



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-04

Date: March 4, 2010

Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 260 Elm St #102

Applicant Name: Jason R. Zube

Applicant Address: 627 Fellsway, Medford, MA 02155

Property Owner Name: Urban Equity Development Company

Property Owner Address: 331 Montvale Ave, Woburn, MA 01801

Agent Name: none

Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Jason R. Zube, & Owner, Urban Equity Development Company, seek a Special Permit under SZO §4.5.1 to change the use from a 1,700± sf printing operation to a tattoo facility (§7.11.8.13.a) and a Special Permit under §9.13 to not provide one parking space.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permit under SZO §4.5.1, §9.13

Date of Application: February 9, 2010

Dates of Public Meeting • Hearing: Planning Board 3/4/10 • Zoning Board of Appeals 3/17/10

Dear ZBA members:

At its regular meeting on March 4, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

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I. PROJECT DESCRIPTION

1. Subject Property: The property is a commercial building in the Davis Square Plaza. The subject portion is 1700 sf that was previously occupied by Princeton Printing, Inc, an off-set printing operation. There is no parking for patrons associated with the businesses in the Plaza; however, there is a parking lot off of Herbert Street that supplies some parking for employees.

2. Proposal: The proposal is to change the use of the space from a printing operation to a tattoo and body piercing facility. The business would have two to four employees and the hours of operation would be 11am to 9pm Monday through Saturday and 11 am to 5 pm on Sunday. The applicants currently have businesses at 622 Somerville Ave and at Wellington Circle in Medford. They would be moving their business from Somerville Ave to this new location. The Applicants are not proposing any changes to the façade except a change to the existing name plate. The owner of the Davis Square Plaza requires the businesses to have a standardized sign design.



Davis Square Plaza Sign (l), 260 Elm St #102- proposed location of tattoo facility (r)

3. Nature of Application: The applicant is seeking a special permit under §4.5.1 of the Somerville Zoning Ordinance (SZO) for a change of non-conforming use from a printing operation (7.11.14.B.1.a) to a tattoo and body piercing facility (§7.11.8.13.a).

No parking spaces are available on the lot. The existing use required 1.7 parking spaces and the new use requires 3 parking spaces. Under §9.4.1, nonconformity with respect to parking requirements, one additional parking space is required. The applicant is seeking a special permit to not provide the additional parking space under §9.13 of the SZO - modification of parking requirements for nonconforming lots.

4. Surrounding Neighborhood: The subject property is located within the heart of the Davis Square Central Business District and is surrounded by various businesses and offices. Private off street parking in the area is limited, but there are a few municipal lots nearby, on-street parking, and there is access to public transportation with the Davis Square Red Line station and several bus routes that pass through the square.

5. Impacts of Proposal: There are no anticipated negative impacts from the change in use. This business would contribute to the variety of businesses in the Square. The total number of body art establishments in the City (2) would not increase because the Applicants would be moving their business from Somerville Ave to this new location. The other body art establishment in the City is at Maryom Hair Design at 2 Main Street. The Applicants business on Somerville Ave has not generated any health

violations or significant concerns from neighboring businesses. There are many pedestrians in the area and the reduction of one parking space is not anticipated to negatively impact this area.

6. Green Building Practices: The Applicant listed the following as environmentally friendly practices:

- Mixed paper recycling
- All TVs and PC monitors are LCD
- All copy paper purchased is 100% recycled
- Energy star certified purchases
- Fluorescent lighting, electronic and technical equipment
- Programmable thermostat

7. Comments:

Fire Prevention: Has been contacted but has not provided comments.

Traffic & Parking: The applicant is seeking a special permit to change the use from a 1700+/- SF printing office to a tattoo facility at 260 Elm St #102. This proposed project per the Somerville Zoning Ordinance (SZO) requires 1 off street parking space. The proposed site plan provides for no off street parking plans. The applicant has hired a transportation consultant to prepare and submit a Traffic Memorandum. The submitted document is a well prepared and thorough document reviewing and examining the historical and present parking space availability in the Davis Square area.

However it should be noted that due to the lack of fulfilling the required off street parking space there will be a minor increase in traffic congestion and vehicle delay in the Davis Square area. There will also be a slight decrease in pedestrian and bicycle safety as well as a lowering of parking space turnover rates. To alleviate this condition and promote a safe comprehensive transportation network in the Davis Square area, mitigation to provide effective turnover rates at parking spaces is required.

To encourage appropriate turnover rates at parking spaces throughout Davis Square, it is recommended that the applicant purchase twenty \$20.00 Somerville Parking Meter Cards from Traffic and Parking. These Parking Meter Cards would be for sale at the same price by the business owner to patrons of the establishment and any other individuals.

Provided the above is incorporated, Traffic and Parking has no objections to this application.

Ward Alderman: Has been contacted but has not provided comments.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.5.1, 5.1 & 9.13):

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 §4.5 of the SZO, the Board finds that the use proposed would not be substantially more detrimental to the neighborhood than the existing use. There are no anticipated negative impacts from the change in use. This business would contribute to the variety of businesses in the Square. There are only two other body art establishments in the City, none of which are located in Davis Square. Body art establishments are strictly regulated by the Board of Health.

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The request for the reduction of 1 parking space would not cause detriment to the surrounding neighborhood. The project would not cause any significant change in traffic volumes, patterns, congestion or conflict. Private off street parking in the area is limited, but there are a few municipal lots nearby, on-street parking, and there is access to public transportation with the Davis Square Red Line station and several bus routes that pass through the 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 encouraging the most appropriate use of land throughout the City and the purpose of the Central Business District. The business would contribute to the business services and the reduction in parking would promote a strong pedestrian character and scale in the area. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses. Adding additional off street private parking in this area would detract from that environment.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. Traffic and Parking Staff have requested a parking memo to explain the impact of not providing the one required parking space. The memo states that there should be no noticeable impact on the parking supply in the area as a result of the proposal.

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."

The use would be compatible with the surrounding uses in the Davis Square commercial area, which provides for a variety of business uses. The only alteration to the appearance of the building would be a change to the sign plate. The owner of the Davis Square Plaza requires the businesses to have a standardized sign design so that change will be consistent with the other signs in the Plaza.

III. RECOMMENDATION**Special Permit under §4.5.1, 5.1 & 9.13**

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the establishment of a 1,700± sf tattoo and body piercing facility (§7.11.8.13.a). This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Feb 9, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>(Mar 2, 2010)</td><td>Plans submitted to OSPCD (floor plan)</td></tr><tr><td>Mar 2, 2010</td><td>Parking Memo</td></tr></table>				Date (Stamp Date)	Submission	Feb 9, 2010	Initial application submitted to the City Clerk’s Office	(Mar 2, 2010)	Plans submitted to OSPCD (floor plan)	Mar 2, 2010	Parking Memo
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Mar 2, 2010	Parking Memo											
Any changes to the approved use that are not <i>de minimis</i> must receive ZBA approval.												
2	The Applicant shall comply with the Board of Health’s Body Art regulations.	CO	BOH									
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
4	Signage shall be of similar size and character to other signs at the Davis Square Plaza.	CO	Plng.									
5	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.									
6	The Applicant shall purchase twenty \$20.00 Somerville Parking Meter Cards from Traffic and Parking. These Parking Meter Cards would be for sale at the same price by the business owner to patrons of the establishment and any other individuals.	Final sign off	Plng.									

Sincerely,

Kevin Prior
Chairman

Cc: Applicant: Jason R. Zube

