



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: June 28, 2023
Re: PLNPCM2023-000225: Alley Vacation -located north of 827 E. Wilmington Ave.

ALLEY VACATION

PROPERTY ADDRESSES: The alley abuts four individual properties as follows:
825 E., 827 E. 829 E. Wilmington Ave. and 820 E., 826., and 830 E. Elm Ave.
MASTER PLAN: [Sugar House Master Plan](#)
ZONING DISTRICT: [R-1-5,000 \(Single-Family Residential\)](#)
COUNCIL DISTRICT: District #7, represented by Amy Fowler

REQUEST:

Russell Bollow is requesting approval for an alley vacation, located north of 827 E. Wilmington Ave, to vacate (or to give up public ownership of) a portion of a public alley approximately 17.3 feet by 119 feet, starting at a point 156.75 ft from 800 East. If approved, this section of the alley would be divided and given to the property owners abutting the area of the alley vacated.

RECOMMENDATION:

Based on the findings and analysis in this report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Property & Vicinity Photos](#)
- C. [Analysis of Standards](#)
- D. [Public Process and Comments](#)
- E. [Department Review](#)

PROJECT DESCRIPTION AND BACKGROUND:

Rusty Bollow, the owner of 827 E. Wilmington Avenue, submitted this petition. All six owners of the abutting properties (along Wilmington Ave. and Elm Ave.) have signed the petition to vacate the 14.8-foot-wide section of a public alley that runs west to east within the block north of Wilmington Avenue. The alley in question is a 156.75-foot-long stretch between 800 and 900 East. The portion of the alley in

this application being requested for vacation begins 156.75 feet from 800 East and runs 119.25 feet to the east.

This requested portion of the alley being asked for vacation is an extension of a portion requested to be vacated in a prior application -PLNPCM2022-00802 (shown in yellow in the aerial below). The previous application came before the Planning Commission on February 8th, 2023, and a favorable recommendation to be sent to the City Council was voted on 10-1.

This new portion, being requested to be vacated, has been blocked with a fence at the backside of the applicant's property, is not used as a public right-of-way, and is impassable to travel.

The remaining portion, not included in this vacation request, is used as a public right-of-way, and there are a few properties that use it as an access point to their properties and garages from the alleyway. Therefore, these properties would not be impacted by this proposed alley vacation.



The yellow line is the previous alley vacation portion of application PLNPCM2022-00802.

The orange line is the current portion of the alley requested to be vacated.

As shown in the previous application PLNPCM2022-00802, the west end of the alleyway has been used as a driveway for the dwelling at 2167 S. 800 E. for multi-decades. Therefore, the alley has only been used partially between 800 East to 900 East. This new portion of the alley has also been blocked off by added fencing and soil, which has increased the grade of the alleyway.



Photo -June 2015 (Courtesy of Google Earth)

APPLICABLE REVIEW PROCESSES AND STANDARDS:

Review Processes: Alley Vacation

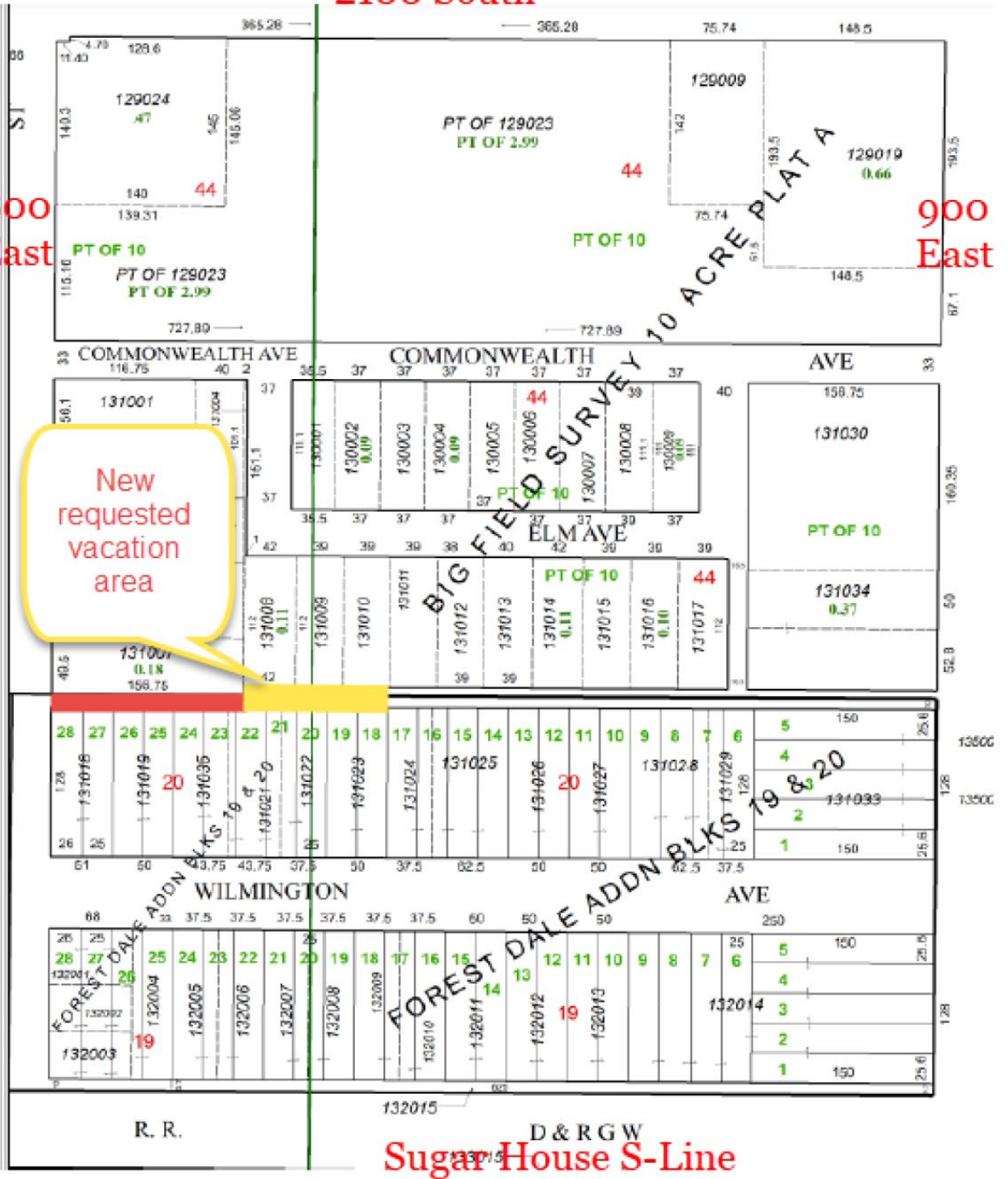
Alley Vacation requests must fulfill one of four policy considerations in [section 14.52.020 of the City Code](#): Lack of Use, Public Safety, Urban Design, or Community Purpose. Requests are also reviewed against the factors found in [14.52.030.B](#). Staff's analysis of the policy considerations, and other factors can be found in [Attachment C – 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 will convey half of the alley to the abutting property owners on each side. The City Attorney's office would establish any required easement with the Salt Lake County Recorder's office.

2100 South

800 East

900 East



New
requested
vacation
area

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

Consideration 1: Property Owner Consent

[Section 14.52.030.A.1 of the 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.” Six of the abutting property owners (100% of the property owners abutting the portion of the alley in the request) signed the petition supporting the vacation. This issue is also addressed in [Attachment C – 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 C – Analysis of Standards](#).

Consideration 3: 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 factor contributing to the pedestrian orientation that many of the well-established neighborhoods embody. However, due to maintenance issues, the abutting property owners to an alley frequently request that the City vacate the property. Therefore, 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 on the public access routes.

Plan Salt Lake

Initiative 8.8 echoes this sentiment, recommending “increased connectivity through mid-block connections” (p.31). However, since a portion of the alley at the west end has been used as a driveway for the dwelling at 2167 S. 800 E., the entire alleyway has not had connectivity from 800 East to 900 East for several decades.

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 most adjacent property owners support the closure. Further, the proposed vacation does not conflict with City policies in the Sugar House 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. Public hearings are held before the Planning Commission and City Council to consider the potential adverse impacts of 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.

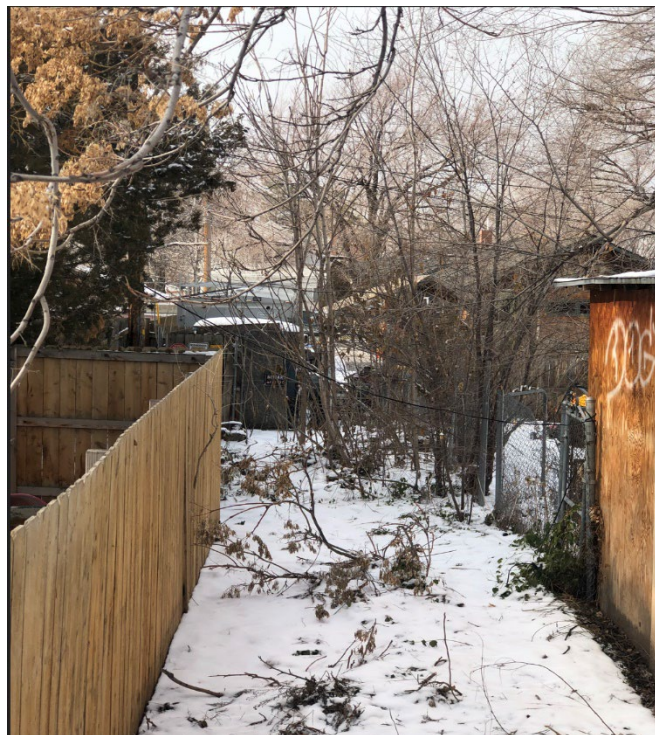
ATTACHMENT A – Vicinity Map



ATTACHMENT B – Property & Vicinity Photos



The portion of the alleyway requested to be vacated



The fence on the left protrudes into the alleyway



View from the East -looking west at the fencing blocking the alleyway



View from the East – looking west down the alley



View from the East near 900 East -East portion of the alley way

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 using the alley in favor of 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. The alley has not been used as a public right of way for a long time, and significant encroachments now make it impassable to vehicles and pedestrians. Establishing the right-of-way under existing conditions would require substantial effort and resources with limited payoff.</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 entire alleyway has not been used since it was blocked from 800 East to 156 feet to the east by being used as a driveway for the dwelling at 2167 S. 800 E. Also, another fence has been blocking the alley portion, and an increased grade has kept the alley portion from being used by vehicles, bicycles, and pedestrians.</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 that is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy that address, but 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 contrary to City policies. Therefore, the residential character of the block would remain essentially the same.</p> <p>Sugar House Community Master plan states that alleys provide relief to the street system and secondary access to individual parcels (p.10). Plan Salt Lake Initiative 8.8 echoes this sentiment, recommending “increased connectivity through mid-block connections” (p.31).</p>	<p>Complies</p>

<p>6. No opposing abutting property owner intends to build a garage requiring access from the property or has made an 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. However, as of the publishing date of this report, the Building Services Division has yet to receive 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's 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. Most of the alley to the east would continue to be used as an alley and accessway for some of the abutting residential properties.</p>	<p>Does not comply</p>
<p>8. The alley is optional for actual or potential rear access to residences or 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. In addition, all written comments 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 April 3, 2023.
 - The Community Council has submitted a letter attached to this Staff report.
- An early notification announcement was sent to all abutting property owners of the subject portion of the alley requesting to be vacated on April 3, 2023, with information about how to provide public comment.
- Planning Staff has received no comments in opposition to this application.
- Notice of the public hearing for the proposal included:
 - Public hearing notice mailed on June 23, 2023
 - Public notice posted on City and State websites and Planning Division listserv on June 23, 2023.
 - Public notice was posted on the property on June 15, 2023.



April 21, 2023

TO: Salt Lake City Planning Commission

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

RE: PLNPCM2023-00225 827 E Wilmington Avenue Alley Vacation

Several months ago, we recommended approval for the west side of this alley abutting 800 East. We had no negative comments about that project. Now this is doing another three properties going east up that same alley. We presented this at the SHCC Land Use and Zoning meeting April 17, and Diana had a more detailed map to show us. There were no comments, and everyone in the room was in favor of closing this alley. Below is the only written comment I received:

"Alley Vacation:

Yes, makes sense. Too bad one person on the alley doesn't want it."

We recommend that you approve this alley vacation.

ATTACHMENT E – City Department Review

Transportation (Jena Carver):

Due to the lack of use of this portion of the alley and the previous alley vacation to the west, I recommend approval of the proposed 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 comments.