



**LIDO KEY RESIDENTS ASSOCIATION
PO BOX 884
SARASOTA, FL 34230**

MISSION STATEMENT: WE SEEK TO FOSTER COMMUNITY INVOLVEMENT AMONG OUR RESIDENTS IN ORDER TO MAINTAIN AND ENHANCE THE QUALITY OF LIFE ON LIDO KEY FOR ALL RESIDENTS AND OUR MANY VISITORS.

January 19, 2021

Dear Mayor Brody, Vice Mayor Arroyo, Commissioners Alpert, Battie, and Ahearn-Koch, Interim City Manager Brown, Interim Deputy City Manager Pat Robertson:

Note: This document is intended to look at the “hotel house” issue from yet another angle and hopefully in doing so allow the City Commissioners and the City of Sarasota to find a long lasting and effective solution. Doing this in no way should suggest that the Lido Key Residents Association is not besieged with concerns from our resident members regarding what we believe are illegal and swiftly accelerating conversions of single-family residences to “hotel houses” in our neighborhoods. Others have documented the numbers. We are in contact with, share databases and research with and support the other materials submitted by these neighborhoods. Our goal is to not be redundant.

Our barrier island neighborhoods are quickly changing. From their initial development, the housing stock on the islands were principally used and occupied as secondary or seasonal homes. Over the past 10 years, many of these homes and condo units had noticeably begun the transformation into year-round residences. With the pandemic this past year, corporate America awoke to find that not only can it operate their businesses productively with staff that works remote but also the significant financial savings doing so brings. “Working remote” is not tied to the end of the pandemic, it is a new workforce model for many businesses. With improvements in technology people are realizing they no longer must live near the office; they can live anywhere. Sarasota is “a great place to live” and consequentially this change in the work model is and will continue to have an incredibly significant impact on our entire community but more so on our barrier island neighborhoods. Our hotels and resorts will continue to attract vacationers and host events and outings, but the barrier island residential housing stock is quickly becoming far less secondary and seasonal. We are already seeing that even the renters and guests on our islands in the past 8-10 months are now staying longer because they can bring their jobs with them. Our Association began soliciting our residents this past week to see if they want to have meetings all year, not just our historical seasonal October through April partly in recognition that so many residents are now here year-round. This changes the dynamics of these neighborhoods.

The impact this seemingly overnight transformation will have on the infrastructure and demand on city services is significant. A closer look needs to be taken at every data point that makes up Sarasota’s planning parameters, with emphasis on the historical seasonal data points becoming the predictors for these neighborhoods. Imagine seasonal traffic becoming the year-round norm. It is poised to do so. But this is a topic for a different discussion.

The point we are trying to make is there needs to be a change in the historical perception of our barrier island neighborhoods. We are no longer vacation homes principally occupied during season. Our neighborhoods are fragile and the speed and extent the conversions of traditional residential housing to "hotel houses" has become a major threat to their existence. Here on Lido, some streets are at and may soon pass a critical tipping point. Left unchecked and uncontrolled the "hotel house" issue will move on shore and affect the City's other neighborhoods. Our neighborhood residential owners want, pay taxes for, and expect to enjoy the same city services as residents in other neighborhoods do. They want and expect the City through its zoning and building process to protect and ensure that our single-family residents can enjoy a peaceful and quiet residential neighborhood. We believe that the City Commissioners share that belief and vision.

It should not be a surprise to anyone that residents are crying "foul" when an existing residence next door to them is torn down and replaced by a "hotel house". Although a relatively new concept, "hotel houses" have earned the reputation as a haven for an excessive number of guests wanting all the amenities of a residence but allowing for unrestricted and unmanaged activities. In a traditional neighborhood, residents generally tolerate an occasional loud party or a household that has many guests for an event. In a traditional neighborhood these are infrequent and end after the event. Residents many times have the option to call and talk to their neighbor to seek immediate relief. In the case of "hotel houses", loud parties and over occupancy by guests happen over and over and over and over and over and over (intentionally 7) and then that group moves out and the next one moves in and the pattern repeats week after week, month after month. Neighbors have no known responsible contact to work with, leaving no opportunity for immediate relief, including calling the police.

For those of us working on this from a neighborhood perspective, including a handful of lawyers and other professionals who have dealt with issues like this in other communities, the common opinion is that the City should already have zoning ordinances in place that could mitigate this issue, including many of the behavioral issues that are emulating from this type of over-occupancy. Using the existing ordinances to mitigate this issue would take a different more strict interpretation of the zoning codes "*definition of family*", "*permitted use*" and the Coastal Islands overlay district stated intent to "*limit increases in residential density for new construction*". This has been pointed out in the various papers and memos presented by the neighborhood groups. Our Association understands and respects that the prior City Manager and the City Attorney have a different assessment, feeling that they do not have sufficient tools to comfortably control this use. We believe that the City Commission is sympathetic to the neighborhood's concerns and through direction to the City Attorney is seeking a workable solution with new ordinances. We have only seen the new ordinances in concept as the exact language is not yet available. Conceptually the Lido Key Residents Association supports these proposed ordinances.

The single most important aspect of any new or existing ordinance is enforcement. Sarasota clearly lacks a "desire and willingness to enforce". In Sarasota, enforcement of non-criminal codes and statutes is "complaint-based". The way Sarasota operates complaint-based enforcement is neither productive nor effective for a variety of reasons. Its entire premise is to pit a person (or neighbor), or persons (or neighbors) or as in this case neighborhood groups against another person (or neighbor). Most people do not want this kind of confrontation, so code violations are rarely formalized by neighbors. In addition, in Sarasota complaints must be substantiated through a police officer filing a report. This may be fine for criminal activities, but most people feel doing that is taking an officer away from their criminal activity focus.

Take as an example a property that went through a zoning variance and has a conditional use placed on it as part of the granting of the variance. Who monitors and enforces that conditional use after permitting? If there is a resident who happens to know about it, maybe they file a complaint. Chances are any officer that person calls would not have a clue on why that was a conditional use violation. The only one in a position to monitor and enforce those are the issuing city department, and clearly our City is not organized or has staff charged for that purpose. The point is "complaint-based enforcement" particularly the way it is practiced in Sarasota is effectively "no enforcement", and negates the purpose and effort developing the ordinance in the first place.

Following are some adjunct recommendations to City Commissioners:

- Have the City Manager and/or City Attorney specifically explain how these “hotel houses” as they are currently managed and operated in a single-family residential zone:
 - Meet the definition of a single “family”.
 - Are a “permitted use”.
 - Comply with intent of the zoning overlay district to “limit increases in residential density for new construction.”

- Have the City Manager conduct a review of all permit processes and determine why applicants are not informed of any applicable zoning laws related to permitted use and density restrictions and why applicants are not required to sign off that they understand and will respect the applicable ordinances as a condition of the permit being issued.

- Have the City Manager review and bring back recommendations on developing a more a proactive approach to enforcement of non-criminal codes and ordinances. Take enforcement of zoning and building codes out of a “complaint-based, police reported” process and charge the City staff responsible for building and zoning the ability to monitor and enforce the codes they administer and the conditions they place on property.

One final point. There is no logic in bringing “home-rule” and “short-term rentals” into the discussion of “hotel houses”. Doing so is just a distraction. The illegality of permitting “hotel houses” to be built in single-family neighborhoods is clearly within the purview of existing zoning and housing codes. Focus needs to be on finding areas where those codes need enhanced or clarified to ensure better enforcement.

We would be happy to participate in any discussions.

Respectfully

Carl Shoffstall
President – Lido Key Residents Association

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