



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 16, 2009

SUBJECT: SP #231 Site Plan Amendment to revise Condition #84 allowing modification of the timing and requirements for the garage closure and bicycle storage facility located at 1401 North Adams Street (RPC: 18-005-042, -053).

Applicant:

Arlington Hotel Assoc., LLC,

By:

Martin D. Walsh, Attorney/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Blvd., 13th Floor
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Defer the site plan amendment request to revise Condition #84 to modify the timing and requirements for the garage closure and bicycle storage facility for two (2) months to the June 13, 2009 County Board meeting.

DISCUSSION: The applicant has requested to revise Condition #84 to modify the timing and requirements for closing the garage entrance on 14th Street North and constructing the bicycle storage facility. When the site plan amendment was approved on June 19, 2007, Condition #84 required that if the developer was unable to finalize the agreements among the property and building owners of Courthouse Plaza for closure of the garage entrance, then the developer would make a financial contribution to the County in an amount equal to the actual cost for the County to construct the improvements. The applicant maintains that it is committed to constructing the garage closure and that it is close to finalizing the agreements among the building and property owners, and primarily with ArchstoneSmith, the owner of the residential building of which the garage entry is a part. Staff is in the process of negotiating the timing for

County Manager: _____

County Attorney: _____

Staff: Adam Denton, DES Planning
John Durham, DES Planning
Freida Wray, CPHD Planning

PLA-5233

completing construction of the garage closure. The applicant has revised its request to allow issuance of the Partial Certificate of Occupancy for the hotel at the time of substantial construction of the garage closure. This additional requirement is the subject of continued negotiations between the applicant and staff.

With the closure of the garage entry, a bicycle storage facility was approved to be constructed in the space behind the closure. Because of liability issues, the building and property owners of Courthouse Plaza, and particularly the owner of the residential building in which the space would be located, could not reach a final agreement. Staff negotiated a new location for the bicycle storage facility in the Vornado-controlled portion of the garage beneath the office building. While the applicant has indicated that it is close to finalizing an agreement among the property owners for the relocated bicycle storage facility, it has proposed to pay the County \$10,000 for the County to construct the bicycle storage facility if it is unable to finalize the agreement by the Final Certificate of Occupancy for the hotel. Staff does not support this proposal and is currently negotiating with the applicant the appropriate timing for completing construction of the bicycle storage facility by the applicant, and for equipping and maintaining the facility.

The applicant has requested that the proposed site plan amendment be deferred for two (2) months to allow additional time to complete negotiations on the timing and requirements for the final agreements and construction of the bicycle storage facility and garage wall closure. Staff concurs and recommends that the proposed site plan amendment be deferred to the County Board meeting on June 13, 2009.