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## SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** May 7, 2004

**SUBJECT:** Petition No. 400-04-03, a request by Pacificorp, represented by Gina Creeze, to close an alley property located in Block 6 of Highland Park Plat "B" subdivision at approximately 2436 South Highland Drive

**AFFECTED COUNCIL DISTRICTS:** District 7

**STAFF REPORT BY:** Marge Harvey

**ADMINISTRATIVE DEPT:** Community and Economic Development  
**AND CONTACT PERSON:** Janice Lew, Planning Division

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### KEY ELEMENTS:

1. This is a request from PacifiCorp to close an alley located at approximately 2436 South Highland Drive. This action would facilitate expansion of the existing electrical substation. An ordinance has been prepared for Council consideration.
2. The alley runs north from Parkway Avenue and west connecting to Elizabeth Sherman Park. Access to the alley is restricted by a six foot high chain link fence that surrounds the electrical substation making it unavailable as a public thoroughfare. Please see the attached map for reference.
3. The existing electrical substation has served the community since 1911. The alley does not physically exist nor is the property currently developed except as a substation.
4. On March 24, 2004, the applicant received conditional use approval from the Planning Commission to expand the existing electrical substation at 2436 South Highland Drive (Petition 410-660). Pacificorp owns all the property abutting the alley and should the alley closure request receive approval by the Council, the alley property would become part of an expansion project.
5. As part of the conditional use approval to enlarge the substation, Pacificorp will demolish three homes on the property to make room for the expansion. Under the current housing mitigation ordinance, two factors trigger housing mitigation; first a change of zoning and second, a conditional use to create a non-residential parking lot in a residential zoning classification. As neither factor is applicable to the conditional use petition, Council review is not required.

6. Consistent with City policy, if the alley closure request is approved, the alley property would be sold to the petitioner at fair market value. An appraisal has set the value of the property at \$17,400. Property Management has accepted this amount as fair market value.
7. The City police department, fire department and all other appropriate City departments and divisions have reviewed the request and have no objections to the proposed disposition of the property.
8. The Sugar House Community Council Board of Trustees voted to recommend approval of the alley closure by a vote of 17 in favor, 0 opposed and 1 abstention. The Trustees for the Community Council based their recommendation on agreement by Pacifcorp that they will do the following as part of the expansion project:
  - a. Design and construct of a wall with architectural detail that is in keeping with the historic nature of the Highland Park neighborhood and the electrical substation.
  - b. Include landscaping with three-inch caliper trees and continued maintenance of the property in keeping with the residential surroundings.
  - c. Repair the existing historical electrical substation building to maintain the building's structural and historical integrity
  - d. Place a plaque on the outside wall of the electrical substation which contains the history of the Salt Lake Jordan Canal.
  - e. Create an illustration of the floor plans of the three homes to be demolished and provide photos of the exteriors and significant interior features of the homes. These documents will be placed with the Sugar House Historical Society and the Utah State Historical Society.
9. On March 24, 2004, the Planning Commission voted to forward a favorable recommendation to the City Council to close the alley subject to the following conditions:
  - a. The proposed method of disposition of the alley property shall be consistent 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.
  - b. Prior to the City Council consideration, the applicant shall reach an agreement regarding the price to be paid for the alley property with the City's Property Management Division.
  - c. Prior to building permit issuance, the applicant shall formally combine the parcels owned by the applicant in Block 6 of Highland Park Plat "B" subdivision including the alley property.
  - d. The wall surrounding the substation expansion shall be constructed of masonry.

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

1. During the March 24, 2004 Planning Commission meeting, the question was raised as to why the petition for the conditional use and the petition for the alley closure do not require housing mitigation due to the loss of three homes. As noted above, under the

current housing mitigation ordinance, two factors trigger housing mitigation; first a change of zoning and second, a conditional use to create a non-residential parking lot in a residential zoning classification. Planning staff has determined neither factor is applicable to these two petitions.

2. In March of 2000, the Council discussed with the Administration the need to update and revise the housing mitigation section of the City Code. This was in regard to a request to rezone property and demolish three housing units to construct a convenience store/gas station in Council District 1 at the northeast corner of 700 North.
3. In April 2000, the Administration identified in the adopted Community Housing Plan the following timeline to complete revisions to the City's Housing Loss Mitigation Ordinance.
  - a. Review and revise current housing mitigation ordinance. Use model ordinances from other communities as appropriate.
    - o Timeline: May 2000 - draft
  - b. Solicit support from community groups and developers for new ordinance.
    - o Timeline: June 2000 and July 2000 - 45 day review and board reviews and approvals
  - c. Review ordinance with City Attorney's office and City Council.
    - o Timeline: August 2000 – City Attorney review  
September 2000 – City Council review

Council Members may wish to discuss with the Administration the status and future timeline for completion of the proposed revisions to the Housing Loss Mitigation section of the City Code, Sec. 18.97.010.

#### **BUDGET RELATED FACTS:**

1. Section 14.52.020 of the Salt Lake City Code requires the petitioners to pay fair market value of the subject alley property to the City. Pacificorp has provided an appraisal setting the market value of the alley property at \$17,400.00. Property Management has accepted this amount as the fair market value of the property.

#### **MASTER PLAN & POLICY CONSIDERATIONS:**

1. The Council's recently adopted alley vacation/closure policy requires petitioners 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 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, safe 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 report notes the following:
  - a. The requested alley closure satisfies policy consideration 'A' as the alley does not physically exist nor is the property currently developed. Access to the property is restricted by a fence that surrounds the electrical substation. The lack of physical development and use, combined with the proposed elimination of the three residences supports the conclusion that the alley is no longer usable for its intended purpose.
  - b. The requested alley closure satisfies policy consideration 'C' as the alley does not serve as a positive urban design element since the land consists of undisturbed earth and weeds.
3. There are two master plan documents that area applicable to this area. The land use policy document that guides development in this area is the Sugar House Master Plan adopted November of 2001. The plan indicates that the City Council's alley closure policy adopted in 2002 should be used to evaluate each new request and does not address any specific policy issues that are applicable to this request.
4. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City. The subject alley property has not been designated for a future trail in the Open Space Master Plan. The pedestrian walkway identified in the Open Space Master Plan as part of the Canal/McClelland Corridor, has been established by improvements made in 1987 to Elizabeth Sherman Park, which abuts the west side of the substation property.
5. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
6. The housing loss mitigation section of the City Code notes the objective to mitigate adverse impacts due to the loss of the City's affordable housing stock when zoning changes are requested to accommodate an expansion of commercial uses, with due consideration for vested or protected property rights. (City Code, Sec. 18.97.010)
7. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  - a. Is aesthetically pleasing;
  - b. Contributes to a livable community environment;
  - c. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  - d. Forestalls negative impacts associated with inactivity.
8. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest

aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

**CHRONOLOGY:**

- November 5, 2003                      Pacifcorp presented plans to expand the substation to the Sugar House Community Council.
- January 14, 2004                      Petition 400-04-03 was delivered to the Planning Division.
- January 20, 2004                      Letters were sent to surrounding property owners informing them of the petition and requesting comments.
- March 24, 2004                      The Planning Commission held a public hearing.

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

File location: Community Development, Planning Division, Alley Closure, PacifiCorp, 2436 South Highland Drive