MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

DRAFT BETHESDA PURPLE LINE STATION MINOR
MASTER PLAN AMENDMENT PUBLIC HEARING

THURSDAY, NOVEMBER 7, 2013

The Montgomery County Planning Board
met in the Montgomery County Planning
Department Auditorium, 8787 Georgia Avenue,
Silver Spring, Maryland, at 6:00 p.m.,
Francoise Carrier, Planning Board Chair,
presiding.

PRESENT:

FRANCOISE CARRIER, Planning Board Chair
MARYE WELLS-HARLEY, Planning Board Vice
Chair
CASEY ANDERSON, Planning Board Commissioner

Neal R. Gross & Co., Inc.
202-234-4433
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Neal R. Gross & Co., Inc.
202-234-4433
6:06 p.m.

CHAIR CARRIER: Good evening. This is our public hearing on the Bethesda Purple Line Station Minor Master Plan Amendment.

And Mr. Hisel-McCoy is going to start it off.

MR. HISEL-McCOY: Thank you. For the record, Elza Hisel-McCoy from Area 1 Division.

As you said, this is a public hearing on the Public Hearing Draft Bethesda Purple Line Station Minor Master Plan Amendment, which was advertised in the Gazette on October 2nd, 2013.

The sector plan is an amendment to the 1994 approved and adopted Bethesda CBD Sector Plan, as amended; as well as the General Plan On Wedges & Corridors for the physical development of the Maryland/Washington Regional District in Montgomery and Prince George's Counties, as
amended; the 2010 Purple Line Functional Plan, 
as amended; the Master Plan of Highways Within 
Montgomery County, as amended; and the Master 
Plan of Bikeways, as amended. The 
accompanying technical appendix is a resource 
document, and is not part of the minor Master 
Plan amendment.

Staff requests that the public 
record remain open for one week after the 
public hearing, until end of business on 
Thursday, November 14th, 2013.

We have received email testimony 
on the plan since the opening of the public 
record on October 2nd, and those emails are 
included in the public record.

CHAIR CARRIER: Thank you very 
much.

We have only seven people signed up to speak, 
so I'll call up the first four: Robert Dyer, 
David Witmer, Bill Kominers and Ronit Dancis. 

Okay. Would you like to come up 
instead, Mr. Ross? You were next on the list,
as it happens. Oh, Mr. Dyer isn't here either. Okay. Well, we'll start with you three.

Mr. Witmer?

MR. KOMINERS: Madam Chair, Bill Kominers, Lerch, Early & Brewer, for the record. Mr. Witmer and I are here together. We will share our presentation and combine that for you.

CHAIR CARRIER: Okay.

MR. KOMINERS: He will begin.

MR. WITMER: Good evening. I am David Witmer and I serve as the Vice President -- Senior Vice President and Chief Operating Officer for the American Society of Health System Pharmacists.

CHAIR CARRIER: I think I need to ask you to bring your microphone a little closer, because the folks at home will not be able to hear you. I know it's not convenient. I apologize.

MR. WITMER: That's quite all
right.

CHAIR CARRIER: Thank you.

MR. WITMER: No problem. Is that better?

CHAIR CARRIER: That's better.

MR. WITMER: Thank you. As I said, I'm the Senior Vice President and Chief Operating Officer for the American Society of Health System Pharmacists.

Thank you for this opportunity to share our views on the proposed Bethesda Purple Line Station Minor Master Plan Amendment currently under consideration by the Planning Board.

ASHP is a national professional organization. We have over 40,000 members, including pharmacists, pharmacy technicians, student pharmacists, who provide health care services in a variety of health system settings.

ASHP has been a contributing member of the Bethesda community for more than
45 years and hosts thousands of guests and
visitors annually, contributing to the success
of the Bethesda Central Business District.

We've monitored the plans for the
Purple Line since purchasing the Apex Building
in 1992. You can imagine our surprise when we
discovered earlier this year that a proposal
had been filed to amend the Master Plan for
our property, with the expectation that by the
end of the year we would have to make a
decision as to whether to agree to vacate our
building and demolish it within two years.

Even more surprising to us was the
fact that MTA had set a rather aggressive,
unusually aggressive, deadline for us to
commit to those two major decisions.

The minor master amendment
proposes that the Apex Building be demolished,
and the property be redeveloped to accommodate
the Purple Line Station, and Red Line Metro
South Entrance and Capital Crescent Trail
within the redeveloped property.
This is no small decision and clearly requires adequate time and consultation to complete the due diligence that is necessary.

Under any scenario, the sale of the Apex site, purchase and lease of new property, and redevelopment of the property, represents a complex and time-consuming transaction that carries with it significant risk. Such an undertaking will result in substantial interruption to our core operations. Indeed, we’ve already begun expending considerable time and resources to assess this opportunity.

Therefore, for us to consider such a transaction, there must be a clear and compelling benefit to ASHP.

We’ve not had sufficient time to complete our analysis at this time, but we believe that the plan, as currently proposed, imposes significant burdens on the property owner that would limit interest in commercial
redevelopment.

We believe the current plan requirements, such as the incorporation of two tunnels, integration of ventilation, the new addition of a shell-ready Purple Line Station, and limitations to the ground level, will significantly limit the ability to effectively utilize the additional density resulting from the modest increase in FAR.

Without modification to the plan to better balance transit and commercial interests, and additional incentives outside the plan, we are concerned there may not be sufficient benefit to our pursuing such a disruptive undertaking.

In conclusion, in order for us to entertain such a significant disruption to our mission and undertake the associated risk of such a transaction, there must be benefits to us, both now and in the future.

While we've not completed our analysis, we believe that it's clear that the
current plan, as proposed, significantly
limits commercial development in the future,
therefore provides little economic incentive
to contemplate a sale.

Given adequate time for analysis
and negotiations, we still think it may be
possible to find a solution that sufficiently
benefits both ASHP and the County, and we
remain willing to explore that feasibility but
require more time to conduct analysis and
engage in the necessary negotiations.

Thank you very much.

CHAIR CARRIER: Thank you. It's
not, of course, the answer that we wanted to
hear, but I'm very glad that you took the time
to come and speak to us. We may need to hear
from you in work sessions as well.

MR. WITMER: Okay.

CHAIR CARRIER: Mr. Kominers?

MR. KOMINERS: Mr. Witmer has said
everything that I would have said, so I will
give you back the remainder of our time.
CHAIR CARRIER: Okay. Thank you, gentlemen.

Mr. Ross?

MR. ROSS: I'm Ben Ross. I'm speaking as an individual. I live one block from the site that's in question, and I simply wanted to come here and speak in favor of the concept of replacing and redeveloping the Apex Building for a better Purple Line station. It would be a great benefit to Bethesda. It would be a great benefit to the whole County.

And my only other comment was that you should look at the other side of Wisconsin to see if you can get the ideal bike path entrance by removing the parking lot behind the building on the south side of Elm Street and replacing it with some kind of structure. There's plenty of parking across the street there, and a surface parking lot in that location is really incompatible with the urban nature of downtown Bethesda anyway.

So, I think that that is, I know,
one more complication, but I think it would be worth pursuing as part of this.

Thank you.

CHAIR CARRIER: Thank you, Mr. Ross, and thank you all for speaking tonight.

I'm going to call up Mr. Dyer, who I saw walk in. Yes. And Mr. Wayne -- how do I say your last name -- Phyillaier. I should know that, I know you've spoken to us before. And Pat Burda.

And, Mr. Ross, if Ms. Dancis comes in, will you let me know? Okay, Mr. Dyer, you are next.

MR. DYER: Thank you Madam Chair and Commissioners. I'm Robert Dyer, a life-long resident of Bethesda, and I'll preface my comments by saying I don't necessarily agree with the Minor Master Plan Amendment process, but we're engaged in it now, so I'm going to testify on this.

I think that the issue of the Apex Building that when it was originally
constructed it did comply with what the County
had planned at the time, and really what's
changed is the Purple Line plan. The concept
has gotten much larger and we have a bike
trail now.

And so we're really now looking at
a different project. So, I don't necessarily
think the building owners are responsible for
this. They complied at the time, but looking
at the situation now, I think that there is
some justification for the redevelopment of
the building.

I don't want to see the building
come down, but I think when we are looking at
the issue of having the trail be able to go
under the building rather than out on
Wisconsin Avenue, when we're considering all
modes of transportation being equal, really,
the Capital Crescent Trail is a transportation
facility more than just a recreational trail.
And so anything that facilitates -- it's a
much more desirable commuting option if people
can pass through more quickly on bicycles.

And so I am also concerned about the way the State went about this. They put the taxpayer really in a bad situation, and I was intrigued with Commissioner Anderson's suggestion about eminent domain. That would not be my first option, but it's something to consider as part of the negotiations.

But, finally, the major point about this, I would not support redeveloping this building unless we get a movie theater, because this is something the restaurants in downtown Bethesda really rely on the dinner and a movie business. And I thought the report was out of touch with reality when they said there would be no impact. There will be a huge impact, and I don't see how they, or the staff, can explain to us how this helps the nighttime economy or walkable communities to not have a movie theater, the only urban area in the County without one. So, we really must have the movie theater as part of the new
project in order for me to support this.

Thank you.

CHAIR CARRIER: Thank you.

Mr. Phyillaier.

MR. PHYILLAIER: Good evening. My name is Wayne Phyillaier and I'm speaking this evening for the Coalition for the Capital Crescent Trail. Our Coalition is all-volunteer organization formed in 1986, and it's been operating since then for the purpose of completing the Capital Crescent Trail, making it more attractive and safer to use.

We continue to take no position to either support or oppose the Purple Line, but if the community does choose to build the Purple Line, we insist that the Capital Crescent Trail be rebuilt to a high standard in the Georgetown Branch corridor, and then completed into Silver Spring.

It should be rebuilt in a manner that's consistent with it being the most heavily used off-road trail in the state, and
a very key part of a regional trail network.

It's very important to us that we continue to have a direct grade separated crossing of Wisconsin Avenue in the heart of Bethesda.

We had received repeated assurances from MTA for many years that we would be able to stay in the Bethesda Tunnel, although in an overhead structure above the transit tracks. And we were quite disappointed and upset when about a year and half ago a decision was taken to take us out of the tunnel because that was considered too expensive and too risky to the building.

Now you have before you a Master Plan Amendment that could give you an opportunity to set this back in the proper position again by giving us that grade separated crossing, a new tunnel.

In fact, the new tunnel design in this Master Plan alignment has the potential to better than the alignment would have been
in the overhead. It could be a tunnel for us that would be straighter, and shorter, and take us into a plaza area with a bike facility. It would be much superior to what we would have had in the overhead.

However, our big concern with the plan is, with this tunnel alignment, is that the possibility of having a very dangerous grade on the east side. Mr. Ross alluded to that in his testimony. If you're not able to close that parking lot, and you can only take about a half block of that section between 47th Street and Wisconsin Avenue for the ramp into the portal of the tunnel, then the grade of that ramp would be 8 percent or higher. We consider that to be wholly unacceptable. This would be a very high-use area, with a lot of pedestrians. You've got an elevator entrance possibly at the bottom of that ramp, a lot of congestion, a lot of conflicts, and throwing in an 8 percent grade into that mix which would be disastrous.
If you're not able to close that parking lot to give us a ramp that has a 5 percent grade or better, than we would urge you to reconsider the option two tunnel alignment that had been presented at the community plans. We recognize that's a longer tunnel. We recognize that it has a curve in it, that it intrudes into the park more, but we feel that overall it would be much safer for the trail users and more inviting.

Finally, I would like to point out it's our strong position that this tunnel should not be taken as an alternative or a replacement for the surface route. The surface route down Bethesda Avenue remains very important to us. It will be our only trail route for the many months when the Purple Line Station is under construction. It will continue to be important after the tunnel opens for the many trail users who would like to go to surface destinations on the streets of Bethesda, or the many cyclists who might
like to avoid going through the tunnel during
the high congestion periods where there's
going to be a lot of pedestrian activity in
the tunnel and the Woodmont Plaza.

That's it. Basically, we think
this amendment gives you an opportunity to
give the trail users a great tunnel. It also
could give you a much better Woodmont Plaza
without having a ventilation tower or so much
intrusion from the tracks. It can help spare
the changes at Elm Street. We feel overall
this is worth pursuing, and we encourage you
to aggressively pursue this Master Plan
Amendment.

Thank you.

CHAIR CARRIER: Thank you.

Ms. Burda?

MS. BURDA: Hi. I'm Pat Burda.

I'm the Mayor for the Town of Chevy Chase, and
unlike the Coalition for the Capital Crescent
Trail, we have taken a position on the Purple
Line, but that's not why I'm here tonight.
I appreciate the opportunity to provide comments on behalf of the Town on the proposed Bethesda Purple Line Station Minor Master Plan Amendment.

I'd also like to thank Elza Hisel-McCoy and David Ansbacher for taking the time to brief the town's Long-Range Planning Committee on some of the details of the proposal that is under consideration. It helped to clarify many of our questions.

The proposal focuses on two key elements: the redevelopment of the Apex site with a new building that better integrates the proposed Purple Line and Red Line Stations, and a new tunnel under Wisconsin Avenue to handle bike and pedestrian traffic on the Capital Crescent Trail.

While recognizing that both of these elements have some attractive characteristics, we believe that because this project is being rushed through, and rushed along, all the details and implications have
Some of our major concerns. The first one is the proposed Master Plan Amendment should be made conditional on full funding and planned construction for the Purple Line. This approach was taken in the recent case of the Chevy Chase Lake Master Plan, and it's even more appropriate in this case. The one and only reason for this Minor Master Plan Amendment is to accommodate the complexities of a multi-modal transit station at the site. If the Purple Line is not built, or is substantially delayed, the entire rationale for the proposed minor amendment to the Master Plan disappears.

Thus, the minor amendment should be made contingent on funding and planned construction of the Purple Line, and if that fails to materialize, then the block should be addressed in the context of a new Master Plan for the entire Bethesda CBD.

Second concern, under the
Commercial-Residential CR Zone optional method proposed on the plan, there is no assurance that any new development on the Apex site will actually be required to accommodate this new station.

Quite frankly, we are concerned that without compulsory language to assure the inclusion of the new station, the developer could decide to use the points from other benefits to get additional density and opt out of the station design. Then we would just have a big building and no integrated transit stop.

The County needs to take additional steps to ensure that if the Minor Master Plan Amendment is adopted and the redevelopment of the Apex building occurs, the amendment includes a binding list of desired features.

Third concern, the Minor Master Plan Amendment should have more accurate safeguards -- adequate safeguards, to protect...
the little remaining open space left in
downtown Bethesda.

The current amendment envisions that the new
Apex building developer may transfer
development density to adjacent sites. This
could include the Woodmont East project site,
and could result in the redesign of this site
and the elimination of one of the few
remaining open spaces in downtown Bethesda.

As I'm sure you all remember, only
a few years ago the Planning Board responded
to public outcry and required the developer to
create an open-air pedestrian plaza in front
of the Landmark Theatres. The Map Amendment
should specify that adequate open space at
this location should remain a priority.

Our fourth concern is that the
second tunnel should be a mandatory, core
element to the Purple Line plan, and not link
in any way to redevelopment of the Apex site.
You are contemplating spending $30 million on
this tunnel; we think that it's really a
needed, needed amenity.

By relying on bicyclists to cross Wisconsin Avenue using the surface route, we believe we are creating a safety nightmare. And I've testified before you about the number of pedestrian incidents that have occurred on this stretch of Wisconsin Avenue.

We believe that it should be a critical required element if the Purple Line coming to reality, and it should be included in the MCA and County plans, regardless of whether the Apex building is redeveloped.

If the building redevelopment does move forward as contemplated, we feel the County should be required to commit the necessary resources to build the second tunnel before any approvals are given for the redevelopment of the site with increased density. There's great skepticism in the community that the tunnel will actually ever materialize under any scenario.

And, finally, we are concerned...
that neither of the two proposed design options for the tunnel seem optimal. We think that you should probably take a look, as Mr. Phyillaier mentioned, you know, doing something to try to decrease the grade and also have less impacts on the park.

Right now, we just feel like the two designs are not ready for prime time, and we do have residents who have raised many concerns about the safety of a separate tunnel, and so we would really very much want to work with the County to try to assure the design incorporates adequate safety features.

So, thank you very much for the opportunity to testify, and I'm here to answer any questions you might have.

CHAIR CARRIER: I appreciate the specificity of your comments. That always makes it a lot easier for us to address them.

MS. BURDA: Great.

CHAIR CARRIER: I believe our last speaker has come in, Ronit Dancis, so please
come up and join the other speakers.

MS. DANCIS: My apologies for being late. I was stuck in traffic.

CHAIR CARRIER: Not at all. We've heard of traffic in this county.

COMMISSIONER ANDERSON: That won't be a problem with the Purple Line.

MS. DANCIS: Exactly. I won't have to sit on the J4.

COMMISSIONER ANDERSON: You could ride your bike in.

MS. DANCIS: Exactly.

COMMISSIONER ANDERSON: Through the tunnel.

MS. DANCIS: Absolutely. Thanks for the opportunity to speak. I'm here to express the Action Committee for Transit's long approval to the Minor Master Plan Amendment to Bethesda Station.

As we all know, Bethesda is going to be a key Purple Line Station, one of the four stations where the Purple Line intersects
with the Metro. Bethesda itself is already one of the Metro stations where equal numbers of people enter as exit during the rush hour. It is projected that more than 10,000 people will be using the Purple Line station in Bethesda each day.

The station needs to be as large as possible, and it needs to move as many people as fast as possible. Because the Wisconsin Avenue Bridge and the building density that already exists in Bethesda, building a small station now, and then trying to enlarge and improve it in the future, would be prohibitively expensive, in addition to being impractical, and it could also be a potential safety issue or hazard.

The new design does the best job of meeting these goals to make the station as big and as good as possible, given the conditions available in a dense urban area. Rebuilding the Apex building will allow the station to be much larger and work much
If the building is not demolished and rebuilt, there will not be enough space for a wide track. Passengers would then have to cross the train tracks to get on and off the train. The train station could be delayed each and every time the passengers cross the track.

If the new design is approved, there will be also enough space for a bike tunnel under Wisconsin Avenue, providing bike riders with the uninterrupted trail they've been asking for for a long time.

There is one area where I hope the Board will make improvements in this new design. The current bike tunnel plans are constrained by the need to keep street access open to a ten-car parking lot on Elm Street. Again, that's a ten-car parking lot. The result is a tunnel with a grade that's considerably steeper than desirable. The Planning Board staff presented a second tunnel
option at the Bethesda open house. It had an
even steeper grade and only met ADA
requirements by including an elevator at Elm
and Wisconsin.

Parents, in particular, would
prefer a much gentler grade as they bike with
their kids on the trail. We strongly urge the
Board to modify the design so the County can
purchase the parking lot. The ten people who
use the parking lot can be provided with
reserved parking spaces directly across Elm
Street in the parking lot on 7315 Wisconsin
Avenue.

Thank you very much.

CHAIR CARRIER: Thank you.

Is there anybody else who is here
tonight that did not sign up to speak, and
would like to speak?

I see a hand. Okay. Fill out a
yellow form real quick, and then come speak.
Ms. Jackson, could you provide a yellow form
for this gentleman? She's already doing it.
Just put down your name for now, and then you can fill it out later.

Just press the big button. Press the big button and let go.

MR. SMYTHE: All right, thank you, Madam Chairman. My name is Robert Smythe, S-M-Y-T-H-E.

CHAIR CARRIER: Can I ask you to pull the microphone a little closer?

MR. SMYTHE: Most certainly.

CHAIR CARRIER: Thank you.

MR. SMYTHE: All right.

CHAIR CARRIER: Perfect.

MR. SMYTHE: You got that? Okay.

I'm a resident of Wellington Drive in the Sacks subdivision, which is directly south of the Lot 31, and we are a 60-family residential neighborhood.

I'd like to add my concerns to those expressed by Wayne about the design for this tunnel. I don't know -- I went to the information meeting that they had. That was
the first I'd heard about it. And I said, an 8 percent slope? What is that going to be like when it's icy, when it's raining, when people with baby carriages are going up and down there, bicycles and pedestrians are trying to get through that space?

That's a totally unreasonable option. I don't know what they were thinking, but that has to be passable by people who are not having to exert themselves to push a bike, or a baby carriage, up an 8 percent slope in the freezing rain. This is not a situation that should be thought of as sunshine and 70 degree temperatures. We have to have something that's practical.

I agree that the idea of having a tunnel, separate from the Metro tunnel, is a good one, and I was in favor of the idea of having this second tunnel. But the steep slope design version is just crazy, and I think we need to look carefully at how safe that is going to be. It may be necessary to
extend it considerably more than even the current alternate design. But it's one thing that concerns those of us who live there.

I guess I find -- I have mixed feelings about the whole Purple Line, but if we are going to have a viable Capital Crescent Trail, it should be safe. I mean, it should not be a dangerous slope that people have to fight their way up or down.

So, that's the main concern I'd like to underline, and if it's appropriate I'll give you a written comment afterward, but that's my main point. I'm the vice president of the Sacks Neighborhood Association. But I'm just speaking for myself tonight, because I didn't prepare testimony.

CHAIR CARRIER: Thank you. You are welcome to submit something in writing. When does the record close again, Mr. Hisel-McCoy?

MR. HISEL-MCCOY: One week from tonight.
CHAIR CARRIER: So, you have a week to submit something. And if the Citizens Association, you know, if you are able to get something from the group by then, you are welcome to do that, or do it as an individual.

MR. SMYTHE: Either way, it's just -- it's a fundamental design flaw.

CHAIR CARRIER: Okay. Well, thank you, everybody, for coming to give us your thoughts on this. We will look forward to our work sessions, and we are adjourned for the night at 6:33 p.m.

(Whereupon, the meeting in the above-entitled matter was concluded at 6:33 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Purple Line Station

Before: MNCPPC

Date: 11-07-13

Place: Silver Spring, MD

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter