

Gloria Sitton

From: website <webmaster@alexandriava.gov>
Sent: Wednesday, March 12, 2014 8:13 AM
To: Jackie Henderson; Gloria Sitton
Subject: City Council speaker's form submission received

Meeting Date: 03/15/2014
Docket Item# 9

Speaker's Name: David Chamowitz
Phone #: 703-548-0110
Email: dchamowitz@chamlaw.com
Address: 118 N. Alfred St.

Representing self? No
If representing other: Applicant

Position on the item: For

Nature of interest: Attorney

Are you being compensated? Yes

Jackie Henderson

9
3-15-14

From: dchamowitz@chamlaw.com
Sent: Thursday, March 13, 2014 11:37 AM
To: City Council; City Council Aides; Jackie Henderson; Community Relations
Subject: Call.Click.Connect. #47673: Mayor, Vice Mayor City Council Dear Mr. Mayor, Madam Vice Mayor, and Me

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 47673.

Request Details:

- Name: David Chamowitz
- Approximate Address: No Address Specified
- Phone Number: 703 548 0110
- Email: dchamowitz@chamlaw.com
- Service Type: Mayor, Vice Mayor City Council
- Request Description: Dear Mr. Mayor, Madam Vice Mayor, and Members of City Council,

I represent the Special Use Permit applicant in this Saturday's docket item #9, A&B Auto Finance Co, and its owner, Behrooz "Bruce" Raiszadeh. Bruce has owned the business for 18 years, and as you will see from your Staff Report, there has been an auto sales business at this location for more than 50 years.

As you may know, this matter comes before you as a result of Bruce's business being reclassified from non-complying to non-conforming, and receiving notice from Planning & Zoning that he must shut down.

We would ask that you grant the Special Use Permit for a period only through October 31, 2014. We are willing to accept all SUP conditions recommended by Staff in its report, if that is the will of the Council, and I will represent to you that we will make no further requests for permission to continue operations past October 31, 2014. Bruce intends to surrender his Virginia motor vehicle dealer's license for this site at that time.

Bruce is not aware of any plans by the owner to redevelop the property. However, we understand the City's interest in trying to incentivize redevelopment by forcing a vacancy. This goal is not at all frustrated by granting an SUP with a termination date certain, for the landlord and the redevelopment community will have advance notice of the property's availability.

There was some confusion at the recent Planning Commission hearing about the status of the applicant's lease. The current lease extends only until January 1st, 2015, just nine months from now. The applicant has an additional five-year option, which, under the circumstances, he certainly will not be exercising. It is our understanding that, should the SUP be extended through October of this year as we are requesting, the landlord will permit Bruce a early termination of the two remaining months.

I would appreciate the opportunity to speak with you prior to Saturday's hearing, if you have any questions or concerns about the SUP request. My office phone is (703) 548-0110, my cell phone is (703) 969-1692, and my email is dchamowitz@chamlaw.com. Please do not hesitate to contact me, or provide me with your preferred contact information and I will get in touch with you individually.

Kind Regards,

--Dave

David L. Chamowitz

Chamowitz & Chamowitz, P.C.
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Alexandria, VA 22314
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- Expected Response Date: Thursday, March 20

Please take the necessary actions in responding, handling and/or updating this request at the **Call.Click.Connect. staff interface.**

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

9
3-15-14

Michael
Hobbs

Statement of Michael E. Hobbs
for the City Council
March 15, 2014

Special Use Permits #2013-0084 and 2013-0085

Thank you, Mayor Euille, Vice Mayor Silberberg, and members of the Council. I am Michael Hobbs, residing at 419 Cameron Street.

It is argued that you should deny the Special Use Permits requested by these two automobile sales businesses because they are "inconsistent with the Vision for King Street" in the King Street Retail Strategy. I would suggest, with no pun intended, that the "Vision" is in the eye of the beholder.

The King Street Retail Strategy amendment to the Master Plan, and the accompanying amendment to the Zoning Ordinance, were adopted by Council in 2005. I believe I have some familiarity with what was intended, what was expected, and what was understood by the community when the Retail Strategy was adopted. I was at the time President of the Old Town Civic Association, and as you can imagine, this was a matter of great interest and central importance to our association. I attended almost all of the public meetings organized for information and discussion of the proposal. Several past and then-present OTCA Board members served as representatives of residents on the King Street Advisory Committee convened by the Planning Department to consider the alternatives. The OTCA Board and Members discussed the Plan at multiple meetings over the course of its consideration. I submitted specific and detailed recommendations in testimony at the two Planning Commission meetings and the City Council meeting at which the plan was adopted. With these refinements, we supported adoption of the King Street Retail Strategy.

I do not believe that it was understood or expected that adoption of the Plan would sound the death knell of these two existing businesses (or indeed any others) on King Street—at least it was not understood perhaps beyond the members of the Planning staff at the time who were drafting the documents.

To be sure, there is a reference to these two businesses, and to their intended demise, in the Plan document. It is one sentence, on page 53 of a 123-page document. The Zoning Ordinance is explicit on the point—but it was made available for public review less than 48 hours before the Planning Commission meeting. I remember no attention to this point—or indeed any mention of it at all—in the public meetings that I attended, nor in discussion with the Planning staff, nor in either of the Planning Commission or the City Council public hearings. Those who served on the King Street Advisory Committee that I have talked to, do not remember it either.

In short, I do not believe it was widely understood or expected—hardly if at all, among those members of the Alexandria public who followed this discussion with great interest—that adoption of the King Street Retail Strategy was intended by staff to result in the banishment of these two businesses.

Of course, you must form your own judgment today, as to whether their continued operation is antithetical to the "Vision for King Street."

We have here two retail establishments which have served Alexandria and this neighborhood honorably and well for decades. They perhaps do not have the cachet of a boutique clothing shop or an upscale home furnishings store. And many of their neighbors in Old Town may instead shop elsewhere for new BMWs or Mercedes or Infinitis, rather than the used cars on these lots.

But if you deny these SUPs, the message may be that according to the King Street Retail Strategy, "all retail is considered equal—but some retail is more equal than others." Or that—how to put it delicately—our City considers the two "adult entertainment device" stores that have been approved since 2005 (one on lower King Street, one on upper King not far from these establishments) to be "neighborhood serving" retailers consistent with the "Vision for King Street" while these two worthy automobile retailers are not.

I hope those are not the messages you will send, and that you will instead approve these two SUPs.

Thank you for your consideration.