

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Steve Novick Commissioner Leah Treat Director

STAFF REPORT AND RECOMMENDATION TO THE PLANNING AND SUSTAINABILITY COMMISSION

FILE NUMBER: R/W #7920

COMMISSION MEETING TO BE HELD SEPTEMBER 8, 2015 12:30 PM
1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

- Street Vacation Request:** R/W #7920, NE Weidler St and NE Halsey St east of NE 32nd Ave
- Petitioner:** Capstone Partners LLC, represented by Lauren Golden Jones. The representative's contact information is 1015 NW 11th Ave, suite 243, Portland, OR, 97209 (503-226-1972 x114)
- Purpose:** The purpose of the proposed vacation is to consolidate property to support the ongoing redevelopment of the adjacent site.
- Neighborhood:** Sullivan's Gulch; contact is Carol Gossett, Land Use and Transportation Chair (503-449-1253)
- Quarter Sections:** 2833
- Designation / Zone:** RX (Central Residential)



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II. FACTS

A. History and Background

The Petitioner submitted a design review (No. 12-139528) to the City in 2012 for a three to four story, mixed-use development. Upon review, the City recommended that the Petitioner vacate the stubs of NE Weidler and NE Halsey Streets east of NE 32nd Avenue that abuts their property as part of their development as the City determined there is not a public need for these portions of right-of-way. The City recognizes the benefit to vacating these street areas as they only serve the adjacent property and do not benefit the larger transportation network.

At the request of the City, the Petitioner pursued this vacation for a year and a half, but was unsuccessful due to lack of support from a neighboring property owner that was needed to finalize the petition. Support from this property owner was pertinent due to the size of the parcel of land and its adverse effect in obtaining 2/3 of the required signatures (within the “affected area” per ORS 471.080).

After several attempts by the Petitioner to obtain the necessary signatures, Capstone Partners LLC, the Petitioners consultant, then approached the City requesting that the City initiate the vacation on their behalf in order to continue development which was acceptable to the City.

The Petitioner entered into a lease agreement with the City for use of the right-of-way on NE Weidler Street east of NE 32nd Avenue pending completion of the street vacation and during development and construction. The lease will terminate upon recording of the street vacation ordinance.

B. Concurrent Land Use Actions

There is a proposed multi-family residential development in the vicinity of the proposed vacation (Phase 2 of an ongoing development project). This project is in the permitting process, but there are no land use actions that are concurrent with this street vacation request.

C. The Transportation Element

Both of the streets under the proposed vacation are classified as Local Service for all modes in the transportation element of the Comprehensive Plan.

D. Neighborhood Plan

The Sullivan's Gulch Trail Concept Plan (adopted by City Council on July 25, 2012 by Resolution #36947) notes that, in the location of the proposed vacation, "a short trail connection across the property to the Halsey Street right-of-way is also desired to provide a connection to (the) on-street bike network." An access easement will be retained to make this connection in the future, per the condition of approval required by Portland Parks and Recreation (PP&R) detailed in Section III.F below.

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 site surrounding the proposed vacation is a former industrial area that has been re-zoned for high density residential development. Phase 1 of the development, Grant Park Village, contains an apartment building, a grocery store, and several smaller retail spaces. Phase 2 will include additional residential development. The proposed vacation will support the overall site and development plan, which will provide connections to the established street network via NE Broadway.

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: The subject rights-of way are unimproved and do not currently provide a transportation function. There is no foreseeable need for these rights-of-way in the future. The proposed vacation therefore will have no impact on the function of nearby streets or the overall transportation system. An access easement will be retained on NE Halsey St to connect to the future Sullivan's Gulch Trail per the condition of approval required by Portland Parks and Recreation (PP&R) detailed in subsection F below.

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: No existing or potential view corridors have been identified in the review of the street vacation request.

Policy 11.11 Street Plans, Objectives D, E and N 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.

N. Preserve street connectivity in areas of the City that meet the standards of this policy and its objective as shown on Maps 11.11.9 through 11.11.16.

Comment: Per Objectives D and E, the presence of Interstate 84, the MAX light rail tracks, and the Union Pacific Railroad Graham Line prevent future connections to the street network east and south of the proposed vacation. The future Sullivan's Gulch Trail, the alignment of which is generally adjacent to the two railways, will be connected to the street network per the condition of approval required by PP&R detailed in subsection F below.

Per Objective N, the area of the proposed vacation is shown on Northeast District Map 11.11.11 as not meeting the street spacing standard. However, as noted above, street connections to the east and south are not feasible. In addition, the proposed development on the property will include an interior circulation road to provide service, delivery and emergency access.

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 condition of approval required by PP&R in subsection F below will retain pedestrian access on the Halsey St right-of-way to the future Sullivan's Gulch Trail. The Weidler St right-of-way is not a current nor anticipated to be a future pedestrian accessway.

B. Neighborhood Plan Considerations

Comment: Future implementation of the Sullivan's Gulch Trail will not be impacted by the proposed vacation based on the easement required by PP&R in subsection F below.

C. Other Relevant Comprehensive Plan Policies (and/or Plans)

Comment: There are no other Comprehensive Plan policies or policies from other adopted plans that are relevant to this request.

D. Zoning Code Considerations

Other zoning code designations that could apply and that should be considered during review of a street vacation request include environmental zoning or designation as a recreational greenway trail.

Comment: There are no zoning code considerations.

E. Subdivision Code Considerations

Notice of this street vacation request was provided to the Bureau of Development Services (BDS) to determine if there are any relevant impacts to consider related to future subdivision of property in the area. BDS responded that lot consolidations will be required to eliminate underlying historic platted lot lines.

F. Improvement and Utility Considerations

The street vacation request was reviewed by Portland Bureau of Transportation (PBOT) for conformance with standards for street improvements. No objections to the proposed vacation were raised; however, PBOT Development Review and PBOT Policy, Planning and Projects concur with the access easement required by PP&R below.

Other public agencies, public and private utilities were notified of this street vacation request.

- The Bureau of Environmental Services (BES) requires a sewer easement over the entirety of the NE Halsey St right-of-way. BES will quitclaim ownership of the BES sewer facilities in the NE Weidler right-of-way.

- The Portland Water Bureau responded with no objection.
- Portland Fire and Rescue responded with no objection.
- Urban Forestry responded with no objection.
- Portland Parks and Recreation requires a permanent, 30-foot wide public access easement along the NE Halsey right-of-way to connect to the future Sullivan's Gulch Trail. The easement shall be able to be accessed by pedestrians, bicycles, emergency response vehicles, and PP&R maintenance vehicles.
- ODOT and TriMet were notified of the proposal but did not respond.
- The Port of Portland responded with no objection to the proposal.
- PGE responded that they have no facilities in the area.
- Pacific Power has facilities in the area and requires an access easement.
- CenturyLink has facilities in the area and requires an access easement.
- Northwest Natural responded that they have no facilities in the street area.
- Comcast was notified of the proposed vacation but did not respond.

G. Neighborhood Issues

Notice of this street vacation request was provided to the Sullivan's Gulch Neighborhood Association. The Neighborhood Association responded with a letter in support of the proposed vacation (Exhibit 2).

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***:

1. Prior to recording the street vacation ordinance, the Petitioner shall comply with all conditions set forth in Sections III.E and III.F 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.

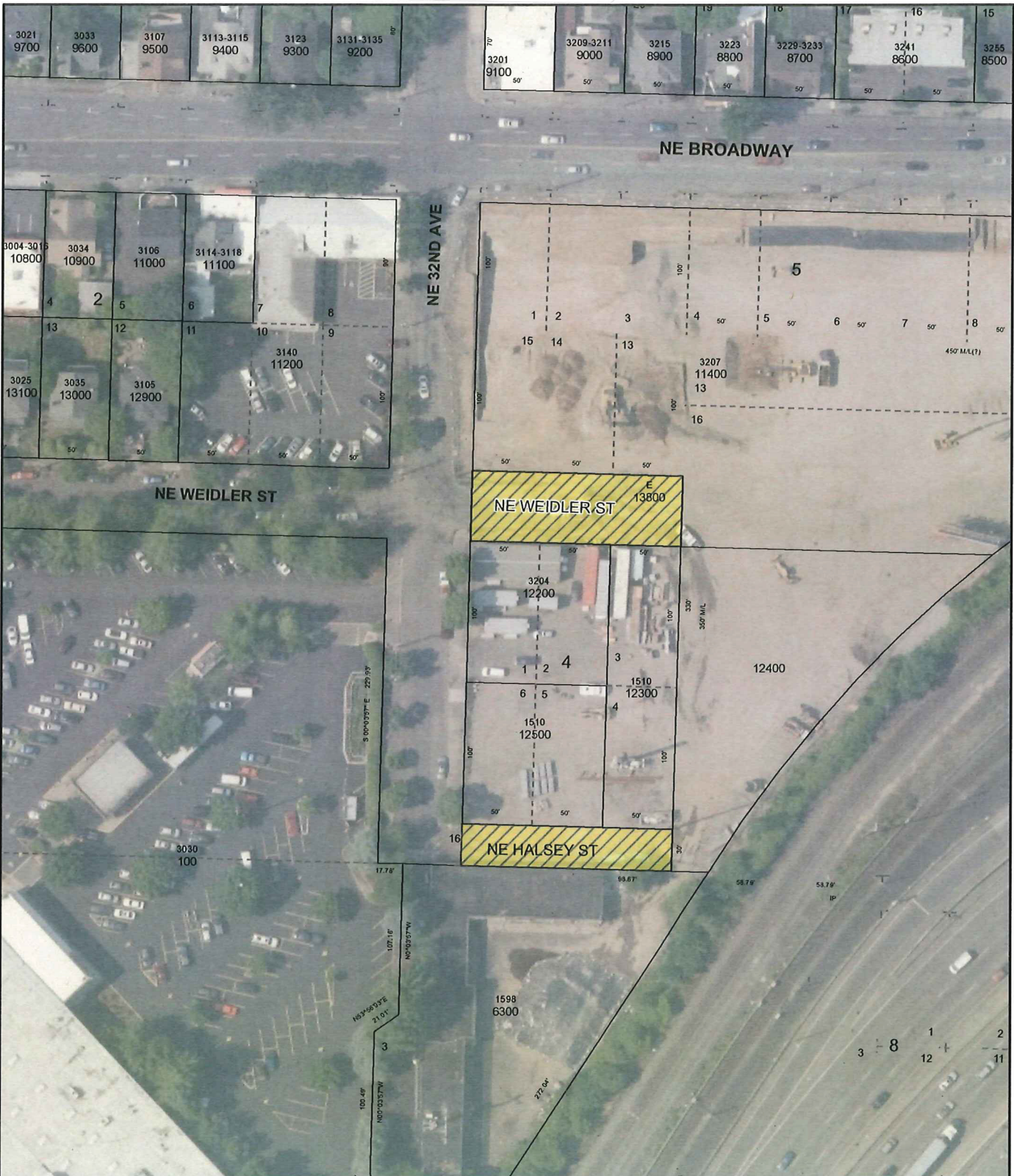
VI. EXHIBITS

1. Area proposed for vacation
2. Letter of support from Sullivan's Gulch Neighborhood Association.

Bureau of Transportation Staff Planner
Grant Morehead, AICP
503/823-9707
Grant.Morehead@portlandoregon.gov


cc:
Sarah Johnston, Right-of-Way Case Manager
Case File

EXHIBIT 1



NE Weidler Street and NE Halsey Street east of NE 32nd Avenue

Petitioner: Capstone Partners LLC/City of Portland

 Area proposed for vacation

State ID: 1N1E25CD 1/4 Section: 2833



1 inch = 100 feet



Sullivan's Gulch Neighborhood Association, c/o Holladay Park Plaza, 1300 NE 16th Ave., Portland, Oregon 97232
www.sullivansgulch.net
Brittain Brewer, Chairperson
Carol Gossett, Chairperson; Land Use & Transportation Committee

February 06, 2014

Dee A. Walker
Portland Bureau of Transportation
Right-of-Way Acquisition Lead Worker
1120 SW 5th Ave, Room 800
Portland, OR 97204

Re: In Support of the Vacation of Weidler and Halsey East of NE 32nd Avenue

To the Portland Bureau of Transportation:

The Sullivan's Gulch Neighborhood Association (SGNA) supports the vacation of Weidler and Halsey Streets both located east of NE 32nd Avenue in Sullivan's Gulch. Both existing alignments are owned by the Portland Bureau of Transportation (PBOT) and are located adjacent to private property owned in fee by Capstone Partners and KAL LLC as joint petitioners and serve no apparent public purpose at this time.

SGNA has reviewed the location and configuration of the subject alignments and understand that due to existing conditions, including the ODOT bridge and on-ramp structure at NE 33rd Avenue (the eastern boundary of the developer property), the Union Pacific Railroad located adjacent to I-84, and Tri-Met facilities adjacent to the highway and the railroad (along the southern boundary of the developer property), the Weidler and Halsey (PBOT) alignments within developer property will not be extended for any purpose and no longer serve the public street network.

SGNA also understands that a loop road will be constructed on site that will intersect with the two subject PBOT alignments as part of a service road, interior circulation road to be used on developer property for fire truck/emergency vehicle access and for truck and delivery access purposes. Therefore although the subject alignments will continue to service as part of the site infrastructure, these alignments will be located on private property and will be maintained by the developer.

The developer has informed SGNA from time to time regarding their contact with neighbors in the proximity of the subject Weidler and Halsey Street alignments and their proposed vacation and we are satisfied that the developer has made every effort to inform their neighbors of the developer's interest in vacating the subject alignments and that the process has been documented. SGNA has not received any complaints or concerns regarding the process or the vacation of the subject alignments.

Please let me know if you have any questions regarding our support of the vacation of the subject alignments.

Sincerely,
Sullivan's Gulch Neighborhood Association
Board, Member; Chairperson, Land Use Transportation Committee

Carol Gossett

(503) 449-1253; gossett.carol@gmail.com

cc: file; B. Brewer, Chairperson; Lauren Golden Jones, Capstone Partners, LLC