
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 5, 2004

SUBJECT: Petition No. 400-03-32, a request by the City Administration to consider vacating the east segment of the east-west alley that connects to View Street, between the properties at 1974 and 1984 South View Street.

AFFECTED COUNCIL DISTRICTS: District 6

STAFF REPORT BY: Marge Harvey

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

NOTICE REQUIREMENTS: Once a week for four consecutive weeks prior to the public hearing. Published on October 18, October 25, November 1 and November 8.

POTENTIAL MOTIONS:

1. {I move that the Council"} **Adopt an ordinance vacating the east segment of the east-west alley that connects to View Street between the properties at 1974 and 1984 South View Street.**
2. {"I move that the Council "} **Not adopt an ordinance vacating the east segment of the east-west alley that connects to View Street between the properties at 1974 and 1984 South View Street.**

NEW INFORMATION:

1. Residents of View Street who are in favor of vacating the alley have sent new photographs of the alley (attached) which they feel demonstrate "continued aggressive commercial encroachment of the alley" and also show that an alternate access is available.

KEY ELEMENTS:

1. The subject alley in the petition runs east and west and connects 1300 East to View Street between the properties at 1974 and 1984 South View Street. The Administration is requesting that the east segment of the alley be vacated to vehicular traffic. The alleyway system for the block also has a north-south running segment that connects the east-west alley to the 2100 South Street frontage road that connects to View Street and 2100 South Street. An entrance into the Highland Park Dental Plaza parking lot is also located at the mid-block intersection of the alleys. (Please see attached map.)

2. The Highland Park Plaza was developed in 1970. A parking lot with a connection to the adjacent north-south alley was approved in 1972. In 1996, the Highland Park development expanded onto an adjacent parcel at 1777 South 1300 East. The expansion included closure of the north-south running alley to the east of the property and conditional use approval for an off-site parking lot with the condition that vehicular access be restricted from the abutting east-west alley to the south.
3. In 2001, complaints were received that a driveway had been created allowing access to the east-west alley to the south of the parking lot. The owners of Highland Park Plaza were notified that construction of the driveway required a public way permit and access onto the alley was in violation of the 1996 off-site parking conditional use approval. In response, the owners filed subdivision and condominium amendments to incorporate the parking lot area into the Highland Park Plaza development. Approval of this action would void the off-site parking conditional use approval and its requirement for no access onto the alley as parking on the same lot is a permitted use.
4. An Administrative Hearing on the subdivision and condominium amendments was held in September of 2002. During the hearing, testimony in opposition to the parking lot connection to the alley was presented. Neighbors expressed concern over the increase in vehicular traffic using the east-west alley onto View Street (a residential street) from the Highland Park Plaza and the adjacent apartments. A decision was made to have the City Transportation Division review the area's traffic patterns. Staff forwarded the subdivision amendment request to the Planning Commission for consideration where it was approved in March of 2003. In June of 2003, a neighbor appealed this decision to the Land Use Appeals Board. The Land Use Appeals Board remanded the petition to the Planning Commission for reconsideration.
5. On October 8, 2003, the Planning Commission held a public hearing and approved the request which amended the lot lines between the parcels located at 1955 and 1977 South 1300 East Street to incorporate the existing parking lot into the Highland Park Plaza development (See Map) which included the conditions that the Applicant obtain a public way permit and pay any fines required by Salt Lake City Engineering for construction in the public way without a permit. The Planning Commission also requested that the City initiate a petition to vacate the east-west segment of the alley that connects to View Street. The existing alley runs east and west and connects 1300 East to View Street between the properties at 1974 and 1984 South View Street.
6. On July 28, 2004, the Planning Commission held a public hearing and voted to forward a recommendation to the City Council that the City retain its ownership interest in, but restrict vehicle access to the subject alley. The Planning Commission recommended that public access by other modes of travel be maintained with vehicle access easements provided to the owners of property abutting the alley.
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 proposal.
8. The Trustees of the Sugar House Community Council voted in favor of closing the alley to vehicular access, but suggested that the City retain its ownership interest in the alley

and allow public access for other modes of travel. Further, they suggested that vehicle access easement should be provided to the owners of property abutting the alley.

MASTER PLAN AND POLICE CONSIDERATIONS:

1. There are two master plan documents that are applicable to this area:
 - a. The land use policy document that guides development in the area is the Sugar House Master Plan adopted in November of 2001. The Master Plan Future Land Use Plan divides the block into residential, neighborhood business and mixed-use designations. The subject alley is located within an area designated for Low-Density Residential land use which is intended to support and enhance the dominant, single-family character of existing low-density residential neighborhoods. This plan discourages the use of alleyways for commercial access if the alleyway abuts residential property.
 - b. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish the 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.
2. The Council's recently adopted alley vacation/closure policy requires petitioners to demonstrate at least one of four policy considerations. Listed below are the policy considerations and the findings of Planning Staff:
 - 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. **Finding:** Planning staff found that the existing alleyway system for this block has a mix of business and residential uses that utilize the alley. It has not been materially blocked and continues to provide public access routes for the neighborhood. The alley does not meet this consideration.
 - 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. **Finding:** The Planning Staff report notes that the abutting property owners have stated that the alley is poorly maintained and illuminated. Since the spring of 1995, there have been 184 events recorded on View Street and 6 dispatch events directly related to the alley system. While the analysis does not support the belief that the alley contributes to crime in the surrounding area, restricting access to the alley would respond to the public safety issues raised by abutting property owners and satisfies this policy consideration.
 - c. **Urban Design.** The continuation of the alley does not serve as a positive urban design element. **Finding:** Planning staff notes that a significant feature of this block is the rectilinear plan of development with spacious "super blocks". This block measures 1252 feet in length. Alleys have traditionally been incorporated into this urban development pattern and their use provides another movement pattern for both vehicular and pedestrian traffic to navigate these spacious blocks.

The subject alley is consistent with this urban form and continues to 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 neighborhood play area or garden. **Finding:** Planning staff found that as this proposal is to consider vacating the alley as public vehicle right-of-way, it does address a certain community purpose in that it responds to the conflicting policies in the Sugar House Master Plan and safety concerns expressed by abutting property owners.

(The proposal is consistent with the Sugar House Master Plan. The Plan discourages the use of alleyways for commercial access if the alleyway abuts residential property.)

MATTERS AT ISSUE:

- A. While both the Planning Division and the City Council Office have received petitions in support of the proposal that include signatures of 32 residential property owners whose property either abuts the alley or is on a neighboring street, the planning staff report also includes six letters and emails from the owners of businesses whose property abuts the alley expressing opposition to the proposal. In addition, the owners of the Highland Park Dental Plaza have retained legal counsel, Mr. Bruce Baird, to represent them in their opposition to closing this portion of the alley to automobile traffic.
- B. The Council may wish to discuss with the Administration steps that have been taken to address issues that have been raised such as implementing a residential parking permit program and zoning violations reported to the Zoning Enforcement Division.
- C. The Council may wish to discuss impacts of the proposed action noted in the Administration's transmittal letter:
1. The City provide, place and maintain physical barriers to prohibit vehicle access. Initial costs for the installation of a removable bollard and signage are approximately \$1,000.
 2. Vehicle access easements to be provided for the abutting property owners.
 3. Policy impact and precedent for other public alleys as it relates to the cost of improvements.

BUDGET IMPACT:

1. The Planning Commission recommended that the City retain its interest in the alley, but restrict vehicle access to the general public. The City would then provide and maintain physical barriers to prohibit vehicle access.
2. The cost for the installation of a removable bollard and signage is approximately \$1,000. The Public Services Department has agreed to cover this expense.

CHRONOLOGY:

- December, 2003 Proposal presented to the Sugar House Community Council.
- January 28, 2004 Petition delivered to the Planning Division.

- March 5, 2004 Sent letters to property owners within the block informing them of the request and requesting comments.
- July 13, 2004 Sent notice to the property owners within the block of the July 28, 2004 Planning Commission public hearing.
- July 28, 2004 The Planning Commission held a public hearing and passed a motion to forward a recommendation that the City retain its ownership interest in, but restrict vehicle access to the subject alley.

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, Jan Aramaki