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Barney S. Heath
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M E M O R A N D U M

Public Hearing Date:	March 13, 2018
Land Use Action Date:	May 22, 2018
City Council Action Date:	June 4, 2018
90-Day Expiration Date:	June 11, 2018

DATE: March 9, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **#138-18**, for SPECIAL PERMIT /SITE PLAN APPROVAL for waivers to the number, size, and types of signs at **49-63 Union Street, 93-105 Union Street, 1280 Centre Street, 47-61 Langley Road, 790-794 Beacon Street**, Ward 6, Newton Centre, on land known as Section 61 Block 36 Lot 07; Section 61 Block 36 Lot 09; Section 61 Block 35 Lot 05; Section 61 Block 36 Lot 06; and Section 61 Block 36 Lot 03, in a district zoned BUSINESS 1. Ref: §5.2.3, §5.2.8, §5.2.13, §7.3.3, and §7.4 of Chapter 30 of the Newton Revised Zoning Ordinance, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



1280 Centre Street/Piccadilly Square

EXECUTIVE SUMMARY

The subject property consists of five properties totaling 85, 187 square feet in the Business Use 1 (BU-1) zone in Newton Centre. The properties contain retail shops, restaurants, and similar uses which help comprise the shopping district known as “Piccadilly Square”. The petitioner is seeking to install fourteen signs amongst the buildings on these properties which deviate from the number, type, and size of signs allowed by the Newton Zoning Ordinance (Ordinance); therefore, the petitioner requires a special permit to allow exceptions to the Ordinance pertaining to signs.

The petitioner’s sign package is well developed and includes many signs that conform to the Ordinance. The Planning Department has no concerns with the conforming tenant signs and staff has focused this review on the relief requested for proposed signs that are not allowed as of right.

The subject property is unique due to its frontages on three different public ways, pedestrian alleyways, and multiple points of access to different shops from those public ways. As such, the sign package is geared towards pedestrian way finding throughout the site. The Planning Department is largely supportive of the petition for these reasons, but believes the number of certain signs can be reduced. Additionally, staff has concerns with a freestanding sign proposed on municipally owned land and suggests the petitioner provide more information regarding that sign, along with information as to the lighting levels of certain signs.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject properties are located in the BU-1 zone in the heart of the Newton Centre Village (Village). The surrounding properties in the core of the Village are also located in the BU-1 zone and also contain commercial uses. To the south, is a Multi-Residence 1 zone that contains single as well as multi-family uses.
(Attachments A & B)

B. Site

The two-acre site consists of five parcels improved with commercial structures, the majority of which are multi-tenant buildings. For the purposes of zoning and this application, the site is considered as one parcel.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

B. Comprehensive Sign Package

The petitioner's proposed signage seeks to establish the shopping center as a "place" by incorporating a mix of signs visible to pedestrians both in the immediate area and in other parts of the Village. The sign package features the following sign types: freestanding, pedestrian-directory, identity, historic-interpretive, restaurant directory, wall-mounted and blade. The table below summarizes the type, size, and location of signs that require a relief from the Ordinance.

Figure 1. Sign Table

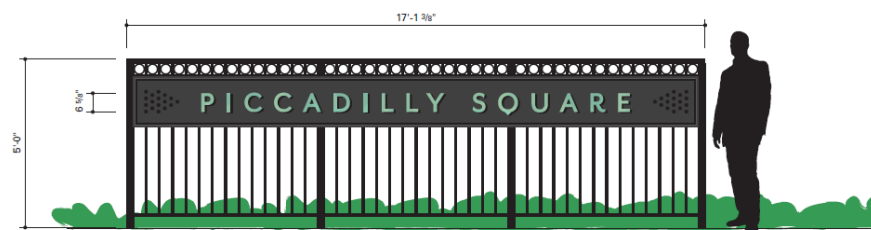
<u>Address</u>	<u>Sign Type and Size</u>
1280 Centre Street	(1) Freestanding Sign: 5 feet tall, 17 feet long constructed out of wrought iron (1) Historic Interpretive Sign: 3 square feet
93-107 Union Street	(1) Identity Sign: 65 square feet (2) Restaurant-Directory Signs: 16 square feet and 7 square feet; (1) Historic-Interpretive Sign: 3 square feet
47-61 Langley Road	(1) Identity Sign: 34 square feet (1) Identity Sign: 80 square feet

49-63 Union Street	(1) Identity Sign: 65 square feet
790-794 Beacon Street	(1) Identity Sign: 80 square feet (1) Identity Sign: 30 square feet (1) Restaurant-Directory Sign: 17 square feet
Pedestrian Passageway	(1) Freestanding Pedestrian Directory Sign: 9 feet tall totaling 3 square feet

Freestanding Sign

The petitioner is proposing one freestanding sign at the intersection of Herrick Road, Centre Street, and Beacon Street. The sign is five feet tall and approximately 17 feet wide. The majority of the sign is open fencing, but contains a sign band at the top displaying “Piccadilly Square”. All free-standing signs require special permitting, but this sign requires additional relief because the sign band, at 17 feet long, is oversized. The Planning Department believes the proposed freestanding sign is appropriate in this location because of its prominence on the public ways and because it will accent the existing landscaping, including the existing wrought iron fencing, well.

Figure 2: Freestanding Sign at 1280 Centre Street



Pedestrian Directory Sign

The petitioner is proposing a freestanding, directional sign at the pedestrian alleyway between 780 and 776 Beacon Street. The sign is approximately nine feet tall and will contain two “flag-type” signs totaling three square feet. The sign will direct pedestrians to the MBTA station and the uses on Union Street. The sign is located in the Public Use district which requires a special permit from the City

Council and approval from the Commissioner of Public Works in the form of a license agreement. The Planning Department is supportive of providing wayfinding signage but is concerned with the prospect of using public property to advertise private businesses. Additionally, the sign is near municipal lights that illuminate the pathway and some existing landscaping. The petitioner should provide more information as to the precise location of the sign and if landscaping will have to be removed. Lastly, staff suggests the petitioner submit a formal application to the Commissioner of Public Works to determine the feasibility of this location prior to any scheduled working session.

Figure 3: Pedestrian Directory Sign on Municipal Land



Identity Signs

The petitioner is proposing five “identity signs” displaying “Piccadilly Square Dine-Shop-Explore” painted on buildings amongst the five properties. These signs are proposed at either 65 or 80 square feet. These signs do not advertise a specific business, but rather seek to brand the commercial area. The Planning Department is generally supportive of these signs because they are located in untraditional areas and offer a subtle quality by reinforcing the “explore” theme. Nevertheless, staff suggests the petitioner consider the reducing the number of these signs which may increase their effect.

In addition to the identity signs above, the petitioner is proposing two, wall-mounted identity signs displaying “Piccadilly Square”. One of these signs is proposed at 47-61 Langley Road and is 80 square feet, the other is proposed at 790-794 Beacon Street and is 30 square feet. The sign at 794 Beacon Street gives the look of an arch and provides a welcoming pedestrian entrance into the building. The Planning Department is supportive of these signs as proposed.

Figure 4: Identity Signs at 47-61 Langley Road (Left) and 790-794 Beacon Street (Right)



Historic-Interpretive Signs

The petitioner is proposing one “historic-interpretive sign” at 1280 Centre Street and one historic-interpretive sign at 93-105 Union Street. These signs are proposed at less than three square feet and are mounted to the buildings. Akin to the identity signs, these signs do not advertise a specific business, but rather provide a history of the building and Piccadilly Square. Staff has reviewed these signs with the Commissioner of Inspectional Services and they can be interpreted to be commemorative signs per the Ordinance. Staff believes these signs can be permitted as of right, but suggests they remain as part of the package as the text has not been finalized.

Figure 5: Historic Interpretive Signs at 47-61 Langley Road (Left) and 1280 Centre Street (Right)



93 UNION STREET

1280 CENTRE STREET

Restaurant Directory Signs

The petitioner is seeking relief for three “restaurant directory” signs two of which are six square feet and the third is 15 square feet. The intent of these signs is to direct pedestrians to restaurants in the square, but are not specific to one restaurant, and may advertise several. All signs will be illuminated, but in different fashions. The largest sign will be located on the northwest façade of 93 Union Street and will be illuminated by a “goose-neck” fixture, while the two smaller signs will be in cases which are back lit. The Planning Department is supportive of these signs given the presence of alleyways, and different points of access unique to the site. However, staff suggests the petitioner provide more information regarding the lighting levels at the public hearing.

Figure 6: Restaurant Directory Sign at 93 Union Street



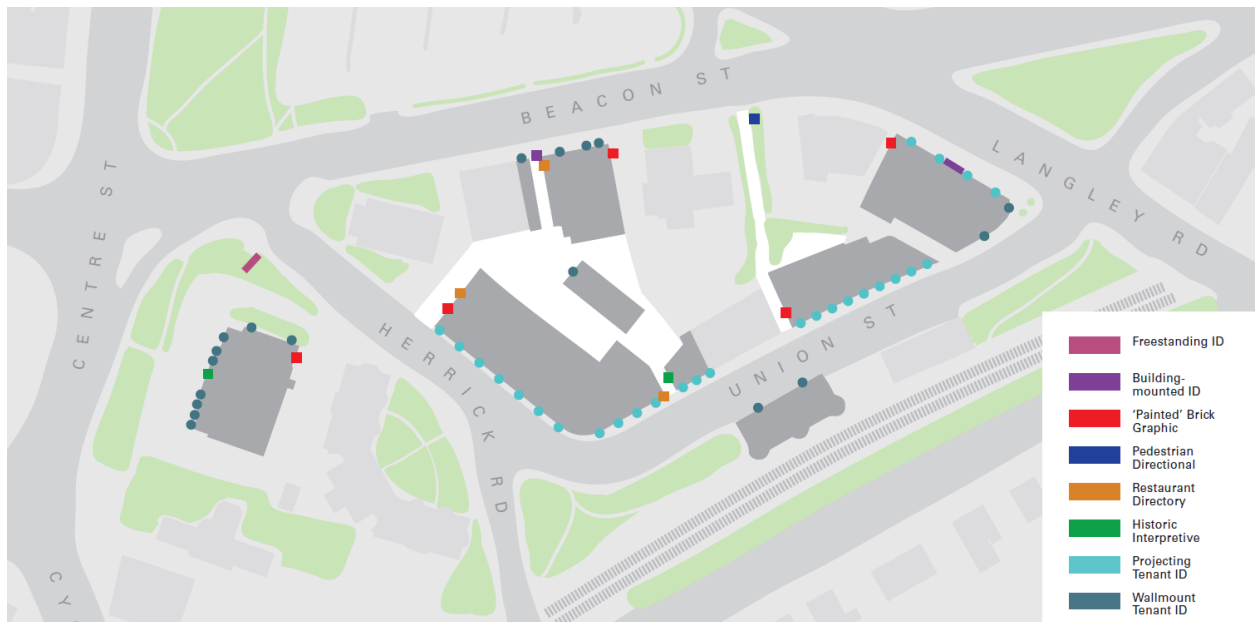
Tenant Signs

Each tenant is permitted one principal sign, not to exceed three square feet per foot of frontage of the wall to which it is affixed, but no more than 100 square feet. In particular instances total allowable sign area of the principal sign may be divided between two wall signs, which would together constitute the principal wall sign. Each tenant is further permitted two secondary signs by right, not located on the same wall as the principal sign, not to exceed one square foot per foot of frontage of the wall to which it is affixed, but no more than 50 square feet. In addition, secondary signs may not be erected on the same wall as a principal sign and there may not be more than two secondary signs. Other tenant signs include awning and window signs.

The petitioner is proposing additional tenant signs constituting blade, wall-mounted, and potentially awning and window signs. The blade and wall-mounted

signs, as proposed, are as of right. The Planning Department supports incorporating blade signs because they are intended for pedestrians, not vehicles and will have a limited effect outside of the shopping center. Lastly, staff is supportive of future tenant signs provided they are permitted as of right and do not require an amendment to this special permit, should it be approved. Staff suggests all future tenant signs be submitted to the Urban Design Commission for review and approval.

Figure 7: Legend of All Proposed Signs



In summary, the shopping center represents a unique challenge regarding the sign ordinance given the number of multi-tenant buildings, which front three different public ways, and the number of access points from those public ways. The Planning Department believes the petitioner's sign package is well developed and will aid in pedestrian way finding. Additionally, the package will brand the shopping center and help develop a sense of place without affecting the nearby residential community which is in keeping with the objectives of Newton's economic development element of the Comprehensive Plan. However, staff suggests the petitioner consider reducing the number of large "identity" signs, is concerned with the request of a private sign on public land, and requests more information as to the lighting levels of the illuminated signs.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the project regarding zoning (**ATTACHMENT C**). Based on the Memorandum, the petitioner is seeking the

following relief:

- §5.2.3, §5.2.8, §5.2.13, §7.3.3, and §7.4 of Chapter 30, to allow a Comprehensive Sign Package

B. Urban Design Commission Review:

The petitioner appeared before the Urban Design Commission (UDC) December 20, 2017 and January 17, 2018. The petitioner made a number of changes based on UDC's comments including façade improvements to 1280 Centre Street and 790-794 Beacon Street, eliminating banners on light poles, and updated graphics for the common signs. As a result, UDC is supportive of the petition.

V. PETITIONER'S RESPONSIBILITIES

The Planning Department suggests the petitioner submit an application to the Commissioner of Public Works regarding the proposed freestanding sign near the pedestrian footpath on Beacon Street. Additionally, staff suggests the petitioner provide more information as to the level of illumination for certain signs.

ATTACHMENTS:

- ATTACHMENT A:** ZONING MAP
- ATTACHMENT B:** Land Use Map
- ATTACHMENT C:** Zoning Review Memorandum
- ATTACHMENT D:** DRAFT Council Order

Attachment A Zoning Map

*City of Newton,
Massachusetts*

Legend

- Single Residence 2
- Multi-Residence 1
- Business 1
- Business 2
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

0 50 100
Feet

Map Date: March 07, 2018

Attachment B Land Use Map

*City of Newton,
Massachusetts*

Legend

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

0 50 100
Feet

Map Date: March 06, 2018



Ruthanne Fuller
Mayor

Attachment C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 26, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney
First General Realty Group, Petitioner
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to approve a Sign Package, portions of which do not conform to the Zoning Ordinance standards for number, size, location, or design of signs

Applicant: First General Realty Group	
Site: 49-63 Union Street, 93-105 Union Street, 1280 Centre Street, 47-61 Langley Road, 790-794 Beacon Street	SBL: 610360007, 610360009, 610350005, 610360006, 610360003
Zoning: BU1	Lot Area: 8,735 square feet, 31,455 square feet, 27560 square feet, 10,037square feet, 7,400 square feet
Current use: Mixed-Use Shopping	Proposed use: No change

Background:

The subject properties are located in the historic shopping district known as "Piccadilly Square", at the intersections of Centre Street, Herrick Road, Beacon Street, Langley Road and Union Street in the Business 1 zoning district. While Piccadilly Square is comprised of several properties, only five are subject to this comprehensive sign package.

The applicant proposes to obtain approval for a comprehensive sign package for the five properties within Piccadilly Square for its tenants, neighborhood identity and for general wayfinding.

The following review is based on plans and materials submitted to date as noted below.

- Staff Memorandum, prepared by Shubee Sikka, Urban Designer, dated 1/26/2018
- UDC Application, submitted by Stephen J. Buchbinder, attorney, 1/19/2018

ADMINISTRATIVE DETERMINATIONS:

1. The subject property consists of five separate lots. The petitioner's application addresses each individual parcel; however, the sign package is intended to comprehensively address the Square. To implement the comprehensive sign package as proposed, the petitioner must obtain several special permits from the City Council, per section 5.2, for the definition, number, size, design, and location of many of the proposed signs.

1280 Centre Street

2. The petitioner is proposing one free-standing "identity sign" displaying "*Piccadilly Square*" at the intersection of Herrick Road, Centre Street and Beacon Street, facing Centre Street. The proposed sign is five feet high and 17.1 feet wide. The bulk of the sign height is open fencing with the sign band measuring approximately one foot of the five feet with ornamentation above. The total square footage of the entire fence and sign area is 85.5 feet. The band with "*Piccadilly Square*" measures approximately 25 square feet. Per sections 5.2.3 and 5.2.13, a special permit is required for a free-standing sign.

The proposed sign is 17.1 feet wide. Per section 5.2.13.B, relief is required for a free-standing sign measuring more than 10 feet in any linear direction. A special permit per section 5.2.13.A is required.

3. The petitioner is proposing a "common sign" depicting "*Piccadilly Square Dine-Shop-Explore*" painted on the eastern façade at 1280 Centre Street. This 80 square foot sign is not particular to any business establishment, but rather brands the commercial area and potential experiences. Section 5.2.3 defines the various sign types and section 5.2.8 allows these signs per business establishment. As such, the Ordinance does not contemplate this type of sign. While the sign is shown on the signage plan submitted to Urban Design Commission (UDC), the UDC memo does not mention it as part of the package. To allow an 80 square foot painted wall "identity sign" at 1280 Centre Street, a special permit per sections 5.2.3 (definitions), 5.2.8 and 5.2.13 is required.
4. The petitioner proposes a sign referred to as an "historic interpretive common sign" with up to 3 square feet on the western façade of the building facing Centre Street. The proposed sign is not advertising any business establishment within the building, but rather explains the building's history and that of the Square. Section 5.2.3 defines the various sign types allowed and section 5.2.8 allows these signs per each business establishment. As such, the Ordinance does not contemplate this type of sign. As the proposed sign is not advertising any particular business establishment, a special permit is required per sections 5.2.3, 5.2.8 and 5.2.13.
5. The petitioner proposes eight tenant signs, one per each tenant at this location. Per section 5.2.8, each business establishment is allowed one principal sign, and each may be 100 square feet or 3 square feet per linear foot of building wall. No surveyed measurements were supplied, however the petitioner states that the façade of the building is approximately 103 feet long. Thus, each sign along the measured wall may be no larger than 100 square feet. The UDC memo states that all tenant signs will be wall-mounted and up to 22 square feet in size, thus meeting the requirements of section 5.2.8.

47-61 Langley Road

6. The petitioner is proposing one wall mounted “identity sign” reading “*Piccadilly Square*”. According to the sign plan, the sign measures 19.4 feet wide by 1.75 feet high for a total of 34 square feet. Section 5.2.3 defines the various sign types allowed and section 5.2.8 allows these signs per each business establishment. As such, the Ordinance does not contemplate this type of sign. As the proposed sign is not advertising any particular business establishment, nor does it name the building, a special permit is required per sections 5.2.3, 5.2.8 and 5.2.13.
7. The petitioner is proposing a “common sign” depicting “*Piccadilly Square Dine-Shop-Explore*” painted on the northwestern façade of the building. This 80 square foot sign is not particular to any business establishment, but rather brands the commercial area and potential experiences. Section 5.2.3 defines the various sign types and section 5.2.8 allows these signs per business establishment. As such, the Ordinance does not contemplate this type of sign. To allow an 80 square foot painted wall “identity sign” at 47-61 Langley Road, a special permit per sections 5.2.3 (definitions), 5.2.8 and 5.2.13 is required.
8. Two wall mounted signs of no more than 22 square feet each are proposed for the corner business (currently Terry O’Reilly’s pub). The petitioner also proposes an additional four principal tenant signs. Section 5.2.8 allows for one principal sign per each business establishment, and that the total allowable sign area may be divided between two walls signs which together would constitute the one principal sign. The petitioner proposes an additional four principal tenant signs, each to be divided between one blade sign of up to 6.25 square feet and an awning sign with up to 33 percent signage area on the awning. Section 5.2.8 allows for up to 20 percent sign area per each awning. To allow up to 33 percent requires a special permit per sections 5.2.8 and 5.2.13.

Each business establishment may be allowed up to 25 percent coverage for window signs. No relief is required.

49-63 Union Street

9. The petitioner is proposing a “common sign” depicting “*Piccadilly Square Dine-Shop-Explore*” painted on the western façade of the building in the alleyway perpendicular to Union Street. This 65 square foot sign is not particular to any business establishment, but rather brands the commercial area and potential experiences. Section 5.2.3 defines the various sign types and section 5.2.8 allows these signs per business establishment. As such, the Ordinance does not contemplate this type of sign. To allow a 65 square foot painted wall “identity sign” at 49-63 Union Street, a special permit per sections 5.2.3 (definitions), 5.2.8 and 5.2.13 is required.
10. The petitioner proposes nine principal tenant signs. Section 5.2.8 allows for one principal sign per each business establishment, and that the total allowable sign area may be divided between two walls signs which together would constitute the one principal sign. The petitioner proposes the nine principal tenant signs, each to be divided between one blade sign of up to 6.25 square feet and an awning sign with up to 33 percent signage area on the awning. Section 5.2.8 allows for up to 20 percent sign area per each awning. To allow up to 33 percent requires a special permit per sections 5.2.8 and 5.2.13.

Each business establishment may be allowed up to 25 percent coverage for window signs. No relief is required.

93-107 Union Street

11. The petitioner is proposing a “common sign” depicting “*Piccadilly Square Dine-Shop-Explore*” painted on the northwestern façade of the building perpendicular to Herrick Road. This 65 square foot sign is not particular to any business establishment, but rather brands the commercial area and potential experiences. Section 5.2.3 defines the various sign types and section 5.2.8 allows these signs per business establishment. As such, the Ordinance does not contemplate this type of sign. To allow a 65 square foot painted wall “identity sign” at 93 Union Street, a special permit per sections 5.2.3 (definitions), 5.2.8 and 5.2.13 is required.
12. The petitioner proposes 17 principal tenant signs. Section 5.2.8 allows for one principal sign per each business establishment, and that the total allowable sign area may be divided between two walls signs which together would constitute the one principal sign. The petitioner proposes 17 principal tenant signs, which may be divided between one blade sign of up to 6.25 square feet and an awning sign with up to 33 percent signage area on the awning. Section 5.2.8 allows for up to 20 percent sign area per each awning. To allow up to 33 percent requires a special permit per sections 5.2.8 and 5.2.13.

Three of the 17 principal tenant signs are proposed with up to 13 square feet of wall mounted sign. As proposed, these signs do not require special permit relief.

Each business establishment may be allowed up to 25 percent coverage for window signs. No relief is required.

13. The petitioner intends to install two “restaurant directory signs” one with approximately 16 square feet of sign area on the northwestern façade facing the alleyway, perpendicular to Herrick Road, the other with approximately 7 square feet of sign area on the southeastern faced facing Union Street. The “restaurant directory sign” is intended to indicate the restaurants located within the building, with directional indicators. The signs are not necessarily specific to one particular establishment and may advertise several. This type of sign is not specified in section 5.2.8, thus requiring a special permit per sections 5.2.3, 5.2.8 and 5.2.13.
14. The petitioner proposes a sign referred to as an “historic interpretive common sign” with up to 3 square feet on the southern façade of the building facing Union Street. The proposed sign is not advertising any business establishment within the building, but rather explains the building’s history and that of the Square. Section 5.2.3 defines the various sign types allowed and section 5.2.8 allows these signs per each business establishment. As such, the Ordinance does not contemplate this type of sign. As the proposed sign is not advertising any particular business establishment, a special permit is required per sections 5.2.3, 5.2.8 and 5.2.13.
15. The UDC memo requests a sign for up to 100 square feet for a restaurant tenant. Neither location of this sign, nor whether any other signs are proposed in conjunction with the business establishment it is advertising is specified. To the extent that it does not meet the requirements of section 5.2.8, a special permit is required per section 5.2.13.

790-794 Beacon Street

16. The petitioner is proposing a “common sign” depicting “*Piccadilly Square Dine-Shop-Explore*” painted on the northeastern façade of the building facing the alleyway, perpendicular to Beacon Street. This 80 square foot sign is not particular to any business establishment, but rather brands the commercial area and potential experiences. Section 5.2.3 defines the various sign types and section 5.2.8 allows these signs per business establishment. As such, the Ordinance does not contemplate this type of sign. To allow an 80 square foot painted wall “identity sign” at 790-794 Beacon Street, a special permit per sections 5.2.3 (definitions), 5.2.8 and 5.2.13 is required.
17. The petitioner is proposing one building mounted “identity sign” reading “*Piccadilly Square*” with 30 square feet of sign area on the northern façade facing Beacon Street. Section 5.2.3 defines the various sign types allowed and section 5.2.8 allows these signs per each business establishment. As such, the Ordinance does not contemplate this type of sign. As the proposed sign is not advertising any particular business establishment, nor does it name the building, a special permit is required per section 5.2.13.
18. The petitioner intends to install one “restaurant directory sign” with approximately 17 square feet of sign area on the northern façade facing Beacon Street. The “restaurant directory sign” is intended to indicate the restaurants located within the building. The signs are not necessarily specific to one particular establishment and may advertise several. This type of sign is not specified in section 5.2.8, thus requiring a special permit per section 5.2.13.
19. The petitioner proposes four tenant wall-mounted signs at this location. Three tenants’ signs are proposed at a maximum of 50 square feet of sign area, and the fourth tenant, a bank, requests a sign up to 100 square feet. The petitioner requests that all tenants be allowed awning signs of up to 33 percent of the awning. As is allowed by section 5.2.8, each tenant is requesting 25 percent coverage for window signs. To the extent that any of these proposed tenant signs do not meet the requirements for size, type and location, a special permit is requested per section 5.2.13.

Pedestrian Directional Sign

20. The applicant is proposing a free-standing 9-foot high, 3 square foot pedestrian directional sign at the alleyway on Beacon Street. The intent of this sign is to direct foot traffic to the Union Street shops and the MBTA station through the alleyway connecting Beacon Street and Langley Road to Union Street. The sign is located in the Public Use zoning district. Section 5.2.9 provides those signs allowed within the Public Use district. The proposed sign is not contemplated by section 5.2.9, relief is required through section 5.2.13.

As the proposed sign is located in the Public Use district, other relief may be required from other City departments, boards or committees to construct the proposed sign in the proposed location.

21. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.2.3 §5.2.8 §5.2.13	Erect one free-standing sign as depicted in submitted plans	S.P. per §7.3.3
§5.2.13	To allow a free-standing sign exceeding 10 feet in any linear direction	S.P. per §7.3.3
§5.2.3 §5.2.8 §5.2.13	To allow two “identity signs”, four “common identity signs”, three “restaurant directory signs” and two “historic interpretive common signs” not otherwise defined by section 5.2	S.P. per §7.3.3
§5.2.3 §5.2.8 §5.2.13	To allow awning signs in excess of 20 percent of the awning.	S.P. per §7.3.3
§5.2.3 §5.2.9 §5.2.13	To allow a “pedestrian directional sign” in the Public Use district	S.P. per §7.3.3
§5.2.8 §5.2.13	To allow signs which do not conform to the standards for number, size, location, or design of signs	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to grant exceptions to the number, type, and size of signs, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The exceptions to the number, size, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front three different public ways, contain pedestrian passageways, and have multiple access points; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place; key components of the *2007 Comprehensive Plan*.

(§5.2.3, §5.2.8, and §5.2.13)

PETITION NUMBER: #138-18

PETITIONER: First General Realty Corp.

LOCATION: 49-63 Union Street, on land known as Section 61, Block 36, Lot 07, containing approximately 8, 735square feet of land; 93-105 Union Street, on land known as Section 61, Block 36, Lot 09, containing approximately 31, 455 square feet of land; 1280 Centre Street, on land known as Section 61, Block 35, Lot 05, containing approximately 27, 560 square feet of land; 47-61 Langley Road, on land known as Section 61, Block 36, Lot 06, containing approximately 10, 037 square feet of land; and 790-794 Beacon Street, on land

known as Section 61, Block 36, Lot 03, containing approximately 7, 400 square feet of land

OWNERS: Union Realty Trust (93-105 Union Street); Picclang LLC (47-61 Langley Road); Bean 792 LLC (790-794 Beacon Street); Elm Realty Trust (1280 Centre Street); and Forty-Nine Union Trust (49-63 Union Street)

ADDRESS OF OWNER: 93 Union Street, Suite 315
Newton, MA 02459

TO BE USED FOR: Signs

CONSTRUCTION: Signs

EXPLANATORY NOTES: §5.2.13 to allow a freestanding sign exceeding ten feet in any linear direction; §5.2.3, §5.2.8, and §5.2.13 to allow two identity signs, four common identity signs, three restaurant directory signs, and two historic interpretive signs

ZONING: Business Use 1

Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: "Piccadilly Square Signage Plan", prepared by Whitney Veigas, dated January 5, 2018, consisting of 36 sheets.
2. All signs shall be designed and installed to comply with applicable building codes.
3. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Inspectional Services Commissioner (ISDC) for a building permit and review by the Urban Design Commission (UDC). The building permit application shall include a location map.

4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #2. Individual tenants and tenant signs may change over time. Such changes are allowed provided the changes comply with Section 5.2 of the Newton Zoning Ordinance. To the extent that the number or location of proposed tenant signage is not specifically enumerated in the approved Plans, the Commissioner of Inspectional Services shall have the authority to conclude that such proposed tenant signage is consistent in all material respects with the Plans and this Special Permit.
5. Signs shall not be physically modified other than as authorized. This condition does not restrict changes to the display content of the approved changeable-content displays or electronic signs.
6. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
7. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
8. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
9. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
10. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
11. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the signs have been installed to comply with applicable building codes.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed design professional.