

Jackie Henderson

7
2-21-15

From: Alex Dambach
Sent: Friday, February 20, 2015 10:34 PM
To: Jackie Henderson
Subject: Fwd: 1318 King Street - A&B Auto - SUP#2014-0115

In case you didn't get this earlier.

Alex Dambach, AICP
Division Chief - Land Use Services
City of Alexandria
301 King Street, Rm 2100
Alexandria, VA 22314
Office: 703-746-3829
Mobile: 571-393-7339

Begin forwarded message:

From: Nathan Randall <Nathan.Randall@alexandriava.gov>
Date: February 20, 2015 at 7:50:30 PM EST
To: Karl Moritz <Karl.Moritz@alexandriava.gov>, Alex Dambach <alex.dambach@alexandriava.gov>
Subject: FW: 1318 King Street - A&B Auto - SUP#2014-0115

FYI

From: David Chamowitz [<mailto:dchamowitz@chamlaw.com>]
Sent: Tuesday, February 17, 2015 3:02 PM
To: William Euille; Del Pepper; Paul Smedberg; Justin Wilson; Allison Silberberg; John Chapman; Timothy Lovain
Cc: Nathan Randall
Subject: 1318 King Street - A&B Auto - SUP#2014-0115

Dear Mayor Euille and Members of City Council:

As you may remember, I represent A&B Auto Finance Co., and its owner Bruce Raiszadeh, which has been located at 1318 King Street for some 50 years. Zoning changes affecting the property caused A&B to become a non-conforming use and caused Bruce to be put out of business. I was before you last March, requesting an extension of time through October 31st of last year, which you granted. Bruce has not sold a car or otherwise operated his business on King Street since that date.

We are aware of and respect the City's interest in fostering uses on King Street more attractive than automobile sales. I will be before you on your docket this Saturday to tell you about a

change in circumstances which I believe justifies an additional extension of time, while still allowing all parties to achieve their ultimate goals.

Soon after the March hearing, the property was purchased by Mr. John O'Shaughnessy, who also owns the adjacent property. This land sale represents a jump-start to the City's goal to spur redevelopment pursuant to the King Street Retail Strategy rezoning. Prior to the O'Shaughnessy transaction, the property had been owned for decades by a family investment entity, with no redevelopment plans of its own. I think it's important to note that, despite the public market knowledge that A&B had been declared a nonconforming use which would have to cease operations, the property didn't change hands for more than seven years prior to this sale.

As the new owner Mr. O'Shaughnessy testified at the Planning Commission, he has no desire to be a long-term landlord of an automobile sales outlet. He does intend in the next several years to develop the parcels, which would bring a natural end to A&B's operations, while achieving the City's goals as embodied in the King Street Retail Strategy.

However, as an individual and a landowner, he would like the opportunity to productively use his vacant lot in such a way as to generate some revenue to offset the carrying costs of the property during the redevelopment process. And, of course, Bruce would like the opportunity to continue operating A&B as the successful business as it has been for 50 years in this very spot.

We will be before you on Saturday's Public Hearing docket with a request for an amendment extending the Special Use Permit period only for so long as Mr. O'Shaughnessy's plans take shape. We would recommend that the best way to accomplish all parties' goals would be a sunset clause on the SUP, providing that it expires as soon as the parcel receives any necessary development approval, or in February 2018, whichever comes first.

I would very much appreciate the opportunity to discuss this with you further prior to Saturday's hearing. Please let me know whether there is a time convenient for you to do so, and I will make myself available in person or via telephone. I thank you for your consideration.

Kind Regards

--Dave

David L. Chamowitz
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Alexandria, VA 22314
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SPEAKER'S FORM

DOCKET ITEM NO. 7

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: DAVID CHAMOWITZ
- 2. ADDRESS: 118 N. Alfred St. Alex VA 22314
TELEPHONE NO. 703 548 0110 E-MAIL ADDRESS: DCHAMOWITZ@Chamowitz.com
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? A+B Auto
- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
- 5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): Attorney
- 6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.