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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** February 27, 2004

**SUBJECT:** Petition No. 400-03-17 – a request by George Mattena, represented by John Tabaz, that the City close the alley located between 900 and 1000 West Streets and Folsom Avenue and 100 South to the general public.

**AFFECTED COUNCIL DISTRICTS:** District 2

**STAFF REPORT BY:** Marge Harvey

**ADMINISTRATIVE DEPT:** Community and Economic Development

**AND CONTACT PERSON:** Janice Lew, Planning Division

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## POTENTIAL MOTIONS:

1. **["I move that the Council"]** Request that the City Attorney's office prepare and ordinance to close the alley as requested by the petitioner. (As previously noted, an ordinance was not provided because the Planning Commission has recommended against approval of the request.)
2. **["I move that the Council"]** Deny the petition.
3. **["I move that the Council"]** Continue the public hearing to a future Council meeting. (This has been requested by the petitioner.)

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**The following information was provided previously. It is provided again for your reference.**

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**KEY ELEMENTS:** The proposal is presented as a new ordinance; however an ordinance was not provided because the Planning Commission has recommended against approval of the request.

1. This petition is a request to close the alley located between 900 and 1000 West and 100 South and Folsom Avenue to the general public. The alley is located in a GC, General Commercial zoning district. According to Section 2.58 of the Salt Lake City-Owned Real Property of the Salt Lake City Code, if an alley is next to or abuts properties zoned for multi-family or non-residential uses, the land is sold at fair market value or other acceptable compensation is provided. All the properties abutting the alley are businesses; most of the businesses use the alley for rear access, garbage pick-up and other services. The owners of the adjacent properties are in favor of the closure but are not

interested in acquiring title to the alley property; they are proposing that the City enter into a long-term lease agreement with the abutting property owners.

2. The petitioners state that the alley has become a health hazard because of the illicit activity it attracts, the nature of the businesses adjacent to the alley and the kinds of materials that are stored by these businesses. One business, a body shop, consistently finds cigarettes and matches next to a flammable cage storage area. The Police Department has provided a substantial crime analysis of offenses in the general location of the alley. (Please refer to the Planning staff report Exhibit 5 for comments and statistics from the Police Department.)
3. The value of the alley as a positive urban design element has been compromised by its current physical condition and inappropriate activities. The alley no longer physically exists and has been materially blocked in a way that renders it unusable as a public right-of way.
4. The petitioners presented the proposal to the Poplar Grove Community Council in July of 2003. A motion to approve the request was passed unanimously.
5. In August 2003, all owners of property in the block where the alley is located were notified of the proposed closure. No comments in opposition to the closure have been received.
6. Property Management has no objections to the alley closure and recommends the alley be sold for the fair market value of the property which is determined to be \$17,080. The abutting property owners felt this amount was too high and offered the City \$10,000 to purchase the alley; the City declined saying they would accept \$17,000. The adjacent property owners felt the amount was still too high and they then proposed the lease agreement plan. Property Management estimates the cost of leasing the property to be \$1540 per year. The lessee would also be required to provide a certificate of insurance to the City. Property Management is not recommending this option.
7. Planning staff states the alley closure generally complies with the applicable policies of the City and found no objection to the proposed alley closure. From a land use perspective, Planning staff is of the opinion that the alley fails to provide an overall public benefit. However, the proposed method of disposition is inconsistent with the method expressed in Section 14.52.020 Method of Disposition, and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance. Planning staff does not have the ability to relax the terms of the ordinance, the decision to amend the ordinance is left to the City Council. Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to close and declare the alley property no longer needed or available for use as a public alley subject to the following conditions:
  - a. Pursuant to Chapter 2.58 of the Salt Lake City Code, the petitioners should be required to make payment to the City of the fair market value of the subject alley property, provide another acceptable means of compensation to close the alley, or that the City Council amend the ordinance to provide an alternative means of disposing of the alley property.
  - b. The closure is subject to all existing right-of-ways and easements of all public utilities now located on and under or over the alley property. If the City enters into a lease agreement with the abutting property owners, the agreement should identify those who require continued access and how that access should be regulated. If the alley property is secured, Public Utilities shall receive keys for any locks placed on any gates and the easement over the existing alley shall remain clear of any structures, trees and material storage.
9. On September 24, 2003, the Planning Commission voted to forward an unfavorable recommendation to the City Council for the petition to close the alley. The Planning Commission found merit to the requested closure, but feel this is the wrong way to address the issue.

#### **MATTERS AT ISSUE :**

1. The proposed alley closure is generally consistent with the applicable policies of the City. The petitioners proposed method of disposition for the alley property, however, is inconsistent with the method of disposition expressed in Section 14.52.020 Method of Disposition and Chapter 2.58 City-Owned Real Property of the Salt Lake City Ordinance.

2. The City has always sold alley property that abuts non-residential or multi-family residential (3 or more dwelling units) property. As outlined in Section 14.52.040 Methods of Disposition, if the City grants a petition to close an alley that abuts non-residential the closure is subject to payment to the City of the fair market value of that property.

**BUDGET RELATED FACTS:**

1. Property management has determined the market value of the alley property is \$17,080. The abutting property owners are offering to lease the alley property for approximately \$1540 per year.

**MASTER PLAN & POLICY CONSIDERATIONS:**

1. The Council's recently adopted alley vacation/closure policy require petitioner to demonstrate 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 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 neighborhood play area or garden.
  
2. The Planning staff reports notes the following:
  - a. A field inspection revealed that the alley is primarily surrounded by commercial uses and abutting property owners use the alley for garbage pick up and other services. The proposed alley closure does not meet Policy Consideration A.
  - b. The existence of the alley is substantially contributing to crime, unlawful activity or unsafe activities because of the nature of the materials that are stored there. The Police Department has provided a substantial crime analysis of offenses in the general location of the alley. The proposed closure satisfies Policy Consideration B.
  - c. The alley is primarily surrounded by commercial uses and many use the alley for rear access and other services. However, the value of the alley as a positive urban design element has been compromised by its current physical condition and inappropriate activities. The proposed alley closure does satisfy Policy Consideration C.
  - d. The proposal to restrict access does address a certain common purpose in that it responds to a public safety issue. The proposed alley vacation satisfies Policy Consideration D.
  
3. There are two master plan documents that are applicable to this area. The first is the West Salt Lake Master Plan, currently in draft form. The plan identifies this area within the Medium Density/Intensity Mixed-Use category.
  
4. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural forms of the City. The alley property has not been designated for a future trail in the Open Space Master Plan.

**CHRONOLOGY:**

- July 22, 2003                      Petition presented to the Poplar Grove Community Council
  
- July 16, 2003                      Sent memo requesting Department comments

- August 4, 2003 Sent letter to property owners within the block informing them of the petition and requesting comments.
- August 9, 2003 Sent notice to property owners with in block for the September 24, 2003 Planning Commission hearing and posted property.
- September 24, 2003 The Planning Commission held a public hearing and forwarded an unfavorable recommendation to close the alley to the general public.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, Chief Dinse, Chief Querry, LeRoy Hooton, Rick Graham, Lee Martinez, Louis Zunguze, Brent Wilde, Doug Wheelwright, Linda Cordova, Janice Lew, Barry Esham, Janice Jardine

File location: Planning Division, Alley Vacation, Gregory Mattena, alley located between 900 and 100 West and Folsom Ave. and 100 South