



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 42-44 Hamilton Road, P&Z 22-111
POSTED: November 10, 2022

RECOMMENDATION: Approve with Conditions (SP)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the development review application submitted for 42-44 Hamilton Road identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on October 6, 2022, and is scheduled for a public hearing on November 30, 2022. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Jusan Yang seeks to establish a Group Living Use in the Neighborhood Residence District, which requires a Special Permit.

SUMMARY OF PROPOSAL

Jusan Yang is proposing to establish a Group Living Use at 42-44 Hamilton Road in the Neighborhood Residence (NR) zoning district. The unit has eight (8) total bedrooms, with the Applicant and his son occupying two (2) bedrooms, and renting the remaining six (6) bedrooms to unrelated individuals.

NEIGHBORHOOD MEETINGS

A neighborhood meeting was hosted by Ward 7 Councilor Pineda Neufeld and the applicant on September 19, 2022, via the Zoom meeting platform.

BACKGROUND

Following review of the Applicant's goal to rent rooms at his property to more than four (4) unrelated individuals, the Inspectional Services Department (ISD) determined that to do so would require a Special Permit for a Group Living principal use. A Group Living use is defined as "[r]esidential occupancy of a building or portion of a building in

rooming units by up to two (2) persons related by blood, marriage, adoption, or foster care agreement; in dwelling units by more than four (4) unrelated persons; and any multi-unit housing owned by or affiliated with an educational institution” according to section 9.2.11.

42-44 Hamilton Road is located in the NR zoning district in the Teele Square neighborhood represented by Ward 7 Councilor Judy Pineda Neufeld. Establishing a Group Living use in the NR district requires a Special Permit. The Zoning Board of Appeals is the decision-making authority for all discretionary or administrative permits required for the NR zoning district.

ANALYSIS

The Applicant intends to live in the unit along with their son. The unit has recently gone through by-right interior renovation that created a total of eight (8) bedrooms. As noted in the Applicant’s application narrative, they intend to rent the remaining bedrooms to students attending Tufts University. Though the Applicant has stated they intend to live in the unit for the foreseeable future, a Special Permit for a Group Living principal use does not require the property owner to reside in the unit, and it is possible that the Applicant could decide to move out and rent all eight (8) bedrooms to unrelated individuals if they chose. A Special Permit for a Group Living use does not restrict the individuals residing in the unit to just be students, it would also allow the Applicant to rent rooms to tenants who are not students.

At the neighborhood meeting held on September 19, 2022, community members expressed both support and concern for the proposal to establish a Group Living use at 42-44 Hamilton Road. Some of the main concerns raised at the meeting include, but are not limited to, the following:

- The number of tenants living in the unit.
- The possibility of poorly behaved tenants living in the unit.
- Management of the unit.
- Outside disruptions, including noise.
- On-street parking impacts.

The Applicant has proposed establishing house rules for the management of tenants including quiet time hours and outdoor space usage, along with interviewing for prospective tenants. Noise disturbances in the City of Somerville is regulated by the City of Somerville’s Municipal Ordinance Article VII – Division 2 – Noise Control Ordinance.

The Applicant has argued they do not foresee any negative impacts to parking in the neighborhood, and has stated that their driveway can park up to three (3) cars for visitors/or guests. The property is not in a transit area and on-street parking is available for residents who choose to pay for an on-street parking pass through the City Parking Department. According to the American Community Survey 5-year; 2016-2020, Census Tracts data, about quarter (25%) of the households in the immediate neighborhood do not own a motor vehicle. According to the 2022 City of Somerville Parking Study, peak

occupancy of the on-street parking spaces in the Teele Square and Hillside neighborhoods is 82%. This percentage represents a number that is considered an efficient use of parking spaces by the contemporary transportation planning discourse, as parking spaces are mostly full, but enough spaces are available to support arriving vehicles.

As the Applicant intends to rent to students attending Tufts University, there is a possibility that not all of prospective tenants will have personal vehicles. While the location of the property is not within a transit zone, its proximity to Tufts University and City registration requirements for vehicles to receive on-street parking passes only registered in the state of Massachusetts could result in fewer tenants bringing personal motor vehicles.

Staff have proposed a condition related to bicycle parking to further mitigate possible mobility concerns. Providing measures such as secure bike-parking is an option to encourage alternative modes of transportation other than personal motor vehicle use.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

Special Permit Considerations

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The suitability of the site for a group living principal use compared to other potential principal uses.
4. The increase or decrease in the number or price of any previously existing ADUs.
5. The number of motor vehicle parking spaces proposed for development within a Transit Area.
6. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Special Permit

- 1. The comprehensive plan and existing policy plans and standards established by the City.*

Staff believe the proposal is compatible with the values of SomerVision 2040, the City's Comprehensive Master Plan, including supporting a diverse array of housing options.

- 2. The intent of the zoning district where the property is located.*

Staff believes the proposal is consistent with the intent of the NR zoning district which is, in part, “[T]o conserve already established areas of detached and semi-detached residential buildings.”

3. The suitability of the site for a group living principal use compared to other potential principal uses.

This site is located in a residential neighborhood in the NR zoning district, which is mostly residential in character and use. The parcels in the direct vicinity of the site are mostly characterized by the detached house building type, which the subject property is consistent with. This property is also located in close proximity to Tufts University, multiple transit options, and amenities provided by nearby squares, making it a good location for housing.

4. The increase or decrease in the number or price of any previously existing ADUs.

There are no previously existing ADUs on the site.

5. The number of motor vehicle parking spaces proposed for development within a Transit Area.

The property is not located within a Transit Area; therefore, this finding is not applicable to the proposal.

6. Mitigation proposed to alleviate any impacts attributable to the proposed development.

Staff believe that the Applicant will take the appropriate measures to mitigate any impacts attributable to the proposed Group Living use, and that, as conditioned, no additional mitigation is necessary.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a Group Living use, Planning, Preservation & Zoning Staff recommends the following conditions:

Permit Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Public Record

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.

Mobility

- The Applicant shall provide secure long-term bicycle parking for the tenants of 42-44 Hamilton Road, including a minimum of eight (8) long-term bicycle parking spaces. Location and type of long-term bicycle parking must be reviewed and approved by the Mobility Division prior to receiving a Certificate of Occupancy.