

PLANNING COMMISSION STAFF REPORT
Legislative Item

**SUGAR HOUSE STREETCAR GREENWAY
PROJECT**
Partial Alley Closure PLNPCM2013-00119
Between 800 and 900 East
May 22, 2013



Planning Division
Department of Community
and Economic Development

Applicant: Ryan McFarland

Staff: Maryann Pickering,
(801) 535-7760,
maryann.pickering@slcgov.com

Tax ID: Various

Current Zone: R-1/5,000
(Single Family Residential
District) and CB (Community
Business)

Master Plan Designation:
Parks and Open Space

Council District: District 7 –
Soren Simonsen

Community Council: Sugar
House

Alley Area: Approximately
10,250 square feet to be vacated

Current Use: Public alley
adjacent to Sugar House
Streetcar corridor

Applicable Land Use

Regulations:

- Chapters 2.58 and 14.52 of Salt Lake City Municipal Code
- Utah State Law, Section 10-9a-204 and 10-9a-609.5

Attachments:

- A. Site and Landscape Plans
- B. Property Owner Petition
- C. Department/Division Comments
- D. Additional Applicant Information

Request

Ryan McFarland of Salt Lake City Corporation is requesting a Partial Alley Closure along the north and south edges of the Sugar House Streetcar Greenway Corridor between 800 and 900 East in order to complete trails, landscaping and other improvements related to the streetcar and Parley's Trail. The Planning Commission is required to transmit a recommendation to the City Council for Alley Closure Requests.

Recommendation

Planning Staff finds that the proposal meets the criteria for alley closure, and therefore recommends that the Planning Commission forward a favorable recommendation to the City Council to approve application PLNPCM2011-00697 to close a portion of the public alley between 800 and 900 East along the north and south sides of the Sugar House Streetcar corridor with the following conditions:

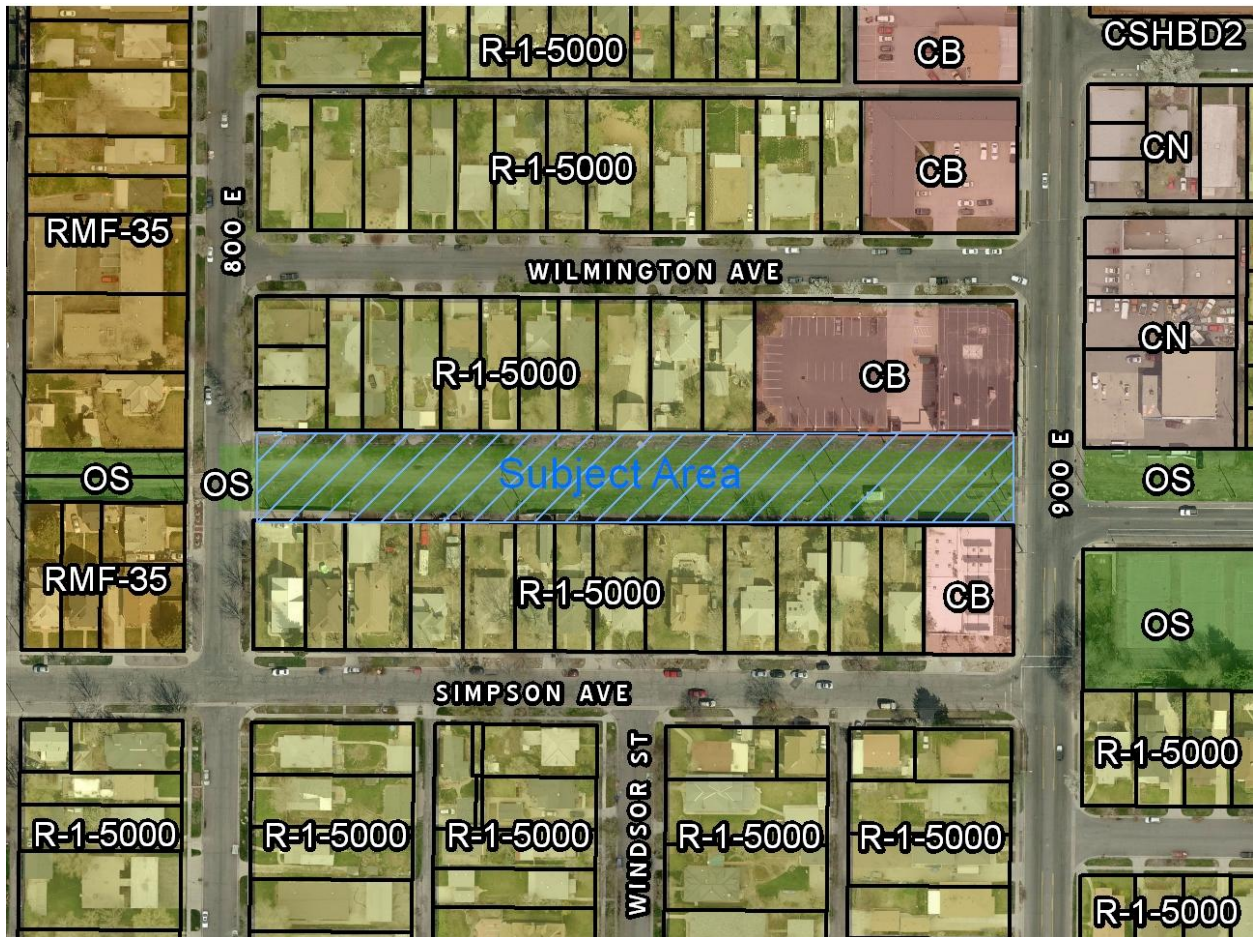
1. The proposed method of disposition of the alley property shall be consistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Compliance with all departmental comments.

Recommended Motion

Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to close a portion of the alley, located at adjacent to the Sugar House Streetcar corridor between 800 and 900 East subject to the conditions of approval.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to close a portion of the alley, located at adjacent to the Sugar House Streetcar corridor between 800 and 900 East.

VICINITY MAP



Background

Project Description

The partial alley closure will provide additional right-of-way between 800 and 900 East needed to implement the Parley's Trail pathway, landscaping and other improvements associated with the Sugar House Streetcar Greenway project. The construction of the streetcar and all associated improvements will be complete soon and it is anticipated at the streetcar line will be operational in December of this year.

In addition to construction of the streetcar line itself, it was found through a public improvement process that the community overwhelmingly supports creation of the greenway. This was further supported by approval of a bond during the last general election to complete Parley's Trail in this area. The greenway will include plazas, Parley's Trail and landscaping along the entire section of the streetcar located within Salt Lake City between 500 East and McClelland Street.

This request is to close a portion of the alley between 800 and 900 East on both the north and south sides of the corridor. There are a total of 26 properties that abut the streetcar greenway. Eight of the properties will retain their alley access at the rear or side of their property and the

remainder of the properties will have the alley vacated behind them. Along the northern side of the corridor, it will remain open for approximately 101 feet to the east of 800 East. The remainder of the northern alley to 900 East will be closed. On the southern side of the corridor, the alley will remain open for approximately 200 feet from 800 East and for approximately 126 feet west of the 900 East. The remainder in the middle will be closed. The intent of the partial closure is to expand the greenway and provide access to pedestrians and cyclists. Until recently when construction of the streetcar commenced, the area was utilized as a pass through for both vehicles and pedestrians in addition to being a place to dump debris.

The applicant, Salt Lake City Property Management, contacted all of the individuals who were improperly using the corridor for vehicular access and notified that they would no longer be able to use the full width of the corridor for access. All of these property owners, except for two who did not respond, agreed to have the alley closed behind their properties. The property owners are also aware that the entire alley proposed to be closed will be made part of the streetcar greenway and they will not receive any portion of the closed alley into their property.

Those who occasionally utilize the alley for access by vehicles to the rear of their property were notified that they would still be able to access the rear of their properties by vehicles, but it would be limited to the 10 foot wide alley. They will no longer be able to utilize the entire corridor for access. Please see the plan submitted (Attachment A) by the applicant that shows the locations of the closed alley and portion to remain open.

Public Notice, Meetings and Comments

The following is a list of public meetings that have been held related to the proposed project:

- The Sugar House Community Council discussed the item at a special meeting. No comments were submitted, but a telephone message was received noting their support for the request.

Notice of the public hearing for the proposal includes:

- Public hearing notice posted in newspaper on May 9, 2013.
- Public hearing notice mailed on May 9, 2013.
- Public hearing notice posted on property on May 9, 2013.
- Public hearing notice posted on City and State websites on May 9, 2013
- Public hearing notice emailed to the Planning Division listserv on May 9, 2013.

City Department Comments

The comments received from pertinent City Departments/Divisions are included with this staff report (Attachment C). There are no comments of particular concern.

Analysis and Findings

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to close or vacate public alleys, the City considers whether or not the continued use of the property as a public alley is in the City's best interest. Noticed public

hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code.

The City Council has final decision authority with respect to alley vacations and closures. A positive recommendation from the Planning Commission requires an analysis and positive determination of the following considerations:

Salt Lake City Code, Section 14.52.020: Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. Lack of Use:** The City’s legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.
- B. Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- C. Urban Design:** The continuation of the alley does not serve as a positive urban design element.
- D. Community Purpose:** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion: The subject alley is proposed to be partially vacated in order to serve a community purpose. Partial closure of the alley will ensure that all plazas, trails and landscaping in conjunction with the Sugar House Streetcar can be completed and available for all members of the public.

Finding: The alley property would serve a better community purpose if it was partially vacated. The request satisfies one of the policy considerations as required by Section 14.52.02 of the Salt Lake City Code.

Salt Lake City Code, Section 14.52.030B: Processing Petitions – Public Hearing and Recommendation from the Planning Commission.

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following

the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

1. The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property;

Discussion: Staff requested input from pertinent City Departments and Divisions. Comments were received from the Police, Transportation Division, Building Services, Engineering, Public Utilities and the Property Management Division.

Finding: The appropriate City Departments and Divisions have reviewed this request and have no objections to the proposed disposition of the property.

2. The petition meets at least one of the policy considerations stated above;

Discussion: The proposed alley vacation satisfies the “Community Purpose” policy considerations (see the discussion and findings on page 4).

Finding: The petition meets at least one of the policy considerations stated in Section 14.52.020 of the Salt Lake City Code.

3. The petition must not deny sole access or required off-street parking to any adjacent property;

Discussion: It has been the City’s policy not to close an alley if it would deny a property owner access to their lot. The subject alley provides will continue to provide access to eight lots (2205 South 800 East, 816 East Wilmington Avenue, 801 East Simpson Avenue, 805 East Simpson Avenue, 809 East Simpson Avenue, 819 East Simpson Avenue, 875 East Simpson Avenue and 2240 South 900 East). The proposed alley closure would not interfere with access for the properties that share the alley (see proposed alley closure map in Attachment A).

Finding: Closing the alley will not deny access or required off-street parking to any owner of property adjacent to the alley.

4. The petition will not result in any property being landlocked;

Discussion: Should the alley be vacated, it would become part of the applicant’s and the adjacent land owner’s property and no parcel would become landlocked.

Finding: The proposed alley closure would not create any landlocked parcels.

5. The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;

E. Finding: The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City. The policy of Community Purpose proposes to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden. This community purpose can also include the enhancement of the streetcar corridor and the construction of trails in the area.

6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;

Discussion: None of the abutting property owners currently have a permit or are anticipating construction of a garage.

Finding: The proposed alley vacation meets this standard.

7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and

Discussion: The applicant is proposing that only portions of this alley not necessary for public or private access be closed. The portions that will remain open and provide access to private property will have access from either 800 or 900 East.

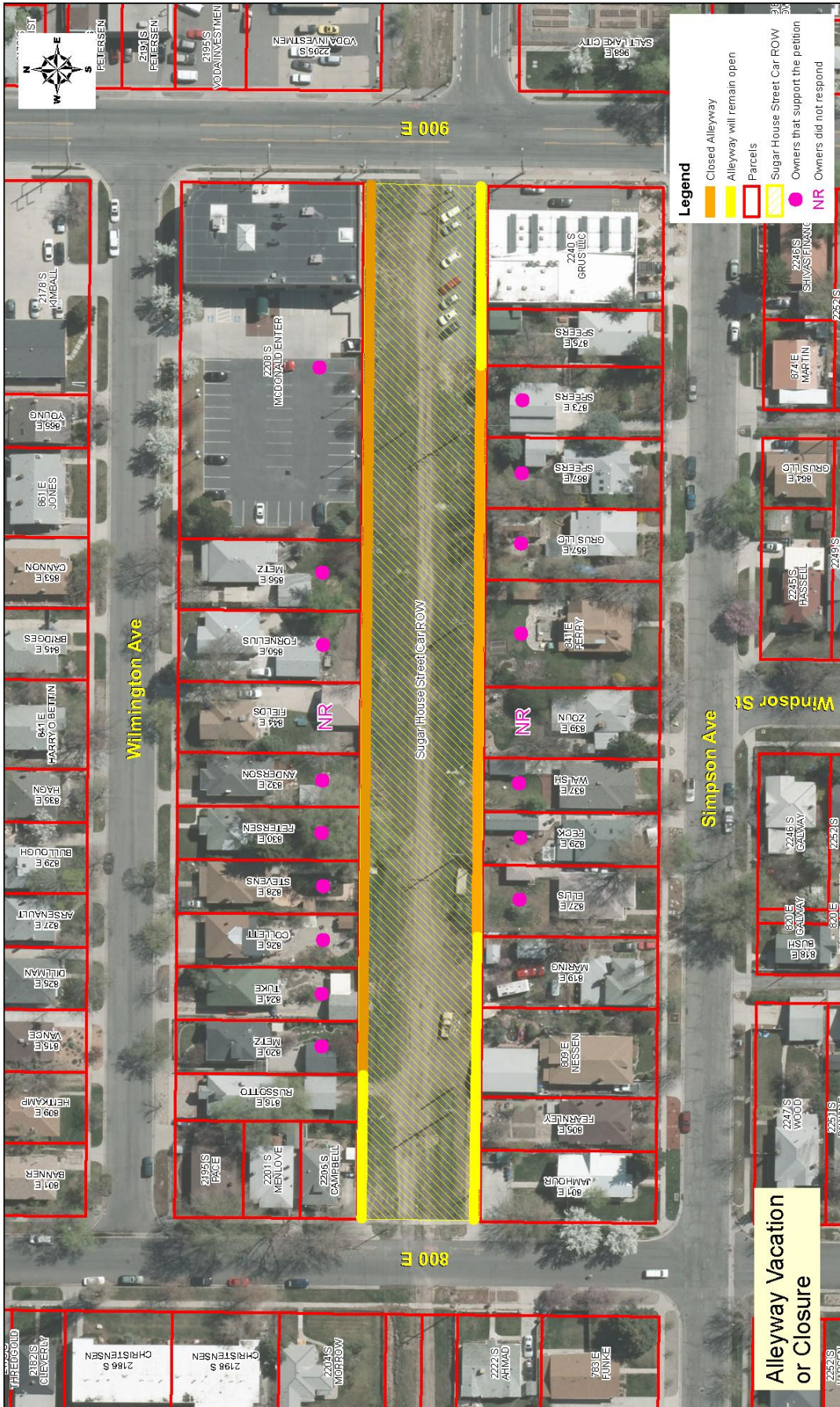
Finding: This proposal does not meet the City preference for disposing of an entire alley. However, the portions that will remain open to provide access to private property are located with direct access from either 800 or 900 East. There will be no landlocked portion of the alley remaining.

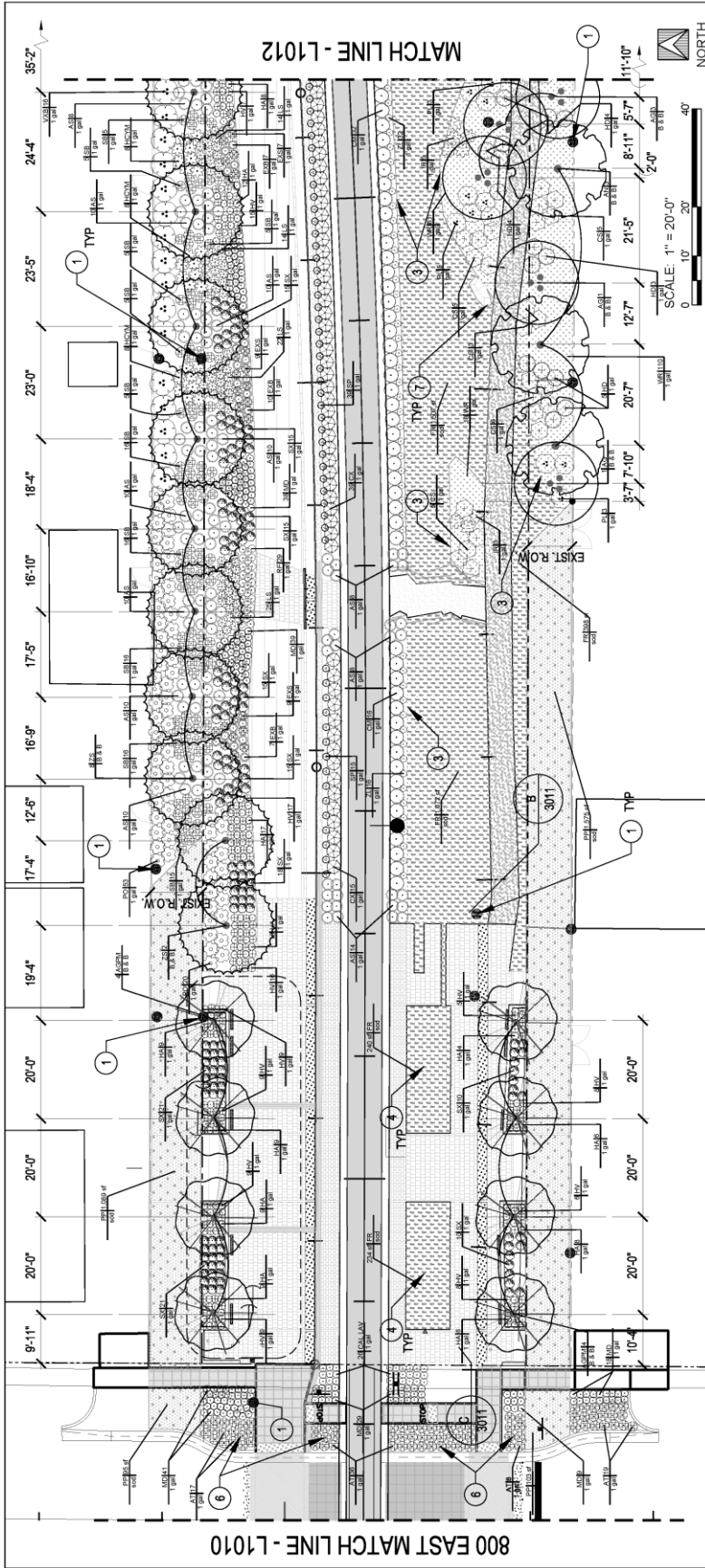
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.

Discussion: The alley will remain open adjacent to certain properties that may need to utilize the alley for vehicular access. The portions of the alley that are to be closed abuts properties that have full access to all portions of the property from the street they are located on.

Finding: The portion of the alley that is being proposed for closure is not necessary for actual or potential rear access to residences or for accessory uses. The portions at the alley that will remain open will be maintained for access to the rear of the applicable properties.

Attachment A
Site and Landscape Plans





- LEGEND**
- EMBEDDED UTA RAIL (N.I.C.)
 - STATION PLATFORM (N.I.C.)
 - EXISTING POWER POLE (N.I.C.)
 - UTA RIGHT-OF-WAY
 - S/LC RIGHT-OF-WAY
 - NATIVE GRASS (SEE DETAIL DL4004)
 - TURF GRASS (SEE DETAIL BL4004)
 - TURF AREA FOR GRASS PAVERS (SEE DETAIL AL4004)
 - COBBLE STONE MULCH
 - WASATCH RIPARIAN (SEE DETAIL B/L4004)
- TREE TYPES**
- SINGLE STEM (SEE DETAIL AL4000)
 - MULTI STEM (SEE DETAIL AL4001)
 - CONIFEROUS (SEE DETAIL AL4002)
- SHRUBS**
- (SEE DETAIL BL4003)
- NOTES**
- EXISTING POWER POLE (N.I.C.)
 - STATION PLATFORM (N.I.C.)
 - METAL EDGING (SEE DETAIL E/LM4000)
 - RAIN GARDEN PLANTER (SEE DETAILS A&B/L4005)
 - IRRIGATION DITCH (SEE C/L4006)
 - MAX HEIGHT 18" ON SHRUBS WITHIN 20 FEET FROM BACK OF CURB
 - LANDSCAPE BOULDER(S) (SEE B/L4006)

800 EAST MATCH LINE - L1010

MATCH LINE - L1012

SCALE: 1" = 20'-0"

0 10' 20' 40'

NORTH

AS SHOWN
L1011.dwg
12/10/12
L1011

**L1011
LANDSCAPE PLAN
800 EAST TO 900 EAST**

DESIGNED BY: SC
DRAWN BY: WBW
CHECKED BY: TC
APPROVED BY: JKG

UTAH TRANSPORT AUTHORITY

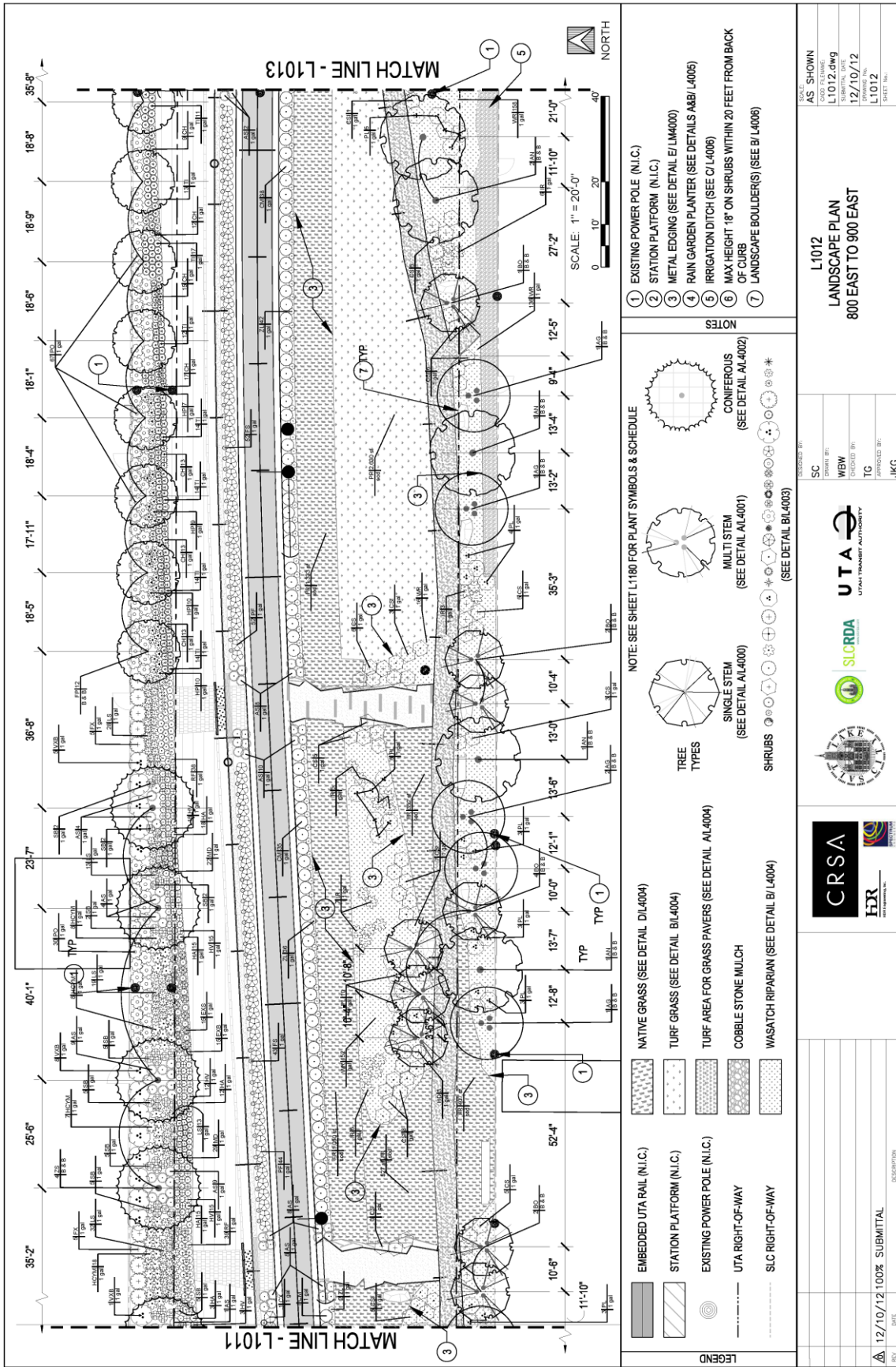
SLCRDA

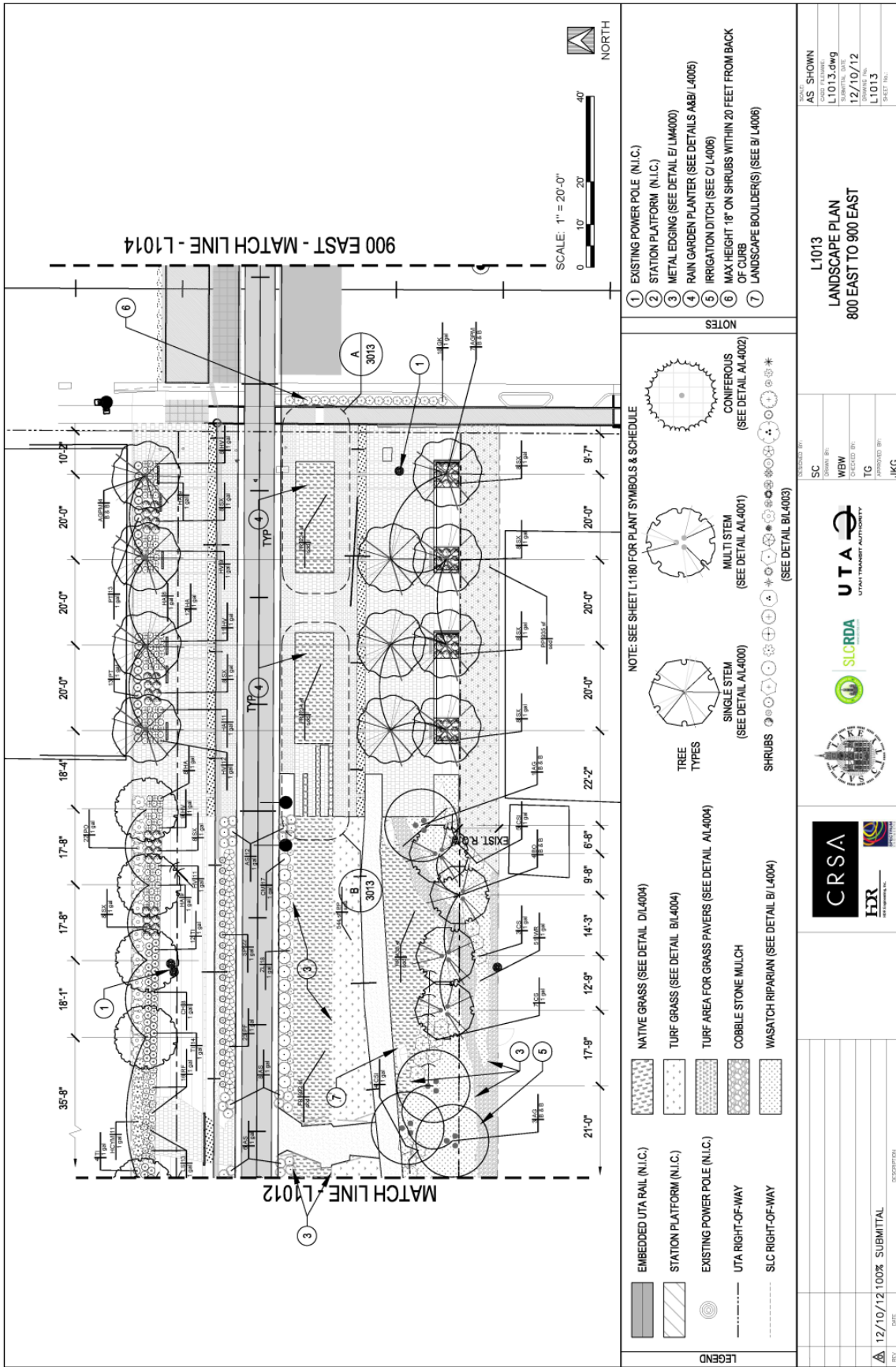
CRSA

HDR

12/10/12 100% SUBMITTAL

DATE DESCRIPTION





Attachment B

Property Owner Petition

Petition to Close an Alley



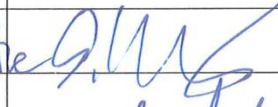
(800 East to 900 East along the Sugar House Street Car line)

Petitioner: Salt Lake City

Address: 451 South State Street, Salt Lake City, Utah 84114

Date: August 31, 2012

As an owner of property adjacent to the alley, I agree to the proposed closure to motor vehicle access.

Print Name	Address	Signature	Date
MARC MCDONALD	22085 900E.	MCM	8/31/12
Teddy Anderson	832 E Wilmington	Teddy Anderson	8/31/12
Randy Speers	857 Simpson	Randy Speers	09/04/2012
Randy Speers	867 Simpson	Randy Speers	09/04/2012
Randy Speers.	873 Simpson	Randy Speers	09/04/2012.
Spencer Euz	821 Simpson		9/21/2012
Elizabeth Pedit	829 Simpson		9-27-12
LORI ZOUN	839 Simpson	Lori Zoun	9/27/12
William Kushner	841 Simpson AVE	William Kushner	9/27/12
Supriya Apte	828 Wilmington Ave.	Supriya Apte	10/8/12
Stacy Collett	826 Wilmington Ave		10/8/12
Matt Fornelius	850 Wilmington Ave	Matt Fornelius	10-8-12
Carol Metz	856 Wilmington Ave	Carol Metz	10-31-12

Petition to Close an Alley

(800 East to 900 East along the Sugar House Street Car line)

Petitioner: Salt Lake City

Address: 451 South State Street, Salt Lake City, Utah 84114

Date: August 31, 2012

As an owner of property adjacent to the alley, I agree to the proposed closure to motor vehicle access.

Print Name	Address	Signature	Date
Ursula metz	820 Wilmington Ave	Ursula metz	10-31-12
Carla Tuke	924 Wilmington Ave	Carla Tuke	11/9/12
David Petersen	830 Wilmington Wilmington Ave	David Petersen	2-11-13

Attachment C
Department/Division Comments



Work Flow History Report

2240 S 900 E

PLNPCM2013-00119

Date	Task/Inspection	Status/Result	Action By	Comments
3/13/2013	Engineering Review	Complete	Pickering, Maryann	No concerns or comments from Scott Weiler.
3/13/2013	Sustainability Review	Complete	Pickering, Maryann	No concerns from Vicki Bennett.
3/14/2013	Transportation Review	Complete	Walsh, Barry	All transportation issues have been addressed with maintaining vehicular access as needed and continuation of pedestrian usage.
3/18/2013	Public Utility Review	Complete	Stoker, Justin	Review of the subject area does not show any public water, sewer or storm drain lines in the alley. There are utilities in the 800 East and 900 East rights-of-way that will need to be protected, as with other underground utility services, but there doesn't appear to be anything of concern from this department in the alley. This review is only for water, sewer, and storm drain. Other utilities may be located in the area. Individual companies (Questar, Rocky Mountain Power, etc.) should be contacted to verify construction activities will not conflict with their existing underground lines.
3/20/2013	Fire Code Review	Complete	Itchon, Edward	
4/4/2013	Police Review	Complete	Pickering, Maryann	
4/18/2013	Building Review	Complete	Pickering, Maryann	No comments received.
4/18/2013	Planning Dept Review	Complete	Pickering, Maryann	
4/18/2013	Zoning Review	Complete	Pickering, Maryann	No comments received.

Attachment D

Additional Applicant Information

Description of the proposed partial alley closure

Beginning at the 800 East right-of-way and on the north side of the Utah Transit Authority right-of-way the alley will remain open to vehicular traffic for approximately 101 feet ending on the easterly corner of the 816 E. Wilmington Ave property line. At that point headed east the alley will be closed to vehicular access until 900 East right-of-way.

Beginning at the 800 East right-of-way and on the south side of the Utah Transit Authority right-of-way the alley will remain open for approximately 200 feet and end on the easterly corner of the 819 E Simpson property line. At that point heading east the alley will be closed to vehicular access until west property line of 875 E Simpson Ave. From the westerly property line of 875 E Simpson to the 900 East right-of-way the alley shall remain open to vehicular access for approximately 126 feet.

March 7, 2013

Salt Lake City Corporation
Planning Counter
451 South State Street, Room 215
Salt Lake City, Utah 84114

Re: Partial Alley Closure to Vehicular Access—800 to 900 East

To whom it may concern;

The purpose of this letter is to request a partial alley closure. The partial alley closure will provide additional right-of-way between 800 and 900 East needed to implement the Parley's Trail pathway, landscaping, and other improvements associated with the Sugar House Streetcar and Greenway project.

The Sugar House Streetcar project consists of a two-mile modern streetcar line extending from the 2100 South (Central Pointe) TRAX station in South Salt Lake City to McClelland Street (1040 East) in Salt Lake City. The intent of this project is to connect the Sugar House community to the regional TRAX light rail system, thereby helping achieve the community goals of economic development and mobility. In Phase I of the Sugar House Streetcar project, there will be seven stops with service every 20 minutes.

Through a dynamic visioning process, coordinated efforts and strong partnership between Salt Lake City, South Salt Lake City, Salt Lake County, Utah Transit Authority (UTA), and Parley's Rails, Tunnels, and Trails Coalition (PRATT) the Sugar House Streetcar and Greenway project is now becoming a reality. This new streetcar line is envisioned to be an addition to the regional UTA rail system, a critical extension of the Parley's trail that will significantly shorten the gap between the Bonneville Shoreline Trail and the Jordan River Parkway trail, and an economic development tool for the cities and the county.

In addition to construction of the streetcar line itself, the partners behind the project completed a public involvement process in March 2012 that found the community overwhelmingly supports the creation of a Greenway. This new Greenway will include plazas, the Parley's Trail, and extensive landscaping---along the streetcar corridor from 500 East to McClelland Street.

The partial closure requested herein is a 10-foot-wide alley that runs from 800 East to 900 East on both the north and south sides of the UTA rail corridor and behind the residential homes on Wilmington and Simpson Ave. The intent of the partial closure is to expand the Greenway

project and continue to provide access to pedestrians and cyclists. Until recently, the rail corridor and alleys in this block were, for all intents and purposes, abandoned and the corridor had primarily served as a pedestrian pass through and debris dump.

During the design phase of the Sugar House Streetcar and Greenway project the design team realized that the rear of several adjacent properties (one property on the southeast—867 Simpson Avenue; four properties on the southwest—801, 805, 809, and 819 Simpson Avenue; and two properties on the northwest—2205 South 800 East and 816 Wilmington Avenue) had been infrequently accessed over the years by vehicles using the full width of the corridor, not the alleys as intended. Also during the design phase, several properties were found to be encroaching into the respective alleys with fences. With the pending Streetcar and Greenway construction, UTA and Salt Lake City worked together to address these issues.

First, property owners using the corridor for vehicular access were contacted individually and notified that they would no longer be allowed to use the full width of the corridor for vehicular access. They would still be able to access the rear of their properties with a vehicle, but it would only be allowed from the 10-foot-wide alley. The owners of the properties referenced above did not sign the attached petition because they will maintain vehicular access to their properties (see attached plans). Second, UTA contacted the property owners that were encroaching on the alleys in summer 2012 and all encroachments have been cleared.

Should you have any additional questions or concerns please feel free to reach me at: 801-535-6398 or ryan.mcfarland@slcgov.com.

Sincerely,



Ryan McFarland
Salt Lake City Real Property Manager