

Case No. SP-98012

Applicant: National Harbor

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED that the Planning Board's decision in Resolution PGCPB No. 98-110, to approve a Conceptual Site Plan, on property described as approximately 534 acres of land, in the M-X-T, R-R and R-M Zones, located southwest of the interchange of I-495 and MD Rt. 210, on the west side of Oxon Hill Road, Oxon Hill, Maryland, be, and the same hereby is,

AFFIRMED, based on consideration of the entire record, for the reasons stated by the Planning Board in its resolution, which is hereby adopted as the findings of fact and conclusions of law of the District Council in this case, and, in addition thereto, the District Council adopts the following findings and conclusions:

1. Each development phase or separate stage of development as indicated by the applicant contains commercial and hospitality uses which, collectively for that phase, meet the purposes of the M-X-T Zone.
2. Conditions 1-5 of the Planning Board Resolution provide for the staging of the development so as to insure adequate public facilities for transportation are provided or constructed with the development of square footage of the project. The market analysis information provided by the applicant demonstrates the economic feasibility of the development phases and indicates the various phases are interdependent. This provides a greater likelihood that all phases of the development will be constructed.
3. The applicant's architectural theme(s) demonstrate high quality development characterized as "resort oriented". The architecture encompasses an array of building types, materials and designs at known

resorts throughout the world. Such themes, as identified in the CSP, for example, include waterfront and mountain resorts.

4. The applicant's Noise Study should be amended to include additional information relative to the impact of noise, particularly from the various entertainment venues, on the adjacent residential property. The amended Noise Study, which may be done anew, should be provided and reviewed in concert with the Noise Study for the Parking Garage adjacent to Zone B.
5. The applicant's proposal for construction over and above water must be reviewed by the Army Corps of Engineers, pursuant to an amendment or revision to the existing applicable Corps Permit or a new permit. It is impractical to provide the required engineering studies relative to the construction of the proposed pilings or other over-water development until such time as that review is completed or has commenced. Condition No. 18 provides sufficient time for the applicant to compile this information and present it to the Department of Environmental Resources.
6. Additional analysis for water and sewer facilities applicable to National Harbor should be conducted by the applicant in cooperation with the WSSC in order to further determine what, if any, improvements will be necessary to accommodate the project.
7. Zone B, the Central Waterfront will be the principal entertainment venue and applicant indicates it is likely to be a gated venue. While this venue may have rides and various other types of entertainment, it is not proposed to have outdoor thrill ride types of attractions such as outdoor rollercoasters. Such attractions may raise issues which would need to be further addressed via submission of a Detailed Site Plan for the attraction.

Affirmance of the Planning Board's decision is subject to the following conditions:

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 visitors 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.

2. Total development within the Waterfront Parcel of the subject property shall be limited to the following:
 - a. 2,400,000 square feet of retail, dining and entertainment development within a resort setting
 - b. 200,000 square feet within a conference center
 - c. 2,750 hotel rooms

Alternatively, changes in the mix of these uses totaling no more than 5.35 million square feet and generating no more than the number of peak hour trips (3,073 AM peak hour trips and 3,134 PM peak hour trips) generated by the above development may be allowed.

3. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. Provision of a third southbound through lane along MD 210 at MD 414/Oxon Hill Road. The length of this lane and the necessary transition sections north and south of MD 414/Oxon Hill Road will be determined by SHA as part of the permitting process.
 - b. Lengthening of the eastbound left-turn bay along Oxon Hill Road approaching MD 210 to a length which is determined by the SHA as necessary to accommodate queuing.
4. Prior to the issuance of any building permits within the Beltway Parcel of the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the SHA access permit process, and (c) have an agreed-upon timetable for construction with the SHA or the DPW&T:
 - a. Provision of two lanes in each direction along Oxon Hill Road, with a free right-turn lane southbound at the Beltway Parcel entrance, and exclusive left-turn lanes northbound at the Beltway Parcel entrance and the entrance ramp to I-295 northbound.

- b. Provision of at least dual left-turn lanes exiting the Beltway Parcel onto northbound Oxon Hill Road and a single right-turn lane onto southbound Oxon Hill Road, with the final design of the Oxon Hill Road/Beltway Parcel exit/entrance ramp to northbound I-295 to be determined by SHA and/or DPW&T.
 - c. Provision of a four-lane approach on the ramp from southbound I-295, with a free right-turn lane, a through lane and dual left-turn lanes.
 - d. Provision of no fewer than two through lanes along the north and south access roadways through the Beltway Parcel, with the roadways combining to provide a one-way counterclockwise circulation through the Beltway Parcel.
5. Prior to the issuance of any building permits within the Beltway Parcel exceeding the following levels of development X 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} X 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.
6. Prior to the issuance of any building permits within the Waterfront Parcel, 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. This ramp system is generally described in Condition 5 above. The SHA may, as a part of the IAPA, allow temporary ramps connecting to I-95 northbound, I-95 southbound and I-295 northbound. In no event, however, shall building permits be issued for any portion of the Waterfront Parcel based upon exclusive access via Oxon Hill Road.
7. Prior to signature approval, the Conceptual Site Plan should be revised as follows:
- a. The on-ramp from Oxon Hill Road onto northbound I-295 should be grade-separated at the point where it crosses the northern access roadway through the Beltway Parcel.
 - b. There should be no access to or from the Beltway Parcel to the above-mentioned ramp, except to allow traffic from the southern access roadway through the Beltway Parcel to merge onto it.
 - c. Access to the Beltway Parcel should be via the northern and southern access roadways.
8. The applicant shall be required to submit a limited Detailed Site Plan for the proposed speed-parking garage located within the Waterfront Parcel. The submittal shall include a parking generation/demand study for the Waterfront Parcel and a plan for meeting this demand within the National Harbor site. Transportation staff considerations in reviewing this site plan will include access to and from the speed-parking lot, potential queuing by traffic entering the speed-parking lot, and the appropriateness of the tandem parking arrangement given demand and turnover rates within the speed-parking lot. An additional consideration will be the sufficiency of the speed-parking lot as a component in meeting the entire parking demand of the site. As a part of Detailed

Site Plan approval, a noise study shall be submitted to the Natural Resources Division demonstrating that adequate noise abatement measures have been taken to reduce noise levels to 65 dBA Ldn at the property lines of residential lots. Noise generated by car alarms shall be included in this noise study.

9. The access point to Oxon Hill Road in the vicinity of Area E as described in the Conceptual Site Plan shall be for emergency access only.
10. Prior to the issuance of building permits within the Waterfront Parcel, the applicant shall demonstrate to the satisfaction of the Transportation planning staff, DPW&T and SHA strategies sufficient to meet the mode share and average vehicle occupancy goals that have been assumed in the traffic study. Such strategies could include (but not be limited to) provision of water taxi service along the Potomac, provision of shuttle bus service to airports and other regional hubs, provision of tour bus services to the National Mall or other area tourist attractions, preferred parking or other incentives for use by tour buses and provision of local transit services. Strategies could also include Intelligent Transportation System (ITS) services along the ramps entering the site such as lane use signage, cameras, variable message signs and highway advisory radio, and the provision of traveler information within hotels and at public kiosks within the retail and entertainment venues. A Transportation Demand Management Plan for employees is required.
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.
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.
13. The road access point proposed at Oxen Hill Road into Zone E (Upland Resort) shall be an emergency access only, used only by registered emergency vehicles as defined in Maryland Motor Vehicle Law, Transportation Article 11-118. Final design of access control devices shall be reviewed and approved by the DPW&T and County emergency services agencies prior to issuance of the first building permit for the Waterfront Parcel.

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.
15. The applicant shall construct the Heritage Trail from Rosalie Island to Oxon Hill Road as shown on the Conceptual Site Plan.
16. At the time of building permit, the applicant shall indicate location of bicycle racks in appropriate locations throughout the subject property.
17. Prior to certificate approval of the Conceptual Site Plan, the Tree Conservation Plan, TCPI/10/98, shall be revised to provide a minimum of 26.98 acres of combined on-site and off-site woodland conservation and a fee-in-lieu not to exceed \$431,374.68.
18. Prior to certificate approval of the Conceptual Site Plan, the applicant shall submit for review and approval by the Department of Environmental Resources, engineering studies to indicate techniques for constructing proposed pilings or other over-water development.
19. Adequacy at the Piscataway Wastewater Treatment Plant shall be determined prior to approval of the Preliminary Plat of Subdivision.
20. At least 90 days prior to the issuance of the first building permit for the Waterfront Parcel, the applicant shall submit construction plans for Rosalie Island Park (including required staging area and entrance features in Zone C) to the Department of Parks and Recreation for approval. The park shall be designed to enhance the natural environment of the site. Improvements shall allow for passive recreational opportunities, as well as active recreation such as fishing and hiking. Interpretive signage shall be provided relating to the flora, fauna and aquatic life and/or related activities. Improvements shall include a minimum of three (3) fishing areas, four (4) sitting areas, a 30-foot pier and a hiking trail. At least one (1) of the fishing areas shall be designed to accommodate people with disabilities. The approved plans for the park may be modified, or alternatives to the park may be approved if construction of the Wilson Bridge makes a significant portion or all of the park construction impractical. The applicant and M-NCPPC may also consider payment of a fee-in-lieu as an alternative, should development of the

park be deemed impractical or inappropriate because of improvements associated with the reconstruction of the bridge. If Rosalie Island improvements are provided by others in connection with, or as mitigation for, reconstruction of the Woodrow Wilson Bridge, the applicant shall provide alternative park improvements at another location to be determined by the Department of Parks and Recreation, or a fee-in-lieu shall be paid in an amount to be determined by the Department of Parks and Recreation.

21. The construction plans for Rosalie Island Park shall include a "staging and unloading area" for utilization by the Department of Parks and Recreation, which area shall be located within Zone C as close to the park as possible. To the extent practicable, a park entrance feature shall be constructed in connection with the staging area. The trail system from the parking area to Rosalie Island shall be sufficient in design to allow for use by emergency, police and maintenance vehicles. Handicapped parking for Rosalie Island visitors shall be provided within Zone C as close to the park as possible. Alternatively, during hours when the park is open to visitors, the same number of handicapped parking spaces shall be made available for use by park visitors within Zone C. A total of 50 parking spaces shall be provided. Twenty shall be for the exclusive use of park patrons and 30 may be shared with the Visitors Center.
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 *Parks and Recreation Facilities Guidelines*.
 - a. The trail along the boundary between the applicant's Beltway Parcel and M-NCPPC property surrounding the Oxen Hill Manor shall be constructed so as to maintain a sufficient buffer around the Oxen Hill Manor, with sufficiency of the buffer to be determined by DPR. 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.

- 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.
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.
24. The applicant shall, after approval of final archeological reports (Phases 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.
25. Prior to release of building permits for any portion of the project, the applicant shall provide evidence of good faith efforts to provide architectural and photographic documentation of the original gates, including any original architectural drawings prepared by Jules Henri de Sibour. The applicant shall also endeavor to provide copies of photographs reported to be in Plus One Masonry files that illustrate the work undertaken in removing the underground bricks and pieces of granite. The applicant shall also endeavor to provide any reports and photographs of the gates or of the removal of the bricks and granite that may have been prepared by the previous consultants (including the consulting archeologist, Norma Baumgartner-Wagner) to the Historic Preservation Section of the Planning Department and to the Natural and Historical Resources Division and the Park Planning and Development Division of the Department of Parks and Recreation.

26. Prior to release of any building permits 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 the assistance of the Department of Parks and Recreation and the 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.
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.
28. Prior to approval of the first Detailed Site Plan for the Beltway Tract, the applicant shall submit detailed site 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.
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 interpretative plans for the project. (One suggestion would be use in a pathway to the Addison Family Cemetery.)
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 Oxen Hill Manor and other nearby Historic Sites.

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:
 - a. Demonstrate the orientation and exterior architectural appearance of the proposed speed parking garage in Zone B, the proposed service buildings in Zone E, the proposed gas station in Zone C, and any building within 100 feet of a residential lot (not owned by the applicant, its heirs, successors or assigns), including loading areas, service areas, exterior storage areas and mechanical equipment. Provide plans for the landscape buffer adjacent to these buildings. Illustrate how views from the existing residential areas will be affected by these proposed buildings. Demonstrate plans to mitigate noise, litter and bright lights from these buildings and headlights from cars.
 - b. The design of the speed parking garage shall not exceed six (6) stories. At the westerly two-thirds lower end, the speed parking garage shall provide a first-floor grade 10-12 feet below the existing grade. The garage shall be 20-30 feet in-ground at the east end. The roadway on the north side of the garage (approximately 30 ft. in width) shall be cut no less than five (5) feet below the existing topography and shall be no closer than 75 feet from the adjacent homes fronting on Panorama Drive. Pedestrian trails and sidewalks shall not be located along the northern side of the speed parking garage and this area shall be patrolled regularly for

litter. Landscaping along the northern side of the garage shall be as specified elsewhere in these conditions. Transplantation of existing bamboo into the landscape buffer may be allowed by mutual agreement of the applicant and the adjoining homeowner. A minimum 20-foot landscape area shall be provided between the garage and the road, but this landscape area may be interrupted by ramps.

- c. The primary facade of the garage shall be located a minimum of 125 feet from the existing common property line of the existing homes along Panorama Drive. Ramps may be within 125 feet of the common property line, provided a parapet wall be constructed to block vehicular headlights and reduce vehicular noise.
- d. The design of the speed parking garage shall observe the following criteria:
 - (1) The garage shall be constructed in appearance so as to transition one (1) story down from east to west along the adjoining Panorama Drive residential properties, with topography to provide a break in scale and massing of the structure.
 - (2) On all four (4) sides, each level shall be stepped back from the level below to create an overall terraced effect if this can be accomplished without significant loss of parking spaces.
 - (3) Landscape planters shall be provided along the edge of all visible levels of the garage. These planters shall occupy at least 75 percent of the total linear distance of all edges of all visible levels of the garage. Architectural features or trim shall be applied to all elevations to enhance the appearance of the garage.

Architectural treatments of exceptional aesthetic merit shall justify reduction of the 75 percent requirement for planters.
 - (4) The northern elevation in particular shall be designed to block views into and out of the garage, to eliminate spillover lighting, and to diminish automobile noise from the garage.

- e. Any proposal for outdoor amusement parks, thrill rides.
- 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.

- 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.
- 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.
- 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).

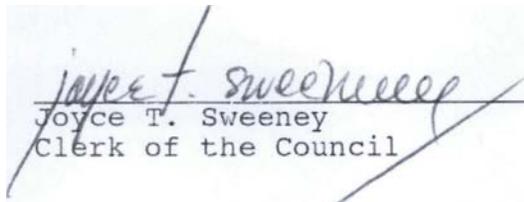
Vote: 6-1

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By7 V

Ronald V. Russell, Chairman.....,...

ATTEST:


Joyce T. Sweeney
Clerk of the Council



12-10-1964

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
DEPARTMENT OF SOCIAL SERVICES
FAMILY CARE DIVISION

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