

**ITEM A-8**

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**MEMORANDUM**

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**DATE:** May 6, 2002

**TO:** Council Members

**FROM:** Janice Jardine  
Land Use and Policy Analyst

**SUBJECT:** Alley Vacation/Closure Policy

**CC:** David Nimkin, Rocky Fluhart, Roger Cutler, Lynn Pace, Margaret Hunt, David Dobbins, Tim Harpst, Max Peterson, Linda Cordova, Stephen Goldsmith, Brent Wilde, Doug Wheelwright, Cheri Coffey, Janice Lew

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On December 13, 2001, the Council adopted a revised alley policy and requested that an ordinance be drafted. The City Attorney's office has provided a draft ordinance for Council Member review. (Please see attached draft.) The ordinance addresses areas of the adopted policy that deals with legal requirements including policy considerations and petition/application processes.

The Council's action was based on recommendations from a Council subcommittee established to address issues that had been raised relating to the process for closure and/or vacation of existing alleys and the subsequent disposition of the property. Key recommendations included:

1. Shift the focus to consideration of demonstrated public benefit rather than supporting closure/vacation whenever possible.
2. Require an evaluation and documented demonstration of public interest versus private interest. The standard should be to demonstrate an over-riding public purpose, rather than an over-riding private interest.
3. Re-assess current options for disposition of the city's property interest in alleys.
4. Re-evaluate the current procedure and include neighborhood and community council review and comment as part of the public process prior to the Administration formalizing their recommendation to the City Council.

Policy issues addressed during the Council's review process included:

- a. Open space preservation/development – Should alleys be considered public open space and be preserved for the use of all or for future opportunities?
- b. Trails - alternative pedestrian access and corridors.
- c. Consistency with Master Plans policies and recommendations – Some recently adopted master plans advocate keeping alleys open.

- d. Benefit of providing public property to individual taxpayers with no charge (in the case of residential alleys) – Is this appropriate, or should there be a charge since the value of the property is increased?
- e. Evaluation/demonstration of public interest versus private interest – Should the standard be to demonstrate an over-riding public purpose, rather than an over-riding private interest?
- f. Cost of maintenance – potential for Special Improvement District (SID) program to establish a funding mechanism residents could use to pay for maintenance.
- g. Consistency of maintenance – some alleys receive basic maintenance from the City and others do not. It is done on a time and materials availability basis.
- h. Need for objective data such as verified crime statistics or documentation.
- i. Speeding
- j. Crime prevention – overgrown vegetation, junk, illegal activities, graffiti, etc.
- k. Provide information such as Crime Prevention Through Environmental Design (CPTED) to residents adjacent to alleys to encourage more activity and greater surveillance.
- l. Include alleys in the routes driven by Mobile Crime Watch volunteers.
- m. Coordinate a volunteer program that would organize neighborhood residents and property owners to take a proactive approach in dealing with negative impacts and crime prevention in lieu of vacating or closing alleys.
- n. Include Community Council review and comment as part of the public process prior to the Administration formalizing their recommendation to the City Council.
- o. Create more pedestrian friendly streets by redirecting traffic circulation through alleys.
- p. Compensation for any loss of public streets or alleys by the donation of an equal amount of other land for public use or payment of fees equal to the value of the land that is vacated or closed.

**Matters at Issue:**

The City has always sold alley property that abuts commercial property, and vacated property that abuts residential. Would the Council like to have this specified in the ordinance?

During the Council’s previous discussions an interest was expressed in adding the revocable permit approach as a tool that could be used in dealing with alleys. In early 2001 the Administration indicated it would come up with some potential options for use of the revocable permit tool. This project is not yet complete, so the Attorney’s Office has not included that as an option in this ordinance.

This ordinance does not address the disposition of streets. The previous Council indicated a preference to focus on alleys.