



May 17, 2021

The Renaissance of Sarasota  
750 North Tamiami Trail, Suite 100  
Sarasota, FL 34236

Attention: Emanuel Loria, BOD President

Dear Mr. Loria:

This email is to respond to the questions that were posed in your April 28, 2021 letter regarding the View Corridor Easement (VCE). Initially, I would like to say that both Mr. Brown and I certainly understand and appreciate the statement in your letter that your views of Sarasota Bay guaranteed by the easement are a valuable asset to your residents. With that in mind, I would like to answer your third question first.

Q.3. "Is it the City's intention or desire to approve any development or construction on the Bayfront property that would violate the VCE?"

Response: No, it is not the City's *intention* to approve or move forward with any development or construction on the Bayfront property that would violate the VCE. That will not happen.

However, subject to the explanation that follows, I think it would be fair to say that the City has a *desire* to approve the construction of a new performing arts center at the northeast corner of the area subject to the easement. This new performing arts center would have a "fly tower" or "fly loft" behind the stage. This single component of the structure (but not the entire structure) would exceed the maximum height limit allowed by the VCE for a new performing arts center. Because this construction would violate the VCE, it cannot happen unless and until

the VCE is either amended to allow it to happen or the current VCE is terminated and a new VCE that would allow it to happen is substituted.

By way of further explanation, in September 2018, the City Commission authorized staff to commence discussions with the Van Wezel Foundation (now known as the Sarasota Performing Arts Center Foundation) concerning an agreement that would set out the respective obligations of the City and the Foundation with regard to the design, construction and funding of a new performing arts center in the Bay Park. Early in 2020, we learned from the Foundation that a "state of the art" fly tower for a proposed new performing arts hall would not be functional or feasible unless it was built to a height that exceeded the limit set by the VCE. Consequently, the City is not able to conclude discussions with the Foundation about the above referenced agreement regarding the design, construction and funding of the new performing arts center. The City Commission has not considered or approved this agreement and the City Commission has likewise not approved a site plan for the construction of a new performing arts center.

Q.1 "What new buildings are intended to be put on the Bayfront property?"

Response: The only new building proposed at the present time is the above referenced new performing arts center, although it is possible there could be other buildings proposed in the future.

In April 2019, the City entered into a Partnership Agreement with the Bay Park Conservancy (BPC) to outline a general framework for the process by which the park will be planned, designed, funded, built, operated and maintained. The Partnership Agreement provides that the park will be developed in phases. An "Implementation Plan" for each phase, which functions more or less like a concept plan, must be submitted by the BPC and approved by the City Commission before a formal site plan can be filed for that phase. Pursuant to the Partnership Agreement, the BPC prepares and submits the implementation plan and site plan for each phase. The site plan is considered at a public hearing initially by the City Planning Board and finally by the City Commission. To date, only the site plan for Phase I has been approved. Phase I includes the area north of Boulevard of the Arts, west of Van Wezel Way, south of the bayou and west of Sarasota Bay.

Q.2 "What buildings are planned to be demolished?"

At the present time, there are no plans to demolish any existing structures. The conceptual master plan for the site did not reflect the demolition of any existing

structures. However, it is still possible that an existing structure could be proposed for demolition in the future.

Q.4 "What time line is the City using with respect to the above?"

The Partnership Agreement between the City and the BPC provides that the BPC shall determine the sequence in which the plans for each Phase of the park are prepared and submitted to the City Commission for approval. The BPC shall likewise determine the area to be included within each phase, the number of phases and the improvements to be constructed within each phase of the park. The availability of funds and the preferences of donors are factors that can be considered in the determination of the sequence of phases proposed for development. The proposed new performing arts center is years away from construction; although as previously mentioned, the Foundation and the City have been discussing the terms of a proposed agreement to provide for its design, construction and funding.

Sincerely,



Robert M. Fournier  
City Attorney  
City of Sarasota

RMF/lg