

PLANNING COMMISSION STAFF REPORT

Steven Seftel
Alley Closure
1131 E. Emerson Ave
PLNPCM2013-00068
June 12, 2013



Planning and Zoning Division
Department of Community &
Economic Development

Applicant:

Steven Seftel

Staff:

Thomas Irvin (801) 535-7932
Thomas.irvin@slcgov.com

Tax ID:

N/A

Current Zone:

R-1-5,000 Single Family Residential

Master Plan Designation:

Central Community Master Plan
Low Density Residential
(1-15 dwelling units/acre)

Council District:

District 5- Jill Remington Love

Community Council:

East Liberty Park
Darryl High, Co-Chair
Michael Cohn, Co-Chair

Current Use:

Alleyway

Notification

- Notice mailed May 31, 2013
- Sign posted May 31, 2013
- Posted to Planning Dept and Utah State Public Meeting websites May 31, 2013

Applicable Land Use Regulations:

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

Attachments:

- A. Applicant's Request Letter
- B. Photographs of Site
- C. Department Comments
- D. Adjoining Owners Signature Map

REQUEST

The applicant, Steven Seftel, is requesting approval to close a portion of a public alley located between Roosevelt and Emerson Avenues running east to west from approximately 1177 East to 1130 East. This portion of the alley no longer serves as a functioning alley because the east entrance is blocked by several gates. This portion also does not provide any essential access to any other properties in the area.

STAFF RECOMMENDATION

Planning staff finds that the proposal meets the criteria for alley closure, and therefore recommends that the Planning Commission declare the subject property surplus and forward a favorable recommendation to the City Council to approve application PLNPCM2013-00068 to close the portion of the public alley between Roosevelt and Emerson Avenues from approximately 1177 East to 1130 East with the following conditions:

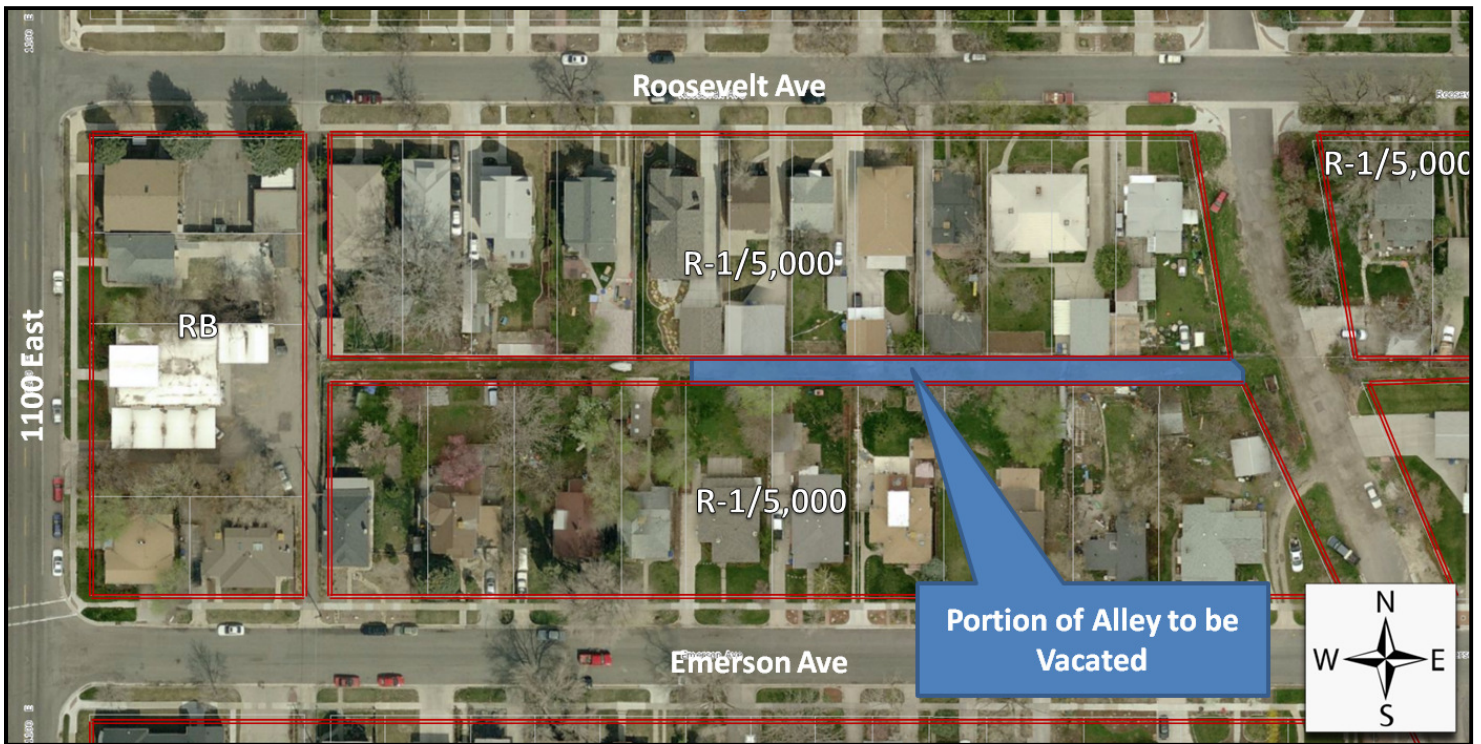
1. The proposed method of disposition of the alley property shall be consistent with the method of disposition described in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.
2. Compliance with all departmental comments.

RECOMMENDED MOTION

Based on the findings listed in the staff report, the evidence provided, and testimony heard, I move that the Planning Commission declare the subject property surplus and forward a favorable recommendation to the City Council to approve application PLNPCM2013-00068 to close the portion of the public alley between Roosevelt and Emerson Avenues from approximately 1177 East to 1130 East, subject to the following conditions:

1. The proposed method of disposition of the alley property shall be consistent with the method of disposition described 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.

VICINITY MAP



Background

Project Description

The applicant, Steven Seftel, is requesting approval to close a portion of a public alley located between Roosevelt and Emerson Avenues running east to west from approximately 1177 East to 1130 East. This portion of the alley has not been accessible by vehicles for many years. While it is preferable to vacate entire alleys, several owners expressed a desire to maintain the option of using the west portion of the ally to access their rear yards. 19 of the 22 adjoining owners have signed the petition (86%) as .

Public Meetings and Comments

- The project site is located within the East Liberty Park Community Council. It was presented at their May 23rd meeting. All residents in attendance as well as the Co-Chairs of the council were in favor of vacating the alley.
- Sabrina Scott, a local resident, emailed staff requesting additional information. She was concerned about losing an alley since many residents use them as pedestrian and bicycle pathways. Once she learned the specifics, she determined that she supports the request, her only concern being that any utility easements that reside in the alley be honored.
- Dustin Coyle, resident at 1142 Roosevelt Ave, wrote an email to staff stating his continued support of the partial alley closure.

Department Comments

The proposed alley vacate request was reviewed by the applicable city departments. The review comments have been attached to this report as Attachment C. None of the comments would preclude approval of the project.

Analysis

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 portion of the alley proposed to be vacated serves no useful purpose. At present, it is blocked by several chain-link fences and a portion that has been incorporated into an owner's backyard. It is not possible for vehicles or pedestrians to use it. The proposed closure therefore satisfies consideration A – *Lack of Use*.

The current condition of the alley does not serve as a positive urban design element. It is unmaintained and impossible to navigate. It can be argued that incorporating the land into adjoining properties would provide for more efficient land use and therefore serve as a positive design element, satisfying policy consideration C – *Urban Design*.

Finding: The alley property is not useful as a public right-of-way nor does it serve as a positive urban design element. The request satisfies two 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 ally 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 Public Utilities, Engineering, Transportation, and the Fire Department.

Finding: The appropriate City Departments and Divisions have reviewed this request and have no objections to the proposed disposition of the property. Initially, the fire department was concerned about the creation of a dead end, but since the alley is only 15 feet wide, it doesn't meet the requirements for fire access and is not considered a valid access point for fire vehicles.

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

Discussion: The proposed alley vacation satisfies both the "Lack of Use" and the "Urban Design" policy considerations.

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 City policy not to close an alley if it would deny an owner their only access to required off-site parking. All properties adjacent to the proposed area to be vacated have street access to their off-site parking.

Along the portion not proposed to be vacated, there are also no off-site parking areas that would be denied access. However, several owners have stated that they may wish to construct alley access parking in the future. They also wish to maintain efficient access to their rear yards that the alley provides.

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

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

Discussion: Should the alley be vacated, it would be incorporated into the adjoining properties 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 statement of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails and alternative transportation uses;**

Discussion: Allowing the inaccessible portion of the alley to be consolidated into existing yards will allow the property to be used for gardens and other private amenities and not be contrary to any policy concerning pedestrian or vehicle transportation corridors.

Finding: The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City.

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: No property owners who are adjacent to the proposed area to be vacated have constructed or proposed to construct a garage that would require access to the existing alley.

Finding: The proposal complies with this standard.

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

Discussion: This proposal is to vacate only a portion of the existing alley. Several owners on the west end would not agree to a full disposal of the alley since they wish to maintain occasional vehicle access to their rear yards for maintenance and other activities.

Two properties adjoining the portion of the alley proposed to remain have accessory structures that can be accessed from the alley. One is a garage that also has doors providing access from the public street. The other is a small storage building which is too small to provide legal parking. Both owners wish to maintain access to these structures from the alley and would only sign the petition if a partial closure was requested.

Finding: While not preferred, closing a portion of the alley will remove the blighted section while still providing access to those neighbors who desire it. This proposal is not in compliance with this standard but has neighborhood support.

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

Discussion: As stated previously, the portion of the alley that is proposed to be vacated does not currently provide rear access to any accessory uses. Additionally, based upon current conditions, the alley could not be used for future access to the owners' rear yards.

Finding: The proposal complies with this standard.

Section 14.52.040 Method of Disposition of the Salt Lake City Code: (A) Low Density Residential

If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "Low Density Residential Use" shall mean properties which are zoned for single-family, duplex, or twin home residential uses.

Finding: All adjoining parcels are zoned R-1-5,000, Single Family Residential. If approved, the alley property will be vacated and distributed to the neighboring owners.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Below is a potential motion that may be used in cases where the Planning Commission determines that the proposed alley vacation should be denied.

Not Consistent with Staff Recommendation:

Based on the testimony, evidence presented and the following findings, I move that the Planning Commission deny PLNPCM2013-00068 to close the portion of the public alley between Roosevelt and Emerson Avenues from approximately 1177 East to 1130 East because the request is not consistent with the standards listed as stated in the following findings (the Commissioner then states findings to support the motion).

Attachment 'A'
Applicants Request Letter

2/12/2013

To Whom It May Concern,

I am the property owner of 1133 E. Emerson Ave., Sidwell Property # 209022 in Salt Lake City, and I am requesting that Salt Lake City grant us a partial alley vacation.

My plans over the next few years include replacing my old rear property line fence, creating a garden space, and possibly adding a garage, which I do not currently have. Having a garage would also free up some parking on Emerson Ave.

The two properties on Roosevelt Ave., directly north of me and the alley, both have garages which are accessed exclusively from Roosevelt Ave. These garages have solid rear walls with no doors or windows facing the alley. Both Mr. Myaer and Mr. Coyle, who own and reside in these properties, have recently told me they too have been wondering about acquiring and utilizing the alley property directly behind their properties. While signing this petition, Mr. Myaer and his wife recounted an event that happened a few years ago whereby an armed criminal was running from the police, and he led the police on foot into this alley, and since it dead-ends just east of our property lines, the armed criminal fled through Mr. Myaers' property and right by his windows to Roosevelt Avenue, gun in hand.

We have all seen this alley occasionally used as a place to dump garbage, and we have seen fully grown rats and raccoons in the vicinity, presumably coming from the overgrowth that pervades this alley area.

There is an abandoned rowboat, last registered in the 1990s; it's upside-down on a trailer with flattened and rotted tires, and I have

tried to find the owner but none of the neighbors know whose it is. I am very concerned that this bottom-up rowboat is used as shelter for rodents and possibly occasional vagrants. I have talked to neighbors who have seen vagrants occupying the area.

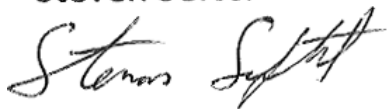
The alley is only accessible from the west side. Before it arrives at my property line there is a garden across it, and it is clear there has been zero vehicle traffic for many years.

Behind my house there is an abundance of weeds and tree shoots that stand higher than me in the summertime. Just east of my property line the bushes and weeds continue to encroach, and then the alley is completely blocked off some 50 feet or so east of me with an area used as a patio. This also has been in place for more than 10 years to the best of my knowledge. I am including a series of photographs which I took of the alley in the summer of 2012.

This area of the alley is a blight and hazard to the neighborhood, and I can assure you that if relinquished to the property owners, the area will become maintained, utilized, and beautified. All neighbors whose properties border with my own are in agreement that this would be a good change for the neighborhood, and their signatures are included with this petition.

Thank you,

Steven Seftel

A handwritten signature in black ink that reads "Steven Seftel". The signature is written in a cursive style with a large, stylized initial "S".

Attachment 'B'
Site Photographs



East Entrance to Alley



Gates Installed on East End



Personal Patio Space Built Over Alley



West Entrance to Alley



Accessory Building (too small for vehicles)



**Potential Alley Access to Garage
(Front of Garage has Street Access)**

Attachment 'C'
Department Comments

Department Comments

Public Utilities (Justin Stoker)

We don't have any interest in the alley. Our approval does not constitute approval from other utility companies, such as Rocky Mountain Power, Questar, Comcast and CenturyLink. The title report should be reviewed and individual utility companies contacted.

Zoning

The request was routed for zoning review; however, no comments were received.

Property Management

The request was routed for property management review; however, no comments were received.

Engineering (Scott Weiler)

The City Surveyor would like to check a legal description of the proposed closure, prior to the City authorizing its closure. Please have the applicant submit a legal description. Engineering has no objection to the proposed closure, assuming all abutting property owners have consented to the closure.

Transportation (Barry Walsh)

The alley way is undeveloped and shows no sign of past vehicular usage. The two properties to the west, 1118 and 1119 East have vehicular access from the west ally way. All but the 1118 and 1126 East parcels have signed the petition. All abutting parcels have vehicular access to onsite parking from the public roadway. The vacation of the full public alley to private ownership is recommended with cross access provisions as needed to maintain access as requested for each parcel along with utility easement as needed.

Fire (Edward Itchon)

It would be preferable to close the whole ally and not make a dead end. Section 503.2.5 of the International Fire Code does not permit the creation of an access way that exceeds 150 feet without an approved area for turning around fire apparatus. However, since the alley is only 15 feet wide, it is too narrow to be considered a fire access route. The Fire Department staff approves the partial closure of the ally with proper notification of the fire crews.

Attachment 'D'

Adjoining Owners Signature Map

