



March 17, 2021

TO: Salt Lake City Planning Commission

FROM: Judi Short, Vice Chair and Land Use Chair
Sugar House Community Council

RE: PLNPCM2020-00393 1583 Stratford Master Plan and Zoning Map Amendment

This is my **second letter** about the request to change the zoning from an RMF-35 residential building to a CN Neighborhood Commercial building. Our first reaction, from members on the Sugar House Community Council (SHCC) and from comments received from the community is that we would lose six units of affordable housing, and therefore this request should be denied.

From the time we received the petition June 5, 2020, we had our July 20 Land Use and Zoning meeting and submitted a letter to you dated Jul 31. I queried Nannette at some point because we had not seen this on the Planning Commission agenda, and she told me she had not heard from them since our July 20 meeting.

When I saw this was on the agenda for the Planning Commission on March 24, 2021, I sent an email to the people who had provided comments during our regular review of land use issues. I began getting comments (attached) from the website, along with emails that told me that this building has had the first floor remodeled, in spite of the stop work order, issued some months ago. And neighbors have seen the petitioner moving things from the old building 1657 Stratford Avenue into the first floor of 1583. This now appears to be their new address for their business, Total Joint Orthopedics. If that in fact is true, which seems to be after conversations Nanette has had with Les Koch.

I think, from looking at all the comments, that almost everyone is in favor of denying the request for the rezone. There is plenty of vacant commercial property in this area and in Sugar House. There are not many affordable apartments in the area, and to lose six is a big number. Even one is too many. And it appears that two have already been removed to turn into offices, and we learned that two new tenants have recently moved into the building in the apartments, according to the neighbors. None of the remodeling to the office was done with a permit to do that or an approved rezone. We would like to recommend you deny the petition, and require that the petition turn the first floor back into two apartment units. This is unacceptable behavior, and should not be rewarded.

Under no circumstances would this be the type of local business envisioned for the CN zone. It provides no benefit to the neighborhood as Total Joint Orthopedics is, per their website, an international company. Also, according to reports from neighbors of fumes from their building, they may be doing some manufacturing as well, as their website is unclear where they do their manufacturing.

Enclosure:

Comments #2 1583 Stratford

COMMENTS #2 1583 STRATFORD AVENUE REZONE

From: David Fernandez <dfernandezclimb@gmail.com><2685 S Hartford>

Subject: 1583 Stratford Ave

Message Body:

I virtually attended the Sugar House Council meeting on the property located at 1583 Stratford Ave on 7/20/20. I strongly approve of changing the zoning to CN (Neighborhood Commercial) to allow the owner to convert the existing building to additional office space. The Joint Orthography is exactly the business that fits in this neighborhood. A small low impact, non-obtrusive business that employees highly educated and community oriented personnel. They have been part of this community for quite some time. With the recent Covid-19 stay at home order it has demonstrated that the amount of personnel parking in the area was reduced. Upgrading the existing horrible apartment complex even a little will enhance the neighborhood and provide them even more business parking. It was suggested during the meeting that a variance be granted for the upgrade to prevent the owner from flipping the property without another chance to bring it before the City Council. However, since the Sugar House Master Plan does not allow this type of variance, I support the change of zoning to neighborhood commercial. Even though the owners and the Sugar House Council may not have followed all the codes and regulations according to Hoyle, in the end I trust the owner's to do the right thing rather than any legislation, enforcement, punitive actions, or codes.

From: Suzanne Stensaas <suzanne.stensaas@hsc.utah.edu><2460 Lynwood Dr, Salt Lake City>

Subject: 1583 Stratford Ave

This apartment housing that was there is more affordable than the mega-apartments currently being built . We need lower priced apartments, even if only 6. The owners who changed function and remodeled to business should be fined for their disregard of the law and forced to return to apartment status without raising the rent more than 10%. Yes, an economic burden, but they deserve to be made an example of what happens when you try to get around the zoning commission.

From: Rebecca W Davis <rdavis2655@gmail.com><1564 E Blaine Ave>

Subject: 1583 Stratford Ave

I understand that the property at 1583 Stratford Ave. was recently purchased by the owners of a business across the street on Stratford and the owners began to remodel the first floor of 1583 Stratford into office space without first applying for and receiving a zoning change from the Salt Lake City Planning Division. They were told to stop construction on the conversion by the City, but they continued construction without having received a zoning change anyway, and now neighbors report that the first floor has been completely remodeled and the owners have moved into the space. I do not support the requested zoning change. These property owners should not be rewarded for completing their remodel before getting a zoning change. Also, this zoning change would remove 6 affordable units from Sugar House housing stock at a time when affordable housing stock is in extremely short supply.

From: Brenda Koga <bnkoga@live.com><2534 Glenmare Street>

Subject: 1583 Stratford Ave

I strongly oppose this zoning change for several reasons. First since the city has such a need for affordable housing, why would we want to reduce the number of units available by negating these apartments. Also, the purpose of the CN zone is to enhance the neighborhood and provide a service to the neighbors, but I do not think I would ever use the type of business proposed for the site, and do not believe it will serve anyone except the developer. In fact, I think it will just add to the congestion and create additional safety issues. There is already a new office complex soon to be completed on that corner. Additional offices would make a busy corner even busier. This used to be a fairly calm and less traveled area, but in riding my bike around, I feel I am always dodging cars and have had increasingly more close calls.

I am not in favor of this zoning change and ask the commission to carefully consider rejecting this request.

From: Tiffany Jensen <tbock-jensen@hotmail.com><2497 Glenmare Street SLC, UT 84106>
Subject: 1583 Stratford Ave

Really, an office building!

From: Mitzi <mitziannesmith11@gmail.com><1911e Stratford Ave>
Subject: 1583 Stratford Ave

We have too many business. They speed down the street. There needs to be more stop signs ion Stratford from 1300 east to 20th east if we add more business it' increases the traffic. There needs to be a stop sign on every third street to prevent speeding and keeping the traffic down

From: David E Fernandez <dfernandezclimb@gmail.com><2685 S Hartford>
Subject: 1583 Stratford Ave

I am reposting my original comment on 7/21/20 with only one modification. I changed the word "horrible" to "outdated". It was the wrong adjective. Horrible needs to be reserved for the craftsmanship on the newly completed building across the street.

I virtually attended the Sugar House Council meeting on the property located at 1583 Stratford Ave on 7/20/20. I strongly approve of changing the zoning to CN (Neighborhood Commercial) to allow the owner to convert the existing building to additional office space. The Joint Orthography is exactly the business that fits in this neighborhood. A small low impact, non-obtrusive business that employees highly educated and community oriented personnel. They have been part of this community for quite some time. With the recent Covid-19 stay at home order it has demonstrated that the amount of personnel parking in the area was reduced. Upgrading the existing outdated apartment complex even a little will enhance the neighborhood and provide them even more business parking. It was suggested during the meeting that a variance be granted for the upgrade to prevent the owner from flipping the property without another chance to bring it before the City Council. However, since the Sugar House Master Plan does not allow this type of variance, I support the change of zoning to neighborhood commercial. Even though the owners and the Sugar House Council may not have followed all the codes and regulations according to Hoyle, in the end I trust the owner's to do the right thing rather than any legislation, enforcement, punitive actions, or codes

From: Amie Jones <amiegjones@outlook.com><2630 s 1500 e>
Subject: 1583 Stratford Ave

Unless this spot would be developed into a small grocery store, like the Emigration Market (Harmon's) , I don't agree with changing the use of the property. I don't know how much rent is at the current building, but it seems like a waste to remove a building where people live to replace it with a new more expensive place to live. Not only might it displace those living there and may not be able to afford to continue to live in Sugarhouse, it would be a needless waste for the environment. A small grocery store however would have some benefit environmentally by reducing driving. Many people in the neighborhood would walk or bike to a small neighborhood grocery store in this area.

From: Sheila Bittle <drsheila.bittle@gmail.com><1343 Westminster Ave>
Subject: 1583 Stratford Ave

We need to preserve affordable housing in the Sugarhouse area.

From: Misty Morris <mstygreen@yahoo.com><1839 E Westminster Ave, Salt Lake City, UT 84108>
Subject: 1583 Stratford Ave

I do not support this change in zoning. I'm not sure what can or will be done at this point as the owner has already done work to part of the building against given orders and without care for their community. It will have a negative impact on the neighborhood in more ways than just taking away livable units. Our streets and parking were designed for non-

commercial living. It is completely unreasonable to expect the rest of the neighbors to adapt to something that was never intended.

From: Renae Richards <renaerichards@gmail.com><2500 South 1500 East, Salt Lake City, UT>
Subject: 1583 Stratford Ave

I have several concerns about this proposal, but these are the three most concerning:

1. Removal of affordable housing from the neighborhood. Conversion to commercial will eliminate what should have been six affordable housing units. (The owner has already illegally converted two units to commercial use in violation of current zoning.
2. Dishonesty and deceit on the part of the owner, One month after purchasing the property, the owner began construction for commercial occupancy within the building. At the time, the owner knew the property was NOT approved for commercial use. When this was disclosed at the last hearing on the zoning amendment request, a stop work order was issued and placed on the building. However, after a couple of months the order disappeared from the outside premises and the interior construction work continued, I assume illegally.
3. Significant negative impact to the neighborhood relating to parking. This is a residential neighborhood. There are now multiple commercial buildings within a block of the intersection in question without adequate off-street parking. Without the impact of Covid-19 and the owner of Total Joint Orthopedics allowing employees to work from home, there were never empty parking spots within a two-block radius. Some people couldn't even put out their garbage. It was impossible to post mail at the adjacent mailbox due to lack of parking. The consistent number of vehicles parked on the intersection lines obscured the sight lines for anyone trying to cross the street or safely make a turn at the intersection. This is a high traffic area for children walking to the local elementary school with a crossing guard stationed two blocks away. If you have difficulty seeing a car at the intersection, it is even more difficult to see a child.
4. The rights of the existing homeowners have already been violated. Please honor their desire to keep this zoned residential. Thank you.

From: Sally A Stewart <sastewart53@yahoo.com><2113 E Crystal Ave>
Subject: 1583 Stratford Ave

Please provide information to attend virtually so I can be aware of neighborhood plans. I am opposed to any additional commercial developments in the areas detailed in the notices of proposed changes.

From: Tera Purkey <terapurkey@gmail.com><2725 S Glenmare St>
Subject: 1583 Stratford Ave

I'm a resident of Highland Park, and as much of an eyesore as this building is, I'm concerned by the motivations for this rezoning. I don't believe the rezoning will result in improved curb appeal, which is the only potential redeeming quality I see in converting from residential to commercial space. Instead, this will likely displace tenants for no reason other than to suit the owners of the chiropractic office across the street (rumor has it that these folks are already breaking the law by having converted two of the residential units into commercial spaces).

Nannette

The application at hand is for the rezoning of a parcel on the Northeast corner of the intersection from a zone of RMF-35 to a CN designation. This parcel encompasses Thirteen thousand three hundred eighty six (13,386) square feet and consists of a three story building containing six (6) rental units that are presently **part of the Sugarhouse affordable housing market**. Some of the units have been offered for rent, by the present owner/ applicant, for \$1400.00 per

month. The owner has stated that they want to only convert the lower two units to an office space for use by their staff. However, their incremental expansion since they moved into the area shows that to be the lie that it is. This property and building would essentially be an extension of their present business which would exceed the space allowed by the CN Zone. It is important to recognize that their current office building is directly west of this property on a parcel of land that comprises Fifteen Thousand Three Hundred and forty four (15,344) square feet. Allowing this to be rezoned would defeat the entire purpose of the 16,500 square foot restriction in a CN zone. The applicant would have absolute control of 28,730 square feet within the zone. **That is nearly a third of the entire CN zone!** Additionally, it should be noted that the business occupying the property at 1567 East Stratford is "Total Joint Orthopedic". Their website is "tjoinc.com". They ostensibly engineer and manufacture orthopedic implants. Their products consist of Blade Femoral stem, HD Hip system, Bipolar system, and Knee system. This is NOT a business approved to be in a CN Zone. It provides absolutely no benefit to the local community.

Total Joint Orthopedics, Inc., caused their "then" counsel, Neil R. Sabin to file Articles of Incorporation on January 12, 2009. Thereafter, on July 9, 2009, the Articles were amended by Warionex Belen and Erin Hofmann (the applicant herein). Subsequently, on February 2, 2010, individuals were added to the corporation, one of whom was Aaron A. Hofmann, the father of the applicant. Aaron A. Hofmann the principal of Hofmann Properties which purchased the property at 1567 East Stratford on December 18, 2009 (See Special Warranty Deed Entry No. 10861915). He subsequently conveyed the property to Stratford Investment Properties, LLC by a Quit claim Deed recorded on July 1, 2016. (See QCD Entry #12312700) Mr Aaron A. Hofmann is a principal in Stratford Investment Properties, LLC. Essentially, Aaron A. Hofmann and Erin Hofmann are both principles in Total Joint Orthopedics and Stratford Investment Properties, LLC. Being, at least in part, the controlling interest in the properties and respective companies, extends their ownership interests well beyond the limitations imposed by a CN zoning.

In 2016-2017, Stratford Investment Properties expanded their building at 1567 East Stratford. The building added a two story addition and parking lot to the immediate west of the original building. This substantially increased their usable floor space. Unfortunately, it inflicted considerable stress and harm on their neighbors. Neither Total Joint Orthopedics nor Stratford Investment Properties have exhibited any care or concern for their neighbors. The City Code expresses concern about avoiding additions that are **"part of a series of incremental additions intended to subvert the intent of the ordinance."** City Code 21A.26.020 (6)(b).

Stratford Investment Properties, LLC, acquired the property that is the subject of this application on March 2, 2020. Apparently they felt there was no need to obtain building permits or having inspections done as they gutted the lower level and have been in the process of converting it to an office space. Leslie R. Koch, Building Services Manager of The Building Services Code Enforcement posted Stop Work notices on the property. But that did not deter the owners as they proceeded to complete the conversion presently occupy it as office space. Leslie.koch@slcgov.com. Please note that the exterior of the apartment building has been repainted to match the exterior of the offices of "Total Joint Orthopedic". **This further evidences that it is intended to be an extension of their present business.**

What you have here is an applicant that has purchased a multifamily property into which they intend to expand their business operation and has ignored the fact that this expansion exceeds the maximum square footage limits imposed by a CN Zone. Total Joint Orthopedics is NOT an approved business for a CN Zone. Their attempt to convert this property to a commercial status constitutes an intensification of said zone. More importantly, **by their actions, they have deprived the community of affordable housing that is so vitally needed today and ignored all proper channels to accomplish their goals.**

I urge you to deny the application to change the zoning.

Thank you
Tim A. Krueger, 2541 Glenmare St