



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2011-69

Date: September 29, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 149-151 Washington Street

Applicant Name: Stephen Krol

Applicant Address: 175 School Street, #1, Somerville, MA 02145

Property Owner Name: Central San Diego LLC

Property Owner Address: P.O. Box 8286, Foster City, CA 94404

Alderman: William Roche

Legal Notice: Applicant Stephen Krol and Owner Central San Diego LLC, seek a Special Permit with Design Review under SZO §7.11.8.13.a to establish a tattoo parlor. BB zone. Ward 1.

Zoning District/Ward: BB Zone / Ward 1

Zoning Approval Sought: Special Permit with Design Review under SZO §7.11.8.13.a

Date of Application: August 23, 2011

Dates of Public Meeting • Hearing: Zoning Board of Appeals – **September 21, 2011**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 2,829 square foot lot with a 4,674 gross square foot, single story (not including the basement level), office/commercial/retail building situated on it that takes up almost the entire lot. The property is located near the intersection of Washington Street and McGrath Highway, next to the on-ramp leading up to McGrath Highway heading northbound. The structure contains three storefront spaces, 149, 151, and 153 Washington Street (moving right to left), that front onto Washington Street. 149 and 151 Washington Street are both currently vacant spaces and 153 Washington Street is occupied by a clothing brand and BMX shop called 90 East, which recently moved into the space. The 149 and 151 Washington Street units contain approximately 1,000 net square feet and 31.5 feet of building frontage along Washington Street. The building also has an advertising billboard situated on top of it that faces southward. In 2003, 149 Washington Street was awarded a special permit to



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establish a tattoo parlor use and the business called “Mongo’s Tattoo Madness” opened at that location.

2. **Proposal:** The Applicant is planning to exercise this same special permit from 2003 which permitted the establishment of a tattoo parlor at the 149 Washington Street space and would like expand that use into the currently vacant space at 151 Washington Street. Currently the Applicant is working through the necessary approvals to re-open a tattoo establishment at 149 Washington Street and should be able to do so in the near future. The expansion into 151 Washington Street would allow the Applicant more space to operate their business and help to ensure a higher quality establishment. The Applicant is proposing to make the main door of the business the entrance to 151 Washington Street. The parlor would include a waiting/reception area and two tattoo/piercing rooms in the 151 Washington Street space. A seven foot opening would then be created in the wall to provide internal access into the space at 149 Washington Street. The space at 149 Washington Street would contain four tattoo/piercing rooms and the bathroom for the business. The Applicant has submitted photos of the interior of some of their other business locations as examples of what the interior space will look like when completed. The existing door at 149 Washington Street would be permanently locked so that customers could only enter through the doorway to 151 Washington Street to enter the parlor. To help enhance the appearance of the two spaces, the Applicant would like to remove the existing solid doors and replace them with glass doors that would allow for additional visibility into each of the units.

The Applicant is also proposing to install new signage above the existing doorways and would be installing Option 1 on the Signage Plan. Per the requirements of SZO §12.4.4.d the Applicant is permitted to have 63 square feet of signage at this location. The signs above the doors would be 10 feet long by 2.5 high and would have a 3/16” aluminum dibond backing with a vinyl front for the lettering. The signs will be illuminated by the existing bulbs that are attached to the façade and will be made by Creative Signs of Somerville located at 497 Broadway. In the windows of the business the Applicant is proposing to have two neon letter signs that are 4.2 square feet each, with the words “EMPIRE” and “PIERCING” in green and the word “TATTOO” and the phone number of the business, “781-764-3085”, in purple. This can be seen on the Window and Door Signage/Lighting Plan submitted by the Applicant. There would also be a small, 2 square foot, neon, “OPEN” sign and a vinyl image on the front door that would indicate the hours of operation for the business. The business would be open from 12 noon to 9 PM, Monday through Saturday, and from 12 noon to 7 PM on Sundays. There is currently an electrical set up that would allow for neon lighting to be installed around the exterior of the windows at 149 Washington Street and the Applicant would like to use this to install red neon lighting around the border of the two windows for the space, as well as the two windows at 151 Washington Street. Other than the new signage, neon lighting, and the new doors, the Applicant is not proposing to make any exterior changes to the structure at this time. Once the business is up and running, the Applicant, in working with the other tenant of the building 90 East, would like explore other potential façade improvements through the City of Somerville Storefront Improvement Program.

3. **Nature of Application:** The property is located in a BB zone (Commercial Residential District). The establishment of a tattoo, body piercing, and/or scarification facility less than 2,500 square feet in a BB zone requires a Special Permit with Design Review under SZO §7.11.8.13.a. Since the Applicant is proposing to expand the tattoo parlor operation from 149 Washington Street into and including 151 Washington Street, a new special permit is needed that covers the tattoo parlor use for both commercial spaces.

4. **Surrounding Neighborhood:** This property is located in a BB district. The property is located at the intersection of Washington Street and McGrath Highway, next to the on ramp leading up to McGrath Highway heading northbound. The proposed use would be located next to a clothing brand and BMX shop called 90 East. The structures in the surrounding neighborhood consist of a wide range of uses

including single-, two-, three-, and multi-family homes, an auto repair shop, an auto supply store, a commercial warehouse/distribution facility, and a variety of small retail services. The residential uses in the area are mostly north and west of the subject property while the automotive uses in the area are mostly east and south of the property. The buildings in the area are between 1 and 3 stories in height.

5. Impacts of Proposal: The proposed use itself will be an improvement to the two commercial spaces at the property, which are currently vacant, by taking the empty units, renovating them, and creating a new business that will enhance the commercial activity of the area. The Applicant operates three other tattoo parlor business locations in New Jersey, which are all of high quality, and has submitted photos of the inside of those establishments. On the whole, the exterior changes to the façade of the building will also be an improvement from the existing situation. The solid entrance doors to each of the units will be removed and replaced with new glass doors. There is no signage on the building currently and the signage that the Applicant is proposing (Option 1 on the Signage Plan) complements the other business signage at this location and fits into the surrounding neighborhood. The signage proposed over the doorways to the business will be illuminated with the existing lighting which shines downward onto the façade.

The Applicant is also proposing to install neon lighting around the perimeter of the windows of the storefronts, as well as in the form of wording for signage in the windows. The Applicant is citing business visibility concerns at the intersection and standard advertising practices within the industry as the reasoning behind the proposal to install the neon lighting. Planning Staff has concerns regarding the design, aesthetics, and the fit of this neon lighting into the context of the neighborhood. This is especially true of the red neon lighting being proposed around all four of the front windows. Neon lighting is not common for businesses in the surrounding area and there is no neon lighting in the residential area immediately to the north of this location. Limiting the neon lighting at this location and additional lighting in general, would help to prevent businesses along Washington Street from encroaching into the residential fabric of the neighborhood around them. The neon lighted wording proposed for the windows is more in line with actual signage for the business, as opposed to the neon lighting around the windows which would simply emit a glow and display no message. Staff is proposing a condition be attached to this special permit that prohibits neon lighting from being installed around the storefront windows of the business. Staff is also proposing a condition that would require the neon color of the lettering for the words "EMPIRE", "TATTOO", "PIERCING", and the phone number to match the colors of the proposed signage above the doors. Aside from the neon lighting issue however, the addition of this new storefront will be a benefit as it will create a continuity of the retail spaces along this small stretch of Washington Street that was broken when this space was empty.

6. Green Building Practices: None indicated.

7. Comments:

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

Ward Alderman: Alderman Roche has been contacted but has not yet provided comments.

Historic Preservation: Please see the attached memorandum from Preservation Planner Kristi Chase.

Traffic and Parking: Has been contacted but has not yet provided comments.



Existing Conditions

II. FINDINGS FOR SPECIAL PERMIT WITH DESIGN REVIEW (SZO §5.1):

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 Staff 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 §7.11.8.13.a of the SZO, the Staff finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing (or previous) uses at the site. The previous use at 149 Washington Street was a tattoo parlor (Mongo's Tattoo Madness) but that storefront space is currently vacant. The storefront at 151 Washington Street is also currently vacant but the most recent use in the space was a commercial photography studio with sets for photo shoots. Since the last previous use at 149 Washington Street was also a tattoo parlor, the expansion of this use into the space at 151 Washington Street would not negatively impact the surrounding neighborhood.

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 providing for and maintaining "the uniquely integrated structure of uses in

the City; to protect health; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.”

The proposal is also consistent with the purpose of the BB district (6.1.7. BB - Commercial Residential Districts), which is, “To establish and preserve general commercial and high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile.”

The proposal is consistent with the purpose of the BB district as the proposal increases commercial investment by taking two vacant commercial spaces along Washington Street and establishes a small scale retail and service space of less than 2,500 square feet. There are only four zoning districts in the city where a tattoo parlor can locate and in all of these districts this use requires a special permit (sometimes a Special Permit with Design Review and sometimes a Special Permit with Site Plan Review depending upon the size of the establishment and the location of the proposed use). This location in the BB district is one of the four zoning districts where a tattoo parlor use can be established by special permit.

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 Staff finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing (or previous) uses at the site. The previous use at 149 Washington Street was a tattoo parlor (Mongo’s Tattoo Madness) but that storefront space is currently vacant. The storefront at 151 Washington Street is also currently vacant but the most recent use in the space was a commercial photography studio with sets for photo shoots. Since the last previous use at 149 Washington Street was also a tattoo parlor, the expansion of this use into the space at 151 Washington Street would not negatively impact the surrounding neighborhood.

The proposal is also designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in a business zone as laid out in SZO §5.1.5.A.

1. The Applicant is not proposing to alter the massing of the building or its presence along the streetscape in any way. The building will retain its strong presence along Washington Street, right up against the sidewalk.
2. The Applicant will not be altering the existing entrances to the building with regard to their location on the existing structure. The Applicant is, however, proposing to permanently lock the door to 149 Washington Street to ensure that all patrons for the business enter through the doorway at 151 Washington Street. The Applicant will also be installing new glass doors for both the 149 and 151 Washington Street units to replace the existing solid doors that are there currently.
- 3./4. As part of the proposal the Applicant will be maintaining the typical bay width, rhythm, and dimensions of the storefronts in the existing building. The physical storefront setup for the building will not be altered in any way with the exception of the door for 149 Washington Street being locked to ensure that all patrons of the business enter through the doorway at 151 Washington Street. An internal, seven foot wide opening will be created to allow employees and patrons to pass between the two spaces without having to go outside. The location of the existing entrances to each of the storefronts will be maintained and only the existing doors themselves will be replaced with new glass ones.

5. The Applicant is not proposing to make any changes to the roof type or slope on the existing building as part of their proposal.
6. The Applicant is not proposing to make any alterations to the existing structure outside of new signage for the business and new glass doors to each of the unit entrances. The proposed signage conforms to §12 of the SZO and the new glass doors are consistent with the architectural style of the existing building.
7. There is currently no on-site parking for the existing building and the Applicant is not proposing to change the existing situation. The existing building, which takes up almost the entire lot, will be maintained as will the structure's strong presence along Washington Street.
8. The Applicant is not proposing to relocate or add any new transformers, heating and cooling systems, antennae, or the like to the existing structure.
9. There are no additional specific guidelines set forth in Article 6 of the SZO that apply to the BB district.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this proposed new use. No new noise, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The only new lighting being added to the façade, as conditioned, will be the neon lettering for the words "EMPIRE", "TATTOO", "PIERCING", and "781-764-3085" (or another phone number if it is changed) and the proposed neon "OPEN" sign. The Applicant is proposing to install red neon lighting around the perimeter of each of the window to the storefront, but Planning Staff is proposing a condition that would prohibit this installation. This additional lighting, as conditioned, to the two commercial spaces will not greatly impact the surrounding neighborhood. There will also be no transmission of signals that may interfere with radio or television reception from the proposed use. The structure will remain a single story, office/commercial/retail building.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The Applicant is not proposing to make any changes to the existing vehicular or pedestrian circulation at the site. Planning Staff has performed a parking calculation for the proposed use and no additional parking spaces are required under the SZO because the proposed use requires the same number of spaces as the previous uses at 149 and 151 Washington Street. There is currently no on-site parking and to accommodate for their customers the Applicant is planning to have customers park in temporary, on-street spaces in the surrounding neighborhood. The Applicant has stated they will inform their patrons of these locations and also provide a map of parking locations to customers on the business's website.

III. RECOMMENDATION

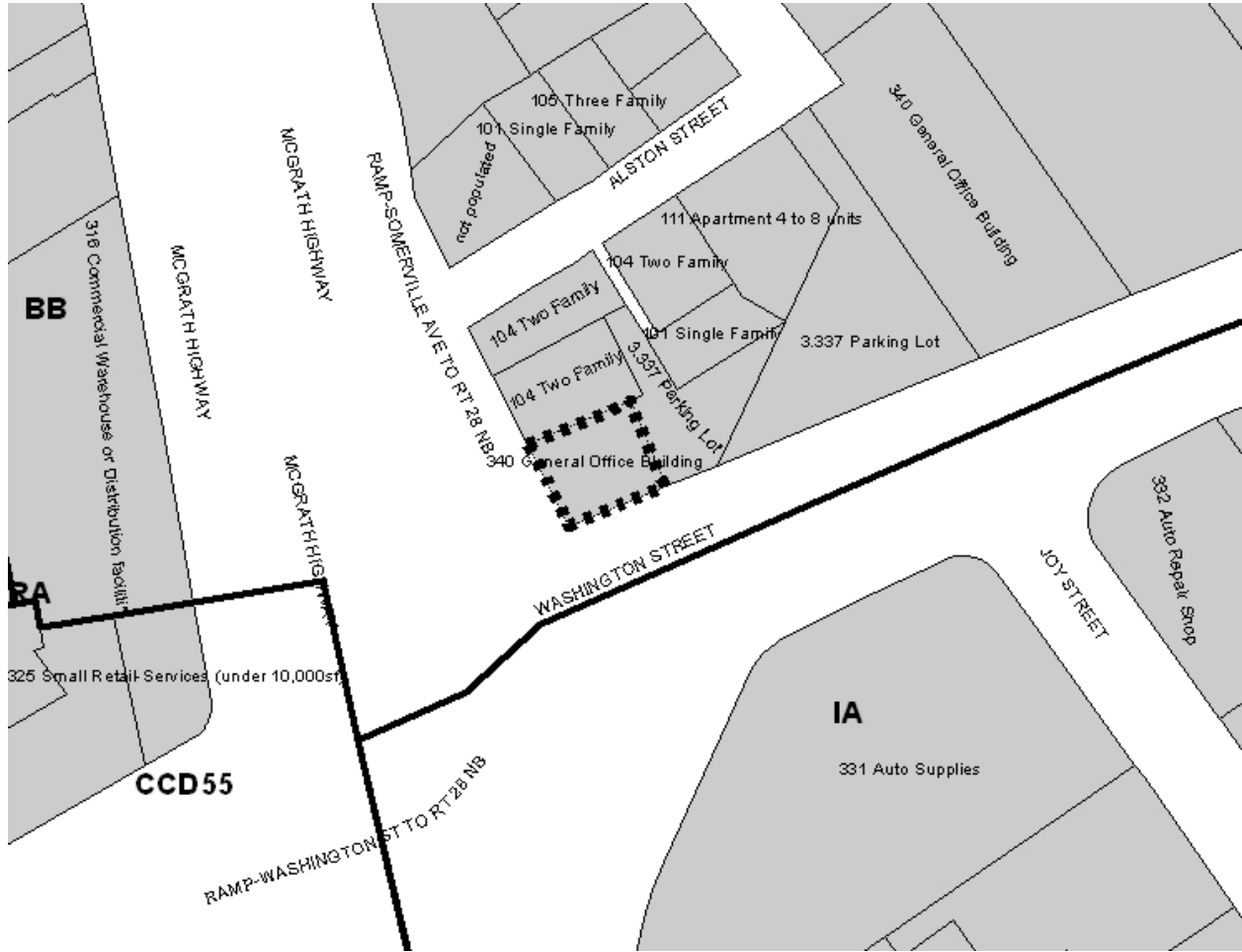
Special Permit under §7.11.8.13.a and §5.1

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

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												
1	Approval is to establish a tattoo parlor under SZO §7.11.8.13.a. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.													
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(August 23, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(September 8, 2011)</td> <td>Floor Plans for Unit #149 and Unit #151</td> </tr> <tr> <td>August 16, 2011 (September 8, 2011)</td> <td>Engineering Drawings (Sheet 1-4)</td> </tr> <tr> <td>(September 28, 2011)</td> <td>Signage Plan</td> </tr> <tr> <td>(September 28, 2011)</td> <td>Window and Door Signage/Lighting Plan</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(August 23, 2011)	Initial application submitted to the City Clerk's Office	(September 8, 2011)	Floor Plans for Unit #149 and Unit #151	August 16, 2011 (September 8, 2011)	Engineering Drawings (Sheet 1-4)	(September 28, 2011)	Signage Plan	(September 28, 2011)	Window and Door Signage/Lighting Plan
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Any changes to the approved signage or elevations that are not <i>de minimis</i> must receive SPGA approval. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right.																
2	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP													
3	No additional internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application.	CO/Cont.	PIng.													
4	The Applicant shall install Option 1 on the Signage Plan for the signage above the doorways.	CO	PIng.													

5	The only neon lighting permitted for the business shall be the words "EMPIRE", "TATTOO", "PIERCING", "781-764-3085" (or other phone number if changed), and the proposed "OPEN" sign. No neon lighting shall be permitted at the perimeter of the windows or elsewhere in/on the storefront.	CO/Cont.	Png.	
6	The color of the neon lighting for the words "EMPIRE", "TATTOO", "PIERCING", and "781-764-3085" (or other phone number if changed) shall match the colors of the proposed signage above the doorways.	CO	Png.	
7	Applicant shall submit an updated Window and Door Signage/Lighting Plan for Planning Staff approval.	BP	Png.	
8	All neon lighting shall be turned off when the business is closed.	Cont.	ISD/Png.	
9	Hours of operation for the business shall be from 12 noon to 9 PM, Monday through Saturday and from 12 noon to 7 PM on Sunday.	Cont.	ISD	
10	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	Png.	



149-151 Washington Street

To: Planning Division
From: Kristi Chase, Preservation Planner, and
Brandon Wilson, Executive Director
RE: Staff Recommendations for September 13, 2011

HPC 11.92 – 149-151 Washington Street

Applicant: Stephen Kroll, Central San Diego LLC

Historic and Architectural Significance

Located at the eastern edge of what was once Central Square until the elevation of McGrath Highway, when the neighboring block was torn down. These brick and buff stores were constructed in 1926 on what had been 3 residential lots owned by W. Weeks and M. Bornstein and are emblematic of the early automobile age storefronts.



As early as 1927, a billboard was located on the roof. In 1955, Kolligan Motors installed the large billboard in the ground to the side of the building.

Recommendations

While the proposed signage will not damage the striking brick and concrete façade, it does not relate to its design either. The current signs are set too low in the façade and should be mounted in the panels above and not set between the pilasters. There are probably decorative transom windows behind the current signs. Awnings would have protected the interior from the sun.

The proposed block lettered signs dated 9/1/11 do not give any indication about the type, style or quality of the business. They appear to be over-sized and are aimed at being seen from a great distance. The signs state the services but not the name of the business. Signage should relate directly to the particular business and not be generic.