



City of Somerville

# **ZONING BOARD OF APPEALS**

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**TO:** Zoning Board of Appeals  
**FROM:** OSPCD Staff  
**SUBJECT:** 42-44 Hamilton Road, P&Z 22-111  
**POSTED:** February 9, 2023

**RECOMMENDATION:** No change

This memo is supplemental to the PPZ Staff Memo dated November 10, 2022.

The purpose of this memo is to provide information on an additional recommend condition and follow-up information from Staff regarding building code occupancy limits.

## **BACKGROUND AND ANALYSIS**

At the December 14, 2022 ZBA meeting, the Board continued the case to the January 4, 2023 meeting in order for staff to respond to several Board inquiries that needed follow-up research. At the January 4, 2023 meeting, the Board continued the case to the February 15, 2023 meeting to allow for the Administration to look closer at the details of this case, the neighborhood context, and policy implications related to off-campus student housing.

During this time, PPZ Staff reached out to the Inspectional Services Department regarding building code occupancy limits, and have determined that the residential occupancy load is 200 SF per occupant. Due to residential occupancy load and the square footage of the unit, up to 10 people could occupy the unit.

The Administration recommended one condition, that the Group Living use be attached to the Applicant and not the property itself, to address the greater neighborhood context and allow the Administration to continue to look into policy considerations related to household living and off-campus student housing. With this condition, the Group Living use Special Permit would no longer be valid if the Applicant sells the property.

## **PERMIT CONDITIONS**

Should the Board approve the required Special Permit to establish a Group Living use, Staff recommends the following condition (in addition to the conditions proposed in the previous memo dated November 10, 2022):

### **Permit Validity**

- Approval is limited to Jusan Yang and is not transferrable to any successor in interest.