

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 #8030

COMMISSION MEETING TO BE HELD DECEMBER 15, 2015 5:00 PM
1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

Street Vacation Request: R/W #8030, SE Harrison St east of SE 3rd Ave

Petitioner: OMF Facilities, contact is Pauline Goble (503-823-7612)

Purpose: The purpose of the proposed vacation is to assemble the requested street area to the adjoining property owned by the City of Portland.

Neighborhood: Hosford Abernethy Neighborhood District, contact is Susan Pearce (sue@suepearce.biz); SE Uplift, contact is Bob Kellett (bob@seuplift.org)

Quarter Sections: 3230

Designation / Zone: IS/IG1 (Industrial Sanctuary/General Industrial 1). The site is within the Central City Plan District.



The Portland Bureau of Transportation fully complies 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, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

II. FACTS

A. History and Background

The Office of Management and Finance (OMF) started a City-initiated street vacation for the section of SE Harrison St between SE 3rd Ave and SE Martin Luther King, Jr. Blvd. OMF controls the land north of Harrison, and the Portland Bureau of Transportation (PBOT) controls the land south of Harrison. If Harrison is vacated, it will revert to City ownership and become part of one or both of the adjacent lots.

ODOT had owned both of the adjacent parcels, having acquired the portion north of Harrison in 1962 to be part of the Mt. Hood Freeway. Both parcels were transferred to the City of Portland in two separate transactions.

This staff report and recommendation is limited to the transportation function of the right-of-way proposed to be vacated. It does not address potential future uses of the site or adjacent parcels.

B. Concurrent Land Use Actions

There are no land use actions that are concurrent with this street vacation request.

C. The Transportation Element

SE Harrison is classified as a Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Pedestrian Street, Freight District Street, Minor Emergency Response Street, and Local Design Street in the transportation element of the Comprehensive Plan.

D. Neighborhood Plan

The Central City 2035 Southeast Quadrant Plan (2015) does not contain any policies or action items that are relevant to this street vacation request.

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: SE Harrison at this location is an unimproved, dead-end street. The adjacent sidewalk leading to the MLK/Grand viaduct will remain intact.

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: SE Harrison at this location is an unimproved, dead-end street. The adjacent sidewalk leading to the MLK/Grand viaduct will remain intact.

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 Objective D, the MLK/Grand viaduct prevents a full street connection on the east end of the proposed vacation area.

Per Objective E, an existing bicycle and pedestrian connection to the south will not be affected by the proposed vacation.

Per Objective N, the area of the proposed vacation is shown on Central City Map 11.11.9 as excluded from the street spacing standard, due to IG1 zoning.

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: Existing pedestrian access will be retained if this vacation request is approved.

B. Neighborhood Plan Considerations

Comment: There are no neighborhood plan considerations.

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 with no objection.

F. Improvement and Utility Considerations

The street vacation request was reviewed by PBOT for conformance with standards for street improvements. The following conditions will be required:

- An 11-foot pedestrian corridor shall be constructed along the SE 3rd Ave frontage of the proposed vacation area
- The intersection with SE 3rd Ave shall be permanently closed with a curb, sidewalk, and/or driveway.

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

- The Bureau of Environmental Services requires that 1) the Petitioner shall take ownership of the 6-inch combined sewer in the vacation area in its current condition; 2) the Petitioner shall verify that the lateral connecting to the combined sewer is not active; and 3) the Petitioner shall either grant a 15-foot public sewer easement over existing stormwater facilities, or a 35-foot blanket easement over the eastern portion of the vacation area.
- 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 responded with no objection.
- The Bureau of Technology Services responded with no objection.
- ODOT responded with no objection.
- The Port of Portland responded with no objection.
- TriMet responded with no objection.
- PGE has facilities in the area and requires an easement.
- Pacific Power responded with no objection.
- CenturyLink responded with no objection.
- Northwest Natural was notified of the proposed vacation but did not respond.
- Comcast was notified of the proposed vacation but did not respond.

G. Neighborhood Issues

Notice of this street vacation request was provided to the Hosford-Abernethy Neighborhood District (HAND) and SE Uplift. SE Uplift did not respond. HAND responded that they did not have adequate time to review the proposal and was therefore unable to take an official position (Exhibit 3).

The Central Eastside Industrial Council (CEIC) submitted a letter indicating that they were not notified of the proposal, and do not support it (Exhibit 4).

The property owner to the north, East Side Plating, opposes the vacation due to potential impacts the vacation and proposed land use may have on the operation of their facility (Exhibit 5). The property owners note that they have been using the parcel directly north of the proposed vacation area, owned by the Petitioner, for site access and loading since the 1960s. While not directly related to the proposed vacation, staff encourages the Petitioner to work with the adjacent property owner to address site access needs as part of any future land use or development of the site.

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 the street vacation ordinance, the Petitioner shall comply with all conditions set forth in Section 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. Northeast-facing view of area proposed for vacation.
3. Letter from HAND

4. Letter from CEIC
5. Letter from East Side Plating, Inc.

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

cc:
Karl Arruda, Right-of-Way Case Manager
Case File


Exhibit 1



SE Harrison St east of SE 3rd Ave

Legal: A portion of SE Harrison St "Stephens Addition to East Portland"

Petitioner: Pauline Goble, OMF

 Area Proposed to be Vacated

RWA # 8030 Section: 1S1E03DA 1/4 Section: 3230



1 in = 50 ft

Exhibit 2



Exhibit 3



November 16, 2015

Karl Arruda
Right of Way Acquisition
Portland Bureau of Transportation
1120 SW 5th Avenue, Suite 800
Portland, OR 97204

RE: RWA File No. 8030, SE Harrison Street

The Hosford-Abernethy Neighborhood District (HAND) Board is unable to provide feedback regarding the proposal for vacation of SE Harrison at SE 3rd Avenue. The Board meets monthly, as do many of the city's neighborhood board, and has no meetings scheduled during the interval between when we received the letter and when you requested a response. While we feel that vacating a street in our neighborhood is a matter about which we should be able to provide input, you leave us without that opportunity.

The vacation of SE Harrison at SE 3rd Avenue appears to be a step in a process for a planned use of the site that has been watched closely by residents and businesses in HAND as well as the Central Eastside Industrial Council, with whom we share jurisdiction of the property.

Members of the board are dismayed about the very tight deadline for providing feedback. If a city bureau cannot build sufficient time into the process to allow then neighborhood to meet, discuss, and take action regarding response, it might be better to simply acknowledge bureau action without a request for response. Meaningful public involvement takes time, and half a process can be worse than none at all.

This is not the first nor the second time that the HAND chair has found herself sending a letter that includes comment about our extreme dissatisfaction with the public involvement process from the Portland Bureau of Transportation and/or other city bureaus this summer. Board members would hope for something better from a city that has built its reputation on citizen involvement and public process.

Yours sincerely,

Susan E. Pearce, HAND chair

CC: Mayor Charlie Hales
Commissioner Steve Novick
Leah Treat, Director Portland Bureau of Transportation
Anne Dufay, Director Southeast Uplift
Robert McCullough, Chair Southeast Uplift Board of Directors
Bob Kellet, Southeast Uplift Land-use Chair
Debbie Kitchin, Central Eastside Industrial Council President
Brad Malsin, Central Eastside Industrial Council V, President
Peter Finley Fry, Central Eastside Industrial Council Land-Use Chair
HAND board

Exhibit 4

CENTRAL EASTSIDE INDUSTRIAL COUNCIL

P.O. Box 14251, Portland, OR 97293-0251

Ph: 503-768-4299 – Fax: 888-550-3703

Email: ceic@ceic.cc – Web: www.ceic.cc



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Goodwill

November 17, 2015

Karl Arruda
Right of Way Acquisition
Portland Bureau of Transportation
1120 SW 5th Avenue, Suite 800
Portland, OR 97204

RE: RWA File No. 8030, SE Harrison Street

Dear Mr. Arruda,

On behalf of the Board of Directors of the Central Eastside Industrial Council, we would like to express our opposition to vacating SE Harrison Street at SE 3rd. We've made every effort to work with the City to find an acceptable alternative solution. We are adamantly opposed to moving Right to Dream Too to the site at SE 3rd and Harrison. This property is zoned industrial and is part of a district that is proving to be a very successful area for businesses to locate and thrive. CEIC and many community stakeholders have been participating in a long process to develop a comprehensive plan for the Southeast Quadrant and this intended use is incompatible with the draft plans. The site is not zoned for housing, even on a temporary basis. This action is a permanent change to the status of this property and cannot be allowed under a temporary state of emergency.

Furthermore, we did not receive proper notification from PBOT. In fact, we did not receive a copy of the letter sent out to neighborhood associations and others until almost 2 weeks after it was originally sent, and then only because other parties shared it with us. This is not proper notification. CEIC is the business district where this property is located. Part of the process should be to notify all stakeholders impacted by this action, including nearby businesses and the district business association. Is the City appropriately following the processes for street vacation that it requires of private developers? Who is paying for the costs of the street vacation? What budgets are these costs coming out of and are they part of the costs of acquiring and developing this site for the proposed location of a homeless camp? CEIC is prepared to use every legal means at our disposal to oppose this and related actions by the City of Portland and any of its bureaus. We have engaged an attorney and are reviewing our legal options. We are prepared to fight this attempt at circumventing the law and undermining the planning and regulatory processes that our community upholds.

In the future, we expect that the CEIC will be properly notified in any such processes and be included in all communications regarding this street vacation. Thank you for your attention.

Sincerely,

Debbie

Debbie Kitchin
President, Board of Directors

Exhibit 5



EAST SIDE PLATING, INC.

8400 SE 26TH PLACE
PORTLAND, OR 97202
PHONE 503-654-3774
FAX 503-654-6464

Karl Arruda, Right of Way Acquisition

Portland Bureau of Transportation

1120 SW 5th Avenue Suite 800

Portland, OR 97204

November 20, 2015

RE: RWA File #8030, SE Harrison Street

Dear Mr. Arruda,

As the property and business owners adjacent to the right of way in question, we are writing to express our opposition to vacating SE Harrison. Our firm was not notified by the Portland Bureau of Transportation of this proceeding and only heard about it from a forwarded copy of the October 26th letter you wrote to the Hosford-Abernethy Neighborhood District. You indicated you were "seeking comments from City Bureaus, affected neighborhood associations, and others". We were grateful in follow up conversations with you that you are willing to include our comments in consideration of the petition. We are one of the "others" and likely the most directly impacted by this proposed change. East Side Plating, Inc. has operated a surface finishing business in the adjacent facility since the 1940's. We serve northwest manufacturers with plating, anodizing, and polishing processes that make their parts look better, last longer, and function more successfully.

We oppose the street vacation for the following reasons: 1) it adversely impacts our business, 2) the intended use is inconsistent with IG1 industrial zoning, 3) the intended use is in conflict with egress and public safety requirements of a recently permitted and completed facility improvement, and 4) is inconsistent with ODOT/PBOT prior representations for the intended use of the property.

One of the adverse impacts to the vacation request is that ESP would lose access for bulk caustic deliveries. Our waste water treatment equipment is located in the southern portion of the facility due to being the lowest point in the facility. Part of our waste water treatment process involves adjusting PH so that metal ions can be precipitated out of solution prior to clean water being discharged to the city's sewer system under our industrial discharge permit. We use 50% sodium hydroxide to raise the PH of waste water. Since this material freezes at 58 degrees, we have a specialized insulated heated 500 gallon tank in the waste treatment area. This tank is regularly filled by our chemical supplier from a

Exhibit 5

large tank semi-truck accessing the facility via the south exit door adjacent to Harrison. The vendor does not have long enough supply hoses to access the tank from other exterior access points off of 3rd or Stephens. We need this southern access point to be retained.

Another adverse impact to vacating Harrison would be the loss of parking for ESP employees. Since the ODOT condemnation proceeding in 1963 for a potential freeway access structure right of way, ESP employees and others working for adjacent business have parked in this area. Although the facility has employed up to 45 employees during a single shift over the past 70 years, current "post recession" staff levels are 21. Although some employees ride share or use public transportation, half drive cars to work. We purchase "Zone G" parking permits for our employees in consideration for parking on property ESP does not own. If the street is vacated and no longer available to employees, we are not aware of any available space for parking within a reasonable distance from work. In addition to loss of parking for employees, the southwest corner of our facility where customers or ESP vehicles drop off material for processing would be impaired and the parking of three cars on ESP property would be more limited. Restraints to the flow of materials has a direct impact on reducing our ability to produce work for customers.

In addition to the adverse impact removing Harrison has on our business, the intended use of the property for a homeless tent camp is inconsistent use for the area's IG1 zoning. As we understand the zoning code, tent camping is not an allowed use under the code. We operate an industrial business using industrial processes in an industrially zoned area.

The third reason for being opposed to the Harrison Street vacation is that it would violate elements of a commercial building permit for a facility improvement undertaken from 2011 to 2013. In order to serve the anodizing needs of area manufacturers, ESP added anodizing capacity with a meaningful capital equipment addition. The new process capability allowed us to create 6 new jobs. The city permit stated that the occupancy of the southern portion of the facility be revised from F-1 to H-4 and required ESP to make significant investment in systems to protect property, employees and emergency responders in the event of a fire. One of the requirements was a second egress for employees working in this portion of the facility. The main egress for the southeast portion of the facility is onto the adjacent right of way. If the street is vacated and the property use is no longer available for ESP employee egress, the safety of our employees will be impaired. This use is clearly inconsistent with the high regard for human health voiced by various public safety bureau representatives we interacted with in the permit approval process.


The fourth reason we oppose the vacation of Harrison is that the considered use for a homeless tent camp is not consistent with prior representations of ODOT or PDOT. ESP employees have been parking cars in this area for the 50 years since it was condemned and acquired to be reserved for a future transportation use. Over the years various ODOT staff have indicated to ESP leadership that even if highway access structures would be constructed, their elevated placement would allow cars to be parked on the property. When the adjacent Hwy 99 viaduct was being rebuilt ODOT project leaders met with us and showed us construction drawings that indicated the property would remain available for parking or potentially be used for stormwater runoff, yet still available to park on. In 2011, when the

Exhibit 5

streetcar ramp was being constructed and we inquired of PBOT of what the use of the property would be, they indicated they had nothing planned for it. In appreciation for our support to accommodate the disruptions caused by the sustained construction project, the contractor graded the property adjacent to our facility to improve parking for our employees.

In conclusion, the vacation of Harrison which might lead to a homeless camp being located next to our industrial facility violates the zoning code, makes emergency actions of first responders more difficult, is in conflict with recently approved commercial building permits, and impairs the functions of a 70 year old Portland business that serves lots of employers in the area.

Thanks for collecting our comments.



Tim Lamb

Vice-President/Owner



Gary Hennberg

President/Owner