



PGCPB No. 16-35

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File No. DSP-07073-02

## RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on March 3, 2016 regarding Detailed Site Plan DSP-07073-02 for National Harbor, Beltway Parcel, Parcels 1-3 and 5-7, the Planning Board finds:

1. **Request:** The applicant requests approval of a gas station/food and beverage store; commercial recreational/outdoor exhibition areas; a 500-room hotel; 891 multifamily/timeshare residential units; retail, restaurant, entertainment; and a heliport consisting of a total of 1,278,100 square feet on proposed Parcels 1, 2, 3, 5, 6, and 7 of the National Harbor, Beltway Parcel. The application includes the following specific development proposal:
  - Parcel 1—6,600 square feet of gas station and food and beverage store;
  - Parcel 2—A 500-square-foot building and a heliport;
  - Parcel 3—The Addison Family Cemetery (Historic Site 80-050);
  - Parcel 5—1,271,000 square feet, including a 500-room hotel, 891 multifamily residential units (189 timeshare), retail, restaurant, entertainment, and accessory uses;
  - Parcel 6—Parking lot, commercial recreational/outdoor exhibition, displays, entertainment and performance; and
  - Parcel 7—Parking lot, commercial recreational/outdoor exhibition, displays, entertainment and performance.

2. **Development Data Summary:**

<b>Zone</b>	<b>EXISTING</b>	<b>APPROVED</b>
<b>Uses</b>	M-X-T Commercial, Recreational/Outdoor Exhibition Areas	M-X-T Gas Station, Food And Beverage Store, Entertainment, Hotel, Retail, Restaurants, Multifamily Residential, Commercial Recreational/Outdoor Exhibition
<b>Acreages:</b>		
Original Parcel 94 (total gross acreage)	49.66	49.66
of which Proposed Parcel 1		2.75
Proposed Parcel 2		1.31
Proposed Parcel 3		0.05
Parcel 4-A (DSP-07073-01)	22.76	22.76
Proposed Parcel 5		8.67
Proposed Parcel 6		6.01
Proposed Parcel 7		7.26
Proposed Parcel A (West Road)		0.85
 <b>Gross Floor Area:</b>		
Parcel 1 (DSP-07073-02)		
Total Gross Floor Area		6,600 sq. ft.
Parcel 2 (DSP-07073-02)		
Total Gross Floor Area		500 sq. ft.
Parcel 3 (DSP-07073-02)		
Total Gross Floor Area		0
Parcel 4 (DSP-07073-01)		
Total Gross Floor area		1,078,237 sq. ft.
Parcel 5 (DSP-07073-02)		
Total Gross Floor Area		1,271,000 sq. ft.
Parcel 6 (DSP-07073-02)		
Total Gross Floor Area		0
Parcel 7 (DSP-07073-02)		
Total Gross Floor Area		0

**OTHER DEVELOPMENT DATA**

<b>Parcel 1</b>	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	38	61
Handicapped Spaces	2	2
Total Loading Spaces	1	1
Bicycle Parking Spaces	0	8

<b>Parcel 2</b>	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	3	9

<b>Parcel 5</b>	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	1,904	2,070*
Handicapped Spaces	30	30
Total Loading Spaces	7	6
Bicycle Parking Spaces	0	120

**\*Note:** Departure From Design Standards (DDS-624) for a parking space size of 9 feet by 18 feet for all non-handicapped spaces on Parcel 5 only was approved by the Planning Board at the March 3, 2016 public hearing.

3. **Location:** The subject site is generally located approximately one mile northeast of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of the Capital Beltway (I-95/495) and Indian Head Highway (MD 210), in Planning Area 80 and Council District 8. The tract is south of I-95/495, and west of Oxon Hill Road, with frontage on Oxon Hill Road to the east, National Avenue to the north, and Harborview Avenue to the south. The Beltway Parcel is on an elevated plateau overlooking the waterfront entertainment/retail complex portion of National Harbor. The subject property for the Beltway Parcel is currently identified as Parcel 94 (residue of) on Tax Map 104 in Grid E-1, E-2, and F-1 of the Prince George's County Land Records.
  
4. **Surrounding Uses:** The subject site has a long narrow configuration (approximately 3,400 feet long and 600 feet wide) stretching northeast to southwest along the Capital Beltway (I-95/495), which forms the northwest boundary of the parcel. The Beltway Parcel also has approximately 1,200 feet of frontage on Oxon Hill Road. The land across I-95/495 from the Beltway Parcel is occupied by the Oxon Hill Children's Farm, owned by the National Park Service. On the south and east sides of the site is land owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC), Betty Blume Neighborhood Park, and the grounds of Oxon Hill Manor. Across Oxon Hill Road to the east is the Salubria office building and the Tanger outlet shopping center. The Addison Family Cemetery (Historic Site 80-050), which will be preserved and incorporated into this plan of development, is located within the north side of proposed Parcel 5.
  
5. **Previous Approvals:** The site is a part of the larger development known as National Harbor, which has a long approval history and consists of two major land areas, the Waterfront Parcel and

the Beltway Parcel. All M-X-T-zoned properties within the National Harbor development were rezoned through eight zoning map amendments approved in the 1980s and 1990s. The M-X-T Zone was originally approved with conditions for part of the National Harbor site in 1983 in response to six individual rezoning applications, A-5619, A-5620, A-5621, A-5635, A-5636, and A-9433, which were consolidated for a waterfront project proposal known as the Bay of America. The Rural Residential (R-R) Zone represents the original zoning applied to the area when it first became subject to zoning authority in 1957. The 1984 *Approved Subregion VII Sectional Map Amendment* recognized the existing M-X-T and R-R Zones for this property. An addition to the M-X-T Zone at the northeast end of the property along Oxon Hill Road was approved with conditions by application A-9593 in 1986, in conjunction with a second development proposal for the waterfront center known as Port America. The Residential Medium Development (R-M) Zone on the southeastern side of the property near Oxon Hill Road was approved with conditions by application A-9825 in 1990, also in conjunction with Port America project.

Originally, the subject property was approved with Preliminary Plan of Subdivision 4-88081, then known as Port America, and adopted by the Prince George's County Planning Board in June of 1988. The preliminary plan approved 12 parcels (Parcels A-L) and 3 outlots, for a total of 82.13 acres.

Subsequent to the approval of 4-88081, the site was approved for Detailed Site Plan DSP-88045, also in June of 1988. The Beltway Parcel was cleared of trees, graded, and stabilized in the late 1980s in accordance with that approved DSP.

Detailed Site Plan DSP-88087 was approved in October of 1988. Subsequently, the land area of Parcel L, 17.51 acres, was dedicated by deed to the Maryland State Highway Administration (SHA) for the Capital Beltway (I-95/495). The remainder of the site, 64.62 acres, was recorded in accordance with the approved preliminary plan and DSP into 11 parcels (Parcels A-K), 7 outlots (Outlots A-G), and 3 rights-of-way dedicated for public use (North Port America Grande Boulevard, South Grande Boulevard, and Port America Grande Boulevard) in Plat Book NLP 153, plat 56 through 59, in June of 1990.

A Vacation Petition (V-06004) to vacate a total of 64.45 acres was approved by the Planning Board (PGCPB Resolution No. 06-287) in January of 1990. This vacation petition included Subdivision Plat NLP 153, plat 56 through 59 in their entirety, except for Outlots E, F, and G (0.17 acre) which were conveyed to the M-NCPPC (recorded in Liber 7684 at Folio 513).

In 1998, the Prince George's County District Council affirmed the Planning Board's decision on Conceptual Site Plan CSP-98012 for National Harbor for approximately 534 acres of land in the M-X-T, R-R, and R-M Zones, including the subject site.

In 2001, Preliminary Plan of Subdivision 4-01048 for the entire 534 acres was approved by the Planning Board (PGCPB Resolution No. 01-163).

In April of 2006, the *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA) retained the subject site in the M-X-T Zone.

In 2008 and 2014, revisions to the CSP (01 and 02 respectively) were submitted and approved for the Waterfront Parcel only, which did not affect the Beltway Parcel.

Detailed Site Plan DSP-07073 was approved by the Planning Board on July 9, 2009 for 6,600 square feet of commercial uses on the current proposed Parcel 7, as well as a large paved area for recreational/outdoor exhibition, displays, entertainment, or performance uses on proposed Parcels 4 and 5 (shown as Parcel A at that time). Detailed Site Plan DSP-07073-01 for a 1,078,237-square-foot entertainment establishment of a commercial nature with a video lottery facility on Parcel 4-A was approved by the Planning Board on May 8, 2014 and subsequently appealed to the District Council. The Council heard the case on July 14, 2014 and issued an order of approval for the application on July 21, 2014. Detailed Site Plan DSP-07073-03 for minor signage, landscaping, and architectural changes to Parcel 4-A was approved by the Planning Director on October 14, 2015.

The site also has an approved Stormwater Management Concept Plan, 48280-2007-00, pursuant to which the stormwater pond for the Beltway Parcel was constructed and is located in Betty Blume Park on M-NCPPC-owned land. In addition, Stormwater Management Concept Plan 46294-2015, dated November 19, 2015, applies to the subject site.

6. **Design Features:** The subject DSP proposes multiple pieces of development on separate proposed parcels as follows:

**Parcel 1**—Proposed Parcel 1 is located in the far northeast corner of the Beltway Parcel with frontage on Oxon Hill Road to the east, National Avenue to the south, and the Capital Beltway (I-95/495) to the north. It is proposed to be developed with a 6,600-square-foot gas station and food and beverage store, which is a relocation and combination of the uses previously approved on Parcel 7 (formerly Lot 3) in DSP-07073. The rectangular, one-story, 26-foot-high building sits along the eastern edge of the parcel fronting on Oxon Hill Road, with eight multi-product dispensers under a canopy to the west. Parking spaces are located to the north and west of the building with the proposed dumpster and loading area along the northern end of the property. A one-way-in drive from Oxon Hill Road is located north of the building. Along National Avenue, a right-in and right-out drive is located south of the building, with a full-access driveway located at the western end of the parcel. One 30-foot-high, internally-illuminated, aluminum freestanding sign with a stone base is located along Oxon Hill Road, with a similar ten-foot-high sign located along the National Avenue frontage. A 180-square-foot stone and aluminum “National Harbor” monument sign is located at the southeast corner of the parcel, closest to the intersection of Oxon Hill Road and National Avenue.

The food and beverage store building has storefront window entrances on both the eastern and western façades, facing the road and canopy area respectively. The building is mostly finished in a stone base and exterior insulated finishing system (EIFS) on top with metal canopies and a

cross-gable metal roof feature along the eastern and western elevations. Internally-illuminated channel letter signs are located on all four elevations, with 120-square-foot signs on the end wall of the gable feature on the east and west elevations and 40-square-foot signs on the north and south elevations. Similar signs are located on the west, east, and north elevations of the 22-foot-high gray metal canopy over the gas pumps. Given their high visibility, the amount of EIFS on all four elevations of the food and beverage store be reduced, such that an average of the lowest four feet of the building be finished in a high-quality brick or other masonry materials.

**Parcel 2**—Proposed Parcel 2 is located at the far northwest corner of the Beltway Parcel between the public rights-of-way of National Avenue to the south and the Capital Beltway to the north. This small parcel is proposed to be developed with a 500-square-foot building and a concrete or asphalt helipad to be used by the Prince George's County Police Department for emergency purposes. The building is finished in white hardi-plank siding with a hipped asphalt-shingled roof. The building looks like a single-family detached house with a garage door and two 54-square-foot blue signs displaying the County seal. A large, approximately 16-foot-high, reinforced soil slope retaining wall is located at the western end of the parcel to create the level area needed for the helipad.

**Parcel 3**—Proposed Parcel 3 is located interior to proposed Parcel 5 and includes the Addison Family Cemetery (Historic Site 80-050) environmental setting. No development is proposed within the limits of this proposed parcel and an access easement from Parcel 3 north to the public right-of-way of National Avenue is shown on the submitted plans. The Historic Preservation Commission (HPC) reviewed the subject DSP and recommended conditions regarding adjustment of the environmental setting of the historic site and appropriate protection of it during construction. See further discussion in the HPC's memorandum.

**Parcel 5**—Proposed Parcel 5 is located in the eastern central part of the Beltway Parcel with National Avenue to the north, Harborview Avenue to the south, proposed Parcel A with West Road to the east, and Parcel 4-A to the west, which contains the partially constructed MGM Casino and hotel building. Parking and staging will continue up through construction of the proposed development. Parcel 5 is proposed to be developed with a large 1,271,000-square-foot, 17-story, mixed-use building that includes the following uses:

- A 500-room hotel
- 702 multifamily residential units
- 189 timeshare residential units
- 22,000 square feet of retail
- 972 seats in restaurants
- 22,000 square feet of entertainment-related spaces
- and accessory uses

The building occupies the majority of the parcel surrounding the historic cemetery on Parcel 3, which sits at the northern end of Parcel 5. The hotel drop-off/entrance area is located at the western end of the parcel facing a large entrance oval plaza, which is shared with the MGM Casino. The residential

main entrance and drop-off area is located at the eastern end of the building, with a small surface parking area. The lowest level of the entire building is a partially underground parking level, with a mix of retail, restaurant, entertainment, and supporting uses on one to four building floors. The hotel and residential uses are located in two semicircular towers joined by a rectangular tower that sits above a podium of two to five levels and extends up to a maximum height of 198 feet, or 378 feet above mean sea level. In total, 2,070 vehicle parking spaces and 120 bicycle spaces are provided within the garage. The submitted DSP needs to provide further labeling regarding the heights, locations, and dimensions of facilities within the structure for clarification. Multiple entrances to the parcel and parking garage are located off of each frontage, including an entrance to the main internal loading and dumpster area along the National Avenue frontage. An outdoor pedestrian plaza is provided on the northern side of the building, adjacent to the historic cemetery. An enhanced landscape plan was provided for this area, which is discussed further in the alternative compliance application in Finding 11 below.

The upper portions of the modern building will be finished mostly in aluminum window wall and metal panels in a horizontal pattern with some balconies with glass railings. The lower levels include some open parking garage levels finished with precast spandrel panels and column covers, with a perforated metal screen along the southern elevation. In the areas where there is retail or restaurant uses, the elevations will be finished with aluminum storefront windows. Glass and metal canopies will indicate the main entrances at the east and west ends and an enclosed walkway will extend west to the MGM Casino.

No freestanding signage is proposed on Parcel 5, but all building elevations include building-mounted, internally-illuminated, channel letter signage both on the highest floor level and the lowest level. The signs located on the 16th floor are 500 square feet in surface area, and those proposed on the lowest level on all elevations, except the west, are 240 square feet each.

As part of the DSP submittal, a list of proposed indoor recreational facilities for the 891 residential units on Parcel 5 was provided, however, no details or specifics were given. The Planning Board found that there are outdoor recreational facilities in the vicinity of the property; however, given the large number of residents, sufficient indoor facilities should be provided to ensure an independent environment of continuing quality. Therefore, a condition regarding this issue has been included in this approval.

**Parcel 6**—Proposed Parcel 6 is located at the eastern end of the Beltway Parcel surrounded by public rights-of-way and is proposed to be developed with a parking lot, commercial recreational/outdoor exhibition, displays, entertainment, and performance space. The property is already cleared and graded and has an entrance off National Avenue. The only improvements proposed for this parcel are landscaping along all the frontages and two double-sided 1,200-square-foot fabric movable event signs at the northeast and southeast corners along Oxon Hill Road.

**Parcel 7**—Proposed Parcel 7 is located at the far southwest corner of the Beltway Parcel and is bordered on the northern edge by the public right-of-way of Harborview Avenue, with a

stormwater pond to the southwest and a vacant M-NCPPC-owned property to the south and southeast. Parcel 7 is proposed to be developed with a parking lot, commercial recreational/ outdoor exhibition, displays, entertainment, and performance space. The property is already cleared and graded and has an entrance off Harborview Avenue. The only improvements proposed for this parcel are landscaping along all the road frontages and one double-sided 1,200-square-foot fabric movable event sign along the Harborview Avenue frontage. Additionally, a piece of Parcel 7 extends to the southeast corner of the Beltway Parcel, fronting on Oxon Hill Road. A 180-square-foot stone and aluminum "National Harbor" monument sign is located on this piece at the intersection of Oxon Hill Road and Harborview Avenue.

**Signage**—Sections 27-613(f)(1) and 27-614(e)(1) of the Zoning Ordinance state that the design standards for all signs attached to a building and all on-site freestanding signs should be determined by the Planning Board for each individual development in the M-X-T Zone at the time of DSP review. Each DSP should be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information deemed necessary. In approving signage, the Planning Board is required to find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and the signage should be in keeping with the remainder of the mixed-use zone development. The Planning Board found that the proposed signage meets the requirements and approved of the proposed signage as discussed above.

**Sustainable Design**—The DSP submittal did not include any discussion of green building techniques proposed for the large mixed-use building on Parcel 5 or the gas station/food and beverage store on Parcel 1. Given the size, the type of development, and the location within proximity of an environmentally-sensitive area, the Planning Board found that green building techniques, such as, but not limited to, white roofing, green roofs, graywater irrigation, indoor water conservation, energy efficient building systems, and a recycling program, should be proposed for these parts of the development. A summary of those techniques should be provided prior to certification of the DSP.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone, site design guidelines, and the requirements of a Departure from Design Standards of the Zoning Ordinance.
  - a. The proposed gas station, food and beverage store, entertainment and entertainment-related uses, retail uses, hotel, multifamily residential, and restaurant uses are permitted in the M-X-T Zone. The application is in conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings in addition to the findings required for the Planning Board to approve a DSP, as follows:
    - (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone, as stated in Section 27-542(a) of the Zoning Ordinance,



include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The site is the Beltway Parcel of a large development known as National Harbor. The uses are generally in conformance with the purposes and provisions of the M-X-T Zone. National Harbor, as a whole, will promote the orderly development of land in the vicinity of the Woodrow Wilson Bridge at an important interchange of the Capital Beltway (I-95/495) and will maximize private development potential. The proposed mix of uses on the subject property will help to conserve the value of land so as to allow for a market that will create desirable living and employment opportunities for County residents.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The subject site was rezoned to the M-X-T Zone through several zoning map amendment applications. The Henson Creek-South Potomac Master Plan and SMA retained the subject site in the M-X-T Zone. The previously approved CSP for the larger development, including the Beltway Parcel, specifically defines a mix of retail, commercial office, hotel, and a visitor's center.

The Beltway Parcel was envisioned in the CSP as a high-density urban environment with 725,000 square feet of retail space, 200,000 square feet of general office space, 1,000 hotel rooms, and a 50,000-square-foot visitor's center, or other uses not exceeding the designated trip cap. At the time of the preliminary plan, the plan called for the same mix of uses, but with an increase in the amount of office space (to 443,000 square feet), a reduction in retail space (to 200,000 square feet), hotel rooms (850), and a visitor's center, or other uses not exceeding the designated trip cap. The current development proposal, with a landmark building and supporting service uses, fulfills the vision of a high-intensity development that was intended when the property was placed in the M-X-T Zone.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of**

**the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The subject site, along with the rest of the Waterfront Parcel of National Harbor, was rezoned to M-X-T due to its close proximity to a major interstate freeway, the State of Virginia, and the District of Columbia. Immediate access to Virginia is available via the Wilson Bridge and immediate access to the District of Columbia is available via I-295. The completed portion of the Waterfront Parcel of the National Harbor development, along with the future MGM Casino on the adjacent Parcel 4-A, is and will be an important tourist destination in the region. The proposed residential, hotel, entertainment, and supporting uses will enhance the value of the land and support the adjacent casino.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The subject site, as a part of the National Harbor development, will make full use of the existing and scheduled major transportation systems. Substantial highway improvements have been put in place with the completion of the reconstruction of the Woodrow Wilson Bridge that allow the site to have direct and efficient connections to interstate highway systems. Pedestrian and bicycle trails have been planned and constructed in several locations. The site is directly accessible to Metro bus along Oxon Hill Road.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

This DSP is for a portion of the M-X-T-zoned Beltway Parcel of the larger National Harbor development, which has a mix of uses that will encourage a 24-hour environment in the ultimate development of the project. The completed portion of the large number of entertainment and dining attractions immediately along the riverfront and the future entertainment venue on the adjacent parcel have attracted many local and area residents and tourists visiting the Washington Metropolitan region. The development of this proposal with residential, hotel, entertainment, and supporting uses will ensure continued functioning of the adjacent attractions after working hours and on weekends.

- (6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

The CSP for National Harbor proposes a mix of retail, office, hotel, entertainment, restaurant uses with various services, and a visitor's center in a harmonious, carefully-crafted, land development plan. The proposed residential, hotel, entertainment, and supporting uses will integrate harmoniously into the existing development of National Harbor and the surrounding uses, including the recently opened Tanger outlet shopping center.

- (7) **To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

The larger National Harbor development is designed so that various uses will interact in a dynamic and synergistic way. The proposed hotels, dining, entertainment, and retail all work together to create a critical mass of activity. The functional relationships between the various uses are carefully considered, with vehicular and pedestrian circulation completely separated and service areas carefully concealed and separated from public use areas. The proposed residential, hotel, entertainment, and service uses will function to support the other dynamic uses in the development.

- (8) **To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

This intensive use of the land for over a million square feet of mixed-use development at the gateway to the state of Maryland and Prince George's County will provide for optimum land use planning. Additionally, it will be able to take advantage of the public infrastructure and stormwater management facilities that have already been implemented for the other intense development in the area.

- (9) **To permit a flexible response to the market and promote economic vitality and investment; and**

This project will contribute to the economic vitality of the overall National Harbor development by providing supporting uses to the large destinations in the vicinity, specifically the MGM Casino and the Tanger outlet shopping center.

- (10) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The previously approved CSP governing the subject DSP demonstrates the intention to make the overall National Harbor project a showcase of interesting

and exciting architecture. Excellence in architectural design, combined with an impressive site plan, demonstrates excellence in physical planning. As proven in the completed portion of the Waterfront Parcel, the flexibility inherent in this project allows the freedom of architectural design to achieve excellence in the development. The proposed buildings continue this quality of architectural design excellence.

The Planning Board found that the proposed application is in conformance with the purposes of the M-X-T Zone.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The subject property was not placed in the M-X-T Zone through a sectional map amendment. It was rezoned through a zoning map amendment and, therefore, this requirement is not applicable.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The development which is the subject of this application has an outward orientation. The entire Beltway Parcel is related much more to the Capital Beltway (I-95/495) than to the existing development to the east. The proposal is an intensely-developed large-scale commercial and residential development that will blend with the large MGM development and further catalyze adjacent community improvement.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The proposed commercial/residential development is in keeping with the concept that was set forth in the CSP and complements the existing waterfront development. In regard to the physical development, the Beltway Parcel is physically separated from the waterfront development and is surrounded by the Capital Beltway and parkland. Therefore, its unique design and location make the project not incompatible with the surrounding area, and the proposed uses are compatible with the waterfront and MGM portions of the development and the nearby Tanger outlet shopping center.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive**

**development capable of sustaining an independent environment of continuing quality and stability;**

The development included in this DSP is capable of sustaining itself as a commercial and residential development, in conjunction with the adjacent MGM Casino. The mix of entertainment uses and the arrangement and the design of the residential building will sustain an independent, mixed-use, compact development on the Beltway Parcel, as envisioned in the approved CSP. The gas station provides a necessary supporting service for other site users in a location convenient to the larger community, and the proposed heliport for County police use will provide enhanced safety to all National Harbor users.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

There is no staging plan provided with this DSP. The applicant notes that the development can occur in any order on each of the separate lots and allows for effective integration with the adjacent entertainment complex.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

Careful attention has been given to the design of the pedestrian system in the entire National Harbor project. Pedestrian and vehicular traffic are kept separate, in accordance with the approved CSP and preliminary plan. The pedestrian system would provide immediate and direct access to the area's sidewalks and road crossings. Convenient access to the Woodrow Wilson Bridge trail would be provided on Harborview Avenue. Sidewalks are located on the building frontages at the proposed ingress/egress points. Lighting and landscaping are provided along the proposed sidewalks. New sidewalks are proposed along Harborview Avenue, and a pedestrian gathering place (the oval plaza) is located at both semi-circular main entrance areas. The sidewalks on Harborview Avenue would fully connect to the Oxon Hill Road sidewalks once development of the Beltway Parcel is complete.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The DSP provides a gathering space for the commercial and residential users of Parcel 5 surrounding the historic cemetery site, as was originally envisioned in the CSP. The Planning Board required some enhancements to the design of this area to ensure a high-quality place that is also in keeping with the environs.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject application is a DSP; therefore, this requirement is not applicable to this application.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).**

Through the review of projects that may have a phased or multi-year buildout such as this one, this finding has been determined to focus on demonstrating the period of time required for the implementation of any needed transportation facilities, as opposed to requiring new studies. In this case, all required off-site transportation facilities have been constructed, and the proposed uses with this DSP are encompassed within the approved trip cap. Furthermore, an adequacy determination was made as a part of the DSP-07073-01 approval. For these reasons, the Planning Board found that this DSP satisfies this requirement.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The entire National Harbor project was approved under the regular provisions of the M-X-T Zone, but not under the mixed-use planned community provisions.

- b. The DSP is also consistent with additional regulations, as stated in Section 27-548 of the Zoning Ordinance, for the M-X-T Zone that are applicable to the review of this DSP, as follows:

**(a) Maximum floor area ratio (FAR):**

- (1) Without the use of the optional method of development— 0.40 FAR;  
and**
- (2) With the use of the optional method of development—8.00 FAR**

The CSP caps the development at 0.31 FAR (floor area ratio) and the proposed FAR, as demonstrated on the plans, is 0.28 for the overall development.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The DSP, as proposed, constitutes the regulations for the site which have been carefully analyzed throughout this report.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The proposed development in this DSP is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The applicant filed an alternative compliance (AC) application and the Planning Board found to approve it as described in Finding 11 below.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The DSP complies with this requirement.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

This height restriction is not applicable, as the subject property is designated as a General Plan Metropolitan Center.

- c. The Planning Board found that the DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as follows:

- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. For the gas station on Parcel 1, all of the required parking are surface spaces located to the side and rear of the proposed building.

In this case, the required parking for Parcel 5 is provided within a structured parking garage that is integrated into the building design, which meets the goals of Section 27-274(a)(2). The exterior of the parking structure is most visible along the northern, southern, and eastern sides of the building, where the most parking garage levels are exposed. The architectural elevations indicate the use of architectural precast concrete panels along the exterior of the garage structure to improve its appearance. Details that indicate the appearance of the architectural precast concrete panels should be provided prior to certification of the plans, to ensure that an attractive treatment is provided.

- (2) In accordance with Section 27-274(a)(2)(B), loading areas have been designed to be visually unobtrusive, as they have been placed interior to the structure on Parcel 5 and behind the building on Parcel 1.
- (3) In accordance with Section 27-274(a)(6)(i), Site and streetscape amenities, the design of light fixtures, benches, trash receptacles, bicycle racks, and other street furniture should be coordinated. Details for all of the proposed site amenities were provided on the DSP, including locations of and details for trash receptacles and benches near the proposed drop-off areas.

8. **Zoning Map Amendment A-5635:** The following are conditions attached to the property when it was placed in the M-X-T Zone by the District Council in the rezoning of the property, pursuant to Zoning Map Amendment A-5635:

1. **All areas zoned M-X-T in this case shall be included on a comprehensive concept plan, for all properties rezoned in Application Nos. A-5619, A-5620, A-5621, A-5635, A-5636 and A-9433, as if the zoning were granted under a**



**single application. In approving the comprehensive concept plan, the Planning Board shall be guided by the exhibits in these cases.**

All the land included in each of the referenced zoning map amendments was included in Conceptual Site Plan CSP-98012 and were approved according to the requirements above. The exhibits in the zoning applications dealt primarily with land use quantities, quality of development (especially architecture and urban design), and compatibility of the proposed development in terms of land use, building mass, views, and architecture, all of which were addressed in the review of the CSP.

- 2. Each separate stage of development shown on the comprehensive concept plan shall meet the purposes of the M-X-T Zone, as those purposes are set forth in Section 27-350.5 and 27-350.7(c) of the County Code.**

The CSP anticipated that the sequence of development would be as follows: Phase 1—Zone A and Zone B; Phase 2—Zone C and Zone E; and Phase 3—Beltway Parcel. However, the plan was approved as a guiding document that noted that, depending on the ultimate users who will be involved in the development, the sequence could be modified, accelerated, delayed, etc., based on market conditions. The CSP was found to meet the purposes of the M-X-T Zone, as will the subject DSP, as previously discussed in Finding 7(a) above.

- 3. As a condition of its final approval of the comprehensive concept plan, the Planning Board shall require review and approval of that plan by the District Council.**

On June 10, 1998, the District Council approved CSP-98012.

- 4. Except for hotel or office development on the A-5635 and A-5636 properties, there shall be no development independent of that on the property of Application No. A-9433 until appropriate public agencies authorize access road connection from the A-5635 property to the A-9433 property.**

This condition governs access between various zoned parcels. Under CSP-98012, connections between the various portions of the site were planned, approved, and constructed in accordance with this condition.

- 5. There shall be no access to the subject property, where zoned M-X-T, through existing residential subdivision streets or through that portion of the A-5619 property (the Gudelsky tract) left in the R-R Zone. Access to existing residential subdivision streets may be permitted, by the Planning Board, however, for the exclusive use of authorized emergency vehicles. In giving such approval, the Board shall include means for ensuring that such access is limited to emergency vehicles.**

This condition restricts access from National Harbor to residential streets and to areas of the Gudelsky tract that remained in the R-R Zone. This condition relates to portions of National Harbor within the Waterfront Parcel and does not apply to the Beltway Parcel.

**6. The comprehensive concept plan shall show development of marine-related recreational facilities in the initial stage of any proposed development.**

The proposed initial stage of development, Zones A and B of the waterfront portion of the development, are approved to include water taxi embarkation areas as well as a boat ramp area, which have both been implemented that fulfill the intent of this condition.

**8. In order that ultimate development of the subject property and the properties in the companion M-X-T cases will be of the exceptionally high quality referred to in Council Resolution 57-1981, at page 6, the comprehensive concept plan and final plan of development submitted to the Planning Board shall:**

**a. Illustrate how views from the existing residential areas, including views of the water, will be affected; and**

Residential areas are situated a minimum of 550 linear feet from the Beltway tract. M-NCPPC parkland is located between the proposed development and the existing single-family detached development to the south. This project will not impact the views from the existing residential areas to the water.

**b. Compare the scale of the relationship of the proposed development with that of the existing residential development in the vicinity, in terms of height, mass, density, and similar factors;**

The Beltway Parcel has no abutting residential uses, and the distance from the subject project to the residential development is 550 feet. This zoning condition most likely applied directly to the Waterfront Parcel.

**c. Demonstrate the orientation of buildings, including loading areas and mechanical equipment, to adjacent residential areas;**

All proposed loading facilities are located along the northern edges of the property, farthest away from existing residential areas.

**d. Demonstrate clearly how important natural features, such as ridgelines, drainage areas, steep slopes, vegetation, and the waterline, will be affected;**

The site has previously issued permits and have been cleared in accordance with the approved Type II tree conservation plan (TCPII), which shows all woodland to be cleared. There are no other natural features on the site that will be affected by the proposed development.

- e. **Show a cohesive architectural theme for all development on the subject property and the properties in the companion M-X-T cases, a theme incorporating building design and materials, signs, street furniture, and landscaping, so that the Planning Board may make a finding that the architectural design of the entire development is unified and of high quality;**

The subject DSP is consistent with the existing development at the National Harbor waterfront. The current application shows a large-scale contemporary building. As with the adjacent development, the architectural design of the buildings includes modern design elements and urban site planning considerations, such as structured parking, sidewalks, and inviting public entries, that have been incorporated into the project.

- f. **Show an access road design which is consistent with the anticipated quality of development on the subject property and the properties in the companion M-X-T cases;**

The access roads have been constructed.

- g. **Demonstrate a distinctive architectural theme, to take advantage of views of the subject property from the Capital Beltway, the Potomac River, and the Virginia shoreline;**

The statement of justification shows the applicants' awareness of the importance of views into the site from the Capital Beltway, the Potomac River, and the Virginia shoreline. The application has demonstrated a distinctive design theme consistent with the highly-individualized buildings that assemble to define the views of the overall National Harbor development.

- h. **Include a trail system, which will take advantage of the waterfront and water views where possible and link the subject property with the Oxon Cove Park to the north and Fort Foote Park to the south, as recommended in the Subregion VII Master Plan; and**

The existing trail system takes advantage of waterfront views, most prominently where it is located along the northern edge of Smoot Bay. Walking trails, promenades, and boardwalks have been provided along large parts of the National Harbor river frontage.

9. **Prior to approval of any stage of the applicants proposal, the Planning Board shall determine which alternate transportation improvements or systems are necessary to maintain acceptable levels of service at critical intersections and interchanges in the property's vicinity for that stage of development. No development beyond the applicant's initial development stage shall be permitted until such alternate transportation systems are under construction. Such improvements or systems may include the proposed AS-curve connection between I-295 and Indian Head Highway, to be constructed by the State Highway Administration, and the applicant's proposed urban diamond interchange, at the intersection of Old Indian Head Highway and Oxon Hill Road.**

This condition requires that, at each stage of development, the Planning Board should determine the transportation improvements needed to maintain adequate service levels at critical intersections. The traffic impact of each stage of the National Harbor development was analyzed during the review of CSP-98012 and Preliminary Plan 4-01048, a traffic study was submitted at each review, and appropriate conditions were made a part of the approval of each application.

11. **The staging conditions in this Section 2 are to be applied by the Planning Board to the applicant's present proposal for the initial stage of development. It is intended that these conditions be applied to limit net traffic effects over that initial stage of development. The conditions shall not be construed to prohibit alternative mixes of land use which do not increase net traffic levels over that stated by the applicants for their proposed initial development stage.**

This condition recognized that different combinations of land uses within the project could result in similar traffic impacts. It limits development that can be achieved within National Harbor under the initial phase. Since that time, significant transportation improvements have been completed in the area, and traffic impact has been appropriately reviewed at each stage of development.

13. **The comprehensive concept plan shall include a noise study demonstrating the cumulative noise from aircraft operations at National Airport and traffic on the Capital Beltway. This noise study shall include a map over the concept plan illustrating noise contours over 65 decibels, proposed noise attenuation measures, and the anticipated effects of noise from the proposed development on adjoining residential areas.**

This condition was met through the submission of a noise study produced for the overall National Harbor site (dated April 1998), which dealt with the entire development. In previous reviews, the noise study addressed all concerns with the Waterfront and Beltway Parcel areas of National Harbor.

The 65 decibel noise line was shown on the approved CSP and preliminary plan. The subject application should be revised to show the same.

It should also be noted and emphasized that the reason for the condition above is to protect the proposed residential properties from airport noise and traffic on the Capital Beltway. The CSP for the site mentions outdoor noises from the proposed waterfront entertainment development such as fireworks, festivals, and concerts. Further, the condition relates to "adjoining" residential properties, which is defined in Section 27-107.01 as "touching and sharing a common point or line." There are not any existing "adjoining" residential properties. In any case, if outdoor noises are produced by the subject development and determined to be a nuisance, regulations exist in Subtitle 19, Division 2, of the County Code relating to noise control.

- 15. The required stormwater management plan within the concept plan shall incorporate Best Management Practices, such as grassed waterways, vegetated buffer strips, discontinuous storm drainage, infiltration pits, and similar measures to minimize the adverse effects of runoff pollution on Smoot Bay.**

Approved Stormwater Management Concept Plan 48280-2007-00 has been issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). This approval addresses maintenance of the water quality of Smoot Bay by requiring treatment of the project's stormwater with best management practices.

- 16. The required sediment control plans shall be prepared separately for Application Nos. 5635 and A-5636; for Application Nos. A-5619, A-5620, and A-5621; and for Application Nos. A-9433.**

The site has an approved sediment and erosion control plan, which was submitted with the permit package prior to issuance of the first grading permits, pursuant to the original DSP for the site. It is expected that a revised and updated plan will be required prior to issuance of permits for the proposed development.

9. **Conceptual Site Plan CSP-98012:** Conceptual Site Plan CSP-98012 was first approved by the Planning Board on April 23, 1998 with 35 conditions. On June 10, 1998, the District Council affirmed the Planning Board's approval with four additional conditions. Conceptual Site Plan CSP-98012-01 was a Planning Director-level revision to adjust the zone boundaries, as allowed by the original approval. Conceptual Site Plan CSP-98012-02, as approved by the Planning Board on November 5, 2015 (PGCPB Resolution No. 15-117), proposed to add three parcels of land area to the Waterfront Parcel without revising the overall development concept plan. It was subject to two conditions, neither of which is applicable to the review of this DSP.

Of the 39 conditions applicable to the original CSP-98012 approval, as contained in the District Council's order, the following conditions are applicable to the review of this DSP:

1. **Total development within the Beltway Parcel of the subject property shall be limited to the following:**
  - a. **725,000 square feet of retail space**
  - b. **200,000 square feet of general office space**
  - c. **1,000 hotel rooms**
  - d. **A visitor's center**

**Alternatively, different permitted uses generating no more than the number of peak hour trips (1,226 AM peak hour trips and 2,565 PM peak hour trips) generated by the above development may be allowed.**

The subject development, as well as the previously approved DSP-07073-01 development, is different from the programmed elements above. This condition establishes a trip cap for the entire Beltway Parcel of 1,226 AM and 2,565 PM peak hour trips. The trip cap was further refined through the preliminary plan approval, Condition 11, which is discussed in Finding 10 below.

5. **Prior to the issuance of any building permits within the Beltway Parcel exceeding the following levels of development 616,000 square feet of retail space, 170,000 square feet of general office space, 850 hotel rooms and a visitors center (or a different combination of uses generating no more than 1,054 AM peak hour trips and 2,202 PM peak hour trips, the ramps on the west side of the Beltway Parcel connecting the site to the interstate highway system shall (a) have full financial assurances, (b) have been permitted for construction through the SHA and/or the FHWA IAPA permit process, and (c) have an agreed-upon timetable for construction with the SHA, with opening coinciding with the opening of the development. These ramps generally include:**
  - a. **Ramps providing direct connections from northbound I-95 to the Waterfront Parcel and the west side of the Beltway Parcel.**
  - b. **A ramp providing a direct connection from the Waterfront Parcel to southbound I-95.**
  - c. **Ramps providing direct connections from southbound I-295 to the Waterfront Parcel and the west side of the Beltway Parcel.**
  - d. **A ramp providing a direct connection from the Waterfront Parcel to northbound I-295.**
  - e. **Ramps providing direct connections from southbound I-95 to the Waterfront Parcel and the west side of the Beltway Parcel.**

- f. **Ramps providing direct connections from the Waterfront Parcel and the west side of the Beltway Parcel to northbound I-95.**
- g. **Ramps connecting the Waterfront Parcel and the Beltway Parcel.**

This is a phasing condition for off-site transportation improvements associated with the Beltway Parcel. All improvements associated with this condition are in place and open to traffic.

- 11. **All internal public roadways shall be constructed in accordance with DPW&T's standards. All internal private roadways shall be constructed in accordance with the Maryland-National Capital Park and Planning Commission's requirements. Road design in accordance with AASHTO criteria for public and private roads is required.**

All public roadways have been conveyed to SHA. A single private street is shown on the DSP and referred to in the traffic study as West Street (Parcel A), until such time as it is determined whether or not SHA will take the roadway as part of their road network. As a private street, the roadway is currently proposed as a single lane connecting Harborview Avenue to National Avenue.

- 12. **The final cross sections of roads, both private and public, shall be determined at the time of final design with approval by DPW&T and M-NCPPC at that time.**

The proposal includes one private road, with a sidewalk along the Parcel 5 frontage, which may ultimately be conveyed to SHA. The design of that road will be under the authority of SHA, if it is conveyed at a later date. If it is not conveyed, then the plans should be modified, prior to certificate approval, to add a row of street trees in accordance with Section 4.10 of the Landscape Manual.

- 14. **The applicant shall construct an internal network of trails connecting all zones to the Speed Parking Garage and to each other. This internal network shall have a connection to Oxon Hill Road parallel and adjacent to the Beltway Parcel.**

The National Harbor development has a comprehensive internal pedestrian system consisting of trails and sidewalks that connect all zones in both the Waterfront Parcel and a single trail that connects to the Beltway Parcel. The speed parking garage was never built. The internal pedestrian system is designed to be separate from the vehicular system, to the extent possible. The subject DSP meets the requirement.

- 15. **The applicant shall construct the Heritage Trail from Rosalie Island to Oxon Hill Road as shown on the Conceptual Site Plan.**

A short portion of the Heritage Trail from Rosalie Island to Oxon Hill Road is located within the boundary of this DSP, and issues relating to the trail were addressed in DSP-07073.

- 16. At the time of building permit, the applicant shall indicate location of bicycle racks in appropriate locations throughout the subject property.**

The submitted coversheet notes that bicycle racks are provided on Parcel 1 (food and beverage store) and within the parking structure on Parcel 5. However, neither is clearly shown on the plans. Additionally, the Planning Board found that bike racks should be provided in a convenient location to the commercial space and hotel on Parcel 5. Therefore, a condition has been included in this approval requiring such.

- 22. Prior to the issuance of any grading permits for roads adjacent to any trail, the applicant shall provide for review and approval by the Department of Parks and Recreation (DPR) construction plans for the section of trail adjacent to the road. Trails and trail connections shall be as generally shown on the Conceptual Site Plan. Trails shall be field located and the location shall be approved by DPR prior to construction. The applicant shall provide any structures needed to ensure dry passage along the trail. Both trails discussed below shall be 10-feet in width and shall be constructed in accordance with the *Park and Recreation Facilities Guidelines*.**

- a. **The trail along the boundary between the applicant's Beltway Parcel and M-NCPPC property surrounding the Oxon Hill Manor shall be constructed so as to maintain a sufficient buffer around the Oxon Hill Manor, with sufficiency of the buffer to be determined by DPR. A rest area shall be provided along the section of trail adjacent to the Beltway Parcel. Special attention shall be paid to proper stabilization of the escarpment running parallel and northwest of the trail. The escarpment shall be reforested if conditions permit.**
- b. **The applicant shall also provide, subject to approval by the Department of Public Works and Transportation and DPR, a trail along Oxon Hill Road providing pedestrian and bicycle access for the neighboring communities. The trail shall extend from the applicant's property through or along DPR property on the west side of Oxon Hill Road, to the entrance of the site of the Jaycees building.**

The Heritage Trail is constructed and is located on the south side of the Harborview Avenue right-of-way, next to M-NCPPC property surrounding Oxon Hill Manor. The trail on the west side of Oxon Hill Road is also constructed.

- 23. Prior to issuance of any building permits for National Harbor, all existing Recreational Facilities Agreements (RFA) shall be amended to be consistent with the preceding conditions. These amended RFAs shall supersede any RFAs of record applicable to the property and shall include language specifying appropriate timing mechanisms for provision of Rosalie Island Park and the specified trails.**



This condition has been met. An amended recreational facilities agreement has been recorded in Liber 21482, Folio 140, in the County Land Records.

- 24. The applicant shall, after approval of final archeological reports (Phase I, II and III) by the Maryland Historical Trust, supply said reports to the Historic Preservation Section of M-NCPPC. The reports applicable to the areas within the waterfront parcels shall be provided prior to the issuance of any building permits (except construction pursuant to a valid Corps of Engineers permit) for the waterfront parcels and the reports applicable to areas on the Beltway shall be provided prior to the issuance of any building permits for the Beltway parcel.**

The Historic Preservation Section has been provided all of the final archeological reports for the Beltway Parcel. This condition has been satisfied.

- 26. Prior to release of any building permit for the Beltway tract, the applicant shall endeavor, with the assistance of the Parks Department and the Historic Preservation Section, to locate and reconstruct the historic Oxon Hill Manor gates at an appropriate location on the Oxon Hill Manor property. Should the gates be unavailable, or should it prove inappropriate to reconstruct them, the applicant shall with assistance of the Department of Parks and Recreation and Historic Preservation Section, construct an appropriate historic feature to be used in substitution for the gates. Reconstruction shall be performed with an approved Historic Area Work Permit, as required by Subtitle 29-107.**

The owners of National Harbor provided funding for the installation of two gates along Oxon Hill Road, which were constructed as part of the Oxon Hill Road improvements by the Prince George's County Department of Public Works and Transportation (DPW&T). This condition has been fulfilled.

- 27. Prior to signature approval of the Conceptual Site Plan, the applicant shall provide, for incorporation into the appropriate documents, language to add to the design principles for the Beltway Parcel the concepts of providing for appropriate protection and respectful incorporation of the cemetery into the development plan. The principles shall include a contemplative area around the cemetery, reduction of massing and height, and consideration of appropriate neighboring uses (e.g., restaurants instead of retail). The language shall be subject to the approval; of the Development review Division and the Historic Preservation Section.**

The applicant has submitted plans showing a contemplative area around the Addison Family Cemetery that includes a parking area off of National Avenue and a paved walkway leading south to the burial ground. The applicant proposes to enclose the burial ground with a six-foot-high fence set into several brick pillars around the perimeter. The location of the fence, as proposed, does not enclose all of the tentatively identified burials from the ground-penetrating radar (GPR) search and resistivity surveys conducted in 2014. Therefore, its location should be considered conceptual at this

time. The neighboring uses are identified as restaurant, hotel, and residential, which are compatible with the condition. However, the massing and height of the neighboring uses do not reflect the "reduced" character as encouraged by the condition. Detailed architectural elevations of the building faces immediately surrounding the cemetery should be provided prior to certification to analyze the nature of the massing and height.

- 28. Prior to approval of the first Detailed Site Plan for the Beltway Tract, the applicant shall submit detailed site plan and illustrative plans including elevation plans, showing how the cemetery will be integrated with the overall project in an appropriately respectful manner, for review and approval by the Planning Board, or its designee. The review should take place concurrently with review by the Maryland Historical Trust.**

The applicant's plans provide for a respectful contemplative area that would include the cemetery. The Planning Board approved conditions requiring revisions to the design specifics of the area. To fully comply with Condition 28, the applicant should provide the details to the Maryland Historical Trust for review.

- 29. Prior to the release of the building permits on the Beltway Tract for the buildings proposed to be nearest the cemetery, the applicant, with the concurrence of the Maryland Historical Trust and the Historic Preservation Section, shall incorporate the salvaged historic bricks and large pieces of granite (currently being stored by Plus One Masonry) as an element of the interpretive plans for the project. (One suggestion would be used in a pathway to the Addison Family Cemetery.)**

The historic masonry materials referred to in this condition have been lost and are no longer available. As a result, this condition can no longer be met as written.

- 30. Prior to approval of any Detailed Site Plan for the Beltway Tract, the applicant shall submit plans prepared in consultation with the Maryland State Historic Preservation Office (SHPO) for review by the Historic Preservation Section and the Natural and Historical Resources Division and Park Planning and Development Division of the Department of Parks and Recreation for public interpretation of the results of the archeological investigations of the Addison Plantation and Addison Cemetery. Public interpretation may include exhibits, a public-oriented publication or publications, or other appropriate interpretative mechanisms. The applicant shall also make display space available in the Visitors Center for historical information exhibits, prepared by the applicant and reviewed by the above agencies, as well as other information and research readily available or supplied by the same agencies relating to the Oxon Hill Manor and other nearby Historic Sites.**

This condition has been met by the applicant's plan submissions. Subsequently, pursuant to those plan submissions, the applicant has completed the installation of six interpretive panels along the National Harbor river walk in October 2014 that focus on the following topics: (1) Native

American history; (2) the Addison Plantation at Oxon Hill; (3) life at Oxon Hill Manor; (4) Oxon Hill in the nineteenth century; (5) the enslaved in Prince George's County; and (6) the history of the present Oxon Hill Manor constructed for Sumner Welles. The applicant is in the process of producing a required video that will be displayed on the National Harbor website and may be included in video displays throughout the National Harbor development. The video will feature photographs of artifacts recovered from the Addison Plantation archeological site, among other things. Historic Preservation staff continues to work with the applicant on the content of the video.

- 31. Prior to issuance of a building permit for the structures identified below, the applicant, his heirs, successors or assigns shall submit one or more Detailed Site Plans for approval by the Planning Board. The Detailed Site Plan(s), through the use of plans, architectural elevations, sections and perspective sketches, shall address and be limited to the following issues:**

**f. The Beltway Parcel.**

**Any requirement for a Detailed Site Plan on the Waterfront Parcel, except as required herein or by Condition No. 8, is waived.**

The subject application is a DSP for the Beltway Parcel and has been filed to fulfill this condition.

- 32. All new landscape plantings in landscape buffers adjacent to existing residential development shall provide a minimum of 200 plant units per 100 linear feet of buffer, except that where 4- to 6-foot-high berms are utilized, the plant units may be reduced to 160 plant units per 100 linear feet of buffer. This does not imply that a solid screen is required in all landscape buffers. Some areas of the buffers may remain open to create or preserve desirable views.**

The subject application is more than 550 feet from adjacent existing residential development.

- 33. The top deck of all parking structures shall be provided with planting areas covering a minimum of 5 percent of the total surface area of the deck. At least one (1) shade tree shall be provided for each 300 square feet (or fraction) of planting area provided. Shrubs and other plant materials may be used but shall not be a substitute for the shade trees. Provision shall be made for irrigation and proper drainage for these planting areas to insure survival of the plant materials. Planting of shade trees may be confined to edges of the top deck (and 5 percent green area may be reduced to 2.5 percent) if it can be demonstrated through use of sections and perspective views that the top of the garage deck will not be visible from any point of the subject property or abutting properties.**

The submitted plans are unclear if there will be any exposed top decks of the proposed parking garages. Therefore, a condition has been included in this approval requiring, prior to certification, that the labeling be made clear and where there is an exposed top deck of a parking structure, that

it be treated in accordance with this condition.

34. **There shall be an 8-foot-high fence in the landscape buffer along all abutting residentially-zoned neighborhoods, which fence shall generally be located 10 feet inside the National Harbor property line. A fence shall also be located along Oxon Hill Road and I-295. The fence shall be constructed of materials that are attractive and ornamental in character and have low maintenance requirements, such as aluminum or powder coated galvanized tubing designed to imitate wrought iron. Details of the fencing materials shall be included in the limited Detailed Site Plan. Black vinyl-coated chain-link fence is allowed along residential property lines if agreed to in writing by the affected homeowner(s).**

The subject application is not abutting existing residentially-zoned neighborhoods and is more than 550 feet from existing residential development. This condition is technically not applicable.

10. **Preliminary Plan of Subdivision 4-01048:** The preliminary plan of subdivision which covers the larger National Harbor site, including the subject residue of Parcel 94, was approved on November 20, 2003. The corrected amended resolution for Preliminary Plan of Subdivision 4-01048 (PGCPB Resolution No. 01-163(C)(A)) contains 32 conditions, and the following conditions relate to the review of this application:

10. **The applicant, and the applicant's heirs, successors, and/or assigns shall provide the following:**
  - a. **An internal network of pedestrian connections connecting all portions of the development to parking and to each other. This internal network shall have connections to Oxon Hill Road parallel and adjacent to the Beltway Parcel.**
  - b. **The Heritage Trail from Rosalie Island to Oxon Hill Road (exclusive of the portion to be constructed by the SHA), as shown on the conceptual site plan. This trail will run from Rosalie Island (where the trail shall connect to the trail on the planned Woodrow Wilson Bridge), cross Smoot Bay, and continue up and adjacent to the Beltway Parcel to Oxon Hill Road.**
  - c. **Bicycle racks in appropriate location throughout the subject property. These shall be shown on the building permits.**
  - d. **A trail along Oxon Hill Road providing pedestrian and bicycle access for the neighboring communities, subject to approval by DPW&T. The trail shall extend from the applicant's property through or along M-NCPPC property on the west side of Oxon Hill Road to the entrance of the site of the Jaycees building. This trail shall be asphalt and a minimum of eight-feet wide.**
  - e. **A trail along the boundary between the applicant's Beltway Parcel and**

**M-NCPPC property surrounding the Oxon Hill Manor, to maintain a sufficient buffer around the Oxon Hill Manor, with sufficiency of the buffer to be determined by the Department of Parks and Recreation. A rest area shall be provided along the section of the trail adjacent to the Beltway Parcel. Special attention shall be paid to proper stabilization of the escarpment running parallel and northwest of the trail. The escarpment shall be reforested if conditions permit.**

As discussed previously, the site included in this DSP is a part of the larger National Harbor development. A comprehensive pedestrian system consisting of trails and sidewalks have been planned for the entire National Harbor project. The subject DSP includes sidewalks, crosswalks, and bicycle parking facilities. These trails have been constructed as previously required. Providing access from the subject site to the Potomac Heritage Trail is a priority.

- 11. Total development within the Beltway Parcel of the subject property shall be limited to the following:**
- a. 200,000 square feet of retail space.**
  - b. 443,000 square feet of general office space.**
  - c. 850 hotel rooms.**
  - d. A visitors' center.**

**Alternatively, other permitted uses which generate no more than the number of peak hour trips (1,226 AM peak hour trips and 2,565 PM peak hour trips) generated by the development shown on the currently approved Conceptual Site Plan SP-98012 may be allowed. Upon the modification of said conceptual plan (or approval of a succeeding application), the above level of development may be modified to allow the above uses, except that a maximum of 1,220,000 square feet of general office space may be allowed (or other uses generating no more than 2,702 AM and 2,565 PM peak hour vehicle trips).**

Conceptual Site Plan CSP-98012 was first approved by the Planning Board on April 23, 1998. In November 2003, Preliminary Plan 4-01048 was amended and reapproved. It stated that additional development over the trip cap could not occur without amending the CSP. The District Council later enacted County Council Bill CB-20-2005 which allowed additional development on the Waterfront Parcel without requiring amendment of the CSP. Subsequently, in February 2010, it was determined that a note stating such would be added to future plats and any previously recorded plats, as follows:

**“Total development of the National Harbor Subdivision, pursuant to approval of**

**Conceptual Site Plan 98012, Preliminary Plan of Subdivision 4-01048 and enactment of Council Bill 20-2005 shall include 2,600,000 square feet of retail, dining, and entertainment development; 200,000 square feet of conference center, 3,600 hotel rooms; 443,000 square feet of general office space, visitors' center (collectively, 7.34 million square feet); and 2,500 Waterfront Parcel residential dwelling units or such other alternative uses that generate no more than 5,775 AM and 5,699 PM peak-hour vehicle trips. The development is premised on the satisfaction of the transportation conditions expressed in Conditions 13, 14, 15, 16 and 19 of the corrected amended resolution of Preliminary Plan of Subdivision 4-01048."**

Trip caps are shown in the table below, and these caps have not been exceeded by the current DSP application.

Trip Generation Summary, DSP-07073-02, Beltway Parcel—Weekday								
Land Use	Use Quantity		AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
<b>DSP-07073/01 Casino &amp; Hotel</b>	1,078,237 sq. ft.	Parcel 4	315	137	452	830	574	1404
Retail/Gas Station	6,600 sq. ft. less 60% pass-by	Parcel 1	54	54	108	67	67	134
Residential (hi-rise)	702 units	Parcel 5	42	169	211	183	98	281
Hotel/Timeshare	689 rooms	Parcel 5	215	150	365	211	202	413
Retail/Dining Entertainment**	130,000 sq. ft. less 40% pass-by	Parcel 5	68	42	110	206	223	429
<b>Total DSP-07032/02</b>			379	415	794	667	590	1257
<b>Beltway Parcel – DSP-07073/01 &amp; 02</b>			694	552	1246	1497	1164	2661
Waterfront Parcel As Built			628	415	1043	738	767	1505
Fast Food Restaurant less 60% pass-by			36	35	71	27	24	51
Gas Station/Conv. Market less 60% pass-by			33	34	67	42	42	84
<b>Waterfront Parcel Total</b>			697	484	1181	807	833	1640
<b>Total Trips – National Harbor</b>					<b>2427</b>			<b>4301</b>
<b>Beltway Parcel Trip Cap</b>					2702			2565
<b>Waterfront Parcel Trip Cap</b>					3073			3134
<b>Total Trip Cap – National Harbor</b>					<b>5775</b>			<b>5699</b>
<b>Trips Remaining – National Harbor</b>					<b>3348</b>			<b>1398</b>

The application proposes a heliport on Parcel 2 and the use of Parcels 6 and 7 for temporary exhibitions. These uses are not assumed to generate weekday peak-hour travel.

As a part of its proposal, the applicant provided an updated trip analysis, which included recent trip counts applicable to the Waterfront Parcel development. This analysis was done in October 2015 during the middle of week. Additionally, the applicant provided an addendum to the

trip analysis that included updated information on the existing commercial space (and vacancy rate, which is small), residential dwelling units, hotel rooms, and restaurant seating, all used to verify the reliability of the trip analysis numbers from the Waterfront Parcel activities. The addendum also verified that the trip counts were done during a period in which there was a substantial conference being held at the Gaylord National Hotel and Convention Center, attended by over 5,000 attendees, presenters, and exhibitors. The trip counts evidence a significant internal trip capture among the various Waterfront Parcel activities.

The primary focus of the proposed development is on Parcel 5. The trip analysis utilizes appropriate rates for the uses proposed on the DSP and additionally includes trips for the ultimate development of Parcels 6 and 7 (a combined 1,000 dwelling units), which in the interim period will serve as event/exhibition space and parking. The trip analysis also accounts for the approved development on Parcel 4-A (MGM). While it is reasonable that some internal trip capture, as evidenced by the Waterfront Parcel, will occur amongst the Beltway Parcel uses and activities, as well as between it and the Waterfront Parcel. No "capture rate" has been applied and the individual use and activity rates are, therefore, not reduced. Such a capture rate is likely to be more justified in the future.

The National Harbor development was approved with phasing of transportation improvements for development on either the Waterfront or Beltway Parcels. Subsequent to the completion of the transportation improvements for the entirety of National Harbor (which improvements have been certified complete), the approved development could occur throughout the entirety of the National Harbor property. Modification to the development is allowed, provided the overall development remains within the trip cap applicable to the entirety of the National Harbor property. The District Council also approved the inclusion of 2,500 residential dwelling units (CB-20-2005) for the National Harbor Waterfront Parcel and did not require an amendment of the approved CSP.

The Planning Board found that the proposed development, when added to development approved by the CSP and CB-20-2005, remains within the trip caps established by the prior approvals for National Harbor.

13. **The comprehensive concept plan shall include a noise study demonstrating the cumulative noise from aircraft operations at National Airport and traffic on the Capital Beltway. This noise study shall include a map over the concept plan illustrating noise contours over 65 decibels, proposed noise attenuation measures, and the anticipated effects of noise from the proposed development on adjoining residential areas.**

See Finding 8 above.

20. **The extensive use of the A-A cross section, which is a 24-foot roadway with a sidewalk on one side of the street, will be reviewed at time of Detailed Site Plan. The right-of-way proposed for the A-A cross-section is sufficient to allow sidewalks on both sides if needed to ensure that pedestrians are adequately served. Decisions at**

**Detailed Site Plan will be primarily based on the adjacent land uses proposed; however, most locations where the A-A cross-section is proposed may be considered for sidewalks on both sides.**

The preliminary plan was approved with four private streets for the Beltway Parcel to be on separate parcels conveyed to a business owners association (BOA). This DSP shows a private street along the eastern edge of Parcel 5. The applicant, however, has indicated that SHA may request the dedication in fee-simple of that portion of the lot. Prior to approval of the final plat, the applicant should indicate either the conveyance of land to SHA, or show Parcel A to be retained and conveyed to a BOA. The applicant should be aware that this could affect the location of the required public utility easement.

- 30. Interior noise levels for the living areas of hotel and/or on-site residential uses shall not exceed 45 dBA.**

The Planning Board found that, prior to building permit, an acoustical engineer should certify that the construction materials proposed will mitigate interior noise levels of the buildings on Parcel 5 to be 45 dBA or less.

- 32. As construction of the proposed facilities commences, a method of public notification indicating where to direct noise inquiries shall be established. Such information may be part of general information available to the public. A copy of the proposed public information plan shall be submitted to the Development Review Division with the first building permit application.**

Subtitle 19 (Pollution), Division 2 (Noise Control), is the part of the County Code that regulates noise disturbances. Complaints relating to noise should be directed to the Prince George's County Public Safety Non-Emergency dispatch line at (301) 352-1200.

**11. Detailed Site Plan DSP-07073 and its revisions:**

- a. **Detailed Site Plan DSP-07073:** The Planning Board approved the original DSP application on July 9, 2009, subject to five conditions, of which the following are relevant to the subject application:

- 2. Within 90 days subsequent to certificate approval of DSP-07073, the applicant shall:**

- a. **Submit a current conditions assessment of cemetery elements to historic preservation staff and HPC for review and approval. An assessment of conditions at the cemetery shall be submitted semi-annually (August and February) to M-NCPPC and HPC until permanent preservation measures have been installed. In the**



**meantime, the applicant shall maintain the existing security buffer established by the chain-link fence installed around the base of the cemetery.**

Since the approval of DSP-07073, the applicant has submitted semi-annual reports on the condition of the Addison Family Cemetery. The most recent report was received by Historic Preservation staff on December 22, 2015. This condition will continue to apply until the completion of the ultimate treatment of the cemetery.

- b. Provide a perpetual maintenance plan for the Addison Family Cemetery and confirmation of the completion of the maintenance work to historic preservation staff and HPC on a semi-annual basis as part of the above condition 2 (a). The measures provided within the said maintenance plan shall be reviewed by historic preservation staff and the Maryland Historical Trust in accordance with the Memorandum of Agreement (MOA) dated August 2, 2000 by and among the applicant, Maryland Department of the Environment and the Maryland Historical Trust (MHT). In addition, the aforementioned maintenance plan shall be provided to the HPC within 90 days subsequent to certificate approval of DSP-07073.**

A maintenance plan for the Addison Family Cemetery was submitted by the applicant and was provided to the Historic Preservation Commission in 2010. Because of the proximity of the cemetery to grading associated with the subject DSP-07073-02, future condition reports should include evidence that the fenced areas of the cemetery remain undisturbed throughout the construction process and that adequate measures have been put in place to ensure the preservation of the cemetery throughout the course of construction activity. As necessary, the applicant shall submit a Historic Area Work Permit for any protective measures to be installed within the site's historic environmental setting.

- c. Submit plans including a phasing schedule for public interpretation of the area's history and archeology, as outlined in the 2000 MOA as well as the results of the archeological investigations of the Addison Plantation and Addison Family Cemetery. The plan shall be prepared in consultation with the MHT, and be reviewed by the M-NCPPC Historic Preservation Section, the M-NCPPC Natural and Historical Resources Division, the Park Planning and Development Division and the HPC.**

**Public interpretation may include exhibits, public-oriented publications, or other appropriate interpretive mechanisms. The applicant shall also make available display space within the National**

**Harbor development for historical exhibits and other public information and research prepared by the applicant or provided by the agencies noted above on the history and significance of Oxon Hill Manor and other nearby Historic Sites.**

**The applicant, consistent with the MOA, shall be responsible for the development, design, and construction of appropriate display cases and interpretive signage and plaques so that the materials selected for display by the MHT will be both protected and exhibited in a manner best suited for public appreciation and the long-term preservation of those objects on display. The public interpretation measures shall be implemented in accordance with the approved phasing schedule, and shall commence prior to the release of the first building permit for DSP-07073, unless an extension is approved by the HPC.**

The intent of this condition has been largely fulfilled by the installation of the six interpretive signs and the production of the video.

- 3. Prior to April 1, 2010, the applicant shall submit a plan to re-erect and restore the stones within the cemetery to M-NCPPC and HPC for review and approval.**

The applicant submitted a Historic Area Work Permit (55-10) on December 14, 2010 for restoration of the tomb stones within the Addison Family Cemetery. This work has been completed and all of the stones have been restored and re-erected. This condition has been satisfied.

- b. **Detailed Site Plan DSP-07073-01:** The District Council affirmed and adopted the Planning Board's approval (PGCPB Resolution No. 14-36) of this DSP revision application on July 21, 2014, subject to 15 conditions, of which the following is relevant to the subject application:

1. **Prior to certificate approval of this detailed site plan, the applicant shall:**
  - s. **Provide an accessible pedestrian signal crossing(s) across Harborview Avenue connecting the site to the Heritage Trail at the agency-approved road crossing location(s) if approved by SHA.**

The submitted DSP complies with this prior condition, which remains in effect. Details regarding the pedestrian signal crossing are still being worked out. However, this crossing will serve not only the casino, but also the currently proposed residential units and hotel, and it is necessary for a safe pedestrian crossing to the master plan trail.

- c. **Detailed Site Plan DSP-07073-03:** This Planning Director-level approval involved minor revisions to the development on Parcel 4-A, which does not affect the subject application.
12. **2010 Prince George's County Landscape Manual:** The DSP is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as follows:
- a. **Section 4.1, Residential Requirements**—Section 4.1 requires a minimum number of trees be provided for multifamily dwellings at a rate of one shade tree per 1,000 square feet, or fraction of, green area on the property. This section applies to Parcel 5, which proposes 16,333 square feet of green area requiring 17 shade trees. The correct schedule is provided on the DSP showing this requirement being met for Parcel 5.
  - b. **Section 4.2, Requirements for Landscape Strips along Streets**—Applies to all public and private road frontages of properties with nonresidential uses, which includes the entirety of the edges of Parcels 1 and 6, a long length along the northern side of Parcel 7, and three sides of Parcel 5. No Section 4.2 landscape strips are provided on Parcel 2, as the helipad for police use is not a commercial or industrial use. The correct schedule showing the requirements being met has been provided for each parcel.
  - c. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lot, determined by the size, to be interior planting area and a perimeter landscape strip along all adjacent properties. This section is only applicable to Parcel 1 with the proposed gas station, as all of the proposed parking on Parcel 5 is in a structure and the other proposed parking areas are less than 7,000 square feet. The parking lot on Parcel 1 is small and only requires eight percent interior landscape area and no perimeter strip, as it adjoins only public right-of-ways. The required schedule has been provided demonstrating conformance to this section by the provision of eight percent interior landscaping area planted with the required number of shade trees.
  - d. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces, trash facilities, and mechanical equipment. These types of facilities are only proposed on Parcels 1 and 5. On Parcel 5, they are all located interior to the mixed-use building and will be screened as required. On Parcel 1 at the gas station, exterior loading and dumpster areas are shown. A detail for a trash enclosure has been provided for the proposed dumpsters, however, it does not specify the finish material and needs to be revised to include that information. No ground-level mechanical equipment is shown, and screening of the proposed loading space was not specified and should be added prior to certification.
  - e. **Section 4.6, Buffering Development from Streets**—Section 4.6 requires a buffer between a multifamily development in any zone adjacent to a major collector, an arterial, a freeway, or an expressway. On the subject DSP, the multifamily development on Parcel 5 is adjacent to National and Harborview Avenues, along with proposed West Road, none of which are master-planned roadways with the specified classifications. Therefore, no buffer

is required for this section.

- f. **Section 4.7, Buffering Incompatible Uses**—A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transition between moderately incompatible uses. This section applies to the subject application only between the development on Parcel 5 and the historic site on Parcel 3, as the remainder of the parcels do not adjoin any incompatible uses as defined by this section.

The submitted plans provide the appropriate schedules and notes demonstrating that the requirements of this section are not met between Parcels 3 and 5. The applicant has submitted Alternative Compliance AC-14005-02 from Section 4.7 for a reduction in the building setback and the width of the landscaped yard along the adjacent historic site, which is discussed as follows:

REQUIRED: 4.7 Buffering Incompatible Uses, along the property line between Parcels 3 and 5, adjacent to an existing historic site.

Length of bufferyard	301 feet
Minimum building setback	60 feet
Landscape yard	50 feet
Bufferyard occupied by existing trees	0 percent
Fence or wall	Yes, not sight-tight
Plant Units (180 per 100 l. f.)	542

PROVIDED: 4.7 Buffering Incompatible Uses, along the property line between Parcels 3 and 5, adjacent to an existing historic site.

Length of bufferyard	301 feet
Minimum building setback	15 feet
Landscape yard	15–50 feet
Bufferyard occupied by existing trees	0 percent
Fence or wall	Yes, not sight-tight
Plant units	271

**Justification**

The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. A Section 4.7, Type E bufferyard, which includes a 60-foot building setback and a 50-foot-wide landscaped yard, is required along the shared property boundary between proposed Parcels 3 and 5, adjacent to the existing historic cemetery on proposed Parcel 3. The applicant proposes to provide a minimum 15-foot-wide building setback and a 15- to 50-foot-wide landscape yard with half of the required plant units on Parcel 5, adjacent to the Parcel 3 property line. The submitted

landscape plan for the cemetery area sits within a courtyard on the north side of the proposed hotel and residential building on Parcel 5. The plan shows fencing with brick piers around Parcel 3 and an amenity area with plantings, benches, walkways, and interpretive signage surrounding it on Parcel 5. The area faces north onto National Avenue where there is a small parking area for cemetery visitors, along with an access easement from the public right-of-way to Parcel 3.

The Addison Family Cemetery, which has few above-ground features, was designated as a Prince George's County historic site in 2010. The environmental setting for the site was identified as the residue of Parcel 3, as established on a plat recorded in Plat Book NLP 153, p. 56, on June 14, 1990. The National Harbor site, which has always included the cemetery area, has a long approval history going back to zoning map amendments in the 1980s and 1990s. The area around the cemetery was graded in the early 1990s in anticipation of the construction of the project then known as Port America. In 1998, the approved Conceptual Site Plan (CSP-98012, PGCPB Resolution No. 98-110), for National Harbor included multiple conditions of approval regarding the protection and integration of the cemetery into the overall project, in an appropriately respectful manner, as a contemplative area. The Planning Board understands the site's long development history and the fact that the cemetery only became a designated historic site in 2010, then requiring a large landscape buffer, approximately 20 years after development of the Beltway Parcel was first pursued. Integration of the historic site into the development has long been contemplated. It would present conflicts to now require a 50-foot-wide landscape buffer surrounding it.

The HPC reviewed the subject DSP application and landscape plan at their January 19, 2016 meeting and recommended approval, with revisions to the details of the improvements of the landscaped area surrounding the cemetery. The AC Committee met with Historic Preservation staff and came to an agreement about the improvements and necessary design revisions, which are incorporated into conditions in this DSP approval. Generally, the intent is to adjust the design of the features to match the modernistic surrounding development and create a lush, viable, garden like landscape setting for the cemetery.

The Planning Board found that the request is justified due to the proposed design concept that respectfully integrates the existing historic cemetery into a contemplative area for the large-scale development, as was anticipated and approved with CSP-98012 for the property, prior to the cemetery being designated a historic site. Given the project's history, the Planning Board found that the applicant's proposed landscape plan, which respectfully integrates the cemetery into a contemplative landscape feature for the surrounding development, is equally effective as normal compliance with Section 4.7 of the Landscape Manual.

The Planning Board found to approve Alternative Compliance from Section 4.7, of the 2010 *Prince George's County Landscape Manual*, along the property line between

proposed Parcels 3 and 5, for National Harbor, Beltway Parcel, subject to the following conditions:

- (1) Prior to certificate approval, revise the plans as follows, subject to final review by the Urban Design and Historic Preservation Sections:
  - (a) Revise the proposed Parcel 3 property line and the proposed fence line to match the revised Addison Family Cemetery historic site environmental setting as recommended by the Historic Preservation Commission.
  - (b) Provide enlarged detailed architectural elevations of all three sides of the building facing the cemetery. These elevations are to be approved by the Urban Design Section, as the designee of the Planning Board, with comment provided by the Historic Preservation Section.
  - (c) Reduce the height of the proposed cemetery fencing to four feet high and provide a more simply-designed, modern, black, metal fence.
  - (d) Revise the proposed cemetery gate design to match the revised fence, provide a second pedestrian gate on the west side of the cemetery, and add labels to the plan.
  - (e) Change the proposed cemetery brick piers to stone-faced, similar to the proposed freestanding signage, and adjust the size of the pier as appropriate to match the revised fence.
  - (f) Provide a smaller modernistic cemetery entrance feature, but maintain the bronze dedication plaque.
  - (g) Provide a detail for the proposed retaining wall along the north side of the cemetery area. It should be stone-faced to match the fence piers and the proposed signage.
  - (h) Provide terraces on the south side of the cemetery area, created using small stone-faced retaining walls.
  - (i) Provide more legible contours and spot shots to clarify the grading on all of the walkways surrounding the cemetery.
  - (j) Provide a cut sheet for the proposed bench and provide a full detail for the proposed trash receptacle.
  - (k) Provide a detail for the proposed handrail on the retaining wall and ramps.

- (l) Provide a modern light and pole. Additionally, provide fewer 14-foot-high poles and provide low path lighting instead to create a more garden-like atmosphere.
- (m) Provide a high-quality, metal, decorative interpretive sign.
- (n) Provide a variety (at least three species of each type) of shade-tolerant plant materials, including a suitable replacement for the proposed wildflower/meadow mix.
- (o) Replace the proposed pin oaks with a shade tree with a narrow or columnar form.
- (p) Provide evergreen plants between the walkway and building facing east of the cemetery area.

These conditions have been included in this approval.

- g. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan provides more than 50 percent native plants in each category on each separate parcel and, therefore, meets the above requirements.

- h. **Section 4.10, Street Trees along Private Streets**—Section 4.10 provides specifics for the planting of street trees along private streets, which only apply to the private West Road on Parcel A, if it is not to be dedicated to SHA. The submitted landscape plan does not provide the required schedule or conformance to its requirements. Therefore, a condition is included in this approval requiring this information be added to the plan prior to certification.
13. **Prince George’s County Tree Canopy Coverage Ordinance:** The project is not subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance, because the passage of Council Bill CB-19-2013 amended Section 25-127, Applicability, which now exempts the project as stated below:

**(b) Exemptions**

**(1) The following are exempt from this Division:**

- (J) Properties in a commercial, industrial or mixed-use zone subject to a Detailed Site Plan or Specific Design Plan approved before September 1, 2010 or maintained an active grading permit since September 1, 2010.**

The subject property is a mixed-use zone (M-X-T) and DSP-07073 was approved prior to September 1, 2010.

14. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because it has previously approved tree conservation plans (TCPI-010-98 and TCPII-023-01), which were originally approved with Conceptual Site Plan CSP-98012 and Detailed Site Plan DSP-07073, respectively. A revised TCPII has been submitted which shows the proposed development. The proposed application creates an additional requirement to reforest 2.71 acres and to acquire off-site woodland credits at an approved woodland mitigation site. The Planning Board found to approve the TCPII submitted with this DSP.
15. **Further Planning Board Finding and Comments from Other Entities:** The summarized comments of the concerned agencies and divisions are as follows:

- a. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* designates the property within the Established Communities policy area. The proposed use is consistent with the General Plan's development pattern goals and policies for established communities.

This application is consistent with the high-intensity mixed-use recommendations of the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. The plan envisions the project site as the land gateway to the National Harbor's waterfront development. The applicant should consider additional landscaping to reflect this master plan recommendation.

Light-emitting diode (LED) lighting or signage has the potential to further impact the dark sky attributes that needs to be protected. A feature that would dim the LED signage and/or lighting from Parcels 1 and 5 would be beneficial.

The Beltway Parcel is on an elevated plateau overlooking National Harbor. The property is not in the accident potential zones, clear zone, or high-intensity noise contours for Joint Base Andrews. It is within Outer Horizontal Surface 'F' of the Interim Land Use Control (ILUC) Area for Joint Base Andrews. The maximum allowable height for structures in Zone 'F' is 500 feet above the ground elevation of Joint Base Andrews (i.e.,



approximately 774 feet above sea level (ASL). The design drawings indicate that the MGM Hotel (400-foot elevation) is the tallest structure on the site. This does not exceed the height of Outer Horizontal Surface 'F' for Joint Base Andrews.

The proposed entertainment establishment is located approximately eight miles northeast of the Mount Vernon national historic site. Although the proposed development is not located within the boundaries of the Mount Vernon Viewshed Area of Primary Concern, staff has conducted line-of-sight and 3D analyses to determine whether buildings and other portions of the entertainment establishment would be visible to Mount Vernon. The analyses show that the development will not be visible to Mount Vernon because it is screened by mature vegetation on the grounds of Mount Vernon and by topography along the Potomac River.

- b. **Transportation Planning**—The Planning Board reviewed an analysis of the subject DSP's conformance with all transportation-related conditions attached to the approval of the CSP and preliminary plan and a summary of the traffic study and trip capacity, and provided the following comments:

The previously approved gas station/food and beverage store is shown on Parcel 1. It is located at the corner of Oxon Hill Road and National Avenue. A right-in driveway is shown on Oxon Hill Road and two two-way entrances are shown on National Avenue. This configuration is acceptable.

A one-way couplet system of roadways surrounds the site. National Avenue and Harborview Avenue provide access to the site; the plan shows several two-way driveway entrances on each of these roadways. Two two-way entrances to the parking garage are shown on Harborview Avenue, another two-way entrance and a loading entrance are shown on National Avenue. Two other entrances to the parking garage are shown on the northern side of the building. All of the proposed driveways will be reviewed by SHA or County agencies at the permitting stage of development. Any operational issues will be addressed at that time.

Section 27-574 of the Zoning Ordinance requires the number of parking spaces in the M-X-T Zone and in a Metro Planned Community "to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. Prior to approval, the applicant shall submit the methodology, assumptions, and data used in performing the calculations." This parking information was submitted by the applicant. The applicant used the parking requirements of Section 27-568 and determined that 2,070 spaces will be required, and the Planning Board found this acceptable.

The two roadways immediately adjacent to the site, National Avenue and Harborview Avenue, are non-master plan roadways. Oxon Hill Road, located next to Parcel 6, is listed as a collector roadway in the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*. No structures are planned within the rights-of-way of any

of these roadways.

An extension of the Purple Line (light rail) from New Carrollton to National Harbor is recommended in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). It is anticipated that a future transit station would serve both the MGM Casino site (the adjacent Parcel 4-A) and the proposed development on Parcel 5.

It is hoped that the overall block that includes the MGM Casino and the proposed building of 1,271,000 square feet will be served by light rail or bus rapid transit facilities in the future. However, the entrances and exits from the parking garages and service driveways appear to leave limited space to accommodate future transit platforms. During the course of the review of this site plan, this issue was considered and discussed by planning staff and DPW&T. It was determined that the current site plan will not preclude a future transitway, given that the opposite sides of National Avenue and Harborview Avenue will likely see little, if any, development. This makes it more certain that high-quality transit can eventually serve this area.

Overall, from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a DSP as described in Section 27-285 of the Zoning Ordinance. It is furthermore determined that the development proposed will be adequately served by transportation facilities within a reasonable period of time, in accordance with the finding required for a DSP in the M-X-T Zone as described in Section 27-546 of the Zoning Ordinance.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the applicable Preliminary Plan of Subdivision 4-01048 conditions of approval, along with the following discussion:
- (1) The bearings and distances should be legible on all property boundaries, and should reflect the extents of the included property, including Parcel 4-A as depicted on Plat SJH 243-61. Permits will be placed on hold if this information is not legible and cannot be verified.
  - (2) The parcel lines are to be adjusted around the cemetery site, consistent with the corrected environmental setting as recommended by the HPC to include the potential grave sites. The preliminary plan showed a larger lot (Lot 6, Block A, 0.83 acre) encompassing the cemetery site than that which is currently show on the site plan. Given the GPR study, the adjustment of the cemetery lot would be more consistent with the approved preliminary plan and the Subdivision Regulations, which require the placement of lot lines to promote long-term maintenance and protection of the existing cemetery elements in accordance with Section 24-135.02(a)(3) of the Subdivision Regulations.
  - (3) In accordance with Section 24-135.02(a)(5)(D) of the Subdivision Regulations,

adequate access shall be provided to the cemetery. Preliminary Plan 4-01048 originally proposed a cemetery lot that had frontage on the public right-of-way so it had direct access. The revised plans should demonstrate adequate access to the cemetery in accordance with Section 24-135.02(a)(5)(D) through enlarging the parcel to abut the right-of-way, or through providing an access easement. The access easement will set forth the rights, responsibilities, and liabilities of the parties and be recorded in Land Records prior to final plat.

- (4) In accordance with Section 24-135.02(d), the cemetery is considered a certified nonconforming use with the approval of Preliminary Plan 4-01048.
- (5) Parcels 4-A and 5 share a vehicular access onto Harborview Avenue. This shared primary access requires an easement agreement, which shall be recorded in Land Records with the liber/folio reflected on the final plat prior to recordation.

**Subdivision Conditions:**

- (1) Prior to certificate of approval of the DSP, the following corrections should be made to the plans:
  - (a) In accordance with Section 24-135.02(a)(3) of the Subdivision Regulations, the cemetery parcel shall be adjusted around the cemetery to be consistent with the corrected environmental setting, as recommended by the Historic Preservation Committee to include the potential grave sites.
  - (b) In accordance with Section 24-135.02(a)(5)(D) of the Subdivision Regulations, adequate access shall be provided to the cemetery over Parcel 5 by the creation of an access easement.
- (2) Prior to approval of the final plat of subdivision for Parcel 5, the following access easements are required to be shown on the plat:
  - (a) A draft vehicular access easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations, and as shown on the approved DSP, shall be approved by the M-NCPPC Planning Department and be fully executed.
  - (b) In accordance with Section 24-135.02(a)(5)(D) of the Subdivision Regulations, a draft access easement that provides adequate access to the cemetery shall be provided. The access easement shall be as shown on the approved DSP, and the draft easement shall be approved by the M-NCPPC Planning Department and be fully executed.

- (3) The joint vehicular access easement and cemetery access easement documents shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of M-NCPPC. Prior to recordation of the final plat, the easement shall be recorded in Land Records and the liber/folio of the easement shall be indicated on the final plat.

With the proposed conditions, the DSP is in substantial conformance with the preliminary plan. Further analysis for conformance with the preliminary plan shall occur with the review of future DSPs. There are no other subdivision issues at this time. The Subdivision conditions have been included in this approval.

- d. **Trails**—The Planning Board reviewed an analysis of the DSP’s conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (area master plan) as follows:
  - (1) Two master plan trails are in the vicinity of the subject application. Both the MPOT and area master plan recommend continuous sidewalks and designated bike lanes along Oxon Hill Road and the construction of the Potomac Heritage Trail in the vicinity of the subject site. The Potomac Heritage Trail was opened in 2009 and extends through National Harbor, per prior approvals. This trail currently extends from the Woodrow Wilson Bridge and through the subject site along Harborview Avenue to Oxon Hill Road. Furthermore, an existing eight-foot-wide asphalt path has been constructed along Oxon Hill Road along the frontage of National Harbor, south of Harborview Avenue. Also, the MPOT recommends continuous sidewalks and designated bike lanes along Oxon Hill Road. The DPW&T CIP project for Oxon Hill Road includes; sidewalk, bike lane, and traffic calming improvements along the County portion of Oxon Hill Road. These facilities were recently opened for use and greatly enhanced bicycle and pedestrian access to National Harbor from the residential communities to the south.
  - (2) The subject property is directly across from the Woodrow Wilson Bridge Trail, a section of which runs along the south side of Harborview Avenue, opposite of the subject site. Bicycle connections include connections to the Potomac Heritage National Scenic Trail on Oxon Hill Road, the National Harbor waterfront, and the Woodrow Wilson Bridge Trail. This bridge trail is a 3.5-mile trail that extends from Oxon Hill Road across the Potomac River to the Huntington Metro Station in Virginia. The trail connects to a network of trails in Northern Virginia, including the Mount Vernon Trail. The trail accommodates shared use for bicyclists, pedestrians, hikers, runners, and inline skaters and is completely separated from motor vehicle traffic. The trail has a rating of “easy” except for a difficult half-mile uphill section to Oxon Hill Road from the Woodrow Wilson Bridge where the trail gains approximately 200 feet in elevation. To access the

trail in Maryland, there are at-grade road crossings at Oxon Hill Road and National Harbor Boulevard.

- (3) Access to the Woodrow Wilson Bridge Trail should be a key feature on the plan. Pedestrians and bicyclists should be directed to these locations along buffered and landscaped paths, and care should be taken to discourage road crossings at locations that are not marked with crosswalks or that do not contain vehicle and pedestrian signalization. The applicant has agreed to provide way-finding signage along the trail system.

The MPOT also contains a section on Complete Streets, which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

#### **Major Issues**

The County has recently initiated a Bikeshare Feasibility Study which includes the National Harbor area. The Existing Conditions Report has been completed and an implementation plan will be developed early in 2016. An appropriate location for a bikeshare station should be indicated on the proposed plans.

The site is separated from the Potomac Heritage Trail by the multi-lane, relatively high-speed, Harborview Avenue. Insuring safe pedestrian access between the uses and the master plan trail should be a priority and consideration of a full pedestrian signal and possibly additional pedestrian crossings (or directing pedestrians to the approved crossing) may be warranted. The previously approved DSP included a condition of approval regarding this crossing and largely defers the ultimate treatment to SHA. This prior condition has been carried forward for the subject application. However, a meeting has been scheduled by the County Executive's Office for February 22, 2016, and appropriate modifications to the condition may be made at that time, if necessary, based on the input of SHA.

Currently, there is no direct bicycle or trail connection between National Harbor and the Potomac Heritage Trail and Oxon Cove Farm and the trail into Washington, DC. Although bike lanes may be provided in the future along the state's portion of Oxon Hill

Road, this is still a challenging road segment for on-road cyclists, and the current configuration of the Oxon Hill Road and Bald Eagle Road intersection prohibits left turns into the park. Even if bike lanes were provided between National Harbor and Oxon Cove, cyclists still could not legally make the left turn into the park. In order to avoid this problem, the Planning Board found that the existing standard sidewalk on the west side of Oxon Hill Road be replaced along the frontage of the subject site with an asphalt sidepath, similar to what has been constructed along Oxon Hill Road to the south.

This trail will provide an off-road trail connection between the Potomac Heritage Trail and Oxon Cove Farm and eliminate the left-turn access issue for cyclists that currently exists along the road.

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a DSP as described in Section 27-285 of the Zoning Ordinance, if the following conditions were to be placed:

- (1) Extend the eight-foot-wide asphalt trail (required by Condition 10(d) of Preliminary Plan 4-01048) along the subject site's entire frontage of Oxon Hill Road, unless modified by SHA.
- (2) Mark and label the location of a "potential future bikeshare station location" on the plans.
- (3) Provide an accessible pedestrian signal crossing(s) across Harborview Avenue connecting the site to the Heritage Trail at the agency-approved road crossing location(s) if approved by SHA.
- (4) Revise the site plan to include bicycle racks convenient to the commercial space and hotel.
- (5) Provide crosswalks with special paving, to be approved by the Urban Design Section, across all ingress/egress points, subject to modification by SHA.

The Trails conditions have been included in this approval.

- e. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated February 4, 2016, DPR provided the following discussion:

Prior to development of National Harbor, the Peterson Companies and other Prince George's County agencies entered into a Memorandum of Understanding (MOU) with M-NCPPC to allow the use of the then Betty Blume Park for the construction of a stormwater facility to satisfy the County's environmental requirements for this project

area. The MOU required the Peterson Company to convey 1.8 acres of land to M-NCPPC, along with the construction of specific recreational facilities. The provisions of this MOU were incorporated into a recreational facilities agreement (RFA). Referenced below are some of the most critical conditions of the RFA that must be satisfied by the applicant:

- (1) Dedication of 1.8 acres of waterfront parkland to the Commission;
- (2) Submission of construction plans for recreational facilities;
- (3) Completion of the required improvements to the waterfront parkland including construction of the bulkhead and extension of certain utilities;
- (4) Construction of a parking lot for users of the Potomac Heritage Trail; and
- (5) Conveyance of a fee-simple public right-of-way easement over the private driveway located on National Harbor Parcel 19 to connect publicly-owned and operated parkland to a public road.

To date, there has been only limited progress toward meeting these conditions. Our intention is to ensure that the applicant satisfy all of the conditions in the RFA. To that end, we continue negotiations with the applicant to give all parties the opportunity to meet the requirements of the RFA, while providing the applicant the opportunity to continue to develop their property.

f. **Environmental Planning**—The environmental planning comments are as follows:

- (1) A review of available information indicates there are no regulated environmental features on-site. Based on a review of 2011 air photos, there are no existing woodlands on-site, except for a small woody patch of trees that surround the on-site Addison cemetery. The remaining on-site woody vegetation was cleared in the 1980s. This small cemetery area is the only area on-site that has not received any land disturbance in the last 20 years.

The predominant soil type found in various forms to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) is the Udorthents soil type. This soil type is not listed as hydric, nor does this site have Marlboro or Christiana clays present at this location. According to information from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of the property. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains network gap area within the northern parcel just north of the existing access road. The site is in the Washington Metro Area watershed of the Potomac River basin. No Forest Interior Dwelling Species (FIDS) or FIDS buffer are mapped on-site. The Capital

Beltway (I-95/495) is a master-planned freeway roadway and a traffic noise generator; noise impacts are anticipated. This parcel is a proposed mixed-use site containing a hotel, commercial and residential units. Due to the residential use component of the site, noise impacts must be evaluated. No adjacent roadways are identified as historic or scenic roadways. The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. The site is in the Middle Potomac watershed of the Potomac River basin.

- (2) The site is grandfathered from the natural resources inventory (NRI) submittal requirement with this application. No NRI or NRI equivalence letter is required for the subject application because the project was originally approved prior to the implementation of the NRI requirement in 2005. However, it should be noted that the site contains no regulated environmental features and no existing woodland.
- (3) A copy of the approved Stormwater Management Concept Letter and Plan (31900-2003-00) were included in the application. The concept letter states that stormwater will be directed to stormwater management Ponds 11 and 12, which will be owned and maintained by the Prince George's County Government. M-NCPPC will maintain the pond's vegetative aesthetics. No fee for on-site attenuation/quality control measures is required.

The environmental planning conditions have been included in this approval.

- g. **Historic Preservation Commission (HPC):** The HPC reviewed the proposed application on January 19, 2016, and the Historic Preservation Section provided a summary of the findings and conclusions in a memorandum dated January 20, 2016 as follows:

**Background**

The subject application includes 0.1299 acre identified as the residue of Parcel 3, which includes the Addison Family Cemetery (Historic Site 80-050). The subject application proposes architectural and landscape enhancements to the Addison Family Cemetery intended to encourage visitation of the historic site as a public amenity.

Proposed Parcel 5 surrounds the Addison Family Cemetery, which was designated as a Prince George's County historic site in 2010. The environmental setting for the site was identified as the residue of Parcel 3 as established on a plat recorded in Plat Book NLP 153, page 56, on June 14, 1990. The boundaries of this parcel were partially based on investigations of the cemetery by an archeological consultant, Patrick Garrow and Associates, Inc., in 1985. At the time, the cemetery contained six marked graves. In addition to historical research, five backhoe trenches were excavated to identify any grave shafts not associated with a marker in the area of the marked graves. A total of ten grave shafts were identified through the backhoe excavations. The archeologists also identified five additional graves that were marked by depressions or fieldstones. They concluded that



earlier burials were located to the east and later ones to the west. The archeologists also determined that a thick layer of fill was added to the area around 1810, when Oxon Hill Manor was sold out of the Addison family. Even with the sale of the surrounding property, the Addison family retained the right to use the burial ground and additional burials are known to have occurred after the sale by the Addison's. The latest known burial is that of William Meade Addison, who died in 1871. Based on historical research, the archeologists concluded that the cemetery could contain an additional 30 to 40 burials. The 1985 investigations did not extend to the west of the marked burials.

The area around the burial ground was graded in the early 1990s in anticipation of the construction of the project then known as Port America. By 2005, a chain-link fence was installed around the top of the hill, encircling the burial ground (currently about 28 feet above the adjacent ground surface). In 2009, Historic Preservation staff requested that the Peterson Companies install a second eight-foot-high fence around the base of the hill to preclude access to the cemetery and to prevent vandalism.

At the request of Historic Preservation staff, the applicant has submitted a plan showing the location of the possible, probable, and tentative burials in relation to the proposed limits of disturbance associated with the subject DSP. Based on the applicant's submittal, all of the approximately 70 anomalies are located within an area that will remain undisturbed. The closest potential burial is approximately six feet from the northern edge of the limit of disturbance. As a result, the boundaries of the environmental setting may require correction to more fully accommodate below-ground features associated with the historic site.

### **Historic Findings**

- (1) The Addison Family Cemetery (Historic Site 80-050) is located on the 49.61-acre Beltway tract, on a parcel identified as the residue of Parcel 3. Another designated Prince George's County historic site, Oxon Hill Manor (80-001) is located approximately 1,320 feet from the Addison Cemetery, southeast of Harborview Avenue. Oxon Hill Manor is listed in the National Register of Historic Places (NRHP). Significant aspects of the proposed development of the subject application will be visible from Oxon Hill Manor.

The Addison Family Cemetery was once part of the Oxon Hill Manor plantation established by Thomas Addison in the early eighteenth century. The plantation was occupied by members of the Addison family until 1812, when the property was purchased by Zachariah Berry; members of the Berry family and their tenants occupied the eighteenth century mansion until it burned in 1895.

Built in 1929, the current Oxon Hill Manor is a large, two-story, neo-Georgian brick mansion, with hip roof, flanking wings, and fine decorative detail. Designed by prominent Washington, DC architect Jules Henri de Sibour for career diplomat

Sumner Welles, the current house was built near the site of eighteenth century Oxon Hill Manor. An outstanding example of twentieth century estate-era architecture, Oxon Hill Manor was listed in the NRHP in 1978 and is protected by interior and exterior easements held by the Maryland Historical Trust. Oxon Hill Manor is owned and operated by DPR and is a popular rental site for meetings, conferences, weddings, and other events.

- (2) The proposed development on Parcel 5 of the subject property includes a 500-room hotel, 891 multifamily units, and retail uses. Access to the development's parking facilities, loading, and drop-off areas will be provided by entries on the south from Harborview Avenue, on the north from National Avenue, and on the east from proposed West Road. A large portion of the buildings will be visible from Oxon Hill Manor. The architectural plans submitted with this application indicate that the top of the proposed 16-story residential building (to the east) is 378 feet above sea level (ASL) and the top of the proposed 17-story hotel (to the west) is 358 feet ASL. Two 500-square-foot signs, consisting of lettering with an integrated LED light fixture, will be located on the north and south ends at the top of the hotel and residential towers and on the north and south sides of the central section containing time-share units. One 240-square-foot sign of similar design will be mounted on the north and south side of the retail section at the base of the hotel. Some of this signage may be visible from Oxon Hill Manor.

This application proposes to preserve the Addison Family Cemetery (80-050) in a park-like setting adjacent to the residential tower at the north end of the development. The applicant proposes a parking area with seven spaces to the north of the cemetery, accessed from National Avenue. A handicap-accessible entry will be provided, as well as a more direct walkway with stairs leading from the parking area. A six-foot fence set into brick piers is proposed to enclose the burial ground and access will be limited by a locked gate. The hill surrounding the cemetery will be terraced to prevent erosion and additional landscape material will provide a more aesthetic appearance.

- (3) According to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), a Type 'D' bufferyard is required on developing lots adjacent to a historic site. The layout of the buildings and limits of disturbance (LOD) proposed through the subject application do not comply with the landscape manual's requirements. In particular, the proposed plans locate grading and new construction at the southeast corner of the limit of disturbance associated with the required Type 'D' bufferyard. Therefore, the applicant submitted an Alternative Compliance (AC) application to demonstrate how this proposal will be "equally effective as normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in Section 3" of the Landscape Manual. See Finding 11 for further discussion of the AC.

- (4) The developing property is currently subject to a number of conditions associated with previous approvals by the Planning Board and District Council. Among those, four conditions (Conditions 27–30) approved by the District Council in its review of the National Harbor Conceptual Site Plan (CSP-98012, PGPB Resolution No. 98-110) are applicable to the subject detailed site plan and any additional detailed site plans for the National Harbor Beltway Parcel. In addition, two conditions (Conditions 2 and 3) approved by the Planning Board for DSP-07073 (PGCPB Resolution No. 09-114) are applicable to the subject application. For a number of these conditions, timing mechanisms were not met and should be revised to reflect current conditions. Responses to the applicable historic conditions have been incorporated into Findings 8 and 10 above.

The developing property is also subject to a number of stipulations, specifically II(B), II(C), II(D) and III, associated with a Memorandum of Agreement dated August 2, 2000, between the Maryland Department of the Environment (MDE), the Maryland Historical Trust (The Trust), and The Peterson Companies, L.C. (Peterson).

#### **Archeology Findings**

- (1) Phase I, II, and III archeological investigations were conducted on the Beltway Parcel between 1980 and 1988. Three archeological sites were identified: 18PR175 – the location of the original Addison plantation house; 18PR176 – the Addison Family cemetery; and 18PR177 – the Addison Mausoleum. Site 18PR175 is the location of the original Oxon Hill Manor site, built for Thomas Addison between 1710 and 1711. The plantation remained in the Addison Family until 1812, when Zachariah Berry purchased the property. Members of the Berry Family and their tenants occupied the mansion until it burned in 1895. Site 18PR176, the Addison Family Cemetery (Historic Site 80-050), is located within the Beltway Parcel, on the residue of Parcel 3, and is included in the subject detailed site plan.
- (2) In 1987, a Memorandum of Agreement was executed by the Maryland Historical Trust, the Advisory Council for Historic Preservation and the owners of the project then known as Port America. Phase I, II, and III archeological investigations were completed on the Port America property prior to acquisition by the Peterson Companies. These investigations were not paid for prior to foreclosure. The Peterson Companies acquired what is now known as “National Harbor” in 1996. In 2000, the Peterson Companies applied for a Maryland Department of the Environment permit. The Peterson Companies were not responsible for paying for or completing the archeological work undertaken by the previous owner. However, the Peterson Companies did agree to provide funds to have the artifacts recovered from previous investigations permanently curated at

the Maryland Archeological Conservation Laboratory. A new Memorandum of Agreement (MOA) was signed on August 2, 2000 between the Maryland Department of the Environment (MDE), the Maryland Historical Trust (MHT), and The Peterson Companies, L.C. (Peterson). A final report for the Phase III investigations at the Addison Plantation was never completed. However, under the terms of the 2000 MOA, John Milner Associates produced a draft "popular" report that was submitted to the MHT. A brochure, Oxon Hill Manor: The Archaeology and History of "A World They Made Together", authored by John P. McCarthy, was published by Jefferson Patterson Park and the Maryland Historical Trust in 2010 as a condition of the MOA.

- (3) Stipulation III of the 2000 MOA specifically applies to the Addison Family Cemetery on the National Harbor Beltway Tract:

**Stipulation III: Addison Cemetery (18PR176) – Prior to and during construction of the Beltway Parcel, Peterson shall ensure that the Addison Cemetery is protected in place by surrounding the site with snow fencing, unless otherwise authorized by the Trust and Maryland State law. Peterson shall develop an appropriate plan for the interim treatment and possible relocation of the cemetery, in consultation with the M-NCPPC and The Trust, and shall implement the plan following M-NCPPC and The Trust approval including procedures for seeking and considering the views of descendants, archeological identification and exhumation of burials, appropriate study of the disinterred human remains (if appropriate), compliance with Maryland cemetery law, and the reburial of the remains in a suitable new location.**

- (4) In November 2014, the applicant retained the services of Timothy J. Horsley, Ph.D., to conduct non-invasive geophysical surveys in and around the Addison Family Cemetery to more clearly define the limits of burials. The total area enclosed by the hilltop fence is approximately 0.383 acre. A high resolution ground-penetrating radar (GPR) survey was conducted, in addition to an earth resistivity survey to include areas inaccessible to GPR. The GPR survey covered an area of 0.276 acre and the resistance survey covered an area of 0.284 acre. Dr. Horsley's investigations identified 17 probable burials, 35 possible burials, and up to 18 tentative burials, for a total of up to 70 "burial-like" anomalies. Dr. Horsley estimated that the likely extent of the burial ground measures approximately 19 meters (62.34 feet) north-south by 26 meters (85.30 feet) east-west, or 0.122 acre, although the extent of soil disturbance appears to extend across an area measuring 28 meters (91.86 feet) north-south by 30 meters (98.43 feet) east-west, or 0.208 acre. These recent findings require the correction of the historic site's environmental setting to more fully include identified features associated with the historic site.

### **Historic Preservation Conclusions**

- (1) The construction proposed in the subject application will significantly and irreversibly impact the views to and from the Addison Family Cemetery. Although the cemetery will remain in place, the proximity of proposed grading and new construction represent substantial threats to the historic and archeological integrity of the historic site. As a result, substantial protective measures must be implemented to ensure the preservation of the historic site during the grading and construction process. The extensive proposed grading and construction in the vicinity of the limit of disturbance may destabilize the cemetery. In addition, the potential for damage to the above-ground features and the topography of the cemetery during construction represents a significant risk to the historic site.

Therefore, a condition should be placed on any approval of the subject application by the Planning Board that requires the applicant to ensure the geotechnical stability of the limit of disturbance associated with the historic site through the installation of appropriate sheeting and shoring measures. In addition, another Planning Board condition of approval should require the provision of a structured protective enclosure around and above the physical features of the cemetery in order to preclude damage to grave markers and topography until the completion of the adjacent new construction. For that portion of any required protective measures adjacent to, within, or above the historic site's environmental setting, the applicant should be required to submit a Historic Area Work Permit (HAWP) application for review and approval.

- (2) The subject detailed site plan proposes the enhancement of the historic site and its adjacent open space through the installation of permanent architectural and landscape improvements intended to encourage visitation as a public amenity. However, a number of details require additional information or further study to ensure that this park is both physically accessible and inviting to visitors. The current plans do not provide sufficient information on the building elevations adjacent to the finished grade of the cemetery park; these details are especially important for the proposed parking garage east of the park and approximately 15 feet from the cemetery fence. Sufficient architectural detailing and or screening in this location will be critical to the experience of those visiting the park.

The current plan provides access to the cemetery with strongly geometric pathways and sidewalks that require the installation of substantial cheek walls and retaining walls. The applicant should explore a more curvilinear circulation system that reflects existing grading. The current plans also propose to enclose the historic cemetery with a tall fence supported by brick piers. Because the cemetery will be located at the highest elevation within the park, as proposed, the masonry elements and the tall fence may prove to be an unwelcome visual barrier to the limited number of above-ground markers to be enclosed. A lower fence without

masonry elements should be explored.

Prior to the approval of the subject application, the applicant should restudy: (1) the necessary impacts to grades within the park; (2) enhanced access to and circulation within the park from adjacent structures and from the street that minimizes the need for grading and retaining walls.

Prior to the approval of the subject application, the applicant should also provide additional information on the precise character of materials to be used for architectural elements such as pathways, fences, retaining walls, cheek walls, garden furniture, lighting, and plant materials to ensure their compatibility with the modest character of the Addison Family Cemetery historic site.

- (3) The proposed construction will also impact the views from the adjacent Oxon Hill Manor historic site, already impacted by construction on the southern portion of the Beltway Parcel. As a result, the applicant should work with the M-NCPPC Department of Parks and Recreation staff to ensure that the existing vegetative buffer between Oxon Hill Manor and the developing property is enhanced to provide greater screening of the new construction throughout the year.
- (4) The proposed signage and illumination of the new construction may also impact the views from Oxon Hill Manor. The precise character of these features is not yet known. Therefore, the applicant should revise the subject application to specify both the design and operational features of these elements so that the potential impacts of these features (excessive, obtrusive or misdirected artificial light) on Oxon Hill Manor can be assessed.
- (5) The applicant should submit an Alternative Compliance application for the treatment of the Addison Family Cemetery to demonstrate how this proposal will be "equally effective as normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in Section 3" of the Landscape Manual. As part of this process, the applicant should correct the historic site's environmental setting to include the presumed location of probable, possible, and tentative burials associated with the Addison Family Cemetery.
- (6) No less than 35 days before Planning Board review of Detailed Site Plan DSP-07073-02, the applicant and the applicant's heirs, successors, and/or assignees should provide revised plans and details and a timeline for the proposed enhancements of the Addison Family Cemetery and its surrounding landscaped park as part of the review of an Alternative Compliance application to be approved prior to the approval of the subject detailed site plan application.

Specifically, these plans should provide for a permanent protective fence around all probable, possible, and tentative burials identified in previous archeological,

ground penetrating radar and electrical resistivity surveys associated with the Addison Family Cemetery (Historic Site 80-050), and should include permanent improvements that address access to the park, circulation within it, and landscape and lighting improvements. For that portion of any proposed improvements within the historic site's environmental setting, the applicant shall be required to submit a Historic Area Work Permit (HAWP) application for review and approval by the Historic Preservation Commission.

### **Archeology Conclusions**

- (1) The Addison Family Cemetery (Historic Site 80-050) is located within the Beltway Parcel and is approximately 28 feet above the surrounding finished grade. The slight rise on which the cemetery is located is enclosed by two chain-link fences. All of the headstones in the cemetery were repaired and restored and placed upright in 2011. The applicant has submitted semi-annual reports on the condition of the cemetery since July 2009 in compliance with Condition 3 of Detailed Site Plan DSP-07073 (PGCPB Resolution No. 09-114). The semi-annual conditions reports should continue to be submitted to the Historic Preservation Section staff until the final treatment measures are completed.
- (2) The applicant's proposed location of the fence enclosing the burial ground does not include a number of possible and tentative burial sites identified in the 2014 GPR and resistivity surveys. The applicant should revise the subject application to provide for park improvements such as fencing, pathways, and supplemental vegetation that will avoid all identified possible burial sites.
- (3) On March 12, 2014, the applicant submitted a draft outline for six interpretive panels to be placed along the National Harbor River Walk. The applicant should continue to work with Historic Preservation Section staff and the Maryland Historical Trust to implement the public interpretation requirements for the National Harbor development in compliance with approved development conditions and the MOA.
- (4) The applicant's site plan for the treatment of the Addison Family Cemetery indicates several locations for interpretive signage and displays. The applicant should submit the content of the interpretive signs and displays prior to certification, along with a timeline for installation.
- (5) Stipulations II(B), II(C), II(D) of the August 2, 2000 MOA between the Maryland Department of the Environment (MDE), the Maryland Historical Trust (The Trust), and The Peterson Companies, L.C. (Peterson) have largely been fulfilled. Stipulation III is still an obligation to be met by the applicant.

**HPC Recommendation**

The Historic Preservation Commission recommended that the Planning Board approve Detailed Site Plan DSP-07073-02, National Harbor, Beltway Parcel, subject to the following conditions:

- (1) Prior to certificate approval of Detailed Site Plan DSP-07073-02, the applicant, his heirs, successors, and assignees shall:
  - (a) Correct the Addison Family Cemetery historic site environmental setting to include any probable, possible, and tentative burials in the vicinity.
  - (b) Provide a plan and timeline for the installation of appropriate sheeting and shoring measures designed to protect the limit of disturbance (LOD) associated with the Addison Family Cemetery throughout the course of any adjacent construction.
  - (c) Provide a plan and timeline for the installation of a structured protective enclosure around and above the physical features of the Addison Family Cemetery in order to preclude damage to grave markers and topography until the completion of the adjacent new construction. Care should be taken to avoid impacting any potential burial site or significant features within the limit of disturbance associated with the Addison Family Cemetery historic site. For that portion of any required protective measures within or above the historic site's environmental setting.
  - (d) The applicant shall be required to submit a Historic Area Work Permit (HAWP) application for review and approval by the Historic Preservation Commission.
- (2) Prior to the approval of any building permit for buildings on Lot 5 within the subject property, the applicant shall install the structured protective enclosure around and above the physical features of the Addison Family Cemetery and provide proof of the installation and its placement to Historic Preservation Section (M-NCPPC) staff.
- (3) Prior to approval of the first use and occupancy permit for Lot 5 within the subject property, the applicant, his heirs, successors and/or assignees shall complete all approved improvements associated with the Addison Family Cemetery historic site, as well as on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures in compliance with Stipulation III of the August 2, 2000 Memorandum of Agreement (MOA) between the Peterson Companies and the Maryland Historical Trust and any other condition imposed by the Prince George's County Planning Board.



The Planning Board found to include the HPC's recommended conditions in this approval, with some adjustments to timing requested by the applicant.

- h. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer comments on the subject application.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 21, 2016, DPIE offered the following comments on the subject application:
  - (1) The property is located adjacent to, and south of the Capital Beltway (I-95/495), in the southwest quadrant of the intersection of Oxon Hill Road and the Capital Beltway.
  - (2) The Capital Beltway is a state-maintained highway; therefore, coordination with SHA is necessary.
  - (3) Access to the site is provided from state-maintained highways and Oxon Hill Road, a County-maintained roadway; therefore, right-of-way dedication and roadway improvement, in accordance with the County's road standards, is required.
  - (4) This development is to comply with all requirements noted in the approved Resolutions: PGCPB Resolution No. 09-114, PGCPB Resolution No. 01-163(C)(A), SP-98012 and SP-98012-01.
  - (5) The proposed site development plan is consistent with the approved enhanced Stormwater Management Concept Plan 4853-2014-00, dated February 14, 2014; Stormwater Management Concept Plan 31900-2003, dated November 2013; and Stormwater Management Concept Plan 46294-2015, dated November 19, 2015.
  - (6) Departure from Design Standards DDS-624 is a request for a departure from Section 27-558 regarding parking space size and dimension. Departure from Design Standards DDS-624 proposes 2,070 internal universal type parking spaces sized at 9 feet by 18 feet. DPIE has no objection to this departure.
  - (7) This memorandum incorporates the site development plan review pertaining to stormwater management (Section 32-182(b) of the County Code). The following comments are provided pertaining to this approval phase:
    - (a) Final site layout, exact impervious area locations are not shown on plans.
    - (b) Exact acreage of impervious area has not been provided.

- (c) Proposed grading is shown on the plans.
- (d) Delineated drainage areas at all points of discharge from the site have not been provided.
- (e) Stormwater volume computations have not been provided.
- (f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and location of ESD devices and erosion and sediment control practices are not included in the submittal.
- (g) A narrative in accordance with the County Code has not been provided.

The majority of DPIE's comments are either factual or are required to be addressed prior to issuance of permits or at the time of technical plan approvals. It should be noted that DPIE has stated that the plans are consistent with the approved stormwater management concept plan.

j. **Prince George's County Police Department**—In a memorandum dated December 4, 2015, the Police Department stated there were no Crime Prevention Through Environmental Design (CPTED) issues at this time.

k. **Prince George's County Health Department**—The Environmental Engineering Program of the Health Department has completed a desktop health impact assessment review of the DSP submission and has the following comments:

- (1) There are over 10 existing carry-out/convenience store food facilities and no grocery store/markets within a one-half mile radius of this site. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

The subject application does not propose any grocery stores, or room for such a tenant. However, the applicant is encouraged to consider ensuring any future restaurant or retail tenant that includes food, and/or the food and beverage store that offers healthy choices, such as fresh produce.

- (2) As a water conservation measure, the developer should consider design for and implementation of water reuse practices for the proposed buildings and landscaping on the site.

The Planning Board encourages the applicant to consider water reuse practices for the proposed buildings and landscaping wherever it is possible.

- (3) The site is adjacent to a major arterial roadway and therefore occupants of the hotel may be subject to associated noise impacts. Noise can be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects, psychiatric symptoms and fetal development. Sleep disturbances have been associated with a variety of health problems such as functional impairment, medical disability and increased use of medical services even amongst those with no previous health problems. Plans should depict the noise area boundary and include modifications/adaptations/mitigation as appropriate to minimize the potential adverse health impacts of noise on the susceptible population.

The Planning Board considered the issue of noise impacts through previous applicable approved plans and conditions that have been included in this approval regarding showing noise contours on the plan and providing mitigation.

- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated January 8, 2016, SHA indicated that no comments on the subject application as the new development falls under the approved trip cap.
  - m. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated December 10, 2015, WSSC provided comments relating to coordination with other buried utilities, forest conservation easements, labelling of nearby water and sewer facilities, connection and spacing requirements, etc. The requirements prescribed by WSSC will be enforced at the time of permit review by the respective departments of WSSC.
  - n. **Verizon**—Verizon did not provide any comments on the subject application.
  - o. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
  - p. **Town of Forest Heights**—The Town of Forest Heights did not provide comments on the subject application.
16. Based on the foregoing analysis and as required by Section 27-285(b)(1), the DSP, if revised in accordance with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
  17. Section 27-285(b)(4) of the Zoning Ordinance requires a DSP to demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because

the site does not contain any regulated environmental features, this required finding does not apply.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII-023-01-03) and APPROVED Alternative Compliance No. AC-14005-02, and further APPROVED Detailed Site Plan DSP-07073-02, National Harbor, Beltway Parcel, Parcels 1-3 and 5-7 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall:
  - a. Provide the proposed bearings and distances on all property lines.
  - b. Adjust the cemetery parcel to be consistent with the corrected environmental setting as recommended by the Historic Preservation Committee to include all potential grave sites.
  - c. Provide adequate access to the cemetery over Parcel 5 by the creation of an access easement.
  - d. Modify the plan to show West Road within Parcel A (with sidewalk and street trees), or show the roadway to be dedicated and acceptance by the Maryland State Highway Administration.
  - e. Provide special paving for crosswalks shown on the plans, to be approved by the Urban Design Section, across all ingress/egress points, unless modified by the Maryland State Highway Administration.
  - f. Mark and label on Parcel 5, the location of a "potential future bikeshare station location" on the plans.
  - g. Provide an accessible pedestrian signal crossing(s) across Harborview Avenue, connecting the site to the Potomac Heritage Trail at the agency-approved road crossing location(s), unless modified by the Maryland State Highway Administration.
  - h. Provide a second pedestrian crosswalk and pedestrian traffic signal across Harborview Avenue in the vicinity of Parcel 5, unless modified by the Maryland State Highway Administration.
  - i. Revise the site plan to show and label bicycle racks convenient to the commercial spaces and hotel on Parcels 1 and 5.

- j. Extend the existing eight-foot-wide asphalt trail along the subject site's entire frontage of Oxon Hill Road, unless modified by the Maryland State Highway Administration.
- k. Provide a list of proposed indoor recreational facilities on the DSP, including specifics regarding size, location, and features. This list shall include the following at a minimum:
  - (1) Pool
  - (2) Fitness center
  - (3) Club room with billiards and game tables
  - (4) Lounge
- l. Provide a discussion of green building techniques and certification proposed for the large mixed-use building on Parcel 5 and the gas station/food and beverage store on Parcel 1.
- m. Provide details and samples that indicate the appearance of the architectural precast concrete panels proposed on the exterior of the parking garage. The final treatment shall be approved by the Urban Design Section, as the designee of the Planning Board.
- n. Revise the plan to clearly label the roof material of the proposed building on Parcel 5. If there is a top deck of a parking structure that is exposed, it shall be shown to be treated in accordance with Condition 33 of the Conceptual Site Plan CSP-98012 approval.
- o. Revise the Parcel 5 garage floor plans to label the location of the handicapped parking spaces, drive aisle widths and proposed bicycle racks.
- p. Revise the food and beverage store architecture on Parcel 1 so that an average of the lowest four feet, excluding glass areas, of all four elevations of the building be finished in a high-quality masonry product.
- q. Provide building height, stories and square footage labels on plan sheets.
- r. Revise the landscape plan to demonstrate conformance to Section 4.10 of the 2010 *Prince George's County Landscape Manual* for the private West Road on Parcel A, unless evidence is provided that the road will be conveyed to the Maryland State Highway Administration.
- s. Specify the finish material of the dumpster enclosure on Parcel 1 and provide screening of the proposed loading space in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
- t. Revise the plans for Parcels 3 and 5 surrounding the historic cemetery as follows, per the Alternative Compliance approval:

- (1) Revise the proposed Parcel 3 property line and the proposed fence line to match the revised Addison Family Cemetery historic site environmental setting as recommended by the Historic Preservation Commission.
- (2) Provide enlarged detailed architectural elevations of all three sides of the building facing the cemetery. These elevations are to be approved by the Urban Design Section, as the designee of the Planning Board, with comment provided by the Historic Preservation Section.
- (3) Reduce the height of the proposed cemetery fencing to four feet high and provide a more simply-designed, modern, black, metal fence.
- (4) Revise the proposed cemetery gate design to match the revised fence, provide a second pedestrian gate on the west side of the cemetery, and add labels to the plan.
- (5) Change the proposed cemetery brick piers to stone-faced, similar to the proposed freestanding signage, and adjust the size of the pier as appropriate to match the revised fence.
- (6) Provide a smaller more modernistic cemetery entrance feature, but maintain the bronze dedication plaque.
- (7) Provide a detail for the proposed retaining wall along the north side of the cemetery area. It should be stone-faced to match the fence piers and the proposed signage.
- (8) Provide terraces on the south side of the cemetery area, created using small stone-faced retaining walls.
- (9) Provide more legible contours and spot shots to clarify the grading on all of the walkways surrounding the cemetery.
- (10) Provide a cut sheet for the proposed bench and provide a full detail for the proposed trash receptacle.
- (11) Provide a detail for the proposed handrail on the retaining wall and ramps.
- (12) Provide a modern light and pole. Additionally, provide fewer 14-foot-high poles and provide low path lighting instead to create a more garden-like atmosphere.
- (13) Provide a high-quality, metal, decorative interpretive sign.

- (14) Provide a variety (at least three species of each type) of shade-tolerant plant materials, including a suitable replacement for the proposed wildflower/meadow mix.
    - (15) Replace the proposed pin oaks with a shade tree with a narrow or columnar form.
    - (16) Provide evergreen plants between the walkway and building facing east of the cemetery area.
  - u. Revise the Type II Tree Conservation Plan (TCPII) as follows:
    - (1) Add the unmitigated 65 decibel noise line to the plan with the legend.
    - (2) Have the revised plan signed and dated by the qualified professional who prepared it.
2. Prior to certificate approval of DSP, the applicant, his heirs, successors, and assignees shall correct the Addison Family Cemetery historic site environmental setting to include any probable, possible, and tentative burials in the vicinity.
3. Prior to the approval of any fine grading permit for buildings on Parcel 5, the applicant shall:
  - a. Provide a plan and timeline for the installation of appropriate sheeting and shoring measures designed to protect the limit of disturbance (LOD) associated with the Addison Family Cemetery throughout the course of any adjacent construction.
  - b. Provide a plan and timeline for the installation of a structured protective enclosure around and above the physical features of the Addison Family Cemetery in order to preclude damage to grave markers and topography until the completion of the adjacent new construction. Care shall be taken to avoid impacting any potential burial site or significant features within the limit of disturbance associated with the Addison Family Cemetery historic site. For that portion of any required protective measures within or above the historic site's environmental setting.
  - c. Submit a Historic Area Work Permit (HAWP) application for the above noted work within the site's environmental setting, to be reviewed and approved by the Historic Preservation Commission. Proof of the installation of the structured protective enclosure around and above the physical features of the Addison Family Cemetery shall be provided to Historic Preservation Section (M-NCPPC) staff and DPIE prior to commencement of any fine grading for any buildings on Parcel 5.
4. Prior to approval of the final plat of subdivision for Parcel 5, the following access easements are required to be shown on the plat:

- a. A vehicular access easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations and as shown on the approved detailed site plan, shall be approved by The Maryland-National Capital Park and Planning Commission Planning Department and be fully executed.
  - b. In accordance with Section 24-135.02(a)(5)(D) of the Subdivision Regulations, a access easement that provides adequate access to the cemetery shall be provided. The access easement shall be as shown on the approved detailed site plan, and the easement shall be approved by The Maryland-National Capital Park and Planning Commission Planning Department and be fully executed.
5. Prior to the approval of a building permit for any hotel or residential building on Parcel 5, certification by a professional engineer with competency in acoustical analysis using the certification template shall be submitted to The Maryland-National Capital Park and Planning Commission Planning Department as part of the building permit package. The certification shall state that the interior noise levels have been reduced by proposed building materials to 45 dBA Ldn or less for the portions of the hotel or residential units within the unmitigated 65dBA Ldn, or higher noise impact area.
6. Prior to approval of the first use and occupancy permit for any building on Parcel 5, the applicant and the applicant's heirs, successors, and/or assignees shall complete all approved improvements associated with the Addison Family Cemetery historic site, as well as on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures in compliance with Stipulation III of the August 2, 2000 Memorandum of Agreement (MOA) between the Peterson Companies and the Maryland Historical Trust and any other condition imposed by the Prince George's County Planning Board.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*



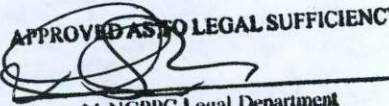
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, March 3, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17<sup>th</sup> day of March 2016.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

~~APPROVED AS TO LEGAL SUFFICIENCY~~  
  
M-NCPPC Legal Department  
Date 3/8/16

PCB:JJ:JK:ydw