

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 #7940

COMMISSION MEETING TO BE HELD OCTOBER 11, 2016 12:30 PM
1900 SW 4TH BUILDING, 2ND FLOOR, ROOM 2500 A

I. GENERAL INFORMATION

- Street Vacation Request:** R/W #7940, SW Moody Ave south of the Ross Island Bridge
- Petitioner:** Street vacation initiated by ZRZ Realty Company. The Petitioner's representative is Brian Varriccione at Mackenzie, 503-224-9560
- Purpose:** The purpose of the proposed vacation is to consolidate the right-of-way with the abutting property for future development.
- Neighborhood:** South Portland; contact is Jim Gardner, Land Use/Planning Chair
(jimdonnachamois@msn.com)
- Quarter Sections:** 3330
- Designation / Zone:** CXdCC, Central Commercial zone with a Design overlay, in the Central City Plan District.



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II. FACTS

A. History and Background

In 2010 – 2011, SW Moody Avenue was completely reconstructed between SW Sheridan Street and SW Gibbs Street. The new roadway is elevated as much as 14' above the former grade, and includes three motor vehicle travel lanes, two streetcar tracks, two sidewalks, and one bi-directional bicycle facility. The new design shifted the roadway to the west; as a result there is remnant right-of-way to the east of Moody Ave. This proposal will vacate a portion of that remnant right-of-way, which is currently operating under a lease from the Bureau of Transportation as a food cart pod and as private parking. Due to the presence of public utilities in the SW Grover St right-of-way, the proposed vacation area is divided into two separate areas, referred to herein as the northern portion and the southern portion. See Exhibit A for the approximate locations of the vacation area.

B. Concurrent Land Use Actions

There are no concurrent land use actions.

C. The Transportation Element

SW Moody Avenue is classified as a Traffic Access Street, a Transit Access Street, a City Bikeway, a Central City Transit/Pedestrian Street, a Local Service Truck Street, a Community Main Street, and a Major Emergency Response Street.

D. Neighborhood Plan

The *South Waterfront Street Plan, Criteria and Standards* (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street, or future re-alignment of the streetcar in this area.

The Petitioner is in the process of redeveloping several parcels under their ownership to the east of the proposed vacation area. As part of the redevelopment, the Bureau of Transportation will require construction of SW Bond St through the development sites. The alignment and cross section of SW Bond are under negotiation and will require an additional amendment to the *South Waterfront Street Plan, Criteria and Standards* once finalized. The proposed vacation of the remnant Moody ROW will have no impact on the future alignment or function of SW Bond.

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 proposal will vacate a portion of right-of-way no longer used for a transportation function, and will not impact the construction of future streets identified in the Street Plan.

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: SW Moody at the location of the proposed vacation is fully improved to City standards, and the remnant right-of-way is no longer used for transportation purposes. The proposed vacation will have no impact on the transportation function of any nearby street, and will not impact the construction of future streets identified in the Street Plan.

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: The proposal will vacate a portion of right-of-way no longer used for a transportation function. The proposal will not impact the construction of future streets identified in the Street Plan, which will meet the connectivity objectives when built.

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 right-of-way proposed for vacation is adjacent to a fully improved street, and is no longer used for transportation purposes.

B. Neighborhood Plan Considerations

The *South Waterfront Street Plan, Criteria and Standards* (Street Plan) established the future street grid for the South Waterfront District. The Street Plan was updated in 2009 to reflect the Locally Preferred Alternative for the Portland-Milwaukie Light Rail project, and the anticipated reconstruction and

realignment of SW Moody Ave. The proposed vacation is consistent with the updated Street Plan, and will not impact future construction of SW Grover Street, SW Woods Street, or SW Porter Street.

The Petitioner is in the process of redeveloping several parcels under their ownership to the east of the proposed vacation area. As part of the redevelopment, the Bureau of Transportation will require construction of SW Bond St through the development sites. The alignment and cross section of SW Bond are under negotiation and will require an amendment to the *South Waterfront Street Plan, Criteria and Standards* once finalized. The proposed vacation of the remnant Moody ROW will have no impact on the future alignment or function of SW Bond.

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

Comment: There are no other Comprehensive Plan considerations.

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:

- Three existing wood street light poles, with associated sidewalk pull boxes and underground lighting conductors, shall be removed. Salvageable materials shall be returned to the Albina yard, including poles, luminaries and luminaire arms. Underground lighting conductors and conduit shall be removed per Standard Specifications.

- An easement is required on the entire southern portion of the proposed vacation area for tram maintenance access and potential future re-alignment of the Portland Streetcar.

The Bureau of Environmental Services requires the following condition of approval:

- Abandoned sewer and stormwater utilities and existing utilities serving only the property shall be quitclaimed to the property owner. Existing sewer facilities shall be reserved in an easement.

Portland Fire and Rescue requires the following condition of approval:

- An emergency vehicle access easement is required within the northern portion of the proposed vacation area.

The Portland Water Bureau requires the following condition of approval:

- An access easement is required within the northern portion of the proposed vacation area.

Staff note: The Portland Fire and Rescue and Portland Water Bureau easements cover the same area. See Exhibit A.

The Bureau of Development Services 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 and the Port of Portland responded with no objection.

TriMet was notified but did not respond.

PGE and Comcast were notified but did not respond.

Northwest Natural, Pacific Power, and Century Link 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 South Portland Neighborhood Association, the Southwest Hills Residential League Neighborhood Association, Southwest Neighborhoods, Inc., and Southwest Trails PDX. No responses were received.

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 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

Bureau of Transportation Staff Planner
Grant Morehead, AICP
503/823-9707
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cc:
Sarah Johnston, Right-of-Way Case Manager
Case File




Exhibit 1

Ross Island Bridge

SW Grover St

Aerial
Tram
Terminal

Legend

-  Proposed Vacation
-  PBOT Easement
-  PWB/PF&R Easement

Areas displayed are approximate and are shown for illustrative purposes only