



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services Division *tas*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 22-1200 – Street Vacation 124.1430 – November 15, 2022  
**DATE:** October 28, 2022

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**SUMMARY AND PURPOSE:**

An ordinance to vacate a portion of Commerce Street, lying north of Sound Transit right-of-way near South Tacoma Way, and south of South 25<sup>th</sup> Street, for a private walkway as part of a residential housing development.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on October 20, 2022. The Vacation Area (as defined by the Hearing Examiner’s Report and Recommendation) is a portion of the Commerce Street right-of-way, lying north of Sound Transit right-of-way and south of South 25<sup>th</sup> Street. Petitioner, Cornus House LLC, requested the street vacation to use for a private walkway that will connect two parcels of real property owned by the Petitioner on opposing sides of the Vacation Area. The east-side parcel is intended to be developed with a 199-unit work-force housing project, while the other side is intended to be used for storage and staging. The Vacation Area is not being used currently for any right-of-way purpose, nor does the City see any future need for it as public right-of-way.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition on October 20, 2022, at which members of the community could attend and speak to express their concerns, opposition to, and/or support for the proposed vacation. No members of the public appeared. By written comment, Sound Transit expressed its concerns with the proposed vacation, requesting that it not be approved in order to keep the Vacation Area encumbered with the City’s right-of-way interest, presumably to allow an easier path for Sound Transit to expand its own right-of-way operations in the future. The vacation will benefit the Petitioner (and the public) by aiding in the realization of its plan to develop a 199-unit work-force housing project. Neither City staff, nor the Examiner found Sound Transit’s concern sufficient to block approval of the vacation given that Sound Transit has no concrete plans for expansion that would use the Vacation Area as right-of-way.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

The primary positive impact on equity, equality, diversity, or inclusion that could result from approving this vacation would be the resulting increase in available affordable housing in the Tacoma market, making housing more readily available for Tacomans.

**Economy/Workforce:** *Equity Index Score:* Moderate Opportunity

Increase the percentage of people relocating to the city and affordability of housing compared to neighboring jurisdictions.

**Livability:** *Equity Index Score:* Moderate Opportunity

Decrease the percentage of individuals who are spending more than 45% of income on housing and transportation costs.

Increase the number of Complete Compact Communities/ 20-Minute Neighborhoods throughout the city.



**Explain how your legislation will affect the selected indicator(s).**

Increasing the City’s affordable housing supply is a stated goal of the City Council (see *Comp Plan*) and the administration generally.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. The Council could approve the vacation request under conditions different than those recommended.	Any positive impacts arising from different conditions would depend on what those conditions are.	Different conditions could require an additional hearing with different findings and conclusions than are present now to support them.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo of having existing encroachments.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City’s unneeded right-of-way interest at an unused dead end.

**EVALUATION AND FOLLOW UP:**

The recommendation is made subject to the conditions listed in Conclusion 8 of the Hearing Examiner’s Report and Recommendation, issued on October 26, 2022. All evaluations and follow up should be coordinated between the Petitioner and the appropriate City Departments referenced in the Report and Recommendation.

**STAFF/SPONSOR RECOMMENDATION:**

The Hearing Examiner recommends approval of the requested vacation subject to the condition(s) contained in Conclusion 8 of the Hearing Examiner’s Report and Recommendation.

**FISCAL IMPACT:**

The potential fiscal impact of this street vacation is not known at this time. If the vacation is approved, a fair market appraisal or a market rate analysis for the area to be vacated will be conducted after first reading of the ordinance. The Petitioner will be required to pay the City such market value amount as a condition to the street vacation being finalized. In addition, if the street vacation is finalized, the vacated area will be added to the taxable square-footage of the abutting real property, thereby possibly generating additional ongoing property tax income.

**ATTACHMENTS:**

- The Hearing Examiner’s City Council Action Memorandum, dated October 28, 2022.
- The Hearing Examiner’s Report and Recommendation to City Council, issued on October 26, 2022.
- The City Exhibit List and Exhibit C-1 through C-16.
- The verbatim electronic recording from the hearing held on October 20, 2022.