



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

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To: Salt Lake City Planning Commission

From: Mayara Lima, Principal Planner  
(801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)

Date: March 10, 2021

Re: PLNPCM2020-00999 – Elm Avenue Alley Vacation

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## Alley Vacation

### PROPERTY ADDRESS AND PARCEL ID:

The section of the alley abuts 4 properties:

- 968 E Elm (16-20-137-004)
- 974 E Elm (16-20-137-005)
- 980 E Elm (16-20-137-006)
- 2188 S 1000 E (16-20-137-023)

**MASTER PLAN:** Sugar House Master Plan

**ZONING DISTRICT:** R-1/5000 Single-Family Residential District

**REQUEST:** Jonas & Danielle Sappington, owners of the property at approximately 968 E Elm Avenue, are requesting to vacate the alley that runs south of their property, more specifically between 1000 E and Lincoln Street. The alley is oriented east-west and the proposal is to vacate the eastern half of the alley, which abuts 4 residential properties. The applicants identify public safety and lack of use of the public right-of-way as the main reasons for the request.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the alley vacation request. The City Council will make the final decision on this application.

**RECOMMENDATION:** Based on the information in this staff report, the policy considerations for alley vacations and input received, Planning Staff recommends that the Planning Commission forward a negative recommendation to City Council.

### ATTACHMENTS:

- [Vicinity and Zoning Map](#)
- [Property Photographs](#)
- [Historic Photographs](#)
- [Application Materials](#)
- [Analysis of Standards](#)
- [Public Process and Comments](#)
- [Department Review Comments](#)

**PROJECT DESCRIPTION:** The subject alley runs west of 1000 E towards Lincoln Street but only the eastern half is petitioned to be vacated. The section of the alley proposed to be vacated is 16 feet wide and approximately 155 feet long. It abuts 4 single-family residential properties, including the property the applicant owns.



Figure 1 – Aerial showing the section of the alley proposed to be vacated.



Figure 2 – Aerial showing the two unpermitted structures built on the alley.

There are two existing structures on the alley. These structures were built without permits and currently block access to the eastern half of the alley. The eastern half of the alley has been physically incorporated into the abutting private properties through fencing or left as residual land. If approved, the alley vacation could make it possible to legalize the existing structures and use of the land through potential lot line adjustments if the structures comply with all applicable zoning standards and building code regulations.

The applicants justify the request primarily with the argument that the alley has not been used as a public right of way for at least the past 15 years and that opening up the alley would attract criminal activities and create an unsafe condition to abutting properties. The applicant’s narrative as well as the petition bearing the signatures of abutting property owners are included in [Attachment D](#) of this report.

**KEY CONSIDERATIONS:**

**Consideration 1: Structures built on the alley**

Two structures were built on the alley without permits. These structures block access to the eastern half of the alley, which is the section proposed to be vacated. Based on historical aerial photographs, a structure has been on the west side of the alley section since at least 2003. However, the structure existing there today was likely built between 2016 and 2017. This structure has been used as an extension of the property at 2188 S 1000 E.

The structure on the east side of the alley was built between 2012 and 2015. City records show that in 2012, the property owner of 980 E Elm Avenue inquired about building a detached garage on the property and was informed about the existence of the alley and the process to vacate it. That owner

sold the property in 2015. This indicates that the property owner at the time, built the structure aware that it was a violation of city code.

The Salt Lake City Engineering Division is responsible for violations occurring in the public right of way and is aware of the encroachments discussed here. Engineering will oversee the enforcement of all unpermitted structures, including any fencing, on the subject alley through a separate process that may run concurrently and in coordination with the alley vacation process. The proposal to vacate the alley, however, should be considered independently of these violations and the enforcement case should not interfere in the decision to vacate or not vacate the alley.

### **Consideration 2: Policy Considerations**

Section 14.52.020 of the City Code states that alley vacations will only be considered when the proposal satisfies a lack of use, public safety, urban design, or community purpose policy. The applicants provided a narrative describing how the proposal addresses each of these policies.

#### ***Lack of Use***

According to the applicants, the structures built on the alley have blocked public access on the right-of-way for several years and rendered it unusable. These structures have certainly contributed to lack of use of the alley however, as indicated above, they were never permitted to be built and therefore should not serve to justify the alley's lack of use. Despite no evidence on whether the alley would have or not been use had the structures not been there, historic aerial photos suggest that the section of the alley never existed as an improved right-of-way.

Photos from 1958 and 1964 seem to indicate that the alley east of the applicants' property was not as utilized as the west side. The photos show that the corner property (980 E Elm Avenue) had incorporated the alley into its yard decades ago. Additionally, no curb cut is evident on the east end of the block for thru traffic. These photos do provide evidence that the eastern section of the alley did not physically exist as a public right-of-way even before the structures were built. While this partially satisfies the lack of use policy, the potential to utilize the alley was further hindered when the structures were built.



*Figures 3 and 4 – 1958 and 1946 aerial photos. Applicants' property is shown in red.*

## **Public Safety**

The applicants argue that the current obstructions of the alley somewhat prevent crimes at this location, and claim that *“If our alley is not vacated and the current, illegal obstructions are removed, it will expose our alley to severe safety concerns that exist in the thru-alley immediately west of our block”*. Comments received from the Salt Lake Police Department and neighbors support the applicants’ claim.

However, the public safety policy consideration in the city code is as follow:

*Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area.*

The applicants’ argument does not adequately address the above policy consideration because it relies on assumptions of the future and does not explain how the existence of the subject alley contributes to unsafe conditions today. While it may be true that crimes have happened in the area, no evidence was provided to indicate that the alley is the cause of such. With that section of the alley being closed off to public access, it is unlikely that its existence is substantially contributing to crime and unsafe conditions. Likewise, there is reasonable doubt that a dead-end alley would be safer than one that connects to streets because the former allows for more activities and traffic and therefore, more “eyes on the street”.

It is important to highlight that the applicants use the alley on the block to the west as an example for safety claims but fail to consider other factors such as land uses and other existing conditions surrounding the alley as potentially contributing to crime and unsafe conditions. Likewise, it is important to differentiate the perception of unsafety and unsafety itself. The presence of undesired traffic, such as the movement and camping of homeless people, and the lack of privacy to adjacent properties may affect the perception of safety but it should be not be taken as the same as actually creating an unsafe condition to abutting residents.

## **Urban Design and Community Purpose**

In addressing these two policies, the applicants argue that the reuse of the alley as private property will be more beneficial to the community. Staff disagrees with that argument. The subject alley does serve as an urban design element because it creates a connection between streets and contributes to active transportation such as walking and biking. In addition, the proposal does not serve a community purpose because it is not intended for community use but rather for the private benefit of the abutting property owners.

## **Consideration 3: Utilities access and maintenance**

The subject alley is used for Rocky Mountain Power utility poles and overhead utility lines. Section 12.04.030 of the city code defines an alley as:

*“Alley” means a public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel.*

Given that definition, we find that the subject alley is being used for essential services, and therefore, there is no lack of use.

Staff requested input from Rocky Mountain Power to understand how accessible the system infrastructure had to be. The response indicates that the alley vacation would increase the cost of maintenance of the infrastructure, hinder quick restoration in cases of power outage, and potentially increase risk to their employees. If the alley vacation is approved, an easement will likely be recorded to guarantee that the utility company has access to their infrastructure. However, the comments provided and included in [Attachment G](#) show that right of access is not the only issue for the company and additional costs will be imposed on the community when the infrastructure is not easily accessible.

#### **Consideration 4: Master Plan Policies**

The Sugar House Master Plan contains a few policies that are contrary to the proposal. Among them are indirect policies to orient detached garages to alleyways as a means to adequately increase housing through infill development and preserve walkability in areas that are intended to be pedestrian-oriented, such as the area in question. Policies that directly address alley vacations are found under the mobility goals.

The *Mobility, Access & The Pedestrian Experience* section of the master plan specifically recognizes alleys as important assets of the Sugar House neighborhood and states that:

*In Sugar House, alleys have traditionally been incorporated into development patterns and many alleyways currently serve both residential and commercial use. This is one of the factors that contribute to the pedestrian orientation that many of the well-established neighborhoods embody.*

The master plan indicates that transferring ownership of a city right-of-way relieves immediate maintenance responsibilities, but *the long-term loss of resources creates a cumulative impact upon the public access routes.*

In the citywide master plan, Plan Salt Lake, one of the initiatives is to *promote increased connectivity through mid-block connections.* As discussed above this alley provides a street connection and support active transportation. Hence, the retention of the alley as city property would be in line with the master plan.

#### **DISCUSSION:**

There is not enough evidence to support the proposed alley vacation. Despite the applicants' claims of lack of use and public safety, a deeper analysis into the request shows that the alley has been used for the purpose it is intended for and the retention of the alley would ensure greater long-term community benefits than its vacation.

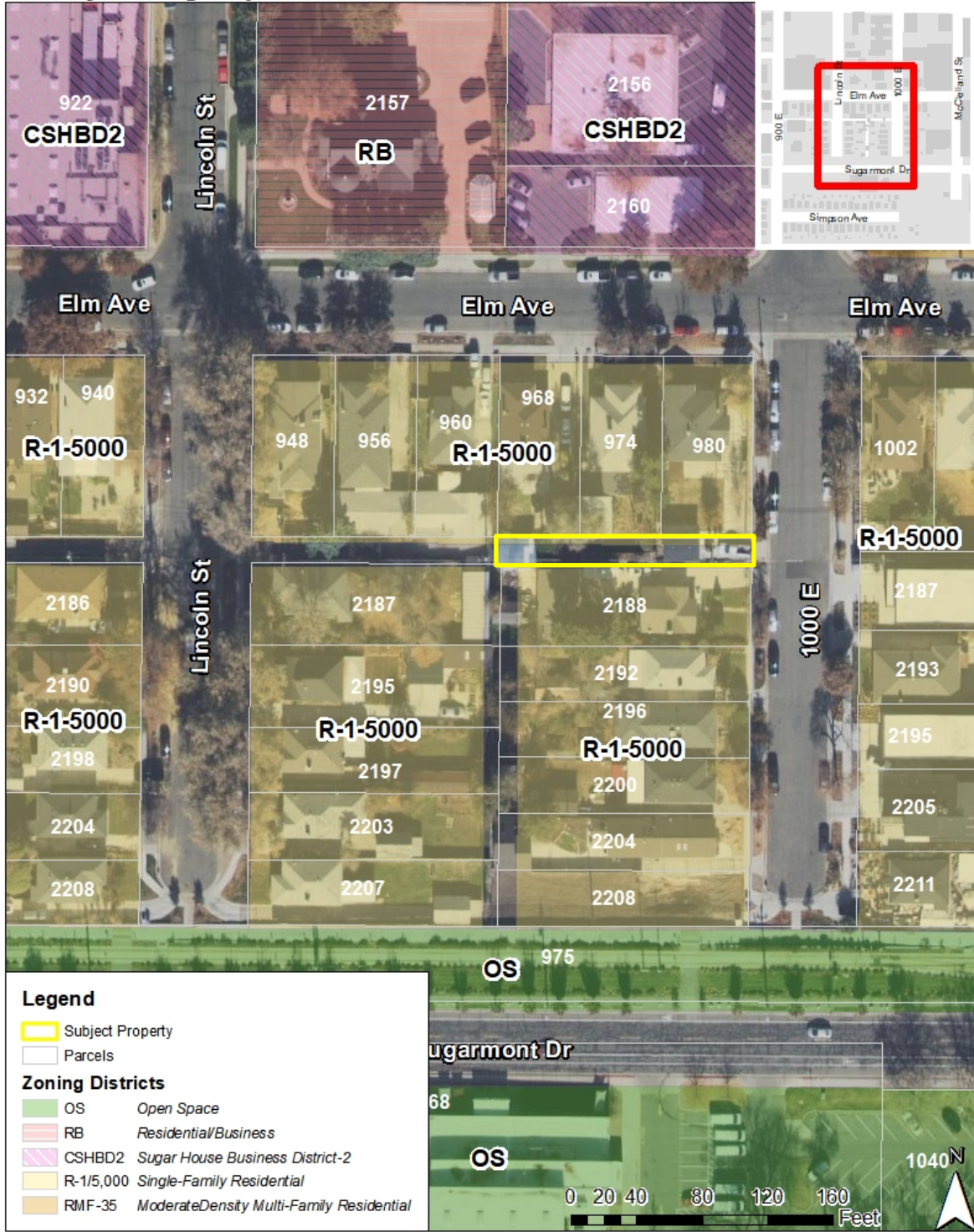
The proposed alley vacation would make it possible for the correction of long-term city code violations. However, it would benefit only the abutting property owners while creating challenges for the operation of an essential service to the community, eliminating a potential resource for active transportation in the city and contradicting the vision of the neighborhood's master plan. [Attachment E](#) also shows that the proposal does not comply with all the standards of review for the disposition of city-owned alleys.

#### **NEXT STEPS:**

After the Planning Commission reviews the request, their recommendation will be forwarded to the City Council for consideration. The City Council will make the final decision with respect to this alley vacation request.

# ATTACHMENT A: VICINITY MAP

## Vicinity Zoning Map



Salt Lake City Planning Division, 1/6/2021

## **ATTACHMENT B: PROPERTY PHOTOGRAPHS**



*Figure 5 – View of the east end of the alley. The blue garage on the photo was built on the right-of-way.*



*Figure 6 – View of the west end of the alley. The structure in the center and fencing block off the access to the eastern half of the alley.*

## ATTACHMENT C: HISTORIC PHOTOGRAPHS

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Figure 7 – The 1999 aerial shows no accessory structures on the alley, but a fence is seen blocking the west end of the alley section.



Figure 8 – In 2003, a structure is clearly visible near the center of the alley.





Figure 9 – In 2012, a curb cut and driveway is seen on the east end of the alley.



Figure 10 – The 2015 aerial shows the garage built on the east end of the alley.



Figure 11 – In 2017, a different structure is visible on the west of the alley section.

# ATTACHMENT D: APPLICATION MATERIALS

**Applicant name:**

Jonas & Danielle Sappington  
968 E. Elm Ave.  
Salt Lake City, UT 84106

**Letter of Explanation:**

We would like to request that this alley be vacated for the following reasons:

- **Improved Community.** Having been inspired by several new, strong and stylish homes built in our neighborhood, and having a growing family of 4 children, we desire to rebuild our home and add an ADU on the south end of our property. With the alley vacated, we would have several more feet to make this possible, as our current lot is not large enough to accommodate a suitable ADU. We have plans to build a home that would compliment and add appeal to our growing area of the city while keeping family life active and evident.
- **Neighborhood Unity.** All potentially affected owners are aware that this application brings to light the structures currently in the alley and the risk of them being lost to those that use them. We have spoken at length with one another about win-win resolutions regarding the land gained by each of us if the alley is vacated. We are all willing to risk the transparency of the situation to reach a more beneficial situation for all.
- **Safety.** We and several other neighborhood homeowners have noticed the major difference between the level of safety in and around our alley and the alleys near us. The alley in the block east of us has already been vacated and reports no safety concerns. Our alley is not vacated but allows no thru-traffic because of the structures mentioned above and also experiences no safety concerns. The alley in the block west of us, however, is not vacated and is a through-alley. This alley has been and is now extremely unsafe for pedestrians. We hear remarkable stories of crime and vandalizing on a regular basis and see daily for ourselves the transient campsites and drug paraphernalia in the gravel. We are all apprehensive of this situation spreading to our block if ours became a through-alley. Conversely, nicer homes and ADUs might improve the safety of the entire neighborhood :)
- **Research.** We have reached out to the Transportation and learned that there are no plans for our particular alley. We have also consulted with the Engineering Department at length about the implications of the vacation.

We truly believe that vacating this alley would be a smart and valuable improvement to our area by strengthening our community in the short and long term.

Thank you for your consideration,



Jonas & Danielle Sappington

**Applicant name:**

Jonas & Danielle Sappington  
968 E. Elm Ave.  
Salt Lake City, UT 84106

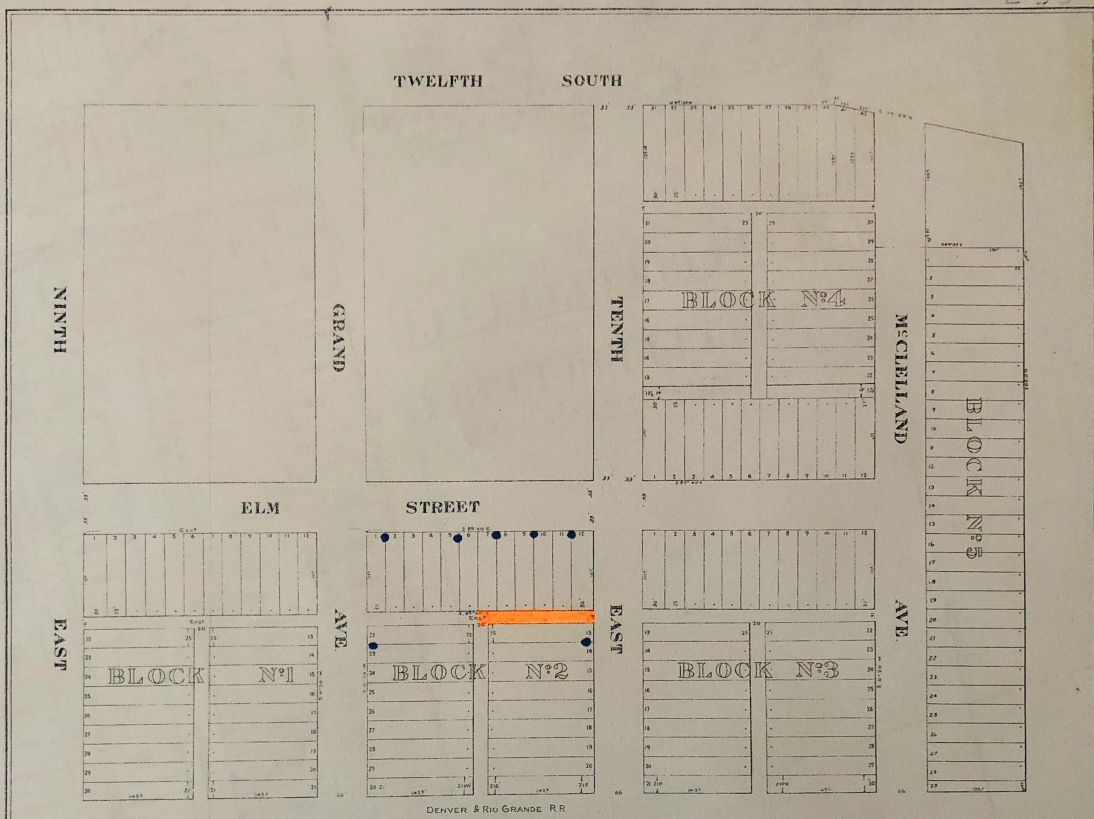
**Alley Vacation Proposal— City Policy Satisfaction Statement**

In considering the proposed partial alley vacation, we would like to address the city policies found in Chapter 14.52.020.

- A. Lack of Use:** The section of the alley we have requested be vacated is physically blocked by a variety of structures that renders it unusable as a public right of way. These structures include sheds, a brick garage and variety of fencing. These materials have been blocking this portion of the alley for at least 15 years. Upon on-site inspection by multiple city personnel, it is evident that a thru-alley does not exist.\* The unblocked portion of the alley is a dead end and is used for Rocky Mountain Power utility access and as a personal driveway for one resident. (Our proposal is to keep this unblocked portion public). This situation is visible through satellite imagery. In addition, surrounding alleyways are no longer used by sanitation services.

\*We were advised at our pre-application meeting to reach out to Transportation and Engineering. As a result, city engineers visited our block and have seen the alley's current status.
- B. Public Safety:** Right now, the obstructions in the alley blur several homeowner property lines, making us unable to build upon or safely seal our yards. If the alley is vacated, as proposed, we and the other affected owners intend to clarify and construct safe boundaries between us and the rest of the alley. If our alley is not vacated and the current, illegal obstructions are removed, it will expose our alley to severe safety concerns that exist in the thru-alley immediately west of our block, between the streets of 9th East and Lincoln. Those safety concerns include theft, vandalism and burglary. Our neighbors have witnessed burglars with flashlights entering through the roof of a business of that alley in the middle of the night. A home which borders this alley was twice invaded by the thru-alley's wandering population and endure persistent theft. These examples represent only a fraction of the severity of crime that goes on in this neglected space. In addition, constant signs of illegal drug use and vandalism are prevalent. Besides being completely dark and too narrow for vehicle and foot traffic to coexist, this roadway is unsafe for pedestrian use due to insanitary waste, used needles and deteriorating structures—all created and/or intensified by the transient activity. Despite their close proximity, there is a stark contrast between the public safety conditions of our partial alley verses the sadly deteriorated state of the thru-alley west of us.
- C. Urban Design:** Vacating the alley empowers homeowners to develop the wasted space behind their homes. Personally, we plan to build a new home and use the additional space for an accessory dwelling unit. This would allow for increased housing and conform nicely with the current projects on our block, such as the vacated alley immediately east of us with new homes and major development.
- D. Community Purpose:** While we would not be using the vacated space for a neighborhood garden or play area, we do believe that resident-cared-for property would be visually appealing and inspire positive community growth.

It is difficult to convey all of the details that contribute to making this decision. As homeowners, we have done our best and are unified in our perspective. We would love for you to visit our alley or ask us for any additional information you think we could provide. Thank you.



**SURVEYOR'S CERTIFICATE.**  
 I hereby certify that the facts shown on this map and owned by the Fairmount Springs Realty Company, is bounded and described as follows, to-wit: Beginning 5.0' 00" W. 131.75' E. from a stone monument which is the NW corner of Lot 9 Block 45, to acre Plot A, Big Field Survey and running thence S. 0° 20' W. 201.74' to Rio Grande Western RR right of way, thence east along said right of way, 130.00' to the N. 1/2 of Sec. 11, T. 11 N. R. 11 E., thence S. 89° 30' W. 130.00' to the N. 1/2 of Sec. 11, T. 11 N. R. 11 E., thence S. 0° 20' W. 131.75' to the N. 1/2 of Sec. 11, T. 11 N. R. 11 E., thence west 201.74' to place of beginning, and is part of Lots 8, 10, and 11, Block 45, 10 acre Plot A, Big Field Survey that same has been correctly staked on the ground as represented hereon, and that the above facts were made by me in making the survey thereof was of standard measurement. Parcels of Land Dedicated to Public Use.

**Streets**  
 McQuillan Avenue 66x201.75' Elm Street 37x70'  
 Tenth East 66x321.75' Tenth East 30x70'  
 Grand Avenue 66x318'  
 Allys  
 Block 1  
 Alley 16x201.75' East  
 Alley 20x218' S. 0° 20' W.  
 Block 2  
 Alley 16x201.75' S. 89° 30' W.  
 Alley 20x218' S. 0° 20' W.  
 Block 3  
 Alley 16x201.75' S. 89° 30' W.  
 Alley 20x218' S. 0° 20' W.

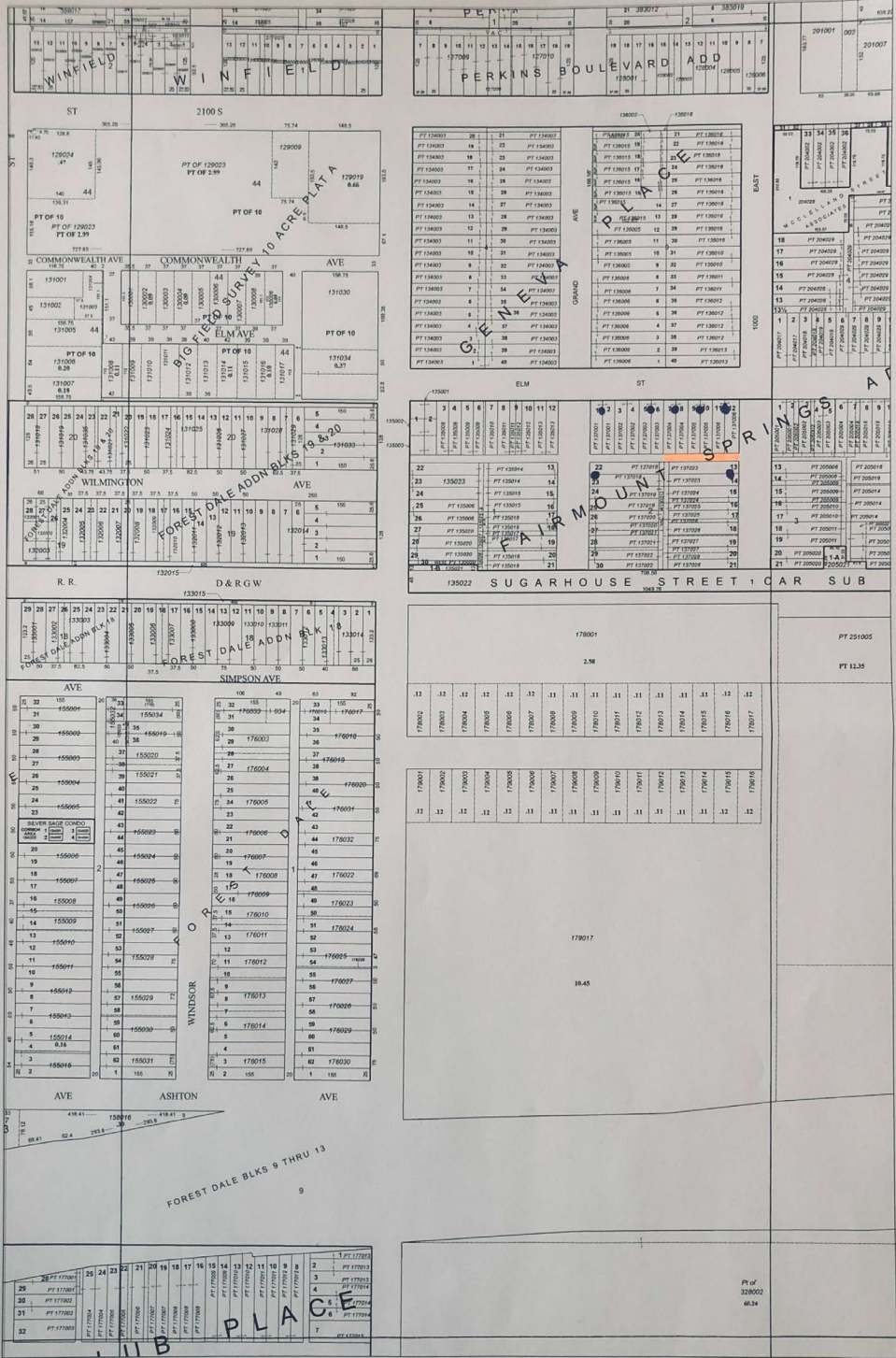
# PLAT OF FAIRMOUNT SPRINGS ADDITION SALT LAKE COUNTY, UTAH.

SCALE: 50 FEET = 1 INCH.


KNOW ALL MEN BY THESE PRESENTS, that the FAIRMOUNT SPRINGS REALTY COMPANY, a corporation duly organized under the laws of the State of Utah, does hereby declare that it is the owner of the described tract of land, that it caused the same to be subdivided into blocks, lots, streets and alleys to be hereafter known as FAIRMOUNT SPRINGS ADDITION.  
 That it does hereby dedicate to the perpetual use of the public all parcels of land designated in the surveyor's certificate and shown on this map as intended for public uses.  
 It WITNESSETH, that it has caused its corporate name to be hereunto subscribed by its president and secretary and its corporate seal to be hereunto affixed this 10th day of April, 1911.  
 FAIRMOUNT SPRINGS REALTY COMPANY  
 By: *Charles W. Haggerty* President  
 Attest: *H. E. Gole* Secretary

**ACKNOWLEDGMENT.**  
 STATE OF UTAH )  
 County of Salt Lake )  
 On this 10th day of April, 1911, I personally appeared *William H. Haggerty*, Frank Hines, as president, and *William H. Haggerty*, as secretary, who both being of legal age, sound of mind, and of legal age, and that they are the president and secretary of Fairmount Springs Realty Company, a corporation, that the foregoing instrument was signed in behalf of said corporation by a resolution of its board of directors and said Frank Hines and *William H. Haggerty* acknowledged to me that said corporation executed the same.

I hereby certify that I have examined and checked the dimensions given on this map and found the same correct.  
*John F. Stewart*  
 County Surveyor  
 Approved by the Board of County Commissioners this 10th day of April, 1911.  
*James J. Stewart*  
 County Clerk



This map is not intended to represent actual physical properties. In order to establish exact physical boundaries a survey of the property may be necessary.

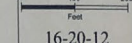


Prepared and published by  
Salt Lake County Recorder  
Adam Gardner  
2001 S. State Street #N1-400  
Salt Lake City, Utah 84190  
363-466-8142  
recorder.slcog.org

**E 1/2 NW 1/4 Sec 20 T1S R1E**  
SALT LAKE COUNTY, UTAH

2/27/2019

Scale 1"=100'



Foot

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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**Applicant name:**

Jonas & Danielle Sappington  
968 E. Elm Ave.  
Salt Lake City, UT 84106

**Written description of of proposed alley vacation**

The alley 155' in length from east to west and 16' in width from north to south, between parcels 1620137004000, 1620137005000, and 1620137006000 on the north boundary and 1620137023000 and 1620137018000\* on the south boundary and 1000 East on the east boundary as further illustrated/highlighted on the attached Salt Lake County Sidwell map.

\*A small portion (1.5') of this property borders the proposed vacation in order to make a clean line.

**PETITION TO VACATE OR CLOSE AN ALLEY**

Name of Applicant: JONAS and Danielle Sappington  
 Address of Applicant: 968 Elm Ave. Salt Lake City, UT 84106  
 Date: December 14, 2020

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name	Address	Signature	Date
Timo Rinne	974 E. ELM AVE. SALT LAKE CITY 84106	<i>Timo Rinne</i>	10/5/2020
Trevor Ryan	948 E Elm Ave Salt Lake City 84106	<i>Trevor Ryan</i>	10/5/2020
Danielle Sappington	968 E Elm Ave. SLC, UT 84106	<i>Danielle Sappington</i>	10/5/2020
JONAS SAPPINGTON	968 ELM AVE, SLC, UT	<i>Jonas Sappington</i>	10/6/2020
Joseph Tuenge	980 E Elm Ave, SLC, UT 84106	<i>Joseph Tuenge</i>	10/6/2020
Trent Toler	2188 S 1000 E, SLC, UT 84106	<i>Trent Toler</i>	10/6/2020
ALICE BAIN	2188 S. 1000 E. SLC <sup>UT</sup> 84106	<i>Alice Bain</i>	10/6/2020
Marsha Numbur	2187 S Lincoln St	<i>Marsha Numbur</i>	12-11-20
Kristi M. Johnson	2107 S. Lincoln St	<i>Kristi M. Johnson</i>	12-11-20
Print Name	Address	Signature	Date
Print Name	Address	Signature	Date
Print Name	Address	Signature	Date

Updated 7/1/20



PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant: \_\_\_\_\_  
 Address of Applicant: \_\_\_\_\_  
 Date: \_\_\_\_\_

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name	Address	Signature	Date
Time Rinne	974 E. ELM AVE. SALT LAKE CITY	<i>[Signature]</i>	10/5/2020
Tavor Ryan	948 E Elm Ave SALT LAKE CITY	<i>[Signature]</i>	10/5/2020
Danielle Sappington	968 E Elm Ave S.C. UT 84106	<i>[Signature]</i>	10/5/2020
JONAS SAPPINGTON	968 Elm Ave SLC, UT	<i>[Signature]</i>	10/6/2020
Joseph Twenge	980 E Elm Ave SLC UT 84106	<i>[Signature]</i>	10/6/2020
Trent Toler	2155 S 1000 E, SLC UT 84106	<i>[Signature]</i>	10/6/2020
ALICE BAIN	2155 S 1000 E, SLC UT 84106	<i>[Signature]</i>	10/6/2020
* Cynthia Howard	960 E. ELM AVE SALT LAKE CITY	C. Howard	10/29/20
Print Name	Address	Signature	Date
Print Name	Address	Signature	Date
Print Name	Address	Signature	Date
Print Name	Address	Signature	Date

Updated 7/1/20

\* This signature was collected from an owner that lives out of state and is not represented on the first page of signatures.  
 Sent from my iPhone

# ATTACHMENT E: ANALYSIS OF STANDARDS

## 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 applicants cite all policy considerations, but the main arguments fall into A – Lack of Use and B – Public Safety. The applicant states that public use of the alley has not happened for at least 15 years. In addition, he argues that the alley attracts criminal and unlawful activity and creates unsafe conditions and public health concerns.

**Finding:** As discussed in Consideration 2, the proposed alley vacation partially complies with policy consideration A – Lack of Use, because historical aerial photographs indicate that the eastern portion of the alley has not been utilized as a public right-of-way for decades. However, there is no evidence that the alley would not have been used as a public access had the unpermitted structures not been built there. Consideration 3 also disputes the lack of use argument because the subject alley is currently used for essential utility infrastructure that serves the neighborhood. Policy consideration B – Public Safety was not evident from an on-site inspection and documentation provided by the applicants. The consideration is questionable since the alley has been closed off and no additional information was provided to support the argument. Opening up the alley and using it as a public way could potentially reduce crime as there would be more “eyes on the street”.

### 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	<b>Does not comply</b>	Staff requested input from pertinent City Departments and Divisions. Engineering objected to the disposition of the alley due to access to power utility infrastructure as

disposition of the property;		previously discussed and the lack of evidence in the applicants' policy considerations. The department comment is included in <a href="#">Attachment G</a> . Planning staff agreed with Engineering. All other divisions found no issues with the proposal or provided no comments.
2. The petition meets at least one of the policy considerations stated above;	<b>Does not comply</b>	As discussed above, the proposed alley vacation does not fully satisfy any of the policy considerations.
3. The petition must not deny sole access or required off-street parking to any adjacent property;	Complies	All properties abutting the section of the alley proposed to be vacated have driveway access from adjoining public streets.
4. The petition will not result in any property being landlocked;	Complies	All properties abutting the section of the alley also abut adjoining public streets.
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;	<b>Does not comply</b>	One of the initiatives of the Plan Salt Lake is to promote increased connectivity through mid-block connections. However, as discussed in Consideration 2 of this report, this alley does provide a street connection and support active transportation.  As discussed in Consideration 4, policies found in the Sugar House Master Plan are contrary to the proposed alley disposition because it eliminates a future city resource and potentially undermines walkability.
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	The owners of the 4 properties abutting the section of the alley proposed to be vacated have signed the petition.
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	<b>Does not comply</b>	The applicant is requesting to vacate only the eastern half of the alley, which is the portion already blocked off by unpermitted structures. The western half of the alley is currently being used for parking access by the abutting property owners.

<b>8.</b> The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	All properties abutting the section of the alley proposed to be vacated have driveway access from adjoining public streets.
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## **ATTACHMENT F: PUBLIC PROCESS AND COMMENTS**

The following is a list of public meetings that have been held, and other public input opportunities, related to this project:

### **Public Notices:**

- Notice of the project and request for comments sent to the Chair of the Sugar House Community Council on January 7, 2021 in order to solicit comments.
  - The applicant and staff attended the community council meeting on February 8, 2021. The council did not vote on the proposal, but comments were generally in support of the request.
- Early engagement notice was mailed on January 11, 2021 to owners and tenants of properties within 300 feet.

### **Public Hearing Notice:**

- Signage posted on the property on February 25, 2021.
- Public hearing notice mailed on February 26, 2021.
- Public hearing notice posted on City and State websites on February 26, 2021.

### **Public Comments:**

- At the time of the publication of this staff report, four public comments were received. The emails are included below. The property owner of 2187 S Lincoln Street, which abuts the alley, supports vacating the proposed eastern portion.
- Any additional comments received after the publication of this staff report will be forwarded to the Commission.

**From:** [REDACTED]  
**To:** [Lima, Mayara](#)  
**Subject:** (EXTERNAL) My thoughts on 968 Elm Ave—Alley Proposal  
**Date:** Monday, February 8, 2021 9:19:28 PM

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Hello, Mayara—

I'm writing in reference to an active petition to vacate an alley as proposed by:

Jonas and Danielle (Hanim) Sappington  
968 Elm Ave  
SLC, UT 84106

The east half of the alley is already blocked—probably decades ago—and no apparent harm has occurred to the public's ability to travel in the neighborhood. It's an abandoned right of way, right? With sidewalks forty feet to the north or 300 feet to the south, there's no impediment to pedestrians travelling from Lincoln Street to 1000 East. And with Elm Ave 40 feet to the north, cars have no need to travel through this alley.

As to safety, this alley was used to provide cover and access to 2187 Lincoln during a daylight robbery maybe five years ago. I say seal it off and improve the properties surrounding it. A similar alley near the post office was used in the same way for a robbery of my wife's house (while we were dating).

I'm a neighbor two doors south of the alley in question, and I think that it's a good idea to stop this alley from being active. Many unhoused persons travel between Fairmont Park and Smith's Grocery. I have even called the police to confront ones who crossed the line from 'walking' to 'trespassing,' so to speak. I have seen them nose around in this alley and in the one to the west (which should be vacated before any development happens on 900 East, in my opinion).

Feel free to contact me with any questions about this proposal's impact on Lincoln Street.

John Carlisle  
2195 Lincoln Street  
SLC, UT 84106

[REDACTED]

**From:** [Julie McAdams](#)  
**To:** [Lima, Mayara](#)  
**Subject:** (EXTERNAL) Email in support for the Alley Vacation at 968 E. Elm Avenue  
**Date:** Wednesday, February 10, 2021 6:07:51 PM

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Dear Ms. Lima,

I live around the corner from the Sappington's and so I am familiar with the neighborhood, as well as their application for a partial vacation of the alley behind their property. I'm fully supportive of their application. I don't see any need for a pedestrian thoroughfare through that alley. Elm Avenue and the walk along the S-line are parallel to the alley and already quite close together. Further, there are existing structures in the alleyway that, unless forced to be removed, already block a thoroughfare. I understand there are power lines in the alley and RMP may have voiced some objection to the vacation, but RMP is already accessing those lines despite the existing structures that block the alley. I don't think Sappington's plans for the alley property make the powerline access any different than it has been for several years. The Sappington's plans to improve their property seems like something the City ought to support/encourage and I hope their application is approved.

I'm happy to answer any questions or elaborate on my support, should that be helpful to anyone at any point in the process.

Many thanks for the opportunity to provide input.

Julie McAdams  


**From:** [Norris, Nick](#)  
**To:** [Lima, Mayara](#)  
**Cc:** [Planning Public Comments](#)  
**Subject:** FW: (EXTERNAL) PLNPCM2020-00999: Alley Vacation behind 968 E Elm Ave  
**Date:** Wednesday, January 27, 2021 12:21:26 PM

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FYI. Can you help answer his questions? We may want to discuss the legality of the structures he mentions below.

NICK NORRIS  
Director  
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS  
SALT LAKE CITY CORPORATION

TEL 801-535-6173  
CELL 801-641-1728  
Email [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)

[WWW.SLC.GOV/PLANNING](http://WWW.SLC.GOV/PLANNING)

[www.OurNeighborhoodsCAN.com](http://www.OurNeighborhoodsCAN.com)

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

-----Original Message-----

From: Scott Kisling [REDACTED]  
Sent: Wednesday, January 27, 2021 12:04 PM  
To: Planning Public Comments <[planning.comments@slcgov.com](mailto:planning.comments@slcgov.com)>  
Cc: Judi Short [REDACTED]  
Subject: (EXTERNAL) PLNPCM2020-00999: Alley Vacation behind 968 E Elm Ave

Dear Planning Commissioner,

My time as a previous SHCC Chair has made me particularly sensitive to encroachment and squatting on public property, including alleyways, and also to the City's often hasty vacation of public alleyways. The petition to vacate the alley behind 968 E. Elm Avenue appears to involve both these issues; the construction of a two-car garage on public property behind 980 E. Elm Avenue in 2012 and the subsequent petition apparently having the intent to legalize that structure and others.

The petitioner and the homeowner at 980 Elm Street have both apparently encroached on public property, the latter by recently constructing a two car garage that completely blocks the public alley. I am requesting the City to ascertain the legality of that structure and report back to the Sugar House Community Council's LUZ Committee the result of that determination prior to the consideration of this petition. Should it be found that this or other structures are illegal I would like to see them removed and the public be made aware of the result of encroachment on public property. If the structure constructed in 2012 was permitted, I also want to know why the City would issue a permit for private construction on City property.

That the petitioner has been careful to address three of the Planning Commission's Alley Vacation Policy Considerations – lack of use, public safety and urban design – does not negate the illegality of a structure, especially



when the structure itself is the cause of one of those considerations; lack of use as a public right of way. Furthermore, the petition appears to me to be intentionally misleading by describing the existing structures as “sheds.” (The garage built on public property behind 980 Elm Avenue in 2012 cannot be the brick garage described in the petition.)

The fourth Policy Consideration – community purpose – is obviously not met; the PC’s examples for community purpose include neighborhood play area or community garden, not the exclusive use of adjoining property owner, much less its use as a “brand new two car garage” (per the property owner’s description on Zillow) that completely blocks access to the public alley.

The City of Salt Lake City has historically, in my opinion, been far too hasty in vacating our public property and insufficiently firm in applying its remedies for encroachment and squatting on our public property. If these homeowners have indeed built on public property they should not be rewarded by the public gifting that property to them for their exclusive use.

Thank you in advance for investigating this matter.  
Scott Kisling

## ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

### ***Engineering – David Jones***

Engineering does not support the vacation of the alleyway for the following reasons:

- The alley still needs to be used by RMP to access their system infrastructure along the entirety of the alleyway;
- Identifying the alley as unusable by citing 2 existing un-permitted garages should not be a basis for vacation, the location of the garages are indicated on the attached map;
- Crime activity is hearsay, the presumption is that if the alleyway is vacated, it would be safer;
- Engineering will advocate for plans to remove the garages so the residents can use the entirety of alleyway again in order to access off-street garages/parking.

### ***Police Department – Lamar Ewell***

I went down and walked the ally in question, or what I could, because as you have indicated the ally is already blocked on the east end because of the structures.

The petitioners make a good argument regarding the benefit safety and security of closing the ally. Closing the ally limits the accessibility and covert movement of anyone who may have nefarious intent. Closing the ally pushes people to the front sidewalks of the homes, rather than traveling behind them, and by so doing they are seen by more people, i.e., passing motorists, other residences and the walking public, which makes it safer for the entire neighborhood.

The Police Department has no issue with the closing of the ally.

***Transportation, Fire, Building, Zoning and Public Utilities found no issues with the request.***

### ***Rocky Mountain Power – Jeffrey Barret***

Generally, we prefer that our facilities be in the right of way, and as accessible as possible. There are reasons having to do with cost of maintenance, timeliness of restoration, and worker safety. Below are some notes from an operations lead who oversees most of the linemen in the SL valley.

- There is a safety risk to entering backyards to troubleshoot, especially when it is the middle of the night.
- It slows down outage restoration; when our facilities are in backyards it can take two to three times as long to replace facilities.
- It can also have the potential to quadruple the cost of the work, depending on what equipment is needed given increased distance from a reasonable access point to the structure in question.
- We have learned through the years, and we are now a front lot line utility in these residential areas wherever possible; and although we have some old rear lot backyard lines, typically those rear lot lines are truck accessible.
- We should not be supportive of a decision that is A) more costly to our ratepayers; B) slows down outage response; and C) increases risk to employees.