

Let's be clear.

The design and location of the sunset boardwalk, as approved by the City Commission in The Bay Park Phase 1 Implementation Plan, and as proposed in the current site plan, follows the community, city and conservancy guiding principles and delivers on the established success criteria.

The design and location of the sunset boardwalk have environmental integrity, operational integrity, design integrity, and most importantly broad community preference and use integrity.

The current design and location of the boardwalk is the direct result of environmental studies and environmentalists' input that called for a boardwalk location and shape that respects, protects, enhances and sustains precious natural resources...seagrass beds, coral, the natural bay shoreline, bayou and mangrove habitats, et al.

The current location enables continuing smooth operations of the city owned and operated Van Wezel Performing Arts Center for its management, staff and importantly patrons who use the south lawn and bay viewing areas for scheduled shows and a whole host of other activities including educational programming, graduations, receptions, weddings and other special events.

The approved sunset boardwalk design delivers on not only the highest standards for park design but also and importantly the highest expectations for park goer experience.

The current boardwalk design and location provide optimum access to Sarasota Bay for the vast majority of our community.

The sunset boardwalk continues to be by far the most desired feature in the first phase of the park. Literally thousands in our community support its current design and location and look forward to being able to experience it with their family and friends.

These are the clear and compelling reasons, the principles and success criteria, for the currently approved design and location of the sunset boardwalk in the first phase of The Bay Park.

Neither the City management, staff nor The Bay Park Conservancy have heard any compelling or valid reasons to change the guiding principles or success criteria...or to consider redesign or relocation of a sunset boardwalk that has been thoroughly reviewed and discussed over many months with a broad, representative cross-section of our community, city management and staff, and the city commission in public sessions on multiple occasions.

Frankly, the thinly veiled NIMBY protestations of a few condo residents intended to push the public in a public park as far away as possible from their security gated, walled off Condo on the Bay have not surfaced any credible reasons to re-evaluate guiding principles, success criteria or sunset boardwalk design.

Importantly, these condo residents participated fully in the process every step along the way. They just don't like the decisions made by the City Commission and staff. They do not like the design and plan outcome. They do not agree with the overwhelming representative majority of the Sarasota community.

From the beginning, the overall vision and preeminent guiding principle has been to create a signature public park on Sarasota Bay that is common ground, a gathering place...ACCESSIBLE and OPEN TO ALL, FREE and WELCOMING to the full diversity of the Sarasota community.

That's what The Bay Park Conservancy has designed and planned for the first phase of The Bay Park. That's what the City Commission approved in the Implementation Plan. That's what literally thousands in our community want to see approved in the site plan and brought to life in the build out.

That's what the public wants in their public park...they would like to see open in 2021/2022.

A. G. Lafley

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From: Robert Lincoln <robert.lincoln@flandlaw.com>
Date: Thu, Mar 12, 2020 at 9:47 PM
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Dear Mr. Lafley:

I am appalled at the level of misrepresentation and antagonism toward the residents of Condominium by the Bay (COTB) and their representatives expressed in your March 10 email purporting to “set the record straight.” Rather than setting anything straight, your email is a spin job that distorts the truth and misrepresents the concerns and actions of the COTB residents.

First, the City Commission has not ever seen, and certainly did not “approve” the recently modified design of the Boardwalk, which now includes two sun shade structures approximately 120’ wide and 30’ high that will sit above the pier – and affect the view of the Bay. Moreover, the City Commission’s approval of the Phase I Implementation Plan did not in any way suggest the current configuration of the Boardwalk could not be changed in order to meet the requirements for Site Plan and Major Conditional Use Approval, including compatibility, traffic circulation and pedestrian safety.

In fact, the City Commission expressly recognized that the Boardwalk would have to obtain Major Conditional Use approval, and it was made clear, on the record, that all aspects of the “concept plan” would be subject to change during the review and approval process. Your assertion that the Commission’s approval of the Implementation Plan constituted approval of the Boardwalk configuration is contradicted by the record.

Second, your statement that COTB residents are NIMBYs trying “to push the public in a public park far away as possible from their security gated, walled off Condo on the Bay. . .” is both deliberately offensive and factually wrong. Characterizing the COTB residents with the slur of “NIMBY” is a clear attempt to delegitimize their concerns and marginalize their participation. It is also incorrect. COTB representatives have not argued that public access should be limited to any part of the Phase I project. What COTB demands from BPC and the City is a Phase I Project that is well-planned, well-designed, and well-operated to avoid creating problems with traffic circulation, pedestrian safety, security, and operations.

With respect to the location of the Boardwalk, the issue is with the configuration of the southern access, not whether the public can or should use the southernmost part of the property where that access is planned. The public can and does use that area today, with no objection from COTB residents.

Your email asserts the City management and staff have not “heard any compelling or valid reasons” to consider changes to the Boardwalk. Aside from presuming to speak for the City management and staff, your statement avoids the issue. As proposed, the south end of the Boardwalk will appear (viewed from further east on BOTA) as an extension of the street and the sidewalk on the south side of the street. COTB residents have raised credible concerns that the current configuration of the Boardwalk will pull pedestrians and vehicles into the west and south part of the street and sidewalk, where they will conflict with vehicles entering and leaving COTB, particularly when there are large events at the park.

During January 30 and 31 meetings between BPC representatives, COTB residents, and City representatives, COTB residents raised their concerns about the location and asked whether the entire Boardwalk could be moved further north –perhaps with the north end attaching at the existing view-point behind Van Wezel and the south end being proportionately further north (a shift of approximately 75'). In the course of those meetings, City Staff indicated they would examine the possibility of moving the Boardwalk.

At the February 5, 2020, DRC meeting, Staff raised the question of moving the Boardwalk north, and BPC stated they would review and consider that option, and assess whether the change would have a substantial adverse impact to seagrasses or other factors. Chris Cianfaglione, one of the Stantec planners working on the project, talked to me afterward and indicated they would be working on a review.

The issue of moving the Boardwalk further north then came up again in a late February meeting between BPC representatives, City representatives and COTB residents. At that time, BPC representatives, including yourself, indicated BPC was not opposed to considering some movement of the Boardwalk. At that point in the meeting, however, Planning Director Steve Cover made a passionate defense of keeping the Boardwalk in its current location. When I followed up with Chris Cianfaglione and Kelley Klepper from Stantec last week regarding their review of moving the Boardwalk, they asserted “the City continues to direct that the Boardwalk location remain generally as approved unanimously by the City Commission as shown in the Bay Park Implementation Plan.”

After receiving this comment, I contacted Assistant City Manager Marlon Brown last Friday to confirm whether that was the case. On Monday, Mr. Brown contradicted that position, and indicated BPC could propose moving the Boardwalk so long as it supported the change, apparently leading you to go on the offensive with your Tuesday email.

Third, your email is a transparent attempt to derail BPC's prior commitment to even consider and assess alternative configurations of the Boardwalk, despite Mr. Brown's clear statement that BPC could do so. In an effort to shut down any further consideration of this issue, you imply any effort to alter the current configuration of the Boardwalk would violate two “success criteria”: limiting environmental impacts and protecting Van Wezel's use of the Lawn area behind the Performing Arts Hall. However, at this point, there is no valid reason to believe that shifting the Boardwalk north would interfere with any success criteria.

With respect to the environmental issues, BPC has never made public any report or analysis that compares possible alternative locations for the Boardwalk and concludes that moving the Boardwalk 75' north from its current location (or to any other location) would have significantly greater adverse impacts on those resources. In fact, looking at that issue was what BPC's representatives agreed to do at the DRC meeting in February.

With respect Van Wezel's use of the Lawn, there has never been any official or public objection by “the city owned and operated Van Wezel Performing Arts Center” to the concept of moving the Boardwalk north. None of the Van Wezel staff went on record with respect to that issue during the City Commission's discussion of the Phase I Implementation Plan. BPC has not provided any written documentation from the Van Wezel management, or any other City official, asserting (no less proving) that moving the Boardwalk north would adversely affect Van Wezel's use of the Lawn. Instead, BPC provides vague references to verbal comments by unidentified Van Wezel employees on unspecified dates as grounds for refusing to consider a different configuration of the Boardwalk.

One possible reason for the lack of any official or public objection from Van Wezel is that it's use of the Lawn is not permitted under the G-Zone district and has never been authorized by a waiver or special exception. Alternatively, perhaps Van Wezel seeks to “push the public in a public park as far away as possible,” but of course cannot say so publicly. Finally, moving the Boardwalk north might not have any adverse impact on Van Wezel's legitimate uses and activities. Regardless, if Van Wezel has an objection, it should be made officially and publicly, in a forum in which the issue can be publicly debated and evaluated – and now, before the plans are approved rather than later when it is too late to change them.

Fourth, you assert the latest design is the result of extensive community engagement, including COTB residents who “participated fully in the process every step along the way.” However, BPC created the current Boardwalk configuration behind closed doors, without any public participation, and then forced it on the community and the City Commission. Nor did BPC have any public presentation and discussion on the new “shade structures” (which will interfere with the view of the Bay from BOTA) before adding them to the plans. You assert there is broad public and community support for this particular design, but the public was never provided alternatives to consider. The community supports a park and a Boardwalk, and so do the COTB residents; but there's no basis for you or BPC to assert the community supports only the current configuration and would not support the Boardwalk if it were moved 75' north.

Contrary to your comments and offensive slurs, COTB residents support a well-planned, well-designed, and well-operated park and Boardwalk on the Phase I property. The problem is BPC has failed to demonstrate its Phase I park or the Boardwalk will be any of those and repeatedly uses public relations spin tactics to avoid being held accountable and deflect any criticism of its efforts. BPC would best serve the community if its efforts are directed toward developing the details of how parking, traffic circulation, pedestrian safety, security, and trash pickup will work on a daily basis and towards the details of the 1,500 person events that BPC plans for the park.



Best regards,



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