

# PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Ave., Suite 800 Portland, OR 97204 503-823-5185  
Fax 503-823-7576 TTY 503-823-6868 [www.portlandoregon.gov/transportation](http://www.portlandoregon.gov/transportation)

Chloe Eudaly Commissioner Chris Warner Director

## STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8958

COMMISSION MEETING TO BE HELD: TUESDAY, MARCH 24, 5PM

### I. GENERAL INFORMATION

**Street Vacation Request:** SW 3<sup>rd</sup> Avenue south of SW Arthur Street

**Petitioner:** Ben Eder, David Eder, dba Thuemmel, Uhle & Eder. The Petitioner's representative is Stewart Straus, [sgs@s-straus.com](mailto:sgs@s-straus.com), (503) 672-7517 ext. 108.

**Purpose:** The stated purpose for the proposed street vacation is to allow for the construction of a 2-story office building with off-street parking.

**Neighborhood:** South Portland Neighborhood Association

**State ID:** 1S1E10BB

**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 3<sup>rd</sup> Avenue south of SW Arthur Street. The site is in the South Portland Neighborhood. SW 3<sup>rd</sup> Avenue in this location is an improved right-of-way with a dead-end cul-de-sac that has a pedestrian stairway that connects to SW Meade Street. The petitioner filed for a Building Permit on September 21, 2018 (18-241260 CO) to construct a new 2-story office building at the adjacent 278 SW Arthur Street property. In relation to the permit, PBOT identified the need for right-of-way improvements along the site's two frontages, which triggered the need for a Public Works Permit (TH0853). During review of the Public Works Concept Development plans (30%), the petitioner was advised that PBOT would not be supportive of the exit-only driveway via SW Arthur St. PBOT Development Review suggested that a partial street vacation of SW 3<sup>rd</sup> Avenue would address PBOT's egress concerns. Petitioner's modified site plan relocates the proposed building 20 feet to the west, requiring a vacation of the easterly 20 feet of SW 3<sup>rd</sup> Avenue. Based on this information and input from PBOT Development Review, the petitioner is seeking a partial street vacation, approximately 20 feet of the eastern portion of SW 3<sup>rd</sup> Avenue which will facilitate access to the proposed office building's on-site parking from SW 3<sup>rd</sup> Avenue.

### **B. Concurrent Land Use Actions**

The proposed office building's case is 18-241620 CO. The proposed office building is described as 2-story with on-site parking.

### **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 has not been identified for current or future use in any existing neighborhood plans.

## **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 area proposed is a partial vacation of the SW 3<sup>rd</sup> Ave. right-of-way and does limit the present or current function of SW 3<sup>rd</sup> Ave. The area proposed for vacation and subsequent construction of the office building will result in the removal of one on-street parking space, while adding off-street parking on the adjacent property. 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. 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 subject to the conditions listed in IV below. 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 3<sup>rd</sup> Avenue. While future access to the proposed office building will result in the removal of one on-street automobile parking space, this does not impede future best use or development of abutting property. 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 partial vacation of SW 3<sup>rd</sup> Avenue will not impact the street’s function in 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 with a pedestrian stairway at the southern end of SW 3<sup>rd</sup> Ave., and the partial street vacation does not impact future connectivity. 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	<b>No objection subject to the following condition:</b> Verify sidewalk/pedestrian corridor retained along SW 3 <sup>rd</sup> Ave frontage (allowing for street light installations)

PBOT Transportation Systems Management	No objection
PBOT Active Transportation	Recommends denial based on loss of parking space on SW 3 <sup>rd</sup> . No condition of approval.
PBOT Bridges and Structures	No objection
Bureau of Development Services	No objection
Portland Water Bureau	No objection
Bureau of Environmental Services	No objection
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 utility easement
CenturyLink	No response received
Northwest Natural	No response received

## V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the South Portland Neighborhood Association, Southwest Neighbors Inc district coalition, and South Portland Business Association. The South Portland Neighborhood Association Land Use Committee responded with no objections. No response was received from Southwest Neighbors Inc district coalition, and South Portland Business Association. Notice of the Planning and Sustainability Commission meeting has been 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.
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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
3. Right of Way Photos
4. Site Plan

Bureau of Transportation Staff Planner  
Bob Kellett, 503/823-6127, [Bob.Kellett@portlandoregon.gov](mailto:Bob.Kellett@portlandoregon.gov)

cc: Gerry Caruso, Right-of-Way Case Manager

# Exhibit 1



## SW 3rd Avenue south of SW Arthur Street

Petitioner: Benjamin L. Eder and David N. Eder, dba Thuemmel Uhle and Eder



Area Proposed for Vacation



R/W 8958 State ID: 1S1E10BB

1 inch = 50 feet



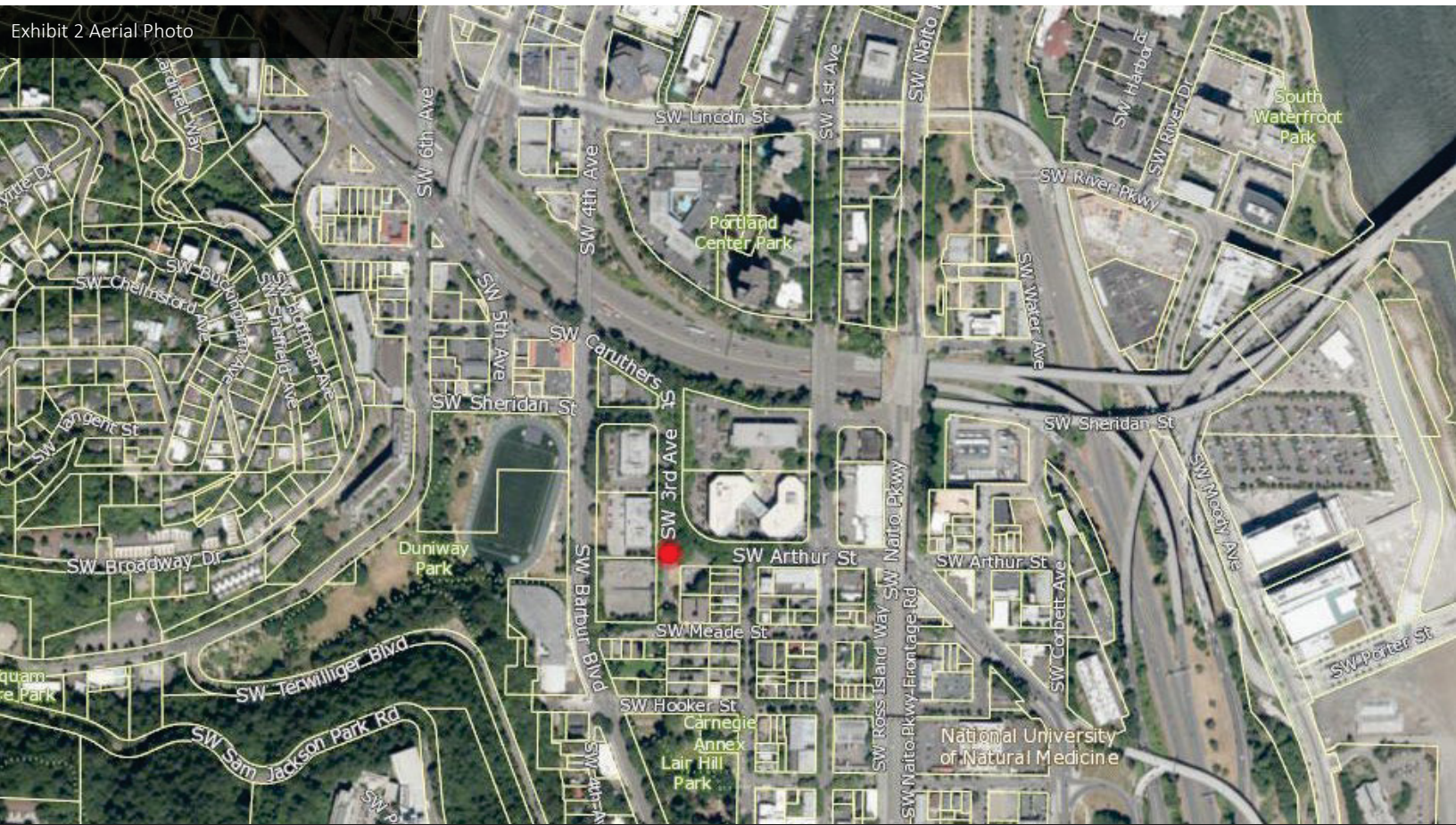


Exhibit 2 Aerial Photo



Exhibit 3: Right-of-Way facing north

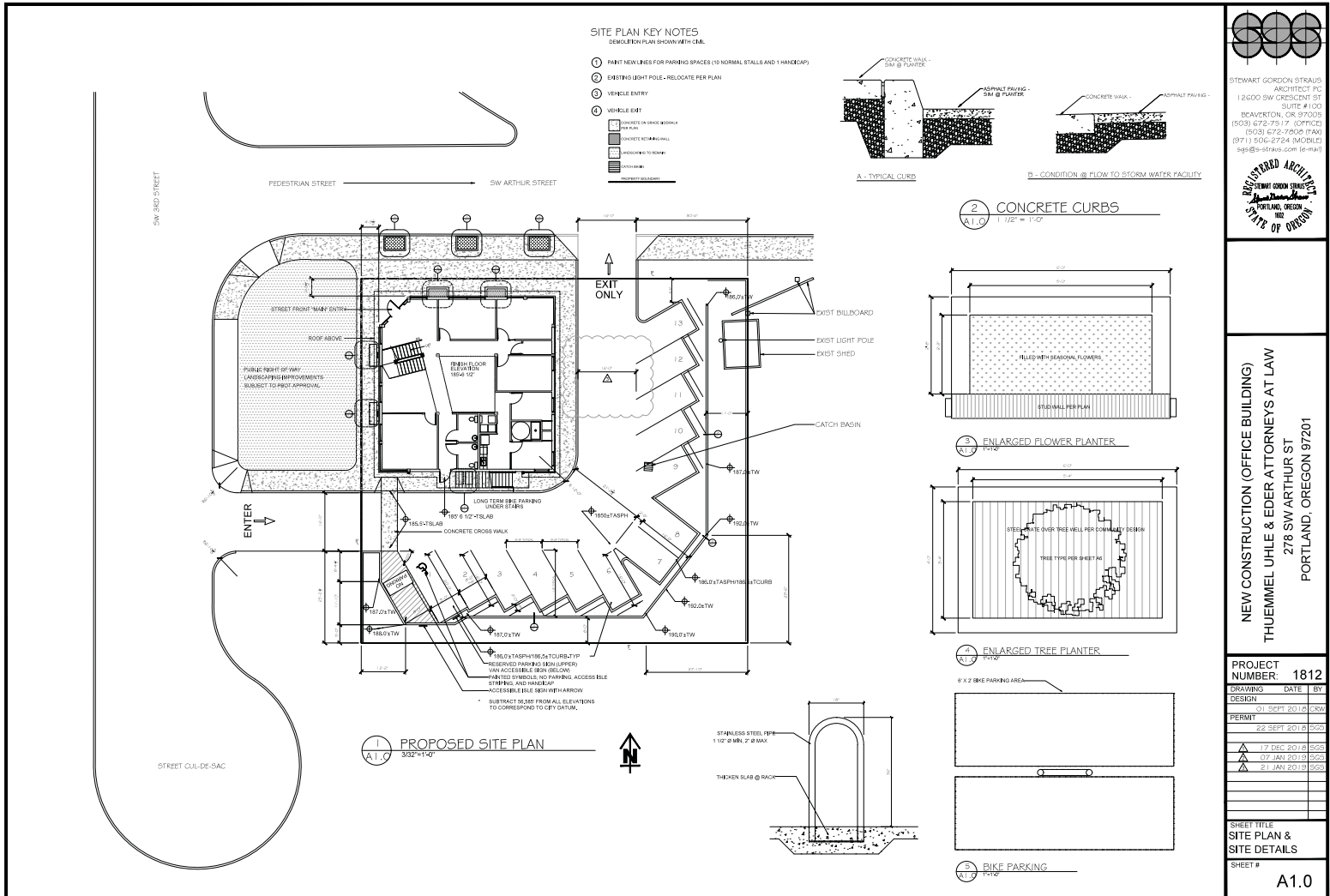




Exhibit 3: Right-of-Way facing south



Exhibit 4: Site Plan



STEWART GORDON STRAUSS  
ARCHITECT PC  
12600 SW CRESCENT ST  
SUITE 4100  
BEAVERTON, OR 97005  
(503) 672-7517 (OFFICE)  
(503) 672-7505 (FAX)  
(971) 506-2724 (MOBILE)  
sgs@stg-arch.com (e-mail)

STEWART GORDON STRAUSS  
ARCHITECT  
PORTLAND, OREGON  
STATE OF OREGON

NEW CONSTRUCTION (OFFICE BUILDING)  
THUEMME UHLE & EDER ATTORNEYS AT LAW  
278 SW ARTHUR ST  
PORTLAND, OREGON 97201