

BOARD OF ZONING ADJUSTMENT

Wisconsin Avenue Baptist Church and Sunrise Senior Living
3920 Alton Place, NW, Washington, DC 20016
Square 1779, Lot 14
CASE NO. 19823

**Tenleytown Neighbors Association
Statement in Opposition**

November 14, 2018

**THIS MASSIVE BUILDING IS TOO LARGE ON A SINGLE-FAMILY (R-1-B) LOT AND
IS TOO CLOSE TO OUR SINGLE FAMILY HOMES.**



FRONT (church area in yellow, which includes second floor space above sanctuary)



REAR - 5 single family homes, about the same height as the trees, occupy the property across the foreground.

Sunrise Drawings, Exhibit 69E2, pages 5.3 and 5.1

THE QUESTIONS BEFORE YOU

The question is not whether a Continuing Care Retirement Community (CCRC) can receive a special exception in a residential zone. Since 2016, they can.

The question is whether a *specific* CCRC meets the six conditions required by the regulations.

The determination is whether the size and volume of use of this *specific* proposal is too large and therefore objectionable in a residential zone.

In order for Sunrise, Inc. to locate its proposed building at 3920 Alton Place NW, they are asking for at least three area variances and at least two special exceptions.

The requested relief is:

1. Variance to allow four stories instead of three stories,
2. Variance to allow 58% lot occupancy instead of 40%,
3. Variance to eliminate an 8-foot side yard setback,
4. Special exception for a 13 foot rather than 4 foot retaining wall; and
5. Special exception to locate a CCRC in an R-1-B single family neighborhood.

The requested multiple and dramatic changes to zoning should result in a disapproval by the Board of Zoning Adjustment (BZA). It is putting 20 pounds of flour in a 5-pound bag.

Filling the Entire Lot. The proposed building would use the entire lot. It would be 4.8 inches from the property line on the Yuma Street side; on the property line of the National Park Service; 10 feet from the Alton Place property line where the drop-off - pick-up and entrance to the truck ramp will be; and on the fourth side, where they share the property line with 5 single family homes facing 39th Street, there would be a truck ramp dropping 13 feet where loading and an open roll off trash container would be located. Those homes have short lots so they are very close to the truck ramp; some homes are 9 ½ feet from the lot line.

Quiet Neighborhood not touching Wisconsin Avenue. Despite its name, Wisconsin Avenue Baptist Church (WABC), the church is not on Wisconsin Avenue. It is on Alton Place. The neighborhood is a quiet neighborhood. Wisconsin Avenue is a main thoroughfare with 6 lanes of traffic during rush hour. Wisconsin cuts straight through Tenley Circle so most cars never leave Wisconsin to get on the Circle unless they wish to use Nebraska Avenue, which has federal park land on both sides and is not zoned commercial, nor are there commercial establishments on Nebraska. Alton Place and Yuma see even less traffic.

Two Uses on One Lot. Exacerbating the volume of use in this single family neighborhood, the Applicant, WABC and Sunrise, Inc, asks to put two uses on one lot.

Need 1.5 acres but chose lot less than one acre. The applicant alleges that their request for a special exception for the CCRC must include the granting of at least three area variances in order to provide financial viability to a failing church and a CCRC but, in reality, it is an attempt to rewrite the zoning regulations. It should be rejected by the BZA. Sunrise argues that a CCRC, as allowed by the regulations, would require a 1.5-acre lot, but have chosen a 0.81-acre lot. Thus, they posit that they deserve multiple and severe variances to build their facility. Sunrise's argument is wrong and 3920 Alton Place is the wrong site for Sunrise.

Ownership. WABC and Sunrise collectively are the applicant(s) in this case, a claim which is confusing the issues before the BZA. As discussed below, it is undisputed that WABC is the current owner of the property. It is also clear that only a property owner may request a variance for its own use, and that in considering the request, the BZA may consider only the needs of the property owner and the practical difficulty to the property owner.

Lot is Viable for a Church. All of the extensive zoning relief requested in this case is based on what Sunrise needs in order for it to construct a senior living facility that generates enough profit to meet its corporate demands and to build a new church with a permanent endowment and subsequently to satisfy its shareholders upon sale of the

facility to Welltower. Applicant has made no case that the property as zoned is not a viable site for a church. In fact, one option cited by WABC is that they could sell to another church.

Zoning, Comprehensive Plan and Maps. The lot and neighborhood are single family detached R-1-B on the Future Land Use Map (FLUM) and the site is located in a Neighborhood Conservation Area on the Generalized Policy Map. See relevant Comprehensive Plan sections at bottom.

Volume of Use. The proposed volume of use exceeds what is allowed in a single-family detached zone. The zoning plan does not contemplate a commercial CCRC senior assisted living business with approximately 200 people on site (121 residents and more than 70 staff) plus a 250-seat church on a lot zoned for single family detached homes and located in a neighborhood of single-family detached homes. For a total of 450 people. Is it appropriate for 450 people to be allowed to be on a lot intended for single families? This 450 does not include church activities besides worship service or visitors to the CCRC residents or events, such as the concerts they tout. Plus, many residents of Sunrise facilities hire their own assistants and are visited by their personal healthcare providers. We have no way to estimate that number.

People not Units. The number of units, currently 86, is not the important number. The number of people is the important number. You can have 100 units, 86 units or 70 units and have the same 121 residents with 70 staff. It is the volume of use – number of people - that is significant not the room arrangements.

Use Far More than Single Family Use. Consider that the 200 people affiliated with Sunrise on this lot every day is approximately 172 more people than would likely be on site if it were the 7 single family lots that existed before the church consolidated 7 lots into one large lot to build their church. We are approximating 4 people per house.

These dramatic requests place a heavy burden on applicant.

VARIANCES

Requested Area Variances for 58% (from 40%) lot occupancy, 4 stories (from 3 stories) and elimination of the required 8-foot side yard setback

The variances requested are dramatic. Sunrise alleges that they must have 86 units and 121 residents to be financially viable. From this they extrapolate that the square footage required by such a large facility means that the BZA must approve the area variances. The drafters of the Special Exception for a CCRC did not include any reference to two uses on the same lot – a church and a CCRC – and the extra units and residents sought for revenue generation to pay WABC for use of their land.

Only an Owner Can Ask for Variances. Only an **owner** may request a variance for its own purposes. To request a variance, the applicant for whom the variance is sought must be the owner of the property at the time of the request. 11-X DCMR § 1000 and 11-Y DCMR § 300. The requestor cannot merely be a contract purchaser or an agent of the owner. They must have the legal status of being a current owner of the real property when they make the request for an area variance. The regulations specify that the BZA may only consider the exceptional practical difficulties to the “owner” of the property.

All Variances Are for Sunrise. Here all the variances requested are to allow Sunrise to operate a for-profit senior facility. Sunrise is not the owner of the property. Sunrise owns no property in Tenleytown. WABC, which is the property owner, will occupy less than 13 percent of the building. WABC does not need these variances to operate as a church. It is not expanding.

Lot Occupancy Increase from 40% to 58% is not for the Church, which occupies only 13% of Building – and Even Churches Get Only 3 Stories. Although WABC would occupy less than 13 percent of the building, Sunrise is trying to base its arguments for a lot occupancy variance and number of stories on zoning that is applicable to a church. Even churches are allowed only 3 stories. No measurements are provided, but it

appears that the church façade is designed to be 76 feet in height despite the fact that WABC occupies only a small portion of the 1st and 2nd floors.

The existing church is **28** feet high from ground to roof on the other side of the driveway from the 5 homes. From the bottom of the truck ramp to the top of the penthouse the proposed facility would **68** feet high – **a 40-foot increase** next to those same houses.

Eliminating Side Yard to Increase Volume of Use. All of these variances, including the request to eliminate an 8-foot side yard setback are at their core about volume of use. All are to expand the building beyond anything zoning would allow in order to move 450 people on to a single-family lot.

Three Prong Test for Variances. If we assume in the alternative, that an entity that owns no property relevant to the application can nonetheless request variances for the lot they do not own, then they must pass the three-pronged test imposed by the court in *Draude v. District of Columbia Board of Zoning Adjustment*, 527 A.2d 1242 (D.C.1987) at 1254, citing D.C. Code 5-424(g)(3) (1981) for granting of an area variance:

“An area variance may be granted for improvement of a property if all of the following conditions are met:

- (1) the property suffers from ‘exceptional narrowness, shallowness, or shape’ or from ‘exceptional topographical conditions or other extraordinary or exceptional situation or condition;’
- (2) these exceptional circumstances ‘result in peculiar and exceptional practical difficulties’ to the owner unless he or she can obtain a variance; and
- (3) variance relief will not create ‘substantial detriment to the public good’ or ‘substantially impair [...] the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”

The lot is not unique. This Flat Lot is Close to Rectangular. The WABC property has no exceptional narrowness, shallowness, shape, configuration or topographical conditions or other extraordinary or exceptional situation or condition that would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon

the owner of the property. The lot is flat and close to rectangular and its size is ideal for subdividing in conformity with existing zoning. Even the Applicant describes the lot as 220 feet on both sides that run perpendicular to the Streets. Exhibit 69, page 23.

The “confluence of factors” alleged by the applicant does not constitute an extraordinary or exceptional situation or condition. Sunrise cannot substitute its “needs,” including financial viability of a multi-national corporation, for the “needs” of WABC to constitute an “exceptional condition.”

No Public Service Organization. The applicants’ invocation of the “public service organization” doctrine is inappropriate to be applied to this project. Neither Sunrise or the church made a showing that they are public service organizations. This project does not meet the criteria for flexibility that might be applied if there was a “public service organization” because any public service organization status of WABC may not be extended to include Sunrise. Sunrise is a multinational for-profit corporation. No affordable units are being provided.

No Affordable Units. Many of the BZA’s cases relating to church properties also involve the creation of affordable housing. See Emory United Methodist, BZA No. 17964 decided February 23, 2010, which created 99 units of affordable housing. St. Thomas Episcopal included affordable units and added 4 additional affordable units, most at 60% AMI, as part of a settlement. See NW Current, July 11, 2018, *Pact Reached on Church Street Project*. Note that St. Thomas was located in a Special Purpose District where 80 percent lot occupancy was allowed (which has now been increased to 100 percent allowed) and St. Thomas’ sole request was to increase lot occupancy.

No Institutional Necessity. There is no “institutional necessity” as Hillel demonstrated in the *St. Mary’s* case, which was in a medium to high density RA-4 zone with lot occupancy of 75 percent and height of 90 feet. Here the lot is in R-1-B low density zone. WABC, which has only 18 congregants, will not be “preserved” as a Baptist church. Becoming “non-denominational” was how they first described their plans but on October 10, 2018,

they described this change as dropping “Baptist” from the name of the church but retaining relations with the Baptist Convention. They make no argument that the project is necessary because they are expanding or because they need to accommodate any religious practice, such as was presented in other court cases involving churches.

WABC has made no showing how the proposed project is necessary to its future or will ensure its future. WABC would occupy less than 13 percent of the proposed building. The variances and special exceptions are solely for the benefit of the operations of Sunrise, which is an international for-profit business in partnership with Welltower Real Estate Investment Trust (REIT) traded on the New York Stock Exchange.

No Practical Difficulties or Undue Hardship. Sunrise’s alleged difficulties are not unique to the property. Rather the variances sought are to build a larger, more profitable enterprise through amendment of the zoning regulations. WABC does not need variances for its own end. WABC can sell lots in compliance with existing zoning and raise sufficient funds to update its church building, or sell to another place of worship. Thus, no undue hardship has been demonstrated.

Harm to Nearby Family Homes. Applicants do not meet the standard to be granted variances because they cannot show that they are doing no harm to nearby property. Empirical evidence shows their proposal has already negatively affect market value. They are asking for variances for 58% lot occupancy (instead of 40%) and four stories (instead of 3) and no 8-foot side yard set-back so they can build to the lot line. All of these variances are to increase volume of use in a huge building in a single-family neighborhood on a single family lot.

Sunrise cannot show that they have to build 86 units as opposed to fewer units. They cannot show how a two-level underground garage, 4 stories, plus a penthouse, 20 trucks, and 450 people, would not violate the integrity of the zone plan in an R-1-B single family detached neighborhood of two-story homes, including part of an historic district within 200 feet, a house built in 1890 within 200 feet and, within 250 feet, there is The Rest (Lyles-Magruder House) that is listed on the DC Inventory of Historic Sites. See Exhibit 36.

Anything Left of Zoning? Sunrise, a multinational private corporation, is asking for so many dramatic variances and exceptions that taken together they constitute rewriting zoning law and regulations in this R-1-B neighborhood.

The proposed project, with its increase in density, would affect the entire neighborhood not just those within 200 feet. This request for Zoning Relief should be rejected because it would be a dramatic precedent in an R-1-B zone allowing a density of use far in excess of the low density contemplated in the Comprehensive Plan, the regulations and maps.

SPECIAL EXCEPTIONS

Special Exception Request for a Retaining Wall

The second special exception that Sunrise requests is for a Retaining Wall to allow construction of a truck ramp for the more than 20 trucks – some 28 tons and 30 feet long - that Sunrise expects every week.

The Retaining Wall of 13 feet [recently Applicant has said “13 feet” but unclear whether this is precise since for many months it was “more than 13 feet”] next to single family homes – a wall that presents a safety hazard to young children - needs a special exception from the four-foot limit provided in 11-C DCMR § 1401.3 (c). The wall is described by Sunrise on their website as 13 feet and the measurement starts at the finished floor level, which is several feet below grade, thus the wall is perhaps 15 feet?

This special exception would allow a drop of 13 feet only 8 feet from nearby homes. It is objectionable, a public nuisance and a safety hazard both because of the drop itself and because of the 20 trucks, some of them 28 tons and some 30-foot long box trucks, on narrow streets and next to detached family homes.

Special Exception Request for a Continuing Care Retirement Community (CCRC)

To be granted a special exception for a CCRC on a lot zoned R-1-B, an applicant must meet the 6 conditions at 11-U DCMR § 203.1(f), including that they provide sufficient off-street parking spaces for employees, residents and visitors and that their proposal is not objectionable to neighbors due to traffic, parking, noise, odors, and other objectionable conditions, and that they are not adversely affecting nearby properties. A special exception is just that. Not a given just because it is requested.

CCRC Definition includes Health Care. First, to be granted a CCRC special exception, applicant needs to meet the definition of a CCRC, 11-B DCMR § 100.2, which includes “providing a **continuity** of residential occupancy **and health care.**” This definition requires health care. Sunrise emphatically states they do not provide health care despite that they are providing assisted living and memory care with the average age being 86 and people having dementia, including alzheimer’s disease. Exhibit 69, page 4. Contrary to their claim regarding no health care, a DC Health Department audit of Sunrise on Connecticut Avenue, 8 blocks away, speaks of registered nurses administering medications and that Sunrise facility is licensed by the Health Department and for the proposed 3920 Alton development, Sunrise’s website says they are creating 65-75 “health care” jobs. The Office of Planning Reports says health care is provided.

Too Close to Another Health Care Facility. If they do provide health care, DC zoning regulations prohibit them from locating at 3920 Alton because zoning does not allow two health care facilities to be within 1000 feet of each other and the Psychiatric Institute of Washington is less than 1000 feet away. 11-U DCMR § 203.1(i)(1) and 11-U DCMR § 203.1(i)(6). This can only be waived if the BZA finds “that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.”

Continuity of Care. “Continuity of care” when used by the federal government means that a person can enter, stay on site and graduate up through the levels of care provided

by the community. Sunrise has made no presentation that they are providing continuity of care.

Sunrise needs to make a case that they meet the definition. If Sunrise is providing no health care, what makes them different from a very expensive hotel - \$8,000 - \$15,000 per month (up to \$500 per day). And does a very expensive hotel for those over 60 get to locate in a single family neighborhood?

CCRC Regulation for Special Exception.

To be granted a CCRC special exception under **11-U DCMR § 203.1 (f)**, applicant must show that:

“The use shall include one or more of the following services: Dwelling units for independent living; Assisted living facilities; or A licensed skilled nursing care facility; and If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8); The use may include ancillary uses for the further enjoyment, service, or care of the residents;

The use and related facilities shall provide sufficient off-street parking spaces for employees, residents, and visitors; The use, including any outdoor spaces provided, shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions; and The Board of Zoning Adjustment may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.”

Two of Five Houses Next to Site Sold in Last 12 Months. It is evident that this proposed CCRC is per se objectionable because it is adversely affecting nearby properties as evidenced by the fact that 2 of the 5 houses with whom they share a property line have been put on the market and sold at below expected value since Sunrise announced their plans last fall.

Those 5 houses are on short lots, about half the usual size in an R-1-B zone and, if this project is allowed, they will be overlooking the truck ramp with the loading berth and trash roll off container. A third house within 200 feet sold within the same time frame. This

sales activity is very unusual because the Tenleytown neighborhood is very stable and sales are infrequent.

At least 3 Variances and at least 2 Special Exceptions Dishonors Zoning Law.

One condition that must be met to be granted a CCRC special exception is that an applicant must show that it is honoring zoning law (the Comprehensive Plan), including the maps, as well as the zoning regulations. The law, maps and regulations contain many protections for single family neighborhoods. The 3920 Alton site is in a single family detached R-1-B zone in a neighborhood conservation area. It is not in or next to a commercial zone.

The Sunrise CCRC is definitely not honoring the zoning plan or Comprehensive Plan. The proposed building is dramatically out of scale with nearby homes. In plain English, the building would be lot line-to-lot line in a single-family neighborhood. It is directly on the property line on the National Park Service side, 4.8 inches from the property line on the Yuma side, 10 feet from the property line on the Alton side where their drop off/pick up and shuttle bus parking are located, and on the remaining side, there is a truck ramp, a retaining wall of 13 feet and a replacement fence placed next to the property line shared with neighbors.

Truck and Traffic Volume of Use. According to Sunrise, the truck ramp is for the use of an expected 20 trucks per week, including a 7-ton shuttle multiple times a day, 28-ton trucks and 30-foot box trucks delivering food and linens, plus all the car trips generated by the 450 people. This volume of use is totally out of scale with low density R-1-B single family detached zoning. There has been no analysis about how the 30-foot and 28-ton trucks can make a right turn on to the truck ramp from Alton, which is only 30 feet wide and is 2-way with parking on both sides. A similar problem is presented on Yuma, only 34 feet wide. DDOT's report neglects to mention any of these facts. The DDOT report fails to address the issue of whether the applicant met the CCRC regulatory standard to provide "sufficient off-street parking" for all employees, residents and visitors

Parking Adequacy Must Be Independently Examined. It is an open question whether they need special exceptions for parking or pervious surface requirements. Whether a parking special exception is required or not, parking is an element specifically to be examined under the conditions for the special exception to allow a CCRC in a residential zone. The fact that the Zoning Administrator said the number of spaces required for a residential facility applies to CCRCs is a factor to be considered but 11-U DCMR § 203.1(f) requires that all CCRCs must demonstrate that they have enough parking for all residents, visitors and employees. Merely meeting the requirements for “residential” on the zoning parking charts is not the equivalent of meeting the CCRC condition. It has to be demonstrated that the CCRC condition is met. Nor has there been any shared parking management plan provided showing how the CCRC and WABC will share the spaces seven days a week. Also, applicant has not provided a plan for drop off and pick on Yuma Street, where the main entrance to the church is located.

Not Likely to Become Objectionable. There are general conditions that special exceptions must meet. They must be in harmony with the general purpose and intent of the Zoning Regulations and not tend to affect adversely the use of neighboring property. 11-X DCMR § 901.2. In addition, to be granted a CCRC special exception under 11-U DCMR § 203.1 (f), applicant “shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions; ...”. A compilation of what is defined as an “objectionable condition,” as used throughout the zoning code: noise, sounds, odors, trash, waste collection, loading, lighting, hours of operation, parking, number of employees, number of attendees, create no dangerous or otherwise objectionable traffic conditions or other operational characteristics that are not customarily associated with residential use. See 11-U DCMR §§ 513, 518, 601, 802 and 11-X DCMR § 101.

Here Sunrise will be serviced by 20 trucks a week (4 per day), some trucks being 30 feet long and 28 tons, plus a 7-ton shuttle multiple times a day, housing 121 people serviced by 70 staff (FTEs), half of whom drive to work, using commercial lighting in a residential zone, beginning operations at 7:30 am, creating a dangerously steep truck ramp next to single family homes, loading and unloading next to those same homes, with all the

attendant garbage, waste, refuse and trash associated with 200 people living or operating on the lot. To name a few objectionable problems.

Other Senior Facilities Nearby.

Sunrise has made two arguments relating to other senior facilities – (1) they are “just like” the many nearby senior homes regarding buffers and use of their proposed lot and (2) Ward 3 is a “desert” regarding availability of any nearby senior homes.

To compare how far other senior facilities in Ward 3 are from homes near their buildings: **Friendship Terrace** is 90 ft to the closest home; **Lisner** is 107 feet from nearest lot line; **Ingleside** is 322 feet to nearest lot line where nearest private home is located; and **Forest Hills** is 50 feet from the nearest lot line and 105 feet to the nearest home. These measurements are from the building to the lot line since many of these facilities did not have BZA Orders that are relevant. When Forest Hills proposed an addition to their facility, they proposed to set the building “45 feet and 8 inches from the eastern property line for a total set back of 95 feet at the one-story enclosed building link, and 102 feet at the two-story healthcare addition. The Home noted that all parties, including the opponents, agreed upon the alternate plans.” BZA Case No. 15831 (1993).

There is also **Grand Oaks** next to Sibley Hospital in Ward 3 which is not next to any homes. In addition, there are 2 Sunrise facilities: **Sunrise on Connecticut Avenue**, which is 8 blocks away, in a commercial zone, and **Brighton Gardens Sunrise** on Friendship Boulevard, 2 blocks across Western Avenue, in other words, 2 blocks from Ward 3 into Maryland. Sunrise also operates **Sunrise at Fox Hill**, a mega-facility within 4 miles of Tenleytown, just off River Road.

So, Ward 3 is not a “desert” in light of these many senior facilities and Ward 3 could be said to be hoarding the senior facilities in Washington because almost all such facilities are in Ward 3 while other Wards go begging. See “Gentrification” at p.112 of Exhibit 83A.

There are other options for both WABC and Sunrise

WABC. To finance renovation of their building, WABC can sell two full size R-1-B zoning compliant lots and raise approximately \$1.7 million. See Exhibits 80 and 79.

Sunrise. Sunrise has been asked repeatedly to consider other options on the commercial avenues. For example, the Federal National Mortgage Association, a few blocks down Wisconsin Avenue, is being developed by Roadside and they have said they would like to include something for seniors. Sunrise should explore options in commercial zones if they cannot build a facility on a much smaller scale.

CONCLUSION

Applicant has not sustained their burden to show there is no adverse impact. Sunrise's failure to adhere to zoning regulations is unfair to tax paying homeowners whose family homes, their primary investment, are jeopardized by this out-of-scale project.

The number and magnitude of requests for zoning changes should convince the BZA that this is the wrong site for multiple entities with multiple functions to locate in a single-family neighborhood. We ask you to vote against this proposal.

Thank you for your consideration.

ADDENDUM: COMPRHENSIVE PLAN PROVISIONS AND ZONING MAPS

Zoning Maps

- On the **Future Land Use Map (FLUM)**, the lot in question – 3920 Alton Place – is designated as low density residential. R-1-B, single family detached. The Comprehensive Plan Glossary of terms states that Residential character: Refers to the physical features associated with a residential area, such as homes, lawns, yards, street trees, low traffic volumes, and limited commercial uses.
- On the **Generalized Policy Map**, 3920 Alton Place is located in a Neighborhood Conservation Area. The Comprehensive Plan Glossary of Terms states that a Neighborhood Conservation Area is a Comprehensive Plan Policy Map category used to describe stable areas with little vacant land and little potential for change. Policies in these areas support maintaining and enhancing existing uses.

RELEVANT PROVISIONS OF THE COMPREHENSIVE PLAN

Policy RCW-1.1.1: Neighborhood Conservation ... Protect the low density, ...existing scale, function, and character of these neighborhoods. (2308.2)

Policy RCW-1.1.8 Managing Institutional Land Uses ... ensures that their operations are harmonious with surrounding uses, that expansion is carefully controlled, and that potential adverse effects on neighboring properties are minimized consistent with all provisions of the Comprehensive Plan and the underlying zoning rules and regulations. Densities and intensities ... on such sites should reflect surrounding land uses ...2308.9

Policy RCW-1.2.3: National Park Service Areas. Conserve and improve the more than 2,000 acres of natural open space in the forested neighborhoods including... the Fort Circle Parks. 2309.4

Policy LU-2.1.5: Conservation of Single Family Neighborhoods. Protect and conserve the District's stable, low density neighborhoods and ensure that their zoning reflects their established low density character. Carefully manage ...the alteration of existing structures in and adjacent to single family neighborhoods in order to protect low density character, preserve open space, and maintain neighborhood scale. 309.10

Policy LU-2.2.1: Code Enforcement as a Tool for Neighborhood Conservation ... maintain the general level of residential uses, densities, and height; ... 310.2

Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas ... (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood. 311.3

Policy LU-2.3.5: Institutional Uses... Ensure that when such uses are permitted in residential neighborhoods, they are designed and operated in a manner that is sensitive to neighborhood issues and that maintains quality of life. Encourage institutions and neighborhoods to work proactively to address issues such as traffic and parking, hours of operation, outside use of facilities, and facility expansion. 311.7

Policy LU-2.3.7: Non-Conforming Institutional Uses ...Carefully control and monitor institutional uses that do not conform to the underlying zoning to ensure their long-term compatibility. In the event such uses are sold or cease to operate as institutions, encourage conformance with existing zoning and continued compatibility with the neighborhood. 311.9

These below refer to Commercial Development in Commercial Zones – showing concern for nearby residential even when constructing in the Commercial Zone:

Policy LU-2.3.2: Mitigation of Commercial Development Impacts

Manage new commercial development so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas. Before commercial development is approved, establish requirements for traffic and noise control, parking and loading management, building design, hours of operation, and other measures as needed to avoid such adverse effects. 311.4

Policy LU-2.3.3: Buffering Requirements

Ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaping, fencing, screening, height step downs, and other architectural and site planning measures that avoid potential conflicts. 311.5