



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer, Policy Analyst

DATE: April 8, 2025

RE: Alley Vacation Near 2680 South Chadwick Street
(PLNPCM2024-00973)

Item Schedule:

Briefing: April 8, 2025

Set Date: April 15, 2025

Public Hearing: May 6, 2025

Potential Action: May 20, 2025

ISSUE AT-A-GLANCE

The Council will be briefed about a proposal to vacate an approximately 810-foot by 12-foot alley between Beverly and Chadwick Streets (~1400 East). The alley runs between 2700 South and about 2615 South, south of Stratford Avenue in City Council District Seven as shown in the image below.

The subject alley is blocked at several points by utility poles, garages and sheds, walls and fences, and vegetation. All Chadwick Street properties abutting this alley have open enforcement cases for encroachment. It is worth noting that the applicant's garage encroaching into the alley was permitted by the City in error. Another garage encroaching into the alley was issued a permit in 2005, but it is unknown if the approved plans followed the property line.

If approved by the City Council, the alley property would be divided in half and given to the abutting property owners.

Planning staff recommended the Planning Commission forward a positive recommendation to the City Council. The Commission reviewed this petition at its January 8, 2025 meeting and held a public hearing at which no one spoke. **The Commission voted 5-2 to forward a positive recommendation to the City Council for the proposed alley vacation.** One Commissioner who was opposed to the vacation cited concerns with closing an alley that could be used to access properties in the future. She also feels encroachments creating a lack of use are not a satisfactory reason to use that factor. The other Commissioner opposed to the vacation did not indicate why.

Goal of the briefing: Review the alley closure and determine if the Council supports moving forward with the proposal.





*Aerial image showing properties abutting the subject alley.
 Owners of properties outlined in red signed a petition supportive of the alley vacation.
 Note-A separate alley behind homes at 1382, 1398, 1402, and 1408 East Stratford Avenue
 at the top of the image are not included in the proposed alley vacation.
 Image courtesy of Salt Lake City Planning Division*

POLICY QUESTION

1. The Council may wish to discuss with the Administration options for resolving City enforcement on a structure encroaching into the alley that was approved by the City.

ADDITIONAL INFORMATION

In March 2023 the applicant submitted plans for a garage to be constructed at the rear of his property. The plans incorrectly included a portion of the alley as part of the applicant's property. As discussed above, the

plans were mistakenly approved by the City, a permit was issued, and the garage was built. In May 2024 a civil enforcement case was initiated against the applicant's property for encroachment into the alley and a warning letter was sent.

Planning staff noted that if the alley is vacated and the property is divided equally between property owners on both sides of the alley, it might not bring all properties into compliance. Further discussions about potentially adjusting property lines would be private matters and not involve the City.

City Department Review

Attachment I, pages 40-41 of the Planning Commission staff report includes comments from City department review of the proposal. These are summarized below. Please see the staff report for additional information.

The Engineering Division discussed structures encroaching into the alley built without proper notice but did not express opposition to the alley vacation. An existing Rocky Mountain Power easement was also mentioned and the requirement to maintain access for the company to service its lines. No other responding departments or divisions expressed concerns with the proposal.

KEY CONSIDERATIONS

Planning staff identified four key considerations during analysis of these proposals which are found on pages 4-5 of the Planning Commission staff report and summarized below. For the complete analysis please see the staff report.

Consideration 1 – Property Owner Consent

City code requires a minimum of 75% of property owners abutting alleys being considered for vacation sign a petition expressing support. There are 32 property owners abutting the alley and 27 (84%) signed the petition. Three additional property owners were not available to sign the petition but verbally expressed support.

Consideration 2 – Policy Considerations

Planning staff found that with obstructions from utility poles, structures, vegetation, and its current condition, the proposed alley vacation satisfies the Lack of Use policy consideration included in the table below.

Consideration 3 – Community Plan Considerations

Planning staff reviewed how the proposed alley vacation aligns with the *Sugar House Plan* and *Plan Salt Lake*. Both plans support connectivity and circulation within neighborhoods, and alleys can help provide these connections. However, Planning staff noted the alley has been unusable for many years and does not provide access for any abutting properties. It is Planning's opinion that closing the alley will not impact community access to public spaces.

Consideration 4 – Current Condition of the Alley

As discussed above, numerous obstructions from utility poles, fences, structures, and vegetation make the alley inaccessible. It appears the alley only exists on paper and there is no evidence indicating it was ever paved.

ANALYSIS OF STANDARDS

Attachment E (pages 13-15 of the Planning Commission staff report) includes factors to consider when reviewing alley vacation requests. The following is a summary of what is in the staff report. Please see the report for additional information.

Factor	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><i>A - Lack of Use</i>- 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><i>B - Public Safety</i>- 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><i>C - Urban Design</i>- The continuation of the alley does not serve as a positive urban design element.</p> <p><i>D - Community Purpose</i>- 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>Complies</p> <p>Planning staff found the alley vacation request is consistent with policy consideration A – Lack of Use.</p>

Section 14.52.030.B *Salt Lake City Code* directs the Planning Division to analyze factors in the following table. Planning staff found the proposed alley meets six of the eight factors.

Factor	Planning Staff Finding
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.	Complies
The petition meets at least one of the policy considerations stated above.	Complies with Policy Consideration A – Lack of Use.
The petition must not deny sole access or required off-street parking to any adjacent property.	Complies
The petition will not result in any property being landlocked.	Complies
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.	Complies
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.	Complies
The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies

The alley is optional for actual or potential rear access to residences or for accessory uses.	Complies
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PROJECT CHRONOLOGY

- August 28, 2024 – Petition submitted to Salt Lake City Planning Division.
- September 27, 2024 – Petition deemed complete.
- October 1, 2024 – Petition assigned to Ben Buckley, Principle Planner.
- October 16, 2024 –
 - Notice sent to Sugar House Community Council and Sugar House Chamber of Commerce.
 - 45-day input period begins. The community council sent an email expressing support for the alley vacation. No other comments were received by Planning or Council staff as of the date this report was written.
 - Early notification letter sent to abutting property owners and tenants within 300 feet of the alley requested to be vacated.
- December 19, 2024 – Public hearing notice signs posted on the property.
- December 24, 2024 – Public hearing notices mailed.
- December 26, 2024 – Public hearing notices posted on City and State websites, and posted on the Planning Division listserv.
- January 8, 2025 – Planning Commission held a public hearing and voted 5-2 to forward a recommendation of approval to the City Council.
- January 9, 2025 – Ordinance requested from Attorney's Office
- March 5, 2025 – Ordinance received from Attorney's Office.
- March 19, 2025 – Transmittal received in City Council Office.

ALLEY CLOSURE PROCESS

The alley closure process is dictated by Chapter 14.52 *Salt Lake City Code* which is included below for reference.

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 seventy five percent (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.

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. 22-19, 2019: 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)