



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: David J. Gellner, AICP, Principal Planner, 801-535-6107, david.gellner@slcgov.com
Date: October 12, 2016
Re: PLNPCM2016-00573 - Emerson/Roosevelt 16-17E Alley Vacation

ALLEY VACATION

PROPERTY ADDRESSES: The alley abuts twenty-nine (29) individual properties as follows:

Roosevelt Avenue: 1620, 1628, 1632, 1636, 1642, 1648, 1652, 1656, 1662, 1664, 1674, 1678, and, 1684 East Roosevelt Avenue

Emerson Avenue: 1617, 1621, 1627, 1633, 1637, 1643, 1651, 1655, 1663, 1667, 1671, and, 1681 East Emerson Avenue

1600 East: 1465 S 1600 E, 1483 S 1600 E, 1485 S 1600 E and, 1487 S 1600 E

MASTER PLAN: East Bench Master Plan

ZONING DISTRICT: R-1/5000 – Single-Family Residential

REQUEST: Salt Lake City Real Estate Services has submitted a request to vacate the alley running east/west between 1600 East and 1700 East. The Planning Commission is required to transmit recommendation to the City Council for alley vacation requests.

RECOMMENDATION: Based on the findings and analysis in this staff report, Planning Staff recommends that the Planning Commission transmit a positive recommendation to the City Council for the alley vacation.

The following motion is provided in support of the recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation for the alley closure to the City Council with the following condition:

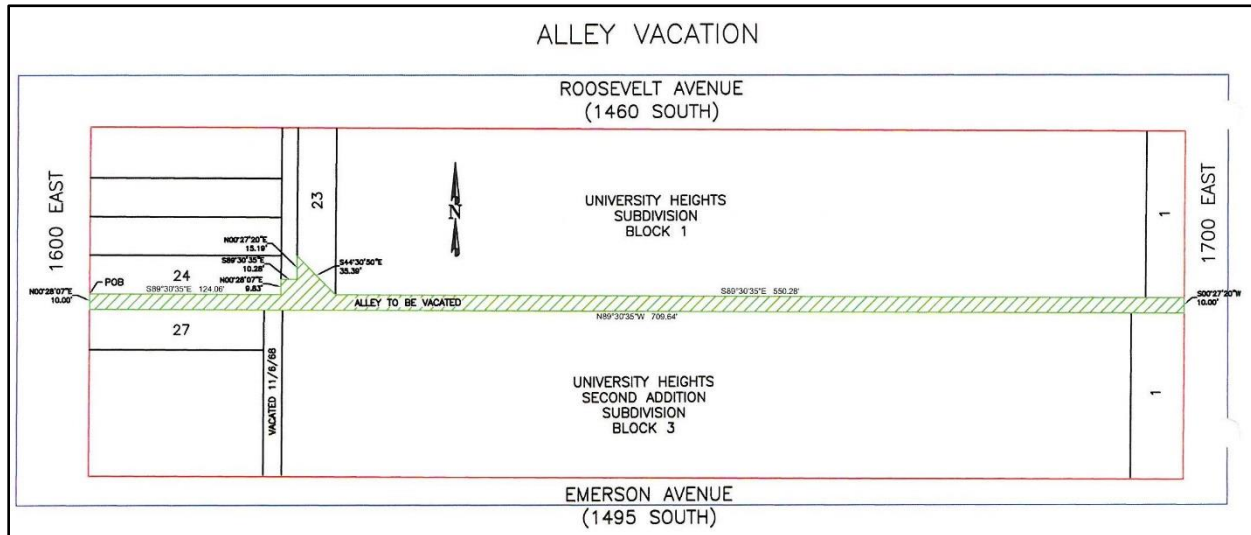
1. The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Photos](#)
- C. [Request & Project Narrative](#)
- D. [Existing Conditions & Zoning](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)
- H. [Potential Motions](#)

PROJECT DESCRIPTION:

Salt Lake City Real Estate Services has initiated a petition to vacate a 710 foot section of unused alley in order to convey one-half of the alley to the abutting property owners on each side. The alley runs the full length of the block in an east/west direction from 1600 East to 1700 East and is located between Emerson Avenue (1490 South) and Roosevelt Avenue (1455 South). The majority of property owners adjacent to the alley support the closure and have signed the petition. For all intents and purposes, the alley has ceased to function for many years and several significant encroachments make the alley impassable to travel. The Real Estate Services Division determined that the alley serves no useful purpose to the City and no transportation benefit to the residents, so initiated this petition to help clean up and eliminate the unused alley.



KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

Issue 1: Property Owner Consent

Section 14.52.030 A.1 specifies "The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property." Only one abutting property owners to the alley did not sign the petition in support of vacating the alley. This individual

did not voice an objection to the closure. This item is also addressed in Attachment C: Applicant Letter and Information and in Attachment E: Analysis of Standards

Issue 2: Policy Considerations

The alley vacation satisfies the policy considerations of A) Lack of Use and B) Public Safety outlined in Section 14.52.020. This is outlined in Attachment E: Analysis of Standards

Issue 3: Nature of the Alley

A number of property owners have physically encroached into the alley over the years. These encroachments include amenities such as fences, gardens, sheds and patios. The exact number of property owners that have encroached is unclear, but the encroachments are significant in number and physical presence. The alley may have been fully or partially paved at one time, however, little signs of the pavement remain today. For all intents and purposes, the alley is unpaved for the majority of its length.

Issue 4: Future Public Uses for the Alley

One issue that comes up with proposals to vacate alleys are questions about the alley serving other potentially beneficial uses in the area. These elements could include trails for instance in order to help facilitate alternative transportation and as a positive urban design element. This particular alley runs east/west along the long axis of the block. Both Roosevelt and Emerson have existing sidewalks on both sides of the street to facilitate east/west pedestrian traffic. As such, this alley is not necessary to create an alternative trail to connect 1600 E and 1700 E. Another beneficial use that alleys can serve is to improve access to rear Accessory Dwelling Units (ADUs). However, ADUs are required to be within 1/2 mile of a fixed transit stop such as a light rail or Trax stop. This neighborhood would be outside of that distance and the proposed ADU Ordinance changes would also preclude ADUs in this area. Finally, the alley runs through an established residential area that is made of single-family homes. There is no anticipated change to this composition identified in the master plan and the area is unlikely to change significantly over time.

DISCUSSION:

The alley closure has been reviewed against the standards for alley closures located in Attachment E. In compliance with the applicable policies, the alley is not being used for public purposes and the closure is supported by the majority of adjacent property owners. Further, City policies and the relevant Master Plan do not include any policies that would oppose the closure of this alley. The Master Plan supports the closure of unused rear alleys in the East Bench Community.

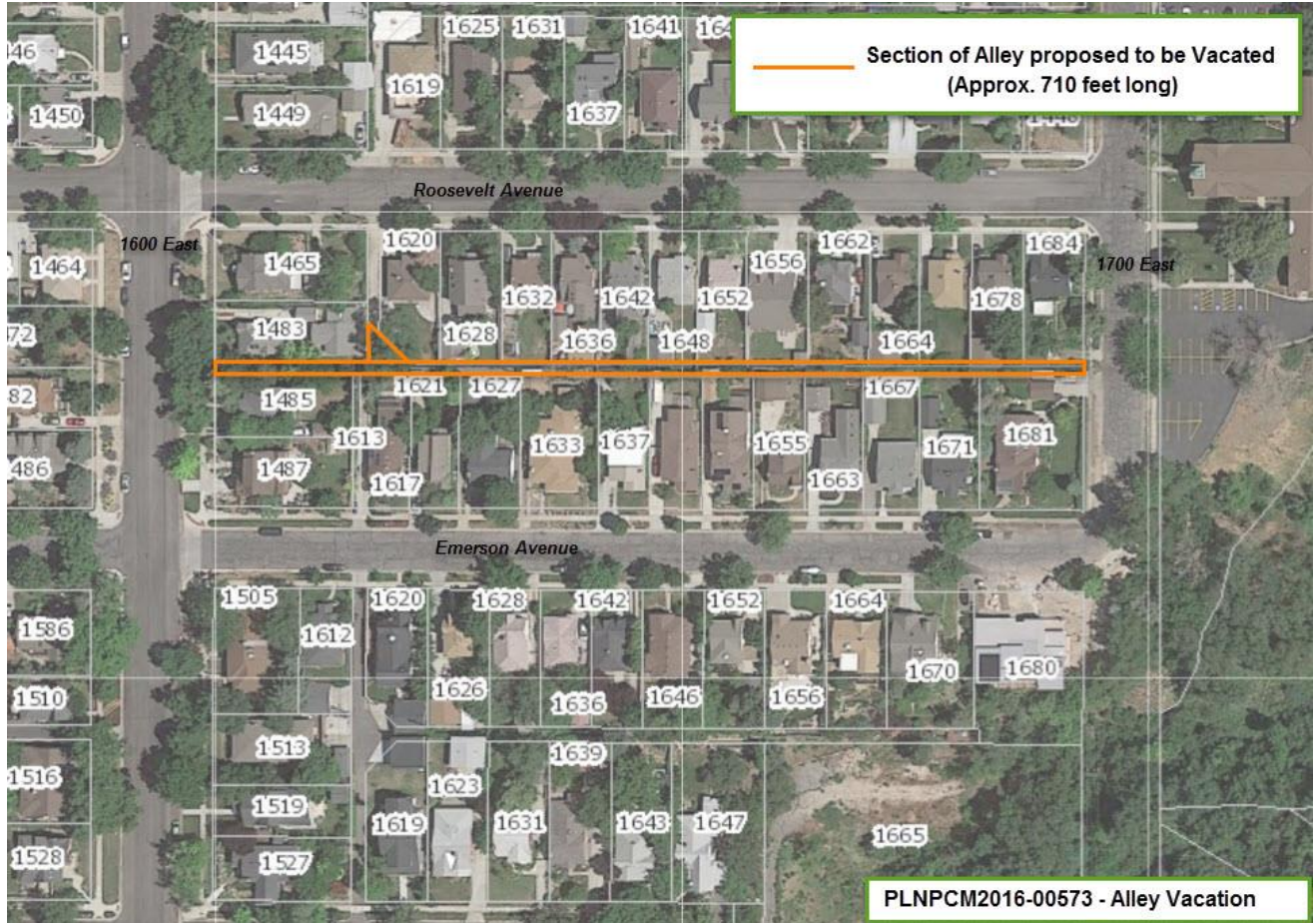
NEXT STEPS:

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 City Council has final decision authority with respect to alley vacations and closures.

Note:

The Real Estate Services Division has indicated an intent for the City to convey $\frac{1}{2}$ of the alley to the abutting property owners on each side of the alley. This would make property responsible for maintenance of their sections and they would be free to negotiate an exchange of their portion of land with abutting owners who may already be encroaching into their portion of the alley.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOS



Location of the alley where it intersects 1600 East – approximately in the middle of the two residences that face on 1600 East.



View of the East end of the alley where it intersects 1700 East – location is approximately in line with the vegetation between the property driveways.



This driveway is part of a north/south alley segment that intersects Roosevelt Avenue just to the west of the house at 1620 E. Roosevelt. There is a triangle-shaped section of alley that cuts across the southwest corner of this property behind the fence. That wedge of property is included in the vacation request.

ATTACHMENT C: REQUEST & PROJECT NARRATIVE

On the following pages are the project narrative and an exhibit provided by the applicant that shows which property owners signed the petition to close and vacate the alley. There was only one adjacent property owner (at 1674 E. Roosevelt Avenue) that did not sign the petition. This individual has not voiced any opposition to the closure however. The residence at 1674 E. Roosevelt has a driveway onto the street that provides access to the rear garage so the alley is not necessary for that purpose.



MEMORANDUM

To: City Planner
From: Olga Pinney
Date: July 19, 2016
Cc:
Re: Alley closure

Dear City Planner,

The City is requesting a complete alley vacation located between Roosevelt (1455 South) and Emerson (1490 South) Avenues and running East to West from approximately 1600 East to 1700 East. This alley has not been open for vehicular traffic for many years.

Real Estate Services has determined that the alley serves no useful purpose to the City and provides no transportation benefit to the residents. What's more, there are several significant, illegal encroachments that make it impassible by pedestrians or vehicles to travel or park.

If the alley vacation is approved, the City would convey ½ of the alley to the abutting property owners on each side; as such, residents will be responsible for the maintenance and will be free to negotiate their portion of the land with abutting neighbors who may be encroaching into their portion of the alley.

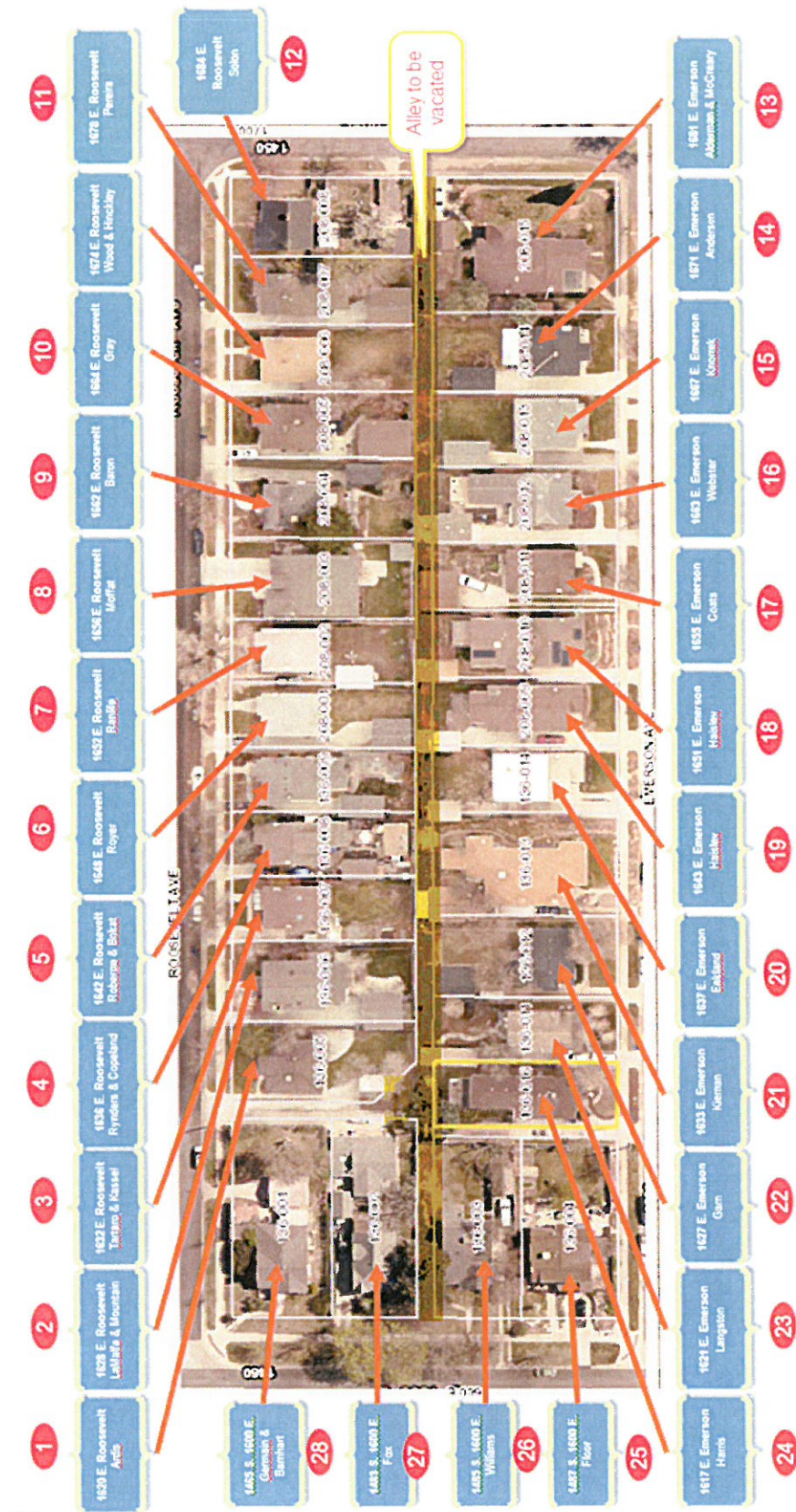
Please don't hesitate to contact me if you have any questions or need any additional information.

Sincerely,

Olga Pinney
Real Property Agent
801-535-7184

Alley Vacation Closure

Between Roosevelt Ave. and Emerson Ave., Between 1600 East and 1700 East



ALLEY VACATION

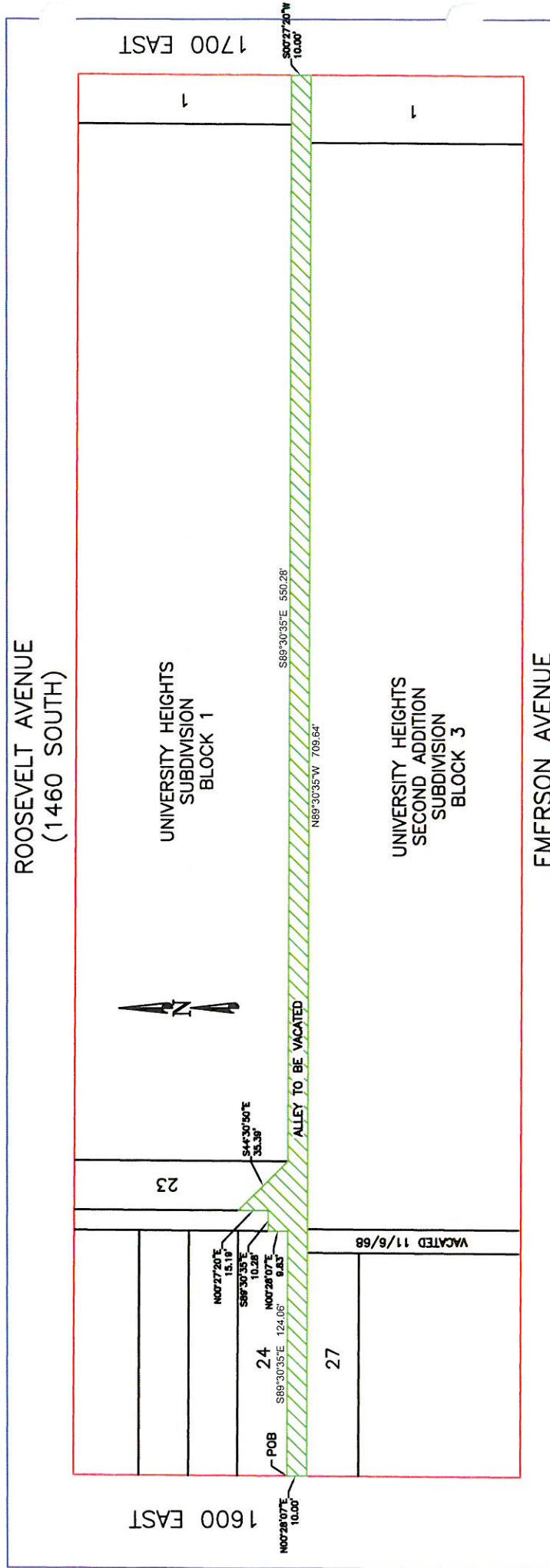
ROOSEVELT AVENUE
(1460 SOUTH)

UNIVERSITY HEIGHTS
SUBDIVISION
BLOCK 1



UNIVERSITY HEIGHTS
SECOND ADDITION
SUBDIVISION
BLOCK 3

EMERSON AVENUE
(1495 SOUTH)



Alley Vacation

Between 1600 E. and 1700 E. and Roosevelt Ave. and Emerson Ave.

Beginning at the Southwest Corner of Lot 24, Block 1, University Heights Subdivision, as recorded in the County Recorder's Office under Book F, Page 29 and running thence S89°30'35"E 124.06 feet to the Southeast Corner of said Lot 24; thence N00°28'07"E 9.83 feet along the east line of said Lot 24 to a 6 foot wood fence; thence S89°30'35"E 10.28 feet along said wood fence; thence N00°27'20"E 15.19 feet to the Southwest Corner of Lot 23, Block 1, University Heights Subdivision; thence S44°30'50"E 35.39 feet to the Southeast Corner of said Lot 23; thence S89°30'35"E 550.28 feet to the Southeast Corner of Lot 1, Block 1, University Heights Subdivision; thence S00°27'20"W 10.00 feet to the Northeast Corner of Lot 1, Block 3, University Heights Second Addition Subdivision, as recorded in the County Recorder's Office under Book F, page 42; thence N89°30'35"W 709.64 feet to the Northwest Corner of Lot 27, Block 3, University Heights Second Addition Subdivision; thence N00°28'07"E 10.00 feet to the point of beginning.

Contains 7,511 square feet, or 0.172 Acres, more or less.

ATTACHMENT D: EXISTING CONDITIONS & ZONING

ADJACENT LAND USE

The property lies within a residential area. All properties that are adjacent to the alley and in the immediate vicinity are zoned R-1/5000 – Single Family Residential.

None of the property owners have indicated a need to access their rear yard via the alley. The property at 1483 S 1600 E does use a small segment of alley that runs in a north/south direction to access their rear garage. The house at 1620 E. Roosevelt may also use this alley segment to access the rear of their property. This portion of alley is not part of the proposed vacation and will remain accessible to the public.

ATTACHMENT E: ANALYSIS OF STANDARDS

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:*

Factor	Finding	Rationale
<p>14.52.020: 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:</p> <p>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.</p> <p>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.</p> <p>C. Urban Design: The continuation of the alley does not serve as a positive urban design element.</p> <p>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.</p>	<p>Complies</p>	<p>The proposed alley closure is consistent with policy consideration A, Lack of Use. The alley has not been used vehicular traffic for many years and significant, illegal encroachments now make it impassable to vehicles and pedestrians.</p> <p>In sections of the alley that have not been encroached upon, a strip of overgrown land has been left between properties that is impractical, if not impossible to easily access for maintenance purposes. This contributes to an element of blight in the surrounding residential in accordance with policy consideration C, Public Safety.</p> <p>Alleyways can serve as positive urban design elements in some areas. For example, in some residential areas they may facilitate off-street parking and access to rear garages. However, this alley does not serve such purpose as previous encroachments make it impassable to traffic and those functions have been relocated to the street frontage.</p>

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:

Factor	Finding	Rationale
<p>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;</p>	<p>Complies</p>	<p>Staff requested input from pertinent City Departments and Divisions. Comments were received Public Utilities and Zoning which indicate no objections to the requested closure.</p>
<p>2. The petition meets at least one of the policy considerations stated above;</p>	<p>Complies</p>	<p>The proposed alley closure satisfies the Lack of Use and Public Safety policy considerations of 14.52.020. See the discussion and findings on the previous page.</p>
<p>3. The petition must not deny sole access or required off-street parking to any adjacent property;</p>	<p>Complies</p>	<p>None of the properties will be denied vehicle access due to the closure of the alley. The adjacent properties all have vehicle access from their respective street frontages.</p>
<p>4. The petition will not result in any property being landlocked;</p>	<p>Complies</p>	<p>No properties would be rendered landlocked by this proposal.</p>
<p>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;</p>	<p>Complies</p>	<p>The applicants are requesting closure of the alleyway to allow them to clean up the space, expand their own yards and allow them to keep in place encroachments that have been made over a long period of time.</p> <p>The alley is located within the <i>East Bench Master Plan</i> area. The Plan notes that “The city encourages the closure of unused alleys subject to all abutting property owners supporting the closure.” This is in response to the traditional alley uses such as garbage pickup, coal delivery and parking having been eliminated or moved to the street in the front of the residences in many established areas of the city. With this change, many alleys have become overgrown and present both fire and public safety hazards.</p>

		The closure of the alley would support the policy of encouraging the closure of unused alleys in the East Bench Community as identified in the master plan.
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;	Complies	All of the abutting property owners but one support the proposal and have not indicated intent to build garages that take access from the alley. There has been no opposition raised on this petition.
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies	The applicant is requesting closure of the entire alley located within the block.
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	The alley has ceased to be used for functional access to the back of properties and is no longer necessary for that purpose.
NOTES:		

ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

PUBLIC PROCESS AND INPUT

- The proposal was sent to the Chair of the Wasatch Hollow Community Council on July 29, 2016. No comments or feedback was provided by the WHCC in relation to this petition.
- Public hearing notice mailed September 29, 2016
- Public hearing notice posted on property on September 29, 2016
- Public hearing notice posted on City and State websites on September 29, 2016
- Public hearing notice emailed to the Planning Division list serve on September 29, 2016

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

The proposed alley closure request was sent out for internal review. The following comments were received:

Public Utilities (Jason Draper)

No objections to the proposed alley vacation.

Zoning (Greg Mikolash)

There are no zoning related issues associated with the proposed alley closure.

ATTACHMENT H: POTENTIAL MOTIONS

Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation for the alley closure to the City Council with the following conditions:

The proposed method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a negative recommendation for the alley closure to the City Council due to the proposal not complying with the following standards:

(The Planning Commission shall make findings on the applicable standards and specifically state which standard or standards are not being complied with. Please see Attachment E for applicable standards.)