



City of Tacoma

City Council Action Memorandum

**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Troy Stevens, Senior Real Estate Specialist, Public Works, Real Property Services *ts*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance Request No. 20-0083 - Street Vacation 124.1401 - February 11, 2020  
**DATE:** January 27, 2020

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**SUMMARY AND PURPOSE:**

An ordinance to vacate a 5.66 foot width of the air rights running along the north side of South 15th Street for the length of the abutting parcel addressed as 1351 Fawcett Avenue, beginning 16.5 feet above the existing grade at the Southwest corner of another point 73.5 feet directly above, and extend(ing) 16.5 feet above the existing grade at the Southeast corner of another point 91.2 feet directly above the right-of-way ("ROW) to facilitate future development. The Petitioner intends to acquire the designated air rights to facilitate residential, multi-family development.

**BACKGROUND:**

The Hearing Examiner's recommendation is based on the evidence and testimony presented at the public hearing held on January 16, 2020. The Vacation Area (as defined in the Hearing Examiner's Report and Recommendation) is a 5.66 foot width of the air rights running along the north side of South 15th Street for the length of the abutting parcel addressed as 1351 Fawcett Avenue, beginning 16.5 feet above the existing grade at the Southwest corner of another point 73.5 feet directly above, and extend(ing) 16.5 feet above the existing grade at the Southeast corner of another point 91.2 feet directly above the right-of-way. The Vacation Area is not being currently used for ROW purposes, nor does the City see any future need for it as ROW. Approving the vacation will not landlock any abutting property nor will it otherwise affect any existing access. Approving the vacation will be beneficial to the Petitioner by allowing use of the Vacation Area to enhance its intended development free of the City's inchoate, and unneeded ROW interest.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held for this petition on January 16, 2020, at which members of the community could attend and speak to express their concerns with, and/or support for the proposed street vacation. Two members of the public appeared primarily expressing concerns about the Petitioner's intended development rather than about the ROW vacation *per se*. One written comment was submitted also expressing concerns about the potential impacts of the Petitioner's intended development. If approved, the vacation itself will have nominal benefit or effect on the community surrounding the area because the vacation area is not used as ROW presently, nor is there any need for it in the future. The Vacation Area will allow the ultimate development some additional square footage and possibly some aesthetic benefits as well.

**2025 STRATEGIC PRIORITIES: NA**

**ORIGINAL**



**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.	Any different conditions imposed would have to find justification outside of the City's current position, i.e., of not needing the Vacation Area for any public purpose.
2. The Council could deny the vacation petition.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo.	Denial maintains the status quo, and potentially requires the Petitioner to redesign its development.

**EVALUATION AND FOLLOW UP:**

The recommended street vacation is subject to the conditions listed in the Hearing Examiner's Report and Recommendation, issued on January 22, 2020. 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 street vacation, subject to the conditions 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. A fair market appraisal or market rate analysis will occur after the first reading of the ordinance. When the market information is available, the estimated revenue from the street vacation will be communicated with City Council.

**ATTACHMENTS:**

The following attachments can be found in Legistar:

- The Hearing Examiner's City Council Action Memorandum, dated January 27, 2020.
- The Hearing Examiner's Report and Recommendation to the City Council, entered on January 22, 2020.
- The City's Exhibit List and City Exhibits C-1 through C-13.
- The Petitioner's Witness List, Exhibit List, and Exhibits P-1 through P-5.
- (1) Public Comment from Charlotte B. Brown