



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-090  
Preliminary Plan No. 120190060  
8000 Wisconsin Avenue  
Date of Hearing: July 18, 2019

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**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on April 23, 2019, Aksoylu Properties, LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 0.94 acres of CR 3.0 C 3.0 R 2.75 H175' and CR 5.0 C 5.0 R 5.0 H175' within the Bethesda Overlay Zone, located between Wisconsin Avenue and Woodmont Avenue and south of Cordell Avenue, ("Subject Property") in the Bethesda CBD Policy Area and 2017 Bethesda Downtown Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190060, 8000 Wisconsin Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 5, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 18, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 18, 2019, the Planning Board voted to approve the Application subject to certain conditions by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190060 to create one (1) lot on the Subject Property, subject to the following conditions:<sup>1</sup>

<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to  
Legal Sufficiency

*Christa Scott* 7/9/19

1. This Preliminary Plan is limited to one (1) lot for up to 441 dwelling units (410,000 square feet of residential uses), including a minimum of 25% MPDUs, and up to 20,000 square feet of commercial uses.
2. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 14, 2019 as updated by the e-mail from Beth Dennard dated July 12, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 21, 2019 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
6. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.
7. The Applicant must dedicate all road rights-of-way to the full width recommended by the Bethesda Downtown Sector Plan, and show on the record plat(s) the following:
  - a. A dedication of the Wisconsin Avenue frontage necessary to provide the Sector Plan-recommended 61-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan, and
  - b. A dedication of the Woodmont Avenue frontage necessary to provide the Sector Plan-recommended 40-foot-wide right-of-way between the Subject Property line and right-of-way centerline, as illustrated on the Certified Preliminary Plan.

8. There shall be no clearing or grading of the site prior to recordation of plat(s).
9. The record plat must show necessary easements.
10. Before submitting a record plat application or clearing or grading the Subject Property, the Applicant must receive Staff certification of Site Plan No. 820190040. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, and sidewalks is determined through site plan review and approval.
11. The final number of MPDUs, as required by Condition No. 1 above, will be determined at the time of site plan approval.
12. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
13. The certified Preliminary Plan must contain the following note:  
*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
14. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a. Show resolutions and approval letters on the certified set

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the Sector Plan and the type of development and use contemplated. The lot was reviewed under, and found to be

in compliance with, the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms to the Sector Plan. The Property is designated as Site 60, on pages 99 and 100 of the Sector Plan, within the area identified as the “Wisconsin Avenue District,” the main artery through the center of Downtown Bethesda. The Downtown Plan generally recommends increasing:

1. Parks and open spaces, including new civic greens at Veteran’s Park, Bethesda Farm Women’s Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
2. Affordable housing, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.
3. Environmental innovation, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.
4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

The Project specifically addresses the following goals as outlined in the Wisconsin Avenue District section of the Sector Plan:

- *Encourage infill and reinvestment on underutilized commercial sites and private surface parking lots.*

The Project will redevelop several single-story retail buildings and Public Parking Lot 43, a component of the Bethesda Parking Lot District (PLD), with high-density residential uses and street-activating retail uses. The Project will help contribute to an on-going transformation of the block bounded by Wisconsin Avenue, Woodmont Avenue, Cordell Avenue, and Fairmont Avenue, when considered in context with other recently approved projects.

- *Encourage mixed-income /affordable housing near transit stations.*

The Project will add up to 111 Moderately Priced Dwelling Units (MPDUs) within walking distance to the Bethesda Metro Station, the future Purple Line Station, and future Bus Rapid Transit (BRT) station. The proposed MPDUs will help further one of the primary goals, affordable housing, of the Sector Plan and Bethesda Overlay Zone.

- *Develop compact nodes that place the highest intensity in those centers, provide distinctive infill buildings and step down to lower densities and heights near the edges.*

The Project is an infill redevelopment between the adjacent 7900 Wisconsin Avenue (Site Plan 820130170), to the north, and 8008 Wisconsin Avenue (Site Plan 820160130), to the south. The Project will contribute to the vibrant mixed-use identity taking shape within this block. The combination of multifamily dwelling units, ground floor retail uses, and amenities proposed for the block will create an appropriate transition between the adjacent Woodmont Triangle District and more intensely developed urban core to the south of the Property.

- *Encourage high-performance buildings and sites nearest the established centers.*

The Project proposes to incorporate energy-efficient building systems to exceed the ASHRAE 90.1 standard by a minimum of 17.5%, as required by the Bethesda Overlay Zone. In addition, intensive green roof systems and planters are proposed to cover a minimum of 35% of the Property's lot area to increase the overall green cover. Dedications along Wisconsin Avenue and Woodmont Avenue will help to enhance the pedestrian experience along the Property. Additional planting and pedestrian circulation areas along these public right-of-way frontages will allow for an improved streetscape in both the Wisconsin Avenue Corridor and Woodmont Triangle Districts.

- *Create green, active and walkable sidewalks that are designed to balance pedestrian and retail activity with vehicular and BRT traffic along this major corridor.*

The Project's proposed right-of-way dedications and the undergrounding of existing utilities, along Wisconsin and Woodmont Avenues, will help to provide a wide pedestrian through zone that is lined with street trees, planting and furnishings. In addition to providing right-of-way dedications, the Project's sidewalk width is

designed in accordance with the Design Guidelines recommendations for these streetscapes such that additional free and clear sidewalk width is accommodated.

- *Design tall buildings along Wisconsin Avenue to have a human-scaled presence on the street, reduced uniformity and compatibility with edge neighborhoods.*

The Project provides a 199-foot tall building on Wisconsin Avenue that is organized around a central glazed spine and highly articulated base. The Project's highly articulated base measures two stories in height and presents a continuous and engaging façade at the pedestrian scale. Along Wisconsin Ave, the façade contributes to a consistent street wall. Along Woodmont Avenue, the façade is broken-down by presenting several distinct building masses and step-backs, a design aesthetic that helps to animate the through-block connection at 7900 Wisconsin Avenue. In response to the adjacency of the balconies on the 7900 Wisconsin building, the Project is pulled back along the upper floors. This architectural detail maximizes the amount of exposure for the neighboring residential units. In summarizing their review of the Project, the Design Advisory Panel (DAP) issued a memorandum that supported the Applicant's request for 10 exceptional design points. That memorandum also stated that the massing, density and bulk of the building justifiable because the Project is providing 25% MPDUs.

The Preliminary Plan Application substantially conforms to the Sector Plan. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Site frontages, consistent with the Bethesda Streetscape Standards. Vehicular access to the Property is proposed directly from Woodmont Avenue through a consolidated garage access point and loading bay (two separate, but adjacent entrances) at the southwestern corner of the Site. This configuration is driven by the Site's proximity to the nearby intersections, existing access points on Woodmont Avenue, and a desire to restrict vehicular access on Wisconsin Avenue near the master planned Bus Rapid Transit Station.

The Project includes two bicycle parking rooms on the G1 level of the garage to provide long-term bicycle storage for the residents. The bicycle parking room will provide secure, private parking for 100 bikes and the proposed layout meets the design and capacity standards set by the Zoning Ordinance. The final number of automobile and bicycle parking spaces will be determined at Certified Site Plan based on the final number of residential dwelling units.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Bethesda Metrorail Station (located within ½ mile of the site), Metrobus, RideOn, the Bethesda Circulator, future Purple Line, and future Bus Rapid Transit (BRT) station along the Site's Wisconsin Avenue frontage. The 2013 *Countywide Transit Corridors Functional Master Plan* identifies the intersection of Cordell Avenue and Wisconsin Avenue as a future station location for the MD 355 South Corridor. 8008 Wisconsin (Site Plan 820160130) provided a building setback and easement, measuring 10 feet deep along the entire frontage, to accommodate pedestrian circulation around the BRT station. The Subject Property will continue this setback along a portion of the Site's Wisconsin Avenue frontage.

#### *Master Plan Roadways and Pedestrian / Bikeway Facilities*

The 2017 *Bethesda Downtown Sector Plan* and 2013 *Countywide Transit Corridors Functional Master Plan* recommend the following along property frontages:

1. Wisconsin Avenue, along the eastern site frontage, as a major highway (M-6) with a minimum right-of-way width of 122 feet, and an additional 10 foot wide easement area for the future Bus Rapid Transit (BRT) station at Cordell Avenue; and
2. Woodmont Avenue, along the western site frontage, as an arterial roadway (A-68) with a minimum right-of-way width of 80', and separated bicycle lanes (CT-4).

#### *Sector-Planned Transportation Demand Management*

The Sector Plan encourages a Non-Auto Driver Mode Share (NADMS) of 55%, averaged between employees and residents of downtown Bethesda. In order to meet this goal, downtown Bethesda is organized into a Transportation Demand Management District (TMD) that strives to promote travel by means other than single occupancy vehicles. As a residential project of more than 100 dwelling units within the Bethesda TMD, the development is required to enter into a Traffic Mitigation Agreement (TMAG) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Bethesda TMD.

*Adequate Public Facilities*

A transportation statement, dated January 5, 2018, was submitted with the Project, indicating that the development will generate 15 fewer morning peak-hour person trips (8 net new vehicle trips) when compared to the existing use and 169 fewer evening peak-hour person trips (65 fewer vehicle trips). Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

**School Capacity**

The Project was reviewed under the FY2020 Annual School Test, which was approved by the Planning Board on June 20, 2019, and effective July 1, 2019. Under the FY2020 Annual School Test, student generation is calculated by multiplying the number of dwelling units by the applicable regional student generation rate for each school level. For the purposes of this calculation, dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit (Table 2). The Subject Property seeks approval for 441 high-rise multifamily units. This Property is in the Bethesda-Chevy Chase High School (B-CC) Cluster in the southwest region of the County.

Based on this analysis, the project is estimated to generate 18 new elementary school students, 7 new middle school students, and 11 new high school students (Table 3).

*Table 2: Student Generation Rates Per Dwelling Unit – Southwest Region*

	Elementary School	Middle School	High School
SF Detached	0.186	0.109	0.151
SF Attached	0.167	0.085	0.111
MF Low- to Mid-Rise	0.150	0.068	0.085
MF High-Rise	0.041	0.018	0.025

*Table 3: 8000 Wisconsin Preliminary Plan – Estimated Enrollment Impact*

Unit Type	Net New Units	ES Generation Rate	ES Students Generated	MS Generation Rate	MS Students Generated	HS Generation Rate	HS Students Generated
Multi-Family High Rise	441	0.041	18.081	0.018	7.938	0.025	11.025
<b>Total Units</b>	<b>441</b>		<b>18</b>		<b>7</b>		<b>11</b>



**Individual School Adequacy Test**

The project is located in the Bethesda Elementary School service area and the Westland Middle School service area. The student enrollment and capacity projections for these schools are noted in Table 4.

*Table 4: FY2020 Individual School Adequacy*

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	731	560	130.5%	-171	673	670	731+18=749
Westland MS	899	1,089	82.6%	+190	1,307	1,269	899+7= 906

Under the individual school adequacy component of the FY2020 Annual School Test, a school service area is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

As indicated in the last column of Table 4, the projected enrollment plus the estimated impact of this project exceeds the applicable moratorium threshold for Bethesda Elementary School but falls below the applicable moratorium threshold for Westland Middle School. However, the Montgomery County Council has funded a placeholder project at Bethesda Elementary School for a six-classroom addition, which increases the school's program capacity for the school adequacy test. Because the placeholder project funding results in an adjustment to the program capacity at the school that reduces projected school utilization, the school's service area is regarded as conditionally open for new residential development. Table 5 shows this adjustment.

*Table 5: FY2020 Adjusted Individual School Adequacy*

School	Projected School Totals, September 2023				Adjusted Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Adjusted Program Capacity	Adjusted % Utilization	Adjusted Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Bethesda ES	731	698	104.7%	-33	838	808	731+18=749
Westland MS	899	1,089	82.6%	+190	1,307	1,269	899+7= 906

**Cluster Adequacy Test**

Student enrollment and capacity projections for the Bethesda-Chevy Chase High School (B-CC) Cluster are summarized in Table 6. As indicated in the last column of the table, the sum of the projected future enrollment and the estimated student impact associated with the project fall below the moratorium thresholds<sup>2</sup> at all three school levels across cluster schools. As a result, the Planning Board finds that sufficient capacity exists within the cluster at the elementary, middle and high school levels to accommodate the estimated number of students generated by this project.

*Table 6: FY2020 Bethesda-Chevy Chase High School Cluster*

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,714	3,790*	98.0%	4,549	3,714+18=3,732
Middle	1,917	2,024	94.7%	2,429	1,917+7=1,924
High	2,410	2,408	100.1%	2,890	2,410+11=2,421

\*The projected elementary school level cluster capacity has been modified from 3,813 to 3,714, to include the impacts of a six-classroom placeholder project funded for Bethesda ES and a four-classroom placeholder project funded for Somerset ES.

**School Capacity Analysis Conclusion**

Based on the FY2020 Annual School Tests for individual school service areas and within the Bethesda-Chevy Chase High School Cluster, the Planning Board finds adequate school capacity to support the proposed development.

**Other Public Facilities**

Public facilities and services are available and will be adequate to serve the development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

There are no environmentally sensitive features, such as streams, wetlands floodplains or associated buffers, associated with the site. The site is located within the Rock Creek watershed, a Use I watershed. This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt

<sup>2</sup> The moratorium enrollment threshold represents 120% enrollment utilization.

from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. Forest conservation exemption 42018105E was confirmed on December 14, 2017.

#### Green Cover requirements

The Applicant must provide a minimum of 10,229 square feet of Green Cover to meet the 35% Green Cover requirement set forth in Section 2.4.1 of the Sector Plan and Section 2.3.2 of the associated Design Guidelines. In response to this requirement, the Application proposes an intensive green roof, with a minimum depth of 8-inches, on portions of the building.

#### Noise

The Project is adjacent to Woodmont Avenue, an arterial roadway, and Wisconsin Avenue (MD 355), a major highway, therefore a noise analysis was completed to address the residential building and any associated common open space areas. The analysis demonstrated that future traffic noise will be within acceptable limits, as established by the Montgomery County Noise Guidelines.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on May 21, 2019. The Preliminary Plan proposes to meet stormwater management requirements through the use of green roof and micro-bioretenion. Due to site limitations and an existing shallow storm drain, full treatment cannot be provided and therefore a partial waiver was granted by MCDPS.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for thirty-six (36) months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 25 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Paterson voting in favor of the motion, and Vice Chair Dreyfuss and Commissioner Fani-González absent, at its regular meeting held on Thursday, July 18, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chairman  
Montgomery County Planning Board