

Submitted by PBOT
2-10-2016

Montalvo, Teresa

Subject: Meeting with Neighborhood Reps regarding St Johns Intersection Improvements
Location: BDS Conf 4a (30) 187599
Start: Wed 3/4/2015 2:00 PM
End: Wed 3/4/2015 3:00 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Montalvo, Teresa
Required Attendees: Haley, Robert; Lum, Leslie; Krueger, Kurt
Resources: BDS Conf 4a (30)

The applicant has reached out to Lindsay Jensen from St John's Main Street Coalition regarding this project. She reached out to the St John's Neighborhood Association, Friends of Cathedral Park Neighborhood Association and the St John's Business Booster's. Representatives from the neighborhood groups are excited to meet with PBOT and the design team to discuss potential improvements.

[illegible]

IMPACT STATEMENT

Legislation title: Vacate a portion of N Lombard St between N Richmond Ave and N Charleston Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10109)

Contact name: Lance D. Lindahl, PBOT Right-of-Way Acquisition
Contact phone: 503-823-7465
Presenter name: Lance D. Lindahl

Purpose of proposed legislation and background information:

The purpose of this legislation is to vacate a portion of N Lombard Street between N Richmond and N Charleston Avenues as recommended in the City Engineer's Report.

St. John – 5, LLC (the "Petitioner") owns property on the north side of N Lombard Street east of Charleston Avenue. Upon submittal of a building permit, Portland Bureau of Transportation ("PBOT") requested that the N Lombard/ N Richmond intersection be realigned and reconstructed as a part of the mixed-use development planned for their property.

The proposed vacation area is currently improved with mature landscaping and a right-turn slip-lane for traffic at the N Lombard Street/N Richmond Avenue intersection that is wishing to continue westbound on N Lombard. Westbound traffic currently has obscured sight distances for pedestrians, bicyclists, and motor vehicles crossing N Lombard to the west. The slip-lane also encourages speeding and contributes to safety concerns for access to James John Elementary School and the County library to the north.

Reconstruction and reconfiguration of N Lombard Street between N Richmond and N Charleston Avenues is included as a part of the St. Johns/Lombard Plan adopted by City Council on May 26, 2004 in Ordinance No. 178452.

The City does not currently have funding to pursue these street improvements and the Petitioner realizes the public benefit to reconstructing said intersection and therefore is willing to design and construct a number of street, sidewalk, and traffic signal improvements in conjunction with the redevelopment of their property. The improvements will be done in accordance with the design requirements of both PBOT and the Oregon Department of Transportation ("ODOT"). Costs related to the sidewalk and signal improvements will be paid for solely by the Petitioner and are projected to be in excess of \$350,000.

The proposed right-of-way vacation will revert solely to the Petitioner. The proposed area, if approved, will be incorporated into their development. The "Welcome to Historic St. Johns" free-standing community sign will be removed from the proposed vacation area and will be relocated at the time of the Petitioner's development to a new public plaza that will be constructed within the public right-of-way to the immediate northeast of its current location. The relocation plan was included as a part of Land Use Review 15-213895 DZM and is supported by both PBOT and the Bureau of Development Services.

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations. Although no substantive objections were received, Portland Bureau

of Transportation (“PBOT”) Development Review has required that the Petitioner will reconstruct and reconfigure N Lombard Street between N Richmond and N Charleston Avenues to remove the “slip-lane” on westbound N Lombard. Petitioner will complete the design in accordance with the requirements of the City Engineer and with ODOT concurrence. The Petitioner will provide to the City a Performance Guarantee in order to ensure the completion of the required street improvements.

PBOT Street Lighting has required the Petitioner to pay the costs to make the following changes to the street lighting and traffic signal systems adjacent to the street vacation area: street lighting improvements will meet City standards based on the classification of the street in the City Transportation System Plan; Lighting/photometric analysis will be used to determine type, spacing, and layout of LED cobra head lights; Existing non-standard high pressure sodium lights will be removed from the utility poles (if poles remain); a new lighting service panel is required for the lighting system; new traffic signal pole at the northwest corner of the N Lombard/Richmond intersection due to a change to the lane configuration; a signal operation change is required due to an added pedestrian signal crossing on the north side; the proposed signal modification requires a full signal upgrade that meets current design standards and specification for the ODOT and PBOT; signal modifications will require approval from State Engineers at ODOT; and the traffic signal interconnect cable is to be maintained and/or rerouted to the new cabinet in order to keep remote communication to the traffic signal.

Also, ODOT has required that the Petitioner follow PBOT Public Works Alternative Review process in order to reduce the pedestrian corridor to 12 feet in width on N Lombard Street. This will allow for 50 feet in width being retained for vehicle travel lanes.

The Planning and Sustainability Commission (“PSC”) reviewed and approved the proposed street vacation on November 17, 2015. An Engineer’s Report was completed on December 23, 2015, recommending approval of the street vacation subject to certain conditions and reservations. The Report, inclusive of the PSC’s recommendation, is attached.

The ordinance complies with state law under ORS 271 and City Code, Chapter 17.84 and will complete the street vacation process.

Financial and budgetary impacts:

The process for vacating streets is a cost recovery program, typically paid for by the Petitioner, and does not have a net impact on PBOT’s budget. Expenses for processing a street vacation request typically range between \$8,000 and \$20,000, depending on the complexity. This street vacation falls in the high part of the range and is estimated (with moderate confidence) to be approximately \$20,000.

Revenue paid by the Petitioner for this street vacation will cover the actual expenditures incurred by City staff for the processing of this request. The SAP Cost Object is 9TR000002133. The revenue and expenses are occurring in FY 2014-15 and 2015-16.

This legislation does not affect staffing levels nor result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the ordinance, the Petitioner will be unable to reconstruct the intersection in order to improve safety and to further the St. Johns/Lombard Plan. If the City decides to construct these improvements in the future, the expenses would then be the responsibility of the City, and most likely, would be much higher.

Community impacts and community involvement:

Comments were solicited from City Bureaus, government agencies, public utilities and affected neighborhood associations in North Portland. No objections were received from these organizations. Both the St. Johns Neighborhood Association and the local advocacy group St. Johns Main Street submitted letters of support for the vacation.

The PSC advertised and then held a public hearing on November 17, 2015. Twelve individuals came forward and provided public testimony. Eight individuals stated support for the vacation and four were opposed. PSC ultimately approved the vacation request with the condition that a Tree Mitigation Plan be submitted to Urban Forestry for review and comment. This condition has been met.

St. Johns resident John Teply is opposed to the street vacation and has formed a community group known as Save Ivy Island. He has collected a petition with several hundred signatures from people that are opposed to the vacation, the removal of the existing landscaped island, and the Petitioner's redevelopment proposal.

As a requirement of state statute ORS 271.080, the City Auditor published notice of the public hearing in the Daily Journal of Commerce and has posted the notice in the area proposed for vacation.

There do not appear to be any other impacts to the community from vacating this right-of-way. An unknown number of St. Johns residents are opposed to the street vacation and many of their concerns are related to the commercial redevelopment of the abutting property. Opposition to this street vacation request is expected from an unknown number of area residents and property owners that are opposed to the commercial development proposed by the Petitioner. There is no future public involvement anticipated since this ordinance will conclude the street vacation process.

Information regarding the advertising details can be provided by Toni Anderson, City Auditor's Office, 503-823-4022, or toni.anderson@portlandoregon.gov.

Budgetary Impact Worksheet**Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.
☒ **NO:** Skip this section

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

KK 1-20-16

PBOT

PORTLAND BUREAU OF TRANSPORTATION

BACKGROUND INFORMATION

*** **ONLY** ***

ADDITIONAL DOCUMENT

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Steve Novick Commissioner Leah Treat Director

December 23, 2015

CITY ENGINEER'S REPORT TO CITY COUNCIL ON THE PROPOSED VACATION OF A PORTION OF N LOMBARD STREET BETWEEN N RICHMOND AND N CHARLESTON AVENUES. (R/W #7942)

Background

1. **Proposed Street Vacation Area.** A section of N Lombard Street, said area being of variable width and length, containing approximately 5,005 square feet. The area is currently improved with landscaping and a right-turn slip-lane for traffic at the N Lombard Street/N Richmond Avenue intersection that is wishing to continue westbound on N Lombard Street.

The proposed vacation area is more specifically described on Exhibit A and depicted on Exhibit B attached hereto.

2. **Petitioner.** St John – 5, LLC is the owner of the abutting property to the north of the proposed street vacation area. All of the vacation area will revert back to them.
3. **Purpose.** The street vacation is proposed in order to facilitate reconstruction and reconfiguration of N Lombard Street between N Richmond and N Charleston Avenues in order to improve safety and to further the St. Johns/Lombard Plan adopted by City Council on May 26, 2004 in Ordinance No. 178452.
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 C hereto. Of particular significance were comments by Portland Bureau of



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.

Transportation ("PBOT") Development Review, PBOT Permit Engineering, and the Oregon Department of Transportation ("ODOT") which requested that certain conditions be satisfied prior to the street being vacated. Additionally, Portland General Electric ("PGE") has requested that the street vacation ordinance (the "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 November 17, 2015. The approval was conditioned on the inclusion of a Tree Mitigation Plan, which is included in its Report and Recommendation attached as Exhibit D hereto.
8. **Costs.** The Petitioner has paid \$18,000 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

PBOT 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:

As described on Exhibit A and depicted on Exhibit B attached hereto and by this reference made a part hereof.

Contains 5,005 square feet, more or less.

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. **PBOT, Development Review.** Petitioner will reconstruct and reconfigure N Lombard Street between N Richmond and N Charleston Avenues to remove the "slip-lane" on westbound N Lombard. Petitioner will complete the concept review (30% Design) phase of the Public

Works Review process, in accordance with the requirements of the City Engineer and with ODOT concurrence.

i. To ensure the completion of the required street improvements, the Petitioner shall provide to the City Engineer, a *Performance Guarantee. The Petitioner acknowledges that the Performance Guarantee indicated is a preliminary estimate subject to change, and agrees to provide additional guarantee and/or fees as required by the City Engineer.

**the Petitioner will need to apply for a building permit in order to provide the City with a Performance Guarantee.*

ii. The Petitioner agrees to authorize the City to complete the required street improvements at the Petitioner's cost, whether by using the Performance Guarantee or by other means of payment, in the event that the City Engineer, at his sole discretion, determines that the improvements are not being made as required in a reasonable time.

iii. The Petitioner agrees to obtain the necessary permits to complete the required improvements.


B. PBOT, Street Lighting. As a condition of street vacation approval, the Petitioner will pay the costs to make the following changes to the street lighting and traffic signal systems adjacent to the street vacation area: street lighting improvements will meet City standards based on the classification of the street in the City Transportation System Plan; Lighting/photometric analysis will be used to determine type, spacing, and layout of LED cobra head lights; Existing non-standard high pressure sodium lights will be removed from the utility poles (if poles remain); a new lighting service panel is required for the lighting system; new traffic signal pole at the northwest corner of the N Lombard/Richmond intersection due to a change to the lane configuration; a signal operation change is required due to an added pedestrian signal crossing on the north side; the proposed signal modification requires a full signal upgrade that meets current design standards and specification for ODOT and PBOT; signal modifications will require approval from State Engineers at ODOT; and the traffic signal interconnect cable is to be maintained and/or rerouted to the new cabinet in order to keep remote communication to the traffic signal.

- C. **ODOT.** Petitioner will follow PBOT Public Works Alternative Review process in order to reduce the pedestrian corridor to 12 feet in width on N Lombard Street. This will allow for 50 feet in width being retained for vehicle travel lanes.
- 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 Ordinance being recorded.

2. Reservations and Release.

- A. **Utilities.** In accordance with ORS 271.120 and City of Portland policy, the 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 PGE. 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, 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 Ordinance has been recorded by the City in Multnomah County Deed Records. Prerequisites to recording the Ordinance are that 30 days have passed after final Council passage of the Ordinance, that all conditions of the Ordinance have been met, and that all vacation costs have been paid.


 City Engineer or designee
on behalf of Alex Bejarano

TO THE COUNCIL:

The Commissioner 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 A, Legal Description of Proposed Vacation Area

Exhibit B, Map of Proposed Vacation Area

Exhibit C, Comments Summary

Exhibit D, Planning & Sustainability Commission Report with Exhibits

EXHIBIT A



PO Box 398
 Camas, WA 98607
 360.834.2519
 fax.834.5498
www.kcdevelopment.net

PROVIDING SURVEYING AND PLANNING SERVICES WITH A PERSONAL COMMITMENT TO EXCELLENCE.

EXHIBIT A
 LEGAL DESCRIPTION
 RIGHT OF WAY VACATION, RWA #7942
 November 20, 2015

A portion of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 1 North, Range 1 West, Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows:

Beginning at the Southeast Corner of Lot 8, Block 3, Jersey Street Addition, a Plat of Record in Book 400, Page 19, Multnomah County Plat Records; thence along the Southerly extension of the East line of said Lot 8, S25°44'23"W, 30.45 feet to a point of non-tangent curvature; thence along the arc of 142.00 foot radius curve concave to the Southeast, through a central angle of 14°55'11" (Chord bears S36°04'13"W, 36.87 feet) a distance of 36.98 feet to a point of reverse curvature; thence along the arc of a 18.00 foot radius curve concave to the Northwest, through a central angle of 87°07'45" (Chord bears S72°10'30"W, 24.81 feet) a distance of 27.37 feet to a point of tangency; thence along a line parallel with and 34.00 feet distant and Northerly from the centerline of N. Lombard Street, N64°15'37"W, 135.30 feet to the Southerly line of Lot 14, said Block 3, Jersey Street Addition at a point of non-tangent curvature; thence along the Southerly lines of Lots 14, 13, 12, 11, 10, 9 and 8 of said Block 3, along the arc of a 366.00 foot radius curve concave to the Northwest, through a central angle of 28°33'21" (Chord Bears N88°04'25"E, 180.53 feet) a distance of 182.41 feet to the point of beginning.

Containing 5,005 Square Feet.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 11, 2006
 CINDY A. HALCUMB
 58928 LS

EXPIRATION 06/30/17



1"=50'

STREET VACATION EXHIBIT B

A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12,
TOWNSHIP 1 NORTH, RANGE 1 WEST, W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PREPARED FOR
ST JOHN 5 LLC
NOVEMBER 15, 2015

BASIS OF BEARINGS
THE BASIS OF BEARINGS IS S69°39'51"E
ALONG THE MOST SOUTHERLY LINE OF
THE ADJACENT PARCEL PURSUANT TO
SURVEY NUMBER 61222, MULTNOMAH
COUNTY SURVEY RECORDS.

N. CHARLESTON AVENUE

N. RICHMOND AVENUE

N. LOMBARD STREET

L=182.41'
R=366.00'
D=028°33'21"
C=180.53'
CB=N88°04'25"E

JERSEY STREET ADDITION
BLOCK 3
(400-19)

MURSH
MANAGEMENT
LLC
PARCEL VI
BOOK 1843-PAGE 2126;1985

BASIS OF BEARINGS
N69°39'51"W
72.49'

PROPOSED R/W
VACATION
AREA=5,005 SF

S25°44'23"W
64.16'

P.O.B.
S25°44'23"W
30.45'

L=36.98'
R=142.00'
D=014°55'11"
C=36.87'
CB=S36°04'13"W

L=27.37'
R=18.00'
D=087°07'45"
C=24.81'
CB=S72°10'30"W

N. LOMBARD STREET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2000
CINDY A. HALCUMB
58928 LS

EXPIRATION 06/30/17

RWA #7942

PREPARED BY:



DEVELOPMENT
~A CERTIFIED DBE & WBE

PO BOX 398
Camas, WA 98607
360.834.2519
Fax.834.5498

EXHIBIT B

187599

EXHIBIT C

Comments Summary

R/W #7942 N Lombard Street between N Richmond and N Charleston Avenues AS REVISED 12/17/2015 SAP Cost Object No.: 9TR000002133 VAC-10109 IQ #15-149898 Commenting Party	RWA Project Manager: Lance D. Lindahl REVISED Response Date	Petitioner/Applicant: S. John 5 LLC Contact: Alan Jones, Jones Architecture 1231 NW Hoyt St, Suite 404 Portland, OR 97209 503-477-9165 ajones@jonesarc.com Comments / Conditions
City Bureaus / Depts. Notified:		
City Auditor Toni Anderson	4/2/15	City initiated.
PBOT Development Review Teresa Montalvo 503-823-4810	12/23/15	No objection subject to the following conditions: Petitioner will reconstruct and reconfigure N Lombard Street between N Richmond and N Charleston Avenues to remove the "slip-lane" on westbound N Lombard. Petitioner will complete the concept review (30% Design) phase of the Public Works Permit Review with ODOT concurrence. Bonding/contract must be submitted prior to recording the vacation.
Transportation Planning Grant Morehead	12/17/15	No objection: No change.
PBOT Permit Engineering Kim Roske 503-823-1745	7/5/15	Comment only: ODOT to respond with requirements for roadway widths and clearances. Revised Area Response: No change.
PBOT Trans Systems Mgmt Carl Snyder	12/17/15	No objection: No change.
PBOT Street Lighting Nelson Chi 503-823-2604	6/26/15	No objection subject to the following condition: See attached comments: No change.

Comments Summary

Commenting Party	REVISED Response Date	Comments / Conditions
PBOT Bridges and Structures David OLongaigh	6/29/15	No objection: No change.
Development Services Shawn Burgett	6/30/15	No objection: No change.
Environmental Services Andre Duval	7/15/15	No objection: No change.
Water Bureau Rick Nelson	6/29/15	No objection: No change.
Fire Bureau Kari Schimel	6/29/15	No objection: No change.
Park Bureau Ryan Sablan	12/21/15	No objection: No change.
Urban Forestry Division Luke Miller	12/17/15	No objection: No change.
BTS Corporate GIS Paul Cone	12/17/15	No objection: No change.
Planning & Sustainability Commission	11/17/15	Approved with condition added requiring a Tree Mitigation Plan.
Neigh Assoc Notified:		
St John Neighborhood Association Shamus Lynsky, Vice Chair	9/15/15	Organization supports the Petitioner's development project. The property owner has been responsive to neighborhood concerns.
North Portland Neighborhood Services Tom Griffon-Valade, Director		No response.
St. Johns Main Street Lindsay Jensen, Executive Director	9/15/15	Organization supports the Petitioner's development project. The property owner has been responsive to neighborhood concerns.

Comments Summary

Commenting Party	REVISED Response Date	Comments / Conditions
Local Agencies Notified:		
ODOT Region 1 Jon Makler 503-731-8200	8/14/15	No objection subject to the following condition: Petitioner to follow PBOT Public Works Alternative Review to reduce pedestrian corridor to 12 ft. to maintain 50 foot road width on N. Lombard St. Some intersection modifications will require review by State Traffic Engineer.
Port of Portland Phil Healy	12/17/15	No objection: No change.
TriMet Nick Stewart		No response.
Public Utilities Notified:		
PGE Tina Tippin 503-464-7672	6/10/15	Have facilities in street area; reserve easement.
Pacific Power Richard Birch	6/1/15	No facilities in street area: No change.
CenturyLink R. Jeff Lawrey	6/10/15	No facilities in street area: No change.
Northwest Natural Richard Hawkes	12/18/15	No facilities in street area: No change.
Comcast Cable Walter Banks	6/4/15	No facilities in street area: No change.

EXHIBIT D

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Steve Novick Commissioner Leah Treat Director

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

FILE NUMBER: R/W #7942

COMMISSION HEARING HELD NOVEMBER 17, 2015

I. GENERAL INFORMATION

Street Vacation Request: R/W #7942, a portion of N Lombard St between N Richmond and N Charleston Avenues

Petitioner: City of Portland, on behalf of Farid Bolouri. The City's contact is Kurt Kreuger (503-823-3964). Mr. Bolouri can be reached at 503-314-4733.

Purpose: The purpose of the proposed vacation is to consolidate the right-of-way with the abutting property for future development.

Neighborhood: St Johns; contact is Josh Leslie, Land Use Chair (ddminifan@gmail.com)

Quarter Sections: 2122

Designation/Zone: CSd (Storefront Commercial with a Design Overlay Zone)



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. 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 adjacent parcels. The Planning and Sustainability Commission recommends **APPROVAL** of the street vacation request, with conditions.

III. FACTS

A. History and Background

The Bureau of Transportation is requesting a City-initiated vacation associated with the westbound N Lombard “slip-lane” between N Richmond and N Charleston, and a portion of the island located to the south of the slip-lane. This vacation will facilitate reconstruction of the intersection, which improves safety and implements the preferred alternative for the redesign of the intersection, identified in the St. Johns/Lombard Plan.

The City currently does not have funding to pursue this intersection reconfiguration now or in the foreseeable future. However, the property owner to the north realizes the public benefit to reconstructing the intersection and therefore is willing to design and construct the improvements in conjunction with the proposed mixed use development adjacent to the vacation area.

This portion of N Lombard Street is under the jurisdiction of the Oregon Department of Transportation (ODOT). The property owner has worked with ODOT and PBOT to develop and refine the design for the intersection, to provide the required minimum roadway width and a striped bike lane. Some elements of the intersection design will require approval of the State Traffic Engineer.

B. Concurrent Land Use Actions

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

C. The Transportation Element

The current (2007) transportation element of the Comprehensive Plan classifies Lombard St as a Local Service Traffic Street, a Major Transit Priority Street, a

Local Service Bikeway, a Pedestrian District Street, a Truck Access Street, an Minor Emergency Response Street, and a Community Main Street. The site is within the St. Johns Pedestrian District.

D. Neighborhood Plan

The St. Johns/Lombard Plan was finalized in 2004 (Resolution #36219, Ordinance #178452). The Plan contained Action Item TC5:

"Lombard/Richmond/Jersey: consider shifting the traffic island to the north to improve sight lines and slow entering traffic while encouraging shoppers into the district." Exhibit 3 shows this concept from the Plan, with existing building footprints and a re-aligned intersection. This proposed vacation is consistent with those recommendations.

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 proposed vacation will not affect connectivity. Connectivity through the area will be provided via the reconstructed Lombard/Richmond/Jersey intersection approximately 100 feet to the south.

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 proposed vacation will have no impact on the function or pattern of nearby streets, or the overall transportation system. The Lombard "slip lane" is approximately 100 feet north of the Lombard/Richmond/Jersey intersection.

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, if the vacation is approved, the remaining street pattern will meet the street spacing standard.

Per Objective N, the area of the proposed vacation is shown on the North District Map 11.11.15 as meeting the connectivity standard. The proposed vacation will not affect connectivity due to its diagonal orientation relative to the street grid.

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 not affect circulation. It is anticipated to improve pedestrian safety, due to the traffic calming effect of realigning the Lombard/Richmond/Jersey intersection.

B. Neighborhood Plan Considerations

Comment: The proposed vacation is consistent with the St. Johns/Lombard Plan.

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

Comment: There are no other Comprehensive Plan policies or adopted City plans that are relevant to the proposed vacation 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

Comment: There are no subdivision code issues.

F. Improvement and Utility Considerations

The street vacation request was reviewed by Portland Bureau of Transportation (PBOT) for conformance with standards for street improvements. The following condition of approval will be required by PBOT Development Services:

- Petitioner shall reconstruct and reconfigure N Lombard Street between N Richmond and N Charleston Avenues to remove the "slip-lane" on westbound N Lombard. Petitioner shall complete the concept review (30% Design) phase of the Public Works Permit Review with ODOT concurrence. Bonding/contract must be submitted prior to recording the vacation. A Public Access Easement will be required for the triangle-shaped parcel designated as #2 in the Early Assistance documents.

PBOT Street Lighting responded with the following requirements:

- Petitioner shall comply with City of Portland Lighting Level Standards based on the street classifications in the Transportation Element of the Comprehensive Plan. A lighting/photometric analysis shall be conducted

to determine the LED light type, spacing, and layout to be located within the project area. Removal of existing non-standard HPS lights in the frontage shall be required, including removal from utility poles if said poles are to remain, and placement of a new lighting service panel. Traffic signal improvements are required including a new traffic signal pole at the northwest corner due to the lane configuration change, signal operation change due to the added pedestrian signal crossing on the north side, a full signal upgrade to meet current design standards for ODOT and PBOT, and ODOT engineer's approval for signal modifications. Communications improvements are required to have the traffic signal interconnect cable maintained and/or re-routed to the new cabinet in order to keep remote communication to the traffic signal.

The Bureau of Development Services, the Bureau of Environmental Services, the Portland Water Bureau, Portland Fire and Rescue, Urban Forestry and Portland Parks and Recreation responded with no objection.

ODOT responded with the following condition:

- The Petitioner shall follow PBOT Public Works Alternative Review to reduce the pedestrian corridor to 12 feet in order to maintain a 50 foot road width on N Lombard St.

TriMet was notified of the proposal but did not respond.

The Port of Portland responded with no objection to the proposal.

Pacific Power, Century Link and Northwest Natural and Comcast responded that they have no facilities in the area.

PGE responded that they have facilities in the area and will require an easement.

G. Neighborhood Issues

Notice of this street vacation request was provided to the St Johns Neighborhood Association and North Portland Neighborhood Services, but no responses were received.

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

At a hearing on November 17, 2015, the Planning and Sustainability Commission recommended **APPROVAL** of the vacation 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.F above.
2. Petitioner shall submit a Tree Mitigation Plan to Urban Forestry that addresses the loss of tree canopy that will result from the proposed vacation and subsequent redevelopment of the adjacent site.

The Petitioner has subsequently withdrawn the northeastern portion of the vacation area from the proposal. The reversionary rights for this area of the vacation request are unclear, and although Mr. Bolouri and the adjacent property owner to the east have been in communication with Multnomah County Cartography and a title company to conduct research, it is still unresolved. They have been unable to come to a mutually agreeable solution despite ongoing negotiations. The lack of a resolution to this issue has now placed the future redevelopment project in jeopardy, and therefore Mr. Bolouri and his development team have requested that the size of the vacation area be reduced. The northeasterly triangle will now remain public right-of-way. It will be landscaped and developed into a pedestrian plaza that will serve as a gateway to the St. Johns Neighborhood.

The revised vacation area that is subject to this Council Action is identified in **Exhibit 2** and **Exhibit 3**.

VII. EXHIBITS

1. Vacation Area approved by Planning and Sustainability Commission
2. Reduced Vacation Area subject to this Council action

3. Aerial photo with property boundaries, PSC-approved, and proposed vacation area.
4. Pages from St. Johns/Lombard Plan showing preferred alternative for reconfigured Lombard/Richmond intersection
5. Tree Mitigation Plan

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

cc:
Lance Lindahl, Right-of-Way Case Manager
Case File



A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12,
TOWNSHIP 1 NORTH, RANGE 1 WEST, W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PREPARED FOR
ST JOHN 5 LLC
/ AUGUST 24, 2015

THE BASIS OF BEARINGS IS S69°39'51"E
ALONG THE MOST SOUTHERLY LINE OF
THE ADJACENT PARCEL PURSUANT TO
SURVEY NUMBER 61222, MULTNOMAH
COUNTY SURVEY RECORDS.





A PORTION OF THE NW 1/4 OF THE NE 1/4 OF SECTION 12,
TOWNSHIP 1 NORTH, RANGE 1 WEST, W.M.,
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

PREPARED FOR
ST JOHN 5 LLC
NOVEMBER 15, 2015

THE BASIS OF BEARINGS IS S69°39'51"E
ALONG THE MOST SOUTHERLY LINE OF
THE ADJACENT PARCEL PURSUANT TO
SURVEY NUMBER 61222, MULTNOMAH
COUNTY SURVEY RECORDS.

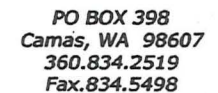


Exhibit 3


N Charleston Ave


N Lombard St

N Richmond Ave

N Jersey St

Legend

 Property Boundaries

 Vacation Area
(approximate)


 Vacation Area approved by PSC
withdrawn by Petitioner (approximate)



Exhibit 4

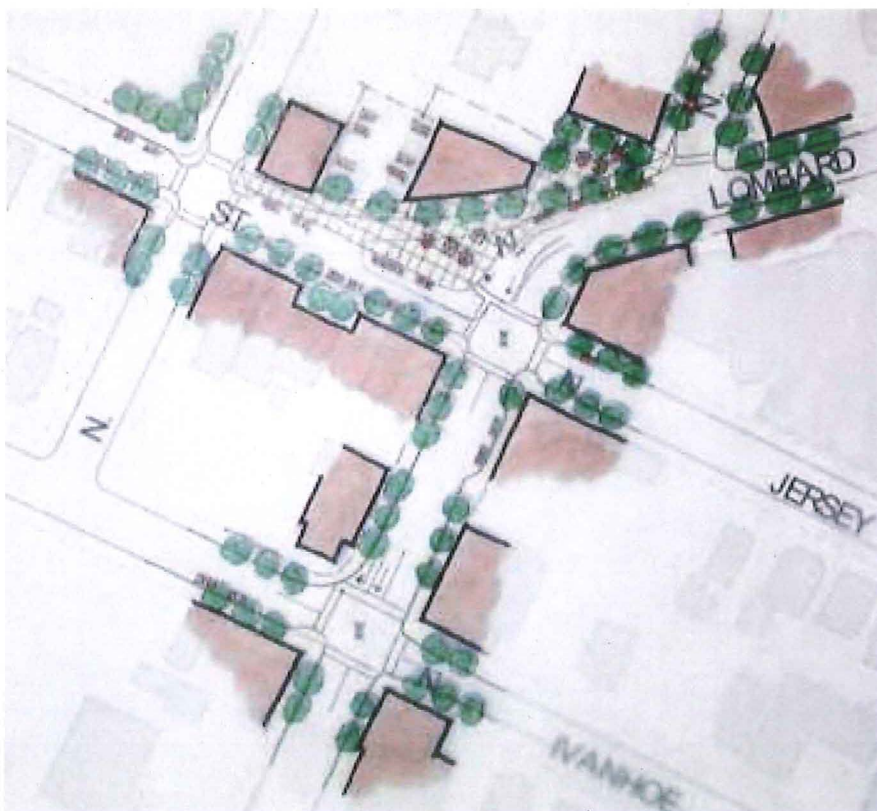
Urban Development Concept



Lombard/Richmond Intersection

Several alternative plans were considered for improving the Lombard/Richmond intersection. The main objectives of the redesign were to create a stronger gateway to the business district, calm traffic, and enhance safety for children and other pedestrians crossing Lombard.

The preferred alternative keeps primary traffic flow on Richmond and Ivanhoe. A signal is installed at the intersection of Lombard at Richmond to slow traffic, increase pedestrian safety, and improve visibility for the downtown St. Johns commercial core. The newly created space can function as a plaza, and offers an opportunity to create an enhanced gateway to the downtown business district.



The preferred redesign of the Lombard/Richmond intersection enhances visibility of downtown St. Johns and improves pedestrian safety.

Exhibit 5

JONES ARCHITECTURE

DATE: December 1st, 2015
SUBJECT: Tree Mitigation for Ivy Island in St Johns
TO: Lance Lindahl PBOT ROW Agent
FROM: Alan Jones, Jones Architecture

A ROW vacation of Ivy Island in St Johns was approved by the Planning Commission on November 17th 2015. A Tree Mitigation Plan for Ivy Island was required by the commission as a condition of approval.

Since the project is located in a CS Zone, tree mitigation is typically except from Title 11 requirements. Therefore, the onsite and street trees proposed along both Highway 30 and Lombard Street have been found to meet the intent of the zoning code. Luke Miller, City of Portland – Urban Forestry, has previously stated:

"The 11 trees being planted on the project satisfy all Title 11 density requirements for tree planting. The newly planted trees also satisfy mitigation requirements for the two trees being removed on N. Lombard. Please see that the p-581 tree planting detail makes it into the next plan set."

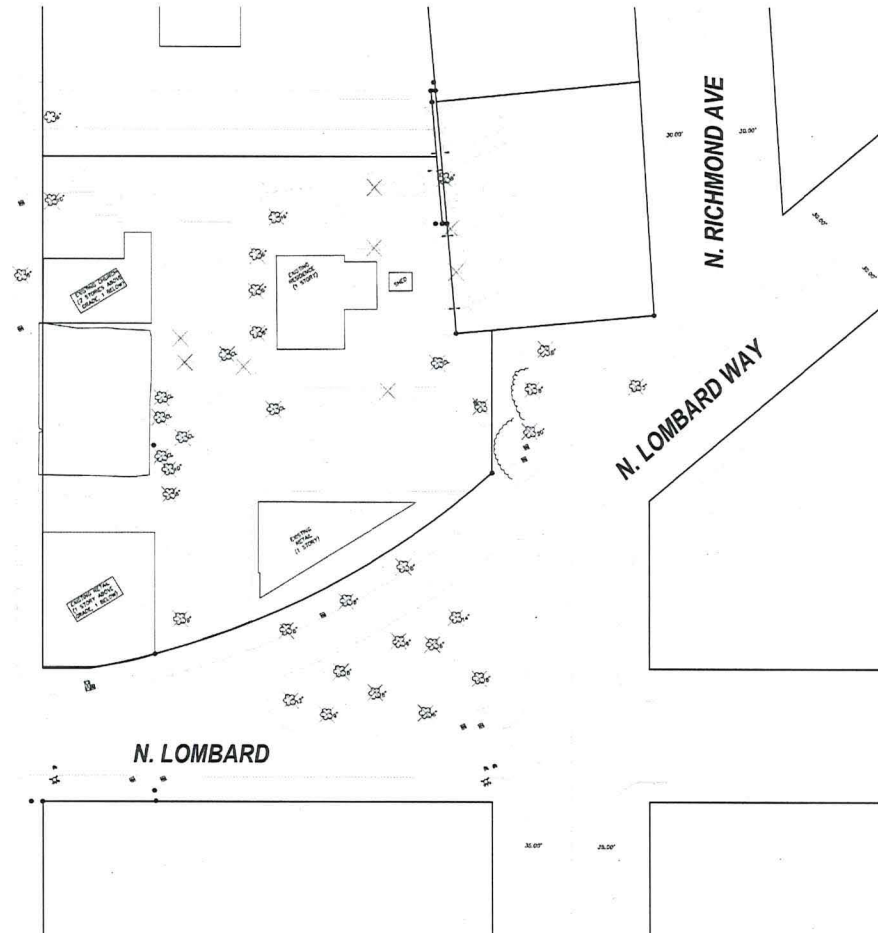
In accordance with his statement, the mitigation proposed for these two areas is sufficient to meet code. Therefore, the proposed Tree Mitigation Plan is limited to mitigation of trees being removed from Ivy Island.

The attached sheet L1 – Existing Tree Plan identifies nine (9) trees, 77 caliper inches, to be removed from Ivy Island as a result of transportation improvements along N Lombard Way and N Lombard.

The developer is currently talking with The Friends of Baltimore Woods and is proposing to donate \$2,500 towards the purchase and installation of up to 77 caliper inches of tree within the nature center.

Exhibit 5

N. CHARLESTON AVE.



N. RICHMOND AVE

N. LOMBARD WAY

N. LOMBARD

EXISTING IVY ISLAND TREES TO BE REMOVED

Type of Tree - Deciduous

- (3) - 6"
- (3) - 8"
- (1) - 9"
- (1) - 12"
- (1) - 14"

Total Caliper Inches: 77"

0 30 60 90 feet

SCALE: 1" = 30'

ST JOHNS
N LOMBARD ST & N CHARLESTON AVE

Stephen V. Gagliardi

SDLA
SHAPIRO DIDWAY
LANDSCAPE ARCHITECTS

JOB NO.: 1004
DESIGNED BY: SS
DRAWN BY: SS
CHECKED: SS
DATE: 11-25-2015

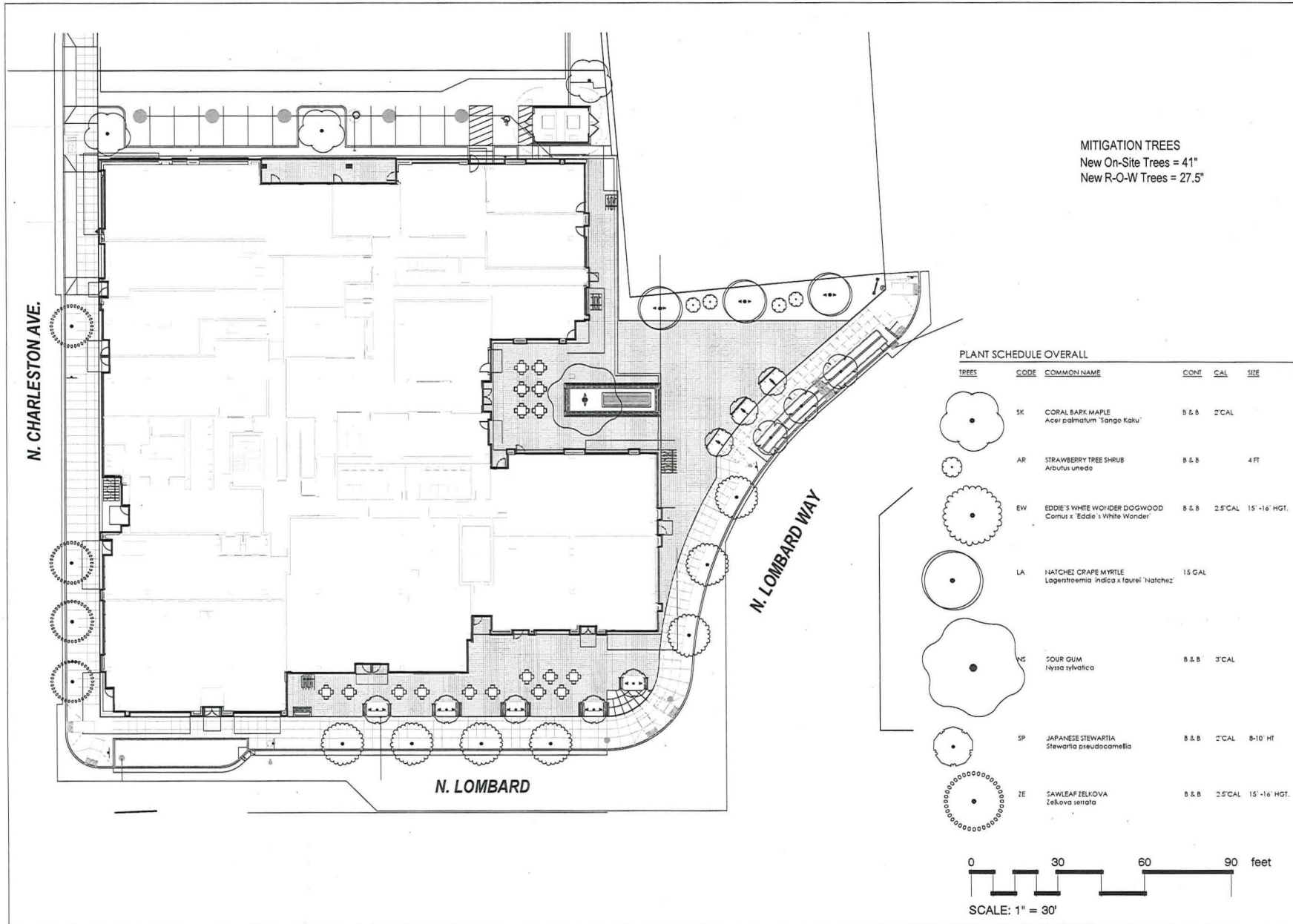
DATE: 11/25/15

SHEET NO:

L1

EXISTING TREE PLAN

Exhibit 5



ST JOHNS
 N LOMBARD ST & N CHARLESTON AVE

REGISTERED
 382
 STEVEN L. SHAPIRO
 OREGON
 LANDSCAPE ARCHITECT

SDLA
 SHAPIRO DIDWAY
 LANDSCAPE ARCHITECTS

JOB NO.: 1594
 DESIGNED BY: SS
 DRAWN BY: SS
 CHECKED: SS
 (DATE) 11-25-2015

DATE: 11/25/15
 SHEET NO.

L2
 TREE MITIGATION
 PLAN