



Legislation Passed August 25, 2015

The Tacoma City Council, at its regular City Council meeting of August 25, 2015, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39261

A resolution declaring surplus and authorizing the execution of a Purchase and Sale Agreement and Quit Claim Deed to convey a 4,000 square-foot property located at 3515 North Alder Way, to Ian and Yong-Ye Costello, for the amount of \$6,141.

[Rich Price, Senior Real Estate Officer; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39262

A resolution authorizing the execution of a Memorandum of Understanding with the Tacoma-Pierce County Health Department, in the amount of \$50,000 in 2015 and \$50,000 in 2016, for a cumulative total of \$100,000, budgeted from the Council Contingency Fund, for the operation of the Wood Stove Program.

[James G. Parvey, Assistant Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Ordinance No. 28239

An ordinance vacating a portion of South 49th Street lying between South Wilkeson Street and Interstate 5 for use as fire and utility access, and additional parking for construction of a 44,500 square foot furniture store and associated parking on the adjacent property; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations.

(Wesco Management, LLC (Mor Furniture); File No. 124.1341)

[Phyllis Macleod, Hearing Examiner]

Ordinance No. 28308

An ordinance amending Chapter 13.06 of the Municipal Code, related to Zoning, to reclassify the property located at 4722 35th Street Northeast from an "R-2" Single-Family Dwelling District to an "R-3" Two-Family Dwelling District to allow for the conversion of a single-family dwelling into a two-family dwelling.

(Philip Wamba for FUSION; File No. REZ2015-40000242599)

[Phyllis Macleod, Hearing Examiner]



RESOLUTION NO. 39261

1 A RESOLUTION relating to surplus property; declaring real property owned by the
2 City, located at 3515 North Alder Way, to be surplus to the needs of the
3 City; and authorizing the execution of a Purchase and Sale Agreement and
4 Quit Claim Deed to convey said real property to Ian and Yong-Ye Costello
5 for the amount of \$6,141.

6 WHEREAS, in 2005, the City purchased the approximately 4,000 square-foot
7 property located at 3515 North Alder Way ("Property") to facilitate a restoration
8 effort in Puget Creek by the Puget Creek Restoration Society ("PCRS"), and

9 WHEREAS, since the time of purchase, PCRS has been unable to move
10 the project beyond a conceptual phase, and

11 WHEREAS, over the last several years, the abutting property owners, Ian
12 and Yong-Ye Costello, have expressed their desire to purchase the Property from
13 the City, and

14 WHEREAS, in November 2013, PCRS objected to the potential sale of the
15 Property and requested additional time for project development, and

16 WHEREAS, on January 21, 2014, the City delivered a letter to PCRS,
17 outlining the requirements to continue holding the property exclusively for the
18 PCRS project, and directing PCRS to submit the following documents to establish
19 project viability no later than July 24, 2014: a feasibility/constructability study,
20 written support from funding agencies, written support from BNSF Railway
21 Company ("BNSF") to grant the necessary property rights, and a fully developed
22 set of engineering plans, and
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24 WHEREAS PCRS submitted preliminary draft documentation, but could not
25 provide documentation showing guaranteed project funding or the likelihood of
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1 receiving project funding, and further did not obtain the required property rights to
2 construct on BNSF operating right-of-way or submit developed engineering plans
3 detailing the proposed construction, and

4 WHEREAS staff reviewed the materials submitted by PCRS and determined
5 that the Property has low habit benefit with questionable long-term viability, and

6 WHEREAS it was staff's opinion that the project proposal was not
7 sustainable, and recommended moving forward with the surplus sale to the
8 abutting property owners, and

9 WHEREAS, in early 2015, the City and the Costellos signed a Purchase
10 and Sale Agreement for the Property, in the amount of \$6,141, and, as part of the
11 agreement, the Costellos dedicated a 723 square-foot area back to the City for
12 additional right-of-way for Alder Street, which can be used as a buffer to the open
13 channel and ensures that the existing fish ladder will remain in the public
14 right-of-way, and

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17 WHEREAS, there being no foreseeable need for continued City ownership
18 of the Property, a declaration of surplus and negotiated disposition of the Property
19 and the execution of a Quit Claim Deed to convey all City interest in said Property
20 to Ian and Yong-Ye Costello for the amount of \$6,141 appears to be in the best
21 interests of the City, pending final approval from the City Council; Now, Therefore,

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23 **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

24 Section 1. That continued ownership of the City real property located at
25 3515 North Alder Way (Parcel No. 8945003271) ("Property"), legally described on
26 Exhibit "A," is not essential to the needs of the City and is hereby declared surplus



pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma
1 City Charter.

2 Section 2. That the proper officers of the City are hereby authorized to
3 enter into a Quit Claim Deed to convey all City interest in the Property to Ian and
4 Yong-Ye Costello for the amount of \$6,141, said documents to be substantially in
5 the form of the agreement and deed on file in the office of the City Clerk.
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8 Adopted _____

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Mayor

11 Attest:
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13 _____
City Clerk

14 Approved as to form:
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16 _____
Deputy City Attorney

17 Legal Description Approved:
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19 _____
Chief Surveyor
Public Works Department

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EXHIBIT "A"

LEGAL DESCRIPTION

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Parcel No.: 8945003271

Legal Description:

A portion of Government Lot 4 within the Section 30, Township 21 North, Range 03 East, W.M. more particularly described as follows:

That portion of Lots 1 through 3, inclusive, Block 78, SUPPLEMENTARY MAP OF TACOMA, W.T., as recorded in Volume 1 of Plats at Page 11, records of Pierce County, Washington, lying easterly of North Alder Way;

Together with the northerly one half of the alley abutting thereon and attached thereto by operation of law through City of Tacoma Vacation Ordinance No. 1678, as Approved May 15, 1902

Except the Railroad Right of way;

Containing 4,000 ± square feet;

Situate in the City of Tacoma, County of Pierce, state of Washington.



RESOLUTION NO. 39262

1 BY REQUEST OF COUNCIL MEMBERS CAMPBELL, MELLO, AND WOODARDS

2 A RESOLUTION authorizing funding in the amount of \$50,000 in 2015 and
3 \$50,000 in 2016, for a total of \$100,000, budgeted from the Council
4 Contingency Fund, for the operation of the Wood Stove Program by the
5 Tacoma-Pierce County Health Department; and authorizing the execution of
6 a Memorandum of Understanding with the Tacoma-Pierce County Health
7 Department to outline the terms and deliverables for said City contribution.

8 WHEREAS the Wood Stove Program ("Program"), operated by the Puget
9 Sound Clean Air Agency ("PSCAA") in partnership with Tacoma-Pierce County
10 Health Department ("TPCHD"), was formed in response to a 2009 Environmental
11 Protection Agency ("EPA") finding that the Tacoma-Pierce County area was out of
12 compliance with the Clean Air Act due to the severity of fine particle pollution
13 caused by older wood-burning devices, and

14 WHEREAS the Program was developed to help residents in a targeted area
15 of Pierce County, known as the Smoke Reduction Zone ("Zone"), replace
16 uncertified wood-burning devices with cleaner heating options through education,
17 outreach, and financial assistance, with an emphasis on connecting low-income
18 households and other underserved populations with more environmentally friendly
19 stoves or other heating devices, such as gas appliances or heat pumps, and

20 WHEREAS the partnership began in 2007 and was, until this year, funded
21 through a \$100,000 contract with PSCAA and a match of approximately \$100,000
22 by the TPCHD, and

23 WHEREAS the Program, having exhausted all previously awarded grant
24 funding, is currently on hold, and
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WHEREAS additional funding is expected from the Department of Ecology to finance woodstove replacements, but said funding does not include staff and administrative costs, and

WHEREAS, in May 2015, the PSCAA indicated that it would be reducing Pierce County funding, including its contribution toward the Program, and

WHEREAS, given the importance of the Program and the necessity of remaining in compliance with EPA standards, the TPCHD is now seeking Program support from the City, and

WHEREAS the cost of the Program is approximately \$200,000 per year, which covers staff and other administrative costs, and

WHEREAS the proposed 2015-2016 Program funding is as follows: for 2015, \$50,000 from the City, \$50,000 from the last portion of the PSCAA contract, and \$100,000 from the TPCHD; and for 2016, \$50,000 from the City, \$50,000 from Pierce County, and \$100,000 from the TPCHD, and

WHEREAS the proposed funding would be used for costs associated with verifying income qualification for financial assistance awarded to residents, as well as outreach and education, and

WHEREAS funds would also be available to focus on particular neighborhoods, such as the Lincoln and South End neighborhoods of the City, and

WHEREAS staff will negotiate and execute a Memorandum of Understanding, outlining the terms and deliverables for the City's contribution, and



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WHEREAS an appropriation from the Council Contingency Fund requires an affirmative vote of not less than six members of the City Council; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That funding in the amount of \$50,000 for 2015, and \$50,000 for 2016, for a total of \$100,000, budgeted from the Council Contingency Fund, is hereby approved for the purpose of supporting the Wood Stove Program operated by the Tacoma-Pierce County Health Department.

Section 2. That the proper officers of the City are hereby authorized to enter into a Memorandum of Understanding with the Tacoma-Pierce County Health Department for the purposes hereinabove enumerated, said document to be substantially in the form of the Memorandum of Understanding on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28239

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating a
4 portion of South 49th Street lying between South Wilkeson Street and
5 Interstate 5; and adopting the Hearing Examiner's Findings,
6 Conclusions, and Recommendations related thereto.

7 WHEREAS all steps and proceedings required by law and by resolution
8 of the City Council to vacate the portion of the right-of-way hereinafter
9 described have been duly taken and performed; Now, Therefore,

10 BE IT ORDAINED BY THE CITY OF TACOMA:

11 Section 1. That the City Council hereby adopts the Hearing Examiner's
12 Findings, Conclusions, and Recommendations as contained in the Hearing
13 Examiner's Report and Recommendation to the City Council bearing File
14 No. 124.1341 and dated July 23, 2014, which Report is on file in the office of
15 the City Clerk.
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Section 2. That the portion of South 49th Street lying between South Wilkeson Street and Interstate 5, described as follows:

Beginning at the Southeast corner of Lot 16, Block 22, Acme Addition to Tacoma, according to the Plat thereof recorded in Book 8 of Plats, Page 110, records of Pierce County, Washington; thence North 87°26'32" West, along the South line of said Block 22, a distance of 365.29 feet; thence South 03°03'10" East a distance of 60.29 feet, more or less, to the North line of Block 23 of said Acme Addition; thence South 87°26'32" East, along the North line of said Block 23, a distance of 269.39 feet; thence North 02°32'28" East a distance of 47.50 feet; thence South 87°26'32" East a distance of 90.00 feet; thence North 02°33'28" East a distance of 12.50 feet to the True Point of Beginning.

All situate in the Northwest quarter of the Northwest Quarter of Section 20, Township 20 North, Range 03 East, W.M., within the City of Tacoma, County of Pierce, State of Washington;

is hereby vacated, and the land so vacated is hereby surrendered and attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law; provided, however, that there is hereby retained and reserved, pursuant to the statutes of the state of Washington, the following easements, to-wit:



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CITY OF TACOMA – ENVIRONMENTAL SERVICES

An easement for the existing storm and sanitary mains shall be reserved across the vacated Right-of-Way in the area legally described as follows:

Commencing at the centerline intersection of South Wilkeson Street and South 49th Street; thence North 87°26'32" West, along the centerline of said South 49th Street, a distance of 124.96 feet to the True Point of Beginning; thence North 02°33'28" East a distance of 9.63 feet; thence North 87°10'52" West a distance of 273.41 feet; thence South 03°03'22" East a distance of 32.18 feet; thence South 87°24'14" East a distance of 270.26 feet; thence North 02°33'28" East a distance of 21.33 feet, more or less, to the centerline of South 49th Street and the True Point of Beginning.

Access to the above-described easement area, as reserved herein, shall be unhindered at all times.

CITY OF TACOMA – TACOMA FIRE

The Petitioner shall relocate the existing fire hydrant, at its own expense and in coordination with Tacoma Water, to a location near the South 49th Street termination.

CITY OF TACOMA – TACOMA WATER

The Petitioner shall enter into an easement agreement with Tacoma Water regarding use of the vacated area by Tacoma Water that will be executed and recorded concurrently with the vacation ordinance and not as a reservation therein.



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PUGET SOUND ENERGY

The Petitioner shall execute and record an easement agreement with Puget Sound Energy, which will be recorded concurrently with the vacation ordinance.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: A portion of South 49th Street lying between South Wilkeson Street and Interstate 5

Petitioner: Wesco Management, LLC

Vacation Req. No. 124.1341



ORDINANCE NO. 28308

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3 AN ORDINANCE relating to zoning; changing the zoning classification of
4 certain property from an "R-2" Single-Family Dwelling District to an
5 "R-3" Two-Family Dwelling District, and amending Chapter 13.06 of
6 the Tacoma Municipal Code by deleting certain described property
as Section 13.06.100.B.1, and by adding a new section to be known

7 BE IT ORDAINED BY THE CITY OF TACOMA:

8
9 Section 1. That the City Council hereby adopts the Hearing
10 Examiner's Findings, Conclusions, and Recommendations contained in
11 the Hearing Examiner's Report dated June 25, 2015, bearing File
12 No. REZ2015-40000242599, which Report is on file in the office of the
13 City Clerk.
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15 Section 2. That Chapter 13.06 of the Tacoma Municipal Code is hereby
16 amended by a new Section 13.06.100.B.5 (79), to read as follows:
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13.06.100.B.5 (79) ADDED TO "R-3" TWO-FAMILY DWELLING

DISTRICT. The following property shall be included in the R-3 Two-Family Dwelling District:

That portion of the Southwest quarter of the Southeast quarter of Section 23, Township 21 North, Range 03 East, W.M. more particularly described as follows:

Lot 1 of City of Tacoma Short Plat as recorded under Auditor File Number 9406290274, records of the Pierce County Auditor.

Section 3. That the above-described property is hereby deleted from Tacoma Municipal Code 13.06.100.B.1, "R-2" Single-Family Dwelling District.

Section 4. That, prior to final approval of this reclassification, the City may require the applicant to execute and record with the County Auditor a



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Concomitant Zoning Agreement (“CZA”) incorporating the conditions of approval hereby imposed.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: 4722 35th Street NE
Petitioner: Philip Wamba on behalf of FUSION
Request No.: REZ2015-40000242599