

Portland, Oregon

## FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Lance D. Lindahl		2. Telephone No. 503-823-7465	3. Bureau/Office/Dept. PBOT/RWA
4a. To be filed (date): November 12, 2014	4b. Calendar (Check One)  <div style="display: flex; justify-content: space-around;"> <span>Regular <input checked="" type="checkbox"/></span> <span>Consent <input type="checkbox"/></span> <span>4/5ths <input type="checkbox"/></span> </div>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: October 31, 2014
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

Vacate a portion of E Burnside St west of NE Martin Luther King, JR Blvd subject to certain conditions and reservations (Hearing; Ordinance; VAC-10095)

**2) Purpose of the Proposed Legislation:**

The purpose of this legislation is to vacate a portion of E Burnside Street, as recommended in the Engineer's Report.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?**

- |  |   |                                    |                                |
|--|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> City-wide/Regional      | <input checked="" type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast       | <input type="checkbox"/> Southeast            | <input type="checkbox"/> Southwest | <input type="checkbox"/> East  |
| <input checked="" type="checkbox"/> Central City |   |                                    |                                |

**FINANCIAL IMPACT****Revenue and/or Expense:**

Is ALL the Revenue and/or Expense a part of the current year's budget? or 5-yr CIP? No.

SAP COST OBJECT No(s).: 9TR000001946

All Revenue and Expense financial questions must be completed regardless of the current year's budget. Documents may be returned where the FIPIS portion has not been sufficiently completed.

**4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

Revenue from this street vacation will cover the actual expenditures incurred by City staff for the processing of this request.

**5) Expense:** What are the costs to the City related to this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)*

Expenses for processing a street vacation request typically range between \$5,000 and \$20,000 depending on the complexity. This street vacation falls on the low end of the range and is estimated to be approximately \$7,000.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

Not applicable to this action.

- **Will positions be created or eliminated in future years as a result of this legislation?**

Not applicable to this action.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Not applicable to this action.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ YES: Please proceed to Question #9.

☐ NO: Please, explain why below; and proceed to Question #10.

9) If "YES," please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

There do not appear to be any impacts to the community from vacating this area of right-of-way.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The Planning and Sustainability Commission advertised and then held a public hearing on June 10, 2014. No interested parties appeared at the hearing. There was no public testimony regarding this proposed vacation.

c) How did public involvement shape the outcome of this Council item?

Public involvement did not affect this proposal.

d) Who designed and implemented the public involvement related to this Council item?

The Planning and Sustainability Commission

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Lance D. Lindahl, 503-823-7465, [lance.lindahl@portlandoregon.gov](mailto:lance.lindahl@portlandoregon.gov)

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

KK 10-22-14

BUREAU DIRECTOR

LEAH TREAT, Bureau of Transportation



\*\*\* ONLY \*\*\*

## ADDITIONAL DOCUMENT



Steve  
Novick  
Commissioner

Leah Treat  
Director

**July 24, 2014****CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF  
E BURNSIDE STREET WEST OF NE MARTIN LUTHER KING, JR BOULEVARD  
(R/W #7712)****Background**

1. **Proposed Street Vacation Area.** A portion of E Burnside Street west of NE Martin Luther King, JR Boulevard, said area being of variable length and width and containing approximately 1,453 square feet. The area is currently improved with a sidewalk and a public stormwater swale. The proposed vacation area is more specifically described on Exhibit 1 and depicted on Exhibit 2 attached hereto.
2. **Petitioner.** Portland Development Commission (PDC) is the owner of the abutting property to the north of the proposed street vacation area.
3. **Purpose.** The street vacation is proposed in order to consolidate property to make the adjacent lot more developable.
4. **Compliance with Minimum Requirements.** Vacation proceedings have been City initiated without a petition or consent of property owners in accordance with ORS 271.130 (Vacation on council's own motion) and notice shall be given as provided by ORS 271.110 (Notice of hearing).
5. **Other Required Approval.** In accordance with ORS 271.190, since the area to be vacated lies within 5,000 feet of the harbor line, approval in writing of the proposed vacation has been secured from the Port of Portland.
6. **Due Diligence Review.** Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. A summary of this due diligence effort is attached as Exhibit 3 hereto. Of particular significance were comments by PBOT Development Review, PBOT Permit Engineering, and the Bureau of Environmental Services (BES) which requested that certain conditions be satisfied prior to the street being vacated. Additionally, CenturyLink has requested that the street vacation ordinance reserve easements for their existing facilities.
7. **Planning and Sustainability Commission Review.** The Planning and Sustainability Commission reviewed and approved the proposed street vacation on June 10, 2014, with its Report and Recommendation attached as Exhibit 4 hereto.

1120 SW Fifth Avenue, 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)



8. **Costs.** The Petitioner has paid \$7,000 to date to reimburse the City for staff costs incurred processing the street vacation request. The amount paid appears sufficient to complete the process.

#### **Bureau of Transportation Recommendation**

The Bureau of Transportation hereby finds the proposed street vacation application to be acceptable, and in the event that no substantive objections are made known to City Council at the upcoming public hearing, recommends approval of the street vacation, subject to the conditions and reservations specified below. The area to be vacated is more specifically described as follows:

That portion of E Burnside Street situated in the southeast one-quarter of Section 34, T1N, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, as described on Exhibit 1 and depicted on Exhibit 2 attached hereto and by this reference made a part hereof.

#### **Conditions, Reservations and Releases**

1. **Conditions.** The following conditions must be satisfied by the Petitioner prior to the street vacation ordinance being recorded by the City and thereby considered effective:
  - A. **Bureau of Transportation, Development Review.** A minimum of 15 feet of public right-of-way will be retained between the property line and the face of the curb on E Burnside Street.
  - B. **Bureau of Transportation, Permit Engineering.** The Petitioner will reconstruct the E Burnside Street sidewalk so that the cross slope flows towards the gutter in the street. The existing stormwater planter is only to be removed in conjunctions with reconstruction of the sidewalk. The sidewalk corner is to be reconstructed if there is an insufficient accessible path (4 ft. minimum) between the proposed building and the Americans with Disabilities Act (ADA) ramp throats. A performance guarantee will be accepted in lieu of performing these street improvements ahead of recording the vacation ordinance.
  - C. **Bureau of Environmental Services.** The Bureau of Environmental Services owns and maintains certain improvements within the street area to be vacated. As a condition of the street vacation approval, the Petitioner will remove Stormwater Planter 'A', remove the atrium inlet located inside said planter, and abandon the stormwater facility lead pipe between Planter 'A' and Planter 'GG' per City specification 00490. Refer to Project E08585 As-Built Sheet D-05 attached as Exhibit 5 hereto for location of the elements identified to be removed and/or abandoned prior to recording the vacation. The sidewalk along E Burnside

Street is to be regraded between NE Couch Street and NE Martin Luther King, JR Boulevard to provide positive drainage towards the E Burnside Street curb and gutter.

- D. Costs.** In the event that additional processing requirements exceed current projections, Petitioner may be required to pay additional processing costs to the City prior to the Street Vacation Ordinance being recorded.

## **2. Reservations and Release**

- A. Utilities.** In accordance with ORS 271.120 and City of Portland policy, the street vacation ordinance shall not cause or require the removal or abandonment of any sewer, water or gas main, conduit of any kind, wire, pole or thing used, or intended to be used, for any public service, including, but not limited to those identified by CenturyLink. The ordinance will reserve an easement for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild, and/or enlarge any and all such thing; that no building or structure of any kind shall be built or erected within a distance of ten (10) feet from the centerline of any such utility, except with the prior written consent of the City Engineer and the owner of the utility and that any and all contemplated building plans in said vacated area shall be submitted for approval to the City Engineer and to the Director of the Bureau of Development Services, to the end that such construction may be so adjusted with reference to all public utilities in said areas as to cause a minimum of danger or inconvenience to the public and to the owner of such utility and to protect and preserve the same as presently constructed or hereinafter reconstructed, renewed, replaced and/or enlarged. Removal or relocation of existing utilities and release of easements in the street vacation area will require the necessary conveyance documents and possible written agreements between the Petitioner and owner(s) of the utilities.
- B. City Release.** Notwithstanding 2A (blanket utility easement), the Ordinance will serve as a full release of City interests in the street vacation area and will provide City Bureaus with the authority necessary to take all other legal actions as may be reasonably necessary (including the issuance of quitclaim deeds acknowledging the release of any interests) to achieve this intent.
- 3. Repeal.** In the event the Petitioner fails to fully comply with the above conditions within one year of Council adopting the Ordinance, City Council may repeal the Ordinance at its sole discretion.
- 4. Effective Date.** The street vacation will not be effective until a certified copy of the vacating Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the vacating Ordinance are that 30 days have passed after final Council passage of the

Ordinance, that all conditions of the vacating Ordinance have been met, and that all vacation costs have been paid.



City Engineer or designee

TO THE COUNCIL:

The Mayor concurs with the recommendation of the City Engineer and the Planning and Sustainability Commission and;

RECOMMENDS:

That the City Council accepts the City Engineer and Planning and Sustainability Commission Reports, which recommend that the proposed street area be vacated subject to conditions and reservations provided herein.

Respectfully submitted,

Commissioner Steve Novick

Attachments:

Exhibit 1, Legal Description of Proposed Vacation Area

Exhibit 2, Map of Proposed Vacation Area

Exhibit 3, Comments Summary

Exhibit 4, Planning & Sustainability Commission Recommendation

Exhibit 5, BES As-Built Sheet D-05

7712\Engineer's Report



## EXHIBIT 1

RWA #7712  
RIGHT-OF-WAY VACATION  
FEBRUARY 12, 2014

**LEGAL DESCRIPTION**

A TRACT OF LAND BEING A PORTION OF LOT 5, BLOCK 76, EAST PORTLAND, MULTNOMAH COUNTY PLAT RECORDS, ALSO BEING A PORTION OF E. BURNSIDE STREET AS DESCRIBED IN RESOLUTION NO. 15109, RECORDED JUNE 18, 1925 IN BOOK 994, PAGE 45, MULTNOMAH COUNTY PLAT RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF N.E. MARTIN LUTHER KING JR. BLVD (80 FEET WIDE) AS DESCRIBED IN RESOLUTION NO. 19626, RECORDED AUGUST 5, 1930 IN BOOK 1177, PAGE 4, MULTNOMAH COUNTY PLAT RECORDS AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID E. BURNSIDE STREET (VARIABLE WIDTH) AS DESCRIBED IN SAID RESOLUTION NO. 15109, SAID POINT BEARS NORTH  $88^{\circ}12'27''$  WEST 20.00 FEET AND SOUTH  $01^{\circ}47'33''$  WEST 169.50 FEET FROM THE NORTHEASTERLY CORNER OF LOT 8 OF SAID BLOCK 76; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $47^{\circ}31'28''$  WEST 6.97 FEET; THENCE NORTH  $86^{\circ}51'41''$  WEST 65.68 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH  $03^{\circ}08'16''$  WEST 22.07 FEET; THENCE SOUTH  $89^{\circ}40'10''$  EAST 71.19 FEET TO THE SOUTHERLY EXTENSION OF SAID WESTERLY RIGHT-OF-WAY LINE OF N.E. MARTIN LUTHER KING JR. BLVD; THENCE ALONG SAID SOUTHERLY EXTENSION LINE NORTH  $01^{\circ}47'33''$  EAST 23.57 FEET TO THE **POINT OF BEGINNING**.

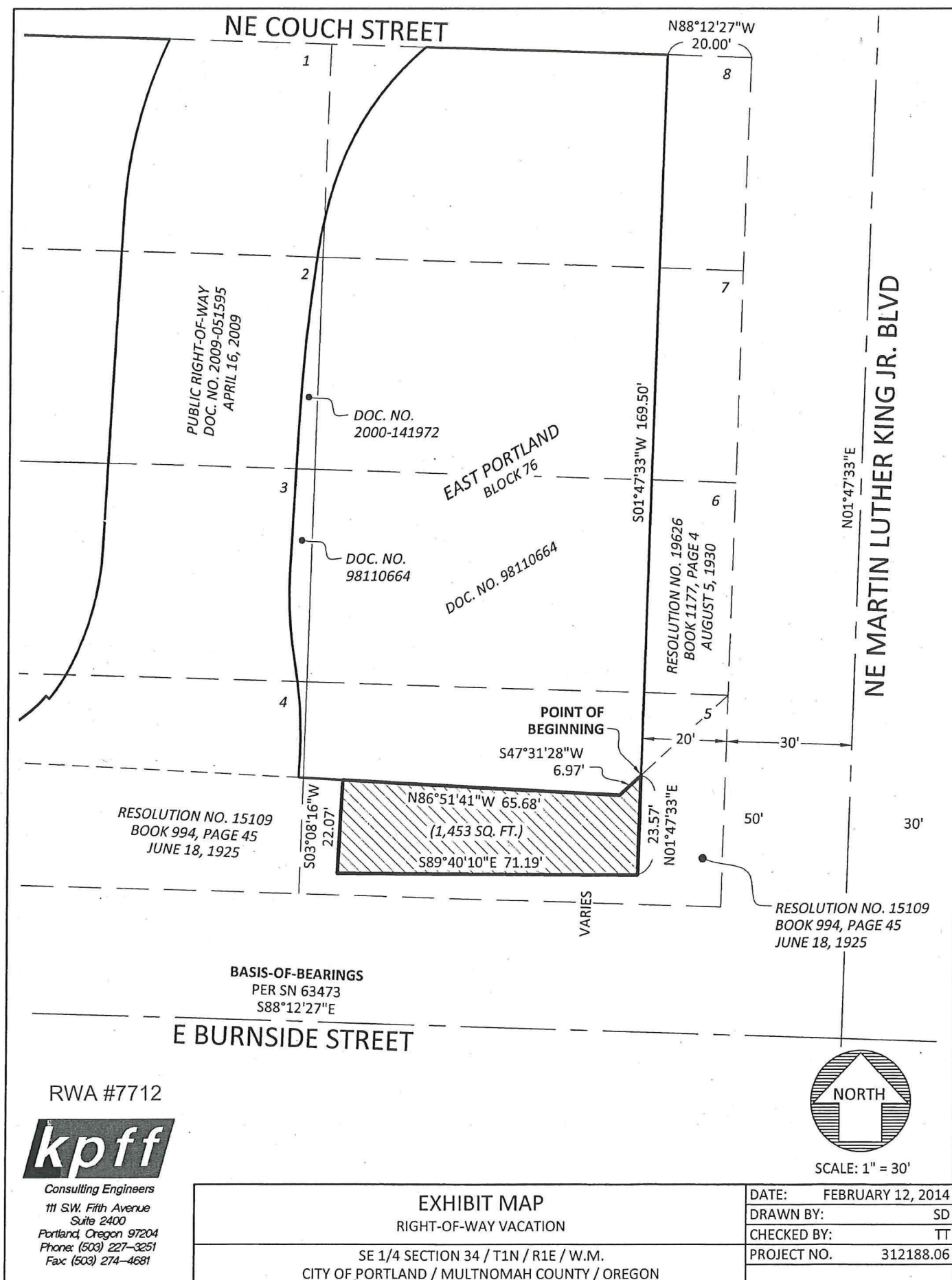
CONTAINING 1,453 SQUARE FEET OR 0.033 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS IS THE CENTER LINE OF E. BURNSIDE STREET AS SOUTH  $88^{\circ}12'27''$  EAST, PER SURVEY NO. 63473, MULTNOMAH COUNTY SURVEY RECORDS.

THE TRACT OF LAND IS SHOWN ON THE ATTACHED EXHIBIT MAP AND BY THIS REFERENCE MADE A PART THEREOF.



RENEWAL DATE 6-30-14



## Comments Summary

R/W #7712 E Burnside Street west of NE MLK, JR Boulevard	RWA Project Manager:	Petitioner/Applicant: Contact: Eric D. Jacobson 222 NW Fifth Avenue Portland, OR 97209-3859 jacobsonsone@pdc.us 503-823-3306
SAP Cost Object No.: 9TR000001946		
VAC-Pending		
IQ # 13-191140		
Commenting Party	Response Date	Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	12/11/13	City initiated.
PBOT Development Review Bob Haley 503-823-5171	3/19/14	No objection subject to the following condition: Retain a minimum 15 foot right-of-way from the property line to the face of curb on Burnside.
PBOT Development Review Dan Bower	3/19/14	No objection.
Transportation Planning Grant Morehead 503-823-9707	3/14/14	No objection. Comment Only: Defer to Development Review to ensure minimum sidewalk width standards are met on NE Couch Street.
PBOT Permit Engineering Chon Wong 503-823-7050	4/18/14	No objection subject to the following conditions: Petitioner will reconstruct the E Burnside sidewalk with a cross slope that flows towards the gutter. Stormwater palanter is only to be removed in conjunction with reconstruction of sidewalk. Reconstruct sidewalk corner if there is an insufficient accessible path (4 ft. minimum) between proposed building and ADA ramp throats. A performance guarantee will be accepted in lieu of performing the work ahead of recording the vacation.
PBOT Trans Systems Mgmt Carl Snyder	3/19/14	No objection.
PBOT Street Lighting Bonnie Nicholas	3/4/14	No objection.
PBOT Bridges and Structures David OLongaigh	2/25/14	No objection.
Development Services Sean Williams	3/18/14	No objection.



## Comments Summary

Commenting Party	Response Date	Comments / Conditions
Environmental Services Andre Duval 503-823-7214	3/26/14	<b>No objection subject to the following conditions:</b> The Petitioner will remove the Stormwater Planter 'A', remove atrium inlet located inside Planter 'A' and abandon stormwater facility lead pipe between Planter "A" and Planter 'GG' per City specification 00490. Refer to Project E08585 As-Built Sheet D-05 for location of the elements identified to be removed and/or abandoned prior to recording the vacation. Sidewalk along E Burnside Street to be regraded between NE Couch Street and NE MLK, Blvd to provide positive drainage towards E Burnside Street curb and gutter.
Water Bureau Rick Nelson	3/4/14	No objection.
Fire Bureau Gary Boyles	3/4/14	No objection.
Park Bureau Robi Potter	4/10/14	No objection.
Urban Forestry Division Luke Miller	4/1/14	No objection.
Planning & Sustainability Commission	6/10/14	Approved.
<b>Neigh Assoc Notified:</b>		
Kerns Neighborhood Assoc. Jeff Mandel and Steve Russell Land Use/Planning Chair		No response.
Southeast Uplift Bob Kellett, Land Use Manager		No response.
<b>Local Agencies Notified:</b>		
ODOT Region 1 Tamara Patrick		No response.
Port of Portland Phil Healy	3/10/14	No objection.
TriMet Jillian Detweiler		No response.

## Comments Summary

Commenting Party	Response Date	Comments / Conditions
<b>Public Utilities Notified:</b>		
PGE Ted Powell		No response.
Pacific Power Right-of-Way Manager		No response.
CenturyLink Alan Meins 503-242-5517	2/27/14	Have facilities in street area; reserve easement.
Northwest Natural Richard Hawkes	2/28/14	No facilities in street area.
Comcast Cable Walter Banks		No response.



Steve  
Novick  
Commissioner

Leah Treat  
Director

## **CITY OF PORTLAND PLANNING AND SUSTAINABILITY COMMISSION REPORT AND RECOMMENDATION TO THE PORTLAND CITY COUNCIL**

**CONSENT AGENDA ITEM HEARD ON JUNE 10, 2014**

**FILE NUMBER: R/W #7712**

### **I. GENERAL INFORMATION**

<b>Street Vacation Request:</b>	A portion of E Burnside Street west of NE Martin Luther King, Jr. Boulevard
<b>Petitioner:</b>	Street vacation initiated by Portland Development Commission. The Petitioner's representative is Eric Jacobson, 503-823-3306, jacobsonsone@pdc.us.
<b>Purpose:</b>	Purpose is to vacate excess right-of-way along East Burnside Street to maximize development potential of the adjacent parcel.
<b>Neighborhood:</b>	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
<b>Quarter Section:</b>	3030
<b>Designation/Zone:</b>	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](http://www.portlandoregon.gov/transportation)

An Equal  
Opportunity  
Employer

To ensure equal access, the Portland Bureau of Transportation will make accommodations in full compliance 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 and additional information, and complaints, contact the Title II and Title VI Coordinator at Room 1204, 1120 SW Fifth Ave., Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711.



## II. EXECUTIVE SUMMARY AND RECOMMENDATION

The purpose of this action is to vacate right-of-way that is not used for a transportation purpose to maximize the developable area of a parcel at the Burnside Bridgehead. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

## III. 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 12<sup>th</sup> 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 3<sup>rd</sup> 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.

#### **IV. 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 routes 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.

**V. 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.

**VI. PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION**

As a consent agenda item on June 10, 2014, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation 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

**VII. EXHIBITS**

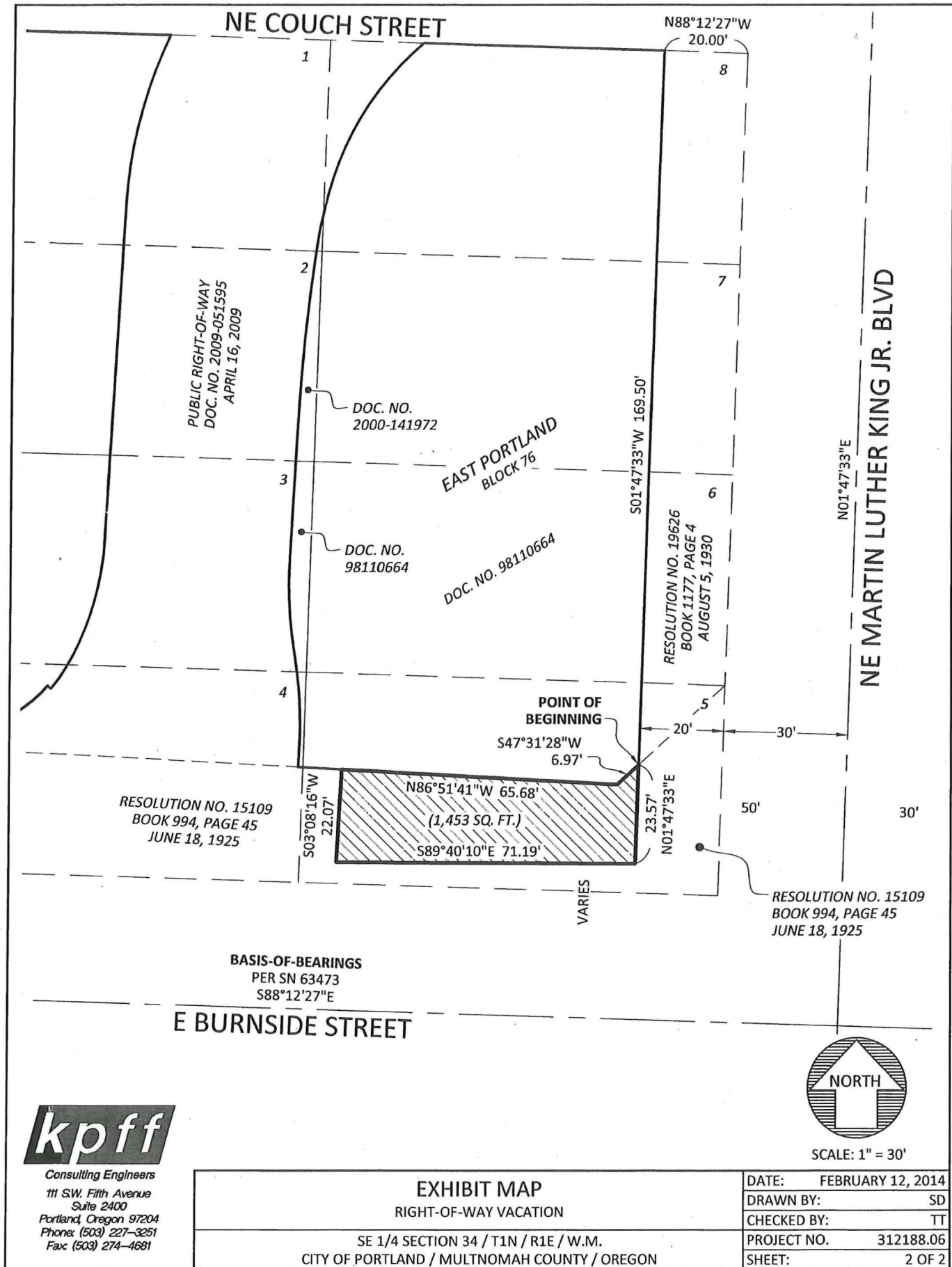
1. Map of Area Proposed for Vacation
2. Aerial Photo of Area Proposed for Vacation

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



**kpff**

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

Exhibit 2

