

# ATTACHMENT C

## Correspondence

Fax to: 954 921-3347

Fwd: Hollywood Planning Dept., Hollywood, FL

MM

Mark MANCINI &lt;mark@dynamicdesign1.com&gt;

Today, 3:48 PM

Snjezana Bursac ✕

✕ \$ Reply all | ✓

Inbox

Re: Hearing 5-14-18  
Rm. 215  
File 18-DPV-19

✕ Reply | ✓

✕ Delete Junk | ✓ ...

Mark Mancini

Begin forwarded message:

**From:** Don Hirschfeld <DHirschfeld@hirschfelddcos.com>**Date:** May 13, 2018 at 3:44:48 PM EDT**To:** "Mark Mancini (Mark@dynamicdesign1.com)" <Mark@dynamicdesign1.com>**Subject:** Hollywood Planning Dept., Hollywood, FL

Planning and zoning board Room 315  
Hollywood, FL 33020

Re: File 18-DPV-19, 3319 N. Ocean Dr.  
Hollywood, FL  
Application of VVG Real Estate Investments, LLC

To Whom It May concern,

I would like to express my objection to the proposed zoning variance on the above referenced property.

I currently reside at the Villas of Positano apartment 8A and have been a resident there since 2007. Prior to moving to Positano we resided for 25 years at the Hallmark apartments, unit 1823. During the 25 years we endured construction of the Diplomat resort and the disruption to S. Ocean Drive. We witnessed the development of hi rise buildings such as Diplomat Towers, Ocean Palms, Trump Hollywood, Beach Club Triple Towers and the accompanying increase in traffic. To escape these disruptions we moved to Positano. We were attracted by the old Hollywood flavor of primarily low rise properties and uncrowded beaches.

We objected to the increase in height of the Positano Beach building as an unnecessary increase in density. This project is similar in nature which, if approved will cram on a site smaller than Positano Beach double the number of units. These units will impact our ability to exit Thomas Street which is currently a terrible risk when exiting into the flow of traffic. The lack of any traffic control between Johnson St. and Sheridan Street makes exiting dangerous and has been the cause of numerous accidents at that intersection.

The proposed building has minimal setback from Ocean Drive further obstructing visibility and will increase the danger of pedestrians on Surf Road where a 7 story Wall will produce a wind tunnel and block visibility of New Hampshire St.

The way of life we have enjoyed is constantly under attack by proposed variances which were established to control density in this area.

MAY 14 '18 PM 5:02

FILED IN 18-036

Please turn down this requested variances.

Thank you,

Helene and Donald Hirschfeld  
954-922-1942

MAY 14 '18 9:32

MAY 14 '18 9:32

# ACTIVITY REPORT

TIME : 05/14/2018 00:00  
 NAME :  
 FAX :  
 TEL :  
 SER.# : BROF5J295897

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
	05/13	16:08		36	02	OK	RX ECM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION / OUT OF MEMORY  
 CV : COVERPAGE  
 PDL : POLLING  
 RET : RETRIEVAL

MAY 14 '18 am 9:32

MAY 14 '18 am 9:32

HAND  
DELIVERED

May 9, 2018

Planning Division, Room: 315

City of Hollywood

2600 Hollywood Boulevard

Hollywood, Florida 33020

RE: Pet. # 18-DPV-19

Hearing 5/14/18, 1:30

Gentlemen:

Please be advised that I am a resident at the neighboring Villas of Positano, and I had been a five-year Member of the Board of Director's. My apartment is located on the top floor of the Southwest corner of Positano, and I am one of the few residents who will be directly impacted by the construction of the proposed project. My unit is also one of the four the highest valued in Positano, and I am also one of the largest taxpayer's, @ \$53,000. annually.

Please enter this letter of "objection" into the minutes of the planning and zoning meeting. I am in favor of a residential project to be constructed on the subject property. However, to be perfectly clear, I am "Not in favor of granting any Variance" whatsoever. Especially as it would relate to a request for an increase in "height". The current zoning is sufficient, and any additional increase would severely obstruct my views, and impact the resale value of my property, currently valued by the Broward County Property Assessor at approximately \$2,500,000.00. A Variance should only be granted in the case of extreme hardship, provided it would not interfere with the interests of any specific neighboring resident. In this case, there is no hardship whatsoever. The request is merely to increase the

MAY 9 2018 3:18

profitability of the foreign citizen developing this project. This is my primary domicile, and I am a 50-year resident of Dade and Broward Counties, and a real estate property taxpayer of 2 properties in Broward County and 1 in Dade County.

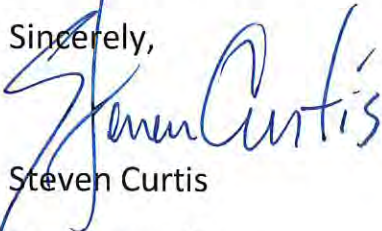
In conclusion, I specifically request that the petition, in its entirety be "denied".

The developer is perfectly capable of developing the property within the current allowable zoning.

I request that a copy of the Minutes of this meeting, and all future discussions, petitions, meeting, hearings, proceedings, be sent to me directly, and that no such variances be approved without my prior knowledge and consent.

Thank you for your kind consideration.

Sincerely,



Steven Curtis

Penthouse One

3501 N. Ocean Drive

Hollywood, Florida 33019

Cc: Mathew Leto, Esq.

Hall, Lamb, Hall, Leto, P.A.

MAY 15 12:00

MAY 9 18:00

## Deandrea Moise

---

**From:** Bob Glickman <bob@anhrealty.com>  
**Sent:** Monday, June 11, 2018 1:35 PM  
**To:** Leslie A. Del Monte  
**Cc:** Deandrea Moise  
**Subject:** TAC file 18-DPV-19, Against the Height Variance  
**Attachments:** TAC file 18-DPV-19, Deny 7 Story Height Variance Request.pdf

Leslie,

I want to be put officially on the record that I am against the height variance for this proposed development.

Additionally, I submitted the enclosed letter at the meeting and Hollywood Tower's attorney, Mr. Ronald Gossett, has sent a letter and also advised at the meeting, that Hollywood Towers is against the height variance.

When I made a records request for any correspondence for or against the project, these 2 letters were not included in the records I received.

Additionally, the attorney for the developer stated that she had and I believed submitted, letters approving this project from the neighborhood. Those letters as well were not included in the requested documents I received this morning.

I am not sure where the foul up is in this matter but I hope all of the documents are found and submitted prior to this matter moving forward.

Thanks you for your assistance.

Bob  
Bob Glickman

Robert Glickman  
3111 N. Ocean Drive  
Hollywood, FL 33019

May 14, 2018

TAC  
City of Hollywood

Ms. Leslie Del Monte  
Ms. Deandrea Moise

Re: TAC file 18-DPV-19, **Deny** 7 Story Height Variance Request

Dear TAC Members,

I am requesting that you DENY the height variance request in this application referenced above for the residential project located at 3319 N. Ocean Drive, as it does not comply with neighborhood standards or the Beach Master Plan, in that residential buildings may not be more than five (5) stories in height, in this residential zoned neighborhood, BRT-25-R, which runs from Carolina Street to Thomas Street.

The City of Hollywood already has regulations in place in this neighborhood as to what can be built and the height of those buildings.

As existing property owners, which many may have purchased their properties after the enactment of the height restrictions, we have property rights as well. When we purchased in this residential neighborhood, we knew what the current codes were and purchased our properties and relied on the city codes. This developer should not be treated any differently than the rest of us.

It would be extremely unfair, without any change to the city codes, to allow someone come into this neighborhood now and go against the current codes and violate the property rights of all of the other individuals in this neighborhood.

Furthermore, the subject property was just purchased in April 2016 and when purchased, they knew what was allowed to be built and the height of the buildings in this area. We believe it is disingenuous for them to come before you now and request a height variance when the Beach Master Plan and the neighborhood does not support this height variance.

In the previous TAC meeting documents dated April 16, 2018, the TAC comments In the TAC notes from Zoning, B 2, it says:

"Height variances are **not** typically supported by Staff in this area. Provide justification for height variance for Staff review with next submittal."

TAC notes for this meeting are silent on this issue for supporting a height variance.

**Question:** What is the TAC justification for supporting a height variance at this time and what is their hardship in making this request, per the Beach Master Plan, page 18?

General Criteria: Scale/Massing

The immediate surrounding buildings to the subject property are the following:

323 New Mexico –	2 story
3405 N Ocean Drive –	2 story
3220 N Surf Road –	1 story
3411 N Surf Road –	2 story
314 New Hampshire –	2 story
3400 N Surf Road –	3 story
3400 N Ocean Drive –	3 story
3201 N Surf Road -	4 story
311 Liberty Street -	2 story

There are 2 Positano buildings at the 7 story level at the north end of this residential district, and which this property was purchased prior to 2004 by the developer Hollywood Ocean Group LLC and before the 5 story height limit from the Beach Master Plan was established.

Another building, Hollywood Towers, at 3111 N. Ocean Drive, was built in the mid 1960's and prior to the Beach Master Plan or any height restrictions. It is over 5 stories and located in the middle of this residential neighborhood.

Another building, the Marriott is over 5 stories in the southern end of this residential neighborhood but not part of the neighborhood and which was built in the early 1970's, prior to the Beach Master Plan and the current zoning and height restrictions, at 5 stories.

**Question:** The residents are also concerned with the proximity of this project to the major intersection of Sheridan Street and A1A and we inquire if a traffic study has been done to ensure the safety of the residents both in vehicles and those that need to cross the street from the properties on the west side of A1A, directly across from the subject property?

According to the beach code enforcement officer, John Weitzner, there are open code violations on this property.

**Question:** How can this submittal move forward and proceed while there are open, unresolved code violations on this property?

Again, I request that you deny this height variance in this residential neighborhood as it is not supported by staff in their April 16, 2018 TAC notes, by the Beach Master Plan or by the neighbors in this neighborhood.

Respectfully Submitted by,

Bob  
Bob Glickman  
BobGlickman@att.net

HAND  
DELIVERED

May 9, 2018

Planning Division, Room: 315

City of Hollywood

2600 Hollywood Boulevard

Hollywood, Florida 33020

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Hearing 5/14/18, 1:30

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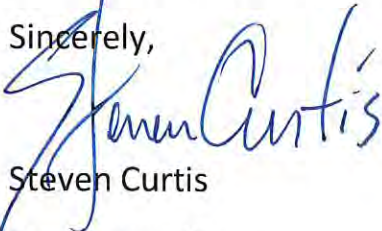
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Sincerely,



Steven Curtis

Penthouse One

3501 N. Ocean Drive

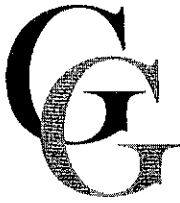
Hollywood, Florida 33019

Cc: Mathew Leto, Esq.

Hall, Lamb, Hall, Leto, P.A.

MAY 15 12:00

MAY 9 18:00



Robert L. Gossett  
Ronald P. Gossett

**Gossett & Gossett, P.A.**  
*Attorneys at Law*

BobGossett@gossettlaw.com  
RonGossett@gossettlaw.com  
www.gossettlaw.com

May 8, 2018

Mayor Josh Levy  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[jlevy@hollywoodfl.org](mailto:jlevy@hollywoodfl.org)

Com. Traci L. Callari  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[tcallari@hollywoodfl.org](mailto:tcallari@hollywoodfl.org)

Com. Kevin D. Biederman  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[kbiederman@hollywoodfl.org](mailto:kbiederman@hollywoodfl.org)

Com. Richard Blattner  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[rblattner@hollywoodfl.org](mailto:rblattner@hollywoodfl.org)

Vice-Mayor Debra Case  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[dcase@hollywoodfl.org](mailto:dcase@hollywoodfl.org)

Com. Linda Sherwood  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[lsherwood@hollywoodfl.org](mailto:lsherwood@hollywoodfl.org)

Com. Peter D. Hernandez  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[phernandez@hollywoodfl.org](mailto:phernandez@hollywoodfl.org)

Re: Opposition to any variance on height restrictions for development of property at  
3319 N. Ocean Drive  
File No.: 18-DPV-19  
Applicant: VVG Real Estate Investments, LLC

Ladies and Gentlemen:

The undersigned (a native of Hollywood) represents Hollywood Towers Condominium Association, Inc., in connection with certain matters, including the opposition by the owners at Hollywood Towers to any variance on height restrictions for the development of property at 3319 N. Ocean Drive.

**RECEIVED**

JUN 13 2018

**CITY OF HOLLYWOOD  
PLANNING DIVISION**

Phone: (954) 983-2828 Fax: (954) 983-2850

HAND DELIVERED

City Commissioners  
City of Hollywood  
May 8, 2018  
Page 2

The purpose of this letter is to let you know at the beginning of the development process that the owners of the 156 condominium units at Hollywood Towers oppose any variance for development, and will devote significant resources to that opposition. Their position has not changed from the letter I wrote to the city commissioners on September 23, 2015, concerning property owned by the same developer on the other side of Hollywood Towers (File No. 14-DPV-36).

### **Originally Proposed Development**

On May 14, 2018, I will have the pleasure of appearing before the Technical Advisory Committee to express the concerns of the owners of Hollywood Towers on the planned development. The proposed development is by VVG Real Estate Investment, LLC, a Florida limited liability company which had been formed on June 9, 2011, and had as its sole managing member, Vadim Gataullin<sup>1</sup>.

The proposed hotel exceeds the 50' height limitation for development of the property. The hotel is proposed as a seven story building; therefore, a variance on height limitation is needed.

### **Recently Proposed Development by Same Developer on South Side of Hollywood Towers**

Quite some time after the meeting with the TAC on file 14-DPV-36 when a six story structure had been proposed, Hollywood Towers was informed that the proposed development had drastically changed. The proposed development became a 17 or 18 story hotel—some 175' tall, three and one-half times the height of the tallest structure which could be built on the property under current zoning. The proposed hotel had 219 rooms versus the 84 originally

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<sup>1</sup>Mr. Gataullin is presently engaged in litigation with the Attorney General of the United States, concerning his immigration status. *See Vadim Gataullin v. Jeff Sessions, Attorney General of the United States; L. Francis Cissna, Director, U.S. Citizenship and Immigration Services; Steve Koch, Acting District Director USCIS Miami; Yeseira Diaz, Field Office Director USCIS Miami; Elaine Duke, Acting Secretary of the Department of Homeland Security; Christopher Wray, Director of the Federal Bureau of Investigation; the Department of Homeland Security; the Department of Justice; and the Federal Bureau of Investigation*, case no. 17-cv-24391-Cooke/Goodman (S.D.Fla.). Most of the pleadings in the file are not available to view on PACER, or on the website of the Southern District.

proposed. Hollywood Towers opposed that application, and continues to oppose it.

### **Meeting with Developer and Architect**

Although TAC recommended that the developer meet with his neighbors to gauge opposition to the proposed development, no such meeting has taken place.

### **Variance Would Amount to a Compensable Taking of Property**

In 1993, Justice Kennedy wrote:

“[A]n essential principle: Individual freedom finds tangible expression in property rights.”

*United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 61, 114 S. Ct. 492, 505, 126 L. Ed. 2d 490 (1993).

All of the unit owners on the north side of Hollywood Towers have an unrestricted, 180 degree view—breathtaking views which include miles of the beach and ocean, and Intracoastal Waterway. The quality of that view greatly increases the value of the individual units having the view. Most, if not all, of the owners on the north side have acquired their units after the passage of the Land Use Plan and the resulting zoning of the property to the South to restrict the height of buildings to 50 feet. Therefore, each unit owner was able to rely on the building height restrictions on any development adjacent to Hollywood Towers to assure themselves that they would always have the quality of that view, absent some compelling reason why a building higher than 50 feet would need to be constructed.

The proposed development destroys that view. What remains is a very narrow slice of view of the beach from the balconies of the units facing South. The quality of the view is destroyed, and the value of the units on the South side will decrease as a result. That is a compensable taking under the Fifth Amendment Taking Clause.

The Hollywood Beach CRA Master Plan at page 18, Principle 1: is to preserve the character and scale of the beach. To that end, Action Item 3 requires proof of hardship for variances. There is no proof of hardship within the application for this development or its supporting documents.

City Commissioners  
City of Hollywood  
May 8, 2018  
Page 4

The City of Hollywood should not grant any height variance for the development of this property—it would amount to a taking of the property by the City for the private benefit of the developer. While *Kelo v. City of New London, Conn.*, 545 U.S. 469, 125 S.Ct. 2655 (2005) found such takings to not run afoul of the Taking Clause of the Fifth Amendment, it conditioned that reasoning on the payment of just compensation for the taking.

*Kelo* is one of those cases which caused legislatures to act in dramatic fashion to legislatively “overrule” the Supreme Court. Many states, including Florida, reacted to *Kelo* by enacting legislation which prohibits a public taking for private use.

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, if the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity:

[None of the enumerated uses applies.]

§ 73.013, FLA. STAT. (2015)

My clients are so committed to the defeat of any proposal to build a non-conforming building on this parcel, that they are prepared to pull the trigger on an inverse condemnation action against the City in the event variances are issued.

### **Come, Let Us Reason Together**

The only allure of the proposed development is an increase in tax dollars—something which we are told the City of Hollywood needs; but should the natural resources of the City be sold off to temporarily pay more bills of the City? Or should what makes Hollywood an attractive city, both for its residents and its visitors, be preserved for future generations?

Hollywood Beach is so attractive to residents of surrounding communities that it is

*City Commissioners  
City of Hollywood  
May 8, 2018  
Page 5*

nearly impossible to enjoy the beach on a holiday weekend. It is very crowded during the tourist season. Adding 274 hotel rooms to an already overcrowded beach diminishes the enjoyment anyone can expect to derive from a day at the beach. If a height variance is granted to permit this developer to build a 7 story hotel on this property, how could the City say no to the next developer who wants to build a 10 story hotel on the next parcel of property, or to this same developer who wants to build a 17 to 18 story hotel to the south of Hollywood Towers?

The CRA, under your leadership and direction, has done a wonderful job rejuvenating Hollywood Beach. Thank you for that leadership. Let's keep the beach an enjoyable place for all of us.

### **Let's Honor the Work of the Planning Council**

Many years ago, a group of our neighbors were given the task of developing a Land Use and Comprehensive Plan for development of Broward County, including Hollywood. That Comprehensive Plan is described as:

The Comprehensive Plan itemizes the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects the community vision and commitments which implement the plan. These principles and strategies guide future decisions in a consistent manner and contain programs and activities to ensure the plan is implemented. The sections of the Comprehensive Plan are generally structured as Goals, Objectives, and Policies (GOPs) and describe how the local governments' programs, activities, and land development regulations will be implemented.

The group held workshops where members of the community could provide their insights and opinions. After years of hard work, the Comprehensive Plan was developed. The Scott Street property was zoned in accordance with the Comprehensive Plan.

Several years ago, I handled an appeal which involved adhering to the requirements of a rule promulgated by a group of lawyers (members of the Florida Bar) and implemented by the Supreme Court of Florida. In requiring compliance with the rule, the appellate court said:

We are particularly loath to overlook the defective motion, because so much effort by members of the Bar and the court goes into the adoption of the Rules

City Commissioners  
City of Hollywood  
May 8, 2018  
Page 6

of Civil Procedure that it is an anathema, in light of such effort, not to require compliance with them by the remaining members of the Bar.

*Spinner by & through Spinner v. Wainer*, 430 So. 2d 595, 596 (Fla. Dist. Ct. App. 1983).

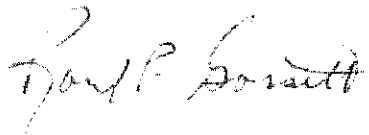
So much effort has gone into the creation and implementation of the Comprehensive Plan that it would be an anathema not to require compliance by a developer—including the developer of this property. You would be doing a disservice to the Planning Council by failing to constrain the development of this property to the confines of the Comprehensive Plan.

I am providing a copy of this letter to the developer, and his architect, as a matter of courtesy—so that they will know of the adamancy with which the owners of Hollywood Towers oppose the planned development. Thank you for your service to our City.

Should you need any additional information, please contact me.

Sincerely,

Gossett & Gossett, P.A.



Ronald P. Gossett

CC: Vadim Gataullin  
VVG Real Estate Investment, LLC  
Alan Forgea  
Board of Directors, Hollywood Towers Condominium Association, Inc.

RPG/ms

D:\OneDrive - Gossett & Gossett, P.A.\Shared\HT and VVG Hotel App\Letters\2018 05 08 Letter to Commissioners.wpd

Fax to: 954 921-3347

Fwd: Hollywood Planning Dept., Hollywood, FL

MM

Mark MANCINI &lt;mark@dynamicdesign1.com&gt;

Today, 3:48 PM

Snjezana Bursac ✕

✕ \$ Reply all | v

Inbox

Re: Hearing 5-14-18  
Rm. 215  
File 18-DPV-19

Mark Mancini | v

Delete Junk | v ...

Mark Mancini

Begin forwarded message:

**From:** Don Hirschfeld <DHirschfeld@hirschfelddcos.com>**Date:** May 13, 2018 at 3:44:48 PM EDT**To:** "Mark Mancini (Mark@dynamicdesign1.com)" <Mark@dynamicdesign1.com>**Subject:** Hollywood Planning Dept., Hollywood, FL

Planning and zoning board Room 315  
Hollywood, FL 33020

Re: File 18-DPV-19, 3319 N. Ocean Dr.  
Hollywood, FL  
Application of VVG Real Estate Investments, LLC

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We objected to the increase in height of the Positano Beach building as an unnecessary increase in density. This project is similar in nature which, if approved will cram on a site smaller than Positano Beach double the number of units. These units will impact our ability to exit Thomas Street which is currently a terrible risk when exiting into the flow of traffic. The lack of any traffic control between Johnson St. and Sheridan Street makes exiting dangerous and has been the cause of numerous accidents at that intersection.

The proposed building has minimal setback from Ocean Drive further obstructing visibility and will increase the danger of pedestrians on Surf Road where a 7 story Wall will produce a wind tunnel and block visibility of New Hampshire St.

The way of life we have enjoyed is constantly under attack by proposed variances which were established to control density in this area.

MAY 14 '18 PM 5:02

FILED IN 18-036

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Thank you,

Helene and Donald Hirschfeld  
954-922-1942

MAY 14 '18 9:32

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# ACTIVITY REPORT

TIME : 05/14/2018 00:00  
 NAME :  
 FAX :  
 TEL :  
 SER.# : BROF5J295897

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
	05/13	16:08		36	02	OK	RX ECM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION / OUT OF MEMORY  
 CV : COVERPAGE  
 PDL : POLLING  
 RET : RETRIEVAL

MAY 14 '18 am 9:32

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## Deandrea Moise

---

**From:** Leslie A. Del Monte  
**Sent:** Wednesday, July 18, 2018 8:26 PM  
**To:** Deandrea Moise  
**Subject:** FW: TAC file 18-DPV-19 at 3319 N. Ocean Drive  
**Attachments:** 2018 05 08 Letter to Commissioners.pdf

-----Original Message-----

From: Joe Marshall [mailto:jmarshall@anhrealty.com]  
Sent: Wednesday, June 13, 2018 1:07 AM  
To: Leslie A. Del Monte  
Subject: TAC file 18-DPV-19 at 3319 N. Ocean Drive

Hello Ms. Delmonte,

It has come to my attention that you may not have the letter sent on behalf of our association responding to the proposed development at:  
3319 N. Ocean Drive.

This letter was sent to city officials and the developer on May 8, 2018. I believe this should be included in the public records related to the project. Please let me know if this will be included or not.

Thanks

Joe Marshall  
Hollywood Towers Condo Association, President

Direct: 954-559-4162 | Fax: 888-552-7273  
Email: jmarshall@anhrealty.com

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are asked not to read it. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Please immediately reply to the sender that you have received this message in error and delete the original message. If you have received this message in error, please accept my apologies. Thank you.

-----Original Message-----

From: Ronald Gossett <rongossett@gossettlaw.com>  
Sent: Tuesday, May 8, 2018 11:06 AM  
To: Josh Levy <JLEVY@hollywoodfl.org>; tcallari@hollywoodfl.org; kbiederman@hollywoodfl.org; rblattner@hollywoodfl.org; dcase@hollywoodfl.org; lsherwood@hollywoodfl.org; phernandez@hollywoodfl.org  
Subject: TAC file 18-DPV-19



Robert L. Gossett  
Ronald P. Gossett

## Gossett & Gossett, P.A.

*Attorneys at Law*

BobGossett@gossettlaw.com  
RonGossett@gossettlaw.com  
www.gossettlaw.com

May 8, 2018

Mayor Josh Levy  
P. O. Box 229045  
Hollywood, FL 33022-9045  
[jlevy@hollywoodfl.org](mailto:jlevy@hollywoodfl.org)

Com. Kevin D. Biederman  
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[lsherwood@hollywoodfl.org](mailto:lsherwood@hollywoodfl.org)

Re: Opposition to any variance on height restrictions for development of property at  
3319 N. Ocean Drive  
File No.: 18-DPV-19  
Applicant: VVG Real Estate Investments, LLC

Ladies and Gentlemen:

The undersigned (a native of Hollywood) represents Hollywood Towers Condominium Association, Inc., in connection with certain matters, including the opposition by the owners at Hollywood Towers to any variance on height restrictions for the development of property at 3319 N. Ocean Drive.

The purpose of this letter is to let you know at the beginning of the development process that the owners of the 156 condominium units at Hollywood Towers oppose any variance for development, and will devote significant resources to that opposition. Their position has not changed from the letter I wrote to the city commissioners on September 23, 2015, concerning property owned by the same developer on the other side of Hollywood Towers (File No. 14-DPV-36).

### **Originally Proposed Development**

On May 14, 2018, I will have the pleasure of appearing before the Technical Advisory Committee to express the concerns of the owners of Hollywood Towers on the planned development. The proposed development is by VVG Real Estate Investment, LLC, a Florida limited liability company which had been formed on June 9, 2011, and had as its sole managing member, Vadim Gataullin<sup>1</sup>.

The proposed hotel exceeds the 50' height limitation for development of the property. The hotel is proposed as a seven story building; therefore, a variance on height limitation is needed.

### **Recently Proposed Development by Same Developer on South Side of Hollywood Towers**

Quite some time after the meeting with the TAC on file 14-DPV-36 when a six story structure had been proposed, Hollywood Towers was informed that the proposed development had drastically changed. The proposed development became a 17 or 18 story hotel—some 175' tall, three and one-half times the height of the tallest structure which could be built on the property under current zoning. The proposed hotel had 219 rooms versus the 84 originally

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<sup>1</sup>Mr. Gataullin is presently engaged in litigation with the Attorney General of the United States, concerning his immigration status. *See Vadim Gataullin v. Jeff Sessions, Attorney General of the United States; L. Francis Cissna, Director, U.S. Citizenship and Immigration Services; Steve Koch, Acting District Director USCIS Miami; Yeseira Diaz, Field Office Director USCIS Miami; Elaine Duke, Acting Secretary of the Department of Homeland Security; Christopher Wray, Director of the Federal Bureau of Investigation; the Department of Homeland Security; the Department of Justice; and the Federal Bureau of Investigation*, case no. 17-cv-24391-Cooke/Goodman (S.D.Fla.). Most of the pleadings in the file are not available to view on PACER, or on the website of the Southern District.

proposed. Hollywood Towers opposed that application, and continues to oppose it.

### **Meeting with Developer and Architect**

Although TAC recommended that the developer meet with his neighbors to gauge opposition to the proposed development, no such meeting has taken place.

### **Variance Would Amount to a Compensable Taking of Property**

In 1993, Justice Kennedy wrote:

“[A]n essential principle: Individual freedom finds tangible expression in property rights.”

*United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 61, 114 S. Ct. 492, 505, 126 L. Ed. 2d 490 (1993).

All of the unit owners on the north side of Hollywood Towers have an unrestricted, 180 degree view—breathtaking views which include miles of the beach and ocean, and Intracoastal Waterway. The quality of that view greatly increases the value of the individual units having the view. Most, if not all, of the owners on the north side have acquired their units after the passage of the Land Use Plan and the resulting zoning of the property to the South to restrict the height of buildings to 50 feet. Therefore, each unit owner was able to rely on the building height restrictions on any development adjacent to Hollywood Towers to assure themselves that they would always have the quality of that view, absent some compelling reason why a building higher than 50 feet would need to be constructed.

The proposed development destroys that view. What remains is a very narrow slice of view of the beach from the balconies of the units facing South. The quality of the view is destroyed, and the value of the units on the South side will decrease as a result. That is a compensable taking under the Fifth Amendment Taking Clause.

The Hollywood Beach CRA Master Plan at page 18, Principle 1: is to preserve the character and scale of the beach. To that end, Action Item 3 requires proof of hardship for variances. There is no proof of hardship within the application for this development or its supporting documents.

The City of Hollywood should not grant any height variance for the development of this property—it would amount to a taking of the property by the City for the private benefit of the developer. While *Kelo v. City of New London, Conn.*, 545 U.S. 469, 125 S.Ct. 2655 (2005) found such takings to not run afoul of the Taking Clause of the Fifth Amendment, it conditioned that reasoning on the payment of just compensation for the taking.

*Kelo* is one of those cases which caused legislatures to act in dramatic fashion to legislatively “overrule” the Supreme Court. Many states, including Florida, reacted to *Kelo* by enacting legislation which prohibits a public taking for private use.

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, if the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity:

[None of the enumerated uses applies.]

§ 73.013, FLA. STAT. (2015)

My clients are so committed to the defeat of any proposal to build a non-conforming building on this parcel, that they are prepared to pull the trigger on an inverse condemnation action against the City in the event variances are issued.

### **Come, Let Us Reason Together**

The only allure of the proposed development is an increase in tax dollars—something which we are told the City of Hollywood needs; but should the natural resources of the City be sold off to temporarily pay more bills of the City? Or should what makes Hollywood an attractive city, both for its residents and its visitors, be preserved for future generations?

Hollywood Beach is so attractive to residents of surrounding communities that it is

nearly impossible to enjoy the beach on a holiday weekend. It is very crowded during the tourist season. Adding 274 hotel rooms to an already overcrowded beach diminishes the enjoyment anyone can expect to derive from a day at the beach. If a height variance is granted to permit this developer to build a 7 story hotel on this property, how could the City say no to the next developer who wants to build a 10 story hotel on the next parcel of property, or to this same developer who wants to build a 17 to 18 story hotel to the south of Hollywood Towers?

The CRA, under your leadership and direction, has done a wonderful job rejuvenating Hollywood Beach. Thank you for that leadership. Let's keep the beach an enjoyable place for all of us.

### **Let's Honor the Work of the Planning Council**

Many years ago, a group of our neighbors were given the task of developing a Land Use and Comprehensive Plan for development of Broward County, including Hollywood. That Comprehensive Plan is described as:

The Comprehensive Plan itemizes the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects the community vision and commitments which implement the plan. These principles and strategies guide future decisions in a consistent manner and contain programs and activities to ensure the plan is implemented. The sections of the Comprehensive Plan are generally structured as Goals, Objectives, and Policies (GOPs) and describe how the local governments' programs, activities, and land development regulations will be implemented.

The group held workshops where members of the community could provide their insights and opinions. After years of hard work, the Comprehensive Plan was developed. The Scott Street property was zoned in accordance with the Comprehensive Plan.

Several years ago, I handled an appeal which involved adhering to the requirements of a rule promulgated by a group of lawyers (members of the Florida Bar) and implemented by the Supreme Court of Florida. In requiring compliance with the rule, the appellate court said:

We are particularly loath to overlook the defective motion, because so much effort by members of the Bar and the court goes into the adoption of the Rules

*City Commissioners  
City of Hollywood  
May 8, 2018  
Page 6*

of Civil Procedure that it is an anathema, in light of such effort, not to require compliance with them by the remaining members of the Bar.

*Spinner by & through Spinner v. Wainer*, 430 So. 2d 595, 596 (Fla. Dist. Ct. App. 1983).

So much effort has gone into the creation and implementation of the Comprehensive Plan that it would be an anathema not to require compliance by a developer—including the developer of this property. You would be doing a disservice to the Planning Council by failing to constrain the development of this property to the confines of the Comprehensive Plan.

I am providing a copy of this letter to the developer, and his architect, as a matter of courtesy—so that they will know of the adamancy with which the owners of Hollywood Towers oppose the planned development. Thank you for your service to our City.

Should you need any additional information, please contact me.

Sincerely,

**Gossett & Gossett, P.A.**



Ronald P. Gossett

CC: Vadim Gataullin  
VVG Real Estate Investment, LLC  
Alan Forgea  
Board of Directors, Hollywood Towers Condominium Association, Inc.

RPG/ms

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## Deandrea Moise

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**From:** Leslie A. Del Monte  
**Sent:** Wednesday, July 18, 2018 8:26 PM  
**To:** Deandrea Moise  
**Subject:** FW: TAC File 18-DPV-19 – Against Height Variance

**From:** Manuel Pissanos [mailto:mpissanos@gmail.com]  
**Sent:** Tuesday, June 12, 2018 12:53 PM  
**To:** Leslie A. Del Monte  
**Cc:** Josh Levy; Linda Sherwood; Debra Case; Richard Blattner; Peter Hernandez; Kevin Biederman; Traci Callari  
**Subject:** TAC File 18-DPV-19 – Against Height Variance

Dear Leslie,

On June 4, 2018, at 7 pm, at Hollywood Towers Condominium located at 3111 N. Ocean Drive a presentation was made by the development team of VVG Real Estate, Joseph Kaller, Alan Forgea and attorney Debbie Orshesky, regarding their project called "Beachside Residences" located at 3319 N. Ocean Drive.

During the meeting Mrs. Orsheskey was asked about the Scott Street hotel project. Originally it was for a 7 story hotel and then morphed into a 19 story hotel some time ago. Mrs. Orsheskey now stated that this project is off the table. She further stated that as a land use and zoning attorney, that it didn't meet any of the criteria for a height variance and that as long as she was the developers attorney she would not recommend for this hotel to be built over 5 stories as it did not meet the 6 required criteria for a variance under the comprehensive land use plan or beach neighborhood plan.

My personal opinion is that the city must continue to be extremely cautious of any variances to avoid what is happening in Sunny Isles. The traffic and quality of life has deteriorated substantially (my mom lives there) and this is not aligned with the spirit of our Hollywood long term master plan. Additionally If the design of the proposed residence building were changed to eliminate the atrium and adjust the offsets a bit along along with less parking density (still within the requirement), it may very well be that more units could be designed into 5 stories while maintaining the same total amount of units. Has this been looked at? On the positive side, I was happy to see that the public parking / commercial proposal was taken off the table for this proposal. If we can just get it down to 5 stories it would be great for all beach residents!

Kind Regards,  
Manuel Pissanos  
Hollywood Towers  
3111 N Ocean Dr #405

Ladies and Gentlemen,

Please see the attached letter concerning proposed development of 3319 N. Ocean Drive. The matter is scheduled before the TAC on May 14, at 1:30 p.m.

Ron Gossett

Ronald P. Gossett  
rongossett@gossettlaw.com<mailto:rongossett@gossettlaw.com>

[Description: Description: Business Card]

954.983.2828

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## Deandrea Moise

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**From:** Leslie A. Del Monte  
**Sent:** Wednesday, July 18, 2018 7:55 PM  
**To:** Deandrea Moise  
**Subject:** FW:  
  
**Importance:** High

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**From:** Michele Sherriton [mailto:miclinshe@hotmail.com]  
**Sent:** Wednesday, July 18, 2018 7:36 PM  
**To:** Leslie A. Del Monte  
**Cc:** Josh Levy; Traci Callari; Debra Case; Linda Sherwood; Peter Hernandez; Richard Blattner; Kevin Biederman  
**Subject:**  
**Importance:** High

**RE: TAC FILE 18-DPV -- AGAINST HEIGHT VARIANCE  
for 3319 N Ocean Drive**

This letter originally sent June 18, 2018 at 7:00pm. Not sure if you received it since never acknowledged.

I'm writing to urge you not to grant the requested height variance for this project because it does not fulfill the variance criteria. This is not about harmoniously joining the neighborhood, but about maximizing profit. There is no validation for either comprehensive land use or beach neighborhood plan.

Former Mayor Peter Bob vowed he would curtail further large development at this end of the beach which is almost entirely residential and capped at five stories. As it is now, there is very little curb side parking for either guests or beach-goers. Their building, while serving itself, will not contribute to the neighborhood.

Knowing about the height restriction, VVG still bought the land with an agreement to provide 40 parking spaces and a separate pool for the condo-hotel on the beach who were the sellers. This is a direct challenge to the City of Hollywood, and shows disdain for the neighborhood. All neighboring residences are against the variance being granted. (Obviously not those who get paid and upgraded facilities).

The structure is out of sync with the surroundings which are renovated Hollywood Beach style buildings. At 5 stories it would be part of the landscape. Larger, it will be an aberration that looks like it belongs somewhere else.

The charm and simplicity of this neighborhood reflects the beauty of Hollywood Beach and should not be for sale. Also, VVG owns the land parcel between Scott and Missouri Sts., where he runs a private parking facility, just about the only place to park for the beach at \$5.00/hour. Cui bono?

Thank you for your attention to this matter. Please help us maintain the integrity of our neighborhood!

Respectfully,

Michele Sherriton  
Hollywood Towers  
3111 N Ocean Drive