

Steve
Novick
Commissioner

Leah Treat
Director

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

FILE NUMBER: R/W #7712

COMMISSION MEETING TO BE HELD 12:30 PM, JUNE 10, 2014

1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: A portion of E Burnside Street west of NE Martin Luther King, Jr. Boulevard

Petitioner: Street vacation initiated by Portland Development Commission. The Petitioner's representative is Eric Jacobson, 503-823-3306, jacobsons@pdc.us.

Purpose: Purpose is to vacate excess right-of-way along East Burnside Street to maximize development potential of the adjacent parcel.

Neighborhood: Kerns Neighborhood Association
Jeff Mandel and Steve Russell, Land Use/Planning Co-Chairs
P.O. Box 13350
Portland, OR 97213

Southeast Uplift Neighborhood Program
Bob Kellett, Neighborhood Land Use Program Manager
3534 SE Main Street
Portland, OR 97214

Quarter Section: 3030

Designation/Zone: EXdCC, Central Employment zone with a Design overlay, in the Central City Plan District.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185
FAX 503-823-7576 • TTY 503-823-6868 • www.portlandoregon.gov/transportation

II. FACTS

A. History and Background

In 2010, East Burnside Street and NE Couch Street were converted to a one-way couplet between NE Martin Luther King, Jr Boulevard and NE 12th Avenue. To transition westbound traffic back to 2-way operations prior to approaching the Burnside Bridge, NE Couch Street was re-aligned in a north-south orientation between NE 3rd Avenue and NE Martin Luther King, Jr. Boulevard. This new NE Couch Street alignment bisects a formerly contiguous parcel, owned by the Portland Development Commission (PDC). PDC is in the process of redeveloping the eastern portion of this parcel, and has requested a vacation of a portion of the East Burnside Street right-of-way along the southern end of the parcel, in order to maximize the potential development footprint. The proposed vacation will not require modification of the existing curb line and will leave 15 feet available for frontage, sidewalk, and furnishing zones.

B. Concurrent land use actions

There are no concurrent land use actions.

C. The Transportation Element

The proposed street vacation site is part of the Central City Transportation Management Plan, a component of the Transportation System Plan. No policies relate to the site or the street vacation request.

East Burnside Street is classified as a Major City Traffic Street, a Major Transit Priority Street, a City Bikeway, a City Walkway, a Freight District Street, a Regional Main Street, and a Major Emergency Response Street.

D. Neighborhood Plan

The proposed vacation area lies within the Central City Plan District – Central Eastside Subdistrict. The Central City Plan was adopted by City Council in March 1988. Policy 4 of the Central City Plan addresses transportation issues and goals. This policy states its goal as being to “improve the Central City’s accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City’s livability.” The proposed street vacation area is not in conflict with the goals or elements of the Central City Plan policies.

III. FINDINGS

A. Comprehensive Plan Goals and Policies Consideration

The relevant policies of the Comprehensive Plan are:

Policy 6.20 Connectivity states:

Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Comment: The proposal will vacate a portion of right-of-way while leaving a 15-foot sidewalk corridor. This policy is met.

Policy 6.21 Right-of-Way Opportunities states:

Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.

Comment: East Burnside Street at the location of the proposed vacation is fully improved to City standards, and the proposed vacation will leave space for a 15-foot sidewalk while not affecting travel lanes. This policy is met.

Policy 8.14 Natural Resources, Objective I. States:

Consideration of Scenic Resources in Street Vacations. Require the preservation and maintenance of existing and potential view corridors and view points when approving street vacations. Require view easements within or near street vacations where access to viewpoints or view corridors is desired.

Comment: There are no scenic resources related to this site or street vacation. This policy is met.

Policy 11.11 Street Plans, Objectives D. and E. state:

D. Provide full street connections with spacing of no more than 530 feet between connections, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

E. Provide bike and pedestrian connections at approximately 330-foot intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints.

Comment: The street grid in this areas meets the connectivity standards. Existing bike lanes on East Burnside Street and NE Couch Street will be unaffected by the proposal, and there will be enough space for a 15 foot sidewalk corridor. This policy is met.

Policy 12.4 Provide for Pedestrians, Objective G. states:

Retain rights for pedestrian access and circulation when considering requests for street vacations. Preserve existing pedestrian routs and protect routes needed by pedestrians in the future. Ensure that street vacations do not reduce access to light and air or the intimate scale that is so much a part of Portland's character.

Comment: The proposed vacation will leave a 15-foot sidewalk corridor. This policy is met.

B. Neighborhood Plan considerations

The proposed vacation will support the development vision of the *Burnside Bridgehead Catalytic Framework Plan*, adopted by the PDC Board of Commissioners on May 26, 2010 (Resolution No. 6800).

C. Zoning Code considerations

There are no zoning issues.

D. Subdivision code considerations

There are no sub-division issues.

E. Improvement considerations

Notification of the proposed vacation was sent to relevant public and private entities that may own or maintain physical improvements within the public right-of-way.

The following divisions within the Bureau of Transportation have no objection to the proposed vacation: Planning, Policy and Projects; Active Transportation; Transportation Systems Management; Street Lighting; Bridges and Structures.

The following divisions within the Portland Bureau of Transportation (PBOT) provided comments related to the proposed vacation:

Development Review: a minimum 15-foot right-of-way shall be retained from the property line to the face of the curb on East Burnside Street.

Permit Engineering: the East Burnside Street sidewalk shall be reconstructed with a cross slope that flows toward the gutter. The existing stormwater planter shall only be removed in conjunction with reconstruction of the sidewalk. The sidewalk corner shall be reconstructed if there is not a minimum 4-foot wide path between the proposed building and ADA throat ramps. A Performance Guarantee will be accepted in lieu of performing the work prior to the vacation. The amount of the Performance Guarantee shall be determined by PBOT Permit Engineering after the Petitioner submits a drawing showing the scope of work and a list of quantities.

The following City bureaus have no objection to the proposed vacation: Bureau of Development Services, Water Bureau, Fire Bureau, Bureau of Parks and Recreation, Urban Forestry Division.

The Bureau of Environmental Services (BES) maintains facilities in the area, as identified on As-Built Sheet D-05 for Project E08585. Referencing that sheet, Stormwater Planter A shall be removed, the atrium inlet inside Stormwater Planter A shall be removed, and the lead pipe between Stormwater Planter A and Planter GG shall be abandoned per City Specification 00490. In addition, the sidewalk along East Burnside Street shall be re-graded between NE Couch Street and NE Martin Luther King, Jr Boulevard to provide positive drainage towards the East Burnside Street curb and gutter.

The Port of Portland has no objection to the proposed vacation.

The Oregon Department of Transportation and TriMet were notified of the proposed vacation but did not submit a response.

Northwest Natural responded that they have no facilities in the area.

CenturyLink has facilities in the area and requires an access easement.

Pacific Power and Light, Portland General Electric, and Comcast Cable were notified of the proposal but did not submit a response.

F. Other Considerations

Neighborhood issues.

The Kerns Neighborhood Association and Southeast Uplift Neighborhood Program were notified of the street vacation process and request. No responses to the proposal were submitted.

IV. 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.

V. TENTATIVE STAFF RECOMMENDATION

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

Prior to recording of the street vacation ordinance, the Petitioner shall:

1. Retain a minimum 15-foot right-of-way per the Bureau of Transportation, Development Review section as detailed in Section III.E. above.
2. Re-grade and re-construct the sidewalk and corner per the Bureau of Environmental Services and the Bureau of Transportation, Permit Engineering division as detailed in Section III.E. above.
3. Remove and abandon stormwater infrastructure per the Bureau of Environmental Services as detailed in Section III.E. 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.

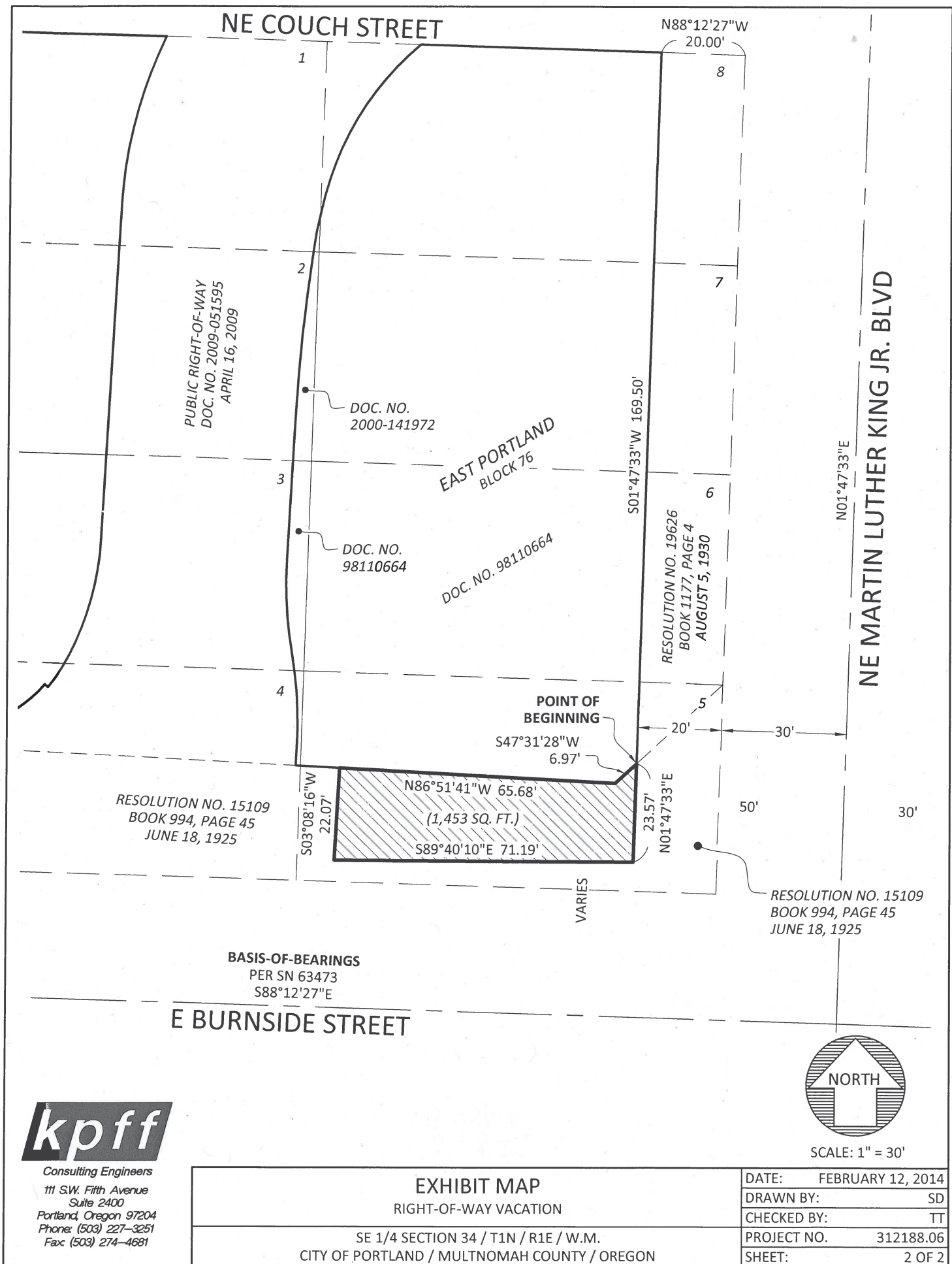
VI. EXHIBITS

1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation

Staff Planner – Grant Morehead, AICP
Phone: 503-823-9707
Email: grant.morehead@portlandoregon.gov

cc: Lance Lindahl, Right-of-Way Case Manager
Jeff Mandel and Steve Russell, Kerns Neighborhood Association
Bob Kellett, Southeast Uplift Neighborhood Program

Exhibit 1



Consulting Engineers
111 S.W. Fifth Avenue
Suite 2400
Portland, Oregon 97204
Phone: (503) 227-3251
Fax: (503) 274-4681

EXHIBIT MAP
RIGHT-OF-WAY VACATION

SE 1/4 SECTION 34 / T1N / R1E / W.M.
CITY OF PORTLAND / MULTNOMAH COUNTY / OREGON

DATE:	FEBRUARY 12, 2014
DRAWN BY:	SD
CHECKED BY:	TT
PROJECT NO.	312188.06
SHEET:	2 OF 2

Exhibit 2

