

"Under Cover" Amendments to Remove Building Heights, Density Go To City Commission May 16

4/13/2022 Dan Lobeck

In an odd series of see-saw votes, on April 13 the City of Sarasota Planning Board ended up voting 3 to 2 to recommend approval of Planning Director Steve Cover's rushed and secretive amendments to delete height restrictions and increase densities in the City's Comprehensive Plan. They now go to the City Commission for public hearings and votes beginning Monday, May 16.

The two very pro-developer architects on the Planning Board strongly supported the amendments.

The other three Board members had varying problems with them, but in the end Dan Clermont voted with the architects to recommend approval despite his opposition to removing building height limits from the Comprehensive Plan. He said that the height change "sticks in my craw but it's not enough to get me to vote against it," that is the package of Comprehensive Plan amendments which includes removing the height limits.

Clermont pointed out that having building heights only in the Zoning Code will make them much easier to increase, in part by eliminating the current requirement of a supermajority vote, which he observed is the obvious intent of those seeking to remove them from the Comprehensive Plan. For something that significant, he said, they should remain difficult to change. He also objected to the lack of public outreach on the amendments.

Downtown building heights have been in the Comprehensive Plan for over 20 years, acknowledged David Smith of the City planning staff at the meeting. In 2007, the City Charter was amended by citizen initiative and referendum to require a supermajority vote (at least 4 to 1) to increase them. Comprehensive Plan amendments also require two public hearing over a month apart, and state agency review. That all goes away if Cover's scheme is adopted. (Cover has openly advocated much taller buildings downtown -- which includes the bayfront and edge as well as the large downtown core, so that Sarasota -- he told the City Commission a year ago -- is no longer "Any City USA" but instead has a "skyline of distinction" like Chicago with its Sears Tower and Wrigley Tower).

Clermont made a motion to delete the height limit removal from the amendments, but it was defeated 3 to 2, with Planning Board Chair Terrill Salem joining the two architects in voting "no". However, a motion to support removing the height limits from the Comprehensive Plan then failed 3 to 2, with Salem this time joining Clermont and Kathy Kelley Ohlrich in voting "no".

It appears that Salem was maneuvering to keep the height limit change in the amendments in order to obtain a "no" vote on the whole package due to his opposition to measures which would give density bonuses to developers just for including some units for families earning

120% or less of the Area Median Income (AMI). A builder of affordable housing himself, Salem favors providing such bonuses for truly affordable housing, including for people earning as low as 30% AMI. City Commissioner Kyle Battie recently criticized measures to give density bonuses for units serving those earning 120% of AMI (under 2021 data, a mortgage as high as \$392,094 and rent as high as \$2,316 a month) as "hijacking affordable housing" in an excuse for giveaways to developers.

Planning Board member Kathy Kelley Ohlrich agreed with Salem that 120% of AMI was too high of a standard to assist affordable housing. She added that AMI is the wrong measure because it includes all income, which is high for many in this region, and urged that Area Median Household Income be used instead because it only measures wages. Architect Michael Halfants, who has big Sarasota developers as clients, argued for weak requirements if any. Unfortunately, no motion was made to include true affordable housing requirements for density bonuses.

In addition to her opposition to removing the height limits and to the 120% of AMI standard for density bonuses, Kathy Kelley Ohlrich stated two other objections. One was to the extension of administrative approval (eliminating public hearings and City Commission approvals) for developments throughout the City which provide any of that so-called "attainable housing". The other was the complete lack of any public outreach and opportunities for public input, which Planning Director Cover had falsely promised in order to get a 3 to 2 City Commission vote one year ago to proceed with his Comprehensive Plan and Zoning Code amendments. "There's been a lack of public outreach," Ohlrich reproached Cover. "When you're doing something this massive, it's your job to do it."

On that basis, Ohlrich made a motion to continue the consideration of the measures until that public outreach could be obtained. It failed 3 to 2, with only Terrill Salem joining her in voting "yes."

Many people spoke against the amendments at the public hearing. Only a lawyer for developers and a planner for developers spoke in favor.

Former Mayor Mollie Cardamone stated that the City Commission when she was on it added the building heights to the Comprehensive Plan deliberately to preserve the City's charm, stating, "It's all about our quality of life." David Lough, President of the Downtown Sarasota Condominium Association, an alliance of condominium associations in the area, told the Commissioners, "Let's leave the height limits in the Comprehensive Plan ... It is absolutely critical to the soul of our City."

On the other hand, two candidates for this year's City Commission election were highly disappointing. Carl Shoffstall was present but silent. Debbie Trice was present, but worse than silent. She asked whether the "attainable housing" requirements for added density were "necessary" and if so whether the incentives to developers for increased density are "sufficient". To determine the answer, her proposal: "Ask developers." She proposed a five-

year expiration date on the density bonuses, to create a sense of urgency for their use. Her third proposal was to make the proposed administrative approval of developments throughout the City subject to being "earned by Community Workshops." Trice said nothing about removing building height limits from the Comprehensive Plan.

With the third candidate for City Commission, Terrill Salem, having voted against the motion to remove the height limit repeal from the amendments, it is clear that we need another, more principled candidate for City Commission.

Significantly, a supermajority vote is required for the amendments when they reach the City Commission on May 16. That is because removing the building heights and certain other measures still require that supermajority vote. Steve Cover acknowledged that at the meeting. It is hoped that City Commissioner Jen Ahearn-Koch is likely to vote "no" based on the height limit removal, the inadequacy of the affordable housing requirement for undefined density bonuses and the extension of administrative approval of development plans. If so, is there another vote to defeat this dangerous scheme?

Liz Alpert has already declared her support for removing the limits on building heights and in the past has also approved the other bad measures, and does not face reelection for over two years, so she would seem hopeless. However, Mayor Erik Arroyo has not stated a position and has tended to be more balanced and responsible on some development issues. A year ago, he voted with Ahearn-Koch against granting Cover permission to proceed with his amendments, in part because he wanted them separated out for Commission consideration. Kyle Battie has been one of the most pro-developer Commissioners, having been elected with their support, but he has shown independence on the issue of defining affordable/attainable housing at the level of 120% AMI, and has otherwise shown glimmers of wanting to be seen as his own man.

Even Hagen Brody is in the mix. Although he spoke for increased building heights at the Commission meeting a year ago ("We should not be guided by comments like, 'Don't block my view' "), he is now running for County Commission in a district that includes the City and the north part of Siesta Key. As such, he may not want a vote to remove limits on building heights from the City's Comprehensive Plan on his record, or the liberal granting of density increases, as an issue to paint him as radically pro-developer in the Democratic primary and general election. That likely was a factor in his spurning developer efforts to include removal of the height limit supermajority requirement in the pending City Charter revision, as well as adding a supermajority requirement to sell City property.

So this important battle now enters its most important stage.

It is to be hoped that the City Coalition of Neighborhood Associations will take an expedited stand against these bad amendments, and that the Downtown Sarasota Condominium Association will follow their President's lead with an active campaign to mobilize its members before the City Commission public hearings.

We need a redoubled impact at the City Commission meeting May 16, and by emails and other communications to City Commissioners. They may be emailed at commissioners@scgov.net and/or at erik.arroyo@sarasotafl.gov; liz.alpert@sarasotafl.gov; jen.ahearn-koch@sarasotafl.gov; hagen.brody@sarasotafl.gov; kyle.battie@sarasotafl.gov.

Please remain or become involved. The character of our community, the very quality which makes Sarasota so attractive to so many, is at an existential risk.

It's too important not to care.

Thank you,

-- Dan Lobeck