



# Staff Report

PLANNING DIVISION  
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

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To: Salt Lake City Planning Commission  
From: Katia Pace, Principal Planner  
(801) 535-6354 or [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com)  
Date: November 29, 2017  
Re: PLNPCM2017-00628 – Kensington Alley Vacation

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## ALLEY VACATION

### ADDRESSES & PARCEL NUMBER OF PROPERTIES ADJACENT TO THE ALLEY:

1370 E Kensington Avenue (16-16-151-009)  
1536 S. 1400 East (16-16-151-019)  
1542 S. 1400 East (16-16-151-020)  
1375 E. Bryan Avenue (16-16-151-018)

**MASTER PLAN:** East Bench Master Plan

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

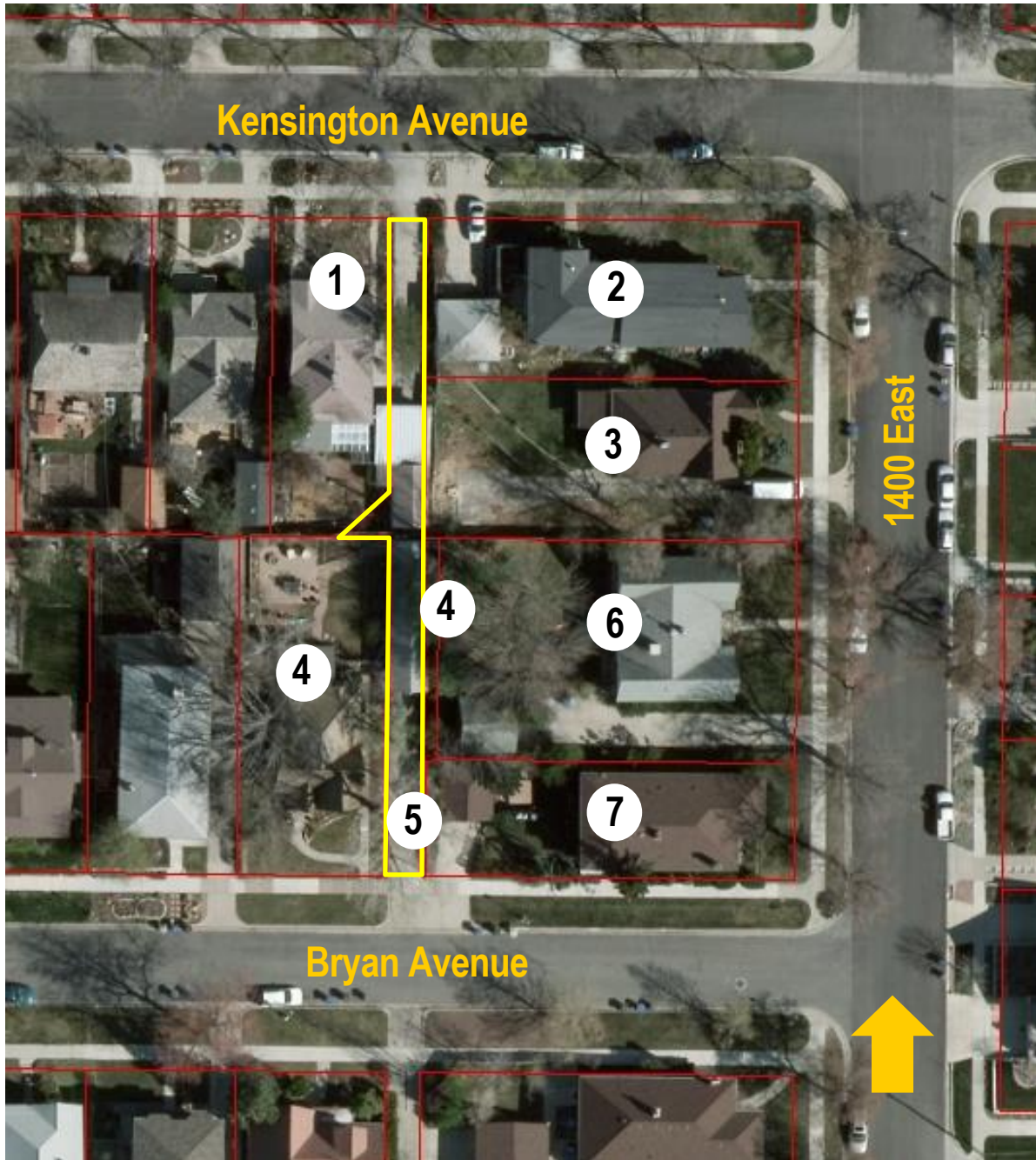
**APPLICABLE LAND USE REGULATIONS:** Utah State Code, Section 10-9a-204 and 10-9a-609.5, Chapters 2.58 and 14.52 of Salt Lake City Municipal Code

**REQUEST:** Michael Daily and Gabrielle Barker, property owners, are requesting Salt Lake City vacate the alley adjacent to their property at 1370 E. Kensington Avenue. The alley runs north to south and is adjacent to five properties. 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 finds that the proposal meets the criteria for alley vacations, and therefore recommends that the Planning Commission forward a favorable recommendation to the Mayor to declare the alley surplus property and for the City Council to vacate the alley.

### ATTACHMENTS:

- A. [Site Photographs](#)
- B. [Applicant Information](#)
- C. [Existing Conditions](#)
- D. [Analysis of Standards](#)
- E. [Public Process and Comments](#)
- F. [Department Comments](#)



**Properties abutting the alley:**

1. 1370 Kensington Avenue (applicant's property)
2. 1536 South 1400 East
3. 1542 South 1400 East
4. 1375 Bryan Avenue
5. 1377 Bryan Avenue

**Properties not abutting the alley:**

6. 1548 South 1400 East
7. 1558 South 1400 East

**PROJECT DESCRIPTION & BACKGROUND:**

This alley has not been used for public access since 1964 or earlier (see aerial photograph from 1964 showing structures over the alley.) This alley has been used as a private driveway with two garages built over the alley. The garages were built without a building permit and there is no history of when they were built.

The applicant originally requested that only the northern half of the alley be vacated. However, the southern half of the alley presented a similar situation, where the alley has been used as a private driveway and there is a garage built over the alley. After this application was submitted, the property owner abutting the southern half agreed to vacate the southern half of the alley as well.

***Northern Half***

The current property owners at 1370 Kensington Avenue recently bought the property and realized post inspection and appraisal that part of the driveway and the location of the garage are on the alleyway owned by Salt Lake City. To all appearances, the garage and driveway seem to already be part of the 1370 Kensington Avenue property.

The applicant’s garage is fairly old and with structural issues that will need to be fixed and eventually replaced. The applicant would like to rebuild the garage in the same location.

***Southern Half***

The southern half of the alley abuts the 1375 and 1377 Bryan Avenue properties on the east and west of the alley. Both properties are owned by the same owner, if the proposed alley is vacated the property would be deeded entirely to the one property owner.



*Aerial photograph from 1964 showing structures over the alley.*

**KEY ISSUES:**

The following key issues were identified:

**Issue 1: Quit Claim Deeds**

If the alley is vacated, the city’s policy is to dispose of the alley by splitting the alley in half and deeding half of the alley to each of the abutting property owners.

In the case of the northern half of the alley the applicant has obtained quit claim deeds from the other two abutting property owners. These deeds would need to be recorded after the alley is vacated. On the southern half the alley the properties abutting the alley are owned by the same person. If the alley is vacated the entire portion of the alley will be deeded to that property owner.



- Alley goes to 1370 Kensington
- 1536 Kensington has deeded their half of the alley to 1370 Kensington
- 1542 Kensington has deeded their half of the alley to 1370 Kensington
- Alley goes to 1375 & 1377 Bryan

**Issue 2: Parcel Consolidation**

If the alley is vacated the parcels should be consolidated. The final result should be one parcel for the 1370 Kensington Avenue property and a parcel for 1375 Bryan Avenue property.

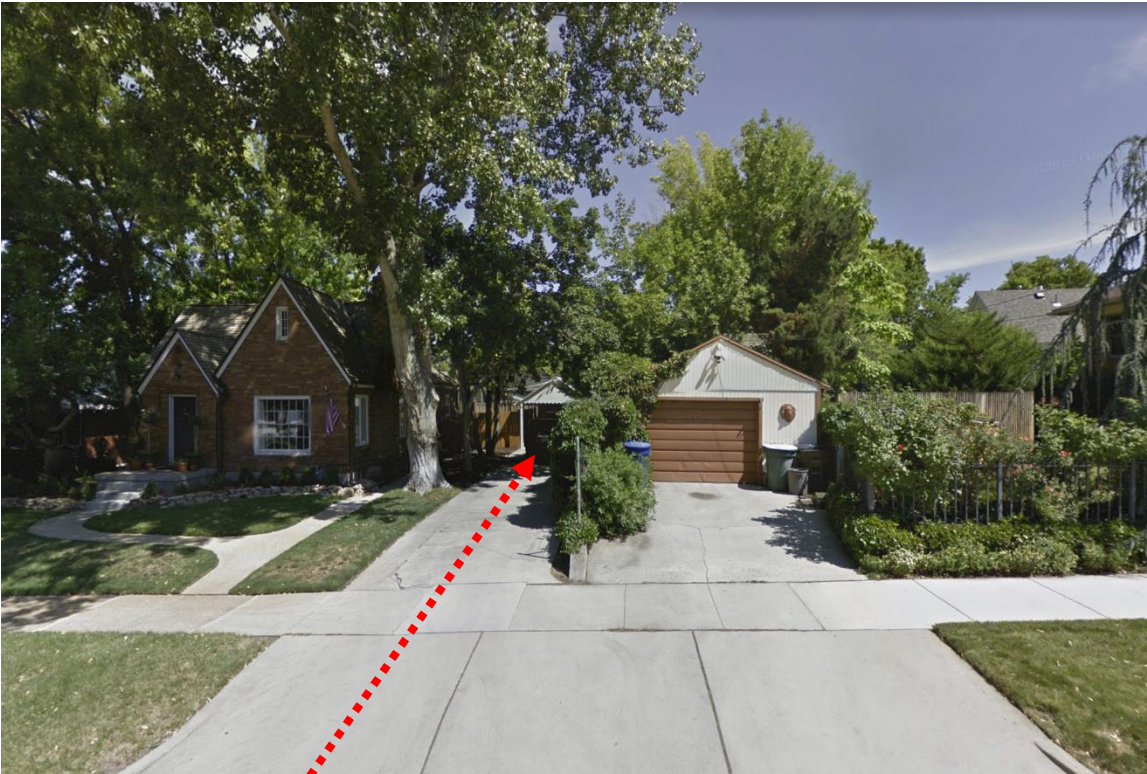
**DISCUSSION:**

The alley closure has been reviewed against the standards for alley vacations located in Attachment D. In compliance with the applicable policies, the alley is not being used as a public alley and the vacation is supported by all the adjacent property owners. Further, City policies and the relevant Master Plan do not include any policies that would oppose the vacation of this alley.

**NEXT STEPS:**

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. 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.

**ATTACHMENT A: SITE PHOTOGRAPHS**



Alley with garage — 1375 Bryan  
PLNPCM2017-00628 - Kensington Alley Vacation

November 29, 2017



Alley with garage — 1370 Kensington



Back to back garages on alley — 1370 Kensington (left) and 1375 Bryan (right)

## **ATTACHMENT B: APPLICANT INFORMATION**

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### **LETTER FROM APPLICANT STARTING THE PETITION:**

July 21, 2017

To whom it may concern,

This letter is in regards to the alleyway located at 1370 Kensington Avenue in Salt Lake City. We recently purchased the property and realized post inspection and appraisal that part of the driveway and where the garage is located are on a portion of an unvacated alleyway owned by Salt Lake City. To all appearances, the garage and driveway seem to already be part of the 1370 Kensington Avenue property. The garage is fairly old and although we cannot find any records to the effect, we believe it was an original structure built along with the home or soon thereafter. The south end of the alleyway, that runs through the block to 1370 Bryan Avenue was previously vacated in 2011, see petition PLNPCM2011-00207 – Oliveira Alley Vacation.

When the inspection of the home was completed, it was determined that the garage has some structural issues that will need to be fixed and eventually replaced in the future. We would like the alley to be vacated in order to be able to do so. Additionally, much of the driveway is located on the unvacated alleyway. We have obtained quit claim deeds from the two abutting property owners to the alleyway, both are attached to this application. Thank you for your consideration.

Sincerely,

Gabrielle Barker and Michael Daily  
Owners of 1370 Kensington Avenue



**EMAIL FROM PROPERTY OWNER - SOUTH HALF OF THE ALLEY - JOINING THE PETITION:**

**From:** Jaclyn Robertson  
**Sent:** Tuesday, September 19, 2017 2:24 PM  
**To:** Pace, Katia <[Katia.Pace@slcgov.com](mailto:Katia.Pace@slcgov.com)>  
**Subject:** RE: Alley Vacation

Katia,

I've reviewed, and agree to you including my property on the petition. Will this affect my property tax much? I'm assuming a nominal amount.

Thanks,

Jaclyn J. Robertson

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**From:** Pace, Katia [<mailto:Katia.Pace@slcgov.com>]  
**Sent:** Monday, September 18, 2017 3:43 PM  
**To:** Jaclyn Robertson  
**Subject:** FW: Alley Vacation

Jaclyn,

I was hoping that you could give me a response about your decision to whether you would like to join the petition. I will have an Open House about this project on Thursday, September 21<sup>st</sup> and would like to know if we would be including the alley abutting your property with this application. Thank you again for your consideration.

KATIA PACE  
Principal Planner

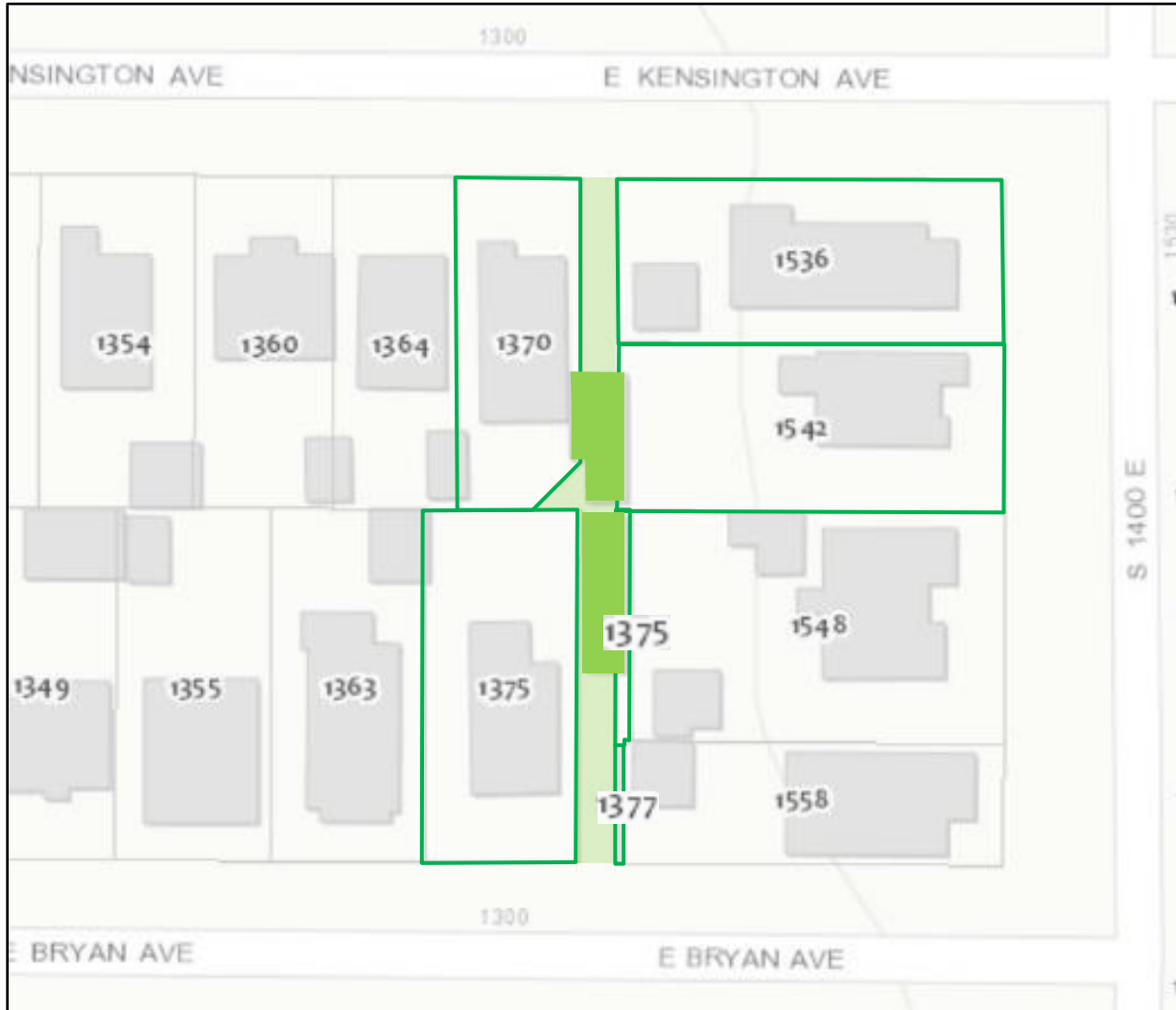
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## ATTACHMENT C: EXISTING CONDITIONS

There are five properties abutting the alley. All surrounding properties are zoned R-1/5000. There are two existing garages built over the alley. The alley is being used as private driveways. The alley is only being used by the property owners at 1370 Kensington and 1375 & 1377 Bryan Avenues all other properties abutting the alley do not use or need access from the alley.



- Properties abutting the alley
- Proposed Alley Vacation
- Garages

### SPECIFIC ZONING DISTRICT PURPOSE STATEMENTS

#### 21A.24.070 R-1/5000 Single Family Residential District

The purpose of the R-1/5,000 single-family residential district is to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

## **RELATED MASTER PLAN ITEMS**

### **East Bench Master Plan, adopted 2017**

The East Bench mobility network is an efficient, safe, and accessible transportation system that provides multiple options for connecting people to employment, services, shopping, entertainment, recreational and cultural opportunities within the East Bench community, and connects the East Bench to the City and region.

### **Plan Salt Lake, adopted 2015**

GUIDING PRINCIPLE/A beautiful city that is people focused.

- Promote increased connectivity through mid-block connections.

## ATTACHMENT D: ANALYSIS OF STANDARDS

### Salt Lake City Code, Section 14.52: Disposition of City Owned Alleys

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to 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. 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.

#### Section 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:

Factor	Rationale	Finding
<p><b>A. Lack Of Use:</b> The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an onsite 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>B. Public Safety:</b> The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;</p> <p><b>C. Urban Design:</b> The continuation of the alley does not serve as a positive urban design element; or</p> <p><b>D. Community Purpose:</b> 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>There are two existing garages built over the alley. The alley is being used as private driveways. The alley is only being used by the property owners at 1370 Kensington and 1375 &amp; 1377 Bryan Avenues all other properties abutting the alley do not use or need access from the alley.</p> <p>The proposed vacation satisfies consideration A-Lack of Use. The alley vacation would not interfere with access to the other abutting properties.</p> <p>The vacated alley and garage location would be compatible with surrounding development.</p>	<p>Complies - The alley property is not useful as a public right-of-way. The request satisfies one of the policy considerations as required by Section 14.52.02 of the Salt Lake City Code.</p>

**Section 14.52.030B:**

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	Rationale	Finding
1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;	Staff requested input from pertinent City Departments and Divisions. Comments were received and no objections to the requested alley vacation were received.	Complies – There were no objections from the relevant city departments and divisions. Furthermore, the alley vacation would bring some nonconforming issues into better compliance.
2. The petition meets at least one of the policy considerations stated above;	The proposed alley vacation satisfies the “Lack of Use” policy consideration of 14.52.020. See the discussion and findings on the previous page.	Complies - The request satisfies the policy considerations as required by Section 14.52.020.
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;	The alley is only being used by the property owners at 1370 Kensington and 1375 & 1377 Bryan Avenues all other properties abutting the alley do not use or need access from the alley. The applicant has obtained quit claim deeds from the abutting property owners from the other abutting property owners who do not need the alley.	Complies – The alley vacation will not deny access or required off street parking to any of the abutting property owners.
4. Granting the petition will not result in any property being landlocked;	All properties have street access and will not be landlocked if the alley is vacated.	Complies – The alley vacation will not result in any property being landlocked.
5. Granting the petition will not result in a use of the alley property 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>Plan Salt Lake promotes increased connectivity through mid-block connections. However, this alley has not been used as a public right-of-way since before 1964.</p> <p>The north/south alley on the block south has been vacated as well.</p> <p>The East Bench Master Plan does not include any policies that would oppose the vacation of this alley.</p>	Complies - The proposed alley vacation would not preclude or otherwise create an impediment to any plans for this 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 twelve (12) months of issuance of the building permit;	There are no opposing abutting property owners. All abutting properties impacted by this proposed alley vacation have vehicle access to their garages from the street. That includes the properties that have garages built on the alley. The proposed alley vacation would legalize the location of the two garages built on public right-of-way. No access will be changed.	Complies – No abutting property owners have plans to build a garage that would require access from the alley.
7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and	The request is to vacate the entire north/south alley. There was never an intersecting east/west alley.	Complies – The proposed alley would be disposed in its entirety.
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.	The alley is only being used by the property owners at 1370 Kensington and 1375 & 1377 Bryan Avenues all other properties abutting the alley do not use or need access from the alley.	Complies – The alley is not necessary for access other than the two properties that have the garages built over the alley.

**Section 14.52.040:**

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.

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.

**Finding:** The abutting properties are zoned R-1/5,000 (Single Family Residential) and are single-family homes, therefore the alley would simply be vacated split in half and deeded to the abutting property owners.

## **ATTACHMENT E: PUBLIC PROCESS AND COMMENTS**

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### **Public Notice, Meetings, Comments**

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

#### **Notice of the public hearing for the proposal included:**

- Public hearing notice mailed on November 16, 2017.
- Public hearing notice posted on November 20, 2017.
- Public notice posted on City and State websites and Planning Division list serve: November 16, 2017.

#### **Wasatch Hollow Community Council**

- The Wasatch Hollow Community Council was notified of the petition on September 20, 2017.
- The Chair of Wasatch Hollow Community Council responded by email, stating the following:  
*“Thank you for reaching out to WHCC. We really do appreciate these notification. WHCC does NOT intend to have the petitioner present at our meeting. We support the neighborhood's request.”*

#### **Open House**

- The request for the alley vacation was presented at a Planning Division’s Open House on September 21, 2017. No members of the public came to the Open House.

#### **Public Comment**

- Staff received three phone inquiries about the location of the alley, but no objection to the alley vacation.

## **ATTACHMENT F: DEPARTMENT COMMENTS**

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### **CITY DEPARTMENT COMMENTS**

**Public Utilities** (Jason Draper):

No utility issues with the proposed vacation.

**Engineering** (Scott Weiler):

No objection to the proposed alley vacation.

**Transportation** (Michael Barry):

There are no objections from Transportation.

**Zoning** (Gregory Mikolash):

Building Services has identified no problems with this proposed vacation. This will bring some nonconforming issues into better compliance.

**Fire** (Ed Itchon):

There are no issues with this proposed vacation.

**Real Estate Services** (Daniel Rip):

No objections to this as long as there aren't any property owners who use the alley as their PRIMARY access to their garage.