



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: October 17, 2023

RE: 1518 South 300 West Alley Vacation
PLNPCM2023-000408

Item Schedule:

Briefing: October 17, 2023

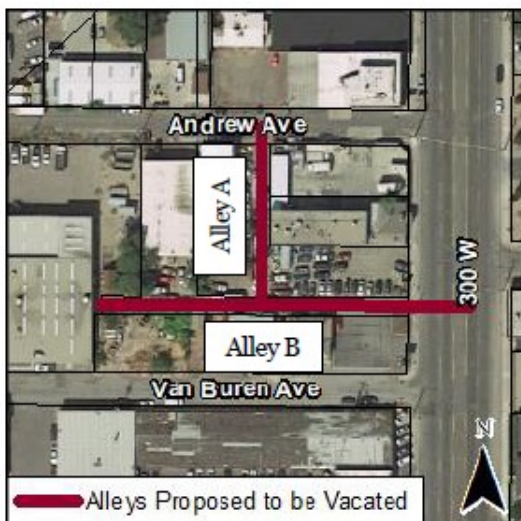
Set Date: October 17, 2023

Public Hearing: November 7, 2023

Potential Action: November 14, 2023

ISSUE AT-A-GLANCE

The Council will be briefed about a proposal to vacate two City-owned alleys near the above address, west of 300 West and between Andrew and Van Buren Avenues in Council District Five as shown in the image below provided by the Planning Division. One alley (referred to from this point as “Alley A”) runs north/south between Andrew and Van Buren Avenues. It is approximately 16.5 feet wide and 149 feet long. The other alley (referred to from this point as “Alley B”) runs east/west between 300 West and the east property line of 352 West Van Buren Avenue. It is approximately 16.5 feet wide and 300 feet long. The



petitioner owns all seven parcels that abut the subject alleys.

Alley B previously continued to 400 West before that street and a portion of the alley were vacated in 1974. Another segment of the alley was closed in 1997, resulting in the current alley configuration.

Alley A is paved and appears to be used as parking for a towing yard and auto body shop at 325 West Andrew Avenue. It is fenced off and obstructs access to the western portion of Alley B. Alley B is gravel and passable to the point where it intersects with Alley A. West of the alley intersection, Alley B is fenced off, restricting public access. The portion of Alley B west of the fence has deteriorated pavement, making it no longer passable.



The petitioner proposes demolition of buildings abutting the subject alleys and incorporating the alley property into a multi-family development. That potential development is not part of the alley vacation petition before the Council and will not come to the Council as there is not a request to rezone the property. Applications for design review and planned development have been submitted to the Planning Division and will be reviewed by the Planning Commission in the future.



Image showing abutting parcels owned by the petitioner's client outlined in yellow.

Area zoning is CG (General Commercial).

Image courtesy of Salt Lake City Planning Division

The Planning Commission reviewed this petition during its August 23, 2023 meeting and held a public hearing at which the petitioner was the only person who spoke. The Commission followed Planning staff's recommendation and voted 7-0 to forward a positive recommendation to the Council for the proposed alley vacations, with the following conditions:

- The property owner enters into a development agreement with the City that requires creation of a public access midblock walkway between Andrew and Van Buren Avenues where the midblock walkway is between buildings on both the east and west sides that are in common ownership.
- No portion of the alleys shall purport to be conveyed until at least 60 days after a final decision by the City Council.

During City department and division review of the alley vacation petition, no responding department or division objected to the proposed alley vacation. Public Utilities noted that there is a water meter on 300 West near Alley B, and it must remain in the public right-of-way.

Goal of the briefing: *To review the proposed alley closure, address questions Council Members may have and prepare for a public hearing.*

POLICY QUESTION

1. Does the Council support the Planning Commission's recommended conditions relating to the mid-block walkway for the alley closures?

ADDITIONAL INFORMATION

Alley vacation requests receive three phases of review, as outlined in section 14.52.030 *Salt Lake City Code* (see pages 6-7 below). 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.

Quiet Title Claim

The alleys proposed to be vacated were the subject of a 2022 quiet title lawsuit to confirm ownership of the alley property. A judgement granted title to the alley property to the applicant, but the City was not named or served as part of the lawsuit, so the judgement is not binding on the City.

The judgement was recorded by Salt Lake County and the alley property was mistakenly identified by the County as belonging to the applicant. To clarify that the alley property is still owned by Salt Lake City, a notice of public alleys (found in Attachment D (pages 27-30 of the Planning Commission staff report)) was required of the applicant. It is being held in escrow by the City Attorney's Office pending the City Council's decision on the proposed alley vacation request.

Key Considerations

Planning staff identified five key considerations connected to this alley vacation. A short description of each issue is provided below for reference. Please see pages 5-6 of the Planning Commission staff report for full analysis of these issues.

Consideration 1: Property Owner Consent

Section 14.52.030.A.1 Salt Lake City Code requires a minimum of 75% of abutting property owners sign a petition to vacate a City owned alley. As noted above, all seven abutting parcels are owned by the petitioner's client.

Consideration 2: Policy Considerations

Planning staff found the fenced off portion of Alley B satisfies policy consideration C-Urban Design as outlined in Section 14.52.020 *Salt Lake City Code*. Alley A and the eastern portion of Alley B could satisfy policy consideration B-Public Safety, based on comments received from the Police Department and Sustainability, though the petitioner did not raise this as a concern.

Consideration 3: Master Plan Considerations

Planning staff noted that the *Central Community Master Plan* does not address alley vacations within the People's Freeway area where the alleys are located. However, the master plan and *Plan Salt Lake* both recommend midblock walkways for pedestrian connections.

It is Planning staff's opinion that a midblock private right-of-way connecting Andrew and Van Buren Avenues could break up the block. They also suggested that Alley A property could be vacated in exchange for this midblock connection.

Consideration 4: Nature of the Alley

As discussed above, Planning staff found that Alley A is fenced off and used as parking for an adjacent business, so not accessible to the public. Alley B is mostly gravel, and partially accessible to the public. Beyond the fence, it is used for outdoor storage and parking. The surface is deteriorated and likely not passable. That section is not currently publicly accessible.

Consideration 5: Future Public Use of the Alley

Alley vacation proposals generally include considering potential beneficial future uses of the alley for trails, ADU or garage access, and to retain access for utilities and services.

If the gate blocking Alley A was removed and vehicles and other items stored there were cleared out, this alley could provide access from Andrew Avenue to the interior of the block, but it does not extend through to Van Buren Avenue. An option to consider is a development agreement requiring replacing the alley with a private right-of-way that provides a mid-block connection between Andrew and Van Buren Avenues. This would break up the large block and provide access beyond what the alley could. Planning staff determined preserving Alley B would not implement good urban design.

ANALYSIS OF STANDARDS

Attachment E (pages 35-39 of the Planning Commission staff report) is an analysis of factors City Code requires the Planning Commission to consider for alley vacations (Sections 14.52.020/.030.B *Salt Lake City Code*). In addition to the information above, other factors are summarized below.

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:

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 or 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.

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.

Planning staff found the requested Alley A vacation complies with policy considerations C-Urban Design, with a condition that a mid-block connection between Andrew and Van Buren Avenues is constructed. Planning found the requested Alley B vacation also complies with policy consideration C-Urban Design.

14.52.030.B - A positive recommendation from the Planning Commission to the City Council should include an analysis of the following factors:

Factor	Planning Staff Finding
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;	Complies
The petition meets at least one of the policy considerations stated above;	Alley A: Complies, with conditions discussed above. Alley B: Complies
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;	Alley A: Complies, with conditions discussed above. Alley B: 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's preference for disposing of an entire alley, rather than a small segment of it; and	Complies
The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies

PUBLIC PROCESS

May 26, 2023 - Petition received by Planning Division.

May 31, 2023 – Petition assigned to Michael McNamee, Principal Planner.

June 9, 2023 - Planning staff sent an early notification announcement of the project to all residents and property owners living within 300 feet of the project site providing information about the proposal and how to give public input on the project.

June 14, 2023 - Information about the proposal was sent to the Chair of the Ballpark Community Council to solicit public comments and start the 45-day Recognized Organization input and comment period.

July 31, 2023 - The 45-day public comment period for Recognized Organizations ended. No formal comments have been submitted to staff by the recognized organizations to date related to this proposal.

August 9, 2023 - Public notice posted on City and State websites and sent via the Planning list serve for the Planning Commission meeting of June 28, 2023. Public hearing notice mailed.

August 13, 2023 - Public hearing notice sign with project information and notice of the Planning Commission public hearing physically posted on the property.

August 23, 2023 - Planning Commission review and public hearing. The Commission voted 7-0 to forward a positive recommendation to the City Council for the proposed alley vacations, with conditions.

August 24, 2023 - Ordinance requested from the Attorney's Office.

September 14, 2023 - Signed ordinance sent to Planning Division from Attorney's Office.

October 9, 2023 - Transmittal received in City Council Office

The process for closing or vacating a City-owned alley is outlined in Section 14.52 *Salt Lake City Code*.

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.

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 onsite 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. 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.