

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**Application for 5505 5th Street, NW
Square 3260, Lot 54**

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

This statement is submitted by 5th Street Partners LLC, on behalf of the District of Columbia Government, in support of an application pursuant to 11 DCMR §§ 3104.1 and 3103.2 for (i) special exception relief pursuant to 11 DCMR § 732.1 to permit an emergency shelter in the C-2-A District; (ii) a variance from the height requirements of 11 DCMR § 770.1; (iii) a variance from the floor area ratio (“FAR”) requirements of 11 DCMR § 771.2; and (iv) a variance from 11 DCMR § 2001.3 to permit the construction of an addition to an existing non-conforming structure that already exceeds the maximum permitted building height limitation in the C-2-A District at 5505 5th Street, NW (Square 3260, Lot 54) (the “Site”).

Pursuant to 11 DCMR § 3113.8, the Applicant will file its Prehearing Statement with the Board of Zoning Adjustment (“BZA” or “Board”) no fewer than 14 days prior to the public hearing for this application. In this statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception and variance relief. The following is a preliminary statement indicating how the Applicant meets the burden of proof.

I. BACKGROUND

A. Description of the Site and Surrounding Area

The Site consists of Lot 54 in Square 3260 and has a total land area of approximately 8,722 square feet. Square 3260 is bounded by Longfellow Street, NW to the north, 4th Street, NW to the east, Kennedy Street, NW to the south, and 5th Street, NW to the west. The Site is in the southwest portion of Square 3260 with frontage on 5th Street. The Site is otherwise bounded by private property to the north, east, and west, and abuts a public alley at its northeastern-most corner for approximately nine feet. The Site is presently improved with a vacant 5-story building. The Applicant proposes to adaptively reuse the existing building and construct a new addition to the building in connection with redevelopment of the Site.

The Site is located in the heart of the Kennedy Street neighborhood, which is a mixed-use community located in northwest Washington DC. Kennedy Street, NW is a one-mile corridor extending from North Capital Street on the east to Georgia Avenue on the west, and is developed with a mix of retail and service uses. “The institutions along Kennedy Street—its churches, service agencies, and charter school—help to anchor a neighborhood characterized by easy links to DC’s Metro system via several bus routes... The Kennedy Street neighborhood encompasses the Brightwood Park and South Manor Park neighborhoods and is home to eclectic specialty shops and a full range of services.” *Washington DC Economic Partnership, DC Neighborhood Profiles*

2014, p. 30. The Site itself is located directly adjacent to properties containing commercial uses fronting Kennedy Street. The closest commercial uses include restaurants, carry-out food establishments, a salon, a neighborhood market, and other businesses, all located around the intersection of 5th and Kennedy Streets, NW. Residential uses, including both single-family and higher-density apartment houses, also surround the Site.

B. Existing Zoning

The Site is located in the C-2-A District. The C-2-A District permits a maximum height of 50 feet, a maximum density of 2.5 floor area ratio (“FAR”) (3.0 FAR with IZ), and a maximum residential lot occupancy of 60%. 11 DCMR §§ 770.1, 771.2 and 772.1. The C-2-A District permits emergency shelters for 5 to 25 persons, not including resident supervisors or staff and their families, as a special exception. 11 DCMR § 732.1. The Board may approve an emergency shelter for more than 25 persons pursuant to criteria listed in 11 DCMR § 358. The Board is also authorized to determine the number of required on-site parking spaces for an emergency shelter with 16 or more persons. 11 DCMR § 2101.1.

C. Closing DC General: Short-term Family Housing

The District’s plan to end homelessness involves the closure of DC General, the city’s largest family homeless shelter. In order to do so, the Mayor and the DC Council have advanced a plan to open short-term family housing in all eight Wards. The facilities will be small, safe, and dignified, with the services and support that help families get back on their feet. After a thorough search, the Department of General Services (“DGS”) secured the Site as the emergency shelter location for Ward 4. As described below, the Site will be totally renovated, with an addition at the rear, and will retain the existing look and feel of the neighborhood, provide short-term housing for 49 District families, and offer adequate on-site parking for the facility’s residents, employees, and visitors.

II. PROJECT DESCRIPTION

The Applicant proposes to redevelop the Site by adaptively reusing the existing building as an emergency shelter and constructing a new addition at the rear of the Site to help accommodate the proposed new use. The renovated building will include 49 residential units with a total of 149 beds, and approximately 24,752 square feet of gross floor area. The primary pedestrian entrance to the building will be on 5th Street, NW. The first through fifth floors will contain dormitory-style units for families with 2-4 beds each. Bathrooms, shower facilities, and support features will be located on each floor. In addition to residential units, the building’s ground floor will also contain a computer room for shelter residents, a conference room, offices, clinic, and staff lounge. The cellar level will include a dining/gaming area and a kitchen.

Eleven parking spaces will be located at the rear of the Site, accessed from an existing curb cut on 5th Street. Secure bicycle parking will also be provided at the rear of the Site. The project includes an on-site playground and recreation space, and the District will offer on-site support services and programming for resident families. Moreover, the adaptive re-use of the renovated building has been sensitively designed to be compatible with the architecture of the surrounding community and the existing context of the Kennedy Street neighborhood.

III. SPECIAL EXCEPTION RELIEF

A. Relief Requested

The Applicant seeks special exception approval pursuant to 11 DCMR §§ 732.1 and 3104.1 to locate an emergency shelter in the C-2-A District.

B. Burden of Proof

Under D.C. Code § 6-641.07(g)(2) and 11 DCMR § 3104.1, the Board is authorized to grant special exception relief where it finds that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to adversely affect the use of neighboring property, subject in each case to the special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met. In reviewing an application for special exception relief, “[t]he Board’s discretion... is limited to a determination of whether the exception sought meets the requirements of the regulation.” *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 695, 706 (D.C. 1981) (quoting *Stewart v. District of Columbia Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

C. The Applicant Meets the Test for a Special Exception Relief Under 11 DCMR §§ 732 and 358

Section 358.2 - There shall be no other property containing a community-based residential facility for seven (7) or more persons in the same square.

As confirmed by the records of the Office of the Zoning Administrator and the Office of the Deputy Mayor for Health and Human Services (“DMHHS”), there is no other property containing a community-based residential facility for seven or more persons in the same square.

Section 358.3 - There shall be no other property containing a community-based residential facility for seven (7) or more persons within a radius of five hundred feet (500 ft.) from any portion of the subject property.

As confirmed by the records of the Office of the Zoning Administrator and the DMHHS, there is no other property containing a community-based residential facility for seven or more persons within 500 feet from any portion of the Site.

Section 358.4 – There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility

The Applicant will provide 11 off-street parking spaces in a parking garage on the lower level of the building. The parking spaces will be accessed from 5th Street via an existing curb cut.

Pursuant to 11 DCMR § 2101.1, the minimum parking requirement for an emergency shelter for 16 or more persons is as prescribed by the Board. The District of Columbia government has determined, based upon experience with other such housing in the District, that the 11 on-site parking spaces will be adequate for the needs of building occupants, employees, and visitors. The Department of Human Services (“DHS”) has found at other similar facilities in the District that residents typically do not have cars. The on-site parking is sufficient for the staff and employees who work at the Site.

Section 358.5 – The proposed facility shall meet all applicable code and licensing requirements.

DGS will ensure that the proposed emergency shelter will meet all applicable code requirements, and DHS will ensure that the facility will meet all applicable licensing requirements.

Section 358.6 – The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.

The emergency shelter will not have an adverse impact on the neighborhood. As stated above, there is adequate off-street parking at the Site for the emergency shelter use, such that the proposed new use will not create any adverse traffic conditions. There are also a variety of public transportation options in the surrounding area, including a Metrobus stop at the corner of 5th and Kennedy Streets, NW that is served by the 62, 63, and E4 Metrobus lines, a Capital Bikeshare station at the corner of 5th and Kennedy Streets, NW, and five permanent carshare locations within 0.4 miles of the Site. The Site is also located in a mixed-use, walkable neighborhood, such that residents and staff at the Site will be able to accomplish daily errands on foot.

Moreover, the emergency shelter will be a residential use, and inherently will not produce any adverse impacts due to noise. The proposed use will also not adversely impact the neighborhood due to its operations because it will operate similar to a multi-family apartment building, which use is found in close proximity to the Site. The proposed facility will be self-contained, with on-site dining, laundry, playground and total wrap-around services for the residents. There will be no central kitchen or food preparation on-site. Meals will be delivered twice each day, and the delivery van will use the parking area. In addition, there are no similar facilities in the area.

Section 358.7 – The Board may approve more than one (1) community-based residential facility in a square or within five hundred feet (500 ft.) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.

There are no other community-based residential facilities located in the square or within 500 feet of the Site.

Section 358.8 – The Board may approve a facility for more than twenty-five (25) persons, not including resident supervisors or staff and their families, only if the Board finds that the program goals and objectives of the District of Columbia

cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District.

The emergency shelter will house approximately 149 persons, not including resident supervisors or staff and their families. The program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the Site and there is no other reasonable alternative to meet the program needs of Ward 4. It is imperative that all 270 units at DC General be replaced before DC General can be closed. The aggregate number of units in the replacement sites across all eight Wards is the minimum necessary to meet that need. Thus, a facility for more than 15 persons at the Site is an absolute necessity. The District has undergone an aggressive search for sites throughout the District, and the Site is a viable and desirable location where the District was able to negotiate an LOI on terms favorable to the District's needs. Further, it activates an otherwise vacant blight on the neighborhood.

D. The Applicant Meets the Test for Special Exception Relief Under 11 DCMR § 3104.1

In addition to satisfying the specific requirements set forth in 11 DCMR § 732.1, the Applicant must also demonstrate that the requested special exception meets the more general requirements of 11 DCMR § 3104.1. Before granting an application for a special exception, the Board must determine that the requested relief "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." 11 DCMR § 3104.1. The stated purposes of the Zoning Regulations are set forth in section 6-641.02 of the D.C. Code:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

D.C. Code § 6-641.02 (2001). Those purposes are reproduced in the text of the Zoning Regulations as well. See 11 DCMR §§ 101.1-101.2.

The adaptive reuse of the existing building on the Site as an emergency shelter for 49 families is consistent with the purposes described above. The project will promote the appropriate distribution of population to create conditions that are favorable to health, safety, and prosperity,

and will significantly further the efficiency in the supply of public services. The building's renovated design and massing are consistent with the architecture of the surrounding area and will provide adequate light and air to the building's residents and to occupants of surrounding properties. In addition, the emergency shelter will be a residential use and will therefore not produce any adverse impact due to noise or general operations. As stated above, there is adequate off-street parking for the emergency shelter use, as well as a variety of public transportation options in the surrounding area. Accordingly, the proposed use is in harmony with the purpose and intent of the Zoning Regulations and meets the test for special exception relief under 11 DCMR §§ 732.1 and 3104.1.

IV. VARIANCE RELIEF

A. Relief Requested

Pursuant to 11 DCMR § 3103.2, the Applicant requests area variances from 11 DCMR §§ 770.1, 771.2, and 2001.3(b) to construct an addition to a non-conforming structure that already exceeds the maximum permitted height and will exceed the maximum permitted density. Pursuant to 11 DCMR §§ 770.1 and 771.2, the maximum permitted building height in the C-2-A District is 50 feet and the maximum permitted density is 2.5 FAR. As shown on the architectural plans and elevations included with the application materials, the existing building on the Site has a height of 59 feet, 2 inches and a density of 1.99 FAR. The Applicant proposes to maintain the building's existing height and construct an addition that matches the existing non-conforming height and increases the Site's density to 2.83 FAR.

Pursuant to 11 DCMR § 2001.3 “[e]nlargements or additions may be made to [a nonconforming structure] provided:

- a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and
- b) The addition or enlargement itself shall:
 1. Conform to use and structure requirements; and
 2. Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.”

In this case, the existing nonconforming structure meets the lot occupancy percentage requirements, but does not conform to the height requirements (11 DCMR § 2001.13 is inapplicable). The proposed addition will extend the existing non-conforming height by constructing the proposed addition to match the existing non-conforming height.

B. Burden of Proof

Under D.C. Code § 6-641.07(g)(3) and 11 DCMR § 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

1. the property is affected by exceptional size, shape, or topography or other extraordinary or exceptional condition or situation;
2. the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
3. the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Bd. of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). *See also, Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, and as will be further explained at the public hearing, the Applicant meets the three-prong test.

C. The Applicant Meets the Variance Test Pursuant to 11 DCMR § 3103.2

1. Exceptional Situation and Condition

The phrase “exceptional situation or condition” in the above-quoted variance test may arise from a confluence of factors which affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). The exceptional situation or condition applies not only to the land, but also to the existence and configuration of a building on the land. *See Clerics of St. Viator, Inc. v. D.C. Board of Zoning Adjustment*, 320 A.2nd 291, 294 (D.C. 1974).

In this case, the Site is an interior lot with approximately 100 linear feet of street frontage on 5th Street, NW, and private property on all other sides. The Site is the largest lot within Square 3260 and is improved with an existing building that was constructed in the 1950s. The building is located on a berm, with the first floor being located approximately eight feet above the elevation of the measuring point at the curb. The existing building creates design, programmatic, and structural constraints that restrict the ability to provide matter-of-right height and density for the addition to the renovated building. Moreover, given that the building will house families, the Applicant configured the uses within the building to avoid the location of any residential uses in the cellar (which is not acceptable for this program), thus making it more difficult to accommodate 49 families while still meeting the height and FAR requirements.

In addition, the exceptional situation and condition arises in this case from the District’s initiative to end homelessness by closing DC General and opening smaller, individual emergency shelters in each Ward. The D.C. Court of Appeals has held that there is no requirement that the uniqueness “inheres in the land at issue.” *Gilmartin*, 579 A.2d at 1168, citing *Capitol Hill*

Restoration Society v. D.C. Bd. of Zoning Adjustment, 534 A.2d 939, 942 (D.C. 1987). To the contrary, a “difficulty which sets a property apart from its neighbors need not be physical but can stem from the zoning history of the case.” *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979). For example, private restrictive covenants “may be considered in their own right as an extraordinary condition of a particular piece of property, since they effectively restrict design, height, and use.” *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1099 (D.C. 1979)), and “historical factors, a relationship with Congress, and past actions of the BZA and Zoning Commission create an extraordinary or exceptional situation or condition so as to fulfill the statutory variance requirement.” *Monaco*, 407 A.2d at 1095-96. Ultimately, the term “extraordinary or exceptional condition” was “designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases.” *DeAzcarate v. D.C. Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (1978).

Furthermore, the “public need for the use is an important factor in granting or denying a variance and the apparently objective standards of the enabling acts are applied differently to the several kinds of uses.” *Monaco*, 407 A.2d at 1098. In *Monaco*, the D.C. Court of Appeals “permitted the BZA to apply a more flexible standard for determining hardship when a ‘public service’ or nonprofit entity is the applicant.” *National Black Child Dev. Inst. v. D.C. Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984). Similarly, in BZA Order No. 17316, the Board approved an application from Randle Highlands Manor LP and the Anacostia Economic Development Corporation, stating that “the area variances are not sought to ensure any profit, but rather to enable the development of affordable housing at a site designated by the District of Columbia government for that purpose.” BZA Order No. 17316 p. 12; *see also* BZA Order No. 18272, p. 8 (“the burden of proof for variance relief as to the first two elements is lessened for non-profits or public service organizations”).

The case law and BZA precedent referenced above is directly applicable to the present BZA application. In collaboration with the Interagency Council on Homelessness, the District determined that DC General needs to be replaced by smaller short-term family housing facilities with up to 50 units each in order to provide the kind of services that help families exit shelter as quickly as possible. These types of facilities are more cost effective and will make the best possible use of taxpayer dollars by more quickly and effectively lifting families out of homelessness. *See Ending Homelessness in the District – A Plan to Close DC General*. In 2015, the District of Columbia Council passed legislation that provided the framework for replacing DC General. The Council also identified the specific sites in each Ward to be developed with the short-term family housing facilities. The District’s goal is to have the new sites open and available to accommodate families in 2017. *Id.*

In this case, the District selected the Site as the short-term family housing location for Ward 4. The District’s goal to provide one facility in each Ward, each containing up to 50 family-sized units, greatly limits the available, affordable, and appropriately-sized land on which to build the facilities. Given the current market conditions, properties within Ward 4 are expensive, and large vacant lots are difficult to find. There were a limited number of sites in Ward 4 that were for-sale and available for redevelopment, and those that were available had existing buildings and lot sizes into which the District had to fit housing for up to 50 families. The District selected the Site as the best option among many, and imposed specific conditions on development of the emergency

shelter use. For example, the shelter is required to have up to 50 units; common bathrooms and shower facilities; breakrooms, TV rooms, and other accessory space; office space for case management and training; medical support team space; security space, including security stations on each floor; kitchen and food preparation; laundry facilities; storage facilities; parking; and recreational facilities. *See Ward 4 Letter of Intent from DGS*. These requirements create an exceptional situation and condition for the Site that directly impacts the Applicant's ability to provide a zoning-compliant project.

2. Resulting Practical Difficulty

The Applicant will demonstrate that the strict interpretation of 11 DCMR §§ 770.1, 771.2, and 2001.3(b) will result in a practical difficulty.

To meet the standard for practical difficulty, "[g]enerally it must be shown that compliance with the area restriction would be unnecessarily burdensome. The nature and extent of the burden which will warrant an area variance is best left to the facts and circumstances of each particular case." *Palmer v. D.C. Bd. of Zoning Adjustment*, 287 A. 2d 535, 542 (D.C. 1972). In area variances, such as those requested in this case, applicants are not required to show "undue hardship" but must satisfy only "the lower 'practical difficulty' standards." *Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2d 1362, 1365 (D.C. 1992), citing *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1170 (D.C. 1990). Finally, it is well settled that the BZA may consider "... a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty'...." *Gilmartin*, 579 A.2d at 1171, citing *Barbour v. D.C. Bd. of Zoning Adjustment*, 358 A. 2d 326, 327 (D.C. 1976). *See also*, *Tyler v. D.C. Bd. of Zoning Adjustment*, 606 A.2d 1362, 1367 (D.C. 1992). Thus, to demonstrate practical difficulty, the Applicant must show that strict compliance with the regulations is burdensome, not impossible.

a. *Height*

Pursuant to 11 DCMR § 770.1, buildings in the C-2-A District are permitted to have a maximum height of 50 feet. The existing building on the Site has an existing height of 59 feet, 2 inches, which the Applicant proposes to maintain. The Applicant also proposes to construct the new addition to a height of 59 feet, 2 inches, in order to provide a consistent massing with the existing building and maximize the space devoted to residential units.

The Applicant cannot meet the height limitation of 50 feet since it is adaptively reusing an existing building that already has a non-conforming height. Reducing the height of the building to 50 feet would result in the demolition of the fifth floor, which would significantly reduce the total number of residential units provided in the building and contradict the District's goal of providing 50 units in the new short-term emergency shelters for homeless families. Reducing the building height would also make it significantly more difficult for the Applicant to provide the additionally required support spaces (e.g. space for offices, medical support, security stations, kitchens and food preparation, laundry, storage) that are required to be part of the emergency shelter use. Keeping the existing non-conforming height but reducing the addition to 50 feet would require an awkward and unworkable configuration of steps and ramps connecting each existing floor level to the corresponding floor level at each story of the addition, or else eliminate the fifth floor of the

addition entirely, thus forcing the location of those fifth floor residential units into the cellar parking area to meet the program needs of the District at this location. The location of residential units in the cellar of this building is inconsistent with the program goals of the District.

b. *FAR*

Pursuant to 11 DCMR § 771.2, properties in the C-2-A District are permitted to have a maximum density of 2.5 FAR. A residential development in the C-2-A District with at least ten residential units is permitted to achieve a density of 3.0 FAR. The existing building on the Site has an existing density of 1.99 FAR. The Applicant proposes to construct an addition to the building, thus increasing the Site's density to 2.83 FAR. As described above, in order to provide shelter for 49 families, the existing building on the Site needs to be expanded. The Applicant proposes to construct an addition at the rear of the Site, which will generate additional capacity for residential units and the required support spaces. Without the addition as proposed, the project could not meet the District's goal of providing new short-term emergency shelters for 50 individual families. Limiting the addition to four stories would also create a practical difficulty by forcing the location of residential units into the cellar parking area, which is contrary to the program goals and policies of the District.

3. No Substantial Detriment to the Public Good or Substantial Impairment to the Intent, Purpose, or Integrity of the Zone Plan

The requested relief can be granted without substantial detriment to the public good and without substantial detriment to the intent, purpose, or integrity of the zone plan. The construction of a new emergency shelter facility with safe and secure accommodations to house 49 families is consistent with the law and policies of the District, and will be a great benefit to the District's homeless population. The Site will offer temporary accommodations to families in private rooms, and will provide much-needed supportive services necessary to assist families transitioning to sustainable permanent housing.

Furthermore, the adaptive reuse of the existing building has been designed to be consistent with the architecture of the surrounding area. As stated above, there is adequate off-street parking for the emergency shelter use and there are a variety of public transportation options in the surrounding area. The emergency shelter will be a residential use, and thus will not produce any adverse impact due to noise or general operations, since it will operate similar to a multi-family apartment building. These types of residential uses already exist in the surrounding neighborhood.