



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com, 385-386-2764
Date: July 20, 2021
Re: PLNPCM202021-00413 Kensington/Bryan Avenues 1200 Block Alley Vacation

ALLEY VACATION

PROPERTY ADDRESSES: The alley abuts 28 individual properties as follows:

East Kensington Avenue: 1208, 1212, 1216, 1220, 1224, 1230, 1236, 1244, 1250, 1256, 1266, 1276, and 1280

East Bryan Avenue: 1199, 1211, 1213, 1219, 1225, 1229, 1233, 1241, 1247, 1253, 1259, 1265, and 1273

South 1300 East: 1542 and 1550

MASTER PLAN: Central Community Master Plan

ZONING DISTRICT: R-1/5,000 – Single-Family Residential District

COUNCIL DISTRICT: District 5, Darin Mano

REQUEST:

This is a request from Steven Black, property owner of 1236 East Kensington Avenue, representing the property owners of the adjacent parcels, to vacate the 11-foot wide alley within the 1200 block of East Kensington and Bryan Avenues that runs east to west from 1300 East to the McClelland Trail (Jordan & Salt Lake City Canal). The intent of the request is to incorporate the unused alley into the adjacent properties.

RECOMMENDATION:

Based on the findings and analysis in this report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council with the following condition:

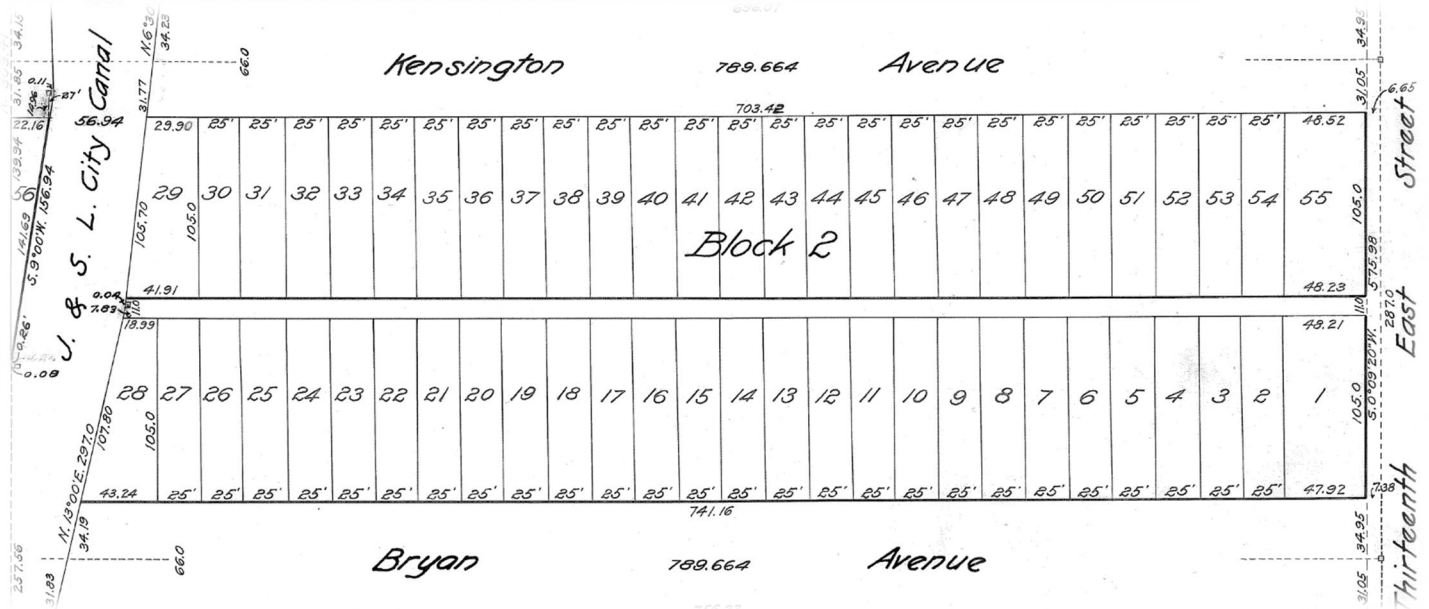
- That a utility easement is established in place of the existing public alley right of way.

ATTACHMENTS:

- [Location Map](#)
- [Photos](#)
- [Application & Petition](#)
- [Analysis of Standards](#)
- [Public Process and Comments](#)
- [City Department Review](#)

PROJECT DESCRIPTION AND BACKGROUND:

Steven Black, the owner of 1236 East Kensington Avenue, submitted this petition. (23 of the 28 owners of abutting property signed his petition to vacate the 11-foot wide, 717-foot long section of public alley that runs from east to west from 1300 East to the McClelland Trail (which runs along the Jordan and Salt Lake Canal) within the 1200 block of Kensington and Bryan Avenues. The alley is essentially unused as a public right of way and impassible to travel because of encroachment from the adjacent properties.



Applicable Review Processes and Standards

Review Processes: Alley Vacation

Alley Vacation requests must fulfill one of four policy considerations found in [section 14.52.020 of City Code](#): Lack of Use, Public Safety, Urban Design, or Community Purpose. Requests are also reviewed against the factors found in [14.52.030.B](#). Staff's analysis of the policy considerations and factors can be found in [Attachment D – Analysis of Standards](#).

Alley Vacation requests are ultimately up to the City Council's discretion and are not controlled by any one standard. If the Alley Vacation is approved, the City would convey half of the alley to the abutting property owners on each side. Any required easement would be established with the Salt Lake County Recorder's office.

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, neighbor & community input, and department reviews:

1. Property Owner Consent
2. Policy Considerations
3. Master Plan Considerations
4. Nature of the Alley
5. Future Public Use of the Alley

Consideration 1: Property Owner Consent

[Section 14.52.030.A.1 of City Code](#) specifies that “the petition must bear the signatures of no less than eighty percent (75%) of the neighbors owning property which abuts the subject alley property.” 23 of the 28 abutting property owners (82% of abutting property owners) signed the petition supporting the vacation. As of the day of publishing this report, staff has not received any comments opposing the vacation from the remaining five property owners. This issue is also addressed in [Attachment D – Analysis of Standards](#).

Consideration 2: Policy Considerations

The request satisfies policy consideration A) Lack of Use outlined in section 14.52.020. This is outlined in [Attachment D – Analysis of Standards](#).

Consideration 3: Master plan Considerations

The [Central Community Master Plan](#) places this alley within the Emerson Neighborhood of the East Central South neighborhood planning area. The plan does not address Alley Vacations within this planning area, nor does it set preservation of alley rights of way as a priority (p.6). Regarding mid-block walkways, Policy TRANS-4.4 recommends “obtaining easements where feasible for pedestrian corridors for interior mid-block access” (p.17). [Plan Salt Lake](#) initiative 8.8 echoes this sentiment, recommending “increased connectivity through mid-block connections” (p.31). It appears that the McClelland Trail along the Jordan & Salt Lake City Canal already accomplishes these goals, as it bisects the relatively long blocks in the surrounding neighborhood. Using the subject alley as a pedestrian walkway would be redundant since the distance between Kensington and Bryan Avenues is essentially half a block, and the existing sidewalks are already a sufficient connection between the trail and 1300 East.

Consideration 4: Nature of the Alley

After inspecting the alley in person, the subject alley appears to exist only on paper. Except for a curb cut and some concrete slabs off of 1300 East used to access a garage that sits within the alley, there doesn't appear to be much evidence that an alley ever ran through the entirety of this block (see [Attachment B – Photos](#)). For all intents and purposes, the alley is unused and unpaved for most of its length.

Consideration 5: Future Public Use of the Alley

An issue that often comes up with Alley Vacation proposals is future beneficial uses for the public. This could include trails for active transportation, access to garages or accessory dwelling units (ADU), or public services and utilities. Establishing public use of this alley would require reconfiguring the rear yards of the adjacent properties and moving or demolishing any buildings or trees that sit within the alley right of way.

Establishing pedestrian or vehicle access through the subject alley would likely require a significant amount of City resources to remove trees and buildings and pave the alley. It may also be unpopular with adjacent property owners. The adjacent McClelland trail is already a popular active transportation route, and the sidewalks on Kensington and Bryan Avenues are a sufficient connection between the trail and 1300 East. Trash has been collected on Kensington and Bryan Avenues for many years without any known issues.

There are currently power lines running through the alley, serving residents of the block. Establishing a utility easement within the existing alley right of way would preserve access for public utility providers.

DISCUSSION:

The alley closure has been reviewed against the standards for alley vacations in [Attachment D](#). In compliance with the applicable policies, the alley is not being used for public purposes, and the majority of adjacent property owners support the closure. Further, the proposed vacation does not conflict with any City policies found in the Central Community Master Plan or Plan Salt Lake. Acknowledging the Engineering Division's opposition to the vacation of public ways, Planning Staff recommends that the Planning Commission forward a positive recommendation for this Alley Vacation request to the City Council with the condition that a utility easement is established in place of the existing alley right of way.

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 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 from a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority regarding alley vacations and closures.

ATTACHMENT A - LOCATION MAP

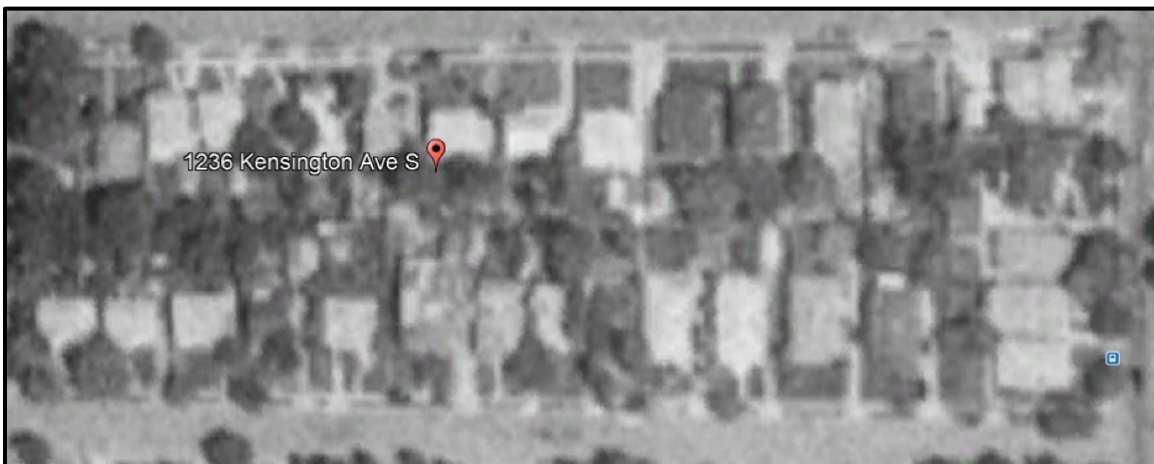


ATTACHMENT B – PHOTOS

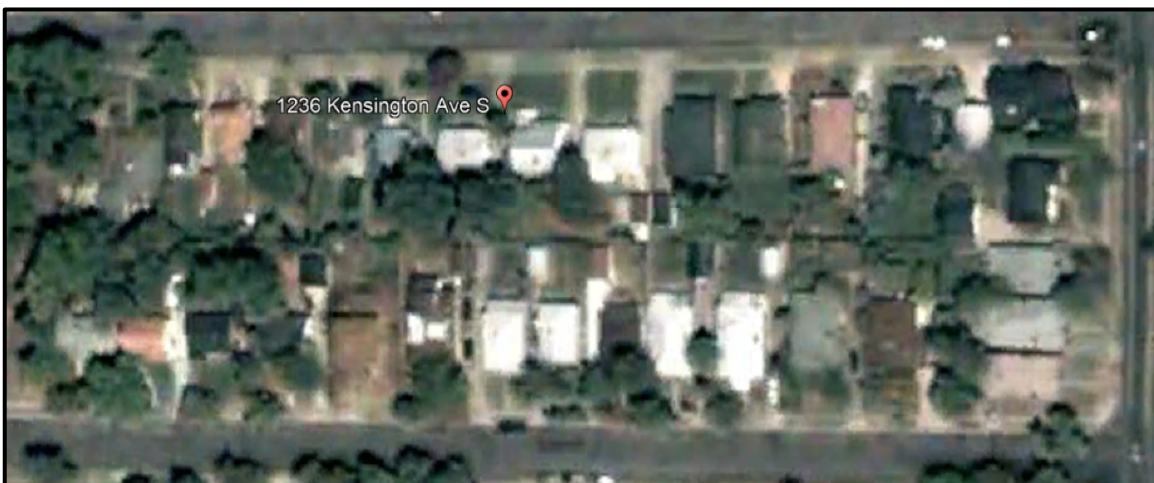
Aerial Photographs



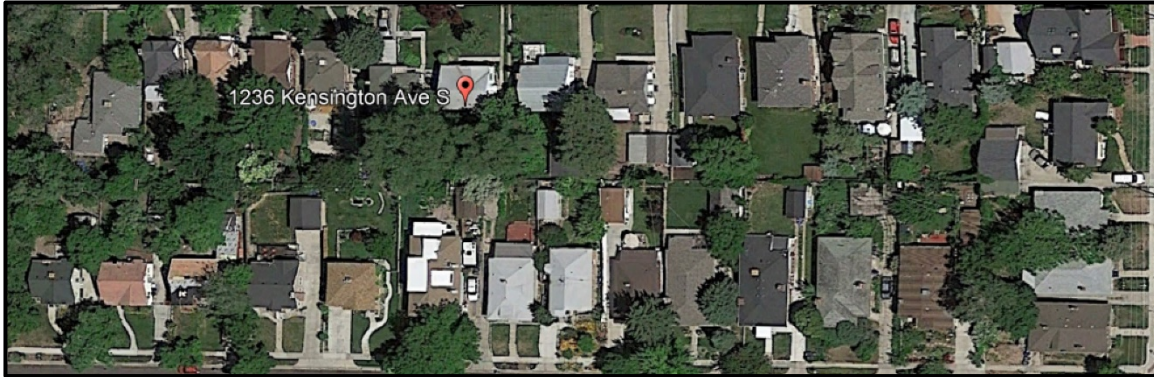
1970



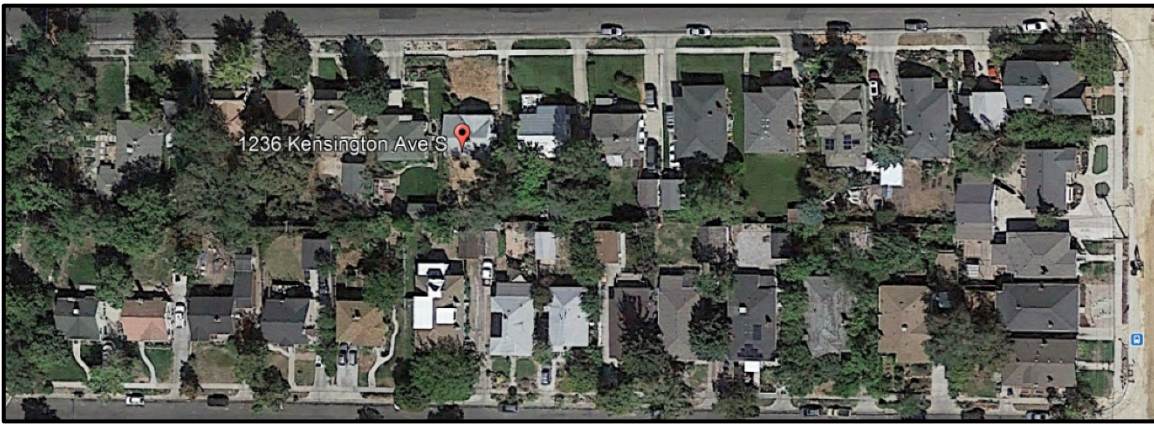
1993



2003



2013



2020

On-site Photographs



McClelland Trail, facing North from Bryan Avenue



McClelland Trail, facing Northeast toward west end of subject alley



McClelland Trail, facing Southeast toward west end of subject alley



McClelland Trail, facing North toward Kensington Avenue



West end of subject alley. The fence and tree in the center of the photo mark the alley's western-most point.



Close-up of access block for Jordan & Salt Lake City Canal on McClelland Trail



East end of subject alley. The driveway between the two houses marks the alley's eastern-most point.



Concrete slabs within subject alley that are a different color from surrounding driveways



Curb-cut into subject alley and adjacent driveways

ATTACHMENT C – APPLICATION & PETITION



Alley Vacation or Closure

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Received By:	Date Received:	Project #:
Project Name:		

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley: From 12th East to 13th East between Kensington Avenue and Brian Avenue	
Name of Applicant: Steven Black	Phone: 801-694-0657
Address of Applicant: 1236 East Kensington Avenue, Salt Lake City, UT, 84105	
E-mail of Applicant: Proinn11@gmail.com	Cell/Fax: 801-694-0657
Applicant's Interest in Subject Property: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Other:	
Name of Property Owner abutting the alley (if different from applicant): N/A	
E-mail of Property Owner: N/A	Phone: N/A
<p>Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.</p>	

AVAILABLE CONSULTATION

- Planners are available for consultation prior to submitting this application. Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address:	Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person:	Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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REQUIRED FEE

- Filing fee of \$265
Plus additional fee for required public notices

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 	Date: 4/24/2021
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Updated 7/1/20

SUBMITTAL REQUIREMENTS

Staff Review

☐☒**Please include with the application:** (please attach additional sheet)☐☒

1. A letter explaining why you are requesting this alley vacation or closure.

☐☒

2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:

☐☒

a. Highlight the area of the proposed alley vacation or closure.

☐☒

b. Indicate with colored dot the property owners who support the petition.

☐☒

c. Submit one paper copy and a digital (PDF) copy of the map.

☐☒

3. A written description with measurements of the proposed alley vacation or closure.

- A final legal description prepared by a licensed engineer will be required later.

4. The name, address and signatures of all abutting property owners who support the petition.

- Petition must include the signatures of no less than 80% of the abutting property owners.
 - Signatures should be from the property owners and not from the property renters.
 - You may use the form attached to this application or provide your own form with signatures.
-

WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
 2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
 3. Granting the petition will not result in any property being landlocked;
 4. 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;
 5. 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;
 6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
 7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.
-

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Updated 7/1/20

SB I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Updated 7/1/20

Members of the Counsel:

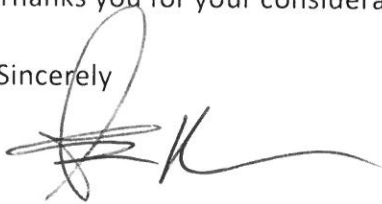
I have recently purchased a home on Kensington Avenue between 12th East (McClelland Trail) and 13th East. I was surprised to learn as a result of the property survey that there is a designated alley way between Kensington Avenue and Brian Avenue. The alley was never constructed and as a result the lots along the alley way have for many years used the property that is designated as an alley.

The alley in question does not provide any off-street parking, nor will vacating the alley result in any property being land locked. The vacated alley property will continue to be used as an additional 5 ½ feet of additional backyard space. Further the vacating of the alley way will not impact any plans to provide rear access as the alley was never constructed.

By granting this request you will honor the wishes of the homeowners whose property is adjacent to the designated alley way.

Thanks you for your consideration

Sincerely

A handwritten signature in black ink, appearing to be 'S. Black', with a long horizontal flourish extending to the right.

Steven Black

PETITION TO VACATE OR CLOSE AN ALLEY

PI-NPCM2020-00413 - Kensington/Bryan Avenue 1200 Block Alley Vacation

Name of Applicant:

Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

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
1	Rich Whiteaker	1244 Kensington	[Signature]	11/5/20
2	Rudy Schenk	1230 Kensington Ave	[Signature]	3-18-21
3	Steven Black		[Signature]	3/18/2021
4	Ralph Chipman	1256 Kensington Ave	[Signature]	3-18-21
5	Ellen Naughton	1276 Kensington Ave	[Signature]	3/18/21
6	Alborz Chandebari	1550 S. 1300 E.	[Signature]	3/18/21
7	Jenna Pike	1259 E Bryan Ave	[Signature]	3/18/21
8	Thomas Benner	1253 E Bryan Ave	[Signature]	3/18/21
9	Russell Costa	1233 E Bryan Ave	[Signature]	3/18/21
10	Andy Etherington	1225 E Bryan Ave	[Signature]	3/18/21
11	Mike Mosdel	1211 E Bryan Ave	[Signature]	3-18-2021
12	Eric Billetdoux	1212 E Kensington	[Signature]	3-18-2021

Updated 7/1/20

PETITION TO VACATE OR CLOSE AN ALLEY

PLNPCM2020-00413 - Kensington/Bryan Avenue 1200 Block Alley Vacation

Name of Applicant:


Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

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
Brian Dang	1280 E Kensington Ave. Salt Lake City, UT 84105		04/06/2021

Print Name	Address	Signature	Date
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PETITION TO VACATE OR CLOSE AN ALLEY

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Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

Date:

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Print Name

Address

Signature

Date



Lahna Cherburn

1247 E Bryan Ave

[Handwritten Signature]

04/17/21

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

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PETITION TO VACATE OR CLOSE AN ALLEY

ATB Petition 0100044 - Kensington/Bryan Avenue 1200 Block Alley Vacation

Name of Applicant:

Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

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.

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Name of Applicant:

Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

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

★ JOHN ALLEN 1220 E. CHARLES STREET JMA 4-14-21

Print Name Address Signature Date

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Print Name Address Signature Date

Print Name Address Signature Date

Print Name Address Signature Date

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Steven Black

Address of Applicant:

Address of Applicant:
1236 East Kensington Avenue, Salt Lake City, UT, 84105

Date:

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Print Name	Address	Signature	Date
PATRICK WILSON	1250 E KEMINGTON AVE		1/12/2021

Print Name	Address	Signature	Date
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Name of Applicant:

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Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

Date:

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Print Name

Address

Signature

Date

* Wilhelm Kapfhammer 1265 Bryan Av. Will Kapf 4.6.21

Print Name

Address

Signature

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Signature

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PETITION TO VACATE OR CLOSE AN ALLEY

BY NPGM 0000-00118 Kensington/Bryan Avenue 1200 Block Alley Vacation

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Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

Date:

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Print Name

Address

Signature

Date

* KATELIN GOINGS

1208 E. KENSINGTON AVE

Kate Goings

MARCH 31, 2021

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

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Updated 7/1/20

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Print Name	Address	Signature	Date
* SUGAR HOUSE PROTECT, LLC	1229 BRYAN AVE, SALT LAKE CITY UT 84105-2509		3/23/2021

Print Name	Address	Signature	Date
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PETITION TO VACATE OR CLOSE AN ALLEY

1200 Block Alley Vacation

Name of Applicant:

Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

Date:

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Print Name

Address

Signature

Date

* ELLEN FEROLIE

1224 KENSINGTON AVE
SLC, UT 84105

[Signature]

3/24/21

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

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Print Name

Address

Signature

Date

LISA KRILEY

1266 Kensington ave

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

Address

Signature

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Updated 7/1/20

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Print Name	Address	Signature	Date
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TIM ALEXANDER	1213 BRYAN AVE		4/13/2021
Print Name	Address SLC UT 84105	Signature	Date

CAMILUS ALEXANDER	1213 BRYAN AVE		4/13/2021
Print Name	Address SLC UT 84105	Signature	Date

Print Name	Address	Signature	Date
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Print Name	Address	Signature	Date
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Print Name	Address	Signature	Date
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Name of Applicant:

Steven Black

Address of Applicant:

1236 East Kensington Avenue, Salt Lake City, UT, 84105

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
1	Rich Mather	1244 Kensington	[Signature]	11/5/20
2	Rudy Schenk	1230 Kensington Ave	[Signature]	3-18-21
3	Steven Black		[Signature]	3/18/2021
4	Ralph Chigeman	1256 Kensington Ave	[Signature]	3-18-21
5	Green Naughton	1276 Kensington Ave	[Signature]	3/18/21
6	Alborz Chandebari	1550 S. 1300 E.	[Signature]	3/18/21
7	Jenna Pike	1259 E Bryan Ave	[Signature]	3/18/21
8	Thomas Benner	1253 E Bryan Ave	[Signature]	3/18/21
9	Russell Costa	1233 E Bryan Ave	[Signature]	3/18/21
10	Andy Etherington	1225 E Bryan Ave	[Signature]	3/18/21
11	Mike Mostell	1211 E Bryan Ave	[Signature]	3.18.2021
12	Erick Billet & Poux	1212 E Kensington	[Signature]	3-18-2021
13				

ATTACHMENT D – 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	Discussion	Finding
<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>The proposed alley vacation is consistent with policy consideration A, Lack of Use. It appears that the alley has not been used as a public right of way for many years and significant encroachments now make it impassable to vehicles and pedestrians. Establishing the public way under existing conditions would require substantial effort and resources with limited payoff. The adjacent McClelland trail is already a popular active transportation route, and sidewalks on Kensington and Bryan Avenues are a sufficient connection between the trail and 1300 East. Trash has been collected on Kensington and Bryan Avenues for many years without any known issues.</p> <p>There are currently power lines running through the alley, serving residents of the block. Establishing a utility easement within the existing alley right of way would preserve access for public utility providers.</p>	Complies

14.52.030.B: 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	Discussion	Finding
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;	Staff requested input from pertinent City Departments and Divisions. Only the Engineering Division has raised objections to the proposed Alley Vacation. According to Engineering Staff, the Division generally opposes any vacation of public rights of way (see Attachment F – City Department Review).	Does Not Comply
2. The petition meets at least one of the policy considerations stated above;	The alley meets policy consideration A, Lack of Use . After an in-person inspection of the alley and reviewing historical aerial photographs, it appears that the right of way has not been used as an alley since at least 1970.	Complies
3. The petition must not deny sole access or required off-street parking to any adjacent property;	None of the abutting properties use the subject alley for required off-street parking.	Complies
4. The petition will not result in any property being landlocked;	All lots abutting the subject alley have access to a public street. No property would be landlocked as a result of this Alley Vacation request.	Complies
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;	Vacating the subject alley will not create or result in any use that is contrary to City policies. The residential character of the block would remain essentially the same as it is now since all abutting properties already encroach on the subject alley. Policy TRANS-4.4 of the Central Community Master Plan recommends “obtaining easements where feasible for pedestrian corridors for interior mid-block access. (p.17). Plan Salt Lake initiative 8.8 echoes this sentiment, recommending “increased connectivity through mid-block connections” (p.31). It appears that the McClelland Trail along the Jordan & Salt Lake City Canal already accomplishes these goals, as it bisects the relatively long blocks in the surrounding neighborhood. Using the subject alley as a pedestrian walkway would be redundant since the distance between Kensington and Bryan Avenues is essentially half a block, and the existing sidewalks are already a sufficient connection between the trail and 1300 East.	Complies

<p>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;</p>	<p>While five abutting property owners did not sign the initial petition, they have not raised any opposition to the vacation. Additionally, as of the publishing date of this report, the Building Services Division has not received any building permit application to construct a garage that would use the existing public right of way for access.</p>	<p>Complies</p>
<p>7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and</p>	<p>The applicant has requested to vacate the entire length of the alley between 1300 East and the McClelland Trail (Jordan & Salt Lake City Canal). No segment would remain if the vacation were approved.</p>	<p>Complies</p>
<p>8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.</p>	<p>None of the properties abutting the subject alley use it for rear access.</p>	<p>Complies</p>

ATTACHMENT E – PUBLIC PROCESS AND COMMENTS

The following attachment lists the public meetings that have been held and other public input opportunities related to the proposed project. All written comments that were received throughout this process are included in this attachment.

- Notice of the Alley Vacation request was sent to the East Liberty Park and Wasatch Hollow Community Council Chairs on June 7, 2021, with a link to the online open house webpage.
 - Neither community council asked staff or the applicant to attend one of their meetings.
 - The Wasatch Hollow Community Council provided written comments, which are included with this attachment.
- An early notification announcement was sent to all residents and owners of property within 300 feet of the subject alley on June 7, 2021, with information about the online open house webpage and how to provide public comment.
- As of the date of this report, Planning Staff has not received any public comments regarding this request.
- Notice of the public hearing for the proposal included:
 - Public hearing notice mailed on July 15, 2021
 - Public notice posted on City and State websites and Planning Division listserv on July 16, 2021

Barlow, Aaron

From: Jason Stevenson [REDACTED]
Sent: Wednesday, July 14, 2021 10:08 AM
To: Barlow, Aaron
Subject: Re: (EXTERNAL) Re: Notice of Planning Petition - Kensington/Bryan Avenue Alley Vacation (1200 Block) - PLNPCM2021-00413

Aaron,

Hi - this is Jason Stevenson from ELPCO, re: Kensington/Bryan Avenue Alley Vacation

I heard back from Jeff Larsen, our neighborhood rep for the area.

Unfortunately, Jeff broke both arms in a car accident a week ago, so he is not as mobile or active as he wants to be.

Jeff has walked the alley and talked to neighbors and not heard any concerns.

He asked Steve Black for a list of the residents who have not signed the petition, but he has not received that yet.

Our goal is to make sure that all neighbors know this is happening - we don't want anyone surprised or left out of the process.

Do you know if any neighbors have been informed or not signed the petition.

Also, I posted about the open house today on ELPCO's Facebook page.

<https://www.slc.gov/planning/2021/06/04/kensington-bryan-avenue-alley-vacation/>

ELPCO will submit a letter to the SLC PC detailing our work and findings on this project. We'd love to have the letter included in the staff report - so please let me know your deadline.

Thank you,

Jason

On 7/7/2021 2:36 PM, Barlow, Aaron wrote:

Jason,

I am checking to see if your community organization has discussed this alley vacation and if you had any comments. Please let me know if you would like staff or the applicant to attend one of your meetings regarding the project. I am happy to answer any questions you might have and I can forward any comments to the applicant.

Sincerely,

AARON BARLOW, AICP

Principal Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

CELL 385-386-2764

EMAIL aaron.barlow@slcgov.com

www.SLC.GOV/PLANNING

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.

From: Jason Stevenson <jason.stevenson@gmail.com>
Sent: Monday, June 7, 2021 2:56 PM
To: Barlow, Aaron <Aaron.Barlow@slcgov.com>; Wasatch Hollow <anne.cannon@utah.edu>
Subject: (EXTERNAL) Re: Notice of Planning Petition - Kensington/Bryan Avenue Alley Vacation (1200 Block) - PLNPCM2021-00413

Hi,
Confirming this notice was received by ELPCO.
Thank you,
Jason Stevenson

On 6/7/2021 2:09 PM, Barlow, Aaron wrote:

Dear Community Council Chairs,

The Planning Division has received a petition to vacate the alley within the 1200 block of East Kensington and Bryan Avenues that runs east to west from 1300 East to the McClelland Trail. The alley is located within the East Libert Park Neighborhood but within 600 feet of the Wasatch Hollow Neighborhood – requiring notice to both of your Community Councils. The intent of the request is to incorporate the unused alley into the adjacent parcels.

I have attached:

1. A formal letter requesting your organization's input
2. An information sheet with basic information about the request

As recognized community organizations, you have 45 days from the date of this email to provide comments on the proposed petition. The 45 day period ends on **July 14, 2021**. Please let me know if you intend to have the petitioner present at one of your community council meetings (electronically or otherwise), including the date and time of the meeting, and I will coordinate with them.

There will not be an in-person open house for this proposal. Instead, the open house will be held via the City's website, where information about the proposal can be viewed. You can email questions about the petition directly from the webpage, and answers to submitted questions will be posted there too.

The petition's open house webpage can be accessed here:
<https://www.slc.gov/planning/2021/06/04/kensington-bryan-avenue-alley-vacation/>

If you have any questions about the petition, please feel free to contact me.

Sincerely,

AARON BARLOW, AICP
Principal Planner
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

CELL 385-386-2764
EMAIL aaron.barlow@slcgov.com

www.SLC.GOV/PLANNING
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Jason Stevenson



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Jason Stevenson



Barlow, Aaron

From: ANNE CANNON [REDACTED]
Sent: Thursday, June 17, 2021 4:27 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Kensington/Brian Avenue alley vacation

Aaron,

The board members of the Wasatch Hollow community Council met on June 9 and discussed the Kensington /Brian Alley vacation. Concern was expressed about the canal that runs along the alley. We would like to know how you plan to address this waterway. Otherwise we unanimously approved your request to incorporate the unused alley into the adjacent properties.

There were four members of our board present for this approval.

Sincerely, Anne Cannon Wasatch Hollow community chair

Barlow, Aaron

From: Dave Iltis [REDACTED]
Sent: Thursday, July 15, 2021 7:04 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Kensington / Bryan Avenue Alley Vacation public comments

Dear SLC,

Please do not grant this alleyway vacation. Alleys are important thoroughfares for the residents of SLC, especially those on foot and bike.

This particular alley connects to the McClelland Trail and thus has high value as a potential connector off street for cyclists and pedestrians.

It's appalling that SLC still has no plans or policy in place for alleys in the city. The council and mayor and planning division have been aware of this for years, and have done nothing. Yet, we see every few weeks another application to privatize the public space.

And, if you do privatize this alley, what of those people on the block that want to use it? They will now be blocked.

Please do not grant this.

Thanks,
Dave Iltis
Salt Lake City, UT

Barlow, Aaron

From: Colin Moffat [REDACTED]
Sent: Friday, July 16, 2021 5:24 PM
To: Barlow, Aaron
Cc: Steve & Lisa Black; Sophie Moffat
Subject: (EXTERNAL) Alley Vacation

To whom it may concern,

This email is to show my support for the vacation of the small alley that backs up to our house on Bryan Ave. That we even had an alley was a surprise to me when Steven Black brought up this issue to us. If one were to look up and down our respective back yards where this alley is located one would not recognize or know that there is an alley there. It has sheds and is overgrown brush and trees and probably hasn't been used by a pedestrian or equestrian in over a century. We are in total support for the city to turn this unused small strip of over-brush to the owners who's back yards it abuts to.

Sincerely,

Colin

Colin Moffat
[REDACTED]

Barlow, Aaron

From: Rudy Schenk [REDACTED]
Sent: Sunday, July 18, 2021 2:42 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Kensington & Bryan Ave Alley Vacation Public Comments

Dear Mr Barlow,
I'm writing to comment on the Alley Vacation between Kensington and Bryan Ave and also provide a brief background and response to Mr. Ilits's comments.

I currently reside at 1230 E Kensington Ave so am very familiar with the area and in fact currently reside in the house I grew up in and have owned now for 27+ years. Both living here now and growing up here I can tell you that there has never, in 61 years, actually been an alley between 1200 E (aka McClelland Trail) and Bryan/Kensington Ave up to 1300 E. Perhaps there was in the 1940s but since then any alleyway that existed there has taken over by previous residents. West of my current residence and down to 1200 East each backyard has running water and ponds where the easement would be. East of my residence there has never been an alley, and I would know since I roamed these neighborhoods with reckless abandon as a boy. LOL. I will tell you that north of Kensington Ave there are in fact alleys that are clear and being used, but not from Kensington Ave and south. In other words, a true easement has not existed there in my 61 years of living in the area and specifically in my current residence. That is why I did not have a problem signing the petition for Mr. Steve Black to have the easement vacated.

With respect to Mr. Ittis's request to not remove the easement, clearly he is not at all familiar with the area. There has not been, in 60+ years, access to 1200 East/McClelland Trail from an easement. He may disagree with the process, but in this particular case it's a moot point because any easement that was there was overtaken 2 generations ago by original homeowners.

I hope this brief background and history helps to allay any concerns about the removal on paper of an easement that hasn't existed for years. 😊

I would be happy to discuss further if you have questions.

Best Regards

Rudy Schenk, Home Owner



Barlow, Aaron

From: Melanie Williamson [REDACTED]
Sent: Monday, July 19, 2021 8:14 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Kensington/Bryan Ave 1200 Block Alley Vacation

Hi Aaron

I am responding to the public notice regarding Kensington/Bryan Ave 1200 Block Alley Vacation.

If the purpose for the alley vacation is to expand rental properties into higher density housing, I am against it. It is my understanding that this area is currently used for parking for rentals; if the intent is to build more housing, whether it be new construction of the entire structure or add ons, I am adamantly against it. This part of our little neighborhood is currently single family homes with the exception of a few duplexes used for university housing. The yards are never maintained and look like crap, residents are students so the alley and yard is strewn with beer bottles, cans and trash. All of these MDUs along Bryan and Kensington, and up on 1300, create a dumpy pocket amongst well tended and maintained homes. In addition we deal with late night parties, cars parked up and down the street, and generally residents who don't care about the neighborhood. If the landlords cared at all it might be different but in my opinion the university housing rentals are a blight on an otherwise highly desirable neighborhood.

I'm sure my comments mean nothing and will have no impact but I had to at least voice my opinion.

Melanie Williamson

Barlow, Aaron

From: Gabrielle Johnson [REDACTED]
Sent: Tuesday, July 20, 2021 10:02 AM
To: Barlow, Aaron
Cc: Planning Public Comments
Subject: Re: (EXTERNAL) Planning commission meeting - Kensington Ave Alley Vacation

Follow Up Flag: Follow up
Flag Status: Completed

Oh goodness. Thank you so much for clarifying. There is confusion in the neighborhood as the signage for the project is posted in the McClelland trail alleyway. 😅

I will dispel confusion if I hear it. Yikes!

Thanks again. 🙏

On Tue, Jul 20, 2021 at 9:58 AM Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Gabrielle,

Thank you for your comment regarding this Alley Vacation request. Based on your concerns, it seems like you are speaking about the McClelland Trail. I can reassure you that the place you are describing is not part of this request. That seems to be the McClelland Trail that runs north and south. I imagine it would be challenging to vacate since an important city-owned canal runs underneath the trail. The “alley” in question currently only exists on paper; all adjacent properties have encroached into it. It is a stretch of City-owned property that runs east to west through the back yards of the properties on Kensington and Brian Avenues from 1300 East and stops at the McClelland Trail. I have included a map that will hopefully clarify what I have described.

Please feel free to call or email with any questions or concerns.

Sincerely,

AARON BARLOW, AICP

Principal Planner

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

CELL 385-386-2764

EMAIL aaron.barlow@slcgov.comwww.SLC.GOV/PLANNINGwww.ourneighborhoodscan.com

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From: Gabrielle Johnson [REDACTED]
Sent: Monday, July 19, 2021 9:22 PM
To: Planning Public Comments <planning.comments@slcgov.com>; Barlow, Aaron <Aaron.Barlow@slcgov.com>
Subject: (EXTERNAL) Planning commission meeting - Kensington Ave Alley Vacation

To whom it may concern,

I am a resident at [REDACTED] I am writing to express my deep concern, shock and displeasure with the proposal of vacating the alley. My home would directly "benefit" from Mr. Black's proposal as it would add the land to my property. That being said, it would take away from a very important part of the neighborhood. The alley-way is a community gathering place. Hundreds of folks walk this alley every week. During quarantine, this alley-way reinvigorated the neighborhood and gave the neighbors a place to safely connect while social distancing. More neighborhoods should have alley-ways like ours that foster community, walkability, accessibility and enjoyment. This alley is NOT just for the folks who live adjacent to it, but rather all people in our community to gather, exercise and enjoy a stroll, bike-ride or otherwise. To remove this alley, removes an essential necessity of the community. There are few places where toddlers can safely learn to ride their bikes, neighbors can sit and gather, women can walk alone after dark - the list goes on. This proposal should not be allowed without tremendous consideration of its consequences, both intended and not.

Thank you for considering this commentary. I will be joining the public hearing.

Sincerely,

Gabrielle Johnson

ATTACHMENT F – CITY DEPARTMENT REVIEW

Transportation (Michael Barry): Transportation has no issue with this alley vacation.

Engineering (Scott Weiler): Generally, Engineering opposes vacation of public ways.

Public Utilities (Jason Draper): No public utility issues with the proposed vacation. The “McClelland Trail” is a Public Utilities right of way for the Jordan and Salt Lake Canal. No access or access through these properties through the canal property is allowed.

Zoning (Alan Michelsen): No Zoning concerns.

Building Services (Heather Gilrease): No issues

Building Services – Fire (Ted Itchon): *No comments*

Rocky Mountain Power (Michael Lange): While many RMP lines in Salt Lake City run through the interior of blocks without a utility easement, RMP prefers to have an easement, when possible, to access power lines. 20-foot wide easements are preferred, but establishing the existing 11-foot wide alley as a utility easement would be acceptable.