



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Diana Martinez, Principal Planner, diana.martinez@slcgov.com, 801-535-7215
Date: February 8, 2023
Re: PLNPCM2022-00802 Alley Vacation -approximately 2167 S. 800 E.

ALLEY VACATION

PROPERTY ADDRESSES: The alley abuts 4 individual properties as follows:
801 E., 809 E., 815 E., and 825 E. Wilmington Ave.

MASTER PLAN: [Sugar House Community Master Plan](#)

ZONING DISTRICT: R-1-5,000 (Single-Family Residential District)

COUNCIL DISTRICT: District #7, represented by Amy Fowler

REQUEST:

This is a request from Denise Vance, the property owner of 815 E. Wilmington Avenue, to vacate the 7.3-foot-wide alley that runs west to east within the block north of Wilmington Avenue. The alley in question is a 156.75-foot-long portion of the alley between 800 and 900 East. The remainder of the alley to the east would remain open.

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:

- [Vicinity Map](#)
- [Property & Vicinity Photos](#)
- [Analysis of Standards](#)
- [Public Process and Comments](#)
- [Department Review](#)

PROJECT DESCRIPTION AND BACKGROUND:

Denise Vance, the owner of 815 E. Wilmington Avenue, submitted this petition. The portion of the alley being requested to be vacated is part of the platted Forest Dale Addition Subdivision. All four property owners that abut this portion of the alley, and who are also in this subdivision, have signed the petition

to vacate the 7.3-foot-wide section of public alley that runs west to east within the block north of Wilmington Avenue. The alley in question is a 156.75-foot-long portion of the alley between 800 and 900 East. This portion of the alley has been used by the resident at 2167 S. 800 E. for many years as a driveway. It has been blocked with a fence at the backside of the resident's property and is not used as a public right-of-way as it is impassable.

The remaining portion to the east, that is not included in this vacation request, is used as a public right-of-way and serves two properties access to garages and parking area. The western portion of the alley does not appear to be heavily used as it is covered with vegetation and dirt that has increased the grade of the road. The condition of that portion of the alley would make vehicular traffic more difficult. In addition, there is a second fence that has been put up by another abutting neighbor, this fence is approximately 70-feet from the East end portion of the alley vacation request area. There are only a few properties that use it as an access point to their properties and garages, these properties are closer to the East side of the alley way. This proposed vacation would not impact access to those properties.



*Area highlighted in **Yellow**=portion of alley requested to be vacated*

*Area outlined in **Red**= portion of alley not to be vacated -usable public right-of-way*



View of 2167 S. 800 E. – portion of alley requested to be vacated is currently used as a driveway for this residence

Aerial photo from August 2003, on Google Earth, looks like there are cars parked in the subject portion of alley. Much clearer aerial photos, as early as 2013 show the subject portion was being used as a driveway and it is apparent that there are structures further east along the alley portion that are blocking it from the other side.

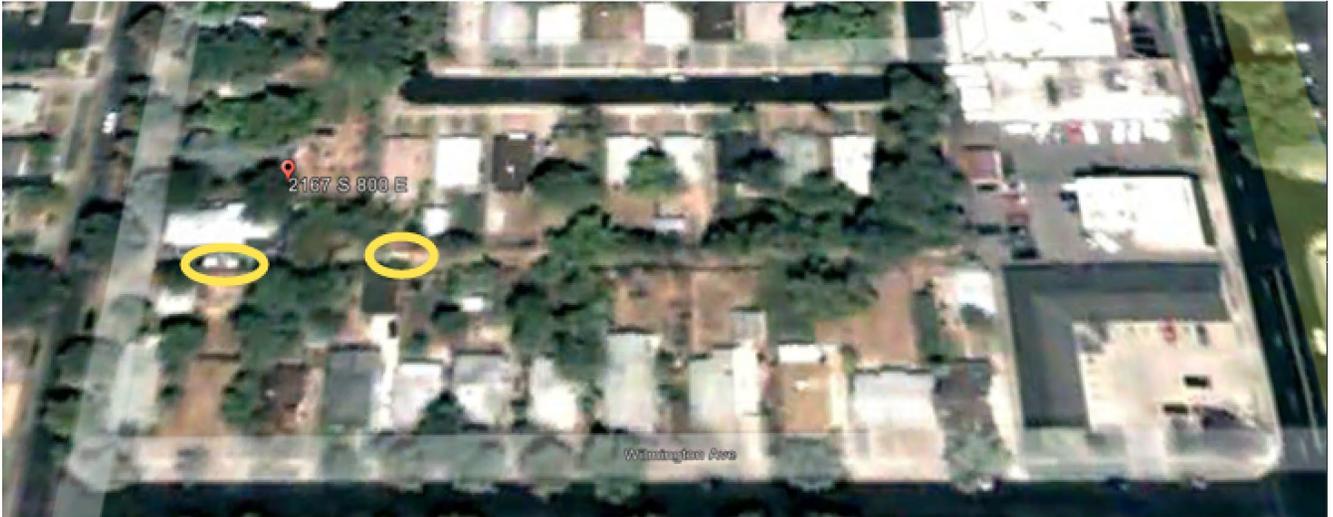


Photo -August, 2003 (Courtesy of Google Earth)

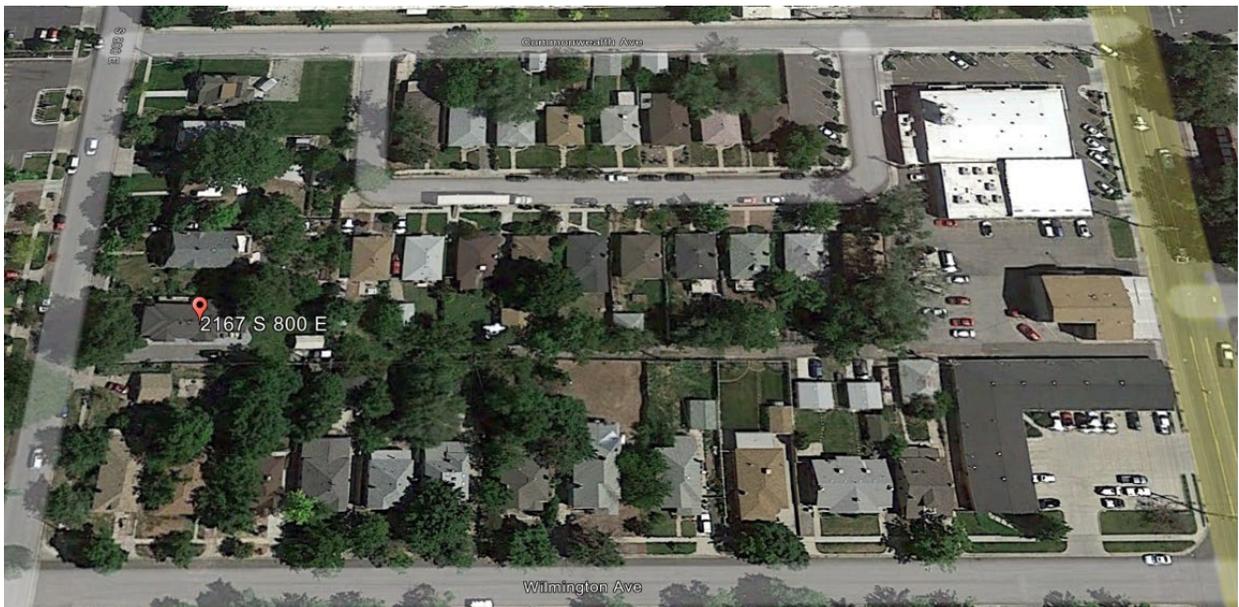


Photo -June, 2013 (Courtesy of Google Earth)

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. Master Plan Considerations
3. Alley Existing Conditions
4. 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 seventy-five percent (75%) of the neighbors owning property which abuts the subject alley property.”. Since the portion of alley being requested to be vacated is part of the Forest Dale Addition Subdivision, it is those abutting property owners that live off Wilmington Avenue, who are in that subdivision, that must sign the petition for this request. All four of the abutting neighbors (100% of abutting property owners to the portion of alley in the request) have signed the petition supporting the vacation.

Although the property owners of 2167 S. 800 E. are abutting the section of the alley, and have been using it as their driveway, their property is not in the Forest Dale Addition Subdivision and therefore, they can not be part of the petition to vacate that portion of the alley.

As of the day of publishing this report, staff has not received any comments opposing the vacation. This issue is also addressed in [Attachment C – Analysis of Standards](#).



*Area highlighted in **Yellow**=portion of alley requested to be vacated*

*Area highlighted in **Red**= portion of alley not to be vacated -usable public right-of-way*

*Area in **Green**= abutting neighbors in Forest Dale Addition Subdivision, who would be conveyed the portion of alley property if approved.*

Consideration 2: Master plan Considerations

Sugar House Master Plan:

In Sugar House, alleys have traditionally been incorporated into development patterns and many alleyways currently serve both residential and commercial use. This is one of the factors that contribute to the pedestrian orientation that many of the well-established neighborhoods embody. However, due to maintenance and general access issues, the abutting property owners to an alley frequently request that the City vacate the property. It has been the practice of the City that if approved, the alley is divided equally, and ownership is transferred to the adjacent property owners.

Transferring ownership of property that was once a City right-of-way, has been a source of concern for the community. Although expedient if the City's responsibility for maintenance is relieved, the long-term loss of resources creates a cumulative impact upon the public access routes. Given these complex issues, the City Council has discussed developing revisions to the existing alley vacation policy. (pg. 10/Sugar House Community Master Plan)

Plan Salt Lake

Initiative 8.8 echoes this sentiment, recommending "increased connectivity through mid-block connections" (p.31). Although the alley was platted through the Forest Dale Addition Plat to run from 800 East to 900 East, the portion of alley being requested for vacation, has been used as a driveway for the property at 2167 S. 800 E. for decades, has been blocked by fences and has been in disrepair with piles of dirt and debris.

Consideration 3: Alley Existing Conditions

This portion of alley appears to exist only on paper, since it has been used as a driveway for the dwelling at 2167 S. 800 E. for decades. This portion of alley is not being used as a public right-of-way, since it has no vehicular or pedestrian access to the east portion of the alley.

The alley, platted with the Forest Dale Addition Subdivision, runs between 800 East and 900 East. The portion of the alley requesting to be vacated, is the area from 800 East to the east property line of the property at 2167 S. 800 E. This area is 7.3' wide and 156.75' long.

The alley way is blocked by two fences. The first blocking fence is located at the rear property line of 2167 S. 800 E. going across the alley and by a second fence approximately 70' farther from the first fence, making it approximately 227-feet (from 800 East) of alley that is not used as public right-of-way. As mentioned earlier in this report, much of the remaining alley is not currently used due to the existing conditions of the alley.



Consideration 4: Future Public Use of the Alley

An issue that often comes up with Alley Vacation proposals is potential 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 a utility easement within the existing alley right of way would preserve access for public utility providers.

This portion of alley has been in this unusable state for decades, and therefore, has caused the community to use other options to get through the block. There are two West to East streets parallel to this alley, Wilmington Avenue and Commonwealth Avenue that allow pedestrian and vehicular traffic. In addition, there is a horseshoe shaped street just north of the alley that brings traffic from the businesses along 900 East to connect with Commonwealth Avenue. There is also the Sugarhouse S-Line streetcar and trail is also within two blocks of the alley way for pedestrian use.

DISCUSSION:

The alley closure has been reviewed against the standards for alley vacations in Attachment C. 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. The proposed vacation request is mostly in line with the adopted Sugar House Community Master Plan & 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 – Vicinity Map

Vicinity Map



Salt Lake City Planning Division 1/23/2023

ATTACHMENT B – Property & Vicinity Photos



*Area highlighted in **Yellow**=portion of alley requested to be vacated*

*Area highlighted in **Red**= portion of alley not to be vacated -usable public right-of-way*

(Courtesy of Google Maps)



View from 800 E. looking to the East – property at 2167 S. 800 E.



View looking East – powerlines along alley on south side



Looking East from 2167 S. 800 E. rear property line (chain-link fence) – light wood fence is beyond portion of alley vacation request area



Looking west -alley way blocked by fence and grade change- just passed the portion within the alley vacation request



Looking West – midway of the alley



View of the alley from the East -looking west



900 East end of the alley – between two commercial buildings on 900 E.



Looking West from 900 East (Courtesy of Google Street View)

ATTACHMENT C – 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. The alley has been blocked off with a fence at a point approximately 227-feet from 800 East.</p> <p>Significant encroachments: two fences erected across the alley width, multiple fences from abutting neighbor’s properties protruding into the alley way, piles of dirt -which have increased the grade height-, and a portion of an accessory building now make it impassable to vehicles and pedestrians.</p> <p>Establishing the public way under existing conditions would require substantial effort and resources with limited payoff. In addition, this portion of the alley narrows to 7.3-feet rather than the typical 13-feet which makes it difficult for vehicular traffic.</p> <p>Establishing a utility easement within the existing alley right of way would preserve access for public utility providers.</p> <p>Public Safety is also a concern for the need to have this alley portion vacated. There have been criminal issues at this location (according to the applicant and other neighbors) and unhoused persons camping along the alley way. Evidence of this was apparent on the site visit, there were articles of clothing and other personal items on the side of the alley way. However, there have been no official reports submitted substantiating this claim.</p>	<p>Complies</p>

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
<p>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;</p>	<p>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).</p>	<p>Does Not Comply</p>
<p>2. The petition meets at least one of the policy considerations stated above;</p>	<p>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 for decades. The applicant purchased the dwelling at 2167 S., in 1999 and this portion of the alley was not being able to be utilized.</p>	<p>Complies</p>
<p>3. The petition must not deny sole access or required off-street parking to any adjacent property;</p>	<p>None of the abutting properties use the subject alley for required off-street parking.</p>	<p>Complies</p>
<p>4. The petition will not result in any property being landlocked;</p>	<p>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.</p>	<p>Complies</p>
<p>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;</p>	<p>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.</p> <p>The community has used other options for going through this block for many decades. The other options are Wilmington Avenue and Commonwealth Avenue which are both West to East neighborhood roads, on either side of the alley.</p>	<p>Complies</p>
<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>There has been no opposition to this alley vacation request. 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>Only a portion of the alley is being requested to be vacated, this portion has been used as a driveway for the property to the north of it (2167 S. 800 E.), for many years. The east portion of the alley closer to 900 East currently only serves two properties. A duplex (two garages) at 861 E. Wilmington Ave. and a dwelling that has parking off the alley at 841 E. Wilmington Ave. All other properties that abut this alley are fenced off from any access to it. Even with the proposed alley vacation those other properties would be able to use the alley for access if desired.</p>	<p>Does not comply</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 D – 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 Sugar House Community Council Chair on November 22, 2022.
 - The Community Council has submitted a letter which is attached to this Staff report.
- An early notification announcement was sent to all abutting property owners of the subject portion of alley requesting to be vacated on November 22, 2022, with information about how to provide public comment.
- Additionally, a notice of neighborhood project was sent to neighbors within 300' of the alley portion, was sent on January 23, 2022, with information about 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 February 3, 2023
 - Public notice posted on City and State websites and Planning Division listserv on February 3, 2023



December 20, 2022

TO: Salt Lake City Planning Commission

From: Judi Short, Vice Chair and Land Use Chair
Sugar House Community Council

RE: PLNPCM2022-00802 2167 S 800 East Alley Vacation

This was posted in the Sugar House Community Council newsletter for December, and we discussed it at our January 9 Land Use and Zoning committee. We received no comments about this, and all the adjoining neighbors had already signed the application to close the alley. No one had any objections, and we wondered why this had not been closed many years ago. It is certainly not drivable.

We ask that you approve this alley closure.

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ATTACHMENT E – City Department Review

Transportation (Kevin Young):

Transportation has no issue with this alley vacation.

Engineering (Scott Weiler):

Generally, Engineering opposes vacation of public ways.

Public Utilities (Kristeen Beitel):

No public utility issues with the proposed vacation.

Building Services – Fire (Douglas Bateman):

No comments

Police – (Scott Mourtgos):

No concerns