



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

February 20, 2020

MEMORANDUM

TO: Gwen Wright, Director *GW*
Montgomery County Planning Department

VIA: Elza Hisel-McCoy, Chief *EH*
Area 1 Planning Division

Stephanie Dickel, Supervisor *SD*
Area 1 Planning Division

FROM: Katie Mencarini, Planner Coordinator *KM*
Area 1 Planning Division

SUBJECT: Right-of-Way Abandonment Case No. AB-769
Public Alley, 8001 Block of Wisconsin Avenue
Bethesda CBD Policy Area

RECOMMENDATION

Staff supports the Subject Abandonment Application with the following recommendations:

1. Approval of a preliminary plan by the Montgomery County Planning Board for the entire block bounded by Wisconsin Avenue to the west, Tilbury Street to the east, West Virginia Avenue to the south and Highland Avenue to the north (including the existing right-of-way being abandoned), the "Assembled Block"; and
2. Recordation of a subdivision plat for the Assembled Block, incorporating the abandonment of the existing Public Alley, to create a single lot of record.

Staff hereby transmits comments to the Montgomery County Department of Transportation (MCDOT) in accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures." This item has not been heard by the Montgomery County Planning Board.

This staff report serves as the official response on behalf of the Maryland-National Capital Park and Planning Commission to be transmitted to the County Executive. In accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures" will hold a hearing on the application and forward to the County Council the application, a report based on the record

of the proceedings and the Executive's recommendation on the proposed abandonment or closing.

DISCUSSION

The Subject Abandonment Application, requested by 8001 Wisconsin Avenue, LLC (Applicant) in conjunction with forthcoming Sketch and Preliminary Plan applications, is for a 2,475 square foot area of improved public right-of-way that constitutes a 10- to 15-foot-wide public alley that bifurcates the block bounded by Wisconsin Avenue to the west, Tilbury Street to the east, West Virginia Avenue to the south and Highland Avenue to the north, hereafter referred to as the "Assembled Block" (Attachment A). All of the properties of the entire block of have been assembled by the Applicant.

The right-of-way subject to the Abandonment Application was originally dedicated in 1916 as part of the West Chevy Chase Heights Subdivision, recorded at Plat No. 186 in the Land Records of Montgomery County. Subsequently, an additional five feet of right-of-way was dedicated by the West Chevy Chase Heights Subdivision Plat along the southeastern portion of the Public Alley through Plat No. 23437 in the Land Records on July 6, 2007. The adjacent blocks to the north and south of the assembled block also include 10-foot-wide public alleys.

By assembling properties within the 8001 block of Wisconsin Avenue, the Applicant can implement land use recommendations contained in the 2017 *Bethesda Downton Sector Plan*. The forthcoming development applications are anticipated to propose an urban mixed-use redevelopment that will fully integrate service and loading on the site and will therefore no longer need the public alley for loading and trash collection. Closure and abandonment of the public alley will also allow the Applicant to achieve the building heights recommended in the Sector Plan¹.

There are no specific recommendations in either the 2018 *Bicycle Master Plan* or 2017 *Bethesda Downtown Sector Plan* relevant to the the right-of-way subject to the application.

As stated above, the public alley within the 8001 block of Wisconsin Avenue is no longer necessary for public use or anticipated future public use. Staff recommends approval of the subject abandonment application.

Attachments

- A. Vicinity Map and Photo Exhibit
- B. Abandonment Petition

¹ The Bethesda Downtown Sector Plan identifies the portion of the block west of the subject right-of-way as Site #92 within the Wisconsin Avenue District, with a maximum height of 90 feet. The portion of the block east of the Subject right-of-way as Sites #208-210 within the Eastern Greenway District. Site #208, along the eastern boundary of the subject right-of-way, has a maximum height of 90 feet while Sites #209 and 210 have a maximum height of 70 feet.