



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Mayara Lima  
(801) 535-7932 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)

Date: April 11, 2018

Re: PLNPCM2018-00081 Alley Disposition Process Text Amendment

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## City Code Text Amendment

**PROPERTY ADDRESS:** Citywide  
**PARCEL ID:** Not applicable  
**MASTER PLAN:** Not applicable  
**ZONING DISTRICT:** All zoning districts

**REQUEST:** Salt Lake City Council is requesting to modify the application process related to the disposition of city owned alleys. The Disposition of City Owned Alleys chapter is located in Title 14 - Streets, Sidewalks and Public Places. Specifically, the request is to modify the requirement to obtain signatures of no less than 80% of the neighbors owning property along the alley for the petition to be processed. The proposed text amendment would reduce the minimum required property owners' signatures to 75%.

**RECOMMENDATION:** Based on the findings in the staff report, Planning Staff recommends that Planning Commission transmit a positive recommendation to the City Council to adopt the proposed text amendment.

**ATTACHMENTS:**

- A. [Proposed Text Amendment](#)
- B. [Chapter 14.52 – Disposition of City Owned Alleys](#)
- C. [Petition to Initiate](#)
- D. [Public Process and Comments](#)

**PROJECT DESCRIPTION:**

Section 14.52.030 of the Disposition of City Owned Alleys chapter of the City Code, requires three phases for processing petitions to dispose city owned alleys. The initial phase is the administrative determination of completeness, which includes specific requirements to determine whether or not a petition is complete and ready to be processed. One of these requirements is that *“the petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property”*. Without the signatures equal or above the required percentage, the application is rejected and cannot move forward to the other two phases involving public hearings, Planning Commission recommendation and City Council decision.

**Issue:** Currently, in order to request that the City relinquish ownership of a public alley, at least 80% of the neighbors owning property along the alley must sign a petition in favor of the request. When the 80% results in a fraction, the minimum required number of signatures is rounded up. This creates greater burden for petitions involving small number of lots abutting the alley. For example, if an alley abuts 4 properties or less, all of the property owners must sign in favor of the petition, and if the alley abuts from 5 to 9 properties, all of the property owners but one must sign in favor of the petition for the application to be processed.

**Proposal:** The proposal is to reduce the minimum required signatures of property owners abutting the public alley to 75%. With this change, petitions involving a small number of lots abutting the alley will be more attainable in terms of processing and will be allowed to move forward for consideration at public hearings and by the Planning Commission and City Council.

It is important to note that the proposed amendment would only affect the petition initiation process. Section 14.52.030B of the City Code states a number of factors that the Planning Commission and City Council should consider when making a decision to vacate a city owned alley. The entire Chapter 14.52 – Disposition of City Owned Alleys is included as Attachment B for reference.

#### **DISCUSSION:**

The signature requirement is a significant and relevant element of the petition to dispose city owned alleys. By providing the majority of the property owners' signatures before the petition is processed, the applicant shows that there is sufficient support for the request to move forward. This eliminates from subsequent phases, applications with unlikely favorable response and assures early in the administrative process that there will be at least some community interest in vacating the alley at question.

The proposal to change the requirement from 80% to 75% will have minimal impact to the number of signatures required in the application process and to the overall process for disposition of city owned alleys. The proposed amendment will not modify any other processing requirement, nor the policy considerations and methods of disposition of city owned alleys.

The section of the City Code proposed to be amended is not located in the Zoning Ordinance. Therefore, the standards for text amendments that the Planning Commission typically addresses are not applicable. The proposal is being presented to the Planning Commission for a recommendation because the Planning Commission has a specific role in the alley vacation decision making process.

#### **NEXT STEPS:**

The City Council has the final authority to make changes to the text of the City Code. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

# **ATTACHMENT A: PROPOSED TEXT AMENDMENT**

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## **14.52.030: PROCESSING PETITIONS:**

There will be three (3) phases for processing petitions to dispose of city owned alleys under this section. Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the planning commission; and a public hearing before the city council.

- A. Administrative Determination Of Completeness: The city administration will determine whether or not the petition is complete according to the following requirements:
1. The petition must bear the signatures of no less than ~~eighty percent (80%)~~ **seventy-five (75%)** of the neighbors owning property which abuts the subject alley property;
  2. The petition must identify which policy considerations discussed above support the petition;
  3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;
  4. A signed statement that the applicant has met with and explained the proposal to the appropriate community organization entitled to receive notice pursuant to title 2, chapter 2.60 of this code; and
  5. The appropriate city processing fee shown on the Salt Lake City consolidated fee schedule has been paid.

# **ATTACHMENT B: CHAPTER 14.52 – DISPOSITION OF CITY OWNED ALLEYS**

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## **Chapter 14.52 DISPOSITION OF CITY OWNED ALLEYS**

**14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:**

**14.52.020: POLICY CONSIDERATIONS FOR CLOSURE, VACATION OR ABANDONMENT OF CITY OWNED ALLEYS:**

**14.52.030: PROCESSING PETITIONS:**

**14.52.040: METHOD OF DISPOSITION:**

**14.52.050: PETITION FOR REVIEW:**

### **14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:**

The city supports the legal disposition of Salt Lake City's real property interests, in whole or in part, with regard to city owned alleys, subject to the substantive and procedural requirements set forth herein. (Ord. 24-02 § 1, 2002)

### **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, 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; or
- 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. (Ord. 24-02 § 1, 2002)

### **14.52.030: PROCESSING PETITIONS:**

There will be three (3) phases for processing petitions to dispose of city owned alleys under this section. Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the planning commission; and a public hearing before the city council.

A. Administrative Determination Of Completeness: The city administration will determine whether or not the petition is complete according to the following requirements:

1. The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property;
2. The petition must identify which policy considerations discussed above support the petition;
3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;
4. A signed statement that the applicant has met with and explained the proposal to the appropriate community organization entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this code; and
5. The appropriate city processing fee shown on the Salt Lake City consolidated fee schedule has been paid.

B. 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:

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;
2. The petition meets at least one of the policy considerations stated above;
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;
4. Granting the petition 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;
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;
7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and

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

C. Public Hearing Before The City Council: Upon receipt of the report and recommendation from the planning commission, the city council will consider the proposed petition for disposition of the subject alley property. After a public hearing to consider the matter, the city council will make a decision on the proposed petition based upon the factors identified above. (Ord. 58-13, 2013: Ord. 24-11, 2011)

#### **14.52.040: METHOD OF DISPOSITION:**

If the city council grants the petition, the city owned alley property will be disposed of as follows:

A. Low Density Residential Areas: 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.

B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the city of the fair market value of that alley property, based upon the value added to the abutting properties.

C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)

#### **14.52.050: PETITION FOR REVIEW:**

Any party aggrieved by the decision of the city council as to the disposition of city owned alley property may file a petition for review of that decision within thirty (30) days after the city council's decision becomes final, in the 3rd district court. (Ord. 24-02 § 1, 2002)

# **ATTACHMENT C: PETITION TO INITIATE**

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## **Legislative Intent: Review of the process to initiate an alley closure**

The Council will consider adopting a legislative action initiating a review of the City's zoning ordinance pertaining to the process to dispose of City owned alleys. Specifically, a review of the requirement to obtain "no less than 80% of the neighbors owning property" which abut the alley.

Councilmember Adams moved and Councilmember Luke seconded to **adopt a Legislative Action initiating a review of the City's zoning ordinance pertaining to the process to dispose of City owned alleys, specifically, the requirement to obtain "no less than 80 percent of the neighbors owning property" which abut the alley**, which motion carried, all members voted aye.

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

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

### **Community Council Notice:**

Staff contacted all community council chairs on February 15, 2018. None of the community councils requested additional information or provided comments.

### **Open House:**

On March 15, 2018, a community wide Open House was held at the City and County Building regarding the proposed text amendment. Staff did not receive any comments at the meeting.

### **Public Hearing Notice:**

Notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper on March 27, 2018.
- Public hearing notice posted on City and State websites on March 27, 2018.

### **Public Comments:**

Four public comments were received from three property owners within the Sugar House community. Their comments relate to an actual alley petition currently being reviewed and mostly oppose to that specific alley vacation. However, their comments do express some concern and opposition to the lowering of the current signature requirement being reviewed in this proposed amendment. In one of the comments, the property owner states that lowering the requirement would not represent the majority of those involved in the alley vacation process. All four comments can be found below.

At the time of the publication of this staff report, no other public comments have been received. Any comments received will be forwarded to the Planning Commission.



**Lima, Mayara**

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**From:** Sarah Daanen <sdaanen@gmail.com>  
**Sent:** Monday, March 12, 2018 3:00 PM  
**To:** Lima, Mayara  
**Subject:** Re: Alleyway on Crystal Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Mayara,

I had previously emailed you and Kelsey, but entered your email address incorrectly. I wanted to get more information about the petition to close the alleyway on Crystal Avenue. It's my understanding that the individuals that want to close the alleyway are seeking approval to lower the percentage requirement from 80% to 75%. I was unable to attend the public meeting regarding this, but in conversation with neighbors, had heard that the initial review of this request resulted in 78% opposition. Is this all correct?

If the individuals that are requesting closure of the Crystal Avenue alleyway are trying to lower the percentage requirement from 80% to 75%, I would like to strongly voice my opposition to the lowering of the current requirement. I gave examples of why the closing of that alleyway would be a poor choice in the initial email I sent.

Please contact me with questions and if there are further developments or meetings regarding this closure, I would like to be notified.

Thank you,  
Sarah

On Mon, Mar 12, 2018 at 8:25 AM, Lindquist, Kelsey <[Kelsey.Lindquist@slcgov.com](mailto:Kelsey.Lindquist@slcgov.com)> wrote:

Sarah,

Thank you for forwarding your comments and concerns. I will include them in the staff report. If you have comments about the amendment to the alley vacation percentage requirement, which currently requires 80% of the abutting property owners to sign the application, please forward those comments to Mayara. If you have any additional comments about the Crystal Avenue Alley Vacation, please forward those to me. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Kelsey Lindquist

Principal Planner

COMMUNITY AND NEIGHBORHOODS

PLANNING DIVISION

SALT LAKE CITY CORPORATION

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FAX [801-535-6174](tel:801-535-6174)

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**From:** Sarah Daanen [mailto:[sdaanen@gmail.com](mailto:sdaanen@gmail.com)]  
**Sent:** Friday, March 9, 2018 2:46 PM  
**To:** [mayara.lema@slcgov.com](mailto:mayara.lema@slcgov.com)  
**Cc:** Lindquist, Kelsey <[Kelsey.Lindquist@slcgov.com](mailto:Kelsey.Lindquist@slcgov.com)>  
**Subject:** Alleyway on Crystal Avenue

Hello Mayara and Kelsey,

I am writing write to express my opposition to the closing/privatization of the alleyway on Crystal Avenue in Salt Lake City.

My husband and I own and live in the home at [2607 South Highland Drive](#) and frequently use the alleyway off Crystal Avenue to access our carport, which is the main point of entrance to our home.

In the Winter, the alleyway off Stratford Avenue is too steep a grade for our vehicle to climb, so we enter solely through the alleyway on Crystal Avenue. If this entrance were no longer accessible, we would be forced to park our vehicle in an uncovered location. We have had to do this once this year because of snow accumulation and it resulted in water damage to our vehicle due to an unknown cracked seal.

In addition, I feel that closing that alleyway would pose a safety issue in case of emergencies since all residents would be exiting one-way.

I appreciate your efforts in this matter and please let me know how this case proceeds.

Thank you,

Sarah Daanen

**Lima, Mayara**

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**From:** Pamela Eresuma <eresumas@comcast.net>  
**Sent:** Monday, March 19, 2018 5:20 PM  
**To:** Lima, Mayara  
**Cc:** Lindquist, Kelsey  
**Subject:** Alley closure

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms. Lima,

We are writing in concern of the alley closure from Crystal Avenue to Stratford Avenue. We have owned the duplex

at 1244-1246 Stratford Avenue for over 30 years and have always used this alley. Several people including our

tenants use this entrance which is much easier especially in the winter months. The entrance from Stratford

Avenue is much steeper and harder to come up with snow and ice in the winter. We also feel in an emergency

of any kind, it would be much safer to have two exits. Right now there are 5 residence that use this alley on a

daily basis. We strongly feel it would be great advantage to keep the alley open. Thank you for reading our

concerns and if you have any questions please feel free to call.

John & Pamela Eresuma

801 561-3839 home 801 597-7488 cell

**Lima, Mayara**

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**From:** Pamela Eresuma <eresumas@comcast.net>  
**Sent:** Tuesday, March 20, 2018 1:13 PM  
**To:** Lima, Mayara  
**Cc:** Lindquist, Kelsey  
**Subject:** Crystal alley % to close

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ms Lima,

We would like to submit concern as to the percentage of approval of the alley closure at the Crystal to Stratford Avenue. We feel the current percentage of 85% does not represent the majority of the people affected who would want the alley to remain opened. In the current situation there are two or three residences who have requested the percentage be lowered to close the alley and six who do not want to see it closed. We feel the 85% was required so that the majority would be satisfied at the results. If the percentage is lowered to 75%, we do not feel the majority would be represented.

Thank you,

John & Pamela Eresuma  
Owners/1244-1246 Stratford Avenue  
801 561-3839

## Lima, Mayara

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**From:** Anna Trujillo <anna.s.trujillo@gmail.com>  
**Sent:** Friday, March 30, 2018 12:18 PM  
**To:** Lindquist, Kelsey; Lima, Mayara  
**Cc:** Oktay, Michaela; Michael Lee  
**Subject:** Re: Crystal Avenue Alley Vacation

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Kelsey,

Thank for your information and my apologies for the delay in my response. Below are our comments regarding the closure. I am adding Mayara to this email as well so she is aware of the previous correspondence between us. Mayara, can you add my comments regarding the petition from this email? Let me know what is easiest for you.

Regarding the petition to lower the percentage, we are 100% against this. When the first petition was submitted to close the alley we were against that and this measure would only make that option more possible.

Our Rationale:

1. We use that alley everyday, it is our preferred way to get to our driveway. It is easier to use when the pavement is covered in snow.
2. It's important to have two exits, there are have been times where I have attempted to exit or enter on the Stratford entrance while someone else was trying to exit. Stratford has street parking and is already very narrow so having to figure out a way to move so my neighbor could exit was not ideal.
3. There's also the safety concern, if there was a need for multiple people to leave at the same time, that would be a mess having FIVE households (more cars than 5), attempting to exit at the same time.
4. Bottomline, it is shared space and when multiple people use it, it doesn't make sense to take that convenience away from many to save two people from what is considered standard city living concerns; such as people passing through and the risk of property being stolen. The reality is, if one chooses to live closer to a city, then one should take extra measures to ensure property is secure.

Please let me know if you need anything else to get our comments submitted. In addition, please let me know when meetings are scheduled regarding the petition. Thank you!!

Anna Trujillo & Michael Lee

On Wed, Feb 28, 2018 at 10:00 AM, Lindquist, Kelsey <[Kelsey.Lindquist@slcgov.com](mailto:Kelsey.Lindquist@slcgov.com)> wrote:

Anna,

The current required percentage is 80% of the abutting property owners of the subject alley. As of right now, the petition to vacate a portion of the Crystal Avenue Alley has 75% of the required signatures. I believe that the legislative intent issued for 14.52 was to amend the requirement to 75%. We will often run petitions consecutively when they are contingent on an amendment being approved. If the City Council does not adopt or support the modification of the percentage requirement to 75%, the Crystal Avenue Alley Vacation proposal would be closed.

To clarify, if the City Council approves lowering the percentage requirement for alley vacations, it does not necessarily mean that the Crystal Avenue Alley would be vacated. The two applications would be reviewed separately with each set of applicable standards.

Please note, the City Council is the decision making body on both items. If you have any general comments, in regards to the proposed amendment of the required percentage, I would recommend that you contact Mayara Lima at [801-535-7932](tel:801-535-7932). If you have comments or concerns about the Crystal Avenue Alley Vacation proposal, please send them to me and they will be incorporated into the Staff Report for Planning Commission and City Council.

Please don't hesitate to contact me with any questions, concerns or requested clarification. Thank you.

Sincerely,

Kelsey Lindquist

Principal Planner

COMMUNITY AND NEIGHBORHOODS

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