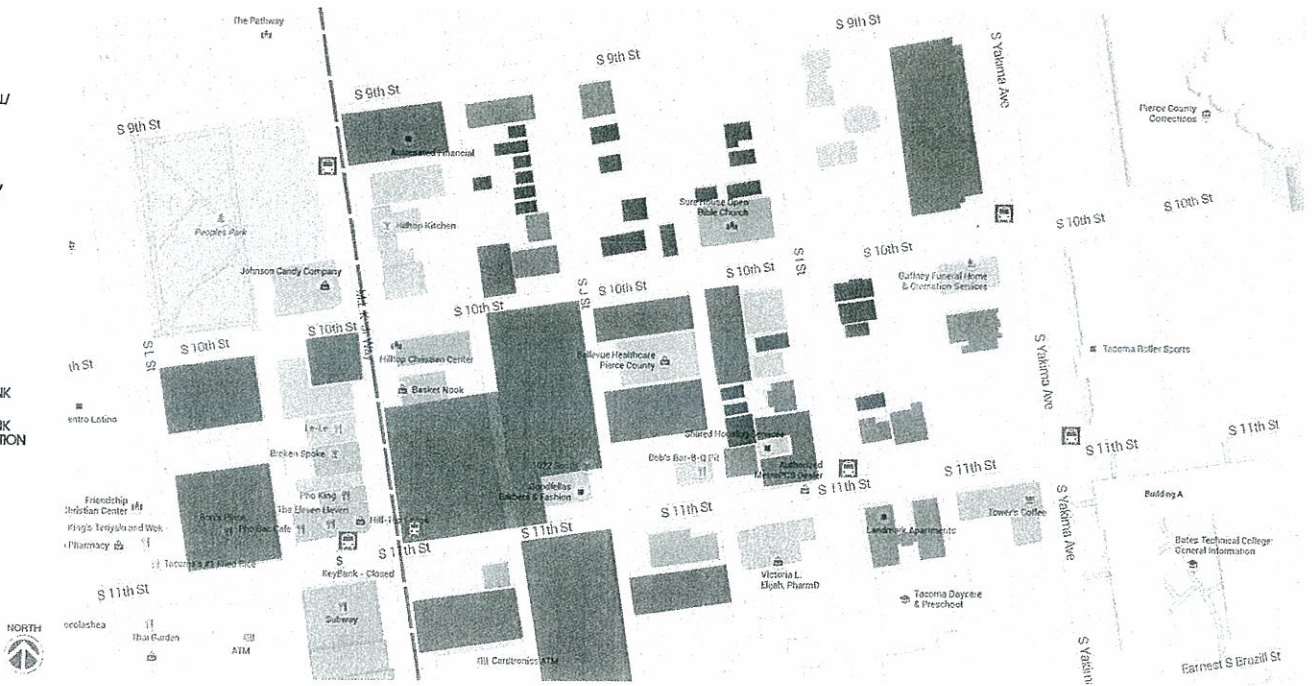
- KEY**
-  SITE
  -  EXISTING LINK LIGHT RAIL
  -  PROPOSED LINK LIGHT RAIL
  -  PROPOSED LINK LIGHT RAIL STATION



MARTIN LUTHER KING JR. WAY MIXED USE  
 TACOMA, WA  
 VICINITY MAP

JON CRAVES ARCHITECTS AND PLANNERS

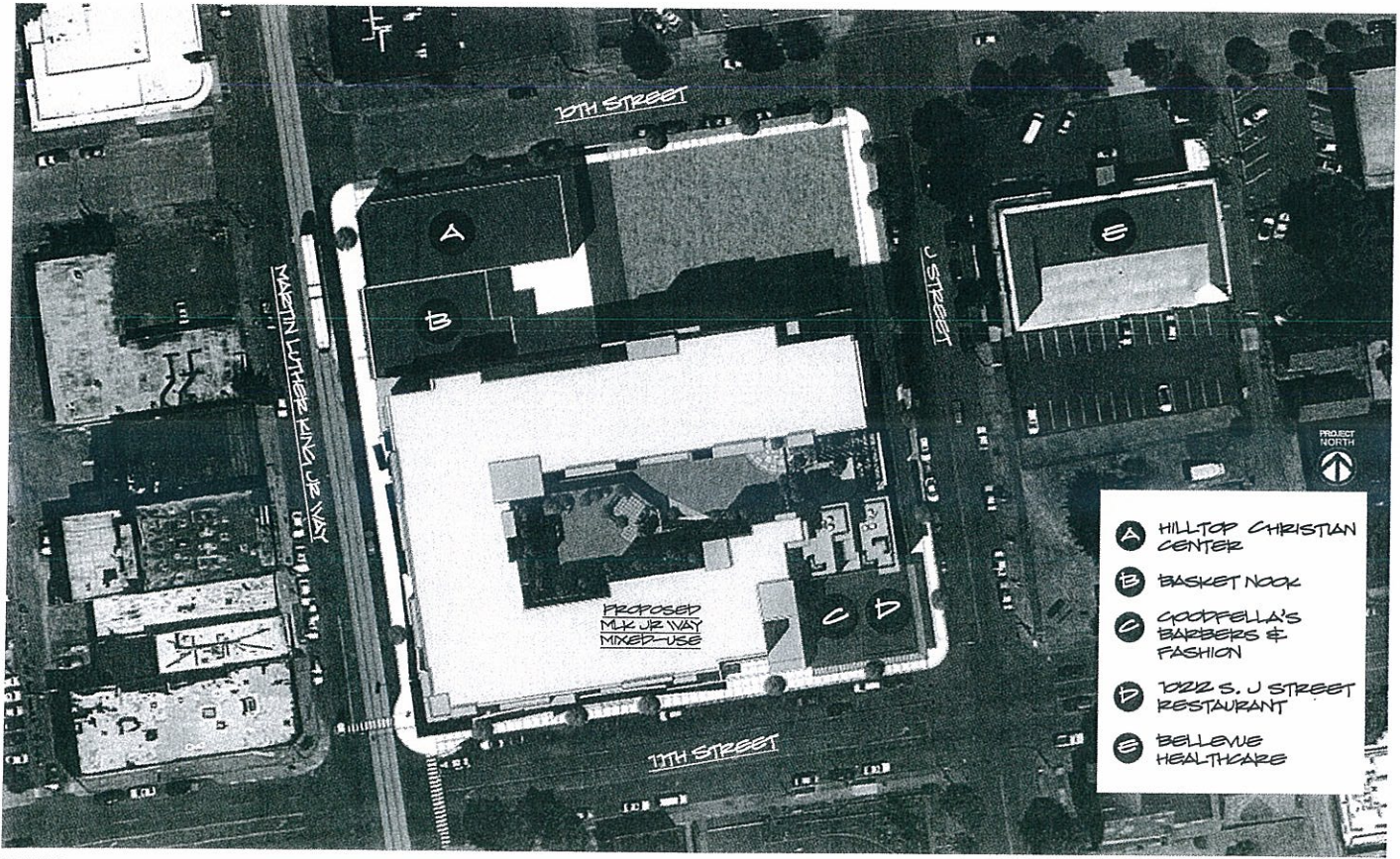
- KEY**
- SITE
  - COMMERCIAL/RETAIL
  - MIXED USE
  - SINGLE FAMILY
  - MULTI-FAMILY
  - WORSHIP
  - MEDICAL
  - PARKING
  - PROPOSED LINK LIGHT RAIL
  - PROPOSED LINK LIGHT RAIL STATION



MARTIN LUTHER KING, JR. WAY MIXED USE  
 TACOMA, WA  
 CONTEXT MAP

JON GRAVES ARCHITECTS AND PLANNERS



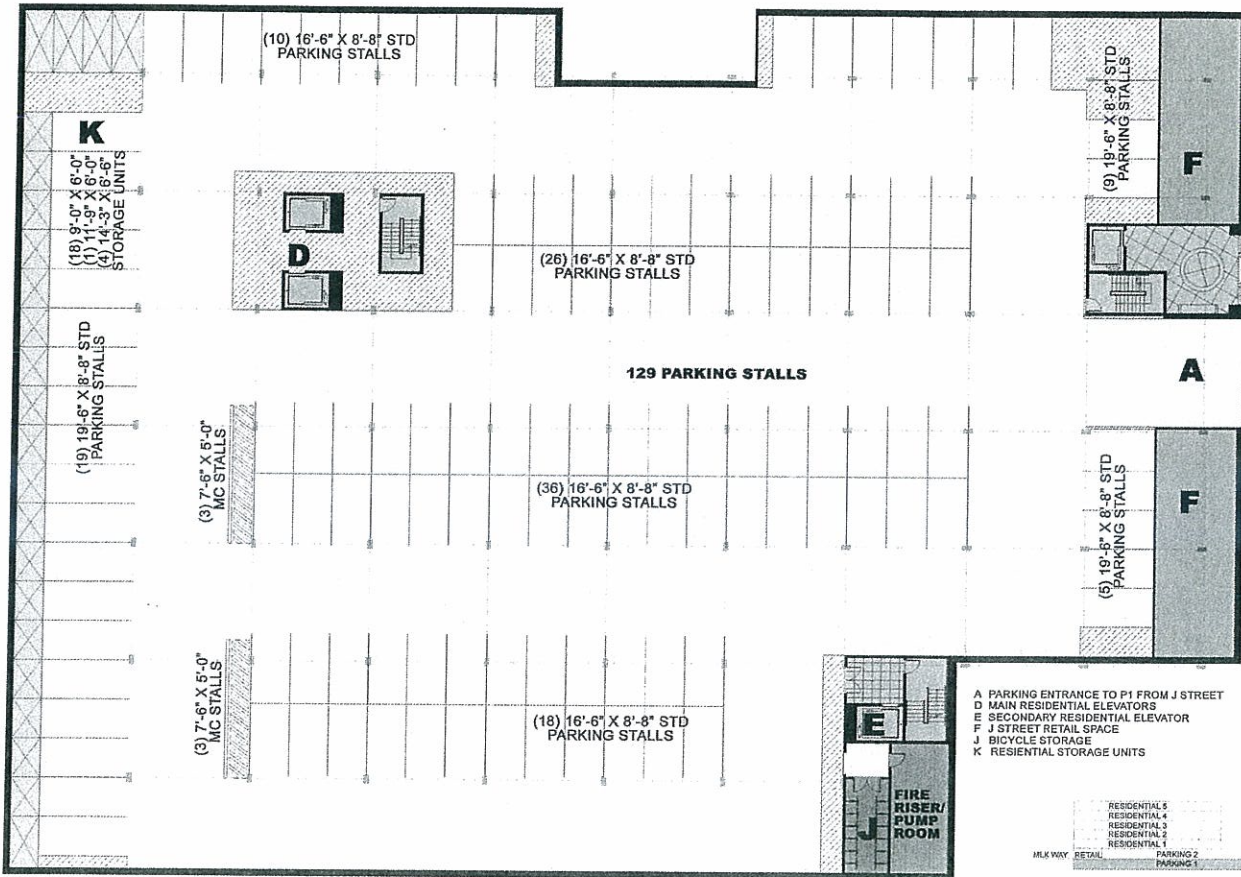


ICA MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

JON GRAVES ARCHITECTS AND PLANNERS  
NOT TO SCALE

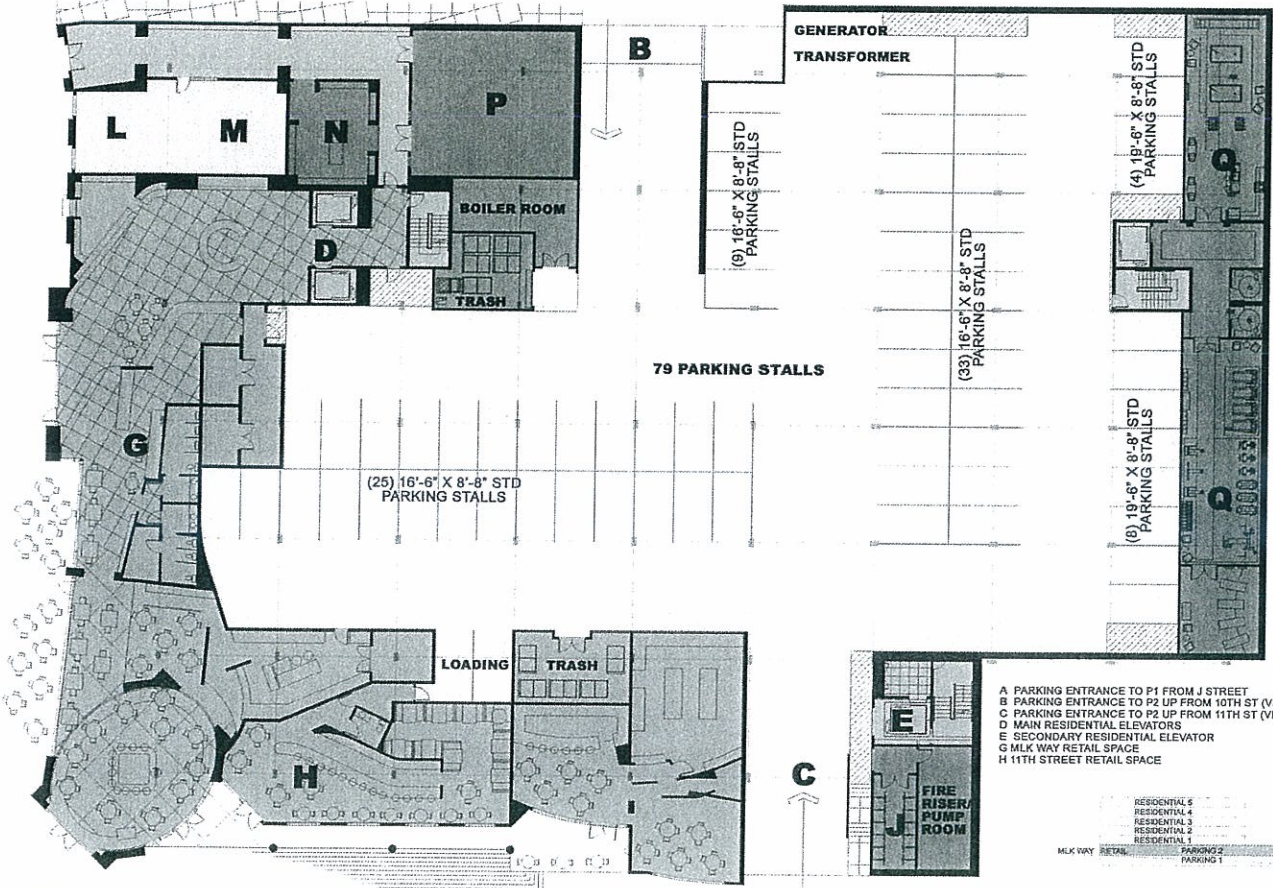
BUILDING DESIGN

JGA



MARTIN LUTHER KING JR. WAY MIXED USE - UNIT PLANS  
TACOMA, WA  
P1 PARKING GARAGE LEVEL

JON GRAVES ARCHITECTS AND PLANNERS  
NOT TO SCALE

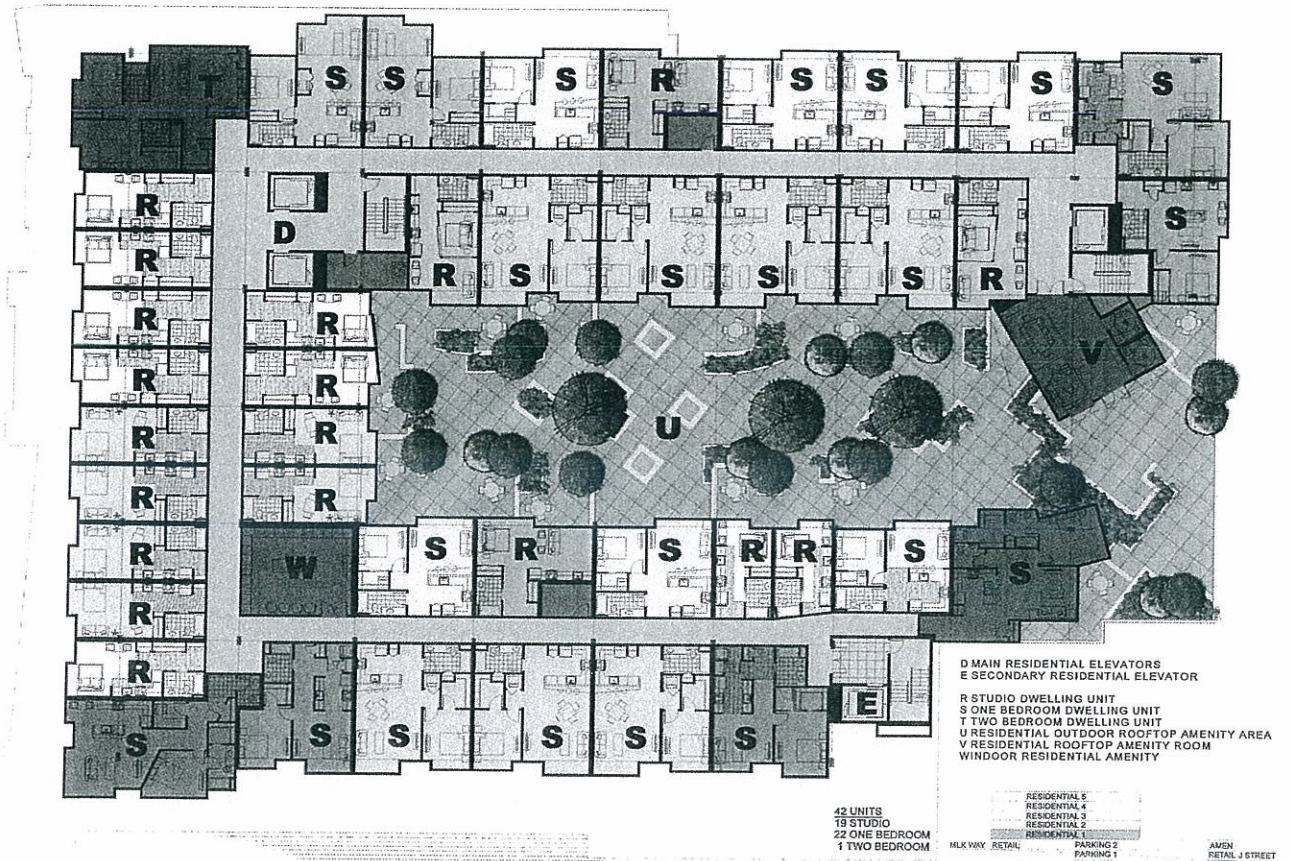


- A PARKING ENTRANCE TO P1 FROM J STREET
- B PARKING ENTRANCE TO P2 UP FROM 10TH ST (VIA ALLEY)
- C PARKING ENTRANCE TO P2 UP FROM 11TH ST (VIA ALLEY)
- D MAIN RESIDENTIAL ELEVATORS
- E SECONDARY RESIDENTIAL ELEVATOR
- G MLK WAY RETAIL SPACE
- H 11TH STREET RETAIL SPACE
- J BICYCLE STORAGE
- L LEASING OFFICE
- M MANAGERS OFFICE
- N MAIL CENTER
- P BUSINESS CENTER
- Q RESIDENTIAL AMENITY



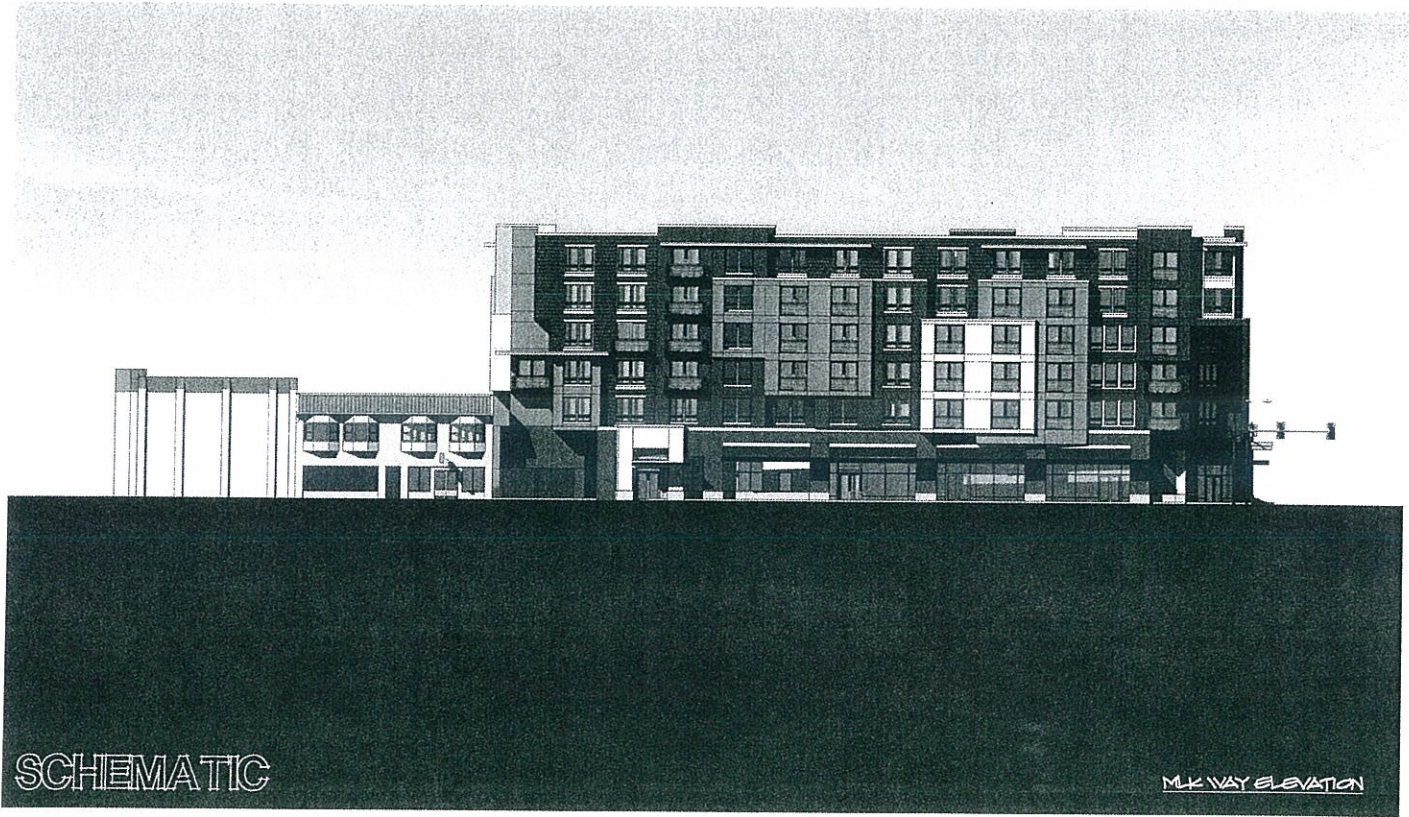
**JGA** MARTIN LUTHER KING JR. WAY MIXED USE - UNIT PLANS  
 FACOMA, VA  
 RETAIL/P2/P3 PARKING GARAGE LEVEL

JON GRAVES ARCHITECTS AND PLANNERS  
 NOT TO SCALE



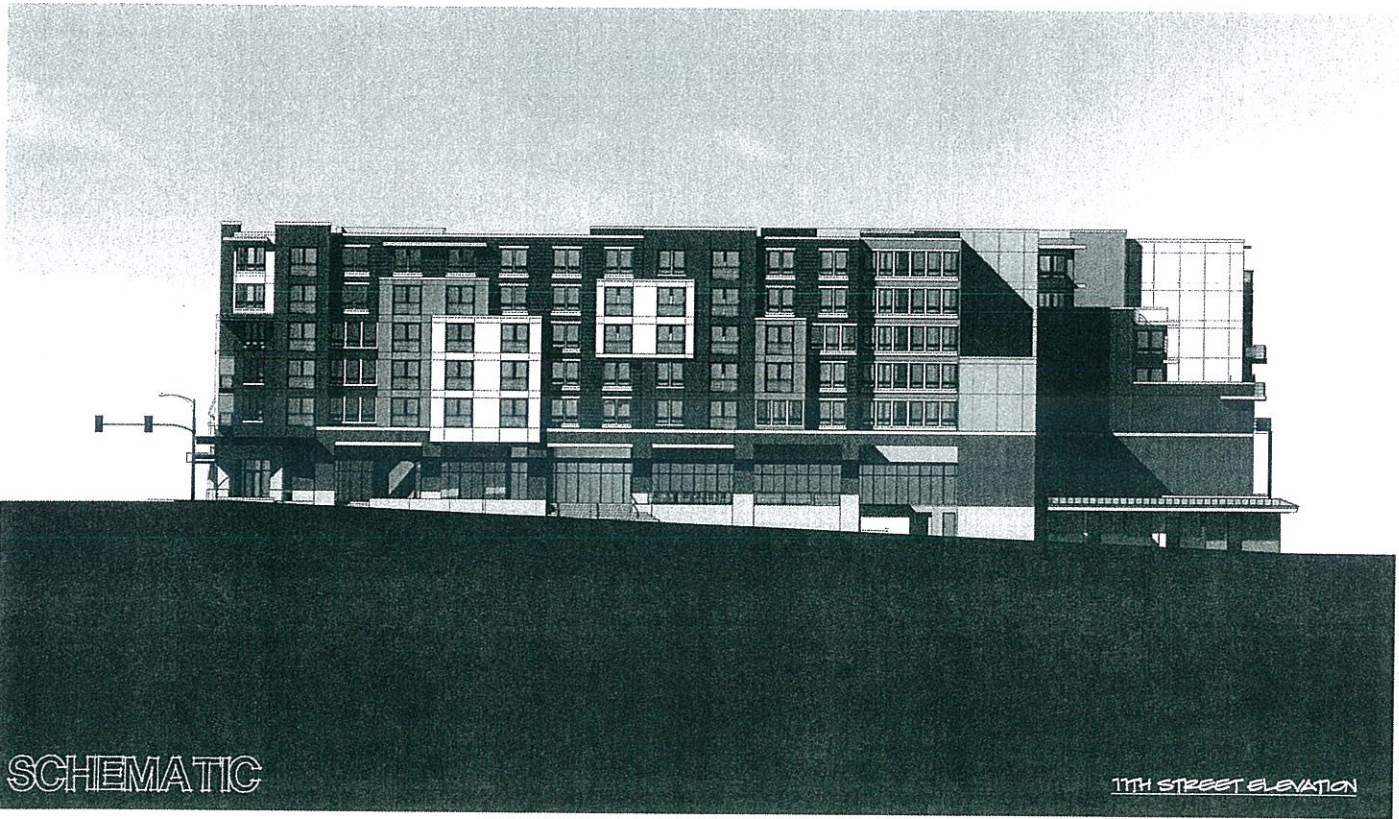
**MARTIN LUTHER KING JR. WAY MIXED USE - UNIT PLANS**  
 TACOMA, WA  
 RESIDENTIAL LEVEL ONE

PREVIOUS STUDY  
**JOH CRAVES ARCHITECTS AND PLANNERS**  
 NOT TO SCALE



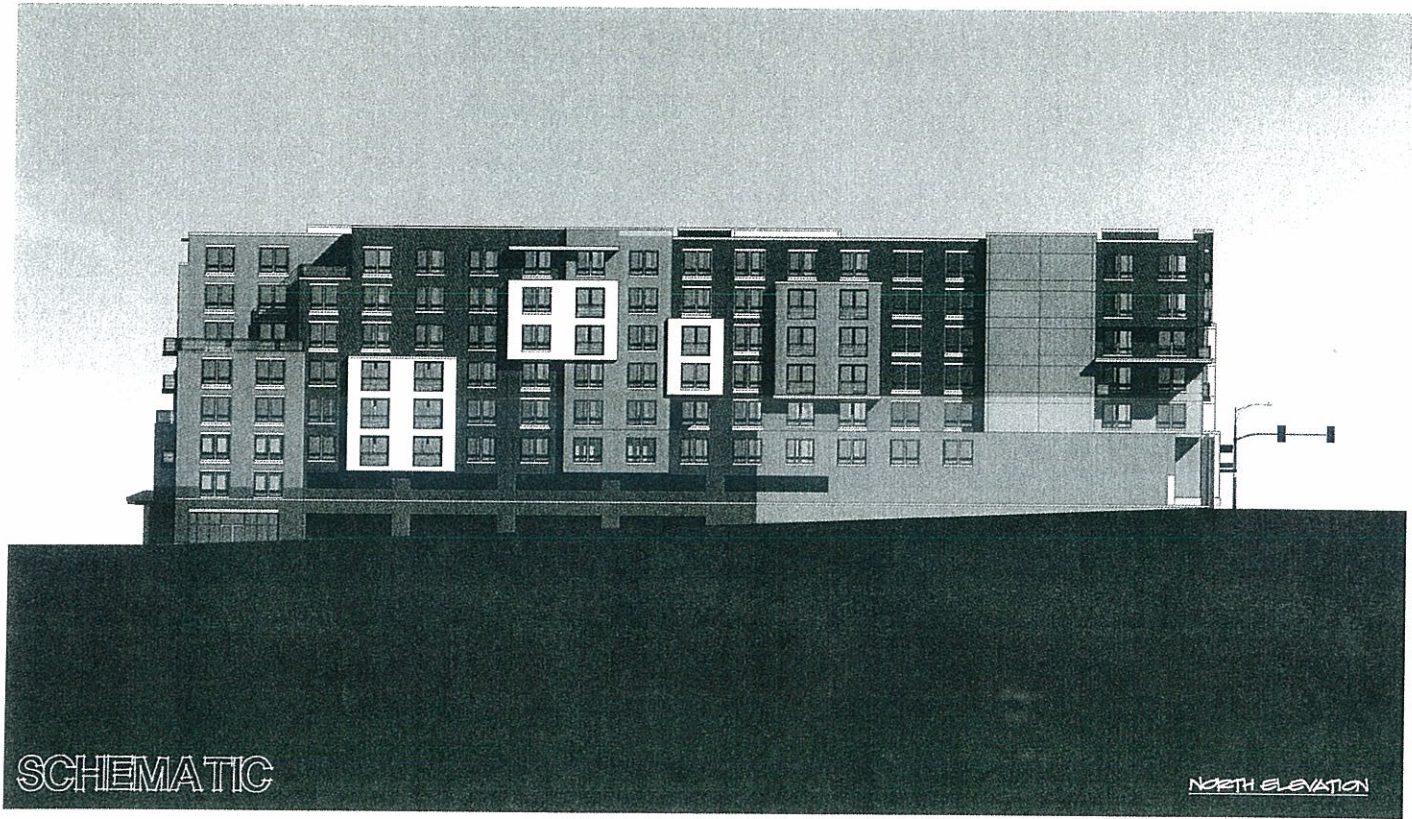
MARTIN LUTHER KING, JR. WAY MIXED USE  
TACOMA, WA

JON GRAVES ARCHITECTS AND PLANNERS



MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

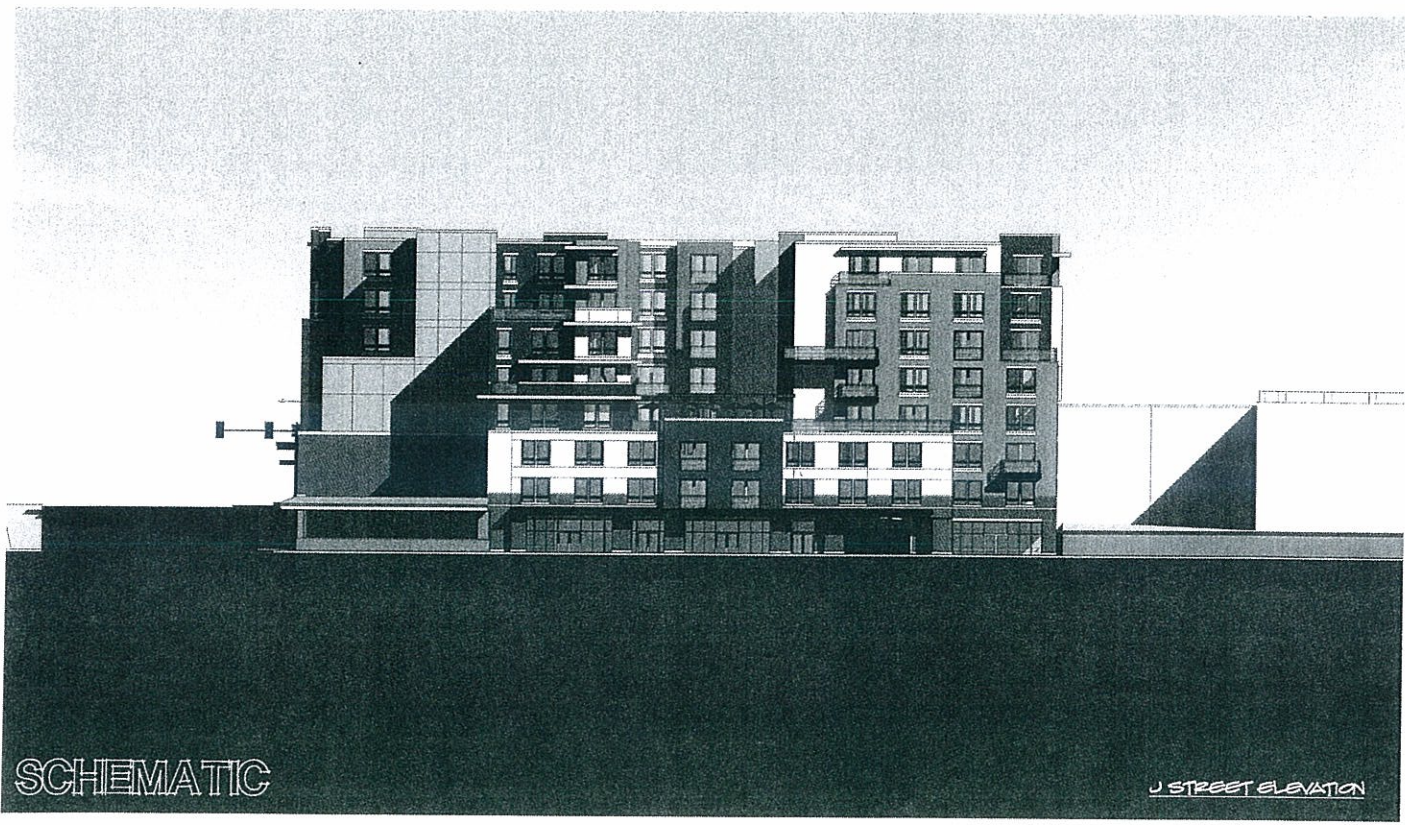
JON GRAVES ARCHITECTS AND PLANNERS



MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

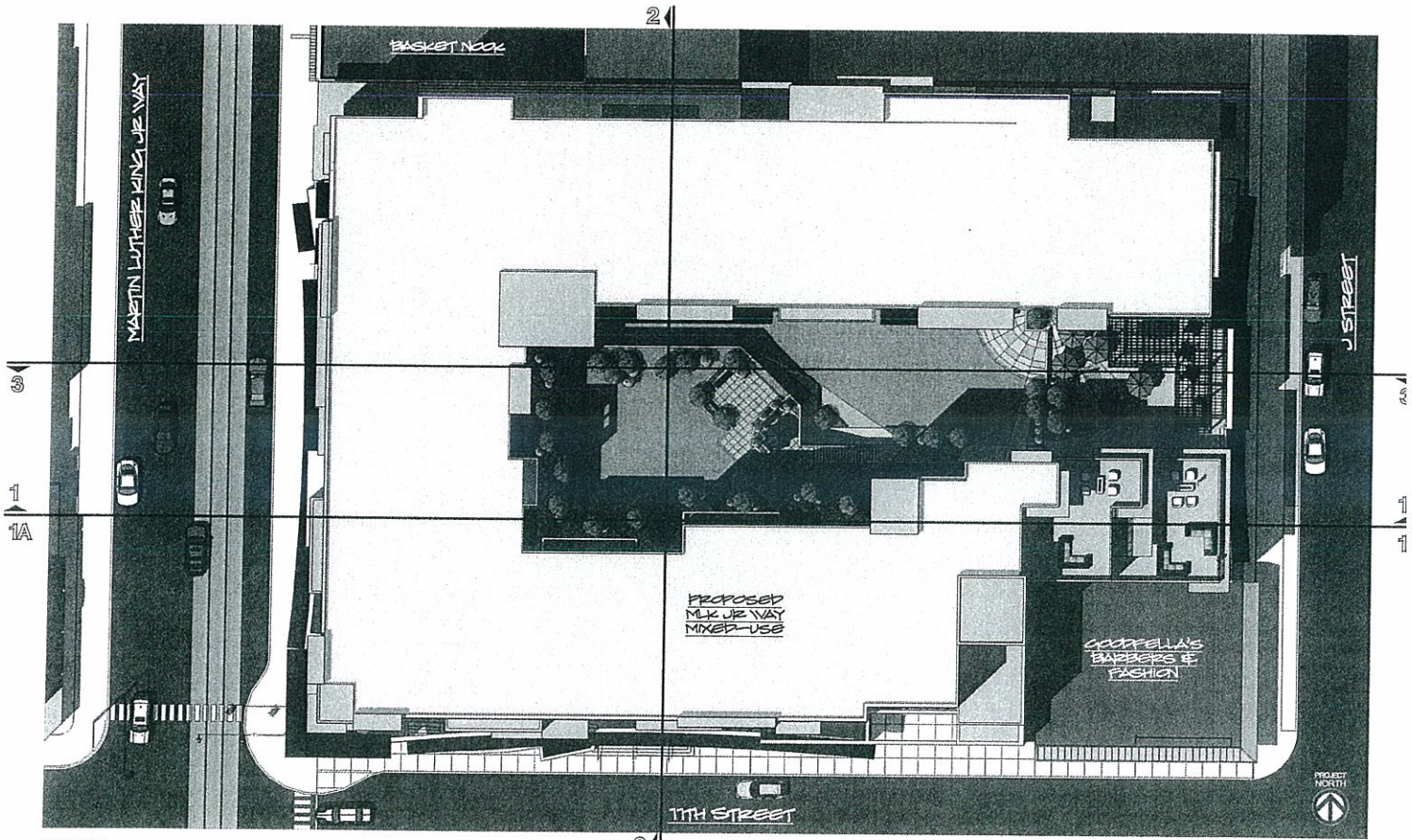
JON GRAVES ARCHITECTS AND PLANNERS





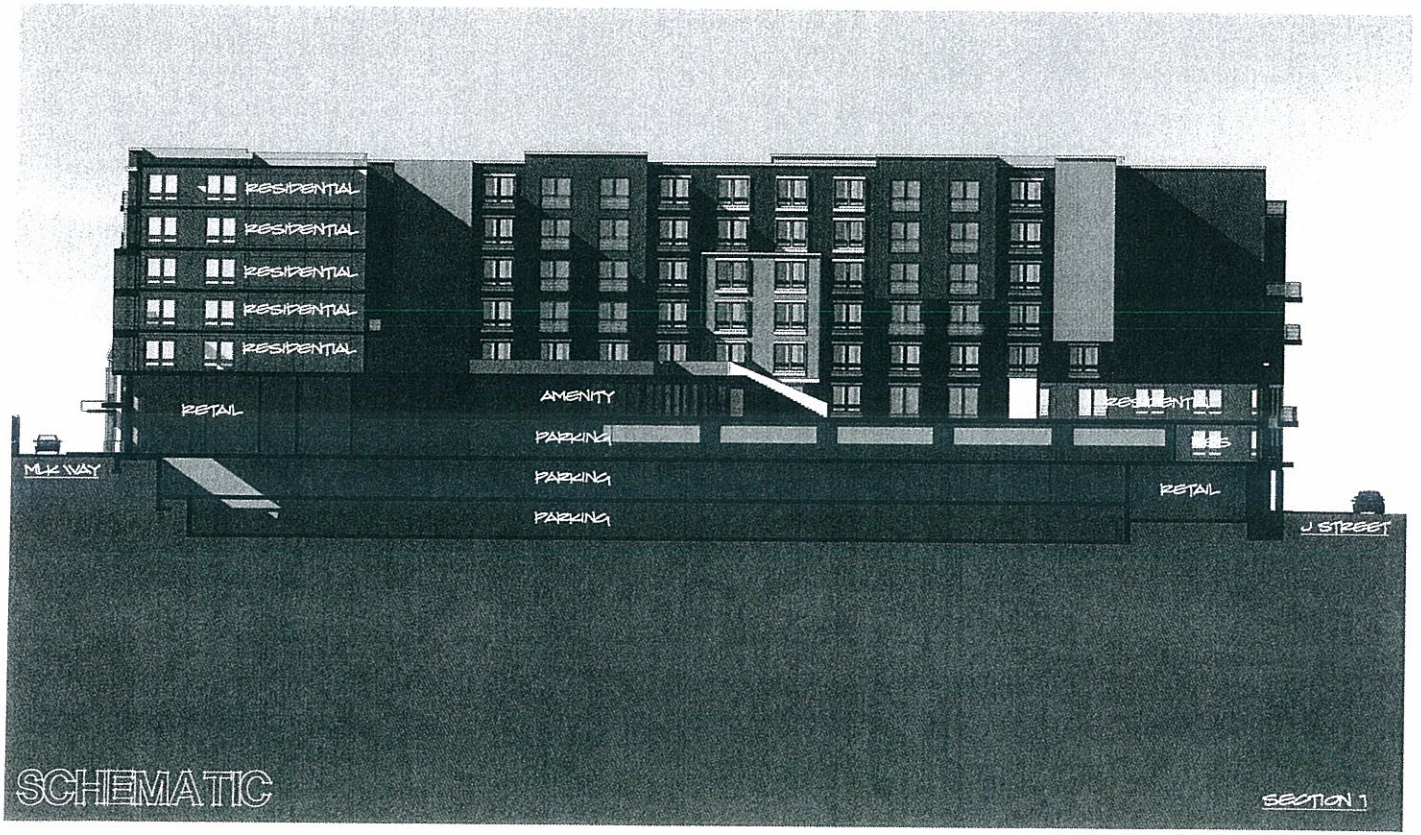
MARTIN LUTHER KING JR. WAY MIXED USE  
FACOMA, VA

JON GRAVES ARCHITECTS AND PLANNERS



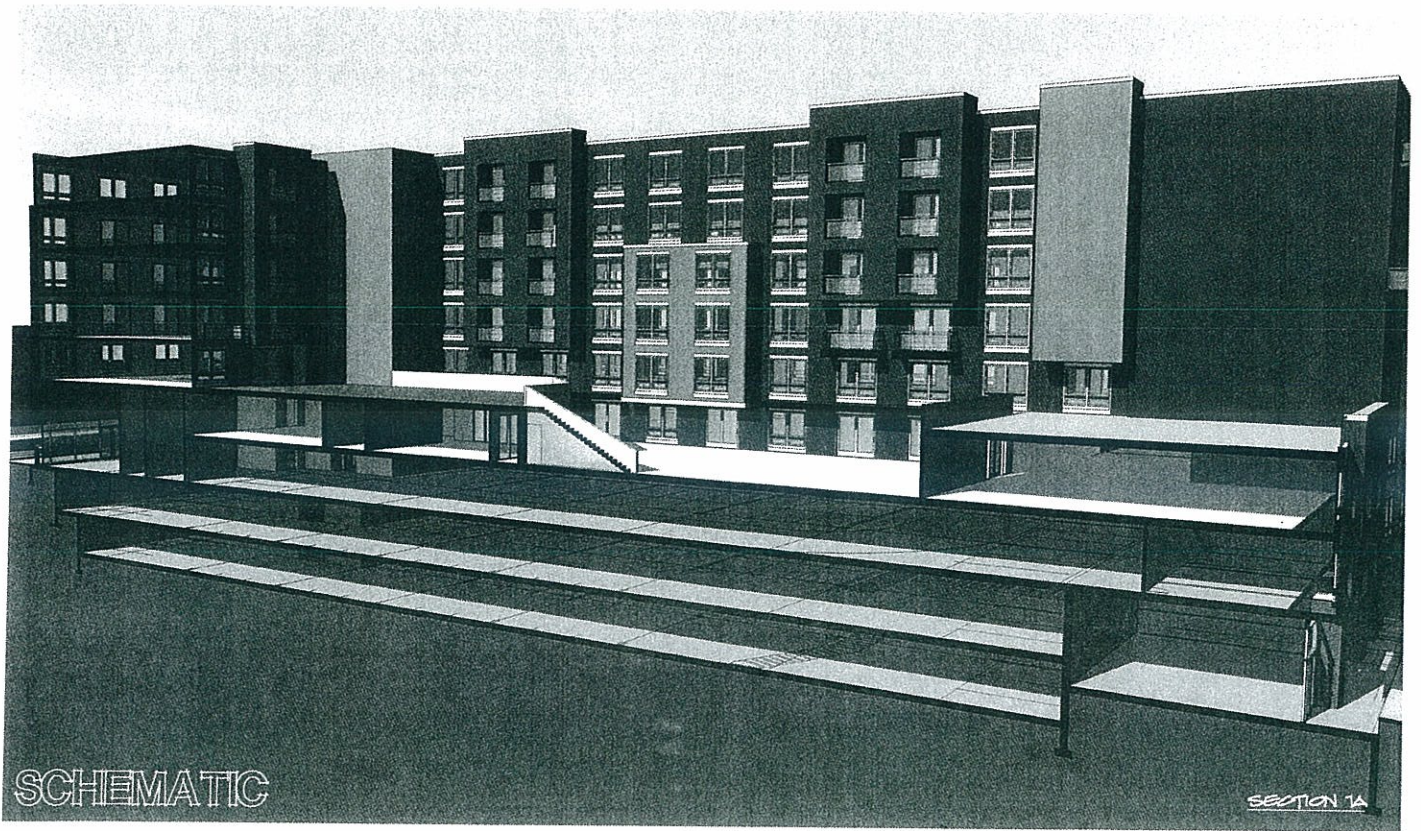
MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

JON GRAVES ARCHITECTS AND PLANNERS  
NOT TO SCALE



MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

JON GRAVES ARCHITECTS AND PLANNERS



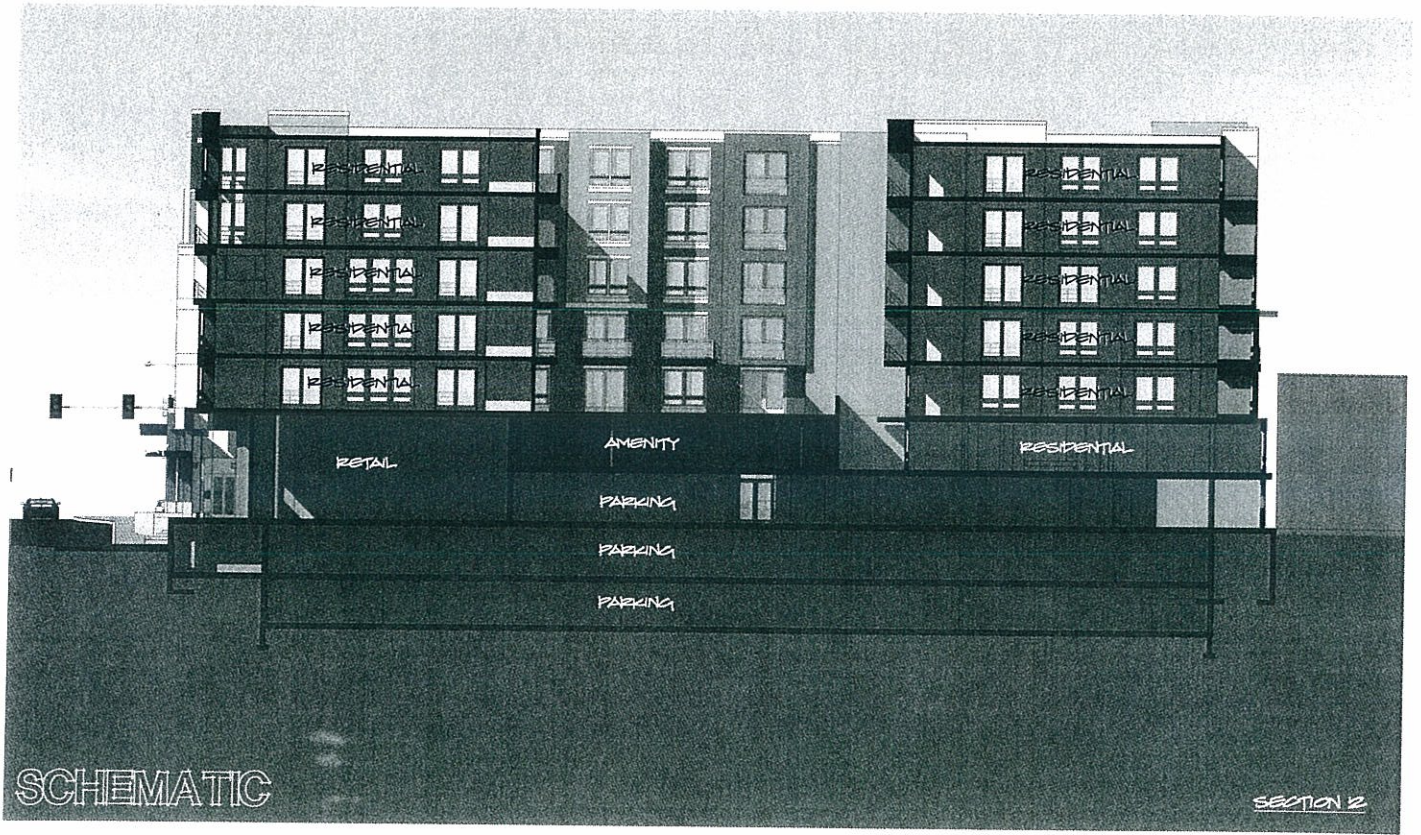
SCHEMATIC

SECTION 1A



MARTIN LUTHER KING JR. WAY MIXED USE  
TACOMA, WA

JON GRAVES ARCHITECTS AND PLANNERS



MARTIN LUTHER KING, JR. WAY MIXED USE  
TACOMA, VA

JON GRAVES ARCHITECTS AND PLANNERS



MARTIN LUTHER KING, JR. WAY MIXED USE  
FACOMA, VA

JON GRAVES ARCHITECTS AND PLANNERS