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Detailed Site Plan

Departure from Design Standards

Alternative Compliance

DSP-07073-01

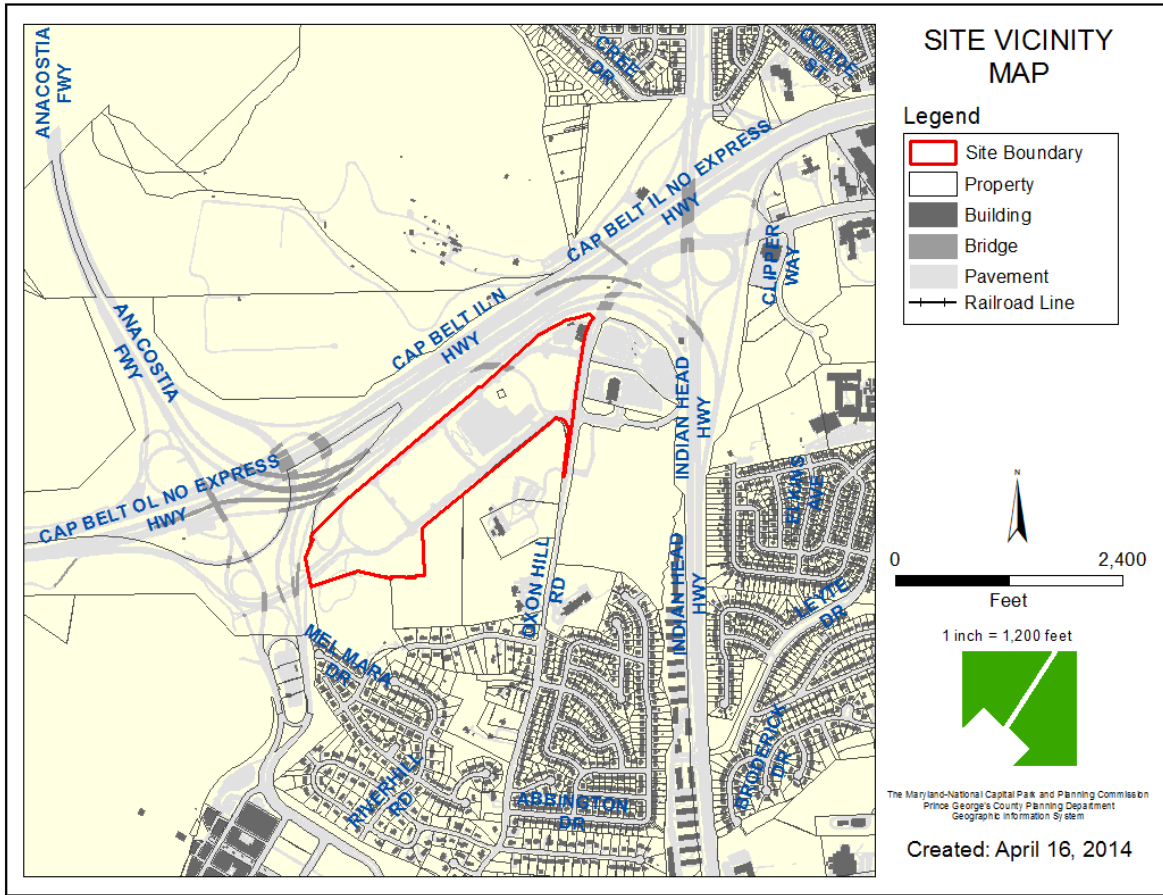
DDS-623

AC-14005

Application	General Data	
Project Name: National Harbor, Beltway Parcel, MGM Lots 2-7 Location: Adjacent to and south of the Capital Beltway (I-95/495), and west of Oxon Hill Road. Applicant/Address: MGM National Harbor, LLC c/o Lorenzo Creighton 120 Waterfront Street, Ste. 500 National Harbor, MD 20745	Planning Board Hearing Date:	05/08/14
	Staff Report Date:	04/24/14
	Date Accepted:	02/10/14
	Planning Board Action Limit:	Waived
	Plan Acreage:	49.47
	Zone:	M-X-T
	Dwelling Units:	N/A
	Gross Floor Area:	1,078,237 sq. ft.
	Planning Area:	80
	Tier:	Developing
	Council District:	08
	Election District	12
	Municipality:	N/A
	200-Scale Base Map:	209SE01

Purpose of Application	Notice Dates	
Entertainment establishment of a commercial nature with a video lottery facility, retail, restaurants and a 300-room hotel for a total of approximately 1,078,237 square feet of development. Departure from Design Standards for size of parking spaces.	Informational Mailing:	01/07/13
	Acceptance Mailing:	02/06/14
	Sign Posting Deadline:	04/08/14

Staff Recommendation		Staff Reviewer: Susan Lareuse/Meika Fields Phone Number: 301-952-4277/301-780-2458 E-mail: Susan.Lareuse@ppd.mnccppc.org Meika.Fields@ppd.mnccppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-07073-01
Departure from Design Standards DDS-623
Alternative Compliance AC-14005
Type II Tree Conservation Plan TCPII-023-01-01
National Harbor, Beltway Parcel-MGM, Lots 2-7

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL, as described in the Recommendation Section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance in the Mixed-Use Transportation Oriented (M-X-T) Zone, a site design guideline and Section 27-548.01.04 (CB-06-2014).
- b. The requirements of previous conditions of Zoning Map Amendments.
- c. The requirements of Conceptual Site Plan CSP-98012.
- d. The requirements of Preliminary Plan of Subdivision 4-01048.
- e. The requirements of the 2010 *Prince George's County Landscape Manual*.
- f. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- g. Required findings for approval of a Departure from Design Standards.
- h. Referral comments.

FINDINGS

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design staff recommends the following findings:

1. **Request:** The applicant, MGM National Harbor, LLC, requests approval of an entertainment establishment of a commercial nature with a video lottery facility consisting of a total of

1,078,237 square feet on proposed Lot 4 of the National Harbor – Beltway Parcel. The Detailed Site Plan (DSP) also proposes a lotting pattern for the remaining land area associated with the original Beltway Parcel. The application includes the following development proposal:

- 512,490 square feet of entertainment and entertainment related uses,
- 54,695 square feet of other retail uses,
- 300-room hotel,
- 49,886 square feet of conference/assembly rooms,
- 3,000-seat performance theater,
- Numerous restaurant spaces equal to approximately 1,737 seats; and
- 4,797-space parking garage.

The plan identifies the future subdivision of the residue of Parcel 94 of the Beltway Parcel into Lots 2–7. A private street is proposed along the northeast boundary of the site adjacent to the existing Baltimore-Washington Parkway (MD 295) ramp. This street would connect the two Maryland State Highway Administration (SHA) roadways, Harborview Avenue and National Avenue. Development is primarily located on Lot 4; however, the circular entrance drive and the associated limits-of-disturbance (LOD) for the entrance drive construction, and the proposed private street, extend onto Lot 5. Previous development shown on proposed Lot 3 as approved in Detailed Site Plan DSP-07073 is not affected by this review, pursuant to PGCPB Resolution 09-114.

2. Development Data Summary:

Zone	EXISTING M-X-T	PROPOSED M-X-T
Uses	Vacant	entertainment establishment, hotel, retail, restaurants, theater, conference/ballrooms
Acreages:		
Parcel 94 (total gross acreage)	49.47	49.47
Proposed Lot 2		1.31
Proposed Lot 3(DSP-07073)	7.26	7.26
Proposed Lot 4		22.76
Proposed Lot 5		9.38
Proposed Lot 6		6.01
Proposed Lot 7		2.75
Gross Floor Area:		
Lot 3 (DSP-07073)		
Building 1-Fast food restaurant		3,600
Building 2-Convenience store		<u>3,000</u>
Total Gross Floor area		6,600

Lot 4 (DSP-07073-01)

Entertainment Related Uses	483,381
Hotel	252,694
Retail	54,695
Office	29,109
Conference/Ballrooms (3,232 occupants)	49,886
Theater (3,000 seats)	136,818
Restaurant (1,737 seats, including hotel	<u>71,654</u>
Total Gross Floor area	1,078,237

Floor Area Ratio

Gross floor area of Beltway Parcel	1,084,837
Gross floor area of Waterfront	4,277,153
Total gross floor area for the entire National Harbor	5,361,990
Area of the entire property associated with the CSP	533.47 acres*
Floor area ratio proposed	0.23
Floor area ratio allowed per the CSP	0.31

*Based on the approved preliminary plan which is a more accurate calculation of the land area, than the CSP.

OTHER DEVELOPMENT DATA – DSP-07073-01 Lot 4

	REQUIRED	PROPOSED
Total Parking Spaces	4,738	4797
Handicapped Spaces	58	60
Total Loading Spaces	5	6

Note: See Finding No. 15 for a discussion of the requested Departure from Design Standards for parking space size.

3. **Location:** The subject site is generally located approximately one mile north of the Woodrow Wilson Bridge, in the southwest quadrant of the intersection of I-95/495 (Capital Beltway) 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 DSP 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 across) stretching northeast to southwest along the Capital Beltway, 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 the Capital Beltway (I-95/495) from the Beltway Parcel is occupied by the Oxon Hill Children's Farm, owned by the National Park Service. South and east 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, which will be preserved and left undisturbed in this plan of development, is located on the northwest side of the Beltway Parcel, outside of the subject proposed development.

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–1990s. The M-X-T Zone was originally approved for part of the National Harbor site with conditions in 1983 in response to six (6) 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 R-R Zone represents the original zoning applied to the area when it first became subject to zoning authority in 1957. The 1984 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 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.

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

Subsequent to the approval of PPS 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 Detailed Site Plan.

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 SHA for the Capital Beltway (I-95). The remainder of the site, 64.62 acres, was recorded in accordance with the approved PPS and DSP into 11 parcels (Parcels A-K), 7 outlots (Outlots A-G), and three 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 acres) which were conveyed to the Maryland-National Capital Park and Planning Commission (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, Rural Residential (R-R), and Residential Medium Development (R-M) Zones, including the subject site.

In 2001, a Preliminary Plan of Subdivision, 4-01048, for the entire 534 acres was approved by the Planning Board pursuant to 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* retained the subject site in the M-X-T Zone.

In 2008, a revision to the CSP was submitted and approved at the Planning Director level 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 Lot 3, as well as a large paved area for recreational/outdoor exhibition, displays, entertainment, or performance uses on proposed Lots 4 and 5 (shown as Parcel A at that time). The development proposal for Lot 3 as was previously approved is shown for informational purposes in this application. Lot 3 has not been recorded as a final plat as of the writing of this report.

The site also has an approved Stormwater Management Concept (SWM) 48280-2007-00, pursuant to which the SWM pond for the Beltway Parcel was constructed and is located in Betty Blume Park on M-NCPPC-owned land. In addition, SWM Concept 4853-2014-00, approved on February 14, 2014, applies to the subject site.

6. **Design Features:** The DSP includes an entertainment establishment on proposed Lot 4, which measures a total of 22.76 acres of land. A portion of the grand entrance located at the north end of the building with a circular vehicular drop-off area and the associated grading extends a short distance into future Lot 5. A private road connection is proposed along the most northern edge of Lot 5, designed to connect Harborview Avenue to National Avenue. The DSP further sets up the future subdivision of the lots and parcel for the remainder of the residue of Parcel 94.

Architecture

The proposed structure measures approximately 1,500 linear feet by approximately 595 linear feet, and will fill nearly the entirety of Lot 4. The land area of Lot 4 slopes and the change in grade within the lot is approximately 80 feet, with the lowest portion at the south end of the lot. The building is exposed at its south end, with six stories of parking garage, terraced, and landscaping strategically placed within the terracing of the structure. An outdoor plaza sits atop the parking garage at the south end of the building. The plaza includes a large water fountain surrounded by seating areas, landscaping, and a large monumental structure that is part of the signage for the project. Above the podium containing the plaza is the main entertainment area covered by two stories of the building in a sleek white roof. At the north end of the building is a 21-story hotel, a slim structure clad in glass that will be a significant visual landmark. A circular drive around another water feature provides drop-off and access to the hotel and its parking areas.

The parking structure will provide 4,797 parking spaces, and is distributed among eight floors with multiple egress and ingress locations along Harbor View Avenue and National Avenue. Levels one through four are designated for self-park parking with access to these parking areas provided through three entry/exit points located on each side of the building from Harbor View Avenue and National Avenue, near the south end of the building where the grade is the lowest on the site. Level five of the parking structure is the location of the valet parking, VIP parking and employee parking areas. This floor also includes the loading dock areas and the employee and service areas. Level six indicates additional valet parking and employee parking, and includes a mezzanine floor of additional support services and offices.

The first floor of the building includes the seventh floor of parking. The first floor is the entertainment zone including the video lottery facility and the outdoor plaza with water fountain

mentioned above. The pool measures approximately 22,000 square feet and is architecturally integrated into the design of the roof to be open to the sky. To the north of the structure along Harborview Avenue is a partially covered vehicular drop-off area with a central water feature and access to valet parking. A mezzanine (or the 8th floor of the parking structure) provides for offices and another parking area for hotel guests.

The second floor of the building (actually the ninth floor of the structure counting from the lowest level of the garage) includes the entrance to the hotel lobby, ballrooms, and other assembly rooms and is accessed from the circular vehicular drop-off area that is proposed to be shared between the subject site and the adjacent future proposed establishment at the north end of the site. The first and second floors are located under the long sleek white roof. Above this roof line, the hotel rises at the northern end of the building into a 21-story structure approximately 150 feet in width by 400 feet in length, featuring approximately 20 rooms per floor. The height of the hotel tower is approximately 240 feet, measuring 400 feet above sea level. The hotel includes a floor dedicated to the lobby, a floor for fitness, a floor for a spa, a floor for executive offices and room floors above.

The applicant's architect, Russel Perry, Smith Group, JJR, provided the following description of the proposed building design and the site:

"MGM National Harbor is a sleek modern mixed-use facility consisting of a slender angular hotel tower and a contrasting long low entertainment complex under a sweeping roof, both atop an enclosed parking structure in the form of a plinth that emerges from a steeply sloping site. Surrounding the assembly is a one-way counter-clockwise loop consisting of Harborview Avenue to the south and National Avenue to the north connected with a new road to the east.

"The dominant approach to the site is from the low point at the west allowing access to multiple levels of the parking garage as Harborview Avenue is ascended along the south of the complex. The garage, all levels of which are connected internally by ramps, can be entered by entertainment venue guests at levels P1, P3 and P4, as the grade is climbed. These multiple entries minimize vehicle stacking along the street. VIP guests have their own garage entrance and exit on P5 further up the hill, followed by the main entertainment guest drop off under a porte-cochere. This entrance leads the guest to the glass roofed Conservatory, the nexus of most internal circulation within the complex, on the primary entertainment floor. Guests can also drop their vehicles for valet parking at this entrance. Valet ramps lead from the entry court to the parking on P6 below.

"At the top of the site, hotel guests will be directed onto the site to enter via an elliptical court featuring a large pool and fountain. Another porte-cochere covers the hotel drop-off from which both valet and hotel self-parking ramps lead to parking on levels P7 and P8. Inside the east entrance is the hotel lobby, one floor above and overlooking the Conservatory below.

"From the east end of the site, National Avenue will lead the visitor along the north side of the complex past the secondary loading dock for the Theater which is a large volume projecting from under the sculpted roof of the lower entertainment volume. Just past the Theater is the north entrance leading to the other side of the Conservatory. This entrance also gives access to the building from the bus drop-off area along the north wall. There are three bus bays with a bypass lane that will also be used for National Harbor bus drops.

“Descending the hill, the next opening through the plinth wall is the primary loading dock on P5. The internal dock is large enough to accommodate truck turning so that no vehicles need to back out of the dock. Further down the hill is the entry and exit for staff parking on P4. Inside the garage, at this entry, is an employee pick-up and drop-off. An internal ramp leads the staff to their parking areas on P5 and P6. As the bottom of the hill is approached, entertainment guests have parking exits on P3 and P1. While there are multiple pedestrian emergency exits from the garage levels, only vehicles can enter those levels.

“The public parking (P1, P2, P3 and P4) and staff parking (P5 and P6) form a podium for the entertainment and lodging uses above. The light-colored precast concrete walls of this plinth are sloped or battered to suggest the stepped bases of Washington DC’s monumental core. Within this base on P5 is also housed the primary concentration of back-of-house facilities (warehouse, office, kitchens, gaming support, locker rooms, etc.).

“Lightly perched atop this podium is a one-story entertainment structure with a mezzanine under a sculptural white roof. West of the venue is a large heavily-planted events terrace with views to the Potomac River. An internal public corridor to the south of the gaming area, lined with shops and restaurants, connects the terrace to the Conservatory for the convenience of under-aged guests.

“The hotel, entered from the east, is a twenty-one story angular glass tower. Its base level sits atop parking level P8, one floor above the Conservatory floor. While retail uses flank the Conservatory floor, the over-looking level has the hotel lobby, ball rooms and meeting rooms. The next floor of the tower contains a spa with a pool and pool deck outside the tower to the south. Above this is one floor of executive offices and eighteen floors of hotel rooms.”

Signage

Section 27-613(f)(1) and Section 27-614(e)(1) of the Zoning Ordinance state that 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 building has approximately 1,400 linear feet of building frontage on National Avenue, 550 linear feet of building frontage on the west end of the site where National Avenue and Harborview Avenue intersect, and 1,400 linear feet of building frontage on Harborview Avenue. The signage plan indicates the use of five light emitting diode (LED) video boards, building-mounted signage in the form of the MGM logo, a freestanding sign marquee, a statue, a light beam proposed vertically from the hotel and lighting of a portion of the hotel façade. A description of the signage proposal is provided below:

a. **Building Mounted Signage**

- (1) **LED Video Boards**—The plan proposes one 60-foot-tall, 100-foot-wide, and 35-foot-deep video board at the center of the west building elevation. Four additional 49-foot-tall, 90-foot-wide, and 71-foot-deep video boards are proposed: two on the north and south sides of the building elevations along National Avenue and Harborview Avenue. In total, a sign area of approximately 46,240 square feet is proposed by the light-emitting diode (LED) video boards, including all sides of the three-dimensional boards that have graphic area. A video board sign area of 14,820 square feet is parallel to and is proposed to face National Avenue (in the direction of the Capital Beltway (I-95/495)). A video board sign area of 2,100 square feet is parallel to and is proposed to face the west. A video board sign area of 14,820 square feet is proposed to face Harborview Avenue. The video boards are high-definition screens and will appear similar to a television screen and are shown as general graphic area on the DSP. The area of all of the proposed video boards should be indicated on the DSP. The bases of the video boards begin between the elevations of 124 feet and 130 feet. The tops of the boards extend to elevations of 190 feet, for the board at the center of the west building elevation, and 173 feet for the other four boards on either side of the project.

The LED video boards are currently planned to advertise activities and amenities on-site, including but not limited to restaurants, gaming activities, retail, special events and other such informational messaging. Outdoor advertising signs (i.e. billboards) are expressly prohibited by the Zoning Ordinance in accordance with Section 27-593, Prohibited signs. Outdoor advertising signs are defined by the Zoning Ordinance as signs that direct attention to a business, commodity, service, entertainment, event, or other activity conducted, sold, or offered elsewhere than upon the property on which the sign is located. The proposed LED video boards are not considered outdoor advertising signs or billboards, because the video boards advertise services, goods, and activities offered on site. Staff recommends that the Planning Board prohibit the advertisement of businesses, commodities, services, entertainment, events, or other activities conducted, sold, or offered elsewhere than upon the subject property, as is required by the Zoning Ordinance.

In accordance with Section 27-592, signs which flash or blink, or which have varying intensity of illumination on less than a five second cycle, are prohibited. While digital boards are not prohibited by the Zoning Ordinance, the applicant should remain cognizant of Zoning Ordinance regulations dealing with the lighting and speed of imagery shown on the boards, so as not to flash or blink, in order to avoid motorist distraction and impairment.

- (2) **Other Building-Mounted Signage**—Two building-mounted signs with the text “MGM” are proposed on the north and south sides of the hotel building to be a maximum elevation of 382 feet. The dimensions of the letters are proposed at 13.5 feet in height by 51.5 feet in width. The information provided does not indicate that building-mounted signs will include lighting. The color, material, and method of illumination of the signs should be indicated on the signage plan. Staff recommends that if lighting of this sign is proposed that it be subtly lit with external lighting or back/halo lighting only.

- (3) **Hotel Façade Lighting**—Signs are defined as any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. In this application lighting of the building is a device that is used to draw attention to and advertise the proposed entertainment center and hotel. A portion of the exterior elevations of the hotel will be lit from dusk to dawn. This is accomplished through horizontal bands of white lighting placed under aluminum fins located on each level of the hotel.

b. **Freestanding Signage**

- (1) **One freestanding sign**—Is located in the area of the hotel drop-off on the east side of the proposed building. The sign is 20 feet in width by 20 feet in height and features the text “MGM.” While the building materials are not labeled, the sign is shown as grey and white in appearance. The proposed sign materials and any information on the illumination of the proposed sign should be provided on the signage plan prior to certification.
- (2) **Statue**—The signage plan locates a lion statue along the south building elevation in the area of the main entertainment area drop-off. The statue is 18 feet in height and sits upon a 16-foot-tall pedestal. The use of the lion statue, which is a trademark of MGM, will add to the placemaking on the site.
- (3) **Light Beam**—The signage plan includes a light beam which is proposed to be emitted from the hotel at the highest point on the site. The light beam does not comply with the intent of site design guidelines with respect to site lighting, and staff and applicant agree that it will be removed from the proposal. For discussion of this item see Finding 8(c)(3)(a).

The signage plan should be revised to include additional types of non-commercial signage that are essential to a project of this size. Prior to certificate of approval the detailed site plan should be revised to include a wayfinding signage plan that provides locations, details, and design standards for all on-site directional signage for vehicles and pedestrians that can be viewed from the public realm. Specifically, wayfinding signage is needed to direct pedestrians to cross at a single location when arriving via the National Heritage Trail.

Sustainable Design

The subject proposal has been designed to include green building techniques. A summary of those techniques has been provided within Section 3 of the applicant’s submitted Schematic Design Project Narrative stamped as received on April 2, 2004. The narrative states that MGM Resorts integrates elements of green building within all of its new development projects and renovations. The applicant anticipates that the subject proposal will qualify for Leadership in Energy and Environmental Design (LEED) gold certification. The following list includes some of the green building features included in the subject proposal:

- a. The applicant proposes to include preferred parking spaces within the underground garage that will be designated for high-efficiency vehicles.

- b. The site will be served by public transportation via existing and new bus stops.
- c. In addition to utilizing the adjacent Betty Blume stormwater management facility, on-site stormwater storage within a sub-grade cistern adjacent to the P1 parking level is proposed.
- d. The applicant proposes to reduce the heat island effect of the building by placing the majority of the project's parking below ground and utilizing a white roofing system that will comply with the Cool Roof Rating Council's requirements.
- e. Opportunities for utilizing drought tolerant landscaping will be explored, and on-site landscaping will be irrigated through the use of the reservoir of stored stormwater that will be collected in an on-site cistern.
- f. Indoor water conservation approaches are being pursued.
- g. The mechanical/ heating and cooling systems will be designed to be energy efficient.
- j. The applicant intends to utilize locally extracted and manufactured products to the extent they are available.

Staff applauds the applicant's commitment to sustainable design and green building techniques. The County does not currently have a Green Building Code, as do some other jurisdictions. Staff encourages the applicant to employ these and additional green building and environmental site design techniques. Staff also encourages the applicant to offer a recycling program within the development in the future and a condition requiring such is recommended.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The proposed entertainment and entertainment-related uses, retail uses, hotel, conference/assembly rooms, theater, 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 detailed site plan 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, and 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;

Comment: 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 I-95/495 and will maximize private development potential. The proposed mixture of uses on the subject property will help to conserve the value of land so as to allow for a market to be created that would sustain a long term source of 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;**

Comment: The subject site was rezoned to the M-X-T Zone through several zoning map amendment applications. The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject site in the M-X-T Zone. The previously approved conceptual site plan 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 of subdivision, the plan called for the same mix of uses, but with an increase in the amount of office space (to 443,000 square feet) and a reduction in retail space (to 200,000 square feet) and hotel rooms (850) and a visitor's center, or other uses not exceeding the designated trip cap. The current development proposal, as a landmark building, fulfills to 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;**

Comment: 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 has become an important tourist destination in the region. The proposed recreational entertainment establishment on proposed Lot 4 will dramatically enhance the value of the land.

- (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;**

Comment: 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;**

Comment: This DSP is for a portion of the M-X-T-zoned Beltway Parcel of the larger National Harbor development which has a mixture 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 have attracted many local and area residents and people visiting the Washington metropolitan region. The development of this proposal for an entertainment venue will ensure continued functioning of the project after working hours and on weekends.

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

Comment: The conceptual site plan for National Harbor proposes a mixture of retail, office, hotel, entertainment, and restaurant uses with various services, and a visitors center in a harmonious, carefully-crafted land plan. The proposed entertainment venue will integrate harmoniously into the existing development of National Harbor and the surrounding uses, including the recently opened Tanger Outlet Center.

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

Comment: The larger National Harbor development is designed so that various uses will interact in a dynamic, synergistic way; hotels, dining, entertainment and retail all working 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 entertainment venue will provide another dynamic aspect to the project and will provide a distinctive visual character through the design of the building.

- (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;

Comment: The planning and design of this iconic building will achieve economies of scale and savings in energy when compared to construction of a number of individual projects occupying the same land area. 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. The proposed building is planning to seek Gold LEED certification, demonstrating the applicant's commitment to energy savings. It provides for additional SWM techniques above those that were previously approved for the site, provides for a roadway to connect two state highway roadways and provides for a major entertainment destination within the County, the State and the region.

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

Comment: This project will contribute to the economic vitality of the overall National Harbor development and is a substantial investment in the County by the applicant. According to the applicant's submitted Gaming Market and Economic Impact Studies, prepared by Marquette Advisors, dated April 2013, the Economic Impact Summary includes total job creation of 2,760 jobs and total employee earnings of \$384,802,000 during the construction period. During full operations, the annual projected combined spending at MGM and the neighboring businesses is expected to be \$822,500,000. In regard to job generation, 3,758 direct jobs are projected on-site, plus another 425 jobs at nearby businesses as a result of direct expenditures in the area related to tourism. It is anticipated that there will be \$29,614,445 generated in taxes and fees to Prince George's County.

(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.

Comment: The previously approved conceptual site plan 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 architectural elevations and perspective drawings for the site demonstrate a landmark building of a magnitude never before constructed in Prince George's County. Not only is the design of the building modernly elegant, it is distinctive and provides a significant architectural quality worthy of the entrance into the County from Virginia and into the State of Maryland.

Staff concludes that the proposed application is in conformance with the purposes of the M-X-T Zone.

- (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;**

Comment: The development which is the subject of this application has an outward orientation. The entire Beltway Parcel is related much more to I-95/495 than to the existing development to the east. The proposal is an intensely developed commercial enterprise at a very large scale, and is expected to catalyze adjacent community improvement.

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

Comment: The proposed entertainment establishment is in keeping with the concept that was set forth for the development in that it complements the existing Waterfront Development. In regard to the physical development, the Beltway Parcel is somewhat removed 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 use is certainly compatible with the waterfront portion of the development and with the recently opened Tanger Outlet Center nearby.

- (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;**

Comment: The development included in this DSP is capable of sustaining itself as an entertainment center. The mix of entertainment uses and the arrangement and design of the building and hotel will sustain an independent mixed-use compact development envisioned in the approved conceptual site plan.

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

Comment: The entertainment establishment and hotel will be developed as a single stage; there is no staging plan provided with this DSP.

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

Comment: 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 conceptual site plan and preliminary plan of subdivision. 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 is located at the semi-circular main entrance area. The sidewalks on Harborview Avenue would connect to the Oxon Hill Road sidewalks when adjacent properties to the north of the subject property are developed and sidewalks are constructed. Crosswalks are recommended to include special paving material.

- (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**

Comment: The detailed site plan does not generally provide for public spaces as the building encompasses the majority of the site. Unlike a residential development, where the purpose of the M-X-T Zone is to provide quality living opportunity for future residents, the subject application is one where the human element is programed into the development within the structure and entertainment establishment itself.

- (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, 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.**

Comment: The subject property was not approved as a Sectional Map Amendment; it was rezoned through a Zoning Map Amendment and 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 approved by the applicant.**

Comment: The applicant has submitted traffic impact analysis dated April 18, 2013, as a requirement of the State of Maryland for a Video Lottery Operation license in Prince George's County. That traffic study indicates that the development will be adequately served within a reasonable period of time as required by Section 27-546(d)(10) of the Zoning Ordinance. The applicant has proffered improvements to ensure that the proposal is adequately served prior to opening. This would meet the requirements of the Zoning Ordinance.

- (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.**

Comment: 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**

Comment: The CSP caps the development at 0.31 and the proposed FAR as demonstrated on the plans is 0.23 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.**

Comment: 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.**

Comment: The proposed development in this DSP is subject to the 2010 *Prince George's County Landscape Manual*. The applicant has filed an Alternative Compliance (AC) application and it has been reviewed. The Planning Director recommends approval of the AC application described in Finding No. 10 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.**

Comment: The DSP complies with this requirement.

c. The staff finds 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. In this case, all of the required parking 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 north, south, and west sides of the building, where the most parking garage levels are exposed. The architectural elevations indicate the use of architectural precast concrete panels enhanced with planted terraces 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 signature approval of the plans to ensure that an attractive treatment is provided.
- (2) In accordance with Section 27-274(a)(2)(B) of the Zoning Ordinance, loading areas have been designed to be visually unobtrusive, as they have been placed interior to the structure.
- (3) In accordance with Section 27-274(a)(3), Lighting, the pattern of light pooling should be directed on-site. Photometric information has been provided that indicates adequate lighting on the property and within the parking structure. The photometric plan indicates lighting levels from light fixtures and poles to illuminate vehicular ways and walkways. The photometric plan does not include lighting information for the various signage features including the light beam or LED video boards, and does not explore the lighting levels for these features at or beyond the property line. Staff is unable to state conclusively for the Planning Board that the pattern of lighting has been directed on-site, as is discussed below:
 - (a) **Light Beam**—The proposed light beam directs lighting from the hotel directly into the night sky. Light beams and search lights are discouraged for use. While light beams and search lights are infrequently directed into adjacent properties, they are designed to be highly visible in and outside of the direct vicinity of the property and can affect other property-owners' enjoyment of the night sky from their properties. The night sky is a shared resource for all in the region, and is recommended for protection by the 2002 *Approved Prince George's County General Plan*. Policy 5 of the Environmental Infrastructure chapter of the 2002 Approved General Plan states:

Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, also recommends the reduction of light pollution and goes on to recommend the use of full cut-off optic light fixtures for all uses.

Due to the project's highly visible location at a gateway into Maryland and Prince George's County, staff suggested that the elimination of the light beam will not affect this project's visibility or success. The Historic Preservation Commission (HPC) recommends that the light beam be removed from the proposal and the applicant indicates the intent to comply with this request. Prior to certification, the detailed site plan, signage plans, and architectural plans, should be revised to eliminate the proposed light beam from the hotel.

- (b) **LED Video Boards**—The applicant indicates that detailed lighting information for the LED video boards cannot be provided at this time, because the design of these features has not been finalized. The applicant also indicates that the final design of the boards including the lighting elements will comply with applicable international codes. Staff would prefer that, in addition to the provided notes, the plan demonstrate conformance with Section 27-592, Illumination, which states:

- (a) **The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity does not adversely affect surrounding areas.**
- (b) **Signs which flash or blink, or which have varying intensity of illumination on less than a five (5) second cycle, are prohibited.**
- (c) **The illumination or glare from a sign shall not shine directly onto a street so as to constitute a hazard to motorists.**

Comment: Additional information should be provided to indicate that the lighting levels or brightness of the LED video boards will be designed to direct lighting on site and limit lighting impacts beyond the boundaries of the detailed site plan.

Staff also suggests that final boards be manufactured so that the brightness may be adjusted to the appropriate higher daytime or lower nighttime levels.

- (c) **Architectural Lighting**—The submitted information indicates that a portion of the exterior elevations of the hotel will be lit from dusk to dawn. This is accomplished by means of horizontal bands of white lighting placed under aluminum fins located at each level of the hotel. Details of the aluminum fin and lighting system indicate that lighting will be directed upwards onto the face of the hotel, which is a reflective glass. The fin system is designed to direct lighting onto the face of the hotel, and reduce the possibility for glare to be created and inadvertently affect adjacent properties. Details of the fin and lighting system and a note to this effect should be placed on the architectural elevations.

With the elimination of the light beam, and relevant plan notes regarding the lighting of the LED video boards and the architectural lighting on the face of the hotel, staff believes that conformance with Section 27-274(a)(3), Lighting, can be found.

- (4) In accordance with Section 27-274(a)(6)(i) of the Zoning Ordinance, 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 should be provided on the detailed site plan; and at a minimum, locations of and details for trash receptacles and benches near the proposed drop-off locations should be provided.
- d. The plans have been reviewed for conformance to Section 27-548.01.04 (CB-06-2014) of the Zoning Ordinance for a Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility. The requirements of that section are provided below are in **BOLDFACE** text with the analysis following:
 - (a) **Requirements. A Recreational or Entertainment Establishment of a Commercial Nature with a Video Lottery Facility (“Facility”) shall be permitted, subject to detailed site plan review and approval, in accordance with the following additional requirements:**
 - (1) **Submission demonstrating that the locational requirements as set forth in Section 9-1A-36(h)(1)(VI), State Government Article, Annotated Code of Maryland, are met.**

Comment: The applicant has provided information in response to the above section in the form of applicant’s Exhibit 1, which demonstrates a four (4) mile radius map showing that the Beltway property is within the required radius, and the February 25, 2014 Notice of Award Letter to the applicant from the Maryland Lottery and Gaming Control Commission.

- (2) **Submission demonstrating that transportation facilities in the area affected by traffic generated by the Facility (“traffic study area”) will be adequate based on:**
 - (A) **Total traffic conditions as prescribed in the most recent Transportation Review Guidelines (“Guidelines”) published by the Maryland-National Capital Park and Planning Commission;**
 - (B) **Compliance with a comprehensive transportation plan in accordance with Section 9-1A-32, State Government Article, Annotated Code of Maryland prior to issuance of any use and occupancy permits; and**
 - (C) **The transportation improvements regarding the Facility submitted to the Maryland Video Lottery Facility Location Commission (“Location Commission”).**
 - (i) **Any required on or off-site transportation improvements contained in this submission shall be made prior to, or concurrent with, the construction**

of the Facility, and shall be completed prior to the issuance of any use and occupancy permits for the Facility.

Comment: A traffic impact study, dated April 18, 2013, was submitted by the applicant when the application was originally submitted. This was a requirement by the State of Maryland for a Video Lottery Operation license in Prince George's County. Several deficiencies were noted, and a revised traffic impact study dated March 11, 2014, which was received and duly forwarded to the Maryland State Highway Administration (SHA) and the Prince George's County Government (Department of Public Works & Transportation (DPW&T) and the Department of Permitting, Inspections and Enforcement (DPIE)) for review.

The subject property is located within the Developing Tier, as defined in the 2002 *Prince George's County Approved General Plan*. It is also within a Metropolitan Center, as defined in the same plan. As such, the subject property is evaluated according to the following standards:

- **Links and signalized intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.
- **Unsignalized intersections:** The *Highway Capacity Manual* (Transportation Research Board) procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. The analysis considers delay, approach volume, and the critical lane volume. Once the CLV exceeds 1,150 for the intersection, this is deemed to be an unacceptable operating condition. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following intersections are included within the study area:

- Harborview Avenue & I-295 On-Ramp
- MD 414 & Harborview Avenue
- Harborview Avenue & Tanger access
- MD 414 & National Avenue
- MD 414 & MD 210 SB Ramps/Bald Eagle Road
- MD 414 & MD 210 NB Ramps
- MD 414 & I-95 NB Ramps
- MD 414 & I-95 SB Ramps/Bald Eagle Road
- National Avenue & West Street
- Harborview Avenue & West Street

The major components of the study are summarized below:

Existing Traffic—Counts were taken in February 2013 in general accordance with the "Transportation Review Guidelines, Part 1" ("*Guidelines*"). The counts were taken to reflect a weekday peak-hour analysis as well as a Saturday analysis. While the weekday peak-hour analysis is the standard analysis prescribed by the "Guidelines," the use will generate maximum traffic on Saturdays.

Background Traffic—The traffic study utilized a 0.35 percent annual growth rate to estimate base future traffic volumes for 2016 and 2036. Also, 16 approved developments in the area were included. The list of approved developments is complete, and in aggregate generates 4,007 AM, 4,364 PM, and 4,086 Saturday peak-hour vehicle trips. These trips are assigned to the local roadway network to produce future Background Traffic Conditions for 2016 and 2036.

Total Traffic—The traffic study begins analyzing the proposal by reassigning the traffic along National and Harborview Avenues to reflect that these streets will be changed to a one-way loop operating in a counterclockwise direction. The trip generation of the proposal is summarized in the following tables:

Trip Generation Summary, DSP-07073/01, Beltway Parcel—MGM: Weekday								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Casino	4,580	gaming positions	213	71	284	736	491	1,227
Hotel	300	rooms	102	66	168	94	83	177
Theater Venue (it is noted that specific language is included to state that the venue will generate traffic after 7:30 p.m., and should not count against a peak-hour trip cap)	3,000	seats	0	0	0	600	600	1,200
Total Trips Utilized in Traffic Analysis			315	137	452	1,430	1,174	2,296
Total Trips Utilized Against the Peak-Hour Trip Cap (excludes Theater Venue)			315	137	452	830	574	1,404

Trip Generation Summary, DSP-07073/01, Beltway Parcel—MGM: Saturday								
Land Use	Use Quantity	Metric	Saturday Peak Hour					
			In	Out	Tot			
Casino	4,580	gaming positions	808	717	1,525			
Hotel	300	rooms	121	95	216			
Theater Venue	3,000	seats	600	600	1,200			
Total Trips Utilized in Analysis			1,529	1,412	2,941			
Total Trips Utilized Against the Peak-Hour Trip Cap (excludes Theater Venue)			No Saturday trip cap					

It should be pointed out that the theater venue is intended to operate long after the end of the weekday peak hour. Given that the latest weekday peak-hour count ends at 6:15 p.m., while it is agreed that the theater venue can be excluded from computations concerning

the peak-hour trip cap, a condition must be recommended that requires that shows within the theater venue shall not commence prior to 7:30 p.m. on non-holiday weekdays.

Much of the space within the proposal is devoted to restaurants, retail, and offices associated with the primary uses. The trip generation rates have been selected to reflect a full range of operations. The casino rate, while measured by gaming position, reflects the full operation including offices, food and beverage service, and retail stores for a casino of similar scope. The hotel rate, while measured by number of rooms, reflects a full-service hotel that includes banquet facilities, meeting facilities, restaurants, lounges, and recreational facilities. It is determined that the rates used are satisfactory.

The following distribution has been used to assign the trips associated with the use:

- 38 percent to and from the west along I-95
- 28 percent to and from the east along I-95
- 18 percent to and from the north along I-295
- 8 percent to and from the south within National Harbor (Waterfront Parcel)
- 6 percent to and from the south along MD 210
- 1 percent to and from the east along MD 414 (Oxon Hill)
- 1 percent to and from the south and west along Oxon Hill Road

The assignment has been conducted in a satisfactory manner and in accordance with the “Guidelines.” The following tables summarize the traffic analysis results for the year 2036:

YEAR 2036 TOTAL TRAFFIC CONDITIONS: Weekday				
Intersection	Critical Lane Volume (AM & PM peak hour)		Level of Service (LOS, AM & PM)	
Harborview Avenue & I-295 On-Ramp	307	393	A	A
MD 414 & Harborview Avenue	1,003	1,119	B	B
Harborview Avenue & Tanger access	274	541	A	A
MD 414 & National Avenue	1,786	899	F	A
MD 414 & MD 210 SB Ramps/Bald Eagle Road	1,062	1,387	B	D
MD 414 & MD 210 NB Ramps	552	662	A	A
MD 414 & I-95 NB Ramps	1,191	1,502	C	E
MD 414 & I-95 SB Ramps/Bald Eagle Road	736	969	A	A
National Avenue & West Street	1,012	772	B	A
Harborview Avenue & West Street	189	540	A	A

YEAR 2036 TOTAL TRAFFIC CONDITIONS: Saturday				
Intersection	Critical Lane Volume (Saturday peak hour)		Level of Service (LOS, Saturday)	
Harborview Avenue & I-295 On-Ramp	435		A	
MD 414 & Harborview Avenue	1,124		B	
Harborview Avenue & Tanger access	499		A	
MD 414 & National Avenue	905		A	
MD 414 & MD 210 SB Ramps/Bald Eagle Road	1,404		D	
MD 414 & MD 210 NB Ramps	608		A	
MD 414 & I-95 NB Ramps	1,327		D	
MD 414 & I-95 SB Ramps/Bald Eagle Road	799		A	
National Avenue & West Street	795		A	
Harborview Avenue & West Street	450		A	

The traffic study indicates that the intersection of MD 414 and National Avenue operates unacceptably during at least one analysis period. In response, the applicant recommends the following improvements:

- (1) Restripe the leftmost northbound through lane along MD 414 to a left-turn lane, which will result in a northbound double-left turn. This approach will remain a four-lane approach which will now consist of two left-turn lanes, an exclusive through lane, and a shared through and right-turn lane.
- (2) Restripe the rightmost southbound through lane along MD 414 to a right-turn lane, which will result in a southbound double-right turn. This approach will remain a five-lane approach which will now consist of an exclusive left-turn lane, two through lanes, and two right-turn lanes.

In analyzing the year 2036 total traffic with the improvements listed above, the intersection of MD 414 and National Avenue would operate as follows: AM peak hour: CLV of 1,020 and LOS B; PM peak hour: CLV of 917 and LOS A; Saturday peak hour: CLV of 852 and LOS A.

Recommendations: The traffic study recommends the following improvements at the intersection of MD 414 and National Avenue, which were submitted to the Maryland Video Lottery Facility Location Commission, and are proposed to be constructed by the applicant prior to the issuance of any use and occupancy permits for this proposal:

1. Restripe the leftmost northbound through lane along MD 414 to a left-turn lane, which will result in a northbound double left turn. This approach will remain a four-lane approach which will now consist of two left-turn lanes, an exclusive through lane, and a shared through and right-turn lane.
2. Restripe the rightmost southbound through lane along MD 414 to a right-turn lane, which will result in a southbound double right turn. This approach will remain a five-lane approach which will now consist of an exclusive left-turn lane, two through lanes, and two right-turn lanes.

The County was referred the study and provided comments which are summarized in memorandum dated April 22, 2014, (Masog to Lareuse). The Maryland State Highway (SHA) Administration provided attached comments indicating that they would be working with all parties to address traffic impacts and minimize operational issues, but that there was no objection to the development proceeding.

The site plan locates a bus/shuttle drop-off area. The comprehensive transportation plan needs to determine where transit buses will stop, and if a shelter(s) would be needed at the stop(s). While many patrons may use transit, there is a potential that many employees will rely upon transit to reach this site. Also, areas need to be identified where taxis can serve patrons, and also where taxis can wait. The large circle in front of the hotel entrance seems sufficient in size and well-located, but there needs to be some assurance that taxis can use this area.

The applicant has clarified that charter buses and shuttle buses that regularly serve the facility would utilize an area within the National Harbor Waterfront Parcel near the Gaylord Hotel.

The site is within the M-X-T Zone, which has a requirement of a finding that the development proposed will be adequately served within a reasonable period of time as required by Section 27-546(d)(10) of the Zoning Ordinance. Clearly, this analysis is covered and exceeded by the State requirements. The applicant has submitted a study and proffered improvements to ensure that the proposal is adequately served prior to opening. This would meet the requirements of the Zoning Ordinance.

(3) Submission demonstrating a lighting plan that illuminates all parking areas and walkways on site.

Comment: The applicant has submitted a photometric plan that demonstrates the proposed lighting for the typical garage level within the building in plans dated April 2, 2014. The plans indicate that the average light intensity of the parking levels within the structured parking garage will be 6.9-foot candles. This can be compared to the recommended Illuminating Engineering Society of North America recommended average of 1-foot candle for parking structure ramps, and 0.5-foot candle for drive aisles and parking areas. The applicant is committed to lighting the facilities to 5-foot candles for ramps and 3.5-foot candles for drive aisles and parking areas, well beyond the minimum recommended standard of the Illuminating Engineering Society of North America

In regard to the site lighting, the applicant has submitted a photometric plan that demonstrates the proposed lighting levels of pedestrian ways as required. Those plans provide for lighting of the entire site, based on a 12-foot-high pole with a 24-inch arm length. The plans demonstrate that the average illumination of the pedestrian pathways is 1.54-foot candles and a minimum of 0.6-foot candles. The proposed lighting standard for pedestrian walkways of the Illuminating Engineering Society of North America is 1-foot candle in a commercial area, 0.2-foot candle in a residential area and 0.6-foot candle in an intermediate area. Staff

finds the proposal for lighting to be adequate for pedestrian movement around the site as the average illumination meets or exceeds the minimum recommended standard of the Illuminating Engineering Society of North America.

(4) A receipt confirming submission of a written security plan to the Chief of Police demonstrating a 24-hour adequate security and surveillance plan, including plans to control loitering in the parking areas.

(A) The security plan may be a confidential submittal.

(B) Review and approval by the Chief of Police or the Chief's designee is required prior to the issuance of any use and occupancy permit for the Facility.

Comment: In letter dated April 23, 2014, Mark Magaw, Chief of Police of Prince George's County Police Department to Elizabeth Hewlett, Chairperson, M-NCPPC, the Police department gave assurances that the requirement above has been fulfilled, as stated below:

"Pursuant to CB-06-2014, this letter is to acknowledge receipt of a confidential draft written security plan and accompanying information from MGM.

"Prior to the site opening, I also acknowledge that my approval of this security plan is a requirement for the issuance of a Use and Occupancy permit for the facility. My department has started meeting with officials from MGM and will continue to do so over the course of the next year and half as this security plan evolves. I am confident that as these discussions continue and as this plan is further developed we will arrive at a final product that will meet with my approval."

(5) Submission of a written plan for daily removal of litter and refuse in the Facility and on site.

Comment: The applicant has submitted a memorandum related to the MGM National Harbor waste removal plan dated March 27, 2014. It is the plan utilized at the Detroit MGM facility and this same refuse and removal plan will be utilized at the National Harbor site. The applicant states that there has been no issue related to trash removal at any of MGM's sites across the world, and there will not be any issue associated with trash removal at this site.

(6) Submission of a statement acknowledging obligations pursuant to Section 9-1A-10(a)(3), State Government Article, Annotated Code of Maryland, including any related compliance and reporting requirements.

Comment: By letter dated April 14, 2014, Lorenzo D. Creighton, of MGM Resorts International, to Ms. Susan Lareuse, Mr. Creighton stated the following:

“Pursuant to CB-06-2014 Section 27-548.01.04(a)(6), and on behalf of MGM National Harbor, LLC, please be aware that MGM National Harbor, LLC (“MGM”) understands that, in accordance with Section 9-1A-10(a)(3), State Government Article, Annotated Code of Maryland, Prince George’s County (“the County”) may impose local business, local minority business participation, and local hiring requirements to the extent authorized by local law and permitted by the United States Constitution. In the event the County imposes such local requirements in accordance with that statute, MGM hereby expressly acknowledges its obligations to comply with such local requirements, including any related compliance and reporting requirements.”

- (7) **Submission of a statement detailing any opportunities in relation to the video lottery facility to be made available to Prince George’s County residents or businesses via direct monetary or other equity investment, ownership of independent in-line businesses, ownership of retail pad sites, ownership of business franchises, ownership of service businesses, and/or ownership of any other for-profit businesses.**

Comment: The applicant has provided the following comment in regard to the requirement above in e-mail dated April 15, 2014:

“MGM will design, develop and implement a program to accept up to \$100 million from additional investors in the MGM National Harbor project, in accordance with and subject to applicable law. For up to \$30 million of such maximum, MGM will use commercially reasonable efforts to give preference to County residents. All such additional investors will be required to be ‘accredited investors’ (as defined in the Securities Act of 1933, as amended). MGM intends to implement the investment program by January 1, 2015. In addition, MGM plans to work with the Prince George’s County’s Economic Development Corporation, and/or other such business agencies as the County may designate, to develop programs to assist in the identification and development of tenant and franchise opportunities for local residents in such areas as retail, dining and entertainment.”

- (b) **Full compliance with this Section by the Video Lottery Operator, including compliance with any plans, commitments, or other information contained in any submissions required in this Section, shall be a stated condition of approval for the Facility’s Detailed Site Plan.**

Comment: The staff recommends the following condition in response to the requirement above:

The applicant shall comply with the Zoning Ordinance, other applicable local and state law, and any plans, commitments or other proffers contained in any submissions or testimony upon which approval of the site plan is based.

- e. 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.**

Comment: All the land included in each of the referenced Zoning Map Amendments was included in the Conceptual Site Plan CSP-98012 and was approved according to the requirements above. The exhibits in the zoning applications mentioned deal 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.**

Comment: The CSP anticipated the sequence of development would be as follows: Phase 1: Zone A and Zone B; Phase 2: Zone C and Zone E; Phase 3: Beltway Parcel. However, the plan was approved as a flexible document that noted that depending on the ultimate users who will be involved in the development, the sequence could be modified, accelerated, delayed, etc., depending 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.**

Comment: On June 10, 1998 the District Council approved the 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.**

Comment: This condition governs access between various zoned parcels. Under CSP-98012, connections between the various portions of the site were planned and 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.**

Comment: This condition restricts access from National Harbor to residential streets and to areas of the Gudulsky 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.

Comment: 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 and fulfill the intent of this condition.

7. The comprehensive concept plan shall include a staging plan. This staging plan shall show each separate stage of development of all of the properties being rezoned M-X-T with the subject property and shall demonstrate that there are or will be adequate transportation facilities for each stage of development. The staging plan shall also include a market analysis demonstrating the economic feasibility of each development stage.

Comment: This condition requires the concept plan to include a staging plan that shows, among other things, that there are or will be adequate transportation facilities for each stage of the plan. The traffic impact of each stage of the National Harbor development was fully explored during the review of Conceptual Site Plan CSP-98012; a traffic study was submitted for review, and appropriate conditions were made a part of the approval of that application. The condition also requires the staging plan include a market analysis demonstrating the economic feasibility of each stage.

The applicant secured the services of Marquette Advisors International Hospitality and Gaming Consultants to prepare a market analysis and fiscal impact study for the proposed MGM National Harbor Casino and Hotel. Staff agrees with the consultant's conclusion that both the proposed entertainment establishment and the hotel are economically feasible. With an ideal location in terms of access to the Washington Metro region's population, tourist, and adjacency to National Harbor, staff finds that there is sufficient market demand for the proposed uses.

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:

8a. Illustrate how views from the existing residential areas, including views of the water, will be affected; and

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

Exhibit A demonstrates the location of the subject application and the existing residential development.

8b. 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;

Comment: 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. The applicant provided an exhibit that demonstrates the relationship of the subject property to the existing residential development.

The height limits required through the approval of the Conceptual Site Plan addressed the scale of the proposed building program for National Harbor's Waterfront portion of the development which generally transitions from a lower scale at the interface with existing residential areas to a larger scale toward the center of the property where the maximum heights are allowed. Along the perimeter of the Waterfront Parcel, features such as the landscape buffer, the perimeter road and some stormwater management ponds were located to reduce the abruptness of the transition from half-acre residential lots to developed activity areas and hotel buildings.

8c. Demonstrate the orientation of buildings, including loading areas and mechanical equipment, to adjacent residential areas;

Comment: applicant's Exhibit A demonstrates the distance of the proposed structure from the nearest residential property. This exhibit and the architectural plans indicate that all loading and mechanical equipment are located within the structure itself and will not be visible from the distant, surrounding residential development.

8d. Demonstrate clearly how important natural features, such as ridgelines, drainage areas, steep slopes, vegetation, and the waterline, will be affected;

Comment: The site has previously issued permits and has been cleared in accordance with the approved TCPH, which shows all woodland to be cleared. There are no other natural features on the site that will be affected by the proposed development.

8e. 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;

Comment: The subject DSP is consistent with the existing development at National Harbor Waterfront. The current application shows a large-scale modern-design iconic 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, have been incorporated into the project.

- 8f. 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;**

Comment: The access roads have been constructed.

- 8g. 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;**

Comment: The Detailed Site Plan text makes clear the applicants' awareness of the importance of views into the site from the Beltway, the Potomac River and the Virginia shoreline. The application shows a sculptural composition consistent with the highly-individualized buildings that assemble to define the views of the overall National Harbor development. The proposed complex continues the pattern of windows that permits the buildings to take maximum advantage of the views across the Potomac River.

- 8h. 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**

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

- 8i. Include a plan to preserve waterfront areas for public access, which plan shall include a conservation and preservation element providing for green spaces and undeveloped beach areas.**

Comment: This condition was fulfilled through the development of the Waterfront Entertainment/Retail Complex, and does not apply to the Beltway Parcel.

- 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.**

Comment: 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 review of CSP-98012 and Preliminary Plan of

Subdivision 4-01048; a traffic study was submitted for review at each review, and appropriate conditions were made a part of the approval of each application.

- 10. No part of the subject property shall be occupied prior to completion by the State Highway Administration and the applicants of the proposed interim highway improvements at the existing intersection of Oxon Hill Road and Indian Head Highway.**

Comment: This condition was a response to the previous developer's original development concept which proposed development with interim improvements to the Oxon Hill Road/Indian Head Highway intersection. It requires completion of interim improvements at MD 210 and Oxon Hill Road prior to occupancy of any part of National Harbor. The interim improvements were completed long before the development of the Waterfront Parcel, and the ultimate improvements (a grade-separated interchange) have been completed since that time.

- 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.**

Comment: 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 has been appropriately reviewed at each stage of development.

- 12. The required 100-year floodplain delineation which is to be submitted for approval by the Department of Public Works and Transportation shall take into consideration increased watershed flows, tidal action, wind action pushing water upstream, and the impact and elevations of wave action.**

Comment: The site does not contain 100-year floodplain. Any future required floodplain delineations shall be under the review of the Department of Permitting, Inspections and Enforcement (DPIE).

- 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.**

Comment: 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 533.47-acre development. In previous review, 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 conceptual site plan (CSP) and the preliminary plan of development. 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 for the protection of proposed residential properties from airport noise and traffic on the Capital Beltway. However, the final clause of the condition relates to noise impacts produced on the subject site once the use is established. 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.

With regard to noise impacts on the current proposal, it was determined that noise impacts from the combined highway and airport, with the exception of the Capital Beltway (I-95/495), were not significant because noise impacts did not exceed 65 dBA Ldn and no residential component was proposed at that time. The current proposal consists of commercial uses within the M-X-T Zone for an entertainment establishment including retail, restaurants and hotel; therefore, the condition above has been complied with.

14. The Comprehensive Concept Plan shall include a water quality study which addresses the following:

- a. Effects on Smoot Bay from construction of pilings, bulkheads, dredging and fill operations, and all other activities required for development above water;**
- b. Changes to the water quality of Smoot Bay which may result from proposed inland and shoreline development;**
- c. All potential pollution which may result from the operation of the proposed marina, such as fuel spills, seepage of pollutants from engines and bilges, pollutants leaching from hulls, and disposal of effluent from marina sanitation devices; and**
- d. The flushing characteristics of Smoot Bay.**

Comment: The intent of these conditions was to address potential water quality effects on Smoot Bay from the development of the Waterfront Parcel of the overall National Harbor site. The Waterfront Parcel is nearly entirely developed. The impacts and associated required mitigation have been addressed through state and federal permitting agencies (Maryland Department of Environment, Department of Natural Resources, and the Army Corps of Engineers).

The proposed development of the subject site will have no direct impacts on Smoot Bay. On-site water quality will be addressed through the currently approved stormwater management concept plan and the subsequent plans.

- 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.**

Comment: A Stormwater Management Concept Approval (Case No. 48280-2007-00) has been issued by the Department of Permitting, Inspections and Enforcement. This approval addresses maintenance of the water quality of Smoot Bay by requiring treatment of the project's stormwater with Best Management Practices. This development application will not require any permits from the U.S. Army Corps of Engineers (COE) or Maryland Department of the Environment (MDE) for any tidal or non-tidal wetlands or buffer impacts.

- 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.**

Comment: The site has an approved sediment and erosion control plan which was submitted with the permit package prior to the 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 the issuance of permits for the proposed development.

- 17. The comprehensive concept plan shall include a description of all State and Federal permits required for development on Smoot Bay.**

The applicant provides the following accounting of State and Federal permits required for development on Smoot Bay:

- a. Section 404 Permit from the U.S. Army Corps of Engineers (COE)
- b. Section 401 Water Quality Certification from the Maryland Department of the Environment (MDE)
- c. MDE Private Wetland Permit
- d. Board of Public Works Wetland License

Comment: The proposed development for this application will not require any of the State or Federal permits referenced above because this application does not propose development over Smoot Bay.

- 18. For uses proposed above water, the Comprehensive Concept Plan shall include engineering studies for review by the Department of Licenses and Permits to indicate techniques for constructing proposed pilings or other over-water development.**

Comment: This development application will not require any permits from the U.S. Army Corps of Engineers (COE) or Maryland Department of the Environment (MDE) for any tidal or nontidal wetlands or buffer impacts, as it is removed from the waterfront portion of the development.

19. **The comprehensive concept plan shall analyze the need for water and sewer facilities for the subject property and the properties in the companion M-X-T cases. The analysis shall take into account the systems area designation for the properties, the currently available sewage capacity, and available conveyance capacity.**

Comment: The Washington Suburban Sanitary Commission (WSSC) will provide both sewer and water service to the National Harbor site as the site is located within the Category 3 service area. The Piscataway Wastewater Treatment Plant, located in Prince Georges County, provides treatment of the sanitary waste for this area. The Broad Creek pump station directs the wastewater from the area to the Piscataway Wastewater Treatment Plant. According to the applicant, the existing Broad Creek Pump Station will be upgraded to eliminate potential risk for overflow and that project is in the adopted FY 2013 Capital Improvement Program. According to the WSSC, dependence on the Broad Creek Pump Station does not apply to the approved flows from National Harbor.

8. **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. Of the 39 conditions, as contained in the 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.

Comment: The subject development is different from the programmed elements above and is proposed as follow:

- 512,490 square feet of entertainment and entertainment related uses,
- 54,695 square feet of other retail uses,
- 300-room hotel,
- 49,886 square feet of conference/assembly rooms,
- 3,000 seat performance theater, and
- Numerous restaurant spaces equal to approximately 1737 seats.

Comment: This condition establishes a trip cap for the entire Beltway Parcel of 1,226 AM and 2,565 PM peak-hour trips. The traffic study has adequately demonstrated that this proposal will generate 452 AM and 1,404 PM peak-hour trips. Other approved uses within the Beltway Parcel include a service station and convenience market with 12 fueling positions and a 3,600-square-foot fast-food restaurant. These uses, using typical pass-by trip rates, would generate 157 AM and 150 PM peak-hour trips. The proposal

plus the approved uses would total 609 AM and 1,554 PM peak-hour trips, which is within the approved trip cap.

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.**

Comment: This condition specifies off-site transportation improvements at the Indian Head Highway (MD 210)/Oxon Hill Road intersection. This condition was enforced at the time that permits were issued within the Waterfront Parcel.

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.**

Comment: In regard to Condition No. 4(a), the existing southbound approach is striped with two left-turn lanes, one through lane, and one right-turn lane. SHA may restripe to a double left-turn lane if they decide it is needed.

- 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.**

Comment: This condition has been completed.

- 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.**

Comment: SHA determined that three through lanes and one right-turn lane were sufficient and these improvements are open to traffic.

- 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.**

Comment: It should be noted that Condition 4(d) was stricken from the similar condition that was approved as a part of the preliminary plan. The circulation through the Beltway Parcel is being done as a pair of one-way roadways with a minimum two-lane section around the entire site. This has been reviewed and approved by the County, and conforms to the requirements of Condition 4(d) above.

- 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.**

Comment: This is a phasing condition for off-site transportation improvements associated with the Beltway Parcel. The items within this condition are enforceable only when development beyond 1,054 AM and 2,202 PM trips is proposed. This project and Lot 3 development proposes 609 AM and 1,554 PM peak-hour trips. However, it should be noted that all improvements associated with this condition are in place and open to traffic.

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.**

Comment: This condition specifies modifications to the CSP prior to signature approval of that plan. The modifications were made, and the CSP was duly signed.

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.**

Comment: All public roadways have been conveyed to the State Highway Administration (SHA). A single private street is shown on the DSP and referred to in the traffic study as West Street, until such time as it is determined whether or not the 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.**

Comment: The proposal includes one private road that may ultimately be conveyed to the State Highway Administration. The design of that road will be under the authority of the SHA, if it is conveyed at a later date. If it is not conveyed, then the staff is recommending that the plans be modified, prior to signature approval, to include a sidewalk on the side of the street associated with the development, and a row of street trees in accordance with Section 4.10 of the 2010 *Prince George's County Landscape Manual*. Further refinement of the roadway design may occur at the time of DSP review for Lot 5.

13. **The road access point proposed at Oxon 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.**

Comment: This condition restricts an access point to Oxon Hill Road to emergency vehicles only. That access point is over one mile south of this site and serves 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.**

Comment: 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.

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

Comment: A short portion of the Heritage Trail from Rosalie Island to Oxon Hill Road is located within the boundary of this DSP on Lot 3 only, and issues relating to the trail were addressed in Detailed Site Plan DSP-07073.

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

Comment: The plans indicate the location of the bicycle racks.

- 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.**

Comment: The Type 1 Tree Conservation plan covered the overall site which included the National Harbor waterfront site in addition to the subject site. That TCP has been certified and a portion of it, along with the some of the off-site requirement is superseded by the currently approved TCPII that shows an off-site woodland conservation requirement of 17.39 acres. The requirement has yet to be fulfilled although permits have been issued for the site. At present, the applicant has begun the process to address the off-site requirement which is expected to be completed prior to certification of any development plans for the current proposed project.

- 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.**

Comment: 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.**

Comment: This condition has been met. An amended RFA has been recorded in Liber 21482, Folio 140.

- 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.**

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

- 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.

Comment: In a submission dated May 25, 2005, the applicant provided photographs of the Jules Henri de Sibour gates prior to their demolition. Architectural drawings for the gates could not be located. Also enclosed in this package were photographs of some of the excavations around the old Oxon Hill Manor house site and a well, from which many of the bricks were saved. Most of the bricks that were being stored by Plus One Masonry came from those areas of the site, not from the Jules Henri de Sibour gates. The applicant took possession of the bricks from Plus One Masonry in 1999. The May 25, 2005 package included representative photos of some of the bricks and an inventory of the number of whole and fragmentary bricks. None of the granite was saved from the gates or from the house site. The Oxon Hill Manor gates have already been reconstructed. It is unknown where the bricks are now being stored. 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.**

Comment: 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 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.**

Comment: The conceptual site plan (CSP) was certified and includes language relating to the future treatment of the cemetery. Since this detailed site plan (DSP) provides for the protection of the cemetery as future development is anticipated, the details of the treatment of the historic cemetery will be submitted with the detailed site plan application for proposed Lot 5, the portion of the Beltway Tract immediately surrounding the cemetery.

- 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.

Comment: To address some of the concerns of Condition 28, the applicant submitted an Addison Family Cemetery Exhibit (accepted February 7, 2014) that included a conceptual treatment of the area immediately surrounding the cemetery; these details will be finalized with the detailed site plan for the portion of the Beltway Tract that will include the cemetery. The details of the anticipated application should be provided to the Maryland Historical Trust for review so that staff can provide the agency's comments to the Historic Preservation Commission (HPC) and the Planning Board.

- 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.)**

Comment: 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. However, plans for the ultimate treatment of the historic cemetery should be developed to reflect the use of similar compatible historic masonry materials to recall those no longer available and the intent of Condition 29. This issue will be addressed with the detailed site plan (DSP) for Lot 5.

- 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.**

Comment: This condition has been met by the applicant's submittal of March 12, 2014, National Harbor Interpretive Displays, which includes draft text for six interpretive panels that will focus on the following topics:

- a. Native American history;
- b. The Addison plantation at Oxon Hill;

- c. Life at Oxon Hill Manor;
- d. Oxon Hill in the nineteenth century;
- e. The enslaved in Prince George's County; and
- f. The history of the present Oxon Hill Manor constructed for Sumner Welles.

The applicant is coordinating with The Trust to provide for the installation of the six interpretive panels on freestanding posts located along the National Harbor River Walk. The applicant is also required to produce a video (slide show) 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. Staff received from the applicant an e-mail dated April 18, 2014, indicating a commitment regarding the installation schedule for the interpretive plaques by the end of 2014.

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 1 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 façade 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.

Comment: The subject application is a DSP for the Beltway Parcel.

- 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.

Comment: The subject application is more than 550 feet from 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.**

Comment: The subject application does not have an exposed parking garage; therefore, the condition does not apply.

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).**

Comment: The subject application is not abutting existing residentially-zoned neighborhoods and is more than 550 feet from residential development.

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

Comment: This condition has been fulfilled with the approval of the preliminary plan. See discussion relating to Condition No. 13 of the Conceptual Site Plan.

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: Conformance to the condition above was demonstrated when a copy of the executed Marine Response Vehicle Grant Agreement was submitted as part of the review of the Preliminary Plan of Subdivision. Further, in a memorandum dated April 11, 2014, from Scott K. Hoglander, Deputy Fire Chief, and Major Peter M. Eliadis, Police Department, staff was informed that the fire boat has been purchased and placed in service.

37. **Prior to submittal of any Detailed Site Plan, the applicant shall submit to the County Fire Department a plan showing the location of a helipad/landing**

area. Such plan shall address site size, location, aerial obstruction and site lighting. The applicant shall also address the effects of the use of white lighting, and its affect on pilots' night vision and emergency operations. The proposed plan shall be submitted to the Fire Department for review and approval.

Comment: In a memorandum dated April 11, 2014, from Scott K. Hoglander, Deputy Fire Chief, and Major Peter M. Eliadis, Police Department, staff was informed that a dedicated helicopter landing zone has been established.

- 38. The applicant shall obtain approval of a Public Safety Plan from the County Police and Fire Departments, the M-NCPPC Park Police and the Maryland State Department of Natural Resources Police prior to submittal of any Detailed Site Plan.**

Comment: In a memorandum dated April 11, 2014, from Scott K. Hoglander, Deputy Fire Chief, and Major Peter M. Eliadis, Police Department, staff was informed that the Fire and Police Departments have given approval for the applicant to move forward.

- 39. Prior to submittal of any Detailed Site Plan, the applicant shall obtain approval of a Public Safety Facilities Plan from the County Police and Fire Departments showing the location of public safety facilities.**

Comment: In a memorandum dated April 11, 2014, from Scott K. Hoglander, Deputy Fire Chief, and Major Peter M. Eliadis, Police Department, staff was informed that the Fire and Police Departments have documentation on public safety facilities as outlined. Furthermore, those offices reported that there are current Public Safety Plans and Evacuation Plans for National Harbor that will remain in effect and will be modified as needed based upon any new construction that takes place.

- 9. 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 PPS 4-01048 (PGCPB Resolution No-01-163 (C)(A)) contains 32 conditions and the following conditions in **BOLDFACE** text 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.**

Comment: 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. According to the review by the Transportation Planning Section, the DSP is in conformance with the approved CSP and preliminary plan of subdivision in regard to the trail system that is built and functioning. Specifically, the rest area has been provided within Betty Blume Park. Staff does recommend the incorporation of wayfinding signage in order to facilitate pedestrian and bicycle traffic from the trail to the subject entertainment establishment.

- 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).

Comment: The preliminary plan changed the mix of uses from the conceptual site plan and established a trip cap for the entire Beltway Parcel of 1,226 AM and 2,565 PM peak-hour trips. This project combined with development proposed on Lot 3 generates 609AM and 1,554 peak-hour trips; therefore, this project is within the approved trip cap.

- 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.**

Comment: 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 southern 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 the 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. Further, refinement of this roadway may occur at the time of DSP review of future Lot 5.

- 26. For any building with ground mounted cooling towers in excess of 500 tons (provided said building is located within 150 feet of adjoining residential property lines not a part of National Harbor), the applicant shall provide information at time of building permit application evidencing that the design of the air conditioning system and cooling towers include equipment locations, shields, screening, variable frequency operations or similar sound attenuation measures to insure compliance with the requirements of COMAR.**

Comment: The cooling towers are located internal to the building and will not impact any residential properties as per applicant's Exhibit 2.

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

Comment: Staff recommends that prior to building permit an acoustical engineer should certify that the materials proposed will mitigate interior noise levels to 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.**

Comment: 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.

10. **2010 Prince George's County Landscape Manual:** The applicant requests approval of an alternative compliance (AC) application (AC-14005) for landscaping proposed on Lot 4. The subject site is currently undeveloped, and was cleared of trees, graded, and stabilized in the late 1980s in accordance with an approved Detailed Site Plan (DSP-88045). With the companion detailed site plan, the applicant proposes an entertainment establishment of a commercial nature with a video lottery facility, retail, theater, restaurants, and a 300-room hotel.

The proposal is subject to Section 4.2., Requirements for Landscape Strips Along Streets; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees Along Private Streets of the 2010 *Prince George's County Landscape Manual*. The applicant has filed this request for Alternative Compliance from Section 4.2 along Harborview Avenue and National Avenue to permit an alternative landscape design that includes additional large caliper shade and ornamental tree plantings, and evergreen trees as a substitute for shrub plantings along the street; and from Section 4.9 to permit the use of non-native evergreen shrubs within the architectural terracing around the exterior of the parking garage.

REQUIRED: 4.2 Landscape Strip along Streets, along Harborview Avenue and National Avenue (Option 2)

Length of	3,141 feet
Width of	15 feet
Shade Trees (2.5-3	90
Shrubs	449

PROVIDED: 4.2 Landscape Strip along Streets, along Harborview Avenue and National Avenue (Option 2)

Length of	3,141 feet
Width of	15+ feet
Shade Trees (3-3.5	102
Ornamental Trees	32
Evergreen Trees	10
Shrubs	183

REQUIRED: 4.9 Sustainable Landscaping Requirement, Percent Native Plant Materials

Shade Trees	50%
Ornamental Trees	50%
Evergreen Trees	30%
Shrubs	30%

PROVIDED: 4.9 Sustainable Landscaping Requirement, Percent Native Plant Materials

Shade Trees	77%
Ornamental Trees	72%
Evergreen Trees	100%
Shrubs	8%

Justification of Recommendation:

The applicant is requesting Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) along the entire frontage of Harborview and National Avenues. Along the site frontage, the applicant proposes to substitute larger than normal shade and ornamental trees for some of the required shrub plantings that would be required under normal compliance with Section 4.2 of the Landscape Manual. The applicant wishes to plant the larger sized shade and ornamental trees instead of shrubs at the base of the building to reinforce the monumentality of the building, and to eliminate all hiding places for those with criminal intent. The applicant's proposal includes a planting area along the street that is in access of 15 feet in width with many areas exceeding 40 feet in width. A double row, or alley, of Willow Oak trees is proposed between the street and the face of the building in most of the perimeter of the site, if the plantings proposed within the State Highway Administration (SHA) right-of-way are approved. Trees within the right-of-way are subject to SHA approval and modification and, therefore, have not been included in the subject Alternative Compliance analysis, and should not be included in the Landscape Manual schedules on the plan. One area of shrubs and evergreen trees is provided between the building and the street to improve views of a wall to the garage on the north side of the building. Near the area of bus loading on the north side of the building, shade trees are proposed within four-foot-wide by ten-foot-long tree pits. Ornamental trees are planted in a formal pattern at the west end of the building and provide a pleasing appearance from the intersection of Harborview and National Avenues.

The Alternative Compliance Committee believes that the request to substitute larger shade and ornamental trees for some of the required shrub plantings should be approved. The larger 3-3.5-inch caliper shade trees and 2.5-inch caliper ornamental trees will result in a grander and more proportional appearance along the edge of this large expansive building, than could be achieved with fewer trees and more shrubs, which is the standard specified in the Landscape Manual. In addition to the proposed plants on the subject property within the Section 4.2 strip, approximately 25 additional shade trees are proposed within the SHA right-of-way, and approximately 3,200 evergreen shrubs are proposed in terraced planter boxes that are integrated into walls of the parking structure creating the appearance of a "living wall." All of this proposed plant material will result in a landscape design that is equally effective as and more appealing than could be achieved under normal compliance with Section 4.2 of the 2010 *Prince George's County Landscape Manual*.

The applicant is also requesting Alternative Compliance from Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual to permit the use of a greater percentage of non-native shrubs in the landscape design than would be permitted under normal compliance with the Landscape Manual. The following description of the landscape design was provided by the Landscape Architect, Scott Rykiel, FASLA, Mahon Rykiel Associates, Inc., as follows:

"The design intent of the landscape plan is to respect the strong axial nature of the site and the monumentality of the building. The landscape plan reinforces the building symmetry through alley's at the street level and linear hedges that step up the building face. The shrubs are to be maintained as clipped evergreen hedges to create a green architectural gesture on the stepped garage façade. The West elevation facing the Potomac also is graded in terraces complimenting the architecture. No foundation planting is proposed along the north, south elevations of the building so that the architecture appears to emerge from the site. The green steps blur the line of where the landscape starts and stops.

“Most of the proposed trees are native species representing the Potomac landscape. Since, the intent is for the green steps to be visible year round we are proposing a non-native but adaptive, evergreen hedge (yews).”

The landscape proposes approximately 3,200 yews (*Taxus x media* ‘Densiformis’) to create hedges that are proposed to step up the building face of the parking garage. This shrub is particularly well suited for this use as it is reliably evergreen, and can be sheared to create the formal treatment desired for the “living wall.” The large quantity of this non-native evergreen shrub results in a large percentage of non-native shrubs on the site.

The Alternative Compliance Committee believes the request is justified, due to the proposed design concept that necessitates a very specific evergreen planting palette that can be shaped into a compact and clipped evergreen hedge. There are no native evergreen shrubs that could replace the design function and maintain the year-around evergreen appearance that the yew will provide. Further, while the yew is non-native, it is not identified as an invasive species. The Alternative Compliance Committee finds that while a large percentage of non-native shrubs are proposed, the overall planting plan results in a greater percentage of native tree plantings than would be required under normal compliance with the Landscape Manual. The large majority of the proposed shade, ornamental, and evergreen trees are native species and meet the intent of Section 4.9. The Alternative Compliance Committee finds the applicant’s proposed landscape plan which proposes a greater percentage of native shade, ornamental and evergreen trees and non-native shrubs is equally effective as normal compliance with Section 4.9 of the 2010 *Prince George’s County Landscape Manual*.

The Planning Director reviewed the recommendation of the Alternative Compliance Committee on April 17, 2014, and recommends APPROVAL of Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, along Harborview Avenue and National Avenue, and APPROVAL of Alternative Compliance from Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George’s County Landscape Manual* for National Harbor, Beltway Parcel, MGM, Lot 4, subject to the following condition:

Revise the Section 4.2 and 4.9 schedules to exclude all plant material proposed within the State Highway Administration right-of-way.

11. **Tree Canopy Coverage:** The project is not subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance (TCC), because the passage of 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.

12. **Woodland Conservation Ordinance:** This site is subject to the provisions of the Woodland Conservation Ordinance because it has previously approved tree conservation plans. This site has an approved TCP1 and TCP2 (TCPI-010-98 and TCPII-023-01) which were originally approved with Conceptual Site Plan CSP-98012 and Detailed Site Plan DSP-07073 respectively. The approved type II tree conservation plan (TCPII) shows the site cleared of all woodland with an off-site woodland conservation requirement of 17.39 acres. A revised TCPII has been submitted which shows the proposed development. The TCPII is in conformance with the proposed DSP.

As stated previously, the entire off-site requirement has not yet been fully met. Of the overall 17.39-acre requirement, approximately 5.91 acres have been met. The applicant is in the process of establishing a new bank to acquire the remaining credits for the requirement. To ensure the requirement is fulfilled prior to the issuance of any more permits, staff recommends that the total remaining requirement be acquired prior to certification of this DSP.

13. **Historic Preservation Commission:** The Historic Preservation Commission (HPC) reviewed the proposed application on March 19, 2014, and the Historic Preservation Section provided a summary of the findings and conclusions in a memorandum dated April 3, 2014 as follows:

Historic Findings

- a. The Addison Family Cemetery (Historic Site 80-050) is located on the 49.47-acre Beltway Tract. The cemetery is not included in the limits of proposed Lot 4 of the overall detailed site plan. Other historic sites in the vicinity of the subject property include Oxon Hill Manor (Historic Site 80-001) southeast of Harborview Avenue, Mount Welby (Historic Site 76A-013) north of the Capital Beltway, and Butler House (Historic Site 76A-014) northeast of the subject property. All three of these historic sites are also listed in the National Register of Historic Places (NRHP). The proposed entertainment facility and hotel will be visible from all four historic sites.

Dating from the eighteenth and nineteenth century, the Addison Family Cemetery is sited approximately 28 feet above the surrounding grade. Archeological investigations in 1985 identified 15 burials and indicated that 15 to 25 additional burials may be present. The 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 architect Jules Henri de Sibour for career diplomat Sumner Welles, it 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 the Department of Parks and Recreation of The Maryland-National Capital Park and Planning Commission (M-NCPPC) and is a popular rental site for meetings, conferences, weddings and other events.

Built circa 1811, Mount Welby is a two-story brick house with shed roof and elaborate corbelled cornice. A porch with openwork jigsawn brackets spans the main façade. Mount Welby was built by the Irish-American Dr. Samuel DeButts. From their new

house overlooking the Potomac River, the DeButts family recorded events of the War of 1812. The house was extensively remodeled in the late nineteenth century, and the original gable roof rebuilt as the present shallow roof. Prominently sited overlooking the Potomac River, the house was operated as a farm associated with St. Elizabeths Hospital after 1891. The property is now the office of Oxon Cove Park operated by the National Park Service. Oxon Cove Farm was listed in the NRHP in 2003.

Built circa 1850, the Butler House is a frame dwelling with a one-story shed-roof kitchen attached; it is sheathed in a modern formstone veneer. The house was originally built to serve as both a dwelling and post office; it became the home in 1853 of Henry Alexander Butler, a free black man from Charles County, and the property remains in the possession of his descendants. Behind the house stood the chicken house, meat house, barns and other outbuildings essential to farm life; none of these survive. Listed in the NRHP in 2005, the Butler House is an important example of a farmstead owned and operated by a free black family in the antebellum period.

- b. The proposed development of the subject property includes an entertainment establishment with retail, restaurants, a theater, and a 300-room hotel for a total of 1,078,237 square feet of development. Access to the development's parking facilities and drop-off areas will be provided by entries on the south from Harborview Avenue, on the north from National Avenue and along the northeast side of the building. A large portion of the building will be visible from Oxon Hill Manor, Mount Welby and the Butler House historic sites. The architectural plans submitted with this application indicate that the top of the proposed 21-story hotel is 400 feet above sea level. The MGM logo will be located at the top of the hotel on the north and south sides of the structure. The top of the MGM logo is at 381 feet by 8 feet and the sign measures 13 feet by 6 feet high and 51 feet by 6 feet long. Two light-emitting diode (LED) video boards are proposed on each of the north and south sides of the structure. The top of the video boards is 173 feet above sea level and each board is approximately 49 feet high and 90 feet long. Another LED video board is proposed on the west end of the entertainment facility, the top of which is 210 feet above sea level and measures approximately 60 feet high and 100 feet long.
- c. The Addison Family Cemetery is located within the 49.47-acre Beltway Tract to the northeast of the proposed MGM entertainment establishment and hotel on proposed Lot 4. The cemetery is situated on a high point on the Beltway Tract at 192 feet ASL and is approximately 420 feet from proposed Lot 4. The subject application does not propose any structures around the cemetery. Although grading and the construction of a circular driveway is proposed on future Parcel 5, these facilities will have minimal impact on the cemetery and do not disturb the fenced areas of the cemetery.

The ground floor of Oxon Hill Manor is situated on a topographic high point at an elevation of approximately 176 feet above sea level and the west patio terrace is approximately 174 feet above sea level. The height of the Oxon Hill Manor roof is approximately 51 feet above the nearby finished grade. Oxon Hill Manor is located approximately 500 feet southeast of the Beltway Tract. The topography slopes down to the north from Oxon Hill Manor to the Beltway Tract. This land area is owned by M-NCPPC and is a woodland area, comprised mostly of deciduous trees, located between Oxon Hill Manor and the Beltway Tract.

Oxon Hill Manor is significant for its association with the Addison Family and its role in colonial Maryland and as an expression of a high level of 1920s prosperity, and its

association with Sumner Welles' occupation of the site, including connections with Franklin D. Roosevelt and Winston Churchill. The site was designed as a Georgian Country Estate on a residential scale and was laid out with garden vistas and long views beyond the lawns to the Potomac River. The 1978 National Register nomination form noted that at that time, the site overlooked some of the most scenic wooded property in the Washington area. Therefore, the layout of the grounds and their relation to the Potomac River is an important element in conveying the site's significance.

Mount Welby is also situated on a topographic high point at an elevation of approximately 176 feet ASL and is about 2,000 feet north of the Beltway Parcel. The topography slopes down to the south from Mount Welby to the Beltway Parcel. Mount Welby is oriented to the south overlooking the east bank of the Potomac River. Oxon Cove Farm is a National Register of historic places containing resources dating to the two periods of significance: 1800–1850 and 1891–1943. The resources are associated with the property's sequential development as a plantation, an institutional agricultural complex, and a museum of nineteenth and twentieth century agricultural practices. The property is significant for its association with agriculture and mental health care. When the U.S. Government purchased Mount Welby in 1891 as an adjunct facility for St. Elizabeths Hospital (in Washington, DC), it was surrounded by open fields. At the time the National Register form was completed in 1994, the trees that border the fields were found to effectively screen all of the development undertaken immediately adjacent to the farm and preserve the rural atmosphere that characterized the property when purchased by the federal government. The Butler House is situated at approximately 194 feet above sea level and is approximately 3,000 feet northeast of the Beltway Parcel. Vegetation and topography will likely buffer most of the proposed development on the Beltway Tract from the Butler House. The house is abandoned and in ruinous condition.

Portions of the construction on proposed Lot 4, including but not necessarily limited to the hotel tower and the large video boards, are likely to be visible from each of the adjacent historic sites, and most directly from Oxon Hill Manor, throughout or during portions of the year.

Archeology Findings

- a. Phase I, II and III archeological investigations were conducted on the Beltway Tract 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 Tract, but is not within the confines of the subject detailed site plan.
- b. 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 was 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 (The Trust), 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.

- c. The stipulations in the 2000 MOA that specifically apply to the National Harbor Beltway Tract include II.B, II.C, II.D, and III.
 - (1) **Stipulation II.B**—Peterson will provide to The Trust or its designee an area (or areas) of display space in a location, size, and configuration to be mutually agreed upon for the development of an exhibit on the area’s history and archeology. Such space for artifact display and related educational exhibits may be in the National Harbor Visitors Center facility in Oxon Hill contingent on approval of M-NCPPC, The Trust and Peterson at the time the exhibition is to be designed.
 - (2) **Stipulation II.C**—In connection with the display areas mentioned in II.B above, Peterson will pay for the development, design, and construction of appropriate display cases and interpretive plaques so that the materials selected by The Trust for display will be protected and exhibited in a manner best calculated for public appreciation.
 - (3) **Stipulation II.D**—Peterson has in its possession a number of the bricks which may have been used to construct the Addison Gates and will work with The Trust and Prince George’s County officials to meaningfully reuse the found bricks either at Oxon Hill Manor or as part of the National Harbor project.
 - (4) **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 the 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.
- d. Conditions approved by the District Council in its review of the National Harbor Conceptual Site Plan (CSP-98012) that are applicable to the subject detailed site plan and

any additional detailed site plans for the National Harbor Beltway Parcel include Conditions 27–30:

- 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.**

Comment: The details of the treatment of the historic cemetery will be submitted with the detailed site plan application for the portion of the Beltway Tract surrounding the cemetery, future Lot 5.

- 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.**

Comment: See comment for Condition 27 above. To address some of the concerns of Condition 28, the applicant did submit an Addison Family Cemetery Exhibit (accepted February 7, 2014) that included a conceptual treatment of the area immediately surrounding the cemetery; these details will be finalized with the detailed site plan for the portion of the Beltway Tract that will include the cemetery. The details of the anticipated application should be provided to the Maryland Historical Trust for review so that staff can provide the agency's comments to the Historic Preservation Commission and the Planning Board.

- 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.)**

Comment: 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. However, plans for the ultimate treatment of the historic cemetery should be developed to reflect the use of similar compatible historic masonry materials to recall those no longer available and the intent of Condition 29.

- 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 interpretive 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.

Comment: This condition has been met by the applicant's submittal of March 12, 2014, National Harbor Interpretive Displays, which includes draft text for six interpretive panels that will 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 the Prince George's County; and (6) the history of the present Oxon Hill Manor constructed for Sumner Welles. The applicant is coordinating with The Trust to provide for the installation of the six interpretive panels on free standing posts located along the National Harbor river walk. The applicant is also required to produce a video (slide show) 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. Staff expects to receive from the applicant a letter of commitment regarding the installation schedule for the interpretive plaques by the March 18, 2014 HPC meeting has not been submitted.

- e. Conditions approved by the Planning Board in its review of the National Harbor Beltway Parcel, Harbor View, Detailed Site Plan (PGCPB Resolution No. 09-114, DSP-07073) that are applicable to the subject detailed site plan and any additional detailed site plans for the National Harbor Beltway Parcel include Conditions 2–3.

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

- i. **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.**

Comment: Since the approval of Detailed Site Plan 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 March 7, 2014. This condition should continue to apply until the completion of the ultimate treatment of the cemetery.

- ii. **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.

Comment: A maintenance plan for the Addison Family Cemetery was submitted by the applicant and was provided to the HPC in 2010. Because of the proximity to the cemetery of grading associated with DSP-07073-01, in future condition reports the applicant 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.

- iii. 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.

Comment: The intent of this condition has been fulfilled by the applicant's submittal of materials associated with Condition 30 of SP-98012 on March 12, 2014.

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.**

Comment: The applicant submitted a Historic Area Work Permit (HAWP 55-10) on December 14, 2010 for the restoration of the 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.

- f. The subject application shows proposed grading near the Addison Family Cemetery (80-050).
- g. At its public meeting on March 18, 2014, the HPC heard testimony from the applicant and members of the public on a number of potential impacts from the proposed construction on the Beltway Tract on the Oxon Hill Manor Historic Site. These issues included: (1) the need to enhance safety measures to be put in place to secure the Addison Family Cemetery during the course of nearby construction by placing Jersey walls topped by chain-link fencing around the limits of disturbance as shown on the plan; (2) the possibility of eliminating the proposed video screens facing Oxon Hill Manor or reducing their size and/or reducing their top elevation; (3) the potential noise impacts from the entertainment complex on Oxon Hill Manor; (4) community recommendations for a mitigation fund to be established by the applicant focused on nearby historic sites and heritage tourism opportunities; (5) the need for more detailed viewshed studies provided by the applicant prior to the Planning Board hearing to address the impact of the proposed construction on nearby historic sites; (6) the impact of the rooftop beacon or light beam on the hotel and the excessive light pollution from the 24-hour illumination of the 21-story tower; (7) the desirability of publicly accessible and permanent interpretive opportunities located inside the proposed entertainment complex that includes recognition of the accomplishments of John Hanson; and, (8) the need for additional landscape materials to be installed within the Oxon Hill Manor property to further screen impacts from the entertainment complex.

The HPC was supportive of proposed evergreen plantings, including American Holly, on the Oxon Hill Manor property. Chairman Thompson and Vice Chair Scott expressed concern about the size of the trees that would be planted and the slow growth of American Holly. They suggested that additional native species of faster growing evergreens also be used to provide a sufficient buffer until the holly trees grew to a mature height. The HPC discussed the removal of the video boards from the side of the entertainment complex facing Oxon Hill Manor because they felt the boards would be visible from Oxon Hill Manor until the evergreen plantings matured. The HPC was supportive of implementing this screening with the 2014 planting season.

Historic Preservation Conclusions

- a. The building as proposed in the subject application will significantly impact the viewshed of the Addison Family Cemetery, Oxon Hill Manor, Mount Welby, and Butler House historic sites. The applicant should work with Historic Preservation and the M-NCPPC Department of Parks and Recreation (DPR) 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.

- b. The proposed signage and illumination of the entertainment complex will likely impact the viewshed of Oxon Hill Manor. The precise character of these attention attracting features is not yet known. Therefore the applicant should specify both the design and operational features of these elements so that the potential impacts of these features on Oxon Hill Manor can be assessed.
- c. Through its discussion at the March 18, 2014, public meeting, the HPC concluded that there was a need to provide the Planning Board with a number of proposed conditions. By consensus, the HPC formulated a list of concerns based on testimony received and subsequent discussion. Specifically, the HPC directed staff to address final language and timing mechanisms associated with items 1–8 in Finding 7 (above).

Archeology Conclusions

- a. The Addison Family Cemetery (Historic Site 80-050) is located within the Beltway Tract, but not within the area covered by the subject detailed site plan. The cemetery is currently situated about 28 feet above the surrounding grade and 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.
- b. Stipulations II.B, II.C, II.D, and III of the August 2, 2000, MOA Agreement between the Maryland Department of the Environment (MDE), the Maryland Historical Trust (The Trust), and The Peterson Companies, L.C. (Peterson) have not been fulfilled and are still obligations to be met by the applicant.
- c. Conditions 27, 28, and 29, of the District Council’s Resolution for Conceptual Site Plan CSP-98012 (June 10, 1998), have not been fulfilled at this time as intended. In consultation with the Planning Department’s Development Review Division, it has been determined that because the site of the Addison Family Cemetery is not included within the subject detailed site plan application, and because the timing and development character of that portion of the Beltway Tract are not known at this time, Conditions 27, 28 and 29 should be carried forward with revised timing and applied to the detailed site plan application for the area surrounding the Addison Family Cemetery. In the interim, staff will continue to require semi-annual maintenance reports on the cemetery in accordance with Stipulation III of the MOA.
- d. 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 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.
- e. Although a limit-of-disturbance has been established and there are two chain-link fences surrounding the cemetery, the applicant should continue to ensure that the cemetery is adequately protected from construction activities in the vicinity. The applicant should install concrete “Jersey barriers” around the limits-of-disturbance and place a note on the detailed site plan indicating that the area immediately surrounding the cemetery should not be used as a staging area for building materials, construction vehicles, and should be off-limits to all heavy equipment.

HPC Recommendation

The Historic Preservation Commission voted 8-0-1 (the Chairman voted “present”) to forward the following recommended conditions (shown in **BOLDFACE** text) to the Planning Board as part of its review of Detailed Site Plan DSP-07073-01:

1. **Prior to the approval by the Planning Board of Detailed Site Plan DSP-07073-01, the applicant shall provide for adequate protection of the Addison Family Cemetery throughout the course of construction by ensuring that the limit-of-disturbance shown on the plans is identified in the field with concrete “Jersey barriers” and by including a note on the detailed site plan indicating that the area immediately surrounding the cemetery should not be used as a staging area for building materials, construction vehicles, and should be off-limits to all heavy equipment.**

Comment: The staff and applicant have reviewed the condition and agreed to a slight rewording of the condition as follows:

Prior to certificate of approval of Detailed Site Plan DSP-07073-01, the applicant shall provide a note on the DSP that requires adequate protection of the Addison Family Cemetery throughout the course of construction by ensuring that the limit of disturbance shown on the plans is identified in the field with concrete “Jersey barriers,” and the area within the barriers shall not be used as a staging area for building materials, construction vehicles, and should be off-limits to all heavy equipment.

Prior to certification of DSP-07073-01, the applicant shall:

- a. **Eliminate from the design or minimize the size of the proposed video screens along Harborview Avenue;**

Comment: The applicant is opposed to this recommendation because the applicant has agreed to plant a buffer on the MNCPPC land adjacent to the Oxon Hill manor site to mitigate the effects of the video screens. The applicant submits that with the implementation of the trees the project will not negatively impact the Historic property, and with the applicant agreeing to the addition of trees on Oxon Hill Manor Site to screen the views, this recommendation may no longer be necessary.

- b. **Provide a noise-impact assessment study evaluating potential impacts that may result from the proposed project on the Oxon Hill Manor Historic Site (80-001) and associated mitigation measures;**

Comment: The applicant is opposed to this recommendation. The applicant states that the project is simply a building with indoor activities and the building and project are self-contained. Any noise violation emanating from the site would be subject to the noise regulations of Subtitle 19, Division 2, Noise Control, and the State of Maryland COMAR Subtitle 26, Department of the Environment, Subtitle 02, Occupational, Industrial, and Residential Hazards, and penalties set forth therein. This condition is not included in the Recommendation Section of this report.

- c. **Provide a detailed viewshed study to address the impact of the proposed construction on the Beltway Tract on nearby historic sites;**

Comment: The applicant is opposed to this recommendation. The applicant states that none of these sites are granted any type of viewshed rights. Additionally, MGM has already provided a viewshed study from Oxon Hill Manor, the closest facility, and this was reviewed by the HPC and has resulted in a recommended condition requiring a payment to M-NCPPC to be used toward landscaping. This proposed condition requiring a viewshed study is not included in the Recommendation Section of this report.

- d. **Eliminate the proposed beacon or light beam on the hotel tower as depicted on the building signage plan;**

Comment: The applicant has agreed to eliminate the beacon or light beam on the hotel tower, in accordance with the HPC recommendation.

- e. **Revise the submitted architectural plans to include a permanent and publicly accessible visitors' center that displays and interprets the history of the surrounding community.**

Comment: The applicant is opposed to this recommendation. The applicant states that Tanger Outlet Center already has a visitors' center for that purpose (pursuant to DSP-11025). They also contend that Lot 5 should be the point at which a requirement for future displays and historic interpretation should occur, particularly in connection with the cemetery located on that lot. Staff recognizes that the Tanger Outlet Center is providing an historic interpretation center, but that exhibit is provided due to the loss of the Salubria Historic Site. The exhibit is largely focused on the Salubria Historic Site and is combined with space for general information relating to heritage tourism opportunities.

4. **Prior to the approval of a building permit, the applicant shall provide for additional landscape materials to be installed within the Oxon Hill Manor property to screen impacts from the entertainment complex in cooperation with the Department of Parks and Recreation (DPR).**

Comment: The applicant has been working with DPR and is in agreement with providing funds for the installation of plant material in accordance with proposed Condition No. 4 in the Recommendation Section below.

5. **Prior to the issuance of a Use and Occupancy Permit, the applicant shall establish a mitigation fund to facilitate the preservation of the Addison Family Cemetery, nearby historic sites, and heritage tourism opportunities.**

Comment: The applicant is opposed to this recommendation. The applicant states that Lot 5 is the lot where the cemetery is located and the owner of that property should be responsible for the coordination of all historic related matters under a DSP relating to development on that lot. This proposed condition is not included in the Recommendation Section of this report.

14. **Referral Comments:** The subject application was referred to the concerned agencies and

divisions. The referral comments are summarized as follows:

- a. **The Community Planning Division**—In a memoranda dated March 14, 2014, the Community Planning Division states that the 2002 *Prince George's County Approved General Plan* designates the property within the Developing Tier. The proposed use is consistent with the General Plan's Development Pattern goals and policies for the Developing Tier. The vision for the Developing Tier is a network of low-density residential communities and vibrant mixed-use commercial centers that feature a concentration of employment opportunities, quality stores, sit-down restaurants, public services, and amenities. This application is found to be consistent with the high intensity mixed-use recommendations of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*.

Proposed development does not exceed the height of the Imaginary Runway Surfaces for Joint Base Andrews. This property is not in the Accident Potential Zones, Clear Zone, or High Intensity Noise Contours for Joint Base Andrews. The property is located 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). 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 three-dimensional analyses to determine whether the MGM hotel tower and other portions of the entertainment establishment would be visible from Mount Vernon. The analyses show that the entertainment establishment will not be visible from Mount Vernon because it is screened by mature vegetation on the grounds of Mount Vernon and by topography along the Potomac River. Furthermore, M-NCPPC staff received confirmation of this from Eric Benson, GIS Manager, of George Washington's Mount Vernon as provided in a photographic narrative of the viewshed.

The Community Planning Division staff is seeking to protect the dark sky attributes and would like an analysis of the entire project's impact on the night sky based on the proposed signage plan as submitted. The elimination of the light beam provides a positive step toward the reduction of night sky impacts.

The Community Planning Division staff also noted that the proposal has included a white roof, roof plantings, and a provision for irrigation through the reuse of stormwater, in the pursuit of LEED certification for the development. Community Planning suggests that the applicant consider the use of solar panels for onsite electricity generation which would strengthen the applicant's LEED application for Gold status.

- b. **The Transportation Planning Section**—In memoranda dated March 10, 2014, April 17, 2014 and April 22, 2014, the Transportation Planning Section provided a complete review of the subject DSP's conformance with all transportation-related conditions attached to the approval of the rezoning, the Conceptual Site Plan and the Preliminary Plan, a summary of the traffic study and trip capacity, and other access and circulation issues.

Access to the Beltway Parcel is shown from National Avenue and Harborview Avenue. These roadways are one-way, thereby creating a counterclockwise circulation through the Beltway Parcel. These roadways connect to Oxon Hill Road, Indian Head Highway (MD 210), and several Capital Beltway (I-95/I-495) ramps to provide access to and from the site. Site access is generally acceptable. All internal roadways appear to have appropriate dedication. Structured parking (eight levels) is being proposed for the 4,797 parking spaces. The main feature of the circulation is that persons accessing the use will approach from the southwest along one-way Harborview Avenue, enter the site, and leave the site back toward the southwest along one-way National Avenue. This access should act to minimize the impact of visitors to the site on Oxon Hill Road.

The final plan revision includes a new roadway at the northeastern end of the site. As noted in the March 10, 2014 memorandum, access to the Beltway Parcel is shown from National Avenue and Harborview Avenue. These roadways are primarily one-way, thereby creating a counterclockwise circulation within the Beltway Parcel. The original plan would have caused traffic to use Oxon Hill Road in order to complete the intended “loop” around the middle of the Beltway Parcel. This additional roadway would serve to connect Harborview Avenue and National Avenue. As a part of the overall circulation, the roadway is acceptable. However, the ownership and maintenance of this roadway are unclear. Also, while the plan indicates that this roadway will be a single travel lane (which is acceptable), the plan is unclear regarding other amenities such as street trees and sidewalks. At a minimum, this roadway should be constructed with a sidewalk along it on the southwest side. Other amenities as well as ownership and maintenance issues should be determined when the adjacent portion of the Beltway Parcel is reviewed as a site plan.

The parking requirement in Section 27-574 (b) appears to have been developed using appropriate methods as prescribed for the M-X-T Zone. The analysis provided is supportable. The number of parking spaces required for each proposed use, based on the requirements of Section 27-568, is 4,766 spaces. The applicant is proposing 4,797 spaces, an excess of 31 parking spaces over the requirement.

The site is adjacent to I-95/I-495 and Oxon Hill Road. Both facilities are master plan roadways. Sufficient dedication along these facilities has been obtained through prior dedication or deeds, and no further dedication is needed. The site is adjacent to a proposed transit line, which is shown as a line on the map within the 2009 *Countywide Master Plan of Transportation* (MPOT) on the south side of Harborview Avenue. The proposed structure does not affect the line on the map. It is noted that the floor plan sheets indicate a transit station, with a pedestrian bridge from the proposed entertainment complex to the station, on the north side of National Avenue. The *Countywide Master Plan of Transportation* shows no stations along the adjacent transit line. Given that the line on the *Countywide Master Plan of Transportation* is not even in a location to serve the station shown on the floor plan, this station and the pedestrian bridge should be labeled as “conceptual future” elements or removed from the plans.

A separate memorandum from the Transportation Planning Section dated March 11, 2014 states that a comprehensive pedestrian system consisting of trails and sidewalks is planned for the entire National Harbor project. One of the access-related conditions of the CSP approval was for an extension of the Potomac Heritage Trail from Harborview Avenue to the entrance to the “Jaycee’s.” This section of trail has been constructed. The applicant paid a fee to the County for construction of the trail, which was constructed in

conjunction with a county capital improvement project on Oxon Hill Road. The preliminary plan of subdivision included conditions of approval related to pedestrian connections, bicycle parking, and trail construction. Marked crosswalk locations at ingress and egress points were a condition of the previous approval of DSP-07073.

Harborview Avenue and National Avenue

Marked crosswalks currently exist at several locations on Harborview Avenue between Oxon Hill Road and the waterfront, which connect to the trail system directly across from the property on the east side of Harborview Avenue. The plan shows several ingress/egress points along the subject property frontage of Harborview Avenue. It is recommended that the applicant show marked crosswalks across all of their ingress/egress points to conform to the conditions of approval for Detailed Site Plan DSP-07073. Accessible, push-button pedestrian signal crossings could be located at these locations, if it is determined that there will be high numbers of pedestrians and other activity, and if warranted. However, staff is not aware of any agency requirement for signals at these locations.

Sidewalk deficiencies should be addressed as much as possible along the applicant's property frontage. Sidewalks have not yet been connected on the west side of Harborview Avenue to Oxon Hill Road along the subject property frontage. A sidewalk is proposed along the west side of Harborview Avenue along the applicant's property frontage. Properties to the north are anticipated to construct sidewalks that will connect to Oxon Hill Road, which will be the subject of future reviews.

The applicant proposes sidewalks along its National Avenue frontage. Sidewalks cannot be connected to Oxon Hill Road along National Avenue from the subject property. The property that is north of and adjacent to the subject property can develop a sidewalk along its property frontage that would connect along Oxon Hill Road. This will be the subject of a future review in conjunction with future Lot 5.

Bikeways and Trails

The subject property is directly across from the Woodrow Wilson Bridge Trail, a section of which is part of the existing trail on Harborview Avenue. Bicycle connections include connections to the Potomac Heritage National Scenic Trail on Oxon Hill Road, 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.

Bicycle Parking Spaces

The approved preliminary plan required that bicycle racks be constructed in appropriate locations throughout the subject property. It is recommended that modern and decorative bicycle racks be located throughout the property. Adequate and direct connections should be made to the bike parking spaces, and these should be a minimum of six to eight feet in width. The plans have been revised in the review process to provide bicycle parking on two levels of the garage, one for the employee parking of bicycles and one level for the

general public to park bicycles. Staff believes that is sufficient to meet the intent of providing sufficient bicycle parking for the facility.

Adequate and Direct Connections for Pedestrians and Bicyclists

Access to the neighborhood's sidewalk and trail system is important within the greater National Harbor activity center. Pedestrian and bicycle connections should be made from all four sides of the property to the approved road crossing locations. Direct bicycle and pedestrian connections should be provided from the building's entrances to the approved crossing locations.

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.

Transportation Conclusions

The Transportation Planning Section staff concludes that this plan is acceptable and meets the findings required per Section 27-285 of the Zoning Ordinance. The development will be adequately served by transportation facilities within a reasonable period of time per Section 27-546 of the Zoning Ordinance. Staff further concludes that the proposal will not conflict with the area master plan recommendations, and it will provide adequate access to area trails and sidewalks if the conditions included in the recommendation section of this report are adopted.

- c. **The Department of Parks and Recreation (DPR)**—In a memorandum dated April 4, 2014, DPR states that the southern elevation of the building will be visible from Oxon Hill Manor. The architectural plans submitted with this application indicate that the top of the main structure is approximately 210 feet above sea level and the top of the proposed 21-story hotel is 400 feet above sea level. Two LED video boards are proposed on the south elevation of the main structure. The top of the video board at the east end of the southern elevation is approximately 173 feet above sea level. Another LED video board is proposed on the west end of the southern elevation, the top of which is approximately 210 feet above sea level.

The Oxon Hill Manor which is owned and operated by the M-NCPPC is located 500 feet from the main structure on the Beltway Parcel. The Oxon Hill Manor is a large, two-story, neo-Georgian brick mansion built in 1929 which is protected by interior and exterior easements held by the Maryland Historical Trust. The Oxon Hill Manor is a popular rental site for meetings, conferences, weddings and other events.

The ground elevation of the Oxon Hill Manor site is situated on a topographic high point at an elevation of approximately 176 feet above sea level. The topography slopes down to the north from Oxon Hill Manor to the Beltway Parcel. There is existing wooded buffer ranging in width of 200 to 500 feet consisting of deciduous trees between the Oxon Hill Manor and the proposed development.

The proposed light-emitting diode (LED) signage on the south elevation of the structure and on the west end of the structure may impact the viewshed of the Oxon Hill Manor particularly in the winter after the leaves have fallen. The precise character of the

light-emitting diode (LED) features have not been specified at this point.

As part of the review of this application, DPR staff evaluated the viewshed of Oxon Hill Manor and found that the LED signage on the south elevation of the structure is located 550 feet from Oxon Hill Manor and that the top elevation of the sign is 3 feet lower than the ground elevation of the Oxon Hill Manor. The LED signage on the west end of the structure is located 1,350 feet from the Oxon Hill Manor and the top elevation of the sign is 34 feet higher than the ground elevation. DPR and Historic Preservation staff evaluated the sufficiency of the existing wooded buffer around Oxon Hill Manor and determined that additional landscaping would be needed to ensure that the vegetative buffer between the Oxon Hill Manor and the MGM property screens the proposed structure throughout the year to the extent possible. DPR staff met with the applicant's Landscape Architect on the Oxon Hill Manor site and field located additional landscaping as shown on DPR Exhibit A dated March 25, 2014. This exhibit shows that approximately 114 evergreen trees could be added between the Oxon Hill Manor and the subject project area. The additional landscaping will provide better screening for Oxon Hill Manor patrons throughout the year. The applicant agreed to make a payment, prior to the first building permit, to facilitate the supply and installation of additional landscaping on the Oxon Hill Manor site. DPR staff agreed to coordinate procurement and installation of these landscaping materials in the spring of 2014.

Department of Parks and Recreation staff recommends to the Planning Board that the approval of Detailed Site Plan DSP-07073-01 be subject to the following condition:

Prior to the issuance of the first building permit, the applicant shall make a payment to the M-NCPPC in the amount of \$85,353.00 for the supply and installation of the landscaping materials on the Oxon Hill Manor site to improve the buffer between the MGM National Harbor project and the historic Oxon Hill manor site.

- d. **The Maryland State Highway Administration (SHA)**—In a memorandum dated April 4, 2014, the SHA reports that its discussions with the traffic engineer include review of specific impacts due to the land use change that allows the MGM Casino at this location. SHA states that it will continue to work with the county, M-NCPPC, and the developer to determine any actions necessary to address traffic impacts and minimize operational issues with the Capital Beltway (I-95/495) ramps and mainline roadway. As part of the ongoing coordination, the developer must provide a transportation management plan through the county and coordinated with SHA.

The SHA has no objection to the development proceeding through the county process subject to the developer being required to coordinate and resolve all outstanding issues with SHA on the Traffic Impact Study (TIS) and Transportation Management Plan (TMP) efforts.

- e. **The Subdivision Review Section**—The Subdivision Review Section submitted a preliminary comment on February 10, 2014, and subsequently submitted a final memorandum on April 1, 2014 (Nguyen to Lareuse). A revised detailed site plan dated March 28, 2014, was submitted and referred to the Subdivision Review Section for further comment on April 3, 2014. The revised site plan shows that the site consists of 6 Lots (Lots 2–7) and a private road on the eastern boundary of Lot 5. The approved Preliminary Plan of Subdivision (PPS) 4-01048 for 533.47 acres proposes 27 lots on

Parcel 94 and four private streets known as the “Beltway Tract.” This DSP-07073-01 includes the entire residue of Parcel 94 and it proposes 6 lots with development on Lots 4 and 5. The development of a restaurant and retail store on proposed Lot 3 was approved pursuant to the original Detailed Site Plan DSP-07073. The applicant has submitted a National Harbor Beltway Parcel Exhibit that removed the residue designation and proposes six lots (Lots 2–7) for the site, which is consistent with the approved preliminary plan of subdivision.

The preliminary plan is valid until December 31, 2015, pursuant to County Council Bill CB-70-2013. Since the PPS is still valid, the site can be re-platted for the layout proposed which is in substantial conformance with the PPS. A final plat for the subject property must be accepted by the M-NCPPC before the preliminary plan expires or a new preliminary plan is required. The applicant may ask for an extension of the validity period for the preliminary plan beyond December 31, 2015, in accordance with Section 24-119 of the Subdivision Regulations.

National Harbor Beltway Parcel Exhibit originally proposes 6 parcels for the site. The Subdivision Review Section requested that the designation be revised to a “lot” designation. The “lot” designation was requested to be consistent with the DSP approval already existing for “Lot 3,” and the approved PPS.

The PPS included the burial site on Lot 5, which had frontage on a public street to the north. The final plat approval (NLP 153-56) reflected the burial site with a 15-foot-wide easement for access to the north, but that has since been vacated. The applicant’s National Harbor Beltway Parcel Exhibit shows the burial site on Lot 5 with an access easement to the north to National Avenue. The DSP should be revised to show the burial site with bearings and distances and label a 15-foot-wide access easement as reflected on the Plat NLP 153-56. The burial site and access easement will be further reviewed and evaluated with the DSP for building development on Lot 5. The 15-foot-wide access (or as modified with the DSP for building development on Lot 5) will require an easement agreement to be recorded in the land records, with the liber and folio reflected on a new final plat prior to recordation. The easement will set forth the rights, responsibilities and liabilities of the parties.

The DSP proposes the entertainment establishment on Lot 4, and a circular entrance drive extending onto Lot 5 which will have direct access onto National Avenue and Harbor View Avenue, both SHA public rights-of-way. The DSP also proposes a shared access drive onto Harbor View Avenue with the abutting proposed parcel to northeast. The shared access will require an easement agreement and that easement should be recorded in land records with the liber and folio reflected on the final plat prior to recordation.

The DSP includes an Abandonment Exhibit that delineates the additional areas of public road dedication to SHA, and areas of the public right-of-way to be vacated. National Avenue and Harborview Avenue are public rights-of-way that were dedicated by deed to SHA recorded in Liber 27314 Folio 139. A petition of vacation (24-112) is not required for the areas of right-of-way which the applicant proposes to be abandoned since the right-of-way was conveyed in fee simple to SHA by deed and not dedicated by plat. The areas of right-of-way proposed to be dedicated and abandoned should be reviewed and determined by SHA and the Transportation Planning Section. The areas of right-of-way for dedication and abandonment should be delineated and liber and folio should be reflected on the final plat.

In an e-mail dated April 4, 2014 (Dunn to Lareuse), the applicant indicated that the area of Lot 1 as originally shown on the DSP had been conveyed to the State Highway Administration (SHA) and recorded in SHA Plat No. 5570. The area of Lot 1 was included in a fee simple road dedication of 14.82 acres to SHA, which included seven SHA right-of-way Plats (SHA No's 55720, 56481, 56482, 56483, 56484, 56488, and 56714), recorded in Prince George's County Land Records in Liber 27314 Folio 139 on March 6, 2007. The Subdivision Section concurs that the area of Lot 1 has been conveyed to SHA and is not part of the 49.47-acre site that is subject to this DSP.

The Detailed Site Plan, DSP-07073-01 is consistent with the approved Preliminary Plan of Subdivision 4-01048, if the above comments have been addressed. The final recommended conditions relating to subdivision of the property are included in the Recommendation Section of this report. Failure of the site plan and record plats to match, including bearings, distances, and Parcel sizes, will result in permits being placed on hold until the plans are corrected.

- f. **Environmental Planning Section**—In a memorandum dated April 11, 2014, the Environmental Planning Section provided comments on the subject application. In addition to the environmental analysis contained in the body of this report, the following information was provided:

- (1) A review of available information indicates there are no regulated features on-site. Based on a review of 2011 air photos, there are no existing woodlands on-site. A small woody patch of trees surrounds the on-site Addison cemetery. The remaining on-site woody vegetation was cleared in the 1980's and again in the 2000's. 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 clays present at this location. Capital Beltway (I-95/495) is a traffic noise generator and noise impacts are anticipated; however, no residential uses are proposed at this time. According to information from Maryland Department of Natural Resources-Natural Heritage Program staff, there are no rare, threatened, or endangered species found to occur in the vicinity of the property. There are no designated scenic or historic roads in the vicinity of the site. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is within a Regulated Area and Network Gap associated with its proximity to the Potomac River. The site is in the watershed of the Potomac River basin, and the Developing Tier of the 2002 *Prince George's County Approved General Plan*.
- (2) The site is grandfathered from the Natural Resources Inventory (NRI) submittal requirement with this application. No NRI or Natural Resources Inventory 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 (48280-2007-00) 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 Prince George's County Government. The Maryland National Capital Park and Planning Commission (M-NCPPC) will maintain the ponds' vegetation and esthetics. No fee for on-site attention/quality control measures is required.

Comment: It should be noted that another stormwater concept approval was required (4853-2014-00) and the Department of Permits, Inspections and Enforcement (DPIE) has determined that the site plan is consistent with that stormwater management approval letter.

- g. **The Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 25, 2014, WSSC and provided comments relating to coordination with other buried utilities, forest conservation easements, labelling of nearby water and sewer facilities, etc. The applicant has also explained that they received an Amended Letter of Findings relating to the adequacy of the both water and sewer and provided the July 10, 2013, letter as evidence of WSSC approval for this project. The requirements prescribed by WSSC will be enforced at the time of permit review by the respective departments of WSSC.
- h. **Verizon, Inc.**—In an e-mail dated March 5, 2014, Verizon noted that public utility easements (PUE) are needed along all public and private roads.
- i. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated February 24, 2014, PEPCO noted that public utility easements (PUE) have been shown on the plans appropriately and that additional easements may be required in the future.
- j. **The Prince George's County Police Department**—In a memorandum dated February 28, 2014, the Police Department stated there were no CPTED issues at this time.
- k. **The Prince George's County Fire/EMS Department**—In a memorandum and e-mail dated April 14, 2014, this agency indicated that the plan accommodates a 43-foot wheel base for fire truck access, that the height of the garage openings will accommodate ambulance, and that there is access for aerial ladder placement for the hotel.
- l. **The Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the plan submission for MGM and has the following comments/recommendations in (**BOLDFACE** text) followed by a response:

- (1) **Demonstrate that the capacity of the WSSC sewage pumping station serving the site is adequate to serve the project.**

Comment: The Beltway parcel is located within the Category 3 service area and has been approved for both water and sewer capacity by the Washington Suburban Sanitary Commission (WSSC) and WSSC will provide service to the

site. The Piscataway Wastewater Treatment Plant provides treatment of the sanitary waste for this area. The Broad Creek pump station directs the waste water from the area to the Piscataway Wastewater Treatment Plant. The existing Broad Creek Pump Station will be upgraded to eliminate the potential risk for overflow as it is scheduled for an augmentation project in the adopted FY 2013 Capital Improvement Program. Per the approved WSSC authorization letter, the dependency on the Broad Creek waste water pump station does not apply to currently approved flows from National Harbor.

- (2) **Indicate the dust control procedures to be implemented during the construction phase of this project. No dust should be allowed to cross over property lines and impact adjacent properties.**

Comment: The applicant has added a note to the plans stating the above. In addition, an Erosion and Sediment Control plan will be prepared for the site and will establish procedures for dust control during construction.

- (3) **Indicate that the project will provide well-marked, wide, well-lit cross walks for pedestrians to access the Heritage Trail and other sidewalks that connect the project to other venues in the National Harbor area. How will patrons access the waterfront for the water taxis from the MGM site?**

Comment: The staff recommends that a wide crosswalk and wayfinding signage be required across Harborview Avenue from the Heritage Trail to the front door of the establishment. This crosswalk is subject to SHA approval and modification.

- (4) **Indicate the noise control procedures to be implemented during the construction phase of this project. No construction noise should be allowed to adversely impact activities on the adjacent properties.**

Comment: The project is subject to COMAR 26.02.03.02 which, among other things, provides noise standards... at construction sites.

- (5) **Consideration should be given to the types of food service facilities selected for the project to include healthy food choices and limit the number of fast-food type facilities.**

Comment: The application has stated that consideration will be given to the provision of healthy food choices at the food service facilities for the site.

- (6) **Indicate that the MGM sign lighting will not impact adjacent residential areas.**

Comment: The closest residential property is approximately 550 feet from the subject site. The applicant has stated that the lighting will not trespass upon adjacent residential properties.

1. **The Department of Permits, Inspections and Enforcement (DPIE)**—In a memorandum dated March 24, 2014, the DPIE staff provided general comments relating

to the plan, including a finding the DSP is in conformance with the approved stormwater management concept plan.

- m. **The Maryland Aviation Administration**—The Maryland Aviation Administration (MAA), provided a letter dated February 21, 2014, regarding DSP-07073-01 and DDS-623 and finds the site location to be outside the defined imaginary surface of nearby public-use airports licensed by MAA. However, this finding is not a determination of airspace impact.

Pursuant to Code of Maryland Regulations (COMAR) 11.03.05, a formal written notice of construction from the proponent to the MAA is required to be filed by the applicant at least 30 days prior to construction for an airspace determination. The applicant may visit www.marylandregionalaviation.aero and select the “Tall Structures” page for more detail and notice of proposed construction form.

15. **Departure from Design Standards DDS-623:** The applicant has submitted Departure from Design Standards DDS-623 to allow reduction of the standard, nonparallel parking space size from 9½ feet by 19 feet to 9 feet by 18 feet pursuant to Section 27-239.01 of the Zoning Ordinance. A departure of six inches in width and one-foot in length has been requested. This is a universal parking space size that is typically utilized in structured parking, and all parking on this site is in garages. A departure from Section 27-558(a) of the Zoning Ordinance is requested, which sets forth the following requirement:

The size of parking spaces shall be as follows:

TYPE OF SPACE	MINIMUM SIZE (IN FEET)
Standard car spaces:	Size of space
Parallel	22' by 8'
Nonparallel	19' by 9 5'
Compact car spaces:	
Parallel	19' by 7'
Nonparallel	16½' by 8'

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a departure from design standards as follows:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of Part 11, Off-Street Parking and Loading, are:

Section 27-550(a). Purposes.

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading**

areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;

- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

Comment: The purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. Specifically, the reduced parking space size allows for a more compact and efficient structured parking design, while providing off-street parking sufficient to serve the needs of the project. The reduced standard, nonparallel parking spaces will meet the needs of the site's users without overcrowding the land, or negatively impacting open space, adjacent land uses, or environmentally sensitive areas.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

Comment: The applicant states that this is the minimum necessary to provide all parking onsite. The departure of six inches in width and one-foot in length is the minimum necessary without adversely affecting the functionality of the proposed nonparallel parking space. The size of the space, 9 feet in width by 18 feet, is larger than the minimum size allowed for compact spaces. Most automobiles average 16 to 17 feet in length, and mid-size and large SUVs average the same length. The driveway aisles within the parking garage are 24 feet in width, which is sufficient for access. The departure is necessary for efficiency of the design of a parking structure and to ensure that the required parking spaces can be provided entirely within the parking structure.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

Comment: The departure is necessary to alleviate circumstances specific to the site. The site has moderate slopes and is more narrow than it is wide. The most effective way to provide ample parking on the site is through the proposed multi-story parking structure, which is proposed to be built into the slope of the long rectangular site below the proposed entertainment venue and hotel. The applicant states the site is surrounded by SHA right-of-way and no additional land is available for on-site parking. Given the information presented, no objection is offered regarding the reduction of parking space size within the parking structure as proposed; the departure as requested is acceptable.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

Comment: The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. Specifically, the functionality of each individual parking space will not be affected. The applicant has proposed a

parking space size (18 feet in length by 9 feet in width) that is a typical size endorsed in *Dimensions of Parking* (Urban Land Institute), which supports a parking space width of nine feet for standard size spaces in a setting with moderate to higher turnover parking, as is anticipated for this project. The departure will allow for a more efficient yet fully functional parking design that will serve the needs of the project and protect adjacent land uses.

In conclusion, staff supports Departure from Design Standards DDS-623 for a departure of six inches in width and one-foot in length to allow a standard, nonparallel parking space size of 9 feet in width by 18 feet in length.

16. The detailed site plan is in general conformance with the approved Conceptual Site Plan, CSP-98012; however, revision of the DSP in accordance with the proposed conditions below will improve and enhance the DSP's conformance with Conceptual Site Plan CSP-98012.
17. Based on the foregoing and as required by Section 27-285(b), the detailed site plan will, if revised in accordance with the proposed conditions below, represent 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.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-07073-01 and APPROVE Alternative Compliance AC-14005 and Type II Tree Conservation Plan TCPII-023-01-01 for National Harbor, Beltway Parcel, Lots 2–7 with the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Revise the sign plan to include a chart that indicates the sign area of all of the proposed signage, including five video boards, two building-mounted signs on the hotel façade with the text “MGM,” the proposed freestanding sign near the entertainment entrance, and the hotel façade lighting.
 - b. Add a note to the sign plan to indicate that the video boards will not be used to advertise services, goods, and activities offered off- site, unless otherwise permitted by the Zoning Ordinance.
 - c. Add a note to the sign plan to state that the applicant shall monitor the imagery shown on the video boards, so the signs do not flash or blink repeatedly in a manner prohibited by Section 27-592 of the Zoning Ordinance.
 - d. Revise the sign plan to include the color, materials, and method of illumination of all of the proposed signs. If lighting of the building-mounted “MGM” signs located high upon hotel façade is proposed, they shall be lit with external lighting or back/halo lighting only.
 - e. Revise the sign plan and architectural elevations to eliminate the light beam that is shown to be emitted from the hotel into the night sky.

- f. Revise the plans to include wayfinding signage, and provide locations, details and specifications for all directional signage for vehicles, bicyclists, and pedestrians to direct people to and from the entertainment establishment and the National Harbor waterfront development.
- g. 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 Urban Design Section and shall have an attractive appearance that provides visual interest in pattern or texture.
- h. Provide a note on the sign plan to indicate that the lighting levels or brightness of the LED video boards will be adjustable for daytime and nighttime levels to limit lighting impacts, to the extent possible, beyond the boundaries of the detailed site plan.
- i. Include details and specifications of the fin system proposed on the face of the hotel on the architectural elevations. The detail shall demonstrate that the façade lighting is designed to direct lighting onto the face of the hotel, and not into the night sky. Details and specifications shall be included on the architectural elevations.
- j. Identify locations and provide details for all of the proposed site and streetscape amenities to ensure that a coordinated design is provided, to be approved by the Urban Design Section. Specifically, locations of and details for trash receptacles, lighting, and benches near the proposed drop-off locations shall be provided.
- k. Provide a note on the DSP that requires adequate protection of the Addison Family Cemetery throughout the course of construction by ensuring that the limit-of-disturbance (LOD) shown on the plans is identified in the field with concrete “Jersey barriers,” and the area within the barriers shall not be used as a staging area for building materials, construction vehicles, and should be off-limits to all heavy equipment.
- l. Provide the proposed bearings and distances on all property lines.
- m. Provide the public utility easements (PUE) along all public and private streets to serve the development.
- n. Delineate the areas of right-of-way proposed for dedication to the SHA, and abandonment per the applicant’s Abandonment Exhibit.
- o. Delineate the perpetual easement as reflected on SHA P/R Plat 56481 and make adjustments to the plan accordingly.
- p. Clearly show the bearings and distances of the burial site and 15-foot access easement as reflected on vacated Plat NLP 153-56.
- q. Remove the first phrase of General Note 3 relating to interpretation of the lots as shown on the DSP.
- r. Show the parcel layout and designation as reflected on the applicant’s National Harbor Beltway Parcel Exhibit, Lot 2–7, and modify to show West Road within Parcel A (with sidewalk and street trees), or shown the roadway to be dedicated if the applicant provides evidence of acceptance by the Maryland State Highway Administration (SHA).

- s. Revise Site Development Note 3 to have the correct number and acreage of proposed Lots 2–7 and Parcel A, (unless evidence is provided that the West Road will be conveyed to SHA).
 - t. Revise the landscape plan to show the Section 4.2 and 4.9 schedules excluding all plant material proposed within the State Highway Administration right-of-way.
 - u. Provide crosswalks with special paving, to be approved by the Urban Design Section, across all ingress/egress points.
 - v. 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.
 - w. Provide details of the bicycle racks on the plans.
 - x. Provide a minimum six-foot-wide sidewalk along the entire subject property frontage and/or building of National and Harborview Avenues and connections to the crosswalks on Oxon Hill Road, or as modified by SHA.
 - y. Revise the plan to show the unmitigated 65dBA noise line.
2. No light beams or search lights shall be permitted on the site.
 3. Prior to the approval of the use and occupancy permit, the applicant shall evaluate the feasibility of providing a recycling program within the development in the future, and if determined to be desirable and feasible, submit a letter establishing a timeline and milestones to achieve this goal.
 4. Prior to the issuance of the first building permit, the applicant shall make a payment to the M-NCPPC in the amount of \$85,353.00 for the supply and installation of the landscaping materials on the Oxon Hill Manor site to improve the buffer between the MGM National Harbor project and the historic Oxon Hill manor site.
 5. Prior to the issuance of any use and occupancy permits for this proposal, the following road improvements at the intersection of MD 414 and National Avenue shall be open to traffic:
 - a. Restripe the leftmost northbound through lane along MD 414 to a left-turn lane, which will result in a northbound double left turn. This approach will remain a four-lane approach which will now consist of two left-turn lanes, an exclusive through lane, and a shared through and right-turn lane.
 - b. Restripe the rightmost southbound through lane along MD 414 to a right-turn lane, which will result in a southbound double right turn. This approach will remain a five-lane approach which will now consist of an exclusive left-turn lane, two through lanes, and two right-turn lanes.
 6. Shows within the theater venue shall not commence prior to 7:30 p.m. on non-holiday weekdays.
 7. The applicant shall comply with a comprehensive transportation plan that is prepared in accordance with Section 9-1A-32, State Government Article, Annotated Code of Maryland, prior to the issuance of any use and occupancy permits.

8. The comprehensive transportation plan that is prepared in accordance with Section 9-1A-32, State Government Article, Annotated Code of Maryland, shall address the following issues:
 - a. The location(s) where transit buses will stop, and if a shelter(s) would be needed at the stop(s).
 - b. The areas need to be identified where taxis can serve patrons, and also where taxis can wait.
9. The applicant shall comply with the Zoning Ordinance, other applicable local and state law, and any plans, commitments or other proffers contained in any submissions or testimony upon which approval of the site plan is based.
10. The plans should remove any reference to a pedestrian bridge.
11. Prior to the approval of a building permit which includes the hotel, certification by a professional engineer with competency in acoustical analysis shall be submitted to the M-NCPPC as part of the building permit package. The certificate shall verify that noise mitigation methods have been incorporated in the architectural plans to reduce interior noise levels to 45 dBA Ldn or less.
12. The applicant shall provide evidence that the six interpretive plaques required by Stipulation II.C of the Memorandum of Agreement executed between the Maryland Department of the Environment, the Maryland Historic Trust and the Peterson Companies and by Condition No. 30 of SP-98012 have been installed by the end of 2014.

Based upon the foregoing evaluation and analysis, Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-623 for National Harbor, Beltway Parcel, Lot 4.