



**TO:** Elizabeth A. Pauli, City Manager  
**FROM:** Jeff H. Capell, Hearing Examiner *JHC*  
Troy Stevens, Senior Real Estate Specialist, Public Works Real Property Services *tas*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance No.: 23-0203 - Street Vacation 124.1439 - March 21, 2023  
**DATE:** March 1, 2023

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**SUMMARY AND PURPOSE:**

An ordinance vacating portions of South 23rd Street and South Cushman Avenue that are currently encroached upon by a residential structure.

**BACKGROUND:**

The Hearing Examiner’s recommendation is based on the evidence and testimony presented at a public hearing held on February 16, 2023. The Vacation Areas (as defined by the Hearing Examiner’s Report and Recommendation) are comprised of portions of South 23rd Street and South Cushman Avenue. Petitioner, SoHo Properties Inc. d/b/a SoHo Properties 2 Inc., requested the vacations to cure existing building encroachments. The Vacation Areas are not contemplated or needed for future public use, nor are they used presently as right-of-way.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

A public hearing was held on this petition on February 16, 2023, at which members of the community could attend and speak to express their concerns with, opposition to, and/or support for the proposed vacation. No members of the public attended the hearing. The vacations will benefit the Petitioner by curing existing building encroachments that will then facilitate redevelopment of the Petitioner’s property abutting the Vacation Areas as a duplex. There are no foreseeable negative effects on the community related to the requested vacations.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility:**

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

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

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

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

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



**ALTERNATIVES:**

<b>Alternative(s)</b>	<b>Positive Impact(s)</b>	<b>Negative Impact(s)</b>
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 into unused fringe right-of-way areas.	The most positive impacts come from approving the vacation. Denial simply maintains the status quo preserving the City's unneeded right-of-way interest.

**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 February 21, 2023. 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 vacations 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 March 1, 2023.
- The Hearing Examiner’s Report and Recommendation to the City Council, issued on February 21, 2023.
- City Exhibit List and City Exhibits C-1 through C-15.
- The verbatim electronic recording from the hearing held on February 16, 2023.