

Public Hearing Speakers' List
MAP2013-00112 – 628 Great Falls Road

	Y/N	Name	Address	Phone/email
1.	Y	Sharyn Duffin	710 Douglas Avenue Rockville, MD 20850	301-762-2422
2.	N	Jody Kline, Esquire	Miller, Miller & Canby 200-B Monroe Street Rockville, Maryland 20850.	301-762-5212 jskline@mmcanby.com
3.	Y	Nadia Azumi, Vice President Rose Hill Falls Community Association	6 Nocturne Court Rockville, Maryland 20850	
4.	Y	Patricia Woodward, for WECA	111 N. VanBuren Street Rockville, Maryland 20850	
5.	Y	Patricia Casillas, for Rose Hill HOA	208 Rose Petal Way Rockville, Maryland 20850	
6.		Phil Rosenberg		[concern with traffic]
7.	Y	Eileen McGuckian	11807 Dinwiddie Drive Rockville, Maryland 20852-4459	Phileen3@verizon.net
	[Y]	Jim Coyle, <i>ceding time to Eileen McGuckian</i>	14 Fire Princess Court Rockville MD 20850	jimcoyl@gmail.com
	[Y]	Danny Gurewitz <i>ceding time to Eileen McGuckian</i>	4 Watchwater Court Rockville, Maryland 20850	
	[Y]	Rose Sharkey, <i>ceding time to Eileen McGuckian</i>	308 Great Falls Road Rockville, MD 20850	wwsharkey@yahoo.com
	{Y}	Steve Freed, <i>ceding time to Eileen McGuckian</i>	4 Harlow Court Rockville, MD 20850	freed
8.	N	Tim Ramsburg	1233 Simmons Drive Rockville, Maryland	301.340.6103 tmramsburg@yahoo.com
9.	N	Robert S. Teringo	2 Harrowgate Court Rockville, Maryland	240.314.0668 Teriingofamily@comcast.net
10.	N	David Fritz	13127 Ardennes Avenue Rockville, Maryland 20851	301.343.3120 davfritz@yahoo.com
11.	N	Rod Escobar	12220 Stoney Creek Rd. Potomac, MD	240.876.0211 rodesobar9@gmail.com
12.	N	Bruce Thorne	Bethesda	202.441.7569 brucethorne10@gmail.com
13.	N	Geun Cagal, CPA	Cagal & Assoc., LLC 200-A Monroe St., Rockville, Maryland 20850	301.346.0190 gundcagal@verizon.net
14.	N	Clifton King	710 Carr Avenue Rockville, Maryland 20850	301.356-0735 skillmatic2002@yahoo.com

Public Hearing Speakers' List
 MAP2013-00112 – 628 Great Falls Road

15.	N	Hsin Mei Hsu	410 Winding Rose Drive Rockville, Maryland 20850	240.491-2141 cathy.hsu8@gmail.com
16.	N	Nikki Meyers	12906 Ardennes Avenue Rockville, Maryland	301.948.3918 nathanyakmeyers@gmail.com
17.	N	Nicole Carter	1112 Parrish Drive Rockville, Maryland	301.202.9620 Paul@urbancastlesolutions.com
18.	N	Mike Collins	1111 Parrish Drive Rockville, Maryland	301.738.2097 Lmc151@yahoo.com
19.	N	Jef Fuller		301-948-3918
20.	N	John Lyles	12906 Ardennes Ave. Rockville, MD	301-948-3918
21.	Y	Robin Corridon	433 Winding Rose Drive Rockville, MD 20850	301-340-2457
22.	Y	Mary van Balgooy	Peerless Rockville	301-762-0096
23.	N	Ron Martin	(JW)	
24.	N	Jackson Jimenez	(JW)	
25.	Y	Marsha Douma	616 Great Falls Road Rockville, MD	
26.	Y	Susan Prince	206 Evans Street Rockville, MD	
27.	Y	Chris Nurse	207 Evans Street Rockville, MD	

308 Great Falls Road
Rockville, MD 20850
October 7, 2013

Mayor Phyllis Marcuccio and Members of the Rockville City Council
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Historic Designation of 628 Great Falls Road
For the Public Hearing Record – Sectional Map Amendment MAP2013-00112

Dear Madame Mayor and Members of the Council:

I urge you to support of historic designation of 628 Great Falls Road.

I have lived on Great Falls Road since 1997 and a member of the West End Citizens Association (WECA). I am also an active member of a committee of concerned citizens from the West End, Rose Hill Falls, Rose Hill, and Prospect Hill Court who have been following the proposed expansion of the Jehovah's Witnesses church, attending area meetings, the DRC, and related Historic District Commission, Planning Commission and Mayor and Council meetings.

The process has been very difficult on the neighborhoods, dragging on for years, with the applicant starting and stopping the process. Representatives of the Jehovah's Witnesses congregation have expressed surprise of the request of residents to designate 628 Great Falls Road historic. Church representatives wonder why residents, if they truly care for this historic gateway property, did not at that time express concern. There was no threat to the de facto preservation of the property until the recent actions.

The church claims that when it purchased the house, it was in disrepair, necessitating thousands of dollars of repairs. There was no evidence that the city ever cited the property for any code violations.

I have no recollection of this property being in disrepair. Mold or a church mouse is not an uncommon occurrence. The White House has a rodent issue, and many MCPS have had mold abatement issue. In any event, these issues are irrelevant to the question of historic designation.

Historic designation is a decision to protect this property for the future, beyond any particular owner. That is what is needed at the gateway to our neighborhood.

Sincerely,

Rose Sharkey

Exhibit No. 18
MAP2012-00112
Public Hearing: 09/30/13
October 7, 2013

RECEIVED
CITY CLERKS OFFICE
2013 OCT -7 PM 4:37

Mayor and Council
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

Subject: Historic Designation of 628 Great Falls Road
For the public hearing record – Sectional Map Amendment
MAP2013-00112 Factual Corrections of Inaccurate Statements Made at
Public Hearing

Dear Mayor and Council:

At the public hearing on September 30, 2013 many issues were raised that are extraneous, inaccurate and confusing to the issue at hand, namely historic designation of 628 Great Falls Road. Accordingly the West End Citizens Association (WECA), Rose Hill Falls Community Association (RHF) and Rose Hill Homeowners Association (RH) are submitting this letter to clarify the record and to correct inaccurate statements. In Part A of this letter the reasons for historic designation are summarized and isolated from irrelevant issues. In Part B misstatements made by representatives of the applicant are explained and corrected with factual records.

PART A – THE CASE FOR HISTORIC DESIGNATION

628 Great Falls Road meets multiple designation criteria.

Individuals, organizations, experts, and City commissions agree that 628 meets **Criteria I-C** (pattern of events: development of kinship community through residential parcels at the edge of Rockville), **II-A** (embodies a building type: representative of the gable front and wing style popular 1880s–1940; all building styles, however modest, should be represented in Rockville, and this vernacular building has a high degree of integrity in character, form, materials, and setting.) **and II- E** (established and familiar visual feature of the neighborhood and city: 628 is an anchor in and gateway to the black kinship community, to the West End neighborhoods and to the City as evidenced by the continuity of successive generations of people and homes over almost two centuries.)

Agreement that 628 Great Falls Road meets criteria for designation as a Rockville historic site.

City preservation planner Robin Ziek recommended the above criteria in her staff report. The Historic District Commission voted on 4/18/13 that

the property meets those specific criteria and recommended the change in zoning. Subsequently, the Planning Commission on 7/24/13 voted that the building meets criteria and conforms with City Master Plans, the Zoning Ordinance, and Rockville's Comprehensive Plan.

Designating over Owner Objection.

Ownership of a building is not a standard for evaluation, and it never has been the pivotal reason historic designation is granted or rejected. The heart of the concept is that a particular piece of property is significant to the larger community. It is for this reason that Mayors & Councils have designated buildings over the objection of their owners when it was felt to be in the interest of the city. Experience proves that the public good has been served by saving the Rockville Academy, B&O Railroad Station, 100 block of South Washington Street, 702 Maple Avenue, 117 and 115 West Montgomery Avenue, and the lawn of Chestnut Lodge, all over the objection of their owners. Interestingly, once preserved, the uniqueness of a historic site usually becomes an invaluable asset to its owners. —

Documented Research has raised awareness of significance.

The 1986 Historic Resources Management Plan stated that the entire Great Falls Road kinship community merits further investigation. Research conducted this spring and summer has brought to light the existence of a significant chapter in the black history of Rockville, and 628 sits on land purchased by a free black man in 1832. In-depth research on the Great Falls Road community conducted throughout this year has led to greater appreciation for its place in Rockville's history. More details will be added, but enough is known now to establish true significance and provide protection for the structures on this block.

Need for designation when owner says will take care of property.

Designation is the only reliable way to ensure that any new development on a particular site is built to a standard that looks like it belongs there. Ownership and use are not necessarily forever, but protection of a historic building is. Without designation, a future owner may not have the requirement or interest in protecting the historic house.

Historic designation will not prevent the church from developing this property or impose a hardship on the owner.

HDC review extends only to proposed changes to the exterior appearance of designated structures or to their environmental setting. It does not affect use or normal maintenance, but it does help to maintain a residential character and scale within a neighborhood. In the 9/19/13 courtesy review, the HDC recommended that new construction be separated from the house. There are many other design options that the applicant could pursue, such as an addition to the existing Kingdom Hall, to accomplish its objectives.

PART B – CORRECTION OF MISLEADING AND INACCURATE STATEMENTS

At the hearing of September 30, 2013 representatives of the applicant made statements that were inaccurate and misleading. These statements paint the community as uncooperative and disingenuous. In fact, these adjectives more aptly describe the congregants themselves. Here are the facts.

Congregants said they have responded to all requests from the community.

The record of communications amongst the City, the applicant and WECA shows this is not true. The applicant has repeatedly stonewalled WECA's requests for basic information on the size and operation of the proposed facility. Beginning at the Area Meeting in November 2012 the community has asked, for example, what are the activities at the facility and how many people attend. For 6 months, from November 2012 to April 2013, WECA continued to ask, verbally and in letters. **None** of our questions have been answered. Further, WECA requested a site visit; our request was not granted. **By refusing to provide any meaningful information about when and how many people use the facility and how it will operate, the applicant is making it impossible for us to assess the impact on the neighborhood. It would be hard to characterize this behavior as supportive or respectful of the community.**

Enclosure (1) provides the factual record – a chronology of these requests in table form and copies of the letters and messages exchanged amongst the City, the applicant’s attorney and the community.

Congregants said they have been good neighbors.

Actions speak louder than words, as these two incidences show.

1. In 2006 the Planning Commission denied the Jehovah’s Witnesses’ application to demolish the house at 626 Great Falls Road and convert the property into a parking lot. Following that ruling, the congregants did not demolish the house. However, they did ignore the ruling by putting in a large blacktop parking lot anyway. Further the Planning Commission directed them to replace the existing large gravel lot with grass. That, also, was never done. They are now asking to do exactly the same thing again – demolish the house at 626 Great Falls Road, and build a parking lot. Enclosure (2) shows the 2006 ruling of the Planning Commission and Excerpts from Planning Commission meeting minutes of January 25, 2006.
2. In addition the congregants use Julius West school grounds for parking. Because school facilities are in high demand during non-school hours, Montgomery County has a policy which requires users to sign up and pay for school space. The County’s response to a Freedom of Information Request in February 2013 showed that the congregation did not have an agreement with the County. Yet many congregants park there anyway, thereby displacing those who are rightfully authorized to use the school.

These actions show disregard for their neighbors and demonstrate the lack of needed on-site parking space today. This problem will be compounded many fold by the proposed facility, which will increase the intensity of use on the combined sites. **Given this lack of respect for the community and the congregants’ failure to comply with the Planning Commission’s direction, historic designation is the only way to protect the West End neighborhood and the house at 628 Great Falls Road.**

Congregants said they met with neighbors and sought to work with them.

This is hardly true. The only person in contact with the community has been and is the applicant’s attorney. He handles all interfaces. At meetings we never know if any of the congregants will be there or who they will be. Other than the initial meeting with the community in January 2011, meetings have been minimal and only to comply with requirements

of the Zoning Ordinance. WECA invited the applicant to the Executive Board meeting in October 2012. The applicant said that they would only come if the City provided a facilitator. None was available, so they did not come. No other developer has ever responded in this manner to WECA; all have been willing to come and talk with us. **This history shows that the applicant has not engaged with the community in an open and genuine manner.**

Congregants said they have been working on the project for more than five (5) years. They implied that the schedule was driven by the community.

The facts tell an entirely different story. In reality the community has had little impact on the schedule. It was **less than three (3) years ago** when the community first heard of this project in January 2011 when the applicant requested and met with WECA. Thereafter **one (1) year elapsed** when the applicant did not contact the community or submit an application. Their application was submitted to the City in January 2012 and a courtesy review for the community was held in February 2012. Another **nine (9) months elapsed** before the Area Meeting was held in November 2012. In that time the applicant was working with City engineers to develop a stormwater management plan that met City Code. In November 2012 the City's Design Review Committee met, reviewed the application and notified the applicant of deficiencies. It took **another five (5) months** for the applicant to reach compliance with Code. They submitted their final revision in April 2013. Since that time the City has been deliberating on historic designation. **The facts show that the applicant has controlled the schedule and spent the preponderance of the time in internal deliberations and code compliance.**

Enclosure (3) provides the sources of the schedule history. Therein are two public documents, namely the City's Case Activity Listing and the chronology of submissions and meetings provided by the City's Project Manager. Also a summary table is provided.

Congregants said that the community is only "playing the race card" and is not genuinely interested in black history.

This could not be further from the truth. It has long been known that there were three enclaves of free blacks in Rockville in the early 1800s. All of these communities were located in the West End neighborhood. The least was known about the kinship community along Great Falls Road. Historical research into the ownership of 628 Great Falls Road led to a bonanza of new information about the number and extent of the land holdings acquired by free blacks before the Civil War in this location. This has made the story of our neighborhood richer. The very essence of

historic discovery is that sometimes previously unknown facts are brought to light. Accusing neighbors of bringing forward new discoveries as “playing the race card” impugns the value that the community places on historic and archaeological research. **If the congregants had invested more time with the community they would not have made this allegation.**

Congregants said that the proposed addition does not affect the appearance of the house.

This is incorrect. The size of the proposed addition, taller and nearly three times bigger than the house, will overwhelm the historic house and make it an incompatible adjunct struck onto a large modern institutional facility. However, discussions of the merits of the proposed addition are not appropriate to the determination of Historic Designation. Potential additions to a historic structure are not a criterion in the historic designation process laid out by State and City code. The merits of the addition are part of the evaluation of the Level II Site Plan review that will be conducted by the Planning Commission, which follows a process which is completely separate from historic designation.

Our West End communities, WECA, RHF, and RH, appreciate this opportunity to respond to allegations and to present the correct facts. We, and many of our fellow citizens, urge the Mayor and Council to approve Sectional Map Amendment MAP2013-00112.

Sincerely,

Noreen Bryan, President, West End Citizens Association

Jim Coyle, President, Rose Hill Falls Community Association

Ricardo Casillas, President, Rose Hill Homeowners Association

**Enclosure (1)
History of Applicant's failure to provide information requested by citizens**

Synopsis: At the Public Hearing on September 30, 2013 people testifying for the Jehovah's Witnesses said that they have responded to all of the community's requests. **That statement is not true.**

- For six months WECA attempted to get basic information about the project (e.g. number of activities every week and the number of people who attend these activities, traffic impacts of project). The applicant refused to answer these basic questions. After six months of being stonewalled and ignored we gave up. This refusal is factually documented in letters and messages exchanged amongst WECA, the applicant's attorney and City Staff. Below is a table which summarizes these communications. The actual letters and messages are included as attachments to Enclosure (1).

Date	Event/ Communication	Purpose	Attachment
Nov 7, 2012	Area Meeting	Citizens ask applicant for basic information on the project (e.g. number of weekly activities and the number of people who attend these activities at the JW facility; traffic generated.) The applicant's attorney advised his client to NOT respond to some questions. For others the representatives of the applicant only talked in generalities without specific information. When we left meeting citizens expected that the applicant would respond to the unanswered questions.	
		Nearly three (3) months elapse without response from applicant	

(5)

Jan 30, 2013	Msg: WECA to City	WECA requests help from the City in obtaining the info from the applicant. To avoid confusion the message clearly restates our questions.	Attach A
Jan 31, 2013	Msg: City to WECA	Staff agrees to forward our request to applicant and suggests that info is not needed until Site Plan Review.	Attach B
Jan 31, 2013	Msg: WECA to City	Citizens are concerned about the lack of information and ask City to help them get the info as soon as possible.	Attach B
Feb 1, 2013	Msg: City to WECA	City agrees to encourage applicant to respond as soon as possible	Attach B
Feb 4, 2013	Ltr: Applicant to WECA	Disagrees with request and says they have answered most of our questions. However, will look at our questions and will get back to us with answers relevant to pending site plan application.	Attach C
Feb 7, 2013	Msg: WECA to Applicant	WECA restates that there are unanswered questions and asks for more information on which questions the applicant will answer.	Attach D
		Two (2) more months elapse without response from applicant	
Apr 4, 2013	Msg: WECA to City	Asks for help in obtaining information from the applicant. Citizens are discouraged by lack of response from applicant.	Attach E
Apr 9, 2013	Msg: City to WECA	City says they cannot compel the applicant to respond. They recognize citizen frustration and think it is in applicant's best interest to respond.	Attach E
May 1, 2013	Msg: WECA to applicant	Have heard that applicant will not answer all of our questions and requests an indication of which questions they will answer	Attach F

May 1, 2013	Msg: WECA to City	Have heard that applicant is making a model. Indicate we would like to meet if applicant will answer our questions or explain why they will not answer and if the building is presented in the context of its site. If that is not the case suggest applicant make model available for citizens to visit. WECA clarifies the record that we did not request a meeting.	Attach G
May 3, 2013	Msg: City to WECA	Will pass on our view to applicant and says that apparently a site visit is no longer appropriate.	Attach G
May 5, 2013	Msg: WECA to City	WECA clarifies again and says that the community would very much like a site visit, but not if the meeting is limited to a model out of context with its surrounding and verbal answers to selected questions which the applicant chooses.	Attach G
		WECA abandons pursuit of information after six (6) months without a response from applicant.	
		The applicant never answers any questions posed by the community.	

9

Enclosure (1) Attachment A

Wed, Jan 30, 2013 at 11:03 PM

Wed, 11:03 PM

Chinese Jehovah's witnesses

From: [Marsina Douma](#)

To: mnai@rockvillemd.gov

CC: [Jim Wasiliak](#), [Susan](#) Swift, Bobby Ray, Barbara Matthews, Mayor and Council, Jody Kline, Noreen Bryan, Rose Sharkey

Dear Margaret,

The WECA committee evaluating the application for the Chinese Jehovah's Witnesses Kingdom Hall met this past Monday, 28 January 2013. At that meeting it was agreed that a letter would be sent to the City requesting information that has been long sought from the applicant and not received. While reviewing missing information we identified additional points about the application that are not available, but needed. Both of these are important to our understanding of the application. Accordingly I am sending you this message from the WECA committee.

It is our observation that neighborhoods are first degraded at their edges, and then the process inevitably moves inward.

Even a cursory examination of the aerial map of the neighborhoods surrounding the current Jehovah's Witness Kingdom Hall, clearly shows how their proposed expansion to 626 and 628 Great Falls Road will be the tipping point to redefine this neighborhood from residential to institutional.

Yet the representatives from the Kingdom Hall have told the neighborhood and the city that their impact will be very minimal. The community, however, strongly feels that in order to believe that is true, we need a more complete understanding of their current and future plans. Since the applicant has not provided us with answers to our questions, we need the city's help to obtain these answers. We have asked repeatedly and not gotten responses.

I am sure you would agree it is impossible to conduct an evaluation of this application without the full story and complete information. It would lead to inaccurate conclusions and recommendations. To date, we are still missing the information about when the Kingdom Hall meets other than what is posted outside their entrance, how many people attend these meetings and from what direction they come. To understand the impact on our community we need to know these numbers for the existing congregation and the projections for the new congregation, as well as their future plans for expansion.

We believe this information is as critical to the city staff as it is to us. The quality of the Staff Report is dependent on whether factual information is used rather than vague concepts, such as sharing spaces and staggering meetings.

Citizens need and deserve sufficient time to review and analyze the data – otherwise our ability to respond is severely handicapped. The applicants have spent more than two years on their application. It is critical to get this information to us as soon as possible. Please let us know when and how this information will be provided to us.

The communities questions are:

What is the individual maximum capacity for the existing and new Kingdom Halls, and the total capacity for both spaces? Please break this information by sanctuary spaces, auxiliary and social hall spaces, and classroom spaces. Is this the same maximum capacity that has been approved by the City?

How often are your services and other uses at capacity?

When both buildings are used to capacity, how many parking spots will be needed?

Do members of the existing congregation only meet at the posted times? If at other times, what days of week, time of day and duration including time for arrival and departure)? How many people attend each meeting? What is the plan for the new Kingdom Hall – number of meetings (day of week, time of day and duration including time for arrival and departure) and number of people who attend each meeting? It is our understanding you are organized by language of the members. If we need this broken down by language to understand your requirements please provide that information.

Do you count your members as individuals or as family units?

In 2006 you said you had insufficient parking and therefore needed/wanted to demolish the existing house at 626 Great Falls Road and make the entire property into a parking lot. How many spaces would that lot have created?

Logic tells us if you had insufficient parking available in 2006 when your congregation was smaller, doubling your capacity will at the very minimum double your parking needs. What is your plan for overflow parking?

You have told the community that the traffic impact will be negligible since you stagger your meetings. Other than for language reasons, do you stagger them to make the best use of your existing space? If not, why else would the different congregations meet at different times? Once you have doubled your available space, how will you schedule your meetings?

Once your weekend Public Talk for each congregation is complete, do any cars need to remain in the parking lot for any period of time? If yes, for how long, and how does that impact on your overall parking needs?

The posting outside your front door, currently says each of your 5 separate congregations meets twice a week, for a total of between 4 and 5 hours. That is a maximum total usage of 25 hours each week for your combined 5 congregations.

How is the building used during most of the week and almost half the weekend when no services or classes are being held?

More specifically: The posted schedule indicates Saturday afternoon, late Sunday afternoon and all day Monday thru Friday until 7:30pm your current building is not being used. The building is used Saturday or Sunday for a Public Talk scheduled for each congregation, and once during the week Ministry School is scheduled. On Saturday the 2 Public Talks are listed for 10:00am and 1:00 pm. On Sunday the 3 Public Talks are listed for 9:30 am, 12:30 pm, and 3:30 pm. Since one group needs time to leave before the next group comes in, the Public Talk probably lasts about 2 – 2 1/2 hours. All the Ministry School times are for 7:30pm, and the parking lot is usually filled. By 10:00pm, the cars have left.

From this information it appears that the capacity of your current facility is not fully utilized and can accommodate additional sessions. Accordingly, how do you plan to use the new building other than the 4–5 hours per week that the Chinese Congregation currently uses the present building? Are there neighboring Jehovah's Witnesses Kingdom Halls that will start to use your new and expanded facility? Will you be renting the space out to other organizations? Do you plan to have additional or longer services for each of the congregations that currently use your existing building? What will this new schedule be? Will you start to use some of the new or existing buildings for administrative purposes to manage other Jehovah's Witnesses Kingdom Halls?

The community has other questions about the details of the application. We will submit these questions at another time.

Respectfully,

Marsha Douma
WECA

**Enclosure (1)
Attachment B**

Message trail with city

8:24 AM 1 February 2013

8:24 AM

[Message starred](#)

FROM BRay@rockvillemd.gov TO You + 9 More

Re: Chinese Jehovah's Witnesses

[Show Details](#)

From

- BRay@rockvillemd.gov

To

- [Marsha Douma](#)

CC

- [Barbara Matthews](#)
- [Jody](#)
- [Jim Wasilak](#)
- 5 More...

Dr. Douma:

I will make the applicant aware of the request and encourage them to submit the information as soon as possible. Jody Kline, who is representing the applicant, has been copied on this email string and is aware of the request. I will, however, put the request in a separate correspondence and see that a copy is sent to you. Any response from the applicant will be forwarded to you as well.

Without knowing when the applicant plans on resubmitting I can't provide any anticipated completion date for the site plan review. Once the materials have been submitted I would anticipate a 30-45 day review period with at least one meeting of the DRC before it goes to Planning Commission. Again I will keep you posted on when the City receives the applicant's resubmittal and make arrangements to get the materials to you.

Thanks,

Bobby

Bobby Ray, AICP
Principal Planner
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8228 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

From: Marsha Douma <marsha@michaeldouma.com>
To: BRay@rockvillemd.gov
Cc: Barbara Matthews <bmatthews@rockvillemd.gov>, Jody <jskline@mmcanby.com>, Jim Wasilak <JWasilak@rockvillemd.gov>, Mayor <mayorcouncil@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>, Susan <sswift@rockvillemd.gov>, Rose Sharkey <wwsharkey@yahoo.com>, noreen bryan <noreen1945@yahoo.com>
Date: 01/31/2013 10:17 PM
Subject: Re: Chinese Jehovah's Witnesses

Dear Bobby,

Thank you for your prompt reply. As I stated in my letter, the community is extremely frustrated over the lack of information we have been given about this proposed project. Can your office please request that the applicant answer our questions ASAP. We would appreciate receiving a copy of both the city's request to the applicant on our behalf, and their response informing us when we will receive the answers.

If the applicant is still not forthcoming within the next few weeks, how do you suggest we obtain this information? Providing a mechanism for citizens to have input into land use decisions in their neighborhoods is a meaningless gesture if the communities do not have any facts to base our opinions on.

Also, can you please give me an approximate date when the site review plan will be done?

The primary contact persons at WECA for this project are myself and Rose Sharkey.
(wwsharkey@yahoo.com)

Respectfully,

Marsha Douma

On Jan 31, 2013, at 10:09 AM, BRay@rockvillemd.gov wrote:

Dr. Douma

Staff has reviewed the message and we will forward these comments to the applicant and request that they be addressed in the next round of the site plan review. At this time we have completed our initial review of the project and are waiting for the applicant to resubmit plans and materials that respond to the comments provided by the Development Review Committee (DRC) at their meeting of November 15, 2012. At this time we have not developed a recommendation, nor have we started to prepare a staff report to the Planning Commission. The next step is for the applicant to revise their plans based upon the comments from the DRC, as well as the input provided by the neighborhood at the various community meetings held. Once these revisions have been submitted they will be distributed to DRC staff for another round of review and a follow-up meeting with the DRC. When the applicant has satisfactorily responded to staff review and the project has demonstrated compliance with applicable development standards we will schedule the site plan for the Commission's review. At that time we will prepare our staff report and develop a recommendation for the Commission. The information requested by WECA will certainly help us in the development of that recommendation and we look forward to receiving the applicant's response.

We will keep WECA informed of the resubmitted plans when they are received, and the date of the DRC meeting. Of course public notification is required for the Planning Commission meeting and must be provided 2 weeks before the scheduled meeting. In order to help us expedite the delivery of information to you can you provide us with a primary point of contact at WECA for this project ?

Thanks

Bobby

Bobby Ray, AICP
Principal Planner
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8228 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

From: Marsha Douma <marsha@michaeldouma.com>
To: mhall@rockvillemd.gov
Cc: Jim Wasilak <jwasilak@rockvillemd.gov>, Susan <sswift@rockvillemd.gov>, Bobby <bray@rockvillemd.gov>, Barbara Matthews <bmatthews@rockvillemd.gov>, Mayor <mayorcouncil@rockvillemd.gov>, Jody <jskline@mmcanby.com>, noreen bryan <noreen1945@yahoo.com>, Rose Sharkey <wsharkey@yahoo.com>
Date: 01/30/2013 11:03 PM
Subject: Chinese Jehovah's Witnesses

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Yet the representatives from the Kingdom Hall have told the neighborhood and the city that their impact

will be very minimal. The community, however, strongly feels that in order to believe that is true, we need a more complete understanding of their current and future plans. Since the applicant has not provided us with answers to our questions, we need the city's help to obtain these answers. We have asked repeatedly and not gotten responses.

I am sure you would agree it is impossible to conduct an evaluation of this application without the full story and complete information. It would lead to inaccurate conclusions and recommendations. To date, we are still missing the information about when the Kingdom Hall meets other than what is posted outside their entrance, how many people attend these meetings and from what direction they come. To understand the impact on our community we need to know these numbers for the existing congregation and the projections for the new congregation, as well as their future plans for expansion.

We believe this information is as critical to the city staff as it is to us. The quality of the Staff Report is dependent on whether factual information is used rather than vague concepts, such as sharing spaces and staggering meetings.

Citizens need and deserve sufficient time to review and analyze the data - otherwise our ability to respond is severely handicapped. The applicants have spent more than two years on their application. It is critical to get this information to us as soon as possible. Please let us know when and how this information will be provided to us.

The communities questions are:

What is the individual maximum capacity for the existing and new Kingdom Halls, and the total capacity for both spaces? Please break this information by sanctuary spaces, auxiliary and social hall spaces, and classroom spaces. Is this the same maximum capacity that has been approved by the City?

How often are your services and other uses at capacity?

When both buildings are used to capacity, how many parking spots will be needed?

Do members of the existing congregation only meet at the posted times? If at other times, what days of week, time of day and duration including time for arrival and departure)? How many people attend each meeting? What is the plan for the new Kingdom Hall - number of meetings (day of week, time of day and duration including time for arrival and departure) and number of people who attend each meeting? It is our understanding you are organized by language of the members. If we need this broken down by language to understand your requirements please provide that information.

Do you count your members as individuals or as family units?

In 2006 you said you had insufficient parking and therefore needed/wanted to demolish the existing house at 626 Great Falls Road and make the entire property into a parking lot. How many spaces would that lot have created?

Logic tells us if you had insufficient parking available in 2006 when your congregation was smaller, doubling your capacity will at the very minimum double your parking needs. What is your plan for overflow parking?

You have told the community that the traffic impact will be negligible since you stagger your meetings. Other than for language reasons, do you stagger them to make the best use of your existing space? If not, why else would the different congregations meet at different times? Once you have doubled your available space, how will you schedule your meetings?

Once your weekend *Public Talk* for each congregation is complete, do any cars need to remain in the parking lot for any period of time? If yes, for how long, and how does that impact on your overall parking needs?

The posting outside your front door, currently says each of your 5 separate congregations meets twice a week, for a total of between 4 and 5 hours. That is a maximum total usage of 25 hours each week for your combined 5 congregations. How is the building used during most of the week and almost half the weekend when no services or classes are being held?

More specifically: The posted schedule indicates Saturday afternoon, late Sunday afternoon and all day Monday thru Friday until 7:30pm your current building is not being used. The building is used Saturday or Sunday for a *Public Talk* scheduled for each congregation, and once during the week Ministry School is scheduled. On Saturday the 2 *Public Talks* are listed for 10:00am and 1:00 pm. On Sunday the 3 *Public Talks* are listed for 9:30 am, 12:30 pm, and 3:30 pm. Since one group needs time to leave before the next group comes in, the *Public Talk* probably lasts about 2 - 2 1/2 hours. All the Ministry School times are for 7:30pm, and the parking lot is usually filled. By 10:00pm, the cars have left.

From this information it appears that the capacity of your current facility is not fully utilized and can accommodate additional sessions. Accordingly, how do you plan to use the new building other than the 4-5 hours per week that the Chinese Congregation currently uses the present building? Are there neighboring Jehovah's Witnesses Kingdom Halls that will start to use your new and expanded facility? Will you be renting the space out to other organizations? Do you plan to have additional or longer services for each of the congregations that currently use your existing building? What will this new schedule be? Will you start to use some of the new or existing buildings for administrative purposes to manage other Jehovah's Witnesses Kingdom Halls?

The community has other questions about the details of the application. We will submit these questions at another time.

Respectfully,

Marsha Douma
WECA

Law Offices Of
MILLER, MILLER & CANBY
MM&C
 CLIENT FOCUSED. RESULTS DRIVEN.

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MAURY S. EPNER (DC)
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 GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)
 MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE-CHO (CA)
 AMY C.H. GRASSO (DC)
 DAMON B. OROBONA (DC)

JSKLINE@MMCANBY.COM

February 4, 2013

Dr. Marsha Douma
 616 Great Falls Road
 Rockville, MD 20850

RE: Jehovah's Witnesses Church
 Great Falls Road

Dear Dr. Douma:

Thank you for the courtesy of including me on your recent e-mail correspondence with the City of Rockville.

But I was surprised by your strongly worded position that WECA is "...requesting information that has been long sought from the applicant and not received."

When you first called me by telephone, you asked if the applicant was willing to meet and discuss its project, presumably to answer some of the concerns expressed in your letter. I advised you that the Church would definitely be willing to meet. Yet, the next time I heard from you was on January 31st upon receipt of your e-mail to Margaret Hall of the City, claiming the Church's lack of communications.

The Jehovah's Witnesses application has been the subject of more community meetings than I have ever been involved with for a project in the City of Rockville. At the meeting at Rockville City Hall on November 7th, that was managed by outside consultants that the City engaged (with a duration, as I recall, of over three hours), I thought the consultants were very helpful in eliciting answers to the many questions of the interested neighbors in attendance. Accordingly, we disagree that the Church has not been forthcoming in providing answers to questions, at least those that are relevant to the site plan review process in which the Church is involved.

Enclosure 1

Attachment C

ATTACHMENT B

We are reviewing your e-mail message of January 30th and will formulate answers to the questions asked in that e-mail that are relevant to the pending site plan application.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

cc: Bobby Ray
Margaret Hall
Rose Sharkey
Jehovah's Witnesses Church

Enclosure (1)
Attachment D

From: Marsha Douma <marsha@michaeldouma.com>
Subject: Re: JEHOVAH'S WITNESSES CHURCH, GREAT FALLS ROAD
Date: February 7, 2013 9:37:30 PM EST
To: Dian Thomson <DLThomson@mmcanby.com>, Jody Kline <JSKline@mmcanby.com>
Cc: Bobby <bray@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>, Jim Wasilak <JWasilak@rockvillemd.gov>, Rose Sharkey <wwsharkey@yahoo.com>

Dear Mr. Kline,

Thank you for your response to our message of January 30th to the City. As you no doubt recall, my call to you was to inquire if your client would be interested in negotiating with the community. We did not pursue that option at the time because the more we examined what we knew of the project, we realized we knew so little of what mattered to us, we could not be full partners in any discussions, and therefore would be at an unfair disadvantage.

I think it is important to clarify that members of the community believe some of the questions included in the 30 January letter have been asked of the applicant at prior meetings, including the Area Meetings and the Courtesy Meeting, and that answers have not been received. Also as stated in the message of 30 January, the review of these unanswered questions generated other questions whose answers we believe are needed to understand the impact of the pending application. Hence, we combined the questions, as we know them at this time, into the message of the 30th.

With regard to the last sentence in your letter, you say "We are reviewing your e-mail message of January 30th and will formulate answers to questions asked in that e-mail that are relevant to the pending site plan application." I am not sure how to interpret the meaning of that statement. Please let us know what questions you will answer and when these answers can be expected. Similarly, if there are any questions you will not answer, please tell us why.

Respectfully,

Marsha Douma

On Feb 5, 2013, at 11:14 AM, Dian Thomson <DLThomson@mmcanby.com> wrote:

(50)

page 1 of
attachment B-D-23

FROM: JODY KLINE

Please see the attached letter.

<Douma ltr 01.pdf>

page 2 of
attachment D

(21)

Enclosure (1) Attachment E

From: BRay@rockvillemd.gov

Date: April 9, 2013 9:55:49 AM EDT

To: Marsha Douma <marsha@michaeldouma.com>

Cc: Barbara Matthews <bmatthews@rockvillemd.gov>, Jody Kline <jskline@mmcanby.com>, Jim Wasilak <JWasilak@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>, Susan <sswift@rockvillemd.gov>

Subject: Jehovah's Witness application

Dr. Douma

Thank you for your correspondence. As we indicated when these questions were first presented by the neighborhood in February, the City cannot compel the applicant to respond. While we appreciate the frustration that their lack of response may generate, and we also agree that it would be in the applicant's best interest to respond in some manner, we can't force a response.

While you bring up many good questions, most of the questions posed are operational in nature and can only be answered by the applicant. In response to your question as to whether or not City staff need to know this information in order to formulate our recommendation it is important to note that this is a permitted use within the R-90 zone. The purpose of our review is to ensure that the development standards of the zoning ordinance are met, and the required site plan findings are met (the site plan findings are copied below). The same is true for other Departments and their specific areas of review. The Department of Public Works is reviewing the site plan for compliance with stormwater management, traffic & transportation, utility adequacy, etc...The Department of Recreation and Parks is reviewing the site plan for compliance with Forestry regulations.

I can answer a few questions. Maximum capacity of the building is a function of the Fire Marshall's review during the building permit stage of the process, and is based on a State code calculation. It is not tied to compliance with required parking. The Zoning Ordinance specifies a required number of parking spaces for each use and the current proposal for this facility is compliant with that requirement. The Department of Public Works has indicated that the requirements per the Comprehensive Transportation Review (CTR) have been satisfied. They indicated that the proposed project will not have any significant traffic impacts upon surrounding roadways and intersections. Additionally, the applicant has provided the results of a sight distance study for both the Maryland Avenue and Great Falls Road driveways, both of which have been found to be adequate by the Department of Public Works.

In closing the application being reviewed is the proposed project at 626-628 Great Falls Road, not the existing facility. Although they are related each of these sites must stand independent of the other, and each must meet all of the applicable development requirements. The City staff has not completed our review at this time and do not have a recommendation. We have only recently received revised development plans from the applicant. These plans have been distributed to City departments, as well as certain neighborhood representatives. Following our completion of this round of reviews we will formulate comments and see whether the application is compliant and ready for Planning Commission review. If not the applicant will be asked to submit another set of revised plans.

I hope this helps. Please let me know if you have any questions.

Section 25.07.01a.3.

3. Required Findings:

(a) A site plan application that does not implement a project plan or a special exception, may be

approved only if the applicable Approving Authority finds that the application will not:

- i. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;
- ii. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- iii. Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;
- iv. Adversely affect the natural resources or environment of the City or surrounding areas;
- v. Be in conflict with the Plan;
- vi. Constitute a violation of any provision of this Chapter or other applicable law; or
- vii. Be incompatible with the surrounding uses or properties.

Bobby Ray, AICP
Principal Planner
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8228 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

From: Marsha Douma <marsha@michaeldouma.com>
To: Jim Wasilak <JWasilak@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>, Bobby <bray@rockvillemd.gov>, Barbara Matthews <bmatthews@rockvillemd.gov>, Susan <sswift@rockvillemd.gov>, Jody Kline <jskline@mmcanby.com>
Date: 04/03/2013 06:23 PM
Subject: Jehovah's Witness application

Hi Jim

I hope this note finds you well. I am writing again regarding the Jehovah's Witness application. We have not yet gotten any answers to any of the questions we asked of the Jehovah's Witness in my letter dated January 30, 2013. Is there anything your department can do to provide this information to us? Can you think of any reason why the applicant should not or does not need to answer our questions? Are the answers to any of the questions we asked relevant to your department's decision making process for this application?

As you can imagine, this lack of response is very discouraging to the community.

Thank you for your help in this matter.

Sincerely,

Marsha Douma

(23)

page 2 of
attachment E
B - 26

a copy of our letter is enclosed

Dear Margaret,

The WECA committee evaluating the application for the Chinese Jehovah's Witnesses Kingdom Hall met this past Monday, 28 January 2013. At that meeting it was agreed that a letter would be sent to the City requesting information that has been long sought from the applicant and not received. While reviewing missing information we identified additional points about the application that are not available, but needed. Both of these are important to our understanding of the application. Accordingly I am sending you this message from the WECA committee.

It is our observation that neighborhoods are first degraded at their edges, and then the process inevitably moves inward.

Even a cursory examination of the aerial map of the neighborhoods surrounding the current Jehovah's Witness Kingdom Hall, clearly shows how their proposed expansion to 626 and 628 Great Falls Road will be the tipping point to redefine this neighborhood from residential to institutional.

Yet the representatives from the Kingdom Hall have told the neighborhood and the city that their impact will be very minimal. The community, however, strongly feels that in order to believe that is true, we need a more complete understanding of their current and future plans. Since the applicant has not provided us with answers to our questions, we need the city's help to obtain these answers. We have asked repeatedly and not gotten responses.

I am sure you would agree it is impossible to conduct an evaluation of this application without the full story and complete information. It would lead to inaccurate conclusions and recommendations. To date, we are still missing the information about when the Kingdom Hall meets other than what is posted outside their entrance, how many people attend these meetings and from what direction they come. To understand the impact on our community we need to know these numbers for the existing congregation and the projections for the new congregation, as well as their future plans for expansion.

We believe this information is as critical to the city staff as it is to us. The quality of the Staff Report is dependent on whether factual information is used rather than vague concepts, such as sharing spaces and staggering meetings.

Citizens need and deserve sufficient time to review and analyze the data - otherwise our ability to respond is severely handicapped. The applicants have spent more than two years on their application. It is critical to get this information to us as soon as possible. Please let us know when and how this information will be provided to us.

The communities questions are:

What is the individual maximum capacity for the existing and new Kingdom Halls, and the total capacity for both spaces? Please break this information by sanctuary spaces, auxiliary and social hall spaces, and classroom spaces. Is this the same maximum capacity that has been approved by the City?

How often are your services and other uses at capacity?

(24)

page 3 of
attachment B - 27

When both buildings are used to capacity, how many parking spots will be needed?

Do members of the existing congregation only meet at the posted times? If at other times, what days of week, time of day and duration including time for arrival and departure)? How many people attend each meeting? What is the plan for the new Kingdom Hall - number of meetings (day of week, time of day and duration including time for arrival and departure) and number of people who attend each meeting? It is our understanding you are organized by language of the members. If we need this broken down by language to understand your requirements please provide that information.

Do you count your members as individuals or as family units?

In 2006 you said you had insufficient parking and therefore needed/wanted to demolish the existing house at 626 Great Falls Road and make the entire property into a parking lot. How many spaces would that lot have created?

Logic tells us if you had insufficient parking available in 2006 when your congregation was smaller, doubling your capacity will at the very minimum double your parking needs. What is your plan for overflow parking?

You have told the community that the traffic impact will be negligible since you stagger your meetings. Other than for language reasons, do you stagger them to make the best use of your existing space? If not, why else would the different congregations meet at different times? Once you have doubled your available space, how will you schedule your meetings?

Once your weekend *Public Talk* for each congregation is complete, do any cars need to remain in the parking lot for any period of time? If yes, for how long, and how does that impact on your overall parking needs?

The posting outside your front door, currently says each of your 5 separate congregations meets twice a week, for a total of between 4 and 5 hours. That is a maximum total usage of 25 hours each week for your combined 5 congregations. How is the building used during most of the week and almost half the weekend when no services or classes are being held?

More specifically: The posted schedule indicates Saturday afternoon, late Sunday afternoon and all day Monday thru Friday until 7:30pm your current building is not being used. The building is used Saturday or Sunday for a Public Talk scheduled for each congregation, and once during the week Ministry School is scheduled. On Saturday the 2 Public Talks are listed for 10:00am and 1:00 pm. On Sunday the 3 Public Talks are listed for 9:30 am, 12:30 pm, and 3:30 pm. Since one group needs time to leave before the next group comes in, the Public Talk probably lasts about 2 - 2 1/2 hours. All the Ministry School times are for 7:30pm, and the parking lot is usually filled. By 10:00pm, the cars have left.

From this information it appears that the capacity of your current facility is not fully utilized and can accommodate additional sessions. Accordingly, how do you plan to use the new building other than the 4-5 hours per week that the Chinese Congregation currently uses the present building? Are there neighboring Jehovah's Witnesses Kingdom Halls that will start to use your new and expanded facility? Will you be renting the space out to other organizations? Do you plan to have additional or longer services for each of the congregations that currently use your existing building? What will this new schedule be? Will you start to use some of the new or existing buildings for administrative purposes to manage other Jehovah's Witnesses Kingdom Halls?

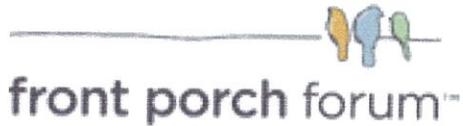
The community has other questions about the details of the application. We will submit these questions at another time.

Respectfully,

Marsha Douma
WECA

(26)

page 5 of
attachment E

Enclosure (1)**Attachment F**

Wed, May 1, 2013 at 10:16 PM

May 1

[Message starred](#)

Communities questions

FROM Marsha Douma TO 1 recipient

[Hide Details](#)

From

- [Marsha Douma](#)

•

To

- [Jody Kline](#)

Hi Jody,

I have received your letter dated April 29, 2013. The letter - inadvertently I am sure - did not include the copy of the transportation information you referred to. Can you please send that to me.

Regarding our questions, I was very disappointed and disheartened to read that your client does not plan to answer all of our questions from the January 30th memorandum you refer to. The neighborhood strongly feels we need answers to those questions to best understand the impact of your proposed new development on the neighborhood.

Could you please send us by regular mail or email the answers to the questions your client was prepared to answer at the meeting you are proposing.

Regarding the model, does it include all of the adjacent roads including I270, Julius West, and the surrounding neighborhood homes all to scale, so we can really get a good understanding of how this proposed development will fit into the neighborhood? Does the model show the facility on the site with set backs, driveways and other features of the proposal? Also, does the model include the proposed parking lot at 626 as well as the existing Kingdom Hall and its associated parking lot?

Thank you,

Marsha Douma

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**Enclosure (1)
Attachment G**

From: Marsha Douma <marshadouma@me.com>
Subject: Re: neighborhood matters
Date: May 3, 2013 12:58:30 PM EDT
To: Bobby <bray@rockvillemd.gov>, Jim Coyle <jimcoyl@gmail.com>
Bcc: noreen bryan <noreen1945@yahoo.com>, Jim Coyle <jimcoyl@gmail.com>, Rose Sharkey <wwsharkey@yahoo.com>, Susan Prince <sprince@cadencemarketing.com>

Bobby

Thank you for your prompt reply. We all very much appreciate your staff's help and responsiveness to our concerns. It is certainly a hallmark of Rockville's good and progressive government that citizen's concerns are always welcome.

I did not mean to indicate in my letter of May 1, 2013, that we were not interested in a working site visit. Quite the contrary. We are still very anxious to have an opportunity to fully explain at the site our many concerns, and hear from the staff how these matters will be addressed. It simply did not seem that the evening meeting you were describing, where the applicant would present the model they made, to be that opportunity.

Some of the concerns a site visit can address are:

Has your staff approached the property in a vehicle from the 270/ Falls Rd/Maryland Ave intersection, and thought about that immediate sharp right hand turn into the proposed new parking lot? We would like to honestly see your staff all make that drive, pretend to turn in to where the parking lot is proposed, and then explain to us how that can be made safe.

Since there is an inadequate line of sight for exiting onto Great Falls Rd., we would like to understand how a sign will be an adequate impediment to preventing cars from making a turn onto Falls Rd. if they really want to.

In their previous application, the Jehovah's Witnesses told the city that despite the fact that they technically met the parking requirements, for the actual way their Kingdom Hall in real time functioned, the parking was inadequate, and they needed an entire additional parking lot. Your staff agreed that the Kingdom Hall did in fact need more parking even though they technically had enough, and approved the project. Those facts are still true. The way their Kingdom Hall functions, by their own statements, requires more parking spaces than the zoning laws stipulate. We would very much like to address this reality with the staff on site. Where will all those new cars park? How many cars are we really talking about. This very basic troubling fact has not been addressed or explained to us.

Therefore, we are still very interested in a real working site visit. The appropriateness of some developments, possibly even most, can no doubt be adequately addressed and evaluated, by completely applying pre-approved criterion. This application is not one of those projects. It is a great frustration to the

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page 1 of
attachment G - 31

neighborhood, that a one size fits all approach seems to be what is happening, despite the actual facts that deny that it will work.

Sincerely,

Marsha Douma

On May 3, 2013, at 10:29 AM, Marsha Douma <marshadouma@me.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: BRay@rockvillemd.gov

Date: May 3, 2013, 10:08:06 AM EDT

To: Marsha Douma <marshadouma@me.com>

Cc: Jody Kline <jskline@mmcanby.com>, Jim Wasilak <JWasilak@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>

Subject: Re: neighborhood matters

Marsha

Thanks for the reply. The suggested on-site meeting came from a meeting you had with staff several months ago. Based on your comments, it appears that it may no longer be needed, so we will not pursue trying to schedule the meeting. Staff from all reviewing departments have visited the site in our review of the application and are comfortable with our understanding of the project proposal.

Based upon your message it might be best if the applicant's model could simply be made available for public view. I will contact Mr. Kline and see if that can be arranged. Should the applicant wish to schedule a meeting to present their model to you and other members of the community, that can be arranged separately.

Thanks

Bobby

Bobby Ray, AICP
Principal Planner
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8228 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

page 2 of
attachment B

(29)

From: Marsha Douma <marshadouma@me.com>
To: Bobby <bray@rockvillemd.gov>, Jody Kline <jskline@mmcanby.com>, Jim Wasilak <JWasilak@rockvillemd.gov>, Margaret <mhall@rockvillemd.gov>
Date: 05/01/2013 10:01 PM
Subject: neighborhood matters

Dear Bobby,

Today I received a letter from Jody Klein regarding the applicant's transportation response to your staff's concerns, (unfortunately, a copy of that letter was not included in my correspondence) as well as mention of the meeting you have been trying to arrange.

We appreciate that the applicant is trying to respond to citizens' concerns by creating a model of the facility, and asking the city to arrange a meeting. Five months ago, at the November 2012 area meeting some attendees did express an interest in a model. Mr. Kline's letter also indicates at this proposed meeting the applicant will address some but not all of our questions asked in our January 30th memorandum. Since there is significant information which we feel we need to understand about the proposed project, I was sorry to read not all our questions will be answered or even addressed.

Regarding the model itself, it is extremely important for the community as I would hope it is for the city, to be able to understand the proposed building and parking lot in the context of its setting in relation to the neighboring roads, homes, and other institutions. The appearance of the building is certainly important to us, but it is only part of our concerns. Therefore, specifically, does the model include all of the adjacent roads including 1270, Julius West, and the surrounding neighborhood homes all to scale, so we can really get a good understanding of how this proposed development will fit into the neighborhood? Does the model show the facility on the site with set backs, driveways and other features of the proposal? Also, does the model include the proposed parking lot at 626 as well as the existing Kingdom Hall and its associated parking lot?

In your email back to me, you did not mention if this "site visit" would be a working visit for the staff to understand the traffic and other operational issues, or merely if a member of the city's staff would attend. Mr. Kline's letter did not mention a site visit. If it is not, and if the model is limited to the proposed new kingdom hall rather than a comprehensive view of the surrounding neighborhood, since we do have a copy of the elevation drawings, perhaps the model they are providing could be made available at the Kingdom Hall for people to stop in to see it when they are able. Also, at this late stage in the proceedings, a written response to our questions would be more useful to us than verbal answers, especially since Mr. Kline has indicated only some of our questions will be answered.

If, however, the applicant's model depicts the building in the context of the neighborhood, if the applicant is willing to answer all of our questions which were posed in January, or explain why the unanswered questions are not relevant, and if a real site visit can be included, such a meeting would provide real information and would be worthwhile.

Lastly, I want to clarify a point. The community has not asked for this meeting and is not sponsoring it. Rather it is our understanding that the applicant has created a model and wishes to share it with the community. If that is their goal then making it available at the convenience of the community may be the best way to see it.

Sincerely,

Marsha Douma

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page 4 of
attachment G



February 28, 2006

Mr. Timothy Ramsburg
1233 Simmons Drive
Rockville, MD 20851

**Re: Use Permit Application USE2005-00693
Rockville Congregation of Jehovah's Witnesses
624 & 626 Great Falls Road
Rockville, MD 20850**

Dear Mr. Ramsburg:

In accordance with Section 25-193 of the Rockville Zoning and Planning Ordinance, the above referenced Use Permit has been denied by the Rockville Planning Commission. The application was to construct a parking lot at 626 Great Falls Road.

At its meeting on January 25, 2006, the Planning Commission considered the subject application. The Commission unanimously found that this application would adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and be detrimental to the public welfare or injurious to property or improvements in the neighborhood, and violates the provisions of Section 25-193(a) of the Code.

In denying this application, the Commission made these specific findings:

1. That insufficient information was presented regarding the impacts of traffic trying to enter and exit the site on Great Falls Road. Increased turning movements could be a safety hazard for other traffic on Great Falls Road, because of the proximity to a sharp curve on Great Falls Road. The applicant's representative stated that an analysis of this impact should have been done.
2. That the expansion of the parking use as proposed to the immediately adjoining one-family residential properties would adversely affect the adjoining residential neighborhood due to an unnecessary intensification of an institutional use, which isolates one residential property from the rest of the residential neighborhood.
3. That the church already meets the minimum parking requirement and can use parking at Julius West Middle School, so there is no need for additional parking, as it would have an adverse impact on the adjoining residential development.

The denial of the application was moved by Commissioner Johnson, seconded by Commissioner Britton, with all Commissioners in attendance voting for the motion. Commissioners Medearis and Holtz were not present to vote on the motion.

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Community Planning and
Development Services
240-314-8200
TTY 240-314-8137
FAX 240-314-8210

Historic Preservation Office
240-314-8230

Inspection Services Division
240-314-8240

Long Range Planning
Division
240-314-8200

Planning Division
240-314-8220

Revitalization/Housing
Division
240-314-8200

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
Susan R. Hoffmann
Phyllis R. Marcuccio
Anne M. Robbins

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

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page 1 of enclosure B - 35
attachment A

Timothy Ramsburg
February 28, 2006
Page 2

By Direction of the
City of Rockville Planning Commission

R. James Wasilak

R. James Wasilak, AICP
Chief of Planning

cc: Planning Commission
Art Chambers, Director of Community Planning and Development Services
Craig Simoneau, Director of Public Works
Sondra Block, Assistant City Attorney
Charles Baker, Chief of Inspection Services
Susan Straus, Chief Engineer
Deane Mellander, Planner III
Nazar Saleh, Civil Engineer II
Shanna Sizmore, Engineering Technician IV
Mark Wessel, Civil Engineer III
Wayne Noll, Assistant City Forester
Jeremy Hurlbutt, Planner I
Application File

(33)

page 2 of enclosure 2
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Enclosure (2)
Attachment B

Excerpt from Planning Commission minutes
Meeting no. 02-06
Mayor and Counsel Chambers
January 25, 2006, 7:00 pm

Review and Action

Use Permit USE2005-00693

Rockville Congregation of Jehovah's Witness - for the construction of a surface parking lot to serve an existing church in the R-60 Zone at 626 Great Falls Rd.

..... (this is the entire 4th and 5th paragraphs of item #14, on page 5 of 6)

The commission discussed concerns regarding the number of spaces on the illegal parking lot, whether there is a special exception process for a gravel lot, definition of impervious surface regarding gravel versus pavement, runoff from gravel parking lot would be greater than the paved parking lot, lighting of the site, too many parking spaces for the use, alternatives to impervious surfaces, parking lot could exacerbate additional traffic hazards on Great Falls Road because of the proximity to the sharp curve on Great Falls Road, that it be incumbent upon the applicants to notify the homeowner associations and the residents regarding all new applications before meeting with the Planning Commission, **requesting the applicant to remove the gravel and replacing it with grass as soon as possible**, and that the church already meets the minimum parking requirements and can continue to use parking at Julius West Middle School.

Commissioner Johnson moved, seconded by Commission Britton to deny Use Permit USE2005-00693. Rockville Congregation of Jehovah's Witnesses and to direct staff to prepare appropriate documentation for the Commission to act on at its next meeting based on its comments this evening. The motion passed on a vote of 5-0, Commissioners Medearis and Holtz were not present to vote on the motion.

Enclosure (3) *attachment A*

Schedule of Events – Applicant Actions and Community Involvement

Date	Time Prior to Today	Event
1/20/2011	2 yr 9 mo	Applicant attends WECA Executive Board and explains concept for a New Kingdom Hall
		One Year elapses without Applicant contacting the community
1/6/2012		Pre-submission Area Meeting
1/11/2012	1 yr 9 mo	Application submitted
2/23/2012	1 yr 8 mo	Courtesy Review provided by applicant for community
5/18/2012		Revised application submitted
11/7/2012		City accepts application – During this period applicant was working with City to bring application up in compliance with Code. The applicant’s attorney in a letter of Nov, 27, 2012 to City states, “The delays in the process of the site plan between February and November were largely due to the efforts of the Applicant to develop a stormwater management plan that was acceptable to the City.”
		Nine more months elapse without Applicant contacting the community
11/7/2012	11 mo	Area Meeting
2/8/2013	8 mo	Application for Historic Designation submitted by citizen
3/12/2013	7 mo	Second revised application submitted
4/18/2013	6 mo	Applicant submits last information required by City to comply with Code.
		Five more months elapse while applicant complies with Code
4/18/2013	6 mo	HDC meets and recommends historic designation of 628 Great Falls Road

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*page 1 of enclosure 3
attachment A*

9/30/2013	0 mo	Mayor and Council convene public hearing on historic designation for 628 Great Falls Road
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(36)

page 2 of enclosure 3
attachment A

**Enclosure (3)
Attachment A**

Fri, Oct 4, 2013 at 8:57 AM
8:57 AM

Re: Time Line of Events in JW application

From: MHall@rockvillemd.gov

To: [noreen bryan](#)

Noreen,

The Pre-Submission Area Meeting was held January 6, 2011. Site Plan Application STP 2012-00114 was submitted January 11, 2012, It was not accepted until November 7, 2012, when the area meeting was held. Area meetings have been held on January 6, 2011 (presubmission) and November 7, 2012. There have been two resubmissions. The first was in response to initial informal comments. It was submitted May 18, 2012. The second was submitted March 12, 2013 after comments were conveyed at the DRC meeting on November 15, 2012.

I am attaching a copy of the Activities Listing from our permit tracking system. As you will see, it contains comments each step along the way, including the reasons for the modifications to the site plan.

Margaret

(See attached file: CommentsSTP2012-00114.pdf)

Margaret M. Hall
Planner II
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

(240) 314-8226 (Direct)
(240) 314-8200 (Office)
(240) 314-8210 (FAX)

page 3 of enclosure 3
attachment A

(37)

B - 40



For the development of a place of worship building and associated parking lot

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By
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'A010	Date Filed in Planning	1/11/2012	None	1/11/2012	None		PT	PT	1/11/2012	PT
-------	------------------------	-----------	------	-----------	------	--	----	----	-----------	----

'A020	File Created/Checklist Revw'd	1/11/2012	None	1/11/2012	None		PT	PT	1/11/2012	PT
-------	-------------------------------	-----------	------	-----------	------	--	----	----	-----------	----

'B050	Comments - Transportation	4/11/2013	None	4/11/2013	None	DONE	RJT	RJT	4/11/2013	RJT
-------	---------------------------	-----------	------	-----------	------	------	-----	-----	-----------	-----

1. Applicant needs to resubmit Transportation Report based on previous comments.
2. Applicant should submit distribution of vehicles adjacent to the site.
3. Applicant should narrow both driveway access points to 15 feet. Provide a turning template for delivery vehicles into the site.
4. Contact SHA to request Great Falls Road be reduced to provide a seven foot wide tree lawn.
5. Contact Ride On about moving the bus stop location.
6. For the bus stop along Great Falls Road and Maryland Avenue, provide a 5 foot wide by 8 foot deep concrete pad for the bus stop. Concrete pad should start from back of the curb.
- 7.

'B020	Comments - Planning	4/18/2013	None	4/18/2013	None	DONE	MMH	MMH	4/18/2013	MMH
-------	---------------------	-----------	------	-----------	------	------	-----	-----	-----------	-----

1. I am reserving final comments until some of the Transportation issues are address. At this point, however, I am not sure that there will be any zoning issues impacted by them.
2. The total square footage of the buildings should include all of the floors, including the mechanical room.
3. Dimensions should be added to the buildings.

'A030	Sent to Principal Planner	1/11/2012	None	1/11/2012	None		PT	PT	1/11/2012	PT
-------	---------------------------	-----------	------	-----------	------	--	----	----	-----------	----

'B080	Comments - Fire Marshal	2/14/2012	None	4/11/2013	None	DONE	ADS	ADS	4/11/2013	ADS
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1. Fire flow information (compliant with NFPA 1-18.4.5.1.2) shall be shown on the Fire Protection Site Plan (FPSP).
2. Identify if single family home is also sprinklered as part of the project. (May affect fire flow)
3. Occupant capacity chart (estimated) shall be provided on the plans as referenced or provide occupant load.
4. Based on size of the assembly building, it is believed that a voice evacuation fire alarm system will be required. The sprinkler system will require electronic



Case Activity Listing

Case #: STP2012-00114

For the development of a place of worship building and associated parking lot

Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By
--------	--------	--------	------	------	-------------	---------	------------

supervision as well IAW NFPA 101-9.7 and the 2009 IBC 903.

- 5. Changes in elevation in the means of egress shall be shown on the FPSP and shall be protected from the accumulation of snow, ice, and other impediments IAW 7.1.10.1 of the 2009 NFPA 101.
- 6. Exit discharges IAW City of Rockville Ch.5 Art.5 Sect.1020.2.3 are required to be permanent, formed surfaces. The South exit of the worship area does not appear to comply with this requirement as shown on the FPSP.
- 7. All fences and other obstructions shall be noted and shown on the FPSP.

*****UPDATE 4/8/2013*****

- 1. Building shall comply with City of Rockville Codes Chapters 5 (Basic Building Code) and 9 (Fire Safety Code). Code available at www.rockvillemd.gov/isd or by calling 240-314-8240,
- 2. Building to be fully sprinklered IAW 12.3.5 and shall have a voice evacuation fire alarm based per 12.3.4.1.1 of NFPA 101. Existing building will require separation as prescribed by IBC and fire code if to remain unsprinklered. Site/building will be reviewed as non-sprinklered for fire flow purposes.
- 3. The approved fire protection site plan shall be included in the building permit plans submitted for review to the City of Rockville.

B030 Comments - Public Works 6/1/2012 6/19/2012 11/14/2012 None DAK 11/14/2012 DAK

- 1. Submit Development SWM Concept application with associated materials.
- 2. Submit Water and Sewer Capacity Analysis Fees with Hydraulic Development Planning Form.
- 3. Move proposed water meter inside Great Falls right-of-way.
- 4. Provide wye connection for sanitary sewer house connection to sewer main.

B050 Comments - Transportation 6/1/2012 6/19/2012 11/14/2012 None DENY 11/14/2012 RJT RJT

Bike racks must be on concrete and bikes may impede the sidewalk.
 One-way access of parking lot. In from Great Falls and out to Maryland Avenue.
 Angle the parking to help direct vehicles.
 Provide an easement along Maryland Avenue to permit a 7 foot wide tree lawn and 10 foot wide shared use path.
 Provide an easement along Great Falls that would permit a 7 foot tree lawn and six foot wide sidewalk.
 It would be helpful to know where the existing members are coming from - I-270, Maryland Avenue or Great Falls Road
 Comments are on the transportation report.

B060 Comments - Inspection Services 6/1/2012 6/19/2012 None None 7/27/2012 MMH

B080 Comments - Fire Marshal 6/1/2012 6/19/2012 None None 7/27/2012 MMH



Case Activity Listing

Case #: **STP2012-00114**

For the development of a place of worship building and associated parking lot

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By
'A040	Submission Complete	11/7/2012	None	DONE	MMH	11/7/2012	MMH	MMH	MMH
<p>6/18/2012 - the Applicant needs to schedule and hold a post-application area meeting in order for the submission to be considered totally complete. mmh</p> <p>The Post-Application Area Meeting is being held November 7, 2012.</p>									
'A080	Project Planner Assigned	5/18/2012	None	DONE	MMH	6/1/2012	MMH	MMH	MMH
'A065	PC Final Review/Action Date	7/31/2012	9/11/2013	None	MMH	5/20/2013	BHR	BHR	BHR
<p>The scheduled date has been added for tracking purposes only.</p>									
'C055	Area Meeting Scheduled	10/25/2012	11/7/2012	None	MMH	11/8/2012	MMH	MMH	MMH
<p>The applicant conducted the area meeting with the aid of two facilitators. The facilitators took minutes. Some of the issues noted were - parking in the neighborhood, building height, traffic, impervious surface, green space, screening, parking at Julius West and crossing the street, character change from residential to nonresidential, and that this location is a gateway to the neighborhood. (For a full synopsis, see prepared minutes.)</p>									
'C020	DRC Meeting Staff Only	10/25/2012	11/8/2012	None	MMH	11/15/2012	MMH	MMH	MMH
'C030	DRC Meeting Applicant Only	10/25/2012	11/15/2012	None	MMH	12/14/2012	MMH	MMH	MMH
'D020	Area Meeting Development Case	2:30	None	DONE	MMH	11/8/2012	MMH	MMH	MMH
'B020	Comments - Planning	11/15/2012	None	DONE	MMH	11/15/2012	MMH	MMH	MMH

(40)

For the development of a place of worship building and associated parking lot

ID#	Description	Date	Date 2	Date 3	Hold	Disp	To	By	Done	Updated
-----	-------------	------	--------	--------	------	------	----	----	------	---------

The only zoning issue detected with respect to review of the site layout is that there is an incorrect setback along Maryland Avenue. It should be a front yard setback, meaning it should be 30 feet - not the 20 feet depicted on the plan. mmh

A120 To DRC Staff for Comment 3/22/2013 4/9/2013 None 3/22/2013 MMH

B080 Comments - Fire Marshal 3/22/2013 4/9/2013 None 3/22/2013 MMH

B060 Comments - Inspection Services 3/22/2013 4/9/2013 None 3/22/2013 MMH

B030 Comments - Public Works 3/22/2013 4/9/2013 None 4/11/2013 DAK

1. The site layout on the Development SWM Concept does not match the what was provided on the Site Plan. Please update.
2. The proposed fire water line should connect to the public water main in Great Falls Road. Please indicate size of fire line. The domestic water connection and meter should be off the fire line inside the public right-of-way.

B050 Comments - Transportation 3/22/2013 4/9/2013 None 3/22/2013 MMH

B100 Comments - Forestry 3/22/2013 4/9/2013 None 3/22/2013 MMH

C020 DRC Meeting Staff Only 3/22/2013 4/11/2013 None 3/22/2013 MMH

C030 DRC Meeting Applicant Only 3/22/2013 4/18/2013 None 3/22/2013 MMH

Activity	Description	Date	4/4/2013	Date	None	Hold	Disp	Co	By	Done	Updated
----------	-------------	------	----------	------	------	------	------	----	----	------	---------

B030 Comments - Public Works 4/4/2013

DAK

1. The site layout on the Development SWM Concept does not match the what was provided on the Site Plan. Please update.
2. The proposed fire water line should connect to the public water main in Great Falls Road. Please indicate size of fire line. The domestic water connection and meter should be off the fire line inside the public right-of-way.

(42)

Law Offices Of
MILLER, MILLER & CANBY
MM&C
 CLIENT FOCUSED. RESULTS DRIVEN.

Exhibit No. 17
 MAP2012-00112
 Public Hearing: 09/30/13

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)
 JAMES L. THOMPSON (DC)
 LEWIS R. SCHUMANN
 JODY S. KLINE
 ELLEN S. WALKER

JOSEPH P. SUNTUM
 SUSAN W. CARTER
 ROBERT E. GOUGH
 DONNA E. MCBRIDE (DC)
 GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)
 MICHAEL G. CAMPBELL (DC, VA)
 SOO LEE-CHO (CA)
 AMY C.H. GRASSO (DC)
 DAMON B. OROBONA (DC)

JSKLINE@MMCANBY.COM

October 7, 2013

Mayor and City Council of Rockville
 Rockville City Hall
 111 Maryland Avenue
 Rockville, MD 20850

RE: Map Amendment Application MAP2013-00112,
 628 Great Falls Road

2013 OCT - 7 PM 2: 28
 RECEIVED
 CITY CLERKS OFFICE

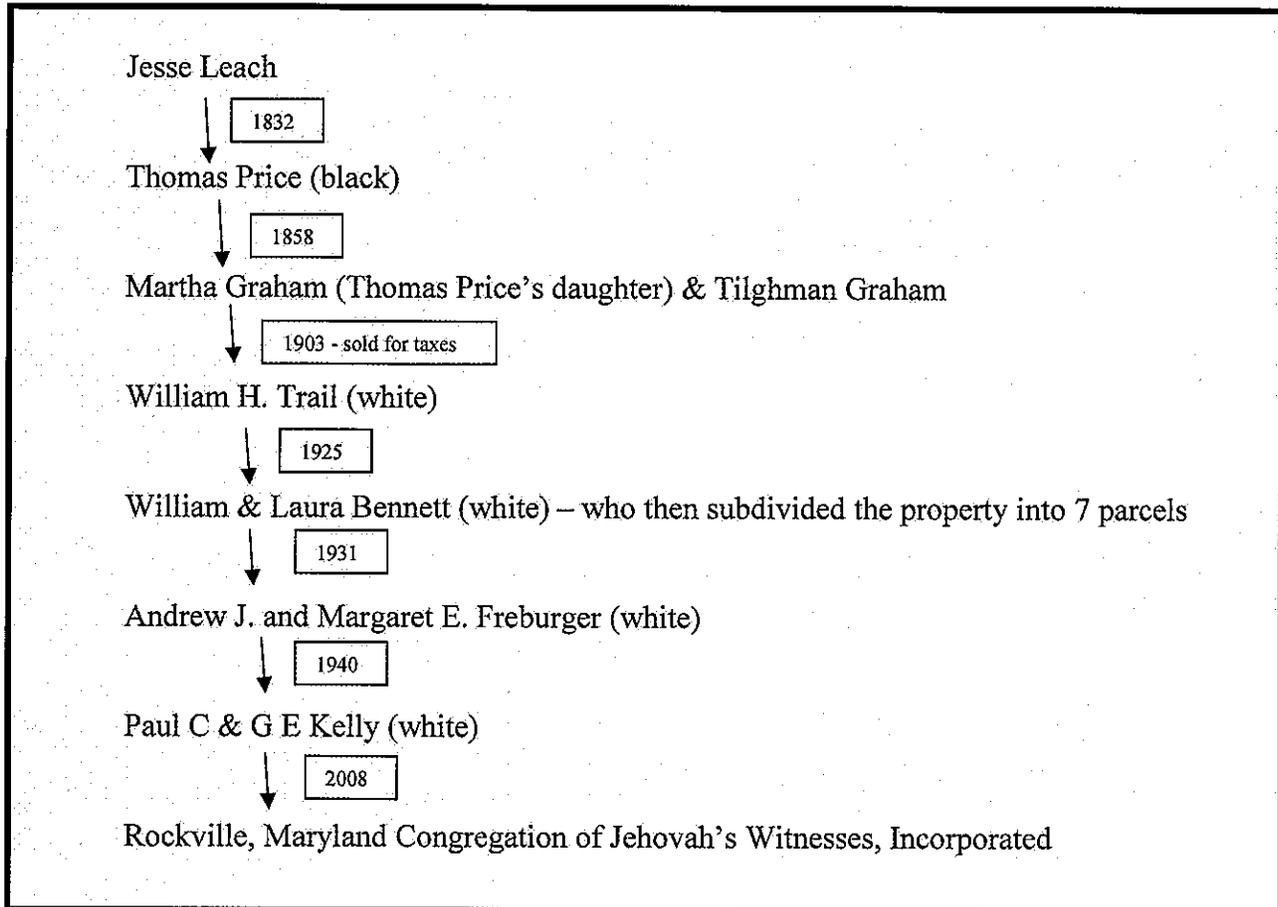
Dear Mayor Marcuccio and Members of the City Council:

Our clients have now had a chance to review the videotape of last Monday evening's public hearing on Map Amendment Application No. MAP2013-00112. We have therefore had a chance to study in detail Ms. Eileen McGuckian's detailed and well-presented description of the so-called "Great Falls Black Kinship Community." In her more than 14 minute presentation, Ms. McGuckian provided us all with an interesting portrait of pre- and post-Civil War Rockville and the freed slaves who lived here.

But, as interesting as the presentation was, it did not address the question essential to designation of the nominated property, that is: "What does the building at 628 Great Falls Road tell us about the black kinship community that once existed in this area?" Quite simply, the existing structure has no symbolic value that is representative of a black kinship community that was in existence in the 19th century. The facts that are worth noting are:

1. The period of significance of the nominated property identified by historic planning staff is " 1925-1970, marking the period from early 20th century construction of the house to the date of Maryland Avenue construction." That period is outside of the dates when the black kinship community in this area was vibrant and active.
2. The importance of the structure at 628 Great Falls Road is classified by the City's historic planning staff as " an excellent example of the Gable Front and Wing Vernacular House; as an early outlier in the suburban development of the City; and as a 'gateway' property into the historic center of Rockville," The house has no architectural or even physical relationship with any black kinship community from which it is supposedly an outgrowth.

3. Attached is a copy of the tax map annotated in color to reflect the various real estate transfers described by Ms. McGuckian. Continuing that chronological analysis, the following information becomes relevant with regard to the transfer of 628 Great Falls:



As can be seen in the chart above, and as acknowledged by Ms. McGuckian, during her testimony, and Ms. Sharyn Duffin in her letter, the last African-American ownership of land in this area ended in 1903. The property at 628 Great Falls Road has been continuously in the hands of white owners since 1903, and was under their control when the existing structure was built in 1923.

Again, it is hard to see how a house built by a white builder, on land owned for 20 years prior to that by a white family, shows any relationship to a black kinship community that existed primarily in the mid- to late-19th century.

4. We have annotated the colored tax map used by Ms. McGuckian to show the dates of construction of primary structures within the boundaries of the proffered black kinship community. As can be seen on that attached map, only the 1899 Bessie Hill house, and the residence located at 616 Great Falls Road (1902 estimated construction) were built before this area was severed from ownership by freed slaves and passed to ownership and control of whites.

The Bessie Hill house has been designated historic; the residence at 616 Great Falls Road has not; but neither are visible from Great Falls Road. The Bessie Hill house is

shielded from view from Great Falls Road by improvements located at 600 Great Falls Road that wrap around the historic site. Dr. Douma's house, at 616 Great Falls Road which is neither designated nor even referenced on City maps of historical resources (see paragraph 5 following), is screened from view by substantial growth of trees and, as described by Dr. Douma at the September 30 public hearing, has been altered multiple times. The residence at 600 Great Falls Road is referenced in the City's Historic Buildings Catalogue but it is mentioned only for its unique architectural style, not as an example of homebuilding by blacks.

In summary, the attached colored tax map shows that most of the residences within this study area were built after there was no longer any black ownership or affiliation with the surrounding land. Where houses were constructed during the last years of ownership of land in this area by a black family, they are not visible or accessible to the general public so there is no "rhythm" or "fabric" with which the structure at 628 Great Falls Road can be compared.

5. Attached is a graphic from the City's Historic Buildings Catalogue. This map shows the properties within the "West End and Woodley Gardens East-West" area that have been "Designated", "Non-designated", etc. The area that is now being touted as a black kinship community is quite sparse in terms of containing historic resources. Only the Bessie Hill property is designated historic. The property at 600 Great Falls Road is highlighted as a "non-designated" property. The property at 616 Great Falls Road was not deemed appropriate for inclusion in the book. The highlighted property at 626 Great Falls Road was considered and then rejected for designation.

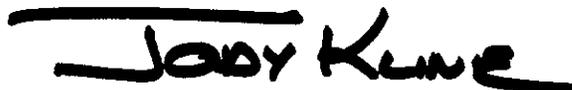
In conclusion, the relationship between the existing structure at 628 Great Falls Road and a black kinship community that existed in this area in the mid- and late 1800's is too indirect and too tenuous to warrant designation due to its role in the Great Falls black kinship community. Because of the severance of black ownership and control of land in this area in 1903, and the development pattern that occurred after that date, the subject property and building cannot be said to be emblematic of any surrounding black kinship community. Finally, where structures have survived from black owners, they are so sparse, so distant from the subject property, and so invisible to the public that there is no "historic fabric" to which the building at 628 Great Falls Road can relate that helps tell a story about the Great Falls Road black kinship community.

For the reasons set forth above, the Rockville Congregation of Jehovah's Witnesses requests that its property at 628 Great Falls Road not be rezoned to the R-90HD Overlay Zone.

Thank you for your consideration of these comments.

Sincerely yours,

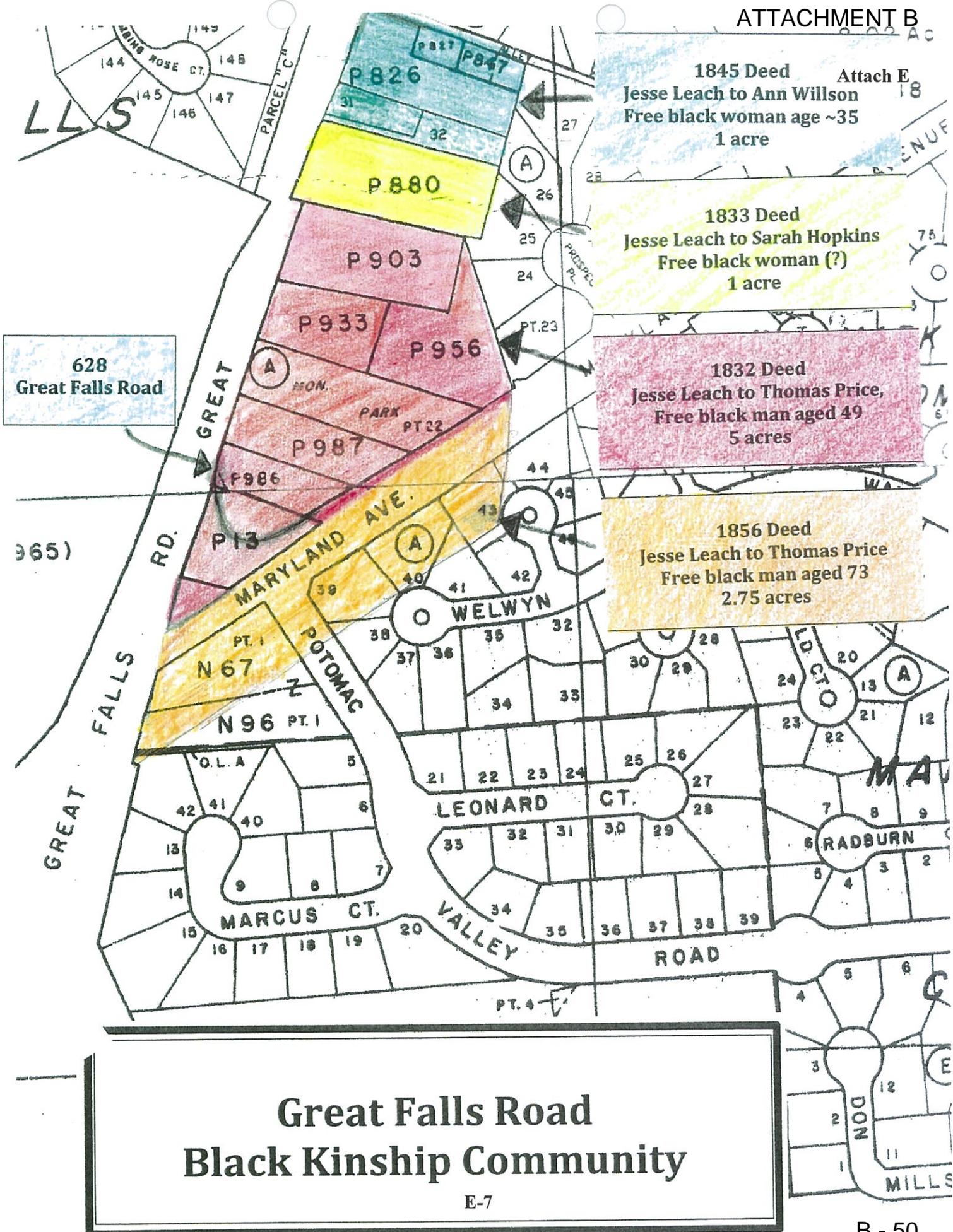
MILLER, MILLER & CANBY



Jody S. Kline

JSK/stc
Enclosures

cc: Susan Swift
Jim Wasilak
Bobby Ray
Margaret Hall
Robin Ziek
Rod Escobar



628
Great Falls Road

1845 Deed Attach E
Jesse Leach to Ann Willson
Free black woman age ~35
1 acre

1833 Deed
Jesse Leach to Sarah Hopkins
Free black woman (?)
1 acre

1832 Deed
Jesse Leach to Thomas Price,
Free black man aged 49
5 acres

1856 Deed
Jesse Leach to Thomas Price
Free black man aged 73
2.75 acres

**Great Falls Road
Black Kinship Community**

E-7

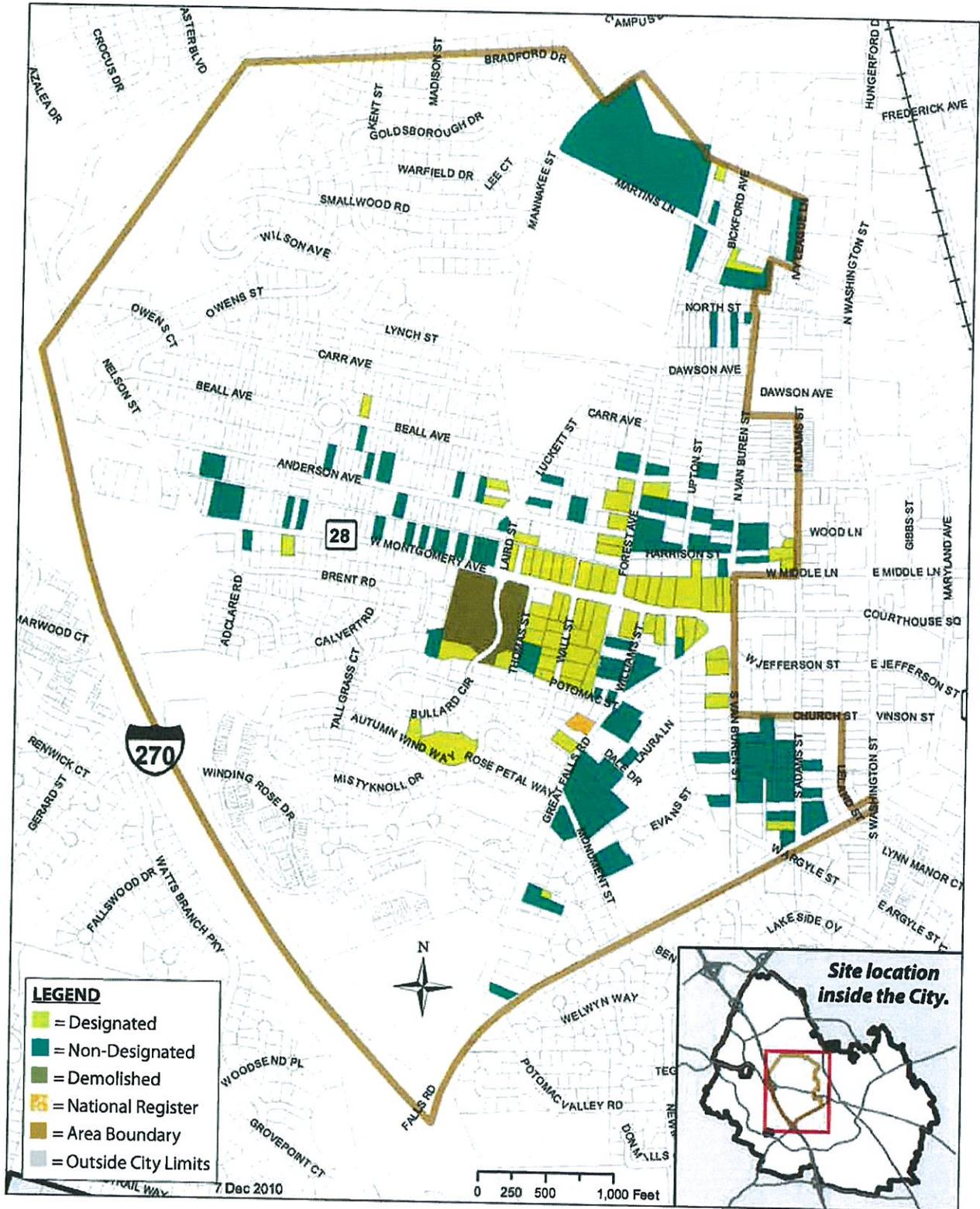
Dates Existing Primary Structures Built



Great Falls Road Black Kinship Community

Rockville Planning Area:

West End and Woodley Gardens East-West





Historic Designation for 626 Great Falls Road
Victoria McMullen to: mayorandcouncil

10/07/2013 02:57 PM

Re: Public Hearing on Historic Designation for 626 Great Falls Road

Dear Mayor and Council Members,

I am writing in favor of Historic Designation for 626 Great Falls Road. With Julius West across the street along with the other surrounding institutions, the this part of the West End is already at a tipping point with regard to being transformed into one with institutional use. Without the preservation of this house as a marker, someone driving into the neighborhood would get the impression that he/she was entering something other than a residential neighborhood. This is inconsistent with the West End Neighborhood Plan I read a letter in Citizens Forum, in Mr. Seldon Higgins's absence, supporting the preservation of this property, signed by other neighbors in Haiti. One of them, now elderly, played on that land when he and his siblings were children and would like to see preserved what's left of the neighborhood as they remember it, a neighborhood where descendants of Freed Blacks still lived and owned property. While awareness of this neighborhood may be new to the city, it is not new to Haiti residents.

Robin Zieck rather effectively and forcefully defended Historic Designation of this property. The Planning Commission approved it, and the Historic District Commission voted unanimously to recommend Historic Designation for 626 Great Falls Road. The architect serving on the Historic District Commission said that there were other options available to the church for their expansion that did not require a connection with the historic house, or the demolition of its porch.

The size of the addition also appears quite out of scale with the surrounding neighborhood and the adjacent historic house. When you look at the plans, you see an absurdly large addition for a house that size. It is also too large for the lot on which the construction of the expansion is planned. I hate to use this expression again, but it truly is like trying to shove the proverbial 10 pounds of potatoes into a 5 pound sack.

The neighborhood is also very much opposed to this expansion for all the reasons testified to at the Monday night Public Hearing, not the least of which is the parking and traffic impact on the neighborhood. I would very much appreciate it if you could see your way to listening to citizens in the neighborhood, to Robin Zieck, and to your two Boards and Commissions and approve Historic District Designation for the property at 626 Great Falls Road.

Yours sincerely,
Victoria McMullen
100 North Street

**Anne & Anthony Marill
1109 Prospect Hill Place
Rockville, MD 20850**

October 7, 2013

Mayor Phyllis Marcuccio and Members of the Rockville City Council
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Historic Designation of 628 Great Falls Road
For the Public Hearing Record – Sectional Map Amendment MAP2013-00112

Dear Madame Mayor and Members of the Council:

We am writing this letter to express our support of historic designation of 628 Great Falls Road.

We have lived just off of Maryland Avenue since 1998 and thus West End Citizens Association (WECA) members since then. One of our reasons for buying a home and deciding to raise a family in the West End is the City of Rockville neighborhood surrounding us. We feel strongly that the West End of Rockville is a wonderful area for families to grow and be a part of the neighborhood in the City of Rockville. Given our proximity to the Jehovah's Witnesses Congregation, we are ever increasingly concerned with the proposed planning of the Congregation's expansion and the lack of concrete detail, explanation and follow-up with concerned that has been present since the beginning of this process.

We are active member of a committee of concerned citizens from the West End, Rose Hill Falls, Rose Hill, and Prospect Hill Place who have been following the proposed expansion of the Jehovah's Witnesses church, attending area meetings, the DRC, and related commission and Mayor and Council meetings.

Representatives of the Jehovah's Witnesses congregation have expressed surprise of the request of residents to designate 628 Great Falls Road historic. The church claims that when it purchased the house, it was in disrepair, necessitating thousands of dollars of repairs. Church representatives wonder why residents, if they truly care for this historic gateway property, did not at that time express concern.

We drive by the property at 628 multiple times per day and have no memory of this property going on the market. When the elderly owner was no longer seen out mowing the grass, we wondered if she was ill or had died. We were concerned as to the fact that we had not seen her for some time. It was only at a WECA meeting on November 17, 2005, that we and many others first learned that the property had changed hands. Residents were informed that evening that the Jehovah's Witnesses church planned to

expand its parking lot by demolishing the adjoining house located at 626 Great Falls Road. We were extremely dismayed and surprised with this plan and concerned at that point for our neighborhood as a Gateway to the West End of Rockville. We then watched as the Congregation, now not able to demolish the house and garage at 626, began to utilize the space as a parking lot on a gravel surface. This speaks to the lack of integrity with which the Congregation has and will continue to operate – negatively impacting our neighborhood.

I recently reviewed these records and WECA's involvement with proposed projects of the Jehovah's Witnesses church. Regarding notification of the sale of 626-628 Great Falls Road, the following is what I found in the Planning Commission minutes of January 25, 2006 when the church applied to demolish 626 Great Falls Road and pave the lot for a permanent parking area. "Bridget Newton, President of the West End Citizens Association, stated that WECA has great concerns about the communications with regard to this project. She noted that the single-family house and garage located at 626 Great Falls Rd. had been approved by the Historic District Commission for demolition and sold without notification to the neighbors. Ms. Newton said she has spoken with the Presidents of New Mark Commons, Rose Hill, and Rose Hill Falls and none of them were aware of the project."

While we believe that it would have been better for all concerned if the decision about historic designation of 628 Great Fall Road had been made at an earlier time, we feel strongly that the record should indicate that West End residents have long cared for this important City gateway.

Many of us have closely watched and participated in numerous meetings regarding the Jehovah's Witnesses plans for expansion and first hand witnessed the lack of open communication as well as lack of follow-through in areas of concern for the community. Many meetings and conversations have been usurped by legal council's avoidance of putting any details/specifics in writing. Subsequent meetings then have an entirely difference direction with new plans (not previously revealed and/or discussed) having a greater negative impact on the surrounding neighbors. We are ever more concerned with the newest plans for demolition of 628 and the expansion of the Congregation to now two Kingdom Halls rather than just one.

In addition, if the applicants had demonstrated open communication and a better record of working with the community and not used 626 as a parking lot after the Planning Commission denied that use, we would have more confidence that they would take actions that are respectful of the community.

Historic designation is a decision to protect this property for the future, beyond any particular owner. That is what is needed at the Gateway to our neighborhood.

Sincerely,



Anne & Anthony Marill



Letter for the Record for Both Hearings - APFS Revisions and Historic Designation of 628

Great Falls Road

noreen bryan

to:

Mayor & Council

09/30/2013 12:30 PM

Hide Details

From: noreen bryan <noreen1945@yahoo.com>

To: Mayor & Council <mayorcouncil@rockvillemd.gov>

Please respond to noreen bryan <noreen1945@yahoo.com>

History: This message has been replied to.

207 S. Washington St.
Rockville, MD 20850
30 September 2013

Dear Madame Mayor and Members of the Council:

Subj: Support for Historic Designation of 628 Great Falls Road
Opposition to Proposed Revisions to the Adequate Public Facilities Standards

Both Historic Designation (HD) of 628 Great Falls Road and the Adequate Public Facilities Standards (APFS) are issues that are dear to my heart and of great concern to my neighbors in the West End. It is with great regret that I will not be able to personally participate in either hearing this evening. Illness has overtaken me for the last two months. I am now recovering but not well enough to make a public appearance. Here are views which I would ask you to seriously consider as you debate these two issues.

Historic Designation of 628 Great Falls Road

The historical evidence has been evaluated by experts - the staff, the Historic District Commission (HDC) and the Planning Commission (PC). All have found that 628 Great Falls Road merits designation as a historic property. The historical information is sound and uncontroversial. For me and members of the West End this house is the icon of the southwestern gateway to our neighborhood. Preservation of our neighborhood is closely linked to the preservation of this

property which announces to travelers that this is a residential neighborhood, one that is founded in a rich history from the past. I strongly urge you to vote in favor of historic designation.

Opposition to Revisions to the Adequate Public Facilities Standards (APFS)

The proposal for revision is a long and complicated document. It has been sprung on citizens unfairly and without allowing them sufficient time to absorb the impacts of the proposal. Both the Planning Commission and the Council have spent many months reviewing and discussing potential revisions to the APFS, but citizens are asked to respond in a fraction of that time and they are the least equipped to do this. Most of you have previous experience in neighborhood associations and know that these organizations by their nature- all volunteer, little resources, no staff- only meet on a monthly basis. This particular proposal was not made available to the public until after September 9th 2013. It is nigh on to impossible in three weeks to circulate information, assess its impacts, hold community discussions and reach a community position in that amount of time. Yet without regard to the impact on citizens this proposal from Council Members Moore and Hall has been floated with an attempt to rush it through.

Most citizens recognize that this is unfair and disrespectful of them as primary stakeholders in the City. Citizens will be watching to see which members of the Council stand up to protect due process for citizens. We depend on you, our elected officials, to protect our rights as citizens and give us a fair shot at participation. I strongly urge you to table this proposal until citizens are given a fair opportunity to investigate it.

Given the impossible schedule, the review done by the West End and myself was limited and required focusing on only those issues which have significant impact on Rockville and our neighborhoods. The one that stands out is the waiver that would allow decision authorities to approve development proposals without regard to their impact on schools and traffic. By the definition of the areas where the waiver would be allowed this will encompass the preponderance of development in the City in the next decades. The waiver, as written, is missing meaningful guidance on how these decision authorities will operate and that is an immeasurably high risk. The quality of life for those who live in Rockville will be degraded. Developers will accrue the benefits at the expense of citizens. I ask that you to oppose the waiver and table this proposal until citizens can participate fairly.

Sincerely,
Noreen Bryan

308 Great Falls Road
Rockville, MD 20850
October 7, 2013

Mayor Phyllis Marcuccio and Members of the Rockville City Council
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Historic Designation of 628 Great Falls Road
For the Public Hearing Record – Sectional Map Amendment MAP2013-00112

Dear Madame Mayor and Members of the Council:

I am writing this letter to express my support of historic designation of 628 Great Falls Road.

I have lived on Great Falls Road since 1996 and have been active in the West End Citizens Association (WECA) since my arrival. I am also an active member of a committee of concerned citizens from the West End, Rose Hill Falls, Rose Hill, and Prospect Hill Court who have been following the proposed expansion of the Jehovah's Witnesses church, attending area meetings, the DRC, and related commission and Mayor and Council meetings.

Representatives of the Jehovah's Witnesses congregation have expressed surprise of the request of residents to designate 628 Great Falls Road historic. The church claims that when it purchased the house, it was in disrepair, necessitating thousands of dollars of repairs. Church representatives wonder why residents, if they truly care for this historic gateway property, did not at that time express concern.

I have no recollection of this property going on the market. When the elderly owner was no longer seen out mowing the grass, I did wonder if she was ill or had died. It was only at a WECA meeting on November 17, 2005, I and many others first learned that the property had changed hands. Residents were informed that evening that the Jehovah's Witnesses church planned to expand its parking lot by demolishing the adjoining house located at 626 Great Falls Road. I am out and about in the community all of the time, either walking or biking. If the house had become an eyesore, I would have been one of the first residents to notify the City of the code violation as I periodically do when shrubs become overgrown and impede safe pedestrian passage on sidewalks, snow is not removed from sidewalks within a reasonable amount of time, etc.

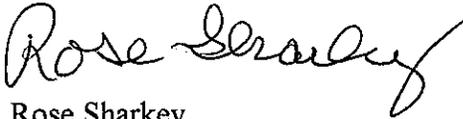
During my involvement with WECA, I served as secretary for five years and therefore have kept meeting minutes and related documents. I recently reviewed these records and WECA's involvement with proposed projects of the Jehovah's Witnesses church. Regarding notification of the sale of 626-628 Great Falls Road, the following is what I found in the Planning Commission minutes of January 25, 2006 when the church applied

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to demolish 626 Great Falls Road and pave the lot for a permanent parking area. "Bridget Newton, President of the West End Citizens Association, stated that WECA has great concerns about the communications with regard to this project. She noted that the single-family house and garage located at 626 Great Falls Rd. had been approved by the Historic District Commission for demolition and sold without notification to the neighbors... Ms. Newton said she has spoken with the Presidents of New Mark Commons, Rose Hill, and Rose Hill Falls and none of them were aware of the project."

While I believe that it would have been better for all concerned if the decision about historic designation had been made at an earlier time, I feel that the record indicates that West End residents have long cared for this important City gateway. Also, if the applicants had demonstrated a better record of working with the community and not used 626 as a parking lot after the Planning Commission denied that use, we would have more confidence that they would take actions that are respectful of the community. Also, historic designation is a decision to protect this property for the future, beyond any particular owner. That is what is needed at the gateway to our neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Rose Sharkey". The signature is written in black ink and is positioned above the printed name.

Rose Sharkey

TIMOTHY DUGAN : ATTORNEY
T 301.230.5228 E tdugan@shulmanrogers.com

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October 7, 2013

~~Hand-Delivered-October-7, 2013-and-Sent-By-Email-Saturday, October-5, 2013~~

Mayor and Council
City of Rockville
City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: October 7, 2013 Agenda Item 14.
Discussion and Instructions
MPDU Ordinance and Regulations Revisions
Shelter Development
Brightview Rockville Town Center

Dear Mayor Marcuccio and City Council Members:

Thank you for the opportunity to provide our thoughts. Thanks to the Rockville Staff, especially Susan Swift and Erin Wilson, who patiently met with us many times. Mr. Andrew Teeters regrets that he is unable to attend the October 7, 2013 Mayor and Council meeting.

Shelter Development is considering the draft MPDU Ordinance and Regulations Revisions in light of its interest in developing a mixed use senior housing and retail project in the Rockville Town Center. Our comments address circumstances where an alternative agreement for senior housing would provide both a dwelling unit and products and services unrelated to "sticks and bricks" such as, but not limited to, food, food preparation, and food service.

Shelter recommends a more flexible statute:

- (1) Allow an alternative agreement to provide a lower monthly fee of up to 80% of the average¹ of the minimum and maximum MPDU qualified gross income, instead of the Staff's recommendation of 70%;
- (2) Allow an alternative agreement to provide a reduction of MPDU units of up to 5% instead of the Staff's recommendation of 2.5%; and

¹ We believe the correct term to use is "average" or "mean," instead of "median."

(3) Eliminate the "only option" test under Staff's Section 13.5(f)(3)c.

Even still, a statute with greater flexibility does not guarantee anything. More flexibility does provide more opportunity to determine what would be best for Shelter's project and other projects, and, indeed, for the City's MPDU program. In the final analysis, the Mayor and Council must approve every alternative agreement.

Shelter's recommended changes better tilt the equation in favor of providing on site units. Folks living in MPDU's is a far better circumstance than having money set aside for nonexistent ones.

A senior housing project's monthly MPDU fee (consisting of rent and products and services) must both: (1) be affordable for an adequate spectrum of MPDU-qualified individuals; and (2) allow the project to be economically feasible, so the project will actually exist, i.e., the developer and operator may attract capital and/or debt and operate the facility in the black.

If too many MPDU units are required, whether on site and/or through a fee in lieu payment, such circumstances would contribute to an economically *infeasible* project. The statute should be structured to avoid the worst outcome -- no Rockville MPDU units on site and no money for Rockville MPDU's elsewhere.

We use Shelter's proposed Brightview Rockville Town Center as a practical example to support the following recommendations.

Using 80% of the Average

The following chart, Chart 1, illustrates Shelter's recommendation to increase the amount of average gross income from 70% to 80% for calculating the monthly MPDU fee for both "sticks and bricks" and products and services. It shows the current ranges of gross income limits for a single person household who would be occupying a Brightview one bedroom MPDU dwelling unit, the most typical resident. It lists Rockville's current MPDU rental rate for a "sticks and bricks" project. In addition, the chart shows the net amount of the monthly fee that would be available for products and services.

Gross Income	Annual Amount	Monthly Amount	MPDU Rental	Net for Products and Services
MPDU Minimum	\$22,000	\$1,834		
MPDU Maximum	\$45,100	\$3,762		
Average	\$33,550	\$2,796		
70% of Average	\$23,485	\$1,957	\$1,075	\$882
80% of Average	\$26,840	\$2,237	\$1,075	\$1,162

Chart 1				
Gross Income	Annual Amount	Monthly Amount	MPDU Rental	Net for Products and Services
Monthly Rent Increase for P's & S's = From 70% to 80%				\$280
Daily difference				\$9

As noted, Shelter supports using up to 80% of the average income between the minimum (\$22,000) and maximum (\$45,100) gross income of the MPDU qualified individuals. In their Attachment C, the Rockville Staff thoughtfully acknowledge that Shelter bases its 80% recommendation on its first-hand experience with its Evesham Township project in New Jersey. Shelter emphasizes that it is an actual, viable, project. It provides a reduced monthly charge for an independent living dwelling unit with products and services. Shelter's Evesham project provides programs comparable to the proposed Brightview at Rockville Town Center. It charges a monthly rate of about \$2,349, which is in line with Shelter's Brightview estimated monthly charge of \$2,237, based on 80% of the average MPDU gross income of \$33,550. Shelter's calculations and its existing Evesham Township project provide a reliable basis for decision making.

As support for its 70% recommendation, the Rockville Staff does reference national statistics. Certainly, the Staff is not suggesting that national statistics alone translate to a workable project. Even if one accepts the Staff's good faith interviews with unnamed individuals working at unnamed Montgomery County projects, and where they do not use percentages of gross income to admit residents, it is a fact that no Montgomery County projects offer MPDU units at a reduced charge for an indivisible package consisting of a dwelling unit and products and services such as, but not limited to, food, food preparation, and food service. They do not exist in Montgomery County. Montgomery County does not require such projects. Please see the Staff report, at page C-1 of Attachment C. It is for the above reasons that Shelter considers its calculations and its Evesham Township project more reliable for decision making.

In any case, the above Chart 1 shows that Shelter's modest proposal is for products and services to increase by \$280 per month or about \$9 per day.

From another perspective, see Chart 2 below, Shelter, and other applicants, would still be addressing a significant reduction in revenue by reducing charges for not only the rent but also the products and services. In Shelter's example, there would be an overall monthly difference of \$1,162, or a 35% reduction, between a one bedroom unit charged at Shelter's estimated market rate (\$3,300) and the MPDU monthly rate of (\$2,237),

based on an 80% average gross income. The reduction "breaks down" to about a 28% reduction in the market "sticks and bricks" rent and about a 36% reduction in the market fee for products and services.

Chart 2				
Shelter's Brightview Project				
		Mkt. Total Monthly	Mkt. Rental	Mkt. for Products and Services
Estimated Market Rate		\$3,300	\$1,485	\$1,815
% Reduction from Market to MPDU		35% Overall reduction	28% Rent reduction	36% P's & S's reduction

Up to 5% Reduction in Units

Shelter supports allowing the percentage of MPDU's required to be reduced by up to 5%. The Staff recommended a reduction of only 2.5%.

Shelter estimates that, under the MXCD Zone, the 15% MPDU requirement would translate to 18 MPDU's (117 dwelling units X 15% = 18 MPDU's).

If it were permitted to reduce such requirement by only 2.5%, thus at 12.5%, the number would be 15 MPDU's.

If it were permitted to reduce such requirement by 5%, thus at 10%, the number would be 12 MPDU's.

Even for one year, much less 5 years or 10 years, and even using the 80% average income, the revenue difference is significant between the market rate and the MPDU rate.

Please see the chart below:

Chart 3				
Description	Calculations	18 units 15%	15 units 12.5% 2.5% Reduction	12 Units 10% 5% Reduction
		80% average income	80% average income	80% average income
Market Rate	\$3,300			
MPDU Rate	\$2,238			
Difference For One Month Per Unit	\$1,062			
Difference For 12 Months Per Unit	\$12,744			
Total Units		18	15	12
1 Year Revenue Difference		\$229,680	\$191,400	\$153,120
5 Years		\$1,148,400	\$957,000	\$765,600
10 Years		\$2,296,800	\$1,914,000	\$1,531,200

Shelter will provide to every resident, whether paying at market or the MPDU rate, the same "sticks and bricks" and the same products and services, even though it will be bearing the loss of revenue from products and services in addition to the reduced rent.

We remind the Mayor and Council of our report last summer.² We did not find any jurisdictions that required a project to reduce its charges for products and services *unrelated* to "sticks and bricks," such as, but not limited to, food, food preparation, and food service. Even where jurisdictions calculate either a sales price or a rental rate based on the qualified individual's ability to pay, rather than the cost of construction, the rate pertains to "sticks and bricks" only.

In light of the above, Shelter's recommendations would be fair to all concerned.

² Please refer to the July 13, 2013 letter and attachments regarding our research of ordinances or proposals in other jurisdictions. We identified two unsuccessful Montgomery County bills from 2007 (Bills 38-07 and 13-07). We included also a survey of inclusionary laws published by the American Law Report, entitled "Validity, Construction and Application of Inclusionary Zoning Ordinances and Programs."

Eliminating the "Only Option" Test

Shelter recommends deleting the following highlighted language from the Staff's draft:

(3) c.

The applicant can request to provide a lower percentage of onsite MPDUs *if the applicant can demonstrate that providing the reduced percentage of MPDUs is the only option that will achieve the objective of providing a broad range of housing opportunities throughout the City.* The percentage reduction is limited to two and one-half percent (2.5%) from the required percentage of MPDU units.

Not imposing the Staff's test is prudent for at least two reasons.

First, the MPDU Ordinance is already based upon a list of legislative findings and a second list of declarations of public policy. In accepting or rejecting an Applicant's alternative proposal, the Mayor and Council necessarily will consider the legislative findings and declarations of public policy, and find whether or not a proposal would be in the public interest. The legislative findings and declarations of public policy ought to be the guide.

Second, the Staff's proposed "only option" test is one that might never be satisfied. It would be overly burdensome to require an Applicant to attempt to establish that its application is the "only option." It would be a rare occurrence where all concerned could conclude that there is one, and only one, option for accomplishing anything. Similarly, it seems overly burdensome to require an Applicant to attempt to establish that its project will "achiev[e] a broad range of housing opportunities throughout the City." In Shelter's case, adding between 10 and 18 MPDU's certainly would contribute to Rockville's MPDU housing stock, but it would not provide a broad range of housing opportunities Citywide.

Instead, the Mayor and Council should consider whether an Applicant's proposal is a reasonable alternative agreement in light of the City's legislative findings and declarations of public policy. The Mayor and Council will have the ability to determine whether the project will contribute to the City's affordable housing objectives and accept or reject the application.

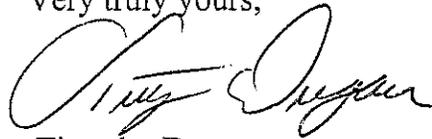
Summary

In closing, we urge the Mayor and Council to provide instructions with the following considerations in mind.

- Accommodating MPDU's on site is a substantial undertaking, especially where reduced charges for products and services are included, a unique circumstance.
- Flexibility in the draft MPDU revisions is the better course of action. It will allow for a thoughtful and thorough analysis of what may allow a project to provide MPDU's on site and remain economically feasible.
- Flexibility better avoids a project not being developed at all. An inflexible on site requirement and an equally difficult off site requirement may not generate any Rockville MPDU's.
- Even with a more flexible statute, an Applicant must demonstrate that its project would provide a meaningful contribution to the City of Rockville's objective of providing MPDU's. Nothing has been relinquished by having more flexibility.

We look forward to your comments and questions. Many thanks for your consideration.

Very truly yours,



Timothy Dugan

cc: Ms. Susan Swift
Ms. Erin Wilson
Debra Y. Daniel, Esq.
Mr. Andrew Teeters

Enclosures

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October 7, 2013

Suggested Revisions to Attachment A - DRAFT MPDU Ordinance Revision

Provided by Shelter Development

Attachment A – DRAFT MPDU Ordinance Revision

Section 13.5-3 Definitions

Significantly More MPDUs means fifteen percent (15%) more units than the number of MPDUs that are required to be built on the site of the proposed development, but will not be constructed onsite.

Senior or Special Needs Housing with Services means a project that provides both:

- (1) dwelling units, whether apartments or resident-owned units, and common areas for purposes, including, but not limited to communal dining, activities and socializing; and
- (2) products and services that meet the majority of needs of daily living, including, but not limited to utilities, apartment/grounds maintenance, property taxes, one or more meals per day, housekeeping, transportation, social and wellness activities, and emergency care.

Sec. 13.5-5 Requirement

(f)

(1) Instead of building the required number of MPDU's an Applicant may offer to:

- a. Build Significantly More MPDUs at one (1) or more other sites in the city.
- b. Convey land in the city that is suitable in size, location and physical condition for Significantly More MPDUs.
- c. Contribute to the Moderately Priced Housing Fund an amount that will produce Significantly More MPDU's; or
- d. Do any combination of these alternatives that will result in building Significantly More MPDUs.

(2) The offer may be accepted if the Mayor and Council finds that:

- a. 1) In the project or subdivision originally proposed by the Applicant, an indivisible package of resident services and facilities to be provided to all households would cost the occupants of the MPDU's so much that it is likely to make the MPDU's effectively unaffordable by eligible

**Suggested Revisions to Attachment A - DRAFT MPDU Ordinance Revision
Provided by Shelter Development**

households; OR 2) Extraordinary circumstances make building the required number of MPDU's as part of the project impractical; AND

b. An offer made by an Applicant under subsection (f)(1) will achieve Significantly More MPDU's or units which low and moderate-income households can more easily afford; AND

~~c. Acceptance of the Applicant's offer will achieve the objective of providing a broad range of housing opportunities throughout the City.~~

(3) In lieu of meeting Section (1) above, in the case of a Senior or Special Needs Housing with Services project, whether as a stand-alone project or as part of a mixed use development, and, whether the MPDU's are to be provided in whole or in part on site:

- a. The Applicant must apply for an alternative MPDU agreement if the total on site monthly fee equals or exceeds 150 percent of the then current MPDU monthly rent.
- b. Under such an alternative agreement, the on site monthly fee must not exceed 80 percent of the average of the then current minimum gross income and maximum gross income established for qualifying for the City of Rockville MPDU Program.
- c. As part of its application, the Applicant also may request, and the Mayor and Council may grant, permission to provide a percentage of MPDUs lower than otherwise required. The maximum percentage reduction is limited to five percent (5%).
- d. The required percentage of MPDU's established by an alternative agreement that is approved by the Mayor and Council under this Section (3) supersedes any other City of Rockville Code provision establishing a different required percentage of MPDU's .

(4) The procedures for considering and implementing alternative offers shall be established by the Mayor and Council in the MPDU Regulations. The City Manager or designee will work with the Applicant to establish an alternative agreement to present to the Mayor and Council for approval. To implement an offer, the Applicant must sign an agreement with the City Manager or designee not later than a time provided by the Mayor and Council in its approval of the offer.

(5) Notwithstanding any other provisions of the subsection, the Mayor and Council may reject a request by an Applicant to establish an alternative agreement to meet MPDU requirements whether in whole or in part on site if the public interest would best be served thereby.

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October 7, 2013

Suggested Revisions to Attachment A - DRAFT MPDU Ordinance Revision

Provided by Shelter Development

Attachment A – DRAFT MPDU Ordinance Revision

Section 13.5-3 Definitions

Significantly More MPDUs means fifteen percent (15%) more units than the number of MPDUs that are required to be built on the site of the proposed development, but will not be constructed onsite.

Senior or Special Needs Housing with Services means a project that provides both:

(1) dwelling units, whether apartments or resident-owned units, and individual residential dwelling units along with common areas for purposes, including, but not limited to communal dining, activities and socializing along with an indivisible package of; and

(2) products and services that meet the majority of needs of daily living, including, but not limited to utilities, apartment/grounds maintenance, property taxes, one or more meals per day, housekeeping, transportation, social and wellness activities, and emergency care.

~~*Housing with Services* means an indivisible package of housing and facilities that includes common ownership, amenities, or other similar fees in a residential development.~~

Sec. 13.5-5 Requirement

(f)

(1) Instead of building the required number of MPDU's an ~~applicant~~ Applicant may offer to:

- a. Build Significantly More MPDUs at one (1) or more other sites in the city.
- b. Convey land in the city that is suitable in size, location and physical condition for Significantly More MPDUs.
- c. Contribute to the Moderately Priced Housing Fund an amount that will produce Significantly More MPDU's; or
- d. Do any combination of these alternatives that will result in building Significantly More MPDUs.

(2) The offer may be accepted if the Mayor and Council finds that:

a. 1) In the project or subdivision originally proposed by the ~~applicant~~ Applicant, an indivisible package of resident services and facilities to be provided to all households would cost the occupants of the MPDU's so much that it is likely to make the MPDU's effectively unaffordable by eligible households; OR 2) Extraordinary circumstances make building the required number of MPDU's as part of the project impractical; AND

b. An offer made by an ~~applicant~~ Applicant under subsection (f)(1) will achieve ~~significantly more~~ Significantly More MPDU's or units which low and moderate-income households can more easily afford; AND

c. Acceptance of the ~~applicant's~~ Applicant's offer will achieve the objective of providing a broad range of housing opportunities throughout the City.

(3) ~~If an applicant proposes onsite~~ In lieu of meeting Section (1) above, in the case of a Senior or Special Needs Housing with Services project, whether as a stand-alone project or as part of a mixed use development, and, whether the MPDU's are to be provided in whole or in part on site:

a. ~~The applicant~~ Applicant ~~must establish~~ apply for an alternative MPDU agreement if the total on site monthly fee for housing and services equals or exceeds 150 percent of the then current MPDU monthly rents.

b. ~~Under the~~ such an alternative agreement, the on site monthly fee for Senior or Special Needs Housing with Services cannot ~~must not~~ exceed 70-80 percent of the median of the monthly average of the then current minimum gross income and maximum gross income established for qualifying for the City of Rockville MPDU household income range Program.

c. ~~The applicant can~~ As part of its application, the Applicant also may request, and the Mayor and Council may grant, permission to provide a lower percentage of onsite MPDUs if the applicant can demonstrate that providing the reduced percentage of MPDUs is the only option that will achieve the objective of providing a broad range of housing opportunities throughout the City. The lower than otherwise required. The maximum percentage reduction is limited to two and one-half five percent (2.5%) from %).

d. The required percentage of MPDU's established by an alternative agreement that is approved by the Mayor and Council under this Section (3) supersedes any other City of Rockville Code provision establishing a different required percentage of MPDU units MPDU's.

-(4) The procedures for considering and implementing alternative offers shall be established by the Mayor and Council in the MPDU Regulations. The City Manager or designee will work with the ~~applicant~~ Applicant to establish an alternative agreement to present to the Mayor and Council for approval. To implement an offer, the ~~applicant~~ Applicant must sign an agreement with the City Manager or designee not later than a time provided by the Mayor and Council in its approval of the offer.

(5) Notwithstanding any other provisions of the subsection, the ~~City~~ Mayor and Council may reject a request by an ~~applicant~~ Applicant to establish an alternative agreement to meet MPDU requirements whether in whole or in part whenever on site if the public interest would best be served thereby.

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ATTACHMENT B
f Exhibit No. 11
f MAP2012-00112
f Public Hearing: 09/30/13

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JSKLINE@MMCANBY.COM

October 4, 2013

Mayor and City Council of Rockville
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

RE: Sectional Map Amendment MAP2013-00112,
628 Great Falls Road

Dear Mayor Marcuccio and Members of the City Council:

At the public hearing on September 30th on Map Amendment Application MAP2013-00112, you had before you a Staff Report and Recommendation suggesting that there should be "... sufficient separation (i.e. 10-15 feet) between the existing residence and any new construction proposed by the Church". (Staff Report dated September 30, 2013, page 2 attached). I have also enclosed a copy of a Staff Report dated September 19, 2013 published in conjunction with the Historic District Commission courtesy review which recommends that the new place of worship be built as a free-standing structure to "... help maintain the character and residential scale of the historic residence". (Staff Report, "Recommendation", page 3)

During public testimony on September 30th, the Council heard testimony from the Church's representatives about how numerous development constraints (e.g., building setback lines, preservation of specimen trees, maximization of parking to alleviate concerns of neighbors, etc.) have limited the ability of the Church to relocate the proposed structure to create separation from the existing residence. However, one witness, Mr. Tim Ramsburg, pointed out that if the least historical aspect of the existing residence, a modest one story shed roof projection on the rear of the building, could be removed, then the Church would modify its designs in order to satisfy the separation requirement of "10-15 feet" recommended in the September 30th Staff Report. The purpose of this letter is to provide the Council with additional information about the nature of the shed addition at the rear of the house and to offer a compromise proposal intended to protect the historic integrity of the residence at 628 Great Falls Road but still allow the Church to proceed with construction in accordance with the design recommendations contained in the Staff's September 30th Report to the City Council.

Key to the property owner's following proposal is the age, design and importance of the enclosed porch attached to the rear of the existing residence at 628 Great Falls Road. The following is documented by attached photos and incorporates the observations of Mr. Escobar, a member of the Church, who has building and contracting experience.

1. The enclosed rear porch is not part of the original construction of the house.

Confirmation that the enclosed porch/shed was not part of the original construction of the house is borne out by the attached photographs that provide the following information:

A. Photographs 1 and 2 show exterior windows and exterior doors between the main structure and the enclosed porch. Exterior doors and windows would not have been used if this area was enclosed as part of the original construction.

B. Photograph 3 shows a screen door at a doorway between the main structure and the enclosed porch. Clearly a screen door would not be installed on the inside of an enclosed porch.

C. Photograph 1, 2, and 3 show the pebble-dash stucco finish along the rear wall of the main structure. There would have been no logical reason to finish off an interior wall of an enclosed area with the stucco treatment (reserved almost exclusively for exterior use). Therefore, the western wall of what is now the enclosed porch area must have been the exterior wall of the original structure.

D. Photograph 4, taken from the inside of the basement of the main structure, shows a former window well which is now covered by the enclosed porch. Accordingly, there does not appear to have been an open porch or deck, or even covered porch, extending from the rear of the house associated with the original construction of the house.

2. The type and quality of building materials and construction of the enclosed porch are of a time and of a character different from the materials and construction techniques associated with the original structure.

The attached photographs show features of the design and use of the enclosed porch confirming that it was not built contemporaneous with the original construction of the house.

E. Photograph 5 shows the use of ¼" plywood panels as a construction material for the enclosed porch. Plywood was not a material used in construction in the 1920s.

Photograph 6 shows a plywood panel that has been damaged by termites. Apparently, since the enclosed porch was built at a later date, and of inferior construction materials, it has suffered substantial termite damage (as compared to the main structure that has much less termite infestation due to better construction techniques).

F. Photographs 5 and 7 show windows that are totally different than the window style, quality and materials associated with the main structure.

The pebble-stucco finish added to the ends of the enclosed rear porch appear to have been the only concession to design intended to integrate the enclosed porch with the original structure.

3. As both the September 19th and September 30th Staff Reports indicate, the structure at 628 Great Falls Road always fronted on Great Falls Road and the rear of the structure was never visible until the construction on Maryland Avenue in the 1970s.

Due to the fact stated above, removal of the *ad hoc* addition to the rear of the house at 628 Great Falls Road in no way detracts from the historicity and visibility of the front and sides of the house that are of historic interest and that would be preserved under the property owner's following proposal.

In order to create more separation or "working space" between the original structure and the new worship hall, the property owner requests that the City establish an Environmental Setting for the property at 628 as being flush with the original rear façade of the structure. Boundary lines for such a proposed Environmental Setting are shown in color on the attached reduced version of the pending Level 2 site plan filed with the City and on an aerial photograph of the proposed structure. If the City accepted this compromise proposal, the property owner would provide a metes and bounds description for the area shown outlined as the attached exhibits.

Establishing the Environmental Setting boundary lines as shown on the attached drawings has multiple benefits. Most importantly, it ensures protection of the integrity of the original structure as it was viewed by the public. The front and side views of the existing structure will remain unaltered by the Church's proposal.

The depth of the enclosed porch is approximately 8 feet. Establishing the Environmental Setting as proposed by the property owner will allow for removal of the enclosed porch and, in conjunction with relocation of the proposed worship hall, will create the amount of linear separation between the two buildings ("... 10-15 feet") that is recommended in the attached Staff Reports.

Again, the Church thanks the Mayor and the City Council for deferring its original public hearing on MAP2013-00112 in order to allow the applicant to have a courtesy review by the Historic District Commission. The publication of a Staff Report that preceded the HDC meeting, and the guidance from the Historic District Commission, have given the Church a good sense of the amount of separation that it should seek to achieve in order to have a compatible relationship between the existing structure and the proposed worship hall.

The Rockville Congregation of the Jehovah's Witness Church believes that this proposal balances the public interest of preserving a resource of apparent importance to the City of Rockville, preserves the residential appearance and character of the structure at 628 Great Falls Road as advocated by many neighbors and provides the Church with flexibility to create a new worship space in a manner that is respectful of the existing structure at 628 Great Falls Road.

Thank you for your consideration of this compromised proposal intended to resolve this matter in a manner benefiting the property owner, the residents of the West End and the City of Rockville.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif style. A thick horizontal line is drawn above the signature.

Jody S. Kline

JSK/blm
Enclosures

cc: Susan Swift
Jim Wasilak
Bobby Ray
Margaret Hall
Robin Ziek
Rod Escobar
Mike Plitt



Mayor and Council

For the meeting on: September 30, 2013
Department: Community Planning and Development Services
Division: Planning
Responsible staff: Robin Ziek, Historic Preservation Planner
phone: (240) 314 - 8236
Rziek@rockvillemd.gov

Subject

Public Hearing on Sectional Map Amendment MAP2013-00112, to change zoning from R-90 to R-90 (HD) for the historic designation of 628 Great Falls Road; Mayor and Council of Rockville, applicants.

Recommendation

Conduct a public hearing on the proposed Sectional Map Amendment to change the zoning from R-90 to R-90 (HD) at 628 Great Falls Road, in order to place the subject property in a historic district [see Attachment A].

Hold the Public Record open until October 7, 2013 and establish the date for Discussion and Instructions to Staff as October 14, 2013.

Discussion

In Rockville, a local historic designation is processed as a Sectional Zoning Map Amendment to add the Historic District (HD) overlay district to a property. The Mayor and Council authorized the filing of this Sectional Map Amendment on June 17, 2013, following a recommendation that the property met the criteria for historic designation by the Historic District Commission.

The property at 628 Great Falls Road was nominated for historic designation by neighbor Richard Ward. The owner of the property is the Rockville Maryland Congregation of Jehovah's Witnesses, who opposes the historic designation of the property. The congregation also owns adjacent property at 624 and 626 Great Falls Road.

The property at 628 Great Falls Road consists of a deeded lot, with frontage on both Great Falls Road and Maryland Avenue; it has a land area of 11,991 square feet. The property includes a 1925 two-and-one-half story Gable-Front-and-Wing house that fronts Great Falls Road, a historic road between Rockville and the commercial activity at Great Falls on the C&O Canal. The front projecting gable creates the space for the front porch, which is approached by concrete steps with flanking brick piers. The porch roof is supported with a brick column and the porch is enclosed with an open brickwork railing. The three-bay house has a pebble-dash stucco finish, simple wood trim, 6/1 double-hung windows, and an asphalt shingle roof. A one-story shed roof projection at the rear includes an enclosed rear porch and a small enclosed room; both end walls include pebble-dash stucco finish. A small utility shed stands at the southeast corner of the house.

Staff recommended approval of the Sectional Map Amendment to R-90(HD) finding that the property met the following three of the HDC's criteria for historic designation:

- Criterion I-C: That the property exemplifies the early 20th century development of Rockville, representing early 20th century suburban development at the edge of town;
- Criterion II-A: That the property is a good example of a Front-Gable and Wing vernacular

- house type, a vernacular style illustrated in the Historic Buildings Catalog (p. 35); and
- Criterion II-E: That the property represents an established visual feature in the neighborhood, being a gateway that highlights the residential character of the neighborhood adjacent to the City's central core, due to topography and location. This criterion is rarely used, as the HDC must find significance as familiar "due to its singular physical characteristics or landscape."

As noted in the staff report, the property retains features associated with the seven aspects of integrity (location, design, setting, materials, workmanship, feeling and association), despite the construction of Maryland Avenue and the I-270 interchange with Falls Road and resulting road dedication. The property has always fronted on Great Falls Road.

The recommendation for the Period of Significance for the property is 1925 – 1970, marking the period from the early 20th century construction of the house to the date of Maryland Avenue construction. Alterations made after that date, such as the rear driveway or shed, would be reviewed as non-contributing elements on the site.

The staff and HDC recommendations for the Environmental Setting are to designate the entire 11,991 SF lot at 628 Great Falls Road. However, the Mayor and Council have several options for designation, including not designating the property, designating part of the property, or designating all of the property. Should designation of part of the property be requested by the owner, the area designated should include the front yard on Great Falls Road and the house, along with a rear yard area that provides sufficient separation (i.e. 10-15 feet) between the house and any proposed new construction.

The Historic District Commission (HDC) recommended historic designation on April 18, 2013, based on Criteria A, C and E. Subsequent to the Mayor and Council's authorization to file the map amendment, the Planning Commission recommended approval of the Sectional Map Amendment at its meeting on July 24, 2013 (see Boards and Commissions Review section).

Mayor and Council History

The Mayor and Council authorized the filing of a sectional map amendment for historic designation at their June 17, 2013 meeting.

Public Notification and Engagement

Notice of the public hearing was provided by the City Clerk's Office, with notice being mailed to all property owners within 750 feet of the property as required by the Zoning Ordinance. The required advertisements were published in the *Gazette*. Notice was also provided through posting of the Mayor and Council agenda on the City's website.

Written notification was provided for the Planning Commission review of this proposal on July 24, 2013 in accordance with Section 25.05 of the Zoning Ordinance. Postcard notices were mailed to all property owners within 750 feet of the property; the meeting agenda was also posted on the City's website.

The HDC Evaluation of Historic Significance was conducted on April 18, 2013. Postcard notices were provided to adjacent property owners within 500 feet of the property. A sign was posted on the property. The HDC meeting agenda was posted on the City's website.

Written public comment submitted to the Mayor and Council after the Map Amendment was authorized are in the public record for the Map Amendment application and included in Attachment H.

Boards and Commissions Review

The HDC reviewed the nomination and staff recommendation and conducted an Evaluation of Historic Significance on April 18, 2013. The staff report, meeting minutes, and written testimony to the HDC are provided in Attachments B-E. The HDC found that the property met the following criteria for historic significance:

- 1) Historical and Cultural Significance, Criterion C: Pattern of Events - that the subject property illustrates the transition and development of suburban residential property at the edge of the City during the late 19th and early 20th century; and
- 2) Architectural and Design Significance, Criterion A - that the subject property embodies the distinctive characteristics of a type of construction, being a good example of the Gable-Front-and-Wing house of the late 19th and early 20th centuries; and

3) Architectural and Design Significance, Criterion E - that the house represents an established visual feature of the neighborhood, as it is singularly situated at the junction of two major roads in the City and constitutes a "gateway" property into the City's historic center.

The HDC found that the Period of Significance covers the years from the construction of the house to the construction of Maryland Avenue at its rear (1925-1970). The HDC recommended historic designation of the entire parcel.

Subsequent to the Mayor and Council's authorization to file the map amendment, the Planning Commission reviewed the application, including the staff and HDC recommendations, and heard public testimony at its meeting on July 24, 2013 (see Attachments F and G). The Commission voted 4-2 (Commissioners Callistein and Hill opposed, and Commissioner Ostell was absent) to recommend historic designation of 628 Great Falls Road with the designated area to conform to the existing parcel recommended by the HDC. The Planning Commission made the following findings and recommends that they be incorporated into the Map Amendment ordinance, if the designation is approved:

1. Finding it in conformance with the HDC's adopted Criteria as representative of the early 20th century suburban development in the City; as representative of the Front-Gable-and wing vernacular house type; and as an established visual feature of the neighborhood, being a gateway feature to the residential neighborhood; and
2. Finding it in conformance with the associated master plans (the *West End Woodley Gardens East-West Neighborhood Plan* and the *Comprehensive Master Plan*), in that designation would contribute to preserving an increased number of historic resources in the City, and also preserve the residential character of the Monument Triangle area of the neighborhood; and
3. Finding the proposed zoning change in conformance with the purpose of the Historic District Zone per Section 25.14.01 of the Zoning Ordinance, to safeguard the heritage of the City by preserving an early 20th century suburban property located on a prominent site that illustrated a remaining link to small-lot early suburban development in Rockville for the cultural and educational benefit of the community.

The Planning Commission noted that the property has an association with the African American kinship community in this vicinity. The Commission also noted that the extent of this free Black community, which is recognized through the historic designation of 602 Great Falls Road, is larger than previously understood, and includes the subject property. The identification of this community is significant in Rockville's heritage. The Commission further added that the historical material concerning the black kinship community in this neighborhood was submitted by the public after the HDC meeting; the Planning Commission asked that the Mayor and Council consider this material in their deliberations.

Next Steps

Staff recommends that the Mayor and Council leave the Public Record open until on October 7, 2013 (see Attachment H for written comment submitted to the Mayor and Council for the Map Amendment as of the brief book date). Discussion and Instructions to staff would be scheduled for October 14, 2013, with potential introduction and adoption of the ordinance to occur at a subsequent meeting as directed by Mayor and Council.

Attachments

Attachment A - Vicinity map



[Attach A Vicinity Map.pdf](#)

Attachment B - Staff Report for HDC meeting



[Attach B - STAFF REPORT FOR EVALUATION OF SIGNIFICANCE.pdf](#)

Attachment C - HDC 4/18/13 meeting minutes with HDC Motion



[Attach C HDC Minutes 5-2013 April 18.pdf](#)

Attachment D - Written Public Testimony



[Attach D Written testimony HDC hearing 4-18-13.pdf](#)

Attachment E - Written Testimony Received After HDC meeting and prior to Planning Commission meeting



[Attachment E Recent Letters.pdf](#)

Attachment F - Staff report for Planning Commission meeting



[Attachment F Staff Report.pdf](#)

Attachment G - Planning Commission recommendation Transmittal Memo



[ATTACH G - PC RECOMMENDATION TRANSMITTAL.pdf](#)

Attachment H - Written comment submitted to Mayor and Council after authorization



[Attachment H.pdf](#)

Department Head:

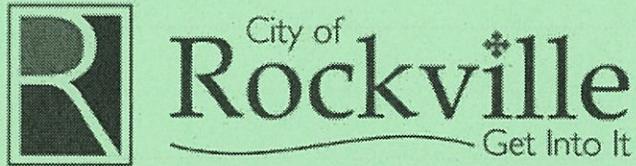


Susan Swift, Director of Community Planning and Development Services
Approved on: 09/20/2013

City Manager:



Barbara B. Matthews, City Manager
Approved on: 09/26/2013



**Historic District Commission
Staff Report: Courtesy Review
HDC2014-00646, 628 Great Falls Road**

MEETING DATE: 9/19/2013

REPORT DATE: 9/12/2013

FROM: Robin D. Ziek, Preservation Planner,
Planning, CPDS
240.314.8236
rzeik@rockvillemd.gov

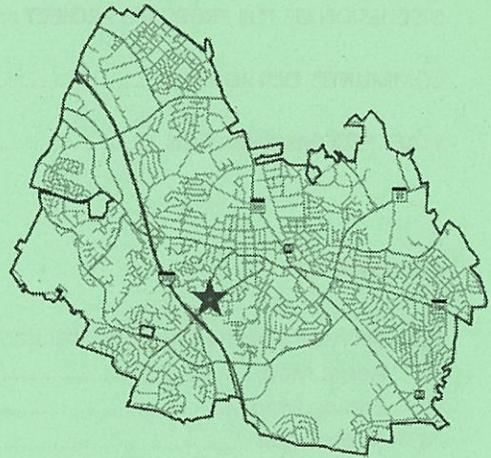
APPLICATION DESCRIPTION: Courtesy Review

APPLICANT: The Rockville Congregation of
Jehovah's Witnesses Church
c/o Jody Kline, Miller Miller and Canby
200-B Monroe Street
Rockville, MD 20850

FILING DATE: 8/15/13

RECOMMENDATION: Staff commends the applicant for the compatible design of the proposed place of worship. Staff recommends, however, that the applicant reconsider the proposed removal of the rear porch and construction of the new place of worship as an attachment to the existing house. Constructing the new place of worship as a free-standing structure will help maintain the character and residential scale of the historic residence.

EXECUTIVE SUMMARY: The owner's agent made a request to the Mayor and Council on July 29th during Citizens Forum, and the Mayor and Council agreed to schedule the Public Hearing on MAP2013-00112 on 9/30/2013 in order to allow for a Courtesy Review to take place at the 9/19/2013 HDC meeting. According to the HDC's Rules of Procedure (Section 4.1, 4.2), the HDC may provide a Courtesy Review at the request of a property owner; or as requested by the Mayor and Council, Planning Commission or Board of Appeals. The application proposes to build a 3,700 s.f. place of worship in the R-90 zone as an addition to an existing dwelling. This property was recommended for HD zoning by the HDC on 4/18/2013 and the HD Map Amendment was filed as MAP2013-00112 by the Mayor and Council.



RECOMMENDATION

Staff commends the applicant for the compatible design of the proposed place of worship. Staff recommends, however, that the applicant reconsider the proposed removal of the rear porch and construction of the new place of worship as an attachment to the existing house. Constructing the new place of worship as a free-standing structure will help maintain the character and residential scale of the historic residence.

SITE DESCRIPTION

- Location:** 628 Great Falls Road
- Applicant:** The Rockville Congregation of Jehovah’s Witnesses (Owner)
c/o Miller, Miller and Canby (Jody Kline)
- Land Use Designation:** Detached Dwelling Restricted Residential
- Zoning District:** R-90
- Existing Use:** Single Unit Detached Residential
- Parcel Area:** Total Site Plan area 34, 364 s.f.
Existing parcel 11,991 s.f. proposed for HD zone
- Subdivision:** Exchange & New Exchange
- Building Floor Area:** 1,384 s.f. (existing); +3,700 s.f. (proposed) = 5,084 s.f. total
- Dwelling Units:** 1

Vicinity

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90	Detached Dwelling, Restricted Residential	Detached Residential
East	PD-NMC	Planned Development	Residential
South	Park	Park	Park
West	R-60	Public Buildings and Facilities	Julius West Middle School

Prior Reviews by Mayor and Council and Commissions

The proposed new construction will involve the combination of the properties associated with 626 and 628 Great Falls Road into a new record lot. The property at 626 Great Falls Road was evaluated for historic significance by the HDC on 2/17/2005 and was not recommended for the HD overlay zone. Historic review on that property is therefore complete, and it may be demolished.

628 Great Falls Road was evaluated by the HDC on 4/18/2013 and recommended for the HD overlay zone on the basis of Criteria I-C (pattern of events), II-A (embodies a building type), and II-E (familiar visual feature due to singular physical characteristics) (see Attachment 5). The Mayor and Council authorized the filing of the Sectional Map Amendment filing at their 6/17/2013 meeting.

The Planning Commission recommended HD zoning at their 7/24/2013 meeting based on the staff recommendation; with the addition that the transmittal letter to the Mayor and Council for the Public Hearing on September 30, 2013 should include a note about the significance of the black kinship community located in this vicinity and originally including this property.

The owner's agent made a request to the Mayor and Council on July 29th during Citizens Forum, and the Mayor and Council agreed to schedule the Public Hearing on MAP2013-00112 on September 30, 2013 in order to allow for a Courtesy Review to take place at the September 19, 2013 HDC meeting. According to the HDC's Rules of Procedure (Section 4.1, 4.2), the HDC may provide a Courtesy Review at the request of a property owner; or as requested by the Mayor and Council, Planning Commission or Board of Appeals.

Historic Significance

The HDC found that the subject property has historic significance for the City of Rockville as an excellent example of the Gable Front and Wing Vernacular house; as an early outlier in the suburban development of the City; and as a "gateway" property into the historic center of Rockville (see Attachment 5).

The subject property is a single family detached residence in the subdivision of "Exchange & New Exchange." It was constructed in the early part of the 20th century, and was long associated with Gail and Paul Kelley (1940 – 2008). This property was also part of a local African American community that began as a free Black kinship community ca. 1832. This is one of only three areas at the edges of Rockville where African Americans bought property [or, could buy property]; the others being along Martins Lane (Haiti) and in Lincoln Park. During the era of segregation, members outside of the kinship community also purchased property in this neighborhood. The Kelleys, who lived here from 1940-2008, illustrate this point.

DISCUSSION OF THE PROPOSED PROJECT and MATERIALS

The Proposal: The applicant has designed a new place of worship that reflects the materials and detailing on the existing house at 628 Great Falls Road, while addressing the size needed for the church activities (Attachment 4-11ff).

Recognizing that the 1920s house is small in comparison to the new structure, more distance is required to set them apart so that the house can be retained as a single family residence in appearance as well as in function. Noting that there are alternate design possibilities, staff recommends the following:

The new place of worship should be designed and built as a separate building on the property, completely separate from the historic house. From a zoning perspective, the site plan application provides the required review of the new use of the property for a place of worship. With the site plan review, two structures are permitted on the property. Therefore, the new church building could be completely separate from the historic house (Attachment 6-1).

The proposed location for the new place of worship is in the rear yard for the historic house. During the Period of Significance, the property had only one street frontage, along Great Falls Road. After 1970, when Maryland Avenue was constructed, the rear yard was exposed to the public view along this edge. Staff recommends that the new place of worship be designed to face that street, and that it should be placed as close as permitted to Maryland Avenue to provide as much distance as possible from the historic house.

The advantage to this site design is that the new church building can be constructed more easily, as a free-standing structure. Alterations to the 1920s house would be kept to a minimum, and the rear porch can be preserved. Possible alterations that pertain directly to the historic structure could include replacing the non-original brick "railing" at the front porch with a vertical wood railing more typical of the 1920s.

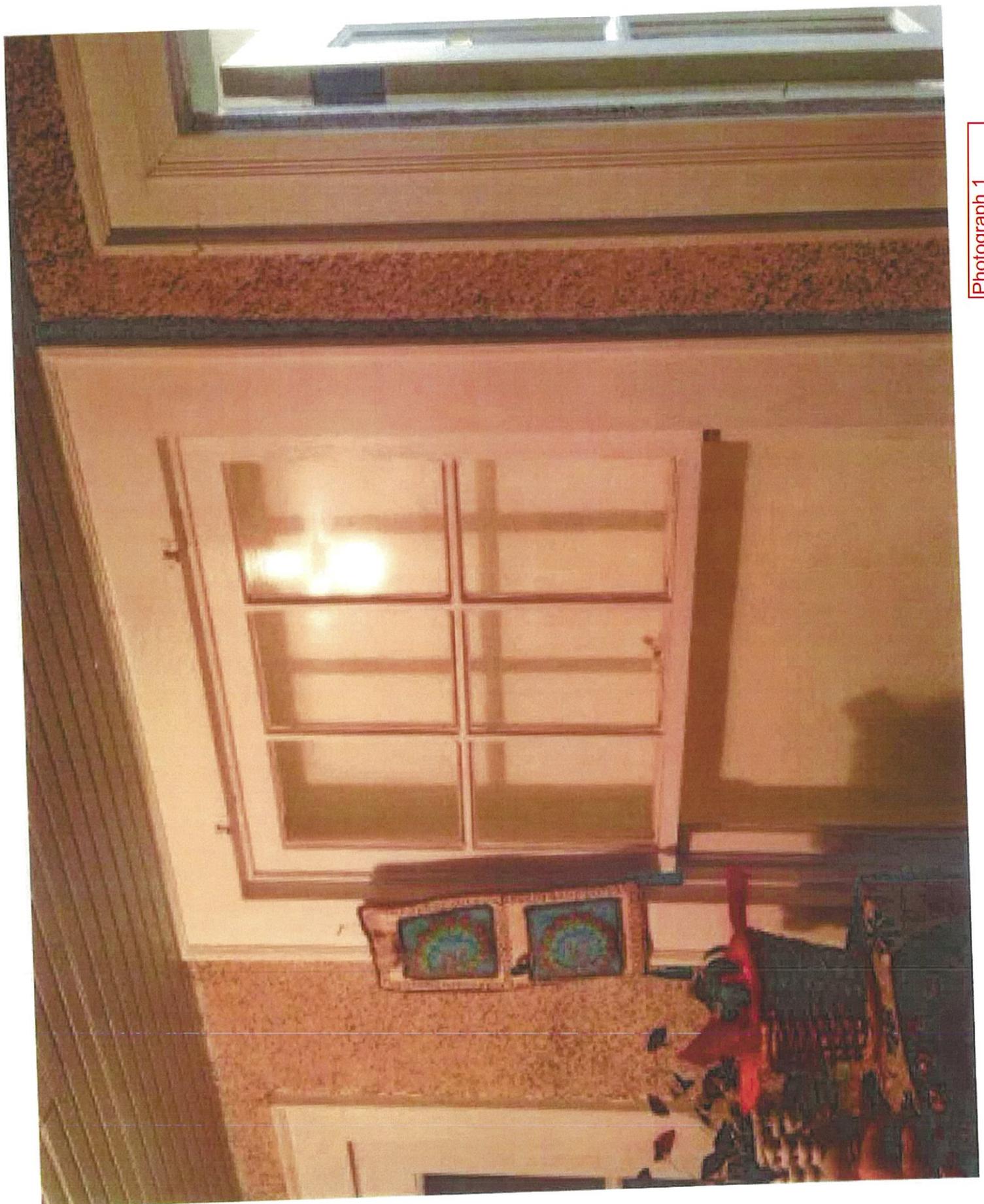
The effect on the site of the new construction is impossible to hide, but separation of the two structures would reduce the impact on the historic house. The new structure would occupy most of the rear yard, which is part of the environmental setting, but it could be removed in the future. The Secretary of the Interior's *Standards for Rehabilitation* #10 addresses the requirement that new work should be constructed in such a way that it can be removed in the future without damage to the historic resource (Attachment 1-1). The Standards also address changes to the environmental setting (#1, 2, 6, 10), and staff finds that clarity in construction of a separate building fronting Maryland Avenue will address this better than by altering the character of the house with removal of the rear porch and construction of a large rear addition.

COMMUNITY OUTREACH

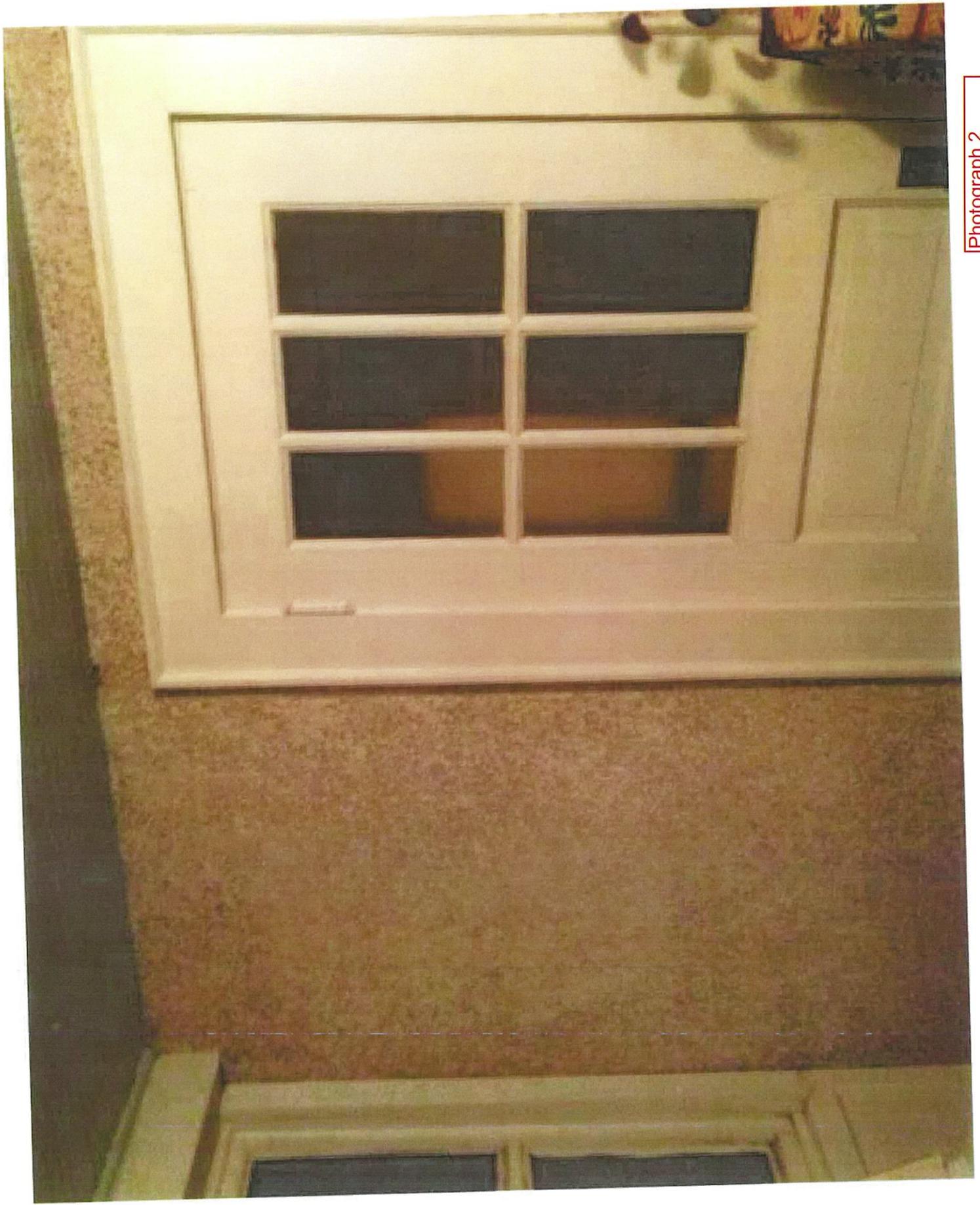
Posting of sign on property two weeks prior to meeting
Postcard notices sent out two weeks prior to meeting
Staff report posted on City's web site one week prior to meeting

STAFF RECOMMENDATION

Staff commends the applicant for the compatible design of the proposed place of worship. Staff recommends, however, that the applicant reconsider the proposed removal of the rear porch and construction of the new place of worship as an attachment to the existing house. Constructing the new place of worship as a free-standing structure will help maintain the character and residential scale of the historic residence.



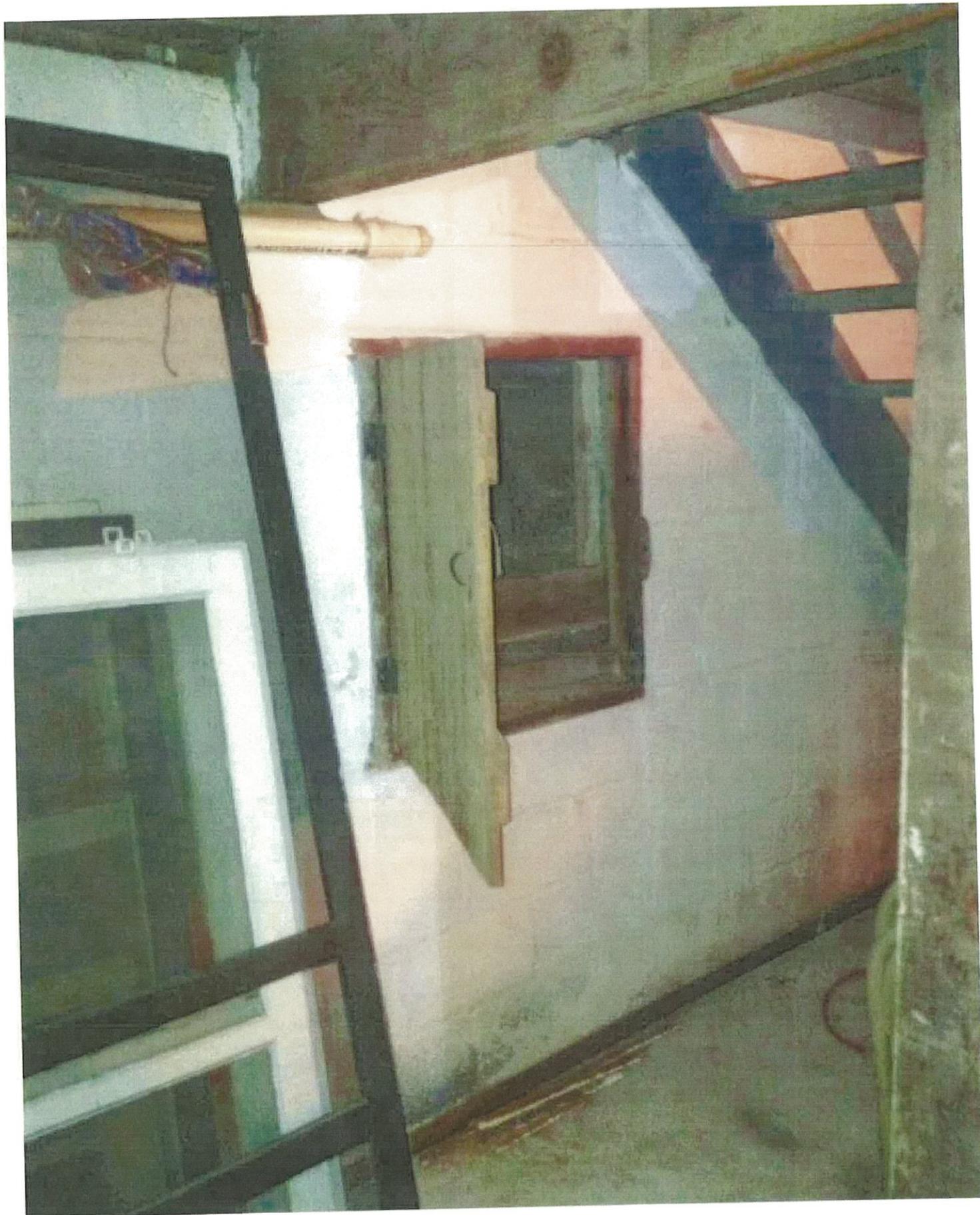
Photograph 1



Photograph 2



Photograph 3



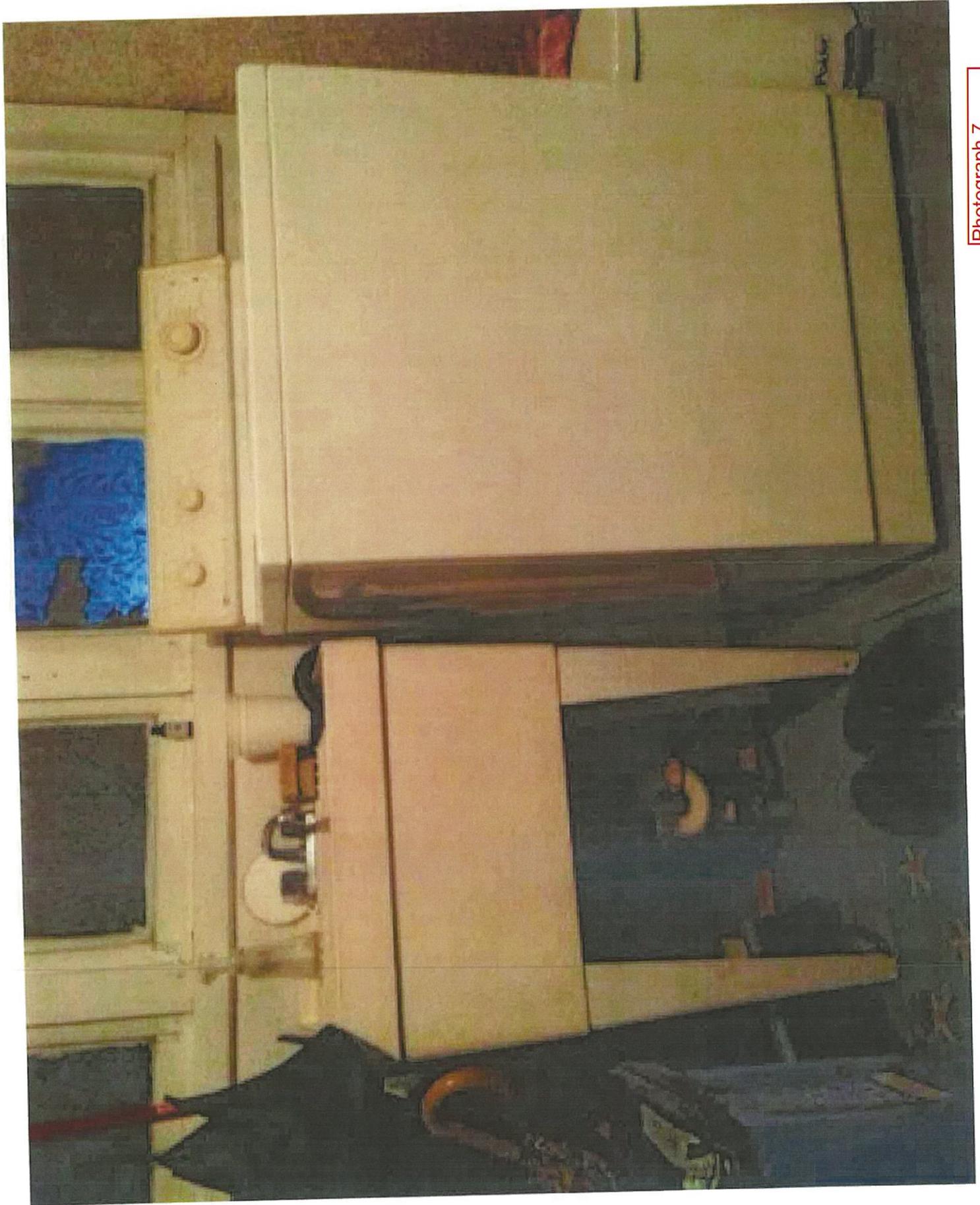
Photograph 4



Photograph 5

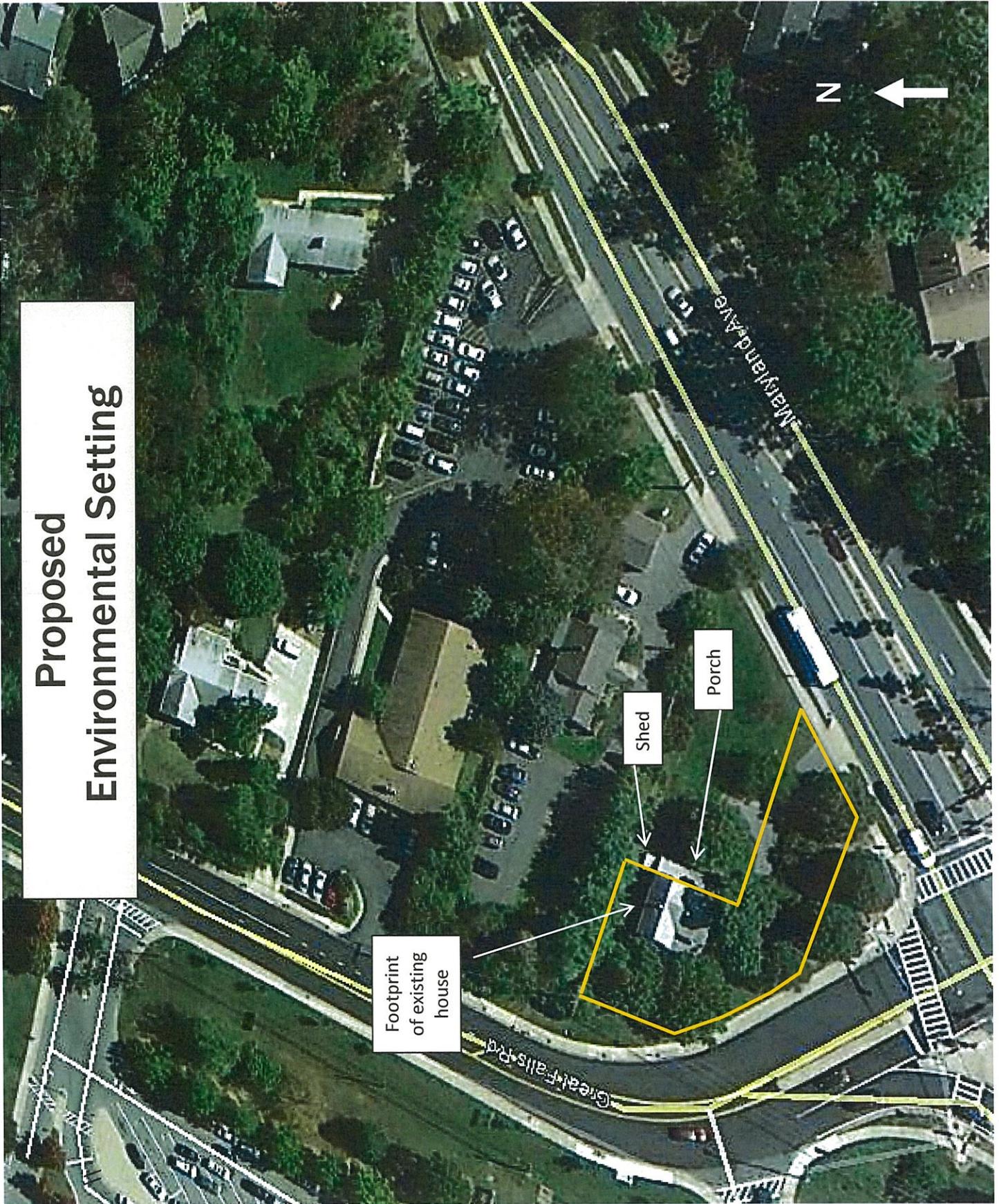


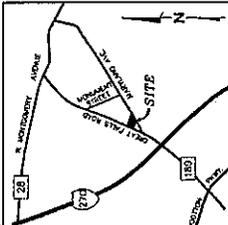
Photograph 6



Photograph 7

**Proposed
Environmental Setting**





VICINITY MAP
SCALE 1" = 2,000'

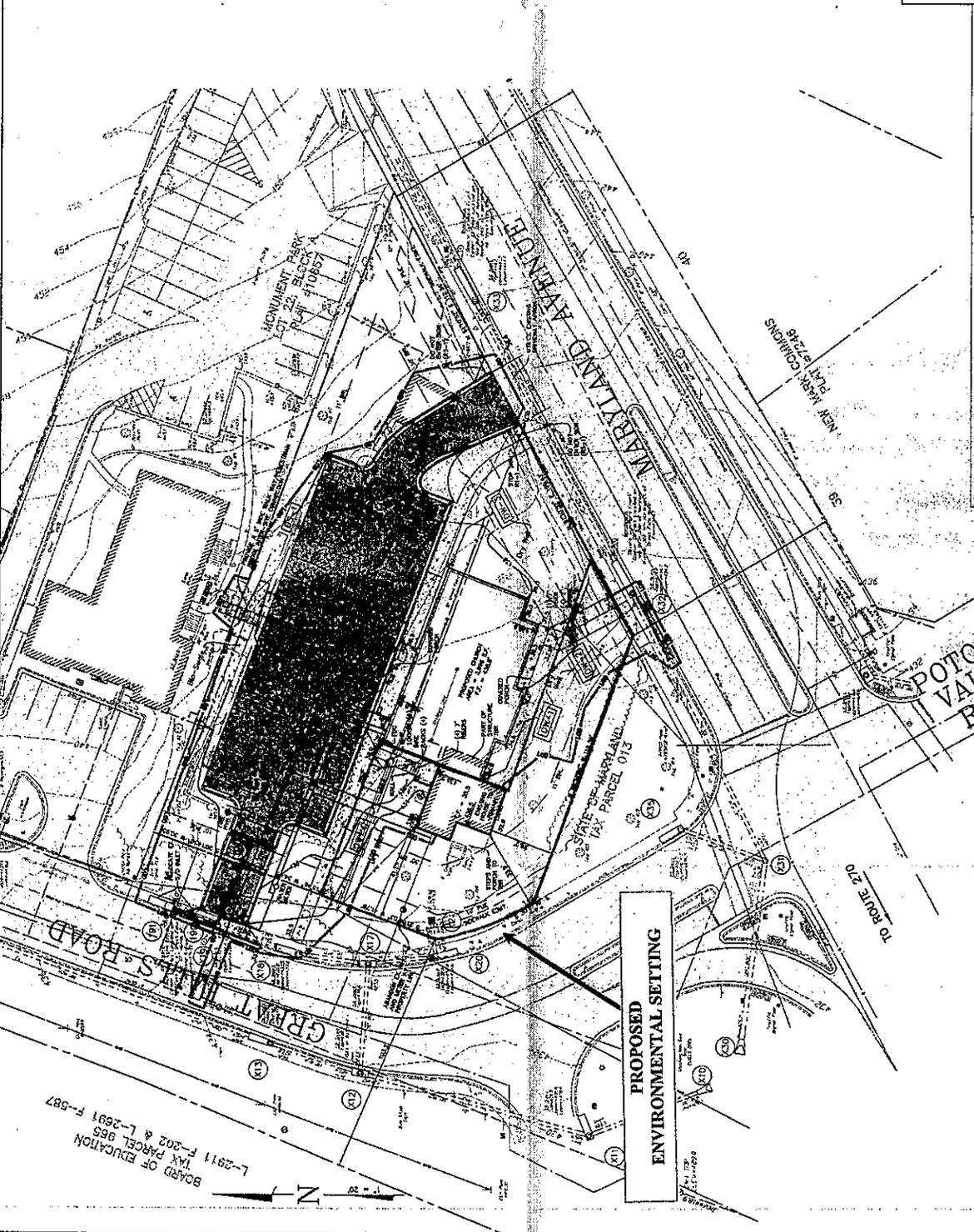
Legend	
EXISTING	PROPOSED



CITY MAP E-3
CITY OF ROCKVILLE - MARYLAND
CITY OF ROCKVILLE - MARYLAND
CITY OF ROCKVILLE - MARYLAND

SITE DEVELOPMENT PLAN
SP-2
(PROPOSED) MONUMENT PARK - LOT 33, BLOCK A
CHINESE JEHOVAH'S WITNESSES
TAX PARCELS 986 & 987, L-35950 F-418 & L-13195 F-351
FOURTH ELECTION DISTRICT - CITY OF ROCKVILLE - MARYLAND

	MHG Maurice Hendricks & Glasscock, P.A. Engineers & Planners Landscape Architects & Surveyors www.mhg.com Phone: 301-986-1234 Fax: 301-986-1234
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NO.	DATE	REVISIONS

Professional Certifications:
I hereby certify that these documents were prepared or approved by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Maryland, License No. 18729, Expiration Date: 2/28/23.
Scott D. Glass, P.E.

FOR LOCATIONS OF CITY WATER AND SEWER
CALL CITY UTILITIES FOR LOCATIONS OF
AFTER UTILITIES CALL MASS UTILITY
-800-257-7777 AT LEAST 48 HOURS
BEFORE BEGINNING CONSTRUCTION

BOARD OF EDUCATION
TAX PARCEL 985
L-2911 F-202 & L-2691 F-587

Great Falls Road Black Kinship Community, #628 Great Falls Road
Testimony of Eileen McGuckian, public hearing before the Mayor & Council, 9/30/13

628 Great Falls Road represents the remarkable history of a specific community of free blacks in Rockville. Every parcel of land in the 600 block – defined in the mid-19th century -- has experienced at least 6 successive generations of African American kinship ownership and residence. This community represents the strong desire of African Americans to provide adequate housing in a comfortable setting for their families in often difficult times. The tradition of preserving family lands and community here stretches more than 180 years. The house at 628 stands both on its own and as an anchor to a notable Rockville streetscape and kinship community. Constructed in the first quarter of the 20th century, it maintains architectural integrity and meets several criteria for designation as a Rockville Historic District.

Like any building anywhere in Rockville, 628 Great Falls is part of a larger picture. This house was built in a certain neighborhood in a certain style by certain people for a certain reason at a certain time. That is "context," where factors depend upon what happened before on the piece of property, why it came to be, how it has fared over the years, and what is there now. This year I have had the privilege of advising researchers as they delved into land, census, will, and other records and matched maps with memories and what we see today to learn the history and context of this neighborhood and this house. Long ago, I recognized Great Falls Road as one of 4 substantial historic black neighborhoods in Rockville, but this ground-breaking research opened my eyes to this community's place in Rockville's history, and I want to share the findings with you this evening.

In our beginning, there was Rockville. To this colonial crossroads came County government and shopkeepers and residents. Newcomers, younger sons, farmers, and investors purchased land in all directions, such as on the road to the Great Falls of the Potomac River. Many landholders owned slaves, but by the 1840s free black people in this area had settled on Samuel Martin's lane north of town, in Rockville along Washington Street and Middle Lane, and in this enclave along Great Falls Road. The largest number of free blacks lived in town; Martin's Lane and Great Falls Road were close to the same acreage.

In 1832 Jesse Leach -- a white saddler who published the Rockville newspaper, helped found the Baptist Church, and lived in the house still standing at 307 Great Falls Road -- sold 5 acres of land just down the road to Thomas Price for \$175. We haven't yet found an earlier relationship between Leach and Price, but Leach was a slave owner who regularly took in young apprentices, both white and black, to teach them farming and saddlery. SLIDE 2 -- 307 GREAT FALLS ROAD and 1856 DEED

In 1832 Thomas Price was a free black man, 49 years of age. That same year, his name, with those of his wife Tabitha and daughter Martha, were on a list of Free African Americans of Maryland created to determine how many former slaves were interested in relocating to Africa. The Sheriff ended his report "There is none of the foregoing list that is willing to go to Liberia." Price intended to remain on Great Falls Road. In 1853 he was assessed for an improved lot \$200, household furniture \$30, and livestock \$110. Three years later he purchased another 2 ½ acres, with buildings, for \$16. At his death in 1858, most of Thomas Price's land went to his daughter Martha, who had married a slave named Tilghman Graham. Another daughter, Sarah, with husband Henry Dove and their children, were slaves who lived elsewhere.

SLIDE 3 – MAP OF 4 PARCELS In 1833 Leach sold 1 acre just north of the Price homestead to Sarah Hopkins and in 1845 another acre farther north with a house on it to Ann Willson. With the 2 sales to Thomas Price, these 4 transactions created a 9¼ acre enclave of free black families on land that is now the 600 block of Great Falls Road, down to the corner of what is now Maryland Avenue. Ann Willson signed her deed with an X and was one of some 1,300 free blacks in Montgomery County. She married a Mr. Davis and lived on Great Falls Road. In 1879, she willed featherbed quilts and dresses to her daughter-in-law, grandchildren, and great-granddaughter, and her house to stepson William Davis.

SLIDE 4 -- 1865 MAP WITH 5 BUILDINGS marked "Cold. – (contraction of Colored) No doubt these families watched Jeb Stuart and 3,500 Confederate troopers ride past their homes in June of 1863. Some of the men may have joined the U.S. Colored Troops. Of the 12 black landowners in Rockville recorded in the 1867 Freeman's Bureau Records, 5 held parcels located along the Great Falls Road. They are Ann Willson Davis, Martha Graham, Daniel Brogden, Hillaery Carroll, and Louisa Blair. Martha and Tilghman Graham continued to

live here through the remainder of the 19th century. They saved money to reacquire the 3 acres of her father's land, from the executor of his will. **SLIDE 5 -- 1879 ATLAS** and note names: Tilghman Graham, George Blair, and Benoni Davis (stepson of Ann Willson)

Into the 20th century, the pattern continued. Each generation lived where they had been raised, invited other family members to the community, lived in multi-generational households, and built new homes nearby or on the site of earlier structures. Ann Willson's stepchildren added homes of their own. Her granddaughter Eliza Ann Davis Johnson replaced Ann Willson's old house at 600 Great Falls in 1913 with what has been the home of Nina Clarke for almost 70 years now. **SLIDE 6 -- 600 GREAT FALLS ROAD** Mrs. Clarke is a respected educator in segregated and integrated Montgomery County schools and an award-winning author.

SLIDE 7 -- BESSIE AND VERNON HILL WITH HOUSE Eliza and husband William Johnson sold a quarter acre to their daughter Elizabeth "Bessie" and husband Vernon Hill so they could build #602, which was designated by you in 2010. Vernon was the son of Reuben Hill, Sr., a slave of the Stonestreet family, and a laborer who gardened for local families. Bessie worked as a laundress and was the organist at Jerusalem M.E. Church. Both literate, they knew the value of education.

In addition to these close family ties, black families here maintained relationships with their white neighbors. Small pieces of their land nearby became part of "Rockville Heights," a railroad-inspired subdivision that stretched from near City Hall along Maryland Avenue to the back lots of the early kinship parcels. **SLIDE 8 -- ROCKVILLE HEIGHTS SUBDIVISION AND 1894 HOPKINS MAP** By 1894, this community and Rockville Heights are clearly delineated. After Martha Graham died in 1903, taxes were not paid on her property and it was acquired via tax sale by nearby farmers, Hezekiah and Elizabeth Trail. They in turn conveyed it to their son William in 1906. We believe Martha Graham's house, used as a rental by Trail, is #616.

The women and men of the Great Falls black kinship community earned enough to support their families, in the occupations that were open to them. The men who worked as carpenters, laborers, drivers, and farmhands by day became after-hours leaders in Rockville. The strong women who preserved the land for their families worked outside the home as domestic servants, housemaids, cooks, and laundresses, and took time to be active at Jerusalem and Clinton churches.

SLIDE 9 - JERUSALEM CHURCH AND ROCKVILLE COLORED ELEMENTARY SCHOOL

Immediately after emancipation, parents (literate and illiterate) championed public education for their children. They recognized the importance of literacy and fluency with numbers. From two Great Falls Road parents who petitioned the Freedman's Bureau requesting a school for colored children, to purchase of land in Rockville for the school, to trusteeship positions during a century of local segregated schools, residents stepped up to leadership roles.

By 1856, the one-acre parcel Leach sold to Sarah Hopkins was owned by Daniel Brogden and his wife Lydia. The Brogdens, along with Thomas Price, were members of Rockville M.E. Church. After Emancipation, when Jerusalem formed its own congregation, Brogden became a preacher and Tilghman Graham served as a trustee. Brogden officiated at the 1870 marriage of Louisa Carroll [a 43 year old mulatto housemaid] and George Blair, whose descendants lived on Great Falls Road for decades. As owners and renters, Brogden family members lived here through the 1920s.

SLIDE 10 - 1917 ATLAS After the turn of the 20th century, Great Falls Road filled in with more residences and auxiliary buildings to be used by more people, while around them the town and outlying areas were also expanding. The 1917 Deets and Maddox Real Estate Atlas shows black landowners Eliza Johnson (granddaughter of Ann Willson), Elizabeth Hill (Willson's great-granddaughter), F. Nugent (Willson's great-grandson), and Jane Brogden, with white men William Trail and W.R. Pumphrey owning adjacent land. Ferdinand and Emma Nugent (and often her siblings) lived in the bungalow at 608 Great Falls, and the small dwellings of Sam Green and Asbury Johnson stood behind that, where a successor house is now #610. While most of the Rockville Heights subdivision remained vacant until well into the 20th century, a victim of economics, the town's population swelled to more than 1,100. Near the Trails lived the Hebron family, one of whom opened a printing business before moving the press into Rockville in the 1940s.

SLIDE 11 – 628 GREAT FALLS ROAD Around this time, the current house at #628 was constructed. The land was part of the 1832 sale from Jesse Leach to Thomas Price, and it conveyed to Martha Graham, Price's daughter, through his will following his death in 1858. There may have been a previous house here, but we cannot be sure of that. This house was built under the ownership of William Trail, a doctor and unmarried, who lived with his parents on the west side of Great Falls Road. Trail bought the property from his parents, who had obtained it from the estate of Martha Graham. Trail owned it from 1906 to 1925, likely building for rental to members of the black families he knew as neighbors.

The house was designed in the vernacular of the period, probably by a local builder, who followed tradition with a gable front and wing style popular from 1880 through the 1930s. **SLIDE 12 -- 628 AND GABLE FRONT + WING RELATIVES (9 N ADAMS, 419 READING, 10 THOMAS, 302 GR FALLS)** When Trail sold in 1925, the deed noted a building on the property, so this house can safely be dated no earlier than 1907 and no later than 1924. Robin Ziek's estimate of 1923 is close enough. From the start, the Trail house served as the gateway to Rockville via Great Falls Road. Its location signaled entrance into the Great Falls Road black kinship community.

The tradition of preserving ownership of family lands in the kinship community remained vibrant through the first 3 decades of the 20th century, and into the 1970s. The great-grandchildren of Thomas and Tabitha Price lived in houses along Great Falls Road. Eliza Johnson left her property to her daughters; Lillian Hairston, the youngest of them, bought her sisters' shares in 1928, thus bringing 5/8 of Ann Willson's original purchase under one owner. Lil spent summers here, in the country, and in 1956 sold to the Masons to build the Masonic Temple at 612 Great Falls. Family members lived in the northern parcels at least until 1977 when Emma Nugent died.

SLIDE 13 -- 1949 ATLAS This excerpt from the 1949 Klinge (Klin-gay) Atlas shows 13 structures on the 9.75 acres. Most residents pumped water from wells, behind the houses were woods, and cornstalks filled the fields between here and town. That year, this neighborhood was annexed into the town of Rockville – along with more than 2,200 acres including Martin's Lane, Lincoln Park, parts of TwinBrook, and land to the north and west of town.

Segregation was still in practice, in most aspects of life in Maryland, Montgomery County, and Rockville. Interestingly, white families took over ownership of #628, and some lived there: William and Laura Bennett from 1925-31, Andrew and Margaret Freeburger from 1931-40, and Gail and Paul Kelley starting in 1940. The Bennetts were probably the first white family to actually live on Thomas Price's land.

Not for another 20 years – following Civil Rights rulings and legislation of the 1950s and 60s, particularly the Fair Housing law of 1967 – would most white and black people live in the same Rockville neighborhood, attend the same schools, and patronize the same restaurants. As barriers fell and opportunities arose, in Montgomery County the old patterns began to change. By the end of the 1960s, more white families were buying homes on Great Falls Road to live in, not only to rent out to blacks. The Masons and Jehovah's Witnesses bought properties on which to build new facilities. The interstate highway was completed, then widened, and construction of the interchange took land from Great Falls and Maryland Avenues. Although 628 lost some of its land, it continued to serve as gateway into this historic block. Gail Kelley sold #628 to the church in 2008.

SLIDE 14 – 628 WITH MAP OF 600 BLOCK Today, the Great Falls Road Black Kinship Community remains a nice place to live and a reminder of its 180 year old history. One can trace all parcels on the 600 block within the original acreage through 6 or more successive generations of African American kinship ownership and residence. The tradition of preserving ownership of family lands resulted in the serial division, through generations, of property acquired by a particularly industrious or fortunate relative.

The existing homes on Great Falls Road form a notable Rockville streetscape of small-scale vernacular housing, with successor and additional houses as families improved their circumstances and increased their descendants. These resources and their setting reflect that continuity and tell a story that should be preserved for future generations.

628 stands both on its own and as a part of this kinship community. It has aged well, maintaining integrity through its style and plan, windows, setting, and gateway site. It meets multiple criteria for designation as a Rockville Historic District. I suggest 1C, 2A and E and that the environmental setting include the entire parcel. **SLIDE 15 – FINAL SLIDE OF SOURCES USED AND 4-PARCEL MAP**

The Historic District Commission and the Planning Commission both strongly recommend historic designation, and so do I.
Thank you.

List of Sources used

Maps and Atlases 1865-1965 (1865 Martenet & Bond, 1879 and 1894 Hopkins, 1917 Deets & Maddox, USGS multiple years)
Montgomery County Land, Will, and Assessment Records
U.S. Census Records 1850-1940
Freedman's Bureau records
Rockville Directories 1918-1970s
Memories of residents and former residents
Rockville: Portrait of a City
Records of Jerusalem M.E. Church

List of Slides shown

- 1- Title Slide
- 2- 307 Great Falls Road and 1856 Deed
- 3- Colored map of 4 parcels from Leach to blacks on Great Falls Rd, 1832-1856
- 4- 1865 Martenet & Bond map, 2 views on same slide
- 5- 1879 Hopkins Atlas, 2 views on same slide
- 6- 600 Great Falls Road, home of Nina Clarke
- 7- Bessie and Vernon Hill with 602 Great Falls Road
- 8- Rockville Heights subdivision with 1894 Hopkins map
- 9- Jerusalem M.E. Church and Rockville Colored Elementary School
- 10- 1917 Deets & Maddox atlas, 2 views on same slide
- 11- 628 Great Falls Road
- 12- 628 Great Falls Road with some of its relatives elsewhere in Rockville
- 13- 1949 Klinge Atlas
- 14- 628 Great Falls Road with 2103 cadastral map of 600 block of Great Falls Road
- 15- Sources used, with repeat of slide 3 image

**GREAT FALLS ROAD
BLACK KINSHIP COMMUNITY**

628 GREAT FALLS ROAD

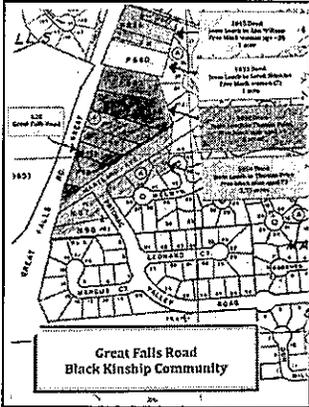
September 30, 2013



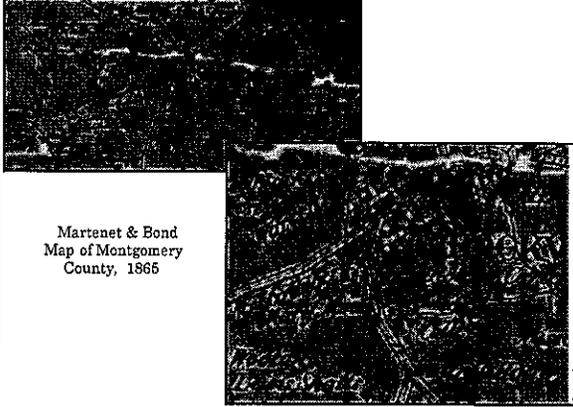
307 Great Falls Road
home of Jesse Leach



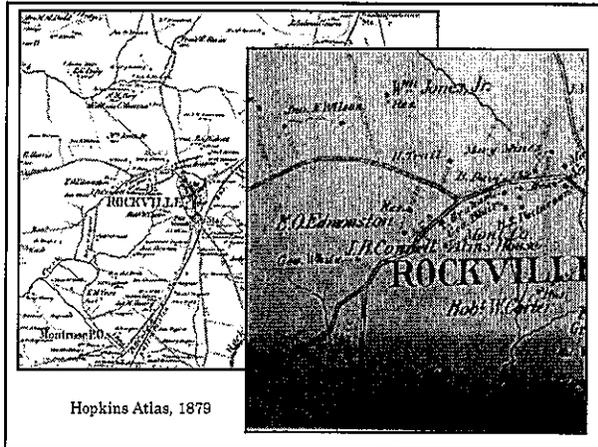
Deed, Leach to Thomas Price, 1856
2 acres, 2 roods, and 12/16 poles \$16



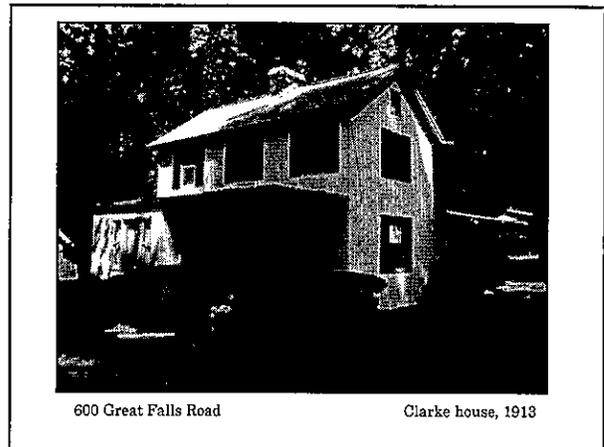
Locations of land sold by
Jesse Leach to free black
men and women,
in four parcels
between 1832 and 1856



Martenet & Bond
Map of Montgomery
County, 1865

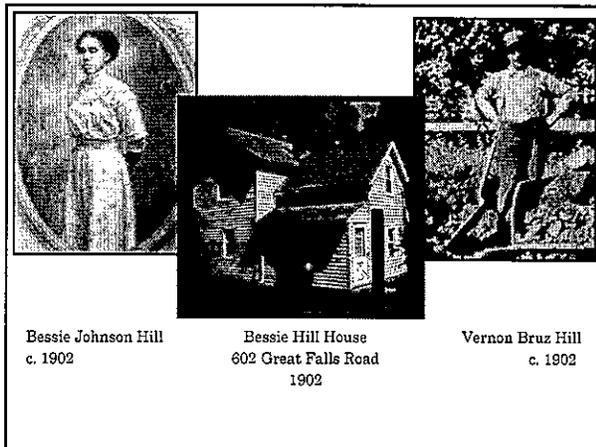


Hopkins Atlas, 1879



600 Great Falls Road

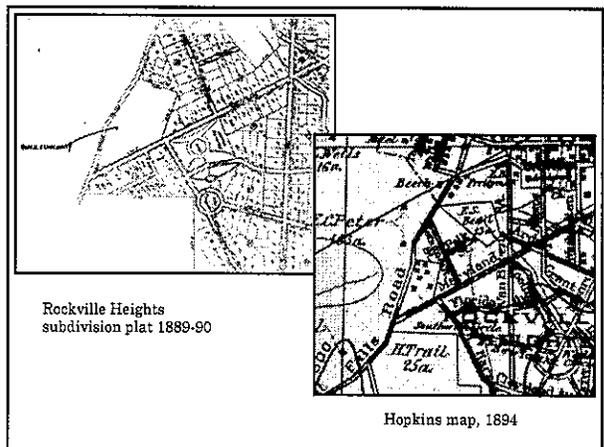
Clarke house, 1913



Bessie Johnson Hill
c. 1902

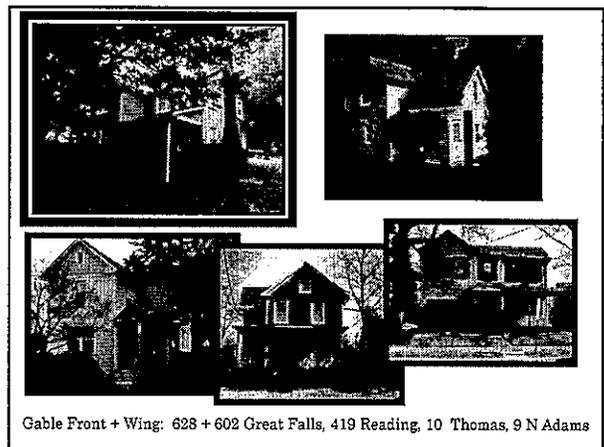
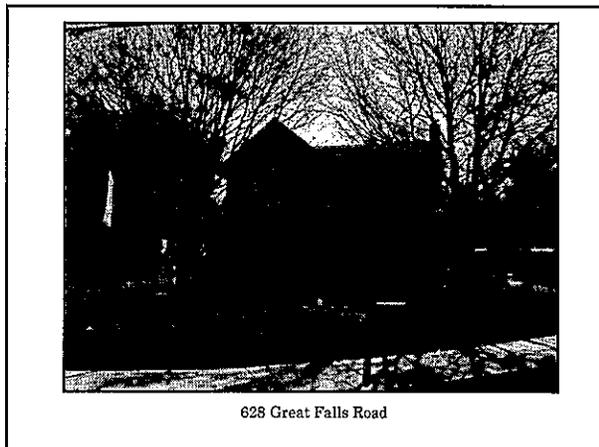
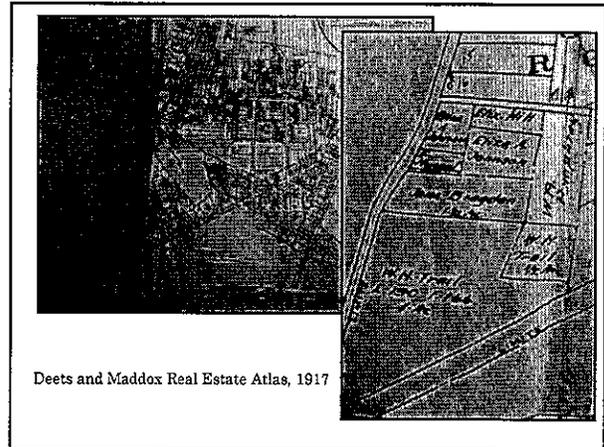
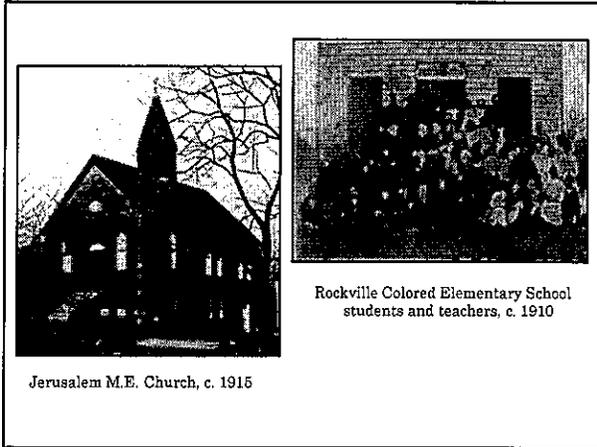
Bessie Hill House
602 Great Falls Road
1902

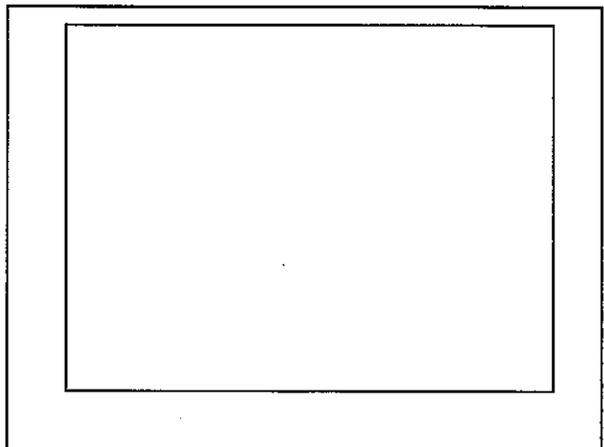
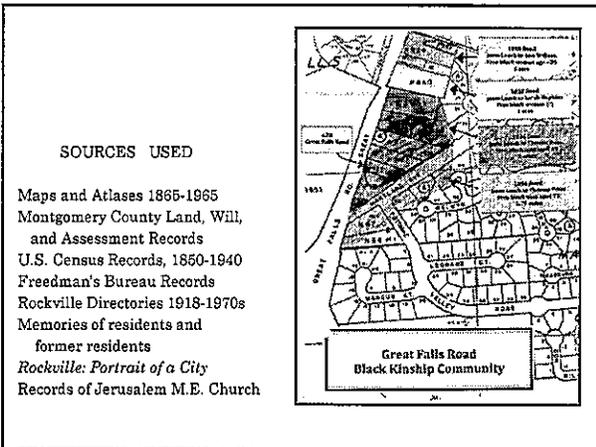
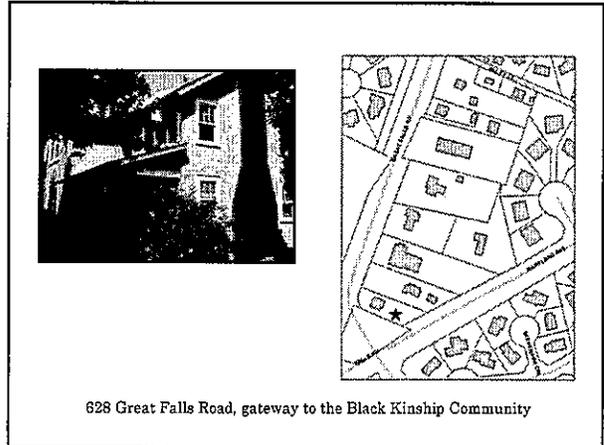
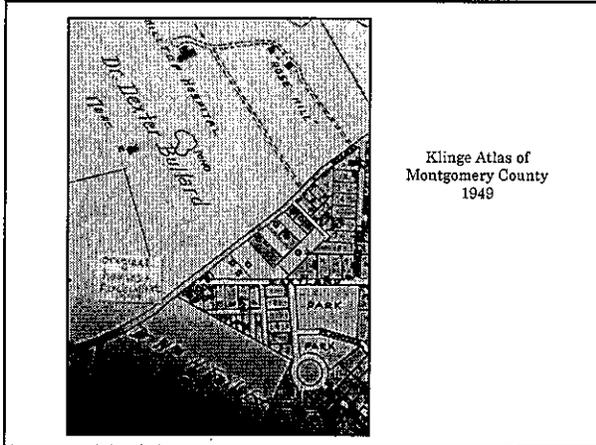
Vernon Bruz Hill
c. 1902

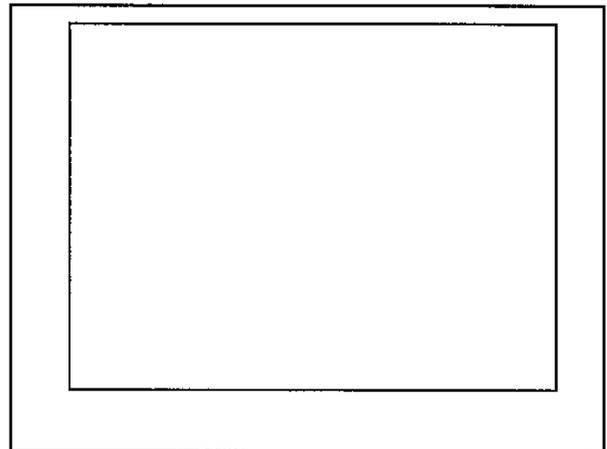
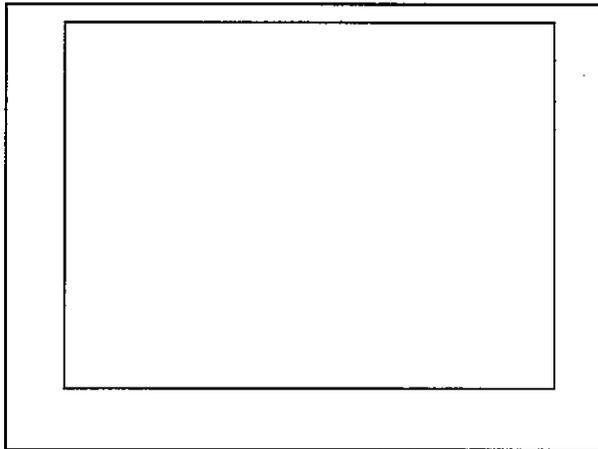
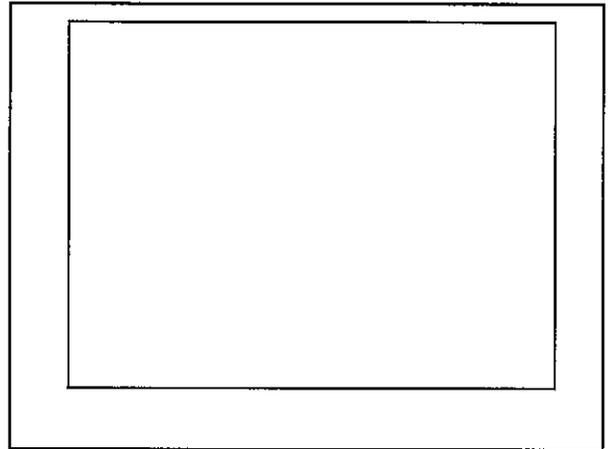
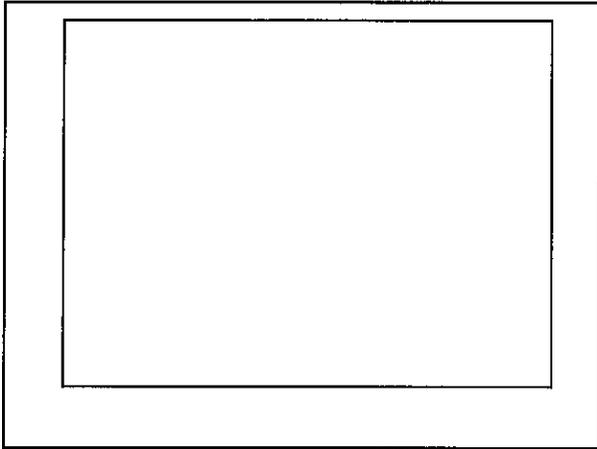


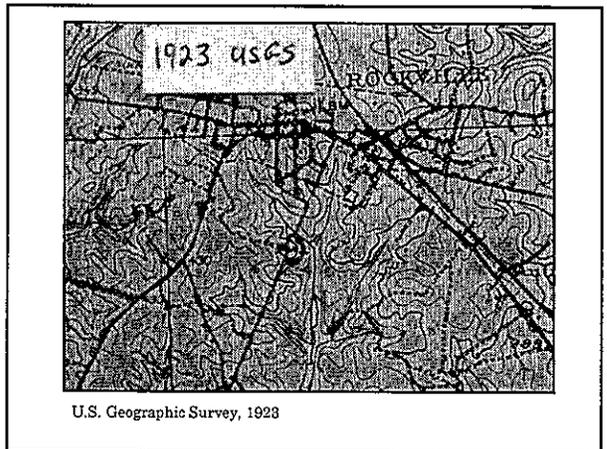
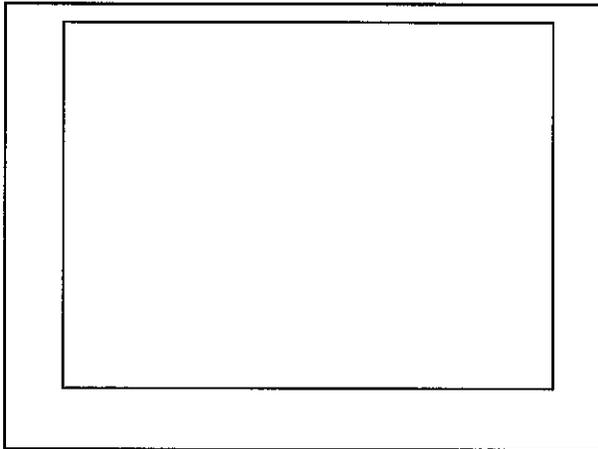
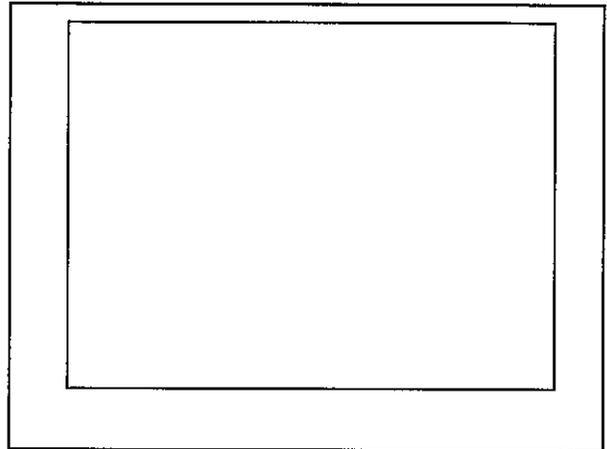
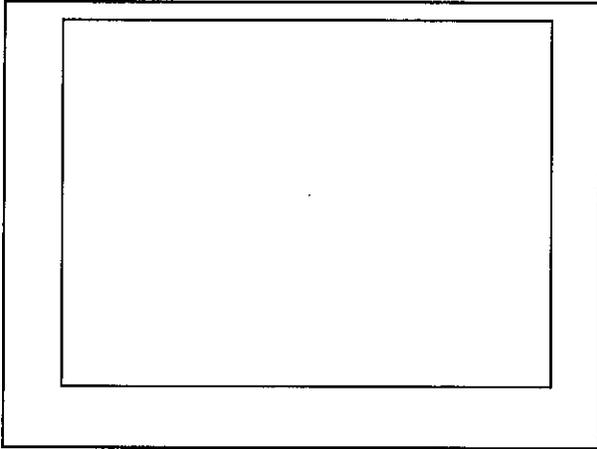
Rockville Heights
subdivision plat 1889-90

Hopkins map, 1894

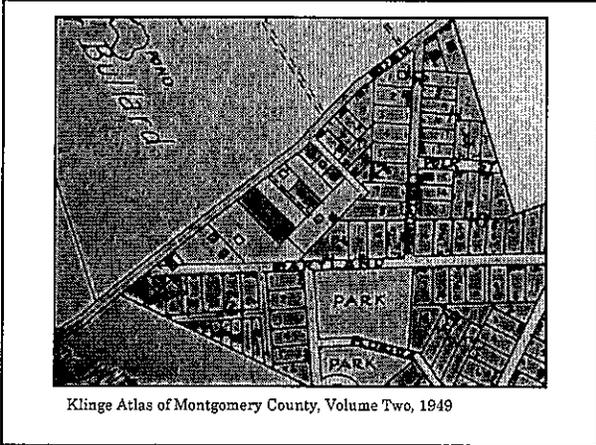




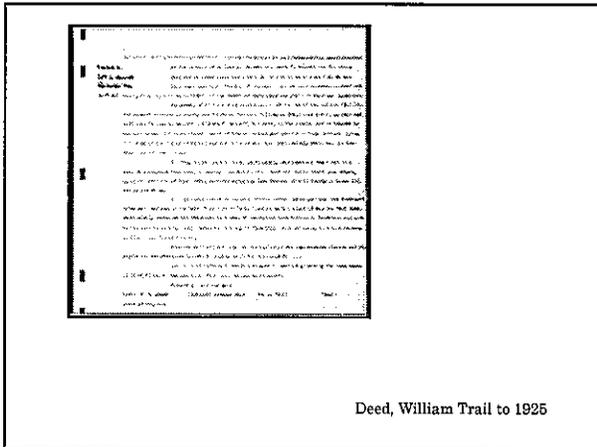
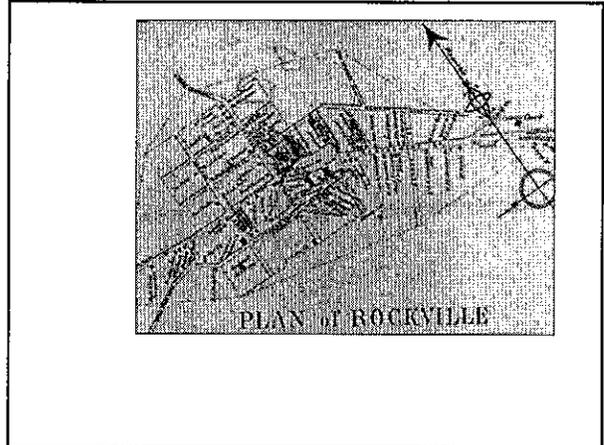




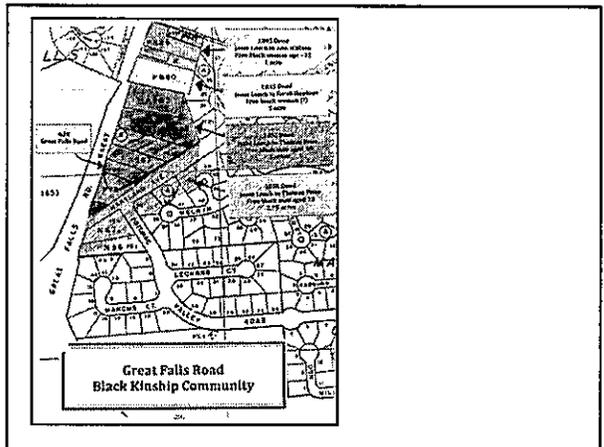
U.S. Geographic Survey, 1923

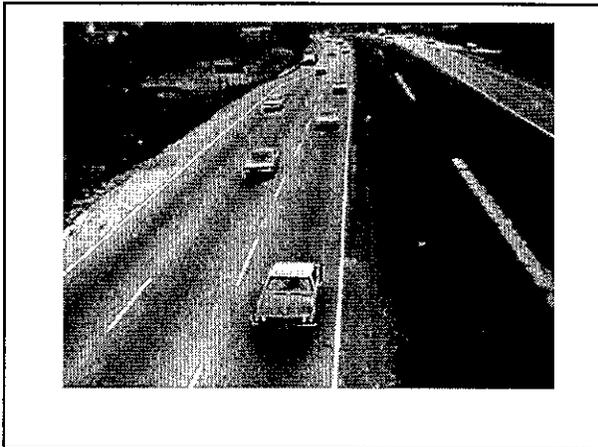
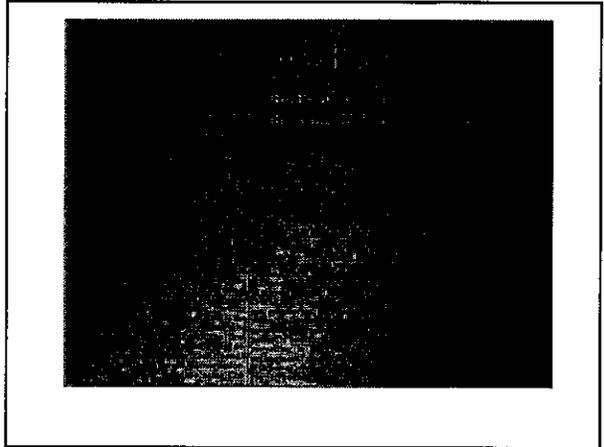
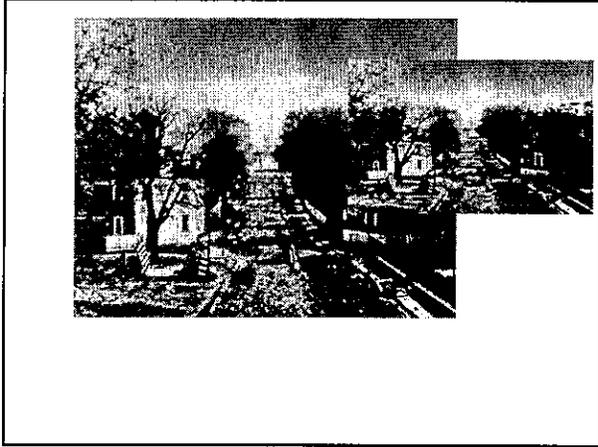


Klinge Atlas of Montgomery County, Volume Two, 1949



Deed, William Trail to 1925





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CITY OF ROCKVILLE, MARYLAND
2013 OCT -1 AM 9:45

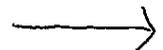
Mayor and Council of Rockville, Maryland
111 Maryland Ave
Rockville Maryland

September 29, 2013

Honorable Mayor and Council

I reside at 1111 Parrish Dr. Rockville and have been a resident of Rockville for 28 years. As one of Jehovah's in Rockville, I meet at the Kingdom Hall of Jehovah's Witnesses at 624 Great Falls Rd in Rockville. I have raised my daughter here and have attended religious meeting at that Kingdom Hall for 23 years.

I oppose "historic district" designation at 628 Great Falls Rd. My concern is that such a designation will interfere with or even prevent our Congregation's use of that house and yard for religious purposes



Honorable Mayor and Council

According to the official website of our city, if a house is given "historic district" designation, then building an addition on that house for use by our congregation may require a certificate of approval by the Historic District Commission.

I am writing you to request that you deny the recommendation for "historic district" designation of 628 Great Falls Road, Rockville

Thank you for your time and consideration.

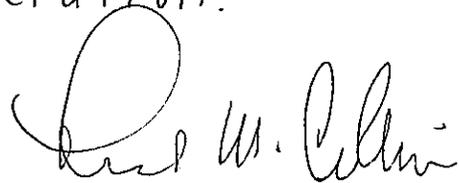


Exhibit No. 8
MAP2012-00112
Public Hearing: 09/30/13

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CITY CLERK'S OFFICE

2013 OCT -1 AM 9:46

September 28, 2013

Mayor Phyllis Marcuccio and Council of Rockville, MD
111 Maryland Avenue
Rockville, MD 20850

Dear Honorable Mayor and Council of Rockville, Maryland:

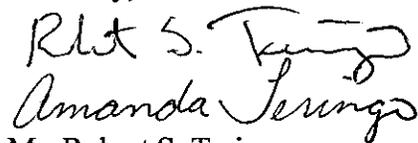
We reside at 2 Harrowgate Court in the city of Rockville, Maryland. My wife and I have been residents of Rockville for more than 35 years. I graduated from Wootton High School in 1981 and my wife graduated from Rockville High School in 1989. As Jehovah's Witnesses in Rockville, we meet at the Kingdom Hall of Jehovah's Witnesses at 624 Great Falls Road in Rockville. We have raised our two children here and have attended religious meetings at that Kingdom Hall for about 38 years.

We both oppose the "historic district" designation of the house at 628 Great Falls Road. We are concerned that such a designation will interfere with or even prevent our congregation's use of that house and yard property for religious purposes. According to Rockville's official website, if a house is given "historic district" designation, then we may require a certificate of approval by the Historic District Commission for any alterations or additions on that house. This would cause an unnecessary burden to our Rockville congregation.

We are writing you to request that you deny the recommendation for "historic district" designation of 628 Great Falls Road, Rockville.

Thank you for your consideration of this matter.

Sincerely,



Mr. Robert S. Teringo
Mrs. Amanda Teringo
2 Harrowgate Court
Potomac, MD 20854
240-314-0668
teringofamily@comcast.net

Exhibit No. 7
MAP2012-00112
Public Hearing: 09/30/13

RECEIVED
CITY CLERKS OFFICE

2013 OCT -1 AM 9:46

Mrs. Diane C. Ramsburg
1233 Simmons Drive
Rockville, Maryland 20851

Mayor and Council of Rockville, Maryland
111 Maryland Avenue
Rockville, Maryland 20850

September 27, 2013

Honorable Mayor and Council of Rockville:

I reside at 1233 Simmons Drive and have been a resident of Rockville for over 50 years. As one of Jehovah's Witnesses I meet at the Kingdom Hall of Jehovah's Witnesses at 624 Great Falls Road in Rockville, and have been a member there since 1978. I grew up in Rockville, attending Lone Oak Elementary School, Broome Junior High, and then graduating from Richard Montgomery in 1972.

I oppose "historic district" designation of the house at 628 Great Falls Road, which property is owned by Jehovah's Witnesses. My concern is that such a designation will interfere or possibly prevent our congregation's use of that house and property for religious purposes. According the official Website of our city, if a house is given "historic district" designation, then building an addition on that house for use by our congregation may require a certificate of approval by the Historic District Commission.

I am writing you to request that you deny the recommendation for "historic district" designation of 628 Great Falls Road, Rockville.

Sincerely,


Diane C. Ramsburg

Exhibit No. 6
MAP2012-00112
Public Hearing: 09/30/13

RECEIVED
CITY CLERK'S OFFICE

2013 OCT -1 AM 9:46

September 27, 2013

Mayor and Council of Rockville, Maryland
111 Maryland Avenue
Rockville, Maryland 20850

Honorable Mayor and Council of Rockville, Maryland:

I reside at 1233 Simmons Drive and have been a resident of Rockville for 57 years. As one of Jehovah's Witnesses in Rockville, I meet at the Kingdom Hall of Jehovah's Witnesses at 624 Great Falls in Rockville. I have raised my children here and have attended religious meetings at that Kingdom Hall for over 40 years. My children attended Lone Oak Elementary School, Broome Jr. High, Richard Montgomery High School & Rockville High School.

I oppose "historic district" designation of the house at 628 Great Falls Road. My concern is that such a designation will interfere with or prevent our congregation's use of that house & yard property for religious purposes. According to the official website of our city, if a house is given "historic district" designation, then building an addition on that house for use by our congregation may require a certificate of approval by the Historic District Commission.

I am writing you to request that you deny the recommendation for "historic district" designation of 628 Great Falls Road, Rockville.

Sincerely,



Nancy Tvardek
1233 Simmons Drive
Rockville, Md. 20851-2144
301-424-6653
ntvardek@yahoo.com

Exhibit No. 5
MAP2012-00112
Public Hearing: 09/30/13

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2013 OCT -1 AM 9:45

Mayor and Council of Rockville, Maryland
111 Maryland Avenue
Rockville, Maryland 20850

September 27, 2013

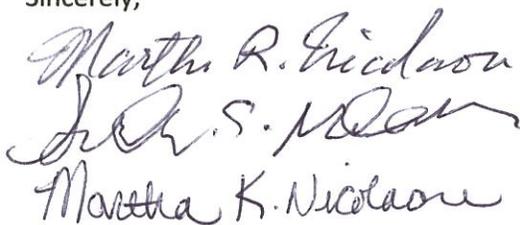
Honorable Mayor and Council of Rockville, Maryland:

I reside at 1710 Grandin Avenue and have been a resident of Rockville for 23 years. As one of Jehovah's Witnesses in Rockville I meet at the Kingdom Hall of Jehovah's Witnesses at 624 Great Falls Road in Rockville. I have raised my children here and have attended religious meetings at that Kingdom Hall for approximately 32 years.

I oppose "historic district" designation of the house at 628 Great Falls Road. My concern is that such a designation will interfere with or prevent our congregations use of that house and yard property for religious purposes. According to the official website of our city, if a house is given "historic district" designation, then building an addition on that house for use by our congregation may require a certificate of approval by the Historic District Commission.

I am writing you to request that you deny the recommendation for "historic district" designation of 628 Great Falls Road, Rockville.

Sincerely,



Mr. and Mrs. Gregory Nicolaou

1710 Grandin Avenue

Rockville, Maryland 20851

301-651-7022

Exhibit No. 4
MAP2012-00112
Public Hearing: 09/30/13

Sharyn R. Duffin

140 Douglass Avenue

Rockville, MD 20850

301-762-2422

Mayor and Council of Rockville

Rockville City Hall, 111 Maryland Avenue

Rockville, MD 20850

Subject: Historic Designation of 628 Great Falls Road

Dear Mayor Marcuccio and Members of the City Council:

My name is Sharyn Duffin. I am writing to speak in favor of Historic District rezoning of 628 Great Falls Road. I live at 710 Douglass Avenue, somewhat removed from the subject property. However, for many years, I have been interested in the history of the black kinship community on Great Falls Road where my grandfather, Vernon Hill, was born in 1898. I knew that Ann Willson, his grandmother's grandmother, purchased an acre of land and a house there for twenty-five dollars in 1845.

Last spring extensive research of census data, deeds, and wills revealed that the settlement dates from a dozen years earlier and was nearly ten times larger than previously known. It contains three additional parcels purchased by Thomas Price and Sarah Hopkins who were also free blacks.

628 Great Falls Road has significance beyond its value as an individual property. It along with 600, 602, 608 and 616 are the only extant historic structures from the Black Kinship Community. They are examples of vernacular or folk housing characteristic of working class residents of Rockville at the turn of the 20th century. Typically, these houses were renovated or replaced as circumstances permitted. The house at 616 is located on the Price land and likely evolved from a dwelling used by Martha Graham, daughter of Thomas Price. The Bessie Hill house at 602 dates from 1902, but has older elements. The Johnson-Clarke house was built in 1913 to replace a nineteenth century house.

Census and marriage records show descendants of the original property owners continued to live here into the 20th century. Ann Willson's one acre passed through several generations for more than one hundred and twenty-five years. Emma Nugent, who died in 1977, was the last relative to live in the enclave.

Sadly, descendants of Thomas Price were not so fortunate. In the space of two generations, they were dispossessed of the land. When Martha Graham died in 1903 she owed property taxes. Neighbors purchased the land at a tax sale in 1906. At some point before 1925, the subject house was constructed. It was then that William Trail sold it to William and Laura Bennett. The 1930 census records them as living there in the 1930 census.

This was a significant event, marking the first time a white family actually lived in the historic Great Falls Kinship community. This is another step in its evolution and a precursor of social change that would take more than forty years to unfold.

The remnants of this community deserve recognition and preservation. Many people I spoke to about this hearing instantly recall 628 Great Falls Road. It is a familiar landmark- reminiscent of a rapidly vanishing past- and one they would like to see preserved. This is a story that can only add to our knowledge of Rockville's development. It is a source of pride to the many descendants of the original owners, including the family who can boast descent from two of the original settlers- Thomas Price and Ann Willson.

The Historic District Commission and the Planning Commission both strongly recommend historic designation. I urge you to give your approval.

Sincerely,

Sharyn R. Duffin

September 30, 2013

**Testimony of Rose Hill Falls on
Historic Designation of 628 Great Falls Road
30 September 2013**

Good Evening, my name is Nadia Azumi and I live at [**6, Nocturne Court Rose Hill Falls**] I am Vice President of the Rose Hill Falls Home Owners Association and I am here to testify for that community tonight.

In June our community came before you and expressed our support for historic designation of 628 Great Falls Road. Since that initial meeting the Planning Commission, after reviewing the application and its compliance with the Master Plan, has recommended historic designation. More research has been done on the history of this property and the historic community which surrounded it. All of this adds to our conviction that historic designation is the right step for our neighborhood and the City.

As Jim Coyle, our president, said in June, there have been many incremental steps which the city has taken to preserve the residential character of this portion of the West End. In the 1980s the Mayor and Council voted in favor of residential development rather than an office complex on the fields owned by the Bullards. That is where our community stands today and the house that I call home. Subsequently, land was set aside to create Millennium Park across from the house at 628 Great Falls Road. While adding beauty to the intersection the park also preserves a sense of openness and the farms that stood here before the I-270 interchange was created. The house at 628 Great Falls Road is the capstone of this preservation effort, one that is essential if we are to maintain the residential character of the neighborhood which we love.

I, personally, and our community strongly urge you to vote in favor of historic designation. Thank You!



WECA Letter On Jehovah's Witness Request for HDC Review

Jim Coyle

to:

Mayor & Council

09/18/2013 11:17 AM

Cc:

noreen bryan, Patricia Casillas

Hide Details

From: Jim Coyle <jimcoyl@gmail.com>

To: "Mayor & Council" <mayorcouncil@rockvillemd.gov>

Cc: noreen bryan <noreen1945@yahoo.com>, Patricia Casillas <rpre0909@hotmail.com>

Exhibit No. 2

MAP2012-00112

Public Hearing: 09/30/13

Dear Mayor Marcuccio and Members of the Council,

We are dismayed that the City has not responded to our repeated requests to have the courtesy review of the Jehovah' Witness Attorney before the Historic District Commission on September 19th cancelled for legal reasons. On August 14, our Attorney sent a detailed letter citing our concerns for this action. On September 9th, at your Citizen's Forum, I requested a response to our August 14 letter. As of today, September 17, we have not had a response from the Mayor and Council or the City Attorney.

We are again requesting that you rescind your approval of the Jehovah Witness review before the HDC on September 19th for the reasons outlined in the August 14 th letter. In addition, we are asking again for a formal response from the City Attorney to our issues in the August 14th letter.

Again, we are dismayed by the lack of an official response from City Hall to the serious issues contained in our letter. This is no way to treat legitimate issues brought to your attention.

Sincerely,
Jim Coyle

On behalf of the West End Citizens Association, Rose Hill Falls HOA and Rose Hill HOA

Exhibit No. 1
MAP2012-00112
Public Hearing: 09/30/13

Routed To: Mayor
 Council
 City Clerk
 City Manager

Attorney
 Council Support Specialist
 Other Susan Swift
Andrew Gunning

ATTACHMENT B



THE LAW OFFICE OF
Michele
Rosenfeld LLC

August 14, 2013

2013 AUG 15 AM 11:48
CITY CLERK

Mayor Phyllis Marcuccio
Councilmembers Mark Pierzchala,
Tom Moore, John F. Hall, Jr. and
Bridget Donnell Newton
City Hall
111 Maryland Avenue
Rockville, MD 20850

RE: 628 Great Falls Road: Sectional Map Amendment MAP2013-00112

1. Request to Cancel Special Agenda Item re: 628 Great Falls Road at September 19, 2013 HDC Meeting
2. Request to Reinstate September 9, 2013 Historic Designation Hearing before Mayor and Council

Dear Mayor and Council:

On behalf of my clients, the West End Citizens Association, Rose Hills Falls Community Association and Rose Hill Homeowners Association ("Citizens"), I request that the Mayor and Council: (1) remove site plan STP2012-00114 from the Historic District Commission's September 19, 2013 agenda; and (2) reinstate the Mayor and Council's September 9, 2013 Historic Designation Hearing on the property located at 628 Great Falls Road ("Site"). The Citizens ask for this relief because the proposed September 19, 2013 Historic District Commission hearing violates state and City law.

Moreover, while City law prohibits the Applicant from making alterations to the property through September 6, 2013 the requested delay offers the Applicant an open-ended opportunity to irreparably damage the historical integrity of the very resource that is under consideration for historic protection. This possibility is highly prejudicial to the Citizens' interest in these proceedings.

The Site is currently undergoing a sectional map amendment rezoning process pursuant to Section 25.14.01 Rockville City Zoning Code, *i.e.* Historic District Zones, based on a Nomination of Property for Local Historic Designation filed with Rockville's Historic District Commission on February 8, 2013.

On April 18, 2013 the Historic District Commission recommended that the Site be rezoned from R-90 to R-90HD (Historic District); on June 17, 2013 the Mayor and

While the Mayor and Council could authorize such a process through a text amendment to the Zoning Ordinance, it would be highly inappropriate to make such an amendment while the subject application is pending.

If the Mayor and Council decide to approve the Map Amendment, then both state law and the Rockville Zoning Ordinance require Historic District Commission review and approval of any proposed exterior modifications (including additions to a historic building).² This review, however, is not relevant at *this* stage of the process -- *i.e.*, before the Mayor and Council decide whether or not the Site should be designated as an Historic District in the first instance.

Not only would a pre-designation Historic District Commission review violate state and City law, it would be highly prejudicial to the individual who filed the Nomination and to the many citizens who have conducted extensive research in support of the historicity of the Site (including neighboring property owners who would be aggrieved in this process). Potential, future modifications to the existing structure, which may or may not be designated historic, play **no** role in the City's decision on whether or not the Site qualifies as a historic resource and/or whether or not it should be so designated.

If the Site is rezoned as a historic district site and the owner thereafter seeks to make changes, then the property owner must obtain a Certificate of Approval from the Historic District Commission. In order to obtain such a Certificate, a property owner must file a formal application, post the property with a sign, and send written notification to certain adjoining and confronting property owners. Any Historic District Commission hearing to consider a Certificate of Approval is conducted pursuant to specific procedures that afford due process to all participants, including public comment. It is unfair and unreasonable for the Applicant to be afforded pre-application guidance from the Historic District Commission on the preparation of a potential future Certificate of Approval application (if the Site is rezoned) that the Historic District Commission then would substantively review on its merits. This is analogous to an attorney obtaining legal advice from the very judge who will later rule on the case. The Historic District Commission cannot be an impartial, disinterested agency of the

demolition permit under this section 25.14.01 until the designation process is complete, unless the property owner first obtains a certificate of approval from the Historic District Commission in accordance with the provisions of section 25.07.13. . . ." (Emphasis added.) Therefore City law provides a process for Historic District Commission review of a site if alterations are contemplated during the rezoning process, but does *not* provide for Historic District Commission commentary on a pending site plan application.

² MD. LAND USE CODE § 8-303 (Application for change to site or structures – Review of application); Rockville City Zoning Ordinance § 25-13.07 (Certificate of Approval in Historic Districts).

ATTACHMENT ONE

Sec. 25.14.01. Historic district zones.

- a. *Purpose.* The historic district zone is an overlay zone. The purpose of the zone is to:
1. Safeguard the heritage of the City by preserving sites, structures, or areas which reflect ~~elements of cultural, social, economic, political, archaeological, or architectural history;~~
 2. Stabilize and improve the property values of those sites and structures, and the adjacent neighborhood;
 3. Foster civic beauty;
 4. Strengthen the local economy; and
 5. Promote the preservation and the appreciation of those sites and structures for the education and welfare of the residents of the City.
- b. *Location.*
1. *Underlying zoning.* The regulations of the historic district zones are in addition to the underlying residential or nonresidential zoning regulations.
 2. *Established location.* The historic district zones are depicted on the zoning map incorporated into these regulations in article 2
 3. *Future location.* The Mayor and Council may establish, change, layout, and define future historic district zones which are of local, state, or national or historical, archaeological, or architectural significance.
- c. *Historic District Commission.* The Historic District Commission is subject to the provisions of section 25.04.04
- d. *Designation of properties.*
1. *Initiation of process.* The process of evaluating a property for possible historic designation due to its historic, archaeological, or architectural significance begins upon the occurrence of any of the following:
 - (a) The filing of an application nominating the property for historic designation by one (1) or more of the following:
 - (i) The property owner;
 - (ii) The Historic District Commission;
 - (iii) The Mayor and Council;
 - (iv) The Planning Commission; or
 - (v) Any other person;



HISTORIC DESIGNATION CRITERIA

The following checklist to used to assist in evaluating the significance of nominated properties. Standing structures and sites, including archaeological sites, must be determined to be significant in one or more of the following criteria to be found eligible for historic designation:

I. Historical and cultural significance:

- A. Event: the site of a significant historic event
- B. Person: identified with a person or a group of persons who influenced society
- C. Pattern of Events: exemplifies the cultural, economic, social, political or historic heritage of the County and its communities
- D. Cultural Value: has character, interest, or value as part of the development, or cultural heritage of the City, County, State, Nation

II. Architectural and design significance:

- A. Embodies the distinctive characteristics of a type, period or method of construction
- B. Represents the work of a master
- C. Possesses high artistic values
- D. Represents a significant and distinguishable entity whose components may lack individual distinction
- E. Represents an established or familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape

Historic Integrity of structure and site:

Original site and setting largely preserved (lot size, environmental character, trees, setbacks, streetscape)

Outbuildings present and largely preserved

Original or near original condition (all changes reversible)

Minor alterations (porch removal or enclosure, roof material replacement, siding added over old siding, basic mass and fenestration intact)

Substantially Altered (basic shape, original façade plan, windows and doors have been obscured or changed)

Level of site significance: Local; State; National