



**TO:** Elizabeth Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JH*  
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services *tas*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 17-1157 – Street Vacation 124.1380 – November 28, 2017  
**DATE:** November 7, 2017

**SUMMARY:**

An ordinance to vacate a portion of Broadway Avenue, lying between South 9th Street and South 11<sup>th</sup> Street, to provide ramped access to the back storage area and freight elevator vestibule of the Pantages Theater and additional space for two offices.

**COUNCIL SPONSORS:**

N/A

**STRATEGIC POLICY PRIORITY:**

The proposed action would be aligned with the following strategic policy priorities:

- Cultivate a vibrant cultural sector that fosters a creative, cohesive community.
- Assure outstanding stewardship of the natural and built environment.

**BACKGROUND:**

At the request of its tenant/operator (the Broadway Center for the Performing Arts, the “BCPA”), the City of Tacoma has petitioned to unencumber a portion of its property from a small area of the right-of-way dedicated as Broadway Avenue, lying between South 9<sup>th</sup> Street and South 11<sup>th</sup> Street, in order for the BCPA to provide ramped access to the back storage area and freight elevator vestibule of the Pantages Theater, as well as to facilitate additional space for two offices.

**ISSUE:**

Whether the Council should approve the proposed street vacation?

**ALTERNATIVES:**

The Council could choose to follow the Hearing Examiner’s Recommendation and approve the requested street vacation, or the Council could deny the vacation petition. The proposed vacation appears to meet the standards for approval of such requests contained in Chapter 9.22 of the Tacoma Municipal Code and Chapter 35.79 of the Revised Code of Washington. The requested vacation is a public benefit because it allows the BCPA to better serve the entertainment and cultural needs of the public, while not materially interfering with the public’s use of the right-of-way.

**RECOMMENDATION:**

The request is hereby recommended for approval, subject to conditions contained in Conclusion 6 of the Hearing Examiner’s Report and Recommendation to the City Council. Of note is that the recommendation includes waiving any compensation for the vacation pursuant to TMC 9.22.010.

**FISCAL IMPACT:**

N/A

**ORIGINAL**