



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2018-62

Date: June 20, 2018

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 10 Smith Avenue

Applicant Name: RCG Smith Renewal, LLC

Applicant Address: c/o RCG LLC, 17 Ivaloo Street, Somerville, MA 02143

Owner Name: RCG Smith Renewal, LLC

Owner Address: c/o RCG LLC, 17 Ivaloo Street, Somerville, MA 02143

Alderman: J.T. Scott

Legal Notice: Applicant and Owner, RCG Smith Renewal LLC, seeks a Special Permit under §4.4.1 of the SZO to construct an exterior egress stair per order of the Fire Department. Egress stair is proposed within the right side yard setback. RC zone. Ward 2.



Dates of Public Hearing(s): June 20, 2018 – ZBA

I. PROJECT DESCRIPTION

- 1. Subject Property:** The locus presents a 2 ³/₄-story structure situated on a 3,359 square-foot lot in the RC zoning district. The dwelling house contains 5 residential units and is part of the Harvard Hill Local Historic District (LHD).
- 2. Proposal:** The Applicant was cited by city officials for insufficient means of secondary egress from two of the units in this multi-unit residential building. The portion of this project that triggers the need for

a special permit is the construction of an egress stairs from one of the upper-floor units down to grade. The egress stairs will terminate within the non-conforming right side yard setback. The egress stairs will terminate at the junction of the right façade and rear façade, 4.7 feet from the property line. A 10-foot side yard setback is required in this zone.

3. Green Building Practices:

The application states that the project will meet or exceed the stretch code.

4. Comments: In early 2017, this parcel became part of the Harvard Hill Local Historic District (LHD) along with several of its neighboring properties. When in a LHD, any exterior changes that are visible from a public way are subject to the review and approval of the Somerville Historic Preservation Commission (HPC). It was determined that the proposed egress stairs would not be visible from a public way. Therefore, the Applicant was granted a Certificate of Non-Applicability by the Historic Preservation Commission to construct the emergency egress stairs as-proposed.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §4.4.1 of the SZO. This section of the report goes through §4.4.1 in detail.

1. Information Supplied:

Staff finds that, generally, the information provided by the Applicant conforms to the requirements of §4.4.1 and 5.1.4 of the SZO.

2. Compliance with Standards: *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

Regarding §4.4.1 of the SZO

Section 4.4.1 states that "[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character."

Right side yard setback

The existing structure is a 2 ³/₄-story structure. The dimensional table (Section 8.5) of the SZO requires an 8-foot setback for 2 ¹/₂-story structures and a 10-foot setback for 3-story structures. At 2 ³/₄-stories, the more stringent setback of 10 feet applies.

The right elevation of this structure is already non-conforming, terminating at 4.7 feet from the property line at the right rear elevation. The left façade of the structure is 1.2 feet over the property line onto the abutting parcel. A stairwell leading straight down from the second story egress door into the back yard would create a situation necessitating the property owner to request a variance to violate the currently

conforming rear yard setback. Hence, an egress stair terminating within the non-conforming right yard setback provides the best dimensional scenario for the property owner.

The proposed stairwell is for entry and egress only. There are no decks or porches proposed for this location.

3. Consistency with Purposes: *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*

Staff finds that the proposal is consistent with the purposes of the RC zone as laid out in Section 6.1.3 of the SZO. In this section, the purpose of the RC zone is “[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”

This pre-existing, multi-unit residential structure conforms with the uses and density allowed in the RC zone. However, while in compliance with the purposes of the district, without the installation of the egress stairwell, the property would not be in compliance with health and safety codes.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

The requested special permit will have minimal impact on abutting properties. The proposed stairwell is for entry and egress only. No decks or porches are proposed for this area which would have the potential of creating situations allowing for undo noise to ensue due to gatherings of people close to the property line.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The proposal will not add to the existing stock of affordable housing.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the construction of a rear egress stair within the right side yard setback.	BP/CO	ISD/Plng.	
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 3, 2018</td> <td>Application submitted to City Clerk's office.</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval. Whether or not a change is <i>de minimis</i> in nature must be determined by the Planning Office.</p>			
Date (Stamp Date)	Submission			
May 3, 2018	Application submitted to City Clerk's office.			
Design				
1	All materials, including, but not limited to windows, exterior finishes, siding, and similar shall be submitted to, reviewed and approved by Planning Staff prior to the issuance of a building permit.	BP	ISD/Plng	
Construction Impacts				
2	The Applicant shall, at his expense, replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc.) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
3	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P/ISD	
4	The name(s) and contact information of all entities working on the site shall be posted in an area easily-visible from the public way for the passing public to see.	During Construction	ISD	
Public Safety				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	All exterior lighting on the site shall be downcast and shall not cast light onto surrounding properties in any fashion.			
Final Sign-Off				
7	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	