



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017- 103
Date: November 8, 2017

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 311 Highland Avenue

Applicant Name: Lydia Rose Trust, John Costello Trustee
Applicant Address: 311 Highland Avenue, Somerville, MA 02144

Owner Name: Lydia Rose Trust, John Costello Trustee

Owner Address: 311 Highland Avenue, Somerville, MA 02144



Alderman: Lance Davis

Above: 311 Highland Avenue prior to completion.

Legal Notice: Applicant, John Costello, and Owner, Lydia Rose Trust, John Costello Trustee), seek special permits to modify the signage requirements as permitted in the original zoning approval of ZBA 2014-120. RC zone. Ward 6.

Date of Hearing: November 8, 2017 – ZBA

I. PROJECT DESCRIPTION

1. **Subject Property:** The subject property is a mixed-use building located in the RC zone. The first floor provides commercial spaces and the upper floors residential.

2. **Proposal:** The Applicant, John Costello, received a violation notice from Inspectional Services in August, 2017, because he had affixed advertising signs in the windows of his ground floor commercial unit. This action was in violation of the Special Permit conditions that the ZBA approved when this project was permitted under a prior owner. The Applicant seeks a new Special Permit that would allow him to affix advertising signs in his storefront windows.

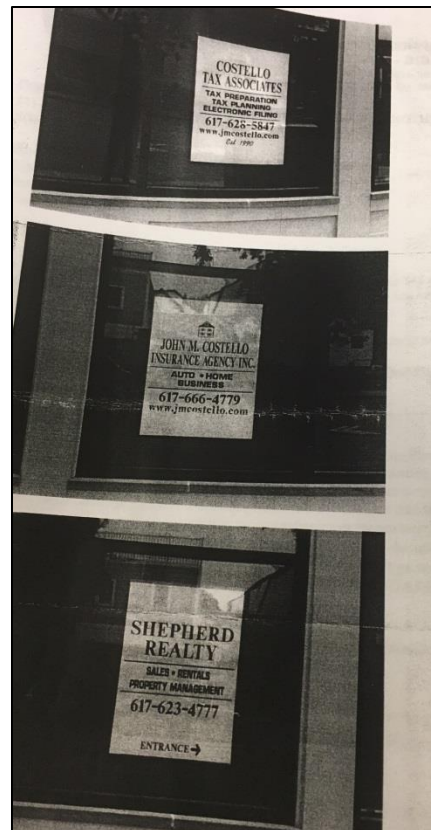
3. **Green Building Practices:** None listed.

II. FINDINGS FOR SPECIAL PERMIT (SZO Article 12):

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

1. **Information Supplied:**

The Applicant provided an application form and a copy of the violation letter received from ISD which included photographs of the signs in violation of the Special Permit. The signs, affixed to the storefront windows appear immediately below:



In addition, Staff reviewed the original staff report and associated ZBA decision from January, 2015, case # ZBA 2014-20 under the street address of 315 Highland Avenue. This project necessitated a special permit with site plan review (SPSR). Item 19, "Signage" of the staff report clearly states that signage was to be located in the signage band on the commercial storefront. This portion of the original staff report reads as follows:

19. Signage: *The Applicant must ensure that "the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings."*

A signage band is located on the commercial storefront. A condition of this report is that commercial signage be reviewed by Planning Staff prior to installation.

From this portion of the report, it is clear to Staff today that signage on this building was intended to be located solely within the signage band provided on the building façade only. Neither Staff nor the City wish to see storefront windows clutter with signs regardless of size or permanence.

In 2015, the Staff Planner specifically conditioned this project such that signage would be placed solely within the signage band provided and that all signage first required the review and approval of planning staff prior to installation. This is made clear in condition #35 of the original staff report and associated decision filed with the City Clerk on January 13, 2015:

Signage				
35	Signage shall be reviewed and approved by Planning Staff; lighting after 10p.m. facing residential property will be turned down or off. Signage shall be located on the signage band on the building and shall not be internally illuminated.	CO	Plng.	

Staff currently believes that a compromise can be reached regarding the question of signage for this site. That compromise would include the ability for the Applicant to affix signs to a moveable stand or similar apparatus, set back 4-5 feet from the storefront window so that it could be visible by the passing public. This would also allow for the signs used by the Applicant to be bigger than those currently affixed to the storefront windows (as seen in the image earlier in this report).

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."*

This case involves an Applicant who did not comply with the conditions set forth in the original Special Permit granted for this property. As proposed by Staff and as conditioned at the end of the report, Staff believes that this proposed "signage compromise" will comply with the standards governing signage in residential districts, comply with the conditions of the original special permit and provide the Applicant with an additional means of advertising his multiple businesses that he finds useful.

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, as conditioned, 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; and to encourage the most appropriate use of land throughout the City.

Further, Staff finds that the proposed “signage compromise” is in keeping with the purpose of Article 12, Signage which is designed, in part, to “...*preserve and enhance the substantial interests of the City of Somerville in the appearance of the city; to preserve and enhance the public interest in aesthetics; to preserve and increase the amenities of the municipality; to control and reduce visual clutter and blight...*”

4. Purpose of District: *The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.*

Staff finds that the proposed project, as-conditioned, is consistent with the intent of the RC zoning district which is “...*to 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.*”

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 the City’s affordable housing units.

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.*

Staff finds that the proposal allows for a use and advertisement that is consistent with the goals of an RC district. In general, the project as a whole, since its original permitting, has helped transform this area of Highland Avenue.

III. RECOMMENDATION

Special Permit under Article 12 of the SZO

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
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1	Approval is for the Applicant to use movable sign stands positioned in the interior of his commercial unit 3-5 feet from storefront windows.		BP/CO	ISD/PIng.	
	Date (Stamp Date)	Submission			
	September 13, 2017	Initial application submitted to the City Clerk’s Office			
<u>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.</u>					
Signage					
2	Signage may be installed in the interior of the commercial space using a sign stand or other moveable apparatus that is positioned 4-5 feet away from a storefront window.		CO & Perpetual	ISD/PIng	
3	Signs shall not be lit in any fashion. This includes signs that are interior lit as well as those lit by lights positioned to highlight the signage.		CO & Perpetual	ISD/PIng	
4	All other signage on the building shall be relegated to the sign band affixed to the building. Signage in the sign band shall comply with all signage provisions set out in the original ZBA decision stamped by the City Clerk on January 13, 2015 (ZBA case # 2014-120).		CO & Perpetual	ISD/PIng	
5	Signage shall be prohibited from being affixed to any and all doors and windows in this commercial unit.		CO & Perpetual	ISD/PIng	
6	The Applicant shall also comply with the provisions of the zoning code in Section 12.3 “Signs in Residence Districts” which states that ALL signs (those in the signage band and any attached to movable stands or other apparatus) together, in total, shall have a <u>total face area</u> that <u>does not exceed</u> 12 square feet in area.		CO & Perpetual	ISD/PIng	
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	PIng.	