

SW 45TH AVE AND CALIFORNIA ST LID**SW 46TH AVE & SW FLORIDA ST STREET VACATION**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.NAME (**print**)

ADDRESS AND ZIP CODE

Email

✓ Pastor David Knapp	St. Luke Lutheran Church 6835 SW 46 th Ave Portland, 97219	
✓ Jan Behrs	6825 SW 45 th Ave Pld 47219	janbelrs@comcast.net
ZETTA ZETTA RYAN		
✓ Chris Hagerman	The Bookin Group 810 SW Alder, Ste 320	hagerman@bookingroup.com
• Tom Mills	TriMet	mills@trimet.org

Sidewalks

Jan Behrs
6825 SW 45th Ave.
Portland, OR 97219
janbehrs@comcast.net

As the non-church property owner who will be most impacted by the new sidewalks, I have a few concerns that I wish to get into the record. Andrew Aebi has given me many assurances over the past weeks, but I also want these assurances to be recorded with the documents pertaining to the sidewalk construction.

-- Construction: Aebi says the contractor is under a 2-year warranty for any sidewalk repairs. After that, I will be responsible. In response to my concerns, he said he would schedule an inspection of the sidewalks.

Aebi email: A two-year warranty on the new sidewalks will apply. As we discussed, I don't recall a sidewalk complaint in the 13 years I've been doing LIDs. But you are correct that we will be building a lot of new sidewalk on your two frontages, which of course will be paid by St. Luke instead of by you, as would customarily be the case. The best approach will be for me to send out a PBOT inspector to carefully inspect the new sidewalk before the 2-year warranty expires, and then require the contractor to fix any problems at his/her expense rather than yours, St. Luke's or the City's expense. I can't guarantee it, but I will make every effort to provide you with an opportunity to be present at this sidewalk inspection.

-- 2-Foot Rule: City code says sidewalks start 2 feet from the property line unless a different distance is specified. Aebi says the sidewalks will start at my property line. I am wondering why the 2-foot rule doesn't apply here, since this is a residential area.

17.28.060 Location, Size and Materials of Sidewalks and Curbs.

(Amended by Ordinance Nos. 182760 and 184957, effective November 25, 2011.) The Director of the Bureau of Transportation shall determine the distance between the improved sidewalk and the property line, which, in residential areas shall generally be 2 feet unless a different distance is specified. The width of the improved sidewalks, the grade thereof, materials for construction or reconstruction, and the location and size of curbs, shall be designated by the City Engineer....

Aebi email: The LID Formation Ordinance for this and all LIDs grants the City Engineer the exclusive authority to establish widths and alignments of sidewalks, which falls into the portion of Code that states, "unless a different distance is specified."

Curbs and Driveways: My garage, built in 1922, fronts on 45th Avenue, with a gravel driveway in the public right-of-way. Aebi advised me that since I no longer park in this garage, the sidewalks should be built across it, with no driveway cut. He said the curb could be reinforced to accommodate my need to sometimes haul equipment in and out of the garage. I also have a paved driveway on California Street, which I understand will be rebuilt. At the west end of the property, I have a curb cut for another driveway and parking area that is not paved. Aebi said that because that lower parking area isn't paved, the contractor would not put a driveway there, so I would like to ask the City Engineer for the reinforced curb here, too, because I get regular truck deliveries of soil amendments and wood chips at this lower driveway area.

-- Tree Removal. Along the northern property line of my property on 45th Avenue is a line of poplars with horribly invasive roots. Sidewalk construction will damage the roots and destabilize those trees, which already are in decline from age. I am also worried about roots getting under the new sidewalks and retaining wall. Therefore, I asked that these trees be removed during construction. Aebi said that this can happen if I sign a permission allowing city workers on my property to remove the trees, which I will do.

Aebi: Thank you for flagging the issue of tree roots. We will have the City Forester inspect all trees in close proximity to the planned improvements, whether on private property or in the public right-of-way. Any tree in poor condition in the public right-of-way will be removed by our contractor. I understand that the poplar trees on your private property may not be in great shape and that you'd like to have them removed. If there is a good reason to remove them and you are willing to sign a permit of entry to allow us to enter your private property to remove them, then we can just have our contractor remove them.

-- Street Trees: I would prefer that, instead of trees being installed along 45th and along California St., that the planters be filled with barkdust and groundcover. Street trees along California will block the southern sun to my property and trees along 45th will block the eastern sun. My whole property is a garden planted as a haven for pollinators such as honeybees and birds. Blocking the sun will impact what I grow. The trees will also create more maintenance. I live alone, and I lost my job last year, so anything that can be done to reduce costs and physical maintenance is appreciated.

Aebi: Regarding your concern about trees on the north side of SW California Street, I will ask Urban Forestry to touch base with you during design of the LID. I can write my memorandum of understanding with them to direct them to contact you, recognizing that the City Forester gets final say on what is planted. But we are often able to accommodate property owners' requests, especially if they are flagged early, as is the case here.

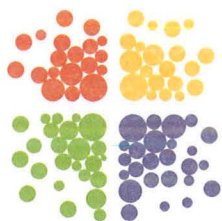
Aebi: I would be happy to involve you in the stormwater planting design. The Bureau of Environmental Services (BES) would have the ultimate say in what got planted, but I'd be more than happy to ask them to consult with you during the design phase of the project

Aebi: I have placed barkdust in tree wells in lieu of grass at property owner request on past projects, and I'd be happy to do that again on this project. I'll check in with you on this once we are in the design phase.

-- Retaining Wall. A retaining wall will be necessary along 45th Avenue. Andrew said I would be able to discuss options for that.

Aebi: I won't have an answer in the retaining wall until we get survey, which in turn will follow formation of the LID. We usually have options on retaining walls and I of course will reach out to you on that.

Thank you for addressing my concerns. Andrew has been very helpful and informative during this process.



St. Luke

LUTHERAN CHURCH

October 15, 2014

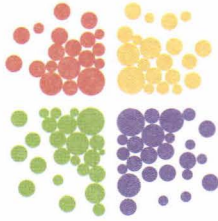
LaVonne Griffin-Valade
City of Portland
Office of the City Auditor
1221 SW Fourth, Room 130
Portland, OR 97204

Dear Ms. Griffin-Valade:

This letter is intended to formally register the withdrawal of the remonstrance by St. Luke Lutheran Church to the SW 45th Local Improvement District provided that the amendment to the street vacation amendment ordinance proposed by Council on 9/17/14 is withdrawn and is substituted with a staff amendment acceptable to St. Luke on or before 10/14/14.

Sincerely,

Jon Perkins
Council President
St. Luke Lutheran Church



St. Luke

LUTHERAN CHURCH

OCT8'14 01:06PM
AUDITOR

October 8, 2014

LaVonne Griffin-Valade
City of Portland
Office of the City Auditor
1221 SW Fourth Avenue, Room 130
Portland, OR 97204

Dear Ms. Griffin-Valade:

The sole purpose of this letter is to protect St. Luke Lutheran Church's (SLLC) interests in discussions following the 9/17/14 first hearing before the City Council of the ordinance to amend an earlier street vacation approval and pending formation of the SW 45th Avenue and California Street Local Improvement District (LID). Although SLLC fully expects to continue working with the City to resolve any and all issues related to the street vacation amendment ordinance and the ordinance forming the LIC, SLLC must preserve the opportunity to ascertain that any additional requirements added to the current package of improvements are within the church's financial and operational capabilities.

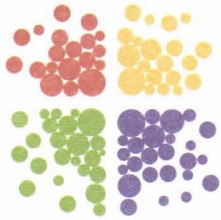
The deadline for remonstrances for the LID assessment is 10/8/14, one week before the 10/15/14 second hearing before the City Council of the street vacation amendment and the LID formation hearing. SLLC is confident that on-going discussions will be productive and mutually-beneficial, but it needs to retain the ability to reject the LID if amendments are passed at the 10/15/14 hearing that the church has not had the opportunity to review or cannot support. With this letter, SLLC is formally registering a remonstrance for its properties. This protective remonstrance preserves SLLC's ability to file a writ of review against the LID should Council approve LID formation despite this remonstrance.

The street vacation ordinance for SW 46th Avenue and SW Florida Street passed unanimously in 2012 and required a north-south pedestrian path to be constructed in vacated SW 46th Avenue and an easement for a future east-west pedestrian path in vacated SW Florida Street. The proposed street vacation amendment ordinance has reduced the size of the previously-approved vacation by 10%, and includes new dedications of 6,000 square feet of property for a turn-around and a future east-west trail connection along its southern property line in the general alignment of SW California Avenue. In lieu of the previously approved north-south pedestrian connection in SW 46th Avenue, SLLC has agreed to fund north-south pedestrian and bike lane improvements on west side of SW 45th Avenue between SW Vermont and SW California Streets. In addition, right-of-way dedications and improvements outlined in a 2013 Pre-Application Conference for a new Conditional Use Review have been included in both the amended street vacation ordinance and LID resolution. These include pedestrian improvements and a turn-around on SW California Avenue between SW 45th and 46th Avenues and pedestrian improvements on the south side of SW Vermont Avenue along SLLC's frontage.

The LID estimate of SLLC's cost for these public right-of-way improvements is \$628,600. The amendment put forward at the 9/17/14 City Council hearing would accelerate the timing of additional expenses by requiring the immediate completion of a 400-foot pedestrian path along the extension of SW California from SW 46th Avenue westward to a private driveway owned by a neighbor. The insertion of additional improvements into the package will introduce uncertainty as SLLC plans the details of parking lot redesign, potentially limiting the church's ability to complete its proposed development plan, which includes extensive life safety improvements for the building and the campus. Further, requiring SLLC to provide public access easements on portions of its property, whether currently under its ownership or to be received from vacated right-of-way, is problematic. While it seeks to participate in its community in a variety of ways from providing space for public meetings, engaging in social services, and operating an on-site daycare, SLLC also must retain its right to limit the public's access to its private campus and maintain site integrity for future phases of development.

David Knapp, Senior Pastor | Kimberly Hester, Associate Pastor

6835 SW 46th Ave. Portland, OR 97219 | 503.246.2325 | www.stlukechurch.com

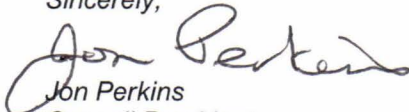


St. Luke

LUTHERAN CHURCH

As noted above, SLLC is confident that its ongoing discussions with the City will be productive and all issues related to the street vacation amendment ordinance and the ordinance forming the LID will be resolved. As such SLLC intends to withdraw its remonstrance upon its review and approval of any amendments to the street vacation and LID formation ordinances and their passing on to a second hearing.

Sincerely,



Jon Perkins
Council President
St. Luke Lutheran Church