



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
GERARD AMARAL, (ALT.)

Case #: PB 2014-35
Site: 699 Assembly Row, Suite 240
Date of Decision: January 8, 2015
Decision: Approved
Date Filed with City Clerk: February 18, 2015

PLANNING BOARD DECISION

Applicant Name:	Rebel Restaurants Somerville LLC
Applicant Address:	250 Northern Avenue, Suite 400, Boston MA 02210
Property Owner Name:	Street Retail, Incorporated/Federal Realty Investment Trust
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Jeremiah P. Sullivan, Jr.
Agent Address:	1990 Centre St, West Roxbury, MA 02132

Proposal Description: Tony C's Sports Bar and Grill is seeking waivers from the Assembly Row Sign Standards.

<u>Zoning District/Ward:</u>	ASMD / 1
<u>Zoning Approval Sought:</u>	Waiver from Assembly Row Storefront and Signage Standards
<u>Date(s) of Public Meeting:</u>	January 8, 2015
<u>Date of Decision:</u>	January 8, 2015
<u>Vote:</u>	5-0

Case #PB 2014-35 was discussed by the Planning Board at Somerville City Hall, 93 Highland Avenue, on January 8, 2015. After one (1) meeting, the Planning Board took a vote.



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DESCRIPTION:

The signage is for Tony C's Sports Bar and Grill. This retailer will occupy 10,973 square feet on the first floor of Block 2 at the corner of Assembly Row and Great River Road. The proposed signage can be found on sheets 01a, 01b and 05 dated 10/28/14 and 03a dated 11/21/14.

APPLICABLE SIGNAGE REGULATIONS / APPROVAL:

The general regulations for signage in the Assembly Square Mixed Use District are located in the Somerville Zoning Ordinance Article 12 - Signs and Section 6.4.14. These sections were further refined in the approved Planned Unit Development (PUD-PMP) Preliminary Master Plan and Special Permits with Site Plan Review (SPSR) for Assembly Row. The PUD-PMP approval included a condition that required retail storefronts and signage to comply with design standards that were to be developed. Condition 28 states, "[t]he applicant shall provide a design guideline for all retail storefronts and signage within the PUD area for review by the Design Review Committee and approval by the Planning Board." The Planning Board approved the Assembly Row Storefront & Signage Standards on March 21, 2013 and amended them on May 8, 2014.

All of the retail storefronts and signage shall be consistent with the approved Standards. Condition 3 of SPSR for the subject building, Block 2 of Assembly Square, reiterates this requirement. The condition states, "[a]ll storefronts and retail signage shall be consistent with the design to be developed. Storefronts or retail signage that is inconsistent with the guidelines shall be provided to DRC and Planning Board for review and approval."

In addition to the conditions of approval related to signage, Block 2 received approval for signage as part of the SPSR approval. The Planning Board issued a Special Permit in part to waive the signage requirements related to the size and height requirements but only for the office signage above the first floor of the building.

The current application for Tony C's signage is inconsistent with the standards because it does not meet the letter height standard and the blade sign size standard. The letter height for flat mounted signs is limited to 24 inches for corner tenants. The proposed flat mounted signs above the main entrances have letters that are 46.2 inches from the top of the "C" to the bottom of the "y". The blade sign maximum size is 18 square feet and the proposed blade sign is 25 square feet.

The overall size of the signs is allowed. The perimeter storefront length is 255 feet. The two canopy signs will be 25 square feet each, the blade sign will be 25 square feet and the painted brick logo is 80 square feet for a total of 155 square feet. Two times the storefront length or 510 square feet is allowed.

The Planning Board has made it clear that they are going to hold applicants to meet these standards unless there are circumstances related to the building and tenant where the waiver allows for signage that furthers the goals of creating unique storefronts and a positive experience for those who live, work and play in the Assembly Row neighborhood. The Board must consider each application separately because the impacts of the types of waivers requested in the context of the other signage for the tenant that meets the standards, as well as the design and location of the signage that needs a waiver, vary greatly from one application to the next.

To date, the tenants that have sought waivers from the signage standards are the largest tenants, anchors and junior anchors: AMC, LegoLand, Saks, Express, and Tony C's. LegoLand and AMC are unique in that they occupy multi-levels of the building and have unique storefronts. LegoLand takes up an entire block face and AMC has a three-story storefront. Express comprises half of Block 3 along Grand Union Boulevard and wraps the corner onto Artisan Way. Tony C's occupies a large portion of the ground floor of Block 2 and is trying to capture attention at the northern corner along Assembly Row since much of the storefront is along the water and not visible from the main streets.



Staff find that the large letters of the signs on the canopies above the entrances and 5 foot by 5 foot blade sign on the corner of the building will not overwhelm the storefront. The signs are well proportioned with the scale of the canopies and overall storefront length. On the larger scale, the proposal fits with the rational for other signage waivers that were approved for other retailers at the corners of buildings that have long storefront lengths.

The large majority of the in-line retailers have approved sign or are anticipated to have signs that meet the Assembly Row Signage Standards and do not need waivers. There may be some special cases where waivers are justified and those would be brought to the Board. Generally, however, the waivers are intended to address project-wide goals and weave together a collection of storefronts to create a balanced retail environment that is not intended to give specific retailers an edge.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Gerard Amaral. Kevin Prior made a motion to approve the request for a waiver from the Assembly Row Signage Standards. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request.



Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay



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, no variance shall 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 no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, 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.

Also 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 VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

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 _____

