

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Chloe Eudaly Commissioner **Chris Warner** Interim Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8722

**COMMISSION MEETING TO BE HELD: TUESDAY, MARCH 12, 2019, 12:30 PM,
1900 SW 4TH AVE, SUITE 2500**

I. GENERAL INFORMATION

Street Vacation Request: SW 9th Avenue between SW Gibbs Street and SW US Veterans Hospital Road

Petitioner: Matt Wand, General Counsel, Yoshida Group, 503.680.8180, matt.wand@yoshida.com

Purpose: The stated purpose for the proposed street vacation is to simplify development constraints necessary for developing contiguous structures located on the existing lots for use as a hotel.

Neighborhood: Homestead

State ID: 1S1E09AC 7700

Designation/Zone: CM2 (Commercial Mixed Use 2)



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

II. FACTS

A. History and Background

The public right-of-way proposed for vacation is SW 9th Avenue between SW Gibbs Street and SW US Veterans Hospital Road. The site is in the Homestead Neighborhood, adjacent to and just outside of the Marquam Hill Plan District. The right-of-way is currently unimproved with a steep grade. The petitioner is seeking to vacate the right-of-way to facilitate the development of a hotel on three tax lots owned by the same owner.

B. Concurrent Land Use Actions

There are no concurrent land use actions at this time.

C. The Transportation Element

In the 2035 Transportation System Plan, the area proposed for vacation is classified as a local street for bicycle, pedestrian, traffic, emergency response, freight, design, and transit.

D. Neighborhood Plan

The area proposed for vacation is not identified for current or future use in the Homestead Neighborhood Plan (1997), Southwest Community Plan (2000), or Marquam Hill Plan (2003).

III. APPROVAL CRITERIA FINDINGS

Title 17.84.025 Approval Criteria for Vacating Streets

A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:

- 1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.*

Comment: The right-of-way proposed to be vacated has not been identified in any plan for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. The criterion is met.

- 2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.*

Comment: The proposed vacation does not prevent the extension of, or retention of, public services, transportation and utility functions subject to the conditions identified in IV below. The vacated area is not identified as a view corridor or view point. It is supportive of present and future stormwater functions. This criterion is met.

- 3. Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

Comment: The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services,

transportation functions, and utilities. The right-of-way proposed for vacation is not required for these purposes. This criterion is met.

4. *The vacation does not impede the future best use, development of, or access to abutting property.*

Comment: The area proposed for vacation does not impede the future best use, development of, or access to abutting property. Abutting properties will continue to have access via SW 10th Avenue, SW Gibbs Street, SW Sam Jackson Park Road, and SW US Veterans Hospital Road. This criterion is met.

5. *The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets.*

Comment: The right-of-way proposed for vacation is presently unimproved and does not serve an interconnected system of public streets. The area proposed for vacation has not been identified as needed in the future to serve an interconnected system of public streets. Street connection and bicycle/pedestrian spacing requirements are presently met. The steep grade would make it difficult for the right-of-way to be improved to meet city standards. This criterion is met.

IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

The proposed street vacation request was reviewed by the following bureaus and agencies and is subject to the identified conditions:

PBOT Development Review	No objection
PBOT Transportation Planning	No objection
PBOT Permit Engineering	No objection
PBOT Signals & Street Lighting	No objection
PBOT Transportation Systems Management	No objection
PBOT Active Transportation	No objection
PBOT Bridges and Structures	No objection
Bureau of Development Services	No Objection subject to the following condition: Approval of a Lot Consolidation of Lots 3 and 4, Block 71, Portland City Homestead if completion of the street vacation process results in Lot 3 having a public street frontage that is less than 10 feet in length. If BDS determines a Lot Consolidation to be necessary, it will be recorded prior to, or concurrently with, the street vacation ordinance.
Portland Water Bureau	No objection subject to the following condition: The Petitioner must pay, in full, fees to: 1) Cut and plug the 8" water main in SW 9th Avenue, and 2) Relocate the existing fire

	hydrant to the water main located in SW US Veterans Hospital Road to Water Bureau's satisfaction.
Bureau of Environmental Services	No objection subject to the following conditions: The Petitioner will grant a permanent Sewer Easement to the City for the existing BES pipe located within the vacation area. BES requires a 15 foot wide easement centered over the pipe. An offset easement would also be considered with a spacing of 5 feet on one side and 10 feet on the other. Petitioner must provide professionally prepared legal exhibits showing the BES pipe location, the easement area, and associated property lines.
Portland Fire and Rescue.	No objection
Urban Forestry	No objection
Portland Parks and Recreation	No objection
Bureau of Technology Services Corporate GIS	No objection
PBOT Parking Control	No objection
TriMet	No objection
Pacific Power	No response received
Comcast	No response received
ODOT	No objection
Port of Portland	No response received
PGE	Have facilities in street area. Reserve easement
CenturyLink	No response received
Northwest Natural	No response received

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Homestead Neighborhood Association, Southwest Neighbors Inc district coalition, and Southwest Trails PDX. No responses were received. Notice of the Planning and Sustainability Commission meeting were sent to the affected area.

VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Additionally, approval of the street vacation will not affect the functional performance of the street system in the area.

VII. TENTATIVE STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area shown on Exhibit 1, with conditions:

- Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in IV. above.

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning and Sustainability Commission's recommendation.

VIII. EXHIBITS

1. Area proposed for vacation
2. Aerial Photo

Bureau of Transportation Staff Planner

Bob Kellett

503/823-6127

Bob.Kellett@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager

Exhibit 1

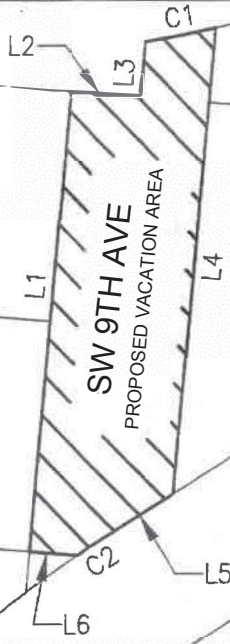
CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHRD. BRG.	CHRD. LEN.
C1	02°17'48"	388.10'	15.56'	N78°56'22"E	15.55'
C2	01°35'52"	268.84'	7.50'	S56°41'51"W	7.50'

30'
SW
SAM JACKSON
PARK ROAD
30'

(58)

PORTLAND
CITY
HOMESTEAD

SW GIBBS STREET



(40)

30'
SW US VETERANS
HOSPITAL ROAD
30'



SCALE: 1"=40'

 LEGEND
VACATION AREA (3,053 SQ.FT.)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jon M. Yamashita

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

EXPIRES 6/30/18

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N04°17'22"E	99.61'
L2	S85°42'38"E	15.00'
L3	N04°17'22"E	11.86'
L4	S04°17'22"W	100.94'
L5	S57°29'47"W	16.82'
L6	N85°42'38"W	10.59'

EXHIBIT B
VACATION AREA
SECTION 9, T.1 S., R. 1 E., W.M.
R/W #8722

Otak


808 SW 3rd Ave., Ste. 300
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18086

DATE 05/02/2018	DRAWING S18086E180.dwg	REVISION NO. 000	DRAWN BY RER	CHECKED BY JMY
--------------------	---------------------------	---------------------	-----------------	-------------------

Exhibit 2: Aerial photo of site looking north

