



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
3/12/09
Item #

MEMORANDUM

DATE: February 23, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief, Development Review Division *RYK*
Ralph Wilson, Zoning Supervisor *RDW*

FROM: Carlton W. Gilbert, Planner Coordinator
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SUBJECT: **A. Department of Parks (Scenic Easement Encroachment)**
B. Final Forest Conservation Plan Amendment, S-420-H
C. Special Exception Modification, S-420-H: request to modify existing special exception including Parking Waiver; R-60 zone; located at 1500 Forest Glen Road.

Holy Cross Hospital of Silver Spring Inc., Applicant
1996 Adopted and Approved Forest Glen Sector Plan

FILING DATE: October, 2008
PUBLIC HEARING: March 27, 2009

STAFF RECOMMENDATIONS:

A. Approval of the Scenic Easement Encroachment with the following conditions:

1. Applicant must plant sufficient vegetative screening consisting of large sized trees and high quality understory plants and vines between the park boundary and the new parking facility to buffer the parkland and trail from the visual impacts of the newly constructed facilities. Choice of plant species, quantity of plantings, and plant locations must be approved by Department of Parks staff before issuance of a sediment control permit.

2. Applicant to water and otherwise maintain the plantings to assure their continued growth and survival, and must replace any dead plants on a regular basis for a five year period.
3. Applicant must screen the retaining walls and parking garage walls that face the parkland by using both natural and artificial screening materials. Choice of materials and finish used for construction of the retaining walls and garage walls must be approved by Department of Parks staff before a building permit is issued.
4. Since impervious surface is being added in the Sligo Creek watershed, applicant must reduce existing impervious road surface area by reconfiguring and removing a portion of the pavement at the Forest Glen/Sligo Creek Parkway intersection. Any such road design and work must be acceptable to M-NCPPC staff in consultation with the Department of Permitting Services staff.
5. Applicant to make improvements to the hiker/biker trail crossing at Forest Glen Road that will result in a safer and more visible road crossing for trail users. Such improvements must be approved by both M-NCPPC staff and MCDOT before a building permit is issued.
6. Applicant to improve the stormwater flow that crosses under the Sligo Creek hiker/biker trail to result in adequate water passage under the trail and a resulting flat, level trail surface.

B. Approval of the Final Forest Conservation Plan Amendment with the following conditions:

1. Applicant must include detailed tree preservation and treatment measures for specimen trees #201, #207, #208 and #209 in the final forest conservation plan for staff review and approval.
2. The applicant shall satisfy all conditions of the amended final Forest Conservation Plan prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
3. That portion of the site's afforestation requirement currently met within the existing scenic easement shall be met off-site.

C. Approval of Special Exception Modification No. S-480-H and associated parking waiver with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.

2. Limit the number of patient beds to the 408 beds previously approved for the Hospital.
3. Limit the expansion of the south patient tower to 219,000 square feet of gross floor area and 180 beds.
4. Limit the height of the south patient tower not to exceed a maximum of seven stories and 128 feet maximum.
5. Limit the north parking garage expansion to four-levels and 95,000 square feet.
6. The applicant must obtain approval of a final landscape and lighting plan from M-NCPPC technical staff before issuance of a building permit. The final landscape plan must address landscaping and screening materials for the north parking garage expansion along Forest Glen Road. The final landscape plan must also address landscaping and screening for the scenic easement. The lighting at the perimeter must not exceed 0.1 foot-candle level allowed by the special exception and also include retaining wall and lighting details.
7. Construct the median for the east access drive to extend beyond the crosswalk to the Forest Glen Road thru-lane curb line, with a break for the crosswalk, as the existing west entrance from Forest Glen Road is now configured.
8. Construct pedestrian ramps across the relocated east entrance so that the pedestrian ramps are perpendicular to the travelway directing pedestrians to the opposite ramp and not on an angle into the roadway.
9. Provide 14 bike lockers in the northeast corner of the proposed Garage and 3 inverted-U bike racks at the main entrance of the professional building.
10. Satisfy any other transportation requirements made by MCDOT and MDSHA prior to release of building permit.
11. Traffic Management Plan (TMP) for this project must be finalized before release of the initial building permit.
12. Prior to issuance of the first building permit, submit a comprehensive noise/vibration analysis and mitigation package prepared by an acoustical engineer for M-NCPPC Environmental Planning staff approval which:
 - a) Identifies projected noise levels from all sources (Beltway traffic, helicopter operations, and the three new generators, oxygen farm and supply/exhaust fans in the north parking garage);

- b) Makes recommendations for noise mitigation techniques which attenuate projected noise levels from all sources to no more than 45 dBA Ldn within patients' rooms in the proposed seven-story tower;
- c) Certifies that the proposed seven-story patient tower's building shell has been designed to attenuate projected exterior noise sources to an interior noise level not to exceed 45 dBA Ldn;
- d) Provides applicant's written commitment to construct the proposed patient tower in accord with these design specifications, with any changes that may affect acoustical performance approved in advance of installation as being in conformance with the 45 dBA Ldn by the acoustical engineer; and
- e) Demonstrates compliance with the County Noise Ordinance (Chapter 31b of the County Code) for onsite noise sources as they may affect offsite residential properties.

SUMMARY OF APPLICATION

- Site Size and Location:** The property's address is 1500 Forest Glen Road, Silver Spring, Maryland. The site is 14.21 acres and is located on the south side of Forest Glen Road at its intersection with Dameron Drive and approximately 1,700 feet east of the intersection of Forest Glen Road and Georgia Avenue. The area surrounding the subject site contains single-family detached residential homes to the north and west, Sligo Creek Park to the east and the Capital Beltway to the south.
- Zone and Use:** The site is zoned R-60 and an eight-story hospital (Holy Cross) is currently operating under a special exception that was granted in 1959. (Case No. BAS-816).
- Proposed Use:** The applicant is seeking approval of several modifications to the existing special exception for the hospital to include a new seven story building, eastward expansion of the existing north parking garage and other physical changes to the campus as discussed in the proposal summary below. In addition, the applicant is requesting parking setback waivers and variances (Case No. A-6279) from rear setback and lot coverage standards.

Master Plan Consistency: The project is consistent with the goals and objectives of the 1996 Forest Glen Sector Plan.

Traffic Impact: The project will not have any substantial impact on traffic in the area.

Proposal Summary

Special Exception application S-420-H is a request by Holy Cross Hospital to modify the existing special exception to permit: (1) construction of a new, seven-story building, "the South Patient Tower," on the southern edge of the property; (2) demolition of the existing central utility plant and construction of a new one in the proposed South Patient Tower; (3) expansion of the existing north parking garage; (4) relocation of the eastern-most vehicular entrance to the property along Forest Glen Road approximately 90 feet farther east to accommodate the proposed northern parking garage; and (5) relocation of the existing fire lane access drive to the south side of the South Patient Tower. A parking setback waiver is also proposed as part of the application, to permit approximately ten additional parking spaces, east of the South Patient Tower along the fire lane access drive, and within the 10-foot setback from the southern and eastern property lines.

The special exception modification request will be heard in conjunction with a variance request (Case No. A-6279) by the Hearing Examiner at a March 27, 2009 public hearing. The requested variances are for an encroachment into the required rear yard setback (128-foot variance) and an increase in building lot coverage to 52.4 percent (17.4 percent variance.)

The Hospital is not proposing to increase the number of beds above the 408 beds previously approved for the hospital. With the recommended conditions and proposed variances, the proposed modifications to the Hospital satisfy all applicable special exception requirements and regulations as specified in the Montgomery County Zoning Ordinance. The applicant has met the burden of proof by demonstrating that the proposed modifications would be operated without any detriment to the neighborhood and would not be adverse to the public interest. The proposed use is consistent with the recommendations of the 1996 Forest Glen Sector Plan

Site Description

The applicant, Holy Cross Hospital of Silver Spring Inc., currently operates a hospital on the subject site that is recorded as Parcel B and contains approximately 14.21 acres of land. The subject property is classified in the R-60 Zone. The property is located on

the south side of Forest Glen Road at its intersection with Dameron Drive and approximately 1,700 feet east of the intersection of Forest Glen Road and Georgia Avenue. The property is rectangular in shape and has frontage on both Forest Glen Road and Dameron Drive. It is developed with an eight-story hospital, and a five-story Physician Specialist building to the east, two parking garages, two accessory buildings, and surface parking throughout the campus. According to the submitted site plan, there are approximately 1,505 vehicle parking spaces on the hospital campus. One parking facility, the north parking garage, is located along Forest Glen Road in front of the hospital. This garage is a four level garage with three levels below and one level at grade. A large heavily landscaped berm with trees and shrubs screen this parking facility from the residences across Forest Glen Road. The southwest parking garage, located on Dameron Drive at the rear of the site, was reconstructed as a five level parking garage with three levels below grade, one level at grade and one level above grade. A retaining wall and berm with trees, evergreens and ground plantings screen this parking facility from the nearby residences on Dameron Drive.

The remaining on-site parking is surface parking provided in front of the hospital up to Forest Glen Road at the northwest corner of the property as well as in the rear of the site and along the eastern edge of the site, adjacent to the scenic easement and Sligo Creek Park. Access to the property is currently provided from two access points along Forest Glen Road and one access point on Dameron Drive. Currently, the main entrance to the site is from Forest Glen Road to the surface parking lot.

Neighborhood Description

The neighborhood within which the subject property is located is bounded by Myrtle Road to the north, Sligo Creek Park to the east, the Capital Beltway (I-495) to the south and Georgia Avenue to the west. The properties to the north and west of the subject site are zoned R-60 and are developed with single-family detached residential homes. Adjacent to and east of the subject site is Sligo Creek Park, owned by the M-NCPPC and zoned R-60. The southern property line abuts the outer loop of the Capital Beltway and a noise wall constructed by the State Highway Administration (SHA) along this property line. Montgomery Hills Baptist Church is located at the southeast corner of Georgia Avenue and Forest Glen Road. The Forest Glen Metrorail station is on the west side of Georgia Avenue, approximately 2,500 feet from the subject site.

As previously stated, Sligo Creek Park is located along the property's eastern lot line. A 100-foot scenic easement is located on a portion of the site's eastern property line, established by a plat filed with the deed to the property. This plat was recorded in book 100, plat number 11289, on July 22, 1976. A portion of the easement area has been re-graded and replanted with flowering trees, shrubs and ground cover. The entire hospital campus contains a variety of flowering trees, deciduous trees, and shrubs that are well maintained.

Zoning History

Holy Cross Hospital is currently operating under a special exception that was originally granted in 1959 (CBA-816). Other special exceptions approved by the Board of Appeals for the subject use include: S-420 to construct a 112-bed addition to the hospital approved in 1976; S-420-A to increase the hospital square footage and add additional parking spaces approved in 1983; S-420-B to add laboratory facilities approved in 1989; S-420-C for hospital structural modifications approved in 1990; S-420-D for upgrading exterior lighting, constructing a 2-story addition and expanding parking structures approved in 1994; S-420-E to add approximately 216,051 square feet to the existing hospital, including constructing a 51,660 square foot Physicians Specialist's Wing, approved in 2001; S-420-F to allow construction of a minor extension to the service building at the rear of the Hospital, and to relocate temporary trailers on site approved in 2002; and S-420-G to add approximately 216,153 square feet to the entire site, construct a drive aisle and parking facility within a portion of the scenic easement, add 325 square feet to the existing accessory building in the rear of the property, placement of three generators on an enclosed pad site in the rear of the property and add an internal access point to the existing parking garage adjacent to Dameron Drive approved in 2002.

Elements of Proposal

South Patient Tower

The proposed seven-story south patient tower addition will be located on the southern edge of the property, and will be comprised of approximately 219,000 square feet with a maximum building height of 128 feet, well within the permitted 145-foot height. The proposed addition will allow the hospital to convert existing semi-private patient rooms to private rooms, provide enhanced surgical services, and address the public need for more efficient and effective health care. The addition will have capacity for 180 private patient rooms. The addition will be located above the existing service yard area adjacent to the existing mechanical plant and will connect to the ground, first, and second levels of the existing hospital. It will include a partial basement with a new central utility plant, an access drive, service docks, loading area, and expanded material handling facilities on the ground floor; surgical support facilities, preparation, and recovery on the first level; critical care on the second level; and patient rooms on the upper levels organized in units of 30 beds per floor.

The proposed seven-story tower addition would be placed directly adjacent to the southern property line, thereby requiring the applicant to seek a variance from the required building setback for the placement of the addition. The required setback from the southern property line is equal to the height of the tower addition, thus requiring a variance of 128 feet. The adjoining and nearest adjacent land is the Capital Beltway. The applicant is also seeking a variance in order to permit a maximum building coverage of 52.4 percent instead of the 35 percent as required by the Zoning Ordinance. Staff believes that the reduced setback and increased building coverage are justified due to the restricted amount of land available and the need for the

expansion to be located to the south and east in order to conform to the Sector Plan recommendations.

Parking Garage Expansion

The proposed parking expansion of the north parking garage will be an eastward expansion of the existing garage. The proposed four-level garage expansion would align with the existing garage and would be setback from Forest Glen Road approximately 70 feet with the grade gradually declining from west to east towards Sligo Creek Park.

The original submission of the proposed garage expansion showed a setback of 45 feet from the eastern property line (Sligo Creek Park); however, revisions to the parking garage expansion have resulted in an increased setback from 45 feet to 65 feet from Sligo Creek Park and a reduction in the size of the parking garage by approximately 20,544 square feet. The existing north parking garage is approximately 138,000 square feet and holds approximately 656 spaces. The proposed 95,000 square foot pre-cast parking structure will accommodate 300 vehicles, providing a total of 956 spaces in the north parking garage. The four-level expansion will utilize the existing ramping system, thereby maximizing the efficiency of the overall parking structure. The northern berm and landscaping along Forest Glen Road that currently screens the north parking garage from the street will be extended along the face of the expansion.

The proposed north parking garage expansion and relocated access drive will encroach further into the 100-foot wide scenic easement. The existing access drive serving the eastern access point from the Hospital to Forest Glen Road currently encroaches upon the scenic easement. Farther encroachment into the scenic easement requires approval by the Department of Parks. There is a note on the 1976 recorded plat that states "The scenic easement shown hereon shall be for the preservation of green area; future landscaping and planting on the easement area shall require the approval of the Department of Parks of the M-NCPPC or its appropriate successor agency."

As stated, the applicant is seeking to expand its facilities into the scenic easement that was designed to protect Sligo Creek Park. During the review process, Parks staff expressed concern about the potential negative impacts on parkland that could develop by allowing further encroachment into the easement. As a result, the applicant submitted revised plans that moved the garage expansion away from the eastern property line. The revisions allowed for increased setback, a reduction in the size of the garage, and a reduction in the number of proposed garage parking spaces from 343 to 300. Additionally, the revised plans provided additional space for two retaining walls (instead of the three taller retaining walls originally proposed), a green screen on the face of the garage in order to enhance the garage's appearance from the Sligo Creek Park trail, and an increase in the size of the landscape buffer between the parking garage extension and Sligo Creek Park.

Park's staff recommends approval of the applicants proposal for modification of the special exception and variance requests to allow the needed hospital expansion and additional parking, provided certain landscape, screening, and other measures to protect Sligo Creek and the parkland are made by the applicant as set forth in the conditions listed on page 2 of this report and in the attached memorandum provided by Parks staff.

Other Modifications

The eastern-most vehicular entrance to the property along Forest Glen Road will be relocated approximately 90 feet farther east to accommodate the proposed north parking garage expansion. The other existing property access points will remain the same. The existing fire lane access drive extending around the rear of the property will be relocated to extend under the south side of the proposed south patient tower.

Parking Waiver

Approximately 10 parking spaces are proposed east of the South Patient Tower along the fire lane access drive. These parking spaces are proposed to be located within the 10-foot setback from the property line, thus the applicant seeks a waiver from the Code parking requirement as described below:

Setbacks for Parking (59-E-2.83(b)) - This section of the Zoning Ordinance requires that parking facilities, including driveways, be setback a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The setback provisions of this section provide for greater setbacks for parking in a residential area than would typically be required of a commercial building. The intent is to mitigate the potential impacts of a parking facility on adjacent residential land uses. In this case, the eastern service drive is adjacent to open, undeveloped parkland. The hiker/biker trail and parkway are located over 200 feet from the drive and will be screened by landscaping along the drive. The proposed 10 parking spaces are adjacent to I-495 and elevated above the Beltway and screened by existing vegetative growth. Staff supports the parking setback reduction.

Master Plan

Holy Cross Hospital lies within the 1996 Forest Glen Sector Plan. The proposed modifications are in conformance with the Forest Glen Sector Plan. The expansion of the hospital also helps fulfill the County's broader need for more and improved health care facilities to support future population growth and a growing percentage of aging residents. The applicant should work with the community and the staff to minimize the adverse visual impacts of the proposed expansion along Forest Glen Road and the Sligo Creek Park.

The Forest Glen Sector Plan provides background and recommendations for the Holy Cross Hospital site on pages 15 through 23. The Forest Glen Sector Plan recommends striking a balance between neighborhood stability and the need for expansion in order for Holy Cross Hospital to provide quality health care well into the future. The Plan's objective is to ensure that any new development is compatible with the character of the existing residential neighborhood.

The Master Plan also offers guidelines and limitations (pg. 23) as follows:

1. Development will be on the existing hospital campus only. The Plan does not support an expansion beyond the existing campus because it may affect the stability of the existing residential community.
2. The building(s) may contain up to 80,000 square feet (plus additional parking associated with the facility) on the campus for medical office, medical clinic, and other health related uses.
3. Any building along Forest Glen Road should not exceed 4 stories. If the building is located along Forest Glen Road, architectural details should be used to minimize the perceived height and mass of the building. Use of materials, such as brick, that are compatible with the residential neighborhood along Forest Glen Road are encouraged.
4. A building of up to 8 stories may be constructed if it is located toward the rear and eastern edge of the site, along Sligo Creek Park, if absolutely necessary. Adjustments to the scenic easement (or removing the easement altogether) may be permitted in order to lower the height of the building or otherwise reduce the impact of the hospital on the surrounding neighborhood.
5. Additional parking should be located on the existing hospital campus (or in satellite facilities located in non-residential areas) and designed as efficiently as possible to minimize its height and visual impact on the surrounding neighborhoods, also taking into account such factors as Holy Cross's needs for technological expansion and concerns about emergency room access.

Staff concludes that the proposed application is consistent with the Forest Glen Sector Plan.

Transportation

Adequate Public Transportation Facilities Review

According to the accepted traffic study, the proposed development is not expected to generate additional new peak-hour trips given that some parking will shift from off-site (the Sligo Creek Golf Course Parking Lot). However, some trips that were not previously destined for the main campus will be reassigned to it. The peak hour trip

generation was based on two sources, one the actual counts at the hospital driveways and one the trip generation rate published in the Trip Generation Manual of the Institute of Transportation Engineers (ITE Land Use Rate 610) during the morning (6:30 to 9:30 AM) and evening weekday peak period (4:00 to 7:00 PM). Additional trips shown for the "Hospital Addition" are based on reassignment of the trips from the Sligo Creek golf course parking lot to the new parking garage.

The results are shown in Table 1.

Table 1 – Site Trip Generation

| Land Uses | Number of Beds | Weekday Peak-Hour Trips | |
|---|----------------|-------------------------|-----|
| | | AM | PM |
| Holy Cross Hospital Actual Counts | 408 | 675 | 605 |
| Holy Cross Hospital, Proposed Addition | 408 | 730 | 660 |
| Hospital (ITE Rate 610, for comparison) | 408 | 461 | 588 |

Table 2 shows the resulting critical lane volume (CLV) values for the existing, background, and the total future traffic conditions for the total redevelopment. The intersections in the study area are located within the Kensington/Wheaton Policy Area and have a CLV standard of 1600.

Table 2 – Results of Intersection Capacity Analysis

| Intersection | Congestion Standard | Weekday Peak-Hour | Traffic Condition | | |
|--|---------------------|-------------------|-------------------|--------------|--------------|
| | | | Existing | Background | Total |
| 1. Forest Glen Road and Sligo Creek Parkway | 1,600 | AM | 1,187 | 1,203 | 1,203 |
| | | PM | 921 | 912 | 912 |
| 2. Forest Glen Road and Dameron Drive | 1,600 | AM | 928 | 928 | 928 |
| | | PM | 871 | 871 | 871 |
| 3. Forest Glen Road and Georgia Avenue | 1,600 | AM | 1,507 | 1,507 | 1,507 |
| | | PM | 1,438 | 1,438 | 1,438 |
| 4. Forest Glen Road and Seminary Road/Capital View | 1,600 | AM | 975 | 975 | 975 |
| | | PM | 1,148 | 1,148 | 1,148 |
| 5. I-495 Westbound Off Ramp, Georgia Avenue | 1,600 | AM | 1,190 | 1,271 | 1,217 |
| | | PM | 1,267 | 1,268 | 1,268 |
| 6. Georgia Avenue and August Drive | 1,600 | AM | 1,234 | 1,234 | 1,234 |
| | | PM | 1,154 | 1,155 | 1,155 |
| 7. Georgia Avenue and Dennis Avenue | 1,600 | AM | 1,662 | 1,662 | 1,662 |
| | | PM | 1,441 | 1,443 | 1,443 |

The traffic study shows that all intersections but one are projected to pass the policy area standards with total traffic assigned to them. One intersection, Georgia Avenue and Dennis Avenue, currently exceeds the congestion standard with a calculated CLV of 1662 in the AM peak. However, since the proposed modification of the Hospital does not result in a projected increase of new vehicle trips through this intersection, there is no increase to the measured CLV and thus no required mitigation to meet LATR.

PAMR

Under the *FY 2007-2009 Growth Policy*, The Kensington/Wheaton Policy area is classified as "acceptable with partial mitigation Policy Area Mobility Review (PAMR). PAMR requires that the applicant mitigate 10% of their new vehicle trips. The proposed expansion of the hospital is not expected to generate new trips and therefore is not subject to PAMR trip mitigation measures.

With the conditions on page 1 of this report, staff finds that the proposed Hospital modification satisfies the Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests and will have limited impact on area roadway conditions and nearby pedestrian facilities.

Traffic Management Plan

The applicant submitted a revised draft Traffic Management Plan (TMP) to reflect the changes to the parking agreement with the golf course, and to reflect expansion of the garage. The draft TMP is satisfactory but must be finalized before release of the initial building permit for this project as noted at the beginning of the TMP document. Some minimal changes to improve and clarify sections will be made by the Traffic Mitigation Program Coordinator subsequent to any approval by the Board of Appeals, a practice common with traffic mitigation agreements.

Environment

Environmental Guidelines

The site is in the Sligo Creek watershed, designated as Class I waters. There are no streams, wetlands, 100-year floodplain, or associated environmental buffers on-site. However, there is a stream and 100-year floodplain on the adjacent park property. Steep and severe slopes are on-site along perimeter property lines with the greatest concentration located along the entire east property line. There is no forest on-site. This property is not located within a Special Protection Area or Primary Management Area.

Forest Conservation

The site is subject to Chapter 22A, Montgomery County Forest Conservation Law. Under the attached memo dated February 27, 2009, staff has prepared recommendations for the Board's approval of proposed revisions to the site's final Forest Conservation Plan (FFCP).

Noise Attenuation

Three documents in the initial submittal provide limited information to address objectionable noise and vibration from mechanical equipment for certain proposed structures (i.e., noise from emergency generators, heating and air conditioning units and supply/exhaust fans in the parking garage). These documents include a *Statement in Support of Special Exception Modification* prepared September 2008; a Land Planning Report prepared September 2008; and an Architectural Report. The most detailed information in these documents about objectionable noise and vibrations is found on Page 13 of the Land Planning Report that states:

“The active areas of the Hospital (i.e., service, emergency, physicians offices) have all been located to the southeast side of the Hospital campus in order to mitigate any objectionable noise, vibration, fumes, etc. The proposed improvements and all other Hospital activities that may generate adverse effects are therefore directed away from residential areas.”

These documents do not adequately address the noise part of the required findings. A noise and vibration impact analysis was not included for the mechanical equipment proposed for the patient tower and parking garage expansion. Hospital building mechanical equipment operates 24-hours a day, seven-days a week, and noise/vibration from this mechanical equipment is produced as a result. Three new generators are proposed at the southwest corner of the site in close proximity to Dameron Drive, and nearby existing single-family residential dwellings. An oxygen farm is also proposed at this location. A noise and vibration analysis must be conducted for the proposed mechanical equipment to document the projected noise levels in relation to the nearby existing residential uses and include recommendations to mitigate mechanical equipment noise and vibrations at these identified locations, if these levels are unacceptable.

Staff notes that two noise standards are applicable to attenuation of noise sources on and surrounding the hospital site. First, the County's Noise Ordinance (Chapter 31B of the County Code) restricts the level of noise leaving the site affecting the surrounding land uses. All mechanical equipment and onsite noise sources must meet the county's requirements. Interior noise standards are the province of the MNCPPC Noise Guidelines. These standards intend to provide adequate noise mitigation to uses on the property from all sources. In this case, that includes Beltway traffic noise, emergency helicopter noise, emergency generators, siren noise, trash removal, and other noise-producing hospital

activities. Given the heightened sensitivity of, and undue stress to hospital patients from noise impacts, staff recommends that the hospital not only meet but exceed (i.e., go lower than) the minimum 45 dBA Ldn interior noise standard.

A Traffic Noise Analysis was received on December 22, 2008 by the Environmental Planning Division. The analysis was prepared on September 23, 2008, by Miller, Beam and Paganelli, Inc., of Reston, Virginia. The proposed seven-story patient tower will be located in close proximity to the Capital Beltway and traffic noise impacts are expected. The proposed patient tower will be constructed predominantly of exterior glass materials and of the various structures on-site will be the building closest to the Capital Beltway.

The south side of the proposed patient tower will have the greatest exposure to traffic noise levels from the Capital Beltway. At times these will approach 80 dBA Ldn. The minimum acceptable level of noise for interior residential dwellings is 45 dBA Ldn. Residential noise standards are used in the review of hospital sites where patients' rooms are impacted by traffic noise. However, staff notes that this level may not be adequate for convalescing hospital patients, whose tolerance for additional stressful impacts caused by the hospital's noisy surroundings are understandably quite low. Mitigation recommendations and conclusions in the Analysis require an upgraded exterior glass system with a minimum 40 STC rating to achieve minimally-acceptable interior noise levels.

The proposed Hospital modifications are not expected to result in any objectionable noise or vibration impacts. However, staff will need a comprehensive noise/vibration analysis and mitigation package from the applicant that demonstrates that noise levels from all sources will not exceed County Noise Ordinance standards. Staff is recommending conditions of approval to require the applicant to satisfy staff concerns before any building permit is issued for the project.

Stormwater Management

A stormwater management concept plan has been prepared and submitted to DPS. The existing stormwater controls will be upgraded to treat on-site runoff. Several stormwater management facilities on-site that will be disturbed in the expansion will be upgraded to provide increased water quality and quantity controls. Upgraded controls will include one green roof on the proposed patient tower. The green roof design receives credit as a water quality treatment device. The special exception does not require approval of the stormwater management concept plan, but the plan will need to be approved before a sediment control permit can be issued.

Green Building

The applicant has made the commitment to provide a green roof on the proposed patient tower, and a green screen along the east façade of the modified parking

garage. At the January 2009 meeting with the applicant and their representatives, Environmental Planning staff further encouraged the hospital representatives to explore all innovative methods to retrofit existing roof tops for green roofs, where possible. This was an effort to have more than one green roof top at an existing developed site with several buildings, including two parking garages (both with open air decks at the top level).

Community Concerns

Staff has received a letter dated November 26, 2008 from the Forest Grove Citizens' Association and from the Northmont Citizens' Association that expressed general support of the hospital's proposal. The letter also expressed concerns with development in the area including, but not limited to, persistent traffic problems on Forest Glen Road and through the neighborhoods, impacts of construction directly across from the homeowners on Forest Glen Road, and the need for more on campus parking in order to avoid the spill-over of visitor parking into the neighborhoods. Furthermore, staff received a letter from a neighbor who lives on Forest Glen Road that voiced concerns related to traffic and parking, neighborhood character and operational issues relative to construction. (See attached letters)

The applicant has submitted a draft traffic management plan (TMP) and construction phasing plan that addresses the noise and dirt issues created by constant truck activity, limits hours of operation for the contractors, and requires the use of main roads for access and egress instead of the use of side streets to avoid lights and traffic. The draft TMP is satisfactory, but must be finalized prior to release of the initial building permit for this project. (See attached TMP and Construction Phasing Plan)

The Community Liaison Committee (CLC) which is mandated by a condition imposed by the Board of Appeals, met on February 11, 2009. The agenda included an item regarding an update on the hospital's expansion plans. Specifically, the topics discussed at this meeting included an overview of the project, design modifications, construction phasing and the TMP. (See attached agenda and attendees)

Analysis

59-G-1.2.1 Standard for evaluation.

A special exception must not be granted absent the findings required under Section 59-G-1. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational

characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent characteristics of a modern day hospital include: (1) size of buildings and structures; (2) early and long hours of operation; (3) traffic to and from the site by a large number of staff, patients, and visitors; (4) physicians' offices affiliated with the hospital; (5) lighting; and (6) a certain amount of operational noise from generators, air conditioning systems, and emergency vehicles.

In reviewing the application, staff finds that the inherent characteristics of size, scale and scope associated with the proposed application are minimal and not likely to result in any unacceptable noise, traffic disruption, or environmental impacts at the proposed location. With the addition of the south patient tower, the hospital will be in conformance within the height scale for other hospitals in the County. The proposed addition will include emergency service facilities, a physician specialist building, and other facilities generally associated with a hospital. All of these activities are inherent to hospital operations. With regard to lighting, the tower addition faces the Capital Beltway rather than a residential area and will not impact neighboring residences. Adequate parking is available for the hospital staff, employees, and visitors under the proposed improvements. Views of the garage expansion will be screened from neighbors located across Forest Glen Road and from users of Sligo Creek Park by the grading and landscaping to be provided within the applicant's property. Creative design and tiered retaining walls are proposed in order to maintain the general character of the neighborhood. There are no non-inherent adverse affects associated with the application.

59-G-1.21. General Conditions.

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

The proposed modifications are allowed by special exception in the R-60 Zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

With the recommended conditions, staff finds that the requested modifications satisfy the standards and requirements prescribed in Section 59-G-2.31 of the Zoning Ordinance.

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The proposed modifications are consistent with the recommendations of the Forest Glen Sector Plan. The 1996 Forest Glen Sector Plan specifically provides for the continuation of a hospital use on the site, with flexibility for the hospital to adjust to meet changing health care needs of the community.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The use will be in harmony with the general character of the surrounding residential neighborhood considering population density, design, scale and bulk of the proposed new structures. The proposed seven-story south patient tower will be located along the southern property line and will require a setback variance from the adjoining property line of 128 feet. The adjoining property is I-495. The proposed tower will be setback approximately 370 feet from Dameron Drive.

The parking garage expansion is located approximately 65 feet from the eastern property line (Sligo Creek Park). Although the garage expansion still encroaches into the scenic easement, the applicant revised the plans in an effort to minimize the adverse effects of the encroachment (i.e., movement of the garage expansion) farther away from the eastern property line, provided extensive vegetative landscaping planted within the easement, agreed to use natural tone materials and colors for the retaining walls, and provided tiered retaining walls and a green screen on the face of the garage in order to enhance the garage's appearance from the trail. Additionally, the berm and landscape planting along Forest Glen Road that currently screen the north parking garage from the street will be extended along the face of the expansion.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the

subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

Staff finds that the proposed modifications will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications are not expected to result in any objectionable noise, vibrations, fumes, illumination or glare and physical activity for the reasons discussed in the Environmental section of this report. However, staff will need a comprehensive noise/vibration analysis and mitigation package from the applicant that demonstrates that noise levels from all sources will not exceed County Noise Ordinance standards. Staff is recommending conditions of approval to require the applicant to satisfy staff concerns before any building permit is issued for the project.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

The hospital has operated at its current location under a special exception since 1959. Staff finds that modification of the existing facility would not increase the number of special exceptions in the neighborhood, or the intensity or scope of the special exception uses to an extent that alters the residential nature of the area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed modifications are designed in a way that will not have any adverse effect on residents, visitors, or workers in the area at the subject site.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.
- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.
 - (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

A preliminary plan of subdivision is not required. The subject site is adequately served and will continue to be served by all relevant public facilities. The Hospital is not subject to the LATR/PAMR requirements since the hospital does not propose to increase the number of beds or generate significant new trips.

59-G-1.23 General Development Standards (59-G-1.23—applicable subsections only)

- (a) Development Standards. The special exception is subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.

The table below compares the Hospital's proposed improvements to the applicable development standards of the R-60 zone. The proposed improvements will satisfy the R-60 zone development standards, provided variances from the rear yard setback and coverage standards are granted by the Board of Appeals.

Development Standard Table

| | <u>Required</u> | <u>Proposed</u> |
|--|--------------------|---|
| Minimum lot area | 5 acres | 14.21 acres |
| Maximum lot coverage (.59-C-1.328) | 35% | *52.4% |
| Off-street parking | 1612 | 1768 spaces |
| Minimum lot width (59-C-1.322) at street line at building line | 25 feet 75 feet | 810 ft. (approx.) 950 ft. (approx.) |
| Minimum setbacks: Front Side Rear | 25 8 128 | 67 ft. (approx.) 65 ft. (approx.) *0 ft. |
| Maximum building height | 145 feet | 128 ft. (seven-story tower) 43 ft. (four-story garage) |

**The applicant has requested variances for relief of these development standards and the variance case (A-6279) will be heard in conjunction with the special exception modification request before the Hearing Examiner.*

- (b) **Parking Requirements.** Special exceptions are subject to all relevant requirements of Section 59-E.

The parking requirement, as per Section 59-E-3.7 for hospital institutions is one parking space for each 1,000 square feet of total floor area, plus one space for each resident doctor, plus adequate reserved parking space for visiting staff doctors, plus one space for each 3 employees on the shift. According to the project data table, the total hospital gross floor area including the proposed addition is 894,000 square feet which requires 894 parking spaces; 74 resident doctors require 74 spaces; 245 visiting doctors require 245 spaces; and approximately 1,026 major shift employees require 342 spaces. The Hospital proposes to provide 1,768 parking spaces, some 213 spaces above the minimum Code requirement. The table below compares the required and proposed total parking on the site.

| | <u>Required</u> | <u>Proposed</u> |
|--------------------|---------------------|---------------------|
| Surface Parking | 337 spaces | 288 spaces |
| Structured Parking | <u>1,218 spaces</u> | <u>1,480 spaces</u> |
| Total | 1,555 spaces | 1,768 spaces |

In addition, the property provides for 8 ambulance, 10 motorcycle and 20 bicycle parking spaces.

- (c) **Minimum Frontage.** *Not applicable*
- (d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. A forest conservation plan was originally approved for the subject site on April 17, 2001 when the property underwent modifications to the special exception. The first amendment to that original approval occurred on April 8, 2002. The current expansion plans necessitate a second amendment to the FFCP. The Planning Board's action on the amended FFCP is regulatory and binding. The Board must act on the FFCP before it makes a formal recommendation on the special exception.

The approved forest conservation plan had a 2.13 acre afforestation requirement that was met with on-site tree planting and tree cover canopy credit, some of which was located in the scenic easement. The current proposal requires the removal of all trees previously planted in the scenic easement. The proposed scenic ranges from 30 feet at the narrowest point (at approximately its middle), to 35 feet to the north and expands to 60 feet to the south. The applicant proposes to meet the afforestation requirements, in part, by re-creating a landscaped buffer in the reduced scenic easement. As such, Environmental Planning staff in their memorandum to the Planning Board dated, February 27, 2009, recommends approval, with conditions as identified on page 2 of this report.

- (e) **Water quality plan.** *A stormwater management concept plan has been prepared and submitted to the Department of Permitting Services (DPS). The special exception does not require approval of the stormwater management concept plan, but the plan will need to be approved before a sediment control permit can be issued.*

- (f) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping scale, bulk, height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

The Hospital's existing main structure will remain intact. In staff's view, the proposed tower addition and garage expansion is well-related to the surrounding neighborhood in its siting and its landscaping, scale, bulk, height, material, and texture. The proposed garage expansion would improve parking conditions on and around the hospital site. The proposed tower addition would enhance important health services to the surrounding area and the County.

- (g) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into adjacent residential properties.

The new site lighting will not directly impact the adjoining properties. Staff finds the lighting and landscape plan to be acceptable; however, the applicant must obtain approval of a final landscape and lighting plan by M-NCPPC technical staff before issuance of a building permit. The final landscape plan must address landscaping and screening materials for the north parking garage expansion along Forest Glen Road. The final landscape plan must also address landscaping and screening for the scenic easement. The final lighting plan must limit light spillover to the minimum footcandle level allowed by the special exception at the property boundary and also include retaining wall and lighting details.

Sec. 59-G-2.31. Hospitals.

A hospital or sanitarium building may be allowed, upon a finding by the board that such use will not constitute a nuisance because of traffic, noise or number of patients or persons being cared for; that such use will not affect adversely the present character or future development of the surrounding residential community; and if the lot, parcel or tract of land on which the buildings to be used by such institutions are located conforms to the following minimum requirements, except, that in the C-2 and C-O zones, the minimum area and frontage requirements shall not apply:

- (1) Minimum area. Total area, 5 acres.

The site of the special exception consists of 14.21 acres, thus exceeding the minimum area requirement.

- (2) Minimum Frontage. Frontage, 200 feet.

The existing use is located on a corner lot with frontage on Forest Glen Road of approximately 810 feet and frontage on Dameron Drive of approximately 756 feet.

- (3) Setback. No portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, where the adjoining or nearest adjacent land is zoned single-family detached residential or is used solely for single-family detached residence, and in all other cases not less than 50 feet from a lot line.

The subject property adjoins residentially zoned (R-60) land. The proposed south patient tower is located directly adjacent to the Capital Beltway. The Capital Beltway (I-495) is classified in the R-60 zone. As a result, the required setback from the southern property line must be equal to the height of the proposed tower, thus requiring a 128-foot variance. The proposed seven story building will be setback approximately 370 feet from the single-family detached dwellings located across Dameron Drive. The proposed garage expansion is in compliance with setback requirements.

- (4) Off-Street Parking. Off-street parking shall be located so as to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas. Parking shall be limited to a minimum in the front yard. Subject to prior board approval, a hospital may charge a reasonable fee for the use of off-street parking. Green area shall be located so as to maximize landscaping features, screening for the residents of neighboring areas and to achieve a general effect of openness.

The additional off-street parking is proposed along Forest Glen Road within an extension to the existing north parking garage. The garage expansion reduces the visual impact on the surrounding neighborhood since it is being extended to the east toward open parkland, and it minimizes height as the top level of parking is no higher than currently exists, thereby achieving better compatibility with the surrounding residences than if located elsewhere on the property. The off-street parking is so located as to achieve a maximum of safety, convenience, and amenity for the residents of the surrounding area.

With regards to providing green areas located to "maximize the landscaping features, screening... and achieve a general effect of openness," the applicant is providing adequate landscaping, and other aesthetic devices will provide a screening effect to the view to mask the

bulk of the proposed garage expansion façade.

- (5) Commission recommendation. The board or the applicant shall request a recommendation from the commission with respect to a site plan, submitted by the applicant achieving and conforming to the objectives and requirements of this subsection for off-street parking and green area.

The site plan submitted by the applicant satisfies the off-street parking requirement. There is no green area requirement for the Hospital use.

- (6) Building height limit. Building height limit, 145 feet.

The application satisfies this standard. The maximum height of the proposed south patient tower is 128 feet, and the maximum height of the proposed garage expansion is 43 feet.

- (7) Prerequisite. A resolution by the health services planning board approving the establishment of the hospital shall be filed with the petition for a special exception.

No additional finding of need is required for this expansion.

Conclusion

Staff recommends approval of Special Exception modification S-420-H, subject to the conditions found at the beginning of the technical staff report. The proposed modifications to the existing special exception would not have an adverse affect on the neighborhood, and would comply with the requirements of the Zoning Ordinance.