



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING BOARD MEMBERS

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MICHAEL A. CAPUANO, ESQ.
JOSEPH FAVALORO
JAMES KIRYLO
ELIZABETH MORONEY

Case #: PB 2013-07
Site: 290 Somerville Ave
Date of Decision: May 2, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 7, 2013

PLANNING BOARD DECISION

Site: 290 Somerville Ave

Applicant Name: Jose Garcia
Applicant Address: 41 Hopkins St. Revere, MA 02151
Property Owner Name: Fabrizio Realty
Property Owner Address: 72 School Street Everett, MA 02149
Alderman: Maryann Heuston

Legal Notice: Applicant, Jose Garcia, and Owner, Fabrizio Realty Corp, seek a Special Permit under SZO §6.1.22, for new signage. CCD 55 zone. Ward 2.

Zoning District/Ward: CCD 55/2
Zoning Approval Sought: Special Permit §6.1.22
Date of Application: April 2, 2013
Dates of Hearing: 5/2/2013
Date of Decision: 5/2/2013
Vote: 5-0

Appeal #PB 2013-07 was opened before the Planning Board at Somerville City Hall on May 2, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The application is for new signage and decoration on the front, east, and west sides of the building. The applicant is using shades of red as a main design element for the new signage. Red is a historic and sacred color to the Japanese. Red is used in the national flag, the combination of red and white are used to indicate celebratory occasions, and the pink blooms of Cherry Blossom trees are celebrated each year at Hanami (Translation – Viewing flowers) festivals.

The following is the signage and decoration proposed for the front of the building:



- A 6'-5" x 1'-6" ruby red neon sign (picture of ruby red neon signs at the end of this section) in an aluminum box with an acrylic face that says "Ebi Sushi"
- A 7" x 65" ruby red neon sign that says "Japanese Cuisine" in the window
- A 7" x 15" ruby red neon sign that says "Sake" in the window
- Vinyl flower decals (A total of 6 Large, 8 Medium, and 14 Small decals will be used on all windows/doors, locations estimated on drawings)
- 2 window boxes installed under the existing windows made with Azek (brand name PVC) painted red
- Windows and door re-trimmed with Azek painted red, front step painted red, and 4 exterior wall sconces

The following is the signage and decoration proposed for the east elevation:

- A 6'-5" x 1'-6" ruby red neon sign in an aluminum box with an acrylic face that says "Ebi Sushi"
- Vinyl flower decals (number unspecified)
- 1 window box installed under the existing windows made with Azek (brand name PVC) painted red
- Windows re-trimmed with Azek painted red
- 1 exterior wall sconce

The following is the signage proposed for the west elevation:

- Paint the existing pole (per Mike's Automotive's approval) and letter with "Ebi Sushi" in English and Japanese.

Planning Staff has expressed concern to the designer regarding the change of material at the door due to the Azek trim and the quantity of neon signage. Currently, the Azek trim will be installed using liquid nails – this is to ensure safe removal at the end of the lease (landlord request). The door and jamb will be painted because an additional thickness on the door will not allow it to close. The staff does not support a variety of frame materials for the storefront. The staff has added a condition to use a 2" red vinyl frame on the interior of the windows or a red vinyl wrap on the exterior aluminum storefront frame instead of the Azek trim. Staff does support the use of the color red because of the significance of the color to the restaurant. In addition, the design guidelines for CCD districts generally discourage the use of neon open signs. Although the neon signs proposed are not to designate if the restaurant is open, staff has added a condition that the two proposed window neon signs, "Sake" and "Japanese Cuisine" change to vinyl decals.

FINDINGS FOR SPECIAL PERMIT (SZO §6.1.22):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
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."

In considering a special permit under §6.1.22 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing signage. The signage proposal will add vibrancy to the south side of Union Square.

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 conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality.

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."

6.1.22.H. Design Guidelines for the CCDs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.

1. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo, Michael Capuano, and Jerry Amaral. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the Special Permit under SZO §6.1.22, for new signage. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	Instead of Azek trim, a 2” red vinyl frame on the interior of the window or a red vinyl wrap on the aluminum storefront frame should be used. Revised design to be submitted to the Planning Office for approval.	BP	Plng									
3	Proposed window neon signs to be vinyl decals	BP	Plng									
4	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.									
5	Applicant shall maintain, with high standards, the window trim and planters for the remainder of lease.	Cont.	Plng.									
6	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.									



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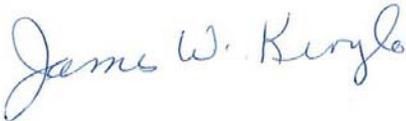
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.



Gerard Amaral

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK’S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner’s certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

