



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2016-61

Date: July 13, 2016

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 49 Clarendon Avenue

Applicant Name: Eduardo Costa
Applicant Address: 49 Crescent St., Everett, MA 02149
Owner Name: Candeloro Dicecca
Owner Address: 49 Clarendon Ave., Somerville, MA 02143
Alderman: Katjana Ballantyne

Legal Notice: Applicant, Eduardo Cost, and Owner, Candeloro Dicecca, sek a Special Permit under SZO §4.4.1 to add a second story spiral staircase. RB Zone. Ward 7.

Dates of Public Hearing: Zoning Board of Appeals – July 16, 2016



I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a c.1920 two-family residential structure set on a 3,485 square foot lot.
2. **Proposal:** The proposal is to add a spiral staircase within the right side yard setback for egress to the back yard from the second story.
3. **Green Building Practices:** None specified.
4. **Comments:**

Ward Alderman: Katjana Ballantyne has indicated to Planning Staff that she supports this project.

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 the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

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."*

- The property is currently non-conforming with regard to lot area, front and side yard setbacks and street frontage. The addition of the spiral stairs within the non-conforming right side yard setback triggers the need for a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that Lawfully 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.

- In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed are not substantially more detrimental to the neighborhood than the existing non-conforming building. The proposed spiral staircase will be tucked into a corner between the main structure and existing, rear porch and will be minimally-visible from the public way. The staircase will provide the second floor occupant with a means of egress to the exterior of the property and access the rear yard. The proposal is a reasonable request to provide for egress and outdoor access for the occupant.

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."*

- The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to encourage the most appropriate use of land throughout the City; and to encourage housing for persons of all income levels.
- The proposal is consistent with the purpose of the RA district which is "...to establish and preserve quiet neighborhoods of one-and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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 surrounding neighborhood is a mixture of two- and three-family residences of similar vintage to 49 Clarendon.
- There are few to no impacts created by adding this exterior spiral staircase. This exterior alteration will be minimally visible from the street and will provide rear yard access for the second floor occupant.

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

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

6. **SomerVision Plan:** *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

- The proposal will not contribute to the metrics of SomerVision but will allow the property owner to make a reasonable modification to the structure.

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 to add a spiral staircase to the rear of the main structure within the right side yard setback.	BP/CO	ISD/ Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>May 16, 2016</td><td>Initial application submitted to Planning Department</td></tr><tr><td>June 24, 2016</td><td>Photos, plot plan and zoning table submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	May 16, 2016	Initial application submitted to Planning Department	June 24, 2016	Photos, plot plan and zoning table submitted to OSPCD
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<u>Any changes to the plans approved by the ZBA MUST be reviewed by Planning Staff to determine if they are de minimis in nature prior to the changes being executed at the construction site.</u>										
Construction Impacts										
2	The Applicant/Owner 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 on the project site. 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							
Miscellaneous										
4	The Applicant/Owner shall ensure that the spiral staircase is made of non-combustible/non-flammable material.	CO	ISD							
5	The Applicant shall ensure that the spiral staircase and all access thereto meet all building code requirements per the Somerville Inspectional Services Division (ISD).	CO	ISD							
Public Safety										
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
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.							