

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Chloe Eudaly Commissioner Chris Warner Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #8824

COMMISSION MEETING TO BE HELD: JUNE 9, 2020, 12:30 PM

I. GENERAL INFORMATION

Street Vacation Request: NE Everett St., west of NE 2nd Avenue

Petitioner: The street vacation has been initiated by Union Pacific Railroad. The Petitioner's representative is Li Alligood, li.alligood@otak.com or 503-287-6825.

Purpose: The stated purpose for the vacation is to provide parking for local businesses as part of a Union Pacific track project that took part of the existing parking for the business.

Neighborhood: Kerns

State ID: 1N1E34DA

Designation/Zone: IG1 (General Industrial 1)



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II. FACTS

A. History and Background

A recent Union Pacific track project included the removal of some off-street parking used by the railroad and adjacent businesses. The right-of-way proposed for vacation is presently not built to a street standard. It is a paved surface that is developed with a private parking lot which is permitted by way of a lease from the Portland Bureau of Transportation. If the vacation is approved, the lease will be terminated. The vacated right-of-way will remain a private parking lot that is used by adjacent businesses.

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, NE Everett St. is classified as a local service transit street, local service traffic street, minor emergency response street, local service bikeway, local service walkway, local service truck street, and local street design.

D. Neighborhood Plan

The right-of-way proposed for vacation is not specifically identified for future use in the Central City 2035 plan (2018) nor in the Kerns Neighborhood Association Action Plan (1987). Off-street parking supply identified as a tool to support Central Eastside Industrial growth in the Central Eastside Parking Management Plan (2012).

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 is presently used as a private parking lot and does not serve the larger transportation network. The area has not been identified in any adopted plan for future use. The western portion of the right-of-way proposed for vacation ends where there is existing railway lines and an existing interstate. The right-of-way does not provide a needed connection presently and in the future. This 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 subject to the conditions identified in IV below. 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. The vacated right-of-way will be used as off-site parking for the 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 right-of-way proposed for vacation is presently not a street connection and is not needed for multimodal transportation. The street network in the area presently meets connectivity standards for all modes of transportation. The vacated right-of-way will not impact 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 subject to the following conditions: 8 feet of right-of-way behind the existing cul-de-sac; curb radius to be retained for future standard 8-foot curb tight sidewalk. All ROW behind that future sidewalk westward can be vacated as to not leave a remnant stub of NE 2nd Avenue. No street improvements are required. Exhibit 1 reflects the revision to the vacation area necessary to comply with this requirement.
PBOT Right-of-Way Acquisition	No objection subject to the following conditions: 1) dedicate R316009 as public ROW; 2) reduce the lease rate for the existing Beautification Lease with the City, dated March 1, 2000 to a nominal rate that is satisfactory to both UPRR and PBOT; 3) either enter into a lease with PBOT for the use of the parking spaces within the NE 2nd Avenue right-of-way, north of the NE 2nd Avenue cul-de-sac, cease using the parking spaces and remove the striping, or some combination of both.
PBOT Parking Control	No objection subject to the following conditions: Requires removing the cul-de-sac from the vacation area. Exhibit 1 reflects the revision to the vacation area necessary to comply with this requirement.
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 conditions: lots that lose street frontage as a result of the vacation to be consolidated. The Lot Consolidation would be processed as a Type IX land use review. A final plat survey is required for the Lot Consolidation review. The Lot Consolidation to be recorded prior to or concurrent with the street vacation ordinance.
Portland Water Bureau	No objection
Bureau of Environmental Services	No objection subject to the following conditions: 1) that the cul-de-sac area be removed from the vacation area requested due to ongoing vehicle access needs associated with the BES pump station located to the northeast of the requested

	vacation area; 2) a public sewer easement for the existing public 264-inch sewer overflow tunnel that crosses NE Everett Street. The easement must be at a min of 52 feet wide; and 3) a public sewer easement, minimum of 15 feet wide for the existing 8-inch sanitary gravity main in NE Everett Street. Exhibit 1 reflects the revision to the vacation area necessary to comply with requirement #1.
Portland Fire and Rescue.	No objection subject to the following conditions: The vacation request exclude the cul-de-sac area that is paved and provides access for fire department vehicles. Exhibit 1 reflects the revision to the vacation area necessary to comply with this requirement
Urban Forestry	No objection
Portland Parks and Recreation	No objection
Bureau of Technology Services Corporate GIS	No objection
TriMet	No objection
Pacific Power	No facilities in the street area
Comcast	No objection
ODOT	No objection subject to the following conditions: The Petitioner to grant ODOT an easement over the vacation area to accommodate access to ODOT facilities for protection, preservation, maintenance, reconstruction and operation for existing bridge facilities including bridge footings, columns, and bridge structure.
Port of Portland	No objection
PGE	No response received
CenturyLink	No facilities in the street area
Northwest Natural	No response received

V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Kerns Neighborhood Association and SE Uplift Neighborhood Coalition. No responses were received.

Notice of the Planning and Sustainability Commission meeting will be sent to neighbors in the surrounding 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 or concurrent with 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
3. Street View Photo

Bureau of Transportation Staff Planner
Bob Kellett
503/823-6127
Bob.Kellett@portlandoregon.gov

cc: Dee Walker, Right-of-Way Case Manager

EXHIBIT 1
LEGAL DESCRIPTION
N.E. EVERETT STREET VACATION
BETWEEN N.E. 1ST AVENUE AND N.E. 2ND AVENUE
RWA FILE NO. 8824
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
May 20, 2020 (Otak #18706.B00)

That portion of N.E. Everett Street lying between N.E. First Avenue and N.E. Second Avenue, also lying between Blocks 33 and 34 of "Map of East Portland" recorded in Plat Book 1, Page 54, Multnomah County Plat Records, in the southeast quarter of Section 34, Township 1 North, Range 1 East of the Willamette Meridian, City of Portland, Multnomah County, Oregon, said portion described as follows:

BEGINNING at the southwest corner that tract of land described as Parcel II in Statutory Warranty Deed Doc. No. 2011-051286, being the southwest corner of said Block 33;
thence along the south line of said Block 33, South 90°00'00" East a distance of 149.20 feet;
thence southerly along the arc of a non-tangent 59.00 foot radius curve to the left with radius point at the intersection of the centerline of N.E Everett Street and the northerly extension of the east line of said Block 34 (said radius point bears South 59°26'16" East), through a central angle of 61°07'28", an arc length of 62.94 feet (chord bears South 00°00'00" West a distance of 60.00 feet) to the north line of said Block 34;
thence along said north line North 90°00'00" West a distance of 149.20 feet to the northwest corner of said Block 34;
thence North 00°00'00" West a distance of 60.00 feet to the POINT OF BEGINNING.

Contains 8,619 square feet, more or less.



SCALE: 1"=50'

MAP OF EAST PORTLAND

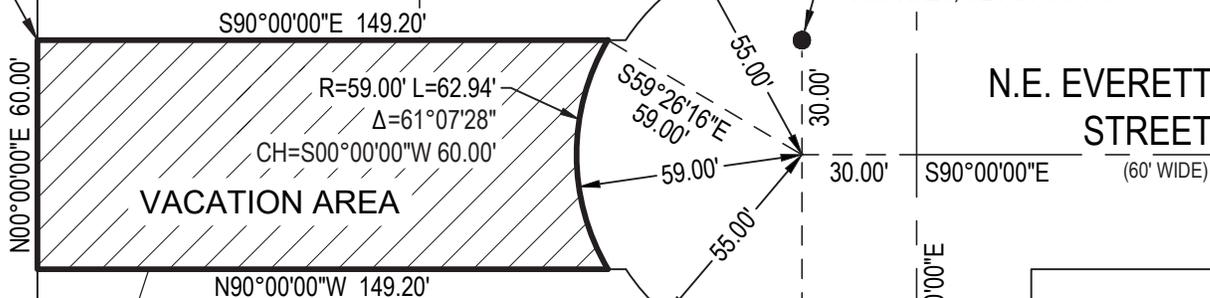
33

70

PARCEL II
DOC. NO. 2011-051286

P.O.B.

FOUND 5/8" I.R., NO CAP IN ASPHALT, SET IN SN 49987



N.E. 1ST AVENUE

N.E. EVERETT STREET

S90°00'00"E (60' WIDE)

N00°00'00"E

N.E. 2ND AVENUE
(60' WIDE)

34

69

Otak

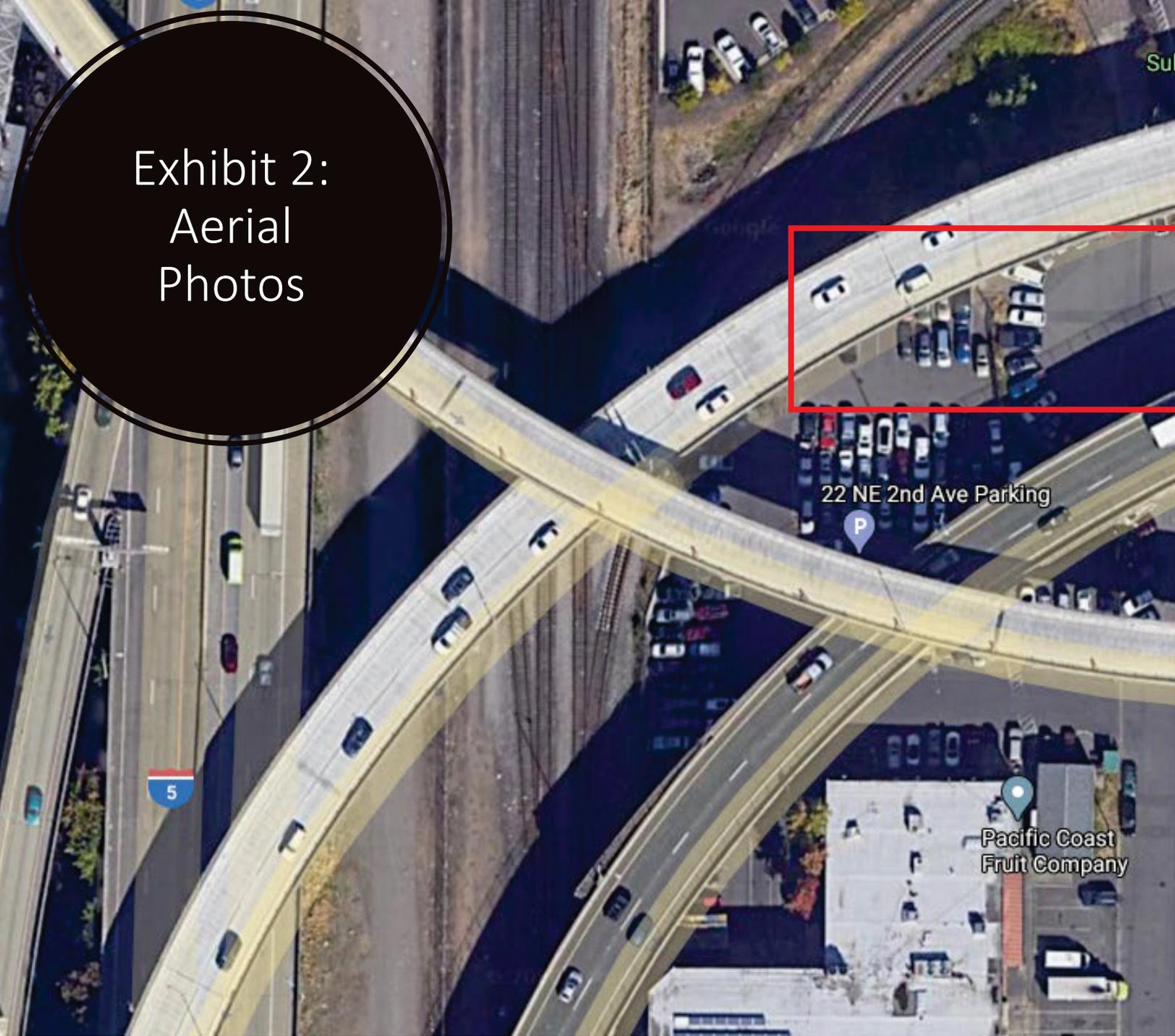
808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18706B

EXHIBIT 2

N.E. EVERETT STREET VACATION
BETWEEN N.E. 1ST AVENUE AND N.E. 2ND AVENUE, RWA FILE NO. 8824
IN THE SOUTHEAST 1/4, SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

MAY 20, 2020

Exhibit 2:
Aerial
Photos



22 NE 2nd Ave Parking

P

Pacific Coast
Fruit Company



