

# 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 #8070

COMMISSION MEETING TO BE HELD APRIL 12, 2016 12:30 PM  
1900 SW 4<sup>TH</sup> BUILDING, 2<sup>ND</sup> FLOOR, ROOM 2500 A

### I. GENERAL INFORMATION

**Street Vacation Request:** R/W #8070, SW Florida St west of SW 45<sup>th</sup> Ave

**Petitioner:** Jordan Winkler (503-225-0701)

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

**Neighborhood:** Maplewood; contact is Claire Carder, Land Use Chair (503-977-3683; scherzcarder@comcast.net)

**Quarter Sections:** 3724

**Designation/Zone:** R7 (Single Dwelling Residential 7,000)

## **II. FACTS**

### **A. History and Background**

The proposed vacation is within the SW 45<sup>th</sup> Avenue and California Street Local Improvement District (LID). The LID contains an agreement with adjacent property owners to provide improved pedestrian and bicycle access in the area via SW 45<sup>th</sup> Avenue and SW California Street. That improved access will render this small portion of SW Florida St unnecessary. The Petitioner has requested a vacation in order to consolidate the adjacent property for eventual redevelopment.

### **B. Concurrent Land Use Actions**

There are no concurrent land use actions.

### **C. The Transportation Element**

This section of SW Florida St does not have classifications in the transportation element of the Comprehensive Plan.

### **D. Neighborhood Plan**

The area is covered by the *Southwest Community Plan* (Adopted July 13, 2000 by Ordinance No. 174667), and the *SW Trails Plan* (adopted July 26, 2000 by Resolution No. 35907).

## **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: This portion of SW Florida right-of-way is a stub that terminates at private property (Exhibit 2). It is unimproved and serves no connectivity function, only providing local access to property owned by the Petitioner. Due to its termination at private property, it is unable to provide a connectivity function in the future. The LID improvements will provide connections between Gabriel Park*

*and the Southwest Community Center east of 45<sup>th</sup> to the St Luke’s Lutheran Church and St. John Fisher School to the west of the proposed vacation area.*

**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 established street patterns or the function of nearby streets since the right-of-way is unimproved. It is surrounded by private property to the north, south, and west and therefore has no potential future use as right-of-way.*

**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, if the vacation is approved, the distance between full street connections (SW Vermont St to the north, SW California St to the south, will be approximately 475 feet.*

*Per Objective E, bicycle and pedestrian connectivity in this area will be addressed via the Local Improvement District process, which will provide bicycle and pedestrian connectivity on SW 45<sup>th</sup> Ave and SW California St. Neither the Pedestrian Master Plan nor the Portland Bicycle Plan for 2030 envision a facility on this segment of SW Florida St.*

*Per Objective N, the area of the proposed vacation is shown on the Southwest District Map 11.11.6 as not meeting the connectivity standard. However, this area is also identified as “Pedestrian/Bicycle Connection Points and Alignment Uncertain.” These alignments have subsequently been identified and will be constructed through the Local Improvement District process.*

**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: There is no existing pedestrian connection on this right-of-way, and there is no foreseeable connection due to the fact that the right-of-way is surrounded by private property on 3 sides. Also, the LID process will provide pedestrian access via SW 45<sup>th</sup> Ave and SW California St.*

**B. Neighborhood Plan Considerations**

*Comment: The SW Community Plan does not address this section of SW Florida St. specifically. However, the bike/ped connectivity and access improvements that will be built as part of the LID are generally consistent with the Transportation Objectives in the Plan that relate to bicycle and pedestrian transportation. The SW Trails Plan does not envision a facility in this area.*

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

*Comment: There are no other relevant plan or policy considerations that relate to this 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: The Bureau of Development Services has required that lot consolidations be recorded for all lots that will lose legal street frontage as a result of the vacation. A conditional Use Review for the St. Luke's Site will be recorded if any of the vacated street area reverts to them, unless it has been addressed in a previously recorded Conditional Use Review.*

#### **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 conditions of approval will be required:

- Petitioner shall construct a curb and sidewalk to City standards along SW 45<sup>th</sup> Ave where SW Florida is being vacated. A bond and contract, and financial guarantees for a public works permit for the Local Improvement District must be provided to PBOT per the requirements of the City Engineer prior to recording the vacation. Adequate right-of-way shall be retained at SW 45<sup>th</sup> Ave for future improvements as shown on the existing LID plans.
- The easternmost 1.00 foot of the proposed vacation area will be removed from the vacation proposal so that the vacation is set back 1.00 feet from the SW 45<sup>th</sup> Ave right-of-way. A Temporary Construction Easement will be reserved for the easterly 10 feet of the remaining vacation area and will be used for construction of the SW 45<sup>th</sup> Ave and California St LID.
- The Bureau of Environmental Services responded with no objection.
- 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.
- ODOT was notified of the proposal but did not respond.
- The Port of Portland and TriMet responded with no objection to the proposal.
- PGE, Pacific Power, and Northwest Natural responded that they have no facilities in the area.
- Comcast and Century Link were notified of the proposed vacation but did not respond.

#### **G. Neighborhood Issues**

Notice of this street vacation request was provided to the Maplewood Neighborhood Association, which responded that they are taking no formal position. The Hayhurst Neighborhood Association (north of the vacation area), Southwest Neighborhoods, Inc., SW Trails PDX, and Multnomah Village Business Association were notified but did not respond. The Multnomah Neighborhood Association (east of the vacation area) does not support the vacation and recommends denial, because the vacation will support future re-zoning and redevelopment of the adjacent properties.

#### **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. Map of property boundaries and LID area
3. Street view of proposed vacation area

Bureau of Transportation Staff Planner  
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cc:  
Lance Lindahl, Right-of-Way Case Manager  
Case File



# EXHIBIT 1



## SW FLORIDA STREET WEST OF SW 45TH AVENUE

Petitioner: Jordan Winkler

RWA #8070

Section: 1S1E19AA 1/4 Section: 3724



Area proposed for vacation






1 in = 50 ft





### Legend

-  Property Boundaries
-  LID Boundary
-  Area to be vacated (approximate)

SW Community Center

Gabriel Park

SW VERMONT ST

SW 45TH AVE

SW CALIFORNIA ST

SW NEVADA ST

Exhibit 2

SW IDAHO DR

St. Luke's Church

St. John Fisher School

SW VERMONT ST

SW 49TH AVE

SW TEXAS ST



**Exhibit 3**



*The mailbox is the approximate northern boundary of the right-of-way. The front of the red car is the approximate southern boundary.*