



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB
Item # 6
6/27/02

MEMORANDUM

DATE: June 21, 2002
TO: Montgomery County Board of Appeals
VIA: John A. Carter, Chief, Community-Based Planning
FROM: Kathleen A. Reilly, AICP, Community-Based Planning
Khalid Afzal, Team Leader, Georgia Avenue Corridor

REVIEW TYPE: Special Exception Modification
APPLYING FOR: Hospital
APPLICANT: Holy Cross Hospital of Silver Spring, Inc.
CASE NUMBER: S-420-G
REVIEW BASIS: Chapter 59, Zoning Ordinance

ZONE: R-60
LOCATION: 1500 Forest Glen Road
MASTER PLAN: Forest Glen Sector Plan (1996)

FILING DATE: March 29, 2002
PLANNING BOARD REVIEW: June 27, 2002
PUBLIC HEARING: July 17, 2002 at Board of Appeals

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. The applicant shall be bound by all submitted statements and plans.
2. All terms and conditions of the approved special exception remain in full force and effect.
3. Limit the expansion of the Physician Specialists Wing to 71,627 square feet and the hospital facility expansion to the proposed 216,153 square feet.
4. Participate with Centrex Homes, developer of Belvedere Glen, to modify the lane striping and signal phasing for both Forest Glen Road approaches to its intersection with Georgia Avenue. Modify the eastbound approach from the existing one left/through lane, one through lane and one right-turn lane to one left turn lane, one through lane, and one right-turn lane. Modify the westbound approach from the existing one left-turn lane, one left/through lane, and one through/right lane to two left turn

lanes, and one through/right lane. Replace the split phase for eastbound and westbound approaches with a concurrent phase.

5. Construct an internal entrance/exit access point on rear of site connecting to the Dameron Drive parking garage. Construction of internal entrance exit point to be undertaken when the emergency access at the bottom of Dameron Drive is completely closed and grass pavers are reinstalled.
6. Revise development data to match the submitted site plan.
7. Approval of a park permit from the Park Design and Development Division for any work in the easement, prior to issuance of any permits. The park permit application shall be accompanied by detailed construction drawings including retaining wall details, details on the parking barrier, and a landscape plan. The landscaping plan must include erosion control, naturalizing plant material on the two-to-one slopes. Provide significant tree screening and any replacement fencing, and show a designated a no-mowing area. The park permit must also address the finish material of the retaining wall with an aesthetically pleasing architectural treatment, subject to final approval of samples or photographs by M-NCPPC when the park permit is reviewed.
8. The applicant must maintain the replanted easement. The applicant's responsibility is to establish and maintain over time a uniform stand of ground cover on the slope.
9. The applicant must construct a continuation of the Forest Glen Road curb into Sligo Creek Park property from its present limit and reconstruct the asphalt path connection to the existing concrete sidewalk per park staff approval.
10. Approval of a signage plan by Sign Review Board.

THE PROPOSAL

The applicant, Holy Cross Hospital of Silver Spring Inc., has requested a modification to an existing special exception, S-420-E. The subject modification will decrease the total building coverage on the campus; will increase the total building square footage; and will add an additional internal access point for the parking garage located adjacent to Dameron Drive. The requested increase in total building square footage will be approximately 216,153 square feet. This increase in square footage is broken down as follows approximately 135,462 square feet to the existing hospital structure; increases the proposed Physicians Specialist's Wing to 71,627 square feet; expands the concourse by 8,739 square feet; constructs a drive aisle and parking facility within a portion of the scenic easement; locates three generators on an enclosed pad site adjacent to the existing accessory building in the rear of the

property; and adds 325 square feet to an existing accessory building at the rear of the site. The additional internal access point to the parking facility adjacent to Dameron Drive will be on the property in the rear of the site. Appendix 1 contains charts submitted by the applicant detailing all proposed changes for this modification.

Site -The subject site 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 subject site is recorded as Parcel B and contains approximately 14.21 acres of land. 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, two parking garage, one accessory building and surface parking throughout the campus.

One parking garage located along Forest Glen Road is a four level garage with three levels below grade and one level at grade. A large heavily landscaped berm planted with trees and shrubs screens this parking facility from the residences on Forest Glen Road. This garage contains a total of 698 parking spaces. The southwest parking garage located on Dameron Drive at the rear of the site was recently reconstructed as a 5 level parking garage with 3 levels below grade, one level at grade and one level above grade. This garage contains a total of 520 parking spaces. A new retaining wall and berm have been constructed adjacent to the new parking facility. The berm contains trees, evergreens and ground plantings that screen the parking facility from the nearby residences on Dameron Drive. This parking facility was constructed under the conditions approved special exception (S-420-E) for this use. The remaining on-site surface parking is located in a parking lot on Forest Glen Road at the northwest corner of the property as well as in the rear of the site and adjacent to the scenic easement along the eastern property line. Access to the property is 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 into a surface parking lot.

The southern property line abuts the outer loop of the Capital Beltway (I-495) and a noise attenuation wall constructed by the State Highway Administration (SHA) has been placed along this property line. Sligo Creek Park is located along the property's eastern lot line. A scenic easement is located on a portion of the site's eastern property line. The entire hospital campus contains a variety of flowering trees, evergreens, deciduous trees, and shrubs that are well maintained.

Neighborhood Description -The properties to the north and west of the subject site are zoned R-60 and are developed with single-family detached residential uses. 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. Montgomery Hills Baptist Church is located at the southeast corner of Georgia Avenue and Forest Glen Road. The Forest Glen Metrorail station on the west side of Georgia Avenue is approximately 2,500 feet west from the subject site.

Other special exceptions approved by the Board of Appeals for the subject use include: BAS-816 to allow establishment of the hospital approved in November, 1959; BAS - 420 to construct a 112-bed addition to the hospital approved on 1/21/76; BAS-420-A to increase hospital square footage and additional parking spaces approved on 6/2283; BAS-420-B to add laboratory facilities approved on 1/1389; BAS-420-C for hospital structural modifications approved on 11/2790; and BAS-420-D for upgrading exterior lighting, constructing a 2-story addition and expanding parking structures approved on 9/13/94; S-420-E to add approximately 216,051 square feet to the entire site, including constructing a 51,660 square feet Physicians Specialist's Wing; reconstructing the southwest parking facility on Dameron Drive; and constructing a driveway within a portion of the scenic easement approved on 5/4/01; and S-420-F to relocate temporary trailers on site and a minor extension to an accessory building approved on 5/8/02. A copy of opinion S-420-E is contained in Appendix 2.

Elements of the Proposal - A summary of the applicant's statement is as follows:

The applicant, Holy Cross Hospital of Silver Spring Inc., seeks a modification to an existing special exception. The subject modification proposes to add approximately 216,153 square feet to the entire site. This square footage adds approximately 135,462 square feet to the existing hospital structure; increases the proposed Physicians Specialist's Wing to 71,627 square feet; expands the concourse by 8,739 square feet, constructs a drive aisle and parking facility within a portion of the scenic easement, adds approximately 325 square feet to the existing accessory building in the rear of the property; places three generators on an enclosed pad site in the rear of the property; adds an internal access point to the existing parking garage adjacent to Dameron Drive.. According to the submitted site plan, the total on-site parking will be 1,612 spaces. The existing height of the hospital is a maximum of 122 feet and there is no increase in height proposed under this modification. The Physicians Specialists Wing will increase in height from 59 feet, 8 inches to 65 feet, 4 inches. The Physician Specialists Wing will be open for office visits Monday through Friday 8:30 a.m. to 5:00 p.m. and Saturday 8:30 a.m. to 12 noon. There is no increase in the number of beds for the existing use.

The modification also seeks to disturb a recorded scenic easement along the property's eastern lot line for a drive aisle and parking facility to serve the new Physician Specialists Wing. The easement will contain a 10-foot high retaining wall, and the easement will be replanted with shrubs and trees.

ANALYSIS

Master Plan – The site is situated in the 1996 Forest Glen Sector Plan area which recommended R-60 for the subject site. The Sector Plan states that Forest Glen comprises two distinct neighborhoods, Forest Glen East and Forest Glen West on the two sides of Georgia Avenue. Forest Glen East which contains Holy Cross

Hospital, is described as “a quiet, single-family residential neighborhood. An important goal of the plan is to strengthen and stabilize neighborhoods such as Forest Glen East.” The sector plan also acknowledged that Holy Cross Hospital is one of the important resources in the county as well as the region and provides essential health care services to county residents. It stated that, “while this plan recognizes the Countywide value of Holy Cross Hospital, neighborhood preservation is also a paramount concern, including both the stability of residential areas and the continued viability of existing medical office space.

At the time of the Sector Plan, potential expansion of Holy Cross Hospital beyond its current site and into the neighboring residential blocks was a major issue. The Planning Board and the County Council work sessions specifically addressed the issue of any negative impacts on the surrounding community, especially the residential areas immediately across Forest Glen Road and Dameron Drive from the subject use. The recommendations included in one of three objectives for the hospital, stated, among others, that,

“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 surrounding neighborhoods, also taking into account such factors as Holy Cross’ needs for technological expansion and concerns about emergency room access.”

No restriction on the amount of floor area to the existing building as proposed in the subject modification was placed in the Sector Plan. The requested modification for the Physician Specialists Wing is consistent with the 80,000 square foot limit recommended for any new development in the existing surface parking area located at the northwest corner of the site at Forest Glen Road and Dameron Drive. This conclusion is supported by Objective A, in the Sector Plan which stated *“Ensure that new development is compatible with the character of the existing residential neighborhood.”* This objective was further reinforced by the following language which stated that, *“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 it altogether) may be permitted in order to lower the height of the buildings or otherwise reduce the impact of the hospital on the surrounding neighborhood”*

The sector plan also stated that *“In an effort to strike a balance between neighborhood stability and flexibility needed in order for Holy Cross Hospital to provide quality health care into the future, this plan limits the future development of health -related facilities to the existing campus of Holy Cross Hospital while also providing some flexibility and support for the hospital to develop additional facility within the campus. This Plan supports the development of additional facilities up to 80,000 square feet (plus additional parking) on the campus for medical office, medical clinic and other health related uses. The Plan does not support the expansion beyond the existing campus because it may affect the stability of the*

existing residential community." This conclusion was also supported in the sector plan by an Illustrative Concept Plan, which showed a potential 80,000 sq. ft. expansion of 4 stories in the surface parking lot on Forest Glen Road. The submitted site plan shows a proposed Physician Specialist Wing, located along the site's eastern property line, approximately 71,627 square feet in size and 65 feet high and associated surface parking. The proposed square footage and the height are well within the limits recommended in the sector plan and the proposed building is setback approximately 300 feet from Forest Glen Road. Based on the proposed site plan and the sector plan recommendations, the proposed expansion of approximately 216, 153 square feet on the entire site and the increased size and height of the proposed Physician Specialist Wing is consistent with and meets the intent of the Forest Glen Sector Plan for neighborhood stability and hospital expansion.

Access, Landscaping, Signage - --The applicant is requesting an internal access point for the parking garage adjacent to Dameron Drive. As constructed, there is only one entry and exit point on the third level of this structure. The applicant believes that this single entry/exit point does not provide for smooth on-site traffic circulation and is requesting a secondary access point on the second level of the parking structure in the rear of the property. The applicant has stated that this additional access point will facilitate the arrival and departure of staff traveling from areas east of the hospital. The applicant has also stated that this proposed internal access point would not be constructed until the emergency access drive at the bottom of Dameron Drive is completely closed and the grass pavers are reinstalled. Staff would support the applicant's request for another internal entrance/exit point into the parking structure as well as their recommended timing for implementation of this improvement.

The applicant has submitted a landscape and lighting plan for the entire site. Staff finds the submitted landscape plan acceptable as it adequately addresses landscaping and effective screening for this site. The submitted lighting plan for the entire site is also acceptable.

The applicant has submitted a concept signage plan for signs at the site's main entrance. Each sign face is approximately 80 square feet. Staff finds the proposed signage plan acceptable and recommends that the applicant submit a signage plan to the Sign Review Board for final approval.

The submitted site overall site needs to be revised to contain the following information, correct setbacks from I-495 of 55 feet and 100 feet from Sligo Creek.

Transportation - The Transportation Planning Division staff has reviewed the subject modification application and offers the following comments and recommendations.

Limit the expansion of the Physician Specialist wing of the hospital to 71,627 square feet and the hospital facility expansion to the proposed 216,153 square feet.

Participate with Centrex Homes, developer of Belvedere Glen, to modify the lane striping and signal phasing for both Forest Glen Road approaches to its intersection with Georgia Avenue. Modify the eastbound approach from the existing one left/through lane, one through lane and one right-turn lane to one left turn lane, one through lane, and one right-turn lane. Modify the westbound approach from the existing one left-turn lane, one left/through lane, and one through/right lane to two left turn lanes, and one through/right lane. Replace the split phase for eastbound and westbound approaches with a concurrent phase.

Holy Cross Hospital is increasing the proposed Physicians Specialists Pavilion from 51,660 square-foot to 71,627 square feet. The Physicians Specialists Pavilion is part of 216,153 square feet of overall improvements to the existing hospital campus. With the exception of the Physician Specialists Pavilion, the improvements will not increase the number of patients served by the hospital campus but are rather proposed to enhance the quality of care by providing more private rooms and improved circulation throughout the facility. The improvements in the subject modification include relocation of the on-campus parking facilities to accommodate the Physicians Specialists Wing.

An updated traffic study reflecting the expansion of the Physicians Specialists Wing from the size specified under approved special exception S-420-E, was submitted to supplement the original traffic study dated September 2000 by the applicant as required to satisfy the Local Area Transportation Review (LATR) component of the APF test. The analysis of intersection congestion is summarized in Table 1.

Table 1. Intersection Critical Lane Volumes (CLV)

Intersection	Existing		Background		Total Future		Total Future With Improvements	
	AM	PM	AM	PM	AM	PM	AM	PM
Georgia Avenue and Forest Glen Road	1750	1423	1779	1440	1783	1471	1753	1523
Forest Glen Road and Dameron Drive	808	785	808	785	818	820	818	820
Forest Glen Road and West Driveway	737	652	737	652	N/A	N/A	N/A	N/A
Forest Glen Road and Emergency Vehicle Driveway	704	575	704	575	N/A	N/A	N/A	N/A
Forest Glen Road and East Driveway	855	720	855	720	839	710	839	710
Forest Glen Road and Sligo Creek Parkway	1288	855	1288	855	1330	881	1330	881
Forest Glen Road and Relocated Main Entrance	N/A	N/A	N/A	N/A	713	637	713	637

As shown in Table 1, the traffic study indicates that the intersection of Georgia Avenue (MD 97) and Forest Glen Road (MD192) exceeds the Kensington-Wheaton Policy Area critical lane volume (CLV) standard of 1,650 during the morning peak hour when the total future traffic, i.e., existing, background and site traffic, is considered. The applicant, therefore, will be required to mitigate this traffic by participating in the modification of the lane striping and signal phasing for the Forest Glen Road approaches at Georgia Avenue. The existing lanes will be re-striped to eliminate the shared thru-left turn lanes on both approaches, allowing the eastbound and westbound signal phases to operate concurrently.

The improvement at the intersection of Georgia Avenue and Forest Glen Road is also a condition of the approval of Preliminary Plan 1-99096 for Belvedere Glen. Both participants may use this improvement because the improvement has not been completed yet and the CLV for the total traffic condition (includes traffic from each development) and the improvement is less than the CLV for the background traffic condition without the improvement. Table 1 shows that the morning CLV at Georgia Avenue and Forest Glen Road is 1,783 for the background condition that includes the Belvedere Glen traffic, but not the proposed improvement. Without the traffic from Belvedere Glen, the morning CLV based on other background traffic at Georgia Avenue and Forest Glen Road is 1,757. The morning CLV at this location under total future traffic with improvements is lower, at 1,753, thereby satisfying LATR requirements for impact mitigation. All other intersections included in the traffic study operate at an acceptable level of service under all conditions.

The intersection of Georgia Avenue and Forest Glen Road has recently been added to the list of approximately 50 intersections included in the State Highway Administration (SHA) Congestion Relief Study, or CRS. The Sector Plan recommends that exclusive left turn lanes should be added to Georgia Avenue and that additional turn lanes might be considered on Forest Glen Road. The petitioner must coordinate the intersection improvements described above with SHA.

According to the 1996 *Forest Glen Sector Plan*, Forest Glen Road is designated as a two-lane arterial, A-57, with an 80-foot right-of-way and a Class I bikeway on the south side. Georgia Avenue is classified as a six-lane major highway, M-8, with a variable right-of-way between 110' and 130' in the vicinity of Forest Glen Road. Dameron Drive is classified as a two-lane roadway with no designation in the Sector Plan.

The Kensington/Wheaton Policy Area has a remaining capacity of 2,768 jobs and 2,533 households as of April 30, 2002.

Environmental - The Environmental Planning staff has reviewed the subject special exception modification and offers the following comments.

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the subject site was approved on 5/04/00, which indicated a mostly developed site with some steep slopes around the edges. No forest exists on the site, but several large landscaping

areas occur on the property, including a steep slope on the east property boundary immediately adjacent to Sligo Creek Stream Valley Park. Five specimen trees were identified on the NRI, mostly mature Willow Oaks along Forest Glen Road, with critical root zones outside the limits of disturbance.

The Final Forest Conservation Plan (FCP), approved on 05/15/02, indicates an afforestation requirement of 2.13 acres. Since this property is an institutional use, tree cover can be used to meet the planting requirement. The Preliminary FCP provides 2.44 acres of landscaping on site consisting of large deciduous, evergreen and ornamental trees.

This site is located in the Sligo Creek watershed, a generally fair to poor quality watershed. The Countywide Stream Protection Strategy (CSPS) assesses the middle Sligo Creek subwatershed as having fair stream conditions and good habitat conditions, labeling it a Watershed Restoration Area. The County and M-NCPPC have expended considerable effort and funding over the last decade to control stormwater flows and improve the habitat in Sligo Creek. Biological conditions in the creek have improved markedly and efforts to further improve the stream continue. The Department of Permitting Services (DPS) indicating full quantity and quality control through underground storage, sand filters and baysavers has approved a conceptual stormwater management plan.

Parks – The eastern property line of the subject site borders Sligo Creek Park. A portion of this property line lies within a scenic easement, which contains approximately 26,650 square feet. This easement was recorded by plat in 1976. The following note appears on the record plat, *“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 Maryland National Capital Park and Planning Commission or its appropriate successor agency”*.

The scenic easement area slopes down toward Sligo Creek and is landscaped mostly with pine trees. Presently, an existing driveway and surface parking borders the easement. Under the submitted modification request, the applicant is proposing to construct a new drive aisle and parking facility to serve the proposed Physician’s Specialists wing, the relocated Emergency Department, the Critical Care Unit and the rear of the hospital campus.

In conjunction with this requested modification, a retaining wall approximately 10 feet in height will be sited within the easement and adjacent to the drive aisle. The parks staff finds this retaining wall height acceptable. Since the wall will be visible, the Parks staff is requesting that the finish material of the wall be an aesthetically pleasing architectural treatment, subject to final approval of samples or photographs by M-NCPPC park staff when the park permit is reviewed. The Parks staff also requests that the detail for parking barrier must comply with current Montgomery County building codes (International Building Code 2000.)

The applicant has submitted a landscape plan that shows the existing easement will be replanted with trees and shrubs. All areas of steep slopes will need to be planted with appropriate ground cover material and the Parks staff recommends staking all trees planted on the 2:1 slope for one full growing season. The Parks staff believes is the applicant's responsibility to establish and maintain over time a uniform stand of ground cover on the slope. The applicant will be required to file a park permit for any work in the easement area and a final landscape plan for the easement and adjacent land up to the Forest Glen Road right-of-way should be included in the permit application

The parks staff also recommends that the applicant construct a continuation of the Forest Glen Road curb into Sligo Creek Park property from its present limit and reconstruct the asphalt path connection to the concrete sidewalk per park staff approval.

Approval of a park permit from the Park Design and Development Division for any work in the easement, prior to issuance of any permits. The park permit application shall be accompanied by detailed construction drawings including retaining wall details, details on the parking barrier and a landscape plan. The landscaping plan must include erosion control, naturalizing plant material on the two-to-one slopes, provide significant tree screening and any replacement fencing and show a designated a no-mowing area. The park permit must also address the finish material of the wall and shall be an aesthetically pleasing architectural treatment, subject to final approval of samples or photographs by M-NCPPC when the park permit is reviewed.

The applicant must maintain the replanted easement and it is the applicant's responsibility to establish and maintain over time a uniform stand of ground cover on the slope.

The applicant must construct a continuation of the Forest Glen Road curb into Sligo Creek Park property from its present limit and reconstruct the asphalt path connection to the existing concrete sidewalk per park staff approval.

Compliance with Specific and General Special Exception Provisions - Staff has reviewed the application for compliance with all applicable special exception provisions and finds the following:

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 institution 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 entire site comprises approximately 14.21 acres of land, which satisfies this requirement.

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

The existing use is 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 residences, and in all other cases not less than 50 feet from a lot line.

As proposed the Physician's Office building will be located approximately 100 feet from the eastern property line adjacent to Sligo Creek park which is zoned R-60 and developed as parkland. The expanded concourse will be 2 stories in height and 105 feet from the property line along Dameron Drive.

- (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.

Under this request, the proposed parking is off-street and on-site will be located in the eastern side yard adjacent to park property and in the rear of the site. The proposed modification will require 1,346 parking spaces. The submitted site plan states that 1,612 on site parking spaces are proposed. According to submitted written information, a total of 1,218 parking spaces exist between the two parking garages, 698 parking spaces in the structure along Forest Glen Road and 520 parking spaces in the structure along Dameron Drive. A review of the submitted site plan shows 360 surface parking spaces proposed for this request. Thus a total of 1,578 parking spaces are proposed for this modification, an excess of 232 parking spaces above the required number. Staff recommends that the applicant revise the parking tabulation to match the submitted site plan.

According to the submitted site plan the green area for the site has been increased from 24% to 26%. This increase in green area is the result of a decrease in the overall hospital building coverage from 216,543 square feet to 195,000 square feet under this request. The proposed landscaping along Forest Glen Road and the eastern property line has also maximized the property's green area. The existing and proposed landscaping will enhance the site's green area and will contribute to an overall effect of openness and will provide an effective screening for nearby residential areas.

- (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.

Staff recommends to the Planning Commission that the submitted site plan achieves and conforms to the objectives and requirements for off-street parking and green area of this subsection.

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

The maximum height of the existing use is 122 feet. Under the subject modification, the existing hospital will not increase its height. The proposed Physician Specialists Wing will be 65 feet, 4 inches in height, a slight increase from the previous approval of 59 feet, 8 inches.

- (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.

Not applicable.

Sec. 59-G-1.2. Conditions for granting.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. 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 non-inherent adverse effects of the existing special exception were addressed at the time of the original special exception approval and at subsequent modification approvals. The modifications proposed in the subject application are located internal to the site, adjacent to I-495 and adjacent to the park. The requested modifications do not include non-inherent adverse effects that require a denial.

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 modification is permissible 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.

The proposed modification complies with the standards and requirements for a hospital, Section 59-G-2.31, hospitals.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted 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 the 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 modification is consistent with the recommendations contained in the Forest Glen Sector Plan for this use.

- (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 increased size of the Physician's Specialists Wing remains in keeping with a design, placement, and scale that is compatible with the surrounding neighborhood. The proposed landscaping and screening around the proposed structure as well as throughout the site will ensure that this proposed modification will be in harmony with the general character of the neighborhood when considering these criteria.

- (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.

The proposed modification will not have a detrimental effect for any of these reasons.

- (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 modification will not cause adverse effects with respect to these criteria.

- (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 requested modification will not increase the number, intensity and scope of the approved special exceptions in 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 on any adverse effects the use might have if established elsewhere in the zone.

The proposed modification will not cause any of these effects.

- (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.

The site is served by public water and sewer.

- (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.

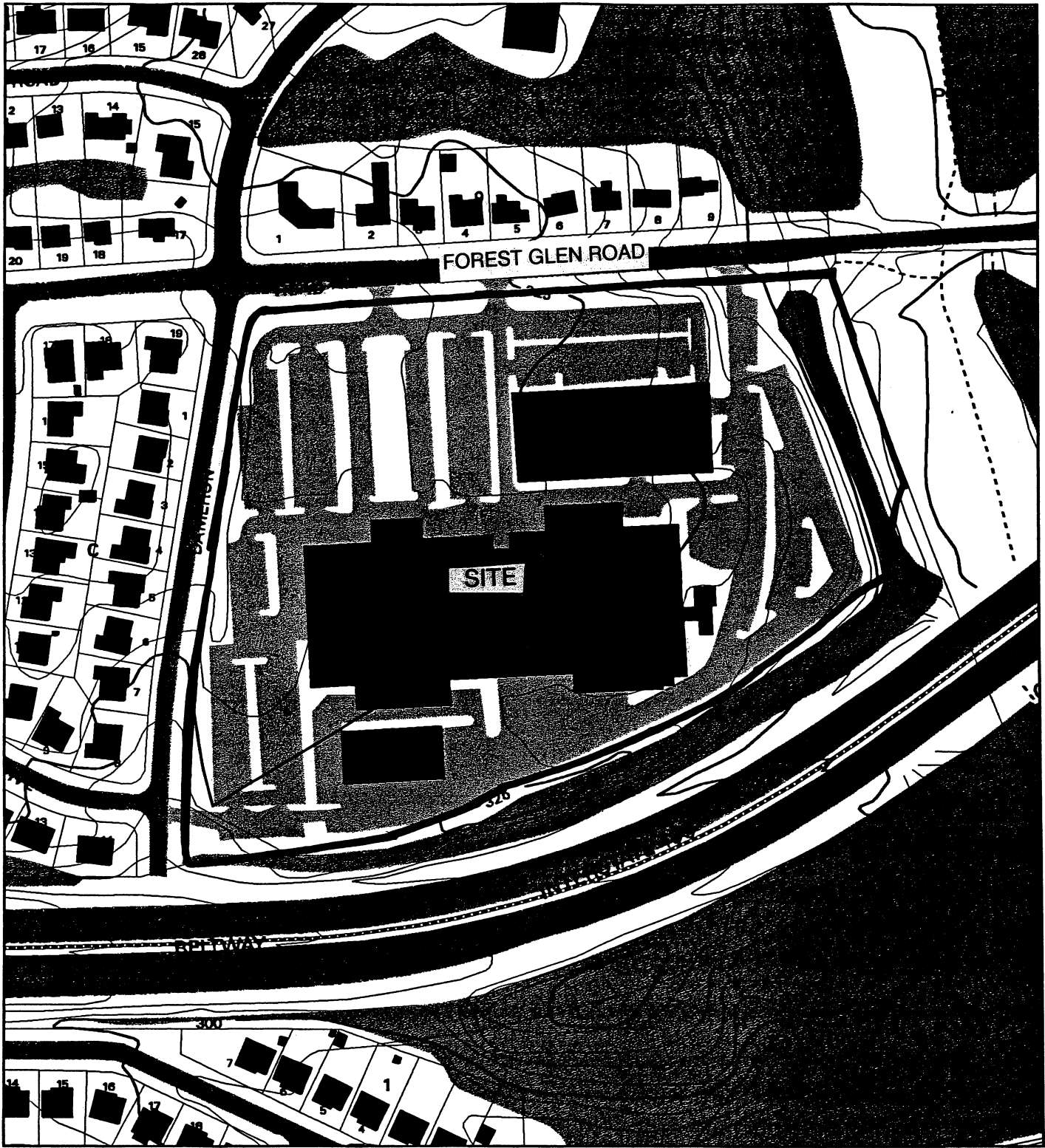
The site is subdivided, and a preliminary plan of subdivision is not required.

- (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 have no detrimental effect on the safety of vehicular or pedestrian traffic.

The issue of adequacy of public roads was addressed in the applicant's traffic study. Under the recommended transportation conditions, pedestrian and vehicular safety should improve under this modification.

CONCLUSION - Staff finds that special exception modification satisfies all general and specific requirements for the use found in Sections 59-G-1.21 and 59-G-2.31 of the Zoning Ordinance. Therefore, staff recommends approval with the conditions stated at the beginning of this report.

VICINITY MAP FOR
S-420-G



Map compiled on June 18, 2002 at 10:22 AM | Site located on base sheet no - 212NW02

NOTICE

The planimetric, property and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

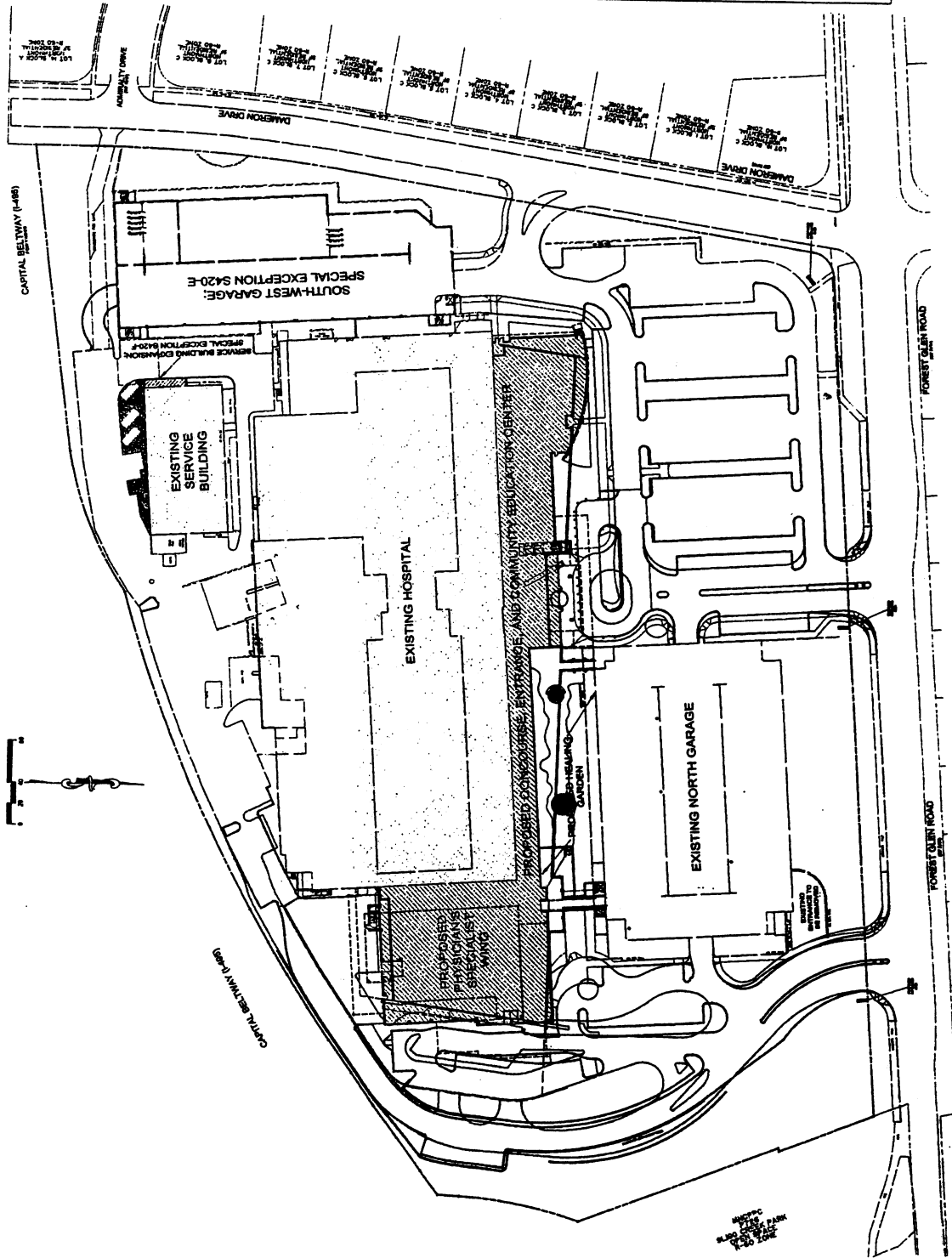
Key Map



Research & Technology Center



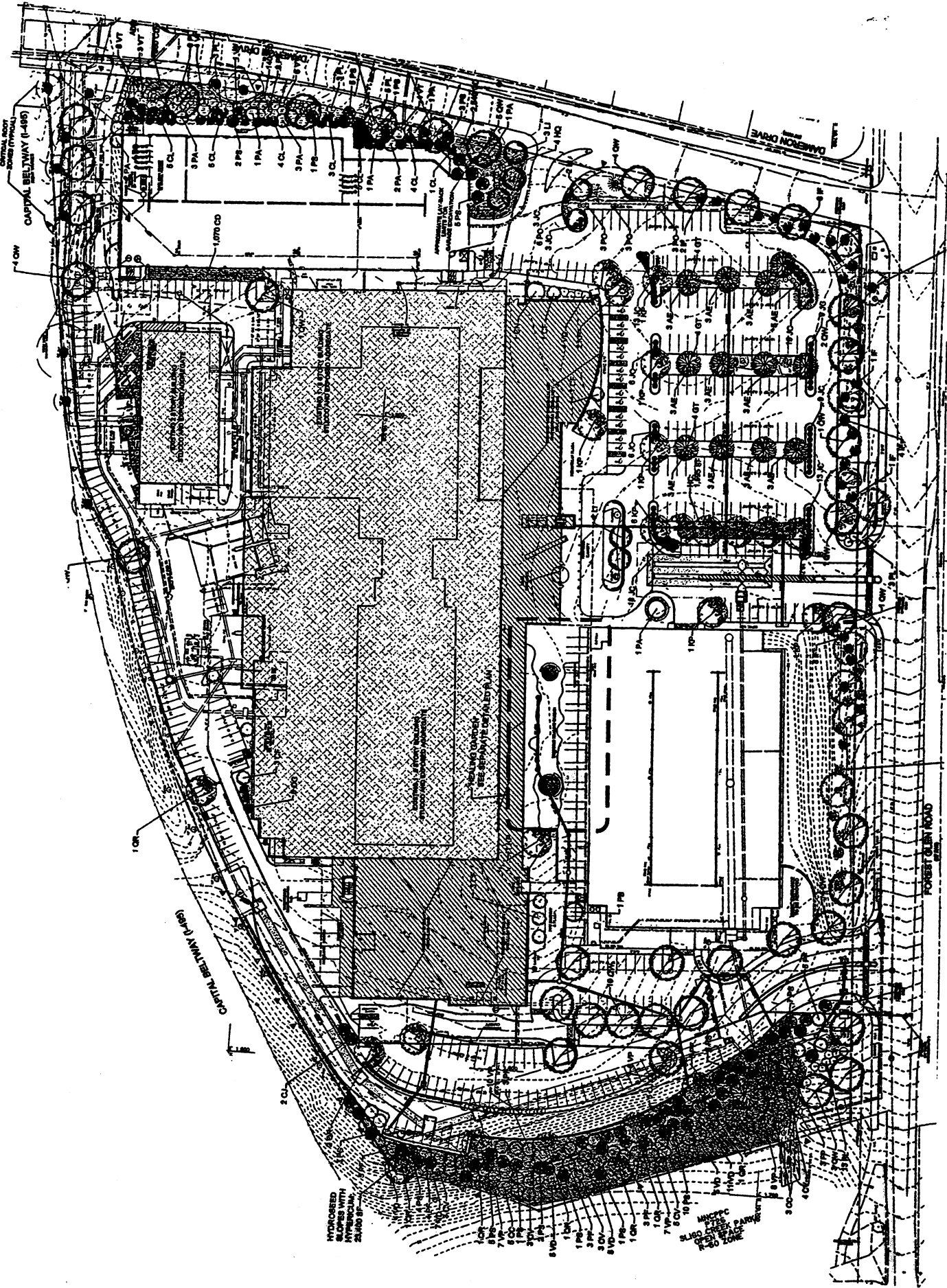
1 : 2400



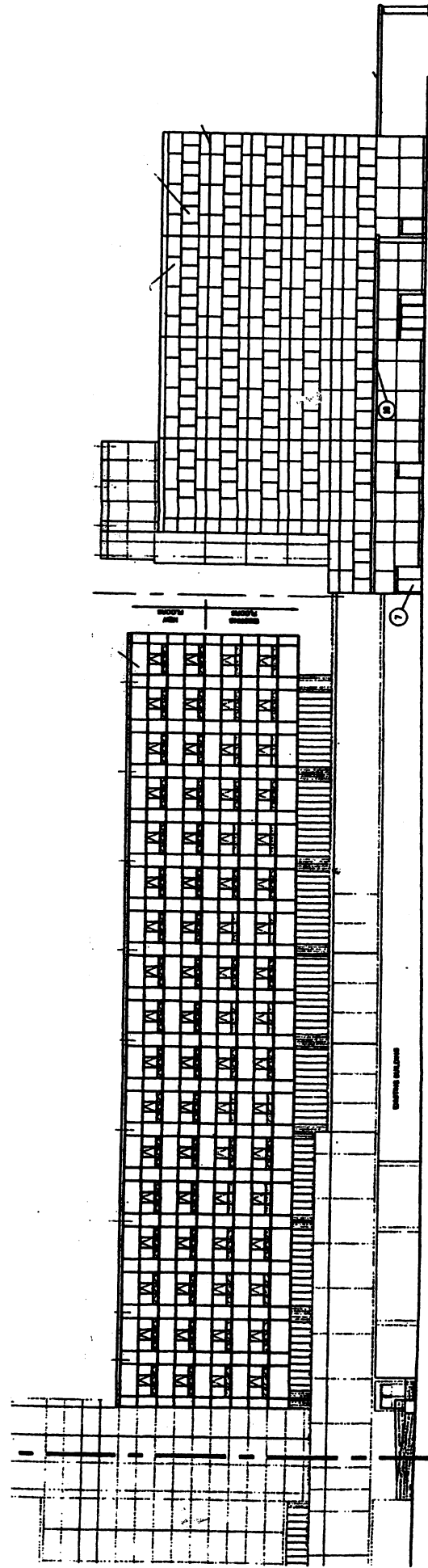
LEGEND:

[Symbol]	APPROVED SPECIAL EXCEPTED CASE (NO. 888-E)
[Symbol]	BUILDING FOOTPRINT
[Symbol]	CANOPY CUTLINE
[Symbol]	CURB LINES AND RETAINING WALLS
[Symbol]	UNDERGROUND PARKING GARAGE
[Symbol]	RETAINING WALL
[Symbol]	PROPOSED SPECIAL EXCEPTED CASE (NO. 888-E)
[Symbol]	PROPOSED BUILDING FOOTPRINT
[Symbol]	PROPOSED DRIVE
[Symbol]	PROPOSED CURB LINES
[Symbol]	PROPOSED RETAINING WALLS
[Symbol]	PROPOSED DRIVEWAYS
[Symbol]	EXISTING FACILITIES
[Symbol]	EXISTING BUILDING FOOTPRINT
[Symbol]	EXISTING CURB TO REMAIN

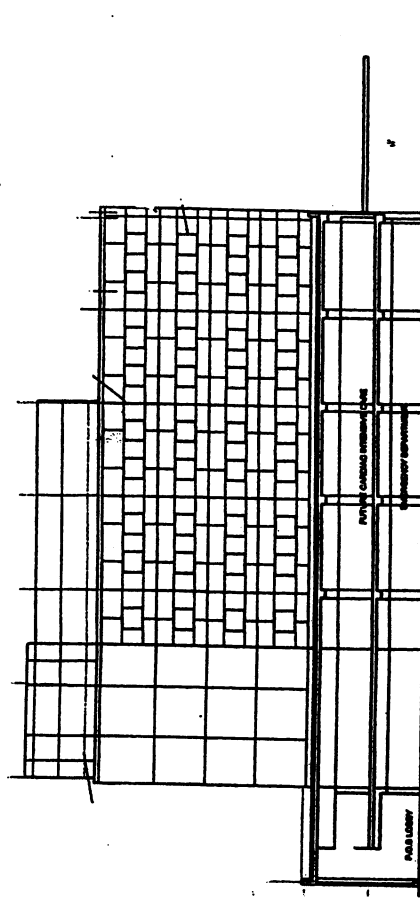
**OVERALL SITE PLAN
COMPARISON BETWEEN PREVIOUS APPROVAL
AND CURRENT REQUEST**



SITE PLAN



1 SOUTH ELEVATION
SCALE 1/8"=1'-0"

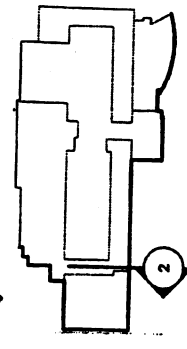


2 WEST ELEVATION @ P.O.B.

Key Plan



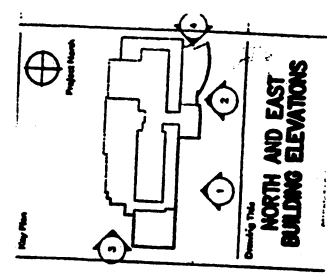
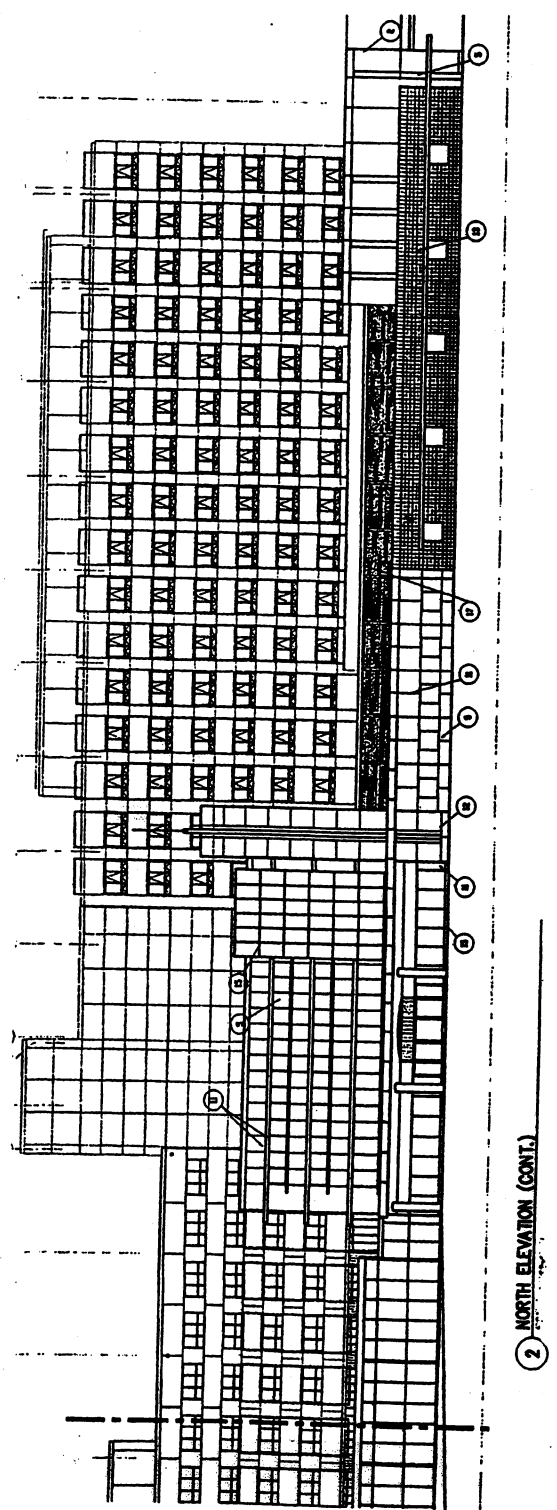
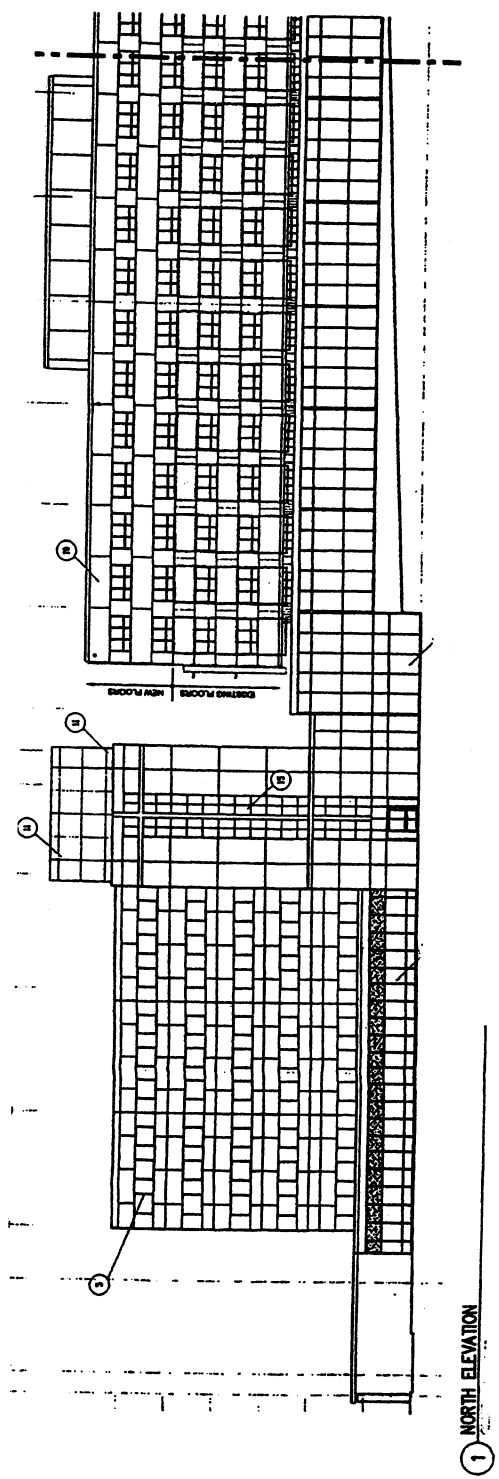
Project North



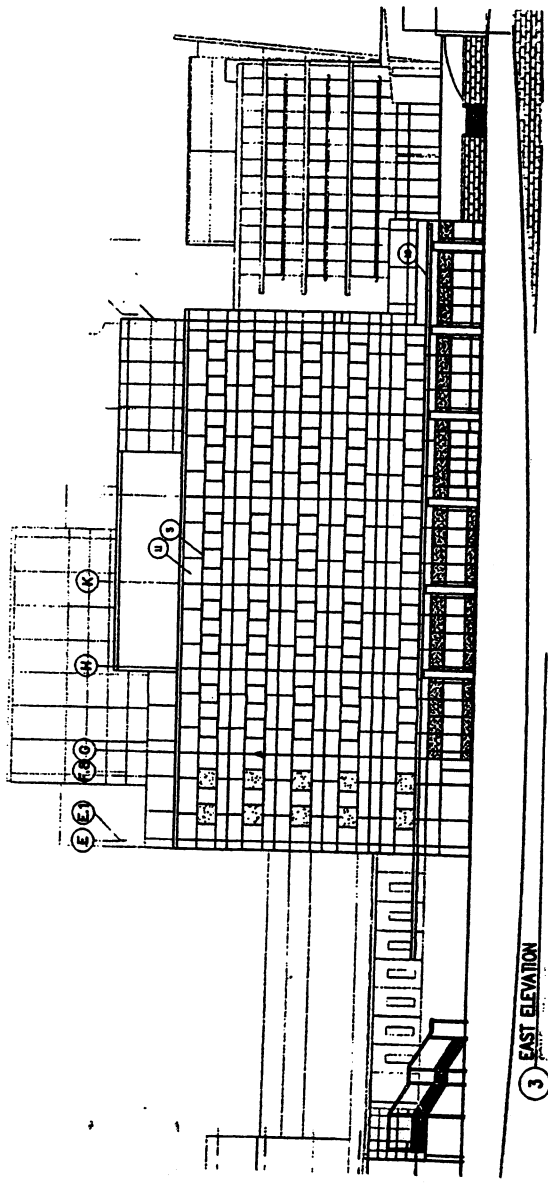
Drawing Title

**SOUTH AND WEST
BUILDING ELEVATIONS**

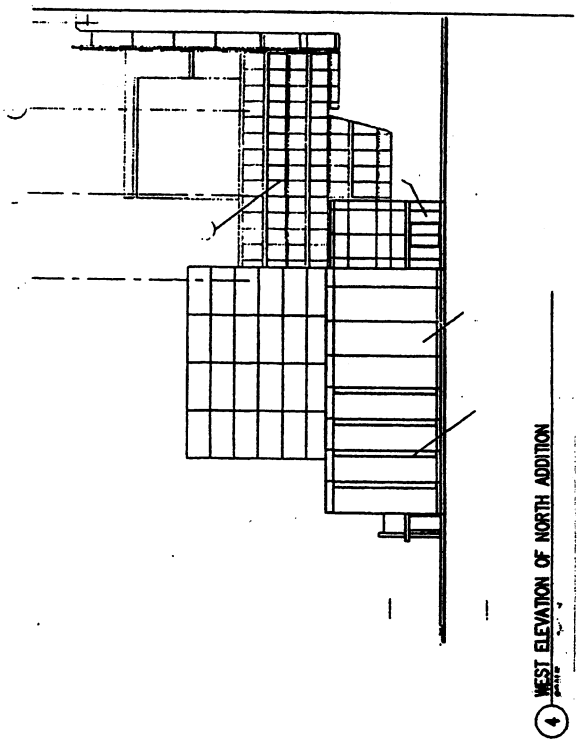
ELEVATIONS



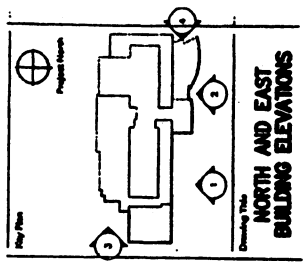
ELEVATIONS



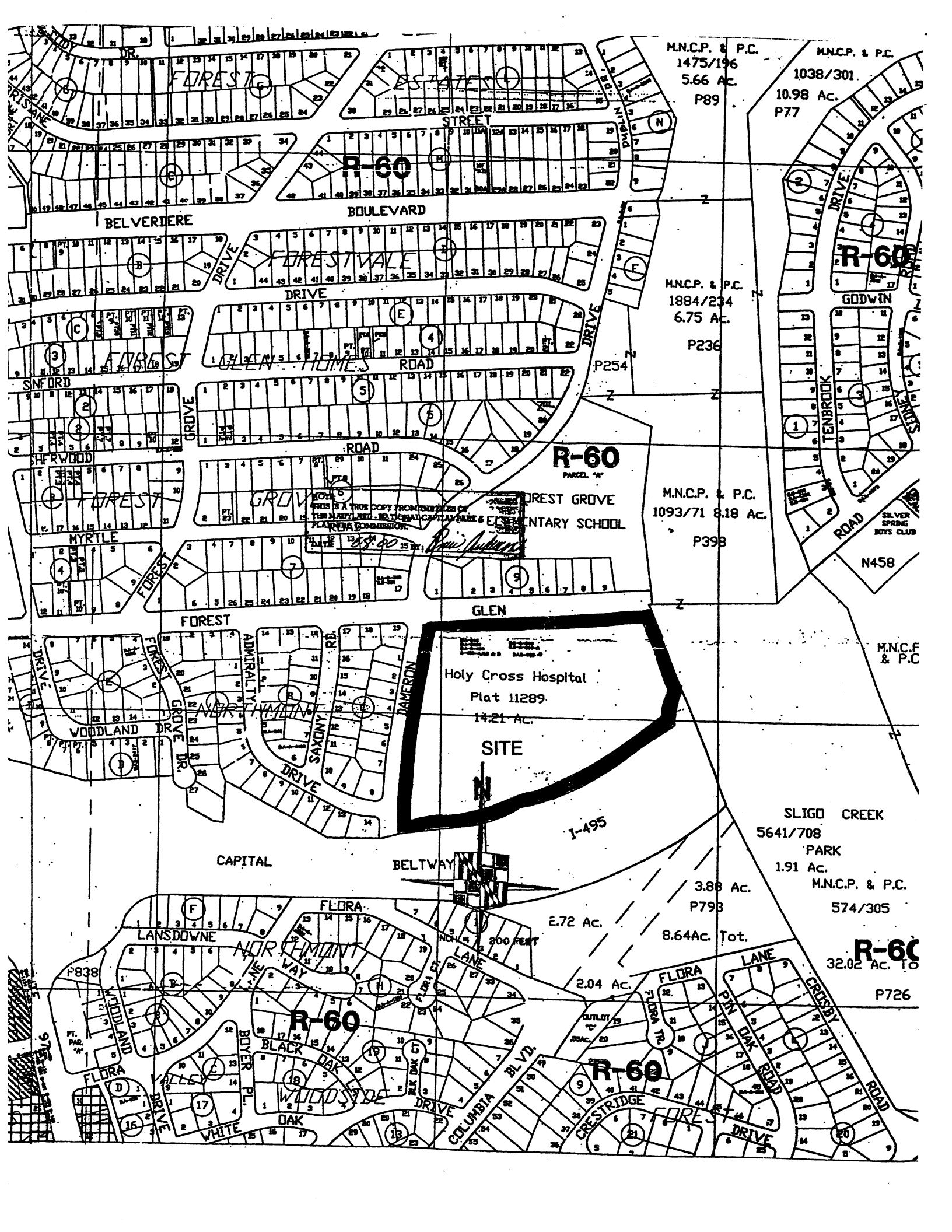
3 EAST ELEVATION



4 WEST ELEVATION OF NORTH ADDITION



ELEVATIONS



M.N.C.P. & P.C.
1475/196
5.66 Ac.
P89

M.N.C.P. & P.C.
1038/301
10.98 Ac.
P77

M.N.C.P. & P.C.
1884/234
6.75 Ac.
P236

M.N.C.P. & P.C.
1093/71
8.18 Ac.
P398

M.N.C.F
& P.C

SLIGO CREEK
5641/708
PARK
1.91 Ac.
M.N.C.P. & P.C.
574/305

R-6C
32.02 Ac. To
P726

Holy Cross Hospital
Plat 11289
14.21 Ac.

SITE

NOTE: THIS IS A TRUE COPY FROM THE FILES OF THE MARYLAND REGISTERAL CAPITAL PARK & ELEMENTARY SCHOOL PLANNING COMMISSION.
DATE 05/20/00 *David Johnson*



2.72 Ac.

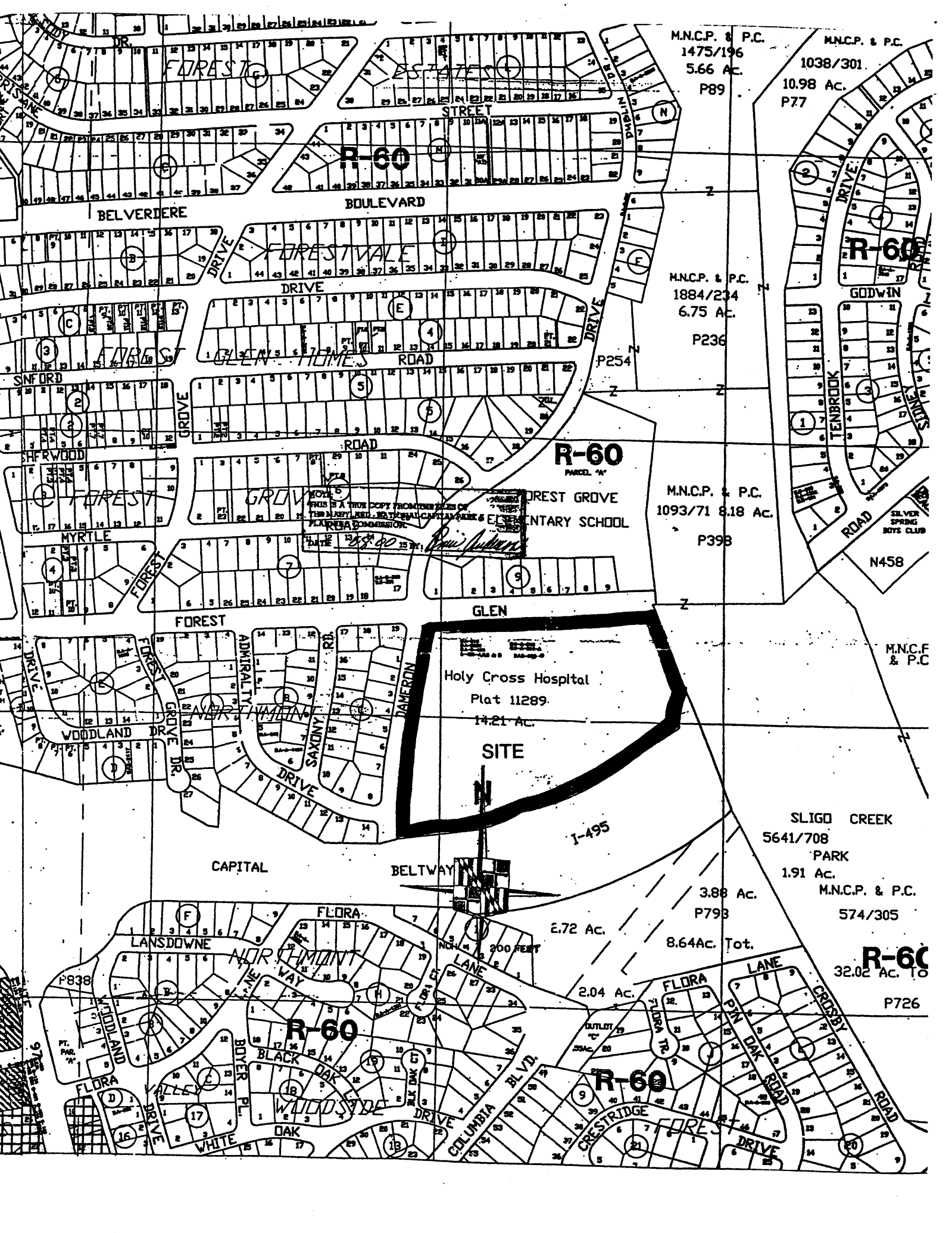
3.88 Ac.
P798

8.64 Ac. Tot.

2.04 Ac.

R-60

R-60



HOLY CROSS HEALTH
 MASTER PLAN
 EXISTING/PROPOSED SPACE PROGRAMS

SmithGroup
 6/17/2002

FLOOR BY FLOOR SUMMARY	EXISTING			PROPOSED NEW CONSTRUCTION			Total Gross Square Feet Proposed+Existing
	Dept. Gross SF	Net to Gross	Floor Gross SF	Sub Total (net)	Net to Gross	New Gross SF	
Hospital							
Ground Floor	93,948	1.19	112,220			20,000	132,220
First Floor	107,526	1.12	120,065			35,293	155,358
Second Floor	27,671	1.90	52,460			16,413	68,873
Third Floor	47,957	1.08	51,635			15,360	66,995
Fourth Floor	36,519	1.08	39,400			7,406	46,806
Fifth Floor	16,485	1.19	19,600			20,495	40,095
Sixth Floor	16,954	1.16	19,600			20,495	40,095
Seventh Floor	17,495	1.12	19,600			0	19,600
Eighth Floor	16,532	1.19	19,600			0	19,600
Subtotal, Hospital	381,086	1.19	454,180	0		135,462	589,642
Physician Specialists Building				50,588	1.42	71,627	71,627
Concourse	0		0				
Ground Floor						879	879
First Floor						7,860	7,860
Subtotal, concourse						8,739	8,739
Subtotal, Hosp, POB, Concourse			454,180			215,828	670,008
Service Building							
First Floor			11,651			325	11,976
Second Floor			3,016			0	3,016
Subtotal, Service Building			14,667			325	14,992
Total On-Site Square Footage	381,086	1.23	468,847	50,588		216,653	885,000
Physician Office Building					Net Usable	Efficiency	
Ground Floor Lobby & Core						2,051	
1st Floor Lobby & Core						2,155	
Second Floor						16,164	
Third Floor						16,164	
Fourth Floor						16,164	
Fifth Floor						16,164	
Penthouse						2,765	
Subtotal, POB						50,588	
						0.71	
						71,627	

HOLY CROSS HEALTH
 MASTER PLAN
 EXISTING/PROPOSED SPACE PROGRAMS

** Approved 5/2/001

SmithGroup
 5/1/2000

FLOOR BY FLOOR SUMMARY	EXISTING			NOTES	PROPOSED NEW CONSTRUCTION			Total Gross Square Feet Proposed+Existing
	Dept. Gross SF	Net to Gross	Floor Gross SF		Sub Total (net)	Net to Gross	New Gross SF	
On Site								
Ground Floor	93,948	1.19	112,220					
First Floor	107,526	1.12	120,065			16,190	128,410	
Second Floor	27,671	1.90	52,460	Includes 19,290 mech		25,640	145,705	
Third Floor	47,957	1.08	51,635			15,335	67,795	
Fourth Floor	36,519	1.08	39,400			17,180	68,815	
Fifth Floor	16,485	1.19	19,600			9,680	49,080	
Sixth Floor	16,954	1.16	19,600			21,728	41,328	
Seventh Floor	17,495	1.12	19,600			21,728	41,328	
Eighth Floor	16,532	1.19	19,600			1,120	20,720	
Subtotal	381,086	1.19	454,180		0	129,721	20,720	
Physician Office Building	0		0		37,850		583,901	
Concourse	0		0		30,000		see breakdown below	
Total On-Site Square Footage	381,086	1.19	454,180		67,850	216,051	1,070,237	
Physician Office Building								
Ground Floor					Net Usable	Efficiency	Gross	
1st Floor Lobby								
Second Floor					8,300	0.73	1,240	
Third Floor					9,850	0.76	13,000	
Fourth Floor					9,850	0.76	13,000	
Fifth Floor					9,850	0.78	13,000	
Total					37,850	0.73	51,660	

**HOLY CROSS HEALTH
MASTER PLAN
EXISTING/PROPOSED SPACE PROGRAMS**

SmithGroup
6/17/2002
Revised

BUILDING AREA

Total Existing Building Area (orig submitted) 454,180
Total Proposed New Construction 216,153 *

Total Building Area (existing + proposed) 685,000 *
~~Total Building Area Approved 570,000~~
difference 14,769 2.2%

FOOTPRINT

Total Existing Building Footprint 138,656 *
Total Proposed New Footprint 56,344

Total Building Footprint (existing + proposed) 195,000 **
~~Total Building Footprint Approved 218,500~~
difference (21,543) -9.9%

* Includes Service Building

* Includes service building and existing canopies
**Includes building & canopies @189,716 + service bldg @10,580

BOARD OF APPEALS
for
MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6700



Case No. S-420-E

PETITION OF HOLY CROSS HOSPITAL OF SILVER SPRING, INC.

OPINION OF THE BOARD

(Hearings held October 25, 2000 and November 20, 2000)

(Effective date of Opinion: May 4, 2001)

Case No. S-420-E is a petition by Holy Cross Hospital Of Silver Spring, Inc. ("Holy Cross") for a modification to an existing special exception for a hospital pursuant to Section 59-G-2.24 of the Zoning Ordinance. This modification proposes to add approximately 216,051 square feet to the existing hospital facility on the existing campus.

Pursuant to Section 59-A-4.11(a) of the Montgomery County Zoning Ordinance, the Board of Appeals held public hearings on the application on October 25, 2000, and November 20, 2000. Clyde "Rocky" Sorrell, Esquire appeared on behalf of the Petitioner, Holy Cross Hospital. He called as witnesses Kevin J. Sexton, President and Chief Executive Officer of Holy Cross Health, Neal P. McKelvey, Senior Vice President, Operations, Holy Cross Health; Phil Tobey, FAIA, Senior Vice President, SmithGroup (qualified as an expert in Architecture); Tonia Burnette, R.A., consultant architect to the SmithGroup (qualified as an expert in Architecture); Ronald M. Mijan, P.E., Senior Civil Engineer, Associate, Dewberry & Davis LLC (qualified as an expert civil engineer); Kevin D. Mack, RLA, Senior Planner, Dewberry & Davis LLC (qualified as an expert Landscape Architect); C. Craig Hedberg, Integrated Transportation Solutions, Inc. (qualified as an expert in traffic and parking); Robert A. Banas, Professional Engineer, Leach Wallace Associates, Inc. (qualified as an expert in lighting), and; Philip E. Perrine, AICP, PE, Perrine Planning and Zoning, Inc. (qualified as a professional engineer specializing in land use and site planning for the Project). Holy Cross also presented Hans H. Runow, Civil Engineer as an expert for questions regarding the stormwater management system for the site.

Mr. John M. Diamante, Ms. Margot Cook, Mr. Dwight Fortna, and Mr. Richard Parsons, neighbors of Holy Cross, were also present at the hearings.

Martin Klauber, Esquire, Peoples Counsel for Montgomery County, also participated in the proceedings and supported the requested modification.

The subject property is Parcel B, located at 1500 Forest Glen Road, Silver Spring, Maryland, in the R-60 Zone.

Decision of the Board: Special Exception Modification **Granted**,
Subject to Conditions Enumerated Below.

EVIDENCE PRESENTED TO THE BOARD

1. The applicant is a non-profit hospital located at 1500 Forest Glen Road, Silver Spring, Maryland, in the R-60 zone, on a parcel of approximately 14.21 acres of land (the "Property"). The hospital 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 existing site is developed with an eight-story hospital, two parking facilities, one surface parking lot and two small accessory buildings.

2. The Board of Appeals approved a special exception for a hospital use for the site, and numerous modifications over the years, including: BAS-816 to allow establishment of the hospital approved in November, 1959; BAS - 420 to construct a 112-bed addition to the hospital approved on 1/21/76; BAS-420-A to increase hospital square footage and additional parking spaces approved on 6/22/83; BAS-420-B to add laboratory facilities approved on 1/13/89; BAS-420-C for hospital structural modifications approved on 11/27/90; and BAS-420-D for upgrading exterior lighting, constructing a 2-story addition and expanding parking structures approved on 9/13/94.

3. The existing site is developed with an eight-story hospital, two parking facilities, one surface parking lot and two small accessory buildings. Presently, there are 1,394 parking spaces on the hospital campus. One parking facility located along Forest Glen Road in front of the hospital is a four level garage with three levels below grade and one level at grade. A large heavily landscaped berm with trees and shrubs screens this parking facility from the residences on Forest Glen Road. This facility was constructed under the conditions contained in the last approved special exception for this use. The existing southwest parking facility located on Dameron Drive at the rear of the site is two levels with one level below grade and one level at-grade. A berm with trees, evergreens and a hedge screens this parking facility from the nearby residences on Dameron Drive.

The remaining on-site parking is located on surface parking provided in front of the hospital up to Forest Glen Road at the northwest corner of the property and along the eastern edge of the site, abutting the park. Access to the property is currently provided from three access points along Forest Glen Road (one of which is an emergency entrance for ambulances) and one access point at a mid-point along Dameron Drive. This mid-point access was established as a result of the last special exception modification approval. Currently, the main entrance to the site is from Forest Glen Road to the surface parking lot. [Exhibit Nos. 28, 30 and 35].

4. The properties to the north and west of the subject site across Dameron Drive and Forest Glen Road are zoned R-60 and are developed with single-family detached residential uses. Adjacent to and east of the subject site, is Sligo Creek Park, owned by the Maryland National Park and Planning Commission and zoned R-60. The southern property line abuts the outer loop of the Capital Beltway (I-495) and a noise attenuation 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, north of Forest Glen Road, and is approximately 2,500 feet west from the subject site.

Sligo Creek Park is located along the property's eastern lot line. A 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, the plat being recorded in plat book 100, plat number 11289, on July 22, 1976. Existing landscaping on the entire site contains a variety of flowering trees, evergreens and shrubs that are healthy and well maintained. [Exhibit Nos. 5, 8, 17 and 21].

5. The applicant plans to make certain modifications to the existing special exception, all of which will add approximately 216,051 square feet to the hospital and add a net 218 parking spaces to the site. These modifications include a separate Physicians Specialists Wing of 51,660 square feet, with a height of 59 feet, 8 inches, located at the easternmost access point on Forest Glen Road, and an expanded concourse across the front of the existing hospital that will contain approximately 34,500 square feet and will be approximately 2 stories in height. The expansion of the concourse is to improve patient flow and circulation. Holy Cross does not intend to expand beyond its current campus boundaries into the adjacent single-family neighborhood. [Exhibit Nos. 21, 22, 34, 37, 38, 39 and 41; Testimony of Kevin J. Sexton, Transcript, November 20, 2000, p. 64].

This modification also proposes to add approximately 129,000 square feet to the existing hospital and is divided among the following functions and departments within the hospital: adds two patient floors over the existing four-level east wing; renovates existing interior space to add limited new space for a women and baby center and small in fills for each of the existing patient care floors, and; adds an education

center. [Exhibit Nos. 3, 21, 36, 41 and expert testimony of Tonia Burnette, Transcript November 20, 2000, pp. 120-140].

6. Neal P. McKelvey, Senior Vice President, Operations, Holy Cross Health, testified regarding the problems of the current facilities and detailed operational aspects of the proposed Special Exception Modification, including management of patient and visitor flow, trip mitigation programs, parking management, construction sequencing and other operational management matters. The construction sequencing may require the proposed modifications to be constructed in two phases, with the first phase consisting of the southwest parking structure and the second phase consisting of the remaining parts of the proposed modifications. He discussed his periodic reporting to the Board of Appeals and the neighbors of progress with respect to conditions in the prior special exception modification project recently concluded and indicated that he would be ready to render similar reports for this modification, if approved. He also discussed the need for adequate parking and the problems that existed for the surrounding neighborhood with overflow problems when there were not adequate parking spaces on the hospital campus.

The proposed modifications would continue adequate parking on the site with the rebuilt and enlarged southwest garage together with other parking provisions. There was a brief discussion of parking mitigation programs and metro and satellite parking bus transportation by Holy Cross in order to accommodate the off site parking and metro use parts of the mitigation program. Mr. McKelvey testified to the need to utilize the surrounding neighborhood streets to complete the loop to the hospital [Transcript, November 20, 2000, pp. 71-101].

7. Holy Cross requests to be able to change the existing façade of the building to remove the existing metal 'fins'. [Exhibit No. 40, expert testimony of Phil Tobey, Transcript, November 20, 2000 p. 117].

8. Signage will be in accordance with Exhibit No. 43. Replacement signs at the driveway entrances will be lighted with separate ground fixtures that will minimize glare off-site [Expert testimony of Tonia Burnette, and Robert A. Banas, Transcript, November 20, 2000 pp. 135-136].

9. The applicant also proposes a reconstructed 5 level parking structure in the southwest quadrant of the property, along Dameron Drive. This parking garage will replace the current two level structure with a 5 level structure: 3 levels below grade, one level at grade and one level above grade with a proposed height of approximately 10 feet. This garage as currently proposed minimizes the height impact of the parking garage on the surrounding neighborhood as much as possible. Any construction of additional lower levels of the garage in order to reduce height would change the classification of the garage structure, and require additional ventilation and other costly adjustments to design (e.g., additional life safety requirements, etc.). It was noted that additional mechanical ventilation systems may

cause additional noise for the contiguous neighborhood. There was no support for reducing height of the proposed parking garage by removing the top level. All parties agreed that the parking provided by this garage together with other parking on the site was needed to provide adequate parking for the hospital's needs. This parking garage, together with other parking provided in the modified site plan under this petition will provide a total of 1,612 parking spaces. See Exhibit 3, Chart C; Exhibits 21, 37, 42 and expert testimony of Phil Tobey, and Tonia Burnette [Transcript, November 20, 2000, pp. 108-111; and p. 134].

10. The modifications also seek to utilize a portion of a recorded scenic easement along the property's eastern lot line for a dedicated service vehicle driveway to serve the rear of the site. This driveway is located within the lot lines of property owned by Holy Cross and is located within the existing campus. This driveway is part of a re-configuration of traffic flow and driveways on the eastern portion of the site to address and reduce current conflicts between emergency and other traffic, and conflicts between traffic and pedestrian flow. The dedicated service drive, together with other driveway improvements serve the new Physician Specialists Wing, the relocated Emergency Department and the rear of the site. The affected easement area will be re-graded and replanted with flowering trees, shrubs and ground cover. Use of this easement is consistent with the Sector Plan. [Exhibit Nos. 8, 21, 22, 34 and 51].

11. The proposed modifications will not increase the number of beds previously approved for the hospital, based on the baseline of 408 beds licensed to the hospital at the time of the hearing. The modifications, except for the Physician's Wing portion, are sought to modernize the existing facility and "de-compress" it to modern standards, replacing certain double bed patient rooms with single bed patient rooms and providing additional support space per bed, consistent with modern standards. This conversion to single bed patient rooms is important in the maternal health setting to promote more "private," in room time for newborns with their mothers and is important generally in controlling spread of infections.

The modifications will result in the hospital becoming a modern state of the art health care facility, that can meet the changing health care needs of the community it serves and continue as the only teaching hospital in Montgomery County and as a principal provider of health care services for the needy and underserved in the community. [Exhibit No. 3 and Testimony of Kevin J. Sexton, Transcript, November 20, 2000 pp. 47-71].

12. The Physician Specialists Wing will be open for office visits Monday through Friday 8:30 a.m. to 5:00 p.m. and Saturday 8:30 a.m. to 12 noon [Exhibit No. 3].

13. The proposed modifications will meet all development standards of the zoning ordinance. The height of the hospital as modified is 122 feet. The front setback is 248 feet, the side setback is 130 feet and the rear set back is 52 feet. These

dimensions meet all applicable height and setback requirements for the R-60 zone. In addition, the setback applicable to the accessory building, 25 feet, is also met with the proposed modifications. [Exhibit Nos. 5, 20(c) and expert testimony of Phil Perrine, Transcript, November 20, 2000, pp. 245-246].

14. With respect to building coverage, the Board of Appeals notes that there was a difference in the record in the calculation of the building coverage of the proposed modifications, with the Petitioner calculating it to be approximately 30% and the staff of the planning Board taking the position that it was 34.9%. The reason for the inconsistency was the difference in interpretation of how parking facilities are treated for building coverage purposes. Regardless of the method used, the building coverage of the proposed modifications meets the standard required of 35% maximum building coverage [Transcript, November 20, 2000, pp. 234-237].

15. The site is situated in the 1996 Forest Glen Sector Plan area. The proposed modifications are consistent with the master plan and sector plan applicable to the site. [Transcript, November 20, 2000, p. 239]. Consistent with the language of the Sector Plan, these proposed modifications are contained within the present boundaries of the hospital's campus. The proposed modifications move a major portion of the additional space and activity (the Specialist's Building) away from the front of the property along Forest Glen Road as specifically designated in the Sector Plan, to the East wing of the present hospital (as the Specialists' Wing), away from the neighborhoods across Dameron Drive and Forest Glen Road and against the park and Beltway boundaries, consistent with Sector Plan guidelines. The modification also moves the Emergency Room from the front of the hospital to the eastern side and rear of the hospital, further moving activity away from the neighborhood. Associated with this move, emergency room traffic and ambulances are moved from their present entrance, mid-site to an entrance closer to Sligo Park to the East, farther from the residential area. The southwest parking facility is limited to one story above grade, and with careful lighting and screening with a new berm and landscaping as described, is consistent with the Sector Plan.

The square footage and the height of the proposed Physician's Specialist Wing are within the limits recommended in the Sector Plan (including the limit of 80,000 square feet limit for additional, separate Specialist's Building facilities) and the proposed building is set back approximately 300 feet from Forest Glen Road, which is consistent with the Planning Board's recommendation and its staff's research, and the testimony of Mr. Perrine. [Exhibit Nos. 21, 22, Transcript, November 20, 2000, pp. 224-234]

16. The subject property is served by adequate public facilities. [Exhibit Nos. 45 and 46, expert testimony of Ronald Mijan, Transcript, November 20, 2000, pp. 177-185].

17. Landscaping will be in accordance with Exhibit No. 51. The proposed modification will create additional green space on the subject property. [Expert testimony of Kevin D. Mack, Transcript November 20, 2000, p. 193].

18. Lighting will be in accordance with Exhibit Nos. 53, 54, 55 and 56. Robert A. Banas testified that lighting design for the site would, limit spillover beyond the campus, and that his analysis showed no light from the campus on confronting properties [Transcript, November 20, 2000, p.205].

19. The Board notes that the final lighting plan submitted in this case has been revised to include the corrected light pole height of 15 feet and bollard placement in the proposed parking structure, consistent with the staff recommendations [Exhibit No. 53].

20. C. Craig Hedberg, Integrated Transportation Solutions, Inc., testified as an expert traffic and parking consultant for the proposed modification project. He testified to the existing problems in traffic circulation on the site, and discussed how the reconfiguration of the driveways and access points resolve the existing problems [Exhibits 30 and 35].

Mr. Hedberg also testified to the adequacy of the parking provided on the proposed modified site, confirming that the number of spaces provided were adequate for the expected patients, staff and visitors to the modified facility [Transcript, November 20, 2000, p.156, 167].

Mr. Hedberg indicated that no new beds were added to the hospital with the modifications, and that he worked closely with staff of the Planning Board to define the number of trips that would be generated from the new Physician Specialists Wing. He described the trip mitigation programs utilized by Holy Cross-and their success in reducing trips. He indicated concurrence with the staff report in the record and confirmed that the intersection improvements at Forest Glen and Georgia Avenue (lane restriping and signal modifications), together with the traffic mitigation program of the hospital, would meet all requirements to accommodate additional trips generated by the proposed modification. Mr. Hedberg testified that, after the intersection improvements, and with the modifications proposed by Holy Cross constructed and operating, the intersection would operate in a less congested manner than it does at present and that therefore, the proposed modifications would not have a detrimental effect on the safety of vehicular or pedestrian traffic on the public roadways, and would enhance the safety of vehicular and pedestrian traffic within the hospital campus. Mr. Hedberg suggested that the hospital should be permitted to proceed with building permits upon posting of an appropriate amount with the County that represented the hospital's share of the intersection improvements [Transcript, November 20, 2000, p.156-168].

Accordingly, with participation in the intersection improvements to more than offset the increase in trips from the new Physician Specialists Wing, Mr. Hedberg testified that the existing transportation facilities will be adequate to serve the traffic generated by the hospital facility as it is proposed to be modified [Transcript, November 20, 2000, p.161].

In response to questions from Mr. Diamante Mr. Hedberg stated the proposed concurrent traffic phasing to replace the present alternate phasing would allow pedestrians to cross Georgia Avenue in greater safety, as they would not be in conflict with turning vehicular traffic [Transcript, November 20, 2000, p.173].

21. Kathleen Reilly of the Maryland National Capital Park and Planning Commission (MNCPPC) staff, reviewed the application and prepared a report [Exhibit No. 21], recommending support of the proposed modification together with several conditions of approval. She also testified specifically regarding the proposed modification's compliance with the Sector Plan and its 80,000 square feet limitation and the recommendation of approval being consistent with the analysis of inherent and non-inherent effects of the proposed modification. She offered photographs of the Holy Cross campus [Exhibit No. 28] and a GIS map of the campus site [Exhibit No. 29]. Dan Hardy, also from MNCPPC staff, testified regarding traffic and traffic mitigation considerations contained in the report.

22. The Montgomery County Planning Board recommended approval of the modification request, with conditions [Exhibit No. 22].

23. John Diamante testified, representing Forest Grove Citizens' Association regarding letters submitted for the record from Forest Grove dated November 17 [Exhibit No.31], October 20 [Exhibit 23] and October 19, 2000 [Exhibit 22]. Mr. Diamante's comments, together with the November 17, 2000, letter indicated that Holy Cross and Forest Grove had reached substantial agreement on the various concerns regarding the application, particularly the three remaining concerns identified in the October correspondence. As a result, Forest Grove indicated that it "has no objection to the requested Special Exception Modification."

24. Similarly, Mr. Richard Parsons, in his statement on behalf of Forest Estates Citizens Association, submitted as Exhibit 44, indicated general support for the requested Special Exception Modification.

25. The neighbors recognized that the proposed parking facility with one level above the ground level represented a reasonable balance between need to provide additional parking spaces and need to minimize visual and noise impacts. The neighbors acknowledged that additional efforts to further "push" the facility below ground in order to reduce its overall height would be counter balanced by additional costs and other problems (such as noise from the ventilation systems) that might be

caused. Accordingly, the neighbors supported this parking facility as presented by the architects. See page 2, Letter dated November 17, 2001 [Exhibit 31].

26. In closing statements, Mr. Martin Klauber, People's Counsel, indicated his office's support for the modification and requested that it be granted by the Board of Appeals, with two additional conditions. Those conditions were that 1) there be no more than three van trips per day cutting through the residential neighborhoods from the St John's Church area (not including use of Forest Glen Road) after the conclusion of the construction period required for completing the proposed modification, and 2) Holy Cross submit to the Board of Appeals a Parking Mitigation Plan for the construction period.

FINDINGS OF THE BOARD

The proposed modifications comply with the specific standards and requirements set forth for the proposed modified use in Section 59-G-2.31, specifically:

Section 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 institution 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:

The proposed modifications are to an existing and approved hospital special exception use, are consistent with the Sector Plan, enhance the use within the immediate community, provide more efficient vehicular access and circulation, provide more structured parking, move emergency room activity to the east and away from the residential neighborhood and create more green space. Further, the proposed modifications do not add any beds to the hospital and there is no adverse traffic impact with the intersection improvements.

- (1) **Minimum area.** Total area, 5 acres.
- (2) **Minimum frontage.** Frontage, 200 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 residences, and in all other cases not less than 50 feet from a lot line.

- (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.*
- (5) **Commission recommendation.** *The board or 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.*
- (6) **Building height limit.** *Building height limit, 145 feet.*

As Mr. Perrine testified, and as is supported by the record, the proposed modified use meets all additional minimum requirements of Section 59-G-2.31. This includes, but is not limited to, minimum area, frontage, off-street parking, setbacks, Planning Board recommendation and building height limits [See Evidence Presented, paragraph 13].

- (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.*

Not applicable.

Sec. 59-G-1.2. Conditions for granting a special exception.

59-G-1.2.1. Standard for evaluation. *A special exception must not be granted absent the findings required by this Article. 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 Board concurs with staff's finding that the inherent and non-inherent adverse effects of the hospital were addressed at the time of the initial special exception approval [Exhibit No. 21, p.13].

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 property is zoned R-60, which permits a hospital by special exception and thus the proposed modifications are a permissible special exception in the 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.

The proposed modifications comply with the specific standards for hospitals set forth in 59-G-2.31.

(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 special exception must be consistent with any recommendation in an approved and adopted 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 General Plan for the physical development of Montgomery County. The 1996 Forest Glen Sector Plan specifically provides for the continuation of a hospital use on this site, and provides flexibility for the hospital to make modifications to meet changing health care needs

flexibility for the hospital to make modifications to meet changing health care needs of the community. The proposed modification expansion of the Hospital is limited to the existing campus, consistent with the Sector Plan. The Sector Plan provides for the development of a separate four-story, 80,000 square foot building to provide Physician office space and related additional health-related facilities to be located on the Holy Cross campus. The modifications are consistent with this guideline. The Sector Plan also provides specific guidelines for this future additional building, including permitting adjustments to the 100-foot scenic easement at the east side of the campus to reduce the impact of that expansion of the hospital on the surrounding neighborhood.

The proposed site plan [Exhibit Nos. 6, 20, 36, 38 and 39] for additional construction of the Hospital and associated parking submitted with this petition for modification of the special exception is in accordance with these guidelines. Intrusion into the scenic easement is required to provide safe separated truck, ambulance, and patient travel and permits the building of the Physician Specialists Wing on the East side of the Hospital, away from the neighborhood rather than in the "front yard" of the campus, next to neighborhood houses, thus reducing impact on the neighborhood. Since this conclusion of master plan consistency is supported by the Planning Board's recommendation [Exhibit No.21] and staff report [Exhibit No.22], no additional findings are required.

(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 proposed modifications 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 proposed modifications and additions to the existing hospital will blend with the existing design, scale and bulk of the existing structure and will enhance the present appearance of the hospital. The majority of the additional visible construction will occur on the east wing of the hospital, away from the neighborhoods and against the I-495 Beltway and parkland. The location of the re-constructed southwest parking deck will be against and lower than the existing bulk of the eight story west wing of the Hospital, will be screened by a well landscaped reconstructed berm that is higher than the present berm. Further, adjustments to existing access driveways will ensure the Hospital will function with greater efficiency and safety, and in a manner harmonious with the surrounding area.

(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.

(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 will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. The proposed modifications and additions will continue to provide an asset to the community with accessible quality health care. The proposed reconfiguration of the driveways and the relocation of the ER Department will move emergency traffic and activities to the east farther away from the residential neighborhood, next to the park. Accordingly, noise and activity affecting the surrounding neighborhood will be reduced. Additional parking to be provided will assure that there is no intrusion of automobile traffic and parking into the neighborhoods. Further, the community will be gaining additional meeting space and educational facilities in the proposed Education Center. No adverse impact will occur as a result of the proposed modifications, nor will the proposed construction be detrimental to the use and enjoyment of surrounding properties in any respect. In addition, there has been no detrimental effect on the economic value of surrounding homes from the operation of the hospital.

(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 recommendation of a master or sector plan do not alter the nature of an area.

When the proposed modifications are evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, the proposed modifications do not increase the number, and intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential nature. Further, the proposed modifications to the special exception use as a hospital are in accord with the recommendations of the Forest Glen Sector Plan.

(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 do not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area, irrespective of adverse effects the use might have if established elsewhere in the zone. The proposed construction in this modification petition with its additional

facilities and parking and associated driveway and site adjustments will improve hospital and health-related services to the general public served by the hospital, including residents, visitors or workers in the area.

The modifications will improve vehicular and pedestrian access and circulation in and around the hospital campus and provide safe lighting and additional green space, thus improving the health, safety, security, morals and general welfare of residents, visitors and workers in the area. The proposed modifications will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area, but instead will positively benefit their respective health, safety and general welfare by providing efficient access to modern and effective health care.

(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.

Considering the testimony and exhibits of record, the Board concludes that the proposed modifications 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. There is existing telephone, electric, natural gas, water and sanitary sewer services adjacent to and available to serve the hospital and the proposed modifications. Other public services and utilities are also available to the site, including police and fire services. The Board notes that adequate public services have served this site for many years and the modifications require only marginal additional services. The Board further notes that Planning Board has previously approved the hospital property for subdivision and the property is recorded as a subdivision, a copy of which is contained in Exhibit 8.

Accordingly, the Board grants the special exception for the proposed modifications including the façade enhancements (removal of the metal fins), as discussed in connection with Exhibit 40, if the hospital decides to proceed with that enhancement to the hospital special exception, subject to the following conditions:

1. The applicant is bound by its submitted petition for modification of special exception and Exhibits thereto.
2. Holy Cross shall be bound by all submitted testimony, correspondence, documents and plans, including statements of its attorney and its President and CEO that these modifications were consistent with the Forest Glen Sector Plan and they did not constitute any precedent for not complying with the Sector Plan in the future.
3. All terms and conditions of the existing approved special exception remain in full force and effect.

4. The approval of the proposed modifications is limited to the construction of a proposed hospital facility expansion of 216,051 square feet, including a Physician Specialists Wing of 51,660 square feet. Any further expansions will require a separate approved modification to the special exception.

5. Holy Cross must participate in the lane striping and signal phasing improvements for both Forest Glen Road approaches to Georgia Avenue in order to: a) modify the eastbound approach from the existing one left/through lane, one through lane and one right turn lane to one left turn lane, one through lane and one right turn lane; b) modify the westbound approach from the existing one left turn lane, one left/through lane, and one through/right lane to two left turn lanes and one through/right lane; and c) replace the split phase for eastbound and westbound approaches with a concurrent phase. If Holy Cross is ready to proceed before this striping and signal phasing improvements project is ready to proceed, Holy Cross must post a bond in cash or other acceptable form in an amount acceptable to the County up to \$15,000 and can then proceed with obtaining permits and the construction and operation of the modifications approved in this decision.

6. The hospital may proceed with construction of the proposed modifications in two phases, with construction of the southwest garage first, then proceed with the remaining parts of the proposed modifications to the special exception (see also Condition 11, below). The Hospital must obtain approvals related to the southwest garage before permits for construction of the garage are released, and such approvals and release can occur before approvals relating to the remaining portions of the site are obtained. The remaining approvals must be obtained before permits for the remaining portions of the site are released, as provided below.

7. Holy Cross must obtain approval of the Final Forest Conservation Plan (FCP) prior to release of sediment and erosion control permits or building permits, as appropriate, for construction of the proposed modifications, except that such permits as may be required for construction of the southwest garage only will be released if the portion of the FCP relating to the southwest garage (the area of the berm between Dameron Drive and the southwest garage) is approved as a partial approval of the entire FRC.

8. Holy Cross must comply with the Department of Permitting Services approved stormwater management concept plan [Exhibit Nos. 48 and 49] to ensure that the final stormwater management plan adequately addresses the protection needs of the Sligo Creek watershed.

9. Holy Cross must obtain an approved park work permit from the Park Design and Development Division of the MNCPPC for any work in the scenic easement, prior to the issuance of any permits for work in the park easement area. The park permit application shall be accompanied by detailed construction drawings

including retaining wall details and a landscape plan. The landscaping plan must include erosion control, show naturalizing plant material on the two-to-one slopes, provide significant evergreen tree screening and any replacement fencing and show any designated no-mowing area.

10. The applicant must maintain the replanted and re-graded scenic easement.

11. Holy Cross must obtain approval by M-NCPPC technical staff of a portion of the final landscape plans related to the southwest berm area, between the southwest garage and Dameron Drive, prior to issuance of building permits for the southwest garage [Exhibit Nos. 51 and Exhibit 20 (d)].

12. Holy Cross must obtain approval by M-NCPPC technical staff of final landscape plans and lighting plan prior to issuance of building permits for any other work beyond the construction of the southwest garage. The final landscape plan for the southwest garage must address but not be limited to landscaping and screening materials for the reconstructed parking garage along Dameron Drive. The final landscape plan for the remaining site shall also address proposed landscaping and screening for the scenic easement [Exhibit Nos. 51 and Exhibit 20 (d)].

13. Holy Cross must construct a continuation of the Forest Glen Road curb into Sligo Creek Park property from its present limit and reconstruct the asphalt path connection to the existing concrete sidewalk, in coordination with park staff and subject to park staff approval.

14. Holy Cross must obtain required approvals of signage by the Sign Review Board.

15. Approximately every six months Holy Cross must prepare and submit to the Board of Appeals, with a copy to the representative of the neighbors (Mr. Diamante as representative of the neighbors or such other representative designated by Mr. Diamante), a progress report on construction and compliance with the conditions in this opinion.

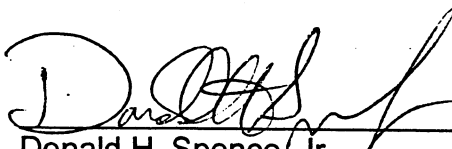
16. Holy Cross must submit to the Board of Appeals, with a copy to a representative of the neighbors (Mr. Diamante as representative of the neighbors or such other representative designated by Mr. Diamante), a parking mitigation plan for mitigation of parking space shortages during construction of the modifications approved in this opinion.

17. Holy Cross must limit its bus or van trips through the neighborhood (not including use of Georgia Avenue or Forest Glen Road) to no more than three per day after the end of the construction period for the modifications.

day after the end of the construction period for the modifications.

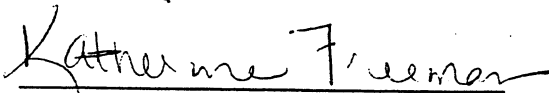
On a motion by Louise L. Mayer, seconded by Donna L. Barron, with Angelo M. Caputo, Mindy Pittell Hurwitz and Donald H. Spence, Jr., Chairman in agreement the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled case.



Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 4th day of May, 2001.



Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four month period within which the special exception granted by the Board must be exercised.