

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-01048
National Harbor

OVERVIEW

The subject property consists of approximately 533.47 acres (of which 241.16 acres are under water) of land in the M-X-T, R-M and R-R Zones. It is currently undeveloped and includes wooded areas, graded areas and water surface areas in Smoot Bay. The applicant proposes to subdivide the property into 98 lots and 8 parcels for mixed-use commercial development.

Development of the property as a ■Waterfront Entertainment/Retail Center• is permitted, subject to the development conditions as defined in the approved Conceptual Site Plan, CSP-98012 (June 10, 1998). There are two development pods as defined in the CSP, a Beltway Parcel and a Waterfront Parcel. Under the approved CSP, the Waterfront Parcel is approved for 5,350,000 square feet of mixed-use hotel, conference, and entertainment facilities. The Beltway Parcel is approved for a Visitors▲Center, 725,000 square feet of retail, 200,000 square feet of office, and up to 1,000 hotel rooms.

Pursuant to the CSP, the Waterfront Parcel is planned for a large-scale, mixed-use entertainment area, focusing on the water and integrating the water and water views into an upscale, regional shopping, recreational, and vacation attraction. The preliminary plan proposes to create 98 lots and 8 parcels on which to locate the myriad of buildings necessary to fulfil this vision. The creation of these lots will not interfere with the vision, but will help fulfill it by allowing specific parcels and lots to house specific uses that will be blended together through the street pattern and the concept outlined and approved in the CSP. A discussion of conformance with the Conceptual Site Plan is found in Finding 1 of this report.

The subject preliminary plan proposes the same land use types, but in different quantities. Most importantly, with regard to the Beltway Parcel, while the preliminary plan proposes a significant reduction in retail uses, it also proposes a significant increase in office space. This has great bearing on transportation findings and is, in fact, not consistent with the approved Conceptual Site Plan. A further discussion of this issue is found in the Transportation section of this report.

Additional detailed site plan review is not required for any development of the Waterfront Parcel, other than for the speed parking garage. Detailed Site Plan review is required for the Beltway Parcel prior to development.

SETTING

The property is located along the Potomac River, south of I-95 and the Woodrow Wilson Bridge, in the Oxon Hill/Fort Foote community. Single-family homes are to the east; the Potomac River is immediately to the west.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Conformance with CSP-98012 • Staff has reviewed the proposed preliminary plan and finds it generally in conformance with the Conceptual Site Plan, SP-98012, approved by the District Council on June 10, 1998. The District Council Notice of Final Decision contained several conditions that apply to the subject application, as indicated below. A discussion of the conformance with conditions specific to transportation and parks can be found in those sections of this report.

Condition 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.

Condition 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.

Comment: These conditions are satisfied. A further discussion of these issues is found in the Transportation finding (Finding 7) of this report.

Condition 13. The road access point proposed at Oxon Hill Road into Zone E (Upland Resort) shall be an emergency access only....

Comment: The proposed location for the emergency access point on Oxon Hill Road is not shown on the Preliminary Plan and must be added prior to signature approval.

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

Comment: Prior to signature approval, this must be shown, in its entirety, on the preliminary plan.

Condition 19. Adequacy at the Piscataway Wastewater Treatment Plant shall be determined prior to approval of the Preliminary Plat of Subdivision.

Comment: The Washington Suburban Sanitary Commission has determined that this facility is adequate.

Condition 35. Compliance with State noise regulations shall be determined with regard to sound generated by National Airport, the Capital Beltway and the subject property prior to approval of the Preliminary Plat of Subdivision.

Comment: The Environmental Planning Section has reviewed a noise study and map prepared by Mary C. Giles of Loiderman Associates, dated April 8, 1998. The heart of the report is a copy of pages A-184 through A-198 of ■Appendix A: The Physical Environment M-X-T Conceptual Site Plan for PortAmerica• prepared by

Dames and Moore, dated March 9, 1988. Staff reviewed this document in detail in 1988 when the Concept Plan included a significant amount of residential structures. At that time we determined that except for that area near the Capital Beltway, exterior noise from combined airport and highway noise would not exceed 65 dBA (Ldn) and none of the residential areas were significantly impacted. The test for residential use is more stringent than that for commercial uses. Since the CSP and Preliminary Plan have no residential component, staff concludes that noise from external sources is not significant.

Staff does have some small concern that the site may generate noise. We expect that traditional holidays, e.g., the 4th of July and New Year's Eve, will see their share of crowds, fireworks, and noisemakers. Outdoor activities, such as festivals or music bands, may occur and generate noise which would impact neighboring residential properties. The State of Maryland has a noise ordinance which should be sufficient to regulate any instances.

The proximity of the principal ingress/egress and the speed parking garage to existing residences is a concern. Prior to the issuance of the building permit for the speed parking garage, a noise study should be submitted to Environmental Planning Section demonstrating that adequate noise abatement measures have been taken to avoid any significant impact to existing residential structures.

Condition 36. Prior to the approval of any subsequent plans for the subject property, the applicant and the County Fire Department shall enter into an agreement to provide a Fire Boat to adequately cover the properties along the coastal areas and boats on the Potomac River, and the provision of an office to accommodate a crew of six persons near the Fire Boat.

Comment: Staff has discussed this condition with the Fire Department. The applicant is working closely with the Fire Department to fulfill this condition. The discussions are now centered around the specifications of the boat. Prior to signature approval of the preliminary plan, the written agreement must be submitted to the Subdivision Section.

The Urban Design Section also recommends that the 40-foot-wide buffer zone shown on the Conceptual Site Plan around the edge of most of the National Harbor property also be shown on the preliminary plan.

2. Environmental Issues●The Environmental Planning Section previously reviewed the myriad of applications filed on the subject property and listed in the Overview. The environmental issues have been addressed previously, and today most of the site has been mass-graded under approved permits. No historic or scenic roads are affected by this proposal. No rare/threatened/endangered species are known to occur in the project vicinity. According to the Water and Sewer Service maps produced by the Department of Environmental Resources (DER), the property is in categories W-3 and S-3. A Stormwater Concept Plan was approved by DER on December 11, 2000. The soils information included in the review package indicate that no problematic soils occur in the proposed development area.

This site is subject to the provisions of the Woodland Conservation Ordinance because it is more than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance. TCPI/10/98 was approved with CSP-98012. The proposed subdivision has no effect on the approved Tree Conservation Plan. No further action is required at this time.

The approval of a Chesapeake Bay Critical Area Plan is required prior to approval of the subdivision of any land within the Chesapeake Bay Critical Area. Chesapeake Bay Critical Area Plan CP-88013 was originally approved by the Planning Board on January 22, 1988. The proposed subdivision has no effect on the approved Chesapeake Bay Critical Area Conservation Plan. No further action is required at this time.

3. Community Planning • The 1981 Subregion VII Master Plan recommends development of a waterfront center as the preferred development type for this location. Identified as the Smoot Bay Waterfront Center, the master plan text contains extensive discussion about the uniqueness of the site and the development opportunity.

This property lies on part of the remains of the 18th-century Addison Plantation. The Beltway Parcel contains the site of the original Addison Plantation house and family cemetery. John Hanson, first President of the Continental Congress under the articles of Confederation, died while visiting his nephew at this house, and is reported to be buried in this cemetery. Oxon Hill Manor, Historic Site 80-1, built in 1929 for diplomat Sumner Wells, is located on property adjoining to the east of the Waterfront parcel and south of the Beltway Parcel.

The 1984 Sectional Map Amendment for Subregion VII classified this property in the M-X-T and R-R Zones. In 1990, a portion of the property was reclassified from the R-R Zone to the R-M Comprehensive Design Zone by Application A-9825. In 1997, the District Council amended the Zoning Ordinance via CB-44-1997 defining a ■Waterfront Entertainment/Retail Complex• as a permitted use subject to consolidated site plan review procedures.

4. Parks and Recreation • The subject subdivision is located within the area of approved Conceptual Site Plan SP-98012. District Council Resolution # SP-98012 established requirements for public recreational facilities to serve residents in the community and in the development area. The following conditions of the approved SP-98012 are related to the provision of public recreational facilities and need to be further clarified in the Preliminary Plan, 4-01048:

Condition 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.

Condition 22: Prior to 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 the trail adjacent to the road. Trails and trail connectors shall be generally shown on the Conceptual Site Plan. Trail shall be field located and the location shall be approved by DPR prior to construction. The applicant shall provide any structures needed to insure 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 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 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 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 Jaycees building.

Condition 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 RFA's shall supersede any RFA's of record applicable to the property and shall include language specifying appropriate timing mechanisms for provisions of Rosalie Island Park and the specified trails.

The applicant is required to designate and construct the staging and unloading area and handicapped parking for Rosalie Island visitors in Zone C (as shown on approved Conceptual Site Plan SP-98012). The area shall be as close to Rosalie Island as possible for the emergency, police, and maintenance access to the park. The staging and unloading area should be designated on the preliminary plans as a separate parcel for future conveyance to

M-NCPPC. Staff determined that approximately one acre of land is needed to accommodate the required uses.

The applicant has designated Lot 70, part of Rosalie Island (3.18 ∇ acres), to be dedicated to M-NCPPC for park use. This land should be conveyed at the time of the approval of the first final plat in National Harbor.

The applicant has not designated a parking area of 50 parking spaces for park visitors within Zone C. The area should be designated on the plan for the future dedication of the land to M-NCPPC.

5. Trails ● Several trails have been required by the Conceptual Site Plan and the master plan, including a waterfront trail linking the center at Oxon Cove Park to the north and Fort Foote Park to the south (the Potomac Heritage Trail). Appropriate conditions of approval are incorporated into the staff recommendation.
6. Transportation ● The applicant submitted a traffic study dated May 2001 in support of the application. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The study was referred to both the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). The comments of DPW&T are attached; SHA comments were not received in time for incorporation into the staff's referral.

Staff Analysis of Traffic Impacts

Most of the issues regarding transportation were discussed in great detail during the review of Conceptual Site Plan SP-98012 for National Harbor. To the greatest extent possible, the transportation staff's current findings attempt to build upon the findings made regarding that case in 1998. The current case does add some wrinkles, however; so staff will focus upon the changes between the conceptual plan and the current plan while taking new data into consideration.

The applicant has prepared a traffic impact study in support of the application using new counts taken in April 2001. The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

MD 210/MD 414
MD 414 (Oxon Hill Road)/Park-and-Ride entrance/Roadway A
MD 414 (Oxon Hill Road)/Ramp E-1/Roadway B

Existing conditions in the vicinity of the subject property indicate no operational problems within the study area and are summarized as follows:

| |
|------------------------------------|
| EXISTING TRAFFIC CONDITIONS |
|------------------------------------|

| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
|---|--|------|------------------------------------|---|
| MD 210/MD 414 | 1178 | 1055 | C | B |
| MD 414/Park-and-Ride entrance/Roadway A | 945 | 1157 | A | C |
| MD 414/Ramp E-1/Roadway B | planned | | | |

A review of background development in the area was conducted by the applicant in cooperation with transportation staff, and two significant approved but unbuilt developments were identified in the immediate area. The applicant has assumed a growth in through traffic along MD 210 of 2.1 percent per year, and a growth rate along MD 414 of 1.25 percent per year.

Most notably, the background scenario includes funded projects to rebuild the Woodrow Wilson Bridge, which carries I-95/I-495 over the Potomac River, reconstruct the I-95/I-495/I-295 and the I-95/I-495/MD 210 interchanges, and reconstruct and widen Oxon Hill Road between MD 210 and the Oxon Hill Manor. These projects are fully funded in either the state Consolidated Transportation Program or the county Capital Improvement Program, and may therefore be included. Adjustments to existing traffic based upon changes in ramp locations have been properly made in the traffic study. Review of these changes would have been eased by providing a figure(s) showing precisely the impact of the changes, rather than just a summary figure.

Background traffic conditions are summarized below:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|---|--|------|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 210/MD 414 | 851 | 1190 | A | C |
| MD 414/Park-and-Ride entrance/Roadway A | 448 | 585 | A | A |
| MD 414/Ramp E-1/Roadway B | 904 | 828 | A | A |

The application is a plan for a mixed-use development. While the development for the Waterfront Parcel is virtually unchanged from the conceptual plan from a trip generation standpoint, the Beltway Parcel has changed from a primarily retail to a primarily office proposal. From the standpoint of the transportation staff, this has raised a trip cap issue that will be further explained below. The staff will proceed to analyze the applicant's proposal, and continue by discussing the trip cap question. The following table compares the development levels shown in the conceptual plan with the development levels proposed in the current traffic study:

| Comparison of Development Levels Approved SP-98012 Versus Traffic Study for 4-01048 |
|--|
|--|

| Use | Quantity under SP-98012 | Quantity under 4-01048 |
|--|--|--|
| Waterfront Parcel | | |
| Waterfront Development | 5,350,000 square feet of mixed-use hotel, conference, and entertainment facilities | 5,350,000 square feet of mixed-use hotel, conference, and entertainment facilities |
| Beltway Parcel | | |
| Visitors Center | Yes | Yes |
| Retail | 725,000 square feet | 200,000 square feet |
| Office | 200,000 square feet | 1,220,000 square feet |
| Hotel | 1,000 rooms | 850 rooms |
| Note: While the traffic study indicates 1,425,000 square feet of office space, the applicant has revised this quantity downward. | | |

Table 1, attached, summarizes site trip generation as analyzed by the transportation staff. Staff's assessment differs from that of the applicant on a number of counts:

- a. Staff's assessment uses the trip generation rates given in the *Guidelines*, while the applicant's traffic study uses rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. The ITE rates were originally used in analyzing the Conceptual Site Plan so that identical numbers would be published in staff's referrals as well as environmental documents which were being prepared at that time. However, it was noted by staff and by DPW&T that the ITE rates for general office were far different (and far lower) than those published in the *Guidelines*. For the purpose of performing an adequacy test, staff believes that the rates in the *Guidelines* are more consistent with past practices, and will produce a more valid test.
- b. Staff views the visitors center as an accessory use within the property. As such, staff would assume that all trips generated by the visitors center are either pass-by trips (already on the roadway) or are associated with other uses, such as the hotels or the waterfront complex. Therefore, the trip generation for the visitors center is shown as zero.
- c. The proposed retail component is much smaller than that originally proposed by the conceptual plan, and should therefore draw a larger portion of its business from a more localized area. Therefore, the staff has assumed that 40 percent (rather than 10 percent) of the retail trips are associated with the adjacent office and hotel development. The resulting trip reduction is approximately one-half of that assumed in the original 1998 National Harbor traffic study; it simply reflects the smaller size of the retail center versus the larger size of the office component near it.

The National Harbor development as proposed by the applicant would generate 2,702 AM and 2,565 PM peak hour vehicle trips within the Beltway Parcel and 3,073 AM and 2,842 PM peak hour trips within the Waterfront Parcel. The Waterfront Parcel was analyzed using the same parameters which were used to analyze it during the conceptual plan; staff's findings for SP-98012 should be reviewed if more clarification is needed.

The transportation staff thoroughly reviewed the trip distribution used in the traffic study, and it was not immediately apparent that the trip distribution had the same basis as that used in the conceptual plan. Furthermore, no trips were distributed down Oxon Hill Road, and the transportation staff specifically found while reviewing the conceptual plan that trips from the subject property would use Oxon Hill Road an estimate of two percent was used. In the end, the staff found great similarity between the prior and the current trip distributions. In consideration of Oxon Hill Road impacts, the staff has analyzed the proposal using the following trip distribution:

| | |
|-------------------------|-------|
| West on I-95/I-495 | 24.4% |
| South on Oxon Hill Road | 2.0% |
| South on MD 210 | 7.5% |
| East on MD 414 | 8.1% |
| East on I-95/I-495 | 32.2% |
| North on MD 210 | 4.9% |
| North on I-295 | 21.0% |

Total traffic operations under future conditions without improvements (but with all improvements needed for site access or otherwise funded), as analyzed by the transportation staff, are summarized below:

| TOTAL TRAFFIC CONDITIONS | | | |
|---|--|------|------------------------------------|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) |
| MD 210/MD 414 | 1181 | 1442 | C D |
| MD 414/Park-and-Ride entrance/Roadway A | 796 | 893 | A A |
| MD 414/Ramp E-1/Roadway B | 1178 | 1156 | C C |

The Prince George's County Planning Board, in the *Guidelines*, has defined services levels exceeding LOS D as an unacceptable operating condition at signalized intersections. With the improvements which are fully funded in place, and with access improvements to be constructed by the applicant, the critical intersections would operate at LOS D or better in both peak hours with the development of the subject property.

At this point, it is necessary to discuss the trip cap which was placed on the subject property and more specifically the Beltway Parcel during the review of SP-98012. Condition 1 of the District Council order affirming the Planning Board's decision in SP-98012 states that ■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 within the Beltway Parcel. Noting the trip generation summary in Table 1, while the PM peak hour trips conform to this condition, the number of trips generated in the AM peak hour do not **they exceed the conceptual plan cap by 1,476 trips.**

The applicant has argued to staff that the CSP trip cap is actually (1) the reflection of the finding of adequate public facilities for transportation and (2) the mechanism for its implementation and compliance. Thus the cap on density, and alternatively the trips that density generates, is not intended to cap development, but rather to ensure conformance with the finding. With this application, the applicant argues the new development plan (with an increased office component and a smaller retail component) is not inconsistent with the CSP inasmuch as the crucial finding of the CSP is adherence to the adequate public facilities requirements, and the mechanism applied at both the conceptual plan and the subdivision stages remains the same. Staff agrees it is not the policy of transportation planning staff to set limits on development except insofar as to provide for a finding of adequacy; the resulting intent of a trip cap condition is, in part, to ensure that development density does not exceed adequacy, as well as to define a practical development potential for the benefit of other parties. Toward that end, it would seem reasonable to find that the intent of the condition to limit development density with the provision of adequate transportation improvements is met regardless of the cap, provided development does not exceed the capacity of area intersections. If the Planning Board made this finding in conjunction with this application, it would then need to make a similar finding at such time as any Detailed Site Plan was before it in order to meet the requirement of finding conformance with the approved Conceptual Site Plan.

However, the transportation staff believes that a trip cap imposed at the time of an earlier adequacy study which was reviewed and affirmed by the District Council would not be subject to revision unless the subsequent cap were also subject to review by the District Council. Furthermore, approving a higher trip cap at this point would, in the opinion of the transportation staff, lead to difficulties at the time of the Detailed Site Plan. A Detailed Site Plan must conform to the approved Conceptual Site Plan, and there is no adequacy test and no adequacy finding for transportation conducted in conjunction with a Detailed Site Plan. While the approved Preliminary Plan would allow a higher trip cap, development beyond the approved Conceptual Site Plan trip cap could not conform to the original approved plan unless the conceptual plan were modified. Finally, staff believes that a trip cap condition serves to inform all interested parties about the practical development potential of a piece of ground. Staff agrees with the applicant's reasoning but not the conclusion the trip cap set by the District Council at the time of Conceptual Site Plan is firm until it is revised by a new or revised Conceptual Site Plan in the future.

For that reason, staff would recommend that the Preliminary Plan be approved based on the site trip generation shown in Table 2, attached. Table 2 does two things: it modifies the quantity of office space to 443,000 square feet, and it modifies the level of internal trip satisfaction for the retail use in proportion to the change in trip generation for the office and hotel uses combined to 24 percent. As a result of these changes, the trip generation of the Beltway Parcel would conform to the Conceptual Site Plan trip cap of 1,226 AM and 2,565 PM trips.

The National Harbor development as modified by the transportation staff to conform to the trip cap in SP-98012 would generate 1,226 AM and 1,332 PM peak hour vehicle trips within the Beltway Parcel, and 3,073 AM and 2,842 PM peak hour trips within the Waterfront Parcel. Total traffic operations under future conditions without improvements (but with all improvements needed for site access or otherwise funded), as analyzed by the transportation staff, are summarized below:

| TOTAL TRAFFIC CONDITIONS with revised development level to conform to the trip cap in SP-98012 | | | | |
|---|--|------|------------------------------------|---|
| Intersection | Critical Lane Volume (CLV, AM & PM) | | Level of Service (LOS, AM & PM) | |
| MD 210/MD 414 | 1018 | 1351 | B | D |
| MD 414/Park-and-Ride entrance/Roadway A | 632 | 769 | A | A |
| MD 414/Ramp E-1/Roadway B | 1181 | 1044 | C | B |

To conclude this discussion of the trip cap, staff believes the applicant has offered a proposal which requires a clear decision by the Planning Board, as noted below:

The applicant asks that the Planning Board would find that the intent of the Conceptual Site Plan condition - to limit development density with the provision of adequate transportation improvements - is met, provided that development does not exceed the capacity of area intersections.

The transportation staff recommends that the Planning Board uphold the trip cap which was set by the District Council at the time of Conceptual Site Plan, with a provision that the cap could be revised by a new or revised Conceptual Site Plan in the future.

DPW&T had numerous comments concerning site trip generation and distribution. The transportation planning staff's analysis has faithfully taken these comments into consideration in its analysis of the application, and believe the findings accurately reflect the impact of an approvable level of development on area transportation facilities. SHA comments will be forwarded once they are received.

Plan Comments

The most significant concern of staff has been in determining that the proposed street cross sections are indeed adequate. While pavement widths are indeed adequate (given that on-street parking will be largely banned), staff is very concerned about the extensive use of the A-A cross section, which is a 24-foot roadway with a sidewalk on one side of the street. Given the density proposed for the site and the interrelationship of the mixed uses proposed, the subject development will need to be supported by an extensive pedestrian network. The right-of-way proposed for the A-A cross-section is sufficient to allow sidewalks on both sides. While staff will base decisions at Detailed Site Plan on the land uses proposed, it is very likely that the applicant should consider sidewalks on both sides of the A-A cross-

section along the following streets: Private Streets 2, 3, 4, and 5; Private Street C between Street A and Street E; Private Street E, and the private streets within the area bounded by Street A, Street C, and Street E. There may be other portions of streets which require sidewalks on both sides of the street.

With further clarification by the applicant, the transportation staff has determined that vehicular access within and between both development parcels and the overall highway network is acceptable and in conformance with the approved conceptual plan. An emergency access point is shown between the Waterfront Parcel and Oxon Hill Road. This access point will be used for emergency access only in accordance with SP-98012. Adequate right-of-way is shown along the Beltway, the I-295 interchange, and the upper portion of Oxon Hill Road. Adjacent to the Waterfront parcel, Oxon Hill Road is a Master Plan collector, and the plan should indicate dedication of 40 feet from the existing center line.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code. The trip cap related to the Beltway Parcel has been discussed at great length in this report, and staff recommends a condition that the trip cap as approved by the District Council be retained, and other transportation-related conditions included in this report.

7. Schools ● The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998). The proposed subdivision is exempt from the adequate public facilities test for schools because it is a mixed use development with no residential units proposed.
8. Fire and Rescue ● The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Oxon Hill Fire Station, Company 21, located at 7600 Livingston Road, has a service response time of 4.55 minutes, which is beyond the 3.25-minute response time guideline.
 - b. The existing ambulance service at Oxon Hill Fire Station, Company 21, has a service response time of 4.55 minutes, which is beyond the 4.25-minute response time guideline.
 - c. The existing paramedic service at Allentown Road Fire Station, Company 47, located at 10900 Fort Washington Road, has a service response time of 7.52 minutes, which is beyond the 7.25-minute response time guideline.
 - d. The existing ladder truck service at Accokeek Fire Station, Company 24, located at 16111 Livingston Road, has a service response time of 16.75 minutes, which is beyond the 4.25-minute response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

9. Police Facilities ●The proposed development is within the service area for District IV-Oxon Hill. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed National Harbor development.
10. Health Department ●The Health Department notes that there is a portable concrete mixing plant on the property close to residences. Prior to final plat approval, the Health Department requests that the applicant be required to submit a noise study and an operations plan outlining measures for dust suppression and control of pH from the concrete runoff.
11. Stormwater Management ●The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 988001050, was approved with conditions at the time of Conceptual Site Plan review. To ensure that development of this site does not result in on-site or downstream flooding, development must be in accordance with this approved plan.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. At the time of final plat, the applicant, heirs, successors and/or assigns shall dedicate to M-NCPPC, 3.18± acres (Rosalie Island), designated as Lot 70 on the submitted preliminary plan.
2. Land to be dedicated to M-NCPPC shall be subject to the following:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the first Final Plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant

restoration, repair or improvements made necessary or required by M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.
 - g. No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- 3. The applicant, heirs, successors and/or assigns shall submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.
 - 4. Prior to the signature approval of Preliminary Plan 4-01048, the applicant, heirs, successors and/or assigns shall designate the area/parcel within Zone C, acceptable to the Department of Parks and Recreation, for the 50 parking spaces for use by park visitors.
 - 5. Prior to the signature approval of the preliminary plan, the applicant, heirs, successors and/or assigns shall designate approximately acre area/parcel, acceptable to the Department of Parks and Recreation, for the staging and unloading area and handicapped parking in Zone C, or in other section of the development closer to the Rosalie Island.
 - 6. Prior to signature approval of the preliminary plan, the Hiker/Biker Trail described in the Recreational Facilities Agreement shall be clearly designated on the plans.
 - 7. The applicant, heirs, successors and/or assigns shall be responsible for the construction of the Potomac Heritage Trail as described in the original Recreational Facilities Agreement (RFA) or as is described in the amended RFA. The applicant shall provide safe and efficient trail passage throughout the site. Boardwalks, bridges, drain pipes or other structures shall be used where necessary to ensure dry passage along the trail system.
 - 8. At least two weeks prior to applying for the construction permit to construct the Hiker/Biker Trails, the applicant, heirs, successors and/or assigns shall submit to the Department of Parks and Recreation (DPR) a performance bond, a letter of credit or other suitable financial guarantee, in an amount to be determined by DPR.

9. Prior to the issuance of the building permit for the speed parking garage, the applicant, heirs, successors and/or assigns shall submit a noise study to the Environmental Planning Section demonstrating that adequate noise abatement measures have been taken to avoid any significant impact to existing residential structures.
10. Prior to signature approval, the preliminary plan shall be revised to include the 40-foot-wide buffer zone shown on the Conceptual Site Plan around the edge of most of the National Harbor property.
11. Prior to signature approval of the preliminary plan, the applicant shall submit to the Subdivision Section a written agreement with the Fire Department regarding the provision of a fire boat required by Condition 36 of the conceptual site plan.
12. The applicant, and the applicant's heirs, successors, and/or assigns shall provide the following:
 - a. An internal network of sidewalks along both sides of all roads, and trails connecting all portions of the development to the Speed Parking Garage 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, 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 as a boardwalk, and continue up 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.

The Recreational Facilities Agreement specified in Condition 23 (required prior to issuance of building permits) of the approved Conceptual Site Plan shall include these trails and a timing mechanism for their provision.

13. 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).

14. 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.

15. 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.

16. 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.
17. Prior to the issuance of any building permits within the Beltway Parcel for uses generating 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.

18. 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 4 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.
19. The access point to Oxon Hill Road in the vicinity of Area E as shown on the preliminary plan shall be for emergency access only.
20. Prior to the issuance of building permits within the Waterfront Parcel, the applicant, heirs, successors and/or assigns 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.
21. 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 the 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.
22. At the time of final plat, the applicant, heirs, successors and/or assigns shall dedicate 40 feet from center line along Oxon Hill Road. Improvements within the dedicated right-of-way shall be determined by DPW&T.
23. Prior to the approval of final plats, the applicant, heirs, successors and/or assigns shall submit to the Health Department, for its approval, a noise study and operations plan regarding the existing portable concrete mixing plant. If the noise study shows that the plant violates state regulations, noise abatement measures must be implemented or the plant must be moved to meet state requirements.