



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: John Anderson, (801) 535-7214, john.anderson@slcgov.com
Date: February 10, 2016
Re: PLNPCM2015-00918, Central Ninth Lofts Partial Alley Vacation

ALLEY VACATION

PROPERTY ADDRESS: 1068 S. Jefferson St.

PARCEL ID(s): Affects 15-12-408-021

MASTER PLAN: Central Community Master Plan

ZONING DISTRICT: R-MU Residential Mixed Use

APPLICABLE LAND USE REGULATIONS: Utah State Code, Section 10-9a-204 and 10-9a-609.5, Chapters 2.58 and 14.52 of Salt Lake City Municipal Code

REQUEST: Mr. Alec Harwin is requesting to vacate a portion of the air rights over an existing alley that runs north to south through his property at 1068 S. Jefferson Street in order to construct a pedestrian bridge between two multifamily residential structures which would be constructed on the property. The Planning Commission is required to transmit a 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 vacation to the City Council with the following conditions:

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.
2. The closure is subject to payment to the city of the fair market value of the air rights of the alley property.
3. The alley must continue to be open to vehicular and pedestrian movement.

ATTACHMENTS:

- A. Vicinity Map
- B. Photos

- C. Elevations of the Proposed Residential Structures
- D. Existing Conditions & Zoning
- E. Analysis of Standards
- F. Public Process and Comments
- G. Department Review Comments
- H. Potential Motions

PROJECT DESCRIPTION:

This is a request to vacate a portion of the air rights of a north to south running alley through a property located at 1068 S. Jefferson Street in order to construct a pedestrian bridge between two proposed multifamily residential structures. The parcel itself is unusual as it is a single parcel of property that is divided by a public alley.

The property is currently vacant and the alley splits the single parcel roughly in half. The parcel has frontage along West Temple Street, Goltz Avenue and 200 West. A church occupied the east portion of the property with frontage along Jefferson Street and its associated parking lot was located on the west portion with frontage along 200 West and Goltz Avenue. This church was demolished in 2013 and the property has since remained vacant.

The alley is functional and is used by many of the abutting properties that front on Jefferson Street and 200 West. The proposal to vacate the air rights above the alley would continue to allow for vehicular and pedestrian passage through the alley.

The City does not maintain the alley and it remains usable although in fair to poor condition. The alley is currently being utilized by some of the residential properties to access parking areas in the rear of the lots. For some properties it provides the only access to required parking areas.

The alley is located in the West Drive Subdivision and the Thorn Subdivision. The subdivisions were platted in 1889 and 1890 respectively. Available historic aerial photographs show that the alley has been in continual use.

The project was discussed at an open house held on December 17, 2015. Four neighboring property owners were in attendance and all were supportive of the project. Staff has not received any negative feedback regarding the request.

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: Compliance with Standards for Alley Vacations

The alley closure has been reviewed against the standards for alley vacations located in Attachment F. The alley is being used as a public alley and there is no proposal to close the alley to vehicles or pedestrians. The vacation of the air rights would allow the applicant to construct a bridge over the alley but the remainder of the alley would remain open and the property would still be owned by Salt Lake City.

The policies and standards for vacating an alley were developed to deal with situations where an alley is being completely or partially closed and vacated. Specifically, the request must demonstrate that the alley should be closed because of lack of use, public safety concerns, urban design issues or that the alley is being closed for a community purpose. There are no policies or standards that discuss only

vacating the air rights over an existing alley. Because this is not a vacation or closure, it is difficult to directly apply many of the existing policies and standards.

Although this request may not specifically meet the policies as listed, it does not meet them because the alley will continue to exist rather than being closed. The alley would remain as well as all of the positive benefits the alley currently provides the community. The goal of the policies and standards to require viable alleys to remain would be achieved whether the air rights are vacated or not.

Further, City policies and the relevant Master Plan do not include any policies that would oppose the vacation of the air rights of this alley. The alley vacation generally meets all of the applicable standards.

Issue 2: Loss of Public Space

The initial proposal of this project included the construction of apartments over the top of the alley which would create one large connected structure with an opening for the alley. The opening would have acted as the entrance to the development as well as the alley which would have created an environment that did not appear to be public space. Staff believes that there would be a perception that it the alley is a private space. Staff recommended changes to the proposal to ensure that the alley continued to have the look and feel of an inviting public space.

In response to staff's feedback, the applicant is no longer requesting to construct living space over the alley. The new design shows a pedestrian bridge that is inset away from Goltz Avenue connecting the two buildings. This creates a more inviting opening and reinforces the idea that the alley is a public space. This design also creates two separate structures, rather than a single, long structure that would dominate the entire street length along Goltz Avenue.

In conjunction with this petition, the alley at the street entrance will be improved, the pavement expanded by four feet and the two buildings will access their parking areas via the alley rather than from the street. This will create a safer walking environment for pedestrians.

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 Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley's air rights be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code. In this case, the applicant is not requesting to close the alley but to build a bridge that spans the city owned right of way.

The City Council has final decision authority with respect to alley vacations and closures. If the City Council approves the partial alley vacation, the alley will not be closed and abandoned, but the owner will build a bridge that spans the alley. The partial closure is subject to payment to the city of the fair market value of the alley's air rights, based upon the value added to the abutting properties.

ATTACHMENT A: VICINITY MAP



 1068 S. Jefferson St. Subject Property

 Existing Alley

ATTACHMENT B: PHOTOS



Looking towards the north down the existing alley from the entrance at Goltz Avenue.



Looking towards the north down the existing alley.

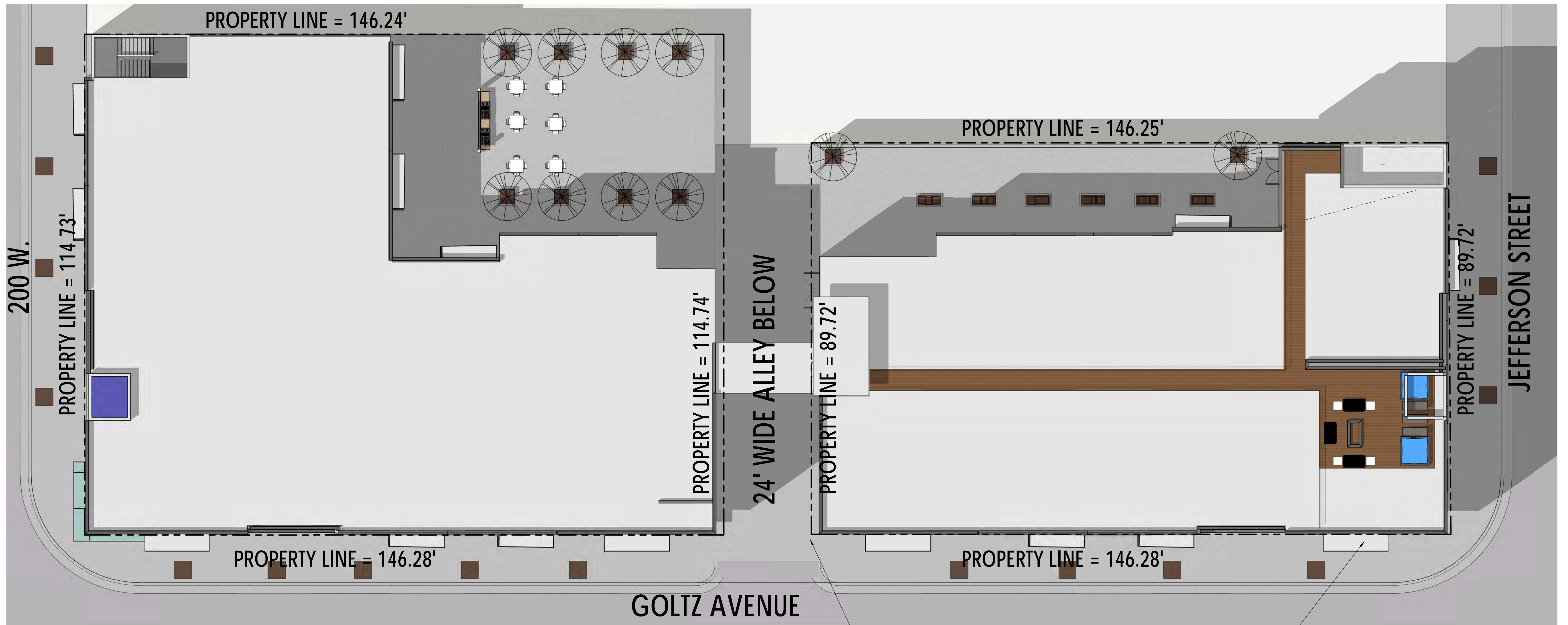


An accessory structure that uses the alley for its access.



Looking towards the south down the alley.

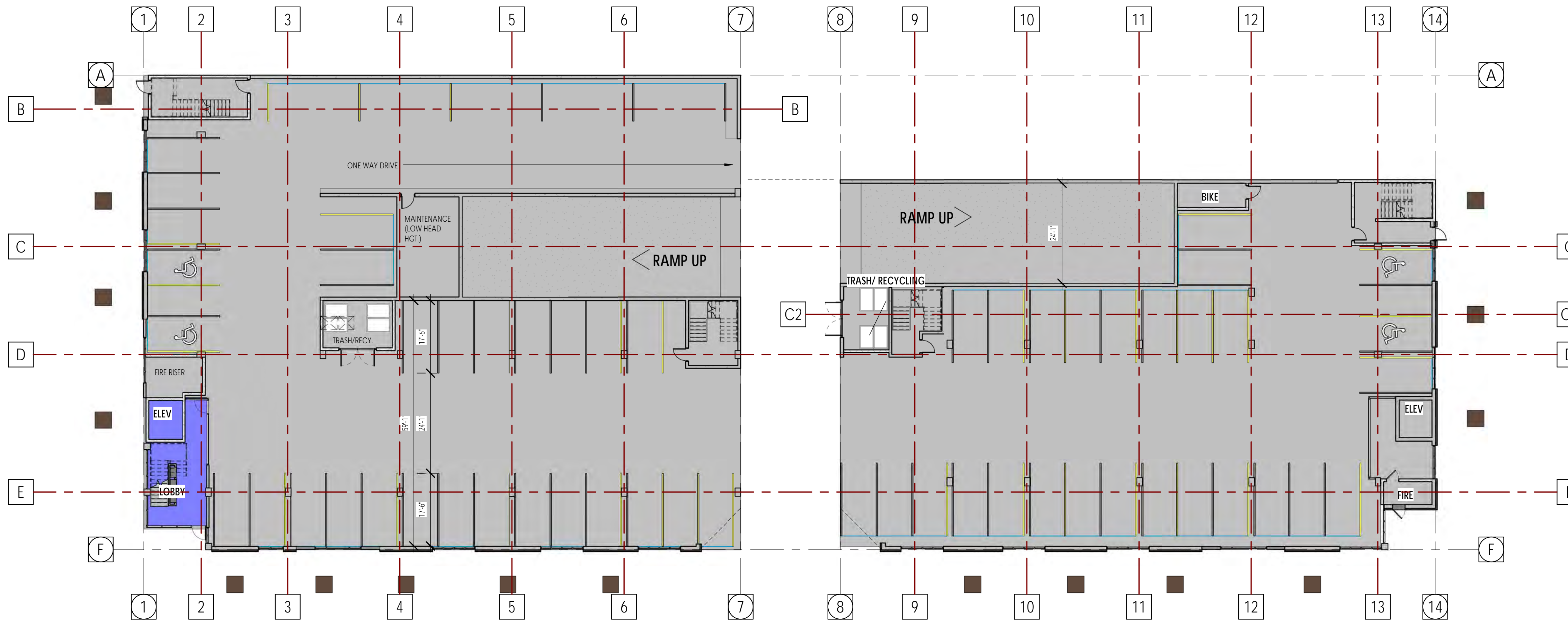
**ATTACHMENT C: ELEVATIONS OF THE PROPOSED
RESIDENTIAL STRUCTURES**



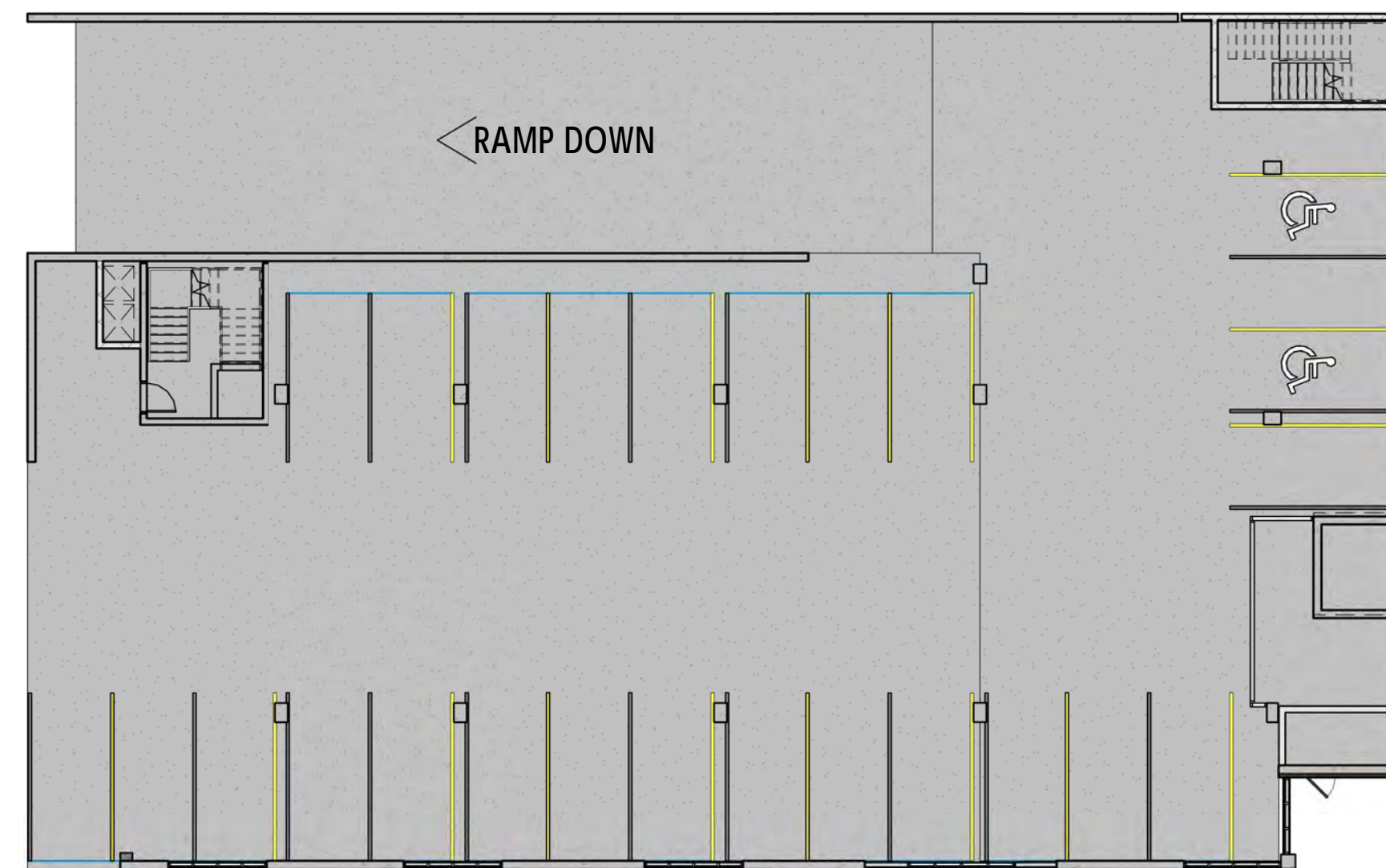
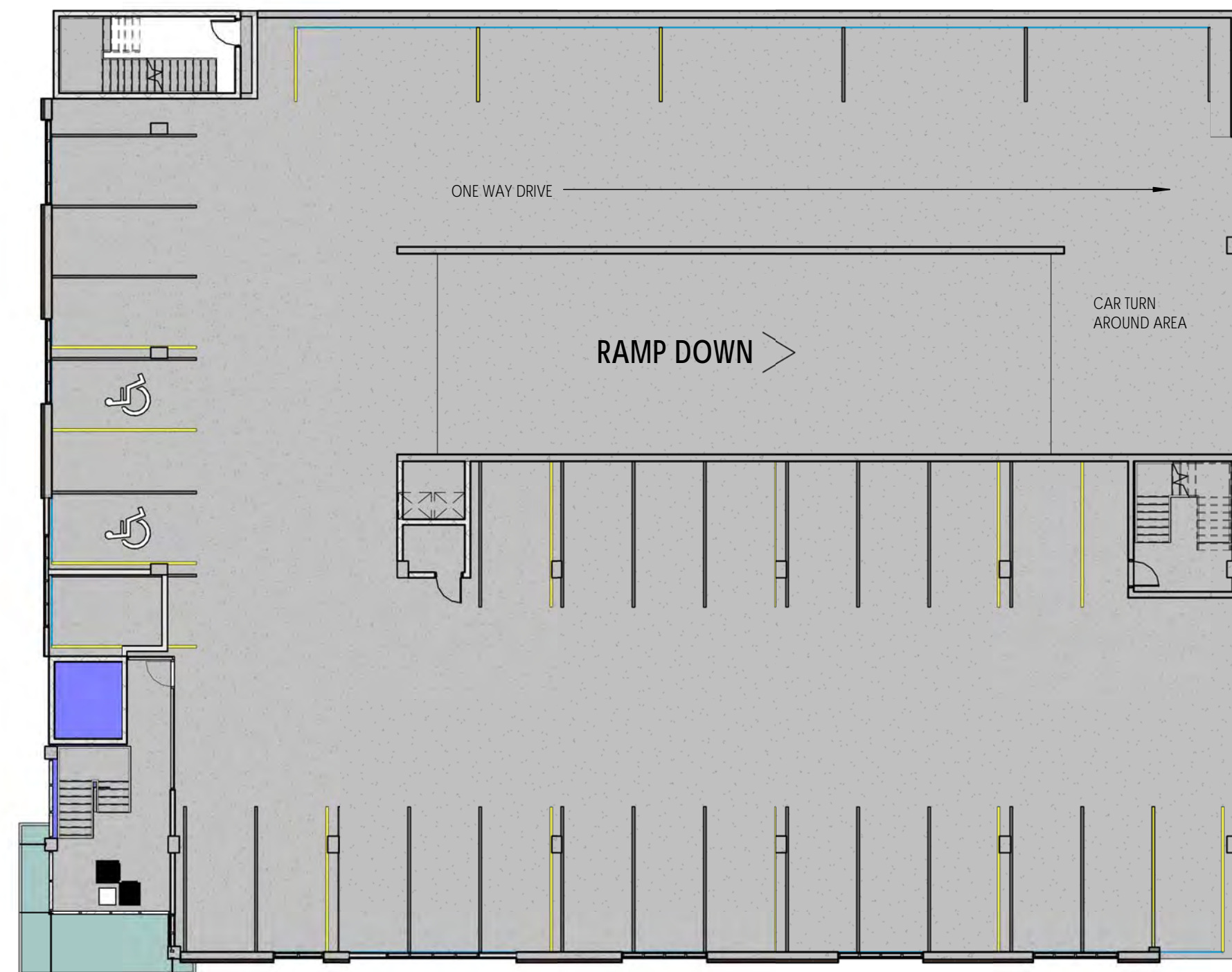
TYPICAL BALCONY SIZE = 3'-0" DEEP X 12'-0" WIDE. 13 TOTAL BALCONY LOCATIONS

SITE PLAN - PRESENTATION
3/32" = 1'-0"

1
0100



LEVEL 1 PARKING - PRESENTATION
1/16" = 1'-0"
1
D101



LEVEL 2 PARKING - PRESENTATION
1/16" = 1'-0"
2
D101

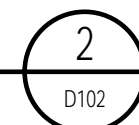
Parking Schedule	
Type	Count
PARKING SPACE 90D 8'6" x 17'6"	100
PARKING SPACE 90D 8'6" x 17'6" ADA	8
PARKING SPACE PARALLEL 22'x9'	10
Grand total	118

Units - Areas & Counts - Net Unit Area					
sv	Unit Net	Net Total	Unit Gross	Gross Total	Count
1 Bed 24	568 SF	2272 SF	606	2424	4
1 Bed 24	712 SF	2848 SF	759	3036	4
1 Bed 24	742 SF	14098 SF	790	15010	19
1 Bed 24	1067 SF	4244 SF	1176	4544	4
1 Bed 25	508 SF	2032 SF	544	2176	4
1 Bed 25	712 SF	2848 SF	759	3036	4
1 Bed 25	742 SF	19292 SF	790	20540	26
2 Bed Corner	993 SF	3772 SF	1052	4208	4
Studio 18'	508 SF	6096 SF	544	6528	12
Studio 18'	742 SF	2968 SF	790	3160	4
Studio 20'	568 SF	2272 SF	606	2424	4
		62942 SF		67086	89

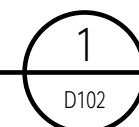
Gross Area (Units, Circ. & Amenities)	
ch	AREA
LOBBY	482 SF
L3	24464 SF
L4	24495 SF
L5	24465 SF
L6	24081 SF
	97986 SF
PARKING EAST	12563 SF
PARKING WEST	15780 SF
	28343 SF
LOBBY	805 SF
PARKING L2	27689 SF
	28487 SF
Grand total	154816 SF

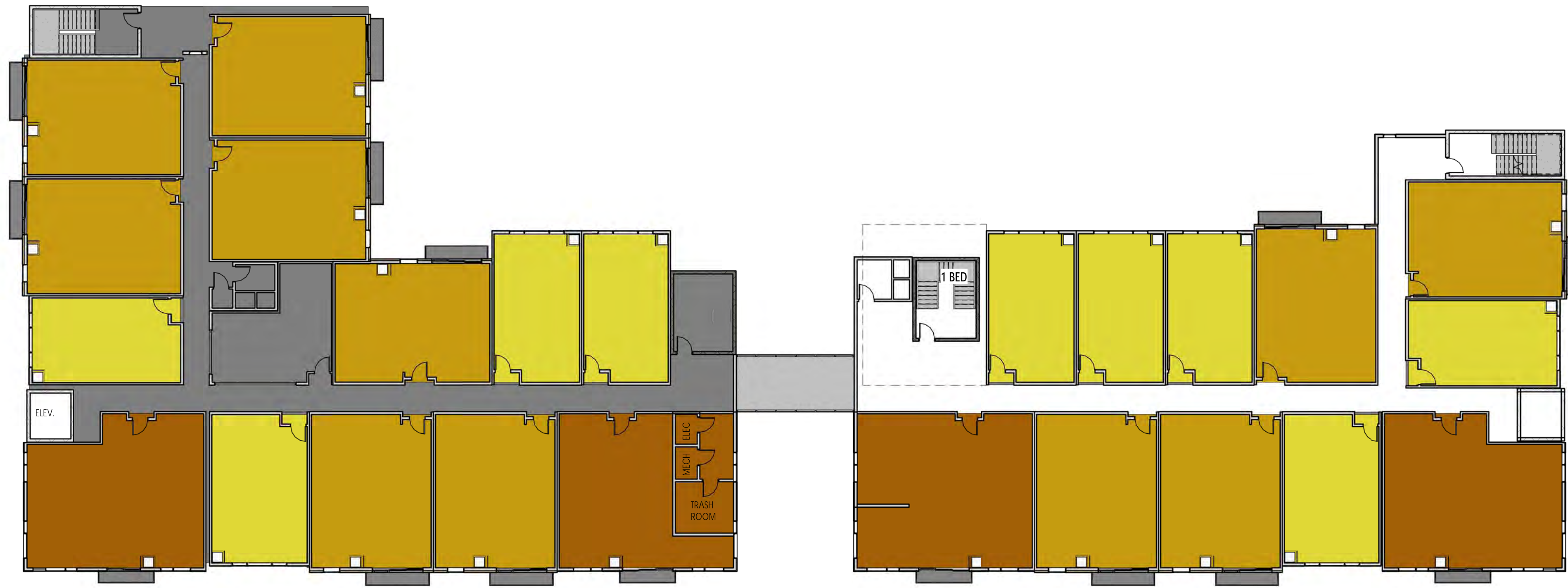


LEVEL 3 - PRESENTATION
1/16" = 1'-0"



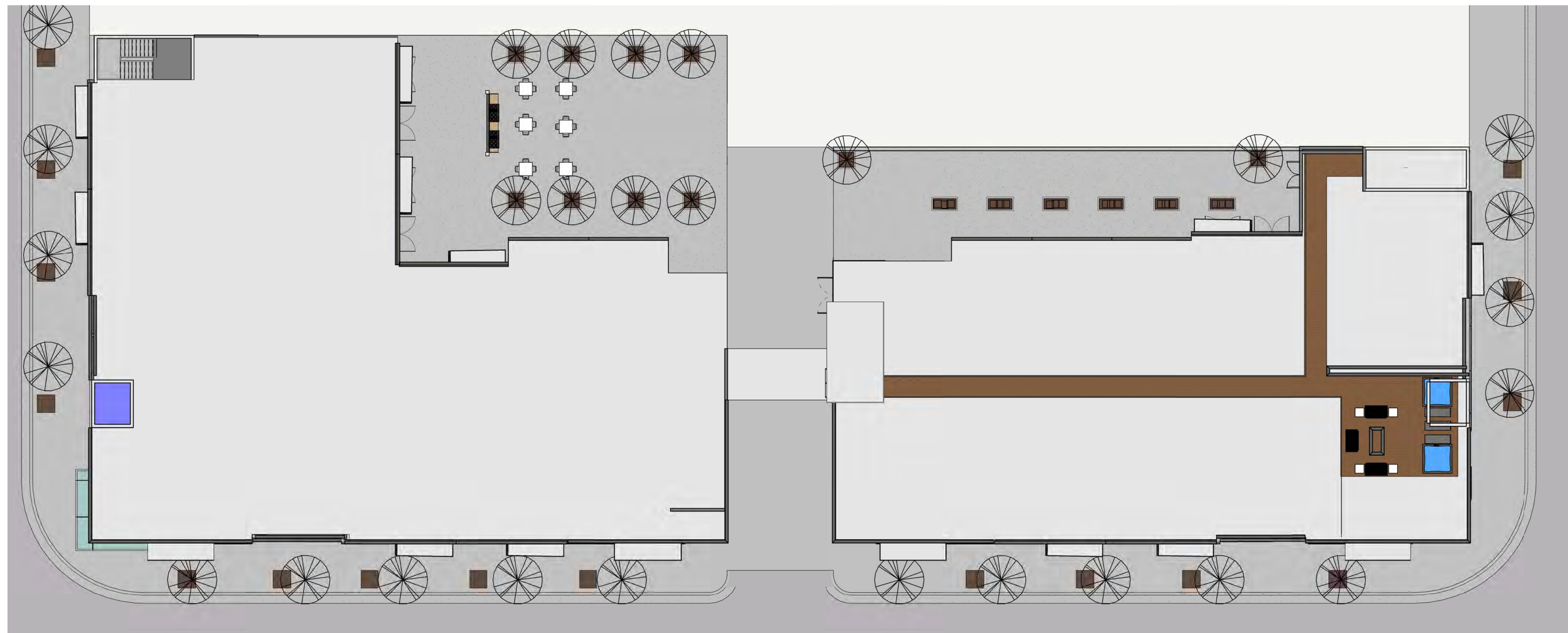
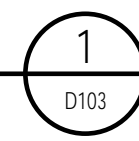
LEVEL 4-5 - PRESENTATION
1/16" = 1'-0"





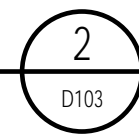
LEVEL 6 - PRESENTATION

1/16" = 1'-0"



ROOF LEVEL - PRESENTATION

1/16" = 1'-0"



CENTRAL NINTH LOFTS

200 W. AND GOLTZ AVE
SALT LAKE CITY, UT



SOUTH EAST VIEW

1
0200



SOUTH WEST VIEW

2
0200



SOUTH MASS
1/16" = 1'-0"

3
0200



EAST MASS
1/16" = 1'-0"

4
0200



NORTH EAST VIEW

1
0201



NORTH WEST VIEW

2
0201



NORTH MASS

1/16" = 1'-0"

3
0201



WEST MASS

1/16" = 1'-0"

5
0201

ATTACHMENT D: EXISTING CONDITIONS & ZONING

ADJACENT LAND USE

The land uses surrounding the site include:

- **East:** Single family residential
- **West:** Light manufacturing with light rail running in the center of 200 West
- **North:** Single family residential
- **South:** Single family residential

ADJACENT ZONING

The zoning surrounding the alley is R-MU Residential Mixed Use District at the south portions of the block along Goltz Avenue and at the northeast portions of the alley at the intersection of 200 West and Mead Avenue. The remainder of the block that the alley divides is zoned RMF-35 Moderate Density Multi-Family Residential District.

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>Does not comply.</p>	<p>The alley is still in continued use and provides a necessary access point to the rear yards of many of the abutting properties along Jefferson Street and 200 West. The alley is not paved but is still useable. Vacating the air rights over the alley would not negatively affect the continued use of the alley.</p> <p>The construction of a new residential structure on the property would contribute to a safer environment by improving the entrance to the alley with pavement, lighting and increased use. The bridge over the alley would be constructed mostly of glass and as it is utilized by the residents of the structure it would place more “eyes on the street”.</p> <p>Alleyways can serve as positive urban design elements in mixed use areas with high levels of potential pedestrian activity. For example, they can serve as pedestrian shortcuts through the City’s wide blocks or serve as service vehicle corridors behind pedestrian oriented development. This alley will serve that purpose as the neighborhood continues to redevelop.</p> <p>The general plan for this area is designated for mixed use development. This area is ideal for mixed use development as well as added density as it is located between TRAX stations at 900 South and the Ballpark Station at 1300 South. Therefore, the alley does serve as a positive urban design element but access will not be eliminated if the air rights are vacated.</p> <p>Although this request does not specifically meet the policies as listed, this request is not to close the alley. The alley would remain and as well as all of the positive benefits the alley currently provides the community.</p>

NOTES:

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
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;	Complies	Staff requested input from pertinent City Departments and Divisions. Comments were received from the Transportation, Building Services, Engineering, Fire, Public Utilities and Property Management. There were no objections to the requested closure.
2. The petition meets at least one of the policy considerations stated above;	Complies	The proposed partial alley vacation does not specifically meet the policy considerations but the alley is not proposed to be closed and will continue to function as it currently does. See the discussion and findings on the previous page.
3. The petition must not deny sole access or required off-street parking to any adjacent property;	Complies	The alley does provide access to required off street parking on several residential lots, but the alley is not proposed to be closed and will continue to function as it currently does.
4. The petition will not result in any property being landlocked;	Complies	The request to vacate the air rights over the alley will not require that property lines be adjusted. They will remain as they currently exist.
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;	Complies	The request to vacate the air rights over the alley will not change the use of the alley or any adjacent properties. It will continue to remain as a transportation conduit for the block.
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	Complies	Staff has not received any negative feedback from neighboring property owners. The alley is not proposed to be closed and will continue to function as it currently does. Abutting property owners will still be able to construct a garage if the partial alley vacation is approved.

building permit;		
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 a small portion of the air rights over the alley. The entirety of the alley will continue to exist if the partial closure is approved.
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	The alley is currently utilized by abutting properties to access their rear yards. The alley is not proposed to be closed and will continue to function as it currently does providing access.
NOTES:		

Alley Vacation Standards from Utah Code 10-9a-609.5:

If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section [10-9a-208](#) and determine whether:

Standard	Finding	Rationale
1. Good cause exists for the vacation; and	Complies	<p>The alley is a necessary asset in this neighborhood and will remain. The applicant desires to connect his two proposed multi-family residential structures so that future residents can travel between the two structures seamlessly. Although the project does not require that the two buildings are physically connected, the applicant feels it is important to link the two buildings because there are different amenities for the residents in each structure.</p> <p>The alley is usable but it is in poor condition. Because the alley formerly divided a parking lot the entrance to the alley from Goltz Avenue appears to be an entrance to an abandoned parking lot. It is currently difficult to determine whether this is public or private space. With the proposed development, the entrance to the alley will be improved through the entire property in question which will help other property owners to access their rear yards.</p>
2. Neither the public interest nor any person will be materially	Complies	The partial alley vacation will not close off access or impede its use by pedestrians or vehicles. It would allow for the construction

<p>injured by the proposed vacation.</p>		<p>of a bridge connecting two buildings. The property will remain as a public space. Neither the public interest nor any person would be materially injured.</p>
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ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

PUBLIC PROCESS AND INPUT

- The proposal was taken to a public open house on December 17th, 2015.
- Public hearing notice mailed on February 1, 2016.
- Public hearing notice posted on property on February 1, 2016.
- Public hearing notice posted on City and State websites on February 1, 2016.
- Public hearing notice emailed to the Planning Division list serve on February 1, 2016.

The following is a list of the public comments received for this project:

The project was discussed at an open house held on December 17, 2015. Four neighboring property owners were in attendance and all were supportive of the project. Staff has not received any negative feedback regarding the request.

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

The proposed alley vacation request was sent to the departments listed below for review and comment.

Fire (Ted Itchon, 801-535-6636, ted.itchon@slcgov.com)

No comments.

Engineering (Scott Weiler, 801-535-6159, scott.weiler@slcgov.com)

No objection to the proposed alley closure but the applicant needs to submit a legal description for our review and approval.

Staff note: The legal description of the alley is required to be attached to the City ordinance that vacates the alley. The description will be obtained following the Planning Commission hearing and recommendation.

Transportation (Michael Barry, 801-535-7147, michael.barry@slcgov.com)

Transportation has no objections to vacating the alley.

Public Utilities (Jason Draper, 801-483-6751, jason.draper@slcgov.com)

No public utility comments on the proposed vacation.

Zoning (Greg Mikolash, 801-535-6181, greg.mikolash@slcgov.com)

No zoning related comments at this time.

Real Estate Services (Dan Rip, 801-535-6308, daniel.rip@slcgov.com)

After thorough review by Planning & Zoning, Real Estate Services, the Fire Department, Transportation, Engineering, Urban Planning, and the Attorney's Office, it has been determined that the applicant needs to complete the alley vacation/closure process prior to building in the City's ROW for the intended air space. As this will be a partial closure, the City will retain ownership of the alleyway less the airspace specifically used for the bridge and as included in the alley closure approvals. This will in no way relinquish the City's ownership of the alley way surfaces or the use by the residents on the block or the public. Once the partial alley closure/vacation process is complete and approved by the Planning Commission and City Council, the applicant will need to obtain a Commercial Encroachment Lease Agreement for aerial rights to build in the ROW through Real Estate Services.

ATTACHMENT I: 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 vacation to the City Council with the following conditions:

- 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.*
- 2. The closure is subject to payment to the city of the fair market value of the alley property, based upon the value added to the abutting properties.*
- 3. The alley must continue to be open to vehicular and pedestrian movement.*

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 vacation to the City Council due to the proposal not complying with the following standards:

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